U. S. Congress.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTIETH CONGRESS, FIRST SESSION.

VOLUME XIX.

WASHINGTON:
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VOLUME XIX, PART IX.

CONGRESSIONAL RECORD,

FIFTIETH CONGRESS, FIRST SESSION.

Hayes,	Lodge,	Owen,	Spooner,
Heard,	Maffett,	Peel,	Stahlnecker,
Hemphill,	Mahoney,	Perry,	Stephenson,
Henderson, Iowa	McAdoo,	Phelan,	Stewart, Tex.
Herbert,	McClammy,	Phelps,	Stewart, Vt.
Hires,	McComas,	Pidcock,	Tarsney,
Hopkins, Ill.	McKenna,	Plumb,	Taylor, E. B., Ohio
Hopkins, N. Y.	McKinley,	Pugsley,	Taylor, J. D., Ohio
Howard,	McKinney,	Randall,	Thomas, Ky.
Hudd,	McMillin,	Rayner,	Thomas, Ill.
Hunter,	McShane,	Reed,	Thompson, Cal.
Jackson,	Merriman,	Rice,	Tillman,
Johnston, N. C.	Milliken,	Robertson,	Turner, Kans.
Jones,	Mills,	Rockwell,	Wade,
Kean,	Moffitt,	Rowell,	Weber,
Kelley,	Montgomery,	Russell, Mass.	West,
Kennedy,	Morrill,	Scott,	White, N. Y.
Kerr,	Morse,	Seney,	Whiting, Mich.
Ketcham,	Nichols,	Seymour,	Wickham,
Lagan,	Norwood,	Shaw,	Wilber,
Laidlaw,	Nutting,	Sherman,	Wilkins,
Landes,	Oates,	Shively,	Wilson, W. Va.
Latham,	O'Donnell,	Simmons,	Wise,
Lawler,	O'Ferrall,	Sowden,	Yardley,
Lee,	Outhwaite,	Spinola,	Yoder.

So the motion was agreed to.

The following were announced as paired on all political questions until further notice:

Mr. PEEL with Mr. KETCHAM.
Mr. BRYCE with Mr. ATKINSON.
Mr. LANDES with Mr. MORRILL.
Mr. SIMMONS with Mr. ARNOLD.
Mr. GAY with Mr. HIRES.
Mr. HAYES with Mr. FELTON.
Mr. BURNETT with Mr. BROWER.
Mr. BYNUM with Mr. OWEN.
Mr. MILLS with Mr. EZRA B. TAYLOR.
Mr. WILSON, of West Virginia, with Mr. MCCOMAS.
Mr. MCKINNEY with Mr. BOOTHMAN.
Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.
Mr. LAWLER with Mr. DE LANO.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. HEMPHILL with Mr. MILLIKEN.
Mr. JONES with Mr. CROUSE.
Mr. MAHONEY with Mr. HIESTAND.
Mr. RAYNER with Mr. BROWN, of Ohio.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. RICE with Mr. WEBER.
Mr. SHIVELY with Mr. WICKHAM.
Mr. PIDCOCK with Mr. PHELPS.
Mr. DARLINGTON with Mr. MOORE.
Mr. CANDLER with Mr. FINLEY.
Mr. MCCLAMMY with Mr. WOODBURN.
Mr. MCMILLIN with Mr. BURROWS.
Mr. BUCKALEW with Mr. BAYNE.
Mr. TILLMAN with Mr. HOPKINS, of New York.
Mr. FELIX CAMPBELL with Mr. COOPER.
Mr. HUDD with Mr. ARNOLD.
Mr. JOHNSTON, of North Carolina, with Mr. SEYMOUR.
Mr. MCSHANE with Mr. YARDLEY.
Mr. BARRY with Mr. DALZELL.
Mr. WILKINS with Mr. PUGSLEY.
Mr. YOST with Mr. SNYDER.
Mr. HOGG with Mr. HOLMES.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. TIMOTHY J. CAMPBELL with Mr. BOWDEN.
Mr. CARLTON with Mr. MOFFITT.
Mr. HOWARD with Mr. HOPKINS, of New York.
Mr. CRISP with Mr. ROWELL.
Mr. TURNER, of Georgia, with Mr. REED.
Mr. FORD with Mr. O'DONNELL.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. GLOVER with Mr. BROWNE, of Indiana.
Mr. GRANGER with Mr. ROCKWELL.
Mr. OATES with Mr. GUENTHER.
Mr. SCOTT with Mr. CLARK.
Mr. BELMONT with Mr. DAVENPORT.
Mr. BIGGS with Mr. MORROW.
Mr. FISHER with Mr. KEAN.
Mr. COMPTON with Mr. GOFF.
Mr. GREENMAN with Mr. SHERMAN.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. ROBERTSON with Mr. DORSEY.
Mr. PERRY with Mr. SPOONER.
Mr. CLARDY with Mr. WADE.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. DARGAN with Mr. WEST.
Mr. BOUTELLE with Mr. WISE.
Mr. RANDALL with Mr. KELLEY.
Mr. HATCH with Mr. STEWART, of Vermont.
Mr. MCADOO with Mr. HARMER.
Mr. COX with Mr. BAKER, of New York.

Mr. O'FERRALL with Mr. WASHINGTON, on the French spoliation claims. Mr. O'FERRALL, if present, would vote "ay" and Mr. WASHINGTON would vote "no."

Mr. WILSON, of Minnesota, with Mr. DALZELL, on the French spoliation claims. If present, Mr. DALZELL would vote for the claims, Mr. WILSON against them.

Mr. ABBOTT with Mr. HARMER, on the French spoliation claims. If present, Mr. HARMER would vote for the appropriation, Mr. ABBOTT against it.

Mr. HARE with Mr. COLLINS, on the section of the deficiency bill in relation to French spoliation claims. If present, Mr. COLLINS would vote for the claims and Mr. HARE would vote "no."

Mr. LANDES with Mr. WHITE, of New York, on the French spoliation claims. If present, Mr. WHITE, of New York, would vote for the claims, Mr. LANDES would vote against them.

Mr. HUDD with Mr. FITCH, on the French spoliation claims. Mr. HUDD would vote against the bill and Mr. FITCH for the bill.

Mr. COX with Mr. SPOONER, on the French spoliation clauses of deficiency bill. If present, Mr. SPOONER would vote for the appropriation, Mr. COX would vote against it.

Mr. GIBSON with Mr. MACDONALD, on the French spoliation claims. If present, Mr. GIBSON would vote for the claims, Mr. MACDONALD would vote against them.

Mr. ROGERS with Mr. SHAW, on the French spoliation claims. If present, Mr. SHAW would vote for the claims, and Mr. ROGERS would vote against them.

Mr. ANDERSON, of Iowa, with Mr. DINGLEY, on the French spoliation claims. If present, Mr. DINGLEY would vote for the claims, Mr. ANDERSON would vote against them.

Mr. LEE with Mr. PEEL, on the French spoliation claims. If present, Mr. LEE would vote for the claims and Mr. PEEL against them.

Mr. RUSSELL, of Massachusetts, with Mr. BACON, on the French spoliation claims. If present, Mr. RUSSELL would vote for the claims, Mr. BACON would vote against them.

Mr. SOWDEN with Mr. THOMAS H. B. BROWNE, until further notice, and also on French spoliation claims. If present, Mr. BROWNE would vote for these claims and Mr. SOWDEN would vote against them.

Mr. O'FERRALL with Mr. MASON, on all questions except the French spoliation claims until further notice.

Mr. COTHRAN with Mr. LONG, for two weeks from August 9, 1888.

Mr. DOUGHERTY with Mr. STEPHENSON, for two weeks from August 20, 1888.

Mr. HARE with Mr. PLUMB, for three weeks from August 10, 1888.

Mr. OUTHWAITE with Mr. MCKINLEY, until Monday, August 27, 1888.

Mr. SENEY with Mr. ADAMS, until Tuesday next.

Mr. EZRA B. TAYLOR. I notice that I am paired, and I withdraw my vote.

Mr. BAKER, of New York. I voted. I notice that I am paired with Mr. COX, and I desire to have my vote canceled.

Mr. BROWNE, of Indiana. I notice that I am paired with Mr. GLOVER, of Missouri, and for that reason I withdraw my vote.

The SPEAKER. The Chair will state that the pairs of several gentlemen provide that members may still have the right to vote to make a quorum, and if gentlemen withdraw their votes no quorum has appeared.

Mr. BLAND. The gentleman from Missouri [Mr. GLOVER] is here.

The SPEAKER. The gentleman from Missouri voted.

Mr. BROWNE, of Indiana. I will let my vote stand any way.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the resolution requesting the President of the United States to return to the House the bill (H. R. 10060) prescribing the time for sales and for notice of sale of property in the District of Columbia for overdue taxes.

The message further announced that the Senate further insists upon its amendments to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, numbered 26, 27, 33, and 35, disagreement to which is insisted upon by the House, and agrees to the further conference asked by the House on the disagreeing votes of the two Houses thereon; and the Senate insists upon the residue of amendments to said bill, and asks a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN as managers of the conference on the part of the Senate.

GENERAL DEFICIENCY BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other

purposes. The pending question is on the appeal from the decision of the Chair taken by the gentleman from South Carolina [Mr. DIBBLE]. The Chair having ruled that section 4 of this bill, known as the French spoliation section, was out of order on this bill, the gentleman from South Carolina appealed from that decision, and the question is: Shall the decision of the Chair stand as the judgment of the committee? Upon this question tellers have been ordered, and the gentleman from South Carolina [Mr. DIBBLE] and the gentleman from Missouri [Mr. BURNES] will resume their places as tellers.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. On the simple demand for tellers is the question one on which members can vote who are paired with the right reserved to vote to make a quorum?

Mr. BURNES. That is not a parliamentary inquiry.

The CHAIRMAN. The question as to whether a member shall vote or not is one which rests with the individual member.

Mr. DIBBLE. Well, my parliamentary point is that this is simply an order for tellers and not a question of no quorum, because I have not made that point.

The CHAIRMAN. The point of no quorum has not been raised; but the vote will be taken anew, this being a new legislative day, and gentlemen who have already voted will please vote again.

Mr. CANNON. On the point that no quorum has voted the House is now dividing.

The CHAIRMAN. No one has made that point.

Mr. CANNON. But it is practically understood that that is the point.

Mr. DIBBLE. That is the very parliamentary question I was raising. So far as I am concerned, it is not practically understood that on this vote the point of no quorum is taken. This is simply a question of tellers, because the last vote of the House, the vote by which the House resolved itself into Committee of the Whole, disclosed a quorum. I do not see how anybody who is paired can vote on this question.

The CHAIRMAN. That is not a matter for the Chair to determine.

Mr. DUNN. Mr. Chairman, I do not understand that this is a question of ordering tellers. Tellers have been ordered because the point of no quorum is made.

The CHAIRMAN. Tellers have been appointed and the vote will be taken anew, and all gentlemen present are expected to vote on one side or the other. Those who are in favor of sustaining the decision of the Chair will now pass between the tellers.

The tellers took their places and proceeded with the count.

Mr. WHEELER. Mr. Speaker, before the vote is announced I desire to state that I am paired with the gentleman from Massachusetts [Mr. BURNETT] on the question of the French spoliation claims, and I therefore refrain from voting on this question. If I were free to vote, I should vote to sustain the Chair.

Mr. WILSON, of Minnesota. I desire to state, Mr. Chairman, that I have voted to make a quorum.

Mr. BURNES. That is exactly what we need.

The tellers reported—ayes 87, noes 45.

Mr. DIBBLE and Mr. EZRA B. TAYLOR. No quorum.

The CHAIRMAN. The point of no quorum is made, and the tellers will resume their places.

Mr. EZRA B. TAYLOR. Mr. Chairman, I voted in the negative. I wish to withdraw my vote.

Mr. NELSON and Mr. BLAND objected.

The count was resumed, and the tellers reported—ayes 94, noes 47.

Mr. BUCHANAN. Mr. Chairman, I demand the enforcement of clause 2 of Rule XXIII. We have been an hour trying to get a quorum, and I now insist upon the roll being called.

The CHAIRMAN. The point is made that no quorum has voted. The Chair requests that all gentlemen present who have not voted will vote.

The tellers again reported—ayes 94, noes 48.

Mr. BUCHANAN. That is not a quorum, and I demand that clause 2 of Rule XXIII be enforced.

The CHAIRMAN. No quorum having voted, under the rule the Clerk will call the roll for the purpose of ascertaining whether a quorum be present in the committee.

The roll was called, and the following members failed to answer to their names:

Arnold,	Butterworth,	Darlington,	Greenman,
Atkinson,	Campbell, F., N. Y.	Davenport,	Guenther,
Barry,	Campbell, Ohio	Davidson, Ala.	Hare,
Belden,	Campbell, T.J., N.Y.	De Lano,	Harmer,
Belmont,	Candler,	Dingley,	Hatch,
Biggs,	Clardy,	Dougherty,	Haugen,
Blanchard,	Clark,	Dunham,	Hayes,
Boutelle,	Cockran,	Ermentrout,	Heard,
Bowden,	Collins,	Felton,	Hemphill,
Brower,	Compton,	Finley,	Henderson, Iowa
Browne, T.H.B., Va.	Cooper,	Fisher,	Hermann,
Browne, Ind.	Cothran,	Fitch,	Hires,
Brown, Ohio	Cox,	Ford,	Hitt,
Brumm,	Crain,	Gaines,	Holman,
Bryce,	Cummings,	Gay,	Hopkins, Ill.
Buckalew,	Cutcheon,	Gibson,	Hopkins, N. Y.
Burnett,	Dalzell,	Glover,	Howard,
Burrows,	Dargan,	Granger,	Hudd,
Hunter,	McKinney,	Pugsley,	Stewart, Vt.
Johnston, N. C.	McMillin,	Randall,	Stockdale,
Jones,	McShane,	Rayner,	Stone, Ky.
Kennedy,	Milliken,	Reed,	Tarsney,
Kerr,	Mills,	Rice,	Taulbee,
Ketcham,	Moffitt,	Robertson,	Taylor, E. B., Ohio
Lagan,	Montgomery,	Rowell,	Taylor, J. D., Ohio
Laidlaw,	Morrill,	Russell, Mass.	Thomas, Ky.
Landes,	Morse,	Rusk,	Thomas, Ill.
Latham,	Nichols,	Scott,	Tillman,
Lawler,	Nutting,	Seymour,	Wade,
Lee,	Oates,	Shaw,	Weber,
Maffett,	O'Donnell,	Sherman,	West,
Mahoney,	O'Ferrall,	Shively,	White, N. Y.
McAdoo,	Outhwaite,	Simmons,	Whiting, Mich.
McClammy,	Owen,	Sowden,	Wickham,
McComas,	Peel,	Spinola,	Wilber,
McCreary,	Perry,	Spooner,	Wilkins,
McCullogh,	Phelps,	Stahlnecker,	Wilson, W. Va.
McKenna,	Pidcock,	Stephenson,	Woodburn,
McKinley,	Plumb,	Stewart, Tex.	Yoder.

The CHAIRMAN. Under the rule, the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union, having had under consideration House bill No. 10896 (the general deficiency bill), had found itself without a quorum, whereupon the Chairman had caused the roll to be called, and now reported the names of the absentees to the House.

The SPEAKER. The names of the absentees will be entered on the Journal. It appears from this roll-call that 168 members, being more than a quorum, are now present. The Committee of the Whole will, therefore, resume its sitting.

The House accordingly again resolved itself into Committee of the Whole on the state of the Union.

The CHAIRMAN. A quorum having appeared, the tellers will resume their places. Gentlemen who have not heretofore voted will please pass between the tellers.

Mr. TURNER, of Georgia. I call the attention of the Chair to the fact that the gentleman from Missouri [Mr. BURNES], who has been acting as one of the tellers, is at this moment absent from the Hall, and I suggest that the Chair designate another teller.

The CHAIRMAN. The gentleman from Georgia [Mr. TURNER] will act as a teller in place of the gentleman from Missouri [Mr. BURNES]. Those gentlemen who have not already voted will please pass between the tellers.

Mr. ALLEN, of Michigan. Mr. Chairman, is this the same vote in which we have already been engaged?

The CHAIRMAN. It is the same vote. Those who have not heretofore voted during this day will please pass between the tellers.

Mr. ALLEN, of Michigan. I have voted twice heretofore, but I have not voted to-day.

The CHAIRMAN. The gentleman is entitled, then, to vote.

The tellers continued the count.

The CHAIRMAN. If all gentlemen who desire to vote have done so the Chair will announce the result. [A pause.] On this question the ayes are 105, the noes 59. The ayes have it, and the decision of the Chair stands as the judgment of the committee. [Applause.]

Mr. BURNES. Mr. Chairman, I ask unanimous consent to return to certain previous paragraphs of the bill with the view of offering some amendments which I think will meet the approbation of the committee.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to some paragraphs of this bill for the purpose of submitting amendments suggested by the Committee on Appropriations.

Mr. BUCHANAN. Let the amendments be first reported, so that we may know what they are. After our experience of the other day in allowing a return for some amendments while others were cut off, we want to know what is to be offered.

The CHAIRMAN. The amendments will be first read, after which the Chair will ask whether there be objection to returning to the previous parts of the bill for the purpose of amendment.

Mr. CANNON. I ask my colleague on the committee [Mr. BURNES] to recollect the agreement made the other day that the gentleman from Virginia [Mr. YOST] should have fifteen minutes.

The CHAIRMAN. The Chair is reminded of the fact to which the gentleman from Illinois [Mr. CANNON] calls attention, that at a previous sitting of the Committee of the Whole unanimous consent was given that the gentleman from Virginia [Mr. YOST] should be allowed to address the committee for fifteen minutes after the disposition of the question in regard to the point of order. That question having been now disposed of, the gentleman from Virginia is recognized for fifteen minutes.

Mr. YOST resumed his remarks, begun on a previous day. The following is the entire speech:

Mr. YOST. Mr. Chairman, the measure to which I propose to allude may not be deemed pertinent to the bill now under consideration, but I regard it as of far more importance. It reaches to every section of this broad land and touches the hearthstone of millions of people. It penetrates to the center of our governmental system and directly affects the well being of every class of population and the future of the Republic itself. No subject before this House since the perilous days when

the life of the nation hung in the balance has been so fraught with good for the masses, and none has received such outrageous treatment at the hands of those sworn to promote the public interest. State Legislatures have demanded its consideration; party platforms—district, State, and national—have pledged their candidates to its support; tens of thousands of names have been signed to petitions, the prayer of which was for action upon it, and a noble army of women have besieged the very halls of Congress in its behalf.

To these appeals a deaf ear has been turned; the pledges given have been wantonly violated, the promises have been broken, and the servants of the people have used the power with which they were invested to combat the wishes, the welfare, and the weal of those they assumed to represent.

This may be strong language, Mr. Chairman, and yet a review of the history of the Blair educational bill justifies every word of it.

With the details of that measure I do not propose to now deal. They are doubtless familiar to every man within the sound of my voice. They have been discussed from nearly every hustings of this land; months have been spent in their consideration by the other branch of Congress, and for the past six years the public prints have teemed with comments upon them.

Suffice it to say that the bill provides for the expenditure of $77,000,000 for the education of the masses. To the South it gives over two-thirds of that amount. The share of the State I have the honor to in part represent would alone be $5,310,000. Why this unequal distribution? Because the apportionment is made on the basis of illiteracy. Where the greatest need for the money is there the largest amount shall go. Paradoxical as it may seem, the very breadth of its nationality renders it sectional. It applies the remedy locally, but the whole system is to feel the beneficial effects.

Under these conditions one would naturally suppose the Representatives from the Southern States would eagerly press for consideration of and action upon a measure which promised so much of good to their constituencies, and that the party dominated and controlled by those Representatives would employ every means in its power and every influence at its command to lift the Southern people to a higher plane of intellectual life, and gladden and brighten the thousands of homes now darkened by the cruel shadow of ignorance.

As true and faithful Representatives, it seems to me, that was their bounden duty. How they performed that duty let the record show.

The original bill providing for the establishment of and temporary aid to public schools by the National Government was introduced in a Republican Senate on the 6th of December, 1881. Its patron was a Northern Republican, whose name has since been associated with the measure and has become a household word throughout the Southern States. It was referred to the Committee on Education and Labor, a majority of whom were Republicans, and by that committee favorably reported. No further action was taken upon it in the Forty-seventh Congress.

The day after the Forty-eighth Congress assembled, December 5, 1883, Senator BLAIR again introduced the bill, and it was properly referred, and a second time favorably reported. After a protracted debate it passed the Senate on the 7th of April, 1884, by a vote of 33 to 11. Of the 33 who voted for it 20 were Republicans, namely, Messrs. Blair, Cameron of Wisconsin, Conger, Cullom, Dawes, Dolph, Edmunds, Frye, Harrison, Hoar, Logan, McMillan, Manderson, Miller of New York, Morrill, Pike, Platt, Riddleberger, Sawyer, and Wilson; and 13 were Democrats, namely, Messrs. Brown, Call, Colquitt, Garland, George, Hampton, Jackson, Jonas, Jones of Florida, Kenna, Pugh, Ransom, and Williams. Of the 11 who voted against it 9 were Democrats, namely, Messrs. Bayard, Butler, Coke, Groome, Harris, Maxey, Morgan, Pendleton, and Saulsbury; and only 2 were Republicans, namely, Messrs. Hawley and Miller of California.

It went to a House that was Democratic by eighty-odd majority. Meantime a bill precisely similar had been introduced in the House by Mr. Willis, of Kentucky, a Democrat, but a sincere and earnest friend of popular education. It was referred to the Committee on Education, of which Mr. Willis was a member, and favorably reported. But no action was ever taken by the House. Twice Mr. Willis sought to have a day set apart for the purpose of consideration, and twice did a Southern Democrat enter an effective objection. On the 3d of March, 1884, unanimous consent was asked, and Mr. BLAND, of Missouri, was the objector. On the 1st of April following, consent was again asked and another Southern Democrat (Mr. John Randolph Tucker, of Virginia) rose in his seat and said, "I object." That ended all prospect for the passage of the bill in the Forty-eighth Congress.

The Presidential election followed. The national Democratic platform declared against the bill in the following terms:

> We are opposed to all propositions which upon any pretext would convert the General Government into a machine for collecting taxes to be distributed among the States or the citizens thereof.

There was but one proposition before the country which contemplated a distribution from the public Treasury to the States, and that was a proposition which had for its object the spread of intelligence throughout the Union, and a lifting of the South from the slough of ignorance into which she had been plunged and from which she was striving so heroically to escape.

In broad contrast with this declaration was the utterance of the Republican platform. It declared in favor of—

> A wise and judicious system of general education by adequate appropriation from the national revenues wherever the same is needed.

Wherever there is a child to educate let the money go. Wherever darkness prevails let the light shine. It mattered not that four-fifths of the money was to be contributed by the North, because of its greater wealth, and that the Republican party represented essentially that portion of the Union. It mattered not that over two-thirds of the total sum was to be expended in the section which contributed but one-fifth. It mattered not that the Democratic party counted with absolute certainty on the electoral vote of a solid South, and protested against the acceptance of this splendid donation. These considerations did not enter into the deliberations of the Republican party. It saw the nation's pressing need; it saw the nation's peril. A solemn duty lay before it, and grandly it marched to the performance thereof. [Applause.]

But by the vote of that solid South it was deprived of the power to make good its pledges.

A Democratic President was elected and a Democratic majority controlled the House, the Senate continuing Republican.

The Forty-ninth Congress met. During the first session the Senate again passed the Blair bill (March 5, 1886), and this time by an increased majority, the vote being 36 ayes to 11 nays. Of the 36 affirmative votes 20 were Republicans, namely, Messrs. Blair, Bowen, Conger, Cullom, Dolph, Evarts, Hoar, Logan, Mahone, Manderson, Miller of New York, Mitchell of Oregon, Morrill, Palmer, Riddleberger, Sawyer, Spooner, Teller, Van Wyck, Wilson of Iowa; and 16 were Democrats, namely, Messrs. Berry, Blackburn, Call, Colquitt, Eustis, George, Gibson, Jackson, Jones of Arkansas, Kenna, Payne, Pugh, Ransom, Vance, Voorhees, Walthall. Of the 11 negative votes, 6 were Democrats, namely, Messrs. Cockrell, Coke, Gray, Harris, Maxey, Wilson of Maryland; and 5 were Republicans, namely, Messrs. Frye, Hale, Ingalls, Jones of Nevada, and Plumb. Nine pairs were announced. Of the Senators paired and who would have voted for the bill seven were Republicans, namely, Messrs. Dawes, Edmunds, Harrison, McMillan, Mitchell of Pennsylvania, Pike, and Stanford; and 2 Democrats, Messrs. Brown, and Hampton. Of the Senators paired and who would have voted against the bill 5 were Democrats, namely, Messrs. Morgan, Beck, Butler, Vest, and Saulsbury; and 4 were Republicans, namely, Messrs. Chace, Platt, Hawley, and Sewell.

Counting the pairs the bill passed by a vote of 45 to 20. Of the affirmative vote 27 were Republicans and 18 Democrats; of the negative vote 11 were Democrats and 9 Republicans.

It went to a House Democratic by 43 majority. It was referred to the Committee on Education, a majority of whom were Democrats, and so bitterly hostile to the bill that they refused to act upon it at all, endeavoring thus to stifle it and deprive the people's representatives of even the privilege of consideration. In this they were successful. But its friends did not yield without a struggle. On the 29th of March Mr. Willis introduced a House bill, the words of which were identical with the Senate bill, and moved that it be referrred to the Committee on Labor, hoping, doubtless, that those who had been designated to specially guard the interests of the working classes would eagerly avail of an opportunity to render signal service to every laboring man in the broad limits of the Union. Opposition to this reference at once sprung up, its enemies recognizing the motion as in the interest of the measure, and that its purpose was to present the issue squarely before the representatives of the people and let them decide as to its merits.

The vote upon the motion to refer was regarded as a test of friendship for the bill. The motion was carried—138 yeas to 112 nays. Of the affirmative vote 71 were Republicans and 67 were Democrats. Of the negative vote 88 were Democrats and only 24 Republicans. Of the entire Republican vote 75 per cent. favored the reference, and therefore the bill; and 25 per cent. opposed it. Of the entire Democratic vote 43 per cent. favored the bill and 57 per cent. opposed it.

It went to the Committee on Labor, but that committee was also composed of a majority of Democrats loyal to the party creed.

They refused, as had the Committee on Education, to report the bill back for action by the House, but in its stead presented a substitute which eliminated every feature of the bill worth preserving and effectually killed it. The substitute proposed to render problematical the fund from which the appropriation was to be made by providing that it should be derived from the proceeds of the sale of public lands, and it robbed the bill of its very germ and essence by providing that the distribution should be made on the basis of population and not on the basis of illiteracy. The design of the Blair bill was to aid the poor and the ignorant—to provide the means for a leveling up of the plane of intelligence by placing the money where it was most needed. [Applause.] The Crain substitute simply perpetuated the inequality; but its real design was to defeat all legislation that looked to the uplifting of the working classes, and in this it was successful, for it barred all hope of the Blair bill becoming a law in the Forty-ninth Congress.

Mr. BUCHANAN. The minority of the committee—the Republican members of the committee—reported as a substitute for the committee's substitute the Blair bill.

Mr. YOST. Yes, sir; I should have mentioned that.

Mr. O'NEILL, of Missouri. The Blair bill as a Senate measure was never before our committee. The bill referred to the Committee on Labor was the bill introduced by the then representative from Kentucky, Mr. Willis.

Mr. YOST. Which was precisely similar in terms to the Blair bill.

Mr. O'NEILL, of Missouri. But the Senate bill itself was referred to the Committee on Education.

Mr. BUCHANAN. I am referring to the substantial provisions of the measure, not to the particular document.

Mr. O'NEILL, of Missouri. I am referring to the bill itself.

Mr. BUCHANAN. I am speaking of the principle.

Mr. YOST. The bill of Mr. Willis was precisely similar to the Blair bill. Mr. Willis so stated at the time he introduced it.

Mr. BUCHANAN. And we so understood it.

Mr. YOST. A year ago, Mr. Chairman, I sat as a spectator in the Virginia Democratic State convention held at Roanoke. One of the principal speakers was a Democrat of national reputation—a man whom his own people had delighted to honor—who had been a member of the Forty-ninth Congress and from this Hall passed to the other end of the Capitol to take his seat as a United States Senator. Before that large assembly of representative Democrats of the Old Dominion, Senator DANIEL spoke with that power and eloquence for which he is noted, and which never fails to win enthusiastic applause. The scene and the warmth of welcome extended seemed to arouse him to an extraordinary effort. He dwelt with force and fervor upon the issues of the canvass, the prospects of the party, and the blessings that would follow its continued ascendency in the State. He then entered upon a review of the work of the Forty-ninth Congress, claiming that with all of its shortcomings it had enacted much important legislation; such as the interstate-commerce law, the oleomargarine bill, and other measures in which the public interests were involved.

And last came his reference to the Blair educational bill. Why, said he, was it not passed? Let us follow the advice of our great leader—'tell the truth.' The truth is that the bill was defeated by JOHN G. CARLISLE. As Speaker of the House he appointed the Committee on Education and so constituted it that no report should come from it, and all action on the Blair bill would thus be stifled. So hostile, said the Senator, to the interests of my people did I regard this action of JOHN G. CARLISLE upon this most important of all subjects to them, that at the close of the session, I, as a Representative of Virginia, could not and did not vote for the resolution of thanks to the Speaker, which it is customary to pass when the term of a Congress ends.

A thousand others besides myself heard this statement, and the number included reporters of various newspapers. In its report of that part of the speech the Richmond Dispatch, the organ of the Democratic party in the State of Virginia, said:

Some say, Well you did not pass the Blair bill. I, said the Senator, will follow Grover Cleveland's advice, who says, "Speak the truth." The reason the bill was not passed was because JOHN G. CARLISLE defeated it.

The New York Times, another good Democratic authority, in its report said:

He also laid to Speaker CARLISLE the defeat of the Blair educational bill, a course which led Mr. DANIEL to refuse, as he said, to join in a vote of thanks to the Speaker.

Senator DANIEL is a manly, straightforward man, who generally says what he believes, and is ready to assume responsibility for what he says. He will not deny the statement here attributed to him. Ask him if he said it, and I doubt not his reply will be: "I not only said it but I meant every word of it." He was earnest enough in its utterance to mean every word of it, and as the declaration fell from his lips the very building trembled with the thunder of applause. Shortly afterwards the following, among other resolutions, was unanimously adopted by the convention:

We earnestly advocate liberal appropriations by the Federal Government out of the national revenue in aid of the education of the children of the several States in proportion to illiteracy, in accordance with the provisions of the Blair bill, or some better measure.

Here, then, was the admission of Democrats—ay, their declaration—that the Blair bill had been deliberately defeated by the Speaker of their choice. Upon him they sought to load the sins of the party, to make of him the scrapegoat to bear away the burden of their iniquities.

The Fiftieth Congress met. The Republican Senate for a third time passed the bill. The vote was taken on the 16th of February of the present year, and stood—ayes 39, nays 29. Of the 39 voting in the affirmative 23 were Republicans, namely: Messrs. Allison, Blair, Bowen, Cameron, Chandler, Cullom, Dawes, Dolph, Evarts, Hoar, Manderson, Mitchell, Morrill, Palmer, Platt, Quay, Riddleberger, Sawyer, Stanford, Stewart, Stockbridge, Teller, Wilson of Iowa; and 16 were Democrats, namely: Messrs. Berry, Brown, Call, Colquitt, Daniel, Eustis, George, Hampton, Hearst, Jones of Arkansas, Pasco, Payne, Pugh, Ransom, Vance, and Walthall.

Of the negative vote 17 were Democrats, namely, Messrs. Bate, Beck, Blackburn, Blodgett, Butler, Coke, Faulkner, Gray, Harris, Kenna, Morgan, Reagan, Saulsbury, Turpie, Vest, Voorhees, and Wilson of Maryland; and 12 were Republicans, namely, Messrs. Aldrich, Dawes, Farwell, Frye, Hale, Hawley, Hiscock, Ingalls, Jones of Nevada, Plumb, Sabin, and Spooner.

Four pairs were announced. Of those who would have voted in the affirmative 3 were Republicans, namely, Messrs. Edmunds, Paddock, and Sherman; and 1 was a Democrat, Mr. Gibson. Of the four who would have voted against the bill 3 were Democrats, namely, Messrs. Cockrell, Gorman, and McPherson, and 1 was a Republican, Mr. Chace. Counting pairs the vote stood—ayes 43, of whom 26 were Republicans and 17 Democrats; nays—33, of whom 20 were Democrats and 13 Republicans.

The bill for a third time went to a Democratic House—a House Democratic by 15 majority. Here it encountered its old, implacable enemy. With the knowledge of what his course had been; with the knowledge of an opposition so uncompromising that it refused to allow this great demand of the people to be even heard; with the knowledge of a hostility to the interests of Virginia and the interests of the South, so pronounced that a leading member of his own party refused to unite in the complimentary resolution which is generally adopted without a dissenting voice from either side of the House; with a full knowedge of all of this, Mr. CARLISLE, by the acclamative vote of the Democratic caucus, including the representatives of that party from Virginia, was renominated as Speaker, and when the time came, with the same unanimity, was invested again with the power which a leading Democrat, speaking to Democrats, openly charged had been used to defeat the wish and the will of the people. To him was committed the selection and appointment of the committees—the power to almost absolutely control legislation—certainly to stifle and strangle any measure which it was desirable should never have an opportunity to test its strength before the House. [Applause.]

The Committee on Education was appointed. It consisted of eight Democrats and five Republicans. In the early days of the session bills similar to or identical with the Blair bill were introduced in the House by Republicans. The gentleman from North Carolina [Mr. BROWER] was the patron of one; I presented another, and perhaps others still of a like character were introduced. They were referred to the Committee on Education and promptly buried there. With a view to the resurrection of one of these measures (and they were all practically the same), an effort was made to force its consideration. On the 7th of February the gentleman from Michigan [Mr. CUTCHEON], a Republican and earnest friend of the Blair bill, submitted the following proposed amendment to the rules:

Resolved, That Rule XXVII, clause 1, be amended by adding thereto the following:

"Whenever application in writing, signed by a majority of the members of the House, shall be presented to the Speaker requesting him to recognize any member therein named to move a suspension of the rules and pass a bill, to be named by him, upon the first Monday of the next ensuing month, it shall be the duty of the Speaker to recognize the member so named in such written request, upon the said first Monday of the next ensuing month, and when more than one such written request is presented in any one month, the members therein named shall be recognized in the order in which they are presented to the Speaker."

The object of that resolution was to secure consideration of the Blair bill. Had it been adopted it was proposed to test the strength of the measure by the circulation of a petition designating some member for recognition who would move the passage of the bill, and thus bring it up upon its merits. Mark you, the resolution provided that this recognition should not be accorded unless a majority of the members attached their names to the petition—that majority which is supposed to control the action of the House and to be the law-making power. Could anything be fairer? Could anything be more reflective of the popular sentiment as indicated in the election of the Representatives? Could anything be juster to the people in a Republic where the will of the majority is the sovereign law? And yet, sir, no action was taken on that resolution. It was referred to the Committee on Rules, a majority of the members of which were Democrats, and there it slept the sleep of death.

A similar fate awaited resolutions which were subsequently offered by members of the Republican side of the House, among whom were the gentleman from North Carolina [Mr. BROWER] and the gentleman from Virginia [Mr. T. H. B. BROWNE]. These resolutions were designed to relieve the Committee on Education from the further consideration of the bill, and set aside a day for its consideration by the House. They were, as expressed by another, "chloroformed" in the Committee on Rules. If the Committee on Education was the sepulcher of all legislation relating to education, then the Committee on Rules might well have been designated as the ante-chamber to the tomb. Nothing in the shape of aid to the spread of intelligence ever escaped from either. [Laughter.]

Meantime the Blair bill had been passed by the Senate, sent to the House, and referred to the Education Committee. By consent of the members introducing them, the House bills were laid aside, in order that the Senate bill might be considered. That bill was referred to a subcommittee composed of a majority of Democrats. That majority, after consideration, reported in favor of a substitute for the bill similar to the substitute reported by the Labor Committee in the Forty-ninth Congress and known as the Crain substitute. The minority of the sub-

committee, composed of two Republicans, submitted a minority report favoring the passage of the bill as it came from the Senate. These two reports came before the whole committee. That committee, as I stated, was composed of eight Democrats and five Republicans. It required seven to make a quorum—two in addition to all of the Republican members.

For weeks and months efforts were made to secure consideration by the committee, but a quorum could not be obtained. At length, however, the two reports from the subcommittee came up, and an unimportant amendment was agreed upon. It was hoped then that action would be had, as only one other step remained to be taken. As the end drew near, however, the difficulty of securing a quorum increased. The regular day of meeting came and went with each succeeding week, but time after time the old story of no quorum was repeated. Finally the necessary seven were secured—five Republicans and two Democrats—the bill was taken up and a Republican [Mr. O'DONNELL] demanded the previous question on agreeing to a report. The crucial moment had arrived, but just as the motion for the previous question was about to be put a Democratic member of the committee, the gentleman from Kentucky [Mr. CARUTH] left the room, broke the quorum, and ended all further proceedings for the time being.

Again, after long and tedious waiting and repeated meetings, the necessary number to constitute a quorum was secured, and for the second time the previous question was demanded by Mr. O'DONNELL. When the chairman was about to submit the motion, a Democratic member, the gentleman from Alabama [Mr. COBB], was called out, the quorum broken before a vote could be reached, and the bill effectually strangled.

Upon each of these occasions the Republican members of the committee were present and ready and anxious to press for action. To the last meeting one of the Republican members was summoned by telegram from a distant State, so important was his presence regarded. He promptly responded, only to have the quorum broken just as its work was about to be completed.

[Here the hammer fell.]

Mr. NELSON. I ask that the gentleman from Virginia [Mr. YOST] be allowed ten minutes more to conclude his remarks.

Mr. BLAND. I hope so. This being, as I suppose, the funeral of the "Blair bill," I want to see it decently buried.

Mr. YOST. I know the gentleman would like to see it buried, but it will not be buried.

Mr. BLAND. The gentleman has been arraigning the Democratic party. I am glad that party has a record of some economy in defeating the "Blair bill."

Mr. BURNES. I ask unanimous consent that the gentleman from Virginia have leave to print the residue of his remarks.

Mr. YOST. I hope I shall be allowed at least two minutes more.

The CHAIRMAN. The Chair will state the request of the gentleman from Minnesota [Mr. NELSON]. Unanimous consent is asked that the gentleman from Virginia be allowed ten minutes additional. Is there objection? The Chair hears none.

Mr. YOST. I thank the committee for its indulgence.

From that day to this no quorum has ever been gotten together, and of course no report has been made. Nor is there hope for any action during the life of this Congress, for the Democratic members of the committee know that as soon as a legal meeting of the committee is held just so soon will the Republican members demand a report on the Blair bill. That is what a majority do not intend to have, no matter what may be the demand of the people, no matter how great the need for action, no matter what injustice may be perpetrated by their course.

In making this statement, Mr. Chairman, I divulge no secrets of the committee and violate no rule of the House. I am not in the confidence of the committee and therefore could not betray that confidence. Nor do the statements here made rest upon information derived by me from any member of the committee. They are matters of common report, spread to the world through the public prints. I state them as facts which I believe to be true, and so charge, and I challenge the members of the committee here present, and whom I now see, to deny them if they can be denied. I pause for a reply.

[After a pause.]

As I expected, there is and can be no denial.

If in the statements I have made the slightest injustice has been done to either men or parties, I am more than willing to make the correction when the error is pointed out. I want every friend of the bill, no matter with which party he affiliates, to have full credit for all he has done in its behalf. And I want every enemy of the bill to have courage enough to assume the responsibility for his opposition, and let the people know who it is that thus defies their wishes.

But, sir, let me go a step further, for the record does not end here. In May last the Republican caucus of this House unanimously indorsed the Blair bill and demanded its consideration. A month later the Republican national convention incorporated in its platform a ringing declaration in its behalf. This plank of the platform was suggested by one of the warmest friends of the bill—General WARNER, of Missouri. It is a literal quotation from the celebrated Des Moines speech of that grandest of Republicans, Ulysses S. Grant. [Applause.] The principle involved is one that ought to be dear to the heart of every lover of the Union, and clothed as it is in the language of the nation's greatest defender, it comes to us as the expression of the party's creed and purpose, emphasized and impressed by him who knew so well the true meaning of Republicanism. [Applause.] Here is the declaration of the Chicago platform:

> In a Republic like ours, where the citizen is the sovereign and the official the servant, where no power is exercised except by the will of the people, it is important that the sovereign—the people—should possess intelligence. The free school is the promoter of that intelligence which is to preserve us as a free nation. Therefore the State or nation, or both combined, should support free institutions of learning sufficient to offer to every child growing up in the land opportunity of good common-school education.

And where stands the Democratic party on this question of education? We look in vain to its platform for any expression upon this most vital of all subjects. Not one word did it utter in behalf of free education, not a whisper did it vouchsafe. Its only reference to the public school was an indorsement of the Democratic platform of 1884, in which, as I have shown, the principle of the Blair bill was condemned. And when and where in his four years of office has President Cleveland spoken in favor of the public school?

And yet this is the party that claims, without the count, the vote of a solid South. Is there no need for education in that section?

Turn to the pages of the last census and mark the tale there told.

The total population of the United States in 1880 was 50,155,783. The whole number of persons, white and colored, in the sixteen Southern States was, in round numbers, 18,500,000. The whole number in the twenty-two Northern States was 31,600,000. Of the Southern population 6,000,000 are blacks; 3,000,000 of whom, or 50 per cent., can not write. But the illiteracy is not confined to the blacks. There are in the United States 2,949,147 illiterate whites, of whom 1,676,939, or nearly 57 per cent., are in the Southern States. The South has about one-fourth of the white population of the States, and over one-half of all the white illiterates, and these added to the millions of blacks who can not read and write make up one-fourth of the entire aggregate population in the Southern States. Is there no need for public education there?

Naturally our white population is as capable of instruction, as quick witted and bright as any people on the globe. But the poorer classes are ignorant simply because they never had a chance to learn. Before the Republican party took the reins of government there was no such thing as a free school in the South, and the man who was too poor to pay for the education of his child saw it grow up in abject ignorance. In Virginia, it is true, he might have sent his child to school under certain conditions, but what were the conditions? If he were too poor to pay he must go before a notary and make oath that he was a pauper. Then the child was admitted to the school and a tuition fee was paid from the county fund.

But few availed of this generous provision of the law, for the child, if it had one drop of manhood or womanhood blood in its veins, would rather have lived and died in ignorance than to have been subjected day after day to the humiliation of being pointed to as a pauper. But the law also provided that no freeholder could claim to be a pauper, and every owner of land was a freeholder. The mountaineer who owned the little cabin, perched on an arid, rocky acre, saw his children cut off from every hope of improvement. He had no money with which to send them to school, and being a freeholder could not avail of the other provision of the law. And so generation succeeded generation and the shadow of ignorance, like a dark cloud, enveloped them all. Do you wonder, then, that the proportion of white illiterates is so great in the South?

But you say we have had the free-school system for twenty years. That is true, and our people have made heroic efforts to render the system effective. But they have not the money. Virginia, especially, was swept by the simoom of war. Her fields were laid waste, her homes made desolate, and the flower of her manhood was laid beneath the sod. She furnished the camping-ground for both armies. I can best describe her condition, so far as it relates to schools, by reading two of a series of letters which I received some months ago from the superintendents of the counties in my district. The picture they present is a faithful photograph of the country schools of the South and shows the pressing need for aid, and aid at once.

I read, first, a letter from William C. Corson, county superintendent of the public schools of Cumberland County, Virginia, dated January 16, 1888, addressed to me. He says:

> DEAR SIR: Your communication of the 5th January to hand. With much pleasure I now proceed to answer the interrogatories therein contained in reference to the public schools of my county.
>
> First. Total school population, according to the census of 1880, 4,121; white, 1,053; colored, 3,068.
>
> Second. Total enrollment, session of 1886-'87, 1,889; white, 685; colored, 1,204.
>
> Third. Total average daily attendance, 1,051; white, 456; colored, 595.
>
> Fourth. Length of school session, 5.02 months.
>
> Fifth. Cost per pupil enrolled, $4.68 per session.
>
> Sixth. Cost per pupil in average attendance, $8.41 per session.
>
> Seventh. Condition of school-houses: About one-half of our school-houses are comfortable and well furnished; the others, cheap log buildings, poorly lighted, and in every way unsuited for the purpose. We greatly need more and better houses, but are unable to build with our present means.
>
> Eighth. Salaries of teachers: Teachers are paid from $20 to $30, according to the grade of superintendent's certificates held by the teacher. It is difficult to secure competent, efficient teachers for the meager pay we can offer. The short

five months' session I regard the most objectionable feature of our public-school system.

Ninth. Improvements demanded: More and better school-houses, with good furniture, longer sessions, an increase of teachers' pay, and means to furnish indigent pupils with text-books. The Blair bill would give us the money to remedy all these defects and enable us to make our public schools what they should be—the pride and glory of our land. I rejoice to know that you are among the friends of the bill, and you may rest assured that your constituents in this county will, to a man, help to hold up your hands whilst battling to gain this great boon for your State and your country. The public schools are the only hope for the education of the children of the people, and an earnest zeal in behalf of this great cause is, to my mind, the strongest evidence of true patriotism. Virginia is doing all she can to educate her children, but it would require double the amount annually appropriated to meet the pressing needs of her public schools.

A very small per cent. of our white people are able to educate their children in private schools, and such schools are entirely out of the question among the colored race. The education of the negroes is greatly retarded on account of the extreme poverty of this race; the parents are too poor to buy the necessary text-books for their children. Often in visiting the colored schools I find from three to half a dozen pupils trying to prepare their lessons from one book. The public funds are so limited that the district boards do not feel warranted to expend more than a few dollars each year to furnish books to indigent pupils. The name of every member of the Fiftieth Congress who works and votes for the Blair educational bill will be honored in Virginia and his memory will be cherished and revered to the latest generations. Allow me to thank you in behalf of the people of Cumberland for the interest which you manifest in the cause of public education.

Very respectfully,

WM. C. CORSON.

I have a letter from G. E. Caskie, superintendent of public schools for Nelson County, Virginia. Mr. Caskie writes as follows:

LOVINGSTON, VA., *January* 9, 1888.

SIR: Yours of the 5th instant received. In answering the interrogatories therein propounded I will use the figures shown by my annual report for the school year ending July 31, 1887. I do this because I suppose it would be fairer than to take any one month of the present session as the basis of my answers.

First. The school population of this county is, according to the last census, 1885: White, 3,594; colored, 3,185; total, 6,779.

Second. The enrollment for last session was: White, 2,151; colored, 1,660; total, 3,811.

Third. The average daily attendance during the same period was: Whites, 1,157; colored, 704; total, 1,861.

Fourth. The length of the school session is five months. There are three schools in the county which run six months; all the others run only five months, except such as are closed sooner because of failure to make the required average, or some reason of that sort. The average last year was just five months.

Fifth. The cost of the whole system (including all expenses—my salary and everything) last year was 59 cents per month per pupil enrolled, or $2.95 for the session per pupil enrolled.

Sixth. The cost for last session, including everything, was $1.21 per month per pupil in average daily attendance, or $6.05 for the session per pupil in average daily attendance.

Seventh. There are now in this county ninety schools, of which about twenty-five houses belong to the school board; the residue are cabins, log houses, etc., which the people let us have. Of the twenty-five which we own, about eight are good houses; the others are mostly log, about two-thirds of which are hewed logs and the others just built of round poles. Of those furnished by the patrons about the same proportion of hewed and round-log buildings exist. With the exception of the eight mentioned above, all of these houses are in bad repair, some much more so than others. Some are hardly fit to be occupied at all. Last year I was forced to condemn some, and if I did my duty I would condemn others now. Some of them have board roofs, held on with logs or rocks; some others have sliding windows—*i. e.*, plank windows without any glass—and when you open the window to let in the light you leave a hole. In many of these houses the chinking is knocked out and the teacher has to daub it up with mud as best he can.

I think I may safely say that all the furniture we have, including desks, benches, tables, chairs, etc., for the ninety schools, is not worth over $90. The benches usually, in fact with very few exceptions, have no backs, and in many instances are made by splitting a log in two and boring holes in which legs are put, thus making two benches. With the exception of a very few schools, a few of these benches, a small blackboard, and a plank nailed to the side of a house for a writing desk, constitute the furniture. There is not a map, globe, chart, or anything of that sort in a single school in the county.

Eighth. Our teachers are paid according to the grade of certificate they hold—first grade, $30 per month; second grade, $25; third grade, $20. The average salary last year was $23.74. Owing to the lack of funds, the trustees often prefer a third to a first grade teacher, because they are cheaper. Of course this injures the schools very much.

Ninth. To cover the county and provide school facilities to all of the people we need about fifteen or sixteen more schools. The country is so broken and mountainous that it requires a larger number of schools than if it were more level. Our aim now is to so locate the schools that no person will be over 2 miles from a school. Yet in many cases they are 3 miles, and in some instances 3½ or 4 miles. In bad weather these latter persons are practically debarred of all school privileges, and irregular attendance makes the school but little benefit to the scholar, and the scholar a disadvantage to the school. We need houses fearfully, and where we have them we need to repair them. We need school apparatus, maps, globes, charts, etc. We should run the schools for at least two months longer each year, and in the small towns and villages, where the children are not compelled to work, the schools should be run for nine months.

Owing to scarcity of funds we are unable to pay the school trustees any salary. Hence they can not give the time and attention to the duties of their office which is necessary for the proper performance of those duties; and of course the county superintendents are badly paid. They should be able to give their whole time to the schools.

Hoping that your efforts in behalf of the "Blair bill" may be successful,

I remain, yours respectfully,

G. E. CASKIE.

Hon. J. YOST, *Washington, D. C.*

I have received from other counties of the district similar letters, all telling a tale that ought to touch the nation's heart.

And yet, strange irony of fate, this in the State that gave away an empire and stipulated in the grant that one-sixteenth part of it all should be dedicated to educational purposes. Millions and tens of millions are annually paid to public schools from Virginia's splendid gift, and yet when her own children ask for a tithe of a tithe of her great largess, for the crumbs, as it were, that fall from the sumptuous table her bounty has provided, the request falls upon ears that will not hear. [Applause.]

They who refuse and again refuse to stretch forth the strong arm of the National Government and lift this people into light are assuming a fearful responsibility the consequences of which they must face. You vote millions every year to an army and a navy to protect the nation's interests and uphold the flag, yet not a cent to those who when the real peril of the future comes must bare their breasts to the storm of shot and shell in the nation's defense. [Applause.] Millions more are expended in the construction of ironclads and the erection of fortifications against an enemy that will never come, whilst all unheeded the very foundations of the Republic are being sapped and at the door of millions of households the deadliest foe to peace and happiness stalks in and takes possession. [Applause.]

Tens of millions are devoted to rivers and harbors that commerce may be promoted, but not a dime to stay this seething tide of ignorance that darkens the land and year after year grows in intensity and volume. [Applause.] What excuse can you give for this wanton, shameful neglect of an interest overshadowing in its proportions and which reaches into every fastness of the mountain and all the valleys that lie between? Will you tell them again that the Speaker is alone responsible and then return and re-elect that Speaker without a dissenting voice? [Applause.] Unlettered and credulous these people may be, but once deceived they do not forget the deceiver. They know now that education is the rule and not the exception; they know that he who wins in the battle of life must be panoplied for the fray; that their children must be armored with intelligence ere they can hope to contend with the children of the North and West.

From the embrace of that environment which for generations has held them with chains of iron, they are slowly it may be, but none the less surely, emerging. And he who seeks to perpetuate their old condition will reckon without his host. A spark of hope has been kindled in their breasts by the promise of the Blair bill—by the promise that the children to come after them shall not inherit their pitiable lot. They see the dawning of a new day for them and theirs, and by its first glintings they recognize their true friends, and recognize, too, those who blinded them with passion and prejudice and led them like sheep to the slaughter.

The light that spreads intelligence throughout the South dissolves its solidarity. [Applause.] And therein lies the only explanation I can give of the hostility of Democratic politicians—not the people—to public education. They know that intelligence begets independence in thought and action; that independence elevates manhood and womanhood; that it suggests comparison of condition and inspires the ambition to reach to higher things; that it scorns the bondage of passion and prejudice, and, looking to material betterment, demands the right to strike a blow in its own behalf.

And knowing this the representatives of national Democracy plant themselves athwart the pathway of the public school. They refuse to accept the $58,000,000 offered to the children of the poor throughout the South, and say to them, Live and die in ignorance as your fathers did, for then, and only then, this latter-day Democracy can live. [Great applause.]

Mr. WISE. Mr Chairman, I ask unanimous consent of the House that I may occupy this floor just as long as the gentleman has if I choose to do so.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to occupy the same length of time occupied by his colleague.

Mr. KELLEY. I hope it will be granted.

There was no objection, and it was ordered accordingly.

Mr. WISE. Mr. Chairman, when I entered the Hall this morning it certainly was with no intention of making a speech on the Blair bill before the end of the day. It did not occur to me that when a bill making appropriations for deficiencies is under consideration it was the proper time for the discussion of an educational bill, unless I should be actuated by the same purpose which animated my colleague to make up for his own deficiencies. [Laughter and applause on the Democratic side.] If I chose to go into his record I might appeal to it to know what he has done for Virginia, either on the subject of education or in any other direction. [Laughter and applause on the Democratic side.]

We all understand the purpose proposed to be accomplished by the speech just delivered. The gentleman's opponent is in the field and it becomes necessary for him to deliver on this floor a political speech to be used in the campaign. I thank God that the people of Virginia are not so ignorant as to accept a dodge like that for his deficiencies in his services to them as their Representative. [Laughter.]

I do not propose on this occasion to address myself to the merits of the Blair bill. It is known to the members of the House that I am in favor of it. It is also known to the members of the House that my people are in favor of it. When I came to this House in 1880 the Republican party was in a majority in every branch of the Government. Warren J. Keifer, of Ohio, occupied that chair, and this House was Republican by a clear majority. The Senate, too, was Republican by a clear majority. Yes, the President of the United States was a Republican.

Mr. PAYSON. By a large majority. [Laughter.]

Mr. WISE. I repeat they were in a majority in every branch of this Government. The Blair bill was then before the Senate. The Blair bill was then before the House. Did they pass it? No. Why not? Because they lied when they said they wanted it. [Laughter and applause on the Democratic side.]

They had an opportunity to pass it. They had, I repeat, an opportunity to pass it, but did not; and their failure to do so is confirmation of the assertion that their claim of being in favor of it is false. The gentleman from Virginia just now arraigned the honorable gentleman from Texas [Mr. CRAIN] for reporting a bill to the House during the Forty-ninth Congress for the distribution of the public money in aid of education on the basis of population. Why, he has forgotten the record of his own leaders. It was John A. Logan, the Republican candidate for the Vice-Presidency in 1884, who offered that amendment in the Senate to the Blair bill, and on the floor of the Senate championed it, declaring that he was not in favor of taxing his people to pay for ignorance in the South on the basis of illiteracy. Let him take that home to Virginia with him. [Laughter and applause.] His own candidate for the Vice-Presidency was the first man who wanted the distribution of the money from the public Treasury in aid of education on the basis of population. And why is the gentleman from Virginia in favor of it at present? He has told you the reason: because he gets so much money. [Laughter.] It is a question of dollars and cents with him and nothing more; it is not a question of principle. [Renewed laughter.]

During the first session of the Forty-ninth Congress Hon. John A. Logan, then a Senator from the State of Illinois, said:

Why, sir, the proposition I made first in 1882 was that $50,000,000 be appropriated out of the revenues of the United States and distributed according to the population in the States and Territories for the benefit of the illiterate children of the whole country. (See CONGRESSIONAL RECORD, volume 76, page 1993.)

If the gentleman will turn to the CONGRESSIONAL RECORD, first session Forty-seventh Congress, volume 52, page 1950, he will find that Mr. Logan, in explaining his bill, said:

Let us therefore first examine the bill carefully in order that we may understand clearly its provisions. These are simple, and, so far as the wording is concerned, easily understood. The first section provides that from and after the passage of the act the entire income derived from the internal-revenue taxes on the manufacture and sale of distilled spirits shall be appropriated and expended for the education of all the children living in the United States. The second section provides for the method of distributing this revenue, as follows: That the money so received shall be distributed to the several States and Territories according to the population as shown by the census of 1880 and each succeeding census, for the purpose of being applied by such States and Territories solely for the purposes of education as in this bill provided for.

In his reference to the substitute for the Blair bill reported by the Committee on Labor of this House during the Forty-ninth Congress, the gentleman from Virginia said:

It proposed to render problematical the fund from which the appropriation was to be made by providing that it should be derived from the proceeds of the sale of public land, and it robbed the bill of its very germ and essence by providing that the distribution should be made on the basis of population and not on the basis of illiteracy.

The only difference between the substitute which he has characterized with much severity and the proposition offered by Mr. Logan is that the former proposed the appropriation of the proceeds of the public lands and the latter the revenues derived from the manufacture and sale of distilled spirits in aid of education.

Mr. Logan's proposition was to continue that odious system of taxation known as the internal revenue, and to make the distribution on the basis of population, by which the lion's share would have been secured to his own State.

In the Forty-eighth Congress the Blair bill was before the Senate again, and then Mahone, of Virginia, was a Senator. Thank God, he is not now. [Renewed laughter.] Mahone, of Virginia, was there. I have the vote here in my hand to show what was done; and when that vote was taken in the Forty-eighth Congress Mahone voted how? Ah, Mr. Chairman, Mahone is reported absent. [Renewed laughter.] He was not paired. We asked him in Virginia, "Why is it that you were absent on this important occasion, when the RECORD shows that you were there both the day before and the day after?" He endeavored to dodge the question. There is no other word to describe it. [Renewed laughter.] He tried to get out of it, and the other Republican Senator from Virginia, one H. H. RIDDLEBERGER, came before the public and testified that Mahone was absent because he was opposed to the bill. [Laughter and applause on the Democratic side.] And that is your leader. [Laughter.] You want to educate the ignorant people of Virginia and you are following a man—your "boss"—who, when he had an opportunity to vote for the bill, on the testimony of one of Virginia's Senators, dodged the issue. [Laughter and applause on the Democratic side.]

Why, I heard two gentlemen just now on the other side of this House, on the Republican side, Mr. CANNON, of Illinois, and Mr. KELLEY, of Pennsylvania, applauding Mr. YOST. I have the record here on them. Let us see how it stands. In the Forty-ninth Congress that bill, that Senate bill, was referred to the Committee on Education. Mr. Willis, of Kentucky, not a Republican but a Southern Democrat, called for a conference of the friends of the Blair bill, and I was one of that number. We discussed the matter, and agreed that the proper method of procedure was to take the Blair bill as it passed the Senate and introduce it again, and on the day of its reintroduction to make a motion to refer it to the Committee on Labor. That is the way that it got to the Labor Committee. Go tell the people of Virginia that her Representatives here—not you—[laughter] allied with a gentleman from Kentucky, Mr. Willis, had it referred to the Committee on Labor. My friend from North Carolina here, Mr. COWLES, was with us, and my friends, Mr. JOHNSTON and Mr. HENDERSON, of North Carolina, were also with us.

I find upon page 2882, CONGRESSIONAL RECORD, volume 77, Forty-ninth Congress, first session, that a vote was taken on the motion of the gentleman from Kentucky, Mr. Willis, to refer the Blair bill to the Committee on Labor. What do we find there? Every Democratic member of this House from Virginia voted in favor of its reference to that committee. Let me read their names: Barbour, Cabell, Croxton, Trigg, and WISE. Five in all. All the Democrats.

I want to do justice all around. Mr. Brady, a Republican of Virginia, but not a follower of the "Boss," was with us. [Laughter.] The vote was taken on the question of reference, and my honorable friend from Illinois [Mr. CANNON] voted against it. My honorable friend from Pennsylvania, WILLIAM D. KELLEY, voted against it.

Mr. KELLEY. Against what? I have not been hearing what the gentleman said.

Mr. WISE. You voted against referring the Blair bill to the Committee on Labor.

Mr. KELLEY. Oh, that I may have done.

Mr. WISE. Oh, yes; you may have done it. [Laughter.] Now just hold on one moment. Of course you did it. I have got you right here. [Laughter.] I want my honorable friend from Pennsylvania to understand that I never make a statement unless I know it to be true, and then I will swear by and stick to it until death. [Renewed laughter.]

Mr. CANNON. Why not pass the Blair bill now, if the gentleman and his friends will aid us——

Mr. WISE. You just wait; you are just consuming my time.

Mr. HISCOCK, a Senator from New York now, voted against it. I suppose you gentlemen will say you did not oppose the reference of the Blair bill to the Committee on Labor with the purpose of defeating it. And yet there could have been no other motive. All the opponents of national aid to education voted in the negative. But I have got Mr. HISCOCK tight. Let us see.

Mr. GALLINGER. Permit me to correct my friend——

Mr. WISE. No, sir; just keep your seat now. [Laughter.] The Blair bill——

Mr. GALLINGER. But I was on the conference, and I want to state to the gentleman a fact that he has overlooked.

Mr. WISE. You have been talking all this session. [Laughter.] I have heard so much of you that I want to hear no more. [Renewed laughter.]

Mr. LAIRD. I suppose that is intended for a compliment.

Mr. GALLINGER. Well, just let me ask the gentleman a question.

Mr. WISE. I do not want your questions. [Laughter.]

Mr. GALLINGER. Very well· I will take my own time.

Mr. WISE. The Blair bill, Mr. Chairman—and I want this to go down to Virginia—the Blair bill passed the Senate on the 15th day of February, 1888. What was the vote? I have the record of that vote here, and it may be interesting to gentlemen. Let us examine it. I will read the names of the Democrats who voted for it: Mr. BERRY, Mr. BROWN, Mr. CALL, Mr. COLQUITT, Mr. DANIEL, Mr. EUSTIS, Mr. GEORGE, Mr. HAMPTON, Mr. HEARST, Mr. JONES of Arkansas, Mr. PASCO, Mr. PAYNE, Mr. PUGH, Mr. RANSOM, Mr. VANCE, Mr. WALTHALL.

Mr. YOST. How many against it? Seventeen against it.

Mr. WISE. Republicans voted against it.

Mr. TOWNSHEND. Give us their names.

Mr. WISE. I am going to read them. I am going to read the names of those that were not in favor of it, now: ALDRICH, DAVIS, FARWELL—Mr. CANNON, your Senator; FRYE—Blaine's Senator; HALE—the other Senator of Mr. Blaine; HAWLEY, a prominent candidate for the Republican nomination at the Chicago convention; HISCOCK, the very man that helped to kill it here, gone to the Senate and has voted directly against it; INGALLS, who, we are all told, in case of a war with Great Britain is going to command the forces of the country [great laughter and applause]——

Mr. LAIRD. What becomes of Cleveland? Is INGALLS going as his substitute?

Mr. WISE. JONES, of Nevada; PLUMB, of Kansas; SABIN, of Minnesota, and SPOONER, of Wisconsin.

Mr. DAVIS. How many voted for it?

Mr. WISE. Sixteen Democrats, and 15 Republicans against it.

Mr. DAVIS. How many Republicans voted for it?

Mr. WISE. Now, Mr. Chairman, in all honor and fairness, do you not think it is audacity to have the gentleman from Virginia [Mr. YOST] come here, hard pressed in his canvass, and, in order that he may have ammunition, with this record staring him in the face, endeavor to make a party question of the Blair bill? I do profess that I would not be guilty of a lie; and I believe the man who practices a

fraud is guilty of a lie. I would not be guilty of a lie for my seat here. I would not hold it, if I were capable of perpetrating a lie. I want to make no false impression. I do not want it to go forth to my people that all Democrats are in favor of the Blair bill. I know they are not; neither are the Republicans. This is not a party question.

The man who attempts to make it a party question is either in a state of ignorance or worse. He is willing to sacrifice the cause for a political, party purpose. I was once prosecutor in my district, and of all crimes in the catalogue I hated that of false pretense worse than any other. To the bold, brave highwayman, who would come and demand your purse, you might give some portion of your admiration for his courage. But the small man and the sneak-thief who filches money by false pretenses excites your disgust. Mr. Chairman, I like the bold, brave, manly——

A MEMBER. Highwayman.

Mr. WISE. Statesman, who honestly follows his principles anywhere and everywhere, and who would scorn to profit by a false impression. I thank the House kindly for its attention [Great applause on the Democratic side.]

Mr. BURNES. I call for the reading of the amendments.

The CHAIRMAN. The gentleman from Virginia [Mr. YOST] has asked recognition, and the Chair will hear him.

Mr. YOST. Mr. Chairman, I am perfectly willing—— [Cries of "Regular order!"] Oh, yes; call for the regular order if you want. I am perfectly willing to have this question put to a test here and now, and see whether or not it is a Republican measure, and whether the Republicans favor it. This House can do anything by unanimous consent, and I ask unanimous consent that the Blair bill be taken up now, and no man on the Republican side is going to object. [Cries of "Regular order!"]

The Speaker rapped to order and demanded that the members take their seats.

During the confusion a colloquy continued between Mr. COWLES, of North Carolina, and Mr. YOST, which could not be heard by the Reporter.

Mr. BURNES. I ask unanimous consent to return to different portions of the bill for the purpose of offering amendments.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] asks unanimous consent to return to different portions of the bill for the purpose of offering amendments. The Chair will cause the amendments to be read, and then submit the question as to whether unanimous consent will be given. The Chair again requests members of the committee to resume their seats and to stop conversation.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN, of Michigan. I understand that the gentleman from Virginia [Mr. WISE] says Republicans were opposed to the Blair bill. I want to ask now—— [Cries of "Regular order!"] I have a question to ask now, and I am going to ask it.

The CHAIRMAN. The Chair will hear the parliamentary inquiry of the gentleman, but he will confine his statement to the question.

Mr. ALLEN, of Michigan. The question is whether unanimous consent can now be given to vote upon the Blair bill?

The CHAIRMAN. The Chair will state to the gentleman from Michigan that the House is in Committee of the Whole for the purpose of considering an appropriation bill and can not proceed to the consideration of another matter.

Mr. ALLEN, of Michigan. Would it be in order to go out of Committee of the Whole for that purpose? If it is, then I move that the Committee of the Whole rise so as to vote on this question.

Mr. BURNES. I ask unanimous consent that the amendments be reported.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the amendments may now be reported.

The Clerk read as follows:

Strike out of the bill the following:
"Lines 14 to 25, inclusive, on page 2; lines 1 to 8, inclusive, on page 3, and lines 11 to 15, inclusive, on page 7."

Mr. BURNES. I beg to offer this explanation to the committee. The parts that we propose to strike out of this bill have been taken care of in the sundry civil bill in conference, so that it is simply to strike them out of this bill in consequence of that fact.

The CHAIRMAN. Is there objection to this amendment at this time?

Mr. ALLEN, of Michigan. I think I shall have to object, Mr. Chairman, unless the gentleman from Missouri [Mr. BURNES] will consent that after this is disposed of the committee will rise, in order that unanimous consent may be given for the passage of the Blair bill. [Murmurs of dissent on the Democratic side.]

Mr. ALLEN, of Michigan. I withdraw the objection if the gentleman will not agree to my proposition. [Laughter.]

The CHAIRMAN. Is there objection to the amendment offered by the gentleman from Missouri [Mr. BURNES]?

There was no objection, and the amendment was agreed to.

Mr. BURNES. I now offer another amendment, which I send to the desk.

The amendment was read, as follows:

Page 36, after line 11, insert:
"To pay Charles L. Sauer, for services rendered as assistant enrolling clerk during the last session of the Forty-ninth Congress, $20."

There was no objection, and the amendment was agreed to.

Mr. BURNES. I also offer another amendment, which I send to the desk.

The amendment was read, as follows:

In lieu of the amendment inserted on page 32, after line 15, insert:
"Support of prisoners: For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, being for the service of the fiscal year 1887, $25,000."

The CHAIRMAN. Is there objection?

Mr. BURNES. I wish to say, Mr. Chairman, that the only object of this amendment is to remedy a defect in a provision which is now in the bill and has been passed upon by the committee. The gentleman from South Carolina [Mr. COTHRAN] submitted an amendment which was incorporated in the bill, but we have thought that the language of the amendment which has just been read would probably be more effective. It is intended to accomplish the same object as the existing provision. There is no change in the amount and no change in the purpose, and therefore I hope there will be no objection to this amendment.

Mr. HOOKER. Mr. Chairman, I shall not object to the amendment, but I want to be heard upon it for a few minutes.

Mr. BURNES. Of course the gentleman can not be heard unless he is going to object to the amendment.

Mr. HOOKER. Why not?

Mr. BURNES. If the gentleman objects let him signify his objection, and I will withdraw the amendment.

Mr. HOOKER. I do not object. I merely want to reply to a certain point which was made by the gentleman from Ohio [Mr. SENEY] the other day.

Mr. BURNES. I withdraw the amendment, and I now move that the committee rise and report this bill to the House.

Mr. HOOKER. I move to strike out the last section of the bill.

Mr. BURNES. The last section has been already passed.

Mr. HOOKER. I move to strike out the last word.

The CHAIRMAN. That motion is not in order. The gentleman can not be heard except by unanimous consent.

Mr. HOOKER. My object is to correct a statement made by the gentleman from Ohio [Mr. SENEY] in a speech which he made the other day when I was absent.

Mr. BURNES. You will have a chance to do that on the sundry civil bill.

Mr. HOOKER. I want to do it on this bill.

Mr. BURNES. I insist upon my motion that the committee rise.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] moves that the committee do now rise and report the bill to the House.

Mr. TOWNSHEND. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. I desire to know whether it is not in order for the gentleman from Mississippi [Mr. HOOKER] to offer an amendment in addition to the present text of the bill?

The CHAIRMAN. The gentleman from Mississippi has not offered any amendment.

Mr. TOWNSHEND. But is it not in order for him to do so?

The CHAIRMAN. When the gentleman submits an amendment, the Chair will determine whether it is in order or not.

Mr. FARQUHAR. Mr. Chairman, I desire to submit an amendment.

The CHAIRMAN. The gentleman from New York [Mr. FARQUHAR] asks unanimous consent to submit an amendment to the bill. The amendment will be read, after which the Chair will ask for objections.

Mr. HOOKER. Do I understand the Chair to state that that amendment will not be debatable?

The CHAIRMAN. The amendment is not before the committee. The gentleman from New York [Mr. FARQUHAR] asks unanimous consent to offer it.

Mr. BLAND. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. The gentleman from Missouri [Mr. BURNES] has moved that the committee rise and report the bill to the House. Does not that motion cut off all these proceedings?

The CHAIRMAN. Pending that motion, the gentleman from New York [Mr. FARQUHAR] asks unanimous consent to offer an amendment.

Mr. BLAND. Well, I demand the regular order.

Mr. FARQUHAR. I simply desire to say that this amendment which I now propose is one which concerns the whole House. It is for the relief of a man who has been its faithful servant for years. The gentleman from Missouri [Mr. BURNES], who has charge of this bill, knows the merits of the proposition——

Mr. BLAND. Mr. Chairman, I demand the regular order.

Mr. FARQUHAR. I ask that the amendment may at least be read,

by the courtesy of the gentleman from Missouri [Mr. BLAND], so as to admit it to the RECORD.

Mr. BLAND. I demand the regular order.

Mr. DIBBLE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. I claim that the point of order which was ruled upon by the Chair was ruled upon the first paragraph of the section.

Mr. BURNES. No, sir; it was upon all.

Mr. DIBBLE. Let me get through with my point of order, if you please. I claim that it could not have been ruled on any more than that portion of the section, because the rest of it never has been read to the House. The reading stopped with that paragraph.

Now, Mr. Chairman, I wish the House to understand distinctly that I do not raise this question of order for the purpose of repeating on the remaining paragraphs of the bill the struggle we have already had, for I accept the decision of the House in the vote which was taken as final in reference to the whole section. But as a point of order I submit that the regular order when demanded is the reading of the remainder of the bill for the purpose of allowing the same point of order to be repeated, and this will give my friend from Mississippi the opportunity to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] when the point of order was made stated distinctly to the committee that he made the point of order upon the whole section and upon every paragraph in the section. The Chair in ruling stated that the point of order was sustained as to every paragraph in the section, which ruled out the whole of it; and in that way the whole section has been disposed of.

Mr. DIBBLE. The point I make is that if the regular order were strictly carried out the rest of the section would have to be read in order that the ruling should apply to it. The reading was never waived. I insisted on the reading of the first section, and the rest was not read. The reading has never been waived. Therefore I think the gentleman from Mississippi is in order in offering an amendment now.

The CHAIRMAN. The time for making the point of order was before the consideration under the five-minute rule and after the general debate. The reading of the bill under the order of general debate was waived by unanimous consent, which was a waiving of that reading to which the gentleman from South Carolina refers. It was in order when the section was reached for the gentleman from Missouri to make a point of order with reference to the whole section, which was done, and the point of order sustained. The gentleman from Missouri now moves that the committee rise and report the bill to the House.

Mr. DAVIS. I move to amend the motion of the gentleman from Missouri——

Mr. CHEADLE. I rise to a parliamentary inquiry. Can a motion to strike out a section of a bill prevail before the section is read?

The CHAIRMAN. No motion was made to strike out; the section was stricken out on a point of order.

Mr. DAVIS. I move to amend the motion of the gentleman from Missouri by adding "and that the chairman be instructed to report to the House that the committee have not considered the fourth section, it having been ruled out of order by the Chairman, whose decision was sustained by the committee." I move this as an amendment in order that the fact may be reported to the House.

Mr. NELSON. I submit that that motion is not in order.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order. The only question before the committee is on the motion that the committee rise and report the bill to the House.

Mr. DAVIS. As evidence that this motion is in order, I would refer the Chair to the Digest of Rules and Practice of the House, pages 312 and 316:

> The Speaker can not rule in regard to what occurred in Committee of the Whole unless it be reported by the Chairman under instruction from said committee. (Page 312.)
>
> It has become the well-settled practice of the House that the Speaker can not rule upon a question decided or pending in the Committee of the Whole House unless it be reported by the Chairman of the committee. (Page 316.)

The motion which I submit embraces a fact of which I desire the House to have official knowledge, in order that the Speaker may rule upon the question which may then be presented.

The CHAIRMAN. The Chair has already decided the question of order; and therefore it is now too late to ask that the question be referred to the House. The decision having been made by the Chair and sustained by the committee, there is nothing to report to the House, because the consideration of the question has been concluded.

Mr. DAVIS. But it is on a motion to rise and report the bill to the House that I offer this amendment, so that when the committee rises this fact may be stated to the House.

The CHAIRMAN. If, pending the consideration of this bill, and before the point of order had been disposed of by the committee, the gentleman had moved that the committee rise and report the question to the House for its opinion, the Chair might have held that proposition in order. But now the Committee of the Whole has disposed of the question, and it is not before the committee.

Mr. DAVIS. I simply desire to have reported to the House the fact of the action of the Committee of the Whole, just as the House will report upon the motion of the gentleman from Missouri that the bill has been considered by the committee and a certain conclusion arrived at. I wish the entire facts to go before the House.

The CHAIRMAN. The Chair can make no report except that the committee, having considered the bill, has directed him to report it back with amendments, which has been the customary report heretofore. [Cries of "Regular order!"]

Mr. CANNON. I care nothing especially about this question; but the Committee of the Whole having had referred to it the deficiency bill for consideration and report to the House, and the bill having been considered, and a portion of it having gone out upon a point of order, it looks to me as if when the bill is about to be reported back to the House, it is competent for a majority of the committee to report to the House how the bill was disposed of.

1. Was it amended, and if so, what were the amendments?

2. Were certain portions stricken out on points of order, and if so, what portions? Then, of course, when the House has possession of all of the action of the committee it is competent to take such action as it may desire. But if it is reported back to the House with a statement as to how the section was disposed of on the point of order the House would have no power, I take it, to consider that portion of the bill which goes out on the point of order in committee.

The CHAIRMAN. The practice has been when parts of a bill are ruled out on a point of order not to report them back to the House.

Mr. HOOKER. Mr. Chairman, I rise to a point of order, and it is in reference to the point made by the gentleman on the other side of the House. I would like to know when a bill has been reported to the House from the Committee of the Whole by the chairman in charge of it whether he is to make any report in regard to the amendments which have been adopted in the committee? As a matter of course these amendments, as the action of the committee, are a portion of the report of the gentleman having the bill in charge. When he comes to make his report is he not constrained to say that by a point of order sustained by himself as chairman of the committee the fourth section of the bill, which embraced the French spoliation claims, has been stricken out? Will that not necessarily have to be reported as part of the action of the committee?

I think, therefore, the point made by the gentleman on the other side of the House is the correct one, and that in making the report the House should be instructed by the committee as to what the committee has done. In such case when the committee reports to the House the House will understand it. The House may agree with amendments or disagree without amendments. If they add to it or take from it in the Committee of the Whole, when they add to it or take from it it is a matter to come up before the House for the action of the House, as the amendments offered by the gentleman from Missouri [Mr. BURNES] to this bill necessarily come up for action in the House, and they are to be voted on in the House.

If that be so, then every action of the committee has to be reported, because the committee acts as an ordinary committee and reports for the consideration of the House, and when the House receives the report of the gentleman having it in charge, it can adopt or reject it, or adopt it in part and reject it in part. Therefore, I take it, the point of order made by the gentleman on the other side is correct.

Mr. BLOUNT. The Chair has ruled on this question several times, and I should like to know if there is any way in which it can be finally disposed of.

Mr. BRECKINRIDGE, of Kentucky. I desire to offer an amendment.

The CHAIRMAN. The Chair will ask whether there is objection.

Mr. BRECKINRIDGE, of Kentucky. It is to amend the motion of the gentleman from Missouri [Mr. BURNES] that the committee now rise and report the bill favorably to the House. I move to add the words, "and report to the House the fourth section of the bill, which has been ruled out on a point of order, with the recommendation that it be recommitted to the Committee on Appropriations with instructions to report it back in ten days."

Mr. Chairman, I apprehend the Committee of the Whole has precisely the same powers as any other committee of the House; that it is not the House, but a committee of the House, simply different from other committees in being composed of all the members of the House.

It was instructed by the House to consider a certain bill and a certain section in it, which section itself set out certain claims which had been by order of the House referred to the Committee on Appropriations with direction to be reported back, and which were reported back by that committee in obedience to that order. Now, this committee which the House ordered, the Committee on Appropriations, to report these claims back, and having reported them back, as it was ordered to do, and they having been embraced in the fourth section of the pending deficiency bill, it seems to me when the Committee of the Whole strikes out that section on a point of order, that it is in order for the Committee of the Whole House on the state of the Union in reporting its action to the House to report any recommendation pertaining to this bill which it may please to do. It can report it with amendments. It can report it back with a substitute. It can report it with a recommendation that section 4 shall be recommitted to the Committee on Appro-

priations with instructions to report it back within ten days. Otherwise the committee is superior to the House. It is arrogating to itself the duty of refusing to consider what the House ordered the Committee on Appropriations to return to this House and what the House committed to this Committee of the Whole for consideration.

Personally I have no feeling one way or the other as to whether these particular claims go in or not. I have performed what I regarded as a public duty as to the claims, and as to the merits I have nothing more to add; but I think, in view of precedents already established and the precedent about to be established now, that it is a matter which merits a good deal more serious consideration than gentlemen appear to give it, and have therefore suggested a motion which returns the claims to the House for its action.

Mr. BLAND. It seems to me that would be an attempt to reverse the action of the committee already taken.

Mr. BRECKINRIDGE, of Kentucky. In that the gentleman is wholly mistaken. It is precisely as if the gentleman's Committee on Coinage, Weights, and Measures, with a bill referred to it by the House, should report the bill back with certain sections in it with the recommendation that it be passed and with certain other sections that it considered not within its jurisdiction and asked to have those sections referred to the Committee on Banking and Currency. Who would say that it was improper for the House to reverse the action of his committee? It is in precise accordance with the action of the Committee of the Whole in the present instance. The Chairman of the committee has decided here, and the committee has approved the decision, that this section is not a proper section for this bill. That is the present status. To meet that what are we to do?

I have draughted this motion in accordance with and obedience to that decision. Instead of reversing the action of the committee, I submit to it, and all that I do is simply to present to the committee a resolution which refers the matter committed to it back to the House with a certain recommendation. We report back to the House what we say we have not jurisdiction over. We report back what we say is not properly in this bill. We report to the House what we have done in connection with this matter, and then go a step further and recommend to the House to do what it did on last December; that is, to recommit this particular section to the same committee, to wit, the Committee on Appropriations, to which it then committed it, with instructions to report the subject-matter back in a separate bill in order that it may be considered by the House. For, Mr. Chairman, it seems to me, otherwise the precedent which will be established is one which the House ought to be careful about. Here are claims, whether honest or not, which the House in the Forty-eighth Congress ordered to be sent to the Court of Claims for an ascertainment of the facts. That court has acted upon them, and they are returned to this Congress. By order of this Congress they are sent to a certain committee. For seven months the Speaker of this House, as the organ of the House, has referred to that committee under the continuing order of the House these various claims as they came from the court. That committee in obedience to that order of December, and in obedience to these recurring orders of the Speaker as the organ of the House, reports the claims to the House for consideration.

They are not only reported to the House, but they are reported by a committee of which nine of its members make an argument against them without raising any point of order. The House commits the bill with the section in question to the Committee of the Whole. Days are spent in discussing the bill——

Mr. WEAVER. Will the gentleman yield to me for a question just there?

Mr. BRECKINRIDGE, of Kentucky. As soon as I complete the sentence.

And after days of discussion suddenly it is discovered that after all that order was null and void; that the Speaker of the House, and I say it with the greatest respect, acted as the organ of the House with curious ignorance of parliamentary law; that his action all these months had not been legal, and that it was simply an act of nugatory usurpation to refer these claims to the committee; and now at the end of nine months' session these claims, having been sent back by the court and thus treated, are entirely cut out by an order of the Committee of the Whole, not because they were unmeritorious, but because after the House itself had ordered a mode of hearing, considering, and determining them that mode turned out to be no hearing at all. Now, all that leaves a flavor and discloses a method regarding the treatment of claims which ought not to surround our action in regard to them, whether they be just or not.

The motion I make simply takes the vexed question and returns it to the House and recommits it to the committee, and furnishes an opportunity to say whether it will yet carry out the order of last December and consider these claims.

I now yield to the gentleman from Iowa for his question.

Mr. WEAVER. I understand the motion of the gentleman to be this: to have a report made to the House in regard to the section stricken out; that the claims therein embodied be recommitted to the Committee on Appropriations with instructions to report——

Mr. BRECKINRIDGE, of Kentucky. In a separate bill.

Mr. WEAVER. Yes. Now, I want to say this——

Mr. BRECKINRIDGE, of Kentucky. I will yield to the gentleman.

Mr. WEAVER. That the section stricken out is not in the bill or before the House, and that it can not be recommitted. Nor can a separate section of a particular bill be recommitted, for it is not a bill, nor the subject of recommittal. You can recommit the whole bill, but not a part of it.

Mr. BRECKINRIDGE, of Kentucky. In response to the gentleman——

The CHAIRMAN. The Chair will state that upon the point of order which has been made the Chair is ready to rule.

Mr. McMILLIN. Permit me to say a word in addition to the point very properly made by the gentleman from Iowa before the ruling of the Chair: That the section not being in the bill, it is not subject to any action by the committee at this time. If it were a subject for action by the committee at this time, the committee could not take the course indicated by the gentleman from Kentucky, for the reason that it has been already determined that by reason of the rules of the House this committee has not jurisdiction of the subject-matter. It has ignored it because it has not jurisdiction. Is it possible, then, that we have jurisdiction for the purpose of recommitment and instructions to the Committee on Appropriations as to what it shall do, and can force it before the House, when we have not, as determined by the committee itself, jurisdiction to consider the subject-matter as it has been before us in this bill? The position of the gentleman is manifestly untenable.

Mr. HOOKER. If the proposition of the gentleman from Tennessee [Mr. McMILLIN] which has just been stated on the resolution of the gentleman from Kentucky [Mr. BRECKINRIDGE] is true, then it would be in the power of the Committee of the Whole absolutely to emasculate every bill that was presented for its consideration, report it back to the House, and give the House no control of the committee in the revision of its action and in the revision of its amendments. The position of the gentleman from Tennessee is not maintainable as a parliamentary position for the reason that, if that were the case, then you can not get anything before the House that was in the bill and the Committee of the Whole had refused to act upon. The House referred it to the Committee of the Whole for its consideration, section by section, to make amendments thereto, and to report it back to the House.

But the House can not lose absolutely all control of the measure any more than the House would lose absolute control of a question which was referred to one of the standing committees of the House. If that were the case, then the standing committees of the House and the Committee of the Whole, acting upon a subject which had been referred to them, can take a section out and report the bill back to the House without any part of the bill relating to that matter in it. And then it gives the House no power over the subject-matter which it had referred to the committee.

Mr. BLOUNT. I rise to a question of order.

Mr. BRYCE. I ask that the resolution be again reported.

The CHAIRMAN. The Clerk will report the resolution again.

The Clerk read as follows:

Resolved, That the committee do now rise and report to the House that the committee held that the fourth section was not in order in this bill, and that it now reports that section to the House with the recommendation that the said fourth section be recommitted to the Committee on Appropriations with instructions to report within ten days said section back to the House in a separate bill.

The CHAIRMAN. The Chair is of opinion that the resolution is not in order now.

Mr. BURNES. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER, from the Committee of the Whole House on the state of the Union, reported that the Committee of the Whole had had under consideration the bill (H. R. 10896) making appropriations to supply deficiencies for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and had instructed him to report the same to the House with sundry amendments.

Mr. LONG. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts will state it.

Mr. LONG. The report which has been made by the Chairman of the Committee of the Whole did not state anything about the fourth section; and my parliamentary inquiry is whether or not the bill is now before us with the fourth section in it. My own belief is, Mr. Speaker, that the fourth section is still in the bill, and there is nothing in the report of the Chairman of the Committee of the Whole which conveys to you or the House the slightest information that the fourth section has been stricken out. As a matter of fact in Committee of the Whole, upon a point of order, the fourth section was stricken out; but the House referred this bill with the fourth section in it to the Committee of the Whole as it would refer it to any other committee. It was referred to the Committee of the Whole in order that the Committee of the Whole might consider it, recommend amendments, and report it back to the House for the purpose of considering the amendments which had been adopted in the committee. It had no power

to strike out on a point of order. If it on a point of order could strike out one section it could strike out other sections and the whole bill, and then you would have a bill brought back without anything pertaining to the subject in it. Now, my parliamentary inquiry is whether or not in fact the fourth section of the bill is now in it which had been stricken out in the Committee of the Whole?

The SPEAKER. The Chair will state that the Chairman of the Committee of the Whole has the same right to decide a point of order in committee as the Speaker has to decide the same point in the House. When the bill is reported back to the House with a section stricken out on a point of order the Chair is bound to respect that action of the committee.

Mr. LONG. There has been no report of that fact made to the House.

Mr. HOOKER. I propose to recommit this bill with instructions to the committee.

Mr. BURNES. I demand the previous question on the engrossment and third reading of the bill and amendments.

The SPEAKER. The Chair will state to the gentleman from Mississippi that after the previous question is ordered his motion will still be in order.

The previous question was ordered.

The amendments were agreed to in gross.

The SPEAKER. The question now is upon ordering the bill to be read a third time.

Mr. HOOKER. I move to recommit the bill, with instructions to report it back to the House leaving out the fourth section, and to report back the subject-matter of the fourth section in a separate bill.

Mr. CRISP. Mr. Speaker, I raise the question of order on that motion.

Mr. BURNES. I make the point of order on that motion.

Mr. HOOKER. I have made this motion, and I think I stand in an attitude where I can make it with more propriety probably than any other gentleman who agrees with me upon this subject; but I make it for the purpose of correcting a statement made by the gentleman from Ohio [Mr. SENEY] in his speech which he delivered the other day during my absence at the other end of the Capitol for awhile, which I should have corrected then had I been present. I will send to the Clerk's desk a paragraph to be read from that speech, and then I will submit my remarks.

The Clerk read as follows:

The gentleman from Mississippi [Mr. HOOKER] in urging the House to pay these claimants used no mild words in speaking of those who voted to send them to the Claims Court, but now refuse to vote for an appropriation to pay their demands. Listening to the remarks of the honorable gentleman, particularly upon this point, there was reason to believe that he would explain why he was now on the claimants' side of this controversy, when in December last he voted against the resolution directing the Committee on Appropriations to report an appropriation to pay these demands. But no such explanation was made. In the speech of the gentleman, which appears in the CONGRESSIONAL RECORD of Tuesday last, he gives the names of all members who voted for and against and those not voting for the bill to send these claimants to the Claims Court, but for reasons best known to himself he omits all mention of the names of those who voted for or against the House resolution of December last.

Mr. HOOKER. Mr. Speaker, I desire to say, in response to the sentiment which was uttered by the gentleman from Ohio [Mr. SENEY] during my absence from the Hall, and which I have had no opportunity since to reply to, in consequence of the House being engaged on points of order, that I voted in opposition to instructing the committee with reference to these claims, and I did so for the reason that on the 19th of December, when the resolution of my honorable friend from South Carolina [Mr. DIBBLE] was submitted, we had no Committee on Appropriations constituted, and of course no one knew what was to be the *personnel* of that committee as it was to be subsequently organized. I voted against the instruction because I did not believe that that was the best method of considering these claims. I voted against it because I believed, as I now believe, that every measure that is presented for consideration in this House ought to be presented upon its merits.

I voted against it because I would not wish to embarrass a deficiency bill by the consideration of a matter which did not pertain to it; and while I differ with the honorable Chairman of the committee who has decided this question, his decision has been adopted in Committee of the Whole, and will in all probability be adopted by the House. I voted against that resolution because I did not believe that it was proper for the House to refer any matter to a committee and instruct it how it should find on that matter, holding as I do that the judgment of the committee should be left free. That was the reason why I voted in the negative on that proposition. I did it for the reasons which were submitted by the honorable gentleman from Texas [Mr. MILLS], who participated in the debate, as I did not. Mr. MILLS said:

Let me ask the gentleman from South Carolina [Mr. DIBBLE] if he would not consent to so modify this motion as to have these claims referred to the Committee on Claims with instructions to report back as soon as possible such recommendations as they think proper, and then when you get them up before the House they will have additional weight given to them by a recommendation on the part of a committee that has thoroughly investigated their merits.

That was the reason I voted in the negative. Now, the honorable gentleman from Ohio [Mr. SENEY] in calling in question my vote upon that occasion and in explaining his own vote upon the bill of 1885, which referred these matters to the Court of Claims, endeavors to avoid the effect and responsibilty of his own vote in that case. I did not know then how he had voted, but upon examination I found that certain gentlemen had voted in favor of referring these claims, and among them, my friend from Alabama, Colonel OATES, and I referred to him by name in his presence as one of the gentlemen who had voted for that reference. Of course my remarks were equally applicable to every gentleman who so voted, and they were as applicable to the gentleman from Ohio [Mr. SENEY] as to any other member who voted in that way and no more so.

So far as my own vote is concerned, it was given for the reason that was urged, and in addition to the other honorable Democrats who voted with me, if I wanted authority and precedent for my action, I would find it in the fact that I voted on that question with the honorable gentleman from Ohio [Mr. SENEY] himself.

Mr. SENEY. What resolution does the gentleman refer to, the resolution of December last?

Mr. HOOKER. Yes, sir.

Mr. SENEY. I beg to say that I voted "no" on that resolution.

Mr. HOOKER. So did I. That is what you commented upon in your speech. I voted "no." I voted with the gentleman from Ohio [Mr. SENEY]. I voted according to my convictions of what was right, and when my friend and colleague [Mr. CATCHINGS] asked me if I was opposed to these spoliation claims, I said:

No, I am not opposed to them; they are claims against the Government, and whether they be old claims or very old claims, as the gentleman from Ohio saw fit to describe them, if they are just claims they ought to be paid.

I said that I was in favor of considering upon its merits every claim presented against the Government. I voted in that way in reference to the claims of the Choctaw Nation, which had been passed upon not only by the Court of Claims but by the Supreme Court of the United States, and yet the honorable gentleman from Missouri [Mr. BURNES] who has this bill in charge moved to strike out of the Indian appropriation bill the provision to pay those claims upon the ground that it belonged not to the Committee on Indian Affairs but to the Committee on Appropriations.

Mr. BURNES. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. I ask whether, in the discussion of a point of order, the presiding officer is required to sit and hear criticisms upon other matters not by any possible chance involved in the question at issue?

Mr. SENEY. I hope the gentleman from Missouri will not insist upon his point of order.

Mr. BURNES. I do insist upon it absolutely and unconditionally.

Mr. SENEY. I ask unanimous consent that the gentleman from Mississippi may be allowed to proceed.

Mr. HOOKER. I merely referred to the Choctaw claim as a cognate subject upon which there had been a ruling; not for the purpose of reflecting or making any criticism upon the action of any gentleman, but simply to show that that was the proposition that was made. Now, the honorable gentleman from Ohio, in the course of his speech, further said what I am about to read in the RECORD.

Mr. BURNES. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. I submit that a motion to recommit, which this substantially is, is not debatable.

Mr. HOOKER. I think it is; I differ with the gentleman. I understand the Chair so holds.

The SPEAKER. The Chair thinks the motion is debatable, because the previous question has not been ordered upon the passage of the bill.

Mr. HOOKER. I will then proceed.

Mr. BLAND. My colleague [Mr. BURNES] demanded the previous question.

Mr. HOOKER. The resolution for recommitment is now before the House.

Mr. BLAND. A question of order has been raised on this proposition, and it is not before the House until the point of order has been decided.

The SPEAKER. But the gentleman from Mississippi appears to be arguing the question of order. The Chair will cause the rule to be read.

Mr. HOOKER (after a pause). Mr. Speaker, shall I proceed?

The SPEAKER. The gentleman may proceed.

Mr. HOOKER. Mr. Speaker, the gentleman from Ohio says further, and I will not detain the House more than a moment:

In my judgment the Congress of 1885 made a great mistake in asking the Court of Claims for advice as to the validity of these claims.

Now, it will be remembered that the honorable gentleman from Ohio had himself voted for the very bill referring these claims to the Court of Claims.

In another portion of his speech he says: "This is simply the judgment of five men." Well, Mr. Speaker, it is the judgment of five men; but of five men sitting as judges, under their oaths of office, to decide according to the merits of each particular case.

I may say further, Mr. Speaker, in answer to what has been said in opposition to these claims and their validity, that at least two Congresses before our time, a Congress in the days of President Polk and

a Congress in the time of President Pierce, voted favorably upon these claims which are now characterized as fraudulent. Bills passed by both Houses of Congress for the payment of these claims were vetoed by each of the Presidents I have named. It will therefore be seen that there is no justice in characterizing these claims now as false and fraudulent, for they have been favorably acted upon by a majority of both Houses in two former Congresses.

I submit, Mr. Speaker, that the resolution I have offered to recommit this bill is proper and right in order that these claims may have in due form the cognizance and consideration of this House. If any of these claims are false and fraudulent, let them be rejected; but I hold that no claim ought ever to become so old that the Congress of the United States shall not be willing to consider its justice and merit.

Mr. SENEY. Mr. Speaker, I do not understand that the honorable gentleman from Mississippi [Mr. HOOKER] has controverted in any particular a single statement that was made by me when addressing the House a few days ago on this subject. If he is satisfied with the explanation that he has just made, I certainly am.

The SPEAKER. The Clerk will read the motion of the gentleman from Mississippi.

The Clerk read as follows:

I move to recommit the bill with instructions to report the bill back to the House, leaving out the fourth section, and to report back the subject-matter of the fourth section in a separate bill.

The SPEAKER. The Chair thinks that this motion is not in order. It is a proposition to recommit the bill, with instructions not only to report an amendment, but to report a separate bill. The Chair sustains the point of order.

Mr. BURNES. I now demand the previous question on the passage of the bill.

The previous question was ordered; and, under the operation thereof, the bill was passed.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VETO MESSAGE—CLEMENT A. LOUNSBERRY.

The SPEAKER laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on Claims, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 2524, entitled "An act for the relief of Clement A. Lounsberry."

This bill appropriates the sum of $1,214.51 to reimburse him for clerk-hire and fuel and lights in excess of allowances made to him by the Post-Office Department while he was postmaster at Bismarck, in the Territory of Dakota.

Seven hundred and fifty dollars of this sum is appropriated on account of clerk-hire paid out from April 1, 1881, to June 30, 1882, and $464.51 for lights and fuel from July 1, 1883, to September 30, 1885.

As a general rule the allowances made by the Post-Office Department in these cases ought not to be interfered with. But sometimes a sudden rush of settlement in a locality or some other cause will so increase unexpectedly the need of clerks to distribute and handle the mails that the employment of more than have been provided for is absolutely necessary.

I am inclined to think the item for clerk-hire in this bill should be so regarded. This was the only appropriation included in this bill presented in the Forty-eighth Congress in behalf of this postmaster upon which a favorable committee report was made and which was not unfavorably spoken of by the Department.

But it does not follow that the other item for fuel and lights should be allowed. I think it should not, on the grounds that the amount was fixed by the Department upon full examination, that there is no special reason shown why the postmaster should have exceeded the expenditures allowed, and that to give the least encouragement to postmasters that these allowances would be upon their application revised and increased by Congress would lead to demoralization in the service.

It appears that the allowance made to this officer for fuel and lights was increased October 1, 1883; and although the claim now made on this account embraces the period from July 1, 1883, to September, 1885, nothing was asked for fuel or lights in the bill presented to Congress for this beneficiary's relief in 1884.

It should not have been tacked upon the bill now presented.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 27, 1888.

TAXES IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred, with the accompanying bill, to the Committee on the District of Columbia:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 27th instant (the Senate concurring) I return herewith House bill No. 10060, entitled "An act prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes."

GROVER CLEVELAND.

EXECUTIVE MANSION, *August* 27, 1888.

DUTY ON COTTON BAGGING.

Mr. HOOKER, by unanimous consent, introduced a bill (H. R. 11283) to authorize the President of the United States to suspend for a given period the duty on cotton bagging; which was read a first and second time.

Mr. BUCHANAN. I ask for the reading of that bill.

The Clerk proceeded to read the bill, but before the reading was concluded,

Mr. BUCHANAN said: I waive the demand for the reading; let the bill be printed in the RECORD.

Mr. HOOKER. I ask that the bill be referred to the Committee on Ways and Means, with leave to report at any time.

The SPEAKER *pro tempore* (Mr. MCMILLIN). In the absence of objection this bill will be referred to the Committee on Ways and Means, ordered to be printed, and also be published in the RECORD. The Chair hears no objection, and it is so ordered.

Mr. HOOKER. I ask that the committee have leave to report at any time.

Mr. BUCHANAN. I object.

The bill is as follows:

Whereas there has been a combination to put up the price of bagging to wrap the cotton crop in the United States, by which the price of bagging has been advanced on the farmers to nearly double the prices two or three months since; and

Whereas this will operate greatly to the damage of farmers engaged in the production of cotton: Therefore,

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to issue his proclamation suspending the collection of all customs duties on imports of any species of cotton bagging and substitutes therefor suitable for wrapping cotton for a period of six months from and after the date of such proclamation, and during the operation of said proclamation all acts and parts of acts imposing such duties are hereby suspended.

SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. HOLMAN. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. C. H. ALLEN: A bill (H. R. 11284) granting a pension to David B. Barnard—to the Committee on Invalid Pensions.

By Mr. BINGHAM (by request): A bill (H. R. 11285) for the relief of William H. Bierstadt—to the Committee on Claims.

By Mr. FUNSTON: A bill (H. R. 11286) to place the name of Michael Benjamin on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 11287) for the relief of Roger Cunningham—to the Committee on Military Affairs.

By Mr. HOVEY: A bill (H. R. 11288) for the relief of Francis Burch—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 11289) granting a pension to Adam Katzenberger—to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 11290) for the relief of Augustus L. Rhodes—to the Committee on the Judiciary.

By Mr. J. H. O'NEALL: A bill (H. R. 11291) for the relief of Lucy C. Irwin—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 11292) granting a pension to Archibald Ormiston—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: A bill (H. R. 11293) for the relief of Norman Wiard—to the Committee on Claims.

By Mr. C. A. RUSSELL: A bill (H. R. 11294) granting a pension to Edwin F. Gaskill—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 11295) granting a pension to Margaret Durand—to the Committee on Invalid Pensions.

By Mr. HENRY SMITH: A bill (H. R. 11296) for the relief of John McLaughlin—to the Committee on Military Affairs.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 7163) for the relief of Edward B. Beer—from the Committee on Indian Depredation Claims to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition and papers in the case of David B. Barnard, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. GEST: Petition for relief of Roger Cunningham—to the Committee on Military Affairs.

Also, papers in the case of Quincy McNeil, for relief—to the Committee on Military Affairs.

By Mr. LYNCH: Petition of Edward Kelly and others, citizens of Pennsylvania, against the reduction of duty on green and colored glass bottles—to the Committee on Ways and Means.

By Mr. J. D. STEWART: Petition of Samuel Gordon, heir of Alexander Gordon, and of Eliza A. Davis, of Cobb County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of W. M. Anderson, late of Company K, Third West Virginia Cavalry, for removal of charge of desertion—to the Committee on Military Affairs.

The following petition for the repeal or modification of the internal-revenue tax of $25 levied on druggists was received and referred to the Committee on Ways and Means:

By Mr. LYNCH: Of J. W. Bragg and others, citizens of Pennsylvania.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. GEAR: Of James McCreery and 25 others, citizens of Greeley, Colo.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. LYNCH: Of citizens of Hazleton, Pa.

SENATE.

TUESDAY, *August* 28, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of John Pope Hodnett, of Washington, D. C., praying for the passage of a joint resolution declaring all work suspended on public improvements in the District of Columbia, to enable the workingmen and their families to attend the pic-nic of the United Labor League of America, at Athletic Park, on Ninth street northwest, between S and T streets, in Washington, D. C., on Monday, September 3, 1888; which was referred to the Committee on Public Buildings and Grounds.

Mr. SHERMAN presented the petition of Mrs. Sarah E. Boudin, of West Washington, D. C., praying to be relieved from the payment of special assessment taxes, with interest thereon; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 2139) granting a pension to George Rhody; and

A bill (H. R. 10705) granting a pension to Mary L. Tanner.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 825) granting a pension to Cornelius Wessels; and

A bill (S. 3301) granting a pension to Richard J. Nichol.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3428) granting a pension to Mary C. Thompson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10954) for the relief of Mary Ann Reid;

A bill (H. R. 9719) for the relief of Thomas Shackelford; and

A bill (H. R. 4102) granting a pension to Mary A. Carr.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 2082) for the relief of Mitchell Trotter, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

BILL INTRODUCED.

Mr. SAWYER introduced a bill (S. 3492) granting a pension to John Parkinson; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT ELECTRIC WIRES.

Mr. FAULKNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to forward to the Senate any report in their possession made by the engineer commissioner to the commissioners of the District of Columbia on the subject of overhead and under-ground electric wires.

LISTS OF CLAIMS AND JUDGMENTS.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of all claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those already transmitted to Congress during the present session; also a list of all claims allowed by the Auditor of the Treasury for the Post-Office Department since the allowance of those embraced in House Executive Document No. 31, of the present session, on account of compensation of postmasters readjusted under the act of March 3, 1883; and also a list of judgments of the Court of Claims requiring an appropriation at the present session not already transmitted to Congress. The aforesaid lists to extend to and include August 31, 1888.

LAND SUITS AND LAND PATENTS.

Mr. STEWART submitted the following resolutions; which were read:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate without delay with a statement of what disposition has been made of the following items of appropriation in the acts of August 4, 1886, and March 3, 1887, making appropriations for sundry civil expenses of the Government for the fiscal years ending June 30, 1887, and June 30, 1888, respectively, and for other purposes, hereinafter quoted, giving the name of each person who has received any portion of said appropriations and the amount received by each and the character of service each performed, together with the residence of each of said persons at the time he was selected or appointed to perform the service for which the money was paid, namely:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $90,000.

Expenses of hearings in land entries: For expenses of hearings held by registers and receivers, under instructions from the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $20,000.

Settlement of claims for swamp-land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp-lands, $20,000: *Provided*, That agents and others employed under this and the appropriations for "Depredations on public timber" and "Protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $2.50 per day, and for actual necessary expenses for transportation. (Act August 4, 1886.)

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $100,000.

Expenses of hearings in land entries: For expenses of hearings held by order of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $20,000.

Settlement of claims for swamp-land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp-lands, $20,000: *Provided*, That agents and others employed under this and the appropriations for "Depredations on public timber" and "Protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $3 per day, and for actual necessary expenses for transportation. (Act March 3, 1887.)

And be it further resolved, That the Secretary of the Interior furnish the Senate without delay with the number of applications for patents for public lands, including both mineral and agricultural lands, now pending and undetermined in his Department, stating the number of those pending before the Commissioner of the General Land Office and the number on appeal to the Secretary of the Interior; and also a statement of the number of patents issued in each of the public-land States and Territories during the fiscal year ending June 30, 1888, and the amount of land covered by each of said patents.

Mr. STEWART. I ask for the present consideration of the resolutions.

Mr. SAULSBURY. The resolutions had better go over.

Mr. VEST. Let them go over.

The PRESIDENT *pro tempore*. The resolutions will lie over under the rule, and be printed.

EFFECT OF IRRIGATION ON LOWER VALLEYS.

The PRESIDENT *pro tempore*. If there be no further morning business, the Chair lays before the Senate a resolution coming over from yesterday, submitted by the Senator from Kansas [Mr. PLUMB] August 21, 1888, in relation to the diversion of the waters of the Platte and Arkansas Rivers and their tributaries in Colorado for irrigation or other purposes.

Mr. EDMUNDS. As neither the Senator from Kansas [Mr. PLUMB] nor the Senator from Colorado [Mr. TELLER] is here I ask that the resolution go over, keeping its place again, if there be no objection.

The PRESIDENT *pro tempore*. The usual order, then, will be adopted in regard to the resolution. It will be passed over, retaining its place.

TOLLS ON GOODS EXPORTED TO CANADA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day submitted by the Senator from Massachusetts [Mr. HOAR], together with the amendment proposed by the Senator from Vermont [Mr. EDMUNDS]. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. HOAR August 24, 1888, as follows:

Resolved, That the President of the United States be requested, if not in his judgment incompatible with the public interest, to communicate to the Senate copies of all communications, if any, addressed by his direction to the Government of Great Britain, remonstrating with that Government against the wrongs and unfair treatment to our citizens by the action of the Canadian Government in refunding to vessels and cargoes which pass through the Welland and other Canadian canals nearly the entire tolls if they are destined to Canadian ports, while those bound for American ports are not allowed any such advantage, and the breach of the engagement contained in the treaty of 1871, whereby Great Britain promised to the United States equality in the matter of such canal transportation. Also copies of any demand made by his direction upon Great Britain for the redress of such wrongs and the replies of Great Britain to such communication and demand.

The PRESIDENT *pro tempore*. The proposed amendment of the Senator from Vermont [Mr. EDMUNDS] will be read.

The CHIEF CLERK. At the end of the resolution it is proposed to add:

And also that there be communicated to the Senate copies of all papers, correspondence, and information touching the matter of the refusa of the British

Government, or that of any of her North American dominions, to allow the entry at Dominion sea-ports of American fish, or other cargoes, for transportation in bond to the United States since the 1st day of July, 1885. And also that he communicate to the Senate what instances have occurred since the 3d of March, 1887, of wrongs to American fishing vessels, or other American vessels, in the ports or waters of British North America, and what steps, if any, have been taken in respect thereto.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is upon agreeing to the resolution as amended.

Mr. GEORGE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator desire to speak to the resolution?

Mr. GEORGE. I do not know whether I do or not, until I make an inquiry.

The PRESIDENT *pro tempore*. The Chair will hear the Senator.

Mr. GEORGE. I should like to inquire of gentlemen on the other side of the Chamber whether the message of the President will be formally considered to-day. If it is not going to be considered, I will submit some remarks on the pending resolution.

Mr. SHERMAN. I hope the message will go with the other papers to-day to the Committee on Foreign Relations. The Senator can call up the message now and make his argument upon that. He has the floor on the message, and if it will suit him now, after the resolution is disposed of, I will move to proceed to the consideration of the message of the President.

Mr. ALLISON. Before that is done——

The PRESIDENT *pro tempore*. There is a privileged report upon the table that the Senator from Iowa [Mr. ALLISON] had given notice of his intention to call up.

Mr. EDMUNDS. That will take only a short time.

Mr. SHERMAN. As a matter of course I do not want to interfere with the conference report.

Mr. GEORGE. I desire some time during the day to submit some remarks on the President's message.

Mr. SHERMAN. Certainly; as soon as the privileged report, the conference report, is out of the way, I shall move to proceed to the consideration of the President's message, but in the mean time I should like to have this resolution calling for information from the President passed, so that it may be answered as soon as possible.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

FISHING RIGHTS OF THE UNITED STATES.

Mr. ALLISON. I ask that the report of the committee of conference on the sundry civil appropriation bill may be taken up.

Mr. SHERMAN. Before that is done I ask unanimous consent that Senate bill 3484, which was read the first time but not the second, the other day, the bill in regard to the difficulties in Canada, be read the second time and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Senator refers to the bill introduced by the Senator from Alabama [Mr. MORGAN]?

Mr. SHERMAN. Yes, sir; I objected to its second reading then, until the resolution submitted by the Senator from Massachusetts was disposed of.

The PRESIDENT *pro tempore*. The Senator from Alabama might desire some other consideration. The Senator introducing the bill is not present.

Mr. SHERMAN. Very well; let it go.

Mr. HARRIS. Evidently the Senator from Alabama would have no objection to the reference.

The PRESIDENT *pro tempore*. The bill will be read the second time by its title.

The CHIEF CLERK. A bill (S. 3484) to empower the President more effectually to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887, and to authorize the President to protect American interests against unjust discrimination in the use of canals in the British dominions of North America.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Foreign Relations.

Mr. TELLER. I supposed that was to wait and be referred with the President's message. That was the understanding.

Mr. SHERMAN. Hoping that that message will also be referred to-day, I trust the Senator will let this bill go to the committee now.

Mr. TELLER. I have no objection.

Mr. VEST. Let me make a suggestion, please. Why not let all these matters, together with the President's message, go to the Committee on Foreign Relations, and let them abide the result of the motion to refer the message? Why take up the matter by parcels and dispose of them? It is all the same subject.

Mr. SHERMAN. The reason is because the Senator from Mississippi [Mr. GEORGE] wants to make a speech, and the Senator from Illinois [Mr. CULLOM] desires to make some suggestions.

Mr. VEST. I desire also myself to be heard with a few "feeble remarks" upon that subject, but it seems to me that all these matters are germane to the same subject, and the Senator from Mississippi can just as well speak upon all of them as upon the message by itself.

Mr. SHERMAN. I have no objection to either course; but obviously the Senate can not expect the committee to act upon the bill when it hardly knows what is contained in it.

Mr. VEST. These matters, whether a bill or a resolution, are all germane to the same subject, and that is the President's message. I hope they will all lie upon the table until the debate is ended and abide the result of the motion to refer the President's message to the Committee on Foreign Relations.

Mr. SHERMAN. If the Senate is really anxious to have any action, the committee can not proceed a step in the matter until something is referred.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Massachusetts [Mr. HOAR] has been agreed to. The bill whose title has just been read was introduced by the Senator from Alabama [Mr. MORGAN], who desired to have it referred to the Committee on Foreign Relations. He is not present, and on the motion of the Senator from Ohio the Chair has made that order. However, if it is desired, that order can be reconsidered and the bill still held before the Senate.

Mr. SHERMAN. I think the reference had better stand, because the Committee on Foreign Relations with that bill before them can consider the subject. They will consider the message of the President without a reference. It is not necessary to refer it. It may be left for debate.

Mr. CULLOM. I hope the whole subject will be taken up to-day, and if possible disposed of, so that whatever ought to be referred to the Committee on Foreign Relations may be referred as soon as possible. I should like to occupy a few minutes' time before it is done, however, and if the appropriation bill that the Senator from Iowa desires to bring up this morning does not occupy a great deal of time, I hope the Senate will proceed to the other subject and continue it until we dispose of it, which I think perhaps can be done soon.

The PRESIDENT *pro tempore*. The debate can proceed upon the motion to refer the message.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I now ask for action on the report of the committee of conference on the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The report will be read.

Mr. ALLISON. As the report is printed in the RECORD to-day, and has also been printed as a separate document, I presume that Senators will not require that it be read now.

The PRESIDENT *pro tempore*. The reading may be waived by unanimous consent. The Chair hears no objection.

Mr. ALLISON. As the sundry civil appropriation bill is an important one, and as there have been at various times and in various places observations respecting this bill, I think it wise that I should at this moment state its condition and the several steps taken prior to this time respecting it.

This bill is one of the usual great appropriation bills passed at every session of Congress, and it is estimated for regularly in the Book of Estimates. In the regular estimates presented to Congress at the beginning of this session the estimates for the items in this sundry civil appropriation bill were a total of $28,742,695.26 in the Book of Estimates, and there were submitted during the session afterwards supplemental estimates amounting to $5,124,000, showing a total estimate for this bill made by the Secretary of the Treasury of $33,866,695. The House of Representatives in considering the bill passed it with a total of $23,332,406.30. The Senate Committee on Appropriations in considering the bill recommended to the Senate additional appropriations amounting to $4,012,465.18.

Mr. PLATT. All of which was estimated for?

Mr. ALLISON. Nearly every item of which was estimated for. So when the bill was reported to the Senate it was still, in round numbers, five and a half million dollars less than was estimated for by the Secretary of the Treasury. The several items of increase proposed by the Senate Committee on Appropriations embraced three or four large items and of course a number of small items. One of the chief items of increase was in public buildings, so called. The Senate Committee on Appropriations recommended an increase of $840,000 to the amount proposed by the other House for public buildings.

Mr. BECK. Will the Senator please state why we did that?

Mr. MCPHERSON. I do not understand the Senator from Iowa. If I correctly heard him, he said there was estimated for by the Department $28,000,000, and the House passed the bill at $23,000,000—I speak in round numbers—and that the Senate added $4,000,000 to that amount; and yet if I understood him aright he said the bill was still $5,000,000 below the estimates.

Mr. ALLISON. I will repeat my statement. I said that the orig-

inal estimates of the Departments, found in the Book of Estimates, amounted, in round numbers, to $28,000,000, and that there were supplemental estimates presented from time to time by the Secretary of the Treasury amounting to $5,000,000 more, which made a total estimate submitted by the Departments to cover this bill of $33,000,000. When the bill came to us from the House of Representatives it contained appropriations amounting to a little over $23,000,000, or $10,000,000 less than the estimates, to which the Senate Committee on Appropriations added, in round numbers, $4,000,000.

I was about to state the principal items of addition. The amount on public buildings was $840,000; and upon that subject I desire to say that this increase was brought about from the fact that when we took up the appropriations made for this purpose by the House of Representatives we found that in every instance they had only appropriated for public buildings which had been authorized by law and which did not carry with the authorization an appropriation, because it will be understood by Senators that for the last four or five years as respects public buildings the Committee on Public Buildings and Grounds have taken practical jurisdiction of that subject and have included in most of their public-building bills an appropriation covering the amount necessary to erect the buildings.

The House of Representatives appropriated for the buildings that were authorized by law, but they only appropriated one-half of the estimated cost or limit in the laws authorizing the public buildings. The Senate Committee on Appropriations believed that that was not good economy; that a public building costing less than $200,000 ought to be appropriated for in a single appropriation in order that the contracts might be made covering the entire cost of the structure. That would seem to be true economy in private affairs, and the Senate Committee on Appropriations believed it was true economy as respects these public buildings.

Not only, however, did the House of Representatives appropriate only one-half as respects these buildings, but they divided the appropriation for every public building authorized. For instance, in the case of a little building at Portsmouth, Ohio, the cost of which, under the law authorizing it, was limited to $60,000, the House appropriated one-half of that sum, or $30,000.

The effect of such a system of appropriation is to at once establish a superintendent, a clerk, a watchman, and various other public functionaries in or about the building, who are to last, and whose pay is to be taken out of the appropriation for the building until it is completed. Every man of sense knows that a building of that character ought to be built not only within a year but within six months from the time of its beginning.

So in that instance, and in many others—I merely give that as an illustration; there are half a dozen such buildings or perhaps more in this bill where the amount authorized is $75,000 or less—we appropriated in all such cases the full amount. Here, for illustration, is a post-office building at Helena, Ark. The cost of the building is to be $75,000. The House of Representatives appropriated $37,500. At Hoboken, N. J., the cost of the building is to be $60,000. The House appropriated $30,000. In two or three other instances the appropriation was $25,000 where the building authorized is to cost $50,000.

Mr. McPHERSON. Will the Senator inform the Senate how much addition was made to the bill by the Senate for public buildings alone?

Mr. ALLISON. I have already stated the amount to be $840,000. We not only made the provision for these small buildings by full appropriations, but it occurred that between the time the bill was reported to the House and passed by the House and the time when it was finally reported to the Senate by the Committee on Appropriations a number of new public buildings had been authorized which were not provided for by the House of Representatives in this bill. The Committee on Appropriations finding that the acts had been approved by the President, inserted in the bill full appropriations covering the amount of the authorized acts in every case where the authorization was less than $200,000. So we inserted in every case appropriations for the buildings that had been authorized by law prior to the time that the bill was reported; and during the progress of the bill two or three public buildings were authorized by the signature of the President to bills for public buildings which had passed both Houses, and they were added in the Senate. Thus when the bill passed from the Senate it included for public buildings only those public buildings which had been authorized by separate and distinct statutes.

I ought to pause here to say that the conference committee inserted four public buildings. We admit that it may be by some regarded as a little shade out of order, although the amendments referred embraced the general subject of public buildings, and we considered that we had fairly jurisdiction of it. We have inserted appropriations for four public buildings in the conference report where the bills had been passed after the appropriation bill had passed from the consideration of the Senate and the House and was in conference.

Mr. EDMUNDS. That is, those four bills had become laws by the approval of the President?

Mr. ALLISON. Those four bills became laws by the signature of the President.

Mr. BECK. They were started by an amendment in the House.

Mr. ALLISON. Yes, the Senator is right. The House put on Opelousas.

Mr. BECK. And we added the others.

Mr. ALLISON. We added the others. The House amended one of our amendments by inserting Opelousas, La., which building is to cost $50,000, and they appropriated $25,000. To that we added in the conference Brownsville, Tex., Charlotte, N. C., Ottumwa, Iowa, and Statesville, N. C.

Mr. HALE. As an amendment to the House provision?

Mr. ALLISON. As an amendment to the House provision. So I think it was strictly in order.

I call attention to the situation as respects public buildings to show that the Senate made no amendment in regard to public buildings that they were not required to do by the rules of the Senate and by the laws already passed. When we came into conference on the question of public buildings, the House having previously inserted in the bill a provision which authorized the Supervising Architect to go beyond appropriations to make contracts and the Senate having struck out that provision, the House insisted that that provision should remain, to which we declined to agree. Thereupon we adopted, instead of the Senate rule, another rule in conference, which was that where a building costs $100,000 or more, one-half only of the appropriation should be made. The Senate yielded to that extent to the House upon this subject; but wherever there was a public building authorized which did not carry an appropriation in the bill authorizing it and which is to cost less than $100,000, by this report the entire appropriation is made for those public buildings. The result of that is to reduce the amount originally reported to the Senate for public buildings some two or three hundred thousand dollars.

Mr. TELLER. It reduces the $840,000?

Mr. ALLISON. It reduces the $840,000 some two or three hundred thousand dollars, because we were obliged to give way, I will say to the Senator, $60,000 on his public building in Denver which we had added. The House appropriating originally $140,000 for the public building at Denver, and the Supervising Architect having said to the Senate and to the Committee on Appropriations that he could economically expend $200,000 in the progress of that building in the next year, we added $60,000 to it. But the House insisted that inasmuch as we were now two months in the year it was probable he could get on with $140,000, as they had provided in the bill.

Mr. TELLER. If the Senator will allow me, I should like to say about that building that the Supervising Architect declared that $200,000 was essential to enable him to let proper contracts, for instance for the iron-work. The public building at Denver, which is to cost when completed about $535,000, has been in course of construction about six years. During all that time it has progressed—or it had at the last information I had, and I think it is no higher now—up to very nearly the first story above the street, that is, one story above the street. No joists have been put on nor contracted for, as I understand. During all that time there has been employed the usual retinue of employés about it, adding greatly to the expense.

When the officer who has it in charge says that $200,000 is necessary for an economical management to make proper contracts, it does seem to me that unless there was some overwhelming necessity the conferees on the part of the Senate ought to have stood for the whole amount. I will venture to say that at the rate the building is going on it will not be constructed in five or six years, and it will cost more for superintendence and all that than any building that ever was erected anywhere in the United States, by any individual at least, and probably by even the Government.

Mr. EDMUNDS. The army that attends it will be paid.

Mr. TELLER. As suggested, the army that attends it will be paid, and that all the time comes out of the appropriation and reduces the size and the value of the building.

Mr. ALLISON. Mr. President, I think I ought here, before I pass from the question of public buildings, to call attention to the fact that a great number of public buildings have been authorized at this session of Congress by bills which have passed both Houses of Congress carrying with them appropriations amounting to two or three million dollars, and that the Committee on Appropriations have only gathered up, as it were, a sort of residuum of those bills—the bills that by accident or mistake or design did not carry appropriations; and I ought to say one thing further, and that is that at this session and in this bill there are a great many public buildings provided for at small towns and places like Brownsville, Tex. I see my friend from Texas in my eye.

Mr. COKE. Will the Senator allow me a word?

Mr. ALLISON. Yes, sir.

Mr. COKE. At Brownsville there is a Federal court, there is a custom-house, and there is also an internal-revenue collection office. The population is some five or six thousand.

Mr. ALLISON. A population of how much?

Mr. COKE. A population of 5,000 or 6,000; and right opposite is the city of Matamoros, in Mexico, with 20,000 inhabitants.

Mr. ALLISON. I observe a bill for a public building at Texarkana, Ark., appropriating $100,000, passed at this session, and it is provided for in this bill; one at Statesville, N. C.; one at Asheville, N. C.; and bills for public buildings at numerous other cities and towns that I might mention, varying in the number of inhabitants from 1,000 to 6,000, as in the case of Brownsville. And yet these bills carrying these appropriations for public buildings in these small villages and towns, some of them without courts and many of them with small populations and little or no business, have in some way been able to run the gauntlet of these two Houses and run the gauntlet of the Presidential approval.

Mr. BERRY. Will the Senator allow me?

Mr. ALLISON. Yes, sir.

Mr. BERRY. I will state that Texarkana has 7,000 or 8,000 inhabitants. It has a Federal court, however, and for that reason it is different from some of the other towns of which the Senator has spoken.

Mr. ALLISON. When was the court established, may I ask my friend?

Mr. BERRY. It was established during the last Congress, the Forty-ninth Congress. I can not see, however, that it is very material when the court was established provided the court is there.

Mr. ALLISON. I quite agree with the Senator from Arkansas now. Texarkana has a population of 2,000 more than Brownsville, where they have 6,000.

Mr. COKE. If the Senator will permit me, I will state that at Texarkana the town is in two States, Texas and Arkansas, and both growing towns.

Mr. ALLISON. It has a very great advantage, being in two States.

Mr. COKE. Brownsville, Tex., on which the Senator harps so much, is the oldest point in Texas where the Federal court is held. It is near the mouth of the Rio Grande, where an important custom-house is situated and where it is most essential to have a custom-house.

Mr. ALLISON. I am not criticising these things except to point a moral, that these little villages in North Carolina, in Texas, in Mississippi, and in Arkansas can have their public-building bills not only railroaded through these two Houses—I have no doubt I voted for all of them—but they pass the scrutiny of the President of the United States; and yet when a bill comes here from the State in which I live and from a city having more than 30,000 inhabitants and nearly as much trade as there is in half the State of North Carolina, the President sends us a message, sneering in its tone and I think undignified in its character, saying that a public building is not necessary at Sioux City.

I merely call attention to these things for the purpose of showing that it depends, or seems to depend, upon the location of these public buildings whether they can become laws. There has been a United States court held at Sioux City for the last six years, and the terms of that court have run from ten days to five weeks in duration. It is in the heart of a vigorous, aggressive population, commercial in its character, having a large business. It not only has the advantage of Texarkana and Brownsville in population, but it lies on the Missouri River, having the State of Nebraska immediately opposite. If it is important to have a public building in Texarkana because it lies near Texas, how much more important it must be to have a public building at Sioux City because it is near Nebraska? Not only that, but it is also near the great Territory of Dakota, with its 700,000 people that can not yet get into the Union.

Mr. COKE. If the Senator will permit me, I will state that the public building at Texarkana is in Texas and in Arkansas. The town is on both sides of the line between the two States.

Mr. VANCE. Will the Senator from Iowa allow me to ask him a question?

The PRESIDENT *pro tempore*. The Senator from North Carolina appeals to the Senator from Iowa. Does the Senator from Iowa yield?

Mr. ALLISON. Certainly.

Mr. VANCE. What is the amount of the appropriation asked for Sioux City?

Mr. ALLISON. One hundred and fifty thousand dollars. That is not in this bill, I will say to the Senator. I merely alluded to it incidentally.

Mr. VANCE. If the Senator sees proper to make reflections upon the small villages in North Carolina so much, I wish simply to say to the Senator that the town of Asheville, which he alluded to, has a population of 10,000; it has a Federal court and all the accessories for the conduct of Federal business. The town of Statesville, which is the smallest town in the State that has received an appropriation for a public building, has not more than 4,000 people; but I beg the Senator to remember that in an agricultural country like ours the amount of business and the number of people to be accommodated is not measured by the size of the town. The territory that the court at Statesville accommodates is larger, I venture to say, and has more population than that dependent upon Sioux City in its business, and it only has an appropriation of $75,000.

Mr. ALLISON. I have no doubt of the fact that in an agricultural State like North Carolina, where corn is converted in small quantities, there is likely to be more Federal business than there is in a State like Iowa, so that I am not complaining of the court at Asheville.

Mr. WALTHALL. Will the Senator allow me to ask him a question?

Mr. ALLISON. Yes, sir.

Mr. WALTHALL. What was the little village in Mississippi to which the Senator had reference?

Mr. ALLISON. I did not allude to a little village in Mississippi. I alluded to the general statement that among these public buildings are public buildings provided for where there are less than 2,000 people. I did not say that such instances occurred in Mississippi.

Mr. WALTHALL. The Senator mentioned Mississippi as one of the States where little villages have been provided for.

Mr. ALLISON. I think Vicksburg was provided for. I know, of course, that is a large city, but it is not as large as Sioux City and it does not have one-third of the business, yet Vicksburg gets a court-house without objection anywhere. What I complain of is not that Vicksburg has a court-house, but that these unjust and unnatural discriminations are made against localities.

Mr. WALTHALL. Does the Senator class Vicksburg as a village?

Mr. ALLISON. I do not. I have been there. I know what it is.

Mr. WILSON, of Iowa. With my colleague's permission I desire to have the Secretary read a statement of facts relative to Sioux City, Iowa. It has been carefully prepared. I have informed myself definitely with reference to it. I have no doubt of its entire correctness.

The PRESIDENT *pro tempore*. The Secretary will read the paper, if there be no objection.

The Chief Clerk read as follows:

IN MATTER OF PUBLIC BUILDINGS BILL AT SIOUX CITY, IOWA.

Sioux City has a population, as shown by the census of September, 1887, of 32,000; population shown by national census, 1880, 7,300.

Total increase in seven years, 24,700.

She has ten lines of railroads centering there.

She has eight large banking institutions.

She has twenty wholesale stores.

She has the largest oil mill in the world, except one, pressing 2,100 bushels of flax-seed daily.

She is the largest meat center west of Chicago. Killing capacity, 17,000 hogs, 2,500 cattle, and 500 sheep, daily.

She has 1,600 acres in her stock-yards, with a feeding capacity of 50,000 head of cattle continuously.

Of her four daily papers, one is devoted exclusively to stock-yards and markets; also one bank is supported and maintained by same interest.

Houses built in 1887, 503.

Buildings enlarged, 116.

Total amount of expenditures for public buildings of all kinds for 1887, $2,854,856.

Total expenditures, railroad bridge and all, over $4,000,000.

United States court was established by Forty-seventh Congress.

Officers now located there: District attorney, deputy marshal, paymaster, pension examiner, United States headquarters military and Indian supplies.

Post-office business for year ending June 30, 1887:	
Gross revenue	$39,684.91
Net revenue	24,926.72
Domestic money-order business for year ending June 30, 1887:	
Orders paid	113,420.55
Orders issued	60,059.28
Total	173,479.83

The net revenue from Sioux City post-office is greater than any city in Iowa, except Des Moines.

The business in Federal courts has quadrupled in last two years.

Mr. ALLISON. That tells its own tale. I am very much obliged to my colleague for putting those facts in the RECORD.

Mr. MCPHERSON. Will the Senator yield to me for an observation?

Mr. ALLISON. Certainly.

Mr. MCPHERSON. I have noticed for the past ten years, during my service in this body, that it has never been a difficult matter at all to get large appropriations of money for public buildings in Western States and even Territories. I doubt if there is a city of any importance in the State of Iowa that has not been heretofore provided with a public building and been provided for otherwise.

Mr. ALLISON. That observation, I will say to my friend, is an entire mistake on his part.

Mr. MCPHERSON. I wish to draw a simple comparison, which is this: In New Jersey, one of the original thirteen States, with a population of nearly a million and a half of people, the Government of the United States until within the past two years has only owned one public building. We have two cities of 200,000 people and five or six cities with populations ranging from 50,000 to 160,000, and yet with all the persistent efforts we have made to secure appropriations for needed public buildings we have been unable to get them. But I notice when you go to Nevada or any of the Western States or Territories you find more money invested by the National Government in public buildings than has ever been invested in the State of New Jersey.

Mr. STEWART. How much has been appropriated in Nevada? Does the Senator know?

Mr. MCPHERSON. I notice that there are large appropriations asked for in this bill. I believe that a large appropriation was made for a public building at Portland, Oregon, some years ago. The cost of the public building at Portland alone, if my memory serves me aright, is more than equal to the entire cost of all the public buildings in New Jersey.

Mr. ALLISON. I will resume the floor.

Mr. STEWART. Allow me to state about Nevada.

Mr. ALLISON. I will yield to my friend on my right for a moment.

Mr. STEWART. There has been appropriated in all for public buildings in Nevada, outside the mint, $136,000, and the Territory of Nevada built public buildings at a cost amounting to $60,000, which the General Government has been in the habit of refunding to Territories, but which it has never refunded to Nevada. So we have got less than $100,000.

Mr. McPHERSON. How much is appropriated in this bill or by legislation in this Congress for Nevada?

Mr. STEWART. There is no appropriation whatever for Nevada.

Mr. ALLISON. There is no public building provided for in Nevada.

Mr. McPHERSON. How much for Oregon? I think there is some $600,000 for buildings in Oregon.

Mr. DOLPH. If the Senator will permit me——

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. ALLISON. No, sir; I prefer to go on.

The PRESIDENT *pro tempore*. The Senator from Iowa declines to be further interrupted.

Mr. ALLISON. I was merely observing, Mr. President, that in small places, like Tallahassee, Fla., and like Statesville, N. C., and sundry and divers other places that I never heard of until I saw them in these appropriations and in the various public-buildings bills, and therefore I can not remember them all. Of course I do not include Asheville, in Buncombe County.

Mr. EDMUNDS. Is that in the county of Buncombe?

Mr. ALLISON. That is in the county of Buncombe, and that is one of the rapidly growing cities, as I well know. But I am not finding fault with these appropriations. I am only now calling attention to the discriminations made respecting them, showing how easy it is for certain States of this Union to get appropriations for public buildings where the needs of the public service do not require them as much as they are required in other States and cities where these buildings are actually needed, and I am in sympathy somewhat with the Senator from New Jersey when he says that New Jersey has not hitherto had its share of these public buildings in order to carry on economically the public business in the great cities of that State.

Now I pass from the question of public buildings and call attention to the next considerable item in the Senate increase of appropriations—the item for light-houses, etc. I think there is something rather singular about the appropriations for the Light-House Establishment. I see in the Book of Estimates light-houses estimated for to the extent of $1,300,000, and when the House bill came to us there was appropriated only $139,000 for light-houses where $1,300,000 had been estimated for, and if my memory serves me aright two of the light-houses provided for in the House bill were not estimated for at all. So, as the bill came to us, there seemed to be a discarding of the Book of Estimates and practically no appropriations for light-houses.

We put upon this bill additions to the amount of $631,000 for light-houses, less than half the estimates for that object, and I am glad to say that the conferees on the part of the House agreed to most of these amendments, requiring us in some cases to reduce the amounts appropriated, although the Light-House Board had informed us that the amounts inserted in the bill (because the amounts proposed to be inserted were offered at their request) were not more than sufficient to complete the light-houses.

There are large miscellaneous appropriations involved in this bill where the Senate made additions, as for example the Library. Of the $4,000,000 added to the bill, one million was for the Library, making, as we supposed, with attention and care, proper provision for its expenditure. The Senator from Kentucky [Mr. BECK] properly reminds me at this stage that whilst that is one of the disagreeing votes, I think I may fairly say that it is probable our action may be agreed to in the end.

Another large item in these miscellaneous items is an addition to the appropriation for the expenses of the collection of customs of $450,000. Another item of $50,000 is respecting the enforcement of the alien contract-labor act, and another item of $535,000 respecting the keeping of the Hudson River clear of débris, etc., under a law passed last year, and specially estimated for by the Secretary of the Treasury in a special communication which I have on my desk, in which he asked the Senate to add $535,000 to this appropriation; and yet only a few days ago he became responsible, so the public newspapers say, for a statement showing the amount of the appropriations as made by the House of Representatives, and showing the increases put on by the Senate.

Mr. President, with rare exceptions, there is not a single item of appropriation in this bill, whether passed originally by the House or put on by the Senate, that did not receive the urgent solicitation of the Cabinet minister who had charge of the particular business involved in the appropriation.

Of course for the Public Library and for one or two other items of considerable amount here, where the Senate exercises its own discretion, there is no such request from the head of a Department; but on this bill, where we have added appropriations, we have added them because of laws passed since this bill came originally from the House or because of urgent solicitations from the head of a Department that it was necessary to have the appropriations in order to carry on the ordinary and necessary work of the Government.

We added in the Senate pretty largely for military posts, but we fell far short of the estimates of the War Department as respects military posts, and we were obliged to give up a portion of what we inserted as respects military posts. So we added $200,000 for national soldiers' homes at the request of the managers of the national homes coming before the Senate Committee on Appropriations and not only making that request in the interest of the dependent soldiers, but making an argument which absolutely convinced us that these additions were necessary in order to carry on these homes. General Franklin, Governor Martin, of Kansas, and Mr. Sewell, of New Jersey, lately a prominent and an honored member of this body, all made these urgent requests, and these appropriations were added because we were satisfied that they were necessary.

Mr. HAWLEY. Let me say that they are absolutely necessary in order to house the men who are taken in or soon will be, in order to simply cover them from the weather, if we receive them at all.

Mr. ALLISON. They showed us that in two or three of these homes now men are lying in the halls, in the corridors, and everywhere where a bed can be improvised to give them shelter during the night.

So much, Mr. President, for the details of this bill. I think perhaps I ought to state the matters which have not been agreed on, and perhaps make an observation or two respecting them, because the House conferees say they can not agree to these amendments without conferring with the House. I think it is equally important that the Senate conferees should in a general way consult the views of the Senate on these disagreeing votes.

The first disagreeing vote is on the item respecting the family of Professor Baird. I need not allude to that in detail.

Next is the amendment which we inserted here appropriating $100,000 for the Mexican boundary survey. The House conferees tell us that they will not consent to this appropriation although we have bound ourselves to make it by solemn treaty with the Government of Mexico, and I am told—and I hope one of the Senators from Texas will correct me if I am mistaken—that from the point where the boundary diverges from the Rio Grande to the Pacific Ocean, it traverses a country where the boundary is now practically unknown, because the old landmarks have passed away.

Thus there is a new neutral ground varying from 5 to 10 miles in width, where people do not know whether they are in the Republic of Mexico or in the United States. The Secretary of State sent to us at this session an urgent and persistent letter, asking us to appropriate $100,000 for the completion of this Mexican boundary survey. We appropriated two years ago $100,000, and that whole sum lies in the Treasury because it is not sufficient to complete the survey, and it is a useless waste of money to begin the work until it can be completed. Yet this amendment of $100,000 thus put on in the Senate, estimated for in a letter written to us by the Secretary of State, the treaty facing us, the House of Representatives thus far declines to consent to it.

The building for the Library of Congress I have alluded to already. I think there will not be so much trouble about that.

The next is the amendment, disagreed to, relative to the removal of the Bureau of Education to the Pension building. That involves no money, and therefore it may be that in the end that will be consented to, although I think it is very doubtful whether the House of Representatives will agree to a change of the law in that respect.

Mr. BLAIR. I understand that item to be still in conference.

Mr. ALLISON. Yes, sir; disagreed to.

Mr. BLAIR. I have a good deal of information bearing on that matter, which I asked to have printed the other day to save the time of the Senate, that might be available to the committee; and if they had it, either they must insist upon the perpetration of murder by making this change or the House will assent to the position of the Senate on this question.

Mr. ALLISON. I am willing, if there is no objection from others, that whatever the Senator says is proper to be printed in this connection shall be printed.

Mr. BLAIR. I propose to put it before the Senate during the debate unless it may be printed, because it comes to be a vital thing. It is a proposition to put everybody connected with the Bureau of Education into the fourth story, in rooms which have no windows, except the skylights, the floors of which are of cement, and where the average temperature during the months specified here by actual measurement and observation is from 98 to 103 degrees.

Mr. CULLOM. The fourth story of what building?

Mr. BLAIR. Of the Pension building. It is absolutely uninhabitable, and there is no other space but that where this great bureau—for it is a great bureau now—can be put in that building.

Mr. BECK. I hope the Senator from New Hampshire will be allowed to print whatever he thinks will throw any light upon this subject, be-

cause we have a very serious controversy about it, and one which it does not look as though we could agree about.

Mr. BLAIR. Let me say just one word more, because this is a vital thing. That bureau will be destroyed by this proposed change, and I call the attention of the Senate to the information, which, if there be no objection, I shall have printed in the RECORD. This proposed change is protested against by the Secretary of the Interior after a recent personal inquiry and examination, by the Commissioner of Pensions, by the Commissioner of Education, and by the superintendent of the Pension building, who has carefully examined with reference to it and gives specific information, upon which I base the assertion that it will be a deliberate, premeditated murder to put these employés of the Government where they will have to go if the change is made, and this is independent of the fact of the practical destruction of the library, of the museum, of the various means of educational illustration which have been collected at vast expense, so that now in this direction we have altogether the best educational collection or museum that is to be found on the face of the earth.

Mr. BECK. I want, with the permission of the chairman, to say one word. The Senator from New Hampshire himself recognizes the fact that the law as it now stands requires the Bureau of Education to go to the Pension building. That is the law. Now, we make a proposition to exempt this bureau from having to go there under existing law. If the House persists and refuses to agree to the amendment of the existing law, I do not see how we are to get out of it, except by having a separate bill providing for the repeal of the existing law.

Mr. BLAIR. I understand that, and yet this same bill makes provision for the repeal of the existing law so far as to exempt the Land Office from removal. The reasons are equally strong why the removal of the Bureau of Education should not take place. I can not but think that whoever makes opposition to this amendment does so with a failure to appreciate the fact that the Bureau of Education is as important a bureau in the operations of this Government and in its usefulness to the American people as some other bureaus which apparently receive vastly more consideration and which yet do not aim at the vital, intellectual, and moral life of the nation as does this bureau. I do not think it is appreciated enough or ever has been.

Mr. ALLISON. I consent that those documents may be printed.

Mr. BLAIR. I will add them to what little I have now said.

The PRESIDENT *pro tempore*. Does the Senator propose that the papers be printed as a document?

Mr. BLAIR. I understood they were to be printed in the RECORD, so that they would be available to the committee and to the Senate. I will enumerate the documents.

Mr. ALLISON. I will not ask the Senator to enumerate them. I am content, if the Senator is, that they go into the RECORD.

The PRESIDENT *pro tempore*. And not be printed separately as a document?

Mr. ALLISON. No; printed in the RECORD.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

The papers are as follows:

LETTER OF SECRETARY OF INTERIOR.

DEPARTMENT OF THE INTERIOR, *Washington, July* 30, 1888.

MY DEAR SIR: I observe that by the sundry civil bill, as it has been reported by the Committee on Appropriations to the Senate, the only repeal of the act of March 3, 1887, which required the removal of the General Land Office, Bureau of Railroads, and Bureau of Education to the Pension building, provided for is so much as relates to the Land Office. I do most sincerely think it will be a serious injury to the Educational Bureau and also to the Pension Bureau to compel the removal of the former into the Pension building. It can not but practically strangle the Bureau of Education for a considerable period at least, and I can not see but that it must seriously interfere with its usefulness so long as it shall remain there. There are now about forty-three clerks and people employed in the Bureau of Education, and they have a large collection of books, models, educational appliances, and bric-a-brac of various character and all contributory to enlightenment. I have visited the Pension building and can not see how this can be stored, except in great part in the fourth story. Practically, it becomes when placed there unavailable for use.

The appropriation in the legislative, executive, and judicial bill on account of the Bureau of Education is, altogether, $50,920. The rent of the building to be saved by this change is $4,000. In order to save this sum of $4,000 of rent I do not hesitate to say that this action will waste $25,000 of the appropriation for the bureau.

I have heard the idea expressed in casual conversation that the Bureau of Education was not an instrumentality of especial value, and I fear that this idea has had something to do with the willingness to cripple it by this removal.

I do not concur at all in the sentiment; but if the sentiment is to have any influence, and especially under the plea of economy, it should take an effective direction to accomplish the latter end; and this would require that, in case of this removal being insisted upon, a great part of the force should be discharged and the appropriation made for the conduct of the bureau diminished. I do not doubt that it could be diminished one-half, upon the theory of the removal, and as effective work be accomplished as if the same number of officers and employés shall be retained now provided for, because they can not work to advantage in such quarters as can be assigned in the Pension Bureau.

The legislative bill has made provision for the rent of the building now occupied by the Bureau of Education only until the 1st of December next, appropriating $1,667 for that purpose, one-third of the annual rental. The time is short and the pressure upon Congress, and especially upon you, my dear sir, I recognize to be very great at this juncture. Is it not the part of wisdom to continue that bureau where it is for the remainder of this fiscal year, which will involve but $2,333 more (perhaps less than the cost of its removal), and review this subject at the next session with more attention than can now be allowed to it?

If it be possible for yourself, or some member of the committee, to give an hour or an hour and a half to a personal examination of the circumstances, I feel convinced you will recognize by a survey of the buildings and the property involved the imperative urgency and wisdom of the suggestion I venture to make.

The provision for the post-office within the area of the Pension building will make that building as thoroughly occupied as almost any Government building in the city, perhaps quite as much.

I have the honor to be, my dear Mr. Chairman,

Very respectfully, your obedient servant,

WM. F. VILAS, *Secretary.*

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, D. C., July 30, 1888.

DEAR SIR: I have recently made several visits to the Pension building with a view of learning what accommodations can be secured therein for the Bureau of Education. At your suggestion, I give you the result of my observations and inquiries.

The building consists of three-columned arcades, one above the other, and above all a fourth gallery, the whole surrounding a vast court.

The rooms of the three main floors of the building are commodious and spacious, but seem to be fully occupied by the large force of the Pension Office. The first deputy commissioner assured me that they absolutely could not spare sufficient space to accommodate the Bureau of Education. The chief clerk explained in detail that there are but two rooms on the three main floors which have not yet been occupied; that in some of their rooms thirty clerks are placed; that the average for all the habitable rooms is seventeen clerks, and that several of their large divisions are very much overcrowded and must soon have additional room.

As for the upper gallery it is out of the question, being a narrow footway railed with iron, upon which open a suite of rooms under the roof. These are of low pitch without any windows or mode of lighting, except skylights. Three-fourths of them are already filled with the filing cases and shelved documents of the Pension Office. They are entirely unfit for human occupancy, the temperature ranging in summer from 87½° to 103½°. (See accompanying report of superintendent of building.)

Such being the situation it seems to me manifestly impossible to remove this office to the Pension building. You will remember that our moderate estimates show that for our library, museum, and documents we shall need 8,000 square feet, and for our clerical force 3,600 square feet. For the proper accommodation of the Commissioner of Education, the chief clerk, and clerical force several separate rooms are essential; in the Commissioner's opinion, not less than ten.

Very respectfully, yours,

J. V. HOLCOMBE,
Acting Commissioner.

Hon. H. W. BLAIR,
Senate Chamber.

[Exhibit ——.]

STATEMENT OF THE SUPERINTENDENT OF THE BUREAU OF PENSIONS BUILDING.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., April 9, 1888.

I have the honor to herewith submit a report of the number of rooms in the Pension building, together with a statement of the number of square feet floor space suitable for office purposes, the whole number of employés in the building, and the average number of square feet floor space to each employé; also a statement of the reasons why the fourth floor and the basement of the building ought not, or, more properly speaking, can not, be used for office purposes.

The whole number of rooms in the building is 96, as follows:

	Square feet.
4 rooms 16 by 30, 480 square feet each	1,920
12 rooms 26 by 30, 780 square feet each	9,360
4 rooms 16 by 36, 576 square feet each	2,304
6 rooms 26 by 28, 728 square feet each	4,368
8 rooms 15 by 25, 375 square feet each	3,000
2 rooms 12 by 36, 432 square feet each	864
60 rooms 26 by 36, 936 square feet each	55,160
96 Total square feet floor space	77,976

These 96 rooms are now occupied as follows:

Occupied by division files	19
Commissioner, one large and one small	2
First Deputy Commissioner	1
Second Deputy Commissioner	1
Chief clerk	1
Assistant chief clerk	1
Commissioner's clerks	1
Clerical force	70
Total	96

The "division files" mentioned in the above statement refers to the "pending files" in the adjudicating divisions of the Bureau of Pensions, and which can not be separated from the divisions to which they belong.

Of the file cases in use in the adjudicating divisions, 21 are as many as can possibly be crowded into one room. The whole number of file cases in the bureau is 357, occupying floor space equal to 19 large rooms, or 17,216 square feet. The 7 rooms occupied by the officers of the bureau cover 5,991 feet, which added to the 19 rooms, or 17,216 square feet, occupied by the division files, makes a total of 26 rooms, or 23,207 square feet, leaving 70 rooms, or 54,769 square feet floor space, for the clerical force of the office.

The whole number of desks in the Bureau of Pensions is 1,400, or an average of 20 to the room, with an average floor space of a fraction less than 40 square feet to the desk.

The number of employés in the building is 1,265 and the average number in each room is 18. The two extra desks are used for distributing purposes and are necessary in the work of the divisions.

In this computation I have taken no account of the fourth floor or the basement or cellar of the Pension building, as neither is fit for office purposes. The basement is dark and damp, with rough grout or brick floors, no windows, and wholly unfit for any purpose other than lumber or coal storage rooms.

The rooms on the fourth floor can not, in my opinion, be utilized for offices. There are no windows in these rooms, the only light coming from a skylight in the roof, and the only ventilation is through a 2 by 2 scuttle hole in the roof. The ceilings are low and flat and the floors are made of cement. In the hot summer season these rooms are not fit for human beings to work in on account of the intense heat and the stifling atmosphere.

The following record kept during the first half of July last will indicate the condition of the rooms on this floor in the hot summer days:

Temperature of file-rooms of western division.

Date.	Under sky-light.	Outer wall.	Inner wall.	Mean temper-ature.	Time.
1887.					*p. m.*
June 30	105	97	92	98	1.30
July 1	120	96	92	102⅔	1.30
July 2	119	97	93	103	1.30
July 5	110	96	92	99½	1.30
July 6	109	95	92	98⅔	1.30
July 7	114	88	86	96	1.30
July 8	117	89	88	103½	12.30
July 8	104	90	87	92⅔	2.30
July 9	93	86	84	87⅔	12.30
July 9	106	96	84	95½	2.30
July 11	120	86	84	96⅔	12.30
July 11	114	87	85	93½	2.00
July 12	120	87	85	96⅔	12.30
July 12	115	89	87	97	2.00
July 13	122	90	89	100⅓	12.30
July 13	115	92	90	99	2.00
July 14	123	92	89	101½	12.30
July 14	116	93	90	99⅓	2.00
July 15	120	89	87	98⅓	12.30
July 15	117	90	89	91	2.00
July 16	112	.....	94	.....	1.30

A proposition to occupy these rooms for office purposes ought not, in my judgment, to be considered.

As stated above the total square feet floor space suitable for office purposes in the Pension building is 77,978. This room is all occupied, and some of the divisions are yet much crowded. The middle, eastern, western, certificates, medical, law and stationery and accounts divisions ought each to have more room than they now have.

The Commissioners of the four bureaus which it is proposed to move into the Pension building estimate the space required by their respective bureaus as follows:

	Square feet.
General Land Office	32,623
Bureau of Education	11,600
Bureau of Labor	3,600
Commissioner of Railroads (estimated)	2,500
Or a total of	50,323

Which is equal to almost two-thirds of the entire floor space of all the rooms, or in other words, almost the whole of the first and second floors of the building.

I have the honor to be, your obedient servant,

W. F. SCHUCKERS,
Superintendent of Building.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., April 11, 1888.

SIR: The undersigned members of the commission appointed under the order of the honorable Secretary of the Interior, a copy of which is hereto attached, beg leave to submit as their conclusions in regard to the occupancy of the Pension building, of the Bureaus of the Land Office, of Education, of Labor, and of Railroads, as follows:

1. They report that the upper new floor of the said Bureau of Pensions building is not adapted and can not be safely used by the clerks of the Government on account of its very great heat.

2. They report that the basement of the building and court floor space of said building are, neither of them, fit nor safe for use by said clerks. The reason for the conclusion as to the basement is found in the report of the superintendent of the building made to the Commissioner of Pensions and herewith submitted.

The reasons for believing that the floor space of the court of said Bureau of Pension building can not be used for clerical purposes arise from the facts clearly demonstrated to your commission.

The clerks might almost as well be set in an open street so far as purposes of health are concerned; owing to the great height of the room there is much movement of air therein, and the variations in temperature are such that it would be necessary to use heavy wraps a portion of the time in the performance of clerical duties by such force.

3. This reduces the available space for the use of clerks to the first, second, and third floors of said building, which are all of them now fully occupied, as is shown by the said inclosed report of the superintendent of the building aforesaid, to which reference is hereby made.

4. It will be wholly impracticable to put the Bureaus aforesaid of the General Land Office, of Education, of Labor, and of Railroads in said building. The reasons therefor are found in the annexed individual statements of the chiefs of said bureaus, and in the dimension and present occupation of said first, second, and third floors, as set forth in the said superintendent's report aforesaid.

The final conclusion of the commission is that the attempt is wholly impracticable, that it would be detrimental to the public service and to the health of the individual members of the clerical force engaged in said service.

All of which is respectfully submitted.

JOHN C. BLACK,
Commissioner of Pensions.
N. H. R. DAWSON,
Commissioner of Education.
CARROLL D. WRIGHT,
Commissioner of Labor.
S. M. STOCKSLAGER,
Commissioner General Land Office.
J. E. JOHNSTON,
Commissioner of Railroads.

HON. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, D. C., July 2, 1888.

DEAR SIR: I beg leave to present to you, as chairman of the Senate Committee on Education and Labor, a summary statement of the requirements of the present law and pending bills for the proposed removal of this office into the Pension building, and the needs of the office in case the removal is effected.

The sundry civil bill of 1886 (first session Forty-ninth Congress, page 238) requires that "not later than December 1, 1888, the Secretary of the Interior shall cause to be removed to the Pension building the General Land Office, Bureau of Education, Office of the Commissioner of Railroads, and Bureau of Labor."

The pending legislative, etc., appropriation bill as passed by the House provided for the rent of the building occupied by the Bureau of Education only till December 1st next. The sundry civil bill as lately passed by the House repeals the act of 1886 so far, and only so far, as it relates to the General Land Office.

The Senate Committee on Appropriations, apparently under the impression that the House had repealed the requirement of removal as to all the offices affected, has amended the legislative appropriation bill, so as to allow an entire year's rent for the buildings occupied, and the bill so amended has passed the Senate.

What is necessary now is that the Senate insist upon its amendment which allows the rent for a year (Messrs. ALLISON, DAWES, and COCKRELL are the conference committee); and then amend the sundry civil bill, now before the Appriations Committee by extending the repealing clause of the House so as to include this office.

In regard to the needs of the Bureau of Education, on March 31, 1888, the following estimates were given to the Commissioner of Pensions, showing the amount of space that would be required in case of its removal to the Pension Building:

	Square feet.
Commissioner and the clerical force	3,600
Museum	3,500
Library	2,500
Storing and handling documents	2,000
Total	11,600

The above estimates were based as nearly as possible upon the present requirements of the office, not allowing for any increase in clerical force, collections, or facilities.

A statement regarding the character and extent of the collections owned by the bureau will show how moderate those estimates are.

The library of the bureau is a growth of twenty-one years, acquired by gift, by exchange, and by purchase from many different countries. It has been selected with care, with the design that it should be strictly pedagogical in character. The result is that the Government has acquired, at a very moderate cost, the largest and best purely educational library in the world, embracing original works, journals, magazines, and official reports in all civilized languages. The number of bound volumes exceeds twenty thousand, and the pamphlets, seventy-five thousand, besides many duplicates to be used in exchanges.

The bureau has made an excellent beginning toward the formation of a complete pedagogical museum, which is intended to contain material illustrating every step, process, and apparatus useful in every grade of instruction. It now possesses a very extensive collection, perhaps unequaled anywhere else in the world, embracing globes, maps, tellurions; botanical, chemical, and zoological specimens; casts, photographs, drawings, engravings, etchings, models; specimens of lacquer, bronze, marble, and other artistic material; a large amount of very delicate and valuable optical and physical apparatus; a quantity of kindergarten material, and a rare and beautiful collection of Japanese needle work and school literature and apparatus presented by the Japanese Government.

To properly protect and use these two unequaled collections, the library and the museum, to make them available to the working force of the bureau, whose tools they are, and accessible to the educational public who resort to them for study and research, the amount of space above estimated is barely sufficient. By actual measurement the shelves and cases containing the books and files of the bureau extend to 538 feet, not including the basement in which the publications are stacked. The thirty or more glass cases of the museum measure 240 feet. If, therefore, the shelves and cases of the bureau were placed end to end, they would form a line that would reach more than three average squares, the greater part of it being 10 feet high.

The general argument against removal, being a full and clear statement of the kind of work done in this office and the special kind of accommodations and facilities required, together with an exposition of the damage to property, the interruption and delay of work, the inconvenience suffered, and expense incurred in a former removal, may be found in a letter of the Commissioner to the Secretary of the Interior of April 6, 1888, of which a copy can be furnished you if needed.

Relying on your interest in the welfare of the bureau and its continued usefulness, I am, sir,

Very respectfully, yours,

J. W. HOLCOMBE,
Acting Commissioner.

HON. H. W. BLAIR,
Senate Chamber.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, D. C., April 6, 1888.

SIR: In addition to the reasons suggested in the report made to you by the Commissioners of Pensions, the Land Office, Labor, Railroads, and Education, why those offices should not be removed to the Pension building, I beg to submit additional reasons why this office should not be so transferred.

The duties performed by the employés of the Bureau of Education, though nominally clerical, are entirely different from those performed by clerks in most offices. The work in other offices is ministerial and pertains chiefly to the reception, record, custody, and adjudication of papers requiring executive action. On the contrary the principal duty of this bureau is the collection, preparation, and publication of reports and such other documents as shall seem best fitted to benefit public schools and improve the means of education; in other words, much of the work is original.

In its investigations this bureau deals largely with documents of a statistical and historical character, and needs for the full performance of its work the use of books and apparatus to which no parallel can be found in the ordinary service of most Government bureaus. The methods, appliances, and surroundings of these two kinds of intellectual labor can not be identically the same and produce equally satisfactory results. Most of the employés of the Bureau of Education are called "clerks" or "copyists," but the actual duties performed by them are the collection of facts, comparison of authorities, compilation of reading matter, calculation and construction of statistical tables, and the general investigation of educational causes, conditions, and results, both past and present, near and remote, domestic and foreign. To perform these duties successfully its employés need not only what other employés should have, good light, good air, comfortable temperature, and properly constructed seats and desks, but several things not ordinarily required, such as an ample collection of books, close at hand and ready for reference at any moment; a museum of articles relating to the construction of educational buildings, the furniture of school-rooms, and the apparatus of instruction; space around each employé for the proper use of books and articles from the library and museum; and a greater freedom from

the disturbance and noise which inevitably exist along with large numbers of fellow-employés, no matter how orderly their behavior. It is quite possible in ordinary offices to organize clerks into divisions each having two or three hundred men, with subdivisions of correspondingly large size. It is utterly impossible to do this in such an office as the Bureau of Education without sacrificing both the unity and the accuracy of results. So much as to the reasons affecting the *personnel* and the duty of the office.

In consequence of the requirements of its work this bureau since 1870 has accumulated a very valuable library of twenty thousand volumes, sixty thousand pamphlets, and many thousands of duplicates, and a museum of approximately twenty thousand articles. These books and articles have been collected from all civilized countries. The books are in many languages, and are on all subjects relating to education of every grade and form. The space assigned them in the present building is inadequate to their perfect use, it is true, but is so apportioned that the most useful and necessary parts of these collections are at once accessible while effectually protected from the intrusion of unauthorized persons.

Experience everywhere has developed certain preferable and convenient methods and ways of storing, classifying, indexing, issuing, and using collections like these for the purpose of study; and these, so far as they are applicable to the duty of the office, have been adopted, and are now in force. If, however, the bureau and its property be transferred to a building constructed and occupied for entirely different purposes these valuable collections would be exposed to serious damage and loss, the present arrangements and appliances for their safe custody and effective use would be entirely abolished, and a new set of methods and appliances would have to be devised, tried, and modified to suit the new circumstances. Isolation of the office and its property as at present organized I deem essential to the usefulness of one and the safety of the other.

The removal of these collections is no mere matter of transportation from one building to another, but will require the expenditure of time, care, and money. The loss of time in making such a removal will be great; the loss of convenience almost entire, and the skilled labor and money required for this purpose will be considerable.

The foregoing observations are not presented as my theory of the matter, or from any personal objection to removing to the Pension building. They are the result of the past experience of the bureau in a somewhat similar position. Congress caused the Bureau of Education to be moved from the present building to a joint occupancy with the Pension Office of the building on the corner of Twelfth street and Pennsylvania avenue eleven years ago.

The Pension Office then, as now, was the first occupant of the building, and the quarters assigned to this bureau were so inadequate in extent, inconvenient of access, and unsuited for its work, that practically no efficient work was done by this bureau during the year that the joint tenancy lasted. The growth of the Pension Office forced the bureau out of this unwelcome and disastrous connection, and Congress removed it back to its present quarters, the two changes of location costing somewhat more than the present rent of this building for one year. The Twelfth street building, like the present Pension Building, consisted of large rooms on each floor, suitable, perhaps, for the large divisions and sections of the Pension Office, but absolutely destructive to the repose, the quiet, and the seclusion found essential to the proper performance of duty in the Bureau of Education. The construction of the present Pension Building, the great number of employés already housed therein, and the very large number proposed to be added thereto by the transfer of the offices named at the beginning of this letter, will repeat and doubtless aggravate the history of that change.

Another aspect of the relations of this bureau to its work would not occur to the ordinary thinker. This bureau was established chiefly for the purpose of informing the teachers and people of the United States as to the things most useful for the promotion of public and other education. The performance of this duty has made it proper to open the library and museum of the office to persons interested in education, but not connected with the bureau, and such persons under present circumstances, subject to proper regulations, have made frequent and valuable use thereof.

If the bureau and its collections are to be moved to a building where the necessities of another kind of service render access to the library and museum of this office difficult or uncertain, the use of them by persons not connected with the bureau would necessarily be prevented.

I would invite your attention to the wise and liberal action of Congress a few years ago in behalf of the Surgeon-General's Office, when a specially-constructed building for the medical library and medical museum attached thereto was authorized. By this measure the great working tools of that magnificent bureau were put into a condition for the most effective use both by that office and by those for whom that office chiefly labors. The reasons that justified the construction of that building are equally cogent for the permanent and suitable lodgment of the Bureau of Education separate from other offices of dissimilar size and purpose.

The Wright Building, now occupied by the bureau, on the corner of Eighth and G streets northwest, is situated very near the office of the Secretary of the Interior, and close to lines of cars by which persons desiring to visit it for consultation and study may have easy access, and yet the location is one sufficiently quiet and retired to allow the work of the office to be done in comfort and with considerable efficiency. Though too small for the present needs of the bureau, it can be made to serve for some time longer by judicious use of the space at hand. It contains about 11,000 square feet and has a basement and four other stories.

Briefly described, the basement is for the storage of fuel and the documents of the office; the first story is used by the statistical division; the second floor by the Commissioner, chief clerk, and the record division; and the third floor by the library and the clerks employed in connection therewith, while the upper floor is devoted to the museum.

It will be seen that the constructive divisions of the building correspond to the administrative divisions of the office, while the six rooms on each floor permit that subdivision and seclusion which the nature of the work requires. In case of the removal of the bureau to the Pension building there is no possibility of securing even an equal floor space, a reduction of which would be disastrous to the bureau in every conceivable way.

If any change is made at all the one dictated by a regard for the purpose and usefulness of the bureau would be to provide it with a building specially adapted for the care and proper storage and use of its valuable collections, and the efficient service of its employés, and until such a change is made it would seem wise, economical, and expedient to let it remain in its present quarters.

For these reasons and those stated in the joint report of the Commissioners above mentioned I would respectfully urge you to use your influence to have the order of Congress requiring the removal of this bureau to the Pension building revoked and a suitable provision made in the appropriation bills for the retention of it in its present quarters.

Very respectfully, your obedient servant,

N. H. R. DAWSON,
Commissioner.

Hon. SECRETARY OF THE INTERIOR,
Washington, D. C.

MEMORIAL OF THE NATIONAL EDUCATION ASSOCIATION.

The department of superintendence of the National Educational Association, in session at San Francisco, July 17–20, 1888, adopted the following resolutions:

Whereas the Bureau of Education at Washington City has been the means of rendering efficient service in the cause of popular education in the United States and of collecting the largest educational library in the world, as well as one of the most complete pædagogical museums; and

Whereas those collections are now preserved in rented rooms wholly inadequate to meet the growing demands of the bureau: Therefore, be it

Resolved, That in order still to further the work for which the bureau was organized, this body, representing all of the States and Territories, here assembled does most respectfully petition the Congress of the United States to erect a suitable building to be used exclusively for the benefit of the Bureau of Education; and

Resolved, That copies of these resolutions be forwarded to the President of the Senate and the Speaker of the House of Representatives, with a request that the same may be laid before the bodies over which they respectively preside.

OFFICIAL BULLETIN OF THE NATIONAL EDUCATIONAL ASSOCIATION.

Annual meeting at San Francisco, Cal., July 17 to 20, 1888.

Officers of the association.

Aaron Gove, president, Denver, Colo.
James H. Canfield, secretary, Lawrence, Kans.
Edwin C. Hewitt, treasurer, Normal, Ill.

Vice-presidents: W. E. Sheldon, Massachusetts; J. W. Holcombe, District of Columbia; Warren Eastern, Louisiana; Solomon Palmer, Alabama; Thos. J. Morgan, Rhode Island; Rose C. Swartz, Wisconsin; W. R. Garratt, Tennessee; Thos. A. Futrall, Arkansas; Fred. M. Campbell, California; Irwin Shepard, Minnesota; J. T. Buchanan, Missouri; A. R. Sabin, Illinois.

Board of directors: J. Allen, 25 Clinton Place, New York City; James H. Baker, Denver, Colo.; W. H. Bartholomew, Louisville, Ky.; George H. Bartlett, Boston, Mass.; W. A. Bell, Indianapolis, Ind.; R. Bingham, Bingham Post-Office, N. C.; Leroy D. Brown, Reno, Nev.; S. B. Brown, Glenville, W. Va.; John L. Buchanan, Richmond, Va.; J. T. Buchanan, Kansas City, Mo.; Frederick M. Campbell, Oakland, Cal.; D. N. Camp, New Britain, Conn.; J. H. Canfield, Lawrence, Kans.; T. C. Chamberlain, Madison, Wis.; Henry Chambers, New Orleans, La.; J. O. Churchill, Cheyenne, Wyo.; Joseph Clark, Newark, N. J.; C. C. Davidson, Alliance, Ohio; N. C. Dougherty, Peoria, Ill.: Warren Easton, Baton Rouge, La.; George T. Fairchild, Manhattan, Kans.; George L. Farnham, Peru, Nebr.; L. H. Ford, Spartanburgh, S. C.; Thomas A. Futrall, Marianna, Ark.; W. R. Garrett, Nashville, Tenn.; Aaron Gove, Denver, Colo.; J. M. Greenwood, Kansas City, Mo.; D. B. Hagar, Salem, Mass.; Mrs. E. Hailman, La Porte, Ind.; J. H. Hansom, Waterville, Me.; D. W. Harlan, Wilmington, Del.; E. C. Hewett, Normal, Ill.; B. A. Hinsdale, Cleveland, Ohio.; Ira G. Hoitt, Sacramento, Cal.; J. W. Holcombe, Washington, D. C.; Charles L. Howard, Helena, Mont.; Mary H. Hunt, Hyde Park, Mass.; A. V. Jewett, Abilene, Kans.; Wharton S. Jones, Memphis, Tenn.; A. G. Lane, Chicago, Ill.; S S. Laws, Columbia, Mo.; S. W. Landon, Burlington, Vt.; E. O. Lyte, Millersville, Pa.; T. M. Marshall, Chamita, N. Mex.; T. B. McDonald, Gold Hill, Nev.; George A. McFarland, Scotland, Dak.; T. J. Mitchell, Florence, Ala.; M. A. Montgomery, Oxford, Miss.; Thomas J. Morgan, Providence, R. I.; W. A. Mowry, Boston, Mass.; Solomon Palmer, Montgomery, Ala.; Charles I. Parker, South Chicago, Ill.; S. S. Parr, Greencastle, Ind.; P. B. Pennybaker, Tyler, Tex.; J. L. Pickard, Iowa City, Iowa.; Zalmon Richards, Washington, D. C.; A. J. Rickoff, 33 West Forty-seventh street, New York; C. C. Rounds, Plymouth, N. H.; A. R. Sabin, Chicago, Ill.; R. G. Saunderson, Burlington, Iowa; W. E. Sheldon, Boston, Mass.; Irwin Shepard, Winona, Minn.; Josiah H. Shinn, Little Rock, Ark.; J. M. B. Sill, Ypsilanti, Mich.; N. Coe Stewart, Cleveland, Ohio; W. M. Stewart, Salt Lake, Utah; George H. Stout, 3331 Chestnut street, Philadelphia, Pa.; Charles H. Strauss, Tucson, Ariz.; Rose C. Swartz, Oshkosh, Wis.; H. S. Tarbell, Providence, R. I.; A. R. Taylor, Emporia, Kans.; S. S. Taylor, St. Paul, Minn.; W. R. Thigpen, Savannah, Ga.; Samuel Thurber, Boston, Mass.; J. N. Wilkinson, Emporia, Kans.; Henry A. Wise, Baltimore, Md.

A brief history.

The National Educational Association was organized at Philadelphia in 1857, under the name of the National Teachers' Association, by leading teachers from various sections of the country. James L. Enos was chairman of the first meeting, William E. Sheldon its first secretary, and A. J. Rickoff its first treasurer.

The name was changed in 1870 to National Educational Association.

The association has held twenty-seven meetings, as follows: Two at Philadelphia, 1857, 1879; one at Cincinnati, 1858; Washington, 1859; Buffalo, 1860; Chicago, 1863; Ogdensburgh, 1864; Harrisburgh, 1865; Indianapolis, 1866; Nashville, 1868; Trenton, 1869; Cleveland, 1870; St. Louis, 1871; Boston, 1872; Elmira, 1873; Detroit, 1874; Minneapolis, 1875; Baltimore, 1876; Louisville, 1877; Chautauqua, 1880; Atlanta, 1881; three at Saratoga, 1882, 1883, 1885; Madison, 1884; Topeka, 1886; Chicago, 1887.

There were no meetings in 1861, 1862, 1867, 1878.

It was incorporated in the District of Columbia February 24, 1885.

Board of trustees.

N. A. Calkins, chairman, 124 East Eightieth street, New York; Zalmon Richards, secretary, 1301 Corcoran street, Washington, D. C.; John Eaton, Marietta, Ohio (term expires July, 1891); N. A. Calkins, New York (term expires July, 1890); H. S. Tarbell, Providence, R. I. (term expires July, 1889); Zalmon Richards, Washington, D. C. (term expires July, 1888); Aaron Gove, Denver, Colo., *ex officio.*

Its objects.

"To elevate the character and advance the interests of the profession of teaching, and to promote the cause of popular education in the United States."

Departments.

The following departments are organized within this association:

Department officers.

I. The national council of education (composed of sixty members elected from the association).—J. L. Pickard, president, Iowa City, Iowa; C. C. Rounds, vice-president, Plymouth, N. H.; E. W. Coy, secretary, Cincinnati, Ohio.

II. Kindergarten.—Eudora Hailmann, president, La Porte, Ind.; Eva B. Whitmore, vice-president, Chicago, Ill.; Alpha A. Smith, secretary, Fayette, Iowa.

III. Elementary.—Leroy D. Brown, president, Reno, Nev.; Agnes L. Rounds, vice-president, Cambridge, Mass.; J. L. Lamson, secretary, Nashville, Tenn.

IV. Secondary.—Samuel Thurber, president, Boston, Mass.; A. F. Nightingale, vice-president, Lake View, Ill.; Paul H. Hanus, secretary, Denver, Colo.

V. Higher.—B. A. Hinsdale, president, Cleveland, Ohio.; Alice E. Palmer, vice-president, Cambridge, Mass.; T. C. McBride, secretary, Iowa City, Iowa.

VI. Normal.—S. S. Parr, president, Greencastle, Ind; R. C. Norton, vice-president, Cape Girardeau, Mo.; Rose C. Swartz, secretary, Oshkosh, Wis.

VII. Superintendence.—N. C. Dougherty, president, Peoria, Ill.; Henry A. Wise, first vice-president, Baltimore, Md.; J. G. Scofield, second vice-president, Seneca, Kans.; W. R. Thigpen, secretary, Savannah, Ga.

VIII. Industrial.—George T. Fairchild, president, Manhattan, Kans.; H. M. Liepsiger, vice-president, New York City; R. S. Thompson, secretary.

IX. Art.—George H. Bartlett, president, Boston, Mass.; Josephine Locke, vice-president, St. Louis, Mo.; Eben Rose, secretary, Rochester, N. Y.
X. Music.—N. Coe Stewart, president, Cleveland, Ohio; Herbert L. Griggs, vice-president, Denver, Colo.; Edgar A. Silver, secretary, Boston, Mass.

Mr. ALLISON. The next item, which in view of the debate yesterday I will only state, is the proviso respecting scrubby timber, etc. Senators will understand what that is. The amendment was a limitation put on by the Senate to the appropriation for the examination of timber lands.

The next item is the amendment 119, "Reservoirs for the storage of water." The House conferees were very persistent in their opposition to that amendment.

Then there are two other amendments about which the House seemed to be very persistent, to which I wish to call the attention of the Senate. Those are amendments numbered 222 and 223. They are amendments in the nature of legislation respecting prosecutions under the internal revenue laws. They insist that there shall be certain limitations, namely:

And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been—

Then the Senate struck out the words which I am about to read—

commenced upon a sworn statement setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon sworn complaint by a collector or deputy collector of internal revenue or revenue agent, setting forth the facts upon information and belief and—

Then we retained the words—

approved either before or after such arrest by—

We then struck out these words—

a circuit or district judge or—

And retained the remainder of the clause, as follows—

the attorney of the United States in the district where the offense is alleged to have been committed or the prosecution is by indictment.

Those who are administering the internal-revenue system say that this is a great detriment to the enforcement of the internal-revenue laws, and the Senate struck those provisions out of the bill.

Mr. EDMUNDS. Mr. President, if the Senator from Iowa will allow me, I wish in this connection to say that I quite agree with the Internal-Revenue Department that they are extremely injurious to the administration of the law as it is. They are merely a section, a part of a full judicial bill, a crimes bill, that the House passed upon the subject and that is now under consideration in the Committee on the Judiciary of this body; and I am bound to suspect, with great respect to the House of Representatives (as on this conference report I have a right to allude to their action), that finding it would not be easy to get a bill which destroys the whole efficiency, as we thought, of the internal-revenue system, through the Senate on the report of its Judiciary Committee, it was thought extremely desirable to accomplish the end in some way by riding it on an appropriation bill in order to get it through in that way.

Mr. ALLISON. I am glad to have the Senator from Vermont explain at least what would be the effect of these provisions if we should agree to them.

The next important series of amendments are those amendments which relate to the Library Committee, and I am sorry not to see the Senator from New York [Mr. EVARTS] in his seat, who has charge of those important subjects. The House of Representatives disagree to the entire line and range of amendments which we proposed respecting the purchase of works of art, the completion of the Catalogue of the Congressional Library, the purchase of historical papers from B. F. Stevens, the purchase of the library of Professor Arnold Guyot, the purchase of the unfinished painting of the commissioners of the treaty of 1783, by Benjamin West, etc.

The next important question is the series of amendments relating to public printing. We increased $160,000 the appropriation for public printing, the House appropriation being, I think, some $300,000 less than the estimate; I have not the exact figures in my mind. We increased the appropriation $160,000. The House has disagreed to that thus far, and it seems to me that the appropriation made by the Senate will be found to be insufficient; in other words, the additions that we made will not carry the public printing which has been ordered by Congress through this fiscal year; and therefore it is inevitable that, whether they finally agree to our amendments or we recede from them, there will be a deficiency of from $100,000 to $500,000 in our public printing during the current year, or else the printing will not be done, one or the other, and most likely both will happen, because there is a large amount of printing ordered by Congress in the last two or three years still unexecuted. Of course the Senate conferees can yield to the claim of the House in this regard.

Mr. GORMAN. I should like to ask the chairman of the Committee on Appropriations whether a large part of the increase mentioned as to the appropriations for the Public Printing Office was not occasioned by the extension of the leaves of absence to the employés from fifteen to thirty days, which comes necessarily out of the amount appropriated for the work?

Mr. ALLISON. Yes, Mr. President, and I am obliged to the Senator for calling my attention to that. Here they say the Senate increases these appropriation bills. The House allowed $90,000 in this bill for fifteen days' leave of absence for the employés of the Public Printing Office. Then a law was passed extending the fifteen days to thirty days, requiring a doubling of that appropriation, so that in obedience to the law the Committee on Appropriations added $90,000 to the House provision, making a total of $180,000, so that this $90,000 was added in the Senate in pursuance of a law which passed Congress, and it is necessary of course in order to execute that law.

As I was about to say, we can recede from these amendments, but if we do we shall be confronted with a deficiency at the next session of Congress of from $150,000 to $500,000.

So the House disagreed to our provision respecting the purchase of a site for the city post-office building——

Mr. REAGAN. Before the Senate gets away from the increase for the Government Printing Office, I desire to say that that $180,000 appropriated by Congress was but a bid by the two parties in Congress for the labor vote of the country.

Mr. ALLISON. The Senator from Texas puts that in a very terse way. I merely stated the fact, and of course if the Senator interprets it as he does, that is all very well for him. I did not know that the Republican party was engaged in any particular method of bidding for votes. I thought that was reserved for the other side of the Chamber.

Mr. REAGAN. Both parties are doing these things to a shameful extent.

Mr. ALLISON. I was not aware of that. Of course I quite agree with the Senator respecting his own party. [Laughter.]

The next item is the establishment of a zoological park, $200,000. Of course the House conferees disagree to that. They seem to share rather the view of the Senator from Missouri [Mr. VEST], that if we were to have a zoological garden we ought to have it in the mountains, and inasmuch as we had 60 miles square of ground in the neighborhood of the Yellowstone Park set apart and devoted to the growth of wild animals we had better dedicate a portion of that to a zoological garden. The Senate conferees did not take that view.

They also object to the purchase of Battery Island.

In response to the Senator from Vermont, who asked me respecting the city post-office building——

Mr. EDMUNDS. I should like to know on what ground it is?

Mr. ALLISON. We were unable to ascertain, I think, really any ground, except a general statement that there were two or three other places in this city where land could be purchased more cheaply than this would be in the neighborhood of the Post-Office Department and the Interior Department proposed to be purchased by our amendment. They seem to think that if we should go down below Pennsylvania avenue, where it is necessary, I am told, to drive piles 40 feet in order to get a foundation, we might erect a public building there which would be suitable for a city post-office. However, that has not been fully disposed of.

Mr. BECK. We are going to have a great deal more talk about that, and the Senate had better tell us what to do. The Senate conferees are all agreed, I believe, and earnestly in favor of taking the square between Eighth and Ninth and E and F streets. Suggestions were made to go south of Pennsylvania avenue. Some other sites were suggested, such as Judiciary Square. Still other suggestions were made in regard to the square between Fifth and Sixth and D and E streets, facing Judiciary Square.

Mr. ALLISON. And part of the park also.

Mr. BECK. Part of the park also. I desire to say that there was no definite suggestion made that we could agree upon any more than we could upon the one we ourselves proposed; and I desire to say to the Senate that I believe, after thorough investigation, as far as I am able to make out, the square we propose is by far the best for all purposes.

Mr. EDMUNDS. No doubt of that at all.

Mr. BECK. We could continue the Post-Office Department building from its present location, closing Eighth street between E and F and extending to Ninth, and have the city post-office located there. That is the most convenient point for such a building by reason of the railways running along F street, Seventh street, and Ninth street; and by erecting a five-story building there, and perhaps ultimately adding a story or two to the present Post-Office Department building, we could not only accommodate the city post-office, the Post-Office Department proper, and the overflow of the Interior Department, but have two creditable buildings there side by side.

Suggestions have been made, and the newspapers are full of such statements, that men were lobbying about for these particular sites. I desire to put upon record the statement that during all the time the subcommittee and the whole Committee on Appropriations were considering this question and in conference no human being came near any of us, as I am advised. Certainly none came to me——

Mr. ALLISON. Certainly I was not approached in that way.

Mr. BECK. And the clerk of the Committee on Appropriations says no one ever came to the committee inquiring about it. I do not now know the name of a man who owns a foot of that ground, but in the public interest I think the Senate ought to tell its conferees that until something else can be agreed upon we ought to insist upon that square, and hold to it as long as we can.

Mr. VEST. I wish to ask the chairman of the committee a question. I do not know whether I am disarranging the order of his explanation or not, but I want to ask what became of that provision of the bill as it passed the House which provided for the temporary location of the city post-office in the Pension Bureau building?

Mr. ALLISON. That was agreed to.

Mr. VEST. I must be permitted to say, then, that that gives away this whole question.

Mr. ALLISON. That was given away by the Senate, then, and not by the conferees. That is one of the things that have passed into history. It was agreed to by the Senate a long time ago.

Mr. BECK. And on the recommendation of the Postmaster-General and the Secretary of the Interior.

Mr. VEST. I went before the Committee on Appropriations and remonstrated against it and did all I could as a Senator to defeat that arrangement, which is the worst that I have ever known in this city. It defaces the Pension Bureau building; it insures the presence of a mob there from morning till night, and altogether there is not one solitary argument, with due respect to the heads of those Departments, given in its favor thus far. Of course if that is adopted, that is a strong argument in favor of not doing anything as to purchasing a site for a city post-office. For nearly ten years I have urged the purchase of the square already spoken of, and I want to say that it is an open secret that as long as the Committee on Post-Offices and Post-Roads in the other House is constituted as it now is you can not purchase that square. They never will agree to a bill for that purpose.

Mr. ALLISON. I want to say to the Senator, as I have looked over this question with some care, that I believe it would be wise to expend $200,000 or $300,000 in an additional public building which is necessary not only for the city post-office but for the Post-Office Department itself, which is a rapidly growing department, and also for the Interior Department; and these purposes require a location in that neighborhood, and I believe the square proposed by our amendment is a good site. But I do not agree with him that the temporary location of the city post-office in the rotunda, or whatever that place is called, in the Pension Office building will interfere with the general consideration of the subject.

Mr. VEST. Let us understand each other, Mr. President. I understand that that arrangement in regard to the Pension Bureau building was entirely antagonistic to the purchase of the square opposite the Interior Department and to the General Post-Office Department; and we know very well—if the Senator does not know it, and he is a much older Senator than I am, I know it as a member of the Committee on Public Buildings and Grounds—if you ever make an arrangement of that kind it will become permanent, and you will never get the city post-office out of that building—never. That is one of the questions I do not propose myself to waste any more time about.

Mr. ALLISON. The Senator may be right about that, but nevertheless that is one of the questions on which we have not yet agreed.

I believe I have gone over in a general way the differences between the two Houses upon this bill; but I do not wish to allow this opportunity to pass without making some general observations upon all these bills.

It is a singular thing, Mr. President, that we have reached the 28th day of August or nearly two months in the fiscal year for which we are appropriating money, and yet we have not reached a conclusion upon this, one of the most important appropriation bills, and I want to say that I regard it as in no sense the fault of the Senate Committee on Appropriations or of the Senate. Under the uniform custom of the two Houses for years, indeed from the foundation of the Government, the House of Representatives has originated practically the general appropriation bills; and as soon as the Senate could get hold of them under this arrangement, we have considered these bills as rapidly as it was possible to consider them. In their consideration the Senate is constantly subjected to the criticism that we are largely increasing the appropriations.

I have shown how we increased this sundry civil bill; that the increases were made because of laws that were passed after the bill passed the House, because of the importunities of heads of Departments stating to us in print and in writing and verbally that the amounts given by the House were insufficient to carry on the operations of the Government. I saw it stated the other day in a place which I suppose I am not permitted to mention, that the Senate had this year swollen the appropriations $19,000,000. In view of that I propose to review briefly not only this appropriation bill but all the bills, as respects these increases, and see what there is in that statement. That statement was made by a distinguished Representative from the State of Texas in arguing some question pertinent to what I am saying. Now, I shall go over these bills in brief.

We increased the agricultural appropriation bill $119,000 over its amount as it passed the House. The House itself increased the bill nearly $600,000 over the estimates of the Department. Why? The Department did not estimate for the agricultural colleges at all. There was an item of $585,000 in the estimates omitted from the bill. That $585,000 was added in the House. We added $100,000 for sorghum experiments and $18,000 for experiments in grasses in high altitudes. I submit that these were proper appropriations.

The next addition was made on the Army appropriation bill, wherein in this body there was added to the bill some $6,000,000 beyond what was appropriated in the House. Why was that done? It was done on the motion of the Committee on Military Affairs of this body, I might say upon the joint motion of the Military Committee and the Committee on Coast Defenses.

They believed then that no fortification bill would pass at this session, because when this Army appropriation bill was considered in the House of Representatives no fortification bill had been reported to the House, although a month of this fiscal year had passed away. Therefore they said unless something is done in the nature of appropriations for coast defenses upon the Army bill—and it was a perfectly legitimate amendment to put upon the Army bill in this body; this body can not fairly consider or take into consideration the rules of the House of Representatives, which gives jurisdiction of a part of that subject to one committee and another part of it to another—the subject will go without action. So we added some $6,000,000 to the Army bill for coast defenses, using a general term and designation only, without specifying the particular objects of the appropriation. We put that on the Army bill and, as I said, put it on before the fortification bill had been proposed in the House. Since that time, however, the fortification bill has not only been reported in the House, but it has passed the House, carrying nearly $4,000,000 of appropriation.

If that fortification bill shall pass here even as it passed the House, without the addition of a single dollar to it, the amendments which we put in the Senate on the Army bill will of course be given away, surrendered, and there will be no addition to the appropriations made in the Senate as compared with the House on that account. The House in the fortification bill provides for only a million and a half dollars' worth of steel forgings. The Senate amendments to the Army bill provided for $5,000,000 worth, and as agreed to in conference for three and a half millions, making a difference of two millions as now disclosed in these two bills. Therefore this addition is an addition which should not be counted as against the Senate now that the fortification bill has passed the House and will be considered in the Senate.

The increase in the District of Columbia bill is $855,000. Why? Because it was represented to the Committee on Appropriations that it was absolutely necessary, owing to the rapid growth of this city, that we should expend some three or four hundred thousand dollars for school-houses in this District, and the great amount of the increase in the District of Columbia bill was for school-houses and sewers and additional water supply, and every Senator knows how greatly all these are needed in this city.

On the Indian appropriation bill there was a slight reduction made by the Senate.

The legislative, executive, and judicial appropriation bill we increased $203,000. Why? That entire increase was made in one Department and on account of the establishment of another. After the legislative bill passed the House of Representatives the two Houses passed a department of labor bill, converted the Bureau of Labor into a department of labor; and whilst the original appropriation bill as it came from the House contained an appropriation of forty-odd thousand dollars for the Bureau of Labor, the law provided for an enlargement, so that we were compelled in pursuance of that law to add over $60,000 to that appropriation.

The Secretary of the Interior and the Commissioner of Pensions came to us and said that it was necessary for the prompt conduct of the pension business that there should be a slight increase of the clerical force of the Pension Bureau, and we added it. The Commissioner of Patents, which is a self-sustaining department, also had added a few clerks in the Patent Office, which were afterwards, I believe, given up. So these small additions were additions made because of new laws.

Now I come to the pension appropriation bill. We increased in this body the pension appropriation bill $1,476,000. Why? Because the House of Representatives had inserted a provision respecting the widows of soldiers, providing that they should draw pensions from the date of the death of the husband instead of from the date of the application; and the Secretary of the Interior sent to us an estimate showing that if that provision was passed, even as modified by the Senate, it would require $1,476,000 to pay such pensions for the current fiscal year. So we added in the Senate $1,476,000 to the pension bill, the House of Representatives itself having added $4,000,000 to the estimates, because, curiously enough, in making the estimates for this year the Department did not provide for the Mexican war pensions, and the House of Representatives added $4,000,000 to the estimates because of that.

Now I come to the Post-Office appropriation bill. The House made fair appropriations in that bill. I see the Senator from Texas [Mr.

REAGAN] in my eye and I must call his attention to the fact that between the time the Post-Office bill passed the House and the time it passed the Senate a law was enacted providing that no letter-carrier in any city where there was a free-delivery system should be required to work more than eight hours a day; and under that provision, which became a separate and independent statute, the Postmaster-General and the Secretary of the Treasury asked us to add $1,021,000 to the appropriations, making that as a necessary estimate for the execution of that law. So that increase was an increase made necessary by a statute passed by Congress and approved by the President of the United States.

Now take the river and harbor bill. I do not care to speak of that, because the Senator from Maine [Mr. FRYE] who has it in charge knows very well how that bill is treated; but I will dwell long enough to say of the river and harbor bill that the one passed this year is only the second such bill that has been passed in four years. The only other river and harbor bill which became a law during the administration of President Cleveland, two years ago, was a bill of $14,000,000. It is true that the Secretary of War only estimated for $10,000,000 for this purpose, but the Chief of Engineers estimated that $40,000,000 could be economically expended. Therefore, when the two Houses came to consider the great question of the improvement of our rivers and our harbors they were confronted with the statement of the Chief of Engineers that $40,000,000 could be economically expended and with the fact that for two years there had been no appropriation and that these appropriations were necessary to carry on existing works and supply new national works. So $22,000,000 were included in the river and harbor bill, or $12,000,000 more than is found in the Book of Estimates.

I will state also that last year, when the Congress ended, on the 4th day of March, 1887, we adjourned with a deficiency bill hanging between the two Houses, so that it was necessary when this session began that there should be an urgent deficiency bill to cover, not the expenditures of the year 1888, but the necessary expenditures of the fiscal year 1887, and that added $4,000,000 immediately to the expenditures; and there was also a deficiency for the collection of customs amounting to $450,000.

Mr. President, having made this review, showing that the additions made in the Senate were additions that were necessary because of laws, because of the urgent persistency of heads of Departments, and because of recommendations that came to us in the form of supplemental estimates, now we are told that we have largely increased the appropriations of this year beyond those of last year. I agree to that, Mr. President. I agree that our appropriations this year are largely in excess of those of last year. Now, let me go a little further to see why this is.

Last year a river and harbor bill passed both Houses which appropriated some $12,000,000; and if that bill had become a law, instead of having a river and harbor bill of $22,000,000 this year we should have had a river and harbor bill of perhaps only $11,000,000 or $12,000,000. In other words by the failure of the President of the United States to approve the river and harbor bill of last year, the Democratic party, if you please, or those who make careful study of the expenditures of the year were able to say that the appropriations were reduced that much.

Not only that, but notwithstanding the appropriations were made last year, as was supposed sufficient to carry on the operations of the Government for the fiscal year which recently expired, it is shown by deficiency bills which have passed both Houses in the nature of urgent deficiencies and by a general deficiency bill which has passed the House of Representatives and will soon lie upon your table, that we fell short last year of appropriating money enough to carry on this Government by $14,000,000. In other words, although the appropriations of last year were supposed to be sufficient, this economical Administration has found it necessary to expend $14,000,000 during the last fiscal year in addition to the appropriations made for that year and also to expend $4,000,000 which should be carried over to 1887.

If you add to that $14,000,000 the $4,000,000 you have $18,000,000, and if you add the $10,000,000 or $12,000,000 in the river and harbor bill, which ought to have been expended last year and is fairly chargeable to last year's expenditures, you have a total of $30,000,000 which has been drawn in and forced, as it were, into the appropriations of this current fiscal year.

Therefore when you come to account for the large appropriations of this year as compared with last, you must take into consideration the fact that last year we did not appropriate as the law and as good economical administration of our Government required us to appropriate. Take a single illustration. One year ago last October the Supreme Court of the United States decided against this Government what was called the Choctaw claim. Under the laws of our country, from the day of that decision that judgment drew 5 per cent. interest. Why should the Government with $100,000,000 in its Treasury allow the owners of that judgment, whoever they may be, to have it drawing 5 per cent. interest for a year and a half? If that money was to be appropriated at all, it ought to have been appropriated during the session which ended in March a year ago. The Senate did appropriate for it, but it was struck out elsewhere.

At this session one of the first things that was necessary to be done and that was done by the House of Representatives, which refused to make this appropriation last year so as to save interest, was to make an appropriation in the Indian appropriation bill of over $3,000,000 for the purpose of paying that judgment and paying interest on it for a year and a half at the rate of 5 per cent., when the Government of the United States could borrow money if it needed it at 2½ per cent., and when we have in the Treasury over $100,000,000.

Mr. President, I make these statements with respect to the appropriations for the purpose of making a comparison. I have here a table carefully prepared by the clerk of the Committee on Appropriations showing the appropriations in detail of this year, and I shall ask at the conclusion of my remarks that this table may be inserted in the RECORD as part of them.

Mr. BECK. Does that give last year as well as this?

Mr. ALLISON. This table, as the Senator will see in a few moments, not only gives last year, but it goes clear back to 1882, and I will explain the table somewhat.

The appropriations of this year I have given in detail, estimating the fortification bill. I want to show the Senate that I am within bounds. I have estimated the fortification bill at only $3,725,000, just as it passed the House of Representatives, without adding to it.

Mr. BECK. What have you done with the additions made to the Army bill?

Mr. ALLISON. As to the additions made to the Army bill, I have assumed in this table that if the fortification bill shall pass all the amendments that were added upon the Army bill by the Senate relating to coast defense and gun manufacture will be withdrawn. Therefore I place in this as respects the Army the exact appropriation made by the House of Representatives, because, barring the additions that we made, which are fairly covered by the fortification bill, we did not increase the appropriations for the Army.

Mr. BECK. There is one bill that it is very hard to make the country understand and the Senate understand, and that is the Post-Office bill. Will the Senator please explain that?

Mr. ALLISON. I will come to that. I thank the Senator for calling my attention to it.

The Army bill in this estimate is the Army bill as it passed the House of Representatives. I want to have it borne in mind that it is the Army bill denuded of the amendments that we put on here, which properly and fairly belonged to the fortification bill, and which will be included in the fortification bill. Yet I have only estimated for the fortification bill the exact amount appropriated by the House.

Thus every regular appropriation is included except the bill which we have now under consideration, and I must admit that I have made an estimate as to what will be finally agreed to in this bill, and therefore to that extent the table is inaccurate; that is to say it is inaccurate by the possibility of a difference between about $27,000,000 and $25,000,000, depending upon who surrenders this or that appropriation which is disagreed to in this conference report. Looking at the probabilities, I have estimated it at $26,300,000. Then I have added the deficiencies as the deficiency bill was reported to the House of Representatives, which is practically as it passed the House yesterday, although I believe $100,000 or $200,000 have been added to it by the House.

So in making up this table I have taken the actual appropriations and made estimates within a very narrow range as respects the fortification bill and the sundry civil bill. Now, taking all this into account and also estimating within a very narrow range, the public-building bills and the other bills yet to be passed—estimating them at only two million and a half, whilst there is fully that amount pending now in conference committee upon public-building bills alone—the total of this year's appropriations, not including what are called the permanent appropriations, amounts to $306,392,296.93. For the same purposes last year the appropriations were $248,573,990.84, or nearly $58,000,000 less than the appropriations for this year. I have explained in a sense a good many of these items of increase.

Mr. BECK. The deficiencies and the river and harbor bill account for $40,000,000 of the difference.

Mr. ALLISON. The river and harbor bill and the deficiencies, as the Senator from Kentucky suggests, account for a little more than $40,000,000 of this difference.

The PRESIDING OFFICER (Mr. GRAY in the chair). The Senator from Iowa will pause while the Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. I ask that that order be temporarily laid aside until the Senator from Iowa finishes his remarks.

The PRESIDING OFFICER. If there be no objection the unfinished business will be laid aside temporarily.

Mr. ALLISON. I suppose this is in order even against the regular order. A conference report is a privileged question, I take it.

Now, Mr. President, if you will add to the $306,000,000 what are known as the permanent appropriations, that is, those appropriations which are not drawn into annual appropriation bills, which amount to $115,000,000 per annum, we have a total of $421,000,000 of appro-

priations for this current year, and we have an estimated revenue of $440,000,000.

These two estimates include what the Senator from Kentucky [Mr. BECK] called my attention to a moment ago, namely, a full appropriation for the Post-Office Department, and include the postal revenues in the revenues estimated. In the $421,000,000 of expenditures I have included the total expenditures of the Post-Office Department and in estimating the revenues for the current fiscal year I have included the total revenues of the Post-Office Department and all other revenues. One offsets the other. Thus, according to this statement, which is substantially correct, the appropriations for this current year will be within $19,000,000 of the estimated revenues of the current year.

I have gone into these detailed explanations of the expenditures for the purpose of expressing my own judgment, not binding anybody else, that in the main these appropriations are necessary for the purpose of carrying on the Government; that they are not wasteful appropriations, but that they are in the main proper. I speak by and large of the whole sum. They are in the main appropriations that are necessary to carry on this great Government of ours; and therefore, when I show that our revenues are only in excess of our expenditures for this year $19,000,000, I do not stand here for the purpose of criticising the expenditures or the appropriations made; and this table, I will say to the Senator from Kentucky, takes a range of eight years, beginning with 1882 and ending with 1889, covering the current fiscal year, because the appropriation bills are now so far advanced that we know practically what they will be.

Now I want to call attention to the fact that comparing four years of the administration of President Arthur with four years of the administration of President Cleveland the excess of appropriations for the last four years as compared with the former four amounts to $95,303,053.57. In other words, we have appropriated for President Cleveland's administration $95,000,000 in four years more than we appropriated for four years of Republican administration immediately preceding him. I am not here either to criticise the appropriations of four years ago or those of the recent four years, but only to say that when men criticise these appropriations as they have been criticised hitherto, and when a man has stood in this Chamber honored, respected, and revered by us for twelve long years, goes on the hustings this very year, and within a week says that these appropriations are monstrous appropriations, I think it is time that the men who make them should be able to show why they are made and the men who criticise them should be able to show wherein they are monstrous and extravagant and wasteful.

Mr. BECK. Who was that?

Mr. ALLISON. Our "Old Roman," who made this statement the other day at Cheltenham Beach, at Chicago, that the appropriations that were yearly being made by Congress were monstrous. We know with what vigor and energy he would make that statement to an audience of forty thousand people, whirling around in order that they might hear him.

Mr. President, if we are making these monstrous appropriations, we have made $95,000,000 more from 1885 to 1889 than we did from 1881 to 1885. They are appropriations to carry on this Government. They are appropriations that have passed the scrutiny not only of the Republicans in both Houses, but of the Democrats as well, and I mean to say here now, and I think I can say it without fear of successful contradiction, that in the Committee on Appropriations of this body as respects these appropriations there have been no party divisions, the Democrats and Republicans alike making the best possible investigation that they could of these long and detailed items of public expenditure, and then coming to a resolution and conclusion without division or distinction of party.

So I have felt that here and now it was incumbent on me at this first opportunity after these criticisms to make some suggestions respecting the situation of the appropriation bills.

I ask that this table to which I have alluded be added to my remarks.

The PRESIDING OFFICER. The Chair hears no objection to that suggestion.

The table is as follows:

Regular annual estimates.

	Estimates.
1889	$268,453,728.68
1888	259,206,768.16
1887	268,220,849.98
1886	256,560,801.35
Total	1,052,442,148.17
1885	215,082,346.32
1884	270,003,235.21
1883	257,001,290.48
1882	197,035,484.93
Total	939,122,356.94
Increase of estimates for 1886 to 1889, inclusive, over estimates for 1882 to 1885, inclusive	113,319,791.23

Table comparing by bills the regular annual appropriations, including deficiency and miscellaneous appropriations for the four fiscal years 1882 to 1885, inclusive, with those for the four fiscal years 1886 to 1889, inclusive.

Title.	1889.	1888.	1887.	1886.
Agricultural	$1,716,010.00	$1,028,730.00	$654,715.00	$585,790.00
Army	*24,639,300.00	23,724,718.69	23,753,057.21	24,014,052.50
Diplomatic and consular	1,428,465.00	1,429,942.44	1,364,065.00	1,242,925.00
District of Columbia	5,046,410.32	4,284,590.66	3,721,050.99	3,622,683.20
Fortification	†3,725,000.00	.....	.....	725,000.00
Indian	8,260,129.13	5,226,897.66	5,546,262.84	5,762,512.70
Legislative, etc	20,668,058.07	20,646,143.67	20,654,346.37	21,376,708.70
Military Academy	315,043.81	419,936.93	297,805.00	310,021.64
Navy	19,943,389.95	25,767,348.19	12,989,907.20	15,070,837.95
Pension	81,758,700.00	83,152,500.00	76,075,200.00	60,000,000.60
Post-Office	60,860,233.74	55,694,650.15	54,365,863.25	53,700,990.00
River and harbor	22,397,616.90	.....	14,473,900.00	.....
Sundry civil	‡26,300,000.00	22,386,540.96	22,662,310.58	26,079,257.49
Total	277,058,356.92	243,761,999.35	236,558,483.44	212,490,779.18
Deficiences	14,688,249.20 / §3,539,434.49	.....	13,866,719.62	4,926,855.80
Total	295,286,040.61	243,761,999.35	250,425,203.06	217,417,634.98
Miscellaneous	8,606,256.32 / ‖2,500,000.00	4,811,991.49	13,489,410.19	2,177,648.20
Grand total	306,392,296.93	248,573,990.84	263,914,613.25	219,595,283.18

Title.	1885.	1884.	1883.	1882.
Agricultural	$480,190.00	$405,640.00	$427,280.00	$335,500.00
Army	24,454,450.00	24,681,250.00	27,258,000.00	26,687,800.00
Diplomatic and consular	1,219,390.00	1,296,755.00	1,256,655.00	1,192,435.00
District of Columbia	3,559,835.54	3,507,247.96	3,498,846.58	3,378,617.44
Fortification	700,000.00	670,000.00	375,000.00	575,000.00
Indian	5,859,402.91	5,358,655.91	5,229,374.01	4,587,866.80
Legislative, etc	21,393,141.85	20,454,246.22	20,038,000.65	17,678,508.99
Military Academy	314,563.50	318,657.50	335,557.04	322,435.37
Navy	14,980,472.59	15,894,434.23	14,819,976.80	14,566,097.55
Pension	20,810,000.00	86,575,000.00	100,000,000.00	68,282,306.68
Post-Office	49,040,400.00	44,489,520.00	44,643,900.00	40,957,432.00
River and harbor	13,949,200.00	.....	18,738,875.00	11,441,300.00
Sundry civil	22,299,434.30	23,679,575.44	25,589,338.06	21,984,194.12
Total	179,060,480.69	227,330,982.26	262,210,823.14	211,989,433.95
Deficiencies	7,057,509.00	2,749,941.49	25,682,951.10	5,092,138.92
Total	186,117,989.69	230,080,923.75	287,900,774.24	217,081,572.87
Miscellaneous	9,592,598.40	1,912,723.88	9,413,614.16	1,072,933.64
Grand total	195,710,588.09	231,993,647.63	297,314,388.40	218,154,506.51

Total appropriations for four years 1886 to 1889, inclusive	$1,038,476,184.20
Total appropriations for four years 1882 to 1885, inclusive	943,173,130.63
Increase 1886 to 1889 over 1882 to 1885	95,303,053.57

*This is the amount of Army bill for 1889, as passed the House of Representatives.

†This is the amount of fortification bill for 1889, as passed the House of Representatives.

‡This amount is approximated.

§This is the amount of general deficiency bill as reported to the House of Representatives.

‖This amount ($2,500,000) covers various bills pending for miscellaneous purposes, and is approximated.

Mr. HALE. Mr. President, one by one the illusions about the present Administration fade; one by one its pretensions are exploded. The speech of the Senator from Iowa, who has just taken his seat, which is a complete mine of information as to appropriations and expenditures, has exploded the assumption that the present Administration is an economical one. An Administration that in four years requires appropriations of the people's money in excess of the previous four years under the opposing party, of ninety-five odd millions of dollars, has little claim to be considered economical in its expenditure of the people's money. And yet, sir, there is no one thing that for four years has been so persistently urged before the American people, in Congress and out, in the newspapers and upon the stump, as the assertion that the present Administration is frugal, is economical, is simple in its way of expending the public revenue.

The Senator from Iowa, more competent than any one in this body from his long experience, the grasp that he has upon the subject of appropriations, the scrutiny that he must needs give and does give to every appropriation that passes Congress, has shown clearly how the present Administration stands upon the subject of the appropriations that it requires as compared with four years of its predecessor.

No fairer method could have been taken than that pursued by the Senator from Iowa, as illustrated in the table he has submitted. To compare this year with last, or to compare this year with any single year of President Arthur's administration, would not be fair; it would not represent the whole situation. As the Senator from Iowa has said, and as the Senator from Kentucky [Mr. BECK], an old veteran upon the subject of appropriation, has brought out, millions of appropriations have been crowded into this year that ought to have gone to the

account of and been charged against last year; and it would not be fair to hold the Administration up to censure because the appropriations that it requires for this year are so large as to amount to $306,000,000.

But the Senator from Iowa has not stopped there. He has gone back and grouped the appropriations that have been required by this Administration, for Senators will remember and the country will remember that whatever may be the appropriations, taking them by and large, we are never able to keep up with the estimates that are sent in here from the Departments. No matter how much money may be appropriated, no matter what it may be in excess of the appropriation of a prior year, it is the general rule that the requests which are made for appropriations exceed the expenditures, and in these four years, reaching from 1885 to 1889, inclusive, as compared with the four years preceding, there is the enormous discrepancy of $95,000,000 and odd against the present Administration. Almost every department of the Government costs the people to-day and has for the last four years more than in the preceding four years.

It is interesting to follow these things through and to see how it is that gradually, while the cry of economy and frugality and old Democratic simplicity has been kept up, at the same time there has gone on constantly and unerringly an increase in the appropriations and expenditures of the General Government. Each Department almost makes good this rule. The agricultural appropriation has been increased; the diplomatic appropriation has been increased; the Indian appropriation has been increased; the legislative appropriation, the running expenses of the Government have been increased; the navy bill has been increased; the sundry civil bill has been increased. The miscellaneous appropriations which go to cover claims and subjects outside of the regular appropriation bills have been increased 50 per cent. over the appropriations which were made and consumed of the people's money by the administration of the Republicans eight years ago. And so it goes on until this aggregate has been reached.

Now, Mr. President, it is a fortunate thing that the Senator from Iowa has brought to the attention of the Senate and of the country these most important facts. It was high time that one of the pretenses under which this Administration sailed before the American people should be destroyed. It is no new thing. One after the other, as I have said, these illusions disappear, these pretenses are exploded.

For a time the Administration sailed under the pretext that it was a civil service reform administration. Investigation and examination showed that whatever had been the evils under old administrations they were ten times increased under the present Administration. There was never an administration that made wholesale and sweeping removals like this. There was never an administration that prostituted its office-holding force to the uses of party politics like this. There has never been illustrated or shown in the history of the Government any such instance of the power of an administration being used to break down malcontents and protestants in the Democratic party as has been shown by this civil service reform Administration.

Testimony taken by a committee of the Senate, of which I have the honor to be chairman, shows that in the State of Pennsylvania discipline was resorted to by the national Administration, every power of the Government was brought to bear to break down the resisting force against the Administration and its theories inside of its party in the person of Mr. RANDALL. Nothing that could be brought to bear in the way of patronage but was bestowed to pay men in terms for deserting the standard of Mr. RANDALL so that the Administration might control the party organization in that State. It was shown that in the assessing and in the collecting of money for political purposes, in turning post-offices and custom-houses into sluice-ways through which might run contributions for party purposes, nothing had ever been equal to it; and yet upon the heels of that the President issued a new order, which I hold in my hand, in which he declared that the civil-service rules must be enforced with greater strength and with greater rigor, as if that would be a remedy!

Take another subject where the pretenses of the Administration have been exposed. It negotiated a treaty with a view not of settling the difficulties that had arisen upon the fisheries question. The discussion that lasted here for weeks and weeks showed that not one person engaged in this interest anywhere was willing to admit that the treaty met the difficulties of the case, and the general feeling of the American people when the discussion ended was that it had been demonstrated that the rights of the United States had been given away in the treaty. We do not know yet the damage that has been done by the Administration in negotiating that treaty, although it was rejected by the Senate. We do not know how, in future negotiations, in times to come, when this Administration is dead and buried and forgotten, the concession that was made by the Administration in that treaty will come back to pester us. And after this treaty had been rejected, then the President comes in with a message assuming new ground upon the basis that had been agreed on this side as a remedy.

Here we have another trick of the Administration exposed. The Senator from Iowa has shown that in the use of the people's money in the appropriations that are made at the request of this Administration, claiming to be a frugal and economical administration, it expends in four years of the people's money which is appropriated for it $95,000,000 more than its predecessor in the same period of time.

What will be the remedy for this? What will be the Administration remedy for this? When this exposure has been made, when this explosion is heard by the country, what will be the remedy by the Administration for it? Will it spend any less money? Not one dollar. Will it economize in any one of the Departments? Not one. Will it reduce its force of paid mercenaries who have been increased all along the line? Not in a single person. Will it in any way economize and save money, and ask for less appropriations? No, sir, in not a single instance; but the remedy will be after this exposure, after this explosion, after this showing up of false pretenses, that we shall be treated to a message from the President of the United States in which he will declare that there must be more economy, and perhaps will take the ground that we ought to pay out less money for the interest on the national debt, and to the soldiers and their widows and their orphan children. That is the only remedy. It would be in part and in parcel and in character with the remedies resorted to whenever any pretenses of the Administration have been exposed.

I wanted, as the subject was brought up and as illustrating the economy of the administration of the Democratic party while in power, to recur for a minute to the public buildings. I have got here, not complete, but so far as I could gather them, a little batch of Presidential vetoes upon public buildings. The first that strikes me is a bill passed by Congress providing for a building in Allentown, Pa., at an expense of $100,000—a town in a Northern State, a Republican State, containing at the last census 18,063 population, largely increased at the present time. The next that I find is a veto message of a bill passed by Congress for a public building to cost $75,000 in the town of Youngstown, Ohio, a town that contains at present a population of 25,000 or more, and contained at the last census 15,435. The bill providing for $75,000 for a building at that town was vetoed.

The next veto that I find in this batch is of the bill providing for the erection of a public building at Sioux City, Iowa, where $150,000 was proposed to be appropriated in a town where the present population has been estimated by the Senator from Iowa, who knows all about it, at 30,000, I believe.

Mr. WILSON, of Iowa. It exceeds 32,000.

Mr. HALE. The Senator from Iowa says it exceeds 32,000. The next is a bill providing for a public building in the town of Columbus, Ga., which contains a population of 10,123, and the bill provides for an expenditure of $100,000. The next is a bill for a public building in the city of Council Bluffs, Iowa, containing a population in 1880 of 18,063. I will ask the Senator from Iowa what is the estimated population at present. I know it is a growing town.

Mr. WILSON, of Iowa. About 25,000.

Mr. HALE. The last is a case in the State of Maine, a building in the town of Bar Harbor, which is to-day perhaps the greatest resort upon the whole Atlantic coast for citizens of the United States from almost every State in the Union, a place now containing several thousand population permanently and a population in the summer varying from 15,000 to 30,000, a place with fifteen hotels and one hundred and twenty stores, running four railway trains a day, and where the convenience of the American people for months in the year is as much affected as, or more than, in any other resort in the United States. Yet a little bill for $25,000 could not pass the President's scrutiny, and he vetoed it after it had been passed by the two Houses.

Here is the significant fact, that with one exception these appropriations of the public money for public buildings apply to places that are large and growing, with a business community about them that is rapidly increasing, towns and cities that have a great future before them, as shown by the growth in the last ten years, and in all but one case lying in a Northern or Republican State.

As an offset to this, and as illustrating this pretense of economy, this claim of frugality, this claim of an honest endeavor to serve the public interests by scrutinizing appropriations and eliminating from them all useless appropriations as applied to this subject of public buildings, I have a little list that has just been hunted up in the document-room of bills for public buildings that were not vetoed by the President upon the ground of economy, upon the ground that the communities in which the buildings were situated were not extensive enough in population or in business to demand the erection of such buildings as the two branches of Congress had agreed to have.

The first one that my eye rests upon is in Greenville, S. C., where the population, as shown by the last census—and I have given the population in all the other cases as shown by the last census, so I am concealing nothing—was 912. Yet an appropriation of $100,000 for a public building at that place passed the scrutiny and received the signature of the President of the United States, who is jealously watching and guarding the public revenues, when a bill was vetoed which proposed to appropriate $75,000 for a public building at Council Bluffs, Iowa, which contains forty times the population and, I venture to say, does three hundred times the business of the little town of Greenville, S. C. Is there any Senator here who can tell why, upon any general considerations, that was done?

Mr. BUTLER. May I interrupt the Senator?

Mr. HALE. Yes, sir.

Mr. BUTLER. May I ask the Senator what he stated the population of Greenville, S. C., to be?

Mr. HALE. I have it down in figures as less than a thousand in 1880.

Mr. BUTLER. The Senator had better re-examine the census.

Mr. HALE. What is the population? I will compare it with Council Bluffs. Suppose these figures that have been given to me are not correct.

Mr. BUTLER. One thousand! Why, the population is over 10,000.

Mr. HALE. Well, I will take that, if there has been a mistake. This list was handed to me here; it may have been a mistake in the State of South Carolina; but suppose the population is 10,000 (and I thank the Senator for correcting me), is there any reason why Greenville, S. C., should have a public building at a cost of $100,000 when Council Bluffs, with a population of 25,000, and Sioux City, with a population of 30,000, or Allentown or any of these other towns with three times the population should not have a public building? The explanation is that the Senator from South Carolina was able to railroad his bill through and obtain the President's signature, and the Senator from Iowa who sits before me and the Senator from Iowa whose seat is here and who has spoken this morning were not able to railroad their bill through.

Mr. BUTLER. If the Senator will pardon me for interrupting him, I will state that I had been railroading at the bill for the last seven or eight years. It was a pretty slow piece of business, it seems to me, to railroad it through the Senate.

Mr. HALE. The Senator did not spend as much time as that with President Cleveland. I will venture to say that one interview was all that was necessary.

Mr. BUTLER. I spent very little time with the President.

Mr. HALE. One interview did the business, I will venture to say.

Mr. BUTLER. No, sir.

Mr. HALE. Well, two.

Mr. BUTLER. I do not know that my interview had any influence whatever upon him. I do not think it had.

Mr. HALE. The next is the case of Helena, Ark. The figures which have been given to me show a population in this town in 1880 of 3,652, and that is granted a public building to cost $75,000, of the same size as the building proposed for Council Bluffs, with 25,000 population, that was vetoed by the President.

Mr. ALLISON. And Sioux City.

Mr. HALE. There was an additional appropriation for Council Bluffs that was vetoed. I have the veto message here.

Mr. ALLISON. That was to buy a little land.

Mr. HALE. It was to buy a little land for securing the building.

Mr. BUTLER. May I interrupt the Senator once more, because I have no idea he wants to state anything but what is absolutely correct?

Mr. HALE. No, sir.

Mr. BUTLER. I was not present when the gentleman first referred to Greenville, and therefore I am not informed as to whether he stated all the facts in connection with that case.

Mr. HALE. I stated no facts except that the bill which appropriated $100,000 for a public building there was signed by the President.

Mr. BUTLER. Did the Senator state that there was a Federal court held there?

Mr. HALE. I did not go into that. So there is a Federal court in Sioux City. I did not go into comparisons in either case. Indeed, I have not gone into the details. But here is Helena, Ark., with an appropriation of $75,000, with a population in 1880 of 3,652, and yet it was not found essential to the interests of economy and a frugal administration of the revenues of the Government that the public building proposed at Helena, Ark., should be stopped by a Presidential veto.

Mr. BERRY. Will the Senator allow me to ask him a question?

Mr. HALE. Yes, sir.

Mr. BERRY. Did the Senator state the population as shown by the census of 1880, or did he state it as it is now?

Mr. HALE. I stated it as shown by the census of 1880, as I did in all the other cases.

Mr. BERRY. And he then stated what the population is now in the other cases, did he not?

Mr. HALE. I have not stated that. What is the population of Helena?

Mr. BERRY. I suppose there are about 8,000 people there. There is a Federal court, however, in the town, and——

Mr. HALE. I am not denying that in every one of these cases there is a Federal court. There is a Federal court in Sioux City. There is a great population about there.

Mr. BERRY. Is there a Federal court at Youngstown, Ohio?

Mr. HALE. That I do not know.

Mr. BERRY. Is there a Federal court in one of the towns the Senator has named, where the bills were vetoed, except at Sioux City?

Mr. HALE. Oh, I think there is. I only sent for this list while the Senator from Iowa was speaking. But there are towns in the Southern States for which public-building bills have passed—I can not give them now, but I know it to be the fact—where there is no Federal court holden, and where money is appropriated, and where the President never thinks of vetoing the bills. I can not give the names of the towns now, but I will take one case that I do know of, because the Senators are here and can speak for it, the case of Sioux City. Yet the bill for Helena, Ark., went through without any trouble. The Senators from that State were able to get the President to append his signature to that most important bill for this most important and growing town.

Huntsville, Ala., which is a growing town, which had in 1880, 4,977 souls making up its population, which now I presume is double that, was able to gain a public building at an expense of $100,000 to the Treasury, and the bill received the President's signature, and no veto was submitted in that case.

So, Mr. President, I might go on. I do not find fault; I do not blame my friends upon the other side for seeing to it that it is so under their Administration, but the whole thing in the way of appropriations is running in the direction of appropriations for their section. The world will live longer and be wiser than now before it sees under a Democratic administration the line of economy drawn against appropriations for the Southern States, whether they be of one kind or another.

Mr. BERRY. Will the Senator allow me to interrupt him?

Mr. HALE. Let me finish my sentence. Every member of the Committee on Appropriations in this body has seen one thing gradually dawning and growing upon us. Items upon the appropriation bills like the item for the payment to the State of Texas in one of the appropriation bills passed by this Congress and signed by the President are more and more creeping on to appropriation bills. The representatives of that section in the other branch of Congress see to it vigilantly that their claims and their demands are answered. The North must pay the bills and it must expect to pay the bills. It is nothing startling to any one who has had a general observation of this feature of our Government as shown by its appropriations in the last four years. It is no startling thing that is shown here when we find that this Democratic Administration has needed nearly a hundred million dollars more of the people's money than its predecessor. It has not been brought so clearly to the public attention before as it has been by the Senator from Iowa [Mr. ALLISON], but the thing in this regard that has been is the thing that will be. There is no new thing under the sun in this regard, Mr. President; it will go on in this way, and it is natural that it should go on in this way.

I have only attempted to draw certain lessons that occurred to me while listening to the speech of the Senator from Iowa. He has laid the foundation for these comments and for others that will be made here and elsewhere. He has shown the American people, and we ought to be glad that he has done so, just what this pretense of economy amounts to. From the figures which are at his hand, and which can not be gainsaid, he has made up his statement. There it stands, and there it shows in living light what is worth every pretense of economy that can be urged by any adherent of this Administration or any misleading message or communication that may come to Congress from the head of this Administration, which is spending $100,000,000 more of money in its four years than its predecessor.

Mr. BECK. Mr. President, I believe this is the first time in about twenty years' service that I was ever obliged to say either to the Senate or House that I was not well enough to take part in debate or even to tell what I know about a pending measure, but that is the fact this morning. However, there are a few things that ought to be said, which perhaps I can state: others will doubtless attend to the politics that the Senator from Maine [Mr. HALE] has dragged into this discussion.

To begin with, we have had a Democratic House of Representatives all the time, except for two years, I believe, since 1875, which has taken very good care that all administrations since that date should be reasonably economical in the expenditure of public money. That period covers the administrations of Mr. Hayes, Mr. Arthur, and Mr. Cleveland. The difference, we claim, is that what we have spent since the Democratic Administration came into power has been, in the main, well expended. Since the Democratic Administration came into power we have been able to show what was done with the money appropriated. When we get money to build up a Navy we can show that we are getting a Navy.

Prior to that time Republican administrations spent hundreds of millions appropriated for the building up of a navy and produced nothing. We have had no star-route frauds and robberies under our Administration, where millions were sunk. Whatever we have spent has been spent in the public interest. Our officials have had no post-traderships and others things for sale, and have not even been accused of venality that I am aware of. The contrast is in the expenditure of the money appropriated. If we have spent $90,000,000 more in four years, the growth of the country, with its increasing population, development and business accounts for a good deal of it. This year, in addition to a great river and harbor bill which covers over two years, and the deficiencies for two years and more to be provided for, we are spending nearly $90,000,000 for pensions. All the private bills have to be added to the general pension bill. In 1885, the last year of Mr.

Arthur's administration, the whole pension-roll was only a fraction over $20,000,000. This year, as I said, it will be close to $90,000,000, and if the President of the United States had not vetoed the dependent pension bill, about which there was such a howl, it would have been $150,000,000 or perhaps $200,000,000 now. That would have disposed of a good deal of the surplus.

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. BECK. Yes, sir.

Mr. ALLISON. I am sure the Senator does not want to make an incorrect statement.

Mr. BECK. No.

Mr. ALLISON. The truth is, that for the four years which are included in that table and which were included in my statement of President Cleveland's Administration as compared with President Arthur's, the pension appropriations were only $25,000,000 more in the last four years than they were in the previous four years. That accounts for $25,000,000 of the $95,000,000.

Mr. BECK. I observe now, in running over this table, which I only got hold of a few moments ago, that the arrears of pensions ran up to $100,000,000 during one year of Arthur's administration.

Mr. ALLISON. But the next year it was $66,000,000, and the next year $20,000,000, because those three years were consolidated together by the appropriation acts; so that the three were considered together and expended as one appropriation.

Mr. TELLER. I ask the Senator from Kentucky if he means to say that there was any year under Mr. Arthur's administration when only $20,000,000 were paid out for pensions?

Mr. BECK. I do.

Mr. TELLER. That is a mistake.

Mr. ALLISON. I have explained that to the Senator from Kentucky.

Mr. BECK. I have here the table which shows it.

Mr. TELLER. It does not show any such thing.

Mr. BECK. It does, I beg pardon. The Senator can see it for himself.

Mr. TELLER. I do not care what the table shows; that is not the fact.

Mr. ALLISON. If the Senator from Kentucky will yield to me, I should like to make a statement.

Mr. BECK. Certainly.

Mr. ALLISON. I speak only from recollection, but the first year included in that table the appropriation was $68,000,000, the next year $100,000,000, the next year $66,000,000, and the next year $20,000,000.

Mr. BECK. That is right.

Mr. ALLISON. That is in round numbers. So taking those four years and then taking the four years beginning in 1885, the pension appropriations for the last four years were only $25,000,000 more than the pension appropriations for the four preceding years.

Mr. BECK. Very well; that is $25,000,000 to be taken from the $95,000,000. We had not heard of that item before, even assuming these facts to be correct.

Mr. ALLISON. I did not go into details upon that point.

Mr. BECK. Of course it was the arrears-of-pension act that caused the extraordinary increase during one year, and then the regular pension-roll fell off again. I wish to compare the appropriations for last year with those we are now making for the present year, and that is all I shall be able to do. The increase in the agricultural appropriation bill was explained very fairly by the Senator from Iowa [Mr. ALLISON]. The Army appropriation bill has also been explained. The Indian appropriation bill would have been no more than it was for last year but for the Choctaw claim. These $3,000,000 will not come against us in any future bill.

We all know and the country is advised as to the number of ships we are now building for the Navy. The development we are making in that direction reasonably accounts for the increased naval appropriations. The guns and steel for guns, etc., for the Army accounts for the increase there. The Post-Office appropriation bill of last year, which was fifty-five and a half million dollars and this year is sixty and a half million dollars, would at first blush indicate that we were appropriating more money out of the Treasury for the Post-Office this year than we did last and more than we did in former years. That is not the case; the postal revenues pay it nearly all. The total deficiency, I think, is a million and a half. That is all that comes out of the Treasury, is it not?

Mr. ALLISON. It is a little more than that this year.

Mr. BECK. With all the extraordinary expenditures we had to provide for added to the appropriations for the ordinary workings of the Department, the report of the Postmaster-General shows the total deficiency to be about a million and a half dollars. All the balance of the appropriations, which amount to the vast sum of $60,800,000, really means that the business of the country has grown so rapidly, especially in the last few years, and with our increasing railroad facilities keeps on growing year by year; yet the revenues of the Post-Office Department pay it all but about a million and a half. I think for the current year the estimate of the Postmaster-General was that the Department would about pay its expenses if we did not change existing conditions.

Mr. GEORGE. I should like to ask the Senator from Kentucky a question. As I understand him, the revenues of the Post-Office Department now pay all its expenses except a deficit of about a million and a half of dollars?

Mr. BECK. About that.

Mr. GEORGE. Does the Senator know what was the deficit in Arthur's administration?

Mr. BECK. I have not looked into that. It is difficult to state accurately, as the rates were changed at different times. Whether such changes were made in the first year of Mr. Cleveland's administration or the last year of Mr. Arthur's I do not now recollect. Some member of the Post-Office Committee can answer that. Various changes were made, as the change from 1 ounce to 2 ounces for first-class matter; that made a great deal of difference for awhile. However, the Post-Office appropriation bill, with over $60,000,000, being on the list, looks as though an immense sum of money was being expended out of the revenues of the Government, when it simply means a million and a half, and while it appears that there were $5,000,000 more expended this year than last for Post-Office purposes, there will not be in fact half as much paid out of the Treasury, I think Senators will find on examination, this year as there was the year before.

That is what I called on the Senator from Iowa to explain, because people merely looking at the figures as shown by the bills might have supposed that there was an increase of expenditure for post-office purposes, when in fact it only shows an increase of business, which the people who use the post-office pay for themselves. The real test of increased expenditure is in the regular bills which provide for the annual salaries of the employés of the Government.

The legislative appropriation bill this year appropriates only about $20,000 more than last year. That is one of the bills which shows extravagance, if any exists, perhaps more than any other, because it embraces all salaries for judges, legislators, and clerks; in short, it includes the salaries and pay of nearly everybody in the employ of the Government in its civil service. While we have added to our population many millions in the last few years, and our business is growing rapidly year by year of course, necessarily requiring more and more of expenditure, the legislative, executive, and judicial appropriation bill, which pays for all salaries, is this year $20,668,000, according to the table, while it was $21,300,000 in 1885, during the last year of Mr. Arthur's administration.

With the salaries and other things provided for in the legislative appropriation bill it only shows this year about $20,000 increase over last year's bill, which is a very small advance, and I think indicates economy, because, I repeat, that is the bill which tests more than anything else what is being expended for all salaries of employés. And there is where extravagance or economy is shown.

Mr. GEORGE. I should like to ask the Senator from Kentucky if he means to say that in the legislative appropriation bill, which provides for the salaries of judicial and executive officers and salaries of every kind, the increase has been but $20,000 over last year's appropriations?

Mr. BECK. I do; and I say that it is less now, after four years, notwithstanding the growth of the country in its business, by nearly a million dollars than it was in the last year of the administration of President Arthur. Among the items that do not belong to annual appropriation bills are large amounts running up to, say, $25,000,000, to be spent for guns that we are experimenting with, and for steel that we are buying with which to try to build up an efficient Army and Navy. These extraordinary expenditures have been made because we have been endeavoring for the last three or four years to do something to put ourselves in a condition to defend ourselves, if nothing else. That makes up more than the difference which may appear between appropriations now and during Mr. Arthur's administration. The Army appropriation bill this year and the naval appropriation bill are larger than they were last year, I think. I have not had time to go over the table presented by the Senator from Iowa [Mr. ALLISON]. I know we have been spending a good deal of money for these things.

But all charges of extravagance are answered when it is shown that the legislative appropriation bill shows no increase, but a diminution of three-quarters of a million from what it was four years ago and none or hardly any over last year; having accounted for $25,000,000 at least in the increase for pensions, having endeavored to explain the post-office matter, then comes the river and harbor bill, which of course we all understand is nearly twenty-two millions and a half this year, and there was nothing appropriated for rivers and harbors last year. There is nearly $18,000,000 of deficiency this year, when there would have been less than ten millions perhaps if the deficiencies of last year had been properly charged. That is about the proportion, I think, and many of these deficiencies, I may observe, have been caused by our own legislation. We have reduced the hours of the letter-carriers. We have given additional leave of absence with pay to other employés, and in many ways created deficiencies which the Departments could not control.

Mr. ALLISON. There were certainly $5,000,000 of deficiencies last year.

Mr. BECK. More than that I think. As to the increase of appropriations for this year over last, take off the river and harbor bill and account for extraordinary appropriations for the Army and Navy, the $3,000,000 for the Choctaw claims, and the increase is not large. Everything can be ascertained substantially now, with the exception of the sundry civil appropriation bill, which is yet in conference, and the exact amount of that depends upon what we agree on. We have in the sundry civil appropriation bill a million dollars for the new Library building, for example. That is not an expenditure of the Administration. That building and the expenditures for it will go on for years. We are proposing to buy a block near the Post-Office building that may cost us a million dollars more, for permanent public uses. We are seeking to add to the Government Printing Office by buying half a block there. That may cost us a good deal of money. These are things that the needs of the Government require. We have more public buildings going on now than we had four years ago, but all this talk about the public buildings, it seems to me, amounts to very little.

I can name four cities—the city of New York, the city of Pittsburgh, the city of Cincinnati, and the city of St. Louis—which have four public buildings, and if the amount appropriated for them is aggregated those four public buildings will cost this Government three times more than all the appropriations which are being made this year for all the public buildings over the country. Nearly $10,000,000 was spent in New York alone for a post-office; at Pittsburgh, God knows how much; $5,000,000 or $6,000,000 at Cincinnati; $4,000,000 or $5,000,000 at St. Louis, perhaps. The small public buildings that are going on all over the country are saving us rent where we have United States court or for internal-revenue offices and post-office or matters connected with our customs. The purchase of a piece of property by the Government at $75,000, or $100,000, or $150,000, when money is worth to us only 3 or 4 per cent., is certainly an economical investment, and is in no proper sense either extravagant or wasteful.

The President may have vetoed some of these measures wrongfully. He may have had reasons for doing so in some cases about which I do not know, because I have not examined his veto messages. The Committee on Public Buildings and Grounds can explain all that, and if necessary no doubt will, but I have given the general condition. The increases this year over last year are accounted for almost entirely, perhaps entirely, by the river and harbor bill, by the deficiencies for two years being all thrown into this, as there was no deficiency bill passed for last year and no river and harbor bill, and by the appropriations for the guns and armaments that we are endeavoring to obtain for the use of the Army and the Navy. There has been no increase in the legislative appropriation bill, no increase in the consular and diplomatic appropriation bill, and no increase in the Indian appropriation bill. There has been a falling off in the Military Academy appropriation bill. There has been an increase of course in the pension appropriations, as we all understand.

The sundry civil appropriation bill is not yet out of conference. It will perhaps come out appropriating $25,000,000 or $26,000,000. I do not know how it compares with those under Mr. Arthur's administration, but it is somewhere along in the same general line. I see $22,000,000 in 1882, $25,000,000 in 1883, twenty-three and a half million dollars in 1884, twenty-two and a quarter million dollars in 1885, and so on in the table furnished by the Senator from Iowa [Mr. ALLISON], substantially what we have it now. There has been a little swell perhaps, growing out of the necessities of the Government. We have more light-houses than we ever had. We are lighting up more rivers than we ever did. Our Life-Saving Service is improving and extending. We have added very much to the cost of our Geological Survey in the last few years, only I think we are going a little too fast upon that line; and there is too little accountability when you come to understand it; and so with many other things.

Therefore the alarm about the using up of the revenues of the Government may as well be dismissed. It is said there is a difference of only about $20,000,000 between the estimated revenues and what we are expending. You can take half the river and harbor bill off, and you can take off all or at least half the deficiency appropriations. Twelve million dollars and $8,000,000 make $20,000,000. That is, $40,000,000 that you can very well count as surplus, and as the Senator from Iowa very well knows, we can take the $50,000,000 that we call a sinking fund and count it as a surplus beyond the needs of the Government, as we have no bonds we can buy with it except at a high premium.

That constitutes a surplus of $90,000,000, to say nothing of all that we have lying idle in the Treasury now. There is no need ot any alarm about any reduction of taxation that is proposed, or that there is not being idle surplus money enough for all purposes. Of course our permanent appropriations, which are stated in this exhibit at, say, $115,000,000, are decreasing, and must decrease rapidly. We have bought a large number of bonds, some $60,000,000 perhaps. Every bond we buy diminishes the amount required for the permanent appropriations, which embrace the interest on the public debt, the sinking fund, and all that class of things.

While my friend, the Senator from Maine, was speaking I turned to the monthly statement. We have to-day only $220,000,000 of 4½ per cent. bonds that are payable in 1891 outstanding. We have $713,000,000 of 4 per cent. bonds that do not mature until 1907. The total interest upon the whole bonded debt is $9,440,000 on the four-and-a-halfs and $28,520,000 on the $713,000,000 of fours, making a total interest that from this time on we shall have to pay of $38,460,000, and it will diminish day by day. It was $52,000,000 two or three years ago, and nearly $150,000,000 twenty years ago. That is dropping off as fast as we buy bonds, and the reduction of interest increases the surplus as fast as we become the owners of the bonds.

The estimates of appropriation, known as permanent, for the payment of interest and other things, being based upon the total amount outstanding at the time estimated for, gives no credit for the amount we have bought in the mean time. Of course it adds that much to our surplus. So beyond all doubt we have the sinking fund, which everybody knows can only be applied to the purchase of bonds, with about $120,000,000 lying idle in the Treasury now, in addition to the $100,000,000 that is supposed to be guarding greenbacks. That money alone will buy every bond we have that can be paid at par before 1907. The $50,000,000 so called a sinking fund is as much a surplus as any other money. I do not propose to discuss that question now. The Senator from Ohio thinks I am cranky about that. We will attend to that after awhile and see whether I am or not, when we come to discuss it, as we shall, I hope, when the tariff bill is brought before the Senate, if it ever gets there.

As I said, I am not physically able to go into any discussion beyond fairly stating what we have done. All I desire to add is, that I have been upon the Committee on Appropriations for nearly twelve years. I have served with the Senator from Iowa for a long time. The charges that have been made, to which he referred, from any quarter, I do not care whether made by the Secretary of the Treasury or anybody else, that the Senate has been extravagant in its appropriations, are all wrong.

We have kept the appropriations down below the estimates. We have never had a political division in regard to any action taken in the committee. Instead of the Senate being blamed for any extravagance in making appropriations, I think every Department of the Government ought to thank the Senator from Iowa for the careful way in which he has considered all their claims and the absolute justice he has endeavored to do them in making the appropriations necessary to carry them on. Anything that implies censure on him or his committee is all wrong, no matter from what source it comes.

Mr. SAULSBURY. Mr. President, I have no desire to enter into a discussion about the expenditures of the Government. I believe, however, that it is well that occasionally the attention of the country should be called to the expenditures, because a watchful vigilance on the part of the people will have a tendency to restrain the extravagance of those who represent them in the two Houses of Congress. It is well, therefore, that the Senator from Iowa and the Senator from Kentucky, members of the Committee on Appropriations, have called the attention of the Senate and the country to the expenditures which are made to carry on the Government.

I have no criticism to make of that committee. I have no doubt, as has been remarked by the Senator from Kentucky, that the committee is vigilant and careful in its investigations into the necessary expenditures to carry on the Government; but I do object that there should be an attempt made by the Senator from Iowa, and especially by the Senator from Maine, to throw upon the present Administration the responsibility for the extravagances which have been indulged in in the expenditure of public money. Everybody knows that the President of the United States has no control over the Treasury of the United States; that the appropriations are made by laws enacted by Congress, not by the executive department. If there has been any extravagance it is chargeable to the two Houses of Congress, and not to the President and the executive department of the Government.

I have no doubt that there have been unnecessary appropriations under the authority of law, which the Committee on Appropriations could not fail to provide for, because the laws of the land required them to be made; but it is unjust, it is unfair to the executive department of the Government to attempt to say that under the administration of President Cleveland the expenditures of the Government have been increased, with an evident intent, if possible, to make the impression upon the country that the administration of President Cleveland has been unnecessarily extravagant in the use of public money, when every Senator here knows that there is not a dollar which the President can handle without the appropriation having been made by Congress.

I think, with all due deference to Senators upon the other side of the Chamber, that there has been a disposition on the part of Republican Senators to increase the expenditures. It was evident from the very inception of the present session of Congress that one of the purposes which dominated the majority of the Senate was to reduce the surplus in the Treasury by unnecessary appropriations of money. Everybody saw that it was one of the tactics of the present session on the part of

the Republican Senate to reduce that surplus, to which attention had been called by the President in his annual message, by extravagant expenditures of the public money. There is no disguising that fact. Need I cite the Blair bill, which proposed at one fell swoop to take $77,000,000 from the public Treasury, not all in the present year, but a part in the present year? The inspiration in part for that movement was to reduce the surplus, so as to prevent, if possible, a reduction of taxation upon the people which created that surplus.

Mr. BLAIR. Will the Senator allow me to interrupt him for a moment?

Mr. SAULSBURY. I will yield for a question; but I am not going to make any set speech, and I prefer to proceed in my own way.

Mr. BLAIR. I should like to remind the Senator, in regard to the educational bill of which he speaks, that it is older than the surplus; that the necessity for it is older than the surplus, and that it was not a strict party measure in its support, though I will admit in its influence and tendency, if it shall have an elevating and civilizing effect, it may perhaps make it liable to the charge of its being a Republican measure. But, sir, it is older than the surplus. It was introduced in the year 1881; it has been pending ever since, and I assure the Senator from Delaware that it will remain pending, surplus or no surplus, until it is a law, or until the necessity which calls for its passage and the evil which it is designed to remedy have both been removed.

Mr. SAULSBURY. My friend from New Hampshire will, I hope, not intrude upon my courtesy.

Mr. BLAIR. I intruded upon the Senator's courtesy only by telling the truth. I hope his courtesy will not run counter to matters of fact again.

Mr. SAULSBURY. I am not disposed to enter into a controversy in reference to the truth of the statements of the Senator from New Hampshire, but I was simply expressing myself very briefly in regard to a subject which was brought to the attention of the Senate by the Senator from Iowa and to which a political turn had been sought to be given, with the view, I suppose, of prejudicing the administration of President Cleveland in the eyes of the country. I simply rose to protest against any such attempt on the part of Senators on the Republican side of the Chamber to charge the executive administration of this Government with any extravagance that they may have indulged in, for they know and everybody else knows that the President can not touch a single dollar in the public Treasury without the appropriation having been made by Congress. I then said that as soon as the attention of the country was called by the annual message of the President to the surplus that was threatening the business of the country, which had accumulated in the Treasury, the first purpose manifested on the part of the Republican side of the Chamber was by an extravagant use of the public money to deplete that surplus in the Treasury and to take away a strong argument against the reduction of the taxes upon the people of the country.

We know of other measures. Not only was there the Blair bill to which I have referred, but against the protest of an executive officer of this Government, against the protest of the Postmaster-General declaring that he did not need it, $800,000, I believe, was proposed as a subsidy to hitch on the appropriation bill for the Post-Office Department, and against his urgent protest you brought forward that measure and thrust it down his throat so far as the action of the Senate was concerned.

Can you charge an Administration with extravagance when it has resisted some of the extravagance which you have proposed by your legislation in the Senate? It is evidently unfair on the part of the Senator from Maine, and I can not exonerate the Senator from Iowa fully, to attempt to hold up the administration of President Cleveland as an extravagant administration, because by your efforts the expenditures of the Government have been increased.

As the country grows, as the business of the country enlarges, there must necessarily be an enlargement of public expenditures; and I do not say that Congress acts unwisely in meeting the growing demand upon the public Treasury; but I do say that after you have come here and enacted laws which require the appropriation of money it is unfair to undertake to hold the administration of President Cleveland up as an extravagant administration when he has not the power to touch a single dollar in the public Treasury except under the authority of law.

Without making any criticism upon the Committee on Appropriations, or without intending to dissent from the necessity for these appropriations, because the laws require them, I did think it unfair, when there was being an *exposé* made of the expenditures of the Government, to fasten a charge directly or impliedly upon the Administration, charging it with extravagance when it is known to every Senator that that Administration is not responsible for the expenditure of a single dollar from the public Treasury except as it obeys the laws which Congress enacts.

Mr. VEST. I am informed—I was not in the Senate at the time—that the Senator from Maine [Mr. HALE] drew a comparison between appropriations for public buildings in the Northern and Southern States, and that he asked the question, Who pays for these public buildings? why is this money so unequally distributed? etc. As I happen to be a member of the Committee on Public Buildings and Grounds, and have paid some attention to the distribution of these public expenditures, I wish to call the attention of the country and of the Senate to Senate Report No. 89, Forty-ninth Congress, first session, which is a statement of all the expenditures for public buildings by the Government from March 4, 1789, to March 4, 1885, and which is the last official summary upon this subject.

By the census of 1880 the State of Maine had 648,936 people. The expenditures for public buildings according to this report up to 1885 were $2,231,114.

Mr. REAGAN. In that State?

Mr. VEST. In the State of Maine alone $2,231,114 was expended for public buildings up to 1885. In the State of Arkansas, with a population by the census of 1880 of 802,525, or one hundred and sixty-odd thousand more than in the State of Maine, there was expended for public buildings during the same period $309,317, or an excess in the State of Maine alone over Arkansas, with a superior population in Arkansas, of nearly $2,000,000.

In the State of Alabama, which had by the same census 1,262,505 people (nearly if not fully twice as many as the State of Maine), there was expended during the same time $619,807 against $2,231,114 in the State of Maine, although the State of Alabama had twice the population. In the State of Georgia, with a population of 1,542,180 (within a few hundred thousand of three times as many as the State of Maine), there was expended in the same period $500,849.

If any Senator from the State of Maine, in the face of that exhibit, can talk about the unequal distribution of public money for public buildings, I commend his public audacity.

Mr. BLACKBURN. Mr. President, I am not a member of the Committee on Appropriations, and it does not devolve upon me to undertake to instruct the Senate or the country upon the questions that are pending here and under discussion now. I have not the slightest objection, and I do not mean to offer any opposition or criticism to the methods the Senator from Maine [Mr. HALE] may see fit to employ in disporting himself before this Chamber after a fashion that comports with his own good taste. I am not discussing any item in the appropriation bill, but I mean to call the attention of the Senate to a matter clearly outside of the pending bill, which the Senator from Maine has seen fit to lug into the debate after a fashion that involves a question of common decency.

The Senator from Maine saw fit to refer to a message which the President of the United States sent here but recently upon the matter of the rejection of a treaty regulating open matters of dispute between this and a friendly power; and he undertook to make it germane to the discussion and to the issue which he was pretending to handle by telling us that it had never been given to human power to calculate the losses that were imposed upon us by methods such as were suggested in that document. With that treaty, as with this appropriation bill, I have no special concern, for I am not charged by committee service with handling either the one or the other, and I do not care to say aught about either the treaty or the message except this, which I do in all kindness, that it does occur to me that there is nobody torn up or disturbed about the action of the other side of the Chamber in rejecting the treaty nor about the message which came here as a consequence of its rejection—at least nobody who sits around me. If anybody is disturbed or sweating blood over that transaction, it occurs to me that he must sit on the other side of the Chamber.

The President said nothing in his message except that he had tried, after a friendly fashion, to accommodate existing differences with a friendly power, and that the Republican majority of the Senate had refused to allow him to do it; and he simply added what as an honest man he ought to have added, that he trusted the gentlemen who had reversed his action and remitted him to methods that were hostile would be fair enough, and manly enough, and honest enough to give him the legislation that was needed to enable him to do what I fear they will not do, but come in and play the rôle of bully or bravado, to execute the orders that the Senate of this country saw fit to impose, and to execute the laws which he had sworn to execute and which he has done after a fashion to the satisfaction of the American people.

But that is not what I want to call the attention of the Senate to. The Senator from Maine in pretending to discuss an item in an appropriation bill has seen fit to drag before this body what he says is testimony taken by a committee of this Chamber, raised on his own resolution, and of which he is chairman, and of which I chance to be a member.

By accident, it may be, I happen to be a member of the Committee on Rules of this body, as is its worthy Presiding Officer. I have been a member of the Committee on Rules ever since I have been a Senator, but I have never found the rule, and I defy the man who lives to point me to a rule that warranted the Senator from Maine in dragging into this Chamber in a political harangue, for the accomplishment of a partisan purpose, testimony taken before a committee of this body which has never been validated by a report made upon it, and which he himself has never permitted to see the light of day.

Mr. HALE. Oh, I beg the Senator's pardon.

Mr. BLACKBURN. I will go further.

Mr. HALE. Let me state that it is printed.

Mr. BLACKBURN. I know it is printed. I will go further, and then the Senator will not want to interrupt me before I am done.

Mr. HALE. It is all printed.

Mr. BLACKBURN. I know it is.

Mr. HALE. Every particle of it.

Mr. BLACKBURN. I know it is, and delivered according to the Senator's order, and not to me.

Mr. HALE. Every Senator has had an opportunity to see it.

Mr. BLACKBURN. Very well, Mr. President, if the gentleman will contain his soul in peace——

Mr. HALE. The Senator is making a mare's nest of nothing.

Mr. BLACKBURN. No, but I shall make that Senator feel that he owes an apology to this Chamber for what he has done, not only for what he has done to-day in dragging that testimony here when under the rules and under the practice and under the precedents that govern in this and in every other decent legislative body he stood precluded; but that is not the gravamen of the charge. I shall go further and make it worse, and make the Senator from Maine my witness.

Mr. HALE. Well, go on.

Mr. BLACKBURN. I shall, and I am not indebted to your permission for it either.

I mean to say that the Senator from Maine offered a resolution in this Chamber, and under its provisions he raised a committee, a mud-slinging committee, so advertised to the world and branded on every lineament of its ill-visaged face. He started out to hold this Administration responsible for inconsistency in the matter of the execution of the greatest and grandest political abortion, in my judgment, that ever afflicted or cursed mankind in the shape of a civil-service law. He lugged that committee to Baltimore, to Philadelphia, and to New York, and then allowed days to stretch into weeks, and then permitted weeks to lapse into months before he ever called it together again; and he has not called it now, and does not dare to do it.

Disgusted with his failure of find, skulking away from his self-imposed duties, which were intended to answer and to accomplish political purposes, never daring to make a report, never calling that committee together in order to consider the testimony which had been adduced, outside of rule, disregarding precedent, flaunting defiance into the very face of the ordinary promptings of propriety, he undertakes to lug in the testimony which you have never seen, nor any man in this Chamber, and brings it in, as I assert upon my responsibility both as a Senator and as a man, for the sole and single purpose of perverting and distorting it.

Nor is that the worst. More than that, he undertook (and he dare not in this presence deny it) to accomplish the partisan purpose with which he offered the resolution and raised the committee which he has since abandoned and deserted in the face of his discomfiture, by taking testimony within the very walls of this Capitol and in the wing of this Senate Chamber without notice given to a majority or a quorum of his committee, and he took the testimony without the administration of an oath, and accepted the unsworn statements of a tramp, when the committee was never advised of his appearance, and incorporated that in the record, of which this Chamber is to-day profoundly ignorant.

I am perfectly willing for this Administration to be held responsible if it has been extravagant in the expenditure of public money. I am perfectly willing that the fullest measure of responsibility that attaches to every man, from the occupant of the White House down to the humblest member of the party he leads, shall be dealt out and applied; but I do protest that in the discussion of a clear and a naked appropriation bill it is not fair, it is not just, it does not, in my judgment, comport with the dignity of this Chamber to employ methods and use arguments after such a fashion, with such antecedents, and in face of such a record, as the Senator from Maine has seen fit to employ.

I protest that it was but common fairness, if the Senator from Maine meant to use one atom of testimony that had ever been taken by a committee over which he presided, that he should have first made a report to the Chamber which gave him his power, and afforded to a muzzled minority at least the opportunity and chance to answer him and to vindicate the truth.

Mr. HALE. Mr. President, in treating the Senate to a discussion of public affairs in which every Senator and the country is interested, I shall not take the Senator from Kentucky [Mr. BLACKBURN] as my model. There is no issue between him and me personally. There will be none between him and me personally. Neither do I choose in anything that I may say to the Senate to employ the words "decent," "bravado," "tramp," and "skulking." I do not accuse the Senator from Kentucky, because these things are not in the controversy here in which the Senate is engaged.

In speaking of one of the pretenses and shams which had been exposed on this floor by the Senator from Iowa [Mr. ALLISON], I referred, as was natural, and as other Senators many a time have referred, by analogy to other pretenses and shams which had been exposed; the attitude of the Administration upon the fisheries, for instance, and the attitude of the Administration upon civil-service reform; and if my reference to the attitude of the Administration upon civil-service reform had not been apposite, had not had force and had not drawn blood, the Senator from Kentucky would not have been so sensitive and he would not have sought to project offensive remarks and personal allusions into this discussion.

The world knows that the Administration is discredited in its pretenses of civil-service reform. Every particle of testimony that has been taken by the committee of which I am chairman, and of which the Senator from Kentucky is a member, was taken in open daylight before the world; was commented upon by the newspapers. Every one of the things I referred to, only briefly, as an illustration of my proposition that one by one the pretenses of the Administration were being exploded, has been before the public of the United States and has been commented upon.

Mr. CHACE. The newspaper reporters were present at the hearings.

Mr. HALE. The newspaper reporters were invited to be present at every one of the meetings of the committee, whether the Senator from Kentucky has been there or has been otherwise engaged. The testimony was given to the public.

Mr. BLACKBURN. I ask the Senator if I ever failed to meet the committee when I had notice of a meeting?

Mr. HALE. I will come to that very soon. Every particle of the testimony was taken openly and in public, and commented upon so that upon the testimony as produced the New York Post, at present a clamorous and vociferous and able organ of the Administration, declared that in America no man was left to place credit upon the civil-service reform statements and assumptions of the President and his administration.

All that is ancient history, Mr. President; all that has been demonstrated; and I am glad that the committee over which I have had the honor to preside has helped to demonstrate it, and has been as open and as above-board in everything it has done as it has been.

The work of that committee has not been finished by any means. There have been hearings held from time to time as it was deemed advisable to hold them. Has the Senator from Kentucky ever asked the committee to have a hearing upon his side of the subject that would in any way illustrate his propositions? Has the Senator from Kentucky ever asked that there be a hearing of any member of the Administration who wanted to meet and countervail the testimony that is overwhelmingly against the Administration? Why has he not brought before the committee the Secretary of the Treasury, who I was notified desired to be heard, and I told the Senator from Kentucky that if he had any explanation to make about the disclosures that were brought forth in the New York testimony he should have the opportunity at any time?

More than two months have gone by, and he has never knocked at the door of the committee to be heard. Neither has the collector in New York, nor the surveyor in New York, nor has any man in Baltimore, or Philadelphia, or wherever the committee has done its work ever dared to appear and request a hearing before the committee, because the testimony was overwhelming——

Mr. BLACKBURN. Does the Senator from Maine mean to tell this Chamber that none of the officials of New York, Baltimore, or Philadelphia did appear and testify before the committee?

Mr. HALE. Precious few of them ever did appear, and the rest of them who were responsible never ventured to appear before the committee, but they stand under the crushing weight of the testimony that the public has already taken notice of.

I stand here in the Senate as representing its favor in having been assigned as chairman of the committee, and I wish to call attention to what the Senator has chosen in a most remarkable outburst here to intimate, that there has been something like unfair play in the hearings of the committee.

Mr. President, I have been longer a member of the Senate than the Senator from Kentucky. My brother Senators know something about my methods in committees of this body; and I might leave all of this to them and to their undistempered judgments upon this subject-matter. Is there any Senator here who believes that I have secretly and covertly taken testimony when the other side has not been notified?

Mr. BLACKBURN. Will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Maine yield to the Senator from Kentucky?

Mr. HALE. I will state the cold facts here, and then the Senator may reply if he chooses.

Mr. BLACKBURN. I shall do so.

Mr. HALE. Early in the investigation I was informed that there was testimony with reference to the conduct of officers in the State of Indiana, and especially in the Indianapolis post-office, which was desired to be given. Suddenly there appeared here one day a gentleman, who is not a tramp, who is well known in Indiana, who is known to the Senators from Indiana, and if they were here they would testify as to his high character and standing. He was going to leave the city and

desired to give testimony or present documents before the committee.

I had no time to send out a written notification by the clerk of the committee. I did more than that. I went to the other side and sought to find members of the committee. The Senator from Kentucky [Mr. BLACKBURN] was not in his place—which was no fault of his; the Senator from Virginia [Mr. DANIEL] was not in his place; but the Senator from New Jersey [Mr. BLODGETT] was in his place, and I am glad to see that he is here now, and I shall ask him to make a statement of this matter before it is ended. I told him the situation and asked him to try to hunt up, between that time and the time the gentleman would appear before the committee, the other members of the minority of the committee. I was not able to find more than two or three of the members on this side. At the appointed time the gentleman appeared. The Senator from New Jersey was there, representing his party; I was there and another member of the committee, and we sat down and received the statements and the papers which were presented by the gentleman from Indiana. The other side was represented, as we were. I do not remember that there was any cross-examination or any examination of any account whatever. The gentleman presented his papers; he told his story, and went off, as he declared, about his business.

Nay, more than that, Mr. President—and I might make this the subject of a personal complaint against the Senator from Kentucky, and might compare his method with mine, but I do not do that—more than that, the Senator from Kentucky came to me soon afterward with some appearance of excitement and asked me how it had been done, and I said, "I refer you to the Senator from New Jersey [Mr. BLODGETT], who will tell you all about it." He saw the Senator from New Jersey, and I never from that day to this until his outburst here supposed that the Senator from Kentucky harbored a single thought that anything had been done in a covert way. He and I have sat together about the table taking testimony in this committee since then, and no allusion has been made to that thing in the past.

If there is anything that should be closed and considered closed among honorable men, it is that. There was no fault of mine in the matter whatever. The whole thing was known to the Senator from New Jersey, who was the only representative of his party there, and the whole thing ended. Over and again, under like conditions, I would do the same thing; and if the Senator from Kentucky in an emergency like that, and in a committee like that, had done as I did, and it was explained to me as it was explained to him, I do not think I would consider that it ought to be made an instance of a charge of unfair dealing on the Senate floor. We do not do things in that way, the rest of us, in the Senate of the United States. I have never before known such a little thing, a matter of no account, to be made the basis of a charge such as the Senator from Kentucky has made here, and I trust, whether his days or mine be long or short in the Senate of the United States, that it will never occur again.

Mr. BLACKBURN. It occurs to me, Mr. President, that it might have been well enough while the Senator from Maine [Mr. HALE] was on the floor and undertaking to tell what happened about that unprecedented, unusual, singular, unpatented testimony that he took on that occasion, involving the conduct of officials of the Indian Office and of the Post-Office, for him, as he was not limited in time, to have gone on and told all of it.

Mr. HALE. What does the Senator mean?

Mr. BLACKBURN. He did not see fit to do it, but I will.

Mr. HALE. The testimony is all printed.

Mr. BLACKBURN. I will state now what the Senator did not—the balance of the truth. I went to the seat of the Senator from Maine on the very morning after this testimony, if testimony it be, was taken. I should insult the intelligence of a single Senator who sits upon this floor if I were to call it testimony or anything else but balderdash. I went to him and he told me that about the time the Senate was adjourning on the day before he found that he wanted to take this man's proof, and he wanted to take it the next morning at an hour that antedated the meeting of the Senate or any of its committees. No wonder he did not find the Senator from Virginia, nor is it to be wondered that he did not find me, but it is to be wondered that he found the Senator from New Jersey or anybody else upon such notice.

That is not all. He took this proof the next morning without a quorum of that committee present. I undertake to say that the Senator never administered an oath, and that none of the statutes that run against perjury apply to the case of the witness that he parades in the printed testimony. And more; when I went to his seat, having heard of this, and asked him what had induced him to disregard the rules of this body and the practice that had ever prevailed when he and I had served in the House, before either of us was a Senator, I told him that it was my purpose to rise to a question of personal privilege on this floor and call the attention of the Senate to what had been done and demand the passage of a resolution that should protect the minority from such treatment in the future, and he begged me not to do it, and told me that it would not happen again.

He says now that I went to the Senator from New Jersey, and saw him and satisfied myself. I beg the Senator from Maine to let me correct his statement. I never went to the Senator from New Jersey, and I had no conference with him about it. I did not need to confer with anybody. I knew that a fundamental rule of this body had been violated. I knew that every precedent had been outraged. I knew that fair dealing, which should be observed toward the minority, either in the matter of giving them a hearing or of putting the party testifying under the responsibilities of an oath, had been violated. That was all of it.

But that, Mr. President, is not the gravamen of my charge. I do not care anything about that. When the Senator from Maine begged me not to raise this question of privilege, and not to call the attention of the Senate to what he had done, I did not tell him that it was all settled, as he would have the Senate infer. On the contrary, I told him that I would hold it in abeyance as a right of my own for future use if I saw proper to make it. That was the parting that occurred between us.

But that is not the gravamen of my charge. I insist that this Senate shall know that a committee of its own creation, over which the Senator from Maine presides, raised months and months ago, has taken testimony in some of the largest cities in this country, and weeks have stretched into months since that committee had a session. As a member of it I have no reason this day to believe that it ever is to meet again, and in the light of the testimony which the Senator has without warrant undertaken to deal with, I am satisfied, unless he has gone stark mad, that it will never meet again. He has lugged that testimony into this Chamber when he would not dare to accompany it with a report, when not a member of the Chamber, unless it be one of the members of the committee, has ever had an opportunity to read it, or to see it, or to hear it. That is what I complain of.

And I complain further, and here is where the substance of my grievance lies, that the Senator from Maine has not stated the testimony fairly; he has perverted it. If I am to be permitted in self-defense to follow a bad example which he has set, I will undertake to say that the official RECORD of this Chamber, as published to-morrow morning, will not show one single, solitary, material statement that he has made as embodied in that testimony which is true in fact or has a semblance of foundation.

I do not blame the Senator for getting sick. If he is determined to wade clear through the record made by this committee, let him do so. The testimony taken in the metropolis of this country he never heard, for he never was inside the committee-room and never crossed its threshold from the day we got there until the day we left.

Mr. HALE. It was all reported.

Mr. BLACKBURN. He was not able to cross it, he never heard a word of it. The whole case in New York turned on the testimony of three men in reference to that sugar trust, and the chairman of the committee knows it. One of the witnesses was a deaf doctor, I believe a dentist. Whether the Lord had deprived him of his power of hearing in order to enable us to force him to tell the truth I do not know, but he could not listen to the perjury of the other two witnesses, upon whom the case turned—those two brothers. They had been dismissed the service. In the light of that testimony, if the Senator from Maine should ever agree to present it to this Chamber, I will undertake as a Senator to ask the verdict and the judgment of every honest man on this floor to answer but one question, and that is whether he is satisfied that both of those sugar thieves, those brothers on whom the case turned, ought not to have been borne into the penitentiary instead of being put into high and responsible office by a Republican administration of this country. The case broke down, Mr. President. The witnesses crossed each other's tracks. There stood these two brothers swearing to a transfer of real estate, which involved the whole question, and the fellow that they swore bought it from them, unable to hear what they were telling, swore point blank that they lied from beginning to end. [Laughter.]

That is the case in New York. You may go to Baltimore or to Philadelphia. I will not undertake to speak of the Indiana case, because I do not know what that irresponsible fellow did say down here who was never required even to take an oath to tell the truth; but the Senator from Maine has not stated the testimony nor a synopsis nor even a conclusion that any impartial judicial mind would ever reach that would read over the testimony.

Now, Mr. President, I have done with this. I have simply called the attention of this Chamber to the fact that one of its committees, through its authorized chairman, has pursued the very questionable course and policy of lugging into debate on this floor testimony taken under the authority of this Chamber, that has never been submitted to its consideration. And I only ask in conclusion (and that is all I ever meant to ask) that the chairman of the committee will not undertake to mislead either the American Senate or the American people by what I have no hesitation in declaring is a perversion and a torturing of testimony, unpublished, taken by the committee; but, if he wants to rely on it for any purpose, bring it here to this Chamber; and I challenge and defy him to do it.

Mr. HALE. I only wish to say one word, Mr. President, which I wanted to say before I last sat down; that is, that every word of this testimony will be presented to the Senate. The work of the committee has been going on in a public way. From time to time I have

presented resolutions in the open Senate, asking for information from the Departments touching violations of the civil-service law and the spirit of civil-service reform in the different Departments. From time to time the replies to those resolutions have come in. Some of them have been unaccountably delayed in the Departments. Some of them have been so much delayed that I have been myself obliged to resort to a second call, drawing the attention of the heads of the Departments to the fact that an inquiry was already pending and unanswered.

As these reports have come in they have been taken and collected and collated by the clerk of the committee, a gentleman of complete integrity and competency on this subject; and in due time, whether more testimony is taken or not, whether anybody comes in to be heard on the other side or not, a report will be prepared, the committee will be notified of it; it will be scrutinized, objected to, it may be, by the Senator from Kentucky and some or all of his associates on the other side, and objected to, likely, by members on this side. It will be prepared by the whole committee, it will be presented to this Senate, Mr. President, and the Senator from Kentucky, who seems to be, from what he has said, in profound ignorance of this subject at one time, and at another time knowing more about it than anybody else, will have the full opportunity (which he has had) to examine and to read the testimony, and the Senate will have, and the whole country will have, an opportunity to read it.

The work is not done by any means. The investigation has not failed. I have no great pride, Mr. President, in anything that I am connected with, nor have I any belief that I can do a great deal of good for the public service. I am not so made up that I believe it is essential that the things I have done should be brought before the Senate in any swelling or pompous manner. I am simply trying to do my duty. This report will be presented here in due time, and then the Senate and the public will do whatever is right about it.

I wish to say one word about what the Senator has brought up in reference to the hearing which has been spoken of. It has not dwelt upon my mind as a matter of consequence. I am not sensitive about it. I have made the explanation here. I never begged him not to present his personal grievance, as he put it, to the Senate, or the question of privilege. When he came to me I asked him not to do it until he had seen the Senator from New Jersey [Mr. BLODGETT], who knew all about it. I do not know that he ever said a word to the Senator from New Jersey. He says that he did not. My recollection is that immediately afterward I saw him in conversation with the Senator from New Jersey, but I do not on that set my word against the Senator's. I may be mistaken. If he did not go to the Senator from New Jersey he certainly had the opportunity to do so. There I leave it.

Mr. BLACKBURN. I will do the Senator from Maine the justice to say that the Senator from New Jersey told me that he was present at this meeting, but took no part in the action of the committee, and that no quorum was there and no witness was sworn.

Mr. HALE. There was no formal taking of testimony. There was no testimony taken of any great account. The gentleman from Indiana produced some papers and documents and they were put in. The whole thing was informal. If the Senator from New Jersey believes that there was anything unfair in that meeting I would like him to state it. He was there. I see the Senator from New Jersey in his seat.

Mr. BLODGETT. What was the request of the Senator from Maine?

Mr. HALE. My request was that if the Senator from New Jersey believes there was anything unfair in that meeting he should state it to the Senate.

Mr. BLODGETT. I can not add anything to what has been said by the Senator from Maine and the Senator from Kentucky. There is perhaps a misunderstanding between those Senators. There was no testimony taken at that first meeting. A gentleman from Indiana came there and left some papers as a basis of future investigation. That I understood. He was not sworn, it is true. That was about all that occurred.

Mr. BLACKBURN. Will the Senator from New Jersey permit me to ask him a question?

Mr. BLODGETT. Certainly.

Mr. BLACKBURN. Does not the Senator know that that statement, unsworn as it was, and made without a quorum of the committee present, is incorporated into the printed report of the testimony of the committee?

Mr. BLODGETT. I do not know it. I have not read the report of the testimony.

Mr. HALE. I do not suppose that there is one time in half a dozen that a quorum of a committee appears here when testimony is being taken. The work is frequently done by one member of a committee. Generally there is some conference between the members of the committee.

Mr. SHERMAN. Mr. President, there are one or two matters of public importance that I think ought to be brought to the attention of the Senate in connection with the appropriation bills, not of a partisan character at all, but of a public nature. I think it my duty to call the attention of the Senate to them.

Any man observant of public affairs must have noted the significance of the recent change in the course of trade in this country, which may have a great and serious effect on our appropriations.

Mr. COCKRELL. I will say to the Senator that we can not hear a word over here.

The PRESIDENT *pro tempore*. The Senator from Ohio will pause a moment until order is restored. Senators will please resume their seats, and if they have occasion for conversation will retire to the adjoining rooms. The Chair also requests spectators in the gallery to observe order, to keep their seats, and refrain from conversation.

Mr. SHERMAN. I repeat, Mr. President, that the indications of a change in the balance of trade in this country are such that it may very speedily have a very important bearing upon the appropriation bills. I wish to state one or two facts in regard to the condition of our trade and in regard to the condition of the Treasury, which it seems to me ought to be heeded and acted upon by the Committee on Appropriations.

Disguise it as we will, within the last two years there has been a growing current of trade against the United States. That is a fact of important bearing in indicating the probable condition of affairs in the future. I have before me the last statement of the Treasury Department—indeed, the last two statements of that Department—showing that for the year ending June 30, 1888, the exports of merchandise from this country were $695,954,639. There were for the same period, of gold and silver exports, $46,414,183, making the total exports of this country $742,368,822. There were of imports during the same year, merchandise, $723,879,813; there were of gold and silver imports during the same year, $59,337,986, making an aggregate of $783,217,799; showing an excess of imports for this year of $40,848,977.

This condition has been increasing monthly. The imports for the month of July, 1888, were $61,329,461; the exports for the same month were $45,267,938, showing a balance of trade against us of $16,061,523.

Now, Mr. President, to show the significance of these figures, and of the fact I have stated, because it is a fact of striking importance, I wish to call your attention to the balances of trade in different years during different periods of time, to show the effect they had and how they were an indication of the condition of domestic affairs in this country.

I find that for several years before 1870 the balance of trade was against us. From 1870 onward the tables I have here give the figures up to the close of the fiscal year ending June 30, 1887, but not that ending June 30, 1888. I will not read the figures in detail, but will insert the table in my remarks, and will make some comments on such of the figures as I shall quote.

The balance of trade had been running against us for a period of years when the panic of 1873 at once suspended importations into this country, largely reduced our revenues, checked the domestic trade of the country, and brought upon us, as we all know, a severe financial panic and extended bankruptcy, a condition of affairs that need not be described in so intelligent a body as the Senate of the United States.

Succeeding that, however, the balance of trade again ran in our favor, as will be seen in 1874, when it was some fifty-seven millions; in 1875 the balance in our favor was fifty-one millions, and so on, as the table shows, until at the time of greatest prosperity it rose to the enormous sum of two hundred and sixty-nine millions in our favor in 1879. It continued in our favor, though with some fluctuation, during 1881–'82, when there was more or less stringency in this country, at one time (1882) falling to thirty-two millions and rising again to one hundred and four millions in 1884. The figures for the other years will be seen by the table. During the last year, ending June 30, 1887, the balance of trade swung against us to the extent of $309,658, and this year, ending June 30, 1888, as I have already stated, the balance of trade against us is over $40,000,000.

Mr. TELLER. I would like to ask the Senator from Ohio whether he is giving merchandise alone or merchandise together with gold and silver.

Mr. SHERMAN. The figures I have given include gold and silver with merchandise. I have given the aggregates from the reports. The merchandise alone will show the same results, except a less amount, because generally the fluctuation of gold and silver follows that of merchandise. The tables that I have before me, and which I will hand to the Reporter, will show the amount of gold and silver and merchandise separately and the distinction between them.

Mr. HALE. What was the balance for the whole of the last fiscal year up to July 1?

Mr. SHERMAN. Forty millions, eight hundred and forty-eight thousand, nine hundred and seventy-seven dollars was the excess of imports for that year.

Mr. BECK. Of which thirty-three millions were gold.

Mr. SHERMAN. When? For last year or for what time?

Mr. BECK. For last year—the year ending June 30, 1888.

Mr. SHERMAN. The Senator is mistaken in the year. I will read it here. The figures I have show the difference between the exports of merchandise and of gold coin and bullion. The excess of imports of gold and silver over exports for fiscal year ending June 30, 1887, was $33,209,414, but not for the last fiscal year.

Mr. BECK. That is right.

Mr. SHERMAN. But including imports and exports of gold and silver the balance of trade against us for the last fiscal year was forty-odd million dollars.

Mr. BECK. Including that?

Mr. SHERMAN. Yes.

Mr. BECK. Of which thirty-three millions were gold.

Mr. SHERMAN. Yes, in 1887. But I say over and above the gold we imported the balance of trade against us, if you are correct, would be seventy-odd millions; but of course gold and silver is part of the business of the country.

Mr. HALE. You do not mean to say that the balance of merchandise would be seventy-odd millions?

Mr. SHERMAN. It would be according to the figures of the Senator from Kentucky. My attention had not been called to the very large amount of gold and silver imported last year, as stated by him.

Mr. TELLER. I think the Senator should give the amount of exports of merchandise independently of the amount of gold and silver, and then give gold and silver separately.

Mr. SHERMAN. If the Senator will turn to the tables he will find the figures.

Mr. TELLER. I have them; but as the Senator is putting these figures in the RECORD he ought to give them, I think, in that way.

Mr. SHERMAN. I have the figures of both consolidated, but the tables that I now present will show them separately up to and including the fiscal year ending June 30, 1887.

Value of merchandise imported into and exported from the United States from 1880 *to* 1878, *inclusive; also annual excess of imports or of exports—specie values.*

Year ending June 30—	Exports.		Total exports.	Imports.	Total exports and imports.	Excess of exports over imports.	Excess of imports over exports.
	Domestic.	Foreign.					
1870	$376,616,473	$16,155,295	$392,771,768	$435,958,408	$828,730,176		$43,186,640
1871	428,398,908	14,421,270	442,820,178	520,223,684	963,043,862		77,403,506
1872	428,487,131	15,690,455	444,177,586	626,595,077	1,070,772,663		182,417,491
1873	505,033,439	17,446,483	522,479,922	642,136,210	1,164,616,132		119,656,288
1874	569,433,421	16,849,619	586,283,040	567,406,342	1,153,689,382	$18,876,698	
1875	499,284,100	14,158,611	513,442,711	533,005,436	1,046,448,147		19,562,725
1876	525,582,247	14,802,424	540,384,671	460,741,190	1,001,125,861	79,643,481	
1877	589,670,224	12,804,996	602,475,220	451,323,126	1,053,798,346	151,152,094	
1878	680,709,268	14,156,498	694,865,766	437,051,532	1,131,917,298	257,814,234	
1879	698,340,790	12,098,651	710,439,441	445,777,775	1,156,217,216	264,661,666	
1880	823,946,353	11,692,305	835,638,658	667,954,746	1,503,593,404	167,683,912	
1881	883,925,947	18,451,399	902,377,346	642,664,628	1,545,041,974	259,712,718	
1882	733,239,732	17,302,525	750,542,257	724,639,574	1,475,181,831	25,902,683	
1883	804,223,632	19,615,770	823,839,402	723,180,914	1,547,020,316	100,658,488	
1884	724,964,852	15,548,757	740,513,609	667,697,693	1,408,211,302	72,815,916	
1885	726,682,946	15,506,809	742,189,755	577,527,329	1,319,717,084	164,662,426	
1886	665,964,529	13,560,301	679,524,830	635,436,136	1,314,960,966	44,088,694	
1887	703,022,923	13,160,288	716,183,211	692,319,768	1,408,502,977	23,863,443	

Value of gold coin and bullion imported into and exported from the United States from 1870 *to* 1887, *inclusive; also annual excess of imports or of exports.*

Year ending June 30—	Exports.		Total exports.	Imports.	Excess of exports over imports.	Excess of imports over exports.
	Domestic.	Foreign.				
1870	$28,580,609	$5,055,353	$33,635,962	$12,056,950	$21,579,012	
1871	64,581,678	2,104,530	66,686,208	6,883,561	59,802,647	
1872	48,377,502	1,171,258	49,548,760	8,717,458	40,831,302	
1873	44,472,038	384,677	44,856,715	8,682,447	36,174,268	
1874	32,645,486	1,39 ,934	34,042,420	19,503,137	14,53 ,283	
1875	61,543,545	5,437,432	66,980,977	13,696,793	53,284,184	
1876	29,431,757	1,745,293	31,177,050	7,992,709	23,184,341	
1877	22,359,101	4,231,273	26,590,374	26,246,234	344,140	
1878	6,632,570	2,571,885	9,204,455	13,330,2 5		$4,125,760
1879	4,145,085	442,529	4,587,614	5,624,948		1,037,334
1880	1,775,039	1,863,986	3,639,025	80,758,396		77,119,371
1881	1,826,307	738,825	2,565,132	100,031,259		97,466,127
1882	31,403,625	1,184,255	32,587,880	34,377,054		1,789,174
1883	8,920,909	2 679,979	11,600,888	17,734,149		6,133,261
1884	35,294,204	5,787,753	41,081,957	22,831,317	18,250,640	
1885	2,741,559	5,736,333	8,477,892	26,691,696		18,213,804
1886	32,766,066	10,186,125	42,952,191	20,743,349	22,208,842	
1887	5,705,304	3,995,883	9,701,187	42,910,601		33,209,414

Value of merchandise and of gold and silver coin and bullion imported into and exported from the United States from 1870 *to* 1887, *inclusive; also annual excess of imports or of exports—specie values.*

Year ending June 30—	Exports.		Total exports.	Imports.	Total imports and exports.	Excess of exports over imports.	Excess of imports over exports.
	Domestic.	Foreign.					
1870	$420,500,275	$30,427,159	$450,927,434	$462,377,587	$913,305,021		$11,450,153
1871	512,802,267	28,459,899	541,262,166	541,493,708	1,082,755,874		231,542
1872	501,285,371	22,769,749	524,055,120	640,338,766	1,164,393,886		116,283,646
1873	578,938,985	28,140,511	607,088,496	663,617,147	1,270,705,643		56,528,651
1874	629,133,107	23,780,338	652,913,445	595,861,248	1,248,774,693	$57,052,197	
1875	583,141,229	22,433,624	605,574,853	553,906,153	1,159,481,006	51,668,700	
1876	575,620,938	21,270,035	596,890,973	476,677,871	1,073,568,844	120,213,102	
1877	632,804,962	25,832,495	658,637,457	492,097,540	1,150,734,997	166,539,917	
1878	707,771,153	20,834,738	728,605,891	466,872,846	1,195,478,737	261,733,045	
1879	715,895,825	19,541,057	735,436,882	466,073,775	1,201,510,657	269,363,107	
1880	833,294,246	19,487,331	852,781,577	760,989,053	1,613,770,633	91,792,521	
1881	898,152,891	23,631,302	921,784,193	753,240,125	1,675,024,318	168,544,068	
1882	776,720,003	23,239,733	799,959,736	767,111,964	1,567,071,700	32,847,772	
1883	825,846,813	29,812,922	855,659,735	751,670,305	1,607,330,040	103,989,430	
1884	775,190,487	32,456,505	807,646,992	705,123,955	1,512,770,947	102,523,037	
1885	751,059,056	33,362,224	784,421,280	620,769,652	1,405,190,932	163,651,628	
1886	717,888,646	34,099,594	751,988,240	674,029,792	1,426,018,032	77,958,448	
1887	725,733,263	26,447,639	752,180,902	752,490,560	1,504,671,462		309,658

Mr. GEORGE. I would like to ask the Senator from Ohio a question for information.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield?

Mr. SHERMAN. I hope the Senator will let me complete my statement.

Mr. GEORGE. I merely want to ask a question for information. When the Senator from Ohio speaks of valuations of imports and of exports I desire to ask him at what place and by what standard the valuations are made? Are the exports and imports valued at the same place?

Mr. SHERMAN. The exports are always valued at the place of exportation, and the imports are valued at the place whence imported.

Mr. FRYE. Are they not undervalued?

Mr. GEORGE. The imports into this country, say, if from England, are valued, as I am to understand it, according to the place in England from which imported?

Mr. SHERMAN. The last place of shipment.

Mr. GEORGE. And the exports from this country are valued, if I understand the Senator, according to the values in, say, New York or New Orleans, or whatever port they may be shipped from?

Mr. SHERMAN. Yes. I comprehend the question of the Senator from Mississippi, and I will say that our imports are estimated by the valuation abroad at the last port of shipment; but our importations for years have been confessedly enormously undervalued.

The report of the subcommittee of the Finance Committee, of which the Senator from Iowa [Mr. ALLISON] and the Senator from Kentucky [Mr. BECK] are members, established beyond doubt that to a large extent our imports were undervalued, and if imports were put at what they estimate to have been the value the amount of the balance of trade against us would during the last fiscal year be over $100,000,000.

Mr. CULLOM. Of merchandise?

Mr. SHERMAN. Of merchandise. That is somewhat altered by including gold and silver bullion; but taking all things together and allowing for undervaluation of imports there is no doubt that the balance of foreign trade is against us by over $100,000,000.

Mr. BLAIR. May I ask the Senator from Ohio a question?

Mr. SHERMAN. Yes, but I do not wish to be led off now.

Mr. BLAIR. I will not lead the Senator off. I would like to know if there is any complaint of the undervaluation of exports?

Mr. SHERMAN. Oh, no; there is no motive for that. One of the tables I have submitted shows the exports and imports for the last ten or fifteen years; but our imports have been very largely undervalued, and on that basis the balance of trade against us is fully a hundred million dollars.

I do not intend to go into the argument that is derived from this, because Senators would take different views of that. I simply wish to present the facts from the public record. If asked what was the cause of this I would say it was excessive importations; but then that would lead us off into a vast field of controversy, and I do not wish to go into it now. We will have ample time for that. But the fact is that Senators must remember that they are now dealing with the public Treasury at a time when the balance of trade is against us, which always has been an important factor in the history of American finances.

In 1837, after the surplus in the Treasury had been distributed among the States, or was being distributed, a sudden revulsion occurred by a change in the balance of trade, so that Congress had to suspend the operation of the law for the distribution of the public money. In 1857 I was here legislating to reduce the tariff—aiding to do it. We went away from here with a surplus in the Treasury. We came back the following session and had to provide for the issuance of Treasury notes to pay the salaries of members of Congress. The fact that there was a long-continued balance of trade against us prior to 1873 has always been looked upon as a potential reason for the revulsion of that year. And Senators must face the fact given to us by the Treasury statements, that we now contemplate and stand in view of a large balance of trade against us. What ought to be done in consequence of that I am not now here to answer.

There is one other fact that I wish to place on public record, and that is that the present Administration has changed somewhat, in one important feature, the financial policy of the Government hitherto. In the deposit of public money, ever since the law was passed making a subtreasury, as it was called, the money of the people of the United States has been stored in the custody of officers of the Government. That was so far modified by the national-banking act that the national banks might be and could be, at the will of the Secretary of the Treasury, made depositories of public money, and so they continued to be, and for a period of years they were convenient agencies for the deposit of internal taxes, and they were confined to internal taxes or receipts, because the law especially provided that customs duties should not be deposited with national banks, but should be deposited in the Treasury.

Internal-revenue taxes, however, and receipts from public lands and from the sale of bonds, which were internal transactions—that money might be deposited in the national banks which were designated depositories. That was the policy, and so it continued until now. After these depositories were established the deposits varied from $5,000,000 to $15,000,000 for a period of years, but during the enormous funding operations of the Government in 1877 to 1879 the deposits of the national banks were enormous, made as I say, in the process of changing the loan—a matter that I endeavored to explain to the Senator from Missouri [Mr. COCKRELL] the other day.

I will now read to the Senate the balances at the different periods of time, because sometimes the course of the present Secretary of the Treasury is justified on the ground that in previous times the balances on deposit in national banks were much larger than they are now. That is true. But up to 1877 the balances rarely exceeded $10,000,000, and the deposits came by natural driblets into these banks from tax-payers through the internal revenue. In 1877, 1878, 1879 these deposits ran up in the process of refunding $800,000,000 of bonds. When the law itself required that the money should be withheld and should not be used for ninety days, then these deposits ran up.

As I have said, prior to 1876 the deposits ranged from five to fifteen million dollars—never exceeded $15,000,000 I believe. On the 1st of February, 1879—that was a month after resumption, when the process of refunding was going on rapidly—the deposits reached $166,351,141. On the 1st of July, 1879, right in the midst of this process, they reached $201,402,860. That was about the close of the refunding operation. On the 1st of October, 1879, in the same year, to show how rapidly this money was withdrawn in the process of paying, the deposits held by the national banks were $17,341,224, showing that at once when the process of refunding had been ended the normal condition was restored. So also November 1, 1880, during the same administration, the deposits held by the national banking depositories were reduced to $12,217,571.

Mr. PAYNE. Eighteen hundred and seventy-nine was the year of resumption, was it not?

Mr. SHERMAN. This last date quoted was a year afterward. The 1st of January, 1879, was the period of resumption, and the refunding was mostly in that same year. I will give the figures for each year, taking them at haphazard as to particular dates. On the 1st of October, 1881, in Mr. Arthur's administration, the deposits held by the national banking depositories were $13,412,848. On the 1st of November, 1882, the deposits held by national banking depositories were $12,709,660. On the 31st of December, 1883 (I am taking these figures without regard to months), the deposits held in national banking depositories were $13,313,080. On the 29th of November, 1884, the deposits held by the national banking depositories were $13,559,033.

And now, Mr. President, let me come to a later year. On the 21st of July, 1886, which was before the recent operations commenced, the deposits in national banking depositories were $15,694,214. On the 30th of April, 1887, the deposits in the national banking depositories were somewhat increased, amounting then to $20,747,365—during the period of Mr. Manning's administration of the Treasury Department, if I remember correctly the date. On the 31st of December, 1887, the amount had risen to $52,199,917. On the 31st day of July, 1888, it had risen to $59,681,672, and this was by money transferred into the national bank depositories.

The object of that I have no doubt was plausible and reasonable, but I wish to show the effect of it, not with any desire at all to reflect on the conduct of Mr. Fairchild. The object was this: As there was a large accumulation of money in the Treasury it was thought best to deposit it in these banking depositories so that it might be in circulation among the people. That is the reason given in his report for it—that the money might not be entirely withdrawn from the people. But, Mr. President, the result of that has been in every instance to contract the currency of the country instead of to enlarge it.

How has that come? I called the other day for a list of the various depositories where these large sums of money were deposited, and that list is upon our table. I do not care to go into the names of the banks, or to go into anything at all of a personal character in regard to it. The money is deposited very largely in the State and city of New York, but the result is this, that many of the banks that received these deposits surrendered their circulation, deposited greenbacks in the Treasury of the United States, in order that they might get possession of their bonds held as security for their circulating notes; then took those same bonds, deposited them with the Treasurer of the United States as security for deposits, and received a much larger amount of deposits than they surrendered of circulation. For instance, many of these banks held $1,000,000 of deposits or thereabouts—almost exactly that sum.

Mr. ALLISON. One million one hundred thousand dollars.

Mr. SHERMAN. Yes, the amount of deposits with several of the banks is $1,100,000. I am obliged to the Senator from Iowa. The amount deposited in several of the banks is $1,100,000, varying a little probably from time to time as drafts are drawn. These deposits are secured by a million of dollars of United States bonds. The law leaves it discretionary with the Secretary of the Treasury what security shall be required, and I feel bound to say that he in no case has taken any other securities except national bonds according to the terms of the law.

But, sir, suppose a bank seeking these deposits having circulating notes outstanding amounting to $900,000 should surrender that circulation, or, rather, deposit greenbacks in the Treasury of the United States for their redemption, and demand the million of United States

bonds held for their redemption and receive them, and then turn right around to the same official and deposit the same $1,000,000 of United States bonds with him, and should receive $1,100,000 as a Government deposit without interest, with the understanding that it should not be drawn upon. What is the effect of that operation?

The deposit of greenbacks in the Treasury of the United States ties them up, and they can not be paid out except in redemption of outstanding notes of the particular bank that has made this deposit, so that the greenbacks are tied up in the Treasury and are a part of the nearly $100,000,000 of greenbacks now lying idle in the Treasury.

Mr. PAYNE. May I inquire of my colleague whether these transactions are not perfectly according to law? Has not a bank a perfect right to reduce its circulation and redeem its bonds?

Mr. SHERMAN. No doubt of it. No doubt it is clearly within the language of the law, but it seems to me it is not a wise exercise of discretionary power to encourage this process by the tempting offer of Government deposits.

Mr. PAYNE. Has the Secretary of the Treasury discretionary power to refuse the redemption of bank notes?

Mr. SHERMAN. Not at all; the Secretary can not refuse the deposit of United States notes and the withdrawal of bonds, but he should not induce that withdrawal by the tempting offer of depositing with that same bank $1,100,000 of Government money, in effect relieving the bank from the burden of redeeming its notes and giving it without interest or cost two hundred thousand more than their circulating notes, a clear gain of the interest on $200,000.

Mr. PAYNE. Is it intended by my colleague to make the charge that the Secretary of the Treasury colluded with the banks?

Mr. SHERMAN. I make no charge against the Secretary of the Treasury except to say that he has pursued a line of policy which led to precisely what I have stated.

Mr. PAYNE. If the Senator will permit me——

Mr. SHERMAN. Will the Senator let me go a little further?

To have that fifty-nine or sixty million dollars in the banks, in case of any revulsion, any disturbance, any panic, would be the most dangerous form in which the money of the United States or the money of any one could be placed, because the very moment that that should be drawn upon—and it could only be drawn upon in an emergency—by the Treasurer of the United States, then the banks would be compelled to draw on their customers, and thus these $59,000,000 loaned out and in active use among the people, being called upon suddenly on an emergency, might create a very dangerous and serious condition of affairs.

Mr. SAULSBURY. If the Senator will allow me a moment, I understand fully the right of the holder of a greenback to present it and that the Treasurer is bound to take it.

Mr. SHERMAN. Yes.

Mr. SAULSBURY. And I understand that any one holding a Government bond can present it, but I also understand that a bank which has on deposit say one million 4 per cent. bonds, can take $1,000,000 of greenbacks——

Mr. SHERMAN. It could take one million one hundred thousand dollars.

Mr. SAULSBURY. And withdraw that bond which the bank had given as security for the special deposit. I do not know but what that is correct. But if they present their greenbacks and demand the bonds which they gave as security for the deposit made with them, has not the Secretary of the Treasury the right to return the money?

Mr. SHERMAN. I think my friend from Delaware is either a little mixed up, or I am.

Mr. SAULSBURY. I may be a little mixed up, but I say that the Secretary of the Treasury having made a deposit upon national bonds as security, if the owner of the bonds has deposited them for security, and chooses to deposit greenbacks for them, it is competent for the Secretary of the Treasury to withdraw the deposit which is made in the bank.

Mr. SHERMAN. The Secretary of the Treasury can withdraw the deposit and can break up every one of those banks, if he will—unless they are very strong. There is no want of power in the Secretary of the Treasury. But the transaction is this: Suppose a bank has $900,000 of its notes in circulation. The bonds deposited with the Comptroller of the Currency to secure this circulation must be $1,000,000. Suppose the bank thinks it is better to hold a Government deposit of $1,100,000 of public money without any expectation of paying it, rather than to have outstanding $900,000 of bank notes which it is bound to redeem at any moment and for which it is bound to maintain a deposit in the Treasury of 5 per cent. in greenbacks, and is bound to secure also by money held in its vaults. Every bank in the United States that could get these deposits was tempted by that policy to withdraw its circulation. The easy way to do this is by depositing in the Treasury greenbacks to the full amount of its notes outstanding. Then the Government assumes the redemption of these outstanding bank notes. So far the law allows; but by this new policy the bank is permitted to withdraw its bonds from the Treasury and deposit them with the Treasurer of the United States, and immediately after that secures a deposit of $1,100,000.

Mr. COCKRELL. You say it received a deposit of $1,100,000. Will the Senator explain how?

Mr. SHERMAN. The bank receives that deposit.

Mr. ALLISON. From the Government?

Mr. SHERMAN. From the Government—public money.

Mr. COCKRELL. It received a deposit of 10 per cent. over and above the face of the bonds?

Mr. SHERMAN. Undoubtedly. This table shows exactly what amount of bonds is deposited and what amount of money is received.

Mr. McPHERSON. Will the Senator from Ohio state what the market value of the securities was that the banks placed in the Treasury? Four per cent. bonds are selling to-day at 128.

Mr. SHERMAN. Oh, undoubtedly; but the Senate and House of Representatives refused to enlarge the amount of circulating notes that could be issued on that security, which is 90 per cent. of the par value of the bonds deposited. The Secretary of the Treasury exercising his power takes $1,000,000 of securities for $1,100,000 of Government money deposited.

Mr. McPHERSON. But not upon the 4 percents, but upon the 4½ percents, which have confessedly not so high a market value. Hence a bank which surrenders its own circulation and takes up its bond deposits, in reality leaves with the Treasury of the United States $128 in bonds for every $110 it gets in circulation. Now let me ask the Senator——

Mr. SHERMAN. I think, if the Senator will pardon me, I shall have to decline to yield further, because I want to get through.

Mr. McPHERSON. Will the Senator allow me to ask him a question?

Mr. SHERMAN. I can not. If I have the right to close, I will do it and will then give the Senator the floor.

I have stated the question, and I do not care to go into a colloquy with my friend from New Jersey. I only care to state a few facts and leave them with the Senate.

Mr. BECK. Has not the Senator made a mistake with regard to the balance of trade being against us? That question is very important.

Mr. SHERMAN. If I have, I should like to be convinced of it.

Mr. BECK. I was somewhat surprised when I heard the statement, and so I went to the room of the Committee on Finance to get an account of the imports and exports of the United States for the twelve months ending June 30, 1888, and I have the official figures here at page 7 of this report, in which the total imports of the United States are given at $723,879,813.

Mr. SHERMAN. From what page is the Senator reading?

Mr. BECK. From page 7 of the "Summary statement of the imports and exports of the United States for the twelve months ending the 30th of June, 1888." Page 7 gives the total imports as I have read them.

Mr. SHERMAN. That is merchandise.

Mr. BECK. Merchandise.

Mr. SHERMAN. My figures give the gold and silver as well as the merchandise.

Mr. BECK. Wait a moment. I want to be right about this. Page 13 of that summary statement gives the total exports of the United States at $683,862,236, the net excess of imports being $40,017,577. Page 18 gives the exports of re-exported foreign merchandise which are embraced in the imports and which amount to $12,092,403. The difference between $40,017,577 and $12,092,403 is $27,925,174. Then follow that up with the gold and silver exports and imports given at page 25. On that page it is shown that we exported $12,560,084 in gold and imported $43,934,317 in gold, making a difference of $31,374,233 of imports above exports, and making a balance of trade in our favor of some millions instead of anything against us.

Mr. SHERMAN. Now, Mr. President, if the Senator from Kentucky will turn over to the next page, page 26, he will see the consolidated statement of merchandise and of gold and silver coin and bullion at the bottom of the page.

I stated that I gave the combined statement, and here it is—the figures as I have them: The total of imports is $783,217,799; the total of exports, coin being included, $742,368,822. Does the Senator see it? The balance, as I have stated, is precisely $40,848,977.

Mr. BECK. From which deducting the exports of foreign merchandise, over $12,000,000, leaves a difference of $27,925,000. Then the gold figures ($31,000,000) leave a balance of trade in our favor, not against us.

Mr. SHERMAN. But here is the consolidated statement of merchandise, gold and silver coin and bullion, and I give the result. There can be no mistake about it.

Mr. BECK. There can be no mistake in the statement that the exports are $683,000,000 and the imports $723,000,000, of which $12,000,000 was a re-export of foreign merchandise. That left $27,000,000 against us on the merchandise and $31,500,000 in our favor with the gold added, making several million dollars balance of trade in our favor, or every official figure I have is wrong.

Mr. SHERMAN. Well, the Senator is mistaken. This statement for the fiscal year ending June 30, 1888, may be entered in the RECORD. The figures are here. He has included the imports of gold and silver of the fiscal year ending June 30, 1887, in the imports of the year following.

IMPORTS AND EXPORTS OF MERCHANDISE, COIN, AND BULLION.

Statement showing the values of the imports and exports of the United States for each month from June, 1886, to June, 1888, inclusive.

MERCHANDISE AND GOLD AND SILVER COIN AND BULLION.

Months.	Exports.			Imports.			Monthly excess of exports.	Monthly excess of imports.	Excess of exports from July 1 to the end of each month.	Excess of imports from July 1 to the end of each month.
	Domestic.	Foreign.	Total.	Free of duty.	Dutiable.	Total.				
1886—July	$54,332,366	$1,888,507	$56,220,873	$19,381,268	$38,260,720	$57,641,988		$1,421,115		$1,421,115
August	51,517,824	1,676,336	53,194,160	24,154,169	40,958,721	65,112,890		11,918,730		13,339,845
September	54,378,378	2,491,362	56,869,740	24,374,642	37,418,612	61,793,254		4,923,514		18,263,359
October	69,752,589	1,877,552	71,630,141	26,364,661	35,429,833	61,794,494	$9,835,647			8,427,712
November	73,079,077	2,183,699	75,262,776	29,368,936	35,813,605	65,182,541	10,080,235		$1,652,523	
December	86,180,089	3,031,008	89,211,097	34,167,913	25,793,864	69,961,777	19,249,320		20,901,843	
1887—January	72,263,877	1,814,979	74,078,856	21,782,416	34,898,330	56,680,746	17,398,110		38,299,953	
February	56,900,695	1,904,238	58,804,933	21,718,949	38,912,940	60,631,889		1,826,956	36,472,997	
March	65,697,334	3,718,187	69,415,521	22,476,292	42,213,381	64,689,673	4,725,848		41,198,845	
April	48,689,807	3,019,708	51,709,515	25,051,235	40,276,382	65,327,617		13,618,102	27,580,743	
May	43,928,082	1,529,328	45,457,410	22,917,480	38,035,918	60,953,398		15,495,988	12,084,755	
June	49,013,145	1,312,735	50,325,880	22,633,962	40,086,331	62,720,293		12,394,413		309,658
Total	725,733,263	26,447,639	752,180,902	294,391,923	458,098,637	752,490,560				
1887—July	50,657,749	1,242,010	51,899,759	22,217,370	37,888,622	60,105,992		8,206,233		8,206,233
August	55,927,740	1,794,064	57,721,804	28,110,579	45,259,805	73,430,384		15,708,580		23,914,813
September	56,234,453	1,975,829	58,210,282	34,330,620	37,237,916	71,568,536		13,358,254		37,273,067
October	76,605,991	2,128,422	78,734,413	34,157,368	41,145,617	75,302,985	3,431,428			33,841,639
November	76,951,817	1,539,949	78,491,766	24,613,075	39,042,846	63,655,921	14,835,845			19,005,794
December	75,259,520	1,980,799	77,240,319	21,374,480	34,038,477	55,412,957	21,827,362		2,821,568	
1888—January	64,215,234	1,698,367	65,913,601	19,939,343	40,165,977	60,105,320	5,808,281		8,629,849	
February	57,542,948	2,926,574	60,469,522	24,037,939	45,002,087	69,040,016		8,570,494	59,355	
March	51,747,372	3,440,933	55,188,305	25,208,607	41,152,993	66,361,600		11,173,295		11,113,940
April	49,063,470	2,105,146	51,168,616	21,844,284	40,499,316	62,343,600		11,174,984		22,289,924
May	54,208,033	2,879,961	57,087,994	22,404,493	39,432,842	61,837,335		4,749,341		27,038,265
June	48,643,413	1,599,028	50,242,441	25,108,165	38,944,988	54,053,153		13,810,712		40,848,977
Total	717,057,740	25,311,082	742,368,822	303,406,313	479,811,486	783,217,799				

Here is a table a month later showing the imports and exports of merchandise, gold, and silver for the year ending July 31, 1888:

Excess of imports of merchandise	$36,866,818
Excess of imports of gold	21,909,942
	58,776,760
Excess of exports of silver	14,292,110
Showing an increasing excess of imports	44,484,650

Excess of imports or exports of merchandise, gold, and silver.

Period.	Excess of merchandise.		Excess of gold.		Excess of silver.	
	Exports.	Imports.	Exports.	Imports.	Exports.	Imports.
1886.						
August		$7,492,083		$4,827,792	$401,145	
September		1,265,941		4,686,249	1,028,676	
October	$14,827,778			5,148,983	156,852	
November	18,599,680			8,955,3 2	435,917	
December	29,139,222			11,350,460	1,460,558	
1887.						
January	19,583,186			2,906,935	721,859	
February		4,379,379	$1,533,786		1,018,637	
March	2,422,849		1,866,961		436,038	
April		16,012,832	1,164,968		1,229,762	
May		15,429,437		607,670	541,119	
June		13,274,514	115,063		765,038	
July		7,197,314		1,681,976	673,057	
Totals (12 months)	19,521,215			35,484,649	8,868,658	
Totals (7 months)		34,287,441		515,803	5,385,510	
1887.						
August		10,311,800		5,736,815	340,035	
September		761,811		13,913,357	1,316,914	
October	15,070,182			12,577,679	938,925	
November	15,655,113			1,562,457	743,189	
December	21,118,323			1,327,383	2,036,422	
1888.						
January	4,537,506		228,819		1,041,956	
February		10,170,925	652,950		947,481	
March		12,291,820		1,785,350	2,903,875	
April		11,961,017	209,923		575,160	
May		13,395,508	7,557,495		1,088,672	
June		18,293,536	2,861,106		1,206,744	
July		16,061,523	3,482,806		1,152,737	
Totals (12 months)		36,866,816		21,909,942	14,292,110	
Totals (7 months)		77,636,823	13,207,749		8,916,625	

Mr. BECK. The Senator from Ohio will bear in mind that in the month of July every year there is a great falling off in exports and an increase in imports, because that is in advance of any cotton sales, of any wheat, and of any provisions, and so of all the things that make up our exports, of which nearly 90 per cent. are agricultural products, none of which are ready to go forward in July. There are the figures.

Mr. SHERMAN. I have given the figures for the year ending 31st July, and also for the year ending 30th June. There is the consolidated statement, and there can be no mistake about it. I have the statement for last month from Mr. Switzler, showing the same condition of affairs on the basis of the year ending 31st July—the balance of trade against us being $44,484,650, being four million more than it was on the 30th of June. I think that the more correct statement. What the Senator says is true, that in July in the ordinary course of trade merchandise is coming here more rapidly and our exports are largely agricultural.

Mr. BECK. The merchandise coming here in July for the fall trade is always very large. It is so every year.

Mr. SHERMAN. But it must be remembered in giving the statement for the 31st of July I left out July of last year, so that this is as broad as it is long. The difference in July of this year would be the same as in July of last year. The figures I have quoted show a balance of trade against us of over forty millions. That is all I desire to say.

The PRESIDENT *pro tempore*. Will the Senate agree to the report of the committee of conference?

Mr. ALLISON. I wish to say a word before the vote is taken, in partial response to the query of the Senator from Ohio on my left [Mr. PAYNE] when he asked his colleague [Mr. SHERMAN] whether the transactions which the Senator from Ohio [Mr. SHERMAN] was describing were not lawful transactions. The Senator from Ohio answered that they were, as they undoubtedly are; that is to say, they are not in violation of law. The transaction described by the Senator from Ohio, wherein a bank surrenders its circulation by a deposit of greenbacks and the withdrawal of bonds and then immediately redeposits those bonds with the Treasurer and secures a deposit from the Government, is lawful; but all that, or at least a part of it, can be prevented if the Secretary of the Treasury does not want it done. There is no collusion between the bank and the Secretary, but the Secretary need not do that thing unless he wants to do it, and therefore to that extent in every case where it has been done it must have been done by an arrangement between the Treasury Department and the bank.

Mr. PAYNE. The Senator will allow me to say that I did not hear any intimation from my colleague that there was any collusion in this matter between the bank whose circulation was taken up and retired and the Secretary of the Treasury.

Mr. ALLISON. I did not say there was any collusion.

Mr. PAYNE. I can not see the difference. I can not see where the danger comes, whether it is done by a bank that has taken up its circulation or a bank that has not taken it up.

Mr. ALLISON. I want to explain further, if the Senator will allow me, that no bank can become a national depository unless the Secretary of the Treasury so designates it.

Mr. PAYNE. That is true, and it must deposit bonds as security.

Mr. ALLISON. If there are two or three national banks in the city of Washington, for example, or in the city of Cleveland, and those national banks go to the Treasury and say, "Here, we want to deposit $100,000 of bonds and receive public deposits," the Secretary of the Treasury can say to every one of them "I do not designate you for that purpose," or he can say to one of them "I designate you and I exclude the others."

Mr. PAYNE. That is true.

Mr. ALLISON. Therefore I say that the arrangement suggested by the Senator from Ohio, wherein national banks have been able with a capital of $1,000,000 and a circulation of $900,000 to enhance their available loanable funds $200,000, could not be carried out except in the exercise of the discretion which is in the Secretary of the Treasury alone, and I understand the Senator from Ohio [Mr. PAYNE] to say that it is a wise discretion on behalf of the Secretary of the Treasury to allow that thing to be done. I think it is an unwise discretion if it is done.

Mr. PAYNE. Does he do it?

Mr. ALLISON. It has been done.

Mr. PAYNE. The Secretary of the Treasury has not been in collusion with any bank by which that interchange could be made. I personally know that banks in my own city have surrendered their circulation without any such understanding or arrangement with the bank that it would deposit bonds and receive Government deposits.

Mr. ALLISON. Now, Mr. President, suppose you carry that to its logical conclusion. There is now only about $160,000,000 of national-bank circulation in existence; that is to say, all in excess of $160,000,000 is represented by greenbacks deposited in the Treasury. Suppose the Secretary of the Treasury should take a bank in Cleveland that is not a public depository, and that bank should apply to the Secretary for the surrender of its bonds by the deposit of greenbacks. The Secretary, of course, has no option about that. A bank can do that whether he wants it done or not. That bank the moment it does that says to the Secretary of the Treasury that day, "I have done this in order that my bank may become a public depository, and I want now to redeposit these bonds."

Mr. PAYNE. He may do it, but has he done it?

Mr. ALLISON. Very well. I am showing now that he may do it. These bonds may be re-deposited, and this identical bank instead of having 90 per cent. on its bonds has 110 per cent.

Mr. PAYNE. How does that affect the currency?

Mr. ALLISON. I am not discussing that question now. I am not saying a word about the currency.

Mr. SHERMAN. It is a contraction of the currency because the greenbacks are locked up.

Mr. ALLISON. I do not wish to travel into that.

Now, then, in the case of this particular bank the national-bank circulation is out of the bank and is represented by greenbacks in the Treasury. The Secretary of the Treasury can do that with one bank. He has done it with more than one bank. If he can do that in that way with the amount of money that there is now in the Treasury, it can practically be done in six months with half the bank circulation in the United States. That may be wise financial discretion in the Secretary of the Treasury, but I must say that I do not think it is wise, and I am glad to say that as I understand the Secretary of the Treasury has ceased to do it. I think he has not done this or allowed it to be done for the last three or four months, and I do not know but that he stopped it when his personal attention was first called to it.

Mr. PAYNE. When a bank wishes to take up its circulation and deposits greenbacks sufficient to do it and takes up its bonds and deposits or sells the bonds or makes any other disposition of them, it has no necessary connection and no practical connection with the speculation which follows. The transactions have no necessary connection with each other.

I have known of transactions with three or four banks in my own city, and there is not one of them that did not take up bonds and sell them on account of the great premium paid on them.

Mr. ALLISON. Suppose that a bank was to do that thing——

Mr. PAYNE. You suppose that to be dishonest and speculative?

Mr. ALLISON. It has been done.

Mr. SHERMAN. Not only has it been done, but I feel bound to say that the officers of the Treasury must know when these same bonds come back that it has been done.

Mr. PAYNE. How do they know they are the same bonds?

Mr. SHERMAN. They are all registered bonds, and the officers of the Treasury know them by their numbers.

Mr. PAYNE. The numbers would show which bonds they were.

Mr. SHERMAN. Consequently they know they are the same bonds that have been surrendered, and everybody can jump at the conclusion how it is done.

Mr. PAYNE. The Secretary may go into speculation under the law if so disposed. In three or four cases where that occurred in my own city, to my personal knowledge such was not the case, and there was no intimation of any collusion with the Secretary. I do not believe there was.

Mr. BECK. I only want to say a word. There is not a doubt about the fact that there is a very bad condition of things on account of money loaned to national banks and the people to whom they belong, but it is quite as bad to lock it up in the Treasury where nobody can get it, quite as bad to have to pay $129 for every $100 we owe to the bondholders, and there is but one remedy and we may as well apply ourselves to it. The President has stated, and it is confessed, that all these things are bad and he has called upon Congress to remedy them. There is but one way to remedy them and that is to reduce taxation, and we are struggling to do that wherever we can. The House of Representatives has sent us a bill that does it to the extent of $80,000,000 or $90,000,000 and we can make it $100,000,000. Why not address ourselves now to that and relieve the condition of things which the President and everybody else says is deplorable? That is the true remedy.

The Senator from Ohio [Mr. SHERMAN] called attention to the balance of trade. He said the balance of trade was against us during the fiscal years 1870, 1871, and up to 1872; but the balance of trade was in our favor after the disasters of 1873, and in 1874 and 1875 we had the balance in our favor, and we are falling off again now. What is the meaning of that? When a man is prosperous and finds that he is making money he builds up and improves his estate. So with a government. We built 10,000 miles of railroad last year in this country. A man who gets money spends it and puts it into improvements so as to make more money; but when he gets into such a condition as we were in in 1873 and 1875, with tramps abroad in the land, when nobody could do any business, when everything was black, and the demonetization of silver followed, of course the balance of trade was in our favor, and nobody dared to spend money. Everybody knew that if he invested in anything it would be worth 10 per cent. less the next year than it was the year he made the investment. Will anybody invest under those circumstances? Of course not. The poorer we are the less we buy, and the richer we are the surer we are to buy a good piece of property for investment; and that is all there is of that.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the report of the committee of conference.

Mr. CALL. I wish to ask the Senator from Iowa before the vote is taken on this report of the committee of conference if he will not agree to have the amendments of the Senate in relation to the Treasury building continued in the conference. I have had my attention called to this by a number of officials of the Department, with the assurance that the amendments which were put upon the bill by the Senate Committee on Appropriations were absolutely necessary to the continuance of that building in a proper condition for the public service. They amount to a very small sum, but I see the committee of conference have disagreed to them and have agreed to the provision of the House bill as it came here. Now, I understand that these appropriations are absolutely necessary. I was in the Treasury Department a few days ago and my attention was called to it and to the fact that the repairs which are required can not be had unless you use the language put in the bill by the Senate Committee on Appropriations in amendment numbered 36, which reads:

Including employment of plumbers, carpenters, and painters, and materials for their use, $8,265.

While in the original bill it was only $1,000, the Senate amendment numbered 38 provided:

For repairing, filling, and painting the east front of the Treasury building, $10,000.

That, perhaps, is not so absolutely necessary, though I understand that it is required by the Department; but the other, the employment of plumbers and carpenters, I have been informed by the officers in charge of this work, is absolutely necessary for the comfort of the inmates and the preservation of the building. I invite the attention of the Senator from Iowa to that.

Mr. ALLISON. Mr. President, the matter of which the Senator from Florida speaks was very thoroughly considered by the conferees on the part of the Senate, and the House conferees simply stated that they would not agree to these amendments, and as they relate to the current operations of the Treasury and relate merely to expenditures for repairs the Senate conferees did not feel that they were called upon to insist to the extent of losing this bill, and therefore we surrendered.

Mr. CALL. I am informed that the Secretary of the Treasury has called the attention specially of the two Houses of Congress to this specific matter.

Mr. ALLISON. The Secretary of the Treasury did so. He called the attention of the Committee on Appropriations of the Senate to it in a letter, and the chief clerk of the Treasury came before us and made his statement, and our judgment was in accord with the judgment of the Secretary and the chief clerk; but the House of Representatives declined to agree to the amendments, and we certainly could not force them without the consent of the House, and we surrendered them, as we did a great many amendments which we should have been glad to retain.

Mr. CALL. I wish for myself to say that where a matter is absolutely necessary to the lives and the comfort of the people engaged in the public business, I think it is the duty of the Senate to hold on to

their judgment in that respect, and if it be necessary that the matter should go before the country in any question which concerns absolutely the good health and the lives and the efficient performance of the public duty; so small a matter as this, called by the officers in charge pointedly to the attention of Congress, I really think the committee of conference on the part of the Senate should insist on the amendments. For myself I should never vote to surrender a proposition of that character.

Mr. BECK. We had a very long consultation over that matter. Both the Secretary of the Treasury and the chief clerk came before us, and they made it appear to us that a portion of the work they desired to have done was almost indispensable, and we not only went so far as to retain those things, but we determined, if the other House would not give us all, to pick out the most needful, and we urged in two or three meetings to have them provided for. The Senate conferees tried to have the most necessary items provided for, but the House conferees assured us that they would not and could not agree to them, and great bills, involving the whole running machinery of the Government, can not be stopped for matters of that kind. A majority of the House of Representatives being Democratic, I being a Democrat, and there being a Democratic Administration, I thought if they would not consent to the decent running of their own Administration in matters of comfort for themselves and their own employés, we were compelled to yield and let the responsibility be upon the men who refuse to give the money needed. All the Senate conferees can possibly do is to insist fairly upon the Senate amendments.

When they have done that, the bill must be closed in some way. When we can not get all we want, we must get the most needful things. We meet again in December, and in the mean time the House can look over these matters and then provide for them. But at present they were not prepared to do it, and we could not block the wheels of the Government and stop the whole bill because of an appropriation of ten or fifteen thousand dollars for repairs of the Treasury Department, the greater part of which is for painting on the outside. It is a very shabby looking concern on the outside now, and we thought by the 4th of March next, no matter who shall be elected President, when the American people come here to witness the inauguration, we should like to have the outside of that building look a little more genteel than it does now.

Mr. CALL. I did not refer to the matter of painting or the appearance of the outside of the Treasury building, but to what I am assured is necessary for the interior. I understand there are matters which are to be referred again to the committee of conference——

Mr. ALLISON. There are several matters to be further considered in conference.

Mr. CALL. I had some reason to believe if the chairman of the committee would assent to this suggestion, in view of the emergency and of the pressing character of the representations that are being made now to the conferees of the House, that it would be agreed to. That was the reason I made the suggestion.

Mr. ALLISON. I will say to the Senator from Florida that after the second conference on these amendments we stated to the gentlemen of the House, "Now, we will adjourn this conference and you may go to the Treasury Department and investigate this matter for yourselves, and we believe that when you return you will agree to the amendments." They came back and at the next meeting of the conference they declined to yield to anything, and we surrendered.

The PRESIDENT *pro tempore*. Will the Senate agree to the report of the committee of conference?

Mr. COCKRELL. Mr. President, the Senator from Maryland [Mr. GORMAN] is compelled to be absent and desires to submit some remarks on the report of the committee of conference, and I trust it will not be acted upon this evening.

I have been infinitely amused and delighted, as I doubt not the country has been and will be, at the masquerading which has been performed to-day by the distinguished Senator from Iowa [Mr. ALLISON] and the distinguished Senator from Ohio [Mr. SHERMAN] in their efforts to make the people believe that we are upon a financial crisis, just hovering over the brink of it, and that our surplus revenues are being exhausted, and therefore no tariff legislation can be brought into this Senate.

Mr. ALLISON. Why, Mr. President, will the Senator yield to me a moment?

Mr. COCKRELL. Certainly.

Mr. ALLISON. When did I say in any remarks I made that we were approaching a financial crisis?

Mr. COCKRELL. I am speaking of you both together as part of the great Republican party, distinguished leaders of the party.

Mr. ALLISON. But the Senator from Missouri should be a little more compact in his statements.

Mr. COCKRELL. Well, I will be a little more compact.

Mr. ALLISON. Or a little more diffuse. I did not enter into the subject of our financial situation at all, except simply to state the condition of the appropriations. I will call the attention of the Senator to the fact that it was the President of the United States who sounded the alarm last December about the financial situation of the Government.

Mr. COCKRELL. I understand all about that. In other words, these two distinguished leaders of the Republican party each had his part to perform upon the stage in order to produce an effect throughout the country. This thing commenced a long time ago, when Mr. Depew returned from the West, on a trip out there, and had an interview and had to correct it time and again. It was for the purpose of producing a financial crisis, it was for the purpose of producing a stringency in the money market, and making the people believe that there was no necessity for the reduction of the revenue which had been recommended by the President of the United States.

After they have had here since the 23d of July a tariff bill which proposes a reduction of the revenue, the Senator from Iowa, the chairman of the Committee on Appropriations, gets up in an elaborate way and undertakes to show that in consequence of the immense appropriations that have been made there will be no surplus left.

Mr. ALLISON. I made no statement respecting the surplus, except the fact, and I made no statement that could be tortured into a discussion of the tariff.

Mr. COCKRELL. Why labor so assiduously to show the great appropriations that have been made unless it was for the purpose of exhausting the surplus?

Mr. ALLISON. If I may be permitted to say why I did it, I will say that I did it for two reasons: first, because it has been charged publicly elsewhere that the Senate is responsible for these great appropriations; and secondly, because in another branch of this Government—I will not say where—these appropriations were carefully adjusted and arranged and were handed around among leading Democrats everywhere in this Chamber and in the House of Representatives, in order to have the effect that certain bills which were pending should not pass. In other words, what was known only to the officials who have actual charge of these appropriations was disclosed by leading Democrats in order to make the Democratic party call a halt. These matters became subjects of public discussion to such an extent that the candidate for the Vice-Presidency of the party of the Senator, in a public debate only the day before yesterday, with 40,000 people present, it is said, arraigned this Congress for its monstrous appropriations; and I think I am justified as chairman of the Committee on Appropriations of the Senate, in defense not only of that committee and of myself, but in defense also of the Senator from Missouri, who is a member of that committee and who is responsible for these appropriations, and all of them, as I am, to state exactly their condition and situation, and also to show that they are reasonable and proper appropriations, as I believe them to be, and also to show that they are in large part because of the fact that appropriations which ought to have been made a year ago were not made and for reasons which I did not give, but which the Senator from Missouri perfectly well knows. Now, therefore, when he chooses to say that I am masquerading here and playing a part for an ulterior political purpose, he makes a gratuitous statement which is not justified by anything that I have said or done on this floor to-day.

Mr. COCKRELL. Mr. President, whatever may have been the intention of the distinguished Senator from Iowa, yet he performs a part of a plan which has been enacted to-day, and whether he has performed it intentionally or not is for him to say. He has performed a part of the plan which the distinguished Senator from Ohio has brought before the country, undertaking to show that our imports were in excess of our exports. Why parade this just at this time?

Mr. TELLER. Is it not a fact?

Mr. COCKRELL. Why bring this forth just on this particular occasion when the Finance Committee of the Senate, of which the Senator from Iowa and the Senator from Ohio are both members, has a bill before it which proposes to reduce the revenue and to reduce it, I will say, in exact compliance with the recommendations and pledges of the Republican party made ever since 1868 by their Secretaries of the Treasury and by their platforms and by their Presidents in their messages, and by the distinguished leaders of the party? I say it looks to me as if it was a part of a plan, taken in connection with the speech of the distinguished ex-Senator from Maine, "the uncrowned king of the Republican party," and the reckless, impetuous leader of that party, not always discreet, in which he undertook to tell the people of this country, since his return from Europe, that we are in a crisis, we are having a stringency. That is the sound he sends forth.

Only a short time ago it was Mr. Depew, a Presidential aspirant, who told the country that we were in the throes of hard times, and now after the ex-Senator from Maine has issued his proclamation to the country that the country was prosperous last year, but is not prosperous this year, then the Senator from Iowa gets up and makes his statement in regard to the expenditures, and then the Senator from Ohio comes in with an elaborate statement to show that we are approaching a crisis of some kind, he will not say exactly what it is, but here it is—"here are the imports and here are the exports," and then he goes on to tell what was the effect in 1837 and what was the effect in 1873.

Mr. President, why did not the distinguished Senator from Ohio tell the country what it was that caused an excess of exports over imports?

Did it ever occur to the distinguished Senator from Ohio that that never happened until the tidal wave that brought the Democratic party into the ascendency in the House of Representatives in 1874? Look at your record. If we are going to account for these things, let us have some little accounting on fair principles.

Mr. President, we have a surplus in the Treasury. It is there by unnecessary, burdensome taxation, and the appropriations made at this session of Congress will not exhaust that surplus. The surplus will remain, and there will still exist a necessity, an imperative necessity, for the reduction of that surplus, and that reduction must be made by a change in the tariff or in the internal-revenue laws, and a measure of relief is now before the Finance Committee of the Senate and has been there for a long, long, long time.

Mr. ALLISON. But why speak of it to-day? Why should the Senator speak of that to-day?

Mr. COCKRELL. Because of the performance——

Mr. ALLISON. Oh!

Mr. COCKRELL. Because of the performance on the stage by the Senator from Ohio and the Senator from Iowa to-day. That is all.

Now, Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I hope we shall get through with the consideration of this report to-night.

Mr. COCKRELL. The Senator from Maryland [Mr. GORMAN] is very anxious to make some remarks on the report and he is engaged in a committee of conference and can not proceed to-day.

Mr. ALLISON. Very well, then; I shall not press it to-night.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, and 34, insisted upon by the Senate, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. TOWNSHEND, Mr. SAYERS, and Mr. RYAN managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 1813) for the relief of Susan B. Hopkins, widow of Arvah Hopkins, late of Tallahassee, Fla., deceased; and

A bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing-vessels of foreign construction repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Tupper, respectively.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 29, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 28, 1888.

PROBATE JUDGES.

Francis L. Daggett, of Washington County, Territory of Utah, to be judge of probate in said county, *vice* E. G. Wooley, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

Charles Foote, of Juab County, Territory of Utah, to be judge of probate in said county, *vice* Alma Hague, whose term has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

Samuel Francis, of Morgan County, Territory of Utah, to be judge of probate in said county, his term of office having expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

S. V. Frazier, of Rich County, Territory of Utah, to be judge of probate in said county, *vice* Geo. A. Pert, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

William Goodwin, of Cache County, Territory of Utah, to be judge of probate in said county, *vice* James Z. Stewart, whose term has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

Francis A. Hammond, of San Juan County, Territory of Utah, to be judge of probate in said county, *vice* J. R. Barton, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

S. J. Harkness, of Emery County, Territory of Utah, to be judge of probate in said county, *vice* J. Robinson, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

Charles A. Herman, of Tooele County, Territory of Utah, to be judge of probate in said county, *vice* W. C. Rydalch, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

Jacob Johnson, of San Pete County, Territory of Utah, to be judge of probate in said county, *vice* Parlan McFarlan, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

L. B. Kinney, of Sevier County, Territory of Utah, to be judge of probate in said county, *vice* Andrew Hepler, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

William C. McGregor, of Iron County, Territory of Utah, to be judge of probate in said county, his term of office having expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

William G. Stark, of Pi Ute County, Territory of Utah, to be judge of probate in said county, *vice* R. A. Allen, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

Henry Shield, of Summit County, Territory of Utah, to be judge of probate in said county, *vice* Alma Eldridge, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

William T. Stewart, of Kane County, Territory of Utah, to be judge of probate in said county, *vice* John Rider, whose term has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

George C. Viele, of Millard County, Territory of Utah, to be judge of probate in said county, *vice* T. C. Callister, whose term of office has expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

Thomas S. Watson, of Wasatch County, Territory of Utah, to be judge of probate in said county, his term of office having expired, as provided by section 19, chapter 397, laws 1887, volume 24, United States Statutes at Large.

ASSOCIATE JUSTICE.

Charles F. Templeton, of Dakota Territory, to be associate justice of the supreme court of the Territory of Dakota for the eighth judicial district of said Territory, as provided by the act of Congress approved August 9, 1888.

JUSTICES OF THE PEACE.

William W. Moffett, of the District of Columbia, to be a justice of the peace within and for said District, to be assigned to the city of Washington, *vice* William Helmick, deceased.

Lewis I. O'Neal, of the District of Columbia, to be a justice of the peace within and for said District, to be assigned to the city of Washington, his term of office having expired.

INDIAN AGENTS.

Joseph W. Preston, of Monticello, Ga., to be agent for the Indians of the Mission Tule River (consolidated) agency, that being the title under which the agency formerly known as the Mission agency (consolidated) in California is provided for in the appropriation for the current fiscal year (act approved June 29, 1888, Public No. 162).

The said Joseph W. Preston was confirmed by the Senate January 31, 1888, as agent for the agency last named.

Thomas McCunniff, of Alamosa, Colo., to be agent for the Indians of the Southern Ute and Jicarilla agency, that being the title under which the agency formerly known as the Southern Ute agency in Colorado is provided for in the appropriation for the current fiscal year (act approved June 29, 1888, Public No. 162).

The said Thomas McCunniff was confirmed by the Senate April 12, 1888, as agent for the agency last named.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 28, 1888.

APPOINTMENTS IN THE NAVY.

Ensigns.

George Breed, a resident of Kentucky; William H. G. Bullard, a resident of Pennsylvania; Webster Appleton Edgar, a resident of New York; Joseph W. Oman, a resident of Pennsylvania; Philip Andrews, a resident of New Jersey; William H. Foust, a resident of Ohio; Harold K. Hines, a resident of Kentucky; Willard L. Dodd, a resident of Indiana; Harry E. Rumsey, a resident of Wyoming Territory; Ryland D. Tisdale, a resident of Kentucky; Samuel M. Strite, a resident of Maryland; Friend W. Jenkins, a resident of Pennsylvania; and George F. Cooper, a resident of Georgia, all graduates of the Naval Academy, to be ensigns in the Navy.

APPOINTMENTS IN THE ARMY.

Inspector-General, Inspector-General's Department.

Col. Roger Jones, Inspector-General, to be Inspector-General with the rank of brigadier-general.

Captain.

William W. Averell, late captain Third Cavalry, to be captain in the Army, August 17, 1888, with a view to retirement.

POSTMASTERS.

Cameron L. Thompson, to be postmaster at Huntington, in the county of Cabell and State of West Virginia.

Edwin S. Hallock, to be postmaster at Evanston, in the county of Uinta and Territory of Wyoming.

Daniel L. Miller, to be postmaster at Goshen, in the county of Elkhart and State of Indiana.

Frank W. Sprague, to be postmaster at Rushville, in the county of Sheridan and State of Nebraska.

Leopold L. Daus, to be postmaster at Rock Springs, in the county of Sweetwater and Territory of Wyoming.

Frank F. Stevens, to be postmaster at Richfield, in the county of Morton and State of Kansas.

William D. Kelly, to be postmaster at Ellis, in the county of Ellis and State of Kansas.

Thomas Madigan, to be postmaster at Wallace, in the county of Wallace and State of Kansas.

Ira Steinberger, to be postmaster at Erie, in the county of Neosho and State of Kansas.

David C. Clark, to be postmaster at Phillipsburgh, in the county of Phillips and State of Kansas.

Martin Cooper, to be postmaster at Forest City, in the county of Winnebago and State of Iowa.

James W. Hughs, to be postmaster at Cawker City, in the county of Mitchell and State of Kansas.

Porter Hamilton, to be postmaster at Mapleton, in the county of Monona and State of Iowa.

Elias L. Brownell, to be postmaster at Spirit Lake, in the county of Dickinson and State of Iowa.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August* 28, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

CORRECTIONS.

Mr. BUCHANAN. Mr. Speaker, I rise to ask a correction of the RECORD of this morning.

On yesterday, when the gentleman from Mississippi [Mr. HOOKER] introduced his bill with reference to the duty on cotton-bagging, he asked unanimous consent that the Committee on Ways and Means, to which it was referred, might have the right to report at any time. The RECORD quotes me as saying "I object."

My exact words were, and I am not surprised that they were not caught in the confusion then prevailing, "Oh, no; they have that privilege now."

The SPEAKER. The correction will be made.

Mr. ROGERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. I see that my friend, General HOOKER, is now in his seat. He was not present a moment ago when the gentleman from New Jersey [Mr. BUCHANAN] referred to what took place when my colleague introduced a bill on yesterday. I only invite attention to it now in order that the matter may go into the RECORD, as it ought to go.

Before my colleague from Mississippi entered the Hall the gentleman from New Jersey rose to a correction of the RECORD, stating the facts which occurred on yesterday, that my colleague when he introduced his bill asked consent that the committee should have leave to report at any time, to which request the gentleman from New Jersey is reported as having objected. This language he corrects in the RECORD, and applies other language, the exact words of which I can not now recall, but the substance of which is to the effect that the committee has the right asked by my colleague under the rules.

Mr. BUCHANAN. My exact words were, "Oh, no; they have that privilege now."

Mr. ROGERS. The parliamentary inquiry I wanted to suggest was this: If the language of the gentleman from New Jersey did not in fact amount to an objection, ought not the RECORD be made to conform to that understanding, so as to show that the request of my colleague was granted?

The SPEAKER. The Chair thinks it does not amount to an objection, on the ground stated by the gentleman from New Jersey.

Mr. BUCHANAN. If there is any doubt about it, I will withdraw the objection.

Mr. HOOKER. I will state that I do not know, of course, what occurred before entering the Hall, but I understand that under the rules of the House, this being a privileged matter, the committee would have the right to report in the face of an objection.

The SPEAKER. The Chair will state that under the rules of the House the Committee on Ways and Means have the right to report revenue bills at any time.

Mr. HOOKER. That was my understanding; but I desired to call the attention of the House to this matter especially, to impress it upon the mind of the committee and of the House so as to facilitate action upon this bill.

The SPEAKER. They have the right to report at any time.

Mr. ROGERS. I was not sure when I made the inquiry to what committee this was referred. I see now, however, that having gone to the Committee on Ways and Means that privilege is in the committee.

LEAVES OF ABSENCE.

The SPEAKER. The Chair will lay before the House certain personal requests of members, which the Clerk will read.

The Clerk read as follows:

Mr. GROSVENOR asks leave of absence for ten days, on account of engagements of a personal character.
Mr. DE LANO asks leave of absence indefinitely, on account of sickness.
Mr. STEWART, of Texas, asks indefinite leave of absence.
Mr. TURNER, of Georgia, requests leave of absence for ten days, on account of urgent and important business.
Mr. HEMPHILL requests leave of absence, on account of sickness.
Mr. HOUK asks indefinite leave of absence, on account of sickness.
Mr. MCRAE asks indefinite leave of absence, on account of sickness in his family.

The SPEAKER. Is there objection to these several requests?

Mr. BRECKINRIDGE, of Kentucky. I object. This question has been discussed a good deal on the floor of the House, and if we are going to carry out the order of the House made on Friday last, I shall object to all leaves of absence except in cases of sickness. The question may be raised on a motion; but I think it is due to us, who also have important engagements, to know whether it is the intention of the House to insist upon the order as heretofore made or not, so that we may determine what to do.

The SPEAKER. The Chair understands the gentleman from Kentucky to object to all leaves of absence except in cases of sickness, or where there is sickness in the family of the member?

Mr. BRECKINRIDGE, of Kentucky. I do not object in any case of personal sickness of the member asking the leave, or where there is sickness in his family.

The SPEAKER. The Chair will direct the Clerk to read the requests for leaves of absence where this condition applies.

The Clerk read as follows:

Leave of absence is asked in the following cases:
Mr. HOUK, indefinitely, on account of sickness;
Mr. DE LANO, indefinitely, on account of sickness;
Mr. MCRAE, indefinitely, because of sickness in his family; and
Mr. HEMPHILL, indefinitely, on account of sickness.

The SPEAKER. Is there objection to these several requests?

There was no objection.

The SPEAKER. The Chair will lay before the House the other requests to which objection has been made.

The Clerk read as follows:

Mr. GROSVENOR requests leave of absence for ten days, on account of engagements of a personal character.

Mr. GROSVENOR. Mr. Speaker, I suppose a motion that this leave of absence be granted would be in order?

The SPEAKER. It would be.

Mr. BUCHANAN. I make that motion.

Mr. GROSVENOR. I want to make a statement to the House so that this matter can be settled definitely with a frank understanding of the facts by the House.

Before this revocation order, or whatever it was, made by the House the other day, I had made engagements covering the next week, as a good many others have done; but I did not put into my request for leave that it was on account of sickness; for while I am personally not perhaps a robust person, I am not suffering with any illness, and I do not call it "professional" business because it is not strictly of that character. Frankly, I have engaged to go to the State of Maine to make some speeches at places indicated to me, beginning on Saturday afternoon next and running up to the end of the campaign. [Laughter.]

Mr. WEAVER. Had not the gentleman better stay here and make his campaign speeches?

Mr. GROSVENOR. The gentleman from Iowa will please take care of his own business, a cheap-John attempt at personal notoriety, and I will take care of mine.

I want the House to vote squarely upon this question. I desire to go. I made the engagement at a time when any member would have made a similar appointment without any hesitation. No opposition had been made by anybody and a good many are away already on the same mission. The distinguished Democratic candidate for Vice-President has had in his train a very distinguished coterie of members of the House, and I am very glad to see that side of the House out already.

Mr. BLAND. In the mean time the great leader of your party is already in Maine; and quite a number of others.

Mr. GROSVENOR. I did not rise to make a political speech; but if you will come up on Saturday you will have a first-class opportunity to hear a first-class political speech. [Laughter.]

Mr. BLAND. The gentleman proceeded to allude to the next Vice-President of the United States, and I thought there was a little politics in that. [Laughter.]

Mr. GROSVENOR. I want to know whether we are to be compelled to be present here at the latter end of dog days and prevented from entering on engagements of a political character, but have to sit around here while——

Mr. BLAND. It is the same on both sides.

Mr. WEAVER. I want to say this about whether members are to be compelled to sit here in the latter end of dog days or be out making political speeches: I think they are compelled to stay here. That is their first obligation, and that is what they are sent here for. It is not fair to the balance of us to stay here and swelter through dog days when we have not a sufficient number of members here to transact the public business. If anybody is to go, let us all go.

Mr. BRECKINRIDGE, of Kentucky. I want to say in explanation of my objection to the granting of leave of absence to the gentleman from Ohio that it presents the question in a concrete form where we can see whether we are going to carry out the resolution passed last Saturday, and follow in the line of the language of my distinguished friend from Illinois [Mr. PAYSON] when he said that he intended to see that a quorum appeared. Here is a distinguished gentleman from Ohio, of high character and of national reputation, who gives us the reason why he wants this leave of absence. I intend to vote for it; but I want to state that some of us having engagements of the same character have thought it necessary to cancel them because of the action of the House in revoking the leaves heretofore granted. We thought it our duty in obedience to this action, and in submission to the spirit of that resolution, to cancel these private engagements or these semi-public engagements. Knowing that gentlemen were going to make these requests, I thought we had better have this question sharply brought before the House, so that if one gentleman is to receive leave of absence on that ground it would be understood that all members of the House might go ahead and make these engagements with the understanding that it would be agreeable to the wishes of the House. That was the only object I had in making objection, and in making it in this concrete form.

It is not a difficult matter for any gentleman to object to the whole House without naming anybody. It is not a difficult matter for gentlemen to say they object, that everybody ought to be here; but it is somewhat an ungracious matter to make that general declaration personal in a concrete case, and we can only accomplish this avowed purpose of compelling the attendance of a quorum by doing that. Now, if we are going to do it, here is the fair opportunity on public grounds, by holding that attendance here is of higher importance than public speaking in the campaign, and then we will know the mind of the House and all of us regulate ourselves accordingly; or the House can grant the leave and then we can act on the hypothesis that the House approves these engagements.

Mr. ALLEN, of Michigan. I hope the request of the gentleman from Ohio [Mr. GROSVENOR] will be granted, for I will have to go next week myself. [Laughter.]

Mr. ANDERSON, of Iowa. Mr. Speaker, in the matter of granting these leaves of absence it seems to me that the necessities for each case ought to appear, as in the case of sickness for instance. In a mere matter of going out upon a tour of speech-making it is not indicated whether it is a matter of necessity or not. For instance, the State to which the gentleman has been assigned is largely Republican, and the home of the most distinguished member of the party, and it would seem to me in this case it is apparent there is an absolute necessity for his presence in the State of Maine. [Laughter.]

Now, that ought to be one of the elements, it seems to me, in the matter of granting leaves.

Mr. NELSON. I desire to make an amendment that will do justice to members of both sides of the House and operate equally between them. I therefore move that every member of this House who files his own statement with the Clerk of the House stating that he wants to go out and make a few speeches may have leave to do so. That is fair and just; and if we are going to give one member leave we ought to give it to all, and they should file their requests with the Clerk of the House. Then we know where we are and what we are doing; and I move that as a substitute for the gentleman's motion.

Several MEMBERS on the Democratic side. That is all right.

Mr. GROSVENOR. I do not care, in the language of a distinguished dead statesman of Illinois, whether that amendment is voted up or voted down; but it ought not to be put as a rider to this proposition for this reason——

Mr. ANDERSON, of Kansas. Make a point of order against it.

Mr. GROSVENOR. That would do on a public bill; but this is a private matter. I should not have made this engagement if the resolution of the House had been adopted before I entered into it, and therefore my position is a little different from those who make these engagements hereafter. I say that that is not a fair amendment to my proposition for the reason that I would not have entered into this arrangement to go to Maine had the resolution revoking leaves of absence stood on the Journal at the time, but having made the arrangement at a time when nobody would have said that I was doing wrong, I do not now wish to forfeit it, and I make the constitutional objection to the order of the House that it impairs the force of a contract. [Laughter.]

Now, I do not know but I would consent to an amendment providing that this leave of absence should take me into the district of the gentleman from Iowa [Mr. ANDERSON], because I take it that while he lives and moves and has a being there danger will always exist in that district.

As to the question whether there is necessity or danger in the State of Maine, that is not for me to decide nor for him. Maine is a good place to go to. A great many Democrats are going there, and it is said that $200,000 in money has gone ahead on the Democratic side. The greatest monopolist in New England, the president of the Maine Central Railroad, which runs into nearly every county in the State, is a member of the Democratic national executive committee, and if there is an opportunity for Democrats anywhere this year, which I honestly doubt, I should think that would be a pretty good stamping-ground for them.

Mr. WEAVER. Is it because so much money has gone ahead that the gentleman wants to go there? [Laughter.]

Mr. GROSVENOR. If the gentleman from Iowa [Mr. WEAVER] had been assured of the statement which I have made about the money, he would have been there a long time ago. [Laughter.]

Mr. WEAVER. The trouble is that we are never assured of any statement which the gentleman makes. [Renewed laughter.]

Mr. SPRINGER. Mr. Speaker, I hope this matter will be laid aside for the present. If the appropriation bills, and some other important measure which it is unnecessary to name at this time, can be disposed of during to-day, to-morrow, Thursday, and Friday, I shall then be in favor of granting leave of absence until Monday, September 10, to all members who desire to avail themselves of it, with the understanding that no business shall be done in the House in the mean time, this body being perhaps more than a week ahead of the Senate. But before that is done we must dispose of some necessary legislation, and if we begin now to grant these leaves of absence we shall be unable to do that and shall not be in a position to grant general leave. Therefore, with the view of bringing this matter to a conclusion, I move the previous question on the resolution and the amendment.

Mr. HOOKER. Let the resolution be again read.

The SPEAKER. It is not in writing. It is simply a motion made by the gentleman from New Jersey [Mr. BUCHANAN] that the gentleman from Ohio [Mr. GROSVENOR] be excused.

Mr. MAISH. I understood that the gentleman from Minnesota [Mr. NELSON] offered an amendment.

The SPEAKER. There is an amendment pending, against which no point of order was made.

Mr. GROSVENOR. I make the point of order that the amendment is not germane to the pending motion.

A MEMBER. Too late.

The SPEAKER. The Chair had not stated the motion, and therefore the point of order is made in time. The gentleman from Minnesota [Mr. NELSON] moved as a substitute for the motion of the gentleman from New Jersey that all members desiring leave of absence for the purpose of making political speeches be granted such leave upon filing their individual statements with the Clerk of the House.

Mr. HOOKER. I raise the point of order on that.

The SPEAKER. The Chair thinks the point of order is well taken. This is a personal request by a single member for leave of absence, upon the ground stated by him. The motion which the gentleman from Minnesota attempts to make as a substitute would be in order as an independent proposition at any time, because it is always in the power of the House to decide whether members shall attend its sittings or not; but the Chair thinks the motion is not in order as an amendment. The question is upon ordering the previous question upon the motion of the gentleman from New Jersey.

The previous question was ordered.

The SPEAKER. The question now is, Will the House grant the gentleman from Ohio [Mr. GROSVENOR] leave of absence, as requested?

Mr. SPRINGER. For how long a time?

The SPEAKER. The request is for ten days.

The question was taken; and the motion of Mr. BUCHANAN to grant the leave of absence was agreed to.

Mr. STAHLNECKER, by unanimous consent, was granted leave of absence indefinitely, on account of sickness.

The SPEAKER. The gentleman from Texas [Mr. STEWART] requests leave of absence indefinitely.

Mr. SAYERS. I move that the leave be granted.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I do not wish

to be considered as objecting to any leave of absence now. What I wanted to do was to raise the question, and having done that I withdraw my objection.

Mr. WEAVER. The gentleman does not mean to have it understood that the vote in the case of the gentleman from Ohio [Mr. GROSVENOR] gives other members leave to go off without permission of the House? You do not mean to have it understood, of course, that the vote in the case of the gentleman from Ohio gives leave for other members to go away without authority.

Mr. BRECKINRIDGE, of Kentucky. I accept it so far as I am concerned——

The SPEAKER. The Chair will lay before the House every request that may be presented.

Mr. BRECKINRIDGE, of Kentucky. I accept it, so far as I am concerned, as the judgment of the House that the action taken on Saturday last was improvident and is practically revoked.

Mr. WEAVER. I give notice that I do not so accept it.

Mr. O'NEILL, of Missouri. I objected yesterday to granting leave of absence to the gentlemen from Indiana [Mr. HOVEY and Mr. MATSON], not from any desire to be discourteous, but because, after the action of the House on Saturday in revoking all leaves of absence, it looked to me like a farce to begin on Monday granting such leaves solely for political reasons. We ought to allow time at least for these gentlemen who have been absent to get here; we ought to make them think we are in earnest even if we are not.

Mr. PETERS. Mr. Speaker, since the beginning of this session on the first Monday of December, 1887, I have been absent from the House but twice, once to attend to the launching of the gunboat and another time on business in New York for my constituents. I am very anxious to get away. I am worn out and absolutely need rest. I do not wish any one to understand by my silence here that I shall decline or neglect to move or support a proposition that all leaves of absence be revoked in case certain measures should be presented to the House at this session which I think should command the attention of a quorum. As I have said, I am as anxious to get away as any one; but so long as I am compelled to stay here, I certainly feel that when a quorum of the House is necessary to pass business in which my constituents are interested I do not want to have my mouth sealed by any action which may be taken on leaves of absence to-day.

Mr. STRUBLE. Why is not this a good time to begin refusing leaves of absence except in cases of sickness?

Mr. SAYERS. I move the previous question on the motion to excuse my colleague.

Mr. GROSVENOR addressed the Chair.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] demands the previous question.

Mr. MASON (to Mr. GROSVENOR). You are absent by leave of the House. [Laughter.]

The previous question was ordered; and under the operation thereof, the motion to excuse Mr. STEWART, of Texas, was agreed to.

The SPEAKER. The Clerk will report the next request.

The Clerk read as follows:

Mr. TURNER, of Georgia, requests leave of absence for ten days, on account of urgent and important business.

Mr. CARLTON. I wish to state, Mr. Speaker, that my colleague, Mr. TURNER, has been called home on account of urgent and important business of a private nature connected with his family. As this House well knows, he has been steadily in his seat from the beginning of the session; and I hope the request will be granted. I move that it be granted, and call the previous question upon the motion.

The previous question was ordered.

The question was taken.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will announce the result of the vote just taken—the ayes have it.

Mr. BROWNE, of Indiana. My parliamentary inquiry has reference to this question.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. Does it require the action of a quorum to grant these leaves of absence?

The SPEAKER. The Chair thinks it would, except when the House is operating under a call.

Mr. BROWNE, of Indiana. I doubt whether we ought not to have at least a quorum present when these leaves are granted.

The SPEAKER. Does the gentleman make the point?

Mr. BROWNE, of Indiana. Yes, sir; because I am unwilling that the House shall, so far as I am personally concerned, grant leaves of absence founded upon the private or public business of an individual when his absence will destroy a quorum. I shall, therefore, raise that question in granting leaves hereafter.

Mr. CRISP. I make the point of order that the gentleman is too late.

The SPEAKER. The Chair thinks the gentleman was in time. The Chair had not announced the result of the vote when the gentleman from Indiana rose. The Chair supposed when the gentleman stated he rose to make a parliamentary inquiry that it had reference to some other proceeding, and therefore announced the result of the vote.

Mr. CRISP. But there has been no evidence of the lack of a quorum, or no record taken of the vote.

The SPEAKER. But the gentleman had the right to demand a division.

Mr. CRISP. But he did not demand a division.

Mr. BROWNE, of Indiana. I did not care to demand a division unless there was something in the point; and I therefore desired to submit the parliamentary inquiry before making the point.

The SPEAKER. The Chair thinks the gentleman would have the right, because he rose before the Chair announced the result of the vote.

Mr. CRISP. Yes; but he made no demand for a division.

The SPEAKER. But the Chair announced the result of the vote before the gentleman could have done so, although he had risen, as his parliamentary inquiry shows, for that purpose. The Chair supposed he rose for another purpose. The gentleman, however, was on the floor and addressing the Chair.

Mr. CRISP. But he never intimated that he wanted a division until it was too late.

The SPEAKER. The Chair did not state that the gentleman demanded a division; but holds that he had the right to demand a division if he rose for that purpose.

Mr. BROWNE, of Indiana. I did not demand a division until I had ascertained the fact which my parliamentary inquiry elicited.

The SPEAKER. The Chair has held that the gentleman has the right, if he desires it, to demand a division. Does the gentleman demand a division?

Mr. BROWNE, of Indiana. I do.

Mr. BLOUNT. I desire to withdraw the request of my colleague.

Mr. O'NEILL, of Pennsylvania. I hope the gentleman will not withdraw it. I hope the House will grant the request. I object to the withdrawal. I think the leave of absence in this case should be granted by unanimous consent.

Mr. CARLTON. Mr. Speaker, I filed the leave of absence on behalf of my colleague for the reason I have already stated, that he had been suddenly called home to his family by reason of pressing private affairs which required his attendance. He requested me, however, if objection was made to the request for leave of absence, to withdraw the request; and I hope there will be no objection to the withdrawal.

Mr. O'NEILL, of Pennsylvania. I shall not object to the withdrawal under the circumstances, but I think the request for leave of absence should be unanimously granted. The gentleman from Georgia would not ask leave of absence unless it was a matter of grave importance, as he knows his public duties too well. He is a gentleman who never absents himself from the House, and who would not do so without sufficient reason.

Mr. HOLMAN. I object to the withdrawal. I think in this case leave of absence should be granted.

Mr. WEAVER. I hope, under the circumstances, the House will grant this leave.

Mr. DAVIDSON, of Florida. I would ask the gentleman from Indiana if he will not withdraw his objection.

Mr. BROWNE, of Indiana. It is exceedingly difficult to refuse the appeals of gentlemen——

Mr. BLOUNT. I wish to say to the gentleman from Indiana that he need not feel any delicacy about the matter on account of my colleague. He is entirely willing that the request shall be withdrawn.

Mr. BROWNE, of Indiana. Because I have been absent myself so much and so often during this session that I regret to make any objection to such requests. But it strikes me that every day during this session we are confronted with the fact there is no quorum. I am entirely willing that this Congress shall dissolve now and let every gentleman go home——

Mr. MCMILLIN. So is the Senate.

Mr. BROWNE, of Indiana. But it strikes me as an outrage upon the House to compel certain of its members to remain here day after day, but utterly unable to transact the public business by reason of the absence of a quorum.

The SPEAKER. The Chair will state that the motion is not debatable except by unanimous consent——

Mr. DOCKERY. I object to debate.

The SPEAKER. The previous question having been ordered upon the motion.

Mr. CARLTON. I regret exceedingly——

The SPEAKER. The gentleman from Missouri objects to debate.

Mr. CARLTON. I only wanted to withdraw the motion.

The SPEAKER. Objection has been made to the withdrawal of the motion.

Mr. CARLTON. I do not wish to debate the question, but simply to ask unanimous consent to withdraw it.

The SPEAKER. That has been made and objection entered.

Mr. CARLTON. Can I not renew the request?

Mr. SPRINGER. Would it not be in order to ask unanimous consent that the leave be granted?

The SPEAKER. The Chair thinks not. That has been done and objected to. Thereupon the Chair laid the request before the House and motion was made that it be granted, upon which the previous question was ordered. The Chair submitted the question to a vote of the House, and the gentleman from Indiana demanded a division. That is the present situation.

Mr. BLAND. I wish to make a parliamentary inquiry. This being simply a personal request, pertaining to the gentleman from Georgia himself, what right has the House to object to its withdrawal?

The SPEAKER. Because the House has taken action upon it by ordering the previous question. It is not a request made by the gentleman from Georgia; it is a motion made by his colleague, and upon that motion the House has taken action by ordering the previous question. Of course under the rules of the House it can only be withdrawn by unanimous consent.

The question is on the motion of the gentleman from Georgia, upon which the gentleman from Indiana has demanded a division.

Mr. BLOUNT. I ask unanimous consent that the motion may be withdrawn.

The SPEAKER. That request was made but the House has refused it.

Mr. BLOUNT. I understand that the motion was to withdraw the request of my colleague.

The SPEAKER. Not at all. The personal request of the gentleman from Georgia is not before the House. It is the motion made by his colleague.

Mr. SPRINGER. I think it would be in order to——

The SPEAKER. A personal request is only granted by unanimous consent. Then when that is refused it is in order to make a motion.

Mr. BLOUNT. I would like to know who has objected.

The SPEAKER. I think the gentleman from Indiana [Mr. HOLMAN] objected.

Mr. HOLMAN. Mr. Speaker——

Mr. STEELE. I demand the regular order.

The question was then put, and the Speaker announced that the ayes were 100, noes 3.

Mr. CHEADLE (in his seat). No quorum.

The SPEAKER. Will the gentleman who makes the point of no quorum rise?

Mr. CHEADLE. I make the point of no quorum.

The SPEAKER. The Chair will appoint the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Indiana [Mr. CHEADLE] as tellers.

Mr. CRISP. I would now renew the request——

The SPEAKER. The gentleman from Georgia again asks unanimous consent to withdraw the motion made by his colleague.

Mr. EZRA B. TAYLOR. I object. I think he ought to be excused, but I object to the withdrawal of the motion.

Mr. CRISP. It is apparent that there is no quorum.

Mr. BRECKINRIDGE, of Arkansas. I call for the yeas and nays.

Mr. CRISP. There being evidently no quorum here, it is unkindness to Mr. TURNER to put him in the attitude of obstructing public business.

Mr. CHEADLE. I desire to withdraw the point of no quorum.

The SPEAKER. The gentleman from Indiana withdraws the point of no quorum. The ayes have it, the motion is agreed to, and the gentleman from Georgia [Mr. TURNER] is excused.

Mr. BAKER, of New York. I request that my colleague [Mr. DE LANO] be excused. He is detained by sickness.

Mr. SPRINGER. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from New York [Mr. DE LANO] has had leave granted him.

PUBLIC LANDS.

Mr. HOLMAN. I hope the gentleman from Illinois [Mr. SPRINGER] will withdraw the demand for the regular order so that I may ask unanimous consent to introduce a bill for reference.

Mr. SPRINGER. I withdraw the demand for the regular order for that purpose.

The title of the bill was read, as follows:

A bill (H. R. 11297) to suspend the laws touching the disposal of the public lands except the homestead law, and for other purposes.

The bill was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THE JOSEPHINE AND M. C. UPPER.

Mr. PAYSON. I ask for the present consideration of the bill which I send to the Clerk's desk, being Senate bill 2197, empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and empowered to cause to be enrolled and registered as American vessels the sailing vessels known as the M. C. Upper and Josephine, respectively, of foreign construction, but repaired in the port of Cleveland, Ohio, in accordance with the application for registration thereof now on file in the office of said Commissioner.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. PAYSON. This bill has passed the Senate unanimously and was reported unanimously by the Committee on the Merchant Marine and Fisheries. It does not take a dollar out of the Treasury, but adds to the merchant marine of this country.

Mr. KELLEY. I object until I can learn something further about it. To what extent have there been repairs.

Mr. PAYSON. To something over seven-eighths of the total value.

Mr. KELLEY. Then that is within the statute, and I withdraw the objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. I demand the regular order.

SUSAN B. HOPKINS.

Mr. DAVIDSON, of Florida. I ask unanimous consent that the Committee of the Whole be discharged from the consideration of the Senate bill 1813 and that the same be considered now.

Mr. SPRINGER. In order that there may be one recognition on each side I withdraw the demand for the regular order so that this request may be made.

The SPEAKER. This is a bill which was laid aside a few mornings ago. The bill, which is a Senate bill, was not in the hands of the Clerk and it was passed over. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 1813) for the relief of Susan B. Hopkins, widow of Arvah Hopkins, late of Tallahassee, Fla., deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Susan B. Hopkins, widow of Arvah Hopkins, late of Tallahassee, Fla., deceased, out of any money in the Treasury not otherwise appropriated, the sum of $392.50, in full for rent of houses used for offices and storing purposes situated in Tallahassee, Fla.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DAVIDSON, of Florida, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order.

Mr. ALLEN, of Michigan. Mr. Speaker, I would ask the gentleman from Illinois if he will withdraw his demand long enough for me to send a resolution to the Chair, and ask that it be acted upon now? It would not take a minute.

Mr. SPRINGER. No, I can not; I demand the regular order.

TARIFF—ARE THE WOOL MANUFACTURERS IN FAVOR OF FREE WOOL—QUESTION OF PRIVILEGE.

Mr. JACKSON Mr. Speaker, I rise to a question of privilege. In the course of the debate on the tariff bill I had occasion to make a statement in reply to Mr. BUCKALEW respecting the manufacturers of wool in Pennsylvania, and especially in the city of Philadelphia——

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The gentleman is making a general statement, and I ask that he state his question of privilege.

Mr. JACKSON. The statement I made was that the manufacturers of wool in Philadelphia and in Pennsylvania had no desire to have wool put on the free-list, and that they were opposed to it.

Mr. SPRINGER. Mr. Speaker, I make the point of order that the gentleman has not stated his question of privilege.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] makes a point of order and insists upon the enforcement of the rule which requires that the gentleman shall state what his question of privilege is. The Chair will state to the gentleman from Pennsylvania that there can be no question of privilege before the House unless some motion is made or some resolution is offered on which the House can act. All other matters are merely matters of personal explanation, which can be entertained only by consent of the House.

Mr. JACKSON. I think that in one minute's time I can state what will be conceded to be a question of privilege.

Mr. BLAND. I call the gentleman's attention to the fact that his colleague from Pennsylvania, to whom he alludes [Mr. BUCKALEW], is not present.

Mr. JACKSON. The gentleman from Pennsylvania [Mr. BUCKALEW], so far as I know, is giving no special attention to this matter. While my reply was originally made to his speech, I am only now re-

ferring to that incidentally. The question I wish to call attention to grows out of statements appearing in public newspapers, for which, I presume, he is not responsible, and which I conceive affects myself. I want to correct the newspaper statements.

Mr. SPRINGER. If the gentleman will say that he desires to make a personal explanation, and will state how much time he requires, I shall have no objection.

Mr. JACKSON. Will the Chair hear my statement?

The SPEAKER. If the enforcement of the rule is insisted upon, the Chair has no discretion in the matter. A "question" in the parliamentary sense means a proposition presented to the House to be disposed of, and unless the gentleman from Pennsylvania presents some proposition there can be, of course, no question of privilege. But if the gentleman desires to make a personal explanation, the Chair will ask the consent of the House that he be permitted to do so.

Mr. SPRINGER. If the gentleman will say that he desires to make a personal explanation, and will state what time he requires, there will probably be no objection.

Mr. JACKSON. I expected to take even less time than I have already occupied. All I desire is to send to the desk and have read a statement which has appeared in the New York Herald and Philadelphia Record alleging that I misrepresented and slandered the wool manufacturers of Pennsylvania when I stated that they did not favor the Mills bill and were, in fact, opposed to free wool; and also to have read, as a reply to these newspaper articles, statements from a number of reputable gentlemen who are familiar with the facts of the case and who fairly represent those manufacturers, and who show that I stated their views truthfully and fairly. I should like to have at least a portion of these papers read, with permission to print the remainder.

Mr. SPRINGER. If the gentleman will state that he desires to make a personal explanation——

The SPEAKER. The gentleman does so state in substance.

Mr. SPRINGER. How much time does the gentleman require?

Mr. JACKSON. Not exceeding ten minutes.

Mr. SPRINGER. I object to ten minutes. If the gentleman will make his statement in five minutes I shall not object.

Mr. JACKSON. I shall be content with ten minutes' time and permission to print the remainder of this statement.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Several members objected.

Mr. JACKSON. Then, Mr. Speaker, I will make my statement of the question of privilege.

The SPEAKER. But the Chair has already decided, in accordance with the rules of the House and in accordance with repeated decisions heretofore, that no question of privilege is presented unless some motion or some resolution is offered.

Mr. JACKSON. Would it be in order to make a motion to have these papers read?

The SPEAKER. That would not present a question of privilege.

Mr. JACKSON. I presume I could print these papers under the general order made in relation to printing remarks on the tariff bill which would fully answer my purpose, but I did not wish to do that without giving in some way to the House public notice in advance of what I was doing. I therefore ask unanimous consent that I be permitted to print the extracts from the newspapers I have referred to and the replies thereto I have prepared in the RECORD.

There was no objection, and it was so ordered.

Mr. JACKSON. Mr. Speaker, as an explanation of these papers in addition to what I have already said, I would call attention to these facts.

In the course of the tariff debate, my colleague, the gentleman from Pennsylvania [Mr. BUCKALEW], on the 15th of May last, in his speech, which will be found on page 4986 of the RECORD, gave as a reason for his favoring the bill under consideration that it put wool on the free-list, to the great advantage of the wool manufacturers of the State. At the time I asked permission to call his attention to what I considered his mistaken representation of the interests of the wool manufacturers, but the gentleman declined to yield to me for even a question.

When the wool schedule was afterward under consideration by sections, on the 16th of July following, being the first opportunity I had, I made a reply to his statement, which will be found on page 6935 of the RECORD.

I then said, in substance, that the gentleman from Pennsylvania [Mr. BUCKALEW] made a mistake in alleging that "free wool" was in the interest and for the advantage of wool manufacturers; that the wool manufacturers of Pennsylvania, largely situated in the city of Philadelphia, did not ask for free wool, but were uncompromisingly opposed to it; and that I was surprised my colleague should make such a mistake.

Mr. Speaker, at the time I made these remarks I felt confident that I knew the position of the manufacturers on this question, and that I truly and fairly represented them as a body in the statement I then made.

I was therefore surprised to find that the New York Herald and the Philadelphia Record, in noticing these proceedings in Congress, alleged that in stating that the wool manufacturers of Philadelphia were opposed to free wool I had misrepresented and slandered them. To correct these newspaper charges I have prepared some testimony supporting the truth of what I said and showing that the wool manufacturers of Philadelphia, and in fact the whole country, are almost, if not entirely, unanimously opposed to free wool and in favor of its protection. In justice to myself and in justice to these manufacturers I ask to have printed as a part of my remarks these papers.

The papers are as follows:

[From the New York Herald of July 17, 1888.]

FREE WOOL—DEMOCRATS REFUSE TO TAKE IT FROM THE LIST—ONLY A FEW "KICKERS"—MR. JACKSON'S STRANGE STATEMENT ABOUT PHILADELPHIA MANUFACTURERS—TARIFF DEBATES NEARLY OVER.

HERALD BUREAU,
CORNER FIFTEENTH AND G STREETS NORTHWEST,
Washington, July 16, 1888.

Free wool passed the House to-day by a handsome majority. To please the protectionists tellers were ordered, and the vote, on the motion of Mr. WILKINS to strike the free-wool clause out of the Mills bill, was defeated by 102 to 120.

The free-wool clause is to go into effect on the 1st of October, if the bill becomes a law, and the new wool duties in the Mills bill later, on the 1st of next January. That gives the woolen manufacturers a handsome start.

Before the vote was taken a queer and rather significant thing happened. Mr. JACKSON, of Pennsylvania, rose and "gave his testimony" that the woolen manufacturers of Philadelphia are "uncompromisingly hostile to free wool."

The queerness of this lies in the fact that Mr. JACKSON does not represent any district in or near Philadelphia, but a district in the center of the State, and that Philadelphia has in the House four Republican Representatives, all high protectionists—Messrs. BINGHAM, O'NEILL, KELLEY, and HARMER—not one of whom spoke up to-day.

The Herald, in its recent Philadelphia correspondence, has shown conclusively and repeatedly that a number of the leading woolen manufacturers there are in favor of free wool, and that a very large and increasing number of the workmen in the woolen mills demand free wool. Yet Mr. JACKSON, representing an interior district, assumes to speak for all these people and misrepresents their openly declared opinions.

Messrs. BINGHAM, O'NEILL, and HARMER, who are the Representatives of Philadelphia districts containing woolen mills, were too prudent to follow Mr. JACKSON'S exam[illegible]e.

[From the Philadelphia Record of July 18, 1888.]

PHILADELPHIA AND FREE WOOL.

In a report made to the Secretary of the Treasury in 1885 by the National Association of Wool Manufacturers appeared the following:

"The American manufacturer, to compete with the fabrics of other nations in the endless variety demanded by our times, must have the power of selecting a portion of his raw material from all the world's sources of supply. * * * The effect of the compulsion to buy greasy wool and pay a heavy specific duty on its impurities is that the American manufacturers are thereby obliged to give undue preference to light condition over fineness and the other valuable qualities of wools offering in foreign markets. Our manufacturers, moreover, are obliged by this restriction to concentrate their competition in foreign markets upon the always small proportion of the lightest unwashed wools, while our foreign competitors, having to pay duty neither upon wool nor on grease and dirt, can buy the heavy wools in the market to much better advantage.

"To these considerations it should be added that the high specific duty on clothing wools—a duty irrespective of the cost—practically excludes the cheap and abundant clothing wools of South America, and by freeing them from our competition for their purchase makes them much cheaper than they would otherwise be to the manufacturers of France, Belgium, and Germany, who work them up into cloths and stuffs by the cheapest labor in Europe."

This report was signed by Thomas Dolan and James Dobson, officers of the association. Is it possible that there are any woolen manufacturers in this city who fail to recognize the truth and the force of the above statement? Yet Mr. O. L. JACKSON, who represents a Congress district in the extreme western portion of Pennsylvania, arose in the House on Monday and declared that the woolen manufacturers of Philadelphia are "uncompromisingly hostile" to the policy of free wool advocated in this report. It is well known that Mr. JACKSON in his assertion slanders quite a number of leading Philadelphia manufacturers, who have declared emphatically in favor of free wool. But it would be strange if any number of them should oppose a change so manifestly favorable to their interests and to the general industrial interests of this city.

Mr. JACKSON. I would call attention to the fact that in the above quotation from the report of the National Association of Wool Manufacturers, the concluding part of the report is omitted, which expressly states that the manufacturers favor extending protection to the wool-grower. It is as follows:

It will be observed that in this communication, which, we need not say, is addressed not only to you, but through you to Congress and the public, we have not urged, as has been customary with this association in former times, any argument for encouragement in behalf of the important industry most closely allied with our own, that of wool production. Circumstances, which we need not mention, seem to have made it expedient that each branch of the national wool industry should act independently in representing its interests as connected with tariff legislation.

As the domestic wool-grower, in view of the high cost of labor and the high scale of living required by American civilization, can not profitably send his wools abroad, and as every pound of foreign cloth imported, displacing a pound of American cloth which might be made here, at the same time displaces a quadruple weight of domestic wool, it might be claimed that the interests of our nearest allies are sufficiently served by securing defenses for the manufacturers which constitute their only market. This was the narrow and selfish argument for exclusive protection to manufacturers in former times.

A broader and more just policy now regards protection to any distinct interest but as a part of the universal system; and while we demand for our own finished products, and more imperatively still, for the labor by which they are wrought, the whole power of defense granted by the Constitution against other nations—defense against their policy, their pernicious trade, their extorted and pauper labor, no less than against their arms—we would extend the same defense to every home product, of the farm, the mine, and the forest, thus making our own identical with the national prosperity.

A FREE-WOOL CONTROVERSY—MR. JUSTICE CITES FACTS TO SUSTAIN CONGRESSMAN JACKSON—THE WOOLEN MANUFACTURERS OF PENNSYLVANIA, ALMOST WITHOUT EXCEPTION, HEARTILY OPPOSED TO THE INTRODUCTION OF FREE WOOL.

The friends of free wool having gone to the extremity of denying the facts on which Congressman JACKSON based his speech during the debate on the Mills

bill, that gentleman has written the following letter, which was published in Saturday's Evening Telegraph:

"HOUSE OF REPRESENTATIVES, *Washington, D. C., July 24, 1888.*

DEAR SIR: In the course of the recent tariff debate in the House I took occasian to state that the woolen manufacturers of Pennsylvania did not favor free wool. Among the authorities which I had read at the time to sustain this statement was an extract from the American, in which you were represented to take that position. I notice that the New York Herald and the Philadelphia Record criticise my statement, and say that I had no authority to represent the Philadelphia manufacturers.

"My remarks were made on the 16th of July, and reported in the CONGRESSIONAL RECORD on the 17th, a copy of which I mailed you care of Board of Trade rooms. I would very much like, if you please, that you would write me, stating how far I was justified in saying what I did on the subject.

"Very truly yours,

"OSCAR L. JACKSON.

"Mr. THEODORE JUSTICE, *Philadelphia, Pa.*"

MR. JUSTICE SUPPLIES FACTS.

In answer, Mr. Justice writes as follows:

"DEAR SIR: Your favor of the 24th received. There is the most ample proof, without the slightest doubt whatever, that the woolen manufacturers of the United States are almost without exception opposed to free wool. They have so declared through their associations and individually.

"Mr. William Whitman, the president of the National Woolen Manufacturers' Association, has declared through the press, on public platforms, and through the periodicals of his association, over and over again in public and in private, and before Congress, that the woolen manufacturers believe that free wool is not to the best interests of manufacturers nor skilled labor nor the people of the United States. He further states that he and the Manufacturers' Association believe in affording to the wool-grower, on principle, the same protection for his industry which the manufacturers demand for their industry. Mr. Whitman has very truly declared that he can count on the fingers of both hands, yes, on the fingers of one hand, all the prominent woolen manufacturers of New England in favor of free wool.

"The woolen manufacturers of the Middle States, and particularly of this locality, have been equally outspoken against free wool. Those who occupy this section belong to the Manufacturers' Club, of which Mr. Thomas Dolan is president. That gentleman has declared over and over again his belief that free wool will be a disadvantage to the manufacturing industry. Mr. Dolan expresses the almost unanimous opinion of the manufacturers of this locality, whose views coincide with those expressed by Mr. Whitman as the views of the manufacturers in the East.

"I inclose a copy of the official organ of the Manufacturers' Club of Philadelphia, namely, the Manufacturer, of April 1, 1888. This periodical is full of expressions of leading and prominent manufacturers, all of them the most representative of their class, on the subject of free wool.

"I refer to the opening speech by Mr. Dolan, on page 5; also to the very able address of Mr. Dolan's partner, Mr. Joseph P. Truitt, on page 9 of the same paper, entitled 'The proposition to make wool free,' in which Mr. Truitt says, 'Free raw material is the pioneer of free goods.' He further says that 'he believes that promises of relief based on free wool are a fraud and unreliable. It would not give the citizen a suit of clothes one dollar cheaper, and it would reduce his wages more than by any means he could hope to gain. It would result in free manufactured goods, for the farmer would never rest if you made wool free until he made goods free.' Mr. Truitt says he is 'in favor of protection from the lamb in the field to the clothes on our backs, and I desire now to render my emphatic disapproval of free wool.'

"I refer you also to the very able paper of Mr. Search, entitled 'The preparation of wool.' Mr. Theo. C. Search is one of the ablest young manufacturers and merchants in this locality; also a representative man. Mr. Search believes that if wool is made free, wool sorting and wool scouring will be done abroad. He thinks that wool combing will follow it, and that would cripple a large industry employing a large number of skilled laborers.

"I also refer you to the remarks of Mr. James Phillips, jr., of Massachusetts, one of the largest and most successful of New England manufacturers, whose success has been conspicuous at a time when worsted manufacturing has been generally languishing. In speaking of free wool he says, 'Anything which impairs the prosperity of the country is damaging to the interests of that country, and you can not injure a part without its effects being felt by other parts.' He says the wool product is one of the most important in the country, and it furnishes its producers the means for purchasing our manufactured articles, and were wool-growing destroyed it would deprive a large portion of the community of purchasing power, and the loss of this home market would depress the value of woolen products far in excess of any advantage that would be gained by giving the manufacturer his wool at a lower price.

"He further says that the immediate effect of free wool would be to depress its value; that as soon as this effect had caused the extermination of wool-growing in the United States the secondary effect would be a material advance in the price abroad growing out of the absence of competition of American wool-growers among other wool-producers of the world, and the increase of the American demand for foreign wool. The woolen manufacturers of this locality who differ from the majority are only a few proprietors of small establishments, and are not representative. It is a well-known fact that the wool-growing States of California, Oregon, Nevada, Wisconsin, Indiana, and New York have at times been Democratic; they are at present Republican, largely in the agricultural districts, where wool-growing is an important industry. These wool-growers are protectionists, but if their industry is destroyed they will wish to buy their clothing and other articles which they require in the cheapest markets in the world, and being no longer sharers in the benefits of protection, in consequence of the destruction of their flocks, it would be easy for them to fall back into the Democratic free-trade ranks with the solid free-trade South.

"Manufacturers of the Eastern and Middle States could not retain protective duties sufficient to cover the difference in wages, and the destruction to manufacturing would take place in these sections until the wages of skilled laborers fell to the starvation level of competing wages abroad.

"There are in the United States 2,287 woolen manufacturing establishments.

"I challenge the New York Herald or the Philadelphia Record to produce the signatures of the proprietors of ten important Pennsylvania woolen manufacturing establishments who favor free wool. The names of those parties over their own signatures are asked because the following petition for an increase of duties upon wool and woolens sufficient to cover the difference in wages between Europe and America has been signed very generally by the proprietors of these establishments within a few months.

"They demand not free wool, but enough higher duty upon wool and woolens to save their industries from destruction by the grinding competition of Europe.

"Yours, truly, "THEODORE JUSTICE."

"Hon. OSCAR L. JACKSON,
"*House of Representatives, Washington, D. C.*"

THE PETITION.

The following is the petition referred to in the above letter:

"*To the honorable the Senate and the House of Representatives of the United States:*

"The undersigned citizens of the county of * * * and State of * * * respectfully petition your honorable body for speedy action on the subject of protection to the wool-growing and woolen-manufacturing industries of this country. They represent that the changes made by the act of Congress of March 3, 1883, reducing protection to these industries have already resulted in great injury to the sheep-growing interest, as well as to the manufacturing interests, and, that if continued, must result in the destruction, to a very great extent, of the wool-growing industry in all parts of our country, and also largely increase the price of mutton to the consumer. They represent that the number of sheep in the United States in 1883 was 49,237,291 (an increase of 15,453,691 since 1875), and which was reduced to 44,759,314 in 1887, showing a loss of 4,477,977 sheep in four years, whilst with proper protection the number, at the same ratio of increase, in 1887 would probably have been about 64,000,000. A further effect of this injurious legislation was an enormous increase in importation of foreign wool, both in unmanufactured and manufactured state, especially the latter, to the great loss of our domestic laboring classes, whether employed on farms or in workshops, and yielding an increase in revenue to the Government of about $4,000,000 per annum at a time when it was not needed.

"They therefore ask that the schedule of duties unanimously agreed upon by the representatives of the wool-growers and woolen manufacturers, at Washington, on January 14, 1888, may be enacted into a law at an early day, and, pending the passage of such bill, in accordance with the further action of said convention, we urgently request Congress to immediately pass a joint resolution correcting the present erroneous classification of worsteds, by directing that they be classified as woolen cloths.

"COLUMBUS DELANO,
"*President National Wool Growers' Association,*
"WILLIAM WHITMAN,
"*President National Association of Woolen Manufacturers,*
"E. A. GREENE,
"*President Philadelphia Wool Merchants' Association,*
"*Committee.*"

THE WOOL QUESTION—A PROMINENT NEW YORK WOOLEN MANUFACTURER REPLIES TO THE GERMANTOWN DEMOCRAT.

Mr. E. H. Ammidown, of New York, who is a prominent woolen manufacturer and merchant, and who is also president of the American Protective Tariff League, and who was vice-president of the late wool conference held in Washington in January, has been reading the articles on the wool question in the Telegraph, and replies to the Germantown Democrat as follows:

"The view of the Germantown Democrat is very narrow. The benefits of the wool tariff are not limited to the wool-grower. Every farmer, including the whole seven million men engaged in farming, is benefited by the diversion of labor and capital into wool-growing. There is an overproduction not of some farm products. Even greater diversity would be advantageous. On this ground I favor protection on hemp, flax, and jute.

"The benefit accrues also to the whole population of the country in the proportion which the value of the wool clip contributes to the wealth and spendable income of the people. For if sheep husbandry was destroyed the income from it would cease and the farmers be deprived of their clip—their means of buying the products of other industries. It is well known among farmers that the cash received from the sale of their wool is relied on more than anything else to supply such of their needs as are not supplied from their farms. Thus the whole nation reaps the benefit from the tariff on wool the same as it does on every other important protected industry. It is part of a grand system for the elevation and advancement of the people, the benefits of which are not limited to any class or section. They extend to all. Strike down one part of the system and you weaken the whole, and if the destruction begins it will end in the overthrow of all our industries and in the organization of our labor and wages on the level of our foreign competition.

"EDWARD H. AMMIDOWN."

FIGURES ON FREE WOOL.

[From the Texas Live Stock Journal.]

Free wool means free goods; not a wool-grower from Maine to Texas would consent to pay an advanced price for goods if he was obliged to compete with the cheaper labor and cheaper lands of Russia, Asia, Africa, South America, and Australia. The wool-grower is a protectionist believing in the application of the principle to all industries.

Scoured wools can be bought in England at 28 to 32 cents per pound that compare with the Texas clip. With free trade these wools can be imported direct from the countries in which they are raised with no more expense than their present cost to English buyers.

To meet such cost, Western Texas wool would have to be sold to the consumer at 8½ cents per pound, choice eight-months wool at 10 cents, and twelve-months at 10½ cents. The minimum cost to the grower for the freight and expenses would not be less than 2½ cents per pound, and he would realize, for Western Texas, 6 cents; for choice eight-months, 7½ cents; for choice twelve-months, 8 cents.

The foreign values given can be substantiated by quotations from Bowes, of Liverpool; Windeler, Hammond, Schwartze, of London, and other leading brokers; any wool-grower can address either of them with sample of his wool and confirm the values given.

Free-trade papers claim that the duty on wool has nothing to do with its value, and quote prices prior to 1824 when wool was free, and later when the duty was very light, to prove their assertion, but they do not point to the changed condition.

Then there was not a single pound of wool raised in Australia, and only a small amount in South America; these are now the largest wool-growing countries of the world, and the reduction of prices which is due to them is much greater in England than here.

When wool was free or under a nominal duty quoted values were the same in England as in this country; to-day scoured Cape wool is worth only 32 cents in England, while similar Texas wool has sold this spring on a basis of 58 cents.

We give below value to-day to Texas wool-growers on a free-wool basis, prices at which wools were sold this spring, and in 1881 about the time agitation for reduction of duties commenced which culminated in 1883.

	Free wool.	1888.	1881.
	Cents.	*Cents.*	*Cents.*
Western Texas	6	12½	19
Choice eight-months	7½	16	22
Choice twelve-months	8	17	26

With the restoration of the tariff of 1867 every loom in the country would be started, and prices of wool would be fully equal to 1881. Our home market would be comparatively free from foreign goods and foreign wools.

If wool-growers would organize as the sugar, the whisky, and the tobacco rings have done, there would be no more cry of free wool, but a restoration of the tariff of 1867, and with it prosperity to the languishing industry of our State.

There is no cry for free wool from the weavers of woolen goods or the manufacturers of them, except in Rhode Island, and there it amounts to five out of thirty-nine woolen manufacturers who signed a petition for free wool, while every one except these five signed for the tariff of 1867.

EXPLANATION OF THE CAUSES FOR THE FLUCTUATIONS OF PRICES OF WOOL UNDER THE VARIOUS TARIFFS FROM 1825 TO 1887.

We give below a table showing the average price for Ohio fine wool from 1825 to 1887, the period covered by the several tariff acts. Prices for each period were not so much influenced by the duties imposed as by the ruling price in Europe, which largely determines the price in America. There has been, however, no free wool since the year 1816. Duties were increased in 1830, before the Australian and South American competition was important, and this was followed by an advance of over 5 cents per pound in the average price of American wool. From 1833 to 1842 the tariff was systematically reduced each year. When this reduction began the price of wool was 61 cents, and when it ended the price was 43¾ cents and the tendency of prices was generally downward, interrupted for brief periods by speculative excitement and by fluctuations in prices in London. There were no wide fluctuations in the average price from 1843 to 1861, and those which did occur are identical with similar movements in the markets of the world. It is a significant fact that the period between 1864 and 1867 was one in which the average price was the highest, and was also the period when the tariff and the premium upon gold—which was equivalent to an additional tariff—was also highest. Wool raised in Australia, South America, and the Cape of Good Hope amounted in 1860 to a total of over 65,000,000 pounds of scoured wool, but in 1868, when our tariff act of 1867 became operative, the wool product of these same countries was 195,000,000 pounds, an increase of 300 per cent in eight years. The depressing effect upon prices of wool by this enormous increase began to be apparent at that time, resulting in a downward tendency to prices in London and consequently in the United States. The increase in the amount of wools raised in foreign countries continued until in 1887 it had reached the enormous total of 370,000,000 pounds of scoured wool.

What was the effect upon prices of American wool when the tariff was reduced in 1883 and competing foreign wools were declining? Under the tariff of 1867 the average price of Ohio fine from 1876 to 1883 was over 42 cents. In the five years following the reduction made in 1883 the average price for the same wool was 33¾ cents, a decline of 8½ cents per pound; and with the same rate of increase in these foreign countries, where wool-growing has not yet reached its maximum, the probabilities are that during the coming years domestic wool may have to face the competition of a still lower range of prices in London, and therefore it is quite apparent that wool-growing in the United States would be doomed should there be any further reduction of duties, and that it is not only necessary to the preservation of the wool-growers' interests that the present rates of duties be maintained, but that he should have still more protection; but no amount of protection on his wool will help him unless the manufacturer who buys his wool has similar protection, paying as he does over 100 per cent. higher wages than is paid in Europe.

Table showing the average price for Ohio fine wool from 1825 to 1887, under the several tariff acts.

Periods.	Average price for XX Ohio wool under different tariff periods.	Duty.
1825	55	20 per cent. ad valorem.
1826	46¾	25 per cent. ad valorem.
1827	40½	30 per cent. ad valorem.
1828	45½	4 cents per pound and 40 per cent. ad valorem.
1829	45½	4 cents per pound and 45 per cent. ad valorem.
1830 to 1832	60⅝	4 cents per pound and 50 per cent. ad valorem.
1833	61	4 cents per pound and 40 per cent. ad valorem.
1834	64¾	4 cents per pound and 38 per cent. ad valorem.
1835	64	4 cents per pound and 36 per cent. ad valorem.
1836	68½	4 cents per pound and 34 per cent. ad valorem.
1837	60½	4 cents per pound and 32 per cent. ad valorem.
1838	50½	4 cents per pound and 30 per cent. ad valorem.
1839	57½	4 cents per pound and 28 per cent. ad valorem.
1840	47½	4 cents per pound and 26 per cent. ad valorem.
1841	50¾	4 cents per pound and 24 per cent. ad valorem.
1842	43¾	4 cents per pound and 22 per cent. ad valorem.
1843 to 1846	47½	3 cents per pound and 30 per cent. ad valorem.
1847 to 1857	47¾	30 per cent. ad valorem.
1858 to 1861	50½	24 per cent. ad valorem.
1862 to 1863	64¾	9 cents per pound.
1864 to 1867	74½	12 cents per pound and 10 per cent. ad valorem.
1868 to 1872	54¾	10 and 12 cents per pound and 10 and 11 per cent. ad valorem.
1873 to 1875	55	10 and 12 cents per pound and 10 and 11 per cent. ad valorem, less 10 per cent.
1876 to 1883	42¾	10 and 12 cents per pound and 10 and 11 per cent. ad valorem.
1884 to 1887	34¾	10 and 12 cents per pound.

A PROTEST AGAINST PASSAGE OF THE MILLS BILL FROM THE MANUFACTURERS' CLUB OF PHILADELPHIA.

The following resolution was adopted at a meeting of the Manufacturers' Club of Philadelphia on March 19, 1888:

"*Resolved*, That the Manufacturers' Club of Philadelphia desire to make protest against the adoption into a law of the tariff measure prepared by a majority of the Ways and Means Committee of the House of Representatives and commonly known as the Mills tariff bill. The Manufacturers' Club further protest against the passage of the said bill even in an amended or modified form, believing it to be based upon wrong principles, to be essentially opposed to all safe precedents in American fiscal legislation, and from its intrinsic viciousness calculated to inflict serious injury upon both the agricultural and manufacturing interests of the country."

Mr. Joseph P. Truitt said: "I am opposed to that provision of the Mills tariff bill which admits wool free of duty, for the reason that free wool would be of no lasting benefit to the American manufacturer. It is stated as one of the principal reasons why this policy should be adopted that the manufacturer would obtain his wool so much cheaper.

"If it is true that the abolition of wool duties would result in the cheapening of that article to the extent of the duty now paid, there is abundant reason for opposing it, for every pound of wool and every yard of goods now in the hands of dealers, merchants, and manufacturers would decline in value to a corresponding extent; and, as every sheep in the land must share in the depreciation, the immediate loss would be so great as to be almost incalculable. Every mill in the country would be compelled to stop; thousands of operatives now happily employed would be thrown upon the streets, and millions of yards of goods would be placed in the auction rooms for sale at prices that could only entail a fearful loss to the manufacturers; and while in this weakened condition the tide of foreign importation would come rushing in like some vast tidal wave, stifling and burying out of sight the industries of America, and years might elapse before they again recovered from the evil effects of this ill-advised measure.

"Free raw material is the pioneer of free goods, for we can not expect that the wool-grower will consent to a policy of protection which embraces everything he buys, and excludes every article which he produces and wants to sell.

"The success of woolen manufacturing in this country is founded upon sheep husbandry at home, and the wool-grower is just as much entitled to protection upon the wool in which he invests his capital and which he exerts his skill to produce as the manufacturer who asks for a tariff in order that he may put it into goods; and I conceive that it is not only fair and honest, but that the very success of our business depends upon the support we give to the wool-grower. To admit wool free of duty means nothing more or less than the destruction of sheep-raising for wool in America."

The secretary of the club, Mr. Charles Heber Clark, then spoke as follows:

"The pretext for this movement against American industry is that the people demand reduction of the duties upon imported fabrics. This assertion was made by the President in his recent message, and it has had frequent repetition in Congress and in the press. We now formally deny that such a demand is or has been made, and we challenge those who are conducting and encouraging the movement to produce any evidence in support of their theory. No such evidence is in existence, and in its absence we confidently express the opinion that the American people do not desire reduction of the duties upon imports, but, on the contrary, are averse to any change which is not in the nature of an advance of the duties. There is an old motto which says, 'When you stand well, stand still,' and it applies exactly to the present situation.

"It is true that the free-trade newspapers are insisting upon decrease of the duties; but these journals are a small minority of the newspapers of the country. They circulate chiefly among the illiterate classes (performing the function of feeding ignorance with mendacity), and they appear to represent the sentiments of a small minority of the people. The fact that they accurately voice the desires of the whole body of European manufacturers and have the cordial approval of the entire British newspaper press (which, with characteristic effrontery, is attempting to meddle with the domestic affairs of this nation) is a circumstance that can hardly add force to their clamorous demands. It is a fair inference that an American journal which obtains from our industrial enemies in Europe the principal expressions of approval of its course does not accurately represent American sentiment."

A STAB AT THE NATION'S INDUSTRIES—A DEMONSTRATION OF THE HARM THE MILLS BILL WILL DO TO AMERICAN INDUSTRY.

Mr. James Phillips, the well-known woolen manufacturer, of Fitchburg, Mass., is reported at length in the Boston Herald upon the Mills tariff bill. We reproduce here some portions of his striking arguments:

"The wool and woolen industries of the United States are practically facing to-day a proposition from a majority of the House of Representatives for free wool and an ad valorem duty on woolen goods and clothing. This in the face of the fact that a joint conference fairly representative of both industries has decided that both the wool-growing and woolen manufacturing industries are now suffering from over importation, and there can be no doubt that the reduction in both the wool and woolen schedules, made in 1883 by men not friendly to American industries, have resulted disastrously and increased importations on six articles in five years over $11,000,000.

"The effect of these changes, urged by tariff reformers, and reluctantly yielded by those who perhaps should have had more faith in protection, has not been sufficiently encouraging either to American industries or American labor to warrant us in going still further on the road of so-called 'tariff reform.' Indeed, the reverse has happened. The very men who under pressure in 1883 consented to reductions have now in a clear voice cried 'halt,' and decided that the interests of both industries demand that we retrace our footsteps by reenacting the wool tariff of 1867 with certain modifications made necessary by the progress of woolen manufacturing during the last twenty years. Nor is it possible, in the light of the result which followed the changes of 1883 to view with anything short of alarm the radical changes proposed by Mr. ROGER Q. MILLS and his colleagues of the Ways and Means Committee, aided by the great influence of the President of the United States, and an Administration powerfully impregnated with the doctrine of free trade. For more than sixty years wool has been dutiable, and though some changes in the rates and classification have been made, with various results, during this period, the propositions of President Cleveland and Chairman MILLS for unqualified free trade in wool has, for the first time in the history of the Republic, been squarely presented and advocated as an issue for the people to decide. The importance of this step, with all its attendant consequences, must not be underestimated.

"We are asked to abandon a system which has stood by us fairly well for nearly sixty-five years; a system under which our flocks have increased, our breeds of sheep improved, our fleeces become better in quality, increased in weight, and the food of the people cheapened; a system under which the United States has developed a manufacturing industry, the value of the annual product of which is not far short of $300,000,000. These are all stubborn facts to face. They go a long way with practical business men and with intelligent workingmen. They can not be refuted by theories and conjectures of what might have happened under some other system, and what will happen if one of these two inter-dependent industries is taken from the dutiable schedule and suddenly plunged into that 'haven of free-trade delight, the free-list.' This, it would seem to me, is a fair statement of the vital issue which wool-growers and woolen manufacturers are called upon by the present Government to face. Free wool. That is the key-note of President Cleveland's message, and that is the basis of the Ways and Means Committee's tariff bill. To impress the idea of free wool upon the people of the United States, the President was willing to banish all other questions from his message. To emphasize the idea of free wool Mr. MILLS was willing to leave coal and iron ore for the moment on the dutiable list and reduce pig-iron slightly. The issue, therefore, is unmistakably made on free wool, and that must be considered first.

"It has been clearly demonstrated by those who have studied the subject historically and statistically in all its details, that without protection the wool-growing industry of the United States will be destroyed; that under normal conditions a sufficiently high protective tariff will make that industry remunerative and prosperous; and that when under a protective tariff the prices of wool have been so low as to make wool growing unremunerative, it has resulted not from the tariff but from abnormal conditions, and but for the tariff the decline of the industry would have been much greater. It is hardly possible to present the facts which point unmistakably to these conclusions in the present discussion, but in a general way it may be stated that precisely the same reason which makes it impossible for the woolen manufacturer in the United States to compete with woolen manufacturers in foreign countries—namely, the difference in cost of labor—enters into the problem of wool growing. In other words, the cost of labor engaged in wool growing in South America, in Australia, in Russia and in other countries is much less than in the United States. Then the cost of pasturage in those countries is less than in our own, to say nothing of climatic differences which make it necessary for us to feed and care for our sheep during the cold winter months. All these facts have been brought out in an unmistakable way by the wool-growers of the country.

"They have made as good a case in favor of protection as can possibly be made by any other industry. There can be no doubt of this. If this is admitted, and even free-traders must admit it, then I claim that it is impossible for any man who considers himself a protectionist, let alone any manufacturer

who asks for protection for his goods, to discount his own argument by denying the statistical evidence presented by the wool-growers of the United States. The history of the development of wool growing in the United States is the same as that of any other protected industry. Its growth began when a tariff was enacted that enabled the American producer to compete with his foreign rival; that encouraged him to go ahead and improve the breed and quality of his sheep and increase the weight of its fleece. Like the other industries, the wool industry reduced when the protective barrier was lowered, and increased and developed rapidly when the tariff of 1867 secured for the American wool-grower the American market; until, in 1883, our flocks, stimulated by the tariff, reached over 50,000,000 sheep, and the product of the wool in pounds was 308,000,000.

"Then came the fatal reduction in 1883, together with the importation abuses in the form of 'ring waste' and 'noils,' and from that time to the present the number of sheep has declined, the wool product has decreased, and our native product has been supplanted by the foreign. These are simple facts which must be faced, and the point I wish to emphasize is, that these facts can not be construed one way for wool-growers and another way for wool-manufacturers. As we now stand our annual consumption of foreign wool aggregates about 100,000,000 pounds. Of this, however, probably 80,000,000 pounds are carpet wools, largely of a kind not raised here. Our own product, which under adequate protection should be about 300,000,000 pounds, with about 20,000,000 pounds of imported wool of similar quality, supplies what we need at the present time for home manufactures of clothing and for other purposes. Practically, therefore, our home supply of wool is nearly equal to the home demand for clothing purposes, and with adequate protection will undoubtedly continue to be so, and soon fully supply this demand. The value of the wool product is about $100,000,000 per annum, depending on the market prices.

Wool is the sixth in order of value among the agricultural products, being exceeded only by corn, hay, wheat, cotton, and oats. Only one country in the world, Australia, excels us in the quantity of wool produced. We who live in manufacturing States, which only produce 1,250,000 sheep, are apt to underestimate the importance and the ramifications of this great industry throughout the agricultural regions of the country. One hundred millions annually. What does that mean to the farmers of the United States? Well, suppose that by the passage of this free-trade bill this industry is seriously injured or destroyed, what will be the consequence to the farmer? Anything which impairs the prosperity of a country is damaging to the interests of that country, and you can not injure a part of a country without the effects being felt in other parts any more than you can develop and make prosperous a part of a country without that development and prosperity benefiting the country as a whole. The wool product, as I have shown, is one of the most important, and it furnishes to its producers the means for purchasing our manufactured articles.

[From the American Manufacturer of April 1, 1888.]

PROTECTION TO HOME INDUSTRIES—A GREAT NEW ENGLAND PROTEST AGAINST THE MILLS TARIFF BILL.

FEBRUARY, 1888.

To the honorable the Senate and House of Representatives of the Fiftieth Congress assembled:

The undersigned, manufacturers in New England, recognizing the principle of protection as national and not provincial, and consequently equally applicable to all the industries of the United States; repudiating any distinction in this connection between so-called "raw materials" of domestic production and "finished products," whether the output of mines, farms, or workshops; claiming that the American policy should benefit alike all citizens, whether engaged in agriculture, manufacturing, or mining; that the industries of the country are interdependent and mutually sustaining, and the people of the different sections co-customers and co-consumers:

Do therefore respectfully submit that no article, "raw" or otherwise, of home production should be added to the free-list or inequitably changed in the tariff rates.

The undersigned also submit that for a due understanding of the premises, the following official records of the Government should be kept in mind, to wit:

Free imports: Increase in twenty years, 1868 to 1887, from $29,000,000 to $233,000,000, or 700 per cent.

Dutiable imports: For same period, increase from $329,000,000 to $450,000,000, or 37 per cent.

Custom duties: For same period, increase from $164,000,000 to $214,000,000, or 30 per cent.

Also, that the expenditures of the Government, including sinking fund, for the last fiscal year, were about $10,000,000 in excess of the customs receipts.

Believing that the existing tariff policy, both free and dutiable, is working in harmony with the industrial and productive interests of all sections of the country, the undersigned deprecate any departure from this policy, whether directed against "raw" or "finished" American products.

(Signed by 320 New England manufacturers.)

ORDER OF BUSINESS.

Mr. SPRINGER. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

D. W. PRICE.

Mr. TAULBEE, from the Committee on Claims, reported back with an amendment the bill (H. R. 2382) for the relief of D. W. Price; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. VAUGHAN.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with an amendment the bill (H. R. 4767) for the relief of W. H. Vaughan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. B. CARTER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with an amendment the bill (H. R. 11248) for the relief of E. B. Carter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN GRAY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 11165) or the relief of John Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. YOUNG.

Mr. CROUSE, from the Committee on War Claims, reported back with amendment the bill (H. R. 4602) for the relief of William H. Young; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The call of committees having been concluded—

The SPEAKER. The regular order is now the hour for the consideration of bills heretofore reported from committees.

Mr. SPRINGER. I ask unanimous consent to dispense with that hour.

Mr. O'NEILL, of Missouri. I object.

The SPEAKER. The hour begins at five minutes after 1 o'clock, and the call rests with the Committee on Pensions.

Mr. STRUBLE. As the chairman of the Committee on Pensions is absent, I ask that this committee be passed this morning without losing its place.

The SPEAKER. If there be no objection, that order will be made. The Chair hears no objection, and it is so ordered.

Mr. STONE, of Missouri (when the Committee on War Claims was called), said: I ask unanimous consent that the Committee on War Claims be passed this morning without losing its place.

The SPEAKER. If there be no objection, that order will be made. The Chair hears no objection, and it is so ordered.

Mr. LANHAM (when the Committee on Claims was called). Mr. Speaker, the gentleman from Maryland [Mr. SHAW], who is now absent, has in charge a bill concerning the State of Maryland which he has been authorized to call up during this hour. I ask unanimous consent that the committee be passed over informally, not to lose its place.

There being no objection, it was so ordered.

Mr. McCREARY (when the Committee on Private Land Claims was called). I ask unanimous consent that this committee be passed over informally to-day, not losing its place.

Mr. HERBERT. I must object. I desire very much to have the Committee on Naval Affairs reached.

Mr. McCREARY. This does not prevent that committee being reached.

A MEMBER. It will be reached so much the sooner.

Mr. HERBERT. I withdraw the objection.

The SPEAKER. If there be no further objection, the order requested by the gentleman from Kentucky [Mr. McCREARY] will be made. The Chair hears no objection.

Mr. LANHAM (when the Committee on the Revision of the Laws was called). I ask unanimous consent that this committee be passed over informally, without losing its place. The chairman is absent on official business, and there is a measure which that committee has authorized to be called up.

The SPEAKER. The gentleman from Texas asks unanimous consent that the Committee on the Revision of the Laws be passed over informally, without losing its place in the call.

There being no objection, it was ordered accordingly.

PRINTING OF GOVERNMENT SECURITIES.

Mr. WHEELER (when the Committee on Expenditures in the Treasury Department was called). I call up for consideration the bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. WHEELER. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

Mr. WILKINS. I object.

Mr. WHEELER. I move, then, that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The SPEAKER (having put the question) said: The ayes seem to have it.

Mr. WILKINS. I call for a division.

The question being again taken, there were—ayes 65, noes 7.

Mr. WILKINS. No quorum.

Tellers were ordered; and Mr. WILKINS and Mr. WHEELER were appointed.

The House again divided; and the tellers reported—ayes 112, noes 2.

The SPEAKER. Is the point of no quorum insisted upon?

Mr. WILKINS. I insist upon it.

The tellers continued the count.

Mr. WHEELER (during the count). I ask unanimous consent that

the remainder of the hour to which the committee is entitled may be occupied to-morrow.

Mr. WILKINS. I object.

The tellers continued the count.

Mr. DOCKERY (during the count). I renew the request that the remainder of the hour to which this committee is entitled be taken to-morrow.

The SPEAKER. The Chair does not understand the request of the gentleman.

Mr. DOCKERY. It is that the remainder of the hour—whatever number of minutes may remain—be occupied by this committee to-morrow.

The SPEAKER. Does the gentleman mean that the hour now running shall cease entirely for to-day, or that the Chair shall proceed to call another committee?

Mr. DOCKERY. My intention is that the hour be terminated for to-day.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the hour for the consideration of bills called up by committees be considered as terminated for to-day, and that the Committee on Expenditures in the Treasury Department have the same time to-morrow that they would have to-day.

Mr. WILKINS. Then if this measure should not be concluded to-morrow, would the committee have another hour on the next day?

The SPEAKER. They would, on the next day or whenever there may again be a consideration-hour.

Mr. WILKINS. Then I object.

Mr. WHEELER. Then I ask unanimous consent to withdraw this bill and call up another.

The SPEAKER. The gentleman has the right to withdraw his motion. The gentleman, as the Chair understands, withdraws his motion that the House now resolve itself into Committee of the Whole on the state of the Union.

Mr. WHEELER. If I now present another bill, will it have the same rights as if it had been called up originally?

The SPEAKER. The Chair will state that if another bill should be taken up and should not be disposed of before the expiration of this hour, the committee would have another hour if necessary to complete the consideration of that bill, but not to call up any other bill.

Mr. WHEELER. Then I ask for the yeas and nays on the bill.

Mr. FARQUHAR. That is the way to do it.

Mr. WILKINS. It is too late.

Mr. WHEELER. I can renew the motion to go into the Committee of the Whole to consider bills reported from the Committee on Expenditures in the Treasury Department.

The SPEAKER. What bill?

Mr. WHEELER. The bill the title of which has been read, a bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 167, nays 3, not voting 154; as follows:

YEAS—167.

Abbott,	Cothran,	Jackson,	Richardson,
Adams,	Crain,	Johnston, Ind.	Rogers,
Allen, Mich.	Crouse,	Kelley,	Romeis,
Anderson, Iowa	Culberson,	La Follette,	Rowland,
Anderson, Miss.	Cummings,	Lagan,	Russell, Conn.
Anderson, Kans.	Dalzell,	Laird,	Ryan,
Bacon,	Davidson, Fla.	Lane,	Sawyer,
Baker, N. Y.	Davis,	Lanham,	Sayers,
Baker, Ill.	Dockery,	Latham,	Scull,
Bankhead,	Dorsey,	Lee,	Seney,
Barnes,	Elliott,	Lehlbach,	Smith,
Bayne,	Farquhar,	Lind,	Snyder,
Bliss,	Flood,	Long,	Springer,
Bound,	Foran,	Lyman,	Steele,
Bowen,	Forney,	Lynch,	Stewart, Ga.
Breckinridge, Ark.	French,	Mahoney,	Stockdale,
Breckinridge, Ky.	Fuller,	Maish,	Stone, Ky.
Brower,	Funston,	Mansur,	Struble,
Browne, T. H. B., Va.	Gear,	Martin,	Taulbee.
Browne, Ind.	Gest,	Mason,	Taylor, E. B., Ohio
Brown, J. R., Va.	Gibson,	McCormick,	Thomas, Wis.
Brumm,	Glass,	McCreary,	Thompson, Ohio
Bryce,	Goff,	McCullogh,	Tracey,
Buchanan,	Grimes,	Merriman,	Townshend,
Bunnell,	Grosvenor,	Morrow,	Turner, Kans.
Burnes,	Grout,	Neal,	Vandever,
Butler,	Hall,	Nelson,	Walker,
Butterworth,	Harmer,	Newton,	Warner,
Bynum,	Haugen,	Nichols,	Washington,
Campbell, F., N. Y.	Hayden,	Norwood,	Weaver,
Campbell, T. J., N. Y.	Heard,	Nutting,	Wheeler,
Cannon,	Henderson, Iowa	O'Neall, Ind.	Whiting, Mass.
Caruth,	Henderson, N. C.	O'Neill, Pa.	Whitthorne,
Caswell,	Henderson, Ill.	O'Neill, Mo.	Wilkins,
Catchings,	Herbert,	Osborne,	Wilkinson,
Cheadle,	Hermann,	Parker,	Williams,
Chipman,	Hiestand,	Patton,	Wilson, Minn.
Clements,	Hitt,	Penington,	Woodburn,
Cobb,	Hogg,	Perkins,	Yardley,
Cogswell,	Holman,	Peters,	Yoder,
Compton,	Hooker,	Phelan,	Yost.
Conger,	Hopkins, Va.	Post,	

NAYS—3.

Allen, Miss.	Blount,	Morgan.

NOT VOTING—154.

Allen, Mass.	Dunham,	Landes,	Rockwell,
Anderson, Ill.	Dunn,	Lawler,	Rowell,
Arnold,	Enloe,	Lodge,	Russell, Mass.
Atkinson,	Ermentrout,	Macdonald,	Rusk,
Barry,	Felton,	Maffett,	Scott,
Belden,	Finley,	Matson,	Seymour,
Belmont,	Fisher,	McAdoo,	Shaw,
Biggs,	Fitch,	McClammy,	Sherman,
Bingham,	Ford,	McComas,	Shively,
Blanchard,	Gaines,	McKenna,	Simmons,
Bland,	Gallinger,	McKinley,	Sowden,
Boothman,	Gay,	McKinney,	Spinola,
Boutelle,	Glover,	McMillin,	Spooner,
Bowden,	Granger,	McRae,	Stahlnecker,
Brewer,	Greenman,	McShane,	Stephenson,
Brown, Ohio	Guenther,	Milliken,	Stewart, Tex.
Buckalew,	Hare,	Mills,	Stewart, Vt.
Burnett,	Hatch,	Moffitt,	Stone, Mo.
Burrows,	Hayes,	Montgomery,	Symes,
Campbell, Ohio	Hemphill,	Moore,	Tarsney,
Candler,	Hires,	Morrill,	Taylor, J. D., Ohio
Carlton,	Holmes,	Morse,	Thomas, Ky.
Clardy,	Hopkins, Ill.	Oates,	Thomas, Ill.
Clark,	Hopkins, N. Y.	O'Donnell,	Thompson, Cal.
Cockran,	Houk,	O'Ferrall,	Tillman,
Collins,	Hovey,	Outhwaite,	Turner, Ga.
Cooper,	Howard,	Owen,	Vance,
Cowles,	Hudd,	Payson,	Wade,
Cox,	Hunter,	Peel,	Weber,
Crisp,	Hutton,	Perry,	West,
Cutcheon,	Johnston, N. C.	Phelps,	White, Ind.
Dargan,	Jones,	Pidcock,	White, N. Y.
Darlington,	Kean,	Plumb,	Whiting, Mich.
Davenport,	Kennedy,	Pugsley,	Wickham,
Davidson, Ala.	Kerr,	Randall,	Wilber,
De Lano,	Ketcham,	Rayner,	Wilson, W. Va.
Dibble,	Kilgore,	Reed,	Wise.
Dingley,	Laffoon,	Rice,	
Dougherty,	Laidlaw,	Robertson,	

During the roll-call,

Mr. ANDERSON, of Illinois, said: I ask leave to vote. I was in the restaurant taking a lunch when the roll was called.

The SPEAKER. The Chair has no right under the rules even to entertain this request if the gentleman was not within the Hall when his name was called.

Mr. ANDERSON, of Illinois. I will say, then, that I would have voted in the affirmative if I had been here.

The following were announced as paired on all political questions until further notice:

Mr. PEEL with Mr. KETCHAM.
Mr. BRYCE with Mr. ATKINSON.
Mr. LANDES with Mr. MORRILL.
Mr. SIMMONS with Mr. ARNOLD.
Mr. GAY with Mr. HIRES.
Mr. HAYES with Mr. FELTON.
Mr. BYNUM with Mr. OWEN.
Mr. MILLS with Mr. EZRA B. TAYLOR.
Mr. WILSON, of West Virginia, with Mr. MCCOMAS.
Mr. MCKINNEY with Mr. BOOTHMAN.
Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.
Mr. LAWLER with Mr. DE LANO.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. HEMPHILL with Mr. MILLIKEN.
Mr. JONES with Mr. CROUSE.
Mr. RAYNER with Mr. BROWN, of Ohio.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. RICE with Mr. WEBER.
Mr. SHIVELY with Mr. WICKHAM.
Mr. PIDCOCK with Mr. PHELPS.
Mr. DARLINGTON with Mr. MOORE.
Mr. CANDLER with Mr. FINLEY.
Mr. MCCLAMMY with Mr. WOODBURN.
Mr. MCMILLIN with Mr. BURROWS.
Mr. BUCKALEW with Mr. BAYNE.
Mr. TILLMAN with Mr. HOPKINS, of New York.
Mr. HUDD with Mr. ARNOLD.
Mr. JOHNSON, of North Carolina, with Mr. SEYMOUR.
Mr. MCSHANE with Mr. YARDLEY.
Mr. HOGG with Mr. HOLMES.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. TIMOTHY J. CAMPBELL with Mr. BOWDEN.
Mr. CARLTON with Mr. MOFFITT.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CRISP with Mr. ROWELL.
Mr. TURNER, of Georgia, with Mr. REED.
Mr. FORD with Mr. O'DONNELL.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. GRANGER with Mr. ROCKWELL.
Mr. OATES with Mr. GUENTHER.
Mr. SCOTT with Mr. CLARK.

Mr. BELMONT with Mr. DAVENPORT.
Mr. BIGGS with Mr. MORROW.
Mr. FISHER with Mr. KEAN.
Mr. COMPTON with Mr. GOFF.
Mr. GREENMAN with Mr. SHERMAN.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. ROBERTSON with Mr. DORSEY.
Mr. PERRY with Mr. SPOONER.
Mr. CLARDY with Mr. WADE.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. DARGAN with Mr. WEST.
Mr. BOUTELLE with Mr. WISE.
Mr. RANDALL with Mr. KELLEY.
Mr. HATCH with Mr. STEWART, of Vermont.
Mr. HARE with Mr. PLUMB.
Mr. DOUGHERTY with Mr. STEPHENSON.
Mr. MATSON with Mr. HOVEY.
Mr. MCRAE with Mr. KERR.
Mr. OUTHWAITE with Mr. MCKINLEY.
For this day:
Mr. MCADOO with Mr. COOPER.
Mr. GLOVER with Mr. PUGSLEY.
Mr. BERRY with Mr. JOSEPH D. TAYLOR.
Mr. COX with Mr. BREWER.

Mr. PERRY. I notice that I am paired, and therefore will withdraw my vote.

Mr. WHITE, of Indiana. If I had been present I would have voted in the affirmative.

Mr. WILKINS. For fear my vote may be misunderstood I will change my vote from the negative to the affirmative. I do this for fear my objection to this bill may be misconstrued.

Several MEMBERS. Regular order.

The SPEAKER. The gentleman has the right to change his vote.

Mr. WILKINS. I desire to have my vote recorded in the affirmative.

Mr. EZRA B. TAYLOR. I notice again, Mr. Speaker, that I am paired with the gentleman from Texas [Mr. MILLS]; but if he were here, as he would vote the same way as I do, I will leave my vote stand in the affirmative.

Mr. BYNUM. I withdraw my vote, Mr. Speaker, being paired with my colleague [Mr. OWEN]; but I wish the RECORD to show that if I had voted I should have voted "ay" on this proposition.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House, Mr. MCCREARY in the chair.

PRINTING OF GOVERNMENT SECURITIES.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

The CHAIRMAN. The bill will be read.

Mr. WHEELER. I move to dispense with the reading of the bill.

Mr. MCMILLIN. The bill should certainly be read; we want to know what we are voting upon.

Mr. WASHINGTON. I would like to hear it read.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act all Government securities, bonds, notes, checks, stamps, and drafts shall be printed in the highest style of the art of plate-printing from hand-roller presses.

SEC. 2. That hereafter the Chief and Assistant Chief of the Bureau of Engraving and Printing shall be either practical engravers or plate-printers.

The committee recommend the adoption of the following amendments:

Strike out, in line 4, the word "checks" and, in line 5, the words "and drafts;" and insert, before the word "stamps," in line 4, the words "and internal-revenue;" so that it will read, "bonds, notes, and internal-revenue stamps shall be printed," etc.

Mr. WHEELER. I yield five minutes to the gentleman from Ohio [Mr. FORAN].

Mr. WILKINS. Is there not a report accompanying this bill?

Mr. WHEELER. There is quite a lengthy report.

Mr. WILKINS. I ask that the report be read.

Mr. WHEELER. The gentleman can have the report read in his own time.

The CHAIRMAN. The reading of the report is in the nature of debate; and when the gentleman from Ohio gets the floor he will have, of course, the privilege of having the report read in his own time.

Mr. HEARD. I would like to ask the gentleman from Alabama, in charge of the bill, if he will either have the report read, or make some explanation with regard to the bill?

Mr. WHEELER. I will state that the report is quite lengthy, and that it has been in the hands of the members of the House for several weeks. I can not have it read now, for the reading of it would occupy all the time during the hour, and destroy the only chance of action on the bill.

Mr. HEARD. I do not ask for the reading of the report; but I trust the gentleman will give us an explanation of the bill.

Mr. WHEELER. The gentleman from Ohio, to whom I have yielded five minutes will, no doubt, explain it satisfactorily to the gentleman.

Mr. FORAN. Mr. Chairman, in the five minutes allotted to me by the gentleman from Alabama I will not attempt to enter into a full explanation of all that is contemplated by this bill, but will address myself only and ask the attention of the committee only to a few of the salient features embodied in it.

I introduced the bill, which was referred by the House to the Committee on Expenditures in the Treasury Department, was considered by that committee, and unanimously reported to the House. Before introducing this measure I was fully satisfied, by careful examination of all the facts bearing upon the question, that it was a measure that should commend itself to the judgment and wisdom of the House. The necessity for its passage will become apparent upon even casual investigation.

It is not a bill, as some gentlemen may perhaps think, that relates entirely to the question of labor employed in the Bureau of Engraving and Printing. It is a matter of greater importance and more far reaching in its effects perhaps than that. It concerns the people of the whole country. It is a matter in which the people of the United States are necessarily interested, and is of consequence to every man, woman, or child who holds any of the securities or moneys of the United States.

Originally all the securities and paper money of the United States were printed by hand-presses, but the present Mugwump Chief of the Bureau of Engraving and Printing has introduced machines to do this work. I may state here that it is claimed, and personally I believe it to be true, that the machines introduced by Mr. Graves were discarded by the American Bank Note Company, of New York, as being entirely useless for its business in connection with the printing of bank notes, stamps, checks, etc. Not only is the character of the work far inferior to that done by hand-presses, but the Government is paying a royalty of $1 on each thousand impressions made by these presses, which goes into the pockets of the inventor of these worthless machines; and I believe there is also a payment of from $500 to $1,000 for the use of each of these printing-machines.

But the great objection to the use of the presses is the manifest inferiority of the work turned out by them. I believe there is not a gentleman upon the floor who is not cognizant of the fact that any of the silver certificates of the denomination of $1 and $2 which he carries in his pocket, after three or four weeks' use, becomes so ragged and generally mutilated in appearance as to be unsuited for use as a circulating medium. Many of the old greenbacks or Treasury notes that were printed in this bureau by hand have been in existence and have been circulated from hand to hand for twenty-odd years, and yet they are to-day perfect specimens of work, comparatively new in appearance, as compared with these new notes, which have been in circulation for only three or four months.

The committee who had this bill in charge had before them quite a number of these mutilated, ragged, and badly-printed notes, and it is not necessary to enter into any lengthy discussion upon that point; nor in fact is it necessary to state at length why this bill should pass. It is enough to say that no steel engraving can be satisfactorily printed by machinery. There is not a steel engraving in the parlor of any gentleman here, either in frames, books, or works of art, which was printed by machinery, because it is perhaps as utterly impossible to make a perfect impression of a steel engraving by machinery as it would be to make an oil painting by machinery. There are some things that machinery can not do, and one of these is to make as clean cut an impression of a steel engraving as can be done by the hand of a skilled workman. This is a fact well known, and the inequality of the work of these new notes has been a matter of daily comment ever since these old machines were introduced into the bureau.

Besides that, the number of counterfeits of silver certificates is alarmingly on the increase; and it is no wonder, because on any of these new notes, turned out by a steam-press, where the fiber of the material is destroyed by the heavy pressure, where the machine itself is unable to wipe or properly prepare the plate before each impression, or to distribute the ink as evenly as can be done by hand, the quality of the work is so inferior that the work of the counterfeiter is rendered far more easy; and I say it is no wonder, because the notes now in circulation, especially the silver certificates that have been out but a very short time, have such a defaced and generally poor appearance that an expert penman with a steel pen and the proper quality of ink can make almost an equally good imitation in a very short time. I have seen in the room of the chief of the Treasury detectives, the Secret Service Bureau, any number of notes which have been counterfeited in this way. The only reason assigned for the use of these machines is economy. It is admitted by the chief that the work is inferior to hand-work, but the chief is in favor of cheap work. This is not a question of labor; it is not a question of economy for the Government, but economy for the people. The people demand a currency equal in artistic merit to that of other nations; above all, they want a currency so well executed and printed that amateurs at least can not counterfeit it.

[Here the hammer fell.]

Mr. WHEELER. I yield four minutes to the gentleman from New York [Mr. FARQUHAR].

Mr. FARQUHAR. The question presents itself in this bill whether, under the present arrangement of the Bureau of Printing and Engraving, we shall continue our present system of press-work. It is generally conceded that our engravers are as skilled workmen as can be found in the country. That is just as universally conceded as that the currency of the United States as printed by these steam-presses is about the poorest in the world.

Now, sir, it is only ten years ago since these presses were put in the Government office. They were put in there and covered by a royalty of $1 per one thousand impressions. That royalty up to this time has cost the Government probably between $50,000 and $60,000. There has been, according to the figures of the chief of that bureau, some little saving in one way; that is, the steam-presses are more rapid, and turn out more work, and it is testimony that in the total of the expenses made they are one-sixth or one-eighth during the whole year.

Now, sir, I take it that as the Government prints all its own notes, and as this House has full jurisdiction over this matter, it is the duty of this body to institute such reforms in this office by returning to the old and only system of printing that can turn out perfect work, and thereby, while it increases the cost there, we will save the cost that is attached to dozens of men in the secret service who daily and weekly travel over this country hunting down counterfeiters. So while it may be a saving to have these steam-presses turning out more work, it is a positive loss to the Treasury Department.

Now I want to say further that it is not a question as to who will be hired in this Government office. It is not a question of victory for the plate-printers of America; it is not a victory over Mr. Graves; it is simply a question whether the common sense of Congress shall bring this office back to the same practical mechanical condition that we find in the private establishments in the United States. It is whether this Congress shall, instead of having the work done there, take second place with private establishments, or shall maintain the standard of work and save the ignorant people who take these bad bills from loss.

[Here the hammer fell.]

Mr. WHEELER. I will yield three minutes to the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. At the request of the gentleman from Pennsylvania [Mr. BRUMM] I feel constrained to yield my time to him.

Mr. BRUMM. Mr. Chairman, I was one of a special committee appointed by the Committee on Banking and Currency to investigate this question of printing our securities, and during that investigation, which I made special and very thorough, I was not only satisfied myself that the printing done by the steam-presses was inferior printing, but all the testimony taken, not only of those who were brought in as witnesses and printers, but Mr. Morgan and a number of other witnesses all agreed that the highest style of the art can not be reached with steam-presses. There was some difference of opinion, however, as to whether the steam-presses were so imperfect as to warrant throwing them out at the present.

There was no witness who did not agree in their explanation as to why the steam-press would not do as fine work as the hand-press; namely, they had no eyes, they had no brains, they could not think, and therefore in wiping the plate and especially in the vignettes that were made by hand engraving they could not be manipulated by the steam-wiper, because it worked universally over the whole plate. There was no witness that did not agree that fine vignette work and hand engraving could not be done so well on the steam-press; but they agreed that machine engraving could be printed on the steam-press as well as on the hand-press. That is the reason why the backs of our securities are invariably printed on the machine-presses, while the face is always printed on the hand-press, and the point of this argument is made conclusive, because on the face of the bills, or on the majority of them, there is vignette work or work done by hand-engravers.

[Here the hammer fell.]

Mr. WHEELER. I move that the committee do now rise and report the bill with the recommendation that it do pass.

Mr. WILKINS. I desire to be heard on this matter.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that there are amendments pending.

Mr. WHEELER. I move that the committee amendments be adopted.

Mr. WILKINS. Mr. Chairman, if this bill is reported back to the House, will not time be accorded to gentlemen who desire to be heard on the subject?

The CHAIRMAN. The hour for the consideration of this bill expires at five minutes after 2 o'clock.

Mr. WILKINS. Do I understand the Chair to say that we shall have an hour to-morrow, even if the previous question should be ordered to-day?

The CHAIRMAN. If the previous question is ordered and the consideration hour expires, then to-morrow the previous question will still be in force.

Mr. WILKINS. Then there will be thirty minutes for debate after the previous question is ordered?

The CHAIRMAN. There will be an hour to-morrow.

Mr. HEARD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEARD. Whether the previous question be ordered now or not, will we not have an hour to-morrow?

The CHAIRMAN. There will be an hour to-morrow.

Mr. HEARD. Very good. Then I desire to ask the gentleman from Alabama [Mr. WHEELER], who appears to be in charge of this bill, why it would not be better to have the discussion before the committee takes action on reporting the bill to the House? It may be that this committee may not desire to recommend the passage of the bill. I do not know that I shall antagonize it, but I desire some additional information about this bill.

Mr. WHEELER. I call for the question.

Mr. HEARD. The gentleman will have to wait a little before he gets it. He has no right to take me off the floor. I have a right to ask this question and to ask it in my own way, provided I do not violate the rules of the House in the manner of my doing so. Now, I want the gentleman, or somebody else who is authorized to speak for the committee recommending the bill, to explain the reasons for the second section thereof. If the gentleman will explain why we should pursue the course which he proposes——

Mr. FARQUHAR. You have done well. You have killed the bill for to-day.

Mr. HEARD. Mr. Chairman, I have no desire to kill this bill, and I do not propose that the gentleman from New York shall put that construction on my action. I rose to ask a question for information.

Mr. WILKINS. Information which you have not got yet from anybody.

Mr. HEARD. Information which we have not got yet. I simply desire to have these gentlemen explain the provisions of the bill, so that we may understand the necessity of its passage before we are asked to recommend it to the House.

The CHAIRMAN. The first hour for the consideration of the bill has expired. The gentleman from Georgia [Mr. CRISP] will please take the chair.

Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. MCCREARY, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9623) to provide for printing Government securities in the highest style of art, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole on the state of the Union, my object being to proceed to the consideration of House bill 10614, to organize the Territory of Oklahoma, and for other purposes.

The question was taken on the motion of Mr. SPRINGER; and there were—ayes 54, noes 16.

Mr. BARNES. No quorum.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered, 45 members voting in favor thereof.

The question was taken; and there were—yeas 142; nays 16; not voting 166; as follows:

YEAS—142.

Abbott,	Conger,	Laffoon,	Richardson,
Adams,	Cowles,	La Follette,	Rogers,
Allen, Mich.	Crouse,	Lagan,	Romeis,
Allen, Miss.	Culberson,	Laird,	Russell, Conn.
Anderson, Iowa	Cummings,	Lane,	Sayers,
Anderson, Ill.	Dalzell,	Lanham,	Scull,
Anderson, Kans.	Davidson, Fla.	Lehlbach,	Seney,
Atkinson,	Dockery,	Lind,	Smith,
Bacon,	Dorsey,	Lodge,	Snyder,
Baker, Ill.	Enloe,	Lyman,	Springer,
Bankhead,	Farquhar,	Maish,	Steele,
Bayne,	Flood,	Mansur,	Stewart, Ga.
Bland,	Foran,	Martin,	Stockdale,
Bliss,	Fuller,	Mason,	Stone, Ky.
Bound,	Funston,	McCormick,	Struble,
Bowen,	Gear,	McCreary,	Symes,
Breckinridge, Ark.	Gibson,	McMillin,	Taylor, E. B., Ohio
Breckinridge, Ky.	Glass,	Merriman,	Thomas, Wis.
Brewer,	Goff,	Moffitt,	Tracey,
Brower,	Grosvenor,	Moore,	Turner, Kans.
Browne, T. H. B., Va.	Hall,	Neal,	Vandever,
Browne, Ind.	Harmer,	Nelson,	Walker,
Brown, J. R., Va.	Heard,	Nichols,	Warner,
Brumm,	Henderson, Iowa	Nutting,	Washington,
Bryce,	Henderson, N. C.	O'Neall, Ind.	Weaver,
Buchanan,	Henderson, Ill.	O'Neill, Pa.	Wheeler,
Bunnell,	Herbert,	O'Neill, Mo.	White, Ind.
Burnes,	Hermann,	Osborne,	Whiting, Mass.
Burnett,	Hiestand,	Parker,	Whitthorne,
Butterworth,	Hogg,	Patton,	Wilkinson,
Bynum,	Holman,	Payson,	Williams,
Campbell, T. J., N. Y.	Holmes,	Penington,	Wilson, Minn.
Cannon,	Hopkins, Va.	Perkins,	Yardley,
Caruth,	Hutton,	Peters,	Yost.
Caswell,	Kelley,	Phelan,	
Chipman,	Kilgore,	Post,	

NAYS—16.

Anderson, Miss.	Cobb,	Haugen,	Newton,
Blount,	Elliott,	Jackson,	Norwood,
Campbell, F., N. Y.	Forney,	Lee,	Rowland,
Clements,	Grimes,	Mahoney,	Sawyer.

NOT VOTING—166.

Allen, Mass.	Dougherty,	Landes,	Russell, Mass.
Arnold,	Dunham,	Latham,	Rusk,
Baker, N. Y.	Dunn,	Lawler,	Ryan,
Barnes,	Ermentrout,	Long,	Scott,
Barry,	Felton,	Lynch,	Seymour,
Belden,	Finley,	Macdonald,	Shaw,
Belmont,	Fisher,	Maffett,	Sherman,
Biggs,	Fitch,	Matson,	Shively,
Bingham,	Ford,	McAdoo,	Simmons,
Blanchard,	French,	McClammy,	Sowden,
Boothman,	Gaines,	McComas,	Spinola,
Boutelle,	Gallinger,	McCullogh,	Spooner,
Bowden,	Gay,	McKenna,	Stahlnecker,
Brown, Ohio	Gest,	McKinley,	Stephenson,
Buckalew,	Glover,	McKinney,	Stewart, Tex.
Burrows,	Granger,	McRae,	Stewart, Vt.
Butler,	Greenman,	McShane,	Stone, Mo.
Campbell, Ohio	Grout,	Milliken,	Tarsney,
Candler,	Guenther,	Mills,	Taulbee,
Carlton,	Hare,	Montgomery,	Taylor, J. D., Ohio
Catchings,	Hatch,	Morgan,	Thomas, Ky.
Cheadle,	Hayden,	Morrill,	Thomas, Ill.
Clardy,	Hayes,	Morrow,	Thompson, Ohio
Clark,	Hemphill,	Morse,	Thompson, Cal.
Cockran,	Hires,	Oates,	Tillman,
Cogswell,	Hitt,	O'Donnell,	Townshend,
Collins,	Hooker,	O'Ferrall,	Turner, Ga.
Compton,	Hopkins, Ill.	Outhwaite,	Vance,
Cooper,	Hopkins, N. Y.	Owen,	Wade,
Cothran,	Houk,	Peel,	Weber,
Cox,	Hovey,	Perry,	West,
Crain,	Howard,	Phelps,	White, N. Y.
Crisp,	Hudd,	Pidcock,	Whiting, Mich.
Cutcheon,	Hunter,	Plumb,	Wickham,
Dargan,	Johnston, Ind.	Pugsley,	Wilber,
Darlington,	Johnston, N. C.	Randall,	Wilkins,
Davenport,	Jones,	Rayner,	Wilson, W. Va.
Davidson, Ala.	Kean,	Reed,	Wise,
Davis,	Kennedy,	Rice,	Woodburn,
De Lano,	Kerr,	Robertson,	Yoder.
Dibble,	Ketcham,	Rockwell,	
Dingley,	Laidlaw,	Rowell,	

Mr. RYAN (after the roll-call had been concluded). Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. RYAN. No, sir. I ask unanimous consent to have my vote recorded.

The SPEAKER. The Chair under the rules can not entertain that request unless the gentleman was in the Hall when his name was called.

Mr. RYAN. If permitted to vote, I should vote "ay."

The following additional pairs were announced:

Mr. DUNN with Mr. LONG, for the rest of the day.

Mr. COX with Mr. BAKER, of New York, until further notice, except on the Oklahoma bill.

The SPEAKER. On this question the yeas are 142, the nays 16. No quorum has voted.

Mr. SPRINGER. As only three or four members in addition to those who have voted are required to make a quorum, I ask unanimous consent that the names of those who have not responded be again called.

Mr. HOOKER. I object.

Mr. SPRINGER. I move, then, that there be a call of the House

The motion was agreed to.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Abbott,	Ermentrout,	Landes,	Russell, Mass.
Allen, Mass.	Felton,	Lawler,	Rusk,
Arnold,	Finley,	Long,	Scott,
Barry,	Fisher,	Macdonald,	Seymour,
Belden,	Fitch,	Maffett,	Shaw,
Belmont,	Ford,	Matson,	Sherman,
Biggs,	Gaines,	McAdoo,	Shively,
Bingham,	Gallinger,	McClammy,	Simmons,
Blanchard,	Gay,	McComas,	Sowden,
Bliss,	Glover,	McKenna,	Spinola,
Boothman,	Granger,	McKinley,	Spooner,
Boutelle,	Greenman,	McKinney,	Stahlnecker,
Bowden,	Grout,	McRae,	Stephenson,
Brown, Ohio	Guenther,	McShane,	Stewart, Tex.
Buckalew,	Hare,	Milliken,	Stewart, Vt.
Burrows,	Hatch,	Mills,	Stone, Mo.
Campbell, Ohio	Hayden,	Montgomery,	Tarsney,
Candler,	Hayes,	Morrill,	Taulbee,
Clardy,	Hemphill,	Morse,	Taylor, J. D., Ohio
Clark,	Hires,	Oates,	Thomas, Ky.
Cockran,	Hitt,	O'Donnell,	Thomas, Ill.
Cogswell,	Hopkins, Ill.	O'Ferrall,	Tillman,
Collins,	Hopkins, N. Y.	Outhwaite,	Turner, Ga.
Cooper,	Houk,	Owen,	Vance,
Cox,	Hovey,	Peel,	Wade,
Crain,	Howard,	Phelps,	Washington,
Cutcheon,	Hudd,	Pidcock,	Weber,
Dargan,	Hunter,	Plumb,	West,
Darlington,	Johnston, Ind.	Pugsley,	White, N. Y.
Davenport,	Johnston, N. C.	Randall,	Whiting, Mich.
Davidson, Fla.	Jones,	Rayner,	Wickham,
De Lano,	Kennedy,	Reed,	Wilber,
Dingley,	Kerr,	Rice,	Wilson, W. Va.
Dunham,	Ketcham,	Robertson,	Wise,
Dunn,	Laidlaw,	Rowell,	Yoder.

The names of the foregoing absentees were called for the presentation of excuses.

The following-named members were absent on leave:

Mr. Biggs, Mr. Blanchard, Mr. Candler, Mr. Cox, Mr. Cogswell, Mr. Cutcheon, Mr. Cooper, Mr. De Lano, Mr. Finley, Mr. Granger, Mr. Gaines, Mr. Grosvenor, Mr. Hemphill, Mr. Houk, Mr. Johnston of North Carolina, Mr. Jones of Alabama, Mr. McShane, Mr. McRae, Mr. Owen, Mr. Pidcock, Mr. Randall, Mr. Rayner, Mr. Rice, Mr. Simmons, Mr. Stephenson, Mr. Scott, Mr. Sherman, Mr. Stewart of Texas, Mr. Stahlnecker, Mr. Sowden, Mr. Thomas of Kentucky, Mr. Turner of Georgia, Mr. Wilber.

For the remaining members who failed to answer to their names, no excuses were offered except in the following cases:

Mr. CHEADLE. I ask unanimous consent that my colleague from Indiana, Mr. JOHNSTON, be excused on account of sickness. He went home sick about an hour ago.

There being no objection, Mr. JOHNSTON, of Indiana, was excused.

Mr. WILKINSON. I have received a telegram from my colleague, Mr. ROBERTSON, stating that he expects to be here to-morrow morning. He has been absent on leave. I ask that he be excused. I ask also that my colleagues, Mr. BLANCHARD and Mr. GAY, who are both sick, be excused.

The SPEAKER. As to the two gentlemen last named the Chair understands they have already been excused. The gentleman asks that his colleague, Mr. ROBERTSON, who, he states, will be present to-morrow morning, be excused for to-day. Is there objection? The Chair hears none.

Mr. PETERS. My colleague, Mr. MORRILL, was here on Saturday, but at that time felt very unwell. I do not know that he is sick; but I ask that he be excused, because he is not here; and, as is generally known to members, he is here when well.

There being no objection, Mr. MORRILL was excused.

The call of absentees for the presentation of excuses being concluded—

The SPEAKER. The officers of the House will now close the doors.

Mr. TOWNSHEND. I wish to inquire whether there is a quorum present.

The SPEAKER. On this call 184 members have responded to their names.

Mr. SPRINGER. I move to dispense with all further proceedings under the call.

The motion was agreed to.

The SPEAKER. The officers of the House will reopen the doors.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. In conformity with the request of the Senate, I ask that conferees be appointed on the part of the House upon all the Senate amendments to the Army appropriation bill. Some confusion has arisen in the Senate as to the purpose of the House in non-concurring in a portion of the amendments. In order that there may be no further confusion I ask that the request of the Senate be granted and that conferees be appointed upon all the Senate amendments to the Army appropriation bill.

The SPEAKER. The gentleman from Illinois asks that the House agree to the request of the Senate for a further conference on all the Senate amendments to the Army appropriation bill.

Mr. MCMILLIN. How would that change the present status of the matter?

The SPEAKER. The Chair will state what has been done by the House. The House disagreed to the report of the committee of conference (which, of course, was an entirety), thereby leaving all the amendments open for further conference; but immediately afterward the House, upon motion of the gentleman from Texas [Mr. SAYERS], insisted upon its disagreement to certain amendments, four in number, and asked a further conference upon those amendments alone, leaving the other thirty-one amendments without action.

Mr. ROGERS. And the conference ought to be on all disagreeing votes?

The SPEAKER. On all disagreeing votes.

Mr. TOWNSHEND. In order to avoid confusion it would be best to disagree to all the amendments of the Senate.

Mr. SPRINGER. The usual course is to have a conference upon all disagreeing votes.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] moves that the House insist upon its disagreement to all the Senate amendments, and agree to the further conference requested by the Senate. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

The SPEAKER subsequently announced the appointment of Mr. TOWNSHEND, Mr. SAYERS, and Mr. RYAN as conferees on the part of the House.

OKLAHOMA.

The SPEAKER. The question recurs on the motion of the gentleman from Illinois [Mr. SPRINGER] that the House resolve itself into Committee of the Whole on the state of the Union. On this question the yeas and nays were ordered and taken; but no quorum voted.

Mr. SPRINGER. I hope unanimous consent will be given to go into committee by vacating the call, as a quorum has appeared. I ask, by

unanimous consent, that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. HOOKER. I object.

The SPEAKER *pro tempore*. The Clerk will proceed with the call of the roll.

CORRECTION.

Mr. CANNON. I desire to correct the RECORD of this morning so as to show in the few remarks I made yesterday and a few made by the gentleman from Indiana [Mr. BYNUM], that were pretty closely interwoven—to show the remarks as they were given by the Reporters' notes; and I will ask to have them read, or rather to have them inserted in the RECORD, by unanimous consent, so as to save the time of the House, in order that that debate may appear exactly as it took place as shown by the Reporters' notes, and then I will point out what I specially complain of. If there is no objection, I will not take the time to have the Reporters' notes read, but insert them.

Mr. BLOUNT. Is the gentleman from Indiana present?

Several MEMBERS. He is.

Mr. SPRINGER. How much time will my colleague take?

Mr. CANNON. It will not take long.

Mr. SPRINGER. How long?

Mr. CANNON. I can not tell, but I will only take the time necessary to state the correction.

Mr. SPRINGER. I do not wish the gentleman to go into a lengthy debate.

Mr. CANNON. I suppose we have the right to correct the RECORD.

Mr. SPRINGER. That is not a matter of privilege.

The SPEAKER. The practice of the House has been to treat these requests for correction of the RECORD as matters of privilege, although technically they are not under the rule. The RECORD purports to be and is required by law to show the correct report of the proceedings and debates; it is the official paper, and when a mistake occurs or an error is committed the Chair thinks it is proper the House should have the power at all times to correct it.

Mr. CANNON. It is understood, Mr. Speaker, without taking up the time of the House to read the original notes, that they shall go into the RECORD.

The colloquy between Mr. CANNON and Mr. BYNUM as reported by the Official Reporters is as follows:

Mr. CANNON. I will take the floor for a few moments, and I do it for the purpose of calling attention to the remarks of the gentleman from Indiana [Mr. BYNUM], made in the House on the 20th instant and telegraphed through the country, and inserted in the RECORD of the 26th. He says in his remarks:

"The gentleman from Illinois [Mr. CANNON] rushes to the defense of his brother Benjamin, and it is highly proper that he should do so. There is an appropriateness in their companionship. It is a trite but true saying 'that birds of a feather flock together.' The gentleman from Illinois is a worthy champion of the record of General Harrison, his own record being akin to that of his candidate for the Presidency. I am of the opinion, however, that it will keep the gentleman busy this campaign to take care of his own record.

"In the Forty-sixth Congress Mr. Goode, a Democrat of Virginia, on April 21, 1879, offered a joint resolution (H. Res. 9) to provide for the enforcement of the eight-hour law. On the 7th of May a member of the Committee on Education and Labor reported the resolution to the House with a favorable recommendation.

"The gentleman from Illinois [Mr. CANNON] opposed the passage of the resolution. In reply to a question whether the last proclamation of President Grant did not declare that there should be no reduction in the wages of workmen employed by the Government of the United States on account of a reduction of the hours of labor he said:

"'I do not now recollect, but it is not material; the fact is, the law as now executed is this: if they work ten hours they get ten hours' pay, and if they only work eight hours they only get eight hours' pay. In other words, they only get pay for what they earn. That is, the law is now being executed, and, so ar as I am concerned, it will go on in that way, proclamation or no proclamation.'

"On motion of Mr. CANNON, the resolution was laid on the table—yeas 127, noes 90. Among those voting with the gentleman from Illinois are the following distinguished Republicans: BAYNE of Pennsylvania, BURROWS of Michigan, HISCOCK of New York, MCKINLEY of Ohio, REED of Maine, and Levi P. Morton of New York. [Applause on the Democratic side.]"

Then there is an arraignment of the Republican party, in which he says, among other things:

"They refused to execute the eight-hour law and defeated the resolution favoring its enforcement."

Now, the gentleman finds this record, as he thinks—or as he does not think, for I believe I am justified in saying the latter—and parades it here because of the statement it contains that Mr. Morton, the present candidate for the Vice-Presidency upon the Republican ticket, voted as the gentleman has indicated. So far as my own record is concerned I am ready to take care of it, and I would not have called attention at this time to the remarks of the gentleman from Indiana [Mr. BYNUM] were it not that his statement is exactly contrary to the fact so far as Mr. Morton is concerned. I have in my hand the Journal record of the vote to which the gentleman referred, first session Forty-sixth Congress, May 8, 1879. If the gentleman consulted the RECORD he should have consulted the Journal also, and if he had done so he would have found that instead of 127 there were only 126 yeas on that vote and 90 nays. Mr. Morton, along with sixty-nine others, not voting.

Again, the gentleman from Indiana [Mr. BYNUM] arraigns the Republican party for laying this resolution upon the table. Mr. Speaker, at that time the Democratic party had almost two-thirds of this House, and it had a majority of eight in the Senate, and the resolution when it failed failed in a Democratic House and a Democratic Congress. But the gentleman takes great care in his statement not only to misrepresent Mr. Morton, but also not to speak of the vote upon the same resolution in the second session of the same Congress. In the second session of that Congress, the Forty-sixth Congress, the same resolution was passed under a suspension of the rules, by a vote of—years 130, noes 51, and amongst those voting in the affirmative is found the name of Mr. Levi P. Morton. (See Journal, second session Forty-sixth Congress, pages 1490 and 1491, June 14, 1884.)

In stating the result of the first vote the gentleman from Indiana mentioned the names of certain Republicans, but he carefully omitted to mention the names of a large number of Democrats who voted the same way, amongst them Mr. BLOUNT, Mr. Clark, Mr. CULBERSON, Mr. FORNEY, Mr. Hammond, Mr John T. Harris, Mr. Miles, Mr. MILLS, Mr. Morrison, Mr. REAGAN, Mr. Sparks, and many others.

Now, I repeat that I have not risen on this occasion for the purpose of discussing the merits of this proposition. I will take care of my record whenever I think it is necessary, and I only ask the gentleman from Indiana [Mr. BYNUM] to do as I do, at least in one particular. I ask that when he undertakes to take care of his record or to attack the record of other men, he will produce the record as it is and not state it exactly contrary to the fact.

Reserving my time, I yield the floor for the present.

Mr. BYNUM. If the gentleman from Illinois [Mr. CANNON] will examine the CONGRESSIONAL RECORD, volume 37, Forty-sixth Congress, first session, page 1161, he will find the following proceedings:

"Mr. CANNON, of Illinois, moved to reconsider the vote just taken—

That is, upon the motion to lay the resolution upon the table.

"Mr. COX called for the yeas and nays.

"The yeas and nays were ordered, there being—ayes 38, noes 126.

"Mr. RICE. I would like the Chair to state the question on which we are about to vote.

"The SPEAKER. The question is upon laying upon the table the motion to reconsider the vote by which the joint resolution and amendment were laid on the table.

"Mr. COX. Those in favor of the joint resolution will vote 'no.'

"The SPEAKER. And those who want to kill the proposition will vote 'ay.'

"The question was taken; and there were—ayes 127, noes 90—"

And among those recorded as voting in the affirmative is Levi P. Morton, of New York, and Mr. CANNON, of Illinois.

That is the record upon which I made my statement.

Mr. CANNON. Does not the gentleman know that the daily CONGRESSIONAL RECORD is not the highest evidence in a matter of that kind? [Jeering laughter on the Democratic side.]

Mr. BYNUM. The RECORD is made daily and laid before members every morning, and they examine it with reference to their votes, and they never see them as they are recorded in the Journal.

Mr. CANNON. Allow me to state that the Journals of the House speak the action of the House; and I ask the gentleman now if he did not quote Mr. Morton from the CONGRESSIONAL RECORD as voting in a certain way, knowing that the Journal showed the contrary? Will the gentleman answer that question? [Applause on the Republican side.]

Mr. BYNUM. I say to the gentleman that I went to the RECORD for this vote, and found it as I stated it, and examined no further; and I believe the RECORD is correct. I have not examined the Journal, but I will do so, and I have no doubt that when I do so I shall find that the gentleman has not stated it correctly.

Mr. CANNON. Here is the Journal. I will show it to the gentleman, and I ask the gentleman again if he did not know that the Journal showed to the contrary of his statement?

Mr. BYNUM. Does the Journal show the yea-and-nay vote? [Cries on the Republican side of "Answer!" "Make him answer!"]

Mr. CANNON. It shows the yea-and-nay vote. Here it is.

Mr. BYNUM. Does the gentleman say that the vote on the motion to lay the resolution on the table is recorded in the Journal?

Mr. CANNON. Will the gentleman answer my question?

Mr. BYNUM. I say to the gentleman that the yeas and nays were not taken on the motion to lay the resolution on the table. They were taken on the motion to reconsider the vote. The RECORD shows that there was no yea-and-nay vote on the motion to lay on the table.

Mr. CANNON. Here is the Journal, and it shows not the 127 ayes as the gentleman stated, but 126, and Mr. Morton's name is not recorded as voting as the gentleman stated he voted.

Mr. BYNUM. Mr. Speaker, while I am up I desire to call the attention of the House to a statement made in the RECORD——

Mr. CANNON. Oh no, let us settle one thing at a time.

Mr. BYNUM. Oh, I have settled that to the satisfaction of the gentleman, I think; and when he comes here and attempts to palm off the Journal as against the RECORD of the House—— [Jeers on the Republican side.]

The SPEAKER. The House will be in order.

Mr. CANNON. The gentleman has not answered, and I do not believe he will answer that he did not know what the Journal showed.

Mr. BYNUM. I have stated to the gentleman that I did not examine the Journal, that I examined the RECORD only.

A MEMBER on the Republican side. That is not the question.

Mr. BYNUM. Here is McPherson's Handbook of Politics, publishing that same vote. This is an official record, so far as the Republican party is concerned; and upon this question Mr. Morton is reported in favor of laying the resolution on the table—the same as in the RECORD.

Mr. CANNON. That is McPherson's Handbook of what year?

Mr. BYNUM. Eighteen hundred and eighty.

Mr. CANNON. What page?

Mr. BYNUM. Page 178.

Mr. CANNON. Ah, the gentleman is now speaking of a vote taken the next session, the second session, of that Congress, when this same proposition was brought up; when Mr. Morton voted to suspend the rules and pass the resolution. He voted "ay." I have that Journal here and McPherson's Handbook, and they agree. [Applause on the Republican side.]

Mr. BYNUM. Now, I desire to call the gentleman's attention to the record. The Journal which the gentleman reads from shows Mr. Morton as absent and not voting.

Mr. CANNON. That is what I have said.

Mr. BYNUM. I have not examined as to whether it is the same vote or not.

Mr. CANNON. Oh, yes; it is the same vote.

Mr. BYNUM. I have not, of course, had time to examine whether Mr. Morton was present on that day or not; but I will examine the records as to that fact. In the RECORD he is recorded as present and voting; he is not reported as being absent—showing conclusively to my mind that the RECORD is correct on this point. In the Journal he is recorded as being absent on that day and not voting at all.

As I have said, every member of the House sees a copy of the RECORD on the morning of its publication; and every member, to my knowledge, looks over the votes and corrects any vote if he is misrepresented or misrecorded. The Journal is never looked at by any member until after the session, because it is not published until then. While it may be an official record, I say to the gentleman it is not as good a record of the action of this House as the CONGRESSIONAL RECORD is. Another thing to which I wish to call the gentleman's attention is the fact that the names of members voting on any question are never read when the Journal is read each morning.

So far as this matter is concerned, I will give it further attention, as there seems to be some conflict between the Journal and the RECORD, to see how it originated and what was the cause of it—where the mistake lies. That is all I have to say on that point at present.

I notice in the remarks of the gentleman from Nevada [Mr. WOODBURN] the statement that the contract-labor law was repealed by the Forty-seventh Congress, not by the Forty-eighth Congress. The gentleman did not make that

statement on the floor of the House, or I should have corrected him at that time. I can only attribute this statement of the gentleman to the fact that he was overzealous in trying to obscure the facts in reference to the matter. But it is a fact that the contract-labor act was repealed in the Forty-eighth Congress—not in the Forty-seventh.

Now, the gentleman from Illinois can not excuse himself before his constituents because he may have had some good company on the occasion referred to. The gentleman must answer to his constituents for his own vote; and Mr. Morton must answer for his vote; and every other leading Republican must answer to his constituents for his vote. It is not sufficient for the gentleman to come here and say that Democrats voted with him on that occasion.

Mr. CANNON. Mr. Speaker, I desire again to say that the gentleman's statement touching the vote of Mr. Morton is not true. It falsifies the record.

The statement that it so appears in the CONGRESSIONAL RECORD is mere pettifogging. The Journal of the House shows the action of the House, and shows, as I have stated, that Mr. Morton was not present, was not voting, and did not vote.

Again: I state at the next session, the second session of the Forty-sixth Congress, as shown by the Journal which I have in my hand, the motion was made to suspend the rules and pass this same eight-hour resolution, and it received 130 votes—yeas 130, nays 51, not voting 111, and amongst the 130 votes voting yea in that same Congress is the name of Levi P. Morton. [Applause on the Republican side.] There is the Journal.

Now the gentleman says I can not creep out by trying to associate with respectable men like BLOUNT and Morrison on his side of the House to justify my action by theirs. I have not tried to do so. I am responsible for my votes without reference to anybody. I have defended this vote and successfully before the working people and farmers of my county and my district, and I will do so again or I will go to the wall. But I will never do it by rising in my place in this House or out of this House and misstating the record, and especially when it is brought to my knowledge, by then rising and pettifogging instead of rising in my place and acknowledging my mistake and begging the country's pardon and Mr. Morton's pardon for misstatement of the record. [Applause on the Republican side.]

Mr. BYNUM. Do I understand the gentleman to say that I have misstated the record of Congress?

Mr. CANNON. Yes.

Mr. BYNUM (holding up the RECORD). Here is the RECORD, and the gentleman can not show it. I dare him to do it.

I will ask the gentleman another question. Have you ever examined the votes of the Journals of Congress to see whether you are recorded correctly or not? [Derisive laughter on the Republican side.]

Mr. CANNON. I always examine the votes as recorded upon the Journal of the House when a vote is called in question, and when I am seeking to find out how any gentleman is recorded, because it is notorious the vote recorded in the CONGRESSIONAL RECORD is often erroneous, and the Journal shows the true vote. No man who is careful of his own rights and the rights of other members will make a statement as to a vote in a former Congress without examining the Journal.

Mr. BYNUM. So far as the Journal shows the vote one way and the RECORD another the member at the time seeks to make the correction, and it may have been changed in that way.

Mr. CANNON. The CONGRESSIONAL RECORD of this morning has an error of the print which covers one hundred and fifty names.

A MEMBER. Sunday morning's RECORD?

Mr. CANNON. Yes; Sunday morning's RECORD, which has been corrected by an order of the House.

Mr. BYNUM. Have you examined the Journal to find out as to your vote?

Mr. CANNON. The Journal is not printed and laid on our tables, while the RECORD is laid upon our desks every morning.

Mr. BYNUM. Certainly it is; and that is just what I have been contending; and that the RECORD is corrected as it is published, while no one ever has an opportunity to see the votes as recorded in the Journal until the session is ended.

Mr. CANNON. Now, Mr. Speaker, in the colloquy yesterday I spoke as follows:

Mr. CANNON. Allow me to state that the Journals of the House speak the action of the House; and I ask the gentleman now if he did not quote Mr. Morton from the CONGRESSIONAL RECORD as voting in a certain way, knowing that the Journal showed the contrary? Will the gentleman answer that question?

Mr. BYNUM'S answer to this question, according to the Reporter's notes, is as follows:

Mr. BYNUM. I say to the gentleman that I went to the RECORD for this vote and found it as I stated it and examined no further, and I believe the RECORD is correct. I have not examined the Journal, but I will do so, and I have no doubt that when I do so I shall find that the gentleman has not stated it correctly.

It is a duplicate of the page which was taken out, and this is what was put in its place.

Mr. BYNUM. I say to the gentleman that I took this vote from the CONGRESSIONAL RECORD, and found it there just as I gave it; I examined no further. I was not aware that there was any variance between the CONGRESSIONAL RECORD and the Journal until the gentleman mentioned it just now, or I would have stated when I first announced Mr. Morton's vote. I believe, however, Mr. Speaker, the RECORD to be correct. Mr. Morton was present, as the roll-calls show, on the 6th of May; they do not show that he was given any leave of absence on the 6th, 7th, or 8th, or that he was paired on this vote. I believe the RECORD to be the best evidence of who voted and how they voted. The yeas and nays in the RECORD are published the next morning in the RECORD of the previous day's proceedings—the vote as published from the original roll-call—while the Journal is not published till the end of the session. The vote as published is taken from a copy of the original. The principle that a copy can not be used so long as the original is at hand is as old as the common law itself. Of course the Journals of the House are official records and as such are evidence of the facts contained, but as a matter of fact the votes recorded in them are but copies, while the RECORD contains the original.

Now, what I complain of is that the gentleman makes himself say that which he did not say in stating he was not aware there was any variance between the RECORD and Journal, or he would have stated it.

There are some minor matters making other changes, but that is the principal one.

Immediately following the answer of the gentleman from Indiana, which I read, is the following:

Mr. CANNON. Here is the Journal. I will show it to the gentleman, and I ask the gentleman again if he did not know that the Journal showed to the contrary of his statement?

The question not being answered was asked again by me.

Mr. CANNON. The gentleman has not answered, and I do not believe he will answer that he did not know what the Journal showed.

When I asked the question the last time he answered as follows:

Mr. BYNUM. I have stated to the gentleman that I did not examine the Journal; that I examined the RECORD only.

That is according to the Reporters' notes; but he adds, and makes himself say in addition, as follows:

That I did not think and that I did not know that there was any variance between the Journal and the RECORD.

Now, it is not a thing of very great importance, I take it, whether this correction be made or not; but the method in which this has been printed, by reason of the revision of the gentleman, makes the gentleman say, by his correction in his first answer to my interrogatory, that he did not know that there was a difference between the RECORD and the Journal; and that if he had known it he would have so stated it on the floor of the House. Notwithstanding that statement by him, I then appear to go on afterwards and ask that question three different times, which would have been a foolish thing upon my part if the gentleman had really made the answer that he makes after the debate is closed. I want the RECORD simply to show the facts. I want it to show exactly what did take place, and I therefore ask that it be corrected; or I will move that the RECORD be corrected so as to state literally what was said according to the Reporters' notes.

Mr. BYNUM. Mr. Speaker, in response to what the gentleman has said, I wish to state that I revised the language used by myself, and made one or two changes in the wording, just as the gentleman has asserted. In answer to his question on yesterday, I saw, when I had an opportunity of reading the colloquy, that I did not perhaps grasp really what he was intending me to answer. I answered him that I had not examined the Journal. I fully meant what I said there, that I had at no time examined it, and did not know what had been asserted by the gentleman, that there was any variance between the Journal and the official RECORD of the House. I probably was not entirely happy in my construction of the sentence when responding to him, because, as will be remembered, there was considerable disturbance on that side of the House and a good deal of confusion, and I really did not have the opportunity of fully understanding the language of the gentleman. I answered him as I understood his questions at the time, and I meant that I had not examined the Journal up to that time. I did not know that that was the point the gentleman was hinging his question on; and therefore I simply enlarged the remarks in the RECORD according to the truth of the matter. I did not see the Journal of the proceedings to which he referred until after he had sent it to me, and did not know that there was a variance, because if I had known it I should have given Mr. Morton the benefit of what was stated upon the floor of the House.

The second correction to which the gentleman alludes is simply a correction of the same nature so as to answer his inquiry. I do not see, therefore, since I have answered his inquiry, what the gentleman has to complain of. It is an answer of fact, and a mere statement of the fact, and I do not see why he should feel aggrieved. I have given the answer that he wanted given, and therefore I do not see that there is any serious harm done.

I think if the gentleman himself, and others on this floor, would live up strictly to the rules of the House, that the RECORD should contain a *verbatim* report of what was said without variance or change of any kind, there would be then little difference of opinion between members on such questions as this.

On another occasion, in a controversy with a gentleman on that side of the House upon a matter of fact, there was a question propounded by myself which was not answered, but I afterwards found in the RECORD a long list of statistics which made my answer appear awkward and irrelevant; but yet I did not rise to call the attention of the House to it, ask a correction of it, or allude in any manner to the change.

Now, Mr. Speaker, it is somewhat singular that the gentleman from Illinois has not discovered some errors in the record of his colleague [Mr. WOODBURN], since he seems to have been reading the proceedings with such diligence.

Mr. CANNON. Does it pertain to this exact matter?

Mr. BYNUM. Not to this exact matter.

Mr. CANNON. Then I really would like to resume the floor. However, if the gentleman wishes to proceed——

Mr. BYNUM. Of course if the gentleman wishes to proceed, I have no objection, and will yield the floor.

Mr. SPRINGER. I call the regular order.

Mr. CANNON. Allow me one word. For the first time in fifteen years' service in this House have I risen to a correction of the RECORD. I may not have talked with wisdom, but I have talked a great deal in that time; but never have I had occasion to rise to a correction. But in a case of this kind I think, while it is not a matter of great importance in itself, when there is a debate or a colloquy back and forth between members, sentence by sentence and word for word, gentlemen on each side should have the right to expect that this would go into the RECORD exactly as it took place. The additions which the gentleman has made place me, as I said before, in a position in which no

member of this House should be placed who asks a question of that kind; because the question when first propounded appears to be answered, and yet I go on repeating it three or four times; and certainly I think the House knows that there is no member on this floor who will accept the statement of any gentleman here quicker than I will and there let the matter drop. But since the gentleman did not answer my question, and as I regarded it as a matter of some importance, I persisted in asking it, believing that the gentleman was not disposed to answer it, and doubted in fact whether he could answer it. Hence, I repeat, this addition to the RECORD makes me appear foolish by putting a full answer to the first question where it was not given.

Mr. BYNUM. I simply insist, Mr. Speaker, that I had given a full and sufficient answer to the first question, and one that would have been understood by any one not laboring under excitement, when I said that I had not examined the Journal, or compared the Journal and RECORD.

Mr. TOWNSHEND. I heard the gentleman say that distinctly.

Mr. MAISH. And I also.

Mr. BYNUM. And I will state further, that the report as made by the Reporter was not in all respects an exact copy of the words used by myself. Some words are there inserted that I did not use and some left out, the report having been evidently corrected by the Reporter himself. The gentleman well knows this is often done.

Mr. CANNON. I think in justice to the Reporters it is but proper to state that, in my opinion, this is, I was going to say, an absolutely *verbatim* report, as I recollect it. But I am not here to discuss whether the gentleman did or did not answer my question. I am here only to assert the rights of the members of the House that the record of a controversy of that character shall embody a true statement of the controversy; and I therefore ask that the correction I suggest shall be made, and the motion for that purpose adopted by the House.

The SPEAKER. The RECORD will stand corrected. There seems to be no controversy between the gentlemen as to the facts; and it will be corrected in the permanent edition of the RECORD. Of course those that are printed can not be recalled.

Mr. CANNON. Of course not.

Mr. SPRINGER. I demand the regular order.

The SPEAKER. The Clerk will proceed to call the roll.

Mr. DUNN. Mr. Speaker, I understand that in my absence there was a call of the House. I desire to say that I was engaged in the examination of witnesses in an investigation in my committee-room.

The question was then taken, and decided in the affirmative—yeas 142, nays 21, not voting 162; as follows:

YEAS—142.

Abbott,	Crouse,	Latham,	Scull,
Adams,	Dalzell,	Lehlbach,	Seney,
Allen, Mich.	Davidson, Fla.	Lind,	Smith,
Allen, Miss.	Dockery,	Lodge,	Snyder,
Anderson, Iowa	Dorsey,	Lyman,	Springer,
Anderson, Ill.	Dunn,	Maish,	Steele,
Anderson, Kans.	Enloe,	Martin,	Stewart, Ga.
Atkinson,	Farquhar,	Mason,	Stockdale,
Bacon,	Flood,	McCreary,	Stone, Ky.
Baker, Ill.	Foran,	McCullogh,	Stone, Mo.
Bankhead,	French,	McMillin,	Struble,
Bayne,	Fuller,	Moffitt,	Symes,
Bland,	Funston,	Morgan,	Taulbee,
Bound,	Gear,	Morrow,	Taylor, E. B., Ohio
Breckinridge, Ark.	Gibson,	Neal,	Thomas, Wis.
Breckinridge, Ky.	Glass,	Nelson,	Tracey,
Brewer,	Goff,	Nichols,	Townshend,
Brower,	Grosvenor,	Nutting,	Turner, Kans.
Browne, T. H. B., Va.	Harmer,	O'Neall, Ind.	Vandever,
Browne, Ind.	Heard,	O'Neill, Pa.	Walker,
Brown, J. R., Va.	Henderson, Iowa	O'Neill, Mo.	Warner,
Brumm,	Henderson, N. C.	Osborne,	Washington,
Buchanan,	Henderson, Ill.	Parker,	Weaver,
Burnes,	Herbert,	Patton,	Wheeler,
Burnett,	Hermann,	Payson,	White, Ind.
Butler,	Holman,	Penington,	Whiting, Mass.
Butterworth,	Holmes,	Perkins,	Whitthorne,
Bynum,	Hopkins, Va.	Peters,	Wilkinson,
Cannon,	Hutton,	Phelan,	Williams.
Caruth,	Kelley,	Post,	Wilson, Minn.
Caswell,	Kilgore,	Richardson,	Woodburn,
Catchings,	Laffoon,	Rogers,	Yoder,
Chipman,	La Follette,	Romeis,	Yost,
Conger,	Laird,	Russell, Conn.	Carlisle, Speaker.
Cothran,	Lane,	Ryan,	
Cowles,	Lanham,	Sayers,	

NAYS—21.

Anderson, Miss.	Cobb,	Jackson,	Rowland,
Baker, N. Y.	Culberson,	Lagan,	Sawyer,
Blount,	Elliott,	Lee,	Wilkins.
Bryce,	Forney,	Lynch,	
Campbell, F., N. Y.	Gest,	Mahoney,	
Clements,	Haugen,	Norwood,	

NOT VOTING—162.

Allen, Mass.	Bliss,	Campbell, Ohio	Collins,
Arnold,	Boothman,	Campbell, T. J., N. Y.	Compton,
Barnes,	Boutelle,	Candler,	Cooper,
Barry,	Bowden,	Carlton,	Cox,
Belden,	Bowen,	Cheadle,	Crain,
Belmont,	Brown, Ohio	Clardy,	Crisp,
Biggs,	Buckalew,	Clark,	Cummings,
Bingham,	Bunnell,	Cockran,	Cutcheon,
Blanchard,	Burrows,	Cogswell,	Dargan,
Darlington,	Hitt,	McRae,	Shaw,
Davenport,	Hogg,	McShane,	Sherman,
Davidson, Ala.	Hooker,	Merriman,	Shively,
Davis,	Hopkins, Ill.	Milliken,	Simmons,
De Lano,	Hopkins, N. Y.	Mills,	Sowden,
Dibble,	Houk,	Montgomery,	Spinola,
Dingley,	Hovey,	Moore,	Spooner,
Dougherty,	Howard,	Morrill,	Stahlnecker,
Dunham,	Hudd,	Morse,	Stephenson,
Ermentrout,	Hunter,	Newton,	Stewart, Tex.
Felton,	Johnston, Ind.	Oates,	Stewart, Vt.
Finley,	Johnston, N. C.	O'Donnell,	Tarsney,
Fisher,	Jones,	O'Ferrall,	Taylor, J. D., Ohio
Fitch,	Kean,	Outhwaite,	Thomas, Ky.
Ford,	Kennedy,	Owen,	Thomas, Ill.
Gaines,	Kerr,	Peel,	Thompson, Ohio
Gallinger,	Ketcham,	Perry,	Thompson, Cal.
Gay,	Laidlaw,	Phelps,	Tillman,
Glover,	Landes,	Pidcock,	Turner, Ga.
Granger,	Lawler,	Plumb,	Vance,
Greenman,	Long,	Pugsley,	Wade,
Grimes,	Macdonald,	Randall,	Weber,
Grout,	Maffett,	Rayner,	West,
Guenther,	Mansur,	Reed,	White, N. Y.
Hall,	Matson,	Rice,	Whiting, Mich.
Hare,	McAdoo,	Robertson,	Wickham,
Hatch,	McClammy,	Rockwell,	Wilber,
Hayden,	McComas,	Rowell,	Wilson, W. Va.
Hayes,	McCormick,	Russell, Mass.	Wise.
Hemphill,	McKenna,	Rusk,	Yardley.
Hiestand,	McKinley,	Scott,	
Hires,	McKinney,	Seymour,	

So the motion was agreed to.

On motion of Mr. PAYSON, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. MACDONALD is paired with Mr. DAVIS on all questions for the day.

The result of the vote was then announced as above recorded.

OKLAHOMA TERRITORY.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole, and the Clerk will report the unfinished business.

The Clerk read as follows:

House bill 10614, a bill to organize the Territory of Oklahoma, and for other purposes, with an amendment to section 5, offered by Mr. PAYSON, of Illinois.

Mr. HOOKER. I want to know whether that is the first business on the Calendar?

The CHAIRMAN. The Chair will state to the gentleman that unanimous consent was given to pass over other bills on the Calendar and consider this bill.

Mr. HOOKER. When was that given?

The CHAIRMAN. The Chair does not recollect the day; but if the gentleman so desires, the Chair will have examination of the record made.

Mr. HOOKER. I would like to know whether this bill has precedence over other bills or not?

Mr. SPRINGER. The first bill on this subject was the regular order at the time the House went into the consideration of it as the unfinished business of that committee under the rule of the House; and by unanimous consent the bill H. R. 10614 was taken up in lieu and took its place.

Mr. HOOKER. The point which I make is whether or not there were other matters on the Calendar of the Committee of the Whole which had precedence of this bill and how they were passed over.

Mr. SPRINGER. There was unanimous consent——

Mr. HOOKER. Never you mind. I am asking the Chairman.

The CHAIRMAN. The Chair is not advised whether anything had precedence or not; but the Chair finds that there was unanimous consent to consider this bill, and that gives it priority over everything.

Mr. HOOKER. I do not remember of any unanimous consent being given for its consideration.

The CHAIRMAN. The Chair is quite positive that that was the order, and will cause the record to be examined.

Mr. SPRINGER. It was not unanimous consent to pass over other bills. There were two bills on this subject. One of them had been partly considered. This bill was substituted and took its place on the Calendar and has been considered; general debate has closed, and a part of it has been considered under the five-minute rule.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

It is proposed, in section 5, to strike out the words "at a price of $1.25 per acre," in lines 12 and 13, and insert "under the homestead laws, only excepting that section 2301 of the Revised Statutes do not apply."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, I ask my colleague what time he wants to debate this question? I think we ought to agree on the time for the discussion of the amendment.

Mr. PAYSON. I desire to say that I think this one of the most important questions in regard to this bill. It is of vital importance, and if this bill should pass I would regard it as of greater importance

than perhaps any other feature. Whatever bill shall pass should be such a bill as shall meet general approval.

And as this is an important question, presenting the general proposition of the application of the homestead principle, and that alone, to this great area of land, I ask consent of the committee that I may proceed to submit such observations as I desire to make upon it without any special limit, promising that I will confine myself to my invariable practice of simply saying what I have to say with reference to the subject-matter which the committee is considering.

Mr. SPRINGER. Will the gentleman state how much time he requires?

Mr. PAYSON. I can not state that exactly.

Mr. SPRINGER. You can certainly approximate it.

Mr. PAYSON. I will say to my colleague [Mr. SPRINGER] that I desire only a reasonable amount of time.

Mr. SPRINGER. There is no disposition on the part of the committee to limit debate unreasonably.

Mr. PAYSON. Nor have I any disposition, as I never have had, to consume time unnecessarily.

The CHAIRMAN. The gentleman from Illinois [Mr. PAYSON] asks unanimous consent to conclude his remarks upon this amendment. Is there objection?

Mr. HOLMAN. Mr. Chairman, I desire to make a suggestion. Inasmuch as this is one of the most important features of the bill, presenting the question of whether these lands shall be sold at $1.25 an acre or shall be devoted to homesteads for the people under the homestead law, I suggest that the committee allow an hour's debate upon the proposition, half an hour upon each side.

Mr. SPRINGER. I am willing to agree to that.

Mr. HOOKER. I think we ought to have a longer time than that, because there are several gentlemen here who desire to be heard.

Mr. HOLMAN. Say two hours, then.

Mr. HOOKER. Let the gentleman from Illinois [Mr. PAYSON] proceed with his remarks, and when he concludes we can then agree upon the time that shall be occupied by other gentlemen. I desire to be heard myself upon this question, and my friend from Georgia [Mr. BARNES] also desires to speak, and I would rather have him heard than myself.

Mr. SPRINGER. I will agree that debate on this section and all amendments thereto shall close at 5 o'clock to-day, provided we can take a vote upon the bill immediately after the consideration hour to-morrow.

Mr. HOOKER. I do not agree to anything of that kind.

Mr. PAYSON. I think we can get along better by letting the matter take the regular course.

Mr. HOLMAN. That will give you [Mr. PAYSON] only five minutes.

Mr. SPRINGER. I ask the Chair to submit my proposition that the debate upon this section and all amendments thereto be closed at 5 o'clock to-day, which is the hour at which this committee must rise.

The CHAIRMAN. There is one request for unanimous consent pending. Does the gentleman from Illinois [Mr. PAYSON] withdraw his request?

Mr. PAYSON. Mr. Chairman, I do not like to seem greedy, but I do wish to have time enough to present such ideas as I have upon this subject, and I must insist upon my request.

The CHAIRMAN. The gentleman from Illinois [Mr. PAYSON] insists that his request be put to the committee that he be allowed time to conclude his remarks.

Mr. SPRINGER. Not to exceed one hour. Does the gentleman agree to that?

Mr. PAYSON. That my own remarks shall not exceed one hour—I agree to that.

Mr. SPRINGER. And that an equal time be allowed for debate on this side.

The CHAIRMAN. The gentleman from Illinois [Mr. PAYSON] asks unanimous consent that he be allowed to proceed and conclude his remarks, occupying not to exceed one hour. Is there objection?

Mr. SPRINGER. And that the same length of time be allowed for debate on this side.

Mr. HOOKER. I think there ought to be more time than that, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HOOKER. I have no objection to the request of the gentleman, but I do object to its being qualified in the way suggested by the other gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I do not object to the largest latitude of debate upon this bill, but I think there ought to be some understanding as to when it is to end. This bill has been under consideration before, and no disposition has been manifested to rush it through, or to hasten it unreasonably. If we have not been considering it for the last hour and a quarter it is not the fault of the friends of this bill. They have been trying to have it considered, and there has been no disposition to stifle any legitimate debate on this bill, and there will be none.

Mr. HOOKER. I am glad to hear the gentleman say so, for I want to speak an hour. [Laughter.]

Mr. SPRINGER. If the gentleman will agree to take a vote on this bill to-morrow at 4 o'clock, I will agree that he may occupy three hours.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. PAYSON] that he be allowed to proceed and conclude his remarks, occupying not to exceed one hour?

Mr. HOLMAN. I do not wish to interfere with that request, for I am in favor of permitting the gentleman from Illinois to occupy an hour. At the same time it seems to me desirable to fix a limitation upon debate on this proposition. Inasmuch as no action can be reached this evening, I suggest that this bill, if gentlemen will consent, be taken up to-morrow morning after the reading of the Journal, and the debate continue until half past 1 o'clock.

Mr. RYAN. Why not go on with the debate this evening?

Mr. HOLMAN. I mean that the debate continue this evening and also to-morrow morning until half past 1.

Mr. HOOKER. On this section?

Mr. HOLMAN. Yes, sir.

Mr. SPRINGER. I will agree to that.

Mr. RYAN. That is very generous.

Mr. BUCHANAN. That would cut out the hour for the consideration of bills from committees. Unless that is excepted I shall object. The committees have only been called about half way through. I desire that committees farther down on the list shall have some show.

The CHAIRMAN. The Committee of the Whole can not take any action to interfere with the consideration hour. Will the gentleman from Indiana [Mr. HOLMAN] please restate his proposition?

Mr. HOLMAN. The gentleman from New Jersey [Mr. BUCHANAN], as I understand, wishes the committees called to-morrow morning.

The CHAIRMAN. The Committee of the Whole can not make any arrangement which will interfere with the consideration hour.

Mr. SPRINGER. We can have it understood at what time debate in the Committee of the Whole shall close.

Mr. HOLMAN. I suggest that debate in Committee of the Whole close at 3 o'clock to-morrow.

Mr. HOOKER. I suggest to my friend from Indiana that it would not be well to fix a time now for the termination of debate, for we do not know what time may be occupied to-morrow in other matters, and hence can not foresee what would be the effect with reference to this question.

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] objects, as the Chair understands.

Mr. SPRINGER. I ask unanimous consent that the debate on this section and all amendments thereto be limited to two hours.

Mr. HOOKER. I object.

Mr. SPRINGER. How much time would the gentleman like?

Mr. HOOKER. I want an hour for myself.

Mr. SPRINGER. Then I will modify my proposition by proposing a limitation of three hours, and will agree to give the gentleman from Mississippi one whole hour.

The CHAIRMAN. The gentleman from Illinois modifies his request so as to limit debate on this section and all amendments thereto to three hours. Is there objection?

Objection was made.

Mr. SPRINGER. We are now operating under the five-minute rule, so that, unless by unanimous consent, no gentleman can occupy more than five minutes.

Mr. HOLMAN. I ask unanimous consent that the gentleman from Illinois [Mr. PAYSON] be allowed one hour now.

Mr. PAYSON. I rise to submit a suggestion. I am not seeking this opportunity to address the committee for the mere purpose of talking.

Mr. SPRINGER. I know that very well.

Mr. PAYSON. I presume the gentleman knows me too well to suppose anything of that kind.

Mr. SPRINGER. Certainly.

Mr. PAYSON. Nor do I need to be reminded that we are operating under the five-minute rule, which would seem to be a kind of threat that, unless some arrangement be made, I may get only five minutes. I am animated by one purpose only. I think I have some suggestions with reference to the pending proposition which it may be worth while for members to hear. If I did not think so, I would not ask to occupy one minute. If unanimous consent be granted that I may speak, I will agree in advance to consume only so much time as may be necessary for me to say once for all what I have to submit on each proposition.

Mr. SPRINGER. I concede everything the gentleman says. I am anxious to hear him speak an hour on this bill if he desires to do so, and will use every means in my power to accord him that opportunity. I desire, however, that other gentlemen may indicate how much time they wish, so that the whole time to be occupied may be included in one arrangement.

Mr. HOOKER. Then let the proposition be made that a given amount of time be devoted to this question—not that the debate terminate at a certain hour.

A MEMBER. The request was for three hours.

Mr. HOOKER. Very well; three hours.

The CHAIRMAN. The proposition submitted was to limit debate on this section and all amendments thereto to three hours. That would not be interfered with by the consideration hour to-morrow; for there would be three hours in any event.

Mr. SPRINGER. That is the proposition.

Mr. RYAN. And I understand the gentleman from Mississippi [Mr. HOOKER] agrees to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. SPRINGER]?

Mr. HOOKER. That applies only to this section?

Objection was made.

Mr. CHEADLE. I wish to suggest to the gentleman from Illinois [Mr. SPRINGER] that if he will allow his colleague [Mr. PAYSON] to consume whatever time he desires, there will be no difficulty afterward in making some arrangement.

Mr. SPRINGER. I have sought to make an arrangement by which all gentlemen could be accommodated. I suggest that there be allowed on this section and all amendments thereto three hours of debate, of which the gentleman from Illinois [Mr. PAYSON] shall be entitled to one hour.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and amendments thereto be closed in three hours, the gentleman from Illinois [Mr. PAYSON] to have the right to occupy one hour or such portion thereof as he may deem necessary. Is there objection to that request?

Mr. HOLMAN. And that the balance of the time be equally divided.

The CHAIRMAN. The Chair hears no objection, and it is so ordered. The gentleman from Illinois [Mr. PAYSON] is entitled to the floor. [Cries of "Regular order!"]

Mr. PAYSON rose.

The CHAIRMAN. The Chair will state that the control of the time has not been stated in the proposition.

Mr. RYAN. The proposition conceded one hour to the gentleman from Illinois [Mr. PAYSON], and that the other two should be equally divided between the friends of this proposition and those who are opposed to it.

Mr. HOOKER. No, I did not understand that. I was to have an hour according to the statement of the gentleman from Illinois.

Mr. HOLMAN. I could not consent to that.

The CHAIRMAN. The Chair did not understand that there was to be time allowed to any gentleman, except the hour, or so much thereof as he may desire, to the gentleman from Illinois.

Mr. SPRINGER. There is no objection, I presume, to the gentleman from Mississippi controlling the hour that is left in opposition to the bill after the gentleman from Illinois has concluded his remarks.

Mr. HOOKER. I do not want to deprive other gentlemen of the right to be heard.

Mr. SPRINGER. But the gentleman can yield the time.

Mr. HOOKER. I do not want to exclude my friend from Georgia and others.

The CHAIRMAN. The Chair will endeavor to divide the time fairly.

Mr. PAYSON. Mr. Chairman, this amendment embraces the disposition of 23,267,000 acres of the public lands by the Government at some time. The proposition contained in the pending bill is substantially this: that these lands as at present situated are subject to some burden of Indian claims; and for the purpose of this amendment it is necessary to discuss the question of this Indian right, and somewhat in detail the amount of money which will be required for its extinguishment.

The bill is based upon the assumption that an amount of money not exceeding $1.25 per acre may be required to extinguish the Indian right of occupancy upon each acre of the lands embraced within the scope of the bill; and if the maximum amount of money should be required it will amount in round numbers to about $30,000,000 before the entire Indian title is extinguished so that the lands can be opened to settlement.

The amendment that I have offered proposes in terms that so fast as the Indian title shall be extinguished, and the lands shall become public lands and opened to settlement, the homestead principle of our laws shall apply to them and to every acre of them. That is to say, that every 160 acres of the land shall be treated as a free gift from the General Government to any settler who shall go upon it for the purpose of making it a home for himself and family, and shall occupy it for that purpose for a period of five continuous years; and it presents, at the threshold, Mr. Chairman, a question which has been a prominent one in the mind of the public since 1861, when the homestead law was enacted.

Mr. BRUMM. Let me ask the gentleman if this includes the soldier's occupancy right, as well?

Mr. PAYSON. There is no interference, I will say in passing, and in answer to the gentleman from Pennsylvania [Mr. BRUMM], with that right, and that the proposition I have made leaves the law just as it is as to the rights of the honorably-discharged Union soldiers. All gentlemen present, I assume, understand what they are. There is no change of law as to the recognition of the rights of any honorably-discharged Union soldier to make a homestead on the public lands, and no interference whatever with him in that regard.

Mr. BRUMM. Does it make these lands applicable to soldier's homestead entry?

Mr. PAYSON. It does in express terms.

As I was saying——

Mr. GROSVENOR. The soldier's right of occupancy is perhaps not clearly understood by all of the members present.

Mr. PAYSON. I think perhaps it is unnecessary to consume the time in discussing the details of the rights of the Union soldiers to make homesteads on the public lands; and I shall not go into that subject further than simply to remark that the existing law remains unchanged.

I come now, Mr. Chairman, to the general proposition, which presents the question to the House whether or not this land, when it shall be freed from the claim of the Indian occupancy, whatever that claim may be, shall come within the homestead principle as it is understood, and as it has been understood since the homestead question was settled as a part of our legislation in 1861.

I do not appreciate that kind of generosity in any act which does not carry with it any burden; and the proposition in this bill, which is denominated a homestead principle, but at the same time couples with it a compulsion upon the settler to pay $200 for each quarter section of land, is, in my judgment, not a homestead provision as the people of this country understand it. The people upon the frontier, the people in the great Northwest, indeed the people throughout the country everywhere, who would seek to take advantage of the settlement rights in this bill as presented, understand what a homestead right is. They understand it to be a right to make a home upon lands which the Government gives to the settler, if he will endure the hardships and privations of frontier life for five continuous years, and make his home upon the lands. This bill, while breathing the word of promise to the ear, breaks it to the hope in every instance.

It assumes to be a homestead law, but requires a purchase from the Government in every instance.

The landless poor can not take, as now, a homestead; but the man of means—one able to purchase, one who has means—can secure a home on this land. By present existing law as to lands that cost but little we are generous, and cheerfully give them to the settler; but as soon as a case like this appears, when a little money is required from the Treasury to clear a title for a citizen's occupancy, we still use the term "homestead," but our generosity vanishes before our idea of economy, and as soon as the exercise of the sentiment becomes the slightest burden we cease to exercise it if we pass this bill.

I believe in the continuance of the blessing of the homestead law—of continuing it in principle, in all its beneficence, in fact as well as in name—and I oppose this bill because it compels the settler to pay, as I have said, into the public Treasury $200 for the farm he takes under its provisions; and without going into a discussion, in order to save time, as to the merits or demerits of the homestead principle as it is in existing law, it is only necessary to say that if there is one question upon which there is a unanimity of public sentiment this entire Union over, it is one of approval as to the homestead idea in the settlement of the public lands. And, Mr. Chairman, since I have been in public life it has always been the controlling idea with me that the only method by which the public lands should be disposed of—that is, lands which are susceptible to agriculture—is as a free gift from a great and rich Government to the poor of its own people. I believe that the strength of our nation depends upon the general subdivision of our immense area of public lands susceptible of making homes amongst all of our people and the distribution of them for the largest possible number of those who occupy them.

Now, why is this proposition requiring payment in this bill? Why, Mr. Chairman, is there a different rule adopted with reference to the disposition of this area of our public lands from that which has been in operation since 1861 throughout the Union? The answer has been indicated by my colleague from Illinois [Mr. SPRINGER] in this, that these lands are costing the Government something. It is that this land is going to require, out of the public Treasury of the United States, a payment of some money, greater or less in amount, for the acquisition of the title, as my colleague states it, before it shall be subject to entry under the law; and therefore it is a matter of justice between those who settle here and the rest of the people who pay money into the Treasury that the public shall not suffer loss, but that the amount so paid out shall be reimbursed to the Treasury by those who occupy the land. That is the answer made. Mr. Chairman, there has never been an acquisition of an acre of public land by the extinguishment of these Indian titles but has cost this Government something. I think I am not far from correct in assuming that there are few gentlemen here who can determine precisely how the account stands and what the financial relation under a debtor and creditor system would be between the public land on the one side and the Treasury on the other.

But, sir, before going into the details. Since 1830 the policy has

been a continuous one, that the General Government would extinguish by purchase under treaty in one form or another the Indians' right of occupancy to all lands west of the Mississippi River.

That policy has continued from that time till now; and without going into details as to what the Indian title was, it is enough for me to say for the purpose of this argument that it has always been recognized by the Government of the United States that the Indians—the red men upon this continent—had the right of occupancy as against the title of the General Government, and which right of occupancy should be extinguished by purchase from them before the title should be held to be free and clear to the General Government for the purpose of survey and disposition.

How many gentlemen understand how much has been paid under this item alone for the extinguishment of the Indian right of occupancy of lands in the Northwest and in the extreme West during these years? I hold in my hand, sir, a report of the Public Lands Commissioner for 1883 where is a tabulated statement upon this question, and it is brought down to 1880, showing the amounts paid to the different Indian tribes for the purpose of extinguishing the Indians' right of occupancy to their land in the Northwest. In the statement a very large body of public lands has been included, and in this period there has been paid $187,328,903 down to 1880; that is as far as the figures go. But bringing them down to 1883, there were $208,776,000 paid to the different Indian tribes for that purpose.

Mr. Chairman, was the question ever presented, when the homestead law was discussed in 1861 and in 1863, whether or not as a matter of justice the amount of money which was paid by the Treasury in extinguishing Indian titles was or ever should be reimbursed to the Treasury? The question was never suggested; never, sir, never.

Mr. SPRINGER. Will my colleague permit me to ask him a question?

Mr. PAYSON. Certainly.

Mr. SPRINGER. Will the gentleman give the statistics of how much the Government realized from the sale of these lands under the various laws which have been in force since the lands were acquired?

Mr. PAYSON. The question of economy, Mr. Chairman, was never debated when the homestead question was presented in Congress, except in one instance, and I make allusion to it with the distinct understanding that I am not introducing politics into the consideration of the bill. When the first homestead law was vetoed by President Buchanan his veto was principally upon the ground that Congress had no right to donate these public lands to settlers, but that there must be a *quid pro quo* for every acre of the public lands disposed of. The next Congress which assembled, on both sides, sat down upon and crushed that idea; and from that day to this, with the exception of isolated Indian reservations and military reservations here and there, which were abandoned when the purposes for which they were created were no longer in existence, and these reservations thus abandoned had become specially valuable because of neighboring settlements, and their proximity to cities rendered them especially valuable, and therefore not proper to come under the homestead principle—with the exception of legislation in these cases, the question of the cost of the extinguishment of the Indian title and the Government acquisition of title, or the cost of title, where a title was acquired from foreign powers, has never been mooted in Congress until the present session in the Sioux reservation, one reservation in Minnesota, and by this bill which we are now considering.

Let me ask the chairman of this committee this question: When we made the great Louisiana purchase from France, for which we paid $27,267,000, in the disposition of the land embraced in that was there ever a question raised when these lands were to be disposed of under the homestead law as to whether or not the land the Government thus gained should be paid for by the homestead settler? And was it proposed the Government should be reimbursed this fund? Not at all! The Florida purchase was made in 1819 and cost $6,489,000. That land was subject to and is being disposed of to-day under the homestead law. No question was ever made as to the amount of money which was expended in its purchase. Again, under the treaty with Mexico, when we acquired the immense territory west of the Mississippi and on the Pacific coast, for which we paid $15,000,000, as well as the burden of that whole war with Mexico, its cost in life, and expenses, no question was made in Congress in reference to the disposition of the land to be taken under the homestead law of the amount that was paid for the purchase in money besides the blood and the lives that were expended in its acquisition by the Government.

Mr. SPRINGER. Has not the Government realized from the sales from lands to which my colleague has referred many millions of dollars in excess of what it paid for them?

Mr. PAYSON. I agree that the experience in the disposition of the land under the pre-emption law has brought large profit to the Government, but I am discussing now the legislation which resulted in the homestead act, and I say that the question was regarded as higher and broader than the question of dollars and cents. It was the question of the duty of the Government to its poor but deserving people who desired to make homes. That is the argument to which I am now addressing myself, and I hope I make myself understood.

Mr. SPRINGER. But along with the homestead law there was the pre-emption law, which allowed commutation by six months' residence and the payment of $1.25 an acre; and also the desert-lands act and also the railroad-lands act; so that by the laws which were running at the same time the homestead law was in existence persons were permitted to purchase lands.

Mr. PAYSON. I agree to that; but I hope my colleague will not anticipate me. Payment was permitted, but not compelled as under this bill.

Mr. SPRINGER. But in the case of Oklahoma there is no other provision for taking the lands except by the payment of $1.25 an acre, which is to go to the Indians.

Mr. PAYSON. I understand that and assert that as my ground of criticism, and insist if we are giving a homestead let us give it; I favor and urge that; but does not my colleague know that every acre which could be taken under the pre-emption law could be taken also under the homestead law? There never has been a time in the history of public land legislation in this country—I speak with confidence as to this—when an acre of public land could be taken under the pre-emption law (for which the taker was bound to pay the Government at a price not less than $1.25 an acre) that could not have been taken under the homestead law. That being so, it only emphasizes the point I am at present discussing, which is that the homestead law involved the question, as I said a moment ago, of a recognized duty on the part of the Government as its established policy, approved by public sentiment, towards its poor citizens to give them homes on the public lands without regard to the expense which was incurred in securing title to those lands. I can not state the proposition any more clearly than that.

Mr. PETERS. Will the gentleman permit an interruption?

Mr. PAYSON. Yes, sir.

Mr. PETERS. If the gentleman's position be correct, then certainly all fees under the homestead law should be abandoned.

Mr. PAYSON. No; I do not think so; because it is no burden, when the settler makes his proof at the local land office, to pay the small amount of fees charged, which, aside from the cost of advertising, do not, I believe, exceed $8 for a quarter-section. I may not be strictly accurate about the figures, but my information is that outside of the cost of the advertisement in the newspaper the fees run from seven to ten dollars. That is simply a matter of paying the agents of the Government for performing the work which furnishes the evidence of title, receiving the proofs, filing the affidavits, forwarding them to Washington, securing the patent and delivering it. No settler ever regards those fees as a burden. But that is a very different proposition from requiring the settler to pay $200 for his little farm, and these fees besides.

Now, Mr. Chairman, resuming the line upon which I was making suggestions when I was interrupted, for the purchase which we made from the Republic of Texas, which includes a portion of Southwestern Kansas, the eastern portion of Colorado, New Mexico, and a portion of the Public Land Strip, part of the very lands embraced in this bill, and which, by the bill, are to be free to homesteaders—for that purchase we paid the then Republic of Texas $16,000,000, in 1850. Why, I ask the chairman of the committee, if you are going to compel the settlers who go upon the lands embraced in the Indian Territory to pay the amount which the Government is compelled to expend in order to extinguish the Indian title, why do you not compel the settlers who go upon the three and a quarter million acres of land in the Public Land Strip to reimburse the Government for that proportion of the $16,000,000 which was paid out of the public Treasury for that land when we secured it from the Republic of Texas?

Later, in 1853, we made a purchase from the Republic of Mexico; what is known as the Gadsden purchase. For that we paid Mexico $10,000,000. And, Mr. Chairman, I desire here and now to correct a statement which was made by the chairman of the Committee on Territories [Mr. SPRINGER] when this matter was under discussion on a former occasion. My colleague at that time said that when the Gadsden purchase was made it was acquired in pursuance of a treaty with a foreign government, and at the close of a war, for the purpose of indemnifying the General Government for its expenditure in that war, namely, the war with Mexico.

Of course on this matter of history my colleague will correct himself now. He will recognize the inaccuracy of his statement when I remind him of the fact which we all know, that it was the purchase of land that lay there in order that we might rectify the boundaries on the southern line of the Union and secure this area of land by paying that republic what it was worth. And we paid $10,000,000 for that territory. Mr. Chairman, there has never been any suggestion that when that land was subjected to settlement under the homestead law there should be imposed upon the settlers upon it the burden of reimbursing the General Government for the amount which had been paid by it.

So as to the Territory of Alaska, which was our latest territorial acquisition, for which we paid more than $7,000,000. Whenever the public-land laws shall be extended over that Territory will any gentleman stand upon this floor and insist that whoever shall go up into

the extreme Northwest and settle there for the purpose of traffic, or agriculture, or mining, shall reimburse the Government for a portion of that $7,000,000? We have already extended the mining laws over a portion of that Territory. To-day one of the finest gold mines in that section, the Treadwell mine, upon one of the islands there, is being operated. Nobody has ever undertaken to insist, or even ventured to suggest, that because this amount of money was paid for that Territory the adventurous people who go up there and utilize the land must reimburse the General Government—not at all.

Now, why should such a rule be proposed in this case? Let it be understood, Mr. Chairman, that the title of the land embraced within the scope of this bill, outside the public-land strip, was in the General Government. For purposes of its own, it adopted the policy of colonizing the Indians upon it. Before this its condition was precisely the same as that of similar land in Iowa, Kansas, Nebraska, Minnesota, Michigan, and other States in the Northwest. It belonged to the people of the United States, subject only to the general Indian right of occupancy and as to the Indians alone who were then there. The first removals which were made there, as everybody knows, were made from the South, taking the Indians across the Mississippi River from the southern portion of the Union to the land now occupied by the five semi-civilized tribes on distinct reservations and locations. Later on other Indians have been put there. And why? Because the General Government, acting as it believed for the interests of the whole people, thought it a proper and politic thing to burden that land with other Indian occupancy. The title remains in the United States subject to this burden, whatever it may be. And it was presumably for the benefit of the entire people of the Union that additional colonization of the Indians was made there.

Now, the Government, for purposes of its own, acting for the best interests of the people—in the interest of humanity generally—has thought best to make other arrangements with reference to this land. Here, then, is the proposition I make at the threshold of this whole question. These arrangements, whatever they were, these complications whatever they now are, with the Indians within the limits of the Indian Territory, were brought about by Congressional action and for the benefit of the whole people of the Union upon lands the title to which is common property; and whatever is necessary to be done in order to relieve that land from this additional burden, in order to restore it to the people of the Union so that settlement rights may properly attach, ought to be borne, I insist, out of the common Treasury or the United States—ought to be paid for out of the common fund belonging to the people that I represent as well as those represented by the gentleman from Mississippi [Mr. HOOKER] and other members on this floor. That is all there is of it. It may be that it will cost $20,000,000; it may cost $25,000,000; it may cost much less. But whatever the amount which may be paid in this direction, it is simply to relieve that land of the burden which has been put upon it by the action of Congress and for the assumed benefit of the entire people of this Union.

When that shall have been done what then will be its position? It will be public land, free and clear from the claim of everybody. And how shall it be treated? Just as other public lands have been treated—in pursuance of the underlying principle of the disposition of our public lands—the homestead principle and the diffusion and distribution of the public lands in small allotments to actual settlers, with the object that the desert now there shall bloom and blossom as a rose. That is the doctrine which gentlemen on this side, members of the Republican party, have held since 1861. I mean to say that that which was before only a sentiment in the minds and hearts of the Republicans of this country was crystallized into legislation in 1861 by the Republican party in Congress.

And the example we set to politicians of the country then has been followed by all parties since then down to this day. Now no political party in this country goes before the people in a canvass or campaign, township, county, State, or national, that does not have in its platform the principle, when any is announced, the idea, of lands to the landless and free homes to the actual settlers. Everybody agrees as to it. Why should this land be treated differently from the treatment of that farther north?

I have in my hand the treaty made with the Blackfeet Indians, involving 17,000,000 acres in the extreme northern portion of the Union. Every acre of that land is open to homestead settlement, free of any charge except the fees at the local offices. It has been so with every Indian treaty in this country until comparatively recent days, with exceptional cases, such as I have referred to, where small reservations have been held by Indians till settled about by whites and thus made exceptionally valuable.

A portion of the country of the Northwest, where my own home is, was, within the recollection of gentlemen now sitting within the sound of my voice, in the control of the great Pottawatomie tribe of Indians, covering over 30,000,000 acres of land. Thirty millions of acres of the public lands were controlled by this one tribe of Indians; but by treaties, by negotiations, and by the payments of money, many millions of dollars (I have not the figures at hand to state how many), gradually and step by step and mile by mile the area of these Indians' possessions was reduced. They were moved farther west from Wisconsin and Michigan, and afterwards their lands in Iowa, to the extent of 5,000,000 acres in one body, were purchased and the money paid, and they were removed farther west, a small portion living on the reservation in Kansas and others in the Indian Territory, the remainder of them.

But that great empire, an area the finest the sun ever shone upon, held possession of by these Pottawatomie Indians to the extent of 30,000,000 of acres—the title to that land was extinguished precisely in the same way in which it is proposed in this bill to extinguish the title of the Indians to these lands in the Indian Territory, and since its enactment every acre of land which they relinquished to the United States has been subject to entry under the homestead law and without cost. Numerous other treaties were made and the lands treated in like manner.

With the exception, Mr. Chairman, of some two, possibly three bills, which passed this session, this same principle I am claiming here is the principle which has been applied to these Indian lands, the right of occupancy to which has been extinguished, as I have said, the lands have been uniformly subject to free homestead entry. There is all there is of it. So I ask, Mr. Chairman, why should we depart from the well settled plan which has met the approval of the public sentiment of this nation everywhere simply because it may involve an expenditure, and it does involve the expenditure, of a few million of dollars out of the Treasury already overburdened.

The economical question, Mr. Chairman, does not weigh for one moment with me. The time has not come in the history of American legislation when, in my judgment, the just claims of the poor people of this country to free homes on the public lands shall be met and overcome by the assertion the General Government can not afford it. For that is what it means.

Will it be said by this Congress, when this immense area of land—24,000,000 acres in round numbers—an area equal in size to the great State of Ohio, that that land which belongs as a common heritage to the whole people and burdened only by the poor occupancy of some red men, that when the Indian title to that area shall be extinguished, this Government is in that impecunious position it will exclude every settler who goes there unless he shall reimburse us to the last dollar of cost of that land to the public Treasury—when it is remembered, as I have already stated, Mr. Chairman, that land belongs to us precisely the same as the public land of Illinois, Dakota, and the Territories of the great Northwest?

Now, if I have made myself understood, it is all I desire. It is not my habit to indulge in flights of rhetoric for the purpose of enforcing the arguments I make. In a plain, business manner I have endeavored to impress on the committee the importance of this amendment and the necessity of its adoption; and if members of the House believe with me that the disposition of the public lands should be under the homestead principle, then this amendment should be adopted unanimously. That is all I wish to say now, and I thank the committee for its considerate attention.

Mr. HOLMAN. Does the gentleman desire to reserve the remainder of his time?

Mr. PAYSON. I do reserve the remainder of it.

The CHAIRMAN. Under the order the gentleman can use the remainder of the time for himself, but can not yield it.

Mr. PAYSON. How much time have I?

The CHAIRMAN. The gentleman has occupied thirty-three minutes of his time.

[Mr. SPRINGER withholds his remarks for revision. See APPENDIX.]

Mr. ANDERSON, of Iowa. Before the motion is submitted I ask consent to submit an amendment which I shall offer to the bill at the proper time. I ask to have it printed in the RECORD.

Mr. HOLMAN. The amendment is not offered now, as I understand it, but simply presented for information?

The CHAIRMAN. As the Chair understands, it is presented now for information and to be printed in the RECORD.

Mr. ANDERSON, of Iowa. That is what I desire.

The CHAIRMAN. Without objection the amendment will be printed in the RECORD.

There was no objection.

The amendment of Mr. ANDERSON, of Iowa, is as follows:

Provided, That all honorably discharged Union soldiers, sailors, and marines, who served in the war for the suppression of the rebellion, shall, in making entries for actual settlement under the provisions of this act, be and hereby are, exempted, in consideration of said service, from the payment of the purchase price provided for in this act; and proof of such actual service for a period of at least sixty days, and of honorable discharge therefrom, by such former soldier, sailor, or marine, shall be accepted by the United States in payment in full of the purchase price of the lands so entered upon, and of all fees in connection with said entry. And all land officers of the United States are directed to give preference to the persons making entries under this provision.

Mr. ANDERSON, of Iowa. I shall offer that amendment at the proper time.

The motion of Mr. SPRINGER that the committee rise was then agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union having had under consideration the Oklahoma bill, had come to no resolution thereon.

And then (the hour of 5 o'clock p. m. having arrived) the Speaker *pro tempore*, under the previous order, declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HOVEY: A bill (H. R. 11298) for the relief of Francis Burch—to the Committee on Military Affairs.

By Mr. KEAN: A bill (H. R. 11299) for the relief of George S. Newton—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 11300) granting a pension to George H. Burgess—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELDEN: Petition of citizens of Otisco, N. Y., for the passage of House bill No. 11253—to the Committee on Invalid Pensions.

By Mr. BLAND: Affidavit in the claim of George Barron—to the Committee on War Claims.

By Mr. BROWER: Petition of citizens of Caswell County, North Carolina, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. BRUMM: Petition of Hon. John Tahaney and others, in favor of the anti-convict labor bill—to the Committee on Labor.

By Mr. BURNETT: Petition of Statira S. Drake, dependent mother of William B. Drake, for a pension—to the Committee on Invalid Pensions.

By Mr. BYNUM: Petition of 36 citizens, members of the Woman's Relief Corps, of Shelbyville, Ind., for the erection of a soldiers' home at Indianapolis, Ind.—to the Committee on Military Affairs.

Also, petition of Knights of Labor of Indianapolis, Ind., to protect free labor against convict labor—to the Committee on Labor.

By Mr. CATCHINGS: Petition of Margaret Davidson and of Martha Crosby, widow of Peter Crosby, of Warren County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Petition of citizens of Grand Island, Nebr., in favor of bill to pension Mary E. Adams—to the Committee on Invalid Pensions.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. BRUMM: Of J. D. Hepler and others, of Haas, Pa.

SENATE.

WEDNESDAY, *August* 29, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of deficiencies in various appropriations for the service of the District of Columbia for the fiscal year ended June 30, 1888, as submitted by the commissioners of the District of Columbia, amounting to $3,010.75; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT ELECTRIC WIRES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in compliance with a resolution of the 28th instant, a report from the engineer commissioner of the District on the subject of overhead and under-ground electric wires; which, with the accompanying documents, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented the petition of Robert Bolling and other citizens of Philadelphia, Pa., praying for the repeal of that portion of the internal-revenue laws which classes druggists as wholesale liquor dealers, and for the reduction of the tax on spirits; which was referred to the Committee on Finance.

He also presented a petition of citizens of Venango County, Pennsylvania, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Encampment, Union Veteran Legion, held at Youngstown, Ohio; a petition of citizens of Westmoreland County, Pennsylvania; a petition of George M. Spaulding and other citizens of Wellsborough, Pa.; a petition of citizens of Fayette and Greene Counties, Pennsylvania, and a petition of G. W. Rayan Post, Grand Army of the Republic, of Middlebury, Pa., all praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented petitions of the Junior Order of United American Mechanics, Chosen Friends' Council, No. 86, of Philadelphia, Pa.; of Manchester Council, No. 124, of Allegheny, Pa.; of Orient Council, No. 72, of Johnstown, Pa.; of General McClellan Council, No. 150, of Verona, Pa.; of Laurel Council, No. 126, of Pittsburgh, Pa.; of Shickshinny Council, No. 203, of Shickshinny, Pa.; of Summit Council, No. 173, of Lemont Furnace, Pa.; of Dawson Council, No. 75, of Dawson, Pa.; of McKeesport Council, No. 109, of McKeesport, Pa.; of Mansfield Council, No. 66, of Mansfield Valley, Pa.; of Greble Council, No. 13, of Philadelphia, Pa.; of Fidelity Council, No. 21, of Bristol, Pa.; of O. W. Howell Council, No. 210, of Stauffer, Pa., and of Coopersdale Council, No. 97, of Coopersdale, Pa., praying for the passage of Senate bill 553, to regulate and restrict immigration; which were referred to the Committee on Foreign Relations.

He also presented a memorial of West End Lodge, No. 44, Amalgamated Association of Iron and Steel Workers, of Pittsburgh, Pa., remonstrating against any reduction of the present tariff; which was referred to the Committee on Finance.

Mr. TELLER presented the petition of John Wilson, of New Orleans, La., praying for the enactment of a national election system; which was referred to the Committee on Privileges and Elections.

He also presented a petition of citizens of Las Vegas, Territory of New Mexico, praying for the passage of a bill providing for the payment of claims for Indian depredations to citizens living on the frontier; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the joint resolution (S. R. 47) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1518) for the relief of Maria Black, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 2271) for the relief of Rodman M. Price, reported it without amendment, and submitted a report thereon.

Mr. PLUMB. I am instructed by the Committee on Appropriations to report back with sundry amendments the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. I give notice that I shall ask the Senate to consider the bill to-morrow immediately after the morning business.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. REAGAN introduced a bill (S. 3493) to permit the importation of jute bagging free of duty; which was read twice by its title.

Mr. REAGAN. I move that the bill be referred to the Committee on Finance, and I ask unanimous consent to make a moment's statement in relation to it.

We are advised that a trust has been formed which has so increased the price of jute bagging that cotton-planters are discussing the question as to whether they will withhold their cotton from market until its operation can pass by. To do so would entail very great damage on the retail merchants and the wholesale merchants who are sustained by them throughout the country generally. This trust is striking at one of the great industries of the country which has no protection, because while cotton forms one of the chief exports of the country, it goes into the markets of the world in competition with cotton from everywhere else. Congress has the power to protect this great industry against this wrong by relieving the duty on jute bagging, and I trust the Committee on Finance will take the matter into consideration and enable us to take some action on the subject.

The bill was referred to the Committee on Finance.

Mr. CAMERON introduced a bill (S. 3494) granting a pension to Charles H. Groves; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3495) granting a pension to Joseph K. Null; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3496) to remove the charge of desertion from the record of John Thomas, late of Company K, Fourth United States Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CHACE (by request) introduced a bill (S. 3497) making an appropriation for the Girls' Reform School of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3498) for the relief of L. W. Allen; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3499) granting a pension to Anna M. Greenfield; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3500) granting a pension to William J. Pierson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. REAGAN introduced a bill (S. 3501) relating to the classification of post-offices and amendatory of the act approved March 3, 1883, entitled "An act to adjust the salaries of postmasters;" which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

EFFECT OF IRRIGATION ON LOWER VALLEYS.

The PRESIDENT *pro tempore*. If there be no further morning business, the Chair lays before the Senate the resolution submitted by the Senator from Kansas [Mr. PLUMB] August 21, 1888, in relation to the waters of the Platte and Arkansas Rivers and their tributaries in Colorado. Does the Senator from Kansas desire action on the resolution this morning?

Mr. PLUMB. I desire to have action upon it, but I wish to amend it at the proper point by inserting, after the words "and whether," the words "in his opinion."

The PRESIDENT *pro tempore*. The resolution will be read. No formal amendment is necessary, the Senator having the right to modify the resolution under the rule. It will be read as modified.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to inquire and report to the Senate at its next session the extent to which the diversion of the waters of the Platte and Arkansas Rivers and their tributaries in Colorado, for irrigation or other purposes, affects the flow of the water of those streams in the lower valleys, and especially during the growing season; and whether in his opinion the title conveyed by the Government to lands fronting on said streams covers the privilege of diverting water therefrom beyond that necessary for use thereon for irrigation and mining purposes, and to report what action is needed to protect the rights of riparian owners along the course of said streams in the States of Kansas and Nebraska.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. TELLER. I do not desire to antagonize the resolution, which is a resolution simply calling for information, although I hardly approve of the provision that calls upon an officer not charged with rendering a legal opinion for a legal opinion, which the resolution seems to do. It calls upon the Secretary of the Interior for an expression as to certain legal rights. However, I do not care to antagonize the resolution for that reason.

I merely desire to say that to apply the old rule that each man who has land on a stream or across which a stream ran or by the side of which it ran, has a right to insist that the water shall not be diverted and taken away from him, is an impossibility in what is called the arid regions. While that has been the rule in such regions as are blessed with an abundance of rain, it never has been the rule in any section of the country where agriculture is dependent wholly upon irrigation.

It was decided in 1842 by the supreme court of the State of Illinois that if water by irrigation was absolutely necessary for the raising of vegetation, then it became a natural use, and the right to divert it and to use it all up was the same with the man who used it for agricultural purposes as it was with the farmer who might let his cattle drink the entire stream and thereby cut off the man below.

The rule has always been that the residents who are on the upper part of the stream might take all the water for the cattle if it was necessary. If the farmer's family was large enough to take it all, they could take it all and none was run below. That is upon the theory that it is a natural use essential to his existence. The supreme court of Illinois as early as 1842, as I said, held that that rule must apply also to irrigation in the arid regions, but that it would not apply in the State of Illinois, although agriculture might be increased and made profitable by irrigation, because it was not absolutely necessary.

It has been the rule in all the Western country, where irrigation was necessary, in California, Colorado, and Nevada, to allow the people living on the upper end of the stream to divert it by taking the water out of the stream. The ownership of water there has been determined by prior appropriation. When Colorado became a State, it put a provision in its constitution that the waters of the State were public property, and could not be monopolized, and could not be diverted except under regulations made by the Legislature of the State.

I might say, what I suppose everybody knows, that there are millions and millions of acres of land in the United States on which to apply the old doctrine of riparian rights would always dedicate the land to solitude and silence, and it would be absolutely worthless. Consequently a different rule must prevail; and if the people on the Upper Platte or on the Upper Arkansas divert the water for agricultural purposes there is no damage resulting to the people of Kansas for which they can receive any compensation from any source that I know of.

Of course whatever may be the report of the Secretary of the Interior it will not determine anything in this matter except to give us information. It is a question, as I said some days ago, that the Government will have some day to deal with. I do not know how the Government can prevent the State of Colorado from using the waters of the nonnavigable streams of that State, and that is the character of the streams.

Mr. EDMUNDS. The State of Kansas might sue the State of Colorado for damages.

Mr. TELLER. As suggested, if the State of Colorado should do any damage to the State of Kansas, I suppose a suit might be brought. But the acts complained of are not committed by the State; they are committed by the people. I do not suppose the State of Kansas would ever have any claim for damages, though its citizens might. It is undoubtedly a question that never can be settled otherwise than that the people who are on the lower rivers may be injured, unless we should by some great system of water-works enable the waters to continue in the streams until they reach the lower section of country.

I will say that before a drop of water was taken out of the Arkansas River, before a drop was ever taken out of the Platte River, those rivers went dry; and they have every year since the country was settled gone dry at some point between the foot of the mountains and the points mentioned in the States of Kansas and Nebraska. They sink, and I do not suppose it would be possible, except by an immense expense, to ever keep up those rivers, although no water whatever was diverted for the purposes of irrigation.

I only wanted to say this much, that the Senate might understand that this is a very great question and one not to be lightly dealt with when the report comes in.

Mr. PLUMB. If anything could be settled by a discussion at this time, I should be very glad to enter upon it, agreeing entirely with the Senator from Colorado, that it is an important question. But it was only for the purpose of getting some information which will be accessible to the Secretary of the Interior, to enable the Senate to determine what, if any, legislation is to be entered upon, that I offered the resolution; and no discussion of it, I think, is necessary, certainly not on my part, at this time.

Mr. STEWART. I should like to offer an amendment to the resolution. I move to strike out all after the word "season" in the following words:

And whether in his opinion the title conveyed by the Government to lands fronting on said streams covers the privilege of diverting water therefrom beyond that necessary for use thereon for irrigation and mining purposes, and to report what action is needed to protect the rights of riparian owners along the waters of said streams in the States of Kansas and Nebraska.

And to insert in lieu thereof:

And what measures can be devised to increase the flow of water in those streams during such season.

So as to make the resolution read:

Resolved, That the Secretary of the Interior be directed to inquire and report to the Senate at its next session the extent to which the diversion of the waters of the Platte and Arkansas Rivers and their tributaries in Colorado for irrigation and other purposes affects the flow of the waters of those streams in the lower valleys, and especially during the growing season, and what measures can be devised to increase the flow of water in those streams during such season.

Mr. STEWART. Mr. President——

Mr. PLUMB. If the Senator will just pardon me for a moment, I do not think any debate will be necessary. I have no objection to the addition of what he has offered to the resolution as it now stands.

Mr. STEWART. I wish to make one remark.

Mr. PLUMB. We can then get the information from the Secretary of the Interior covering the entire matter according to his view of it.

Mr. STEWART. Mr. President, I do not want to involve the Secretary of the Interior in this question of legal rights. It is too broad a question. At least one-half, and I think two-thirds, of all the agriculture that has been pursued in the world has been in countries where irrigation was necessary, and where the rules that applied in England to riparian proprietors had no application and could have none. The common law is a system of principles applicable to the changing conditions of man under any circumstances, but the conditions are different, the facts are different, and the conclusions must be different.

If the Secretary of the Interior had not had this subject called to his attention he would go wrong upon it. Two-fifths of the land of the United States requires irrigation, and different rules must be applied, and that point had better be left out of the inquiry. Let us get the information; let us get what are the exact facts, and then see what remedy can be devised. I have been over that country frequently. I believe that Kansas and Nebraska and a large portion of Dakota require irrigation, and I think when that country is settled up the people will do as all other countries have done when they became civilized, they will store the water in the mountains as India does, and that the region east of the Rocky Mountains and near the Rocky Mountains will be the very best market in the United States.

Mr. PLATT. If the Senator from Nevada will permit me, I should like to ask him a question. He has evidently given this matter much study. I want to know if it is not true that in those countries where the government has controlled the water and leased it to those who used it and used the land which was irrigated, the farming has been profitable to the farmer, and in those countries where private individuals have controlled and leased the water it has not been profitable to the farmer?

Mr. STEWART. Where monopolies have been allowed farming has not been profitable; but the Western States have taken action against the monopolies. California put a provision in its constitution that if individuals sold water the localities, the counties and cities, should regulate the value by their boards of supervisors. Irrigation must be regulated by some governmental authority to prevent monopoly.

The Supreme Court of the United States have recognized to some extent the principles applicable to that part of the country. They decided in the case of Broder *vs.* The Water Company, in 110 United States Reports, that when water had been diverted for mining or agricultural purposes and the land was subsequently sold by the United States, the purchaser took it subject to the rights of prior appropriators. That principle will have to be recognized.

I did not intend to discuss this question now, for it is too large a question. It involves two-fifths of the lands of the United States, and a rule will have to be applied different from what is applied in the Atlantic States, following the principles of the common law, making them elastic and making them to fit the case where water must be used for irrigation.

Let us have from the Secretary of the Interior the information as to how these streams are affected, and also if any remedy can be applied. I believe a remedy can be applied. I believe if the water is stored in the mountains, which it undoubtedly will be some day, and brought down in the proper seasons, there may be a great deal more in the rivers then than if they staid in the ordinary condition, the water going down in flood time and being wasted.

This is a great question and the result is a very important one. It is an important inquiry, but if we involve the Secretary of the Interior in the question of law he will answer it in some way that may mislead people, that may do harm, because he has not the means or the time to make such an investigation.

I will say of the courts that the courts in the States and Territories most affected are conforming to the condition which nature requires. The State of Colorado has the best system of laws governing irrigation that now exists in any country in the world, so far as that State is concerned, except the part of it which relates to storing water. It has not the right to do that yet, because the places where water can be stored are on Government land. But let us get this information as to what effect the irrigation is having and what can be done, and let my amendment be added to the resolution, keeping the Secretary free from this troublesome legal question as to riparian rights which depend not upon any fixed rule but the condition of the country, which it seems to me it would be unwise to call upon him for.

Mr. MANDERSON. Mr. President, I heartily approve of the resolution of the Senator from Kansas. I believe that this exploration by the Interior Department will be one that will be productive of great good to the West. I do not, however, favor the amendment proposed by the Senator from Nevada if it is to go to the extent of striking out the last part of the resolution of the Senator from Kansas, and if the words which he proposes are to be substituted. I have no particular objection to their being added to the resolution itself, although I believe that that investigation is already fully provided for in the clause of the sundry civil appropriation bill which appropriates quite a sum of money for the purpose. I do not understand that that clause is yet lost in the conference on the disagreeing vote of the two Houses.

Mr. TELLER. It may not become a law.

Mr. MANDERSON. It may not become a law, but I think it perhaps will be adopted as a part of that bill.

Mr. STEWART. Upon the suggestion of the Senator from Colorado and the Senator from Nebraska, I will modify my amendment so as to make it an addition to the resolution, and not to strike out part of it and substitute these words.

Mr. MANDERSON. If it is placed in that form I have no objection to it personally.

Mr. STEWART. Let it be so modified.

Mr. MANDERSON. I can not, however, let the statement of the Senator from Colorado [Mr. TELLER] go without making further suggestion. I admit the fact that by reason of the peculiar condition of things in the far West, and under the peculiar conditions existing in what we choose to call the arid regions of the West, there has come a very important departure from the principles of the common law with reference to the rights of riparian owners, just as there has come in the mining section represented by the Senator from Colorado a change in the common law as to the ownership of land by reason of what is known as miners' custom or miners' law.

I realize that there is a right in those owning land adjacent to the upper portions of the Arkansas and Platte Rivers to the use for the purposes of irrigation and the improvement of their lands of the waters of those rivers even to the entire exclusion of those who are so unfortunate as to live further down the stream; but I do not believe that that departure from the principles of the common law permits the character of irrigation which I understand is in vogue in the State of Colorado and in other parts of the country where ditch companies are formed, which construct large ditches, carrying the water to a great distance beyond the banks of the stream and irrigating lands not naturally subject to irrigation from the streams themselves. If there are such enterprises as those, and I understand there are, then certainly no principle such as is contended for by the Senator from Colorado can obtain.

Whatever the fact may be, I earnestly hope that this investigation may be had by the Interior Department so that we may have a full understanding of all the conditions prior to legislation at the next session of Congress.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nevada [Mr. STEWART].

Mr. PLUMB. I will accept the amendment as an addition, adding what the Senator from Nevada proposes as a separate inquiry.

The PRESIDENT *pro tempore*. The resolution will be read as now modified.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to inquire and report to the Senate at its next session the extent to which the diversion of the waters of the Platte and Arkansas Rivers and their tributaries in Colorado for irrigation and other purposes affects the flow of the waters of those streams in the lower valleys, and especially during the growing season, and whether in his opinion the title conveyed by the Government to lands fronting on said streams covers the privilege of diverting water therefrom beyond that necessary for use thereon for irrigation and mining purposes, and to report what action is needed to protect the rights of riparian owners along the waters of said streams in the States of Kansas and Nebraska, and what measures can be devised to increase the flow of water in those streams during such season.

The PRESIDENT *pro tempore*. The Senator from Kansas having accepted the proposed amendment, it is a part of the original resolution, and the question recurs on agreeing to the resolution as modified.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced the appointment of Mr. BUTTERWORTH in place of Mr. RYAN, resigned, as one of the managers on the part of the House at the conference on the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9623) to provide for printing Government securities in the highest style of art; and

Joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 899) for the relief of Mary M. Briggs;

A bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong;

A bill (S. 1880) declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875;

A bill (S. 2721) granting a pension to Jackson Chapman;

A bill (S. 2899) granting a pension to Harriet Welch;

A bill (S. 3076) granting a pension to Mary M. Shattuck;

A bill (S. 3166) granting a pension to William F. Pike;

A bill (S. 3226) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kans.;

A bill (S. 3304) to prohibit the coming of Chinese laborers to the United States;

A bill (S. 3474) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887;

A bill (H. R. 165) for the relief of H. C. Markham;

A bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin, and for other purposes;

A bill (H. R. 3902) for the relief of Sophia B. Moore;

A bill (H. R. 6371) granting a pension to Jesse M. Stillwell;

A bill (H. R. 7013) to place the name of Delia Newman on the pension-roll; and

A bill (H. R. 8087) for the relief of Thomas Strodder.

LAND SUITS AND LAND PATENTS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolutions coming over from yesterday, submitted by the Senator from Nevada [Mr. STEWART], calling for information in relation to land suits and land patents. Shall the resolutions be read at length?

Mr. BECK. Let them be read at length. I should like before they pass to call the attention of the Senator from Colorado [Mr. TELLER], who was once Secretary of the Interior, to the resolutions. It seems to me that it is going to be very much like the information we had the other day called for by the Senator from New Hampshire [Mr. CHANDLER], where nearly a ton of documents came in. I do not know whether

they were ordered to be printed or not. If you count the time employed to work them up and the cost of printing them, I think the documents that came in the other day would cost more than it would cost to run the Naval Academy at Annapolis for a year. These resolutions look to me as if it would require months to procure the information; but perhaps not. I should like to have the Senator from Colorado make a statement about it.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read the resolutions submitted yesterday by Mr. STEWART, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate without delay with a statement of what disposition has been made of the following items of appropriation in the acts of August 4, 1886, and March 3, 1887, making appropriations for sundry civil expenses of the Government for the fiscal years ending June 30, 1887, and June 30, 1888, respectively, and for other purposes, hereinafter quoted, giving the name of each person who has received any portion of said appropriations and the amount received by each and the character of service each performed, together with the residence of each of said persons at the time he was selected or appointed to perform the service for which the money was paid, namely:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $90,000.

Expenses of hearings in land entries: For expenses of hearings held by registers and receivers, under instructions from the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $20,000.

Settlement of claims for swamp-land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp-lands, $20,000: *Provided*, That agents and others employed under this and the appropriations for "Depredations on public timber" and "Protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $2.50 per day, and for actual necessary expenses for transportation. (Act August 4, 1886.)

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $100,000.

Expenses of hearings in land entries: For expenses of hearings held by order of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $20,000.

Settlement of claims for swamp-land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp-lands, $20,000: *Provided*, That agents and others employed under this and the appropriations for "Depredations on public timber" and "Protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $3 per day, and for actual necessary expenses for transportation. (Act March 3, 1887.)

And be it further resolved, That the Secretary of the Interior furnish the Senate without delay with the number of applications for patents for public lands, including both mineral and agricultural lands, now pending and undetermined in his Department, stating the number of those pending before the Commissioner of the General Land Office and the number on appeal to the Secretary of the Interior; and also a statement of the number of patents issued in each of the public-land States and Territories during the fiscal year ending June 30, 1888, and the amount of land covered by each of said patents.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions.

Mr. MORGAN. I think the resolutions ought to go to the Committee on Public Lands. The second resolution, I think, is entirely covered by reports which have come in from the General Land Office, showing on the 30th day of June the number of applications that were pending there for patents and the whole scheme of the business of the Land Office. Perhaps that report does not show how many cases were then pending before the Secretary of the Interior or how many were then pending before the Commissioner of the General Land Office, but I am quite sure that a very close approximation could be had to the actual state of the business of that office in reference to the issue of patents by consulting the report of the Commissioner of the General Land Office made on the 30th day of June.

I can hardly conceive the use that is to be made of this information after we get it. I am a member of the Committee on Public Lands, and I do not know of any question that is pending there which would call for the information or for that which is contained in the preceding part of the series of resolutions. The object of both the resolutions seems to be to inquire into the matter of how the money in two appropriation acts has been expended, requiring a very critical and exact history of every expenditure, and including a good many matters that I think the Senate would hardly find much interest in reading or in knowing.

I can not conceive what legislative purpose can be aimed at by the Senator from Nevada in asking for all of this detailed information. There may be something that he has a suspicion about as to misappropriations. I do not know; but if there is any instance that can be cited of a misappropriation or anything that looks like it, I suppose the Senate would hardly refuse to make an inquiry into it on the suggestion of the Senator from Nevada. But to put in a general fishing resolution here for the purpose of getting information in a broad, general way as to the history of every expenditure under two appropriation acts, it seems to me is unwise and unnecessary.

The resolutions, as it appears to me, would require the expenditure of a very large amount of money and the employment of a large number of clerks. The Senator requires in the resolutions that these statements shall be furnished "without delay." I suppose that it would cost the Government of the United States in the loss of the services of the different clerks in the Department a large amount of money, and also the necessary delay of the current public business in order to gratify the Senator from Nevada in his researches into the history of the expenditures under these appropriation acts.

Now let us see what is comprehended in the resolutions:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate without delay with a statement of what disposition has been made of the following items of appropriation in the acts of August 4, 1886, and March 3, 1887—

Two fiscal years—

making appropriations for sundry civil expenses of the Government for the fiscal years ending June 30, 1887, and June 30, 1888, respectively, and for other purposes.

Then the first resolution proceeds to quote the features of the different acts of appropriation and the amounts of money that were appropriated in order to show to what the resolutions are applicable and to indicate the special points upon which the Senator from Nevada desires information. Not only that, but he requires that the Secretary of the Interior shall proceed and give "the name of each person who has received any portion of said appropriations." I suppose that it would be almost a matter of impossibility to give the name of every person who has received any portion of those appropriations; but suppose there is a voucher showing the expenditure of every dollar into the hands of the different individuals who have been employed by the Government, or who in any wise have rendered any service, or to whom any expenditure has been made in the execution of these appropriation acts, what necessity can there be for having "the name of each person who has received any portion of said appropriations" brought before the Senate and the amount received by each, and the character of service each performed?" That would require a very detailed history of the character of the service performed by each individual in respect of each of the appropriations for the two fiscal years, covering a large number of subjects, to which I shall presently refer.

Together with—

He wants also—

the residence of each of said persons at the time he was selected or appointed to perform the service for which the money was paid,

I can not understand why the residence of a person who might be employed can enlighten the Senate of the United States upon any question of expenditure. It may or it may not, but it does seem to me that it is merely an effort to dig up everything that has been done in respect of this Department at an enormous expense to the Government of the United States and to the great delay of other current public business, and that the resolutions would inflict upon the Government a misfortune without any good to result from them so far as I can see.

Here are the subjects to which the resolutions relate. In the particulars to which I have referred the Secretary of the Interior must report, without delay, upon these appropriations:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

That item would include quite a history, I should say.

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $90,000.

This must be of course doubled, because the report covers two fiscal years and the appropriation which is recited here covers but one:

Expenses of hearings in land entries: For expenses of hearings held by registers and receivers, under instructions from the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $20,000.

Settlement of claims for swamp-land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp-lands, $20,000.

Then there is a proviso:

Provided, That agents and others employed under this and the appropriations for "Depredations on public timber" and "Protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $2.50 per day, and for actual necessary expenses for transportation.

Those items would have to be examined under two appropriation laws. The next is—

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

Every transaction for two years connected with depredations on the public lands or the timber on the public lands is required to be reported in the most minute particular.

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $100,000.

Expenses of hearings in land entries: For expenses of hearings held by order of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $20,000.

That would necessitate the production, I suppose, of all the transactions of the different special agents, including their reports.

Settlement of claims for swamp-land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp-lands, $20,000.

There is a proviso to that part of the inquiry:

Provided, That agents and others employed under this and the appropriations for "Depredations on public timber" and "Protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $3 per day, and for actual necessary expenses for transportation. (Act March 3, 1887.)

Then comes the second resolution, upon which I commented at first, relating to the number of applications for patents, etc.

Mr. President, I do not think the Senate will do the Senator from Nevada any injustice in referring these resolutions, which are of a very extraordinary character, to the Committee on Public Lands and let them investigate them and see what good is to result from having all of this elaborate and very expensive information brought to the attention of the Senate. I know of no bill, no resolution of this body that seems to make this information in the slightest degree relevant, or that it could have any other purpose than merely to gratify some desire of the Senator from Nevada to make an investigation into matters which are perfectly open to him. He has a perfect right to go there and examine the files of the office. I dare say the Senator has never made an application for anything of this kind. No demand has been made probably—we have heard of none at least—upon the Secretary of the Interior or the Commissioner of the General Land Office for the production and examination by any Senator, or any Member of Congress, or any other authorized person into the details of this matter. Suppose I should come in here, having perhaps some quarrel with the War Department, some desire to inspect all of their dealings, and I should demand that the War Department should send to the Senate, to be printed here for the public information, a detailed statement of every expenditure made by the Department and of every human being concerned in the receipt of money or its expenditure in the War Department, or in the Navy, or in the Treasury, or the Post-Office Department.

The requirement would be just as reasonable, so far as I can see at least, as the requirement of the Senator from Nevada.

A long time ago we abandoned the idea of its being necessary to print and circulate before the world the itemized statements of all the expenditures of the United States Government. What a series of enormous volumes it would fill if we should undertake to do work of that kind in the reports that we require from the Departments. Whenever that rule is found not to be longer useful, when some necessity is found for departing from it, it ought to be upon a case stated, it ought to be in reference to some complaint made of a certain officer, or Department, or bureau of this Government in respect of the manner of expenditure. The Senate of the United States ought not to be required in a case as broad and as general as this is to bring forward by its resolution all of the information that any Senator may choose to have sent in here and printed merely for his own information or his own gratification. The Senator from Nevada, I think, owes it to the Senate that he should state some reason, some particular fact or proposition that he has in his mind with reference to which he would ask the Senate to make this very large appropriation of money.

Mr. ALLISON. I move now that this subject go over for to-day.

Mr. STEWART. I should like to make an explanation after what has been said. I will not occupy more than five or ten minutes.

Mr. ALLISON. I yield to the Senator from Nevada. I do not think there is any particular explanation needed, but if the Senator thinks so he may go on.

Mr. STEWART. I want to say a few words.

Mr. ALLISON. Very well.

Mr. STEWART. Mr. President, there is a matter pending before Congress in regard to which this information, if we had it, would be very important in its consideration. There is a like appropriation and a larger one in the present bill; and a system of spending several hundred thousand dollars each year for special agents for guarding the public lands and for various purposes has grown up. It is a new thing. It has got to be the principal expense, the largest item of expense in administering our public lands.

Mr. MORGAN. Will the Senator from Nevada allow me? I do not know whether the President of the Senate understood that I made a motion to refer.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator to submit the motion.

Mr. MORGAN. I did.

Mr. STEWART. It has grown up, and you have in the sundry civil bill between two and three hundred thousand dollars—I think it is over $300,000, taking all the items into consideration—for the purpose of investigating, employing special agents, and the like; and there are a large number of them employed. I believe most of it is unnecessary, and I know that it might be rendered altogether unnecessary with the proper legislation. I think, as it has been in vogue some time, it would be well to see how this money has been expended, and what is the character of the service, and who are the persons that have been employed, so that we shall have some light on the subject.

Then as to another portion of the resolutions, wherein inquiry is made as to the number of cases pending in the Department undisposed of, that is important. For example, I received a letter a few days ago from a gentleman in Alaska, inquiring when he might expect a patent for a mineral application. He stated in his letter that it is a long distance and he did not have an equal chance with those people who lived near by; that it took sometimes six months or a year to get a communication from where he was. I addressed a note to the Department, and suggested that I did not desire to interfere with their rule that no case should be advanced, but asked if they could not make the cases from Alaska "special" in some way, so as to equalize them with the others, and what time the person who wrote the letter might anticipate his patent or the consideration of his case. I received a reply that his case would be reached some time late in the year 1890. That was the only explanation. The disposition of such cases ought not to require years. It is a long time in a mining camp to wait four or five years for mere routine business; and if the Department is thus clogged it is important to know what amount of business is there so that we can predicate legislation.

I say the great appropriations now are for investigations and for special agents that are infesting that country, and there are many people who think they are unnecessary. The system of secret spies has not worked well in any country. Secret spies never did work well; the star-chamber business over a vast extent of country like that will do, where no one is allowed to see the reports or ask any questions. Men's cases are tried and disposed of without a hearing. Patents are denied on these reports, which are acted upon as official. It is a system that is working great hardship and it is costing a very large amount of money.

We ought to know how that money is expended. It is a special case. I concur with the Senator from Alabama that we can not inquire into all the details of the ordinary expenditures of the Government. That would be absurd; but when a system of espionage has grown up in the country and a large force of spies is traversing the land and it is contended that it is necessary to continue this system, I think we should know something of it. I am opposed to the system, and I think we ought to have legislation to cut it off. But as long as the system is held to be necessary let us know how the money is used. That is all I ask. And inasmuch as the Department is so far behind that we can not have the ordinary business done, that men must wait for years for their pre-emption and mineral entries to be considered, we ought to know the number of cases there and what legislation is necessary to facilitate them.

If more force is needed in that Department of the routine business to facilitate the consideration of mineral entries and pre-emption and homestead claims, the United States is bound to give what force is necessary to do the business within a reasonable time. It is further behind now than it has ever been in the history of the country. There has never before been a time when the delays amounted to a practical denial of justice as they do now, and the accumulation in the Department, I understand, is increasing. If there is not appropriation enough for that, I would make more. If the appropriations for this system of secret investigation are necessary, let them go on. All I ask is to know what is done with the money, and let us understand what the system is, so that we can judge of it. I believe the system is bad. I may be wrong, but let us see what has been done with the money employed, how many persons have been employed, and what services have been performed. There is no way to act until we have this information. If I get up here and charge this system with being evil, working evil, and being a terrible curse to the people of that region, I shall be told that I am mad at something and go into the newspapers and arraign the officials; but if we have the information so that we can see what is done with the money, and if we can have the information so that we can know why these delays are made, why we have to wait years and years to have our applications for patents considered, then Congress will know how to act, and not till then.

This Department is a mystery; it is a closed book to Congress. Congress appropriates whatever is asked without inquiring what is done with the money. Here is a case where a system has grown up which everybody who will think about it a moment must see can not but be full of evils. Have we not a right to ask for detailed information in this particular case? The labor involved will not be great; but if it should be great, the information called for is of infinite value.

I will now yield to the Senator from Iowa.

Mr. ALLISON. If this matter can be disposed of without further debate I will yield a moment.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Alabama to refer the resolution to the Committee on Public Lands.

Mr. MORGAN. There are other Senators besides myself who desire to speak further about this resolution and look into it.

Mr. ALLISON. Then I move to proceed to the consideration of the conference report on the sundry civil appropriation bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

MESSAGE ON FISHING INTERESTS.

Mr. SHERMAN. I ask unanimous consent of the Senate that the order to print the recent message of the President be made, leaving the

question of reference to stand open for debate. I simply want the message printed so that it may be used by the committee.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

THE LOUISIANA ELECTION.

Mr. PASCO. I desire to give notice that on Friday next I wish to call up the resolution offered by the Senator from New Hampshire [Mr. CHANDLER] with reference to investigating the recent election in Louisiana and submit some remarks thereon.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

Mr. BERRY. Mr. President, the Senator from Maryland, who sits farthest from me [Mr. GORMAN], expects to address the Senate this morning, according to the notice given by the Senator from Missouri [Mr. COCKRELL] yesterday. Before he begins his remarks, however, he has kindly consented that I may submit a few remarks in answer to the statements made yesterday by the Senator from Maine [Mr. HALE].

The Senator from Maine said, in substance—I do not pretend to quote his exact language—that appropriations were being made for public buildings in Southern States largely in excess of those which were made in Northern States, and that it was impossible to secure the passage of bills for that purpose in the cities and towns located in the northern section of the Union, while they were easily procured for public buildings in the southern section of the Union. He cited as an instance of that an appropriation at Helena, Ark., which, I presume, he intended should be taken as an example of an improper appropriation. I sought at the time to get an opportunity to reply, but did not obtain it.

I will say that while it is true as the Senator stated that in 1880 the population of Helena was something less than 4,000, yet I am confident that that population has been more than doubled and that there are at least 8,000 residents in that town at this time. I will state furthermore that the town is located upon the Mississippi River, and is surrounded by cotton lands that are equal to any cotton lands in the world; that it is in the midst of a wealthy and intelligent community, and it is a town that is rapidly growing and rapidly progressing. There has been a Federal court there for a number of years, having jurisdiction in a large number of counties, and considerable business is transacted at that court. It was almost absolutely necessary that a building should be provided for the use of that court, and also for the post-office, and $75,000 were appropriated for that purpose by the present Congress, and the President signed the bill.

Now, Mr. President, I do not think the fact that $75,000 were given for that growing town of 8,000 inhabitants would justify the statement made by the Senator that larger appropriations were going to the Southern States than were going to the Northern States. The Senator from Missouri [Mr. VEST] stated yesterday, and I wish to repeat it to-day, that for public-building purposes the State of Maine has had appropriations amounting to $2,231,114. The State of Arkansas has had altogether $309,317. I am not sure whether Helena and Texarkana are included in that amount or not, probably not. The State of Maine had in 1880 a population of 648,936; Arkansas had at that time 802,525. Arkansas to-day has more than a million of inhabitants. I do not know what the increase of population has been in the State of Maine, yet there is the State of Maine in 1880 with 200,000 less population than the State of Arkansas, and yet the State of Maine had nearly $2,000,000 more appropriated for public buildings than Arkansas had. I submit, in view of that fact, if the Senator was justified in saying that these appropriations were going South and they could not be procured for the Northern States.

While I am upon the floor I wish to answer another proposition made by the Senator from Maine. The Senator from Maine complained that the Administration was extravagant, that large appropriations and extravagant appropriations had been made under Mr. Cleveland's Administration, exceeding those that were made under the administration of Mr. Arthur, and yet I do not believe that a single appropriation of any consequence has passed the Senate that the Senator from Maine did not support, except I believe he voted against the Blair bill.

In addition to that, the Senator from Maine when he made that statement knew that twenty-five millions of that increase, as was admitted by the Senator from Iowa [Mr. ALLISON] yesterday, was accounted for by increased pension appropriations, and yet the Senator from Maine earnestly supported every increase of pension that has been presented for consideration here. Not only that, but he voted for a bill that would have increased the appropriations at least twenty-five millions annually, and, as was generally believed, fifty millions annually; and when the President of the United States vetoed that bill he was denounced as being the enemy of the soldiers of the Union. Yet the Senator from Maine knowing this fact, parades this appropriation of $25,000,000 here as an evidence of the extravagance on the part of this Administration after he himself had earnestly supported it.

Another cause of increase, I am informed, is largely due to the fact of the naval appropriation, appropriations for building naval vessels, and yet no Senator upon this floor was more earnest in his advocacy of large appropriations for building a navy than the Senator from Maine, and I think in every instance he advocated larger appropriations than were given by Congress.

Another cause that will account for this supposed increase of expenditures, as I understood the Senator from Iowa to say yesterday, is the increased cost of the postal service, and yet, Mr. President, again and again Senators upon that side of the Chamber denounced the Postmaster-General for his parsimony because he would not spend more money on the postal service. It has been done on more than one occasion, and they tried to force upon him $800,000 per annum more than he asked for to run for ten years more than he wanted, money that he did not need for ten years, and yet the Senator from Maine says that this Democratic Administration has been extravagant, when he voted to force that $800,000 upon him which he said he did not need for the postal service. Yet, Mr. President, if that $800,000 had been appropriated by Congress, and $25,000,000 more, annually, for pensions had been voted, this would have been arraigned by the Senator from Maine as an element of Democratic extravagance.

Mr. President, I submit that that is not fair politics, I submit that that is an unjust imputation upon the Administration, when it is known that in nine cases in ten for almost every appropriation that passed that side of the Chamber has stood solidly in the affirmative, and that whatever objection there was came from this side of the Chamber. I assert here to-day, while I have not the figures all before me (that counting one year's appropriation of the Blair bill), that bills which have passed the Senate during this present session, a Republican Senate appropriated not less that $50,000,000 which the House has refused to pass; that bills have been passed here in which at least $50,000,000 more have been appropriated by the action of the Republican Senate than has been by the Democratic House of Representatives during the present Congress. One item I remember, that amounts to about $20,000,000, was to refund the direct taxes to the States. That bill passed this Chamber with very few negative notes upon the Republican side, as I remember it, and it has been earnestly pressed in the other House by Republicans, and the Democrats have refused to pass it.

Mr. BLAIR. May I ask the Senator a question?

Mr. BERRY. Certainly.

Mr. BLAIR. In estimating the appropriations recommended by the Senate and the amount specified in the educational bill, does the Senator estimate for $79,000,000 in the educational bill, or the $9,000,000 which is the appropriation for a year?

Mr. BERRY. I estimated for one year, which I thought was $8,000,000. The Senator says it was $9,000,000, which adds one million more.

Mr. BLAIR. For eight years the amount would have been $79,000,000.

Mr. BERRY. The first year would have been $9,000,000.

Mr. BLAIR. Between $9,000,000 and $10,000,000; nearly $10,000,000.

Mr. BERRY. Then I stated in round numbers that I find the direct tax would have involved an appropriation of $20,000,000, the pension bill that has passed here would not have been less than $25,000,000 more; that, in addition to the $9,000,000 for this one year of the Blair bill, would make more than $50,000,000, to say nothing about the increase of the large appropriations that have been made for public buildings and various other purposes, to which I presume the Senator from Maryland will allude when he comes to speak. But in round numbers it is safe to say than $50,000,000 has been appropriated by this Senate that the House of Representatives have not yet concurred in, and we have no reason to believe they will.

So far as I am concerned I simply state that it can not be shown outside of these items that there has been any extravagance in this Administration over and above the administration which has preceded it; and I think it is unjust and unfair to go to the country with such a statement as the Senator from Maine has made, that this Congress is making large appropriations for the Southern States, when the facts show that it is not true—to go to the country with the statement that this Administration has been extravagant beyond that of the past in appropriating money, which is not true, and when the Senator from Maine has been the most earnest advocate not only of the appropriation bills that passed, but for the appropriation of millions of dollars which the Democratic House of Representatives has refused to pass.

Mr. DOLPH. Mr. President, in the course of the debate yesterday the Senator from New Jersey [Mr. MCPHERSON] said:

I notice that there are large appropriations asked for in this bill. I believe that a large appropriation was made for a public building at Portland, Oregon, some years ago. The cost of the public building at Portland alone, if my memory serves me aright, is more than equal to the entire cost of all the public buildings in New Jersey.

Also, in another part of the debate later on, after asking how much was appropriated for Nevada, he said:

How much for Oregon?

That is, how much was appropriated for Oregon?

I think there is some $600,000 for buildings for Oregon.

Mr. President, I do not know why Oregon should have been dragged into this discussion. I sought an opportunity yesterday to answer the Senator from New Jersey, but was unable to obtain it. The fact is that there is not a dollar in this bill for the construction of a public building in Oregon. As the bill passed the Senate it contained a Senate amendment, as follows:

For custom-house at Portland, Oregon: For the purpose of reimbursing the city of Portland, Oregon, for money advanced out its general fund in payment for street improvements assessed to the United States on the custom-house block in that city, between March 1, 1869, and January 1, 1888, $1,271.82.

Even this amendment it seems the Senate conferees have been compelled by the opposition in the other branch of Congress to drop, and they report in favor of receding from it.

Under the laws of Oregon, in the city of Portland, the streets are improved and kept in repair by an assessment on the adjacent property. The United States owns a block of ground on which there is a public building and owns the fee of the streets to the center of the street on each side of the block. There is no provision of law for improving this part of the streets, which belongs to the United States and adjoins the property, except by an assessment on the property. As this assessment can not be collected, the city of Portland has been compelled out of the general fund to make these street improvements from time to time and has presented a claim to the Department. The estimate has been repeatedly made for the payment of it. The Senate Committee on Appropriations saw fit to put an amendment on the bill to provide for the payment of it, and still the House insists that this payment shall not be made, and this amendment is the only amendment relative to public buildings or the grounds for a public building in the city of Portland or in the State of Oregon contained in this bill.

Mr. MCPHERSON. May I ask the Senator from Oregon if he has not introduced a bill into this Congress for a post-office or some public building in the State of Oregon?

Mr. DOLPH. I will explain that to the Senator in a moment. The Senator said that this bill contained $600,000 for public buildings in Oregon, when it does not contain a dollar.

Mr. MCPHERSON. I simply wished to ask, owing to the explanation that was made yesterday by the Senator from Iowa [Mr. ALLISON], who has charge of the bill, in respect to the public buildings that appropriations were asked for, if the Senator from Oregon has not a bill before this Congress appropriating quite a large sum of money for a public building in the State of Oregon. If he has not, then my recollection is at fault; and if it is of course I will admit the fact.

Mr. DOLPH. The Senator is trying to create an issue with me that I have not raised. I will discuss that in a moment. The point to which I rose and the statement of the Senator that I desire to correct was that there was $600,000 in this appropriation bill for public buildings in Oregon. I say there is not a dollar.

The Senator also drew a comparison between appropriations for public buildings in the State of New Jersey and in other States. I find upon reference to a statement of appropriations and expenditures for public buildings, etc., to June 30, 1882—since that time there has been nothing appropriated for Oregon for public buildings; I do not know how it has been in the State of New Jersey—that the custom-house and post-office at Jersey City is charged with an expenditure of $111,870.58; that the custom-house and post-office at Newark is charged with $159,873; that the custom-house and post-office at Perth Amboy is charged with $3,374.66; that the revenue-office at Sandy Hook is charged with $719.31, and the custom-house and post-office at Trenton with $409,906.56.

In the State of Oregon there has been appropriated for public buildings since the State was admitted, for custom-house at Astoria, which is the first custom-house after entering the Columbia River and a place of importance, $76,047.85; for custom-house at Portland, $396,379.71. That is all that has ever been appropriated for this purpose in the State of Oregon since Oregon was a State. There were some small appropriations for a penitentiary and state-house at a very early day when Oregon was a Territory. The appropriation for the penitentiary at Portland was $60,000, and for the state-house at Salem $33,554.75. Those appropriations were made, the one for the state-house in 1848, and the one for the penitentiary in 1850.

Now, Mr. President, in regard to the bill which has been introduced by me in the Senate for a custom-house at Portland, I wish to say that Portland to-day has some fifty-five or sixty thousand inhabitants. It is the point where the customs are principally collected, and the other business—Federal business—in the State is done. It is a building which is an ornament to the city, and in a proper location for the post-office and United States courts. Its capacity to-day is sufficient only for the post-office and for the courts. The internal-revenue offices and the customs office, and all the other Federal offices in the State ought to have other quarters; in fact the internal-revenue collector's office has been recently removed from the building. It now contains the surveyor-general's office, the post-office, the customs office. It has capacity only for the offices for which it was designed—the post-office and United States courts.

Every Federal official at Portland has recommended the construction of a new Federal building. The present postmaster, appointed under the present Administration, and his predecessor say that all the lower story of that building is required for the post-office. The collectors of customs, the present one and his predecessor, say that the accommodations in the present building are insufficient for the public business; besides, the location is not a proper one for a custom-house. The Supervising Architect has recommended during every Congress I have been in the Senate the construction of a new building. The Senate during the Forty-eighth Congress passed a bill making an appropriation for the construction of a custom-house in Portland. The Senate during the Forty-ninth Congress passed a bill and sent it to the House of Representatives making an appropriation for the construction of a custom-house at Portland. The Senate during the Fiftieth Congress passed a bill and sent it to the House of Representatives making an appropriation of $500,000 for a custom-house at the city of Portland; and considering the present population and business of the city and its prospective growth, no building costing less than that can be erected to accommodate the business which will compare at all favorably with other public buildings belonging to the county as well as public buildings erected by the United States in that city.

What has been the fate of the bill in the House of Representatives? I believe during the Forty-eighth Congress it received no attention. Possibly in the Forty-ninth Congress it was favorably reported. In the Fiftieth Congress it was reported favorably and with a recommendation to reduce the amount to $350,000. It was cut down in the Committee of the Whole to $200,000, and there it stands.

It is true that I have introduced a bill for a public building in Portland, and it is required and recommended by every officer of the Government having information on the subject, and the bill ought to be passed. I am only sorry that as the bill was not passed the appropriation for the construction of the building is not in this bill.

But I did not rise to discuss the necessity for a new building, and I should not have referred to it or to what has been done looking to the construction of such a building if the Senator had not referred to the matter.

I wish to say further that I think this amendment providing for the payment of the cost of improving the adjacent street to the custom-house at Portland is a matter upon which the committee of conference ought to insist. Some other appropriations for Oregon have been dropped by the committee, but they are not so palpably just as the one to which I have referred.

Mr. GORMAN. Mr. President——

Mr. MCPHERSON. I ask the Senator to yield to me for a moment.

Mr. GORMAN. I yield to the Senator from New Jersey.

Mr. MCPHERSON. I simply wish to make an explanation which I think perhaps is due to the Senator from Oregon [Mr. DOLPH] as well as myself. I noticed that there were certain bills pending in the Senate which I thought had been introduced by the Senator from Oregon, providing for large appropriations of money for public buildings in Oregon. I now have the bills before me, one for the city of Portland, for a public building, at $500,000, the other a public building at Salem, Oregon, in which an appropriation of $75,000 was asked. Both went to the Committee on Appropriations for the purpose of having them become a part of this bill. I did not examine the bill minutely, and therefore could not say whether they were in it or not, but I supposed they were, quite naturally.

Mr. DOLPH. If the Senator will permit me——

Mr. MCPHERSON. I have not got through. I am speaking in the time of the Senator from Maryland, and I do not wish to take up more than a moment.

The only object I had in view yesterday was to draw a comparison between the practice of Congress in times past under other administrations of this Government in giving large appropriations of money to Western States. The most of them were Republican States, and certainly the South never had anything by way of public improvements from this Government, particularly in the shape of public buildings. Yesterday exception was taken by the Senator from Iowa [Mr. ALLISON] because public buildings were asked for in some important growing cities in the South. I simply wished to draw a comparison between what had been done for Western States and Western Territories and what had been done for my own State. I stated on that occasion that the Government of the United States did not own up to the time when this Congress was organized more than one public building, meaning by that a post-office, custom-house, and court-house, in the State of New Jersey, which was located at Trenton. They did have, it is true, a part of a building at Newark, insufficient entirely for the post-office, and they were required to rent an adjoining property for the use of the post-office. During this Congress we have made appropriations at Newark, a place of 200,000 people, for additional facilities for a post-office, and appropriating $350,000 for the purchase of a site and the erection of a building which is to be used as a custom-house and post-office and office for the internal revenue in the largest collection district of internal revenue almost in the United States, or certainly one of the largest. Then at Paterson, a place of over 80,000 people—let me inquire right here of the Senator from Oregon the population of Portland?

Mr. DOLPH. I told the Senator that the population of Portland and its suburbs was probably about 55,000 or 60,000.

Mr. MCPHERSON. Very well. Now, the city of Paterson, a place of 80,000 people, with a much greater increase of population during the last ten years, I think, than you will find in Oregon, asks for $80,000. The Senator from Oregon asks for $500,000. The city of Hoboken, with a population of 80,000 people, asks for $60,000 for a post-office and custom-house and an internal-revenue office agency as well. Jersey City, with its surroundings, with a population of nearly 200,000, has a public building that has cost perhaps the meager sum of $80,000 for the building and the site. I think this year we were able to get an appropriation of $25,000 to give increased facilities at that point for the post-office.

That is the comparison I wished to make in regard to what had been done for the Eastern States. Now let me state further that during the whole period of Republican administration here, certainly during my term of service in the Senate, lasting now about eleven years, we have been persistent in asking for these facilities for post-offices at the different points I have mentioned, and we have many other cities better entitled to them certainly than cities which are now getting them. We have the cities of Elizabeth, New Brunswick, Camden, Morristown, Somerville, and Plainfield, and many other large cities that are entitled to public buildings by reason of their population and importance; but we have not asked for them, notwithstanding all these appropriations are made at the rate asked for here by the Senator from Oregon of $500,000 for Portland, with a population of 55,000.

Mr. ALLISON. I ask the Senator from New Jersey to yield to me a moment that I may explain to the Senator from Oregon and other Senators the difficulty we found in the way of providing for the paving of streets.

For the last two or three years the House of Representatives has persistently refused to allow any of these paving items and we have been obliged in all these bills to surrender those paving items. This year, as I think very properly, the House committee suggested to us that it is the duty of the Committee on Public Buildings and Grounds in the two Houses to provide some general legislation on the subject, and I think that the attention of the Committee on Public Buildings and Grounds of the Senate should be called to the necessity of some uniform rule as respects our duty in regard to the paving of streets about the public buildings which we erect in the different cities of the Union. For myself, I believe that this Government, if it erects a public building in the midst of a city (and it usually erects its public buildings in the most conspicuous portion of a city), should pay its proper proportion of the cost of the maintenance of the streets and the sidewalks in and about that building, and I think there should be a law regulating that matter so that if the Government of the United States desires to maintain the sidewalks and streets about its buildings, its own officers should surpervise the construction of the work. That is the reason why the conferees on the part of the Senate surrendered all these items respecting paving, which of course include the item alluded to by the Senator from Oregon.

If the Senator from Maryland [Mr. GORMAN] will excuse me a moment further I want to say a word in response to what has just fallen from the lips of the Senator from New Jersey [Mr. MCPHERSON]. He seems to think that I criticised the erection of public buildings in the Southern States in my remarks yesterday. The Senator totally misapprehended my remarks. I made no criticism as respects any of the public buildings. I not only did not do that, but I stated that I had voted for all of them. My criticism was that there was not that discriminating judgment as respects public buildings which ought to prevail. I called attention simply to the fact that in my own State there was a city of from 35,000 to 40,000 inhabitants, and when it asked for a public building it met with a Presidential veto, whereas in other States of the Union, like North Carolina, to which I alluded particularly, and Texas and Arkansas, in towns having a small population and but little business, public-building bills by some device were enabled to run through both branches and pass the approval of the President of the United States.

I called attention to two or three instances, one of which was an instance in the State of North Carolina, where this very year we have provided for a public building at Statesville, a town situated 40 miles from Charlotte, where there is another public building now, a town of three or four thousand inhabitants, and that bill could receive executive approval, but when we come to a great city like Sioux City, in my own State, with a moderate appropriation for a public building, where there is great need of that public building, we are met with a Presidential veto. That was all I intended to say in my criticism yesterday as respects these public buildings.

Mr. GORMAN. Mr. President——

Mr. GEORGE. Will the Senator from Maryland allow me to ask the Senator from Iowa a question?

Mr. GORMAN. I will if it does not lead to further debate.

Mr. GEORGE. I wish to ask the Senator from Iowa if Sioux City has a Federal court?

Mr. ALLISON. It has.

Mr. GEORGE. Is there any public building there now?

Mr. ALLISON. There is not. And now, as we are upon that, I want to say that the President took occasion to say that there was an understanding in 1882 that the county court-house could be used. Of course when the United States court was required to sit in Sioux City, without any public building, the county supervisors or authorities allowed for the time being the United States court to be held in the county court-house; but the county court-house is full of litigation as respects our State courts and State business, and it is absolutely inconvenient for them to allow the United States court to sit there. That is all there was of that.

Mr. GORMAN. Mr. President, in the general statement made by the chairman of the Committee on Appropriations, the Senator from Iowa [Mr. ALLISON], as to the condition of the bill now under consideration, and the trouble the conferees on the part of the Senate are having to obtain such concessions as would comply substantially with the votes of the Senate, I am in perfect accord with him; but there is one item in the sundry civil appropriation bill inserted by the Senate about which I desire to say a word before referring to the general statements of the chairman, and that is in regard to the appropriation to condemn the balance of the square upon which the Government Printing Office is now located. I had not an opportunity to make the statement when the bill was pending in the Senate. I trust that the conferees on the part of the Senate will insist on that amendment.

The building known as the Government Printing Office was erected many years ago as a private enterprise, and it is now totally inadequate to the great business of the Government Printing Office. It is so constructed as to make it absolutely dangerous to life, and the ventilation is so bad that it is an outrage upon the poor people who are compelled to labor there daily. It was found, after a personal examination by the Printing Committee, not only in the interest of humanity, for if it were a private establishment I believe the grand jury would condemn it, but also in the interest of the business of the Government that there is not sufficient space to do all the work that is ordered by Congress. The whole machinery of your printing establishment depends to-day upon a single engine, which has been in constant use for the last ten or fifteen years. As a matter of economy, outside of the other question to which I have merely alluded, it is an appropriation that ought to be made, and not a day should be permitted to pass before the improvement is begun.

Mr. President, the chairman of the Committee on Appropriations has made several statements, with one of which I concur fully; that is, that in the Senate Committee on Appropriations in considering these appropriation bills politics or party divisions never enter into any item recommended by the committee of the Senate. That I testify is absolutely true since I have had the honor of being associated with my friend from Iowa upon that committee. I have said upon former occasions that in all these matters he as the chairman of that committee, during the time that we have had a Democratic President and a Democratic House of Representatives, has, in the consideration of every appropriation bill, sunk the partisan, and so I may say of every other member of the committee—I allude to him as the representative of the majority. In committee the controlling idea has been the advancement of the best interests of the Government, and he has recommended and agreed to appropriations that have been liberal and which have produced great results.

Therefore, sir, it was that I was more astonished by his remarks yesterday than I would have been by a similar statement made by any other member of this Senate. He having participated in and largely controlled the appropriations as made up to this time, I confess that I was amazed when my friend from Iowa, seconded by the Senator from Maine [Mr. HALE], here upon the eve of a great election, should state the condition of these appropriations and the finances of the Government in such a way that the country must conclude that it was purely for partisan purposes. I confess I was astonished when I heard the Senator from Iowa make the declarations in which he twitted the Democratic party within four years of having made appropriations $95,000,000 greater than were made during the preceding administration of President Garfield and President Arthur, and attempt to stir up sectional feeling, as he unquestionably intended to do by his pointed allusions to the appropriations for public buildings in the Southern States.

So that I may not be mistaken, or rather that I may not do any injustice to him after what he has said this morning, I will read a paragraph or two from his statement of yesterday, found on pages 8829 and 8830 of the RECORD. After alluding to the appropriations for a building in Buncombe County, North Carolina, he said:

Mr. ALLISON. I am not criticising these things except to point a moral, that these little villages in North Carolina, in Texas, in Mississippi, and in Arkansas can have their public-building bills not only railroaded through these two Houses—I have no doubt I voted for all of them—but they pass the scrutiny of the President of the United States; and yet when a bill comes here from the State in which I live and from a city having more than 30,000 inhabitants and nearly as much trade as there is in half the State of North Carolina, the President sends us a message, sneering in its tone and I think undignified in its character, saying that a public building is not necessary at Sioux City.

I merely call attention to these things for the purpose of showing that it depends, or seems to depend, upon the location of these public buildings whether they can become laws. * * *

And again he says:

But I am not finding fault with these appropriations. I am only now calling attention to the discriminations made respecting them, showing how easy it is

for certain States of this Union to get appropriations for public buildings where the needs of the public service do not require them as much as they are required in other States and cities where these buildings are actually needed, and I am in sympathy somewhat with the Senator from New Jersey when he says that New Jersey has not hitherto had its share of these public buildings.

He again alluded to the fact that these bills for the Southern or Democratic States were "railroaded through these two Houses," that there was some peculiar influence brought to bear upon the Executive that they might be signed and become laws. I say to the Senator and to the Senate that the way in which he made that statement, the impression that it conveys to the country, and which I have no doubt upon reflection he regrets this morning, are not warranted by the facts.

His party zeal, his desire to bolster up the waning fortunes of his party, is the only possible reason with which to account for his statements. But, Mr. President, the Senator will find that the attempt to renew sectional feeling on appropriation bills will fail, for the people know that with this Democratic Administration there is no sectionalism. There is only the great Union of States, all equal, and there is honesty and integrity in every department of the General Government.

Mr. President, I sympathize with the Senator from Iowa. He was laboring under some excitement, possibly because of the recent veto of an appropriation bill for a building at Sioux City, in the State of Iowa. I can understand how for the moment he would resent it and suppose that he was discriminated against, and if he had made that statement immediately upon the reception of the veto, in hot blood, I could have understood it, for there was another building bill for Annapolis, in my State, vetoed. The State of Maryland, that aided in creating the Government, with its old capital enriched by all the associations running back to colonial times, and the memories of the great events that have occurred there, with the Naval Academy located within its historic precincts, the only capital of a State but one in the Union that has not a public building in it, for it has been a rule that the capitals of all States should have a public building, asked two years ago, and Congress granted it, an appropriation of $100,000 for a public building at Annapolis. Had this bill become a law the appropriation would, in all probability, have been used in such a way as to secure a historical building, one which was used by General Washington, by Lafayette, by Carroll, and other compatriots as a council house before and during the Revolution, and at the same time would have secured a cheap and commodious building for the post-office. The President of the United States in his desire to limit these appropriations, mistaken in his judgment as I believed then, and as I suppose he may have been in the Sioux City matter, but still exercising the discretion that is warranted by the Constitution, vetoed that bill; yet I have no right to say, as the Senator from Iowa and the Senator from Maine have intimated, that it was a discrimination against my State because of its location geographically or because of its political relations. The President has exercised that power wherever he has thought best, and I do not believe that we have any right to attribute to him any other motive than that which he states in the veto messages. If we think he is wrong in his views in particular cases we can pass the bills over his veto if we have a two-thirds vote; but the intimation that his action was instigated by partisan consideration or sectional influence can not be sustained by any act or expression of the President.

Mr. President, the Senator says that we have appropriated $95,000,000 more of money in the last four years than were appropriated in the preceding four years. I say to him, that is true; but the items making up the amount of such increase are well known to the Senator. The greater portion of it is necessary and unavoidable, no matter what party is in power, but there is a part attributable alone to the constant and unjustifiable attacks of the Republican party upon the South. I will do the Senator from Iowa [Mr. ALLISON] the justice of saying that so far as I know this is the first time in discussing an appropriation bill that he has arrayed one section against another, but it is constantly done by his party associates here, in the House, in the country, and through the press everywhere; they have upon certain measures denounced the Democratic party as being controlled by Southern interests. Every vote of a Southern Democrat against a pension or against a claim made by a loyal citizen is heralded all over the country as an evidence of a new rebellion. You have thus excited a feeling in a majority of the States which makes fair, careful consideration of such measures difficult, if not impossible. The result—extravagance, a waste of the people's money. And when the Executive interposes his veto you exhaust the adjectives. Economy and justice to claimants will come only when you cease this unpatriotic sectional war.

But we have voted untold millions for pensions and other matters growing out of the war. I have no doubt if you had not raised such an issue, or prevented that feeling from growing up among your own people, we could have met many of these questions simply upon the facts without reference to sectionalism, and saved millions of money to the tax-payers. But here, in both Houses of Congress, you have with great regularity, audacity, and ability agitated it, and have made it almost impossible to prevent a pension bill, no matter what its demerits may be, from passing either House.

Mr. President, no man will charge me with being illiberal to soldiers. I represent in part a State whose people were foremost in every act that established this Union, a State that has been loyal to it every hour since its existence, whose soldiers in number in the Union Army exceeded those of Maine, and there has never been an occasion, and I hope there never will be while I have a seat upon this floor, when I shall vote against a pension bill that is just and right.

The people of my State sustain me in such votes. During the rebellion the number of Maryland men in the Union Army and in the Confederate army were about equal. The Confederates returned home with everything gone except honor and manhood. Surrendering their convictions, renewing their allegiance to the Government, starting anew in life with no hope of nor desire for pensions or aid from the Government, they are hewing their path through time with a will and energy and success which commands the admiration of all. Standing side by side in their daily avocations with the Maryland Union soldiers whom they see drawing their pensions quarterly, and yet the most earnest and outspoken advocacy of my course comes from these men, and so long as our Legislature is just and liberal they will support us. And yet your party in the face of this opens anew the wounds of a period sad in its memories, but which should never be referred to here.

And yet I say to the Senator from Iowa and the Senator from Maine that we have gone on at such a rate that it will cost more for pensions to the Union soldiers than it cost to put down the rebellion. Mr. President, the time has come when there must be some just limitation in this matter. Your party has forced the issue; you have forced these immense appropriations, and taking advantage of your acts in the past four years, the Senators who have spoken upon this question now hold the Democratic party up to the country as a party of extravagance!

I say to both of those Senators that it is not fair. I say to them that the time will come at the North, and that soon, whenever distress strikes the country in its great material interests—the time will come when we shall all be held responsible for these extravagant expenditures, and instead of arraigning the Democratic party because of these appropriations it does seem to me, if the Senator from Iowa will permit me to say so (for I have no doubt for some time to come he will be responsible in a large degree for these appropriations), that even now, in a Presidential election, on the floor of the Senate he ought to live by the rule that was adopted in the Committee on Appropriations, and discuss these matters without reference to party. I think, therefore, it was an unfair and an unfortunate allusion and statement for that distinguished Senator, and one for which he will not succeed in holding the Democratic party responsible.

Now, Mr. President, let us look at the figures. Ninety-five million dollars is the excess of appropriation during the present Administration as compared with the four preceding years. During the Garfield and Arthur administrations, from 1882 to 1885, the total amount—I will not read by years, but I will give the total amount for the four years—was $291,667,306.68 for pensions.

Mr. GEORGE. What four years was that?

Mr. GORMAN. During the four years of the Garfield and Arthur administration.

During the four years of President Cleveland's administration, embracing 1886, 1887, 1888, and 1889, the Mexican war pensions and the deficiency in pensions, including the appropriations now made for 1889, we have appropriated $304,486,400, or an increase of $12,819,093.32, not quite so large as the Senator in his statement yesterday made it. But there is an increase of over $12,000,000, nearly $13,000,000, and a gross amount in four years of Democratic rule of $304,486,400.

The details are shown by this table:

APPROPRIATIONS FOR PENSIONS 1882-'85, 1886-'89.

Garfield and Arthur's administration:	
1882	$68,282,306.68
1883	100,000,000.00
Deficiency	16,000,000.00
1884	86,575,000.00
1885	20,810,000.00
Total	291,667,306.68
Cleveland's administration:	
1886	60,000,000.00
1887	76,075,200.00
1888	76,252,500.00
Mexican	6,900,000.00
Deficiency	3,500,000.00
1889	81,758,700.00
Total	304,486,400.00
	291,667,306.68
Increase under Cleveland's administration	12,819,093.32

Now, I say to the Senator from Iowa that but for the President's vetoes and the Democratic opposition the amount would have been swelled at least $25,000,000 per annum for the next five or six years; and I do not believe the loyal men of the North, the soldiers who were engaged in the Army during the rebellion—for they are patriotic men—or their descendants, desire or wish that this Government shall be bankrupted by going on with the ratio of increase which we have made in

the last four years. But, Mr. President, the Senator from Iowa and I know that there is a class of men who are engaged in the collection of these claims. This city is full of them, men of intelligence and activity, men of wealth—for they have made millions upon millions in the collections of these claims—who subsidize the press, who own newspapers, who get up excitement between the two political parties so far as they can use the means thus made from the soldiers to promote this feeling.

I say to the Senator from Iowa and the Senator from Maine that it is too grave a question, the amount involved is too great to treat this matter simply from the political standpoint. We ought to come together and determine what is to be done to limit these appropriations and yet do justice to all who have not been included, rather than fight it out upon party lines.

Mr. President, in this ninety-five millions of appropriations in excess of the Arthur administration there are some other items which can not be charged to the Democratic Administration. When this Administration came into power it found the country without a single gun of high power and without a vessel that could go to sea with safety. You were without a Navy; you were without a gun in any fortification of the country, except some obsolete affairs whose day had passed, and we all agreed, Republicans and Democrats alike, that this was a crying shame and must be remedied, and in the appropriations made you have appropriated for the Navy alone during Mr. Cleveland's Administration the sum of $77,271,483.29 as against an appropriation of only $60,260,921.17 in the previous four years, or an increase of $17,010,562.12 to build the Navy.

The appropriations for the Navy during the Garfield and Arthur administrations and the present Administration are as follows:

APPROPRIATIONS FOR THE NAVY, 1882-'85, 1886-'89.

Garfield and Arthur's administration:	
1882	$14,566,037.55
1883	14,819,976.80
1884	15,894,434.23
1885	14,980,472.59
Total	60,260,921.17
Cleveland's administration:	
1886	15,070,837.95
1887	16,489,907.20
1888	25,767,348.19
1889	19,943,389.95
Total	77,271,483.29
	60,260,921,17
Increase during Cleveland's administration	17,010,562.12

You not only have made this increase upon a matter that both parties have agreed to, but the principal amount of these appropriations was put in by this body. You increased them, and it was right to increase them; but it is wrong for the Senator from Iowa, after having been the principal agent, and his party in this Senate being responsible for the increase, now to hold the Democratic party accountable for the extravagance committed by this body of which he is the leader. Every dollar of the appropriations was exactly right, and in view of recent occurrences, and those likely to come, the appropriations were not made too soon. The amount might have been doubled with great profit and security to your country, for, Mr. President, the people of the United States in the matter of the armament of your forts and the construction of your Navy and other public works, the necessity for which all recognize, are not parsimonious as to the amount of appropriations. It is with them only a question of how the money shall be expended and the honesty of the administrative officers who disburse it. We can point with great satisfaction not only as Democrats but as Americans to the wonderful result that has been attained since President Cleveland has administered the executive affairs of this Government. I am not going now into the details as to what his administration has accomplished, but it will compare favorably with any administration from the foundation of the Government to the present, and there is no administration since the close of the war that begins to compare with it in results.

Mr. President, the next piece of extravagance that is included in the remarks of my friends from Iowa and Maine is the postal service. I have listened on former occasions on this floor to gentlemen who have denounced the Post-Office Department, since the advent of the Democratic Administration, for not giving postal facilities; and yet it appears by the record that to-day that Department is carried on upon a more extensive scale than ever in the history of the Government. The extensions of the star routes and all the facilities for the quick dispatch of mails and the extensions over the Territories have gone on with a rapidity that is astonishing. As to the details there may have been some causes of just complaint, as there always are, but during the administration of Garfield and Arthur there were $179,131,252 expended, and during the past four years we have expended $224,621,737.14, or an increase of $45,490,485.14 in the postal service alone, to give the people of this country that which they must have and will have under any administration, perfect mail facilities. To do this we have spent $45,490,485.14 more than was expended during the administration of Garfield and Arthur. And you call it extravagance!

The appropriations for the postal service during the administration of Garfield and Arthur and during the present Administration have been as follows:

APPROPRIATIONS FOR POSTAL SERVICE, 1882-'85, 1886-'89.

Garfield and Arthur's administration:	
1882	$40,957,432.00
1883	44,643,900.00
1884	44,489,520.00
1885	49,040,400.00
Total	179,131,252.00
Cleveland's administration:	
1886	53,700,990.00
1887	54,365,863.25
1888	55,694,650.15
1889	60,860,233.74
Total	224,621,737.14
	179,131,252.00
Increase in postal service during Cleveland's administration	45,490,485.14

All of this money, or nearly the whole of it, comes back, as the Senator from Iowa knows, in postage; but just before this Administration came in—I think it was immediately before—the postage was reduced from 3 to 2 cents on every letter, so that the receipts from the Post-Office Department nominally fell off, but the people of the country gained forty or fifty millions by that reduction, and but for that reduction the postal receipts would have been about a sixth greater than they are, and there would have been, instead of a deficit in this matter, a large surplus for the Treasury; but in that item is $45,000,000 more than were expended in the four years previous to the advent of the present Administration.

Mr. President, there was another item which was for the benefit of the North—and I class Maryland for the time as a Northern State, as distinguished from States that were out of the Union during the war—that goes to swell up this $95,000,000, every dollar of which went to New England, Pennsylvania, New York, Maryland, and States upon the border north of us and east of us. That is $5,769,015.28 for the Alabama claims, all paid since this Administration came in, and charged to us as a part of the extravagance in the $95,000,000. Then there was the Choctaw Indian judgment of $2,858,798.62, with interest. This was a judgment of the courts. The claim came along before the Democratic party became responsible for this Government, but it is to be paid out now. It is not fair to charge that to this Administration as part of its extravagance.

UNUSUAL ITEMS OF APPROPRIATION DURING CLEVELAND'S ADMINISTRATION.

Alabama claims awards, 1887	$5,769,015.28
Choctaw Indian judgment, 1889	2,858,798.62
Total	8,627,813.90

Mr. President, the whole recapitulation of the increase of appropriations during Mr. Cleveland's administration, for pensions and the other items which I have gone over, makes $83,947,954.48 of the $95,000,000, which my friend from Iowa talks so much about.

RECAPITULATION.

Increase in appropriations during Cleveland's administration, for pensions	$12,819,093.32
Increase in appropriations during Cleveland's administration, on account of the Navy	17,010,562.12
Increase in appropriations during Cleveland's administration, on account of the postal service	45,490,485.14
Unusual appropriations during Cleveland's administration—Alabama claims awards and Choctaw Indian judgment	8,627,813.90
Total	83,947,954.48

Mr. President, I do not desire even to follow the Senator from Iowa in the matter of giving this matter the slightest partisan tinge. The appropriation bills have come to us from another branch, but the abundant increases that have been made upon them have been made in this body, and as I have said, they were made, in my judgment, the greater portion of them, in the interest of the country and for items for which you could not avoid making appropriations. Still we have largely increased the bills as they came from the other branch of Congress, and we are responsible for it in the Senate. What I complain of now is that the Senator from Iowa (and I joined him heartily in nearly every measure) should bring this matter up at this last moment, when we are about to pass the bills and make them laws, and do it for a partisan purpose, do it that it may be used in the campaign to defeat the Democratic party, when he and his party upon this floor are responsible for the increases to the extent of millions.

Now let us see what the increases are.

INCREASE MADE BY THE SENATE ON APPROPRIATION BILLS AS PASSED BY THE HOUSE AT THIS SESSION.

Agricultural bill (law)	$124,150.00
Army bill (as passed Senate)	6,892,500.00
Diplomatic and consular bill (law)	$14,600.00
District of Columbia bill (law)	520,609.00
Legislative, etc., bill (law)	142,702.97
River and harbor bill (law)	2,494,833.77
Sundry civil bill (as passed Senate)	5,174,593.24
Deficiency bills	799,643.22
Total	16,163,632.20

It is fair to say that the Army bill and the fortification bill are yet in an incomplete state, and to some extent these figures may be

changed, but up to date we have increased the appropriations as they reached this body from the House of Representatives $16,163,632.20.

Mr. President, I repeat again that in nearly every instance I think the increase was right, and many of the items were added, as the Senator from Iowa has stated, at the solicitation of the heads of Departments; and I emphasize it that in making these appropriations the majority of the Senate, though opposed to the Administration, have acted with a liberality which will be a proper thing for minorities to follow and for us to follow, if our positions should happen at any time to be reversed. Your action in the committee was the result of this policy, but it is, I think, an unfair advantage which the two Senators who have spoken and who are members of the Appropriations Committee are attempting to take of the Democratic party. They ought to have sunk the partisan in the statesman.

This is not all the Senate has done in the way of increasing appropriations during this Administration. Ninety-five millions more, says my friend from Iowa, were appropriated during the Democratic Administration than during the last Republican Administration. During all that time you have had possession of the Senate, and the increases proposed by the Senate on appropriation bills as they have passed Congress from 1886 to 1889 have been $73,507,916.91. They are as follows:

INCREASE PROPOSED BY THE SENATE ON APPROPRIATIONS AS THEY PASSED THE HOUSE DURING THE FOUR YEARS 1886 to 1889.

1886	$10,091,807.16
1887	13,392,795.82
1888	35,046,210.61
1889	14,977,103.32
Total	73,507,916.91

NOTE.—The amount stated for 1886 does not include the river and harbor bill as it passed the House and failed in the Senate for want of time to consider it.

If the appropriations had been made as proposed by the Senate their sum total for the past four years would have been $52,861,105.23 greater than it is.

APPROPRIATIONS INCREASED BY THE SENATE'S ACTION FOR THE FOUR YEARS 1886 TO 1889, OVER THE AMOUNT PASSED BY THE HOUSE.

1886	$4,426,147.69
1887	2,934,648.86
1888	3,934,419.58
1889	9,351,595.55
Total	20,646,811.68

NOTE.—The amount stated for 1889 does not include the proposed increase on the Army bill and only the difference on the sundry civil bill as it would stand should the pending conference report be adopted.

Mr. President, we come now to the general result of all the appropriations during the administrations of Garfield and Arthur and of President Cleveland. The net ordinary expenses of the Government and the total expenditures during the Arthur administration were $769,761,316. The average per capita of expenditure during that administration on all the people of the United States was $4.62, taking the tables of the late Professor Elliott as to the population of the United States. When you ran the Government during the last Republican administration you had it costing the people $4.62 per capita, and when your administration closed and President Cleveland was inaugurated March 4, 1885, as I have before stated, you had not a gun of high power in the United States, you had not a vessel that could float the ocean with safety, and you were absolutely at the mercy of any fifth-rate power of the world. We came into power, and by the action that has been heretofore taken, which I will not go over again, we have conducted this Government, and will up to the end of the next fiscal year, making the four years complete, at a cost of $778,340,119.60, or an average per capita of $4.32, basing the population of the country to-day, I think, 2,000,000 below what it is; but basing the population only at 61,688,000, which is simply adding to Professor Elliott's tables the same ratio of increase, we have conducted the Government and accomplished all these great things that I have alluded to by holding to a rigid accountability every officer, high and low, introducing economies everywhere, cutting down salaries, as was shown by my friend from Kentucky [Mr. BECK] is being done on the legislative bill, a million dollars below General Arthur's administration.

Mr. ALLISON. Does my friend say that there has been any cutting down of salaries? The reduction suggested by the Senator from Kentucky yesterday resulted simply from the dropping of one hundred and fifty pension clerks, who were carried during the last year of President Arthur's administration and who were not needed during the following year.

Mr. GORMAN. We have reduced the amount of the expenditures. I know there has been an adjustment of clerks, a clerk dropped off here and there, but with the force now in the Pension Office we have been able to grant more pensions than were ever granted before in the history of the world. There is a third more work being accomplished in the Pension Office under the earnest and skillful management of General Black than in any like preceding period, and the work of every auditor's office in the Treasury Department is up to date under the present Administration, which was never done heretofore, and yet we have had a reduction of expenditures that amounts to a million dollars. With all of that, and all the things we have accomplished, and notwithstanding there is $95,000,000 of increase that my friend from Iowa harps upon, we have conducted the Government at the rate of $4.32 per capita, or 30 cents less than the party of my friend from the State of Iowa has done. It seems to me that this is a result of which every party man may be proud and at which every American ought to rejoice. So much for the figures.

Period.	Net ordinary expenditures.	Estimated population.	Payments per capita of population.
Arthur's administration:			
1883	$265,408,137.54	54,163,000	$4.90
1884	244,126,244.33	55,554,000	4.39
1885	260,226,935.11	57,093,000	4.56
Total expenditures	769,761,316.98		13.85
Average per capita expenditure per annum			4.62
Cleveland's administration:			
1886	242,483,138.50	58,420,000	4.15
1887	267,932,179.97	60,018,000	4.47
1888	267,924,801.13	61,668,000	4.34
Total expenditures	778,340,119.60		12.96
Average per capita expenditure per annum			4.32

NOTE.—The population as stated in the above is from estimates prepared by the late Professor E. B. Elliott, of the Treasury Department, except for the year 1888, which is computed on the same ratio of increase as is shown for 1887 over 1886.

Now, sir, we come to the matter of appropriations for public buildings, and I again repeat that I regret exceedingly——

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. GORMAN. Certainly.

Mr. BLAIR. Does the Senator understand that the American people are to be governed at so much a head? Does he think that is any fair test of the relative expenditure under different administrations? We hire a school-teacher and pay him $50 a month whether he has twenty-five pupils or thirty or fifty.

Mr. GORMAN. No, Mr. President; but the expenses of this Government increase as the population increases. You can not make appropriations for rivers and harbors and the ordinary affairs of the Government the same for 10,000,000 people that you can for 60,000,000. The expenses increase in the ratio that the population increases, and it is the only fair way to state this case; to compare a Democratic administration that so ably manages the affairs of 62,000,000 of people in point of economy with one when there was but 10,000,000 people would be a most unfair statement, and therefore I think the last table I have read is the exact statement to be made.

Now, Mr. President, as to the appropriations for public buildings and the allusion that an excessive amount was appropriated for the Southern States or the Democratic States. I hold in my hand a report made at the first session of the Forty-ninth Congress, being Senate Report No. 89, made by the chairman of the Committee on Public Buildings and Grounds, from which I have taken the figures and brought them together. I find that that report is a statement of the appropriations for public buildings made from March 4, 1789, to March 4, 1885, inclusive. During that whole period, taking the Southern States, eliminating Kentucky and Missouri, but taking all the remainder of the Southern States, twelve in number, the whole amount from 1789 to 1885 for that entire section of the country was $16,329,328.46—I will publish this statement, giving the appropriations for each State—whereas the appropriations for Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, and Vermont, the New England States, six of them as against twelve Southern States, amounted to $13,053,718.73, and for the five Middle States, including Delaware and Maryland, $29,663,231, making, if you add Kentucky and Missouri to the Southern States, for all the fourteen Southern States $25,306,689.99. Take the six New England States, $13,053,718.73, and the five Middle States, $29,663,231; the ten Western States, $22,882,695.89; the three Pacific States, $2,964,184.81; and for the Territories, $621,493.90, making the aggregate amount from the foundation of the Government up to 1885 $94,492,014.32.

If you deduct the fourteen Southern States—and it is not fair to include Missouri and Kentucky, for I understand that one building alone, during the time when the Democrats were not responsible for appropriations, in Missouri, in the city of St. Louis, cost $6,000,000—but including them and counting all of these Southern States out of the $94,492,014.32, the Southern States have only received $25,306,689.99, and the Northern and Western States $69,185,324.33. Here are the figures:

APPROPRIATIONS FOR PUBLIC BUILDINGS FROM MARCH 4, 1789, TO MARCH 4, 1885.

New England States:	
Connecticut	$1,158,786,46
Maine	2,280,707.15
Massachusetts	8,412,796.84
New Hampshire	474,300.00
Rhode Island	354,777.68
Vermont	372,350.60
Total New England States	13,053,718.73

Middle States:	
Delaware	$103,500.00
Maryland	2,888,429.06
New York	16,404,120.51
New Jersey	712,719.31
Pennsylvania	9,554,462.12
Total Middle States	29,663,231.00
Western States:	
Colorado	248,000.00
Illinois	8,154,950.59
Indiana	1,240,100.24
Iowa	1,072,457.97
Kansas	550,000.00
Michigan	1,348,392.07
Minnesota	851,817.38
Nebraska	704,336.00
Ohio	8,010,754.37
Wisconsin	701,887.27
Total Western States	22,882,695.89
Pacific States:	
California	2,239,555.91
Nevada	100,000.00
Oregon	624,628.90
Total Pacific States	2,964,184.81
Territories:	
Alaska	18,000.00
Dakota	30,000.00
Idaho	71,740.15
Montana	48,795.00
New Mexico	150,000.00
Utah	65,000.00
Washington	127,545.75
Wyoming	110,413.00
Total Territories	621,493.90
Southern States:	
Alabama	667,310.00
Arkansas	310,250.00
Florida	575,425.00
Georgia	579,656.00
Kentucky	1,676,770.33
Louisiana	5,340,942.67
Mississippi	378,275.16
Missouri	7,300,591.20
North Carolina	601,281.58
South Carolina	3,556,396.58
Tennessee	1,820,415.19
Texas	679,964.59
Virginia	1,316,847.39
West Virginia	502,564.30
Total Southern States	25,306,689.99
RECAPITULATION.	
Fourteen Southern States, including Kentucky and Missouri	25,306,689.99
Six New England States	13,053,718.73
Five Middle States, including Delaware and Maryland	29,663,231.00
Ten Western States	22,882,695.89
Three Pacific States	2,964,184.81
Eight Territories	621,493.90
Total	94,492,014.32
Less fourteen Southern States	25,306,689.99
	69,185,324.33
Five Middle States	29,663,231.00
Ten Western States	22,882,695.89
Total	52,545,926.89

Mr. President, since this Administration came in—for the statement I have read runs down only to 1885—I hold in my hand a table showing the amount of appropriations, which I will have published, by States, but I will not detain the Senate by reading it. The summary of it is that the fourteen Southern States which I have named, including Kentucky and Missouri, have received during this Administration by appropriations $2,747,000, while the Western, the Middle, and the Eastern States have had $4,043,148.

New public buildings authorized since March 4, 1885, to be erected under the control of the office of the Supervising Architect, Treasury Department, arranged alphabetically by States, August 29, 1888.

States.	Geographical location.	Date of authorization.	Location of building, etc.	Limit of cost.
Alabama	S.	Feb. 24, 1887	Huntsville	$100,000
		Apr. 19, 1888	Birmingham	300,000
			Total	400,000
Arkansas	S.	Mar. 16, 1886	Fort Smith	100,000
		Mar. 16, 1886	Fort Smith jail	50,000
		Apr. 11, 1888	Helena	75,000
			Total	225,000
California	W.	June 29, 1887	Los Angeles	150,000
		Mar., 1887	San Francisco, site	350,000
			Total	500,000
Connecticut	E.	June 19, 1888	Bridgeport	$150,000
Delaware	M.	Feb. 4, 1887	Wilmington	200,000
Florida	S.	July 29, 1886	Jacksonville	150,000
		June 7, 1888	Tallahassee	75,000
			Total	225,000
Georgia	S.	Feb. 24, 1887	Augusta	150,000
		June 6, 1888	Atlanta, extension	120,000
		June 30, 1886	Savannah	200,000
			Total	470,000
Illinois	W.	Mar. 3, 1887	Chicago, repairs	84,000
		Mar. 3, 1887	Chicago, marine hospital	10,000
			Total	94,000
Indiana	W.	May 14, 1888	Indianapolis	150,000
Iowa	W.	Aug. 8, 1888	Ottumwa	40,000
Kentucky	S.	Feb. 16, 1887	Owensborough	50,000
Louisiana	S.	June 18, 1888	Monroe	75,000
		Aug. 4, 1886	New Orleans, repairs, mint	15,000
		Aug. 1, 1888	Opelousas	50,000
			Total	140,000
Massachusetts	E.	Apr. 9, 1888	Lowell	200,000
		Jan. 3, 1887	Springfield	150,000
		Jan. 29, 1887	Worcester	250,000
			Total	600,000
Maine	E.	May 17, 1886	Belfast extension	15,000
		Jan. 17, 1887	Eastport	100,000
			Total	115,000
Michigan	W.	June 19, 1888	Bay City	200,000
		Aug. 21, 1888	Jackson	60,000
			Total	260,000
Minnesota	W.	May 14, 1888	Duluth	150,000
Mississippi	S.	June 6, 1888	Vicksburg	100,000
Missouri	W.	Mar. 3, 1887	St. Louis extension	80,000
		Mar. 29, 1888	Springfield	100,000
			Total	180,000
New Jersey	M.	Jan. 26, 1887	Camden	100,000
		June 18, 1888	Hoboken	60,000
		Mar. 30, 1888	Jersey City extension	12,200
		Mar. 1, 1888	Newark	350,000
		June 7, 1888	Paterson	80,000
			Total	602,200
New Mexico	W.	Feb. 9, 1887	Santa Fé	52,148
New York	M.	Mar. 3, 1887	Binghamton	150,000
		Apr. 5, 1888	Buffalo, site only	350,000
			Total	500,000
North Carolina	S.	May 8, 1888	Asheville (without President's approval)	100,000
		Aug. 13, 1888	Charlotte	85,000
		Aug. 8, 1888	Statesville	75,000
			Total	260,000
Ohio	W.	Mar. 3, 1887	Dayton	150,000
		Apr. 30, 1888	Portsmouth (without President's approval)	60,000
			Total	210,000
Pennsylvania	M.	May 9, 1888	Lancaster	100,000
		July 29, 1886	Reading, extends limit	100,000
			Total	200,000
South Carolina	S.	Feb. 9, 1887	Charleston, limit extended	100,000
		May 1, 1888	Greenville	100,000
			Total	200,000
Texas	S.	Aug. 1888	Brownsville	50,000
		June 30, 1888	El Paso	150,000
		Feb. 24, 1887	Houston	75,000
		Feb. 9, 1887	Jefferson	50,000
		Apr. 15, 1886	San Antonio	200,000
		Apr. 19, 1886	Texarkana	100,000
			Total	625,000
West Virginia	S.	May 1, 1888	Charleston, extension	52,000
Wisconsin	W.	July 28, 1886	Oshkosh	100,000

SUMMARY.

Southern States:	
Alabama	$400,000
Arkansas	225,000
Florida	225,000
Georgia	470,000
Kentucky	50,000
Louisiana	140,000
Mississippi	100,000
North Carolina	260,000
South Carolina	200,000
Texas	625,000
West Virginia	52,000
Total Southern States	2,747,000
Western States:	
California	500,000
Illinois	94,000
Indiana	150,000
Iowa	40,000
Michigan	260,000
Minnesota	150,000
Missouri	180,000
New Mexico	52,148
Ohio	150,000
Wisconsin	100.000
Total Western States	1,676,148
Middle States:	
Delaware	200,000
New Jersey	602,000
New York	500,000
Pennsylvania	200,000
Total Middle States	1,500,000
Eastern States:	
Connecticut	150,000
Massachusetts	600,000
Maine	115,000
Total Eastern States	865,000
Total Western, Middle, and Eastern States	4,043,148

I submit to my friend from Iowa, as the figures show, and they can not be controverted, that from the very beginning of the Government to 1885 the per cent. taken upon population or territory shows a great excess of appropriations to the Northern States in all these appropriations. Since this Administration came into power the Northern and Western States, by appropriations of Congress and by the approval of the President of the United States, have received nearly $5,000,000 as against $2,500,000 in round numbers received by the fourteen Southern States; and when he takes into consideration that for four years that last-named portion of the country was devastated and business went down, and there was suffering and oppression such as no other people were ever subjected to upon the face of the earth, and when he remembers that within the past four years and since the election of a Democratic President this sectional feeling has been to a large extent wiped out and become a thing of the past; that Northern men, capitalists from all sections of the country, have been flowing into the Southern States and developing the mines of Alabama, of Georgia, and of North Carolina and Virginia, and have gone into the Everglades of Florida and made garden spots of places that were marshes but a few years since; that this prosperity extends from here to the utmost confines of the Republic south of us, and an era of good feeling under a Democratic administration prevails, and it is only remarkable, controlling, as the Democratic party does, the executive branch and the other House, that they have been so moderate; and I think it ill becomes the Senator from Iowa and myself, who represent in part great communities not seriously disturbed by the affairs of twenty years ago, whose people are prosperous and have always been so, who have been treated generously by this Government from the beginning—indeed, his State has received as generous treatment as any State in the Union, whether under Democratic or under Republican rule—to now take advantage of what he and his Republican colleagues and those of us on this side as Democrats have done to advance the interests of this country, and it is a degree of partisanship which I trust my friend from Iowa will regret and never repeat.

Mr. President, there is a serious prospect presented by the figures of the Senator from Iowa. It is that the estimated revenues for the current year are $440,563,734.32. The current and annual appropriations will probably be $424,000,000, leaving an estimated surplus of $16,563,734.32. Four hundred and twenty-four millions to run the Government!

There is but one way to reduce these enormous appropriations. There is but one safe road to greater economy, and that is to reduce taxation. Stop the unnecessary flow of the people's money into the Treasury. An overflowing Treasury induces extravagance. It invites schemes for public plunder. I trust before we adjourn the one certain remedy, a reduction of taxation, will be consummated.

[Mr. GEORGE addressed the Senate. His speech complete will be found in the proceedings of the succeeding day.]

Having spoken for some time——

Mr. ALLISON. I ask the Senator from Mississippi to yield to me for a few moments that I may ask the Senate to take a vote on the conference report which is under consideration.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield the floor for that purpose?

Mr. GEORGE. Yes, sir.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference on the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The report was concurred in.

Mr. ALLISON. I now move that the Senate still further insist upon the remaining amendments, and request a further conference thereon.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate still further insist upon its amendments not disposed of by the conference report, and request a further conference with the House of Representatives.

Mr. VANCE. I ask if it would be in order to object to one amendment.

The PRESIDENT *pro tempore*. It is in order to recede from any amendment made by the Senate. A motion to do so would take precedence.

Mr. VANCE. I move that the Senate recede from its amendment numbered 222.

The PRESIDENT *pro tempore*. The amendment will be reported by the Secretary.

The SECRETARY. Amendment numbered 222, page 76, line 7: Strike out all after the word "been" down to and including the word "and" in line 12, as follows:

Commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon sworn complaint by a collector or deputy collector of internal revenue or revenue agent, setting forth the facts upon information and belief and.

The PRESIDENT *pro tempore*. The House of Representatives having disagreed to this amendment, the Senator from North Carolina [Mr. VANCE] moves that the Senate recede from the same.

Mr. ALLISON. I hope the Senator from North Carolina will not press that motion at this time.

Mr. VANCE. I do not know what other time may be offered in which I might press it if I desired the amendment to be non-concurred in. It seems to me, Mr. President, that "now is the accepted time" [laughter], and if the Senator from Iowa [Mr. ALLISON] will not harden his heart, I think I can show a reason very briefly why the Senate should recede from that amendment.

In the country from which I come there are a very large number of small distilleries, the whole output of which put together would not perhaps make as much spirits as that of one large distillery in the country of the chairman of the Appropriations Committee. There is a degree of annoyance perpetrated under the internal-revenue system by the methods of enforcing that law which, however much we might be inclined to stand if it were required of us as good citizens, we should yet like to have removed, if we may, by asking the Senate to recede from this amendment. In addition to the authority which is given to the regular collectors of internal revenue and their deputies and to the special agents of the Treasury Department, the law as at present constituted permits any officious or greedy outsider or informer to swear out warrants "on information and belief" to prosecute his neighbor. It is very often done for the sake of the fees alone. Hundreds of the most frivolous cases of prosecution upon the most insufficient grounds are thus inflicted upon the people of my country and, I doubt not, of other countries in the same way.

Now, the proposition is to deprive the greedy informers of the right to swear out warrants and to commence prosecutions at their discretion for the sake of the fees or for the sake of avenging any private complaint they may have against their neighbors. In all ages and in all countries, I believe, an informer has been held in disrepute and condemnation as the meanest of all characters, and it does not become a free government to offer any inducement to this class of persons. There is nothing more repugnant to the spirit of Anglo-Saxon liberty than the employment and encouragement of informers. There is nothing more undemocratic, there is certainly nothing more un-American, than the employment of the basest class of any community to aid in the execution of its laws.

It is a remnant of the methods of despotism left over in the ostensible service of freedom, and it is an acknowledgment that the brutal and unscrupulous methods of tyranny may be justified in the service of free government. Such things, sir, are uncomplimentary alike to the Government and to the people by whom they are employed. It is bad enough in all conscience to give the known and recognized and bonded officers of the law the authority to institute these prosecutions on information and belief merely, but to allow every class of greedy sneaks in the land, who desire to persecute their neighbor or to make the miserable fees that attend the prosecutions in the Federal courts—to allow them to institute prosecutions upon their information and belief is, it seems to me, a direct blow to everything that we hold reputable and free in our Government.

Mr. COCKRELL. Will the Senator from North Carolina permit me to ask him a question?

Mr. VANCE. Certainly.

Mr. COCKRELL. Are those laws in his State enforced by the Democrats of his own State in the manner that he is now indicating?

Mr. VANCE. No, sir; I am speaking of outsiders. I am speaking of persons who are permitted under the present law to volunteer information and make affidavits for the sake of the fees.

Mr. COCKRELL. Do they flock into North Carolina in such numbers as to cause any serious disturbance to the honest, law-abiding citizens of that State? Do they arrest any persons who are not guilty of crime?

Mr. VANCE. Hundreds of them.

Mr. COCKRELL. Do they arrest persons not guilty of violations of the internal-revenue laws.

Mr. VANCE. Hundreds of them, sir, hundreds of them. If the Senator will analyze the present law as it stands on the statute-book he will find that anybody has the power, on information and belief, to have anybody else arrested.

Mr. COCKRELL. And they are taken before a United States commissioner.

Mr. VANCE. Yes, and then if the prosecution is dismissed as false or frivolous the witness' fees, etc., are pocketed by these informers, whilst a great loss is inflicted on their victims.

Mr. COCKRELL. Who are these informers? Are they not residents of North Carolina?

Mr. VANCE. Certainly, they are our own people, sir.

Mr. COCKRELL. Informing on each other?

Mr. VANCE. Informing on each other, as a matter of course. Nobody else could do it—nobody but those that live there could pretend to any knowledge of the matter. I should like the Senator from Missouri or any other Senator to inform me why this extraordinary power or privilege should be given to any malignantly disposed person in any community to take out a warrant in the name of the United States, and have any person brought before a United States commissioner on a pretense of crime, whether it was well-founded or ill-founded, for the sake of the fee, and that is just what is done to my personal knowledge frequently in the State where I live, and I have no doubt it is practiced in all the States where there are any small distilleries or any temptation to such a practice.

I think the original text of the bill as it came from the House, confining this power to the resident and bonded officers of the Government who may, and whose duty it is to, take out warrants upon information and belief, is proper; but if any outside person sees proper to begin a prosecution against any one of his neighbors, he should be required to swear his warrant out upon his own personal knowledge and not upon information and belief. That is the whole of the proposition. It seems to me that it is a reasonable one, and I hope the Senate will recede from its amendment.

Mr. ALLISON. Just one word with respect to this amendment. The provision in the House bill enlarges very much the existing law as respects exemption from prosecution in regard to the little distillery cases so numerous in the State of North Carolina. The Committee on Appropriations struck out a portion of that clause, but I think left enough of it to protect the Senator's friends from any unjust prosecutions. I will just read the clause as amended to show how the law will stand if the Senate amendment is agreed to.

> And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been approved, either before or after such arrest, by the attorney of the United States in the district where the offense is alleged to have been committed, etc.

Now surely, Mr. President, that ought to be protection enough to any honest man, because a man who is fit to be district attorney in North Carolina, or in any of the Southern States, certainly will not allow the fees unless he has just ground for prosecution. The Senate Committee on Appropriations, in looking over this matter with great care, believed that they had gone as far as it was wise to go on this matter. So I hope the suggestion of the Senator from North Carolina will not be agreed to.

I will say to that Senator, further, that there are two bills pending, which if either one of them should pass would greatly relieve his constituents. One of them is a bill pending in the Committee on the Judiciary which gives practical relief, and the other is the Mills bill, of which we have heard so much, which absolutely relieves these people from every sort of restraint respecting little distillations in those small distilleries. So there are two measures pending which can be considered hereafter if this should prove objectionable.

Mr. VANCE. That is very true, Mr. President, those two bills are pending and they are very likely to "pend" [laughter], and while they are pending they are of no use to my constituents or anybody else.

Mr. ALLISON. So it seems.

Mr. VANCE. In reference to the statement that the bill as it is at present requires the district attorney to supervise the warrants of arrest, that is also true; and we have two very faithful and efficient officers as district attorneys in the State of North Carolina, but I beg to call the Senator's attention to the fact that there are two districts in North Carolina, the eastern and western districts.

There are ninety-eight counties in the State. The western district, in which grain and fruit are raised, and in which most of the distillation is done, is composed of sixty counties, it being hundreds of miles from one end of the district to the other, so that it is a physical impossibility for the district attorney to supervise the issuance of all the warrants in his district. If he could do it, why that would be all the protection our people would require against superfluous prosecutions, but it is a physical impossibility. When a warrant should be required to be issued in a county 90 miles or 100 miles distant from the home of the district attorney, the proposed prosecutor and the witnesses would have to make a journey of that distance to submit to the district attorney the facts in the case before he could give an intelligent opinion in regard to it. So that it makes it, owing to the vast extent of territory, a physical impossibility, as I have said.

And now, Mr. President, it does seem to me a small matter that the zeal on behalf of informers of the Committee on Appropriations every time that any relief of this kind is proposed against the harshness of the law of which we complain in the South should go to such an extent and be so diligent to defeat every mitigating measure. We only ask for a common right—that no citizen shall be taken up and exposed to costs, pains, and penalties, and to inconveniences of a criminal prosecution, except upon sworn information and knowledge of the facts. That is all.

Mr. ALLISON. It seems to me that the Senator from North Carolina has a remedy by securing good officers to administer the law in his State, and if they oppress good Christian people as he suggests that they are now doing, I think a proper appeal to the President of the United States would perhaps cure that difficulty. It is very certain that all this legislation has a tendency and effect to relax the collection of the tax on whisky, and the Committee on Appropriations have gone just as far on this provision as they could possibly go and secure the enforcement of the law. I hope the Senator's motion will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Carolina [Mr. VANCE] that the Senate recede from its amendment numbered 222.

A division being called for, there were—ayes 15, noes 13; not a quorum voting.

Mr. ALLISON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If his colleague can tell me how he would vote I shall be obliged.

Mr. TELLER. I doubt whether my colleague would care to be paired on this subject. I do not know how he would vote or anything about it. It is thought perhaps the Senator had better not vote.

Mr. CALL. I vote "yea."

Mr. PASCO (when Mr. FAULKNER'S name was called). I beg to give notice that the Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL], but being persuaded that if he were present he would vote "nay," I record my vote that way.

Mr. TELLER (when Mr. MCPHERSON'S name was called). The Senator from New Jersey [Mr. MCPHERSON] is paid with the Senator from Nevada [Mr. JONES].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. VANCE (when Mr. RANSOM'S name was called). My colleague [Mr. RANSOM] is paired with the Senator from Massachusetts [Mr. DAWES].

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], but I transfer that pair to the Senator from Oregon [Mr. MITCHELL] and I vote "nay."

The roll-call was concluded.

Mr. BLODGETT (after having voted in the affirmative). Since casting my vote it occurs to me that I am paired with the Senator from New Hampshire [Mr. CHANDLER], and therefore I withdraw my vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

The PRESIDENT *pro tempore*. The result——

Mr. MANDERSON. I call the attention of the Senator from Mississippi [Mr. WALTHALL] to the fact that as no quorum has voted it may be well for us to transfer pairs. I will transfer the pair of the Senator from Kentucky [Mr. BLACKBURN] to the Senator from Wisconsin [Mr. SPOONER].

Mr. WALTHALL. I have already voted. I am paired on political questions, but do not regard this as a political question.

Mr. MANDERSON. I did not understand that the Senator had voted. Then I vote "nay."

Mr. BLODGETT. In order to make a quorum, if agreeable to the Senator from New Hampshire [Mr. BLAIR], the colleague of the Senator with whom I am paired [Mr. CHANDLER], I will vote "yea."

The result was announced—yeas 17, nays 22; as follows:

YEAS—17.

Bate,	Coke,	Payne,	Walthall,
Berry,	George,	Pugh,	Wilson of Md.
Blodgett,	Gray,	Reagan,	
Brown,	Hampton,	Saulsbury,	
Call,	Jones of Arkansas,	Vance,	

NAYS—22.

Aldrich,	Dolph,	Ingalls,	Stewart,
Allison,	Frye,	Manderson,	Stockbridge,
Blair,	Gorman,	Palmer,	Teller,
Chace,	Hale,	Platt,	Wilson of Iowa.
Cockrell,	Harris,	Sawyer,	
Cullom,	Hawley,	Sherman,	

ABSENT—37.

Beck,	Edmunds,	Kenna,	Riddleberger,
Blackburn,	Eustis,	McPherson,	Sabin,
Bowen,	Evarts,	Mitchell,	Spooner,
Butler,	Farwell,	Morgan,	Stanford,
Cameron,	Faulkner,	Morrill,	Turpie,
Chandler,	Gibson,	Paddock,	Vest,
Colquitt,	Hearst,	Pasco,	Voorhees.
Daniel,	Hiscock,	Plumb,	
Davis,	Hoar,	Quay,	
Dawes,	Jones of Nevada,	Ransom,	

So the motion to recede was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Iowa [Mr. ALLISON] which, as the Chair understands, includes the asking of a further conference.

Mr. ALLISON. Yes, sir.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

HOUSE BILLS REFERRED.

The following bills and joint resolution, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes;

A bill (H. R. 9623) to provide for printing Government securities in the highest style of art; and

Joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled "Joint resolution to provide temporarily for the expenditures of the Government."

FISHING RIGHTS OF THE UNITED STATES.

The Senate resumed the consideration of the motion of Mr. SHERMAN to refer to the Committee on Foreign Relations the message of the President of the United States of August 23, 1888, relative to the fishing rights of the United States.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. CULLOM. If the Senator from Mississippi will allow me, as I desire to leave the Chamber for the remainder of the evening, I wish to say that I should like to be recognized when this subject comes up again, after the Senator from Mississippi has concluded his remarks.

Mr. GEORGE. Mr. President, if the conference report for the presentation of which I yielded the floor for the time has been disposed of, I shall proceed now by unanimous consent of the Senate.

The PRESIDENT *pro tempore*. The Senator is entitled to the floor on the motion to refer the message.

Mr. GEORGE. I shall not detain the Senate more than a few moments now, and, if agreeable, I should prefer finishing what I have to say, which will not be very long, in the morning. I desire to call the attention of the Senate to one or two things before I take my seat this evening.

Mr. GEORGE proceeded with his speech begun this morning. After speaking some time he said:

Now, Mr. President, I have been interrupted for some time, and with the consent of the Senate I will close my remarks for to-day here and give notice that to-morrow morning I will ask the indulgence of the Senate to finish them, and shall occupy but a short time.

[Mr. GEORGE'S speech will be found complete in the succeeding day's proceedings.]

WAGON-ROAD TO PIKE'S PEAK.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. TELLER. I ask unanimous consent that that order may be informally laid aside and that I may have general consent to call up Senate bill 3482, being Order of Business No. 2175.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent that the unfinished business may be informally laid aside and that the Senate take up the consideration of the bill the title of which will be stated.

The CHIEF CLERK. Order of Business 2175, being the bill (S. 3482) to enable parties to construct, maintain, and operate a wagon-road to the top of Pike's Peak, in the State of Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that any corporation or association duly authorized by the laws of Colorado may construct, maintain, and operate a wagon-road into or across the Pike's Peak military reservation, Colorado, but the Government of the United States shall have the right to use the road free from toll or tax.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY. I move to correct the title of the bill so as to read, "A bill to authorize the construction and operation of a wagon-road across the Pike's Peak reservation, in the State of Colorado."

The amendment to the title was agreed to.

BAPTIST FEMALE COLLEGE, LEXINGTON, MO.

Mr. COCKRELL. I move that the Senate proceed to the consideration of Order of Business 2156, being the bill (H. R. 2601) for the relief of the Baptist Female College, of Lexington, Mo.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to the Baptist Female College, of Lexington, Mo., of $3,167.67, compensation for rent of the college building while used by the United States Army for four years from 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TACOMA PUBLIC PARK.

Mr. DOLPH. I ask unanimous consent to call up Order of Business 2174, being the bill (S. 3475) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER SAGINAW.

Mr. GRAY. I move to take from the Calendar Senate bill No. 3364, Calendar number 2023.

The PRESIDENT *pro tempore*. The title of the bill will be reported by the Clerk.

The CHIEF CLERK. A bill (S. 3364) to provide for an American register for the steamer Saginaw, of New York.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Navigation to cause the foreign-built steamer Benison, owned at New York, by W. P. Clyde, an American citizen, and rebuilt by him in the United States, to be registered as a vessel of the United States under the name of Saginaw, and directs the Secretary of the Treasury to authorize and direct the inspection of the vessel and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that the steam-boiler, etc., were not constructed pursuant to the laws of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. ADAMS.

Mr. JONES, of Arkansas. I ask unanimous consent to call up Order of Business No. 1944, being the bill (S. 320) for the relief of John D. Adams.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments, in line 3, after the word "thousand" to strike out "six" and insert "seven;" and after the word "and" to strike out "twenty-seven" and insert "five;" in line 4, after the word "and," to strike out "eighty-five" and insert "thirty-six;" and in line 9, after "1861," to strike out—

It being the sum found due him under contract, as per statement of the Sixth Auditor of the Post-Office Department, dated February 18, A. D. 1880—

So as to make the bill read:

That the sum of $3,750.36 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay John D. Adams, a contractor for transporting the United States mails in the State of Arkansas prior and up to the 1st day of June, A. D. 1861.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. FRYE. I desire to ask a question in reference to this bill before it is passed. Does the bill come from the Committee on Claims?

Mr. JONES, of Arkansas. Yes.

Mr. FRYE. Is it unanimously reported?

Mr. JONES, of Arkansas. Yes.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO ARMY NURSES.

Mr. BLAIR. I would like to ask the Senator from Missouri [Mr.

COCKRELL] if it would be inconvenient for him to proceed now to the consideration of the bill for the relief of women enrolled as army nurses?

Mr. COCKRELL. I will say to the Senator from New Hampshire that I made inquiries of the Department in order to get some facts which I considered necessary in the consideration of that bill, in regard to the number and the localities of those persons, and the War Department sent me a telegram the other day in reply to my letter, in which they say that the Surgeon-General's Office is making out a list and will furnish it at the very earliest day possible. I have not received that yet, and I hope therefore the Senator will not press the bill.

Mr. BLAIR. I will say to the Senator and to the War Department, upon which I called some four months ago when this matter came up, that there seems to be a dexterity of delay which is quite formidable certainly to the army nurses. Life is short, time is passing away, and these nurses are growing old. I hope the Department will be able to comply with the Senator's request very soon.

Mr. COCKRELL. I hope so, too.

Mr. BLAIR. Otherwise the Senator, I hope, will join with me in having the bill taken up without the communication from the War Department.

REVENUE-CUTTER FOR NEW BERNE.

Mr. FRYE. I ask unanimous consent to call up Order of Business 1946.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the Senate proceed to the consideration of Order of Business 1946, being the bill (H. R. 5670) for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens.

No objection being made, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIRE-ALARM AND TELEPHONE SERVICE.

Mr. VANCE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to transmit to the Senate for its information the recent annual report of Henry R. Miles, superintendent of the fire-alarm and telephone service, for the year 1888, and that the same be referred to the Committee on the District of Columbia and be printed.

EXECUTIVE SESSION.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 30, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 29, 1888.

UNITED STATES CONSULS.

William Gaston Allen, of South Carolina, now consul at Piedras Negras, to be consul of the United States at Kingston, Jamaica, *vice* J. Harvey Brigham, deceased.

Vicente M. Baca, of New Mexico, to be consul of the United States at Piedras Negras, *vice* William Gaston Allen, nominated as consul at Kingston, Jamaica.

J. G. Cisco, of Jackson, Tenn., to be consul of the United States at Nuevo Laredo, to fill a vacancy.

PROMOTIONS IN THE ARMY.

Fifth Regiment of Cavalry.

First Lieut. George B. Davis, to be captain, August 21, 1888, *vice* Rockwell, deceased.

Second Lieut. William E. Almy, to be first lieutenant, August 21, 1888, *vice* Davis, promoted.

Ninth Regiment of Infantry.

Lieut. Col. Alfred L. Hough, of the Sixteenth Infantry, to be colonel, August 21, 1888, *vice* Mason, retired from active service.

Tenth Regiment of Infantry.

First Lieut. Clayton S. Burbank, to be captain, August 21, 1889, *vice* Hampson, promoted to the Twelfth Infantry.

Second Lieut. Isaac W. Littel, to be first lieutenant, August 21, 1888, *vice* Burbank, promoted.

Twelfth Regiment of Infantry.

Capt. Jesse A. P. Hampson, of the Tenth Infantry, to be major, August 21, 1888, *vice* Penrose, promoted to the Sixteenth Infantry.

Sixteenth Regiment of Infantry.

Maj. William H. Penrose, of the Twelfth Infantry, to be lieutenant-colonel, August 21, 1888, *vice* Hough, promoted to the Ninth Infantry.

Tenth Regiment of Infantry.

Additional Second Lieut. Alexander W. Perry, of the First Infantry, to be second lieutenant, August 21, 1888, *vice* Littel, promoted.

Fifth Regiment of Cavalry.

Additional Second Lieut. Andrew G. C. Quay, of the Eighth Cavalry, to be second lieutenant, August 21, 1888, *vice* Almy, promoted.

Corps of Engineers.

Additional Second Lieut. William V. Judson, to be second lieutenant, July 23, 1888, *vice* Newcomer, promoted.

Tenth Regiment of Infantry.

Additional Second Lieut. William T. Littebrant, of the Nineteenth Infantry, to be second lieutenant, August 23, 1888, *vice* Shollenberger, promoted.

Corps of Engineers.

Capt. Daniel W. Lockwood, to be major, July 23, 1888, *vice* King, promoted.

First Lieut. Thomas L. Casey, jr., to be captain, July 23, 1888, *vice* Lockwood, promoted.

Second Lieut. Henry C. Newcomer, to be first lieutenant, July 23, 1888, *vice* Casey, promoted.

Tenth Regiment of Infantry.

Second Lieut. John H. Shollenberger, to be first lieutenant, August 23, 1888, *vice* Cranston, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 29, 1888.

POSTMASTER.

Robert A. A. Pilcher, to be postmaster at Olathe, in the county of Johnson and State of Kansas.

UNITED STATES CONSULS.

Charles de Blanc, to be consul of the United States at Puerto Cabello.

Ernest W. Smith, of Massachusetts, to be consul of the United States at Mozambique.

J. Russell Parsons, of New York, to be consul of the United States at Aix-la-Chapelle.

L. Austin Spalding, of New York, now consul at Aix-la-Chapelle, to be consul of the United States at Brunswick.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August* 29, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FITCH, on account of illness in his family.

To Mr. MCKINLEY, indefinitely, on account of serious illness of his wife.

To Mr. DARGAN, for six days.

Mr. HOOKER. I ask leave of absence from Monday next for my colleague, Mr. STOCKDALE, who is called home on important business.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 165) for the relief of H. C. Markham;

A bill (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin;

A bill (H. R. 3902) for the relief of Sophia B. Moore;

A bill (H. R. 6371) granting a pension to Jesse M. Stillwell;

A bill (H. R. 7013) to place the name of Delia Newman on the pension-roll;

A bill (H. R. 8087) for the relief of Thomas Strodder;

A bill (S. 1880) declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875;

A bill (S. 3474) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887;

A bill (S. 3304) to prohibit the coming of Chinese laborers to the United States;

A bill (S. 3226) granting the Leavenworth Rapid Transit Railway

Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kans.;

A bill (S. 899) for the relief of Mary M. Briggs;

A bill (S. 3166) granting a pension to William F. Pike;

A bill (S. 2721) granting a pension to Jackson Chapman;

A bill (S. 1070) granting a pension to Mary R. Armstrong;

A bill (S. 3076) granting a pension to Mary M. Shattuck;

A bill (S. 2899) granting a pension to Harriet Welch;

EXTENSION OF APPROPRIATIONS.

Mr. FORNEY. I ask unanimous consent to offer a joint resolution to provide for the expenses of the Government. I will state that all the appropriation bills have passed except the sundry civil and Army appropriation bills, and it becomes necessary to extend the expenses under these bills until the 15th of September.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution approved June 30, 1888, entitled a 'Joint resolution to provide temporarily for the expenditures of the Government,'" approved July 31, 1888, be, and the same are hereby, extended and continued in full force and effect to and including the 15th day of September, 1888.

The SPEAKER. Is there objection?

Mr. CHEADLE. I object.

Mr. HENDERSON, of Iowa, and Mr. RYAN. I hope the gentleman will not object.

Mr. CANNON. I was going to say to my colleague on the committee that I think the gentleman from Indiana will not object when he understands the object of this resolution. Unless this resolution pass it leaves the Army and Navy without provision for their pay.

Mr. FORNEY. It does not leave the Navy without pay, but it does leave the Army; without this is passed we can not pay the soldiers nor those in the Soldiers' Home.

Mr. CANNON. Oh, yes, the Navy bill is passed, but there are a great many sundry expenses in the sundry civil bill, which is not passed, that it is absolutely necessary there should be provision made for. I think that it is a pity we should be called upon to pass this resolution because these appropriation bills ought long ago to have been passed.

Mr. TOWNSHEND. I desire to say, as far as the Army bill is concerned, that I have very strong hopes that it will be finally passed to-day, so that in respect to the Army bill I do not see any particular reason for it, but there are necessary expenses under the sundry civil bill for which it ought to be passed.

Mr. FORNEY (to Mr. TOWNSHEND). Your Army bill could not get to the President in time to make provision for the necessary expenditures under that bill.

The SPEAKER. The regular order is demanded. The Chair will state, however, that if this is a report from the Committee on Appropriations it is in order and will go to the Committee of the Whole on the state of the Union and can be considered there. It is not in order for present consideration if there be objection, and the gentleman from Indiana objects. It will therefore go to the Committee of the Whole on the state of the Union. The regular order is the call of committees for reports.

The committees were called, but no reports were presented.

ORDER OF BUSINESS.

Mr. FORNEY. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

Mr. WHEELER. Mr. Speaker, if that motion is carried, will the Committee on Expenditures in the Treasury Department have an hour to-morrow?

The SPEAKER. If this motion is agreed to, and the committee rise, and no motion is made and agreed to thereafter to go into Committee of the Whole for the further consideration of appropriation bills or general revenue bills, the hour for the consideration of bills will be occupied to-day after the committee rises.

Mr. O'NEILL, of Missouri. I desire to ask a question for information. After this resolution is disposed of, will it not be in order to have the morning hour for the consideration of bills?

The SPEAKER. The Chair has just stated that even if the motion be agreed to to go into Committee of the Whole, after the committee rises, unless some other motion is made having precedence over it under the rule, the consideration hour will be in order.

The motion of Mr. FORNEY was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills.

Mr. FORNEY. I call up House joint resolution 219.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

Resolved by the Senate and House of Representatives, etc., That the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution approved June 30, 1888, entitled a 'Joint resolution to provide temporarily for the expenditures of the Government,'" approved July 31, 1888, be, and the same are hereby, extended and continued in full force and effect to and including the 15th day of September, 1888.

Mr. FORNEY. I move that the committee now rise and report the joint resolution to the House with the recommendation that it do pass.

The question was taken on the motion of Mr. FORNEY, and the Chairman declared that the ayes seemed to have it.

Mr. CHEADLE. I ask for a division.

The committee divided; and there were—ayes 111, noes 3.

Mr. CHEADLE. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will designate to act as tellers the gentleman from Alabama [Mr. FORNEY] and the gentleman from Indiana [Mr. CHEADLE].

Mr. CHEADLE. Mr. Chairman, I do not wish to waste the valuable time of this House, but I raised the point of no quorum for this reason: This is the first time in the history of our Government when any Congress has ever been in session as long as this one has been and has failed to make the necessary appropriations to conduct the several departments of the Government.

The CHAIRMAN. Does the gentleman withdraw the point of no quorum?

Mr. CHEADLE. I wish to make a statement.

Mr. FORNEY. I hope the gentleman will be allowed to make his statement.

Mr. CHEADLE. One hundred and thirty-eight members of this House have petitioned for the consideration of legislation which directly affects the men who saved this Government. Their petition has not even been considered. Ten days of valuable time was lately taken up in the consideration of claims which are almost a century old, claims which have been favorably recommended by forty-four reports from committees of Congress, and after that time had been consumed in the consideration of those claims they were ruled out upon a point of order. I say, Mr. Chairman, to you, to this House, and to the country, that there is no justification for the present condition of the appropriation bills, and I want to emphasize that fact. There is no reason why those bills should not have been passed months ago. The second month of the new fiscal year is almost ended, and yet the regular appropriation bills are not disposed of. It was for the purpose of calling attention to these facts that I raised the point of "no quorum," and I now withdraw it.

The motion of Mr. FORNEY that the committee rise and report the joint resolution favorably to the House was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled "Joint resolution to provide temporarily for the expenses of the Government," and had instructed him to report the same back to the House with the recommendation that it do pass.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORNEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF GOVERNMENT SECURITIES.

The SPEAKER. The hour for the consideration of bills called up by committees begins at thirty minutes after 12 o'clock. The call rests with the Committee on Expenditures in the Treasury Department.

Mr. WHEELER. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the bill (H. R. 9623) to provide for printing Government securities in the highest style of art. Pending this motion, I ask that debate in Committee of the Whole on this bill and amendments thereto be limited to thirty minutes.

Mr. ROGERS. I object to that.

Mr. WHEELER. What time do you want?

Mr. ROGERS. I want the bill considered in its regular order.

Mr. WHEELER. There is only one hour more for its consideration.

Mr. ROGERS. It does not make any difference whether there is one hour or forty. I want it considered in its regular order.

The question being taken on the motion of Mr. WHEELER that the House resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. MCCREARY in the chair), and resumed the consideration of the bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

Mr. WHEELER. I yield to the gentleman from Missouri [Mr. HEARD] ten minutes.

Mr. HEARD. I do not expect to consume ten minutes; but I do not propose to be limited absolutely by the friends of this bill, nor to be put in such a position that I may be cut off arbitrarily.

Mr. BAYNE. This is an important matter and I think we ought to have order in the House.

A MEMBER. You can not get it.

The CHAIRMAN. The committee will come to order.

Mr. HEARD. Mr. Chairman, in order that I may not appear in a false attitude before the committee, I desire to explain my position. I am not here to antagonize this bill unreasonably; but I would like to know, before I consent to be limited to any particular time, that the opponents of the bill, if the course of discussion should develop any opposition, are to have a fair proportion of the time which is to be devoted to this discussion.

Mr. BLOUNT. I wish to ask whether the hour rule does not apply to the discussion of the bill?

The CHAIRMAN. The bill is being considered under the hour rule.

Mr. BLOUNT. Then the gentleman has the floor for an hour.

Mr. HEARD. I shall not consume an hour.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] has the floor, and has yielded ten minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. I will ask whether the gentleman from Alabama is entitled to the floor. When the committee rose yesterday I had the floor.

The CHAIRMAN. The Chair understood that the gentleman from Missouri at that time had not the floor in his own right, but was on the floor through the courtesy of the gentleman from Alabama.

Mr. HEARD. No, sir; I was on the floor, as I understood, in my own right; but if it is insisted by the gentleman from Alabama that I was on the floor by his courtesy, I do not intend to abuse that courtesy. I want the House, however, to understand that if it is expected that the consideration of this bill shall be completed to-day there must be a fair apportionment of time between those who favor and those who oppose it, if anybody desires to oppose it.

Mr. WHEELER. We are willing to give you all the time you desire.

Mr. FARQUHAR. There will not be any trouble about that.

Mr. HEARD. Mr. Chairman, until this bill was presented to the House yesterday, and when the gentleman from Alabama asked that the committee rise and report the bill to the House with a recommendation for its passage, I had not had opportunity to give the measure the attention which its importance demands. Since that time I have given it such examination as has been within my power, and I desire to submit very briefly my views and to state the reasons which prompt me to oppose some of the features of the bill which are certainly objectionable.

Mr. Chairman, the committee from which this bill has been reported—a committee for which I have very great respect, both on account of its *personnel* and by reason of the amount of work which it appears to have done—seems to have examined extendedly, if not exhaustively, the question whether or not the Government can be sufficiently protected by the character of work now being done by mechanical means, or to put it plainly, by steam-presses as against hand-press work. In view of the fact that these gentlemen of the committee appear to have conscientiously and intelligently examined this subject, I am disposed to defer to their judgment in this regard, and to yield whatever opinions I might have had in antagonism to the views which they have submitted, for the reason that I think they have had better opportunities for examining the question than I have had, and that therefore their opinion is entitled to greater weight.

I am ready to concede, sir, that in a matter of such importance to the American people as the printing of the currency of the country, whether it be the silver certificates or the national-bank notes, it is a matter of the most vital concern that the work should be properly done, so much so in fact as not to permit the question of cost, if confined within reasonable limits, to enter into the consideration of the subject at all.

The Government of the United States reserves to itself the exclusive right and power to print all the certificates and notes which it issues to do service as a circulating medium for the people; and no private corporation or individual can issue paper obligations of its own, or his own, to serve for such purpose without being subject to the tax of 10 per cent. provided in the law—which is therefore practically prohibitory; hence it is not only important to the people, but the imperative duty of the Government to see that the work done in the production of such certificates and notes be of the very best quality, in order that it may be enduring, as well as for the proper protection of the same against counterfeiting; and from the examination which I have been able to make of the evidence taken by the committee and presented in their report accompanying this bill, I agree with them in the conclusion that the hand-press work is unquestionably superior to that done by the steam-presses, and that it is therefore the duty of the Government to discard the use of the steam-presses for this character of work.

I do not intend, Mr. Chairman, to discuss here the point as to whether or not the printing of the internal-revenue stamps is sufficiently well done on the steam-presses, or whether hand-work shall be exclusively employed there. I am inclined to think from my own examination of the matter that it is sufficiently well done now, but I do not wish to make any issue with the committee on that point. Substantially, therefore, I stand with the committee in its recommendations so far as the discarding of the steam-presses is concerned, in the management of that bureau, and adopting exclusively hand-work for such character of work as that specified, and the importance of which makes it improper to permit the question of cost to control, because it should be done in the highest style of art.

I proceed, therefore, to discuss another feature of the bill which, to my mind, is particularly objectionable, and which in its effect, if that be not its direct object, will be, if enacted into law, oppressive in regard to an official of the Government, who, if I understand the public impression in regard to him, is both conscientious and competent. I invite attention, therefore, to the second section of the bill, and give notice that at the proper time I shall move to strike it out. It provides as follows:

SEC. 2. That hereafter the Chief and Assistant Chief of the Bureau of Engraving and Printing shall be either practical engravers or plate printers.

Now the fact is, as has been developed by inquiry, and is admitted by the friends of the bill, that neither the present Chief of the Bureau of Engraving and Printing, nor his assistant, is a practical engraver or plate-printer. This bill, therefore, if enacted into a law will throw these gentlemen out of their present positions, which must then be filled by the appointment of some other men, and no matter how deficient they may be in the higher order of administrative ability necessary for the discharge of the duties of the important positions they would be required to fill, the only standard of their fitness for the places as applied by this bill, is a knowledge of one or the other of two branches of work, which are but the merest items of detail in the general management of that important bureau.

Mr. SENEY. Does the gentleman commend the chief of the bureau for his action in regard to retentions and appointments there?

Mr. HEARD. I do not propose, Mr. Chairman, to be diverted from the line of remarks which I have sought to pursue, to the question of the merits or demerits of the chief of the bureau as relating to appointments. I am not here to defend the chief of that bureau, except upon the record of his work, but to prevent the enactment of a law which limits the Secretary of the Treasury, in the selection of a man to fill that important position, to members of any particular trade or calling, or tie his hands in regard to a matter in which he is primarily responsible to the people of the country for the result of his action, and for the character of service rendered by his appointee.

Mr. SENEY. Would it not be a little more satisfactory if he was a good Democrat?

Mr. HEARD. It might be a little more satisfactory to the gentleman from Ohio and to myself if a man possessing the necessary qualifications to discharge the duties of that position should be appointed there who was a Democrat, if the present incumbent is not. I do not know whether the present incumbent is a Democrat or not, and for the purposes of this argument I do not care. It is not a matter of consequence to me. He is selected by the Secretary of the Treasury, who is a Democrat, to discharge the duties of this office; and so far as this House is advised by the report accompanying this bill, or so far as it has been enlightened by any information given to the House by the three gentlemen who have spoken in favor of the bill, and so far as we have been able to get any information from the reports of his official superiors or even from the partisan press of the country, he stands before the House and before the country as a competent and conscientious official. I know that the Democrats, of which I am one, in this House and in the country have taken pride in the achievements of this official as a part of our administration, in the reduction of expenses and the accomplishment of his work, as we claim, at a reduction of about half a million of dollars in the last three years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. I now yield——

Mr. HEARD. I should like to have five minutes more.

Mr. WHEELER. I yield to the gentleman three minutes.

Mr. HEARD. No; five.

Mr. WHEELER. Very well.

Mr. SENEY. Will the gentleman tell us in that time, if he pleases, when speaking in justification of the head of the Bureau of Engraving and Printing, why it is that he keeps Republicans in office and will not let Democrats in?

Mr. HEARD. I will leave the gentleman from Ohio to make that investigation and inquiry for himself and in his own time. I shall not waste the brief time I have in considering it. I repeat, I have no defense to make of the political management of the chief of this department in his discrimination in favor of Republicans as against Democrats, if he has made any such discriminations. If I knew that he did that, other things being equal between the parties on their merits, I should vote to "bounce" him. [Laughter.]

I would say also, in order that I may be perfectly understood, that I would vote to bounce him if I thought that he lacked fidelity to duty—

that higher qualification to conduct the office which he holds—in such degree that he would retain an inefficient Democrat in his office, even if it was necessary to fill his place, if removed, with a competent Republican. The work conducted in this bureau is of too high an order and of too much importance to the people of this country to have it made a mere political machine in favor of the incompetents of any party, or to have it run upon a partisan basis in defense of the rights and in disregard of the interests of the people of the entire country. As a Democrat I prefer to see Democrats fill the offices of the country under a Democratic administration; but as to the selection of workmen to do the mechanical work in that bureau, I am willing to trust to the action of this official under the supervision of his official superior, the Secretary of the Treasury, a Democrat who, I am satisfied, would not permit unjust discrimination against Democrats.

Mr. BUTTERWORTH. I want to ask you if you would then bounce him in this indirect way?

Mr. HEARD. If I found he discriminated unjustly against Democrats in his bureau, I would bounce him and try to find a competent Democrat to fill the place.

Mr. BUTTERWORTH. But you would not do it in this cowardly way?

Mr. HEARD. No; it would not be necessary or to my taste. The power that appointed him, however, can remove him if cause for such removal appear, and I feel content to leave that duty to the Secretary of the Treasury, in perfect confidence that he will sufficiently consider the rights of his party friends, while he will also protect the public interests committed to his charge. But I do not care to say anything more on that subject, and I now ask the serious consideration of the House to a more important feature of the bill under discussion.

There are 914 persons actually employed in the bureau at this time. This number comprises engravers of various kinds, such as portrait, scrip, letter, and vignette engravers, transferrers, hardeners, plate-printers and their assistants, perforators, numberers, binders, typographic printers and pressmen, machinists, carpenters, plumbers, engineers, ink-makers, book-keepers, clerks, and a variety of miscellaneous occupations. If the proposition of the advocates of this bill, that the chief of the bureau must be able to determine of his own knowledge the faults in the work of every one of the subordinates, and be able to point out the best remedy, is true, then a plate-printer or an engraver has but a very small part of the information necessary to fulfill the requirement.

The chief of the bureau is charged with the management of the business of this immense concern. It is his duty to see that its force of employés is properly adjusted to the work required of the bureau; that the facilities for the execution of this work are adequate, and that the interests of the Government are fully protected in all the details of the business, involving an expenditure of nearly $1,000,000 a year. This requires an officer of great administrative ability, and it would be folly of the worst kind to limit the selection of an officer for the place to two callings in life. The Secretary of the Treasury has now the power to select from the whole field, including engravers and plate-printers, and it would be a restriction upon the power to select and appoint to limit it as proposed in this bill.

Mr. FORAN. Is not that the requirement in the Government Printing Office?

Mr. HEARD. I am not prepared to deny that such provision exists in the law as applied to the Government Printing Office, or to admit that if it does so exist that it would necessarily follow that it would therefore be wise to apply the same rule to this bureau, in which, as I understand, there is a much greater diversity of employments among the employés. I am not disputing the wisdom of requiring that the Public Printer should have a practical knowledge of that particular kind of work which he is to superintend. I suppose he should.

Mr. FORAN. That goes without saying.

Mr. HEARD. But, Mr. Chairman, I object to the argument of the committee that this man should necessarily be a plate-printer or an engraver because he should possess personal knowledge of this work, for that presupposes, in order to make this argument effective, that he must personally inspect every piece of work issued from the bureau. That would be impossible. The Postmaster-General might as well be required to examine personally every postage stamp going through his Department.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WHEELER. I yield five minutes to the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I would not be betrayed into this debate but for the fact that it has been my duty as a member of the Committee on Appropriations to make rather a careful investigation of some of the subjects involved in this bill. I desire simply to call the attention of the committee to two propositions. First, the work done on the steam-presses is undoubtedly inferior work, and when done it is more readily counterfeited than the work done on the hand-presses by the skilled men in that branch of the public service. In proof of the proposition I refer to the Government Counterfeit Detector—official organ of the Treasury Department—where you find page after page devoted to exposures of new counterfeits of the silver certificates of every denomination and bank-notes of denominations of one dollar up to one thousand dollars. In this document, which I hold in my hand, are almost endless proofs that counterfeiting has become almost universal throughout the country, and that our people—especially those who handle but little money and are not familiar with the qualities of paper money—are suffering on every hand.

The skilled banker and the skilled men who handle great sums of money are not suffering in consequence of this class of work so much, perhaps, as the people who deal in small sums of money, and take it often without thought or power of self-protection. The working people and the poor people of the country are being imposed upon by these counterfeits which are now overflowing the country. For that reason I think it is right to discard, as far as can be possibly done, the use of the steam-presses and to resort to the old time-honored hand-press, which gives American skill an opportunity to present to the country a sound circulating medium, and gives brains an opportunity to combat inanimate machinery for the safety and protection of sixty millions of free people. Besides, it will make the safety of our paper money issues no longer a contest between the machine and the criminal work of counterfeiters, but it will be a contest between intelligent skill and honest labor against the machine and criminal work of villains, in which the former will triumph, counterfeiting will become a lost art, and the increased skill of our workmen will be a pride of the Republic.

One other proposition. I have nothing to say as to the second section of the pending bill. I know nothing of the qualifications of the present incumbent, and it is not my business to know. I know something of the good judgment of the President, and am quite content to trust him to make appointments and removals, and determine who is fit or unfit to be the Superintendent of the Bureau of Printing and Engraving. But I support this bill because the use of these steam-presses, under all the circumstances, is little less than an outrage. I do not care whether such use is a saving or a loss to the Government. It is enough for me that the work done by them is unsafe and more easily counterfeited, but above all the terms and conditions on which they are used are utterly abhorrent to every sense of justice, as I see it.

There is plenty of sworn testimony taken and printed as to which is the better of the disputed modes of doing the work.

There is scarcely a question as to the superior work of the hand-presses. And it is not certain that the work thereon costs any more than when done by steam. But if it cost double as much as the latter, I would not hesitate a moment to drive these steam-presses (patented) out of the service of the Government, because of the extortion, the unreasonable demand of the patentees of such steam-presses. Let us consider it. These steam-presses are patented; and the proprietor of the patent charges the Government $500 for the privilege of building each of these machines. Then the Government is required to take the patterns from the patentee, and for the use of these patterns, $400 additional are paid; and the patterns must be returned immediately after the completion of each machine; so that this $400 additional, expended upon every machine, goes of course into the pockets of the patentee. Now there are $900 paid on each machine, or rather for the right to build it. The Government with $900 paid for the privilege builds the machine at a cost of $1,250. Now, mark you, that machine for the building of which the Government pays $1,250 (and which does not then become the property of the Government), has cost the Government $900 for the privilege of building. The extortion fails to stop there. After the machine is completed at the expense of the Government, the Government pays to the patentees a royalty of $1 a thousand for all the impressions that the machine makes. Upon a careful calculation we find that the patentee gets $1,700—it may be a little more or a little less—every year for a machine which costs $1,250 to build. Whether under this system we save a little money or not makes but little difference to me. I would not stand such an extortion if the revenues of the Government were made thereby ten times what they are.

[Here the hammer fell.]

Mr. GEAR. I would like to ask the gentleman from Missouri a question: What is the capacity of these presses?

Mr. BURNES. From 3,000 to 4,000 impressions a day.

Mr. GEAR. What proportion of the bills or notes struck on these presses are damaged?

Mr. BURNES. The testimony differs as to that; but it is undoubtedly a fact that the spoilage of paper—expensive paper, too—is a larger expense in the use of steam-presses than in the use of hand-presses.

Mr. WHEELER. Mr. Chairman, I had not intended occupying any time in the discussion of this measure, but inquiries having been propounded I will reply by stating that the Committee on Expenditures of the Treasury Department have given the bill most careful and painstaking consideration. The committee was confronted with the fact that the greatest country on earth had by its laws assumed exclusive control of its entire circulating medium. Section 3412 of the Revised Statutes reads:

Every national banking association, State bank, or State banking association shall pay a tax of 10 per cent. on the amount of notes of any person, or of any State bank, or State banking association, used for circulation and paid out by them.

Section 3413 reads:

Every national banking association, State bank, or banker, or association,

shall pay a tax of 10 per cent. on the amount of any town, city, or municipal corporation, paid out by them.

Sections 3414, 3415, and 3416 provide regulations and penalties for the violation of this law, and section 3417 provides that the provisions for bank tax and returns shall not apply to national banks, but as the national-bank currency is issued by the Government it follows that the 10 per cent. proviso amounts practically to an absolute inhibition against the issuance of currency from any source other than the United States.

Having undertaken to supply 65,000,000 of people with such currency as is necessary to their commercial interest, amounting as it now does to nearly $1,000,000,000, it certainly devolves upon the law-making power to see to it that the currency thus (as it were) forced upon the people should be such as to give all possible protection to citizens against the spurious paper of the counterfeiters which may be imposed upon them. The Government employs men of experience and skill, whose special training, constant practice, and thorough familiarity with the subject renders it comparatively easy for them to detect counterfeit money immediately upon its presentation. But the great body of the people are not familiar with the niceties and technicalities of engraving and printing, and to protect them is one of the highest duties of sovereignty.

Certainly it will not be questioned by any one that the assumption by our Government of the exclusive and supreme control in issuing the money of the country involves and carries with it the reciprocal obligation on the part of the Government to at least to the fullest possible extent give protection to the people against the loss which must fall upon the citizen who accepts a counterfeit national-bank or United States note.

HOW TO PROTECT THE PEOPLE.

Experience has shown that the best way to protect the citizen is to execute the currency in such a high style of art as to make the difference in the appearance of genuine and spurious notes apparent to the ordinary civilian. The judgment of those who have had most experience is that to accomplish this purpose the Government should employ the highest style of art in engraving and printing its securities, bonds, notes, etc.

The New York Stock Exchange is composed of men who have had more experience than any others in dealing in and handling bonds and securities of all kinds, and this distinguished body found it necessary for their own protection to adopt stringent regulations, a few paragraphs of which I will read:

It is required that a sample of each issue of stock or bonds shall be shown to the committee (to be left with the committee, if possible) so that it may be ascertained whether proper precautions have been taken against forgery; and no form of stock certificate or bond will be accepted unless it has been carefully engraved by some responsible bank-note engraving company whose work is admitted by the exchange.

The face of every bond, coupon, or certificate of stock must be printed from steel plates which have been engraved in the best manner, with such varieties of work as will afford the greatest security against counterfeiting by hand.

For each document or instrument there must be at least two steel plates, namely, a tint plate, from which will be printed an anti-photographic color so arranged as to underlie important portions of the face printing, and a face plate containing the vignettes and lettering of the descriptive or promissory portion of the document to be printed in black or in black mixed with a color.

These two printings must be so made upon the paper that the combined effect of the whole, if photographed, would be a confused mass of lines and forms to effectually secure against counterfeiting by scientific processes. All signatures upon securities must be written. Stamped signatures will not be accepted by the committee.

It will thus be seen that these experienced gentlemen in guarding themselves against forgeries and counterfeiters deemed it essential that the printing should be done—

From steel plates which have been engraved in the best manner, with such varieties of work as will afford the greatest security against counterfeiting by hand.

The committee were informed that the meaning intended is that the printing should be done by hand; that is to say, substantially as is provided in this bill.

I also find that the New York Legislature at its recent regular session was so impressed with the importance of this subject that it adopted a resolution which I will read:

Whereas, to prevent counterfeiting, error, and fraud, it is necessary that all issue of bonds, notes, stamps, and securities of the Government should be executed in the highest mode of excellence:

Resolved, That all Government securities, such as bonds, notes, stamps, checks, etc., should be executed in the highest attainable grade and perfection of the arts of engraving and printing, for the security of the Government and the people against error, fraud, and counterfeiting, and that the Senators and Representatives of this State in Congress be, and they hereby are, requested to use their utmost endeavors to secure legislation to that end.

I also am informed that the Legislature of New Jersey adopted the same or a similar resolution.

INFERIORITY OF STEAM-PLATE PRINTING ESTABLISHED.

It has been asserted upon this floor that the bills printed by steam-presses are equal to the best plate-printing from hand-roller presses.

The observations of the committee have led them to a very different, and I may say to quite a contrary conclusion, and in this conclusion they are abundantly sustained by the evidence.

Mr. Graves, who is certainly an ardent advocate of steam-press printing, in his evidence before the Committee on Banking and Currency, says:

The finest work, such as fine ruled lines, vignettes, finely-engraved portraits, and all work of that character, can only be done successfully on a hand-press.

I can not pretend to give all of Mr. Graves's evidence or by any means any considerable portion of the voluminous evidence of the other witnesses, most of which was given before the Committee on Banking and Currency, but will call attention to some expressions from witnesses which I recall and which tend to show the superiority of hand over steam printing.

David Russell, who stated he had been engaged in printing bank notes for twenty-two years, testified:

Q. Do you mean to say that hand-engraved work can be printed better by hand-press than it can be by machine-press?
A. Undoubtedly.
Q. What is your opinion as to the facility for counterfeiting notes? Can a note of the highest style of art be as easily counterfeited as a note of a lower style of art?
A. Certainly not.
Q. Can a note that has the highest style of art on the face and back be as easily counterfeited as a note that has the highest style of art on one side and not on the other?
A. Certainly not.

Arthur Small, a plate-printer who has been employed in the Bureau of Engraving and Printing since 1864, gave the following evidence:

Q. From your comparative observation as a steam-press printer and a hand-press printer, can you state your opinion as to which press does the better work?
A. I haven't any hesitation in saying that the hand-press does decidedly the best work.

John E. Breitmayer, a plate-printer of twenty-four years' experience, who has been engaged in the Bureau of Engraving and Printing since 1868, testified as follows:

Q. Have you not been selected as an examiner when tests of steam-press printing were made, to pass on the excellence of work? Were you not selected as an expert by the head of the bureau?
A. Yes, sir; twice.
Q. You have had opportunities of comparing the relative excellence of steam and hand-press printing?
A. Yes, sir.
Q. Give the committee your best judgment on the matter as to which is the more excellent?
A. I say by all means the hand-press; not because I am personally interested.

Charles Neal testified:

Q. How long have you been at work for the Government?
A. About twenty-seven years.
Q. Will you go on and state to the committee what are the advantages or disadvantages of the steam-press over the hand-press?
A. In the first place, you can not use as good ink on a steam-press as you can on a hand-press.
Q. Taking into account the increased wastage of paper, the inferior character of the ink which, as you testify, must necessarily be used, the wear upon the plates, and the character of the work produced upon the steam-presses with reference to its artistic merit, do you deem it judicious or a matter of economy to make use of steam-presses in printing Government securities or currency?
A. I do not.
Q. If the wastage is increased in any marked degree, state whether or not in your judgment it is an indication that the whole character of the work has been lowered.
A. That is my opinion. I think the work turned out now is the worst work ever issued by the Government.

By Mr. GRAVES:

Q. In what respect do you think it is the worst?
A. In the general appearance of it.
Q. To what classes of work do you refer?
A. I refer to the notes.
Q. The national-bank notes?
A. No; I don't have anything to do with them.
Q. The United States notes?
A. The United States notes and silver certificates.
Q. In what respect are they inferior; in engraving or printing?
A. In the printing and paper.
Q. Does that apply to the face printing or the back printing?
A. Both.

Thomas H. Little testified:

Q. From your experience in running a hand-press and a steam-press, state which produces the best work.
A. The hand-press.
Q. Why?
A. Because there is brains used and the man has command of his material, and to a certain extent he can regulate the way in which he works his paper. If it is too wet he can work it a little dry. He can fill his plate in better and take off more ink with a hand-rag, and can polish his plate better; leave it full with the hand and polish it, or wipe it close, as the demands of the engraving require.

Edward Shaffer appeared before the committee, and was interrogated as follows:

Q. State from your experience and observation which does the better work, the hand or the steam press.
A. From what I have seen and from what I know of the hand-press I will say that the hand-press does the very best steel-plate printing that can be done. Remember, I say that can be done. It does the very best. If properly done it can not be improved on by any process which they have. The steam-press does not do the very best work.

Ward Morgan, one of the superintendents in the Bureau of Engraving and Printing, appeared before the committee and was interrogated as follows:

Q. I believe you have already said that the highest work of art in printing can only be secured from hand-printing?
A. I said the finest work, such as fine ruled lines, vignettes, finely engraved portraits, and all work of that character, can only be done successfully on a hand-press.

MUST PROTECT AGAINST COUNTERFEITERS.

During the last two months the attention of the public has been called to notices in the public press of an unusual number of dangerous counterfeits. The committee in its anxiety to learn of what bearing, if any, the method of engraving now used by the Bureau of Engraving and Printing had upon this matter, addressed several letters to John S. Bell, chief of the Secret Service division, Treasury Department. In his reply, Mr. Bell said:

UNITED STATES TREASURY DEPARTMENT,
SECRET SERVICE DIVISION, OFFICE OF CHIEF,
Washington, D. C., July 25, 1888.

DEAR SIR: Your several communications relating to the subject now before your committee, *i. e.*, the printing of the obligations and securities of the Government in the highest style of art, reached me during my absence from the city.

You request to have my views upon the subject, especially with reference to the method of printing most likely to afford security against the art of the counterfeiter. I am not an expert, and therefore can not speak as intelligently upon the subject as I would like to; but I believe that the methods of printing, numbering, sealing, and issuing of the securities of the United States ought to be adopted which will approach the nearest to being absolutely secure against error and fraud, even if such methods should be much more expensive than others having less guaranties of protection.

In my judgment the printing can be best done, and in a higher state of art, when done by hand than that which is printed by the steam-press.

Respectfully, yours,

JOHN S. BELL, *Chief.*

Hon. JOSEPH WHEELER,
Chairman.

The committee therefore requested Mr. Bell, and the former chief of the bureau, Mr. James S. Brooks, to appear before them.

Their evidence is printed in full in the report of the committee. It clearly shows that in their opinion the hand-press produces work very superior to that done by the steam-press.

In his voluminous evidence Mr. Brooks said:

Q. Do I understand you to express an opinion that notes printed by hand in the Bureau of Engraving and Printing are a better guaranty of safety to the public than those printed by steam-press?

Mr. BROOKS. Everything else being equal, I think it is more of a guaranty than the steam-press, but there are other things to be considered, and this I wish to go down. I was going to say this—that, in my judgment, if you print both sides by hand from plates you now have, without depth, in my judgment, there is a very serious defect as compared with former issues. If we print both sides by hand unless you had better paper and deeper engraved plates, we would have similar trouble to that we have with the new series.

Mr. Bell also gave evidence at great length, from which I read the following paragraph:

The CHAIRMAN. You are of opinion that the present style of printing of all of our securities that are printed with steam plate presses can be easier counterfeited and the counterfeits are more difficult to detect?

Mr. BELL. I would like to say in answer to that, that the Government, with sixty millions of people and $140,000,000 of surplus, a rich Government, ought not to use inferior means of work to make Government obligations. They ought to use the best paper that can be made, and they ought to have it engraved in the highest style of the art, and from my knowledge, and from seeing bills that have been printed by steam methods of printing and by hand, there is no question at all, to my mind, that every bill should be printed by hand. I do not think they can get the depth of printing on a bill by steam, not in any of those I have seen. When a person that can sit 10 feet away and discover the difference between those printed by hand and those printed by steam, as I did awhile ago, I think there is quite a difference in the bills in regard to printing. Some of the gentlemen in charge of the Bureau of Engraving and Printing might hear my statement and perhaps make one of their best kind of steam bills and a poor kind by hand, and ask me to show the difference. In that case, I want to have the privilege of going to the bureau, in the printing division, and getting one of them as they usually come out.

Mr. Bell explained at some length his recent investigations regarding counterfeiting in Detroit, New York City, and Pittsburgh to illustrate the inferior character of the bills recently produced. He said:

We have a man in our service named Daniel McSweeney, who is stationed at Pittsburgh, Pa., who has had eight or nine years' experience, and is a very careful man. Some four months ago Mr. McSweeney learned that there was some counterfeit money passed in his district. He called at the banks, and threw out genuine five-dollar silver certificates as counterfeit. So it was printed in the newspapers all over the country, and especially at Washington, Philadelphia, Baltimore, and Cincinnati, saying the country was flooded with counterfeit money. Some time afterwards he sent three of these bills in to me to determine whether they were genuine or not. I immediately pronounced them genuine, and telegraphed him so.

This shows that some of the recent issues are so inferior that a man in the secret service who had eight or nine years' experience pronounced them to be counterfeits.

It is quite true that many of these witnesses qualified their statements, and many of them insisted that steam-press printing was good enough for all practical purposes; and some of the witnesses attributed the inferior issues to the inferior paper quite as much as to the machine-presses.

The great weight of the evidence submitted and of the opinions expressed to the committee overwhelmingly establish the proposition that the work done on the steam-press is not so good as that done on the hand-press, and the only ground upon which it is sought to justify the continued use of the inferior process is merely that the best printing is only obtainable at an increased cost.

QUESTION OF ECONOMY.

There has been much controversy as to the economy of using steam-presses.

The Chief of the Bureau of Engraving and Printing shows an average saving of about 18 per cent., and it is alleged that this advantage has been partly gained by ignoring some elements of cost which should have been charged against the work turned out by the steam-presses.

In estimating the relative cost it must be remembered that the Government pays, first, $500 for the construction of each press; second, $400 for the cost of patterns for each size (and it is alleged that the contract stipulates for the return of the patterns after the press is constructed); third, $1,250 which is paid by the Government for the construction of each press; fourth, a royalty of $1 is paid for every one thousand impressions.

On this question of the relative cost of steam and hand work we can get some information from the report of the Third Assistant Postmaster-General of 1885. It appears that advertisements were made for bids to print postage-stamps for the year 1886. In the blank form of proposals furnished to bidders they were invited to bid upon five different classes of work.

The specifications in these five different classes were as I will read:

Class No. 1: Price per thousand for stamps printed on hand-roller presses. Marked No. 1 in accompanying specifications.

Class No. 2: Price per thousand for stamps printed on steam-power presses, with part hand-work. Marked No. 2 in accompanying specifications.

Class No. 3: Price per thousand for stamps printed wholly by steam-power. Marked No. 3 in accompanying specifications.

Class No. 4: Price per thousand for stamps printed by steam-power presses which require a portion of the work, such as wiping and polishing, to be done by hand, with the right reserved to the Postmaster-General to require the work to be done on hand-roller presses. Marked No. 4 in accompanying specifications.

Class No. 5: Price per thousand for stamps printed by presses upon which all the work is done by steam-power, with the right reserved to the Postmaster-General to require the work to be done on hand-roller presses. Marked No. 5 in accompanying specifications.

The report of the Third Assistant Postmaster-General then goes on to say:

Upon opening the proposals, at the time appointed for the purpose, it was found that three bidders had competed for the contract, namely: The Secretary of the Treasury on behalf of the Bureau of Engraving and Printing of the Treasury Department, and the Franklin and American Bank Note Companies, both of New York. The bid of the Secretary of the Treasury, under class No. 1 (for printing on hand-roller presses), amounted to $132,545.49; under class No. 2 (for printing partly by steam and partly by hand) to $114,136.39; and under class 4 (for same kind of printing as in No. 2, with the right reserved to the Postmaster-General to require the work to be done on hand-roller presses) to $132,545.49, being the same amount as the bid under class No. 1.

It will I suppose be admitted that the bid by the Secretary of the Treasury was made under the advice of the Superintendent of the Bureau of Engraving and Printing, or at least that the Secretary relied upon the judgment and experience of that official, and this bid shows that the then Chief of the Bureau of Engraving and Printing was thoroughly of the opinion that the postage-stamps executed by the steam-presses would not be satisfactory to the Department, and therefore that the successful bidder would be required to do the work by hand-press. This result was so apparent to those who prepared the bid for the Treasury Department that the bid of the Secretary of the Treasury was $132,545.49 for stamps printed on hand-roller presses, and the bid was precisely the same, namely, $132,545.49, for the same work done on steam-presses, with the right reserved by the Department to require that the work be done by hand-roller presses, provided it should appear that the stamps executed by steam-presses were not satisfactory.

This, I think, may be taken as an admission that one having the option to choose between work done on a hand-press and that done on a steam-press, with power, backed by a contract, to enforce his choice, would be expected to reject work done on a steam-press and only accept that done on a hand-press.

But even if it were clearly established that there would be a saving to the Government by the use of steam-presses, and even admitting that the saving would be equal or even exceed the amount insisted upon by Mr. Graves, there remains the increased expense of maintaining the Secret Service division of the Treasury Department, which must be incurred so long as the obligations and securities of the Government can be readily and successfully imitated, an expenditure which can be reduced so soon as the Government shall be able to print its securities or obligations in so perfect a manner as to make it impossible to counterfeit them. And when this degree of excellence in printing our notes and securities shall be reached there will be the further saving of the expense attending the prosecution of captured counterfeiters.

SECURITY THE PARAMOUNT QUESTION.

I can not agree, however, that the question of economy merits any such consideration in this connection as is contended by the advocates of steam-press printing. Ill-judged economy is sometimes criminal extravagance. It seems to me that in considering this bill Congress should keep in view that it is the paramount duty of the Government to afford the citizen the greatest attainable security against losses by counterfeit notes being imposed upon him, and it being quite evident, I might say almost undisputed, that this security can be obtained in a greater degree by using the hand-roller presses exclusively, I therefore think this House will not hesitate to give this bill their candid support.

PROMINENT BANKER'S OPINION.

A prominent banker addressed a letter to Mr. Bell, an extract from which I will read:

* * * I read in the New York Times yesterday a criticism of your testimony before the committee of Congress investigating the engraving of the currency. I have been for twenty-five or thirty years in banking life, and much of that time engaged in handling bills as a teller, and it struck me that your testimony and that of Mr. Brooks was pertinent and correct, and in accord with the general opinion among banks as to the inferior value of the present issue of silver

certificates in the matter of engraving and paper. These notes are issued to circulate among the general public, who are not experts, and should be so designed as to make an imitation of them obvious to even the uninitiated, and their true value as a medium is in proportion to the difficulty of successfully passing their counterfeits upon the public. These plates seem to be designed for heavy and strong effects, such as are customary in modern lithographs, rather than the delicate hand steel work of former times. In the latter the least impression in a counterfeit destroyed the symmetry and harmony of the note and attracted attention at once.

In this issue the eye is caught and retained by the bold and striking points, and imperfections escape observation, consequently a fair imitation has a good chance of passing with those not expert.

The paper seems to be too soft and thick, and does not wear well, and the engraving seems to break down upon it much earlier than in former issues.

Both the paper and engraving of this issue were condemned by many banking experts when they were first issued as not suited to the purpose, and I think your opinions and those of Mr. Brooks as expressed to the committee will be generally indorsed by banks and those who understand what is necessary to protect the public, and whose years of experience have shown them the best means of doing so. I thought it might interest you to know this, otherwise I should not have intruded upon your valuable time. * * *

I think this voluntary expression of a banker who has handled money for thirty years is well worth our consideration.

I have in my hand a book containing an immense number of notices cut from papers during the present month giving accounts of the existence and uttering of large amounts of counterfeit money, and the arrest of a number of counterfeiters. I can not allude to them all but I will call your attention to an editorial in the last copy of the "American Banker and Financial Examiner" of August 25, 1888, which I will read:

We recently saw a counterfeit $5 silver certificate and were surprised at the excellence of its execution. The points of difference between it and the legitimate certificate are so infinitesimal that they must surely escape the observation of ordinary people. The counterfeiter has done his work so well that we are constrained to admit that his accomplishment is a work of art and that he himself is a person of no mean ability. It will soon be a question (if he continues to improve) as to whether the engraver employed by the Government is indeed the more accomplished artist.

And right here we pause to reflect whether in its pathetic striving after economy, the Administration might not save more money by taking this distinguished criminal into its employ. He might be induced to accept a position which would place his talents upon a basis of legitimacy, for a very small competency, seeing that such a position would relieve his artistic activities from legal interference. Thus the exalted mediocrity which appears to have taken possession of the Engraving and Printing Department might be returned to the statesman who dragged it from its native obscurity, or it might be quietly dropped into the Potomac; and we are sure that either procedure would be acceptable to that good-natured fellow, the American people. But yet it is fearfully possible that this obscure artist is making more money by his admirable productions than an economical Government might care to pay for his services. Is it too much to request a patriotic and well-fed Congress to quit filibustering and appropriate funds for advertising for this able engraver and beg him to come to terms? The currency is endangered because the Administration imagines it saves 11 per cent. on the cost of the work as now produced. If this is economy, pray let us have a period of extravagance by all means.

In conclusion, I will state that this Administration is quite alive to the importance of the question which is now arresting our attention, and I feel justified in stating that the Administration and the officials of the Government (excepting perhaps one or two subordinates) are anxious for a speedy remedy of the evil which is becoming apparent. The inferior execution of Government securities was not inaugurated by this Administration. It commenced before it came into power, and it is as solicitous as any of us for such legislation as is necessary to enable the officials to make the changes. We have only to do our duty and enact the bill into a law and you can rely upon it the evil of which we complain will receive prompt correction at the hands of the Administration.

As I understand, the main objection to this bill rests on the second section. I therefore ask unanimous consent that this section be struck out.

Mr. HEARD. That will be satisfactory to me.

Mr. WHEELER. In order to avoid any further discussion on that part of the bill, I ask unanimous consent that the second section be struck out.

Mr. CARUTH. I object.

Mr. WHEELER. Then I move to amend by striking out the second section.

The motion was agreed to.

Mr. WILKINS. Mr. Chairman, yesterday I opposed this bill; but now that the second section has been struck out, all my objections to the bill have vanished, and I am quite willing it shall pass.

The CHAIRMAN. The question is now on the amendments reported by the committee. The first amendment will be read.

The Clerk read as follows:

In line 4 strike out the word "check" and insert "and internal revenue."

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

In line 4 strike out the words "and drafts."

The amendment was agreed to.

Mr. WHEELER. I now move that the committee rise and report the bill as amended to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. MCCREARY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 9623) to provide for printing Government securities in the highest style of art, and had directed him to report the same back with the recommendation that it be passed as amended.

Mr. WHEELER. I move the previous question upon the amendments and the bill.

The previous question was ordered.

The amendments reported from the Committee of the Whole on the state of the Union were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHEELER. On account of this bill being under consideration when we adjourned, the Committee on Expenditures in the Treasury Department has had no opportunity to present other bills for consideration, and I now ask unanimous consent that Saturday next be set apart for the consideration of bills reported from that committee.

Mr. BUTTERWORTH. Will the gentleman indicate the character of the bills which he desires to present for consideration?

Mr. WHEELER. One is the bill to grant leave of absence to per diem employés in the Treasury Department.

Mr. BUTTERWORTH. That is good.

Mr. WHEELER. Another one is a bill providing for a new division of "balances" in the Treasury Department, a matter which has been recommended by the Treasurer. I believe those are all the bills that I shall call up.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama [Mr. WHEELER]?

Mr. PAYSON. Unless the request can be modified so that a portion of the time can be devoted to the consideration of bills relating to general pension legislation, I must object.

The SPEAKER *pro tempore*. Objection is made.

Mr. SPRINGER. I ask unanimous consent that this consideration hour may now be considered as having expired, if no other committee desires to call up a bill.

Mr. O'NEILL, of Missouri. I object.

The SPEAKER *pro tempore*. Objection is made. The regular order is the continuation of the call of committees for the consideration of bills under the rule. The call rests with the Committee on Expenditures in the War Department.

MEDICAL DIVISION, PENSION BUREAU.

Mr. WASHINGTON (when the Committee on Expenditures in the Interior Department was called). I call up the bill (H. R. 1548) to increase the efficiency of the medical division of the Pension Bureau.

The bill was read, as follows:

Be it enacted, etc., That the medical staff of the Pension Office shall consist of one medical referee, one assistant medical referee, three surgeons, and twenty-four medical examiners.

SEC. 2. That the medical referee shall be a man of pre-eminent professional ability, and shall receive the sum of $4,000 annually. He shall be the chief of the medical division, and as such shall oversee and arrange the work of said division.

SEC. 3. That the assistant medical referee shall also be of pre-eminent professional ability, and shall receive an annual salary of $3,600.

SEC. 4. That the three surgeons shall be experts in their profession, and shall receive each an annual salary of $3,000.

SEC. 5. That the medical examiners shall be surgeons of education, skill, and experience, and shall receive each an annual salary of $2,500.

SEC. 6. That all former acts or portions of acts conflicting with the provisions of this act are hereby repealed.

SEC. 7. That this act shall take immediate effect.

Mr. ROGERS. Mr. Speaker, I desire to ask whether that is not a bill which should be considered in the Committee of the Whole on the state of the Union?

The SPEAKER *pro tempore*. The bill is on the House Calendar, but the Chair thinks it ought to go to the Committee of the Whole on the state of the Union, as it evidently involves an expenditure of public money.

Mr. ROGERS. I make the point that the bill should be considered in Committee of the Whole on the state of the Union. I make the point in order that I may have an opportunity to examine the bill.

The SPEAKER *pro tempore*. If there be no objection, this bill will be referred to the Committee of the Whole on the state of the Union.

There was no objection, and it was so ordered.

Mr. WASHINGTON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill which the Clerk will report.

The bill was again read.

Mr. HOLMAN. I ask that the report be read.

The report (by Mr. WASHINGTON) was read, as follows:

The Committee on Expenditures in the Interior Department, having had under consideration House bill No. 1548, beg leave to report the same for favorable action, with the following amendments, to wit:

"Amend line 4, section 1, by inserting the word 'qualified;' so as to read 'three qualified surgeons.'

"Amend section 2, line 2, by striking out the words 'four thousand' and inserting 'three thousand six hundred.'

"Amend section 3, line 3, by striking out the words 'and six hundred;' so as to read 'salary of three thousand dollars.'

"Amend section 4, line 1, by inserting the word 'qualified;' so as to read 'three qualified surgeons.'

"Amend section 4, lines 2 and 3, by striking out 'three thousand' and inserting the words 'twenty-five hundred.'

"Amend section 5, line 3, by striking out the words 'and five hundred;' so as make it to read as follows: 'An annual salary of two thousand dollars.'"

This bill proposes to increase the medical board of the Pension Department by the addition of one qualified surgeon and six medical examiners in addition to those already employed, and to increase the salaries of all.

These officers and their salaries consist at present of—

1 medical referee, annual salary	$3,000
1 assistant medical referee, annual salary	2,250
2 qualified surgeons, each at $2,000	4,000
18 medical examiners, each at $1,800	32,400
22 officers, whose combined salaries make	41,650

Under the bill as it is proposed to be amended these officers and their salaries will be as follows:

1 medical referee, annual salary	$3,600;	increase...	$600
1 assistant medical referee, annual salary	3,000;	increase...	750
3 qualified surgeons (each $2,500)	7,500;	increase...	3,500
24 medical examiners (each $2,000)	48,000;	increase...	15,600
29 officers, whose combined salaries make	62,100;	increase...	20,450

—increasing the number of medical officers seven and the combined salaries of all (including the additional force) to the amount of $20,450 per annum.

This proposed increase in force is requested by the Commissioner of Pensions and by the medical referee. The latter states, "It is our opinion that this increase in the number of qualified surgeons and medical examiners as proposed in this bill should be provided, as the present force is inadequate for the discharge of the duties pertaining to these positions." The rolls of the Department show that nineteen clerks are now detailed to assist in the work of this medical corps, so great is the press of work, and should this bill become a law only a part of these clerks could be sent back to the desks at which they properly belong. As to the proposed increase in salaries the Department says:

"We have no hesitation in suggesting that it is our judgment that the salaries attached to the positions of qualified surgeons and medical examiners are inadequate, as has been demonstrated by the fact that several of the gentlemen occupying such places have resigned, and assigned as their reason for severing their connection with the bureau that they were not sufficiently remunerated for the character of services they were called upon to perform, and that professional experts in other departments are better remunerated than medical examiners in the Pension Bureau."

Mr. WASHINGTON. Mr. Chairman, I trust the gentlemen have paid attention to the report which has just been read, because it in a great measure explains this bill. This bill was introduced by the gentleman from Michigan [Mr. BURROWS], and was referred to the Committee on Expenditures in the Interior Department, and I personally, in connection with other members of that committee, made a thorough examination into this subject, which convinced us that the medical board of referees as it now exists in the Pension Bureau is not adequate to the performance of the duties assigned to it within the proper time. The board is now very much behind with the work, and a small addition to the force is desirable. We propose only an addition of one qualified surgeon and six medical examiners, and we give to each a small increase of salary in order that the best talent may be secured.

There is at present one chief medical referee, whose salary is $3,000. To fill that position a man is required of the highest medical and surgical skill and intelligence, and any gentleman who is familiar with the earnings of first-class surgeons in any city knows that such a man can not be secured for $3,000 a year. While a greater increase was asked by the department, the committee decided to recommend an increase of only $600, so as to give this officer the sum of $3,600 a year for his services.

Mr. PAYSON. Has the gentleman heard of any of these officials who say they will resign unless their salaries are raised?

Mr. WASHINGTON. I can not tell the gentleman from Illinois what they intend to do in the future, but I have been informed by the chief of the Pension Department that many of these officers have resigned because they could earn more in private life than they could earn by retaining their official position.

Mr. PAYSON. But does he know there are any of them who will resign unless their salaries are raised?

Mr. WASHINGTON. I am not speaking for the future. The salary of a qualified surgeon is $2,000. The committee recommend an increase in the salary of qualified surgeons of $500, and to increase the force of qualified surgeons by one, so as to enable the board to keep up with the business of the department.

When you come to the eighteen examiners, we find at present there are detailed some twelve or fourteen clerks from the ordinary duties of the office to perform the duties that ought to be intrusted only to expert medical men. The department says it can not get the services of qualified, skillful medical men for $1,800 a year, and we therefore increased the salary $200, making it $2,000. We also provide this force shall be increased by the addition of six, so that the clerks who have been detailed from the regular duties of the Department to perform the duties of these medical officers can be sent back to their desks.

I would advocate, Mr. Chairman, no measure in the line of extravagance, but in order that the Pension Department may keep up with its work, and in order that we may hear no more complaints against the long and wearisome delay in the medical department of the Pension Office, which come from all over the land from those who are applicants for pensions under the law, I join in asking for the passage of this bill. I reserve the balance of my time.

Mr. O'NEILL, of Missouri. It ought to be sufficient to inform this House that this measure is asked for by the Commissioner of Pensions and by the medical board having in charge the examination of these cases. The chief referee and his assistants were sent for by the Committee on Expenditures in the Interior Department and examined in reference to the necessity for this bill.

As the gentleman from Illinois [Mr. PAYSON] has asked the question, I can inform him on the authority of the medical referee that there have been repeated resignations in that force, and that they have been unable to obtain the highest class of medical talent on account of the very small compensation allowed. Members will recollect it is different in that profession from any other. When the physician leaves his home and comes here to fill a public position his medical practice is absolutely destroyed. It is not like an attorney, who can go anywhere and by his skill build up a practice. With them their practice is dependent on the knowledge and confidence of the people gained by years of practice as well as upon their skill. These salaries are too small for the class of work they do.

Any one who had occasion to converse with the medical men in charge of this work will know their work is not limited to the ordinary hours during the day, but they are compelled night after night to take their papers home with them for examination, in order to keep up with the work in the office. It is a matter of interest to every applicant for a pension throughout the land, and to every applicant for an increase of pension, that they should have a constant board to examine their claims. I do not think any member will for one moment believe the salary is too large for that class of service, and when the Commissioner informs us as well as the referee there is not a sufficient force to keep up with the work in that department, all we can do is to pass the bill and give them such a sufficient force.

I am aware there is a prejudice against an increase of salaries.

Mr. STRUBLE. Where does it exist?

Mr. O'NEILL, of Missouri. It exists in the minds of some of our best members who deprecate the raising of salaries, but as this measure is in the line of greater intelligence, in the line of increased usefulness in a position of this kind, I do not think gentlemen will allow an objection of that kind to prevail with them.

Mr. GEAR. How long have these salaries remained as they are now?

Mr. O'NEILL, of Missouri. I do not know how long.

Mr. GEAR. Have they not remained for years as they are now?

Mr. O'NEILL, of Missouri. I do not know to a certainty; I think they have, but in reference to this matter we are legislating for the future. I presume not a gentleman in this House will say that, for the chief referee of the Pension Department, a salary of $3,600 is too high. We pay that to clerks in this House.

Mr. GEAR. I am not opposed to the passage of the bill, but I would like to have the gentleman from Missouri [Mr. O'NEILL] answer whether these salaries have not remained as they are for the last year.

Mr. O'NEILL, of Missouri. We have been told that some of these officials have resigned because the salary was too low. I do not know myself how that matter may be. I am legislating for the future and not for the past. I only know that the present salary is insufficient, and that this increase ought to be granted.

Mr. GEAR. But I have asked if that salary has not been the rule heretofore, and the gentleman says he is unable to answer the question.

Mr. O'NEILL, of Missouri. Are you opposed to increasing the salary?

Mr. GEAR. Not at all.

Mr. O'NEILL, of Missouri. Then why are you taking up my time? [Laughter.]

Mr. GEAR. I am only seeking information. I thought I could get it from a member of the committee. Now, how does the gentleman know that these salaries ought to be increased?

Mr. O'NEILL, of Missouri. From the very best authority. From the authority of Dr. Campbell himself——

Mr. GEAR. A very good man.

Mr. O'NEILL, of Missouri. And who says that the salaries are so small that he can not retain competent men, and that they must be increased.

Mr. STRUBLE. Is it not a little strange that it has been only discovered since the Democrats have had control there that the salaries are too small?

Mr. O'NEILL, of Missouri. Why, my dear sir, if you have any faith in your future some of your birds may get in some day. [Laughter.]

Mr. STRUBLE. Oh! we expect that, and very soon.

Mr. O'NEILL, of Missouri. I do not think that the question of politics has ever entered into the workings of that bureau, certainly not under its present management.

Mr. STONE, of Kentucky. Will the gentleman yield to me for a question?

Mr. O'NEILL, of Missouri. Oh, yes.

Mr. STONE, of Kentucky. Is it at all probable, or has the gentleman reason to assume, that these parties will resign because of an insufficiency of salary?

Mr. O'NEILL, of Missouri. I understand they will.

Mr. STONE, of Kentucky. Very well, then all that the Department needs to do is to draw a sight draft on the First district of Kentucky, and we will supply them.

Mr. O'NEILL, of Missouri. Can they draw a sight draft on the district for the same amount of brains and intelligence required?

Mr. STONE, of Kentucky. Yes, and for all the experience and capacity of every kind that is necessary; and their Democracy guaranteed. [Laughter.]

Mr. O'NEILL, of Missouri. I do not think there can be any question of the ability of the men now filling the positions. What the country wants, and what we ought to have, is an efficient service; and as the time is very short within which to pass this bill I hope there will be no further objection.

I yield the floor back to the gentleman from Tennessee.

Mr. CHEADLE. In view of what has been said by my distinguished colleague from Missouri in reference to the over-work done in this department, I send to the desk and ask to have read an article from the New York Tribune of this morning.

Mr. O'NEILL, of Missouri. How does that get into my time?

The CHAIRMAN. The Chair understood the gentleman to yield the floor.

Mr. STRUBLE. And everybody being in favor of your bill.

Mr. O'NEILL, of Missouri. I have no objection to the gentleman having leave to print anything he pleases; but I do not want the time of the House to be taken up by reading irrelevant matter.

The CHAIRMAN. The Chair understood the gentleman to yield the time back to the gentleman from Tennessee [Mr. WASHINGTON]. The Chair supposed, however, when the gentleman from Indiana was recognized, that he had merely risen to ask a question.

Mr. CHEADLE. I understood the gentleman had yielded the floor, and when he had concluded I rose and asked recognition.

Mr. TAULBEE. If the gentleman wants to oppose the bill, I will yield him some time myself.

Mr. WASHINGTON. Unless some gentleman desires to be heard on the other side of this question, I shall ask for a vote.

Mr. TAULBEE. I want to be heard on it myself.

Mr. ROGERS. And several of us.

Mr. CANNON. The gentleman from Indiana desires to be heard and was on the floor.

Mr. CHEADLE. I desire to have read as a part of my remarks an article from the New York Tribune, which I sent to the desk.

The Clerk proceeded to read as follows:

CAN SUCH THINGS BE?—HERE IS A PLAIN DUTY OF CONGRESS—PUBLIC FUNDS FOR CAMPAIGN USES—A PLAIN VIOLATION OF LAW—CLEVELAND'S VETOES TO BE DEFENDED—WHAT WILL IT COST?

[By telegraph to the Tribune.]

WASHINGTON, *August* 28.

The retaliatory message——

Mr. TAULBEE. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. That the article being read, or the head lines which have been read, clearly indicate that it does not relate to the pending question. There are members who want to oppose this bill, and as the time is limited we do not want to have irrelevant matter injected into this discussion.

Mr. CHEADLE. If the gentleman will just allow this article to be read he will see that it has a bearing upon the question.

Mr. CANNON. The gentleman from Indiana has the floor and can debate the question as he pleases.

The CHAIRMAN. The gentleman claimed the floor and sent this article to the desk as a part of his remarks. The Chair thinks that the rule requires, especially in this consideration hour, that the remarks applied to a pending bill should relate to the subject-matter under consideration.

Mr. CHEADLE. But I ask to have read an article which bears directly upon the management of the Pension Department.

The CHAIRMAN. The pending question is one with regard to raising the salaries of certain officials.

Mr. TAULBEE. If it relates to the bill under consideration, I do not object; but the time is very limited and should not be consumed in reading irrelevant matter.

Mr. CANNON. The gentleman can debate the bill in any manner he pleases.

Mr. BROWNE, of Indiana. Having the floor, my colleague has the right to proceed in his own way.

Mr. TAULBEE. I insist that the point of order must be well taken, and the gentleman, if he is going to oppose or favor the bill, must confine himself to the question before the House.

Mr. HENDERSON, of Iowa. But the gentleman has the right to oppose the bill in his own way.

Mr. CANNON. The undoubted right.

The CHAIRMAN. The question is as to whether the matter submitted by the gentleman from Indiana is in order. The question raised by the gentleman from Kentucky is to the effect that in a debate of this kind the gentleman should confine himself to the bill under discussion.

Mr. TAULBEE. I have no objection to the article being read if the matter relates to this bill.

Mr. CANNON. I rise to a parliamentary inquiry.

Mr. CHEADLE. The reason that I asked that this article should be read is in opposition to this bill. The point of this bill is that there are not enough clerks in the Pension Office to transact the current business of that bureau, and that article shows that they are detailed for other purposes. I desire it read as part of my remarks.

Mr. CANNON. I rise to a point of order.

The CHAIRMAN. The hour for the consideration of bills has expired.

Mr. CHEADLE. I reserve my time.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House had had under consideration the bill (H. R. 1540) to provide for increasing the efficiency of the medical division of the Pension Department and had come to no resolution thereon.

OKLAHOMA TERRITORY.

Mr. SPRINGER. I move that the House now resolve itself into Committee of the Whole House on the state of the Union, my object being to ask further consideration of the Oklahoma bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes.

Mr. SPRINGER. I desire to reserve the remainder of the time that is under the control of the friends of the bill, which is about twenty-six minutes.

The CHAIRMAN. The gentleman has twenty-six minutes of his time remaining.

[Mr. HOOKER withholds his remarks for revision. See APPENDIX.]

Mr. STONE, of Missouri. Mr. Chairman, what disposition has been made of the time remaining?

The CHAIRMAN. The Chair understands that the gentleman from Illinois [Mr. PAYSON] proposes to yield the remainder of his time to the gentleman from Indiana [Mr. HOLMAN].

Mr. PAYSON. I yield to the gentleman from Indiana so much time as he may desire, reserving to the gentleman from Missouri such portion as they may arrange.

The CHAIRMAN. The gentleman from Illinois [Mr. PAYSON] has twenty-seven minutes remaining. How much time does he desire to yield to the gentleman from Indiana?

Mr. PAYSON. Twenty minutes.

Mr. STONE, of Missouri. Before the gentleman from Indiana begins, I will say that I have no desire to occupy seven minutes, and if he needs that additional time I hope he will go on and occupy it.

Mr. HOLMAN. I send to the desk a substitute for the amendment of the gentleman from Illinois [Mr. PAYSON] and ask that it may be read.

The CHAIRMAN. The Clerk will report an amendment in the nature of a substitute for the proposition of the gentleman from Illinois, which, as the Chair understands, is accepted.

Mr. HOLMAN. The first clause of my proposition is the same as that of the gentleman from Illinois.

The Clerk read as follows:

Strike out the words "at the price of $1.25 per acre," in the twelfth and thirteenth lines of section 5, and insert the following:

"Under the homestead law only, except section 2301 of the Revised Statutes."

Mr. HOLMAN. That is the proposition of the gentleman from Illinois. The remainder is what I propose to add.

The Clerk continued the reading, as follows:

Provided, however, That no person seized of any lands in any State or Territory, or who shall have sold land in any State or Territory within three months before the time of the taking effect of this act, shall be authorized to enter any of the lands covered by the provisions of this act. The Secretary of the Interior shall prescribe all needful rules to give full effect to this provision: *And provided further*, That all provisions of law touching the rights of soldiers and officers who served in the Army of the United States during the late war, entering public lands, shall apply to the lands embraced in this act.

Mr. PAYSON. I would prefer, Mr. Chairman, that the proviso should be moved as an amendment to my amendment.

Mr. HOLMAN. That is what I am proposing—that the proviso be treated as an addition to the amendment of the gentleman from Illinois.

Mr. SPRINGER. One question as to the meaning of this proposition. Is it understood that if a person having sold a town lot and converted it into money should go to this Territory to locate upon these lands he would not be permitted to do so?

Mr. HOLMAN. You have the two alternatives. You must either adopt a provision similar to this, or else you must permit this land, which is claimed to be very valuable, to be taken up by persons who are already wealthy, not the persons for whose benefit the homestead law was intended.

Mr. SPRINGER. But a man who had a very small tract of land, not worth, perhaps, more than fifteen or twenty dollars, ought not to be deprived of the right of locating a homestead.

Mr. HOLMAN. I believe the gentleman from Illinois [Mr. PAYSON] accepts that amendment.

Mr. PAYSON. Yes, sir; I am content with that.

[Mr. HOLMAN withholds his remarks for revision. See APPENDIX.]

Mr. SPRINGER. I desire now to yield ten minutes of my time to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Chairman, I want to devote a few minutes to the discussion of the propositions of law presented by the gentleman from Mississippi [Mr. HOOKER]. I need not take the time of this committee to call attention to the statutes creating the grants of the Missouri, Kansas and Texas, and the Atlantic and Pacific companies, because the gentleman from Mississippi has admitted in the course of his remarks that in these grants there was a special reservation of the power on the part of the Government to alter, amend, or repeal the acts in question. I simply want to read from the opinion delivered by Justice Miller in the case of Greenwood *vs.* Freight Company, reported in 105 United States Reports, on page 17. This was a decision hinging upon the very question presented here as to the effect of the reserved power of the Government to alter, amend, or repeal any of these granting acts. This, however, was a decision upon a similar provision embodied in an act passed by the Legislature of Massachusetts, which he quotes as follows:

> Every act of incorporation passed after the 11th day of March, 1831, shall be subject to amendment, alteration, or repeal at the pleasure of the Legislature.

In regard to which Justice Miller says:

> It would be difficult to supply language more comprehensive or expressive than this.
>
> Such an act may be amended; that is, it may be changed by additions to its terms or by qualifications of the same. It may be altered by the same power, and it may be repealed. What is it may be repealed? It is the act of incorporation. It is this organic law on which the corporate existence of the company depends which may be repealed, so that it shall cease to be a law; or the Legislature may adopt the milder course of amending the law in matters which need amendment, or altering it when it needs substantial change. All this may be done at the pleasure of the Legislature. That body need give no reason for its action in the matter. The validity of such action does not depend on the necessity for it or on the soundness of the reasons which prompted it.

Now, when the Congress of the United States passed the act granting to these railroads this power and donated to them these valuable franchises on certain conditions, it reserved at the same time the right at any time thereafter to alter, amend, or repeal the provision granting the corporation, and in fact to repeal everything that gave any power or vitality to the corporations; and if that reservation is contained in the act, no rights could be acquired by any purchaser of the mortgage bonds, because they bought in the face of the decision of the Supreme Court, the highest judicial tribunal in the known world, and in the face of the law which embodied this right to repeal.

They could not claim to be innocent purchasers or to have vested rights, and as innocent purchasers claiming a right under the act of the railroad incorporation to have an interest in the property mortgage, because at the very foundation, at the very threshold of their claim they would be met by this clause which virtually says they could not be innocent purchasers within the meaning of the law, and with this decision of the Supreme Court which expressly declares the meaning and intent of that clause to alter, amend, or repeal.

Now, Mr. Chairman, permit me to devote the few moments of the remaining time in answer to the suggestion of my friend from Illinois [Mr. PAYSON] and in relation to the amendment which he has suggested.

Mr. HOOKER. Will the gentleman allow me a question?

Mr. PETERS. If I have time when I have concluded what I desire to say I will yield with pleasure.

Mr. HOOKER. I would like to ask the gentleman if the grant of land had been made to the railroad, and the road had constructed the requisite number of miles to acquire the right, and pending the construction of the road had mortgaged, and the company who had bought it conveyed an interest in it, would that interest be destroyed by a repeal of the law?

Mr. PETERS. In view of the decision of the Supreme Court, I should say certainly that mortgage would be void and the conveyance would have no effect, because it was done with a full knowledge that the Congress that created the company had the right to repeal the law.

Mr. HOOKER. The opinion which the gentleman has quoted from Justice Miller was an opinion passing upon another feature, and referred to enactments hereafter made.

Mr. PETERS. That is very true, but my friend from Mississippi will recollect that it is a well-known provision of law that in any question involving the language of a grant the construction is usually against the grantee and in favor of the grantor; that wherever there is a question as to the act the construction shall be against the privileges that are claimed to be conferred by the grant.

But now I desire to call attention to the question which has been presented in regard to the homestead provision. Out West, in that great country, we have had there a sentimental feeling in regard to the homestead law. But I care not how much sentiment may hang around any bill or project, however grand it may be, or however high the character of the men who may plead for it, unless it passes the crucible of business experience and knowledge it fails as far as that section of the country is concerned. The sentimental feature of the homestead question has been eliminated by the practical application of the law. Much has been said about that homestead law. It has certainly been grand in its provisions, and I concede it. It has settled up to a great extent our Western country.

But, Mr. Chairman, there has grown up in the minds of the people of the West who have had experience with its workings and influence an opinion that there are grave defects in that law and the very defects which we desire to eliminate by the provisions of the pending bill. How is it now if the amendment of the gentleman from Illinois goes into the bill? What will be the effect? So far as Oklahoma is concerned, what is the result? It simply opens up for the benefit of the interloper, for the benefit of the speculator, for the benefit of the adventurer, who does not desire to use that right for the purpose of making a home for himself, all these valuable lands. Gentlemen say this can not be done. I dispute that proposition. You can go into that Territory and file upon 160 acres of land and pay the sum of $2 at the land office. You have then six months within which to establish a residence on it. The party goes immediately to a real estate agent and says "I have filed upon 160 acres of land, but I want you to sell it for me, for I don't intend to go on it. Sell it for fifty or a hundred dollars, whatever you can get for it, and when you make the sale I will sign the release." And when a man goes there and files upon this quarter-section of land with any idea of making it a home, under the provision of this bill we say, "You must not only get your $2 but you must also get your $50, the first payment on your claim at $1.25 an acre, before you get it." Then when he makes his payment he can go upon it and by this act shows he intends to make it his home and a home for his family. He is not a speculator and not an adventurer going there for the purpose of holding a quarter of a section in order to make $50 or $100 on it by holding it for six months.

Mr. PAYSON. Does the gentleman mean to be understood by the committee as saying that the same evasions are made of the homestead law with the commutation feature eliminated.

Mr. PETERS. That is the point. That has been the experience on this matter in the West in the great homestead regions, and I state that there have been greater frauds committed under the homestead law than under any other land law.

Mr. PAYSON. Only under the commutation feature of it. I hope the gentleman does not mean to say that with the commutation feature out there are frauds under the homestead law.

Mr. PETERS. Not entirely so.

Mr. PAYSON. Will the gentleman yield for one further question on that point?

Mr. PETERS. I say that under the homestead law proper, outside of the commutation feature, there have been a great number of cases where frauds have been committed. From its first application up to the present time there have been frauds carried on time and time again under the homestead law.

Mr. LIND. If the gentleman will yield to me I will answer the question of the gentleman from Illinois [Mr. PAYSON].

Mr. SPRINGER. I will yield two minutes to the gentleman from Minnesota.

Mr. LIND. I will answer the question of the gentleman from Illinois from actual experience how it is possible that speculations may be carried on under the homestead act, and how they are frequently carried on.

Mr. PAYSON. The gentleman need not take any time to instruct me upon that.

Mr. NELSON. My colleague has had a number of years' experience and can fully explain that matter.

Mr. LIND. I understood that the gentleman from Illinois had asked a question and that he desired an answer. You are aware that under the homestead law as it existed until within the last three years a party was entitled, after he had taken out his first papers and filed them under the homestead act, to go and settle on the land. In the mean time the land, from the date of filing his claim, was withdrawn from entry and actually excluded entry or occupancy by other persons, and during this preliminary six months he had as good a title to possession of the land as though he held a warranty deed, and as if he had the fee to it. He could apply to his agent or attorney to sell it for him, and it could be sold for $100 or $150.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. I will yield the gentleman a minute more.

Mr. LIND. The law was amended so that the man instead of having only six months for this preliminary purpose was given a year. There was nothing justifying it. Now, under the act of Congress he could not only hold possession of the land without entering upon the land, but he had as good a title as a warranty deed; and I say that gives ample room for speculation. All Western men will agree that there has been speculation in land under those provisions. I think I have answered the gentleman's question.

Then, upon another point: Some of these entries upon the public lands are in excess of 160 acres allowed by law, and that excess must be paid for in cash at the rate of $1.25 an acre or $2.50 an acre. If a man relinquishes that land he forfeits his first payment. In these instances it has been my observation that where the excess is large the records of the land office will show that there are really no relinquishments.

Mr. NELSON. Mr. Chairman, I desire to speak on the pending motion.

Mr. SPRINGER. How much time do you want?

Mr. NELSON. I do not suppose ten or more than fifteen minutes at the outside.

Mr. SPRINGER. I yield to the gentleman.

Mr. NELSON. Mr. Chairman, I take a different view of this question from that which has been presented by most of the gentlemen who have debated it, or at least those gentlemen whose remarks have come under my observation. All that has been said about the beneficent provisions of the homestead law when it was originally passed in 1862 I entirely concur in. At that time we had a vast area of unsettled territory, and we were in the midst of a great war. It was then of the utmost importance to increase and enlarge expeditiously our resources and our sphere of production, and under the circumstances, with such a large area of unsettled land and with the burdens of a great war upon our hands, it was one of the wisest possible measures to pass the homestead law for the promotion of the rapid settlement and development of our country.

But, Mr. Chairman, we should always as legislators be guided, not by considerations of sentiment, not by considerations that existed twenty-six years ago, but by the existing condition of affairs. To-day the conditions are entirely different from what they were in 1862. At that time, as I have just said, our great need was to hasten our growth in population and production. Now, I think the universal sentiment is, if we go deep down into our hearts, that we are growing too rapidly for our own good, that our population is increasing too rapidly, that it is coming in faster than we can properly assimilate it and make it a part of ourselves.

For myself I can truly say that while I came here from my distant and far-away home in Minnesota, imbued with the narrow and provincial idea that the sooner we could settle up the unsettled portions of our country the better, yet now, sir, with the education I have received in this Chamber, and with an enlarged sphere of vision here acquired, and looking at our country as an entirety and as something more than the State of Minnesota, I have come to the conclusion that we are, and to some extent have been, too prodigal of our public lands. That we had better reserve some of them for our children and our grandchildren, and that there is no occasion now to continue the policy of giving them away broadcast to the first comer, as there was occasion for that policy in the midst of the war, twenty-six years ago. These, sir, are my views now, and, therefore, as a business proposition—for there is no occasion to bring in matters of sentiment here, nor no occasion to bring in politics—as a business proposition, I think it is fair and just to buy these surplus lands from the Indians at a reasonable price—$1.25 per acre, as proposed in the bill—and I think it is also fair and just under existing conditions that the people who are to get these lands from the Government—under the homestead laws only—should pay that small price for them.

Remember that prior to 1862 the settlement of the public domain of this country was chiefly carried on under the old pre-emption law of 1841, and under that law the nation made a very rapid and healthy growth and progress, although settlers were obliged to pay for their lands at the rate of $1.25 per acre. In 1862 the circumstances, as I have said, were peculiar and they justified the passage of the homestead law. But what was good policy then—what was good for the nation twenty-six years ago—may not be good policy now, and I do not think it is. I agree to a large extent with the sentiment that has been manifested by the gentleman from Indiana, the chairman of the Committee on Public Lands [Mr. HOLMAN]—a sentiment expressed, perhaps, not so much in words as in acts—that we had better be a little careful of what is left of our public domain. Our public domain, in spite of everything that may be said to the contrary, has been our great economic safety-valve, the place where the tired and teeming thousands from our large and crowded cities have gone and found homes and rest.

Before I proceed further I will for a moment call your attention to the peculiar amendment offered by the gentleman from Indiana [Mr. HOLMAN]. I do not really think he means what the amendment provides. Construing one portion of the amendment literally, it would result in this: If a poor laboring man in a manufacturing town has a little piece of ground—it need not be more than the tenth or the twentieth part of an acre—with a little cabin upon it, and he should see fit to sell it and move out West—into Oklahoma, if you please—he could get none of that land under the amendment proposed by the gentleman from Indiana, because it cuts off everybody who owns any real estate or who has sold any real estate within three months prior to the passage of this act. Then there is another improvident provision in the amendment. It gives to soldiers and sailors all the rights they have heretofore had under our public-land laws, as I understand it.

Now, one of the rights that the soldiers have had is what is known as "the additional homestead right;" that is to say, a soldier who has had a homestead of 80 or 120 acres or any amount less than 160 acres can get the right to locate and enter without settlement the number of acres his homestead was short of 160 acres, and this right has been used and in practice made available as land-scrip. This scrip, I am informed, is worth some $30 an acre, and is now mainly used in locating town sites. Under the provisions of this amendment this scrip could be used to locate lands in Oklahoma, and speculators and land-grabbers would no doubt be swift to avail themselves of the privilege without stint.

Mr. HOLMAN. Does the gentleman understand the law to make those additional homestead rights assignable?

Mr. NELSON. Not technically nor directly, but indirectly and in practice, by means of powers of attorney.

Mr. HOLMAN. Is that the law?

Mr. NELSON. That has been the practice and still is unless the law has been changed recently, of which I am not aware.

Mr. HOLMAN. There never has been any law to authorize any such assignments.

Mr. NELSON. I will tell you how it has been. I will explain that. Here is the way they do it. Suppose my friend, the gentleman from Illinois [Mr. PAYSON], has a "soldier's additional" for 20 acres. He can not directly and in form assign it to me; but he makes and delivers to me a power of attorney, and attaches the scrip to it, and authorizes me thereby to locate the scrip in his name. Then he gives another power of attorney authorizing me to sell that land after I have located it. That is the way the matter has been managed.

Mr. HOLMAN. I believe the Secretary of the Interior has held those assignments void.

Mr. PAYSON. Let me make a suggestion. The gentleman from Minnesota [Mr. NELSON] is quite right in his statement as to the practice in regard to locating this scrip; but at a later stage in the consideration of this bill an amendment will be offered which will entirely obviate the difficulty suggested.

Mr. STONE, of Missouri. I have understood, upon inquiry at the Land Office, that the practice referred to is not permitted any more.

Mr. PAYSON. It ought to be prohibited by law, and I hope we shall do so by an amendment to be offered at a later stage of the bill.

Mr. NELSON. I only know that some of the most valuable pine lands in the State of Minnesota were located by so-called "soldier's additionals;" and this scrip was procured mainly from soldiers in Missouri.

Mr. BLAND. And Congress passed an act permitting that to be done—amending the original law.

Mr. PAYSON. Oh, no, there is no law authorizing such assignments; the matter rests on practice only.

Mr. NELSON. Mr. Chairman, I desire to repeat what I have already said, that this matter should be treated as a business proposition. I say that the facts, circumstances, and conditions which justified the passage of the homestead law in 1862, which proposed to distribute the public lands broadcast among the people of all the world, do not exist to-day; and there is reason why we should not be prodigal of our public lands. Speaking as an American citizen, with the weal of the whole country at heart, I think it our duty to act in a cautious and conservative spirit in reference to this question. I would like to see some of our public lands left for our grandchildren, and I think most gentlemen here entertain a similar wish. If we make provision, and the bill does, that none but homestead settlers can obtain these lands, and that they can obtain them at the cheap and almost nominal price of $1.25 an acre, I think that it will be fair and just to all concerned, and it will be a considerable saving of money to the Treasury of the United States. Any man who wants land and who has the "grit" and courage to go out into this Territory, open up a farm and establish a home, would certainly be ready and willing to pay the small pittance of $1.25 an acre in installments as the bill provides.

I have been a member of the Committee on Indian Affairs during three Congresses, including the present; and so far as I know, in every instance, with the exception of the ratification of the treaties with the Indians in Northern Montana, we have made provision that whatever compensation was to be given to the Indians for the relinquishment of their rights should be reimbursed to the Government by the settlers who might obtain the lands. We have made such a provision in two bills which have passed during this Congress, one with reference to the great Sioux reservation, opening up 12,000,000 acres in Dakota, where 50 cents per acre was to be paid, and the other relating to reservations embracing over 4,000,000 acres in Minnesota, where it was provided that $1 per acre should be paid by the settler. Now, if away up in Northern Minnesota, near the Canadian line, homestead settlers have

been required to pay $1 an acre, why should not settlers upon this land in the center of the continent, the very cream of our public lands, be content to pay the pittance of $1.25 an acre, the amount the Indians are to receive? There is no pressing or public necessity for buying lands from the Indians and giving away the lands for nothing.

I think that under existing circumstances this proposition—tendered in the bill—is the fairest way of disposing of this question. I believe the people who want these lands will be perfectly satisfied to pay this small price and take them under the homestead law. I will add that in reference to the bill proposing to open to settlement some 4,000,000 acres of Indian lands in Minnesota, I have not heard a word of objection from any persons in my district to the payment of $1 an acre for that land. In fact they are all perfectly well satisfied with that arrangement, considering it fair and just to the Indians and the Government.

Mr. SPRINGER. And they have paid it.

Mr. NELSON. The bill has not yet taken effect.

The CHAIRMAN. The gentleman from Iowa [Mr. ANDERSON] will now be recognized for the seven minutes remaining of the time of the gentleman from Mississippi [Mr. HOOKER].

Mr. ANDERSON, of Iowa. Mr. Chairman, if the bill for the organization of this Territory is to become a law I am opposed to the provision that requires the payment of $1.25 an acre from settlers on these lands who served in the Union armies and navies during the late war; and I am also opposed to the amendment of the gentleman from Illinois [Mr. PAYSON] as amended by the gentleman from Indiana [Mr. HOLMAN]. I hope that amendment will not prevail, as it will interfere with an opportunity on the part of the Government to do an act that will be the crowning glory of its life for all the years to come.

Something has been said here as to the question of "sentimentality." Somehow or other a mere demand in behalf of old-fashioned justice seems in the minds of some people to smack of "sentimentality." Mr. Chairman, if this vast tract, one of the fairest portions of our goodly heritage, is to be organized into a Territory with a view to the ultimate establishment of a State it seems to me nothing better can be done than to consecrate these lands, wholly and solely if need be, as homes for the men who defended the flag and kept it flying unspotted in the sky.

The adoption of the gentleman's amendment going generally to all classes of men in the distribution of its benefits, would preclude the Government from a righteous act in recognition of the class of men provided for in the amendment that I have prepared, and that was sent to the Clerk's desk on yesterday to be printed in the RECORD for information.

No country ever had the opportunity to bestow at once so fair a heritage, so rich a crown, and such just and fitting reward to her conquering heroes, who went forth in the hour of the nation's peril to fight her battles and preserve intact her holdings in and on the earth, as is found in the opportunity that presents itself to this Government in the disposal of the territory that is the subject-matter of the pending measure.

The strong, sturdy, honest, patriotic men who consecrate their lives to lawful toil to supply their daily bread, and who in times of peace create a nation's wealth, and in times of peril defend on land and sea the nation's life, are the first and highest consideration of every just and well-ordered government.

Mr. Chairman and gentlemen of the committee, the popular branch of the law-making power of a government whose great distinguishing features among the nations of earth are its policy of the equality of men before the law, and its watchful, tender, generous care of the lowly and the poor, the only class in any government that need such care, do not let pass, I conjure you, this splendid opportunity, at this auspicious moment in the nation's life, to do an act that will at once do more for the laboring man and to exalt us as a nation than all other acts contemplated by this Congress combined—an act that will rear a grand monument which will shine out upon the world forever an everlasting testimony to the nation's righteousness, her chiefest glory through all the ages.

Here, in the very heart of this great Republic, on the richest and fairest legal subdivision of the nations of the earth, let us provide homes for the brave, patriotic men who saved the nation's life. Here, in the midst of this great nation, let us ordain and establish the nation's defenders in the past, from whence, inspired by the nation's gratitude, they, and their posterity after them, will sally forth when new dangers shall, unhappily, again threaten the nation's life. Here let us provide homes for the nation's heroes, the old guard, the loyal, lingering remnants of the grandest armies that ever met the shock of battle. With what reason can we withhold this boon to this most meritorious class of men that a nation's gratitude, fairly expressed to-day, would place upon the pension-roll, when we consider that it only grants them such generous conditions as to homes on the earth as the amendment of the gentleman from Illinois seeks to confer on all men without regard to race, religion, or nationality.

Mr. Chairman, some gentlemen may call this proposition fanciful and utopian, but all in candor must concede that here is presented one of those opportunities that rarely come to nations, as they rarely come to men, to approximate the ideal in the affairs of State.

Mr. Chairman, I sincerely hope this proposition may so favorably impress itself upon this Congress that it will now carve out of this splendid territory a home for the nation's heroic defenders that will stand forever the foremost monument to the nation's virtue.

Mr. SPRINGER. The time remaining of seven minutes belongs to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. I do not care to occupy it. [Cries of "Vote!"]

The CHAIRMAN. There are eighteen minutes remaining on the other side.

Mr. SPRINGER. I will yield seven minutes of my time to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I desire very briefly to present to this committee a few considerations in connection with this bill. I confess those of us who live in the States contiguous to this Territory are much interested in this proposed legislation. It is true as has been suggested here that more than five hundred thousand petitioners have sent their names to this Congress, asking for this legislation, and more than four million people are deeply interested in it, watching our efforts here on the floor of this House to consummate legislation that is fair to the Indians, fair to the settlers, fair to the country, fair to all, and which in the end will dedicate this unoccupied and vacant domain to homes for American citizens. And that is all that is asked by the friends of this bill. It is a condition, in the language of another, that confronts us, and not a theory.

As was suggested by the gentleman from Indiana [Mr. HOLMAN] that great Territory was originally set apart for Indian occupation, but conditions have changed, and it is now found that all of it is not needed for Indian occupancy. It has been found that much of the Territory is not needed by the Indians residing within its boundaries. As early as 1874, if my memory serves me correctly, Congress declared by act that no further Indians should be located and settled in that Territory. But before that treaties had been made with the Creeks and Seminoles setting apart what is known as the "Oklahoma country" for settlement by freedmen and friendly Indians. Negotiations were also had with the Cherokees for the settlement of what is known as the "Cherokee Strip" under like conditions. These negotiations were had in 1866, and because those tribes did not need these lands it was then thought good policy to gather the nomadic Indian tribes from the plains and locate them with these tribes who were settled in the Indian Territory. But in the end the public sentiment of the country was aroused against that policy. Tribes located in that Territory broke over the boundaries that were prescribed for them and committed depredations on lawful settlers living in adjacent States and Territories. Homes were desolated, communities were pillaged, and the torch was applied to settlements occupying lands in adjacent States. Because of these depredations and outbreaks, and the murder of innocent women and children, Congress declared by law that no other Indians should be settled there.

This is the condition that confronts us now. The situation is a practical and logical one. What shall we do with these lands? We have the petition, as I have already suggested, of more than five hundred thousand persons, asking us to open them to white settlement. If that is done, upon what terms and conditions shall it be done? We all agree it should be done upon such conditions as will be fair to the Indians, fair to the settler, and which will be fair to the country.

The gentleman from Iowa [Mr. HENDERSON] challenged the gentleman from Indiana [Mr. HOLMAN] to point out a provision in this bill which is not fair to all and which would not protect the country against fraud and the fraudulent settlement of these lands. No answer was given to that challenge, and no answer can be given to it, for there is no such provision in the bill. All the provisions of the bill are fair. Every settler is to remain in the occupation of the land for three years before he can secure a title and to exemplify his good faith by his works. Then he has to make payment for the land at $1.25 per acre. It is to be paid for in installments; that is all, and the proceeds are to be used in paying the expenses of the survey and in the extinguishment of the Indian title. Is there anything wrong about that?

But it is suggested that they should have these lands for nothing; that they should be dedicated to these settlers without price. To this, personally, I would have no objection, and those of us who are opposing the proposition are not posing here as opponents of the homestead law. We are not standing here to say a word in opposition to that beneficent legislation, whose effects have been so good and whose influence has been so widespread throughout the West; but recognizing the conditions that exist to-day, we say it is not best to incorporate into this bill such a condition as that, for the reason, as suggested by the gentleman from Illinois [Mr. SPRINGER], that if the provision is incorporated in the bill, in the judgment of its friends and those who are familiar with the circumstances surrounding this proposed legislation, it will secure its defeat.

I am not inclined to impute unfair motives to my friend from Illinois [Mr. PAYSON]. His efforts in behalf of the settlers and in behalf of legislation to protect the public domain from unlawful occupation are well known to the House and to the country. I am not inclined to impute unfair motives to him. But it does seem a little strange that every man who is opposed to the bill in this House is championing and

standing by the amendment of the gentleman from Illinois, and if the gentleman is in good faith he should beware of his friends.

Now, sir, a word further. As was suggested by my friend from Minnesota [Mr. NELSON], we have by legislation at this session of Congress, by bills passed, opened to settlement almost, if not quite, 30,000,000 acres of Indian lands. If the treaties with the Indians are consummated thirty millions and more will be opened to settlement by this legislation, and yet, with a single exception, there has not been a provision incorporated into any of those bills making to those lands the homestead laws applicable. The gentleman from Illinois did not rise in his place and offer an amendment of that character to any of these bills. The gentleman from Indiana [Mr. HOLMAN] did not rise in his place and offer an amendment of that character to either bill. They were bills which provided and authorized negotiations, as this does, with the Indians to extinguish their title to certain lands that they might be opened to settlement. And for the reasons controlling that legislation we oppose these amendments offered to this bill.

As was suggested by the gentleman from Minnesota, the settlers are not asking for these amendments. The men who desire to go there and make for themselves homes are not asking it, and the petitioners who speak for the homeless are not asking for it. All recognize that the Indians have some interest in these lands and that interest is to be paid for, and the settlers ask that they may be permitted to go upon these lands as settlers have been permitted to go upon other Indian lands and to possess them upon terms fair and just to all; and in the name of these people I hope this proposed legislation will not be embarrassed or defeated by these amendments.

Mr. Chairman, the gentleman from Mississippi [Mr. HOOKER] is a very good talker, and we all know that he is earnestly opposed to this bill, and yet, Mr. Chairman, the only argument that he could offer in opposition to it was to stand here on the floor for three-quarters of an hour and suggest that the railroad companies would acquire title, or might acquire title, to some of these lands if the bill passed, while, as he knew very well, in the last Congress all the unearned lands granted of the Atlantic and Pacific Railroad Company were forfeited; and there is a provision in the bill granting lands to the Neosho Valley Railroad Company which clearly settles that question. It reads:

Provided further, That said lands shall not in any manner be disposed of or encumbered by said company, or its assigns, except as the same are patented under the provisions of this act.

And again, no lands ever granted to that company are within the boundaries of this proposed Territory, and notwithstanding that, the gentleman attempts to say that there is peril from the railroad companies in the passage of this bill.

[Here the hammer fell.]

Mr. SPRINGER. I yield now two minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Chairman, I propose to address myself exclusively to the amendment suggested by the gentleman from Indiana [Mr. HOLMAN]; and as a predicate for what I shall say on that subject, I desire to quote the gentleman's own eloquent language, that the strongest bulwark of American liberty is to be found in the homes of our people and in the laws which grant and secure them homes. I call the attention of my friend, however, to the fact that the effect if not the object—and I do not think it is the object—of his amendment would be to discriminate against the very class of people who most need homes and who would be most apt to try to secure them, because his amendment provides that no man who is possessed of lands anywhere else, however small the quantity or value, or who, within three months prior to his filing an application for a homestead, shall have sold any land, shall have the right, or be entitled to the benefit of the homestead law in the proposed Territory.

Now, there are men throughout this whole country, men of small means, mechanics, artisans, laborers, many of our best people, that are freeholders to a small extent, but whose circumstances force them to seek homes in a new country, and who will want to sell for that purpose. Many will want to sell homes which have become encumbered and go where they can make new ones which they may hope to own and preserve. I repeat that many small farmers, mechanics, laborers, and artisans, wanting to better their condition, often leave the crowded cities and towns, dispose of their little homes, go into the new country, and establish there for themselves and their families new homes. But these are discriminated against if the amendment is adopted.

I am for the bill as it came from the committee first; and even if the amendment of the gentleman from Illinois [Mr. PAYSON] is adopted, I would still vote for it. But I hold it would be an inexcusable discrimination against a poor but good class of our people who have small homes, many of them encumbered with debt, and who, if permitted, would sell them and thus enable themselves to make new homes under happier conditions, to adopt this amendment. There is no discrimination in the amendment of the gentleman against any class of men because they are large property holders. A man may be worth a million of dollars in property if not in real estate, and he may go under this amendment and enter a home upon these lands; but if he owns a little tract of ground, as the gentleman from Kansas [Mr. PETERS] says, "even a lot in a cemetery," it would bar him from taking a home in this new country.

[Here the hammer fell.]

The CHAIRMAN. The gentlemen have seven minutes of their time remaining on either side.

Mr. PAYSON. Mr. Chairman, I only desire to occupy a few minutes for the purpose of presenting one feature of this bill which has not been alluded to by the other side, and as to which I desire a specific explanation from the chairman of the committee. This bill includes within its scope the land known as the Neutral Strip, containg 3,768,000 acres, and a portion of which was a part of the old Texas purchase, costing this Government at that time the sum of 28 cents per acre. That land by the operation of this bill is the only land that does not require any negotiations. But upon it settlement may be made under the homestead law, as it is donated under the homestead law to the settler. The question I ask the chairman of the committee is, why does his committee recommend the opening of the best lands to homestead settlers without cost and impose a charge of $1.25 an acre on the balance of the land within the scope of the bill? Why do you apply the homestead principle to the Neutral Strip and refuse it with respect to the rest of the Territory?

Mr. SPRINGER. I will answer that question. The reason for this difference is simply this: the lands known as the Neutral Strip are public domain and not embarrassed in any way by Indian claims of title. It is part of the public domain and we have not to pay anything for it.

Mr. PAYSON. But we have paid for it.

Mr. SPRINGER. We did pay for it when we purchased it from the State of Texas. The gentleman from Illinois stated yesterday that we paid $16,000,000 for it; but I am glad to see that in his printed remarks in the RECORD he has corrected that according to the facts.

Mr. PAYSON. It is printed in the RECORD just as I stated it.

Mr. SPRINGER. The gentleman said that we paid sixteen millions for it.

Mr. PAYSON. I do not know what I stated. I have the paper here from which I read the statement.

Mr. SPRINGER. The truth is that we paid sixteen millions when we bought all the rest of the claims of the State of Texas for all the lands east of the Rio Grande and south of the Arkansas that are included in that amount.

Mr. PAYSON. I state that in my remarks on yesterday I read from the paper I now hold in my hand, giving a description of the territory for which the Government had paid $16,000,000.

Mr. SPRINGER. Oh, yes. That was for 61,000,000 acres of land the Government got in that purchase. It cost the Government 25 cents an acre. The reason why this land is not put under the homestead provisions that are now applied to all the public domain is that these lands are not encumbered with Indian claims, and it is not required that they should be paid for. We have a precedent for this in the legislation of Congress. When the Kansas and Nebraska act was passed there was a strip 3 miles wide on the southern boundary, from Arkansas west to Colorado, which belonged to the Cherokee Nation and was put into the State of Kansas, and a law was passed authorizing the sale of that 3-mile strip to actual settlers at various prices under the law, some at $2, others at $1.50, others at $1.25, and some at $1. That was sold subject to the occupancy of the settler, and the cost which had been paid for it. That strip is parallel to the whole length of the Indian Territory, known as the Cherokee Outlet, and the Government has already applied the principle to adjacent lands by selling to actual settlers.

I have seen a statement of the Secretary of the Interior showing that on the 1st day of November, 1887, there were in the Treasury $9,094,000, as the proceeds of the sale of Indian lands, to the credit of several Indian tribes whose lands were sold, and these proceeds have been received from actual settlers upon these lands. It is thus shown that this is precisely the policy of the Government, where we were getting titles to Indian lands, that the settlers pay for the land. That was done with the Pawnee Indian land. It was done in the case of all the Indian tribes in the entire States of Kansas, Nebraska, and Iowa; and it has been the policy of Congress from the time we have been acquiring these Indian titles up to this time to require the settler to pay the amount that the Government had to pay. That is just what is required in this bill.

Now, Mr. Chairman, if this provision is adopted and inserted in the bill, it will require an appropriation of $10,000,000 to carry it out. There are 8,000,000 acres and it will require an appropriation of $10,000,000 to pay for them. I do not believe that Congress intends to reverse the policy which the Government has pursued for these long years of requiring the settler to pay for the lands that we get from the Indians and require the Government to pay for them itself. These are very valuable lands. They are more valuable than we have ever had to offer to the actual settler. The settler has to go there and pay $1.25, according to the provisions of this bill, and reside there for three years. That has been incorporated in this measure, and if this last provision should be also incorporated in it, it would cost what I have stated. I have never heard the propriety of it stated until my colleague offered this amendment.

I do not believe that it is in the interest of the Government or of the settler or of the Indian to require the Government to purchase this land. If you start upon that principle you will put an obstruction in the way of acquiring the title to 100,000,000 acres of Indian lands that are now held by the Indians in excess of their wants, because the purchase of them will require the Government to pay $125,000,000 in order to obtain the title of the Indians.

Now, as to the point which the gentleman from Mississippi [Mr. HOOKER] made in regard to the railroads, I think that has been completely answered. The Missouri, Kansas and Texas Railroad does not touch the lands in the Indian Territory, and the Atlantic and Pacific land grant was forfeited in the last Congress, so that whatever rights may have existed there have been disposed of, and this bill has nothing to do with them. Therefore, so far as the railroad lands are concerned, there is no advantage or disadvantage to be taken by anybody under this bill, and, in fact, the railroads cited by the honorable gentleman do not enter upon one foot of the soil that is covered by this bill, and why he ever referred to them is a mystery to me. I hope the friends of this bill will vote down this amendment. I believe it is the most dangerous proposition to the success of the bill that could be offered, and if it is adopted I believe this bill is defeated for this Congress. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. If there be no objection, the Clerk will report the amendment of the gentleman from Illinois [Mr. PAYSON] and the amendment to the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. In the amendment which I offered the proviso was accepted by the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. I understand that it will have to be voted upon by the committee, and I prefer that the vote should be taken upon the two propositions.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Strike out the words "at the price of $1.25 per acre," in lines 12 and 13, and insert "under the homestead laws only, except that section 2301 of the Revised Statutes shall not apply."

The CHAIRMAN. The Clerk will now read the amendment to the amendment proposed by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read the amendment to the amendment as originally offered.

Mr. HOLMAN. I wish to modify that amendment by adding after the words "sold land" the words "exceeding fifty acres."

Mr. LYMAN. I ask to have the amendment read as modified.

Mr. FARQUHAR. I wish to make a parliamentary inquiry. Is this an amendment to the amendment of the gentleman from Illinois [Mr. PAYSON], or would this proviso stand harmonious with the bill even if the amendment of the gentleman from Illinois [Mr. PAYSON] were lost.

The CHAIRMAN. That is a question of fact which the Chair would not feel authorized to pass upon.

Mr. FARQUHAR. Does the proviso stand as a separate proposition or as an amendment?

The CHAIRMAN. Its parliamentary standing is as an amendment to an amendment of the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. As a proviso to it.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Indiana [Mr. HOLMAN] as modified.

The Clerk read as follows:

Provided, however, That no person seized of any lands in any State or Territory, or who shall have sold land exceeding 50 acres in any State or Territory within three months before the time of the taking effect of this act, shall be authorized to enter any of the lands covered by the provisions of this act. The Secretary of the Interior shall prescribe all needful rules to give full effect to this provision: *Provided, further*, That all provisions of law touching the rights of soldiers and sailors who served in the Army of the United States during the late war entering public land shall apply to the lands embraced in this act: *Provided, further*, That none of the lands referred to in this act shall be subject to entry by land-warrants or land-scrip of any description.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the Chairman declared that the noes seemed to have it.

Mr. HOLMAN. I call for a division.

The committee divided; and there were—ayes 27, noes 77.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Illinois [Mr. PAYSON].

The question was taken; and there were—ayes 42, noes 74.

Mr. PAYSON. Mr. Chairman, there ought to be a quorum on this vote.

Mr. HOLMAN. As there is no quorum present, I suggest to the gentleman from Illinois [Mr. PAYSON] that he allow this question to go to the House with the understanding that there shall be a vote upon it there.

Mr. SPRINGER. If we can get an agreement that to-morrow at 3 o'clock we shall take the vote upon the final passage of the bill I will yield to the gentleman to move to amend the bill by this amendment and allow him to have a yea-and-nay vote upon it.

Mr. PAYSON. Of course the first part of the proposition of my colleague relates to what I can not control. I can only control myself as to the point that I make, and as to that I am content with his proposition.

Mr. HOOKER. I object.

Mr. SPRINGER. Then I can not make any agreement. I hope, after the expression given by the Committee of the Whole, my colleague [Mr. PAYSON] will not insist on tellers.

Mr. PAYSON. Why can there not be unanimous consent that a yea-and-nay vote may be taken on this question in the House?

Mr. WEAVER. I can answer the gentleman's question why we can not give unanimous consent. After the fullest debate those who have heard the debate are overwhelmingly against the gentleman, and for that reason we do not wish to occupy time in taking the yeas and nays.

Mr. PAYSON. That does not answer my question at all. That reply is hardly worthy of the gentleman from Iowa.

Mr. WEAVER. I think my answer is entirely proper, and worthy of anybody. [Cries of "Regular order!"]

Mr. PAYSON. I make the point that no quorum has voted.

Tellers were ordered; and Mr. PAYSON and Mr. SPRINGER were appointed.

Mr. SPRINGER (before the count by tellers had begun). On consultation with my colleague [Mr. PAYSON], I desire to ask unanimous consent that the vote on this proposition be postponed until to-morrow when the Committee of the Whole shall resume its sitting, when probably more members will be present.

Objection was made.

The tellers proceeded with the count.

Mr. PAYSON (before the count was concluded). I am willing to withdraw the point that no quorum has voted, if it be understood that before the engrossment and third reading of the bill I shall be recognized to offer this amendment in the House and have a yea-and-nay vote upon it.

Mr. HOOKER. I object.

The tellers concluded the count and reported—ayes 49, noes 114.

So the amendment was rejected.

Mr. ANDERSON, of Iowa. I move to amend by inserting after the word "acre," in line 14 of section 5, the proviso which I send to the desk.

The Clerk read as follows:

Provided, That all honorably discharged Union soldiers, sailors, and marines, who served in the war for the suppression of the rebellion, shall, in making entries for actual settlement under the provisions of this act, be and hereby are, exempted, in consideration of said service, from the payment of the purchase price provided for in this act; and proof of such actual service for a period of at least sixty days, and of honorable discharge therefrom, by such former soldier, sailor, or marine, shall be accepted by the United States in payment in full of the purchase price of the lands so entered upon, and of all fees in connection with said entry. And all land officers of the United States are directed to give preference to the persons making entries under this provision.

Mr. ROGERS. I desire to inquire whether this amendment is limited to soldiers and sailors who received honorable discharge.

Mr. ANDERSON, of Iowa. It is.

The question being taken on agreeing to the amendment, there were—ayes 46, noes 47.

Mr. ANDERSON, of Iowa, and Mr. HOOKER. No quorum.

Tellers were ordered; and Mr. ANDERSON, of Iowa, and Mr. SPRINGER were appointed.

Mr. BAYNE. Evidently we can not conclude the vote on this proposition before the arrival of the hour for adjournment. I move that the committee rise.

Mr. SPRINGER. If the gentleman from Iowa [Mr. ANDERSON] will withdraw his point of no quorum——

Mr. BAYNE. That is not necessary.

Mr. ANDERSON, of Iowa. I do not withdraw the point.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAYNE] moves that the committee now rise.

Mr. PAYSON. It is understood here that the point of no quorum is withdrawn.

Mr. ANDERSON, of Iowa. No, sir; it is not withdrawn.

The motion of Mr. BAYNE that the committee rise was agreed to.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House to the bill (S. 2825) granting an increase of pension to Benjamin T. Baker.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the Senate further insisted on its

amendments numbered 105, 106, 107, 110, 116, 118, 119, 121, 127, 128, 221, 222, 223, 233, 234, 236, 238, 239, 240, 242, 243, 244, 248, 254, 255, 256, and 257 to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

LEAVE TO PRINT.

Mr. WHEELER, by unanimous consent, obtained leave to extend in the RECORD his remarks on the bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

Mr. HOLMAN, by unanimous consent, obtained leave to extend in the RECORD his remarks of to-day on the Oklahoma bill.

Mr. BLAND, by unanimous consent, obtained leave to print in the RECORD remarks on the silver bill.

CLAIMS FOR BOUNTIES.

Mr. STONE, of Kentucky, asked unanimous consent that the bill (H. R. 3407) to extend the time for filing claims for additional bounty under the act of July 28, 1866, be recommitted to the Committee on War Claims.

Mr. O'NEILL, of Missouri. What is the object?

Mr. STONE, of Kentucky. There are two bills of the same character now on the Calendar.

Mr. O'NEILL, of Missouri. Why not let this bill remain on the Calendar? This is more complete than the other.

The SPEAKER *pro tempore*. Is there objection to the request?

Mr. O'NEILL, of Missouri. I object.

Mr. SPRINGER. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. FORAN: A bill (H. R. 11302) granting a pension to Diana D. Howard—to the Committee on Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11303) for the relief of John W. Peek—to the Committee on Military Affairs.

Also, a bill (H. R. 11304) for the relief of James A. Cook—to the Committee on War Claims.

By Mr. McCULLOGH: A bill (H. R. 11305) granting a pension to Ann Ruffner—to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 11306) granting a pension to Mrs. Caroline B. Andrews—to the Committee on Invalid Pensions.

By Mr. MOFFITT: A bill (H. R. 11307) for the relief of Benjamin F. Wickham—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of William H. Kelton, of James Conn, of heir of Donald Street, and of J. W. Blakney, heir of Frederick Blakney, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. C. L. ANDERSON: Petition of Demarius A. Johnson, administrator of William C. Johnson, of Scott County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Petition of the Farmers' Union, of Rocky Mount, Bossier Parish, Louisiana, for relief from the bagging trust—to the Committee on Ways and Means.

By Mr. GEST: Evidence in the pension claim of Richard Ashcraft—to the Committee on Invalid Pensions.

By Mr. LEE (by request): Deposition and affidavit in the claim of Sallie Hardemond—to the Committee on War Claims.

By Mr. LYNCH: Petition of Lackawanna Valley Council, No. 81, and of Wilkes Barre Council, No. 161, Junior Order of United American Mechanics, for the passage of Senate bill No. 553, to regulate immigration—to the Committee on Commerce.

By Mr. McCULLOGH: Resolutions of Red Stone Council, No. 78, Junior Order United American Mechanics, of Brownsville, Pa., for the passage of Senate bill No. 553, for regulating and restricting immigration—to the Committee on Foreign Affairs.

By Mr. O'FERRALL: Petition of William B. Carper, of J. M. Canter, administrator of Margaret McCauley; of Festus Swartz, administrator of James Swartz; of Josiah Rinker, of John Purcell, of Joseph Calwalader, and of John Ritter, of Frederick County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of heirs of Samuel Thompson of Madison County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of Mary A. Brower, widow of William A. Brower, of Giles County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *August* 30, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. PALMER presented the petition of Margaret Bolio, of Detroit, Mich., praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented the petition of William H. Spencer and many other citizens of Rutland County, Vermont, praying for the passage of an act of Congress granting an increase of pension to Joseph Osborn, late a private in the Eleventh Michigan Cavalry; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 2244) to amend the act of Congress approved March 3, 1887, giving pay to volunteer Army officers for services before they were mustered in, have instructed me to submit an adverse report thereon and recommend that the bill be indefinitely postponed. The law already gives all the relief that is contemplated by the bill, and all to which the parties are entitled.

The report was agreed to; and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers, reported it with an amendment.

Mr. BLACKBURN, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3456) granting a pension to David O. Sanborn, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10245) granting an increase of pension to Hannibal Kimball, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9341) granting a pension to Mrs. Dulcena Noel, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11045) for the relief of Sam Rice Post, No. 6, Grand Army of the Republic, Department of Iowa, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 13) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes; which was read twice by its title.

LA ABRA SILVER MINING COMPANY.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred the following resolutions, reported them without amendment; and they were considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations have leave to require the attendance of witnesses before said committee or a subcommittee thereof to give evidence under oath respecting the claim of La Abra Silver Mining Company against the Government of Mexico; and said committee or subcommittee shall have power to administer oaths to such witnesses; and the expenses of their attendance and other necessary expenses in the execution of this order shall be paid out of the funds appropriated for the contingent expenses of the Senate, on certificates issued by the chairman of said committee or said subcommittee.

Resolved, 2. That counsel for or against said claimants shall be authorized to appear before said committee or subcommittee and examine and cross-examine any witnesses under the authority of this resolution.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 3502) granting a pension to Juliana Roitsch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 3503) for the relief of Bedney F. McDonald; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GORMAN submitted an amendment intended to be proposed by

him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS OF POSTMASTERS.

Mr. COCKRELL. Some days ago I entered a motion to reconsider the vote by which a resolution offered by the Senator from Kansas [Mr. PLUMB] was agreed to. I should like to have the motion called up and acted upon now.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read the resolution submitted by Mr. PLUMB, August 16, 1888, and adopted, as follows:

Resolved, That the Postmaster-General be directed to report to the Senate at the next session, so far as such claims have already been computed upon applications presented under the act of March 3, 1883, the amounts due postmasters and their representatives in the several States and Territories for services rendered the United States between July 1, 1864, and July 1, 1874, the gross amount of earnings for each biennial term of service to be stated on the basis of the act of 1854, and the amount of compensation paid for the same term of service to be deducted therefrom, showing the actual difference in each case between the salary paid and the compensation computed on the basis of the act of 1854 for each biennal term of service; such report to be limited to cases in which the compensation paid is 10 per cent. or more less than the compensation already computed on the basis of the act of 1854, and to be made to the Senate from time to time as the statement covering the claims from each State shall be completed

Mr. COCKRELL. The resolution may involve a great deal of labor and it may involve intricate questions of law which have already been adjusted. I think it but fair and just that the resolution should be reconsidered and referred to the Committee on Post-Offices and Post-Roads, so that they may examine and determine what course should be pursued in regard to it. I therefore move that the vote by which the resolution was passed be reconsidered, and that the resolution be recalled from the Postmaster-General and referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to reconsider the vote by which the resolution was adopted.

Mr. PLUMB. I have no objection to the course suggested by the Senator from Missouri.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the resolution was agreed to will be reconsidered, and the resolution, having been recalled from the Postmaster-General, will be referred to the Committee on Post-Offices and Post-Roads. It is so ordered.

LAND SUITS AND LAND PATENTS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from yesterday submitted by the Senator from Nevada [Mr. STEWART] calling for information in relation to land suits and land patents. The question is on the motion of the Senator from Alabama [Mr. MORGAN] to refer the resolution to the Committee on Public Lands.

Mr. STEWART. I have no objection to that course.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be referred to the Committee on Public Lands.

CRAIG'S IMPROVEMENT IN TELEGRAPHY.

Mr. BLAIR submitted the following resolution, which was read:

Resolved, That the Committee on Interstate Commerce be instructed to examine fully the system of mechanical telegraphing which Mr. D. H. Craig has now on exhibition in the Capitol by virtue of resolution of the Senate, and that in such investigation said committee secure the aid of competent and disinterested experts if they deem it necessary, and that any expenses required for proper examination into the merits of said system be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The resolution, under the rules, will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BLAIR. I will say with reference to the resolution that I should be glad if the committee would act soon, as there can be very slight expense incurred any way. The apparatus the Senate is familiar with, so far as any description I can give of it is concerned, from a previous debate on the subject. It is now here in the Capitol on exhibition. Several Senators have examined it, and, as I am told, with considerable surprise at what appears to be its perfection and efficiency. I observe that it has been examined, too, by gentlemen connected with the press. Recently there appeared in the New York Sun an editorial on the subject, calling special attention to it and saying it was a matter which ought to be investigated. The editor of the Sun, as I know, has given a great deal of attention to this subject personally.

I have here matter from the press which I could give at considerable length to the Senate from actual investigation, but without troubling the Senate to go into that, I think it is a subject which, as it will require but very little time and probably scarcely any money, the Committee on Interstate Commerce, which seems to have jurisdiction collectively, should examine with some care.

Mr. HALE. What does it cover? I did not hear the resolution.

Mr. BLAIR. It is a system of machine telegraphy. Does the Senator recollect the discussion upon the resolution I offered a short time ago with reference to the introduction of the machine for the purpose of examination in the Capitol?

Mr. HALE. No, I do not. I only make the inquiry which I put to the Senator, whether it covers anything that is proposed to be introduced here in the Capitol.

Mr. BLAIR. Oh, no; unless Congress sees fit to make some arrangement for its public use.

Mr. HALE. That is all.

Mr. BLAIR. It is claimed by the inventors or the improvers of the system—for it is no new system—that they are able to transmit words to the amount of two thousand words at no greater cost in the actual transmission than the postage on a single letter. Hitherto the main difficulty attending the use of this system (which is a machine system of telegraphy as compared with the hand system or the Morse system) has been in the preparation of the message. Improvements have been made so that the message itself is now prepared with great celerity and at very slight expense by machinery, somewhat after the fashion of the type-writer, and it is claimed, as I say, by Mr. Craig, who is here and is a reputable gentleman as I know (he was born in New Hampshire, and I have known his family all my life), that the cost of the transmission of two thousand words does not exceed the cost of the postage upon a single letter; and that the cost of telegraphy may be made for all business purposes almost as slight as that of ordinary correspondence, gaining the advantage of time. The New York Sun of Tuesday last says:

We do not ourselves know what is the value of the system of mechanical telegraphing which Mr. D. H. Craig is now exhibiting in Washington; but of one thing we are certain, and this is that it ought to be inquired into by competent and disinterested experts. This much is due to Mr. Craig's long experience and minute knowledge of the business of telegraphing. When such an investigation has taken place we shall know what the invention is worth. It promises great things.

Mr. HARRIS. I should like to ask the Senator from New Hampshire a question, if he will allow me?

Mr. BLAIR. Certainly.

Mr. HARRIS. Is it his proposition that a Senate committee shall investigate the question of utility of some new patented invention?

Mr. BLAIR. Yes.

Mr. HARRIS. That is the object of the resolution?

Mr. BLAIR. I will state the object of the resolution, for more ought to be stated. Mr. Craig has been engaged a long time in the effort to make these improvements which have now been made, and are claimed to be of very great value, so that telegraphy would be practically as cheap as ordinary correspondence through the post-office. His patents are assigned to nobody. He is an elderly gentleman and has the idea, which may or may not be a wise one, that here is something of very great value to the people, and before it is owned by a private corporation or by individuals he would be glad if Congress would examine the subject, with a view, if it considered it worth while, to make this, what he claims to be a great invention and improvement, available to the people in something of the way that postal telegraphy has been proposed hitherto.

It seemed to me that before there were embarrassments attending the ownership of these patents, as long as it is attended with no expense, it would be well for Congress to investigate the subject. The great difficulty we have, as everybody knows, in making available to the people at large this great utility in the conveyance of intelligence is the fact that here is a gigantic monopoly owning every telegraphic invention, owning every telegraphic wire and line, and having by contracts practically a mortgage of the existing system for the conveyance of intelligence by telegraph for all time to come, unless Congress or the country sees fit to buy them out at an extravagant valuation. If this be what is claimed for it by responsible parties who have examined it, there is an opportunity——

Mr. SHERMAN. Mr. President, is this in order?

The PRESIDENT *pro tempore*. It is not.

Mr. BLAIR. There is an opportunity to introduce a system which will supplant the other at comparatively a very slight expense, and the people can have it. I do not know whether there is anything in it or not, but I ask that the resolution be considered and early reported by the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. The resolution has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes;

A bill (H. R. 5516) for the relief of John H. Weeks; and

Joint resolution (H. Res. 201) to correct an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

FISHING RIGHTS OF THE UNITED STATES.

Mr. SHERMAN. If the morning business is through, I desire to submit a motion that the Senate proceed to the consideration of the President's message in relation to the fishing rights of the United States.

Mr. PLUMB. Mr. President——

Mr. SHERMAN. The Senator from Mississippi [Mr. GEORGE] has the floor on the message; but if he will yield to the Senator from Kansas, I have no objection.

Mr. PLUMB. I designed this morning to move that the Senate proceed to the consideration of the fortification appropriation bill because of the fact that the disposition of it is very important at this time on account of the lapse of appropriations for Army purposes, which occurs on the last day of this month unless some previous disposition is made of the question.

The PRESIDENT *pro tempore*. The Chair understands that under the usage of the Senate the Senator from Kansas has a right to move the consideration of the appropriation bill. It is practically a question of privilege.

Mr. SHERMAN. I think the Senator from Kansas had better let the Senator from Mississippi first conclude his speech.

Mr. PLUMB. I was only going to make an inquiry. Of course I do not want to cut off the Senator from Mississippi, and I wish to submit myself to his convenience as much as possible, but this is a matter which ought to be disposed of to-day, at all events, whether now or a couple of hours later perhaps is not material, and I wished to inquire how much time the Senator from Mississippi desires to occupy.

Mr. GEORGE. I do not think I shall consume over an hour.

Mr. PLUMB. Then I shall not move the consideration of the appropriation bill until the conclusion of the remarks of the Senator from Mississippi.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of the President's message of August 23.

The motion was agreed to.

The PRESIDENT *pro tempore*. The President's message is before the Senate, and the Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE. Mr. President, the debate on the pending proposition has taken so wide a range that I am inclined to participate in it. Referring to the statement made yesterday evening by the Senator from Ohio [Mr. SHERMAN], in which he predicted very great financial troubles to this country coming from the alleged excess of imports over exports, I desire to say there is an ambiguity in that statement, so that we are apt to treat it as if it meant that the Government of the United States was, as a corporate body, as a business institution of itself, making exportations and importations. The fact is, Mr. President, that all these exports and all these imports are the result of the actions of private individuals engaged in their private business.

Therefore, when we say importations are made by the United States we state an error. They are made by various persons engaged in commerce in or with the United States, who, in pursuing their private business and endeavoring to build up their own fortunes, make importations according to their own judgment, each man for himself, as to whether it will benefit him or not; and on the other hand, the exportations from the United States are solely sent from the United States by private persons engaged in commerce, who in exporting these goods deem that they will benefit themselves by selling them in a foreign market.

So that this comparison of importations to and exportations from this country is a mere criticism on the part of the Senator from Ohio upon the business methods of private individuals, some in the United States and others in foreign countries, over which we have no power and no control. Certainly it would astonish any American statesman if it was proposed that by direct action of the Government the private individual enterprise and business of our citizens and of foreigners trading with us should be supervised, managed, and controlled.

Now, Mr. President, what constitutes the financial welfare of this country is about this: It is the financial welfare of each individual citizen of this country. He manages his own business. If Mr. A, in New York, imports more into this country than he can pay for, it does not interfere with the prosperity or the financial condition of Mr. B, in Mississippi, who takes care not to buy any more than he can pay for. So that this scarecrow of excess of importation over exportation amounts to nothing more than a criticism by Senators upon the private business transactions of individuals, over which Congress have no control.

Mr. President, allusion has also been made in this debate to various other topics which are now engaging the public mind. We have had criticisms of the civil-service policy of the Administration, and then we have had that ever-fruitful, and it seems ever-recurring topic of debate, the fisheries and the rejected treaty. They have also been lugged into this discussion, and upon them, Mr. President, I desire now to submit some observations.

It seems to me that complaint and criticism, not to say unjust denunciation, have been made against the President for sending in his message in reference to retaliation. Why, sir, when the message was sent in the usual courtesy allowed executive communications of being read was not extended to this paper. Senators desiring to have an opportunity to make criticism upon it adjourned the Senate, and after a night's sleepless anxiety and a night's examination they came in the next morning full of criticism and full of denunciation, not only of the terms of the message, but, it seems to me, of the very fact that the President saw proper to send a message at all.

Early in February the President concluded a treaty of peace—not of peace exactly, but of settlement of difficulties intended to preserve peace and good neighborhood with the British colonies in reference to these fisheries. After many ups and downs, after many turns and changes, after votes one way and then votes another way, after a great deal of deliberation, after a great deal of consultation, it was finally determined, as we all know, that contrary to the universal precedents upon that subject, contrary to the practice of this Government for a hundred years, it was finally determined that this treaty was to be made the subject of a partisan debate in open session.

It was debated for weeks. In that debate charges were made against the Administration that it had failed to discharge its duty to the country in the negotiation of the treaty. Wrongs, outrageous wrongs, alleged to have been perpetrated by the Canadian authorities upon our innocent and unoffending fishermen were debated and dwelt upon with the fervid eloquence of men who seemed to be in earnest, who seemed to be anxious to have one more opportunity of punishing the insolence, the pride, and the injustice of Great Britain. Those of us who favored the ratification of the treaty did not deny these wrongs. We admitted that wrongs had been perpetrated; we admitted that they ought to be corrected; but we contended that that correction ought to be made by negotiation and not by retaliation which might lead to war. We were defeated by a solid vote, without a single exception on the other side of the Chamber. The treaty was rejected, and that, too, under circumstances which meant that no treaty which might be negotiated by the present Administration upon these questions would be ratified.

It was proclaimed, it was announced solemnly by that great committee charged with advising us as to our foreign relations, that the time for negotiation had passed. That sentiment was reiterated in this body, and at last, when the debate was over, when upon a most essential point of the treaty, about the meaning of which there had been debate, a proposition was made by the Senator from Delaware [Mr. GRAY] to remove that doubt and to make certain the reading of the treaty so as to make it confer upon the American fishermen most valuable and important rights, that amendment was voted down strictly by a party vote. So that when the President received notice of the rejection of the treaty he had a right to say, as he did say in his message, about which I am now speaking and which I will read for the purpose of putting it on the record here:

> The co-operation necessary for the adjustment of the long standing national differences with which we have to deal, by methods of conference and agreement, having thus been declined, I am by no means disposed to abandon the interests and the rights of our people in the premises or to neglect their grievances.

That was the position which the action of the Senate put the President in. We in effect said, "We will notify you that we will not negotiate." The President and every member on this side of the Chamber who supported his policy acknowledged and felt that great wrong had been perpetrated upon American citizens. That is the way matters stood upon the rejection of the treaty. Every member of this Senate, the President and the Secretary of State all acknowledging, all avowing that great wrongs had been perpetrated and were likely to continue to be perpetrated as things now stand, the Senate refused absolutely to co-operate in providing a *modus vivendi* by treaty. Then what was the President to do? If the Senate had rejected the treaty upon the ground that there was no necessity for a treaty, that no wrongs were complained of, that all was easy and quiet and nice, everything running smoothly between the American people and the people of Canada, then he might have concluded that he had been mistaken about all this, that it was best to sit down and do nothing. But that was not the notice we served on him. We served on him notice that we had wrongs, grievous wrongs which needed a remedy, but that we would not negotiate for this remedy. We notified him that we deemed any treaty which he could make would be insufficient for the purpose of redress. We would not even consider an amendment to such a treaty. We served notice on him that the time for negotiation had passed, and referring to the act of 1887 we notified him that the policy for the future was to be retaliation.

That is the way the President had a right to interpret our rejection of the treaty. Now, sir, what was the President to do? Looking at the act of 1887 as to the means of retaliation, he found, as I will show, that the means were insufficient both to accomplish our purposes and insufficient as to the grounds upon which retaliation could be made.

It is supposed sometimes, Mr. President, that the act of 1887 authorized the President to make retaliation for any wrong done by any of the Canadian authorities to us. That is not true. It is supposed that his means of retaliation are unlimited. That is not true either.

Before I go into that, however, I desire to call attention to one of the serious objections that have been made to the rejected treaty, made

in the very debate occurring on the morning after the President sent in his message. I did not hear in that debate, participated in by the ablest Senators on this floor, any criticism as to what was in the treaty itself. The complaint was as to things that were not in the treaty. It was said that this treaty ought to have been rejected because it did not contain enough, because it did not settle all the disputes and difficulties existing between this country and Great Britain.

That is the burden of the complaint made by all the speakers, and by the Senator from Maine [Mr. HALE] especially. The Senator from Maine called especial attention to the fact that months ago he had called the attention of the Senate to an omission in the treaty in relation to our complaints in reference to the Canadians charging us higher tolls than we were charging them, one of the topics embraced in the message. That was the great ground of his complaint. Did the Senator from Maine know that in the very matter in which he made the complaint of omission it was beyond the power of being settled by negotiation? We already had a treaty upon that subject which was not violated by Great Britain, and which was as strong as the constitution of the British Empire could give us. I make the distinct statement that it was not within the power of the British Government to give us more security, more guaranties, better provisions in relation to the tolls than we already had. We will see what they were.

In the twenty-seventh article of the treaty of 1871 we find this provision:

The Government of Her Britannic Majesty engages—

To do what? That our vessels should have equal privileges on the canals of Canada? No; Great Britain had no power to make such a treaty. By the local autonomy and constitution of the Dominion Government that was a power existing exclusively in the Dominion of Canada. Here was the engagement that was made by the negotiators and accepted by us:

The Government of Her Britannic Majesty engages to urge—

"Engages to urge"—

upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

That is what they engaged to do, and the British Government performed that engagement. I have heard no complaint against the British Government for its failure to urge as it agreed to do. Now let us see what we engaged to do on that subject:

And the Government of the United States engages that the subjects of Her Britannic Majesty shall enjo the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

We, the United States, own that particular canal, and we accepted from the British Government an engagement to urge upon the Dominion of Canada that they should allow us equal privileges on their canals as a consideration for our promise to give them equal rights and privileges on our canal.

But there were other canals to which the Government of the United States stood in the same relation that the British Government did to the Welland and other canals, and therefore we made a further stipulation.

And further engages—

The United States further engages—

to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties on terms of equality with the inhabitants of the United States.

So here was a treaty in the twenty-seventh article of which the high contracting parties acknowledge that they have no power with reference to certain canals. The British Government only engages to urge upon the Dominion of Canada to grant us certain rights and we, having one canal, granted them free rights on that and engaged to urge upon the States of this Union to grant the British subjects equal privileges on the others. That is the way this thing stood on that point. There has not been a single complaint made that Great Britain did not comply faithfully with her treaty engagements to urge, and that was all it was bound to do. We knew that; that was the way we made the bargain. In the thirtieth article we took pains to secure redress in case the Dominion of Canada did not accede to this urgent request of the British Government. Let us see what that was. There were various rights granted in the thirtieth article to which I shall allude before I get through, but at the conclusion of that article there is the following stipulation:

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

We made that bargain with England with our eyes open, the treaty containing a stipulation not that we should have equality on Dominion canals, but that Great Britain should urge upon the Dominion of Canada to grant us those privileges, and in case the urgency of Great Britain should prove unavailing we reserved to ourselves in the thirtieth article of the treaty the means of redress as I have read them.

Mr. President, we have no diplomatic arrangements with Canada; we send no minister there; she sends none here. Great Britain is the treating party. What we get in the way of treaty right in relation to Canada we get from Great Britain, and we got a promise to urge, about which we make no complaint.

But whilst we can not complain of Great Britain for a breach of Article XXVII, as we grant equal tolls and equal privileges to the Canadian vessels if they refuse the right which Great Britain wished us to have, we have a right to retaliate on Canada. So that it would have been the utmost folly for further negotiations to have been carried on between the Government of the United States and Great Britain with reference to these tolls. We already had a treaty on that subject as strong and as binding as Great Britain could make it, and the engagement had been performed by Great Britain. The trouble was that Canada had not performed it. So there was no necessity, as is urged by the Senator from Maine, to have put this matter of free tolls and equality in the canals in the treaty which we have rejected. We could have got but a repetition of the promise which we already had.

But there are various other questions complained of as not having been embraced in the treaty. The Senator from Ohio [Mr. SHERMAN] said a great deal about that and so did other Senators, as if it was in American politics a just ground for the rejection of a treaty that it did not contain a settlement of questions which are not embraced in it. There have been twenty-seven treaties made between the United States and Great Britain, and every single one of them except one left important questions and disputes between the two governments unsettled. Some of them expressly left them unsettled, others merely omitted them. I make the statement without qualification that up to the recent treaty, of the twenty-seven treaties made and ratified between Great Britain and the United States it never has been urged as a ground of objection to the ratification of any treaty that it did not embrace questions not in the treaty. I propose to review every treaty ever made between the United States and Great Britain and prove this assertion to be true.

First, there was our treaty of independence, the first treaty we ever made with Great Britain. It was made in 1783 and left all commercial matters unsettled between the United States and Great Britain—every one of them—and by the law of nations there was no right except by a treaty for one of our vessels to enter a British port. Everything was left unsettled, although our commissioners were authorized to conclude a commercial treaty as well as a treaty of peace. Yet such men as Benjamin Franklin, John Adams, and John Jay, who were of the commissioners, concluded the treaty of 1783 without a single word in it upon our commercial relations.

The next treaty was made under Washington in 1794. In that treaty the commissioners did undertake to settle some of our commercial relations with Great Britain. Let us see how many they left out. The treaty expressly stipulated in Article XII, that the parties would make new negotiations about the following matters, leaving them all unsettled by that treaty: first, about neutral vessels, covering enemies' property, whether they were to be protected or not in war; and next, about what was contraband. That was in Article XII. In Article XV there was a stipulation that they were to treat further about the more exact equalization of duties as respected their mutual navigation. In Article XXVIII they also agreed to negotiate further, generally, without mentioning the subjects-matter.

That was a treaty made by Washington. It was not urged against the ratification of that treaty that there were these four distinct matters about which there was dispute between Great Britain and the United States which were not settled. But the treaty was ratified, the idea being as it always has been in this country and in all other civilized countries when a treaty is made to get all the good possible out of it, settle all the questions of dispute that can be settled, and leave the rest for future negotiation.

In 1796, in less than two years after the treaty of 1794, Washington still being President, a treaty was made leaving all these questions still unsettled—it merely explaining a provision of the treaty of 1794.

In 1798 another treaty was made explaining the fifth article of the treaty of 1794, leaving all the questions which I have enumerated unsettled, unmentioned, liable to arise at any time to disturb the peace and harmony of the two countries.

In 1802 Thomas Jefferson negotiated a treaty with England, and that was confined merely to explanations of the treaty of 1794, annulling one article of it and confirming another, leaving all the questions to which I have alluded still unsettled, the questions of commerce, contraband, equalization of duties, etc.

The next treaty was in 1814. We had war. The war was ended by this treaty. Our negotiators were Henry Clay, Jonathan Russell, Albert Gallatin, John Quincy Adams, and J. A. Bayard—five of the most distinguished American statesmen.

They left out of that treaty everything about commerce. The commercial treaty of 1794 had been abrogated by the war. The visitation of our ships and the impressment of our seamen by the British, which were the very causes for which we went to war, were wholly unnoticed by the treaty. The navigation of the Mississippi was discussed between the commissioners and omitted from the treaty. The

fisheries were discussed between the commissioners and omitted from the treaty. Then there was left unsettled one of the most momentous questions that ever entered into a negotiation as to the effect of the war on all former treaties, England contending that it abolished all former treaties and the United States contending that it did not. That question was left unsettled.

Now, we come to 1815, the very next year. In six months after the treaty of 1814 we had another treaty. It was a treaty of commerce. It left out by express stipulation all regulations about commerce between the United States and the British possessions north of us and the West Indies. All those disturbing questions were thus shoved out of the treaty. The commissioners said, "We can not agree about these things, and they shall be left out."

That was in 1815. Madison was President then. John Quincy Adams, Henry Clay, and Albert Gallatin were the commissioners on the part of the United States.

In 1817 we had another treaty with Great Britain, when the fishery question was up in angry dispute, and the right of impressment was still in dispute and the commercial relations between the United States and the British provinces north of us and the West Indies were all unsettled. That treaty related solely to the naval forces to be placed by each party on the Great Lakes—on Ontario, Erie, etc.

That treaty was negotiated by Mr. Rush, one of the most eminent American diplomatists. Mr. Monroe was President, and John Quincy Adams was Secretary of State.

In 1818 we made the fisheries treaty about which we have had so much trouble. Let us see how much it settled. It treated of the fisheries, the northern boundary of the United States, and claims of the United States for the payment of slaves, and left out everything else. It expressly left for future negotiations the settlement of the Oregon dispute. Gallatin and Rush were the negotiators there, and John Quincy Adams was Secretary of State.

In four years from that time another treaty was made with Great Britain, and it related solely to the carrying out of the arbitration of the Emperor of Russia about the payment for slaves which had been captured by the British during the war of 1812. There was a dispute then between the United States and Great Britain as to the fisheries, for in 1819 the British Parliament had passed an act which asserted the British construction of the treaty of 1818 as to bays. John Quincy Adams was Secretary of State, and Monroe was President.

Mr. TELLER. I should like to have the Senator state to what act he refers.

Mr. GEORGE. I refer to the act of the British Parliament in 1819.

Mr. TELLER. Concerning what?

Mr. GEORGE. Concerning the jurisdiction of England over the bays in the British dominions.

Mr. TELLER. Claiming their construction of the treaty of 1818?

Mr. GEORGE. Asserting their jurisdiction over those bays.

Mr. TELLER. Who ever denied their jurisdiction?

Mr. GEORGE. It has been denied all along, I thought. If you give up the jurisdictional question over the bays you give up the whole thing.

Mr. TELLER. They had jurisdiction over the bays subject to our rights. That was all they asserted.

Mr. GEORGE. The question was whether the rights were conceded in those bays. And if they were British bays it was all along conceded that they were not admitted by us to be British bays. I shall not go into that question now, it has been argued over and over again.

In 1826 there was another treaty. The fisheries question as to the construction of the treaty of 1818 was still unsettled. The treaty of 1826 related solely to the award of the Emperor of Russia about slaves. There was no commercial treaty up to that time between us and Great Britain, so far as relates to the Dominion of Canada.

In 1827 we had another treaty. That was about Oregon and nothing else, the treaty expressly stating that other questions were left for future adjustment.

There were three treaties in the year 1827. I have called your attention to the first treaty. Now I will call your attention to the second treaty. It continued in force for ten years longer the treaty of 1815, and that is all it did, leaving unsettled all the questions I have specified. Albert Gallatin was the commissioner who negotiated that treaty; John Quincy Adams was President of the United States and Mr. Clay was Secretary of State.

The third treaty in the year 1827 between Great Britain and the United States related solely to the northeastern boundary; everything else was left out.

General Jackson does not seem to have made any treaties with England; neither did Mr. Van Buren; but whoever has paid any attention to the debate on the treaty will remember that in 1836 the Government of Nova Scotia passed some very rigid statutes about these fisheries and enforced them with great rigor. There was a lieutenant of the Navy sent by us up there to see about this, and there was correspondence between Mr. Forsyth and Mr. Stevenson, and an attempt was made to settle the difficulty. That occurred from 1836 up to 1842, when we were in this state of trouble and harassment in reference to the treaty rights.

We had a treaty with Great Britain in 1842, negotiated by Daniel Webster. That treaty related to the northeastern boundary, to the extradition of criminals, to the navigation of the St. John's River, the Detroit River, the St. Lawrence River, and the slave trade, taking in a pretty broad field of diplomatic action. Yet with all that dispute, because it had grown up then and become flagrant between England and the United States in reference to the Canadian fisheries and our fishing rights and the meaning of the treaty of 1818, not one word was said on that subject in the treaty of 1842. No American statesman, no member of the United States Senate, got up and opposed the ratification of that treaty because it did not settle the burning questions then existing between the two countries. It was ratified. That was under President Tyler, with Mr. Webster as the Secretary of State and the negotiator. Mr. Webster negotiated the treaty himself with Lord Ashburton, who was here at the time.

In 1846 we had another treaty, and that settled the boundary of Oregon. All this trouble about the fisheries was then flagrant. The British had seized the Washington out many miles from the shore in the Bay of Fundy. They were pressing to the extremest extent their view that we had no commercial rights. Nobody objected to that treaty. They did not have any debate in open session. There was no Presidential election on hand. There was nothing to be made by badgering the British lion. There was nothing to be made by exciting the prejudices and the animosities of any portion of our people against England. Yet with all these burning questions then existing not one word was said about them.

In 1846 Mr. Polk was President. The treaty of that year settled the boundary of Oregon and left out the fisheries and all the commercial arrangements with Canada, about which the country had been in a fever of excitement for ten years, at least from the year 1836.

That treaty was negotiated by Mr. Buchanan under Mr. Polk. For fear that my friends upon the other side will not regard that as the best authority, I will state that Daniel Webster was a member of the Senate, and that he and every single Northern Whig in the Senate, and every single Southern Whig voted for the ratification of the treaty. They did not get up here and say "We will not have this matter settled because we can not have everything settled." They followed the rule of American diplomatists, to get all they can fairly settled, to get a treaty right wherever they can and leave the rest for the future.

Now we come to 1850, when we had another treaty with Great Britain. Things were pretty hot about the fishery matters in 1850. I desire to call the attention of the Senator from Delaware [Mr. GRAY] to my statement. I think about 1850 there was a great debate in the Senate of the United States on the subject.

Mr. GRAY. That was in 1852.

Mr. GEORGE. Still things were hot about the fisheries. Then we had the Clayton-Bulwer treaty, with the fisheries, commerce, navigation, and relations with Canada all left out, no attempt having been made to settle anything but one single question. General Taylor was President and John M. Clayton, of Delaware, was Secretary of State and negotiated the treaty.

Then in 1853 we had a treaty for the settlement of claims. Both Mr. Fillmore and Mr. Pierce are responsible for that treaty, because it was concluded under Mr. Fillmore February 8, 1853, and was ratified under Mr. Pierce March 17, 1853. J. R. Ingersoll was the negotiator; W. L. Marcy was the Secretary of State when the treaty was ratified. Yet no American Senator got up and said, as is proclaimed here: "We shall not vote for that treaty because there are outstanding disputes between Great Britain and the United States which are not settled."

In 1854 we had another treaty. That was the reciprocity treaty with Canada, and it settled nothing else.

In the same year we had another treaty—two treaties in the same year—merely extending the duration of a commission which had been provided for by a former treaty.

Now we come down a good long step. The next treaty was July 2, 1862, Mr. Lincoln being President and Mr. Seward Secretary of State. There were several burning questions in 1862 between the United States and Great Britain. There was the question of the recognition of the belligerent rights of the Southern States, and there were other questions; and yet that was a treaty confined solely to the suppression of the African slave-trade.

Then in 1863 we had another treaty, Mr. Lincoln being President. All these burning questions about belligerent rights and privateers and Alabamas and Floridas and all that sort of thing were ignored, and the treaty merely added another article to the slave-trade treaty of 1862.

There was another treaty with Great Britain in 1863, with Mr. Lincoln President. That treaty related to claims; and as the two countries were settling the claims of the citizens of Great Britain against the United States there was the chance to have brought in the Alabama and privateering claims, but not a word was said about them. That treaty settled the claims of the Hudson Bay and Puget Sound Agricultural Companies against the United States, and nothing else. The treaty was ratified by the Senate January 18, 1864, almost at the end of the war, after the battle of Gettysburgh, after it was seen by everybody that the life of the Confederate States was to be but a short one.

Yet no American Senator, much less a majority of this body, got up and denounced that treaty because it did not settle all the claims and all the questions existing between the United States and Great Britain.

There were no treaties under Andrew Johnson.

We come now to 1870. The war was over. General Grant was President of the United States. Mr. Fish was Secretary of State. Then the Alabama claims and all the privateering business were flush and fresh. What was done in 1870? As the Senator from Delaware [Mr. GRAY] says, there were then a great many fishery troubles, and I shall show that also from President Grant's message.

In December, 1870, General Grant sent a message to the Congress of the United States, in which the wrongs of the fishermen were pressed with great vigor. Yet, on May 13, 1870, there was a treaty of naturalization. That was all. There was not a word about fisheries, not a word about the Alabama claims, not a word about any of the disputes which then existed, and there were many, between the United States and Great Britain.

June 3, 1870, General Grant made another treaty with Great Britain, and that related to the African slave trade alone. Nothing was said about all these burning questions.

We are getting on right close to the great reciprocity treaty of 1871. May 5, 1871, General Grant proclaimed another treaty of 1871, about naturalization. Mr. Fish was the Secretary of State and the negotiator. Nothing was said about the Alabama claims, or about any other troubles that we had with that country.

July 4, 1871, came the only treaty ever made between the United States and Great Britain which professed on its face to settle all the questions between the United States and that country. It has given rise to more questions than were settled by it. That was the treaty for the settlement of the Alabama claims, the fisheries, and reciprocity, and all that sort of thing for a period of years.

Yet with all these twenty-seven treaties, every one of them, except one, partial, leaving out important questions unsettled, some of them expressly stating that the parties would negotiate further as to unsettled questions, not a single American Senator or American statesman ever objected to one of them because it did not settle all. It was reserved for the year 1888, pending a Presidential election, for an American Senate in open session, in violation of the precedents of the body, to make that objection to the ratification of a treaty for the first time in the history of the country.

Mr. GRAY. Would the Senator from Mississippi object to an interruption?

Mr. GEORGE. No, sir; I will yield to the Senator.

Mr. GRAY. I call the Senator's attention to the fact, in the line of the argument he is making, that between the years 1869 and the ratification of the treaty of Washington in 1871 there were more seizures and forfeitures of American fishing vessels than occurred between the abrogation of that treaty in 1885 and the negotiation of the treaty which has just been rejected by the Senate. The Senator can confirm my statement, as he is on that subject now. I believe that in the treaty of 1871 no provision at all was made looking towards the settlement of the damages claimed by the fishermen whose vessels had been seized and forfeited.

Mr. GEORGE. The treaty of 1871 does not contain a single provision on that subject, unless I have overlooked it. Unless I am corrected by some Senator on the other side or on this side who is more familiar with it than I am, I will repeat the statement made by the Senator from Delaware, that there is not a single provision in the treaty of 1871 for what we call indemnity for past wrongs. All look to the future.

Now, Mr. President, I think that disposes of that subject. Remember what I stated in the former part of my remarks, that the question which the President names in his message as a subject of retaliation, that is, as to the tolls, is not a matter which can be settled by negotiation with Great Britain any better than has been done already. All that Great Britain can do in reference to it is to engage to urge upon Canada to grant this equality, as the United States on their part engage to urge upon the States of the Union to grant equality to Canadian vessels on their canals.

So, you see, Mr. President, how hollow, how utterly without foundation is that objection to the treaty, and how vain it is to claim that the President erred when he brought that matter before the Senate in his message asking additional powers for retaliation. The case stood exactly this way when the President sent in his message: "We can not settle this wrong by negotiation. We have already a treaty upon that subject. We have no cause of complaint against Great Britain, the party to that treaty, for any failure on her part. She has made the recommendation to Canada, and the fault is with a party we can not reach by negotiation. There are and can be no diplomatic arrangements or communications between Canada, a dependent of the British Empire, and the United States, any more than there can be between the State of Maryland and Great Britain."

The treaty failed. Notice was served on the President that we would not negotiate; that we would not co-operate with the executive department. Here were the wrongs, wrongs about the fisheries and wrongs about the canals. The President necessarily turned to retaliation, the only thing left us.

As to treaties, you may carve out your questions and settle them year by year or treaty by treaty, but it is an unheard-of thing when you commence to retaliate that you leave a part of your wrongs which demand retaliation for a second act of retaliation. Retaliation is not done by piecemeal. Retaliation is quasi war—initiative, leading to war. Would it not be a most unheard-of thing for a nation to go to war with another with a list of grievances and select out four or five of those and go to war upon them? So, when you come to retaliate there is a difference between that and negotiation. Retaliation is the act of one party; negotiation is the act of two. You must have the consent of two to make a treaty, but when you come to retaliate it is the act of one. Retaliation is the act of the injured party or the party supposing itself to be injured, and of course if there is to be retaliation it ought to cover all the wrongs complained of between the two countries; and it ought also to be thorough, adequate, and efficient.

That brings me to the next question, and that is whether the act of 1887 is a sufficient retaliatory act. I say it is not. I say, first, that it does not cover all the grounds we have for retaliation; that is, there are wrongs committed by the Canadians against us for which the President can not put the act of 1887 in force. One of those wrongs is the very one mentioned by the President of the United States in his message, the inequality of tolls in the Canadian canals. Now, let us see what the act of 1887 is. It provides—

That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen visiting, etc.

Of course this question does not come under any clause of the act of 1887, which relates to American fishing vessels or American fishermen, because it is a question of tolls on commercial vessels, on the Welland and other canals, hundreds of miles from any fishing station or grounds.

Now we go to another clause of the act of 1887. Here is a clause that refers to all American fishing vessels. Let us see what it is:

Or whenever the President of the United States shall be satisfied that any other vessels of the United States—

That embraces all—

their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied—

What? Any treaty rights? No—

any of the privileges therein—

That is, in such port—

accorded to the vessels, their masters or crews, of the most favored nation.

We can not make out a case for retaliation in that unless we can show what does not exist, that other nations have superior rights to us in those canals, and that is not complained of. The complaint is that we have not the same rights there that the Canadians have.

So under the act there is no place to put in operation the retaliation authorized by it upon a failure of the Canadian Government to carry out the recommendation of the British Government made in the treaty of 1871 to give our vessels equality with the Canadian vessels as to tolls in the Dominion canals.

Therefore, if we want to retaliate about this unjust discrimination as between the Canadian vessels and our own in tolls, we must have an additional act of Congress. That is not one of the cases, it is not a *casus talionis* mentioned in the act of 1887, under which and by which the President can put that act into operation; nor when it is put into operation can he continue it until redress is had in reference to that matter. So the President's message contained a recommendation which must be adopted by Congress or we must abandon the claim of our vessels to equal tolls in the Dominion canals.

Mr. FRYE. Will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. GEORGE. Yes, sir.

Mr. FRYE. Does the Senator know of any reason why Canadian vessels can not be kept out of the Sault Ste. Marie Canal, or why a toll can not be levied on all Canadian vessels that do pass through the Sault Ste. Marie Canal?

Mr. GEORGE. Is that the St. Clair Flats Canal?

Mr. FRYE. No, sir; it is the big canal which is probably used as much as any other by the Canadians in the United States.

Mr. GEORGE. That canal is not mentioned in the treaty of 1871?

Mr. FRYE. It is not.

Mr. GEORGE. It is in the United States?

Mr. FRYE. It is in the United States.

Mr. GEORGE. It was built since 1871?

Mr. FRYE. It is one of the most important canals there are in the world, I suppose.

Mr. GEORGE. If there is no law of Congress which gives Canadian vessels privileges, they must depend for their right in that canal only on the treaty. There is no reason why there should not be a treaty, but there may be acts of Congress to which my attention has not been called.

Mr. FRYE. There are no acts of Congress.

Mr. GEORGE. If there is no act of Congress, I will turn to the treaty of 1871.

Mr. FRYE. No; it is not mentioned in the treaty. That is why I asked the Senator the question. When he says the President can not retaliate in any way I ask the question whether there is anything in law or treaty to prevent our levying a toll or stopping entirely the Canadians from going through the Sault Ste. Marie Canal?

Mr. GEORGE. That is just one canal, but then there are the others they could go through. A little partial retaliation amounts to nothing. If you have retaliation let us have it adequate and efficient.

Mr. FRYE. I should like to ask the Senator another question.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield?

Mr. GEORGE. Yes, sir.

Mr. FRYE. I ask the Senator if he knows that there has been a bill for retaliation on this very subject pending before the Committee on Merchant Marine and Fisheries in the House of Representatives for the last two or three months?

Mr. GEORGE. I do not know it, but it shows that the subject requires legislation. Because there is a bill pending in the House of Representatives and not passed and not acted upon, that is no reason why the President should not ask the Congress of the United States to pass an act on that subject. On the contrary, instead of being a reason for his not doing it the negligence of the House on that subject is a sufficient reason, and the greater negligence of the Senate too, because we have not even gone so far as to introduce the bill. That is a good reason why the President should call our attention to it and urge action.

Mr. FRYE. I should like to ask the Senator another question. Whether he is aware that Sir John MacDonald——

Mr. GEORGE. Oh, I do not know anything about Sir John MacDonald. Please let me off on Sir John.

Mr. FRYE. He is the head of the Canadian Government. I ask the Senator whether he knows that Sir John MacDonald declares that there is no discrimination against us in those canals?

Mr. GEORGE. I can not find anything about that canal in the treaty of 1871, but there is the other one mentioned; and then there are State canals and all that sort of thing over which we have no jurisdiction.

Now, Mr. President, I have proven the necessity for the passage of an act. I presume when the Senator from Maine and every other Senator will look critically at the act of 1887 they will see that this toll business is not one of the cases under which and through which and on which the President of the United States can institute any act of retaliation under the act of 1887. We must settle the question now as to the events or contingencies under which the act of 1887 may be put in force. Now let us see what can be done when it is put in force. I was calling the attention of the Senate to the means of redress or the acts of retaliation which the President was authorized to take or use under the act of 1887. I had shown before that as to one, and that a very grave cause of complaint, that is, the inequality of the tolls levied by the Dominion of Canada—that act of 1887 provided no means of redress for that wrong, that is, it could not be put into operation—the retaliatory measure provided in the act of 1887 could not be put into operation on account of that wrong. I now desire to show what means of redress are provided for by the act of 1887 for the difficulties to which I have before alluded which exclude the inequality of tolls. The act authorizes the doing of these things and no more:

First. To deny entrance to any vessels of the British Dominion to our ports.

Second. To deny entrance to fish or any product of said Dominion.

Third. To deny entrance to any other goods coming from said Dominion to the United States.

The President may apply this denial to any part or to all of the above, but that is all he can do. He can not, as has been asserted on this floor, do any more than this. He can not deny the right of transit over American territory to goods coming from foreign countries going into Canada. Therefore this measure that the President asks for is not allowed by present law.

I will read from President Grant's message of 1870, to show that he regarded the identical measure recommended by the President as a most efficient means of retaliation on Canada. In that message, dated 5th day of December, 1870, President Grant, after making complaint against the Canadian authorities for their treatment of our fishing vessels, uses this language as to the mode of redress:

Anticipating—

Said President Grant—

that an attempt may possibly be made by the Canadian authorities in the coming season to repeat their unneighborly acts toward our fishermen, I recommend you to confer upon the Executive the power to suspend, by proclamation, the operation of the laws authorizing the transit of goods, wares, and merchandise in bond across the territory of the United States to Canada; and further, should such an extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

So that President Grant recommended the very thing that President Cleveland recommends in his message now before the Senate, and he recommends it, too, in addition to the measures which are provided for in the act of 1887. That act provides for the suspension of the operation of any laws whereby the vessels of the Dominion of Canada were permitted to enter the waters of the United States. So President Grant, in the exercise of his duty to recommend to Congress such measures as he deemed the public welfare demanded, has recommended the exact thing which President Cleveland recommends in the message now under consideration.

Thursday, August 30, 1888.

Mr. GEORGE. Mr. President, in the argument which I have had the honor to submit to the Senate I have endeavored to prove, and I think I have proven, that there are wrongs committed by the Canadian authorities against the people of the United States which do not fall within the retaliatory clauses of the act of 1887. I have also endeavored to show, and I think I have shown, that for these wrongs the means of retaliation provided for by that act are insufficient. I proved that by the consideration of the terms of the act of 1887, and I have also proven by the message of President Grant, dated December 5, 1870, in which he recommended the very retaliatory measure, almost in the same words, recommended by the President, that these two eminent Presidents on this subject occupy precisely the same ground.

It is alleged, however, that there are other means of retaliation in the power of the President not embraced in the act of 1887. I deny that. One of the Senators who took this position is the Senator from Vermont [Mr. EDMUNDS]. I read from his speech delivered August 24, in which he says that Congress took the view—

That if Great Britain, the treaty being in force, violated it on her side and denied to us a right that we had under it, we were no longer under any obligation to grant to her a right that she had under it.

To which proposition I agree. But the Senator proceeded further:

And it did not need a statute to do that. There are gentlemen within the hearing of my voice now who have occupied positions as Cabinet ministers of Presidents of the United States, there are others who have not who have been students of public law, and my friend from Alabama [Mr. MORGAN] I can appeal to as one of the best of them, and they know that when one nation having a treaty with another chooses to break it or to refuse or refrain from carrying it into reciprocal and equal effect, the other nation is no longer bound; and it is at the option of her Executive, whose business it is to see that the laws are faithfully executed, and that nothing else is executed, shall stand up for the rights of the nation that is thus wronged, just as the Senator from New York [Mr. EVARTS] did under a treaty with some power of whom we are now speaking, who told them that if they chose to put a certain interpretation upon that treaty then he would regard it, under the direction of the President of the United States, as an end of the treaty.

So I understand the proposition of the Senator from Vermont to be that if there be a violation of any treaty rights which we have under the treaty of 1871, it is competent for the President of his own motion, without any action of Congress, to declare the treaty at an end, and to deny to the other side rights secured to them under the treaty. This proposition I deny; it has no foundation in American constitutional law. I say both by the speculation and the writings of our eminent statesmen and by the acts of Congress themselves this assumed or alleged power stated thus by the Senator from Vermont to be in the President of the United States is shown not to exist. That power rests solely in the Congress of the United States.

The first authority I shall read in contravention of the position taken by the Senator from Vermont is from a very high authority, Mr. Madison, who says:

Treaties, as I understand the Constitution, are made supreme over the constitutions and laws of the particular States, and, like a subsequent law of the United States, over pre-existing laws of the United States; provided, however, that the treaty be within the prerogative of making treaties, which, no doubt, has certain limits.

That the contracting powers can annul the treaty can not, I presume, be questioned, the same authority precisely being exercised in annulling as in making a treaty.

That a breach on one side (even of a single article, each being considered as a condition of every other article) discharges the other is as little questionable, but with this reservation, that the other side is at liberty to take advantage or not of the breach as dissolving the treaty. Hence I infer that the treaty with Great Britain, which has not been annulled by mutual consent, must be regarded as in full force by all on whom its execution in the United States depends, until it shall be declared by the party, to whom a right has accrued by the breach of the other party to declare, that advantage is to be taken of the breach, and the treaty is annulled accordingly. In case it should be advisable to take advantage of the adverse breach, a question may perhaps be started, whether the power vested by the Constitution with respect to treaties in the President and Senate makes them—

That is the President and the Senate—

the competent judges, or whether, as the treaty is a law, the whole legislature are to judge of its annulment, or whether, in case the President and Senate be competent in ordinary treaties, the legislative authority be requisite to annul a treaty of peace, as being equivalent to a declaration of war, to which that authority alone, by our Constitution, is competent.

Mr. MORGAN. From what do you read?

Mr. GEORGE. I am reading from a letter of Mr. Madison to Mr. Edmund Pendleton, dated January 2, 1791, contained in Wharton's Digest of International Law, section 138.

It will be seen that Mr. Madison, in discussing who is to determine the breach of a treaty and the release from its obligations of the United States on account of this breach, alludes to two parties only as competent to declare the breach and the release. One is the President and the Senate. As they made the treaty it has been argued that they

may annul it. That is one of the competent authorities which he says possibly might, as some allege, have the power. But that power is disputed as between them and the Congress of the United States upon the firm ground that the treaty, being the supreme law of the land, can not be annulled except by making another law which annuls it. These are the only two authorities which under our Constitution, according to Mr. Madison, can by any possibility lay claim to this power. No one then pretended that the President alone had the power.

There is no express power vested by the Constitution of the United States in the President and Senate to simply annul a treaty. The power granted to them by the Constitution is to make a treaty. Of course in the exercise of their power of making treaties they may abrogate all former treaties or any part of former treaties between the United States and the particular government with which they make the new treaty, but that results not from their power to declare a treaty annulled for a breach of its conditions, because that is not given to them by the Constitution, but it results from their power to make a new treaty which can only be made by the consent of the other nation, and thus by mutual consent abrogating a contract already existing between the parties.

So, then, we are remitted to the other alternative presented by Mr. Madison, and that is that Congress may annul it, and why? Upon the admitted ground recognized by numerous decisions of the Supreme Court of the United States, a subsequent act of Congress in conflict with a prior treaty annuls the treaty to the extent of the conflict and itself becomes the supreme law of the land instead of the law made by the former treaty.

Mr. President, I think then the learned Senator from Vermont grievously erred in asserting to the Senate that the autocratic power was vested in the President of the United States by the Constitution of the United States to annul, to change, to abrogate a supreme law of the land by his own individual action. No such power is granted to him by the Constitution. We have some precedents as to the abrogation of treaties by the United States on the alleged ground of their violation by the other party. I call the attention of the Senate to the only act on our statute-books, the only act existing in the history of this country so far as I have been able to learn—and I have searched with some diligence—by which the United States undertook of their own motion, without consulting the adverse party, to annul and abrogate an existing treaty upon the ground that the other party had violated it. If there be any other instance it has escaped my observation. This instance is the act of Congress of July 7, 1798, which I will read to the Senate as showing the earliest construction of the power of the Constitution with reference to the abrogation of treaties by the single act of the United States, made at an early day when the great statesmen who formed the Constitution itself were controlling the councils of this nation:

Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and

Whereas, under authority of the French Government, there is yet pursued against the United States a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation:

Be it enacted, etc., That the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

This is the only instance, so far as my researches extend, where the United States ever undertook to decide for themselves that they were no longer bound by a treaty with a foreign country on account of the failure of that country to observe its provisions. That was done by an act of Congress approved by Mr. Adams in 1798, and from that time to this there has not been the assumption of power by any President of the United States to annul a treaty upon his mere belief that the other side had not complied with it. That disposes of that question, I think.

So any remedy we might have arising under such a construction of the Constitution does not exist, but other remedies are pointed out by distinguished Senators as existing over and above and outside of the act of 1887. The Senator from Massachusetts [Mr. HOAR] claimed—and I will read his claim, so that the Senate may understand it:

I do not propose to add anything to what has been said by the honorable Senator from Vermont [Mr. EDMUNDS] on that subject, nor to express any opinion of my own in regard to it at the present time.

The President claims that the twenty-ninth article of the treaty of 1871 has been abrogated, and that each nation therefore is at liberty without further negotiation, if it shall see fit, to proceed to regulate its own conduct in reference to this subject-matter of complaint without regard to any binding obligation of one toward the other. Very well; if that be true, then the Administration has all this time—and I desire to call the attention of the Senate to this proposition—had absolute power and control and discretion over the whole matter. The authority which the President asks, so far as it relates to the transporting of Canadian goods in bond over our railways or canals, or so far as stopping the employment of Canadian railroads and canals by our shippers of goods, is already complete.

He bases that on two sections of the Revised Statutes. He had this read:

SEC. 3005. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

Section 3006 read in connection with this I will notice hereafter.

It will be noted in the first instance, a point that has been overlooked in this debate, that section 3005 of the Revised Statutes refers only to importations into Canada through the United States. It does not refer to exportations. There is no authority in section 3005 for a transshipment through the United States of goods from Canada and destined for other countries than the United States. That authority is found elsewhere in our statutes passed prior to the enactment of that section.

So, then, if section 3005 could be construed as giving any power whatever to the President in relation to this matter, it could not be construed as giving any power over exportations from Canada, and the stopping of exports is about as important as the prevention of imports. But, sir, section 3005 is a statute of the United States. It is absolute in its terms. It does not propose or profess to have any force or vitality contingent upon any reciprocal right granted or to be granted by Canada or upon any act to be performed by Canada. It is absolute, and there is no power in that section 3005, no provision, which authorizes the President to suspend its operation upon any cause or for any purpose whatever. So, if the President of the United States were to undertake to suspend the operation of section 3005 he would assume the autocratic power denied to him by the Constitution and possessed only by the most despotic autocrat in Europe or in Asia—a power to suspend or abrogate a statute absolute in its terms without in any sense being made contingent or dependent on his will.

But the Senator from Massachusetts, as I understand his argument, bases the right of the President of the United States to suspend the operation of section 3005 upon the effect of these terms used in the statute, that this transportation may be "without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe."

That is the groundwork of the argument, based upon a provision in the statute, which is very common, allowing the Secretary of the Treasury with reference to foreign commerce to make regulations for its orderly conduct. That argument is based on the assumption that the power given to regulate a certain transaction, which is made lawful and permitted by the statute, includes in it the power to prohibit absolutely the doing of the transaction at all.

When a statute is passed making legal the performance of a particular transaction under regulations to be prescribed by the Secretary of the Treasury, the power is claimed for the Secretary of the Treasury to prohibit the doing of the thing for the proper doing of which he was authorized to make regulations. As I am informed by the Senator from Kentucky [Mr. BECK], who sits at my right, and who is very familiar with all these things, three-fourths of the statutes of the United States regulating foreign commerce and internal revenue provide for regulations to be prescribed by the Secretary of the Treasury. The Senator from Massachusetts seems to have discovered that this argument would not of itself do, and so he also relies on section 3006 to make it good. That section is as follows:

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or Republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or Republic, be treated in regard to the liability to or exemption from duty or tax, as if the transportation had taken place entirely within the limits of the United States.

That section relates simply to the coastwise trade of the United States, the shipment starting from a port in the United States and ending in another port in the United States, and the only difference between that and the ordinary coastwise trade is the permission given in this statute that a part of the transportation may be over foreign territory. So under section 3006, intended to provide alone for the regulation of the coastwise trade of the United States, that is, transportation from one port in the United States to another port in the United States, the extraordinary result is reached that the President may prohibit the transportation over our territory of goods, not from one port to another in the United States, but from one foreign country to another through the United States! The Senator from Massachusetts proceeds:

My proposition is that the transportation of merchandise coming from American railroads or canals or other modes of carriage through Canada is, by section 3006 of the Revised Statutes, to be conducted under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the moment the Administration was informed that this discrimination—

That is as I suppose about the tolls—

was made by Canada against our interests, the President had the right instantly to interpose and put an end to the entire traffic at once—just what he asks the special authority of Congress to do at the present time.

Suppose he had power under this section, what traffic could he put an end to? Transportation from Canada to a foreign country? Transportation from a foreign country to Canada? No; but transportation entirely

between two ports of the United States, as from Buffalo in New York or Oswego in New York to Chicago in Illinois. That is a very remarkable proposition; and the Senator from Massachusetts seems to have thought that it was necessary to support it by authority, and he produced two circulars of the Treasury Department for this authority. The Senator from Massachusetts claims that this very power asked for by the President, which is a power to prevent goods coming from England, for instance, or France destined for Canada going through the United States to Canada, or goods coming from Canada destined for England or France and going through the United States—he claims that this power has been asserted by the President and Secretary Manning in two circulars, which he read to the Senate. Now let us see. He read first circular 102, dated July 2, 1885:

CIRCULAR.

TERMINATION OF CERTAIN ARTICLES OF THE TREATY OF WASHINGTON.

[1885. Department No. 102. Division of Special Agents.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 2, 1885.

To collectors of customs:

Notice having been given by the proclamation of the President, dated January 31, 1885, of the abrogation—

Of what? Article XXIX, which authorizes this transportation from Canada to France through the United States? No; but—

of Articles XVIII to XXV—

Which are the fishery articles—

and Article XXX of the treaty of Washington—

Which was the article admitting the British to our coastwise trade. But I proceed with reading the circular:

collectors of customs are hereby notified that article 844 of the Customs Regulations of 1884, which is identical with article 19 of the Regulations of March 30, 1875, made pursuant to—

To what? Pursuant to Article XXIX, which I will read in a few moments, which he says the Secretary understood was abrogated? No; but—

pursuant to Article XXX—

It has no more to do with the transportation of exports from Canada to Europe or from Europe to Canada across the United States than it has to do with the transportation of goods from Liverpool to Hong-Kong. The circular goes on—I have read the ground or reason for the issuing of the circular—

Article XXX of said treaty, will cease to be in force from and after this date.

Shipments of merchandise in transit from one port or place within the territory of the United States—

Following exactly the provision of Article XXX—

to another, by a route a part of which is by land carriage through the Dominion of Canada, and a part by the Great Lakes and the rivers connecting the same, or by the river St. Lawrence, in either British or American vessels, from ports on the northern frontier of the United States to ports on the Canadian frontier for transshipment to railway cars, and from points on the Canadian frontier, at the termini of railway transportation, to ports on the northern frontier of the United States, will hereafter be treated in all respects as ordinary importations from foreign contiguous territory.

DANIEL MANNING, *Secretary.*

I desire to call the attention of the Senate and the attention of the country to the fact that in the recitals of the trade or navigation about which this regulation is made the Secretary follows almost *verbatim* Article XXX and has no reference to Article XXIX. But I will read from the Senator from Massachusetts his comment on that:

Now, it will be seen that the Secretary of the Treasury, conceiving at the time that the twenty-ninth article of the treaty of 1871 was terminated—

Yet there is no reference in the circular to Article XXIX, and what is more, there is no reference in the circular to any operation of commerce authorized by Article XXIX. It refers solely to operations of commerce authorized by Article XXX. I will go back and read this comment all over again so as to do the Senator no injustice:

Now, it will be seen that the Secretary of the Treasury, conceiving at the time that the twenty-ninth article of the treaty of 1871 was terminated, instantly exercised his authority under the statute of 1866, re-enacted by the Revised Statutes as section 3006, and declared that all merchandise coming from Canada as a part of the joint transportation routes should be subject to the ordinary customs duties, showing the opinion of the President and the Secretary who was the head of his Treasury Department that he possessed the ample power to accomplish this thing.

Well, now, there is not a single reference in this circular to any commercial transaction or transportation which could take place under Article XXIX. The circular is based expressly in terms, on its face, on the fact that Article XXX had been abrogated, and it refers alone to commercial and navigation operations which were authorized not by Article XXIX but by Article XXX. It makes no reference to any sort of operation which was legalized or authorized by Article XXIX, and what is more remarkable in this argument is the language which I shall now repeat from the Senator's remarks:

—instantly exercised his authority under the statute of 1866, re-enacted by the Revised Statutes as section 3006.

The act of 1866, section 3006 of the Revised Statutes, as I have stated and as is plain on its face, has reference only to the coastwise trade of the United States where the goods start from one port in the United States and land at another port in the United States, on their way, however, going through Canada. It has no reference whatever to a shipment or a transportation starting from Canada, as is specified in Article XXIX, intended for Europe, or Africa, or Asia, or South America, or anywhere else, which needs simply to go through the United States from its port of departure in Canada to its port of destination in one of these foreign countries. That is the argumentation, that is the clear authority on which this Senate, having committed itself to reject all further negotiation, having committed itself to right our wrongs by retaliation, is asked to deny the just power asked for by the President to make effective retaliation, following exactly the example set by President Grant in 1870.

There was an error in the circular I have just read; there was a mistake made by the Secretary of the Treasury in reference to the coastwise trade of the United States, provided for in Article XXX and also sanctioned by our statutes. The Secretary of the Treasury forgot that the only power to make this coastwise trade through Canada did not come from Article XXX. He forgot that there was a statute of the United States which authorized any American vessels—not any British vessels, as provided for in Article XXX, as well as American vessels, but only American vessels—to convey goods from one port to another in the United States through Canada. So in this circular, intended to forbid all operations under Article XXX, the Secretary went too far in prohibiting the transportation of goods from Oswego, for instance, to Chicago, where it went a part of the way through Canada over the Welland Canal and in American vessels as well as British vessels. Article XXX gave the right to carry on this trade to both British and American vessels. The statute which remained in force after Article XXX was abrogated by the notice given for that purpose gave the right only to American vessels. In a few days thereafter, discovering his mistake, he issued the other circular, which the Senator from Massachusetts commented on and claimed to have been an exercise by the President of the very power which he asks Congress to grant to him. I will read that:

CIRCULAR.

[Department No. 116. Division of special agents.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 24, 1885.

To collectors and other officers of customs:

Under the authority contained in section 3006 of the Revised Statutes, imported merchandise, in bond or duty paid, and products and manufactures of the United States, may, with the consent of the proper authorities of the British provinces, be transported from one port in—

Canada to a foreign country, as is argued here and is the very question before the Senate? No, sir; but—

from one port in the United States to another port therein over the territory of such provinces, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe.

Therefore, so much of Circular No. 102 of this Department, dated the 2d instant, as rescinded article 844 of the Customs Regulations of 1884 is revoked, and said article is hereby amended in such manner as to restrict the transportation therein referred to to American vessels. Customs officers will be governed accordingly.

The salaries of officers stationed in Canada to supervise transshipment from vessels to cars, and *vice versa*, must be reimbursed to the Government by the transportation companies interested.

DANIEL MANNING, *Secretary.*

This, sir, is the law under which the Senator from Massachusetts claims this power of the President, and these are the two constructions of this law which he claims have been made by the President and the Secretary of the Treasury, asserting the power which the President now asks for; and that is the unstable foundation upon which that claim is based.

Now, Mr. President, I come to another important question, and one which several Senators on the other side said was the main question, and that is whether Article XXIX of the treaty of 1871 is now in force or not. The President claims that Article XXIX fell with Article XXX and the articles from XVIII to XXV, inclusive. I wish the Senate to understand that the sole point here is whether this Article XXIX is in force or not.

Of course we can abrogate article XXIX if we see proper to do so by an act of Congress, but if it is in force and we abrogate it by virtue of a Congressional act, then this results, and this wide difference exists between abrogating it by an act of Congress and acting as if it were not in force, it being in fact not in force. In the extract which I read from Mr. Madison some time ago we find a very clear statement made of the law upon the subject, that where there is a breach of one part of a compact between two parties there is a breach of all, and if the party against whose rights the breach is made takes advantage of it he does not take this advantage by abrogating the particular article of the treaty which he complains has been violated, but he abrogates all the compact. If there is anything settled in international law it is that if you proceed for the annulment of a treaty upon the ground that some substantial provision in that treaty has been violated by the other party the annulment goes to the extent of annulling the whole treaty and not any particular article in it.

You are not allowed to say upon a breach of a substantial treaty right, "I acknowledge all this treaty to be in force except just this part, and as to that I annul it." The language I read from Mr. Mad-

ison was that each provision of the treaty was a condition of every other provision of the treaty, so that if there be a breach in one part there is a breach in all parts, and if there be an annulment in one part there is an annulment in all parts. So this important thing, or this important right, or this important consequence arises for the consideration of the Senate, whether we proceed to annul the treaty of 1871 for a violation of Article XXIX or whether we, being right on the true construction of the treaty, declare that Article XXIX has been abrogated by the terms of the treaty itself. In the first hypothesis if we declare the treaty annulled we lose every unexecuted and unvested right in it.

There are provisions in that treaty of a very important character to the American people about which no complaint has been made. There are navigation rights with respect to great rivers which still stand in the treaty unaffected if Article XXIX is abrogated, in pursuance of the treaty itself, and which will be lost if we take it upon ourselves to decide not that Article XXIX has already been abrogated in pursuance of the provisions of the treaty, but that it having been violated by England or by Canada we declare the whole treaty void.

That is a sound principle of international law. So it makes a very great difference whether we proceed by virtue of the power—I might call it a physical power—of the Congress of the United States to declare that the treaty of 1871 shall no longer be binding upon us because Article XXIX has been violated, or whether we are able to make out justly, truly, and according to the provisions of the treaty of 1871, that the article has fallen. The President takes this just distinction in his message. In recommending to us to repeal the laws which authorize the transit of Canadian goods across our territory he states to us that we are not in doing so restrained by any provision of treaty, we are not violating any treaty, we are not setting aside any treaty, we are not declaring that any part of a treaty has been violated by England and therefore we abrogate the whole treaty, but we are acting in pursuance of the treaty itself.

That brings us to the discussion of the question whether or not Article XXIX, not having been abrogated by an act of Congress, remains in force to-day as a part of the treaty of 1871 and as a part of the supreme law of the land. To that I propose to address myself, and in order that the Senate and the country may understand exactly the argument which I make upon that subject, I will call the attention of the Senate again to the provisions of that article. I read now Article XXIX of the treaty of 1871, to see what it provides for. That article reads:

It is agreed—

Perpetually? No. Indefinitely? No. But—

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

The President wants as a just and effective act of retaliation to stop that; he wants to stop this transportation—that is the power he asks us to give—both to Canada from foreign countries through the United States and from Canada through the United States to foreign countries, and that is the provision.

The first thing that strikes one who reads this article is that on its face it is limited in its operation to a term of years not mentioned in the article itself, but a term of years mentioned in some other article—Article XXXIII.

So we start out now with this plain proposition settled that this article is not perpetual; it is not an agreement for an indefinite period of time. It is a treaty limited, so far as Article XXIX is concerned, in express words to a term of years. Now, let us see what that term of years is. Article XXXIII provides, and I desire to call attention to that—

The foregoing Articles XVIII to XXV, inclusive—

They have not got Article XXIX in. It stops before it gets to XXIX. It is XVIII to XXV. These are the fishery articles.

Article XXX—

Skipping Article XXIX, leaping over XXVIII, XXVII, XXVI, and XXIX.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty, shall take effect—

When? They did not have effect upon the exchange of ratifications of the treaty. Something else was to be done before they could take effect. Up to the time that these things were done they were mere mutual propositions from one country to the other. Let us see what were the things to be done—

shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward Island on the one hand, and by the Congress of the United States on the other.

You will note that not one of these articles from XVIII to XXV, inclusive, and Article XXX could ever have the slightest effect as a contract, as a treaty obligation between the United States and Great Britain, until four distinct legislative bodies should give effect to them. Three would not do. It required the English Parliament, it required the Canadian Parliament, it required the Legislature of Prince Edward Island, and it required the Congress of the United States, and any one of these four failing to give its assent to the going into effect of these articles, the articles would have remained forever without the slightest obligation or force whatever.

It seems that the exchange of ratifications of this treaty was in June, 1871. Remember that. The legislation of all these parties took place prior to the 1st day of July, 1873, when these articles were declared by both governments to take effect, so that for more than two years after the treaty was signed and ratified every other article in the treaty except those mentioned in this particular article or otherwise limited were in full force and effect. Note that. There is nothing said there about Article XXIX—not a word—as to putting it into effect.

Now I proceed to read the last clause of the article and to see how and what is to be done in the way of terminating these articles. Article XXXIII contains a power not only to put these articles into operation, but also to destroy their life. Without Article XXXIII and the action required by Article XXXIII those articles could never have had birth, never could have had any effect. Having had birth and having had effect, they never could have been terminated without the provisions of Article XXXIII. Now let us see what the provision is about the termination, and I will read from the place where I stopped before:

Such assent—

That is, of these four legislative bodies—

Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

You hear nothing in this article of Article XXIX, either as to its birth or as to its death; and yet, singular as it may seem, without a single word justifying it, it is insisted that Article XXIX is of perpetual obligation unless in pursuance of Article XXXIII it is terminated. Where do you get your power to terminate it under Article XXXIII? You can not construe treaties upon any idea of just taking the language and making it mean anything that you see proper to make it mean. They are contracts, solemn contracts, between great nations, entered into with deliberation, intended to preserve peace between nations, to regulate rights between nations, to regulate intercourse between nations, and treaties, like other contracts, like other writings, like statutes, are to be construed according to the plain meaning of the language employed. Now, I should like to hear some astute lawyer make the argument by which we can terminate Article XXIX under the provisions of Article XXXIII, except as an incident to the termination of the fishery articles and Article XXX. Article XXIX is not referred to expressly or by implication.

As I have just remarked, you can not amend a treaty by merely attributing to it a meaning which it does not have, but which you wish it to have. You can not interpolate into a treaty a provision which the parties to it did not put in it when they made it. You can not do that expressly, nor have you the power by a dishonest, a hypercritical, an ingenious argumentation to do by implication what you can not do expressly. This argument can not be answered; not because it is a strong argument, but because it is an argument founded on the plain, unambiguous words of the treaty itself. Further argument could make it no more plain than if I were to argue that 2 and 2 were 4, or that 10 divided by 2 resulted in 5. There is not a hint, there is not a squinting at Article XXIX in this Article XXXIII.

Then we must go back to Article XXIX, and see how we are going to get rid of it? Is it perpetual? Everybody says it is not. All agree that there is a way to get rid of it, and all agree—that is, those who say it is not already dead—that it must be done in pursuance of Article XXXIII. Now let us see how we are going to get rid of it in pursuance of Article XXXIII, if it does not fall without being named—and that is my position—with Articles XVIII to XXV and Article XXX. I say that Article XXXIII does provide for an event which terminates Article XXIX, but it provides for this only in providing for the termination of the fishery articles and Article XXX. Article XXIX itself makes the act which destroys the life of these articles destroy its own.

There is not a word in Article XXXIII about the death or termination of Article XXIX; but Article XXIX itself provides for the term of its own existence. It provides when it shall go into effect; it provides when it shall cease to have effect, and what provision is that, Mr. President?

I want to make this plain, because it is so plain to my mind—from the very moment that I first examined it—that such is the result, as the Senator from Alabama [Mr. MORGAN] well knows, as the Senator

from Maryland [Mr. WILSON] well knows, and as the Senator from Delaware [Mr. GRAY] well knows, it appears so plain to me that it can not be made the subject of reasonable dispute or argument.

My proposition is that whilst Article XXXIII provides for the birth and for the death of Articles XVIII to XXV, and Article XXX, it contains no provision for the death of Article XXIX. How, then, are we to get rid of it, because Article XXIX itself says that it shall live as long and no longer than the term of years mentioned in Article XXXIII? Now let us see. I read:

For the term of years mentioned in Article XXXIII of this treaty, goods, etc.—

There is also a provision in behalf of Canadians in the second clause of it—

It is further agreed that, for the like period—

That is for the same term of years mentioned in Article XXXIII certain other rights exist.

Article XXIX provides for its own life; it measures the years of its own existence. It says for the term prescribed in Article XXXIII Article XXIX shall have effect.

Mr. President, all you have to do in order to find out the life of Article XXIX is to find out if there be a term of years mentioned in Article XXXIII, because Article XXIX itself says for that term this article shall live and no longer. Here it is:

Shall remain in force for the period of ten years—

That is the term. From when?—

from the date at which they may come in operation; and, further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same.

When we find out what that is do we not find out the life of Article XXIX. On this hinges the controversy as to the proposition of the President's message that we can enact new legislation without violating our treaty rights. Article XXIX came into this world with a label around its neck stating, "Your existence here, your operation, shall be for a term of years mentioned in Article XXXIII."

Mr. TELLER. I should like to inquire of the Senator what he thinks the term of years mentioned in Article XXXIII is?

Mr. GEORGE. There are two constructions which might be put upon it. I have considered both. I am very glad the Senator called my attention to it, and I shall answer it now. A very strict and narrow construction of it might say that it was ten years plus two.

Mr. TELLER. Oh, no.

Mr. GEORGE. Ten years from the time these articles went into operation plus the two years for which the notice was to run before they were to die. But I do not think that is the proper construction. I think, according to an old law maxim, *Id certum est quod certum reddi potest*, that when the notice was given after a certain number of years, the term of years was fixed; so that the term of years in Article XXXIII I take to be not only the ten years in which notice could not be given and not only the two years in addition which the notice was to run, but all that period of time which elapsed from the commencement of the operation of these articles by the passage of the necessary acts by the four Legislatures, and the time which should elapse before these articles died under the operation of the notice. That is my idea about it, and you can not make it anything else.

Mr. TELLER. If I do not interrupt the Senator——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. TELLER. If it is objectionable to the Senator, I do not wish to interrupt him.

Mr. GEORGE. I believe I would prefer to go on a little further in my argument so that I can present my idea fully to the Senate.

Mr. TELLER. I will not interrupt the Senator if it is objectionable to him.

Mr. GEORGE. I would prefer to have the interruption afterwards, although I have no desire to shirk any discussion about this matter, because I feel absolutely certain that I am right, and absolutely certain that there is no amount of ability possessed by any man God ever created that can disprove the plain proposition made by the treaty itself.

I ask the Senator from Colorado to state when he comes to reply to me, and I hope he will take notice of it, if there is any other term of years mentioned in Article XXXIII except the term of years which marked the life of Articles XVIII to XXV and Article XXX? If there be no other term of years, then, that must be the term of years which fixes the life of Article XXIX, or else in violation of Article XXIX you fix its life by a term of years not mentioned in Article XXXIII. It shall be alive, says Article XXIX, "for the term of years mentioned in Article XXXIII." That is its own provision. You may call it suicide or carrying within its bosom that deadly weapon which automatically destroys it, but it lives, it lives only, for the term of years mentioned in Article XXXIII. There is no human power which can give it one moment's longer existence except a new treaty between the same contracting parties which shall lengthen its existence. That is what they agreed to then, and there is no earthly power under the Constitution of the United States to give to this treaty, this article, or any other article of any treaty an operation or effect which it does not possess within itself.

Treaties are made by the President, by and with the advice and consent of the Senate, and when they are made they are what they are as written and as they mean at the time they are made, and it is not in the power of a committee of the Senate, it is not in the power of a President of the United States, it is not in the power of a Secretary of State, it is not in the power of all these combined to add one jot or tittle to the legal force and effect of a treaty, or detract from it one jot or tittle of its inherent strength.

If that is not right, let us see what the other view is. Sometimes one of the most effective means of destroying a fallacy is to apply the argument which the mathematicians call the *reductio ad absurdum*. Article XXIX says it shall have life for the term of years mentioned in Article XXXIII, as I have so often stated. If it has life and existence independent of Articles XVIII to XXV and Article XXX, then let us see what will follow? As I have shown already, Articles XVIII to XXV and Article XXX required the assent of four distinct, independent legislative bodies before they could have life. None of these bodies was bound by this treaty ever to give assent to these articles or to pass the laws necessary to put them into operation.

Suppose the legislature of Prince Edward Island or the Congress of the United States had perpetually refused, either of them or either of the other two, to pass the laws necessary to put these fishery articles and Article XXX into operation. If Article XXIX had an independent life and existence, if it was not bound by the very terms prescribed in itself as to the time when it should begin and when it should end, we would have had this extraordinary result, that Articles XVIII to XXV and Article XXX, never having received the assent of all the four legislatures, would never have gone into operation, and Article XXIX would have been in operation all the time. If that be so, then how can you square that with the language "for the term of years mentioned in Article XXXIII," for which it shall have existence? Under that view of it, instead of having existence and force and effect for the term of years mentioned in Article XXXIII it would have had a perpetual existence in direct contravention of the term of years mentioned in Article XXXIII. Certainly you can not put a construction upon a treaty which thus turns and twists and reverses its plain meaning and language.

But if that is not correct, how are you going to get rid of it? Certainly it is to die some time; certainly it contemplated only a temporary existence "for a term of years." How are you to get rid of it? Can you give notice? Suppose we do give notice that Article XXIX is terminated. Suppose we give it to-day and in two years from now, say the 1st day of September, 1890, that is to be terminated. Suppose we give it life, then, from the 17th day of June, 1873, when the treaty was ratified and when all the other articles went into force, up to the 1st day of September, 1890, it would have a life then from 1873 to 1885, and from 1885 to 1889, four years more, which would make four years or more longer than the life of the fishery articles and Article XXX as fixed by the notice under Article XXXIII. How can you make out that proposition consistent with the treaty? You can not inject into this treaty something that is not in it. You can not, according to this treaty, give Article XXIX an operation longer or shorter than the term prescribed in Article XXXIII, and then it must fall. The only term of years mentioned in Article XXXIII is the term of years during which Articles XVIII to XXV and Article XXX shall live. Besides, and this is conclusive, there is no provision in Article XXXIII or elsewhere in the treaty for giving notice of the termination of Article XXIX. If you undertake to give this notice you go outside of the treaty, you interpolate a provision not in it, and you measure the life of Article XXIX, not by a "term of years mentioned in Article XXXIII," as it requires, but you measure it by an act not authorized by that article nor by any other part of the treaty.

There are two other arguments supplementary to this. One is the copy made by the President in his message from the memorandum made by the joint commissioners who negotiated the treaty. That is in these words:

The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force.

These joint high commissioners, when they started out to make this treaty, started out with a declaration in writing made by them that they were going to do one thing. They, as I have shown, have done that thing, and yet it is insisted that they have failed to do what they declared they would do and have given a life to the transit arrangement different from and longer than the life of the fisheries articles.

There is another argument which was referred to by the President. I am here only repeating his views. The act of March 1, 1873, provides:

That from the date of the President's proclamation authorized by the first section of this act—

That was the proclamation authorizing the President to put in force the fisheries articles and Article XXX upon the assent to those articles given by Congress and by the other three Legislatures to which I have called attention.

SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, and merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States—

And then repeating exactly the provisions of Article XXIX, providing for transit across the United States.

So we have not only the plain meaning of the words of the treaty itself, but we have the declaration of the men who negotiated it, and we have the act of Congress assented to by both Houses and by the President himself declaring the same thing. Can that be answered? If the plain words of the treaty do not constitute its meaning when those plain words are substantiated by the declarations of the men who made it, upon what can we rely? And the plain words of the treaty and this declaration of the men who made it are fortified by an act of Congress itself. If all these can not settle the meaning of the treaty, I confess I know of no means which can remove doubt from a proposition which any ingenious mind may see proper to dispute.

I believe, Mr. President, I have said all I desire to say on this subject.

Mr. CULLOM. Mr. President, I shall not follow the course of the Senator from Mississippi [Mr. GEORGE] in the discussion of the large number of treaties that have been made at different times between the United States and Great Britain, nor shall I discuss the recent treaty that was before the Senate of the United States, but I shall confine what I have to say, which will be very brief, to the situation as presented by the President's message.

The United States of America as a nation is perhaps as well situated in its relation to other countries as any of the great nations. The people of the United States possess greater advantages than any other people in the world. It is easily within the power of this Government to dominate the western hemisphere if it desires to do so; by true statesmanship it always will be, and my judgment is that the Canadian possessions, in the not far distant future, are destined to become a part of the United States.

In dealing with questions involving the relations of our Government with another, whether great or small, the most serious consideration should be given, and only such steps taken as we may be sure we are right in taking. We have no right to play with national or international affairs to please the fancy or inflame the passions of the people. Great questions involving great interests, even the peace of nations, should be approached with a purpose to ascertain and then do the right, having constantly in view the welfare of our own people, to whom we owe unqualified loyalty and whose servants we are.

On the 20th February last the President sent to this Senate a message transmitting a treaty, commonly known as the fisheries treaty. It was before this body much of the time under consideration until the 21st of this month, when it was rejected. That treaty was ably discussed. And now that it has gone, I believe I am justified in saying that the action of the Senate in rejecting it has met with the approval of a majority of the people of the country. The Senate performed its duty in rejecting it.

The President has since sent us a message, which now lies on the table, which I think may be fairly taken as evidence that even he has become satisfied that his treaty with Canada was a mistake. To retrieve what he has lost by his mistake he launches out into a broader sea, and in my judgment he will find himself in deeper water than he has ever been in before, with greater danger threatening to overtake him.

He says the rejection of the treaty "seems to justify a survey of the condition to which the pending question is thus remitted." This declaration is proper. There can be no fault found with it. He then proceeds to discuss the situation between our Government and Canada as it existed before the treaty was made and also since the rejection of the treaty, and says he is "by no means disposed to abandon the interests and the rights of our people in the premises, or to neglect their grievances," and he therefore turns "to the contemplation of a plan of retaliation as a mode, which still remains, of treating the situation."

Mr. President, from the language quoted one would infer that the President had actually debated the question in his own mind whether after his pet treaty had been rejected by the Senate, a part of the treaty-making power, he would do anything more, and if so what, and that he finally patriotically and generously concluded that he would adopt the course marked out by the law. How grateful the American people should feel for the conclusion to which the President came as to the course he would pursue after he saw that his treaty was dead. The treaty related to the fishery troubles, nothing else. Our country has been having no serious trouble with Canada that can not probably be easily settled, about anything else, and yet the President seems to almost turn his back upon the fishery question, and from the contemplation of the wrongs inflicted upon American fishermen, which called for the act of 1887, which is known as the retaliation act, and calls the attention of the country to other grievances, and asks for more power of retaliation than the statute of 1887 gives him, though he has never taken a step to enforce the law in his hands. He wants more power. Why has he not used the power in his hands? He undertook to make a treaty because he said American fishermen were wronged, and by the continued repetition of wrongs upon the rights of American citizens the nation was being disgraced. Why does he stop now to ask for more power and fail to use what he has? Mr. President, I desire to be entirely respectful to the President and the high office he holds; but, sir, I can not resist the feeling that his call upon Congress for more power is not prompted by high motives of patriotism so much as by a desire to break the fall caused by his mistake in bringing to the light of day a treaty that has been shown to be so impotent for the purpose of its creation.

The President recommends that he be authorized to suspend by proclamation the operation of all laws permitting transportation in bond through the United States of shipments coming from or going to Canada. He assures us that we need have no hesitation in giving him this authority or in suspending the operation of those laws on the supposition that their continuation is secured by treaty obligations, and proceeds to argue that Article XXIX of the treaty, which, as he says, incorporated the laws in question, is no longer in force. This discovery appears to be an entirely original one on the part of the President. If he is entirely mistaken in the matter, and Article XXIX remains in full force and effect, as everybody supposed to be the case until this message came in, then of course it would be inconsistent with our treaty obligations to grant to the President the authority which he asks.

If the article has been utterly disregarded, as the Senator from Mississippi has stated, it is within the power of the President alone to disregard the treaty, either in whole or in part, perhaps.

Let us see what the exact language of the treaty itself is on this subject. Article XXIX begins as follows: "It is agreed that, for the term of years mentioned in Article XXXIII of this treaty," etc.

The same language precisely was used in the fishery articles, and in Article XXVIII, which made the navigation of Lake Michigan free to subjects of Great Britain. Turning next to Article XXXIII, we find that it enumerates the fishery articles, and provides that—

The said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same.

Neither Article XXVIII nor Article XXIX is mentioned in Article XXXIII, and yet their duration or continuance is stated to be "for the term of years mentioned in Article XXXIII." The question is, therefore, what is that term of years?

The Senator from Mississippi says that if Article XXIX was not abrogated and did not fall when the other articles were abrogated—the articles from XVIII to XXV and Article XXX—then, when does it end? I answer that the article remains in force indefinitely, if you please, until two years' notice, as required by Article XXXIII of the treaty itself; or, if the treaty has been disregarded by the other power, then it is within the power of this Government to abrogate it at once without any formal notice.

The question is, therefore, what is that term of years? There was no particular reason why the duration of the articles in relation to the navigation of Lake Michigan and to shipments through both countries in bond should be limited to the duration of the fishery articles, which in their terms and in the arrangement of the treaty were treated as an independent subject. Being thus treated, there was no question as to the limit of their duration. That was plainly stated by Article XXXIII to be for ten years and until two years after the required notice of their termination was given.

Article XXIX begins by saying "It is agreed that for the term of years mentioned in Article XXXIII." What was the term of years? It was the ten years certain, and then two years after notice had been given. As to the articles from XVIII to XXIX and Article XXX (skipping those between), the ten years had expired, two years' notice had been given, and those two years had expired, and then those articles mentioned had expired with the term; but as to Article XXIX the ten years have expired, but there has been no notice given by this Government that it desired that this article should expire, and therefore the article is in force, and is so regarded not only by this Government but by the Government of Great Britain as well; and I say that the only way you can get rid of it is by declaring that the other side has disregarded it, and then assuming the responsibility of disregarding it as well, or if that does not exist, giving the two years' notice, and then the treaty will fall at the expiration of the term.

The President expresses the opinion that "the term of years mentioned in Article XXXIII" which was to be the duration of Article XXIX means the period during which the fishery articles remained in force. I do not think this view is justified by an examination of the language used in the several articles referred to. Article XXIX, like Article XXVIII, by its terms plainly remains in force "for the term of years mentioned in Article XXXIII." That term of years was plainly, first, the period of ten years from the date when the treaty went into operation, and, secondly, a farther indefinite period extending until the expiration of two years after either party had given notice of its wish to terminate any article of the treaty. It can not be contended that "the term of years mentioned in Article XXXIII" during which Article XXXIX was to remain in force meant only the period of ten years which is mentioned. On the contrary, it evidently meant

both that period of ten years and whatever further period of time might elapse until a notice of termination was given and took effect.

This, then, must be the period during which Article XXIX remains in force, and, as no notice of a wish to terminate it has been given by either power, it must still be in force to-day and can not be abrogated except after two years' notice or upon the ground that the other country has so utterly disregarded it as to justify the American nation in disregarding it also.

That I am not alone in thus dissenting from the opinion expressed by the President will appear from the opinions expressed by others, to which I shall now call attention.

While the present interstate-commerce act was under consideration the committee of conference which draughted it gave attention to the difficulty encountered in applying its provisions to the Canadian railroads. The question of how far we were hampered in our proposed legislation by our treaty obligations with Canada was raised, and in our search for information inquiry was naturally made of the Department of State. This inquiry was made by the Senator from Texas [Mr. REAGAN], and the reply of Mr. Bayard, which the Senator placed on the files of the Interstate Commerce Committee, was as follows:

DEPARTMENT OF STATE, *Washington, January 7, 1887.*

SIR: I had the honor to receive late yesterday afternoon your telegram asking to be informed "when was the treaty of Washington between the United States and the Dominion of Canada abrogated? When did its provisions cease to operate?"

The information you desire is found in the accompanying document, containing the correspondence which took place between this Department and the British minister in 1885, and the President's proclamation in regard to the termination of the fisheries articles of the treaty of Washington.

This document is reprinted in full in the recently printed Executive Document in relation to the rights of American fishermen in British North American waters (Executive Document No. 19, House of Representatives, Forty-ninth Congress, second session, pages 199-210), a copy of which is also inclosed herewith.

The treaty of Washington between the United States and Great Britain did not relate solely to the Canadian fisheries. Only the fishery articles thereof were abrogated, as enumerated in the President's proclamation of January 31, 1885. The remaining articles, comprising those which relate to commercial intercourse between the United States and the British North American possessions, are still in force.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN H. REAGAN,
U. S. Senate.

In this letter Mr. Bayard distinctly states that the articles of the treaty "which relate to commercial intercourse between the United States and the British North American possessions are still in force." Mr. Bayard is the President's adviser in such matters. It is to him that the President would naturally turn for information in respect to the matters discussed in his message, but this letter, in which it is stated, without any qualification whatever, that Article XXIX remains in force, confirms my statement that the President's discovery of the termination of Article XXIX must be original with himself or have come from outside of his own Administration. The opinions expressed by the President in respect to Article XXIX certainly could not have been communicated to him by his Secretary of State, unless the latter has recently changed his mind on a subject about which he did not entertain the least doubt whatever last year.

In the report of the majority of the Committee on Foreign Relations upon the treaty recently rejected, submitted May 7 last, it is distinctly stated, although in an incidental way, that Article XXIX of the treaty of 1871 is still in force. But there can be no mistaking the language used in respect to this article in the accompanying report of the minority of the committee. That minority report bears the signatures of the Senator from Alabama [Mr. MORGAN], the Senator from Delaware [Mr. SAULSBURY], the Senator from Georgia [Mr. BROWN], and the Senator from Ohio [Mr. PAYNE]. These gentlemen represented the Administration in attempting to defend its one-sided and un-American fisheries treaty, and will be expected to uphold the views of the President as to the termination of Article XXIX of the treaty of 1871. Let us see what they say.

Referring to the abrogation of the fisheries articles the minority report says:

Article XXIX was not terminated, but it never had the least reference to the fisheries treaty of 1818, to enlarge its scope, change its meaning, or in any way to affect any right to which that treaty related. Yet, if that is not the true meaning of the twenty-ninth article of the treaty of 1871, this present treaty in no way affects that article, and it stands for all that it was ever worth in favor of our fishermen.

Mr. President, there is not the slightest difficulty in our distinguished friends on the other side of the Chamber changing as often as the President of the United States himself sees proper to change, and therefore it is that when the Senator from Alabama [Mr. MORGAN], who signed the minority report, a part of which I shall quote in a moment, was asked the other day if he believed that Article XXIX was still in force, he said it is not, and of course the Senators on that side will all indorse the position the Administration has so recently taken.

Mr. DOLPH. That is the minority report?

Mr. CULLOM. That is the minority report of the committee making the report on the fisheries treaty and the language as incorporated in it by the Senators on the other side of the Chamber.

Evidently the views now expressed by the President in respect to Article XXIX were not communicated to him by the Democratic members of the Committee on Foreign Relations of this body, for in May last those Senators believed and stated that Article XXIX was still in force.

Both Governments have understood and have acted upon the supposition that this Article XXIX remains in force at the present time, and additional evidence of the correctness of this view could be presented if necessary; but in order to avoid any charge of "offensive partisanship" in taking issue with the President on the subject, and in venturing to question his infallibility upon questions of international law, I am content to rest the case, so far as the question of this article being in force is concerned, by placing against the declarations of the President on the subject those of his own Secretary of State and of the Senators representing his party upon the Committee on Foreign Relations, leaving them to reconcile the opposing views they have expressed as best they can.

The laws which the President now asks authority to suspend the operation of were passed prior to the treaty of 1871 and are still in force. They are found in the Revised Statutes, and are as follows:

SEC. 3095. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or Republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or Republic, be treated in regard to the liability to or exemption from duty or tax, as if the transportation had taken place entirely within the limits of the United States.

As the existence of these statutes and the President's sudden anxiety to suspend their operation seem to be the only public reason for his message, they are worthy of some consideration.

In the first place, it must be clear upon examination of these statutes that a very large part of the shipments in bond through our territory to and from Canada, which the President now wants power to stop, are not authorized or carried on under these statutes. Section 3005 authorizes importations arriving at New York, Boston, and Portland, Me., and destined for Canada, to be carried through our territory free of duty, under such regulations as the Secretary of the Treasury may prescribe, but it does not authorize shipments to be made from Canada through our territory for exportation, nor does it authorize importations to be made at any ports except the three named, unless such other ports are specially designated by the Secretary of the Treasury. It is plain, therefore, that section 3005 does not authorize all the shipments in bond that are now made, and if the President believes, as he says in his message, that Article XXIX of the treaty and section 3 of the act of 1873 are no longer in force, it might be in order to inquire by what authority he now permits any shipments to be made in bond from Canada.

Mr. President, when I conclude my remarks I think I shall introduce a resolution calling upon the Secretary of the Treasury to inform the Senate whether he is to-day permitting any shipments from Canada through the United States to our ports for export, or what other shipments he is allowing that are not authorized by section 3005 of the Revised Statutes. I know of no law except section 3005 under which he can authorize these importations to the United States and through our country to the provinces of Canada, and I know of no law, if the law of 1873 has been repealed, that authorizes him to permit shipments from Canada through the United States to our ports for exportation.

In the second place it will be observed that section 3005 is simply permissive in its terms, and that its operation is placed entirely within the discretion of the Secretary of the Treasury. It provides that the privileges specified may be granted under such regulations as the Secretary may prescribe.

We have been discussing the fisheries treaty here for a number of months. It has been before us since some time in the early spring. Recitations of outrages in connection with our fisheries have been given to us by the President of the United States. Yet in all this period of time since the act of 1887 was passed giving the President the power of retaliation as to outrages on account of the fisheries we have had no information from him that there has been any wrong done on the part of the people of Canada upon the people of the United States in connection with our commercial relations.

As I say, the act provides that the privileges specified may be granted under such regulations as the Secretary may prescribe. It is entirely within the discretion of the Secretary to grant or continue these privileges. Even if it should be claimed that in this statute "may" means "shall," the whole matter is still practically within the discretion of the Secretary, because the transportation must be carried on under such regulations as he prescribes; and under this power, which no one can question, the Secretary can, if he pleases, make regulations which would practically be prohibitory. In other words, if he pleases, the

Secretary can make it so inconvenient to comply with his regulations that no one would do so.

Therefore, taking the President's view of the situation, we find that he sent this message to Congress because he wants authority to suspend the operation of section 3005, and we find that the operation of that section rests entirely in the discretion of the Secretary of the Treasury. If the President is right in his contention that Article XXIX of the treaty and section 3 of the act of 1873 are no longer in force—that is what he says in his message—the authority which he asks Congress to give him, and all the authority he needs, is the authority to make his own Secretary of the Treasury do his bidding.

In any view of the situation that can be taken, whether we agree with the President or disagree with him, no action by Congress is necessary in order to suspend the operation of the statutes of 1866. The simple fact of the matter is that the President asks for authority which ought not to be exercised, and could not be honorably, if Article XXIX of the treaty remains in force, or which he does not need at all if it is not. That is the sum and substance of the whole matter.

One word about the discrimination against American vessels using the Canadian canals to which the President calls attention. This discrimination against our citizens must be stopped, and there ought to be no difficulty whatever in stopping it if this Administration could be induced to move in the matter. The right to the use of those canals on equal terms with the Canadians themselves is expressly secured to us by treaty stipulations, and if these are violated, as the President says they have been, the natural, common-sense course would be to call the attention of the British Government to the matter in the ordinary way. In all probability this would result in the immediate discontinuance of the discrimination. If it did not, it would be time enough to ask for legislation on the subject, but we have no evidence that the course always pursued under such circumstances has been resorted to in this instance.

When we have applied this message to the situation as it exists and see how little excuse there is for it, the fact that it was inspired by political necessity becomes more and more apparent. In fact, this message may be regarded as Mr. Cleveland's long-delayed letter of acceptance of the Democratic nomination for the Presidency, because it betrays so clearly his anxiety for another term of office and his fear that he will not be elected. His complete change of front on the fisheries question shows that Mr. Cleveland and his party are in desperate straits politically, that they see defeat staring them in the face, and that they are seeking to divert attention from the one issue upon which they deliberately staked all their chances of success at the approaching election.

In my judgment this whole movement is merely a political movement, and I desire to call the attention of the Senate and the country to the proof of what I say upon that question. I find in the newspapers of the country a dispatch on the day of the delivery of this message to Congress, dated Columbus, Ohio, August 24, 1888, and it says:

> Have prominent Irishmen send congratulatory telegrams to President Cleveland on his message on the fishery treaty, and get up demonstration, if possible.
>
> J. R. TOWNSEND,
> *Chairman Ohio State Central Committee.*

I hear also that this man Townsend has been and perhaps is now a partner of the distinguished gentleman, Mr. Brice, who was here, I believe, in the city in close conference with the President at the time the message was issued, and who had undoubtedly informed his law partner, who was chairman of the State Democratic committee of Ohio, of what was going to happen, and notified him to do what Mr. Townsend proceeded to do, to get up demonstrations and have prominent Irishmen send telegrams to the President of the United States and congratulate him upon the delivery of his message.

I find here a few dispatches that were the result of that order. One of them is dated New York, August 24, and reads:

> I congratulate you on behalf of the entire business community. Your message is a masterpiece of dignity and statesmanship.
>
> HERMAN OELRICHS.

I do not know how much of an Irishman he is, but the name does not quite sound like one. I believe that he is one of the captains that is running the Democratic national committee in New York along with Mr. Brice.

I find another from my own State, as follows:

> CHICAGO, *August 24.*
>
> Your message is received with universal approval by the people. I congratulate you.
>
> ERSKINE W. PHELPS.

He is another member of the national Democratic committee, and he is undertaking to re-elect the present President of the United States. I do not think that Mr. Phelps is very much of an Irishman. They were the only class that were appealed to by the chairman; but the national Democratic committee have been unable to get up demonstrations so far.

So I could go and give a list of chairmen of Democratic clubs and of Democratic county committees, all of them sending congratulatory dispatches to the President on account of that tremendous message which he sent here, that was to startle the country and attract, if you please, the attention of the people of this country from the great issue that they are determined to adhere to to the end in this campaign, whether the people of this country shall have any protection to American industries and American labor, or whether we shall inaugurate a system of free trade in this country that shall break down the industries of the country and reduce the wages of our American citizens to a pauper basis.

I see no evidence here in these dispatches, as in the evidences that come to us from the country anywhere, that the message has excited any admiration on the part of the Irish people, who were expected to rally to its support and get up demonstrations on account of the message. They knew too well that the purpose of that message, as I said, was to mend the hold of the Administration. It knew that it had lost them upon the great issue, and not only that, but because of its leaning to the British Government from the very beginning of this Administration up to the time when the message was sent here and until the Irish people of the country had determined that they would have no more of it.

The necessities of the political situation demanded that the President should, in the words of the manager of his campaign, "do something to help himself." What could he do and what did he do? In the search for some means of diversion he turned to the contemplation of our relations with Canada, knowing that the country strongly disapproved the policy and course of his administration in respect to the treatment of our fishermen by the Canadian authorities. The rejection of his un-American treaty having met the approval of the people, it behooved him to make amends for his serious blunder in negotiating and insisting upon the ratification of a treaty which involved a cowardly surrender of American rights when an entirely different course of action had been decided upon by Congress and the path of his duty had been plainly marked out for him by law.

In the hour of their tribulation and distress what did the President and his advisers do? What has the Democratic party always done when its own plans and policies have been repudiated by the people, as they usually have been? The question answers itself. They adopt the policy of the Republican party and claim it as their own.

Since the President's message upon the tariff question last December, and since the passage of the Mills bill, or more especially since its introduction, the Democratic party have sought every opportunity that it had the power and of which it could avail itself to undertake to show that the President's message did not mean free trade, and that the Mills bill did not mean free trade. If we shall wait a little longer they will be insisting that they are a better protection party than the Republican party itself.

The President's message shows that the emphatic protests which have repeatedly been made upon this side of the Chamber against the long-continued neglect by this Administration of the grievances of our fishermen have not been made in vain. After at least two years of indifference to their interests the President is at last ready to act, or rather, to state the situation more exactly, to talk about doing something. If he was ready to act, or wanted to act, he would at once adopt the policy of retaliation marked out for him by the act of March 3, 1887; but he is only seeking to do what the managers of his campaign have for some time insisted must be done if he desired to be re-elected, and that is "to do something to help himself," and so he only talks about retaliation against Canada instead of actually retaliating, as he could any day or any hour.

But even this partial and eleventh-hour conversion of one so set in his ways as Mr. Cleveland is exceedingly encouraging, and I think we upon this side may with good reason congratulate ourselves upon the apparent adoption by the present Executive, reluctant and tardy though it has been, of the accepted Republican policy of protection to the rights and interests of American citizens in all their dealings with foreign nations.

After ignoring the plain requirements of the retaliation act for a year and a half without making the slightest effort towards retaliation, the President now comes to the front as the champion of the policy of retaliation. With the customary zeal of a new convert for a policy he has steadily opposed, Mr. Cleveland now professes a desire to enter upon a policy of retaliation that shall be at once "thorough and vigorous." The reason he does not retaliate is because he is so strongly in favor of retaliation and so anxious to retaliate.

The retaliation act of 1887 marked out clearly and plainly the course of action to be pursued by the President when he found retaliation to be necessary, and when he became as anxious to retaliate as Mr. Cleveland now professes to be. The investigation and consideration of the fisheries trouble by the last Congress resulted in the passage of that act, and the course of action there laid down was deliberately decided upon by Congress as the proper one to be pursued under the circumstances. That act was signed by the present Executive, notwithstanding his immoderate indulgence in the exercise of the veto power, and must be presumed to have then met his approval. It was believed then and is believed now that the exercise of the great powers conferred upon the President by that act would speedily bring to an end the outrages perpetrated upon our fishermen by the Canadian authorities. That act provided that whenever the President "shall be satisfied" that American fishing vessels or American fishermen have been denied or abridged in the enjoyment of any rights in Canadian waters or ports secured to them by treaty or law, "it shall be the duty of the President

of the United States, in his discretion," to deny to Canadian vessels any entrance into our ports, "and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States."

While the words "in his discretion" are used in the act, they apply rather to the particular modes of retaliation prescribed than to the question of enforcing the act, and it will be observed that the act contains the mandatory provision that "it shall be the duty of the President" to deny to the Canadians the privileges specified whenever he shall be satisfied that such a state of facts exists as he says in his message has existed. It is now about a year and a half since the law went into force, the condition of affairs which made it the duty of the President to act has existed during that time, his statement of the situation shows that he is satisfied of the fact, and yet none of the steps which the law required him to take have been taken.

After ignoring the existence and requirements of this law for a year and a half he now comes to Congress at this late day and asks for more power, because he is so anxious to enter upon a policy of retaliation. No reason is given for his failure to exercise the great powers already conferred upon him, but the pretense is made that a further grant of power is necessary. It is the same sort of pretense that was resorted to by this Administration in regard to the payment of the public debt in order to pile up a surplus as an argument for free trade. The President doubted the authority to buy bonds, although nobody else did, and delayed action on the pretense that further legislation was necessary. In a matter of such importance Congress was willing to gratify his whim, and sent him the desired legislation, but it contained restrictions he did not like, and rather than accept them he abandoned his pretense of want of power and concluded the law gave all the power necessary, as everybody knew.

This Administration has been from first to last one of sham and pretense. It has made a pretense of economy, but has been the most extravagant one we have ever had for very many years. It has made a pretense of favoring civil-service reform, while there never has been one that so utterly disregarded it, as the Senator from Maine [Mr. HALE], the chairman of the select committee on that subject, has shown by his statements here and by discussions which have taken place. I have in my hand a newspaper, which I shall not take up the time of the Senate to read, but which gives an account of civil-service reform in the great city of Chicago, in my own State, in connection with the post-office there, where the law partner of the postmaster put a card upon his door and sent cards to the various employés, telling them to come over and see him, and the account says that the ante-room of that distinguished lawyer, the partner of the postmaster at Chicago, was full of people knocking at the door to get in to make the contributions, so that they might not lose their places.

This Administration made a pretense of an anxiety to reduce the surplus, but allowed it to accumulate for nearly a year before a dollar was paid out in the payment of debt which then was due. In its anxiety to reduce the terrible surplus of which we hear so much the Administration has succeeded in securing the passage elsewhere of a tariff bill that would increase the revenues instead of decrease them, and has contrived to conduct the purchase of bonds in such a blundering way as to unnecessarily enhance their price and to needlessly pay out large sums to speculators as premiums.

One thing, however, this Administration has done, and it is entitled to whatever credit it can claim for such methods of financiering. It has transferred many millions of dollars from the Treasury to the custody of favored national banks. These banks undoubtedly find it profitable to hold and use these millions of dollars of the people's money. The interest or profit they receive on its use is not paid to the United States, but it will be surprising if a liberal slice of this "swag" does not find its way into the coffers of the Democratic national committee. That committee, it seems, does not hesitate to make those employed in the civil service "stand and deliver."

And the President's pretense that he needs further power in order to undertake a policy of retaliation against Canada is on a par with those that have characterized his whole administration. He has not used the great powers already granted him, but pretends that he wants more.

I should like to see the President exercise the power that has now been given him more than a year and a half to protect our American citizens in connection with the fishery trade. If he uses that power discreetly and shows a disposition to protect American citizens, unless we can correct other evils by law I am for giving him other powers in order to correct whatever other evils may exist.

Mr. President, the questions involved in our commercial relations with Canada are important and can not be dealt with carelesssly without danger of doing great injury to our people. Many millions of people in the West and Northwest, with their vast crops of grain and other products about ready for the markets of the world, must be remembered in the consideration of our duty here. I am for doing anything and everything that we can do consistent with honor and the interest of our people if on investigation it shall be found that any legislation is necessary.

But I am not willing to concede to the President because he sends a message here talking about grievances that, if they exist at all, have been going on for years, when we have not the scratch of a pen from that Administration showing us what the evils are that he has talked about in his message. I want the President or his Secretary of the Treasury to inform the Senate why he has been allowing goods in bond to go from Canada to Boston or to New York or to Portland for the purpose of exportation and to tell us under what law that has been going on. I am not able to find any, and if it has been going on it has been going on without any authority of law whatever.

I believe in the warning words of Washington in his farewell address to the American people, when he said:

> Against the insidious wiles of foreign influence I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

I agree with that, and as I say I agree to-day to any legislation that may be necessary to protect the rights of the American people. So do I agree that if it can be shown that the twenty-ninth article of the treaty of 1871 has been utterly disregarded by the British Government, by the Canadians, I agree that we shall disregard it, also, without waiting the two years necessary in order to abrogate it by formal notice.

But so far as that article is concerned, I can not believe that there is any question but that the twenty-ninth article is in force, so far as the terms of the treaty are concerned, or any law that has been passed under it is concerned, and that the term means not only the ten years as specified in the article itself, but also the two years after this Government or the other shall see proper to give notice of its abrogation.

Mr. President, with these remarks I shall not detain the Senate further, but I shall ask leave to insert a synopsis, with a reason or two in connection therewith, of section 3005, section 3006, the third section of the act of March 3, 1873, and also the joint resolution of 1883, which applies to the subject as well, and also Articles XXVI, XXVII, XXVIII, and XXIX of the treaty of 1871.

SECTION 3005.

Section 3005 of the Revised Statutes authorizes the transportation through the territory of the United States without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe, of merchandise arriving at the ports of New York, Boston, and Portland, in Maine, or any other port specially designated by the Secretary of the Treasury and destined for places in Canada.

This does not authorize the transportation through the United States, without the payment of duties, of merchandise shipped from Canada to our ports for exportation, nor does it authorize the transportation through our territory to Canada of merchandise imported on the Pacific coast, unless such port on the Pacific coast is specially designated for such purposes by the Secretary of the Treasury.

This section covers only one kind of transportation across our territory, and that is of articles coming from abroad to our ports on the Atlantic coast and going to Canada.

SECTION 3006.

Section 3006 is for the benefit of American rather than Canadian shippers. It provides for the transportion of imported merchandise in bond, and products or manufactures of the United States, from one port in the United States to another, through Canadian territory.

THE ACT OF 1873.

The act of March 1, 1873, was passed to carry into effect the treaty of 1871. The third section of this act provided that so long as the fisheries articles of the treaty remained in force goods arriving at our ports from foreign countries might be conveyed through our territory into the British possessions without the payment of duties, under such regulations as the Secretary of the Treasury might prescribe.

So far this section is similar to section 3005, but in addition it contained a provision authorizing the shipment of goods, wares, and merchandise, under similar circumstances, from Canada through the territory of the United States for export.

This section, by its terms, provided that the shipments which it authorized might be made from the day on which the treaty of 1871 took effect and so long as the fisheries articles of said treaty remained in force. This section would therefore appear to have expired by limitation, unless it has been saved or extended by the joint resolution of March 3, 1883.

JOINT RESOLUTION OF 1883.

The joint resolution of March 3, 1883, was passed to terminate the fisheries articles of the treaty of 1871.

By the third section of this resolution the provisions of the act of 1873, which was passed to convey the treaty into effect, were repealed so far as they related to the fisheries articles of the treaty. As section 3 of the act of 1873 did not relate to the fisheries articles, that section was not repealed by the joint resolution of 1883, and, if it has not expired by limitation, is not affected by that resolution.

THE TREATY.

Article XXVI of the treaty of 1871 relates to the navigation of the St. Lawrence River.

Article XXVII relates to the use of the Welland Canal, the St. Law-

rence, and other canals by Americans, and the use of our canals by Canadians.

Article XXVIII makes the navigation of Lake Michigan free to the British subjects.

Article XXIX relates to the shipment through our territory of merchandise destined to or coming from Canada, and its terms are substantially the same as those of section 3 of the act of 1873.

The PRESIDENT *pro tempore*. The question——

Mr. CULLOM. I offer the resolution which I send to the desk.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The resolution will be read.

The Secretary read as follows:

Whereas the President of the United States in his message of August 23, 1888, concerning our relations with Canada advises Congress that Article XXIX of the treaty of Washington, which provided for the transit of goods, wares, and merchandise in bond over the territory of the United States to or from Canada is no longer in force; and

Whereas in the same message the President also advises Congress that section 3 of the act of March 1, 1873, passed to carry into effect the provisions of said Article XXIX is no longer in force; and

Whereas section 3005 of the Revised Statutes only authorizes the transit through the territory of the United States of merchandise destined for Canada and arriving from abroad at New York, Boston, and Portland in Maine (or at such other ports as may be specially designated by the Secretary of the Treasury): Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether the transit in bond over or across the territory of the United States, without the payment of duty, of goods, wares, and merchandise coming from Canada has been permitted since July 1, 1885, when Article XXIX of the treaty of Washington, and section 3 of the act of March 1, 1873, are said to have ceased to be in force; and, if so, to what extent and by what authority of law.

The PRESIDING OFFICER. The resolution will lie on the table and be printed.

Mr. CULLOM. I desire the adoption of the resolution. It is a mere resolution of inquiry.

Mr. GORMAN. Let it go over.

The PRESIDING OFFICER. Being objected to, the resolution will go over and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation, in Kansas.

WITHDRAWAL OF PAPERS.

On motion of Mr. HARRIS it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Hugh L. Brinkley and Annie O. Snowden, there having been no adverse report thereon.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. Unless there is objection, the formal reading will be dispensed with and the bill will be read for amendment.

Mr. PLUMB. I ask that the amendments of the Committee on Appropriations may be considered as they are reached in the reading of the bill.

The PRESIDING OFFICER. That course will be followed.

The first amendment of the Committee on Appropriations was to insert, as section 1:

That the appropriations hereinafter provided for shall be available until expended, and shall be expended under the direct supervision of a board to consist of the commanding general of the Army, an officer of engineers, an officer of ordnance, and an officer of artillery, to be selected by the Secretary of War, to be called and known as the board of ordnance and fortification; and said board shall be under the direction of the Secretary of War and subject to his supervision and control in all respects, and shall have power to provide suitable regulations for the inspection of guns and materials at all stages of manufacture to the extent necessary to protect fully the interests of the United States, and generally to provide such regulations concerning matters within said board's operations as shall be necessary to carry out to the best advantage all duties committed to its charge.

Mr. HAWLEY. I wish the attention of the Senator from Kansas in charge of the bill for a moment. I desire to move an amendment for his consideration and the consideration of the Senate. In line 6 of the new section I propose to strike out the words "an officer" and to insert "two officers;" so as to read: "two officers of ordnance;" making the board consist of an officer of engineers, two officers of ordnance, and an officer of artillery.

I move the amendment as the result of a long conversation with General Schofield, now the commanding general of the Army, who thinks, as this work is chiefly ordnance work, a single ordnance officer will be overburdened with his share of the work. This is the general opinion, in which I very earnestly and heartily coincide. The work of this board of ordnance and fortification, chiefly advisory, will to a large extent fall upon the ordnance officer, especially the preparation of papers and the working over of the matter. Two ordnance officers will be valuable. The work will be better done in all probability.

Another consideration arises. This is ordnance work largely, and if there be but one ordnance officer and an officer of engineers and an officer of artillery, it may frequently happen that, in the ordnance field especially, the ordnance officer will be outvoted by two men from other corps of the Army. These three will be the active and working men of the board. The commanding general of the Army will only come in occasionally or to decide disputes among them. If the engineer and the artillery officer should overrule the ordnance officer, it would rest upon the commanding general of the Army to correct it, or to make a tie, if you choose. He is only a member of the board; he is not commanding officer of the board, and could not overrule the two; so that the board would go on and frequently perhaps end in a tie, for the Secretary of War to decide. He is not a technical man; he knows nothing of the details of the manufacture of ordnance and matters of artillery, of course. If you have two ordnance officers and an artillery officer and an engineer officer on the board, and it shall be tied—and I am guarding against the manifestation of jealousies in the staff corps—General Schofield is quite capable and would easily have the authority then to make the board harmonize.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut [Mr. HAWLEY] to the amendment of the Committee on Appropriations will be stated.

The SECRETARY. In line 6, after the word "engineers," it is proposed to strike out the words "an officer" and insert "two officers;" so as to read:

Two officers of ordnance.

Mr. TELLER. I should like to make a suggestion to the Senator from Connecticut.

Mr. BECK. The board is to consist of whom, then?

Mr. HAWLEY. Let the Secretary begin reading in line 5.

The SECRETARY. So as to make the clause read:

A board to consist of the commanding general of the Army, an officer of engineers, two officers of ordnance, and an officer of artillery, to be selected by the Secretary of War.

Mr. HALE. That makes the board composed of five.

Mr. HAWLEY. It makes the working board four.

Mr. BECK. It makes five with the commanding general of the Army?

Mr. HAWLEY. Yes.

Mr. BECK. That can not hurt much.

Mr. TELLER. I should like to ask the Senator from Connecticut if he does not think it would improve the bill to put a civilian on the board?

Mr. HAWLEY. If I were going to draught a bill—and it ought to be done by an independent bill really—for the establishment of an advisory board, I should perhaps put in a civilian or two. Two eminent civilians were on that very eminent board of fortifications two years ago, the most efficient board that I have known for a long time. But I do not think it necessary in this board. This is a mere professional advisory board of the Secretary of War, and I do not believe it is necessary to put a civilian on it. If it were a temporary board to make a great examination, a board like the fortifications board, I should want to call in two outsiders.

Mr. PLUMB. There is some force in what the Senator from Connecticut has said, and in view of what he reports is the deliberate judgment of General Schofield, although it has not been presented to the committee, I shall have no objection to the adoption of the amendment which he proposes.

There is something always to be said, of course, in favor of a small board. In this case there is a good deal to be said in favor of having a board which will embrace members of all the bureaus of the War Department having to deal with the question of offensive and defensive military operations. It was, therefore, thought proper to bring in the Engineer and Artillery Corps as well as the Ordnance Corps, although, as the Senator from Connecticut very properly says, the Ordnance people work out the detail and largely the plan, and must of necessity do so in the construction of guns, and will continue to do so, of course, under the operations of this section.

I think I shall not interpose any objection to the adoption of the amendment. We shall come to the consideration of this question after a time with more experience on account of the trial we shall make of this plan, and if it does not work well we can then change it.

The suggestion of the Senator from Colorado [Mr. TELLER] about having a civilian on the board had consideration at the hands of the committee, and it originally was my own belief that that would be not only proper but very desirable. However, in the first place, it enlarges the board; it makes it to some extent unwieldy. There might be a considerable period of time before the board would get into that harmonious relation which would tend to efficiency of operations. There would be some jealousy, of course, existing as to who should be selected, and as to the weight to be given to the suggestions of the various component parts, divided as they would be into the two classes of military men and civilians.

I think, on the whole, in starting this matter as we propose to do by the bill, the most important thing which we do in it is really to make sure that we have the combined co-operation of all the branches of the Army, not only in determining upon the plans, but in working them out, and that I think is satisfactorily accomplished in the constitution of the board as proposed. If it shall seem after we get into this thing more largely, as we shall do, and after we try the plans which are proposed, that they are not what they ought to be, that they are not being worked out properly by reason of incompetency or jealousy, or anything else, we can reconstruct the board in such a way as to make it answer to what may then seem to be the needs of the service.

Mr. TELLER. The trouble with the suggestion of the Senator from Kansas is that we are to go on with a system here and after we have gone on some time he suggests that if we find it is a failure then we can bring into the board some other talent. I do not wish myself to say anything that will be regarded as derogatory to the character of the officers of the Army with reference to these things, but I know it is a fact, which everybody will admit who has looked into these questions at all, that if we were selecting for great enterprises as a general rule we should avoid the engineers or any other department of the Army of the United States. The Engineer Corps in the United States Army has never distinguished itself above the civilian engineers of the country, as everybody knows.

The questions to be presented to the board will be very largely questions of engineering, and it seems to me (though I have not any idea that the Senate will depart from the report of the committee; I want to express my view of the subject, however), that it would have been wise to have given the President an opportunity to select some eminent civil engineer to be put in here. Especially is that true if the system is to remain as it is contemplated, which I understand is to have outside parties come in and offer to the Government guns. I think that it would have been no more than fair to the outside people who are expected to offer to make guns that there should have been some eminent civilian engineer selected by the President. I do not suggest, of course, that the legislative department should designate who should go in, but there are a great number of engineers in this country from whom the President could select. As this is to be a matter of long standing it would be practically, if a good selection were made, a life duty for some great engineer in this country, and I am very confident that the results attained would be very much better than will be attained under the present plan.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. HAWLEY] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

Mr. PLUMB. I move to further amend the amendment by adding at the end of the section, after the word "charged," in line 17, the following proviso:

Provided, That subject to the foregoing provisions the expenditure shall be made by the several bureaus of the War Department having jurisdiction of the same under existing law.

That simply provides that the agencies which now exist in the Department for the transaction of the various classes of business, if I may so term it, shall be continued the same as now, only under the direction and supervision of the board.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HALE. May I ask the Senator from Kansas whether in line 9 the words "and control" should not be inserted after the word "direction?"

Mr. PLUMB. Those words should be in; and the Senator will see that the word "control" occurs in line 11—"supervision and control." That settles it.

Mr. HALE. That is correct. I did not see that the words occurred in line 11.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

The next amendment was to change "Sec. 1" to "Sec. 2."

The amendment was agreed to.

The reading of the bill was continued to the end of line 7 of section 2, as follows:

SEC. 2. That the sums of money herein provided for be, and the same are hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, namely:

For the protection, preservation, and repair of fortifications and other works of defense, $100,000. For the construction of sea-walls, and for earth embankments, $117,000.

Mr. HAWLEY. I wish to make an inquiry just there of the Senator in charge of the bill as to the fortifications. There is nothing here that provides a dime for the improvement or renewal of fortifications as well as preservation and repair. These fortifications cost us some twenty or thirty million dollars, and $200,000 is a comparatively small sum. I wish to inquire whether the estimates of the War Department are not larger than the amount here named?

Mr. PLUMB. No; the sum given is precisely the estimate of the War Department.

Mr. HAWLEY. For their preservation?

Mr. PLUMB. Yes, sir; that paragraph, commencing in line 4 and ending in line 7, is not only the amount but in the precise language of the estimate of the War Department.

Mr. HAWLEY. It has been the custom for many years to recommend large sums for continuing the building or building new ones, but they have given that up I presume.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 2, line 15, before the words "hundred thousand," to strike out "two" and insert "five;" so as to read:

For torpedoes for harbor defense; the purchase of submarine mines and necessary appliances to operate them; for needful casemates, cable-galleries, and appliances to render it possible to operate submarine mines; for continuing torpedo experiments; for practical instruction of engineer troops in detail of the service, and for movable submarine torpedoes propelled and controlled at will by power transmitted from shore stations, $500,000.

The amendment was agreed to.

Mr. PLUMB. I now move to amend, in line 13, of section 2, by inserting after the word "for" the words "the purchase of." That is the intent of the section, but I am somewhat afraid that the purpose is not expressed with sufficient clearness.

The PRESIDING OFFICER. The amendment will be stated from the desk.

The SECRETARY. In section 2, line 13, after the word "for," it is proposed to insert "the purchase of;" so as to read:

And for the purchase of movable submarine torpedoes propelled and controlled at will by power transmitted from shore stations, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section [2] 3, line 6, after the words "service guns," to strike out "for machine guns;" so as to read:

SEC. 3. For the manufacture or purchase and test of cannon and carriages, including two 10-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, etc.

Mr. HAWLEY. I can not permit that to go without a protest, though the Senator from Kansas [Mr. PLUMB] in private conversation has told me something about the amendment.

The Government buys every year more or less of machine guns to supply to the State militia. The well-organized militia of many States, among them Massachusetts and Connecticut and New York and New Jersey and Pennsylvania, have Gatling guns attached to their regiments. In short, there is a little trade every year in that particular weapon. The Government buys the guns and the demand is made for them by the States under the law giving $600,000 a year for supplies to the militia. I should hope the committee would permit those words to remain in the bill.

Mr. PLUMB. Really, this provision is covered, though not by name, in a subsequent provision of the bill; but still, if the Senator from Connecticut feels any special interest in having it retained at the present time, I shall not make any contention about it. The discretionary power finally lodged with the board in another part of the bill covers this, but it is not specially mentioned.

Mr. GORMAN. I hope the Senator from Kansas will state that it was the purpose of the committee to exclude all the different classes of guns by name, leaving the selection to the discretion of the board.

Mr. HAWLEY. The committee is quite right in not naming any description of guns. I did not mean to criticise its action in that respect.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out the words "for machine guns."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section (2) 3, line 14, after the word "employed," to strike out "and to test and, if found satisfactory, to purchase two breech-loading field guns of three and two tenths inch bore, of aluminum bronze, four," and insert "five;" so as to read:

For the manufacture or purchase and test of cannon and carriages, including two ten-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, powders, fuzes, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving-ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $500,000, and not more than $10,000 of said sum shall be expended for providing increased facilities for the manufacture of projectiles.

The amendment was agreed to.

The next amendment was, in section [2] 3, line 19, after the word "projectiles," to insert:

For examining, testing, and experimenting with pneumatic or other dynamite guns, gun-carriages, aerial torpedoes, dynamite shells and ammunition, and batteries for coast defense, whether sunken, counterpoise, or otherwise,

brought to the notice of the Secretary of War, $100,000, or so much thereof as he may deem proper.

Mr. HAWLEY. The Senator from Kansas will pardon me if I make a verbal criticism there. The provision is:

For examining, testing, and experimenting with pneumatic or other dynamite guns, gun-carriages, aerial torpedoes, dynamite shells and ammunition, and batteries for coast defense, whether sunken, counterpoise, or otherwise.

That means really gun-carriages, "sunken, counterpoise, or otherwise." I should myself strike out the words "whether sunken, counterpoise, or otherwise," because the word "sunken" has no reference to the character of carriage. I take it the committee is endeavoring to provide for the purchase of the disappearing carriages that drop with the gun behind the parapet. They are all disappearing, some of them counterpoise and some of them make the gun balance a certain part of the carriage and get the gun out of sight.

I should strike out the words "whether sunken, counterpoise, or otherwise" and insert, after the word "gun-carriages," the words "disappearing and other."

Mr. PLUMB. That language, I think, is embraced in the estimates now, though I am not quite certain about that, but it is found on page 21 of the Army bill, and the phraseology of it, although not criticised as the Senator from Connecticut now criticises it, was very considerably gone over; and therefore the committee in providing for the same class of expenditures here transferred the language bodily. I think very likely the criticism may be right.

Mr. HAWLEY. If the Senator will allow that to stand over, I will consult some technical authority about it; but there is no such thing as a battery "sunken, counterpoise, or otherwise" in the way it is stated here.

Mr. PLUMB. I think that refers to the word "carriages."

Mr. HAWLEY. It does; but the word "carriages" is two or three lines back. However, let that pass. I will see if that can be put in better shape.

Mr. HALE. Do not those words refer to all the enumerations preceding, and do not the subsequent words, "brought to the notice of the Secretary," refer to all those? So it strikes me.

Mr. PLUMB. I do not think they do.

The PRESIDING OFFICER. The Chair does not understand that the Senator from Connecticut offers any amendment.

Mr. HAWLEY. I do not move any amendment now.

Mr. PLUMB. There is an amendment which I think ought to be made there. That section, as I said, is exactly as it appears in the Army bill, and was, of course, inserted before without any reference to the expenditures being made by a board. I think that perhaps as it is it may be out of harmony with the first section of the bill, and that the words "brought to the notice of the Secretary of War or of the board" should be inserted, and the limitation of expenditures should be qualified in the same way. I will move, therefore, to amend the amendment, in line 23, by striking out the words "the Secretary of War" and inserting "said board."

Mr. HAWLEY. But if they are brought to the notice of the board the board reports them to the Secretary of War.

Mr. PLUMB. I think, perhaps, it is well to put in the words "said board," leaving out "the Secretary of War." I think that is correct.

The PRESIDING OFFICER. The amendment will be stated from the desk.

The SECRETARY. In line 23 it is proposed to strike out the words "the Secretary of War" and insert "said board;" so as to read:

Brought to the notice of said board.

The amendment to the amendment was agreed to.

Mr. PLUMB. Now, the word "he," in line 24, should be changed to "they."

Mr. HAWLEY. The board recommend and the Secretary buys what he pleases. He is not absolutely bound to buy.

Mr. PLUMB. That is true, but that is qualified in the first section. Nothing can be done but what he recommends, and what he practically himself does.

Mr. HAWLEY. To change the word "he" to "they" will be to buy "so much thereof as they may deem proper." He has final jurisdiction on the committee's theory.

Mr. PLUMB. I will suggest an amendment that I think will cover the Senator's criticism. I move to amend it to read:

Or so much thereof as may be deemed proper.

Mr. HAWLEY. That is right.

Mr. PLUMB. That leaves the question of authority open.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 24 it is proposed to strike out the word "he," and in line 25 to strike out "deem" and insert "be deemed;" so as to read:

Or so much thereof as may be deemed proper.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 3, in the following words:

SEC. 3. To complete the guns now under fabrication by the Ordnance Department, and for testing the same, as follows: One 10-inch breech-loading steel gun, wire-wrapped, with longitudinal bars on Woodbridge plan, $20,000; for testing the same, $25,000; one 10-inch breech-loading steel-hooped gun, $7,500; for testing the same, $25,000; one 10-inch breech-loading rifle, cast-iron, wire-wrapped, $1,500; for testing the same, $12,000; one 8-inch breech-loading steel-hooped gun, $5,000; for testing the same, $12,000; for testing one 12-inch breech-loading rifle, cast-iron, steel-tubed, $20,000; for testing one 12-inch breech-loading rifle, cast-iron, hooped and tubed with steel on the French system, $20,000; for testing one 12-inch breech-loading mortar, cast-iron, hooped with steel, $10,000; in all, $158,000.

Mr. PLUMB. I will state in regard to that amendment that the work contemplated in that section is covered completely by the preceding section, and that was the reason for striking this section out.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 4, line 5, after "New York," to strike out "in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, seven," and insert "five;" so as to read:

For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun-factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., $550,000: *Provided*, That not exceeding $20,000 of this sum may be used for the erection and completion of two sets of officers' quarters.

Mr. HAWLEY. The Committee on Appropriations reduces there the appropriation $200,000. It very properly strikes out the words "in accordance with the recommendation of the Gun Foundry Board of February 16, 1884," etc., because four years have passed since that Gun Foundry Board made its report, and it is entirely probable that some of the machinery required for the new gun foundry will be of a different and better class than they recommended. That is all very well, but I submit that the committee has erred in striking down the amount there from $750,000 to $550,000. The careful estimates show that it will require $250,000 to erect the necessary shops and permanent fixtures for the construction of guns—large establishments. It must be remembered that the building is not a mere inclosure, because it requires very heavy foundations for the lathes and boring-machines, etc., so that a large part of the cost of the building will be below ground and not show when the building is completed. The careful estimates show that it will require $250,000 to erect the necessary shops and permanent fixtures for the construction of guns, inclusive of guns of 12 inches in caliber; for the purchase of the necessary machinery and tools, as lathes, boring-mills, planers, rifling-machines, cranes, etc., $550,000 will be necessary in order to fabricate the following quantities of guns per annum, namely: ten 8-inch guns, six 10-inch guns, and four 12-inch guns—a somewhat smaller output than is specified in the Gun Foundry Board report. The total of this foots up $800,000, to which should be added, for two sets of officers' quarters, $20,000, making an aggregate of $820,000.

Under the sundry civil bill about $35,000 was appropriated for the gun-plant at Watervliet arsenal, and they have on hand some available heavy-gun plant at that arsenal, I think amounting in value to about $35,000, so that the total sum may be reduced by $70,000, to $750,000. A less sum than $250,000 will not complete the shops, and it is important for economic reasons to procure as many of the needed tools at one time as possible. If they are to contract for the requisite number of tools for this very heavy work, it is better that we should not leave $250,000 to be appropriated next year, but should embrace the tools in one large contract at one time. I should very much prefer to have the sum here remain $750,000.

Mr. PLUMB. The estimate of the War Department for that purpose is $550,000, and that was based upon the report of the Gun Foundry Board which assembled in 1884. If the Senator will recall that report, on page 50 of it is found an estimate of the cost of the plant for gun factories in these words:

Approximate cost of plant for gun factories: Guns up to 6-inch caliber, $50,000; guns from 6-inch to 12-inch caliber, $150,000; guns from 12-inch to 16-inch caliber, $350,000; buildings and shrinking-pit, $350,000.

The bill under consideration does not provide for the purchase of steel for a gun larger than a caliber of 12 inches, and it is evident that the War Department in making up this estimate simply eliminated so much of the machinery deemed necessary by the Gun Foundry Board as applied to the making of guns of 12 to 16 inch caliber. I have no doubt, however, that the estimate of the Gun Foundry Board was too low; that ultimately there will be obliged to be a plant at the Watervliet arsenal for the purpose of making a complete gun factory for the manufacture of 12-inch guns, costing from seven hundred and fifty to eight hundred thousand dollars, although it is said that there is a very considerable amount of machinery there now which will be available for this purpose.

But we were advised that the Navy Department had not been able to contract in this country yet for lathes suitable for making 12-inch guns at any such prices as they deemed proper, and the subject has gone over for the time being, and we thought there would be money enough very likely for present purposes and we would get that which was available. A large portion of the tools necessary for this factory are to be found in stock among manufacturers and which can be purchased, as picks or axes can be purchased, and therefore would not take any very great length of time, but could be got together and put to use with

reference to the immediate operations of this factory, but meanwhile Congress will presently reassemble and what then may be found to answer for the expenditure of the amount of money provided in this bill can be embraced in another bill which will undoubtedly follow at the next session of Congress. Still, I have no doubt, as the Senator, says, we shall have to expend considerably more money.

Mr. DOLPH. Will the Senator be kind enough to state whether the machinery for the manufacture of a 16-inch gun will answer also for a 12-inch gun, and whether it would not be economy to provide the larger machinery—the machinery having the greater capacity?

Mr. PLUMB. That would be true as to a portion only. We inquired about that carefully from the ordnance officers. Of course the same forging machinery would be used for both purposes (if we were going to make forgings), and some of the minor machinery, but the machinery for handling the guns and the lathes necessary would all have to be entirely different. In addition to that, it is contemplated by the Ordnance Department to build the wing of the building for the making of 16-inch guns entirely different from the part of the building which will be used for the smaller calibers. For the fabrication of a 16-inch gun according to the idea of the Ordnance Department, the operations would be carried on practically distinct, although under the same roof. They would be in a part of the building made larger and wider and provided with heavier machinery for handling, and also having separate lathes for finishing.

Mr. DOLPH. It would certainly be economy to purchase the machinery necessary for the construction of 16-inch guns at once, which may be used independently for 16-inch guns as well as any other.

Mr. PLUMB. I do not understand that that is the case, or that such machinery will be used independently. The officers object.

Mr. DOLPH. I thought the Senator said a portion of the machinery would be so used?

Mr. PLUMB. A portion of it would be, that is true; but, in regard to that point, no lathes of this kind have ever been made yet in this country. Patterns would have to be made for them. No doubt the manufacture of lathes, etc., for the construction of 12-inch guns will suggest improvements to our mechanics. It is the idea of our ordnance officers that the moment our mechanics get hold of this kind of machinery and get to manufacturing machinery for the fabrication of guns and all other things relating to this general question of defense they will make improvements of a most valuable character. There will be a gain, therefore, perhaps, in beginning with guns of the smaller sizes. At all events it will be a very long period of time before the Government will expect to make, by a very lavish expenditure of money, machinery for the manufacture of a 16-inch gun. That is not contemplated. Steel is not provided for in this gun, the limit of the caliber being 12 inches. It is also to be remembered that guns above 12 inches do not exist in any number anywhere.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 4, line 16, before the word "million," to strike out "one" and insert "two;" so as to read:

For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $2,500,000.

The amendment was agreed to.

The reading of the bill was resumed, as follows:

Provided, That no money shall be expended except for steel accepted and delivered, and no contract shall be made hereunder for gun steel at a greater average price per pound for each caliber than the lowest average price charged under contracts hitherto made by the Government for forgings of like caliber.

Mr. HAWLEY. A question arises there, Mr. President. The only contract made in this country for heavy gun forgings of that character has been made with the Bethlehem Steel Works by the Navy Department—I will not say the only one, but substantially the only one (because there have been some bits of work done elsewhere)—the only large contract. There was a contract made with another establishment to build an 8-inch gun, and there have been purchases made to a considerable amount and especially for the tubes—for the heaviest parts of the heaviest guns—from British manufacturers. It was indispensable. I do not know whether the proviso just read means that we shall not pay more than we have paid Whitworth & Co. or whether it means that we shall not pay more than we have paid the Bethlehem Works.

Mr. PLUMB. That ought to be amended, I think, by inserting "of American manufacturers."

Mr. HAWLEY. That would make it clearer, because they have been able to buy of others at a lower price than anybody here can make it.

Mr. PLUMB. What was in mind was the contract that the Government had recently made for steel for the use of the Navy. That steel for the use of naval guns has cost about 33 cents a pound. That is regarded as a perfectly safe limitation, and it is believed by those who have given the subject particular attention that in a short time we shall be able to get it much lower. But it was in contemplation to limit it to the price which has been paid to American manufacturers.

Mr. HALE. Should not that word "charged," in line 20, on page 5, read "paid"—"the lowest average price paid under contracts hitherto made," etc.?

Mr. PLUMB. It should be "paid." I move that it be so amended.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. On line 20, after the word "price," it is proposed to strike out the word "charged" and insert the word "paid;" so as to make the clause read:

No contract shall be made hereunder for gun steel at a greater average price per pound for each caliber than the lowest average price paid under contracts hitherto made by the Government, etc.

The amendment was agreed to.

Mr. PLUMB. I move to amend, in line 21, by inserting after the word "Government" the words "with American manufacturers."

Mr. HAWLEY. Or it would be sufficient to add the word "American" before the word "forgings." Would not that answer?

Mr. PLUMB. That will do just as well—"for American forgings." I modify my amendment by moving to insert the word "American" between the words "for" and "forgings."

Mr. HAWLEY. That would do, but I doubt the wisdom of it. I would leave the Government free to contract, because I do not wish to pass a bill in such shape as to throw these forgings into the hands of one company that has already got the plant established. I highly respect and compliment and honor the Bethlehem Steel Works for the magnificent enterprise they have shown in investing money as they did far in advance of Government contracts, so that they will have in two or three months a plant for heavy forgings. But to limit it in this way has a tendency, at least, to throw the matter into their hands as being the only people who can bid, because the others have not the plant ready. They can say, "We will furnish you steel at 35 cents, and deliver in four months." A new man will be obliged to say, "I will furnish it at 35 or 36 cents if you wait a year for me to put the plant in."

Mr. PLUMB. We should lose undoubtedly more than we should gain if it were to have the effect to prevent competition, but I hardly think it will. The amount is large, though not so large as has been heretofore proposed; still it is large enough to induce the erection of plant for the purpose of supplying steel. The provision as worded was contained in the bill as it came from the other House, and on reflection the committee thought they would not change it.

Mr. HAWLEY. I do not move any amendment. I only made the suggestion.

The PRESIDING OFFICER. The amendment suggested will be read.

The SECRETARY. On page 5, line 21, after the word "for," it is proposed to insert "American;" so as to make the clause read:

Under contracts made by the Government for American forgings of like caliber.

The amendment was agreed to.

Mr. HALE. To go back for a moment, in line 3 of page 4, should not the clause read, "for assembling and finishing heavy ordnance," instead of "for finishing and assembling?"

Mr. PLUMB. I think not. I think the word "assembling" is used there with reference to bringing together the parts after they have been subjected to the lathe.

Mr. HALE. This is for an army gun factory. It is only a question whether it should not be "assembling and finishing."

Mr. HAWLEY. No, the fine boring, etc., is first done with the lathe, and then the men, with great delicacy, put the parts together.

Mr. HALE. "Assembling," then, is the last operation?

Mr. HAWLEY. Yes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 4, line 30, after the word "made," to strike out "unless already so provided;" and after the word "shall," at the end of the same line, to insert "have, or;" so as to read:

The material for the guns provided for herein shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, who shall be resident citizens of the United States, after proper advertisement, continuing not less than thirty days, in the newspapers most likely to reach the said manufacturers: *Provided*, That each bidder with whom such contracts shall be made shall have, or agree to erect, in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contracts, and shall further agree to deliver yearly a specified quantity of each caliber, the time of the delivery of the steel for the smaller calibers of heavy guns to commence at the expiration of not more than eighteen months, and that for the largest calibers, specified in the advertisement, at the expiration of not more than three years from the date of the acceptance of the contracts; and that all the tools, machines, and material for said guns shall be manufactured in the United States.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in section 5, line 1, after the words "purchase of," to strike out "the material for, and the manufacture of;" so as to make the clause read:

SEC. 5. For the purchase of 12-inch breech-loading rifled mortars of cast-iron, hooped with steel, of about 32,000 pounds weight, etc.

Mr. DOLPH. I object to the amendment; indeed, I am opposed to this entire section.

I will not take up the time of the Senate at this late stage of the session and upon the consideration of this bill to restate my objections to cast-iron guns and mortars and cast-iron mortars hooped with steel. I think it would be about as sensible to make an appropriation for the purchase of spears or bows and arrows for the purposes of national defense, or an appropriation for wooden guns, as to provide for the purchase of cast-iron guns at this time, when everybody admits that there are better guns, more serviceable, and of higher power, and better adapted to the purposes of defense.

There is time enough, after waiting as long as we have waited in the preparation for defending our coasts, to secure the best guns. In regard to guns constructed partly of cast-iron and partly forged steel—guns with a cast-iron body and steel hoops—my opinion is that they are no stronger than one of the metals used in their manufacture; that is to say, that these steel-hooped cast-iron mortars are no stronger than the cast-iron used in them. Then I have another objection to this amendment. The Gun Foundry Board, the Board on Fortifications and Other Defenses, and the Senate select committee, at the head of which was the Senator from Connecticut [Mr. HAWLEY], have all reported in favor of the purchase of material for guns from private parties and the manufacture of them by the Government, and that is the policy which has been adopted under the authority of Congress for procuring guns for the Navy.

Provision is made in this bill for the purchase by contract, of private parties, of steel ingots for the manufacture of 10 and 12 inch built-up steel guns. The same boards and committee reported in favor of the manufacture of guns or the assembling of the parts by the Government at a manufactory for the Navy to be established at the Washington navy-yard and at a manufactory for the Army to be established at Watervliet, N. Y. As this bill came from the House it provided for the manufacture of 12-inch breech-loading cast-iron mortars with steel hoops by the Government, and it is fairly implied that the purchase of the material is to be made from private parties.

The first clause of the section reads as follows:

For the purchase of the materials for and the manufacture of.

That is to say, purchase by the Government of the materials for, and the manufacture by the Government of, 12-inch breech-loading rifled mortars. As the committee have amended it it provides for the purchase of the mortars themselves and clearly implies that they are not to be manufactured by the Government. The Government is to purchase the material and manufacture the 10 and 12 inch built-up steel guns, but is to purchase these rifled mortars already manufactured. Taking the two provisions together this is entirely clear. I am opposed to the amendment.

But I am opposed to both the purchase and manufacture of these mortars. If this kind of guns or mortars are to be provided I see no reason why Congress should depart as to them from the plan provided for obtaining guns for the Navy, or for providing guns for the Army; that is, the purchase of the forged steel and the manufacture of the guns by the Government. But I do not propose to discuss this matter at length at this time, having already on another occasion discussed it, and I do not suppose I will be able to prevent the adoption of the amendment proposed by the committee. I believe, however, this is a dangerous departure from the plan recommended by the Board on Fortifications and other Defenses and by the Secretary of War.

Mr. PLUMB. The amendment will not really change the result. The Department does not expect to make any part of these guns. It expects to have all these mortars delivered before the end of the next twelve months, before the Watervliet arsenal can be got into operation. The gun itself can be made probably at the West Point Works or at the South Boston Works, or a portion at each place, and the steel will come very probably from the Midvale Works, in Pennsylvania, and the Government will then simply shrink this steel hoop upon the cast-iron barrel.

Mr. DOLPH. I wish to call the attention of the Senator——

Mr. PLUMB. One moment. We simply make the matter more apparent, that that was to be done which the Department say is inevitable; but if the Senator desires that the amendment shall not prevail I have not the slightest objection to letting the language remain as the bill came from the House.

In regard to the subject of mortars, without going into the question as to the relative merits of the gun metal, about which so much has been said, and without disputing at all what the Senator from Oregon says about steel and iron, I call his attention to the fact that the Chief of Ordnance in his last report said:

In view of the large numbers of 12-inch mortars required for coast defense, and from the fact that there are several manufacturers who can now supply mortars of the type—cast-iron banded with steel—already tested by the Department with most satisfactory results as regards endurance, I have recommended in my annual estimate the appropriation of $500,000 for the procurement of 12-inch rifled mortars of a similar type. * * *

This sum should procure from fifty to sixty mortars.

The committee reduced the estimate from $500,000 to $250,000. The Senator does not say whether he thinks the mortar is a weapon of sufficient use to warrant the purchase of it at all, but on that point I want to read what General Sheridan said about a year and a half ago:

As rifle mortars have a range of from 8,000 to 10,000 yards, they may be considered an essential of the main defense rather than an auxiliary. Large batteries of mortars should be placed in the rear of the lines of gun-pits, the calibers of these mortars being from 12 to 14 inches. As the individual accuracy of their fire is not great, they should be established in groups of about fifty, each group being fired as a unit. A sufficiently large number of groups should be provided so that a continuous fire may be showered upon an advancing fleet while it is in effective range.

And I am advised on perfectly good authority that mortars are important elements in the armament, for defensive operations, of foreign nations.

A gun of the type mentioned in this section has been experimented with at the Government proving-ground at Sandy Hook, and has been fired a very large number of rounds—I think about seven or eight hundred.

Mr. HAWLEY. Oh, no.

Mr. PLUMB. Not so many?

Mr. HAWLEY. No. If the Senator refers to the one described here, "the 12-inch breech-loading mortar, cast-iron, steel-hooped, now at the Ordnance proving-ground at Sandy Hook, N. J.," it has been fired 183 times. It is the purpose of the Ordnance Department to go on and fire it 400 times before they have done with it.

Mr. PLUMB. My impression was that it had been fired a considerably larger number of rounds with a full charge, and then a considerable number also with a half charge; but at all events the officers who have tried it, those who are recognized as being as skillful as any in the department, speak of the mortar with approval. It has this advantage, that it can be supplied very soon, and in all the calculations in regard to this question of coast defenses the possession of 1,000 or 1,200 mortars has been in contemplation by the Ordnance Bureau of the War Department. They are proposing under a previous section of this bill to construct a steel mortar, which it is supposed will cost about $17,000. The cast-iron, steel-banded mortars will cost from $8,500 to $9,000, and can be produced not only so much cheaper, though that is the least element to be taken into account, but they can be produced so much quicker that it would be worth while to prepare at least a fair number. Probably under this provision we shall get about thirty. I do not think that we shall be any worse off if we have them, at all events.

Mr. DOLPH. The Senator from Kansas, in discussing the Army appropriation bill, or the amendment offered to that bill by the Senator from Connecticut, said substantially that we should never hear a hostile shot fired on this continent. If that is the case, I do not think haste is so important that we need to provide for manufacture of inferior guns for the purpose of obtaining them within twelve months.

In regard to the recommendation of the Chief of Ordnance, I was aware of his recommendation concerning these mongrel mortars, and I assert that his recommendation stands alone, without the support of any of the boards or committees that have been appointed to consider the subject. And I have an impression that the plan for these mortars originated in the Ordnance Bureau, although I would not so state as a fact. There may be some personal pride in the matter.

Referring now to the recommendation of the late General Sheridan, quoted by the Senator from Kansas, I would not say a word to detract from the just fame of General Sheridan; he was a dashing and an able cavalry officer. I do not know what special attention he had given to the question of coast defenses. I saw at one time in a newspaper a statement which purported to have been made by him in regard to the defenses of our coast, which was substantially that if we had modern guns they were all we needed, that they could be put down in the sands anywhere and effectively used for harbor defense. If that statement emanated from him it showed that he was not informed upon the question of coast defenses.

The Senator from South Carolina [Mr. BUTLER] once reiterated that statement in this Chamber.

I call the attention of the Senator from Kansas to another matter with reference to this proposed purchase of mortars. I do not care what the Chief of Ordnance or the Secretary of War might have proposed to do under the bill as it came from the House, it did not authorize the purchase of manufactured mortars. It authorized the purchase of material and the manufacture of the mortars. But is there anything in this section as proposed to be amended to prevent the purchase of a gun from a manufacturer of Great Britain or France? There is in the section no provision that the gun itself shall be manufactured in the United States nor that the material shall be produced in the United States, and I have not been able to find any such proposition in the bill.

Mr. HAWLEY. Mr. President, I did think I would pass by these two paragraphs, or this whole section, without any remarks, but I think I ought not to do so.

It is proposed here to get about one hundred and thirty cast-iron mortars, about thirty of them to be hooped with steel, which adds to their strength and makes them more valuable. A great deal has been said here, eloquently and truly, about opening these things to competition—to the skill of the country, and inviting all men to manufacture. Now,

there is nothing in section 5 or in section 6, the first paragraph of which pertains to mortars, inviting any competition or any bids. The Department is authorized to buy $250,000 worth of cast-iron hooped mortars, and authorized conditionally, in section 6, to expend $650,000 more, a total of $900,000, for an inferior weapon. I do not mean to say that a cast-iron rifled mortar, whether breech-loading or muzzle-loading, or whether hooped or unhooped, is not of some value. It is of some value. The modern mortar is not the mortar we see in the navy-yards around here. It is really a short cannon. It stands up several feet in the air; it is a very heavy gun—a short, thick gun. I do not pretend to say that a cast-iron hooped mortar will not stand fire, but I say that no ordnance department in the world would think of building such weapons and going ahead to renew the defenses of a country with such a weapon. But rather than not have anything, rather than depend on the old round mortar, which was a very uncertain weapon, as I know, for I have handled many a one, I would consent to take some cast-iron steel-hooped mortars; but I call the attention of the Senate to the fact that we do not in this bill provide for the construction of one hundred breech-loading rifled mortars. In section 5 the Department is authorized to expend $250,000 to buy them, going where it pleases, and there is nothing said about bids for them. The ordinary careful safeguards of the law are dispensed with. This 12-inch breech-loading mortar now at Sandy Hook is furnished by the South Boston Iron Works, and I suppose it is contemplated to invite the South Boston Iron Works to make the thirty more for $250,000. Then section 6 says:

Whenever any party shall present for test a complete cast-iron breech-loading mortar of 12 inches caliber, of about 32,000 pounds weight—

The same weight as the cast-iron steel-hooped mortar of the previous section—

with a proper supply of ammunition therefor, not exceeding two hundred rounds, such mortar shall be tested in the presence of the party presenting the same, and should it be shown to the satisfaction of the board by such tests to be equal in accuracy, range, power, endurance, material, and general efficiency to the 12-inch cast-iron steel-hooped breech-loading mortar now at Sandy Hook—

The one which has been fired one hundred and eighty-three times—

the mortar and ammunition shall be paid for, including cost of transportation, and contract be made for a further supply of not less than fifty and not more than one hundred.

Who will furnish that mortar? The South Boston Iron Works is ready, and can do it before anybody else can or will. They will furnish one of those mortars. I doubt very much if they can present a mortar as good as the one hooped with steel and having the same accuracy, but they are the only parties that can do it who are ready. This looks like giving $900,000 to a particular concern for a gun that the civilized powers do not care to duplicate. That is the truth. I do not like to say it, but it is the truth. As far as I can read this bill with a telescope I can read "South Boston" in it as far as I can read anything. Still I would rather have these mortars than nothing.

Mr. GORMAN. The statement of the Senator from Connecticut [Mr. HAWLEY] is entirely erroneous. I have no doubt that he has not critically examined the bill, and that that is the reason why he has made the statement.

The provision is simply this and nothing more: Manufacturers, and not only one but more than one firm, in the United States believe that they can make a cast-iron mortar of the same weight and endurance that shall have every quality of the standard mortar now at Sandy Hook, which the War Department thinks the best in existence, and which is bound with steel—that they can furnish such a mortar of cast-steel or of cast-iron at half the price, and this section provides that if there be any firm in the United States, one or twenty, that will at its or their own expense, without the cost to the Government of a dollar, produce such a gun, and in addition furnish to the Government $10,000 worth of ammunition to try it, or two hundred rounds, and then, if it comes up to the standard of the test-gun now at Sandy Hook, the Government agrees to take not less than fifty nor more than one hundred, and we shall save on the transaction one-half the amount on the steel-hooped mortar.

Mr. HAWLEY. May I say right there——

Mr. GORMAN. Just one moment. It is true, I believe, that there are, as it stands to-day, two establishments in this country that would attempt to compete for such a gun—the South Boston Iron Works and the West Point Foundry.

Mr. HAWLEY. Why not, then, say "the Ordnance Department shall advertise for 100 cast-iron mortars of an average weight of about 32,000 pounds, to be capable of passing such tests as the Ordnance Department may lay down," or make the test whatever you please; or provide that the board referred to shall lay down the requirements, and then ask for bids, just as you ask for bids in all other cases, as the law provides that you shall. Ask who will build, for the least price, 100 cast-iron, breech-loading mortars of a certain standard of excellency.

This does not say that. It says whenever any party presents one of these mortars, which he can do (he may have it ready now for all I know), contracts shall be made with that one party; but suppose four present themselves, does it mean that each one shall have a contract for one hundred?

Mr. GORMAN. No, it is limited to one hundred. There is not an officer of the Ordnance Department, and I may say generally not one of the Army experts, who believes that the conditions placed in this amendment can be complied with by anybody; but there are two manufacturing establishments who believe that they can succeed in complying with the conditions, and if there are a hundred others they have the same opportunity to present their guns and have them tested.

Mr. HAWLEY. Does the Senator——

Mr. GORMAN. One word more. The Government will not be compelled to purchase under that provision unless the guns come up to the standard.

Mr. HAWLEY. But suppose that each one of a half a dozen firms furnished a mortar that comes up to the standard, is each one to have a contract for one hundred?

Mr. GORMAN. Unquestionably not. In the discretion of the board the firm presenting the best will have the contract. I think the Senator will find by careful reading that that is the interpretation. If the statements of such an officer as Captain Butler, who has argued all this question out, be correct—and he differs from all his comrades except one or two in high command—this is a proper thing for us to do. He says it is feasible, that it is possible. If it is, the Government runs no risk whatever, but saves half a million dollars. Under the provision as it stands the authorities are required to advertise for bids under section 3709 of the Revised Statutes. I think the provision is such as to give everybody an opportunity without cost to the Government.

Mr. HAWLEY. If the Senator will look a little further down in Captain Butler's article he will find that he is an advocate of steel; and he would have nothing else but steel if he could have his own way. All the officers are of that way of thinking. Captain Butler is like some of the rest, he will take the best he can get, but I do not think that Captain Butler said that he approved of this. I do not think he will say that. Nevertheless it is better than nothing.

Mr. PLUMB. There is one thing that the Senator from Connecticut ought, I think, to bear in mind in discussing this matter. What he means by a steel gun is, of course, a built-up steel gun. I think he understands that considerable attention has been directed to the manufacture of cast-steel guns, that some people who have given the matter considerable attention think it practical to make a gun of that kind which will have all the merits and none of the demerits of the built-up guns. It is also true that by reason of recent discoveries there is every prospect that cast-iron is to be so treated with aluminum as to make it a great deal better metal, stronger, more durable, and closer grained, possessing more of the qualities necessary for the ideal gun-metal than iron has heretofore had according to any authority, and there are anticipations that it will be even better; and yet I suppose that it would come under the designation of "cast-iron" according to this bill. So, then, in entering upon this expenditure, if this should be adopted, the Government would be giving a stimulus to the production of a better grade of iron by reason of its treatment with aluminum which may lead to very important results.

Mr. DOLPH. I meant to say to the Senator from Kansas, when I was on the floor before, that if he threw the responsibility upon me of taking the bill as it came from the House, or taking it as amended by the Senate committee, I should certainly take him at his word and take it as it came from the House.

Mr. PLUMB. Very well.

Mr. DOLPH. But I again call attention to the fact that there is nothing in this section or in the bill requiring that the mortars shall be manufactured in the United States or that they shall be furnished by citizens of the United States. The same criticism applies to section 6, which provides for the purchase of cast-iron mortars and of steel built-up breech-loading guns. In all the legislation heretofore, I think, had upon this subject as to guns for both the Army and for the Navy we have required all materials to be of domestic manufacture, and I would suggest that an amendment be made, either to this section or to the bill, so as to cover everything provided for by the bill, and require the guns and mortars to be made in this country. I think this point was overlooked by the committee.

I wish to say with regard to mortars, also, that I do not think they are so important as the Senator from Kansas evidently thinks they are. They are of but secondary importance. Their range is limited. They fire in the air and are designed to drop a shell on the deck of a vessel, and as a matter of course they can not be so effective as a gun having a horizontal fire or nearly so. An enemy's vessel could get within range of such a battery before it was of any use. My own impression is that it would be wiser, instead providing first for mortars, to provide first for guns of the greatest range. I should like to see an appropriation made for even a larger gun than 16-inch guns. I would like to see an appropriation made for a gun of 20 inches—larger than anything manufactured in the United States or in any foreign country to my knowledge.

I can not see why there should be such extraordinary economy in the matter of appropriations for coast defenses, while we have been so liberal in appropriations for the Navy. I have stated before, and I repeat what I have said upon other occasions, that I do not believe it is practicable to defend our coasts by a navy. We have already provided for

three armored ships at great cost. That, in my judgment, is three too many. It would be more judicious to have expended the money for fast cruisers carrying effective guns and in coast defenses.

We never can defend the coasts of the United States with a navy; there are too many points to be defended. An effective defense by a navy would require at least as many guns at every port to be defended as could be brought against that port by the enemy, and as we could not know where the enemy would attack we must be prepared to defend each port on both coasts of the United States if we are to defend our coasts by a navy.

Now, the comparative cost of defending our coasts by navy and by coast defenses, land fortifications, is decidedly in favor of the latter. I will send to the desk to be read a statement made by a gentleman thoroughly informed on this subject as to the cost of one of the vessels of the Navy which has gone out of service—her original cost and the cost of maintaining her.

The PRESIDING OFFICER. The statement will be read from the desk.

The Chief Clerk read as follows:

As an instance of the cost of making and keeping of war vessels perpetually in service, we need give but a single instance, and for this we will take the case of the Tennessee, a vessel about the size of one of our new cruisers, but which cost more, as she was made twenty years ago.

The Secretary states the cost of this ship, in 1867, to be $1,856,075.81; the cost of repairs put upon her from 1869 to 1875, at $1,443,513.21; and for repairs from 1875 to 1887, $577,716.17; making together for first cost and repairs, $3,877,305.19. The interest on these sums at 5 per cent. is $3,000,000, making, for the cost and repairs, with interest thereon, a total of $6,877,305.19. She brought, when sold in 1887, $34,525, leaving as the net cost for construction, repairs, and interest, $6,842,780.19.

The Secretary states that this vessel was in active service about ten years. The complement of officers and men for such a vessel is about four hundred. The yearly pay of these officers and men, together with their expenses, their clothes, rations, etc., and a fair allowance for the equipment of the vessel, for the stores, etc., will amount to fully $360,000 per year, which for ten years would be $3,600,000, which, added to the above cost of vessel, repairs, and interest, makes over $9,442,000 as the cost of keeping this vessel in active service about ten years, or $944,000 a year, a sum which exceeds one-half of the first cost of the vessel and a sum which is almost double the cost it will be to us to keep these twenty 20-inch guns in service, and a sum fully equal to the yearly cost of keeping the sixty 14, 16, and 20 inch guns in service, without our ever paying for them at all.

It will be noticed that no armament was provided in the above estimated cost of keeping the Tennessee in service, but in leaving this out we did not leave out much, as her armament was of little account.

The reference to the 16 and 20 inch guns is to a provision in the House bill which was not reported. I was not aware it was there when I sent up the article to be read.

I also send up a quotation relating to armored ships to be read.

The Chief Clerk read as follows:

In regard to this 7,500-ton armored cruiser to be built at a cost of $3,500,000, we must not only consider this cost but that of its armament, equipment, and what it will cost to keep it in service.

First for construction	$3,500,000
Armament, equipment, interest on a portion of these sums during the four years of building, say	1,500,000
Making cost of vessel with armament, equipment, and interest to time of going into commission, which may here be taken as first cost	5,000,000

If her life is taken at twenty years the interest on this sum at 2½ per cent. is for twenty years, $2,500,000 more. If we assume the repairs for these twenty years to cost 60 per cent. of first cost of vessel as armed and equipped we add $3,000,000 more to her expense, and we may add for interest on this sum at 2½ per cent. for, say, an average term of only eight years, $600,000.

Such a vessel to be kept in commission ten years with 600 officers and men, will cost for their pay, expenses, ship's supplies, etc., fully $540,000 per year, or $5,400,000.

Now, add to the first cost of the vessel armed and put in commission these several sums, which we must pay, and we get a grand total of (first cost)	$5,000,000
Interest twenty years	2,500,000
Repairs, first cost	3,000,000
Interest of repairs, eight years	600,000
Pay of officers and men, ship's supplies, etc., ten years	5,400,000
In all	16,500,000

Or, $1,650,000 per year for each of the ten years she may be expected to be in service. A very large sum, but less than one-third the cost of the ship and armament when put in commission—instead of over 50 per cent. as we find has actually been paid in the case of the Tennessee.

Mr. HALE. Who is this gentleman?

Mr. DOLPH. I have no objection to stating who the gentleman is. It is Mr. Emery, who invented the Emery testing-machine, and who is a civil engineer of undoubted standing.

Mr. HALE. He seems to have quite a remarkable system of mathematics.

Mr. DOLPH. It seems to be all right, and I give it for what it is worth and for the purpose of emphasizing what I desire to say in regard to the apparent economy of Congress in the matter of coast defenses. I think we have begun at the wrong end of this matter. I am in favor of building up a navy. I am in favor of providing fast cruisers, armed with effective guns, to act as commerce-destroyers in case of war with foreign nations.

As I said, I do not believe it is at all practicable to defend our coasts with a navy and that the three armed ships which Congress has now authorized are just three too many; at least until we have provided a system of coast defense it is neither wise nor economical to build such ships. When we undertake to provide a system of coast defenses I think we ought to have a definite plan and understand what we are going to do before we commence, and should provide the best known appliances for defense, and in determining what they are we must be guided by the committees and by the boards which have investigated and reported upon these subjects. When that is done we can not make the appropriations too large. Large appropriations are economical, appropriations that when the work is once commenced will enable it to be conducted to a final completion without interruption.

It seems to me that what we are now doing, providing appropriations for dynamite guns, for cast-iron mortars, and for hybrid mortars with cast-iron bodies and hoops of steel, and all this, is simply diverting the appropriations from the general plan which has been recommended, and which is believed by the great body of the engineers and officers of the Army to be the best means of defense, is making poor progress towards coast defense. I repeat, we have begun at the wrong end. We are making large appropriations for purposes which will not be adequate to the defense of our coasts, and very meager appropriations for those things which we ought to provide.

Mr. HALE. Mr. President, I am in favor of liberal appropriations for fortifications, and think that Congress has been somewhat remiss in this direction; but we want also and luckily are getting good appropriations for a navy. One of the things that we are doing and have been doing for the last half dozen years is to provide against just such cases as have been cited by the Senator from Oregon in reference to the old Tennessee. She has cost a mint of money, counting her original cost, the repairs laid out upon her, and the expense of maintaining her; and we are building no more such ships. When she went out nothing of the kind took her place. The modern ships that we are building, whether made of steel or composite material, whether armored or otherwise, are not ships that will consume the Treasury by large expensive repairs during the years of their life. That will be a great saving.

I agree somewhat with the Senator from Oregon about the expense and the present utility of these great armored ships, but I believe it to be better to have a few of them.

I do not think there is much force in the comparison between a ship in its cost in the future and fortifications as indicated by the figures which were given by the Senator from Oregon. Of course it costs more to maintain a ship of war after she is built than it does a gun after it is built. You might as well say that a man should not keep a horse and carriage and should put out his money upon monumental tombstones, because it costs more to maintain a horse and carriage than it does to maintain a monument after it is put up. Of course it does. It does not cost very much to maintain a gun after you have built it. It does not require many men to look after it or to manage it. It does not consume food, provisions, and clothing, and of course the main expense is reached when you have built it.

Not so with a ship; build the best ship that you can, that it is possible to devise by human ingenuity and modern improvement, and when she is set afloat in the waters she begins to be expensive from that very day. That is a thing that can not be helped. You can make no comparison between her expense and the expense of a fortification or of a great gun. The guns themselves are immensely expensive. It would be a surprise to any Senator who has not looked into the subject to find how much money is represented in a single great gun, some costing more than $100,000; but it is one of the situations. I think a 16-inch gun—I am not certain about my figures—costs more than $100,000.

Mr. TELLER. I should like to say to the Senator that a 16-inch gun will cost $175,000 in Europe.

Mr. HALE. I may not have the amount large enough. Our people believe they can make guns, after they have established these plants, as cheaply as they can be made in Europe, and perhaps more cheaply.

Mr. PLUMB. This statement is made on the authority of the Ordnance Department that a 14-inch gun would cost $93,632, a 16-inch gun $144,000, and a 20-inch gun $289,000; but that statement is challenged by gentlemen who claim to be better informed.

Mr. HALE. I had the figures that the Senator has just given in mind. A 16-inch gun costs more than $100,000.

Mr. TELLER. If the Senator will allow me to interrupt him, I will suggest to him that the figures as to Krupp's 16-inch gun show that it costs $174,440, and everybody knows it could not be built in this country for the same money.

Mr. HALE. It could not at first. I did not propose to go into the immense guns that range away beyond that. Nobody will ever see the day when a 16-inch gun—and perhaps that is as large as we shall build—will cost less than $100,000; perhaps not less than $150,000; but we are confronted with a situation, as the President says, and not with a theory; and if we are to defend our coasts and our great cities we have got to have guns and ships and fortifications, and a kind of floating battery that I believe has never yet been developed, which will be better than any other kind of ship or any other kind of fortification.

Mr. DOLPH. I should like to say in answer to the Senator from Maine that a gun mounted on shore is several times more effective than a gun afloat. It costs a great deal less in the first instance. Then, when it is mounted upon a fortification or in a pit you can cover it up and it will stand for a hundred years with very little expense, whereas

the life of your floating battery, your ship, upon an average is, say, twenty years.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations to strike out certain words in section 5. The amendment will be again stated.

The CHIEF CLERK. In section 5, line 1, after the words "purchase of," it is proposed to strike out "the material for, and the manufacture of."

Mr. PLUMB. I ask that that amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 5, line 7, after the words "New Jersey," to insert "said mortars to be subject to inspection in all stages;" and in line 8, after the word "stages," to strike out "five hundred" and insert "two hundred and fifty;" so as to read:

For the purchase of the material for, and the manufacture of, 12-inch breech-loading rifled mortars of cast-iron, hooped with steel, of about 32,000 pounds weight, similar to and equal in range, power, and accuracy of fire to the 12-inch breech-loading mortar, cast-iron, steel-hooped, now at the Ordnance proving-ground, Sandy Hook, N. J., said mortars to be subject to inspection in all stages, $250,000.

The amendment was agreed to.

The next amendment was, in section 5, line 9, after the word "dollars," to strike out "to be expended under the direction of the Secretary of War in accordance with existing laws."

The amendment was agreed to.

Mr. DOLPH. Does the Senator from Kansas desire that the last amendment should prevail?

Mr. PLUMB. We have made a general direction about the expenditures in the first section of the bill. That covers that point. I will propose later on in the bill an amendment covering the point made by the Senator about the place where this material should be acquired.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to insert a new section as section 6, which the Secretary proceeded to read, as follows:

SEC. 6. Whenever any party shall present for test a completed cast-iron breech-loading mortar of 12 inches caliber, of about 32,000 pounds weight, with a proper supply of ammunition therefor, not exceeding two hundred rounds, such mortar shall be tested in the presence of the party presenting the same, and should it be shown to the satisfaction of the board by such tests to be equal in accuracy, range, power, endurance, material, and general efficiency to the 12-inch cast-iron steel-hooped breech-loading mortar now at Sandy Hook, the mortar and ammunition shall be paid for, including cost of transportation, and contract be made for a further supply of not less than fifty and not more than one hundred, at such reasonable cost as the board herein provided for shall determine, not to exceed $6,500 each. The entire number to be delivered in one year from date of contract. Said mortar and all which may be contracted for under this provision shall be subject to inspection at each stage of manufacture.

Mr. HAWLEY. The first part of the section provides for a test of two hundred rounds at the expense of the manufacturer. That will not be the number of rounds that the board will require, I am pretty sure, because it is requiring of the first mortar, the one now on the ground, referred to in section 5, four hundred rounds. I would move an amendment, except that this board, if this should become a law, will undoubtedly require every mortar to be fired four hundred times, but perhaps only two hundred times at the expense of the manufacturer.

Mr. PLUMB. I do not think that is material. The point of putting that in was that we could not have on hand a large supply of ammunition which probably we should not need. In other words, there could only be furnished the amount deemed necessary for experimenting.

Mr. HAWLEY. I have expressed my dissatisfaction with this character of legislation; but I have said I would rather have a cast-iron mortar than none. That is all I wish to say about it. I do not believe in any of it.

The PRESIDING OFFICER. The reading of the section proposed to be inserted will be continued.

The Chief Clerk continued the reading as follows:

Whenever any party shall present for test a completed single-charge breech-loading steel gun of 10 or 12 inches caliber, with the proper supply of ammunition for the test of the same, such gun shall, in the presence of the party presenting it, be subjected to such tests as the board shall have prescribed; and should such gun be shown to the satisfaction of the board by such tests to fulfill the requirements previously prescribed in respect to accuracy, range, power endurance, and general efficiency, the gun and ammunition shall be paid for at a fair valuation, including cost of transportation, and contract shall be made at a price reasonable in the opinion of the board, with the party presenting the best of such guns, for a further supply of similar guns, to be subjected to the usual service test before acceptance, the experimental gun and all guns purchased hereunder to be subject to inspection at each stage of manufacture, as follows, namely: For not less than fifty 10-inch steel guns; and for not less than fifty 12-inch steel guns.

Mr. HAWLEY. This is another extraordinary provision. Whenever the Government desires to have private manufacturers furnish it anything whatever it is a general rule that it shall advertise, specifying minutely the qualifications, the requisites of the article in question, and shall invite the manufacturers of such articles to compete. This does nothing of the kind. It is an entire departure.

I shall make less trouble about this section than I would if I thought there was any possibility of anything resulting from it. But just look at the character of it:

Whenever any party shall present for test a completed single-charge breech-loading steel gun of 10 or 12 inches caliber, with the proper supply of ammunition for the test of the same, such gun shall—

be tried and if it be satisfactory the man shall have a contract for from fifty to one hundred guns of 10 or 12 inch caliber. In order to make one of these guns it is necessary for a manufacturer to expend not less than a million and a half of dollars. Is anybody in the world going to expend that sum of money in a costly, elaborate plant to make a steel gun for the Government, the acceptance of which is altogether uncertain? Is he going to make that with the uncertain hope that he may get a contract for a hundred of these 10 or 12 inch guns? Is there anything in the history of scores of contractors for iron-clad ships, ships of all classes, and war supplies of various descriptions, that should encourage any manufacturer to such simple and childlike experiments?

I do not think there is a manufacturer in the world who will put up his plant for that purpose, and there is only one concern in the country that can make a gun or will be able within a year to make a gun of that description.

This is an entire departure from the universal policy of the Government, and one, in my opinion, unfair to the contractors and the great steel-men of the country and unfair to the Government. Why not say "We want so many guns, who bids?" and let any manufacturer say, "I can not spend a million and a half of dollars in the making of these guns unless you give me such and such a price; I will not then get my money back, but I shall have my costly plant on hand for further commercial uses and I will get something out of it, and possibly, I hope, I may make a steady business out of it, but I will not build one gun for you to try, with no promise that you will ever give me another job like it."

Why put such legislation upon the statute-book? Every practical man tells me it is good for nothing. I think the committee itself will say what the Senator from Maryland said with regard to the previous provision for one hundred cast-iron mortars, that the restrictions and qualifications are such that it is not believed by anybody, by any ordnance officer or any man familiar with the subject, that it will be done; but he thinks there are two concerns in the country that will try those cast-iron mortars. That is a comparatively small experiment. It is nothing to cast a few tons of cast-iron; it is nothing, comparatively nothing, to put 16 tons or 20 or 25 tons of cast-iron into one casting and make a mortar; but it is a tremendous work to build up the million and a half dollars of plant necessary to make one experimental steel rifle of 12 inches.

Mr. DOLPH. I should like to call the attention of the Senator from Kansas to something further in regard to section 6. As has already been said by the Senator from Connecticut, there is no competition provided for here. It provides:

Whenever any party shall present for test a completed cast-iron breech-loading mortar of 12 inches caliber, of about 32,000 pounds weight, with a proper supply of ammunition therefor, not exceeding two hundred rounds, such mortar shall be tested in the presence of the party presenting the same, and should it be shown to the satisfaction of the board by such tests to be equal in accuracy, range, power, endurance, material, and general efficiency to the 12-inch cast-iron steel-hooped breech-loading mortar now at Sandy Hook—

Mortars of that character shall be purchased.

I have already stated that in my judgment the cast-iron steel-hooped mortar is not the best gun. It is only as strong as one of the metals contained in it, probably the cast iron, but in this provision a cast-iron, steel-hooped mortar is made the standard of excellence.

Whenever any party produces a gun of a given weight and caliber that is equal to the gun already on hand, one of those mongrel guns, then we are to purchase the gun and others like it. We do not say we will purchase the best gun that is offered or the best gun that any party offers, but that we will take a superior gun to the mongrel gun at Sandy Hook, and will purchase such guns whenever a party offers—the first party that offers—although this cast-iron mortar may be already constructed.

As soon as it is offered, if it is equal in material and endurance and efficiency to the 12-inch cast-iron steel-hooped breech-loading mortar at Sandy Hook, then the Government is to purchase a quantity of such guns. There is no opportunity for competition. The standard fixed is a gun already constructed and in the possession of the Government at Sandy Hook. We propose to take guns of that efficiency and power, whether they are the best guns of the kind or not.

Mr. PLUMB. Let me say with regard to what the Senator from Oregon has presented that we have given in this bill the money necessary to make what is called a type mortar of steel. Following the theory of the Ordnance Department, no steel mortar will be purchased nor would the Department purchase any steel mortar until the type of gun it purchased had been made and tested. It will occupy two or three years of time, in all human probability, to make this type gun; certainly two years. That is an experimental gun. In other words, they are to determine just the kind of gun we ought to have in order to realize the greatest degree of efficiency. It will therefore be two years before we can enter on the manufacture of steel mortars. In the mean time the Department has provided a type cast-iron mortar, steel-hooped, to wit, the one at Sandy Hook, and that has been tested to an extent which makes it desirable, according to the Department, that it should have more possessing that same degree of efficiency. Following that theory, we simply say that if any one will bring and furnish to us a gun at a price $2,500 more than the gun at Sandy Hook

or others like it can be purchased for we will let them furnish them. It is a mere temporary expedient, I admit. The Department do not regard this as the best, but they have got the merit of knowing exactly what they will do.

The Senator said a few moments ago that I had said in a previous debate on this subject that I did not think there would be a hostile gun fired on this continent again. That is my opinion; but I do not expect to overcome the adverse opinion of the Senate. So far as I have been concerned in the preparation of this bill, I have been instructed in the first place by the vote of the Senate, I have been instructed by the views of the Ordnance Department and of General Schofield, and I have been instructed by the feeling in the country, which has manifested itself in various ways in favor of doing something, and so far as I can I have labored to bring this bill within the compass represented by these various opinions of which I have spoken, and I believe, taking the common opinion in regard to the necessity of doing something, that there will be a greater feeling of safety than there is now about New York Harbor, at all events, and in other places, if mortars might be placed in them and were there to-day.

So, I only stand for this as in the line of that which accords with what is deemed to be the best judgment of those who are most competent to express an opinion about it, that relating to steel, and on that other line of doing something as early as possible of a kind which is not the very best possible that can be done, but is, according to that same opinion, better than nothing.

Mr. DOLPH. The Senator did not understand me exactly, I think. If we are going to take cast-iron mortars, why not get the best? Suppose it should turn out that I am correct, that a cast-iron body with steel hoops is not as good as all steel or all iron or all of one metal. Why not advertise and let parties come in and the board take the best gun that is offered, provided that it shall not be of less efficiency and power and shall not be of inferior material to the gun at Sandy Hook?

Mr. PLUMB. For the reason that this is a temporary expedient. We are proceeding upon the theory of purchasing guns which shall be in accord with the type that has been used for this character of guns. It is not known that it will be deemed advisable to open up this general subject to manufacturers of guns with the idea that we are to purchase of them indefinitely, as is expected in the latter part of this section providing for the purchase of guns.

The PRESIDING OFFICER. The reading of the section proposed to be inserted will proceed.

Mr. MORGAN. I do not care about participating in this debate, particularly on the special merits of the proposition that is before the Senate, but I think it is perhaps my duty to say a word about the question of our progressing in the direction of getting cast-steel or cast-iron heavy guns. They are, of course, very much less expensive than wrought guns. They will not cost on an average, I suppose, more than one-half the money.

I wish to be able to demonstrate now, when we are starting in our coast fortifications and in the building and arming of a navy, that we can make as good or better guns and mortars than are made anywhere else at half the cost. It is a matter that is very well worthy of our attention. Without pretending to know much about it, I have had some little observation on the subject of the strength of cast and wrought metals, and I go upon the theory that nature does her work better than art can do it in respect of giving strength to metals through the crystallization or natural formation that is designed for them.

I believe if you take a ton of iron and free it from all the impurities and get it into that condition of liquefaction where you can cast it without its having occlusions of air, where the entire body of the cast will be free from all interruptions by what are known as air-holes or blow-holes, and if you will allow it to arrange its crystallization in that sort of slow progress which nature itself has employed in the production of metals, I suppose you get a stronger metal than any human hand can make by any machinery that can be devised, and one that is safer, more homogeneous, and less liable to cracks and interruptions and breaks than any other metal that can be made.

So I have always believed that iron brought into the condition of steel, iron which possesses the requisite amount of carbon to make it steel—for that is the only difference we know of between iron and steel—when it is cast in a degree or state of fluidity which will permit the contact of the crystals of that metal to be brought in connection, and then when it is allowed to cool gradually so that the crystallization will arrange itself in a natural way, we shall get a stronger metal than any man can make with any kind of machinery or any perfection of art; and I think that is the prevailing opinion of men who are now engaged in the higher ranges and branches of metallurgy.

If that is all so, there is no reason why we should at this moment of time abandon our effort to get guns, the project of getting guns, either of cast-iron or cast-steel, but the greatest reason why we should continue our experiments in that direction, for the mechanical and metallurgical world is coming around to the proposition which I am stating now, and we have had some rather striking examples of it in recent castings that were made, I believe, in Pittsburgh, which are being turned down in the navy-yard here, at our gun factory. I understand it is expected that a gun which is in the lathe there now will be turned out in respect of its tensile strength, its breaking strength, in fact all the strength that resists expansion, to be as good a piece of metal as was ever made. It will not be very long before we have the means of determining whether that is so or not.

That one experiment—the fact that we are able to put in a lathe in that Government gun foundry a billet of cast steel of such proportions and such compactness as would justify the belief that it will turn out a first-class gun, perhaps a gun of unparalleled strength—that fact ought not only to encourage us, but it ought to admonish us that we should not now abandon these efforts either in respect of iron guns or steel guns.

The Senator from Kansas [Mr. PLUMB] alluded to a recent process or discovery of the benefits of aluminum. He did not say that the knowledge of the benefits of aluminum in the casting of iron or steel was recent, for it is very old, and the effects are marked and they are very conspicuous. They strengthen the metal, they purify it, and they protect it against rusting. But the use of aluminum in making fine castings of steel or iron is an ancient thing; perhaps very much older than we know of now. But recent experiments and the advance of science have developed the fact that aluminum can be obtained very cheaply. You can obtain it out of almost any ordinary clay in the United States and in sufficient quantities to have the effect you desire to have in making castings. What is that? The simplest effect in the world. It is to liquefy the castings; liquefy the metal to that degree that it pours like water, and in pouring into a cast the air rises to the surface and there are no occlusions or blow-holes in it, but you get your metal pure and resort to the necessary means of getting out of it the phosphorus or sulphur or whatever refractory agent may be in it, and then put in the right amount of carbon to make it steel, and then liquefy it by the use of aluminum, and then cast it, and there can be no reason stated why that ought not to be the strongest form in which that metal can be produced.

Mr. PLUMB. Let me interrupt the Senator there a moment to ask him a question. I speak to him as a person possessing some authority on this subject by reason of his familiarity with it, and of the investigations he himself has made, and I will ask him if one of the effects of the introduction of aluminum into the molten cast-iron is not to drive out very largely if not wholly the impurities and refractory substances, such as phosphorus, sulphur, and other things which contribute to make the iron short, to use a mechanical term, and to make out of it a high grade of steel?

Mr. MORGAN. I have no doubt that is so. I have no doubt the use of aluminum in the casting of metal, by putting it, for instance, in the bottom of a ladle, will have the effect of so liquefying the metal as that it will expel the impurities, and they rise to the surface in the form of slag and swim on the top of the ladle, and, as the Senator suggests, will approximate the production of steel in the sense that pure iron makes better steel than impure iron. It purifies the iron by this process of extraordinary liquefaction.

Now, when the world is about to step right out and grasp this subject, the merits of which have been so long known, and to grasp it as a practical matter because of the cheapness of the application of aluminum from ordinary clays in castings, this is no time for us to abandon these experiments. It is the right time to make the experiments in that particular direction, I should say.

Of course whoever undertakes to make a gun under the provisions of this amendment will be very careful, I should say, to get the very best metal he can possibly get, and in obtaining it to use all the methods that lead in that direction to secure the result. It is to his interest to do it, because if his gun does not stand the trial, if his mortar explodes or does not wear well under fire, he loses the whole of his investment. More than that, I understand the ammunition is to be supplied, and the sum of $10,000 worth perhaps is to be supplied for the purpose of testing the durability and tensile strength and power to resist strain that these mortars are to be subjected to.

If you have got a strong body for a mortar the difference between a rifled mortar and a smooth-bore mortar is merely the expense of grooving or the rifling. In addition to what would be the resistance of a smooth wall in the fire of a missile of any kind you have to have a gun, then, strong enough of course to make up for the resistance of the necessary amount of powder to be used in expelling the missile from a grooved gun than from one which is not grooved. But who ever heard of a mortar exploding? If there is an instance of that kind anywhere I have never known it. I do not believe that a mortar which is well constructed out of good material can be exploded. So far as durability and reliability are concerned, I think we might just as well trust an iron mortar as a steel mortar, or one that is steel bound, because the expansive force is perhaps not more than 20 tons to the inch, and that almost any good quality of iron will stand in a gun that is 12 or 14 feet long.

Therefore there is no danger in making this effort; and if we can reduce the cost of these mortars from $12,000 to $6,000 or $6,500 of course we must do it; we can fortify the country at one-half the expense so far as the use of mortars is concerned. I understand that these breech-loading rifled mortars are getting to be very precise guns,

and that they have a range perhaps of something like 10,000 or 12,000 yards.

Here is a gun not to be disregarded or discarded; and if we can make an experiment and test the matter, as it seems to have been thoroughly tested already at Sandy Hook by a gun of similar construction and similar material, only I believe it is steel-bound—if we can make this experiment and test the matter now on these very favorable conditions, it seems to me that we ought to do it. We ought to be able to save to the Government of the United States, if we can do it, half of the cost of these mortars. We have an immense coast to defend and we shall want a great many guns first and last, if we put it in a state of actual defense, or rather if we put the guns where they are available upon their carriages, and then we go with our spades and build the very best breastworks that can be made by throwing up earth and sand. If that is to be our course of fortification we can save enormously to this country by having cast-iron guns, if they are good enough mortars; and I suppose in the test of one of them in connection with the tests which have been made already of the one at Sandy Hook we should be able pretty well to determine whether it be necessary to go further.

It seems to me that that is really the only open door of experiment, for we have tried compression. I do not mean that we have done it, but Krupp has, Armstrong has, and others. We have tried these immense compressors; we have tried hammers and everything of that sort so as to get up a homogeneous metal for a built-up gun of steel, and we find in the experiments that have been made at various places that they are not the safest guns in the world. There are iron guns in existence to-day which have done twenty times the work of the steel guns made by Mr. Krupp which have exploded. The iron gun is still good. A good many of the Dahlgren and the Rodman guns are in existence now and just as strong as they can be. They are just as strong as they ever were after having been fired an immense number of times—I forget now how many, but perhaps a thousand times. So we must not merely for the following of a fashion discard an opportunity of making a final experiment upon this thing when it can be done as cheaply as is proposed to be done in this bill.

At first I thought I was in favor of having this House bill passed just as it came over, for the reason that when the House want to do anything in this direction I am in favor of meeting them on half-way ground and making as many steps towards the point as we can get, but I think that this is a valuable amendment to the bill. If we have only two or three establishments in the United States that can make them, it is our misfortune. I suppose that they can be made after all as cheaply in the United States as they can be made in Germany and in England, and if we can get them at a fair price it seems to me that is all that ought to be required.

Mr. REAGAN. Mr. President, I am one of those who believe that this country ought to be placed in a better condition of defense, both as to the strength of the Navy and the improvement of our fortifications, as well as the preparation for building a sufficient number of a better quality of guns than we have. Looking at the sixth section of the bill I desire to call attention to the question as to whether it will render any aid in securing additional means of defense. The first clause in the sixth section provides that—

Whenever any party shall present for a test a completed cast-iron breech-loading mortar of 12 inches caliber, of about 32,000 pounds weight, with a proper supply of ammunition therefor, not exceeding two hundred rounds, such mortar shall be tested in the presence of the party presenting the same, and should it be shown to the satisfaction of the board by such tests to be equal in accuracy, range, power, endurance, material, and general efficiency to the 12-inch cast-iron steel-hooped breech-loading mortar now at Sandy Hook, the mortar and ammunition shall be paid for, including cost of transportation, and contract be made for a further supply of not less than fifty and not more than one hundred, at such reasonable cost as the board herein provided for shall determine, not to exceed $6,500 each. The entire number to be delivered in one year from date of contract. Said mortar and all which may be contracted for under this provision shall be subject to inspection at each stage of manufacture.

If there were fifty such mortars furnished they would cost about $325,000; if one hundred were furnished they would cost about $650,000; but can we expect to get a single mortar under that provision? Is it not a delusion and a snare to those who hope for real preparation for the defense of the country? Who can point to the person who will manufacture the plant to build the mortar and furnish the ammunition and have the gun tested without knowing whether he is going to get a contract or not?

Then the next clause of the same section is a great deal worse. It provides that—

Whenever any party shall present for test a completed single-charge breech-loading steel gun of 10 or 12 inches caliber, with the proper supply of ammunition for the test of the same, such gun shall, in the presence of the party presenting it, be subjected to such tests as the board shall have prescribed; and should such gun be shown to the satisfaction of the board by such tests to fulfill the requirements previously prescribed in respect to accuracy, range, power, endurance, and general efficiency, the gun and ammunition shall be paid for at a fair valuation, including cost of transportation, and contract shall be made, at a price reasonable in the opinion of the board, with the party presenting the best of such guns, for a further supply of similar guns, to be subjected to the usual service test before acceptance, the experimental gun and all guns purchased hereunder to be subject to inspection at each stage of manufacture, as follows, namely: For not less than fifty 10-inch steel guns; and for not less than fifty 12-inch steel guns.

If we take the maximum number of steel guns to be provided under this clause, estimating the cost of a gun at $40,000 (and I understand that $40,000 to $45,000 is about what a gun will cost), there would be $2,000,000 appropriated under that clause. If there is to be the maximum number of 12-inch guns, costing about $55,000 each, there would be $2,750,000 to be applied in that way for the actual cost of the guns, making $4,750,000.

Is there a human being who believes that one gun will ever be obtained under that provision of the bill, and is not the clause an entire delusion? If we desire to have the country put in a condition for defense, if we expect to obtain the making of guns which will meet the necessities of the Government, are we to obtain it with such a provision as this?

It seems to me that if Senators mean anything they had better change the form of this proposed legislation so as to produce results. If they mean anything, if they mean to hold out the idea that they are appropriating about $5,000,000 for preparation for the defense of the country, and know it will not effect it, then in common fairness we ought to strike out these clauses. They have no business in the bill if they are there simply a delusion, if they must be ineffective; and I take it there is no Senator here who will assume that there can be a gun obtained under either of these provisions.

Then, beginning in line 49, the sixth section provides—

That under the provisions of this section of this act the board shall not expend or enter into contract or contracts involving the Government in an aggregate expenditure exceeding $6,000,000 nor an expenditure on the part of the Government in any one fiscal year in excess of $2,000,000.

It seems to me there is no use in putting such provisions in the bill. We can make a provision that will secure the construction of such guns. Surely we are capable of employing language that will carry out the purpose and secure the construction of the guns; and if we mean that, why not put in the bill language that will give us the guns we need, and not language that produces a mere delusion, and that we know in advance will never produce a gun?

I trust if the language is not improved that this section will be omitted. The truth is it seems to me that the bill ought to be recommitted to the committee, and let them reframe the language so that it will be calculated to produce real results.

Mr. PLUMB. Mr. President, in regard to the first paragraph of section 6, the committee had what we regarded as satisfactory assurances that a gun would be produced for test in accordance with it. The ordnance officers, I think, do not believe the gun will respond to the test; they do not think it will be as good as the type gun to which reference is made and which is set up as the standard; but that some responsible manufacturer will present for test within a brief period a mortar which he thinks will stand the required test, I have no doubt. If he should be mistaken, then we shall not get them, of course we shall not want them, but we shall have at least furnished the opportunity to the men who think they can make just as good a gun out of cast-iron as the Government already has from a combination of cast-iron and steel, and they will have been satisfied at least that they are wrong, and we shall know also that they are wrong. If we get them, then we shall have a weapon which, while not the very best perhaps that can be had, at the same time, as I have before stated, will be better than nothing.

In regard to the second paragraph of the sixth section I do not know, nor do I have any very strong assurance, that we shall get by reason of its adoption finished guns from the hands of private manufacturers, but we shall at least have made the effort, and we shall have made it under a proposition which I think is entirely reasonable. If there is any manufacturer in the United States who has the machinery, or who can be induced by a reasonable contract to provide the machinery, we give him the opportunity to do so, and we encourage him to do so. I think it is fair encouragement. It may prove not to be so, but like a good many other things there will be some demonstration which will make us wiser.

Now, suppose we do not get anything. It is not fair to say, it would not be fair for the Senator from Texas to say, even if that were disclosed by the experience under this bill, that it had been a delusion and a snare. I do not think he means to say that the committee has designed to put something in the bill which it knew would be ineffective. I doubt very much if he with all his resources could frame a provision which would be more likely to accomplish the results, unless he lowered the standard or largely increased the number of guns to be purchased under it in such a way as to offer extraordinary inducements to somebody to engage in the manufacture of these guns.

It has been a standing complaint for many years that the Ordnance Bureau of this Government was non-receptive, that it was determined that no guns should be made for which it did not first furnish the type and prescribe what should be done at every stage of the manufacture in such a way that all the guns we have should be credited to them. It is claimed by persons of high and low degree that they do not get consideration for their inventions, for their enterprise, for their genius, for their determination, for their skill at the hands of the Ordnance Bureau. I do not say whether that is true or not; it is not necessary for the purposes of this argument, but I only say that an opinion of that kind exists very largely in this country.

Now, here is an answer to it. We say to these manufacturers, "If

you think you can make a better gun or as good a gun as the United States Government can make, here is your opportunity. Show your faith by your works."

Mr. HAWLEY. Will the Senator permit a question?

Mr. PLUMB. Certainly.

Mr. HAWLEY. Has the Senator ever heard by word of mouth or by letter from a single steel manufacturer in the country that he has the slightest idea of doing any such thing as he is invited to do here?

Mr. PLUMB. I have not myself individually, but I have been told by members of this body and by at least one member of the House of Representatives that it was altogether probable that the Government would get satisfactory propositions under sections similar to this.

Mr. HAWLEY. No proposition has been made?

Mr. PLUMB. Yes; I have been told so.

Mr. HAWLEY. I have seen a large number of the leading steel manufacturers, and have visited their establishments and talked the subject over with them. I never heard one of them say anything like it. It is a very strange thing to me that they are willing to spend a million dollars for a plant to produce a gun to be tested.

Mr. PLUMB. If I were in the place of the Senator from Connecticut and possessing the authority he does, I would not discourage by my language on this floor the manufacturers from engaging in just this kind of work. He certainly admits that it is desirable to do it. Why should he characterize them in advance as being fools if they undertake it?

Mr. HAWLEY. I can not instruct men in their business. I am speaking of what they have told us. Nothing in the world that the Senator or myself or anybody else says here will have any influence upon their investment or non-investment of a million dollars. They know all about the business. I am only telling what they have said. If any one of them has privately said, when none of the others stood by, "If you will pass a section like this, I shall go to work, at an enormous expense of a million or a million and a half, and produce a gun under the chance that I may get a contract," I will confess it is a man I do not know.

Mr. PLUMB. I have been told on what I believe to be perfectly good authority that the largest steel manufacturing concern in the country is now putting up a new plant, expected to be the largest, the most complete and perfect in appointment that there is in the United States, and that it would engage in gun-making under a provision similar to the one we are now discussing. That may be a mistake; I do not know. I do not know that I am aware of a single steel manufacturer in the United States whose establishment is in a condition to verify anything I have heard.

Mr. HAWLEY. There is only one establishment in the United States to which that language will apply. It will soon be ready to make large guns.

Mr. TELLER. What establishment is that?

Mr. HAWLEY. The Bethlehem Works, which has nearly completed a plant for the manufacture of heavy gun forgings. When I expressed my incredulity as to whether anybody had done so, I based it partly on the very latest information I had from that concern, from a man deeply interested in their enterprise. They have made no proposition. They may have, nevertheless, a concealed purpose to be ahead of anybody else in making this costly plant.

Mr. PLUMB. The company to which I refer is not the company about which the Senator is speaking.

Mr. HAWLEY. I do not know any of their business secrets, but it is an amazing piece of news that anybody will make that calculation upon having a contract with the Government of the United States hereafter.

Mr. PLUMB. I was considerate myself of the Senator, because if I was engaged in manufacturing steel and had half way a notion under an opportunity of this kind, his expressions here would undoubtedly induce an abandonment of the enterprise.

The Senator will bear in mind that sometimes after a man looks over a thing he changes his mind. The Senator was led to believe, as I was led to believe, three or four years ago when we considered this question, not exactly together but at the same time and in connection with the preparation of a bill, that we could not get manufacturers to erect the necessary plant for the production of steel forgings for guns of a caliber of 10 or 12 inches or make a contract for $10,000,000 worth of steel. We now know that a quarter of that sum will produce a result. Manufacturers, conservative and interested as they are, grasping as they are, gain in knowledge by process of time. It sometimes happens, I have no doubt, that if they can not get everything that is lying around loose they will take an analogous proportion of it, and so it may prove that while the manufacturers would not do that at the date of the investigation which the Senator made carefully and thoroughly and which he had in his mind, they may do something a great deal better now.

But I do not speak of this as a certainty. I do not regard this myself as anything but a tentative proposition. I want to open the door just as far as it may be opened safely to the private enterprise of this country to do what we are now prepared to do only through the medium of the Ordnance Bureau, and see how it works. At all events, as I said, we shall have disarmed the kind of criticism of which I have spoken. It will probably excite some manufacturer to say what he would do if he will not do this; and I am not prepared to believe that there will not be found a manufacturer who will be looking to contracts with the Government as a direction in which he can employ his capital profitably, because the manufacturers know that when the Government enters upon an expenditure of this kind it is likely to continue, and a Government contract has some attractions after all to the ordinary human being.

So while I do not say, to meet the suggestion of the Senator from Texas, that we are going positively to get anything out of either one of these provisions, I believe, I feel perfectly sure in fact, that there will be presented for test a mortar; and I am not prepared to believe, if that mortar does answer to the test prescribed, that the law will be disobeyed and that the fifty absolutely required to be purchased will not be purchased.

I am encouraged to believe that under the second provision some manufacturer will present for test a steel gun which he will believe when he presents it (and that belief, of course, would induce him to manufacture it) that it will prove to be as good as, if not better than, the gun which the Government is manufacturing on its own account.

Suppose, however, he does not do that. We have still here two million and a half dollars' worth of steel provided for, which we are to absolutely get without any contingency whatever, and we have a gun factory provided for, which is to finish and assemble these guns. That much of the work we are sure of, anyhow. Two millions and a half dollars' worth of steel forgings, according to the testimony of competent officers in the Ordnance Bureau, will be produced. These gun manufactories would cost probably three-quarters of a million dollars, and the gun would be finished and assembled during two years or perhaps within three years of time.

So I think my friend from Texas, with his very worthy zeal in favor of doing something in the nature of coast defense, will feel on reflection that even if these two provisions which we have been discussing should prove entirely ineffective it will not warrant us in rejecting this bill or delaying its passage for a moment.

Mr. REAGAN. I did not state fully——

Mr. HARRIS. I should like to inquire of the Senator from Kansas if he does not think that a part of to-morrow may be profitably expended in considering this bill? It is five and a half o'clock.

Mr. PLUMB. I shall not contend for a further consideration of the bill this evening.

Mr. HAWLEY. I hope to be allowed to say a single word.

Mr. REAGAN. I desire to say a word. I do not wish to speak to-morrow.

The PRESIDING OFFICER. What is the motion of the Senator from Tennessee?

Mr. HARRIS. I yield to the suggestion of the Senator from Texas, who desires to submit some remarks now.

Mr. HAWLEY. May I say a word before he goes on? If the bill passes over, as undoubtedly it will, I hope it will be called up immediately after the morning business to-morrow.

Mr. PLUMB. Yes, at once.

Mr. REAGAN. Mr. President, I stated pretty broadly that I did not think under either clause of section 6, to which I referred, we should get any guns or mortars. I did not state the reason for that, because that reason had been stated by the Senator from Connecticut [Mr. HAWLEY]. I merely referred to the fact that it would involve an expenditure in plant that we could not expect private parties to engage in without some certainty of recompense for the expenditure in the plant.

The Senator from Kansas [Mr. PLUMB] goes upon the idea with his bill that it is more important to encourage private enterprise than to obtain guns. That is my deduction from the line of his remarks. If it was the production of a commercial commodity, something which would have a market and competition for its consumption, that would be all right; I would have no objection to the policy presented by the Senator from Kansas; but if we expect to get guns for the benefit of the Government we must bear in mind that the Government is the only possible customer, and it must incur the expense and responsibility of the necessary plant for the construction of the guns, whether they are made by the Government or by private individuals.

I think from my mode of reasoning that there is no other possible way of securing the construction of guns and mortars. There is no inducement held out here in these two clauses of section 6 for the persons furnishing mortars and guns for test that they will be compensated in any way for the expense they may go to in the private enterprise of developing proper mortars and proper guns.

It seems to me, under such circumstances, that it is not at all probable, as I said before, that one gun will be produced. The Senator from Kansas suggests that mortars may be produced under the first clause of the sixth section. I do not know what a plant would cost. I take it the Senator from Kansas is much better informed than I am; but it will cost a million or a million and a half dollars. I take it we all feel certain that there are no private parties going to invest a million

or a million and a half dollars and construct a gun at a very large expenditure, and furnish the ammunition and put it in position for test in order to take the chance of possibly getting a contract to construct a number of guns.

These were the objections I had, and I repeat that my conviction is that every interest in this country requires that it should be in a better condition of defense, that it should have a better navy, that it should strengthen its fortifications, that it should provide more and better guns, and more and better material of every kind for the defense of the country.

The Senator from Kansas thinks that there is no danger that there will ever be a hostile shot fired here. I think it is assuming a very great responsibility for the lawmakers of this country, for those who have charge of the dearest interests of this country, to assume that with all the complications which surround us, with our position in the world, with our position as a nation, being mixed up with all the commercial and political relations of the world, that there will be no hostile shot fired. I trust that may be so. No one would dread more than I would dread to see a war inaugurated. No one would go further than I would, on terms of honor and propriety, to avoid a war. But if we would avoid it, we ought to have that sort of statesmanship, that sort of prescience, that sort of knowledge which would qualify us to prepare for such contingencies and to sustain our negotiations by the proper means of sustentation.

As I had occasion to say once before here, I believe unorganized power, I care not how great it is, is totally inefficient in the presence of organized power. A great Government like ours, charged with the responsibility which it has of protecting the population and the interests which it must protect, owes it to itself, owes it to its people, owes it to every interest, if it would place itself in the position of a first-class power of the earth, to enforce the principles of right, which are necessary to the protection of its people and its honor. It is for that reason that it seems to me the committee ought to make more efficient provision for securing the construction of guns.

FORT WALLACE RESERVATION.

Mr. PLUMB. Before moving an adjournment, I desire to present a conference report.

The PRESIDING OFFICER. The conference report will be received and read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said Senate amendment insert the following:

"SEC. 2. That the Union Pacific Railroad Company is hereby granted the preference right, for the period of three months after the appraisement herein provided for, to purchase the southeast quarter of the northeast quarter of section 24, township 13 south, range 39 west, and fractional blocks 44, 49, 50, 51, 36, and 48, according to the town plat of the city of Wallace, the same being now occupied by said railroad company for depot and other purposes, at $30 per acre."

And the Senate agree to the same.

P. B. PLUMB,
H. M. TELLER,
JAMES H. BERRY,
Managers on the part of the Senate.

WM. S. HOLMAN,
J. E. WASHINGTON,
E. J. TURNER,
Managers on the part of the House.

Mr. PLUMB. I move the adoption of the report.

The report was concurred in.

AMENDMENTS TO BILLS.

Mr. CALL, Mr. TURPIE, and Mr. PLUMB submitted amendments intended to be proposed by them, respectively, to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BECK submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ADMISSION OF WASHINGTON.

Mr. PLUMB. Now I move the Senate adjourn.

The PRESIDING OFFICER. Before submitting the motion, the Chair will lay before the Senate the unfinished business, the title of which will be reported.

The CHIEF CLERK. "A bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes."

The PRESIDING OFFICER. The question now is on the motion of the Senator from Kansas that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 31, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August* 30, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

JACOB BLOOMSTEIN VS. THE UNITED STATES.

The SPEAKER laid before the House a letter from the assistant clerk of the Court of Claims, transmitting findings of fact by the court in the case of Jacob Bloomstein *vs.* The United States; which was referred to the Committee on War Claims.

COMMITTEE SERVICE.

The SPEAKER also laid before the House the following communication:

WASHINGTON, *August* 29, 1888.

SIR: I hereby tender my resignation as a member of the Committee on the Pacific Railroads, and also as a member of the Committee on Coinage, Weights, and Measures. I request that the resignation be accepted.

Very respectfully,

CHARLES TRACEY.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

The SPEAKER. If there be no objection, the request of the gentleman from New York will be acceded to, and he will be excused from further service on these committees.

There was no objection.

SENATE BILL REFERRED.

The SPEAKER also laid before the House the bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes; which was referred to the Committee on the Judiciary.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILKINS, indefinitely, on account of very important business.

To Mr. LAIDLAW, for ten days, on account of important business.

To Mr. BREWER, indefinitely, after Tuesday next, on account of important business.

To Mr. BYNUM, for fifteen days, from Saturday, September 1.

Mr. GALLINGER. Mr. Speaker, I desire to ask leave of absence for myself for fifteen days.

The SPEAKER. Without objection, the leave of absence will be granted.

There was no objection.

Mr. WISE. I also wish to ask leave of absence from Monday next for sixteen days.

The SPEAKER. Is there objection?

There was no objection.

PRINTING OF CERTAIN TESTIMONY.

The SPEAKER. The gentleman from Michigan [Mr. FORD], the chairman of the select committee on the alleged violation of the law as to the importation of contract labor, etc., asks that an order be made to print the testimony so far as taken by that committee. The Chair will state that the request of the gentleman does not specify the number of copies to be printed.

Mr. FORD. The request is to print the usual number of copies; 1,900, I believe.

Mr. BUTTERWORTH. To be distributed amongst the members?

The SPEAKER. They will be printed of course for the use of the House.

Mr. RICHARDSON. In order that there may be no misunderstanding, I would suggest to the gentleman from Ohio that when an order is made to print in this manner the number printed do not go to members by the usual method of distribution.

The SPEAKER. They do not of course go to members as other documents which are printed for the use of the members; but they go into the document-room, where they are accessible to the members.

Mr. BRUMM. I think in a case of this importance there ought to be some understanding that the members shall each have the right to go there and secure a copy.

Mr. BUTTERWORTH. That is a very pertinent suggestion. It not infrequently happens that members go to the document-room to secure copies of documents and find them exhausted.

Mr. RICHARDSON. That is the reason I suggested to the gentleman from Ohio that when the order is made to print the usual number of copies they are not distributed pro rata amongst the members. If it is designed that they shall go to the members it is necessary to introduce the resolution in another form; and I would suggest in this case that it had better go to the Committee on Printing, if that is the purpose.

The SPEAKER. The Chair will state that if the resolution is referred to the Committee on Printing it can report the cost of printing an extra number for distribution amongst the members.

If there be no objection, the request of the gentleman from Michigan will be acceded to and the usual number printed in this case.

There was no objection.

Mr. TOWNSHEND. If this should be referred to the Committee on Printing, would they have the right to report at any time?

The SPEAKER. They have that right under the rule.

Mr. FORD. I wish to make a parliamentary inquiry, as to whether or not, in order to print more than the usual number allowed by the rule, it will not be necessary to introduce a concurrent resolution?

The SPEAKER. It is if the cost exceeds $500. But the Committee on Printing can ascertain and report that fact.

Mr. FORD. My only object was, that after the matter was set up and the plates were stereotyped we could then determine how many extra copies were needed. This order as made will cover 1,900 copies, and then a concurrent resolution can be introduced if extra copies are desired.

Mr. SPRINGER. The custom is to print the usual number as suggested by the gentleman from Michigan first, and then introduce a resolution to print extra copies.

The SPEAKER. This resolution, the Chair understands, is not objected to; but it would be necessary to introduce a resolution and refer the matter to the Committee on Printing if that course is desired.

Mr. RICHARDSON. If the gentleman from Michigan will give me his attention for a moment, I will state that it is not customary to send a request of this character to the Committee on Printing when the usual number of copies is simply desired. They are printed in the natural order under the rule.

The SPEAKER. The resolution has not been sent to the Committee on Printing. It has been agreed to by the House.

Mr. RICHARDSON. That only calls for the usual number of copies.

The SPEAKER. It does; and a resolution to print an extra number would necessarily go to the Committee on Printing.

Mr. BUTTERWORTH. Before this matter is disposed of, I wish to call attention to the fact that in the distribution of such documents it is our experience that after the usual number is printed and sent to the document-room it is impossible to get a copy.

A MEMBER. There is no way to prevent that.

Mr. BUTTERWORTH. Oh, yes there is, if it is provided that at least one copy shall be reserved for each member.

Mr. BRUMM. That ought to be done.

Mr. BLOUNT. Is it not perfectly competent for the House to direct the superintendent of the document-room to apportion those that are ordered to be printed among the members?

The SPEAKER. The Chair thinks that the rule of the House and the statute prescribe what distribution shall be made of the usual number of copies. The House can not change that except by changing the law.

Mr. BLOUNT. I ask unanimous consent that the superintendent of the document-room be directed to apportion among the members pro rata the document just ordered to be printed.

Mr. BUTTERWORTH. That is fair.

Mr. RICHARDSON. According to the rule, some of these have to go to the Senate document-room as well as to the House document-room.

Mr. FORD. What are you going to do with the 600 copies of the regular order?

Mr. SPRINGER. Under the rules of the House, as members well know, they can have a copy sent to them by ordering it from the Public Printer. The rules formerly required that the Public Printer should send one copy of these documents to each of the members. We changed that, because we found that a great number of these documents accumulated in our rooms, and now there are only eleven copies of them left in the folding-room. If we want extra copies they can be obtained under a resolution which can be referred to the Committee on Printing.

Mr. BLOUNT. I wish to ask the gentleman from Tennessee [Mr. RICHARDSON] what are the difficulties about apportioning the number assigned to the House among the members of the House?

Mr. SPRINGER. It changes existing law.

Mr. BLOUNT. But it does not change existing law. Why is it not perfectly competent to direct the officer in charge of these documents, or the superintendent of the folding-room, to dispose of the number assigned to the House by distributing them among the members pro rata?

Mr. BUTTERWORTH. That is just and proper.

Mr. SPRINGER. That only leaves eleven copies in the folding-room.

Mr. BLOUNT. I ask unanimous consent that that be done in this case alone.

Mr. RICHARDSON. That the number which is assigned to the House document-room shall be divided among the members?

Mr. BLOUNT. Yes; pro rata.

Mr. RICHARDSON. I see no objection to that; but I should take it, Mr. Speaker, that in view of the importance which seems to attach to this publication it will be followed by a concurrent resolution to print extra copies beyond the regular number.

Mr. BLOUNT. I have no doubt of that.

Mr. RICHARDSON. I am informed by the chairman of the committee [Mr. FORD] that that will be done, and a resolution will be introduced for that purpose. It will be reported back immediately. The plates will be made for the usual number, and when that resolution is passed the Public Printer will have the stereotype plates ready, and then they can be printed off immediately.

Mr. BLOUNT. Still I think there would be no harm in the first publication going to the members.

Mr. SPRINGER. I will state the objection to my friend. The number that goes to the document-room is intended to be for the permanent supply for this House. Some years hence, say ten years from now, a debate may spring up upon this question, and members might want to obtain this publication from the document-room.

Mr. FORD. But there are 100 copies which go to the Clerk for that purpose. The 600 copies that go to the document-room are for distribution to members of this House.

Mr. BLOUNT. That is all I ask.

Mr. SPRINGER. One copy to each member?

Mr. BLOUNT. Then I modify my request so that there may be one copy sent to each member of the House by the Public Printer.

The SPEAKER *pro tempore* (Mr. CRISP). Is there objection to the proposition of the gentleman from Georgia? [After a pause.] The Chair hears none.

The motion was accordingly adopted.

Mr. BLOUNT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider lie on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles:

A bill (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes;

A bill (H. R. 5516) for the relief of John H. Weeks; and

Joint resolution (H. Res. 201) to correct an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent that the order calling committees may be dispensed with to-day, and that members having reports to submit may file them with the Clerk of the House.

Mr. HOOKER. I object.

Mr. SPRINGER. Regular order.

CORRECTION OF THE RECORD.

Mr. YOST. Mr. Speaker, I rise to correct the RECORD. On page 8790 of the RECORD of Tuesday last there is a matter which I desire to correct. It would be proper to state that I would have made this correction earlier, but my colleague from Virginia [Mr. WISE] was not in his seat on Tuesday last, and I did not see him in his seat yesterday until after the House had gone into the Committee of the Whole. I desired that he should be present when I made the correction.

After the second line he states "there were only sixteen Democrats and fifteen Republicans against it." I interjected there "twelve Republicans against it and twenty-three for it;" but the Reporter did not catch the remark owing to the great confusion in the House. I desire that it should go in there now.

Mr. WISE. If you stated "twelve" as the number of the Republicans, and I said "fifteen," you are correct. I did not mean to make a misstatement. I gave the names, which show there were "twelve."

Mr. YOST. I said there were twelve Republicans against it and twenty-three for it.

Mr. WISE. That is correct.

Mr. YOST. One thing further. I desire to send to the Clerk's desk the RECORD of Tuesday, and have him read the paragraph I have marked.

The Clerk read as follows:

Mr. WISE. Now, Mr. Chairman, in all honor and fairness, do you not think it is audacity to have the gentleman from Virginia [Mr. YOST] come here, hard pressed in his canvass, and, in order that he may have ammunition, with this record staring him in the face, endeavor to make a party question of the Blair bill? I do profess that I would not be guilty of a lie; and I believe the man who practices a fraud is guilty of a lie. I would not be guilty of a lie for my seat here. I would not hold it, if I were capable of perpetrating a lie. I want to make no false impression. I do not want it to go forth to my people that all Democrats are in favor of the Blair bill. I know they are not; neither are the Republicans. This is not a party question.

The man who attempts to make it a party question is either in a state of ignorance or worse. He is willing to sacrifice the cause for a political, party purpose. I was once prosecutor in my district, and of all crimes in the catalogue I hated that of false pretense worse than any other. To the bold, brave highwayman, who would come and demand your purse, you might give some portion of your admiration for his courage. But the small man and the sneak-thief who filches money by false pretenses excites your disgust. Mr. Chairman, I like the bold, brave, manly——

A MEMBER. Highwayman.

Mr. WISE. Statesman, who honestly follows his principles anywhere and everywhere, and who would scorn to profit by a false impression. I thank the House kindly for its attention.

Mr. YOST. I desire to ask my colleague whether the remarks which have just been read were intended to reflect upon me personally, or whether they were used in a general sense.

Mr. BLAND. I make the point that no question of privilege is presented to the House.

Mr. WISE. I did not intend to reflect personally upon my colleague.

Mr. YOST. That is all I desired to ask.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BLAND] makes the point that no question of privilege is presented to the House.

Mr. PAYSON. The matter is all settled between the gentlemen.

RELIEF FROM CHARGES OF DESERTION.

Mr. STEELE. I ask unanimous consent that there be a reprint of the bill (H. R. 6106) for the relief of certain volunteer soldiers of the late war. The edition already printed has been exhausted.

The SPEAKER *pro tempore*.. There being no objection, the order will be made.

MRS. GENERAL WARD B. BURNETT.

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is the consideration of two bills which, by previous order of the House, were postponed until to-day immediately after the reading of the Journal.

Mr. STRUBLE. In regard to the first of those bills—the bill (S. 681) to increase the pension of Mrs. General Ward B. Burnett—it was especially agreed that its consideration should not interfere with the bill now pending for the organization of Oklahoma. I had sincerely hoped that this pension bill might be disposed of this morning, but in view of the fact that it conflicts with the bill already pending, I ask, as a further favor at the hands of the House, that Senate bill No. 681 may be allowed to be called up for consideration during the session of Thursday next.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. STRUBLE] asks unanimous consent that the consideration of the bill (S. 681) to increase the pension of Mrs. General Ward B. Burnett be postponed for one week.

Mr. HOOKER. I object.

Mr. SPRINGER. I move, then, that the further consideration of the bill be postponed until one week from to-day.

The motion was agreed to.

MARGARET STAFFORD WORTH.

Mr. DOCKERY. I ask unanimous consent that a similar order of postponement be made with reference to the other bill fixed for consideration this morning—the bill (S. 867) granting a pension to Margaret Stafford Worth.

Mr. CHEADLE. I hope that the same order may be made with reference to this bill as was made just now in the other case.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. DOCKERY] asks that the same order be made with reference to this bill as was adopted in regard to the one just acted upon by the House. Is there objection? The Chair hears none, and it is so ordered.

INTERNAL REVENUE DISTRICT OF FLORIDA.

Mr. DAVIDSON, of Florida, by unanimous consent, introduced a bill (H. R. 11308) to subdivide the internal revenue collection district of Florida; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ROGERS. I rise to a parliamentary inquiry; has the morning hour for the presentation of reports been dispensed with?

The SPEAKER *pro tempore*. It has not been. Objection was made to that request. The regular order is now the call of committees for reports.

HENRY A. RAMSAY.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WRITS OF ERROR IN CAPITAL CASES.

Mr. ROGERS, from the Committee on the Judiciary, reported back with an amendment in the nature of a substitute the bill (S. 3234) to abolish circuit court powers of certain district courts of the United States, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DEED TO SAMUEL I. GUSTIN.

Mr. STEWART, of Georgia, from the Committee on the Judiciary, reported back favorably the bill (H. R. 10919) to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. Davis Tilson, acting assistant commissioner of the Freedman's Bureau, to Samuel I. Gustin, his heirs and assigns; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS KENTUCKY RIVER.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (H. R. 11262) to authorize the construction of bridges across the Kentucky River and its tributaries by the Richmond, Nicholasville, Irvine and Beattyville Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATILDA SPANGLER.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour for the consideration of bills commences at twenty-five minutes to 1 o'clock.

Mr. SPRINGER. I move to dispense with that hour for to-day.

There was no objection, and it was ordered accordingly.

OKLAHOMA.

Mr. SPRINGER. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the Oklahoma bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes.

The Clerk will read the pending amendment, which was moved by the gentleman from Iowa [Mr. ANDERSON].

The Clerk read as follows:

Amend by inserting after the word "acre," in line 14 of section 5, the following:

"*Provided*, That all honorably discharged Union soldiers, sailors, and marines, who served in the war for the suppression of the rebellion, shall, in making entries for actual settlement under the provisions of this act, be, and hereby are, exempted, in consideration of said service, from the payment of the purchase price provided for in this act; and proof of such actual service for a period of at least sixty days, and of honorable discharge therefrom, by such former soldier, sailor, or marine, shall be accepted by the United States in payment in full of the purchase price of the lands so entered upon, and all fees in connection with said entry. And all land officers of the United States are directed to give preference to the persons making entries under this provision."

The CHAIRMAN. When the committee rose the point of no quorum was made by the gentleman from Iowa [Mr. ANDERSON]. The vote will be again taken on the amendment of the gentleman from Iowa.

The committee divided; and there were—ayes 38, noes 51.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Iowa [Mr. ANDERSON].

The committee again divided; and the tellers reported—ayes 72, noes 92.

So the amendment was disagreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. HOLMAN. I offer the following proviso to the section.

The Clerk read as follows:

Provided further, That no person shall be authorized to enter land under any provision of this act who at the time of applying to make such entry is the owner of 160 acres of land or more in any State or Territory, or who shall have sold 160 acres of land or more within ninety days before applying to make such entry. The Secretary shall prescribe rules to carry into effect this provision. No land warrant or scrip of any kind shall be located on any land embraced in this act.

Mr. SPRINGER. I hope that amendment will not be adopted.

Mr. PAYSON. I move to strike out "160 acres," wherever it occurs, and insert "80 acres."

Mr. PAYSON'S amendment to the amendment was agreed to.

Mr. STONE, of Missouri. I move to strike out that part of the amendment relating to any sale within three months.

The CHAIRMAN. The Clerk will read the portion proposed to be stricken out.

The Clerk read as follows:

Or who shall have sold 80 acres of land or more within ninety days before applying to make such entry.

The amendment to the amendment was disagreed to.

Mr. WEAVER. I wish to make a remark and offer an amendment. It ought to be a voluntary sale.

Mr. HOLMAN. That is what it means.

Mr. WARNER. It can not mean anything else.

Mr. OUTHWAITE. Is it in order to move an amendment making it one year instead of ninety days?

Mr. HOLMAN. There is no objection to that.

Mr. OUTHWAITE. If it is to have any effect it should be made one year.

The CHAIRMAN. Debate is not in order.

Mr. WEAVER. Oh, no; that is going to an extreme.

The CHAIRMAN. Debate is not in order.

Mr. WEAVER. I ask only to speak one minute on the amendment.

The CHAIRMAN. Is there objection?

Mr. OUTHWAITE I will not object if I am allowed a minute to reply.

Mr. PERKINS. Has debate been limited?

The CHAIRMAN. It has been. Is there objection to allowing the gentleman from Ohio one minute?

Mr. OUTHWAITE. I want one minute to reply.

Mr. WEAVER. That is all right; there is no objection to that.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WEAVER. Mr. Chairman, while I am in favor of reserving every acre of that land to poor people, there are hundreds of thousands of poor men in the Northwest and all over the country who are mortgaged beyond their ability to redeem their homes, and it does look to me a hardship to say such a man can not sell his mortgaged farm and save to himself two or three hundred dollars out of the wreck, and can not be permitted to go down there and locate a home for himself and family. It does not look right and it is not right. It excludes many worthy men whose misfortune it is to be mortgaged beyond their power of redemption. I make a plea for these men and do not want this in the bill because I think it is not fair.

Mr. OUTHWAITE. If the settlers to whom the gentleman refers who had their lands mortgaged were alone to go there I apprehend the objection would be good. But I assume that that is not the case. It is not likely. It is to prevent those already having excellent homes of 80 acres, who are well established in life, from breaking up and selling out their lands and coming down into this Territory and taking up the choice lands from those who have not 80 acres or 40 acres or 10 acres or any acres at all. The purpose of the bill is to provide lands for the landless.

Mr. O'NEILL, of Missouri. And homes for the homeless.

Mr. OUTHWAITE. Yes.

Mr. WEAVER. The man who is the most homeless on earth is the man who has a mortgage beyond his ability to redeem.

Mr. OUTHWAITE. And I think, in order to allow those who have not homes to secure them in preference to those who are already well established, the amendment ought to be adopted, and that we ought not to legislate for the benefit of those who have already 80 acres of land as against those who have none.

The question being taken on the amendment of Mr. OUTHWAITE, the House divided; and there were—ayes 13, noes 63.

Mr. HOOKER. No quorum.

Mr. OUTHWAITE. I would rather withdraw the amendment, if I may be permitted to do so, than take up the time of the committee.

The CHAIRMAN. The gentleman has the right to withdraw it.

The question now recurs on the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. PERKINS. Let the amendment be again reported.

The amendment was again read.

Mr. SPRINGER. If the gentleman from Indiana will strike out the words "or who shall have sold 80 acres of land or more within ninety days before filing the homestead entry" there will be no objection whatever to the amendment, I think.

Mr. RYAN. That has already been voted down, anyhow.

Mr. HOLMAN. I can not consent to do that. The whole scope of the bill as it stands applies to a few persons——

Mr. SPRINGER. I am very sorry the gentleman from Indiana did not discover these good amendments and apply them to the general land laws when he brought in a bill this session revising the whole system.

Mr. HOLMAN. They are in that law substantially.

Mr. SPRINGER. I think not; and I would like very much for the gentleman to show me where they are in the law.

Mr. PERKINS. I would like to have the amendment read again with a view of suggesting an amendment to the amendment.

The amendment was again read.

Mr. PERKINS. After the words "eighty acres," where they first appear in the amendment, I would suggest the addition of the words "free of incumbrance." I think, with the gentleman from Iowa, that there is serious objection to that feature——

The CHAIRMAN. Debate is not in order.

The amendment to the amendment was rejected.

The question recurring on the amendment of Mr. HOLMAN, the committee divided; and there were—ayes 25, noes 59.

Mr. HOLMAN. No quorum.

Mr. SPRINGER. If the gentleman from Indiana will withdraw his amendment now, I will yield to him to move it in the House and have the yeas and nays on it.

Mr. HOOKER. I object.

Mr. HOLMAN. With the understanding that there may be a yea-and-nay vote on it in the House, I shall consent.

Mr. PAYSON. Well, that ought to include the further proposition that the amendment may be divided.

Mr. RYAN. Yes.

Mr. PAYSON. Because the first part will meet the universal concurrence of the House, in my judgment, and I had prepared an amendment substantially the same in character.

Mr. SPRINGER. This is subject to division.

Mr. PAYSON. If the understanding is that the amendment as it stands shall be voted down, so that it may be brought before the House in a proper form and be then voted on, there will be no objection.

Mr. HOLMAN. If the gentleman will permit me, the proposition is divisible into three parts, and any member can demand a division of it. With the understanding that I shall have a yea-and-nay vote in the House upon the amendment I consent to the suggestion of the gentleman from Illinois.

The CHAIRMAN. The Chair will then announce the result of the vote. The amendment is rejected.

Mr. HOLMAN. I hope it is understood that this matter may be offered in the House.

Mr. SPRINGER. I agree to that.

Mr. HAUGEN. I desire to offer a further amendment to section 5.

The Clerk read as follows:

Amend by striking out in lines 15 and 16 the words "have resided in the United States for two years, and;" so that it will read:

"All persons who are heads of families, or over twenty-one years of age, and who are citizens of the United States, or have declared their intention to become citizens thereof," etc.

Mr. HAUGEN. Mr. Chairman, I offer this amendment believing it to be in the general line of past legislation upon the subject of public lands. The policy of Federal legislation has hitherto been to give the adopted citizen and him who has declared his intention to become a citizen the same rights to acquire and hold property as the citizen by birth. I believe this policy to have been wise and beneficent. Under it our greatest development has taken place. With our present rate of immigration it should not be discontinued. Whatever may be said as to the foreign-born citizens of our large cities no complaint has ever been heard in regard to those settled in country homes. On the contrary, they have always been recognized as industrious, thrifty, and valuable citizens.

The immigrant's ambition is, as a rule, to secure himself and family a home, and his content and happiness depend largely on the fulfillment of that wish, while discontent arises as the acquisition of homes is made difficult. If it were not that these additions to our population are enabled to secure themselves homes among us, and thus give hope of becoming profitable to themselves and the community, it were far better not to admit them at all. In that case not many years would elapse until you would hear the same objections raised to European immigration that is now made to the Chinese.

If any danger to the maintenance of our institutions lies in store for us, I verily believe that land monopoly and consequent difficulty in securing independent homes for the hundreds of millions who will, before another century has rolled by, inhabit our country, are most likely to prove the rock upon which our noble ship may be wrecked. Popular government must have its roots deep in the hearts and affections of the masses, and all legislation should have in view the welfare of the masses, the perfect equality of every voter, and absolute submission to the will of the majority legally expressed.

The surest way to secure the loyalty of our adopted citizens is to attach them to the soil. Our foreign-born citizens in country homes have at all times proved themselves peaceful, law-abiding, and patriotic, and loyal to our institutions and laws.

In this bill you say to the immigrant: You may immediately upon your arrival, provided you will only declare your intention to become a citizen of the United States, enter lands anywhere within the public domain, and thus lay the foundation for a happy, prosperous home for yourself and family, but if you wend your way to rich Oklahoma you must remain a hewer of wood and drawer of water for a period of two years.

If this is the right policy as to this Territory, why should it not be equally applied to all public lands?

Take the immigration of the last two years as a basis and apply this policy generally to our public lands, and you add to our wage-working population a million people, nearly half of whom are males between the ages of fifteen and forty years, the very time of life when every inducement should be extended to them to secure independent homes.

Our total immigration for the year ending June 30, 1887, was 490,109, and of these 227,284 were males between fifteen and forty years. During the year ending June 30, 1888, the total number of immigrants exceeded that of the previous year by about 50,000.

With the labor question fast pressing upon us is it not the wise thing to keep open this safety-valve, and not by the very force of this proposed legislation make the acquisition of homes more difficult? If you carry this proposition to its legitimate results you will, as I have said, with our present rate of immigration, add to the already crowding, jostling ranks of wage-workers a million people. The tendency of this must necessarily be to make the relations between the employé and employer still more strained, and to increase the present difficulties and jealousies between labor and capital.

Do not understand me as favoring alien ownership of lands. I do not. I believe no immigrant not fit for citizenship should be permitted to enter our ports. Those who have entered under proper restrictions, and who have declared their intention to become citizens, should stand the equal of every other citizen before the law as to property rights and the pursuit of happiness. Having adopted this coun-

try as their own they are as much concerned in its welfare and prosperity and the country is as much concerned in them as if their forefathers had landed on Plymouth rock from the Mayflower. I regret that the committee has seen proper to extend to these future citizens of our common country this stepmotherly greeting, which is likely to sow in their breasts the seeds of disappointment and dissatisfaction from their very arrival amongst us. I believe the proposition to be contrary to the liberal spirit which has formerly prevailed on this subject, and to be a sharp entering wedge to the recognition of distinction between different classes of our citizens. I bespeak for my amendment favorable consideration.

Mr. SPRINGER. I have no objection to the amendment.

The amendment was adopted.

Section 6 of the bill was read, as follows:

SEC. 6. That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as herein provided, the unoccupied portion of the lands west of the ninety-sixth degree of west longitude, ceded to the United States by the said tribe of Indians by the treaty concluded July 19, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections of said land, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres, in square form, to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have resided in the United States two years and have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of said lands, and said money shall be placed to the credit of the Cherokee Indian tribe in the Treasury of the United States, after deducting the cost of the sale by the United States and the amount heretofore appropriated and paid to the Cherokee tribe as part compensation for said unoccupied lands: *Provided*, That nothing in this act shall be construed to authorize any person to enter upon or occupy any of the lands mentioned in this or the preceding section, for the purpose of settlement or otherwise, until after the said Indian tribes and the commissioners herein authorized have concluded an agreement to that effect as provided herein, and laid the same before the President of the United States, who is thereupon authorized and required to issue his proclamation declaring such relinquished lands open to settlement, and fixing the time from and after which such lands may be taken. Any person who may enter upon any part of said lands contrary to the provisions of this act, and prior to the time fixed by the President's proclamation, shall not be permitted to make entry upon any lands or lay any claim thereto in said Territory.

Mr. HAUGEN. I desire to offer the same amendment to this section—to strike out, in lines 16 and 17, the words:

Have resided in the United States two years, and.

Mr. SPRINGER. That was agreed to before in the other section, and I hope there will be no objection to it now.

The amendment was adopted.

Mr. BARNES. I desire especially to call the attention of the committee to the fact that the language of the sixth section clearly misrepresents the history of the case. It reads:

That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section in legal manner to the commission provided for in this act and the President has issued his proclamation fixing the time as herein provided, the unoccupied portions of the land west of the ninety-sixth degree of west longitude, ceded to the United States by the said tribe of Indians by the treaty concluded July 19, 1866, shall be open to settlement, etc.

By reference to the treaty it will be seen that there never has been any actual cession of these lands.

Mr. SPRINGER. I have no objection to an amendment, "agreed to be ceded to the United States."

Mr. BARNES. It was not agreed to be ceded to the United States. It was agreed to be ceded to the Indians settling thereon. I move to amend by striking out the words "ceded to the United States," in lines 6 and 7, and make it read, "agreed to be ceded as provided by the treaty of July 19, 1866."

Mr. RYAN. Let it be read as amended, so we may see how it will read.

The Clerk read as follows:

In lines 6 and 7 strike out the words "ceded to the United States" and insert "as agreed to be ceded according to the provisions of the treaty concluded July 19, 1866."

The amendment was agreed to.

Mr. HOOKER. Before going from that section I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out the words "in legal manner to the commission provided for in this act" and insert "until the consent of said Cherokee tribe of Indians shall be first obtained by a commission to be appointed by the President of the United States, and when said commission shall have reported that said consent of said Cherokee tribe of Indians has been obtained."

Mr. SPRINGER. The eleventh section provides for a commission, and this simply anticipates it. Let your amendment be offered to that section.

Mr. HOOKER. No; I want it to go right in there.

If it be true that under the provisions of this bill you are going to get as a condition-precedent their consent, then it ought to be done and reported before any organization of the Territory is attempted to be established there, and that is the reason why I offer this amendment. It will be observed that the language used in the bill of the committee is exceedingly vague and indefinite in its character. It says "that whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section in legal manner," without stating what that manner is to be, or in what way that assent is to be obtained. The provision should be made to appoint a commission to visit these tribes in the first instance and obtain their consent to the institution of a Territorial government there before anything is attempted to be done. It should be a condition-precedent before establishing the Territorial government there, and especially before the Government appoints the officers of the government and all the paraphernalia of a Territorial government and then obtain the concession of the Indians.

If the parties who are in favor of this bill are in earnest about requiring the consent of the Indian tribes, and especially of this tribe, for they are the owners, as I have shown on a former occasion, and have patents to the land embraced in this proposed Territory, it ought to be had as a condition-precedent. To create a government there, without any expression of opinion had before from the tribes and the fact that the consent should be obtained afterwards, would, in my judgment, be an expensive operation. I do not know how much it will take, Mr. Chairman, to carry into effect this Oklahoma bill. I venture the assertion that it will not cost the Government less than ten or fifteen million dollars to establish this Territory. If you are in earnest about obtaining the consent of the Indians, all this expense of the appointment of officers, and instituting all the paraphernalia of instituting a Territorial government can be avoided, because it will all be nugatory and worthless unless the consent of the Indians be obtained. Is it not, therefore, wisdom on the part of the United States if a Territorial government is to be established there to send a commission first; and is it not best that this consent should be obtained as a condition-precedent, before the Territorial government is established? The tribes have never asked for it, and none of them have asked for its establishment there. I submit, therefore, that there ought to be added to this section a provision to indicate that the President of the United States ought to appoint a commission, and that the consent of these people should be had before the establishment of this government. It has been said that this bill was not designed or intended to go into effect until the consent had been obtained of all the Indians in it.

Several MEMBERS. Oh, no!

Mr. HOOKER. If that is true, that it shall not operate except upon the consent of all these tribes, ought not that consent to be had before the Territorial government is established, so that it may be ascertained what the restriction by the consent of the Indians will amount to? I will ask, simply as a business proposition, would it not be wise and prudent to obtain the consent of these Indians in the first instance, because unless it is obtained your government would amount to nothing, and you would have had all the expense of establishing a Territorial government over these Indians, and yet no Territorial government established at all? Therefore I hold that the consent of the Indians should be had before any action is taken at all; that is, a provision ought to be adopted in every section of this bill that the assent of the Indians ought to be obtained in the first place.

Mr. BAKER, of New York. If the gentleman from Mississippi will allow me in this connection, I desire to suggest an amendment to come in at the end of line 1 of section 6. It is one which is pertinent to this subject and proper to be considered in connection with the amendment of the gentleman from Mississippi. I propose to insert after the word "Indians," in line 1 of section 6, the words "and any other tribe or tribes having an interest therein," so that it will read, "that whenever the Cherokee tribe of Indians and any other tribe or tribes having an interest therein shall signify their assent," etc. Now, it is a fact, as my friend the chairman of the committee well understands, that the other civilized tribes have, or claim to have, some interest in these lands.

Mr. WARNER. Can the gentleman tell us what Indians among the civilized tribes claim to have any interest in the Cherokee Outlet?

Mr. BAKER, of New York. All the tribes.

Mr. WARNER. But upon what is that claim founded?

Mr. BAKER, of New York. It is asserted and claimed by the representatives of the Indians. If they have no such right or interest, then of course the commission will so determine.

Mr. WARNER. There is an assertion of that kind, but I ask the gentleman from New York, as a lawyer, is there any law or any treaty upon which such a claim can be properly founded?

Mr. HOOKER. If there is none, then the gentleman's amendment will not hurt.

Mr. WARNER. But it will do no good and it is unnecessary.

Mr. BAKER, of New York. It is distinctly asserted before the Committee on Indian Affairs and before this House that the other civilized tribes have an interest.

Mr. SYMES. I will ask the gentleman this question: Did it appear in any way before the Committee on Territories that any Indians on this continent had any interest whatever in these lands except the Cherokee tribes?

Mr. BAKER, of New York. There was a memorial presented in behalf of all the civilized tribes protesting against this bill, and they all claimed an interest.

Mr. SYMES. I beg the gentleman's pardon. We had plenty of testimony before us showing the rights of the Cherokees, but nothing whatever showing that any other tribe or tribes of Indians had or claimed to have any interest in these lands.

Mr. BAKER, of New York. My friend will undoubtedly concede that if there are any vested interests in any other tribe or tribes of Indians, they ought in justice to be protected.

Mr. SYMES. But there are no such rights, and I do not think it comports with the dignity of the American Congress, passing an important bill of this character, to be talking here about a claim which has never been presented even among all the wild claims that were urged before the Committee on Territories.

Mr. WEAVER. And by talking about it and putting it in this bill to create such a claim.

Mr. SYMES. Yes, to create such a claim in the visionary minds of sentimentalists.

Mr. BAKER, of New York. Conceding that the gentleman is correct, it is only fair that this commission should be vested with power to pass upon the claim of any other tribe or tribes.

Mr. SYMES. That is to say, the gentleman wants to send out a roving commission to look up Indian tribes and Indian agents and Indian attorneys, and see whether or not in the corruption of their imaginative brains they will not present some kind of a claim which has no foundation in fact. Such a course would make a farce of the commission and destroy the decent progress of this proceeding.

Mr. WEAVER. And in case those Indians should make such a claim, you have to get their consent before this law can go into operation.

Mr. BAKER, of New York. Oh, no.

Mr. WEAVER. That is the meaning of the amendment.

Mr. RYAN. I want to say to my friend from New York that I do not think he is warranted in making the statement to this House that any tribe of Indians on the face of the earth claims any interest in the Cherokee Outlet except the Cherokees themselves.

Mr. BAKER, of New York. Perhaps I am not. Still, it is a fact that the assertion is made.

Mr. RYAN. I do not think the gentleman has any paper, any memorial, or any sort of petition, on the part of any other Indians on the face of the earth, asserting that they have any sort of a claim on this Cherokee Outlet. So that my friend's amendment is simply and entirely without color or shadow of foundation.

Mr. BAKER, of New York. I differ with my friend on that point.

Mr. WEAVER. Will the gentleman from New York [Mr. BAKER] permit me to ask him a question?

Mr. BAKER, of New York. Certainly.

Mr. WEAVER. Suppose that Sitting Bull should claim that under this treaty he had a right to petition the United States to be settled on this land as a "friendly Indian," and that therefore his consent was necessary?

Mr. BAKER, of New York. Well, if Sitting Bull should make such a claim, the wise commission which will be appointed by the wise Executive of the United States would examine the claim, and if he could establish any rights, of course they ought to be determined and extinguished.

Mr. SYMES. And the gentleman from New York proposes to send out a commission——

Mr. BAKER, of New York. I do not propose it; the bill proposes it.

Mr. SYMES. The gentleman proposes to send out a commission appointed by this wise Executive, and have these wise members of this wise commission sitting there by the month, and have Indians come from all over this country to say whether or not they still claim all this continent. I have myself heard ministers of the gospel practically contend before the Territorial Committee that all the land west of the Missouri River belongs to-day honestly to the Indians, and that is about the kind of farce that you would get up by your amendment.

Mr. BAKER, of New York. I did not suppose that in offering this amendment it would excite so much opposition.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WARNER. Mr. Chairman, I suggest that the gentleman from New York [Mr. BAKER] be allowed five minutes more, as nearly all his time has been taken up by others.

There was no objection, and it was so ordered.

Mr. BAKER, of New York. I say, Mr. Chairman, I did not suppose that an innocent little amendment like this would excite such violent opposition.

Mr. SPRINGER. I understand that this is not offered as an amendment to the amendment of the gentleman from Mississippi [Mr. HOOKER].

Mr. BAKER, of New York. No; but to be considered in connection with it. I really thought that the chairman of the Committee on Territories and the committee would consent to this amendment. [Laughter.]

Mr. SPRINGER. Let the amendment be read.

The Clerk read as follows:

After the word "Indians," line 1, section 6, insert "and any other tribe or tribes having an interest therein."

Mr. SPRINGER. That amendment does not have any relation whatever to the amendment of the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. No; and it would probably come in better as a separate and independent amendment. I will give way to the gentleman from New York to offer it as a separate amendment, because it comes in at a line of the bill preceding the point where my amendment comes in. Upon this amendment I desire to say a word. It has been said by gentlemen here that there are no other tribes of Indians than the Cherokees who have any interest in the creation of this Territory, which includes the Cherokee Outlet. Surely gentlemen can not have forgotten that every one of the treaties with the five semi-civilized tribes contains a provision that no Territorial or State government shall be established contiguous to any one of those five tribes without their consent. Every treaty contains that provision; yet gentlemen have gravely said here that there is no other tribe of Indians who have any interest in the matter. Why, sir, they every one of them have an interest in it, and they have an interest which they ought to assert and which ought to be recognized in this bill for a simple and obvious reason. When we take the history of this proceeding with regard to constituting this Territory of Oklahoma, we find that a bill was introduced in the Forty-ninth Congress which was a bolder measure than this, because it declared upon its face, what is no doubt behind this bill, namely, a purpose to include the five semi-civilized tribes themselves and the lands which they occupy.

This bill does not propose that, but it does propose to include all the territory in the Indian Territory contiguous to the lands of those tribes, and therefore the amendment of the gentleman from New York [Mr. BAKER] is a very wise and proper one. And the other Indians are interested. They are interested to this extent, that if you establish, as you propose to do by this bill, a Territorial government bordering upon their lands, you at once create a Territory which will be peopled by white men, a Territory from which you propose to exclude people who desire to occupy that portion of the public domain under the homestead law, and you will have a Territory infringing upon the five semi-civilized tribes which will be peopled by white men, and the next thing will be that you will want to embrace the lands which are now owned and occupied, and defined by metes and bounds, and governed by the respective governments of the five semi-civilized tribes. The bill of last season shows that the purpose is to eventually embrace them all within such Territorial organization as will enable the white people to occupy their lands.

I say, therefore, that every one of the five semi-civilized tribes has an interest in the prevention of the violation of the treaties by which the Government of the United States has most solemnly agreed that at no future time—the language of the treaty is very broad—that at no future time will it organize and create Territories or States contiguous to these Indian lands. No, sir, this Indian Territory itself occupies but a very small area of land, and this bill proposes to take a very large proportion of it near each one of these semi-civilized tribes and organize it into a Territory. The proposition, as was well said by the distinguished gentleman from Indiana [Mr. HOLMAN], is a most anomalous piece of legislation, such as never before has been presented before the Congress of the United States from the organization of the Government down to the present time.

There never has been a proposition to create a Territory like this. I say, therefore, that the amendment of the gentleman from New York is proper and right, because this measure does affect the interests of every one of these semi-civilized tribes, and virtually interferes with the provisions of the treaty entered into for their protection.

[Here the hammer fell.]

Mr. SYMES. Mr. Chairman, the gentleman from Mississippi [Mr. HOOKER] has finally stated the proposition which I imagine my friend from New York was trying to eliminate by his visionary amendment. It is that the five civilized tribes are interested in the organization of Oklahoma Territory, because certain ancient treaties provide that you shall not organize Territories or States contiguous to the five civilized tribes without their consent. If that be the proper construction of those treaties, they were violated by the organization of the Territory and State of Kansas, by the organization of the Territory and State of Colorado, by the organization of the Territory of New Mexico, and I might say by the organization of the State of Texas.

Mr. SPRINGER. And Arkansas.

Mr. SYMES. Yes, and Arkansas, and, comparatively speaking, every other State west of the Missouri River.

Now, we have finally, by the clearly-stated oratorical logic of the gentleman from Mississippi, found out the visionary claim which my friend from New York was trying to get at. I think the House understands it and will vote intelligently upon the question whether we shall send a commission west to negotiate with the Indians in reference to the organization of a Territory or a State of this Union which may be contiguous to or in the vicinity of the five civilized tribes.

Mr. HOOKER. Out of lands belonging to the Indians themselves. Let the gentleman add that and his statement will be complete.

Mr. SYMES. I beg the gentleman's pardon; the question of cession is provided for in other parts of the bill.

Mr. BAKER, of New York. Mr. Chairman, I do not propose by this amendment to recognize that there is any existing right, title, or claim in any other Indian tribe. But the commission, when appointed, must necessarily act somewhat in a judicial capacity; they must pass

upon the title and claim of any tribe or tribes to any portion of these lands. If it appears that no such claim is well founded, the commission will so report, and that report will naturally be conclusive upon the question. But the rights of the Indians under the treaty, as has been well stated by the gentleman from Mississippi, are to be considered. If they have any rights under these treaties, any court in the land would recognize them; and certainly the highest legislative power of the Government will not refuse to recognize the just claim of any tribe or of any man. [Cries of "Vote!" "Vote!"]

Mr. BARNES. Mr. Chairman, I would like to say a few words on this question.

The CHAIRMAN. Debate is exhausted; but if there be no objection the Chair will recognize the gentleman.

Mr. SYMES. I ask unanimous consent that the gentleman from Georgia [Mr. BARNES], who is a member of the Committee on Territories, may speak for five minutes.

The CHAIRMAN. The Chair hears no objection.

Mr. BARNES. Mr. Chairman, the construction which is put upon the treaties by the gentleman from Colorado [Mr. SYMES] is entirely erroneous. The five tribes were located on what is now known as the Indian Territory, and the whole of that Territory was granted to them, in pursuance of a policy of the Government adopted in 1830, by which they were to be located on a certain area of territory in compact form, free from the intrusion of the white man. And one of the provisions of those treaties was that no State or Territorial government should ever be created over them. That provision was in each treaty. But the homes were located as homes for all the Indians. It was not intended at that time that there should not be any State or Territory organized outside and independent of that area, because such States or Territories were even then in existence. The intention, in pursuance of that policy, was that this area of territory on which these five tribes were to be located should be a separate Indian home over which no State or Territorial government should be established. And, Mr. Chairman, if this was to be such a home, over which no State or Territorial government was to be created, each tribe located thereon, with its boundaries confined to a certain limit, had an interest in the integrity of the entire Territory. And they have that interest to-day, except so far as modified by the treaty of 1866. It is for this clear reason that each tribe has an interest to-day in the preservation of the integrity of this whole area of country. On this ground, and on this ground especially, I insist that the amendment ought to be adopted.

Mr. SYMES. The gentleman says that the provisions of the treaties to which he has referred maintain his position, except so far as they were modified by the treaty of 1866. Now, did not the treaty of 1866 modify the position that these tribes before occupied with reference to the control over the whole Indian Territory?

Mr. BARNES. Those treaties did not modify the previous position of those tribes one jot or one tittle beyond the point that other tribes of friendly Indians were to be located there. The original policy of preserving that Territory free from the intrusion of the white man was firmly adhered to and carried out in the treaty of 1866; and Mr. Cox, Secretary of the Interior under General Grant, in a report on this subject in 1870, insisted that this policy should be firmly adhered to.

Mr. SPRINGER. I hope the committee will allow me one minute in reply.

The CHAIRMAN. The Chair hears no objection.

Mr. SPRINGER. Mr. Chairman, this section relates simply to ceding the ownership or whatever claim the Indians may have to this land; it has no relation to Territorial governments or anything of that kind.

Now, will the gentleman from Georgia [Mr. BARNES] give me his attention? When this treaty of July 19, 1866, was made between the Cherokee Nation and the United States, a treaty which stipulated that the Government might take these lands at a stipulated price and settle friendly Indians upon them, was the consent of the other tribes asked to that treaty? Was their consent necessary? Of course not; everybody understands that.

So this bill follows the precedent of that treaty, in which the Cherokees alone were parties, and no other Indians were asked to consent; they can dispose of any portion of land which belongs to them only, and not to any other tribe. That is all there is of this.

Mr. BARNES. The gentleman is mistaken, because by the treaty of 1866 the policy of settling other friendly Indians there was preserved.

Mr. SPRINGER. The Cherokees were alone consulted in regard to disposing of their lands.

Mr. BARNES. The policy under which all the tribes had an interest was preserved.

Mr. WEAVER. Does the gentleman insist we should get the consent of every Indian tribe?

Mr. BARNES. I insist we should have the consent of the five tribes.

The CHAIRMAN. Debate is exhausted, and the question recurs on the amendment of the gentleman from New York [Mr. BAKER].

The amendment was again read.

The committee divided; and there were—ayes 21, noes 44.

Mr. BAKER, of New York. I make the point of no quorum.

Mr. SPRINGER. I hope the gentleman will not make the point of no quorum. It is difficult to get a quorum of the House, and time is only wasted.

Mr. BAKER, of New York. The amendment is an important one, and I must insist upon a quorum voting upon it.

Mr. SPRINGER. I am perfectly willing to give the gentleman a yea-and-nay vote on his amendment in the House.

Mr. HOOKER. If the gentleman withdraws the point of no quorum, I will renew it.

Mr. SPRINGER. I have never asked a favor of the House, and during the fourteen years I have been a member I have never been absent from the deliberations of the House except on one occasion for two weeks, except when absent on committees under the order of the House. I wish to be absent for a few days, but can not do so until this bill has been disposed of or is out of the way. It would accommodate me if a vote could be taken upon the amendments and the bill disposed of. It would be a great accommodation to me if that could be done, and I know the public interest will be subserved by the disposal of this bill at an early date.

Mr. BAKER, of New York. I can not resist the appeal of the gentleman from Illinois, although the amendment I have submitted is an important one.

Mr. SPRINGER. As I have said, I shall agree the gentleman shall have a yea-and-nay vote on his amendment in the House.

Mr. BAKER, of New York. I withdraw the point of no quorum.

Mr. HOOKER. I renew it.

ORDER OF BUSINESS.

Mr. SPRINGER. The gentleman from Kentucky [Mr. MCCREARY] desires to make a report on the fisheries matter, and for that purpose I ask the committee informally rise and go into the House.

Mr. HOLMAN. I wish to submit a conference report, and I do not agree to the committee informally rising merely for the purpose of receiving a report from the Committee on Foreign Affairs.

The CHAIRMAN. Objection having been made, the question will be put on the motion of the gentleman that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLAND having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had according to order had under consideration the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes, and had come to no resolution thereon.

FISHERIES.

Mr. MCCREARY. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back the bill (H. R. 11257) to empower the President to carry out the purposes of an act to protect and defend the rights of American fishermen, approved March 3, 1887, with a substitute therefor. I ask that the original bill be laid upon the table and the substitute be treated as a new bill, and read a first and second time, and ordered to be printed.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is ordered accordingly.

Mr. MCCREARY. Mr. Speaker, I now give notice to the House that under the privilege granted to the Committee on Foreign Affairs, I will call up this bill for consideration on Saturday next, immediately after the reading of the Journal.

Mr. SPRINGER. Will the consideration of the bill continue for longer than one day?

Mr. MCCREARY. It is impossible for me to say, but I believe it will consume more than one day in its consideration.

Mr. SPRINGER. I hope the members who are absent from the city will feel enough of interest in this important question to be present on that occasion and help to dispose of it as soon as possible.

Mr. HEARD. Let me suggest to the gentleman from Kentucky that he call it up on Monday next instead of on Saturday. Every member is aware of the fact that it is impossible on Saturdays always to get a quorum, and I hope he will agree to postpone calling the bill up till Monday or Tuesday, and when so called up we can then dispose of it.

Mr. MCCREARY. I have been instructed by the Committee on Foreign Affairs to report the bill as it has been stated and to give notice that the substitute reported by the committee, and which is to be treated as a new bill will be taken up for consideration on Saturday next immediately after the reading of the Journal. I am not certain whether the bill will consume more than one day.

Mr. DUNN. I rise to a parliamentary inquiry. I think it has been held heretofore that when the special privilege to report at any time has been given to a committee it loses that special privilege when report has been made and it goes upon the Calendar for consideration. The gentleman from Kentucky therefore had better report back his substitute and move to recommit, which motion can be called up by him at any time.

Mr. MCCREARY. I think the privilege goes with this bill until it is considered, and for that reason I do not agree with my friend from Arkansas.

Mr. DUNN. I merely raised the question so that there may be no doubt about it.

Mr. McCREARY. I think when the House agreed that the bill might be reported for consideration at any time, it is within the power of the House to agree that the bill may be called for consideration immediately after the reading of the Journal on the day I have named.

Mr. SPRINGER. It simply amounts, in the present instance, to postponing the consideration.

Mr. NELSON. I hope the gentleman from Kentucky will couple with his suggestion a request that the bill and the report be printed in the RECORD.

Mr. HOLMAN. I want to suggest to the gentleman from Kentucky that it is a rule of uniform practice, and has been so held in the House without exception, as I understand it, that when a measure of this kind goes to the Calendar, whatever privilege it had is lost. It must be recommitted to the committee; and then, of course, it is within the power of the committee to report it at any time for consideration.

Mr. McCREARY. Then I will add to my first request that the bill be printed and recommitted to the Committee on Foreign Affairs, with authority to report for consideration on Saturday next.

The SPEAKER *pro tempore*. That will be the order.

Mr. HEARD. They have that privilege already.

The SPEAKER *pro tempore*. The bill will be printed and recommitted.

Mr. BLOUNT. I wish to ask the gentleman from Kentucky if he still gives notice that he will ask to call this bill up on Saturday?

Mr. McCREARY. Yes, sir; immediately after the reading of the Journal.

I will further ask, Mr. Speaker, that the bill be printed in the RECORD, and that it be recommitted to the committee.

Mr. NELSON. That is the substitute proposed by the committee and the report?

Mr. McCREARY. The substitute is what I referred to; and that the same be recommitted to the Committee on Foreign Affairs.

Mr. BLOUNT. I would like to ask the gentleman from Kentucky if there is any objection to printing the report in the RECORD.

Mr. CANNON. By all means let the report be printed.

The SPEAKER *pro tempore*. The Chair will submit the request to the House. Is there objection to printing the proposed substitute in the RECORD?

There was no objection, and it was so ordered.

Mr. CANNON. What was determined about the report?

The SPEAKER *pro tempore*. The Chair will cause the report to be also printed in the RECORD, if there be no objection.

Mr. CANNON. The report and the substitute are both to be printed.

The SPEAKER *pro tempore*. Without objection, that order will be made.

There was no objection, and it was so ordered.

The substitute proposed by the Committee on Foreign Affairs is as follows:

A bill (H. R. 11309) to empower the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing-vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887.

Be it enacted, etc., That whenever the President may deem it his duty to exercise any of the powers given to him by an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes," approved March 3, 1887, it shall be lawful for the President in his discretion, by proclamation to that effect, to suspend in whole or in part the transportation across the territory of the United States, in bond and without the payment of duty, of goods, wares, and merchandise imported or exported from any foreign country, from or to the British dominions in North America.

SEC. 2. That whenever the President shall be satisfied that there is any discrimination whatever in the use of the Welland Canal, the St. Lawrence River canals, the Chambly Canal, or either of them, whether by tolls, drawbacks, refund of tolls, or otherwise, which is or may be detrimental to the interests of the United States, or any of its citizens, it shall be lawful for the President in his discretion to issue a proclamation to that effect, whereupon there shall be collected a toll of 20 cents a ton upon every foreign vessel and her cargo passing through either the Sault Ste. Marie Canal or the St. Clair Flats Canal, and the Secretary of the Treasury may authorize and direct any of the customs officers to collect the tolls levied under this act, or the President may, in his discretion, when he is satisfied there is any such discrimination, prohibit the use of said canals to any such foreign vessel. The President, when satisfied that such discrimination has ceased, may issue his proclamation to that effect, in his discretion, whereupon the tolls authorized by this act shall no longer be collected, and such prohibition, if ordered, shall cease.

SEC. 3. That the Secretary of the Treasury is authorized to make any regulations needful to carry this act into effect.

The report (by Mr. McCREARY) is as follows:

Mr. McCREARY, from the Committee on Foreign Affairs, submitted the following report:

The Committee on Foreign Affairs, to whom was referred H. R. 11257, "A bill to empower the President to carry out the purposes of an act to protect and defend the rights of American fishermen," approved March 3, 1887, report favorably a substitute therefor, and recommend that H. R. 11257 be laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment the following bills:

A bill (H. R. 5670) to provide for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens; and

A bill (H. R. 2601) for the relief of the Baptist Female College at Lexington, Mo.

Also, that the Senate had passed bills of the following titles; in which concurrence of the House was requested, namely:

A bill (S. 320) for the relief of J. D. Adams;

A bill (S. 3482) to authorize the construction and operation of a wagon-road across the Pike's Peak reservation, in the State of Colorado;

A bill (S. 3364) to provide for an American register for the steamer Saginaw, of New York; and

A bill (S. 3475) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purpose of a public park.

FORT WALLACE MILITARY RESERVATION.

Mr. HOLMAN. I submit a conference report at the earnest request of a member of the conference committee who wishes to be absent, but with the understanding with the gentleman from Illinois that if it occupies any time I will withdraw it.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8310) to provide for the disposition of the Fort Wallace military reservation in Kansas, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said Senate amendment insert:

"SEC. 2. That the Union Pacific Railroad Company is hereby granted the preference right for the period of three months after the appraisement herein provided for, to purchase the southeast quarter of the southeast quarter of section 24, township 13 south, range 39 west, in fractional blocks 44, 49, 50, 51, 36, and 48, according to the town plat of the city of Wallace, the same being now occupied by said railroad company for depot and other purposes, at $30 per acre."

And the Senate agree to the same.

WILLIAM S. HOLMAN,
J. E. WASHINGTON,
E. J. TURNER,
Managers on the part of the House.
P. B. PLUMB,
H. M. TELLER,
JAMES H. BERRY,
Managers on the part of the Senate.

The managers on the part of the House submit the following report:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas submit the following written statement in explanation of the effect of the action on the Senate amendments recommended by the conference committee:

The bill as it passed the House extended to the Union Pacific Railroad Company the preference right for a period of three months to purchase certain of the lands within the city of Wallace, Kans., now occupied by said railroad company for depot and other purposes, at such price as might be fixed, without reference to the improvements thereon, by the Secretary of the Interior and at not less than $2.50 per acre. As agreed upon by the committee of conference, the said railroad company is granted the right to purchase the land mentioned at the price of $30 per acre, and no discretion is given to the Secretary of the Interior to charge a greater or less price for the land.

WM. S. HOLMAN,
J. E. WASHINGTON,
E. J. TURNER,
Managers on the part of the House.

Mr. HOLMAN. I think a statement can be made briefer than the report. It is simply this: The Union Pacific Railroad, or the Kansas branch of it, passes over what is known as the Fort Wallace reservation. The railroad company had established its machine-shops and depots on the reservation and was occupying about 40 acres of land. The bill in its general scope provides for the disposition of part of the reservation to be sold under the homestead law. The House provided that the land occupied by the Union Pacific Railroad might be sold at a price to be determined by the Secretary of the Interior, at not less than $2.50 an acre. The Senate struck out that provision, and that left this 40 acres in the position of not having the price determined. In a conference it has been agreed that as to that 40 acres, instead of the price being determined by the Secretary of the Interior, it shall be fixed at $30 an acre. I am not entirely satisfied with the conclusion arrived at, but I feel that after the conference we have had the report should be adopted.

The report of the conference committee was adopted.

Mr. HOLMAN moved to reconsider the vote by which the report of the conference committee was adopted; and also moved that the motion to reconsider lie on the table.

The latter motion was agreed to.

OKLAHOMA TERRITORY.

Mr. SPRINGER. I move that the House now resolve itself into the Committee of the Whole for the consideration of the Oklahoma bill.

The motion was agreed to; and the House accordingly went into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] and the gentleman from Illinois [Mr. SPRINGER] will take their places as tellers and resume the count.

The committee again divided; and the tellers reported—ayes 18, noes 60.

Mr. SPRINGER. I ask the gentleman from Mississippi [Mr. HOOKER] to withdraw the point of no quorum.

Mr. HOOKER. Regular order, Mr. Chairman.

Mr. SPRINGER. Then I ask that the roll be called.

The roll was called, and the following members failed to answer to their names:

Allen, Mass.	Dingley,	Kerr,	Reed,
Arnold,	Dougherty,	Ketcham,	Robertson,
Bankhead,	Dunham,	Laidlaw,	Rockwell,
Barry,	Finley,	Landes,	Rowell,
Belden,	Fisher,	Lawler,	Russell, Mass.
Belmont,	Fitch,	Long,	Rusk,
Biggs,	Flood,	Macdonald,	Seymour,
Blanchard,	Foran,	Maffett,	Sherman,
Boothman,	Ford,	Maish,	Simmons,
Boutelle,	Gaines,	Martin,	Sowden,
Bowden,	Gay,	Matson,	Spinola,
Brown, Ohio	Gibson,	McAdoo,	Spooner,
Buchanan,	Glover,	McCormick,	Stephenson,
Buckalew,	Granger,	McKinley,	Stewart, Tex.
Burrows,	Greenman,	McKinney,	Stewart, Vt.
Butterworth,	Grosvenor,	McMillin,	Tarsney,
Campbell, Ohio	Grout,	McRae,	Taylor, E. B., Ohio
Campbell, T.J., N.Y.	Hare,	McShane,	Taylor, J. D., Ohio
Candler,	Hatch,	Merriman,	Thomas, Ky.
Catchings,	Hayden,	Milliken,	Thomas, Ill.
Clardy,	Hayes,	Mills,	Thompson, Cal.
Clark,	Hemphill,	Montgomery,	Tillman,
Cockran,	Hermann,	Moore,	Turner, Ga.
Collins,	Hires,	Morrill,	Wade,
Cooper,	Hitt,	Morse,	Weber,
Cox,	Hopkins, Ill.	Norwood,	West.
Crain,	Hopkins, N. Y.	O'Donnell,	White, N. Y.
Culberson,	Houk,	O'Neill, Pa.	Whiting, Mich.
Cutcheon,	Hovey,	Owen,	Whiting, Mass.
Dargan,	Howard,	Peel,	Wickham,
Darlington,	Hudd,	Pidcock,	Wilber,
Davenport,	Hunter,	Plumb,	Wilkins,
Davidson, Ala.	Johnston, N. C.	Pugsley,	Wilkinson,
Davidson, Fla.	Jones,	Randall,	Wilson, W. Va.
De Lano,	Kennedy,	Rayner,	Woodburn.

The committee rose; and Mr. CRISP having taking the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having found itself without a quorum, had caused the roll to be called, and had instructed him to report to the House the names of the absentees.

The SPEAKER *pro tempore*. One hundred and eighty-three members have answered to their names—more than a quorum; and the committee will, under the rule, resume its session without any business being transacted in the House.

The committee resumed its session, Mr. DOCKERY in the chair.

The CHAIRMAN. The tellers will resume their places. On the amendment offered by the gentleman from New York [Mr. BAKER] 18 gentlemen have voted in the affirmative and 60 in the negative. All members who have not voted will pass between the tellers.

After completing the count, the tellers reported—ayes 36, noes 127.

The CHAIRMAN (Mr. BURNES in the chair). The noes have it, and the motion is rejected.

The Clerk read as follows:

Strike out the words "in legal manner to the commission provided for in this act" and insert "by the consent of said Cherokee tribe of Indians, which shall be first obtained by a commission to be appointed by the President of the United States, and said commission shall have reported that said consent of said Cherokee tribe of Indians has been obtained."

Mr. HOOKER. I would add to my amendment—

and any other tribes having interest there.

Mr. SPRINGER. I desire to ask my friend to withhold his amendment until we reach the eleventh section of the bill, where the President is authorized to appoint this commission. It is impossible to have everything in one section. I will read the section:

SEC. 11. That the President of the United States is hereby authorized and directed to appoint a commission, to be composed of five persons, not more than three of whom shall be members of one political party, whose duty it shall be to open negotiations with the Creeks, Seminoles, and Cherokees, for the purpose of securing the consent of said Indians, so far as it may be necessary, to the provisions of section 5 and section 6 of this act. The commission is authorized to enter into such agreements with said Indian tribes as it may deem necessary to accomplish the purposes of this act, and shall submit the same to the President for his approval or rejection. The compensation of the members of said commission shall be at the rate of $10 per day; and they shall also be allowed, in addition thereto, their actual necessary traveling expenses, stationery, and postage. They shall have power to appoint a secretary, who shall receive a compensation of $6 per day, and such allowances for traveling expenses as he may actually incur.

Mr. BAKER, of New York. It should be adopted, especially as you recognize that the Creeks and Seminoles have an interest in this land.

Mr. SPRINGER. If he wants to make an amendment in this respect, I would ask the gentleman to withhold his motion until it can be brought in at the right place. I want to get this bill so that if it pass it will read in consecutive order and the subjects will be in their proper sections.

Mr. HOOKER. I think this is the appropriate place for this amendment. We have other amendments which will be offered in the section to which the gentleman has just referred.

Mr. SPRINGER. Let the clause be read as it will appear if amended.

The Clerk read as follows:

That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section by the consent of said Cherokee tribe of Indians or any other tribe or tribes having an interest therein, which shall be first obtained by a commission to be appointed by the President of the United States, and when said commission shall have reported that said consent of said Cherokee tribe of Indians or any other tribe or tribes having interest therein shall be obtained and the President has issued his proclamation, etc.

Mr. HOOKER. I offered this amendment prior to the amendment which was offered by my friend from New York [Mr. BAKER] to another part of the bill, and I gave way for its consideration as it came first in order in the bill.

Now, it will be observed, Mr. Chairman, that section 6 of the bill provides, as it reads without amendment—

That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section in legal manner.

There is nothing to say what the manner shall be. There is no provision to say how that consent shall be expressed, and if it is indeed and in truth an honest expression of opinion on the part of these Indians whether they desire the construction of a Territorial government over the land which belongs to them under the most solemn treaties of the Government, then I say it ought to be obtained before there is any effort to create that Territory.

In other words, as I understand the operation of the bill as proposed by the Committee on Territories, we are to go on and organize this Territory, and it virtually provides that this Territorial organization shall be operative over only the lands of those Indians who shall assent to it; so that at all times the non-assent of any Indian tribe may vary the boundary of the Territory and make it different from what it was. If gentlemen will look at the map which this Committee on Territories have prepared for the purpose of showing what proportion of the Indian Territory they propose to embrace in Oklahoma, they will observe that the dark part represents the portion of the Territory occupied by the five semi-civilized tribes, and the white part the lands now known as this Oklahoma Territory. It contains within its borders about one-half of the Indian Territory which was conceded by the Government of the United States to the five semi-civilized tribes to be theirs forever. The patents and treaties of the Government make it theirs.

Now, this bill proposes to take, I should judge, about one-half of this Indian Territory and constitute it into a Territory of the United States, with a regular Territorial government, and then, under subsequent provisions of the bill, a commission is to be appointed for the purpose of getting the assent of the various Indians who by the consent of the semi-civilized tribes have been settled as friendly Indians in their territory, among whom will be found the Cheyennes, the Arapahoes, the Wichitas, the Kiowas, the Comanches, the Uncas, the Iowas, the Chippewas, and various other tribes. These Indians are all settled upon this territory which it is now proposed to constitute a Territory of the United States, embracing, as it does, what is known as the Cherokee Outlet, which constitutes a very large proportion of this proposed territory. I say, therefore, that it is proper that the consent of these Indians should be had in the first place, and if the men who want to make a United States Territory out of these Indian lands are honest and earnest in their assertion that it is to be done with the assent of the Indians, then I say the obtaining of that assent ought to be preliminary to the organization of the new Territory.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The question is on the adoption of the amendment.

Mr. SPRINGER. I rise to oppose the amendment. I understand the gentleman's point in favor of this proposition is that he desires all of the Indians in the Indian Territory to be consulted and their consent obtained before this Territorial government can be established. Is that correct?

Mr. HOOKER. Yes, sir.

Mr. SPRINGER. Now, there are five civilized tribes in that Territory, and probably ten or fifteen other tribes living in various parts of it. The gentleman desires that we shall consult all of the Indians in the Territory. Of those other tribes one has only ninety-two members and another eighty-nine. They are living in remote parts of the Territory, and are not affected in any way by the claim of title to these lands.

It seems to me very unreasonable, and it is a thing that has never been done heretofore. When we acquired titles to the lands of the Indians in Kansas each tribe consented for itself; and it was so in Mississippi and in Georgia. These very Cherokees themselves agreed to relinquish their rights in Georgia and in Mississippi, and no other Indian tribes were consulted about it. This past winter we passed a bill allowing the Sioux Indians in Minnesota to relinquish a portion of their lands, 11,000,000 acres, and nobody claimed that their rights would be imperiled unless the bill contained a provision requiring all the other Indians in Minnesota, or in the whole Northwest to be consulted.

Mr. HOLMAN. But all the Indians on that reservation were consulted.

Mr. SPRINGER. All that owned the reservation were consulted, and there is the same requirement here. Now, if you adopt this amendment it will simply enable other tribes of Indians that have no real interest in these lands to come to the Government and levy blackmail and demand that they shall be paid something before these Indians shall be allowed to relinquish the lands which they own and in which

the others have no right whatever. If the gentleman wants to protect the rights of the Indians why not let the Cherokees attend to their own business, and let the Seminoles attend to their business, and settle it in a legal way? And by "a legal way" I mean this: They have their Legislature and their Council, which the gentleman himself has extolled in the highest terms, and why not allow them to determine the manner in which the assent of these Indians shall be given? It is Democratic to allow the Cherokee Nation to say for itself in what manner it shall dispose of its lands to the Government. It can sell to no other purchaser.

Mr. BAKER, of New York. Mr. Chairman, the remark of the gentleman from Illinois [Mr. SPRINGER] that this would make it possible for some other tribe or tribes to levy blackmail upon the Government seems to me hardly justified, for the reason that before those tribes can have a status before the commission they must establish the fact that they have an interest—not merely that they claim an interest, but that they have one.

Again, Congress has already recognized the fact that the Creeks and Seminoles have an interest in this land, for by the act of March 3, 1885, it was provided—

That the President is hereby authorized to open negotiations with the Creeks Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, his action hereunder to be reported to Congress.

Mr. WARNER. Is there anything in the law just read by the gentleman which requires one tribe to consent for another, or which contemplates that each tribe can not consent for itself?

Mr. BAKER, of New York. The law expressly recognizes the fact that these Indians are interested——

Mr. WARNER. Will the gentleman answer my question? Is there a word or a syllable in the law which the gentleman has read that requires the consent of one tribe to be dependent upon that of another?

Mr. BAKER, of New York. This is a quotation from the act of 1885——

Mr. WARNER. Will the gentleman answer that question?

Mr. BAKER, of New York. I will answer it. I have read from the act of 1885, providing for the appointment of a commission by the President of the United States to treat with these Indians; and that act recognizes that these Indians have an interest——

Mr. WARNER. A joint interest in each piece of land?

Mr. BAKER, of New York. Whatever the interest may be——

Mr. WARNER. I ask the gentleman to treat this question as a lawyer. Let him read the law and answer whether there is a word in it which makes the consent of one tribe dependent upon the consent of another.

Mr. BAKER, of New York. It recegnizes the fact that under the treaty referred to these Indians have an interest in this Territory, and that interest, as specified in the treaties, consists in the right to object to the Government of the United States throwing around those lands a State or Territorial form of government.

Now, the amendment suggested by my friend from Mississippi proposes to recognize what has already been recognized by the Congress of the United States in its treatment of these Indians.

Mr. WARNER. Mr. Chairman, I submit that the amendment offered by the gentleman from Mississippi goes to this extent: that although the Cherokees may consent, although the Creeks and Seminoles may consent, although the Chickasaws and Choctaws and every tribe or band of Indians interested in the proposed Territory of Oklahoma may consent, but if a band of 92 Indians should fail to give its consent, the proceedings under the commission, although all other tribes consented, would be nullified. That is the effect of the amendment, stripped of all verbiage. It assumes that each tribe has a joint interest with all the other tribes. I say that the treaties were made with each tribe separately. There is not a word or a line in any treaty making the disposition of land by one tribe subject to the consent of any other tribe or band. In the law read by the gentleman [Mr. BAKER], although several tribes are mentioned to be treated with, there is no intimation that the consent of the Cherokees should depend upon that of the Choctaws or that of any other tribe named.

This bill simply provides that the Cherokees, who have an interest in this outlet (and what may be the interest of the Cherokees it is unnecessary at this time to discuss), shall have a right to dispose of that interest in the same way as they had a right to dispose of the 800,000 acres that they sold to Mr. Joy. So with the Creeks and Seminoles; the bill assumes that they have a right to dispose of their lands without the interference or consent of the Cherokees.

Mr. Chairman, we have heard some talk of corporation influence in this matter. I am not here to cry out "robber" against the cattle syndicates or any such organization; but it is a fact that a syndicate does occupy a domain equal in area to the State of Massachusetts, and it occupies it comparatively without money and without price, without the payment of a cent of taxation upon any property there. If the amendment of the gentleman from Mississippi should be adopted, that syndicate will have an interest in encouraging these small bands of Indians, by argument or by something more persuasive than argument, to stand out against any proposition which may be made by the commission or any terms which may be acceded to by the other tribes, however just. The amendment will simply have the effect of blocking the way to the opening of this territory. It is a measure the effect of which—I will not say it is so intended—will be directly in the interest of the men who say that this territory shall not be opened to actual settlers, whatever consent may be obtained from the Cherokees, the Choctaws, the Chickasaws, or other tribes. This amendment is in the same line as other amendments presented in the early stage of this discussion.

Mr. PERKINS. When the Government of the United States was negotiating with the Cherokees to open the Cherokee Strip to settlement to other Indians and freedmen, was it found necessary to negotiate with other Indians located there to get their consent before that could be done?

Mr. WARNER. No, sir. There has been something said about the Cherokees and Chickasaws in reference to the southern portion of what is now called the Territory of Oklahoma, which was in the first place leased by those tribes to the General Government? In 1866 they ceded that land for an additional compensation of $300,000. The money was paid to them for the land by the United States without any condition as to the settlement of friendly Indians, freedmen, or anybody else upon it. It was ceded without condition to the United States. The consent of the Cherokees, Creeks, Seminoles, or any other Indians was never asked, nor was there ever an intimation that their consent was necessary to the validity of the cession. And so it was in regard to Oklahoma. When the Creeks and Seminoles were treated with, what was their opinion as to Oklahoma Territory? It was not suggested other Indians should be settled there or that the Government should negotiate with other Indians to get their consent to the cession.

[Here the hammer fell.]

Mr. BARNES. I move to strike out the last word. I do not propose to make a speech; I propose merely to read the opinion of Carl Schurz, Secretary of the Interior, in response to what has just fallen from the gentleman from Missouri [Mr. WARNER]. Speaking about this very cession he says:

The title acquired by the Government by the treaties of 1866 was secured in pursuance and furtherance of the same purpose of Indian settlement which is the foundation of the original scheme. That purpose was the removal of Indian tribes from the limits of the political, State, and Territorial organizations, and their permanent location upon other lands sufficient for the needs of each tribe. These lands being ample in area for the purpose, it has become a settled policy to locate other tribes thereon as fast as arrangements can be made, and provisions have been constantly made by treaties, agreements, and acts of Congress to effect these objects. The purpose is expressly declared in the said treaties. The cessions of the Creeks and Seminoles are stated to have been made "in compliance with the desire of the United States to locate other Indians and freedmen thereon." These words must be held to create a trust equivalent to what would have been imposed had the language been "for the purpose of locating Indians and freedmen thereon." The lands ceded by the Choctaws and Chickasaws were by article 9 of the treaty of June 22, 1855, leased to the United States * * * for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate thereon.

I call attention to these words:

For the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate thereon.

He continues:

The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust.

It could not do so, because the lease which was made in 1855 was made for permanent and not for temporary settlement.

Mr. WARNER. Let me ask the gentleman a question as a lawyer. I lease from him a house, occupying it for a certain purpose——

Mr. BARNES. That is not it.

Mr. WARNER. Let me ask the gentleman a question as a lawyer. I lease from him a house for ten years for a certain purpose, and before the expiration of the time for which the lease runs he makes me a warranty deed without any condition, can not I occupy it for whatever purpose I may see fit?

Mr. BARNES. That is not this case.

Mr. WARNER. It is just this case.

Mr. BARNES. It is not this case, because in the treaty of 1855—I came, Mr. Chairman, very nearly saying may it please your honor, under the suggestion of the gentleman, as if we were making a legal argument—but under the treaty of 1855, when the lease was made, it was understood that it was made for the purpose of securing a permanent home, and not for a temporary purpose. In fact, it was not a lease. The treaty of 1866 merely converts the term "lease" into "purchase." It could not change the character of the home provided for the tribe located thereon from a permanent home. So Carl Schurz, Secretary of the Interior, in passing on this question, says:

The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust.

Mr. WARNER. The gentleman says the Secretary of the Interior says it was a lease.

Mr. BARNES. No, I do not say so.

Mr. WARNER. How was it then; was it a purchase or a lease?

Mr. BARNES. The Secretary of the Interior said that "the treaty

of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust." That is the opinion of the Secretary of the Interior, Carl Shurz, and that has been the ruling and construction of the Government ever since the treaty of 1866 was made. The relation which existed between the Choctaws and Chickasaws of the one part and the United States Government of the other part under the treaty of 1855 was the relation of lessor and lessee. The relation which existed between the same parties under the treaty of 1866 was vendor and vendee, but whether the Government held as lessee or vendee, it nevertheless held these lands as a trustee—holding the same as a permanent home for the Wichitas and such other tribes or bands of Indians as the Government might desire to locate thereon. The lease became a deed, but the trust remained the same under the deed which it was under the lease. I repeat, then, in the language of the Secretary, that while the treaty substituted a direct purchase for the lease, it did not extinguish or alter the trust. The ruling of the Department of the Interior has always been in conformity with this opinion.

Mr. HOOKER. Mr. Chairman, I rise to reply to what has been said by the gentleman on the other side as to the purpose of this amendment.

Mr. SPRINGER. I should like first that consent should be given to limit debate upon this section.

Mr. HOOKER. I shall object to that at present.

Mr. SPRINGER. I hope the gentleman will not object. We have been on it for a long time. How much time does the gentleman want?

Mr. HOOKER. I shall confine myself to the five-minute rule.

Mr. SPRINGER. By that rule the debate is already exhausted.

The CHAIRMAN. The Chair will recognize the gentleman from Mississippi for five minutes.

Mr. HOOKER. The words I propose to strike out in the original bill of the committee are the words "in legal manner to the commission provided for in this act," which are found in the second and third lines of section 6, and insert instead of them the words:

By the consent of said Cherokee tribe of Indians, or any other tribe or tribes having an interest therein, which shall be first obtained by a commission appointed by the President of the United States; and when said commission shall have reported that said consent of said Cherokee tribe of Indians, or any other tribe or tribes having an interest, has been obtained, etc.

Those words I propose to insert in place of the vague, uncertain, indefinite, and if I may be permitted to so designate them, inaccurate terms employed in the bill.

Mr. SPRINGER. Allow me a moment.

Mr. HOOKER. Not now.

But the gentleman on the other side, the gentleman from Missouri [Mr. WARNER] certainly leaves out of view in the discussion of the amendment I have offered the very gravamen of the amendment itself, as well as the object it has in contemplation, for even your own bill, gentlemen, proposes to obtain the consent of every Indian tribe.

Mr. WARNER. Certainly.

Mr. SPRINGER. That is all that is required.

Mr. HOOKER. And he says that one tribe can not consent for another.

Now, I say it is a violation of the treaty stipulations with these tribes to undertake to enact this legislation, because you make a Territory of lands contiguous to the five civilized tribes, and you do it without their consent at all, and yet according to your own admissions they have an interest. But taking the view of those gentlemen supporting the bill, and those who have reported it, that it is essential to get the consent of each tribe to be affected by this provision, you can not avoid the effect of your own bill in this respect, that each tribe must consent for itself, and that you must have the consent of all of them, for every foot of land in the Indian Territory that you propose to place in this Territory of Oklahoma is subject to the provisions of the treaties in which they are interested, and since the Cherokees own this outlet, necessarily you must get their consent. Hence, before you go to the extent of creating the Territorial form of government there, over this Territory, with all of the machinery and appliances belonging to a Territory of the United States, you should appoint a commission first to obtain the consent of the Indians interested in this matter, and your own bill shows that you intend to do that if you are in earnest in your assertions. The difference is that I hold this assent should be obtained first. You claim that it may be obtained afterwards.

My proposition is that the President of the United States shall be authorized, through the commission proposed to be appointed, to obtain this consent in advance. Let the Indians assent to the proposition first to establish this Territory. Primarily and necessarily you must obtain their consent to it.

Mr. SPRINGER. Let me interrupt the gentleman to ask a question.

Mr. HOOKER. Certainly.

Mr. SPRINGER. Do you say that we must get the consent of the five tribes before this can be done?

Mr. HOOKER. Before you can organize a Territory?

Mr. SPRINGER. Yes; before we can establish a Territory west of them on lands they do not own?

Mr. HOOKER. Yes, sir; I do. I say that you are violating the spirit of the treaty when you undertake to establish a Territory there, without their consent, over any portion of this land which, under the policy of the Government, has been, since the very first of these treaties with the Indians, set apart to be known as the Indian Territory and to be exclusively used for that purpose.

There is no foot of land in your proposed Territory of Oklahoma, except a little part of this Public Land Strip, a small parallelogram up here, shown on this map, containing 3,672,640 acres of land, but that belongs to the Indians under these treaties; and I insist that of the lands belonging to the Indian Territory which was to be theirs forever and which was granted to them expressly by the terms of the treaties, you have no right to take possession and undertake to form a separate organization over it in the shape of a Territorial government without the consent of the Indians themselves. I say that they have not relinquished an interest in the Territory because they have settled actually only that portion of the Territory which is covered on this map by the dark lines; and the mere fact that they have not occupied the entire Territory is not a forfeiture under any conditions of the treaties of their interest in the balance of the Territory. All of that land remains to them, and they can not be divested of it without their own consent. All of it remains subject to the condition to have settled on it by the Government only friendly tribes, and even then by the consent of the five civilized tribes. If your bill means what you claim it does, and what it appears on its face to mean, you have got to get their consent.

My amendment is, as I have already said, that this assent shall be first obtained in advance of any action on the part of Congress forming a Territorial government over this land; that the Indians shall be consulted; that their consent shall be obtained before their lands can be organized into a Territory of the United States. In contradistinction to that amendment we have the bill of this committee which proposes to take possession of these lands, which by the solemn policy of this Government in all of its treaties from 1793 to 1866 say was intended to be devoted exclusively to the settlement of Indians and to the exclusion of white men. That is the main object of my amendment, that the assent of the Indians shall be obtained before you undertake to organize this Territory.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted. The Chair will assume the *pro forma* amendment to be withdrawn.

Mr. SPRINGER. I renew it for the purpose of making a few suggestions in response to what the gentleman from Mississippi has said.

I wish to ask the gentleman a question. Whether the gentleman says this as I understand him, that we can not organize a Territory of this Government over these lands without the consent of the Indians?

Mr. HOOKER. You mean with regard to this Oklahoma Territory?

Mr. SPRINGER. Yes, sir.

Mr. HOOKER. Why, you say so yourself. It is in your own bill.

Mr. SPRINGER. I have reference now to the right of the Government to organize a Territory over the five civilized tribes.

Mr. HOOKER. You ought to have the consent of these tribes before doing it.

Mr. SPRINGER. Has not my friend himself favored the organization of a Territory there without the consent of the tribes?

Mr. HOOKER. No, sir.

Mr. SPRINGER. I say the gentleman has, and beg his pardon for so flatly contradicting him.

Mr. HOOKER. I think the gentleman is in error. I am in favor, if you make it a Territory at all, of making it an Indian Territory, with representation here on this floor. But I do say that you have no right, in view of our treaties with these Indians, to take possession of their lands without obtaining their consent.

Mr. SPRINGER. We can organize an Indian Territory over the whole of it without their consent.

Mr. HOOKER. Oh, no; not except in violation of your pledges.

Mr. SPRINGER. The gentleman himself has favored a bill to that effect.

Mr. HOOKER. I beg the gentleman's pardon; I never did.

Mr. SPRINGER. I think I can show the gentleman that my assertion is correct.

Mr. HOOKER. I think the gentleman will find some difficulty in doing that.

Mr. SPRINGER. I hold in my hand a bill which was introduced in the Forty-fourth Congress, and which was reported unanimously from the Committee on Indian Affairs by the gentleman from Arkansas, Mr. Wilshire, then a member of Congress.

Mr. HOOKER. What is the bill?

Mr. SPRINGER. It provides for organizing the Indian Territory, and says:

The Indian country west of Missouri and Arkansas, bounded on the east by the lines of those States, on the south by that of Texas, and on the north by that of Kansas, and on the west by that of Texas, etc., shall be and is hereby erected into a province to bear the name of the "Province of Oklahoma."

At that time the gentleman and his committee, for he was then a member of that committee, did not undertake to call it a Territory; but it provides a Territorial government for the whole of the Indian Territory without the consent of the tribes; and here is a report unanimously submitted from that committee in favor of that organization.

Mr. HOOKER. Read it.

Mr. SPRINGER. The report goes on, after describing the Territory which it is proposed to create, to explain the reasons for the use of the word "Province," and gives an apology in the report for using that word instead of "Territory," by stating that the Indians had a prejudice against the word "Territory," being under the impression that it would give some sort of control over them that they were unwilling to have exercised, and hence it was called a "Province." In this connection the report goes on to say:

This just pride, this high and honorable sentiment, is respected by the bill which we submit, and its provisions in no degree diminish or affect the nationality of the civilized tribes; and respecting even their prejudice against the word "Territory," which seems to them to contain a menace, and against incorporation whereunto they deem themselves guarantied by treaties, we propose to call the political organism contemplated by the bill, as the Romans called Gaul and Britain, "Provinces."

[Laughter and applause.]

And the gentleman from Mississippi, a member then of the Committee on Indian Affairs, assented to that report. Not only that; but in the latter session of that Congress the gentleman assented to another report on a bill which proposed to organize a Territorial government for that Territory under the name of the Territory of Oklahoma.

Mr. PAYSON. Is not that barred by the statute of limitations? [Laughter.]

Mr. SPRINGER. This is a bill to organize the "Territory" of Oklahoma. It does not stop at a "province," but it "goes the whole hog," and proposes to organize a "Territory," with a governor, three judges, and all the usual officials, to be appointed by the President of the United States. That Territorial government was to be put in operation without asking the consent of any tribe in the whole Territory; and I have here the bill reported from the Committee on Territories at the last session of that Congress, to which the gentleman gave his assent. Does he deny that?

Mr. HOOKER. I will reply to the gentleman.

Mr. WARNER. I think something has been said during this discussion to the effect that the breaking up of the tribal relation is a violation of treaty obligations. Now, every one of these reports says that the only salvation of the Indians is the breaking up of the tribal relation, and the allotment of lands to them in severalty.

Mr. SPRINGER. One of the provisions of this bill gives each tribe the right to dispose of its own lands without consulting anybody else. There was a report submitted on this subject in that Congress which was written by a very distinguished gentleman, Professor Seelye, who was a member of the Forty-fourth Congress, and also a member of the Committee on Indian Affairs. I have in my possession a copy of the report written by that distinguished gentleman and eminent philanthropist, and submitted to this House in favor of the organization of the Territory of Oklahoma, and it contained no proposition to ask the assent of anybody. To that report, which I will have printed with my remarks, the gentleman from Mississippi [Mr. HOOKER] gave his consent. Am I correct in that statement?

Mr. HOOKER. We will see about that when we get there.

Mr. SPRINGER. Yes, we will see about it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. HOOKER. Mr. Chairman, I desire to say that the gentleman from Illinois [Mr. SPRINGER], when he looked at this report, if he had read the whole of it, would have found that the bill to which it relates proposed to organize a Territorial government for those Indians because they were civilized and capable of conducting and carrying on a civilized government. Why, sir, there is not a treaty made with the Indians that does not provide that they shall have the right to a Territorial government for themselves whenever they want it, and it was not in opposition to the views of these Indians, but with their consent and because they desired it, that any proposition of that sort was made here.

Mr. SPRINGER. I beg the gentleman's pardon. They sent a petition to the next Congress remonstrating in the most earnest and solemn terms against the proposition.

Mr. HOOKER. On the contrary, sir, it will be found by the very terms of the report itself that it proposed to create these lands into a Territory for those Indians because they were in a civilized condition. I beg to call attention to some portions of the report which the gentleman from Illinois did not read.

Mr. SPRINGER. I did not read it at all, but I will print it.

Mr. HOOKER. No; you referred to it and endeavored to create the impression that there was an attempt to set up a government over these Indians against their objection and remonstrance.

I read from the report:

The Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws are neither nomads, barbarians, nor pagans. They are civilized and Christian peoples, living under settled government and laws wisely adapted to their simple needs. They are peaceful, law-abiding, orderly, and moral, freer of vice or crime than almost any other people in the world. They have been more than forty years neighbors of the people of Arkansas and Missouri, and in all that time the laws of good neighborhood have not been broken on either side, nor has the power of the United States ever had to be called upon to keep the peace upon that frontier.

The men of these five tribes are agriculturists, having comfortable homes and farms, and largely engaged in raising cattle. The Cherokees, Choctaws, and Chickasaws have written constitutions of government, laws printed in their own and the English language, Legislatures, each composed of an upper and lower house, and county, circuit, and supreme courts of justice. The Creeks and the Seminoles have departed less from their ancient form of government; but they are well and wisely governed by lawmakers and elective chiefs.

The most striking characteristics of these people are truthfulness, strict fidelity to their promises, and singular honesty. They never betray a trust or break a promise. They have never, in even the slightest matter, violated a treaty; it needs no oath to make it sure that their testimony shall be true; and they have not yet learned how to cheat their creditors by fraudulent devices.

By the report of the Board of Indian Commissioners for 1872 and the tables of comparative statistics therein given it was shown that in population, number of acres cultivated, products, wealth, valuation, and school statistics the Indian Territory was equal to any one of the organized Territories of the United States, and far ahead of most of them. It has a smaller area than any other and a larger population than any excepting Utah and New Mexico. It has more acres of land under cultivation than Washington, over one-third more than Utah, and twice as many as Colorado or Montana.

The bill to which that report relates was a proposition to create a Territory within the Indian Territory for the Indians. The proposition which is now submitted for a Territory to be called Oklahoma is upon its face a proposition to make it a white man's Territory to the exclusion of the Indian. It was said by the gentleman from Iowa [Mr. WEAVER], in advocating this measure, that they wanted this Territory to be created not because they desired to preserve the Indians, not because they desired to preserve the Indian Territory in its integrity in their possession, but because they desired that white men should enter it and take possession of it—a very different proposition from that which was formerly submitted and to which the gentleman from Illinois has called attention.

I insert here a copy of the bill referred to by the gentleman from Illinois, being H. R. 2823 of the first session Forty-fourth Congress.

Mr. Wilshire, from the Committee on Indian Affairs, reported the following bill as a substitute for the bill H. R. 1923:

A bill to provide a government for the Indian Territory.

Be it enacted, etc., That the Indian country west of Missouri and Arkansas, bounded on the east by the lines of these States, on the south by that of Texas, on the north by that of Kansas, and on the west by that of Texas, and its western line from the initial monument prolonged northward shall be, and is hereby, erected into a province, to bear the name of the Province of Oklahoma.

SEC. 2. That from and after the passage of this act the title to their land, in the province aforesaid, of the Cherokees, Creeks, Choctaws, Seminoles, Chickasaws, Osages, Peorias, Kaskaskias, Weas, Quapaws, Senecas, Shawnees, Senecas and Shawnees, Ottawas, and Wyandots, shall be a fee-simple absolute, without possibility of reverter or escheat to the United States, and with power of absolute free disposition and alienation and of partition and holding in severalty in fee.

SEC. 3. That all other rights of property of the tribes or individual Indians in the said province, and the laws, customs, and usages of each tribe, and all its powers of domestic legislation, and the powers and jurisdiction of its courts and tribunals of justice, shall remain unaffected by this act, and the legislative and judicial power of each shall extend to all persons being and residing in each, and to all corporations having franchises and property therein.

SEC. 4. That the Cherokee, Choctaw, Creek, Seminole, and Chickasaw Nations shall be henceforward, in law, a body politic and corporate, and by such name shall have the right to act and contract, and may sue and be sued in the courts of the United States, and in the Court of Claims, and elsewhere assert and maintain any cause of action, right, claim, or demand for moneys due them by the United States, legal or equitable, by virtue of treaty, contract, or otherwise, and to be heard therein by counsel of their own choice; and for any cause of action, *ex contractu* or *ex delicto*, for use and occupation or waste, may sue in the circuit court of the United States for the State or district in which such corporation has its domicil.

SEC. 5. That the citizens of each of said nations shall have the like right to sue in the Court of Claims upon any just demand against the United States under treaty or act of Congress.

SEC. 6. That there shall be a governor of the province of Oklahoma, appointed by the President, with the advice and consent of the Senate, and a provincial secretary in like manner appointed, each for the term of four years, revocable by the President at pleasure; and there shall be paid to the governor a salary of $3,000, and to the provincial secretary a salary of $2,000, each payable quarterly at the Treasury of the United States.

SEC. 7. That there shall be a legislative council for the said province, to be styled the provincial council, whereof the Cherokee, Creek, and Choctaw Nations shall each have two councilors; the Seminole, Chickasaw, and Osage Nations one each; and the small tribes named in the second section of this act collectively one; each to be elected by the qualified voters of his nation, tribe, or tribes, and to hold his office for the term of four years from the 1st day of October next after his election: *Provided*, That all male citizens of any of said tribes or nations, over the age of twenty-one years, who may have resided in such nation six months prior to any election held therein under this act, except idiots, lunatics, and persons convicted of a felony, shall be qualified voters at any election held under the provisions of this act.

SEC. 8. That the members of the provincial council shall convene at the seat of government of the province on the first Monday of October, 1876, and on the same day of every second year thereafter; and the governor shall appoint one of them to be the president of the council, who shall appoint a secretary and a sergeant-at-arms; and the council shall be invested with the functions of a provincial legislature, with power to legislate in regard to all matters of intertribal and general interest nor interfering with the local legislation of each nation and tribe, nor contravening any law of the United States, and to enact laws providing for the administration of the property of persons not citizens of either of the nations named above dying in said province, or elsewhere, when such property is found in the province, and regulating whatever may concern the affairs of the province at large.

SEC. 9. That the provincial council shall be the exclusive judge of the elections and qualifications of its own members. None of its enactments shall have force of law without the approval of the governor. It shall not sit more than twenty days at any one time, and the governor may, by proclamation, convene it at any time in special session. Its members shall be paid $5 per day for every day while in session, and for every 35 miles travel going and returning from and to their homes. The secretary shall be paid $5 for each day, and the sergeant-at-arms $3 for each day, while the provincial council is in session, out of the Treasury of the United States, upon the certificate of the president of the council, approved by the governor, and through the marshal of the province.

SEC. 10. That the seat of government of the province shall be at Eufaula, in the Creek country, where the governor and secretary shall reside and the provincial council shall hold its sessions.

SEC. 11. That the provincial council may create corporations for purposes of internal improvement and manufacturing, but shall charter no bank and create no provincial debt. It shall pass such laws as may be necessary to preserve peace and harmony among the nations and tribes, secure the apprehension and delivery of criminals and fugitives from justice, and fraudulent debtors from any State or elsewhere, rid the province of vagabonds and worthless and desperate persons, and protect the general rights and interests of the people; but shall have no power to levy taxes or impose excise or other duties or imposts under any guise or pretense whatever.

SEC. 12. That the governor shall have the whole executive power, and shall see faithfully executed, everywhere in the province, the laws of the United States in force therein and the laws of the provincial council, and in each nation or tribe its local and domestic laws, customs, and usages, to which end he shall have power, whenever it may be necessary, to call for aid upon the military force of the United States, to act under the direction of the marshal or other officer appointed by the governor, and in other respects the governor and provincial secretary shall have the powers and perform the duties, so far as may be consistent with the purposes of this act, of the governors and secretaries of state of any State of the Union.

SEC. 13. That there shall be created for the said province a provincial circuit court, to be composed of a chief judge and two associate judges, citizens of the United States, each appointed by the President, with the advice and consent of the Senate, commissioned for six years, and removable only by impeachment, each of whom shall reside at the seat of government of the province, and receive a salary of $3,500 per annum, payable quarterly, out of the Treasury of the United States; a provincial attorney and a marshal of the province, to be in like manner appointed, and removable at the pleasure of the President, each of whom shall reside at the seat of government of the province; the salary of the attorney shall be $1,500 per annum, and the salary and compensation of the marshal shall be the same as that allowed the marshal of the Territory of New Mexico.

SEC. 14. That the said provincial circuit court shall have the powers and jurisdiction of both a district and circuit court of the United States, within and for the whole of said province, so far as the laws of the United States may be in force therein, in civil and criminal matters, and in matters of seizure and admiralty jurisdiction, and to enforce the laws enacted by the provincial council.

SEC. 15. That each of the nations above named may, as a body politic and corporate, sue any persons, not its own citizens, in said district court sitting as a circuit court, upon any cause of action, legal or equitable, upon contract or for tort, and have such judgment, decree, and relief as of right it should have. And the said court shall also have jurisdiction of civil suits at law or in equity, by one of said nations against another, or between citizens or a citizen of one of said nations and a citizen or citizens of another; and this jurisdiction shall attach, although of two or more plaintiffs all may not be of a nation or nations different from that of all or part of the defendants, if one plaintiff be a citizen of one nation and one defendant of another. But the said court shall have no jurisdiction of any suit by an individual or individuals, or by a corporation, against either of said nations.

SEC. 16. That the said court shall also have jurisdiction of suits at law or in equity, instituted by e ther of the said nations or tribes, or any of its citizen or citizens, against any corporation not domiciled in said province, but having franchises, property, or interests therein, and between either of the said nations and tribes, and a citizen or citizens of the United States or a corporation; but no corporation or citizen of the United States shall have right of action in said court against any citizen or citizens of said nations or tribes, except on contracts made, and other causes of action arising, after the passage of this act: *Provided*, That the said court shall not have jurisdiction of any suit at law or in equity between individuals, or between a corporation and an individual or individuals, unless the amount in controversy, or the value of the thing in controversy, is not less than $500.

SEC. 17. That the rules of practice and modes of procedure in the said provincial court, and the forms of writs and modes of summoning and compelling attendance of witnesses and jurors, shall be the same as in the circuit court of the United States for Missouri; and the fees of bailiff, witnesses, and jurors shall be the same as in that court, with the same allowances for traveling expenses as are allowed by law therein.

SEC. 18. That the whole province of Oklahoma shall constitute one judicial circuit, divided into three judicial districts: First, the Cherokee district, consisting of all the province lying north of the country owned by the Choctaws and Chickasaws and Creeks in 1850; second, the Creek district, consisting of the country owned by the Creeks and Seminoles in 1850; and, third, the Choctaw district, consisting of the country owned by the Choctaws and Chickasaws in 1850.

SEC. 19. That there shall be six terms of the said provincial circuit court (any two of the judges constituting a quorum) holden in each year, each to continue not more than thirty days: two at Tahlequah, in the Cherokee district, on the first Mondays of April and October; two at Okmulkee, in the Creek district, on the first Mondays of May and November; and two at Atoka, in the Choctaw district, on the first Mondays of June and December; and each of said courts shall proceed in civil and criminal matters in all respects as the circuit and district courts of the United States, and appeals and writs of error from the final judgments and decrees of said provincial district and circuit court may be taken or prosecuted in the same manner and with like effect as appeals and writs of error are taken and prosecuted from the United States district and circuit courts of the State of Missouri.

SEC. 20. That the judges shall appoint a clerk of the court for each district, who shall reside and have his office at the place therein where the court for his district is held. The marshal or a deputy marshal shall attend each session of the court, and the marshal shall have such number of deputies, and no more, as the court shall, upon his application, authorize; and no deputy shall act until his appointment is approved by the court or one of the judges thereof. The judges may also appoint a bailiff of the court in each district, and fix his compensation, and as many interpreters as may be necessary, and fix their compensation; and the accounts of the marshal, for all costs, allowances, and expenses paid, shall be settled and approved by the court, and be paid upon the certificate of two of the judges.

SEC. 21. That the marshal and his deputies and bailiffs shall be citizens of one or other of the nations or tribes of Indians inhabiting the said province; and all of such Indians who can understand the English language when spoken shall be competent jurors, grand and petit, of the said court, in all cases whatever.

SEC. 22. That civil suits at law or in equity against individuals shall be instituted in the court of the district in which the defendant or one of the defendants may reside or be found; and when, of several defendants, some reside in other districts, process may be served upon them where they reside or may be found. Criminal prosecutions shall be instituted in the districts where the accused may reside, if he have a residence in the province, and, if not, then where he may be found.

SEC. 23. That so soon as the clerks of said courts are appointed and enter upon the discharge of their duties, the clerk of the district court of the United States for the western district of Arkansas, on being notified thereof, shall transmit to the provincial secretary all indictments and other papers in criminal cases in that court pending against any and all persons charged with the commission of offenses in the Indian country, and exemplifications of the record in each such case, which shall have the same force and effect in all respects as the original record if authenticated by the certificate of the clerk and seal of the court; and the provincial secretary shall transmit such indictments, papers, and exemplifications to the clerks of the courts in the respective divisions in which the defendants resided when the offenses were committed; or if they did not reside in either, or if it is not known in which they resided, then to the clerk of the court for the first division; and on receipt thereof by such clerk of either division, the district court of the province sitting for that division shall be possessed of, and have complete and full jurisdiction of, the case, as if the parties had been indicted therein.

SEC. 24. That persons so indicted, who may be in custody, shall be so held until duly demanded by writ of habeas corpus, for the purpose of trial or otherwise, by said district court of the province; and persons so indicted who may have been bailed and be at large on bail shall appear at the first term of the court for the district to which their cases may thus have been transferred, or their bail be forfeited; and all witnesses summoned or recognized to appear in such case shall in like manner appear before the court to which the jurisdiction of the case in which they are to testify may be transferred, held for the division in which such cases are to be tried.

SEC. 25. That the records of the courts of general and appellate jurisdiction of the Cherokees, Choctaws, Creeks, Seminoles, and Chickasaws shall have the same faith and credit, and their judgments and decrees the same force and effect everywhere, as the records, judgments, and decrees of courts of the Territories of the United States; and exemplifications of the records and proceedings of such courts, when authenticated like those of the courts of the States, under the laws of the United States, shall have the same force and effect as those of such courts of the United States.

SEC. 26. That the courts of the said nations shall have power and jurisdiction to enforce the civil and criminal laws of their respective nations, except as to offenses punishable under the laws of the United States alone, within the territorial limits of each, against all persons found therein, and all corporations there domiciled, having property, contracting or offending, with like power to enforce their judgments and decrees as the courts of general jurisdiction of the Territories of the United States.

SEC. 27. That the governor shall appoint such notaries public in each nation as may be desired, and fix the fees to be charged by each, and the provincial council may define their powers, and their acts done in pursuance of such laws shall be valid and have the same effect as those of notaries public in Louisiana.

SEC. 28. That the notaries public so appointed, and the judges of the several courts of said nations, shall have the power to solemnize the rites of matrimony.

SEC. 29. That until the provincial council shall enact laws to prevent the introduction for sale into said province of spirituous and intoxicating liquors, any person who shall, from any place beyond the limits of said province, introduce, carry, or send into any part of said province, any spirituous and intoxicating liquors, intended to be sold and retailed therein, shall, on conviction thereof in said district court, be punished under the laws now in force in regard to such offense; but it shall not be unlawful for any one to import into said province such liquors for his own use or for medicinal purposes; and no other provisions of the laws in regard to the introduction of liquors into the Indian country shall hereafter be in force in the Cherokee, Creek, Seminole, Choctaw, or Chickasaw country.

SEC. 30. That the United States will, at the request of either of said nations, cause to be surveyed the lands owned by it, and each nation may establish land offices, and thereat sell the same at such prices as its Legislature may fix, and may also establish offices of registry and record of patents, conveyances, wills, and other instruments.

SEC. 31. That inasmuch as the Choctaws and Chickasaws are joint owners of the lands occupied by both, the consent of both nations must be had before any of their lands can be sold or disposed of; and if they can not agree upon division of them, either of those nations may file in the district court of the province, sitting as a circuit court, its bill in equity, to have partition of the joint lands, according to their respective rights and interests, by commissioners, under decree of the court, to be proceeded in and carried into effect as other suits and decrees in equity; service of subpœna or other process on the principal chief of the defendant nation being sufficient.

SEC. 32. That the offices of superintendent of Indian affairs for the Southwestern superintendency, and of agents for the Cherokees, Creeks, Seminoles, Choctaws, Chickasaws, Senecas, and other small tribes in the second section of this act mentioned, are hereby abolished, and the papers of all such offices shall be placed in the custody of the provincial secretary; and the agents for the other tribes in said province shall hereafter be under the supervision and control of the governor of the province, and report to him.

SEC. 33. That the governor of such province shall cause to be selected and designated by metes and bounds reservations for the various bands of the Comanches or Neums, and of the Caiawas, in that part of said province that lies west of the ninety-eighth parallel of west longitude and south of the Arkansas River, and shall, if practicable, by negotiation, induce the said bands to settle thereon and to engage in stock-raising and agriculture; to which end he may agree, on the part of the United States, to furnish them with cattle, implements of husbandry, and other articles necessary to their comfort, and may employ proper persons to assist them in their agricultural labors, and physicians to reside among them, at such rates of compensation as he may find necessary to secure the services of competent and fit persons, for which purpose he may draw from time to time the necessary sums from the Treasury of the United States, out of any moneys in the Treasury not otherwise appropriated.

SEC. 34. That there shall be erected, under the direction and supervision of the governor of the province, a house and other necessary buildings for the governor, and offices for himself and the secretary, at the seat of government of the province, and court-houses and offices for the clerks and marshals at Tahlequah, Okmulkee, and Atoka, of modest dimensions and at moderate cost, according to plans and estimates to be prepared by the Secretary of War or under his direction; the account therefor shall be audited by the governor and paid at the Treasury of the United States; and the necessary safes, furniture, books, and seats, stationery, and other articles for the several courts and offices shall be purchased by the provincial secretary, and the accounts be audited at the Treasury; and estimates for all salaries and other provincial expenditures shall be in due time furnished by the Secretary of the Treasury, with those for expenses of Territories.

SEC. 35. That one Delegate, to be entitled to a seat in the House of Representatives of the United States, to represent the people of said province, with the same privileges, rights, and compensation as Delegates from the Territories, may hereafter be elected by the qualified electors in the said province. Such Delegate shall be a citizen of some one of the nations or tribes composing said province, and the elections for the same shall be holden on the first Monday of September, in the year 1876, and every two years thereafter, at the several places for voting in the several nations or tribes, in accordance with the election laws of each; and the returns of such elections shall be made to the provincial secretary, who shall cast up and arrange the same in the presence of the governor of the province; and the governor shall issue, under the seal of said province, a certificate of election to the person receiving the highest number of votes for such Delegate, which shall be countersigned by the secretary of the province.

SEC. 36. That when the lands of the Cherokees, Creeks, Seminoles, Choctaws,

Chickasaws, and Osages shall have been patented in severalty among the people of said nations or tribes, with title in fee in each individual entitled to the same, after making reservation of one thirty-sixth part thereof for purposes of education, the people of said province may assemble in convention by their delegates, in pursuance of regulations to be prescribed by the provincial council, and adopt a State constitution, to be presented to the Congress of the United States, for admission as a State; such constitution shall have no force or effect for any purpose whatever until the same shall be acted upon and approved by Congress.

It will be observed, Mr. Chairman, that the question up for consideration in the Forty-fourth Congress on the 24th March, 1876 (see CONGRESSIONAL RECORD, Forty-fourth Congress, first session, page 1948), was not whether the bill should pass or even be considered, but was up on a contest of jurisdiction between the Committee on Territories and the Committee on Indian Affairs as to which should have jurisdiction of the subject-matter.

When the question as to which one of these committees should have cognizance of this bill, the Committee on Territories or the Committee on Indian Affairs, was pending before the House, I submitted the following remarks, which will be found in exact accord with the sentiments expressed by me not four days ago, in this debate, as follows:

Mr. HOOKER. I desire to say simply a word upon the proposition presented to this House by the motion of the gentleman from Ohio [Mr. Southard]. It seems to me that this subject-matter necessarily and properly pertains to the Committee on Indian Affairs, for the reason that prime among the subjects and objects of that committee is the making provision for taking care of the interests of the Indians. If this was simply a proposition to organize an ordinary Territorial government with a homogeneous American population resident in the Territory, it would be very proper and right and seemly that the Committee on Territories should have exclusive jurisdiction of the subject. But inasmuch as the question of governing the Indians by constructing a Territorial form of government for them is a question *sui generis*, and not like that referred to by the gentleman from Ohio in regard to organizing a Territory of homogeneous American population with a view to final admission as a State, I think there can be no question as to the jurisdiction of the Committee on Indian Affairs over this bill.

It is very well known to the House that in this Indian Territory there are various tribes of Indians, differing in numbers, differing in the legislation which prevails in their respective councils, and differing in their right of representation in their local legislatures. It therefore presents a very peculiar question, and not one such as is ordinarily presented to the consideration of the House upon a proposition to organize a Territorial government upon the showing that a certain Territory possesses the requisite amount of population. The primary question is, whether the government for the Indians should be a government like that to which we would subject an ordinary territory consisting of American citizens; and this is a very different question from that usually presented with reference to the organization of a Territorial government.

This question has been elaborately considered by the Committee on Indian Affairs. A very large amount of proof has been taken pro and con. Quite a number of gentlemen distinguished for their fidelity to the Indians—many of them Indians themselves, some of the whole blood and some of the half blood—have been before this committee and have expressed their opinions with reference to the question both orally and in writing. It is well known that a difference of opinion exists among prominent and intelligent men of the Indian tribes themselves and those who thoroughly understand their interests as to the policy of organizing the Indians into a Territorial form of government.

Some conceive that the Indians have arrived at such a point of intelligence with reference to their own affairs and their own interests and the protection of their own rights as to fit them to be organized under a Territorial form of government looking finally to their admission into the Union. But it must be remembered that there are five nations of civilized tribes in this territory, while there are others who can not probably be so classed. All these interests being involved, the question as to their representation in a Territorial government is a subject which properly pertains to the Committee on Indian Affairs.

In answer to the remark of my friend from Ohio [Mr. Southard] that the rules of the House give authority over this subject to the Committee on Territories, and that no rule gives it to the Committee on Indian Affairs, I may very properly say that the other day, when the Committee on Appropriations, presided over with so much ability by my friend from Pennsylvania [Mr. RANDALL], which seems to draw to itself almost every subject and topic of legislation that can be presented for the consideration of the House—when that committee reported the other day in the general appropriation bill a proposition to transfer the Indian Bureau from the Interior Department to the War Department they were in my humble judgment trenching upon the functions of the Committee on Indian Affairs, who, though their special duties have not been defined under the rules, have confided to their hands the great question of the interests and management of the Indians and the proper mode of carrying out the faith of the Government as expressed in the treaties with the various Indian tribes. The Committee on Appropriations, I say, undertook to handle that question to the exclusion, in my judgment, of the committee to which it properly pertains.

And now, when a bill has been reported, when proof has been taken and presented to the House, and leave asked that it be printed and recommitted for further consideration, I do not think the House will consent to take this matter from the committee to which properly pertain the management and control of this question and transfer it to the Committee on Territories, whose functions are simply to present bills for the organization of Territories when the population is homogeneous, not when it is *sui generis*, as is the case with the Indians.

When the Indian Committee shall have passed upon this question, with all the proof it has taken and all the lights before it, it may conclude that a certain form of government ought to exist. But it can not be supposed that an ordinary Territorial form of government would be adapted to the condition, the wants, the necessities, and the respective rights of these various Indian tribes. Why? For the simple and obvious reason that if in the Indian Territory you organize a Territorial government in the ordinary form and manner, the control of that government will in a few years be possessed, necessarily in a large degree, by those who are not Indians. This, in my view, would be the effect of the organization of a Territorial government in the ordinary form for the Indian Territory.

For these reasons I agree with my colleague on the committee in the motion he has made to refer this question to the Committee on Indian Affairs, by whom it has long been considered.

The honorable gentleman from Illinois has alluded in terms of great commendation to the position of Professor Seelye, of New York, who was on the Committee on Indian Affairs at the time when the bill to which the gentleman has referred was reported from the Committee on Indian Affairs in the Forty-fourth Congress. Now, what was Mr. Seelye's position in reference to this bill? His views will be found on page 1948 of the CONGRESSIONAL RECORD, Forty-fourth Congress, first session, as follows:

Mr. SEELYE. Mr. Speaker, the question how this Territory shall be organized must of course depend upon the question whether it shall be organized at all, and the question whether it shall be organized at all depends primarily upon the wish of the Indians themselves and upon actual treaty stipulations with these Indians; and if that is not a question which primarily and properly and exclusively belongs to the Indian Commissioner for consideration, I do not know what question does. If it does not, it is about time, I think, the Indian Commissioner was entirely abolished. I demand the previous question.

And the House refused to refer the bill to the Committee on Territories, and did refer it back to the Committee on Indian Affairs. It will thus be seen, Mr. Chairman, that when the reference of the bill in the Forty-fourth Congress was up for consideration what were then my views on the rights and interests of the Indians, and what was the best method of protecting them. And it will also be seen that the opinion of Professor Seelye was whether there should be any Territory organized at all, and then if at all upon the wish of the Indians themselves and upon actual treaty stipulation with these Indians.

How different, Mr. Chairman, was the proposition made in the Forty-fourth Congress, and that now pending.

This is a proposition to take one half of the Indian Territory and make of it a Territory to be occupied by white men who shall be required to pay $1.25 an acre for the land. That is what it is, and it is said to be done on the plea that it is for 500,000 landless, homeless people in the United States that you desire to make this Territorial government. In treaties we made we secured the right that they should be admitted as a Territory of their own, not a white man's Territory, but an Indian Territory, in which the Indian should be allowed representatives both in this House and in the other, and so far as the plea is made that there are no lands for occupancy, I will say it was well said by the gentleman from New York in his speech when alluding to the number of acres of public land we still had. He says:

Adding the surveyed undisposed-of lands, 63,000,000, leaves a total of 719,339,332 acres available outside of the Territory of Alaska and the Indian Territory.

So that only an Oklahoma boomer may be apprehensive of the exhaustion of the reservation of the United States in its public lands.

Now, Mr. Chairman, surely the honorable gentleman from Illinois [Mr. SPRINGER] did not desire to mislead the committee by saying that this bill now under consideration was in the slightest degree like the bill of 1876 in the Forty-fourth Congress. The one proposes to preserve all the rights, laws, and citizenship of the five semi-civilized tribes, and clothes them alone with the power to vote in said territories, and expressly preserves their tribal organization and tribal laws. This bill proposes to take their land *vi et armis*, and sell it at a price fixed, not by the owners, the Indians, but fixed by the legal marauders who, under this law, have determined to have this specific land and none other, though there are 700,000,000 acres of public land yet open for occupancy.

The plea that this must be done in the name of the landless and homeless laborers of the country is too shallow and thin to impose on the credulity of the simplest and most uninformed mind.

Sir, this wrong may be perpetrated and one-half of this Territory, so solemnly conveyed to these Indians for their homes forever, converted into a Territory for white men, which means the exclusion and final extinction of the Indians. But it will be a wrong committed by the strong against the weak, which will leave a foul blot on the nation's honor and good name.

Mr. SPRINGER. I simply wanted to remind the gentleman that in the Forty-fourth Congress he was in favor of organizing a government in the Indian Territory. I withdraw the formal amendment.

The question was put, and the Chairman reported that the noes seemed to have it.

Mr. HOOKER. I call for a division.

The House divided; and there were—ayes 11, noes 65.

Mr. HOOKER. No quorum.

Mr. SPRINGER. I am afraid we will not be able to get a quorum, and I hope the gentleman will not make this point. Only eleven have voted "ay," and this demand for a quorum can not be for the purpose of ascertaining the views of the House. If the gentleman will withdraw the point of no quorum, I will agree that he may have an ay-and-no vote in the House on his amendment.

The CHAIRMAN. The Chair will appoint the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Illinois [Mr. SPRINGER] as tellers.

The committee again divided; and the tellers reported there were—ayes 19, noes 99.

Mr. SPRINGER. I ask that the roll be called.

The CHAIRMAN. Under the rule, the committee having found itself without a quorum, the Clerk will call the roll.

The roll was called, when the following members failed to answer to their names:

Allen, Mass.	Biggs,	Brewer,	Campbell, Ohio
Allen, Mich.	Bingham,	Brower,	Campbell, T. J., N.Y.
Allen, Miss.	Blanchard,	Brown, Ohio	Candler,
Arnold,	Bliss,	Buchanan,	Carlton,
Barry,	Boothman,	Buckalew,	Catchings,
Belden,	Boutelle,	Burnett,	Clardy,
Belmont,	Bowden,	Burrows,	Clark,

Collins,	Hayden,	McKinney,	Simmons,
Cooper,	Hayes,	McMillin,	Sowden,
Cox,	Hemphill,	McRae,	Spinola,
Crain,	Henderson, Ill.	McShane,	Spooner,
Culberson,	Hermann,	Merriman,	Stahlnecker,
Cummings,	Hiestand,	Milliken,	Stephenson,
Cutcheon,	Hires,	Mills,	Stewart, Tex.
Dalzell,	Hopkins, Ill.	Montgomery,	Stewart, Vt.
Dargan,	Hopkins, N. Y.	Morrill,	Tarsney,
Darlington,	Houk,	Morse,	Taylor, E. B., Ohio
Davenport,	Hovey,	Norwood,	Taylor, J. D., Ohio
Davidson, Ala.	Howard,	O'Donnell,	Thomas, Ky.
Davidson, Fla.	Hudd,	O'Neill, Pa.	Thomas, Ill.
De Lano,	Hunter,	Owen,	Thomas, Wis.
Dingley,	Jackson,	Peel,	Thompson, Cal.
Dorsey,	Johnston, N. C.	Perkins,	Tillman,
Dougherty,	Jones,	Peters,	Turner, Ga.
Dunham,	Kennedy,	Phelps,	Vance,
Finley,	Kerr,	Pidcock,	Wade,
Fisher,	Ketcham,	Plumb,	Washington,
Fitch,	Lagan,	Pugsley,	Weber,
Flood,	Laidlaw,	Randall,	West,
Ford,	Landes,	Rayner,	White, N. Y.
Gaines,	Lawler,	Reed,	Whiting, Mich.
Gay,	Long,	Robertson,	Whiting, Mass.
Glover,	Lyman,	Rockwell,	Wickham,
Granger,	Macdonald,	Rowell,	Wilber,
Greenman,	Maffett,	Russell, Mass.	Wilkins,
Grosvenor,	Maish,	Rusk,	Wilson, W. Va.
Grout,	Matson,	Seymour,	Woodburn.
Guenther,	McAdoo,	Shaw,	
Hare,	McComas,	Sherman,	
Hatch	McKinley,	Shively,	

The CHAIRMAN. The committee will now rise.

The committee accordingly rose; and Mr. CRISP having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole, reported that the committee had found itself without a quorum, had caused the roll to be called, and had directed him to report the names of the absentees.

The SPEAKER *pro tempore*. One hundred and sixty-six members have answered to their names—more than a quorum, and the committee will resume its session.

The committee accordingly resumed its session, Mr. DOCKERY in the chair.

The CHAIRMAN. The Chair will announce the vote at the time the roll was ordered to be called. On the amendment of the gentleman from Mississippi [Mr. HOOKER] there were—ayes 19, noes 99. The tellers will resume their places, and gentlemen who have not voted will please pass between the tellers.

The House again divided; and the tellers reported—ayes 20, noes 109.

Mr. PAYSON. I would like to suggest to the gentleman from Illinois [Mr. SPRINGER] that while a technical quorum is here, there is not a voting quorum, and as it is near the time for adjournment, I think it would be wise to rise and adjourn.

Mr. SPRINGER. I would like to accommodate the gentleman. While a quorum will not probably vote upon this proposition we would be required to stay here until 5 o'clock. But it seems to me that as only twenty gentlemen voted for the amendment, the gentleman ought to be satisfied and let the vote which has been taken determine his amendment.

Mr. HOOKER. Regular order.

The CHAIRMAN. The tellers will take their places.

Mr. ROGERS. I move that the committee do now rise.

Mr. PAYSON. Regular order. [Cries of "Vote!"]

Mr. SPRINGER. I do not see any necessity of staying here. If gentlemen will proceed with the consideration of the bill, I am ready to go on; but if not, I will move that the committee do now rise.

Mr. ROGERS. I will withdraw my motion.

The committee according rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the committee had had under consideration the bill H. R. 10614, and had come to no resolution thereon.

Mr. SPRINGER. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be instructed to telegraph all members who are absent from the city, unless absent on account of sickness of themselves or their families, that their presence here is required immediately in order that the public business may be transacted.

The SPEAKER *pro tempore*. Is there objection?

Mr. SPRINGER. This resolution is for the purpose of procuring the presence of members of the House, and the Speaker the other day decided such a resolution presented a privileged question when the question was up at that time.

Mr. PAYSON. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. Does the gentleman make a point of order?

Mr. PAYSON. The question is whether a resolution of this kind could be adopted without first revoking the leaves of absence which have been granted. To telegraph for members who are absent on leave from the House seems to be entirely out of order unless the leaves already granted them should first be revoked. And I make the inquiry whether that should first be done?

Mr. SPRINGER. Certain leaves of absence were revoked, and since that time other gentlemen have been excused. The House has the right to compel the attendance of its members at any time.

Mr. PAYSON. Without revoking the additional leaves?

Mr. SPRINGER. This is not a resolution to arrest the members, but simply a statement that their presence is required.

Mr. PAYSON. I think they ought to be here; but as a preliminary, perhaps the additional leaves ought to be revoked before we go through the empty performance of telegraphing to members.

Mr. SPRINGER. There is no penalty attached to this. I want to call the attention of the House to the fact that a certain important matter has been set for consideration on Saturday, and it is necessary that the members of the House should be here.

This is simply an earnest request to members who are absent, and whose business will permit their attendance, that they should put in an appearance at as early a time as possible. I think no gentleman ought to object to it, because we have spent half of this day waiting for members to come in to make a quorum.

Mr. JOHNSTON, of Indiana. I rise to a parliamentary inquiry. Did not the last roll-call show the presence of a quorum?

The SPEAKER *pro tempore*. It did.

Mr. JOHNSTON, of Indiana. Then, as a quorum is here, I see no necessity for the resolution of the gentleman from Illinois, unless he can couple with it some proposition which will compel members to vote when they are in the Hall.

Mr. SPRINGER. This resolution is not offered with a view of compelling the attendance of members. It does not propose the issue of writs for their arrest; that may become necessary after awhile. This is simply a statement from the House to absent members that, in the condition of our business, their presence here is required.

The SPEAKER *pro tempore*. Will the gentleman from Illinois be kind enough to refer the Chair to the rule under which he claims that this resolution is privileged?

Mr. SPRINGER. I will do so.

Mr. WHEELER. In the mean time I wish to amend the resolution by substituting the word "requested" for "required."

The SPEAKER *pro tempore*. No amendment can now be entertained. The question of order must first be determined, whether the resolution is privileged and is before the House for consideration.

Mr. CANNON. This is a proposition, I believe, to send telegrams to absent members urging them to come here. That is the motion, I believe?

The SPEAKER *pro tempore*. That is the substance of it.

Mr. CANNON. Now, I wish to ask the Chair and the House what efficacy there will be in sending telegrams to absent members? It has been proclaimed that there is need for immediate legislation to enable us to retaliate against Canada; and the "leader of the House," the gentleman from Texas [Mr. MILLS], stated the other day in Chicago, according to the report in the public prints, that "the British lion was to be taken by the snout forthwith." Now, if such an announcement as that will not bring him here, do you suppose that a poor little telegram will do so? I think the sending of telegrams as proposed would be only a useless expense.

Mr. BAKER, of New York. Let the expense of the telegrams be charged to the absent members.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution submitted by the gentleman from Illinois?

Mr. CUMMINGS. I object.

Mr. SPRINGER. I submit that this is a question of privilege.

Mr. CUMMINGS. I object, because telegrams were sent members one week ago and when members had answered those telegrams by their presence the very day of their arrival leaves of absence were granted to others. It seems to me to be a futile proceeding to summon members here by telegraph and then at the same time keep on granting leaves of absence.

Mr. WEAVER. I rise to a parliamentary inquiry. Is this resolution subject to objection? Is not the resolution in order?

The SPEAKER *pro tempore*. The Chair was inclined to think the resolution could not be entertained except by unanimous consent. The gentleman from Illinois, however, said that he would refer the Chair to the rule under which the resolution is in order. Gentlemen will bear in mind the marked distinction between the present case and the condition of business when less than a quorum is endeavoring to secure the attendance of a quorum.

Mr. WEAVER. The Chair can request members to come in from the cloak-room and vote; and certainly the House can request members to come from any part of the country.

The SPEAKER *pro tempore*. The Chair has no doubt that the House can do so; but the question is whether this resolution is in order at this time. The rules provide that resolutions shall be referred to committees; and unless there is something that takes this resolution out of that ordinary rule, it is clearly not in order now—not privileged.

Mr. SPRINGER. The Speaker held the other day that a resolution to send telegrams summoning absent members was in order, and also that a resolution revoking leaves of absence was in order.

Mr. CHEADLE. There was no quorum present at that time. We were operating under a call of the House, and the purpose was to secure a quorum.

Mr. NELSON. I ask the gentleman from Illinois [Mr. SPRINGER] to yield for a minute or two, in order to allow the passage of a bill. [Laughter.]

Mr. SPRINGER. I desire to have this question disposed of.

Mr. NELSON. This is a bill for the relief of a poor farmer in Minnesota, whose house was burned and who in that way lost four fifty-dollar United States bonds. I ask unanimous consent——

Mr. SPRINGER. I would like to know whether, in the opinion of the Chair, this resolution is privileged.

The SPEAKER *pro tempore*. The Chair is inclined to think it is not privileged.

Mr. SPRINGER. Then I move a call of the House.

The motion was rejected; there being—ayes 32, noes 63.

Mr. BAKER, of New York. I move the House do now adjourn.

Mr. McCREARY. I ask unanimous consent that the bill (H. R. 11309) set apart for consideration on Saturday be fixed instead for Monday, immediately after the reading of the Journal. There is some doubt of the bill being printed in time.

Mr. DUNN. That is suspension day.

The SPEAKER *pro tempore*. The gentleman has the right, under the order of the House, to call it up at any time.

Mr. SPRINGER. But the gentleman has given notice that he will call it up at a particular time.

Mr. McCREARY. I give notice I will call the bill up on Monday next.

Mr. SPRINGER. If the bill had been recommitted, it could have been reported back at any time.

Mr. McCREARY. In order that there shall be no mistake about it, I ask, by unanimous consent, to call the bill up on Monday next.

Mr. DUNN. I object to that, as it is suspension day.

Mr. McCREARY. Does the Chair rule that unanimous consent is necessary?

The SPEAKER *pro tempore*. The present occupant of the chair thinks the gentleman has the right to call it up on Monday next. Of course the question of consideration can then be raised.

Mr. BLAND. If the bill had been recommitted and the motion to reconsider entered, it could have been called up at any time; but it was postponed until Saturday, and it must be called up on that day unless it is postponed until Monday.

Mr. McCREARY. I ask that the bill be considered on Monday instead of Saturday, and from day to day until disposed of.

Mr. DUNN. I object to Monday.

Mr. WARNER. We are not in danger from the Canadians in putting it off for one day longer.

Mr. O'NEILL, of Missouri. I object to Monday, as that is suspension day, and I hope to get in some labor bills.

Mr. BINGHAM. I have had placed in my hand for presentation to the House, by the secretary of the Pennsylvania Auxiliary of the American Peace Society, a memorial praying for such legislation as will lead to the establishment of a system of arbitration, especially between this country and Great Britain, for the settlement of all disputes without a resort to war.

I ask that the memorial, with the names, may be printed in the RECORD and referred to the Committee on Foreign Affairs.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

To the Senate and House of Representatives of the United States:

The undersigned citizens of Pennsylvania have been appointed—five of them by the governor of the State and five by the Pennsylvania Branch of the American Peace Society—for the purpose of endeavoring to further the adoption by the United States Government of the proposition emanating from over one-third of the members of the British House of Commons for the permanent abandonment of war as a means of settling differences between the two countries.

We need not recount the arguments which have already been addressed to you from different quarters in favor of this measure, nor the evidences derived from scores of successful experiments and covering half a century, that war can be prevented by arbitration whenever a nation is just in its intentions.

In more than half of these cases the United States has been one of the parties and has set a noble example to the rest of the world, which is more and more appreciated and followed as the years pass by. It is eminently fitting that this industrial, commercial, and professedly Christian country should be the pioneer in this movement so becoming the nineteenth century and so consonant with the teachings of the Prince of Peace; and, in our opinion, it is more appropriate that she should take the initiative in the present forward step in favor of a permanent treaty of arbitration than that any other nation should.

It has been urged by way of objection that there is no necessity for this between the United States and the United Kingdom. But two disastrous wars occurred between those nations since the middle of the last century, and there have been at least two narrow escapes from war between them within the last quarter of a century. It is also significant that these were both averted by arbitration.

The fact, however, that there is less likelihood of war between them than between other nations affords the very reason why the present attempt can be made with reasonable hope of success.

It would be most ungracious and would present the appearance of unfriendliness on the part of this country if a proposition, so commendable on general grounds, advocated by so considerable a portion of the British Parliament, a number of whom crossed the ocean as a deputation for the express purpose of presenting it, should be treated with the discourtesy, either of silence or rejection, by a nation between whom and their own exist the strongest ties of kinship and commerce.

We can not conceive that any sane man would prefer war, with all its train of losses, woes, and death, and its unspeakable demoralizations, to a pacific solution of any difficulty that may arise, which would allow the happiness of a great people to remain uninterrupted, the course of commerce to flow on in its accustomed channels, and wealth and population to increase, unchecked by wanton waste and destruction.

For these reasons, fortified by the experience of the past and enforced by our hopes of the future prosperity of this country, we cordially support the proposition of the British deputation and entreat Congress to pass a joint resolution instructing our Government to negotiate with the Government of Great Britain a treaty providing for the settling by arbitration of all differences whatever between the two countries which fail to reach a satisfactory solution through the ordinary channels of diplomacy, to the end that all disastrous effusion of blood by wars between these kindred nations shall hereafter forever be avoided.

Joshua L. Baily, Robt. E. Pattison, Jno. Wanamaker, Chas. H. Janes, David Scull, committee appointed by the governor of Pennsylvania. Philip C. Garrett, George Dana Boardman, Richard Wood, T. P. Stevenson, W. F. Sadler (president), committee appointed by the Pennsylvania Auxiliary of the American Peace Society. I am in sympathy with the movement above referred to: James A. Beaver. We cordially unite in the foregoing petition: Jas. Pollock, J. F. Hartranft, Henry M. Hoyt, ex-governors of Pennsylvania; Edwin H. Fitler, mayor of Philadelphia; Daniel M. Fox, W. S. Stokley, Samuel G. King, ex-mayors of Philadelphia; John Cadwalader, collector of the port; George S. Graham, district attorney; Louis Wagner, director of public works; Robert P. Dechert, city controller; Henry Clay, receiver of taxes; Frank F. Zell, city treasurer; C. H. Krumbhaar, high sheriff; Geo. Philler, president First National Bank; L. D. Brown, president Seventh National Bank; Lindley Smyth, president Pennsylvania Trust Company; T. L. Erringer, president Philadelphia Trust; Sam. R. Shipley, president Provident L. and T. Company; S. A. Caldwell, president Fidelity T. and S. D. Company; Thomas Cochran, president Guarantee T. Company; Wm. Brockie, president Investment Company of Pennsylvania; G. M. Troutman, president Central National Bank; J. Simpson Africa, president Union T. Company; Jay Cooke; Eugene Delano, of Brown Brothers & Co.; B. K. Jamison, banker; E. C. Knight; Francis B. Reeves, of Reeves, Parvin & Co.; William W. Justice, of Justice, Bateman & Co.; B. B. Comegys, 4205 Walnut street, president Philadelphia Bank; Geo. H. Stuart, president Merchants' National Bank; Arthur M. Burton, attorney at law; Elliston J. Morris; Thomas L. Gillespie, of Gillespie, Zeller & Co.; Geo. S. Harris, of Geo. S. Harris & Sons; Wm. Henry Larned, of Larned, Haas & Handy; Edward H. Coates, of Edward H. Coates & Co.; James Whitall, of Whitall, Tatum & Co.; William Waterall, of William Waterall & Co.; J. C. Strawbridge, of Strawbridge & Clothier; Geo. D. McCreary, vice-president Market Street National Bank; Joel J. Baily, of Joel J. Baily & Co.

PHILADELPHIA, *June* 30, 1888.

ORDER OF BUSINESS.

Mr. HOOKER. I ask unanimous consent to extend my remarks on the Oklahoma bill.

The SPEAKER *pro tempore*. The Chair will ask for general leave to members to print remarks on the Oklahoma bill.

There was no objection, and it was so ordered.

Mr. NELSON. I ask to consider a bill to which there will be no objection.

Mr. KILGORE. I move the House do now adjourn.

Mr. SPRINGER. I give notice that I will not call up the Oklahoma bill to-morrow.

The motion to adjourn was agreed to; and accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 11310) for the relief Captain Plesant Williams—to the Committee on Claims.

By Mr. MOFFITT: A bill (H. R. 11311) granting a pension to James Metcalf—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 11312) granting an increase of pension to Gifford M. Bridge—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: A bill (H. R. 11313) for the relief of James K. Rainey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11314) for the relief of Elison Colman—to the Committee on Invalid Pensions.

A bill (H. R. 11315) for the relief of Susan Slatton—to the Committee on Invalid Pensions.

By Mr. TURNER: A bill (H. R. 11316) granting a pension to Charlotte Ayres—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. R. BRECKINRIDGE: Petition of citizens of Woodruff County, Arkansas, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. COMPTON: Petition of Bernhard Buscher, and of estate of Henry Stello, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. R. H. M. DAVIDSON: Resolution of provisional municipality of Pensacola, Fla., in reference to the yellow fever in Florida—to the Committee on Appropriations.

By Mr. MCKINLEY: Petition of F. B. Hinson and others, for a land

district in Northern New Mexico—to the Committee on the Public Lands.

By Mr. O'FERRALL: Petition of Lewis F. Moreland, heir of Samuel Moreland, of Clarke County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. OUTHWAITE: Petition of E. F. Redfern and others, in favor of granting pension to Norah Lohr—to the Committee on Invalid Pensions.

By Mr. PHELAN: Petition of Peter L. Feeger, of Tipton County, Tennessee, for reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SNYDER: Remonstrance of William A. Quarrier and others, citizens of West Virginia, against the passage of Senate bill No. 3234—to the Committee on the Judiciary.

By Mr. WHEELER: Petition of William Gullatt, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. C. S. BAKER: Of H. G. Thayer and 44 others, citizens of Monroe County, New York.

SENATE.

FRIDAY, *August* 31, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. MITCHELL. I present a petition of the Tacoma Bar Association, of the city of Tacoma, Wash., praying for the creation of two additional judicial districts in that Territory, and providing judges therefor; also a similar petition signed by members of the bar generally of Pierce County, Washington Territory. I move the reference of the petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. REAGAN presented the petition of W. E. Bonner and 25 other citizens of Freestone County, Texas, praying that increased compensation be allowed fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10122) granting a pension to Margaret Quinton;

A bill (H. R. 7912) for the relief of Frances P. Vernon;

A bill (H. R. 2716) granting a pension to J. W. Leight;

A bill (H. R. 10738) to increase the pension of George C. Quick;

A bill (H. R. 10241) increasing the pension of Richard Porter;

A bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood; and

A bill (H. R. 6309) for the relief of Mary A. Covey.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 9557) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon United States Navy, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 5193) granting an increase of pension to Benjamin Franklin, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2766) for the relief of Maj. James Belger; and

A bill (S. 2055) for the relief of Mrs. Catherine E. Whitall.

Mr. BATE, from the Committee on Claims, to whom was referred the bill (S. 979) for the relief of Benjamin D. Lakin, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on Epidemic Diseases, to whom was referred the bill (S. 3467) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses, reported it with an amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred an amendment intended to be proposed by Mr. DANIEL to the general deficiency appropriation bill, reported favorably thereon; and the amendment was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1892) for the relief of soldiers who have been honorably mustered out of the service of the United States Government on surgeons' certificates, reported it with amendments, and submitted a report thereon.

EXTENSION OF APPROPRIATIONS.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government," to report it without amendment, and I ask unanimous consent that it may be considered now.

The PRESIDENT *pro tempore*. The joint resolution will be read at length.

Mr. HOAR. For information.

The PRESIDENT *pro tempore*. For information, subject to objection.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution approved June 30, 1888, entitled a 'Joint resolution to provide temporarily for the expenditures of the Government,'" approved July 31, 1888, be and the same are hereby extended and continued in full force and effect to and including the 15th day of September, 1888.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. FARWELL introduced a bill (S. 3505) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

AMENDMENT TO DEFICIENCY BILL.

Mr. CAMERON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LANDS IN COLUMBIA COUNTY, FLORIDA.

Mr. CALL. I ask unanimous consent that the bill (S. 239) confirming titles to certain lands in Columbia County, State of Florida, which was reported adversely by the Committee on Public Lands on the 27th instant and indefinitely postponed, may be placed on the Calendar.

The PRESIDENT *pro tempore*. The order by which the bill was postponed indefinitely will be reconsidered, if there be no objection, and the bill placed on the Calendar, with the adverse report of the committee. The Chair hears no objection, and it is so ordered.

TRANSIT OF GOODS IN BOND.

The PRESIDENT *pro tempore*. If there be no further morning business, the Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Chief Clerk read the resolution submitted by Mr. CULLOM August 30, 1888, as follows:

Whereas the President of the United States in his message of August 23, 1888, concerning our relations with Canada advises Congress that Article XXIX of the treaty of Washington, which provided for the transit of goods, wares, and merchandise in bond over the territory of the United States to or from Canada is no longer in force; and

Whereas in the same message the President also advises Congress that section 3 of the act of March 1, 1873, passed to carry into effect the provisions of said Article XXIX is no longer in force; and

Whereas section 3005 of the Revised Statutes only authorizes the transit through the territory of the United States of merchandise destined for Canada and arriving from abroad at New York, Boston, and Portland in Maine (or at such other ports as may be specially designated by the Secretary of the Treasury): Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether the transit in bond over or across the territory of the United States, without the payment of duty, of goods, wares, and merchandise coming from Canada has been permitted since July 1, 1885, when Article XXIX of the treaty of Washington, and section 3 of the act of March 1, 1873, are said to have ceased to be in force; and, if so, to what extent and by what authority of law.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. GEORGE. Mr. President, I think the resolution is unnecessary. There are statutory provisions which have been in force since 1862 and 1864 under which exportations from Canada to the United States have been exported to foreign countries. In other words, at the time of the ratification of the treaty of 1871 all the operations of commerce which are permitted by Article XXIX of that treaty were permitted and in force and in vogue and constantly practiced under the then existing statutes of the United States.

On June 7, 1864, an act was passed which is now incorporated in the Revised Statutes as section 3102, by which when goods arriving at a port in the United States were destined to a port not on the sea or

destined to any port different from the port into which the importation was first made, they could be carried under bond or in sealed cars to the port of destination. Under section 3102 goods arriving from Canada at any of the ports in the United States on the Lakes or on the line between Canada and the United States, by being in sealed cars or under bond could be transported without payment of duties, without examination by the custom-house officers and without breaking package, to New York, or Boston, or Portland in Maine, or any other port in the United States.

When the importation from Canada arrived, for instance, in New York, by another statute passed on the 14th day of July, 1862, and which is now incorporated in section 2971 of the Revised Statutes, the goods thus arriving and thus being transported to New York could be immediately re-exported to any other country without the payment of duties, without the breaking of bulk, without any detention whatever other than such detention as was necessary to transact the business at the custom-house by which a clearance for the goods could be had.

So section 3005 of the Revised Statutes only applied to importations from foreign countries destined for Canada, and only regulated the transit that way, because at that very time the two statutes to which I have referred were in force, which allowed this duplex operation of first transferring the goods from the port of entry on the Canadian frontier to another port on the Atlantic, and the operation of section 3102 which allowed goods imported into the United States to be exported at any time within three years, and they could immediately be exported. It was under that duplex operation that exports from Canada from the year 1864 were constantly transported across the territory of the United States for foreign countries, and it was not the reverse operation. The transfer of goods arriving from foreign countries and destined for Canada was not provided for until 1866, two years after the former act went into operation.

When that act was passed the matter stood in this way: Under the operations of the laws of the United States, section 2971 and its cognate sections and section 3102, all goods which the Canadians wished to export from their country to Europe or elsewhere could come through the United States without the payment of duty, without examination, without breaking package, or without any other trouble than getting an entrance at the custom-house in the port from which they were exported. The goods went out under section 3102 as imports which the importer did not wish to consume here, but wished to re-export.

When Congress came to act in 1866 as to the reverse operation they recognized what was well known, and what was the practice of the Treasury Department at the time, and they provided alone for the reverse operation, or the transfer of imported goods from Europe or other countries through the United States to Canada.

So there is the authority, plain, practiced on for nearly a quarter of a century, for the operation about which the resolution of the Senator from Illinois makes inquiry.

While I am up I wish to refer to a matter which I omitted yesterday, which is cognate to this subject and pertinent to it. I omitted to state yesterday that whilst under these two combined operations, under section 2871 of the Revised Statutes and section 3102 of the Revised Statutes, to get goods from Canada through the United States to a foreign country, as there has to be a distinct importation into the United States with but a short rest here, coming in as an importation, there does exist—and I hope the President, if the Senate will not give him the power that he asks for, will exercise that power—there does exist in the President a power under the act of 1887 which authorizes him to prevent the coming of any goods into the United States from Canada. He may under that power prevent that operation. Under that statute the transfer of goods from Canada to foreign countries by this duplex operation, first as an import, and then as an export of an import, may be prevented by the President, though he can not under section 3005 prevent the other operation; that is, the transfer under the authority of that statute of foreign goods coming into the United States by transit and destined for Canada.

Mr. CULLOM. I simply desire to say this morning that I introduced the resolution in perfect good faith for the purpose of getting information and with no captious spirit whatever. In view of the suggestions of the Senator from Mississippi as to sections of the law to which I did not have my attention called, I will ask that the resolution lie over until to-morrow morning, and if I find that it is covered by the statutes, as the Senator states, I shall then allow the resolution to go to the appropriate committee or to be disposed of in some other way.

Mr. GEORGE. I think that is proper. I have no doubt the Senator will find the case to be exactly as I stated it.

Mr. VEST. I was not in the Senate yesterday. I understood the Senator from Illinois to state day before yesterday that he intended to leave the city.

Mr. CULLOM. No; I did not expect to leave, and I do not remember that I said so.

Mr. VEST. I had intended to address the Senate upon the question of the President's message lately sent to this body, but my health has been such for two days that I do not feel able to enter at length into the discussion, unless the exigencies of the business of the Senate demand it. But I see in the RECORD of yesterday's proceedings, in the remarks of the Senator from Illinois, the following statement:

This Administration has been from first to last one of sham and pretense. It has made a pretense of economy, but has been the most extravagant one we have ever had for very many years. It has made a pretense of favoring civil-service reform, while there never has been one that so utterly disregarded it, as the Senator from Maine [Mr. HALE], the chairman of the select committee on that subject, has shown by his statements here and by discussions which have taken place. I have in my hand a newspaper, which I shall not take up the time of the Senate to read, but which gives an account of civil-service reform in the great city of Chicago, in my own State, in connection with the post-office there, where the law partner of the postmaster put a card upon his door and sent cards to the various employés, telling them to come over and see him, and the account says that the ante-room of that distinguished lawyer, the partner of the postmaster at Chicago, was full of people knocking at the door to get in to make the contributions, so that they might not lose their places.

If the postmaster at the city of Chicago, an appointee of this Administration, has prostituted his office, violated his oath, trampled upon the rules of the civil service by collusion with his law partner—if he has through his law partner emulated the example which the Republican party set to the country for so many years, and if he has indirectly sought to evade a plain statute, then that official should be put out of office and should receive the condemnation of every honest man, for he has violated his duty, he has violated the law, and I undertake to say that it would receive the condemnation of the President of the United States and those now in authority.

But when the Senator from Illinois, in his capacity as a Senator, speaks of civil service reform in his own State, and goes out of the way in a legitimate discussion upon a great international question to assail his political opponents, I wish to bring to the attention of the Senate and the country the record which I send to the desk and ask the Secretary to read.

The Secretary read as follows:

SPRINGFIELD, ILL., *July* 17, 1883.

DEAR SIR: Permit me to introduce to you Hon. E. E. Cowperthwait, whom you have just appointed. He has been compelled to remain at home a few days to get his business in shape. Mr. Cowperthwait is a member of our State Legislature and a man of very considerable political influence in the State. I shall be very grateful to you for any special favor you may be able to extend to him, as it will be of political use to have him in the State, if it can be so arranged, after he gets familiar with the work.

I am very grateful to you for the interest you have taken in securing the position. Hope I shall be able to return favors some of these days.

Truly yours,

S. M. CULLOM.

General W. W. DUDLEY,
Commissioner of Pensions.

SPRINGFIELD, ILL., *September* 15, 1884.

DEAR FRIEND: Our campaign is beginning to get warm. We need our forces. Can you give E. E. Cowperthwait, one of your special examiners, now in Missouri, a leave of absence for a month to come home and help in the campaign? He is a good speaker and a man of influence. He is a poor man, and I hope he can have leave with pay.

Yours,

S. M. CULLOM.

General W. W. DUDLEY,
Commissioner of Pensions.

SPECIAL EXAMINER'S DIVISION, *January* 8, 1886.

Mr. E. E. Cowperthwait was granted leave of twenty-three days, with pay, from October 6, and nine days, without pay, from October 29, 1884.

Mr. C. was appointed July 18, 1884, from Illinois.

A. S. COLEMAN, *Chief.*

Mr. VEST. I simply wish to add that I understand the elementary and first principles of the civil-service reform movement to be that the public officers of the country and the time of the public officers shall not be prostituted to political purposes by any official of the Government. If this gentleman could be taken from his duties in the Pension Office and his pay continued whilst he did campaign work in the State of Illinois, then it seems to me a striking commentary upon the attack made yesterday upon the Democratic party in regard to the civil service in that State, and made now by the distinguished Senator whose name is appended to those dispatches or letters.

Mr. CULLOM. I should like to inquire of the honorable Senator from what book he had the Secretary read?

Mr. VEST. He read from the campaign book of the Democratic party, which purports to take those letters from the records of the Pension Office. The Secretary may read the heading of the document, if necessary.

Mr. CULLOM. I know what the document is. It used to sell at a dollar a copy, I believe.

Mr. VEST. I do not know what it sold at.

Mr. CULLOM. So far as the letters are concerned which the honorable Senator has had read, purporting to be signed by myself, I have simply to say that I did write letters—I am not aware whether these are correct copies or not—to the Commissioner of Pensions, asking that the gentleman named be allowed a leave of absence to go home, and probably I said something about the campaign, and I probably said something about the gentleman having a leave of absence with pay, understanding as I did and do now, that employés of the Government are entitled, either by law or regulation, I am not sure which, to a given leave of absence, which is thirty days, I believe.

Mr. PLUMB. Thirty days, with pay.

Mr. CULLOM. I do not know whether that is the law or a regulation.

Mr. HAWLEY. It is the law.

Mr. CULLOM. I am not fully aware, but I have always understood that to be the actual condition of affairs connected with the Government. That is all I have to say about those letters.

So far as my charge against the Administration of the violation of the civil-service law is concerned, as the Senator from Missouri has seen proper to call up what I said in regard to the Chicago post-office, I ask the Secretary to read a report of what took place in connection with the lawyer, a partner of the postmaster, who asked the employés of that post-office to come over to see him, so that we may know all about the whole situation.

Mr. COCKRELL. From what is the Secretary to read?

Mr. CULLOM. It is from the Chicago Tribune. The Secretary will please read what I have indicated.

The Secretary read as follows:

[Chicago Tribune, Wednesday, August 22, 1888.]

"COME OVER AND SEE ME"—A PRESSING INVITATION EXTENDED TO POST-OFFICE EMPLOYÉS—THEY RECEIVE A POSTAL CARD FROM MR. E. P. ESHER, OF THE FIRM OF JUDD, RITCHIE & ESHER, AND WHEN THEY CALL ARE ASKED TO DONATE FROM $10 TO $25 TO THE DEMOCRATIC CAMPAIGN FUND—WHAT MR. JUDD SAYS ABOUT IT.

During the last few days nearly everybody connected with the post-office received a postal-card to this effect:

"DEAR SIR: Please call and see me at your early convenience on a matter of importance.

"E. B. ESHER,
"Room 38, Ashland Block."

Now, what was this matter of importance? A young man started out to penetrate the mystery. He went to Room 38 Ashland Block. Upon the door was neatly printed:

"Judd, Ritchie & Esher, law office."

"Judd, Ritchie & Esher," mused the young man. "Why, that is Postmaster Judd's law firm. That's funny." Then he went in and asked for Mr. Esher.

"That is my name," said the gentleman addressed, at the same time laying down his newspaper. Motioning the young man to a vacant chair he inquired the nature of his business.

"I was told you wanted to see me," said the newcomer; "my name is Holland."

"Who told you?" asked Mr. Esher, eying the innocent looking stranger somewhat suspiciously.

"Ed Robinson."

"Who's Ed Robinson?"

"He works over at the post-office."

"Do you work there too?"

"Yes, sir."

"In what department?"

"The Western mail room."

Mr. Esher took out a roll of manuscript and appeared for a moment to be searching for the name of his visitor. Finding the search tedious and fruitless he looked up from his desk and eyed the stranger in a manner that witnesses subject to the legal gentleman's cross-examination have had great reason to dread.

"I don't find your name here," he said abruptly. "Who is your superior?"

"Mr. Wilbanks," replied the young man, growing somewhat nervous under the inquisition.

"Where's your card?" demanded the attorney sharply.

"Card!" repeated the young man blankly, "I don't—that is—er—I have not got any printed cards—I mean to say"——

The attorney kindly came to the assistance of his evidently embarrassed visitor, and, dropping his stern "nisi prius" demeanor, he assumed a look in which patronage and kindness seemed to bubble forth from his every feature.

"Never mind. If you did not receive a card—a postal card, I mean—you will do so. Now that you are here, however, I may as well tell you what I wanted you for. How much will you subscribe toward the Democratic national campaign fund?"

He stammered something about not being able to do much, but supposed he would have to come in with the rest.

FIXING THE PERCENTAGE.

"Let me see; what is your salary?" Mr. Esher inquired, perceiving the young man's hesitation.

"Only $75 a month, but"——

"Ah—I see—a good contribution," broke in Esher gleefully. "Let me see—$75—shall we say $25? Yes, I think $25 will about be satisfactory for a young man in your position."

At the same time he produced a book wherein a long string of names of contributors were inscribed, against each of which was set forth the amount promised. The majority had inscribed $10, but many had named $15 as their limit. Perceiving that Holland was inspecting the list somewhat curiously, Mr. Esher hastened to explain that none of the signatures on that list were in as good a position as $75 a month.

"I must tell you, Mr. Holland—I think you said that was your name—that the least you should give is $25."

"But I have a wife and family," began the young man, apologetically, "and, besides, as I am just going to housekeeping, $25 is a big sum out of one month's money. By the way, when has this money to be paid?"

"It should be paid by the 1st of September, but in your case I think we may call it the 16th; and suppose we say $20 instead of $25, how will that suit?"

The visitor meekly acknowledged the condescension of his pseudo chief's partner, and, appearing to become bold by the graciousness of the attorney, ventured to suggest $15 as the limit to which his housekeeping fund should be taxed for the benefit of the present Administration.

"All right, we will call it $15, but do not tell any of the boys that you only gave so little. Sign your name in this book and just say 'Payable by September 16.'"

Thus requested, the young man nervously seized the proffered pencil and signed "J. P. Holland. Payable on or before September 16, $15."

"I remember your name now," said Mr. Esher, as he took the pen. "I recollect sending you a notice to come and see me. You'll get it all right." Then he bade the young man good-day.

MR. ESHER SADLY PERPLEXED—A SECOND CALL FROM THE YOUNG MAN WORRIES HIM.

Something like an hour later the same young man called again at the law office where Postmaster Judd is the principal partner. He asked for Mr. Esher.

"Mr. Esher is busy," said a tall, funereal looking clerk in reply to the reporter's inquiries.

A glimpse through the half-opened door of Mr. Esher's private office disclosed that gentleman seated at his desk expounding the law in its dual relationship to civil-service reform and Democratic success to a couple of letter-carriers. His arguments seemed to be as brief and just as directly to the point as they had been when he was inculcating to "Ed. Robinson's" friend the necessity of planking down the cold dollars for the good of the cause. His hearers in this case, however, seemed to have a great deal more to say. Their voices could be heard considerably above a mild whisper, and it sounded to the outsider much as though there was a kick being made.

Suddenly there was a silence, a scraping of chairs as of some one drawing up to a desk to sign his name, and an instant later the two letter-carriers appeared in the doorway of the office. Their flushed faces and far from enthusiastic looks plainly told that the interview had not been a pleasant one, and that they were glad it was over.

"Mr. Esher is disengaged now," said the funereal youth.

MR. ESHER IS SURPRISED.

Entering the office the young man handed to Mr. Esher his card:

"J. P. Holland, Chicago Tribune."

The lawyer motioned to his visitor to take a chair, at the same time bending over his desk to read the inscription on the card.

As he did so his hand mechanically sought the open subscription book which lay on the desk, and before he had taken his eye from the offending pasteboard the tell-tale book had been doubled up in the hand furthest from where the reporter sat.

"What can I do for you, sir?" said the lawyer at length, looking up.

"The Tribune would like to know something about the Democratic campaign fund," the reporter began, when suddenly the look of horrified perplexity which began to creep over the lawyer's face caused him to stop.

Perplexity, anxiety, indignation, dismay, and horror succeeded each other with lightning rapidity in the expression of the attorney's mobile features.

"The Tribune?—er—I don't understand," he stammered, whenever the reporter repeated the query for information.

"Impossible!" muttered the attorney sotto voce; "it can not be—but yet——" and the remainder of his thoughts expended themselves in the region of his astonished brain.

"Well, sir," suddenly drawing himself up and facing the reporter with an expression in which could be read a determination to be as candid and outspoken as a deaf mute oyster, "what can I do for you?"

"The Tribune would like to know something about the Democratic campaign fund," repeated the reporter for the third time.

Again the look of agonized perplexity crept into the lawyer's face, and, spite of his evident intention to show a bold front, he replied:

"Haven't I seen you somewhere before?"

"Yes, sir—about an hour ago."

"Chicago Tribune!" the puzzled lawyer repeated to himself, taking up the card which had been lying before him. "Where did I see you?"

"Right here."

"But how can that be—didn't you bring me a card?"

"No, sir; I didn't have one to bring."

"Strange!" he replied, as if trying to recall the incidents of the interview with the reporter.

"'Ed Robinson' sent me, you remember," suggested the latter, noting the perplexity of his interlocutor.

"Oh, I see; you work at the post-office. Ah! that's different," as though a load of care had suddenly been taken off his mind.

"No, sir; I work at the Tribune office," responded the reporter.

MR. ESHER LOCKS THE DOOR.

The incipient smile vanished, and the astonished lawyer rose to his feet and walked towards the office door.

Turning the key in the lock, he resumed his seat, and ran his fingers through his hair, as if trying mentally to grasp the situation before he proceeded further.

Soon the ludicrous side presented itself, and he faced around, smiling, to his visitor, to whom he extended his hand.

"Very clever, very clever, indeed. Now, what are you going to do about it?"

"Just as you say. All I want is information," the reporter replied, grasping the outstretched hand. "First of all, how about that $15 subscription?"

"That was hardly fair. You see I have already remitted that money, or, at least, made myself liable for it."

"How so?"

"I have checked it off as paid—see," showing the book in which the reporter's signature was already succeeded by a number of other signatures for similar or less amounts. "By checking it off as paid I made myself liable to the national committee for that amount, and unless some one pays it I shall be just so much out of pocket."

"Isn't this a pretty steep sum for a poor fellow only earning $75 a month, with a wife and family to support and just going to house-keeping?"

"Not very—at least as compared with the assessments paid under a Republican administration."

"What was the rate of Republican assessments?" inquired the reporter.

"Much higher, I assure you. I should say, however, that this is not an assessment," the lawyer explained.

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SUBSCRIBERS TO THE FUND—THE AUTHORITY MR. ESHER HAS TO ACT AS COLLECTOR.

"To whom were the postal-cards sent?"

"To everybody likely to contribute—Government employés and others."

"Would you mind showing me one of the postal-cards?"

"What good would it do you?"

"My object is to learn if there is anything of the 'stand and deliver' about the message which the letter-carriers seem so reluctant to answer."

"Nothing of the kind—there's no reluctance on their part—they come willingly. I can give you the names of several who have called here, but whom I have sent away without obtaining their signature because I didn't think they could afford anything."

Mr. Esher fumbled among the pile of postal-cards as he spoke and presently drew forth one from the heap. Holding it flat in his outstretched palm so that the edges alone could be seen by the reporter, he continued:

"This young fellow is a lad of sixteen. He came up here and would have signed his name for $10 willingly, but I told him to ask his father before doing so."

"What was the boy's salary?"

"I don't remember," replacing the card and throwing a blotting-pad over the pile.

"We have several instances of the kind—young men of seventeen or eighteen who want to subscribe, but whom I send away to get their parents' consent."

"Did any of them come back yet?"

"Not yet—at least not to my recollection."

"About how much does each man subscribe?" asked the reporter, the memory of that $15 still rankling in his mind. "Do they all prove as generous as reporters?"

"I would rather be excused from answering that question. You see, it would have a bad effect on future subscriptions."

"But can't you give me an idea—was I generous or niggardly?"

"If the truth must be told," the lawyer answered pleasantly, "you were rather above the average."

"What would you call the average, then?"

"About 1 per cent. for the lower-priced men, and rather more for those earning larger salaries."

HE IS NOT EMPLOYED BY THE GOVERNMENT.

"Are you in any way employed by the Government, Mr. Esher?"

"Most emphatically no. My authority in the matter emanates directly from the Democratic national committee."

To prove the truth of his assertion Mr. Esher produced the book in which the reporter had written his name. A hasty glance at its pages as they were being turned over enabled the reporter to estimate the number of subscribers who had pledged themselves. The book is about thirty-six leaves thick and each page contains about twenty lines. As nearly as could be judged the book is about a third filled with names, which would give somewhere in the neighborhood of five hundred signatures.

On the inside of the front cover is the following:

"Mr. Edward B. Esher is duly authorized to collect subscriptions for the Democratic national campaign fund.

"ERSKINE M. PHELPS,
"*Member of the Democratic National Committee.*"

"There you see my authority," exclaimed the attorney.

"But how came the national committee to select you as collector?" queried the reporter.

"I don't know—indeed I may admit that I was surprised when I learned of the appointment."

MR. JUDD'S POSITION.

"Did Mr. Judd tell you?"

"No, sir," indignantly. "In this connection Mr. Judd has no more to do with me than you have, in fact hardly as much. Ask him and you will find the facts to be just as I have stated."

"But if Mr. Judd did not actually inform you of the appointment does it not look as though the fact of your position as his law partner may have had something to do with it?"

"Not in the least."

"Don't the men feel that in answering your politely emphatic postal-card they would take their life or their job in their hands by refusing?"

"Not in the least. They come willingly, and I tell each one of them immediately he enters this office, before I mention subscription, that what I am about to say does not affect his position in any way, and that his refusal to subscribe, should he feel so inclined, will in no event be considered against him in relation to his work."

The earnestness of this declaration, delivered with a force of eloquence such as no "twelve men good and true" could have withstood, would have carried conviction even to the skeptical reporter's mind had he not suddenly remembered a little incident earlier in the afternoon, wherein a "young man with a wife and family, about to go to housekeeping," had been held up, and this polite introduction of the subject omitted.

Ignoring the discrepancy as likely to lead off the subject of Mr. Judd's connection with the fund, he asked:

"Does Mr. Judd know of this collection being made in his office?"

"This is not his office; it is my office," answered the wary lawyer.

"Well, does he know of the collection being taken up in your office, then?"

"I suppose so, but, I repeat, he has nothing whatever to do with it. I act directly for the national committee. I don't know who suggested my name to them. I only returned from Europe this summer, and on my return I was informed that I had been selected."

"I suppose, then, Mr. Judd would not countenance the collection did he know that the fact of his name being associated with yours in business acted as a sort of compulsion on the men?"

"Of course he would not."

A POINT HE HAD STUDIED—MR. ESHER COULDN'T BE CAUGHT BY CIVIL-SERVICE LAWS.

Changing the subject, as further questions on this point only promised to bring out further denials of the postmaster's complicity, tacit or expressed, in the matter, the reporter inquired:

"How about the civil-service act? Is this not a direct violation of it?"

The question seemed to please the lawyer hugely. He had evidently been expecting it all through the unwilling cross-examination to which he had found himself in a measure compelled to act the part of candid witness. Smiling benignantly on the legally untutored scribe, he answered:

"I had studied that law thoroughly before I undertook any part in this matter, and I would suggest that you do the same."

The abashed reporter acknowledged his ignorance on the subject from a strictly legal standpoint, and suggested that it would be well to enlighten the public how the act could be so narrowly skimmed and yet successfully evaded.

"If you will consult the act you will find that it prohibits the collection of funds for party purposes from Government employés on two conditions. First, the funds must be collected inside a Government building; and, secondly, the party making the collection must be a Government official.

"Now you can clearly see," he continued, "that this is not a Government office. I pay rent for this place, and the Government has no more to do with it than you have; so far I am not breaking the law. Secondly, I am not a Government official. I was employed at the post-office until last spring, but since then I have found my legal practice all I could manage, so I gave up my Government position. If you can find any clause in the act which will bring me under its penal provisions I would like to hear about it.

"Mr. Phelps also is as free of Government fetters as I am, and I fail to see how the act reaches him."

"But Mr. Judd—he can hardly be said to be outside the prohibited circle," the reporter suggested.

"I have already told you a dozen times that Mr. Judd has nothing whatever to do with this fund," answered the lawyer in tones of vexation.

THINGS HE WOULD LIKE LEFT OUT.

Quickly changing the tone and theme of the conversation, Mr. Esher reverted to the scheme whereby he had given the whole business away to the reporter. "After all," he continued, "I don't think it was hardly the square thing for you to do—coming to me as you did, telling me the yarn about 'Ed Robinson' Now, as a favor to me I would ask you not to say anything about that interview. I would have been ready to give the Tribune all the information I have given you, and there's no use giving me away."

As the reporter failed to respond with becoming alacrity to Mr. Esher's request to kill a good story, the gentleman redoubled his taffy.

"Will you promise me one thing, like a good fellow?" the lawyer entreated.

"If it be in my power, certainly."

"Well, as a personal favor, I ask you not to write anything of the scheme you put up on me to get this information."

The reporter's memory instantly reverted to the fact that the "copy" of the first interview had been prepared before the second visit.

"I won't write a single line on the subject."

"Thank you very much," replied the gratified lawyer, unlocking the door and bowing the reporter out.

THEY WERE WAITING TO SEE HIM.

The ante-room was by this time filled with letter-carriers and others waiting patiently, and the looks of pitiful inquiry which met the reporter on emerging from the sanctum were not the strongest possible confirmation of the alleged willingness which Mr. Esher had expatiated so largely upon.

Two weary-looking carriers rose at once to face the music of the inner room, but before they could enter Mr. Esher appeared in the doorway and beckoned his funereal lieutenant to a confab on the aspect of affairs.

At the elevator the reporter met two more letter-carriers hurrying like snails to their chief's office.

Entering the elevator on its upward journey, he engaged in conversation with the boy in charge.

"Lots of letter-carriers in this building," he observed.

"'Pears so—guess dar mus' be sum'fin' like a lawsuit agin de Guv'nment—dey's comin' heah a week or mo' now—guess dar's som'fin' upsettin' 'em—dey all looks black'n'er thunder an' goes off wuss'n'r dey come."

"How many of them do you think there have been?"

"I dunno. Mus' ha' been hundreds—comin' an' goin' all de time—'pears like s'f dar's gwine ter be a strike or sum'fin er de sort—nebber seed sich a lot of mad lookin' pos'men—shuah."

Thanking the darkey for the information, the reporter left the building.

A TALK WITH MR. JUDD—OF COURSE HE KNOWS NOTHING OF THE ASSESSMENT OF POST-OFFICE PEOPLE.

Seated in the pleasant back parlor of his well-appointed residence last evening, Postmaster Judd discussed the civil-service law with a Tribune reporter.

"What is your opinion," he was asked, "of the rule respecting the levying or soliciting of subscriptions for campaign purposes by Government employés of their subordinates?"

"I think the rule is all right."

"Supposing you should discover that one of your heads of departments was levying such subscriptions for the benefit of the present Democratic campaign?"

"His head would come off instanter."

"You intend, then, that the rule shall be observed to the letter in the Chicago post-office?"

"Most assuredly."

"Do you think this rule is understood by your heads of departments?"

"I have taken pains that it should be, and I have no doubt it is."

"And that they understand the nature of the penalty provided for those who violate it?"

"I do not think there is any question about it."

"Well, then, how do you account for the fact that nearly every subordinate in your employ is in receipt of a postal-card requesting him to call at a certain place, and that when he calls there he is urged to subscribe out of his next month's salary from $10 to $25?"

"I do not know anything about such postal-cards, nor such demands on my employés. If I should find that they existed and emanated from any one connected with the Chicago post-office, I should see that the rule was enforced without delay."

"These cards were signed 'E. B. Esher,' and the recipient was requested to call at room 38, Ashland Block."

"Well?"

"Room 38 is the law office of E. B. Esher, and when an employé of the post-office appeared in answer to the card he had received, Mr. Esher at once asked him how much he was willing to subscribe toward the Democratic campaign fund. If the employé's salary was $75 a month or over, he was urged to put down his name in a book for $25. If he demurred at that he was let off with $10 or $15."

"Well?"

"Mr. Esher has two partners—the firm name is Judd, Ritchie & Esher. You are one of the firm, are you not?"

"No, hardly," said Mr. Judd, as he arranged his chin more comfortably in his high starched collar. "I can hardly be said to be a partner, though my name still stands with the others. I gave up my law practice when I was appointed postmaster. They wished my name to remain in that of the firm, and it was so arranged. Mr. Esher occasionally consults me on certain questions of practice, and that is all the connection I have with the firm."

"Why should Mr. Esher send such cards to employés of the post-office?"

"I suppose that if he wishes to solicit money for campaign purposes he may choose his own means of so doing. I know of no law that prohibits Mr. Esher or any one else not in the employ of the Government soliciting such subscriptions from post-office employés as well as from other citizens."

"But why should he inquire of them in what department they are employed, what salaries they receive, and urge them to put their names down for such comparatively large sums?"

"As to that I know nothing. I was aware that Mr. Esher was interested somehow in the work of some campaign committee, but I had learned nothing about the details. He is a thoroughly honorable man, however, and would not identify himself with questionable methods."

"You are of the opinion, then, that no one in the post-office could levy contributions on the employés through Mr. Esher?"

"Perfectly sure. Nobody could make a tool of Esher."

Mr. Judd said he had subscribed to the campaign fund voluntarily, and he had no doubt many of the post-office employés had done or would do so. That was their own affair. He believed that most of them were aware that they could not be forced to do so on pain of losing their situations. If he found any attempt of the kind being made the offender should be brought to justice without delay.

THE LAW ON POLITICAL ASSESSMENTS—WHAT THE UNITED STATES STATUTE HAS TO SAY ON THE SUBJECT.

In reference to assessments of Government employés for political purposes, chapter 27 of the United States Statutes, entitled "An act to regulate and improve the civil service of the United States," says:

"SEC. 11. That no Senator, no Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employé of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employé of any department, branch, or bureau of the executive, judicial, military, or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employé of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from money derived from the Treasury of the United States.

"SEC. 12. That no person shall in any room or building occupied in the discharge of official duties by any officer or employé of the United States mentioned in this act, or in any navy-yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or any other thing of value for any political purpose whatever.

"SEC. 13. No officer or employé of the United States mentioned in this act shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

"SEC. 14. That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator, or member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

"SEC. 15. That any person who shall be guilty of violating any provision of the four foregoing sections shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court."

Mr. CULLOM. I have had that read for the purpose of showing that this man is acting under the orders of the Democratic national committee, collecting money for national campaign purposes, and evidently he was selected for the purpose of calling upon the Post-Office employés, as he had a list of them, as is shown there, for examination so that he might notify each man, as he seems to have done. That is all I have to say about that.

I desire to say further that as far as the Republican party is concerned it has never believed in muzzling anybody's mouth in giving expression to his political views, whether he might be in the employ of the Government or not; and that if a man in the employ of the Government desires to talk or to make speeches in a campaign the Republican party does not deny him that privilege.

Mr. PLUMB. Mr. President——

Mr. ALLISON. Will the Senator yield to me a moment? I merely wish to call the attention of the Senator from Missouri [Mr. VEST] to the fact that this gentleman who was granted leave of absence was granted twenty-three days' leave with pay and nine days' leave without pay, showing, of course, that he was taking simply his ordinary thirty days' leave, which the law authorizes every clerk in every Department of this Government to take in each year.

Mr. HALE. Mr. President, I understood the Senator from Missouri [Mr. VEST] to say that the essential feature of civil-service reform was that public office, in the language of his chief, is a public trust, and that the time of the officer should be given to that public trust and not to political or partisan work. Apropos to this, I call his attention, not to any old matters which I have hunted up in old reports, but to a modern instance. The New York Tribune of August 18, less than two weeks ago, is responsible for a statement which I ask the Secretary to read.

The Chief Clerk read as follows:

MR. TRAINER DRAWS FEDERAL PAY, ALSO.

[Special.]

WASHINGTON, *August* 17.

It may interest George William Curtis and other Mugwumps to know that the foreman in charge of the document-room at the national Democratic committee rooms, at No. 10 West Twenty-ninth street, New York, is John B. Trainer, secretary of the Congressional Library Commission, acting under appointment of Mr. Cleveland's Secretary of the Interior, and drawing a salary from the Government of $1,800 a year. Mr. Trainer is one of the active ward politicians of Albany, and an intimate friend of Colonel Lamont's, which explains his appointment as secretary of the Library Commission.

Mr. HALE. I have had this read only to call the attention of the Senator from Missouri to what is alleged here as a gross violation of the President's orders, and in order that he may at once, or as soon as it is convenient, make a pilgrimage to the Interior Department, where the Secretary, I have no doubt, will at once lay his strong hand upon Mr. Trainer and either bring him home or remove him, or promote him, as a friend near me suggests. If that should fail, then I think it would be the duty of the Senator from Missouri to lay this case before the President, who has issued very stringent and urgent orders prohibiting just such practices as this, and then I am sure that this evil will be remedied.

Mr. VEST. Why does not the Senator from Maine, after his peculiar labors in behalf of civil-service reform, undertake the examination of this special case? According to the debate between him and the Senator from Kentucky [Mr. BLACKBURN], had here a few days since, he has overwhelmed himself with responsibility in this regard, and it is but a single item in the vast delinquencies of this Administration to examine the case of Mr. Trainer.

I have not brought here the declarations of partisan newspapers. I would as soon quote from the writings of Tom Paine to a Christian congregation as to quote from the New York Tribune any statement which it might make against the Democratic party. It is simply impossible for a sheet so partisan as that to do justice to the opposite party however great may be its delinquencies or its faults.

Mr. CULLOM. I simply desire to state that it was the Chicago Tribune from which I had an article read.

Mr. VEST. I do not understand the Chicago Tribune to be a Democratic paper. If it is my political knowledge is very defective in that regard.

Mr. CULLOM. Certainly it is not.

Mr. ALLISON. The Chicago Tribune is a good Republican paper.

Mr. VEST. The New York Tribune and the Chicago Tribune are both Republican papers.

Mr. ALLISON. Undoubtedly they are.

Mr. VEST. And Republican Senators quote them here in sustaining charges against the Democratic party! I would not, partisan as I am, from my place in this Chamber quote from a partisan Democratic paper as to charges made upon these questions and statements of its reporters against the Republican party. I quoted from the records of the Pension Office, but I only did that—for my personal relations with the Senator from Illinois, as he knows, are of the kindest character—because he assailed my party, because he went out of his way in the discussion of an international question to assail the Democratic party and to declare that it was a party of sham, of fraud, and of pretense, and had trampled upon civil-service reform.

The Senator says, at the suggestion of some of his colleagues, that this man Cowperthwait, or whatever his name is, this member of the Republican State Legislature of Illinois, simply availed himself of the allowance of thirty days' leave of absence under the law. It is the strangest application for a leave of absence under the statute I have ever known, and there are certain expressions in it that rather militate against that construction, and I will read them. The first letter is dated July 17, 1883, and seems to have followed immediately on the appointment of this man, because the letter says:

Permit me to introduce to you Hon. E. E. Cowperthwait, whom you have just appointed. He has been compelled to remain at home a few days to get his business in shape. Mr. Cowperthwait is a member of our State Legislature and a man of very considerable political influence in the State. I shall be very grateful to you— .

And here is the milk of this political cocoanut—

I shall be very grateful to you for any special favor you may be able to extend to him, as it will be of political use to have him in the State, if it can be so arranged, after he gets familiar with the work.

That is to say, his official position is to be used in the State of Illinois for political purposes, for he is to be sent to Illinois, and he was taken from the State of Missouri and sent to the State of Illinois afterwards in violation of that rule of the Department which puts the examiners appointed from one State upon duty in another. This gentleman was appointed from Illinois and sent to the neighboring State of Missouri, but at the special request of the Senator from Illinois, on September 15, 1884, he is taken back from Missouri and sent to Illinois for a month's leave of absence for work in the campaign.

I am the last man who lives in public or private life who objects to any American citizen declaring his sentiments freely upon all public questions, and giving his influence legitimately to the advancement and upholding of any political system or any political principles. I have had occasion to express myself very decidedly upon that question during the present Administration as to appointees in my own State; but here is the case of a man asked to be sent to Illinois in order that his official position might be used for political service and political effect; and if that is not a violation of the civil-service rules, then, though I am not an expert on those rules, I do not understand the first principle on which they rest.

Mr. PLUMB. Mr. President, I should like to inquire what matter is pending before the Senate?

Mr. CULLOM. I should like to say a word.

The PRESIDENT *pro tempore*. The resolution of the Senator from Illinois has been laid over by consent until to-morrow.

Mr. CULLOM. I asked that the resolution should be laid over——

Mr. VEST. I thought the resolution was pending now.

Mr. CULLOM. The Senator from Missouri interrupted the progress of business by referring to myself, speaking of me, and I think I have a right to respond.

Mr. VEST. Certainly you have.

Mr. CULLOM. So far as I am concerned, I have nothing whatever to take back with reference to any letters that I have written. If they are genuine, I stand by them. The Senator knows that every man in the employ of the Government is entitled to thirty days' leave, as other Senators have said here, with pay. I did not know at the time whether this gentleman was entitled to leave with pay or not; but I asked that he be given pay if it was allowable to be done, and it turned out that he was allowed twenty-three days with pay and the balance without; and that is all there is of it.

The Senator has seen proper, because I said something about this Administration yesterday, which I stand by, to drag my letters in here in the hope that he might deter me from asserting what I believe to be my right to assert on this floor or anywhere else.

Mr. VEST. I ask the Senator's attention to the expression in his first letter, which has nothing to do with any leave of absence:

I shall be very grateful to you for any special favor you may be able to extend to him, as it will be of political use to have him in the State if it can be so arranged, after he gets familiar with the work.

Mr. CULLOM. Yes, sir; I asked that whatever special favors Mr. Dudley could extend to him, consistent with law and the regulations, should be afforded; and I asserted what was true, that if the gentleman came into the State of Illinois he could be of use to the party in the State on the stump, and I have nothing further to say on that subject.

The Senator complains that I and perhaps others have brought Republican newspapers in here to show the inconsistency of this Administration, the hollowness of this Administration on the question of civil-service reform. I will have another article read which probably may sit a little better upon his stomach. It is a Mugwump paper from the city of Chicago, a very brief article on the subject. Perhaps the Senator will like that article read.

Mr. VEST. Does the Senator hold me responsible for Mugwump utterances?

Mr. CULLOM. Of course I do.

Mr. VEST. If there is anything of the Mugwump about me, I would like to know it and get rid of it.

The Chief Clerk read as follows:

[Chicago Daily News, August 24, 1888.]

A LOGICAL RESULT.

Few people, even among the most offensively partisan Democrats, will regret the exhibition which the Democratic campaign committee has made of itself in Chicago. It was a matter of public notoriety that the management of the Chicago post-office was imbecile almost to the point of being doddering. There was no possibility of blunder which this management has not fathomed and tried. It was patent that it was clumsy, stupid, and ineffective in every possible direction in which clumsiness, stupidity, and ineffectiveness could be indecently exhibited. Yet it was into the diplomatic hands of S. Corning Judd, the architect of all these failures, that the Democratic committee confided the delicate and dangerous task of making the public servants in Chicago stand and deliver. We are not talking now of the immorality of this forced levy. Evidently neither Judd nor the committee recognizes any immorality in the transaction; they see in it practical politics and nothing else. But we can not help pointing out the fatuity which put such a task as this into the care of the diplomatic Judd. He was just as certain to do those things which neither he nor the committee wanted done—just as certain, by his left-handed, crass ineptitude, to erect the illegal levy upon the post-office employés into a public scandal—as though an asinine exposure of the committee's contempt for the civil-service law, its shameless defiance of the letter and the spirit of the Democratic platform, and its impudent breach of President Cleveland's promises were the ends to which all were working.

The whole affair was worthy of the men and the tools. They have got what they deserved, and what every one who knows Mr. Judd would have naturally and logically expected. The whole episode would be ludicrous if it were not so humiliating. The spectacle of the Machiavelian Judd covering his tracks by the secret and inscrutable device of having his law partner make the assessments; the ingenious idea of notifying the clerks by postal-card to come and be mulcted; and finally the brilliant strategy which Mr. Judd's partner displayed in unbosoming himself to a reporter—all go to make a picture of practical politics which we commend to all practical politicians as an example of what can be done by a man who puts his mind to it.

After all, it is harder to forgive an ass than a knave—especially an ass that masquerades as a knave and then falls at the first hurdle and tangles his hind legs in his halter. Perhaps the powers that in their wisdom give us postmasters may learn from this little example some of the general plans and specifications of the postmaster they have given us.

Mr. CULLOM. That is from a paper which is supporting this Administration and the re-election of Mr. Cleveland.

One word further and I will dismiss this subject so far as I am concerned. I did say yesterday that I could not resist the feeling, in view of all the circumstances attending the case, that this Administration was undertaking to divert the attention of the American people from the great issue that is before the people, to wit, whether this country will maintain the protective-tariff system or adopt a free-trade system; that they were attempting to divert the attention of the American people from that issue to another issue entirely foreign to it, and that after the treaty had been rejected by the Senate after long delay and discussion, instead of going to the law, as the President ought to have done, the law of 1887 that gave him the power of retaliation to protect American fishermen, he looked around and forgot almost that there was anything wrong in the treatment of American fishermen by Canada and hunted up a new excuse and threw that upon the country, and said if he retaliated at all he wanted to retaliate for every possible evil that existed between this country and Canada.

I showed a dispatch that was sent out by Mr. Townsend, the chairman of the State Democratic Committee of Ohio, dated the very same day that the message came to the Senate, which showed, as I think, an effort on the part of the Administration to get up a sort of boom for the Administration upon a different subject from that of the tariff and free trade. Hence it was that Mr. Townsend sent the telegram; which I will read again.

Have prominent Irishmen send congratulatory telegrams to President Cleveland on his message on the fishery treaty, and get up demonstration, if possible.

J. R. TOWNSEND,
Chairman Ohio State Central Committee.

That dispatch went out from the Democratic State Central Committee of Ohio on the same day that the message came in here, and then other dispatches by members of the national committee to the President I read here, and I have others that I might read, and from all this I came to the conclusion, as I think every man must, that it was simply an effort on the part of the Administration to divert attention from the question of protection or free trade to something else, so that they might not lose the great body of the laboring vote of this country.

ORDER OF BUSINESS.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 10998.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. PASCO. I gave notice that I would call up the resolution of the Senator from New Hampshire [Mr. CHANDLER] on the Louisiana elections this morning in order to make some remarks upon it, but after conference with the Senator from Kansas [Mr. PLUMB] I have concluded to wait until after this measure is disposed of. I shall ask that the resolution be taken up later in the day or to-morrow morning or at some convenient time hereafter.

Mr. MITCHELL. A few mornings since I introduced a resolution which was laid on the table. I gave notice at the time that I desired to submit a few remarks, occupying about fifteen or twenty minutes of time—not more than that. I now appeal to the Senator from Kansas in charge of the fortifications bill to permit the bill to be laid aside temporarily in order to enable me to do this, while he is getting his lunch.

Mr. PLUMB. The suggestion of the Senator about my desire to take lunch while he is speaking is entirely gratuitous, because I should certainly stay here and listen to every word he has to say, even losing my lunch for that purpose, which, I believe, is the custom of this body; but as the Senator can make his speech anyhow on the fortifications bill if he wants to do so, I am therefore really at his mercy, and of course I shall yield to his request.

Mr. MITCHELL. I am much obliged to the Senator. I ask that the pending order be temporarily laid aside, and that the Senate proceed to the consideration of the resolution offered by me a few days since in reference to the disturbances at Corea.

The PRESIDENT *pro tempore*. The resolution will be read.

Mr. MITCHELL. The resolution has been read, and I ask unanimous consent to modify it so as to conform to the custom.

The PRESIDENT *pro tempore*. The Senator has the right to modify his resolution without unanimous consent. The resolution as modified will be read.

DISTURBANCES IN COREA.

The Senate proceeded to consider the resolution submitted by Mr. MITCHELL on the 22d instant, as modified by him to read as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to transmit to the Senate copies of all official correspondence between the Department of State and the minister resident and consul-general of the United States at Seoul, Corea, and between such Department and the Corean envoy extraordinary and minister plenipotentiary resident in Washington, occurring since January 1 last, including that relating to the recent disturbances and alleged massacre of Coreans in the streets of Seoul, Corea, on or about June 20, 1888, and touching the causes inciting thereto, if any—

Mr. MITCHELL. Mr. President, before moving a reference of this resolution to the Committee on Foreign Relations, I desire to detain the Senate very briefly in submitting a few observations to which I desire to attract the attention of the Senate, and especially that of the Committee on Foreign Relations.

In my judgment, if ever the Government of the United States was under obligation, either morally or by virtue of treaty stipulation with any foreign power, to exert its good offices in favor of any struggling people or government being unjustly, arbitrarily, and oppressively dealt with, then it is now called upon by each of these considerations to extend such good offices in a considerate and proper manner to the Government and people of Corea.

Twelve years ago (in 1876) the Japanese Government, having itself some years previously entered into commercial treaties with the United States and also with several European nations, entered into a treaty with Corea, in virtue of which the independence of Corea was distinctly recognized. By its terms several Corean ports, three in number, I believe, were opened to the Japanese, and embassadors were provided for and exchanged between the two countries. This treaty also provided that the coasts of Corea, dangerous to navigation, and prior to that time unknown to the fleets of commerce, should be examined and surveyed by the Japanese. An international exposition between the two countries was also arranged, and was carried out in October, 1877, and on a scale and in a manner that would have done no discredit to governments whose date of original membership in the great family of treaty-making nations was many years prior to that of either Corea or Japan.

Subsequently, in 1878, the late Senator Sargent, of California, attracted the attention of the Senate and of the country to the history of Corea, the character of its people, the productive susceptibilities of its soil, its great mineral resources, and to the importance to the United States of establishing commercial relations in that direction; and at his instance a resolution was then adopted by the Senate authorizing the President of the United States to appoint a commissioner to the King of Corea to arrange a treaty of amity and commerce between the United States and that government. This movement, though not immediately, in due time bore fruit, and four years later, in May, 1882, under the administration of President Arthur, a treaty of commerce and navigation between the United States and the Kingdom of Corea, or Chosen, was concluded. This treaty was ratified by the United States Senate January 9, 1882, and then it was that the traditional policy of isolation from the world's commerce, which the Empire of Japan had abandoned years before, was renounced by Corea. Other treaties with certain European powers followed, our treaty with Corea being the first that kingdom entered into with any Christian power. The Government of the United States, therefore, is now and has been since January, 1883, in solemn treaty stipulations of amity and peace, of commerce and navigation, with the Kingdom of Corea. And it may be as well in this connection to inquire briefly as to some of the more material stipulations contained in that treaty.

And first, it will be observed, it is stipulated in the beginning that—

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen, and the citizens and subjects of their respective Governments.

But not only so; it is provided in the very next section, in Article I, as follows:

If other powers deal unjustly or oppressively with either government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

In no part or portion of this treaty from its beginning to its end is the dependency of Corea upon the Chinese Empire referred to, much less recognized, either directly or indirectly. And in all its stipulations the Kingdom of Corea is by our Government dealt with as an absolutely independent power in all its foreign relations. Not only so; it was stipulated that the high contracting powers might each appoint diplomatic representatives to reside at the court of the other; and furthermore, that each might appoint consular representatives at the ports of the other which are open to foreign commerce at their own convenience.

In the treaty, then, taken as a whole, and in all correspondence connected with and accompanying it, while the fact was not attempted to be concealed by either government that Corea was in a sense a state *tributary* to China, and with which relation the United States had no concern, the idea that a state of *vassalage* existed or that Corea was a *dependent* or *vassal* state of China found no countenance or recognition whatever; but on the contrary it was understood, and all the negotiations proceeded upon the assumption that Corea had always in the past, notwithstanding her tributary relation to China as a state, exercised through her King full sovereignty in all matters of internal administration and foreign relations. And it was on this basis that our treaty relations with Corea were entered into, and consequently, notwithstanding the absence of express treaty stipulations to that effect, it is quite evident that by virtue of such treaty, as a whole, the claim of Corean vassalage to China was completely overthrown so far as our Government is concerned. And not only so; but the Chinese Government in giving this treaty recognition, as it unquestionably did, after vain attempts while the terms of the treaty were *sub judice* between Corea and the United States, to secure, either by express or implied terms, recognition of the claim of a state of vassalage or dependency on China, expressly waived and abandoned, both in law and morals, any such claim.

Professor Wharton, in discussing the effect of our treaty relations with Corea, in paragraph 64, volume 1, of Wharton's Digest of International Law, makes this statement:

The existence of international relations between the two countries (the United States and Corea) as equal contracting parties is to be viewed simply as an accepted fact, and the independence of Corea of China is to be regarded by the United States as now established.

The late Secretary of State, Mr. Frelinghuysen, in his communication submitting the Corean treaty to the President to be forwarded to the Senate for ratification, refers to the contingency of such an assertion or enforcement of Chinese sovereignty over Corea by the Imperial Empire as would destroy the independence of that kingdom as something the very contemplation of which was not allowable.

Moreover, the diplomatic course of China with the United States and with other nations with which that Government is in treaty relation has been such as to repel the assumption of the existence of a state of Corean vassalage or dependence on China. China has never claimed that the Corean Kingdom was embraced in treaties between other governments and the Chinese Empire; nor has the Imperial Government of China ever admitted in her negotiations and diplomatic relations with other governments or otherwise that the empire was responsible for or represented the Kingdom of Corea.

The Chinese Government recognized the treaty, moreover, of February, 1876, entered into between Corea and Japan, and yet the first article of that treaty contains the following significant stipulation:

Chosen (Corea) being an independent state, enjoys the same sovereign rights as does Japan, and that their intercourse shall thenceforward be carried on in terms of equality and courtesy.

The existence of the relation of suzerain and vassal between China and Corea finds therefore no warrant or support in any of the treaty stipulations between either of these governments and any foreign power, nor yet by anything in connection with the history of the two governments, or that of their relations the one to the other for a century past. The one has not contributed to the other, either in men or money or arms, in aid of the prosecution of wars, either of invasion or defense. Not one of the well-known badges of dependence or vassalage is to be traced in the present relations or status, or in the recent past history of the relations of the two governments; none of the disabilities or disqualifying conditions of the lack of power to enter into treaty negotiations, to send out embassadors, to establish consulships, to levy war, or conclude peace, without doing so through a suzerain, which must necessarily obtain in the case of a dependent or vassal state, is found to exist in the case of Corea. On the contrary, Corea stands to-day in history and in virtue of international law as much an independent government as do any of the great Christian powers of the world. She stands to day in solemn treaty stipulation with several of the leading Christian powers. Her embassadors reside in the capitals of the most important and influential nations in Christendom, including that of the United States. All these great governments, including our own, which (I mean the latter) regards with disfavor that principle of national serfdom which recognizes the right of one government or country or people to enslave another government or country or people, and which looks with favor upon the doctrine of home rule and self-government and control, and of independence in the fullest sense of that significant term, have stipulated with Corea that if any power deals unjustly or oppressively with the Coreans, then their good offices will be exerted in their behalf to the end that perpetual peace and friendship may be maintained.

It is believed, and the correspondence called for by the pending resolution will doubtless show the fact, that for some time past the Imperial Government of China has, through its chief officers and representatives, and especially and particularly its representative at the city of Seoul, been contemplating the subjugation and entire absorption of Corea; that the conduct of that power and of its chief representative at Seoul has during the past two years, and especially more recently, been of such a systematically arbitrary, if not indeed wholly reprehensible character towards Corea and the Corean representatives, not excepting the King himself, as to be grossly unjust, unneighborly, and oppressive; and that the ultimate intention is upon the part of China to dethrone the King, abolish the existing government, and assume complete and absolute dictatorship over the Corean peninsula.

With a view, therefore, of securing reliable information in reference to this whole subject, and in no sense in any unfriendly spirit towards our minister resident and consul-general at Seoul, who is represented as a most able and intelligent gentleman, and as demeaning himself in a manner highly creditable to himself and all concerned, in view of the delicate subject with which he is called upon to deal, or without in any manner wishing by this to criticise the honorable Secretary of State, because I know of no reason whatever for any such criticism in connection with this matter, is the purpose of the introduction of the pending resolution.

In this connection I desire to state that the Hon. Owen N. Denny, a citizen of the United States and of the State of Oregon, formerly United States consul at Tien-Tsin, China, subsequently promoted to the position of United States consul-general at Shanghai, China, which position he held several years, when he resigned voluntarily, a gentleman of learning and experience, both as a lawyer and diplomat, thoroughly versed in international law and in political and commercial affairs in the East, and in all matters pertaining to the existing relations between China and Corea, and withal an American in every fiber of his nature, has for nearly three years past been in the service of the Corean King in the capacity of "adviser to the King and director of foreign affairs." I hold in my hand a very able and highly interesting brief prepared by Judge Denny on the relations existing between the two Governments of Corea and China, in which not only a careful history of these relations is given, but also the great public question as to the precise character of the relations sustained by Corea to the Chinese Empire is discussed with learning and ability. This relation is, as I believe, very correctly stated by Judge Denny to be that of a mere *tributary* state, in which none of the rights of *sovereignty* or *independence* are eliminated or destroyed, and not that of a *dependent* or *vassal* government without any of the prerogatives of sovereignty attaching. I desire to incorporate this paper into and make it a part of my remarks.

The PRESIDING OFFICER (Mr. DOLPH in the chair). Is there objection? The Chair hears none, and it is so ordered.

The paper is as follows:

CHINA AND COREA.

[By O. N. Denny, adviser to the King and director of foreign affairs.]

A vacancy having occurred in the position of foreign adviser to the King of Corea and inspector of customs, and His Majesty having requested his excellency Li Chung Tang to procure the services of another, I was in July, 1885, invited to the post. I entered upon the duty of adviser, the customs branch of the position having been placed under the customs of China before my arrival in the East, with the assurance that in my efforts to preserve peace and good order and in all that pertained to the prosperity of Corea I should have the cordial support of the viceroy, an assurance which, I regret to say, has not been verified. On the contrary, from the very first, I have met with almost every conceivable kind of opposition from Chinese sources. The failure of the viceroy to keep his promise in this regard I am at a loss to understand, unless it is due to the Pekin Government's disapproval of his Corean policy. In view of this and the fact that China's course seems so unwarrantable and unjust, as well as against the best interest of Corea and China, I determined to avail myself of the present occasion to publicly point out—all efforts of a private character having failed—the dangerous ground China is trying to occupy, and to present Corea's side of the controversy, with a view to correcting, if possible, some of the accepted fallacies on the situation in the Peninsular Kingdom and its relations with the Celestial Empire, which have been so often misrepresented in the native and some of the foreign newspapers in China for the past two or three years, through design or under a misapprehension of the law as well as the facts. In doing this the harsher the criticisms may appear, the more it is to be regretted that they are merited.

First I shall notice China's claim to vassal or dependent relations with Corea; second, the former's treatment of her so-called vassal; third, the charge that the King is weak and unfit to govern the country; and before I have finished I shall endeavor to show that the former is about as fictitious as the latter is without foundation. As Corea, in the exercise of a right which none but sovereign and independent states possess, concluded a treaty of friendship, navigation, and commerce with Japan, independently of China, and later on with Western countries, in accordance with international usage, the rights acquired and the obligations assumed must be determined by the laws which have always governed

the enforcement of such compacts. In the light of these defined and well-settled rules it will be in order to inquire into some of the rights, powers, and responsibilities of a sovereign state and how vassal relations are established, as well as into the duties and obligations a dependent state owes to its suzerain, in order to more clearly determine the political status of Corea. In general terms a sovereign or independent state is defined by almost all authors on international jurisprudence to be any nation or people, whatever the character or form of its constitution may be, which governs itself independently of other nations, while Wheaton, who ought to be the best authority in this case, as China has adopted him as her standard author, says, "Sovereignty is the supreme power by which any State is governed; this supreme power may be exercised either internally or externally. Internal sovereignty is that which is inherent in the people of any state or is vested in its ruler by its municipal constitution or fundamental laws. External sovereignty consists in the independence of one political society in respect to all other political societies, and it is by the exercise of this branch of sovereignty that the international relations of one political society are maintained in peace and in war with all other political societies." A nation which has always managed its internal as well as external concerns in its own way, free from the interference or dictation of any foreign power, is juridically independent and must be ranked in the category of sovereign states. The unerring test, however, of a sovereign and independent state is its right to negotiate, to conclude treaties of friendship, navigation, and commerce, to exchange public ministers, and to declare war and peace with other sovereign and independent powers. These are rights and conditions compatible and consistent with sovereignty which, when possessed by a state, place it in the great family of independent nations, while states which do not possess such powers must be ranked as semi-independent or dependent, according to the expressed terms of the agreement. An advocate of vassalage in the North China Daily News, some months ago, in support of his position, used substantially the following language: "At the end of the seventeenth and beginning of the eighteenth centuries the sanction of the Chinese Emperor had to be obtained before the successor chosen by the King of Corea could receive the title of heir-apparent, and then could not assume the title of King until it was conferred on him by Pekin."

The correspondent states the case much stronger than the facts warrant. If he had put it in the form of a request, a graceful act by a tributary state, rather than on the basis of an imperative obligation to the Peking Government, he would have been more in accord with the facts, but whether he over or under stated them makes no material difference, as relations of vassalage were never established by the commands of a superior in exceptional cases or through the differential acts of an inferior. Liu Kiu, Anam and Burmah, in the history of China's precarious claims to vassalage over those States, did the same thing, and to-day the first named forms a part of the sovereignty of the Empire of Japan, the second belongs to the Republic of France, while the third recently passed to the sovereign control of Great Britain. Wheaton on the Law of Nations states the case infinitely stronger against the correspondent than the latter does in favor of China's contention when he says: "The sovereignty of a particular state is not impaired by its occasional obedience to the commands of other states, or even the habitual influence exercised by them over its councils. It is only when this obedience or this influence assumes the form of express compact that the sovereignty of the state inferior in power is legally affected by its connection with the other."

John Austin, a modern writer of considerable celebrity on international law, in one of his able lectures delivered in London in 1873, states the case with equal clearness when he says: "A feeble state holds its independence precariously or at the will of the powerful states to whose aggressions it is obnoxious, and since it is obnoxious to its aggressions it and the bulk of its subjects render obedience to commands which they occasionally express or intimate; but since the obedience and commands are comparatively few and rare they are not sufficient to constitute the relation of sovereignty and subjection between the powerful states and the feeble states with its subjects. In spite of those commands and in spite of that obedience the feeble state and its subjects are an independent political society whereof the powerful states are not the sovereign portion. Although the powerful states are permanently superior and although the feeble state is permanently inferior there is neither the habit of command nor a habit of obedience on the part of the latter; and although the latter is unable to defend and maintain its independence, the latter is independent of the former in fact or practice."

The only vassal or dependent relations recognized by the law of nations are those resulting from conquest, international agreement, or convention of some kind, and as such relations do not exist between the two countries by virtue of either of these requirements, and in all reasonable probability will never be established by agreement or convention, it remains to be seen whether they will exist in future by conquest. Corea, however, is a tributary state of China; relations which have been sustained in the past with the utmost good faith, and which Corea desires in all sincerity to continue so long as China's treatment is generous, friendly, and just. But the tributary relations one state may hold to another do not and can not in any degree affect its sovereign and independent rights. For this reason the tribute annually paid by Corea to China does not impair her sovereignty or independence any more than the tribute now paid by the British Government to China on account of Burmah impairs the sovereign and independent rights of the British Empire; or the tribute formerly paid by the principal maritime powers of Europe to the Barbary States affected the sovereign rights and independence of those European powers.

Wheaton says concerning the Barbary States that "while they are anomalous in character, yet their occasional obedience to the commands of the Sultan, accompanied with irregular payments of tribute, does not prevent them from being considered by the Christian powers of Europe and America as independent states with whom the international relations of war and peace are maintained on the same footing with other Mohammedan sovereignties." There are good and valid reasons why Corea desires to prefer the traditional relations of close friendship which have so happily existed between the two countries so long. Their geographical positions under friendly intercourse make them a source of strength to each other, while the fact that Corea has drawn largely upon China's population, language, religion, laws, education, arts, manners, and custom, which have contributed so much to the sum total of Corean civilization, all combine to strengthen the chain of attachment and cause her to look to China as in the past for friendly advice rather than in any other direction; and in my judgment nothing will interrupt this friendship but a continuation of the illegal and high-handed treatment Corea is now receiving at the hands of the Chinese and their studied and persistent attempt to destroy Corean sovereignty by absorbing the country.

It was due to the faith which the King had in China's professions of friendship for Corea that induced His Majesty, when the advisability of making treaties with western countries was pressed upon him, to take council of the distinguished viceroy at Tien-Tsin, and I know of my own knowledge that it was due to a similar faith in the king that induced the Chung Chang to advise the establishment of such relations, as the surest means of improving the condition of the country and people, as well as preserving the sovereign rights of his kingdom; and later on, when the first of the western treaties came to be negotiated—which was with America—the viceroy was invited as the friend of the king, having the broadest experience in such important matters, to assist in the negotiations. Two draughts were submitted to that convention for consideration, one by the viceroy and the other by the special envoy who conducted the negotiations for the United States. The very first clause in the viceroy's draught was a demand for the negotiation of vassal or dependent relations between China and Corea, which the agent of the United States Government declined to consider or even discuss further than to say that as his mission was to make a treaty of commerce and friendship with an independent state, such a treaty he would make or none at all. Notwithstanding this, the viceroy urged the approval of this dependent clause to a point beyond which he could not go without breaking off negotiations, when he yielded and the treaty was then concluded upon the basis of other independent states, and was signed at Chemulpo May 22, 1882. Even if vassalage had been acknowledged in the American treaty by the negotiators, it would not have received the approval either of the United States Government or the King of Corea.

The next treaty that Corea made was in October following with China and at the latter's request, and while this treaty has been denominated "rules for the land and water commerce between the trading populations of China and Corea," and while there is the usual mystification and vagueness pervading it that characterizes all of China's intercourse with the peninsular kingdom, yet it comes nearer being a treaty of friendship, navigation, and commerce than anything else, as I shall endeavor to point out further on. Treaties with other countries followed in quick succession in the general tenor of the American one, which were, however, discussed and concluded, not at Tien-Tsin, but in Seoul, without reference to the viceroy or the Chinese Government. Had vassalage existed between the two countries in accord with international jurisprudence at the time the American treaty was made, does any one, at all versed in public affairs, suppose that the viceroy would have tried so hard to procure their acknowledgment by a friendly power in a public treaty? No; the attempt was based solely on the utter weakness of the contention, which no one appreciated more fully than the viceroy himself.

After the ratification of the American treaty the question of dependency, for the moment at least, seems to have been abandoned; at all events arrangements were at once made for the enforcement of the stipulations of the treaty. Ports were opened, a customs service established by the King, with inspector, commissioners, and a full staff of subordinate officers for the work. Diplomatic representatives were appointed as treaties were ratified, who from time to time presented their credentials and took their respective places at His Majesty's court in Seoul, and among them was the representative of China, with the title of His Imperial Majesty's commissioner printed on his card, and appointed in pursuance of the treaty already referred to. This official continued in an unassuming way to represent his government upon terms of equality with his colleagues for more than two years, when he was succeeded by the present Commissioner Yuan for supposed meritorious services rendered his government in the disturbance of 1881, who for a short time followed in the footsteps of his predecessor; but the honor so suddenly thrust upon him seems to have inflated him to such an extent that serious consequences might have resulted to him had not his indiscreet enthusiasm found vent in the resurrection of the dependency scheme, which for the credit of his government ought never again to have come to the surface, for if the conclusion of the Japanese and American treaties upon the basis of Corean independence, every article of the latter having been approved by the viceroy, followed by similar treaties with the leading powers of Europe, and China having shared in the practical operations for two and a half years did not honorably settle it, the question ought finally to have disappeared when the Li-Ito convention adjourned, by the terms of which China disposed of whatever right she had left without the consent of Japan to send troops to Corea, the only means as a last resort every independent nation possesses of enforcing its sovereign rights when assailed or called in question.

Some time in 1885, after I had been invited to Corea, but before my arrival, a policy of absorption, gradual or otherwise, seems to have been decided upon by the Pekin Government. The position of advisor and inspector of customs was seggregated, and the customs service passed to the control and direction of the Chinese service under the plausible assurance that it would be better and more economically administered, and that there was no political significance to be attached to the change, and, while the service has been honestly and well administered under the change, yet no one act since the conclusion of the treaties has contributed so much to mislead the public mind in regard to the true relations existing between China and Corea politically than this ill-advised one on the part of the Corean Government. Neither in the mean while was Commissioner Yuan idle, for it was about this time that he adopted as a title for his legation that miserable misnomer and subterfuge, "Residency," and in the most insolent way claimed to advise and even direct the King in long-winded memorials, and upon public and official occasions to assume the rôle of host instead of guest on the flimsy pretext that he is "at home" in Corea. But it is asserted that vassalage is distinctly acknowledged in the treaty sometimes called the overland trade regulations above alluded to. Now, I assert with much confidence that if that convention establishes anything, so far as this question is concerned, it is exactly the contrary to this.

While there are only eight rather lengthy articles in that treaty, yet as already observed they cover about all that is necessary in an ordinary treaty of friendship, commerce, and navigation. Under the first article China has dispatched her commissioner with diplomatic powers to Seoul, and consuls to all the open ports to guard the interests of Chinese merchants. The second article yields to China ex-territorial privileges for her subjects similar to those enjoyed by the citizens and subjects of the most favored nations. Article III permits the merchant ships of both countries to visit the open ports of the other, fixes the duties to be paid, provides for relief in case of ship-wrecks, regulates the conduct of fishing vessels, etc. Article IV permits merchants of either country to visit the open ports of the other for the purposes of trade, where they may purchase lands and houses, provides tonnage dues as well as re-export tariff, inhibits trade at the capital of both countries, compels merchants wishing to purchase native produce in the interior to first obtain permits of their consuls, while persons desiring to travel in either country for pleasure must be provided with passports.

Article VII provides for the dispatch once a month to Corea of a vessel belonging to the China Merchants' Company, and permits Chinese men-of-war to repair to the open ports of Corea for the purpose of protecting Chinese consuls and other residents.

In the text of this treaty there is not only no reference to vassalage or dependency, but the demands and concessions made exclude the existence of such relations at the time it was concluded. If China believed in the validity of vassal relations, can it be supposed that provisions would have been made for exterritorial privileges and passports for Chinese subjects in Corea? Certainly not, for to have done so would have presented the spectacle of a sovereign state demanding exterritorial rights and privileges for her own subjects within her own sovereignty, which is the very acme of absurdity. The only reference to vassalage is in a preamble published at the head of the treaty, which may or may not have been in its present form at the time the treaty was signed. This extraordinary preamble begins as follows: "Corea has long been one of our vassal states, and in all that concerns rights and observances there are already fixed prescriptions which require no change." Can this be the language of a high joint convention created, not to sign away the rights of a sovereign nation, but to protect them in its intercourse with a neighboring state?

It seems rather the *ex parte* assertion of a fallacy, than any proof of the existence of a fact. But the closing paragraph of this preamble, if anything, is still more remarkable. It reads: "It is understood that the present rules * * * are to be viewed in the light of a favor granted by China to a dependent state and are not in the category of favored-nation treatment applied to other states." Is it a favor to Corea for that state to grant exterritorial privileges to the subjects of

China while the latter lays claim to vassalage over the former? Is it a favor to Corea to permit Chinese men-of-war to repair to her open ports to protect Chinese consuls and other residents? And, finally, is it a favor to overrun the Corean capital with Chinese merchants while there is not a Corean merchant in all China? There is an additional reason why this preamble must be viewed with suspicion, and that is this: as the viceroy was one of the plenipotentiaries who concluded the treaty it is "quite out of the range of reason to believe that that distinguished official could have been a party to the assertion that the rules alluded to in the preamble "are not in the category of favored-nation treatment applied to other states," for hardly five months before this he discussed and sanctioned as the professed friend of Corea the fourteenth article of the American treaty, which provides as follows: "The high contracting powers hereby agree that should at any time the King of Chosen grant to any nation or to the merchants or citizens of any nation any right, privilege, or favor connected either with navigation, commerce, political, or other intercourse which is not conferred by this treaty such right, privilege, or favor shall freely inure to the benefit of the United States, its public officers, merchants, and citizens." But said the most eminent statesman of the Celestial Empire recently: "Corea is a vassal of China's, because upon the conclusion of treaties with western countries the King gave to the plenipotentiaries who conducted the negotiations autograph letters to be conveyed to the heads of their respective governments in which such relations were admitted."

Here again I must take issue with the assertion, even though it is made by so eminent a personage as Li Chung Tang. It is true that just prior to signing the American treaty an autograph letter was handed down by the King to be delivered with it to the President of the United States, but that letter admitted nothing more than the King now asserts, namely, that Corea is a tributary state of China, but which, as I have endeavored to point out, does not affect, much less destroy, the sovereign rights of a state, while it asserts in language that can not be misunderstood the sovereign and independent character which the Corean Government has always maintained. Subsequent autograph letters given by His Majesty were, in effect, the same as the first one, so far at least as the relations of Corea to China are concerned. The following is a correct translation of the letter of the King to the President of the United States:

"His Majesty, the King of Chosen, herewith makes a communication. Chosen has been from ancient times a state tributary to China, yet hitherto full sovereignty has been exercised by the Kings of Chosen in all matters of internal administration and foreign relations. Chosen and the United States in establishing now by mutual consent a treaty are dealing with each other upon a basis of equality. The King of Chosen distinctly pledges his own sovereign powers for the complete enforcement in good faith of all the stipulations of the treaty in accordance with international law. As regards the various duties which devolve upon Chosen as a tributary state to China, with these the United States has no concern whatever. Having appointed envoys to negotiate a treaty, it appears to be my duty in addition thereto to make this preliminary declaration.

MAY 15, 1882.

To the President of the United States:

Whatever interpretation the advocates of vassalage may choose to put upon the plain, candid, and unmistakable language contained in the above letter, or however much they may attempt to twist or pervert its meaning, it is perfectly clear that the American Government has given it a construction strictly in accord with its phraseology as well as spirit, for they now hold that, under the treaty of friendship and commerce which accompanied it, the question of Corea's vassalage to China has been definitely settled so far at least as that government is concerned. In paragraph 64, first volume of Wharton's Digest of International Law of the United States, the following language is used by the Government: "The existence of international relations between the two countries (the United States and Corea) as equal contracting parties is to be viewed simply as an accepted fact," and "the independence of Corea of China is to be regarded by the United States as now established." Neither does the American Government stand alone in this regard, for at least two other great powers claiming relations to the peninsula, equal in importance politically as well as commercially to those claimed by China, insist on maintaining the same sovereignty for Corea that the United States does, while it is the solemn joint declaration of Japan and Corea, as expressed in the first article of their treaty, concluded February, 1876, which declares that, "Chosen, being an independent state, enjoys the same sovereign rights as does Japan, and that their intercourse shall thenceforward be carried on in terms of equality and courtesy." Independently of the treaties which have been made with Corea, the historical relations of that country with China, under the present dynasty—at least for the last two hundred of its reign—do not admit the existence of any such conditions toward each other as suzerain and vassal.

When these relations are held by states in the legal international acceptation of the term, that which disturbs the heart of the sovereign affects the pulse of the vassal, and yet so far as is known neither the wars which have been waged against China by foreign states, nor her rebellions, nor internal dissensions have apparently disturbed or concerned Corea any more than if one nation had been located near the north pole and the other in the tropics. And yet it was the duty of Corea as a vassal of China to have furnished an army from her hundreds of thousands of soldiers which she has had or could have raised at any stage of her civilization as well as munitions of war, to aid China in the hour of her greatest need; but not a soldier, gun, or dollar seem to have crossed over from Corea for that purpose. In addition to this important fact, if such relations ever existed, they ought certainly to have left their imprint on the civilization of Corea, either upon the national emblems, coins, laws, or in some other way as public notice to other nations of China's responsibility when grievances were to be redressed or wrongs atoned, as well as an acknowledgment on Corea's part of the acceptance of such relations.

To those who are versed in international affairs Corea can not be considered a dependent state, for the reason that the law and the facts have placed her in the column of sovereign and independent states, where she will remain, unless, through the force of superior numbers, she is taken out of it. Corea has the right of negotiation; a vassal state has not. Corea has concluded treaties of friendship, commerce, and navigation with other sovereign and independent states without reference to China, which a vassal can not do; and in virtue of those treaties has dispatched public ministers to the courts of her respective treaty powers, while vassal states can not even appoint consuls-general, but only consuls and commercial agents. Corea has the right to declare war or peace, which a vassal can not do except through its suzerain. China under her treaty is represented at the Corean court by a diplomatic officer, and by consuls at all the open ports, and when the interests of the Corean Government demand it they will be similarly represented in China, or friendly intercourse will surely cease to exist between the two governments. The following language of Bluntshli, a modern international jurist of great clearness, is forcibly applied here.

He says: "Inasmuch as sovereignty tends to unity, such distinctions between vassal sovereignty and sovereign sovereignty can not subsist long. History shows us the truth of this principle. During the middle ages a quantity of vassal states existed both in Europe and Asia. To-day they have nearly all disappeared because they have been transformed into sovereign states or have been absorbed by more powerful states. International law ought to keep an account of their development. It ought to respect it. It ought not to contribute to retard it by seeking to perpetuate the unsustainable formalities of an antiquated jurity." International law will keep an account of their development too, and in its vigilance for the rights of the weak will keep an account of Corea also in her struggle for the maintenance of independent statehood. After having been by the great nations of the international world literally dragged from that seclusion which had for so many centuries enveloped the little kingdom in mystery to join the family of civilized nations under the express guaranty of assistance in the event of oppression or unjust treatment, those powers will surely not permit the stultification of this assurance by allowing their younger member to be strangled at the very threshold of its international life.

China's friend and ally Corea desires to be, but her voluntary slave never.

The Austro-Hungarian minister of state, M. Kalnoky, lately said, "A vassal state in the nineteenth century is an anachronism." However this may be, the times will indeed be sadly out of joint when China succeeds by her peculiar methods in establishing vassalage with Corea; not only so, but when she does a new chapter will have to be added to international jurisprudence, the principles of which such well-known expounders as Grotius, Vattel, and Wheaton never comprehended.

Even for China at this late date, after yielding the point in the treaties, and until recently acquiescing in the execution of all their provisions, declining responsibility for Corea's conduct at times when responsibility stood for something and having concluded a treaty with Corea herself, now to claim the existence of dependent relations is not only to abuse language and offend intelligence, but it is also an attempt to defy international precedents.

But perhaps the most careless and inexcusable assertion in relation to this question is the one that the Corean Government admits its vassalage without any qualifications whatever, for nothing is further from the truth; and when the King, under well-considered advice, appointed a minister to Japan, and afterward the plenipotentiaries to Europe and America, in order if possible to break up the pernicious meddlesomeness of the Chinese with Corean affairs, and which met with such stubborn opposition from the Peking Government, as well as adverse criticism in certain public journals in the East, His Majesty emphasized by that public act his denial of this fallacious statement. Apparently there is no limit to the tricks and devices resorted to by the advocates of vassalage. A correspondent of the Mainichi Shimbun, writing to that paper on the 17th of November last, seems to have fallen a victim to one of these, for he says; "It appears that a convention on the appointment by Corea of ministers in foreign countries has been concluded between her and China, and that it consists of the following three articles:

"First. The Corean minister of state shall, before sending a minister abroad, ask advice of the Chinese minister in Corea.

"Second. Should the Corean minister abroad have occasion to communicate with the representative of any other foreign power in the same country on a matter of business he shall consult with the Chinese minister in that country.

"Third. The Corean minister of state shall, no matter what the official rank of a minister appointed by them to a foreign country may be, not allow him to take precedence over the Chinese representative in the same country."

The only document which could be tortured into anything like the above articles is the following telegraphic instructions from the viceroy to Commissioner Yuan about the 5th of November last:

"First. After arriving at his post the Corean representative has to call at the Chinese legation to ask the assistance of the minister and to go with the Corean representative to the foreign office to introduce him, after which he may call where he likes.

"Second. If there happen to be festivities at the court, or an official gathering, or any dinner, or the health of some one is drunk, or in meeting together, the Corean representative has always to take a lower place than the Chinese representative.

"Third. If there happen to be any important or serious question to discuss, the Corean representative has first to consult secretly with the Chinese minister and both have to talk over the matter and think together. This rule is compulsory, arising from the dependent relations, but as this does not concern other governments, they will not be able to inquire into the matter. At present the question (sending ministers) has not been decided by imperial decree. They (the Coreans) have to be advised in a friendly spirit. China and Corea have to cherish for each other feelings of relationship. Ministers are selected from among the mandarins of reputation; therefore confidence and respect have to be shown them, and this is the way Corean representatives should treat the representatives of China. This has to be communicated to the Corean foreign office, then to be handed over to the King, who must order his representatives to act accordingly."

But notwithstanding the above command the King did not "order his representatives to act accordingly." His Majesty replied substantially that while his ministers would be instructed to show due respect and deference to the ministers of China, yet as he had appointed, in pursuance of all treaties with Corea, full ministers, he could not now change their titles without giving cause for unfavorable comment as well as unjust suspicions. Having, therefore, appointed full ministers, they should, in their presentation at court, be governed by the rules of etiquette which govern the presentation of the ministers from other countries. Accordingly the original instructions to the ministers, which do not contain any of the above conditions, were permitted to stand. As a matter of fact the Corean minister to Washington was presented to the President by the honorable Secretary of State and to the Secretary of State entirely independent of the Chinese minister, which caused the latter to telegraph to the viceroy at Tien-tsin, who, in turn, telegraphed to Yuan in Seoul, who, with his usual tactics, undertook to stir up the president of the foreign office, but all to no purpose.

Neither will the minister to Europe be presented at court by the Chinese ministers. Even if such an anomalous proceeding were attempted it would be hardly carried out for there is no country of respectability, jealous of its national honor, that will care to set the absurd and unprecedented example of receiving a plenipotentiary, envoy, or minister of any sort from a vassal state. Even the so-called memorial (letter) which the King addressed to the Emperor of China, in answer to questions from Peking explaining his reasons for as well as his right to send ministers to Europe and America, is regarded by China and by vassalage advocates as another link in the chain which they hope is to bind Corea to the Celestial Empire. The trouble seems to arise from this: the language used by the King to express his tributary relations is persistently and erroneously interpreted to mean vassal relations by China and her supporters. When the King refers in the so-called memorial to the Emperor, to tributary envoys and plenipotentiaries, he is entirely consistent with international jurisprudence as applied by other nations in their intercourse with each other, while China's appellations of vassal envoys and plenipotentiaries is a misnomer because entirely inconsistent with the laws of civilized nations.

Such laws do not recognize vassal envoys, plenipotentiaries, or ministers of any kind, for the reason that vassal states have the power to create only consuls and commercial agents. In this connection there is another trick which deserves attention, and that is this, letters or documents written or translated to suit the occasion, are frequently published in the press of China purporting to be from the King of Corea, inferentially if not positively admitting Corea's vassalage. In answer to such statements I am informed, upon the very best authority, that the King has never admitted, in document or otherwise, the existence of such relations, and further, if anything has been admitted by any official of the government at any time which even implies vassalage, it is without authority and void. The King knows only too well the object of the insidious conduct of China towards his country; aside from this, he can not be in-

duced or intimidated into admitting a national fallacy. Even if dependent relations could be created by admissions, and the King, under the threatening, violent, and criminal treatment of China for two and a half years past, were to admit vassalage in the most abject way, it would not be binding upon his government, for admissions under duress are not only no evidence of a fact, but they are not even admissions.

Other independent states with but few commercial interests to protect and no questions of sovereignty to settle, dispatch to foreign countries public ministers, and nothing is said against it; but when the King of Corea, in accordance with the expressed stipulations in all the treaties with other independent powers, does the same thing a perfect shower of invective greets the public ear from some quarters, while from others more mild the act is characterized as mischievous and ill-advised: that it was forcing to the front a question which ought to have been kept in the background, while the King and his advisers turned their attention to the development of the resources of the country. It is quite true that the question was forced to the front, not by the King and his advisers, but by the tyranny and oppression of China, largely through the conduct of Commissioner Yuan which, for petty schemes, criminality, injustice, and brutality, has seldom, if ever, been equaled in the annals of international intercourse. With a view to placing the heel of China on the neck of Corea he has not only opposed almost every effort which has been made in the direction of internal development, but he has, through the mercenary brigade which he always keeps about him, brought failure and ridicule upon almost every effort the better class of Coreans have made to transact business for the government or themselves, in order to make it appear that the Coreans are but a nation of helpless children, who can never learn business, and who, for that reason, need a Chinese guardian over them.

He has threatened the King repeatedly, through certain Corean officials, with the Chinese army and navy and with the vengeance of the viceroy in order to compel compliance with his wishes and demands, while, to weaken the royal authority in the eyes of officials and subjects alike, he has abused and trampled upon the long-established and sacred customs of the court by riding in his chair into the palace, almost up to the very entrance leading to the presence of the King, accompanied by his coolies, servants, and horsemen, who at times have conducted themselves in a disorderly manner; while in the excitement of July and August of 1886, which he was the principal cause of, and which, judging from his action, was intended as an excuse for violent measures, arising out of his attempt to force the Government to admit that the King was the author of a letter His Majesty never wrote, said to contain a request for the protection of a friendly power against the aggressions of China, the language and conduct of China's representative would have done credit to the chief of braggadocios. In some of his conduct he has been more or less applauded and encouraged by one or two foreign officials, while in all of his disreputable work he has been much assisted by a few petty Chinese officials, as well as by certain of China's gunboats sent to the open ports in Corea for the purpose of "protecting Chinese consuls and merchants," as stipulated in their treaty, and, as alleged and published in the preamble to such treaty, "as a favor granted by China to a dependent state," which have been detected in some of their attempts to smuggle red ginseng out of the country. These gunboats also, on their arrival from China, are in the habit of bringing more or less cargo, which their officers demand shall be landed without examination, while the customs authorities urge the right of inspection, as in ordinary cases, to see whether or not it contains dutiable goods. Invariably the Chinese consul takes up the side of the gunboat people, and in their behalf appeals to Commissioner Yuan in Seoul, who in turn threatens and abuses the president of the foreign office until the order is given to pass the goods without examination. The last case of smuggling ginseng by one of these gunboats, so far as is known, occurred in October, when several thousand dollars' worth of the drug were seized, the largest chest of which was covered by the seal and signature of Commissioner Yuan. The chief commissioner of customs has done all in his power to break up these lawless and fraudulent practices. He has appealed to the president of the foreign office, to the viceroy at Tien-Tsin, and to the inspector-general of customs in China to aid him in enforcing the laws and regulations of the Corean customs service, but thus far without avail.

The president of the foreign office frankly says he is powerless as against the Chinese in these matters. Even with the fraudulent treatment it has received, the customs revenues for the year just closed amounted to the sum of $250,000, a sum which, under legitimate and fair treatment, would have been considerably increased, thereby avoiding the apparent necessity for some persons to waste so much false sympathy over the expenditure of a few thousand dollars in sending ministers to Europe and America. But the culminating act of China's representative for cold-blooded villainy lies in his plot, exposed in July last, to dethrone and carry off the King to make temporary room for a pliant tool. The execution of this diabolical business involved riot, arson, bloodshed, and probable assassinations, besides imperiling the lives of all the foreigners in Seoul, as well as those of many native people. Every detail of this wicked conspiracy is in possession of the King, and which would, no doubt, have been carried out but for the integrity and loyalty of Prince Min Yong Ik, one of the ablest and truest of Corean subjects, who, with the knowledge of the King, had been let into the plot, and who faithfully reported its different phases from time to time to His Majesty as well as myself, who were enabled thereby to control and defeat it. Perhaps the most extraordinary part of this infamous business is the draught of it which was to have been, and doubtless was, submitted to the viceroy for his approval or rejection.

The principal features of this draught were as follows: Native soldiers were to be drilled at Kang Wha under the pretext of garrisoning the point against the "outside barbarians." These soldiers were to be reviewed by the Chinese representative, in order that they might readily recognize their commander at the critical moment. They were to be placed conveniently near to the palace. Then the Tai Wan Kiun, or the ex-regent's palace or house, was to be fired and the work of the incendiary laid at the door of the King, which was to be the signal for an uprising of the ex-regent's following, who hate the Queen and her party with intense bitterness. The rioters were to attack the palace, when Commissioner Yuan was to appear on the ground, as he did in 1884, and in command of the troops already referred to, under the pretense of quelling the rioters, was to take possession of the person of the King and carry him out of the palace and then declare the son of the King's elder brother heir-apparent and the ex-regent regent until the heir agreed upon attained his majority, thereby enabling the Chinese, under the direction of the regent, to thoroughly invest the government and country. Neither did China's representative neglect the financial part of the scheme, for he placed in the hands of a certain general 3,000 taels (about $4,500,000), out of which the expenses of drilling and moving the troops were to be paid. This sum was, however, returned to the Chinese legation after the departure of Min Yong Ik and the collapse of the conspiracy.

The Chinese Government can not plead ignorance of the conduct of their officials in Corea, for they have been fully advised from time to time through different channels. Twice I visited Tien-Tsin under authority from the king, when the fullest discussions were had with the viceroy with respect to Yuan's extraordinary conduct and the policy of the Pekin Government towards Corea. In my first interview, in September, 1886, I urged an amicable understanding between China and Russia, as well as Japan, in regard to the political affairs of the peninsula as the surest means of preventing irritation and disorder, and before my return the viceroy assured me that such an understanding would not only be reached, but that China would change her representative, as Yuan was too young, not only in years but also in experience, for such a post. In fact, said the viceroy, the position has already been tendered to the present Taotai of Tien-Tsin and the Taôtai who has just been appointed at Cheefoo, but that both had declined. On the occasion of my second visit, in October of last year, to discuss Corea's right to send public ministers abroad and to open ports in the interest of trade, as well as to expose Yuan's latest villainy, if it became necessary, in one interview; finding that the viceroy turned a deaf ear to everything reflecting in any way upon Yuan, I was about to dispose of him once for all, as I supposed, by presenting the indisputable evidences of his recent conspiracy when, to my amazement, the viceroy cooly informed me that he knew all about the dethronement scheme.

That while Yuan was in it, yet it was all the fault of Min Yong Ik, who laid the plot and induced Yuan to go into it, and that for his stupidity in letting himself be drawn into such a thing he had been severely reprimanded. The reprimand was due probably not so much to Yuan's stupidity for being drawn into it, as the viceroy said, as to the detection and failure of his own wicked conspiracy. And still, in the face of this criminal record, Yuan continues the representative of China to Corea, in violation of the closing paragraph of the first article of the treaty between the two countries, which says: "Should any such officer disclose waywardness, masterfulness, or improper conduct of public business, the superintendent of trade for the northern port and the King of Corea respectively will notify each other of the fact and at once recall him." In view of all this the inquiry naturally suggests itself, why is the commissioner stubbornly kept in Seoul? Is it because China, desiring to take possession of Corea, and having no excuse in the eyes of civilized nations for doing so, expects him, through his violent conduct, to furnish one? It is to be hoped not.

Nor is this all. What must be the moral status of a government which insists on being represented at the court of a neighboring state by a smuggler, conspirator, and diplomatic outlaw? I submit, the language is not too strong, in view of the facts and the following record applicable to them, copied from a well-known author on international law: "Several instances are to be found in history of ambassadors being seized and sent out of the country. The Bishop of Ross, ambassador of Mary Queen of Scots, was imprisoned and then banished from England for conspiring against the sovereign, while the Duke of Norfolk and other conspirators were tried and executed. In 1534 De Mendoza, the Spanish ambassador in England, was ordered to quit the realm for conspiring to introduce troops to dethrone Queen Elizabeth. In 1654 De Bass, the French minister, was ordered to depart the country in twenty-four hours, on a charge of conspiring against the life of Cromwell. In 1717 Gyllenborg, the Swedish ambassador, contrived a plot to dethrone George I. He was arrested, his cabinet broken open and searched, and his papers seized. Sweden arrested the British minister at Stockholm by way of reprisal. The arrest of Gyllenborg was necessary as a measure of self-defense, but on no principle of international law can the arrest of the British minister by Sweden be made justifiable.

For similar reasons, Callamare, Spanish ambassador in France, was, in 1718, arrested, his papers seized, and himself conducted to the frontier by military escort. So recently as 1843, Sir H. Bulwer, the British ambassador in Spain, had his passports returned, and was requested to leave Spanish territory by the government. Certain disturbances had taken place in certain parts of Spain, and the government persuaded themselves that Sir H. Bulwer had lent his assistance to the disaffection." And had the Corean Government possessed the national strength to enforce their rights, another case of far more recent date would have been added to the above list in the person of Commissioner Yuan. The Chinese authorities seemed to be considerably exercised over the surrender of Kim Ok Kiun by the Japanese Government, in order that he might be justly punished for his conspiracy, and who would doubtless have been willingly given up by that government were not international precedents against the surrender of political offenders; and yet the conspiracies of the Chinese representative are of a far graver character than those of Kim Ok Kiun, for the former's were directed against the King, the head and front of all government in the kingdom, while the latter's were directed more against certain high officials than otherwise.

If the Chinese authorities were sincere in their efforts to have Kim Ok Kiun properly punished for his crimes then, they surely will not condone the greater offense of their own representative against the King now. The oppressive conduct of China is not confined alone to her small officials in Corea, nor to those who periodically visit the country in gunboats, for it extends to Tien-tsin and Peking.

After my return from the north where I went to inspect the natural resources of that part of Corea, I recommended among other things that as Ping Yang is the center of a large section of country, rich in agricultural and mineral wealth, legitimate trade would be encouraged and increased, the customs revenues largely augmented, the smuggling carried on in and out of the Tatong River checked, while the preliminary work of opening the valuable coal and other mines located near there, already determined upon by the government, would be facilitated by estabiishing an open port at or near that city. The proposition was also warmly supported by the chief commissioner of customs, and subsequently that efficient officer was instructed by the King to take the preliminary steps.

A steamer was dispatched with a customs officer on board to survey the river and to locate the port at the nearest practical point to Ping Yang. While this work was going on the chief commissioner was informed by Yuan that the Viceroy Li would not permit a port to be opened at that place. The chief commissioner, humiliated by this unjust and unwarrantable interference, was compelled to direct the vessel with the customs officer to return. At first the King declined to believe that such an order could emanate from the viceroy, but direct communication with the Chung Tang through myself confirmed the statement of China's representative. In the discussion of this subject the viceroy based his objection upon the erroneous and illogical grounds that, as Ping Yang is near the port of New Chwang in China, an open port there would seriously interfere with Chinese trade. In the first place, New Chwang is several hundred miles from Ping Vangand; secondly, there is not annually a thousand dollars' worth of trade carried on between the two points.

But if there were even $1,000,000 worth, or ten for that matter, are the revenues of the Corean Government entitled to no consideration by China? or was it the object of the Peking Government in getting control of the customs service of Corea to so direct and manipulate it as to make the natural resources and wealth of the country subserve the interests of China instead of Corea? The right of every state to increase its wealth, population, and power by opening ports for the stimulation and encouragement of trade, the extension of its navigation, the improvement of its revenues, arts, agriculture, and commerce is incontrovertible and is recognized by every civilized nation under the sun, and the sooner China is compelled to recognize the fact also the better it will be for the family of nations whose comity and friendship she essays to share, as well as for her own interests. Neither do the commands of the viceroy stop at opening ports, for his excellency asserts, without a stammer or a blush, that Corea can not negotiate loans with which to aid in the development of the natural resources of the country or transact in her own way, as she has for centuries past, the business of the Government without first asking and obtaining the consent of China.

In view of such a long train of cruel, unjust, and tyrannical conduct as is here presented China's professions of friendship for Corea under the claim of vassalage become simply monstrous in their sincerity. Nor do the mischievous consequences of such meddlesomeness stop here. For if the viceroy in his commands to the Corean Government can practically defeat the commercial part of the treaties made with other countries, his excellency can by similar commands nullify every stipulation of those agreements, whether they apply to the ap-

pointment of public ministers, opening ports for the convenience of trade, the collection of duties, or to the rights of citizens and subjects of the treaty powers, whether of person or property. How long the treaty rights of other countries and the lives of their nationals are to be jeopardized and trifled with, or how far China will be permitted to go in the direction she now seems to be headed before a halt is called, depends entirely upon the faith and value other powers besides the United States attach to their stipulations with Corea. I say other powers besides the United States because that Government, with no political interests in the peninsula to protect, has through their distinguished Secretary of State, having in mind the faith pledged in the first article of the American treaty, informed China that as the former has concluded a treaty of friendship and commerce with Corea on the basis of a sovereign and independent state they expect the rights and privileges so acquired to be respected.

Were the national autonomy of China endangered or the rights and immunities of her subjects threatened with destruction by the continued independence of Corea, and China were for that reason to proceed openly to annex the country instead of assuming relations with it which do not exist and endeavoring by false pretenses to sustain the assumption, the case would be different. For the right of self-preservation is just as inherent in a nation as it is in individuals, while the most solemn and responsible obligation it owes to its people is the guaranty of all their rights under a stable and well-administered government.

The King having appointed and dispatched public ministers to all countries in treaty relations with Corea—a course so fatal to the claims of vassalage—the time has surely come for China to quit masquerading with the Corean question and frankly announce in unmistakable terms her policy toward the Peninsula. For until the question is settled one way or the other it will not only continue, as now, to be a very serious and disturbing element in the politics of the East, but it will delay, if not prevent, internal development and the reformation of the long-established abuses in Corea.

But with the question settled in favor of the continued independence of the country and entire responsibility for the duties and obligations already assumed through the government's international agreements, and with labor made honorable by royal decree, and idleness condemned as it is in Western countries, where the fact is recognized that the only key to real greatness, permanent prosperity, and national strength lies in the recognition of the truth that to engage in all branches of labor and business enterprises is not only respectable but it is more, it is laudable and worthy of the highest commendation and encouragement. Then with the idle Yang Ban classes (so-called gentlemen) which are now feeding upon and exhausting the labor of the country, because it is considered dishonorable for them to do any work, compelled to earn the bread they eat, and the agricultural classes stimulated and encouraged by the protection of their surplus products from the squeezing and other illegal exactions now made upon it—sure to follow sooner or later under settled political conditions—Corea would then enter upon that era of prosperity which the natural wealth of the country so justly merits.

A few words in reply to the stale charge that the King is weak and vacillating in character and I leave the subject of Corea's sovereignty and grievances to those who are able to protect and right them; and upon this point two years' experience as His Majesty's foreign adviser and vice-president of the home office (privy council) should enable me to speak advisedly, for during that time some of the most trying phases of the Corean problem have presented themselves for solution, and through them all the King has shown a firmness, cheerfulness, and patience worthy of a ruler of a great nation. Often his language and bearing have indicated great anxiety, but never weakness nor anger. It is true that since Corea's contact with Western people, dazzled by the glitter and novelty of the change and encouraged by the smooth words of some adventurers and some unscrupulous persons, the Government have been led into undertaking impracticable ventures, whose failures have created a reputation for extravagance and fickleness which will perhaps take years of prudence and economy to remove; but every Asiatic nation has had to pass through such an experience, and Corea must have hers also.

After dispatching the ministers to Europe and America against the imperial protests of China, the King ought not to be longer accused of either fear or a want of firmness of character. His Majesty received the protest with that quiet dignity which had characterized his bearing in other important matters, and after hearing and carefully weighing China's objections—relying on his right as expressed in and guarantied by the treaties, as well as by the law of nations—the ministers were ordered to leave for their respective posts, against the ultimatum of the Peking Government, the positive conditions prescribed by the viceroy, as well as in the face of the blustering conduct and diplomatic antics of Commissioner Yuan, supplemented by the persistent efforts of a few cowardly Corean officials, whose well-beaten track between the palace and the Chinese legation indicate the character of their patriotism as well as their devotion to the King. No; from my own knowledge I should rather say that His Majesty is far too strong a character to suit those whose purposes it serves not to have it so.

It must be borne in mind also that His Majesty has no kingdom to gain through an arrogant exhibition of strength of character, but he has one to lose through an exhibition of weakness or fear. The King's character for universal kindness may have been mistaken for weakness. Even some of his subjects say His Majesty is too kind for the good of the public service. His habits are those of perfect sobriety and industry, and, being progressive in his nature, he is constantly seeking information which will aid him in directing his subjects into those paths that lead to the higher plains of civilization which have done so much to humanize and Christianize the western world. Unfortunately in this great work the King, with a few exceptions, stands alone. Those who are in sympathy with western progress are as a rule without influence or following, while those who possess both adhere to the traditions of the past with a loyalty worthy of better things. Under these circumstances the King of Corea surely deserves the sympathy and support of all good people.

O. N. DENNY.

SEOUL, COREA, *February* 3, 1888.

Since writing the foregoing another disturbance has taken place in Seoul (June 20), but on a different tack from those which have preceded. This time it was substantially the old and absurd story of the Tien-Tsin butchery of innocent people over again that produced the riots, namely, that children were stolen and sold to foreigners, who used their eyes for medicine and then eat their bodies. These wicked rumors so excited the people that all that was necessary was for some street loafer, perhaps employed for the occasion, to cry out "there goes one of the child stealers," when the victim was at once set upon, stoned, and beaten to death, although his only offense may have been leading his own child by the hand through the streets.

The King took prompt and effective measures for the suppression of these rumors as well as the rioters, measures in which His Majesty received the energetic aid of the foreign representatives, backed by the cordial support of their naval authorities.

The appearance in the capital of squads of marines, landed from the American, Russian, and French men-of-war then in Chemulpo harbor, produced a most salutary effect in the direction of law and order. The circumstances leading up to the riots so pointed themselves that the diplomatic representatives in their conferences did not deem it necessary to have the Chinese representative present, so he was wisely left out. Another significant circumstance is that, while charges were freely made against the Japanese of buying and selling children to Westerners for the purposes above named, yet no such accusations were laid at the door of the Chinese, notwithstanding the well-known fact that at least one Chinese merchant has for a long time been engaged in the traffic of buying and shipping out of the country for sale Corean children. These rumors worked so well that no doubt similar ones will again be put in circulation when the conditions seem favorable for more mischief. There does not seem to be any doubt in the minds of intelligent foreigners in Seoul, who have closely observed events for the past two years, as to whose dastardly hand is at the bottom of this business or upon whom the responsibility would fall in case of violence, if the people in the country come to Seoul, as they have threatened to do, for the purpose of killing foreigners and tearing down their houses. Neither need the projector of the foul murders recently committed in the streets of the capital think for a moment that intelligent Coreans are deceived, for they, too, understand perfectly who is the moving spirit and the objects aimed at.

O. N. D.

Mr. MITCHELL. I now move a reference of the pending resolution to the Committee on Foreign Relations.

The motion was agreed to.

PRINTING OF A DOCUMENT.

Mr. FRYE. I move that Senate Executive Document No. 176, Fiftieth Congress, first session, being the message from the President of the United States, transmitting a treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888, be reprinted. The print is entirely out.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. GRAY. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, the pending question being on the amendment proposed by the Committee on Appropriations as section 6.

Mr. PLUMB. I now call for the completion of the reading of section 6, which I think was stopped at the end of the paragraph commencing in line 57.

The Secretary proceeded to read the amendment reported from the Committee on Appropriations as section 6, commencing with line 37, page 8, and continued to line 48, as follows:

The board is authorized to make all needful and proper investigations, experiments, and tests, to ascertain with a view to their utilization by the Government, the most effective guns, projectiles, fuses, torpedoes, armor-plates, and other implements and engines of war; and are hereby authorized to purchase or cause to be manufactured such guns, carriages, armor-plates, and other war materials and articles as may, in their judgment, be necessary in the proper discharge of the duty herein devolved upon them: *Provided*, That the amount expended and liabilities incurred in such investigations, experiments, and tests shall not exceed $500,000.

Mr. HAWLEY. Does the Senator from Kansas propose an amendment?

Mr. PLUMB. I want to propose an amendment to the paragraph just read. I move to insert in line 40, after the word "fuses," the word "explosives," so as to authorize the board to experiment with explosives.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 40, section 6, of the amendment reported by the Committee on Appropriations, after the word "fuses," it is proposed to insert "explosives;" so as to read:

The board is authorized to make all needful and proper investigations, experiments, and tests, to ascertain with a view to their utilization by the Government, the most effective guns, projectiles, fuses, explosives, torpedoes, armor-plates, and other implements and engines of war.

The amendment to the amendment was agreed to.

Mr. PLUMB. I now move to strike out in line 41 the word "are," and insert in lieu thereof "the Secretary of War is;" so as to read:

And the Secretary of War is hereby authorized to purchase or cause to be manufactured, etc.

The amendment to the amendment was agreed to.

Mr. PLUMB. I move to insert after the word "judgment," in line 44, the words "of said board;" and in connection with the same amendment I move to strike out "their," and insert "the," in the same line.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The SECRETARY. In line 44, before the word "judgment," it is proposed to strike out "their" and insert "the;" and after the word "judgment" in the same line to insert "of said board;" so as to read:

In the judgment of said board, be necessary in the proper discharge of the duty herein devolved upon them.

The amendment to the amendment was agreed to.

Mr. PLUMB. I did not observe whether the Secretary read the last paragraph in the proposed section 6, commencing with line 49.

The PRESIDING OFFICER. That has not yet been read. The Secretary will read the remainder of the amendment proposed by the Committee on Appropriations as section 6.

The Secretary resumed the reading of the amendment from line 49 to line 54, as follows:

That under the provisions of this section of this act the board shall not expend or enter into contract or contracts involving the Government in an aggregate expenditure exceeding $6,000,000, nor an expenditure on the part of the Government in any one fiscal year in excess of $2,000,000.

Mr. PLUMB. I suggest that the words "of this act," in the first line, should be stricken out. They are unnecessary.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 49, after the word "section," it is proposed to strike out the words "of this act;" so as to read:

That under the provisions of this section the board shall not expend, etc.

The amendment to the amendment was agreed to.

Mr. PLUMB. I move to insert at the close of the paragraph:

And all guns and materials purchased under authority of this act shall be of American production and furnished by citizens of the United States.

The amendment to the amendment was agreed to.

Mr. HAWLEY. I wish to suggest to the Senator from Kansas another amendment in this paragraph from line 49 to line 54. Has that been read?

Mr. PLUMB. It has been read and amended, and I was going to propose another amendment there so as to make it read:

That under the provisions of this section there shall not be expended.

Mr. HAWLEY. That is exactly what I intended to propose. It says:

The board shall not expend or enter into contract or contracts involving the Government, etc.

I propose to say that "the contracts authorized by the provisions of this section shall not involve the Government in an aggregate expenditure exceeding $6,000,000." Is that the idea of the Senator?

Mr. PLUMB. That is the idea; only I intended to do it by a different form of language, to make the clause read:

That under the provisions of this section there shall not be expended, or contract or contracts entered into involving the Government in an aggregate expenditure exceeding $6,000,000.

That covers the idea of the Senator from Connecticut.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the clause so that it shall read as follows:

That under the provisions of this section there shall not be expended, or contract or contracts entered into involving the Government in an aggregate expenditure exceeding $6,000,000, nor an expenditure on the part of the Government in any one fiscal year in excess of $2,000,000.

Mr. REAGAN. To what section is that amendment?

Mr. PLUMB. In the clause from line 49 to 54 of section 6 on page 8. That does not change the sense of the section.

Mr. REAGAN. That is in addition.

Mr. PLUMB. In addition to all the provisions contained prior to section 6.

Mr. BECK. Read it again. I could not understand it.

The PRESIDING OFFICER. The amendment will again be stated from the desk.

The SECRETARY. It is proposed to amend the clause beginning in line 49 so as to read as follows:

That under the provisions of this section there shall not be expended, or contract or contracts entered into involving the Government in an aggregate expenditure exceeding $6,000,000, nor an expenditure on the part of the Government in any one fiscal year in excess of $2,000,000; and all guns and materials purchased under the authority of this act shall be of American production and furnished by citizens of the United States.

The amendment to the amendment was agreed to.

Mr. TELLER. I wish to amend section 6, in line 39, by inserting, after the word "effective," the words "small-arms and cartridges." I understand there is no objection on the part of the committee to the amendment.

Mr. PLUMB. I think on the whole that will change the effect of the remaining portion of the provision. If the Senator would insert, after the word "guns," in line 39, the words "including small-arms," I think it would be better.

Mr. TELLER. "And cartridges."

The PRESIDING OFFICER. Does the Senator from Colorado modify his amendment?

Mr. PLUMB. The word "cartridges" is covered by the word "projectiles," in line 40.

Mr. HAWLEY. Hardly.

Mr. PLUMB. Then I suggest that the word "cartridges" come in at a different place. Say "including small-arms," and then put the word "cartridges" in another place.

Mr. HAWLEY. If you say simply "small-arms, cartridges, and projectiles," that will answer every purpose.

Mr. TELLER. I will modify it in that way, by inserting the words after the word "guns" instead of after the word "effective."

The PRESIDING OFFICER. The amendment will be reported as modified.

The SECRETARY. At the end of line 39 of section 6, after the word "guns," it is proposed to insert "including small-arms and cartridges."

Mr. PLUMB. Leave out the word "including," and say "small-arms, cartridges," etc.

The SECRETARY. After the word "guns," in line 39, insert "small-arms, cartridges;" so as to read:

The most effective guns, small-arms, cartridges, projectiles, fuses, explosives, torpedoes, etc.

The amendment to the amendment was agreed to.

The Secretary read the remainder of the section proposed to be inserted as section 6, beginning in line 55, as follows:

For payment of the necessary expenses of the board, including a per diem allowance to each member thereof when employed on duty away from his permanent station of $2.50 a day, $5,000, or so much thereof as may be necessary.

The PRESIDING OFFICER. The question now is on agreeing to the amendment to insert, as a new section, section 6 as it has been amended.

Mr. TELLER. I desire to offer a further amendment to the bill.

The PRESIDING OFFICER. Does the Senator desire to offer a further amendment to section 6?

Mr. TELLER. I desire to offer a substitute for this section, and I presume it should be done now.

I do not mean to detain the Senate at this time with any lengthy remarks on this bill, because it is not a subject that I feel that I have any right to detain the Senate at great length upon; but I wish to criticise very briefly some provisions of section 6.

I am entirely in sympathy with the purpose and object of the section, and that is to enable those who are skilled in the making of guns to become contractors with the Government for the furnishing of guns. I believe that it is unquestionably the fact that if we resort to outside people for these arms we shall get a more effective and cheaper gun than the Government can furnish. I think, without any reflection on the War Department, or the Ordnance Bureau, or anybody, the effort to get guns has demonstrated the fact that we are not likely, within any reasonable time in which it is supposed we should have these guns, to get anything very valuable from that source. I do not know whether the complaint made against the Ordnance Bureau is correct or not, but I know the public have at least formed the opinion that nothing will pass that bureau unless it originates in the bureau, and that the public at large will offer nothing to the Government in the way of guns unless there is some board or some authority outside of the Ordnance Bureau with which they can deal.

I do not feel myself that the constitution of this board is what it ought to be. I think there should have been some members of the board taken from civil life, as I said yesterday. I am satisfied that a little of the common sense and the skill and the learning that could be selected from eminent engineers in this country, who have given no attention whatever up to this hour to guns, would be of vast benefit to the Government in connection with this matter. It is a question, as I said yesterday, largely of engineering, and it is quite possible, indeed quite probable, that men who have not had anything to do with guns, who will now make that subject a study for a few months or a year or two, will know more about it than some men who have got in a rut and insist upon keeping in that particular rut and going in that particular direction or else not going at all.

If this is a practical measure, if it is proposed to get guns, this provision is so indefinite, so uncertain, that I do not believe any person will attempt to build a gun unless it is those guns that are provided for in section 6, the cast-iron guns. I have no doubt they can be furnished. Whether they are desirable or not I do not design now to consider or discuss. I presume those will be furnished, because there are concerns in the country that are capable of doing it.

But as to the breech-loading guns of steel, 10 and 12 inch guns, it does not seem to me possible that any concern can go to work and make one of those guns and submit it to the test that the Army may exact and ought to exact without knowing what he is to have for it when he gets it, without knowing the amount that will be paid for it, without knowing what sort of a gun the Department will assent to be the best kind, without any data whatever as to what is to be the weight of the gun, what is to be the weight of the projectile, what is the force that is to be put upon the projectile, what is to be the velocity with which the projectile is to go from the gun, what is to be the range, what is to be the endurance, and what the general character of the gun provided for in this sixth section. Is it left to the board? If it is, does anybody know that it will be satisfactory to Congress? Ought we not to provide in this system for securing proper guns? Ought we not to say something about the character of guns and what should be their effective force?

Mr. PLUMB. If the Senator will allow me at that point, I will say that I think if he will read the clause beginning in line 19 of section 6 he will find that we have provided for just that thing, because we say in effect that the board shall provide a test; that is, that they shall establish the qualities and qualifications of the gun which, according to their judgment, inferentially but necessarily, represents the highest offensive and defensive results, and when they have prescribed those tests, then manufacturers who desire to make guns to meet those tests will have an opportunity to bring them forward and subject them to the tests and inspection necessary, and if they come up to the tests they shall be entitled to a contract for the manufacture of a certain number.

After the examination I have given to this subject during the last

two or three years and in connection with bills of this kind which have been proposed and which have not become laws, I have made up my mind that the law ought not to prescribe in detail the tests to be applied in order to secure the acquisition of good guns.

The situation changes from day to day and from time to time. Suppose we say that a projectile should have a muzzle velocity of a certain number of feet to the second, or something of that kind, and the very next day or before the gun could be made somebody else makes a gun with a greater velocity of projectile, or we might put that velocity too great. We have prescribed a board, which is supposed to represent, as I think it does, everything that is effective in our present military establishment, and we say to them "you shall make tests covering efficiency, range, power, accuracy, and everything of that kind, and when you have prescribed those tests if anybody will produce such a gun you go on and contract with him."

Mr. TELLER. That is true. There is a very limited provision of that kind in this bill, and that is in the first part of section 6. The first provision is that there is to be a comparative test between the iron guns which are to be furnished and the Sandy Hook iron mortar. Then it provides further, when you come to the 10 and 12 inch breech-loading steel guns, that—

Such gun shall, in the presence of the party presenting it, be subjected to such tests as the board shall have prescribed; and should such gun be shown to the satisfaction of the board by such tests to fulfill the requirements previously prescribed in respect to accuracy, range, power, endurance, and general efficiency, the gun and ammunition shall be paid for at a fair valuation, including cost of transportation, and contract shall be made, at a price reasonable in the opinion of the board, with the party presenting the best of such guns, for a further supply of similar guns, to be subjected to the usual service test before acceptance, the experimental gun and all guns purchased hereunder to be subject to inspection at each stage of manufacture, as follows, namely: For not less than fifty 10-inch steel guns; and for not less than fifty 12-inch steel guns.

That is all well enough if only one person presents himself to this board with a gun; but suppose a dozen men present themselves with guns; suppose a dozen men try to make guns. I will admit that I do not think there will be any danger of a great number of people applying, for it does not seem to me upon an examination of the provisions of the bill and the circumstances which surround the dealing with the Government in these matters that anybody will present himself. But what we ought to do is to so provide by law as that there shall be a general offering of guns that the Government may have the advantage of all the best talent in the country in the making of guns.

In the first place, the board will prescribe the test, but, as I understand, they will not prescribe the price to be paid. That is a subject-matter they are not required to provide in advance. Who is going to make a gun and bring it to the Government to test it in the hope that he will get a contract when he does not know whether he will get a contract at all, and if he should obtain a contract he does not know what price will be fixed on the gun, and when fixed it may be such a sum that he would not be willing to make it at that price?

An experimental gun, a gun that has to be tested, can not be made and tested, I suppose, for any sum less than from $100,000 to $125,000. Nobody could afford to make but one gun for $125,000. As was stated here, I think by the Senator from Connecticut [Mr. HAWLEY] and others, it will require a very large expenditure of money to make a gun. In the first instance, there is a large plant to be provided, costing from a million to a million and a half or two million dollars to begin with. What concern will put up the plant and go to all that expense to produce one gun as a test in the hope that it may then get from the Government a contract for one hundred more? If one company should consent to do it another may, and then the two companies would both be coming here and but one of them could get the contract.

Then whoever gets the contract must depend entirely upon this board. As I said before, there is no provision in the bill as to what shall be the size of the projectiles, the weight of the gun, the length of the gun, or anything of that general character. All that is absolutely essential. I know the Senator from Kansas says that the board will have the whole matter under consideration and that they will be required to pay a fair compensation for the gun. Who will determine what is a fair compensation? Of course the board will determine what will be a fair compensation.

The first one hundred guns that are made by any foundry ought to cost more than the second hundred guns. I should say roughly, without a careful examination, that the one hundred and fifty guns which follow the first hundred guns ought not to cast any more than the Government will be obliged to pay for the first one hundred guns, or somewhere in that neighborhood. When they have their plant and have made one hundred guns then they will be prepared to make another hundred or a hundred and fifty very much cheaper than they made the first hundred.

Yesterday the Senator from Maine [Mr. HALE] made some allusion to the cost of these guns. The cost of the guns is simply enormous; it is frightful to contemplate when you think about it. Some of these guns cost half a million dollars—not the guns provided for in this bill, I think, but some of the guns proposed by the different nations of the earth, and some that are in process of construction, the 20-inch guns, for instance.

I find in a communication from Charles S. Smith, captain, Ordnance Department, United States Army, to the subcommittee on the fortification bill in the House of Representatives, a statement of all the prices that are paid for these guns in Europe. It was desired to purchase some tools, which it was said by the ordnance officer would cost in Europe about $200,000, and he declared that for all purposes in this country the same number of tools would require twice that amount, or $400,000.

There are no people in the world who have excelled us in the making of tools. We make tools of all kinds. A man can make tools with a certainty of a market if he makes them for the Government under contract. It is not a question of trial; it is not a question of test; it is not a question of discretion in the board. He makes them according to their description, according to their demand, and he has a certain sale for his tools.

Why should it be said that twice as much would be required to pay for the tools here as it would take to buy them in Europe? Yet when it comes to guns this Army officer says the guns can be obtained here for practically the same amount of money that they can be obtained for in Germany. If these estimates are true it would be much cheaper to buy the guns in the United States than to buy them in Germany, because the cost of transportation would be great.

I find that this officer says that for a 14-inch gun the price in this country ought to be $93,632; that for a 16-inch gun it ought to be $144,000, and for a 20-inch gun $289,000. I find on the other page, speaking of a 16-inch gun in Krupp's manufactory, he says:

The reported cost of ten Krupp 120-ton guns (16-inch) is given as 894,000 francs, or $174,440 per gun.

Yet the same officer puts the cost of our 16-inch guns delivered at $144,000, and it is to be presumed that the cost of the 12-inch guns and the 10-inch guns will be proportionately lower than the 10-inch and 12-inch guns made in Europe. I have here a memorandum showing that the 12-inch Krupp gun cost fifty-three thousand six hundred and some odd dollars. This Army officer says that a reasonable price for one of those guns here would be $55,000. There is not anybody who does not know that that is impossible; that if those guns are properly constructed in this country they must cost more money than they cost in Germany by very much more than he suggests.

Mr. GORMAN. I should like to ask the Senator to repeat the figures he gave as to a 12-inch gun.

Mr. TELLER. Fifty-three thousand six hundred and some dollars is given as the cost of a 12-inch Krupp gun. I have a memorandum here showing that the Krupp 12-inch rifle, which is a gun of higher power than is contemplated in the bill, cost about $53,000. I find in the report of the Army board of 1886 that the cost is put at almost $54,000. It is considered that $55,000 apiece, therefore, is a liberal price for the proposed 12-inch guns.

I was looking this morning over the difference in prices, as published in the labor report, between the German iron works and our own, and I find that we pay more than twice as much for labor in all our steel and iron manufactories as is paid in Germany. I have no doubt that Mr. Krupp employs the very best of workmen, and he probably pays something higher than is paid for ordinary work. Perhaps the difference would not be as great as that, but everybody must know that if a gun cost practically $54,000 in Germany, it can not be built in this country for $55,000.

It is not a matter of particular concern now how much these guns will cost, and I do not mention this for the reason that there is anything in the bill about the cost of them, but to show that when any outside parties come to deal with the War Department they will be met with a statement that these guns can be made for this sum of money, and there will not be anybody who is capable of gathering together enough steel to build a gun in this country, who has the brains or capital to do it, who will not know that it can not be done; and so practically the War Department or the Ordnance Bureau, which is in control now practically of this board, will prevent anybody from contracting with the Government for these guns, because they will insist beforehand that the prices shall be such that nobody will dare to bid; and if they did not, if they said nothing more than that, here is the statement that has gone out to the world, and that will be considered a fair price for a 12-inch gun.

Mr. PLUMB. Will the Senator permit me to interrupt him for a moment?

Mr. TELLER. Certainly.

Mr. PLUMB. My understanding is that a 12-inch gun weighs 50 tons, that is 50 long tons, 2,240 pounds to the ton.

Mr. GORMAN. Fifty-one tons.

Mr. PLUMB. Well, in round numbers. That would make about 112,000 pounds, and at 33 cents a pound would amount to over $33,000. We were advised by the Ordnance Bureau that there should be added for finishing and assembling (saying nothing now, of course, about the use of the plant) about 20 per cent., which would make a 12-inch gun cost somewhere between $45,000 and $50,000.

Mr. GORMAN. If the Senator from Kansas will permit me, I happen to have a memorandum of the cost of steel guns in my hand, which I will read.

Mr. PLUMB. Well.

Mr. GORMAN. The memorandum was furnished by the ordnance officers. I do not believe it to be accurate by any means; but their estimate is that an 8-inch gun will cost finished at the Government factory $16,000. The probable cost of the same gun finished at a private shop they put at $18,512. A 10-inch gun finished at the Government factory costs $33,000, and it would cost $36,826 at a private factory. A 12-inch gun costs $54,000 at the Government factory, and it would cost $60,222 at a private factory. As a matter of course, in making that estimate of the cost at the Government factory, there is nothing added for the interest on the cost of the plant or for the wear and tear of the machinery. The table as furnished is as follows:

Cost of steel guns.

Caliber.	Weight of finished gun.	Weight of forgings per gun.	Estimated cost per ton.	Cost per gun.	Probable cost per gun finished at gun factory.	Probable cost per gun finished at private shops.
	Tons.	*Tons.*				
8-inch.....	14.5	17.4	$656.32	$11,420	$16,000	$18,512
10-inch.....	29.5	36.0	716.80	25,805	33,000	36,826
12 inch.....	51.0	60.0	739.20	44,352	54,000	60,222

Mr. PLUMB. I wish to say further in regard to the price that the Navy Department have been buying steel from the Bethlehem Iron Works, I understand, for about 33 cents a pound for the 6 and 8 inch guns they have been manufacturing, and perhaps for the larger caliber. The Secretary of the Navy told me some twelve months ago, unless I am very much mistaken, that he anticipated within a brief time we should be able to buy our steel as cheaply as the French Government was buying the same article for, and that was about 22½ cents or 23 cents a pound.

Mr. TELLER. How much would that be for a gun?

Mr. PLUMB. I do not know; I have not made the calculation. Of course the Senator must know that as our manufacturers become familiar with this kind of manufacture and get the machinery necessary for the purpose the price will naturally go down. There will be very soon competition growing up, because we are not only going to manufacture our guns, but I have very good reason to believe that there are men in this country expecting to engage in the manufacture of guns for foreign governments, for the South American governments especially, and I will venture to say that the moment we offer inducement enough to get our manufacturers enlisted in this kind of manufacture they will seize upon it and fill the field as completely and as economically as they have ever filled the field for the manufacture of steel rails.

If the Senator believes we are not likely to be liberal here to these people, that is another thing, but he will see that we have excluded the idea in the amendment of comparison with anybody, and that we simply authorize the board to buy at a fair valuation. Of course I do not know what they may consider to be a fair valuation, but we thought for the purposes of this experiment we would let them consider every element that entered into the actual cost of a gun that was produced, whether it was just as much cost as might be expected to follow the subsequent production of a thousand, but to get somebody to start in upon this manufacture, if he would, upon the prospect of simply a reasonable profit, to be determined by the board.

Mr. TELLER. I agree with the Senator from Kansas that when gun-making becomes a business in this country we shall probably be able to make guns reasonably cheap; but we do not make any guns yet. Our manufacturers have never had any market for guns; they have never had any inducements to make guns. I want somebody to have an inducement to build a gun. I want our people to have their attention called to it; and when they begin to look about to see whether they will put their money together and create a plant, I want them to have something before them by which they may know what kind of a gun they have got to build, what its test is to be, and all about it; and that ought to be the very highest type of any gun in the world. We ought not to accept to-day any 12-inch gun that does not perform as good service as any other gun in the world.

If we can not make as good a gun in this country as Krupp can make, then we ought to go over there and buy from Germany a gun. But we can make as good a gun; there is not any question about it. It is only a question whether there is sufficient inducement offered to the manufacturers of this country to build guns.

I have no expectation that the War Department will ever build any sufficient quantity of guns or that they could do so. The statement that these guns can be made for any such money as has been stated is a mere suggestion, for they have never made any of them for that amount. I do not suppose they have ever made a gun that did not cost twice as much as the sum they talk about here. They will not make any guns that will not cost 100 per cent. more than guns made in private establishments, and they will not make them as good, if the private parties are given an opportunity, so that they will be paid for their skill, for their intelligence, and for the discoveries that they will make in gun-making.

That is what we want to do, and that is why there should be a provision of details in this bill. I do not say that this bill should provide for that absolutely, although an amendment I propose to offer does provide for it. I do not say that we should provide the price, or I do not say, as suggested by the Senator, that there should be an absolute test, for instance, as to the velocity of the projectile from the mouth of the gun, which determines the whole question of the value of a gun.

I would say that you must not have a velocity less than a certain amount, say 2,000 feet per second. If we can get that kind of a gun that will stand the test of a sufficient number of shots, we should agree to pay for it so much money, but if in addition to that we can get the manufacturers to bring us a gun that will give a velocity for the same projectile of 2,500 feet per second, we shall have a gun that is infinitely more valuable than the other gun, and for such a gun we ought to pay exactly, as I heard the Senator from Kansas advocating on this floor—that for every knot the speed of a ship is increased we ought to pay, because the ship becomes more valuable although the speed may be increased but a small percentage. If our manufacturers add a quarter to the force of the gun they will have added more than a quarter to its value, they will have doubled it, the Senator says, and sometimes the difference in value would be incalculable. One might be an effective and a valuable gun, and the other might be absolutely worthless.

What we want to do is to get the best possible gun, and that can be done by some wise system of inviting capitalists who have money to put in guns to come in here and compete with each other. What is more, every manufacturer should be induced to compete with himself; that is, when he has made a good gun he should be ever striving to make a better gun. When you have done that you will have all of the ingenuity and all of the talent and all of the capital in this country, backed by the enterprise to furnish the Government with guns.

But I alluded to the price of these guns more particularly to show that there is every reason to believe the War Department, as long as they are allowed to make these guns, if they do not get bids from the public, will not invite the public, and their tests will not be of such a character as to invite the public. They may make a very different gun. They may say to the public, "We want a velocity with an 800-pound projectile of 2,500 feet to the second," and that may be beyond the capacity of anybody in this country, for it has never yet been attained in any portion of the world. They may say that to the manufacturers of the country. Then they may turn around and build a gun that does not have a velocity of more than 1,500 or 1,800 or 2,000 feet per second, and there will be nobody to complain of that.

For that reason this ought to have been done in detail. The committee ought to have sat down and taken time. They had the ability to do it if they had taken the time, but they returned us this bill in very great haste, and, I think, without giving it that attention which they ought to have given to it. Every day guns are being improved on in this country. We have a rifle called the Springfield rifle. I believe the Government has suspended making any more of those.

Mr. GORMAN. They are still made.

Mr. TELLER. I understand that the Government has suspended the making of them.

Mr. PLUMB. Every Army supply bill for the last ten years to my personal knowledge has contained an appropriation of $400,000, I think, perhaps on occasions $500,000, for the purpose of continuing the manufacture of Springfield rifles.

Mr. TELLER. I understood that this order was a recent thing, just a few weeks ago.

Mr. PLUMB. In addition to that, the capacity of the establishment at Springfield, where these rifles are made, has been greatly enlarged lately, practically in order to supply the militia under the increased appropriation of $600,000 a year, which is now one of the permanent annual appropriations of the Government to supply the militia of the various States with weapons of war and camp and garrison equipage.

Mr. TELLER. If we are to make an arm, a small arm or a great arm, we ought to make the best. Inferior guns are of no account any more than inferior powder would be. We want the best. If you are going to war, you want the most effective weapon. If you are going to fight on land or on sea, you want the benefit of all the discoveries and all the enterprise of the world, and we certainly know to-day that a better gun can be made than the Springfield rifle. The Senator knows that.

Mr. GORMAN. They have a better gun in the Navy, I understand, with a smaller caliber. The whole tendency of the world is to make guns of very much smaller caliber than formerly. They have such a gun in the Navy, but not in the Army. They adhere to the Springfield rifle in the Army.

Mr. TELLER. I understand that recently a trial was made down here at the navy-yard in the presence of Senators, at which it was demonstrated that a small rifle capable of being carried had three times the penetration of a Springfield gun. I have a statement here which I believe could be supported by the Senator from Connecticut [Mr. HAWLEY], who, I understand, was present when it was made. I understand that the Springfield rifle tried at the time penetrated 13 inches of pine, and the Hurst rifle 40 inches and had sufficient force to bend and upset

the projectile against the iron beyond, and that it would undoubtedly have gone through several more inches if there had been plank there instead of iron. The Springfield projectile weighed 405 grains; the Hurst projectile weighed 258 grains. The Springfield rifle has a danger space of less than 400 yards; the Hurst rifle has a danger space of over 800 yards. The Springfield rifle has an extreme range of about a mile and a half; the Hurst rifle has an extreme range of 3 miles with a much lighter projectile. Mr. President, can anybody make a comparison between those guns that could be favorable to the Springfield rifle? Why, you could not afford to take the Springfield rifle as a gift, and what is true of a rifle is true of a cannon.

Mr. PLUMB. But let me say that is not the only test to be applied to an arm. It must have ease and simplicity of operation; it must be durable; it must be good all around as well as good in the mere matter of its power of propulsion. I do not know that this particular weapon has not all the qualities which a weapon ought to have; but it seems to me that it has not yet been thoroughly investigated. Meanwhile there has been very particular testimony from competent people showing that the Springfield rifle, taking it altogether, in view of all these qualities, is one of the very best weapons in the world, provided always that the present weight of projectile must be kept up. Meanwhile the European governments have been experimenting with a smaller projectile, and I think now it is very generally agreed upon by military authorities that there ought to be a gun for the arming of our Army which has a projectile having a less weight than the Springfield rifle carries. I have no doubt that we shall enter upon the manufacture of something of that kind after a time. Meanwhile we are doing what may or may not be the very best thing, and yet at the same time the military authorities recommend it.

Mr. TELLER. I only mentioned it as an illustration. I did not mean to say that the Hurst rifle ought to supersede the Springfield rifle; but these are important matters. It is no heavier than the Springfield rifle, I understand, but its recoil is much less than is allowed in the British army. Of course that is to be considered. Its recoil might be so great as to render it impossible for a man to hold it; it might fly out of his arm.

Mr. PLUMB. There is one other thing to be taken into account. The Hurst rifle, from what I have heard of it, is undoubtedly a very good weapon, at least in this one particular, but it has been generally believed for some time that we were to have a better explosive than powder. I understand that the British Government has adopted or is about to adopt—at all events it has passed through certain stages necessary to the adoption—an explosive which is a great deal better than anything heretofore known for small-arms; that it is impervious to water; that water does not affect it injuriously; that one-half the weight of this explosive will perform more than the service of double the weight of powder, and so on. Of course all these things may qualify the arm to be used.

Mr. TELLER. It is all true, of course, as the Senator from Kansas says, that discoveries are being made all the time, and that is why I suggested that if we made the proper inducement for manufacturers we should have their efforts in making discoveries, because we would pay them. If a man knows that he can get $50,000 from the Government for a rifle of a certain character, and that he can get $10,000 more from the Government for his skill, he is going to try to make the superior gun. That is why I want a system that shall tell the people what kind of a gun they can make, and which shall provide that when they have made what is admitted to be the best gun, we shall buy that gun; and if a man comes then with a better gun that it shall supersede his own gun if it is better than the former.

I have here an amendment which is somewhat lengthy, which I desire to offer so that if it shall not meet the approval of the Senate it may at least go with the bill into conference, so that the Senate conferees may have the benefit of what I think are some very valuable provisions. The amendment has been prepared by some gentlemen with great care and attention, and while there are some things in it that I do not know ought to go into the bill, some things I admit I am not familiar enough with the subject to really know whether they ought to go into it, on the whole it seems to me to be a complete and perfect provision, and I believe if the Senate would adopt it instead of the sixth section the bill would then be in a very much better condition in handling this subject, and I believe there would then be some hope that we might get a bill through Congress.

Let me call the attention of the Senate to some of the provisions of the amendment, not in detail, but just for a moment. It provides that the standard weight for projectiles for testing these guns shall not be less than 500 and 800 pounds respectively; that the standard weight of the rifle shall be so much, and then it provides a great many other things. Every gun ought to be tested according to its projectile. That is to say, if one gun carries a projectile of 800 pounds and another carries one of 1,200 pounds, there might be a very great difference, the gun that fired the 800-pound projectile might be the most valuable after all. All these details ought to be worked up. Of course, the board may do it, it is possible they will do it, and that they will provide for that, although the bill itself should not have compelled them to provide for it. If the Senate does not think it is wise to say what shall be the length of the gun, what shall be the weight of the gun, what shall be the projectile, what shall be its speed, what shall be the strength of the gun, at least we ought to provide in this bill that the board shall adopt some rules of this kind which shall be permanent and fixed, and not liable to be changed at any time after people enter into the manufacture of these guns. I submit the amendment.

The PRESIDENT *pro tempore*. Is the amendment offered as an addition to the section?

Mr. TELLER. It is a substitute for all after the first paragraph of section 6.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to amend section 6 by striking out all after the word "manufacture," in line 18, and inserting:

SEC. 7. That the standard weight for projectiles for testing 10-inch and 12-inch rifle guns shall not be less than 500 and 800 pounds, respectively.

SEC. 8. That the standard weight of rifle guns to be tested for endurance, and of service guns to be contracted for as hereinafter provided, shall not be more than 28 and 48 tons each, respectively, for 10-inch and 12-inch rifles; and the length of these said guns, exclusive of the breech apparatus, shall not exceed 35 calibers.

SEC. 9. That the said board shall authorize a contract, after due advertisement, for two 12-inch rifle guns with such party or parties as shall to them seem best. These guns shall be built up according to the plans now prepared by the War and Navy Departments for 8, 10, and 12 inch rifles, the principal parts being of forged tempered steel. The drawings and specifications for one of these guns shall be furnished by the War Department and for the other by the Navy Department within two months from the passage of this act, or as soon thereafter as may be, and the construction of these guns shall be superintended by officers of the War and Navy Departments, respectively, who shall report progress from time to time, and upon the completion thereof, to the said board. The weights and lengths of these guns shall not exceed that provided for 12-inch rifles in section 8 of this act, and the cost of these two guns, finished and delivered at the place of manufacture, shall not exceed $200,000.

That the said board shall also procure, by purchase or contract, carriages for use in testing these guns, either or both, unless the respective Departments which furnish specifications therefor shall have carriages suitable for such tests. These two guns shall each be tested under the directions of said board for accuracy, range, and endurance in competition with and for comparison with those to be furnished by private parties as hereinafter provided in section 10. The powder and projectiles for testing each of these guns shall be furnished by the Departments which furnish the specifications respectively therefor, and shall be paid for by order of the board The projectiles for these guns shall have the weight of 800 pounds each, and shall be fired with a charge of powder sufficient to give a muzzle velocity thereto of 2,000 feet per second.

These weights and velocities may either vary by the amount of 1 per cent. of that specified, but the average shall not be less than 800 pounds and 2,000 feet, respectively.

These guns may either or both be repaired to an extent not exceeding 10 per cent. of their respective costs, provided such repairs are necessary to secure the endurance of two hundred rounds or more from each. In estimating the cost of repairs the transportation of the guns shall not be included.

That the board may carry out the provisions of this section at a total cost not exceeding $360,000.

SEC. 10. That whosoever shall, within the limitation provided in sections 15, 16, and 17 of this act, produce one or more 10-inch or 12-inch single-charge breech-loading rifle guns of weights and lengths conforming to section 8, which guns are to be made wholly or principally of steel, and each supplied with a carriage, projectiles, powder, implements, ordnance supplies, and including all incidental expenses of a test of two hundred rounds for each test gun so provided, shall, for each test gun so made and so provided which withstands the test of two hundred rounds of projectiles fired with a muzzle velocity of not less than 2,000 feet per second on an average, and an average weight of projectiles of not less than that prescribed for the standard weight of projectiles for such guns in section 10 of this act, without more repairs than can be put upon such guns ordinarily for 10 per cent. of their cost, exclusive of transportation, be paid for the same by the direction of the said board, at a price for such guns, and supplies and tests, not including the carriage, not exceeding double the price hereinafter fixed in this section as the price for service guns of that caliber, which money shall be due and paid as soon as any such gun has withstood the prescribed test of two hundred rounds and it is found it is to be paid for as determined by section 15, which shall be in full payment for such gun and test, including the powder, projectiles, repairs of gun-carriage and gun, and all other expenses of the test not hereinafter specified, except the cost of the carriage therefor, which if found suitable for use therewith shall be paid for at the price hereinafter fixed for carriages for service guns of such caliber by order of the board or its authorized agent.

Payment for any such carriage to be made as soon as the test has shown it suitable for use with such gun or guns as it was made for, and without reference to whether the gun for which it was made endures its test or not.

That no such carriage shall be paid for at any price unless it is found suitable for use with the gun for which it was provided.

That no such test gun, or supplies therefor, provided or furnished for test under the provisions of this section, shall be paid for at any price, unless it shall endure the specified test of firing two hundred rounds with an average weight and velocity of projectiles equal to that specified and without more than the specified amount of repairs.

That all test guns so provided or furnished shall be delivered at the place of manufacture.

That the Government, under direction of the board, shall furnish, free of charge, the use of a proving ground or grounds suitable for testing any or all of these guns for range, accuracy, and penetration, and furnish, free of charge, the necessary targets for accuracy and penetration, the butts to be used in firing for durability, and bear all expenses of handling and transporting the guns.

That for these purpores, and for firing any such guns after they have been fired the first two hundred rounds, the board is authorized to expend the sum of $400,000, to be available on and after July 1, 1890, until expended.

That the plans of the guns of either kind, the breech-loading mechanism, the system of rifling, the projectiles adapted thereto, and the kind of powder or powder and cases therefor, and all cartridges used in these tests, may be of the kinds heretofore approved by the War and Navy Departments, or may be after original designs or plans and proportions satisfactory to the projector and producer; and any gun furnished by any party, and all the supplies therefor, shall be furnished without any cost to the Government until such gun has endured the above prescribed test of firing two hundred rounds of projectiles with the weights and velocities prescribed.

This firing of any such gun shall all be under the joint direction of the parties furnishing the gun and the said board, but the party or parties furnishing any such gun may at any and all times increase the weights of projectiles or charge of powder above the standard prescribed to the extent he or they think best.

That should any gun or more than one gun of any of the calibers specified in

this section be furnished which withstands the firing of the said two hundred rounds with the weights and velocities of projectiles specified, then the firing shall continue to determine the endurance of, and which of such guns has the best endurance, such continuance of the firing to be at the expense of the Government, and if either of the said competing guns has, in firing its first two hundred rounds, done less work than the gun or guns it is competing with, by reason of its projectiles having been lighter, or the velocities thereof less than that of the projectiles of the said competing gun or guns, then such gun or guns shall first be fired to the extent necessary to make up double the amount of such deficiency of work performed, before it shall be considered in further competition with the test gun or guns of that caliber which have done the superior amount of work, and in making up this deficiency the gun or guns to be fired therefor shall be fired with such charges of powder and shot, to be proportioned by the producer of the gun, as shall give an amount of work to the projectiles for each discharge equal to the average work of the best or largest amount of work done in twenty fires by the competing gun which it is being equalized with, and this amount of work for each discharge thereafter for endurance shall be required of each competing gun of that caliber, unless the parties furnishing the competing guns of that caliber and the board shall all agree to have the amount thereof reduced. Should the owner or producer of any such deficient gun object to being obliged to make up this deficiency of work done by his or their gun during the first two hundred rounds of firing it, then such gun shall be considered as out of the competitive test, and the firing may go on with the other gun or guns as long as the producer of such gun or guns may desire.

That at any time after any of the test guns which may be provided under the provisions of this act has been fired two hundred rounds, and the above specified amount of firing necessary to make up the excess of work performed in the first two hundred rounds of firing by some competing gun of like caliber, such test gun shall appear clearly to be inferior in endurance to some of its competitors, the board may decline to fire it further, but this shall not prevent the producer of such gun from a further test thereof in the presence of the board at the expense of the producer, and such gun shall still be considered in competition with the other gun or guns of like caliber being fired for endurance by the board; and if it shall excel them in endurance such expense for additional firing shall be borne by the Government and paid by the order of said board.

That after any such test gun of 10-inch or 12-inch caliber has been fired the first two hundred rounds, and such additional amount as is above specified in this section to give it a credit for endurance equal to any of its competitors, for work done in its first two hundred rounds of firing, then all continuation of the firing for endurance for each successive fifty rounds shall be with charges which shall increase the average work stored in each projectile of such fifty fires, by an amount of not less than 5 per cent. of the average work stored in each of the projectiles of the last fifty rounds previously fired from any such gun of that caliber, and this amount of work required of each gun for these fires shall not be reduced except by consent of the board and the unanimous consent of all of the producers of the guns of that caliber then competing; but any one of the competitors may, if he or they desire, increase the charge of either powder or projectiles for their guns. That repairs may be made at the expense of the producer of any of these test guns, to cost not more, if made ordinarily, than 10 per cent. of the cost prescribed to be paid for like guns for service during the first two hundred rounds of firing this test gun, and such additional firing as may be necessary to equalize for endurance the work of this gun, and bring it up to that of its best competing gun of that caliber, as provided in this section; additional repairs may thereafter be put upon any of these test guns to the extent that these repairs, with all previous repairs made after it has been submitted for test, shall not exceed in cost or kind such as could be made ordinarily for 20 per cent. of the price fixed in this act for service guns of their kind and caliber, transportation not being included.

That the time occupied by all repairs made during the first two hundred rounds fired from any test gun shall not exceed four months, except by consent of said board, and all further repairs of said gun which may be made after the firing of the first two hundred rounds shall not exceed four months in all, without the consent of the board, such times for repairs to include the time used in transporting the guns therefor.

That of the projectiles furnished for the first two hundred rounds to be fired from any of these guns, at least twenty, and forty if the board shall require, shall be suitable for range and accuracy, and five of these projectiles for each gun shall, if the board require, be suitable for penetration, and the balance of the two hundred rounds need be suitable for endurance only.

That when the test for endurance of guns, which may be made for test under the provisions of this section, have been completed for the guns of either of the specified calibers, a contract shall be made by order of the said board with that party or parties who shall have made the best 10-inch or 12-inch guns, respectively, which gun or guns has been fired at least two hundred rounds with the prescribed charges, and has shown, by all the tests thereof for endurance and accuracy, made as herein provided, that it is superior to all other competing guns of its class. The contract for these guns to be for fifty of the 10-inch and fifty of the 12-inch, and any and all of these service guns shall be equal in all respects to the trial gun tested, on which test the contract is or may be based. And the said board shall also authorize a contract for a like number of gun-carriages suitable for use for such guns so contracted for, and for a few projectiles for each of said guns. The carriages shall be furnished by the party or parties who furnish the guns for which they are made, provided such party or parties will furnish carriages suitable for use of their guns; and that party furnishing any such service gun shall furnish the projectiles therefor, provided suitable contract can be made with them therefor.

That the prices of said service guns shall be as follows: For 10-inch rifle guns, not to exceed $48,000 each, and for 12-inch rifle guns, not to exceed $75,000 each; and the prices of the carriages for each of these respective guns shall be one-third of the price of the gun for which it is or shall be furnished; the prices of all these guns and carriages shall be modified according to the terms provided in sections 12, 13, and 14 of this act.

That the said board may authorize the expenditure for the proof tests of the service guns and carriages of each class of these 10 or 12 inch rifle guns, for the projectiles for these guns, and for the transportation of the guns, carriages, and projectiles of either class of the guns authorized in this section, a sum not exceeding 10 per cent. of the amount to be paid for all the guns and carriages of either of such classes respectively.

The projectiles for any of these guns may be delivered with them, but shall not be delivered sooner than is the gun for which they are made.

That all carriages furnished for the service 10-inch and 12-inch guns to be provided and furnished as prescribed in this section, shall have, and there shall be furnished therewith and as constituting a part thereof, all engines, machinery, pumps, compressors, pipes and piping, valves, reservoirs, accumulators, and track and bed plates necessary to operate them in the place they are intended to be used; and the said board shall give reasonable notice of the kind of place in which any such service gun is expected to work, so the contractor may be able to furnish a suitable carriage and appliances for the use of such gun in such place; but the contractor shall not be required to furnish with any such gun-carriage appliances complete for more than one kind of mounting with the necessary apparatus therewith for operating the gun for which it is to be made. Thus some guns may be mounted on carriages suitable for use on ships or floating batteries, with the necessary loading and other operating appliances, while others may be mounted on carriages suitable for use in casemates, and others for use behind earthworks and masonry so arranged as to raise the gun at least 12 feet from the position of loading to that required when fired, if the said board shall so require; but the weights for accumulators for use on land need not be made of metal, nor if so made of either metal or masonry need such weights be furnished by the contractor at his expense, nor shall he or they be required to furnish with these gun-carriages any turret work or masonry foundations of any kind whatsoever, or metal work for foundations except the foundation track and bed plate on which the gun-carriage rests and is traversed. When more than one gun is used in close proximity, the engines, pumps, accumulators, compressors, and such other machinery to be furnished with such gun-carriages need not be complete for each gun, but may be made to operate sets of two or more guns to the extent in number the board may think desirable instead of being complete for each separate gun.

For these fifty service 10-inch rifles, and the fifty service 12-inch rifles, their carriages, projectiles, proof-tests, and transportation, the sum of $9,020,000, or so much thereof as may be necessary; to be available on and after July 1, 1894, at the rate of $1,500,000 per year, and to remain available until expended.

SEC. 11. That it is herein provided that all guns contracted for as provided in section 10 to be delivered for service, shall be tested at the place or places where built, by the party furnishing the same, or at such other suitable place or places as he or they may provide, with not less than five nor more than ten rounds from each gun, with that charge equal to the maximum charge endured for two hundred rounds in the trial gun on which the contract for the gun of such caliber was made, the Government to furnish an officer to witness such test at the time the party making the gun shall desire. The gun shall endure such tests without more injury than the ordinary wear and tear of such guns should be, or that the ordinary wear and tear of the trial gun of that kind was in firing a like number of rounds of equal energy. The Government shall not accept guns which are seriously injured by this test, or which are injured more than the ordinary wear and tear of such guns, unless the injured parts are replaced or made good, when the gun may be again tested, and must endure the test before it shall be accepted without more injury than ordinary wear and tear that such number of fires shall produce. The powder, cartridges, and projectiles for these tests shall be paid for by the Government at a reasonable price therefor.

SEC. 12. That should any of the test guns of the kind to be contracted for as above provided in section 10 have endured a greater amount of work in firing any two hundred rounds therefrom than that prescribed, namely, two hundred rounds of projectiles of an average weight equal to that provided for such guns in section 7, with a muzzle velocity of 2,000 feet per second, the price of the service guns of that kind to be constructed for as per section 10 shall be increased above the price therein provided, to the extent of the average work done on the projectiles by any such said test gun, on which the contract for service guns may be based, exceeded in firing any two hundred rounds that prescribed, namely, two hundred rounds, of a velocity of 2,000 feet per second, and the weight of projectile equal to that fixed as a standard for such guns in section 7, and the price of the carriages for such service guns shall be increased in the same proportion, which increase of price of such guns and carriages shall be paid by the order of the board, or its authorized agent.

That all service guns, gun-carriages, projectiles, and cartridges therefor may be delivered to the Government at the place or places of manufacture.

SEC. 13. That no service gun to be provided as specified in section 10 of either of the specified calibers shall be accepted unless it appears to be as good in all respects as was the trial gun furnished by the party with whom the contract for such service gun was made. And the party making contracts for any of these service guns shall contract and guarantee that all material used therein shall be equal in quality and workmanship to that provided in the trial gun or guns on which the contract for such service gun was based, and that he or they will institute a thorough system of tests by which they may know that all parts of the guns, as far as may be, are of good material and workmanship in all respects; the delivery of all these service guns to begin two years from the dates of the respective contracts therefor, and continue at such average rate as would complete the delivery in not less than eight years from the date of the respective contracts therefor.

That all service guns and carriages therefor furnished under the provisions of this act shall be paid for at time of delivery, and when delivered later than the dates so fixed shall have the price of the same at which it would otherwise be paid for reduced by a reasonable amount for the time during which such delay of delivery takes place. But they may be delivered sooner.

SEC. 14. That it is hereby provided that at any time during the execution of any contract by any party or parties for 10-inch or 12-inch rifle guns to be made by them under the provisions of this act, such party or parties may furnish a gun of any such caliber as they may have such contract for, which gun may be made after the plans and specifications provided in the original contract for guns of that caliber, or after new plans and specifications to be provided by them, and such gun may be tested by them at their own expense in the presence of an officer who shall be detailed by said board on ordnance; and if such gun shows an endurance of being able to fire two hundred rounds with an average amount of work stored in its projectile when leaving the gun equal to 5 per cent. more than the average of the best two hundred fires selected from the firing of the test gun under which such contract was based, then, in that case, the Government shall pay for such gun and carriage therefor, and the powder and projectiles used in such test, the price of the gun and carriage to be the regular price for such service guns of that caliber, and the carriage therefor, as determined by sections 10, 12, and 13 of this act, and the contractor shall be at liberty to fill any part of the balance of his or their order for guns of that caliber with guns of this new pattern instead of guns made after the original test-gun specifications on which he or they obtained the contract for such guns, and the pay for such substitute guns and carriages therefor shall be modified to the extent the increase of work performed by such last test-gun in the best two hundred rounds fired therefrom exceeds that prescribed, as provided in section 12 of this act.

But not more than two such changes shall be made in the case of the contract for the 10-inch or the 12-inch rifles, respectively, and all such subsequent tests in which the new test gun or guns fail to excel the test gun on which the contracts were made by not giving, for the best two hundred rounds fired therefrom, more than 5 per cent. more work stored in the projectiles when leaving the gun than was given by the best two hundred rounds of the best test gun of that caliber, on which the contract for such guns was based, shall be at the expense of the contractor.

SEC. 15. That it is hereby provided that in the case of the trial guns to be provided for test under the provisions of sections 10, 15, and 16 of this act, that only the best two 10-inch test guns shall be paid for, even though they reach the degree of excellence required.

That it is hereby provided that should more than five 12-inch guns be offered for test under the provisions of sections 10 and 16 of this act which withstand the prescribed test of two hundred fires under the conditions fixed in section 10, or which excel in endurance the said Army or the said Navy gun to be provided as per section 9 of this act, then in that case only the best five of said 12-inch guns provided under the terms of said section shall be paid for, with their carriages, powder, projectiles, and supplies as therein provided, even though they shall have reached the degree of endurance specified; and in selecting the five to be paid for those shall be selected which have the greatest degree of endurance as shown when tested according to rules and provisions made in section 10 of this act.

To carry out the provisions of this section, $1,099,000, or so much thereof as may be necessary, to be available on and after July 1, 1892, and until expended.

That the time of paying for any of the test guns to be furnished under the provisions of section 10 is hereby modified to the extent necessary to find out that they are to be paid for consistently with all the provisions of this act.

That at any time during the test of any of these trial guns or carriages the producer thereof may withdraw the same, and in case of withdrawal no payment shall be made therefor.

That all trial guns, gun-carriages, powder, or projectiles furnished for test under the provisions of this act, and not to be paid for, may be withdrawn by the party furnishing the same.

SEC. 16. That it is hereby provided that all 10 and 12 inch rifle guns for competitive trial and tests to be made and tested as provided in this act shall be finished ready for test on or before January 1, 1892: *Provided*, That if no 12-inch rifle gun made principally or wholly of steel has been completed and offered for test at that time which shall withstand the prescribed test of two hundred rounds then the time for accepting such guns for competitive test as herein provided shall be extended to January 1, 1893.

SEC. 17. The board shall make all reasonable efforts to make all the tests provided for as quickly as possible after any such gun is ready for test; and all the test experiments of guns shall be open to the inspection and observation of all parties furnishing guns of like calibers for test as provided in this act.

That the Secretary of War and the Secretary of the Navy shall each assist this board by detailing any and all officers and men for its use which it may need at any and all times, and by furnishing it, without charge, any and all facilities for testing any and all of the guns and gun-carriages to be provided under this bill to the extent that they are able so to do, and in general to aid the board in any way they can in carrying out the provisions of this act.

SEC. 18. That all castings and forgings entering into the construction of the armaments provided for in this act shall be of American manufacture. The board herein provided for shall annually report its operations to the Secretary of War, for submission to Congress, at the beginning of each session, which report shall state in detail the amount expended under each section of this act and the progress made in carrying out its provisions, with such additional information as the board may deem advisable.

SEC. 19. To enable the board or Secretary of War to pay any premium that may become due to parties who may furnish service guns under the provisions of this act the sum of $1,000,000, to be available on and after the fiscal year ending June, 1894, and to remain available until used for this purpose if necessary.

SEC. 20. That section 2 of an act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1885, and for other purposes, approved July 5, 1884, is hereby repealed.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the amendment of the Senator from Colorado [Mr. TELLER] to the amendment of the Committee on Appropriations known as section 6.

Mr. PLUMB. I desire to say a word in regard to this provision. It is a very elaborate provision, going far more into detail than I think any legislative provision ought to go. We shall have, when this bill shall pass, a board, comprising the skill and judgment of the Army, which will submit to us, if it becomes necessary to legislate on these propositions, something which we can act upon, I think, more intelligently than we can to-day. It is desirable now to make a start which I fear the adoption of this provision will prevent. I think, therefore, that irrespective of any discussion of its merits it ought not to be adopted.

Mr. GORMAN. I want to add to what the Senator from Kansas has said, as to the general provisions of the amendment offered by the Senator from Colorado, that I think many of them are very wise, and will probably become absolutely necessary to be adopted by Congress if private enterprises decline at any time hereafter to enter largely into the manufacture of guns. But after careful consideration on the committee with my friend from Kansas, I concur with him in saying that at present I do not believe it is possible to go to the extent provided for in the amendment of the Senator from Colorado. I think the board and machinery provided for in the bill as reported from the Committee on Appropriations is the best that can be had at this time.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the Committee on Appropriations as amended.

Mr. PLUMB. I wish to move an amendment to line 21, page 7.

The PRESIDENT *pro tempore*. In which section?

Mr. PLUMB. In section 6, after the word "caliber," to insert "and of weight and dimensions to be prescribed by the board."

The PRESIDENT *pro tempore*. The Secretary will report the proposed amendment.

The SECRETARY. On page 7, line 21, after the word "caliber," it is proposed to insert the words "and of weight and dimensions to be prescribed by the board."

The amendment to the amendment was agreed to.

Mr. HAWLEY. I understood the Senator to say in private conversation that he expects the board will inspect this specimen gun during the process of its manufacture. I do not see how that is provided for.

Mr. PLUMB. I think that is amply provided for on the top of page 8. The Senator will observe that this experimental gun, if it stands the test which has been prescribed for its manufacture by the board, shall be purchased, and he will find that on page 8 of the bill it is provided that the "experimental gun" (by name) "and all guns purchased hereunder" shall be "subject to inspection at each stage of manufacture."

Mr. HAWLEY. I did not see the words "experimental gun" in that connection.

Mr. PLUMB. The Senator will find them at the top of page 8.

Mr. HAWLEY. I may have a different print of the bill.

Mr. PLUMB. I think perhaps the Senator may have the print that was made originally for the committee.

Mr. HAWLEY. You refer to the provision reading:

And contract shall be made at a price reasonable in the opinion of the board, with the party presenting the best of such guns, for a further supply of similar guns, to be subjected to the usual service test before acceptance, the experimental gun and all guns purchased hereunder to be subject to inspection at each stage of manufacture.

I see what the Senator means. I had not before seen the expression. I have had another copy of the bill.

Mr. PLUMB. The Senator has had a copy that was made for the use of the committee.

Mr. HAWLEY. The experimental gun is mentioned.

Mr. PLUMB. It says, "The experimental gun and all guns purchased hereunder to be subject to inspection at each stage of manufacture."

Mr. HAWLEY. That is quite right, because they could not tell anything about it unless they inspected it.

The PRESIDENT *pro tempore*. Are there further amendments?

Mr. HAWLEY. I have an amendment to offer as an independent section.

The PRESIDENT *pro tempore*. The question first is on the amendment reported by the Committee on Appropriations as section 6 as amended.

The amendment as amended was agreed to.

Mr. HAWLEY. I now offer an amendment to constitute section 7 of the bill.

The PRESIDENT *pro tempore*. The Secretary will report the proposed amendment.

The SECRETARY. It is proposed to add to the bill:

SEC. 7. Nothing contained in this act shall be construed to alter or repeal existing provisions of law prescribing the duties and powers of any department of the Army.

Mr. HAWLEY. That, Mr. President, is by way of abundant caution, because there are so many provisions here that might seem to differ from what is already laid down in the statutes as to the duties of the different Army departments. I do not wish them to be interfered with, because a body of laws of that kind that have been in existence for nearly a century, many of them for fifty or sixty years, should not be changed without serious consideration. I do not wish the officers to be anxious lest they are interfered with, nor do I wish to interfere with them.

Mr. GORMAN. Mr. President, the amendment of the Senator from Connecticut [Mr. HAWLEY] would destroy the harmony of this bill and reverse all that the Committee on Appropriations, after due consideration, have undertaken to do. That amendment provides that all the money appropriated under this act shall be expended as provided in section 1164 of the Revised Statutes, which says:

It shall be the duty of the Chief of Ordnance to furnish estimates, and, under the direction of the Secretary of War, to make contracts and purchases, for procuring the necessary supplies of ordnance and ordnance stores for the use of the armies of the United States, etc.

The framework of this bill and the real merit of it—and but for that provision I do not believe it would pass; it certainly would not receive my approval—is that it provides for a board to consist of the general commanding the Army, an ordnance officer, an artillery officer, and an engineer officer to be selected by the Secretary of War, which board shall expend every dollar of the money appropriated by this act, make the test, and carry out all the provisions of the act.

Now, Mr. President, I feel that I am stating the exact fact when I say that that was the unanimous opinion of the committee; that the only way by which we might get out of the rut which we have been in was by making this provision. The Senator from Connecticut [Mr. HAWLEY] now goes back and practically reverses all that we have done, simply saying that six or eight millions of dollars is hereby appropriated, to be expended under the direction of the Ordnance Department.

I find here this morning circulated, not generally but quietly—I have been fortunate enough to get hold of a copy of it—a statement prepared by one of the officers of the Ordnance Department who was before the Committees on Appropriations of both Houses, who was then subjected to a thorough examination, or rather had full and free conference with the committees, who knew and could not but know all the provisions that were intended to be put into this act. When before the committee that officer placed his judgment against that of the General of the Army, who did not hesitate to say that the provision precisely as we have it in the first section, providing for that board and bringing every branch of the service under its direction, is the one mode and probably the only mode by which we will have efficiency, economy, and honest results.

I will say to my friend from Connecticut, taking notice as we are bound to do from the public prints of occurrences elsewhere, and being as anxious as he is to go on with this work of putting our fortifications in proper condition, it would be infinitely better that no appropriation whatever should be made at this session, and I do not believe that it is possible to get so many millions of dollars, or one-half the amount, or one-tenth the amount placed at the disposal of officers who have not accomplished anything in the past twenty years. We have attempted

in the committee to raise the question of armament out of that rut and put it in such shape that we may have the experience of four or five officers, the best officers in the service. As the bill was reported from the Committee on Appropriations with an engineer officer, an ordnance officer, an artillery officer, and the commanding general, we were to have the judgment of these men before a single dollar could be expended under this act.

What objection has the Senator to it? Why does he prefer that the Ordnance Department should make these contracts? The Senator from Kentucky [Mr. BECK] asks me what the communication I have is. The subcommittee had before it the general commanding the Army, and Captain Smith, and another ordnance officer, both on duty at the Ordnance Department, and conferred with them fully and freely as to the details of this bill. Each had ample opportunity to make any suggestions he thought proper.

They were consulted about the phraseology of parts of the bill. Whatever objections they had were well considered. The provision giving control of the expenditures of every kind to be made under this act to the board named did not, of course, meet with favor from the Ordnance Office, but it was satisfactory to the general commanding the Army. The committee reported the bill. There was, so far as I know, no official communication whatever from the War Department, but I have found here to-day a private document criticising the bill severely. They assert "that the provision to supplant the services of this (the Ordnance) Department by a hastily devised board is harsh in the extreme, and in the absence of sufficient reason therefor can not be justified as a measure necessary for the public good."

The author of this communication, I have good reason to believe, is Captain Smith, now in charge of the Ordnance Department. He attempts to instruct Congress and to criticise a committee of this body as having reported a measure which is not for the public good! He insists that his board, and his board alone, should have the expenditure of the money appropriated. These officers have the right to express their opinions freely and frankly when called upon by a committee or by resolution, but they have no right to use the Government's money to print documents for private circulation against the passage of any bill that Congress may deem proper or that a committee may formulate.

It is an outrageous attempt to influence legislation, and I will say that I hope the attention of the Secretary of War or of the President will be called to the matter. In my opinion an officer who is engaged in such work ought to be sent away from Washington and placed in some remote part of the Union. I have never known since I have been connected with legislative bodies such an outrageous attempt on the part of subordinate officers. As I have once before stated, these officers are in the corridors and in the galleries during the discussion of these Army bills and they send memorandums into the Senate and use the influence of their position, not to serve the Government, but to the end that $4,000,000 may be placed in their hands to be expended. Ordinarily and in private life it would be regarded as showing too much interest in the large appropriations to be made. The motive must be ascertained. They are not content with sufficient appropriations for the Government shop, but this captain declares that section 6 is in conflict with existing laws. What he desires is to prevent private persons from competing. Why should capable, honest officers fear an open field and honest competition?

I shall ask to have this document, which I brand as an outrage, coming as it does from an officer of this Government, printed in the RECORD, and by the side of it, with the permission of the Senate, I will have printed a report of Colonel Laidley, an officer lately deceased, who was probably the brightest officer in the service, a man who had the courage to differ from those who are now in charge of the Ordnance Department. He takes an entirely different view of the value of cast-iron guns and cast-iron mortars. He takes the view that is embraced in this bill, and as I have never been able to get but one copy of it, I shall ask permission of the Senate to print his statement, so that Senators and members of Congress may have an opportunity to look at it.

Papers are as follows:

No. 1.

COMMENTS ON THE ACT "MAKING APPROPRIATIONS FOR FORTIFICATIONS AND OTHER WORKS OF DEFENSE AND THEIR ARMAMENT, FOR THE PROCUREMENT AND TRIAL OF HEAVY ORDNANCE IN SERVICE, AND FOR OTHER PURPOSES."

The provisions of section 1, as they relate to the powers and duties of a proposed Board of Ordnance and Fortifications, is in direct conflict with section 1164 of the Revised Statutes, which makes it the "duty of the Chief of Ordnance to furnish estimates, and, under the direction of the Secretary of War, to make contracts and purchases, for procuring the necessary supplies of ordnance and ordnance stores, for the use of the Army of the United States; to direct the inspection and proving of the same, and to direct the construction of all cannon and carriages, ammunition wagons, traveling forges, artificers' wagons, and of every implement and apparatus for ordnance, and the preparation of all kinds of ammunition and ordnance stores constructed or prepared for said service."

This section has been on the statute-book since February 3, 1815, and is the organic law prescribing the duties of the Ordnance Department under the Secretary of War. This law has thus been in force about seventy-three years, and under a test of two wars has demonstrated by satisfactory working the wisdom of the enactment. No good grounds now exist for its practical abolishment, as proposed in the bill. Under existing law the only duties that could be assigned properly to this board would be of an advisory nature in respect to the duties of the Secretary of War. But it is always competent for the Secretary of War, who is intrusted with the expenditures of the moneys appropriated, to convene such a board, if in his judgment it appears expedient. Such was the course pursued by the Secretary of the Navy with regard to the appropriations for rebuilding the Navy, but no provision to that effect was embodied in the naval appropriation bills. The appointment of an advisory board is more properly a ministerial measure, and should, it is believed, be left to the discretion of the executive department, particularly where, as in the present case, there is a regularly organized and permanent technical department available for the duties required, which may render such a board superfluous, and thus a needless expense.

Section 4: The careful estimates show that it will require $250,000 to erect the necessary shops and permanent fixtures for the construction of guns, inclusive of guns of 12 inches in caliber; for the purchase of the necessary machinery and tools, as lathes, boring mills, planers, rifling machines, cranes, etc.; $550,000 will be necessary in order to fabricate the following quantities of guns per annum, namely, ten 8-inch guns, six 10-inch guns, and four 12-inch guns—a somewhat smaller output than specified in the Gun Foundry Board report. The above foots up to a total of $800,000, to which should be added, for two sets of officers' quarters, $20,000, making an aggregate of $820,000. Under the sundry civil bill about $35,000 was appropriated for gun plant at Watervliet arsenal, and there is on hand available heavy-gun plant at the arsenal, amounting in value to about $35,000, so that the above sum may be reduced by $70,000, or to $750,000. A less sum than $250,000 will not complete the shops, and it is important, for economic reasons, to procure as many of the needed tools at one time as possible. It is equally important in point of time to procure all the needed tools at once. The amount appropriated in section 4 for this purpose, namely, $550,000, is too small.

The estimate of $750,000 required for a gun factory to fabricate guns up to 12-inch caliber is larger than the estimate of the Gun Foundry Board for that purpose. But the estimates of the Gun Foundry Board are much too small, both as respects the number and cost of the necessary tools. This is fully demonstrated by the Navy experience in the establishment of the gun factory at the navy-yard, and it is confirmed by the estimates made by the Army Ordnance Department based on the current market prices for tools so far as they can be obtained.

Section 6 conflicts with section 1164 of the Revised Statutes in that it empowers the board to make contracts and purchases and to direct the proof of ordnance and ordnance stores and the construction of cannon, etc., for issue to the service. The effect of this will be to supersede, to a large extent, the present Ordnance Department and to substitute therefor a newly-constituted board which has not been especially trained for the technical duties performed by the Ordnance Department.

The Ordnance and Fortifications Board proposed in the bill, should it prepare its own designs for guns and ordnance material, would require more than a year's study and investigation for this preliminary work. It would then have no guaranty whatever that its plans were sound and free from defects until guns had been made in accordance with them and tested. It would be in no position to call for bids until this preliminary work had been done. Should it invite plans from outside sources it would still be necessary to first make and test the guns. The only alternative would be to fall back on the plans, the experience and ability of the ordnance officers, and simply take their work out of their hands, or require that they carry it on under another than their legally-constituted head, the Ordnance Bureau. This arrangement can not lead to satisfactory results, and is most unjust to the officers of the Ordnance Department. This Department has during the past few years designed and worked up experimentally field, siege, and seacoast material that is unsurpassed.

The steel field-gun has been thoroughly tested and is not equaled for lightness and power by a similar gun in any European service. The 8-inch built-up steel gun has been subjected to a severe test of over two hundred rounds, and has given ballistic results that surpass the Krupp 8¼-inch gun of a considerably greater length of bore. The great development of cannon powders, gun steel, and gun construction as an engineering art is, to a very large extent, due to the investigations and labors of the Ordnance Department, and to the encouragement and information which it has given to manufacturers. The proposition to supplant the services of this department by a hastily-devised board is injudicious and harsh in the extreme, and in the absence of sufficient reason therefor can not be justified as a measure necessary for the public good.

A further serious objection must be raised to the creation of this board on the ground of economy in the expenditures of the Government. The board practically constitutes a new bureau supplementary to the present Engineer and Ordnance Departments. Although not provided for in the present bill, the certain outcome of this legislation will make it necessary in subsequent years to provide a clerical force and all the paraphernalia of a new bureau in the War Department to enable this board to properly record and systematize the duties and acts which it has to perform. The Engineer and Ordnance Departments are now fully organized to carry out such work, and their files contain the records of all previous work of the kind. The transfer or transcription of these records, with which the new board must become thoroughly acquainted to properly perform its duties, the creation of new clerkships, and the duplication to a considerable extent of similar work which will remain in the bureaus as at present organized, can only result in additional and wasteful expenditures.

With regard to the provision for cast-iron mortars, it is known that those mortars are overstrained every time they are fired. Their endurance, then, becomes a question of how many such overstrains they will stand, and in view of the fact that one mortar might differ materially from another in this respect, it is thought that either two mortars should be tested or one should be tested by at least four hundred rounds. With regard to the provision in this section for 10 and 12 inch steel guns the Ordnance Department has no objection to make.

The amounts appropriated by the bill are as follows:

Section 2—		
For protection, etc., of fortifications	$100,000	
Sea walls and embankments	117,000	
Torpedoes, etc	500,000	
		$717,000
Section 3—		
Guns, carriages, projectiles, etc	500,000	
Testing and experimenting with high explosives	100,000	
		600,000
Section 4—		
Gun factory	550,000	
Gun steel	2,500,000	
		3,050,000
Section 5—		
Cast-iron steel-hooped mortars		250,000
Section 6—		
Expenses of board		5,000
		4,622,000

The amounts of obligation by the Government authorized but not appropriated for are:

Section 6	$6,000,000
Total appropriated and allowed	10,622,000

As no limit is placed to the number of pieces which may be presented for test under section 6, and as all such which may come up to a prescribed standard,

and their ammunition, must be paid for, the part of the $6,000,000, allowed under that section which shall be devoted to the procurement of guns and mortars for the service is undefined.

If sections 1 and 6 were thrown out, the remainder would constitute a logical and practical bill, free from uncertain and objectionable features, and closely resembling the bill as it passed the House.

The passage of the bill in the exact form in which it passed the House would afford a speedy and satisfactory solution of the question.

WATERTOWN ARSENAL, *July* 14, 1881.

To the President of the Board of Heavy Ordnance, New York City:

SIR: I have the honor respectfully to submit for your consideration, together with my reasons therefor, the proposition to recommend as "worthy of actual test" the following-named guns:

First. An 8-inch cast-iron, rifled gun, represented in Figure 1, and cast as described on page 15.

Second. An 8-inch cast-iron, rifled gun, Figure 2, lined with a thin bronze tube.

Third. An 8-inch cast-iron, rifled gun, breech-loading, Figure 3, and further described on page 16.

It will be observed that these guns are all cast-iron guns, depending solely upon this material for their strength, except only the breech-loader, which is reinforced at the breech by a supplementary steel band.

It may be regarded by some of the members of the board an already settled question, as claimed by some, that cast-iron guns require to be strengthened before they can safely be subjected to the strains which they have to withstand as rifled guns, and I shall therefore endeavor to show that this assertion, if true, has never been proved to be true, but on the contrary there are strong reasons for believing that it is entirely without foundation in fact.

The Ordnance Board of 1868, in giving its opinion on this subject, said, "The success of the experiments with the 12-inch cast-iron rifle at Fort Monroe evidently demonstrates that further trials with cast-iron, recommended by the Chief of Ordnance, in his annual report for 1867, should be made."

The board, which met in New York in 1872 to designate what heavy guns should be tested, expressed the opinion that experiments should be continued by the Ordnance Department, "with a view to obtaining such uniformity of pressures as shall render admissible the use of cast-iron in heavy ordnance construction." The board evidently did not regard it at that time as an established fact that cast-iron would not answer for heavy rifled guns, and it must be borne in mind that no experiments have been made bearing on this question since that time. The board was of opinion that, as soon as our powder and projectiles had been so improved as to give uniform results, cast-iron would be available as a material for heavy guns. General Rodman had expressed to a committee of Congress the same opinion, and in 1873 the Chief of Ordnance, General Dyer, in his annual report, recommended, "in the spirit of judicious economy," an appropriation of $75,000 for the manufacture and trial of cast-iron 12-inch rifled guns. He gave in full the reasons for this recommendation, namely, that the improvements made in both projectiles and powder had been such that the former would offer a uniform resistance to the pressure of the powder, which in its turn gave "increased initial velocity with marked diminution of pressure."

As Chief of Ordnance, he must of necessity have known whether the results of experiments had already proved that cast-iron was not strong enough to resist the strains, and on this account would not answer for heavy rifled guns; that he did not know of any such experiments is clear from the fact that he said that "this recommendation is made in the spirit of judicious economy."

We have then the concurrent opinions of the Ordnance Board of 1868, approved by the Chief of Ordnance, the Board on Heavy Ordnance in 1872, General Rodman, and the Chief of Ordnance again in his report of 1873, that the question of the fitness of cast-iron for heavy rifles was not at that time determined, but was an open one, requiring further experiments; and as no tests have been since made it follows that the question is still an open one, not definitely settled, but remaining to be solved by further trials.

I shall now proceed to show that the weight of evidence, from the endurance of cast-iron guns which have been tested, is in favor of this material as a suitable one for rifled guns of at least 8 inches bore, and to bring together a portion of this evidence, that you may impartially weigh it, and judge whether it be sufficient to warrant further trials being made with rifled guns constructed solely of this metal.

But what are the enormous strains that heavy rifled guns have to resist? When rifled guns of large caliber first began to be used, the quick powder and imperfect projectiles at that time used developed such enormous strains that it came to be generally believed that rifled guns were necessarily subjected to far greater strains than smooth-bore guns of the same size, and this opinion continued to obtain for many years thereafter. Even within a few years back, when the 10-inch converted gun blew out a large portion of the lining tube, tearing off with it the muzzle of the gun, it was accounted for by some by what was called the drag of the projectile passing through the bore. This opinion has, of course, ceased to be entertained.

Professor Bartlett and others have investigated thoroughly the strains brought on rifled guns, and it is now a well-established fact that these strains are only slightly greater than those borne by the smooth-bore gun. The 8-inch rifle projectile leaves the bore with only 48 feet less velocity, as calculated by Bartlett's formula, than would be communicated to the same projectile if it had no rotary motion. Powder and projectiles have been so improved that the action of each is as regular and uniform in the rifled gun as in the smooth-bore; and, as remarked by Professsor Bartlett, the failure of rifled guns must be sought in some other cause than the superaddition of the pulling and twisting strains to that which acts to split the piece; and so far as the principles of rifling are concerned, these guns may be made as safe as the common smooth-bores. The report of the Chief of Ordnance, 1878, page 425, gives the pressures on the bore obtained in the trials of three 8-inch converted guns, the endurance of which is regarded as so highly satisfactory that the Chief of Ordnance, speaking of it, says, "Our success has been so consistent, so thorough, so complete, that we consider it an admirable system of gun construction." One gun endured a mean recorded strain of 26,462 pounds per square inch, from 710 rounds; another stood the same strain from 776 rounds; and a third was subjected to a mean recorded pressure of 27,189 pounds per square inch, from 590 rounds.

The gun first mentioned was not required to bear a single strain as great as 29,000 pounds per square inch; the next endured three strains greater than 40,000 pounds, the greatest being 43,000 pounds, fifteen of 35,000 pounds or more, and three hundred and twenty-two of 30,000 pounds or more. The other, fired only five hundred and ninety times, bore strains of 30,000 pounds or more, fifty-six times; 35,000 pounds or more, thirty-four times; 40,000 or more, nine times; 50,000 pounds or more, four times; and one strain of 56,000 pounds per square inch. The length of the cartridge was 22 inches, and the area of the bore in rear of the projectile 595 square inches, making the aggregate strain endured by this last gun 16,177,455 pounds, repeated five hundred and ninety times.

Will an 8-inch rifled gun, made of cast-iron, endure these strains this number of times?

This question is best answered by showing what cast iron guns of this size have done. Only two cast-iron 8-inch rifled guns have been tested by firing with expanding projectiles. The record of the first I have been able to obtain only this far, that it was fired at Fort Monroe in 1864; it burst at the one thousand and forty-seventh fire, and of the last eighty rounds the pressures were as follows:

1 round, the pressure was less than 20,000 pounds per square inch.
5 rounds, the pressures were less than 27,000 pounds per square inch.
52 rounds, the pressures were 30,000 pounds or more per square inch.
32 rounds, the pressures were 40,000 pounds or more per square inch.
23 rounds, the pressures were 50,000 pounds or more per square inch.
13 rounds, the pressures were 70,000 pounds or more per square inch.
5 rounds, the pressures were 90,000 pounds or more per square inch.
1 round, the pressure was 150,000 pounds per square inch.

The other gun was fired in 1866 eight hundred and forty-five rounds, sustaining the following pressures:

28 rounds, the pressures were less than 20,000 pounds per square inch.
59 rounds, the pressures were less than 7,000 pounds per square inch.
766 rounds, the pressures were 30,000 pounds or more per square inch.
449 rounds, the pressures were 40,000 pounds or more per square inch.
222 rounds, the pressures were 50,000 pounds or more per square inch.
111 rounds, the pressures were 70,000 pounds or more per square inch.
13 rounds, the pressures were 125,000 pounds or more per square inch.
12 rounds, the pressures were 150,000 pounds or more per square inch.

This gun has since been fired nineteen times, making in all eight hundred and sixty-four rounds, and is still sound.

The charge of powder was in most cases 15 pounds, occupying 12 inches of the bore, or an area of 300 square inches.

Here we have two cast-iron guns which have been fired a greater number of times and with greater strains per square inch of the bore pressed than either of the converted guns.

What the equivalent of a pressure of 150,000 pounds per square inch may be in terms of pressures of 27,000 pounds no one will pretend to be able to say. The only experiments which have been made on this subject show that a slight reduction in the strain adds very greatly to the number of times that it may be repeated. Thus a specimen of cast-iron subjected to a strain of 30,000 pounds per square inch endured this strain one hundred and twenty-five times, and its duplicate endured a strain of 27,000 pounds two hundred and fifty times. From this it would be fair to infer that twelve strains of 150,000 pounds per square inch would be equivalent to many hundreds of only 27,000 pounds.

Although these two are the only rifled cast-iron guns which have been tested by firing expanding projectiles, several smooth-bore guns of the same exterior size have been fired from time to time, and a consideration of their endurance will be instructive, and can hardly fail to give us a greater respect for cast-iron as a material to be used in the construction of heavy ordnance.

The first to which I shall invite your attention is 10-inch gun No. 2, W. P. F., 1846, a chambered gun of imperfect model. It was fired—

100 rounds, with 18 pounds of powder, and 1 solid shot.
1 round, with 18 pounds of powder, and 2 solid shot.
1 round, with 18 pounds of powder, and 3 solid shot.
1 round, with 18 pounds of powder, and 4 solid shot.
1 round, with 18 pounds of powder, and 5 solid shot.
1 round, with 18 pounds of powder, and 6 solid shot.
1 round, with 18 pounds of powder, and 7 solid shot.
1 round, with 18 pounds of powder, and 8 solid shot.
1 round, with 18 pounds of powder, and 9 solid shot.
1 round, with 36 pounds of powder, and 9 solid shot.

It must be remembered that this powder was what is known as mortar-powder, and gave a strain with a single shot of over 70,000 pounds per square inch. What the strains were with the other charges can only be conjectured, but it is perfectly clear that they must have been very much more violent than any that modern rifled guns are ever made to bear; and that this gun should have endured the last charge of 36 pounds of quick powder and 1,130 pounds of shot without bursting, after having previously endured a number of enormous strains, shows that this cast-iron gun at least was not deficient in strength.

The next which I shall bring to your notice are 10-inch Rodman guns, Nos. 362 and 363, F. P. F., one cast solid and the other hollow. These guns I fired in 1858 2,450 times each. They were afterwards fired by Captain Dyer, at Fort Monroe 1,632 rounds more, making in all 4,082 times each, besides the proof-rounds, with the following charges:

2,396 rounds, with 14 pounds of mortar-powder, 1 shot and sabot.
12 rounds, with 15 pounds of mortar-powder, 1 shot and sabot.
14 rounds, with 16 pounds of mortar-powder, 1 shot and sabot.
15 rounds, with 17 pounds of mortar-powder, 1 shot and sabot.
1,645 rounds, with 18 pounds of mortar-powder, 1 shot and sabot.
1 round, with 20 pounds of mortar-powder and wad.
1 round, with 24 pounds of mortar-powder, 1 shell, sabot, and wad.

The guns are still unbroken. The pressures with 18 pounds of powder, when the guns were new, were 71,950 pounds per square inch, and at the close of the firing 39,793 pounds per square inch.

If we multiply the area of the bore in the rear of the shot by the maximum strain per square inch, we find that these two guns for 1,600 rounds resisted a greater aggregate of strains each round than any of the converted guns, and in several instances nearly twice as much.

Here, then, we have two more cast-iron guns which have shown themselves not only capable of enduring greater strains than the converted guns are subject to, but also of resisting the molecular disturbance caused by firing 4,082 rounds.

The next 10-inch gun which was fired repeatedly with high charges was No. 1442, S. B. F., 1863. It was fired—

1,000 rounds with 15 pounds cannon powder and 1 solid shot or shell.*
100 rounds with 20 pounds cannon powder and solid shot.
100 rounds with 25 pounds cannon powder and solid shot.
100 rounds with 30 pounds cannon powder and solid shot.
100 rounds with 30 pounds quick powder and solid shot.

The pressures were with 25 pounds of cannon powder 39,225 pounds per square inch.

The pressures were with 30 pounds of cannon powder 54,000 pounds per square inch.

The pressures were with 30 pounds of quick powder 64,900 pounds per square inch.

The last 10-inch gun which was tested is No. 542, S. McM. & Co. This gun was supposed to be defective from having too great an initial strain in cooling. It was fired—

18 rounds, with 18 pounds powder and shot of 127 pounds.
17 rounds, with 20 pounds powder and shot of 127 pounds.
2 rounds, with 22 pounds powder and shot of 127 pounds.
456 rounds, with 25 pounds powder and shot of 127 pounds.
125 rounds, with 26 pounds powder and shot of 127 pounds.
4 rounds, with 27 pounds powder and shot of 127 pounds.
1 round, with 28 pounds powder and shot of 127 pounds.
8 rounds, with 30 pounds powder and shot of 127 pounds.
11 rounds, with 32 pounds powder and shot of 127 pounds.
3 rounds, with 35 pounds Oriental powder No. 5 and shot of 127 pounds.

645 total.

* One-fifth were solid shot, the rest shells.

The pressures were as follows:
18 rounds, 20,000 to 30,000 pounds per square inch.
17 rounds, 22,000 to 60,000 pounds per square inch.
2 rounds, 23,000 to 26,000 pounds per square inch.
456 rounds, 22,000 to 65,000 pounds per square inch.
125 rounds, 21,000 to 72,000 pounds per square inch.
4 rounds, 33,000 to 51,000 pounds per square inch.
1 round, 54,000 pounds per square inch.
8 rounds, 26,000 to 100,000 pounds per square inch.
11 rounds, 19,000 to 58,000 pounds per square inch.
3 rounds, 10,000 to 18,000 pounds per square inch.

In estimating the work done by the gun at each discharge, it has been assumed that the part of the bore subjected to the maximum strain is that in rear of the shot at the moment of discharge, but the experiments of Noble and Abel show that with pebble powder the shot has moved about 6 inches from its seat at the time the strain has reached its maximum. No experiments have been made in this country, that I am aware of, to determine this point for our powders. In the smaller grained powders with which the guns just considered were fired, the shot, though lighter, did not probably move as far as in the converted guns, and on this account the amount of work done would have to be corrected somewhat, but to what extent we have not the necessary information to determine.

These experiments show what are the capabilities of cast-iron as a material for guns—what it has done and what it can be made to do. With such facts before the mind, it seems strange that any one can be found who doubts the reliability of cast-iron for rifled guns of at least 8 inches bore. It was the careful study of this demonstration of the ability of cast-iron to resist enormous strains often repeated (results not generally known by officers), and an intelligent appreciation of their bearing and weight that led General Rodman to express the opinion "that after we shall have procured a projectile that is as certain in its operation in the rifled gun as the round shot is in the smooth-bore, we can, by firing to extremity one or two 12-inch rifles, fix a limit within which the gun may be considered as absolutely safe." I for one am of the opinion that the conclusion is abundantly warranted by the facts.

But we, at this present time, are not required to decide the question of the fitness of cast-iron for rifled guns solely on the evidence which has been just adduced. Within the last year or two other experiments have been made having an intimate bearing on this subject, throwing much light on it and rendering it far easier of a definite solution. To these I shall now briefly allude.

In 1878 I induced the board for testing iron, steel, and other metals to grant me an appropriation of $1,000 to make experiments on the resistance to internal strains of thick cast-iron cylinders, some of which were to be lined with wrought-iron or bronze tubes. These experiments were not completed until September last, and proved conclusively that the cylinder was weaker in proportion as it was cut away to make room for the lining tube.

Cast-iron cylinders 11 inches in diameter and 22 inches long were bored out to a diameter of 3.3 inches, filled with beeswax to a depth of 10 inches, and a pressure applied to a closely fitting piston until the cylinder was burst. Similar cylinders were bored out to receive a lining of wrought-iron formed of the same metal and in the same manner as the wrought-iron tubes used in the conversion of 10-inch guns, the interior diameter of the lining being the same as the first-mentioned cylinders. The circumstances of the trials were the same as nearly as possible in both cases, and the strength of the cast-iron cylinders was found to be about 18 per cent. greater than those lined with wrought-iron. Experiments were also made to test the effect of continuing the bore through the breech and afterwards closing it with a screw-plug. These last cylinders were found to have about 5 per cent. less strength than that with a solid breech.

These experiments show that since a new and better gun can be made for a less sum than that paid for the conversion of the old gun, it was an error to convert any of the latter; but such conversion having been determined upon, it was an error to enlarge the bore at all with the view to increasing the thickness of the wrought-iron lining; and it further diminished the strength to continue the bore through the breech in order to insert the lining from the rear. It was also an error to make the tube in two parts, thereby still further decreasing its traverse resistance.

General Rodman has proved beyond a doubt that the sudden strain exerted by inflamed gunpowder does not partake of the nature of a blow, but is a pressure quickly applied and as quickly relieved; it differs from the pressure exerted by the testing machine only in the rate of application and release of the strain. The effect of this rapid application has been carefully considered by both Mallet and Rodman, and the conclusion reached is, "that the excessive strain upon the gun above that due to statical pressure, caused by the most rapid rate of application or development of that pressure, is a very small percentage of the total strain." General Rodman based his whole system of gun construction upon the results obtained by the testing machine, and, so far as I am aware, the correctness of his conclusions has never been questioned. So too, Colonel (now General) Rosset, of the Italian army, has based his present system of guns, in which the combination of wrought and cast iron has been rejected, on the results obtained by the testing machine.

It has been urged with great confidence by some that the results obtained by these experiments are in direct conflict with certain gunpowder tests made by Sir Joseph Whitworth, which are regarded as conclusive in proving that cast-iron guns are not as strong as similar guns lined with wrought-iron tubes.

The account of these experiments as given by Sir Joseph himself shows that they were undertaken to prove the superiority of his compressed steel over wrought-iron, cast-iron lined with wrought-iron, and in fact all other materials for guns. He took a cylinder made of cast-iron "which I (he) knew to be of good quality," 26 inches long, 7.83 inches in diameter, and a bore of 2.56 inches. The ends were closed with steel plungers, after having introduced 3 ounces of powder, and secured by steel caps screwed on. The cylinder burst into twenty pieces. He adds: "I have also had a cylinder made of cast-iron, with a coiled wrought-iron tube inside to represent the proportions adopted in the conversion of old 8-inch smooth-bore guns into rifled 64-pounders. The inner diameter or bore was 2.56 inches; the thickness of the wrought-iron tube, 0.690 inch; and the outside diameter, 7.83 inches. The area of cast-iron was not sufficient to support the end strain, and the caps were held together by additional screws fitted into an external casing. Four charges were fired, the weight of powder being 5, 6, 8, and 10 ounces respectively. The enlargement of the cylinder after the discharge of 8 ounces was 0.0317 inches on the inside, and 0.0017 inches on the outside. The fourth discharge of only 10 ounces broke the cylinder into fragments, namely, of cast-iron one hundred and seventy-four and of wrought-iron seven pieces."

It is to be borne in mind that these experiments were not made for the purpose of comparing cast-iron guns with similar ones lined with wrought-iron; the cast-iron in the two cases was not identical; it was not gun-iron, and therefore the comparative strength of the two cylinders proves nothing as to the strength of guns lined and not lined with wrought-iron. That the iron was not gun-iron is evident from several considerations. In the first place it is not spoken of as anything more than "good iron." How good it was, what was its tensile strength, its density, elasticity, or extensibility, is not stated, and was not probably known. An iron which will stand 12,000 pounds per square inch is in England considered a good iron, but we do not think of making guns of such metal; for this purpose only the best cold-blast charcoal iron, melted in an air furnace, and having a tensile strength of 30,000 pounds per square inch as the minimum, with a good extensibility and elasticity, is ever thought of as a proper gun-iron.

The very fact that 3 ounces of powder burst a cylinder of 2.56 inches bore and 2.5 inches thickness shows conclusively that the iron was not gun-iron, and the additional fact that 10 ounces of powder burst a similar cylinder 1.945 inches thick, with a wrought-iron lining 0.69-inch thick, into one hundred and seventy-four fragments is incontestable proof that this was not such an iron as guns are made of.

It is further to be observed that the two cylinders were not tested under the same circumstances. The lined cylinder was entirely relieved from all longitudinal strains, for "the caps were held together by additional screws fitted into an external casing." That this arrangement enabled the lined cylinder to offer greater resistance there can be no doubt, but to what extent it is difficult to estimate.

That any logical conclusions conflicting with the results obtained from my experiments on cylinders can be drawn from Sir Joseph's powder tests, just described, is so evidently impossible that further remark is unnecessary.

If, however, in place of my deductions, based on these trials, you should prefer to have the results of direct experiments, I am glad to be able to lay such results before you, for I have recently had the satisfaction of witnessing some carefully conducted experiments made by Capt. John G. Butler, Ordnance Department, wherein he proposed to repeat Whitworth's powder test of iron cylinders, using our gun-iron of known good quality. Two cylinders were cast from the same ladleful of metal, turned to the same exterior dimensions, and bored out the same as Whitworth's, and one of them lined with a wrought-iron tube of the best quality. These were fired with 3, 4, 6, 8, and 10 ounces of powder taken from the same barrel. After resisting the 8-ounce charge, the simple cast-iron cylinder showed no increase in the exterior diameter; the lined one was enlarged 0.008 inch. The bore of the former had enlarged 0.015 inch, the latter 0.052 inch; and it is plain that the lined cylinder was nearer the point of rupture than the other. The charges of 10 ounces, which increased the strain more than 25 per cent., ruptured both cylinders, the cast-iron of each breaking into twenty-six pieces, and the tube into seven pieces additional.

This powder test, then, confirms the results of the experiments made with the testing-machine, and extinguishes forever the unsupported claim of the superior strength of the lined cylinder.

I have still one more fact which I wish to lay before you before closing my argument in favor of the superior strength of cast-iron guns over those lined with wrought-iron tubes. It is the result of an experiment made with gunpowder, and it seems to me to be conclusive on this subject.

Finding that there was no prospect of the Ordnance Department authorizing any experiments to show whether gunpowder would confirm or disprove the verdict of the testing-machine in regard to the strength of cast-iron guns, and regarding the question as one of great importance to the country, I proceeded to procure on my own account two cast-iron guns representing accurately in exterior model the 10-inch Rodman guns to a scale of four-tenths the full size, and to line one of them with a coiled wrought-iron tube made in the same way and of the same metal as the tubes used in the conversion of guns; the other was of simple cast-iron. The guns were cast solid from the same ladleful of metal, and were finished without trunnions, and of the same size in every particular as nearly as possible. The model selected was that of the converted 8-inch rifle. The maximum diameter was 12.8 inches, and that of the bore 3.2 inches. The weights were 955 and 931½ pounds, respectively. The guns were fired under the same circumstances, with charges of 2.5 pounds of powder, and first with a shot weighing 22 pounds, second with one of 30½ pounds, and afterwards with two shot of the last-named weight. The cast-iron gun proved superior to the lined gun in about the same proportion as had been found by the experiments with statical pressures, and we have the verdict of superior strength of the cast-iron gun over that of cast-iron lined with a wrought-iron tube, pronounced in the first place by the testing-machine, now confirmed by actual trial with gunpowder in a gun of 3.2-inch bore. I have only briefly referred to these trials for the reason that my reports of September 11, 1880, and June 25, 1881, to the Chief of Ordnance will doubtless be laid before you under the direction to "furnish the board with all the information on the subject in his possession."

I am of the opinion that it is not advisable to convert the 10-inch smooth-bore guns into rifles. The object of the trials which I here propose is to show that it will be far more economical to make new guns, which shall be in every respect superior to the converted guns, and can be produced at the same or less cost. I propose to make an 8-inch rifle longer and heavier than the converted gun, to cast it breech uppermost, the hollow core passing through the breech, with the view of avoiding the initial strains that are known to exist in guns cast with a solid breech; to fire it to extremity with a proper powder, to be determined by trial, which shall give an initial velocity of 1,290 feet or more, or continue the firing until its superiority shall be conclusively established.

It is well known that cast-iron guns begin to break from the interior, cracks form and the gases entering therein act on a larger area, and finally burst the gun. The extent to which this shortens the life of the gun is not known, and it is proposed to determine it by the gun No. 2, which has a thin tube of bronze lining the bore; the tube may be turned and grooved on its exterior and then inserted in the bore, or the cheaper plan of lining only the chamber may be used.

It is proposed to fire this gun under exactly the same circumstances, with the same charges, etc., as the first, and thus determine the question whether the increased cost is compensated by the greater endurance of the gun.

The Heavy Ordnance Board of 1872 recommended that a breech-loading gun, with the slotted-screw breech similar to that used by the French, Swedes, and Italians, should be tested. No such trial has ever yet been made by the Ordnance Department, and the success which has attended this plan in other countries and our own Navy, its greater simplicity and less cost, compared with the plan adopted, render it highly desirable that a fair trial of its merits should be made.

No. 3 represents such a gun. It will be cast breech uppermost, cooled from the interior, and have a thin band of steel around the breech.

The guns here proposed have received the approval of one of the great gun-founders of the country, who has adopted the first and second, the latter without the supplementary steel band, and recommends them as good models for cast-iron guns.

The vast extent of our seacoast which calls for protection is so great as to require large rifled guns by the thousand; and the question of what material they shall be constructed becomes one of the greatest importance. We have cast-iron of the best quality, and we understand the manner of treating it in order to make uniformly superior guns of the largest caliber. If these guns will answer as well as those of more expensive construction, it is highly important that we should know it at once. If they shall prove to be superior to those which we are now making, as I believe they will do, and as I think the facts which I have here adduced will warrant us in believing, we can not have the proof of it too soon.

General Rodman proposed to improve the quality of our cast-iron guns by improving the metal of which they are made, and the best mode of doing this he carefully elaborated; but the present adopted plan of increasing the efficiency of our heavy ordnance discards this plan, and in its place adopts a certain combination of wrought and cast iron, thereby adding greatly to the cost of production, and, according to the results of the experiments just mentioned, diminishing in a marked degree the strength and endurance of the gun. Whether it be advisable to continue the fabrication of large guns on this latter plan without first comparing their endurance with that of cast-iron guns pure

and simple, as herein proposed, is a question left to you to decide, with the aid of all the light that can be thrown upon it by the latest experiments, supplemented by such as you may deem it wise to make.

T. T. S. LAIDLEY, *Colonel of Ordnance.*

Now, sir, I appeal to the Senator from Connecticut, who I know is earnest in wanting this work to go on, that after two or three years' patient and earnest consideration of this question by the committees as to the proper course to pursue, and after having finally reached a conclusion that we believe makes it possible not only for the Government to begin the construction of these guns, but where, also, the door for the first time in twenty-five years is thrown open to the private manufacturers—I appeal to the Senator not to obstruct this legislation, not to destroy it, by pressing an amendment which can have but that one effect.

Mr. HAWLEY. I am a good deal surprised by the remarks of the Senator from Maryland [Mr. GORMAN]. The bill as it stands now does not profess to take away the powers of any one of the departments of the Army, nor in my judgment does it really do so. I should be glad to have the honor of the Senator's attention, because I am talking to him directly. I should like to know the paragraph of this bill which changes existing law—a thing that would be out of order anyhow if put in the bill. I do not know how the bill does change existing law. The appointment of boards advisory and supervisory is a common custom both in the Army and in the Navy. I am glad in many respects to see the scheme started of having one, even a permanent advisory board in the Ordnance Department, a board to which all inventors and schemers, if you will, may come with their devices, some good, some bad, some wise, and some foolish, where all may come with their ideas and submit them. I am glad, too, that this board are to have this money to expend, so that where they have a thing submitted to them they may try it, and if it be a good thing they can recommend it to the Secretary of War for further expenditure, and he can recommend to Congress the particular improvement, whatever it may be. But whenever they adopt an improvement or whenever they advise the construction of a gun and the expenditure of money, then that goes on under the ordinary statutes, even with the bill as it is drawn up. The bill says the money—

Shall be expended under the direct supervision of a board to consist of the commanding general of the Army, an officer of engineers, two officers of ordnance, and an officer of artillery, to be selected by the Secretary of War, to be called and known as the board of ordnance and fortification.

Now, how is the money expended? Ordinarily in most of these matters they ask for bids from private citizens, and contracts are made as a result. Is it to be supposed that this board of five officers is to appear in a contract as the contracting party, that they are to sign all the contracts requiring ordnance for the Army? Not at all. Section 1164 of the Revised Statutes directs that. The Secretary of War or the Chief of Engineers signs the contract, and the money will be expended in the ordinary way upon the proper certificates, vouchers, etc.

The amendment I have offered is simply, from excess perhaps of caution, to provide that nothing should be taken from the engineers or artillery officers in their ordinary duties by this statute; nor do I think it very essential that my amendment should be adopted, because I do not think it is done anyhow. This board has no powers that the Secretary of War could not put on a board at any time.

A word now with regard to the reflections of the Senator from Maryland on the ordnance officers. His censure, Mr. President, is undeserved. So far as the presence of the officers is concerned about the corridors and galleries of the Senate, I say very frankly that as to the whole discussion upon the Army bill and upon this bill I have requested the attendance of an officer about this building to whom I might refer in a minute some technical question that might arise, for the benefit of the Senate as well as for my own information.

I do not know that these young men have been here (sometimes one, sometimes two) on a single occasion except at my own personal request, either by my telling them or telephoning to them that the bill was up and that I wished them to come up to the Capitol, because questions might arise about caliber or cost or material or a hundred things bearing upon the subject that I might wish to be informed about.

Mr. GORMAN. With that statement of the Senator, and of course I must accept it, the officers have a right to be exonerated. May I ask the Senator whether he requested Captain Smith or any other ordnance officer to be here to circulate, without signature, the statement of which I hold a copy in my hand?

Mr. HAWLEY. I do not know what the statement is to which the Senator from Maryland refers, but the captain at my request and in my room made a memorandum of points that he had orally made to me, and I asked him questions about various provisions of the bill, which he answered with such rapidity and lucidity that I said to him, "You must write those down; I can not remember them; they are points that are valuable." He gave me afterward a type-written statement, which I have here, in which I see nothing disrespectful whatever. One page of it I quoted nearly literally in my remarks of yesterday, and there are other remarks here in the form of comments on the appropriations made by the bill and stating that if section so-and-so were thrown out so-and-so would result, and defending the provisions of section 1 as related to the proposed board of ordnance and fortifications and all that. Now, whether this is or is not the one that he has printed I do not know. He told me this morning he had given a paper to, I think, the Senator from Iowa [Mr. ALLISON] and to the Senator from Kansas [Mr. PLUMB]. I do not know whether he included the Senator from Maryland [Mr. GORMAN] or not, but he named one or two other Senators to whom he had given the paper. I told him to give one to the Senator from Nebraska [Mr. MANDERSON], who is a member of the Military Committee. There is no mystery about this, Mr. President, nor is there any intentional disrespect in any part of it; none whatever. I take the responsibility of the whole transaction, unless in the entirely improbable case (I venture to say that can not be so) that in printing the statement which he showed to me he added something improper; and that can not be. In this that I have here there is nothing whatever out of the way.

Mr. GORMAN. When the fact is that these officers in the different branches of the public service had the opportunity and were requested to make every suggestion that it was possible for them to make with regard to this matter to the Committee on Appropriations when the committee took this matter up, and when the legislation was pending between these two Houses—when, I say, these officers had the opportunity to make every suggestion that they desired to make, when they knew that the general commanding the Army had agreed that the provisions of this bill were the best that it was possible to make in the interest of the Government, I ask the Senator whether he thinks it is right that afterward a subordinate officer of the Army should come here and circulate, partially, an argument against the very bill that he knew had been so considered, and when the only effect of his argument would be to place all the money that was appropriated in the hands of his bureau, and to exclude the possibility of private enterprise competing with them. Is it not an outrage?

Mr. HAWLEY. The Senator puts a construction on this matter which it does not admit of at all, if that statement be the one I have here, written with a type-writer. I am very glad to have the statement in the RECORD, because it will itself be a sufficient answer to the Senator's criticism. If the same as mine, it was written at my personal request, and given to Senators at my personal request, as criticism upon the whole of the pending bill. I take the entire responsibility on my shoulders.

Mr. BECK. In view of what has happened I give notice that at the proper time I shall move to make the number of ordnance officers of this board not two, but one, and let it stand as the committee brought it in. There is some object why two ordnance officers want to get so many things into the bill.

Mr. HAWLEY. I made that motion myself.

Mr. BECK. I know the Senator did.

Mr. HAWLEY. I can tell the Senator what the object is. There is no mystery in it. I wish the Senator were not so quick to see mystery in things.

Mr. BECK. I am a member of the committee, and I do not think that private papers should be handed to some members that Senators generally can not see.

Mr. HAWLEY. Captain Smith had no charge of the general distribution of these papers. The persons to whom he gave the papers were persons whose names I suggested. Now, as to the point of having two ordnance officers on the board, that is not a suggestion of my own, but of the commanding general of the Army. Originally one ordnance officer, one artillery officer, one engineer officer, and the commanding general of the Army were to compose the board and consider the whole business of ordnance and supplies.

It is evident that the ordnance officer would be the working member of the board, and it is evident that occasions would arise when the engineer and artillery officers would overrule the ordnance officer, who is really practically, as well as presumptively, entitled to more consideration than the others because ordnance is his life-profession. General Schofield said to me that there should be two ordnance officers instead of one, and then an artillery and an engineer officer. He supposed that they would agree almost always, but it was quite possible that some time they might not agree, and he preferred that the ordnance officer might not be overruled. So it was arranged that in case of a tie the commanding general of the Army could decide. He thought the work would be better done in every way by that arrangement, and that is the reason I moved that amendment.

Mr. DOLPH. Early in the session there was a bill introduced into the House of Representatives providing for a contract with the South Boston Iron Works for cast-iron mortars and guns. I received and I suppose every member of Congress received a printed brief, made up by a prominent attorney of this city, in favor of that bill, undertaking to show Senators and Representatives why they should make a contract with this private company for the purpose of furnishing these guns to the Government. Now, we have severe criticisms upon an officer of the Ordnance Corps because, at the request of the chairman of the Committee on Military Affairs, he has made a statement which he has submitted and presented to certain Senators.

Mr. BECK. What I complain of is that they did not distribute them. If an officer of the Army gives information to the Senate of the United States the Senate has a right to have it as a Senate, and each member has a right to it.

Mr. DOLPH. I do not understand so. I think any Senator of this body has a right to go and see any officer of the Army, whether of the Engineer Corps or the Ordnance Corps or any other, and get any information he desires on any subject of legislation.

Mr. BECK. Nobody denies that.

Mr. DOLPH. I will get to the proposition in a moment if the Senator will permit me.

Mr. BECK. What I deny is that any officer of the Army has a right to come here and distribute for the use of a few Senators or Members of Congress any communication that he intends to affect a matter before the Senate or House of Representatives.

Mr. DOLPH. I assert that any officer of the Army, having naturally an interest in any question before Congress, or any officer of the Navy similarly placed, has a right to see any Member of Congress or Senator and furnish him in writing or in print a statement as to the effect of the measure, or a statement concerning his views, if he does it at his own expense, and I say he is not insubordinate in doing so.

Mr. HAWLEY. I wish to make an explanation before we go any further. I have seen an officer of the Ordnance Corps within the last three minutes, since this matter has been up, and he has explained to me that this paper is official, and that the Secretary of War to-day sent it officially to the committees of both Houses.

Mr. ALLISON. That is what I rose to say when I sought the floor at the moment the Senator from Connecticut was recognized.

Mr. BECK. Does the Senator say that it was sent?

Mr. HAWLEY. It has been sent officially by the Secretary of War. The Senator from Iowa can explain about it.

Mr. ALLISON. As chairman of the Committee on Appropriations I received to-day——

Mr. BECK. How long ago was this received?

Mr. ALLISON. I should say three hours ago I received, as chairman of the Committee on Appropriations, a communication from the Secretary of War, inclosing a communication from the acting Chief of Ordnance, and calling my attention to it. I called the attention of the Senator from Kansas to it and he said he had himself received a copy of it. Supposing this debate would slide along in a pleasant, agreeable way, I did not have it presented and read to the Senate. As it has been mentioned, however, I will now have the Acting Secretary's letter read at the Secretary's desk.

The PRESIDENT *pro tempore*. The communication will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, August* 31, 1888.

SIR: I have the honor to transmit herewith, for the consideration of your committee, a letter of this date from the acting Chief of Ordnance, with comments on the fortification bill now pending in the Senate.

Very respectfully,

R. MACFEELY,
Acting Secretary of War.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., August 31, 1888.

SIR: I have the honor to inclose herewith some comments on the fortifications bill now pending in the Senate, and request that, with your approval, the same may be sent to the chairman of the Senate Committee on Appropriations.

As the provisions of this bill, so far as they relate to the duties of the Board of Ordnance and Fortifications, are in direct conflict with those of section 1164, Revised Statutes, prescribing the duties of the Chief of Ordnance—a statute that has been in force for seventy-three years—I deem it important that the attention of the Senate should be specially called to this matter, and to the comments herewith.

Very respectfully, your obedient servant,

CHAS. L. SMITH,
Captain Ordnance Department, United States Army,
Acting Chief of Ordnance.

The Hon. SECRETARY OF WAR.

Mr. GORMAN. I will ask if that is the entire communication?

Mr. ALLISON. That incloses the comments. I did not have those read, because I understood they were the subject of debate.

Mr. GORMAN. I have presented a copy to the Senate, and I wanted to know if this letter included that.

Mr. DOLPH. I think some Senators are entirely too sensitive about the part taken by the officers of the Ordnance Corps in regard to this question of fortifications. It is true that the jurisdiction of this bill is with the Committee on Appropriations; but I suppose they have to get their information in regard to it like other members of the Senate.

Mr. GORMAN. Will the Senator permit me to ask the Senator from Iowa another question—whether the "comments" included in this official communication were signed, or is this the only communication that is signed? The copy I have is without signature.

Mr. ALLISON. This paper is without signature. It is headed, "Comments on the act 'making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.'"

Mr. HALE. It is precisely the same paper that the Senator from Maryland [Mr. GORMAN] sent to the desk and had printed.

Mr. GORMAN. Do I understand that these "comments" printed and in circulation in the Senate Chamber this morning are the product of Captain Smith, now acting Chief of Ordnance?

Mr. ALLISON. He so states, as I understand, in his letter to the Secretary of War. I find that this document is marked with the words and figures "War Department, 4,080 A: 1888"—the words "War Department" and the figures "1888" being in black ink, while the "4,080 A:" are in red ink.

Mr. HAWLEY. A single suggestion more. The Senator from Maryland referred to the ordnance officers as desiring to keep the entire expenditure for these constructions and so forth in their own hands. This very paper that has been submitted contains this clause:

With regard to the provision in this section for 10 and 12 inch steel guns the Ordnance Department have no objection to make.

That is the provision inviting bids for manufacture according to the specimen gun, and involving several million dollars of expenditure. That is the most important provision regarding the construction of guns, and as to that this paper states that the Ordnance Department has no objection to make.

Mr. DOLPH. I repeat what I said, that there is an oversensitiveness as to what the officers of ordnance think about this question of fortifications. As I have said before, the Appropriations Committee have charge of this bill. The Senate appointed a Committee on Coast Defenses and did me the honor to make me chairman of it. I supposed there was some duty connected with that, and so have felt interested in the subject. The Committee on Military Affairs reported an amendment to the Army appropriation bill, and that was placed as a Senate amendment to the bill as it came from the House. I suppose every Senator desires sufficient information to vote intelligently on this matter, and whenever a bill is introduced, evidently in the interest of private parties, the South Boston Company or any other, not only are Senators importuned on all occasions as to every scheme, but printed briefs are prepared and sent to every Senator; and it would be a strange thing if an officer of the Ordnance Corps, believing that he could impart some information on the subject, should not be at liberty to submit his views, publicly if you please, or in private by oral or written communications.

Mr. PLUMB. Let me interrupt the Senator a moment to remark that what he has said about private parties is entirely gratuitous. The provision as it came from the House for $500,000 for the purchase of cast-iron mortars was contained in the estimates of the War Department submitted by this very Ordnance Department to the Secretary of War, and by him to the Secretary of the Treasury. The officers did appear before the Committee on Appropriations (I think I may state this without any impropriety) and stated that the expenditure would be made through the medium of the South Boston Iron Works. So far, therefore, as that concern is embraced in the criticism of the Senator from Oregon it is a criticism of the Ordnance Bureau which he is now defending.

Mr. DOLPH. The Senator is entirely mistaken in regard to what I said. It was stated yesterday by the Senator from Connecticut, and I think appears in the statements of others also, that in all probability the South Boston Iron Works would have the benefit of most of this bill; that is, in regard to mortars of cast-iron bodies and hoops of steel, and as regards cast-iron mortars; but I did not refer to this provision in my remarks to-day, and my remarks will show that I referred to a provision in another branch of Congress, which provided for a large appropriation for cast-iron guns.

Mr. PLUMB. I understood the Senator to say that the Committee on Appropriations were instrumental in doing something which was going to involve a private speculation and that it had been said that the Committee on Appropriations had not been careful about it. The moment that is attempted to be shown there will be something said that will not be comfortable to some persons.

Mr. DOLPH. If the Senator means to refer to anything that would be uncomfortable to me, he can say it now.

Mr. PLUMB. I do not mean that at all; I do not refer to the Senator, but to the people who have set in motion this proceeding. That is all. This paper refers not to what took place in another body, but to the present bill, and is a sharp, clear, selfish criticism of it, and I think an impertinent one in some respects, with all due respect to everybody else. I think it decidedly impertinent, but so far as I am concerned I can take those things; but when it comes to members of this body proceeding to castigate somebody because private speculation is involved, or something of that kind, I think they ought to be particular.

Mr. DOLPH. The Senator is entirely mistaken with regard to my remarks, as the RECORD to-morrow morning will show.

Mr. PLUMB. I should prefer to know what the RECORD shows to-day about this matter.

Mr. DOLPH. Then what the RECORD shows to-day. The RECORD will show to-morrow, so far as I am concerned, that I did say that when a bill is introduced which is in the interest of a private corporation or party or for something which the Government does not want and the Government officers do not recommend, then every member of Congress is notified on every occasion and a printed argument in favor of the measure is sent to every member of the Senate. That is what I said.

I did not intimate that any provision of this bill was in the interest

of any private corporation, but I do think that, as I said yesterday, the proposition to purchase cast-iron mortars and hooped mortars is all wrong, and that the moneys ought not to be appropriated.

In regard to the provisions of this bill, I am not criticising anybody in connection with them. I am simply asserting that in my judgment an officer of the Ordnance Corps has as good a right to be heard and to give an opinion to the Senate as the attorneys of private parties.

Mr. PLUMB. As to there being any disposition to prevent these people from being heard, not only was there none, but they were sent for. So far as I know, there has never been an investigation in the Committee on Appropriations on this subject without the ordnance officers being sent for; and not only were they listened to with entire respect and questioned about everything bearing on the subject in hand so far as the facts were concerned, but were also invited to present their opinions as to the propositions that were involved.

For my part I do not think much of this printed article that has been referred to. I think the effect of it is heightened by its being sent through the Secretary of War, although it was not only sent through the Secretary of War but it was circulated privately, because the Senator from Iowa handed me a copy which was not sent through the Committee on Appropriations, and evidently was designed for private circulation among the members of the Senate with the view of affecting this bill. It was not necessary to get the Public Printer to set it up and print and distribute copies of it for the purpose of having it known that the Ordnance Bureau was working against this bill. That goes without saying. Consequently the expenditure of the money—fifty or sixty or more dollars—whatever the expense was, although entirely illegal in my judgment and worthy of reprobation, was unnecessary. This paper does not limit itself to a general description of the proposed amendments, but indulges in what I think impertinent criticism of the Senate and of the committee which proposed the measure; and I do not think it consistent with the relations that exist between the legislative and executive departments of the Government.

I do not care to say anything further about it; but going back to the amendment of the Senator from Connecticut [Mr. HAWLEY], I want to say that, with all due respect to the Senator from Maryland [Mr. GORMAN], it has been my idea all the while that the Ordnance Bureau and the Engineer Bureau and the Artillery Bureau or branches of the service should, under the direction of this board, expend the money to be expended within the jurisdiction of these various bureaus. I do not think it would be desirable that they should go outside of these bureaus for the purpose of getting some new force to make this expenditure—a new set of clerks, a new set of Army officers, and so on. Therefore I do not think the amendment of the Senator from Connecticut is necessary, and at the same time I am not unwilling that it should be put upon the bill, inasmuch as he seems to wish it to be done.

I say that because in the first place I believe we have a great deal of talent in all these branches of the service. I believe we have very accomplished engineer officers, but I sincerely believe that they are not only not thoroughly competent for all this work, but I believe that Congress will not give it all to them to do, and that those who are interested a great deal more than I am in their representative capacity in what is called coast defense and in provisions for fortifications ought to be very willing and anxious that a board should be created which would have the confidence of Congress, as the present Ordnance Bureau has not, whether wrongfully or otherwise.

Now, to show how frail this Ordnance Bureau is, and to how small things it can descend for the purpose of influencing legislation, let me read this paragraph from this anonymous circular—for that is what it is:

A further serious objection must be raised to the creation of this board on the ground of economy in the expenditures of the Government.

There is a lecture for you "as is a lecture" on the subject of economy—and from the Ordnance Bureau!

The board practically constitutes a new bureau supplementary to the present Engineer and Ordnance Departments.

Something that they will find entirely apart from the legal effect of the measure. It will not be "supplemental" to anything; it will be superior to everything, or else it will not be what it is intended to be.

Although not provided for in the present bill—

Of course from the incompetency of Congress—

the certain outcome of this legislation will make it necessary in subsequent years to provide a clerical force and all the paraphernalia of a new bureau in the War Department to enable this board to properly record and systematize the duties and acts which it has to perform. The Engineer and Ordnance Departments are now fully organized to carry out such work—

Disinterested testimony, of course!—

and their files contain the records of all previous work of the kind. The transfer or transcription of these records, with which the new board must become thoroughly acquainted to properly perform its duties, the creation of new clerkships, and the duplication to a considerable extent of similar work which will remain in the bureaus as at present organized, can only result in additional and wasteful expenditures.

Another Daniel come to judgment! We are actually being lectured on account of our extravagance by these very bureaus of the Government that have been hounding us for years because we did not give them money enough to indulge in extravagance of the most extraordinary kind. I object to being lectured in that way.

I should not have called attention to it if it had not been called up otherwise. I have proceeded in all these matters with the utmost good-will toward the individuals composing that bureau, and with the belief that it was not only wise but a part of the purpose of this bill that they should carry out those things which properly pertain to their duties, as a result of the duties which are to be performed by the board that is created. That is all I have to say on the subject.

Mr. HALE. Mr. President, I received one of these circulars, which is headed—

Comments on the act "making appropriations for fortifications and other works of defense, for the armanent thereof, for the procurement of heavy ordnance for trial and service, and for other purposes."

I read it over, not carefully, rather hastily. It did not seem to me that there was anything in it that indicated any disrespect on the part of the Ordnance Department in getting it up, if it was got up by them. I did not agree, and do not agree, with some of its criticisms, and I passed the paper over to the Senator from Maryland [Mr. GORMAN], who has taken a deep interest in this bill, thinking that perhaps it might be worth his while to look at it and see if there was anything in it of importance, while the bill was being discussed by the Senate. In looking at it again I do not see that the Senate or the Committee on Appropriations, whose provisions upon the bill I think in many regards will accomplish good, need be sensitive about it. As the Senator from Oregon [Mr. DOLPH] has said, we get every day from outside parties and from parties in the Departments as well, suggestions and comments upon pending bills, and I did not look upon this as anything more than that. I do not believe that the members of the Ordnance Department intended in this matter to do anything that should be disrespectful to the Senate or to the committee.

Mr. GORMAN. I should like to ask the Senator from Maine whether in his long experience in the Senate, when the head of a Department or one of the subordinate officers of this Government has been before the Committee on Appropriations and had ample opportunity to discuss a measure, he has ever known before such a criticism upon the action of a committee, after they had reported a bill, as in this case?

Mr. HALE. Well, yes, I have known instances where I have had the management of bills myself, where the conclusion arrived at by the committee finally in reporting the bill was not in accord with the desires of the Department, where the Department has sent up objections and criticisms on the course pursued, and I have not felt that there was anything disrespectful in their doing that. I would not agree with their criticisms and would not perhaps modify the bill, but until the bill passed I take it that they may send in suggestions.

Mr. PLUMB. I will ask the Senator from Maine whether he ever before heard of one of the Departments complaining of the extravagance of Congress in enacting legislation?

Mr. HALE. I agree entirely with the Senator from Kansas in that regard. Congress is never able to keep up with the claims, requirements, and demands of the Departments; no matter how much money we appropriate, we are always behind what they want us to expend. I do not suppose the Ordnance Department is any more economical than the others.

Mr. BECK. I only desire to say as to the part I took in the matter, that I read over the article referred to by the Senator from Maryland [Mr. GORMAN]. I looked over my desk and over the desks around me here and I doubt whether a single copy of that paper has reached this side of the Chamber.

Mr. PLATT. I have not had any, on the opposite side.

Mr. BECK. I do not think any copy reached here, except that handed to the Senator from Maryland by the Senator from Maine. If there is one here I have not seen it. These men have had an opportunity of being heard before the Committee on Appropriations, and then they send an anonymous communication here—for that is what it is; it is not signed by anybody. To be sure it comes also through the War Department now, though that fact was not known to one of us until the Senator from Iowa mentioned it a moment ago. But that was not a respectable way even for the Acting Secretary of War to treat a committee of this Congress. I do not know any of these ordnance officers, but I agree, after reading that thing and the lecture they saw fit to give us, that the Senator from Kansas did not characterize it too strongly, and I desire now to say that I will, unless I change my mind, when this bill gets into the Senate move to strike out two ordnance officers and let one remain. That gives them all the power that I think they are entitled to, or that this communication shows that they deserve.

Mr. HALE. I am not the advocate or defender of the Ordnance Department. I do not even know the officer who it is said prepared this document.

Mr. BECK. I do not know him; I never saw him.

Mr. HALE. It did not occur to me that there was anything secret about it, and I do not now think there was. I gave the paper very readily to the Senator from Maryland, and he had a perfect right to use it precisely as he has used it. It seems to me that in sending it to the chairman of the Committee on Appropriations, whatever may be said of any other mode, the Ordnance Department did the only thing it could do if it sought to bring to Congress or to the Senate any further views while the measure was pending; that is, to send the com-

munication to the chairman of the committee, or to the Senator in charge of the bill, in order that the suggestions might go for what they were worth.

Mr. ALLISON. This communication, I wish to say, came to me during the morning at my desk here. I called the attention of the Senator in charge of the bill to the fact, and he said that he had one of those papers. So I allowed the communication to lie on my table—that communication of the Secretary of War. Of course if I had supposed that it was a matter of importance as to the mode of communicating or as to the importance of having these letters read, I should have had them put in the RECORD early in this debate.

Mr. PLUMB. I would like to ask the Senator if he does not think that it is time for minor executive officers to advise Congress when they are asked for their opinion? Do not the Constitution and the laws point out the way in which Congress shall ascertain the opinion of the executive department, and is it not a little bit strange, I will say impertinent, for any executive officer, and especially for officers of minor degree, to be lecturing Congress about extravagance, and complaining about the terms of a bill, especially of a bill as to which they were before consulted?

Mr. ALLISON. In response to the first suggestion of the Senator from Kansas, I will say that I quite agree with him; but it is the custom, grown up in our communication with the Executive Departments, which has existed for a long time. Either the heads of Departments trust the chief clerk to come here or even the head of a bureau sends down. For example, this morning the Paymaster-General sent down the chief clerk of the Pay Department to make an inquiry of me respecting the condition of the Army appropriation bill and urging that something should be done about it. I do not think these young men are very greatly to blame about it. They are enthusiastic in their views and they may not have a proper regard for what should be done as respects the methods of presenting these things. I must say honestly that I did not read the paper which has been referred to; I did not look it over. I was entirely satisfied with the report made by the Committee on Appropriations. I thought we had made a bill that was a fairly good bill, and I supposed the Senate would agree with it.

I know, of course, that every Department of this Government desires to hold all the power and control that it can, and I knew perfectly well that this arrangement for a board would not be agreeable to the Ordnance Bureau. But I had the same understanding respecting it that the Senator from Kansas had, that this board was to be a supervising board, a directing board, and that as their directions were made they would be executed in the various bureaus of the War Department under the supervision of the Secretary of War.

Mr. HAWLEY. And under existing statutes.

Mr. ALLISON. We had no expectation that we were repealing statutes, and therefore I am perfectly willing that the amendment suggested by the Senator from Connecticut shall prevail if it is deemed necessary to make it certain that these appropriations shall be expended in detail by these different bureaus. That is all there is of that.

Mr. MORGAN. The act giving power to the Chief of Ordnance, and which, I believe, is the law under which he now proceeds, was enacted in 1815, in February, at a time when we were in a good deal of military trouble and distress, and Congress seemed then to have the idea of conferring upon this officer, the Chief of Ordnance, very broad and arbitrary powers:

> It shall be the duty of the Chief of Ordnance to furnish estimates and, under the direction of the Secretary of War, to make contracts and purchases for procuring the necessary supplies of ordnance and ordnance stores for the use of the armies of the United States; to direct the inspection and proving of the same, and to direct the construction of all cannon and carriages, ammunition wagons, traveling forges, artificer's wagons, and of every implement and apparatus for ordnance, and the preparation of all kinds of ammunition and ordnance stores constructed or prepared for said service.

I do not suppose an officer of the United States Government in a subordinate character ever had broader powers than these in controlling expenditures; but, after all, the Secretary of War is always supposed to be a civilian, and he is not expected to have any particular military skill, especially in the scientific departments, such as ordnance, and he is under the advice and largely under the influence, not to say the control, of the Chief of Ordnance. It must be so. There is no check standing between the Chief of Ordnance and the Secretary of War. The Secretary of War has not, ordinarily at least, the sort of scientific skill that would enable him to produce any impression upon the views of the ordnance officer or to give him any material check in the following up of his wishes in regard to the character of ordnance that should be made or purchased, or any of those very broad powers that he is to exercise.

In later times, when the genius of the American mechanic has been greatly stimulated by the patent system and also by the improvements made in ordnance and arms of every description, there has grown up a controversy between almost ever inventor and every mechanic in the United States who has any interest in matters of this kind and the Ordnance Department.

I have had no connection with any of the committees of this body that enables me to trace thoroughly that controversy in its different stages, but I know since I have been in the Senate, having been at one time upon the select committee on ordnance and war ships, that different persons who are engaged in the production of material and arms and such like have been in communication with me more or less, and I do not remember a single instance, whether on the part of a producer of material or an inventor of arms, or a manufacturer of guns or arms, where complaint has not been made of the arbitrary powers that were given to the Chief of Ordnance and the arbitrary manner in which his powers have been exercised. It has gone to that extent that complaint, whether just or not, has brought forward in a very palpable way the question whether the Ordnance Bureau is not a close corporation and conducted in the interests only of officials of the Army. That is the question. It does not make any difference to me whether that question is properly stated or not by these gentlemen. What I know is that there is a strong prevailing opinion among the people of the United States, of the classes to which I have just referred, that justice is not done by the Ordnance Department, as I said before; that it is an arbitrary, dictatorial, unyielding assemblage of men who were disposed to favor their own class and men in military office to the exclusion and detriment of other men.

Now this bill as amended interposes between the Ordnance Office and the Secretary of War an advisory board, and I think, Mr. President, that that is a very essential part of our ordnance system. There should be an advisory board standing between the Secretary of War and the Ordnance Bureau. That advisory board seems to be well constituted. The very able man who is now at the head of the Army is put at the head of the board, and others are to be detailed, some from the Ordnance and some from the Engineer Corps and some from the artillery branch of the Army, and I think there ought to be one civilian in it. In order to make this exactly right and fair and make it satisfactory to our own people, there ought to be a civilian in this board. Then whatever complaints are made, the complainers would have a representative upon the board, and Congress would not only be saved a great deal of trouble and harassment, but I think the public service would be materially benefited.

The amendment, as I understand it, offered by the Senator from Connecticut would be merely to throw the whole power that has been in existence since 1815 into the hands of the Chief of Ordnance. I am not willing to see it go there. If I believed in him as being the greatest ordnance officer in the world and as being a man of immaculate honor—and I have no right to suspect him at all—I would not be willing for him to remain in the possession of these extraordinary powers at this stage of our progress and experience, because it is questioned by a large and very respectable class of American mechanics and producers of steel and iron and other matters connected with ordnance in this country.

I therefore think we should make a great mistake in conducting this system as it is; we should not meet public expectation; we should not be considered as giving a fair trial to American genius and enterprise if we should refuse to support the recommendation of the committee in this matter. I therefore hope, Mr. President, that that recommendation will be adopted.

Mr. HAWLEY. I suppose, indeed I know, that there has been more or less of the prejudice mentioned by the Senator from Alabama [Mr. MORGAN] concerning the Ordnance Bureau, but I say to him, what I think he will acknowledge on reflection, that the larger part of that prejudice is due to this: the Ordnance Department could only listen when an inventor came and could only say to him, "We can do nothing for you; we have not one dollar of money to spend upon this experiment." He came with a scheme whittled out in wood of a new gun.

A gun that has become famous in the world since first came to me as a wooden model, which was devised by an ingenious mechanic—I refer to the Spencer rifle—a bright Connecticut mechanic who had no money. Suppose he had brought that wooden model of the Spencer rifle to the Ordnance Department? The ordnance officer might have said "I see a bright future for this man, but I have not a dollar provided for this purpose and I can not make a gun for you;" and the man goes away and feels very naturally that he has been snubbed by his Government. So he has been snubbed by his Government, which ought to have a place where such bright men could bring these ideas, and there ought to be a little money there with which they could make experiments. It is the Government that is itself at fault in this matter very largely. There ought always to have been a board there of three bright men, an engineer, an ordnance officer, etc., especially to investigate and inquire concerning all new things. We are to blame; we have brought all the odium upon these men because they have represented their Government in saying "we can not do anything for you."

I hope the amendment I have proposed, saying that this shall not interfere with existing law, will be agreed to. The chairman of the committee thinks it wise, and I understood the gentleman from Kansas to say that he did not wish to interfere with the existing law. He has modified the bill already in many particulars in which it might have been liable to the charge of changing existing laws. Unless we suppose ourselves to be legislating and entirely wiping out old statutes and creating new, as a matter of caution this amendment ought to go in.

If we are changing existing laws creating this great department of the Government, it had better be done in a separate statute and more deliberately.

I hope the amendment will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut [Mr. HAWLEY].

Mr. GORMAN. I ask for a division.

The question being put, there were on a division—ayes 8, noes 13.

The PRESIDENT *pro tempore*. The vote disclosing the absence of a quorum, the Secretary will call the roll of the Senate.

The Secretary called the roll.

The PRESIDENT *pro tempore*. Thirty-five Senators have answered to their names.

Mr. RIDDLEBERGER. Is it in order to announce here that only fourteen of them were Democrats?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. RIDDLEBERGER. Then I never said it. [Laughter.]

Mr. CALL entered the Chamber and answered to his name.

The PRESIDENT *pro tempore*. Thirty-six Senators have answered to their names.

Mr. TELLER entered the Chamber and responded to his name.

Mr. BROWN entered the Chamber and responded to his name.

Mr. DOLPH. As there appears to be but a small prospect of getting a quorum, I move that the Senate adjourn.

Mr. ALLISON. I hope the Senator will not press that motion. I think in a few moments we shall be able to get a quorum. It is rather important that this bill should pass to-day, as we have already agreed to adjourn over to-morrow.

Mr. DOLPH. I withdraw the motion.

Mr. ALLISON. We shall have a quorum in a few minutes.

Mr. CULLOM. I desire to state that the Senator from Vermont [Mr. EDMUNDS] is detained at his home to-day on account of indisposition.

Mr. ALLISON. I think I ought to say respecting my colleague [Mr. WILSON, of Iowa] that he was not feeling very well, and supposing there would be no important matter this afternoon, he left the Chamber half an hour ago and returned to his lodgings.

Mr. FAULKNER entered the Chamber and answered to his name, completing the number necessary to constitute a quorum.

The following Senators answered to their names:

Allison,	Cullom,	Ingalls,	Reagan,
Bate,	Dolph,	Jones of Arkansas,	Riddleberger,
Beck,	Faulkner,	Mitchell,	Sawyer,
Berry,	George,	Morgan,	Sherman,
Blair,	Gorman,	Palmer,	Stewart,
Brown,	Hale,	Pasco,	Stockbridge,
Call,	Hampton,	Platt,	Teller,
Cockrell,	Hawley,	Plumb,	Turpie,
Coke,	Hiscock,	Pugh,	Walthall.
Colquitt,	Hoar,	Ransom,	

The PRESIDENT *pro tempore*. Thirty-nine Senators having answered to their names, further proceedings under the roll-call will be dispensed with if there be no objection, and the Chair will again submit the question on the amendment of the Senator from Connecticut [Mr. HAWLEY].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives thereon.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate insist on its amendments, and ask for a conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. PLUMB, and Mr. GORMAN were appointed.

ALLOTMENT TO UMATILLA INDIANS.

Mr. MITCHELL introduced a bill (S. 3506) to amend an act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes;" which was read twice by its title.

Mr. MITCHELL. I introduce this bill at the request of the Assistant Secretary of the Interior, and I hold in my hand a communication stating the reasons why the bill should become a law, and I ask that it be incorporated in the RECORD. It is very short. I ask that the bill be referred to the Committee on Indian Affairs, and also the communication.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, August 24, 1888.*

SIR: Referring to our conversation of this date regarding the Umatilla Indian reservation, and complying with your verbal request for a statement of the proceedings so far had by the Department under the law of March 3, 1885 (23 Stat., 341), which provides for the allotment of lands in severalty to the Indians upon that reservation and the granting of patents therefor and for other purposes, and, in order to do this, providing for a commission to ascertain the number of Indians on the reservation entitled to lands in severalty, the amount of land required to make the allotments, and the selection of so much of the lands in said reservation as will supply agricultural lands for allotments in severalty, together with sufficient pasture and timber lands for their use, and 640 acres for an industrial school farm, such tract so selected not to exceed "120,000 acres in the aggregate for all purposes," I have the honor to state that under and in pursuance of this law a commission was organized in the latter part of 1886, which proceeded to the reservation, secured the consent of the Indians to the provisions of the law, took the required census of the Indians, and selected a tract for a diminished reservation, containing in the aggregate 119,364 acres, of which, according to the census of the Indians on the reservation, 74,800 acres were required for allotment to the Indians for agricultural purposes.

The whole of the existing reservation was ordered to be surveyed for the purposes of the law, the agricultural lands selected for allotment to the Indians being subdivided as required therefor. This survey developed the fact that the diminished reservation as thus selected contained about 10,000 acres less of lands suitable for agricultural purposes than was required to make allotments to the Indians as provided in the law. It therefore became necessary to appoint a second commission to readjust the boundaries of the diminished reservation so as to bring within their limits a sufficient quantity of agricultural land to meet the requirements of the law.

This second commission has made its report, which is now pending before the Department, and the diminished reservation selected by them, and as defined and described in their report and outlined upon the map which accompanies it, shows a tract of land selected for the reservation so irregular in its shape and outline as would make it difficult for the Indians on the reservation or the white persons occupying lands adjoining it on the outside to know certainly and exactly the location of the boundaries of the reservation. This irregular outline of the boundaries of the reservation, running in a zigzag course, following the lines dividing townships, sections, and quarter-sections, including parts of sections and excluding other parts thereof, is reported by the commission to have been necessary in order to secure within its limits a sufficient quantity of agricultural lands for the purpose of allotment to the Indians, with a reasonable quantity of pasture and timber land for their purposes; and in doing this it was not found possible to locate the pasture and timber land as conveniently as might have been done had not the law restricted the diminished reservation to the limits of 120,000 acres.

The commission no doubt selected lands of the several kinds required by the law and for the purposes thereof in the most regular and convenient shape found to be possible by them under the restrictions and limitations prescribed. They, however, state in their report that they were not able to include as much timber land as they thought necessary within the reservation. And they further state that "while the Indians are some better satisfied with the present reservation than they were with the reservation fixed by the former commission, there is considerable dissatisfaction. They desired that all of the mountain lands in township 2 north, 35 east, and 2 north, 36 east, as far as what is known as 'Meacham Creek,' as well as the timber land in township 1 north, 35 east, and 1 north, 34 east, remain in the reservation, claiming that this had been promised them when the treaty was made. But as no agricultural land lies in these regions, it would have been impossible to have arranged the lines to embrace these lands and the diminished reservation contain at the same time a sufficiency of agricultural lands for the purposes of the allotment. In order to have included these lands the diminished reservation would have had to contain at least 50,000 acres more than the 120,000 acres to which the act of Congress limits it."

In view of the very irregular, undesirable, and unsatisfactory shape of the tract of land which has been reported to the Department by the commission appointed under the law for the purpose as the diminished reservation, and the reported dissatisfaction of the Indians in the matter, as above stated, I have hesitated to adopt the report and approve the tract selected as the diminished reservation for the Indians. Notwithstanding they have consented to the provisions of the law and to take their lands in severalty, I think their wishes to have the land designated by them on the east embraced in the reservation should be respected; and for this purpose I would suggest that the act of March 3, 1885, be so amended as to authorize the Department to select, prescribe, and define a reservation containing a sufficient quantity of land for the needs of the Indians and in such regular shape in outline as that its boundaries may be certainly known. This can be done very speedily and I think accurately and satisfactorily upon the results of investigations already made and reported upon by the commissions appointed under the act of March 3, 1885.

I submit herewith a draught of a proposed act to meet the suggestions above made.

Very respectfully,

H. L. MULDROW,
Acting Secretary.

Hon. JOHN H. MITCHELL,
United States Senate.

AMENDMENTS TO BILLS.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STOCKBRIDGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

DISTRICT TELEGRAPH AND TELEPHONE SERVICE.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the commissioners of the District of Columbia; which was read:

OFFICE OF COMMISSIONERS OF DISTRICT OF COLUMBIA,
Washington, August 30, 1888.

SIR: In compliance with the resolution of the Senate dated the 29th instant, the commissioners herewith transmit the annual report of Henry R. Miles, superintendent of the telegraph and telephone service for the year ended June 30, 1888.

Very respectfully,

W. B. WEBB,
President Board of Commissioners.

Hon. JOHN J. INGALLS,
President pro tempore of the United States Senate.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed.

Mr. RIDDLEBERGER. Should not the report of the commissioners go properly to the Committee on the District of Columbia?

The PRESIDENT *pro tempore*. The Senator can move a reference to that committee.

Mr. RIDDLEBERGER. I never understood before that the commissioners of the District of Columbia had a right to communicate directly with the Senate.

The PRESIDENT *pro tempore*. They were called upon by resolution for that purpose.

Mr. RIDDLEBERGER. I did not know it; I beg pardon, but I think that the communication ought to go to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. It will be so referred, if the Senator moves it. Does the Senator from Virginia move its reference to the Committee on the District of Columbia?

Mr. RIDDLEBERGER. I do.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection, and printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. NEILL S. BROWN, one of its clerks, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government;" and it was thereupon signed by the President *pro tempore*.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. PLATT. I hope we shall go on with that bill.

Mr. PLUMB. I wish to move that the Senate proceed to the consideration of a joint resolution on the Calendar, reported from the Committee on Public Lands. It is Order of Business 2006.

Mr. STEWART. The regular order has been displaced so frequently that we feel constrained to insist upon it, unless we can have a unanimous agreement that it be taken up on Monday immediately after the morning business and disposed of. If we can have unanimous consent to take it up after the morning business on Monday, then there will be a full Senate and we can dispose of it. It has hung so long that it ought to be disposed of.

Mr. PLUMB. The measure I have spoken of is a House joint resolution, which will not take any time nor occasion debate.

Mr. STEWART. Let us have the agreement I have asked for by unanimous consent.

Mr. PLUMB. It is important for some reasons that there should be action upon the joint resolution immediately.

Mr. STEWART. I ask unanimous consent that immediately after the morning business on Monday the regular order be taken up and disposed of.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that on Monday at the close of the formal morning business the Senate proceed to the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. JONES, of Arkansas. I should like to ask the Senator from Nevada if he will not be willing to modify his motion to take the bill up at the conclusion of the morning hour so as to allow the Calendar to be considered. It is now about two weeks since we have considered the Calendar, and it is important that something should be done with it.

Mr. STEWART. Very well; I will say at the close of the morning hour.

The PRESIDENT *pro tempore*. It will be the order at that time.

Mr. STEWART. But I want to have unanimous consent that it shall not be laid aside until disposed of, because I do not want to be resisting requests to lay it aside.

The PRESIDENT *pro tempore*. The Senator desires consent that the bill shall be proceeded with until it is concluded.

Mr. STEWART. Yes, without interruption.

Mr. PASCO. I gave notice this morning that I should ask to call up the resolution of the Senator from New Hampshire [Mr. CHANDLER] in reference to the Louisiana election. I gave way to the fortifications bill, which has consumed the day; but I should like to have an understanding that I may have an opportunity to submit the remarks I gave notice of either on Monday or Tuesday morning. If it is the desire of the Senate to take up the Calendar or go on with the regular order on Monday, I will give way until Tuesday. I should like, however, to have it understood that I am to have the floor on Tuesday morning. I hope whatever the Senator from Nevada may desire that he will take into consideration my wishes in this matter.

Mr. STEWART. The Senator will see the propriety of disposing of the bill for the admission of Washington. We have had it pending as the unfinished business for a long time, and it is in the way of other business.

The PRESIDENT *pro tempore*. The Chair understands the request to be now for unanimous consent that at the conclusion of the morning hour, to wit, at 2 o'clock, on Monday the Senate proceed to the consideration of Senate bill No. 12——

Mr. RIDDLEBERGER. I object.

The PRESIDENT *pro tempore*. The Senator will permit the Chair to state——

Mr. RIDDLEBERGER. I object. The Senate in its concluding hours does not belong to any two or three Senators. There are a number of Senators here who have responsibilities resting upon them, and I object.

The PRESIDENT *pro tempore*. The Senator will permit the Chair to state the request. The Senator from Nevada [Mr. STEWART] asks unanimous consent that at the conclusion of the morning hour on Monday the Senate proceed to the consideration of Senate bill No. 12 and continue the same until it shall be concluded. Is there objection?

Mr. RIDDLEBERGER. I object to anything having precedence.

Mr. STEWART. I will then give notice that after the morning hour on Monday I shall insist upon the regular order and it shall not be laid aside without a yea-and-nay vote. I shall insist upon it until it is concluded. I hope no Senator will consider me discourteous if I refuse to yield for anything, for I shall not.

KANSAS AGRICULTURAL-COLLEGE LANDS.

Mr. PLUMB. I trust the joint resolution to which I referred may now be considered.

The PRESIDENT *pro tempore*. Senate bill No. 12, the unfinished business, being now before the Senate, the Senator from Kansas [Mr. PLUMB] asks unanimous consent that the Senate may proceed to the consideration of a joint resolution the title of which will be stated.

The CHIEF CLERK. A joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

The PRESIDENT *pro tempore*. Is there objection?

Mr. RIDDLEBERGER. I do not want to object to the passage of any bill here that will be of benefit to any people in any State, but if it is a mere matter of RECORD speeches, I do most certainly object.

Mr. PLUMB. It is a matter which it is important should be acted upon.

Mr. RIDDLEBERGER. Very well; then I shall not object.

There being no objection, the joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

OWNERS OF PRIVATE DIES.

Mr. HOAR. I ask the Senate to proceed to the consideration of Order of Business 1590, Senate bill 953.

By unanimous consent, the bill (S. 953) to authorize the Secretary of the Treasury and the proper accounting officers to restate, settle, and pay to the owners of private dies the balance of commissions due them was considered as in Committee of the Whole. It directs the Secretary of the Treasury and the proper accounting officers to restate the accounts and settle and pay the balance of commissions due to the owners of private dies, or to their legal representatives, as provided in section 3425 of the Revised Statutes, on the full amount of stamps purchased, face value, without distinction as to the time when such purchases were made. Three hundred and fifty-five thousand dollars, or so much thereof as may be necessary, is appropriated for payment.

Mr. ALLISON. I hope the Senator from Massachusetts will explain that bill somewhat.

Mr. HOAR. There is a report, but I can explain it in a moment. The private dies which were used by the Treasury, as appears in the report presented by the Senator from Wisconsin [Mr. SPOONER] were used under a certain provision of law, fixing the amount of commission which should be paid. The Secretary of the Treasury settled the claim upon his theory of the amount of commission. The owners of the dies claimed that they were entitled to a somewhat larger sum, and by an agreement with the Treasury Department, one of the cases was taken to the Supreme Court of the United States as a test case, and the Supreme Court decided—the case was carried up twice on some new point which was raised—that these people were entitled to their claim; and a communication was sent in by Secretary Folger asking that the claim be paid. Since then a communication has been sent in by the present Secretary of the Treasury. The Secretaries of the Treasury under two administrations have affirmed the validity of the claim. The bill authorizes the Secretary of the Treasury to audit and settle it.

Mr. ALLISON. I noticed from the reading of the bill that it provides for a settlement without reference to the time when these claims were filed. I may have made a mistake in that regard. I hope that the bill will be read again.

Mr. HOAR. They were all due and filed when the service was rendered, and it was agreed by all the claimants and by the Department that one test case should be taken to the Supreme Court of the United States.

Mr. ALLISON. I should like to hear the bill read.

The PRESIDENT *pro tempore*. The bill will be again read.

The Chief Clerk read the bill.

Mr. PLATT. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SPOONER June 13, 1888:

The Committee on Claims, to whom was referred the bill (S. 953) authorizing the Secretary of the Treasury and the proper accounting officers to restate, settle, and pay to the owners of private dies the balance of commissions due them, respectfully submit the following report:

A similar bill has been reported from the Committee on Claims of the House of Representatives at this session. The report, which is adopted by this committee, is as follows:

Prior to the year 1883 the Treasury Department withheld, from certain persons who furnished their own private dies for printing revenue stamps, a part of the commissions allowed by law. The Supreme Court of the United States had twice decided that the commissions so withheld were illegally withheld, first on appeal from a judgment rendered by the Court of Claims dismissing a petition on demurrer, and again on appeal from a judgment on the merits, in the same case.

After the first decision was made the Secretary of the Treasury recommended to Congress the enactment of a statute providing for the payment of the commissions withheld, and transmitted to the House of Representatives a draught of such a measure. But at the request of the Assistant Attorney-General, who had concluded to try the same case upon a traverse of the petition, he subsequently suspended his recommendation to await the result of the second trial. The second trial having resulted in a second judgment by the Supreme Court declaring the commissions to have been illegally withheld, the Secretary of the Treasury and the Commissioner of Internal Revenue have both officially indicated their approval of legislation to authorize the payment of commissions so withheld.

"This case, then, is exceptional in character. It is not the case of an ordinary claim against the United States. The Supreme Court having pronounced the withholding of the commissions illegal, the Treasury Department, which withheld the commissions, finds itself without the means to refund them. There is no appropriation available for the purpose; and besides, the commissions having been withheld by [the] predecessors of the present incumbents of the Treasury offices, the account can not now be reopened, under the rules of the Department, without authority of law. The Treasury Department therefore approves the enactment of a law to provide the means for the payment of the commissions.

"The question presented is not whether Congress shall empower the Treasury Department to investigate and settle an ordinary claim against the United States, but whether Congress will adopt the recommendation by the Treasury Department of such legislation as shall enable that Department to pay specific commissions which have been unlawfully withheld, which commissions that Department finds itself unable to pay for want of the necessary appropriation, and by reason of the Department rule which interdicts the opening of old accounts by new officers."

The following is a statement in detail of the facts of the case. The internal-revenue acts allowed a commission of 10 per cent. in certain cases in favor of persons who furnished their own dies and purchased "at one time" stamps to the amount of "over $500" (Revised Statutes, section 3425). But the internal-revenue officers, adopting an erroneous interpretation of these statutes, allowed and paid such commissions in stamps, which was equivalent to 9 per cent. only in such cases. One per cent. of the commission allowed was thus withheld, in violation of the provisions of the statutes. The pretext for this illegal action was that the commission of 10 per cent. which the statutes allowed on the purchase of stamps was payable, not in money by abatement from the face value of the stamps purchased, but in stamps at their face value.

The first decision of the Supreme Court disapproving of this construction of the statutes was made near the close of the term which commenced in October, 1881, in the case of Swift Company *vs.* The United States (105 United States, 691). Soon after this judgment of the Supreme Court was rendered the Secretary of the Treasury sent to the chairman of the Committee on Appropriations of the House of Representatives the following communication:

"TREASURY DEPARTMENT, *June* 8, 1882.

"SIR: I have the honor to inclose herewith the draught of a bill prepared by the Commissioner of Internal Revenue, authorizing the refunding of money to parties who have overpaid for their private die stamps, by reason of the former mode of computing and allowing their commission on purchase of said stamp, under section 3425 of the Revised Statutes, which mode, though in force about twenty years, has recently been decided by the Supreme Court of the United States to be erroneous, as you will see by the inclosed copy of the opinion of the court in the case of the Swift & Courtney & Beecher Company, appellants, *vs.* The United States. The Commissioner has changed the mode of computing and allowing such commissions in conformity with this decision, and it would seem to be just that the amounts which have been overpaid should be refunded, as proposed by the Commissioner. If the inclosed bill meets the approbation of the committee, I would respectfully suggest that it be incorporated in some appropriation bill, or other appropriate bill, now pending, to insure its passage at the present session.

"Very respectfully,

"CHAS. J. FOLGER, *Secretary.*

"Hon. FRANK HISCOCK,
"*Chairman Committee on Appropriations, House of Representatives.*"

The following is the draught which was inclosed in the foregoing communication of the Secretary of the Treasury:

"The Commissioner of Internal Revenue is hereby authorized, upon proof satisfactory to him, to refund, out of any moneys in the Treasury not otherwise appropriated, and pay back to those proprietors of articles named in Schedule C of the internal-revenue acts approved July 1, 1862; Schedule C of the internal-revenue act approved June 30, 1864, and Schedule A, following section 3437 of the Revised Statutes of the United States, or in either of them, or in any amendment thereof, who furnished their own die or designs for internal-revenue stamps to be used especially for their own proprietary articles, all moneys received from such proprietors for such stamps imprinted from such dies or designs, which under a misconstruction of the statutes relating to discounts and commissions were in excess of the amount required therefor by law. But no claim for the refunding of such moneys shall be allowed by said Commissioner unless the same shall have been presented to him within one year next after the passage of this act."

The Assistant Attorney-General decided to traverse the petition in the Court of Claims, and to try the cause upon its merits. At his request the Secretary of the Treasury suspended the recommendation which he made in the foregoing communication until the ascertainment of the result of this second trial. After the second trial the case went again to the Supreme Court upon appeal, and in 1884 that court again disapproved the construction of the statutes which had been adopted by the revenue officers, and again held that 1 per cent. of the commissions allowed by law had been illegally withheld. This case is Swift Company *vs.* United States (111 U. S., 22).

Since the rendition of the last judgment of the Supreme Court the Secretary of the Treasury has transmitted to the chairman of the Committee on Claims of the House of Representatives the following communication:

"TREASURY DEPARTMENT, *March* 23, 1886.

"SIR: In reply to your letter of the 19th instant in regard to the bill (H. R. 241) to authorize payment of balance of commissions due to owners of private dies, I have the honor to say that the records of this Department disclose nothing which is not fully set forth in the documents inclosed by you (herewith returned) and in the two decisions of the Supreme Court of the United States (105 U. S. R., 691, and 111 U. S. R., 102). Accepting these decisions, I concur in the expression of the Commissioner of Internal Revenue (whose letter to me of the 22d instant is inclosed) that I see no objection to the passage of the bill.

"Respectfully, yours,

"C. S. FAIRCHILD, *Acting Secretary.*

"Hon. WILLIAM M. SPRINGER,
"*Chairman Committee on Claims, House of Representatives.*"

In the foregoing communication of the Secretary of the Treasury was inclosed the following letter from the Commissioner of Internal Revenue:

"TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
"*Washington, March* 22, 1886.

"SIR: Referring to letter of Hon. WILLIAM M. SPRINGER, chairman of the Committee on Claims, House of Representatives, inclosing bill and other papers relative to claim of private die owners for the refund to them of certain commissions withheld by this office, which were referred, under date of the 20th instant, by Assistant Secretary Fairchild, with the request that I return the papers with report as to whether I would recommend the passage of the bill, I have to state that the records of this office show that certain commissions were withheld from owners of private dies for stamps purchased by them in excess of the amount which the Supreme Court of the United States in the case of the Swift & Courtney & Beecher Company decided should be allowed, and I know of no reason why the parties having such claims should not be reimbursed the amount thus withheld. I therefore see no objection to the passage of the bill. The papers in the case are herewith returned.

"I have the honor to be, very respectfully,

"H. C. ROGERS,
"*Acting Commissioner.*

"Hon. DANIEL MANNING,
"*Secretary of the Treasury.*"

On the 21st day of February, 1888, the Acting Commissioner of Internal Revenue transmitted to the committee the following communication:

"TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
"*Washington, February* 21, 1888.

"SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, in which you ask that the Committee on Claims be furnished with an estimate of the amount that would be required to pay claims under the provisions of bill inclosed (H. R. 1268), 'to authorize the Secretary of the Treasury and the proper accounting officers to restate, settle, and pay to the owners of private dies the balance of commissions due them.'

"You also ask for a statement of any facts in possession of this office touching the cause of the withholding of the commissions in the bill mentioned from the different claimants for the same, and state that any suggestion I may be pleased to make concerning the propriety of the proposed legislation will be duly appreciated.

"In reply I state that the section 3425, Revised Statutes, provided for certain commissions to be paid to owners of private dies on purchase of stamps from their dies, as follows:

"On amounts purchased at one time of not less than $50 nor more than $500, 5 per cent.; and on amounts over $500, 10 per cent. on the whole amount purchased.

"This office held that the commissions above referred to were payable in stamps, and they were so paid until the Supreme Court of the United States, in the case of the Swift and Courtney and Beecher Company, decided that the same should be allowed in money, and not in stamps.

"The face value of stamps issued to owners of private dies up to May, 1882, was $56,650,000.

On which there was collected	$51,500,000
The amount which should have been collected under the decision of the Supreme Court is	50,985,000
Excess collected	515,000

"It is believed that judgments have been rendered in the Court of Claims in favor of a number of claimants for reimbursement of amounts paid in excess, and that some of the judgments have been paid; the amount outstanding, therefore, and for which an appropriation will be necessary in case of the passage of the bill, would be $515,000, less the amount paid on account of such judgments.

"This office has no record of the amount paid. The Supreme Court of the United States, in the case of the Swift and Courtney and Beecher Company, before referred to, decided that the amount withheld by this office should be allowed.

"It would seem to be equitable and just that the amount withheld from others on account of such commission should also be allowed.

"I see no objection to the passage of the bill.

"Respectfully,

"E. HENDERSON,
"*Acting Commissioner.*

"Hon. FRANK T. SHAW,
"*Member of the Committee on Claims,*
"*House of Representatives, Washington, D. C.*"

The amount required to pay these claims is $350,142.59, as follows:

Excess collected by the Government, as shown by the Acting Commissioner's letter of February 21, 1888	$515,000.00
Less amount paid on judgments of the Court of Claims	164,857.41
Amount still due	350,142.59

The reason why these claims have not all been paid at the Treasury, since the final decision of the Supreme Court, is that, under the practice of the Treasury Department, the Comptroller can not, under the practice of the Department, allow an account which has been settled by a former Comptroller, even after a decision by the Supreme Court that such settlement was legal.

On the 27th of October, 1885, the First Comptroller of the Treasury, in an official letter to the Commissioner of Internal Revenue, relating to a stamp account which had been presented for settlement, said:

"It appears from the records in this office that three of my predecessors have passed upon similar accounts, and one of them, Mr. Tayler, has passed upon the account of Swift and Courtney.

"Although the Supreme Court of the United States has decided that his statement was incorrect, as well as the statements of other Comptrollers on similar

accounts, yet I am bound by their decisions. Should, however, a new case, involving the same principle, be presented, I should follow the opinion of the Supreme Court.

"I have heretofore held in a number of cases that the decision of a question or the statement of an account by any one of my predecessors, when he had jurisdiction on the subject-matter, could not be reopened or restated, unless some mistake had been made by him in matters of fact arising from errors in calculation, or in cases of rejected claims material testimony is afterwards discovered and produced. No mistake in matters of fact arising from errors in calculation having been made by my predecessors in these accounts, or material testimony having been discovered or produced since their decisions, I can not reopen the same because of an error of judgment in regard to the law of the case, or their construction of the statutes."

The reason why the claimants have not all sued the United States in the Court of Claims is, that under the arrangement between the claimants and the Commissioner of Internal Revenue then in office, the case of the Swift and Courtney and Beecher Company was made a test case, and the others were to abide the result. But that case was pending six years, and when it was finally decided the new Commissioner declined to carry out the arrangements of his predecessor, and the statute of limitations then barred these cases in the Court of Claims. Section 3425, Revised Statutes, provides that—

"The proprietor of articles named in Schedule A, who furnished his own die or design for stamps to be used especially for his own proprietary articles, shall be allowed the following commissions: On amounts purchased at one time of not less than $50 nor more than $500, 5 per cent., and on amounts over $500, 10 per cent. on the whole amount purchased."

The Supreme Court of the United States decided unanimously that the money asked for by this bill was wrongfully taken from the owners of private dies. Three Secretaries of the Treasury, three Commissioners of Internal Revenue, and the present First Comptroller of the Treasury have all signified their approval of some measure that will enable the accounting officers of the Treasury to return this money to its legitimate owners. H. R. bill No. 1268 was drawn up at the Treasury, and meets the approval of the accounting officers, and your committee, having examined into the matter very carefully, after taking into consideration the amount involved, have unanimously decided to report back the bill and recommend its passage.

Mr. ALLISON. As I remember the matter, this money can not be paid to these people without some direct action of Congress because of what is understood to be the statute of limitations. I think that this is a case where if any statute of limitations exists, whether by rule of the Department or by law, it ought to be enforced rigidly.

Mr. HOAR. Will the Senator allow me to make a statement before he proceeds?

Mr. ALLISON. I only want to say a few words.

Mr. HOAR. I merely wish to call the Senator's attention to the fact found in a portion of the report that there was an agreement between the Treasury Department and these claimants that one case should be made a test case and the others abide by it. Thereupon one case was made a test case. Indeed, two cases went to the Supreme Court. Then, when it came back with the decision of the Supreme Court, the Department found itself unable to pay without authority of law, and sent a communication to Congress recommending the payment. That recommendation was not acted upon in Mr. Folger's time. It is now renewed by Mr. Fairchild. Does the Senator think that in such a case a statute of limitations should be insisted upon, and that the Government should refuse to meet the agreement?

Mr. ALLISON. I fail to find in this report any statement of an absolute agreement.

Mr. HOAR. You will find it near the end of the report.

Mr. ALLISON. This depends on a statute passed at the time of the passage of the internal-revenue laws in 1863. It provided that where a person manufacturing any of the articles mentioned in section 3425 of the Revised Statutes should furnish his own dies upon which the stamps should be printed, he might purchase any amount of stamps between $50 and $500, and he should have a rebate of 5 per cent.; and if he purchased in excess of $500 he should have a rebate of 10 per cent.

That was an improvident statute. It was a statute which enabled what for years was known as the match monopoly to exist; and it did exist for many years, because no small match manufacturer could afford to go in and purchase $500 worth of stamps. Thus the match business was thrown into the hands of a few people who secured a monopoly of the manufacture of matches; and although there was a 2-cent stamp upon each match-box the manufacturers purchased the stamps in $10,000 and $20,000 lots and received a rebate of 10 per cent. The Commissioner of Internal Revenue gave that rebate in the form of stamps instead of money.

That process went on for a great number of years. I had occasion to examine this matter for myself three or four years ago, and I only state it now from recollection. The process went on for many years with the absolute assent of the manufacturers, they receiving the stamps in that form. But at some time away on, after the law had been in force for ten or twenty years, somebody suddenly discovered that there was an opportunity to make 1 per cent., and then the case of which the Senator from Massachusetts speaks was taken to the Supreme Court of the United States and decided against the Government.

I see by the report that stamps were issued to the exent of $50,000,000 for these proprietary articles, and they had a rebate of 10 per cent., which was equivalent to $5,000,000 to the manufacturers. I am willing myself to pay to them whatever the law says we shall pay, but I do not believe that they stand here in a position to ask the Government for equity. There is no equity in their favor, and therefore unless the law gives them the money, I do not believe the Government of the United States is bound to give it to them.

Mr. BROWN. The stamps were 1 per cent. below par?

Mr. MORGAN. Will the Senator allow me to make an inquiry? I wish to know of the Senator how it was that these parties, having accepted a commodity in satisfaction of a debt—this rebate, of course, was a debt——

Mr. HOAR. They never accepted it without a protest.

Mr. MORGAN. I ask how it was that the stamps were not at par.

Mr. ALLISON. I do not now remember precisely how it was. This 1 per cent. was a very delicate operation.

Mr. MORGAN. For instance, if they accepted $10,000 worth of stamps in payment of the commission, as it is called, why were not those stamps worth $10,000?

Mr. ALLISON. They were worth it in the currency of the country all the time.

Mr. MORGAN. The question, then, is whether we are to pay for the depreciation of currency. Is that it?

Mr. ALLISON. No, sir; no such question as that is involved here. I have not the decision before me, and I have not now in mind the facts; but after this process had gone on for a long time somebody discovered that this Commissioner of Internal Revenue had not properly construed the law, and then a test question was raised. The law was repealed some years ago. I believe it was only repealed when we repealed the match tax. Senators will remember when that was done.

Mr. HARRIS. In 1883.

Mr. ALLISON. That was done in 1883. It was under that law that these match manufacturers were enabled to do what we all know they did do. The stamps were put on. Of course the consumers paid the amount of the tax. It was added, of course, to the price of the matches in those cases and in other cases.

If under the decision of the Supreme Court we are bound in law to pay this sum, of course I shall want to pay it; but if it is necessary to pass a statute in order to put them upon some ground whereby they can make this collection, I am opposed to it.

Mr. PLATT. May I ask a question? I think the Senator from Iowa will be able to answer it. I should like to know whether this was the situation: that any person who purchased stamps to a certain amount got 1 per cent. discount.

Mr. ALLISON. At one time they got 5 per cent. on amounts purchased of not less than $50 nor more than $500, and on amounts over $500, 10 per cent. on the whole amount purchased.

Mr. PLATT. That was where they furnished the dies.

Mr. ALLISON. Then there was another provision, which allowed the Commissioner from time to time to "deliver to any manufacturer of friction or other matches, cigar lights, or wax-tapers a suitable quantity of adhesive or other stamps, such as may be prescribed for use in such cases, without prepayment therefor, on a credit not exceeding sixty days, requiring in advance such security as he may judge necessary to secure payment therefor to the Treasurer of the United States within the time prescribed for such payment."

Mr. PLATT. Why is it that the Supreme Court held that when these parties were paid in stamps it was not a full payment?

Mr. ALLISON. I have not the decision before me and I do not recollect the exact ground upon which it went.

Mr. DOLPH. I suppose it went on the ground that it was considered as a purchase of 10 per cent., and therefore they were entitled to the payment of 1 per cent. on that purchase.

Mr. ALLISON. I think very likely that was it. Whatever our obligation is under that decision I am for paying, but I am not for paying one dollar beyond our legal and proper obligation. These people have no equity, and they come to us in no condition to ask the Government of the United States to grant them equity.

Mr. HOAR. If I can have the attention of the Senate for two minutes or thereabouts, I shall not abuse its patience any longer.

This is not the case of something which the Government promised to do for somebody else in the way of a payment of something; it is a case of over-taxation in substance, that is, the law saying that every man who takes $500 worth of stamps for a certain purpose shall have a rebate of 10 per cent., the stamps indicating the payment of a tax. Of course the tax is really only $45 and not $50, and the Government has got out of him more than it is entitled to receive.

That question has gone to the Supreme Court of the United States, and the Supreme Court of the United States, not once, but twice (the Attorney-General thinking of a further point and therefore carrying it up the second time), has decided that the Government owes this money to these people. Now, that is settled, and the fact which makes my honorable friend from Iowa, who would do an injustice to no man knowingly, prepared to say he is ready to pay it, exists.

How does it happen that, if these people have a debt against the Government, it requires a statute to pay it, is the next question. When the cases went up they made their claim that they had been overtaxed, and that the Government had taken out of them $500 when it should have taken only $450 plus 99 per cent. of the remaining $50; that is, it paid back to them in stamps worth so much less. Thereupon the Secretary of the Interior agreed with them "if instead of bringing five hundred suits you will only bring two to test the question, I will pay you the money according to the decision of the Supreme Court."

Mr. ALLISON. Will the Senator allow me to interrupt him?

Mr. HOAR. Let me finish my statement. If that be true, is it proper that we should keep the faith of the Government so pledged by the Secretary of the Treasury? Is not that a reasonable and a proper arrangement to make? It saves the Government costs by the hundreds and thousands of dollars. It saves this enormous apparent litigation on the statute.

Mr. Folger says he made that bargain with these men, and just as soon as he found the case was decided he wanted to pay them, but in looking into his authority he found he had not authority under the appropriations to make the payment from the Treasury without an act of Congress. He thereupon wrote a letter to Congress, drew a bill in the Treasury Department, and asked for authority to keep his bargain. Then when Mr. Folger died, the act not having been passed at that time, Mr. Fairchild sent in another letter to us and said, "I have looked into this matter. My predecessor made this arrangement, and I can not pay the money for two reasons. In the first place, I have not an appropriation, and if I had I could not go back and pay something which my predecessor said he could not pay without an act of Congress. Now I ask you for an act of Congress." Mr. Fairchild's language is:

Accepting these decisions, I concur in the expression of the Commissioner of Internal Revenue—

Who also mentions the same thing—

that I see no objection to the passage of the bill.

Mr. ALLISON. If the Senator will allow me one moment, this matter comes to my mind gradually, because I had occasion to examine it some years ago. The large manufacturers of cosmetics and proprietary articles under the law were authorized to pay money in advance and receive stamps. It was their custom for many years to transmit to the Commissioner of Internal Revenue a thousand dollars, for instance, and he would transmit to them a thousand dollars in stamps, covering not only the commission of 10 per cent. in stamps, but covering the whole amount. That process went on, the accounts were settled and adjusted from time to time, and afterwards the practice of giving bond was also used in the office of the Commissioner of Internal Revenue.

Mr. HOAR. The Senator has taken more than a minute. I thought he rose for a question.

Mr. ALLISON. Very well; I will wait until the Senator gets through.

Mr. HOAR. Go on.

Mr. ALLISON. No; I do not wish to interrupt the Senator.

Mr. HOAR. I took the Senator off from his argument; but I thought he rose for a question.

Mr. ALLISON. Very well.

Mr. HOAR. What I have to say is this: I do not understand that the question whether I keep my promise depends on the character or merit of the man to whom it is made.

Mr. ALLISON. Just read the promise.

Mr. HOAR. I understand that it depends on my character solely whether I shall keep the promise or not; and I do not understand that the question whether the Government shall keep its promise, or its officers who are charged with the transaction of its business shall be sustained in reasonable cases in keeping theirs, has anything to do with it. These men were overtaxed, whether they were manufacturers or whether they were wealthy men or poor men; and the Supreme Court of the United States said so. Here is the finding in the report submitted by the Senator from Wisconsin [Mr. SPOONER]:

The reason why the claimants have not all sued the United States in the Court of Claims is, that under the arrangement between the claimants and the Commissioner of Internal Revenue then in office, the case of the Swift and Courtney and Beecher Company was made a test case, and the others were to abide the result. But that case was pending six years, and when it was finally decided the new Commissioner declined to carry out the arrangements of his predecessor, and the statute of limitations then barred these cases in the Court of Claims.

Mr. ALLISON. Where do you read from?

Mr. HOAR. I read from the last page of the report. Of course the new Commissioner could not carry it out for the reason which was stated previously in the report.

That is the whole situation, and I can not conceive a case which could present itself to a man of honor, if he were dealing with the case of his own agents, if he were a business man, which could possibly be more plain and cogent and stringent in its obligations in every sense, a just claim, a claim of overtaxation decided by our supreme tribunal on hearing and rehearing, consideration and reconsideration, to be the due of these men. Whether they are great manufacturers or little, whether that was a reasonable law or not, the United States owes that money to those men just as much as it owes any dollar bill or any Government bond.

That is the first proposition; and the second proposition is that the reason why they did not sue in the Court of Claims is because the representatives of the United States desired them not to do so, and agreed that if they would not sue these cases should be the test cases. That has been done, and that is proved by the authority of two successive Secretaries of the Treasury, one who framed the bill and the other of whom sends in a recommendation to pass it.

Mr. HAMPTON. Is it a House bill?

Mr. HOAR. No; it is a Senate bill. There was a similar bill reported in the House unanimously from the House Committee on Claims, and the pending bill was reported unanimously by the Committee on Claims of the Senate.

Mr. ALLISON. I only express my own view as respects these claims. If this payment is to be put upon the ground that these claimants were misled by the proposition of the Secretary of the Treasury——

Mr. HOAR. If the Senator will pardon me, it is not that they were misled.

Mr. ALLISON. Very well. One part of the Senator's argument is that we are bound in honor to pay these claims, because their owners had an understanding with the Secretary of the Treasury that there should be one test case.

Mr. HOAR. There were two test cases.

Mr. ALLISON. Well, two test cases, and if those cases went against the Government, then the Secretary of the Treasury would pay all these claims. Whatever obligation there is on our part because of that promise, I am willing to fulfill; but if such promise was made it does not appear from any letter or statement of a Secretary of the Treasury. I venture to say that a full examination of the facts will disclose that the payment of this immense amount of $50,000,000 had gone on for fifteen years or twenty years, before any claimant ever suspected that he had a claim for 1 per cent.

Mr. HOAR. Where does that appear?

Mr. ALLISON. That does not appear anywhere in the report, but it appears in the situation.

Mr. COCKRELL. Read the letter of Secretary Fairchild. You will see it there.

Mr. ALLISON. It appears in the situation, which is that here was a statute passed in 1863 and it was not until 1882 that this question was raised—twenty years afterward.

Mr. HOAR. Twenty years after the passage of the statute, not twenty years after the claim had arisen.

Mr. ALLISON. This bill proposes to go back twenty years and restate an account that must have been stated in the office of the Commissioner of Internal Revenue and assented to by these people. That is the point I make.

Now, I say that there can be no equitable obligation upon the Government of the United States to open cases twenty years after the discovery of an erroneous statement of accounts had been made. Those men accepted the settlements and statements as made, and they ought to be bound by them; and especially ought they to be bound by them when they have no equitable claim upon the Government. They do not stand here in the position of having equity. They stand here in the position of men who took advantage of a statute greatly in their favor.

Here was a die costing $2, or $5, or $50, if you please, upon which the stamps were printed, and because they owned that die and paid their money in advance they were able to secure 10 per cent. discount. I say that in my belief and judgment they have no equity. If I can be shown a statement whereby the Secretary of the Treasury promised that if the Supreme Court decided the question against the Government he would open these cases from the beginning and restate every account, then I shall feel bound, with the Senator from Massachusetts, in honor to pay this money. But I do not think any such record can be shown.

Mr. HOAR. I have great respect for the opinion of the Senator from Iowa, and if his opposition to the bill now remains resting solely upon the point that the statement in regard to this agreement with the Government made in the report is not verified by any documentary matter, I am willing to let the bill go over until that is verified, because it can be verified.

Mr. ALLISON. My point is that if the Secretary of the Treasury made this agreement, and it shall be shown that my construction of the statute is not a correct one, all those who buy stamps hereafter will be entitled to the new construction; but surely no Secretary of the Treasury would be willing to go back and readjust an account involving $50,000,000 without a most careful examination.

Mr. HOAR. Let me call my friend's attention to another point. He speaks as if these were twenty-year old matters. The bill only authorizes payment to those who bought stamps under a certain section of the Revised Statutes which was passed in 1874, so that it can not go back of that.

Mr. COCKRELL. That was only a continuation of the old law.

Mr. HOAR. But whether it was or not, the bill limits the payment to that period of time, and this comes up to May, 1882. If the objection from the Senator from Iowa would be removed by an amendment providing that no claims of this kind which were not presented to the Treasury Department within a certain time, six years from May, 1882, when the case was carried up, I have no objection to that; or if the Senator's point is, as I understood him first to make the point, that he doubted whether there was any documentary evidence of this agreement, that can be produced. He now says he is satisfied the agreement took place.

Mr. ALLISON. No, I am not satisfied. I said if the agreement took place I knew nothing about it. I presume there may have been an agreement about a test case—a Secretary of the Treasury might make

such an agreement; but as to the other point, would a Secretary of the Treasury make an agreement that would authorize anybody to readjust accounts of twenty years' standing?

Mr. HOAR. If the question is one of doubt in the Senator's mind as to the agreement of the Treasury Department, and whether it existed, let the bill go over until the documentary evidence can be produced. To that I have no objection.

Mr. ALLISON. I hope the Senator will allow the bill to go over, and I shall look into it further. It may be that I am mistaken about the question of an agreement.

Mr. HOAR. I wish to say that I have no personal knowledge of this matter. I received a letter from gentlemen in Boston (I do not know what their occupation is), asking me to speak to the Senator from Wisconsin who made the report and call the bill up. The gentlemen are strangers to me. On looking at the report it seemed to me so absolutely plain a case, and knowing that the Senator from Wisconsin is out of town, I called it up in his absence.

Mr. ALLISON. I will say to the Senator, if he will allow me, that my attention was called to this case by one of these claimants some three or four years ago. He brought his case before me and I examined all his papers. He wanted the amount inserted in one of the appropriation bills.

Mr. HOAR. That is what the Treasury Department recommended.

Mr. ALLISON. It is probable that the Treasury Department recommended that course. The person to whom I refer had a claim under the statute of, I think, $60,000, it may have been twice that amount; it was a large sum of money. It required, as it seemed to me upon that examination, legislation to enable him to secure the money, and I did not believe that the Government of the United States was under any legal or equitable obligations to provide that legislation.

Mr. BERRY. I move that the Senate adjourn.

Mr. HOAR. Let the bill go over.

The PRESIDENT *pro tempore*. The bill will resume its place on the Calendar. The Senator from Arkansas moves that the Senate adjourn.

Mr. COCKRELL. I hope the Senator from Arkansas will permit an executive session. I believe there are some nominations. Are there not?

Mr. BERRY. No, I do not think there are.

Mr. COCKRELL. All right.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Arkansas that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, September 3, 1888, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August* 31, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

AMERICAN REGISTER FOR STEAMER SAGINAW.

The SPEAKER laid before the House the bill (S. 3364) to provide for an American register for the steamer Saginaw of New York.

Mr. DUNN. Mr. Speaker, the Committee on the Merchant Marine and Fisheries have unanimously reported a bill which is an exact copy of the Senate bill. I have carefully examined them; and I ask unanimous consent now to place the Senate bill upon its passage.

The SPEAKER. The bill will be read now, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Benison, owned at the port of New York, State of New York, by W. P. Clyde, an American citizen, and rebuilt by him in the United States, to be registered as a vessel of the United States under the name of the Saginaw.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time was passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection the bill (H. R. 10904) on the same subject will be laid on the table.

There was no objection, and it was so ordered.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were read twice and referred as follows, namely:

The bill (S. 3475) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma for the purposes of a public park—to the Committee on the Public Lands; and

The bill (S. 3482) to authorize the construction and operation of a wagon road across the Pike's Peak reservation in the State of Colorado—to the Committee on Military affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GROUT, indefinitely, on account of important business.

To Mr. DAVIDSON, of Florida, for fifteen days after to-day, on account of important business.

To Mr. JOHNSTON, of North Carolina, indefinitely, on account of serious illness.

To Mr. ERMENTROUT, for two weeks, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. WHITE, of Indiana, to withdraw from the files of the House papers in the case of W. W. Wilkinson, on House bill No. 8224; which was referred to the Committee on Claims.

ENROLLED BILL.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

ORDER OF BUSINESS.

Mr. FORNEY. I now call up the conference report on the sundry civil appropriation bill. This matter was presented to the House several days ago, and the report was printed by order of the House.

Mr. CANNON. I ask the gentleman from Alabama to yield to me for a moment to allow me to offer a resolution of inquiry touching the printing of a certain public document.

Mr. FORNEY. Will it require any considerable time?

Mr. CANNON. Oh, no; it will take but a few moments.

Mr. FORNEY. Very well. I yield to the gentleman.

STATISTICAL REPORT ON WOOL AND WOOLEN MANUFACTURES.

Mr. CANNON. Mr. Speaker, I desire to submit at this time the resolution I hold in my hand, and which I will read:

Whereas the following concurrent resolution was delivered to the Public Printer on the 30th day of July, 1888:

"That there be printed 17,000 copies of the recent special report of the Chief of the Bureau of Statistics of the Treasury Department upon wool and the manufactures of wool, as follows: 10,000 copies for the use of the members of the House of Representatives; 5,000 for the use of the members of the Senate; and 2,000 for the use of the Bureau of Statistics, Treasury Department:"

Resolved, That the Committee on Printing be instructed to make inquiry and inform the House when the documents ordered to be printed by said resolution will be delivered at the folding-room, and the cause of the delay on the part of the Public Printer in printing the same.

I want to state in this connection that this was delivered to the Public Printer on the 30th day of July, and the report in question was corrected on the 1st of August. It is a document for which we have all of us many inquiries, as it is a matter of much interest to a great many persons. It was printed and the pages stereotyped months ago; and, as I have said, the corrections have been made in the plates, and there is no reason, as I am informed, why it should not have come back to the House within two days after the adoption of that resolution.

I do not offer this resolution, Mr. Speaker, for the purpose of finding fault with the Public Printer, except merely to get the document in question.

Mr. WEAVER. What is the document?

Mr. CANNON. It is the statistical report relating to wool and the manufactures of wool.

The SPEAKER. The Chair will state that the chairman of the Committee on Printing does not seem to be present. This appears to be a resolution directing that committee to make the inquiry.

Mr. CANNON. Yes, sir.

The SPEAKER. Does the gentleman desire to offer the resolution for present consideration?

Mr. CANNON. Yes, I shall be glad to have the resolution passed.

The SPEAKER. The question is on agreeing to the resolution.

Mr. TAULBEE. Let it be reported.

The SPEAKER. The resolution has been read by the gentleman from Illinois himself, but the Clerk will again report the resolution.

The resolution was again read.

The SPEAKER. Is there objection?

Mr. CLEMENTS. I think this had better go to the Committee on Printing. Therefore I object to its present consideration.

Mr. CANNON. I hope the gentleman will not interpose an objection. This is simply to secure the document without delay.

Mr. CLEMENTS. The resolution recites certain facts of which the

House is not fully informed. It is a matter which should be investigated by the committee, and I think it proper that they should act upon it first.

Mr. CANNON. It is a matter that I have myself investigated. It passed on the 30th of July, and the corrections were made at the Treasury Department on the 1st of August. The plates were stereotyped before the resolution passed and but few corrections made, and I am informed there is no good reason why we should not have had it within a day or two after the resolution was passed. I had an inquiry made this morning and could get no information at the Bureau of Statistics when it would be delivered. It is a very important document, and we are all having inquiries for it constantly. My only object, I repeat, is to get the document.

Mr. CLEMENTS. I am not prepared to controvert the statement of the gentleman from Illinois, but it is a matter that should be inquired into.

The SPEAKER. Objection being made, the resolution will be referred to the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the joint resolution H. Res. 219, being a joint resolution to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY. I call up the conference report on the sundry civil appropriation bill. I ask unanimous consent to dispense with the reading of the report. It has been printed for three or four days, and I suppose all members who desired to do so have obtained a copy of it.

Mr. COBB. I object.

The Clerk proceeded to read the report.

During the reading,

Mr. COBB said: I desire to withdraw my objection.

Mr. HOLMAN. Let it be with the understanding that the statement will be read.

The statement, which has already been printed in the RECORD, was again read.

Mr. FORNEY. I move the adoption of the report as to the amendments which have been agreed to in conference, and then we will insist upon a disagreement to the other amendments; and any gentleman who desires to speak on all matters to which we have disagreed will have ample time to do so.

Mr. COBB. I desire to attack a part of the report to which the conference committee have agreed.

Mr. NELSON. I desire to ask what is the motion?

The SPEAKER. The question is upon the motion to agree to the report. The Chair will state the situation. In this report the conferees on the part of the House and the conferees on the part of the Senate have agreed to certain matters, while as to other matters they have disagreed. If the report is adopted the result will be that all those matters as to which the conferees have reached an agreement will be settled and no longer open for further consideration, while those matters as to which the conferees have disagreed will be open for further conference and such further action as the Senate and House may take. Therefore any gentleman who desires to oppose any part of this report in which there has been agreement must oppose the adoption of the report, because it is one entire proposition.

Mr. NELSON. I want to continue my question a little further. Is not this motion to adopt the report amendable?

The SPEAKER. It is not. After the report has been agreed to or disagreed to further proceedings may be had, as the Chair has just stated. The report can not be amended.

Mr. COBB. Mr. Speaker, the part of the report to which I object is that action as to the amendment of the Senate numbered 134. I send to the Clerk's desk certain papers to be read, after which I will state the ground of my objection to the report as it stands.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, August* 28, 1888.

SIR: I have the honor to acknowledge the receipt of your communication of 27th instant, referring letter of Messrs. Lamar and Zachry, in opposition to an item in the sundry civil appropriation bill appropriating $40,000 to the Wea, Peoria, etc., Indians, for the reason that there would not then be left sufficient funds of said tribes to satisfy any judgment on certain claims pending against them, and asking to be advised if the statements made in said communication are correct, and what, if any, necessity exists for said appropriation at this session of Congress.

In response thereto I transmit copy of a communication of 28th instant from the Commissioner of Indian Affairs, to whom the matter was referred.

Very respectfully,

H. L. MULDROW,
Acting Secretary.

Hon. J. E. COBB,
House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., August 28, 1888.

SIR: I am in receipt by your reference, for report, on the 27th instant, of a communication from Hon. J. E. COBB, inclosing a letter from Messrs. Lamar and Zachry, in opposition to an item in the sundry civil appropriation bill appropriating $40.00¢ for payment to the Wea, Peoria, Kaskaskia, and Piankeshaw Indians, and assigning as reasons therefor that H. R. 8074, which passed both Houses of Congress at the present session, and which is now in conference, authorizes those Indians of said tribes, who became citizens under the treaty of 1867, to bring suit in the Court of Claims for an amount claimed to be due them, estimated at about $73,000, on account of a fraudulent or erroneous distribution heretofore made; and that there will not be left in the hands of the Government sufficient funds of said tribes to satisfy a judgment for the full amount claimed

Mr. COBB asks to be advised if the statements made in said communication are correct, and what, if any, necessity exists for said appropriation at this session of Congress.

In reply I have to report that the statements made by the attorneys are in the main correct, but that this office did not originate the amendment to the sundry civil bill for the relief of said Indians.

It is known to this office that the delegates representing the bands named based their petition for the payment of their invested funds on the ground that they were greatly impoverished by reason of failure of crops and loss of cattle, etc., by disease.

The tribes named have a general fund amounting to $77,300, and a school fund amounting to $20,700, aggregating $98,000, being investments in non-paying State stocks, namely: Florida, Louisiana, North Carolina, and South Carolina.

The letter of Mr. COBB, with inclosure, is herewith returned.

Very respectfully,

A. B. UPSHAW, *Acting Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

Mr. COBB. It appears from that communication that this amendment added by the Senate did not originate with the Indian Office, and it does not receive the assent of that office. The circumstances of this matter are simply these: In 1867 there was a treaty between these Indians and the Government of the United States. By the provisions of that treaty those of the Indians who desired to do so were permitted to become citizens of the United States and to sever their tribal relations. It was also provided that all those who became citizens should receive their pro rata share of certain funds which belonged to the tribe as a tribe. It was further provided that there should be taken a list of the Indians who became citizens and a list of those who were to be removed under the treaty to the Indian Territory. These lists were taken, and those who became citizens under the provisions of the treaty, about fifty-five in number, now complain that there was fraud practiced in taking these lists.

They say, and they are prepared, as they allege, to prove it, that there were only about fifty-seven of the Indians who removed to the Territory, whereas the list taken showed one hundred and sixty-four. Now they say that this was a fraud, and that as soon as they discovered it, which was some years after the transaction, they first applied to the Indian Department and were told that no relief could be given them there. Then they came to Congress and applied for relief; and at this very session a bill has passed the House and is now in conference providing that these Indians may go before the Court of Claims and make good, if they can, the assertion that they make of fraud in taking the lists.

If they succeed in establishing their claim in full, they will be entitled out of the fund now in the Treasury to some $73,000 in addition to the amount they have already received. The Senate amendment provides that $40,000 of the money now standing to the credit of these Indians be immediately paid to those who have removed, under the treaty of 1867, to the Territory; and such payment would leave but a small amount of money out of which the citizen Indians can be paid if their claim is just.

They say that they are entitled to $73,000. If this sum of $40,000 should be taken from the fund, it will leave nothing comparatively to pay the amount which they claim to be due.

Mr. Speaker, there is no necessity, as it seems to me, for adopting this amendment. The Indian Department appears to think there is no necessity for it. That department has not recommended this payment. The agent of these removed Indians went before the Senate and in some way got this amendment put on the House bill, and the conferees have agreed to it; but it puts the citizen Indians in the attitude of prosecuting a claim without the prospect of realizing anything if they are successful in obtaining judgment.

The whole matter resolves itself into this question: Whether this Congress will allow these citizen Indians to prosecute a suit to establish a fraud and at the same time by adopting this report deprive them of any result to be attained by the suit? If these men are right there has been a fraud committed, a palpable fraud, which ought to be rebuked by this Congress. If they are not right, the Indians who are now asking the payment of $40,000 will only be delayed a little while in getting their money. So that, looking over this whole matter, it does seem to me we ought to pause here and not pay this money to these Indians until this contention is settled in the courts. We have sent the citizen Indians there, but we send them there in vain if this conference report is to be adopted, because, although they may establish their claim, there will be no money left out of which it can be satisfied. For these reasons, Mr. Speaker, I hope the House will refuse to adopt this conference report.

Mr. RYAN. Mr. Speaker, I do not think the attorneys themselves who represent these citizen Indians could have presented a stronger case than the gentleman from Alabama [Mr. COBB] has presented for them. My information as to the origin of this claim agrees precisely with the statement of the gentleman from Alabama; that is to say, that under the treaty of 1867—I think that is the date of the treaty—the Peoria Indians were permitted, as many of them as chose,

to become citizens, and the others to retain their tribal relations and be removed into the Indian Territory. A list or census of these citizen and tribal Indians respectively was taken. It is now claimed that the census of the tribal Indians was fraudulent; that it contained more names than there were actual members of the tribe.

This, Mr. Speaker, is something that happened a quarter of a century ago. A claim of this kind was preferred by the citizen Indians, if I am correctly informed, about three years after the treaty was made——

Mr. COBB. And, as they allege, as soon as they discovered the fraud.

Mr. RYAN. I am not complaining that there has been any dereliction on their part. They preferred a claim; I am unable to say whether it was in the same amount as now presented or not; but my information is that it was far less. According to my information that claim, when the evidence was all fresh before the Department, was examined thoroughly, and rejected by the Indian Office.

Mr. COBB. For the reason that the Indian Office said they had not authority to rectify the mistake or correct the fraud.

Mr. RYAN. Even though the Indian Office found there was fraud, and I am not advised it did find anything of the kind, but, on the contrary, rejected the claim upon its merits.

Again fifteen years ago these citizen Indians preferred the same claim to another administration. The claim was again carefully examined in the Indian Office and again rejected. So it stood until the present time, when the employment of these attorneys seemed to make this a propitious occasion to renew this old claim. They came here to Congress. Congress sent them to the Court of Claims. Now it is protested here by these attorneys that though these tribal Indians have nearly $100,000 to their credit in the Treasury——

Mr. COBB. They have not so much.

Mr. RYAN. They have $98,000.

Mr. COBB. No, sir. Twenty thousand dollars of the fund in the Treasury can not be touched; it is an educational fund.

Mr. RYAN. It is an educational fund; but it is the fund of those Indians resulting from that treaty and is responsive for any fraud which may have been perpetrated, if it was perpetrated by these Indians.

Mr. HERBERT. What did the Court of Claims do on this question?

Mr. RYAN. The Court of Claims, as I understand, has not yet investigated the case at all.

Mr. COBB. But I call the gentleman's attention to the fact that the twenty thousand dollar fund is not liable for the payment of this claim.

Mr. RYAN. Why not?

Mr. COBB. Because it has been set aside by the act of Congress itself for educational purposes alone; it is a trust fund for that special object.

Mr. RYAN. But does it not grow out of the same treaty fund?

Mr. COBB. It grows out of the same treaty; but in paying this $40,000 you do not propose to use any part of that $20,000?

Mr. RYAN. That is true as to this appropriation. If my information is correct, this claim is baseless. It is a claim that has never received favorable consideration by any of the authorities that have examined it, and yet it is maintained here that these Indians shall not now have even $40,000 of their own funds to keep them from starving, to rebuild their houses and their barns that have been swept away by cyclones, to enable them to purchase cattle to replace those which have died from Texas fever, and to enable them to purchase food, as they are compelled to do, owing to the failure of the crops for the last three years. I am informed also by an eminent Senator, who has given this subject careful consideration, that there could not possibly be, giving the benefit of every possible doubt to these citizen Indians, an amount over $12,000. In addition to that I am informed that these tribal Indians in the Indian Territory who are provided for here have an excess of about 10,000 acres of land over and above their allotments, which is to be sold, and the proceeds of which would be responsive to any judgment that might be obtained in the Court of Claims in this matter.

Now, Mr. Speaker, I have stated all the information I have upon this subject. I do not believe there can be any possible prejudice to these citizen Indians by making this provision for these tribal Indians who are in the condition I have described. I understand, also, that this matter was examined in the Indian Office and this appropriation approved. I understand further that it was examined by the Indian Committee of the Senate and approved, and also that it was examined in an informal way by the Indian Committee of the House and approved. This letter of the Department which has been introduced by the gentleman from Alabama [Mr. COBB] indicates from its date some degree of energy on the part of these attorneys in securing it, but in that letter there is no disapproval of this appropriation. I know nothing more about the matter than what I have stated. I believe the statement I have made to be correct. I have no more feeling about it than I have about any other amendment in the bill. We agreed to it because we understood the facts to be as I have stated. The delegates here representing these Miami and Peoria Indians handed me, before we went into conference, a statement and asked me to submit it to the conference committee for their information. I did not have occasion to do that, in fact I do not know that I thought of it at the time; but if it was a proper matter to be brought to the attention of the conference committee it is proper now to bring it to the attention of the House, and I will therefore ask to have it read from the Clerk's desk as presenting the views of the tribal Indians through their delegates, whose names are appended to the paper.

The Clerk read as follows:

WASHINGTON, D. C., *August* 17, 1888.

SIR: You will please pardon us for intruding upon your time, but in view of the fact that the interests of the people we represent are at stake we are compelled to make a statement to you, and through you to reach, if possible, the conference committee on the sundry civil bill. We understand through Mr. PEEL, of Arkansas, that representations have been made by an attorney here that the Peorias are largely indebted to the citizen band of that tribe, and that the Peorias should have none of their money paid out to them until the matter is settled by the Court of Claims. The separation between the two bands of Peorias took place twenty-five years ago, and the claim now made or revived was started about three years after the division took place. It was investigated and found groundless by the Indian Office. Another attorney then took it up, and about fifteen years ago it was again investigated by the Indian Office, and again was it decided absurd and having no foundation. We are now confronted with this baseless claim again, and money that is ours alone, and which we need to assist us at a critical time, may be possibly withheld from us simply at the request of an attorney who has no other warrant for making it than the statements of former persons who had this absurd claim in charge and which was disposed of as stated. But to go into the merits of this matter would make this letter too long and tedious. We wish simply to say that the bill for the allotment of our land now before the Senate (House bill) provides for the adjudication of this claim. We have had, however, propositions from these said citizens to compromise. We have refused, being determined that this matter shall be finally settled by the courts for all time to come.

We have in the hands of the Government, in all	$97,000
We ask under present amendments to sundry civil bill	41,000
Balance on hand	56,000
Under our allotment bill we leave 10,000 acres, worth	50,000
Assets remaining to tribe	106,000

You understand no claim is made as against our land. The claim is that fraudulent names were used to increase the Indian list at the time of separation, thus reducing the shares of the citizen Indians. We therefore think you will see we have ample means to meet any allowance that may be made for citizens (if any) after paying out the $41,000, for you can see that if any fraud was perpetrated by the addition of names to Indian list, that the sum covered by such additional names would inure not only to the citizen Indians but to the Indian band as well, in proportion to the numbers of each, and that on the basis of the tribal property at the date of separation twenty-five years ago, subsequent payment to Indians would have nothing to do with it. But we know there is no foundation in truth or justice to the claim made. Were it not for the fact that for the last three years our crops have been destroyed, our cattle killed off by Texas fever, and our losses this year by cyclone of houses, barns, and fences, and the probable failure of crops again this season we would not ask this money. But we need it to pay debts, to live on, and to rebuild and repair with. To withhold this money on the claim made, when we have the ample means still in hand, is to cause us useless suffering and hardship. We are sure no member of either the Appropriations or conference committees wish to do this or to be unfair to us. We respectfully ask that you submit this to the committee. One other thing we wish to say, that in all money matters the Miami and Peoria Indians are separate and distinct. Their land is in common but not their money.

Very respectfully,

JOHN WADSWORTH,
Delegate Peorias.
THOMAS F. RICHARDVILLE,
Delegate Miami Indians.

Hon. THOMAS RYAN,
House of Representatives.

Mr. COBB. Mr. Speaker, after hearing that communication read, it is very easy to conjecture from what source my friend from Kansas [Mr. RYAN] obtained his facts. He alleged that this matter had been examined carefully by the Indian Department and rejected upon its merits, and there in that communication is his proof.

Mr. RYAN. I did not state that as a positive fact. I stated that such was my information.

Mr. COBB. Information derived from this communication from these Indians who are interested.

Mr. RYAN. I got the information from that and from other sources also. I did not, however, go to the Indian Office to make inquiry about it.

Mr. COBB. I want to say before I go any further that members of this House ought not to be prejudiced in this matter because there are attorneys representing these claimants. I am not the representative of any attorney, nor am I the representative of the citizen Indians. I have no more feeling and no more interest in this matter than the gentleman from Kansas, or any other member of the House.

Mr. RYAN. I trust the gentleman did not understand me as intimating that he had.

Mr. COBB. No, you did not do that; but you rather emphasized the fact that the citizen Indians had employed attorneys.

Mr. RYAN. Yes; but I do not want my friend to infer from any remark of mine that I intended to state or intimate that he was representing attorneys here. On the contrary, I know the gentleman to be far above that.

Mr. COBB. I did not understand the gentleman as intimating that I had any special interest or anything of that kind; but the mere fact that there are attorneys employed in this matter ought not, I say, to prejudice the case in the least in the minds of the members of this

House, because it was entirely proper that it should be brought to the attention of the committees of this House or to the House itself by men capable of presenting it properly. Now, I look alone to the case as presented; but I am not willing to take facts from these interested parties. I go to the Indian Office direct, and before I was willing to act at all in bringing the matter before the House, I sought certain information from the Indian Office, which I have here. The answer of that office clearly discloses the fact that the only fund out of which the money claimed to be justly due by these citizen Indians can be recovered is about $77,000. The $20,000 can not be reached. The $20,000 is a sacred trust-fund set apart by Congress for educational purposes, and is not to be reached by the claims of these citizen Indians, or by any other claims. There is no doubt about that.

So far as the land matter is concerned I have no information on it, and the Indian Department tells us nothing about it. The Indian Department tells us $77,000 only are liable to be appropriated for the satisfaction of the claims of these citizen Indians. The claims amount to $73,000. So that if this $40,000 is appropriated you only have $4,000 out of which to pay a judgment of $73,000. This is the condition of the matter; this is the money side of the case.

Let us see for a moment whether it is just and right we should listen to the claim of these citizen Indians or not. The policy of the Government, Mr. Speaker, is and has been to encourage these Indians to sever their tribal relations and to become citizens of the United States. It was in pursuance of this policy that this treaty of 1867 was entered into with them. Every inducement was held out to them to break their tribal relations, and to enable them to obtain citizenship. Ought the Government of the United States to practice a fraud or sanction a fraud against the men who have adopted the very policy which it has urged upon them? And that is the question here.

Now, Mr. Speaker, it will not do to say such and such is the fact unless we have proof. There is not a scintilla of proof before us to sustain the position assumed by my friend from Kansas [Mr. RYAN]. Not a particle of proof; but on the contrary, the evidence presented, so far as we have any, directly controverts the position he assumes. Look to the action of the Government itself.

We passed a bill not long since to allow these citizen Indians to go into the courts. Then was the time for the assertion to be made that there was no use of sending them to the courts. Then was the time to say "your claim has been investigated; your claim has been rejected by the Department time and again; the facts on record show you have no grounds on which to base an appeal to the courts of the country." Who made that point then? It was not made on the floor of the House, but we passed the act by which they were permitted to go into the courts to prosecute their case, and to determine whether or not the fraud charged has been or has not been committed. There is the attitude in which we are placed. We said to them, by the act passed, there is sufficient evidence before us to make it reasonably probable that a fraud has been committed.

Now, Mr. Speaker, after turning them over to the courts, is it proper and right that we should turn round and destroy the very fund out of which payment is to be made to them, if they are correct in the assertion of their claim. You have sent them to the court. You told them they may be heard there; and now you propose to turn over to others the fund out of which they are to be paid if they recover judgment. I do not say these citizen Indians are right in their claim. They say so, and we have sufficient evidence to cause us to suspect it to be so, otherwise we would not have allowed them to enter the courts.

Where is the necessity to pay this money over to the Indians claiming it? They say they are in a suffering condition. We have no proof of it. I might enter a clear denial and demand proof. The burden is on them in that respect. They produce nothing but the document just read, which is worth nothing.

Mr. RYAN. I think it is hardly fair to say a document of that sort is not worth anything. It comes from the duly authorized representatives of these Indians. It makes out a *prima facie* case. The gentleman has no right to say the representation made by their representatives as to their condition is not true.

Mr. COBB. If we are acting in a judicial capacity——

Mr. RYAN. We have the statement from the Secretary of the Interior that their representatives have made the same representations to the Department as to the condition of these Indians. There is nothing to overthrow that statement.

Mr. COBB. No; but, Mr. Speaker, I am not accustomed in my experience in the courts to accept as proof the bare assertion of a party directly interested in the accomplishment of a result. If it is true as a matter of fact, then it seems to me that better and less suspicious evidence could have been produced. In fact, this is no evidence at all. It is simply a part of the pleading. Now bring the proof. You have not got it. I enter denial for the citizen Indians; and their representations are certainly worth as much as those of the other side. But it is only a question of a few months' delay, and that is all.

If the bill which we have passed, and which is now in conference, becomes the law of the land, it will take but a short time to adjudicate the question of fraud. We will be prepared to act upon the matter in a very few months. There is not that condition of affairs prevailing which would prompt us in the face of a solemn assertion of fraud to make haste to do this thing demanded of us, rather than delay for a few short weeks, or months at best. I say the House will act inconsistently if it takes this report in view of legislation that has preceded it. I believe it is in the interest of fair and even-handed justice that the payment of this money should be held up for a short time until an adjudication of the pending controversy can be made.

Mr. FORNEY. I now ask the adoption of the conference report.

Mr. COBB. I wish to make a parliamentary inquiry first.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COBB. In reference to one of the matters in conference, I wish to ask if the committee have disagreed upon the Senate amendment appropriating money for education in Alaska?

Mr. FORNEY. Yes.

Mr. COBB. That being disagreed to goes back to the conference, I suppose?

Mr. FORNEY. Yes, sir; and you may speak upon it as long as you like after the adoption of this report.

Mr. SAYERS. I wish to call the attention of the gentleman in charge of the bill to the one hundred and nineteenth amendment proposed by the Senate. I believe that has not been agreed to yet, and I wish simply to call his attention and the attention of the House to the fact that it involves a proposition which may require an expenditure of from fifty to one hundred millions of dollars before the final consummation of the work proposed in the bill.

Mr. FORNEY. Let us get the report adopted first, and then we can revert to that matter.

Mr. SAYERS. Does this not come in here properly?

Mr. FORNEY. No, not until after the adoption of the report.

Mr. HITT. Is that the irrigation feature?

Mr. SAYERS. Yes, sir.

The question being taken on the adoption of the report of the conference committee, the House divided; and there were—ayes 85, noes 4.

So the report was adopted.

Mr. FORNEY. I now move that the House insist upon its disagreement to the Senate amendments, as numbered in this report, and agree to a further conference.

Mr. PAYSON. Mr. Speaker, what amendment was referred to in the gentleman's proposition?

The SPEAKER *pro tempore*. All of them.

Mr. FORNEY. There are twenty-seven amendments disagreed to, commencing with No. 105, all of which are enumerated on page 13 of the report.

Mr. SYMES. I wish to make a parliamentary inquiry—whether or not it is proper to ask for a division or a separate vote upon each proposition where a motion is to be made to recede with an amendment?

The SPEAKER *pro tempore*. The gentleman is entitled to a separate vote on any one of them.

Mr. FORNEY. The gentleman can move to agree to amendment 119, I presume that being the one to which he refers.

Mr. NELSON. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate No. 256, relating to the proposed zoological garden, and agree to the same. At the proper time I wish to be heard on that amendment,

I yield now to the gentleman from Colorado, simply having made this motion that it may be pending.

The SPEAKER *pro tempore*. The Chair will suggest to the gentleman from Alabama that perhaps it will be better to take up the amendments in their order, as several suggestions have been made in regard to them.

Mr. FORNEY. Very well, then; I move that the House insist upon its disagreement to the amendment of the Senate numbered 105.

Amendment No. 105 was read, as follows:

(105) To enable the Secretary of the Treasury to pay Mrs. Mary H. C. Baird, widow of the late Spencer F. Baird, $50,000, in full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries, including rent of rooms for the use of said Commission from February 25, 1871, to the time of his death, in August, 1887.

Mr. RYAN. I suggest to my colleague that he pass that over for the present, as the gentleman from Ohio [Mr. BUTTERWORTH] desires to make some observations upon it.

Mr. FORNEY. Very well; I ask unanimous consent that it be passed over informally.

There was no objection.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

Amendments numbered 106 and 107 were read, as follows:

(106) UNDER THE DEPARTMENT OF STATE.

(107) International boundary survey, United States and Mexico: To enable the President to execute and complete the engagements of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, $100,000, or so much thereof as may be necessary for the said survey and relocation of the monuments, to be performed by officers of the Army under the direction of the Secretary of War: *Provided*, That all records, maps, field-notes, and computations in connection with said survey shall be deposited in the Department of State as an international record; and the money hereby appropriated, or so

much thereof as may be needed, and also the money appropriated for the same purpose by the sundry civil act approved March 3, 1885, shall be disbursed and paid by the Secretary of State, on the requisitions of the Secretary of War, from time to time as it may be required.

Mr. LANHAM. Mr. Speaker, I would like to ask the gentleman in charge of this bill a question in regard to this amendment under the appropriation to complete the international boundary survey between the United States and Mexico. Can the gentleman inform the committee what portion of the boundary line between the United States and Mexico is contemplated in this provision?

Mr. FORNEY. My colleague, the gentleman from Missouri [Mr. BURNES], is familiar with that question and can give the gentleman the information.

Mr. BURNES. In reply to the gentleman from Texas, I have to say that this is a survey, or intended survey, of the boundary line between Mexico and the United States from the Rio Grande River west to the Pacific Ocean, and it is not, as many have supposed, a proposition to survey the line between Mexico and this country from Paso del Norte south or east to the Gulf of Mexico.

In 1882 there was a convention between the Government of Mexico and the Government of the United States, and by the terms of that convention a survey of the boundary between the United States and Mexico was to be made at the joint expense of the two governments, each paying one-half. Under that treaty a Mexican party and an American party, each from the army of their respective countries, by appointment were to meet at Paso del Norte and pursue and mark the line from that point to the Pacific Ocean.

The Mexican party failed to put in an appearance until probably four or five days after the time appointed for the departure of the expedition. They then appeared at Paso del Norte, and were informed that the American party had gone on, and requested them to follow and join further along. For some reason they failed to join the American party; but the American party went through, marked and designated the boundary line, which was reported to the Forty-eighth Congress as entirely satisfactory to the Government of this country and to the Government of Mexico. But the Government of Mexico has never paid any part of the expense of this survey. A full and complete report of this survey or reconnaissance and its record were transmitted to the Forty-eighth Congress by the then Secretary of State, Mr. Frelinghuysen, and an appropriation something like $400,000 or about that sum was asked or estimated therefor.

It was urged by Congress that Mexico ought to supply one-half of the amount and this Government half. But the Department wanted the whole of the money. The House committee declined to appropriate the whole of the money, and advised the Secretary of State at that time to collect one half of the money from Mexico and then we would pay the other half. Nothing seems to have been done until the Forty-ninth Congress, when $100,000 were appropriated to pay our portion, or a part of our portion, of the expenditure. That money has never been used and never been paid out. It has remained up to date an idle appropriation.

With these facts before us, to appropriate $100,000 additional would seem absurd; and in my judgment it is absurd to take any further step until by a convention—now to be made, because the limitation of that convention, as to the performance of the work, has expired—the two nations have agreed to pay, and do pay, the money required for the contemplated work in the first treaty. For these reasons, because the line has been already agreed upon and marked, and because the Government of the United States has done its part of the original convention of 1882, and because the Government of Mexico has done nothing, it would be unbusiness-like, if not folly, for us to appropriate $100,000 more. These are the reasons why we have resisted, and now resist, the Senate amendment.

Mr. LANHAM. Has it any reference to the line between Texas and Mexico on the Rio Grande?

Mr. BURNES. None whatever; on the contrary, it is from the Rio Grande westward to the Pacific.

Mr. HENDERSON, of Iowa. Is not this appropriation recommended by the Department?

Mr. BURNES. It has not been recommended by the Department to this House, so far as I know. I presume it has been recommended by the Department, in some way, to the Senate.

Mr. HENDERSON, of Iowa. Has not $100,000 been heretofore appropriated and not used because it was insufficient for the purpose sought?

Mr. BURNES. I do not know the reason why it was not used.

Mr. HENDERSON, of Iowa. I think it has been stated that they did not enter upon the expenditure of $100,000 because it was insufficient for the end sought.

Mr. BURNES. Whatever the reason may be I would state that we can not do this now until there is a new treaty made, unless we desire to release Mexico from a share of the cost. By the terms of the convention of 1882 the completion of this work was limited, I think, to two years, possibly three, but the limitation has expired; and if we go on and do this work now without a new convention, what assurance have we that the work will be satisfactory to or accepted by Mexico and that Mexico will contribute under the provisions of the old treaty which has expired?

Mr. HENDERSON, of Iowa. There has been no work entered upon at all.

Mr. BURNES. The work that was entered upon was paid for out of the Army appropriations because it was the work of a detachment of the Army. They marked the line. They pursued it from Paso del Norte to the Pacific Ocean, clear through.

Mr. HENDERSON, of Iowa. The Department has recommended this additional appropriation that the Senate have put on this bill. I merely called this to the attention of my colleague for information more than for any other reason.

Mr. BURNES. I will say to my friend and colleague that he may be right about it and I may be wrong; but there is no question in my mind with regard to the necessity of a convention between the two governments before we can perform this work, unless we wish to pay for it all. In other words, if we do it now, Mexico will not be bound for its half of the cost unless they choose to pay it.

Mr. HENDERSON, of Iowa. I do not desire to antagonize the recommendations of the conference committee at all, but I understand that there is a region of country there of from 5 to 10 miles in width where people do not know whether they are under our Government or under another flag, and it is very important to have that question determined at an early day so that our people can know with certainty whether they are buying land from the States or locating on the domain of another power. The importance of that consideration has impressed itself upon my mind, and while, as I have said, I do not desire to antagonize the recommendations of the conference committee, I believe this is a matter that ought to be pressed to a settlement without delay, so that the boundary lines of the United States shall be accurately and certainly defined.

Mr. LANHAM. I fully concur with what the gentleman from Iowa [Mr. HENDERSON] has said. In a report by the Committee on Foreign Affairs at the present session of Congress I find this statement:

A survey of the boundary was made under the treaty, and the actual boundary was then what was the middle of the river. Since that time it has shifted its channels so often and so far, in some cases gradually, in others abruptly by cut-offs, that no man knows accurately where the boundary is to-day. The channel will sometimes move slowly, by accretion on one side and erosion on the other. Sometimes the stream will suddenly cut a new channel, abandoning the old ones altogether, and in a single day, by cut-off, a tract or a "banco" of 100 acres will be found on the other side of the river.

Mr. BURNES. My friend from Texas [Mr. LANHAM] is reading from a report which relates to the necessity of a survey from Paso del Norte to the Gulf.

Mr. LANHAM. That may be true; but what I desired was to ascertain whether or not the boundary between Texas and Mexico was contemplated by the Senate amendment.

Mr. BURNES. This says in express terms, "west of the Rio Grande."

Mr. ADAMS. Will the gentleman allow a question?

Mr. BURNES. Certainly.

Mr. ADAMS. I understand that a convention was made, and that under that convention it was intended that two parties should join to lay out this line, but that our party did lay out the line, the other party being a few days late. But I understood the gentleman to say, after making that statement, that the line thus laid out was accepted, or acceptable to the Mexican Government. Is that correct?

Mr. BURNES. Yes, sir. The Mexican Government expressly assented to the survey or reconnaissance which was made by our party alone. They were satisfied to let our people go on by themselves, saying that the result would be satisfactory to their Government, and my information is that we were advised by the Department of State four or five years ago that Mexico was entirely satisfied with the work that had been done, notwithstanding the fact that her party did not pursue the line through.

Mr. ADAMS. It would follow, then, that the expenditure of this money would be mainly for the erection of monuments to mark the boundary. Is not that so?

Mr. BURNES. In answer to my friend from Illinois [Mr. ADAMS], and also in reply to my friend from Iowa [Mr. HENDERSON], who asked substantially the same question, I desire to say that monuments have been there for twenty or thirty years, probably not as fine monuments as "sixty millions of people" would desire, but monuments which serve all practical purposes, though perhaps they are not so numerous as they ought to be. All along the line there are monuments, but in the report of our party, which I have read, I found that they recommended certain additional monuments to be placed here, there, and elsewhere.

Mr. ADAMS. I did not mean that the money was to be used for the purpose of erecting more stately monuments, but rather for the purpose of completely defining and marking out the line established by the reconnaissance or survey to which the gentleman has referred, in order that, as the gentleman from Iowa [Mr. HENDERSON] has suggested, settlers should have no difficulty in determining on which side of the international line they were locating.

Mr. BURNES. There are monuments there, but it does not follow that a man can recognize the line at any particular point where he may happen to strike it. No man can find even the line of his own quarter-section of land at every particular point. But within a given distance there are monuments now existing which were deemed sufficient to mark the boundary after the war with Mexico, and by following from one of those monuments to the other the line can always be defined.

When the location of one monument has been ascertained, or rather when two have been fixed so as to give the direction, any one can determine the boundary between the two countries on two or three hours' investigation. The boundary might not always be before a person rushing backward and forward across the imaginary boundary line, but he could pursue and find the boundary in a couple of hours anywhere.

Mr. ADAMS. Of course. But if it is true, as the gentleman has said, that the reconnaissance is made, what remains to be done about that boundary line? And why did the gentleman say, as I understood him to-day, that something ought to be postponed until a further convention? What use for a further convention?

Mr. BURNES. Well, we have agreed with Mexico under the convention of 1882; and it seems to have been settled in the public mind and the Congressional mind that there ought to be some monuments marking this line, and that a considerable sum of money—estimated, I believe, as high as $100,000—should be expended in placing these additional monuments along the line which has been pursued and marked. Now, if we undertake to carry out this plan, which has been agreed upon between the two governments, one-half of the expense of which is to be paid by each—if we undertake to do this without a new convention, the old one having expired, where is the obligation which will justify us in demanding of Mexico a repayment of one-half of the expenditure?

Mr. ADAMS. That is exactly what I wanted to have clearly brought out. If we make this appropriation and go on under it, we shall get all the benefit for which the work is done except that we shall have paid more than our share; and the object with which the gentleman would have action postponed until a further convention is not that we may get a better boundary line or better or more numerous monuments on that boundary line, but that we shall be enabled to make Mexico pay a share of the expense.

Mr. BURNES. That is all there is in it. Allow me to say there never has been any dispute between Mexico and this country with regard to that boundary line. There is now no dispute between the two nations concerning it. The only question is whether by putting up more monuments we shall make it more distinct, more readily discernible for the benefit of our people and the Mexican people and for the sake of the good neighborship which should exist between the two countries. To that policy we stand committed. But I say we should not go on carrying out that policy until Mexico has given her consent by some contract or assent.

Mr. ADAMS. And what the gentleman seeks to gain by postponing the advantages of a good boundary line, well marked out, is that we shall get a certain sum of money from Mexico to assist in paying the expense.

Mr. BURNES. So far as that is concerned, let me say this to my friend from Illinois: We are not going to perish from the face of the earth because we do not put up a few more monuments on this boundary line within a month or two, or because we do not put them up while the information in regard to the subject is certainly very incomplete and imperfect. As the matter stands at present, true business policy dictates that we should have a convention and settle this question with regard to the work, and then do it. I am perfectly willing to have it done.

But we can readily get those facts; the Secretary of State can furnish them, I have no doubt. And before doing so he will have time to perfect a contract by treaty or otherwise for the payment of the work. Hence, I say that the policy pursued by the House conferees in the conference on this question ought to be approved by the House.

Mr. CANNON. Mr. Speaker, the Secretary of State has for years been insisting upon this appropriation, and that without further treaty. He has insisted that if this money were at command, these monuments would be established and the boundary line at certain points relocated. I do not myself know the facts; but if there is any dependence to be placed upon the Secretary of State—and, by the way, our Secretary of State agrees in this matter with the former Secretary—if any dependence is to be placed upon the executive officer having special charge of this question, this survey can not be completed, the line relocated, and monuments established until the additional sum of $100,000 is appropriated. An appropriation of $100,000 was made in 1885; but it is not sufficient.

Having said this much, I am, of course, perfectly willing that the House should do what it pleases about this matter. My opinion is that the amendment is a proper one. The estimate has been coming in for years. Still I am perfectly willing that the next Secretary of State should have charge of the expenditure of this money.

Mr. ADAMS. Will my colleague say what reasons were given by the Secretary of State in favor of prompt action in this direction?

Mr. CANNON. I understand in a general way that the Secretary of State claims there was a treaty made, I believe, in 1882, and that the treaty has not been carried out by the establishment of this line; that he desires to carry it out, to plant these monuments and relocate the line, so that the boundary may be well ascertained. I must confess that I am relying upon the estimate and recommendation of the Secretary of State. I know nothing about the matter except as my knowledge comes in this way. I might say further that, as to many of these appropriations and estimates, Congress is forced to rely upon the recommendations of the executive officers.

The SPEAKER *pro tempore*. The question is, Will the House insist upon its disagreement to this amendment and agree to the further conference?

The question was decided in the affirmative.

The SPEAKER *pro tempore*. The Clerk will read the next amendment.

The Clerk read the one hundred and tenth amendment, as follows:

Strike out:

"That the Committee on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of building not to exceed $3,000,000; and the sum of $10,000 is hereby appropriated to be expended under the direction of the above-named committees, to pay for the said designs and general specifications. The said committees shall jointly report to Congress its action in the premises on or before the 20th day of December, 1888. That the work now in progress on the building for the Library of Congress shall be suspended, and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved. That the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congress be, and the same is hereby, transferred to the care and custody of the Interior Department, the expenses of such care and custody shall be paid out of any money already appropriated for the construction of the building for the Library of Congress."

And insert:

"For continuing the construction of the building for the Library of Congress, including the compensation of all parties employed in connection therewith, as follows: Architect, assistant architects, engineer and superintendent of construction, and skilled draughtsmen, civil engineers, and such other services as the Chief of Engineers of the Army may deem necessary for the prosecution of the work, and shall specially order, together with such mechanics and laborers as may be necessary to carry into effect the appropriation herein made for construction of said Library building and to be paid from such appropriation, for the construction of the western front of the building and reading-room, and the book repositories connected therewith, as shown by sketch termed 'Plan No. 1,' on file in the office of the Librarian of Congress, $1,000,000. This appropriation and all appropriations hereafter made, and all sums available from appropriations heretofore made for this purpose, shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and the commission provided for by act entitled 'An act authorizing the construction of a building for the accommodation of the Congressional Library,' approved April 15, 1886, is hereby abolished, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library except such as is contemplated in the sketch or 'Plan No. 1,' herein referred to, and all contracts for work or materials outside of the space covered by said plan are hereby rescinded. And all loss or damage occasioned thereby or arising under said contracts may be adjusted and paid by the Secretary of the Interior out of the sums heretofore or hereby appropriated. All sketches, plans, and computations heretofore made or hereafter made respecting said Library building, or any part of the same, shall be the property of the United States."

Mr. FORNEY. I move that the House further insist on its amendment and agree to the conference asked for on the part of the Senate.

Mr. ADAMS. I understand the gentleman from Alabama [Mr. FORNEY] in charge of the bill moves that the House further insist on its amendment.

Mr. FORNEY. Yes, sir.

Mr. ADAMS. I wish to ask one question. If the amendment of the House be agreed to, the work will be suspended and the commission provided by the act of Congress will be dissolved, and the property will be turned over to the Interior Department for custody. Suppose that amendment becomes the law, would the committee which is required to report on the plans submitted by eminent architects on or before the 20th of December next, if the rules of the present Congress remain as they have been construed at this session—would any appropriation for the new building for the Library of Congress be in order to any general appropriation bill? The purpose has been authorized in consequence of an act the result of diligent work on the part of the Committee on the Library for the last ten or fifteen years. Finally we succeeded in passing a law providing for the construction of a new Library building. As the appropriation is authorized by law at this time, an appropriation would be in order to an appropriation bill; but if the provision put into the bill by the House should become a law we would be exactly where we were ten or fifteen years ago. If the committee should present an appropriation for the new Library building it would not have the privilege of the Appropriation Committee, and therefore it would not be in order on a general appropriation bill. The work would have to be gone all over again. While I do not object as to the proper way of erecting the building, yet I should regret to see the House take such action in reference to the new Library building, so much desired, as to put us back exactly where we were before

the Library building law was passed, for every one admits something should be done.

Mr. HOLMAN. I think the gentleman from Illinois [Mr. ADAMS] labors under a mistake. The amendment of the House does not provide that the law providing for the building of the new Library building shall be repealed, but merely provides for doing away with the commission provided in that law. The law in all other respects will remain in force, and the property will be turned over to the Department of the Interior for custody for the time being. If the building is ultimately constructed the indications are that Congress will place it under that accomplished gentleman, General Casey.

Mr. ADAMS. The Committee on the Library are to report on the new plans presented before the 20th of December next.

Mr. HOLMAN. Yes, and that is the only extent to which the Library building law is repealed, so far as now proposed. Now, I hope the committee will non-concur in the Senate amendment. No act has ever passed Congress involving so large an expenditure with less consideration than the one providing for the building for the Congressional Library. Although the subject has been before Congress for many years, yet when the bill was passed it was done under the suspension of the rules, and the House acted on information which is found to be utterly at variance with the facts. The distinguished and honorable gentleman from Mississippi [Mr. Singleton] who was chairman of the House Committee on the Library would not have willingly deceived the House as to the real character of the enterprise; he was undoubtedly deceived by some one. A distinguished gentleman connected with the Chicago library, its librarian, and other gentlemen connected with the great libraries of the country, I think—although I am not authorized to speak for them—will cordially agree in the House proposition that other plans shall be considered for this proposed Library building. I believe it is agreed generally the policy recommended by the House committee is the true policy.

There is no hurry. The contracts now being fulfilled are limited entirely to what is known as "Plan No. 1," and neither the House nor the Senate seem disposed to interfere with carrying out that portion of the work which has been contracted for. I may state that there are two contracts to be carried out as to this Plan No. 1, one for the concrete foundation and the other for the terra-cotta pipes. The first contract for excavation has been already completed.

Mr. MAISH. I wish to propound an inquiry to the gentleman from Indiana with reference to this matter. Do I understand that the proposition of the House committee is to abandon entirely the plan upon which considerable progress has already been made?

Mr. HOLMAN. No; not exactly that. I will state to the gentleman that up to the time when Mr. Secretary Vilas became Secretary of the Interior the building was being constructed upon the plan known as "Plan No. 2;" that is to say, it embraced the entire building.

The House understood, and the commission seem to have commenced on the same idea, that it would cost about $3,000,000. The excavation of the entire site had been made. A contract for concrete foundation was entered upon, and also a contract for terra-cotta piping at the same time; but when Secretary Vilas came to look into the matter he determined to confine operations to what is known as "Plan No. 1," which is the west front of the building proper and the reading-room, otherwise known as the "rotunda." He restricted the operations of the commission to this limited building and the balance of the enterprise was abandoned.

That action seemed to be within the scope of the law, and so at present the contracts are being fulfilled to the extent of that plan known as No. 1, involving, as I have said, the concrete foundation and the terra-cotta pipes. The balance of the work is in what may be called a state of suspension. There will be some money to be expended yet, because the proposition of neither the House nor the Senate repeals the appropriations heretofore made for that purpose or suspends existing contracts referred to; but the effect will be to delay matters excepting in so far as I have already explained until the meeting of Congress again, at which time, if the provision of the House is accepted, new plans will be submitted and Congress can determine then with certainty whether it will pursue this Plan No. 1 or adopt an entirely new plan. I am not, as gentlemen know, in favor of constructing the building. I stand by the present Congressional Library in the Capitol, but I am assuming that, in some form, Congress will go on with this work. If Congress acts upon the views of those in charge of the great libraries of the country generally I think it will adopt a plan materially different from that in progress, but it may be without any material change in the character of the structure to be erected except as to costly embellishments.

Mr. HOOKER. Permit me to ask the gentleman from Indiana if there is any proposition in the bill to interfere with the appropriation of $2,700,000 heretofore made by a former Congress for this work?

Mr. HOLMAN. There has not been that much appropriated, $500,000, towards the erection of the building; the total amount to be appriated for the purpose according to the plan as understood would be about that sum, but only $585,000 has been appropriated for the site, and I believe $500,000 towards the erection of the building; but there is nothing to interfere in either Senate or House proposition at least with that appropriation to the extent of carrying out the existing contracts for the concrete foundation and terra-cotta pipes on plan No. 1. These contracts are not affected at all either by the provisions of the House or Senate.

Mr. PAYSON. Mr. Speaker, I agree with the gentleman from Indiana, that this matter ought to be considered very fully and carefully by the House of Representatives before final action is taken. I do not know how others may feel who were members of the Forty-ninth Congress when this bill passed providing for the erection of a building for additional accommodations for the public library; but speaking for myself I opposed the passage of the bill from its introduction until it was presented for adoption under a suspension of the rules, and passed. Then I simply refrained from acting on it on the day of its passage because of personal statements from the gentleman from Mississippi, Mr. Singleton, then chairman of the committee, and others, which seemed to be based on definite information as to the cost. I have felt since then, with the slight information that has come to me, and from what I have been able to ascertain, that the House of Representatives was the victim at that time of false pretenses on the part of those having charge of the matter and furnishing the committee with information they gave us.

I remember as well as I remember anything that one of the principal factors used in the argument in support of the bill before the House was the economy of the plan adopted by the House as compared with others that had been suggested. For the accommodation of the Congressional Library various schemes or plans were presented to Congress which usually involved some change of the Capitol building, and estimates were made under a commission appointed in 1880 to determine the cost of changing the Capitol for the necessary accommodation of the public library. As I remember, not having the figures at hand, the report was something in excess of $4,200,000 for each of the various plans of change of the Capitol. It was conceded that something was necessary to be done, and finally it was agreed that a separate building should be constructed. But I remember distinctly that it was stated time and time again on this floor, and was embodied in reports made to the House by the select committee on the subject, that the cost of the building upon careful and full estimates made by the commission who had the matter in charge was about $2,300,000.

Mr. RYAN. Two million three hundred thousand dollars with an ultimate addition of some $700,000.

Mr. PAYSON. Yes, $2,323,000, with a possible excess above that of some six or seven hundred thousand dollars, to be finally used for iron shelving, etc., as it might be needed.

Mr. HOLMAN. In some of them. The report made last Congress and made to the Forty-eighth Congress, the whole amount, involving the $800,000 for years to come, would be little over $3,223,000.

Mr. PAYSON. I do not recollect about the report, if I understand the gentleman.

Mr. RYAN (to Mr. PAYSON). That is exactly as you have stated; and it is correct.

Mr. PAYSON. The whole cost of the building, according to the Singleton report, was to be $2,300,000. It required an appropriation of only $500,000 outside of that required for the site the first session. The next session Congress was to appropriate $1,000,000, and the third session thereafter $800,000, which, exclusive of the site, would complete the building for occupancy, finishing the rotunda and central building and connecting rooms, leaving only some shelving to be added as needed. Now, then, Mr. Speaker, we find from the reports which are now made, and upon the debates had upon this amendment at the other end of the Capitol, that the lowest estimate that is made, and the lowest opinion that is volunteered by anybody, is that it will cost $10,000,000. Some high in authority think it will go up to as much as $18,000,000.

Mr. KELLEY. Will the gentleman permit me?

Mr. PAYSON. Certainly.

Mr. KELLEY. To be expended within the next one hundred years in the completion of the plan?

Mr. PAYSON. I am coming to that a little later. I am talking about the amount submitted at the other end of the Capitol by the gentlemen in charge of this bill, who fix the lowest estimate at $10,000,000 for the completion of the plan; and the assertion is not gainsaid and I have seen no statement made that it will not run up as high as $16,000,000 or $18,000,000 for the completion of this building. The observations made by the gentleman from Indiana indicate that two plans are now being considered—Plan No. 1 and Plan No. 2. But as I understand from what I glean in the newspapers and from what I have heard stated about it, Plan No. 1 is simply a portion of the plan provided for in this plan submitted by Mr. Smithmeyer.

Mr. HOLMAN. Will my friend permit me?

Mr. PAYSON. Certainly.

Mr. HOLMAN. Plan No. 1 involves the west front; the reading-room and the rotunda, and will cover about one-third of the ground. Plan 2——

Mr. PAYSON. That is a portion of the general plan of Smithmeyer.

Mr. HOLMAN. This Plan No. 1 will cover about one-third of the

ground and about one-half of the expense, inasmuch as the rotunda is a very large and costly construction.

Mr. PAYSON. That is only one step in completion of the Smithmeyer plan. Now, it seems to me a proposition ought to be submitted to this House, and it ought to be settled whether or not the House of Representatives desires at this time to approve this proposition as it is presented. That is to say, the construction of this building confessedly will involve over the expense of the site upon which it is located an expenditure of not less than ten or twelve million dollars, and may reach sixteen or eighteen million dollars, and running through a period of years longer perhaps than an ordinary generation, as suggested by the gentleman from Pennsylvania [Mr. KELLEY].

Whether or not the House ought not to have information from gentlemen who know about this question, as I say I am giving information that I have got, a piece here and there from inquiry and from the public press. The conferees of this House in the next meeting of a conference shall reflect not their own views but those of this body, as a committee should express it, in order that there shall be a full explanation of this matter. What have we got for the amount of money expended here now, or attempted to be expended? We have got a hole in the ground with an immense expenditure in money that has gone into it. We have a magnificent fence there, built better than the average house in the country in the State in which I live. One building on the northeast corner of the block has been reserved for the office of the architect and those associated with him. That building has been fitted up for the comfort and convenience of the architect and his corps of employés at an expenditure of about $2,000. I happen to know that building. In it at the time of its condemnation there lived an old and valued friend of mine who for a number of years represented a prominent district in the State of New York on this floor, a man of affluence and means, and it was regarded as a first-class residence. In it has also lived for a number of years a distinguished Senator, and it was regarded as sufficiently comfortable for him. But just as soon as it is purchased for this purpose it requires $2,000 to fit it up so as to make it sufficiently comfortable for Mr. Smithmeyer and his corps of employés.

Mr. KELLEY. Will the gentleman permit me to inquire whether the changes were not those which would adapt this building, though it was comfortable as a dwelling-house, and make it a proper place for the scientific work necessary to be done in forming the plans of a great national building.

Mr. PAYSON. The character of the improvements I do not know.

Mr. KELLEY. Well, I do.

Mr. PAYSON. Then the gentleman might be able to state what the necessity for them was.

Mr. KELLEY. You say they were suggested for the convenience of this man. I suggest that they were made for the exigencies of the duty required of that officer.

Mr. PAYSON. Then, if the gentleman knows, I would be glad to have him state what they were.

Mr. KELLEY. I would like to state to the gentleman that if he will go over to that building he will see in large rooms, made by breaking the partitions between small ones, tables on which have been drawn and prepared scientific plans for the construction of the building, at which he may look and see the shape of every stone that is to go into it, the size, the number which brings it into precise relation to the stone below, above, and on either hand. He will see the preliminary work executed as thoroughly and as scientifically as it can be done or could have been done by any body of architects and engineers and their assistants on the face of the globe.

Mr. PAYSON. I submit to the gentleman that is not shedding very much light upon the precise point.

Mr. KELLEY. It is shedding light upon the necessity for the changes and showing that they were not made for the indulgence of a Sybarite, but for the convenience of an architect.

Mr. PAYSON. I was saying, Mr. Speaker, that it seemed to me that there was a good deal of public money being expended in this matter in an extravagant and unauthorized manner. By looking at the same report I see that among other things thought necessary in the erection of this public building was the purchase of a pair of horses and a coupé, at an expense, with some livery charges added, of $1,408. There are other things of like character, and it looks to me as though this entire scheme which the House of Representatives has been committed to by its action in the last Congress is designed to fit up a "soft place" for an architect for the rest of his natural life.

I do not believe that any architect who ought to be employed to erect a stable, let alone a great public building, should be retained in any employ who presents to his employer a detailed plan for a building which he asserts will cost at the utmost $2,300,000, and then, within a year, states that it will cost over $10,000,000. That is to me utterly and absolutely inexcusable. Other gentlemen may not regard it as I do; but we all know that the public Treasury is full to overflowing, and that the Government is regarded as a great goose which can be plucked by almost anybody who can get a Government contract from competent authority. When the bill for the erection of this building was presented to the House two years ago, I had a suspicion, which now amounts to absolute belief, that Congress was committing itself to a scheme the extent of which would never be known until it was thoroughly completed; and if in its infancy this kind of development is being made, what may we expect hereafter? It is conceded now that the building is to cost at least from ten to twelve millions over and above the site, and if any such estimate had been before the House when the bill was under consideration how many gentlemen who were members of the Forty-ninth Congress will now say that a dozen votes could have been had for such a bill, let alone a vote of two-thirds, to pass it under a suspension of the rules.

This building will now confessedly cost more than the State, War, and Navy building; and who, sir, supposed we were voting for such a building when we passed this bill in the Forty-ninth Congress? No one, sir. I doubt if the bill would ever have been reported even, then.

I remember very well the distinguished gentleman from Mississippi, Mr. Otho Singleton—and a more honest man I never had the pleasure of serving with—asserting on numerous occasions in conversation with gentlemen on both sides of the House, that these estimates were carefully and guardedly made, and it was stated in the report which was submitted to the House in connection with the bill, that the estimates were of that character, and that the estimated cost, $2,300,000, would not be exceeded; yet we are now confronted with an official statement that $10,000,000 will be the minimum, and that the cost may run up to $12,000,000 or $15,000,000. Now, before the committee shall again go into conference I think it is due to the members of that committee and to this House that the gentleman from Alabama [Mr. FORNEY], having charge of this bill, as well as the gentleman from Indiana [Mr. HOLMAN], who is upon a committee which has investigated this subject, and who doubtless has under his hands now details of all this information, shall communicate that information to the House.

I think the House should be informed in regard to all these details, so that it may determine whether it would not be wise policy even now to abandon everything that has been done up to the present time, and to start in with a clean sheet and with advice from somebody else besides Mr. Smithmeyer, the architect of the building now under process of construction. We can cease operations now with a small loss, if thought desirable, and I certainly favor doing so. I trust the gentleman from Indiana [Mr. HOLMAN] will give the House the benefit of whatever information he has on this subject and an explanation of the difference between the situation now and the situation as it was understood to exist a year and a half ago, in order that we may determine whether we shall go on with the construction of this building upon what is known as Plan No. 1, and, if we do so, whether it is possible to do anything else than complete the building, Plan No. 1 being an integral portion of the entire plan presented to us by this architect when the bill was passed.

I am in favor of a building for this library—one which shall be suitable for future needs of the country and appropriate in its architecture; but, sir, I desire to know its approximate cost before I vote to build it, and feel that the agent of the Government is reliable in judgment and statement.

This, thus far in this building, we have not in my judgment had, for it is, in my opinion, impossible to reconcile the immense cost of this building, as now asserted, with honest judgment and estimate by the architect who made the estimate for the committee two years ago.

If these things be so, I think their connection with the building should cease.

Mr. HOLMAN. The committee appointed to make investigation in regard to the new Library has taken a considerable amount of testimony, and would have been able to submit its report to the House at this time but for the absence of the Supervising Architect of the Treasury, whose testimony was deemed desirable. His testimony I hope will be procured in a few days, and then I presume the committee will be prepared to submit its report. The facts, however, which in a general way are within the knowledge of members of the House and Senate, are the facts which have been substantially developed. It is true, as the gentleman from Illinois has said, the House entered upon this enterprise supposing the building was to cost about $3,000,000. Indeed, the different sums making up that amount are distinctly stated in the report made to the Forty-ninth Congress, a former report to the same effect having been made to the Forty-eighth Congress, both reports to the same effect. The first appropriation for the building was to be $500,000; the second, $1,000,000; the third, $800,000; and these sums were to complete the building ready for occupation; and $700,000 would be required, at the rate of about $14,000 a year, during a long period of years, to complete the alcoves for books, the shelving, etc., making the entire expenditure about $3,000,000.

A MEMBER. For the west wing?

Mr. HOLMAN. For the entire structure. A suggestion was made on the floor of the House when the subject was under debate——

A MEMBER. Was the estimate just mentioned by the gentleman given by the architect?

Mr. HOLMAN. I will come to that later. A suggestion was made that that estimate was based upon what is now known as the reduced plan, "Plan No. 1;" but that clearly was a mistake. At least your commission did not so interpret the law, but instantly entered upon the con-

tracts for the excavation for the entire building, contemplating a structure much larger than the great edifice known as the State, War, and Navy Department building, which cost over $10,000,000. So that the impression upon the minds of some gentlemen that the House was not deceived in this matter is clearly a mistake; the House was assured in the most unequivocal terms by one of the most honorable gentlemen then or ever on this floor, chairman of the Library Committee, that the entire cost of this structure—not according to Plan No. 1, which contemplated a partial building, but the entire structure upon the basis of which contracts were entered into at once—would be $500,000 in the first instance, $1,000,000 next year, $800,000 the next year, with finally $700,000, when the entire great structure was completed.

Now, the contracts, so far as I am able to speak on that subject from the testimony taken, seem to have been reasonable enough, and so far they have been reasonably well fulfilled. The delay, which has been a subject of some complaint, but which has produced no injury to the Government, growing out of the controversies about cement, would require for full explanation too long a statement to justify making it, and one which would not be interesting or beneficial. Those contracts, however, are being fulfilled, and are being fulfilled upon the basis of this reduced structure.

Before going further let me correct one mistake of my friend in regard to the pair of horses and coupé. That statement is very nearly correct, but there was in fact only one horse and a coupé. When, however, the present Secretary of the Interior, a very practical business gentleman, became the head of that commission, the coupé and horse were promptly disposed of and the little money realized for their sale—of course the Government always buys dear and sells cheap—went into the Treasury. That put an end to coupé business.

Mr. PAYSON. And then they had to make another purchase of the same kind.

Mr. HOLMAN. Oh, no.

Mr. PAYSON. It appears from the report that fourteen hundred and some odd dollars were afterward spent in that way.

Mr. HOLMAN. Oh, no.

Mr. PAYSON. I beg the gentleman's pardon; that is the fact; but it is a trifling matter.

Mr. HOLMAN. I want to do justice to these men; for resisting as I did for many years and to the last the entire scheme, believing at the time that the House was acting under a misapprehension, I do not feel any too kindly toward this project, and must therefore be careful for fear of doing injustice to these parties. But the horse and coupé were sold as soon as Mr. Secretary Vilas became a member of the commission—sold at a loss, of course; and that was the end of it.

But I think the only real question now is whether we shall stop right where we are or not. The Senate proposition is that in reducing the plan we shall permit the Secretary of the Interior to ascertain the damages incurred by the contractors under the reduced two contracts—that is, for the foundation and for the terra-cotta pipe, which seems to be a separate matter—and that $1,000,000 shall be appropriated to go on with the work under Plan No. 1.

If you stop right now you will avoid the expenditure of the comparatively small sum of money remaining of the $500,000 appropriated. The whole sum of money appropriated up to this time is $1,085,000, $585,000 for the site and $500,000 for the structure. I suppose that the present contract carried out on Plan No. 1 will just about cover the amount of money already appropriated, and will not justify going further. The amount saved, therefore, would not be considerable, while the damages of entire suspension might be considerable to the contractor. It seems to me perhaps just as well, unless Congress is willing to abandon the enterprise, to let the plan go on as it is now until the present contract for the foundation upon the reduced plan is completed and the money already appropriated expended.

Mr. PAYSON. What does the gentleman mean by the "reduced plan?"

Mr. HOLMAN. The original plan covered the entire structure; that was Plan No. 2, the plan which was laid before the House and on which the House voted.

Mr. TAULBEE. And on which the estimates were given.

Mr. HOLMAN. Yes, on which the estimates were given. The reduced plan was suggested by the present Secretary of the Interior. He saw that the scheme was more gigantic and expensive than perhaps was contemplated by Congress and promptly reduced the plan to what is known as Plan No. 1. Even that will cost at least $4,000,000, I think much more.

Mr. PAYSON. Is there any "perhaps" about that? The gentleman speaks very guardedly.

Mr. HOLMAN. The present Secretary of the Interior as soon as he looked into the matter, and acting apparently within the scope of the law, suggested the reduction of the plan so as to construct only the west-front portion of the building and the rotunda or reading-room, which, as I remarked, will cover about one-third of the ground. This reduction of the plan would save about one-half of the whole expenditure of construction.

Mr. PAYSON. In order to see whether I am accurate, I wish to ask the gentleman whether "Plan No. 2," to which the gentleman has referred, is not a substantial portion of the original general plan.

Mr. HOLMAN. Plan No. 2 was the original plan, the entire structure. Plan No. 1 is the reduced plan, and is a part of the original Plan No. 2.

Mr. PAYSON. Then why does not that leave the Government committed to the building of this entire structure under the "gigantic scheme" of which the gentleman has spoken?

Mr. HOLMAN. That is true. The reduced plan is a part of the original scheme. Just one word upon that subject, for it has been somewhat considered.

Mr. PAYSON. Where?

Mr. HOLMAN. By the committee of the House to which reference has been made. At least they have examined the subject as carefully as they could. The statement made by the Secretary of the Interior before that committee is very full and very much in detail and very practical, and I hope that before this matter comes up again it will be laid before the House. It seems to me that the views he has expressed are entitled to great consideration now that Congress has already invested a million dollars in this enterprise.

In this great excavation which has been made there is, of course, an immense space which will not be covered by that building. To construct a building upon Plan No. 1, including the rotunda or reading room, ample for the present and for twenty-five years to come——

Mr. RYAN. Probably fifty.

Mr. HOLMAN. Perhaps fifty years to come will cost $4,000,000 or more. If this partial construction of the building be made, the banks of this excavation being graded down as suggested by the Secretary and also by the Superintendent, a gentleman of intelligence, who was appointed after Secretary Vilas became Secretary of the Interior—if the banks be sloped down with a grassy surface and the ground planted with shrubbery as that in front of the Treasury building, the structure might look well enough—will not be an unseemly affair. Such a plan will, however, keep everlastingly before Congress the suggestion of a vast expenditure to complete the building. That is one of the troubles in a matter of this kind. Of course such a suggestion is always aggressive. But for the present nothing ought to be done, at least in the way of new appropriations.

Mr. RYAN. Would that be the case if the law were repealed?

Mr. HOLMAN. It would not. If the law is repealed you can commence any plan desirable and limit the cost.

Mr. RYAN. Permit me to say that I do not think the idea entered into the mind of any conferee to agree to the Senate amendment without a repeal of the original law.

Mr. HOLMAN. I did not know that the Committee on Appropriations or the committee of conference had reached that conclusion.

Mr. RYAN. I wish to say, and I think I can safely say, that no conclusion will be reached favorable to the Senate amendments without an additional amendment of that kind.

Mr. PAYSON. If the gentleman will yield for a question——

Mr. HOLMAN. That would not be an amendment to the Senate amendment, but an amendment to the House proposition.

Mr. RYAN. The Senate amendment of course leaves the whole subject open, and upon that we have the parliamentary right to provide for the repeal of the original law.

Mr. HOLMAN. Undoubtedly.

Mr. FARQUHAR. And pay damages.

Mr. RYAN. Hence I say——

Mr. HOLMAN. The Senate amendment provides for damages.

Mr. RYAN. I do not think it has entered into the minds of any of the conferees on the part of the House to consent to the Senate amendment, except with such additional amendment as I have indicated repealing the law.

Mr. PAYSON. The gentleman will allow me for one moment. Here is the position we occupy in reference to this building. We have contracted to erect a portion of that building.

Mr. FARQUHAR. One-third of it.

Mr. PAYSON. And the entire structure when completed was not only going to astonish everybody who came here from abroad, but stir the patriotism of every citizen who came to look at it. We propose to take a fractional portion of the general plan of the building and then repeal the law providing for the balance. What will be the result? The result will be that you will have an architectural abortion. Everybody knows that as well as they can know anything. If we are to do away with the original plan we had better rub it all out and commence over again. If we are the victims, as we claim we are, instead of providing for a fractional part of the plan for the Library of Congress, let us repeal the law. Instead of putting up a part of the building and providing for the balance, as the gentleman from Indiana has suggested, by planting some shrubbery to hide it from the people, and with a wall on the other side so that also may be concealed from view, let us repeal the whole law and commence over again.

Mr. HOLMAN. Let me say to the gentleman from Illinois [Mr. PAYSON] that I would gladly see the whole scheme abandoned, but

the reduced building which is proposed would not be an architectural abortion in the opinion of architects and those who understand such matters and are necessarily more familiar with them than most of us are. That partial building with a sloping down of the banks, it is said, would be a very respectable structure. I know nothing about architecture. That is the idea of men who understand this matter as architects, much better than most of us do here.

I wish to add a word, and will then yield the floor to the gentleman from Wisconsin, who is a member of the committee to inquire into the Library building.

The one question is whether you will save by this proposition to expend the balance appropriated on the foundation for the reduced plan. The amount under the control of the commission is not large. It is the balance of the $500,000 already appropriated. Under the House proposition suspending the work and inviting new plans you will have Plan No. 1, which is now in progress, and Plan No. 2, the original plan which was before us when the House voted for the bill, and then we will have beside very valuable matter, that is, full information on the whole subject. As to the balance of the $500,000——

Mr. PAYSON. That was used in putting in the foundations.

Mr. MAISH. I wish to ask the gentleman a question before he takes his seat.

Mr. HOLMAN. Certainly.

Mr. MAISH. The question has already been asked, but the gentleman has not answered it. It is in reference to Mr. Smithmeyer, the honorable and worthy architect, a gentleman of high reputation. I want to ask if it is true, as a matter of fact, as was alleged by the gentleman from Illinois, that Mr. Smithmeyer, the architect, submitted an estimate that the entire structure would cost only $2,500,000? I think that was the amount stated.

Mr. HOLMAN. I ought to answer that question, and yet do not wish to do so without the testimony before me, and yet the testimony upon that point is neither satisfactory nor complete. Mr. Smithmeyer states emphatically, states under oath, that he made no definite estimate. There is a paper which he submitted, perhaps to the Senate committee, which had the matter in charge for a long time, for it was, as gentlemen know, a Senate measure, in which there was at least a partial estimate; but I am not able to state, either on the authority of General Singleton or any other person, Mr. Smithmeyer knew the terms of General Singleton's report or was cognizant of the preparation of the report, or that he made specific estimates of the cost of the building. The matter is singularly obscure.

Mr. KELLEY. I have always understood exactly to the contrary.

Mr. HOLMAN. I have of course no personal knowledge on the subject, but I understand that this gentleman is a competent architect.

Mr. PAYSON. Will the gentleman from Indiana permit me to read an extract from the report of General Singleton's committee?

Mr. HOLMAN. Certainly.

Mr. PAYSON. Coupling it with the statement that this is a report on a bill providing additional accommodations for the Library; and it will be remembered that Mr. Smithmeyer was on the committee and was in constant communication with the members of the House engaged in that service.

Mr. STEELE. Was a member of what committee?

Mr. PAYSON. A commission which was appointed to look into the question of the enlargement of the Capitol for this purpose; and he was in daily communication with the members of the House who were charged with the work during several Congresses while they were engaged in that duty.

This report goes on to state:

The proposed building, as stated, will contain 3,000,000 volumes, with suitable economy of storage. It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms, and the entire exterior structure. The chief element of cost is in the iron alcoves of the interior; and in a building so extensive these may be finished in successive years as wanted for the increase of books. The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 the first year, about $1,000,000 the second, and $800,000 the third, which will complete the building for occupancy in all its parts sufficient for shelving 1,000,000 books and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year. When it is considered that the copyright fees paid into the Treasury amount to over $20,000 a year, while the pecuniary value of copyright publications received annually is very much greater than this, the expenditure will appear moderate in comparison with the great resulting benefits and the national importance of the work.

That makes the total cost of the building, with the exception of the additional shelving required, about $2,323,000.

Mr. STEELE. But Mr. Smithmeyer did not make any such report as that.

Mr. FARQUHAR. And it was not a report on Plan No. 2 either.

Mr. HOLMAN. There is no question that some one estimated the cost of the whole structure at $3,000,000. I now yield to the gentleman from Wisconsin [Mr. CASWELL].

Mr. CASWELL. Mr. Speaker, in order that we may have a few moments' serious thought upon the subject which is now before the House, I will state what information I have been able to gain in connection with the gentleman from Indiana [Mr. HOLMAN] in this investigation. I have no object whatever in the statements I shall make except to inform the House of the exact condition of the question.

We all remember that this question of building a public Library has agitated Congress for many years, and time after time we have rejected propositions that were submitted, because they involved an expenditure of too much money. Even $4,000,000 proposed as the cost was rejected years ago, and within my own recollection, because it was deemed excessive.

Two years ago we passed this law authorizing the construction of a building according to a plan submitted, that would cost $2,300,000, within the next three years, and ultimately $700,000 more money would be needed for additional work within the building, making a total cost of three millions. It was because of that low estimate that the House passed the bill at all. Unquestionably when we did enact that law it was with the understanding that this entire structure would cost but $3,000,000 when completed. It was to be 463 feet and 8 inches long by 332½ feet wide. The construction was begun by the excavation for the entire site. It seemed the commission understood that we were to erect the whole building at a cost of $2,300,000 within the three years and ultimately $700,000 additional in order to make it complete for the purpose intended. As I have said, they commenced the excavation for the whole site of the building, and prepared a foundation for the entire structure. The investigation discloses that this building, if completed, will cost at least $10,000,000, and we have felt it to be our duty to so advise the House.

The number of square feet in the building entire will be 111,000, while the State, War, and Navy Department building, which has grown up within our own recollections, embraces only 93,000 feet. Congress never contemplated the erection of a building far in excess of the War and Navy Department building, and we all understand that. We were greatly deceived, perhaps by our own carelessness and negligence by not investigating the plans further; but certain it is that it was never understood that the extent and cost of the building, according to the plans which were laid before the House by this architect, would even approximate these figures.

I want to say here, Mr. Speaker, that there is not a man on the floor of this House that will approve of the manner in which the building has been carried on for the first year. I concede with the gentleman from Pennsylvania [Mr. KELLEY] that there are many fine tables and fine plans that can be found in the office of the architect; but when I tell him that if he looks at the report and sees that the entire expenditure for this service involved an outlay of some $97,000, he will understand why these "fine things" may be found there. I do not believe that any gentleman would indorse the extravagant manner in which the business has proceeded, and, I repeat, we felt it to be our duty to inform the House of the way in which the work was being continued.

I will say further that since the present Secretary of the Interior has had control of the building, had it under his own charge, an entirely different principle has been inaugurated. I have great confidence in his ability to conduct the building of this Library in a safer and more economic way than ever before.

Expenditures that we can not approve, that were simply outrageous, for supernumeraries that were added in large numbers about the erection of that building; and I want to say to you gentlemen that if this architect is responsible for these supernumeraries and these extravagant expenditures he is not the proper man to conduct the erection of such a building.

Mr. FARQUHAR. I would suggest to the gentleman from Wisconsin that it is the commission that ought to be held responsible.

Mr. KELLEY. He did not employ them.

Mr. FARQUHAR. He had not authority to appoint any one, and he did not.

Mr. CASWELL. And yet he had almost the entire control of the erection of the building. As a matter of fact these commissioners were otherwise employed, and could not give their personal attention to this matter. If there is any man here on this floor who wants to champion the management of this architect and the conduct of that building, I have many things I could say to him which I do not now propose to do, but which would not sound very well.

Mr. PAYSON. Why should you not state them now?

Mr. CASWELL. I have not time.

Mr. PAYSON. There is plenty of time.

Mr. CASWELL. Can you tell me why it was necessary to buy a coupé at a cost of $611? And if it was necessary, why was it necessary when the present Secretary of the Interior discovered it that he should order it sold at an expense of $225? Can any man tell me why he persisted in the purchase of a cement which caused a delay all along through the winter months at a cost of nearly $3 a barrel from foreign manufacturers, when it could be bought of our own manufacturers for about a dollar, and which was said by experts before this committee to be just as good. Can any man tell me why it was necessary for him to keep seven watchmen to guard that fence and hole which he had excavated in the ground? [Laughter.] Can you tell me why he needed five messengers on duty constantly?

Mr. PERKINS. To watch the guards.

Mr. CASWELL. To watch the guards, as has been suggested. No gentleman, as I stated on this floor, would approve this amendment.

Mr. BUCHANAN. Will the gentleman permit me to ask him a question?

Mr. CASWELL. Certainly.

Mr. BUCHANAN. If these appointments were made, were they not made because of persistent urging by members of Congress?

Mr. CASWELL. I do not know how they were appointed.

Mr. BUCHANAN. That might be.

Mr. FARQUHAR. I wish to ask the gentleman from Wisconsin [Mr. CASWELL] one question, and that is: Could he have employed one man even as a watchman or otherwise without the consent of this commission?

Mr. CASWELL. I have no doubt they did consent to it, but I have no further doubt they approved whatever he recommended.

Mr. FARQUHAR. Then let the blame go where it belongs.

Mr. CASWELL. They supposed they had a man on whom they could depend.

Mr. FARQUHAR. That is supposition.

Mr. CASWELL. I am not here with a view to bring any censure upon him. I care nothing about him. He has very excellent qualities and may have some skill; but I was simply speaking as to his administration; and you may pass your judgment as you please. I have said there were a number of supernumeraries; and I will mention one. They had an accountant at a salary of $2,500 a year. I venture to say that he has not an hour's work for him that it will be necessary for him to do in a whole year. Now, it seems for the reasons I have assigned that there should be a better understanding of this matter. In the mean time let me say to this House that you had better pause before you appropriate any more money for the erection of that building and ascertain what is being done.

Our proposition is to go on with one wing of the building. You all know what that is. It is a building 463 feet 8 inches long and 112 feet wide. That will be the size of the structure when completed, and the probable cost will be $4,000,000, including the rotunda.

Now, it may be best to go on and put up that wing. If we are to look one hundred years ahead it is possible that we may construct the balance of the building; but, sir, I for one could not advise the idea of that further construction or that it would be wise to put up just simply that west wing of the building and let it stand there at a cost of $4,000,000. Perhaps it may be necessary to change the plans, and yet considering the work that we have entered upon it may be best to do it. But for one I am not prepared to do it at this session of Congress. I think we ought to look further into the subject before we appropriate more money. I will not say but at the next session of Congress it may be the best thing we can do; but if we do it we propose that this House shall do it understandingly and not grope along in the dark, as they have heretofore. That is all I have to say, Mr. Speaker.

Mr. KELLEY. I desire, Mr. Speaker, without having any present official connection with this subject, to say a few words upon it. It was my privilege to be a member of the Library Committee many, many years ago. I remember two of the works completed while I was on that committee. One was the enlargement of the accommodations for the Library by giving it two wings, each of equal dimensions, with the space then appropriated to it. Another was the construction of the conservatories for the advancement of botany and general science, connected with the Agricultural Department. I have always had a love for and interest in public libraries, and have for many years studied library architecture. I owe my first impulses toward education to the fact that when a young apprentice-boy I was invited to membership in the Youth's Library Company of Philadelphia, and found enjoyment and instruction in its rooms, with its books and its intelligent and aspiring members, who were boys of my own age, its debates, its reading of essays—puerile enough many of them doubtless were—but we were but young boys. I owe, I say, to that association and its influences whatever power I may have since enjoyed of serving my fellow-man, and that a library building, a library room, or the contents of a public library have always had a charm for me.

My attention was attracted to Mr. Smithmeyer years ago by the consideration of his plans for a Congressional Library, and I remember the delight with which I first saw and subsequently studied his plans for the magnificent gothic exterior in which he first proposed to incase the interior of the Library building. It stood there in front of the Clerk's desk through a whole session, and rivaled, according to my judgment, in beauty the finest gothic buildings I had seen on the other side of the Atlantic. I freely confess that I am an admirer of the genius of John L. Smithmeyer, and in a greater degree of the zeal with which he pursues, even now when he has passed possibly the prime of life, all the latest ideas of the highest authorities on architecture as the architectural publications in English, French, and German give them to the world. I speak whereof I know of this man, for his office has been a haunt for my leisure hours, and for eight years when I have been in Washington we have messed together. If I know any living man I know this abused and reviled architect, who, without pay from Congress, for fourteen years competed with the world in preparing a plan for a national Library building which should be worthy of the grandeur of his adopted country and would therefore immortalize his name.

Mr. CASWELL. I think the gentleman is mistaken on one point. I think there is an item of $1,500 paid to Mr. Smithmeyer for plans which were submitted but not adopted.

Mr. KELLEY. There was a competition at one time in which prizes of $1,500, $1,000, and $500, respectively, were offered for plans, and although the plan that Mr. Smithmeyer submitted may not then have been adopted it was approved beyond any other elicited by the general system of competition; and it seems that it is to his great discredit in the estimation of the gentleman from Wisconsin [Mr. CASWELL] that his plan was so much better than the others that he got the $1,500 prize! Now, speaking commercially, I repeat that for fourteen years this patient man of genius has, under invitations extended by consecutive Congresses, competed with the architects of the world, those who submitted plans in the later competitions numbering as high as forty-one, and has not received any pay for that work.

And now he is made the victim of the fact that Congress established an impracticable executive for the construction of a library building, an executive for the expenditure of millions of dollars and the making of many contracts, consisting of three persons—a commission liable to constantly recurring changes in its personality, and by its terms to embrace as one of its members, by virtue of his office, an architect, as if it were intended to fix a probable source of jealousy and discord in the executive department at its very inception. To the Library Commission, consisting of the Secretary of the Interior, the Librarian of Congress, and the so-called Architect of the Capitol, was given all the executive power involved in the construction of the building.

Mr. Smithmeyer was named in the law only as the author of the plan which the commission were to follow; but, governed by common equity as well as by common sense, the commission, when it came to select an architect, naturally chose the man who had made the plans which had stood for fourteen years such competition, and which Congress had finally adopted and ordered to be carried into execution. This is Mr. Smithmeyer's position; he is an employé with no more right to contract for the services of a person than you, Mr. Chairman, or I, who are entirely unconnected with the commission, have. It is not fair, therefore, for Congress to saddle the responsibility upon a gentleman who is devoted to his profession, and who, with no political experience, is unfit to contend with such combinations among contractors and politicians as the expenditure by the United States Government of two or three millions of dollars would inevitably effect.

I think, sir, that the Senate in its amendment has struck the point. I favor the Senate's amendment because I have always thought the Library Commission an utterly impractical executive, one that must ruin any architect it might employ. The Senate amendment proposes to remove this jarring, discordant, ever-changing commission, and to confide the work to the Chief Engineer of the Army. What evidence have we of the fitness of this engineer of the Army for the position? I will point you, sir, to two witnesses, either of which should be conclusive as to this man's genius and training in construction as an engineer. He extricated from doubt and confusion the construction and completion of the State, War, and Navy Department building, which, nearly as large as the national Library building will be when, a century or a century and a half hence, it may be completed and be ready to receive the growing history embodied in all the forms of literature and science that may be recorded by the graphic art.

That was a master-work of execution. The breath of scandal never touched the honored engineer of our Army who superintended its construction; and it will never reach him if the two Houses of Congress shall wisely adopt the plan proposed by the Senate to get rid of an impracticable commission and put the work of constructing the Library building, under limitations adapted to the present necessities of the country, in the hands of a man who put new foundations under the completed Washington Monument. With stone-work 555 feet in height the Army engineer to whom the Senate proposes to confide the Library building made that structure safe for all time to come by re-enforcing its foundations, a work of engineering not equaled in the history of man. This is the officer to whom the Senate proposes to confide the erection of this Library building.

It is said that to put up the west front and the rotunda will present an unseemly structure—an architectural abortion. That rotunda is by the plan larger, much larger, than the reading-room or rotunda of the British Museum, the most wonderful institution of its kind in the world. It is to be 4 feet greater in diameter than the space under the Dome of this Capitol.

When, more than thirty-six years ago, I first visited the British Museum, it presented, as our Library building will do, one front, with the reading-room or dome in the rear. I have visited it often in the *interim* and have marked from time to time the growth of the majestic building which now embodies so much of the history of the past in its jewel cases, its coin cases, and its ruins brought from all classic lands and all the earlier homes of civilization. Rapidly as these have accumulated, it has grown to be able to accommodate them all. So our Library ought to have depositories for these small articles—gems cut in various eras of the past, and ancient coins that our naval officers and

travelers will gather from every land and bring to us, as English patriotism has impelled Englishmen to bring these contributions to the British Museum.

Let us proceed to complete the work we have so well begun. I do not believe that the Congress which passed the law for the erection of this library was either besotted or negligent. I believe that it acted well and wisely. I believe that the action of the architect and the whole records of his office and of the commission will prove this.

But it has been asked, why so many officers? I reply, why so many commissioners to be bored for appointments and contracts by politicians and personal friends? Again it is asked, why has that vast excavation been made and the stone work for the foundation been contracted for? And again I reply, why so many commissioners to be solicited by so many members of Congress and other politicians for contracts and appointments? Do not make a scapegoat of this scholarly man who has had no power to make contracts or bestow appointments. He has honored our country by proposing to give it what the architects of the wor'd, save, I think, one librarian who claims to know something of library architecture—a gentleman whose name is Poole, and who, I believe, resides in Chicago—say is the most perfect building for this purpose that has ever been planned by architectural genius, even when guided by the skill of a trained engineer; for engineering was Mr. Smithmeyer's profession before he devoted himself to his passion for architecture.

This gentleman having thus honored us, we should not disgrace and degrade him, however much howling and ravenous contractors may strive to poison the Congressional mind against him. It is within my knowledge that he is pursued as by a band of hungry thieves, some of whom I know by fame; and knowing their fame I would in their presence put my hands in my pockets if there were coin in them. I know some of these men, and I know some of the members of the House into whose ears they have poured their insidious poison against this almost defenseless man who has thwarted their nefarious plans.

I say, therefore, send our conferees back for a free conference. There is evident doubt whether we would gain or lose by interrupting work on the building at this time. The Senate's proposition is to go on with one front and to thus afford accommodation which will bring into use our present library. This work is all to be done under an Army engineer whose skill and courage, and, above all, whose integrity and practical judgment are a guaranty against the wasteful expenditure of a dollar on any work of which he may have charge.

Mr. CASWELL. I ask the gentleman from Georgia [Mr. CLEMENTS] who holds the floor to yield to me for three minutes, in order that I may reply to some suggestions which have just fallen from the gentleman from Pennsylvania [Mr. KELLEY].

Mr. CLEMENTS. I will yield to the gentleman for the time he has indicated.

Mr. CASWELL. Mr. Speaker, the distinguished gentleman from Pennsylvania [Mr. KELLEY] says that this House has made a victim of this man Smithmeyer. I want to ask him wherein have we made him the victim? Has he not been well paid? If he has not been paid, let him present his bill, and let us compensate him.

Mr. KELLEY. One moment. There is something in character much more valuable than money.

Mr. CASWELL. The gentleman anticipates what I have to say; he does not wait until he hears what I have to say in reply to his suggestions.

Now, will the gentleman say that we have cast reflection on his architect or his plan for this building for the Library of Congress? Not in the least, for every one agrees it is a magnificent plan on a grand scale. No one has taken issue on that point.

I do not wish to detract from his ability as an architect in any respect whatever, but the simple question arises whether he has not made a victim of Congress on a grander scale than it is possible for us to make a victim of him. He stands by and wants that commission under the law to proceed to the construction of a building he had planned that would cost this Government at least $10,000,000, well knowing that we voted and passed the bill under the expectation and with the understanding that it would cost only $3,000,000. Gradually step by step he has allowed a course to be adopted, so perhaps we can not now retreat without loss.

I ask you, then, who has been made the victim? I concede it is a grand plan on a grand scale, and by the machinations and schemes of this architect the building has been prosecuted so that if carried out it will cost this Government $10,000,000, when Congress had utterly refused to go one dollar beyond $3,000,000.

Mr. WHITE, of Indiana. Did the architect make an estimate it would only cost $3,000,000?

Mr. CASWELL. The gentleman from Indiana asks me whether he made an estimate on his plan. To whom do we look for estimates when we propose to erect public buildings except the architect?

Mr. WHITE, of Indiana. What was his estimate?

Mr. CASWELL. He claims that he made no estimate whatever.

Mr. WHITE, of Indiana. Then he is not to be held to blame.

Mr. CASWELL. But he knew the report was submitted to Congress that when Congress passed the law the building would not cost more than $3,000,000.

Mr. WHITE, of Indiana. It was the duty of Congress to make that inquiry in the beginning.

Mr. CASWELL. They relied on him not to allow the cost to exceed the $3,000,000, which was the limit beyond which Congress refused to go. In the testimony a witness on the stand, in answer to that very question, understood Mr. Smithmeyer to say to one of the commissioners it would cost only $3,000,000, but he was not positive as to that. He knew Congress did not propose to put up a building costing a greater sum than that, and yet permitted it to go on, knowing the cost would be some $10,000,000. If there has been any victim at all, it certainly is not Mr. Smithmeyer.

Mr. STONE, of Kentucky. Who made the estimate if the architect did not?

Mr. CASWELL. There was the report of the Committee on the Library, submitted by Mr. Singleton, of Mississippi, that there was to be expended on the building in the next few years $2,300,000, and then $700,000, which was to finish the building. He had that information as to what was the intention of Congress when they passed the law. The chairman of the committee was not expected to make the estimate. He was not competent for that work. The commission was not competent for that work. They relied upon the architect himself, but, as I have said, he stood by and allowed a building to be put up to cost $10,000,000 instead of $3,000,000, which was the limit of Congress when the law was passed.

[Here the hammer fell.]

Mr. CLEMENTS. I will now yield for five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. I desire to say only a single word, not with reference to what has been said by the gentleman who has just concluded his remarks, or to take issue with him or the gentleman from Pennsylvania [Mr. KELLEY] upon the points suggested, for I know nothing of the conduct of this matter.

Mr. CASWELL. Will the gentleman from Mississippi yield to me for one moment?

Mr. HOOKER. I will yield to the gentleman.

Mr. CASWELL. I only want to add a word further to what I have said. The question comes down to this: The proposition by the Senate is to go on with the building 463 feet in length by 112 in width, more than four times the length of its width. Now, is it good policy for us to construct a building which when completed at a cost of about $4,000,000 will be in that shape, nearly in the shape of this paper which I hold in my hand? I ask if that would be good architecture, or good policy for Congress to adopt? I think not.

Mr. HOOKER. Mr. Speaker, in response to the gentleman from Indiana [Mr. HOLMAN] and others, who say that what was done by this House at a former Congress in the way of making the appropriation in question seems to have been done inconsiderately and without proper information. I wish to show in opposition to that statement and on the contrary, as appears from the report and the debate on that question, that the subject-matter—and I say this more for the purpose of vindicating my friend, General Singleton, who is not now but was formerly a member of this House and chairman of the Committee on the Library, not that anything has been said in derogation of him, for I well understand that gentlemen do not mean any reflection upon him, but simply to show that the matter was placed by him before the House, and that the House acted calmly and deliberately and after a full presentation of the whole facts of the case by him. A controversy has now grown up with regard to the expenditures for this work.

Everybody concedes, and it has been undisputed for years, that something must be done to increase the accommodations of the Congressional Library. It was the idea of some gentlemen to make additions to the building at present used, extending it east and west or in both directions as was found available, in order to provide an additional space for the increased number of the volumes of our Library which are accumulating so rapidly and for which there is no room for their storage or even their safe-keeping in the present building. I repeat, that was the idea with some, and a controversy grew up as to whether that old Library building could be extended to accomodate the vast accumulation of books, so largely now in excess of the capacity of the building as to leave scarce room to walk in it, or whether we should construct a new and separate building. When that matter was under consideration in the House, Mr. Singleton made a report on March 23, 1886, the House resolved itself into Committee of the Whole House on the state of the Union, the entire bill and report of Mr. Singleton were read and published in the RECORD which is now before me, and that bill was fully considered. At a subsequent time, after the members had had ample opportunity to read the bill and the report and study it, Mr. Singleton, in a very elaborate speech upon the question, which my friend from Indiana, Judge HOLMAN, complimented most highly at the time and commended in the most favorable terms when giving the reasons which animated the committee to report in favor of a separate building, used this language, giving his reasons *seriatim:*

Sixthly. If economy is to be our watchword, a separate building must be

erected. Any extension of the Capitol heretofore proposed, affording adequate accommodations for the Library, even for twenty years, would involve an expenditure, according to the opinion of Mr. Walter, the former Architect of the Capitol, of $1,500,000, and according to the present Architect, Edward Clark, of $4,200,000, while the estimate for the building proposed by the committee, made by J. L. Smithmeyer, who drew the plan, will cost $2,323,600, making a difference in favor of the Government, according to Walter's estimate, of $2,176,400, or a saving of nearly one-half, and according to Clark's estimate a difference of $1,876,400.

Further along in the same speech Mr. Singleton used this language:

The appropriations asked for—

Showing what the bill contemplated, and that the amount proposed in the bill was for the erection of a building and was entirely outside and independent of the $600,000 appropriated for the purchase of the site—

The appropriations asked for will be $500,000 to begin the work, $1,000,000 at the next session to continue it, and $823,600 at the succeeding session to complete it. This, of course, does not embrace the purchase of the site. It is confidently believed that these sums will finish the building so far as needed at present and for many years to come; and no further outlay need be made by the Government, utilizing, as before stated, the fees from the copyright system to put in shelving, etc., to meet the growing wants of the Library.

It will be observed, Mr. Speaker, that Mr. Singleton's plan did not propose the entire completion of the building, but only a fragment of it, and $700,000 was to be appropriated for additional shelving and for the construction of the alcoves to contain the volumes to be accommodated. This House understood, distinctly understood at the time, that in constructing a great edifice like this it was not natural to suppose that there was a Senate committee which would be able, or even the architect himself who would be able, to estimate the exact cost of the entire building. But this was not a proposition to erect the entire structure for this appropriation, but was a provision, according to Plan No. 1, to finish such portion of the edifice as was needed at that expense, and of course contemplating subsequent increase as the volumes accumulated. In other words, that the building could be added to from time to time as the gentleman from Pennsylvania said was done in the construction of that magnificent edifice the British Museum. The House therefore could not have been misled or could not have acted unadvisedly and in the dark, but evidently had full information on the subject.

[Here the hammer fell.]

Mr. PAYSON. Will the gentleman from Georgia yield to me a single moment to correct the gentleman from Mississippi?

Mr. CLEMENTS. Certainly.

Mr. PAYSON. If the gentleman from Mississippi will read other portions of the report of General Singleton he will find the figures he gave contemplated the erection of the entire structure and its completion, with the exception of the alcoves or iron shelving. That $700,000 was simply to put in furniture as it should be needed. The structure itself was to cost $2,300,000.

Mr. HOOKER. The exterior of the structure.

Mr. CASWELL. It would cost $8,000,000 to erect the exterior structure.

Mr. CLEMENTS. I have nothing to say in the way of criticism or antagonism to the very splendid eulogy delivered by the gentleman from Pennsylvania [Mr. KELLEY] upon his friend, Mr. Smithmeyer; nor have I anything to say in contradiction of what he has said of the importance of a National Library and great libraries in general for the education of the people. I suppose there is no member on this floor that does not see the importance of our Library and the necessity for making early provision for its proper preservation and use; nor do I believe there is anybody in this House at this time who antagonizes the proposition to erect a Library building separate from the Capitol.

I am not here to criticise Mr. Smithmeyer, for the reason that I do not know the source of information upon which the Committee on the Library of the last Congress acted in making their report to this House, upon which the House acted.

Mr. RYAN. Mr. Singleton, in the remarks that have just been read, stated that they were made by Mr. Smithmeyer himself.

Mr. CLEMENTS. I thank the gentleman for the suggestion. The reading of that part of Mr. Singleton's speech escaped my attention. But we are confronted with a state of things with which it is our duty to deal; and it is due to ourselves as well as to the country that we should in a business-like way dispose of this question to the best interest of the Library and of the country.

Now, the proposition under discussion is, first, the clause in the bill as proposed by the House, which substantially is to suspend the work on the Library building until the next session of this Congress, and in the mean time ask for plans from eminent architects throughout the country, for which an appropriation is suggested of $10,000. This will give Congress time to consider these different plans and the merits of this whole matter as it now stands. It is only three months until the assembling of Congress again at the next session. Then we would have additional information and plans from which Congress could intelligently judge and make final decision.

The proposition of the Senate is substantially to appropriate a million dollars in pursuance of the plan already on our hands. It is true that it is said this is with a view of completing only one part of that plan; but there is nothing that dispenses with the balance of that plan. This is simply a quiet way of acquiescing in a plan that was imposed upon the last Congress, and by which it was said at that time would involve a cost of only $3,000,000 to finish ultimately. Now we are told that it will take at least $10,000,000. Is Congress ready to say that they will ratify this expenditure? I do not say who is responsible for it, for I am not informed as to the facts or as to the data on which the last Congress acted.

Mr. WHITE, of Indiana. What evidence have you now that it will cost $10,000,000?

Mr. CLEMENTS. That seems to be an accepted statement; and it is in accordance with the opinion of the Secretary of the Interior, as stated on this floor.

Mr. WHITE, of Indiana. But there is no assurance that the building as now under contract could not be built for $5,000,000.

Mr. RYAN. The part proposed by the Senate, which is perhaps about one-half of the whole, it is estimated will cost not less than $4,000,000.

Mr. WHITE, of Indiana. I have known buildings that were estimated to cost $400,000 that were built for $60,000.

Mr. CLEMENTS. It is very seldom that we hear of a building being completed for less than the estimate, especially public buildings as distinguished from private buildings.

It is the accepted opinion on both sides of the House that this building is to cost in the neighborhood of $10,000,000; which is also the belief expressed by the present Secretary of the Interior, as stated on the floor, under whose supervision this work is going on at this time; and it is to be taken for granted that that intelligent and responsible officer has given some practical business-like attention to this question. Now, is Congress ready to acquiesce in and approve what was done by the last Congress under a misrepresentation of the facts and make haste to say that we will not take three months to make further investigation for intelligent action, but will go under whip and spur and adopt legislation that will involve the Government in the expenditure of $10,000,000 instead of $3,000,000?

Now, if any gentleman can say that $10,000,000 is necessary and proper for the preservation and use of the Library, then I am ready to vote for it; but I think we ought to exercise some practical judgment in the interest of economy, and that we ought not to lose sight, notwithstanding the beautiful sentences of the gentleman from Pennsylvania [Mr. KELLEY] upon the buildings in the Old World and the magnificence of these plans devised for this structure, but occasionally to recur to the fact that we live in America, and that we once boasted of a little Jeffersonian simplicity.

A MEMBER. That is long ago.

Mr. CLEMENTS. Yes, but it would be well for us to recur to it occasionally, at least.

There is no necessity for us to copy after the extravagance of oppressive countries in the Old World in trying to cope with them in extravagant magnificence of structure and grandeur at the expense of the plain, tax-paying, honest citizens of the American Republic. Now, whatever is necessary ought to be voted promptly. Further than that we ought not to go. There is hardly any room for controversy over the fact that the last Congress was made to believe that $3,000,000 would not only complete the outward structure, but would put in all the shelving necessary for the next fifty years.

Mr. KELLEY. One moment. I meant to say, in the course of my previous remarks, but I believe I omitted it, that the last Congress was not stupid or flighty, and therefore it could not have believed that a building covering so many more square feet than the State, War, and Navy Department building covers, and which should be fitted up for library purposes, could be built for less than one-third of what the State, War, and Navy Department building cost. That building cost over ten millions, under the wisest supervision. The Government building in New York cost over nine millions. The Government building in my own State cost about four millions, and my city is building a municipal building the estimated cost of which upon the contract is over eleven millions. I do not want to see the Government of the United States, in erecting enduring buildings for its capital city, shrink behind the villages that are scattered over different parts of the country.

Mr. CLEMENTS. Neither do I want to see this Congress vote one dollar of money less than is necessary for a reasonable and adequate building for the accommodation of the Library and for its proper preservation and use. But we owe it to the people to see that their money is expended economically, fairly, and honestly. We owe it to ourselves that whatever plan we adopt we shall adopt it understandingly, openly, and without deception, knowing and making known so far as we can at the beginning what the building is to cost.

This Congress owes it to itself to call a halt and to ascertain definitely what is necessary, and then to march up promptly and vote what is necessary. But to be asked to vote now in ratification of what must be conceded to have been a misrepresentation is not dealing properly with this question. The gentleman from Pennsylvania [Mr. KELLEY] says that the last Congress was not stupefied or indifferent, and therefore could not have been ignorant of the fact that this building must cost a great deal more than the amount named in the report, and he cites by way of illustration other public buildings in New York and

elsewhere which have cost more money, and also the State, War, and Navy Department building, which he says cost about ten millions or more.

I suppose, sir, that there were not many members of the House in the last Congress who took it upon themselves to investigate the details of the matter so as to ascertain exactly and definitely the number of square feet which the building would cover; but they were confronted here from day to day at this desk, while the Library bill was seeking consideration, with a design or plan of the building, showing what it was intended to be.

The plan was accompanied by the report of the Library Committee, which was headed by the gentleman from Mississippi [Mr. Singleton], than whom a more honest man never sat upon this floor, and in whose statements everybody had the utmost confidence, and from that report which accompanied the design members learn the estimated cost of the building. As I have said, I do not suppose there were many members who undertook to ascertain how much ground the building would cover, either absolutely or in comparison with other public buildings; but there was submitted to the House by that responsible committee an estimate of cost which was doubtless based upon the statement of some architect, and which, from the statements made here to-day, came most probably from Mr. Smithmeyer himself.

Mr. KELLEY. There was also a large lot of ground which the bill proposed to purchase or to condemn for the erection of the building. That ground was before the eyes of members of Congress, and certainly no man who had ever built even a stable could have supposed that a building which was to cover those two squares and the intermediate street could be built for $2,000,000.

Mr. CLEMENTS. It is not to be assumed that every building is to cover the entire area of the site on which it is to be put. According to the gentleman's own ideas of magnificence, there ought to be some room left for shade trees and lawns. It did not follow at all that this building was to cover the entire ground, nor is it at all likely that members went over the ground and measured its area and took that as a measure of what the building was to be. They had before them the report of a responsible committee who had investigated this whole matter, who had conferred with several architects, among them Mr. Smithmeyer, whose plan they selected, and the House accepted the statement which that committee made in their report as to the probable cost of the building, which statement, as it appears in two forms in the report, I now ask the Clerk to read.

The Clerk read as follows:

Any enlargement of the Capitol which would accommodate the Library even as it stands, with room to arrange it, would cost much more than a separate building, because it must necessarily be constructed in the same costly style, with carved Corinthian architecture. Mr. Walter, the former Architect of the Capitol, estimated the cost of an extension of the west front at $4,500,000. The present Architect, Mr. Clark, estimates it to cost $4,200,000, while the plan of a building adopted by the committee is to cost only $2,323,600.

* * * * * * *

The proposed building, as stated, will contain 3,000,000 volumes with suitable economy of storage. It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms, and the entire exterior structure. The chief element of cost is in the iron alcoves of the interior, and in a building so extensive these may be finished in successive years, as wanted for the increase of books.

The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 the first year, about $1,000,000 the second, and $800,000 the third, which will complete the building for occupancy in all its parts sufficient for shelving 1,000,000 books and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year. When it is considered that the copyright fees paid into the Treasury amount to over $20,000 a year, while the pecuniary value of copyright publications received annually is very much greater than this, the expenditure will appear moderate in comparison with the great resulting benefits and the national importance of the work.

Mr. CLEMENTS. The truth is the Forty-ninth Congress voted upon the design of Mr. Smithmeyer for that building as presented in the House and as described in the report made at the time, and upon the estimates there set forth, the ultimate cost of which was to be $3,000,000, including all the interior work that would answer for the next fifty years. The House voted on that question under a suspension of the rules when debate was not allowed for more than thirty minutes, fifteen minutes on each side. Acting in that way the House accepted the estimates which had been presented to their committee and the statements of that committee as reliable. I submit that it is impossible from the record for gentlemen to contend here to-day that the House voted upon any other proposition, or that it ever voted upon the idea of an expenditure of $10,000,000.

In the report just read there is an argument against the extension of the Capitol building to accommodate the Library, a work which it was estimated at the time by the Architect of the Capitol would cost $4,200,000. The report of the committee, read to the House at that time, and upon which it acted, makes an argument against an extension of the Capitol for that purpose on the ground of expense, because a separate building would cost less, the cost of the extension of the Capitol being estimated, as I have said, at $4,200,000. The plan of a separate building was deemed preferable, because for the present an expenditure of $2,300,000 would be sufficient, and ultimately only $3,000,000 would be required. Is there any room for doubt as to the impression made upon the House at the time that bill was passed? Can there be any mistake as to what the understanding of Congress then was?

Mr. KELLEY. Will the gentleman allow me a single suggestion? The extract just read speaks of housing three million volumes. The library which it was then proposed to erect—the whole building—was with the view of affording space for nine to eleven million volumes.

Mr. CLEMENTS. The proposition was to erect a building which, when ultimately finished, would cost $3,000,000, and that an expenditure of $2,300,000 would provide ample room for three million books. The present Library contains far less than a million volumes—perhaps very little over half a million.

Mr. CASWELL. Mr. Smithmeyer goes to work and draws the working plans for the entire building from its foundation, including the excavation.

Mr. CLEMENTS. Certainly. I thank the gentleman for that suggestion. The commission followed up the idea of the act of Congress and what I claim was the expressed intention of that report. Mr. Smithmeyer drew the plan and superintended the work in pursuance of that plan under this commission, and excavated for the whole building.

Mr. HERBERT. And the very extract which has just been read refers directly to the completion of the exterior, and goes on to speak of the cost of the iron shelving inside. The estimate is for the completion of the whole exterior and enough of the iron shelving inside to accommodate 3,000,000 books, which it was estimated would be sufficient library accommodations for the next fifty years. That is what is asserted directly in the extract just read.

Mr. RYAN. I believe also that the contract for the concrete foundation was for the entire building.

Mr. HOLMAN. Oh, of course it was.

Mr. CLEMENTS. I thank the gentleman for these suggestions. All of these facts conspire to show that there was but one intent and that was to complete the building, whatever it was. Here was the plan, here was the description of it in the report, based upon statements and estimates, as now disclosed, of Mr. Smithmeyer.

Mr. PAYSON. Permit me an additional suggestion. The excavations have been entirely made, the foundations have been contracted for and very largely put in, and the working drawings and everything of that sort up to the present time have been made with one idea in view, the erection of the entire building as a whole. This was the idea down to the time the agitation began in this House at this session. And those plans were made under the direction of Mr. Smithmeyer himself.

Mr. HOLMAN. Allow me to correct the gentleman. The plan was changed as soon as the present Secretary of the Interior came to consider the work.

Mr. PAYSON. But all the work done by Mr. Smithmeyer has been in contemplation of the entire structure.

Mr. HOLMAN. Certainly.

Mr. PAYSON. There is no question about that and never has been within my knowledge until this session of Congress.

Mr. KELLEY. The work may have been done under Mr. Smithmeyer's supervision, but he had no more power to contract for any work or insist upon its being done than had the gentleman from Illinois.

Mr. PAYSON. Of course not; but I ask the gentleman from Pennsylvania to remember that the point of contention is whether the House did what it did understandingly.

Mr. KELLEY. No, sir; I understood the gentleman to be contending that Mr. Smithmeyer was responsible for this extension of the work according to the whole plan.

Mr. PAYSON. My friend does not seem yet to apprehend the point of contention.

Mr. KELLEY. Yes, I do. You insist that while Mr. Smithmeyer proposed to put up a building which should be complete in itself and yet should constitute a part of a great building susceptible of enlargement so as to cover the whole ground purchased by the Government, he said the building would house 3,000,000 volumes and would cost only about $3,600,000. Mr. Smithmeyer never said that the building would cost $3,600,000, or any other precise sum.

Mr. PAYSON. But the chairman of the Library Committee, at that time Mr. Singleton, said that he said so. In a speech a copy of which I now hold in my hand Mr. Singleton stated that this estimate was made by Mr. Smithmeyer, the architect; and upon that statement the House voted. The same statement was made repeatedly in the Senate. And Mr. Smithmeyer was in the galleries and about these corridors; he visited members at their houses, as I happen to know, and he never disputed from that time until now what Mr. Singleton said he had stated. Mr. Singleton would go to anybody else for information; and the picture of the building, as designed by Mr. Smithmeyer, stood in this Hall for weeks in front of the Reporters' desk. The statements made at that time by General Singleton were never contradicted by anybody.

Mr. KELLEY. Mr. Smithmeyer is an accomplished and experienced architect, and has built many prominent buildings in Washington and other parts of the country. Experience has taught him that it is impossible in a case of this kind to make a precise estimate; that a professional man should never stake his reputation on anything else than an ap-

proximate estimate; that by reason of changes in the cost of materials and rates of wages, and by reason also of the possibility of modifications in plans, no competent architect would undertake to make for a great building of this kind anything more than an approximate estimate.

Mr. PAYSON. Before the gentleman leaves that point——

Mr. KELLEY. Now, I say for the last time Mr. Smithmeyer was called upon to submit a whole plan for a great Library building for the future—called upon to submit a reduction of that plan so as to relieve the embarrassments of the Library for the present and to accommodate the accumulations by purchase and from the law of copyright for many years to come. He gave an estimate for the three-million-volume library. He never dreamed he was giving an estimate for an eleven-million-volume library.

Mr. PAYSON. Does the gentleman from Pennsylvania think that $2,323,000 is an approximate estimate for the construction of a building which is conceded after one year's delay the minimum cost of which will be $10,000,000?

Mr. KELLEY. He has never conceded that the part of the building which we propose to erect will require $10,000,000 or even $5,000,000.

Mr. PAYSON. But he has never denied that the whole building would cost $10,000,000.

Mr. CLEMENTS. I will now resume the floor. Mr. Speaker, the question I was discussing when the gentleman interrupted me—and I am always glad to yield to him—was, what information the House acted on in the Forty-ninth Congress, and what it was supposed would be the cost of that building which it authorized to be constructed. The gentleman says it could not have been the entire finishing of this building. I will read a few words more from the report, which is perhaps a repetition of what has been already stated:

The proposed building, as stated, will contain 3,000,000 volumes, with suitable economy of storage. It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms and the entire exterior structure. The chief element of cost is in the iron alcoves of the interior, and in a building so extensive these may be finished in successive years, as wanted for the increase of books. The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 for the first year, about $1,000,000 for the second, and $800,000 the third, which will complete the building for occupancy in all parts, sufficient for shelving one million books, and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year.

There is the information upon which this House acted and upon which Congress acted in the Forty-ninth Congress when it authorized the construction of this building, and, as will be seen by what I have read, it was the understanding that the cost of the building should not exceed $3,000,000.

Let me say the action of the commission and the conduct of the work under Mr. Smithmeyer up to this time, and the excavation for the entire building, all go to show there was but one intention on the part of Congress and those who have construed and executed the law, and that was it was to be an entire building.

Does the gentleman contend it is fair to the last Congress to say after the report which was submitted by the Committee on the Library, that this building was not to cost only $3,000,000, and that this architect was justified in proceeding to put up a building which would cost $10,000,000? If the information upon which we acted was reliable, then certainly there is no justification for exceeding the limit under the law. If it is admitted the information was unreliable, then, of course, we are all at sea.

If it turns out that the information upon which we acted was unreliable and that the work is going beyond what Congress and the country understood it would cost, then it should be stopped at once, and investigation should be had and another plan followed so that we may be able to say to the country what approximately the building will cost.

I do not say that it is necessary for us to follow the extravagant notions of the architect or act in accordance with the views of the gentleman from Pennsylvania [Mr. KELLEY], and put up a building to cope in splendor with all the world for the purpose of taking care of the books belonging to the Library of the American Republic.

Mr. WHITE, of Indiana. What was to be the material of the exterior of this building?

Mr. CLEMENTS. I have not before me any specification of what the material was to be.

Mr. WHITE, of Indiana. Was it not to be of marble?

Mr. CLEMENTS. Marble, I think.

What are the facts? There had been an expenditure of $585,000 for the site, and then there was an appropriation of $500,000 to carry on the work. At the meeting of this Congress $200,000 of that amount had been expended, leaving a balance of money on hand for that purpose of $300,000.

Now, in conclusion, I will state again what the issue is, and I wish to repeat that the proposition on the part of the Committee on Appropriations as adopted by the House a few weeks ago, after a much fuller discussion of the question than took place when the bill was passed in the Forty-ninth Congress, was to suspend the work, to investigate, and invite plans from eminent architects throughout the country, for which $10,000 was appropriated, and leave the matter open until the beginning of the next session of Congress, only about three months off; and then, with full information of the facts before us, we can adopt that plan which will not only be an honor to Congress, but which will meet the views of the American people as to what is right and necessary in this connection. There is not much delay about it.

There is no proposition to abandon the idea of a commodious library. It is simply asking that we stop now, in view of facts that have been elicited, in view of the fact that we have been most egregiously deceived—at least the last Congress was—and inform ourselves of the true state of the matter, and then start out anew in the right direction.

Mr. FELTON. That is right.

Mr. CANNON. I wish the gentleman would yield to me for a few minutes.

Mr. FORNEY. Mr. Speaker, I shall have to move the previous question unless we can come to some understanding to limit this debate.

Mr. JACKSON. Has the gentleman the time to yield?

The SPEAKER. The gentleman from Georgia had an hour, which he yielded to his colleague.

Mr. CLEMENTS. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I do not know, Mr. Speaker, what the merits or demerits of Mr. Smithmeyer may be or may have been. I know one thing, that I am willing to vote a liberal appropriation for the erection of a public library building; and after listening to the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Wisconsin [Mr. CASWELL], and having given attention to the matter and heard various suggestions in regard to it, I am willing, in view of the recommendations of the Secretary of the Interior, that this building, in his opinion, as I understand it, should be finished according to Plan No. 1, at an expense not exceeding $4,000,000. I am willing to go on and finish it. It is no objection to me that it can be added to fifty years from now when we may need such addition and we can spend more money upon it, or one hundred years from now, as the demand for increased space arises.

I must confess that I heartily approve the clause of the Senate amendment which places the construction of the building under the charge of the Chief of Engineers, General Casey. He has proven himself and his capacity in the State, War, and Navy Department building, and where an eminent architect failed, Mr. Mullett—at least the plan was severely criticised, and the construction of the south wing also. The north and west wings were successfully and economically constructed under the direction of General Casey at a cost of a very large sum less than it was supposed would be required according to the cost of the south wing.

I am willing in this case to let the conferees go back to the Senate with such expressions of opinion as they have heard here, and with such knowledge as they may have obtained from the views of members on the floor added to the knowledge they had. I would be glad if they would bring in a report of an agreement to repeal the act which does more than authorize the construction of the building according to the Plan No. 1 for a Library of Congress, and according to the views of gentlemen who are familiar with the subject such a plan would be ample for forty or fifty years at least. I think now that we have just as much time to dispose of it as we will have at the short session next winter. Of course I have no defense to make for individual misunderstandings, including my own. I guess I ought to have known more about it, but I did not. We appear, however, to have struck upon a plan where it does seem reasonable to expect that we can get a building inside of $4,000,000 which will answer the necessary purposes for fifty years, and may then be added to if needed.

Mr. FORNEY. I move the previous question on the motion to insist on the disagreement to the Senate amendment.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. Will it be in order to move an amendment to the motion to insist?

The SPEAKER *pro tempore*. It will be if the previous question is not ordered.

Mr. PAYSON. I desire to offer this amendment before the previous question is ordered.

Mr. FORNEY. I have no objection to the gentleman offering it with the understanding that the previous question is then to be moved.

Mr. PAYSON. I do not want to debate it. I ask the adoption of this amendment.

The Clerk read as follows:

That the conferees on the part of the House, on Senate amendment No. 110, be instructed to adhere to the House provision in the bill, relating to the building for a Library of Congress.

Mr. FORNEY. Well, that is my motion.

Mr. PAYSON. Not exactly.

Mr. COBB. I rise to a question of order. I wish to know if the demand for the previous question embraces all of these amendments, or if it is only on the pending proposition?

The SPEAKER *pro tempore*. Only on the pending question.

Mr. RYAN. Mr. Speaker, I desire to ask a parliamentary question. If I understand the proposition of the gentleman from Illinois it is

that the House instructs the conference committee to adhere to the provision of the House bill?

Mr. PAYSON. That is it precisely.

Mr. RYAN. The effect, of course, if that prevails, will be to leave the conference committee tied up on this question.

Mr. PAYSON. That is it, sir; and I think it ought to be done. It does not leave any leeway to accept a proposition from the Senate in the line of the Senate proposition.

Mr. RYAN. The effect of the motion of the gentleman from Alabama [Mr. FORNEY], standing alone, would be to let the House conferees go back for a free conference, after further instructions, on the Senate amendment.

Mr. PAYSON. I amend the Senate amendment with my proposition.

Mr. RYAN. But your proposition prevents them giving the Senate amendment any further consideration whatever.

Mr. PAYSON. Precisely; and the House stands by the House proposition.

Mr. FORNEY. I demand the previous question on the amendment of the gentleman from Illinois [Mr. PAYSON].

Mr. HOOKER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOOKER. This amendment, as I understand the proposition of the gentleman from Alabama [Mr. FORNEY], does allow the conferees of the House to go back and confer with the conferees on the part of the Senate in this matter.

The previous question was ordered on the amendment.

Mr. FARQUHAR. I think the motion of the gentleman from Illinois [Mr. PAYSON] contains more than that. Going back of it is the repealing feature of the old House proposition, and throwing aside all matters of detail in conference. I do not wish to discuss the matter.

Mr. FORNEY. You can vote it down.

Mr. FARQUHAR. Certainly; it can be voted down.

Mr. CANNON. Let it be reported again.

Mr. ANDERSON, of Kansas. Can not the proposition of the gentleman from Alabama be reported again?

The proposition of Mr. FORNEY and the amendment offered by Mr. PAYSON were again reported.

Mr. CANNON. This is the last parliamentary step which can be taken.

Mr. KELLEY. And it is premature at this stage.

Mr. CANNON. I never knew of that motion being made at this stage.

The SPEAKER *pro tempore*. The Chair thinks it is in order.

Mr. KELLEY. It may be in order, but it is premature.

Mr. CANNON. I did not say that it was not in order. I said that it was unusual.

The SPEAKER *pro tempore*. The Chair can not control that.

The question was put on the amendment of Mr. PAYSON, and there were—ayes 12, noes 46.

The SPEAKER *pro tempore*. On this question the ayes are 12, the noes are 46. The noes have it, and the amendment is rejected. The question now is on the motion of the gentleman from Alabama [Mr. FORNEY], that the House insists upon its disagreement to the Senate amendment and agrees to the conference asked for.

The motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will read the next amendment.

The Clerk read as follows:

On page 38, line 8, after the word "office," insert "and the Bureau of Education."

Mr. COBB. Is this the section about the removal?

Mr. FORNEY. It is.

Mr. BURNES. I make the motion that the House recede from its disagreement to the Senate amendment just reported.

Mr. CANNON. What is the amendment?

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

To exempt the Bureau of Education from removal to the Pension building as proposed by existing legislation.

Mr. CANNON. I hope that it will not be receded from.

Mr. BURNES. I make the motion in order to bring the question properly before the House; and I also desire to say that I am in favor of it. The Secretary of the Interior advises us that at this particular time it would result in great inconvenience, and as his judgment has always been sound in these matters, I am in favor of receding.

Mr. CANNON. I only want to say a word about it. Legislation was had in the last Congress which provided that there should be placed in the Pension Office the Commissioner of Railroads and his office; the Commissioner of Education with his office, and the General Land Office with all the records and the clerks. The gentleman from——

Mr. BURNES. And the pension agent.

Mr. CANNON. And the pension agent besides. The gentleman who has led this House in connection with this legislation so far as it was concerned, now upon his sick-bed [Mr. RANDALL], I know gave to this whole question pertaining to that building a very thorough and exhaustive consideration along with the subcommittee——

Mr. BURNES. I would remind my colleague that the distinguished gentleman from Pennsylvania [Mr. RANDALL] did not investigate this matter as thoroughly as the Secretary of the Interior, the gentleman from Massachusetts [Mr. LONG], the gentleman from Kansas [Mr. RYAN], and myself. We went through the Pension building and Bureau of Education, and the Secretary of the Interior was with us. We made a careful examination, and while we thought at the time, and while I still think, there is room enough for all these offices, yet the Commissioner of Pensions is very much opposed to it. He says it is taking room that he needs. The Secretary of the Interior is opposed to it, and asks us to recede, believing it will cause a great deal of confusion; and he asks that for the present year, at least, we should not place the Bureau of Education in that building. In view of this request I think we ought not to move that bureau.

Mr. CANNON. Now, my friend cut me off in the middle of a sentence, and I will have to go back and pick it up. The gentleman from Pennsylvania [Mr. RANDALL] and his subcommittee gave this matter a very thorough and exhaustive examination last year. The proposition went to the Senate, and the Senate almost refused to consider it. They said it was a matter of administration. After considerable effort, as I am informed, the Senate subcommittee, Mr. ALLISON and Mr. HALE and, I believe, Mr. COCKRELL, went in person in connection with General Meigs, as I understand it, to the Pension building and gave a thorough examination of the room in that building. When they came to a second conference they said, "You are right; there is plenty of room in that magnificent building," not only for the Commissioner of Education with his small office, not only for the Commissioner of Railroads and his small office, but for the Land Office and all the clerks and all the records. And they wrote it in the shape of an absolute mandatory law that on or before the 1st day of next December all those offices should be removed into that building.

Now the Land Office has dropped out; it is not to go. The law is modified in that respect. The pension agent has been dropped out; he is not to go. The law is modified in that respect. And now it is proposed to further modify the law so as to let the Commissioner of Education, with his small clerical force, continue to pay $6,000 a year rent in his present location. They say that he has important books and materials for which he requires storage room.

There is plenty of space for storage in the upper rooms, which are not occupied for anything else, and, so far as his clerical force is concerned, the gentleman from Pennsylvania [Mr. RANDALL] was clearly of the opinion, and I am of the opinion myself from what little examination I have been able to give to the matter, that there is not only room for that clerical force, but for a very much larger one. I think the House ought to understand this matter. The law, even after it has been modified as I have stated, provides that the Commissioner of Education shall go there, and I think he ought to go.

With all due respect to the Commissioner of Pensions and to the Secretary of the Interior and all these executive officers—and I am not going to abuse or blame any of them—with all due respect to them I say that I have never yet found an executive officer in Washington who was willing to yield up room when he once got control of it. In the Forty-seventh Congress, when I had charge of the legislative bill, the Committee on Appropriations made a contest in which we had several conferences with the Senate. The proposition was that we would take out of some nine different buildings—fire-traps—in different parts of this city, and condemned buildings at that, the official records of the war and place them in the south and east wings of the State, War, and Navy Department building.

They told us there they had not room. We went through that magnificent south wing of the building, containing, as nearly as I recollect, 100,000 square feet of office space, and there were fifty-one people employed there—they appeared to be lost in space. We put on the amendment providing that these valuable records should no longer be exposed to fire, but should be deposited in that building. The Senate said it was a matter of administration, and the Secretary of the Navy objected, and the Secretary of State objected, but we put in the south and east wings of that building over five hundred clerks and these records, and then they did not take half the space that the fifty-one people had occupied in the south wing. [Laughter.] I repeat, I never knew an executive officer or a bureau officer—and I suppose if I were one I would act in just the same way—I never have seen one of them, Cabinet officer, bureau officer, or executive officer of any kind, who was willing to yield space. They all want room. [Laughter.]

Now, the judgment of Congress has been deliberately expressed, crystallized into legislation, that all these offices should go to this building, and after the law has been changed and modified as I have indicated, allowing several of them to remain where they are, it occurs to me that we had better adhere to the law upon this point and let the Commissioner of Railroads and the Commissioner of Education go into this building.

Mr. FORNEY. Mr. Speaker, I desire to explain to the House the situation. In 1887 we passed a law which required that—

As soon as practicable after the completion as provided for in the sundry civil

act approved August 4, 1886, and not later than December 1, 1888, the Secretary of the Interior shall cause to be removed to the Pension building the General Land Office, the Bureau of Education, the office of the Commissioner of Railroads, and the Bureau of Labor, and vacate the buildings rented for and now occupied by said offices and bureaus or portions thereof.

The Committee on Appropriations moved here to strike out from this requirement the General Land Office, and the Senate has added the Bureau of Education. The Secretary of the Interior asks us to agree to the Senate amendment, for the reason that we have ordered that the city post-office shall be placed in the Pension building, and he desires that we shall wait six months and see what effect that will have. He requests, therefore, that the Senate amendment be agreed to.

In reply to the remark of the gentleman from Illinois [Mr. CANNON] that the clerical force of the Commissioner of Education is small, I have to say that, while it is small, only about thirty-seven persons, there is a large library, consisting of twenty-seven thousand volumes, which will have to be removed, and for which it is said there is not sufficient room. Two of the conferees have therefore asked that the House recede.

Mr. COBB. Mr. Speaker, it has been ascertained there is not in this building to which you propose to remove the Bureau of Education sufficient room to accommodate the bureau proper. Such accommodations as can be there provided are exceedingly inconvenient and unsuitable. There is no place to put this bureau except in the very top of the building, where the thermometer in summer ranges, as I am credibly informed, up to 124°.

I have before me a letter from the Secretary of the Interior which I desire to have read for the information of the House. In this letter it is stated that to save a rental of $4,000, not $6,000, as stated by the gentleman, there will be a loss of $25,000 of the appropriation for this bureau. I have also a letter from the acting Commissioner, giving an itemized statement of the amount of room required, and showing that the accommodations now proposed will be entirely inadequate. I ask the Clerk to read the letter which I send to the desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, July* 30, 1888.

MY DEAR SIR: I observe that by the sundry civil bill, as it has been reported by the Committee on Appropriations to the Senate, the only repeal of the act of March 3, 1887, which required the removal of the General Land Office, Bureau of Railroads, and Bureau of Education to the Pension building, provided for is so much as relates to the Land Office. I do most sincerely think it will be a serious injury to the Educational Bureau and also to the Pension Bureau to compel the removal of the former into the Pension building. It can not but practically strangle the Bureau of Education, for a considerable period at least, and I can not see but that it must seriously interfere with its usefulness so long as it shall remain there. There are now about forty-three clerks and people employed in the Bureau of Education, and they have a large collection of books, models, educational appliances, and bric-à-brac of various character and all contributory to enlightenment. I have visited the Pension building and can not see how this can be stored, except in great part in the fourth story. Practically, it becomes when placed there unavailable for use.

The appropriation in the legislative, executive, and judicial bill on account of the Bureau of Education is, altogether, $50,920. The rent of the building to be saved by this change is $4,000. In order to save this sum of $4,000 of rent I do not hesitate to say that this action will waste $25,000 of the appropriation for the bureau.

I have heard the idea expressed in casual conversation that the Bureau of Education was not an instrumentality of especial value, and I fear that this idea has had something to do with the willingness to cripple it by this removal.

I do not concur at all in the sentiment; but if the sentiment is to have any influence, and especially under the plea of economy, it should take an effective direction to accomplish the latter end; and this would require that, in case of this removal being insisted upon, a great part of the force should be discharged and the appropriation made for the conduct of the bureau diminished. I do not doubt that it could be diminished one-half, upon the theory of the removal, and as effective work be accomplished as if the same number of officers and employés shall be retained now provided for, because they can not work to advantage in such quarters as can be assigned in the Pension Bureau.

The legislative bill has made provision for the rent of the building now occupied by the Bureau of Education only until the 1st of December next, appropriating $1,667 for that purpose, one-third of the annual rental. The time is short and the pressure upon Congress, and especially upon you, my dear sir, I recognize to be very great at this juncture. Is it not the part of wisdom to continue that bureau where it is for the remainder of this fiscal year, which will involve but $2,333 more (perhaps less than the cost of its removal), and review this subject at the next session with more attention than can now be allowed to it?

If it be possible for yourself, or some member of the committee, to give an hour or an hour and a half to a personal examination of the circumstances, I feel convinced you will recognize by a survey of the buildings and the property involved the imperative urgency and wisdom of the suggestion I venture to make.

The provision for the post-office within the area of the Pension building will make that building as thoroughly occupied as almost any Government building in the city, perhaps quite as much.

I have the honor to be, my dear Mr. Chairman,
Very respectfully, your obedient servant,

WM. F. VILAS, *Secretary.*

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

The question being taken on the motion of Mr. BURNES, that the House recede from its disagreement to amendment numbered 116, it was decided in the affirmative—ayes 49, noes 14.

Amendment numbered 118 was read, as follows:

Insert the following:

"That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value."

Mr. FORNEY. I move that the House insist on its disagreement to this amendment.

Mr. RYAN. The House, if I recollect aright, disagreed to this amendment at the instance of my friend from Indiana [Mr. HOLMAN], who stated at the time that he desired to give the conferees some information on the subject. If he has any information, I would like him now to state it to the House, so that we may understand the reasons which actuated him in asking the House to disagree to the amendment.

Mr. HOLMAN. Mr. Chairman, it is well known we have districts where the public lands are covered with timber which is valuable, and yet not valuable as sawed and hewed timber, and which is manufactured not only into cordwood and charcoal, but is being very rapidly appropriated. The law is liberal as to the timber on the public lands. I find a statement published in The Globe, a leading newspaper of New York City, which seems to be copied from the New York Herald, stating what I understand to be substantially the facts in regard to the manner in which the public lands are being denuded of timber of a commercial value, and of great consequence to the farmers and those engaged in carrying on mining operations. I ask the paragraph of that statement which I have marked be read by the Clerk.

The Clerk read as follows:

IN THE INTEREST OF RICH CORPORATIONS.

"The proposed legislation," says Mr. Stockslager, "is purely in the interest of large and wealthy mining corporations, foreign as well as native, and also in the interest of railroad corporations who have in many portions of the country monopolized the cordwood-cutting and charcoal industries. I am warranted in stating that it originated in the desire to prevent the prosecution of anticipated suits which have since been ordered, upon the recommendation of this office, against the Richmond Mining Company and the Eureka Consolidated Mining Company, owning mines in Nevada, for the recovery of $9,517,461. The total value of wood and charcoal derived from timber cut by and for these companies upon the public lands aggregates 1,305,964 cords of wood, from a portion of which were derived 28,704,662 bushels of charcoal."

TIMBER LANDS DENUDED.

"These two companies alone have literally laid bare the hills, mountain ranges, and cañons within a radius of 35 miles from Eureka, not sparing the undergrowth, but taking everything from 3 inches and upward, not simply 'dwarfed and scrubby timbers,' but mahogany, cedar, and pine trees. Even the stumps of the trees have been removed. These depredations are rendered the more aggravating by the fact that the Richmond Mining Company is exclusively a foreign and British corporation, organized in London, England, having for its manager an alien, who is a British nobleman connected with the Duke of Northumberland."

Mr. HOLMAN. Whilst this purports to be an interview with the Commissioner of the General Land Office, I do not know that it is an exact report of what took place on that occasion, but I have no doubt it substantially states the facts and the view he entertains and expressed. I will ask the gentleman from Kansas whether a letter of the Commissioner of the General Land Office, Mr. Stockslager, was not before the conferees?

Mr. RYAN. The conferees had some information of it.

Mr. HOLMAN. Otherwise I would have gone before the conferees myself.

If this statement be true, and I think it is, as that is the information I have derived from the Land Office, if what has been read are the exact words of the interview on the part of the Commissioner of the General Land Office—and I do not know whether they are or not, except they substantially agree with the information which I have—if that be true, then this House can not upon that information agree to prohibit or suspend those prosecutions.

Mr. WOODBURN. I move that the House recede from its disagreement to the Senate amendment.

Mr. Speaker, the sundry civil bill appropriates $350,000 to protect the public lands, to adjust swamp-land entries, and to guard against depredations of the timber on the public domain. This amendment simply provides that none of that money shall be expended in the investigation or in the prosecution of any person in the mining regions of the United States for cutting dwarf or scrub timber that can not be hewed or squared into timber of commercial value. A Senator from the State of Nevada offered this amendment to the House bill.

No matter whether the article just read at the request of the gentleman from Indiana [Mr. HOLMAN] be true or not, I say this amendment would never have been necessary except to prevent the repetition of an order by the Commissioner of the General Land Office by virtue of which six miners were arrested in the arid regions of Nevada, and brought 300 miles to the capital at Carson, indicted and tried for misdemeanor in cutting the character of timber described in the amendment. They were acquitted after trial in a court of the United States. To prevent the recurrence of such an order, because other prosecutions are threatened, this amendment was offered.

Every man in that mining region, as well as every corporation, is threatened with civil suits in order to recover the value of the scrub timber cut in the last thirty years, as the statute of limitations does not run against the Government.

If the Richmond Mining Company be liable for cutting this timber, if the Eureka Company is held to be liable, so also is every individual in the entire arid region of Idaho and Colorado. The miners of that region, as well as the corporations, have for the last twenty years enjoyed the right and privilege of cutting that kind of timber without any molestation from the Interior Department. They have been in the undisturbed and notorious possession of that right during all that period. Without that right not a single furnace, quartz-mill, or mine

in all this region can be worked at all. It is indispensable to the very existence of the miner, and the framers of this legislation, those who reported the act of 1878, which still stands on the statute-books, and for the violation of which these miners were arrested, when it came into this House from the Senate of the United States, accompanied it with a report which places upon it a construction entirely different from that of the Commissioner of the General Land Office. The Committee on the Public Lands of this House must have placed the same construction upon it. The members of the two Houses of Congress who voted for it must have understood it the way the Senate Committee on the Public Lands did. And what do they say? I read from the report:

The committee, having carefully considered the subject of timber and timber lands, and after mature deliberation with a view of devising the best methods of preserving, cultivating, and disposing of the same, have come to the conclusion that a distinction should be made between such trees as grow upon the mountains in the mineral districts, and the forests of pine, oak, and other timber that grow in the more level portions of the country.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Nevada will suspend.

The hour of 5 o'clock having arrived, the House, in obedience to its previous order, takes a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by the Speaker *pro tempore* [Mr. BLOUNT].

Mr. O'NEILL, of Missouri. Mr. Speaker, I desire to ask the indulgence of the members present to permit me to call up this evening the bill (S. 2356) to provide a pension for Mrs. Adeline Couzins. I have had no recognitions whatever during all of our meetings here to call up a bill. This is the first time that I have made a request in that direction. This lady was actually wounded on the field of battle while attending to our wounded soldiers. I simply ask recognition now to take up this bill before going into the Committee of the Whole, and put it upon its passage.

Mr. RYAN. There are other very meritorious bills, and I think we had better proceed in the regular order.

Mr. O'NEILL, of Missouri. I hope the gentleman will not insist upon his objection to this bill.

Mr. RYAN. I am not objecting to the bill. I am only insisting that we can get along a great deal better by proceeding in the regular way.

RECOMMITMENT OF A BILL.

Mr. THOMAS, of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill (S. 2490) granting a pension to Nicholas T. Lawrence, be taken from the Committee of the Whole House and recommitted to the Committee on Pensions. I make this motion at the request of some of the members of the committee.

The motion was agreed to, and the bill was recommitted to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

Mr. PAYSON. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair understands there is objection to the request of the gentleman from Missouri.

Mr. PAYSON. I have not risen to object to the request of the gentleman from Missouri, but I desire to give notice that after his request is disposed of I will make a motion that the recognitions this evening be accorded to the members present, as was done on last Friday; that is, that the roll be called in alphabetical order, to begin from where the call ended on the last evening.

Mr. CHIPMAN. That was the motion the committee intended to make.

Mr. PAYSON. After the disposal of the motion of the gentleman from Missouri, I desire to submit that request.

Mr. KILGORE. I demand the regular order.

Mr. PAYSON. I make the motion I have indicated.

Mr. CHIPMAN. I move that the House do now resolve itself into Committee of the Whole on the state of the Union for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills under the special order.

Mr. CHIPMAN. Mr. Chairman, I move that the committee resume the call of the roll where we left off on last Friday night, and that each member as his name is reached be permitted to call up one bill.

Mr. O'NEILL, of Missouri. Where did the call end before?

The CHAIRMAN. The Chair is advised that the call ended with the name of the gentleman from Kansas [Mr. PETERS].

Mr. O'NEILL, of Missouri. Then I object.

Mr. RYAN. Then let us have a vote on the motion.

The CHAIRMAN. Objection being made, the Clerk will report the first bill on the Calendar.

Mr. THOMPSON, of Ohio. I hope the gentleman from Missouri will withdraw his objection.

Mr. O'NEILL, of Missouri. I shall not insist upon it.

The CHAIRMAN. The Chair will regard the objection as withdrawn; and if there be no further objection that order will be pursued this evening.

There was no objection.

MARGARET GRAY.

Mr. POST. I call up for present consideration the bill (H. R. 11057) granting a pension to Margaret Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Gray, mother of Wilson S. Gray, deceased, late of Company G, Eleventh Illinois Cavalry.

The report by (Mr. LANE) was read, as follows:

Margaret Gray is the mother of Wilson S. Gray, who enlisted in Company G, Eleventh Regiment Illinois Cavalry, and was killed November 17, 1864, near McDonough, Ga. Her claim for pension has been rejected by the Pension Bureau on the ground that the soldier was not killed in the line of duty.

The report of the Adjutant-General shows that the soldier was killed at the time and place alleged by a pistol shot fired by a comrade, J. W. Todd, who was tried by a general court-martial for murder, and convicted of the crime.

It appears from the testimony produced before the court-martial that Gray on the day of the shooting received permission from the commanding officer, while on the march, to go from the road to forage. He was accompanied by J. W. Todd and two or three others of the command. Todd had been drinking, and when the rest of the foragers wanted to return to the regiment he refused unless he would be furnished another drink.

After he was given a drink he again refused to go to the camp, and wheeled his horse in the opposite direction. Gray and one Thomas Conner, anxious to have him return to camp safe, followed up and tried to persuade him to go with them. While Gray was close up to Todd the latter pulled his revolver and shot at Gray, killing him almost instantly. It further appears from the evidence that up to that time Gray and Todd were intimate friends, and always, if possible, in each other's company.

The captain of this company testifies that he detailed Gray to go out as a foraging squad under a non-commissioned officer. While at a plantation J. W. Todd, one of the party, got some kind of liquor and became crazy drunk, and would not leave the place with the others of the party. He was left, but fearing that he might be picked up by the enemy, Gray returned, and while attempting to persuade him to return, he, Todd, pulled his revolver and shot Gray through the body.

The captain further states that Gray was a splendid soldier, always ready for duty, and never intoxicated.

The claimant was dependent upon the son at time of his enlistment. She has no income from any source except that derived from her own labor and the labor of the soldier's father, which is inadequate to a comfortable support because of his physical disabilities which have existed for many years past.

There is nothing in the evidence in the case, including the testimony taken before the court-martial in the trial of Todd, pointing towards any personal difficulty between the parties up to the time of the firing of the fatal shot, or any misconduct or provocation on the part of the murdered man. On the other hand, it is clearly shown that he was in the act of attempting to keep out of difficulty one who up to that time had been a friend.

The committee are of the opinion that this old and dependent claimant should have the relief asked for, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES HAHNEMAN.

Mr. ROCKWELL. I call up the bill (H. R. 11021) to increase the pension of Charles Hahneman.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to increase the pension of Charles Hahneman, late a private in Company C, Forty-first New York Volunteers, and pay him at the rate of $50 per month, in lieu of the pension now paid to him.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11021) to increase the pension of Charles Hahneman, have had the same under consideration, and beg leave to submit the following report:

Charles Hahneman is now on the pension-roll at $24 per month for right inguinal hernia under special act approved February 4, 1887. In addition to this unusual great disability he is a great sufferer from asthma, which, however, is not satisfactorily showu as chargeable to his military service, although its existence ever since discharge is clearly established. The hernia was incurred in the service by being struck with a musket in the hands of a Confederate soldier.

The increase to $24 by special act from $16 per month previously allowed by the Pension Bureau was based upon the rating of the Albany, N. Y., medical board on October 20, 1886. The disability has much increased since that date, but inasmuch as the special act fixed a rate for the pension the Pension Bureau is estopped from granting a pension for this increased disability.

Pensioner has filed with your committee the affidavits of three reputable physicians who have given him careful examination, and who, in substance, make the following statement regarding the disability:

"He has right inguinal hernia, descending into and distending the scrotum to a great size. The circumference at the largest part is 17½ inches, and at its smaller part, close to the body, is 16½ inches. The inguinal ring is 3 inches in its largest diameter and 1 inch in its shortest diameter. The hernia can not be entirely reduced, and constantly fills the scrotum, rendering him entirely helpless. The hernia totally disables him, and he has to be constantly waited upon. The care of him is unusually laborious and wearing. For the past two years he has been unable to wear any truss; he can not sleep at night on account of the asthma; the cough increases the size of the hernia; heart disease also adds to his deplorable condition."

A number of neighbors also testify to the pensioner's helplessness and the necessity of constant aid and attendance of another person.

From all the evidence before your committee they are of opinion that the pension now paid Hahneman is entirely inadequate to the degree of disability from his Army injury, and therefore return the bill with the recommendation that it do pass, amended, however, by striking out the word "fifty," in line 6, and inserting therein instead the words "forty-five."

The amendment recommended by the committee was agreed to.

The CHAIRMAN. Without objection, this bill will be laid aside to

be reported to the House with the recommendation that it do pass. The Chair hears no objection.

Mr. KILGORE. Mr. Chairman, I will have to make a row about this bill.

The CHAIRMAN. What is it?

Mr. KILGORE. My understanding of the history of this case is that this man was put upon the roll by a special act of Congress. He was originally put on the roll by a special act, and it is proposed now by a further special act to increase the pension from $25 to $45 per month. I think in such cases there is something due to the office, after an impartial and thorough investigation has once been made which has resulted in the rejection of the claim. There ought to be some respect paid to the department and to its judgment.

Mr. ROCKWELL. Mr. Chairman, a special act was passed upon my presenting a bill to the House for that purpose in 1887. At that time the committee thought that $24 a month was the proper amount to rate this man's disability. The committee now think it should be $45 a month, as the applicant is utterly helpless.

This man was injured while in the service, as the report which has been read shows, by a blow from a musket in the hands of a Confederate soldier. The case as originally presented to the Pension Office lacked certain elements of evidence; so that that office, while it accorded him a pension of $12 a month, thought he ought not to have the $24 to which under the law he was entitled for that degree of disability; but while the bill was pending in the House he received the pension of $12 a month at the Pension Office.

The reason some evidence was lacking originally in the case was because the applicant was a member of a German regiment raised in New York. It was nearly cut to pieces, and it was almost impossible to procure the evidence of any of his comrades.

Mr. KILGORE. Was there an application made at the office?

Mr. ROCKWELL. Yes, sir; and they granted him a pension of $12 a month.

Mr. KILGORE. You say there was an application for an increase at the office?

Mr. ROCKWELL. No, sir; you can not make an application for an increase of the pension at the office where a pension has been granted by a special act of Congress. It takes it out of the category of claims which are considered by the office. When once a bill of this class has been passed by the House it takes it out of the jurisdiction of the Pension Department, and the man has got to come to Congress for additional relief. That is the reason that the application is not now made at the Pension Office.

Mr. KILGORE. Put it at $25 a month and I will not make any objection.

Mr. ROCKWELL. I put it originally at $50 a month upon suggestion from the committee.

Mr. KILGORE. I know.

Mr. ROCKWELL. And the committee have reduced it to the amount fixed in the bill. Although this man is on his death-bed, I would not consent to $25 a month. I know the case personally; I know the applicant. I will not stand as a Representative upon this floor and accept in a case of this kind what I do not regard to be just or right. I think if the gentleman from Texas will consider the matter he will himself understand the position here and agree with me. The man is now getting $24 a month, and this only increases the amount to $45. He is perfectly helpless, and will be on the roll but for a short time.

The CHAIRMAN. Without objection the bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

The name of Mr. ROMEIS was called.

Mr. ROMEIS. The bill I intended to call up I am informed is in the House.

The CHAIRMAN. The bill the gentleman has sent to the desk is one on the special roll, and is not subject to consideration in the committee.

CARL M. SCHWANTES.

Mr. RYAN. I call up for present consideration the bill (S. 2716) granting a pension to Carl M. Schwantes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Carl M. Schwantes, late private Company K, Fifty-third Regiment Illinois Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2716) granting a pension to Carl M. Schwantes, submit the following report:

The report of the Committae on Pensions in the Senate sets forth clearly the facts in this case, and is hereby adopted, and the passage of the bill recommended.

[Senate Report No. 1271, Fiftieth Congress, first session.]

The claimant under this bill enlisted August 27, 1861, and served until July 25, 1865, when he was honorably discharged from the service of the United States, and mustered out under General Order No. 26, at Louisville, Ky.

On July 12, 1881, he made application for pension, alleging as a basis for his claim "that while on guard February 3, 1865, from cold and exposure his system suffered severely, and he has never recovered his health."

In a subsequent affidavit, filed November 20, 1882, he claims pension on account of "chronic inflammation of kidneys."

The claim was rejected March 14, 1883, by the Commissioner of Pensions, on the ground of "claimant's failure, after a reasonable time and due notification, to furnish the necessary evidence to establish it."

The records of the War Department furnish nothing to support the allegations of the claimant. The claimant in his original declaration explains that on the 3d day of February, 1865, while in the service and line of duty, in obedience to the orders of his superior officers, he waded through some twenty-four streams of water during the march; that the weather was cold, and that he was chilled through; that on the night of February 3, 1865, he was detailed for duty with his company on picket line, and that he staid on picket duty all night; that his clothing and person were wet and cold, and through the exposure thus caused and other exposure suffered on the same campaign * * * he contracted the disabilities alleged in his declaration, and that he is now entirely disabled and unable to attend to his business, that of a farmer. He further states he is unable to furnish medical testimony of treatment in service, for the reason "that no physician treated him for said disease of the kidneys, as he was not always near a physician, and used such household remedies as he could obtain."

Capt. D. H. McFadden, commanding the company, says: "Probably resulted in the injuries he sustained." Captain McFadden fully corroborates the claimant as to the march through the swamps and subsequent duty on the picket line. This is also set forth in the affidavit of J. M. Jones, private of Company G, same regiment, but only knows of the disability "by the statement of the claimant." Same statement substantially is made by Comrade E. R. Hay, of Company G, who says that claimant "claims to have taken cold, so he was disabled thereby."

William H. Throckmorton and George W. Keever swear May 7, 1881, to an acquaintance of twenty-five and twenty-two years, respectively; that he was physically a sound man prior to enlistment; and that at date of discharge they knew he was broken in health and unable to earn a living by manual labor: that his disability has continued from date of discharge to present time, and that they believe his sickness and general disability was caused by exposure while in the service of the United States, and in the line of his duty.

A. W. Jones, January 4, 1882, swears to an acquaintance of eight years last past; that he was sick and unable to work for a considerable portion of the time, * * * physically unable to do a full man's work. The credibility of affiants is fully established by the certificates of postmasters.

The examining surgeon at Burlington, Kans., March 1, 1882, gives him a rating of one-fourth total for colds and other disabilities, and that the disability is probably permanent.

The board of surgeons at Emporia, Kans., rate him at the same, one-fourth total, on "claimant's statement, which we believe to be true," for kidney disease.

The incurrence of the disabilities alleged in the service and line of duty is not very clearly established, except by the sworn statements of the claimant himself; and, taking into consideration his excellent character for truth and veracity furnished by leading citizens of Burlington, Kans., his present abode, and his present financial and physical condition, your committee feel justified in recommending the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SYLVESTER STEARNS.

Mr. SENEY. I call up for present consideration the bill (H. R. 7516) to increase the pension of Sylvester Stearns.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to increase the pension of Sylvester Stearns, of Fostoria, Ohio, late a member of Company K, Forty-ninth Regiment Ohio Volunteer Infantry, to $50 per month.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7516) granting an increase of pension to Sylvester Stearns, submit the following report:

Sylvester Stearns, private of Company K, Forty-ninth Regiment Ohio Volunteer Infantry, enlisted September 5, 1861; discharged November 30, 1864; filed his application for pension in the Pension Office January 17, 1865; granted a pension of $15 a month to date from June 6, 1866; $18 a month from June 4, 1872; $20 a month from March 3, 1883, for a gunshot wound of the left shoulder, received at the battle of Chickamauga Creek, September 20, 1863. Hospital report shows gunshot wound, left humerus. His captain states on oath that claimant was wounded in the left shoulder joint at the battle of Chickamauga. Ex-surgeon J. H. Haer, December 10, 1864, reports him totally disabled by reason of gunshot wound in left shoulder, fracturing head and neck of the humerus, entire use of the left arm lost.

The last board of examining surgeons, composed of Thomas I. Lewis, George L. Creg, and James F. E. Fanning, at Tiffin, Ohio, July 29, 1885, testify to his total second grade disability on account of gunshot wound, left shoulder joints, and results, and that the disability has increased. He has pain of neuralgic character in both shoulders, which is so severe that he can not sleep at night. He is weaker and has more pain in the left shoulder than when present rating was granted. They further said that upon examining the applicant they found in relation of height to the weight, emaciation and atrophy of the muscles of the left shoulder, and that he does not follow or gratify any vicious habits.

After a careful examination by your committee of this case we are satisfied that his disabilities are of the progressive nature and constantly increasing, and according to evidence on file that his entire system has been affected as to cause partial paralysis, and that he is clearly entitled to an increase of pension, and recommend that the bill do pass, with an amendment, by striking out, in lines 6 and 7, "$50," and inserting "$36" in lieu thereof.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH G. SCOTT.

Mr. STEELE. I call up for present consideration the bill (S. 944) increasing the pension of Mrs. Elizabeth G. Scott.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Elizabeth Goodale Scott, widow of Robert N. Scott, deceased, late lieutenant-colonel Third United States Artillery, at the rate of $50 per month, in lieu of the amount now received by law.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 944) increasing the pension of Mrs. Elizabeth G. Scott, would report as follows:

The committee recommend that the bill pass, and adopt the report of the Senate Committee on Pensions, as follows:

The late Robert N. Scott, lieutenant-colonel Third Artillery, entered the

service as second lieutenant, February 21, 1857. During the war of the rebellion he was transferred to the Adjutant-General's department, rendering service therein and in the field, which was rewarded by two brevets and honorable mention in general orders. After the war he served as aid-de-camp on the staff of General Halleck until 1872; professor of military science and tactics at Faribault, Minn., until 1873; commander of his battery until 1877; and from that date until his death, in 1887, he was engaged in the compilation and publication of the official records of the Union and Confederate armies. Added to these duties he was, during 1877 and afterwards, variously employed in the compilation of Army regulations, as secretary to a Congressional commission on the reorganization of the Army, and as a member of the Army Regulations Board.

The work of compiling and publishing the records of the Union and Confederate armies, on which Colonel Scott was engaged during the last ten years of his life, was probably the most involved and difficult ever imposed upon a military compiler. To cull and arrange out of the confused and sometimes chaotic mass of Union and Confederate reports a full, just, and intelligible history of events, and omitting therefrom the vast body of superfluous or irrelevant material, required industry, patience, and methodic intelligence of the highest order. These qualities Colonel Scott manifestly possessed, for his labors received the highest commendation of his superiors and military critics at home and abroad. He prosecuted the work with a zeal which surpassed enthusiasm, and amounted to an utter absorption of time and faculty, for during all these years it is certified that he never took a holiday, nor spared time for a midday lunch; and that when office was closed he carried papers home with him and remained engaged on them, as a habit, until after midnight. This continuous labor, without recreation, wore out his strength until, when he was attacked by a slight cold, he had no vitality to resist it, and died. Surgeon O'Reilly, of the Army, who was for years his physician, states:

"I look on his death as being as much caused by his entire devotion to the Government service as though he had been killed in battle."

Services of a quasi extraofficial character like these by Colonel Scott, and of equal difficulty and importance, performed through a series of years and with so total a disregard of the limitations of prudence and duty, are not compensated for by mere pay and allowances. Nor, while the country neither exacts nor desires of its agents unreasonable service, can it afford to allow patriotic sacrifice to go unrecognized. It is plain that this officer, in his enthusiastic devotion to duty, the performance of which he felt could neither be shared nor delayed, went down to his grave before his time, depriving the country of superior talents especially trained and prematurely removing from his family their protection and support. The committee, having just appreciation of Colonel Scott's labors, and believing that excessive devotion to duty is not likely to grow into a habit so common as to become a burdensome precedent, think it reasonable that the pension to his widow should, as asked, be increased to the moderate sum of $50 per month; and they recommend the passage of the bill to that end.

Mr. CHEADLE. Mr. Chairman, this bill is one of the same character to which I have heretofore objected unless acted upon by a quorum.

Mr. STEELE. I am perfectly content that the bill shall stand upon its own merits, and let the House act upon it.

Mr. CHEADLE. I am perfectly willing that this bill shall take the same course which has been pursued in similar bills; that it go over to be voted upon in a full House.

Mr. STEELE. That will be satisfactory to me.

Mr. CHEADLE. Let the bill and report be printed in the RECORD and go over to a full House.

Mr. STEELE. There will be no opposition to this bill. I am entirely satisfied that the bill shall stand upon its own merits. This officer was literally worn out in the service. He leaves a widow with five daughters surviving him, and they are entirely dependent.

I ask that the bill be reported to the House with the recommendation that the previous question be ordered upon it, with the right of fifteen minutes' debate on each side, and that its consideration be postponed until to-morrow morning, immediately after the reading of the Journal.

Mr. WASHINGTON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WASHINGTON. Can this committee make an order which will bind the House?

The CHAIRMAN. No; the committee only makes a recommendation, which must be ratified by the House.

Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was so ordered.

NELSON J. CROOK.

Mr. STONE, of Missouri. I ask consideration of the bill (H. R. 3801) granting a pension to Nelson J. Crook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Nelson J. Crook, late a member of Company D, of the Third Missouri Cavalry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. WALKER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3801) granting a pension to Nelson J. Crook, make the following report:

The bill is to grant a pension to Nelson J. Crook, private in Company D, Third Missouri Cavalry. The claim for pension is based on an alleged injury to the eyes received in line of duty during the military service of the claimant.

The evidence clearly shows that the claimant's eyes are in bad condition. He swears that the vision of his right eye is so defective that he could not with that eye distinguish a man from a horse at a distance of 25 feet, nor with the left eye at a distance of 100 feet.

There is an abundance of testimony, apparently of the most creditable kind, showing that claimant's eye sight is practically gone.

The examining surgeon stated in 1881 that he found both eyes in a state of chronic inflammation and ulcerated, and estimated his disability at not less than one-half. The only question is whether this disability is the result of an injury received in the line of duty while in the military service of the United States, as the claimant alleges the fact to be.

The claimant himself swears that his eyes were sound and his sight good prior to his enlistment. That statement is corroborated by the affidavits of his brother and his acquaintances, as well, also, as by several of his comrades, who swear that he had good, sound eyes when he enlisted and until he was hurt.

The only contradictory testimony on this point is a letter, not sworn to, written by the postmaster at Monticello, Mo., in response to an office letter written by the Commissioner of Pensions asking information as to claimant. The postmaster did not know the claimant, but he wrote that he had learned from others that claimant and his father and brothers and sisters had all been afflicted with sore eyes before the war; that it was a sort of sore-eyed family.

We are of opinion, however, that this hearsay and unverified statement of the postmaster ought not even to be considered, much less prevail against the sworn statements of eight or ten reputable witnesses.

We think, then, there can be no controversy over these two propositions:

1. That claimant had good, sound eyes at the date of his enlistment.
2. That at the date of his discharge his eyes were in a diseased condition, and have so remained ever since, growing constantly worse, until he is now nearly blind.

The remaining question is the important one. Is this diseased condition of his eyes the result of his military service, and, if so, in what way?

The claimant alleges that in April, 1864, while out with his company, or a part of it, under orders, and while marching, a comrade by the name of Hart, who was riding directly in front of claimant, caught hold of a limb and let it fly back, and that it struck claimant across his nose and right eye, inflicting a severe and painful injury.

The claimant says that he continued to suffer from the injury during the remainder of his service, and ever since. He did not go to the hospital, nor abandon his command, but was treated by Dr. Taylor, the regimental surgeon. Dr. Taylor was killed in 1866, and his comrade, Hart, who held the limb, is dead. No commissioned officer was sworn in the case. The captain of the company and the major of the regiment were asked for statements, but were unable to recall the circumstances or give any information. The affidavits of six or eight comrades were obtained, however, and filed. None actually saw the limb strike the claimant, but they swear that they saw the claimant immediately afterwards, observed his injuries, heard him complaining of great pain, and heard both claimant and Hart describe how it had happened.

Unless the statements of the claimant and six of his comrades are to be discredited, there would seem to exist no reason for doubting that claimant was injured as he alleges. His comrades also testify that he continued to suffer from said injury during the remainder of his service and to the day of his discharge.

We think the testimony sufficiently shows—

1. That claimant had sound eyes when he enlisted.
2. That he was injured in his right eye while in the line of duty and in the way described.
3. That the injury was continuing at the date of his discharge, and that both eyes had become affected.

As to the continuance of the disability since his discharge the evidence is not as satisfactory as might be desired. He never had his eyes treated by any physician, except one traveling oculist, whose whereabouts are unknown. The testimony is that he treated himself the best he could. There is testimony of neighbors and acquaintances of the continuance of the disability after claimant's discharge in 1864. R. T. Crook, brother of claimant, testified that to his knowledge claimant had been suffering from his injury ever since December, 1864. The claim was filed in 1872.

David R. Jones and John N. Bright testify that they had employed and worked with claimant at different times for six years prior thereto, and "throughout that period he had labored with great difficulty on account of his eyes."

There is other testimony of the same import. The following is the judgment, so to speak, of the reviewer rejecting the claim:

"No record, commissioned officer, or medical treatment in or out of service, nor sufficient proof of contracting in service and line of duty."

It is true the claim is not proven by the testimony of a commissioned officer; nor is there any medical testimony. It is proven, however, that claimant was treated in the field by the regimental surgeon, who died, or was killed, in 1866.

Upon a careful review of all the evidence your committee is of opinion that the claimant is entitled to pension, and the bill is accordingly reported with a favorable recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH G. SCOTT.

Mr. STEELE. I understand that the Committee on Foreign Affairs has the right of way immediately after the reading of the Journal to-morrow, and I ask that the recommendation to the House that the bill granting a pension to Elizabeth G. Scott be taken up in the House for consideration immediately after the Journal to-morrow morning be modified so that it may be taken up after that matter is disposed of.

The CHAIRMAN. Is there objection?

Mr. SPRINGER. If it is merely a difference between "before taking and after taking" I will not object, but if I had been present "before taking" I would have objected.

There was no objection, and it was so ordered.

SICKNESS OF CHAIRMAN.

The CHAIRMAN (Mr. DOCKERY). The Chair will request the gentleman from Illinois [Mr. SPRINGER] to take the chair, as the present occupant is unwell and desires to leave the House.

Mr. SPRINGER took the chair.

MATHEW O. REGAN.

Mr. THOMAS, of Wisconsin. I ask consideration of the bill (S. 3118) for the relief of Mathew O. Regan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to pay to Mathew O. Regan, late of Company E, Third United States Artillery, now on pension-roll for loss of his right arm at elbow-joint, the amount allowed for loss of arm at or above elbow where artificial limb can not be worn, according to provisions of act increasing pensions approved August 4, 1886, instead of the rate he has been receiving.

The report (by Mr. SAWYER) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3118) for the relief of Mathew O. Regan, have examined the same and report:

Mathew O. Regan was a private in Company E, Third United States Artillery. He lost his right arm in 1863, for which he was pensioned at the rate provided by law. He was afterwards pensioned by special act at the rate of $30 per month, on the ground that the amputation is so near to the elbow-joint that it is not possible to use the stump or to attach to it any artificial appliance, so that the disability is equal to an amputation above the elbow-joint. Under existing general law he is entitled to the pension he is now receiving, $30 a month.

The law approved August 4, 1886, provides that all persons now on the pen-

sion-rolls, and all persons hereafter granted a pension, who shall have lost either an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension of $36 a month. The committee is of the opinion that the disability is equal to an ordinary amputation above the elbow, and there can be no doubt of the fact that the arm is totally disabled.

The bill is therefore reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SMITH BODKINS.

Mr. JOSEPH D. TAYLOR. I ask consideration of the bill (H. R. 6022) granting a pension to Smith Bodkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Smith Bodkins, late a private in Company E, Twenty-fifth Ohio Volunteer Infantry, who is now blind, at the rate of $50 per month.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Smith Bodkins enlisted in Company C, Twenty-fifth Ohio Volunteers, United States Army, on June 10, 1861, and was discharged June 14, 1865. While at Camp Chase he claims that he contracted measles, which produced sore eyes, having been exposed to cold and wet weather during his illness. The soreness of his eyes continued after he had recovered from the other effects of the disease, and he is now totally blind. He was excused from duty on account of this disability, and by some error was marked as a deserter, which charge was afterward removed.

The claim was rejected by the Pension Bureau on the ground that blindness was not due to military service; that claimant had measles shortly before entering the service, and that he only suffered a relapse. But the evidence on file proves that he was a stout, hearty man when he entered the service; that he suffered with sore eyes after his discharge, and that he has been totally blind for many years. He is also badly ruptured, caused by a fall on account of being unable to see. He has a family to support; is totally blind, and is in great distress on account of poverty. Your committee be ieve he is entitled to the aid he asks for, and recommend that the bill be amended by striking out the word "fifty," in the last line of the bill, and insert in lieu thereof the word "forty," and, when so amended, that the bill do pass.

The amendment proposed by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH F. HAWKINS.

Mr. THOMPSON, of Ohio. I call up for consideration the bill (H. R. 508) granting a pension to Sarah F. Hawkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll of the United States the name of Sarah F. Hawkins, widow of Martin J. Hawkins, late of Company A, Thirty-third Regiment Ohio Volunteer Infantry, and who was one of the so-called "Mitchell raiders" sent out in 1862 by General O. M. Mitchell, for certain hazardous military purposes, at the rate of $24 per month, in lieu of the pension now paid to her.

SEC. 2. This act shall take effect as of the date of July 1, 1884.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 508) granting an increase of pension to Sarah F. Hawkins, having considered the same, report as follows:

Martin J. Hawkins, the husband of the beneficiary of this bill, was a sergeant of Company A, Thirty-third Ohio Volunteer Infantry. He enlisted August 27, 1861; re-enlisted January 1, 1864; was mustered out July 12, 1865, and died February 7, 1886. About April 7, 1862, General P. W. Mitchell sent a secret expedition into Georgia along the Atlanta and Chattanooga Railroad, well known in history as the "Mitchell raiders." The party was made up of volunteers from different regiments. Martin J. Hawkins was one of the volunteers.

Prisoner of war records show that he was taken prisoner April 12, 1862; was confined at Atlanta, Ga., June 19, 1862, where he petitioned that his life might be spared. On November 18, 1862, he escaped. On May 19, 1869, he applied for a pension, and on December 23, 1869, was granted a pension at $8 per month from July 13, 1865, the date of his discharge, for "scurvy and debility and other results of prison life." Afterwards, on July 7, 1884, his pension was increased by special act to $24 per month.

His death was caused by the disease for which he was pensioned, and on the 29th of January, 1887, a pension was granted to his widow, the beneficiary of this bill. By special legislation each one of the survivors of the party known as the "Mitchell Raiders" has been placed on the pension-roll at $24 per month, and Rachael Slavins, widow of Samuel Slavins, deceased, who was one of the party, has also been placed on the pension-roll at the same rate, and we believe that it is only fair that this widow should be pensioned at that rate.

We therefore recommend the passage of the bill, with an amendment striking out the second section of the bill.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM THIELDS.

Mr. TURNER, of Kansas. I ask consideration of the bill (S. 3035) to grant a pension to William Thields.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, and hereby directed, to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Thields, late a private of Company H, Eighth Regiment Michigan Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3035) to grant a pension to William Thields, submit the following report:

The report of the Committee on Pensions in the Senate contains a full and complete statement of the case, and your committee adopt that report and recommend the passage of the bill.

SENATE REPORT.

This bill proposes to place on the pension-rolls the name of William Thields, late of Company H, Eighth Regiment Michigan Volunteer Infantry. The soldier enlisted August 16, 1861, and was discharged July 9, 1862, on a surgeon's certificate of disability, "because of a tendency to consumption, resulting from an imperfect recovery from typhoid fever." On July 27, 1879, he made application for a pension, alleging "that at Hilton Head, S. C., November 20, 1861, he contracted typhoid fever, from the results of which disease of lungs, eyes, and legs ensued, and said diseases still exist."

The Commissioner of Pensions rejected the claim November 24, 1885, on the ground, after a special examination—

"That the disease of lungs and eyes did not originate in the United States service, but existed prior to first enlistment, and that the evidence does not show that disease of legs originated while in the service, or has continued to exist since discharge, or has disabled the claimant in a pensionable degree since the date of filing his claim therefor."

The Adjutant-General's report shows that the claimant was present with his company during September and October, 1861, and that he was absent on a three months' furlough from December 5, 1861, and same report until discharged, July 9, 1862, upon surgeon's certificate, as before stated.

The Adjutant-General also reports a second enlistment by this claimant as follows, namely:

"William Thields, a private of Company A, First Regiment Michigan Light Artillery, was enrolled on the 30th day of August, 1864, at Grand Rapids, Mich., for one year, and was mustered out with company July 28, 1865, at Jackson, Mich."

The complainant furnishes in support of his claim the affidavits of Charles H. Miell, J. Van Houten, Adilene Van Houten, Sophia Thields, and Emma A. Thields, all witnesses of established credibility, who testify positively to the soundness of claimant prior to enlistment.

Joshua V. Noah swears that his health was good; knew of no disease. This witness is strongly biased against the claimant.

Henrietta Wood swears his health was good.

Orange P. Noah "has no knowledge but that he was sound."

Dr. C. M. Slawson "knew claimant since 1854; * * * was in good health; has no recollection of treating him."

David R. Goodman first knew claimant at enlistment in Company H, Eighth Michigan; thought him in average health then; heard of no complaint.

Charles Cross, acquainted with claimant fifteen or twenty years before enlistment; was sound; was present and saw claimant examined by Dr. Shanks, and heard him pronounced sound.

Dr. Herbert B. Shanks, late surgeon of Eighth Michigan, examined all the men of that regiment who enlisted in August, 1861, and did not accept any men afflicted with permanent disease of eyes or lungs. Believes from conversations with claimant that he examined him and passed him as all right.

Margaret H. Spencer, Lewis Mann, Mary Butler, Calvin L. Mann, John H. Van Ness all swear to prior soundness.

Hezekiah Fish, a close neighbor, swears claimant was able-bodied and above the average in physical strength, an expert rifleman. Maranda Fish, Lucy Gilmore, Samuel Gilmore, and Ira W. Barlow, in all twenty-two witnesses, swear to prior soundness. Mary McCabe swears that claimant had sore and watery eyes prior to enlistment and coughed some.

L. D. Kughn and John P. Kughn swear to weak and watery eyes before enlistment, but no recollection of cough. Claimant swears "that he did not know the Kughns prior to first enlistment, and says they could not have known his condition before service." This is corroborated by T. J. Van Houten.

R. W. Vantress knew claimant since 1855; saw him often; was very stout, tough man; recollects no cough, but thinks his eyes had a watery appearance; health remarkably good.

Noble H. Gilmore knew claimant since 1857; worked with him; heard no complaints, except as to his eye; eye was watery; no knowledge of cough.

Elizabeth Flake swears claimant always had sore eyes and cough; eyes looked red and pimply around edges; can not be mistaken about claimant's condition prior to August, 1861.

(The special examiner reports Mrs. Flake as strongly biased against claimant, and unreliable.)

Charles E. Wood swears that at the time the special examiner was investigating this case he heard Mrs. Flake boast that she had stopped claimant's pension, and was glad of it; she could not get one herself and did not propose to pay taxes to pay them to others.

Joshua H. Noath:

"No recollection of claimant's having a bad cough; can not say whether or not he had sore eyes, but his 'impression is' he had sore eyes before enlistment."

William Nooh:

"Has no recollection of cough or lung disease; on reflection it does seem as if he had weak eyes prior to enlistment, but can not say."

James L. Mann:

"Claimant had hacking cough, and had weak, watery eyes—was wiping them almost all the time. Remembers distinctly these disabilities existed before enlistment."

Rev. Vantress, comrade:

"Thinks claimant had fever on board the Vanderbilt. Saw him last at Hilton Head; sat up with him. Had diarrhea at Annapolis soon after enlistment, sore eyes and cough, too; fever afterwards on the Vanderbilt; Dr. Wooster said so. Do not think his eyes any worse in the service than before."

David R. Goodman, comrade:

"Claimant remained in good health until about a month after arrival at Hilton Head. * * * No knowledge of sore eyes and cough while in service."

Charles Coon was in claimant's company, and believes his disease was contracted in service and line of duty.

T. J. Vanhauten swears "that he saw claimant in January, 1862, when he returned home on furlough; he was emaciated, had sore eyes and weak lungs." This affiant is fully corroborated by the affidavits of Adeline Vanhauten, Henrietta Ward, Sophia Thield, Emma Thield, L. D. Kuhn, John P. Kuhn, and Margaret Spence.

Claimant and wife swear that he was not examined for enlistment at second service, and that he enlisted to save draft.

The claimant explains that he was informed that his discharge from former service would not exempt him from military duty, and rather than be drafted he volunteered, but was not examined. His wife swears that she sent claimant medicine for eyes and cough in second service, and that she received ninety-six letters from him, in which he would speak of his condition.

The condition of claimant since discharge in 1862 is fully shown in the testimony on file in the case, and shows that he has been disabled for the performance of manual labor for one-half of the time.

Dr. W. D. Jenkins, examining surgeon at Kirwin, Kans., under date of February 20, 1881, rates claimant at "total, and thinks he should be allowed $8 per month for disability resulting from typhoid fever.":

C. J. Holmes, examining surgeon, Gaylord, Kans., rates him at one-half total, $4, for disease of eyes.

The case was specially examined by examiners in the field. Henry A. Peed, special examiner, is of the opinion "that the claim, so far as relates to disease of eyes, should be rejected, and that for disease of the lungs is without merit," but recommends further examination.

M. G. Wright, special examiner, "thinks the claim for disease of eyes should be rejected."

C. H. St. John, special examiner, "believes claim one of merit, and recommends submission for lung disease, resulting from typhoid fever."

C. W. Akey, special examiner:

"The claimant seems to be a very worthy man, and tells a straight story and a very probable one, * * * and every person with whom I talked about his case fully sustains the evidence. * * * I believe the case to be a worthy one, and recommend further examination."

C. E. Foot, special examiner: "The case seems to be meritorious as to disease of lungs," and recommends further examination.

Your committee are of the opinion that lung disease as a result of typhoid fever is clearly established, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass, and the House bill of similar title was ordered to be reported to the House with the recommendation that it lie on the table.

ELLEN KELLY.

Mr. LANE. I ask unanimous consent to take up the bill (H. R. 4820) granting a pension to Ellen Kelly. This is a bill of Mr. SPRINGER, who being in the chair had not the opportunity to call it up when his name was reached.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and required to place on the pension-roll the name of Ellen Kelly, widow of John Kelly, late a private in Company F of the Nineteenth Illinois Volunteer Infantry, and grant her a pension according to the provisions of the pension laws of the United States.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4820) for the relief of Ellen Kelly, beg leave to report:

The committee have considered the same and find, from the evidence in this case, that John Kelly, the husband of the complainant, enlisted August 10, 1862, in Company F, Nineteenth Regiment Illinois Volunteers, and was honorably discharged June 18, 1865, because of injuries received in the service, and he died of his injuries September 26, 1866. It appears from the evidence that the soldier was wounded in battle on two different occasions, and for which wounds he was receiving a pension at the time of his death. The claim of the widow for a pension was rejected by the Pension Department on the ground that the death of the soldier was not due to his military service.

This is a case of disagreement among doctors.

Alexander Moore testified that he knew the soldier; that he was in the same rifle-pit when the soldier was wounded; that the soldier came home by reason of his wounds and was greatly disabled by said wounds; that the direct cause of the soldier's death was the wounds so received in battle.

Charles Murray, also a comrade of the soldier, testified to the same facts, and that the cause of death of the soldier was the wounds received in the service. Rose Murray testifies to the same facts, and this testimony is sustained by many other facts in the record. Dr. B. F. Stanly, of Springfield, Ill., a physician of thirty-six years' standing, on his oath states that he knew the soldier, and gives it as his "medical opinion" that the death of the soldier was caused by wounds received in the service.

The testimony of Charles Ryan, the attending physician of the soldier, tends to support the testimony of Dr. Stanly, aforesaid.

It is further in evidence that on one occasion, when the soldier was returning to his home from his company on a furlough, he was injured in a collision of his train on the Lafayette and Indianapolis Railroad, and in the opinion of R. W. O'Ferral, M. D., this injury was the cause of his death. Dr. Stanly has filed a subsequent affidavit in which he materially modifies his former statement in regard to the death of the soldier. Yet the fact remains that the soldier died from injuries, and he received injuries in the service in battle for which he was receiving a pension at the time of his death, and the testimony fully shows that from the time he received these wounds he was in continued failing health, which would eventually result in death.

The injuries that it is claimed he received in the collision with the train were received about two years prior to his death. Now, the committee in considering the cause of death of the soldier would be required to take into consideration all the injuries received by the soldier that might cause his death. While it is true that he was returning home on a furlough, which it is shown was granted for the purpose of permitting the soldier to go home in order to vote, there is also some testimony tending to show that the furlough was granted on account of sickness, and that the soldier understood that the furlough was so issued; but whether that is so or not, it is certain this furlough could properly have been issued on the ground of sickness of the soldier, for testimony shows that the soldier was severely injured prior to the issuance of this furlough, and was then suffering from the same, and the commttee think that the family of the soldier should not suffer because the furlough was issued on one ground and not on another; and if the furlough had been granted on the ground of sickness, upon which it could have been granted, then there would be no question but that all the injuries received by the soldier would be received in the line of duty, and such injuries having caused his death, the widow would be entitled to a pension.

The committee therefore think that the injuries from which the soldier died were received in line of duty, and are the result of military service of the soldier, and therefore report the bill back with a recommendation that the bill do pass.

Mr. ALLEN, of Michigan (during the reading of the report). We know from whom this bill emanates, and I move that the further reading of the report be dispensed with.

Mr. KILGORE. I think we had better have the report read.

The reading of the report was concluded.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD JOBES.

Mr. VANCE. I call up for consideration the bill (H. R. 8748) to increase the pension of Richard Jobes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Richard Jobes, late of Company D, Sixteenth Regiment of Connecticut Volunteers, and to pay him a pension at the rate of $36 per month from and after the passage of this act.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8748) to increase the pension of Richard Jobes, have had the same under consideration, and beg leave to submit the following report:

The beneficiary named in the bill, while serving as corporal of Company D, Sixteenth Regiment Connecticut Volunteers, lost his left fore-arm in the battle of Antietam. At the first amputation a nerve was tied in with the ligatures so as to cause excruciating pain, and in a year afterward a second operation was determined upon, and the nerve was cut out for some distance above the point of amputation. This operation, however, failed to give any relief, and, as shown by the medical evidence on file, the pensioner has since then suffered very great pain on account of said wound, and is for a greater part of the time unable to take any exercise or do anything that tends to create heat without great suffering.

Recognizing this aggravation of the loss of the arm, Congress passed a bill, which was approved July 5, 1884, increasing Jobes's pension to $30 per month, the amount then provided by law for the amputation of an arm at or above the elbow. Since that date the pension for the last-named disabilities has been increased to $36, the amount asked for in the accompanying bill. As the pensioner can not be further increased under the provisions of the general pension laws, and as with increasing age his condition becomes more serious, your committee, fully recognizing the propriety of the former action of Congress in increasing his pension beyond the rate fixed for uncomplicated amputations, report favorably on the bill, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIAS H. HALL.

Mr. SHIVELY. My name was passed over as I could not find in the House the bill I desired to call up. I would now ask unanimous consent to call up the bill (H. R. 10224) granting a pension to Elias H. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Elias H. Hall, late a private in Company F, Seventy-third Regiment Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10224) granting a pension to Elias H. Hall, have considered the same and now report:

The claimant enlisted as a private in Company F, Seventy-third Regiment Indiana Volunteers, August 11, 1862, and was honorably discharged February 1, 1863. He filed application for pension April 3, 1877, alleging that between Nashville and Gallatin, Tenn., in December, 1862, while marching by an engine some cinders got into his eyes, causing inflammation, which caused loss of sight of left eye and partial loss of sight of right eye. Subsequently he filed declaration alleging diarrhea and sunstroke.

The claim was rejected for piles, diarrhea, and sunstroke on the ground of no record. The claim as to the eye trouble was rejected on claimant's statement to special examiner that all his trouble in the service was a little cold, and the eye trouble for which the claim was undergoing special examination, says the Pension Bureau, "creates a strong presumption against the present claim." The evidence shows conclusively that the claimant's eyes were sound prior to and at the time of enlistment.

Matt Boyd, who was lieutenant of claimant's company, and was present at the time the accident occurred, testifies that "claimant got some cinders in his eye, causing loss of sight of left eye and partial loss of sight of right eye."

Regimental Surgeon Brenton testifies to treatment at that time for inflammation of eyes, and, if recollection correct, was sent to convalescent camp at Gallatin, Tenn.

Samuel Barrett, a member of claimant's company, who was with him at the time, says that—

"Some time in the month of December, 1862, near a place called Gallatin, Tenn., cinders from a locomotive blew in his eyes when in the line of duty. This I know by being with him at the time, and took a handkerchief and wiped his eyes."

Lewis Lemert, a member of said company, testifies from personal observation while in the service that "he (claimant) sustained an injury to his eyes."

There is much other testimony as to the incurrence of the disability of claimant's eyes, and as to the continuance of said disability up to the present time.

After a careful examination of the voluminous evidence in the case, we are of the opinion that the preponderance of the testimony is favorable to the claimant, and we therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SHERIDAN.

Mr. LYNCH. In the absence of Mr. MORRILL, who reported the bill, I ask unanimous consent——

Several MEMBERS. Oh, no; regular order.

Mr. LYNCH. Let me finish. To take up bill (H. R. 11113) granting a pension to Mrs. Sheridan, widow of the late General Sheridan.

Mr. WASHINGTON. I object.

The CHAIRMAN. The regular order is demanded.

PHILLIP KOPPLIN.

Mr. WASHINGTON. I call up for consideration the bill (H. R. 2556) for the relief of Phillip Kopplin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Phillip Kopplin, late a private in Company A, First Regiment Missouri Cavalry Volunteers.

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2566) for the relief of Phillip Kopplin, have had the same under consideration and submit the following report:

Claimant enlisted August 1, 1861, as a private in Company A, First Missouri Cavalry, and was discharged September 17, 1864. In application filed December 22, 1885, he alleges that while in line of duty, at Black Water Creek, Missouri, about December, 1861, he incurred hernia of right side by being thrown forward upon the pommel of his saddle while his horse was jumping said creek. The claim was rejected on the ground of no record and insufficiency of testimony.

Prior to enlistment the claimant's soundness and freedom from hernia is fully proven.

Louis Kolb, who was a private and corporal in claimant's company, says:

"That claimant became disabled by being thrown on the pommel of his sad

dle, as he was informed; that he remained in company quarters two or three months. For about three weeks after he became disabled he waited upon said soldier, taking his meals to him and cooked for him. He did not know what his trouble was, but learned that it was hernia of right side, and he has every reason to believe that the soldier's statement was correct, as he always regarded him as a truthful and reliable man."

Jacob M. Gruen testifies—

"That he served in the same company and regiment, and knows that claimant, in an attack by guerrillas, was thrown forward against the pommel of his saddle by an unexpected jump of his horse, receiving injuries which disabled him to such a degree that he had to be conveyed in the company team for the rest of the march of his command from Black Water Creek, Missouri, to Fort Leavenworth, Kans., where he was confined in his company's quarters for months, totally unfit for any kind of duty."

Joseph Ibach and Henry J. Sterlin, members of said company and regiment, testify substantially to the facts stated above.

The medical examining board found right inguinal hernia extending into scrotum as large as a goose egg, and gave him a total rating for hernia of right side.

Charles Schlufferth testifies—

"That he sold claimant a single truss March 17, 1874, and several years previous had sold him a single truss, but he can not fix the date, as it was sold for cash, and no account was made of the time."

The committee believe that the evidence is sufficient to establish the fact that the disability was incurred in the Army and in line of duty, and that it continues to the present time. We therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA N. AIKEN.

Mr. WEAVER. I desire to call up for consideration the bill (H. R. 10856) granting a pension to Eliza N. Aiken. I want to say that I call up this bill, which is Mr. MASON'S bill properly, although she served in that part of the Army that I had the honor to serve in. This lady is very old, about seventy-one years of age; and I call up the bill for Mr. MASON, as his name was passed.

The bill was read, as follows:

Be it enacted, etc., That a pension is hereby granted to Eliza N. Aiken, at the rate of $100 per month, to commence from the passage of this act, and the Secretary of the Interior is instructed to place her name upon the pension-roll in accordance with the provisions of this act.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10856) granting a pension to Eliza N. Aiken, submit the following report:

Mrs. Eliza N. Aiken, aged seventy-one years, a resident of Chicago, Ill., served throughout the late war as a Government nurse.

She entered the service in connection with the Sixth Regiment Illinois Cavalry Volunteers in the fall of 1861, and served with it until January, 1862.

From January to July, 1862, she was on duty at St. Mark's hospital, Paducah, Ky.

From July to November, 1862, she was at the hospital of her regiment, Sixth Illinois Cavalry, stationed at Memphis, Tenn.

In November and December, 1862, she was on duty at the Ovington general hospital, Memphis, Tenn.

From January, 1863, to January, 1865, she was on duty as matron at the Adams general hospital, Memphis, Tenn.

From January to June, 1865, she was on duty at the Washington general hospital, Memphis, Tenn.

Throughout her service she was most untiring in her efforts to relieve the sufferings of sick and wounded men, and took care of them as if they were her own children. She soon became known as "Aunt Lizzie" among the soldiers, and thousands of the men who were nursed back to life by her never knew her correct name.

Mrs. Aiken was not only a skillful nurse, but was fully as helpful to the men under her care by her cheerful and hopeful manner and by inspiring them with new courage and ambition. She sacrificed her own comfort, from the beginning of her service to the end, to secure that of the disabled soldiers, and her efforts in their behalf were never relaxed until all had been done that possibly could be done, or until she was obliged to cease work from physical exhaustion.

Thousands of men who were able to return to their homes or to resume their places in the field owed their lives to her devotion.

In June, 1865, she returned to Peoria, Ill., and immediately upon being relieved from duty and from the responsibilities she had borne, was taken sick and for months was confined to her room, completely worn out by hard service in the hospitals.

Though her health was never fully restored she has devoted herself incessantly to works of charity up to the present time, and goes about relieving the unfortunate and distressed, notwithstanding her advanced age, daily.

In view of the facts of this case the committee recommend that said bill be amended by striking out all after the second line of said bill and inserting the following in lieu thereof:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza N. Aiken, late nurse of Sixth Regiment of Illinois Cavalry Volunteers, and pay her a pension of $25 per month."

And that said bill as amended do pass.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. R. S. HORTON.

Mr. WHEELER. I call up the bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, empowered and directed to replace or restore Mrs. R. S. Horton, widow of Capt. William H. Seaton, late of Company D, Twenty-sixth Ohio Volunteers, upon the pension-roll.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8) to restore Mrs. R. S. Horton to the pension-rolls, have carefully examined and considered the same and the papers connected therewith, and find that the proposed beneficiary of the bill, the said Mrs. R. S. Horton, was lawfully married to Capt. William H. Seaton, who was duly enrolled as captain of Company D, Twenty-sixth Ohio Volunteer Infantry, on the 8th day of June, 1861, and was honorably discharged from the service on the 6th day of December, 1862, having resigned, on surgeon's certificate of disability occasioned by chronic diarrhea, contracted in the service and in the line of duty, from which disease he ultimately died on September 28, 1864, at Jackson, Mich. That in the mean time, to wit, on the 10th day of December, 1863, said Capt. W. H. Seaton filed with the Pension Office his application for an invalid pension.

After his death his widow, Rachel Seaton, filed an application for pension in her own right, completed the same in due conformity with the requirements of the Pension Office, and was pensioned from the 11th day of December, 1863, at $20 per month, under certificate 63644. That on the 14th day of August, 1866, said Rachel Seaton remarried with one James H. Horton, and by reason of said remarriage her pension ceased on said day. That there was, as the fruit of the former union, a minor child, Sarah L. Seaton, who was pensioned at $2 per month from the date of her mother's remarriage, to wit, August 16, 1866, to the 18th day of August, 1877, the day on which Sarah L. Seaton became sixteen years of age, when all pensions on account of the services and death of said Capt. William H. Seaton terminated under the law.

The committee find further that the second marriage of said Rachel Seaton—known thereafter as Mrs. R. S. Horton—was not so happy or fortunate as she had expected it would be; that her husband, James M. Horton, finally deserted and abandoned her, having for seven or eight years prior to said abandonment failed to provide for her support and maintenance, and during all of which time was left dependent upon her own exertions as a milliner and the assistance of friends, for the maintenance and support of herself and her minor son, whom she had borne to said James M. Horton; that after said abandonment had continued for more than four years, said Mrs. R. S. Horton applied for and obtained a divorce from said James M. Horton, under the laws of the State of Alabama, as will fully appear from the copy of the decree of the court, which the committee incorporate with and make a part of this report.

Decree of divorce. The State of Alabama, Morgan county. In chancery. Sixth district, northwestern chancery division. March term, 1887. Rachel S. Horton, *pro ami* Lelia S. Wilder, *vs.* James M. Horton. No. 220.

This cause coming on to be heard at this term, was submitted upon the bill of complaint, decree pro confesso, and testimony as noted by the register; and upon consideration thereof the court is of the opinion that the complainant is entitled to the relief prayed for in her said bill.

It is therefore ordered, adjudged, and decreed by the court that the bonds of matrimony heretofore existing between the complainant and defendant be, and the same are hereby, dissolved, and the said Rachel S. Horton forever divorced from the said James M. Horton for and on account of voluntary abandonment, and that she have the custody, maintenance, and education of the child the result of the marriage and described in the bill. No alimony is prayed for in the bill or allowed, it not appearing that the defendant has any property; on the contrary it appearing from the proof the complainant has been for years supporting herself and children.

It is further ordered that the said Rachel S. Horton be, and she is hereby, permitted to again contract marriage.

It is further ordered that Lelia S. Wilder, the next friend, pay the costs herein to be taxed, for which execution may issue.

THOMAS COBBS, *Chancellor.*

March 10, 1887.

The State of Alabama, Morgan County. In chancery, at Somerville, Ala.

I, William E. Skeggs, register in chancery for the sixth district of the northwestern chancery of the State of Alabama (composed of said county of Morgan) do hereby certify that the above and foregoing papers, from 1 to 17 inclusive, contain a true and complete copy of the record in a certain cause pending in court of chancery for the district and division aforesaid, wherein Rachel S. Horton by next friend, L. S. Wilder, complainant, and James M. Horton, defendant. Decided at the March term, 1887, of said court as the same remains of record in my office. In testimony whereof I have hereunto set my hand and affixed the seal of office this the 11th day of March, 1887.

WM. E. SKEGGS, *Register.*

The committee find further that the said Mrs. R. S. Horton is now in extremely straitened circumstances, forced to support herself, the daughter of first husband, the hereinbefore mentioned Sarah L. Seaton, now a widow, and her minor son, the fruit of her second marriage; and that, believing that the before-recited decree of divorce from said James M. Horton restored her to all the rights and privileges she enjoyed as the widow of Capt. William H. Seaton, she applied to the Pension Office to be restored to the pension-rolls, as will more fully appear from her application to the honorable Commissioner of Pensions, which the committee desire to incorporate in and make part of this report:

"DECATUR, ALA., *March* 10, 1887.

"SIR: The undersigned, formerly borne on the United States pension-rolls under No. 63644 and name of Rachel Seaton, as the widow of William H. Seaton, late captain of Company D, Twenty-sixth Ohio Volunteers, at the rate of $20 per month.

"That she was dropped from said pension-rolls on or about the 14th day of August, 1866, for the reason of subsequent marriage of the undersigned.

"That said subsequent marriage has been declared null and void, and a decree of divorce, *a vinculo matrimonii*, has been granted the subscriber, and a certified copy of which said decree is herewith forwarded, and to which reference is made.

"That the undersigned now applies to be returned to the pension-roll of the United States and for all the benefits of the acts of Congress in her case made and provided.

"RACHEL SEATON HORTON.

"To the Hon. COMMISSIONER OF PENSIONS,
"*Washington, D. C.*

"THE STATE OF ALABAMA, *Morgan County:*

"Before me, William E. Skeggs, register in chancery in and for said county, personally appeared Rachel S. Horton, who, being duly sworn according to law, doth depose and say that the facts hereinbefore related are true, and that she makes this application for the purpose of restoration to the pension-rolls of the United States; and I certify that she is the identical person she represents herself to be.

"Given under my hand and seal of office this March 10, 1887.

"WM. E. SKEGGS, *Register.*"

The committee find, finally, that the said application of said Mrs. R. S. Horton to be restored to the pension-rolls has been rejected by the Pension Office upon the ground that the cohabitation of the second marriage precludes the office from entertaining the proposition.

After careful and impartial consideration of all the facts connected with the case, the committee are clearly of the opinion that, in point of fact, the divorce of said Mrs. R. S. Horton from her second husband, James M. Horton, has the effect of restoring her to the position she was in before the said second marriage was contracted; and that, while the strict construction and rigid administration of the laws which very properly obtain in the Pension Office may justify the action of said office in refusing to restore the said Mrs. R. S. Horton to the pension-rolls, she is, in equity, entitled to such restoration as the effect of her lawful divorce, and the committee therefore report the bill back without amendment, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY A. RAMSAY.

Mr. WILKINSON. I call up the bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed upon and incurred by Henry A. Ramsay, of Maryland, by virtue of the fourteenth amendment of the Constitution of the United States, be, and they are hereby, removed.

The Clerk proceeded to read the following report:

The Committee on the Judiciary, to whom was referred the bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay, imposed by the fourteenth amendment to the Constitution of the United States, report as follows:

The committee recommend the passage of this bill.

Henry A. Ramsay was an officer in the Navy of the United States and afterwards accepted service as an officer in the navy of the Confederate States. He asks Congress to remove the political disabilities imposed upon him by the fourteenth amendment.

Mr. ALLEN, of Michigan (before the reading of the report was concluded). I ask that the further reading of that report be dispensed with. Nobody objects to the removal of these disabilities.

By unanimous consent, the further reading of the report was dispensed with.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MATILDA SPANGLER.

Mr. WILLIAMS. I ask for the consideration of the bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matilda Spangler, widow of John E. Spangler, deceased, late a private in Michigan Battery, Captain Lamphier, commanding.

The report (by Mr. YODER) was read, as follows:

John E. Spangler, late private of Captain Lamphier's battery Michigan Volunteers, enlisted January 17, 1862, and died in the hospital at Louisville, Ky., while in the service, May 6, 1862, of typhoid fever. John Spangler was married to Matilda Anderson September 4, 1860, which is proved by copy of the record of marriages in Hancock County, Ohio. She applied for pension in the Pension Department, which was granted October 23, 1872; was dropped from the pension-roll July 21, 1877, by reason of remarriage.

By her own affidavit and those of other creditable witnesses, which are made and appear in this report, your committee are satisfied that the marriage was contracted through misrepresentation and fraud. On October 22, 1872, she married Michael Zellers, who told her immediately after said marriage that he married her to cut her out of her pension; that her brother had done some business for him, had charged him too much, said he robbed him, that he was bound to get even with him, and that immediately after said marriage said Zellers was guilty of extreme cruelty and gross neglect of duty towards her; that she was afraid of her life to live with him, and said marriage contract only lasted three months, when she procured a divorce, and that Michael Zellers soon after married another woman, and that she has never been remarried since and is unmarried still.

Michael Zellers had put all his property out of reach of law, which deprived her of alimony and left her destitute. She is now old and entirely destitute, helpless, and without any means of support.

The precedents are numerous where pensions have been allowed by special act of Congress where the former husband had died in the service, and your committee after a full investigation and carefully considering the evidence herewith submitted and all the circumstances connected with this case, have come to the conclusion that justice demands that she shall be restored to her former pension, and therefore recommend the passage of the bill.

STATE OF OHIO, *Hancock County, ss:*

Before me, the undersigned, a notary public in and for said county, personally came Matilda Spangler, who, being first duly sworn, says: That she resides in Findlay, Hancock County, Ohio; that her age is forty-four years, May 15, 1888; that she is the widow of John E. Spangler, who was a private in Captain Lamphier's (Michigan) battery during the war of 1861 and 1862, and while in the Union service he died at Louisville, Ky., on May 6, A. D. 1862; that on account of the services of the said John E. Spangler she, as the widow of John E. Spangler, was pensioned about September, 1864, at the rate of $8 per month; that while living with said John E. Spangler there was born to them one child, Effa Spangler, who is now married, and with whom affiant now lives, but she being in poor circumstances, said affiant is obliged, although in poor and very delicate health, to earn her living by her own work. This affiant received said pension of $8 per month from 1864 to October 22, 1872, at which time she was married to one Michael Zeller, and her pension at that date, to wit, October 22, 1872, went to her daughter until said daughter was sixteen years old, which was July 22, 1877, after which no pension was received.

Affiant says that after said marriage with Michael Zeller, he, said Zeller, told her immediately after said marriage that he married her to cut her out of her pension in order to spite affiant's brother, W. H. Anderson, who is a lawyer. Affiant says that said Zeller told said affiant immediately after said marriage that affiant's brother had done some business for him, and had charged him too much; said he had robbed him, and he was bound to get even with him; and affiant says immediately after said marriage that Zeller was guilty of extreme cruelty toward her, and gross neglect of duty, and his conduct toward her was such that it was dangerous to live with him; that she only lived with him three months; he said he had accomplished his purpose, cut her out of her pension, got even with her brother, and that her brother might now support her, and other terrible treatment.

Affiant only lived with him three months and then brought suit for divorce, to which petition for divorce said Zeller put in no answer or no appearance, and on the 28th day of May, 1873, in Findlay, Hancock County, Ohio, she was divorced from him, and had her name changed back to Matilda Spangler by decree of the court. This occurred about seven months after marriage.

This Michael Zeller shortly married another woman near Bluffton, Allen County, Ohio, and shortly after died. Affiant has never been married since, and is now, as said before, an unmarried woman. Affiant further says that immediately after said marriage to said Zeller he put what little property he had in his father's name, so as to cut her out of alimony. Affiant had not been acquainted with him but a few weeks before her said marriage, and he represented that he was well off and would care for her and her child. Affiant says she has nothing in the world to support her except her own exertions. Affiant says she is in delicate health, poor and needy, and that said marriage was fraudulently made on the part of said Zeller to wrong her, and has done so. Affiant says her parents are both dead and left her no property.

Affiant says: (1) In short, that she is an unmarried woman; (2) she was left a widow by the death of John E. Spangler, a loyal soldier of the Union Army, while in the United States service. He died in the service at Louisville, Ky., May 6, 1862; (3) that she received a pension from 1864 to October 22, 1872 (showing she was entitled to same); (4) that she was by fraud deprived of her pension, etc.; (5) affiant says she thinks it the duty of the proper authorities to right a wrong.

MATILDA SPANGLER.

Sworn to and subscribed before me and in my presence this 25th day of May, A. D. 1888.

[SEAL.] ORM A. BALLARD,
Notary Public.

STATE OF OHIO, *Hancock County, ss:*

Before me, the undersigned, a notary public in and for said county, personally came Mary Ullery, who, being first duly sworn, says she is the sister of Matilda Spangler, widow of John E. Spangler, who was a private in Captain Lamphier's (Michigan) battery, and who died while in the Army, at Louisville, Ky., on May 6, 1862. Affiant says she is a widow and resides in Findlay, Hancock County, Ohio, and is aged fifty-six years; that her circumstances are such that she is not able to take care of her sister, Matilda Spangler; that Matilda Spangler drew a pension of $8 per month from time of her husband's death until from May 6, 1862, to October 22, 1872, at which time she was married to Michael Zeller; that she lived or tried to live with him about three months, and on account of his treatment toward her was obliged to separate, and in about seven months after her marriage obtained a divorce from him.

Affiant says that immediately after said marriage of her sister to said Zeller, affiant asked Zeller why he treated her sister so cruelly, and said Zeller remarked he never expected to live with her when he married her. He had got even with Bill (meaning my brother, W. H. Anderson) and he might take care of her. He said my brother had swindled him once, and he married her to cut her out of her pension, so my brother might take care of her. He said a great many other things about her and my brother which I can not now recollect. Affiant says her sister was never married afterward, and now is an unmarried woman; that she is poor in health and circumstances, and while she lives with her daughter has to work for her support. Affiant says she thinks that her sister ought certainly to be restored to her pension out of which she was defrauded.

MARY ULLERY.

Sworn to and subscribed before me and in my presence this 25th day of May, 1888.

[SEAL.] ORM A. BALLARD,
Notary Public.

STATE OF OHIO, *Hancock County, ss:*

Before me, the undersigned, a notary public in and for said county, personally came William H. Anderson, who, being first duly sworn, says: That he is the brother of Matilda Spangler, who is the widow of John E. Spangler; that said John E. Spangler, with whom affiant was well acquainted, was a private in Captain Lamphier's (Michigan) battery during the rebellion. Affiant resides in the city of Findlay, Hancock County, Ohio, is fifty-one years old, and a lawyer by profession. That shortly prior to the marriage of my sister, Matilda Spangler, to Michael Zeller, in 1872, said Zeller came to my office and counseled me in reference to his former wife's estate, the said Zeller being a widower at time of his marriage to my sister, Matilda Spangler. I charged him for counsel and he paid it, but said he would get even with me for same before he died. He was an eccentric fellow and I had to watch him. He at one time followed me and drew a hatchet on me; of course I retreated. The marriage to my sister was unknown to me until it was afterward consummated. After his marriage he told me he had got even with me, that he had succeeded in cutting my sister out of her pension. He was guilty of extreme cruelty and failed to provide for her, and damned me to get her a divorce (which I did).

She was receiving $8 per month as pension, as the widow of John E. Spangler, who served his country from some time in 1861 to 1862, and died in the service, for which she was receiving pension. And that this eccentric man, by his fraud practiced on her, only lived with her three months, and stopped her pension.

Affiant says it is a wrong that, in his opinion as an attorney, ought by Congress to be righted by bill to restore her to pension-roll.

Affiant says his said sister is an unmarried woman, has never married since divorced from said Zeller. That she is poor, needy, and anxious that Congress will take favorable action in her case. Of course I could detail further, but deem it unnecessary.

W. H. ANDERSON.

Sworn to and subscribed before me and in my presence this 25th day of May, A. D. 1888.

[SEAL.] ORM A. BALLARD,
Notary Public.

P. S.—For her character and standing in community, I refer to Hon. E. S. Williams, Hon. George E. Seney, and Hon. S. S. Yoder, of House of Representatives.

W. H. ANDERSON.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY CALVERT TRUXTUN.

Mr. WISE. I call up the bill (S. 2275) granting a pension to Mary Calvert Truxtun.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Calvert Truxtun, widow of the late Commodore William T. Truxtun, of the United States Navy, and pay her a pension at the rate of $50 per month; said pension to be in lieu of her present pension.

Mr. CHEADLE. In order to save time, I ask that this bill go over to be considered along with the bill which has already been postponed this evening.

Mr. WISE. What is the gentleman's objection to this bill?

Mr. CHEADLE. I object to all these cases where it is proposed to pension persons at a greater rate than that authorized by law.

Mr. WISE. Have you read the report?

Mr. CHEADLE. It does not make any difference about the report.

Mr. WISE. You intend to object to the bill anyhow?

Mr. CHEADLE. I object to all of them.

Mr. WISE. Then I ask unanimous consent that this bill take the same course that was agreed to in regard to the bill of the gentleman from Indiana [Mr. STEELE]—that it go over until to-morrow with the understanding that it be considered in the House.

Several MEMBERS. All right.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that this bill be reported to the House with the recommendation that it be made a special order in the House to-morrow immediately after the bill increasing the pension of Mrs. Elizabeth G. Scott, and under the same conditions. Is there objection? The Chair hears none.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry. I would like to understand the effect of the order just now made.

The CHAIRMAN. The bill was laid aside with a recommendation that it be reported to the House with the understanding that it be made a special order for to-morrow, immediately after the bill of the gentleman from Indiana [Mr. STEELE]; that the previous question be considered as ordered and that there be fifteen minutes' debate on each side.

Mr. BRECKINRIDGE, of Kentucky. On what day is the bill to come up?

The CHAIRMAN. To-morrow.

Mr. BRECKINRIDGE, of Kentucky. I do not like to object where there seems to be unanimous consent——

The CHAIRMAN. When this bill is reported to the House the gentleman will have an opportunity to object. The recommendation of the Committee of the Whole can not control the action of the House.

Mr. BRECKINRIDGE, of Kentucky. What I wish to suggest is that as Friday night is given to pension bills and the day session of Friday to private claims, it seems to me the time of the House on other days should not be taken up with private business. To-morrow we may wish to consider the sundry civil appropriation bill.

A MEMBER. We did not consider the Private Calendar to-day.

The CHAIRMAN. The Committee of the Whole simply reports its recommendation to the House; and when this bill comes up in the House it can then be determined what order shall be made.

REMOVAL OF POLITICAL DISABILITIES.

Mr. WISE. As the bill called up by me has not been acted upon, I take the liberty of asking the consideration of the bill (H. R. 10621) to remove the political disability of John H. Parker, of Virginia.

The CHAIRMAN. The gentleman from Virginia asks to call up a bill for the removal of political disabilities. What is the number of the report?

Mr. WISE. We do not need any report in this case. I will send up the bill in a moment.

Mr. WHEELER. While the gentleman is finding his bill, I ask consent to call up another bill for the removal of political disabilities.

Mr. CANNON. I have staid here now two or three nights waiting an opportunity to call up a bill——

Mr. WHEELER. It was stated on the other side that there is no objection to passing these political disability bills.

Mr. CANNON. I will not object if I can have the right also to call up a bill.

The CHAIRMAN. The gentleman from Alabama asks to call up for consideration a bill for the removal of political disabilities, the title of which will be read.

The Clerk read as follows:

A bill (S. 3178) to remove the political disabilities of William L. Bradford.

The CHAIRMAN. Is there objection to the present consideration of this bill? The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That the political disabilities of William L. Bradford, late an officer in the Navy of the United States, arising under the fourteenth amendment to the Constitution of the United States, be, and the same are hereby, removed.

The report (by Mr. CULBERSON) is as follows:

The Committee on the Judiciary, having considered the Senate bill No. 3178, to remove the political disabilities of William L. Bradford, recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. CANNON. Now, Mr. Chairman, I have a little bill——

Several MEMBERS. Regular order.

Mr. BINGHAM. Some of us have been waiting here a long time to have our bills considered.

Mr. CANNON. Why did you not object in the case of the gentleman from Alabama?

Mr. WHEELER. I got my bill in during a hiatus.

BETSEY A. MOWER.

Mr. YODER called up the bill (S. 2838) granting an increase of pension to Betsey A. Mower.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Betsey A. Mower, widow of the late Joseph A. Mower, a major-general of United States Volunteers in the late war for the Union, to the rate of $75 per month.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2838) granting an increase of pension to Betsey A. Mower, have had the same under consideration and beg leave to submit the following report:

The report of the Senate Committee on Pensions is as follows:

"The applicant is the widow of Maj. Gen. James A. Mower, who died in 1870 of disease contracted in the service. The widow was pensioned at $30 per month, and this was increased to $50 by a special act of Congress. She has two children dependent upon her, one of which has been an inmate of an insane asylum for many years.

"The widow's husband left her no estate whatever, and she therefore asks Congress to increase her pension to $100 per month.

"In view of all the facts the committee recommend an increase to $75 per month."

The meritorious services of General Mower, who served his country for nearly a quarter of a century in all grades from that of a private in the war with Mexico, as well as the dependent condition of his widow, afford ample justification for concurrence in the recommendation contained in the above-quoted report.

The committee therefore return the bill with the recommendation that it do pass.

Mr. YODER. As there will be objection to this bill, I ask that it take the same course with the two bills which are to be considered the first thing in order on Tuesday morning next, after the reading of the Journal, fifteen minutes to be allowed for debate on each side.

Several MEMBERS. The other bills went over until to-morrow.

Mr. BRECKINRIDGE, of Kentucky. I do not object to Saturday, but I do object to the bill being set for Tuesday of next week.

Mr. YODER. Let the bill be reported to the House with the recommendation that it be postponed until to-morrow immediately after the special order is disposed of, fifteen minutes to be devoted to debate on either side, when the previous question is to be considered as ordered.

Mr. BRECKINRIDGE, of Kentucky. I do not object to Saturday, but I will object, as I have already stated, to any day being set apart next week until after the sundry civil appropriation bill has been disposed of.

There was no objection, and it was ordered accordingly; and the bill was laid aside to be reported to the House with the recommendation that it be called up Saturday immediately after the special order is disposed of, fifteen minutes of debate being allowed on either side, when the previous question is to be considered as ordered.

ORDER OF BUSINESS.

Mr. NICHOLS. I was not present when my name was called, and I ask, by unanimous consent, to call up a bill.

Mr. CANNON. I demand the regular order.

JOHN GERMAN.

Mr. ADAMS called up the bill (H. R. 3504) for the relief of John German.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and that he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of John German, father of Philip German, deceased, formerly of Company G, Twenty-fourth Illinois Infantry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the application of John German, father of Philip German, deceased, late of Company G, Twenty-fourth Illinois Volunteers, for father's pension (No. 261515), submit the following report:

This case was rejected May 18, 1886, upon the ground that at the date of the soldier's death the claimant was not dependent upon him for his support.

This soldier enlisted June 30, 1861, and died in Andersonville prison May 24, 1864 (grave No. 1340). The first wife of claimant and mother of soldier died in Germany, April 1, 1843. In 1855 the claimant was living in Chicago in a little house of his own on leased ground, on North Franklin street. He exchanged this house for a piece of sandy land in Lake County, Indiana, in 1863, where he made a home until 1878, when he sold it and bought a small house and lot in the village of Dalton, Cook County, Illinois, where he is now living. He had one horse, a wagon, and two cows in 1878, a few farming utensils, this being all the personal property he owned.

Claimant had three boys in the war of 1861, all of whom died. Philip did more toward the support of his father than any of the other children. He was a finisher in a furniture store in Chicago before the war, earning about $7 per week, one-half of which he gave to his father for his support and that of the family. While in the war Philip sent money from time to time for his support, at one time a $20 gold piece by express to Ainsworth Station, Ind.; at another time he sent $50 to his father from Centerville, Mo., by Lieut. George Wolf, of Company C, Thirteenth Illinois Cavalry, and also sent money to his father at different times from Murfreesborough, Tenn.

John German, son of the claimant and brother of Philip, formerly of Company C, Thirteenth Illinois Cavalry, died of lung disease contracted in the service. Carl, another son of the claimant and brother of Philip, who was in the service, is dead. Claimant's second wife is dead.

Dr. A. J. Sparks, of Kensington, Cook County, Illinois, testified in 1883 that the claimant was old and feeble and unable to support himself; that he had attended him as his physician at different times; that he had a small house and a lot of from 100 to 200 feet in the village of Dalton, but did not think, from the appearance of things, that he had any means for his support.

Carl Sprink, of Riverdale, Cook County, Illinois, testified in 1884 that claimant's income, while he lived in Lake County, Indiana, was not over $75 per annum. Henry Weatherman testified to the same effect. Other witnesses testified that after claimant moved to Dalton, Cook County, Illinois, he earned a scanty living by working in his garden and by hauling swill to the neighbors from the distillery in his one-horse wagon; that part of the time he was too feeble to work; that his neighbors were in the habit of plowing his garden for him every spring without charge.

This old man furnished three boys for service in the late war, all of whom are dead; the claimant's second wife is dead. He has eked out a miserable existence since his helpmate and children have been taken from him; is now seventy-seven years old, in feeble health.

The only question presented by this record is the dependence of the father on the son, the soldier, for support. It is not material now to know whether or not at the time of the enlistment the father was depending on the soldier for support or not, but it is certain from the evidence now on file that if the soldier was now living the father would be depending on him for support, and this being within the rule adopted by this committee, we therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCY WAGOR.

Mr. ALLEN, of Michigan, called up the bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to place the name of Lucy Wagor, of Hillsdale, Mich., mother of Martin Wagor, deceased, late of Company I, First Michigan Sharpshooters, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll, have had the same under consideration, and beg leave to submit the following report:

Lucy Wagor is the mother of Martin Wagor, who enlisted in Company F, First Regiment Michigan Sharpshooters, November 15, 1862, promoted to second lieutenant of same company June 3, 1863, and was killed in battle before Petersburgh, Va., June 25, 1864.

Her claim for pension has been rejected because the soldier left surviving him a widow, who was entitled to and did receive a pension until her remarriage, about two years subsequent to the soldier's death.

The soldier left no minor child surviving him, and therefore all pensions on account of his death ceased with the widow's remarriage.

The evidence shows that upon the death of his father the soldier had the care of the claimant and her other children, and continued this charge after his marriage, about a year before his enlistment. After his marriage the claimant continued to live with him, and ever thereafter until his death received her support from him. She has no income, and is therefore dependent upon others for support. Her age is now seventy-five.

Congress has on many occasions granted relief to the old and dependent parents of soldiers who are excluded from the provisions of the pension laws by reason of the son's marriage, and believing from the evidence before us that this is a highly meritorious case, entitled to favorable consideration, your committee return the bill with the recommendation that it do pass, amended, however, by striking out all after the word "late," in line 5, and inserting therein instead the words "second lieutenant Company F, First Regiment Michigan Sharpshooters, subject to the provisions and limitations of the pension laws."

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY HOOPER.

Mr. ANDERSON, of Iowa, called up the bill (H. R. 10504) granting a pension to Mary Hooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Hooper, widow of the late Isaac Hooper, lieutenant Company I, Eighty-fourth Pennsylvania Volunteers.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10504) granting a pension to Mary Hooper, submit the following report:

Mary Hooper is the wife of Isaac Hooper, late first lieutenant of Company I, Eighty-fourth Pennsylvania Volunteer Infantry. Isaac Hooper was mustered into service December 7, 1861, and resigned or was discharged February 28, 1862. He filed his application for invalid pension April 3, 1871, but died before it was completed. He died January 17, 1884. The widow filed her application for pension November 17, 1887. Isaac Hooper was discharged from service for chronic rheumatism and pulmonary consumption, from which he suffered for the past four months, as stated in his discharge.

Claimant alleges that he contracted typhoid fever in the service; that it was followed by weakness and numbness in his limbs, which continued to increase until his right leg has become almost useless. The fact that the disease was incurred in the Army and in line of duty has not been controverted. The claim has been specially examined and the reports of special examiners are on file, and was finally submitted to the board of reviewers, and was rejected on the ground of alleged cowardice. It appears from the evidence on file that the command was suddenly attacked and fired upon by our own troops in the night. The sudden attack caused a stampede among the men, and that this officer jumped into the water and made his way to a small island in the river, where he remained all night, and it is claimed contracted the disease of which he afterwards died.

The evidence of prior soundness, of the contraction of the disease in the Army from which he died, and in the service, is not disputed. The case was rejected solely on the ground that because this soldier, who had only been in service a short time, and whose men were raw recruits and had never been under fire, were suddenly fired upon in the night-time by our own men, his men were stampeded and became demoralized, not knowing where the fire came from or what forces they had to oppose, and among the rest this lieutenant attempted to save his life by jumping in the water and making his way to the island.

That he suffered from the disease he contracted in the Army, subsequently and constantly, is not denied, and that his death was caused by the disease contracted in the Army is plainly shown. That there was a great deal of doubt existing with regard to the justice of this claim by the board of reviewers is evident by the voluminous testimony and three or four special examinations that have been made on the case, and it is, to say the least, a grave doubt, as it is expressed by a majority of those who have examined into the case, both special examiners and reviewers, as to the justice of rejecting the claim.

After a due investigation of the evidence on file your committee have come to the conclusion that this is a case of merit and that the widow is entitled to a pension, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SHADRACK W. BROWN.

Mr. BACON called up the bill (H. R. 8993) for the relief of Shadrack W. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Shadrack W. Brown, late of Company D, One hundred and seventy-sixth Regiment New York Volunteers.

The amendment of the committee was read, as follows:

Insert after the word "volunteers," in line 7, the words "at the rate of $40 per month."

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8993) for the relief of Shadrack W. Brown, having carefully examined into the same, do respectfully report:

That the said Brown was duly enlisted and mustered into the service of the United States as a private in Company D, One hundred and seventy-sixth New York Volunteers, in October, 1862, and was honorably discharged November, 1863, at the expiration of his term of service; that he was captured at Brashear City, La., in May, 1863, when his company was in action, and was paroled and restored to duty in August, 1863, and continued to serve until he was discharged.

The claimant testifies that at Bonnet Carre, La., on October 15, 1863, while at target practice under orders from his officer, he was injured by a piece of a cap which struck him in the left eye.

This statement is corroborated by the affidavits of several of his comrades who were present when the accident occurred. The statements of members of his family and reliable neighbors show that he had no imperfection of vision at the time of his enlistment, and that immediately upon his return and uniformly thereafter and for many years before he applied for his pension, he stated that he had escaped injury in the war except from a piece of a cap striking him in the eye, which had impaired his sight. This injury resulted in the loss of the sight of his left eye shortly after his return, and later on in the loss of the sight of his right eye. He is now and has been for years entirely blind, and is poor and dependent upon relations and friends for his support.

His case was rejected at the Pension Office because there was no record of the accident in the War Department, and because the commanding officers of his company do not remember the accident. The report of the Adjutant-General shows that his company and regimental record are not on file for October, 1863.

The medical examiners and medical referees report him as totally blind. The disease which occasioned this blindness is stated by them to be traumatic cataract, not senile or congenital cataract. This establishes that the cataract was the result of a direct injury of such a kind as he testifies to. The claimant has always been estimated by his neighbors as a hard-working, truthful man who faithfully endeavored to support himself and his family by his own labor.

Your committee are satisfied that he is entitled to a pension, as asked, and report the bill back with the recommendation that it do pass, amended, however, by inserting after the word "volunteers," in line 7, the words "at the rate of $40 per month."

Mr. BACON I ask that that amendment be disagreed to, as I am satisfied it is a clerical error both in the bill and in the report. The bill provides that the man shall be placed on the pension-roll subject to the provisions and limitations of the pension laws, and I do not see why he should be required to take any less.

Mr. CHIPMAN. This report was made by me, and I am somewhat surprised at the conclusion of it. I think the amendment ought not to be adopted, but that the man should be remitted to the provisions and limitations of the pension laws.

The CHAIRMAN. The report states this man is totally blind, and under the law he would be entitled to a larger pension.

Mr. BACON. I do not know whether to a larger or smaller pension, but it is evidently a clerical error. It is not in the same handwriting with the bill, and has evidently gotten in there by mistake. The gentleman from Michigan [Mr. CHIPMAN] is of the opinion that it is a clerical error.

The amendment was disagreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

IRENE RUCKER SHERIDAN.

Mr. BINGHAM called up the bill (H. R. 11113) granting a pension to Irene Rucker Sheridan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Irene Rucker Sheridan, widow of the late Philip H. Sheridan, General of the United States Army, and to pay her a pension, from the passage of this act, at the rate of $3,500 per annum.

The amendment of the committee was read, as follows:

Strike out "$5,000" and insert "$3,500."

Mr. CHEADLE. I wish to ask the gentleman in charge of the Invalid Pensions Committee whether or not the claim of Mrs. Sheridan has been sent to the Pension Office and rejected?

Mr. CHIPMAN. Of course not.

Mr. CHEADLE. I shall object to the consideration of this bill to-night; and I object to it especially for this reason, that two weeks ago I called up a bill in this House which had been considered by the Committee on Invalid Pensions. It was reported adversely because of the fact that the claimant had not gone to the Pension Department, when the pensioner showed by his affidavit that the injury occurred when he was alone and that it was physically impossible to obtain the legal status that was required in the Department. The House refused to grant that old veteran—more than seventy-two years of age—a pension. Now, I want to know whether in this Congress there shall be one rule established for the poor and another and different one for the rich; whether the humble pensioners in this country are to have one

rule by which their pensions are to be granted and the rich and those high in official life are to have another and different one?

Mr. BINGHAM. I have no disposition to enter into any kind of controversy with the gentleman from Indiana as to this claim. But under a general statute of course the only way that Congress can consider the claim of an officer who has died from wounds, or injuries, or disease contracted in the line of duty in the service of the United States, is first its rejection under the *pro forma* rules of the Pension Office, and after the party has fully complied with the pension laws. That is where the claim has been rejected.

I am not familiar with the particulars of this case to that extent as to be able to determine that in all respects the general principles laid down by the law have been positively carried out; and that the heirs or the widow of General Sheridan have fully complied with the statute, which, however, is fully and thoroughly familiar to all of those who are identified with the regular service, and after the rejection of the claim by the Department to come to Congress as the *dernier ressort*. But I believe that to be the case here.

I have no remark or reflection to make upon the case the gentleman from Indiana cites. I have only to state that this bill has gone through the Pension Committee; that all the requirements of the statute have been complied with, and that it is before the House to-night on an amendment to grant to the widow of the distinguished soldier the pension named. I trust the gentleman will make no objection to the passage of the bill.

The CHAIRMAN. The Chair understands that under the rule adopted this evening it is the privilege of each member, when his name is called, to ask for the consideration of a bill. The only question is upon the motion to adopt the amendment recommended by the committee.

Mr. CHEADLE. I feel compelled to object to the bill, unless a quorum acts upon it. I want to say that if there is in this tribunal of the people, this court of *dernier ressort*, as the gentleman from Pennsylvania terms it, to be established one rule to govern us and by which we are to grant pensions to the widows of the musket-carriers and another and different rule to the widows of the officers of the regular Army and the officers of the volunteer Army, then I want to know it and to know it right here and now.

There never was a greater outrage perpetrated in the history of legislation by the American Congress than when this House of Representatives refused to grant a pension to Joseph W. McConnell, who must have been at least forty-five years of age in 1861 when he enlisted in the Fifteenth Indiana Regiment at the very outbreak of the rebellion, and incurred a disability when he was alone, and he set forth the facts in an affidavit, his character being certified to by the leading citizens in the county in which he lives, and I stated here under the solemnity of the oath, administered to me in that area, that I had been acquainted with him since 1862; that he was a man of the very highest integrity and personal character, and the House denied the right that he claimed and that he had a right to claim, to cure the defect in his testimony, and send him to the Pension Office to be pensioned according to his disability at the rate fixed by the general law. I repeat, therefore, that if there is in this country one system of procedure to be applied to officers of high grade and another and different one to be applied to those who carried the musket, I want to know it.

Mr. Chairman, in this country we claim that equality before the law is the birthright and inheritance of all our citizens. If this rule of class legislation is to apply and if we shall have another and a different rule for men in whatever rank or grade in the service, then let us clearly and definitely settle that question now.

Mr. O'NEILL, of Missouri. Why can not you call up the bill to which you refer and pass it now?

Mr. CHEADLE. Because the House rejected it upon the request of a gentleman who is now a candidate for the office of governor of the State of Indiana.

Mr. WILLIAMS. Let me ask the gentleman if he thinks he remedies that wrong by objecting in this case?

Mr. CHEADLE. I say this, sir, that if there is one rule by which we are to judge of the pensionable qualifications of one citizen and another rule for another citizen, I ask this House to establish that rule now. Let us, and let the country, know what it is. I want to say that it was not the major-generals, nor the brigadier-generals, nor the colonels, nor the captains that saved this country in the time of its trouble. It was the musket-carriers, the men of the muskets and knapsacks, who did the work.

Mr. CHIPMAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CHIPMAN. What is before the committee? The gentleman has objected to the consideration of the bill.

The CHAIRMAN. The Chair understands the only question before the committee is the motion that the bill be laid aside to be reported favorably to the House, the first question being on the amendment.

Mr. CHIPMAN. Is that the pending motion?

The CHAIRMAN. It is.

Mr. CHIPMAN. Does the five-minute rule apply in this case?

The CHAIRMAN. It does not.

Mr. CHIPMAN. It seems to me that we are occupying the entire time of the session with this discussion and doing nothing. I hope the bill will be allowed to go over if we can not have it acted upon to-night.

Mr. BINGHAM. I want to say to the gentleman from Indiana that I take no issue with him upon the question that he raises; all I ask is that this bill shall have a fair hearing before the House on its own merits.

Mr. CHEADLE. I object to the consideration of the bill in the absence of a quorum. I have no objection to its going over to a full House with a reasonable time granted for debate and for the consideration of the bill, at which time I wish to be heard upon the question of special pension legislation.

Mr. BINGHAM. Will the gentleman allow the bill to go through this evening?

Mr. CHEADLE. Not without a constitutional quorum.

Mr. BINGHAM. Then the gentleman is to call no quorum?

Mr. CHEADLE. I shall do so if necessary.

Mr. BINGHAM. That being the case, I am perfectly willing to accede to the gentleman's request that the previous question be considered ordered and the bill go over to be considered in the House immediately after the reading of the Journal to-morrow morning, with fifteen minutes allowed on each side for debate.

Mr. COX. I would not ask for debate; nobody will object to the bill.

Mr. KILGORE. I want to enter an objection here. I will not agree to fixing any time out of its regular order for the consideration of the bill.

Mr. BINGHAM. Does the gentleman object?

Mr. KILGORE. I will resist the passage of the bill, and intend to do it. If you want to call it up to-night let it take its course. I will not agree that it shall be fixed by this committee to-night for consideration to-morrow or on any other future day.

The CHAIRMAN. The gentleman from Texas objects.

Mr. BINGHAM. Is the purpose of the gentleman to block all legislation in connection with the matter? As I understand it, this is not a question for present consideration, but that the matter shall go over to a full House. The gentleman from Indiana calls a quorum, and the purpose is to reach the consideration when a quorum is present. For that reason I have asked that the bill go over until to-morrow morning, because we never have a quorum at these evening sessions. What is the purpose of the gentleman from Texas?

Mr. KILGORE. My purpose is to beat the bill, and there is no misunderstanding that language.

The CHAIRMAN. The bill is before the committee for consideration. Objection has been made to the unanimous request asked by the gentleman from Pennsylvania.

Mr. CANNON. I understand the gentleman from Indiana and the gentleman from Pennsylvania can agree that it shall go over to a full House, but that the gentleman from Texas gives notice that he desires to beat the bill and will make a point of no quorum. If it is to be considered here to-night a quorum will be demanded. If the gentleman from Texas desires to take that position evidently we all understand there is no quorum present.

Mr. WISE. If the gentleman will allow an interruption, I understand the gentleman from Indiana to demand a quorum.

Mr. CANNON. He is willing that it shall go over to a full House.

Mr. BURNES. So is the gentleman from Texas.

Mr. CANNON. If the gentleman from Texas is willing to agree to that——

Mr. BINGHAM. In view of that, will the gentleman from Texas indicate any time, any reasonable time, when he is willing to have it considered?

Mr. KILGORE. Take your own course with it.

Mr. BINGHAM. I would request that to-morrow morning, or any other morning that the gentleman would name, be fixed for its consideration. I want the matter to go to a full House. I am sure the gentleman will not object to a full discussion of the question before a quorum of this body.

Mr. KILGORE. The legislation is not so very important, I take it, that it can not pursue the regular course. If the gentleman in charge of the bill prefers to submit it to the House to-night, I give notice that I will employ all the methods that are placed at my command by the rules to defeat it to-night, and I will not agree that this body shall refer it to the House to be considered to-morrow or any other day.

Mr. CHIPMAN. I move that the bill be passed for the present, and that it retain its place on the Calendar.

Mr. KILGORE. Mr. Chairman, I would like to know if that will leave it just as it was before it was called up to night?

The CHAIRMAN. It will leave it in *statu quo*.

Mr. KILGORE. Then I have no objection.

Mr. BINGHAM. I am perfectly willing that it shall remain as it is.

The CHAIRMAN. The gentleman from Michigan [Mr. CHIPMAN] asks that this bill be laid aside without being acted on and retain its place on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

CHARLES JUNOT.

Mr. BRECKINRIDGE, of Kentucky. I ask consideration of the bill (H. R. 10687) granting a pension to Charles Junot.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Junot, of Louisville, Ky., who served in the Florida war under the name of Tom Jones.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10687) granting a pension to Charles Junot, have considered the same and report as follows:

The claimant, under the name of Thomas Jones, was a private in Capt. Alexander Jernigan's company of Florida Mounted Militia from March 2, 1840, to November 14, 1840; and the regiment did duty in the Florida Indian war. A land-warrant was allowed this claimant for the services rendered, his identity being established in that claim.

He is now sixty-six years of age and in needy circumstances, being also physically disabled.

His case would fall within the provisions of the general-service pension bill for the survivors of the Indian wars from 1832 to 1842, favorably reported by this committee at the present session of Congress.

Your committee recommend the allowance to the claimant of a service pension, and therefore report the bill back recommending its passage, amended, however, by striking out, in lines 4 and 5, the words "subject to the provisions and limitations of the pension laws" and inserting at the end of the bill the words "and pay him a pension at the rate of $8 per month."

Mr. KILGORE. Do I understand the report to state that this soldier served in the Indian war of 1840?

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. KILGORE. My recollection is that there was no war going on in 1840.

Mr. BRECKINRIDGE, of Kentucky. The gentleman should know, he is old enough.

Mr. WHEELER. He is not familiar with the history of the country.

Mr. CARUTH. I do not know the motive of the gentleman from Texas in objecting to this bill. This old man, who is now upon the verge of the grave, very aged and decrepit, served the country in the Florida war; the report of the committee shows that fact. And after we have given pensions to those who carried the flag of their country in the recent war of the rebellion and in the war with Mexico, why a poor old soldier who served the country anterior to that time should be denied this charity in his old age is a thing which I can not understand. I know this man well. I have known him for years. I know his condition. I know that as an act of charity he deserves this pension; and he deserves it for his services to the country.

Now, this report shows that this case has been regularly through the Pension Office. The soldier served in that war. His claim and his papers are all right, and why the gentleman from Texas should object to it is a thing that I can not understand. I ask the reason why there should be any objection to this bill for this poor old man.

Mr. KILGORE. I take it, Mr. Chairman, that this discussion is out of order.

The CHAIRMAN. It is not. The bill is before the committee for consideration.

Mr. KILGORE. I say if the soldiers who served in that war and all the wars previous to the late war deserve a pension, there ought to be a general law applying to all of them. A few men ought not to be singled out and special favors granted to them in such a way. Besides, I am in earnest in saying there was no Indian war in 1840; it was in 1836.

Mr. CARUTH. I am willing to give the gentleman his way about that, and strike out "forty" and insert "thirty-six." [Laughter.]

Mr. KILGORE. I will insist upon my objection.

Mr. BRECKINRIDGE, of Kentucky. As I understand the facts I do not want to take up the time of the House. I know nothing specially about this case. I took advantage of my name being called to do an act of courtesy to a colleague who is vigilant in the interest of his constituents. I think if my friend from Texas will think a moment he will see that this is a just claim.

Mr. KILGORE. Let it go over for the present, and I will look into the case.

Mr. BRECKINRIDGE, of Kentucky. The facts are that the Committee on Pensions have reported a general bill which covers this case. There was a war going on in Florida ever since the gentleman was born, and that was long before 1840, until the Indians who were not got rid of by being killed were transferred to the West. Now, this soldier served in that war and will come within the terms of the general law if that bill is passed. The position of the gentleman is simply this: that an act of justice to a class of persons not being performed ought to prevent an act of justice to a single person in that class. I hardly think that my friend will take the position that because we do not do justice to one hundred and fifty persons we ought not to do justice to the one hundred and fifty-first person.

Mr. ADAMS. I notice from an examination of the bill that this party was a private in "Capt. Alexander Jernigan's company of Florida mounted militia." It does not state that he was in the service of the United States. He might have been, as I am not familiar with the history of that Indian war, and neither do I know whether Congress has ever granted a pension to a person who was not in the service of the United States.

Several MEMBERS. Oh, yes.

Mr. GUENTHER. I rise to a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. GUENTHER. Has objection to the consideration of this bill been withdrawn?

The CHAIRMAN. The bill is before the committee for consideration, and the gentleman can only make his objection effective when the motion is made that this bill be laid aside to be reported to the House with a favorable recommendation. The question is as to the adoption of the amendments.

The amendments were agreed to.

The CHAIRMAN. The question is now on laying the bill aside to be reported to the House with the recommendation that it do pass.

The question was put; and the Chairman stated that the ayes seemed to have it.

Mr. KILGORE. I call for a division.

The committee divided; and there were—ayes 26, noes 1.

Mr. KILGORE. No quorum.

Mr. CARUTH. I desire to say from this action here to-night that so far as the gentleman from Texas is concerned his objection does not proceed from that pure motive which ought to inspire a member of this House; and because he has the advantage of me in the fact that there is no quorum here to-night I will withdraw the bill with the consent of the House and let the responsibility of the loss to this poor soldier of the United States rest where it belongs.

Mr. KILGORE. When I desire to be specially lectured for my conduct as a member of Congress [cries of "Regular order!"] I will call on somebody to lecture other than the gentleman from Kentucky. If I want him to lecture me I will invite him to do so. I am responsible for my action; and if any gentleman wants to object to it and make it a personal matter he can do so.

The motion to withdraw the bill for the present was agreed to.

JACOB PITNER.

Mr. BROWN, of Ohio. I call up the bill (S. 2371) granting a pension to Jacob Pitner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of Jacob Pitner, late private in Company K, One hundred and ninety-second Regiment of Ohio Volunteers, subject to the limitations and restrictions of the pension laws.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The committee adopt and make part hereof the report of the Senate Committee on Pensions, and recommend the passage of the bill.

The Senate report is as follows:

[Senate Report No. 160, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2371) granting a pension to Jacob Pitner, have examined the same, and report:

The claimant was a private in Company K, One hundred and ninety-second Regiment Ohio Volunteer Infantry. It appears from the evidence of an eye-witness that about the 15th of May, 1865, he was kicked by a mule in the head and breast; was knocked down and trampled upon; remained insensible for several hours. He was treated in the quarters of the regiment, but not in hospital, for such injuries, partially recovered from them, but was discharged in September, 1865, as unable to perform duty.

He suffered much pain, and the wound in the crown of the head, occasioning a deep scar, was the cause of much nervous derangement. He was not able to do manual labor of any kind from the time of his discharge. He remained in this condition until 1873, when he was attacked by partial paralysis of the legs, and shortly afterwards became blind.

Both lay and medical testimony trace the disease of the limbs to the original injury as the probable cause. As to the loss of sight the physician certifies that it must be caused by some "intercranial lesion," as there is no evidence of any external disease of the eyes.

Although there may not be technically or medically a traceable connection shown between the diseases of the claimant and his present disabilities, the reason of objection, yet we conclude from the whole history of the case that these disabilities are the results of the injury received by him in the service and in the line of duty. He is now nearly sixty years old, very poor, can not walk without assistance, and totally blind. The disability is permanent, and he is very nearly as helpless as when he was first injured in 1863, in the Army.

We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CYRUS MILLINS.

Mr. BUNNELL. I ask for the consideration of the bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Cyrus Millins, of Ogden Centre, Mich., late a private of Company B, Fourth Michigan Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. CHIPMAN) was read, as follows:

Claimant alleges that in July, 1862, he contracted hemorrhoids. His claim has been rejected on the ground that the certificate of disability, upon which discharged, sets forth the existence of the disability prior to enlistment.

The record shows that claimant enlisted May 16, 1861, in Company B, Fourth Regiment Michigan Volunteers, and was discharged for disability as above stated April 11, 1863.

The captain of the company certifies under last-given date that Cyrus Millins is a brave man and has been a good soldier, but has become unfitted for military duty.

Lieut. Orrey S. Barrett, in April, 1866, testifies that soldier was attacked with bleeding piles at Harrison's Landing, and soon after sent to hospital; was more or less disabled therefrom after his return from hospital until discharged.

The same officer, in subsequent affidavit, states that he was very intimate with Millins before enlistment, and knows that he was sound at that time; did not complain of any disease during the first year of his service, and was an able-bodied and active man from time of joining the command to the close of the Peninsula campaign.

Dr. A. M. Wilber testifies to prior soundness, his enlistment with claimant, and the latter's disability from dysentery while in the service.

There are a number of affidavits, in addition to those above referred to, of neighbors and comrades, showing conclusively that claimant was free from hemorrhoids at enlistment; that he contracted diarrhea about the time of the battle of Malvern Hill, which resulted in the disability for which the pension is claimed. The affiants are persons of unquestioned veracity, and many are of high social standing.

Surgeon French, who made the adverse record in the case, makes oath that he was not acquainted with the soldier prior to his enlistment; in fact, did not know him until a short time prior to his dis harge.

The committee regret that the claim can not receive favorable consideration by the proper bureau because of the record adverse to the same. The evidence filed in rebutter is unusually strong, and fully convinces your committee that an injustice has been done claimant by the surgeon who, according to his own affidavit, knew nothing of the case until within a few weeks prior to the date of his certificate.

The bill is therefore reported favorably to the House, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH J. MARTIN.

Mr. BURNES. I call up the bill (S. 2871) granting a pension to Mrs. Sarah J. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah J. Martin, widow of Samuel Martin, deceased, late of Company H, of the Sixty-fourth Regiment Illinois Volunteers, who was pensioned under certificate numbered 43906.

The report (by Mr. LANE) was read, as follows:

The committee beg leave to report that they have considered this case, and adopt the report made in this case by the Senate committee as the report of this committee, and recommend that this bill do pass.

[Senate Report No. 1541, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2871) granting a pension to Mrs. Sarah J. Martin, have examined the same, and report:

Claimant is the widow of Samuel Martin, who enlisted as a private in Company H, Sixty-fourth Illinois Volunteer Infantry, February 3, 1864, and was discharged on certificate of disability February 28, 1865.

The records of the War Department show that he was wounded in battle near Atlanta, Ga., July 22, 1864, causing amputation of left thigh, and that he was also wounded in right thigh and hip and contracted typhoid fever in the service.

The claim was rejected March 29, 1888, on the ground that the cause of soldier's death—paralysis—was not a result of his military service.

In her application, filed January 12, 1886, claimant states that her late husband, Samuel Martin, died August 1, 1885, of injuries received while in the service of the United States, and that he left no children surviving him.

In affidavit filed January 24, 1887, O. McR. Moke, of Paris, Ill., testifies that he was present when the late soldier was wounded in both legs and thighs.

In affidavit filed January 28, 1887, R. R. Roberts, a comrade, testifies that the soldier was wounded in battle at Atlanta, Ga., July 22, 1864, and that affiant was afterwards wounded about the middle of August, 1864, and sent to the general hospital at Rome, Ga., where he was placed in the same ward with the above-mentioned soldier; that the stump of said soldier's leg had been cut off once or twice, and that gangrene had set in; that the soldier was also wounded in the right leg and side; that he saw him every year from the time of his discharge from the service to the date of his death, and knows that he suffered from the disabilities above mentioned; that he visited the soldier during his last illness, and is of the opinion that his death was caused from his wounds and their effect upon his nervous system.

In affidavit filed January 25, 1887, Aaron Martin, of Libertyville, Ind., testifies that when he first saw the soldier after his discharge from the service one of his legs had been amputated, and that he was suffering from other wounds received at the same time; that he suffered from paralysis for a long time before his death, caused, in the opinion of affiant, from the effects of wounds received in the service.

In affidavit filed February 7, 1887, Sarah Ann Martin, of Kidley, Ill., testifies that she is the mother of the late soldier; that he lost his left leg in the service, and was also wounded in his right leg and side; that these wounds caused numbness of the limbs, making his arms and other leg almost useless; that one of the large cords of his right leg was cut by a wound in the knee; that owing to the crippled condition of the soldier it was difficult for him to use his crutches; that these wounds caused paralysis, which terminated fatally.

In affidavit filed January 18, 1887, Eli Martin, of Vermillion County, Indiana, testifies to the helpless condition of the soldier after his return home from the Army, and states that the paralysis from which he died resulted from wounds received in the service.

In affidavit filed December 11, 1886, Dr. James N. Downs, of Paris, Ill., testifies that he was acquainted with the soldier for about five years preceding his death, and that the said soldier had several attacks of paralysis during that time; that he never treated him, but was frequently consulted by the soldier with regard to his disability.

In affidavit filed December 11, 1886, Dr. S. K. Gray, of Paris, Ill., testifies that from 1867 to 1877 the soldier was very nervous from wounds received in the service.

In affidavit filed December 11, 1886, Dr. W. A. Buchanan, of Paris, Ill., testifies that he visited the soldier several times in July, 1885, and at that time he was paralyzed and suffering from a low grade of typhoid fever.

In affidavit filed January 18, 1887, George W. Wellman, of Paris, Ill., testifies that the soldier was a physical wreck long before his death, and that he died from the effects of wounds received in the service.

In affidavit filed June 29, 1886, Dr. H. S. Bell, of Paris, Ill., testifies that he attended the late soldier during his last illness, which terminated fatally August 1, 1885; that the immediate cause of his death was general debility, superinduced by injuries received in the service, and that the remote cause of his death was paralysis.

In a letter dated July 17, 1886, Dr. Bell states that it is supposed that the disease of brain and spinal cord resulted from wounds and exposure incident to camp life, and in an affidavit filed December 11, 1886, he testifies substantially as above.

A transcript from the records of Edgar County, Ill., shows that the cause of the soldier's death was general paralysis, and this certificate is signed by Dr. H. S. Bell.

In her petition praying that a pension be granted her claimant states that her claim was unjustly rejected on the ground that her late husband's death was not due to his military service, for he was severely wounded in the left leg, causing amputation of said limb, and was also wounded in the right leg and through his body; that a few years before his death his right knee seemed to have become disjointed, and that he was unable even to dress himself; that she is dependent upon her own labor for support, and is paralyzed in her right side.

This claim was recommended for admission by the legal examiner and reviewer of the Bureau of Pensions, but was rejected by the medical referee.

From all facts in the case it appears there can be no doubt that the soldier's death was caused by disabilities incurred in the service, and that his widow is entitled to a pension.

Your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. CHIPMAN. I move that the committee rise and report its action on the various bills to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. CLEMENTS having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

Mr. CARUTH. Mr. Speaker, I desire to make a parliamentary inquiry. Just now, in Committee of the Whole, having called up a bill for consideration, I withdrew the call. Of course the bill retains its place on the Calendar, does it not?

The SPEAKER *pro tempore*. It does.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 11057) granting a pension to Margaret Gray;
A bill (H. R. 3801) granting a pension to Nelson J. Crook;
A bill (H. R. 4820) granting a pension to Ellen Kelly;
A bill (H. R. 8748) to increase the pension of Richard Jobes;
A bill (H. R. 10224) granting a pension to Elias H. Hall;
A bill (H. R. 2566) for the relief of Phillip Kopplin;
A bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-rolls;
A bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll;
A bill (H. R. 3504) for the relief of John German;
A bill (H. R. 10504) granting a pension to Mary Hooper;
A bill (H. R. 8993) for the relief of Shadrack W. Brown; and
A bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-roll.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments respectively agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 11021) granting a pension to Charles Hahneman;
A bill (H. R. 7516) to increase the pension of Sylvester Stearns;
A bill (H. R. 6022) granting a pension to Smith Bodkins;
A bill (H. R. 508) granting a pension to Sarah F. Hawkins;
A bill (H. R. 10856) for pension to Eliza N. Aiken;
A bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 3118) for the relief of Mathew O. Regan;
A bill (S. 2716) granting a pension to Carl M. Schwantes;
A bill (S. 3035) to grant a pension to William Thields;
A bill (S. 2371) granting a pension to Jacob Pitner; and
A bill (S. 2871) granting a pension to Mrs. Sarah J. Martin.

REMOVAL OF POLITICAL DISABILITIES.

The bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay, reported from the Committee of the Whole House without amendment, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

The bill (S. 3178) to remove the political disabilities of William L. Bradford, reported from the Committee of the Whole House without amendment, was ordered to a third reading, read the third time, and passed, two-thirds voting in favor thereof.

BILLS POSTPONED.

The Clerk read the titles of the following bills:

A bill (S. 944) increasing the pension of Mrs. Elizabeth G. Scott;
A bill (S. 2175) granting a pension to Mary Calvert Truxtun; and
A bill (S. 2838) granting an increase of pension to Betsey A. Mower.

The SPEAKER *pro tempore*. These bills have been reported from the Committee of the Whole House with the recommendation that they be made a special order for to-morrow.

Mr. STEELE. These three bills are all in the same category. I ask that they be made a special order for to-morrow, not to antagonize appropriation bills or the bill of the Committee on Foreign Affairs——

Mr. SPRINGER. Or the Oklahoma bill.

Mr. STEELE. Or the Oklahoma bill; that they be taken up as soon as possible without interfering with any of the business that I have indicated, and that the previous question be considered as ordered upon them.

Mr. KILGORE. Let it be understood that there shall be an opportunity to discuss and amend these bills; otherwise I must object to this order. Once before when bills were carried over in this way the right of amendment was denied because it had not been specified in the order.

Mr. CHEADLE. The understanding in Committee of the Whole was that there should be fifteen minutes' debate on each side upon each of these bills.

The SPEAKER *pro tempore*. The proposition is that these bills be laid over till to-morrow after the reading of the Journal; that their consideration shall not antagonize appropriation bills, the Oklahoma bill, or the bill of the Committee on Foreign Affairs; that the previous question be considered as ordered on each bill, with fifteen minutes' debate on each side, and with the opportunity for amendment. If there be no objection, this order will be made.

Mr. STEELE. I think it proper it should be added that the bills be considered to-morrow, or as soon thereafter as possible.

The SPEAKER *pro tempore*. It will be a continuing order. If there be no objection, the order as stated will be agreed to.

There was no objection, and it was ordered accordingly.

POLITICAL DISABILITIES OF JOHN H. PARKER.

Mr. WISE. I ask unanimous consent for the consideration of the bill (H. R. 10621) for the removal of the political disabilities of John H. Parker, of Virginia.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States by reason of participation in the late rebellion, be, and they are hereby, removed from John H. Parker, of Chesterfield County, in the State of Virginia.

Mr. PAYSON. I will inquire whether the gentleman from Virginia [Mr. WISE] has personal knowledge with reference to this case?

Mr. WISE. Yes, sir; I have.

Mr. PAYSON. Does this gentleman desire the removal of his political disabilities?

Mr. WISE. Yes, sir; I ask the passage of this bill at his request.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. CHIPMAN moved to reconsider the votes by which the various bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The hour of half past 10 o'clock p. m. having arrived, the House, according to order, adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. C. S. BAKER: A bill (H. R. 11317) granting a pension to Fredericka Liesegang—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 11318) for the relief of Stokely D. Brooks, of Tennessee—to the Committee on Military Affairs.

By Mr. T. J. CAMPBELL: A bill (H. R. 11319) to remove the charge of desertion from the military record of Michael Carroll—to the Committee on Military Affairs.

By Mr. TAULBEE: A bill (H. R. 11320) to remove the charge of desertion from the military record of Harris Hanshoe—to the Committee on Military Affairs.

By Mr. S. V. WHITE (by request): A bill (H. R. 11321) to place the name of John H. Tunney on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11322) to place the name of Patrick McNichols on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11323) to place the name of Charles T. Stocklien on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11324) to place the name of Franklin Furay on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11325) to place the name of Martin O'Connor on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11326) to place the name of John O'Brien on the pension-roll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Petition of the citizens of the Second Congressional district of New Jersey, praying for a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. DOUGHERTY: Petition of John M. McIntosh, administrator of F. H. Gregory, of Marion County, Florida, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GEST: Proof in the pension claim of Francis Klein—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of G. L. Cranmer and others, members of the bar of the district court of the United States at Wheeling, W. Va., relative to legislation proposed affecting said county—to the Committee on the Judiciary.

By Mr. POST: Memorial of Orange Grange, No. 843, Patrons of Husbandry, of Peoria County, Illinois, against the passage of Senate bill 2083—to the Committee on Agriculture.

By Mr. ROBERTSON: Petition of Maggie H. Rowan, heir of Horace Hills, of East Feliciana Parish, Louisiana, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCULL: Petition of the Germania Quartette Club, of Johnstown, Pa., in relation to foreign immigration—to the Committee on Foreign Affairs.

By Mr. TARSNEY: Petition of Mrs. Cordelia Barnes, for privilege of purchasing certain lands—to the Committee on the Public Lands.

Also, petition of citizens of Montcalm, Mich., for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. TAULBEE: Petition to accompany bill for the relief of Harris Hanshal—to the Committee on Military Affairs.

By Mr. WHITTHORNE: Petition of Mrs. Mary A. Mitchell, of Giles County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. TARSNEY: Of citizens of Michigan.

HOUSE OF REPRESENTATIVES.

SATURDAY, *September* 1, 1888.

The House met at 12 o'clock m., and was called to order by Mr. Thomas S. Pettit, one of the reading clerks.

ELECTION OF SPEAKER PRO TEMPORE.

The following was read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., September 1, 1888.

SIR: I am compelled to be absent from the city from this time until Tuesday next.

Please present this note to the House in order that it may choose a Speaker *pro tempore*.

JOHN G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Mr. BRECKINRIDGE, of Kentucky. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That JAMES H. BLOUNT, a Representative from the State of Georgia, be, and he is hereby, chosen Speaker *pro tempore*, to preside during the temporary absence of the Speaker.

The resolution was adopted.

Mr. BLOUNT, on taking the chair, was greeted with applause.

Prayer was offered by Rev. S. Moylan Bird, of Galveston, Tex.

The Journal of yesterday's proceedings was read and approved.

NOTIFICATION TO THE SENATE.

Mr. BRECKINRIDGE, of Kentucky, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk be directed to inform the Senate that the House has chosen JAMES H. BLOUNT, a Representative from the State of Georgia, Speaker *pro tempore* during the absence of the Speaker.

Mr. WHEELER. Mr. Speaker, I desire to ask unanimous consent that next Saturday be set apart for the consideration of bills from the Committee on Expenditures in the Treasury Department.

The SPEAKER *pro tempore*. The Chair desires first to lay before the House certain privileged matters.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced

that the Senate had passed without amendment the joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

Also, that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas.

The message further announced that the Senate had passed with amendments the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and asked a conference with the House on the disagreeing votes thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. GORMAN conferees on the part of the Senate.

POSTAL CRIMES, ETC.

The SPEAKER *pro tempore* laid before the House the bill (S. 3447) amendatory of an act relating to postal crimes, and amendatory of the statutes therein mentioned, approved June 18, 1888.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of that bill, and will state that a bill in substantially the same terms has heretofore passed the House and the Senate, but on account of an error in the bill it was returned by the Executive in response to a concurrent resolution of the two Houses. The pending bill passed the Senate by a unanimous vote, and I ask its immediate consideration.

Mr. MCCREARY. To-day was set apart——

Mr. DOCKERY. I will state to the gentleman from Kentucky that this measure will excite no debate.

Mr. MCCREARY. I do not wish to be understood as waiving any right the Committee on Foreign Affairs may have.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

Mr. BUTTERWORTH. This is quite a long bill, and I think simply guards the Post-Office against the use of the mails for vile purposes. There can be no objection to the bill.

Mr. DOCKERY. It was prepared by the Postmaster-General, and a similar bill has heretofore passed the House.

Mr. ROGERS. What change does this make in the bill which passed the House?

Mr. DOCKERY. In the bill as it passed the House there was a suspicion that an implied power was given to postmasters to open letters. Of course there was no such intention, and this bill eliminates that objectionable feature of the measure.

Mr. ROGERS. That is right as far as it goes.

Mr. CANNON. What is the bill?

Mr. DOCKERY. I will ask that the bill be read

The SPEAKER *pro tempore*. The Chair thinks it will save time to have the bill read.

The bill was read at length.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. FARQUHAR. I presume that this is the bill that was discussed in the Senate about a week ago?

Mr. DOCKERY. It is.

Mr. FARQUHAR. I want to say that to my mind this bill would shut out of the mails every book on anatomy that is published in this country. Now, I am very anxious to see an act passed of some kind which will prevent the sending of improper matter through the mails, but when it comes to the class of inspection that has been placed over the United States mail matter by certain inspectors in this country, I am entirely unwilling that cranks shall run the Post-Office Department. Any fair bill to exclude improper or obscene matter from the mail will meet my hearty approval; but a bill with such a wide discretion as this would give to certain classes of persons who may have charge of mail matter does not meet my approval, and I do not think can meet the approval of any member of Congress who will give the matter careful attention.

Mr. BUTTERWORTH. Will the gentleman from New York specify what particular clause of the bill is susceptible of the objection he urges?

Mr. FARQUHAR. I refer to the general tenor of the bill.

Mr. DOCKERY. I would like the gentleman to name the clause that gives any such authority.

Mr. FARQUHAR. The whole merits of the bill were discussed in the Senate, and I take it from the tenor of that discussion. I have not myself very thoroughly investigated the matter.

Mr. DOCKERY. I desire to say to the gentleman that I do not think there is any such power expressed in the bill, nor do I believe it can be so construed by implication.

Mr. FARQUHAR. Then why is an exception made in regard to the first-class mail matter?

Mr. DOCKERY. For the reason that in the former bill which passed the House and the Senate, in the opinion of the Postmaster-General, implied authority was given postmasters to inspect mail matter of the first class, and of course it was not the intention of Congress to grant any such authority.

Mr. FARQUHAR. Do I understand that this bill meets the approval of the Postmaster-General?

Mr. DOCKERY. It was prepared by the Postmaster-General at the request of a Senator of my own State.

Mr. FARQUHAR. And receives his approbation?

Mr. DOCKERY. It does.

Mr. FARQUHAR. And also received the approval of the members of the House committee, as I understand, unanimously?

Mr. DOCKERY. No; the unanimous approval of the Senate committee. The House committee have not yet considered the bill as a committee, but some of its members have given it an informal investigation.

Mr. BLAND. How is it proposed that the postmasters are to ascertain the character of the mail matter?

Mr. DOCKERY. The bill wisely prohibits postmasters from opening letters to ascertain their contents, but if, for instance, an obscene letter is addressed to the gentleman from Missouri, he will have the authority under this bill which will enable him to punish the sender. The postmaster, however, has no authority to open the letter.

Mr. BLAND. How can he open any other matter?

Mr. DOCKERY. He can not.

Mr. BLAND. Why do you then make an exception of first-class mail matter?

Mr. DOCKERY. It was done out of abundant caution.

Mr. BLAND. Why not let that abundant caution apply to all mail matter?

Mr. DOCKERY. I am willing to accept the suggestion of my colleague from Missouri if he desires to offer an amendment to that effect.

Mr. FARQUHAR. Would it not be well to allow this matter to go to the Committee on the Post-Office and let it be disposed of in the regular way?

Mr. BLAND. I think myself that there should be no doubt as to the prohibition imposed upon the postmasters to have access to any similar matter.

Mr. DOCKERY. Then, in view of the suggestions of the gentleman from New York [Mr. FARQUHAR], I ask unanimous consent that the bill be referred to the Committee on the Post-Office and Post-Roads, with the right to report at any time.

Mr. FARQUHAR. That is the proper course for it to take, because it is right that the committee should act upon a bill of this importance.

There being no objection, the bill was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads, with leave to report at any time.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOPKINS, of Virginia, for ten days, on account of sickness.

To Mr. BARNES, until September 10.

To Mr. ALLEN, of Michigan, for twelve days from September 6, on account of important business.

To Mr. PATTON, for four days, on account of important business.

To Mr. FORD, for fifteen days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles:

A bill (S. 1813) for the relief of Susan B. Hopkins, widow of Arvah Hopkins, late of Tallahassee, Fla., deceased;

A bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively;

A bill (S. 2825) granting an increase of pension to Benjamin T. Baker;

A bill (H. R. 2601) for the relief of the Baptist Female College of Lexington, Mo.; and

A bill (H. R. 5670) for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens.

RETALIATION BILL.

Mr. MCCREARY. I want to call up House bill 11309, the title of which I will ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 11309) enpowering the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887.

Mr. MCCREARY. I report the bill from the Committee on Foreign Affairs, as I was authorized to do last Thursday. A number of members on both sides of the House went away from here under the impression that this bill would be considered next Tuesday, and after consultation I ask that the consideration of this bill be postponed until immediately after the reading of the Journal on Tuesday next, and that it then be taken up and made a continuing order until disposed of.

Mr. BUTTERWORTH. Have the message and accompanying papers been printed and distributed?

Mr. McCREARY. I will say to the gentleman from Ohio that he has suggested an additional reason why the consideration of this bill should be postponed until Tuesday. I have tried this morning to get a copy of the President's message, the treaties, and the acts of Congress in relation to the treaties, and have been unable to get them. I think that document containing the message and the treaties, etc., should be in the possession of the House at the time of the consideration of this bill.

Mr. BUTTERWORTH. The point that I call attention to is that sufficient time should be given for an examination of these documents and that is the reason I call attention to it. I think a further postponement than the gentleman suggests would be in order.

Mr. McCREARY. The document referred to will be in to-day, I am informed.

Mr. DUNN. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNN. I would first ask the gentleman from Kentucky a question. Do I understand that he reports the bill to-day?

Mr. McCREARY. I so stated.

Mr. DUNN. I hope the gentleman will not report the bill until he is ready for it to be considered. When a privileged bill is reported it must either be considered or go on the Calendar.

Mr. HOLMAN He has asked unanimous consent.

Mr. DUNN. I take this position, and I ask, Mr. Speaker, if it is not true that when a privileged bill is reported for consideration at any time, as this is to-day, that it has to be considered at that time and can not be called up for consideration at any other time.

Mr. BLAND. That privilege was lost the other day.

Mr. DUNN. Oh, no; it has not lost that privilege.

Mr. BLAND. Oh, yes it has.

Mr. McCREARY. I am required under the order of the House to report this bill to-day.

Mr. DUNN. Then I ask, when the order was made last Thursday did the gentleman lose part of his privilege and will he lose any part of his privilege if the bill is not reported and not considered to-day? What effect would that have on his privilege?

The SPEAKER *pro tempore*. The Journal shows that to-day was fixed for the consideration of this bill.

Mr. DUNN. What effect had that on the privilege attached to the bill?

The SPEAKER *pro tempore*. The Chair thinks that was limited to to-day. The consideration of the bill was fixed for to-day.

Mr. DUNN. The Chair thinks that under that order——

Mr. McCREARY. We have lost no privilege. I am compelled to report the bill to-day.

Mr. DUNN. I should be sorry if the gentleman has lost any privilege attached to the bill.

Mr. McCREARY. We have not lost any privilege. We were only required to report the bill to-day, and because the document I have referred to has not been sent up to the House and also because a number of gentlemen went away believing that this bill would be called up on Monday and Tuesday. I now ask that its consideration be postponed until immediately after the reading of the Journal of Tuesday, and that it be a continued order thereafter.

Mr. BAYNE. Let me ask the gentleman from Kentucky a question.

Mr. McCREARY. Certainly.

Mr. BAYNE. Has a report been prepared with the bill?

Mr. McCREARY. The report was published that was prepared.

Mr. COX. How long is it?

Mr. McCREARY. Very short.

Mr. BAYNE. I trust, Mr. Speaker, that no obstacle will be interposed by anybody in the way of the prompt consideration of this bill.

Mr. HOLMAN. Of course there is no opposition to it on the part of anybody.

Mr. DUNN. What I am anxious about is the privilege attached to the bill. I hope it will not be placed in a category where it can be defeated by any filibustering process or any points of order, and there is no necessity for placing it in any such position.

Mr. O'NEILL, of Missouri. I ask the gentleman from Kentucky [Mr. McCREARY] to modify his request so as to have this measure brought up immediately after the hour for the consideration of bills called up by committees. Otherwise I should be compelled to object, because the consideration hour of that day is the only hour that our committee have any hope of getting this session for the consideration of our bills. Therefore I ask the gentleman to modify his request, so as to leave us that one hour, and let this bill come up afterwards.

Mr. McCREARY. I have no objection to that.

Mr. SPRINGER. I desire to ask the gentleman from Kentucky whether he will be able to conclude the consideration of this bill on Tuesday.

Mr. McCREARY. I hope so, but I am not able to say.

Mr. SPRINGER. I earnestly unite with the gentleman in that hope.

Mr. FARQUHAR. We all do.

Mr. WHITE, of New York. So say we all.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. McCREARY] asks unanimous consent that the consideration of this bill be postponed until Tuesday next after the consideration hour shall have expired, and that it be then taken up and considered from day to day until disposed of. Is there objection?

Mr. PERKINS. As I understand the proposition, the bill is not to be taken up each day until after the consideration hour has expired.

The SPEAKER *pro tempore*. Yes. Is there objection to the request of the gentleman from Kentucky?

There was no objection, and it was so ordered.

OHIO CENTENNIAL EXPOSITION.

Mr. OUTHWAITE. I rise to a privileged motion. Heretofore, about the 15th day of August, the House having under consideration Senate bill 3182 making an appropriation to enable certain departments of the Government to make an exhibit at the Ohio centennial exposition, certain amendments were adopted. I entered motions to reconsider those amendments and called them up, but, finding no quorum present and not desiring to interfere with the business of the House, I withdrew them with the understanding that the privilege of the motions still remained. I now wish to call up those motions to reconsider, in the hope that the House will dispose of them and give us an opportunity to have the National Government make a small exhibit at the Ohio centennial, commencing next week. The first motion is to reconsider the amendment offered by the gentleman from Virginia [Mr. WISE]. The previous question having been ordered, the motions, I understand, are not debatable.

The SPEAKER *pro tempore*. That is correct.

NAVAL MILITIA.

Mr. WHITTHORNE. I ask the gentleman from Ohio to yield to me for a moment to ask unanimous consent of the House to have Thursday, the 13th day of September, designated for the consideration of the bill reported by the Committee on Naval Affairs for the enrollment of a naval militia and the organization of naval reserve forces.

Mr. O'NEILL, of Missouri. I ask the gentleman from Tennessee to name some other day, for the reason that if the Committee on Rules——

Mr. OUTHWAITE. If there is to be contention over this matter, I think I had better not yield.

Mr. O'NEILL, of Missouri, withdrew his objection.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. WHITTHORNE] asks unanimous consent that Thursday, the 13th day of September, be designated for the consideration of House bill 10622, the bill indicated by him. Is there objection?

Mr. HOLMAN. I hope that if that order is made it will be subject to reports of a privileged nature from the Committee on Public Lands, as I desire to report a bill from that committee on that day.

Mr. WHITTHORNE. I will agree to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee [Mr. WHITTHORNE]?

Mr. WEAVER. I have just come into the Hall, and I would like to know what this bill is.

The Clerk again reported the title of the bill.

The SPEAKER *pro tempore*. Is there objection?

Mr. KILGORE. I demand the regular order.

OHIO CENTENNIAL EXPOSITION.

Mr. OUTHWAITE. Then, Mr. Speaker, I call up the motion to reconsider the vote adopting the amendment offered by the gentleman from Virginia [Mr. WISE] to the bill (S. 3182) making an appropriation to enable the civil departments of the Government and the Bureau of Agriculture, the Government Printing Office, the Smithsonian Institution, including the National Museum, and the Commission of Fish and Fisheries, to participate in the Ohio centennial exposition to be held at Columbus, Ohio, from September 4 to October 19, 1888.

The Clerk read the amendment of Mr. WISE, as follows:

That any surplus arising from appropriations made to either of the Departments by the act of May 28, 1888, for participation in the centennial exposition of the Ohio Valley, may be transferred and used for the same purpose to participate equally in the national exposition to be held in the cities of Augusta, Ga., and Richmond, Va., during the months of October and November of the present year.

Mr. CLEMENTS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CLEMENTS. Would it be in order to raise the question of consideration between that and an appropriation bill?

The SPEAKER *pro tempore*. The Chair thinks it would.

Mr. OUTHWAITE. It is too late, the House having entered upon the consideration of this question.

The SPEAKER *pro tempore*. The Chair thinks it is now too late.

Mr. CLEMENTS. The amendment has only been read.

Mr. OATES. I move to lay the motion of the gentleman from Ohio [Mr. OUTHWAITE] to reconsider on the table.

Mr. OUTHWAITE. I hope that motion will be voted down.

Mr. OATES. I know you do.

The question being taken on the motion of Mr. OATES to lay on the table the motion to reconsider, it was disagreed to—ayes 30, noes 69.

The question recurring on the motion to reconsider the vote by which the amendment of Mr. WISE was adopted, the motion to reconsider was agreed to.

Mr. OUTHWAITE. I rise to a parliamentary inquiry. I understood from the Speaker the other day that it would be proper to vote upon all the motions to reconsider before again taking the question upon the amendments.

The SPEAKER *pro tempore*. That is true.

Mr. OUTHWAITE. I next call up the motion to reconsider the vote by which the amendment of the gentleman from Iowa [Mr. HENDERSON] was adopted.

Mr. HENDERSON, of Iowa. I move to lay the motion to reconsider on the table. This is the amendment in favor of the Atlanta Industrial Exposition of the colored people of the United States.

Mr. OUTHWAITE. I hope the motion of the gentleman from Iowa [Mr. HENDERSON] will be voted down by as decisive a vote as was the motion of the gentleman from Alabama [Mr. OATES].

The SPEAKER *pro tempore*. The Clerk will report the amendment of the gentleman from Iowa.

The Clerk proceeded to read the following amendment:

Amend by adding the following:

"Whereas it is desirable to encourage the colored people in their efforts to promote the industrial progress of the race by the holding of a national industrial exposition in the years 1888 and 1889, in the city of Atlanta, Ga., to be held under the joint auspices of the United States, the Colored World's Fair Association of America, an institution for the public welfare incorporated under the general laws of Georgia, and of the city in which it may be located, and in which the works of art, field products, live-stock, manufactures, machinery, and other articles raised, fabricated, produced, or owned by colored people throughout the United States of America will be the chief exhibit, and which is designed to cultivate a thorough knowledge of the arts and trades among the colored people, create among them a stimulus to industry, and show the results of their progress in education, art, manufactures, the science of forestry, and horticulture, and furnish to the Government information as to the educational and industrial progress of its colored citizens; and,

"Whereas such an exhibition should be national in its character, and should have the sanction of the Congress of the United States: Therefore,

"*Be it enacted, etc.*, That the President of the United States may, upon the recommendation of the board of directors of the Colored World's Fair Association of America, appoint eleven commissioners, who shall constitute a board of management of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1889–'90, under the auspices of the Colored World's Fair Association of America.

"SEC. 2. That the President of the United States may, upon the recommendation of the board of management of said national industrial exposition, appoint one commissioner and one alternate commissioner for each State and Territory, whose functions shall be defined by the said board of management.

"SEC. 3. That all of said commissioners shall be appointed within three months after the passage of this act.

"SEC. 4. That said board of management shall hold its meeting in the city of Atlanta, State of Georgia, and that a majority of said board of management shall have full power to make all needful rules and regulations for its government.

"SEC. 5. That said board of management shall report to the President of the United States a suitable date for opening and closing the exposition, a schedule of appropriate ceremonies for opening or dedicating the same, and such other matters as in their judgment may be deemed important.

"SEC. 6. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States.

"SEC. 7. That whenever the President shall be informed by the said board of management that provision has been made for suitable buildings, or the erection of the same, for the purposes of said exposition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held.

"SEC. 8. That the sum of $250,000 be, and the same is hereby, appropriated out of any money in the public Treasury not otherwise appropriated, as a loan to the said national industrial exposition, to be used and employed by the board of management thereof to augment and enhance the success of the national industrial exposition in such manner as said board of management may determine, and in accordance with the provisions of this act: *Provided*, That the said sum shall be paid by the Secretary of the Treasury of the United States on the drafts of the president and secretary of the board of management of the national industrial exposition authorized by order of said board, one-third of the amount immediately after the passage of this act, upon being satisfied that $20,000 has been contributed and paid into the said board for the purposes of the exposition by the contributors to and shareholders of the national industrial exposition, and the remainder in two monthly payments thereafter upon being satisfied that each of the prior payments has been faithfully applied as required by this act; and for this purpose he shall have free access to the accounts and all transactions of said board: *Provided further*, That no greater amount shall be expended, or liability or indebtedness of any kind incurred upon buildings, grounds, and preparations than the aggregate sum that may be paid in by the subscribers to the capital stock and by donations, and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payment of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assets shall be paid to the holders of said stock or contributors: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation created or incurred by the national industrial exposition or its board of management, or for any sum whatever in addition to the amount appropriated by this act; and that adequate space for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge by said board: *Provided further*, That no sum shall be paid to the said board of management of said exposition until after the president and secretary and a majority of the members of said board shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $100,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures and liabilities as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan. The receipt of the loan herein made, or any part thereof, by said board of management shall be a full acceptance of all trusts, conditions, and obligations of this act by the said board of management and by the corporation created under the laws of the State of Georgia and designated as 'The Colored World's Fair Association of America.'

"SEC. 9. That in case articles shall be imported for the sole purpose of exhibition at said fair, said articles being the work or production of the colored race, they shall be admitted without the payment of duty or of customs charges under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States or withdrawn for consumption therein at any time after such importations shall be subject to the duties, if any are imposed on like articles, by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption, or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale."

Mr. OUTHWAITE (before the reading of the amendment was concluded) said: Mr. Speaker, I ask that the further reading of this amendment be dispensed with. Enough has been read to show the nature of the amendment; and I suppose it is generally understood, as it was discussed in the House when this question was last under consideration.

Mr. HENDERSON, of Iowa. I do not object to dispensing with the further reading. It is understood that this is the amendment in favor of the national exposition of the colored people of the United States at Atlanta.

There being no objection, the further reading of the amendment was dispensed with.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Iowa [Mr. HENDERSON] to lay on the table the motion of the gentleman from Ohio [Mr. OUTHWAITE] to reconsider the vote by which this amendment was adopted.

Mr. HENDERSON, of Iowa. In order that there may be no misunderstanding, I wish to say that this amendment was put on the Columbus proposition. The gentleman from Ohio now moves to reconsider so as to get rid of the amendment; and I move to lay his motion on the table.

Mr. OUTHWAITE. I have moved to reconsider so that this measure with reference to the Atlanta exposition may be considered hereafter as a separate proposition.

The question being taken on the motion of Mr. HENDERSON, of Iowa, there were—ayes 38, noes 45.

Mr. HENDERSON, of Iowa. I call for the yeas and nays.

The yeas and nays were ordered, 33 voting in favor thereof.

Mr. OATES. Before the vote is taken will the Chair state the question, as I think some members do not understand it.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Iowa to lay on the table the motion of the gentleman from Ohio to reconsider the vote by which the amendment of the gentleman from Iowa was adopted.

The question was taken; and there were—yeas 87, nays 64, not voting 173; as follows:

YEAS—87.

Abbott,	Butler,	Holmes,	Romeis,
Adams,	Cannon,	Hutton,	Russell, Conn.
Allen, Mich.	Caswell,	Jackson,	Ryan,
Anderson, Iowa	Chipman,	Johnston, Ind.	Scull,
Anderson, Ill.	Clements,	Kilgore,	Shively,
Anderson, Kans.	Cobb,	Lane,	Smith,
Baker, Ill.	Conger,	Lehlbach,	Steele,
Bankhead,	Dockery,	Lyman,	Stewart, Ga.
Bayne,	Dorsey,	Mahoney,	Stone, Ky.
Bingham,	Elliott,	Martin,	Symes,
Bland,	Farquhar,	Moffitt,	Tarsney,
Bliss,	Fuller,	Morgan,	Taylor, E. B., Ohio
Bound,	Funston,	Neal,	Thomas, Wis.
Bowen,	Gear,	Newton,	Vance,
Breckinridge, Ark.	Gest,	Nutting,	Vandever,
Brewer,	Goff,	Oates,	Weaver,
Brower,	Haugen,	Osborne,	Weber,
Browne, T. H. B., Va.	Henderson, Iowa	Perkins,	Wheeler,
Brown, J. R., Va.	Henderson, Ill.	Plumb,	White, Ind.
Bunnell,	Hermann,	Post,	Woodburn,
Burnes,	Hiestand,	Rice,	Yardley.
Burnett,	Hitt,	Rogers,	

NAYS—64.

Belmont,	Forney,	Nelson,	Stone, Mo.
Breckinridge, Ky.	Glass,	O'Ferrall,	Struble,
Brown, Ohio	Hall,	O'Neall, Ind.	Taulbee,
Butterworth,	Hare,	O'Neill, Mo.	Taylor, J. D., Ohio
Campbell, F., N.Y.	Henderson, N. C.	Outhwaite,	Thompson, Ohio
Caruth,	Herbert,	Parker,	Thompson, Cal.
Catchings,	Holman,	Penington,	Tracey,
Cothran,	Hooker,	Phelan,	Townshend,
Cowles,	Lanham,	Robertson,	Walker,
Cox,	Latham,	Rowland,	Washington,
Crouse,	Lee,	Sayers,	White, N. Y.
Culberson,	Lind,	Seney,	Whiting, Mich.
Dibble,	Maish,	Snyder,	Whitthorne,
Dunn,	McClammy,	Sowden,	Williams,
Felton,	McCreary,	Springer,	Wilson, Minn.
Foran,	McKenna,	Stockdale,	Yoder.

NOT VOTING—173.

Allen, Mass.	Belden,	Bryce,	Cheadle,
Allen, Miss.	Biggs,	Buchanan,	Clardy,
Anderson, Miss.	Blanchard,	Buckalew,	Clark,
Arnold,	Blount,	Burrows,	Cockran,
Atkinson,	Boothman,	Bynum,	Cogswell,
Bacon,	Boutelle,	Campbell, Ohio	Collins,
Baker, N. Y.	Bowden,	Campbell, T. J., N. Y.	Compton,
Barnes,	Browne, Ind.	Candler,	Cooper,
Barry,	Brumm,	Carlton,	Crain,

Crisp,	Hayden,	Matson,	Rockwell,
Cummings,	Hayes,	McAdoo,	Rowell,
Cutcheon,	Heard,	McComas,	Russell, Mass.
Dalzell,	Hemphill,	McCormick,	Rusk,
Dargan,	Hires,	McCullogh,	Sawyer,
Darlington,	Hogg,	McKinley,	Scott,
Davenport,	Hopkins, Ill.	McKinney,	Seymour,
Davidson, Ala.	Hopkins, Va.	McMillin,	Shaw,
Davidson, Fla.	Hopkins, N.Y.	McRae,	Sherman,
Davis,	Houk,	McShane,	Simmons,
De Lano,	Hovey,	Merriman,	Spinola,
Dingley,	Howard,	Milliken,	Spooner,
Dougherty,	Hudd,	Mills,	Stahlnecker,
Dunham,	Hunter,	Montgomery,	Stephenson,
Enloe,	Johnston, N. C.	Moore,	Stewart, Tex.
Ermentrout,	Jones,	Morrill,	Stewart, Vt.
Finley,	Kean,	Morrow,	Thomas, Ky.
Fisher,	Kelley,	Morse,	Thomas, Ill.
Fitch,	Kennedy,	Nichols,	Tillman,
Flood,	Kerr,	Norwood,	Turner, Kans.
Ford,	Ketcham,	O'Donnell,	Turner, Ga.
French,	Laffoon,	O'Neill, Pa.	Wade,
Gaines,	La Follette,	Owen,	Warner,
Gallinger,	Lagan,	Patton,	West,
Gay,	Laidlaw,	Payson,	Whiting, Mass.
Gibson,	Laird,	Peel,	Wickham,
Glover,	Landes,	Perry,	Wilber,
Granger,	Lawler,	Peters,	Wilkins,
Greenman,	Lodge,	Phelps,	Wilkinson,
Grimes,	Long,	Pidcock,	Wilson, W. Va.
Grosvenor,	Lynch,	Pugsley,	Wise,
Grout,	Macdonald,	Randall,	Yost.
Guenther,	Maffett,	Rayner,	
Harmer,	Mansur,	Reed,	
Hatch,	Mason,	Richardson,	

No quorum voting.

By unanimous consent, the reading of the names was dispensed with.

Mr. HATCH. I am paired with the gentleman from Vermont, Mr. STEWART, and voted simply to make a quorum. I understand that no quorum appears on the vote, and therefore withdraw my vote.

Mr. OUTHWAITE. I ask unanimous consent that the names of the absentees be again called, in order that there may be a quorum, as I understand several members have returned to the Hall since the call began.

Mr. HENDERSON, of Iowa. The second call of the roll has been completed.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Ohio.

Mr. HENDERSON, of Iowa. I do not make any objection myself.

Mr. OUTHWAITE. My object is simply to secure the presence of a quorum, so as not to interfere with other business for this day.

Mr. HENDERSON, of Iowa. I will only ask if it has not been heretofore decided that, even by unanimous consent, the vote of a member can not be recorded after the second call of the roll unless he was actually present when his name was called?

The SPEAKER *pro tempore*. The Chair does not remember any decision upon the point.

Mr. DOCKERY. The Speaker of the House decided a few days ago that by unanimous consent the roll of absentees could again be called.

Mr. RYAN. I think that question was not raised; I want to say——

Mr. BLAND. I understand that no gentleman can vote after the second roll-call, even by unanimous consent, unless he was in the Hall and failed to respond when his name was called.

Mr. RYAN. That is correct.

Mr. OUTHWAITE. I withdraw the request.

Mr. SPRINGER. I renew it.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois that the names of the absentees be again called? [Cries of "Regular order!"]

Mr. WISE. I wish to state that when I voted I had forgotten that I was paired with the gentleman from Maine, Mr. BOUTELLE. I therefore withdraw my vote.

Mr. ENLOE. I desire to record my vote on this question.

The SPEAKER *pro tempore*. Was the gentleman in the Hall when his name was called?

Mr. ENLOE. I was out for the moment, but entered immediately after my name was passed on the roll.

The SPEAKER *pro tempore*. The Chair can not entertain the request under the rule.

Mr. O'FERRALL. I am paired with the gentleman from Illinois, Mr. MASON. I voted "no." If he were present, I think he would vote "ay."

The SPEAKER *pro tempore*. The Clerk will report the pairs.

The following members were announced as being paired until further notice:

Mr. WILKINS with Mr. LONG.
Mr. HATCH with Mr. STEWART, of Vermont.
Mr. RUSK with Mr. O'DONNELL.
Mr. RAYNER with Mr. GROSVENOR.
Mr. STAHLNECKER with Mr. WICKHAM.
Mr. HOPKINS, of Virginia, with Mr. LAIDLAW.
Mr. BRYCE with Mr. FARQUHAR.
Mr. RICHARDSON with Mr. CHEADLE.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. SNYDER with Mr. YOST.
Mr. BARNES with Mr. BAKER, of New York.
Mr. ERMENTROUT with Mr. GROUT.
Mr. FORD with Mr. GUENTHER.
Mr. GLOVER with Mr. PUGSLEY.
Mr. MCADOO with Mr. COOPER.
Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.
Mr. OUTHWAITE with Mr. MCKINLEY.
Mr. MCRAE with Mr. KERR.
Mr. DOUGHERTY with Mr. STEPHENSON.
Mr. BOUTELLE with Mr. WISE.
Mr. DARGAN with Mr. WEST.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. CLARDY with Mr. WADE.
Mr. PERRY with Mr. SPOONER.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. GREENMAN with Mr. SHERMAN.
Mr. O'FERRALL with Mr. MASON.
Mr. COMPTON with Mr. GOFF.
Mr. FISHER with Mr. KEAN.
Mr. BIGGS with Mr. MORROW.
Mr. BELMONT with Mr. DAVENPORT.
Mr. SCOTT with Mr. CLARK.
Mr. CANDLER with Mr. FINLEY.
Mr. GRANGER with Mr. ROCKWELL.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. TURNER, of Georgia, with Mr. REED.
Mr. CRISP with Mr. ROWELL.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CARLTON with Mr. MOFFITT.
Mr. TIMOTHY J. CAMPBELL with Mr. BOWDEN.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. MCSHANE with Mr. YARDLEY.
Mr. JOHNSTON, of North Carolina, with Mr. SEYMOUR.
Mr. HUDD with Mr. ARNOLD.
Mr. TILLMAN with Mr. HOPKINS, of New York.
Mr. BUCKALEW with Mr. BAYNE.
Mr. MCMILLIN with Mr. BURROWS.
Mr. DARLINGTON with Mr. MOORE.
Mr. PIDCOCK with Mr. PHELPS.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. JONES with Mr. CROUSE.
Mr. HEMPHILL with Mr. MILLIKEN.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. LAWLER with Mr. DE LANO.
Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.
Mr. MCKINNEY with Mr. BOOTHMAN.
Mr. WILSON, of West Virginia, with Mr. MCCOMAS.
Mr. MILLS with Mr. EZRA B. TAYLOR.
Mr. BYNUM with Mr. OWEN.
Mr. HAYES with Mr. FELTON.
Mr. GAY with Mr. HIRES.
Mr. LANDES with Mr. MORRILL.
Mr. PEEL with Mr. KETCHAM.
Mr. RANDALL with Mr. KELLEY.
Mr. MATSON with Mr. HOVEY, until the 14th instant.
Mr. BLOUNT with Mr. PETERS.
Mr. BACON with Mr. HARMER. on this vote.

Mr. KELLEY. Mr. Speaker, a pair has been announced between myself and my colleague from Pennsylvania [Mr. RANDALL]. I was paired for the four weeks that I was away, but reported and requested the pair to be released. If it will be any obligation, however, to my sick colleague, I will let it stand.

The SPEAKER *pro tempore*. The Chair thinks it is a matter for the gentleman from Pennsylvania.

Mr. KELLEY. I will allow the pair to be announced.

Mr. GUENTHER. I hear that I am paired with Mr. FORD, of Michigan; I therefore wish to withdraw my vote.

The SPEAKER *pro tempore*. On this question the yeas are 87, the nays are 64. No quorum has voted.

Mr. FORNEY. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, and the following-named members failed to answer:

Allen, Mass.	Bowden,	Clark,	Darlington,
Allen, Miss.	Browne, Ind.	Cockran,	Davenport,
Arnold,	Brumm,	Cogswell,	Davidson, Ala.
Atkinson,	Bryce,	Collins,	Davidson, Fla.
Barnes,	Buckalew,	Compton,	Davis,
Barry,	Burrows,	Cooper,	De Lano,
Belden,	Butterworth,	Crain,	Dingley,
Belmont,	Bynum,	Crisp,	Dunham,
Biggs,	Campbell, Ohio	Cummings,	Ermentrout,
Blanchard,	Campbell, T.J., N.Y.	Cutcheon,	Finley,
Boothman,	Candler,	Dalzell,	Fisher,
Boutelle,	Clardy,	Dargan,	Fitch,

Flood,	Jones,	Mills,	Simmons,
Ford,	Kean,	Montgomery,	Spinola,
Gaines,	Kennedy,	Morse,	Spooner,
Gallinger,	Kerr,	Nichols,	Stahlnecker,
Gay,	Lagan	Norwood,	Stephenson,
Gibson,	Laidlaw,	Oates,	Stewart, Tex.
Glover,	Laird,	O'Donnell,	Stewart, Vt.
Granger,	Landes,	O'Neill, Pa.	Thomas, Ky.
Grimes,	Lawler,	Owen,	Thomas, Ill.
Grosvenor,	Lodge,	Patton,	Tillman,
Grout,	Long,	Peel,	Turner, Kans.
Harmer,	Lynch,	Perry,	Turner, Ga.
Hayden,	Macdonald,	Peters,	Vance,
Hayes,	Maffett,	Phelps,	Wade,
Heard,	Mansur,	Pidcock,	West,
Hemphill,	Mason,	Pugsley,	Whiting, Mass.
Hogg,	Matson,	Randall,	Wickham,
Hopkins, Ill.	McAdoo,	Rayner,	Wilber,
Hopkins, Va.	McComas,	Reed,	Wilkins,
Hopkins, N. Y.	McCormick,	Richardson,	Wilkinson,
Houk,	McKinley,	Rowell,	Wilson, W. Va.
Hovey,	McKinney,	Russell, Mass.	Yardley,
Howard,	McMillin,	Rusk,	Yost.
Hudd,	McRae,	Scott,	
Hunter,	McShane,	Seymour,	
Johnston, N. C.	Milliken,	Sherman,	

The names of the foregoing absentees were called for the presentation of excuses.

The following-named members were absent on leave:

Biggs, Blanchard, Bynum, Barnes, Candler, Cogswell, Cutcheon, Cooper, De Lano, Dargan, Davidson of Florida, Ermentrout, Finley, Fitch, Ford, Granger, Gaines, Grosvenor, Gallinger, Grout, Hemphill, Houk, Hunter, Hovey, Hopkins of Virginia, Hopkins of New York, Johnston of North Carolina, Laidlaw, McShane, McRae, Matson, McKinley, Owen, Pidcock, Patton, Randall, Rayner, Stephenson, Simmons, Scott, Sherman, Stewart of Texas, Stahlnecker, Thomas of Kentucky, Turner of Georgia, Wilber, Wilkins.

For the remaining absentees no excuses were offered except in the following cases:.

Mr. CATCHINGS. I ask that Mr. BLANCHARD be excused on account of sickness.

There was no objection.

Mr. WHITTHORNE. I desire to ask that my colleague [Mr. RICHARDSON] be excused indefinitely, by reason of ill health.

There was no objection.

The SPEAKER *pro tempore*. One hundred and seventy-three members have answered to their names.

Mr. FORNEY. I move to dispense with further proceedings under the call.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. FORNEY. I rise to call up the conference report on the sundry civil bill.

The SPEAKER *pro tempore*. That is in order, and the Clerk will report the next amendment.

REPORTS OF COMMITTEES.

Mr. FORNEY. I ask unanimous consent that members having reports to make for reference to appropriate Calendars have leave to present them to the Clerk, and that the morning hour be dispensed with.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

NANCY E. DAY.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (S. 1245) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. MARTIN.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (S. 728) for the relief of William J. Martin, of Oregon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES MURPHY.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (S. 661) for the relief of Charles Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FINN.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (S. 4891) for the relief of John Finn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE A. WASHBURN.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY JANE JELLY.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10825) granting a pension to Mary Jane Jelly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT C. ANDREWS.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 11187) for the relief of Albert C. Andrews; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. M'QUEEN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11243) granting a pension to Mary E. McQueen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH HECKLER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11222) granting a pension to Elizabeth Heckler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HELEN E. CONVERSE.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported as a substitute for House bill No. 10462 a bill (H. R. 11327) granting a pension to Helen E. Dewey; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 10462 was laid on the table.

GEORGE A. GLOVER.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11223) to increase the pension of George A. Glover; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM E. SPRINGSTEIN.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10199) for the relief of William E. Springstein; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. MARSTON.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3112) granting an increase of pension to William H. Marston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH B. SMITH.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2910) to increase the pension now paid to Elizabeth B. Smith, widow of Bvt. Maj. Gen. Thomas Kilby Smith, United States Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BUFORD ISLAND LIGHT-HOUSE.

Mr. LYNCH also, from the Committee on Claims, reported back favorably the bill (H. R. 7116) for the relief of workmen employed in the construction of Buford Island light-house, Lake Michigan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CANNON FOR SOLDIERS' HOME.

Mr. MAISH, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 6105) donating a 6-pound brass cannon to the Illinois Soldiers and Sailors' Home; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISA M'LAIN.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 724) for the relief of Louisa McLain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SAYERS. With the consent of the gentleman from Alabama [Mr. FORNEY], I would ask that the fortification bill, which has just

been returned to the House from the Senate, with amendments, be ordered to be printed and referred to the Committee on Appropriations.

Mr. FORNEY. I have no objection to that.

There was no objection, and it was so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER *pro tempore*. The Clerk will report the pending amendment.

The Clerk read as follows:

That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value.

Mr. WOODBURN. I move that the House recede from its disagreement to the Senate amendment.

Mr. Speaker, as the House adjourned yesterday evening I was about to read an extract from the report of the Senate Committee on Public Lands upon which is based the existing law, in order to determine what construction they placed on its provision. The law of the 3d of March, 1878, under which prosecutions are now being made, by order of the Commissioner of the Land Office, in the State of Nevada applies only to the States of Colorado and Nevada and the Territories with the exception of Washington and Dakota. It provides that every bona fide resident or citizen may enter upon the public lands and fell timber for building, mining, and domestic purposes. I claim that under this act a miner in Nevada and Colorado and in the Territories can cut any kind of timber for the purposes mentioned in this act. But if there be any question about that the circuit courts in the United States and the supreme courts of many of the States have decided that the kind of timber specified in the Senate amendment does not come within the definition of the word "timber" as used in the acts of Congress relating to its preservation.

Mr. O'NEILL, of Missouri. They are only fit for fuel.

Mr. WOODBURN. That is all. The kind of timber mentioned in the amendment consists of scrubby pine, stunted cedar, and mahogany, sometimes called manzanita. I am familiar with every foot of the arid regions. I have lived there twenty years, and I know whereof I speak. This timber does not grow in the valleys nor in the level places, but is always upon the mountain crags, on the barren hillsides, peeping out sometimes between clefts of rock, without the slightest indications of soil for its nourishment.

That kind of timber we say is not embraced within the act which I have just alluded to. I call the attention of the House to the case of the United States *vs.* Schuler, reported in 6 McLean, volume 6, Circuit Court Reports of United States. That was an indictment containing two counts. The first count charges the defendant with being employed to remove and the second with aiding and assisting in removing timber from the lands of the United States.

In that case the court said:

The question then arose as to the interpretation of the word "timber." The court said it is a generic term. It properly signifies only such trees as are used in building. In this connection it is employed to signify the felled trees prepared for use and transportation, and embraces various uses to which timber can be appropriated, either in ship or house building, whether pine logs, squared timber, or any other form in which cut trees are prepared, either for the sawmill or transportation.

I read now from the second volume of Abbott's dictionary, in which several cases are cited as to what constitutes timber:

A contract for the purchase of "timber" does not pass a title to trees which are only useful for firewood.

That was decided in the case of Nash *vs.* —— 51 Maine, 417. Several other cases are referred to in McLean's reports, decisions of the circuit courts of the United States upon this point.

Now, Mr. Speaker, this is the only sort of timber that is found in the arid region of Eastern Nevada. My friend from Missouri [Mr. BLAND] knows the situation there. He knows that the town of Eureka with a population of six or seven thousand, imports its lumber from the town of Truckee in the State of California. The lumber is transported over 200 miles by rail to a point on the Central Pacific Railroad called Palisade, and from that, 80 miles, on a narrow-gauge road, to Eureka. Every man, woman and child in that town is dependent upon this timber for building, and not upon the kind designated in the Senate amendment. The act of Congress uses the word "building"—timber "for building." There is not a stick of timber in that country that can be used for that purpose, and therefore, under the uniform decisions, it does not come within the operation of a statute relating to the protection and preservation of timber on the public lands of the United States.

Mr. BLAND. Will the gentleman yield for a motion that the House agree to the Senate amendment with an amendment providing that the money shall not be used in the prosecution, etc., except of persons or corporations who may have cut off this timber and sold it in other places than the localities where it has grown? The object is to confine the use of the timber to the mines in the neighborhood and to the population in the immediate vicinity.

Mr. WOODBURN. The gentleman must know that all that scrub timber within a circuit of 35 or 40 miles from the town of Eureka has been cut and used in the mines of the immediate vicinity. It is not fit for anything else. It can not be hewn or sawed or squared. It has no commercial value. It is used for smelting the ores and for domestic purposes, and for no other purposes.

I am willing that the Congress shall pass a law making it a misdemeanor to export from the vicinity any wood of the sort mentioned in the amendment.

Mr. BLAND. The point I make is this. If I understand correctly, the Government has reserved that timber for the benefit of local mining operations and for fire-wood. Now, I think it ought to be the law, if it is not, that any corporation or person who shall take timber from one locality and ship it to some other locality shall be subject to a penalty, because if they are permitted to do that the great benefit of the timber for mining purposes and for domestic purposes will be lost. In other words, individuals or corporations can now step in and take advantage of the Government's right and denude those localities of their timber and ship it off to other places, thus depriving the local miners and the local communities of the very benefit which the Government intended to secure to them. Therefore I supposed that the gentleman would be willing to agree to an amendment to the Senate amendment, providing that no prosecution shall be had except where the timber has been cut and transported to other localities for mining purposes.

Mr. WOODBURN. Before I consent that the gentleman shall offer an amendment of that sort I want him to point me to some law now existing, or some authority authorizing the Commissioner of the Land Office to bring the sort of prosecutions he has instituted on the information of spies in the State of Nevada. I want the gentleman to point me to an instance in the State of Nevada where that kind of wood ever has been used in any other locality than that in which it grew.

Mr. BLAND. If not, of course the amendment could do no harm, and it might do great good.

Mr. FELTON. The amendment as the gentleman proposes it would be rather vague. There are some places where timber is very necessary and where there is none to be found within 80 or 100 miles. This wood is worthless for any other purpose than fuel.

Mr. BLAND. My object is to prevent this scrub timber being cut and sent off to other localities. I believe it ought to remain in the localities where it grows for the benefit of the miners and other people there, and when you permit speculators to go there and denude that country of its timber you simply permit them to take advantage of the Government's liberality and to deprive the people of the locality of the advantage which the Government intended to secure to them. I do not know that any such case has occurred; but it seems to me that if the Senate amendment were amended in the way I have suggested there would be no objection to it. If it is a fact, as is claimed, that certain localities have been denuded of their timber for the benefit of distant communities, I think that ought to be stopped.

Mr. FELTON. What do you mean by a "locality?"

Mr. BLAND. A mining district. I suppose they are defined by the law. I understand that those districts are generally defined by local legislation, or by the customs of the miners. But whether that be so or not, I do not think this wood ought to be cut and sent away from one place to another to the exclusion of the home community.

Mr. FELTON. Neither do I; but you want to draw the line somewhere—you must define it.

Mr. WOODBURN. I say to the gentleman from Missouri [Mr. BLAND] that I do not see the necessity of any such amendment. No case has arisen or will arise to which it can apply.

Mr. BLAND. As I understand, the Commissioner of the General Land Office claims that such cases have arisen, and that great hardship to the local communities has resulted in that way. I do not know anything about the facts.

Mr. WOODBURN. The Commissioner of Public Lands has acted upon *ex parte* and false information. He has stated that the Richmond Mining Company, a foreign corporation, and the Eureka Consolidated, a California corporation, are the two principal corporations that have been guilty of frequent violations of the law of 1878. Now, my friend from Missouri must know that the discovery of silver in those mines gave birth to the two lively towns of Ruby Hill and Eureka, in the latter of which my predecessor, Mr. Cassidy, now resides. Every man and woman in the town of Eureka is dependent upon those two corporations for subsistence. Even though the Richmond Mining Company be an English corporation, its laborers, miners, engineers, blacksmiths, are all intelligent white Americans. If the policy of the Commissioner of the General Land Office were carried out, the town of Eureka would in sixty days cease to exist, and every house in it would be turned over to the Indians.

Now, I say to my friend from Missouri that the Committee on Public Lands of the Senate, in their report favoring the passage of the existing law, came to precisely the same conclusion that the miners of the silver region have come to and acted on for the last thirty years in regard to this sort of timber. I read from the report of that committee:

The committee have carefully considered the subject of timber and timber lands, and, after mature deliberation, with the view of devising the best methods of preserving, cultivating, and disposing of the same, have come to the conclusion that a distinction should be made between such trees as grow upon the

mountains in the mineral districts and the forests of pine, oak, and other timber that grow in the more level portions of the country.

While the lumber of the latter is a regular and important article of commerce and is constantly being cut and transported in large quantities to ready markets, the character of the former renders the timber unfit for commercial purposes. Even were this otherwise, it is usually found in such inaccessible places as to preclude its transportation to market. Consequently it is used by the prospector, the miner, and other members of mining communities for domestic and other practical purposes incidental to the development of mineral districts. The committee do not believe that it would be wise policy on the part of the Government to seek to profit directly by the sale of this kind of timber nor to tax the pioneer by compelling him to purchase it. Except as a source of revenue by sale to the settler, it never can be of any value to the Government. Should the experiment be tried of requiring payment for it, it would be found that the cost of keeping agents for its sale and officers to prevent or punish infractions of the law at remote and widely separated settlements would largely consume all sums received for his timber by the Government. Thus, while it is practically of but little value to the Government, it is essential to the settler and indispensable to his occupation and development of the mineral lands. It has been the custom of Congress to encourage the exploration and development of the mineral regions of the United States; and in this connection it should be borne in mind that it is mainly to the indomitable energy, hardihood, and daring of the pioneer that we are indebted for the discovery and development of the rich gold and silver districts of the country. What would be the condition of this country to-day had it not been for our product of gold and silver during the last quarter of a century? The $100,000,000 annually added by the United States to the world's stock of bullion will amply pay for the use of the scattering timber found in those localities. Instead of imposing this timber as a tax upon this important branch of industry, the committee are of opinion that, under the restrictions provided in this bill and on the grounds of equity and public policy, the Government should allow its free use by the actual settler for the purposes alluded to herein.

Now, Mr. Speaker, if that be the true construction of the act of 1878, then there ought to be no objection to the Senate amendment. The Eureka Consolidated and the Richmond Mining Company seem to be the subjects on which the Commissioner of the Land Office is visiting his vengeance. Those two mining companies have taken out in years gone by many millions of dollars' worth of ore, but for the last six years neither of them has paid a dividend. The ore bodies gave out at a depth of 1,200 feet from the surface, and the companies are still employing a large number of men sinking still lower and trying to find new bodies of ore, employing the men of the towns of Eureka and Ruby Hill, and still keeping these communities in a flourishing condition. All that they have been guilty of is that they have probably made purchases occasionally from an Italian or a Chinaman or somebody else who has gone out on the barren hillsides, gathered the stunted timber, and carried it into Eureka. That is all the crime of which they have been guilty, and every man there does the same thing.

These corporations are no more liable, civilly or criminally, than the miner, regardless of the quantity of scrub timber they consumed in giving employment to labor and developing the country's mineral wealth.

Never but once in the history of this Government has any Commissioner of the Land Office or any Secretary of the Interior pursued the same policy as is now enforced by the present Commissioner. The very reason the present act was framed and passed by both Houses of Congress was that Mr. Schurz, when Secretary of the Interior, issued an order seizing upon timber of this very character in Helena, Mont., and ordered it to be sold for $1 a cord in the dead of winter to the freezing settlers. That action was condemned by both Houses of Congress; and to avoid a recurrence of it they passed this act of March 3, 1878.

Mr. Speaker, the people of the State of Nevada, regardless of political parties, are to-day fierce in their condemnation of the policy of the Interior Department. For the purpose of proving this, I send a telegram to the Clerk's desk to be read.

The Clerk read as follows:

EUREKA, NEV., *August* 31, 1888.

Hon. WILLIAM M. STEWART,
United States Senator, Washington, D. C.:

To stop cutting scrubby timber on the public mineral lands for our mining companies would ruin this community. The companies would not suffer materially, as they can shut down and await the result of the litigation without material loss, but hundreds of poor men, many of them with families, are dependent upon the companies for their daily bread. They would be thrown out of employment without the possibility of obtaining it in any other business here, and universal distress and destitution would follow amongst them, and general financial distress amongst our business men. Can there not be an open investigation by responsible parties before any action is taken?

M. D. FOLEY.
BAKER & WINES.
CASSIDY & SKILLMAN.
C. C. WALLACE.
A. L. FITZGERALD.
R. SADLER & CO.
THOS. WREN.
A. E. CHENEY.
D. H. HALL.
WM. O. MILLS.
REMINGTON, JOHNSON & CO.

Mr. WOODBURN. I call the attention of this House to the names appended to these telegrams. Mr. Cassidy was my predecessor in Congress for two terms. He is now the nominee of the Democratic party for the same position. He has been living in that locality for the last fifteen or sixteen years. Mr. Wren was also a former member of Congress. A. L. Fitzgerald is the superior judge of that district, being elected by a large majority on the Democratic ticket in a Republican State. Mr. Mills is one of the officials of the Eureka and Palisade Railroad. Mr. Foley is a banker. Baker & Wines are the most prominent law firm in the town of Eureka, in Eureka County. Mr. Sadler is one of the leading Democrats of the State and one of the most prominent merchants of Eureka.

Mr. Speaker, the miners feel justly indignant at the action of the Interior Department for the reason that they have believed all these years that when, in 1866, the Government of the United States laid open the surveyed and unsurveyed mineral lands of this country to exploration and occupation, every man who was a citizen of the United States, or who had declared his intention to become such, might take up a mine and develop it. They supposed that that was a grant, and that it was something more than a mere inducement for them to enter into the arid wastes and explore and discover and develop and occupy mines. They believed it to be a grant in fact, and that it carried with it the inseparable incident of the right to cut and use this timber in the vicinity of the mine, without which the grant was a mere sham and utterly valueless. The miners have concluded—and they are intelligent men—that when Congress in 1872 said to them that when they discovered a lode they could go there and each locate 1,500 feet in length and 300 feet on each side for working purposes, and that after he had expended $500 for labor and improvements upon it, he was entitled to a patent for the claim, that that was a grant containing some substance.

Is it possible that this Congress will say to these miners "we justify the Government in taking your $500, notwithstanding the fact that you have exposed your life and limb in developing and locating the mines of that country;" but notwithstanding that they can not cut the timber in the vicinity of the mine, without which the patented land is not worth one cent? The miners do not expect that treatment from Congress; and my advices here to-day are to the effect, and from men of all political parties, that if this House refuses to grant their request, which is founded in justice, precedent, and law, that on the 6th day of November they will stamp the seal of their condemnation on the Secretary of the Interior and the Commissioner of the General Land Office, who issued orders for the prosecution of the miners of Nevada for doing what they have done, in the language of the law, from almost time immemorial, or from the time that silver was discovered west of the Rocky Mountains.

Now, I say to my friends on the other side that the Mills bill, if it becomes a law, will seriously cripple the silver mining industries of the far West. Why? They reduced the tariff on lead $15 a ton, and at a time when, under the rulings of the Treasury Department, foreign lead, containing a modicum of silver, could come into the United States free, and it is well known to every experienced miner, and I appeal to my friend from Idaho [Mr. DUBOIS] to confirm what I say, that it would be a difficult matter to work any of the base ore mines in Idaho, Arizona, Eastern Nevada, or in Utah with any hope of profit in which the by-product of silver is lead. But this does more than that. It not only cripples, but it shuts down every mine in Eastern Nevada, every mine in Idaho that produces 50 or 60 per cent. of lead, and so also in Utah. I undertake to say, if the action of the Commissioner should be indorsed by both Houses of Congress, that within the next fiscal year the country west of the Rocky Mountains will not produce enough silver for use in the arts and sciences.

I suppose that when the Committee on Ways and Means inserted that reduction in the bill they did it unwittingly, for the reason that I know the majority of the Democrats on that committee have shown themselves in this House by their votes to be in favor of silver; and I was amazed, knowing that when the gentleman from Idaho made it clear that such reduction amounted to almost absolute ruin, that every one of them voted solidly for the bill as originally draughted in obedience to the orders of the St. Louis convention. Now I will yield the balance of my time, or whatever time he may require, to the gentleman from Idaho [Mr. DUBOIS].

The SPEAKER *pro tempore*. The gentleman has eighteen minutes of his time remaining.

Mr. DUBOIS. I am much obliged to the gentleman from Nevada; but I can not occupy much time to-day, because I am unable to physically, having come from a sick-bed to this House, knowing that this discussion on the appropriation for surveying our arid lands, with a view to ultimately reclaiming them, was to take place. Both these subjects are of great moment to my people.

Mr. Speaker, it is absolutely beyond my comprehension to understand why this body will continually refuse to assist the chief industry of our western coast. Your legislation and attempted legislation in regard to Territorial affairs is absolutely surprising. You seldom legislate in accordance with our wishes when there is a conflict of opinion. Whenever we get anything at all we have to contend for it, and fight for it, and plead and beg for it. Your legislation is generally adverse to us.

Mr. BLAND. Will the gentleman yield to me for a moment.

Mr. DUBOIS. Certainly.

Mr. BLAND. I wish to ask to have an amendment to the pending amendment read, and would be glad to hear the gentleman upon it. I propose, with the consent of the gentleman, to offer an amendment to

concur in the Senate amendment with an amendment which I ask to have read.

The Clerk read as follows:

Provided, Nothing herein shall be construed to prohibit such prosecutions in cases where said timber has been cut or used by any corporation or persons for merchandise or sale in any other place or places other than the community where such timber is or was located.

Mr. WOODBURN. By the permission of the gentleman from Idaho I have risen to say one word. I am opposed to that amendment for the reason that it recognizes the right of the present Commissioner of the Land Office to institute these suits and bring civil action and criminal prosecutions against the miners of Nevada; and I say there is no warrant or authority to be found in any act of Congress or in any regulation of the Interior Department that is in consonance with the spirit and letter of this act; and the object of that Senate amendment (it was offered by Senator STEWART, of Nevada) was simply to prevent a repetition of the orders heretofore issued by the present Commissioner, so that the miner should not be in the future harassed by prosecution and civil suit, and therefore I am opposed to it.

Mr. DUBOIS. The amendment No. 118, now under consideration, was introduced by the distinguished Senator from Nevada, who is the father of all our mining laws. He understood the needs and wants of the mining country so well that when he was in the Senate, twenty years ago, he framed, you may say, all the mining laws which are now on the statute-books, which so fully and well protect the miners and the Government that there has scarcely been any amendment or change made in them by subsequent legislation in the various States or Territories. This amendment provides that persons living in the mining regions shall not be prosecuted for cutting and using for mining and domestic purposes timber which is not fit for any other use, which can not be used for lumber or for commercial purposes. This amendment can do no harm to any one either in the present or in the future. There are some gentlemen on this floor who have become so used to defending the poor farmer and agriculturist that they seem to forget every other class of people.

Now, I can say this to them, that in my country but for the miners there would be no farmers. Take the Wood River country, so called, in Idaho, for an illustration, which was founded in 1880, where now there are several towns of two or three thousand people. In 1880 there was scarcely a person located there. There were no farmers. We had magnificent prairie land, the Camas prairie and other fruitful valleys near by, with scarcely a settler upon them. I traveled over Camas prairie in 1882, and there were hardly a dozen people upon it. Now, since the large number of mines which have been discovered there yield an enormous and ever-increasing supply of precious metal that prairie is covered with farms and ranches. The farmers are absolutely dependent upon a home market for their products. They live so far from the markets of the world that they can not ship, and they must sell what they raise at home. The mines bring persons to engage in mercantile business and all other businesses, and the people are supplied by the farmers who would not be there if it were not for the mines. There has never been a protest from any farmer in those countries against the miners using this class of timber. I am safe in asserting that the Commissioner of the General Land Office has not a protest from any rancher or farmer in my Territory, and they would be very quick to resent any infringement on their rights and any violation of the law detrimental to their interests. Their prosperity and that of the miners goes hand in hand, and they do not sanction depriving miners of timber which would never be used at all unless by and through miners.

They do not complain that they are being deprived of timber they want for their own use. The complaints come from those who do not understand the situation. The agents who go out there representing the Government have been very zealous in late years, and much trouble has come from their over zeal.

My attention was attracted to a case in my own Territory, in which a special agent who is now in the service arrested the officers of the Ketcham Smelting Company, the majority of whom are residents of Philadelphia, found indictments against them criminally, and prosecuted them for some $18,000 or $20,000 for using timber unlawfully. The case was so flagrant that I went before Secretary Lamar with it, fortified with a strong letter from the governor of my Territory, who is a Democrat and who has lived there for twenty years, and who takes as much interest in the Territory as any man in it. I went to Secretary Lamar with the facts, and showed him that this timber was a species of pine called lodge pole or black pine, which seldom grew to be more than 8 inches in diameter.

After understanding the facts he dismissed the suit and issued an order that hereafter that species of timber should be excepted from their rulings. Now, we could go through the same formula with other cases in the courts. They can not get a judgment against us on the facts, and it simply harasses and worries those engaged in mining and does no good to any one. The gentleman from Nevada went into the law very carefully. I do wish to protest against the rejection of this amendment in behalf of the Territory which I represent. I know nothing about these companies in Nevada which are spoken of and can say nothing of them specially, but I am speaking of facts which are general and palpable in all of our Territories.

Mr. WOODBURN. I yield the balance of my time to the gentleman from Colorado [Mr. SYMES].

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for eight minutes, after which the Chair will recognize the gentleman from Missouri [Mr. BURNES].

Mr. SYMES. Mr. Speaker, I think the Senate amendment ought to be adopted, because I think the cutting of the timber arises out of this state of case. In the appropriation bill of 1878 the right was given to cut timber of certain kinds on unsurveyed lands for domestic purposes, etc. Again, by an act passed June 30, 1878, it was made lawful to cut timber on mineral lands for mining and domestic purposes. There is no violation of the law under the act of 1878 in cutting such timber unless it is exported out of the State or Territory.

Now I imagine, Mr. Speaker, that these prosecutions have grown out of the fact that in the vicinity of these large mining camps in Nevada there is no timber, properly speaking, but the soil is composed of arid sand hills and deserts, and has, covering it, certain kinds of scrub wood which grows a few feet from the ground and then curls around, but which may be chopped and used by the miners for fuel to keep them warm in winter and from which the mining camps can make a certain amount of charcoal for the purpose of running their furnaces. Now they have a perfect right to cut this wood where it is found to be upon mineral lands, but I have no doubt (I do not know as a matter of fact) that these prosecutions have arisen from the cutting of timber on other than mineral lands.

I can not see how the prosecutions in Nevada which have lately arisen on the reports of timber agents could have been instituted unless the fact is that certain portions of those lands have been surveyed, and therefore have not been returned as mineral lands. When this timber was cut, or rather this wood, for you can not call it timber; it is not timber under any ruling that has ever been made by the Department or by a court—when this wood was cut, the lands upon which it was cut were probably supposed by these miners and these mining companies and their employés to be mineral lands. It was generally understood that the whole of that part of the State of Nevada was mineral land, and the men cutting this timber would not be very likely to know just when they crossed the line which the surveyor-general or a deputy surveyor had drawn between mineral and non-mineral lands. Probably they did not stop to inquire. Nobody ever objected. No Government agent ever notified them that they had not the right to cut this so-called timber which was curling up over the ground, something in the nature of underbrush or scrub-wood, and they did cut it on non-mineral lands as well as on mineral lands, and therefore they are now prosecuted for that timber which they cut and made into charcoal to be used by the miners of these mining camps for smelting their ores.

I think, Mr. Speaker, that is about the sum and substance of the whole matter, and hence I think that the Senate amendment ought to be adopted. The Senate amendment does not prevent prosecutions where the timber has been cut for commercial purposes or is commercial timber. It is a notorious fact, which I am informed is indisputable, that at the town of Eureka, in Nevada, and at other large mining towns there, they have to import from California or adjoining States and Territories all the timber which they use—everything that can be dignified by the name of "timber" and classified as coming from timber lands.

Mr. WOODBURN. There is no doubt about that.

Mr. SYMES. As the gentleman from Nevada says, there is no doubt about that. Now, the House ought to understand these facts, because this amendment goes to the relief of people who have been prosecuted for cutting timber under such circumstances in the State of Nevada, and I submit that it ought to be adopted.

Mr. WOODBURN. If the gentleman will permit me a suggestion at this point, all the timber that is used on the Comstock lode in the extraction of the ore from the mine, and all that is used by the eleven or twelve thousand people in Carson City, comes from the State of California.

Mr. SYMES. That is what I have stated, that the timber used in the towns and all the principal mining camps is brought from California. That is a fact that I have been familiar with for years.

One word in conclusion. This timber, or rather this wood, for it is not timber, having during a course of years been cut away in the way I have stated and used for domestic purposes, no agent of the Government having gone to that country and notified those persons that they were not entitled to cut a particular strip of this scrub timber, although by surveys thereafter made it may have turned out not to be or may have been known at the time not to be upon mineral lands, it can not benefit that community to have these parties prosecuted now; and it can not benefit the Government to expend money in prosecuting them for cutting this scrub wood from the surface of those arid hills, which can never be made of service in any other way.

Therefore I ask that the Senate amendment be adopted. I do not think the amendment offered by my friend from Missouri [Mr. BLAND] would enable these prosecutions to be carried on. I have expressed and now express my opinion as a lawyer that if such an amendment were adopted not one prosecution of this kind could be carried on for cutting any of this timber in the State of Nevada or elsewhere. I

think the Senate amendment ought to be adopted without being modified by the amendment of the gentleman from Missouri, for the reason that the amendment may afford opportunity for lawyers to quibble, for agents to get up prosecutions, and for United States officers to make fees, while those prosecutions, in my judgment, would end in the Government paying the costs.

Mr. FELTON. Does not the law now make it the duty of the registers and receivers of the land offices to report any violations of law?

Mr. SYMES. Yes, I suppose that is true.

Mr. FELTON. That being true, there is no necessity of an espionage by private detectives.

[Here the hammer fell.]

Mr. BURNES. I yield a few minutes to my colleague [Mr. BLAND].

Mr. BLAND. Mr. Speaker, the gentleman from Nevada [Mr. WOODBURN] alluded to me as having some personal knowledge with reference to this question. I was a resident of Nevada for several years, and I know the importance to the miners of that section as well as to others who settle there of the privilege of using this scrub timber for fuel and for mining purposes. Indeed, sir, when I was in Nevada in the winter of 1859, I felt this need very sensibly, for we had then a very severe winter; the snow was 5, 6, or 8 feet deep, and but for the fact that we were permitted to use this timber, four or five thousand people probably would have suffered very greatly. It is impossible to settle those mining countries unless some privileges of this character are given.

A great deal of this timber, in Nevada especially, is what they call sage brush. The mahogany is simply a scrub manzanita-brush; the pine is simply a scrub pine. None of it would be put to any use in our Western States and Territories generally, except to be put in a brush-heap and burned up to get it out of the way. Now, the law which permitted the use of this timber in the mining regions contemplated, I suppose, that the miners and settlers going into that country should, when they located in any particular neighborhood, have the right to use this timber for fuel and for mining, wherever it was suitable for mining purposes, though very little of it is suitable for that. But the law is a little vague and uncertain. Hence we have difficulty in these prosecutions. Section 1 provides that citizens and bona fide residents may cut timber off of mineral lands in certain States and Territories, subject to such rules and regulations as the Secretary of the Interior may provide for the protection of the timber, etc.

Now, I understand the difficulty is that parties in Nevada, and especially these persons and corporations against whom these prosecutions are proposed to be brought, or have already been brought, have not conformed themselves to the true spirit of this statute. In my view the law ought to have been clearer. It ought to have confined the miner and the local community to the use of the timber within that community. It should not have permitted persons to go all over the State or Territory and denude of their timber districts where there were not yet settlements. The law is vague and uncertain; and it seems to me that a fair construction of it would allow any citizen of Nevada or any of the Territories to go anywhere within the State or Territory, cut down this timber and ship it to any other point, thus depriving the local community of the timber.

Now, the amendment I have offered has in view a remedy in this respect. The proposition may be considered an amendment to the existing law. It proposes to confine the right of the local community or the miner to the timber in the particular neighborhood, and prohibits persons or corporations from cutting timber in unsettled regions and transporting it to other portions of the State or Territory. A region may be unsettled, may be in a wild condition, yet it may have good lands and good mines, as will be discovered in the future. But when the discovery is made, lo and behold, the timber which it would be desirable to use in that neighborhood has all been removed, and removed to distant portions of the State or Territory. I say that is the difficulty under the vague condition of the law. My friend from Nevada [Mr. WOODBURN] and my friend from Colorado [Mr. SYMES] are not anxious to have my amendment adopted. Why? They would rather risk these prosecutions under the law as it exists than have the law made definite so as to confine this privilege as to cutting timber to the local community; for under the law as it exists, it is questionable whether a citizen of one of these States or Territories may not have the right to go upon land in any portion of that State or Territory, whether inhabited or not, and for speculative purposes denude that land of its timber. It seems to me the law, on a fair construction of it, does permit this. But whether it does or not, my amendment does not interfere with any proper construction of it. It simply provides that the prosecutions may go on except in cases where miners, individuals, or corporations have used the timber for their local or domestic purposes, and not for purposes of removing it for speculation; where they have not gone out of their own vicinity and neighborhood to distant portions of the State and cut timber for speculative purposes and transported it for sale in other parts of either of these States and Territories. If they have done so, then the prosecutions can go on under the amendment. It protects the miners from the prosecutions which they now apprehend by making explicit that about which there can be any question. So that I claim the amendment I have offered is in the line of the recommendations of the Commissioner of the General Land Office, if I understand it.

I understand that he proposes to protect the local community or the miner by preventing the destruction of timber for the benefit of other localities; and hence it is not in conflict with his recommendations or his idea that the suits are to be instituted, but places an amendment, so to speak, upon the law, and a direction in this respect that the prosecutions may still go on in all cases except where the miners have used the timber in good faith for their own immediate purposes under the existing statute.

I know these people, and I am aware of the fact that they are excited upon the question, and probably they are misinformed as to the true state of the case, as well as the true intention of the Commissioner of the General Land Office. The miners are, no doubt, led to believe that they are all to be prosecuted for trespasses dating back years and years, for timber cut in years past, and for every stick of timber cut for domestic uses and mining purposes, which is not true; and if the amendment is adopted the amendment as it comes from the Senate will do no harm to prevent prosecutions of future infractions of the law, and will confine prosecutions to the law as it ought to be construed, and to what was no doubt originally intended. This amendment, therefore, is directly in the interest of the local communities and of the miners, and more in the line of the suggestion of the Commissioner of the General Land Office than the present law, for it enables him to carry out the policy he has entered upon in that regard. It disabuses the minds of these people of the idea that Congress intends to go and prosecute them regardless of the miners or locators in these different Territories and States and bring them hundreds of miles from their homes to be tried for exercising a right that the law seems to give them, or which it appears it was intended they should exercise.

Mr. FELTON. And which they are now doing.

Mr. BLAND. I have no doubt from what I have read concerning this matter that speculators have gone on the lands in a way that was not contemplated by the law. But whether they have or have not done so the amendment I have offered will prevent it in future and will be an explanatory provision of the law which they can not misunderstand, because it will be specific and is not subject to misinterpretation, that the particular timber shall be used in a locality where the timber is grown; and that a citizen in that particular neighborhood or locality shall not have the right to go into some other State or Territory at a distant point, denude the country, and prevent coming settlers from getting the benefit of it.

[Here the hammer fell.]

Mr. BURNES. Mr. Speaker, I can not accept the remarks made by gentlemen either upon the right or the left as applicable to the issue now pending before the House. The question is something very different from that which gentlemen have assumed it to be. They have discussed the merits and the demerits, the efficacy and the inefficiency of the law of June 3, 1878, as if we were proposing to legislate with respect thereto on this general appropriation bill. The amendment of the Senate is placed upon the House bill, and is now urged upon us by the Senate conferees with full knowledge that its principal, if not only, object is to effect the dismissal of various suits of law instituted and to be instituted by the law officers of the Government against six or seven of the great mining corporations of Nevada for timber cut on public lands of the United States and converted to their own use, amounting to the handsome sum of $10,000,000. This being the issue, let us consider it in its nakedness and view it in all its deformity.

The House bill as sent to the Senate contained the following provision:

For expenses of depositing public moneys received from the disposal of public lands, $10,000.

This was the innocent and harmless little provision upon which the Senate drafted its rider, without kinship or parliamentary connection, and obnoxious to the rules of the Senate, as well as of this House, prohibiting legislation on appropriation bills.

Upon that provision, relating only to the transportation of certain public moneys of the United States, the Senate amendment now under consideration is before you, and was before us in conference, as follows:

No part of the money appropriated by this act—

Not this provision, mark you, but no part of the money appropriated by this entire bill—

shall be used in the investigation of any case—

Observe, Mr. Speaker, the audacious proposition, that investigation must cease, and in every case, too—

or in the prosecution of any person in the mining regions of the United States, for cutting for mining or domestic purposes dwarf or scrub timber unfit to be sawed or hewed into timber of commercial value.

Much as this amendment is out of place on the particular provision of the bill just read, and foreign as it is to the subject-matter it pretends to amend, its object and intention are plain. Examinations and investigations by sworn officers of the law as to the wholesale depredations upon the timber lands of the United States in Nevada by rich and powerful mining companies are putting the latter to some trouble and expense, and causing some anxiety lest the facts when ascertained may develop a system of unparalleled wholesale robbery and lead to

retributive justice upon the wrong-doers. Therefore the first proposition of the amendment is to stop these investigations. Somebody may get hurt if the Interior Department is allowed to go on with them, and hence to save wounds upon men and things in Nevada investigations, say the Senate, must cease at once!

The second proposition of the Senate amendment is, that certain suits pending and in contemplation and certain criminal prosecutions shall cease and be no further prosecuted by the Government. True, the Government is already in possession of evidence from official sources that $10,000,000 of Government property has been seized and carried away by certain named law-breaking managers and owners of mining corporations, but as it might embarrass their business and throw their agents and employés out of employment, the Senate seem to realize with persistent determination that no suits or prosecutions shall be continued.

To understand the nature of these suits and proceedings the law upon which they are based may be profitably considered.

The following is the much-violated statute of June 3, 1878:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That all citizens of the United States, bona fide residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being upon the public lands, said lands being mineral and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which said citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

SEC. 2. That it shall be the duty of the register and receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules or regulations in pursuance thereof made by the Secretary of the Interior, shall be guilty of a misdemeanor; and, upon conviction, shall be fined in any sum not exceeding $500, and to which may be added an imprisonment for any term not exceeding six months.

In pursuance of this statute the Secretaries of the Interior—commencing with Secretary Schurz and continuing with slight amendments and additions to the present day—have established and prescribed rules and regulations for the protection of the timber and the undergrowth growing upon such lands, and some of these are as follows:

1. All citizens and bona fide residents of the States and Territories mentioned therein are authorized to fell and remove, or employ others to fell and remove, or to purchase from others who fell and remove any timber growing or being upon the public mineral lands in said States or Territories: *Provided*, *a*, that the same is not for export from the State or Territory where cut; *b*, that no timber less than 8 inches in diameter is cut or removed; *c*, that it is not wantonly wasted or destroyed.

In addition to the liberal license thus given by law and regulation, the instructions of the Department to Government timber agents, showing the utmost tenderness towards those who honestly and fairly use the growing timber, are appended as follows:

INSTRUCTIONS TO SPECIAL TIMBER AGENTS.

* * * * * * *

[Object of protecting timber upon Government land.]

3. The object of the Government in endeavoring to prevent the waste and destruction of public timber is primarily to preserve it for the wants of future generations, having, of course, due regard for the requirements of the present. The result of the destruction of forests in permitting a more rapid melting of the snows in spring than would occur in the same region if well sheltered, and in decreasing the capacity of the soil to retain moisture after rains—in both cases increasing the liability to sudden and devastating floods, not only in the denuded sections, but sometimes hundreds of miles distant—also the well-established climatic influence of such destruction in diminishing the annual rainfall to the serious detriment of regions already subject to frequent droughts, are other reasons which render the preservation of the public timber a matter of vital importance not only to the agricultural but to many other extensive interests.

* * * * * * *

44. Special timber agents should remember that it is not the purpose of the law, nor of the regulations of this Department, to prohibit the use of so much of the public timber as may be actually needed by bona fide settlers for agricultural and domestic purposes, but to prevent its being made an article of speculation for the pecuniary gain of a few individuals to the detriment of the many, or from being wantonly wasted or destroyed. When an agent understands this and convinces the people in the district to which he is assigned that such is the case, he will find no difficulty in securing their active support and co-operation.

* * * * * * *

50. It is not the object of the Government to persecute poor wood-choppers, or cutters who are employed or induced to fell or remove the timber for others who are to reap the profits therefrom; but to punish the principals therein, or the parties to be directly benefited in the case, they being the more guilty parties.

51. Care should be taken to ascertain whether the alleged trespasser has any right or authority to take such timber as specified under heads of "Homestead or pre-emption entry," "Right of railroad companies, etc.," and "Mineral lands." (Pages 6 to 11.)

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53. Having all the facts in your possession you should (see section 3, circular of May 27, 1885) at once fill out a form of report (in duplicate) and transmit the same to this office, being particular to state the facts in full under each head, and in accordance with instructions given under the head of "Manner of making reports of timber trespass."

You should call upon the trespasser in every instance where practicable, and request him to state his side of the case, under oath.

In bold and defiant disregard of the law and regulations cited, it is understood that certain mining corporations have systematically cut or had cut and used for their own gain all the timber, regardless of age, size, or quality, growing upon lands adjacent to their mines; and not satisfied with that have carried their work of sacrifice and destruction over vast areas of the public lands which are tributary to other mines, and naturally belonging to the millions of the future who are to open and work those other mines yet hidden from mortal eyes. The Department seems to have forborne hasty prosecutions, but the Secretary and the Commissioner of the General Land Office have been vigilant in thorough investigation. The official reports of the reliable agents of the Government soon advised them of the extended frauds that had been committed, and the United States attorney of the State of Nevada joined in bearing testimony to them. His letter of April 28, 1887, to the Secretary and the Commissioner is so creditable to himself and so courageous and patriotic in view of his surroundings that I send it to the Clerk to be read.

The Clerk read as follows:

RENO, NEV., *April* 28, 1887.

DEAR SIRS: As the subject of this communication falls within scope of your circular of date May 7, 1886, to registers and receivers of United States land offices and special agents of General Land Office, issued by honorable Commissioner and approved by honorable Secretary, and is of importance to the Department as well as to the General Land Office, I trust will prove a sufficient excuse for making this communication a joint one. As you are doubtless aware, I have been appointed recently, and on 4th instant qualified as attorney for United States of district of Nevada. Complaints have been made to United States Marshal Thomas E. Kelly, of this district, and to myself, as district attorney, within a few days past, that for years past and still continuing, hundreds of men, mostly Italians, may be thousands of them, have been systematically engaged in cutting off into cordwood or burning into charcoal thousands of acres of timber on land belonging to the Government without even the pretense of pre-empting it or buying it from either State or United States.

In the region about Eureka, in this State, alone there has probably been several hundred square miles of land covered with a growth of nut-pine timber from 8 to 10 inches in diameter to 30, and from 8 or 10 feet to 30 feet in height, and with cedar considerably less in diameter and height, have been swept bare, and probably one or two million cords of wood have thus been taken off of public land, and mostly consisting of mineral land, without any color or pretense of right to the same, all, too, for purposes of commerce, not by miners for their mines, or for improvements on the land. In a district of mineral land 30 to 40 miles away from Eureka, and outside of the mining district that embraced Eureka, on or near the Eureka and Palisade Railroad, at or near what is called Pine Station, Alpha Antelope mining district, Cedar Station, etc., there are boss Italians, or leaders among their countrymen, who have grown quite rich on these peculations or rather wholesale robberies of the timber on the public lands.

That railroad is constantly engaged in carrying and in buying and selling this wood at Eureka and other points, all directly contrary to the act of June 3, 1878, referred to by you in your circular above referred to, and contrary also to section 4 of act of same date, providing for sale of timber land in Nevada, etc. (pages 89 and 90, 20 Statutes at Large).

C. Boltiere has now five hundred cords cut, Gabriel Zonola, at Alpha, over one thousand cords, and eight or ten other leading men have considerable amounts. The Eureka and Palisade Narrow Gauge Railroad is engaged in hauling it in their cars every day. This wood last spoken of—four-fifths of it—is not over 5 inches in diameter, and scarce one tree out of fifty is over 8 inches in diameter. The fac is, all that land was culled and cut over once, taking all trees of any size, and now they are cutting it over a second time and sweeping every young tree and bush over 2 or 3 inches in diameter.

These men have all been notified by men owning mines right among this timber to desist from cutting it; told if they would leave what was standing and haul off only that already cut they would not be complained of. The railroad company aforesaid has been notified to desist hauling the wood thus cut, but the parties thus complaining have been treated with contempt.

This information I have from a mining man, the president and superintendent of several mines in the immediate vicinity of this timber land. His motive, of course, is to preserve the timber for the lawful purposes provided for by the acts above referred to, namely, for purchase and for mining and domestic purposes, etc., as permitted by the act. He is verified in his statements by the observation of the marshal, Thomas E. Kelly, who has been very recently, namely, within ten days or so last past, through this country. In fact, the same state of facts, of my own knowledge, will be found to exist in the vicinity of Austin, White Pine, Belmont, Pioche, and every other large mining camp in this State, and throughout all the mountainous timbered regions of California where examples have not been made.

I have no doubt that many thousand cords of wood could now be found and seized in various parts of this State cut off of mineral land reserved from sale and public land not sold. I have no doubt this state of affairs will continue unless examples are made. I have no doubt large recoveries could be made from persons taken red-handed in the act. I have no doubt the former register and receiver of the Eureka land office must have known or shut his eyes and ears to keep from knowing about this wholesale robbery of the timber of the United States out in the eastern part of the State. There is but little timber of any kind near Carson, east of California State line, except what was fairly purchased, or at least pre-empted or purchased, by men who appeared to have fairly pre-empted or purchased such timber bona fide.

These complaints have only come to my ears since I have been officiating as United States district attorney; yet I feel they are true or far less than the truth, and that any honest, capable investigation will demonstrate the entire truth of all that has been said. The General Land Office has been promising in one or two cases I know of to send out a special agent to investigate land irregularities in this State.

To develop the amount of these timber spoliations, to recoup what can be done would require a smart, quick, active agent with largely developed detective faculties to go around these several mining districts and ascertain approximately what amount of timber or wood has been stolen, who stole it, what witnesses can prove it, and then, like a thunderbolt, make or have made his arrests and seizures of wood and timber remaining, and inaugurate suits to recover values from all solvent persons and corporations.

* * * * * * *

I would do all in an individual's power to prosecute, convict, and punish those bold robbers of the public domain, but without the direction and assistance of the proper Department—its influence, direction, and means at our back—we can do but little and might be blamed for that, both by the Government on account of the expense incurred, and the citizens and communities affected.

So, gentlemen, we most respectfully refer these matters to you. If you think these people ought to be prosecuted for laying waste the small amount of not very high or very thick timber in this State, and that acts of Congress should be enforced, then send a special agent, or appoint one here (to the manner born)

to investigate these charges, to marshal the evidence, array the witnesses. I can put him on track in some cases, refer him to persons and their residences that will take warm interest in giving him all the information and assistance in their power.

If you do not think that course advisable, please inform me of your views and wishes in the premises.

I have the honor to be your obedient servant,

THOS. HAYDON,
United States District Attorney for Nevada.

Hon. L. Q. C. LAMAR,
Secretary Interior, and
Hon. WILLIAM A. J. SPARKS,
Commissioner General Land Office.

Mr. BURNES. Several months elapsed without any action being taken in response to this letter, and no special agent was sent to Nevada because of the limited or insufficient appropriations for the service. Mr. Haydon, the attorney of the United States before mentioned, had satisfied himself beyond doubt that great robberies had been perpetrated, and receiving no orders to proceed to recoveries due the United States, addressed rather an impatient letter to Solicitor McCue, which I ask the Clerk to read from the desk.

The Clerk read as follows:

RENO, NEV., *July* 27, 1887.

SIR: Some two months or more since I wrote a long letter conjointly to the Hons. Secretary of the Interior and the Commissioner of the General Land Office, informing them of a wholesale despoliation of timber on the public lands of one mineral district in this State, much of which was of timber less than 8 inches in diameter, for firewood for sale and as a matter of commerce, to inhabitants of Eureka out of said mining district where cut, to the amount of several thousand cords. Told them the same practice was common to all the mining towns and camps in this State, requested them to appoint a special agent of the Land Office to look into and investigate the matter, prepare the evidence, and bring the guilty parties to justice.

I was induced to write a joint letter because the Commissioner had issued a circular to the register and receiver of the land offices in the State calling upon them to investigate such cases, etc.

Without entering into particulars it is notorious in this State that a wholesale robbery of the public lands here of their timber is indulged in, in every mining section of the State wherever cutting, hauling, and transporting such wood will pay a profit to the individual, without regard to the rights of the Government and the protests of individuals interested in the mining districts where such timber is found. I have had complaints from three different, widely separate mining districts of such trespasses.

Railroads make a business of carrying such wood and selling it, even against the notification and protests of miners in such districts.

The honorable Commissioner of the General Land Office and Secretary of the Interior have not even had the courtesy to notice my communication.

I read an injunction to communicate such matters to you, in search of the duties of my office, and therefore this.

Very respectfully,

THOMAS HAYDON.
United States District Attorney for Nevada.

Hon. A. MCCUE,
Solicitor of the Treasury of the United States, Washington, D. C.

The reply of Commissioner Stockslager is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 17, 1887.

SIR: I have received, by reference from the Solicitor of the Treasury, your letter of the 27th ultimo, relative to timber trespass upon the public lands in Nevada, and commenting upon the fact that there had not been accorded any reply to a previous letter upon the same subject addressed by you to the Secretary of the Interior and to the Commissioner of this office conjointly.

The delay in replying to the letter, which was referred to this office by the Secretary, arose from the impracticability of appointing a special timber agent at that time for duty in Nevada, owing to the insufficiency of the appropriation for the protection of the public timber. At an early day, however, arrangements will doubtless be made whereby an agent may be assigned to the service in your State.

Your communications upon the subject have been fully appreciated and considered, and the interest thereby manifested for the protection of the public timber is truly gratifying, betokening as it does a spirit of co-operation with the efforts of this Department towards accomplishing that end.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. THOMAS HAYDON,
United States Attorney, Reno, Nev.

Mr. BURNES. I have had this correspondence read for the purpose of showing that the Commissioner of the Land Office took no step hastily or prematurely, but when he was thoroughly convinced that the law and regulations had been grossly violated, that thousands of acres of the public land had been ruthlessly denuded of all its timber by a few corporations (mining and railroad), he caused legal proceedings to be commenced. These proceedings are the cause of this Senate amendment. It has been urged that the prosecutions instituted will carry dismay to the poor people of Nevada. What criminal prosecutions, if any, were begun in that State against wood-choppers were brought by officials of the Department of Justice, and not because of the labors of any special agent of the General Land Office, because no such special agent was then in the State.

There is neither suit nor prosecution begun or to be begun against any poor or laboring man who has taken only what timber he wanted for his uses, or who, as employé, has cut timber for the corporations sued. The Government is after the principals in the transactions, not their agents or employés; after wholesale plunderers, not their victims or tools.

Wherever bona fide citizens have taken timber for their domestic uses, for buildings, fences, firewood, or any other object in their daily lives and labors, no inquiry even has been entered upon; but the corporations which have been sued for $10,000,000 worth are the strong and influential creatures whom the Government will legally chastise to a fair settlement and a final judgment, unless Congress shall interfere with the course of justice. Recognizing their guilt, and virtually acknowledging it, they appeal to Congress for a change of the law they have transgressed, and for a practical dismissal of suits which they are conscious must be sustained.

The law, they suddenly find, is very wrong. They tell us it needs amending, and needs it instantly.

They can not wait the ordinary methods nor allow the proper committee, that on Public Lands, to investigate and report the subject. Oh, no; the most expeditious route, that by way of a Senatorial rider upon a general appropriation bill, has been selected. Time is important to them; they can not wait. Delays, always dangerous, are doubly so when evil-doers would hide away from the officers of the law and the processes of the courts, or stop both of them. The law was wise, liberal, and good when they were taking the public property without conscience or remorse, but when they were detected and exposed it became very intolerable and bad. The familiar distich may not be inappropriate:

No rogue e'er felt the halter draw
With good opinion of the law.

Mr. Speaker, with a couple of incidents somewhat connected with this discussion I shall reach a conclusion.

Mr. STONE, of Missouri. I will ask my colleague whether it is not a fact that the defendants in some of these cases have offered to compromise?

Mr. BURNES. In reply to my friend and colleague [Mr. STONE], I answer his interrogatory emphatically in the affirmative. One of the pending prosecutions is for the recovery of $126,880.94. The defendants made overtures for a compromise, and finally submitted an offer to pay $3,000 for a release and acquittance. Three thousand dollars for $126,880.94 of Government property! The offer was of course rejected by the faithful representative of our Government, but not until such offer had received the following eminent indorsement, which I send to the desk to be read.

The Clerk read as follows:

WASHINGTON, D. C., *April* 27, 1888.

I, WILLIAM M. STEWART, Senator of the United States from the State of Nevada, do hereby certify that I am personally acquainted with G. W. Baker and J. W. Dorsey, the attorneys representing the parties herein named, and also with George W. Peltier and W. C. Price, comprising the firm of G. W. Peltier & Co., and also with the mining corporations mentioned in this proposition of settlement and the mining claims and mining operations carried on by each of them respectively in the Tuscarora mining district, county of Elko and State of Nevada.

That I have visited Tuscarora and am familiar with the character of the wood and fuel consumed by said mining companies, and am satisfied that the representations herein contained are candid and truthful, and fully and fairly present the volume and value of the wood and timber consumed by each of said companies, respectively; and, further, that the scattered and scrubby pine and cedar which is gathered in the region within a radius of more than 40 miles about Tuscarora never has been regarded as timber within the prohibition of the statutes. These scattered and scrubby bushes would never be used for any purpose if any other timber existed in that region, and besides there would be no necessity for using it if mines had not been discovered.

There would be very little of this scrubby stuff gathered from the crags of the mountains where it grows if only ordinary fire-wood was required; but it is necessary to have some hard wood to roast ores. The principal fuel, however, at Tuscarora, and which is consumed by the mining companies in carrying forward their operations, is sage-brush, which is gathered from the surrounding country. Under these circumstances I think that the offer of a compromise made is extremely liberal and should be accepted by the Government without hesitation, particularly in this case, where it would be extremely doubtful whether the Government would be able to make proof of the cutting of any wood (because it is a misnomer to call this scrubby stuff timber) or to establish any violation of the timber laws upon the part of any of the parties to this offer if they had put themselves upon the defensive and denied the commission of such trespass. Their frank admission and offer of settlement should insure for them fair treatment and prompt response on the part of the United States.

WM. M. STEWART.

Mr. BURNES. It will be observed that "the offer of a compromise made is extremely liberal and should be accepted by the Government without hesitation," in the opinion of the distinguished indorser whose official certificate has just been read. With all due consideration I am compelled to differ from this opinion, and believe that this House will concur in such difference, and sustain the firm and courageous efforts of the Commissioner of Lands to recover the just rights of the United States.

The other incident to which I am painfully constrained to call the attention of Congress and the country, arises from a recent attempt made elsewhere to compel the honorable Commissioner of the General Land Office, whilst engaged against able and wary foes in the prosecution of these important suits, to "show his hand"—borrowing an expressive phrase from one of the "lost arts"—to the adversaries of the Government, and make public, in advance of a trial, his whole case. That this attempt was only partially successful enables us to indulge a hope that there is yet power in this Government to pursue violaters of the law and bring them to justice, even when Congress is stoutly appealed to for intervention and release.

Mr. Speaker, concluding my remarks on this amendment, I beg to submit that it is an alien growth upon a constitutional appropriation bill; that it proposes to stop prosecutions and suits against confessed violators of our public law; that its purpose is to release to certain mining corporations $10,000,000 which they justly owe for public property of the United States, seized and converted to their own uses; that there is no purpose or intention of prosecuting, now or hereafter, any

honest, bona fide citizen who obeys the law and takes only such timber as he needs in his own affairs; that six mining companies should not be allowed to discount the rights of posterity and consume their rightful heritage; that these six mines—all of Nevada, as they may be now—are not entitled to all the timber of the State growing upon undeveloped or undiscovered mines, in which hundreds of thousands of our people may be employed in the near future; that the arms of our faithful officials shall be upheld in their contests with freebooters for the just rights of the public; that honesty and not dishonesty shall be exempted from prosecution, and that, in the language of President Grant with regard to the whisky frauds of 1875, no guilty man shall escape.

[Cries of "Vote!" "Vote!"]

Mr. BLAND. I withdraw the amendment which I sent up.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Nevada [Mr. WOODBURN] that the House recede from its disagreement to the Senate amendment.

The motion was disagreed to; there being ayes 17, noes 54.

Mr. FORNEY. I move that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

The next amendment (amendment numbered 119) was read, as follows:

Insert the following:

"For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of $250,000. And all the lands which may be designated for reservoirs and canals for irrigation shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law."

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment, and agree to the same with the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 1, on page 66, strike out the following:

"And all the lands which may be designated for reservoirs and canals for irrigation shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law."

And insert in lieu thereof:

"And the Director of the Geological Survey under the supervision of the Secretary of the Interior shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation; and all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law."

Mr. FORNEY. I would like to come to some agreement as to the length of time to be occupied in the discussion on this proposition.

Mr. HERBERT. I hope the gentleman will not undertake to fix a limit now. This is too important a question.

[Mr. BRECKINRIDGE, of Kentucky, withholds his remarks for revision. See APPENDIX.]

Mr. MORGAN. Mr. Speaker, I have sought five minutes for the purpose of making a short reply to one point presented by the gentleman from Kentucky [Mr. BRECKINRIDGE], to wit, the effect that the retention of the waters that come into the Mississippi River from the Rocky Mountains would have in reducing the floods of that river. We have had and now have the question presented by this amendment under consideration in the Committee on Agriculture, in a bill which I now hold in my hand referred to that committee. Major Powell, Director of the Geological Survey, appeared before that committee and made a statement on the subject covered by the amendment. When he had concluded his general statement he was specially and particularly interrogated as to the effect that the staying of these waters in the Rocky Mountains would have on the floods of the Mississippi. He could not say that it would have any perceptible effect, nor indeed can it. If any Representative whose constituents are affected by the floods of this river is disposed to vote for this amendment under the influence of the hope that they are to be benefited thereby I beg him to pause for he will find himself grievously mistaken. I beg such, if any there be, but to cast their eyes on the map there spread out before us, pursue the Missouri, the Yellowstone, and other rivers to the sources in the Rocky Mountains, in which their waters are to be held in reservoirs, and behold what an infinitesimally small acreage is to be subtracted from the enormous watershed drained by the Ohio River and its tributaries, the Mississippi and its tributaries, and all of the rivers flowing into the Mississippi from the West, where the rains fall east of the artificial lakes made in the coves of the Rocky Mountains.

Indeed, an argument made to those of us who represent constituents who suffer from these floods that we are to be benefited by such expenditures has rather a tendency to disclose the weakness of the entire scheme. It is certain that we are not to be benefited by this small subtraction.

But the question presented, on its intrinsic merits, is entitled to very grave consideration, and demands a very full and thorough investigation. It should not come up for consideration in an appropriation bill among a multitude of distracting dollar and cent items; nor should it have been submitted to the Committee on Agriculture for investigation, as has been done in the House. The question is one affecting the public domain, and should have separate consideration by the Committee on the Public Lands.

From the partial investigation that has been given to it by the Committee on Agriculture, of which I am a member, I am fully satisfied of this. It should be fully and thoroughly known before these expenditures are entered upon where these surveys and examinations are to be made and the duties of those in charge in some manner defined in the interest of the Government. Who can tell where these surveys and examinations are to be made? Are they to be made in the vicinity of the three great railroads, with their millions of acres of public lands derived as subsidies from the General Government, and who may be the principal beneficiary?

Where is the direction in the amendment prescribing any rule in this regard or in any manner indicating where the work shall begin or where it shall end? Are these surveys to be made where the lands have been surveyed by the Government and are open to sale or entry or are they to be made where the chain and compass have not yet been? Full information on all these subjects should be had before such important and costly legislation is entered upon. In order that the House may understand something of the obscurity in which we find ourselves moping along I will read a communication from the acting Commissioner of Public Lands:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 20, 1888.

SIR: I am in receipt of Senate resolution of February 13, 1888, requesting the honorable Secretary of the Interior to inform the Senate if, in his opinion, it is desirable to authorize the organization in his Department known as the Geological Survey to segregate lands of the public domain capable of irrigation in the sections of the United States where irrigation is required, from other lands, and to lay out suitable places to be reserved for reservoirs and rights of way for ditches and canals, for the purposes of irrigation. Said resolution was, on February 14, 1888, referred to this office for report in duplicate and return of papers, by Hon. D. L. Hawkins, Assistant Secretary.

At present I am not fully informed as to the extent and exact location of all lands the survey and segregation of which are contemplated by the resolution, nor have I definite means of ascertaining the expense attendant on such work, nor do I suppose that accurate information could be obtained as to these matters in time for the action of Congress at the present session. Whilst it may be desirable that legislation of the character contemplated by the resolution should be had in the future, at the present I am unable to see any urgent necessity for it.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. WILLIAM F. VILAS,
Secretary of the Interior.

Now here is the statement of the Commissioner that he can not furnish us, for the want of information himself, with the extent or location of lands the survey and segregation of which are contemplated.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt in the world the Commissioner has no data.

Mr. HOLMAN. I hope the gentleman from Kentucky will yield to the gentleman from Mississippi for a few minutes. I ask unanimous consent that the gentleman from Mississippi be allowed to continue his remarks until he shall have concluded them.

Mr. BRECKINRIDGE, of Kentucky. I will give to the gentleman from Mississippi two minutes more.

The SPEAKER *pro tempore*. The gentleman from Indiana asks that the gentleman from Mississippi be allowed to continue his remarks. Is there objection?

Mr. BRECKINRIDGE, of Kentucky. I object. I have given him two minutes more.

Mr. MORGAN. I only desire a word further.

What great practical benefit is to be derived or emergency is pressing, that we can not wait until we can get all the information that is necessary to enable us to act advisedly about this matter? I am a member of the subcommittee of the Committee on Agriculture in charge of the House bill covering this matter, and I stand prepared to report it back to this House with the recommendation that it be referred to the Committee on Public Lands, who have been selected by this House with regard to their special fitness to investigate matters of this kind.

[Here the hammer fell.]

[Mr. BRECKINRIDGE, of Kentucky, withholds his remarks for revision. See APPENDIX.]

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. BRECKINRIDGE] has thirty-five minutes remaining. How much time does he yield to the gentleman from Colorado [Mr. SYMES]?

Mr. SYMES. I take the floor in my own right.

Mr. BRECKINRIDGE, of Kentucky. I yield twenty minutes to the gentleman from New York [Mr. COX], ten minutes to the gentleman from Iowa [Mr. WEAVER], and reserve five.

[Mr. SYMES withholds his remarks for revision. See APPENDIX.]

Mr. COX. Mr. Speaker, I do not know that I can add anything of

a practical nature to this discussion. I may add something historical and otherwise, so that we may contemplate this matter in a better light, with a view to the future.

I favor the proposition of the honorable gentleman from Colorado [Mr. SYMES]. It is judicious; it guards against corporate greed. Besides, I am in accord with the statesmanlike utterances of the distinguished member from Kentucky [Mr. BRECKINRIDGE]. There is no necessity of comparing this experiment with some enormous scheme or plunder. It looks only toward information. It does not propose large sums. It does not foster a grand scheme. It would investigate. It would furnish discreet and intelligent data. It does not necessarily lead to the expenditure of millions, either for reservoirs or conduits. It looks toward the redemption of vast arid areas. It looks wisely to our aggrandizement as a people.

Why am I drawn into this debate? Because as a member from the great metropolis we welcome all measures of general wealth and welfare. I should, however, have remained silent, but for the quotation from my volume of "Winter Sunbeams."

There is a delicate compliment implied in the use of the paragraphs which have been read from it, relating some observations in Spain on the subject of irrigation. I thank the gentleman from Colorado [Mr. SYMES] for renewing my interest in so interesting a theme. I can not exactly recall the authority for the data which have been quoted. I think they were taken from official records connected with the irrigation of the Spanish Peninsula. They certainly are entitled to emphasis in one regard. They come from a disinterested source, for they were written before there was any idea of applying the system of other countries to our own with reference to the cultivation of our own soil by irrigation.

It is a matter of felicitation, sir, that we have so large an area of territory. In one sense it is a burden. Our arid region is about 1,300,000 square miles. Of this, one-fifth is too rugged or too elevated for cultivation under any condition likely to arise within the next century. Another portion it is impossible to irrigate by reason of its flatness. We can not by any process of science or gravity wash the salts from its soil. A million of square miles, however, remain. These only require water to utilize them for agriculture.

In the report of Major Powell there are estimates as to the valuation of this land at the present Government price. There is also an estimate of its value when irrigated. This last estimate, in round numbers, approaches nearly two billions of money. It is more than our public debt.

The report to which I refer, and to which reference has been made, gives the range for the annual rain precipitation, and the amount of water needed for the crops during the growing season. It is both attractive as a matter of study, and may well inspire the hope of the ultimate reclamation of the greater part of our arid Western land.

Something has been done in this respect already by private and other enterprise. How these waters may be brought within control, how they may be stored, what percentage of the lands may be redeemed, and how much wealth may in the end be added to that of the nation by this project, is set forth in figures, not of rhetoric, but of arithmetic, together with the plans by which this immense rescue of our lands may be made.

The experience of other nations shows that such reclamation is not only possible but feasible. Irrigation is no new science or art. It is as old as the Bible. It is as old as Egypt. The canalization, of which remains are still found west of the Mississippi, attest that our prehistoric race may have been engaged in cultivating the soil through irrigation. But whether the waters of the Mississippi were canalized merely for the purposes of cultivation or to prevent the overflow of the Mississippi itself in its lower valley I do not pretend to determine. I have given it no study. But I remember one verse of the Bible where it is said—I think in the Psalms—that "the Lord divided the water courses to prevent the overflow thereof."

And doubtless in early days, as in modern times, in those Oriental countries the streams from the uplands were so divided as well to fructify the soil and make the waste places beautiful and useful by production as to prevent the terrible distresses of inundation.

Three things are necessary to production from the soil—the earth, the sun, and the water. Without water the others are but idle factors. Given water and there is no limit to what the French call "the energy of vegetation."

I may be pardoned for referring to observations in Scandinavia, where the vegetable energy is so great and so notable that the barley and the pease grow 2 or 3 inches per day during the brief season, and where ten weeks is the average to get the grain crops in and out of the soil in the summer. It is because of the forests of Norway and the rainfall of that Arctic country that the immense trees, birch, juniper, elm, and pine, grow so abundantly to enrich its commerce and give employment to its people.

Nowhere have I seen such fields of flowers as in the Scandinavian summer. The very rocks amaze you with their efflorescence and beauty.

But all these may lie flowerless and fruitless unless the energy of man seizes upon them for development. Paul may plant, but you have to call in Apollos to water, and then God will give the increase. Then that increase will give vales of Tempe as beautiful as those of ancient Greece and fields as opulent as those of Egypt.

The Oriental people believed in water. It was a part of their creed. It was a part of their religion. It was with them the great principle of life. They believed in water as they believed in purity of life, of which water was the symbol. They believed in it as they believed in "Allah." Go to the city where I lived for awhile—Constantinople. The first thing that strikes the beholder are the fountains erected by the old Sultans. They pervade the city. These prescripts from the Koran are gilded upon their marble fronts: "Water is the element of Being;" "Water from the wells of Paradise;" "Water is Purity;" "Water gives bread," etc. "Water, water everywhere," was the Koranic idea. "Water, water everywhere," and, by the canon of Mahomet, "not a drop to drink." [Laughter.] That was Mahometan prohibition!

Why, Mr. Speaker, we have twelve hundred thousand square miles of land in this country utterly arid. They are useless for any purpose unless we reclaim them. Seventy-four millions of acres in New Mexico alone and 70,000,000 in Arizona to be reclaimed by some system in the future. Shall we begin by obtaining further information? Why not collect under this amendment all the necessary points on which to base future action? I do not know or care so much how much money this will take. Let us begin the work. Begin it by giving us the information. That will not be expensive. I would not enter upon the debate as to the expediency of an expenditure for a large and a magnificent scheme for the purpose of making these reservoirs and other adjuncts to irrigation. That is not in question. We can not do as other countries have done.

We may not do as old Spain did under its government. We could not under our system. But to rescue these waste lands from the greed of corporations, and to rescue them in time and before it is too late, I would make timely investigation, with a view to provident and practical action.

There is one thing, sir, that struck me more than anything else during all my various vagaries of travel. This was the remarkable similarity between old Spain and New Spain, as we used to call California and Mexico. There is the same arid plain, the same serrated mountain, the same remarkable development connected with the same volcanic strata, the same general contour and appearance. We have within our boundaries an identical picture of old Spain. The same ideas and system came from old Spain to Spanish America. It is the same system that was brought by the Moors from Bagdad and Damascus—from the Orient—to Spain. It was thence transferred to our continent.

The system of irrigation which made certain portions of Spain so fruitful was brought to that country by the Moors. The cities of Damascus and Bagdad, like other cities of the East, old and new, fabricated with their silver threads their large belts of greenery by the aid of irrigation from the mountains.

I once visited the city of Avignon, and was the guest of John Stuart Mill. I had been through Spain and Northern Africa. He asked me, "What strikes you as the most conspicuous among the marvels of those lands?" I said, "The system of irrigation." We walked down his beautiful arbor and crossed the road, and he pointed out the remnants of that irrigation which the Moors in their movements toward the west of Europe, and as far up into France as Avignon, had left of their system. He had no praise too eulogistic for the men whose system of civilization had been praised by our own Draper and glorified by a code of literature upon the subject of irrigation which is both ample, instructive, and unrivaled in the history of progressive humanity.

Now, what do I draw from these simple lessons of travel and history? I draw the conclusion that this wonderful development by irrigation is not what the gentleman from Alabama [Mr. HERBERT], who sits near me, has said in reference to this enterprise. It is in one sense a new thing. It is a new thing to us here. The burden rests on us who favor the irrigation to establish some reason for the amendment. In that sense we agree. But irrigation is not a new thing in the world's history. Egypt four thousand years ago had irrigation. Egypt is, and has been for ages, 3,000 miles of a broad ribbon of cultivated verdure, through the system of irrigation.

Mr. HERBERT. If the gentleman from New York will permit me to interrupt him, I think he is a little mistaken in what I said. I did not say it was a new thing. I said it was a new scheme that we are called upon to enter. Irrigation is as old as the world.

Mr. COX. I think I have the point logically right. The gentleman is correct in fixing the onus on our side. We must establish affirmatively the necessity for this investigation, so as to ascertain its practicability. It is new to that extent. But the system of irrigation has been tested for thousands of years in other places throughout the older portions of the world. It has been found a blessing to mankind.

When, sir, I read the report of Major Powell, which shows how much arable land we have extant, and how much we may reclaim by timely and careful legislation, I am prepared to recur to the language involved in the resolution and to agree that we should make some tentative measure looking toward irrigation. Members from New York and New England, from the South and from all parts of the country, should have

an opportunity to reclaim this grand area. It can be reclaimed. The evidence shines through history that it is not merely possible but probable. It will give to our country something that will take away the menace from our extraordinary immigration.

But I can not dwell upon these matters. I only intended to refer to the historical matters with reference to our own interests. I may not, Mr. Speaker, have in view the very large sums that it adds to our valuation, but if Major Powell, who writes this report, is at all conversant with his business it will add, as he says, to the valuation of our country to-day by irrigation an amount as large as the national debt, or over two billions of money.

Mr. SYMES. The gentleman will pardon me there. My statement was in connection with the public domain of the United States alone, that the Government by establishing these sites for reservoirs and preventing them from being taken under the pre-emption laws, and the vested rights accruing will add to the value of its own public domain land which can be disposed of hereafter for a thousand million dollars if it desires to do so; and it can dispose of it hereafter when it is reserved by the amendment that I have offered at the rate of from $2 to $5 an acre, as it disposes of the lands of military reservations and the like. When you dwell upon the accretion of value to the United States and its citizens by the reclamation of these lands outside of the immediate value to the Government, you reach realms that figures can not calculate.

Mr. COX. Gentlemen may smile at such a calculation. I will read from Major Powell's report to confirm it. Then you can judge of the advantage that will be gained. I will say to the gentleman from Texas, behind me, who seems incredulous, that I got much of my inspiration on the subject from Governor Throckmorton. But let me read what Major Powell says:

As estimated above, the area of the arid region is about 1,300,000 square miles. Of this, about one-fifth is too rugged or too elevated to admit of cultivation under any condition of agriculture likely to arise for a century to come. A smaller fraction consists of playas, or drainless desert plains, so flat that it is impossible to wash the salts from their soils. There remain about 1,000,000 square miles of land which need only water to be rendered productive.

At the minimum price of public land, $1.25 per acre, a price greater than its value for pasturage, this land has a valuation of $800,000,000; at $30 per acre, a moderate estimate of its value when irrigated, it would be worth $19,200,000,000. For the irrigation of this area we have the annual precipitation upon 1,300,000 square miles of mountain, valley, and plain. This ranges from 5 inches or less on the dryest plains to 30 inches on the mountains, and even 75 or 100 inches on the highest peaks, and the average for the whole region is not far from 15 inches. If all this could be applied to the land suited by configuration for cultivation, it would afford about 20 inches of water annually for the whole area, or nearly double the amount which need be applied to crops during the growing season. The water which falls in the arid region would therefore fully meet the agricultural needs if only it could be stored until the proper season and then conveyed to the proper land. Unfortunately, many causes conspire to render impossible the full realization of so desirable a result.

Of the precipitation, which has the form of snow, a large fraction is returned to the air by evaporation without going through the process of melting. Of that which falls as rain, a large part is received by the soil and evaporated from it without gathering in streams, and the only portion of such unconcentrated rainfall serviceable for agriculture is that which falls on the farming land during the growing season. Of the water from rain and melted snow which gathers in channels and forms streams, only a portion has such relation to arable land that it can be utilized; the remainder flows too low, or at such distance from the land as to be beyond the economic limits of conveyance. Moreover, a comparatively small portion of the stream water is furnished during the farming season, and that which must be stored in reservoirs in order to utilize it necessarily suffers material loss by evaporation.

Under such adverse conditions it is manifest that only a small portion of the rainfall of the region can be made to serve the farmer, and that there is no solid foundation for the opinion sometimes expressed that the greater part of our arid West will ultimately be reclaimed. In 1880 less than 1 per cent. of its arable portion had been supplied with irrigation water, and it is not believed that with the most elaborate irrigation works this can be increased to more than 20 per cent. On the other hand, an estimate based on such data as are available leads to the anticipation that when all the larger streams have been brought under control, and the storage of water has been carried as far as it may be economically, there will be redeemed about 15 per cent. of the region, or 150,000 square miles, the whole comprehending an area which exceeds one-half of the land now cultivated in the United States. At $30 per acre, this will add $2,880,000,000 to the wealth of the nation.

I know these statements may seem to be exaggerated. We may not find this wonderful increase by reason of water. But, sir, water is a wonderful agent in the production of earthly fruits, as well as in their transportation.

Whatever may be done with this amendment, however chimerical it may seem to some, or practical to others, is it not worth a trial? Should it not receive some initiation from the practical good sense of the American Congress? May it not be a remedy in one sense for many of the ills which seem so large and menacing to us now, when these millions of acres in New Mexico and Arizona and other places west of the one hundredth meridian of longitude shall have been redeemed from their natural impoverishment, and when our desert shall be made glad and our waste places be made to blossom as the rose.

For the Lord shall comfort Zion; He will comfort all her waste places, and He will make her wilderness like Eden, and her desert like the garden of the Lord; joy and gladness shall be found therein, thanksgiving, and the voice of melody.

When St. Ferdinand captured Seville from the Moors he bore the conquest to heaven. The Virgin desired that her champion should ask a boon. The King asked for a fine climate and sweet sun; it was conceded. For brave men and fair women; it was conceded. For oil, wine, and the fruits of the teeming earth; it was granted. Then he asked for water, to add its blessing to the teeming grain fields and olive orchards; this, too, was conceded. "Then," said the King, "will it please the beauteous Queen of heaven to grant unto Spain a good government along with its symbolic pure water?" "Nay! nay! nay!" said the Queen, "for then the angels would desert heaven for Spain!"

Mr. McCULLOGH. Does the gentleman mean to say that the women of Spain and the water of Spain are both fair?

Mr. COX. The gentleman will please be seated until I let him up. [Laughter.]

I do not mean to say, Mr. Speaker, that our advancing people are angelic; nor that they would desert the Mississippi, or the Ohio, or the Hudson valleys, or the fair plains west or east of the Mississippi; or that they would leave the unctuous soil of the prairies for this inhospitable region, even though its aridity should be remedied by irrigation. I do not mean that our own progressive people, seeking ever the Westward ho! and the Star of Empire, will flock to the lands thus rescued by our providence; but I do mean to say that as economists in a large sense, looking to our splendid future and contemplating the immense possibilities of our beloved country, we might at least try the experiment and ascertain what the sun and the sky and the soil and, as the greatest *desideratum*, the water, will do for America. [Applause.]

Mr. SYMES. I will yield ten minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. FORNEY. I move that the House do now adjourn.

Mr. WEAVER. Mr. Speaker, time has been yielded to me, but I will reserve my remarks until this subject comes up again.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved bills of the following titles:

An act (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannock Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purpose of a town site, and for the grant of a right of way through the said reservation to the Utah and Southern Railway Company, and for other purposes;

An act (H. R. 219) granting a pension to James Smallidge;

An act (H. R. 9830) for the relief of Lachlan McIntosh;

An act (H. R. 9263) granting an increase of pension to Abraham J. Brickles; and

Joint resolution (H. Res. 219) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

The message also announced that the bill (H. R. 5539) for the relief of John J. Coughlin had been presented to the President on August 17, and, not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, had become a law without his signature.

BRIDGE ACROSS THE KENTUCKY RIVER.

Mr. McCREARY. I ask the gentleman from Alabama [Mr. FORNEY] to withhold his motion to adjourn for a moment. I desire to call up a bill which has been favorably reported from the Committee on Commerce to authorize the construction of bridges across the Kentucky River. The railroad is finished nearly to the river and the company are very anxious to build the bridge without delay. The bill is in the usual form.

The bill was read, as follows:

A bill (H. R. 11262) to authorize the construction of bridges across the Kentucky River and its tributaries by the Richmond, Nicholasville, Irvine and Beattyville Railroad Company.

Be it enacted, etc., That the Richmond, Nicholasville, Irvine and Beattyville Railroad Company, a corporation organized under act of the General Assembly of the Commonwealth of Kentucky, be, and it is hereby, authorized to construct and maintain a bridge or bridges, and approaches thereto, over the Kentucky River, in the State of Kentucky, and also a bridge or bridges over the tributaries or forks of said river, at such point or points as said company may deem suitable for the passage of its said road over said river, or its tributaries or forks. Said bridge or bridges shall be constructed to provide for the passage of railway trains, and, at the option of the company by which it or they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

SEC. 2. That any bridge built under this act, and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 3. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object, the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the location thereof; and until the said plan and location of the bridge are approved by the Secretary of War, the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 4. That all railroad companies desiring the use of said bridge or bridges shall have, and be entitled to, equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon the pay-

ment of reasonable compensation therefor; and in case the owner or owners of said bridge or bridges and the railroad company or companies desiring to use the same shall fail to agree upon the terms with reference to the use of same, all matters of issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 5. That this act shall be null and void if actual construction of the bridge or bridges herein authorized be not commenced within two years and completed within five years from the date thereof.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. McCREARY. Mr. Speaker, as I have stated, this bridge bill is in the usual form. It was reported from the Committee on Commerce by the gentleman from Georgia [Mr. CRISP] who was the acting chairman. It makes no appropriation of money, but simply authorizes the company to build bridges across the Kentucky River. The bridges are in my State and in my district and the bill is all right. [Laughter.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISAAC N. ENLOE.

Mr. BAKER, of Illinois. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 8636) for the relief of Isaac N. Enloe, and that the bill be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to audit and pay, from any money in the Treasury not otherwise appropriated, Isaac N. Enloe, late a captain in Company C, Twenty-sixth Regiment Illinois Infantry Volunteers, the amount due for his services and allowances as captain, from the 1st day of October, 1864, to the 11th day of April, 1865, at the rate allowed by law to officers of that grade in said service, less first sergeant's pay, from the 1st day of October, 1864, to the 11th day of April, 1865.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BRECKINRIDGE, of Kentucky. I think we ought to hear the report read. I do not object to the consideration of the bill, but if I caught the reading of it correctly, it is a bill to pay an officer who had a certain rank for performing the duties of another rank.

Mr. BAKER, of Illinois. It is for the payment of an officer for six months and ten days who during that period performed the duties of captain, and whose commission should have been such as to operate from the time he commenced to perform the duties.

Mr. BRECKINRIDGE, of Kentucky. Was he commissioned as captain?

Mr. BAKER, of Illinois. He was ultimately. However, let the report be read if the gentleman desires.

Mr. BRECKINRIDGE, of Kentucky. I am satisfied with the gentleman's statement.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAKER, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLAND. Regular order.

Mr. WASHINGTON. I ask unanimous consent to present and have printed in the RECORD an amendment which I give notice that I intend to offer at the proper time to the bill for the organization of the Territory of Oklahoma.

There was no objection.

The amendment is as follows:

That the Territorial government established by this act shall not extend to or exercise any jurisdiction over any part of said Territory of Oklahoma except as to what is known as the Public Land Strip until the President shall issue his proclamation as provided in section 6 of this act.

Mr. FELTON. I desire to offer an amendment to the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE] to the pending bill.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. SYMES. That is the regular order. I yield to the gentleman from California [Mr. FELTON] for that purpose. The amendment which he desires to offer is an amendment to the pending bill.

The SPEAKER *pro tempore*. But the gentleman from Alabama [Mr. FORNEY] has moved that the House adjourn.

Mr. SYMES. I appeal to the gentleman from Alabama to yield a moment to let the gentleman from California offer this amendment.

Mr. FORNEY. I yield to the gentleman.

The amendment was read, as follows:

In line 9, page 1, after the word "——," insert "and for the selection of water-sheds that shall be preserved."

Line 5, after the word "purposes," insert "and such selected water-sheds."

Mr. DORSEY. I desire to correct the RECORD.

Mr. BLAND. I move that the House do now adjourn.

The motion of Mr. BLAND was agreed to—ayes 36, noes 17; and the House accordingly (at 4 o'clock and 55 minutes p. m.) adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. GEAR: A bill (H. R. 11328) to correct the military record of Maltby Griffin—to the Committee on Military Affairs.

By Mr. HIRES: A bill (H. R. 11329) granting a pension to Sarah Stillings—to the Committee on Invalid Pensions.

By Mr. MAISH: A bill (H. R. 11330) for the relief of Valeria B. Elliott—to the Committee on Pensions.

By Mr. SENEY: A bill (H. R. 11331) granting a pension to Salem Friend—to the Committee on Invalid Pensions.

By Mr. J. B. WHITE: A bill (H. R. 11332) granting a pension to Eliza S. Glass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11333) granting a pension to Mrs. Louisa Humphrey—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11334) to place the name of Pauline Bichweiler on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11335) to place the name of Jacob H. Fair on the pension-roll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. GEAR: Papers in the case of Malachy Griffin—to the Committee on Military Affairs.

By Mr. MAISH: Petition of James McKnight, of estate of George W. Rose, of Peter Conover, of estate of Henry Culp, of Peter Roffensberger, of Alexander Cobean, of Henry B. Cramer, of John Horner, of estate of David W. Horner, of John Trostle, of Melchoir Wolf, of Charles Young, of estate of Leonard Bircker, of Francis Bream, of estate of Peter Frey, of estate of John Slyder, of David Blubaugh, of Samuel S. Moritz, of John Munshaw, of John Martin, of George Arnold, of Jacob Benner, of estate of Dr. David Study, of Eliza Fetterhoff, of Jacob Baker, of Peter Orendorff, of Michael Fiscel, of Nathaniel Lightner, of Lewis A. Bushman, of Jacob C. Eckenrode, of Michael Frey, of John F. Haner, of Adams County, Pennsylvania; of estate of Nicholas Eckenrode, of estate of William Conover, of John F. Currens, and of Lydia Loyster, for reference of their claims to the Court of Claims—to the Committee on War Claims.

SENATE.

MONDAY, *September* 3, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, returning, in compliance with a resolution of August 30, 1888, a resolution of the Senate of August 20, 1888, calling for a report of the amount due postmasters under the act of March 3, 1883; which, on motion of Mr. COCKRELL was, with the accompanying resolution, referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of August 9, 1888, a report of the Commissioner of the General Land Office, together with other papers, covering the decision in the case known as the Guilford Miller case, and affecting the title to lands claimed by the Northern Pacific Railroad Company, alleged as being within the indemnity lands of the grant to the company; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

PETITION.

Mr. HOAR presented the petition of Martha Webb, Mary E. Waters, C. M. P. Richardson, and 12 others, citizens of Salem, Mass., praying that a pension be granted to Miss Anna Ella Carroll for services rendered the Union Army during the late war; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. HAMPTON, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2804) for the relief of Wilbur F. Melbourne;

A bill (S. 2256) to amend the military record of J. M. Peyton;

A bill (H. R. 2273) for the relief of William L. Travis;

A bill (S. 2545) granting to Stephen H. Lossee an honorable discharge from military service, dating as from June 28, 1864; and

A bill (S. 2492) to correct the military record of Fountain C. Pollock.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 704) granting a pension to Thomas Redmond, late private

Company K, Fourth United States Infantry, reported it without amendment, and submitted a report thereon.

DISTRICT ELECTRIC WIRES.

Mr. FARWELL, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 105) to restrain the erection or maintenance of overhead electric motive power and electric light wires in the cities of Washington and Georgetown, reported it with amendments.

Mr. FARWELL. I am instructed by the Committee on the District of Columbia, to whom was referred the resolution submitted by the Senator from Vermont [Mr. EDMUNDS], to report it with a recommendation that it do not pass.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution of Mr. EDMUNDS, as follows:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to revoke any permit granted for the erection of overhead electric wires.

The PRESIDENT *pro tempore*. This resolution is reported in obedience to the instructions of the Senate given when the communication of the commissioners of the District of Columbia was referred to the Committee on the District of Columbia. It is reported back with the recommendation that it do not pass, and it will be placed on the Calendar.

Mr. HOAR. That is the resolution in regard to the electric wires?

The PRESIDENT *pro tempore*. There were two resolutions, one resolution referring the communication with instructions to report a resolution requesting the commissioners to revoke their permits. That is reported adversely. The joint resolution introduced by the Senator from Vermont [Mr. EDMUNDS] is reported favorably with amendments.

Mr. HOAR. There was a petition referred to that committee with an order of instruction. Is there any report on that also?

Mr. FARWELL. There is a report.

Mr. SHERMAN. It seems to me that there ought to be action taken upon the resolution, because the company in pursuance of law, as I am advised by persons interested, are now ready and going on, and in my judgment they ought to go on, because as a matter of course the law is in force, their rights are fixed by law, and they should proceed to execute the duty enjoined upon them by the law. But if there is any doubt about it, if any one wishes further to contest their right to go on, the resolution ought to be acted on promptly. Otherwise they will be clearly justified to-day and from this time on to proceed in the execution of the work.

I make the statement now, because no complaints should be made if they should go on in obedience to the law, with the highest respect for the opinion hastily expressed by the Senate the other day, unless the Senate desires to call the resolution up and re-enforce it by overruling its committee.

I do not like to move to indefinitely postpone the resolution in the absence of the Senator from Vermont [Mr. EDMUNDS]. I will submit the motion to indefinitely postpone the resolution, but I shall not ask that it be acted upon now.

The PRESIDENT *pro tempore*. That is the recommendation of the committee.

Mr. SHERMAN. Well, I make the motion in the Senate that the report of the committee be approved.

The PRESIDENT *pro tempore*. The proper motion would be to proceed to the consideration of the report of the committee.

Mr. SHERMAN. I do not like to do that in the absence of the Senator from Vermont. I will let it stand over in deference to the absence of the Senator from Vermont, except that I wish to submit the motion.

Mr. VEST. I was about to observe that I participated in the debate when the resolution of the Senator from Vermont was adopted. I stated then that I did not know any of the gentlemen engaged in the enterprise of putting up these overhead electric wires. Afterwards a gentleman here with whom I have a very slight acquaintance called at my house and stated to me that I was entirely wrong with regard to the statement that there was anything dangerous in the wires, and that the amount of electric power to be used could be demonstrated to be entirely harmless either to men or to animals. I told him that had not been the experience of the country in regard to these electric wires, and that his statement astonished me very much. Without ever having had any personal interest in the matter, I have been informed that the amount of power necessary to be used as a motive power would always destroy or very seriously injure animal life when brought in contact with it. He said he was prepared to bring the evidence before the Senate, but that the Senate refused to hear him or his associates in this enterprise, and had cut the whole thing off at the knees unjustly and in utter disregard of their rights. I assured him there was no such intention on my part or on that of any other Senator within my knowledge, and suggested to him that he could bring the whole matter before the Senate and reopen it by getting some Senator who is upon the other side of the question from myself and who believes that these overhead wires ought to be put up simply to offer a resolution rescinding the resolution already adopted by the Senate, and that that would reopen the whole question and it could be heard.

Afterwards I received papers, which I have not brought to the Senate to-day, from an electric company, located in Philadelphia, if I am not mistaken, in which they state emphatically that wires can be put under-ground as economically as they can be placed overhead, and that without any sort of danger to anybody. I, of course, know nothing about these facts, but I suggest to the Senator from Ohio and to the Senate that with this diversity of opinion, with this antagonism of proof, and in the absence of the Senator from Vermont, the mover of the resolution, the matter ought not to be taken up to-day.

Mr. SHERMAN. I said so, and I do not desire to take up the resolution; I simply wish to enter the motion to indefinitely postpone it, if that is in order.

Mr. HOAR. I think it ought to be stated what perhaps the Senator from Missouri, who has been, I think, absent for a portion of the past two weeks, may not be aware of. A petition was presented to the Senate setting forth very fully the facts in regard to this matter. That has been heard on evidence before the Committee on the District of Columbia, and I understand their report is unanimous in regard to the matter of the danger. That petition, as was stated to the Senate the other day, is signed by persons of high standing and character in Massachusetts and states that their workmen and the manufacturers of this material handle it with entire ease, and that it never did more than raise a slight blister or something of that kind; that they are entirely careless about it.

Mr. HARRIS. I will state to the Senator from Massachusetts and to the Senate that the committee has had the petition to which he refers under consideration, and on Friday the committee heard the testimony of some electrical experts. There was quite a mass of testimony laid before the committee in the form of affidavits and certificates of electrical experts. That testimony, if not now printed, will be printed in a day or two and will be laid before the Senate. The testimony taken before the committee shows conclusively to my satisfaction that there is no danger to human life or to animal life in the amount of electrical power necessary to propel the cars on any street railroad. But the testimony will be laid before the Senate in the course of a few days.

The PRESIDENT *pro tempore*. The report goes over under the rule.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3507) granting a pension to Thomas Degnan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 3508) granting a pension to Albert M. Edwards; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-rolls;
A bill (H. R. 508) granting a pension to Sarah F. Hawkins;
A bill (H. R. 2566) for the relief of Phillip Kopplin;
A bill (H. R. 3504) for the relief of John German;
A bill (H. R. 3801) granting a pension to Nelson J. Crook;
A bill (H. R. 4820) granting a pension to Ellen Kelly;
A bill (H. R. 6022) granting a pension to Smith Bodkins;
A bill (H. R. 7516) to increase the pension of Sylvester Stearns;
A bill (H. R. 8748) to increase the pension of Richard Jobes;
A bill (H. R. 8993) for the relief of Shadrack W. Brown;
A bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll;
A bill (H. R. 10224) granting a pension to Elias H. Hall;
A bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll;
A bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-roll;
A bill (H. R. 10504) granting a pension to Mary Hooper;
A bill (H. R. 10856) for pension for Eliza N. Aiken;
A bill (H. R. 10621) for the removal of the political disabilities of John H. Parker, of Virginia;
A bill (H. R. 11021) to increase the pension of Charles Hahneman;
A bill (H. R. 11057) granting a pension to Margaret Gray; and
A bill (H. R. 1197) for the removal of the political disabilities of Henry A. Ramsay.

The message also announced that the House had passed the following bills:

A bill (S. 2371) granting a pension to Jacob Pitner;
A bill (S. 2716) granting a pension to Carl M. Schwantes;
A bill (S. 2871) granting a pension to Mrs. Sarah J. Martin;
A bill (S. 3035) to grant a pension to William Thields;
A bill (S. 3118) for the relief of Mathew O. Regan;

A bill (S. 3178) to remove the political disabilities of William L. Bradford; and

A bill (S. 3364) to provide for an American register for the steamer Saginaw of New York.

The message further announced that the House had chosen Mr. JAMES H. BLOUNT, a Representative from the State of Georgia, Speaker *pro tempore* during the absence of the Speaker.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1813) for the relief of Susan B. Hopkins, widow of Arvah Hopkins, late of Tallahassee, Fla., deceased;

A bill (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively;

A bill (S. 2825) granting an increase of pension to Benjamin T. Baker;

A bill (H. R. 2601) for the relief of the Baptist Female College of Lexington, Mo.; and

A bill (H. R. 5670) for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens.

CALVIN J. COWLES AND GEORGE B. HANNA.

Mr. PASCO. I ask unanimous consent that the vote by which the bill (S. 2970) for the relief of Calvin J. Cowles and George B. Hanna was postponed last week be reconsidered, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore.* The bill having been indefinitely postponed, that order will be reconsidered, by unanimous consent, if there be no objection, and the bill, with the adverse report, will be placed on the Calendar.

CAMPAIGN WORK BY A SENATE EMPLOYÉ.

Mr. VEST submitted the following resolution; which was read:

Resolved, That the Committee to Examine the Several Branches of the Civil Service be instructed to inquire whether employés of the Senate, whilst receiving pay, and when the Senate has been in session, have been engaged in preparing partisan campaign literature for the purpose of advancing the interests of the Republican party in the pending canvass, and whether publication of the matter so prepared has been published by an employé of the Senate with his official character printed thereon, and what legislation is necessary to prevent and punish such conduct, and that said committee report by bill or otherwise.

Mr. VEST. Mr. President, before the resolution is disposed of, I wish to make a few remarks in regard to it.

I happen to appreciate rather fully a criticism such as is contained in offering this resolution, and I have offered it very deliberately. Some two years ago, or possibly more, an employé of the Government in the State of Missouri, a United States district attorney, was removed by the President of the United States because he had during a canvass gone out into the State and made speeches in behalf of the Democratic party. The attention of the President was called to the matter, and he immediately and very promptly, and I thought rather summarily, removed this gentleman and suspended his functions as a district attorney.

I came to the city of Washington and remonstrated against that removal, but was informed by the President that he proposed to mete equal justice to both parties; that he had removed an attorney in the State of Pennsylvania, a Republican, for doing the same thing; and he proposed to make no distinction between members of his own party and members of the opposing organization.

The President further stated that it had been represented to him, and he exhibited newspaper articles and private letters to that effect, that Mr. Benton, whilst the United States circuit court and district court were in session in Kansas City, where I live, had left his official duties and gone out for the purpose of making political speeches in behalf of the Democratic ticket. It was within my personal knowledge that that statement was not true, and I immediately produced (anticipating that this charge had been made) a letter from the United States district judge, who was not a Democrat, stating that Mr. Benton had attended promptly to all the duties of his office, and had cleared his docket at that term of the court, giving his personal attention to cases for trial and to motions pending.

The result was that Mr. Benton was reinstated; and I was maligned, not to use the term blackguarded, in the Republican press from one end of this country to another, and especially in my own State, for having interfered and caused the reinstatement of this gentleman; and it was stated then that the time of Mr. Benton belonged exclusively to the Government of the United States.

Mr. PLUMB. Will the Senator right there, in order to preserve the consecutiveness of his narrative, state whether the President reinstated the district attorney in Pennsylvania who belonged to the other party and who had been removed at the same time with Mr. Benton?

Mr. VEST. I do not know. I never examined particularly into the facts of that case. I was attending to the interests of my own constituency, and I am not prepared to say whether he was restored or not. I do not know anything about it.

Mr. PLUMB. Then I want to enlighten the Senator by saying that the President did not reinstate him; and therefore the high sense of propriety with which he started out, according to the statement of the Senator, seems to have been abandoned very early in the campaign.

Mr. VEST. My recollection is (although I do not undertake to say that it is entirely accurate) that the gentleman in the State of Pennsylvania went into a regular canvass, maligning the Administration and Mr. Cleveland, and I say here now, openly and publicly and emphatically, that it was indecent in an officer of this Government, holding a position under it and under a Democratic administration, to go out upon the stump and malign the party at whose hands he then held official position.

Mr. JONES, of Arkansas. I should like to call attention to a fact which the Senator from Kansas seems to overlook in the statement made by the Senator from Missouri, that Mr. Benton was restored because the charges made against him were shown by him to be absolutely false, and the charges against the gentleman in Pennsylvania, I understand, were never shown to be false.

Mr. VEST. I have before me, received this morning, this book [exhibiting], which will be seen not to be a very small one, upon which in large letters is printed "Protection Echoes from the Capitol," with a very picturesque and graphic description of the Capitol itself and the surrounding grounds, umbrageous foliage, fountains, and spectators in large numbers, "Edited by Thomas H. McKee, Assistant Librarian of the United States Senate."

This gentleman, and I have the very slightest personal acquaintance with him, is receiving an annual salary of $1,440, as the rolls of the Senate show. He has the unquestioned right to publish his lucubrations, personal, political, philosophical, or otherwise, at his own expense, and to distribute them or publish them for sale anywhere within this country. That is the unquestioned right of every American citizen. But Mr. Thomas H. McKee has no right whilst he is drawing $1,440 as an employé of the Senate to issue this book, unfair, unjust, malignantly partisan in its character, garbled extracts from speeches of members of both Houses of Congress, taken without their context, used manifestly for a partisan and unfair purpose, and to place upon the cover of that book, as a letter of credit to the people of the United States, his official character as an officer of the Senate.

It may be said that he is still attending to his duties; that he is still giving his time to a reasonable extent to the discharge of his duty as an officer of the Senate; but that is not the question. I was confronted the other day by the Senator from Maine [Mr. HALE] not now in his seat with the statement that Mr. Trainer, who is the secretary of the Library Commission, is now doing campaign work in the city of New York. I know nothing of the fact, but I take it that it may be said that Mr. Trainer is also doing his duty as secretary of the Library Commission and has omitted none of the functions of that office.

What I object to specifically, and I put it to every fair-minded man, is that no employé of the Senate, whether Democrat or Republican, has the right to issue in his official character a book such as I hold in my hand.

I have not, of course, been able in the few hours that the work has been in my possession to go through these profuse and abundant pages. The Mills tariff bill came to the Senate on the 21st of July last, and in the short time since that bill has been here this gentleman has found time to make up this enormous book, for it is a large one, filled with partisan extracts, and not only with partisan extracts, but with attacks upon members of Congress who differ with him in political sentiment.

Take the case for instance, in the very first part of it, under the heading of "Agriculture," on the second page:

No. 3. Agriculture is the oldest—

Said Mr. HATCH, my colleague in the other House, and chairman of the Committee on Agriculture, and in this gentleman's category an unfortunate Democrat. This purports to be an extract from the speech of Hon. WILLIAM H. HATCH, made May 14, 1888:

AGRICULTURE.

No. 3. Agriculture is the oldest—

Now interpolates this employé of the Senate—

[How about hunting and fishing, savage life?—*Editor.*]—

Mr. HATCH proceeds—

and the most honorable occupation of man. It is the foundation of our earliest civilization, and its development marks the periods of the passage in the history of the world "from savagery to barbarism and from barbarism to civilization." It is to-day the foundation of all commercial and material progress in this country. It marks in every age of the world the steps of civilization as clearly and distinctly as the posts mark the miles on the road. The history of the world teaches us that in all ages, in every country, agriculture has borne more than its fair proportion of the burdens of government.

Whether taxation has been exacted from it in kind, or under whatever system taxes have been levied, agriculture has always borne more than its just proportion, and too often, as in our own country, has been the prey of skillfully devised systems of taxation for the benefit and enrichment of some favored class. This, Mr. Chairman, is particularly true in the nineteenth century and under our republican form of government in the year 1888.

Now adds Mr. McKee:

[Will the Mills bill change it?—*Editor.*]

Again, upon page 23 of the same book, he quotes from the same gentleman, who seems to be a favorite of Mr. McKee, as follows:

Between 1850 and 1860 the farmers of the country more than doubled their wealth, etc.

* * * * * * *

If this is not true, why is it that during the same decades, and fostered and protected by this system, the manufacturing districts have so enormously increased in wealth? There is but one answer. Protection benefits the manufacturer alone, while it oppresses and levies tribute upon all other classes.

Now, adds Mr. McKee in this book purporting to be one of extracts:

[Why not multiply manufacturing districts?—*Editor.*]

And so on, until I could weary the Senate with excerpts like those I have read.

Mr. HOAR. May I ask the Senator if he will at some time state to the Senate what is the distinction in principle or propriety, in his judgment, between such an argument, extracts made by a person in the employ of the Senate, and the similar campaign efforts made by Senators themselves?

Mr. VEST. A Senator of the United States expresses his opinions, and he is sent here by his constituents to honestly do so. Mr. McKee is not hired by the Senate of the United States to prepare campaign literature. I should insult the intelligence of every man here or elsewhere if I went further in this distinction. Is it possible that the Senator from Massachusetts can justify a thing of this sort? It would turn every employé of the Senate into a partisan for one of the respective parties now struggling for supremacy in this Government. It has never been done in the history of the Government. This is the first instance I have ever known in which a work of this sort, malignant and partisan in every line of it, with garbled extracts, unfair, unjust to the Democratic party, has been sent forth with an official indorsement upon it, for it is nothing else—a letter of credit with the official character of the person who collated it or who prepared it.

I have no doubt that I am doing a very great personal favor to Mr. McKee in advertising his book, and it will give it probably a larger circulation throughout the country. He is welcome to the benefit of such an advertisement as he now receives; but I do most emphatically protest against this practice. I call attention to it because the Democratic party has been taunted and reviled upon this floor for having trampled upon the principles of civil-service reform, and in the classic language of the Senator from Illinois [Mr. CULLOM] being a sham, a fraud, and a pretense.

That brings me, Mr. President, to a few remarks I desire to submit, as it is a cognate subject, in regard to what was stated in the Senate on last Friday. It was said then by the Senator from Illinois [Mr. CULLOM] and by the Senator from Iowa [Mr. ALLISON], when I called attention to the fact that a pension examiner had been sent from the State of Missouri to Illinois to perform campaign service in the year 1884, that he was entitled to thirty days' leave of absence with pay, and the Senator from Illinois claimed that in his judgment he had only obtained the statutory right of this gentleman when he got twenty-three days' service. According to the record he was granted twenty-three days' leave of absence with pay from October 6 and nine days without pay from October 29, 1884. This record shows that the gentleman was appointed in July, 1884. In October, less than three months afterwards, he received those twenty-three days' leave of absence, and in a few days afterwards nine days' leave. At that very time a regulation of the Interior Department was in force, made by the Senator from Colorado [Mr. TELLER] when Secretary of the Interior, and that regulation is in the following language:

Regulation 14. Employés who have been in the service of the Department less than one year—

And this gentleman had only been in the Department three months—

may be granted leave at the rate of two and one-half days for each month of service, and no more.

That was the order of January 1, 1884; and he was entitled under that regulation to seven and a half days' leave of absence and no more at the time he received twenty-three days' leave of absence with pay in October, 1884.

I have received since that debate from the postmaster at Chicago a letter which, in justice to him, I ask the Secretary to read.

The PRESIDENT *pro tempore*. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

CHICAGO POST-OFFICE, OFFICE OF THE POSTMASTER,
Chicago, Ill., September 1, 1888.

DEAR SENATOR: I see by the telegraphic dispatches from Washington, published in this morning's papers, that Senator CULLOM, of this State, in some remarks made in the Senate, for political effect, and in seeking to create the impression that Democrats are now as bad as the Republicans were when in power in forcing contributions from Government officials for political purposes, charged in substance that I, as postmaster of Chicago, by collusion with my law partner, have been engaged in making collections of post-office employés here for Democratic campaign purposes.

Permit me to assure you, Senator, that this charge is wholly untrue. Senator CULLOM has evidently been misled by the statement of some vicious and reckless newspaper scribbler. I have had no connection whatever with the solicitation of subscriptions or with inviting contributions from post-office or other Government employés, either for political or other purposes.

On the contrary I have been very careful, when spoken to by post-office employés in regard to the matter of campaign contributions, to inform them that they were under no obligations to make any such contributions: that if they contributed at all it must be voluntarily done on their part, and that whether they did so or not would make no difference whatsoever in respect to their treatment by or their relations to the postmaster, adding that they were free to act in regard to such matter just the same as if they were not office-holders. More than this, when inquired of, as I have repeatedly been, as to whether or not post-office officials here would contribute for campaign purposes, I have uniformly replied that that was a matter of their own free choice; that I could and would have nothing whatever to do with making collections or inducing any subscriptions from such employés, and that I could not permit post-office officials to be approached for any such purpose while on duty or at the post-office building.

The only circumstance that affords any basis whatever for these allegations concerning myself, in connection with political subscriptions or collections, is this, that some time ago Mr. E. M. Phelps, of this city, the present Illinois member of the national Democratic committee, called on me and inquired what course I pursued in 1884, when I was the Illinois member of that committee, in the way of procuring subscriptions toward the national committee campaign fund. I explained that several individuals assisted me in making solicitations, naming some of them, to whom I gave written authority for the purpose. He asked whom he could get to assist him. I replied that I did not know any better than he. Just then Mr. E. B. Esher, with whom I have a limited arrangement as to law business (but who in reality has not been practicing for about three years, until within the last few weeks), came into the room in which Mr. Phelps and myself were in conversation. He retired within a few moments, when his name was barely mentioned in connection with the inquiries made by Mr. Phelps. Afterward it transpired that Mr. Phelps induced him to solicit subscriptions for the national Democratic committee, and still later it seems that he issued a few invitations to post-office employés to call at his office, and I have learned that he procured a few subscriptions from such employés, but only a few. This was done wholly without my knowledge or consent. I have not been at the law office occupied by Mr. Esher for nearly three years (during all of which time I have attended strictly to post-office business), and I have no control whatever over Mr. Esher's movements, nor am I in any way responsible for his conduct. He is a free man, and acted on his own responsibility and that of Mr. Phelps.

However, after some criticism was made in a Republican newspaper in regard to solicitations being made by Mr. Esher, he voluntarily proposed to drop the whole matter, and being requested so to do by Mr. William Ritchie (with whom he also had some business arrangement) and by myself, he complied, and has since, as he informs me, refused to make solicitations, or even to receive subscriptions.

It may be added in this connection that Mr. Esher informs me that he advised each and every post-office employé whom he approached in asking subscriptions that the postmaster knew and would know nothing of the matter, and that it would make no difference whatever as to their standing as officials whether they contributed or not.

I have explained thus in detail in order that you may understand the entire situation, so as to be able to refute the charges if it be needful so to do.

I am, with much respect, sincerely, yours, etc.,

S. CORNING JUDD, *Postmaster*

P. S.—I write to you in this matter because, according to the telegraphic dispatches, you made some very appropriate remarks in the Senate on yesterday concerning Senator CULLOM'S statement.

S. C. J.

Hon. GEORGE G. VEST,
United States Senator, Washington, D. C.

Mr. VEST. It is proper for me to state that I have no acquaintance with Mr. Judd, and I have had no communication with him except that letter. After reading in the RECORD the statement of the reporter of the Chicago Tribune as to the manner in which he obtained what purports to be his information, after his admission that he deliberately lied to this man Esher, that he misrepresented his own character, that he afterwards went in his proper character and then lied to him again by stating and making the impression that he would not publish what had occurred in the morning, but says that he had already put it in type, and therefore he could very safely say that he would not publish it in the future, I was willing that the public should pass upon the credibility of that witness.

I have simply to say in conclusion that if the postmaster at Chicago has violated the civil-service law, let the committee raised at the instance of the distinguished Senator from Maine [Mr. HALE], of which he is chairman, investigate that post-office, and if that man has been guilty of prostituting his official position for the purpose of blackmailing his employés, no Senator in this body will more cheerfully indorse his removal and his public disgrace.

Mr. CULLOM. Mr. President, so far as the reference of the Senator from Missouri to me again is concerned I have nothing more to say about it. He seems to have a kind of nightmare on that subject, and I am willing to let him rest there.

As to the charges against Mr. McKee, I wish to say that I have known him for some time, and I recognize him as a gentleman of character, a gentleman who strictly attends to his duties as charged upon him by the Senate; and if there is any Senator here who can point to a single instance where that gentleman has failed to discharge his duty in waiting upon the Senate and furnishing documents and what not, then I should like to have him do so.

I undertake to say that it is none of the business of the Senate whether that gentleman saw proper to put in his odd hours, either during the day or at night, in preparing a book, even though that book may be in favor of protecting American labor and American industry. So far as I am concerned, I think he has done a good piece of work, and I think it will give some trouble to our Democratic friends to answer the extracts that are taken from speeches made by honorable Senators and by Representatives in the other branch. That is all I have to say about Mr. McKee.

Now, the Senator from Missouri comes back to the Chicago post-office, and he is tremendously exercised because, forsooth, the reporter of the Chicago Tribune happened to get a card and took advantage of

it, and went in there and found out what was going on in the office of the gentleman who happens to hold the post-office in Chicago, and uncovered the scheme that was carried on for the purpose of forcing out of the employés of the post-office there money to be handed over to the national committee to secure the re-election of the present President of the United States.

The Senator is also tremendously exercised because of that long interview which was read from the Chicago Tribune, and he charged that he would as lief think of having Tom Paine preach to a Christian congregation as to have a Republican interview introduced here in the Senate of the United States.

I wish to give the Senator some Democratic literature. I suppose he will not charge that the Chicago Times is a Republican or even a Mugwump paper. I have understood it to be time out of mind not only a Democratic paper, but one of the very bitterest kind, like the postmaster at Chicago. I have had the privilege of knowing that distinguished gentleman a good many years. I know him personally. I knew him when he lived down in the country as a country lawyer, and I knew him when he was one of the most venomous Copperheads that there was in the State of Illinois. Now, sir, I want an article from the Times read, and also one from the Chicago Globe, which is also a Democratic paper and indorsed as such by another Democratic paper in another State.

The Chief Clerk read as follows:

[Chicago Times, Friday, August 24, 1888.]

MR. JUDD'S BLUNDER.

The Times has been just and merciful to Mr. Postmaster Judd. When he has been wantonly assailed it has defended him. When his removal has been urged by interested parties it has pointed out the undesirability of such a course. But the Times has no words of apology or defense for the postmaster's indirect method of aiding the campaign fund of his party by violation of the spirit of the civil-service law. In this matter the devil has been beaten around the stump. The postmaster has tolerated the application of moral duress to employés of the office in order to compel their contribution to campaign funds. Under these circumstances contributions are not voluntary. It is no excuse to plead that the practice was established under another administration.

Mr. Judd's zeal for his party outruns his sense of justice and fairness when he points out that the sand-bagging is so nicely calculated as not to offend against the letter of the law. The excuse is unworthy an official of Mr. Judd's high character.

TAKE IN HIS SIGN.

In the daily law report the fact is recorded that a suit was commenced by Judd, Ritchie & Esher. Mr. Esher is the young man who, having occupied a place in the Chicago post-office abolished as a sinecure, has been engaged in interviewing employés of the post-office regarding their contribution to the Democratic campaign fund. Mr. Esher is provided with a list of all employés and the salaries paid them, and is conducting the "important" business of fleecing them for party purposes. Mr. Judd explains this outrage with the remark that he has merely a nominal relation with Esher, who, having no relation to the public service, is not amenable under the law prohibiting assessments upon civil servants for political purposes. If Mr. Judd has no connection with Mr. Esher let him take in his law sign.

If the employés of the post-office wish to devote some portion of their slender salaries to campaign purposes they will have no difficulty in ascertaining the fact for themselves and in finding the headquarters where such favors are received. The Esher persuasion office had better be shut up instanter.

[Indorsement of the Globe as a Democratic paper.]

JUST SO.

The Michigan Democrat says that he has "no hesitation in commending the Chicago Globe fully and unsparingly, because," he says:

"This is the only genuine unalloyed Democratic paper in Chicago, and is the paper Democrats like to get hold of. It is scholarly and fair, and is delivered in Sturgis for 12 cents per week."

It is delivered in all other places at the same price, which is less than one-half its value. Because its Democracy is the very best quality that is found on any market. There is nothing "snide" in it. And this is the reason why it is "the paper that Democrats like to get hold of."

[The Chicago Globe, August 23, 1888.]

A STUPID BLUNDER.

The civil-service-reform act of 1883 was not meant to be a sham. It was directed against the vicious practice of using the public service and servants as instrumentalities of partisan purposes. This was the central idea in which it originated. Upon this basis it was advocated and enacted. It positively forbade any assessments upon the stipends of public servants, and made it a punishable misdemeanor for any person being in the public service to solicit or receive even a perfectly voluntary contribution from another public servant. If it did not in terms forbid any public servant to make a voluntary contribution to party funds, it was because some squeamish legislators believed, or pretended to believe, that such a prohibition would encroach upon the limits of personal liberty. But a voluntary contribution is one that is initiated by the volition of the contributor, and not by the suggestion of a party agent that it is "a matter of importance" that a voluntary contribution be made. Any contribution made upon such a suggestion the spirit and reason of the law forbid; otherwise there is no restraint upon an easy evasion of it, which would stamp the act as a legislative cheat and fraud.

It is unfortunate, therefore, that so indiscreet a person as Mr. Edward B. Esher should have been authorized by any representative of the national Democratic committee to receive subscriptions to a "campaign fund." It is unfortunate because Mr. Esher stands (nominally, at all events) in a professional relation to Postmaster Judd, and because he was, until three or four months back, one of Mr. Judd's subordinates in the post-office of this city; and, more than all else, because he has shown a lack of judgment in sending messages to employés in the public service requesting them to "call and see" him "on a matter of importance," the matter being a solicitation of a contribution from each of them to the party "campaign fund."

Conceding to him all the strength of his defensive plea that he is "assessing nobody," that every person in the civil service who may receive his peculiar invitation to call and see him is at "perfect liberty to give or not, as he may feel disposed," and that he is making "this collection" (the words are given as his own) in a way different to that which was pursued by the Blaine party collectors four years ago, it still remains true that the proceeding is repugnant to the spirit and reason of the law, because it includes an attempt to make such collections from persons in the civil service, under a form of words which, though not a menace, is a suggestion to the mind of such persons of a risk that may be incurred by acting as they would have acted if they had not received Mr. Esher's invitation to call and see him "on a matter of importance."

The whole matter is reducible to a single point. The proceeding of Mr. Esher is a solicitation by a party agent of "voluntary contributions" to a party fund from attachés of the civil service. Such a proceeding is offensive to the spirit and reason of the reform act. It is an offense, therefore, against the moral standard of the Democratic party. It is reprehensible, therefore, and should be discontinued by peremptory order at once. Its continuance certainly will do more harm than all the money that post-office clerks and letter-carriers may contribute can repair. In the name of morality, liberty, and justice, the only solid bases of Democracy, let this blunder be stopped.

Mr. CULLOM. Before the Senator talks any more about the Chicago post-office he had better consult with his Democratic friends in that city. That is all the advice I have to give him on that subject.

Apropos to the articles which have been read in reference to the conduct of the public business in Chicago, I think a paragraph from the letter of acceptance of the Presidential nomination four years ago, written by the present President, ought to be put in the RECORD also as good doctrine, and also an extract from a speech by Judge Thurman, the Democratic candidate for Vice-President. I ask that they be read.

The Chief Clerk read as follows:

[Mr. Cleveland's letter of acceptance in 1884.]

When we consider the patronage of this great office, the allurements of power, the temptation to retain public place once gained, and, more than all, the availability a party finds in an incumbent whom a horde of office-holders, with a zeal born of benefits received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political service, we recognize in the eligibility of the President for re-election a most serious danger to that calm, deliberate, and intelligent action which must characterize government by the people.

[Thurman in 1872.]

My friends, you will never have any genuine reform in the civil service until you adopt the one-term principle in reference to the Presidency. So long as the incumbent can hope for a second term he will use the immense patronage of the Government to procure his renomination and secure his re-election.

Mr. PLUMB. I only want to make a remark or two about this matter. The district attorney in Missouri, Mr. Benton, is fortunate in having a very powerful advocate in the person of my friend the Senator from that State. The Pennsylvania district attorney, Mr. Stone, did not have any such advocate, and the very natural result ensued that the President set out, like an old farmer going to mill with a peck of meal in one end of the bag and a stone in the other, and announced with a great flourish—whether he did it with or without a wink the Senator did not say—that he intended to make this a square thing between the two parties, and having removed a Republican he was going to remove a Democrat. He ended it up by yielding to the blandishments of my friend from Missouri, by restoring Mr. Benton to office, but he did not perform that service for Mr. Stone. It is suggested by the Senator from Arkansas that Mr. Benton had made out a good case by showing that the charges against him were false. No one who knows the political faith of my friend from Missouri and the great eloquence with which he expresses Democratic sentiments can doubt that he made a case where Mr. Stone could not possibly make one.

But, Mr. President, nobody cares anything about these matters in themselves. The Senator from Missouri did not object to Mr. McKee doing what he has done. He would not object to one of the employés of the Senate of the Democratic persuasion, of whom there are a number, doing the same thing, as a matter of principle. The wrong with him is the fact that the Republicans are able to show the difference between Democratic professions and Democratic practice, and that is all there is of it.

I do not care about the present Democratic candidate for President having given $10,000 to the Democratic campaign fund, coupled with the assurance of the person who is nearest to him that he has always done that thing ever since he has been a Democratic office-holder. I do not object to that. I do not object to it even if it is coupled with the insinuation from authoritative sources that that example should be followed by all the officials all over the country. But I do object to the sniveling and canting hypocrisy which accompanies this whole performance. That is what I object to, and that is the only Republican objection to it. It is because this Administration pretends to be holier than any other administration has been; it is because it says it is not doing these very things which it is doing. That is what we challenge and that is the whole thing.

The Senator from Missouri said the other day that he thanked the Lord he was not a Mugwump. He knows what that means. He knows the term is used to designate a class of people who believe in a non-partisan service, or claim so to believe; and therefore he means that he is not a civil-service reformer, and he means that he believes that "to the victors belong the spoils;" and so when he comes in here and arraigns Mr. McKee for this book and gives it this advertisement, which but for him it would not have, he simply objects that the Republicans are doing that which he knows the Democrats are doing, and the point of his objection is that he knows the Democratic Administration can be convicted of entire insincerity. That is the milk in the cocoa-nut. Nobody is deceived by all this outcry. The country knows it and thoroughly understands that this Administration while professing one thing has done another, and if it is condemned it will not be because it has turned out Republicans and put in Democrats, as

the Republican party expected it would do; but it is because, while it has pretended that it did not do it, it has been cleaning the service of every Republican on whom it could put its hands.

Mr. VEST. Mr. President, the Senator from Kansas certainly does me injustice when he says that I would not condemn a similar action on the part of a Democratic employé on this side as that of which Mr. McKee has been guilty. I do not object to Mr. McKee putting in his odd hours in furnishing literature to the party of which he is no doubt an honest member; I do not object to his sitting up at nights and giving his time to the political service of that organization; but I do object to his sending out to the people of the United States that partisan and unfair and false document with his official character stamped upon it, and if any Democratic employé of the Senate should do it I would vote to put him out of office, and I would demand it as a Democratic Senator.

I am a Democrat; I am proud of it; I could not be anything else and never expect to be anything else; but I am not a Mugwump, and I do not believe that "to the victors belong the spoils" in the acceptation given to that phrase generally in the partisan press of the country. I believe that, other things being equal, a Democrat should be put in office under a Democratic administration and a Republican under a Republican administration; and I would as soon put the soldiers of another army on my picket-line as to expect Republicans to guard well the interests of the Democratic party when in office.

The Senator says that this Administration has professed one thing and done another. Mr. President, I wash no dirty linen in public. I am loyal to my party and its convictions, and I ask no quarter and give none. I ask no favors. If the Republicans can beat us in this contest fairly, no man will accept the result in a more manly spirit than myself; but I, for one, shall leave nothing undone that a gentleman can do to defeat them, and when the administration passes into other hands, if it does, I shall not be found whining and asking favors and soliciting alms from a Republican administration. I will do, as I have always done, accept the fate of war honestly and fairly, and with such equanimity as my temperament will admit. But I deny that this Administration has acted upon the principle that "to the victors belong the spoils."

Sir, to-day the Departments in this city outside the classified service are filled with Republicans. To-day in the Treasury Department outside of the classified service, $248,000 is paid to Republicans and $206,000 to Democrats. All over this country to-day Republicans are in office outside of the classified civil service and inside of that service. There are not in the Departments here, out of two thousand employés in some of them, two dozen Democrats. When I go to-day into a bureau of some of these Departments to see the head of it, who is a Democrat, I am compelled to whisper to him for fear the Republican clerks shall hear what I say in regard to my party and in regard to its interests; yet that Senator tells us that this Administration has acted upon the principle that "to the victors belong the spoils!"

Mr. PLUMB. Allow me to ask the Senator a question which will enable him to draw a still finer distinction than he has drawn. What business has he to be talking about the Democratic party and Democratic interests to the head of a bureau in office hours? It seems that that discounts Mr. McKee very considerably.

Mr. VEST. When I go to the head of a bureau in regard to an appointment in that bureau, I do not choose to take into my confidence the clerical force of that entire bureau when I know perfectly well that they belong to the opposite party. The civil-service law, which I am sorry to say I voted for after voting for amendments which would have put it upon a just and equitable basis, putting in one-half Democrats and one-half Republicans, retained in office the entire corps of old moss-backed radical officials who have been assessed year after year to furnish the campaign fund of the Republican party; and they are in office to-day, holding office to-day, and if Cleveland is defeated a shout of exultation will go up from the office-holders in this city such as has never been heard before except from the throats of a great army in the hour of a victory. They are receiving their salaries under a Democratic administration and praying day and night for its defeat; and yet we are told that the doctrine that "to the victors belong the spoils" has obtained under this Administration against its pretensions. Why, Mr. President, when I think of the condition of the public service of this country to-day, so far as patronage is concerned under a Democratic administration, I am inclined always to refer to that historic expression of Lord Clive when arraigned before the House of Lords in England on the charge that he had, when governor-general of India, taken from the native princes largesses to a considerable amount after he had overthrown with the English troops their territories, when he broke forth spontaneously with the honest exclamation "By God, gentlemen, I wonder at my own moderation!"

Mr. PLUMB. The Senator certainly does not apply that remark to himself.

Mr. VEST. I apply it to the fact that we have permitted Republicans to remain in office all over this country from one end of it to the other, and the return we get is taunts and abuse such as we have had to-day from the Senator from Kansas. We are told, "Oh, yes, all this is a fraud and a sham and a pretense," when the bureaus are filled with Republicans; when in the Treasury Department alone forty thousand odd dollars more are drawn in the way of salaries by Republicans outside of the classified service than by Democrats four years after the Administration has gone into power. When Mr. Cleveland has subjected himself to the criticism of his own party and to the assaults of the opposite party, and has attempted honestly and fairly to carry out what he believes to be the spirit and essence of the law and regulations of the civil service, he is repaid by such attacks as we have heard in this Chamber to-day.

Since the Senator from Illinois has been reading newspaper extracts, which he says come from Democratic papers, I must confess that the condition of newspapers in the city of Chicago is such that I have never been able to tell a Republican newspaper there from a Democratic paper. I am in that sort of nebulous condition that if I were called upon to pick out a Democratic paper in Chicago I could not do it, even if I were upon oath. But the Senator read from the Chicago Times. I go to the official authority on newspapers, which is the American Newspaper Directory for 1887, and I find that the Times is put down there: "The Times; every morning and weekly, Wednesday; Independent."

Mr. PLUMB. But it is supporting Mr. Cleveland.

Mr. VEST. Yes, Mr. President, and so is George William Curtis supporting him, but I take it he would consider it a personal insult to be called a Democrat. The logic of my friend from Kansas is defective when applied to results. The New York Times is supporting Mr. Cleveland. For me to go into the arcana of these newspaper offices and find out the personal and political motives which control their action would be to expect me to perform a feat far above the average of any mortal man. All I know is that the statement made by the Senator from Kansas that this Administration has acted upon the principle that "to the victors belong the spoils" is contradicted in every State and in every Congressional district of this broad land; and that is all I propose to say upon that.

Mr. PLUMB. Only a word. The Senator from Missouri very carefully avoided any expression as to what had been going on outside of the city of Washington, but it has been the constant claim of the Democratic party to show how merciful they have been, though I never heard any one before praise that party for restraining themselves like Lord Clive, that they did not turn upside down the Departments in Washington. During the twenty-odd years of Republican administration those Departments had come to be filled by persons who were to a very large extent no more Republicans, or I might say no more Democrats than if no such parties existed. In addition to that, plenty of Senators on the other side of the Chamber and plenty of members of that party serving in the House of Representatives found ways to get men of their own political faith into place under Republican administrations. I will venture to say that the number of persons in the Departments who are actively Republicans to-day and will vote the Republican ticket this year is less than the number of those people who would have voted the Democratic ticket under Mr. Arthur.

But, notwithstanding, the President of the United States knew perfectly well that he could not unchain the Democratic tiger for the first four years with entire safety; he had to some extent observed the public sentiment and was too sensible not to know that he could not break up the entire service during those four years and expect to be re-elected. In order to carry that on he had to keep in a very large proportion of Republicans. I say that without any special reflection upon the character of Democratic employés, although if one or two Senators were present who are now absent I could mention some examples of persons whom they recommended to office who were obliged to be excluded from the public service because they could not write or speak the English language correctly or anything near it. Therefore a certain retention was necessary in the process of weeding out, but the process of weeding out has gone on until the Senator can now go to the head of every bureau without bringing himself into offensive contact with Republicans. But I would like to know what it is that has to be told privately to the head of a bureau in one of the Departments at Washington. I would like to know the ground of complaint that the Senator makes that he could not speak privately on party matters to the head of a bureau. I did not know before that these bureaus were here for the purpose of transacting private business. I supposed that they were here for the purpose of transacting public business. All that they have a right to transact goes upon the files, which are public property and open, under proper circumstances, to public inspection; and if the Senator goes there to speak privately about these things, he is doing that which, in my judgment, he has no business to do, and something which I think I can say that under former administrations was not done and was not necessary to be done.

So the complaint after all is that the Senator is afraid to expose these private matters to the ears of public employés. But that is not the question. The question after all and what is now his objection is that men in the public service are performing duties, are transacting matters that are pertinent to the opposite party. I thought at first when I saw the document the Senator exhibited this morning that Mr. McKee had been guilty of impropriety in identifying himself with it as

assistant librarian of the Senate, but that was disposed of in a measure when I considered that the Librarian of Congress publishes an almanac.

Mr. VEST. Not a partisan one.

Mr. PLUMB. That does not make any difference. He publishes an almanac on the title-page of which he identifies himself as the Librarian of Congress for the purpose of giving circulation and currency and authenticity to the publication. That evidently was the purpose of Mr. McKee. He wanted to show that the publication was compiled under such auspices as could be relied upon as showing it to be correct.

But suppose the Speaker of the House of Representatives should, as he might properly do, publish a work on the tariff, a manual we will say, would he be likely to put his name on the title-page as JOHN GRIFFIN CARLISLE, or would he add to it "Speaker of the House of Representatives?" I am advised that he has just published an article in a magazine on that very subject, over his own name. The currency it gets grows out of his official position.

Mr. VEST. I think the Senator from Massachusetts [Mr. DAWES] made that suggestion to the Senator from Kansas. Does the Senator from Kansas mean to say that Mr. CARLISLE ever published in a magazine an article and signed himself "JOHN G. CARLISLE, Speaker of the House of Representatives?"

Mr. DAWES. There is no name, I think.

Mr. VEST. That is a very different thing.

Mr. PLUMB. But the currency it gets grows out of the fact that he is Speaker of the House of Representatives. It did not add anything in his case because he was a well-known man, but he might properly have put that on the title-page of the book, and Mr. ROGER Q. MILLS might advertise himself while he is doing partisan service running around the country and being introduced to his audiences no doubt as being chairman of the Committee on Ways and Means of the House of Representatives, and his speeches get currency as such.

But, Mr. President, this Administration soon tired of its virtue. It is thoroughly understood, and it is susceptible of proof, that clerks have been detailed in the Pension Office to write vindications for publication of the President's vetoes. The head of that bureau himself, according to a charge which has been made and I believe truly, certainly not denied, has spent more than one-half of the last year away from his duties perambulating around the country. The Commissioner of the General Land Office has had prepared and put in circulation a document bearing his official signature, containing, as I think, the grossest possible falsehood. Of that I do not complain, however. Over his official signature there has been printed at Government expense a circular as a Democratic campaign document, a statement in regard to the lands recovered to the public domain by this Administration. It is signed "S. M. Stockslager, Commissioner of the General Land Office." If it were not that I may have occasion to do it some days later, I should read now that circular for the purpose of showing that at the Government expense a document of that kind is being circulated.

It is just as well to have a fair understanding about these matters. Within a certain limitation these things have always been done, but it is not for a Democratic administration, that treats the public service not like a public trust but like a private snap, to complain at this late hour with no greater foundation than that which the Senator from Missouri has been able to find.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. PLUMB. Let it go over, Mr. President.

The PRESIDENT *pro tempore*. The resolution will lie over until to-morrow and be printed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting schedules of claims allowed by the Auditor of the Treasury for the Post-Office Department since the allowance of those embraced in House Executive Document No. 31, of the present session, on account of compensation of postmasters readjusted under the act of March 3, 1883.

The PRESIDENT *pro tempore*. The communication will lie on the table.

Mr. COCKRELL. Let it be referred to the Committee on Appropriations and printed.

The PRESIDENT *pro tempore*. That reference will be made. Does the Senator desire that the document be printed? The exhibits are voluminous.

Mr. COCKRELL. It is just a list of names. It is a document which is generally printed.

The PRESIDENT *pro tempore*. The order to print will be made, if there be no objection.

PERSONAL EXPLANATION—CANADIAN HAY CLAIMS.

Mr. HOAR. I ask the attention of the Senate for a moment. I received some six or eight weeks ago a letter which I send to the desk and desire the Secretary to read.

The Chief Clerk read as follows:

ST. JOHN'S, PROVINCE OF QUEBEC, CANADA, *August* 2, 1888.

HON. SIR: The inclosed document, which I take the liberty of mailing you, speaks for itself. In these times of agitation on matters concerning the United States and England and English colonies, would it not be a propitious one to bring these hay claims forward? A settlement has been attempted several times, but to no avail. Hon. Mr. Fairchild knows all the points of the case, and he can furnish you all required information. It is a just reclamation, and if you can get it paid I can assure you that the support I could get from Canadians in the United States in favor of your party in the coming election would be felt. You can also name your conditions. The amount involved is about $1,000,000, and claimants whom I control are willing to make a good allowance for the trouble and work necessary.

Yours, truly,

CHAS. ARPIN.

Hon. Senator HOAR, *Washington, D. C.*

Mr. HOAR. Mr. President, I suppose every person in the Senate receives occasionally letters of that sort from men who are ignorant as they are base, and probably treats them with silent contempt. I should have done the same. I dislike very much to do anything that seems like an exhibition of virtue on such a subject; but it has occurred to me that the character of the claim made it probable that the man who wrote this letter might be imposing upon the confidence of a considerable number of poor persons; and therefore, on consultation with two or three experienced members of the Senate, the Senator from Vermont [Mr. EDMUNDS] among the rest, I thought it was best to make inquiry into the character of the writer; and I have learned that he is a person widely known in Canada, where he lived, formerly a candidate for the Canadian Parliament, very nearly elected, a man of considerable intelligence and good address. It has seemed to me, therefore, proper that the communication should be put on the files of the Senate, so that if these claims are ever pressed they should be attended with the history of this corrupt effort on the part of the man who has them in charge.

I move that the letter be put upon the files of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks——

Mr. RIDDLEBERGER. I should like to hear that letter read again.

The PRESIDENT *pro tempore*. It will be read again if the Senator desires.

The Chief Clerk read the letter.

Mr. RIDDLEBERGER. Before that——

The PRESIDENT *pro tempore*. The Senator will pardon the Chair one moment. Under the rules of the Senate the Chair thinks this communication, being signed by a subject of a foreign power and not transmitted by the President of the United States, can not be placed on the files of the Senate.

Mr. RIDDLEBERGER. I merely wish to state, before that paper is placed upon the files of the Senate, that I read this morning in a number of newspapers that this trans-Atlantic policy, as it was called, was one that England did not propose to indorse, and among other suggestions was one that behind Canada were English gunboats. I want to reply to that from the United States Senate that we have men behind our guns and no slaves and no subjects.

Mr. HOAR. This is not presented as a petition to the Senate; it is a private letter to me; and it seems to me that by unanimous consent the Senate may order it to be put on file. I think the original document ought to be where it can be referred to and not kept in my custody when the claims are presented in two or three years.

The PRESIDENT *pro tempore*. The rule on the subject will be read.

The Chief Clerk read the following clause from the fourth paragraph of Rule VII:

But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

Mr. HOAR. I ask unanimous consent that that be waived.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the rule may be suspended and that this paper may be placed on the files of the Senate. The Chair hears no objection.

PRINTING OF FISHERIES TREATY DEBATE.

Mr. BUTLER submitted the following resolution, which was referred to the Committee on Printing:

Resolved, That 10,000 copies of the debates and proceedings on the fisheries treaty, together with the message of the President transmitting the same to Congress, and the reports of the majority and minority of the Committee on Foreign Relations be printed for the use of Congress.

JOHN WILLIAMS.

The PRESIDENT *pro tempore*. If there be no further morning business, the first bill on the Calendar under Rule VIII will be stated.

The bill (S. 1508) for the relief of John Williams was announced as first in order.

The bill was reported from the Committee on Claims with an amendment.

Mr. DOLPH. Let that bill go over.

The PRESIDENT *pro tempore*. The bill will be passed over to the Calendar, under Rule IX.

A. C. BRADFORD.

The bill (H. R. 649) for the relief of A. C. Bradford was considered as in Committee of the Whole.

It provides for the payment to A. C. Bradford, late a judge of the thirteenth judicial district in the State of California, of $487.55, which sum was assessed as the income tax and was collected from and paid by him to the Government of the United States upon his salary as district judge for the years 1868 and 1869, such tax having been declared illegal and unconstitutional by the Supreme Court of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOG ISLAND LIGHT-HOUSE, VIRGINIA.

The bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment to add at the end of the bill the following:

And for the purposes of this act the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

So as to make the bill read:

That there be erected at the landing near the Hog Island light-house, in Virginia, a wharf, and that a road from the same to the said light-house and life-saving station be built, to facilitate the transportation of supplies: *Provided*, That the same shall not cost more than $5,000; and for the purposes of this act the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

F. O. SAINT CLAIR.

The bill (H. R. 109) to refund to Dr. F. O. Saint Clair $97.80, duties on a monument to the memory of Francis J. Townshend, late of the United States Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NICHOLAS J. BIGLEY.

The bill (S. 3074) for the relief of Nicholas J. Bigley was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 6, before the word "thousand," to strike out "forty-two" and insert "twenty-one;" in the same line, after "thousand," to strike out "six" and insert "two;" in line 7, after the word "cents," to strike out "being for four barges sunk and destroyed worth $1,600 each," and insert "being for;" in line 11, after the word "cents," to insert "lost or destroyed;" and in the same line to strike out "and the value of the tow-boat Hercules, $15,000;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Nicholas J. Bigley, out of any money in the Treasury not otherwise appropriated, the sum of $21,211.50, being for 70,638 bushels of coal of the value of $21,211.50, lost or destroyed, as found by the Court of Claims.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH R. WHITE.

The bill (H. R. 988) for the relief of Joseph R. White was considered as in Committee of the Whole. It provides for the payment to Joseph R. White of $299.23 to settle his claim for pay and allowances while serving in the United States Army as a private in Company K, One hundredth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF ARMY—BONDS OF DISBURSING OFFICERS.

The bill (H. R. 8873) in relation to bonds of disbursing or other officers and to monthly payments of the Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 1, to strike out:

That the Secretary of War may accept a personal bond, or the bond of an incorporated guaranty company, or both, for the faithful discharge of the duties of any disbursing officer or other officer of the Army, and such bond shall be in lieu of former bonds of such officer in respect to liabilities accruing subsequent to date of approval of said bond.

And insert in lieu thereof:

That, for the faithful discharge of the duties of any disbursing officer or other officer of the Army, the Secretary of War may accept, as a surety or sureties on the bond of such officer, an incorporated guaranty company, or may so accept individuals or both, and such bond shall be in lieu of former bonds of such officer in respect to liabilities accruing subsequent to the date of approval of said bond.

So as to make the bill read:

That, for the faithful discharge of the duties of any disbursing officer or other officer of the Army, the Secretary of War may accept, as a surety or sureties on the bond of such officer, an incorporated guaranty company, or may so accept individuals or both, and such bond shall be in lieu of former bonds of such officer in respect to liabilities accruing subsequent to the date of approval of said bond.

SEC. 2. That the Army shall hereafter be paid monthly, whenever the Secretary of War shall in his discretion so direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES AND WILLIAM CROOKS.

The bill (S. 948) for the relief of James and William Crooks, of Canada, was announced as next in order.

Mr. COCKRELL. That had better be passed over. It involves a question of very considerable importance.

The PRESIDENT *pro tempore*. The bill will be passed over to the Calendar under Rule IX.

LIGHT-SHIP AT SANDY HOOK.

The bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment in line 4, after the word "fog-signal," to strike out "the entire cost of which shall not exceed the sum of $60,000," and insert "and the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated therefor, out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

That there be established off Sandy Hook, entrance to New York Harbor, a new light-ship with a steam fog-signal, and the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated therefor, out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the construction of said light-ship shall be let after advertisement to the lowest responsible bidder, and shall be built in American ship-yards.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIGHTS AT SAN DIEGO BAY, CALIFORNIA.

The bill (H. R. 1228) for establishing light or lights and a fog-signal at or near Ballast Point, entrance to San Diego Bay, California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 4, after the word "California," to strike out:

At a cost not to exceed $25,000.

And insert:

And the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

So as to make the bill read:

That light or lights and a fog-signal be established on or near Ballast Point, entrance to San Diego Bay, California, and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SACRAMENTO AND SAN JOAQUIN RIVERS.

The bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 14, after the word "permanent," to strike out:

The entire cost of which, including the leasing of sites, shall not exceed $15,000.

And to insert:

And the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

So as to make the bill read:

That the jurisdiction of the Light-House Board is hereby extended to the Sacramento and San Joaquin Rivers, in the State of California, for the establishment of such beacon-lights, beacons, and buoys as may be necessary for the use of vessels navigating those streams, and the establishment of such lights on those rivers as may be found necessary by said board is hereby authorized: *Provided*, That no beacon shall be established on any site until cession of jurisdiction over the same has been made to the United States; and the said board is also authorized to lease the necessary ground for all such beacons as are used to point out changeable channels, and which in consequence can not be made permanent; and the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIGHT-HOUSE AT TANGIER ISLAND.

The bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, which was, in line 4, after the word "Bay," to strike out the words "at a cost not to exceed $25,000" and insert in lieu thereof the words "and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated therefor, out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

That a light-house be established at or near Tangier Island, Chesapeake Bay, and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated therefor, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIGHT AT OTTER CREEK.

The bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, which was, in line 4, after the word "Vermont," to strike out the words "at a cost not to exceed $1,000" and to insert in lieu thereof the words "and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated therefor, out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

That a light be established at or near the mouth of Otter Creek, Lake Champlain, in the State of Vermont, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated therefor, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIGHT-HOUSE NEAR BARNEGAT, N. J.

The bill (H. R. 1641) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, which was, in line 5, after "New Jersey," to strike out the words "at a cost not to exceed $20,000" and insert in lieu thereof the words "and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated therefor, out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

That a light-house be established on the Atlantic coast, at or near a point about midway between Barnegat and Navesink lights, in New Jersey, and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. RIDDLEBERGER. Before these bills are adopted I should like to ask what committee they are reported from?

The PRESIDENT *pro tempore*. The Committee on Commerce.

Mr. RIDDLEBERGER. It strikes me we ought to have some statement from some member of that committee as to why we are throwing away this amount of money. We have done nothing in the last twenty minutes but pass bills distributing money without any reason whatever being assigned.

Mr. PALMER. To relieve the mind of the Senator from Virginia I will state that all of these appropriations have been recommended by the Light-House Board and the Treasury Department, and they have been carefully considered by the Committee on Commerce and reported on favorably. The amendments to these House bills have been made so as to include the appropriations in the bills.

Mr. RIDDLEBERGER. I should like the Senator to state if any of these bills emanated from the House of Representatives.

Mr. PALMER. All of them. I think if the Senator will take the Calendar he will see that they are all House bills.

Mr. RIDDLEBERGER. The only change that appears to be made by the Senate committee is that the words "so much of the money as is necessary shall be appropriated" are inserted.

Mr. PALMER. The limitation is changed to a positive appropriation.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIGHT-HOUSE ON ROE ISLAND, CALIFORNIA.

The bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 4, after the word "California," to strike out "at a cost not to exceed $10,000," and in lieu thereof to insert:

And the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

So as to make the bill read:

That a light-house and fog-signal be established on Roe Island, Suisun Bay, California, and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIGHT-HOUSE AT GREAT WICOMICO RIVER.

The bill (H. R. 1912) for the establishment of a light-house at the mouth of Great Wicomico River, Virginia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 4, to strike out "at a cost not exceeding $25,000" and in lieu thereof to insert "and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

That a light-house be established at or near the mouth of Great Wicomico River, Virginia, and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CONFERENCE ON LIGHT-HOUSE BILLS.

Mr. PALMER. I move that the Senate ask for a conference on the disagreeing votes on the amendments of the Senate to House bills 8855, 1228, 1239, 8750, 5716, 1641, 1249, and 1912—the bills that have just been passed.

The PRESIDENT *pro tempore*. If there be no objection, in each of those cases——

Mr. RIDDLEBERGER. I should like to hear the titles of those bills read. I do not know them by their numbers. Let the titles be read.

The Chief Clerk read as follows:

A bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor.

A bill (H. R. 1228) for establishing light or lights and a fog-signal at or near Ballast Point, entrance to San Diego Bay, California.

A bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California.

A bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay.

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

A bill (H. R. 1641) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey.

A bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California.

A bill (H. R. 1912) for the establishment of a light-house at the mouth of Great Wicomico River, Virginia.

The PRESIDENT *pro tempore*. These bills of the House of Representatives having been passed with amendments, an order will be entered in each case for a committee of conference with the House of Representatives on the bills and amendments.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PALMER, Mr. DOLPH, and Mr. VEST were appointed.

Mr. MITCHELL. Have all those bills passed from the control of the Senate?

The PRESIDENT *pro tempore*. They have not.

Mr. MITCHELL. If they have not, I should like to offer an amendment to one of the bills providing for light-houses.

The PRESIDENT *pro tempore*. The Senator has not indicated the bill which he desires to amend.

Mr. MITCHELL. Any one of them providing for a light-house; I do not care which.

The PRESIDENT *pro tempore*. The last Order of Business is 1983, House bill 1912.

Mr. MITCHELL. I move to amend that bill, then.

The PRESIDENT *pro tempore*. The vote by which the bill was passed will be reconsidered, if there be no objection, and also the vote

ordering the bill to a third reading. The Senator offers an amendment.

Mr. MITCHELL. I offer the body of Senate bill 3280 as an amendment, to provide for the construction of a light-house at Heceta Head, Siuslaw River, Oregon.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed as an amendment to add the following:

That the sum of $80,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of a site and the construction of a first-order coast light-house at Heceta Head, Siuslaw River, Oregon.

The amendment was agreed to.

Mr. MITCHELL. I also offer as a further amendment to that bill——

Mr. COCKRELL. I want some explanation about that amendment before it is agreed to. I shall have to object to the consideration of the bill if everything every Senator wants is to be tacked on to it.

Mr. MITCHELL. The amendment is a precise copy of a bill that has been favorably reported from the Committee on Commerce and is on the Calendar.

Mr. COCKRELL. Where is it on the Calendar?

Mr. MITCHELL. It is Order of Business 2040. It was recommended as an indispensable light by the Light-House Board and was reported by the Committee on Commerce.

The PRESIDENT *pro tempore*. Final action has not yet been taken on the amendment proposed by the Senator from Oregon, which is an amendment to the amendment, the Chair understands.

Mr. PALMER. I see no objection to that. It is customary to amend House bills by appending Senate bills, and this is one of those cases, I think.

The PRESIDENT *pro tempore*. The amendment as amended and as proposed to Order of Business 1983, House bill 1912, is agreed to in the Senate.

Mr. MITCHELL. I further move to amend the same bill by attaching to it as an amendment the body of Senate bill 3237, Order of Business 2038.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add as an amendment the following:

That the sum of $60,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a light-ship, to be provided with fog-signal apparatus, outside of the bar of the Columbia River on the Pacific coast.

Mr. MITCHELL. I will state that this is also strongly recommended by the Light-House Board, and a bill of similar purport has been reported unanimously from the Committee on Commerce and is now on the Calendar.

Mr. COCKRELL. Where is that on the Calendar?

Mr. MITCHELL. Order of Business 2038.

Mr. PALMER. I will suggest that the report on that bill be read.

Mr. BECK. Let the recommendations of the Light-House Board be read. What is the date of it?

The PRESIDENT *pro tempore*. There is no report.

Mr. MITCHELL. The Light-House Board recommends it.

Mr. BECK. When?

Mr. MITCHELL. At this session of Congress.

Mr. BECK. There have been a great many recommendations this session purporting to be from the Light-House Board, but I think generally by their secretary. It seems to be a very easy thing to obtain from him a recommendation of anything. I doubt whether the Light-House Board knows much about it. The date of the letter will indicate. If it is in the regular estimates of the Light-House Board I should have a great deal more faith in it than if it came in subsequently.

Mr. PALMER. I will state in regard to that, that the recommendation is under the signature of the Secretary of the Treasury and we have the right to infer that it passed under the inspection of the proper officers, whether done by secretaries, clerks, or whoever. I suppose the mere manual labor was done by the clerks.

Mr. BECK. The moment we get the date of the recommendation that will show for itself. Then I shall desire to make a remark.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived the unfinished business is in order; but first the Chair will present House bills for reference.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-rolls;
A bill (H. R. 508) granting a pension to Sarah F. Hawkins;
A bill (H. R. 2566) for the relief of Phillip Kopplin;
A bill (H. R. 3504) for the relief of John German;
A bill (H. R. 3801) granting a pension to Nelson J. Crook;
A bill (H. R. 4820) granting a pension to Ellen Kelly;
A bill (H. R. 6022) granting a pension to Smith Bodkins;
A bill (H. R. 7516) to increase the pension of Sylvester Stearns;
A bill (H. R. 8748) to increase the pension of Richard Jobes;
A bill (H. R. 8993) for the relief of Shadrack W. Brown;
A bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll;
A bill (H. R. 10224) granting a pension to Elias H. Hall;
A bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll;
A bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-roll;
A bill (H. R. 10504) granting a pension to Mary Hooper;
A bill (H. R. 10856) for pension for Eliza N. Aiken;
A bill (H. R. 11021) to increase the pension of Charles Hahneman; and
A bill (H. R. 11057) granting a pension to Margaret Gray.

The following bills were read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 10621) for the removal of the political disabilities of John H. Parker, of Virginia; and
A bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay.

AID TO COMMON SCHOOLS.

On motion of Mr. BLAIR, it was

Ordered, That the bill (S. 371) to aid in the establishment and temporary support of common schools be reprinted.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. MITCHELL. I ask the Senator from Nevada to give way.

Mr. STEWART. I can not give way.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Illinois [Mr. CULLOM] to the substitute reported by the Committee on Territories, which has been read.

Mr. PLATT. Mr. President, the Senator from Illinois [Mr. CULLOM] does not appear to be in his seat and I have sent for him. I wish, however, to say—and I might as well say it while he is absent—that I can not vote for the amendment of the Committee on Territories, and I shall vote for the amendment of the Senator from Illinois; and in deciding so to vote I do not settle in my own mind the question whether the Pan-Handle of Idaho, as it is called, should finally be annexed to what constitutes the Territory of Washington or not. At a previous session of Congress I reported in favor of a bill for the admission of Washington Territory, which included in the proposed State this northern portion of Idaho Territory. I did so then, being a member of the Committee on Territories having charge of that measure, believing from the evidence before the committee that it was the desire of the people of Northern Idaho to be attached to Washington Territory when that Territory should become a State, and that there was such a natural barrier between the northern and southern portions of Idaho as made it practically impossible for those two sections of that Territory ever to have very definite relations with each other. When this matter was first agitated that seemed to be the almost universal sentiment of the people in Northern Idaho. A few residents of Cœur d'Alene County were disposed to go to Montana; but I think it is fair to say that when the question was first agitated the inhabitants of Northern Idaho felt that there was never to be any such connection between Northern and Southern Idaho as would give them the opportunity of participating in the State government if Idaho should be admitted finally as one State; and so they wanted to be annexed to Washington Territory, except some who, as I have said, preferred perhaps to go to Montana Territory.

The bill for the admission of Washington Territory which was passed by the Senate at the last session of Congress provided for the incorporation in the new State of what is called the Pan-Handle of Idaho, Northern Idaho; but as it was manifest that bill was not going to pass the other branch of Congress and become a law, a bill was passed originating in the other House, and being first passed there, annexing this northern portion of Idaho to Washington Territory. The Senate concurred in the passage of that bill, but it reached the President so late that he did not sign it and it did not become a law. Whether he purposely neglected to sign it or whether he did not have time to consider it I am not informed. Since then there has been a very vigorous objection to the proposed division of Idaho Territory and the incorporation of the northern portion of it with the Territory of Washington from the people of Idaho. I think that the objection has been a growing one from the time when the project was first broached, but I am not satisfied that it ought not to be done; and that depends largely in my mind upon the question whether it is practicable to establish reasonable communication between the southern and northern portions of Idaho.

It is still claimed by the people in Northern Idaho that that is simply impossible, that the range of Salmon River Mountains is so im-

passable that no railroad is to be constructed through there, and that if such roads are projected the expense of their construction will be so great that they will never be completed. On the other hand it is said that railroads have been projected, with easy grades comparatively, all within the Territory of Idaho, and that it is probable that at no distant day they will be built.

As I say, this question of whether Northern Idaho ought to be incorporated with Washington Territory depends, in my mind, largely upon whether it is going to be possible and practicable within the near future to establish communication between the two sections of the Territory within the Territory. If it is so that the people of Northern Idaho have got to go away out into Washington Territory and around through Oregon to get to the capital of their Territory, then I think their contention is just that their relations, commercial, social, and natural, with Washington Territory are so great that they ought to go to Washington Territory; but on the other hand if they can be accommodated with railroads there would seem to be a harshness about what is called the dismemberment of Idaho.

And so I have said that I am going to vote against the committee's amendment, but in favor of the amendment of the Senator from Illinois, without having determined in my own mind the question of what should eventually be done in this matter. I do not think it necessary to decide that now, and I think that to pass the bill as the committee propose would be very likely to complicate the question and to delay perhaps for an indefinite period the admission of Washington Territory.

I think that Washington Territory ought to be admitted as a State at once; it ought to have been admitted two years ago at the last Congress. It seems to me, not to use a harsh phrase, little less than an outrage that a Territory so far advanced as Washington Territory, with such needs, should not be admitted to the Union; and the principal reason, or one of the principal reasons, which determines me in voting against the committee's amendment is that, with the feeling against this dismemberment of Idaho Territory represented by the governor and by the Delegate from Idaho Territory, I fear to incorporate it in this bill will complicate and delay and make impossible the admission of Washington Territory at this session of Congress.

If Washington Territory shall be admitted as a State with its present boundaries this question can just as well and perhaps better be settled after that is done than to attempt to settle it now, for the people of Northern Idaho certainly will be no less inclined to go to Washington when it has become a State than they are now when it is only a Territory and has only the hope of becoming a State. Indeed I think they will be more anxious to have this matter done after Washington Territory shall have been admitted as a State, because then they would have the certainty that if such an act could be passed they would at once be admitted to the privileges of statehood.

Another reason why I think it is well to have it delayed is that this question, of which I have spoken, as to whether communication is to be established between the two great sections of Idaho Territory will perhaps approach nearer to a solution than at the present time; and so much of this case depends, in my mind, upon the solution of that problem that I think it is quite well to wait before determining this matter until we have further light upon that subject.

As has already been stated to the Senate, one county in Northern Idaho is practically unanimous for being attached to Washington, and I think that upon a vote being taken as proposed by the committee's amendment it is probable that a majority of the people of Northern Idaho would vote to be attached to Washington Territory and to be incorporated within the boundaries of the new State. There would be considerable opposition, a large opposition to it. It is a question which excites quite a division of feeling in Northern Idaho, and believing that this matter will settle itself in the near future if we admit Washington without including the Pan-Handle of Idaho within the boundaries of the new State, I shall vote against the committee's amendment and for the amendment of the Senator from Illinois.

I will say this, however, if I have not already said it, that I am not yet convinced that this is the right and proper thing to do, but the question is so open to doubt and can be so easily settled in the near future that I think it better not to attach Northern Idaho to Washington now.

Mr. CULLOM. Mr. President, I did not expect to occupy any of the time of the Senate upon this subject further than I have already, and I would not rise now to say a word but for the fact that the Senator from Nebraska [Mr. MANDERSON], who intended to take part in this discussion and present some facts and arguments against the segregation of these counties and the annexation of them to Washington Territory, has been called away and left in my hands some papers which he desired that I should present. The paper which he specially desired that I should lay before the Senate is an argument prepared by the Delegate from Idaho Territory against annexation and in favor of keeping the four counties proposed to be taken off from Idaho in that Territory as they are now. Before doing that, however, Mr. President, I desire to call the attention of the Senate to a meeting of the Democratic Territorial convention which has been recently held (on the 22d of August), in which I find the following resolution offered:

At the meeting of the Democratic Territorial convention the following resolution was introduced by P. M. Davis, of Nez Perces County:

Resolved, That this convention, recognizing the justice of the demand of the people of North Idaho for annexation to Washington Territory, hereby indorses the Stewart amendment to the bill now before the Senate for the admission of Washington Territory with North Idaho attached, and submitting the annexation matter to the voters of North Idaho.

That was a resolution offered by Mr. Davis, who represented Nez Perces County, and I will say here that that county is the county in which is found the original capital of Idaho Territory, it having been taken away from that county, which has been in favor of annexation to Washington Territory ever since. The resolution was submitted to the convention.

T. D. Cahalan moved to lay the resolution on the table.
Motion carried that the resolution be voted upon by counties.
The result was, 44 to lay on the table to 6 against. The counties voting against were, Latah 3 and Nez Perces 3.

Latah is a county, as I understand, that was originally carved out of the county of Nez Perces.

Mr. PLATT. That was done at this session of Congress.

Mr. CULLOM. As the Senator from Connecticut says that was done at the present session. This shows that so far as the Democratic party of Idaho is concerned the delegates from every county in the Territory voted against the annexation of those four counties to Washington Territory, except those of Nez Perces and the county which has just been carved off Nez Perces, they casting three votes each. All the rest of the delegates attending that convention—and I suppose it was the usual number—expressed themselves against the annexation of any portion of Idaho Territory to the Territory of Washington.

The Senator from Ohio [Mr. PAYNE] asks how many of the districts proposed to be transferred voted in favor of the transfer. I have just stated that Nez Percé County is one of the counties proposed to be annexed, and that Latah County, which was a part of Nez Percé County, also voted in favor of annexation—those two counties and none others—all the others voting in favor of keeping the Territory intact as it is now.

I do not care to occupy the attention of the Senate in discussing this matter over again, further than to say that I agree in a measure with the Senator from Connecticut [Mr. PLATT] that if it should be ascertained hereafter that there is no such thing as getting direct communication between the northern and central and southern counties of Idaho, I should be in all probability in favor of the annexation of the northern counties to Washington; but it so happens that just now we have had evidences which I presented before showing that it is possible that direct railroad communication between the north and central and southern portion of that Territory can be made; and it is not only possible but it is probable. Surveys have already been made, and it has been reported to be an entirely feasible enterprise to build such a road. So I have no doubt myself that it will be but a very few years, possibly not more than one or two years, before railroad communication will be had between these counties proposed to be annexed to Washington Territory and belonging to Idaho and all the other portions of the Territory of Idaho; and whenever that is done there is no reason, so far as the convenience of the settlers is concerned in their commercial and political relations, why they should not remain as they are, a portion of Idaho Territory.

I have been anxious that the honorable Senator who has reported this measure proposing to make this annexation should allow the original bill to pass the Senate, admitting Washington Territory pure and simple and permitting this other question to come up in the future if it is desired that it should do so after we have further information on the subject, so that we may be able to determine whether or not as a matter of actual fact they ought to belong to Washington Territory on account of mountain ranges and the difficulties of communication between the north and south portions of Idaho. I do not believe that any such difficulty will exist except for a very brief time; and so far as communication is concerned, they can now go around, as it has been intimated by the Senator from Connecticut, and get to the capital of Idaho just about as easily as they can go west and get to the capital of Washington Territory. I submit in perfect good faith, after an expression of the people of that Territory both on the part of the Democratic party and the Republican party, which include all the people substantially I take it, against the annexation of this part of the Territory almost unanimously, whether it is fair to those people, whether there is that sort of necessity for action on the part of the Senate that would justify us in proceeding to carve off a portion of Idaho Territory and annex it to another without submitting the question to the people of the Territory, but simply with a provision in the bill that allows four counties that propose to be annexed to vote on the subject with no reference to the will or wish of the other portions of the Territory.

I do not desire to take up further time except to ask the consent of the Senate that the paper which I hold in my hand, and which is a paper prepared by the Delegate from Idaho Territory, and which was sent to me by the Senator from Nebraska [Mr. MANDERSON] before leaving the city, with the request that I should submit it, be read at the desk.

The PRESIDING OFFICER (Mr. BERRY in the chair). The paper will be read.

Mr. GEORGE. Before that is read I desire to ask the Senator from Illinois a question which I wish to have settled as having some influ-

ence upon my vote. At one time when this matter of annexation of what is called the Pan-Handle of Idaho Territory to Washington Territory was being considered I was a member of the Committee on Territories, and some question of this sort was raised, that owing to the peculiar physical conformation of Idaho Territory it was likely that it would be a very long time before it would have a sufficient population to become a State, and that the cutting off of this Pan-Handle would tend to delay that time indefinitely. I would like to hear the Senator upon that question. What effect would the cutting off of this Pan-Handle from Idaho and annexing it to Washington have upon the prospect of Idaho Territory ever becoming a State, a member of the Union as one of the States itself?

Mr. CULLOM. I can answer that question, I think, very readily. The Territory now as a whole has a population of about 100,000. The counties proposed to be annexed to Washington Territory have a population of about 20,000; so that it would take off 20,000 of the population as the Territory is at present organized, and of course would put the Territory back by that much in its chances for very early admission into the Union. I discussed that question somewhat when I occupied the attention of the Senate before. I took the ground then, as I do now, that when it is shown very clearly that a Territory has a capacity to make a State of wealth and business and population, all the elements that would make a respectable State of strength, and after it has struggled along through many years since 1861, I believe, without railroads, without any of the elements of civilization that belong to our older sections of the country, but its population pioneering through that region and developing it and undergoing the privations and hardships that they have done, as they are just reaching the point where they can begin to feel that they are early going to be entitled to admission into the Union, or at least the right to ask for admission, at that point of time to cut off one-fifth of their population and four of their counties territorially would be a hardship and wrong that the Congress of the United States ought not to insist upon unless the whole people by vote should say that they desire or were willing that that should be dons.

Mr. GEORGE. The whole people of what?

Mr. CULLOM. The whole people of the Territory of Idaho, not simply of the four counties, but the whole people of the Territory should have the power to say whether that should be done or not. Of course Congress has the power constitutionally and legally to cut the Territory all to pieces, and scatter it about and annex it to different Territories, or all to one, or to a State; but there ought to be an element of fairness in our legislation. In considering this question, especially in view of the fact, as I said awhile ago, that recent surveys by parties connected with the Northern Pacific or the Union Pacific Railroad—I have forgotten which—have shown that a route can be found, and is found, that will enable a railroad to be built from the north side of that range of mountains down the Snake River into the central portion of the Territory so as to thereby connect the two portions and give them opportunities of communication one with another, we ought not, just at this point of time, with all these facts before us, to segregate the Territory and annex part of it to any other without the consent by a vote of the people of the Territory. That, I believe, is an answer to the Senator.

Mr. GEORGE. No; there is one point on which I did not make myself fully understood. I have heard that the soil or the climate of Idaho Territory was not favorable to a thickly inhabited State. That is a point to which I desire to call the attention of the Senator—whether that be so or not. If that be so, the cutting off of this Pan-Handle would tend very much to keep that Territory back from arriving at the point in its population where it would be entitled to admission into the Union.

Mr. CULLOM. So far as the question of resources or capacity for development is concerned, I think the Senator from California [Mr. HEARST] stated here when the discussion was up before that he had been over that Territory and it was a magnificent country and was capable of great development and possessed great resources; but I think the paper I have sent to the desk, prepared by the Delegate from that Territory, will perhaps give all the facts that the Senator from Mississippi desires in reference to the subject. I ask that it be read.

The PRESIDING OFFICER. The paper will be read.

The Secretary read as follows:

WASHINGTON, D. C., *March* 17, 1888.

DEAR SIR: Appreciating the interest you have taken in Idaho Territory, I wish to submit, through you, some of the reasons why the people of Idaho are utterly opposed to the bill of Senator DOLPH, as amended by Senator STEWART, which is now before you—Senate bill No. 12—providing for the segregation of Northern Idaho and giving it to Washington, and the proposed transfer of the residue of our Territory to the State of Nevada; and I desire to enter a solemn and earnest protest against such proposed legislation for the following reasons:

First. That Washington Territory is large enough and is suitable for a State without the proposed addition from Idaho, as it has 69,180 square miles, with facilities for commerce, agriculture, coal-mining, and lumbering interests unexcelled by any other given area on the continent. It has 2,715 more square miles than all the New England States combined.

Second. Idaho has 84,800 square miles, but has a much greater area of desert and mountain surface than Washington Territory, and the latter is far superior in commercial and agricultural wealth; hence there seems to be a palpable aggrandizement of Washington by the proposed diminution of Idaho.

Third. The proposed segregation practically takes off the four northern counties, Kootenai, Shoshone, Nez Perces, and Idaho, comprising an aggregate area of nearly 25,000 miles. If we resort to comparison, we find that this section is a little larger than the State of West Virginia. Thus it will be seen that the territorial area in question, called the diminutive Pan-Handle, is not so insignificant after all. It may be remarked of this extensive region sought to be "annexed" to the proposed State of Washington that its climate is peculiar, differing from the general climate of the remainder of Idaho in the fact that seasonable rains so moisten the soil that it requires no irrigation; cereals and all vegetable products are raised in abundance without the artificial aid of water.

The balance of the Territory, or Southern Idaho, so called, will consist of nearly 60,000 square miles, all of which require irrigation to produce well, so that it will be seen the only real and actual division of Idaho is climatic and not geographical.

It is therefore quite essential to the preservation of the Territory that this section should remain within and continue a portion of Idaho.

Fourth. Let us now consider the matter of the alleged barriers between Northern and Southern Idaho. They never did exist as insuperable geographical obstacles to the easy intercourse of the two sections, and now they are practically removed by roads and contiguous settlements.

This bugbear, of which so much use was made in the early stages of this secession movement, disappears before the advancement of our pioneers, and no honest and intelligent observer acquainted with the facts would risk his reputation in urging it as a cause for separation.

Two railroad surveys have been made through these mountains, neither of which finds any serious obstacles to railroad construction.

The alternation of mountains and valleys between Northern and Southern Idaho is not uncommon to the mountainous regions of the whole Territory; and while the intervening valleys do not partake of the nature of plains, being long and narrow, there is one valley alone, the valley of the northern Payette and Great Lakes, in the southern portion of Idaho County, as large as the State of Delaware, and is fast being settled by industrious people.

Fifth. The whole of Idaho has great facilities for irrigation, its eastern boundary being marked by the summits of the Rocky Mountains, and the different ranges that form its spurs, where fall snows inexhaustible and perpetual. The never failing supply of water from this source makes numerous and abundant streams that flow through every portion of the Territory.

Idaho has, together with Montana, the Virginias, North Carolina, and Tennessee, the only purely mountain boundary known to the Territories or to the States of the Union. Washington and Oregon are divided by the Cascade Mountains into Eastern and Western Washington and Oregon. A large portion of California lies east of the Sierra Nevada range. Vermont, Pennsylvania, New York, Nevada, and Colorado, Arizona, and New Mexico, not to mention other States and Territories, contain vast ranges of mountain structures within themselves and are not bounded by them. In fact, about the only natural boundaries hitherto respected by Congress have been the great rivers, Ohio, Mississippi, Missouri, and Columbia, and the Great Lakes and the foreign jurisdictions of the British Crown on the north, and the Republic of Mexico on the south.

It is obvious on the face of these facts that the trifling elevations between Northern and Southern Idaho constitute no solid ground for the proposed segregation. The reasons and their cause for this separation do not exist in the topography of the country. We must, therefore, conclude that the advocates of this measure, though perhaps sincere, are mistaken in their policy.

Sixth. We have entered the great race of embryo States; and while we do not claim to have suffered more than the others in early privations, common to each, we do claim to be the peers of all who have hitherto laid the foundations of the great States adorning our history, from the admission of Vermont in 1791 to that of Colorado in 1876.

Seventh. I would now plainly suggest our quality and claim of statehood. We have lived under our own system of laws; our jurisprudence is respected by surrounding States; our institutions of learning and our social and moral foundations are laid in industry, integrity, and honor; our rights of property have become fixed and vested under our laws; our population has increased from the unit of a thousand at our organization to one hundred thousand at the present time; and our people are looking forward, with the highest hope and with unexampled unanimity, to a not distant admission into the Union. While seeking this exalted condition in the family of States, nothing can be more abhorrent to our people, and even to the country at large, than those vast measures—of imperial legislation, it may be called—proposed by the several bills now before Congress by which our fair Territory is to be parceled out and surrendered to a neighboring State and Territory, who are anxiously waiting to appropriate our varied resources, and even the body of our people, to themselves.

Upon what grounds or policy, worthy of the name of statesmanship, is it necessary to blot from the map of our national domain a region of our country known and distinguished at home and abroad as one of the richest and most prosperous of the Territories, and now fitted by area, population, and resources, to become a State of the American Union?

The only reason I can see for this innovation upon all precedent is to gratify the territorial avarice of surrounding States; for it is an admitted fact that no such precedent can be found in our history, nor in that of any modern State or country, except perhaps the unholy obliteration of Poland from the map of Europe.

The people of the United States, from the beginning until now, have hailed with rapture and proud satisfaction the acquisition of new States under and by virtue of the Constitution, and, if we mistake not, they will swell their opposition to defeat this scheme of the public plunder of our soil and the transfer of our people to foreign jurisdictions, unacquainted with their wants and unacknowledged by their laws.

The purchase of Louisiana, Florida, and Alaska, the annexation of Texas, and the acquisition of California, were all deeds of the highest exercise of the powers of nationality and were sanctioned by the supreme law; but to diminish the chances of any one of the expected number of new States west of the Mississippi, and especially of the Pacific States, by the process of disintegration or absorption, I believe would be the exercise of unwise discretion and a measure fraught with dangerous consequences.

Precedent has established the law of purchase, conquest, and annexation of foreign territory.

This has been the salutary law of our expansion, and has led us on securely, with amazing results, to our present greatness; but to reverse this rule and build up mighty States from the organized Territories of the Union would form a precedent which in some great emergency might lead to the destruction of inferior States in the same manner as it is now proposed to destroy a Territory with ample means and just claims to become a State.

Eighth. We will now proceed to note some facts which serve to resolve the pending question into one of great national importance. And first, it should be here observed, that, while two-thirds of the Republic, with only twelve States, lie west of the Mississippi, twenty-six States are embraced in the one-third that lies east of it.

Texas and California are exceptionally large, but no constitutional means exist of compelling a diminution.

It follows, that but seven or eight new States can be added, thus giving but nineteen or twenty at the farthest to the trans-Mississippi number. Why, then, diminish that possible number by striking out Idaho altogether? No argument in support rises from our history and no imperative state reason can be given

for the measure; but public policy and public law alike seem to be against it, as we shall more fully see.

Ninth. It is quite remarkable that during a constitutional period of one hundred years, lacking one, no precedent can be found for the course now proposed.

Twenty-five States have been admitted, and the antecedent Territorial rights of each have been definitely fixed and settled by the usages of a century.

The principle and practice have become fundamental law, and should be respected as a final settlement of the grave question now before Congress. Thus, it seems to be reserved for the Territory of Washington and the State of Nevada to make this unexpected and unprecedented attack upon the rights and boundaries of a Territorial organization of twenty-five years' standing for no other reason, so far as we can discover, than to aggrandize each by the spoliation and dismemberment of the great and growing Territory of Idaho.

Tenth. I have already spoken in general terms of the peculiar advantages and resources of Washington Territory, and have shown that the proposed "annexation" will give it the vast dominion from the northern gates of the continent at Puget Sound to the transit of the Bitter Root Mountains, now held by Northern Idaho. Let us now turn to a like consideration of the great State of Nevada. And first, it contains already 110,700 square miles. Add to this enormous surface the proposed absorption from Idaho of 60,000 square miles, it will make a grand total of 170,700 square miles. Why, then, we would ask, this demand for enlargement? This would give her 7 degrees of longitude and almost 10 degrees of latitude in the very heart of the Coast States, bordering on California, already two-thirds larger than it should be. Besides, it is notorious that this enlargement would be a substantial addition to the Golden State, which has in fact so long controlled the magnificent Silver State of Nevada.

The proposition would be totally inadmissible and even startling were Idaho merely the abode of savage tribes of Indians, and not, as it is, the home of civilized and advanced American communities. What, then, shall be said of the enforced transfer of 100,000 people who hold the keys to a mighty Commonwealth? The country will pause for a reply and surrounding States will tremble for their integrity. Nevada has rare possibilities of greatness within herself. The geographical position of the State of Nevada, upon the great tablelands of the northern temperate zone, makes her a favored base for the grasses indigenous to Chili and Peru, and enables her to support vast herds and flocks by the introduction of a little of the enterprise and thrift which make Idaho so desirable an acquisition. Nevada's ailment is not of climate or soil, but is rather to be found in that fatal absenteeism resulting in carrying and scattering mighty accumulations of wealth abroad. This system, if pursued, will hold Nevada to the causes which have tended to her decay, and has prevented her advancement and prosperity in those elements of wealth and power which have characterized her sister States.

If Nevada be in such a condition as to require aid from without to maintain statehood, would it not be a wiser policy for the General Government to make appropriations to develop its resources and enable it to build and construct a system of irrigating canals to utilize its millions upon millions of acres of desert lands, and thus prepare the same for settlement and cultivation?

Idaho has done this without assistance from the revenues of the nation, by the wealth, the energy, industry, and enterprise of its own people.

Eleventh. I wish not to be understood, by the display of square miles in the above outlines, that the population is not after all the essential element of prosperous States. One reference to the census of 1880 will tell more on this subject than a volume of argument. That census shows in round numbers that the increase in the previous decade was near 12,000,000; two-thirds of this immense aggregate, or about 8,000,000, are credited to the States and Territories lying west of Louisiana, Arkansas, Missouri, and Iowa, and 4,000,000 to the east of this line. The coming and centennial census of 1890 will swell this enormous increase to at least 15,000,000, or perhaps 18,000,000. The conclusion to be drawn from these premises will show 10,000,000 of this increase for the West to 5,000,000 for the east in the above lines of division.

As Idaho is just coming into distinction before the migrating people of the world, and as it lies in the track of the great continental lines of railway, and has lands in plenty and exhaustless mines, forests, and rivers, with a climate unexcelled, and a people ever ready to do a great work, I predict our population at the next census will be fully 150,000 souls.

In conclusion, I would appeal to your honorable body to reject the several propositions now before you, having for their object the dismemberment of Idaho.

Very respectfully,

FRED T. DUBOIS,
Delegate for Idaho Territory.

Senator CHARLES F. MANDERSON.

Mr. CULLOM. I shall not detain the Senate longer in discussing the subject.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois to the amendment of the Committee on Territories.

Mr. CULLOM. I desire to state that the amendment first to be voted upon is the amendment offered by myself admitting Washington Territory pure and simple with its original boundaries, without the addition of the four counties of Idaho.

Mr. PADDOCK. I hope the amendment will be read.

The PRESIDING OFFICER. The amendment will be read.

Mr. GEORGE. I want to amend the amendment.

The PRESIDING OFFICER. This is an amendment to an amendment pending.

Mr. CULLOM. I hope the Senator from Mississippi will be allowed to offer his amendment notwithstanding it is technically not in order. By unanimous consent I think he may be allowed to do so.

The PRESIDING OFFICER. This is a proposition to strike out and insert, and it can be perfected. The Senator from Mississippi can offer an amendment to that effect.

Mr. GEORGE. I move, in line 3 of section 2, to strike out the word "one" and insert "three;" in the same line, to strike out the word "league" and put in the plural—"leagues." The same motion will be made in order to make the bill harmonious in line 14 of the same section, and also in line 16.

The PRESIDING OFFICER. The proposed amendments of the Senator from Mississippi will be read.

Mr. GEORGE. The point in that amendment is this: The section as it now stands makes the boundary of Washington Territory extend 1 marine league from the shore. My amendment, if adopted, would make it extend 3 marine leagues from the shore. The object of the amendment is to include within the territorial jurisdiction of Washington when it becomes a State the waters within 3 marine leagues from the shore. I move that amendment because I regard it as very important——

The PRESIDING OFFICER. The Senator from Mississippi will yield to allow a message to be received from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8636) for the relief of Isaac N. Enloe;

A bill (H. R. 11262) to authorize the construction of bridges across the Kentucky River and its tributaries by the Richmond, Nicholasville, Irvine and Beattyville Railroad Company; and

A bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th of May, 1882.

CHINESE IMMIGRATION.

Mr. STEWART. I ask the Senator from Mississippi [Mr. GEORGE] to yield for a few moments. I should like to ask unanimous consent to have the Chinese bill, which passed the other House this morning and which is short, put upon its passage.

Mr. GEORGE. I yield, certainly, to the Senators who are pressing that bill.

The PRESIDING OFFICER. The Senator from Nevada asks that the pending order be temporarily laid aside to consider a bill from the House of Representatives which will be laid before the Senate, if there be no objection.

The bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th of May, 1882, was read the first time by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PLATT. Let it be read for information.

The PRESIDING OFFICER. The bill will be read the second time at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed or shall depart therefrom, and shall not have returned before the passage of this act, to return to or remain in the United States.

SEC. 2. That no certificates of identity provided for in the fourth and fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof is hereby declared void and of no effect, and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

SEC. 3. That all the duties prescribed, liabilities, penalties, and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth sections of the act to which this is a supplement, are hereby extended and made applicable to the provisions of this act.

SEC. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GEORGE. The bill has not been referred to the Committee on Foreign Relations?

The PRESIDING OFFICER. It has not.

Mr. STEWART. It has not; but I will say to the Senator from Mississippi that it was unanimously passed by the House of Representatives this morning, and it is rather urgent. The House understands what they are doing, and I hope the Senator will not make any objection to the passage of the bill.

Mr. GEORGE. As I caught the reading of the bill, there is one question in it that I should like to have settled. I have been voting all along against Chinese laborers coming to this country, from the very first up to now; but there seems to be an injustice or a possible injustice in the bill arising out of the provision which prohibits the coming into this country of any Chinese who have departed and have not returned at the time of the passage of the act. A Chinaman may be on his way back, he may be almost in sight of our shores, coming under a law and a treaty which allow him to land. It seems to me to be worthy of consideration whether the denial of returning Chinese to come should not be put at a date which would about give them time to get across the Pacific Ocean. I should like to have that matter considered by the Committee on Foreign Relations before I vote upon the bill.

The PRESIDING OFFICER. Does the Senator from Mississippi make a motion that the bill be referred?

Mr. GEORGE. I make that motion.

The PRESIDING OFFICER. The bill will be referred to the Committee on Foreign Relations if there is objection made to its present consideration.

Mr. DOLPH. That is done on the objection of the Senator from Mississippi?

The PRESIDING OFFICER. This is a House bill which has been read twice, and the Senator from Mississippi desires to have it referred.

Mr. DOLPH. The Senator from Nevada [Mr. STEWART] asked unanimous consent that the bill be taken up for present consideration.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] asks that it be referred.

Mr. DOLPH. The Senator from Mississippi objects to the present consideration of the bill.

Mr. STEWART. I wish to state to the Senator from Mississippi that the apparent hardship is not a real one, because a treaty was negotiated a long time ago stopping the return to this country of those who go back to China. They have six months in which to return to America. We have retained that treaty for a long time and they have been rushing in very rapidly in the mean time. I think they have had a pretty good show on the return business. Enough of them have been smuggled in. I think the Senator from Mississippi had better withdraw his objection and let the bill pass.

Mr. GEORGE. As my votes and my speeches in this body have shown, I have been all along in favor of a very strict rule to exclude Chinese laborers, but I think the Committee on Foreign Relations, which could act on this matter at any time within twenty-four hours and report it to the Senate, ought to consider whether the case which I put would not be a breach of faith which I think the Government ought to keep with the Chinese laborers.

Mr. MITCHELL. This bill passed the House of Representatives this morning, I understand, unanimously, and it came to the Senate, whereupon the Senator from Nevada [Mr. STEWART] moved to lay aside the pending bill that the Senate might proceed to the present consideration of this House bill. He asked unanimous consent for that purpose. Do I understand that the Senator from Mississippi objects?

Mr. GEORGE. I move to refer the bill to the Committee on Foreign Relations for their consideration.

Mr. MITCHELL. The Senator from Mississippi then objects to the present consideration of the bill?

The PRESIDING OFFICER. The bill would naturally go to the Committee on Foreign Relations. Unless unanimous consent is given to consider it now, the bill will be referred to the Committee on Foreign Relations.

Mr. VEST. I do not understand that the Senator from Mississippi objects to its present consideration. We can determine afterwards what we shall do with it.

Mr. GEORGE. I wish to make a statement about it. I have stated my objection——

The PRESIDING OFFICER. The Chair will put the question.

Mr. GEORGE. I want to state——

The PRESIDING OFFICER. Let the Chair first put the question. The bill having been read twice, the Senator from Nevada asks unanimous consent that it be now considered. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. GEORGE. Now, I desire to say that I think it would be proper to have that point considered by the Committee on Foreign Relations. If no other Senator agrees with me, of course I shall not make the motion to refer.

Mr. VEST. That is unquestionably the meaning of the bill. I am ready to vote for it myself. I believe in no sort of temporizing or halfway measures on this question. The Government of the United States ought to take a firm position and stand by it. Let these people come here, or else exclude them. If the present system of certificates and the return of Chinamen which follows it is to obtain, let us know it. For one, I am ready to vote for the bill.

Mr. TELLER. I understand that this bill is only here because it is understood that the Chinese Government have declined to accept some modification that was put upon the recent Chinese treaty, or have objected, perhaps, to the entire scope of the treaty. I do not know that our Government have received any notice that the Chinese Government have rejected the treaty. The newspaper reports, by way of London, I believe, assert that the Chinese Government have declined to accept it.

I simply want to say that I am delighted that the Chinese Government have declined to accept the treaty. I am in favor of legislating upon this subject without reference to treaties. I do not think that the Chinese treaty recently negotiated was a valuable treaty. It gave us the privilege of doing for twenty years that which every independent nation on the face of the earth asserts the right to do, to say who shall come here and who shall not.

I repeat that I am glad the treaty has been rejected. I know what the public sentiment of the United States will demand of any and every administration, and that is that this class of people who come here, not to make homes, who come here not to better their condition permanently in any sense, but simply as laborers from day to day, who are brought in close competition with American laborers, shall be absolutely excluded from this country.

There are now about one hundred thousand Chinese who have come into this country, and I myself will welcome any legislation that shall deport every single one of them from the United States and send them back to China, where they belong. I do not regard that as inconsistent with a fair treatment of China, nor do I consider it to be any outrage upon the rights of people to travel and to go abroad, nor do I consider it any outrage upon the right which is generally conceded that every man may select his own residence and his own home, for these people do not come here for that purpose. There never was a Chinaman landed in the United States who did not expect to return to China dead or alive, and in my judgment the sooner they return the better it will be for the American people.

Mr. GEORGE. I am very glad that the Chinese who come to this country do not come with the intention of remaining. I think that would make the immigration of the Chinese much worse than it is now. My objection to the immigration of Chinese into this country is not that they do not stay here, not that they do not become citizens of the United States, but it is based on an entirely different ground. They are an inferior race, unfit for citizenship in the United States and unfit to be competitors with American laborers.

What I suggested was simply whether we had not better have the point to which I referred considered by the proper committee of this body. One of these men holding a paper from the Government of the United States which entitled him to return, having started on his journey, having got within sight of our shores, having expended his money and his time in making the trip, the question is whether under those circumstances he ought to be turned back. That was the point which I desired to have considered by the Committee on Foreign Relations.

So far as I am concerned, I have been all along opposed to the Chinese coming here for the reasons which I have stated. I do not think they ought to be allowed to come here, and I think if we had any proper way of getting rid of those who are already here we ought to do it.

But as my point does not seem to meet the approbation of any Senator here, and as all seem to think there is nothing in the supposed breach of faith in refusing to a man who had already come within sight of our shores under a paper which gave him the right to land, I will withdraw that objection to the bill.

Mr. DOLPH. Mr. President, I do not care to discuss this question at this time; but there are two or three things which have been announced publicly during the discussion of this question that I think perhaps ought to be corrected.

One is the statement which has been made that the amendments placed upon the treaty by the Senate were the cause of delay in its ratification or the cause of the rejection of the treaty by the Chinese Government. I took pains to inform myself at the time these amendments were adopted and I learned that the treaty had not yet reached the Chinese Emperor; that it was then in the process of red tape in the treaty bureau; and that the transmission and the consideration of any amendment would not delay the consideration of the treaty at all. Nor have I any information that the amendments were objectionable to the Chinese Government. They simply carried out what the State Department declared in its communication to the Senate to be the real meaning of the treaty——

Mr. TELLER. The Senator is speaking of the Senate amendments?

Mr. DOLPH. I am speaking of the Senate amendments. Those amendments were approved by the Chinese minister here. If those amendments led to the rejection of the treaty by the Chinese Government, if it has been rejected, I am quite willing to take my share of the responsibility of having adopted those amendments, because they placed beyond controversy what was claimed by the State Department to be the real meaning of the treaty and did not leave those questions open for further controversy between the two governments.

Nor have I any information that the treaty has been rejected. I suppose I have seen what other members of the Senate have seen in the dispatches from London. On Saturday the State Department had no information whatever on the subject, and believed that if the treaty had been rejected by China they would have received a cablegram from the American minister in China.

Now, another point, and then I shall be through. When the Senate Committee on Foreign Relations stirred up the question of a treaty last winter and took action upon the matter and reported their resolution, there had not been, as I have very good authority for saying, a scratch of a pen between the two governments in regard to this Chinese treaty since the 1st of the preceding May.

Mr. BUTLER. If not inconvenient, I should be glad to have the bill read again. I happened to be out at the time it was read.

The PRESIDING OFFICER. The bill will be read again.

The Secretary again read the bill.

Mr. TELLER. Mr. President, I did not say, as the Senator from Mississippi seems to have understood me, that my objection to Chinese coming to this country is because they do not come to remain. I said they could be deported, or you could stop them from coming, without violating the principle contended for that people have a right to emigrate and to go to any country to make homes wherever they see fit, because these people do not do that. As to their exclusion from this country, very grave reasons could be given why they ought to be excluded.

I do not propose to discuss the Chinese question this afternoon, and I did not rise for that purpose. Years ago, and long before some people who are now very zealous in excluding Chinese had opened their mouths,

I expressed myself very freely on the subject. I have never occupied two sides in this case for the last twenty-five years. I have never believed that it was the proper thing to introduce into the body of our people a foreign people who must forever remain foreign, a people who will not assimilate, who will never become homogeneous, who come here without their families, who contribute nothing at all to the strength or the glory of the nation, who take no part in the religious interests of the country, in its schools, in its asylums, who practically pay no taxes whatever, and whose highest ambition in the world is to return to the country from which they came with whatever they can secure here. My position can not be mistaken upon this point.

I rose simply to emphasize what I had on a former occasion expressed as to the treaty that was recently negotiated, a treaty which I repeat I am glad is not likely to become the supreme law of the land. It is a treaty that in my judgment never ought to have been negotiated, a treaty that fixed a period of twenty years and then left us at the end of twenty years with a controversy as to whether we had a right to exclude Chinese. I welcome the bill because it is an assertion of the right of this Government to exclude any and every class of people who are supposed to be detrimental to the interests of the commonwealth.

That is all I desire to say, Mr. President.

Mr. SHERMAN. Mr. President, I rise not for the purpose of engaging in this debate or to resist the passage of the bill, but simply to state the action of the Committee on Foreign Relations in respect to Chinese exclusion.

At the beginning of this session of Congress several bills were referred to that committee. They were fully considered. The delegation from the Pacific coast, largely interested in the question, were united without respect to party, and very earnest in opposition to the admission of Chinese. They made representations to the committee that Chinese immigration was offensive to them and dangerous to their civilization, and repeated the arguments which have moved both Houses of Congress heretofore in the passage of restriction bills.

They further said to us that certificates under the previous laws to departing Chinese who were here between the time of the execution of the treaty and the first law were fraudulently used as the means of admitting Chinese who had never been in America at all; and that all the provisions of the law which were intended to ameliorate and modify the harsh requirements of the exclusion were evaded and avoided by fraud, perjury, and other crimes.

Therefore the Committee on Foreign Relations agreed unanimously upon hearing these statements that it was best to make the exclusion absolute. No one doubted the power of the Government of the United States to do that without negotiating a treaty.

Mr. BUTLER. May I ask the Senator a question?

Mr. SHERMAN. I hope the Senator will allow me to finish, and then I will hear his question.

Mr. BUTLER. I merely wanted to ask a question for information.

Mr. SHERMAN. If I do not answer it before I get through, I will then answer it.

In respect to the treaty, no one doubted the power of Congress to make a law for the public safety even in violation of a treaty. That power has been recognized by the Supreme Court. It is the undoubted right of every nation to judge of what is necessary for its safety. But it was the general desire of the Committee on Foreign Relations that this should not be done if the Chinese Empire would agree to do it by treaty. It was understood and stated to us that there was no question but that the Chinese Government would agree to such essential modifications of the former treaty as would enable the exclusion to be practically positive and prohibitory.

Thereupon the committee with equal unanimity designated three members of the committee to go to the Secretary of State and see whether a negotiation could be brought about by which this object could be accomplished without a direct act of Congress not in harmony with the existing treaty. A subcommittee did go to Mr. Bayard and had a conversation with him. I never supposed and never believed that Mr. Bayard gave out any remarks that were made in that conference, because it would have been improper for him to do so, and he is not a man who would do a thing of that kind. The effort was not made with any intention to embarrass the Administration or to embarrass Mr. Bayard in the slightest degree. It was made in the most friendly spirit. Among the members of that subcommittee was the Senator from Alabama [Mr. MORGAN], who has been the defender of the Administration and who is more distinctly the representative of the Democratic party on the committee than any one else; he has taken the most active part. He was present and heard all that was said and participated in it.

All that was said or all that was proposed by the subcommittee was that if this thing could be brought about by the action of the executive authorities or the treaty-making power, it would be better as an example for the future than for us to assert the power to pass a law without respect to the treaty.

The newspapers at once by some means or other gave a false color to the interview, and they stated that it was a movement of the Republican party to embarrass the Administration, to put them in a hole, as one of them expressed it, to create public sentiment against the Administration, when nothing of that kind was thought of or intended.

On the other hand, Mr. Bayard did say that there had been some communication with the Chinese Government in respect to a treaty, and he told us the exact state of the negotiation, I have no doubt precisely as it existed; and we urged him to hurry forward that negotiation as fast as possible so as to avoid the necessity of passing a law except in harmony with the treaty. I suppose that in pursuance of that arrangement, without any party feeling, this negotiation was pressed forward, and in the end a treaty was sent to the Senate, although stories were published in the papers that were entirely groundless in regard to the object of that interview.

When the Committee on Foreign Relations received the new treaty and examined it again without much difference of sentiment, although perhaps it was thought on the part of the Democratic members of the committee that it was not necessary to change the terms of the treaty, an amendment had been agreed upon which we understood had also been ratified by the Chinese Government; but it was agreed upon in order to make the treaty clear and explicit, so that there would be no longer any evasion through the courts of the terms of the law. So we added two clauses to the treaty which did certainly make it more explicit, and which I am now satisfied were absolutely essential to carry out the purposes of the Government of the United States. They were adopted in the Senate and sent back, and it was said at once through the general sources of information we have through the newspapers that those amendments were submitted to the Chinese minister and not objected to, and it was supposed that, as a matter of course, they would in due time be ratified.

From the inside history of this matter (and I gather it again from the newspapers, for I have had no official intercourse with the Secretary of State about it) I have no doubt that our treaty relations were complicated by the treaty relations existing between Great Britain and the Chinese Government in respect to Australia. Probably it was found by the Chinese Government that they had gone so far in this regard that they would have to extend the same provision to the British Government in regard to Chinese in Australia, and it may be that they became embarrassed by the situation. Therefore, I suppose they declined to ratify the treaty.

The only thing I have to inquire about is this: I suppose as a matter of course the House of Representatives have information which we have not, that the Chinese Government has refused to ratify the treaty, because I take it that the House of Representatives would never pass a bill of this kind unless they had information of that character; that they never would by unanimous consent pass a bill which practically abrogates all treaties upon the subject of Chinese immigration unless they had been advised that the Chinese Government had declined to accept the amendments of the Senate and to accept the new treaty as it now stands.

But for that supposition I would object to this bill or to any further action upon the matter until we should know the fact; but I assume that, as a matter of course. If it turns out that there is a mistake made, I want it distinctly understood that the blame rests not here with the Senate but with the House of Representatives. If it should appear that the executive authority have not yet heard of the action of the Chinese Government and have not communicated that fact to the House of Representatives, then I would say that the passage of this bill under the circumstances would be wrong, that we ought to wait. But I assume that as a fact, because to assume otherwise would be to imply a wrong by the House of Representatives that I do not believe would be done.

The question simply for us is, there being no treaty, the Chinese Government having declined to agree to the terms of the treaty proposed, whether we shall now take the next step—that is, in pursuance of our power as a nation, declare that the immigration of Chinese laborers is not good policy, is not best for the interests of our country?

Upon that question I am in full accord with the general sentiment of the Senate and of the House and of the people of the United States. Whatever may have been said in the past, there is no doubt a concurrent sentiment in this country that we should prohibit races so distinct, so alien, so different in habits, civilization, religion, and character from ours, from coming to our country, especially when they can not mingle in the body of our population.

Therefore I do not make any objection to the passage of this bill. I hope it will pass, but with the distinct understanding that it is based upon the idea that the Chinese treaty has been rejected by the Chinese Government, and if it should prove otherwise it is not our fault.

Mr. BUTLER. May I ask the Senator from Ohio a question?

Mr. SHERMAN. Certainly. I beg pardon for not yielding to the Senator before, but I did not wish to be interrupted in my statement.

Mr. BUTLER. I simply rose for the purpose of asking the Senator from Ohio, as a member of the Committee on Foreign Relations, whether if this measure should become a law it would not be in direct conflict with an existing treaty between this Government and the Chinese Government?

Mr. SHERMAN. I think it is inconsistent with the treaty, but as the

Chinese Government have declined to make a change in the treaty we have an unquestioned right to pass this proposed law.

Mr. BUTLER. But the point I want to make is whether there is a treaty now existing between the United States and the Chinese Empire with which this bill would come in conflict if it should become a law?

Mr. SHERMAN. Undoubtedly, because the existing treaty provides for the certificates; they have been issued under existing treaty, and by virtue of those certificates the Chinese have a right to come back here for a certain time and under certain circumstances. It is only because the provisions of the law and the treaty have been violated by fraud and perjury that such a measure as this would be justified. If that had been made clear and manifest to us, we should have reported a bill some months ago, in substance making this same provision, but for the hope that the Chinese Government might acquiesce in it and thus make it in a more orderly and proper way.

Mr. BUTLER. A good deal has been said in the past by way of justification of votes cast by Senators on this floor, that the law proposed was a violation of an existing treaty, and therefore a violation of the Constitution of the United States. I understand the Senator from Ohio to state that this proposed law would be a violation of existing treaties, and therefore a violation of the Constitution of the United States.

Mr. SHERMAN. No; I deny the *ergo*.

Mr. BUTLER. Then I take back the *ergo* and confine it to the original premise.

Mr. SHERMAN. It is the abrogation of a treaty by law. We have undoubtedly a right to do that. We can not violate the Constitution of the United States.

Mr. BUTLER. I stand corrected as to that. It is not a violation of the Constitution, and my *ergo* therefore was a mistake; but the justification made for the vote was that the law proposed was a violation of an existing treaty.

Mr. SHERMAN. A change of an existing law.

Mr. TELLER. May I correct the Senator? The word "violation" is not the proper term where there is a legislative displacement of a treaty. "Abrogation" is the proper term.

Mr. BUTLER. That is a matter of argument.

Mr. TELLER. There is a great difference between violation and abrogation.

Mr. BUTLER. I am now discussing the fact that the votes of certain Senators upon this floor have been attempted to be justified because, as is stated, the law proposed was a violation of an existing treaty. Now, I understand the Senator from Ohio to state that this proposed law will be a violation of an existing treaty between the Chinese Government and the United States.

Mr. SHERMAN. I did not use the word "violation."

Mr. BUTLER. What is the word, then?

Mr. SHERMAN. "Abrogation," "repeal." We do not violate a law because we repeal it; and a treaty is a law.

Mr. BUTLER. This is an abrogation, then, of the treaty between China and the United States?

Mr. SHERMAN. It is a substantial change; it is a repeal of it, you may say, so far as it relates to Chinese immigration.

Mr. BUTLER. Very well. Is this the form in which it was provided that the treaty should be abrogated?

Mr. SHERMAN. It was not, but we can change it. There is no doubt about the power of Congress to repeal a treaty if we choose to exercise that power.

Mr. BUTLER. I understand that perfectly well.

Mr. SHERMAN. Every nation has that right.

Mr. BUTLER. I understand that perfectly well; but it seems to me that this whole Chinese business has been a matter of political advantage, and we have not been governed by that deliberation which it would seem to me the gravity of the question requires. In other words, there is a very important Presidential election pending. One House of Congress passes an act driving these poor devils into the Pacific Ocean, and the other House comes up and says, "Yes, we will drive them further into the Pacific Ocean, notwithstanding the treaties between the two governments." I want to see our friends upon the other side on the record on that subject. I have been opposed, and I am now, to the introduction of Chinese into this country. I have always been opposed to it, and I will go as far as the Senator from Colorado or any other Senator in excluding them from this country; but I do like to see a little bit of consistency in gentlemen charged with the consideration of such grave matters as are presented to us in this whole question of Chinese immigration. I shall vote for the bill. I am very sorry, however, to be informed by the Senator from Ohio that it is a violation of a treaty.

Mr. TELLER. It is no violation of a treaty.

Mr. BUTLER. Well, that it is an abrogation of a treaty. I am very sorry to do that. I do not believe that the Senate would for one instant consider a proposition of this kind if it related to a strong, vigorous, active power in friendly relations with us.

Mr. MITCHELL. May I ask the Senator a question?

Mr. BUTLER. Certainly.

Mr. MITCHELL. Is the Senator from South Carolina willing to vote for a bill on the subject of Chinese restriction or Chinese exclusion that would in his judgment contravene the provisions or any one of the provisions of an existing treaty?

Mr. BUTLER. Well, I will say yes, under the leadership of my distinguished friend from Oregon, who has certainly not hesitated a moment to abrogate treaties and violate them so far as they relate to Chinese. I will follow in his lead with great pleasure.

Mr. MITCHELL. I am glad the Senator from South Carolina is getting on my platform. I want to ask him another question. In the opinion of the Senator from South Carolina does the pending bill contravene any provision of our existing treaty with China?

Mr. BUTLER. I have no opinion on the subject. I am not informed. Therefore I appealed to the distinguished Senator from Ohio [Mr. SHERMAN], and he tells me that it does.

Mr. MITCHELL. I am not asking what the Senator from Ohio said. We all know what he has said and what he has very correctly said. I want to know what the opinion of the Senator from South Carolina is in reference to the pending bill.

Mr. BUTLER. I can not give an opinion, because I have not investigated the question.

Mr. MITCHELL. I understand, then, the Senator from South Carolina is shutting his eyes, blinding himself, and coming forward here (because he has already said he intends to vote for the bill) and voting for a bill in reference to which he has no opinion, when he does not know what it means.

Mr. BUTLER. The Senator from Oregon ought not to complain of that when I tell him very frankly that I place myself under his leadership.

Mr. MITCHELL. I am making no complaint.

Mr. BUTLER. He ought to be content with that.

Mr. MITCHELL. I simply wanted to know where the Senator from South Carolina stands in reference to this question.

Mr. BUTLER. I stand right behind the Senator from Oregon.

Mr. MITCHELL. That is a good place to stand.

Mr. BUTLER. And it gives me great pleasure to follow him. If he leads me astray he must be held responsible and not myself.

Mr. MITCHELL. Mr. President, I am glad if it is true, as reported, that the treaty to which the Senate consented a short time ago has not received the approval of the Chinese Government, and for the reasons stated a moment ago by the Senator from Colorado [Mr. TELLER]. I regard it as a treaty that never should have received the assent of the people of this country or of its treaty-making power, and I do not believe it ever would have received the assent of the Senate even in its amended form, which made it infinitely better than it was when it came here, if any reasonable time had been taken for consideration, so that the sentiment of the people of this country could have been obtained in reference to it. It was acted on very hastily. Personally I opposed its ratification, and have never yet had cause to regret my action in that regard.

The pending bill, which I intend to vote for, because it is a bill which has, through the force of public sentiment, come up very gradually, in a measure approaching closely to the platform I laid down for myself on this subject several years ago, and which I have never ceased to advocate, has no reference whatever to that class of Chinese laborers who have never been in this country. It relates solely and exclusively to those Chinese laborers who have been in this country heretofore and have departed from it, or who are here now and may depart from it hereafter. That is all there is to this bill.

Of course the bill, as all must concede, is in direct contravention of the provisions of the second article of our existing treaty with China. I refer to the Angel-Swift treaty of November 17, 1880. That article provides as follows:

> Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

That is the existing treaty. This bill provides, it will be observed, that Chinese laborers who were in the United States at the date of the making of this treaty, the 17th day of November, 1880, shall not be permitted to go and come of their own free will and accord; that any of that class of laborers who were here on the 17th of November, 1880, and who have heretofore left this country, or who may hereafter leave this country, shall not be permitted to return.

That is this bill, and so far as it goes is a most excellent bill, in my judgment. It is true it abrogates a most important provision of the treaty. The only objection I have to the bill is that it does not go further and abrogate that other provision of the treaty and of the existing law which limits the power of the Congress and inhibits it from the passage of an act to absolutely exclude the immigration of Chinese laborers to this country for all future time. Six years of the time for which immigration has been suspended under existing law have elapsed, I believe. Four years of the time remain. At the expiration of four years, therefore, so far as anything in this bill is concerned, or in the existing treaty or laws of Congress, all the Chinese laborers in Christendom or outside of Christendom may come to this country without let or hinderance.

This bill does not touch that question, which is the great vital question after all in reference to the immigration of Chinese. It does affect, and it only affects, those laborers who are now within the limits of the United States or who have been heretofore at some former time within the limits of the United States. Existing statute law as well as the subsisting treaty declares that all that class of laborers—that is, those who were here November 17, 1880—shall be permitted to return by the presentation of certain certificates authorized by the restriction act. This bill declares that those certificates from and after the passage of this proposed act shall be void, and that no more such shall be issued, and it declares furthermore, as I have said, that no Chinese laborer who has ever been in the United States and has gone away, or who is here now and may go away hereafter shall ever be permitted to return. Therefore, so far as it goes it is a most excellent bill, although to reach that position in the business of excluding Chinese from this country it was necessary, as we must all admit, to contravene, repeal, or abrogate, to use another term, a clause in the second article of the existing treaty. There is and can be no question about that.

While, therefore, I shall vote for this bill cheerfully, I should vote for it much more cheerfully and with much greater alacrity if it went one step further, and provided that no Chinese person, of whatever citizenship or from whatever port or country he may come, whether he had ever been in the United States or whether he was never here, shall, from and after the date of the passage of this bill, be permitted to enter into or remain in the United States of America. If I had my way I would do just what I proposed to do months and months ago by the introduction of the bill which I now hold in my hand. I would abrogate not all our treaties with China, but I would abrogate and repeal (after having made, as we have made from time to time ineffectual efforts to secure better terms by treaty) all those provisions in any and all our treaties with China which restrict Congress and tie up its hands and prevent us from passing a law which would forever exclude all Chinese from this country, excepting diplomatic and consular and other government officials. Inasmuch as Congress has at last, reluctantly, arrived at the conclusion that in order to grapple successfully with this monstrous evil it has become necessary to abrogate, in part at least, our treaty stipulations with China, on the ground that they had become pernicious to the public peace and general welfare, it occurs to me it might have been as well, indeed infinitely better, had we in this measure wiped out of existence every impediment that stands in the way of an absolute iron-clad exclusion act, such as I had the honor of introducing first at the first session of the Forty-ninth Congress and again at the present session.

Mr. BUTLER. May I ask the Senator a question just there?

Mr. MITCHELL. Certainly.

Mr. BUTLER. May I ask the Senator by whom that treaty was made which tied up the hands of Congress?

Mr. MITCHELL. One was made in 1880 under President Hayes's administration, but the treaty which was made a short time since under the present Administration proposed to tie up the hands of Congress to an infinitely greater extent than does the existing treaty.

Mr. BUTLER. May I then ask the question whether the Senate assented to that treaty?

Mr. MITCHELL. To what treaty?

Mr. BUTLER. To the last treaty, which the Senator said proposed to tie up the hands of Congress.

Mr. MITCHELL. It did. I never assented to it, however, personally. I was opposed to it then; I am opposed to it now; and I sincerely hope it will never become an existing treaty between the two countries. But let me tell the Senator from South Carolina that if that treaty had not been amended by the Committee on Foreign Relations of this body and by the Republican majority of the Senate it would have opened wide many doors to Chinese immigration to this country that are not found available to-day under the existing treaty and under existing law.

Mr. BUTLER. I understood the Senator to say that the door was very wide open before the formation of the recent treaty, and yet that the hands of Congress were tied by former treaties, beginning back with the Burlingame treaty, over which so much-ado was made in this country; and that by every treaty from that time down to the present the hands of Congress have been tied. Yet I understand the Senator now to say that he proposes, as the chairman of the Committee on Foreign Relations proposes, that this body, a part of the treaty-making power of our Government, after having attached its signature in solemn form to a treaty, is prepared to pass a law which he says will abrogate or repeal or contravene the existing treaty. I used the word "violate." That is better English. It expresses more fully and completely exactly what is taking place here. The Senator tones it down. He says "abrogate," "contravene," "repeal." I say, according to the statement of the Senator himself and according to the statement of the Senator from Ohio, that this proposed law is an open, flagrant violation of an existing treaty between this Government and another government with which it is on terms of peace and good-will.

Mr. MITCHELL. Now, Mr. President——

Mr. BUTLER. If the Senator will pardon me one moment——

Mr. MITCHELL. I yielded for a question only. Now, Mr. President, I ask the honorable Senator from South Carolina a question. Does he think or hold that a repeal of an existing law on the statute-book by Congress is a violation of that law?

Mr. BUTLER. The Senator uses the terms "contravene," "abrogate," and "repeal." He uses a number of those synonymous terms.

Mr. MITCHELL. What does the Senator from South Carolina say it is?

Mr. BUTLER. I am very sorry to admit that I have not information enough on the subject to express an opinion. It is humiliating to admit it, but it is true. We had better discuss some subject that we know something about.

Mr. MITCHELL. The Senator admits, however, that he is willing to pass a law to contravene a treaty, and that he intends to vote for this bill.

Mr. BUTLER. I think it is a game of politics, this whole business, and not a very seemly one, either, I must say. But for the fact that we are on the eve of a Presidential election and each party wants to get the vote of the Pacific Slope, this Senate would not be engaged in this debate.

Mr. TELLER. How about the House of Representatives?

Mr. BUTLER. The Senator from Colorado asks, "How about the House of Representatives?" Why, Mr. President, the House is not a part of the treaty-making power of this Government, except so far as it may appropriate money to carry a treaty into effect.

Mr. TELLER. It is part of the law-making power, and has sent this bill here.

Mr. BUTLER. It has sent it here, and the Republican Senate wants to go the House one better, that is all. We do not need to disguise it. We may want to cover up our purpose and say that it is a repeal and an abrogation, etc., of an existing treaty, but we do not need to dodge it.

Mr. TELLER. Does the Senator admit that the bill was introduced in the other House for the purpose of politics?

Mr. BUTLER. Well, I think it very likely. [Laughter.]

Mr. TELLER. The Senator thinks it was.

Mr. BUTLER. I think it very likely; and the Republican Senate, a part of the treaty-making power of this Government, is simple enough to come in and say: "Yes, we will see that play," and, if I may borrow an expression that is not very elegant, "we will go you one better." That is all there is of it.

Mr. MITCHELL. The Senate of the United States is not sitting to-day in the capacity of a treaty-making body.

Mr. BUTLER. It is not to-day, but it has done so in the past.

Mr. MITCHELL. I decline to yield further.

Mr. BUTLER. Very well. I beg the Senator's pardon.

Mr. MITCHELL. The Senate is not sitting to-day, I repeat, as a part of the treaty-making power. It is sitting as part and parcel of the legislative branch of the Government. A Democratic House of Representatives has passed a bill and sent it to the Senate, and the Senate is now considering that bill. The Senator says that the bill, if it is a repeal of the treaty or of any provision of the treaty, is a violation of the treaty. He can designate it as he pleases, but we all understand that Congress has as much power, so far as the question of power is concerned, to repeal a treaty as it has to repeal a law. That has been decided over and over again by the Supreme Court of the United States. So it is a waste of words to be talking about that.

I simply desire to call the attention of the Senate and of the country, if you please, to the fact that this bill, while it does go so far as to contravene an important provision in the existing treaty between this country and China, while it is a repeal of a portion of an existing treaty with China, it only goes to the extent of regulating the coming to this country of those Chinese laborers who are now here or who have been here some time in the past. That is all there is of it; and it occurs to me that when the Democratic House thought it necessary to present a bill that will repeal or abrogate a provision of an existing treaty, they ought to have gone a little further and made the bill more effective and covered the whole ground.

Mr. BUTLER. Then, Mr. President, I——

Mr. MITCHELL. As far as I am concerned, however——

Mr. BUTLER. I would suggest——

Mr. MITCHELL. I am thankful for this much of a bill, and not wishing to delay the matter, I shall offer no amendment.

Mr. BUTLER. I was going to suggest——

Mr. MITCHELL. One moment. I hope we shall proceed with the consideration of this bill and pass it this evening, and send it to the President of the United States to be signed, and we shall then have made some advance perhaps on the question of Chinese exclusion.

The PRESIDENT *pro tempore*. The bill is open to amendment as in Committee of the Whole.

Mr. GRAY. Mr. President, it would be very hard indeed to frame a bill which looked to the more thorough exclusion of the Chinese from the Pacific Slope or from any part of our country, that was framed with any regard to the English language and was capable of meaning what it said, that I would not support and vote for, even though it should in its terms and effect abrogate (or repeal, that is the proper word) a treaty existing between this country and China

I have had my own convictions, Mr. President, on this great subject, for it is a great subject, and I do not think that it is one that concerns mere partisan politics. I have had my convictions for a good while very thoroughly fixed as to what was the true policy of this country and the right of this country in protecting itself and its people in this regard. I in common I believe—though whether or not that is so would not have affected my position and my belief—but in common I believe with a great majority of the party with which I have acted in this country, the Democratic party, I was willing to support any measure that looked to the protection of my country from this admixture of an alien and semi-barbaric race that came into, not competition in the proper sense of the term with the people of our country, but came here alongside of them, without sympathy, without anything of tradition or habits, religion or customs that were common between them, to interfere and disturb, supersede and destroy the labor and the interests of those who have made this country what it is, and to whom and on whom the future of this country belongs and depends. I mean the great white race.

I believe that a question such as this transcends in importance any question of mere party politics. It underlies it and sweeps over it, and for that reason it challenges the attention and careful consideration of any one charged with a public duty in this country.

Therefore, Mr. President, when this treaty was sent to us by the Executive, months and months ago, I hailed it with delight, not as a partisan treaty, not as a measure of a partisan administration, but one that was intended to conserve the truest interests of this country and of all its people. And, sir, I here assert that if that treaty had been promptly ratified in the spirit in which it was framed and sent to this body the very results of which the Senator from Oregon [Mr. MITCHELL] has spoken as being desired by him and as being sought to be accomplished by this bill would have been long ago accomplished by the simple ratification of this treaty itself. I assert that the amendments placed upon this treaty, and which now we have reason to fear (so far as we may accept some reports current in the daily papers within the last day or two) jeopard the ratification of this treaty by the Chinese Government, did not add at all to the protection that this treaty gave to the inhabitants of this country on the Pacific Slope or anywhere else. They were merely cumulative. They were placed there (and I say this with all respect for whoever placed them there) by way of greater caution, but they add nothing——

Mr. MITCHELL. Will the Senator allow me?

Mr. GRAY. One moment. They added nothing, I say, to the prohibitive force of the treaty, and did not strengthen it one iota in the effect which it was intended to have and which it undoubtedly would have if it had been ratified.

Mr. MITCHELL rose.

Mr. GRAY. One moment.

Mr. MITCHELL. Will the Senator allow me, right there?

Mr. GRAY. Just one moment——

Mr. MITCHELL. I would like to ask the Senator a question right at that point.

Mr. GRAY. Not just now, please. Article I of the treaty—I believe this treaty has been published.

Mr. TELLER. Oh, yes.

Mr. GRAY. Article I of the treaty provides—

The high contracting parties agree that for a period of twenty years beginning at the date of the exchange of the ratifications of this convention, the coming, except under conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

That was the wording of Article I as it came to the Senate. The English language could not go further in emphatic words of positive exclusion than this article does.

The amendment put upon it by the Senate, which delays its ratification, if it has not destroyed the hope of ratification, is this:

And this prohibition shall extend to the return of Chinese laborers, who are not now in the United States, whether holding return certificates under existing laws or not.

Now, surely those words added nothing to the prohibitive force of the treaty as it came to the Senate.

Mr. MITCHELL. Will the Senator allow me now?

Mr. GRAY. Not now, if the Senator please, because it interrupts the line of my argument. I will give way to the Senator in a moment.

Now, Article II (without reading it) provides that this exclusion shall not apply to the return to the United States of any Chinese laborer who has a lawful wife or child or parent in the United States or property therein of the value of $1,000 or debts of like amount due him and pending settlement.

Nevertheless—

The article goes on—

every such Chinese laborer shall, before leaving the United States—

Before he leaves the United States, observe—

deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited.

So that the exception from this absolute and universal exclusion is in regard only to those Chinese who have their families here or property here of the value of $1,000 and who have left, first having obtained a certificate such as is described in Article II. Therefore it was idle to argue, and is to-day idle to argue, that under this treaty a Chinaman who had gone, before this ratification, to China, could return, for it was impossible for him to have had this certificate which it was required he should have in accordance with the laws to be thereafter passed to entitle him to such return.

Therefore, Mr. President, I think I am justified in saying that in my zeal and eager desire to see a prohibition that would amount to something go into force, I hailed with satisfaction this treaty, which provided for and secured this prohibition. I did not have the less satisfaction that that prohibition so secured was not violative of any pre-existing treaty, for it was secured by a treaty to which both powers, of course, were parties, and therefore this fact would remove all scruples from those who were against voting for a law which, accomplishing the same results, can only accomplish them by violating or repealing the provisions of an existing treaty. Therefore I deprecated the action of the Senate in putting an amendment to this treaty which has delayed months and months its going into effect, and may perhaps, as I have said, jeopard its ratification at all.

Mr. MITCHELL. The Senator from Delaware has declared in the most positive manner that the amendments made to the treaty that we are speaking about added nothing whatever to its prohibitory power; that they were merely cumulative and tautological, and that they did not change the meaning.

Now, Mr. President, if that is all so, I want to know from the Senator from Delaware how that amendment when merely cumulative, making no change in the meaning, can be assigned by any kind of reason, by the Chinese Government or by anybody else, as a reason for a refusal to accept the treaty when they were willing to accept it before the amendment was made?

Mr. GRAY. Mr. President, what effect the sending back of that treaty with that amendment on it may have had upon the Chinese Government I do not know, but it made delay, it gave them time to reconsider this question, perhaps, as to whether they had not conceded too much to the Government of these United States; and if I may take a suggestion floating in the newspapers that would perhaps answer, not authoritatively it is true, but answer the question of the Senator from Oregon [Mr. MITCHELL] sufficiently for my purpose, it is this: That since the framing of this treaty and its being signed by the President of the United States and the Emperor of China a ship-load of Chinese have been sent back from Australia to China, and the attention of the Chinese Government has been called by the Government of Great Britain to the fact that they, in their colonies of Australia and others in the Pacific Ocean, are unprotected against Chinese immigration, and they have demanded I suppose some such protection as is given to the United States by this treaty. And the Chinese Government if I may conjecture—which is all I can do—may very properly say, "If we are to have all countries coming down upon us and demanding the same thing, we are not willing to place ourselves in a condition of degradation before the whole world, to exclude our inhabitants and prohibit them from putting foot on any land except their own, and therefore the United States not having seen fit to promptly ratify this treaty that we have made securing absolute prohibition so far as they are concerned, we will take the opportunity they give us and withdraw our assent." That is a mere conjecture, but not without plausibility and not without probability, and is the substance of what I see floating in the newspaper press of Friday and Saturday last.

Therefore it was a dangerous thing in the view of those who had this matter at heart, as I have it at heart, to have made any delay at all in ratifying this treaty that for the first time by the treaty-making power secured absolute exclusion of the Chinese.

Mr. MITCHELL. Then, according to the Senator from Delaware, it was not the amendment of the Senate that has prevented the acceptance of this treaty by China, but the trouble in Australia.

Mr. STEWART. If the amendments were what caused the rejection of the treaty, I think the amendments were proper. Part of that Chinese treaty I was delighted with, because it was a step in the right direction. It contained provisions, however, which were very liable to be taken advantage of and were looked upon by those who understood the Chinese character as unfortunate. The second article begins as follows:

The preceding article shall not apply to the return to the United States of any Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement.

It would be very difficult to shut out the Chinese with that privilege; it would be very difficult to meet their arts and devices; so difficult that it was thought in the first place by those familiar with their character that it was worse than the former treaty. But great care was taken in the preparation of the bill that was passed the other day; that, it was thought, would probably remedy the evil of that provision. Then the

amendment to the second article is this, after providing that they might return:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

That was deemed by those familiar with their character on the Pacific coast a very essential provision. They said that the courts would construe the Chinese treaty as they did all the laws, and Chinamen coming and desiring to enter would be allowed to come in by parol evidence, and one of the difficulties that have been experienced on the Pacific Slope and which have brought to the courts a great deal of trouble is that parol evidence was all that was necessary to show previous residence. The difficulty of excluding Chinese laborers upon that state of things, depending upon parol evidence, was what suggested that amendment. Without it a Chinaman coming would be able to prove the loss of a certificate, and could make a great deal of trouble for the courts and for everybody.

The first article provided:

ARTICLE I.

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

The best lawyers on the Pacific coast said that will be construed in connection with our law; there are a great many of these Chinamen out that have not the right under existing law to return, and that is liable to be construed as referring naturally to those that should hereafter come in—another liability of construction which might embarrass the courts; and they were anxious that there should be a provision against it. These amendments were not made in a spirit of caprice.

I was inclined in the first place to take the treaty as it was and to rely on legislation. But after hearing their arguments I thought it best to make these amendments.

Mr. President, I am so much delighted with the action of the House of Representatives to-day that I can not have it in my heart to find fault with anybody. This shuts the door absolutely for five years, and I do not think it will ever be opened. There has been an allusion to the fact that this was a political move. I take it that political considerations may have had some effect on both sides, and I am glad they have. The sentiment of the people on this great question ought to have an influence upon Congress. The sentiment among all the people who have had experience is that Chinese immigration is one of the greatest evils that can be inflicted upon our people; and this legislation is in response to a public sentiment which is equal in both parties, an honest public sentiment, accomplishing a great good. We have been paltering with the question. Now we are shutting the door for five years, and it is a matter that Congress should be congratulated upon. Congress should be congratulated also upon the fact that it has acted in response to public sentiment, and I am glad that that sentiment is such that it has been heard in Congress and that all parties regard it. The only way to keep Chinese out is to stop them, to shut the door.

The Chinese Government have held back this treaty for the last six months, and they have allowed every Chinaman to come here who wanted to come to evade our laws, and they are being evaded daily. The Chinese have had notice enough. They have known for the last six months that there was a treaty pending which prohibited their coming here and that there was legislation contemplated, and if they started they started in order to evade the well-known intention of this country and to evade also the agreement with China, namely, that they should be excluded.

I congratulate the country, Mr. President, upon the fact that we are now to pass a law that shall shut this door absolutely for five years. I am confident there will be no difficulty in keeping them out after we once get the proper legislation.

I hope this bill will pass. If it is for political purposes it is for good political purposes. It is in response to the universal and just sentiment which would preserve this country for the white race, for the American people.

Mr. DOLPH. Mr. President, I have heard it stated to-day in the Senate, and have seen that it was stated elsewhere, that the amendments to this treaty had delayed its ratification by the Chinese Government. I wish to say that there is no proof of that. There is no information from any source which justifies that statement. The Chinese minister could not agree absolutely to the treaty; it had to be transmitted to China for ratification. It is true the text was transmitted—I suppose it was, I understood it was transmitted—to China before being ratified by the Senate; but the Senate amendments were cabled at once to China, and if there was any opposition in the United States to the amendments it did not come from any representative of the Chinese Government. The Chinese minister favored the amendments, agreed to them, and recommended their adoption to the Chinese Government.

Besides, at the time the treaty was ratified by the Senate it had not reached the Chinese Emperor, it was still in what was called the Bureau of Treaties; it was still undergoing the red-tape process. So before the treaty was considered there they had before them the ratification of the United States and the amendments as they were cabled, and everybody knows it would take but a short time to get the information before them. The Chinese minister had information at the time of these amendments and was satisfied with them.

One thing more. I do not care to discuss the question, but I will simply say that the Senator from South Carolina [Mr. BUTLER] undertook to draw a distinction between the act of 1882 and this act and objected to certain provisions which were said to be a violation of the treaty. I do not see any comparison whatever between them. In November, 1880, we had secured a treaty with the Chinese modifying the Burlingame treaty on the subject of admitting Chinese into this country. We were professing then to legislate within the treaty; we were not proposing to abrogate the provisions of a treaty.

But how is it now? The treaty has been in force eight years. The laws that we have passed have been ineffectual. The Chinese have evaded all the laws. We amended the act of 1882 in 1884, but it was not sufficient. The Senate passed a bill in 1886, which the House of Representatives would not take up and act upon, intended to provide for further protection against Chinese immigration under the treaty. The Senate Committee on Foreign Relations undertook to amend the treaty last winter, and when they communicated with the State Department it was found that not a line had passed between the State Department and the Chinese Government since the 1st of May preceding.

The Senate passed a resolution requesting a negotiation, requesting that a treaty be negotiated. The committee reported a bill before any treaty was negotiated, which was left on the Calendar waiting for the treaty to be negotiated. A treaty was negotiated which was unsatisfactory to the majority of the Senate and to a majority of the members of the Committee on Foreign Relations. It was claimed by the Administration and has been claimed by the Senator from Delaware [Mr. GRAY] that the amendment had made no change, and that it was no more efficient than the treaty would be without it. I concur with my colleague that it was not an efficient treaty. The Senate took occasion to amend it, and a bill was reported from the Committee on Foreign Relations and sent to the House. The bill was reported in the House first, but it was because it was printed for the use of the committee; it was the Senate bill. What did the House do? They made it to repeal the act of 1884 and the act of 1882, as well as to make the repeal take effect after the ratification of the treaty. The House sent us a bill containing these very obnoxious provisions that have been referred to here, repealing the provisions which provided that no court should have power to naturalize Chinese citizens. The House sent us that bill, and I moved to concur in the Senate, not understanding what the House had done, and not observing that the act of 1882 was included as well as the act of 1884 in the repealing clause. I should have explained it to the Senate if I had observed it. There never was any sense or reason in that provision of the bill. The treaty itself provided that Chinese should not be naturalized, and the Revised Statutes exclude them from naturalization. The provision was placed in the bill of 1882 for political purposes and nothing else. As I have stated, I should have explained it to the Senate if I had observed it.

The Chinese Government seems now to have refused to ratify this treaty and the Senate and House both are willing to legislate within the purview of the existing treaty. The Senator from Ohio assumes, and I assume, that the State Department has more information to-day than it had on Saturday, and that the House of Representatives has had more communication with the State Department than we have had. Now, what do we say? Why, that if the Chinese Government do not agree to our amendments of the treaty, then we agree to abrogate the former treaty; that is all. But there is no parallel whatever with the act of 1882. We are trying to carry out the treaty and to see whether the amendment will answer our purpose. There is no comparison whatever between the act of 1882 and this act.

Mr. VEST. I have no idea whatever that the House of Representatives has any special information on this subject. I have not the slightest impression that any such information has been obtained by the House or any member of it.

But I wish to say that this scene to-day is the most striking illustration in the political history of the United States of the growth of public opinion in this country. Those of us who went through the fight of 1883, which settled the Chinese question forever on this continent, know that there were two positions taken with regard to that act; in fact both the first and second acts—the one which, after being passed, was vetoed by President Arthur and the act that came from the House and was approved by President Arthur after passing the Senate. There were two positions taken by the opponents of those two measures, and we fought it out upon those two positions to a finish, and we did finish, and the crystallized result is seen in the public opinion of the people of the United States to-day.

What were those two positions? The first was that the act violated the treaty with China known as the Burlingame treaty. That treaty provided for a reasonable restriction as to Chinese laborers. The bill that was introduced and was under the control of the Senator from California, Mr. Miller, now deceased, provided a restriction upon Chinese immigration for twenty years. The position was taken that that was an unreasonable restriction and violated the treaty; and the present

occupant of the chair [Mr. INGALLS] moved to strike out that provision and insert ten years. That was the first objection.

The second objection was on broad—I was about to say æsthetic, but I will not use that word—the broad philosophical objection made by the Senator from Massachusetts [Mr. HOAR] conspicuously, who led the opposition to the bill, that it violated the Declaration of Independence, the old position taken by Charles Sumner when he moved to strike out the word "white" in that parliamentary contest to which the Senator from Nevada [Mr. STEWART] alluded the other day. It was contended that this was a home of refuge for the people of all nationalities, and that if we passed this bill it would violate that great right of finding here a universal home, as it applied to the people of the whole earth, and we had arguments taken from scripture and arguments taken from international law to sustain that proposition.

The votes in the Senate and in the House of Representatives disposed of those two questions, and the Chinese controversy ended in 1883, ended as absolutely and completely as the institution of slavery went out of existence as a result of the late war. That was the end of it.

It is contended now that in 1884, when we passed an amendatory act, and in 1886, when we passed an act that went to the House but did not become a law, and on which the yeas and nays were not called, therefore the Senators who opposed the act of 1883 assented to the subsequent legislation of 1884 and 1886.

Mr. TELLER. Eighteen hundred and eighty-two, the Senator means.

Mr. VEST. No; the act of 1884 I am speaking of.

Mr. TELLER. The act of 1882 the Senator refers to when he speaks of the act of 1883.

Mr. VEST. Well, I call that the act of 1883—the act passed three weeks after the first act was vetoed. The second act came from the House.

Now, as a conspicuous instance of the truth that Senators who opposed the legislation of 1882 (adopting that date now for the time being), did not give their consent to subsequent legislation, but simply acquiesced in it at the time. If I am not mistaken the Senator from Massachusetts [Mr. HOAR], who led the fight in 1882, went back to his constituents and told them that he did not agree with the subsequent legislation, but that the opinions of the people of the United States seemed to be crystallized against him, and that therefore he acquiesced simply because he could not help the result. That is the condition of this question to-day.

The question, Mr. President, is settled, it is completed, it is ended, and the only thing for us to do now is to carry out the absolutely fixed opinion of the people of the United States against the introduction of Chinese into this country.

It is useless now, sir, in the face of this result to talk of the effect of treaties, whether of treaties that have been made or treaties that are pending. The statutes of the United States will remain to the end of time against these people coming in, whether right or wrong, whether they violate the Declaration of Independence or violate treaties. There is no sort of question but that the public opinion of this country has settled forever this whole controversy.

I simply propose not to have any more bills on this question passed through the Senate without having the yeas and nays recorded upon them. I propose to have the yeas and nays, because of the argument that has been made here that inasmuch as the yeas and nays were not called on the act of 1884 or the act of 1886, therefore everybody acquiesced in them. I will vote in favor of this bill, occupying the same position that I have ever occupied since I have been a member of the Senate.

I want to say, and that is the principal reason for my rising, that in calling for the yeas and nays I shall not do it as an opponent of the bill, but in order that every Senator may put himself on record now in favor of or against the measure.

Mr. GEORGE. Mr. President, when I made the inquiry whether this bill would violate a treaty I had no idea that the question would bring up such a discussion as has taken place; but as that has been gone into a good deal I propose now to show somewhat the attitude of parties in reference to this question from the very beginning.

In the first place I want to call the attention of the Senate and the country to the fact that until the treaty of 1868 was made, commonly called the Burlingame treaty, there were no Chinese laborers in this country, and they had no right to come to this country.

Mr. JONES, of Nevada. Do I understand the Senator to say that until 1868 there were no Chinese laborers in this country?

Mr. GEORGE. None of any consequence. That was the first law or treaty that ever gave them the right to come.

Mr. JONES, of Nevada. Why, sir, there were many thousands of them in this country at that time and had been for fifteen years prior to that.

Mr. GEORGE. Very well; but they were here without any treaty right and without any law of the United States.

Mr. TELLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. GEORGE. Yes.

Mr. TELLER. Does the Senator say that there should be a law to enable a Chinaman to come to this country any more than anybody else?

Mr. GEORGE. I say there was no treaty right bearing on this people which bound us——

Mr. TELLER. Was there any law?

Mr. GEORGE. There was no treaty right which prevented us from using our discretion in the matter.

Mr. TELLER. Was there any law to prevent their coming?

Mr. GEORGE. None in the world, so far as I know, but there was no treaty which gave them a right or invited them to come, or tied the hands of Congress or of the Executive or of any other department of our Government in reference to them. In other words, a good deal has been said in this debate about closing the door against Chinese immigration. I propose to show now who opened the door and who fastened it open after they got it open.

The United States of America—

I read now from the fifth article of the treaty of 1868, negotiated by William H. Seward and Anson Burlingame.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of free migration and immigration of—

What?

of their citizens—

That is, the citizens of the United States and of China—

and subjects respectively from the one country for the purposes of curiosity, of trade, or as permanent residents.

That was the door that was opened for the admission of the Chinese into this country by a treaty right, under a treaty negotiated by Mr. Seward and by Mr. Burlingame, and ratified by a Senate of which three-fouths of the members belonged to the Republican party. And in that treaty, sir, it is stated to be, as I have read, an inherent right on the part of the Chinese to come to this country, not only for the purposes of trade and curiosity, but for permanent residence. That is the door, sir, that was opened up, which Senators on the other side of the Chamber seem now so anxious to close.

A great many Chinese came in through that door thus opened by the Republican party. They were found to be an unsuitable addition to our population; they were found to be competing with our laboring people upon the Pacific coast, and in 1880 another treaty was negotiated, also by Republicans, for the purpose of giving us what we had surrendered by the treaty of 1868—a right to put some limit upon the importation or immigration of Chinese into this country. That treaty was negotiated, and then we had some legislation for the purpose of carrying out that treaty, a history of which I have in my hand, collated and prepared by a distinguished Democrat of the other House, Hon. WILLIAM D. BYNUM, of Indiana.

That was the first effort to restrict Chinese immigration into this country. The Republican party had said the Chinese had an inherent and inalienable right to come—a right that inhered in them as men, a right which they could not alienate, a right which it would be an outrage on the part of any people in the world to deprive them of. That is what it meant by an inherent and inalienable right.

Mr. BLAIR. May I ask the Senator a question?

Mr. GEORGE. Yes.

Mr. BLAIR. Does the Senator from Mississippi think that that inalienable right is a right which authorizes or empowers its possessor to interfere with the inalienable rights of others? Does he hold because the right is inalienable to migrate that it also implies by the possession of that right on the part of the immigrant that he may go where he interferes with a possessory right of the same character—a right to life, liberty, and property on the part of others?

Mr. GEORGE. Is the Senator through with his question?

Mr. BLAIR. I am through with that question.

Mr. GEORGE. Well, I want to answer that question now before the Senator puts another.

Mr. BLAIR. Very well, I should like to hear the Senator's answer.

Mr. GEORGE. Mr. President, I take no such position as that. I take this position, or rather I have stated the position of the Republicans. They took the position in the treaty I have read that the right to emigrate, the right of a man to change his home and to change his allegiance was an inherent and inalienable right.

Mr. BLAIR rose.

Mr. GEORGE. I should like the Senator to let me go on. I do not want to be interrupted now.

Mr. BLAIR. I simply wish to say——

Mr. GEORGE. I object to being interrupted now. I claim the floor, and I want to go on with my remarks.

Mr. BLAIR. I do not object to the Senator having the floor; he ought not to feel so restive about it.

Mr. GEORGE. I ought not to feel what?

Mr. BLAIR. I say the Senator ought not to feel so restive about it, because he can have the floor so far as I am concerned.

Mr. GEORGE. I am not restive about it.

Mr. BLAIR. It is a custom that has obtained in the Senate for a long time to yield the floor for a question.

Mr. GEORGE. I am not at all in the light of the Senator; if I am

I beg his pardon. There is no man in the United States to whom I wish to be more polite.

Mr. BLAIR. I understand that, and I stand in the same relation to the Senator from Mississippi.

Mr. GEORGE. Well, now let me proceed.

Mr. BLAIR. Certainly.

Mr. GEORGE. I know that I am giving the Senator from New Hampshire a little history now, and it is not very ancient, either.

Mr. BLAIR. I hope the Senator will proceed now.

Mr. GEORGE. Very well; I shall proceed.

The United States and the Emperor of China cordially recognize the inherent and the inalienable right of a man to change his home and allegiance, and also the mutual advantages of free migration and immigration of their citizens and subjects—

The citizens of the United States and the subjects of the United States, if we can apply that term to them, and the subjects of the Emperor of China, respectively—

from one country to the other for the purposes of curiosity or trade or of permanent residence.

That is the doctrine which was announced as the doctrine of the Republican party in the treaty of 1868.

Mr. MITCHELL. Mr. President——

Mr. GEORGE. I object to being interrupted now.

Mr. MITCHELL. The Senator will desire——

Mr. GEORGE. I must object to being interrupted.

Mr. MITCHELL. The Senator will allow me to correct him.

Mr. GEORGE. I am reading from the treaty, and when I read from a treaty I suppose my reading needs no correction. I am not suppressing any of it.

Mr. MITCHELL. The Senator is——

Mr. GEORGE. I must again object to being interrupted.

Mr. MITCHELL. The Senator has misstated the facts.

Mr. GEORGE. I have not misstated the facts. That, Mr. President, is the doctrine of the Republican party. That was the door which the Senator from Oregon and some other Senators on that side of the Chamber meant when they said the door ought to be closed. It was a door made by the Republican party, it was a door that the Republican party solemnly contracted with China that we should not close without a breach of faith.

Mr. MITCHELL. The Senator will certainly——

Mr. GEORGE. I object to being interrupted.

Mr. MITCHELL. The Senator will certainly yield for a correction.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Mississippi has the floor, and should be allowed to proceed unless he gives way to another Senator.

Mr. GEORGE. I stated the matter correctly, and if the Senator from Oregon is not satisfied with my statement of it he may correct it after I get through.

Mr. MITCHELL. I shall certainly do so, Mr. President.

Mr. GEORGE. That is the door which the Senators are so anxious to close, they having opened it and having bound the Government in a solemn treaty not to close it.

That was the first treaty on the subject. These Mongolians, these people whom I have heard Senators on the other side of the Chamber say were not homogeneous with our people, but were alien in race and in religion, flocked over here, and came by the thousands. They crowded the honest American laborer; they made it hard, by their competition, for him to live, and there was complaint. There was complaint in 1879, before the other treaty was made, and an effort was made to correct it. Now, let us see how that effort was made. Who made it—who were the men—what party undertook to close the door which had just been made by the treaty of 1868 for the admission of these Chinese?

I read from proceedings in the House of Representatives January 28, 1879, on a bill to restrict Chinese immigration. The "yeas" on that bill were 101 Democrats, 51 Republicans; "nays" 16 Democrats, 56 Republicans. So the number of Democrats who voted for the bill were double that of Republicans, and the vote against the bill consisted of three times as many Republicans as Democrats. That was in the House of Representatives. Then the bill came to the Senate. When it came to the Senate let us see how it stood. There were for the bill 22 Democrats and 9 Republicans. Against the bill there were 8 Democrats and 20 Republicans. That is the way the number stood then in reference to closing the door. That bill was passed. Then the Republican President, Mr. Hayes, vetoed the bill. On overturning his veto there were in the affirmative 83 Democrats and 22 Republicans, about four Democrats to one Republican, while for sustaining the veto of the President there were 15 Democrats and 81 Republicans, nearly six times as many Republicans as there were Democrats. So the bill did not pass. There was not a two-thirds vote for it, and therefore this door that the Republican Senators are now so anxious to close, by their own votes and by the veto of their own President was kept open.

The next time it came up was on March 9, 1882, on the bill to restrict Chinese immigration. Another effort was made to close the door which the Republicans had made wide and high, and had locked by the pledged faith of the Government, locked it open (not locked it shut), and fastened it. The next time the effort was made to close this door, which had been opened by the Republican party and labeled right over its lintel with the words, "We acknowledge the inherent and inalienable right of the Chinese to come to this country not only for curiosity and trade but for permanent residence" (and I will get to that "permanent residence" directly, to show what they wanted to use it for then), the vote in the Senate for the bill was 30 Democrats and 8 Republicans, nearly four to one—30 Democrats in opposition to this idea ingrafted in the treaty of 1868, that there was an inherent and inalienable right in the Chinese to come to this country, not only for labor and trade and for curiosity, but for permanent residence. There were just eight Republicans who were assisting them to do that. Let us see who were the party of eight Republicans who were assisting to close this door. I will name them: Mr. Cameron, of Wisconsin; Mr. HALE, of Maine; Mr. Hill, of Colorado; Mr. JONES, of Nevada; Mr. Miller, of California; Mr. Miller, of New York; Mr. SAWYER, of Wisconsin, and Mr. TELLER, of Colorado. I do not see in those eight the name of Mr. Harrison, of Indiana, though he was then a member of the Senate.

Mr. TELLER. Will the Senator from Mississippi please state what he is reading from?

Mr. GEORGE. I am reading from a table made out and published in the speech of Mr. BYNUM, a member of the House of Representatives from Indiana.

Mr. TELLER. What does it purport to be? A vote on what?

Mr. GEORGE. The one I have last read?

Mr. TELLER. Yes.

Mr. GEORGE. The vote in the Senate on March 9, 1882, on Senate bill No. 71, to restrict Chinese immigration for twenty years.

Mr. TELLER. Am I put down there as voting against that bill?

Mr. GEORGE. No, sir; the Senator from Colorado is one of the humble 8 Republicans [laughter] who helped the 30 Democrats to close the door. Senator Harrison was not one of them. Let us see whether he has voted on the other side or not. He seems not to have voted either way. If he had been filled with that spirit which now animates the Senators on the other side of the Chamber, that whether violating treaties, abrogating treaties, or otherwise, this door must be closed, he would have been present and voting, but he did not vote. His vote is not recorded.

Oh, I am mistaken; he is recorded. I beg pardon. In the hurry I overlooked his name. Among the nays is Harrison, of Indiana, but there is a star by his name and at the bottom of the page there is a foot-note which says "paired." So I suppose he did not vote, but he was paired, and paired, I believe, with Mr. Maxey, the former colleague of the Senator from Texas [Mr. COKE]. So, according to the usages of the Senate, as we all understand, he was here, though absent, and though not present was voting.

That bill was passed. It encountered a little difficulty, too, at the other end of the Avenue, and that difficulty was the veto of a Republican President. If the Republicans had voted in the same proportion for that bill as the Democrats did, they would have passed it over the President's veto. Here is the vote in the House of Representatives, March 23, 1882, on the Senate Chinese restriction bill: Democrats, 98; Greenbackers, 8; Republicans, 61; nays, 4 Democrats and 62 Republicans, fifteen times as many Republicans as Democrats. I believe that was the first vote in the House of Representatives. Now I come to the veto of the President. The vote in the Senate, April 5, 1882, to pass the Senate bill over the President's veto was 31 Democrats voting to overturn the veto and 6 Republicans. Those 6 Republicans were Cameron of Wisconsin, Hill of Colorado, JONES of Nevada, Miller of California, Miller of New York, and TELLER of Colorado; and not one Democrat voted to sustain the veto of the President. Let us see who the nays were, those who were voting not to pass the bill over the President's veto. Of these, there were Republican 28 and 1 Independent. That was in the Senate.

On April 17, 1882, the vote was taken in the House of Representatives, and 103 Democrats came up and voted to close this door which the Republican party had opened on the Pacific coast for the admission of the Chinese, and 91 Republicans. There were 3 Democrats who voted to keep the door open—just 3—and there were 34 Republicans.

Now, to show you, Mr. President, that this Republican doctrine announced in the treaty of 1868 about the inherent and inalienable right of Chinese to come to this country for curiosity, for trade, and for permanent residence, was shared in by a large majority, as late as 1882, of the Republican members of this body, I will read some votes on certain propositions connected with that bill.

The following sections were in the House bill when sent to a Republican Senate by a Democratic House of Representatives:

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Before that time there had been, as I learn, naturalization of certain Chinese somewhere in this country.

Mr. TELLER. I should like to ask the Senator if he will state where and when?

Mr. GEORGE. I learned on the discussion of that matter that there had been, and that this was necessary in order to remove all doubt on that subject.

Mr. TELLER. I ask the Senator further if he does not know that the very treaty which had been made in 1880 provided against it?

Mr. GEORGE. I do not know any such thing, and I will correct the Senator on that subject. The treaty did not provide any such thing.

Mr. TELLER. A statute before that had been passed. It did not include——

Mr. GEORGE. Talk about the treaty—one thing at a time. I will settle the treaty matter now.

But nothing herein contained shall be held—

What? To authorize Chinese subjects to be naturalized under the laws of the United States? No.

shall be held to confer naturalization—

A right which under the Constitution of the United States can not be conferred by a treaty. If you look at the Constitution, you will see that Congress has power to pass uniform naturalization laws; but treating with a foreign power, a despot who had no limitations upon his power, no constitutional restrictions, it was necessary to put in the treaty that nothing herein should be held to confer naturalization—not confer the right of naturalization, but to make *per se*, by force of the treaty itself, a Chinese subject a citizen of the United States.

There was another provision in the bill which the House of Representatives sent to the Senate. That was section 15, which reads:

That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

I believe I did not read the vote on the first proposition, the vote on the amendment to strike out section 14. I will read that. When you voted to strike it out that was a vote in favor of Chinese naturalization. Section 14 prohibited Chinese naturalization, and how did gentlemen on the other side of the Chamber vote who are now so anxious to close the door against the admission of Chinese in this country that they can not even allow a bill upon that subject to be referred to the Committee on Foreign Relations? How did the vote stand on that? In favor of striking down the provision which prohibited the United States courts from naturalizing Chinese, there were 28 Republicans for striking it out in the Senate, and among them was Mr. Harrison, 1 Democrat, and 1 Independent. The nays were 31 Democrats and 5 Republicans, the same five I have been reading about all the time, except it seems that my friend from Colorado [Mr. TELLER] was not present or did not vote. The Republicans who voted "nay" were—Mr. Cameron, of Wisconsin, Mr. Chilcott, of Colorado, Mr. Hill, of Colorado, Mr. JONES, of Nevada, and Mr. Miller, of California. They were the only Republicans in the Senate who would put on record their votes against this inherent and inalienable right, as they had declared in 1868, of a Chinaman becoming an American citizen—just five of the Republicans.

Now I come to the other proposition, section 15. Here was a very restrictive clause, a very restrictive provision of the statute. It defined what Chinese laborers were, and in order to prevent any dispute in the courts as to what a Chinese laborer was, section 15 was introduced, and now let us see the definition:

That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

If that section had stood in the bill as it passed the Democratic House of Representatives, no skilled laborer as well as no unskilled laborer and no Chinaman engaged in mining could come. Now let us see how the vote stood on that. The motion was to strike out section 15 and the vote to strike it out was therefore a vote against the proposition contained in that section. In favor of striking out were: Democrats 1 and Republicans 31—thirty-one times as many Republicans here who wanted this section to go out of the bill as there were Democrats. Here was a chance for your haste, for your eagerness to close the door which you had opened, and yet 31 of you said "We will not close it" on that amendment. Let us see who the 31 were. I will read them all—a very respectable crowd; no names there except of great respectability. The list is as follows:

YEAS.

DEMOCRATS—1.

Brown, Ga.*

REPUBLICANS—31.

Aldrich, R. I.	Frye, Me.	Lapham, N. Y.	Rollins, N. H.
Allison, Iowa.	Hale, Me.	Logan, Ill.*	Saunders, Nebr.
Anthony, R. I.	Harrison, Ind.	McDill, Iowa	Sawyer, Wis.
Blair, N. H.	Hawley, Conn.	McMillan, Minn.	Sewell, N. J.*
Cameron, Pa.	Hill, Colo.	Miller, N. Y.	Sherman, Ohio *
Chilcott, Colo.	Hoar, Mass.	Morrill, Vt.	Van Wyck, Nebr.
Conger, Mich.	Ingalls, Kans.	Platt, Conn.	Windom, Minn.
Dawes, Mass.	Kellogg, La.	Plumb, Kans.	

INDEPENDENT—1.

Davis, Ill.

* Paired.

Among the yeas was Mr. Harrison, of Indiana. Now I will come to the nays, those who wanted to keep in the fifteenth section, and let us see how the vote stood on that. There were 29 Democrats in favor of keeping that section in, only lacking 2 of being as many Democrats in favor of keeping it in as there were Republicans in favor of striking it out. Thirty-one Republicans voted to strike it out, and 29 Democrats voted to keep it in and 1 Democrat to strike it out. The nays were as follows:

NAYS.

DEMOCRATS—29.

Bayard, Del.	Farley, Cal.	Jonas, La.	Vance, N. C.*
Beck, Ky.	George, Miss.	McPherson, N. J.	Vest, Mo.
Butler, S. C.	Gorman, Md.	Maxey, Tex.	Voorhees, Ind.
Call, Fla.	Grover, Oregon	Morgan, Ala.	Walker, Ark.
Cockrell, Mo.*	Hampton, S. C.	Pendleton, Ohio	Williams, Ky.
Coke, Tex.	Harris, Tenn.*	Pugh, Ala.	
Davis, W. Va.	Jackson, Tenn.	Ransom, N. C.*	
Fair, Nev.	Johnston, Va.	Slater, Oregon	

REPUBLICANS—3.

Cameron, Wis.	Jones, Nev.	Miller, Cal.

*Paired.

Let us see how many Republicans at that important point in this controversy marched up and said, as Senators on that side of the floor say, "We are going to close the door." How many of them were there? Just three, Cameron, of Wisconsin, JONES, of Nevada, and Miller, of California. And yet we hear all the time here about Democrats in the House not doing their duty in reference to this matter, and about a Democratic Administration not making a proper treaty and all that sort of thing, as if the Republicans (after having made this door by which this flood of Mongolians was poured on the innocent, hard-working, and industrious laborers of this country) are now alone in favor of closing it, that the Democrats, the Democratic House of Representatives, and the Democratic Administration, are not to be trusted with performing this work!

That was a vote in Committee of the Whole. There was another vote when the bill got into the Senate on striking out the section, and that turned out a little better. When it got into the Senate the Senator from Alabama [Mr. MORGAN] said he would reserve a separate vote on section 15. When the Senate came to vote, against striking it out were found 1 Democrat and 31 Republicans, Harrison, of Indiana, voting then as he did in Committee of the Whole, and there were 34 Democrats paired and voting the other way.

That bill happened to meet with a little accident, a very common accident, too, it seems for Chinese restriction bills in American legislation. It encountered an executive veto, and another bill had to be introduced limiting the restriction to ten years. On that there were 22 Democrats voting for the bill in the affirmative and 9 Republicans, and the nays were 1 Democrat and 24 Republicans, nearly three times as many Republicans voting against the bill as there were voting for it. And yet now, with that record which I have read, the Republicans claim to be *par excellence* the friends of the American laborer, *par excellence* the men who in sunshine and in storm, against all opposition, propose to close the door which they themselves had made in 1868 and had written upon it: "To shut this door is to violate the inherent and inalienable right of a Chinaman to become an American citizen."

All things change, Mr. President. A change came over the spirit of the dream of our friends on the other side, and the reason for that change was announced upon the other side of the Chamber to-day; though not stated as a reason, it has been stated by one Senator or more upon that side; it is that all the country now wants these men excluded; unanimously the American people have determined to exclude the Chinese, and therefore, when the American people have become unanimous, against the votes, against the speeches, against the protests, against the teachings of the Republican side, they all fall in and say, "Why, this is our job; you Democrats who have brought about this change, who, when it was unpopular, when it was met by vetoes of Republican Presidents, in sunshine and storm, stood up for the rights of American laborers not to be crushed down by the Mongolian, we at last have become lukewarm—oh, no; worse than that, not only lukewarm in our day of prosperity and power and success, but we have become inefficient; a Democratic House can not pass a bill that is stringent enough;" and presto! change! the very men who opposed restriction from the beginning of this thing, from 1879 down to the passage of the last bill, until it had been developed that the American people were about unanimous on this question, these men who opposed it up to that time now step to the front, seize the colors, advance on the enemy, and say, "This is our flag and our fight, and you are laggards if not deserters!" That is the way to work it.

That is the history of this thing up to now, for the last time. These very moderate bills incurred two Republican Presidential vetoes, and one was passed by Democrats, and when a Democratic President, Mr. Cleveland, was in the executive office it was approved. That is the way that stands; and now we find our Republican friends, having through all this long series of years fought under this banner, not only for Chinese immigration to take the bread out of the mouth of the American laborer, but also having fought for what they called in grandiloquent language in the treaty of 1868 the inherent and inalienable right of a Chinaman to come here and to be a citizen and to vote. Now, after all this we can not go fast enough for them about it. We, who have borne the heat and burden of the day, when we march to get toward the setting sun, covered with dust and wearied with this strife to exclude the Chinese, are met by these eleventh-hour men who, not content, as the eleventh-hour men in the scripture were content, to receive the same pay with those who had worked all day long, come in and say, "We

take all the pay and those who worked all day long shall not have any." That is the attitude of the Senators upon the other side, some of them, most of them. The Senator from Colorado [Mr. TELLER], in my eye, and the Senator from Nevada [Mr. JONES], in my eye, are not of that sort. They fought under our banner. They set in early in the morning, and from the rising of the sun until the victory was won they fought by the side of these Democrats, deserted, and not only deserted, but knifed and opposed by the large majority of their associates. That is the way that thing worked.

Now, what is this? A Democratic House sends in a bill to-day excluding Chinese laborers. I suggested that perhaps it would violate a treaty. The ablest Senator not only on that side but on any side of this Chamber, and not only that but the ablest statesman now living in America, gets up and makes a remarkable proposition, he having all along voted with the majority of his party, hastened up now by this unanimous opinion coming up from the Pacific coast. He gets up here and makes the remarkable statement that the bill is in violation of a treaty, and if the House of Representatives had not passed the bill and therefore given him a right to assume that they had notice that the recent treaty was rejected, he would not vote for it!

That is a remarkable proposition, Mr. President. When, where, what provision not only of the Constitution, but what provision of nature allows the House of Representatives, 325 of them, to have information which can not reach the Senate? I have heard all along from my boyhood up, if you give a secret to two men it is no longer a secret. Yet the Senator from Ohio bases his action in voting for this bill upon the impossible hypothesis that 325 men in the House of Representatives had a secret, a secret about public matters, too, and under no obligation to keep it secret, and upon that passed a bill, and that secret had never reached the Senate. Therefore the Senator from Ohio, in acting in accordance with the House, was to assume that they knew something which did not exist!

If I understood the present occupant of the chair [Mr. DOLPH] correctly—I do not know that I did—I understood him to say, when he spoke, that there was no evidence that the treaty had been rejected. I am not sure that I understood him correctly, but that is the way I understood him, that nobody has any such information.

That was the mere skill of the practiced debater in framing an excuse for doing what he wanted to do. Nobody here believes that the House has any such information. Nobody believes that three hundred and twenty-five men in the House have a little piece of diplomatic history that has traveled 15,000 miles, from China to the House of Representatives, and when it got there it lost its wings, it lost its legs, and it could not travel any farther on to this end of the Capitol. That is the way the Senator from Ohio justifies his vote.

Now, I come to another point. Senators were pressed by the Senator from South Carolina [Mr. BUTLER] by the question if the bill was not a violation of the existing treaty. If I understood the Senator from Ohio aright he admitted at first that it was, until the matter was further pressed. The Senator from South Carolina was a little indiscreet I thought. I thought I heard him let out the object of his inquiry. He asked if it was a violation of a treaty with China, and every one of the Republican Senators would march right up to it and violate it, then what becomes of the excuse they have been making ever since the nomination at Chicago for their candidate's vote. When we pointed out the votes of the Republican candidate for the Presidency as I have read them to the Senate, the excuse has been, "why, he was an American Senator; he was intrusted by the Constitution and laws of his country with the honor of his country; and the honor of his country had been pledged in a treaty, and he could not violate it." That is the excuse which has been made; and so when that was let out Senators invented a new word for the same thing. It was not a violation of a treaty; oh, no, because if we acknowledge that we violate a treaty, we acknowledge that there was no excuse for General Harrison's vote. So they invented a new word.

Mr. President, men who play a game of this sort are very astute in philology. They have names, and they call the same thing by a variety of names, hoping that the American people are so blind, are so foolish that they can not look beyond the label which they put upon a thing at the thing itself. So we have now not "violation," but "abrogation." There is a little difference, but the difference is all in favor of the fellow who only violates it. A man might say, "I will violate the treaty a little; I am pressed. Here is a great public necessity crowding me, pressing me to a violation; I will apologize for that; I will make reparation for it." But the man who comes to abrogate destroys the whole thing.

Mr. TELLER rose.

Mr. GEORGE. I do not want to be interrupted.

Mr. TELLER. I should not think you would.

Mr. GEORGE. Whilst the one is taking a little homeopathic dose of violation the other swallows a whole drug store of abrogation. So they will go out before the American people, before the laborers of this country whose bread, whose respectability has been imperiled by the introduction of Chinese, hoping that these same laborers, toiling for support for themselves and their families, wearied when they go to their slumbers at night, will not have the opportunity to think of the difference between violation and abrogation.

This great Republican party dealt with this great question in the way I have detailed, resisting, holding up not only the plighted faith and honor of the American people as a barrier to all action in this matter, but pleading the higher law, even pleading the rights of the Chinese given to them by the beneficent Father of us all, making them inherent and inalienable. The Republican party having acted in that way and having made these pleas for this resistance now, after all that, come and charge those of us who have been in from the beginning with being laggards not to be trusted, and seek to screen themselves in a change of attitude by hocus-pocus and philological enigma. It is murder. Oh, it is everything; it is a stabbing of the Constitution; it is the destruction of the honor, the interest, and dignity of the American people to violate a treaty, but it is all right if you will just take a knife and instead of cutting off a little portion of the finger cut the treaty's throat; that is all right.

Mr. President, I have detained the Senate longer than I expected upon this matter, and I have said about all I desire to say on it now. If the debate shall be continued, I may say something more hereafter.

Mr. MITCHELL. Mr. President, I do not intend to take up the time of the Senate at any length, because I desire to have a vote on the bill this evening.

Mr. VEST. Will the Senator from Oregon permit me just a second? I want to state to him that the Senator from Alabama [Mr. MORGAN] was obliged to leave the Chamber while the Senator from Mississippi was speaking. He said to me that he desired to address the Senate upon this bill, and he asked me to prefer the request that the bill should lie over until to-morrow and be printed.

Mr. MITCHELL. Then let me say a few words now in reply to the Senator from Mississippi.

Mr. VEST. It is now half past 5, and if it would suit the convenience of the Senator from Oregon he can take the floor, and we can have the bill printed and the debate can go on in the morning. I am as anxious to vote for the bill as he is, but it is hardly possible to get a vote this evening. We have not a quorum, and the yeas and nays will be called on the passage of the bill. If it will suit the convenience of Senators on the other side, we can let the bill be printed and go over until to-morrow.

Mr. MITCHELL. I prefer to say what I intend to say right now. The Senator from Mississippi declined to yield on a statement made by myself that in my judgment he had misrepresented the facts. I desire to correct that Senator in his statement of facts, and it was a statement, by the way, upon which he based the hour's speech that he has just concluded. He started out with the premise that when the Burlingame treaty was entered into there were no Chinamen in this country. On surprise being expressed by the Senator from Colorado at that statement, he modified it, as I remember, by saying that there were at least but very few here then, and then he proceeded to state that it was by virtue of the provisions of the Burlingame treaty that the door was opened for Chinese immigration to this country, and he attempted to charge the responsibility of that legislation upon the Republican party.

Now, Mr. President, I hold in my hand the statistics showing the exact number of Chinese who had come into this country prior to the existence of the Burlingame treaty at the one port of San Francisco alone. I have not only the total number, which was 141,800, but I have here the number in the year 1850, eighteen years before the Burlingame treaty was made, and I have also here the number who came each and every year between 1850 and the time when the Burlingame treaty went into effect.

There were in this country 10,000 Chinese prior to the year 1852 who had come in at the port of San Francisco alone, to say nothing of the thousand, perhaps, who had come in at other ports. In the year 1852 there came in at that port alone 20,026; in 1853, 4,270 came; in 1854, 16,084 came; in 1855, 3,329; in 1856, 4,807; in 1857, 5,924; 1858, 5,427; 1859, 3,175; 1860, 7,341; 1861, 8,430; 1862, 8,175; 1863, 6,432; 1864, 2,682; 1865, 3,095; 1866, 2,242; 1867, 4,290; 1868, before the treaty, 11,081; 1869, before the treaty went into effect, 14,990; making a total of 141,800 Chinese who had entered the limits of the United States at the one port of San Francisco alone before the Burlingame treaty was made. So the basis for all the talk here to-day made by the Senator from Mississippi to the effect that the Republican party opened the door to the immigration of Chinese to this country falls to the ground.

The very reverse of the charge made by the Senator from Mississippi in reference to the party and the men who invited Chinese immigration to this country is true. I can tell the Senator who it was in San Francisco and in the State of California who first gave countenance in most emphatic, direct, and influential terms to the immigration of Chinese to this country. In 1849 Peter H. Burnett was governor of the State of California. He resigned and one John McDougal, a Southern Democrat, succeeded, he being lieutenant-governor, to the position of governor in that State; and in 1851 or 1852 that same Democratic governor and representative from the South, a native of the South and a representative of Southern feeling and of Southern interests in the State of California, delivered a message to the Legislature of that State in which he referred to the Chinese as the "most desirable of our adopted citizens." He was the first man in the United States of America who ever referred to Chinese immigrants as being the most desirable of our

adopted citizens, or as being desirable at all as citizens. He was a Democrat, the head of the Democratic party in California, representing Southern interests and Southern sentiment, and was the governor of the State of California.

That great Democrat (and he was a great man in his way, great in intellect, I believe afterwards a member of this body), according to the sentiments expressed in his message, preferred the Chinese to the thousands of worthy Irish and German, and Scandinavians and Norwegians and English, and to all other of our adopted citizens, by stating in a State paper that they, the Chinese, were the "most desirable of our adopted citizens." That sentiment, that expression, that movement, if you please, upon the part of the Democratic governor of the State of California in 1851, or perhaps it was 1852, had its fruit in the Legislature succeeding, which was a Democratic Legislature by the way.

Archibald Peachy, I believe, another Southern man, another Democrat, a leading member of the Assembly of the State of California at that time, a leader of his party, introduced a bill into the Democratic Assembly providing for the affirmation or legalizing in the United States of contracts for labor made in foreign countries. The object of that bill was to make valid in the State of California and in the United States of America contracts made with the Chinese for cooly labor ranging from two to three and five years, by which coolies were to be brought to this country to work in competition with the laborers of California for wages at from $8 to $12 a month, and that at a time when the ordinary common laborer in the city of San Francisco and in the State of California could receive $3 a day for his labor, or $90 a month. That bill passed the Democratic Assembly of the State of California.

Mr. STEWART. Every Democrat voted for it.

Mr. MITCHELL. Every Democrat in that House, as suggested by the Senator from Nevada, voted for it.

Mr. STEWART. And every Whig voted against it.

Mr. MITCHELL. And every Whig voted against it. The bill went to the Senate and there, thank God, it was defeated by who? By one Republican Whig and one Democrat—old Philip Roach, I believe.

Mr. STEWART. No; Roach was for it.

Mr. MITCHELL. I am mistaken, then, about that. I supposed Mr. Roach had given his influence against it, but I am corrected in that. Then the man who led the opposition to the bill was David C. Broderick.

Mr. STEWART. He was the man who defeated it.

Mr. MITCHELL. And a leading Whig whose name I do not remember now, representing the city of San Francisco in the State Legislature.

Mr. STEWART. Dingly was the Whig.

Mr. MITCHELL. When the Senator from Mississippi therefore gets up here in his defiant way and charges the Republican party of this country and the Republicans of this country with opening the door to Chinese immigration to this country and inviting Chinese immigration to this country, he simply proclaims to the world his own ignorance of what he is talking about, or else he is not as careful as he should be in refraining from knowingly misrepresenting the facts. The door to Chinese immigration was opened by the Democratic party of California in the manner I have stated; and that is all I desire to say in reference to the matter, as I am anxious for a vote on the final passage of the pending bill.

Mr. TELLER. Mr. President——

Mr. CULLOM. Will the Senator from Colorado allow me to make a motion to adjourn?

Mr. TELLER. I will, retaining the floor.

Mr. CULLOM. I move that the Senate adjourn.

The PRESIDING OFFICER. Before the Chair submits the motion he will suggest that the Senator from Missouri [Mr. VEST] has requested that the bill be printed.

Mr. VEST. Yes, let that order be made.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 186) to amend section 1225 of the Revised Statutes concerning details of officers of the Army and Navy to educational institutions, and so forth, with amendments in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts.

ADMISSION OF WASHINGTON.

Mr. PLATT. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, which is the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, September 4, 1888, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *September* 3, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CHINESE IMMIGRATION.

Mr. SCOTT. I ask unanimous consent to introduce a bill for immediate consideration.

Mr. TOWNSHEND. Let the bill be read.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCOTT] asks unanimous consent to introduce a bill for present consideration. It will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

Be it enacted, etc., That from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been or may now or hereafter be a resident within the United States, and who shall have departed or shall depart therefrom, and shall not have returned before the passage of this act, to return to or remain in the United States.

SEC. 2. That no certificates of identity provided for in the fourth or fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof is hereby declared void and of no effect; and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

SEC. 3. That all the duties prescribed, liabilities, penalties, and forfeitures imposed, and the powers conferred, by the second, tenth, eleventh, and twelfth sections of the act to which this is a supplement are hereby extended and made applicable to the provisions of this act.

SEC. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed.

The SPEAKER. Is there objection? The Chair hears none.

The bill (H. R. 11336) was read a first and second time.

Mr. EZRA B. TAYLOR. I should like——

Mr. SCOTT. I have not surrendered the floor.

Mr. JACKSON. I do not wish to object. I merely wish to inquire what is the purpose of this legislation. We have recently passed a general act on this subject.

Mr. SCOTT. If the House will permit me, Mr. Speaker, I will endeavor to explain the object of this bill and what is expected to be accomplished by it. It will be necessary to refer in this connection to the treaty of 1880 between the United States and China and the treaty which has lately been negotiated but not yet ratified. This bill does not conflict in any way with any treaty stipulations now existing between the United States and China. It merely proposes under certain conditions to prohibit Chinese laborers from coming into the United States. If the treaty recently negotiated has been rejected by the Chinese Government, then this bill is essential, and is the only possible way by which Chinese laborers can be kept out of the United States.

Mr. JACKSON. I have no objection to the consideration of the bill.

Mr. SCOTT. I have not yielded the floor.

Mr. PAYSON. I desire to ask the gentleman from Pennsylvania [Mr. SCOTT] whether this bill has been submitted to the members on this side from the State of California?

Mr. SCOTT. No, sir; it has not been. It is now submitted to them.

Mr. PAYSON. Then it is offered for present consideration. I now see the gentleman from California [Mr. MORROW] in his place.

Mr. MORROW. I should like to have a moment to examine the provisions of this bill.

The SPEAKER. The gentleman from Pennsylvania states that he has not yet yielded the floor.

Mr. SCOTT. I desire to call attention to what this bill proposes to do. Under sections 4 and 5 of the statute of 1882, enacted in conformity with the treaty of 1880, it was provided that a Chinaman then a resident of the United States might, under certain conditions, leave the United States, go to China and return, but was to do so under a certificate issued by the authority of our Government certifying his identity and that he was a resident of the United States. Under this authority, which our treaty stipulations under the treaty of 1880 did not require us to give, a Chinaman could take his certificate and return to China; and as the truth is a merchantable commodity from a Chinese point of view, those certificates were in many instances sold to Chinamen who had never been in this country, who took them and came to the United States in violation of the law. When a Chinaman reached the port of San Francisco the duty of the collector of the port under the law was to determine his identity; and when the collector by positive evidence knew that the Chinaman offering the certificate was not the person to whom it had been originally issued, the collector at once required such Chinaman to leave the country. But it was just here that the United States courts came in and upon habeas corpus proceedings declared in many instances that the Chinaman offering the certificate was the original owner. By this process Chinese laborers by the thousands have been permitted to come to the United States fraudulently under certificates which had never been issued to them.

If, sir, the report in regard to the rejection of the treaty by China is a correct one, or whether China ratifies the treaty hereafter or not, there

is nothing inconsistent in this law or in what is proposed to be done under it in violation of the treaties.

Mr. McKENNA. Will the gentleman permit me to ask him a question?

Mr. SCOTT. Certainly.

Mr. McKENNA. I wish to get information from the gentleman in explanation of his bill. Does the bill you have submitted prohibit the coming of Chinamen to this country who have never been here?

Mr. SCOTT. No, sir. The treaty stipulations in regard to that——

Mr. McKENNA. I would like the gentleman to give me his opinion of the matter.

Mr. SCOTT. It is the existing law we are trying to repeal in connection with that subject.

Mr. McKENNA. But I would like to hear an explanation from the gentleman of the exact effect of the bill in that regard. My attention was diverted at the time the bill was read.

Mr. SCOTT. The bill had better be read again, and the gentleman can draw his own conclusions.

Mr. McKENNA. Can not you answer as to that yourself?

Mr. SCOTT. No; but I will ask that the bill be again read, and the gentleman can draw his own conclusions from the bill.

Mr. MORROW. If the gentleman from Pennsylvania will permit me, I understand from the gentleman's explanation that the bill is directed particularly to the revocation of the certificates of identification heretofore granted to the Chinese.

Mr. SCOTT. Yes, sir.

Mr. MORROW. Let me say that in California we are unanimously in favor of any measure which will accomplish that result. We also desire to go further and prevent all further Chinese immigration.

Mr. WEAVER. So also in Iowa.

Mr. MORROW. And if the gentleman will allow this matter to go over until later in the afternoon, so that this bill can be closely examined to see that it accomplishes all that is necessary and desirable on the Pacific coast, or whether it needs amendment, there will be no opposition whatever to it. I can assure the gentleman from Pennsylvania that the delegation from the Pacific coast will co-operate with him in framing any additional provisions that may be necessary to relieve the coast of the evils involved in Chinese immigration.

Mr. TOWNSHEND. The bill is short; let it be read again and the gentleman can see what it provides.

Mr. McCLAMMY. And he can put his own construction on it.

Mr. MORROW. You provide as I understand it for the repeal of the provisions of the act of 1882, which requires certificates of identification. That is not sufficient.

Mr. SCOTT. Yes, sir.

Mr. MORROW. One of the difficulties and chief causes of complaint in California is not now in regard to these certificates of identification. The treaty of November 17, 1880, provided that any Chinaman in the United States at that time should have the right to come and go of his own free will and accord. Now, if there had been a bill upon the statute-books at that date, providing for the identification of such persons as were then within the limits of the United States and those who should thereafter depart, the evils we now complain of would not have occurred; but it was not until the 6th day of May, 1882, that a law was placed on the statute-books providing for the identification of those who should thereafter depart.

But between the date of the treaty of November 17, 1880, and the enactment of the law of May 6, 1882, some twelve thousand Chinamen departed without certificates of identification. Under the decision of the Supreme Court of the United States any person who so departed was entitled to the privilege of returning on furnishing mere parole testimony that he was here when the treaty went into effect. Now, under that decision they are coming into San Francisco and other parts of the country upon producing mere parole testimony that they were here at the date of the treaty of 1880. The gentleman will see that if the bill does not guard against the evils we are encountering in this respect, it ought to be amended so as to provide to meet that difficulty. It should provide against the admission of those people who are coming here on the claim that they were here at the time of the treaty of 1880. What we want, therefore, is to provide, to-day if you please, by a bill in proper form, effectively against the coming of all Chinamen who left the United States prior to the 6th day of May, 1882, and declare positively that they shall not be entitled to return. That would remove the objection I am now making and remedy the difficulties under which we are now laboring.

Mr. SCOTT. Mr. Speaker, if the statement made by the gentleman from California is correct as to the phraseology of this bill the reading of it will show the House whether it meets the point or not. If it does not meet the point it can readily be amended, but I think it does. The amendment which he proposes or suggests would be right and proper if it is not already embodied in the bill; but I do not see, sir, why the amendment could not be with great propriety put upon the bill now as well as by the introduction of a separate bill this afternoon. And therefore, if the gentleman has such an amendment to offer in the line in which he speaks, I am very sure that this side of the House will readily acquiesce in accepting it. But for the information of the House I ask that the bill be again reported, reserving the right to the floor.

The SPEAKER. The bill will be again read.

The bill was read at length.

Mr. McMILLIN. That covers the whole ground.

Mr. HATCH. Very fully.

Mr. SCOTT. I think the gentleman will observe that the first section clearly provides for the difficulties about which he has been speaking, and as the bill is complete in that respect, I move the previous question upon its engrossment and third reading.

Mr. MORROW. The reason that I made the suggestion I did about an amendment was because my attention was distracted when the first section of the bill was being read, and I did not really know until I heard the second and third sections read what the bill was about. I find now that it covers the point I made and I favor the bill.

Mr. BLAND. There has been great complaint about Chinese coming across the border from the British possessions. I would like to ask whether any provision is made as to that?

Mr. SCOTT. This covers the whole field.

Mr. MORROW. This does not protect us against immigration from the British possessions.

Mr. McSHANE. Oh, yes.

Mr. SCOTT. It does very fully.

Mr. DUNN. The bill seems to be very carefully drawn to cover the whole ground.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LAIRD. Regular order.

The SPEAKER. The regular order is demanded.

EDWIN J. GODFREY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9363, entitled "An act granting a pension to Edwin J. Godfrey."

The beneficiary named in this bill enlisted on the 27th day of May, 1861, in a New Hampshire regiment, and less than three months thereafter was discharged on a surgeon's certificate of his disability occasioned by "disease of heart existing prior to enlistment."

In 1881, twenty years after discharge, the beneficiary applied to the Pension Bureau for a pension, and alleged that his disease of the heart was the result of fatigue and overheating at Bull Run, Va., July 21, 1861.

If the heart disease of which the discharged soldier complained in 1861, and which the claimant of a pension in 1881 alleged still continued, could have been caused by fatigue and overheating in the only battle of his brief service, it seems to me that its manifestations and symptoms a month afterwards could not have been mistaken for such as belonged to a much longer continuance of the disease.

I am fully satisfied that the surgeon was not mistaken who made the certificate upon which the beneficiary was discharged, and that his military service is not properly chargeable with any disability he may have incurred.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 1, 1888.

JOHN S. BRYANT.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 5155, entitled "An act granting a pension to John S. Bryant."

The man for whom this pension is proposed never, so far as I can learn, did a single day's actual military service at the front, nor ever left, in such service, the State in which he was enlisted.

He enlisted December 7, 1863, in a Maine regiment; on the 16th day of the same month he is marked as a deserter, having failed to report after leave of absence; December 31, 1863, he is reported sick in hospital at Augusta, Me.; January 26, 1864, he is marked as having deserted from Camp Keyes, at Augusta, Me.

He was discharged January 14, 1865, for disability occasioned, as the surgeon's certificate declares, "by a fall from a wagon while at home on a furlough, December 22, 1863." The certificate continues as follows:

"Never has done a day's duty—is utterly worthless and unfit for the Veteran Reserve Corps."

After his discharge the second charge of desertion was removed, and the first charge does not seem to be serious.

But he was injured while home on a furlough, his regiment still being in camp within the State of his residence; and although there are cases in which it seems not improper that pensions should be granted for injuries sustained during furlough and before actual return to duty, this does not appear to me to be one of them.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 1, 1888.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEELE, from Wednesday next, indefinitely, on account of important business.

To Mr. LEHLBACH, indefinitely, on account of death in his family.

D. W. BOUTWELL.

Mr. RYAN. I ask that the bill (H. R. 2253) for the relief of D. W. Boutwell be recommitted to the Committee on War Claims.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for. This being Monday, the regular order is the call of States and Territories for the introduction of bills and resolutions for reference.

COTTON BAGGING, ETC.

Mr. WHEELER introduced a bill (H. R. 11337) placing cotton bagging and other materials suitable for baling cotton on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRIDGE ACROSS COOSA RIVER.

Mr. FORNEY introduced a bill (H. R. 11338) authorizing the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama.

Mr. BLAND. Let the bill be read.

The Clerk proceeded to read the bill.

Mr. O'NEILL, of Missouri (interrupting the reading). I ask that the further reading of the bill be dispensed with.

There was no objection, and it was so ordered.

The bill was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRUSTS.

Mr. NEWTON introduced a bill (H. R. 11339) for the punishment of persons connected with trusts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMERCE.

Mr. LAIRD submitted a resolution fixing a day for the consideration of House bill 3404, being a bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was referred to the Committee on Rules.

NEW LIBRARY BUILDING.

Mr. KELLEY submitted the following resolution:

Resolved, That the special committee engaged in investigating the construction of the new Library building be directed to inquire and report whether any member of the House, acting by or for himself or in concert or combination with others, has sought by persuasion, intimidation, or other corrupt or improper means to influence or control the action of Mr. J. L. Smithmeyer, architect of said building, in the selection, acceptance, or approval of inferior and improper material to be used in the construction of said building.

The SPEAKER. The resolution will be referred to the Committee on the Library.

Mr. KELLEY. The special committee investigating——

The SPEAKER. This resolution can only be offered now for reference. The Chair will state to the gentleman from Pennsylvania that in the opinion of the Chair this is a privileged resolution and can be offered at any other time for immediate consideration; but if offered now it will go to the Committee on the Library.

Mr. KELLEY. Then I withdraw it for the present.

UNITED STATES CIRCUIT COURTS AT SOUTH BEND, IND.

Mr. SHIVELY introduced a bill (H. R. 11340) providing for the holding of United States circuit courts at South Bend, Ind.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHIEF AND ASSISTANT CHIEF BUREAU OF ENGRAVING AND PRINTING.

Mr. FORAN introduced a bill (H. R. 11341) to define the qualifications of the chief and assistant chief of the Bureau of Engraving and Printing; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

LIGHT-HOUSE AT POINT ISABEL, TEXAS.

Mr. CRAIN introduced a bill (H. R. 11342) providing for the reestablishment of the light-house at Point Isabel, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRUSTS.

Mr. ANDERSON, of Iowa, by unanimous consent, introduced a bill (H. R. 11343) defining trusts to be an unlawful conspiracy, and to provide for the punishment of persons connected with them and carrying them on, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CRISP. I ask to suspend the rules——

The SPEAKER. There are two motions to suspend the rules now pending.

Mr. SPRINGER. I call for the regular order.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts, or issue scrip in lieu thereof.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Missouri. One of the pending motions to suspend the rules, as I understand it, is the motion of the gentleman from Missouri [Mr. WARNER] in regard to the Oklahoma bill. Is the other the unfinished business from the Committee on Military Affairs?

The SPEAKER. The Chair will state the situation of the business of the House in that respect. Some time ago, the Chair thinks on the third Monday in July, the gentleman from Illinois [Mr. TOWNSHEND], from the Committee on Military Affairs, moved to suspend the rules and pass a bill in relation to the celebration at Gettysburgh, and upon the question of ordering a second no quorum voted. Nothing further was done on that day. On next suspension day that matter would have been pending, but the gentleman from Illinois did not call it up. The Chair supposed it was abandoned and recognized the gentleman from Missouri [Mr. WARNER], who made a motion to suspend the rules to fix a day for the Oklahoma bill, and upon further demand for a second no quorum appeared, and that went over. On the next suspension day the Chair recognized the gentleman from Missouri to complete consideration of the pending motion. Thereupon the gentleman from Illinois rose and stated that he desired to withdraw his former motion and substitute another bill for it; and that being committee day it was recognized by the Chair, who stated to the gentleman from Missouri that it had preference, and thereupon the gentleman from Missouri [Mr. WARNER] temporarily withdrew his motion and a second was ordered on that motion to suspend the rules and pass the bill, but no quorum voted. That is the situation of the business now.

Mr. SPRINGER. Was a second ordered?

The SPEAKER. A second was ordered on the motion made by the gentleman from Illinois.

Mr. PAYSON. The pending motion, then, with reference to the bill presented by the gentleman from Missouri [Mr. WARNER] is to fix a day for the consideration of the bill?

The SPEAKER. But that motion is not now before the House, because the gentleman yielded.

Mr. PAYSON. But that is the scope of the motion.

DETAILS OF ARMY AND NAVY OFFICERS TO EDUCATIONAL INSTITUTIONS.

The SPEAKER. Yes, when it is reached. The question now is upon the motion made by the gentleman from Illinois [Mr. TOWNSHEND] to suspend the rules and pass the bill the title of which will be read.

A MEMBER. The gentleman from Illinois [Mr. TOWNSHEND] is not in the House at this moment.

Mr. HOOKER. I call up the motion.

The SPEAKER. The motion is pending and a second has been ordered upon it.

Mr. MCMILLIN. I ask unanimous consent to have the bill read again.

The SPEAKER. If there be no objection the bill will be again read. The Chair understands that as the motion was made it applies to a Senate bill with House amendments incorporated in it.

Mr. TOWNSHEND. The bill which was under consideration the other day and upon which the vote was being taken is a Senate bill with amendments which had been previously adopted in the House.

The SPEAKER. The Chair so understands, and he will cause the bill to be read with the amendments incorporated in it.

The bill was again read.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] to suspend the rules and pass this bill.

Mr. BLAND. Is debate in order on that motion?

The SPEAKER. Debate is exhausted, and the demand for the yeas and nays has been refused.

Mr. KILGORE. Was not a second demanded on the motion?

The SPEAKER. It was, and granted.

Mr. TOWNSHEND. A second was granted, and the bill was debated, and now we come to a direct vote upon suspending the rules and passing it.

Mr. KILGORE. That requires a two-thirds vote, I understand.

Mr. TOWNSHEND. It requires a two-thirds vote, and I hope it will receive it.

Mr. CROUSE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CROUSE. I was not present when this bill was discussed the other day, and I wish to inquire whether there will not be an opportunity now to move to amend it?

The SPEAKER. There will not.

Several Members. Regular order.

The question was taken on the motion of Mr. TOWNSHEND; and there were—ayes 82, noes 18.

Mr. BLAND. No quorum.

Mr. TOWNSHEND. I ask for the yeas and nays.

The SPEAKER. The yeas and nays were refused by the House when this matter was last under consideration.

Mr. TOWNSHEND. Is it in order to move to reconsider the vote by which the yeas and nays were refused?

The SPEAKER. It is not. Under the rules that motion must be made either on the same day or the succeeding day. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Illinois [Mr. TOWNSHEND].

The House divided; and the tellers reported—ayes 110, noes 5.

Mr. BLAND. No quorum.

Mr. O'NEILL, of Missouri. Mr. Speaker, is it in order to move a call of the House?

The SPEAKER. It is.

Mr. TOWNSHEND. Do not do that. We shall have a quorum presently.

Mr. O'NEILL, of Missouri. What is the use of having this matter obstruct us all day, as it did before? It is not of sufficient importance to justify that. Mr. Speaker, I move a call of the House.

The question was taken on ordering a call of the House; and there were—ayes 48, noes 28.

So the call was ordered.

The Clerk proceeded to call the roll, when the following members answered to their names:

Abbott,	Crouse,	Kilgore,	Rogers,
Adams,	Culberson,	Laffoon,	Rowell,
Allen, Mich.	Davis,	La Follette,	Rowland,
Anderson, Iowa	Dibble,	Lagan,	Russell, Conn.
Anderson, Miss.	Dockery,	Laird,	Ryan,
Anderson, Ill.	Dorsey,	Landes,	Sawyer,
Anderson, Kans.	Dougherty,	Lane,	Sayers,
Bacon,	Dunn,	Lanham,	Scott,
Baker, N. Y.	Elliott,	Latham,	Scull,
Baker, Ill.	Enloe,	Lind,	Seymour,
Bankhead,	Felton,	Lyman,	Shaw,
Bayne,	Foran,	Macdonald,	Shively,
Belmont,	Forney,	Mahoney,	Smith,
Bland,	French,	Maish,	Snyder,
Blount,	Fuller,	Mansur,	Sowden,
Bound,	Funston,	Martin,	Springer,
Bowen,	Gear,	McClammy,	Steele,
Breckinridge, Ark.	Gest,	McKenna,	Stephenson,
Brewer,	Glass,	McMillin,	Stewart, Ga.
Brower,	Greenman,	McShane,	Stone, Ky.
Brown, Ohio	Grimes,	Moffitt,	Stone, Mo.
Brown, J. R., Va.	Guenther,	Morgan,	Symes,
Bryce,	Hall,	Morrill,	Taulbee,
Buchanan,	Hare,	Morrow,	Taylor, E. B., Ohio
Bunnell,	Harmer,	Neal,	Taylor, J. D., Ohio
Burnes,	Hatch,	Newton,	Thomas, Wis.
Burrows,	Haugen,	Nutting,	Thompson, Ohio
Butler,	Hemphill,	Oates,	Thompson, Cal.
Campbell, F., N. Y.	Henderson, Iowa	O'Neall, Ind.	Tracey,
Campbell, T. J., N. Y.	Henderson, N. C.	O'Neill, Pa.	Townshend,
Cannon,	Henderson, Ill.	O'Neill, Mo.	Turner, Kans.
Carlton,	Herbert,	Osborne,	Vandever,
Caruth,	Hermann,	Outhwaite,	Walker,
Caswell,	Hiestand,	Parker,	Warner,
Catchings,	Hires,	Payson,	Washington,
Chipman,	Hitt,	Peel,	Weaver,
Clements,	Hogg,	Penington,	Weber,
Cobb,	Holman,	Perkins,	Wheeler,
Compton,	Holmes,	Peters,	White, Ind.
Conger,	Hooker,	Phelan,	Whiting, Mich.
Cothran,	Jackson,	Plumb,	Whitthorne,
Cowles,	Johnston, Ind.	Post,	Wilkinson,
Cox,	Kean,	Rice,	Williams,
Crain,	Kelley,	Robertson,	Wilson, W. Va.
Crisp,	Ketcham,	Rockwell,	Wise.

The Clerk proceeded to call the roll of absentees for the presentation of excuses.

The following-named members were absent on leave:

Biggs,	Ermentrout,	Hopkins, Va.	Rayner,
Blanchard,	Finley,	Hopkins, N. Y.	Simmons,
Bynum,	Fitch,	Johnston, N. C.	Sherman,
Barnes,	Ford,	Laidlaw,	Stewart, Tex.
Candler,	Granger,	Lehlbach,	Stahlnecker,
Clark,	Gaines,	McRae,	Thomas, Ky.
Cogswell,	Grosvenor,	Matson,	Turner, Ga.
Cutcheon,	Gallinger,	McKinley.	Wilber,
Cooper,	Grout,	Owen	Wilkins.
De Lano,	Houk,	Pidcock,	
Dargan,	Hunter,	Patton,	
Davidson, Fla.	Hovey,	Randall,	

For the remaining absentees no excuses were offered except in the following case:

Mr. SAYERS. Mr. Speaker, I have a communication from my colleague [Mr. MOORE] stating that he is quite unwell to-day. I ask that he be excused.

There being no objection, Mr. MOORE was excused.

The SPEAKER. On this call 178 members, being more than a quorum, have responded.

Mr. TOWNSHEND. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The tellers will please resume their places.

Mr. SOWDEN. I move that the House do now adjourn.

The SPEAKER (having put the question on the motion to adjourn). The noes seem to have it.

Mr. BLAND. Division.

The question being again taken, there were—ayes 29, noes 61.

So the motion to adjourn was not agreed to.

The SPEAKER. The tellers will resume their places. Other business having intervened, the vote will have to be taken over again. The question is on suspending the rules and passing the bill which has been read at the desk.

The House again divided; and the tellers reported—ayes 89, noes 6.

The SPEAKER announced the result of the vote.

Mr. BLAND. No quorum.

Mr. FORNEY. I call up for further consideration the conference report of the sundry civil appropriation bill.

Mr. O'NEILL, of Missouri. How can that come up now?

The SPEAKER. It is a matter of the highest privilege.

Mr. TOWNSHEND. If the gentleman from Alabama [Mr. FORNEY] will wait a few moments I think a quorum will appear.

Mr. FORNEY. This is one of the regular appropriation bills, and I want to have it considered now.

The SPEAKER. The gentleman from Alabama [Mr. FORNEY] insists on his proposition.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. Can the question of consideration be raised against this conference report?

The SPEAKER. It can. The Chair thinks the House has always the power to determine whether it will or will not consider any matter.

Mr. TOWNSHEND. Then I raise the question of consideration.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] raises the question of consideration against the report of the committee of conference on the sundry civil appropriation bill.

Mr. SPRINGER. I rise to a point of order. As the question was being taken by tellers on the motion of the gentleman from Illinois [Mr. TOWNSHEND], and as the point was made that no quorum had voted, is it in order to proceed to other business while the tellers are still on the floor and the point of no quorum has not been withdrawn?

The SPEAKER. But the Chair announced the result. That vote was completed. Although no quorum voted, the House took no further proceedings. The gentleman from Alabama [Mr. FORNEY] then rose and called up the conference report. The Chair will state that the last entry on the official record of the House shows the presence of a quorum. A quorum simply did not vote on the last proposition.

Mr. SPRINGER. What is the question?

The SPEAKER. The Chair was about to state it. The question is: Will the House proceed to the consideration of the report of the committee of conference on the sundry civil appropriation bill?

Mr. SPRINGER. I rise to a parliamentary inquiry. This being a day upon which it is in order to move to suspend the rules at any time after the call of States and Territories, does not a motion to suspend the rules suspend that rule which allows a conference report the privilege of being called up at any time? And is not the motion to suspend the rules before the House until disposed of?

The SPEAKER. But the rules have not been suspended.

Mr. SPRINGER. But this is a motion to suspend the rules.

The SPEAKER. It is in order at this time to make a motion to suspend the rules, just as it is in order at any time to move to adjourn; yet, pending a motion to adjourn, any gentleman could under the rules call up a conference report.

Mr. SPRINGER. But the gentleman from Alabama can not stop the House from taking such action as it pleases. He can not stop the House from adjourning or enforcing its own orders.

The SPEAKER. If the House does not adjourn it stops itself from adjourning. [Laughter.] It is always within the power of the House to determine whether or not it will proceed to consider a matter. The question is, Will the House now proceed to consider this conference report?

Mr. CANNON. It is evident that nothing will be done by way of a suspension of the rules to-day, and I hope the House will go on with the consideration of the conference report and let us dispose of it.

Mr. SPRINGER. I understand the gentleman from Missouri [Mr. WARNER] will be recognized as soon as this is disposed of to move to suspend the rules and call up the Oklahoma matter. [Cries of "Regular order!"]

Mr. BLOUNT. Mr. Speaker, is this debate in order?

The SPEAKER. The first question is, Will the House proceed to consider the conference report?

Mr. TOWNSHEND. It is well understood that we do not want to go into the consideration of this conference report, because we want to take up the Oklahoma matter and other matters which can be called up to-day under the rules.

Mr. SPRINGER. I hope all in favor of Oklahoma and of the relief of persons using cotton bagging will vote in the negative on the motion of the gentleman from Alabama. [Cries of "Regular order!"]

The question being taken on the motion of Mr. FORNEY, the House divided; and there were—ayes 81, noes 34.

Mr. SPRINGER. I call for the yeas and nays.

Mr. O'NEILL, of Missouri. I reserve the point of no quorum.

The yeas and nays were ordered.

Mr. BRECKINRIDGE, of Arkansas. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. If we go into the consideration of the conference report does it not make it impossible to take up the proposition to give relief to the consumers of cotton bagging to-day?

The SPEAKER. If the House proceeds to the consideration of this report and consumes the entire day, of course no other business will be transacted.

Mr. CANNON. Regular order.

The SPEAKER. The Clerk will call the roll.

The Clerk proceeded to call the roll.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker——

The SPEAKER. The Clerk is calling the roll.

Mr. BRECKINRIDGE, of Arkansas. I wish to submit another question.

Mr. CANNON. Regular order.

Mr. O'NEILL, of Missouri. If this conference report is taken up it will prevent me from calling up the convict-labor bill.

Mr. SPRINGER. And it will stop the consideration of the Oklahoma bill and the cotton-bagging bill.

Mr. BRECKINRIDGE, of Arkansas. I wish to know the effect of the vote——

The SPEAKER. The Chair has already stated that if the House proceeds to consider the conference report and it consumes the entire remainder of this day, of course no other business can be transacted.

Mr. SPRINGER. It will consume the entire day.

Mr. TOWNSHEND. I wish to submit a parliamentary inquiry. I desire to know if I have not the power to withdraw from consideration the bill detailing Army officers to colleges?

The SPEAKER. By unanimous consent the gentleman can withdraw the bill.

Mr. CANNON. Regular order.

Mr. JOSEPH D. TAYLOR. I object to the withdrawal of the bill.

The SPEAKER. It does not affect this question in the least in any event.

The question is on the motion of the gentleman from Alabama [Mr. FORNEY] that the House proceed to consider the report of the conference committee on the sundry civil appropriation bill, on which the yeas and nays have been ordered; and the Clerk will call the roll.

The question was taken; and there were—yeas 82, nays 84, not voting 158; as follows:

YEAS—82.

Abbott,	Cobb,	Holman,	Scott,
Adams,	Cothran,	Hooker,	Seymour,
Allen, Mich.	Crain,	Jackson,	Shaw,
Anderson, Miss.	Crisp,	Kelley,	Snyder,
Bacon,	Culberson,	Ketcham,	Sowden,
Bankhead,	Elliott,	Laffoon,	Steele,
Bland,	Felton,	La Follette,	Stewart, Ga.
Blount,	Foran,	Lagan,	Stone, Ky.
Bowen,	Forney,	Lane,	Taylor, E. B., Ohio
Brown, Ohio	Gear,	Lyman,	Taylor, J. D., Ohio
Brown, J. R., Va.	Glass,	Martin,	Tracey,
Bryce,	Greenman,	McMillin,	Walker,
Burnes,	Hall,	Neal,	Washington,
Burrows,	Hare,	Newton,	Weber,
Butler,	Haugen,	Oates,	Wheeler,
Campbell, F., N. Y.	Hemphill,	O'Neall, Ind.	White, Ind.
Campbell, T. J., N. Y.	Hermann,	Payson,	Wilkinson,
Cannon,	Hiestand,	Penington,	Wilson, W. Va.
Carlton,	Hires,	Rice,	Wise.
Caswell,	Hitt,	Rowell,	
Clements,	Hogg,	Sawyer,	

NAYS—84.

Anderson, Iowa	Dunn,	Maish,	Rowland,
Anderson, Ill.	Enloe,	Mansur,	Russell, Conn.
Anderson, Kans.	Fuller,	McClammy,	Ryan,
Baker, Ill.	Funston,	McShane,	Sayers,
Bayne,	Gibson,	Moffitt,	Scull,
Bingham,	Harmer,	Morrow,	Shively,
Bliss,	Henderson, Iowa	Nichols,	Smith,
Bound,	Henderson, N. C.	Nutting,	Springer,
Breckinridge, Ark.	Herbert,	O'Neill, Pa.	Stone, Mo.
Brewer,	Holmes,	O'Neill, Mo.	Symes,
Buchanan,	Hutton,	Osborne,	Taulbee,
Bunnell,	Johnston, Ind.	Outhwaite,	Thomas, Wis.
Caruth,	Kean,	Parker,	Thompson, Cal.
Compton,	Kilgore,	Peel,	Townshend,
Conger,	Laird,	Perkins,	Turner, Kans.
Cowles,	Landes,	Peters,	Vandever,
Cox,	Lanham,	Phelan,	Warner,
Crouse,	Latham,	Plumb,	Weaver,
Dockery,	Lind,	Post,	Whitthorne,
Dorsey,	Macdonald,	Robertson,	Williams,
Dougherty,	Mahoney,	Rogers,	Yoder.

NOT VOTING—158.

Allen, Mass.	Blanchard,	Burnett,	Cockran,
Allen, Miss.	Boothman,	Butterworth,	Cogswell,
Arnold,	Boutelle,	Bynum,	Collins,
Atkinson,	Bowden,	Campbell, Ohio	Cooper,
Baker, N. Y.	Breckinridge, Ky.	Candler,	Cummings,
Barnes,	Brower,	Catchings,	Cutcheon,
Barry,	Browne, T. H. B., Va.	Cheadle,	Dalzell,
Belden,	Browne, Ind.	Chipman,	Dargan,
Belmont,	Brumm,	Clardy,	Darlington,
Biggs,	Buckalew,	Clark,	Davenport,
Davidson, Ala.	Henderson, Ill.	McKinney,	Simmons,
Davidson, Fla.	Hopkins, Ill.	McRae,	Spinola,
Davis,	Hopkins, Va.	Merriman,	Spooner,
De Lano,	Hopkins, N. Y.	Milliken,	Stahlnecker,
Dibble,	Houk,	Mills,	Stephenson,
Dingley,	Hovey,	Montgomery,	Stewart, Tex.
Dunham,	Howard,	Moore,	Stewart, Vt.
Ermentrout,	Hudd,	Morgan.	Stockdale,
Farquhar,	Hunter,	Morrill,	Struble,
Finley,	Johnston, N. C.	Morse,	Tarsney,
Fisher,	Jones,	Nelson,	Thomas, Ky.
Fitch,	Kennedy,	Norwood,	Thomas, Ill.
Flood,	Kerr,	O'Donnell,	Thompson, Ohio
Ford,	Laidlaw,	O'Ferrall,	Tillman,
French,	Lawler,	Owen,	Turner, Ga.
Gaines,	Lee,	Patton,	Vance,
Gallinger,	Lehlbach,	Perry,	Wade,
Gay,	Lodge,	Phelps,	West,
Gest,	Long,	Pidcock,	White, N. Y.
Glover,	Lynch,	Pugsley,	Whiting, Mich.
Goff,	Maffett,	Randall,	Whiting, Mass.
Granger,	Mason,	Rayner,	Wickham,
Grimes,	Matson,	Reed,	Wilber,
Grosvenor,	McAdoo,	Richardson,	Wilkins,
Grout.	McComas,	Rockwell,	Wilson, Minn.
Guenther,	McCormick,	Romeis,	Woodburn,
Hatch,	McCreary,	Russell, Mass.	Yardley,
Hayden,	McCullogh,	Rusk,	Yost.
Hayes,	McKenna,	Seney,	
Heard,	McKinley,	Sherman,	

So the House refused to consider the conference report.

Mr. BAKER, of New York. I am paired with Mr. BARNES, and desire to withdraw my vote.

Mr. HATCH. I am paired with the gentleman from Vermont [Mr. STEWART], and voted to make a quorum. I withdraw my vote.

Mr. JACKSON. I ask unanimous consent that the reading of the names be dispensed with.

Mr. SPRINGER. There have been so many changes I think the roll had better be recapitulated.

Mr. MORGAN. I have voted to make a quorum. If a quorum has voted I desire to withdraw my vote.

The following pairs were announced:

Until further notice:

Mr. RANDALL with Mr. DINGLEY.

Mr. STOCKDALE with Mr. CLARK.

Mr. MERRIMAN with Mr. FARQUHAR.

Mr. SIMMONS with Mr. THOMAS H. B. BROWNE.

Mr. FISHER with Mr. LEHLBACH.

Mr. JOHNSTON, of North Carolina, with Mr. YARDLEY.

Mr. DAVIDSON, of Florida, with Mr. GALLINGER.

Mr. WILKINS with Mr. LONG.

Mr. HATCH with Mr. STEWART, of Vermont.

Mr. GREENMAN with Mr. SHERMAN.

Mr. RUSK with Mr. O'DONNELL.

Mr. RAYNER with Mr. GROSVENOR.

Mr. STAHLNECKER with Mr. WICKHAM.

Mr. HOPKINS, of Virginia, with Mr. LAIDLAW.

Mr. RICHARDSON with Mr. CHEADLE.

Mr. DAVIDSON, of Alabama, with Mr. PATTON.

Mr. SNYDER with Mr. YOST.

Mr. BARNES with Mr. BAKER, of New York.

Mr. ERMENTROUT with Mr. GROUT.

Mr. FORD with Mr. GUENTHER.

Mr. GLOVER with Mr. PUGSLEY.

Mr. MCADOO with Mr. COOPER.

Mr. MATSON with Mr. HOVEY, from August 28 to September 15, inclusive.

Mr. OUTHWAITE with Mr. MCKINLEY.

Mr. MCRAE with Mr. KERR.

Mr. BOUTELLE with Mr. WISE.

Mr. DARGAN with Mr. WEST.

Mr. STEWART, of Texas, with Mr. DUNHAM.

Mr. CLARDY with Mr. WADE.

Mr. PERRY with Mr. SPOONER.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. O'FERRALL with Mr. MASON.

Mr. COMPTON with Mr. GOFF.

Mr. BIGGS with Mr. MORROW.

Mr. BELMONT with Mr. DAVENPORT.

Mr. CANDLER with Mr. FINLEY.

Mr. GRANGER with Mr. ROCKWELL.

Mr. BLANCHARD with Mr. THOMAS, of Illinois.

Mr. MONTGOMERY with Mr. HUNTER.

Mr. MORSE with Mr. WHITING, of Massachusetts.

Mr. TURNER, of Georgia, with Mr. REED.

Mr. HOWARD with Mr. HOPKINS, of Illinois.

Mr. TIMOTHY J. CAMPBELL with Mr. BOWDEN.

Mr. CUTCHEON with Mr. TARSNEY.

Mr. HUDD with Mr. ARNOLD.

Mr. TILLMAN with Mr. HOPKINS, of New York.

Mr. BUCKALEW with Mr. BAYNE, on all political questions.

Mr. DARLINGTON with Mr. MOORE.

Mr. PIDCOCK with Mr. PHELPS.

Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. MORGAN with Mr. MILLIKEN.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. LAWLER with Mr. DE LANO.
Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.
Mr. MCKINNEY with Mr. BOOTHMAN.
Mr. WILSON, of Iowa, with Mr. MCCOMAS.
Mr. MILLS with Mr. EZRA B. TAYLOR.
Mr. BYNUM with Mr. OWEN.
Mr. HAYES with Mr. FELTON.
Mr. GAY with Mr. MORRILL.
Mr. JONES with Mr. CROUSE.
Mr. BLOUNT with Mr. PETERS, upon the Oklahoma bill, until further notice. If present, Mr. PETERS would vote for the bill and Mr. BLOUNT would vote against it.
Mr. SENEY with Mr. ROMEIS, until Tuesday.
Mr. O'FERRALL with Mr. WASHINGTON.
Mr. ROMEIS. I notice that I am paired with Mr. SENEY. I therefore withdraw my vote.
The result of the vote was then announced as above stated.
The SPEAKER. The tellers will resume their places.
Mr. TOWNSHEND. It is evident there is a determination to defeat this bill by reason of no quorum, and I therefore ask the consent of the House that the bill be laid aside for the present, in order that other measures may be taken up.
Mr. HOOPER. I object.
The tellers resumed their places.
Mr. BLAND. The right way is to defeat this bill.
Mr. SPRINGER. Mr. Speaker, I ask if there has to be a new vote?
The SPEAKER. Other business has intervened, and the vote will have to be taken anew.
The House again divided; and the tellers reported—ayes 71, noes 7.
Mr. BLAND. No quorum.
Mr. OUTHWAITE. As it seems impossible to get a quorum, I ask unanimous consent to take up the conference report on the sundry civil bill at this time.
Mr. MORGAN. I object.
Mr. STONE, of Kentucky. I think it is very evident that we are not going to do anything to-day; and, therefore, I move that the House do now adjourn.
The question was put, and the Chair announced that the ayes seemed to have it.
Mr. WEAVER. I call for a division.
Mr. STONE, of Kentucky. I withdraw the motion to adjourn for the present.
The SPEAKER. The regular order is demanded, and the tellers will resume their places.
After the count had proceeded for some time,
Mr. OUTHWAITE said: In order to give opportunity for the consideration of other business, I ask unanimous consent to withdraw this bill.
Mr. CHEADLE. I object.
Mr. SPRINGER. I hope the gentleman will withdraw his objection.
Mr. CHEADLE. I will not withdraw the objection.
After further count the tellers announced—ayes 148, noes 16.
So (two-thirds voting in the affirmative) the bill was passed.

OKLAHOMA.

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). There is an unfinished order, which is the motion of the gentleman from Missouri [Mr. WARNER], which the Clerk will report. That will have to be disposed of and nothing can be taken up except matters that will take precedence of it, because there can not be two motions to suspend the rules pending at the same time.
Mr. DUNN. Can the gentleman from Missouri waive that temporarily in favor of another matter?
The SPEAKER *pro tempore*. Only by unanimous consent.
Mr. KEAN. I call for the regular order.
The SPEAKER *pro tempore*. The regular order is demanded by the gentleman from New Jersey on the left [Mr. KEAN]. That is equivalent to an objection to laying it aside temporarily, and the Clerk will report the unfinished business.
Mr. WARNER. I desire to make a parliamentary inquiry. Could I by unanimous consent withdraw that temporarily?
Mr. CANNON. The gentleman can not get unanimous consent.
Mr. WARNER. I am asking the Chair as to my right.
The SPEAKER *pro tempore*. It can be laid aside temporarily with the right to be again taken up after other business only by unanimous consent, and the demand for the regular order operates as an objection.
Mr. BLOUNT. Mr. Speaker, does that come up of itself, without any motion?
The SPEAKER *pro tempore*. The Chair thinks it does. The Chair was informed by the Speaker, who was occupying the chair when this matter was up before, that it was unfinished business, and that it would come up as such.
Mr. BLOUNT. But oftentimes unfinished business does not come up because no motion is made to take it up.
The SPEAKER *pro tempore*. But the regular order is demanded, and the regular order on this day is that motion, which comes over as unfinished business.
Mr. PAYSON. When the Chair says "that motion" he refers to the motion made on a prior day by the gentleman from Missouri [Mr. WARNER] to set a day for the consideration of the Oklahoma bill.
The SPEAKER *pro tempore*. That is the motion to which the Chair refers.
Mr. WARNER. Mr. Speaker, the motion that I made upon the last suspension day not having been seconded, I desire now to modify it by offering the bill which I send to the desk and moving to suspend the rules and put it upon its passage.
The SPEAKER *pro tempore*. It will be read.
Mr. HOOKER. I reserve the right to object.
The SPEAKER *pro tempore*. The Clerk will report first the unfinished business, after which the Chair will recognize the gentleman from Missouri to make such motion as may be in order.
Mr. WARNER. I was about to state, in order to save the time which would be consumed in reading the entire bill, that the measure which I have sent to the desk is the bill (H. R. 10614) for the organization of the Territory of Oklahoma, with such amendments as have been agreed to in Committee of the Whole and some other amendments which I can explain in a moment.
The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. WARNER] is entitled to the floor in charge of his motion to suspend the rules made on a former day, and is recognized to control it.
Mr. SPRINGER. I rise to a parliamentary inquiry.
The SPEAKER *pro tempore*. The gentleman will state it.
Mr. SPRINGER. The Speaker of the House, when this matter was up before, two weeks ago, held that the proposition, not having been seconded, the mover had the right to modify it so as to meet the requirements of the situation. It was moved four weeks ago to-day as an individual suspension, fixing a day two or three days thereafter for the consideration of this bill. When the next suspension day was reached the day named in the first resolution had passed, and the Speaker held that the gentleman from Missouri could modify his motion, which he did at that time, so as to fix a different day; which was a different motion entirely. Before this matter came up I consulted with the Speaker as to the right of the gentleman from Missouri to modify his motion, and the Speaker stated that the gentleman had a right to do so, no second having been ordered.
Mr. HOOKER. Mr. Speaker——
The SPEAKER *pro tempore*. The Chair will state in reply to the gentleman from Illinois [Mr. SPRINGER] that the original proposition of the gentleman from Missouri [Mr. WARNER] was not, as the Chair is informed, a proposition to pass a bill to organize the Territory of Oklahoma, but was a proposition to fix a day for the consideration of a bill for that purpose. Now, if the Chair understands the gentleman from Missouri correctly, he makes a proposition not to fix a day, but to organize the Territory, which is an entirely different proposition.
Mr. SPRINGER. The Chair holds, then, that he could not recognize the gentleman to move anything that would be in order as an independent proposition?
The SPEAKER *pro tempore*. If the gentleman from Missouri were to withdraw his proposition, the Chair thinks he would have the right to do that, but at the same time if another gentleman had sought and obtained the floor for a different purpose and obtained it after the withdrawal of the gentleman from Missouri and the Chair recognized the right of the gentleman to proceed with the order which took precedence, he might lose his right.
Mr. SPRINGER. The order passed two weeks ago would be utterly inoperative and worthless, because it fixed a day which has already passed.
Mr. PHELAN. I rise to a parliamentary inquiry in that connection.
The SPEAKER *pro tempore*. The gentleman will state it.
Mr. PHELAN. Is it necessary therefore for the gentleman from Missouri to have unanimous consent for the purpose of moving the original resolution?
The SPEAKER *pro tempore*. The Chair thinks it would not require unanimous consent for the purpose indicated by the gentleman from Tennessee.
Mr. CANNON. I rise to a parliamentary inquiry.
The SPEAKER *pro tempore*. The gentleman will state it.
Mr. CANNON. My colleague from Illinois [Mr. SPRINGER] on the Democratic side has just had a resolution voted upon. Now, as recognitions go, a recognition is due on this side, and why not let the gentleman from Missouri [Mr. WARNER] modify his proposition and offer it as an original proposition?
The SPEAKER *pro tempore*. The Chair will decide the question of recognitions as they rise after there is a right to recognize; not before.
Mr. WARNER. I wish simply to make this statement. Four weeks ago to-day I was recognized to propose a resolution fixing a day for the

consideration of the bill for the organization of the Territory of Oklahoma, and for other purposes. That came over as unfinished business to the last suspension day.

The days named in the resolution I first offered had passed, and upon asking the Speaker of the House whether the resolution was within my control for modification, the ruling of the Chair, according to my very clear remembrance, was that the resolution not having been seconded, it was within my power to modify it in such way as I saw proper, so long as the modification related to the same general subject-matter and was germane to the original resolution. [At this point the Speaker resumed the chair.] Now I seek to so modify the resolution that instead of fixing a day in the future upon which a vote shall be taken on the bill organizing the Territory of Oklahoma, this day shall be fixed and the bill shall be put on its passage. This modification relates to the same subject-matter as the resolution, but instead of fixing a day in the future when the vote shall be taken the substitute I now offer proposes to fix to-day as the time for action on the bill. I submit that this seems to be within the ruling of the Chair.

Mr. PAYSON. Mr. Speaker, it seems to me that the proposition as now stated by the gentleman from Missouri [Mr. WARNER] is an entirely different one in principle from that which was involved in the resolution of two weeks ago. The proposition then, as I now recollect, was to set a future day for the consideration of the bill providing for opening the Territory of Oklahoma. If such a time were fixed, the bill under the rules would be subject to the ordinary methods of consideration; it would open to amendment and full discussion and all that sort of thing. I need not go over details which the Speaker and members of the House understand as well as I do. But the pending proposal of the gentleman is not to set a day for the full consideration of an important bill, but to pass now under a suspension of the rules, with fifteen minutes' debate on each side, a certain bill which he presents with certain amendments which he and his colleagues on the committee have appended to it. Now, speaking for myself, I have some half dozen amendments which I propose to offer to that bill when it shall be considered in regular order. I know of other gentlemen here who are in a like situation. It strikes me that the gentleman from Missouri presents now a proposition very different in principle from that which was embraced in the scope of the resolution which comes up as unfinished business under the demand for the regular order.

Mr. HOOKER. Mr. Speaker, the proposition which the gentleman from Missouri made on the 6th of August was a different proposition from that which he now submits. It is printed in the RECORD of August 7, and I send it to the desk to be read in order to show, first, that it is entirely different, and second, that as a matter of unfinished business it can not come over at all for the simple reason that the time then proposed to be fixed for the consideration of the bill and of certain pending amendments which were to be offered was embodied in the resolution and has now passed. I ask the Clerk to read the resolution, to be found in the proceedings of August 6.

The Clerk read as follows:

Resolved, That Thursday next, immediately after the reading of the Journal, the House proceed to the consideration of the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes; that the Committee of the Whole House be discharged from the further consideration of the bill; that the amendments adopted in Committee of the Whole be agreed to; and that other amendments not exceeding three in number and one amendment in the nature of a substitute may be offered to the bill, after which the vote shall be taken on such amendments, and then on the engrossment and third reading of the bill and the final passage thereof, without debate or other intervening motion or business.

Mr. HOOKER. Upon the reading of that resolution the following proceedings, as exhibited in the RECORD, occurred:

The SPEAKER. Is a second demanded?
Mr. BARNES, Mr. HOOKER, and others demanded a second.
Mr. SPRINGER. I ask unanimous consent that a second may be considered as ordered.
Mr. BARNES. I object.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was delivered to the House by Mr. PRUDEN, one of his secretaries.

PROPOSED TERRITORY OF OKLAHOMA.

The SPEAKER. A second is demanded, and the Chair will appoint as tellers the gentleman from Missouri, Mr. WARNER, and the gentleman from Georgia, Mr. BARNES.
Mr. PAYSON. I would like to have the resolution again reported.
The resolution was again read.
Mr. PAYSON. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. PAYSON. How would this resolution, if adopted, affect a pending amendment which was introduced and undisposed of at the time the bill was last under consideration?
Mr. SPRINGER. Not at all. It will have no effect upon it.
Mr. PAYSON. When this bill was being last considered an amendment of mine had been read and was pending. I had the floor at the time the House adjourned.
Mr. HOOKER. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman from Illinois is on the floor for a parliamentary inquiry.
Mr. PAYSON. I wish to know how this would affect that amendment; whether it would be excluded,
Mr. SPRINGER. It was not disposed of at that time. It was pending and would be covered by the resolution.
The SPEAKER. The Chair thinks, on examining the resolution, that if it should be adopted it would necessitate the offering of the amendment of the gentleman from Illinois again—

Alluding again to the amendment of the gentleman from Illinois [Mr. PAYSON]:

Mr. NELSON. I rise to a parliamentary inquiry.
Mr. PAYSON. It is evident that the Speaker does not agree, then, with the gentleman from Illinois.
The SPEAKER. The resolution provides that amendments already agreed to in Committee of the Whole shall be adopted by the House, with the right of offering certain other amendments specified in the resolution.
Mr. PAYSON. Then I hope the resolution will be voted down.
Mr. SPRINGER. And one of the amendments referred to there is the identical amendment offered by the gentleman from Illinois himself, if the gentleman will take my word. It does not preclude other amendments, but makes provision for a certain number which may be offered.
Mr. PAYSON. Of course I am perfectly willing to take the gentleman's word, but I wanted a ruling from the Chair as to the effect of the adoption of the resolution on the pending amendments.
The SPEAKER. If the resolution in its present form is adopted, it would preclude other amendments except those specified in the resolution itself.
Mr. SPRINGER. But it would not preclude action on the gentleman's amendment.
The SPEAKER. The Chair will again state, the resolution provides that amendments heretofore adopted in Committee of the Whole House on the state of the Union shall be agreed to by the House, so that this resolution disposes of those amendments; but it provides further that three additional amendments may be offered, as well as a substitute for the bill.

Mr. WEAVER. Mr. Speaker, is this in order?

The SPEAKER. The gentleman from Mississippi [Mr. HOOKER] is discussing a question of order.

Mr. HOOKER. I am discussing a question of order.

Mr. SPRINGER. The gentleman will get through before next week, I hope.

Mr. HOOKER. I propose to go along in my own way. I do not want any advice from the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. The RECORD is very good reading.

Mr. HOOKER. I use it for my purposes. The gentleman can use it for his, if he chooses, when he has the floor.

Mr. NELSON. It provides that three, but only three, amendments may be offered.
The SPEAKER. That is the effect of the resolution; and also a substitute.
The tellers will take their places.
Mr. HOOKER. I rose, Mr. Speaker, a moment ago to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. HOOKER. I wanted to address the Chair this inquiry: I understand that under the rules of the House governing the business for this day it is set apart for a suspension of the rules and the passage of measures, bills, resolutions, or otherwise, which are pending before the Committee of the Whole House on the state of the Union or other committees, and the motion is to discharge such committee from the consideration of the matter and put it upon its passage, the action thereon requiring a two-thirds vote. In the present instance the resolution refers to a measure which is pending before the Committee of the Whole House on the state of the Union, and has been under consideration for several days in committee, to which various amendments have been offered; and my inquiry is whether it is within the power of a single member of this House on this day, which is fixed for the suspension of the rules, to defeat the consideration of that measure and others that may be pending by proposing a vote upon the bill——

Mr. HOOKER. Mr. Speaker, I submit that the modification which the gentleman now proposes to offer, and which he can not offer, as I understand, except by unanimous consent, is an entirely different proposition. It is not a proposition to fix a day for the consideration of this bill and the three amendments which it is admitted were pending and the substitute of the gentleman from Georgia [Mr. BARNES], which was pending. The gentleman from Missouri now proposes to modify his proposition so as to pass the bill itself. The day named in the original resolution having passed, this proposition, even as an unfinished matter, has no longer any status in the House. It was a proposition to fix a particular day of a certain week now passed; and I insist that according to parliamentary practice and the rules of the House it can not be called up now for consideration; and *a fortiori* it can not be modified by the substitution of another separate and independent proposition, which proposes, outside of these amendments, to pass the bill itself as it is sent to the desk by the gentleman from Missouri.

I say, therefore, that as unfinished business it can not come up now, because that business was interrupted by the reading of a message from the President of the United States, on motion of my friend from Georgia [Mr. CRISP]; and the question was propounded to the Speaker at that time whether or not that would interrupt this business, to which the Speaker promptly responded that it would, that it displaced it for the time being; and nothing further was done in regard to it.

Now, sir, various amendments have been adopted to the bill, which amendments have been adopted upon the agreement that there should be a vote upon them in the House; and if the gentleman may pass this bill now under a suspension of the rules without regard to the agreement made by the House in reference to the amendments, it defeats every vote on the amendments. But I insist, for the reasons I have already offered, that this is not a measure which can be amended, or that it is such a measure as may claim consideration as unfinished business, or which can be called up now, for the reason that the time fixed has passed by.

The SPEAKER. The question as to the right of a member to change or modify a motion or proposition submitted by him before the House has acted upon it in any way, has frequently arisen, and frequently been decided. The present occupant of the chair has always held that when a member has submitted a motion or proposition to the House, whether in the form of an original motion or as an amendment to a pending motion, it is his right to modify or change it at any time be-

fore it is voted upon, or before the previous question has been ordered, or before the adoption of any other action on the part of the House, which places the matter beyond the control of the member and within the control of the House.

In the present instance it is not, as the gentleman from Mississippi argues, a question of amendment. It is a question merely as to the form of which the gentleman from Missouri will submit the proposition, the House not having acted upon it in any manner whatever. It is quite true as stated, both by the gentleman from Illinois [Mr. PAYSON] and the gentleman from Mississippi, that the proposition is a different one from that submitted by the gentleman some time ago. But it relates to the same subject-matter. The proposition was to fix a day for the consideration of this bill; and this proposition is—that time having passed by—to vote upon the bill now. It is still, however, in the power of the House to determine whether it will or will not second that proposition, so that the matter is entirely and absolutely within the control of the House, and not within the control of the Chair.

If the gentleman from Missouri sees proper to modify his proposition, or take the risk of having the House second and pass it, of course the Chair has no control over the matter.

Suppose, for instance, the time fixed in the original resolution for the consideration of the bill had now lapsed, and the gentleman should so modify his motion as to fix to-morrow for its consideration. The Chair thinks it would be admissible, and the Chair can not see any difference in principle between that and a motion to suspend the rules and pass the bill now.

Mr. HOOKER. Except, if the Chair will permit me, that this would exclude consideration of the amendments.

The SPEAKER. Of course; but that is for the House. The House may not desire to consider them, and if the House does not desire to pass the bill it will not second the motion the gentleman makes, or will not pass the bill if it is seconded. It is always within the power of the House to control its own action.

Mr. PAYSON. Permit me, Mr. Speaker, to ask this question: Whether the present occupant of the chair was aware of the proposition made by the gentleman from Missouri while the gentleman from Tennessee [Mr. MCMILLIN] was acting as Speaker?

The SPEAKER. The Chair did not hear it.

Mr. PAYSON. Would it make any difference in the position taken by the Chair if it appeared that the gentleman from Missouri, in charge of the bill, now offers, instead of a bill to organize the Territory of Oklahoma, as was originally proposed, a bill to organize a portion of the territory embraced in the former bill, to wit: the neutral strip, and without regard to the balance of the Indian Territory, except as lands shall be acquired piecemeal hereafter?

The SPEAKER. The Chair thinks that would make no difference if the Chair is correct in the basis of this decision; the whole matter being a modification of the motion of the gentleman from Missouri, which is submitted to the House itself for its action. But as to the merits of the proposition, or whether or not it is practically the same as the other proposition, the Chair thinks does not affect the question of order, because the House has as yet passed upon nothing. The whole subject is before it for its action.

Mr. WARNER. I move to suspend the rules——

The SPEAKER. The Chair understands that to be the pending motion.

Mr. BRECKINRIDGE, of Arkansas. I wish, Mr. Speaker, to submit a parliamentary inquiry.

Mr. CANNON. Regular order.

Mr. BRECKINRIDGE, of Arkansas. This is in the regular order. I wish to ask, if the motion of the gentleman from Missouri has not been seconded by the House is it not still in his power to withdraw it?

The SPEAKER. It is; the Chair has so decided.

Mr. BRECKINRIDGE, of Arkansas. That was decided to the contrary in the absence of the present occupant of the chair. The gentleman sought to withdraw the motion and objection was made.

The SPEAKER. The Chair understands the gentleman who was temporarily occupying the chair decided that the gentleman could withdraw the motion, but that he could not withdraw this motion and submit a new one unless he was recognized by the Chair for that purpose.

Mr. MCMILLIN. That is true. I was just going to state, Mr. Speaker, in order that my friend from Arkansas may not misrepresent my position unintentionally, for I know he would not do so intentionally, that the then occupant of the chair thought the gentleman from Missouri might withdraw his proposition, but to do so to offer another he could not get an agreement from the then occupant of the chair that he would be recognized for that purpose after yielding the floor to another; that the question of recognition would be then with the Chair, as it is at all times in all other cases, and that the Chair could not consent to couple with the request of the gentleman to withdraw the proposition an agreement to recognize him to submit another motion.

The SPEAKER. The tellers will take their places.

Mr. PAYSON. Has the proposition as modified been read?

Mr. HOOKER. It has not been read.

Mr. BRECKINRIDGE, of Arkansas. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. Am I correct in interpreting the Chair as holding that the gentleman from Missouri [Mr. WARNER] can withdraw his proposition at this time, and that when the proposition that would come up immediately after this concession is passed he would be again recognized?

The SPEAKER. The Chair has made no such decision.

Mr. BRECKINRIDGE, of Arkansas. What would be his right to have consideration of the matter immediately after the consideration of the question to which he would yield by withdrawing?

The SPEAKER. That is a purely abstract question. He has not offered to withdraw it.

Mr. BRECKINRIDGE, of Arkansas. If the Chair will pardon me, it is a question based upon what I understand just occurred when the present occupant of the chair was absent. The gentleman did offer to withdraw it.

Mr. WARNER. I did offer to withdraw as the gentleman states, but as I understood the then occupant of the chair ruled that it took unanimous consent to withdraw, and if that be the case I do not offer to withdraw.

Mr. MCMILLIN. I think the gentleman will find that his proposition to the Chair carried with it a condition-precedent to yielding that he should withdraw it temporarily for a motion by another gentleman, and that he should then be recognized after that matter should be disposed of. As the then occupant of the chair I stated, as I would on all occasions, that I would recognize when the time came, but I would give no information as to what I would do in advance. I think the gentleman will find that was the ruling.

The SPEAKER. Regular order is demanded.

Mr. BRECKINRIDGE, of Arkansas. I wish to inquire further. I do not fully understand the position of the gentleman from Tennessee, and I think it is a perfectly proper inquiry for the gentleman from Missouri to know just how far he parts with his parliamentary rights before he consents to take a given step in connection with the resolution. And I inquire whether or not the gentleman from Missouri would have the right to be recognized after consideration of the proposition that he proposes temporarily to withdraw in favor of.

The SPEAKER. The Chair does not understand the gentleman from Missouri to withdraw.

Mr. BRECKINRIDGE, of Arkansas. But the gentleman has proposed to withdraw, and that is the question that has been under consideration, and that is what the gentleman will propose again if he can now understand that he does not permanently surrender his rights.

The SPEAKER. By consent of the gentleman from Missouri the motion now before the House might be withdrawn temporarily until some other motion was made and disposed of, just as on the last day for the suspension of the rules the gentleman did yield to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. WARNER rose.

Mr. CANNON. That takes unanimous consent, and I call for the regular order.

The SPEAKER. The gentleman from Illinois objects.

Mr. BRECKINRIDGE, of Arkansas. I make a motion, then, that the proposition offered by the gentleman from Missouri be temporarily withdrawn.

The SPEAKER. That motion can not be made. The Clerk will read the resolution.

Mr. RYAN. Let us have the regular order.

The bill was read, as follows:

A bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes.

Be it enacted, etc., That all that part of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: Bounded on the west by the State of Texas and the Territory of New Mexico; on the north by the State of Colorado and the State of Kansas; on the east by the reservation occupied by the Cherokee tribe of Indians east of the ninety-sixth meridian of west longitude, and by the Creek, Seminole, and Chickasaw reservations; and on the south by the Creek, Seminole, and Chickasaw reservations, and by the State of Texas, comprising what is known as the Public Land Strip, and all that part of the Indian Territory not actually occupied by the five civilized tribes, is created into a temporary government by the name of the Territory of Oklahoma: *Provided*, That nothing in this act shall be construed to impair the rights of person or property, or to impair any patent to or right of occupancy of lands now pertaining to the Indians in said Territory under the laws and treaties of the United States, Executive order, or otherwise, or to include any territory occupied by any Indian tribe for which title has been conveyed by patent or otherwise from the United States, or to which such tribe may be entitled by law, Executive order, right of occupancy, or treaty, without the consent of said tribe, or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Oklahoma until said tribe shall signify its assent to the President of the United States to be included in the said Territory of Oklahoma, except for judicial purposes as provided herein, or to affect the authority of the Government of the United States to make any regulation or enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

SEC. 2. That there shall be a governor, secretary, Legislative Assembly, supreme court, attorney, and marshal for said Territory, who shall be appointed and selected under the provisions of Title XXIII, chapter 1, of the Revised Stat-

utes of the United States, relating to the government of all the Territories. The provisions of said title shall have the same force and effect in the Territory of Oklahoma as in the other Territories of the United States: *Provided*, That all such officers appointed and selected for said Territory after the said Territory has been organized for a period of five years shall be appointed and selected from the bona fide residents thereof: *Provided*, That the Legislative Assembly and Delegate to the House of Representatives shall not be elected until the President shall order: *Provided further*, That no person shall be entitled to vote at the first election or to be elected to any office who has not been a bona fide resident of said Territory for sixty days previous to said election: *And provided further*, That the council in said Territory shall consist of thirteen members, and the house of representatives shall consist of twenty-six members, which may be increased to thirty-nine.

SEC. 3. That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect in said Territory of Oklahoma as elsewhere in the United States: *Provided*, That nothing in this act shall be construed to interfere with the local governments of any of the Indian tribes which may now be provided for by the laws and treaties of the United States, or which may exist in conformity thereto: *And provided further*, That the supreme court of the Territory shall have jurisdiction and shall embrace all causes of action, crimes, and offenses arising within the limits of the Territory organized by this act; and all laws heretofore passed granting jurisdiction to United States courts within the limits of said Territory are hereby repealed; but cases now pending shall be prosecuted to their final disposition therein the same as if this act had not been passed.

SEC. 4. That the section of country lying between the States of Kansas, Colorado, and Texas, known as the Public Land Strip, is hereby declared to be a part of the public domain of the United States, and shall be open to settlement under the operation of the homestead laws only, but the provisions of section 2301 of the Revised Statutes shall not apply to any entry of any of the lands in said Territory except as otherwise provided in this act: *Provided*, That the sixteenth and thirty-sixth sections of land in each township shall be reserved for school purposes.

SEC. 5. That whenever the Creek and Seminole tribes of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as provided herein, the unoccupied lands ceded to the United States by said tribes under the treaties of June 14, 1866, and March 21, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections in each township, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres in square form to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of such lands. The commission hereinafter created by this act is hereby authorized to confer with the Creeks and Seminoles to ascertain whether said Indians are entitled to any further compensation than that heretofore paid for said unoccupied lands. If said commission shall find that further compensation should be paid said Indians, they may, by negotiation with said Indians, fix the amount of such additional compensation, not to exceed the sum of $1.25 per acre, less the cost of sale and the amounts heretofore paid said tribes in the purchase of said lands; and any additional sum agreed upon by said commission to be paid said tribes for said lands as provided herein, shall be placed to the credit of said tribes in the Treasury of the United States.

SEC. 6. That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as herein provided, the unoccupied portion of the lands west of the ninety-sixth degree of west longitude as agreed to be, ceded according to the provisions of the treaty concluded July 19, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections of said land, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres, in square form, to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of said lands, and said money shall be placed to the credit of the Cherokee Indian tribe in the Treasury of the United States, after deducting the cost of the sale by the United States and the amount heretofore appropriated and paid to the Cherokee tribe as part compensation for said unoccupied lands: *Provided*, That nothing in this act shall be construed to authorize any person to enter upon or occupy any of the lands mentioned in this or the preceding section, for the purpose of settlement or otherwise, until after the said Indian tribes and the commissioners herein authorized have concluded an agreement to that effect as provided herein, and laid the same before the President of the United States, who is thereupon authorized and required to issue his proclamation declaring such relinquished lands open to settlement, and fixing the time from and after which such lands may be taken. Any person who may enter upon any part of said lands contrary to the provisions of this act, and prior to the time fixed by the President's proclamation, shall not be permitted to make entry upon any lands or lay any claim thereto in said Territory. No land-warrant or land-scrip of any kind shall be located on any land embraced in this act.

SEC. 7. That the President may, at such times as he may deem it necessary, direct land offices to be opened in the Territory of Oklahoma, not to exceed four in number, and may nominate and, by and with the advice and consent of the Senate, appoint the usual officers to conduct the business of said land offices; and the Commissioner of the General Land Office shall, when directed by the President, cause the various portions of said lands to be properly surveyed and subdivided, where the same has not already been done. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant; and if it shall appear that said claim was not taken in good faith, he shall refuse a patent and declare all prior proceedings before had in such case to be null and void; and all persons settling on lands under the provisions of this act shall be required to select the same in square form, as near as may be, and to maintain a continuous personal residence of three years on the land, and to improve and cultivate the same for that period in the manner required by the homestead laws before obtaining title thereto; but payments for lands, where payment is required to be made by this act, shall be made in four equal installments, under such rules and regulations as may be prescribed by the Secretary of the Interior, as follows: The first payment shall be made within six months from the time of entry, the second at the expiration of one year from date of entry, the third at the expiration of two years from date of entry, and the final payment shall be made at the expiration of three years from the date of entry: *Provided*, That there shall be reserved public highways 4 rods wide around every section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made in the amount to be paid for each quarter-section of land by reason of such reservation.

SEC. 8. That the procedure in applications, entries, contests, and adjudications under this act shall be in the form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act, shall be applicable to all entries made hereunder, and no patent shall be issued to any person who is not a citizen of the United States at the time he makes final proof and payment. Final proof and payment, except in cases of contest, shall be made within three months after the expiration of three years from the date of entry, and in default thereof, or in default of the payment of any installment of the purchase-money when due, the entry shall be liable to cancellation, and the money paid thereon shall be forfeited to the United States. Lands entered under the provision of this act shall be liable to taxation after the first installment of the purchase-money shall have been paid; but the same shall not be subject to any judgment or lien obtained upon indebtedness contracted or obligation incurred prior to the issue of patents therefor, nor shall such lands be sold, or contracted to be sold, leased, or contracted to be leased, conveyed, mortgaged, or in any manner encumbered prior to final proof or payment and the record thereof made in the office of the register and receiver of the district where the land is located; and any sale, lease, conveyance, or mortgage made, executed, or contracted for prior to such final proof, payment, and record shall be absolutely null and void; and all assignments, transfers, and mortgages of unpatented land entries shall be at the risk of the assignees, transferees, and mortgagees, who shall have no recourse against the United States for any failure of claimant's title before issue of patent: *Provided*, That the provisions of section 2305 of the Revised Statutes of the United States, entitled "Homesteads," shall apply to the provisions of this act.

SEC. 9. That whenever any portion of the lands opened to settlement by the provisions of this act shall be occupied for town-site purposes, and the Secretary of the Interior is satisfied that they are occupied in good faith and are necessary for such purposes, the said Secretary is hereby authorized and directed to cause patents to be issued therefor, under such rules and regulations as he may prescribe, to any legally organized company occupying and entitled to the same, upon the payment in cash of $20 per acre for the lands so occupied. The money so received for each town-site, except such amount as may be required to be paid to the Indian tribes, as provided in sections 5 and 6 of this act, shall be held by the Secretary of the Interior as a separate school fund for the benefit of the people of such town, and shall be expended under his direction for the erection of school buildings and the support of schools therein: *Provided*, That town-sites actually occupied on the Public Land Strip at the date of the approval of this act by not less than one hundred bona fide inhabitants shall be patented to the legally organized company selected by said inhabitants, said sites to embrace the amount of land provided by law: *Provided further*, That all patents issued for town-sites in the Territory of Oklahoma shall contain reservations for parks and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; but no deduction shall be allowed on this account in the amount to be paid for said town-sites as provided in this section; and patents for such reservations shall be issued to the towns respectively when organized as municipalities.

SEC. 10. That all lands in the Territory of Oklahoma not embraced in the provisions of sections 4, 5, and 6 of this act, which are not required by law, treaty stipulations, executive orders, or right of occupancy for the use of any Indian tribe, or which may be relinquished as an Indian reservation, shall be open to settlement under the provisions of this act: *Provided*, That whenever Indian lands are purchased by the United States with the consent of the Indians, and opened to settlement in said Territory, the President of the United States may fix the price to be paid therefor by actual settlers, which price shall in no case exceed $1.25 per acre, and the proceeds shall be held for the benefit of the Indians concerned, as provided in sections 5 and 6 of this act.

SEC. 11. That the President of the United States is hereby authorized and directed to appoint a commission, to be composed of five persons, not more than three of whom shall be members of one political party, whose duty it shall be to open negotiations with the Creeks, Seminoles, and Cherokees, for the purpose of securing the consent of said Indians, so far as it may be necessary, to the provisions of section 5 and section 6 of this act. The commission is authorized to enter into such agreements with said Indian tribes as it may deem necessary to accomplish the purposes of this act, and shall submit the same to the President for his approval or rejection. The compensation of the members of said commission shall be at the rate of $10 per day; and they shall also be allowed, in addition thereto, their actual necessary traveling expenses, stationery, and postage. They shall have power to appoint a secretary, who shall receive a compensation of $6 per day, and such allowances for traveling expenses as he may actually incur. The President of the United States is hereby authorized to enter into agreements at any time with any of the tribes of Indians in the Territory of Oklahoma for dissolving their tribal relations, for holding lands in severalty, and for their ultimate citizenship, and to this end all the provisions of "The act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, shall extend to and be put in force in said Territory at the earliest time practicable.

SEC. 12. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands opened to settlement by this act with a view to their afterward acquiring title to said lands from said occupants; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished, upon indictment, by imprisonment not exceeding twelve months, or by fine not exceeding $1,000, or by both such fine and imprisonment, in the discretion of the court.

SEC. 13. That all leases of lands belonging to the United States or held in common by any of the Indian tribes within the Territory of Oklahoma, as organized by this act, including the Cherokee Strip west of the ninety-sixth degree of west longitude, whether controlled by persons, corporations, or others, except such leases as are held for the purpose of cultivating the soil strictly for farming purposes, are hereby declared void and contrary to public policy; and it is hereby made the duty of the President, within a reasonable time after the passage of this act, to cause the lessees of said lands, and any other persons illegally occupying the same, to be removed from said lands.

SEC. 14. That the act of Congress approved July 25, 1866, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River, and an act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, approved July 27, 1866, and subsequent acts and joint resolutions, so far as said act or acts or joint resolutions apply to any lands included in the provisions of this act, and an act of Congress granting lands to the State of Kansas to aid in the construction of the southern branch of the Union Pacific Railway, and a telegraph from Fort Riley, Kans., to Fort Smith, Ark., approved July 26, 1866, or any other acts of Congress so far as they relate to lands granted in said Indian Territory and the Public Land Strip, except for the right of way and necessary stations as now provided for by law, are hereby repealed; and all or any rights to said lands are hereby forfeited to the United States, and no railroad company now organized, or hereafter to be organized, shall ever acquire any lands to aid in the construction of its road, or in consequence of any railroad already constructed, either from the United States or from any Indian tribe, or from any Territorial government within the limits of the Territory organized by this act.

SEC. 15. That neither the Legislative Assembly of said Territory, nor any county, township, town, or city therein, shall have power to create or contract any indebtedness for any work of public improvement, or in aid of any railroad constructed or to be constructed, nor to subscribe for or purchase any shares of stock in any railroad company or corporation.

SEC. 16. That the provisions of this act shall not be applicable to lands lying

within the limits of what is known as Greer County, nor shall said county be subject to the jurisdiction of the Territory of Oklahoma, until the question of title thereto between the United States and the State of Texas shall have been finally determined in favor of the United States.

SEC. 17. That so much of the lands embraced in the Indian Territory as have not yet been surveyed shall be surveyed, and the incomplete surveys of the lands in the tract commonly known as the "Public Land Strip," or "No Man's Land," shall be completed, as soon as practicable after the passage of this act, according to the terms of existing laws for the survey of the public lands of the United States, and to enable the Secretary of the Interior to carry out the provisions of this section, at the rates now allowed by law for the survey of such lands, the sum of $50,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; the surveys to be executed under the direction of the Commissioner of the General Land Office.

SEC. 18. That the laws of the State of Colorado which are not locally inapplicable or inconsistent with this act are hereby enacted for and put in force in the Territory of Oklahoma, and the governor of said Territory is authorized to appoint all officers for said Territory where appointment or election is provided for under said laws until the Legislative Assembly of said Territory shall otherwise provide.

SEC. 19. That the Territorial government hereby established shall not extend to or exercise any jurisdiction over any part of said Territory of Oklahoma except as to what is known as the Public Land Strip, until the President shall issue his proclamation, as provided in section 6 of this act.

Mr. PAYSON. I demand a second.

The SPEAKER *pro tempore*. A second has been demanded and tellers have been ordered.

Mr. PAYSON. I beg the Chair's pardon, it has not progressed so far.

The SPEAKER *pro tempore*. The Chair thinks otherwise. Tellers have been ordered. The gentleman from Missouri [Mr. WARNER] and the gentleman from Illinois [Mr. PAYSON] will act as tellers.

Mr. SPRINGER. I ask unanimous consent that the vote on ordering a second be waived, and that the motion be considered as seconded in order that this may be disposed of, so as to let another matter come up that is of great importance, the bill to abolish the trust in cotton bagging.

Mr. PAYSON. I object.

Mr. SPRINGER. I supposed the gentleman from Illinois [Mr. PAYSON] was a friend of the bill. I see now that he is willing to defeat it.

Mr. PAYSON. I hope my colleague will not embrace this opportunity to be over-smart. The gentleman from Illinois (myself) has a right to demand a quorum.

Mr. SPRINGER. I will embrace this opportunity to say that the gentleman is doing all he can to defeat the bill.

Mr. PAYSON. To defeat the bill in its present form, yes. I hope there will be no misunderstanding about it.

Mr. SPRINGER. Or in any form.

Mr. PAYSON. I shall oppose any bill for opening up this great territory that does not include the homestead principle as well for the settler as for the soldier. Let that be distinctly understood.

Mr. SPRINGER. This bill preserves the homestead principle in every form, except that it does not allow commutations in any case, and that it requires the settler to pay $1.25 an acre for his land, the amount the Government must pay in order to acquire the Indian title. If the gentleman insists upon the provisions of his amendment, which was rejected by a vote of 114 nays to 49 yeas, he knows the House has already decided against his amendment, and therefore he is against this bill in any shape in which it can possibly be passed. That is, he is against it, unless he can put an amendment upon it which he knows will kill it.

Mr. WEAVER. I call for the regular order. I am glad the gentleman from Illinois [Mr. PAYSON] has disclosed his hand.

The House divided; and, before the completion of the count, the tellers reported—ayes 93, noes 70.

Mr. PAYSON. No quorum.

The vote by tellers was continued.

Mr. PAYSON. I am content to have the result announced now.

The tellers reported—ayes 101, noes 8.

Mr. CLEMENTS. No quorum.

The SPEAKER. No quorum has voted. Gentlemen who desire to vote will please come forward and do so.

Mr. STONE, of Kentucky. I move that the House do now adjourn.

Mr. PHELAN. I ask the gentleman to yield to me for a moment.

Mr. STONE, of Kentucky. I will yield to the gentleman for a minute.

Mr. PHELAN. I have a little bill which I desire to call up, and to which I do not believe there will be any objection——

Mr. WARNER. Mr. Speaker, I do not propose to yield for the introduction of any bills. I hope the House will not adjourn until we have had a vote upon the Oklahoma bill.

Several MEMBERS. Regular order.

The question was taken on the motion to adjourn; and there were—ayes 55, noes 49.

Mr. WARNER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 49, nays 101, not voting 174; as follows:

YEAS—49.

Abbott,	Blount,	Caswell,	Crain,
Adams,	Breckinridge, Ark.	Catchings,	Crisp,
Allen, Mich.	Butler,	Clements,	Culberson,
Bacon,	Carlton,	Cobb,	Dibble,
Bankhead,	Caruth,	Cothran,	Dougherty,
Elliott,	Hemphill,	Latham,	Stewart, Ga.
Felton,	Herbert,	Martin,	Stone, Ky.
Forney,	Hires,	Newton,	Thomas, Wis.
Gibson,	Holmes,	Norwood,	Thompson, Cal.
Grimes,	Hooker,	O'Neall, Ind.	Wilkinson.
Hall,	Ketcham,	Robertson,	
Hare,	Kilgore,	Sawyer,	
Haugen,	Laffoon,	Snyder,	

NAYS—101.

Anderson, Iowa.	Funston,	Morrow,	Smith,
Anderson, Miss.	Gear,	Morse,	Sowden,
Anderson, Ill.	Gest,	Neal,	Springer,
Anderson, Kans.	Glass,	Nutting,	Steele,
Baker, Ill.	Harmer,	Oates,	Stephenson,
Bland,	Hatch,	O'Neill, Pa.	Stone, Mo.
Brewer,	Henderson, Iowa	O'Neill, Mo.	Struble,
Buchanan,	Henderson, N. C.	Osborne,	Symes,
Bunnell,	Holman,	Outhwaite,	Tracey,
Burnes,	Jackson,	Owen,	Townshend,
Burrows,	Johnston, Ind.	Payson,	Turner, Kans.
Campbell, F., N. Y.	Kelley,	Peel,	Vandever,
Cannon,	La Follette,	Penington,	Walker,
Cheadle,	Landes,	Perkins,	Warner,
Chipman,	Lane,	Peters,	Washington,
Compton,	Lanham,	Phelan,	Weaver,
Conger,	Lyman,	Post,	Weber,
Cowles,	Macdonald,	Rice,	Wheeler,
Crouse,	Mahoney,	Rogers,	Whitthorne,
Dockery,	Maish,	Rowell,	Williams,
Dorsey,	Mansur,	Rowland,	Wilson, W. Va.
Dunn,	McClammy,	Russell, Mass.	Wise,
Enloe,	McMillin,	Ryan,	Yoder.
Foran,	McShane,	Sayers,	
French,	Moffitt,	Scull,	
Fuller,	Morrill,	Shively,	

NOT VOTING—174.

Allen, Mass.	Dargan,	Jones,	Rayner,
Allen, Miss.	Darlington,	Kean,	Reed,
Arnold,	Davenport,	Kennedy,	Richardson,
Atkinson,	Davidson, Ala.	Kerr,	Rockwell,
Baker, N. Y.	Davidson, Fla.	Lagan,	Romeis,
Barnes,	Davis,	Laidlaw,	Russell, Conn.
Barry,	De Lano,	Laird,	Rusk,
Bayne,	Dingley,	Lawler,	Scott,
Belden,	Dunham,	Lee,	Seney,
Belmont,	Ermentrout,	Lehlbach,	Seymour,
Biggs,	Farquhar,	Lind,	Shaw,
Bingham,	Finley,	Lodge,	Sherman,
Blanchard,	Fisher,	Long,	Simmons,
Bliss,	Fitch,	Lynch,	Spinola,
Boothman,	Flood,	Maffett,	Spooner,
Bound,	Ford,	Mason,	Stahlnecker,
Boutelle,	Gaines,	Matson,	Stewart, Tex.
Bowden,	Gallinger,	McAdoo,	Stewart, Vt.
Bowen,	Gay,	McComas,	Stockdale,
Breckinridge, Ky.	Glover,	McCormick,	Tarsney,
Brower,	Goff,	McCreary,	Taulbee,
Browne, T. H. B., Va.	Granger,	McCullogh,	Taylor, E. B., Ohio
Browne, Ind.	Greenman,	McKenna,	Taylor, J. D., Ohio
Brown, Ohio	Grosvenor,	McKinley,	Thomas, Ky.
Brown, J. R., Va.	Grout,	McKinney,	Thomas, Ill.
Brumm,	Guenther,	McRae,	Thompson, Ohio
Bryce,	Hayden,	Merriman,	Tillman,
Buckalew,	Hayes,	Milliken,	Turner, Ga.
Burnett,	Heard,	Mills,	Vance,
Butterworth,	Henderson, Ill.	Montgomery,	Wade,
Bynum,	Hermann,	Moore,	West,
Campbell, Ohio	Hiestand,	Morgan,	White, Ind.
Campbell, T. J., N. Y.	Hitt,	Nelson,	White, N. Y.
Candler,	Hogg,	Nichols,	Whiting, Mich.
Clardy,	Hopkins, Ill.	O'Donnell,	Whiting, Mass.
Clark,	Hopkins, Va.	O'Ferrall,	Wickham,
Cockran,	Hopkins, N. Y.	Parker,	Wilber,
Cogswell,	Houk,	Patton,	Wilkins,
Collins,	Hovey,	Perry,	Wilson, Minn.
Cooper,	Howard,	Phelps,	Woodburn,
Cox,	Hudd,	Pidcock,	Yardley,
Cummings,	Hunter,	Plumb,	Yost.
Cutcheon,	Hutton,	Pugsley,	
Dalzell,	Johnston, N. C.	Randall,	

So the House refused to adjourn.

Mr. BAYNE. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. HOOKER. I object.

The following additional pairs were announced:

Mr. SCOTT with Mr. MCCOMAS, until further notice.

Mr. BYNUM with Mr. STEELE, until further notice.

Mr. HUTTON with Mr. ATKINSON, for the rest of the day.

Mr. TAULBEE with Mr. BELDEN, for the rest of the day.

The result of the vote was then announced as above recorded.

The SPEAKER. The tellers will resume their places.

Mr. SPRINGER. Mr. Speaker, I presume it does not make any difference that no quorum has voted on the motion to adjourn.

The SPEAKER. It does not. Less than a quorum may adjourn or refuse to adjourn.

Mr. SPRINGER. Then if a quorum appears on the vote now to be taken, that will cure the difficulty. I will inquire also whether this is a new vote?

The SPEAKER. The Chair thinks that under the practice the vote will have to be taken again, as business has intervened. The question is on seconding the motion to suspend the rules.

The House again divided; and after the count had continued some time,

The SPEAKER said: On this question the tellers report—ayes 57, noes 4.

Mr. SPRINGER. I move that the House adjourn, as within a few minutes we must adjourn at any rate.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 11344) granting a pension to Anna Cloningan—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 11345) for the relief of the heirs and legal representatives of Richard W. Meade, deceased—to the Committee on Claims.

By Mr. FORAN: A bill (H. R. 11346) for the relief of Lucy O. Thompson—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 11347) granting a pension to Eugene Durst—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 11348) to increase the pension of John H. R. Storey—to the Committee on Invalid Pensions.

By Mr. MAISH: A bill (H. R. 11349) for the relief of Adam Carl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11350) for the relief of John W. Zinn—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 11351) for the relief of E. J. Shackelford—to the Committee on War Claims.

By Mr. NICHOLS: A bill (H. R. 11352) granting a pension to William Rommel—to the Committee on Invalid Pensions.

By Mr. SAWYER: A bill (H. R. 11353) for the relief of John H. Ferdun—to the Committee on Military Affairs.

Also, a bill (H. R. 11354) granting a pension to Charles H. Green—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11355) for the relief of the legal representatives of T. J. Cobb, deceased—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 11356) to remove the political disabilities of James C. Long—to the Committee on the Judiciary.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of Franklin Sessions, of Newton County, Mississippi, praying for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, of Sarah McClenachan, widow of William McClenachan, alias James Robinson, late Company C, Third Regiment United States Artillery, war of 1836—to the Committee on Pensions.

By Mr. BUCHANAN: Petition of citizens of Mount Holly, N. J., in favor of bill prohibiting shipment of convict-made goods from State to State—to the Committee on Labor.

By Mr. FORAN: Petition of citizens of Cleveland, Ohio, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, of the Amalgamated Association of Iron and Steel Workers, in favor of protection—to the Committee on Ways and Means.

By Mr. HARMER: Petition of John H. R. Storey, for increase of pension—to the Committee on Invalid Pensions.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. FORAN: Of Dr. E. Sterling, of Cleveland, Ohio.

SENATE.

TUESDAY, *September* 4, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. 8636) for the relief of Isaac N. Enloe was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 11262) to authorize the construction of bridges across the Kentucky River and its tributaries by the Richmond, Nicholasville, Irvine and Beattyville Railroad Company was read twice by its title, and referred to the Committee on Commerce.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* announced his signature of the enrolled joint resolution (H. Res. 14) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts, which had previously been signed by the Speaker of the House of Representatives.

GALVESTON HARBOR IMPROVEMENT.

Mr. COKE. On the 31st of August the Deep Water Convention which assembled at Denver, in the State of Colorado, adjourned after having passed the resolution which I send to the desk and ask the Secretary to read.

The Chief Clerk read as follows:

The following preamble and resolution, by Governor Evans, of Colorado, were unanimously adopted:

"Whereas it is of vital importance to all the vast region between the Mississippi and the Pacific that a harbor deep enough to protect the fleet that will be required to handle the commerce of the whole region of country nearer to it than any Atlantic seaport be constructed on the northwest coast of the Gulf of Mexico as soon as practicable; and

"Whereas such harbor is of such great national importance that it is worthy of an ample appropriation from Congress for its construction; and

"Whereas we have already requested the present members of Congress to favor such an appropriation, but would make that request more emphatic: Therefore,

"*Be it resolved*, That the Legislatures and people of all the States and Territories included in the region described be earnestly requested hereafter to elect no Senators, Representatives, or Delegates to Congress except such as are known to be heartily in favor of such an appropriation and will earnestly and faithfully work for it until such a harbor is completed."

Governor Evans insisted that the deep-harbor issue must be made a sectional one, and be fought from the primaries up.

Mr. COKE. The States and Territories represented in this convention were Iowa, Missouri, Wyoming, Arizona, Texas, and Kansas. I have received from the deep-water committee of the city of Galveston a memorial addressed to the President, the Senate, and the House of Representatives of the United States in favor of a deep-water harbor of the first class at Galveston, Tex., which it is desired shall be considered in connection with the resolutions of the convention just read. I ask unanimous consent that the memorial, which is a very valuable one as a statement of facts, be printed in the RECORD.

The PRESIDENT *pro tempore*. Is there objection?

Mr. DAWES. I should like, before the Senator from Texas takes his seat, to call his attention to the peculiar phraseology of the resolution. While it may be a very proper thing, as I doubt not it is, to petition Congress for such an appropriation, to distinctly announce that no man shall have the vote of anybody unless he shall do so and so when he gets into Congress is an unusual phraseology to say the least. I call the attention of the Senator to it.

Mr. COKE. That is the resolution *verbatim* of the Denver convention. I will suggest to the Senator from Massachusetts that the people have ways of their own and do things to suit themselves.

Mr. DAWES. But the propriety of sending such a public announcement to Congress and have it put upon the records here is a matter to which I call the attention of the Senator. It is very proper for the people to express their opinions and intentions about voting for men who entertain particular opinions. That is all well enough; but to announce in Congress upon what terms members of Congress can obtain the votes of the petitioners is an unusual phraseology.

Mr. COKE. The resolution, I will state to the Senator, was not sent to Congress by this convention. It was taken from a paper giving the proceedings of the convention. I presume if the convention had been addressing Congress it possibly might not have used that language, although I regard the language as being simply expressive of the very earnest desire of the convention on the subject. It simply emphasizes their wishes.

Mr. DAWES. I do not mean to say that there was any improper motive behind such phraseology, but it is precisely the phraseology that one would choose who did have improper motives; and therefore, if the convention did not send it to Congress and it is simply moved by the Senator from Texas, I do not regret that I have called his attention to the phraseology.

Mr. COKE. Nor do I regret, Mr. President, having presented the resolution. I think it is a very proper resolution.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Texas that the memorial be printed in the RECORD?

Mr. HOAR. I should like to make one observation in regard to this matter. The memorial which has just been presented by the Senator from Texas affords one among ten thousand evidences of the close connection which binds the business interests of this country.

Some two or three years ago I was visited by the representative of a very important business firm in the city of Boston, having engaged in large trade with the State of Texas, who called my attention to this very improvement, and bespoke my interest in it, and spoke of it as being of great interest to an important commercial house in the city of Boston, which I, with my colleague, represent here.

It is a strong one among the many evidences of the great importance to all parts of this country, not merely to special localities or sections, of improvements in the great harbors and great rivers over which commerce among the States in this country and commerce with foreign nations in part is conducted. I may here refer to what Mr. Webster stated in a speech of his made to his constituents at home after he had voted for a large expenditure to remove either a rock or a shoal in the harbor of Mobile. He received a letter from an enthusiastic constituent reproaching him very severely for that vote in spending so large a sum of public money for a harbor so distant from his own home. Mr. Webster replied to him that however that might be, a very valuable vessel, with its cargo, belonging to a very near neighbor of the writer of the letter had been wrecked on that very shoal or rock in Mobile Bay a few weeks before.

I desire to assure the Senators from Texas that it will give the representatives of the commerce of Massachusetts the very greatest pleasure to support this desire of their own constituents when the time shall come.

The PRESIDENT *pro tempore*. Is there objection to the printing of the memorial in the RECORD? The Chair hears none.

The memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Memorial to the President, the Senate, and the House of Representatives of the United States for a deep-water harbor of the first class at Galveston, Tex.

On behalf of six millions of people, sparsely occupying an area of 800,000 square miles, embracing the States of Texas, Kansas, and Colorado, the Indian Territory and the Territories of New Mexico and Arizona, with parts of other States and Territories contiguous, equal in extent and fertility to other portions of the Union having a population of 35,000,000, annually producing for shipment as surplus products five hundred millions of values, we respectfully urge that, within your several spheres of constitutional power and obligation, you lend your earnest aid to the vigorous prosecution of the improvement of the entrance of Galveston Harbor as a port of the first class, and that the driblet system of uncertain and inadequate appropriations for this work be abandoned, and provision be made by the appropriation of the balance of its estimated cost for carrying the work to speedy completion without interruption.

There is no engineering difficulty or doubt as to practicability; the exercise of no doubtful political power is invoked; no complaint is made of the official channel through which the work is being prosecuted; no change of plans or increase of estimates is asked; but only that for the wasteful procrastination of uncertain and inadequate appropriations there be substituted by sound statesmanship and practical wisdom business methods, and a subject so intimately affecting the welfare of so large a part of your fellow-citizens be dealt with in the fair and liberal spirit its importance demands, and an appropriation be made *in solido* of the balance of the estimated cost to complete this work, and thus give to the producing interests of this portion of the Union access to the markets of the world by the shortest lines to deep-water transportation.

The Government, through the Bureau of Engineers, is now engaged in this work on plans for 30 feet of water across the bar, at a total estimated cost of $7,000,000, of which sum it has already expended $300,000, and $500,000 is appropriated by the present bill. The present plans and estimates were adopted in 1886, at which time Maj. O. H. Ernst was first assigned in charge of the work. Prior to that time, in some tentative engineering experiments, the Government had wasted on the work at Galveston, distributed over a period of thirteen years, $1,481,782.84. There was also expended by the Government engineer lately in charge, $100,000, subscribed by the city of Galveston. The city of Galveston itself expended, efficiently, under the supervision of its own officers, in the years 1873, 1874, and 1875, $170,000 in improving the inner navigation of the harbor. Nor have the citizens of Galveston meanwhile been unappreciative or the inadequate manner in which the deep-water problem was being dealt with at this port, or otherwise inactive in the matter. In 1883, in response to their invitation, a proposition was obtained from the late James B. Eads for 30 feet of water across Galveston bar at a cost of seven and three-quarter millions of dollars—"no water, no pay." In his letter of December 6, 1883, containing this proposition, Captain Eads says:

"A less channel than 30 feet should not be contemplated by your city, inasmuch as cheap freights require vessels of deep draught, and there is no reason why such works should not be constructed at Galveston as would place her harbor within the reach of the largest carriers now contemplated. * * * At least 20 feet could be relied on within two years after the work is begun, and about 2 or 3 feet each year thereafter until the 30 feet is obtained. The deepening would continue slowly under tidal action for several years thereafter, and I should expect it to reach at least 35 or possibly 40 feet before a permanent regimen would be established through the channel. * * * I have estimated the necessary works at Galveston to secure a permanent channel 30 feet deep at seven and three-quarter millions of dollars, for which sum I will construct the same, and will agree the payment therefor shall depend solely upon the increased depth obtained."

A committee appointed by the city council of the city of Galveston attended the sessions of the Forty-eighth Congress and urged the adoption of the Eads proposition. A favorable report was secured from the Committee on Commerce in the Senate, and the passage of the bill in that body reasonably assured. Before the Committee on River and Harbors of the House the subject was earnestly debated by General Newton, then Chief of the Bureau of Engineers, by Captain Eads, and by the members of the Galveston committee. The river and harbor bill had already been reported with the usual perfunctory provision of $250,000 for Galveston. On the motion of the member from Galveston district, by instructions, this appropriation was stricken out and the port of Galvestom omitted from the bill. On the reference of the Eads bill to the House committee, the opposition to it proved effective, and, in the last days of the session, a compromise was had, the committee reporting as an amendment to the general bill an appropriation of $1,000,000 for Galveston for the ensuing fiscal year, with provision for superintendence by Captain Eads. The river and harbor bill failed of passage, and Captain Eads's engagements did not permit of his subsequently renewing his proposition. The diagram of the territory natural to the port of Galveston, with accompanying statistics, prepared by the Galveston News during the pendency of the Eads bill, is referred to in this connection.

The revision of the plans and estimates by the board of 1886 places, it is believed, the views of the Bureau of Engineers and Captain Eads in substantial accord, both as to engineering plans and as to cost of the work.

Within the last six years the river and harbor bill has thrice failed to become a law, having been vetoed once by a Republican President, once by a Democratic President, and again failed of passage.

The Society of American Civil Engineers lately caused a careful examination to be made by the National Press Intelligence Company of New York of two thousand newspapers with a view of obtaining a reflex of public opinion on the general bill, with the following result: Twenty-two papers in favor of, and one hundred and twenty-nine papers against the bill. The relief required at Galveston should not depend on so uncertain a measure.

Pending the discussion of the Eads bill, by direction of the Secretary of the Treasury, an elaborate report was furnished by Mr. Nimmo, then Chief of the Bureau of Statistics (Senate Miscellaneous Document, Forty-eighth Congress, No. 111), on the importance of deep water at Galveston. That officer says:

"The harbor at Galveston, having a depth at its entrance at the present time of only 14 feet, is the best harbor on our entire Gulf coast from the mouth of the Mississippi to the Rio Grande. It is also believed to be the one most susceptible of such improvements as would constitute a harbor of the first class. Its superiority to the other ports of Texas is clearly indicated by the Coast Survey charts and by the fact that the principal railroads of this State extend to Galveston or connect with railroads terminating at that point. * * * The value of railroad properties in the State of Texas is about $160,000,000. This large expenditure of private capital in supplying means of internal transportation in Texas expresses faith in the resources of this State, and emphasizes the importance of securing for it a first-class seaport. Such expenditure stands also as the strongest indorsement of any practical plan for the accomplishment of that object. The proposed improvement of the entrance to the port of Galveston would constitute a connecting link between this great system of internal transportation and the ocean, nature's great free highway of commerce. If the proposed depth of 30 feet at the entrance to the port of Galveston can be secured, that port would become the nearest and most accessible first-class seaport for the States of Texas, Kansas, and Colorado, the Indian Territory, and the Territories of New Mexico and Arizona, and parts of the States and Territories adjoining those just mentioned. * * *

"It may be remarked also in this connection that the central portions of the State of Kansas are about equidistant from Chicago and Galveston. * * * If the harbor of Galveston shall be so improved as to admit the entrance of vessels of the largest size, the various railroads connecting this city with Arkansas, Western Missouri, Western Iowa, Kansas, Nebraska, Colorado, and New Mexico will become active competitors with the railroads extending east, not only with respect to trade with Europe, but also with respect to the trade between the area referred to and the chief Atlantic seaports. * * * This competition would assert itself not only in the transportation of the products of the interior by way of Galveston, but also, and perhaps to a greater extent and more beneficially, in the regulating influence which it would exert over the rates charged by all the east and west railroads extending from Chicago to the Atlantic seaboard. The magnitude of the advantages which would be thus afforded to the commercial and industrial interests of the country it is impossible accurately to compute or even approximately estimate, but the great importance of such advantages is clearly apparent. * * * In view * * * of the vast area of country the commercial and industrial interests of which would be directly subserved by the proposed improvement in the harbor of Galveston, and by the fact that such improvement would also, through competition, directly benefit a very large proportion of the whole country, it appears proper to characterize that project as a work of great national importance."

The report calls attention to a letter accompanying it from Capt. R. W. Meade, of the United States Navy, from which the following extract is given:

"When once over the bar the harbor of Galveston is commodious and well sheltered. The approach to the coast is easy and safe, and from an experience of eighteen months in command of a blockader in 1864 and 1865, I can say that it is, as to weather and approaches, one of the safests of coasts."

On the 21st day of December, 1887, a State immigration convention was held at Dallas, Tex., and was largely attended from all sections of the State. That convention adopted the following resolutions:

"Whereas the great State of Texas, with its varied and extraordinary resources, developed and in process of development and still undeveloped, with an ocean border of over 500 miles, is without a seaport of sufficient magnitude to properly accommodate the maritime commerce necessary to the work of sufficiently developing the grand stretch of States and Territories whose natural water way to the markets of the world is the Gulf of Mexico; and

"Whereas through this condition the agricultural and pastoral interests of the State have been retarded in a very large degree, and the matter of economic ocean transportation burdened at the expense of the producers of a section of country greater in extent than all the rest of the United States put together; and

"Whereas the cotton-growers of Texas have borne their share of the burdens which lack of a proper seaport has inflicted upon the people of the State, yet, greatest of all inflictions, through this condition has fallen upon the cotton interests of the State, and in an eminent degree likewise upon the grain-growers of Texas; and

"Whereas the efforts of the General Government, through the recommendations of the board of United States engineers, for many years past to give a deep-water seaport to Texas, have been defeated by the system of desultory action and scattering methods, resulting in waste of means and failing in the accomplishment of any substantial good: Therefore be it

"*Resolved*, That it is the sense of this convention—called together for the purpose of devising ways and means to best make known the resources of the great State of Texas and to induce thereto honest labor and honest energy, and as a correlative branch of this convention—that the Texas delegation in Congress be urgently requested to unite their efforts in that body for securing deep water on the Texas coast at one point, that point to be by the best lights before them and according to their best judgment, but to unite in a common practical way to obtain the desirable end, heretofore defeated by desultory action and scattering methods.

"*Resolved*, That it is the sense of this convention that the end herein sought will be best attained by concentrating upon one point, demonstrating the practicability of the methods employed, giving to the State a deep-water seaport, and paving the way for other seaports on the Texas coast as necessity and development warrant."

A committee, composed of Messrs. S. B. Maxey, D. C. Giddings, D. A. Nunn, J. P. Smith, Bryan T. Barry, W. D. Cleveland, John Hancock, B. H. Davis, W. L. Moody, and J. W. Throckmorton was appointed and charged with the presentation of the resolutions to the Texas Senators and members of the House. That duty the committee performed, visiting Washington for the purpose.

In Appendix T of the annual report of the Chief of Engineers for 1887, will be found the report of Maj. O. H. Ernst on the improvement and progress at Galveston. Attention is called to the following extracts therefrom:

"The sum asked" (for the fiscal year ending June 30, 1889) "is $3,000,000. No very extended explanation of this recommendation seems to be required. A present annual trade of $73,000,000" (not including the coasting trade except by Mallory and Morgan steam-ship lines) "and a prospective trade of vastly greater proportions is hampered by an obstruction which it is in the power of Galveston to remove. The necessity of the improvement is notorious. The evil results of attempting its removal with inadequate means are almost equally notorious. It is submitted that the interests at stake require that the work should now be undertaken seriously." (See third page of cover for statistics accompanying report.)

On the 11th and 12th of July, 1888, a deep-water convention was held at Fort Worth, Tex., attended by some seven hundred delegates from every portion of the State, and also by delegates from various commercial bodies from the State of Colorado. Resolutions were adopted urging vigorous measures by Congress for obtaining a port of the first class on the Texas coast. Prior to the meeting of the Fort Worth convention, the secretary of the Fort Worth Board of Trade addressed the honorable Secretary of War, requesting that an officer of the Engineer Corps should be detailed to attend the convention for the purpose of imparting information. That request was referred to Major Ernst, in charge of all works on the Texas coast, except at Sabine Pass. That officer responded as follows:

UNITED STATES ENGINEER OFFICE,
Galveston, Tex., July 7, 1888.

SIR: I have to-day received your letter of the 18th ultimo, addressed to the Honorable Secretary of War, requesting him to permit an engineer officer of the War Department to attend the convention to be held at Fort Worth on the 10th instant, who is to bring with him charts and details bearing upon the subject of a deep-water port upon the Texas coast, and explain the same to the delegates. This letter has been referred to me, with the permission of the Secretary of War to attend the convention in my private capacity and not as a representative of the Government.

I regret to say that official business, made pressing by the recent close of the fiscal year, will prevent me from being present in person at the convention; also

that charts suitable for explaining the situation of the various harbors to an assemblage of several hundred delegates would have to be specially prepared, and for that there is now neither time nor money available. The best that I can do under the circumstances is to present a few facts, which may be of service in aiding the convention to reach an opinion upon some of the questions to be brought before it. I shall confine myself mainly to the engineering features of the subject.

The coast-line of Texas from Sabine Pass to the Rio Grande measures about 375 statute miles. In this distance there are four points which are now receiving the attention of the Government with a view to harbor improvement, namely: Sabine Pass, at the eastern extremity of the line, Brazos Santiago, at the western extremity, Galveston, 65 miles from the eastern extremity, and Aransas Pass, 138 miles from the western extremity. Pass Cavallo and the mouth of the Brazos River have also been the subject of expenditure, but the present Congress has discontinued the work at those places.

The channel depth over the bar at date of last reports was at—

	Feet.
Sabine Pass	8
Galveston	12½
Aransas	8½
Brazos Santiago	5

All measured at mean low tide. Foreign vessels which now visit the Texas coast draw about 20 feet, and to accommodate them there should be not less than 20 feet depth of channel over the bar. It can be obtained by suitable improvements at Sabine, Galveston, and Aransas, but not at Brazos Santiago. For safe anchorage these vessels require about 24 feet in the harbor. The area of water 24 feet deep is at—

	Acres.
Sabine	100
Galveston	1,304
Aransas	60

The improvements designed to furnish 20 feet depth over the bar at these places have been begun. To complete them there remains to be appropriated after deducting the amounts provided in the river and harbor bill now before Congress, for—

Sabine	$2,379,000.00
Galveston	2,200,000.00
Aransas	1,471,000.00

Dividing these numbers by the number of acres of deep water, we find the cost per acre to reach the anchorage is, for—

Sabine	$23,790.00
Galveston	1,687.11
Aransas	24,516.17

The depth of 20 feet over the bar, which is sufficient to answer the most immediate pressing needs of Texas, is not sufficient to admit many large commercial vessels and ships of war. To accommodate these an extension of the improvements at Galveston is contemplated, designed to give a depth of 30 feet at a cost of four millions additional to the amount mentioned above. No 30-foot channel over the bar has been projected at either of the other places. The area of water 30 feet deep is, at—

	Acres.
Sabine	63
Galveston	463
Aransas	19

It is thus seen that the natural advantages which created Galveston and made her the principal port of the State still exist to maintain her pre-eminence. She has no rival. But while she is now the only port of any prominence, and must always be the principal one, it does not follow that secondary ports can not be made and are not needed. Aransas Pass, in particular, is 172 miles from Galveston, and its railway furnishes the shortest line to the coast for a large part of Western Texas. The improvement of that entrance is desirable for the purpose of creating a harbor of refuge in addition to providing a highway of commerce. The same is true, though perhaps in a less degree, of Sabine Pass. I believe that the best interests of Texas require the development of both Galveston and Aransas, and possibly of Sabine Pass. The latter locality not being in my district, is not so well known to me as the others.

Trusting that your meeting may be a harmonious one, and that it will result in benefit to the State of Texas,

I remain, sir, very respectfully, your obedient servant,

O. H. ERNST, *Major of Engineers.*

Mr. THOS. J. HURLEY,
Secretary Board of Trade, Fort Worth, Tex.

The depth of water on Galveston bar by the last official report was 12½ feet. A later survey, just completed but not yet made public, will, it is believed, show 13½ or 14 feet.

Inside Galveston bar there are 1,304 acres of 24 feet depth; 463 acres of 30 feet depth, and a considerable acreage of 40 and 50 feet depth. It may be confidently stated that there is no fair question of the success of this work according to present plans and estimates. It is believed that it will be completed within a period of between two and three years, if the money is furnished to allow of the work going forward without interruption.

The phenomenal development of that portion of our country naturally tributary to the port of Galveston by its great increase in population, manifold industries, and interior lines of transportation render the necessity of deep water at Galveston most exigent, and constitute just cause for dealing with the improvement now in progress with exceptional vigor.

It is alike a power and a duty devolved upon the General Government, and is without the domain of State and municipal action or private enterprise. The amount of money required is not equal to 5 cents per bushel on the annual corn crop of Kansas, and scarcely exceeds a half cent per pound on the annual cotton crop of Texas, which will be saved to the producers by cheaper freights in a single year.

The necessity is obvious, the emergency great; we invoke a broad spirit of patriotism which shall make possible the right development of this great region of country.

Mr. BLAIR. I wish to ask, though slightly out of order, in relation to the memorial from Texas just ordered to be printed, if it is the one that is upon the tables of Senators this morning?

Mr. COKE. Yes, sir.

Mr. BLAIR. I will inquire if the order to print embraces the picture and advertisement of the Galveston News?

Mr. COKE. That was taken out.

Mr. BLAIR. I should think that would be perhaps as useful in the way of an advertisement as any part of the memorial. Certainly Galveston is the center of the universe from its appearance on the map here presented. I have rarely seen anything in any of the mountain books of my own country that really would be such an advantage to a locality as this superb production of the Galveston News.

Perhaps the Senator from Massachusetts who took part in the conversation on this subject has had his attention called to the illustration in the memorial. As far as I am concerned, I should be glad to give my assent to the reproduction of the illustration as well as the memorial. I think it would suit his constituents; and probably something of the kind should be filed as an offset from the enterprising city of Boston, and New Hampshire would come in for a very favorable illustration, if there could be the precedent established. It is much better than the printed matter, and what is to be found on the back of the document, the editorials and the statistics of Galveston and that vicinity, are of very great importance. I do not notice anything in regard to the condition of illiteracy in that State, but it bears with great force and comprehensiveness and ability upon everything else, upon everything relating to the material development of that great Commonwealth.

I shall not make any request myself, but indicate the pleasure it would give me to have the illustration reproduced in the RECORD, as well as the memorial itself.

Mr. COKE. The copy of the memorial handed the Secretary to be incorporated in the RECORD did not contain the map which accompanied the memorial referred to by the Senator from New Hampshire. It would take too much space in the RECORD; but if it is necessary for the information or for the pleasure of the Senator from New Hampshire, I am perfectly willing that on his suggestion the map shall be published with the memorial.

Mr. BLAIR. I made the suggestion, but I have made so many other useful suggestions to the Senators from Texas which they have not accepted that I am discouraged.

Mr. CULLOM. I suggest that there is probably a rule which would prevent the map going in without a motion to print being referred to the appropriate committee.

The PRESIDENT *pro tempore*. Practically there is no question before the Senate, because the paper sent forward to the desk by the Senator from Texas does not contain the map or the advertisement.

Mr. COKE. It does not contain them.

Mr. BLAIR. I observe that the memorial is not signed by anybody.

Mr. PADDOCK. If the Senator from New Hampshire is through with his playfulness I should like to make a report.

Mr. BLAIR. I do not hear the Senator.

REPORTS OF COMMITTEES.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3429) granting a pension to Maria N. Abbey, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 4038) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4039) granting a pension to Mary A. Pfeiffer, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS. In this connection, I move that the House of Representatives be requested to return to the Senate the bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire, and the bill (S. 3087) granting a pension to Mary A. Pfeiffer.

The motion was agreed to.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11030) granting a pension to Susan E. Latture;
A bill (H. R. 10007) for the relief of Henry Rose;
A bill (H. R. 10629) granting a pension to Washington Ryan;
A bill (H. R. 9169) granting a pension to Tempy M. Johnston;
A bill (H. R. 1085) granting a pension to Thomas Rains; and
A bill (H. R. 9182) granting a pension to Ransom Riley.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9975) granting a pension to Joseph Welsh;
A bill (H. R. 10672) granting a pension to Mighill H. Patten;
A bill (H. R. 11029) for the relief of Mary Vanbuskirk;
A bill (H. R. 2474) granting a pension to Joseph Lincoln Young; and
A bill (H. R. 9935) to increase the pension of Isaac Hurd.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3457) granting a pension to Abigail Farley;
A bill (H. R. 8200) granting a pension to Lydia Ann Wilber;
A bill (H. R. 2073) granting an increase of pension to Daniel Willborg;
A bill (H. R. 7457) granting a pension to Eleanor D. Heath;
A bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustav W. Geyer;
A bill (H. R. 10103) granting a pension to William Fairbanks; and
A bill (H. R. 10944) granting a pension to Victoria May.

BILLS INTRODUCED.

Mr. McPHERSON introduced a bill (S. 3509) granting a pension to Horatio M. Ellison; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3510) to declare unlawful combinations in restraint of trade, production, and manufacture, and to punish persons and corporations concerned therein; which was read twice by its title.

Mr. CULLOM. I believe that one or two bills on this subject have been referred to the Committee on Finance and perhaps another was sent to the Committee on the Judiciary. I am somewhat at a loss to know where the bill belongs, but I am inclined to think it ought to go to the Committee on Finance, as it is a matter touching the revenue laws somewhat.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance, if there is no objection.

Mr. CAMERON introduced a bill (S. 3511) to increase the pension of John H. R. Storey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 3512) granting a pension to Daniel Kendall; which was read twice by its title, and referred to the Committee on Pensions.

DETROIT RIVER AND ST. CLAIR FLATS.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to report to the Senate whether in the navigation of the Detroit River or the St. Clair Flats, at the mouth of the St. Clair River, the channels in ordinary use for commercial purposes are in waters under the jurisdiction of the United States or of the Dominion of Canada, and what difference exists, if any, in the depth of water available for purposes of navigation between the parts of said river or of said flats which are within the respective jurisdictions named.

DISTRICT ELECTRIC WIRE HEARING.

Mr. HARRIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia be, and it is hereby, authorized and empowered to employ a stenographer to report hearings before said committee on the subject of overhead electric wires in the cities of Washington and Georgetown, the expenses therefor to be paid out of the contingent fund of the Senate.

CAMPAIGN WORK BY A SENATE EMPLOYÉ.

Mr. FARWELL. Would it be in order for me to call up now for consideration the resolution which I reported yesterday?

The PRESIDENT *pro tempore*. It would not.

Mr. FARWELL. I will ask unanimous consent——

The PRESIDENT *pro tempore*. The Chair lays before the Senate as morning business a resolution coming over from yesterday submitted by the Senator from Missouri [Mr. VEST].

The resolution submitted yesterday by Mr. VEST was read, as follows:

Resolved, That the Committee to Examine the Several Branches of the Civil Service be instructed to inquire whether employés of the Senate, whilst receiving pay, and when the Senate has been in session, have been engaged in preparing partisan campaign literature for the purpose of advancing the interests of the Republican party in the pending canvass, and whether publication of the matter so prepared has been published by an employé of the Senate with his official character printed thereon, and what legislation is necessary to prevent and punish such conduct, and that said committee report by bill or otherwise.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. PLUMB. Mr. President, one good turn it is said deserves another. The advertisement which the Senator from Missouri gave yesterday to a Republican publication I think ought to be fairly returned by an advertisement in favor of a Democratic publication. I hold in my hand a book entitled "Hand Books of the Tariff, No. 1. Tariff from the White House. Extracts from the Messages. Henry Talbott, clerk to Committee on Ways and Means"—meaning the clerk to the Ways and Means Committee of the House of Representatives, and of course Democratic. The Senator will observe that this is only No. 1. I am told that No. 2, from the same hand and with the same title page, changed only to meet the change of the matter, is in press and will be out in a few days.

I do not care to have any part of these pages read, because I do not deem it necessary to do anything more than merely call attention to it. It is a complete parallel to the case mentioned in the resolution of the Senator from Missouri.

Mr. BLAIR. It is only a little one.

Mr. PLUMB. As the Senator from New Hampshire says, it is "only a little one" anyway. It is not as large as the one the Senator from Missouri called attention to; but I will ask the Senator from Missouri if he does not think on the whole he had better discipline his own side of the House before he arraigns any one on the Republican side?

Because of what the Senator from Missouri said on yesterday from the text of Mr. McKee's book about the severe and simple civil service of this Administration, as illustrated by the acts of the President in the case of two United States district attorneys, one Democratic and one Republican, I wish to call the attention of the Senate more particularly to the case of Mr. Benton. The Senator said in the opening of his remarks that he called on the President immediately after he had suspended Mr. Benton, and the President announced to him in very emphatic terms that he intended to treat everybody alike and to apply the same rule to Democrats that he did to Republicans.

I have in my hand the remarks which Mr. Benton made while occupying the office of district attorney, and which led to his removal, the reading of which begets in me somewhat conflicting emotions. I will read those remarks as reported in a St. Louis paper at the time. The speech was delivered October 11, 1885.

Mr. VEST. In what paper?

Mr. PLUMB. I am not sure whether it was the St. Louis Post-Dispatch or the St. Louis Globe-Democrat, but I have an extract from the Post-Dispatch before me, a Democratic paper, stating that the statement as published was true, and then I have the affidavits, beside, of some more people, including two or three members of the church and so on, who heard the speech delivered.

Mr. BLAIR. Were they Democrats?

Mr. PLUMB. I do not know whether they were Democrats or not. I do not know really that it is necessary for a minister to be a Democrat in order to be able to tell the truth. Among other things Colonel Benton said:

It is the truth that the Democracy is the poor and ignorant party of the country—the great barefooted, unwashed, and dirty-socked party. * * * I don't agree with President Cleveland in everything. I don't believe in his civil-service humbuggery. I do believe in genuine civil-service reform, but I don't want men under me to work every conceivable dodge to defeat me and my party at the next election. But he believes it, and he is a man with iron nerves. * * * I don't agree with Mr. Cleveland on the silver question. He was raised east of the Alleghany Mountains, and he gets his ideas from that region. He never has been west of Buffalo, and has not any more idea of the great West and its vast material resources than the mere schoolboy who learns it from studying geography. He gets his ideas on finances from the gold-bugs of Wall street, who once demonetized silver and had it—the dollar—stricken from the coinage act clandestinely and without the consent of the people. He learns his financial theories from Wall street, the leeches that suck the blood of the honest yeomanry of the West like vampires. That is where Mr. Cleveland gets his ideas of finance.

When he wrote his gratuitous letter on the subject of silver coinage, even before he was inaugurated as President, he illustrated where he got his ideas, and he struck a blow at the West in the interest of the bondholders and money sharks, and I feel like sinking down in my boots; but when REAGAN, of Texas, and others stood up in their dignified manhood and wrote to him that he was the Executive and not the law-making power, and I saw these Democrats battling for their rights and the rights of the people against his assumptions, I rejoiced again that I was a Democrat.

Here it is marked in parentheses that there was "tremendous applause."

I do, in a great measure, indorse his administration. For the most part I indorse his vetoes of pension bills, but not every one. He vetoed ninety-seven pension bills, eighty-one of which had been rejected by Commissioner W. W. Dudley, whose name is odoriferous all over the country. I am not here to defend every one of his vetoes, but in the main I do.

I have here an article from the St. Louis Post-Dispatch of December 9 following, in which the statement is made upon the authority of that newspaper that the speech as reported, from which I have read, was substantially correct, and there is given as authority Mr. W. T. Sullivan, who makes his statement under oath, which is supported by the testimony of Judge Frank Ewing, of the Daviess County probate court, a prominent Democrat, who, when approached on the subject of Mr. Benton's speech, reluctantly admitted that Sullivan's report was substantially correct, saying further:

I am afraid Benton made use of the language attributed to him. I am a strong Cleveland man myself, and I've got no use for any son of a gun who will draw a salary from the Government with one hand and rip it open with the other as Benton did.

I have here the following statement:

GALLATIN, Mo., *December* 14, 1886.

We have read the report of a speech made by United States district attorney for the western district of Missouri, Col. M. E. Benton, at Gallatin, Mo., October 11, 1886, and hereto attached, and having heard the speech delivered by Colonel Benton, we state that the report of the same is substantially correct.

That is the report which I have read, which was signed by William M. Bostaph, attorney at law and ex-county clerk; John A. Keck, attorney at law; Boyd Dudley, lawyer, as to civil service and Cleveland's knowledge of the West; Hadly Brown, ex-county treasurer; A. H. Blakley, farmer and ex-justice of the peace for twelve years.

A similar statement is made by Elder J. K. Reid, pastor of the Christian Church, and Oscar Saylor, attorney at law, and others, as follows:

The proof of the correctness of report of Benton's speech at Gallatin, the following-named Democrats would testify to its substantial correctness:
Elder J. K. Reid, pastor of the Christian Church.
Oscar Saylor, attorney at law.
Ed. E. Yates, chairman Democratic county central committee.
Frank Ewing, probate judge.
William D. Hamilton, prosecuting attorney.
Jesse McClure, attorney at law.
William L. Brosius, M. D.
D. Harfield Davis, druggist, late editor Gallatin Democrat.
Joshua F. Hicklin, attorney at law.
James F. Nealand, member of city council.
T. B. Yates, president Farmers' Exchange Bank.

I ask that the article from the Post-Dispatch, to which I have referred, may be inserted in the RECORD at this point.

The article is as follows:

[From the St. Louis Post-Dispatch, December 9, 1886.]

Senator GEORGE G. VEST and other friends of Col. M. E. Benton, United States attorney for the western district of Missouri, are very much exercised over the attorney's unfortunate penchant for doing and saying the wrong thing on important occasions. Within the past week Senator VEST has been called upon to put forth his utmost influence to save Benton from a second and final suspension from office. Charged first with neglecting his official duties to bolster up the Democratic party by making campaign speeches, Benton was reinstated on his own and Senator VEST's representations that he had attended strictly to the business of his office, and had always been a true and faithful servant of the Administration.

Last week President Cleveland was surprised by the published report of a speech said to have been made by Benton, at Gallatin, Mo., in which the policy of the Administration was severely criticised, and the President himself personally attacked for his attitude on the silver question and civil-service reform. The President is reported to have been very angry when he heard of Benton's abuse of the Government under which he served, and it was generally believed at Washington that the district attorney would be severely dealt with. Senator VEST again rushed to Benton's rescue, and advices from the capital this morning indicate that the President has again been convinced that the charges against Benton are untrue and that Benton is an ardent admirer and supporter of the Administration. A Post-Dispatch reporter, who visited Gallatin since the publication of Benton's speech, ascertained that the best of reasons exist for believing that the speech was delivered as reported by Mr. W. T. Sullivan and that it abounded in unpleasant reflections upon President Cleveland and his policy. Mr. Sullivan has made affidavit to his report which charges Benton with having referred to the President's "civil-service humbuggery" and gives Benton credit for having discovered that "Cleveland gets his financial ideas from the gold bugs of Wall street."

Mr. Sullivan's affidavit is supported by the testimony of Judge Frank Ewing, of the Daviess County probate court, a prominent Democrat of Gallatin, who when approached upon the subject of Benton's speech reluctantly admitted that Sullivan's report was substantially correct. "I am afraid Benton made use of the language attributed to him," said Judge Ewing. "I am a strong Cleveland man myself and I have got no use for any son of a gun who will draw a salary from the Government with one hand and rip it open with the other as Benton did. He said in effect that the President draws his inspiration on the silver question from the gold-bugs of Wall street, and referred to Cleveland's civil-service policy as 'humbuggery.' Benton's remarks were very ill-timed and injudicious. The Democrats of Daviess County brought him here to make a good, old-time, whoop-'em-up Democratic speech, hoping by advertising him as a nephew of old Tom Benton to draw out a number of old Democratic voters. He did not make the kind of speech we expected and threw a fire-brand in our midst by attacking President Cleveland."

"Then Mr. Sullivan's report is correct?"

"Yes, I believe it is."

Judge J. F. Hicklin, Democrat, ex-prosecuting attorney of Daviess County, said: "I heard Mr. Benton's speech, and I believe that Sullivan's report of it is in the main correct. Benton certainly criticised the President severely on his civil-service record. He claimed as a Democrat the right to express his own opinions, and he did not hesitate to give utterance to them in a forcible manner. I thought at the time that his language was somewhat inappropriate, coming from one of President Cleveland's appointees."

Mr. T. B. Yates, president of the Farmers' Exchange Bank of Gallatin, and a prominent Democrat, had heard Benton's speech. "So far as I remember, Benton criticised the President's civil-service reform policy, and was not very choice in his language, either. I believe he referred to it as civil-service 'humbuggery.' While I hold practically the same views on this subject as Mr. Benton, still it struck me at the time that Mr. Benton might have found something else for discussion in a Democratic speech. I do not think that he should have gone out of his way to find fault with the President. I did not hear Benton's remarks on the silver question."

Mr. D. Harfield Davis, formerly editor of the Gallatin Democrat, said: "The impression produced on me by Benton's speech was very unfavorable to the speaker. I thought that Benton should not have criticised President Cleveland's policy, for the reason that in principle Mr. Benton is as much a part of the administration as is Mr. Cleveland. He did not hesitate to take issue with the President on civil service and the silver question, and expressed himself very forcibly. He did not think that the President had pursued the proper course, and, while I don't remember his exact language, I think that Mr. Sullivan has reported it correctly."

Mr. PLUMB. I do not really think it makes very much difference to any Republican what the Democratic party or any member of it may think, or even what any office-holder may think, about the President of the United States. I introduce this, however, for the purpose of showing the contrast between the action of the President taken in the case of Mr. Benton, who abused his Administration, and the case of Mr. Stone, who made a political speech, in which he did not abuse the Administration.

At the time this was new matter, current news, Hon. John M. Greer, of Pennsylvania, made this certificate:

BUTLER, PA., *November* 30, 1885.

I was present and heard the speech of Col. William A. Stone, at Butler, and he did not mention the President or his Administration.

JOHN M. GREER.

Yet the President of the United States in his letter in which he refused to reinstate Stone after he had reinstated Benton, alleged as the reason why he did not reinstate Stone, that he (Stone) had abused his Administration. I do not know what he would call abuse if he could not find something of that same kind in the remarks which Mr. Benton undoubtedly made, and which I have quoted.

But, Mr. President, the Democratic party is evidently growing upon the President of the United States since he got into the saddle. He has seen here probably the greatest struggle for office, has participated probably in the greatest scramble for official place that has ever been known on this continent. More aspirants for office have interviewed him, more have solicited him, more solicitations have been made in behalf of applicants by Senators and members of the House than probably ever vexed the eye, the ear, the nostrils of any other President since this Government began.

Last June, shortly after the renomination of the President of the United States, he had occasion to express himself upon certain things in a brief way which will probably find amplification some of these days, if not forgotten, in a letter of acceptance, in a speech which he made to the committee which notified him that he had been nominated as President by the St. Louis convention. I will read a few sentences from his remarks then for the purpose of emphasizing what I have just said about the results of his intercourse with the members of his party. He goes on to say:

This occasion reminds me most vividly of the time when, a few years ago, I received a message from my party similar to that which you now deliver, and with all that has passed since that day I can truly say that the feelings of awe with which I heard the summons then is intensified many fold when it is repeated now.

When I got that far along I thought I understood the President thoroughly; that in view of this pulling and hauling and this contention of the "dirty-socked Democracy," as described by Mr. Benton, in his presence, of this focusing and concentration of all the solicitations for office contained in that party after its hunger of twenty-four years, he naturally must have been inspired with some feeling of awe at least, if not of absolute fear. He continues:

Four years ago I knew that our chief executive office, if not carefully guarded, might drift little by little away from the people, to whom it belonged—

That was before he had taken office—

and become a perversion of all it ought to be. But I did not know how much its moorings had already been loosened. I knew four years ago how well devised were the feelings of Democracy for the successful operation of a Government by the people and for the people, but I did not know how absolutely necessary their application then was for the restoration to the people of their safety and prosperity.

There had not been quite as many vetoes during the preceding administration as was necessary, as he seemed to say, in order to assert the executive dignity and its relative importance.

I knew then that abuse and extravagance had crept into the management of public affairs—

He probably had not then footed up the estimates and expenditures of his Administration during the three years since he came into power, and did not then know they were about $100,000,000 in excess of those under his predecessor—

but I did not know their numerous forms or the tenacity of their grasp. I knew then something of the bitterness of partisan obstruction, but I did not know how bitter, how reckless, and how shameless it could be. I knew, too, that the American people were patriotic and just, but I did not know how grandly they loved their country nor how noble and generous they were.

The individual who could rise from the contemplation of the feast which the President of the United States has had before him for the last four years and say that until he had entered upon that feast, until he had come for the first time to the city of Washington and been brought in contact with all this self-seeking, with this backbiting, with this defamation and everything of that kind which was voided upon candidates and applicants, etc., in the contention about spoils, that it took an atmosphere of that kind to enable him to know how patriotic the American people were, it seems to me must have lived in an hermetically-sealed vessel somewhere from 1861 to 1865. It is true the city of Buffalo was tolerably near the border, but I think there must have been the sound of fife and drum in the streets there during those perilous times. I think there must have been something to indicate that the great principles and the Government itself were at stake. I think he must have seen, unless he closed his eyes, some one, father, mother, or brother, who sent forth of the bravest and best of their household to be given as a sacrifice on the altar of their country.

I should hope that no one under the flag was obtuse enough to say that that was not patriotic, and that, after having gone through that, side-tracked as he was, out of sympathy, perhaps, with everything that was going on, he never had found in the whole course of his life anything which emphasized the patriotism of the American people until he had come in contact with the so-called "dirty-socked" applicants for office in the Democratic party.

This is a family quarrel, Mr. President, so far as it relates to Mr. Benton and the President. My only excuse for intruding it at all is the fact that the spectacle of the President of the United States holding an even balance between a Republican district attorney and a Democratic district attorney was paraded before the Senate yesterday as the reason why the Senate should visit condemnation upon one of its clerks who had ventured in his off-hours to do exactly what he probably knew was done, what was at all events going on, by a fellow-clerk in the House of Representatives who happened to belong to the other party.

There is more literature upon this subject which I do not care to bring to the attention of the Senate, but there is enough to indicate that Mr. Benton was doing exactly what Mr. Stone was accused of doing, but what Mr. Stone did not do; and that notwithstanding that under the influence of my friend from Missouri, who has a right to plume himself on his influence with this Administration, and is thoroughly entitled to it in every respect, he was enabled to have Mr. Benton reinstated, while Mr. Stone was not reinstated, and therefore the comparison which he invited between the stern Roman virtue of Mr. Cleveland treating Republicans and Democrats alike and this act of partisanship manifested by a clerk of the Senate, it seems to me, fails of its purpose.

Mr. VEST. Mr. President, I have simply to say in reply to that portion of the Senator's remarks in regard to an employé of the House of Representatives who has published a work, as I understand the Senator (for I have never seen it), over his signature as an employé of the House, that if that has been done the same rule should apply to him as to Mr. McKee. No employé of either the Senate or House has the right to publish a partisan work over his official signature. I stated it so distinctly yesterday that nothing but partisan misconstruction could attempt to put any other meaning upon my language. Mr. McKee has the most perfect right to publish what he pleases over his personal signature as a citizen of this Republic, but I state now most emphatically, and I do not think that after the clouds of partisan combat have been removed there can be any doubt about it, that no employé of the Senate, Democratic or Republican, should use his official position to send partisan publications to the people of the United States. If it be done by one side it may be done by the other, and the dignity and fairness which have always characterized the Senate of the United States will most certainly be destroyed by any such proceedings.

In regard to Mr. Benton, that is old straw which has been thrashed time and again. I could detain the Senate for hours reading affidavits to the effect that Mr. Benton made no such utterances as those which have been read by the Senator from Kansas, and it is most astonishing that in all the debates we have in this Chamber which partake of anything like a partisan character, Senators upon that side persist in bringing in the declarations of their own people tinged with partisan malevolence towards their political opponents.

The St. Louis Globe-Democrat is the most extreme partisan paper west of the Mississippi River, and notoriously so. The St. Louis Post-Dispatch is not a Democratic paper, but is an independent paper which opposes the Administration when it sees proper to do so and opposes the Democratic party when it sees proper.

Mr. PLUMB. Allow me to ask the Senator in regard to the Post-Dispatch, if it is not published by Mr. Pulitzer, of the New York World?

Mr. VEST. Yes, sir; it belongs to him.

Mr. PLUMB. The New York World is a Democratic paper. I will ask the Senator if the Post-Dispatch ever supported the Republican ticket? Does it not practically support in Missouri at all times the Democratic ticket, although making short excursions in other directions at times?

Mr. VEST. The Post-Dispatch is an independent paper. It does not consider itself bound by party nominations, and when the Senator asks me if Mr. Pulitzer does not own and conduct that paper, I simply point to an instance in the capital of the country, where the Post is published, and although a majority of the stock is owned by an avowed Democrat, it is published to-day in the interest of the Republican party, and notoriously so.

Mr. BLAIR. The Washington Post?

Mr. VEST. Yes, sir.

Mr. BLAIR. I say if it is published intentionally in the interest of the Republican party, it certainly lacks ability to accomplish its own end. [Laughter.]

Mr. VEST. I do not question the right of the Washington Post to declare its sentiments upon one side or the other, but I state most emphatically that if it be a Democratic paper it is the most complete failure politically that has ever been known in journalism in this country. Heaven defend the Democratic party if that is a Democratic paper. [Laughter.]

Mr. BLAIR. I did not wish to raise any issue of facts with the Senator, but I do not desire to be understood as assenting to any of his conclusions regarding the Washington Post.

Mr. VEST. I ask nobody to assent to conclusions. I state notorious facts, and I state that the Democratic party is not responsible for the utterances of the St. Louis Post-Dispatch any more than it is for those of the Globe-Democrat, and every Missouri Democrat knows what I say to be true.

When these charges were made against Mr. Benton he promptly and personally over his own signature declared them to be false. Affidavits were obtained, and affidavits could be obtained to any allegation in a partisan canvass. Many of those affidavits came from utterly unreliable sources. Senators drag in here the name of one W. T. Sullivan, who edits a paper in Gallatin, Mo., that in partisan malevolence is a disgrace to journalism and to civilization; a man who when the President of the United States was accused of having committed a disloyal act in removing the Confederate flags, or in proposing to give them back to the States, used language in regard to the President that I will not pollute this presence in quoting; a man who has falsified in every way possible, personally and publicly, the truth in order to defame Democrats and the Democratic organization; a man who manufactured a libel in regard to me personally, without one particle of foundation, simply and solely because I happened to be a Democrat and he a member of the opposite party; a man who would not be believed on oath as to any party matter in the State of Missouri, even by members of his own party.

Mr. PLUMB. Let me hear what the Senator says there. He would not be believed on oath? Does the Senator doubt the independent editor of the St. Louis Post?

Mr. VEST. That publication in the St. Louis Post-Dispatch was made simply as a matter of sensational news, without any personal knowledge on the part of that editor. Mr. Sullivan, of this Gallatin paper, pretended to give his statement——

Mr. PLUMB. But that paper alludes to Judge Ewing, in that county, and another Democrat of the county who made a statement to the effect that Mr. Sullivan had stated the matter about correctly.

Mr. VEST. I have a bundle of papers which would take up the time of the Senate for two hours, showing that Judge Ewing was mistaken, and that Mr. Yates, who made that statement which was read here, afterwards came out in a public card and said he was mistaken. It was in the confusion of a large mass meeting, and we know with what facility men misconstrue the utterances of a stump-speaker in a canvass of great asperity and bitterness. All these facts were laid before the President pro and con, and I made the issue that Benton had been misrepresented, that he had made no such statements, and I filed affidavits in addition to Benton's own personal statement, and the President passed upon the matter as a question of fact and came to the conclusion that Benton had not made these assaults upon his administration which were charged against him.

The Senator from Kansas has taken a wide range in this discussion and comes back to the utterances of the President complimentary toward the people of the United States based upon his more intimate knowledge of them as their chief executive officer. Is it to his discredit that after nearly four years of administration over all the people of the United States he gives this public testimony as to their patriotism and as to their zeal for the welfare of this whole country?

Is that a crime? Would the Senator put a lock upon the President's mouth and if he chances to say anything complimentary to the people of the United States, who have paid him the highest honor that can be given to any mortal man, should that be seized and distorted to his disadvantage? If the Senator wants to go into this whole canvass as to the civil-service reform and the manner in which it has been conducted, I would be glad to know what Senator it was on that side of this Chamber who told Mr. Foster, the chairman of the club association of the Republican party, that he wanted to fry the fat out of the Pennsylvania manufacturers in order to elect a Republican President. If we are to go into crimination and recrimination and cross-examination, let us know who that was, or let us know that Mr. Foster has stated a falsehood publicly over his own signature. The two Senators from Vermont deny emphatically that they made any such statement. Who was it? And when that question is answered, I propose to go further into the details of this campaign.

Mr. REAGAN. Mr. President, the Senator from Kansas, in the course of his remarks, took occasion to refer contemptuously to the "dirty-socked Democracy."

Mr. PLUMB. Oh, no, Mr. President, I only quoted what a member of that party said about it. I did not say anything about it myself.

Mr. REAGAN. The gentleman first read that remark from a paper and then repeated it on his own responsibility.

Mr. PLUMB. I only repeated it as coming from Mr. Benton. If Mr. Benton is a United States district attorney, he ought to be good Democratic authority. If he is, let the Senator make his complaint of him and not of me.

Mr. REAGAN. I only wish to say that, supposing the Senator from Kansas to be a kind-hearted and good-feeling man, I was inclined to make a suggestion that he ought to be more kindly disposed to those who have been so useful and so serviceable to his party for the last twenty-odd years. We have had a peculiar sort of legislation during the time the Republican party controlled the legislation of Congress; a sort of legislation which had for its object—at least it certainly had for its effect—to tax the laboring masses of the people for the benefit of corporations, bondholders, and other holders of money. "The dirty-socked Democracy" have had a great deal of these taxes to pay; a very great deal.

Mr. PLUMB. I might say that "the dirty-socked Democracy" were the means of creating all of those taxes themselves.

Mr. REAGAN. The gentleman will not escape the responsibility of what he says by raising a question about the war. I shall not go into that with him and I am not going to raise any question about the amount of debt that was imposed upon the country. I have no fault to find with the action of the Government in its financial policy during the time that debt was created. I doubt not that the best policy which could be pursued under the circumstances was pursued, but the time came when the abundance of paper money and the redundancy of the circulation rendered it of less value than coin; indeed, at one time I believe it took about $2.60 of paper to buy $1 in coin. What I complain of is what occurred after that. The Democracy was not responsible for the fact that in 1869 the Republican party in Congress, with the approval of a Republican President, passed a law which took away from the people the right to pay off the public debt in the kind of currency in which it was created, for up to that time the bonds of

the Government were payable in lawful money, in gold and silver coin and in legal-tender notes. Specie payment had been suspended and it was not resumed until nine years after that time, in 1878, and notwithstanding that in 1869 a law was passed by the Republican party in the interest of the bondholders and moneyed classes, under the title of "An act to strengthen the public credit," declaring that the bonded debt should be paid in coin, gold and silver, alone. That reduction of the kinds of money out of which this debt could be paid, that reduction of the volume of the currency out of which this debt could be paid, was not a result of the war. It was the deliberate purpose to increase the value of the bonds and to increase the burdens of the people in order to make the bonds more valuable.

Mr. HOAR. May I ask the Senator a question?

Mr. REAGAN. Certainly.

Mr. HOAR. I desire to ask the Senator if he has the slightest doubt that President Cleveland and every Democratic Secretary of the Treasury entirely approved the policy he now criticises?

Mr. REAGAN. It is possible the Senator may be right. I have never agreed with the policy of the Administration on the subject of the finances. I have never concealed the fact that I did not agree with it.

Mr. BLAIR. May I ask the Senator a question?

Mr. REAGAN. Certainly.

Mr. BLAIR. Does he include the men referred to by the Senator from Massachusetts as among this "dirty-socked Democracy" that he is defending?

Mr. REAGAN. I shall have to let the Senator answer his question for himself. I do not know what class of Democracy he would assign this to. But I desire to say in addition to what I was saying upon that subject that while I do not approve the policy of the Administration upon the subject of coinage and currency, I do approve most heartily of the other policy of the Administration.

Mr. HOAR rose.

Mr. REAGAN. I shall be much obliged to gentlemen if they will allow me to proceed a little while.

I do believe that Mr. Cleveland has given the country a faithful, honest administration that has shown great ability with that grandeur of moral courage which has enabled him under circumstances of great trial to defend the Constitution and under circumstances of greater trial to protect the Treasury of the United States against plunderers, and I feel as anxious for his success in this election as any Senator or any other man in this country, because I believe it is for the best interests of the country that he should succeed. If he happens to agree with the Republican party upon the financial question, and there is no other question upon which he agrees with them. I would not surrender the opportunity of benefiting the country because I may differ with the Administration upon a single question and turn it over to the very party which has enacted the legislation which it is my purpose to call attention to now.

At the time this was done the public debt of the United States was $2,588,000,000. It is difficult to realize what a billion of dollars means. A single billion is more seconds than there have been since the birth of our Saviour. This enormous debt has been hanging over the people, and when the Government found it necessary to improve its currency by a reduction of the volume of its notes, by funding them, in order to induce the funding of them, and I make no question that it was the best to be done under the circumstances, it authorized the sale of bonds for currency at par, and a very large part of the bonds were taken that did not cost the holders more than 50 or 60 cents on the dollar. In 1869, when the currency had somewhat appreciated over what it was when they purchased the bonds, they ought to have consented to let the bonds be paid off in the same sort of currency; but it was the interest of the bondholders, the interest of the money-holders, that they should be paid in coin, though they were bought with paper worth 50 cents on the dollar, and the Republican party gave them that opportunity at the expense of "the dirty-socked Democracy" of this country.

Again, sir, in 1873 the bondholders found that "coin" was not good enough for them, not good enough for the payment of the bonds which cost them 50 cents on the dollar, and then a Republican Congress, with the approval of a Republican President, suspended the coinage of silver and declared it should not be receivable in payment for any debt exceeding $5 in amount in one payment; so that half the metal money of the world was taken away from "the dirty-socked Democracy," who had to aid in the payment of this enormous debt because of the action of the Republican party, and that, too, in the face of the fact that this country was the largest silver producing country in the world, producing at that time, as it does now, about 40 per cent. of all the silver that is mined from the earth, holding a boon in this respect which any other nation on the earth would have paid countless millions to possess; that is, any nation consulting the interests and prosperity of its people; and we who were blessed with this boon of furnishing the country with a metallic money, which had been the money of this country from the foundation of the Government and a part of the money of the world as far back as we know its history or traditions, set aside silver as money in order to increase the value of the bonds held by the bondholders, the pets of the Republican party, and to benefit the bankers and other money holders.

Not content with this, in 1875, when there were only four hundred millions of legal-tender notes still outstanding, the Republican party, with the approval of a Republican President, passed a law requiring that after the 1st of January following the passage of the act they should be canceled, destroyed, and retired from circulation; and that, too, at a time of a financial crisis so appalling as to produce bankruptcy all over this country and caused debtors to be unable to pay their debts, citizens to be unable to pay their taxes; and the newspapers of every county from Maine to California were filled with advertisements of property, real and personal, for sale for taxes. Why? Because of the dearth of currency; because of the contraction which had been produced in the interest of the bondholders for the purpose, as Republicans alleged, of getting down to hard pan, which they seemed to regard as a panacea for all our evils at that time. They passed this law in 1875. So that portion of our money was to be taken away from "the dirty-socked Democracy," who did not hold the offices, who did not pass the laws, and who did not control the public policy, but who had to help foot the bills and pay the taxes. An attempt was made to deprive "the dirty-socked Democracy" of that means of aiding to pay the public debt and their private debts and taxes.

When the Democracy got control of the House of Representatives in the Forty-fourth Congress they went to work to repeal the law, after some fifty or more millions had been retired under it, which authorized the taking up of this currency, and they struggled for that until they secured its repeal in 1878 and preserved to the people as currency three hundred and forty-six millions and some odd dollars to aid in the industries of the country and to reward the labor of the country, and preserved it as money for the use of the people, instead of making it a bonded debt to increase the burdens of the people still more.

Mr. PLUMB. Will the Senator allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. PLUMB. I would ask, in the first place, whether he does not recall that Mr. Manning, the late Secretary of the Treasury under this Administration, in his report for 1886 recommended the retirement of all the greenback notes?

Mr. REAGAN. The gentleman need not quote that authority upon me. He need not quote it upon the Democratic party. The Democratic party is not responsible, it never was responsible for it, as test votes in the two Houses of Congress for twelve or fourteen years have shown conclusively, and I hope the gentleman will not put Republican doctrine to me to know whether the Democratic party is responsible for it.

Mr. PLUMB. Inasmuch as the Senator says that the Democratic party is not responsible for Mr. Manning, let me ask who is responsible?

Mr. REAGAN. The gentleman can have his opinion about that. I simply desire to add a few words to what I have said, if the gentleman will allow me. He can state what he pleases when I yield the floor. I will be soon through.

I was showing that as soon as the Democrats got control of the House of Representatives they commenced the struggle to repeal that law and preserve the currency. I say the Democrats did it, because in the House of Representatives the great body of the Democrats voted for it, while a good many Republicans, mostly Western Republicans, did so too, but the majority was Democratic, and in the Senate the same sort of public opinion, although it was a Republican Senate, aiding the Democratic policy, struck down this blow at the industrial interests of the country.

Mr. PLUMB. The Senator will permit me to ask him who was the member of the House of Representatives who introduced the bill of which he has spoken?

Mr. REAGAN. I can not call the particular name, but there were a great many bills introduced.

Mr. PLUMB. The bill that was actually passed, I will say for the Senator's information, and he can easily verify it, was introduced by Mr. FORD, of Illinois, a Republican Representative from that State.

Mr. REAGAN. There were some Western Republicans very earnestly in favor of this measure, but I say it was the Democratic party which repealed the Republican legislation on that subject; and when I speak of the Democratic and Republican parties, I mean the controlling elements of those two parties. At the same time the Democratic party undertook the work of trying to remonetize silver and make it again a part of the money of this country, and in 1878 the same class of Republicans, Western Republicans, representing agricultural and industrial interests in this country outside of corporations, aided them to secure the coinage of silver dollars in an amount of not less than $2,000,000 nor more than $4,000,000 a month, making them a lawful tender in all payments and providing for silver certificates and making them a legal tender for taxes and dues of all kinds to the Government, thus restoring to the American people the use of the $346,000,000 of legal-tender notes, and restoring to the people the use of their traditional coin money.

This was some of the work of "the dirty-socked Democracy" in trying to help themselves into a position of some sort of capacity to help pay the enormous taxes which had been imposed on them by the Re-

publican party for the purpose of aiding and enriching and making millionaires of bondholders and other money lords.

Mr. PLUMB. The Senator from Texas seems to have got away from the line of discussion which preceded his remarks into what was a very interesting field, however, and all the more interesting because, if I understand him, the policy of this Administration, which he does not deny, is one which makes the difference between poverty and affluence; and yet, if I understand him, not so much by what he said as by what he expects to do and what he is now doing, he is supporting the very Administration which makes this difference, and that is a difference by which this Administration is put on the side of affluence and against that of poverty.

Mr. REAGAN. I want to tell the Senator that I would rather have one branch of the Government wrong than to let the Republican party govern, which is wrong all over.

Mr. PLUMB. The Senator found but one thing that was wrong, or, at all events, which he thought it was proper to characterize, and that was the question of dealing with the currency; and now he confesses that this Democratic Administration is pursuing a policy in the interest of the bondholders which is against the people, which makes for affluence against poverty, which is in favor of classes against the masses, and yet on that very strong declaration he finds it in his way to very zealously support such an Administration. I think by the time he has had some further experience of this Administration he will probably become as complacent as some others have become. I will call his attention to the fact that not only is this Administration so minded, but that the Senate at the present session, on one of the days of last March, passed an act providing for the issuance of silver certificates to take the place of retiring national-bank notes in order that there might be no further contraction of the currency, and the Democratic House of Representatives has not only side-tracked it, but made it absolutely certain that it will not be passed at least during this session. So it seems to me that the Senator must not quarrel only with one branch of the Government controlled by his party, but with both of them.

Mr. STEWART. Mr. President, I sympathize very deeply with my friend from Texas [Mr. REAGAN], concurring with him in much that he has said. There have been serious mistakes in our financial legislation, and particularly in the legislation relating to silver. I appreciate the embarrassment under which he labors and the necessity for some excuse for supporting the present Administration and the re-election of Mr. Cleveland. Since Mr. Cleveland was elected President the price of silver has been depreciated, mainly by his efforts, over 17 per cent. Two-thirds or nearly three-fourths of the two Houses declared that under the laws as they existed every dollar of public debt was payable in either gold or silver, after full discussion in the Senate and the House in 1878, and in the same year the Bland act was passed providing for the coinage of a limited amount of silver. Notwithstanding all this, after the election of Mr. Cleveland, but before he was inaugurated, he sent a message or wrote a letter to the Democratic members of the Forty-eighth Congress strongly urging, if I remember correctly, the repeal of the Bland act and all laws providing for the coinage of silver, and assigning as a reason that if they were not repealed we might be driven to the humiliating position of paying in silver bonds which ought to be paid in gold, and he predicted all sorts of ruin if that was not done.

Further along in the summer, in July, 1885, he authorized a gentleman by the name of George Walker, consul-general at Paris, to attend the monetary convention that convened in Paris at that time, and who informed them that the public sentiment in the United States had changed; that there was a growing sentiment in favor of the repeal of the Bland act, and that his administration would do all it could to accomplish that purpose. When Congress assembled he informed us of what he had done in that regard. Not only that, but on the assembling of Congress in 1885 he repeated his urgent request.

Mr. REAGAN. I want to ask the Senator if the President said that.

Mr. STEWART. Yes.

Mr. REAGAN. I had not heard that before.

Mr. STEWART. I am not quoting his exact language; I am giving the substance of it. The President in his message to Congress indorsed what George Walker had stated to the monetary conference and said that he had sent him there for that purpose. Then when Congress assembled in 1885, the President sent an urgent message demanding nearly, urging at all events, the immediate repeal of the Bland act and the discontinuance of the coinage of silver, and predicting ruin to the country if it was not done.

Following that, in 1886 he sent a similar message with a similar prediction.

That is not all. The persons whom he selected to go to Europe to consult European financiers as to the silver question were monometallists—Manton Marble in 1885 and Edward Atkinson in 1887.

The fact has already been adduced that we amended the bond-purchasing bill in the Senate by a vote of 28 to 13 by adding an amendment requiring the Secretary of the Treasury to purchase and coin sufficient silver to take the place of the national-bank notes retired and so to prevent further contraction. It is understood to-day, and it has never been denied, that through the influence of the Treasury Department that bill was smothered in the Committee on Ways and Means in the other House, and the House has not had an opportunity to vote for it, because it is very well known that in that House probably three to one are really in favor of the free coinage of silver. When the Democratic national convention met it put nothing in its platform in regard to silver, although a large part of the party were in favor of doing so, bowing to the President's will in that regard.

The election of President Cleveland with his disposition to use the veto power makes it almost impossible that there should be any relief in the next four years from this oppression if he shall be re-elected. He is in favor of the single gold standard and the payment of bonds in gold. All his Secretaries of the Treasury have advocated that policy, and the re-election of Cleveland holds out to the country that policy and only that policy, and going so far as to take the legal-tender power from all greenbacks, to withdraw the legal-tender power of greenbacks, and to proceed to get to the single gold standard. The Senator well knows what effect that has produced upon this country. He knows very well that the prices of wheat and cotton have followed the price of silver down. Every fall in silver has produced a like fall in wheat and cotton. He knows very well that the purchasing power of silver in every country which has retained silver for its legal standard is the same that it ever has been, that a rupee in India will buy as much wheat to-day as it ever would, and he knows very well that that gives the English operator the chance to come to America and buy cheap silver, buy it at over 30 per cent. discount and invest it in wheat in India at par, and by means of which last year India exported to the European markets about 40,000,000 bushels of wheat. She had no exports of wheat at the time silver was demonetized.

He knows very well that it is cheap silver that enables India and Russia and other wheat-producing countries that retain the silver standard to undersell American wheat in a market where it has to be paid for with gold. He knows very well, if he has studied this question, that cotton and wheat are both lower than they ever were in the history of the world; they have reached a lower point in value. He knows very well how the property of the people of this country is mortgaged, how impossible it is for them to relieve themselves from the pressure of these mortgages on account of the low price of wheat and cotton and the high price of money. He knows very well that Mr. Cleveland has the same view that the bankers have of good money. "Good money" with them means scarce money; "good money" with the bankers means hard times. That is their definition of it, and still you hear them quoted as authority.

Why do you not quote the various trusts? Why do you not quote the whisky trust and the cotton trust and the sugar trust and the Standard Oil trust and other trusts? Why do you not quote the declarations of those concerned in them in favor of trusts to prove that those trusts are proper? And why do we have constantly quotations from the money trust? Why do we have in the Treasury Department only those who are taught to believe that there can be no good money but scarce and dear money; that when money is sufficiently plenty so that the people can prosper, that is bad money. Why does this Administration continue to intrench in that Department people that only view one side of the question, only view the interest of the bondholders? Why is it that the Senator is supporting such an Administration as that?

Mr. REAGAN. Will the Senator allow me to ask him a question?

Mr. STEWART. I would rather not be interrupted for a minute. I have some other things to say.

Mr. REAGAN. I would like to ask the Senator a question at that point.

Mr. STEWART. I know the Senator from Texas at heart is in favor of the people; I know he is opposed to the oppression that the President of the United States is bringing upon his country; I know he sympathizes with the farmers who are being sold out; I know that he wants silver remonetized; but he has fallen into another trap which will be as severe on them as this. If he will read the history of the past, if he will use sound common sense, he will know that the more goods bought abroad the more money will be sent out to buy the goods and to pay balances. If he will examine the history of the tariff of 1833 when it got in full operation, with a sliding scale as it had, when the full force of it was reached, it bore this country into that crisis of 1837 which robbed every enterprise of success, made bankruptcy everywhere and distress universal, when all the money was taken from the country. It became dearer than by any other act of contraction, it became dearer even than by the demonetization of silver. Property was valueless because there was no money with which to buy it. The circulating medium was sent abroad. It was sent abroad to pay for the glut, as Lord Brougham called it. He said the English could well afford after the war of 1812 to lose money by flooding and destroying the American market and forcing us to take their commodities. I say that glut took the money from this country in 1837.

Will the Senator look a little further? It is true the act of 1846 did not produce as bad effects as that of 1833, and there are very few who understand the reason why. It would have produced ruin but for two

circumstances. The Mexican war made business. The people can stand almost anything in war. And then the gold from California came in time to save the country from bankruptcy, to furnish a constant flow of gold to be exported. It induced railroad building and enterprise, and the country endured that tariff for eleven years. But it will be remembered at the end of eleven years the fatal tariff act of 1857 was passed, and notwithstanding the flow of gold continued that was the last straw which broke the camel's back. The glut came, the money went, and again came universal bankruptcy. And now at this crisis, when the money is contracted, and when this Administration is advocating its further contraction, when prices are lower than they have been in a hundred years, when the Western farms are covered with mortgages, when the loss of our circulating medium would be fatal, the Senator, I understand, is in favor—I hope he is not, but I fear he is in favor—of free trade, in favor of taking off our tariff, in favor of allowing England and all the world to throw their surplus in here again. Withdraw our currency and then you will have dear money.

These I understand to be the cardinal principles of this Administration—the single gold standard, the withdrawal of our scanty circulating medium to buy goods abroad, whereby the people of this country will be deprived of money with which to do business; and the Senator contemplates with complacency the picture that is before him here of inevitable bankruptcy from the policy of this President, and still his Democracy holds him to it. I know the Senator is a patriotic man; I know that he believes in the people. I have spoken in his praise to my people for the efforts he made in behalf of silver and other great reforms, but I am sorry to see him now following the lead of this man who is in sympathy with the single gold standard and free trade, the twin sisters of destruction to our people. The single gold standard contracts the currency; free trade withdraws what is left and leaves the country in ruin. I am sorry, I say, that my friend from Texas can contemplate with composure the spectacle that is before him with the election of Mr. Cleveland, if that calamity can possibly happen.

Mr. REAGAN. Mr. President, I am obliged to the Senator from Nevada for his kindness and sympathy and sorrow for my unfortunate position. I simply ask him to reverse that picture and look through the other end of the glass. The Republican party, which brought about the condition of things which contracted the currency, which demonetized silver, and which is responsible for it, has no condemnation from him, and he is supporting that party when he knows that the great body of the Democratic party agrees in sentiment with him, and the Democrats in both Houses of Congress hold the same views which he does, and yet he fails to act with them and acts and votes with the party that has produced the very condition of things which he laments and condemns.

Mr. STEWART. Will the Senator allow me a word?

Mr. REAGAN. Certainly.

Mr. STEWART. We know two things which reconcile me to my position. We know that Cleveland will veto any bill giving relief looking to the remonetization or recoinage of silver, and we know that Harrison will not.

Mr. REAGAN. I do not see how the Senator knows that. If he does, he knows that Mr. Harrison has changed his position since he was in Congress. I see no indication of it, and Senator Harrison, the Republican candidate for President, would not dare to avow what the Senator avows for him. If he did, he would lose the support of the very men who are urging his election, because he is a practical representative of those who favor class interests at the expense of the public.

But I have no speech to make. I simply want the Senator to reverse that glass and look at himself supporting and vindicating a party that brought these things about and refusing to act with the great body of the Democratic party in correcting them. I shall express no sorrow for it. He does not want that. If he does not mind he will express the sorrow for himself after a little while.

Mr. STEWART. I like my condition. The Republican party has declared in favor of the use of both gold and silver as money—not as a depreciated coinage, but as money. The Republican party is the party in favor of the tariff and opposed to the withdrawal of what money we have to buy goods elsewhere, which is the precipice over which if we ever step ruin is inevitable, because it has always followed. Like causes will continue to produce like effects. Free trade will contract the currency, destroy business, and produce bankruptcy. We have as much contraction as we can stand. I will go with Democrats or Republicans for any measure of reform, but I will not fight under the banner of any man who I know is in favor of either free trade or the contraction of the currency to further rob the people, and I will not act in conjunction with any clique in New York of importers, agents for foreign manufacturers, to enable them to get our markets for Europeans, nor will I act in harmony with their coadjutors, their partners, the money kings, who like free-traders because they are connected in business with free-traders, and also because free trade will make money scarcer in this country and enhance the value of their bonds and their money. I say that I will not fight under that banner, and I am astonished that any Democrat should fight under a chieftain who believes in contracting the currency by narrowing it down to a gold standard and then robbing the people of what is left by sending the money abroad to buy commodities elsewhere.

Mr. BLAIR. Mr. President, it is rather a difficult thing, at least I should imagine it would be, for one to take part in funeral exercises with the corpse absent, which is my situation just now, for I intended to address myself to the Senator from Texas [Mr. REAGAN] for a moment, but he has disappeared, and I will say what little I have to say without any very special reference to him.

Mr. STEWART. Will the Senator allow me to call up the Chinese bill, and let him go on upon that? [Laughter.]

Mr. BLAIR. Not now, though I may be able to say a word or two that will be appropriate to that.

The Senator from Texas ought to be sympathized with by everybody on both sides of the Chamber because of the remarks which have been made by him which have grown out of the confusion of mind that evidently exists either on his part or on that of the rest of us.

Mr. COCKRELL. The "corpse" is here.

Mr. BLAIR. I see. That proves the doctrine of the resurrection. It does not show that what I said is not true, but simply demonstrates the doctrine of the resurrection. I am glad to see him.

The Senator from Texas is nothing unless he is accurate, accurate in statistics; and so knowing that his figures would be true if anything he said was true, I listened to what he said in endeavoring to magnify the sorrows of the country, to give us an idea of the enormous pecuniary burdens of taxation that we were suffering under, and especially that mud-socked Democracy, who, it seems, are paying all the sum, although unable to supply themselves with decent socks. In endeavoring to give us a correct mathematical idea of the oppression they were suffering under he sought to fasten in the mind some notion of its enormous significance by the word "billion," and he said to us "a billion, why, what is a billion?" Then he said it was a larger number than all the seconds of time since the commencement of the Christian era. I knew that to be true if anything he said was true, and so I went to work while he was delivering himself of the other matter which would be of less importance I knew than these statistics—we can tie to statistics; you know that figures will not lie, although those who make them can, but the Senator is not one of those who do lie about figures; he is accurate on figures if on anything—so I made the calculation, and I find, unless my figures lie—I have been over them twice—that since the commencement of the Christian era there have been just 59,539,-968,000 seconds of time. I take it that is about sixty times as many as the Senator says, and I think he has given us about one-sixtieth part of the truth in his general utterances making up the balance of his speech, certainly not more, because the figures, in which he was likely to be most accurate, are sixty times out of the way.

Mr. President, the Senator should be sympathized with in another regard, and that is that he failed to draw a distinction between the two great divisions which exist in the Democracy. He spoke of that mud-socked Democracy that pays all the taxation of the country, it seems, for the Senator did not in his remarks intimate at all that any Republican, North or South, contributed a dollar towards the taxation that has fallen upon the country, but it is all taken out of the mud-socked Democracy; but when I intimated to him that there might be some other wing of the Democracy he would not answer my question, you recollect. He omits wholly the great silk-stocking Democracy to which his President and almost every leader of his party belongs that has anything whatever to do with shaping its policy or dictating the condition or issues of this campaign. The Senator is, like myself, likely to be right, even to the extent of being sometimes called "a crank."

I have before this time welcomed him to my spacious bosom as an advocate of the great doctrine of prohibition, and I have a sort of feeling of sympathy for him in the minority in his difficulties in his own party in other directions in the lone and humble and humiliating position which he occupies among this mud-socked Democracy. I sympathize with him. When occasionally he does not see how to appear in the campaign until a little too late, I do not blame him for assailing Cleveland and Bayard and Barnum and Brice and all those men constituting the silk-stocking Democracy, which dictated the policy of which he complains, and who are the only arbiters of the fate of the Democratic party, and unfortunately at the present time of the country itself. I have a feeling of sympathy for him. I have found no difficulty in acquiescing in the most of what he said, because what he said, if it were true, was more true than of anybody else of the silk-stocking Democracy, which is seeking again to be elevated to power and to perpetrate and continue these outrages for at least four years more.

Mr. President, this is a war of newspapers to some extent. The Senator from Missouri [Mr. VEST] a few days since made some allusion to the New York Tribune, and I have an editorial from the New York Tribune which I wish to put in the RECORD, because it is so true. I know the Senator will call it good authority. His partisan feeling occasionally may incline him to criticise what is said in a Republican newspaper and say it is a lie, as he did say very plainly and bluntly in reference to all the contents of the New York Tribune as a partisan paper. The New York Tribune, the Senator ought to know, is the

only reliable newspaper in the city of New York of political character, except the Sun, to be sure, which is somewhat similar in its character and position, I think, to the New York Post, so far as its political attitude is concerned. I must make a reservation in favor of the Sun, except so far as it attacks me, but so far as the World is concerned I have nothing to say. I believe the editor, proprietor, and inspirer, the great immaculate spirit of the World, had the benefit of a residence in the State of Missouri and in the city of St. Louis for a considerable time, and no doubt has imbibed that sense of integrity and high honor and fidelity to party principles which characterize everything and everybody coming from that locality; but as for the New York Tribune, it is a truthful newspaper, and the Senator and others should not impeach its veracity simply because occasionally it is severe upon the Democratic party.

The Senator knows, we all know that the more profound and the more conscientious and the more just a judge, the more certain he is to pronounce sentence of death occasionally. No guilty man escapes if the judge be what he should be. And occasionally the New York Tribune has good cause to pronounce sentence of death on the Democratic party. The sin is not in the Tribune but in the party that commits the crime. I doubt not, I believe that a higher power than the New York Tribune has again pronounced sentence of political death against that party, and I trust we shall see its execution in November. But in regard to this duality which exists in the Democratic party, I find an editorial in the Tribune, to which I have been alluding, which I think explains it all. It is rather personal to Mr. Cleveland, and I will strike out the word "Cleveland" and insert the word "Democracy," because it will be such a source of relief to my friend from Texas to explain the whole thing in the future. These debates can go on, the Senator from Texas can defend his mud-socked Democracy and the silk-stocking Democracy, and we can have this confusion of persons, but all fall back on this editorial of the Tribune, which is in this morning's publication, which I now send to the desk and ask the Secretary to read, because he will read it so much better than I could.

The Chief Clerk read as follows:

THE SECRET OUT.

The explanation of the extraordinary delay in Mr. Cleveland's letter of acceptance is easy. Like the rest of mankind the President is afflicted, as we long ago made known, with a dual personality; but in his case the ordinary conditions are reversed. The Jekyll, who favors reform and is animated by patriotic and statesmanlike purposes, is feeble and small of build. The Hyde is large and powerful and fat. When Mr. Cleveland was first nominated——

Mr. BLAIR. That should be "Democracy." Insert "Democracy" instead of "Cleveland." [Laughter.] However, go on and read it as it is in the paper.

The Chief Clerk continued the reading, as follows:

When Mr. Cleveland was first nominated he was touched by this mark of confidence on the part of his fellow-men. Jekyll came uppermost. He saw, knowing as he did the irrepressible wickedness of Hyde, that unless he were checked at the outset he would use every cunning and wicked device to bring about his re-election. So Jekyll wrote the passage in the letter of acceptance which served notice on Hyde that he must not dare to think of a second term. But the ink was hardly dry before that wily and unscrupulous character began his evil machinations, and Hyde, being by far the stronger personality of the two, invariably gains the victory in the end. The sending of that ten-thousand-dollar check to the Democratic national committee was a critical point in this tremendous struggle, of which no hint so far has escaped to the outside public. Jekyll knows that he can not consistently or with any propriety accept the nomination, and is making a brave fight for a clean record. But what are consistency and propriety to Hyde? When, therefore, he succeeded in sending the ten-thousand-dollar check it was with a chuckle of ghoulish glee, for he knew then that he had committed Jekyll, and while the final acceptance might be long delayed, it must come sooner or later. It is even said that the check was signed by Edward Hyde, and not by Dr. Jekyll at all. But the national committee accepted it without question, because they know that Mr. Cleveland has bank accounts in both names, and draws on Hyde's much more frequently than on Jekyll's.

This disclosure must arouse a great popular sympathy with Mr. Cleveland. We can easily imagine now what fearful struggles have been going on in the White House, at the dead of night, when Jekyll was straining every nerve to conquer his familiar demon. If Jekyll could have had his way we might have had a model administration, within its intellectual limitations, but Hyde's unconquerable depravity has kept his wretched victim continually in hot water. It was Jekyll who promised to be a civil-service reformer, but Hyde made the appointments, and so it was that about two hundred persons directly connected with the criminal classes got into Federal office in three years. It was Jekyll who wrote such beautiful letters to George William Curtis, but to what end? Hyde had no sooner been inaugurated than he struck up a violent friendship with GORMAN and sat up late nights with him planning political rascality. It is Hyde who writes all the pension vetoes and sneers at the soldiers and their widows. It was Hyde who wanted to return the rebel flags, but the outcry frightened even him. It was Hyde who, after a long and frightful combat, succeeded in getting possession of the President's pen last December and wrote the free-trade message, because it is the one craving of his nature to smash things. It was Hyde who determined that there must be a bid made for the Irish vote, and so wrote the retaliation message in spite of Jekyll's wailing remonstrances that his entire policy on this question was being revised and made ridiculous. It was Hyde, too, who dictated the new anti-Chinese bill.

For ninety-one long days now this contest has lasted, and it can not continue much longer. The sending of the $10,000 check was a sign that Jekyll is fast losing his strength and must soon succumb. It will not be many days now before we shall have a letter in which nothing will be said concerning "the allurements of power" and "the temptation to retain public places once gained," but in which the nomination for a second term will be eagerly, even greedily, accepted. The letter will be signed by Jekyll, but we shall all recognize between the lines the cunning and unscrupulous hand of Edward Hyde.

Mr. BLAIR. I only want to say that I should like to have that paper preserved.

Mr. REAGAN. Mr. President, in answer to the important facts I have presented the genial Senator from New Hampshire treats us to a chapter of wit. Perhaps that is the best escape from the consideration of those great facts. He made his point of attack that I had made a mistake about the number of seconds since the birth of our Saviour. That shows the danger of guessing at billions; and he said that I was as nearly accurate in that as in any other proposition which I have made. Now, I submit to the Senator that I was not mistaken in saying that on the 18th of March, 1869, when the public debt amounted to $2,588,000,000, the Republican party took away from the people the right to pay that debt in the sort of money in which it had been created. I do not think I was mistaken in that. Nor was I mistaken in saying that on the 25th of February, 1873, the Republican party passed an act demonetizing silver and taking away from the people the right to pay the public debt in silver. I do not think I was mistaken in that. Nor was I mistaken in saying that on January 14, 1875, the Republican party provided for the taking up and cancellation and retirement from circulation of nearly $400,000,000 of legal-tender notes then in circulation. I do not think I was mistaken in that. Those were the material facts which I presented and which have caused the Senator such a labored effort at wit.

Mr. BLAIR. May I ask the Senator a question?

Mr. REAGAN. Just reserve the question for a moment. I want to complete this without interruption.

The PRESIDENT *pro tempore*. The morning hour has expired. The Senate, as in Committee of the Whole, resumes the consideration of the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. I ask unanimous consent that that bill be temporarily laid aside to proceed to the consideration of the House bill excluding Chinese.

Mr. REAGAN. I should be glad if the Senator would allow me to conclude.

Mr. STEWART. The Senator can make his remarks when that bill is up.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the pending order, being the unfinished business, may be laid aside for the purpose of resuming the consideration of House bill No. 11536.

Mr. HARRIS. I ask the Senator from Nevada to withhold his request, or rather to let the resolution upon which the Senator from Texas is now addressing the Senate remain before the Senate until the conclusion of his remarks. I apprehend there will be no objection to then proceeding to the consideration of the bill at the end of that time.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent to be permitted to conclude his observations on the resolution, as that was under consideration during the morning hour. The Chair hears no objection.

Mr. REAGAN. Mr. President, the hardest blow that the Senator from New Hampshire, with all his goodness, inflicted upon me was in his attempt to draft me into the ranks of cranks, of which he is so distinguished a leader. The Senator has undertaken the mission of educating all the American people. He has undertaken the mission of making them all temperate. He has undertaken the mission of providing that all women shall vote. I do not remember all the other missions he has undertaken or may undertake, but if there is another absurdity that can be presented the Senator will father that and urge it. He has a very large missionary field, enough for a very considerable corps of statesmen and others. I am not a volunteer in his ranks, and I trust he will not draft me into his ranks. I do not propose to go that way.

The Senator has this much to say, that I did vote for prohibition in my State. The question was submitted as a non-partisan question, and I chose to exercise my judgment upon that question as I do upon others, and I am not in the habit of asking how others think about a question when facts enough come before me to determine what I ought to do.

Mr. BLAIR. Will the Senator allow me to suggest that those are the most positive and absolute characteristics of a crank—a man who exercises his own judgment? [Laughter.]

Mr. REAGAN. The Senator ought to know what a crank is, as he now enjoys the privilege of being a crank and a leader of cranks; but I protest against being drafted into his ranks.

Mr. BLAIR. Why will not the Senator then serve as a volunteer, if he will not allow me to draft him?

Mr. REAGAN. I shall not spend time in offering reasons why I shall not do that, beyond referring to the absurdity of most of the measures he advocates. When he wants me to set out to educate all the American people——

Mr. BLAIR. The Senator ought to be accurate. I showed him about figures awhile ago. I never thought of trying to educate all the American people as old as he is. No proposition was ever offered by me except to educate those between the ages of ten and twenty-one years. I always knew water ran down hill; I can not remember the time I did not know that water ran down hill, yet, being a crank, people have claimed that I have introduced a bill to have water run up hill towards Canada. [Laughter.] I know water will run down hill.

Mr. REAGAN. It is better, I think, for me and perhaps for the country that the Senator has not undertaken to educate me, and that on account of my age I am beyond the reach of his attempts at education.

Neither could the Senator help his sneer, which came also from others of his party, about the dirty, mud-socked Democracy, and he assumed that I alleged that they paid all the taxes. I made no such assumption; but I do not hold the Senator responsible for not being accurate; he could not help it. I said they were charged with the burden of having to aid in paying these taxes.

Mr. BLAIR. The Senator will permit me to make a suggestion, and that is, that he get an extension of time simply to conclude his own remarks, and if he will occasionally allow me to interject a question it would be a great deal better in the RECORD, and he will get through. However, I will not trouble the Senator.

Mr. REAGAN. I was saying that he could not help a sneer at the mud-socked Democracy.

Mr. BLAIR. Before the Senator proceeds further will he allow me to say——

Mr. REAGAN. I must deprive the Senator of that opportunity for one minute.

Mr. BLAIR. Very well; I will wait.

Mr. REAGAN. I was saying that the party the Senator belongs to and sustains oppresses the poor for the benfit of the rich, and he knows it as well as I do. They dare not do otherwise. Their chance for promotion to power rests upon the idea of the support of the corporations and the money power. They know it, and shape their policy to that end, and the Senator knows it; and in promoting the interests of corporations and monopolies they oppress the mass of the people.

It was these questions that I was calling the attention of the honorable Senator to and would have been glad to hear him on, as glad even as I was to hear the splendid wit he has exhibited in order to avoid the real issue.

Mr. STEWART. Mr. President——

Mr. BLAIR. If the Senator will allow me a moment——

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to proceed on the resolution. Is there objection? The Chair hears none.

Mr. BLAIR. The Senator from Texas is quite mistaken about my feeling towards that mud-socked Democracy. There is no mud-socked Democracy in my belief; we are all American citizens, and the mud-socked Democracy is as much a part of the great citizenship of this country, and their interests are as dear to me as they are to the Senator from Texas. They are as much, I say, a part of the citizenship of this great country as are "the mud-sills" of the North who saved it. I am one of those who belong to "the mud-sills," and they include the mud-socked Democracy, and they include the rank and file and the leadership of the Republican party, and they have done so from the origin of the application of the principles which have vitalized the Republican party and saved the nation.

Now, sir, the Senator from Texas—he a leader in the rebellion which would have brought us into a dishonored grave as a nation—undertakes to force upon the American people, and to enforce it here in the Senate of the United States, the doctrine that the Republican party is the enemy of the common citizenship of this country, and that it is under the leadership and control of the aristocratic and moneyed power. Why, Mr. President, the Republican party is the savior of the country, and in it and in its platform and in its *personnel* are embodied all the great principles for which the fathers fought and in the victory of which alone is to be found the ultimate political and other salvation of this country.

Now, Mr. President, look at it for a moment. If the Democracy of which the Senator was a leader, the Democracy which is led by the same sentiment and the same individualship to-day, if that Democracy had had its way, what sort of labor would have been brought into this country? What would have prevailed here? Of what use your Chinese discussion of yesterday had the Democracy that advocated the immigration of the Chinese in the first instance had their way? What would have been the result? Chinese cheap labor and slavery all over the great West, west of the Mississippi River, and now extending itself over and dominating that country. Either that or the Democracy, which was active a little earlier, would have filled every inch of space west of the Mississippi River with slave negro labor, which would have been cheaper and worse than Chinese labor itself.

Is not that so? Did not the Democracy go to war in order that they might establish that style of labor, slave labor, all over this continent, or at least in every portion of this continent where under State control free principles had not already prevailed, and that beyond the power of the national action of the Democracy? Did they not go to war and undertake the destruction of the Government itself, in order that they might plant negro slavery all over every other part of the great domain of the nation? The Senator knows it. That is the record of his party within the recollection of every individual who listens to me to-day. And those men who were for Chinese labor, who were for negro slavery earlier—and Chinese labor is only another form of slavery—these men in the Senate Chamber hour after hour harp about the oppression of the Republican party, which was always their antipodes—the oppression which the Republican party would exercise towards the common citizenship of this country! If there is a free principle in the United States or in the world, the Republican party is alone in accordance with it and is its necessary advocate to-day. The Senator knows it. I do not undertake to impeach his sincerity. His strong prejudices, his early training, his identification with the great organization that assumed but for a time a contingent nationality, enables him to utter sentiments on this floor in the utmost sincerity which are not in accord with the truths of history or the convictions of enlightened mankind.

The Senator is all wrong about this. The mud-sills of the North and the mud-socked Democracy of the South are identical, and when that school bill, which the Senator has sneered at so much has done its work and educated, not the old men who are beyond hope and in whose political death alone lies hope for a great future—I say when that school bill has done its work among the children of the mud-socked Democracy of the South, as it has already done its work by previous enactments of the same kind at least all over the North, then the Senator will find that the Republican party, which he undertakes to impeach, will dominate not alone in the North but dominate in his own section; and there will be hope for the great State of Texas then.

Mr. REAGAN. May I trespass upon the patience of the Senate a few minutes longer?

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent to proceed on the resolution.

Mr. STEWART. I hope the Senator will allow the Chinese bill to come up, and then he can speak.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Texas proceeding? The Chair hears none.

Mr. REAGAN. Mr. President, the last resort of a Republican politician when he is cornered is to appeal to the sectional troubles which existed a quarter of a century ago, and to appeal to the passions and prejudices which grew out of those unfortunate troubles. The Senator from New Hampshire alleges that they grew out of a purpose on the part of those who favored the Confederacy to establish a system of negro slave-labor over all the territory west of the Mississippi River. If the Senator had read the history of those times he would know that he is very much mistaken in making such a statement as that.

There was a controversy about whether the State of Kansas should have free or slave labor. There was never a controversy about any territory north of the State of Kansas being free territory or being occupied by slaves.

But the Senator can not help a sneer at the institution of slavery and at the action of men who sustained the Confederacy. He thinks it was all for the purpose of maintaining slavery. If the Senator were familiar with the history of the country he would perhaps feel more kindly towards that section, and he would remember that slavery was introduced into the American colonies by Great Britain, and France, and Spain, and by the Dutch merchants.

He would remember that it existed in every one of the thirteen colonies at the date of the Declaration of Independence; he would remember that it was perpetuated by the Constitution and the laws of the United States and by the decisions of the highest courts; he would remember that Presidents and Senators and Representatives and governors of States and Congresses and Legislatures sustained the institution of slavery because it had been transmitted to our people as a heritage for which, whether for good or evil, they were not responsible.

The Senator must have a very bad opinion of President Washington, who was a slaveholder; of Mr. Jefferson, of Mr. Madison, of President Jackson, of President Polk, of President Taylor, all of whom were slaveholders and all of whom were elected by the people of the United States. He must have a very bad opinion of the great and illustrious patriots who framed the Constitution of the United States, because they not only perpetuated slavery but they provided in that great instrument to perpetuate the African slave-trade for twenty years after the adoption of the Constitution.

Now, sir, it seems to me if the Senator would allow himself to read history, to understand facts, he would find that the people were placed in a condition with reference to that question which was not at that time in antagonism with the advanced sentiments of the most enlightened nations of the world on this subject. The institution of slavery was the subject of sectional agitation, which caused great anxiety to the people of the Southern States.

The slaves represented, in the hands of their owners, three thousand millions of property, as was then estimated; and while the Southern people were not more responsible than the Senator and his friends, all of them, for the existence and continuance of slavery, none of the latter proposed to take any of the burdens upon themselves. If it was a national wrong, it had been entailed upon us by the Federal Constitution; if it was a grievance, if it was a thing that ought to have been disposed of because it was a national evil, the way to dispose of such a question was not by a bloody conflict, but by an arrangement for the purchase of the slaves and the freeing of them. No proposition of that kind was made. The consequences were all entailed upon the people who happened to have them after those of the Northern and Eastern

States had sold theirs to the South because white labor was cheaper, and got the money to build up their factories.

The Southern people did not desire to propagate slavery—that was not their point; but the idea was to prevent sectional agitation, to prevent strife, to save themselves from the calamity of a war of races. In that condition, under an agitation that had lasted for thirty years, a President and Vice-President were selected representing the anti-slavery sentiment of the country as a culmination of the crusade against the institution of slavery within the States. Up to that time we had recognized that the States had their domestic institutions and that the Federal Government had no business to interfere with them; that each State under the Constitution had the right to take charge of and control its own institutions. But the Southern people were placed in a helpless minority under the pressure of the crusade against the institution entailed upon them by the mother country and other nations, and by the convention which formed the Constitution; they were unable to relieve themselves, and they believed that this crusade would expose them to a war of races and the desolation of the country.

The Senator never stops to think of that. I know that generally he is a kind-hearted man and sympathizes with the wrongs of the weak and the oppressed, but he seems not to have thought of the condition in which that people were placed and of the fact that they felt that rather than risk servile insurrection and a war of races, they had better, like true men, imperil their own lives in order to keep the control of their domestic institutions free from the intermeddling of others who were not responsible for them. I trust the Senator will look more kindly upon our people and will remember that there was no purpose of aggression. Self-preservation was all that there was in that movement, the preservation of the rights of the States, of the property of individuals, and of the liberty of the citizen, not the propagation of slavery.

The Senator ought to know that the people of that section of this country would not madly, foolishly, and weakly go into a contest in which the chances by numbers, by wealth, by material resources, were all against them; that nothing but the direst necessity of self-preservation could have induced them to accept a conflict in which the chances of success were, within their own knowledge, against them, but were impelled by a condition of things in which they felt that it was more honorable to die fighting for their rights than to live passive slaves to those who proposed to intermeddle with and control their rights.

I have never made any expression before in Congress on this subject. I have desired to avoid reference to it. It can do no good. It may stir up evil passions, and any remarks which I have now made are not, so far as I am concerned, intended to appeal to passion or prejudice, but to appeal to that Senator's better nature to inquire into the facts which brought about that struggle, and see if he is not mistaken in calling it, as he has so often done here, a wicked rebellion, a causeless rebellion. Surely no one familiar with the history of the country and not blinded by passion and prejudice could assume that it was either causeless or wicked. There was no purpose to interfere with the liberties of others, but simply a purpose on the part of our people to try to take care of themselves in the condition in which they found themselves without their fault and without the power to relieve themselves.

I always regret when this question is made a subject of discussion here. I know how well calculated it is to revive passions that it were well for the whole country should cease to exist, and my own course has been from the close of that contest to do all in my power, in speech and in action, to allay the asperities of the conflict and to secure a return of fraternal good will and link the destinies of the people of the South with those of the people of the North for the future, in the hope of maintaining civil liberty and in the hope of promoting their welfare and prosperity, accepting the dire calamities which fell upon them, such as have seldom been visited upon a people in any part of the world. Whether it was welcome to them or not, it was inevitable, and their hope and their desire has been to do nothing which could stimulate passion or prejudice against them, but to do everything that reasonably and honorably they might do to secure the kindly feeling and fraternal good will of the people of other States with whom they are politically associated.

Mr. BLAIR. Mr. President, I am aware that this debate is prolonging itself, but after the extraordinary loquacity which characterized the debate upon the fisheries treaty I think I may be justified in asking a moment to reply to the Senator from Texas.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that he may proceed. Is there objection? The Chair hears none.

Mr. BLAIR. In fact, Mr. President, I have thought that the debate upon the school bill, about which so many Senators have said so much, which was characterized on account of its length so freely, might well be adopted as a model of brevity for the imitation of the Senate in all time.

Whenever the leaders of the Democracy are pressed in earnest, they immediately fall back upon the pitiable condition, as they describe it, in which the Southern people were left by the war, and the suffering and wrongs and injuries which they endured in its progress, and they seldom fail, as the Senator from Texas did not fail, to charge the existence of the institution of slavery to the Northern people and to claim that they only acted in the great controversy which preceded the war in the most judicious way for the proper management of the institution. The responsibility was upon the money-getters of the North, old England insisted on forcing it upon them, and perhaps some other mercenary and piratical nations across the water!

If the Senator had read my speeches on the school bill, he would have known that I sympathize more than I ought to, perhaps, somewhat more than my associates on the Republican side of the Chamber have always justified in their view of the subject. I have a belief that the Southern people to a great extent were victims of the institution of slavery; but I never believed and I never said, and I do not think the Senator himself will undertake to say, that they were not willing and anxious and affirmatively victims.

The Senator must remember that the national Constitution, early in its original provisions, made the way open, in fact effective, by provisions to take effect in the future for the abolition of the slave trade. The Senator knows that the South was not for the adoption of that provision, and he knows, too, that that provision was placed in the Constitution and made operative twenty years in the future, because there was a pecuniary interest in the North that, relying on the market of the South, would have been likely to oppose the ratification of the Constitution had the provision been made operative to take effect immediately, and it was postponed twenty years for that reason alone, because of that comparatively small pecuniary interest at the North invested in the slave trade which it was thought, in the extreme nicety of the balance in several of the States between Constitution and no Constitution, might be able to turn the balance in one or two States, and result in the rejection of the Constitution itself.

But the body of the support for the institution of slavery and for the slave trade was then at the South. This provision was adopted because taking effect in the future it did not seriously injure the pecuniary interests of those engaged in the slave trade at that time, and there was the general hope among the patriots of the South as well as of the North that the influence of republican institutions would result in the gradual elimination, without violence, of this accursed institution from the entire land. There was that hope, but the cotton-gin was invented and the greed of gain took possession of the Southern mind.

The Northern Yankee is not the only human being in whom the instinct for money-making is strong. The love of gain took possession of the Southern mind, and stimulated by it the Southern mind fastened upon this wicked institution, determined to make it permanent; and so it became permanent, and as this nation could not continue to be half slave and half free, and they understood this great truth that we must ultimately be either a slave country or a free country, they made war aggressively upon the Territories and the institutions of the North everywhere and in favor of the extension of slavery.

I am not as old as the Senator, and I doubt whether my memory is any better, but yet I think I can remember when the owners of slaves at the South were demanding the constitutional right that they should take their slaves into every State in the North, to say nothing of the Territories, and they demanded as a constitutional right that they could carry the institution of slavery and locate it permanently in every Territory belonging to the national domain, as well north of the line of compromise as south of it.

The Senator should go a little further back in his reading of history. He should not confine his recollection of history to the so recent past. He should remember the compromise of 1820 as well as that of 1850 and the war, and if he will go back that far he will remember and acknowledge that the controversy settled in 1820 was the great controversy whether slavery should go north of the line of 36° 30′, indefinitely north, indefinitely west, and was not confined to the locality of Kansas, where it became an earnest and a burning question in 1854.

But the Senator seems to think it will not do to spend time in arguing historical questions. The Senator seems to think that I am one of those cold-blooded haters of the South. Why, Mr. President, I believe that many of the friends, the truest friends of the South, live north of the old line of division between the free and the slave States; and for one, if I know myself, while my sympathies are not with the Senator from Texas or such as he, my sympathies are with the great mass of the Southern people, white as well as black, and more with the white than with the black. The difficulty with the Senator is, that expurgating from this debate everything down to the period of reconstruction, he ignores the fact that the whole policy of the Republican party so far as it has related to the South has been to reach, to benefit, and to elevate the masses of the people, and their great effort has been directed not to the colored man alone but to the white man as well, the mud-sill of the South, the mud-socked Democracy of the South, against whom the Senator fights, in alliance with the silk-stocking Democracy of the North and the whole leadership south of Mason and Dixon's line.

When we come to the school bill the enlightened men of the South are for the school bill, and they are with the Republican party in regard to the school bill, because they know that is the true interest of the South. These enlightened men, these strong men of the South, many of them on this floor, know it is no use to fight against the stars

of God. They know that revolutions never go backward, and that the last war decided that every man in America, every individual man, the mud-stocking Democrat, the poor white of the South, as well as the mud-sill of the North, and the negro as well, every one of them, shall have that dignity, that position, that equality, that freedom which is proclaimed to be his right by the Declaration of Independence, written by the finger of God, who inspired Jefferson, the man who trembled for his country on account of slavery when he remembered that God was just.

That great and holy declaration shall finally become a realized thing to every American citizen South as well as North. That is the policy of the Republican party, and the fault I find with the Senator is that he ranks himself with those who have turned their backs upon the coming time, who are making progress back to old chaos, to dark night, to the Darwinian origin of the race, and if they have their own way and can progress successfully according to their own policy, they will reach that condition when Senators on this floor, it may be, will see the time that in their demonstrations they will remind us of the accuracy of Artemus Ward's description of his monkey, which I do not need to quote.

These men fight progress, and that is the fault I find with them. When the North undertakes to enact a measure which reaches the common people, which gives to every individual that power and independence which knowledge only can give, so that the man knows enough to defend his right at the ballot-box, knows enough to defend his principles on the hustings, knows enough to make his way to the Senate of the United States and to confront the distinguished Representatives and Senators in argument and debate—I say that when the Republican party has advocated that policy, the Senator from Texas opposes it and makes harangues against the citizenship and the institutions and the motives of the Republican party of the North.

I call you to witness, Mr. President, that there has been no sectional debate started in this Chamber during this Congress by any Republican whatever. If there has been a sectional debate started or suggested from the Republican side of this Chamber I have not observed it; but if I am wrong in saying that no such debate has been originated by a suggestion from this side, let somebody correct me who remembers it.

No; invariably the Senator from Texas or some other Senator gets up and in cold blood delivers himself of an impetuous and, as I have sometimes thought, an insulting harangue against the laboring people and the masses of the people of the North, and complains of our institutions, of our aggressiveness upon their rights. They insult us oftener than they think, it seems to me, not perhaps intentionally, but it has so seemed to me as I have sat here.

Mr. REAGAN. Mr. President——

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. BLAIR. I am not impeaching motives.

Mr. REAGAN. I ask the Senator if he means to impute to me what he is now saying, and if he does, what single instance can he give to justify his remark?

Mr. BLAIR. As to insulting the people of the North, I did not say anything of that kind.

Mr. REAGAN. As to making war upon the laboring people of the North?

Mr. BLAIR. I appeal to the Senator's speeches here to-day. I appeal to his record every time almost that he has spoken during this session. I appeal to the record he made the other day, in the speech in which he quoted with such zeal and such apparent pleasure the few remarks by Mr. Blaine. That is the speech to which I have special reference.

Mr. REAGAN. If the Senator will produce my record to that effect I shall accept his statement; but I trust he will not put any gloss upon it.

Mr. BLAIR. I was not trying to gloss it. I will not put any more gloss upon it. I restrained myself a little, but I did not think I was glossing the record. But, Mr. President, the rules of the Senate have put a gloss upon it. I leave it there. So far as attacking the institutions of the people of the North is concerned, I do not undertake to say that the Senator is conscious of it. It may be something of the old-time training which survives and affects men, and which they can not eradicate from their mental processes.

Mr. REAGAN. The Senator will allow me to state that I have never said one word (and he can not produce it and no man can produce it) against the people of the North. I have arraigned the Republican party, but they are not the people of the North; they are only a part of the people of the North.

Mr. BLAIR. The Republican party are the vast majority of the people of the North. They are the people who built up the institutions of the North, who dictated the policy of the North, who established the protective tariff, who established the principles of liberty, first at home and then carried them when forced to do it by arms to the South, and along with arms and force the common schools of the North and the carpet-bag governments, which do not fail to be assailed with virulence—not with falsehood, but misrepresentation and virulence almost every time that affairs between the North and South are alluded to here on this floor.

The common schools of the South were first written into the constitutions under which they now live and prosper by the carpet-bag governments which were established through Northern agency.

Senators would do well to stop and think whether there be any feelings, any susceptibilities north of Mason and Dixon's line, whether we are equals in this Chamber, or whether we are to be treated to the crack of doom with comments which continually assail, and if they do not insult do worse than that, the motives of the people of the North, by which I mean the Republican party of the North; and the remaining portion of the people of the North are identified with the institutions and with the policies of the Republican party of the North, so that whatever of prosperity and happiness there is among that people is to be attributed to that political policy and those institutions.

If the Democratic party has prospered at the North, if there are great industries and great wealth, if there are millionaires, if there is a general prevalence of comfort and prosperity among the Northern people, it is because of Republican policies; and if we can maintain them, not only will that status continue at the North, but it will come ultimately to prevail all over the South.

I have one other suggestion to make. If the Senator does not wish us to make allusion to the war and to the cost it brought on the country, why is it that he is continually alluding to and parading before us the consequences of the war, the debts which resulted from the necessity of the great struggle in which we were engaged in order to maintain the unity of the Government? The Senator will hardly claim that the indebtedness of the country is not a result of the war.

Mr. REAGAN. If the Senator will allow me, I will say that I have stated distinctly that the formation of the debt grew out of policies perhaps the best that the Government could adopt. I never made any accusation, complaint, or arraignment about the creation of the debt. My words were as to the method of paying the debt by discriminations against labor and in favor of capital.

Mr. BLAIR. The Senator would have done better to have thought in regard to the methods and causes which led to the contraction of the debt, and to have thought of that in season. He seems to labor, like other friends of his in debate, under the delusion that they are to limit the topics to be suggested on this floor by whatsoever is pleasant to them to discuss, and so they take up this comparatively infinitesimal consideration of the pecuniary obligation which resulted from the war. The important things involved in the war were human rights, the perpetuity of this Union, the lasting of the American nation. Those were the essential things. The war cost some money, and the Senator is continually harping upon the topic of the debt and the methods of paying the debt; and yet when we go a little further back into the history of parties and charge upon the Democratic party the contraction of the debt and things a thousand times worse, he does not want to hear anything about it.

Now, Mr. President, let me close by saying to the Senator that I appreciate his high character, and I should compliment him as he did myself, and with vastly greater truth, if the lexicon furnished me with terms in which to do it; but I complain of the Senator that when we come to him and to his friends in the South with measures which would produce homogeneous conditions throughout this entire country, which would give to the poor man the opportunity to be poor in peace and the opportunity to rise in his position if he has that in him which may stimulate him to do it, the opportunity to seek the same general elevation all over this country, the knowledge which gives the power, so that he can defend his ballot and defend his right—when we come with that policy and with institutions which must inevitably have that result at the South as at the North, he turns his back upon it and opposes it with all of rhetoric and of ability that he possesses.

Mr. STEWART. I call for the regular order.

The PRESIDING OFFICER. The Chair understands that the regular order, being the Washington Territory bill, has been temporarily laid aside for the consideration of the Chinese bill. The Chair will recognize the Senator from Colorado [Mr. TELLER], who took the floor yesterday evening upon that bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, still further insisted upon its disagreement to the thirty-second, thirty-third, and thirty-fifth amendments of the Senate to the said bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSHEND, Mr. MAISH, and Mr. SAYERS managers at the same on its part.

The message further announced that the House had passed the bill (S. 832) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States, with an

amendment, asked a conference with the Senate on the said bill and amendment, and had appointed Mr. OATES, Mr. CULBERSON, and Mr. CASWELL, managers at the conference on its part.

The message also announced that the House had passed the bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 9447) to restore certain money to the fund for erecting a public building at the city of Detroit; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas; and it was thereupon signed by the President *pro tempore*.

DISTRICT ELECTRIC WIRES.

Mr. FARWELL. I ask the Senator from Colorado to yield to me for a moment.

Mr. TELLER. I will yield if it is not anything that will bring up a discussion.

Mr. FARWELL. I ask the Senate to consider the resolution reported by me yesterday from the Committee on the District of Columbia, which is Order of Business 2206.

Mr. TELLER. I reserve the right to call for the regular order if it should occasion debate.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Illinois [Mr. FARWELL] asks the Senate to consider the resolution instructing the commissioners of the District of Columbia to revoke any permit granted for the erection of overhead electric wires; which was reported adversely yesterday from the Committee on the District of Columbia. Is there objection to the present consideration of the resolution?

Mr. TELLER. I object, because the Senator from Vermont [Mr. EDMUNDS], who has taken special interest in the matter, is not here, and I am sure that the resolution will give rise to debate.

The PRESIDING OFFICER. The Senator from Colorado objects.

Mr. HOAR. I wish the Senator from Colorado would allow me to observe that these people have a contract under which they will lose, as I am told, very considerably, unless they are permitted to accept it by the 15th of September, which is their obligation. I do not insist on taking up the resolution at this moment, but I wish to point out to the Senator that it will not be fair to insist on delaying it until the return of the Senator from Vermont [Mr. EDMUNDS] next Monday, which will reach almost to the 15th of September, when the matter has been thoroughly heard and unanimously reported by the Committee on the District of Columbia. I do not ask to take it up now, but I do not think it should be delayed until the Senator from Vermont comes back.

Mr. TELLER. I shall not insist on its being delayed until that time, but I am very confident that there are other Senators who propose to be heard on the subject. As far as I am concerned I am opposed to the resolution, and I am willing to take it up at any time when it will not displace the Chinese bill.

Mr. FARWELL. I wish to say that the committee had the matter under investigation, received testimony upon it, and directed me unanimously to report against the resolution. There was not a dissenting voice in the committee.

Mr. TELLER. I shall not object to it when it comes up some other time.

Mr. FARWELL. I give notice that I shall call up the resolution to-morrow.

Mr. TELLER. I shall not object at any time after we get through with the Chinese bill.

RECONSIDERATION OF LIGHT-HOUSE BILLS.

Mr. PALMER. Will the Senator from Colorado yield so that I may make a motion to reconsider the votes by which several bills were passed?

Mr. TELLER. I will yield for any purpose of that kind.

Mr. PALMER. Yesterday there were several light-house bills passed by the Senate which I find are included in the sundry civil appropriation bill as agreed to in conference. On that account I ask that the votes by which the bills were passed may be reconsidered and the bills indefinitely postponed.

The PRESIDING OFFICER. Will the Senator give the numbers of the bills?

Mr. PALMER. I will give them *seriatim*. The first is the bill (H. R. 1228) for establishing light or lights and a fog-signal at or near Ballast Point, entrance to San Diego Bay, California. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. PALMER. I now move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. PALMER. I move to reconsider the votes by which the bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay, was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill will be indefinitely postponed if there be no objection.

Mr. PALMER. I move to reconsider the votes by which the bill (H. R. 1912) for the establishment of a light-house at the mouth of Great Wicomico River, Virginia, was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill will be indefinitely postponed unless objection is heard.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

Mr. TELLER. Mr. President, I expressed my satisfaction yesterday that this bill had come to us for the purpose of modifying or abrogating to some extent the treaty made in 1880 with the Government of China.

Before I proceed I wish to call the attention of the Senator from Mississippi [Mr. GEORGE] to the distinction between a violation of a treaty and its abrogation. The violation of a treaty carries with it the idea of misconduct; that is to say, if the Government of the United States has made a treaty with China, and the Government of the United States declines to carry it out without having abrogated it, that is a violation of the treaty. Every nation in the world when it makes a treaty with another nation reserves to itself without words the right, whenever it shall be considered necessary in the interest of the people of that country, to abrogate the treaty.

The distinction between the abrogation and the violation of a treaty is not one merely of words, as the Senator from South Carolina [Mr. BUTLER] seemed yesterday to claim. When a treaty is abrogated by legislative action it ceases to be a treaty; it is gone, and then conduct would be perfectly proper for the Government which would be improper before.

A treaty in this country can only be displaced or repealed or modified or abrogated by the legislative department of the Government. So, if the President of the United States should say "I decline to allow these people having certificates to land at the port of San Francisco" without any action of the legislative branch of the Government, without any modification of the treaty through the Executive and the Senate, that would be a violation of the treaty; but when he shall say that, as he will say it after we have passed this proposed act, it will be no violation of the treaty, because the treaty will have gone, and gone in the way that we had a right to have it go, by legislative action.

Therefore I insist that the term "violating a treaty" is not the proper term to be applied here. I have had occasion to discuss that question once or twice, and I think nearly ten years ago I discussed it in the Senate. While I would not violate a treaty, while I would not countenance the violation of a treaty, I would abrogate any and every treaty when in my judgment as a member of the legislative department of the Government it is in the interest of the great masses of the people of the United States so to do.

You may abrogate a treaty in such a way as to get into difficulty, and so sometimes it is not policy to abrogate a treaty. The nation with which you are dealing may take offense. It may be that the character of the treaty is such that good faith requires that you should give notice to the other nation that you propose to abrogate it. But the right to abrogate it has never been denied by any law-writer that I am aware of. I never heard it but once seriously denied in the Senate, and then by a member of the Committee on Foreign Relations, who, I believe, finally corrected himself on that subject, and he sits on the other side of the Chamber.

The question of the influx of Chinese labor into the United States is not a new question. I agree with the Senator from Missouri [Mr. VEST], who said yesterday that it was practically to-day a settled question. It is scarcely a burning question at this day, for we have declared our intention to prevent the general influx of Chinese. We have asserted our right to do so. We have modified the treaties in order that we might do it. I think whatever might have been the opinion ten years or twenty years ago, to-day it is the general opinion of the people of the United States that Chinese immigration should be prohibited.

So I am not going into a general discussion as to whether Chinese immigration ought to be prohibited. At all events the people have come to that conclusion. In 1878 the House of Representatives sent to this body a bill to prohibit, limit, and restrict Chinese immigration, prohibiting it in part, curtailing it, and providing certain restrictions. That bill was antagonized in this body with rare exceptions only. I admit that a few Senators in this body said that it was a denial of a right which they insisted belonged to all men. They were right in the general declaration, but wrong in its application. A few said that. I was a member of the body at the time and I can not be mistaken, be-

cause it was a matter of interest to me then as it is now and has been for many years. The great objection was then that the bill was not in accordance with the provisions of the treaty of 1868, the Burlingame treaty, which I will say, aside from the declaration which is contained in the fifth section of it, was not different from the treaty of 1844 or the treaty of 1858, negotiated by Democratic administrations and ratified by a Democratic Senate.

What was the distinction between the treaty of 1868 and the treaties of 1844 and 1858? Simply that we asserted that which has ever been the doctrine of republican nations—I do not speak of it as politics; I speak of it in the sense that we are a republican nation—the right of every man who saw fit so to do to flee from oppression and to go to any other country that was willing to open its doors to him. That was the position which we declared in 1868 in the Burlingame treaty. Does any man sitting on that side of the Chamber deny it? I wait to hear any Senator, the Senator from Mississippi included, rise and say that he denies the correctness of that doctrine laid down in the Burlingame treaty. It was the doctrine upon which Mr. Webster wrote his great letter which settled that question all over the world. It is the doctrine we have crystallized into treaties and statutes, that every man who sees fit to flee from the land of his birth has a right so to do, and can transfer his allegiance, with the consent only and always of the country to which he flees, what should be his condition when he got there being determined always by the law of the land where he went and not by the law of the land from which he came. It was that which enabled us to say to the European countries when our citizens went back to Europe, to Germany, to France, and to Great Britain, "These men have by a natural right severed their connection with you and transferred their allegiance to us." There are nine and a half million of men in the United States who have come here within twenty years asserting that right, and we have asserted it, and we have been ready to go to war at all times in defense of it. Yet sneeringly the Senator from Mississippi tells us that this was opening the door to Chinese immigration.

Mr. President, that was all there was of the treaty of 1868. I repeat, will any man on that side of the Chamber stand up and say he is opposed to that doctrine? If he is, then when an Irishman goes back to Great Britain, Great Britain can put him in prison for leaving the country if it sees fit, and the German who flees from Germany that he may escape the three years' service in the German army may when he goes back be put into the army; and so with the Frenchman. It has been the prized jewel in the American crown; it has been the thing we have boasted of and glorified ourselves for, as we have for no other single principle; and yet the Senator says that simply an assertion in a treaty compelling China to admit that which she had denied for years was opening the door to Chinese immigration!

The Senator said another thing that I wish to notice. I think when the Senator looks over his remarks, when he thinks of the application that can be made of them, he will take the liberty, which every Senator ought to have, to correct himself on that subject. The Senator said that Chinese immigration arose out of the treaty of 1868. He is not familiar with the subject. He should have come to some of us who have had some acquaintance with the subject for facts. I say without egotism we should be able to give him instruction in these questions.

The Senator from Oregon [Mr. MITCHELL] showed him that when that treaty was made there were more Chinese in the United States than there are in the country to-day. Years before that treaty was made we had seen them in camps on the Pacific coast by the thousands. I saw myself 4,000 in one camp years before that treaty was made. They came here under treaties made by Democratic administrations, ratified by a Democratic Senate; and the Senator would now have the country understand that the Republican party have invited the Chinese to this country! The Senator is only excusable on the ground that this has not been a question of importance to his people and his section, and therefore he has not studied it and has not read the history of this Asiatic immigration.

In 1844 we made the first treaty with China. It was regarded as a great achievement. We were the first nation to break down the wall that had hedged around that great people for four thousand years. We were the first people, young as we were, to compel them to open their ports to our commerce. Other nations followed.

In 1858 we repeated the treaty of 1844 in substance, with some changes. In those treaties was there any provision that Chinamen should not come to the United States? There was not any assertion at that time of the doctrine that a man has a right to change his allegiance and his home, but the Democratic administrations who negotiated those treaties were ready then, as all administrations have been ready, to go to war in favor of that doctrine, and if China would have then consented to its insertion in a treaty they would have been able to have inserted it. China would not agree to it then. It was only later when light reached them that they were willing to make that change.

Mr. President, I blame nobody that there was no provision made in 1844 or in 1858 that the Chinese should not come to this country, because up to that time outside of California no attention whatever had been attracted to Chinese immigration. Nobody had supposed that danger lurked in it. On the contrary, it was early supposed by nearly all classes of men that there was a benefit to be derived from this immigration. So the Senator from Mississippi can throw no sticks at this side of the Chamber, nor can he throw any sticks at the Republican party on this question. If, when questions of this character came here, some of the gentlemen on this side of the Chamber were more careful of the plighted faith of the Government than others, it was because they did not see the great danger there was in Chinese immigration.

Mr. President, I yield to no man living in a desire that when the Government of the United States makes a contract with a foreign nation of any kind it shall adhere to that contract until it is properly and with the consent of the other party, if possible, changed; but I knew the great need and the great necessity of legislation upon this subject, and I was willing in 1878, as I have been willing for many years, to do what I think we have a legal and a proper right to do—abrogate by legislative action a treaty that was bearing hard upon the people and a treaty that was liable in the course of time to work great injury not only to the people of California and the Pacific coast but to all the country. I did not put it here on the floor nor have I put it anywhere solely upon the ground that it was the introduction of cheap labor. I put it upon a higher ground, that it brought American labor in contact with degraded labor and thus degraded American labor.

The act passed in 1879 (perhaps it may have been in 1878; I have not looked it up; but the act was passed during Mr. Hayes's administration) was vetoed for the reason I have stated, and for that reason only. Thereupon the Republican administration made haste to see that the treaty was so modified that we could without any trouble, without apparently violating our good faith, exclude these people from our midst. When it came here I was still a member of this body. I voted every time, although the Senator from Mississippi said once it appeared I had not voted. I voted or was paired every time in favor of the exclusion of Chinese. Upon that question I have never occupied two sides, either before I came into public life or since. I have not taken this position simply because the Chinese were overwhelming my State or my section, for I believe there have never been over five hundred or six hundred Chinamen in Colorado at any time, but I had seen the evil influence on other sections of the country and knew whereof I spoke.

The Senator from Missouri [Mr. VEST] the other day arraigned the Republican candidate for the Presidency upon the ground that he had been in favor of Chinese immigration. He was unable to find a single jot or a single tittle in the discussion anywhere which indicated that Mr. Harrison was opposed to the restriction of Chinese immigration. Mr. Harrison was opposed to saying that for twenty years Chinese should be excluded. Why? Because he believed it was not consistent with the treaty of 1880, and very many men on this floor believed the same thing. I so believed; and when the present occupant of the chair [Mr. INGALLS] moved an amendment that the term should be put at ten years—I had made some remarks upon the subject at another time to the effect that I was opposed to Chinese immigration, and that I did not think twenty years was too long to exclude them—I rose and said: "I want to exclude them forever, but Senators on this floor say that they do not think that it is consistent with the treaty, and as I am anxious for the passage of this bill I will vote for ten years." So I voted for the ten years, as did many others, and among those was the present candidate of the Republican party for the Presidency.

The Senator from Missouri said in his remarks the other day that every man who voted for that modification (which was not accepted and did not become a part of the law) voted that after ten years he was in favor of unrestricted Chinese immigration. No more monstrous assertion could be made, for no man on the floor had been more anxious than I was for the exclusion of the Chinese, as I had expressed in my speeches and by my votes. The Senator's own colleague voted for that amendment, as did the Senator from Tennessee [Mr. HARRIS], undoubtedly moved by the same reason that moved me. Anxious to secure the passage of the bill, anxious to have some legislation which would accomplish this purpose, we were willing to make the bill acceptable to those who were then opposed to it, and if we had made it so acceptable we should have avoided the subsequent veto.

But when the Senate voted down that proposition, I voted for the bill with its provision of twenty years, and when the President sent it back I voted to pass it over his veto, although I had already then been nominated and confirmed by the Senate as a member of his Cabinet.

Six weeks later the Senator from Missouri voted for that very provision himself in the new bill that came in, which ultimately received the indorsement of the President, and which was identical in terms save and except that it limited the period to ten years instead of twenty years. If men who voted for the first bill thereby declared they were in favor of unrestricted Chinese immigration after twenty years, then so did the Senator from Missouri and so did all who voted in that way declare.

Mr. GEORGE. Will the Senator from Colorado allow me to interrupt him for a minute?

The PRESIDENT *pro tempore*. Does the Senator from Colorado yield?

Mr. TELLER. Yes, sir.

Mr. GEORGE. The Senator from Colorado has alluded to some criticism or supposed criticism of mine upon his voting. I wish to call the attention of the Senator to a remark in my speech in which I separated him from the opposing Senators and acknowledged fully and freely that he was on the side of the Chinese question in all these matters that I was. I desired to call his attention to that fact.

Mr. TELLER. I did not understand the Senator to criticise me, but I understood the Senator to read from a paper, and not to read from the record, in which it appeared that I did not vote.

Mr. GEORGE. On one occasion.

Mr. TELLER. There was one vote on which I was paired which the speech he read from, which had been delivered in the other House, did not show.

Mr. GEORGE. I am sorry if my reading from that record did any injustice to the Senator. It was very carefully prepared.

Mr. TELLER. I wish to say that upon this subject I do not yield in zeal to anybody on earth, and I have had these ideas longer than the Senator from Mississippi. I had them years ago. It is no new faith with me; and on this question the Republican Presidential candidate voted just exactly as I voted. I believe that he is as sound on the question of American labor, whether it be of protecting it against the pauper labor of Europe or the pauper labor of China, as any man in the world.

The bill finally came here and was passed and was signed by President Arthur. I wish to say that all the efforts which have been made that have eventuated in any measure worth anything to the people on this question have come from Republicans and have had the sanction of a Republican Senate and a Republican President.

So it will not do for the Senator from Mississippi to assume that the Democrats have been in favor of the restriction of Chinese immigration or its prohibition while they have been the other way. In 1876 at Cincinnati at our national convention we put in a provision on the motion of the Senator from Nevada [Mr. JONES] that Congress should investigate this subject with reference to legislation upon it. That was just what the Pacific coast people asked and all they asked. In 1880 we put in our platform this provision, which I will read:

Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with Congress, or with the United States and its treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as an evil of great magnitude, invokes the exercise of those powers to restrain and limit that immigration by the enactment of such just, humane, and reasonable provisions as will produce that result.

Who wants anything more than that? It was satisfactory to the people on the Western coast, as it was satisfactory to the people everywhere who have studied this question and who have had a special and direct interest in it.

But in 1880, just before the campaign closed, there appeared in a New York paper the letter known as the Morey letter. I will read the letter. It was as follows:

[Personal and confidential.]

HOUSE OF REPRESENTATIVES, *Washington, D. C., January* 23, 1880.

DEAR SIR: Yours in relation to the Chinese problem came duly to hand.

I take it that the question of employés is only a question of private and corporate economy, and individuals and companies have the right to buy labor where they can get it cheapest.

We have a treaty with the Chinese Government which should be religiously kept until its provisions are abrogated by the action of the General Government, and I am not prepared to say that it should be abrogated until our great manufacturing and corporate interests are conserved in the matter of labor.

Very truly, yours,

J. A. GARFIELD.

H. L. MOREY,
Employers' Union, Lynn, Mass.

When that was published the then candidate for the Presidency, Mr. Garfield, made haste to deny that he had ever written such a letter. All the Democratic press throughout the country asserted that he had written the letter. High and responsible Democratic authority was invoked as to the signature of the letter.

Mr. PLATT. It was lithographed.

Mr. TELLER. The lithographed letter was sent out. It was a forgery of the basest kind, subsequently proved in court to have been a forgery, and what was more, it was a clumsy forgery. It was a forgery that ought not to have deceived anybody, and it would not have deceived anybody if there had not been a desire to misrepresent the attitude of the Republican candidate for the Presidency.

The Morey letter did not succeed, and this attack upon the present Republican candidate will not succeed now. Why? Because the people know it is not true. If that letter had been known by the people of the United States to have been the actual letter of James A. Garfield, I venture to say, as I have said before on this floor, that he would not have carried a State in this Union—not one—and he ought not to have carried a State in the Union if he had written a letter of that kind, or if he had declared sentiments of that character—a declaration that the great manufacturing and corporate authorities had a right, at the expense of the laboring people of the country, to get their labor wherever they could.

But in this Congress, on the other side of this Capitol, in another body, the same sentiment has been uttered and declared which was contained in the Morey letter. A member of Congress declared recently, and the utterances have been published broadcast, that it was our right to buy goods wherever we could buy cheapest, and when asked if that applied to labor he declared that it did. That was the utterance of a Democratic member, and no Democrat to this hour, either there or here, has risen to rebuke him for the logical statement that he made if his first proposition was true.

Mr. BLACKBURN. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. BLACKBURN. Will the Senator tell us whether, during the twenty-odd years that his party held power in this country, it ever put upon the statute-books, or ever proposed a law that would prevent a manufacturer or a miner from buying the pauper labor of Europe and bringing it into this country, tax-free, if he wanted to do so?

Mr. TELLER. I will tell the Senator all about that before I get through, and I will also say before I get through something about the claim made by the other side of this Chamber that they are the patrons of labor. I shall have time, I think, to allude to some things in their history within the memory of men, and if they want to discuss that question for twenty years past I shall be quite prepared to discuss it with the Senator or anybody else on that side. If there ever was a fraud on the American people it is when that side of the Chamber talk about their fealty to labor and their interest for the laboring men. I challenge them now here to show in the long years that they had the Government, and they may take their time to look it up, one single statute of commanding importance in the interest of labor. They can not show one. And I will show them that whenever any great question in the interest of human rights came up they were always against it. We will compare records, Mr. President, the Democratic party and the Republican party, either before the war or since.

It was forgery that they used in 1880; it is slander that they hope to use in 1888 to get themselves into power. It will not be amiss now, sir, to look into the history of the Democratic party on this question of Chinese labor.

California was the first section to be cursed with Chinese labor. The Senator who sits by my side [Mr. MITCHELL] last night told us something about it. He told us of a Democratic governor who afterward came and sat in this Chamber——

Mr. MITCHELL. If the Senator will pardon me, I desire to say that I was mistaken in regard to that matter. The man, John McDougall, who was governor of California, was not the Mr. McDougall who was afterwards Senator. He was governor of California, however, and was a Democrat.

Mr. TELLER. Well, I did not know about that. I supposed that the person of that name who subsequently came here was the same man; but it does not make any difference whether he sat in this Chamber or not, he declared, as the Senator from Oregon read yesterday, that Chinese laborers were desirable and valuable and most favored, or should be most favored, of all our immigrants.

At the risk of repeating what the Senator from Oregon said so well yesterday, I will go over this ground a little. I will first call attention, for fear I may forget it, to the great number of Chinamen that had come in on the Pacific coast as early as 1850, 1851, 1852, and subsequent thereto. I want to read a little of the record of the Democratic party in California, for that is the only place in which any record was made on this question at that time.

In March, 1852, Mr. Peachy, a Democratic member of the California Legislature, which was a Democratic Legislature, introduced a bill to legalize contracts for labor made in China, which provided that such contracts should be good for five years, and might be made assignable. Any laborer brought in under contract who should attempt to leave his master could be arrested and compelled to work out his contract of service. This was known as the Peachy bill, and passed the lower house. It was supported by Mr. Peachy, its author, and by Mr. Roach and Mr. Hager, all distinguished Democrats. Shortly after this a bill was introduced into the California Legislature for taxing Chinamen. This the Democratic majority refused to pass. Mr. Hager, who was afterward a member of this body, and is now collector of customs at the port of San Francisco, offered the following resolution:

Whereas California is nearer China than any other State and a valuable commerce has been opened up:

Resolved, That a commission be appointed to go to China.

And when an attempt was made to substitute South America for China the Democrats voted it down.

In 1852 a Whig member of the Legislature offered a bill known as the miners' tax, imposing a head-tax on all aliens working mining claims. It was incontinently laid on the table by the Democratic majority of the Legislature. At that time there were 25,000 Chinamen in the State. In 1856 there were 30,000 Chinamen in California. Labor demanded their exclusion. The Democratic Legislature appointed a Democratic committee of inquiry, which made a report on the subject from which I shall read a sentence. Now, mark this, you Senators who insist that you have been *par excellence* the defenders of labor as against Chinese:

We say the tendency is not towards corruption. They have done us no harm.

In 1859 Mr. Weller, a Democratic governor of California, declared:

We have cause to rejoice that this great nation (China) has been subjected to the law of nations.

The cause of that rejoicing was that there had been a treaty concluded with China the year before, called the treaty of 1858, which did not provide, as the Senator from Mississippi [Mr. GEORGE] thinks the treaty of 1868 ought to have provided, for the exclusion of Chinese, but allowed them to come.

Now, Mr. President, I want to contrast the Democratic position with the Republican position on that subject. California had been ultra-Democratic. It was controlled by the most Bourbon-like of all Democrats. It was controlled by the class of men then in power in the country, who were managing and controlling the Democratic party, the ultra pro-slavery men of the country. They had filled up California with able men from that section of the country, and while they could not control it sufficiently to establish human slavery as they tried to do, they controlled it sufficiently to get Democratic legislators and governors.

But in 1862, in the midst of the civil war, when the patriotic love of the Western people was stirred, there were enough of them found voting with the Republican party to elect one of their number governor of the State—a gentleman now an honored member of this body, the Senator from California [Mr. STANFORD]. I wish to contrast his utterances with the utterances of those Democrats who preceded him, and to show the attitude of the Democratic party that preceded his administration in that State, the only State then that had been called upon to take up this question where public sentiment had been crystallized at all so that it could be said there was a sentiment.

Before reading what Governor Stanford said with regard to the immigration of Chinese, I want to read what he said on another subject; and I read it because the words are words that seem to me as valuable as gold. This, mind you, Mr. President, was in 1862, when there was great trouble in this country and when it was uncertain whether California would be cut off from the rest of the country by secession. He said:

California has nobly and wisely pronounced in favor of the cause of the people. Let her prove her devotion to the cause of the Union and to civil liberty by doing all in her power to maintain both. Let her part of the national tax be cheerfully assumed, and provision be made for its payment out of the State treasury. Every one of us should feel that we are but guardians, holding our lives and our fortunes in trust for the protection of the Government, around which cluster the anxious hopes and fears of millions who have grown with its growth and strengthened with its strength.

Our Government is emphatically one of the people, possessing all the power of the people for their protection and defense, but powerless for their oppression. It is not only the best, but the strongest form of government the world has ever known. Let it remain unchanged.

Those are patriotic words, Mr. President, full of meaning, full of truth. In a government of the people there should be no oppression of the people. It is not strange that he who entertained that sentiment, when he saw these hordes from Asia competing with American labor and doing what I repeat again is a hundred times worse, degrading American labor by their association, pulling it down from the high position that it had occupied here as nowhere else in the world—it is not strange that he should have turned his attention to getting rid of these people. Now hear what he said:

While the settlement of our State is of the first importance—

This is the governor's inaugural message. This is when he first addressed the people of the State that had honored him with election. Mind you, Mr. President, this is from the first Republican governor of California, elected in 1862—Governor Leland Stanford. He said:

While the settlement of our State is of the first importance, the character of those who shall become settlers is worthy of scarcely less consideration. To my mind it is clear that the settlement among us of an inferior race is to be discouraged by every legitimate means. Asia, with her numberless millions, sends to our shores the dregs of her population. Large numbers of this class are already here, and unless we do something early to check their immigration the question which of the two tides of immigration meeting upon the shores of the Pacific shall be turned back will be forced upon our consideration when far more difficult than now of disposal. There can be no doubt but that the presence of numbers among us of a degraded and distinct people must exercise a deleterious influence upon the superior race and to a certain extent repel desirable immigration. It will afford me great pleasure to concur with the Legislature in any constitutional action having for its object the repression of the immigration of the Asiatic races.

That, Mr. President, was the first official utterance from any public man anywhere against Chinese immigation. While there had been protests in California and protests in other sections, the protestants had not been in power; but as soon as the Republicans came into control in California that was what the Republican governor said. Of course it was a question beyond their control; of course it was a question for national authority and the exercise of national power; but it showed plainly that the Republican party then, as now, has been opposed to this kind of immigration.

I desire now, Mr. President, to call attention to some other movements that have been made in the interest of the repression of this class of immigrants.

Mr. PAYNE. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly; I am always glad to answer questions.

Mr. PAYNE. Was not Governor Stanford at that time connected with the Union or Central Pacific Railroad officially and as a large stockholder?

Mr. TELLER. What was the question?

Mr. PAYNE. I asked whether Governor Stanford was not at the time referred to connected with the Union or Central Pacific Railroad officially and as a large stockholder.

Mr. TELLER. Not at that time. The company had not been organized at that time; it had not been formed at that time.

Mr. MITCHELL. The charter was granted in 1862.

Mr. TELLER. As the Senator from Oregon says, the charter of that company was not granted until 1862, and was revivified by act of Congress in 1864, and up to that time there had been no organization of a continental road.

Mr. PAYNE. Let me inquire of the Senator whether the Mongolians who were on the Pacific coast subsequently were not brought there by that company?

Mr. TELLER. No; not by that road nor by any other road. They came there of their own accord. A Republican administration had prevented them before that—prevented the introduction of cooly labor into the United States.

For fear I may forget it, I will answer the Senator from Ohio when he asks whether subsequently these railroads did not import contract labor. Before the war, as early as the year 1852, there was an inquiry by the House of Representatives into the cooly trade. It did not come to anything. The class of men who were in power, who were controlling the administration, were in favor of the cooly trade. It was akin to their system of labor, and you could not have hoped or have expected that in those days anybody who held that the black man ought to be a slave could not hold with equal propriety that the brown man might be a slave also. But on the 19th of February, 1862, when there was a Republican administration in both branches of Congress and a Republican Executive, there was passed this law which has gone into the Revised Statutes, and is now in force:

SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

That law, as I have said, was passed on the 19th of February, 1862. There is not a man sitting in this Chamber who came from south of Mason and Dixon's line who would have voted for that bill; none of them would have done so then. They hold different ideas, I trust, now from what they held then.

I will not read the whole statute. It provides penalties, and carefully guards the provision that they shall not be brought. Under that law there was no importation of cooly labor into any section of our country as there had been in some of the Southern States before the war.

A Senator suggests to me that that was advanced ground. It was. It was breaking in upon what had been the opinion of a great many men in this country—the opinion, namely, that there was a right of capitalists to buy labor where they could buy it cheapest. The maxim that they had a right to buy labor where they could buy it cheapest was the corollary and proper logical deduction to that which maintained that you had the right always, irrespective of the interests of the people, to buy goods wherever you could buy them cheapest. If the one is sound doctrine the other is sound doctrine. At that time everywhere in this country where the doctrine of free trade was rampant so was the other doctrine, involving the right to buy labor as to buy goods.

When this legislation was passed it was supposed it would preclude or hinder the coming of great bodies of these people, who it was believed were contracted for by their own countrymen in many instances, and undoubtedly were. It did not have that result.

I want to go a little further in showing up the record on this question. In 1869, when labor in California was distressed, there was pending before the Democratic Legislature of the State a bill granting a large body of tide lands to a railroad corporation. To this an amendment was offered prohibiting the employment of Chinese by the beneficiary. Of the 42 votes recorded against this amendment 32 were cast by Democrats.

On the 4th of December, 1861, Thomas D. Elliott, of Massachusetts, a Republican Representative in Congress, offered a bill prohibiting the importation of coolies into the United States. It passed both Houses and was approved by Abraham Lincoln, and that is the bill I have read.

In 1877 Mr. STEWART, of Nevada, secured the passage of a resolution calling for further information as to this traffic. Mr. Sargent, of California, in the same year also offered a bill in the House of Representatives on the subject. In 1873 Mr. Page, of California, offered a bill prohibiting the importation of Chinese coolies and prostitutes, which passed in the House in 1875. In 1874 General Grant called attention to the same question, in these words:

I call the attention of Congress to a generally conceded fact, that the greater proportion of Chinese immigrants * * * do not come voluntarily * * * but come under contracts with head-men, who own them almost absolutely. In a worse form does this apply to Chinese women. * * * If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulations to secure so desirable an end.

In 1874 and 1875 Mr. Sargent and Mr. Page were both active in so

curing legislation on this subject and were both Republicans. Up to that time I have to find yet that any Democrat had taken any steps in this direction at all. Now we are up to 1870, and the Democratic record in California, the only State to which Chinamen had come, showed that the Democrats were opposed to its restriction.

Now I come to my own State, the State of Colorado.

In the twenty-seven years that Colorado has been an organized Territory or State she has had only once a Democratic Legislature. In 1870 the Democrats had not only the Territorial council by a very respectable majority but also the house of representatives of the Territory by an equally respectable majority. Both bodies were small. In the house of representatives there were twenty-six members, and of those sixteen were Democrats. In the council there were thirteen members, and of those nine were Democrats. So there was a Democratic working majority in both bodies. There was a Democratic speaker of the house and a Democratic president of the council, and there was a Republican governor. For fear I may forget it I wish to say now that that Republican governor has been training for a good many years in the ranks of the Democratic party, and is to-day a Democratic official under this Administration.

Let us see now what the Democratic Legislature in Colorado did on this question as late as February, 1870. I have here the legislative proceedings of the Territory of Colorado and I find this:

HOUSE JOINT RESOLUTION.

For the encouragement of Chinese immigration into Colorado Territory.

Resolved by the house of representatives of the Legislative Assembly of the Territory of Colorado, the council concurring, That immigration of Chinese labor to Colorado is eminently calculated to hasten the development and early prosperity of the Territory by supplying the demands for cheap labor.

Resolved, That such immigration should be encouraged by such legislation as will guaranty to said immigration security in their persons and property.

Approved February 11, A. D. 1870.

I have been to the trouble to find out, by looking up the journal, who introduced that, and I find that it was a prominent Democrat of the house of representatives who introduced it, a Mr. Bevan, representing one of our mining districts at that time and another time in the Legislature.

Now, what a degree of effrontery is required for the Senator from Mississippi to stand up here, in view of the record I have read, in the only section of the country where a record could be made on this question at all, and tell us that we have been the party of Chinese labor, that we have been in favor of it, when we are the only people that have ever made an effort to secure the exclusion of Chinese. Why, we have had a Democratic House of Representatives here since 1875, and what have they done towards securing the exclusion of the Chinese? For two years of that time the Democrats had both the House and Senate. What did they do then? That is the time they passed the bill. Was it a party measure? When that was before the Senate the present Secretary of State declared that the bill ought to conform to and be in unison with the treaty, that it ought to be shaped upon the treaty. I do not remember whether he voted for it or not, but he certainly made that declaration, and declared that he would vote for the Ingalls amendment, although I believe he did not.

I now call the attention of the Senate to another thing in connection with this question. In 1864 we passed what was called the contract-labor law. The other day when the Senator from Missouri [Mr. VEST] was speaking, or soon after he had spoken, on the Chinese question, the Senator from Kentucky [Mr. BECK] called attention to the fact that this contract-labor law passed in 1864 was not repealed until 1883. There was a law passed in 1864 that enabled citizens of the United States to make contracts with foreigners and bring them here to labor.

Before we consider whether that was a wise law or not, we must consider the condition of the country at that time. What was it? There was an immense number of men, either in the Army or associated with the Army or engaged in supplying the wants of the Army, that is to say, people who were withdrawn from the productive industries of the country, and their labor applied to a destructive purpose, not to the creation of wealth.

How many men were there? I find the committee here saying a million of men. Why, Mr. President, that only refers to the men that we had in the Army of the North. That does not refer to the great number of people who were called from other pursuits to do things that necessarily grew out of the war. With a million of men in the Army and petitions coming here from farmers, from manufacturers, and from numbers of other people asking for legislation that would enable them to go abroad and bring labor—not Chinese labor, because that was prohibited by the act of 1862—but to bring reputable Irishmen, Norwegians, Germans, and that class of men into the United States faster than they were coming, we passed the act of 1864 at that particular time to meet a demand made necessary by the war. How many people ever came under it I do not know. It was not repealed until 1883. It was not repealed because I venture to say up to that time there had never been any abuses under it. At least no complaint had been made by anybody that I am aware of.

In 1883 that question came before the House and the House passed the repealing bill. Let me go back a moment to say that in 1864 a committee was appointed consisting of three Republicans and two Democrats to take into consideration with reference to this, not only the petitions but the President's message, President Lincoln having recommended that some steps should be taken to increase the immigration because of the scarcity of labor. Two of the three were Republicans and two Democrats, one of the Democrats being from Missouri and one from Indiana, and the Democrats made a report with the three Republicans in favor of the bill, and it can not be shown that a single Democrat voted against it.

Mr. COCKRELL. Who was the Democrat from Missouri?

Mr. TELLER. Mr. Rollins, a reputable Democrat and a man of a good deal of ability, as I recollect. That was a peculiar condition of affairs. We wanted labor. We had taken away the bone and sinew of the country and put them into the Army. We had to supply them with goods, we had to supply them with food, we had to supply the people all over the country with necessaries, and for that purpose we wanted the labor and we welcomed the laborers, and we took special pains to get them and to bring them here.

Mr. STEWART. It was a war measure.

Mr. TELLER. As suggested by the Senator from Nevada, it was a war measure. It was a proper measure for the time.

In 1885 a repealing bill came into the Senate, and one would suppose after hearing the Senator from Kentucky, who I am sorry to see is not in his seat, that he rose immediately when it came here and moved to do as was done yesterday with this bill—put it through without the formality of a reference to a committee. I supposed before I looked up the record that there was a scramble and rush on the part of the Democrats to get to this bill in order that they might pass it. Why, Mr. President, I assert here that when it passed the Senate the only opposition found to it came from the Democratic side of this Chamber. Of the nine votes against it only one was a Republican, and he had declared before he came to that vote why he should so vote, because, as he declared, the bill was not sufficiently explicit. But the Democrats did not put it on that ground. The Senator from Alabama who sits nearest to me [Mr. MORGAN] moved hostile amendments to it, and the Senator from Texas who sits farthest from me [Mr. COKE] moved an amendment to exclude from the operation of the bill all agricultural laborers, as the old contract-labor bill was then about to be repealed; while on this side of the Chamber every man voted for its repeal save one, including our candidate for the Presidency. He not only voted for it, but expressed his desire that it should pass in a little colloquy that he had with the Senator from Texas.

When they came to the question whether they would make a practical bill of this, and when an amendment was offered providing that it should be the duty of the United States attorney to prosecute infractions of the law as contained in this new bill about to be passed, which not only repealed the other but made it a penal offense to import labor under contract, when it was desired to make it effective by saying that the United States attorneys should be charged with its execution, I believe the only votes against that proposition came from the Democratic side of the Chamber.

There was a long discussion on the bill. The Senator from Alabama spoke several times on it. Both the Senators from Texas spoke on it. The present Republican candidate for governor of the great State of New York was one of those sitting on this side of the Chamber, and he brought to the support of that bill his great intellect, not simply by his vote, but by his earnest effort on this floor for its passage as it had come from the House, without being deprived of its valuable features, as was attempted by the Senator from Alabama, the Senator from South Carolina, and the two Senators from Texas.

The Senator from South Carolina moved a substitute for the bill—a substitute which, with the concluding section (section 4), would have absolutely nullified the bill, would have rendered it innocuous so far as concerned the accomplishment of the purpose for which it was intended, and would have opened the door for the importation of contract labor of nearly all kinds into this country. Such was also the practical effect of the amendment of the Senator from Texas. Such was the practical effect of the amendment of the Senator from Alabama, who desired to allow skilled labor to be introduced under the contract system. This amendment also was moved:

And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

On that there were 43 yeas and 15 nays. Let me read who voted "nay" on that amendment. It was not an unreasonable thing when the Senate was going to pass an act of this kind that somebody should be authorized to carry it out. Who voted "nay?" Mr. Bayard, the present Secretary of State; Mr. BECK, who criticised the original bill; Mr. BROWN, Mr. Fair, Mr. Garland, Mr. Groome, Mr. HAMPTON, Mr. HARRIS, Mr. Maxey, Mr. MORGAN, Mr. Pendleton, Mr. SAULSBURY, Mr. VANCE, and Mr. Williams of Kentucky. The Senator from Texas [Mr. COKE], whom I do not see in his seat, stated that he was paired with the Senator from Massachusetts [Mr. HOAR], and that if Mr. HOAR were present, Mr. COKE would vote "nay." Mr. RANSOM, when his name was called, said he was paired with the Senator from Illinois [Mr. Logan], and if that Senator were present, Mr. RANSOM would vote "nay." So there were practically 17 votes from the Democrats against the enforcement of this law, and not one Republican.

I never like to mention a Senator who is not present, but I want to call the attention of the Senate to the fact that the Senator from Kentucky—I feel that I have a right, however, to do so, and I regret that he is not here that I may call attention to his record in his presence—the Senator from Kentucky voted, it will be noticed, on that amendment. It was then proposed to send the bill back to the Committee on the Judiciary with instructions to report, not later than the 20th, a bill that should more effectually reach the end desired. That was the motion of the Senator from Connecticut [Mr. HAWLEY], the only Republican who voted against the bill. He stated that in his judgment the bill did not come up to what it ought to be. I want to say that by an examination of the record I find no Democrat basing his vote on that ground, that which everybody understood was a hostile movement; for its enemies would naturally vote to send it to a committee.

On that, the following Senators voted to send the bill back: Mr. Bayard, Mr. BUTLER, Mr. Garland, Mr. GIBSON, Mr. Groome, Mr. HAWLEY, Mr. HAMPTON, Mr. HARRIS, Mr. Maxey, Mr. MORGAN, Mr. Pendleton, Mr. SAULSBURY, Mr. VANCE, and Mr. Williams. Those are all Democracts but one; nobody voted with them from this side of the Chamber except the mover of the resolution. There was no debate intervening between the vote of the Senator from Kentucky to which I first called attention and the last vote on the bill. On the passage of the bill the vote stood in the negative as follows: Mr. BLAIR, Mr. Groome, Mr. HAMPTON, Mr. HAWLEY, Mr. Maxey, Mr. MORGAN, Mr. SAULSBURY, Mr. VANCE, and Mr. Williams. They all voted against the bill. The Senator from Kentucky and the Senator from Delaware, Mr. Bayard, who had voted five minutes previously against the provision for the enforcement of the act, were absent and did not vote. The Senator from North Carolina [Mr. RANSOM] who had voted before against the proposition turned around and voted for the bill. Neither the Senator from Kentucky nor the Senator from Delaware, Mr. Bayard, was paired, so far as the record shows, nor did they make any excuse for not voting. In other words, after voting for all the amendments that were hostile to the bill, after voting as they had done repeatedly for things that would destroy the bill, then, when it came to the final vote, they were so politic that they both dodged.

And now, Mr. President, do you not think that it is pretty cheeky for the Senator from Kentucky to read us a lecture from that side of the Chamber on the labor-contract bill? Who passed the bill? Republicans passed it. Who signed it? A Republican Executive signed it. The Republicans went out of power and the Democrats came into power, and they have not lifted a finger to enforce that law from that day to this.

Mr. BLAIR. Will the Senator permit me to make a remark in that connection?

Mr. TELLER. Certainly.

Mr. BLAIR. I desire to say that I have had sent to me at this session affidavits from citizens in my own State showing that they laid before the United States district attorney of their district affidavits of the clearest and strongest character, affidavit after affidavit, showing the importation of laborers from Canada to perform work in my State, and asking and urging prosecution, and the district attorney refused month after month to act, and never has acted.

Mr. PAYNE. If the Senators will pardon me, I might mention a case arising under that act—the case of the pastor of Trinity Church, in New York. In that case there was a prosecution and a conviction and fine, as I understood.

Mr. TELLER. The Senator from Ohio calls my attention to the fact that the Democratic administration have enforced this law. I was under the impression that they had not; but when the Senator calls my attention to it I remember that there was a religious congregation in New York, Trinity Church congregation, a great church in New York City, a Democratic church, mainly. It is the high "mucky-mucky," as they say out West, of the Democratic party that assemble at Trinity Church for prayers, and nothing would do them but to have an English minister, in accordance with the general tendency of this Democratic Administration. They desired to have "something English, you know" [laughter], and they sent abroad and got an English minister. They contracted with him before he came to this country as to how much should be his salary. And now let me say that the Democratic party did not move that prosecution. Probably it is to their credit that they did not, because the law was not intended to cover anything of that kind. You could hardly deny to the rich and high-headed people that attend Trinity Church the privilege of going to England or anywhere else to get a preacher if they wanted to do so. But some man in New York who thought he had a grievance against the church instituted a suit and gave them a good deal of trouble, and finally, I think, got this minister fined.

I am obliged to the Senator from Ohio for this the only instance in which it has been attempted to enforce this law against a poor preacher, and then they were unwilling prosecutors. Italians and Hungarians have been brought in, and according to the testimony produced by a committee of the House of Representatives the prosecuting attorney's attention has been repeatedly called to it, and I think the attention of the Attorney-General has been called to it. The public has at least heard of it, if the officers have not; and yet there has never been a single prosecution, and the only one that the Democratic Senators can mention when they come to defend this Administration is the case of the Trinity Church preacher.

Mr. GRAY. Will the Senator permit me to interrupt him?

Mr. TELLER. I will. If the Senator from Delaware can mention another case I shall be glad to hear it.

Mr. GRAY. There might have been a great many other cases, and I have no doubt that whenever a case has been brought to the attention of the executive officers it has been attended to; but there is one case as to which I can refresh the recollection of the Senator, a case which is rather conspicuous. I refer to the case occurring in the past spring, where the owners of fishing vessels in Gloucester were bringing down from Canada by the ship-load Canadian fishermen to enter "the nursery of American seamen." That thing was called to the attention of the district attorney, and prosecutions were at once commenced, and a ship-load at least were turned back. Whether they got back by rail or otherwise I do not know.

Mr. DAWES. Does the Senator say that anybody was prosecuted for that?

Mr. GRAY. Yes, sir.

Mr. DAWES. I do not so understand it, Mr. President. I know there was an announcement, a proclamation, but I never knew that it went further than a proclamation.

Mr. GRAY. People are not indicted, tried, and convicted the same day, as the Senator knows.

Mr. BLAIR. If the Senator from Colorado will allow me to say a word, I shall be a trifle more specific about the case in my own State. There was a railroad chartered there and a leading Democrat of the State—the leading Democrat of the State—by his nearest business associate, undertook to build the railroad; and I have seen sworn copies of a dozen affidavits, I may say, in which the written contract is set forth by which those parties are shown to have brought Canadian laborers to the State of New Hampshire to do railroad work in competition with others who would have been glad to do it, the common laborers of that State, and the sworn affidavits being produced and laid before the district attorney and the prosecutions of the cases urged from time to time, the parties complaining were never able to accomplish the initiation of any prosecutions whatever. That is a clear instance of the failure to prosecute a violation of the law. I will put those papers in the RECORD if I can put my hands on them.

Mr. PAYNE. I understand the law was passed in 1883. Were there not some transactions involving the violation of the law under the administration of Mr. Arthur which were not prosecuted?

Mr. BLAIR. The law was passed in 1885.

Mr. TELLER. Yes; in 1885.

Mr. PAYNE. I should like to inquire of the Senator from Colorado how many prosecutions were commenced during the administration of President Arthur?

Mr. TELLER. This act was passed in the last days of Mr. Arthur's administration.

Mr. PAYNE. I understood the Senator to say 1883.

Mr. TELLER. I might have said 1883, but if I did I meant 1885. I was not aware that there was any fisherman on the New England coast prosecuted; but I am not surprised, because if there were any prosecutions anywhere it would be of that class of people. I have yet to learn that there have been any convictions of those persons or any others.

When the Senator interrupted me I was about to say that the testimony in New York before a committee of the House of Representatives that is over there taking testimony shows that these matters have been repeatedly brought to the notice of the district attorney of the United States, and, as the witnesses have stated, he paid no attention whatever to them.

Now, Mr. President, what is the condition of this bill and what are the circumstances under which it comes to us? Yesterday, as the Senate was proceeding with its business in the usual way, there came in a bill which I learn now has never seen a committee of any body, of either this House or of any other. It never ran the gantlet that every bill runs of criticism; it has never been printed. I do not know that I am at liberty to say who introduced it in the House of Representatives. I do not know how far I can go upon a question of that kind. I can state what I have seen in the public press, and I suppose I have a right to read what is in the RECORD, and if I have, perhaps I have, the right to say that this appears to have been introduced by a gentleman who is not a member of the committee that generally takes cognizance of these things, not only not a member of the committee, but I may say without offense to him, a gentleman that in no sense and under no circumstances has a right to speak for American labor.

Without going to a committee the bill goes through the House and comes here. The Senator from South Carolina [Mr. BUTLER] said with great frankness that it was a political movement. I do not find in the RECORD that this bill was drawn in the Solicitor's office, but I

hear it outside. I hear that it was sent down from the executive department of the Government in hot haste to the House of Representatives to be passed. I do not know that that is so; I only say that that is the rumor, that is the report. I submit to the Senate, however, that it does not take very much to make one believe that in the quick passage of this bill through the House of Representatives there was something more than a desire to protect American labor against the incursions of Asiatic labor.

If I were to look over the whole House and select a man who would most fitly represent the American people who toil, I should hardly have thought of selecting the man who came hot haste with that bill and who succeeded in passing it through the House as very few men would have been able to do, and he succeeded only because he is a high priest in the Democratic church. It is a bill which could only have been considered by the unanimous consent of the House, the Speaker's recognition being first had. This occurred immediately on the reading and approval of the Journal. He succeeded only because he represents the President of the United States more than any other man in the Democratic party, as he did at St. Louis and as he does everywhere, and who is reported to have contributed ten times as much money to the campaign fund as his Democratic President has given. I do not know whether that is true or not, but I know that so far as he is concerned if he chooses to give $100,000 to the Democratic campaign fund he has a right to do it. I hear that he is able to do it; that he has made his millions of money out of the laboring men of this country. It will not be amiss for me to read what he himself has said of himself in the Congressional Directory.

I may ask the Senator from Texas [Mr. REAGAN], who is the special antagonist here of trusts, what he thinks of letting the Democratic House of Representatives be controlled and run by this great Democrat, who is conspicuous not for his great intellect, but for his great railroad interests, of which he boasts in the Congressional Directory. Perhaps the Senator from Texas has not seen the statement, so I am going to have it read from the Directory. I will ask the Chief Clerk to read it, because, as Brother BLAIR says, he is a better reader than I am.

The Chief Clerk read as follows:

[From the Congressional Directory.]

TWENTY-SEVENTH DISTRICT, PENNSYLVANIA—COUNTIES: ERIE, VENANGO, AND WARREN.

WILLIAM L. SCOTT, of Erie, was born in the city of Washington, D. C., July 2, 1828, his parents being residents of Virginia; he received a common-school education; served as page in the House of Representatives from 1840 to 1846; settled in Erie, Pa., in 1848, and was employed as a clerk in the shipping business; engaged, in 1850, in the coal and shipping business, owning and running several vessels on the lakes; subsequently became largely interested in the manufacture of iron and the mining of coal, as well as in the construction and operation of railroads, either as president or director of various lines, aggregating over 22,000 miles of completed road, the greatest number of miles of railroad probably which any one individual was ever an officer or director of; was a district delegate to the national Democratic convention held in the city of New York in 1868, and a delegate at large from the State of Pennsylvania to the Democratic national convention held in Cincinnati, Ohio, in 1880, and also represented the State of Pennsylvania on the Democratic national committee from 1876 to 1884; was elected mayor of the city of Erie in 1866, and again in 1871; was elected to the Forty-ninth and re-elected to the Fiftieth Congress as a Democrat, receiving 14,787 votes against 13,574 votes for Mackey, Republican, and 2,140 votes for Andrews, Prohibitionist.

The PRESIDENT *pro tempore*. The Chair will take this occasion to remark that while it is undoubtedly allowable to refer to the acts of the other House of Congress generally, it is, the Chair thinks, a violation of privilege to refer to the individual character or to the acts or conduct of members of that body. It interferes with the absolute independence which ought to exist between the two Houses of Congress; and the Chair thinks that perhaps this debate has already gone further than it should have gone. The general parliamentary law on this subject is so well defined that the Chair thinks it is unnecessary to allude to it further.

Mr. TELLER. I shall not address myself further to any member of Congress. I think, however, that when I choose to speak of a person who has acted in another capacity I have the unquestioned right so to do. I will speak, then, of a member of this great Democratic committee which has been organized for the purpose of carrying on this campaign. I trust that what I have said, if it should look as if I referred to a member of Congress, will be understood and taken as referring to a member of the Democratic committee and not to a member of Congress.

Mr. BLAIR. And also, if the Senator will permit me, if that is so, what is found in the Congressional Directory should be taken out of the RECORD.

Mr. TELLER. I have no fault to find with the Directory.

Mr. BLAIR. It is an official document of the Senate.

Mr. TELLER. I get my information from all sources possible.

I was referring to the hot haste with which this bill came here, the fact that it was not before a committee, the fact that it came here in a manner not usual for a bill of this character to come. I said, and I repeat, that rumor says that this was brought out for the purpose of effecting a revolution on the Pacific coast. I do not know whether that is true or not, and I do not care.

If I can find something good coming out of this Administration, I do not care what the motive may be. I do not care whether the legislation goes on the statute-book because the chairman of the Democratic committee or a member of it is anxious to make political capital or otherwise. I am for the legislation; I welcome it, and I welcome it just as much as though it were consistent with the past conduct of this Administration. Why, sir, when in March we received a treaty from the hands of the Administration which was to be ratified by the Senate, and was ratified by the Senate, I was not in favor of it. It was proposed to do then by consent what now we propose under this bill to do without any consent whatever, and in effect to abrogate a treaty; but, as I said yesterday, I have been in favor of that all the time, and I do not stultify myself when I vote for this measure now, as I have voted for bills of similar import on former occasions.

It was rather a singular charge on the part of the Senator from South Carolina [Mr. BUTLER] that we were actuated by political motives over here in not opposing the bill. The Senator from Mississippi [Mr. GEORGE], seeing such an unusual proceeding as a bill coming in here in hot haste—a bill that might impair a treaty, might displace it, as I said yesterday—that Senator, with a good deal of hesitation, seemed disposed to object, but I noticed that the Senator from Missouri [Mr. VEST] rose and said, "Why, the Senator from Mississippi does not object," and the Senator from Mississippi immediately sat down and said he did not object. He caught the twinkle of the eye of the Senator from Missouri and saw that there was politics in the bill, and he sat down, and then in order that he might recover from the blunder that he came so near making he got up and charged on us that we have been in favor of Chinese immigration.

Mr. President, I do not know whether it is dignified or not for the executive department of the Government to play with great questions like this. I do not know that it will enhance our character or increase our dignity among the people of the earth to have it appear that on the eve of an election the Administration of this Government are anxious for the passage of a bill that they had been opposed to sixty days before—opposed to when they sent the treaty here; otherwise they did not need any treaty; a treaty, as I said yesterday, that ought not to have come here, a treaty that opened the door in my judgment for continued frauds by means of the certificates for which it provided. Every man knew that those certificates would be used for the purpose of keeping up the Chinese population in California.

Everybody familiar with these people knew that there is not a man on this floor who, if twenty of these Chinamen were before him, and walked out into the hall and came back, could tell whether they were the same twenty or a different twenty. They have none of the facial characteristics that our people have to distinguish them. They all look alike, and they are all alike, and the clause put in there that he who had a wife, he who had debts, he who had property might continue to come amounted to nothing but an increased immigration. Even death would not save them, for if a Chinaman got a certificate and went back and died another man took his place. They are a class of people on whom an oath has no obligation whatever.

The treaty, I say, was not fit to be made, but it was made upon the theory that we could not legislate without a treaty. Here we have the bill now, ready to be passed, and when it passes it will receive the sanction of the Executive, because it is hoped by the Democrats that they will get some advantage in California from this bill. I repeat, I am for the proposed legislation, and if it can only be wrung out of this Democratic Administration because they are *in extremis* I submit I mean to vote for it, and I shall be glad to see it a law.

I had expected something. I did not think they could try the Morey letter. That was played out eight years ago. That served its purpose to some extent. It lost us many votes undoubtedly. They had to have something new, and this is it. Mr. President, it will not win.

Neither will the cry which comes up from the Democratic side of the Chamber that they are the special defenders of American labor because they propose to exclude the Chinese win. You would close the door against the Chinaman himself, but you would open the door to all his productions, to all the fruits of his labor, and all that he shall create, to all that grows in his land either with or without his assistance. You would feed him and clothe him on Chinese soil, but you would admit his productions. How much better is that than to allow him to come here? If he comes to California he buys some things of the California merchants; he contributes in some slight degree—slight, I admit—to the prosperity of the California people; but if he lives at home in his own land he contributes nothing.

You are in favor of free goods, but you are opposed to free men. You want to keep the men out and to let their products in. If you can distinguish, the laboring people of this country can not, when you say that you will let in the rice that is raised by the Chinese—ah, you do not want to let in cheap rice; I had better take something else—when you say that you will let in the labor of the Chinese mechanic.

Mr. STEWART. Boots, shoes, and clothing.

Mr. TELLER. Boots, shoes, and clothing. The Chinese can make all sorts of wares that the American people use. When you say you will let those things in without a duty you give away your whole case.

The American laborer will not be fooled by that any more than he is by the declaration made by the Senator from Mississippi over and over again that he and his associates represent American labor; that the American laborer's interest and happiness and welfare are dearer to them than to us. Is there anything in the history of the Democratic party, either North or South, which justifies that claim? I repeat what I started out with early in this speech, they can not point to a single great thing that they have ever done for labor.

We hear the Democrats sometimes claiming that the act of 1841 which gave to us the pre-emption law was a Democratic law. It was a Whig law. I have heard ignorant Democrats on the stump declare that the homestead law was the result of Democratic administration, when by the vote of a Democratic Vice-President in the Senate one homestead law proposed was defeated; by a veto of a Democratic President another homestead law was defeated, and it was only when the Republicans had both branches of Congress and the Executive that they were able to secure for the people a law which has given homes to a million men; which has given against Democratic votes, against Democratic influence, against Democratic opposition, a million of homes to American laborers. One-fifth of the farms in the United States come from a homestead law passed by a Republican Congress and signed by a Republican President.

How long is it since in this Chamber a distinguished member of this body from South Carolina declared that the mechanics of the North, styling them "greasy mechanics," were the mud-sills of society and unfit to associate with the body-servants of a gentleman in South Carolina? How long is it since Calhoun in this Chamber declared that the proper relation between capital and labor was the relation that existed in South Carolina where capital owned labor? How long is it since, in a Democratic convention, a distinguished citizen of Georgia advocated, with the approbation of the convention, the opening of the slave trade, that they might have cheap labor in the South? Only twenty-eight years have passed since that was heard with the approbation, I repeat, of the Democratic members of that convention from the South and of a great number also from the North.

Mr. PAYNE. May I interrupt the Senator from Colorado? I happen to have had personal connection with that convention and I heard everything that transpired. I was upon the committee on resolutions. I wish to deny that the proposition to which he refers was received with applause. It was more of a burlesque than anything else, and I never heard any person treat it in any other way except General Butler, who, when he retired from the convention at Baltimore, declared that he was shocked at the proposition of Mr. Gaulden. General Butler is the only person I ever knew who took it for granted that it was a serious proposition. It was not a sincere proposition, nor did any one receive it as such except General Butler, who claimed that it shocked his conscience.

Mr. TELLER. The report shows not only what I have said, that the proposition was received with favor, but it shows that Isaiah Rynders, a Democratic worker of the great city of New York, a Democratic United States marshal then, if I remember correctly, said in his place in that body, "You will find plenty of sympathy for that proposition up in our section of the country."

Mr. President, it was not the raving of a Georgian. Does not the Senator from Ohio remember that in 1858 there was a commercial convention at Montgomery which passed two resolutions in favor of opening up the slave trade? Does he not remember that at Memphis, in 1859, another commercial convention indorsed the action of the Montgomery convention of 1858? Does he not remember that the most prominent magazine that was ever published in the South, publicly and openly, clear down to 1860, advocated the opening up of the slave trade for the avowed purpose of filling the broad West with slaves? Does he not remember that Henry A. Wise, in a public speech in Virginia, which was world-wide at the time, in expressing his dissatisfaction with the admission of California, declared that if they could have put slaves into the mines of California they would have added 100 per cent. in value to every negro in Virginia? Does not the Senator know, and does not everybody know, that all over the South everywhere the public press and in public conventions the sentiment was not only in favor of buying men, but stealing them—that they were not satisfied to buy them, but they proposed to go to Africa and steal them? The Senator knows it, and so do I. I was living and old enough to know, and I was enough a student of history to read then and not to have forgotten now. I know the part the Senator from Ohio played in that convention in 1860 as well as any man can know who was not there.

Mr. PAYNE. As the Senator refers to me——

Mr. TELLER. Before the Senator proceeds let me say that I do not mean to charge that the Senator from Ohio had any sympathy with those sentiments. He did not belong to that wing of the Democratic party.

Mr. PAYNE. The Senator asked me if I did not know it. I know nothing about the matter referred to occurring at Montgomery. I was not there, but I was at Charleston; and in further explanation of the matter in that convention I wish to state the reason given by the man who made the declaration in favor of opening the slave trade. He said that in his section they purchased their slaves from Maryland and Virginia, which gave the people there a very profitable business, and he was in favor of opening the slave trade direct, because they would get them a great deal cheaper.

Mr. TELLER. I have not read that speech lately. When that speech was made I was a young man. I was watching public events. Although then engaged in my profession I had come from the laboring man's ranks. I had blistered my hands with honest toil to get my education, and the words that went out from that convention were blistered in my memory so that I shall never forget them. I said, "here is the great Democratic party, in which I had been reared and trained, in favor of degrading the American laborer by the side of the African," and when General Butler rose in that convention and said, "I propose to leave this convention, for I shall never sit in a convention where the advocacy of the slave trade, piracy by law, shall be received with approval," he went up 100 per cent. in my estimation, and I have never forgotten him for that act.

Mr. President, it was not the raving of a lunatic. When the Wanderer landed on the coast of Georgia the Government was not strong enough to punish the relative of a man since distinguished in this body. The Government had not the power to punish him according to law, and he went scot-free. Senators on this floor from the South, if they did not advocate it, declared that the Government had no right to prevent it. The press everywhere in the South was in favor of the slave trade, because, they said, they wanted slaves to go into the new Territories. Mr. Gaulden, who made the speech of which I spoke, in the convention said, "We can not make another slave State unless we have free importations of Africans." I do not think the Senator from Ohio wanted it, and Mr. Gaulden said the people of Virginia did not want it. Why did they not want it? He said it was because the people of Virginia wanted to sell to the new States or the Gulf States the slaves they had raised.

Does not the Senator from Ohio know, and do not all Senators know, that when the war broke out the traffic in human flesh and human blood was $30,000,000 a year, and that that traffic found advocates in every Democratic convention that was ever held; that it found advocates in Democratic organs both North and South? Yet they propose to tell me that they are the friends of labor! When did you get this new light? When did you become all at once the champions of labor? When did you want to elevate and lift up the laboring man? You proposed to put all who labored by the side of the ignorant negro and to make the social position of the white laborer just what the social position of the negro was.

Have you forgotten the letter that Cassius M. Clay sent to our convention in 1856 at Philadelphia, where he pictured the condition of the white man of the South who did not own slaves? His condition was absolutely worse than that of the slave himself—ignorant, degraded, afraid and ashamed to work. There can be no such thing as decent respect shown to labor when it is brought in contact with a class of labor that it was proposed to bring it in contact with and to keep it there. Slaves and freemen do not work side by side.

To-day the gentlemen on the other side are engaged in attempting to enslave labor in the North as much as they were in 1859 and 1860. The claim that you propose to open the markets of the world to our laborers, to our manufacturers, for the purpose of increasing American labor, is but a pretense; it is not true. How can it be done? How is the wages of the man who toils for his coat or a pair of shoes or a yard of cloth to be increased by bringing him in contact, without protection, with all the labor of the world? You deny the right of the Government to protect labor. You declare that it is against the Constitution; and there is where we part. We say it is not only the right but it is the duty of the Government to protect labor. You say you can not do it by law. You do not propose a system of economy that will do it. It can not be done except by law.

Mr. President, I do not like to refer to these old things, and yet it is perfectly proper when the Senator from Mississippi, who until within a few years believed in buying labor (and who I think to-day will not stand in his place and say that he thinks it is wicked for one man to own another), taunts me with not having in my heart the interests of the great masses of the people with whom I must have the closest affinity. Is there anybody so damnably ignorant anywhere as to believe that labor would have been happier in this country if the rebellion had succeeded? Does anybody believe that if there had been no war and the old conditions still existed labor anywhere would have been better fed, better clothed, better housed, and would have occupied a higher plane than it does now? Does not everybody know that the great advancement made by the laboring people of the country has been because of the fact that we made it impossible that they should be put by the side of the degraded serf?

Mr. President, I might mention many other things to support my position that it was cheap labor the Democratic party wanted and it was cheap labor for which they went to war. It is cheap labor that they want to-day. Mr. President, I do not want cheap labor. I know that cheap labor may be had from Chinamen; I know it may be had from slaves, but I do not want it, and I do not intend by my vote to

have it. I believe that the American laborers all over this country are sufficiently intelligent to see that free trade means cheap labor, that it is akin to the old system which we abolished, and I do not believe that they will kindly listen to lectures given to me from the other side of the Chamber by the Senator from Mississippi or the Senator from Alabama, or any other Senator who will stand in his place now, or who would a few years ago, and assert the right of one man to own and control another.

HOUSE BILL REFERRED.

The bill (H. R. 9447) to restore certain money to the fund for erecting a public building at the city of Detroit was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 28th ultimo, a judgment of the Court of Claims in favor of the New York Central and Hudson River Railroad Company; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting in compliance with a resolution of the 28th ultimo, schedules of certain claims allowed by the several accounting officers of the Treasury Department; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting a supplemental estimate of appropriations required by the various Departments of the Government to complete the service of the fiscal year ending June 30, 1888, and for prior years; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

DEPOSITIONS OF WITNESSES.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 832) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States, and the request of the House for a conference on the bill and amendment.

Mr. COKE. I move that the Senate agree to the request of the House of Representatives for a conference on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. COKE, Mr. EVARTS, and Mr. GEORGE were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8344) to prevent cruelty to domestic animals;

A bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails;

A bill (H. R. 10182) to amend an act entitled "An act to make persons charged with crimes and offenses competent witnesses in the United States and Territorial courts," approved March 16, 1878;

A bill (H. R. 10919) to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. Davis Tillson, acting assistant commissioner of the Freedman's Bureau, to Samuel I. Gustin, his heirs and assigns; and

A bill (H. R. 11258) for the relief of certain persons who paid additional taxes assessed against them under the act of March 3, 1875.

ANNIE GIBSON YATES.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows, namely: In lieu of the word "forty" insert "thirty-five;" and the Senate agree to the same.

PHILETUS SAWYER,
C. K. DAVIS,
CHAS. J. FAULKNER,
Managers on the part of the Senate.
J. H. BANKHEAD,
JNO. E. HUTTON,
Managers on the part of the House.

The report was concurred in.

THE LOUISIANA ELECTION.

Mr. PASCO. I gave notice that to-day I would call up the resolution of the Senator from New Hampshire [Mr. CHANDLER], for the purpose of submitting some remarks upon it. I had intended to do so twice before, but I gave way to business which appeared to be more pressing. I now ask unanimous consent that immediately after the conclusion of the morning hour to-morrow that resolution may be taken up for the purpose I have indicated.

Mr. STEWART. I suggest to the Senator to take the floor immediately after the routine morning business.

Mr. PASCO. I will ask that the resolution be taken up immediately after the routine morning business.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that at the close of the formal morning business to-morrow he may be permitted to take the floor upon the resolution offered by the Senator from New Hampshire [Mr. CHANDLER]. Is there objection? ["None."] The Chair hears none.

OTTER CREEK LIGHT.

Mr. PALMER. I move that the House of Representatives be requested to return to the Senate the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain. My object is, when the bill reaches the custody of the Senate, to move to reconsider the votes by which it was ordered to a third reading, and passed, with a view to its indefinite postponement.

The motion was agreed to.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

EXECUTIVE SESSION.

Mr. CAMERON. I move that the Senate adjourn.

Mr. HARRIS. I hope that the Senator from Pennsylvania will withdraw the motion so as to let us have an executive session of a few moments.

Mr. CAMERON. All right; I withdraw the motion to adjourn.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, September 5, 1888, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 4, 1888.

CHIEF-JUSTICE, WASHINGTON TERRITORY.

Charles E. Boyle, of Pennsylvania, to be chief-justice of the supreme court of Washington Territory, *vice* R. A. Jones, deceased.

COLLECTOR OF CUSTOMS.

William E. Bond, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina, to succeed Charles E. Robinson, whose term of service has expired by limitation.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. Amos Beckwith, assistant commissary-general, to be assistant commissary-general with the rank of colonel, August 28, 1888, *vice* Simpson, retired from active service.

Maj. Michael R. Morgan, commissary of subsistence, to be assistant commissary-general with rank of lieutenant-colonel, August 28, 1888, *vice* Beckwith, promoted.

Capt. Samuel T. Cushing, commissary of subsistence, to be commissary of subsistence with the rank of major, August 28, 1888, *vice* Morgan, promoted.

Inspector-General's Department.

Lieut. Col. Robert P. Hughes, inspector-general, to be inspector-general with the rank of colonel, August 31, 1888, *vice* Jones, appointed inspector-general, with the rank of brigadier-general.

Maj. George H. Burton, inspector-general, to be inspector-general with the rank of lieutenant-colonel, August 31, 1888, *vice* Hughes, promoted.

PROBATE JUDGE.

The nomination of George C. Viele, of Millard County, Territory of Utah, to be judge of probate in said county, heretofore transmitted to the Senate, is hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 4, 1888.

UNITED STATES CONSUL.

William Gaston Allen, of South Carolina, now consul at Piedras Negras, to be consul of the United States at Kingston, Jamaica.

INDIAN AGENTS.

Thomas McCunniff, of Alamosa, Colo., to be agent for the Indians of the Southern Ute and Jicarilla agency.

Joseph W. Preston, of Monticello, Ga., to be agent for the Indians of the Mission Tule River (consolidated) agency.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September* 4, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TOWNSHEND, for ten days from to-morrow.

To Mr. BROWER, for two weeks, on account of important business.

To Mr. WHITING, of Michigan, indefinitely, on account of sickness.

To Mr. SPOONER, an indefinite extension of his previous leave of absence, on account of sickness.

Mr. COX. I ask leave of absence for four days.

There being no objection, leave was granted.

SAMUEL FERGUSON BEACH, EXECUTOR, AND OTHERS.

The SPEAKER laid before the House a letter from the assistant clerk of the Court of Claims, transmitting findings of fact in the case of Samuel Ferguson Beach, executor, and others against the United States; which was referred to the Committee on War Claims.

ALLEGED CORRUPTION IN REFERENCE TO LIBRARY BUILDING.

Mr. KELLEY. I desire to submit for immediate consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the special committee engaged in investigating the construction of the new Library building be directed to inquire and report to this House whether any member of the House, acting by and for himself or in concert and combination with others, has sought by persuasion, intimidation, or other corrupt or improper means, to influence or control the action of Mr. J. L. Smithmeyer, the architect of said building, in the selection, acceptance, or approval of inferior or improper materials to be used in the construction of said building.

Mr. KELLEY. I do not desire to make any remarks upon this resolution. I take it for granted the House will not object to an investigation of an allegation or intimation of this kind made by a member of the House.

Mr. BLOUNT. I wish to know whether the gentleman has any information of any improper action of any member of the House, on which this resolution is based.

Mr. KELLEY. I make the proposition to the House on information, the first facts of which came to me in the early part of this session and have been corroborated by increasing testimony and additional facts. I shall name the member when I get before the committee, if the House will permit me to go there.

Mr. BLOUNT. Upon that statement I make no objection to the resolution.

The SPEAKER. The Chair thinks this is a privileged resolution, as it relates to the conduct of a member of the House.

Mr. OATES. It seems to me the gentleman from Pennsylvania might very properly broaden the language of his resolution a little. The resolution proposes an investigation as to improper influences in regard to the acceptance or approval of inferior materials. It seems to me there should also be inquiry whether there was any improper influence in order to procure the paying of a larger price than that for which materials could be bought in the market.

Mr. KELLEY. I will accept such an amendment as the gentleman indicates, if he will embody it in suitable language.

Mr. OATES. I ask the Clerk to insert that amendment.

Mr. KELLEY. I want the investigation to be as thorough as we can make it.

Mr. TAULBEE. I would like to suggest to the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Alabama [Mr. OATES] that if the words "inferior or improper" before "materials" be struck out, the language of the resolution, without further modification, might cover the point suggested by the gentleman from Alabama.

Mr. KELLEY. Whatever tends to broaden the scope of the inquiry I will accept.

Mr. OATES. As I understand from the reading of the resolution——

Mr. COX. Let it be again read. There is no objection to any inquiry that will strike anybody who has been engaged in wrong-doing.

The resolution was again reported.

Mr. OATES. After the word "material" I would suggest the addition of the words "at a higher rate than the market price."

Mr. KELLEY. I do not object to the modification.

Mr. BLOUNT. Has the gentleman from Pennsylvania any objection to making this a special committee?

The SPEAKER. Without objection, the amendment suggested by the gentleman from Alabama will be incorporated in the resolution.

Mr. KELLEY. I desire to reply to the suggestion of the gentleman from Georgia, as to whether I would object to a special committee. As the committee in charge of this matter has taken much testimony touching the Library building, I think it had better proceed with that investigation. And I am about to ask, Mr. Speaker, that I may be permitted to insert in the RECORD a sworn statement of Mr. Smithmeyer, made up chiefly of extracts from the record of the commission, which I submit as supplementary to my remarks during the debate on the provision for the Library building in the sundry civil appropriation bill. This is sworn testimony, which is legitimate in connection with my statement in that debate, and I ask that, as part of it, it be printed in the CONGRESSIONAL RECORD.

Mr. DOCKERY. Let it be read.

Mr. TAULBEE. Yes, let us hear what it is.

Mr. KELLEY. I have no objection, but thought that the time of the House might be saved by printing it instead. I will state that it is a communication under oath handed to the chairman of the special committee on yesterday with a tender of cross-examination by this architect.

The SPEAKER. The Clerk will read the document.

The Clerk read as follows:

SIR: My attention has been called to the fact that Mr. Edward Clark, a member of the commission for the construction of the Congressional Library building, in his sworn testimony made the statement that I have had full authority and supervision of the work in connection with the Congressional Library building, thus intimating that I am responsible for all the expenses incurred. In this allegation Mr. Clark does me a grave wrong.

In my testimony before your committee, dated June 1, 1888, I stated as follows: "Prior to May 3, 1887, a number of old buildings on the site were being removed and extensive excavations made under the direct orders, as I believed, of the commission. With this work I had no connection whatever. Prior to that date no expense, except for technical assistance and actual office expenses, was known to or incurred by me; since that date all expenses attached to the work proper have required the sanction of the commission and my formal approval." The expenditures on the old buildings above referred to were, in my opinion, excessive, and, together with the unnecessary excavation on the southwest corner of B and First streets above mentioned, involved the worse than useless expenditure of many thousand dollars.

My dissent from the execution of this work was communicated to the commission in three letters, dated February 20, 1887, March 24, 1887, and April 19, 1887, respectively. Mr. Commissioner Clark stated before your committee that "every piece of brick could have been used, not only put in the wall, but there was concrete required to cover the cellar floors, etc." He had evidently not tested the quality of these bricks and bats as it was my duty to do, nor did he know what weight the foundations and walls would have to sustain. In this case a resisting strength of 5,000 pounds to the square foot is required, while some of the bricks taken out of these old buildings crumbled under a pressure of less than one-quarter of that weight. The great variations in the sizes of these bricks (the difference ranging from one-eighth to one-quarter inch in thickness, and one-half inch in width or length) was another serious objection to their use. Those of some of the buildings had been laid in cement and others in lime-mortar, and fully one-half of them were broken into bats. Some of them were a century old and others but a year, and some were so soft that the rains and frosts of one winter would have dissolved them like snow in the hot sun. In short, they were worthless for the purpose to which Mr. Clark says they should have been applied, and their use would have jeopardized the stability of the structure.

It is this character of false economy which advocates the use of inferior materials in massive buildings on account of their cheapness; that invites calamities to stately and costly structures, and brings the architectural profession into discredit before the world.

The fact that this worthless lot of bats has cost the Government as much as the best quality of merchantable bricks fresh from the kiln would have cost was not my fault. Mr. Commissioner Clark with Mr. Trainer, the clerk (or secretary) of the commission, assumed the management of this matter, and are therefore responsible for it. The number of bricks and bats on the premises (according to Mr. Clark's statement before your committee) was from two to three millions. Assuming that two and a half millions of bricks and bats would therefore be a fair estimate, from this statement they should, at $4 per thousand, the price stated by Mr. Clark under oath, have yielded $10,000, instead of $2,185, the amount actually received as per report of the commission. A deficiency of $7,815 is therefore proven by the testimony of Mr. Clark. Again it will be noticed that if there were two and a half millions of bricks and bats on the premises, and only $2,185 were received for them, they produced but 87 cents per thousand, instead of $4.

To illustrate the looseness and inaccuracy of Mr. Clark's sworn testimony, it is proper that I should state these facts: The city measurer investigated the fact and reported that there were one million eight hundred and seventy-five thousand bricks and bats on the premises and there was received for brick and bats which had been selected from the whole lot the above-stated sum of $2,185, showing an average price of $1.16⅛ per thousand. The balance, which consisted of decomposed salmon bricks and fractured bats, could not be sold at any price and had to be hauled away as rubbish at Government expense.

Current experience proves that a laborer can take down, clean, and stack up 500 bricks a day. Thus at $1.50 per day (Government pay) the cleaning, etc., of 1,000 bricks cost $3. The cost of taking down and cleaning 1,875,000 bricks at $3 per 1,000 amounts, therefore, to $5,627, for which bricks the Government received $2,185, having thus wasted $3,442 on that brick transaction alone. As an evidence of the quality of these bricks, Mr. Clark informed the committee that he had used 60,000 of them, presumably in his garden wall around the west front of the Capitol. For this work, which is to bear no superincumbent weight, they may possibly have been good enough.

To recur to my protest against these operations of Messrs. Clark and Trainer, permit me to state that in my letter to the commission of February 20, 1887, I said: "I deem it my duty to call your attention to the fact that the excavations now being made upon the site of the Congressional Library building have evidently been ordered under a grave misapprehension, and should be stopped immediately. In places where the streets intersect at low grade, and especially where the work is now going on, it will be necessary to fill up again so as to make the terraces required to give the building its proper appearance and avoid a portion of it from being sunk into the ground. The inclosed plans and computations will show the different levels and their relative positions, and also the proper disposition of the surroundings, so as to produce the best results. They will also illustrate the necessity of filling up again where the grading is now going on, and demonstrate the necessity of having this work stopped immediately."

The work on the excavation referred to in this letter was likewise under the direction of Mr. Commissioner Clark, assisted by Mr. Secretary Trainer. They employed or discharged laborers, foremen, horses and carts, and fixed their wages; they paid $4 per day to foremen and $1.50 per day to laborers for eight hours' work, while the foremen and laborers of the contractors were paid but $2 or $2.50 per day, and $1 and $1.25 per day of ten hours, though the two bodies of men worked side by side. They ordered their movements, attended to the pay-rolls, and made all settlements for materials and labor, and determined what work should be done without examining plans or surveys, or even consulting the architect. In fact, they did not even notify him of their purpose or proceedings. It is impossible to state from the disjointed memoranda produced as the record of their expenditures what further losses the Government sustained by their ill-judged operations. I would certainly have been derelict in

my duty had I permitted this planless procedure to continue without another effort to arrest it. I therefore wrote again to the commission on March 24, 1887, and used the following language:

"I deem it my duty to again call your attention to the fact that expensive and unnecessary excavations continue to be made upon the site of the new Congressional Library building. I am at loss to know for what purpose these excavations are intended. Certainly not for the proposed structure. Much of the earth excavated will have to be replaced, thus causing a double expense. I call your attention to this matter with much hesitancy, in fact with a certain sense of intrusion. My position, however, entails a positive responsibility, both to the public and to yourselves, and I feel impelled under these circumstances to write this letter."

No notice of this communication or its predecessor being taken by the commission, I again, on April 19, 1887, addressed them in the following language:

"I request that my duties under my appointment may be clearly defined as to where my responsibility for any part of the work begins and ends. Also, to whom I am responsible and shall make report. Ordinarily this request would be unnecessary, as the duties of architects in connection with buildings erected under their plans are clearly defined and well-established. It is well, therefore, that my duties should be definitely known, to the end that I may not be held responsible in cases where you rely upon the judgment of others. You will of course understand that my professional responsibility is deeply involved in this matter, to an extent equal to, if not greater than, your own. Consequently, I feel that at the beginning there should be established a thorough and complete understanding."

During all this time the work on the excavations proceeded uninterruptedly until (by the end of April, 1887), the cost of it had reached the sum of $3,888, as is shown by the official report of the commission.

As this letter, like its predecessors, failed to elicit a response I, on May 3, 1887, appealed to the commission for a personal hearing, and was invited to appear before them. The statement I made to the commission embodied the facts above stated, and was sustained by the production of the pay-rolls in the Interior Department and by the record of the commission. The result was the stoppage of this worse than useless work, and the transferring of certain powers and authority into my hands, leaving the control and appointment of all persons, including watchmen, excepting only draughtsmen and engineers, in the hands of Messrs. Clark and Trainer.

After having heard my statement and examined the pay-rolls and other vouchers, the chairman of the commission, Mr. Secretary Lamar, gave me earnest personal assurance that I should not be held responsible for these improvident expenditures of public money, and that the responsibility should be placed where it so evidently belonged.

Immediately after this meeting, the Government property on the premises was placed in my control and inventoried by me, and upon my requisition General Meigs transferred to the use of the Library building certain Government property no longer required in the construction of the Pension building of which he had charge. I ordered a new inventory to be made, from which I learned that other and large additions had been made to this species of property, without my knowledge, and upon investigation ascertained that it had been procured from the officer in charge of the State, War, and Navy Department by Mr. Secretary Trainer, on his written request and his allegation that the transfers would promote "economy of public expenditures."

How far from the truth this allegation of Mr. Trainer was is shown by the fact that the presence of the property thus acquired on the premises as Government property was concealed from me by its delivery to the contractor for the concrete work for his private use and profit. On discovering that this valuable property belonged to the Government I addressed the following letter to the commission:

"WASHINGTON, D. C., *October* 28, 1887.

"*Hon. Commissioners for the Construction of the Congressional Library Building:*

"GENTLEMEN: I have recently caused an inventory to be made of the United States property upon the site of the Library building, and find among other articles the following:

"One concrete-mixer, complete, one counter-shaft, four boxes for shafts, 14 feet 5 inches rubber-belt gearing, one clutch, one belt-shifter, and one clutch-shifter, one hoisting engine with two drums and shafts complete, together with a full set of oil-cups attached, sixteen open wrenches (assorted), throttle-valve, belt, and steam-pump, complete; one upright boiler and fixtures, consisting of two 1¼-inch globe-valves, one safety-valve, one steam-gauge, three gauge-cocks, one check-valve, gauge-glass and cocks, one grate, one hoe, one hook, and one smoke-stack.

"I have no information of the purchase or acquisition of these articles for the Library building. I would respectfully request to be informed if I am to be held responsible for their safe-keeping. If so, I would point out that it would be well to furnish me with a list of articles so acquired, so that I may exercise proper authority as to their care.

"I would further say that the articles in question constitute a 'plant' for preparing and laying concrete, and I am informed by the secretary (clerk) of the commission that they are now in the possession of the contractor for this work. In the bid made by Mr. Barnes, the contractor, and upon which he was awarded the contract, this plant was to have been furnished by himself. Had it been understood that the Government was to furnish the same the bids of the various competitors for the work would certainly have been lower. I mention this to you for the reason that the work is being done in the blaze of publicity, and the use of this Government 'plant' may possibly provoke unpleasant criticism. Again, is Mr. Barnes to compensate the Government for the wear and tear of this plant?

"Yours, very respectfully,

"J. L. SMITHMEYER,
"*Architect Congressional Library Building.*"

Hon. W. S. HOLMAN,
Chairman of the Committee of Investigation of the Congressional Library Building.

In view of all these facts it becomes apparent that Commissioner Clark's testimony as given to your committee is unworthy of credence and is flagrantly colored by his desire to shield himself and Mr. Trainer from the just consequences of their reckless conduct.

Permit me to say in conclusion that I have assiduously endeavored to avoid dissensions, but have been unable to submit to official wrong-doing without protest. I regret that such protests should have been necessary and have provoked toward me the hostility of parties interested adversely to the Government; but I am compensated for their assaults upon my character by the satisfaction of having performed my duty faithfully and with the approval of the majority of the Commission for the Construction of the Congressional Library Building.

I am, with great respect, truly, yours,

J. L. SMITHMEYER.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

J. L. Smithmeyer, being duly sworn, upon oath doth depose and say that he prepared the foregoing statement and knows the contents thereof.

That the facts therein stated are true to the best of his knowledge and belief.

J. L. SMITHMEYER.

Sworn and subscribed before me September 3, 1888.

[SEAL.] ALVYN W. COLEMAN.
Notary Public.

The SPEAKER. The Chair will call the attention of the gentleman from Pennsylvania to the fact that the communication mentions certain plans or diagrams. Does the gentleman desire to have them printed?

Mr. KELLEY. This is an extract from the communication made to the commission. The diagrams accompanied the original communication; but this is only an extract.

The SPEAKER. Because the Chair was going to suggest that it would require a special order to permit the printing of the diagrams in the RECORD.

Mr. BLOUNT. Mr. Speaker, I desire to move an amendment to the resolution of the gentleman from Pennsylvania, making this a special committee. There is a committee at this time, as appears from the resolution, engaged in investigating the construction of the Library building, and directed to inquire into and make report upon that subject. It is a matter of very great importance, involving many millions of dollars. The action of the House on several occasions in this matter, in connection with the sundry civil bill, shows that the House regards the situation as to that building as exceedingly grave and well worthy of the investigation that is going on. I think, sir, so far as appears to this House, that the conduct of the legislation creating that plan, and involving the persons named in connection with it, discloses one of the most shameful performances I have ever known in my experience in connection with public affairs in this country. Now, at this stage, one of the gentlemen who is under inquiry seems to have suggested—or at least his friend has thought proper to bring into this House a resolution investigating the action of members of Congress.

Mr. KELLEY. I beg leave to interrupt the gentleman there.

Mr. BLOUNT. Certainly.

Mr. KELLEY. This resolution is my own, and the result of my own cool, calm, and long-entertained purpose to have this country know some of the facts that came to my knowledge in the early days of this session. Mr. Smithmeyer nor any other man other than myself is responsible for the conception of the charge or the manner in which it has been made. I alone claim all the honor, and will assume all the discredit that may arise from it.

Mr. BLOUNT. I take it that the statement of the gentleman from Pennsylvania is absolutely true——

Mr. KELLEY. It is.

Mr. BLOUNT. And as such I accept it as absolutely true. But I am not willing that at the very time this investigation is taking place of Mr. Smithmeyer and others connected with the building, that that committee shall now pause in their work and proceed to the investigation of the character and disreputable and dishonorable conduct of any member or members on this floor. That investigation should proceed steadily, and without any diversion to any other inquiry. If for any other purpose, sir, we should see fit to turn our attention to other investigations, or to an investigation in a new form, respecting the action of this House, or of any member of the House—no matter who else may be investigated, this pending investigation and inquiry should proceed without interruption or delay.

Again, sir, I think it is due to this House, I think it is due to any member who may be involved in the charges under this resolution, that the most prompt and thorough action should be taken in reference to the matter.

I am willing, and doubtless every other gentleman is willing, to act with the gentleman from Pennsylvania to ascertain whether or not there has been any improper action of any member of this House as indicated in this resolution; and if there is that the country should know it, and that this House shall take such action as shall purge its own honor. These resolutions are not connected at all. Investigating the contracts in connection with the building does not relate necessarily to any member of this House. The improper conduct of any member of this House in relation to it may stand by itself. It is a single allegation, and I will read it, sir:

Resolved, That the special committee engaged in investigating the construction of the new Library building be directed to inquire and report whether any member of the House acting by or for himself or in concert or combination with others has sought by persuasion, intimidation, or other corrupt or improper means to influence or control the action of Mr. J. L. Smithmeyer.

It goes, sir, to the dignity of this House. The Speaker has ruled it in order, as a matter of the highest privilege, and this House ought to treat it as that privilege suggests, affecting the integrity of the House; and therefore, sir, I hope that the House will see that a select special committee may be appointed that the country may see that this whole House is just as eager as the gentleman from Pennsylvania to have it investigated, to have action, and to let the country know all about it. I move, sir, that instead of it being referred to the existing special committee that the Chair be directed to appoint a committee of five members to investigate this allegation, and I move to strike out and insert so as to make it read as I have suggested.

The SPEAKER. The gentleman from Georgia moves to amend the resolution by striking out so much of it as directs the existing committee to make the investigation, and substitute in lieu thereof that a special committee of five members be appointed.

Mr. HOLMAN. The hasty reading of this resolution and paper satisfies me that whoever investigates this subject will be compelled to go over much the same ground as that already gone over by the

select committee appointed some months ago; and therefore I ask my friend, if he thinks it better to appoint another committee, that the testimony already taken before the Select Committee on the Library should be referred to the committee that he suggests.

Mr. BLOUNT. So much of it as relates to the object of this inquiry I think ought to be referred. It is a single question going to the integrity of the members on this floor. There is nothing that deserves the attention of this House more highly than that.

Mr. KELLEY. I wish my friend would pardon me for interrupting him there.

Mr. BLOUNT. Certainly.

Mr. KELLEY. He broadens my language to an extent that I have not contemplated when he makes it apply to members on this floor.

Mr. BLOUNT. The gentleman is at no disadvantage, for I have read his resolution.

Mr. HOLMAN. I must say to the gentleman from Georgia that I think that he will find that the testimony taken by the select committee, which is quite voluminous, ought to be before the committee which investigates the subject, as proposed by the pending resolution, to avoid delay of going over the same ground again. The proposed committee, I think, should have this testimony already taken referred to that committee.

Mr. BLOUNT. I would ask my friend what there is in the resolution, except that a certain member of this House is involved in the matter and the gentleman from Pennsylvania will be prepared at the proper time to name the man.

Mr. KELLEY. Yes.

Mr. BLOUNT. Why should we not act upon it at once?

Mr. HOLMAN. I wish to say to my friend from Georgia that this Library controversy is a subject that I have had in some measure under investigation, and I ought to know a little about it, and my friend from Wisconsin [Mr. CASWELL] ought to know something about it, for he and I have been the only members that have been present when the body of the testimony was taken, so that all that will be necessary for him to accomplish his purpose, if he desires to have it sent to another committee, will be to have it added to this resolution that the testimony already taken before the present committee shall be transferred to that.

Mr. ROGERS. Will the gentleman from Georgia permit me?

Mr. BLOUNT. The gentleman from Indiana [Mr. HOLMAN] has been very pleasant in his statement about me knowing all about the question and very modestly assumed that he knew a little about it. I have a very great respect for the gentleman from Indiana; but seemingly harsh speech even in him will not deter me from doing what seems to me a matter of duty.

Mr. HOLMAN. No word has been dropped from my lips that would justify the criticism that has been made by the gentleman from Georgia. I would not say a word that would be offensive to him. If I have said any offensive word I take it all back.

Mr. BLOUNT. The gentleman from Indiana has charge of this investigation in the Library building and knows a little about it and all the circumstances, and he seems anxious to get at this investigation. Therefore I withdraw my proposition.

Mr. HOLMAN. No, I disclaim that at once.

Mr. ROGERS. I renew it.

Mr. HOLMAN. On the contrary, I would be very glad to have the whole business turned over to some other committee.

Mr. BLOUNT. I withdraw my request to have a select committee appointed.

Mr. COX. I renew it.

Mr. BLOUNT. I have no doubt, sir—and I say it in all kindness—that the gentleman from Indiana [Mr. HOLMAN] is more thoroughly informed in relation to this very matter than other members of the House.

Mr. HOLMAN. No; I never heard an intimation of this before. What I have heard here is all I know of it.

Mr. BLOUNT. But my friend has said, and I have no doubt properly said, that with the knowledge he has of the investigation that is taking place, the facts in possession of his committee will have to be turned over to the new committee, and I take his meaning to be that this investigation is already actually pending before his committee. Therefore, having had that intimation from the gentleman from Indiana——

Mr. HOLMAN. No, my friend misapprehends me. I never heard of this particular matter before. But I can see at once that to make the testimony upon this point applicable, it will be necessary for the committee which investigates the subject to go over ground which has been gone over already in the main in the other investigation.

Mr. BLOUNT. Well, if I misapprehended my friend from Indiana, for whom we all have such great respect, in supposing him to mean that this very matter has incidentally come up before his own committee——

Mr. HOLMAN. Will my friend allow me to interrupt him again? I meant simply to say that I can see from the reading of this paper and of the resolution that to reach the point involved here it would be necessary for the committee to go over the ground that has been gone over already by our committee.

Mr. BLOUNT. If that is all, then, Mr. Speaker, I submit my amendment to the House, and I now yield to the gentleman from Arkansas [Mr. ROGERS].

Mr. KELLEY. I believe I have the floor.

Mr. ROGERS. The gentleman from Georgia has yielded to me.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] secured the floor and offered an amendment, and is, of course, entitled to the floor on that amendment, and he now yields to the gentleman from Arkansas.

Mr. ROGERS. Mr. Speaker, to illustrate the propriety, and the wisdom as well, of the resolution offered by my friend from Georgia [Mr. BLOUNT], let me put the case in this way: Suppose it shall turn out that the member of this House who is sought to be investigated is a member of the special committee now conducting the Library investigation; we should then have the anomaly of the House of Representatives referring the subject-matter involving the conduct of a member of Congress to a committee of which that gentleman is a member, and we should have a member of this House acting upon a special committee to investigate himself! I insist, sir, that the proposition is an anomalous one, such as probably never has been presented before in the House. At all events, the member could not act with any degree of propriety or decency upon a committee which was investigating his own conduct.

Mr. CRAIN. Might not the same difficulty arise in the case of the appointment of a special committee, so long as the member to be investigated is not named?

Mr. ROGERS. In response to that, it is to be presumed that the gentleman from Pennsylvania who offers this resolution of investigation will advise the Speaker before the special committee is appointed of the name of the member proposed to be investigated, and it is to be presumed that the Speaker, in the organization of the special committee, will avoid the impropriety of placing upon it the member who is sought to be investigated. Now, I do not know that this point can have any application here, but if it should turn out in the way I have supposed, what position would the House be in, as well as the member involved?

Mr. CRAIN. The member would have to withdraw from the committee. That is all.

Mr. ROGERS. Again, Mr. Speaker, if it is important that the information already obtained by the committee which has been investigating the subject-matter of the Library should be in the possession of the committee making this special investigation, the Speaker, in the organization of the new committee, would doubtless leave off the member or members involved, so that the special committee would have the benefit of all the information that is now in possession of the old committee, and at the same time the difficulty I have pointed out would be avoided. Therefore, sir, as a matter of propriety and of correct action upon the part of the House, I claim that this special committee ought to be organized by the Speaker for the purpose of making this special investigation; and the Speaker in the exercise of his discretion and wisdom will doubtless appoint a committee which will make a proper and thorough investigation. I now yield the floor back to the gentleman from Georgia, if he desires it.

Mr. KELLEY. Mr. Speaker——

Mr. BLOUNT. The gentleman from Pennsylvania [Mr. KELLEY] seems to have lost his right to the floor by inadvertence, and I am not disposed to take any advantage of him.

The SPEAKER. The gentleman from Pennsylvania yielded to the gentleman from Georgia [Mr. BLOUNT], and thereupon the gentleman from Georgia offered an amendment to the resolution, and was of course entitled to the floor to speak to his amendment. The Chair recognizes the gentleman from Pennsylvania as being still in control of the resolution and will recognize him when the gentleman from Georgia yields the floor.

Mr. BLOUNT. The gentleman from New York [Mr. COX] desires a few minutes, and I now yield to him such time as he wishes.

Mr. COX. Only a moment. It is very unfortunate that our Library building, or its construction, has been postponed by this untoward business. I would favor the amendment proposed by the gentleman from Georgia [Mr. BLOUNT], because I am told that this inquiry involves some member of the House who is upon the committee of which the gentleman from Indiana [Mr. HOLMAN] is chairman.

Mr. KELLEY. I have not said so.

Mr. COX. It does not involve the gentleman from Indiana [Mr. HOLMAN]; we all know that. [Laughter.] The name of the member it does involve is going around in the House in a gossipy way, and I am here to say for the man involved that he is entitled to a fair, clear, and complete opportunity to meet anything that may be brought against him.

I think a special committee will do that. In the making up of a special committee the Speaker will of course have in view the selection of those who are familiar with the subject, and will be likely to put upon the committee gentlemen who have already investigated matters which are cognate with it. I think, however, the suggestion of the gentleman from Indiana is worthy of consideration; I mean his suggestion that all the testimony already taken be transferred to the special committee

which I think this House will probably organize. I therefore move as an amendment——

Mr. BLOUNT. The gentleman will allow me to ask whether he does not think it possible that the turning over of that testimony to this committee might disclose matters not connected with this second investigation and which ought not to be published at this time?

Mr. COX. So far as concerns the testimony to be turned over to the special committee, if it be appointed——

Mr. KELLEY. If I may be allowed, I think I can make a suggestion which will be satisfactory to both the gentlemen. Let the special committee be appointed, and let it be made the duty of the chairman of the existing committee to send the name and address of every witness that has been examined before that committee to the chairman of the new committee. This would give a clue to the sources of the evidence and to the people who are familiar with the business of this construction, while it would leave the new committee free to examine its own witnesses. The examinations of the committee already organized have gone on practically in private. An investigation touching the highest privilege of the House, because involving the character and integrity of a member thereof in his representative capacity, should be open. The party accused should be permitted to appear by counsel, and if need be the party making the arraignment should be allowed to conduct the investigation or name a competent person to do so.

Mr. WHITTHORNE. Will the gentleman from Pennsylvania yield to me a moment?

Mr. KELLEY. The gentleman from New York [Mr. COX] has the floor.

Mr. COX. I yield to the gentleman from Indiana [Mr. HOLMAN] if I have the right to do so.

Mr. HOLMAN. Mr. Speaker, the first intimation I had that any gentleman connected with the committee was involved in any degree in the resolution offered by the gentleman from Pennsylvania——

Mr. KELLEY. I beg the gentleman to believe that I have made no such suggestion.

Mr. HOLMAN. It is made at any rate by the gentleman from New York; and it is the first intimation I have had on that subject, beyond what has been whispered around the House during the last twenty minutes. Under these circumstances, I can see myself the propriety of appointing another committee; and I think that course ought to be pursued.

I wish to suggest, however, that the testimony already taken, in order to be valuable, must be connected with this inquiry. I think there will be no embarrassment whatever in making this resolution a little broader, so as to embrace the provisions of the original resolutions under which the existing committee was appointed, making both subjects a matter of inquiry, and adopting also an amendment transferring to this new committee the testimony heretofore taken, as the inquiry will cover, to a large extent, the same ground.

Mr. O'NEILL, of Missouri. Is not your committee now investigating this man Smithmeyer in connection with charges of improper conduct on his part?

Mr. HOLMAN. It is investigating the general subject.

Mr. O'NEILL, of Missouri. The impression in this House among many members is that this man Smithmeyer has been charged with improper conduct in regard to certain contracts—cement contracts and other contracts—and that your committee is now investigating him in connection with that matter. Are you not?

Mr. HOLMAN. The subject embraces that, undoubtedly.

Mr. O'NEILL, of Missouri. Then the investigation now proposed would not involve a stoppage of the investigation now going on by your committee.

Mr. HOLMAN. No; but let me suggest——

Mr. O'NEILL, of Missouri. The gentleman will pardon me. What I wanted to get at is that this man Smithmeyer shall not escape the investigation by raising a charge of this kind that one of the members has been following him up.

Mr. HOLMAN. It is manifest, as my friend from Missouri must concede, that if a member of the committee is involved in any charge of improper conduct, he ought not to act on the committee.

Mr. O'NEILL, of Missouri. Certainly not.

Mr. HOLMAN. No matter who might be on the committee, a member under any charge of improper conduct of course should not be on the committee. So that you would have to reorganize the committee in any event. Therefore I think this whole matter should be transferred to another committee as proposed.

The SPEAKER. The gentleman from New York [Mr. COX] has the floor.

Mr. COX. The gentleman from Tennessee [Mr. WHITTHORNE] desires to ask a question.

Mr. WHITTHORNE. I think it due to the House and the country, as well as to every individual member, that the gentleman from Pennsylvania should name the member referred to in his resolution. I ask him to name that member.

Mr. KELLEY. When the House shall have taken action, when the committee shall have been appointed, and I shall have received notice when and where to meet it, I will make known the name of the person to whom I allude in that resolution—not until then.

Mr. WHITTHORNE. In the mean time injustice may be done to a great many members.

Mr. COX. I do not see any objection to having the testimony already taken which has reference to this very business transferred to this new committee in order that it may have access to it and obtain from it such data as may be pertinent.

Mr. KELLEY. One moment. The testimony taken does not relate to the question of the exercise or attempted exercise of improper influence by a member because the chairman of the committee, who has been present at all these meetings, says he had not heard such an intimation until he heard it from me on the floor. Therefore it is not the same question. They are investigating the methods of construction, good, bad, or indifferent, honest or dishonest; I allege that a member of this House has by improper conduct sought to control the material which should be put into that building, by influence, by favor or hostility.

Mr. OATES. I understand the gentleman from Pennsylvania to say——

Mr. COX. I will withdraw the amendment I intended to offer, but I think it is due to this House and due to members that the name of the man who is implicated should be revealed. [Applause on the Democratic side.]

Mr. McCLAMMY. If anybody has done anything let us know who it is.

Mr. KELLEY. In matters of this kind my judgment and conscience control me, and when the proper time comes to reveal the name I will do it. [Applause on the Republican side.]

I demand the previous question on the resolution.

Mr. BLOUNT. I have the floor. So far as the statement of the gentleman from Pennsylvania is concerned that he will at the proper time reveal the name of the gentleman to whom he alludes, I think we can all afford to be content. I take it as a pledge which the gentleman will observe; and now in order that we may proceed to some other business I will yield the floor so the gentleman may ask for the previous question.

Mr. KELLEY. I demand the previous question.

Mr. OATES. I wish to ask the gentleman from Pennsylvania this question. I understood him to state awhile ago that it was intended the member against whom this charge is made should be heard by counsel. Now, how can he appear by counsel when the gentleman from Pennsylvania will not give his name?

Mr. KELLEY. I say if the Chair will name the committee, if it is to be a special one, that as soon as the vote is taken and I shall be summoned I will give the name. If the business is to remain with the existing committee——

Mr. ROGERS. I hope the House will be informed just exactly what it is we are called upon to vote.

The SPEAKER. The Chair will have the resolution again read.

The resolution was again read.

Mr. ROGERS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. When the gentleman from Georgia withdrew his amendment for a special committee both the gentleman from New York and myself renewed it.

The SPEAKER. Both could not. The gentleman from New York renewed it, but subsequently withdrew it.

Mr. BLOUNT. I renewed it.

Mr. COX. The gentleman from Georgia renewed his own motion.

The SPEAKER. Which was to strike out so much of the resolution as directs the existing committee to make the investigation and substitute in lieu thereof a special committee to consist of five members. The Chair did not understand the gentleman to renew it, but he states he did.

Mr. ROGERS. Hear me a moment. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. ROGERS. I wish to offer an amendment which I think the House will accept if it will hear it.

Mr. KELLEY. I demand the previous question.

The SPEAKER. The question is first on the amendment of the gentleman from Georgia.

Mr. ROGERS. We will amend it to suit ourselves. It does not suit me as it is.

The House divided; and there were—ayes 91, noes none.

So the previous question was ordered.

The question recurred on Mr. BLOUNT's amendment.

The amendment was agreed to; and the resolution as amended was adopted.

Mr. KELLEY. Mr. Speaker, I trust my name will not be included in the number of the special committee to be appointed by the Speaker. I will have to appear before the committee, and therefore it is improper that I should be a member of it.

PUBLIC BUILDING, DETROIT.

Mr. CHIPMAN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 9447) to restore certain money to the fund for erecting a public building at the city of Detroit, and put

it upon its passage. I will say this does not take a penny out of the Treasury.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Whereas two lots of land in the city of Detroit, Mich., contiguous to the present site of the post-office building in said city, were purchased by the Government as an addition to said site for the purpose of erecting a new public building thereon; and

Whereas the purchase-money paid for said lots was taken out of and deducted from the amount appropriated for the erection of said building in said city; and

Whereas the project of erecting said building on said lots has been abandoned, and other lots of land purchased for that purpose: Therefore,

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to sell said two lots of land for a sum at least equal to the purchase price paid by the Government therefor, and to restore to the appropriation for said public building the amount realized from said sale.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLAND. I think we had better have the report read.

The report (by Mr. NEWTON) was read, as follows:

The Treasury Department acquired two lots of land in the rear of the existing post-office in Detroit, for the purpose of erecting thereon a new public building. Afterwards a new site in a different part of the city was purchased and paid for, and the project of using the two lots and the old site abandoned. These two lots were paid for out of the appropriation to erect the new building at Detroit and cost $110,000, which the bill seeks to restore after sale of the abandoned lots or so much thereof as the lots may sell for. We have no doubt that that is just, and recommend the passage of the bill.

Mr. BLAND. I wish to ask the gentleman what, independent of the two lots proposed to be sold, is the amount of the appropriation made for the erection of this building?

Mr. CHIPMAN. We had an appropriation in all of something over $1,200,000, in one way or another. Does the gentleman mean what is the limit of the cost?

Mr. BLAND. The total amount.

Mr. CHIPMAN. There was an appropriation of $500,000 originally, out of which they bought the two lots provided to be sold here, and afterwards abandoned the idea of using them.

Mr. BLAND. It is proposed to sell these lots and put the money in another public building?

Mr. CHIPMAN. No; you are mistaken. The money is to be devoted to the same building.

Mr. BLAND. Well, on the same lot.

Mr. CHIPMAN. Yes, sir.

Mr. OUTHWAITE. Let me ask the gentleman if this does not amount to an appropriation of $500,000 additional.

Mr. CHIPMAN. No, sir.

Mr. OUTHWAITE. What is the value of these lots?

Mr. CHIPMAN. They paid $110,000 for the lots, and that amount was taken from the appropriation. Now we want to sell these lots and put the money back into the appropriation to be applied to the building.

Mr. COBB. When the act making the additional appropriation was passed, was not this purchase considered?

Mr. CHIPMAN. No, sir; it was taken out of the whole appropriation.

Mr. HOLMAN. I would like to ask the gentleman how long it has been since these lots were purchased.

Mr. CHIPMAN. About three years.

Mr. HOLMAN. In that event, the purchase having been so long ago, it seems to me that this property should be sold under an appraisement, with the provision that it shall not be sold for less than the appraised value.

Mr. CHIPMAN. I hope the gentleman will not insist upon that. It is not necessary.

Mr. BLAND. I wish to ask a further question, whether or not this will increase the cost of the public building.

Mr. CHIPMAN. No; not one cent.

There being no objection, the bill was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McCREARY. I demand the regular order.

Mr. BRUMM. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. I call the attention of the House to the fact that some three months ago or more certain charges were made and statements by my colleague, Hon. WILLIAM L. SCOTT, as to the truth of a statement I had made, and a number of other statements. My colleague agreed to be here to-day, and I should like to know if he is in the Hall? I do not see him in his seat. If he is not present I shall of course defer what I am about to say, but give notice that I shall call it up the very first time I meet him in the House.

Mr. McCREARY. I move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to.

Mr. McCREARY. I ask unanimous consent that members having reports to make may file them with the Clerk.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

LANDS FOR QUARANTINE PURPOSES.

Mr. PAYSON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EMMA F. READ.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5408) granting a pension to Emma F. Read; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE E. KNOBLE.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10708) granting a pension to Jane E. Knoble; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. F. WARTERFIELD.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 11114) for the relief of P. F. Warterfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATILDA COOK.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 11190) for the relief of Matilda Cook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MONEY EXPENDED BY STATES IN AID OF THE GOVERNMENT.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (S. 3420) authorizing the Secretary of War to ascertain what amount of money has been expended by the States of California, Oregon, and Nevada for military purposes in aid of the Government of the United States during the war of the rebellion; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS MISSISSIPPI RIVER.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (H. R. 11139) to authorize the building of a bridge or bridges across the Mississippi River at La Crosse, Wis.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRUNSWICK COLLECTION DISTRICT, GEORGIA.

Mr. CRISP also, from the Committee on Commerce, reported back favorably the bill (H. R. 11101) to include Sapelo Island in the Brunswick collection district, in the State of Georgia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. STEELE, from the Committee on Military Affairs, reported back with amendment the joint resolution (S. R. 56) granting permission to officers and enlisted men members of the Military Order of the Loyal Legion of the United States and of the Grand Army of the Republic to wear the badges adopted by those orders; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PURCHASE OF GENERAL SHIELDS'S SWORDS.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the joint resolution (H. Res. 202) to construe and determine the amount to be paid by the Secretary of War in the following act of Congress passed at this session, namely: "An act to purchase of the widow and children of the late General James Shields certain swords;" which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRIETTA WALDRON.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7344) granting a pension to

Henrietta Waldron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARINDA WAKEFIELD REED.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10791) granting a pension to Marinda Wakefield Reed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles, which were severally laid on the table:

A bill (H. R. 3987) granting a pension to Amelia T. Segwert; and

A bill (H. R. 4010) granting a pension to Surg. Henry Gill.

SARAH A. WOODBRIDGE.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation, in Kansas.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins at twelve minutes after 1 o'clock, and the call rests with the Committee on Expenditures in the Interior Department, which has an unfinished matter before the House.

Mr. O'NEILL, of Missouri. The gentleman from Tennessee [Mr. WASHINGTON] in charge of the pending bill is not in his seat at the moment, and I ask that the committee be passed over, retaining its right to the hour to which it is entitled.

Mr. MCMILLIN. What is the pending bill?

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 1548) to increase the efficiency of the medical division of the Pension Bureau.

Mr. MCMILLIN. I have no objection to the request.

There being no further objection, the request of Mr. O'NEILL, of Missouri, was agreed to.

The SPEAKER proceeded to call the committees.

Mr. HATCH. Mr. Speaker, I do not think the members generally understand the object of this call.

The SPEAKER. The Chair stated distinctly that this hour is set apart for the consideration of bills reported from committees, and that the call rested with the Committee on Expenditures in the Interior Department, which thereupon was by unanimous consent passed without losing its right. The Chair is now calling the committees for presentation of bills for consideration.

Mr. HERBERT. I would like to ask if the Committee on Naval Affairs has been called?

The SPEAKER. Not this morning. The Committee on Expenditures in the Navy Department has just been called.

ABOLITION OF CIRCUIT-COURT POWERS.

Mr. CULBERSON (when the Committee on the Judiciary was reached). I call up Senate bill 3234, a bill to abolish circuit-court powers of certain courts in the United States, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That there shall be, and is hereby, established a circuit court of the United States in and for the western district of Arkansas, for the northern district of Mississippi (and for the western district of South Carolina), respectively, as the said districts are now constituted by law. And said circuit courts, respectively, shall be held at the times and places now provided by law for the holding of the district courts in said districts, respectively, and also at Helena, in the eastern district of Arkansas, at the same time the district court is now held.

SEC. 2. That said circuit courts, respectively, shall have and exercise, within their respective districts, the same original and appellate jurisdiction as are or may be conferred by law upon the other circuit courts of the United States. And all suits, causes, and proceedings now pending in the said several respective district courts (and in the district court of the district of West Virginia), in and concerning which the said district courts exercise circuit-court powers, shall be transferred to and belong to the jurisdiction of said circuit courts, respectively, and shall be proceeded with accordingly.

SEC. 3. That there shall be appointed for each of said circuit courts in this act mentioned, by the circuit-court judge of the circuit, a clerk, who shall take the oath and give the bond required by law for clerks of circuit courts, who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by general law. And the United States marshals of said respective districts shall act as marshals of said circuit courts, and the United States district attorneys for said respective districts shall discharge the duties of said district attorneys in said circuit courts.

SEC. 4. That said circuit courts, respectively, shall have power to make such orders and directions as shall be proper for the transfer from said district courts of all causes, proceedings, matters, records, files, and papers as by force of this act should belong to the said circuit courts.

SEC. 5. That the provisions of the act entitled "An act to amend sections 533, 556, 571, and 572 of the Revised Statutes of the United States relating to courts in Arkansas and other States," approved January 31, 1877, conferring upon the district court for the eastern district of Arkansas, held at Helena, circuit-court powers, and section 571 of the Revised Statutes of the United States be, and the same are hereby, repealed: and all causes, suits, proceedings, records, files, and papers in matters now pending in such district court at Helena (and in the district court of the district of West Virginia), in or under the exercise of circuit powers or jurisdiction, shall be removed and transferred to the circuit court for the eastern district of Arkansas (and for the district of West Virginia, respectively,) in the same manner and with the same effect as is hereinbefore in this act provided in respect of said other districts.

SEC. 6. That whenever grand or petit jurors are summoned for service in said courts in said respective districts in this act named they shall be the grand and petit jurors for both said circuit and district courts so held at the same time and place.

The amendment proposed by the committee was read, as follows:

That hereafter in all cases tried before any circuit court of the United States, or before any district court having circuit powers, the judgment of such court may, upon the application of the defendant, be re-examined and reversed or affirmed by the Supreme Court of the United States upon a writ of error, granted under such rules and regulations as said court may prescribe.

Mr. CULBERSON. I yield the floor to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. In redraughting this substitute by inadvertence I left out the word "capital" before the word "cases" in the first line, and in order that the bill may be presented properly to the House, I ask that that be inserted.

The amendment to the amendment of the committee was agreed to.

Mr. ROGERS. The purpose of the Judiciary Committee was to substitute this single section for the Senate bill, and if the section as it would now read is not explicit enough as an explanation, then I will explain anything further that may be necessary; but unless some one asks for it, I hope the House will now take a vote.

Mr. BLAND. I think we ought to have the bill explained.

Mr. ROGERS. Very well. This is the same question which was up some time ago, when the House provided for an appeal from circuit courts and from district courts exercising certain powers in capital cases, so that when parties are tried for capital offenses and are sentenced to be condemned to death they may as a matter of right have a writ of error to the Supreme Court of the United States for the purpose of reviewing the law. That is all there is in the bill. I do not know of but one thing that need be mentioned in addition to that, and that is this: As to the probable increase of cases that might reach the Supreme Court, I think they would probably be forty in the course of the year, possibly half of that number; and as between the increase of that business and the humanity that is embraced in this bill it does seem to me that the humanity ought to prevail. I have always held that no man ought to be condemned to death in any country without having a writ to some supreme court to review the law other than that which has passed upon his case at nisi prius. The writs of error will be provided under this bill in the same way as now provided for in all other cases.

The amendment of the committee as amended was agreed to; the bill as amended was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL MODE OF TAKING DEPOSITIONS.

Mr. CULBERSON. I now call up the bill (S. 832) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States.

Mr. BRUMM. I rise to a privileged question. If the Chair will remember, before the motion of the gentleman from Arkansas was made, which was in order, I rose and I simply wanted the Chair to indicate and ask the gentleman whether he intended to make such a motion. I was willing to let the gentleman do that; and then the Chair recognized the gentleman from Texas.

The SPEAKER *pro tempore*. The Chair would ask the gentleman from Pennsylvania whether he desires to interrupt the proceedings during this hour for the consideration of bills.

Mr. BRUMM. I do not, if I may be recognized after this hour is passed.

Mr. CULBERSON. I call up Senate bill 832.

The bill was read, as follows:

Be it enacted, etc., That in addition to the mode of taking the depositions of witnesses under dedimus potestatem or otherwise now provided by law, in causes pending at law in the district and circuit courts of the United States, it shall be lawful for such courts to make rules and regulations allowing the taking of depositions or testimony under dedimus potestatem or otherwise as near as may be, according to the mode prescribed by the laws of the State in which the courts are held.

The amendment offered by the committee was read, as follows:

That in addition to the mode of taking depositions of witnesses in causes pending at law or in equity in the district and circuit courts of the United States it shall be lawful to take depositions or testimony of witnesses in the mode prescribed by the laws of the State in which the courts are held.

Mr. CULBERSON. I will now yield to the gentleman from Alabama [Mr. OATES].

Mr. OATES. I will ask that the report be read. It is very short, and it states the fact as well as I could.

The report (by Mr. OATES) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 832) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States, having had the same under consideration, report:

The main purpose of the bill is to invest the district and circuit courts of the United States with the discretion of making rules for the taking of depositions of witnesses in causes at law pending in their respective courts independent of the method prescribed by the United States statutes, and the latter part of the bill, which prescribes that these rules, as near as may be, shall conform to the laws of the States in which such courts are held, is merely directory and not obligatory; in other words, if enacted into law its only effect would be to invest the courts with power and authority, in their discretion, to make whatever rules they deem proper for the taking of depositions of witnesses in cases at law. It follows, that under its provisions two district courts in the same State might have different rules, or a district and a circuit court held at the same place might have different rules touching the same subject-matter, which might produce great confusion, uncertainty, and inconvenience.

Your committee therefore recommend that said bill be amended by striking out all after the enacting clause, and inserting the following:

"That in addition to the mode of taking depositions of witnesses in causes pending at law or in equity in the district and circuit courts of the United States, it shall be lawful to take the depositions or testimony of witnesses in the mode prescribed by the laws of the State in which the courts are held."

And thus amended your committee recommend the passage of the bill.

Mr. OATES. The report explains the necessity for the passage of this bill and for the amendments submitted. It points out the objection to the bill as passed by the Senate, and I ask that the bill be put on its third reading and passage.

The amendment of the committee was adopted.

Mr. MACDONALD. I wanted to ask the gentleman in charge of the bill if the object of this substitute is to secure uniformity in taking testimony.

Mr. OATES. It is to secure uniformity and provide an additional mode.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. OATES. I think it would be proper to ask a conference with the Senate on this matter, because the House passed a bill similar to this before and there is a manifest disagreement. I will therefore inquire if it is in order to ask a conference with the Senate. This is an amendment of their bill by striking out all after the enacting clause. It will come to that in the end, and that is the reason why I ask the committee on conference now.

The SPEAKER *pro tempore*. The gentleman from Alabama asks that the House insist upon its amendment to the Senate bill and request a conference with the Senate. If there be no objection, the conferees will be appointed during the day.

There was no objection, and it was so ordered.

REFUND OF ADDITIONAL TOBACCO TAX.

Mr. CULBERSON. I call up the bill (H. R. 11258) for the relief of certain persons who paid additional taxes assessed against them under the act of March 3, 1875. This bill has been upon the Calendar, and I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole. I will state it is a very short bill.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, out of any moneys in the Treasury not otherwise appropriated, within two years after the approval of this act, to pay to any persons who may present their claims to the Commissioner of Internal Revenue such sums of money, respectively, as they shall show to said Commissioner to have been severally paid by them, or the persons whom they legally represent, as an additional tax on tobacco, cigars, or cigarettes, which they sold or removed for sale or consumption, on the 3d day of March, 1875.

Mr. CULBERSON. I yield the floor to the gentleman from North Carolina [Mr. HENDERSON].

Mr. HENDERSON, of North Carolina. I ask for the reading of the report.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 11039) for the relief of certain persons who paid additional taxes assessed against them under the act of March 3, 1875, submit the following report:

An act of Congress of March 3, 1875, increased the internal-revenue tax on tobacco from 20 cents to 24 cents per pound. The law contained the express proviso that it "shall not apply to tobacco on which the tax under existing laws shall have been paid when this act takes effect." A great many persons purchased stamps to pay all the taxes which had accrued on their tobacco, cigars, and cigarettes, but did not affix the stamps to the same until March 3, 1875. The Commissioner of Internal Revenue ruled that there were no fractions of a day and that the stamps must have been affixed at or before midnight of March 2. The Commissioner of Internal Revenue estimates the amount of tax to be refunded, in case this bill becomes a law, at not exceeding $100,000, and he suggests certain changes in the bill which have been concurred in by the committee. In accordance therewith the committee recommend the adoption of the accompanying substitute and that the original bill (H. R. 11039) do lie upon the table.

[Mr. HENDERSON, of North Carolina, withholds his remarks for revision. See APPENDIX.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SAMUEL I. GUSTIN.

Mr. CULBERSON. I call up bill H. R. 10919, to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. Davis Tilson, acting assistant commissioner of the Freedmen's Bureau, to Samuel I. Gustin, his heirs and assigns, and I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That the title conveyed by deed from Davis Tilson, brigadier-general of volunteers and acting assistant commissioner of the Freedmen's Bureau, on the 27th day of April, 1866, to Samuel I. Gustin, of the county of Bibb, State of Georgia, to 4 acres 1 rod and 10 perches of land situated in said county and State, being a part of the 20-acre lot number 8 in the Macon reserve, west of the Ocmulgee River, and further known as a part of that portion of said lot which H. I. Peters and Jacob Russell deeded to Samuel P. Moore in his capacity of surgeon-general of the Confederate States, is hereby confirmed to, and whatever right or interest which the United States may be supposed to have in said described tract of land is hereby granted and released to the said Samuel I. Gustin, his heirs or assigns.

SEC. 2. That all laws and parts of laws militating against this act be, and the same are hereby, repealed.

Mr. CULBERSON. I yield now to the gentleman from Georgia [Mr. STEWART].

Mr. STEWART, of Georgia. Mr. Speaker, I desire to explain very briefly the object of this bill. During the existence of the Confederate government, it purchased a tract of land in Bibb County for the purposes of an arsenal. After the close of the war the property was taken charge of by the Freedmen's Bureau, and later General Tilson, who was acting assistant commissioner of the Freedmen's Bureau, made a deed of the property to Mr. Gustin. The question has arisen as to the authority of General Tilson to make that deed. The Government has the money which was paid for the property, and the present owners simply desire to have the deed made by General Tilson validated by this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEWART, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIRCUIT AND DISTRICT COURT AT JOHNSON CITY, TENN.

Mr. CULBERSON. I now call up a bill (H. R. 11087) to establish a circuit and district court at Johnson City, Tenn.

The SPEAKER *pro tempore*. That bill, the Chair is informed, is upon the Calendar of the Committee of the Whole House on the state of the Union.

Mr. CULBERSON. It ought to be upon the House Calendar, and I now ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House as in committee.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That a term of the circuit court and of the district court for the eastern district of Tennessee shall be held at Johnson City, in said State, in each year, on the first Mondays of May and November after the passage of this act. That the said courts shall be known as the mountain division of the eastern district of Tennessee, and shall consist of the following counties, to wit: Johnson, Carter, Unicoi, Sullivan, Washington, Greene, Hawkins, and Hancock; but no additional clerk or marshal shall be appointed in said district. That said courts shall be held by the circuit and district judges now assigned to hold the courts of the eastern district of Tennessee.

SEC. 2. That the clerks of the circuit and district courts of the eastern district of Tennessee, and the marshal and district attorney for said district, shall perform the duties pertaining to their offices, respectively, for said courts; and the said clerks and marshals shall each appoint a deputy to reside and keep their offices in the said Johnson City, and who shall, in the absence of their principals, do and perform all the duties appertaining to their offices, respectively.

SEC. 3. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division. All issues of fact in said suit shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 4. That all prosecutions for crimes or offenses heretofore committed in any of the counties composing said mountain division shall be tried at Knoxville, as now provided; but all crimes or offenses hereafter committed in any of the counties composing said mountain division shall be cognizable within said mountain division. That all grand and petit jurors summoned to attend for service in said division shall be residents of the same.

SEC. 5. That all cases of removal of suits from the courts of the State of Tennessee to the courts of the United States in the eastern district of Tennessee such removal shall be to the United States court in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division. That each of said courts shall be held in a building to be provided for that purpose by the State or municipal authorities, and without expense to the United States.

SEC. 6. That this act shall be in force from and after the 1st day of May, A. D. 1889; and all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. BUTLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITNESSES IN UNITED STATES COURTS.

Mr. CULBERSON. I call up the bill (H. R. 10182) to amend an act entitled "An act to make persons charged with crimes and offenses competent witnesses in the United States and Territorial courts."

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to make persons charged with crimes and offenses competent witnesses in the United States and Territorial courts," approved March 16, 1878, be, and the same is hereby, amended as follows, to wit: By adding thereto the following words: "And no person shall be disqualified as a witness in any criminal prosecution by reason of his interest in the event of the same as a party or otherwise, or by reason of his conviction of any crime, but such interest or conviction may be shown for the purpose of affecting his credibility."

Mr. CULBERSON. I yield to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the bill, I think, explains itself, and I move that it be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEALERS IN COUNTERFEIT MONEY.

Mr. CULBERSON. I now call up the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails, and I yield to Mr. SENEY.

The bill was read, as follows:

Be it enacted, etc., That any person who shall knowingly deposit, or cause to be deposited, in any post-office, letter-box, or other receptable for the United States mail, any letter, circular, or other communication addressed to any other person, offering or proposing to sell, give, deliver, or transfer, to any person, any imitation of any coin, bill, note, bond, or other security of the United States, or bank notes, shall be deemed guilty of a felony, and upon conviction thereof shall be punishable by a fine of not more than $1,000 and by imprisonment at hard labor for not more than three years.

Mr. SENEY. I move that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CRUELTY TO ANIMALS.

Mr. CULBERSON. I call up the bill (H. R. 8344) to prevent cruelty to domestic animals.

The bill was read, as follows:

Be it enacted, etc, That any person within the District of Columbia or Territories of the United States who overrides, overdrives, overloads, drives when overloaded, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be overridden, overdriven, overloaded, driven when overloaded, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any domestic animal, and whoever, having the charge or custody of any such animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or fails to provide the same with proper food, drink, or protection from the weather, or cruelly drives the same when unfit for labor, shall be deemed guilty of a misdemeanor, and must, on conviction, be fined not exceeding $100, and, upon failure to pay the same and cost, shall be imprisoned or sentenced to hard labor for not exceeding one hundred days.

SEC. 2. That it shall be the duty of any officer of the law, and shall be lawful for any other person, to arrest and take before any commissioner, judge, or justice of the peace any person violating the provisions of this act, and upon the conviction of the person so arrested, the officer or person making the arrest shall be entitled to $3, to be taxed and collected as a part of the cost; and any executive officer of the District of Columbia or Territories of the United States, who fails or neglects to arrest any person who violates any of the provisions of this act in his presence, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding $100, and, on failure to pay it, shall be liable to removal from his office.

The committee recommended amendments as follows:

Between the words "who" and "overrides," in line 4, of section 1, insert the following: "Individually or as member or employé of any corporation."

Also amend section 2 by inserting between the words "act" and "and," in line 4, the following: "Whereupon such proceedings shall be had as in other cases of misdemeanor."

And thus amended your committee recommend the passage of the bill.

The amendments were agreed to.

Mr. CULBERSON. I yield to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, those who have listened to the reading of the bill certainly understand it, and I do not believe that any one can make any objection to it. I ask that the bill be put upon its passage.

Mr. BLAND. I desire to offer an amendment to that bill. I think the greatest cruelty to animals that is practiced in this city is perpetrated by the street car companies in attaching but one horse to a street car, and there is no way of preventing cruelty to animals while that is permitted to continue. I would, therefore, make it unlawful and punishable, and I desire to offer an amendment to cover that point.

Mr. OATES. If the bill does not cover just such cases as that, then the Judiciary Committee can not prepare one that does. If the gentleman will examine the bill he will see that overloading and overdriving are expressly mentioned.

Mr. BLAND. But I want the bill to mention this expressly as being a case of overloading and overdriving. In this city I have seen one horse attached to a street car, driven along and whipped until the poor animal fell dead. It is a disgrace to Congress that such things should take place. I think this is the time and the place to make it unlawful to drive a street car on any of these roads with less than two horses.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Missouri that the bill is open to amendment. The Clerk will read the report of the committee which submits, as the Chair is informed, several amendments.

The report (by Mr. OATES) was read, as follows:

The Committee on the Judiciary, to whom was referred House bill 8344, having had the same under consideration, report the same back with amendments, as follows:

Between the words "who" and "overrides," in line 4 of section 1, insert the following: "Individually or as member or employé of any corporation."

Also amend section 2 by inserting between the words "act" and "and," in line 4, the following: "Whereupon such proceedings shall be had as in other cases of misdemeanor."

And thus amended your committee recommend the passage of the bill.

It shows upon its face that its purpose is to prevent by adequate punishments cruelty to domestic animals, and defines with accuracy and certainty what shall be considered cruelty and the mode and measure of punishment. To inflict cruelty upon domestic animals is an act so mean and despicable that it needs no further comment or argument to sustain this bill. Some humanitarians think that the criminal laws should be so extended as to prevent cruelty to all animals, those which are *ferœ naturœ* as well as domestic, which might be very tough on huntsmen.

Your committee think that this bill goes far enough.

Mr. OATES. I ask a vote on the amendments of the committee.

The amendments stated in the report were agreed to.

The SPEAKER *pro tempore*. The gentleman from Missouri will now send up his amendment.

Mr. BLAND. I move to amend by adding to the bill the clause which I ask the Clerk to read.

The Clerk read as follows:

And it shall be conclusive evidence of overloading to drive less than two horses to one car in the District of Columbia; and the using of less than two horses is hereby declared unlawful.

Mr. BLAND. Now, Mr. Speaker, under this amendment there can be no mistake about the law and the evidence of its violation.

Mr. OATES. I quite agree with the gentleman from Missouri that the case he intends to cover, if it be that of overloading, is one of cruelty; but it is amply provided for in the bill, which is general in its provisions, while the amendment is in the nature of mere local legislation, a species of legislation which is frequently the subject of condemnation by the courts, especially when framed in severe and harsh terms, which it is not best to adopt except where absolutely necessary. I would like the gentleman from Missouri to withdraw his amendment, because the case which he really intends to cover is, in my opinion and in the opinion of the Committee on the Judiciary, covered fully by the bill. The measure of evidence provided in the amendment is improper legislation. I will state, for the information of the gentleman and the House, that this question was raised in the committee when the bill first came up for consideration on the first report of the subcommittee, and it was re-referred to the subcommittee for investigation, and the amendments which have been adopted were the result.

Mr. BLAND. Mr. Speaker——

Mr. BREWER addressed the Chair.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Michigan in a moment.

Mr. BLAND. Mr. Speaker, this bill, it is true, is general in its character. So far as this District is concerned, and so far as concerns the question of using one horse or two horses for the drawing of a street car in this District, it is so general that it will be of no effect unless this amendment be adopted. The amendment makes it perfectly clear that the use of less than two horses to a car shall be unlawful; it makes this fact indisputable evidence of overloading. It is a shame and an outrage that Congress for the last twenty years has permitted this cruelty to animals as well as cruelty to the public on the part of these street-car companies.

Mr. OATES. I move the previous question on the pending amendment and on ordering the bill to be engrossed and read a third time.

Mr. BREWER addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] had not yielded the floor, and now calls the previous question.

Mr. CASWELL. The only way to pass this bill is to do it instantly, as in a few minutes the hour will expire.

The previous question was ordered, and under the operation thereof the amendment of Mr. BLAND was adopted, there being—ayes 21, noes 19.

The bill as amended was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JURISDICTION OF DISTRICT AND CIRCUIT COURTS.

Mr. CULBERSON. I call up the bill (H. R. 1873) to limit the jurisdiction of the district and circuit courts of the United States.

The bill was read, as follows:

Be it enacted, etc., That the district and circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same State.

The amendments reported by the Committee on the Judiciary were read, as follows:

In line 11 strike out the words "by this act."

In lines 16 and 17 strike out the words "foregoing provision" and insert "existing law."

Mr. ADAMS. I wish the gentleman from Texas [Mr. CULBERSON] would ask unanimous consent that the hour, which is now within a few minutes of its expiration, be considered as having expired, so that we may discuss this bill to-morrow. It is a very important subject and will occupy considerable time.

The SPEAKER *pro tempore*. There is but one minute of the hour remaining.

Mr. CULBERSON. This is a very important bill, and I am perfectly willing to accede to the gentleman's suggestion.

Mr. ROGERS. I hope the report may be printed in the RECORD, so that gentlemen may examine it.

Mr. ADAMS. That is right; and let the views of the minority of the committee be also printed.

Mr. ROGERS. Let the majority and the minority report be printed in the RECORD.

The SPEAKER *pro tempore*. Unanimous consent is asked that the report of the committee and the views of the minority on this bill be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULBERSON, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, having had House bill No. 1873 under consideration, recommend its passage with the following amendments:

1. Strike out the words "by this act," in the eleventh line.

2. Strike out the words "foregoing provision," in the sixteenth and seventeenth lines, and insert in their stead the words "existing law."

The object of this bill is not to interfere with the privilege of corporations to bring suits in the United States courts in cases arising under the Constitution or laws of the United States or treaties made by their authority, but to withdraw jurisdiction from the district and circuit courts of the United States of any suit of a civil nature at law or in equity between a corporation created under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it.

The committee believe that a corporation that pursues its business in a State or States other than that in which it was organized ought to be regarded as a citizen of such State or States for judicial purposes.

VIEWS OF THE MINORITY.

The effect of this bill if enacted into law would be that a corporation organized under the laws of Massachusetts, which at the time when the cause of action accrued was carrying on in the State of Missouri any business authorized by its charter, could not sue a citizen of Missouri in the Federal courts.

It need not appear, in order to give the act effect and compel the dismissal of a suit for want of jurisdiction, that the corporation was carrying on any business in Missouri at the time when the suit was commenced; it may have been a stranger in Missouri for years; nor need it appear that it has ever carried on business in the district where the suit is brought; its business and agency may have been in a different part of the State. Yet it could not maintain a suit in the Federal courts.

Nor is there any definition in the act of the phrase "carrying on any business." The phrase is so general that the act would practically amount to an exclusion of corporations from the Federal courts in suits where the ground of jurisdiction is that the suit is a controversy between citizens of different States. Even if the phrase "carrying on any business" were to be strictly construed to be the keeping an office and local agents in the State where the defendant resides, there appears to be no sound reason why the Federal courts should be closed against a non-resident corporation having a resident agency, while they are open to non-resident corporations not having such an agency, and to non-resident partnerships and individuals whether they have a like resident agency or not.

The purpose of the constitutional provision that the judicial power shall extend to controversies between citizens of different States was to protect the non-resident litigant against local prejudice. How far this protection is needed we need not discuss.

If it is not needed at all, we might as well take away from Federal jurisdiction all controversies between citizens of different States.

If it is needed by any non-resident litigant it is surely needed as much by a non-resident corporation as by a non-resident partnership firm or a non-resident individual. The dangerous aggregations of corporate power which have in many instances occurred in this country ought not to make us forget that in a large majority of cases the formation of manufacturing and other business corporations has been a benefit to the country. If it were not so they would not be authorized by State laws. In a large majority of cases they are formed by citizens of the State under the laws of which they are organized, and their principal office is in that State, although they are obliged to some extent to carry on business in other States. They can not be formed except under the laws of some State, and they can not do business in any other State except by permission of its Legislature and under such conditions as it may see fit to impose. If they are allowed to carry on business in a State in which they do not reside, they should have the same right to resort to the Federal courts which other non-residents have.

The only valid and reasonable objection which any litigant can have to being impleaded in a Federal rather than in a State court is the greater expense attending litigation in the former and the greater distance which parties and witnesses have to travel in order to attend court. These evils exist to the same extent in cases in which the plaintiff is a non-resident individual as in those in which the plaintiff is a non-resident corporation. The evil should be remedied by more stringent regulations of fees and by providing for terms of court to be held in different parts of the district rather than by the sweeping provisions of the pending bill, which deny the protection of the Federal courts to that particular class of litigants which more than all others stands in need of it.

There is a larger question involved in the pending bill into which it is unnecessary to go further than to express a doubt. It is the question of constitutional power. A Massachusetts corporation, having a local agency in Missouri, would still be a citizen of Massachusetts, notwithstanding the enactment of the pending bill.

A controversy between it and a citizen of Missouri would still be, in the language of the Constitution, a controversy between citizens of different States.

Has Congress the constitutional power to close the Federal courts sitting in one State against a particular class of citizens of other States?

G. E. ADAMS.

The SPEAKER *pro tempore*. The hour for the consideration of bills called up by committees has now expired.

DEPOSITIONS IN UNITED STATES COURTS.

The SPEAKER (having resumed the chair) announced the appointment of Mr. OATES, Mr. CULBERSON, and Mr. CASWELL as conferees on the part of the House on the bill (S. 832) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. I rise to present a conference report on the Army appropriation bill.

The SPEAKER. The gentleman will send it up. That is a matter of the highest privilege.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 12, 18, 19, 22, 24, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 23, 26, 28, 29, 30, 31, and 34, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Insert after the word "charge," in line 19, page 5 of the bill, the words "or over any of the bond-aided Pacific railroads;" strike out in line 21, same page, the words "last named railroad" and insert in lieu thereof the word "railroads;" and in lieu of the matter proposed to be inserted by said amendment insert the following:

"*And provided further*, That the transportation furnished by the Quartermaster's Department to officers traveling without troops shall be limited to transportation in kind, not including the sleeping or parlor car accommodations over free roads, over bond-aided Pacific railroads, and all conveyances belonging to the said department."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,000;" and the Senate agree to the same.

On amendments numbered 32, 33, and 35 the committee of conference has been unable to agree.

R. W. TOWNSHEND,
JOSEPH D. SAYERS,
Managers on the part of the House.

W. B. ALLISON,
P. B. PLUMB,
Managers on the part of the Senate.

Mr. TOWNSHEND. In order to save the time of the House I will say it will be unnecessary to read the statement accompanying the report, as it has already been printed in the RECORD. I ask that it be printed in the RECORD to accompany the report.

There was no objection, and it was ordered accordingly.

The statement is as follows:

STATEMENT OF HOUSE CONFEREES ON H. R. 10234.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, submit the following written statement in explanation of the effect of the action recommended on the Senate amendments as compared with the bill as it passed the House:

On amendments numbered 1, 2, 3, and 4: Limits the pay and traveling expenses of contract surgeons, hospital matrons, and veterinary surgeons to not exceeding 50, 160, and 14 in number, respectively, and reduces the appropriation therefor from $100,000, as provided by the House, to $85,000.

On amendment numbered 5: Limits the number of paymasters' messengers to not exceeding thirty.

On amendment numbered 6: Restores the House provision for payment of a clerk attendant on the collection and classification of military information from abroad, $1,500, and authorizes the officers detailed to obtain the same to receive mileage and transportation and commutation of quarters while on this duty.

On amendments numbered 7, 8, and 9: Limits the mileage to officers when traveling on duty without troops to cases where authorized by law only, and to the shortest usually-traveled routes, and makes the appropriation $150,000 instead of $100,000, as provided by the House.

On amendments numbered 10 and 11: Provides for limiting the transportation to be furnished by the Quartermaster's Department to officers traveling

without troops to transportation in kind over free railroads and bond-aided Pacific railroads and by conveyance belonging to said department.

On amendment numbered 12: Makes a verbal change only.

On amendments numbered 13, 14, and 15: Strikes out the provision providing for commutation in lieu of rations to enlisted men competing in rifle contests at places of contest, and limits the amount for payment of civilian employés of the Subsistence Department to $110,000 instead of $120,000, as provided by the House.

On amendments numbered 16 and 17: Strikes out the House provision for a riding and training master for the instruction of officers and cadets and the appropriation of $1,500 therefor.

On amendments numbered 18 and 19: Restores the provision of the House allowing the hire and transportation of the necessary agents and employés of the Army.

On amendment numbered 20: Reduces the amount for Army transportation from $2,800,000 to $2,700,000.

On amendment numbered 21: Strikes out the following proviso in House bill: "That no expenditure authorized by this act from the appropriations made herein for the Quartermaster's Department of the Army, including the transportation of troops and their supplies, and the expenses incident thereto, shall be made except by the Quartermaster-General, under the direction of the Secretary of War, unless an emergency exists that demands immediate action; and in such case the expenditure necessary to meet the emergency may be made upon the order in writing of the general commanding the Army, or upon the order in writing of a division or department commander in whose jurisdiction the emergency arises; but every such order from a division or department commander shall certify that an emergency exists requiring immediate expenditure, stating the emergency necessary to be met."

On amendments numbered 22, 23, 24, and 25: Provides under the medical and hospital department for general sanitation instead of limiting to post sanitation, includes medical supplies for the Army and Navy Hospital at Hot Springs, reduces the appropriation for Medical Department from $205,000 to $200,000, and limits the amount which may be expended for civilian employés to $42,000.

On amendment numbered 26: Provides an appropriation of $2,500 for repairs to sea-wall and wharf at Willets Point, New York.

On amendment numbered 27: Strikes out the proposed appropriation of $1,000 for repairs to the works on old Fort Barrancas, Florida.

On amendment numbered 28: Provides for horse equipments for artillery as well as for cavalry.

On amendment numbered 29: Provides for the manufacture, repair, and issue of arms at national armories, instead of at the National Armory.

On amendment numbered 30: Provides that the cost to the Ordnance Department of all ordnance and ordnance stores issued to the States, Territories, and District of Columbia, under the act of February 12, 1887, shall be credited to the appropriation for "manufacture of arms at national armories," which appropriation for 1889 and thereafter shall be available until exhausted.

On amendment numbered 31: Provides that the pneumatic dynamite guns and carriages to be purchased shall be all complete and mounted in place ready for military use.

An amendment numbered 34: Provides for an appropriation of $3,000 for the Signal Service of the Army, in lieu of $3,000 as proposed by the House.

The amendments numbered 32, 33, and 35, on which the conferees are unable to agree, make provisions as follows:

Amendment numbered 32: Strikes out from the House provision for examining, testing, and experimenting with pneumatic or other dynamite guns, gun-carriages, and plants for the same, etc., the words "and plants for the same," and inserts the words "aerial torpedoes."

Amendment numbered 33: Provides for the manufacture or purchase and test of cannon and carriages, including two 10-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, and increased facilities for their manufacture, powder, fuses, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $600,000: *Provided*, That all purchases of materials under this provision, excepting samples, shall be of American manufacture: *Provided*, That of the above sum $10,000 may be used for increasing facilities for the manufacture of projectiles.

Amendment numbered 35 provides:

"SEC. 2. That the Secretary of War be authorized to enter into negotiations for the purchase of the 225 acres of land on the Hudson River, directly south of the military reservation at West Point, belonging to the estate of Edward V. Kinsley, or so much thereof as he may deem necessary for the purposes of the Military Academy, and to receive offers for the sale of their interest in such land from such of the heirs of said Kinsley as are competent and willing to sell such interests; and the Secretary of War is authorized to submit all offers so made and the question of the value of said 225 acres to a board to consist of three Army officers and three competent civilians, who shall make due investigation and report concerning said value; and the Secretary of War shall submit said offers and the report of said board, with his opinion, to Congress at its next session. The expenses of said board and compensation at the rate of $10 a day for not more than ten days for each of the civilian members shall be paid from the appropriation for contingencies of the War Department.

"SEC. 3. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an Army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, $750,000.

"SEC. 4. For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $5,000,000: *Provided*, That no money shall be expended except for steel accepted and delivered.

"SEC. 5. The material for the guns provided for in section 4 shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, after proper advertisement, continuing not less than thirty days in the newspapers most likely to reach the said manufacturers: *Provided*, That each bidder with whom such contracts shall be made shall agree to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contracts, and shall further agree to deliver yearly a specified quantity of each caliber, the time of the delivery of the steel for the smaller calibers of heavy guns to commence at the expiration of not more than eighteen months, and that for the largest calibers specified in the advertisement, at the expiration of not more than three years from the date of the acceptance of the contracts; and that all the material for said guns shall be manufactured in the United States.

"SEC. 6. For the purchase of submarine mines, for needful casemates, cable galleries, and appliances to operate submarine mines; for continuing torpedo experiments and for practical instruction of engineer troops in the details of torpedo service, $5,000,000.

"SEC. 7. For the purchase of submarine controllable torpedoes or torpedoes and torpedo-boats controllable from shore and adapted to coast defense, $100,000.

"SEC. 8. The appropriations provided for in sections 3, 4, 6, and 7, shall be available until expended."

R. W. TOWNSHEND.
JOSEPH D. SAYERS.

Mr. TOWNSHEND. I will say the conferees agree upon all matters with the exception of three amendments, numbered 32, 33, and 35, relating to gun factory and ordnance, and without further statements I move that the report be adopted.

The report was adopted.

Mr. TOWNSHEND. I now move that the House further insist on the amendments numbered 32, 33, and 35, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. TOWNSHEND. I will be absent from the city some days, and ask that some other member shall be substituted on the conference on the part of the House.

The SPEAKER. The Chair will substitute for the gentleman from Illinois on the House conferees the gentleman from Pennsylvania [Mr. MAISH].

PERSONAL EXPLANATION.

Mr. McCREARY. House bill 11309 has been set down as the special order for to-day, and I ask that the bill be read.

Mr. BRUMM. I rise to a question of privilege.

Mr. McCREARY. I hope the gentleman from Pennsylvania will postpone it until to-morrow morning. We have already had one question of privilege to-day, and if the gentleman will postpone his question of privilege I will take up the bill I have indicated and proceed to its consideration.

Mr. BRUMM. Provided my colleague [Mr. SCOTT] is here and is willing, I do not object.

Mr. SCOTT. I would gladly do as the gentleman from Kentucky [Mr. McCREARY] desires me to do in this matter, but if the gentleman from Pennsylvania [Mr. BRUMM] confines himself strictly to the issue he proposes to raise, the question between him and myself can be disposed of in fifteen minutes.

During my absence from the House, in consequence of sickness, I have received from the gentleman from Pennsylvania [Mr. BRUMM] three notices, stamped with a 10-cent postage-stamp on each of them. [Laughter.] I must be present in the House to answer what he proposes to bring up here this morning. Now, unfortunately, I can not wait forever to meet the charges of the gentleman from Pennsylvania, and if he confines himself strictly to the point he should confine himself to for ten minutes it will be time enough to do all we have got to do.

Mr. BRUMM. I shall follow my own judgment and not that of the gentleman.

Mr. McCREARY. I ask the gentleman from Pennsylvania [Mr. SCOTT] whether he expects to be here in the morning?

Mr. SCOTT. I do.

Mr. McCREARY. Then let it go over until then.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate requested the return of the bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George L. McGuire; and the bill (S. 3087) granting a pension to Mary A. Pfeiffer.

Also, that the Senate had passed without amendment the bill (H. R. 988) for the relief of Joseph R. White, the bill (H. R. 649) for the relief of A. C. Bradford, and the bill (H. R. 109) to refund to Dr. F. O. St. Clair $97.80 duty on monument to the memory of Francis J. Townshend, late of the United States Army.

Also, that the Senate had passed with amendment, in which the concurrence of the House of Representatives was requested, the bill (H. R. 8873) in relation to bonds of disbursing and other officers and to monthly payment of the Army.

Also, that the Senate had passed a bill (S. 3074) for the relief of Nicholas J. Bigley; in which the concurrence of the House of Representatives was requested.

And further, that the Senate had passed with amendments House bills of the following titles:

A bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor.

A bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California.

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

A bill (H. R. 1641) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey.

A bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California.

A bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia; and asks a conference with the House on the several bills so amended, and had appointed Mr. PALMER, Mr. DOLPH, and Mr. VEST as conferees thereon.

FISHERIES TREATY.

Mr. McCREARY. I call up the bill which is the special order for this time, and I ask that it be read:

The Clerk read as follows:

A bill to empower the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887.

Be it enacted, etc., That whenever the President may deem it his duty to exercise any of the powers given to him by an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887, it shall be lawful for the President, in his discretion, by proclamation to that effect, to suspend, in whole or in part, the transportation across the territory of the United States, in bond and without the payment of duty, of goods, wares, and merchandise imported or exported from any foreign country from or to the British dominions in North America.

SEC. 2. That whenever the President shall be satisfied that there is any discrimination whatever in the use of the Welland Canal, the St. Lawrence River Canals, the Chambly Canal, or either of them, whether by tolls, drawbacks, refund of tolls, or otherwise, which is, or may be, detrimental to the interests of the United States, or any of its citizens, it shall be lawful for the President, in his discretion, to issue a proclamation to that effect, whereupon there shall be collected a toll of 20 cents a ton upon every foreign vessel and her cargo passing through either the Sault Ste. Marie Canal or the St. Clair Flats Canal; and the Secretary of the Treasury may authorize and direct any of the customs officers to collect the tolls levied under this act, or the President may, in his discretion, when he is satisfied there is any such discrimination, prohibit the use of said canals to any such foreign vessel. The President, when satisfied that such discrimination has ceased, may issue his proclamation to that effect, in his discretion, whereupon the tolls authorized by this act shall no longer be collected, and said prohibition, if ordered, shall cease.

SEC. 3. That the Secretary of the Treasury is authorized to make any regulations needful to carry this act into effect.

Mr. SPRINGER. I find the bill under consideration will be considered to-day and to-morrow. After that I understand the appropriation bill will be pressed on Friday and Saturday and taking up all the week. And I wish to state to the friends of the Oklahoma bill it will be impossible to reach it before Tuesday next, when I will call it up.

Mr. HOOKER. I give the gentleman notice we will not take it up during his absence. [Laughter.]

Mr. BELMONT. Mr. Speaker, the measure which has just been called up for our consideration is one in which I, in common with all members upon this floor, take a very deep interest. I do so particularly because during the last Congress I introduced and reported to the House a bill of similar purport, which was adopted by the House with but a single dissenting voice.

When the message of the President of the United States was received I was absent; and the Committee on Foreign Affairs very properly, in the discharge of its duty, at once proceeded upon the consideration of the message and the preparation of a report to the House. Upon my return I thought it but right and proper that the special committee having this matter in charge should report it to the House; and I requested my colleague on the committee, the gentleman from Kentucky [Mr. McCREARY], so to do, knowing that the bill would thus be in excellent hands. I shall take occasion during the course of the debate to give my most hearty co-operation in securing a speedy passage of the bill by the House.

I deem this statement due to the House and to myself in connection with the matter. [Applause.]

Mr. McCREARY. Mr. Speaker, the message of the President, sent to the Congress of the United States on the 23d day of August, 1888, places the Administration in a firm and courageous attitude on the fisheries controversy with Great Britain. It is dignified, resolute, and courteous, and presents a course of action for our Government that is worthy of the approval and support of the American people.

While it may have caused some persons to sulk like Achilles, and others, like Thersites, to indulge in vituperation and abuse, the general sentiment of the public is that the President should be upheld in his efforts to preserve the honor and dignity of our country, and protect and maintain the rights and interests of the people.

This message and the tariff message of President Cleveland should be recorded together in the history of our country. One seeks to reduce taxes and lighten the burdens of the people. The other seeks to maintain the rights and the dignity of American citizens, and both will be remembered forever.

Prompted by a patriotic purpose and a desire to settle all disputed questions, he opened negotiations and concluded a treaty with Great Britain, as was his constitutional privilege and duty, and submitted it to the United States Senate on the 20th day of February, 1888, for ratification.

This was the proper course. The course which intelligent and enlightened opinion everywhere sustains.

If the President had resorted to retaliatory measures against Canadian citizens, under the act of March 3, 1887, without having attempted negotiations with Great Britain, he would have been criticised, perhaps censured, for having failed to make proper efforts for a settlement with Great Britain through the treaty-making power.

The treaty, so carefully prepared by able and accomplished gentlemen under the direction and authority of the President, which provided for a settlement of all disputed questions that have been under discussion by the two governments, and which added greatly to the privileges of our fishermen in British American ports, was rejected by the unanimous vote of the Republican Senators, without any effort to recast or amend it.

While the motive that prompted this action may not be properly understood, it was equivalent to giving notice to the President and to the country that no treaty which could be negotiated in regard to Canadian troubles would be deemed sufficient by them, and that the time for treaty negotiations had passed and retaliation must commence.

There is nothing left the President now but retaliation. But this is no new issue. The policy he now proposes is substantially the policy decided on by him a year and a half ago, and which was practically indorsed by Congress when the act of March 3, 1887, was passed.

Without giving the details of all the negotiations between the United States and Great Britain in the past, it is proper to a satisfactory understanding of the questions involved that a brief reference should be made to treaties ratified by the two governments. There have been twenty-five treaties made between the United States and Great Britain, as follows:

1783—Treaty of independence.
1794—Commercial treaty.
1796—Treaty explaining a provision of treaty of 1784.
1798—Treaty explaining fifth article of treaty of 1784.
1802—Thomas Jefferson made a treaty with England explaining treaty of 1794, and annulled one article of it.
1814—Treaty of peace, negotiated on the part of the United States by Henry Clay, Jonathan Russell, Albert Gallatin, John Quincy Adams, and J. A. Bayard.
1815—Treaty of commerce.
1817—Treaty in relation to the naval forces to be placed on the Great Lakes, Ontario, Erie, etc.
1818—Fisheries treaty, negotiated by Mr. Gallatin and Mr. Rush.
1826—Treaty in regard to the award of the Emperor of Russia about slaves.
1827—Treaty about Oregon.
1827—Second treaty, continuing in force for ten years longer the commercial treaty of 1815.
1827—Third treaty, relating to the northeastern boundary.
1842—Treaty relating to the northern boundary and to the St. Lawrence, St. John, and Detroit Rivers.
1846—Treaty settling the boundary of Oregon, negotiated by James Buchanan.
1850—Clayton-Bulwer treaty.
1853—Treaty for settlement of claims.
1854—Reciprocity treaty with Canada.
1854—Second treaty, extending the duration of a commission previously provided for.
1862—Treaty relating to the suppression of African slave-trade.
1863—Treaty adding another article to the slave-trade treaty of 1862.
1863—Second treaty, to settle claims of Hudson Bay and Puget Sound Agricultural Company against the United States.
1870—Treaty relating to the African slave-trade.
1871, May 5—Treaty in regard to naturalization.
1871, July 4—Treaty for the settlement of the Alabama claims, the fisheries, reciprocity, and the boundary line between the United States and British Provinces.
1888—Treaty transmitted to the United States Senate February 20, 1888, and rejected by the Senate.

I only propose to discuss the treaties of 1783, 1818, 1854, and 1871, for these are the only treaties made between the United States and Great Britain which bear upon the questions under consideration.

Before the revolution of 1776 the inhabitants of all the British colonies in North America possessed the common right of fishing on all the coasts of British North America. At the end of the revolution the treaty of peace, made in 1783, defined the area of American fisheries and fixed the boundaries between the British provinces and the United States.

Its third article declared:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish, and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America.

The rights and liberties thus set forth, continued down to the war of 1812 and to the treaty of peace negotiated at Ghent, which closed the war on the 24th day of December, 1814, between the United States and Great Britain.

This treaty of peace provided:

First. For a restoration to each party of all countries, territories, etc., taken by either party during the war, without delay, saving some questions of islands in the Bay of Passamaquoddy.

Second. It provided for disposition of prizes and prisoners of war.

Third. It provided for questions of boundary and dominion regard-

ing certain islands, and for the settlement of the northeastern boundary and also for the northwestern boundary, etc., but it made no reference whatever to fisheries questions.

Soon after the treaty of Ghent the British Government announced its purpose to exclude American fishermen from the liberty of fishing within one marine league of her shores in North America, and of drying and curing fish on the unsettled parts of those territories, and asserted that the fishing rights, recognized and secured to the citizens of the United States by the treaty of 1783, had become abrogated in consequence of the war of 1812. This assertion led to the treaty of the 20th of November, 1818, the fisheries article of which provided (Article I):

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northwestern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

From 1818 forward, for a number of years, peace and neighborly feeling seemed to reign supreme, and no serious difficulties occurred as regards the rights of American fishermen in Canadian and American waters.

In 1854 a treaty was concluded by which exclusive reciprocity of trade was agreed on, and the right guarantied to the Americans to fish within the limits prohibited by the treaty of 1818, under various restrictions and limitations, and a similar right granted to British fishermen in certain waters of the United States.

This treaty contained other provisions respecting navigation of the St. Lawrence River and American and Canadian canals, and was terminable on notice after the expiration of ten years. It was not popular, and Congress terminated it in the session of 1864–'65 by a large majority in both the Senate and House of Representatives.

In 1868 serious trouble commenced because the Canadian Government enacted harsh and stringent laws on the subject of American fishermen calculated to cripple and destroy their operations.

Then came the treaty of 1871, concluded and signed at Washington and devoted primarily to the Alabama claims, but which also provided that for a period of ten years fishermen of the United States should have, in addition to their rights under the treaty of 1818, the right of British North American inshore fishing, under certain limitations, and the United States agreed to the free admission of British North American fishery products into our country, and it was also provided that the British fishermen might fish in certain American waters and that the balance of alleged advantage to the United States in these respects should be settled by a commission.

The award of this commission, known as the Halifax Commission, will probably never be forgotten in our country. By the vote of the British commissioner and of the Belgian umpire, and against the vote of the American commissioner, the sum required to be paid by the United States to Great Britain was fixed at $5,500,000. The gross injustice of this award strengthened the desire for a termination of these fishery arrangements by negotiations with the British Government to that end. Both Houses of Congress by joint resolutions, approved March 3, 1883, directed that notices be given of the termination of Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the treaty of Washington, which articles covered the whole fishery subject as well as certain matters of navigation; and Article XXXII was also terminated. By the proclamation of President Arthur, the termination took effect July 1, 1885. After the termination of the fisheries articles of the treaty of Washington, unfriendly coercion and harassment of American fishermen by Canadians were again resorted to with great exaggeration.

I shall not attempt to furnish lists of all the cases of warnings, seizures, fines, confiscations, searches, and captures that have been visited upon American fishermen. They have been very numerous and aggravated, and have cost our fishermen heavy expense and serious loss, and, as has been reported by a committee of Senators, these lists comprise in all nearly four hundred vessels that have been involved in seizures and other interferences growing out of disputed constructions of the treaty of 1818.

Only two weeks ago the American schooner Herman Sabson was seized and taken to St. John's, Newfoundland, and fined $100 for buying a few barrels of herring without license. The week before the steamer Novelty was refused permission to buy coal unless the captain paid $400 for a license.

Senator EDMUNDS said in his speech in the United States Senate:

It will be seen from the correspondence and papers submitted by the President in his message on the subject, of the 8th of December last, and from the testimony taken by the committee, that some of these instances of seizure or detention or of driving vessels away by threats, etc., were in clear violation of the treaty of 1818.

The people in Canada seem to be expecting retaliatory measures on our part. Hon. Mr. Laurier, leader of the Canadian Liberal party, in his speech at Toronto a few days since, declared that the United States had sufficient cause for retaliation in the action of Canada in the past. He said:

If the Canadian Government had followed a more friendly course there would not have been any unfriendly feeling to-day. Time and again in the year 1885 American fishermen were arrested for trivial offenses. * * * If the Canadian Government had administered our laws as they conceived them under the treaty, in a friendly manner, this could not have taken place. * * * It is high time we should reverse the policy we have been following toward the United States for the past twenty-five years.

The first step toward retaliation was taken in 1885. In his annual message of December, 1885, the President called the attention of Congress to the difficulties and disputes and harassments that have occurred, and Congress passed an act, which was approved by the President on the 3d of March, 1887, entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes." The act is as follows:

Be it enacted, etc., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have unjustly vexed or harrassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harrassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harrassed in respect thereof, or otherwise be unjustly vexed or harrassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harrassed in respect of the same, or unjustly vexed or harrassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies, as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, to deny entry into any port or place of the United States of fresh fish or salt fish, or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming, or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

The President also in his message sent to Congress August 23, 1888, describes the situation fairly and forcibly, as follows:

Our citizens engaged in fishing enterprises in waters adjacent to Canada have been subjected to numerous vexatious interferences and annoyances, their vessels have been seized upon pretexts which appeared to be entirely inadmissible, and they have otherwise been treated by the Canadian authorities and officials in a manner inexcusably harsh and oppressive.

While keenly sensitive to all that was exasperating in the condition, and by no means indisposed to support the just complaints of our injured citizens, I still deemed it my duty, for the preservation of important American interests which were directly involved, and in view of all the details of the situation, to attempt by negotiation to remedy existing wrongs and to finally terminate, by a fair and just treaty, these ever-recurring causes of difficulty.

I fully believe that the treaty just rejected by the Senate was well suited to the exigency, and that its provisions were adequate for our security in the future from vexatious incidents and for the promotion of friendly neighborhood and intimacy, without sacrificing in the least our national pride or dignity.

It seems clear and conclusive that the time has arrived for action on the part of the United States Government. The rights of American fishing vessels, American fishermen, American trading and other vessels must be protected and a stop must be put to a discrimination in the use of certain Canadian canals, which is manifestly unjust and in viola-

tion of international agreement and comity. The pending bill provides the legislation now needed. I do not propose to speak at length on the merits of the fisheries question or to go into details that have puzzled and perplexed many of our ablest and best statesmen for near a century. It is sufficent for me to say that the two chief questions are: As to whether the expression "3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions" should be taken to mean a limit of 3 miles from the coast line, or a limit of 3 miles from a line drawn from headland to headland; and whether the proviso that "the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and obtaining water, and for no other purpose whatever," is intended to exclude American vessels from coming inshore to traffic, transship fish, purchase stores, hire seamen, etc.

Canadians, acting under the authority of a Dominion law and a proclamation issued March 5, 1886, by the minister of marine, which withdrew all commercial privileges thereafter from our fishing vessels except shelter, repairs, purchasing of wood, and obtaining water, have since that time seized every American fishing vessel which has entered Canadians waters, harbors, or ports for any purpose except these four, and have enforced their laws with so much rigor and, as Secretary Manning said, so great "brutality" as to practically deprive us of even these four conceded privileges. Instead of discussing the details of the fisheries dispute further, it is pertinent to this discussion for me to ask which nation first violated treaty stipulations. It is well known that Canada first violated the treaty stipulation entered into by the United States and Great Britain.

In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond, free of duty, from Canadian territories to this country. Since that time such shipment has always been denied.

On the 10th day of July, 1886, the Novelty, a duly registered steamvessel of the United States, was denied the right to take any steamcoal or purchase ice or transship any fish in bond to the United States, at Pictou, Nova Scotia.

Since 1866 free transit in bond has been allowed across our territory to goods arriving at our ports destined to Canada or exported from Canada to other foreign countries, and a profound sensation was produced when Great Britain excluded our fishermen from the privilege of shipping fish in bond, free of duty, from Canadian ports to this country, notwithstanding the privileges enjoyed by Canadian transport lines within our borders.

The great advantage derived by Canada is shown by the fact that $270,000,000 worth of Canadian merchandise has been carried in bond, free of duty, across our territory during the past six years, nearly all of which were goods dutiable under our tariff laws, and the larger part of this traffic consisted of exchanges of goods between Great Britain and her American provinces.

The bill now under consideration enlarges the power of the President, and authorizes him, in his discretion, by proclamation to that effect, to suspend, in whole or in part, the transportation across the territory of the United States, in bond and without the payment of duty, all goods, wares, and merchandise, imported or exported from any foreign country, from or to the British dominions in North America. This is strong, appropriate, and comprehensive language, and the words are almost the same as those used by the President in his message.

It is asserted, however, by some that the President already has sufficient power conferred upon him by the act of March 3, 1887.

The answer to that is, that the act of 1887 does not go far enough, and does not confer sufficient authority on the President to meet the demands of the existing situation.

Under that act the President has the power, by proclamation, to deny vessels, their masters and their crews, of the British dominions of North America entrance into waters, ports, or places of or within the United States, and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States; but it does not authorize him, as the pending bill does, by proclamation to suspend in whole or in part the transportation in bond and without payment of duty of goods, wares, and merchandise imported or exported from any foreign country to or from the British dominions in North America across the territory of the United States, neither does it authorize him when there is discrimination in the use of the Welland Canal, the St. Lawrence River canals, the Chambly Canal, or either of them, which is detrimental to the interests of the United States or any of its citizens, to direct the collection of tolls upon every foreign vessel and her cargo passing through either of said canals, or in his discretion to prohibit the use of said canals by any such foreign vessel.

It is asserted also that the President or his Secretary of the Treasury already has the power of retaliation under the act of 1866 (section 3005 of the Revised Statutes), which is as follows:

All merchandise arriving at the ports of New York, Boston, Portland, in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel, in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house and conveyed in transit through the territory of the United States without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

This section only refers to importations into Canada through the United States and does not refer to exportations. It contains no authority for a transshipment of goods through the United States to and from Canada and destined for other countries than the United States. It is as absolute in its terms as a statute can be, and is not conditioned upon any reciprocal right to be granted or act to be performed by Canada, and it is perfectly clear that there is no power granted in this section which authorizes the President to suspend its operations under any circumstances whatever.

Section 3006 of the Revised Statutes has also been referred to as conferring all the power necessary on the President. That section is as follows:

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or Republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or Republic, be treated in regard to the liability to or exemption from duty or tax, as if the transportation had taken place entirely within the limits of the United States.

This section relates alone to the coastwise trade of the United States, and to imported merchandise and products, or manufactures transported from one port in the United States to another port in the United States over foreign territory.

Back of both of these sections also is the act of 1864, section 3102 of the Revised Statutes, which allows the transshipment of goods through our territory in bond and free of duty upon the proper certificate of an officer of the United States duly authorized to act.

It is also contended that the power sought to be conferred upon the President is in opposition to Article XXIX of the treaty of 1871, which is as follows:

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports of the United States which have been or may, from time to time, be specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue as the Governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States or for export from ports in the said possessions.

This presents the leading question, to wit: Is Article XXIX of the treaty of 1871 now in force? If Article XXIX is not in force, it is of great importance to determine whether it ceased to be in force because the treaty of 1871 was violated or whether, according to the provisions of the treaty, it fell with Article XXX and Articles XVIII to XXV, inclusive.

Such high authority as Mr. Madison said, in his letter to Mr. Edmund Pendleton, January 2, 1791 (Wharton's Digest, International Law, section 138):

Treaties, as I understand the Constitution, are made supreme over the constitutions and laws of the particular States, and, like a subsequent law of the United States, over pre-existing laws of the United States; provided, however, that the treaty be within the prerogative of making treaties, which, no doubt, has certain limits.

That the contracting parties can annul the treaty can not, I presume, be questioned, the same authority precisely being exercised in annulling as in making a treaty.

That a breach on one side (even of a single article, each being considered as a condition of every other article) discharges the other is as little questionable, but with this reservation, that the other side is at liberty to take advantage or not of the breach as dissolving the treaty. * * *

Mr. Madison shows that a breach on one side of even a single article of a treaty discharges the other side, but with the reservation that the other side is at liberty to take advantage or not of the breach as dissolving the treaty.

There are important provisions in the treaty of 1871 in regard to navigation rights, boundary lines, etc., about which no complaint is made, and which our Government may wish to remain unabrogated.

The President in his message makes a just and proper distinction, and declares that Article XXIX of the treaty of 1871 terminated July 1, 1885, when the fisheries articles terminated, but he also says:

Without basing our complaint upon a violation of treaty obligations, it is nevertheless true that such refusal of transit and the other injurious acts which have been recited constitute a provoking insistence upon rights neither mitigated by the amenities of national intercourse, nor modified by the recognition of our liberality and generous considerations.

I think it is clear that Article XXIX provides when it shall go into effect and when it shall cease to have effect. It fixes the term of its

own existence, to wit, "the term of years mentioned in Article XXXIII."

Article XXXIII does not mention Article XXIX, but contains a provision that Articles XVIII to XXV, inclusive, and Article XXX shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned therein, and that—

They shall remain in force for the period of ten years from the date in which they may come into operation, and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same.

The term of years mentioned in Article XXXIII having expired, including the two years required for notice of termination, I believe Article XXIX is not now in force, and that it died when the fisheries articles of the treaty of 1871 died. The Joint High Commissioners who negotiated the treaty so understood, and section third of the act of Congress approved March 1, 1873, substantially so declares.

The language of the President in his message on that subject is conclusive. He says:

I am of the opinion that the "term of years mentioned in Article XXXIII," referred to in Article XXIX as the limit of its duration, means the period during which Articles XVIII to XXV, inclusive, and Article XXX, commonly called the "fishery articles," should continue in force under the language of said Article XXXIII.

That the joint high commissioners who negotiated the treaty so understood and intended the phrase is certain, for in a statement containing an account of their negotiations, prepared under their supervision and approved by them, we find the following entry on the subject:

"The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force."

In addition to this very satisfactory evidence supporting this construction of the language of Article XXIX, it will be found that the law passed by Congress to carry the treaty into effect furnishes conclusive proof of the correctness of such construction.

This law was passed March 1, 1873, and is entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries." After providing in its first and second sections for putting in operation Articles XVIII to XXV, inclusive, and Article XXX of the treaty, the third section is devoted to Article XXIX, as follows:

"SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States."

It is so well settled that the legislative power of our country is superior to the treaty-making power that it is hardly necessary to refer to the many decisions rendered by the Supreme Court of the United States on this subject, and I shall only refer to the language used by the court in one case. The court say (Head-money cases, United States Reports 112, page 599):

In short, we are of the opinion that so far as a treaty made by the United States with any foreign nation can be made the subject of judicial cognizance in the courts of this country it is subject to such acts as Congress may pass for its enforcement, modification, or repeal.

Mr. Speaker, once before in the history of our country a President of the United States called the attention of Congress to the manner in which Canada harassed American fishermen. Though he is dead now his action at that time is still admired, and will ever add additional luster to his great reputation as a patriot and soldier. I refer to President Grant. In his annual message in December, 1870, he alluded to the course pursued by the Canadian authorities toward the fishermen of the United States. In many respects the same state of affairs existed in 1870 that exist to-day, and President Grant said to Congress:

Anticipating that an attempt may possibly be made by the Canadian authorities in the coming season to repeat their unneighborly acts towards our fishermen, I recommend you to confer upon the Executive the power to suspend by proclamation the operation of the laws of authorizing the transit of goods, wares, and merchandise in bond across the territory of the United States to Canada; and further, if such extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

The effect of this message was remarkable. Almost instantly agents were sent from London to Canada to warn the authorities that their unneighborly and improper acts toward American fishermen must cease, and before the fishing season came again the Joint High Commission which negotiated the treaty of Washington in 1871 was authorized.

Thus it appears that President Grant also believed that the proper way to settle these disputes and differences was through the treaty-making power.

If the treaty signed and concluded under the direction and authority of President Cleveland had been ratified by the Senate of the United States, as was the treaty signed and concluded during the administration of President Grant, there would have been an end to our fisheries trouble; but now that the Senate has declared that it will not allow President Cleveland to adjust by treaty the old disagreements and disputes which have been renewed on account of the expiration of the fishery provisions of the treaty of 1871, I do not see how any patriot who respects the dignity and honor of his country or the just rights of the people dare refuse to indorse the recommendations of the President that the existing powers of retaliation against Canada be enlarged.

The President also calls the attention of Congress to another subject involving wrongs and unfair treatment to our citizens. He says:

The navigation of the Great Lakes and the immense business and carrying trade growing out of the same have been treated with freedom and liberality by the United States Government and made free to all mankind, while Canadian railroads and navigation companies share in our country's transportation upon terms as favorable as are accorded to our own citizens.

And he recommends that such legislative action be taken as will give Canadian vessels navigating our canals and their cargoes precisely the advantage granted to our vessels and their cargoes upon Canadian canals, and that the same be measured by exactly the same rule of discrimination.

It is well known that the canals and other public works, built and maintained by our Government along the line of the Lakes, are made free to all. In contrast to this condition, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

By Article XXVII of the treaty of Washington, provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence River, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion, and also to secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

Notwithstanding this solemn enactment and this intended equality, the Secretary of the Treasury has furnished Congress with evidence showing that an order has been issued by the authorities of the Dominion of Canada, and is now in force, by which vessels from ports of the United States, laden with wheat or other merchandise for export or otherwise, are required to pay less toll when they pursue their voyage by way of the St. Lawrence River and Montreal than when they pursue their voyage by way of Lake Ontario or American ports, the Canadian regulations clearly operating as a discrimination against American ports, American railroads and canals, and American vessels.

To meet this unjust discrimination, the bill under consideration provides that whenever the President shall be satisfied that there is any discrimination whatever in the use of the Welland Canal, the St. Lawrence River canals, the Chambly Canal, or either of them, which may be detrimental to the interests of the United States, or any of its citizens, he is authorized in his discretion to issue a proclamation directing that a toll of 20 cents a ton upon every foreign vessel and her cargo passing through either the Sault Ste. Marie Canal or the St. Clair Flats Canal be collected, and providing further that the President may, in his discretion, when he is satisfied there is any such discrimination, prohibit the use of said canals to any such foreign vessel.

Mr. Speaker, in conclusion, I wish to say with emphasis that we should not fail to be mindful of the obligation which our Government owes to more than one hundred thousand men, who manage six thousand vessels engaged in our sea and lake fisheries. Many of these men pursue their hazardous business amid dangers such as are not encountered by any other class of citizens, and they maintain an industry the annual products of which are valued at $45,000,000.

The time has come when we ought to be in earnest, and our legislation should be such as to prove to Canada, to Great Britain, and to the world that we are in earnest.

The power granted to the President in the pending bill is no stronger than it ought to be. It is time Canadian wrongs should be resented by the United States and repressed by Great Britain. The bill should be passed promptly.

Almost every case in which American vessels have been seized by the Canadian authorities was in violation of the spirit of the treaty of 1818. Almost every seizure was in violation of that comity, hospitality, and good feeling that the civilization of this age requires between neighboring nations.

Adjoining nations are compelled to provide for their mutual interests by legislation. If the Dominion of Canada, supported by the Government of Great Britain, legislates in hostility to the interests of our citizens, it is not only our duty but now it is our only alternative to legislate in hostility to their interests and retaliate for their bad conduct.

The bill under consideration is not a war measure, but it is a peace measure. It is a public, plain announcement to our people and to the people of Great Britain that the Government of the United States proposes to maintain its dignity and protect the rights of its citizens.

The President will exercise the power confided to him intelligently, conservatively, and courageously. There can be no doubt about his proper appreciation of the dignity and honor of the great Republic over which he presides, and any power placed in his hands will be used for the protection of American dignity and of American rights.

It is by no means certain that he will be required to issue the proclamations authorized by the bill. I hope and believe that when the bill under consideration is enacted into a law, the usual wisdom and

good judgment of the Canadian authorities and of the English authorities will again be manifested and all difficulties arranged without resort to anything that will break up the cordial relations which have existed for so many years between the United States and Great Britain.

Let the result be as it will, I believe the President will be supported by the people of the United States, regardless of party, in his efforts to exercise such authority as may be granted to him by Congress. There will be no division on sectional lines, but men of the South and men of the North will stand shoulder to shoulder, in solid phalanx, to defend American rights and American honor. [Loud continued applause.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. McCREARY. I was about to suggest that if I had any further time I would reserve it.

The SPEAKER *pro tempore*. The gentleman has exceeded his time by three minutes; and if there be no objection, the Chair will recognize the gentleman from Illinois for the same length of time in addition to his hour.

Mr. HITT. Mr. Speaker, this new retaliation bill and the message with which it was sent here deserve comment, or I would not detain the House from voting by any remarks of mine. The circumstances attending it and the peculiar character of the message that the bill accompanied were a surprise to the House. The message was received with partisan applause on the Democratic side of the House, the first word uttered about it being from the irrepressible and enthusiastic gentleman from Missouri [Mr. O'NEILL], who cried out it was a "good campaign document." [Laughter.] The description sticks to it in the public mind.

Presidents' messages sent to Congress are usually state papers, and I am not willing to accept that declaration even of his political friend, and the imputation that all this is a mere electioneering device. The President in this message takes a new position that to every one of us was gratifying in that it admits we were right—all of us who have urged retaliation before—and in that it admits his great mistake in abandoning the rights of our fishermen in his late unlamented treaty.

We have been humbled of late. Our Chief Magistrate sent in a treaty which he called a "just, honorable, and satisfactory settlement," and in it the rights of American fishermen contended for and firmly claimed for many years were given up and to be purchased as privileges. Now he sends a message, and with it comes a bill to empower him to retaliate for the violation of rights not taken care of in that which he said was just settlement, but in that just settlement were excluded. He has found out that he was wrong and we were right.

Who can forget the resounding terms with which this Administration two years ago vindicated in words the rights, the incontestable rights, of American fishermen which we have claimed for some fifty years? And these rights, commercial rights, extended by us to British subjects in all our ports, and claimed by us in theirs, were utterly abandoned in that treaty which the gentleman from Kentucky has just been eulogizing, as did the President, who called it just, honorable, and satisfactory.

These commercial rights, so stoutly, and I believe so truthfully and logically, contended for in 1886 by the Secretary of State, by Minister Phelps, the voice of our people speaking officially, are not recognized, set out, and protected in the Chamberlain treaty at all. They are relegated to the fifteenth article, near the end, and among them the right to transship fish. It is there agreed that these rights may be purchased by us hereafter as privileges by giving up to Canadians the whole amount of what they pay now as duties upon their fish sent into the United States. When the President has discovered, as it is evident he has, how greatly and how grievously he was mistaken as to the rights of American fishermen, because here he asks us for authority to retaliate for the violation of one of those very rights so mistakenly abandoned last February, I do not feel like interposing opposition.

We might say in response to his request for power to retaliate that he has already abundant powers, and we would like them tried.

The Congress has conferred upon him once and again in great and liberal measure authority to vindicate our wronged fishermen on the northeast coast. He can exclude Canadian ships, fish, products, or any goods coming from Canada. He asks an enlargement on one side of one of the powers contained in that act of 1887; he wishes power to stop goods going through to Canada. Congress there conferred upon him powers—with a wide discretion as to how he might apply them, revoke in part or in whole or renew—to retaliate for the offenses committed by the Canadian fishermen upon our fishermen, graduating all, in kind, in degree, rising higher and higher. He may retaliate by first excluding their vessels, not merely fishing ships, but all vessels from Canada—their steam-ship lines, their trading vessels, their fishing vessels—all. Second, he may deny entrance to Canadian fish. Third, he may exclude or deny entrance to any other product of the Dominion of Canada.

Then come the sweeping words "or other goods coming from the Dominion of Canada." We thought when we discussed and passed the act of 1887 that we could not touch the bonded transit system, nor interrupt it in anyway in our proposed retaliation; but that the treaty of 1871, in its twenty-ninth article, protected the right of both Americans and Canadians to send goods in bond across the other's territory without paying duty. That was all that stood in the way of his excluding all goods coming from Canada; he could not stop those bonded in transit. But the President now says, in his new fishery message, that twenty-ninth article is abrogated, and the gentleman who has just taken his seat says it is "dead." There is nothing, then, to prevent him from stopping goods coming from Canada, even though by the bonded system, if they only come from Canada to the United States to go through our country, and the extension of power asked is to substantially authorize the arrest of the whole bonded-transit system both ways. This would of course authorize the President to stop the entry of goods coming by way of our ports and going to Canada as provided for by the act of 1866, which the gentleman has read *in extenso*.

For vindicating the rights of our fishermen many members perhaps think this is not a necessary power at all; and many think he has abundant power already, and that this is like his request for power to buy bonds when he had abundant power. But there is a difference between that case and this. That was a mere pretense of want of power for a purpose, and we could readily refuse such a request when the pretense was brought out, the politics in it exposed. This is a question not of business policy, but of the rights of American citizens. The President asks for an additional power for their protection by retaliation. We have indicated to him long ago that he ought to retaliate. He has done nothing. If we refuse this request may it not be held to mean that we exonerate him for his failures and intimate that he need do nothing—at least, excuse inaction? With him lies the vast responsibility of his acts. He is President. I am unwilling to refuse a power asked to protect such rights. I know there are reasons for distrust, for refusing additional authority, and still further extension of his powers of retaliation. But I do not accept as a basis of my own action the theory of the gentleman who called this a "campaign document." That is sounding a depth we have never yet reached in American politics. We must still consider it as a President's message.

The gentleman from Kentucky, with a felicity characteristic of his expressions, rich in what they imply or suggest, in eulogizing it classed this fishery message with the message of last December, sometimes known as the "free-trade message." It was an apt combination; the fishery troubles and free-trade—how can they be used to aid it?—and the treatment of the fishery question and the tendency towards free-trade that distinguish the Administration have gone hand in hand since the day of the inauguration. [Applause on the Republican side.]

How did the Administration begin this curious business—this long play of one interest to forward a pet theory? In 1883 this House and the Senate, by a joint resolution, had provided for the termination in July, 1885, of the fishery articles of the treaty of 1871, which the gentleman has cited, and that termination was to take place in a few months, when the present Administration came into office.

Everybody interested, the fishermen and all others, had been notified for two years. All were prepared for it, and all the fishermen of the United States were impatiently waiting for the last day of the arrangement which had proven to be so greatly to their disadvantage. They did not ask and did not want any interference in their behalf to prolong it. It was only eight days after the beginning of this reform Administration when a discussion was commenced with the British minister for the renewal of the arrangement, the news of which filled the Canadians with joy and the American fishermen with dismay. It was to provide that our fishermen should still enjoy the inshore fisheries of Canada, which they did not want; and although the Administration or the Executive could not suspend the tariff laws and give the Canadians free trade in fish at once, he could take the first step towards that end; and accordingly a promise was made to the British minister that the President would recommend to Congress the appointment of a commission to take up the subject of the fisheries, and the commission, he was assured, would go on and consider the enlargement of trade—in other words, free trade in fish.

The President kept his word. He sent in a message that recommended a commission. I remember it well. He urged upon this House to proceed in that line and authorize a commission. Now, the House, though Democratic and friendly to the President as far as it could go, would do nothing of the kind. The members knew too well the sentiment of the people on this subject. It was sent to the Senate also, and the Senate sent him back word that it disapproved of any such course. That was a disappointment—a check. His policy—that same policy that is indicated by his last free-trade message, and which the gentleman from Kentucky [Mr. McCREARY] classed together with this fishery message—was pursued still. The Canadians, greatly encouraged by what had been done by our Government, now began a campaign of outrages upon our fishermen by every form of vexation intended to secure this free trade in fish, which they believed they would ultimately obtain indirectly if not directly.

Is there any one here who can forget the indignation of every American citizen during 1886 at the recital of wrongs brought daily from the Northeast, of ships boarded, arrested, and tied up in the Canadian ports, the inhumanities to which our fishermen were subjected, the insults to the American flag? The story is a burning one of wrongs un-

redressed and insults unavenged to this hour. The House, responsive to indignant public feeling, took the matter up and passed the retaliation bill of 1887. Negotiations, however, had been going on all the time, and strangely enough after Congress had thus spoken went on still. It seemed to be determined in advance that the right way was not to stop the wrongdoer, but to commence discussion with him and continue it and persist in it.

The retaliation bill was passed, conferring upon the Executive the authority which I have already briefly stated. It stands upon the statute-book still, and eighteen months have passed by. None of the powers conferred in that bill have been exercised, and no intimation was ever given that any was meditated until a few days ago we received a request for still more power.

This system of outrages which I have spoken of was checked in part, I think, by the influence of the passage of that retaliation bill, which this House passed by a vote of 236 against 1, a pretty strong indication by the representatives of the people of the sentiment of the nation and of the method the American people desired the Executive to take to enforce the rights and redress the wrongs of our fellow-citizens. Negotiations went on still, not visible to the great world, and cropped out at last in the Bayard-Chamberlain negotiation—which all of you remember—last winter.

We knew nothing in this Hall, nothing was known anywhere to the outside world, of the proceedings in that negotiation, and we waited all with anxiety, and some with hope, for the treaty that was to be the result. It came at last in February, and the country cried out at the lame conclusion. The gentleman from Kentucky has compared that treaty with the treaty of 1871, and the treatment it received in the Senate with the treatment which the treaty of 1871 received in General Grant's time.

The different treatment which the two received is a very good indication of their respective merits. One was an abandonment of the rights of American citizens, and was rejected by the Senate; the other, covering a great body of subjects, dealt with them in a spirit which the nation and, I believe, mankind has approved; and in a part of that treaty relating to the Alabama claims there was a great advance in the methods of adjusting international disputes. It was a notable event in the history of the progress of international law. That treaty was received with general satisfaction, and was confirmed by the Senate.

I must say that the part which dealt with this fatal subject of the fisheries proved hardly better than some other arrangements had been before and have been since, and we were glad to terminate it as soon as we could in 1885. It was an unfortunate thing, and there is no need of reviving the history and the bitterness connected with the story of the Halifax Commission and that unjust award by an unfair umpire, based on pretended evidence long since exposed and denounced.

The treaty that was brought in last February, called generally the Bayard-Chamberlain treaty, was the one which, before we saw it, we had anxiously hoped would fulfill expectations excited by the spirited dispatches of Mr. Bayard, and would give protection and security thereafter to the oft-asserted rights of American citizens. Anticipating it, many of us looked back over the protesting dispatches written during the time Canadian fishermen were committing daily outrages upon our fishermen, recalled what Minister Phelps, as well as Secretary Bayard, had said with such forcible logic of our rights to commercial privileges in British ports similar to those we granted to British vessels and fishermen in our ports; of the rights determined by the reciprocal legislation of 1830.

What was the result? When that treaty came we discovered that it abandoned a vast region of fishing waters in which American fishermen had been before as free to fish as on the high seas, and it allotted those waters by delimitation to be held exclusively for the Canadians. There were some provisions to grant to Americans what would not be denied by any nation on earth—refuge in disaster, relief from some of the most exasperating vexations of litigation, facilities for sickness and death. But the treaty relegated to the fifteenth article those great and cardinal questions of American rights which this Administration had defended with vigor—I wish I could add, had persisted in defending to the last.

The assertion of those rights has been the task of American statesmen for many years, and it is hard to say which of our public men has stated most vigorously and forcibly the doctrine of the rights of American fishermen in the ports of the Canadian coast. That treaty passed those rights to a contingent, separate article, which provided that we might hereafter, by paying for them in the remission of the duty on fish, obtain those commercial privileges—purchase of supplies and transshipment of catch. It gave up the whole question. Fortunately the Senate received that treaty in a spirit of careful scrutiny. They found it vastly different from the treaty of 1871, and they properly rejected it. It was subjected to long examination and debate, and in that crucible it was found utterly wanting. The opinion of the country had rejected it long before the vote of the Senate.

As the gentleman from Kentucky said, it is dead, and it were well if that were the end of it; but it has left behind a heavy load. The admissions in that treaty live to plague us. They are the admissions of the organ of the American people, the Executive of the nation. They are the most solemn and formal declaration of the whole scope and boundary of our rights, as we by our President recognize them in a document that he calls "just, honorable, and satisfactory." While it is not a treaty in force and has no obligation now, it may be cited, as it certainly will be, in any negotiations that we may enter upon hereafter.

It was said in the discussion of that treaty elsewhere, and in the press, that the enforcement of its terms would lead to the same old vexation, troubles, and confusion in the future, when harshly enforced, especially the third and fourth articles, changing the dead line, as it certainly would be if the hope of free fish through that means was again held out to Canada; that the line of delimitation was one hard to enforce and the line 3 miles from low-water mark difficult to observe in murky wild weather, and so our fishermen would be liable to seizure if fishing or preparing to fish; that there were in the treaty provisions which the hostile spirit of Canadian local authorities could make the ground of multiplying controversies, so that if ratified it would not have been a cure even for those minor difficulties, while it gave away the great points in the controversy.

There was a part of that treaty which was not written; a postscript which was not printed with it. A treaty is a bargain. There was more bargained in this case than was written down and signed. The protocols were sent to the Senate upon its request, and are public documents which we have seen, containing the record of the formal meeting and adjournment each day—a barren record of forms and dates. The arguments, the concessions, the negotiations, the daily struggle of mind with mind in adjusting these questions of rights, of values, of places, in all their sinuosities, are not shown there, nor the agreements nor the promises. But as in Great Britain the Parliamentary government, by its system of open explanations, often discloses to Europe many secrets which otherwise would not be known from anything on the continent, so the repetition of that same system of government on the north brings us some information from the Canadian Parliament, to which Sir Charles Tupper made his report when he returned from Washington; and we find it printed in Hansard, the official publication of the Government of Canada. In that report this accomplished and trained statesman, who has dealt with this grave question so many times, whose skill, whose experience, whose knowledge, we have had occasion to know in negotiations for many years, stated, and with reserve (for he said he must be cautious in his statements, as all that he was saying there might be quoted against their interests pending in Washington)—stated, as touching the question of free trade, that there were some promises, which I will not try to repeat without reading his exact words from the official record. I read:

Mr. Bayard told us, the American plenipotentiaries told us, that there was but one way of obtaining what we wished. "You want greater freedom of commercial intercourse; you want relaxation in our tariff arrangements," etc.

"You will find "—

Continues Mr. Bayard—I give his closing language—

"You will find that the policy of this Government, the policy of the President, and of the House of Representatives, the policy of the great Democratic party of the United States, will at once take an onward march in the direction you propose"—

[Laughter and applause on the Republican side.]

"and accomplish steadily that which you would desire. It is the only way it can ever be attained."

Sir Charles then adds:

Those were not empty words; those were the sober utterances of distinguished statesmen, who pointed to the avowed policy of the Government of the United States as the best evidence of the sincerity of what they said.

Then he calls attention to the position on this floor of the gentleman from Texas [Mr. MILLS]. I am sorry that gentleman is not present, as I refer to him personally. But, says Sir Charles Tupper, as chairman of the great Committee on Ways and Means, Mr. MILLS occupies a position in the American Congress corresponding to finance minister in a parliamentary government—is selected by the Speaker—designated in obedience to the sentiment of the Democratic party.

Sir Charles Tupper then adds:

What have we seen? The ink is barely dry upon this treaty before he, as the representative of the Government and chairman of the Committee on Ways and Means, brings forward a measure—to do what? Why, to make free articles that Canada sends into the United States, and upon which last year $1,800,000 of duty was paid.

Let me add that he not only introduced the Mills bill, but pressed it through the House. He kept Mr. Bayard's word to the letter. That part was ratified. The Democratic party stood by its bargain with the British plenipotentiary. [Laughter and applause on the Republican side.]

The eminent gentleman from Texas to whom I refer, and who, I regret, is absent, is "starring in the provinces," carrying on the great campaign work of which my mistaken friend from Missouri [Mr. O'NEIL] calls this President's message a part. And I observed the report of a remark by the gentleman from Texas, referring to this very message, that "while the Republicans may have taken the British lion by the tail, we take him by the snout." That was just after he had carried out this bargain with the British envoy and crammed the British lion's mouth with $1,800,000 a year—a sheer gift! "We take him by the snout!" [Laughter and applause on the Republican side.]

The gentleman who has just taken his seat [Mr. MCCREARY] argued

at much length the question of the abrogation at present of the twenty-ninth article of the treaty of 1871, providing for reciprocal transit in bond across the United States and across Canada. I do not think it necessary to assent or answer. The President in his message tells us that in 1886 notice was given to our representatives that this right of transshipment in bond would be denied to us. That denial to us would relieve us of obligation to Canada. I have tried to get a copy of that notice. I have asked our amiable acting chairman of the Committee on Foreign Affairs [Mr. MCCREARY], as the organ of the committee, if he would procure it from the State Department, where——

Mr. BELMONT. The gentleman will permit me. The notice referred to was in the case which undoubtedly is familiar to my colleague on the committee, the case of the Novelty, which has been——

Mr. HITT. I am familiar with the case of the Novelty; but the remark of the President in his message is that "in 1886 notice was received by the representatives of our Government," and he uses the word in a way which would lead us to accept it as meaning formal and solemn notice from one government to another, given in 1886 to our representatives. Why, sir, the story of the Novelty is a statement made by the Secretary of State, in a dispatch to Minister West, that the consul at Halifax told him that the collector of customs told him that they would not allow transshipment in bond. That is the "notice."

Mr. BELMONT. The gentleman recognizes that is sufficient notice.

Mr. HITT. I have not complained of that.

Mr. BELMONT. The American consul at Halifax received notice certain privileges had been withdrawn.

Mr. HITT. I am aware of what the gentleman is stating.

Mr. BELMONT. Privileges which had been up to that time granted under Canadian laws.

Mr. HITT. That does not appear in the dispatches.

Mr. BELMONT. The gentleman will acknowledge that would be sufficient notice?

Mr. HITT. I have read the dispatch to which the gentleman refers, wherein it appears that Mr. West is informed that Mr. Bayard is informed that Mr. Phelan is informed by a collector of customs at that office that they would not allow any further shipments in bond.

Mr. BELMONT. I ask the gentleman if he does or does not consider the notice sufficient?

Mr. HITT. I am not questioning the truth of this or the validity of the notice.

Mr. BELMONT. That is all I wish to know, and I am perfectly satisfied with the answer of my colleague.

Mr. HITT. No, sir; I have not questioned that. I have been trying to find out if there was anything more. I have been waiting to know whether there was or not any formal document. I know the President would not have made such a statement unless it was true. His statement in his message that there was a notice is sufficient.

That notice that the reciprocal obligation on the side of the British to permit shipment in bond would no longer be observed released us at once from observing it. I think that is the end of that question, without trying to prove that Article XXIX died in some secret way unknown to either nation three years ago, because it said "for the term mentioned in Article XXXIII," and Article XXXIII said that Articles XVIII to XXV and XXX should stand ten years and further till one of the parties gave two years' notice, and notice was given and ended XVIII to XXV and XXX, and XXIX must have died with them.

I have seen no need of going into the humiliation of an argument concerning the force of Article XXIX, based on references and cross-references, and forced meanings of words, as if I were trying to get a thief out of trouble on a flaw in an indictment, picking out a reference from one article of the treaty and then picking out something else from another article of the treaty, and so on, trying to infer from them when pieced together that it could be considered as then terminated, when no one knew it.

It may be a plausible and ingenious legal argument as the President has made it in his message. I will not examine it; I will not be drawn into it. Sir, in dealings between two great nations, the leading peoples of the world, can we after three years have passed and we as well as the other side have acted daily and are now acting on the twenty-ninth article, can we in good faith undo it in a moment without a word and say it has been void for years? The notice received in 1886 that they would not observe it on the other side released us at once from the obligation to observe it, though that did not terminate the article.

As the President considered that a full notice in 1886, why did he not act then and inform the British Government that their refusal of transshipment would be met by refusal on our part? I regret that he has waited so long without acting either on the retaliation measure we placed in his hands, or on the notice from the other side that gave him the opportunity for acting.

There is something—to recur again to that twenty-ninth article—mysterious about its alleged demise. I was a member of the committee that reported the joint resolution in 1883 to terminate the fishery articles. I believe I am almost the sole survivor on the committee besides my friend, General KETCHAM.

At the time that resolution to abrogate the fishery articles was before the committee the bonded transit system, under the twenty-ninth article, was considered, and it was intended to avoid touching that system. Members from the Northwest were concerned about it.

When that resolution passed upon this floor Mr. Washburne, of Minnesota, asked whether there was anything which touched shipment in bond. Mr. Rice, of Massachusetts, a veteran and eminent member of the committee, told the House that its terms were framed expressly to avoid that.

In the Senate Mr. Windom, from Minnesota, had raised the question and the words had been amended with that very purpose. If the joint resolution struck at Article XXIX the House did not know it. The Senate did not know it. President Arthur did not know it. He did not mention it in his proclamation; nor was it in the earlier communication or notice by Mr. Lowell to the British Government. Lord Granville did not know it, did not so understand it, but just the contrary. When he received notice of the passage of the resolution he called Mr. Lowell's attention to the possible termination of the thirty-second article of the treaty, which was concerning Newfoundland, and not having been carried out by Newfoundland in legislation seemed to be by its terms of no effect; and Lord Granville asked, to be perfectly clear, if that was also to be held to be terminated. Mr. Lowell said, "You are right; but I will consult Mr. Frelinghuysen." A correspondence ensued; Mr. Frelinghuysen confirmed and approved what Mr. Lowell had said; not a word in the correspondence by Mr. Frelinghuysen or the others to intimate that Article XXIX was included or touched at all.

In an interesting interview, communicated by the gentleman from New York [Mr. BELMONT], or what purported to be an interview, published in the New York World of last Friday, I see a statement to the effect that he last year waited upon Mr. Cleveland at the time the Belmont bill was under consideration in the House, and discussed it with the President, who approved it, and the gentleman can correct me if the extract does not faithfully represent what he said; that some gentlemen from the Northwest (I assume that they were some Democratic members), feeling anxious and uneasy as to the results of the Belmont bill upon the people of that section by its possible effect on traffic, spoke to him in reference to the matter, and he took them to the White House and discussed the bill with the President, who approved the Belmont bill. Now, the Belmont bill contains an express recognition of Article XXIX. [Laughter.] So the President thought it was in force. It provides that, "upon proof that the privileges secured by Article XXIX of the treaty concluded between the United States and Great Britain on May 8, 1871, are denied as to goods, etc., the President may also by proclamation forbid the exercise of the like privileges as to goods," etc.——

Mr. BELMONT. Will the gentleman permit me a moment to interrupt him just there, as he has referred to me?

Mr. HITT. If the gentleman wishes me to yield for a question I will do so, but I would rather, as he is to follow me, that he will explain in his own time.

Mr. BELMONT. I think I can give a satisfactory explanation.

Mr. HITT. I trust it will be satisfactory.

Any one who has the RECORD in his possession can refer to the bill of which I have spoken. President Cleveland thought last year that the twenty-ninth article was valid, and that we should observe it and make the other side observe it. We thought so when we framed the retaliation act.

The debate then turned on that very point; and if any one will take the pains to do so, although I do not know that any one has sufficient curiosity to read old Congressional debates of eighteen months ago, he will find that great care was taken to avoid any infringement of that article. Articles of agreement, when there is a question as to their meaning, are usually construed as between contending parties by the long continued conduct of the parties to the contract, and these two nations have plainly by their acts construed this article as a pledge of their mutual faith, binding upon each, and no one thought of questioning it until last Thursday week, when it was revealed for the first time from the White House. Then a revelation came that this article had died—died in the night over three years ago, the whole world unconscious of the fact. I notice in the morning papers that the Canadian ministers in recent speeches have referred to the twenty-ninth article of this treaty as in force. It is evident that they had not learned all that is known in Washington.

Why, there is another article with the same phraseology as the twenty-ninth, "for the term mentioned in Article XXXIII," which the President's argument or discovery would abrogate; I mean Article XXVIII of the same treaty. It begins in the same words, provides for the same term mentioned in Article XXXIII, which provides a method for the termination of articles, ten years and further till two years' notice is given, and yet I have not heard gentlemen claim that the rule which they would apply to Article XXIX should determine the existence of Article XXVIII as well.

Now, the twenty-eighth article is that which makes Lake Michigan free to Canadian vessels, and this afternoon at the ports of Milwaukee and Chicago, all along their docks are Canadian ships whose right to be

there depends on that article, which died three years ago and they do not know it. [Laughter.] They do not know that there is no such article and they have no right to be there, and are liable to be turned out of the whole lake by telegraph at any hour.

No, Mr. Speaker, there is no need of resorting to any such quibble to justify our action in voting for a bill granting plenary authority in this matter. The British authorities have disregarded their obligations to permit the transit in bond, and therefore the obligation is not binding on us. If we choose to assert our release, we can do so at any time. A decent regard for the usages of mankind ordinarily demands a communication when such disputes occur. The aggrieved nation usually informs the other that they have disregarded the agreement and refused their part of the reciprocal duties and obligations, and so can not expect a one-sided performance of the agreement. We can therefore cease on our part. That is all that is necessary.

The authority the President asks, according to his own theory and message, he possesses—that is, touching goods coming from Canada, for we provided in that very act a power which I mentioned some time ago, whereby, under certain conditions, he might exclude not only vessels from our ports and everywhere from entrance into the country, but any other product of Canada and any goods coming from Canada; English or Chinese, or any other goods in Canada or coming from Canada could be excluded by him from that side. The bonded transit system having been disregarded by the British is no longer binding upon us, and hence he can exclude them now, coming from either way. This authority now asked, to exclude goods coming from either way, would enable him to stop transit of goods for Canada arriving at New York and other ports, provided for in the act of 1866. In so far this bill would confer an enlargement of the authority granted in the retaliation act of 1887. That is about all there is of it; for that act substantially covers goods coming from Canada.

Mr. Speaker, the President lays stress upon retaliation for fishermen's wrongs by striking at traffic in bond. He says in his message that retaliation should be by "visiting upon the offending party the same measure or kind of treatment of which we complain and as far as possible within the same lines," and, he says, "with the least possible damage to ourselves." As a practical fact, the interruption of the traffic in bond would probably affect our people more seriously and more injuriously than anything that has transpired in the fishing difficulty since the beginning; and as to punishing an enemy, while it might trouble many persons in Canada, it would play directly into the hands and promote the purposes of the body of men who now rule Canada.

Canada is ruled by a body of able men under a system which has enabled the Tory party with concentrated English influence to keep Sir John Macdonald in power now these many years. Every means within the reach of that governing Tory influence has long been exerted to develop every element which would tend to keep that people separate from the United States; to bind them together, to force them in spite of nature to deal only along that northern line, to unite and come together as nearly like a nation as possible. It was a tremendous problem.

Canada upon the map appears a great block of country, half a continent; in fact it is a long feeble string of thinly united groups of population. The maritime provinces are separated by a vast region of almost desert country from the large body of people that occupy the central region of Quebec and Ontario; then there is a long rocky stretch of the upper Lake Superior country separating that from the Manitoba region, and then again you must traverse a vast vacant space to reach the coast province around Vancouver. All along, pressing close upon them on the south, is the great Republic, sixty millions strong.

To prevent the subtle attraction and almost irresistible tendency together of neighboring populations, which drew each of these groups of Canadian people by interest to the great people on the south, has long been the effort of Canadian statesmen. They have bound these several populations together by a costly and unprofitable system of government railroads or roads subsidized by government. The one that connects the maritime provinces with Quebec was constructed by a tremendous outlay from the treasury. It cost more than forty millions. It is worth nothing, less than nothing. It is a constant drain and burden upon the treasury.

I saw a gentleman who had been over it recently and he said the grass would yet grow between the tracks of that great costly thoroughfare, so slight is the business now done. Stop transit in bond now coming across the United States, turn it all over that intercolonial road to the sea, and it will become a great trunk line, its trains loaded with the commerce of central Canada. Now, I have no sympathy with the separative policy of Sir John Macdonald and his Government, nor with that Tory party which governs the Canadian people. I would gladly see improved relations between the two countries, but I do not want all the concession on one side; for instance, by giving up $1,800,000 annually of duties upon their goods, with no reciprocal concession whatever; nor do I see the wisdom of promoting the general policy of the Tory government.

The people of Canada are not our enemies. Why, one million of our constituents were born in Canada. I believe it is estimated that one-fourth of the native-born Canadians are to-day in the United States. They are good citizens, among the most industrious, intelligent, loyal and patriotic. Do you believe their relatives across the way think only of this country in hatred? The fishermen of Canada, owing to the jealousy of conflicting interests, have inflicted wrongs on our fishermen.

Let me recall the words of the President that retaliation should be "visited upon the offending party." Stop the transit-in-bond system, turn Canadian traffic to their coast, and you will make the cities of Halifax and St. John prosperous centers of new life and wealth—towns the names of which recall to every American the indignation he felt through 1886 at the news from that quarter of humiliation and outrage to our citizens.

The President thinks we should punish the offending party "in the same line with the injured." Would not the offending party be rewarded? He can hurt our own Northwest, if he shall be so injudicious as to select this among all the methods of retaliation we placed in his hands in that wide discretion we gave him to choose any part, to apply to any part, to enforce, revoke, or renew.

He would, in arresting this large intercourse, with a certainty that it will be met by like measures on the other side, take away the competition of the Canadian lines, and make the control of the trunk-line pool complete over this business. They could dictate terms as they pleased to the Northwest. I will not readily believe that the President of the United States will ever subject a large number of our people unnecessarily to such retaliation—retaliation upon ourselves.

Wrongs are going on now in the way of interrupting fishermen and fishing vessels, retaliation for which has been provided in the law. Why is it not applied? No, he thinks the way to redress fishermen's wrongs is to admit foreign fish free, and bankrupt them, while benefiting those who wronged them.

The gentleman from Kentucky read some facts for which I thank him. I took note of them, and will recall them to attention. The Herman Sampson within two weeks was seized and fined by the Canadian authorities in defiance of those very rights which Mr. Bayard and Mr. Phelps so often stated with just and forcible logic. That vessel had been to St. John's to buy some herring.

The Novelty, of which the gentleman also spoke, was refused coal a week before. Twenty-five vessels this season are said to have been compelled to pay from $150 to $200 for the privilege of buying supplies; the very privilege which we claimed for our fishermen in this discussion which has run through a lifetime. That right is one that we extend every day to any Canadian vessel, fishing or trading, and we have contended always that our vessels, with proper permits to trade, were entitled to the same rights in Canadian ports.

The President is clothed with power to retaliate. Why does he not enforce the retaliation now? Why is he waiting? The message indicates a sudden outburst of zeal on behalf of the fishermen. His indignation is all at the wrong done to our fishermen in denying them transshipment of fish in bond. How great and urgent is it? The consul-general at Halifax, who was named by the gentleman from New York a few moments ago, is Mr. Michael Phelan, an appointee of the present Administration, and, I am told, a man of singular intelligence. Let me read a few words from what that consul-general stated so recently as the 24th of August:

> Mackerel is the only fish there is that our fishermen want to transship home in bond, and as there are no mackerel being caught this year, that is not a live question just now.

[Laughter.]

That is the last word I have been able to obtain from any source likely to be well informed on this subject. Is the President thinking of fishermen; or is he fishing for votes? [Laughter.]

The gentleman from Kentucky referred to the reception given in England to General Grant's message when he threatened retaliation. We have had some opportunity to see the reception given in England to the President's message sent here the other day. The chief organ of opinion in the British Empire is the London Times, and it greets with admiring congratulation the President's message, apparently hostile, remembering that he is the author of the two messages which the gentleman from Kentucky aptly compared, the free-trade message as well as the fisheries message. The London Times, bearing in mind the whole situation, says:

> President Cleveland has dished the Republicans by a masterly move, and may fairly be congratulated upon his adroitness.

[Laughter and applause.]

The writer knew that the Administration which came out with this stage-thunder now was the same one that had brought in and driven through the Mills bill, giving the Canadians $1,800,000 a year of remission of duties without any compensation whatever.

Sir, I have favored remission of duties where it could be done with reciprocal advantage. Numerous instances have arisen in the last dozen years, while I have had my attention directed to our relations with different foreign nations, where I thought such exchanges of reciprocal facilities could have been made with great profit to our country. I have never yet, however, seen the instance where there was a country which I loved so much better than my own that I would take from our revenues $1,800,000 every year and give it to them for nothing. [Laughter and applause on the Republican side.] I am still an American.

I have spoken long, perhaps, too long for your patience, of our relations with Canada, and I must add that the remission of the duties levied upon Canadian products would, I believe, be wise policy if we in return could secure the Canadian market. But we have always been most unfortunate in dealing with those statesmen, and have always been outwitted. It has been almost all concession on our part—little or nothing secured in return. It was so in that one-sided and unfortunate treaty of 1854, called the reciprocity treaty. It was so in the unfortunate arrangement, called a treaty, recently negotiated by Sir Charles Tupper and Mr. Chamberlain, where we yielded all along the line and made a provision at the end to give up to them the duties on fish in return for what we had always claimed were our incontestable rights. It was so again when we yielded to them in the Mills bill, passed here in the House, without any compensation whatever.

I would enlarge widely, very widely, our relations with Canada if I could do it so that the arrangement would be profitable to our own citizens. I am an advocate of friendly relations with foreign countries. It is the policy of wisdom. It is inspired by the highest and broadest sentiments that should animate every public man and every nation. Whenever it can be done with an enlightened self-interest in view, which in nations as in individuals must be the guide, it is our duty to cultivate in every way friendly relations and increased intercourse with foreign countries; and I believe this Canadian question and all questions cognate to it will yet be solved on broader lines and on higher principles.

I have introduced a measure, now on the Calendar, looking to commercial union with Canada, excluding all idea of political union. I hope it may yet receive thoughtful and favorable consideration. I fear, however, that it will not be done immediately, but it will be when calm shall return to heated spirits, when Presidents' messages shall no more be campaign documents, when legislation will not be debased for use as electioneering devices.

Nor do I entertain confident hope of wise action on legislation already had. I cannot help sharing some of the distrust that so many have emphatically expressed of the present Administration and the sincerity of its awakening to duty and adopting the ideas that we have pressed so long upon it. We cannot tell whether aught will result, but it will not be long till, I trust, in other and I believe better hands an administration will take up the whole subject and bring it to a just, honorable, and satisfactory conclusion—a solution which will be permanent, which will bring our interests together in mutual harmony for mutual profit, conserving the peace and the independence and the glory of both peoples. [Applause.]

APPENDIX.

JOINT RESOLUTION OF MARCH 3, 1883, TO TERMINATE FISHERY ARTICLES.

Joint resolution providing for the termination of Articles numbered XVIII to XXV inclusive, and Article numbered XXX of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington May 8, 1871.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the judgment of Congress the provisions of Articles numbered XVIII to XXV, inclusive, and of Article XXX of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the 8th day of May, A. D. 1871, ought to be terminated at the earliest possible time and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice.

SEC. 2. That the President be, and he hereby is, directed to give and communicate to the Government of Her Britannic Majesty such notice of such termination on the 1st day of January, A. D. 1883, or as soon thereafter as may be.

SEC. 3. That on and after the expiration of the two years' time required by said treaty, each and every of said articles shall be deemed and held to have expired and be of no force and effect, and that every department of the Government of the United States shall execute the laws of the United States (in the premises) in the same manner and to the same effect as if said articles had never been in force; and the act of Congress approved March 1, A. D. 1873, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," so far as it relates to the articles of said treaty so to be terminated, shall be and stand repealed and be of no force on and after the time of the expiration of said two years.

Approved March 3, 1883.

RETALIATION BILL PROPOSED AND PENDING.

A bill to empower the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887.

Be it enacted, etc., That whenever the President may deem it his duty to exercise any of the powers given to him by an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887, it shall be lawful for the President, in his discretion, by proclamation to that effect, to suspend, in whole or in part, the transportation across the territory of the United States, in bond and without the payment of duty, of goods, wares, and merchandise imported or exported from any foreign country from or to the British dominions in North America.

RETALIATION ACT OF MARCH 3, 1887.

Be it enacted, etc., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies, as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, to deny entry into any port or place of the United States of fresh fish or salt fish, or any other product of said dominions or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming, or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

ARTICLE XXIX OF THE TREATY OF 1871.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports of the United States which have been or may, from time to time, be specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States or for export from ports in the said possessions.

Article XXXIII does not mention Article XXIX, but contains a provision that Articles XVIII to XXV, inclusive, and Article XXX shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned therein, and that—

"They shall remain in force for the period of ten years from the date in which they may come into operation, and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same."

Mr. HITT introduced the following joint resolution:

Joint resolution to promote commercial union with Canada.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall be duly certified to the President of the United States that the Government of the Dominion of Canada has declared a desire to establish commercial union with the United States, having a uniform revenue system, like internal taxes to be collected, and like import duties to be imposed on articles brought into either country from other nations, with no duties upon trade between the United States and Canada, he shall appoint three commissioners to meet those who may be likewise designated to represent the Government of Canada, to prepare a plan for the assimilation of the import duties and internal revenue taxes of the two countries, and an equitable division of receipts, in a commercial union; and said commissioners shall report to the President, who shall lay the report before Congress.

Mr. CHIPMAN. Mr. Speaker, the honor of our country must always be asserted with the decorum which becomes her dignity. She is strong, so strong that she may be forbearing without being suspected of cowardice; patient, without incurring the reproach of ignorance. I firmly believe that she is the most beneficent presence in the ages. I would have all her children believe this. I would have them so proud of her that they will not wrong any other nation—so loving that they will submit to no wrong to her.

It is in this spirit that we ought to treat the Canadian people. It is our interest, and their interest, that their relations with us shall be friendly. Our contiguity is, of itself, a good reason for this. Along the northern frontier the commerce of the two countries runs in the same channels. The great lakes and rivers are not barriers, but bonds of union. From the headwaters of Lake Superior to the mouth of the St. Lawrence nature has created highways for millions of people,

routes of travel and traffic for vast areas of country lying on both sides of the national boundary line.

From the far West, through Illinois, Michigan, Ontario, and New York is the easiest country for railroad construction to the seaboard north of the Ohio River—a country already traversed by railways and destined to be crowded with many more as the West grows to the supremacy of her power. And so, through Minnesota, Wisconsin, the Upper Peninsula of Michigan, across the Falls of St. Mary's, through Ontario and New York or Maine to the ocean, other lines stretch from west to east, invited by the necessities of all civilization.

Surely the areas traversed by these water ways and connected by these railways are so identical in all natural features, topography, soil, climate, productions, that they were meant by nature for one country, and are only under different flags by the rude divorcement of man.

Sir, I can not exaggerate the greatness in all natural resources of these areas. They constitute one vast region, a land of wonders, of gold and silver and all the useful metals, of grain and lumber and fisheries, of lakes and rivers, of water-power already chanting the welcome of coming industry, of vast spaces of fertile soil tempting the husbandman and glowing with the promise of happy homes. Here the frosts of winter lend vigor to men and ripen them to high achievement.

Here, sir, are every material and element for the comfort of men and the power of an empire. "Those whom God hath joined together let no man put asunder." I would be loath, very loath, to do aught to bring discord into this paradise. I would, if I could, remember only the bonds of union, forged and welded by the hand of nature. I would, if I could, realize the hope of one flag over this vast area. That hope, now feeble, may yet blaze upon the world in a sunburst of accomplishment; but not to-day, not until the time when America, as she ought, has become the mistress of the seas and her great rival, now dominating Canada, shall fall behind her in the march of commerce. Rival, sir, I say; for England is our rival, despite all the trash about Milton and Shakespeare and one blood and one language, as if the relations of nations could flow in the liquid eloquence of sonnets and the peace of the world be maintained by the rules of syntax.

I say, sir, we may not to-day hope for that common nationality which will be so full of blessing to Canada and to the United States. We must be content now with peace and good-will, if we can have peace and good-will, and strive for a commercial union which will do homage to the law which nature has imposed on the continent. Let me emphasize it, sir. The desire of the American people is peace and good-will with the Canadian people, and it will not be our fault if there is an unfriendly act, nay, even an unfriendly thought on this side of the line.

But, sir, it has happened that we have been obliged to be very patient with our neighbors. Perhaps they have mistaken this for fear. Perhaps they think we are so stupid that we do not know when we are unjustly treated. Perhaps the intense "jingoism" of the party in power in the Dominion believes in its own cuteness to drive hard bargains. I know not how that is; but I do know we have been unjustly treated. I will not go back to the treaty of 1818, nor recapitulate the evasions and misconstructions by which they stripped it of all beneficial power for us.

I will even pass over that period of peril for our country and our institutions when Canada, inflamed with the wicked hope of England that the Union of these States might perish, insulted the North and cajoled the South. Thank God, the peril is past, and all the children of the Union are here under the old roof-tree united, determined to uphold the dignity of the nation. [Applause.]

I pass all this by. Though no statutes of limitation can run against memory, national honor is epitomized in treaties, because the nation's word has been plighted, and in 1871 we made a treaty embracing all points at issue with England concerning Canada. It is the violation of that treaty which has evoked this high debate.

That it has been violated is not a question of controversy here to-day; violated by the Canadians, not by us; violated in its fisheries and in its canal articles; violated brutally as to the first, most meanly as to the last. I know of no just complaint the Canadians have against us; but, sir, the ink was hardly dry upon the treaty before complaints of outrage began to pour in to the Department of State. The history of the treaty up to the time of the passage of the joint resolution of March 3, 1883, is but a repetition of unfriendly acts on their part and of temperate expostulation on ours.

They refused the ordinary amenities of commerce to our seamen; they set afloat armed vessels to hunt our fishermen on the high seas; they captured American citizens and American ships; they hauled down the American flag. At last they exhausted our patience, and in 1883 Congress passed judgment on the whole matter, decided that they had wronged us, by the joint resolution directing notice of termination under the thirty-third article of the treaty, and again, in 1887, by the retaliation act. I regard that resolution and act as the voice of the American people.

To-day, by reason of the joint resolution and the notice given under it, every provision of the treaty relating to the fisheries and dependent on Article XXXIII is dead. Why they are dead, what was the "manner of their taking off," is of great concern to us, because, representing the dignity of the nation, we must be right, and because they involve the question what articles are dependent on Article XXXIII and whether our transit relations with Canada are still governed by Article XXIX of the treaty or by the statutes of 1866.

Now, sir, my position is that every right granted to continue during the term mentioned in Article XXXIII was abrogated when the articles from XVIII to XXV inclusive and Article XXX were terminated by the two years' notice.

Article XXXIII is as follows, namely:

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

The duration of the articles mentioned in Article XXXIII is the test of the duration of the others, and among them of Article XXIX, the transit article.

Which are the articles dependent on Article XXXIII? They are all articles which are to endure, according to their language, "for the term of years mentioned in Article XXXIII."

An examination of the treaty will disclose that these are Articles XVIII and XIX, relative to fishing on the shores of the respective countries; Article XXI, which relates to the admission of fish into the respective countries free of duty; Article XXVIII, relative to the navigation of Lake Michigan; Article XXIX, which is the transit article; and Article XXX, granting certain rights to Canadian and American vessels on the St. Lawrence and the Great Lakes.

Sir, before the treaty of 1871 went into force both Canada and the United States had provisions on their statute-books embodying practically the details of Article XXIX. A system of transportation in bond was in existence, founded on local enactments. There was no necessity for either country to legislate on the subject, as in the case of Articles XVIII to XXV, inclusive, and Article XXX. The system would probably continue, as a matter of international comity, regardless of the fate of the treaty, and during the time necessary to pass the laws required to carry the fisheries articles into operation. Hence the term of years prescribed in Article XXIX is made to commence when these articles become operative.

If they had never become operative, Article XXIX would have been as if it had never been conceived. Can there be any doubt of it? The language is not obscure. The term, ten years, the only term mentioned in the treaty, has a definite beginning, namely, the time when certain legislation is perfected, and a definite ending; that is, ten years after that time. If there had been no beginning to the operation of the other articles, there would have been no term to embrace Article XXIX.

Why, sir, we are dealing with a legal matter, in which legal terms are used and legal processes of construction must be resorted to. The ten years begin to run with the operation of the articles named in Article XXXIII—the ten years, the "term" prescribed in Article XXIX. The last article and the article concerning Lake Michigan did not go into effect regardless of the time when Articles XVIII to XXV, inclusive, and Article XXX, went into effect.

The true construction is the simple one, which would be applied to a grant of property or franchises. It is as if a term of years for two pieces of property were expressed to be during the continuance of the term of certain other property.

Now, sir, the language of the article is very singular if it does not mean that the beginning and end of all the privileges granted for a term of years were to be coincident with the duration of the articles specified in Article XXXIII. That article treats the laws required to put them into force as an "assent," and prescribes "such assent having been given, the said articles" (that is, Articles XVIII to XXV, inclusive, and Article XXX) "shall remain in force for the period of ten years from the date at which they may come into operation."

Is it not plain that the ten years, the "term" of Article XXIX, began with the operation of these articles?

But, sir, the article proceeds to prescribe that they shall be in force not only ten years, but "further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same;" that is, of its wish to terminate Articles XVIII to XXV, inclusive, and Article XXX.

Not a word here about the transit article or the Lake Michigan article. The term of their existence is the "term mentioned in Article XXXIII," and the beginning and ending of that term is fixed by the fate of the other articles.

But, sir, there is no doubt about this matter; both Canada and the United States have given it a practical construction. The act of Congress approved March 1, 1873, passed under the thirty-third article of the treaty, proceeds in all its parts on that construction. In its first section it enacts that Article XXI shall go into force when the assent required by Article XXXIII is granted by Canada. In section 2 it admits Newfoundland to the benefits of the treaty on the same condition. In section 3 it prescribes that transit in bond may be made across our

territory on the same conditions. In section 4 the same condition is made the foundation of the operation of Article XXX.

This is a legislative construction of the meaning of the treaty, and the Supreme Court has decided that such a construction is authority. In the "Head-money cases" (112 United States Reports) the decisions are epitomized and the power of Congress to determine what a treaty means is held to be beyond question. Canad a, too, has acquiesced in this construction. Her refusal since 1880 to permit our fish, brought to her ports, to be carried across her country can only be justified on the ground that Article XXIX was terminated by the notice given under the joint resolution of 1883.

In my opinion she had a right to do this, for with the termination of Article XXIX the subject of transit reverted to the state it was in before the treaty, and was only regulated by the local laws of the respective countries. That, sir, is the state it is in to-day. We need not then seek for any justification of the bill before us. We had by the terms of the treaty a clear right, of our mere pleasure, to terminate certain of its articles. We exercised that right. Still, sir, we did not repeal our transit laws in whole or in part. They were before the treaty. They exist after it. They were conceived in a spirit of neighborly friendship; but they are our private concern. If Canada refuses to reciprocate them, we may repeal or suspend them without just offense to her.

Now, Mr. Speaker, in the course of his remarks the gentleman from Illinois [Mr. HITT], for whom I have great respect, arraigned the President for not exercising a power which the gentleman contends he possesses under the law of 1887. I would call his attention to the fact that this is a bill giving power to suspend the transit of goods in bond across our country, not only from but to Canada. In that regard it enlarges the provisions of the act of 1887 clear beyond any apprehension which the gentleman has of its effect. More than that, his construction of the act of 1887, as a matter of law, is radically wrong. The law does not mean what he thinks it does. There is no such power given to the President under the law of 1887 as the gentleman thinks.

The gentleman is not only wrong in his opinion of the President's action, but of the law, according to my construction; but the transit laws of 1866 are in no manner involved in or touched by this bill. The law applies merely to Canadian goods—goods belonging to Canadians, no matter how the Canadians got them—to the products of the Canadian soil or the products of their manufacture or what they may buy. If a proclamation was issued under the law of 1887 it would in no way prevent any American at any American port from carrying his goods into any place of Canada, shipping them through Canada, through Michigan, or anywhere through the West to their destination whatever it might be. The language, it seems to me, admits of no other construction. A man could purchase his goods in England, Spain, France, or any country beyond seas, bring them to a Canadian port and ship them through Canada to the United States. It is Canadian goods only which the act of 1887 is directed against.

Mr. HITT. Will the gentleman permit me a moment?

Mr. CHIPMAN. Certainly I will. I have refrained from saying some things I would have said, because I did not know I had the honor of the gentleman's attention. I have not made so good a speech as I should have made if I had supposed the gentleman was listening to me. I am pleased to hear from the gentleman, because I have several other remarks which I would be glad to have him hear.

Mr. HITT. Does the gentleman think that the words "or any other product of said dominions, or other goods coming from said dominions to the United States," have any meaning?

Mr. CHIPMAN. That is exactly what I am talking about; that is the very point I am trying to elucidate.

Mr. HITT. I ask you, do you think those phrases are meant merely to repeat each other, or is one of them an addition to the meaning expressed by the other?

Mr. CHIPMAN. If the gentleman had heard my remarks——

Mr. HITT. I listened to the gentleman.

Mr. CHIPMAN. The clauses are an addition one to the other. The goods may be the product of Canada, or they may become the property of some one in Canada. The reference is to goods coming from Canada, not goods coming from England, not goods coming from France, not goods coming from beyond the sea, not goods brought into a Canadian port for the purpose of transit under our transit laws of 1866 across the territory of Canada. The goods referred to are goods coming from Canada and goods produced in Canada or belonging to Canadian people. Why, sir, under the construction of my friend from Illinois, if American goods were shipped at Niagara Falls, in New York, to take either of the great routes to our frontier, they would have to be treated under the statute of 1887 as goods "coming" from Canada.

My friend has a very airy way of treating legal questions as "quibbles." He speaks of the acuteness with which we seek to make defense of thieves. It struck me it was rather cavalier to dispose of a great question in that way. That may be the way in which these things are done in the sublimated realms of diplomacy. There may be a purer ether than we ordinary people, "of the earth earthy," conceive of. But in our work-a-day way, we believe that words mean something, that laws have power, and that their interpretation should everywhere be approached with intelligence on the one hand, and with the greatest respect on the other.

[The hour of adjournment being reached, the House, by unanimous consent, requested the gentleman to go on.]

Mr. CHIPMAN. I do not know about going on. I am afraid I am talking too long. [Cries of "Go on!"] I will not keep you long.

My friend, the honorable gentleman from Illinois [Mr. HITT]—and I will only detain the House about five minutes longer—he pretends to speak here in behalf of the great Northwest. I come from the great Northwest. The hands may be the hands of Esau, but the voice is the voice of Jacob. It is not the voice of the Northwest. [Applause.] The Northwest does not desire, nay, the Northwest is protesting against a proclamation enforcing the clause of the retailiation act which the gentleman says the President ought to enforce. It is a clause whereby our trade will be broken up, and if the President had issued a proclamation under it, from one end of the Northwest to the other his name would have been a by-word and reproach, because he would have done a wicked thing. He did what you and your people in Illinois wished done, and what is necessary to our Northwestern trade and commerce and prosperity. He has done no rash or foolish thing.

Mr. BAYNE. Will the gentleman yield to me for a question?

Mr. CHIPMAN. No, I think I will not; I have watched you all through this session. You never ask a question that has anything to do with the subject under discussion. I have watched you closely. [Laughter.]

Mr. BAYNE. You will find that out later.

Mr. CHIPMAN. I have no doubt you can make people laugh, I have no doubt you may be abusive, but I am in a hurry and I desire to talk sense. [Laughter.]

Besides, this is not your fight. I am replying to the gentleman from Illinois [Mr. HITT], and one at a time is enough, but two to one is one too many. [Renewed laughter.]

The gentleman [Mr. HITT] finds fault with something that Mr. Bayard has said. I wish I had time to follow that up to its conclusion, but I will simply say here that with the exception of one State, and that the State of Pennsylvania, from which the gentleman comes who is so anxious to ask me a question, with the exception of that one State, out of all the nine States which debouch upon the lakes, there is not one that does not desire free trade and commercial union with Canada. Indeed, one of the most eloquent and able gentlemen on your side, the gentleman from Ohio [Mr. BUTTERWORTH], has been the high priest and apostle of that doctrine, has gone from one end of the great West to the other and throughout Canada preaching it.

It is the settled, earnest desire of the Northwest to have free trade with Canada, and if they have anything to do with shaping their own destiny, if they have any potency in determining that question, the people of that section will have absolute free trade with Canada. [Applause.]

I wish I had more time [cries of "Go on!"], but I will not detain you longer. [Cries of "Go on!"] No, I wish to finish to-night.

I have stated only two points. I had about a dozen more, so many mistakes did the gentleman make, but I think I will let them go; you have been patient enough already.

I do not care to go into the subject of the canals. Above Lake Erie, through the Lime Kiln crossing, through the St. Clair Flats Canal, through Hay Lake and the canal around the Falls of St. Mary, our money, our skill and enterprise have created paths of commerce. We have not shut them up against the Canadian marine, but though our canals are now too crowded for our own convenience we have loyally shared their benefits with our neighbors. Their discrimination against our marine under the mean subterfuge of charging the same rate to their own as to ours and giving their own a rebate needs no comment. It is one of the acts which belittle a people.

Sir, I have heard doubts expressed as to our action here. The press speaks of those who would give England some notice before the President issues a proclamation under this bill if it becomes a law. I believe this is esteemed to be some sort of a diplomatic etiquette. Thank God, we have no diplomatic corps in the European sense, and that in the estimation of our people the nearer a man approaches a diplomat in form the nearer he is akin to a fool, and the more he approaches one in substance the nearer he is to a knave. [Great laughter and applause.] But, sir, our own statutes are not the subject of foreign interference. We are not by the laws of nations compelled to inform any other power what may or may not be transported across our territory.

For one, sir, I am not inclined to be more polite to England than self-respect and strict law require. Her foot has been on every weak neck. She has pursued her commercial interests with the brutality of force or the meannesses of diplomacy, as the exigency might demand. In India, from the time of Clyde and Hastings; at the Cape, among the Zulus; in Ireland, among a people who are now bone of our bone and flesh of our flesh, she has been selfish and pitiless. Even the other day she kidnapped a poor African chief and imprisoned him on one of her West India Islands. She is the monster money-changer in the temple of God's earth. Sir, what the honor of our country demands I will concede to her; not an atom more. Here we stand to-day representatives of a nation which is in the right. This bill is in the pathway of our duty. I shall vote for it with a stout heart and clear conscience. [Applause on the Democratic side.]

During the delivery of the above speech, on motion of Mr. McCREARY, by unanimous consent, the session was extended beyond 5 o'clock and until Mr. CHIPMAN had concluded his remarks.

WILLIAM R. ROGERS.

Mr. THOMPSON, of Ohio, by unanimous consent, reported, as a substitute for House bill No. 511, a bill (H. R. 11362) for the relief of William R. Rogers; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 511 was ordered to be laid on the table.

And then, on motion of Mr. McCREARY (at 5 o'clock and 12 minutes p. m.), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 11357) for the relief of Caroline Bartley—to the Select Committee on Indian Depredation Claims.

By Mr. GEST: A bill (H. R. 11358) to correct the military record of Lieut. Aaron G. Henry—to the Committee on Military Affairs.

By Mr. MILLIKEN: A bill (H. R. 11359) for the relief of the estate of Nathaniel K. Sawyer, deceased—to the Committee on Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 11360) granting a pension to R. W. Hubbard—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 11361) to place the name of Sarah C. De Frees on the pension-roll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. McKENNA: Resolutions of Knights of Labor, Assembly No. 6039, Oakland, Cal., for postal-telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAW: Papers in the case of John E. O'Donnell—to the Committee on Claims.

SENATE.

WEDNESDAY, *September* 5, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 8344) to prevent cruelty to domestic animals;

A bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails;

A bill (H. R. 10182) to amend an act entitled "An act to make persons charged with crimes and offenses competent witnesses in the United States and Territorial courts," approved March 16, 1878;

A bill (H. R. 10919) to make valid a deed to a certain tract of land in Bibb County, Georgia, made and delivered by Brig. Gen. Davis Tilson, acting assistant commissioner of the Freedmen's Bureau, to Samuel I. Gustin, his heirs and assigns; and

A bill (H. R. 11258) for the relief of certain persons who paid additional taxes assessed against them under the act of March 3, 1875.

CIRCUIT-COURT POWERS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes.

Mr. HOAR. I have looked at the amendment of the House. It is in substance an entirely new bill providing simply for a rehearing of questions of law in capital cases. I do not suppose it is necessary to have the amendment read. I think it had better be referred to the Committee on the Judiciary before the Senate is asked to take action upon it.

The bill with the House amendment was referred to the Committee on the Judiciary.

FORT MISSOULA MILITARY RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the commanding officer of Fort Missoula, Montana, and the indorsements thereon, relative to the status of the title to the lands embraced within the present limits of the military reservation at that point, and recommending certain legislation in regard thereto; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SPOONER presented the petition of James Shaahan, late of Company F, Eighth Pennsylvania Cavalry, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. TELLER presented a petition of citizens of Gilpin County, Colorado, praying for the passage of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MITCHELL presented a petition of citizens of Columbia County, Oregon, praying for the passage of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, submitted a report accompanied by a bill (S. 3513) granting pensions to Powell's Battalion of Missouri Mounted Volunteers; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 11021) to increase the pension of Charles Hahneman, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported it with an amendment.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3387) granting a pension to Charles S. Hamilton, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred an amendment intended to be proposed by Mr. STOCKBRIDGE to the general deficiency appropriation bill, reported it favorably, and submitted a report thereon; and the amendment, together with the report, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3152) for the relief of Arlington M. Harrington;

A bill (H. R. 10210) to increase the pension of Philip Thomas;

A bill (H. R. 9148) to grant a pension to Jane Robinson;

A bill (H. R. 6201) granting a pension to John Robeson; and

A bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 11262) to authorize the construction of bridges across the Kentucky River and its tributaries by the Richmond, Nicholasville, Irvine and Beattyville Railroad Company, reported it with amendments.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of J. W. Parrish & Co., of St. Louis, Mo., praying for certain relief, submitted a report thereon, accompanied by a bill (S. 3520) for the relief of Joseph W. Parrish, George C. Hadley, and William L. Huse, lately composing the firm of J. W. Parrish & Co., of St. Louis, Mo.; which was read twice by its title.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3514) to remove the charge of desertion from the record of William Martin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3515) granting a pension to Lottie R. Hunter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 3516) to further suspend the operation of section 5574 of the Revised Statutes of the United States, Title LXXII, in relation to guano islands; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. PALMER (by request) introduced a bill (S. 3517) granting a pension to Jane Sullivan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3518) granting a pension to Elizabeth De La Hooke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 3519) granting a pension to Sarah D. Lewis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a joint resolution (S. R. 107) limiting the provisions of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia," etc., on the subject of overhead electric wires, approved July 18, 1888; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. SPOONER introduced a bill (S. 3521) granting an increase of pension to James Shaahan; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. PLUMB submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by

him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED LAND OFFICE INVESTIGATION.

Mr. STEWART. I offer a resolution, which I ask may be read for information and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

Resolved, That a committee of five members of the Senate be appointed by the Presiding Officer for the purpose of investigating—

1. Whether there has been any improper use of the moneys appropriated by Congress for the purpose of protecting timber on the public lands, investigating fraudulent claims to the public lands, or for any other purpose connected with the administration of the General Land Office.

2. Whether any fraudulent practices, whereby the public lands are illegally acquired, exist, and whether the same are knowingly tolerated by the Commissioner of the General Land Office.

3. Whether any discriminations have been made by the Commissioner of the General Land Office, or any of his subordinates, between citizens of the United States in investigating claims to the public lands or in canceling or setting aside applications to buy or enter public lands.

4. Whether there have been any discriminations between persons who have entered upon or fenced the public lands, in the recommendations, prosecutions, or the removal of fences, or any other matter connected therewith, and if all such persons have been treated alike, or whether some have been allowed to illegally occupy the public lands while others have been required to remove therefrom.

5. Whether there have been any secret compromises between the Commissioner of the General Land Office, or any of his subordinates, and influential persons or corporations, whereby the Government of the United States has been defrauded and illegal claims to lands patented.

6. Whether any prosecutions have been recommended by the Commissioner of the General Land Office at the instance of persons, or their attorneys or agents, having or claiming an interest in the lands to be recovered adverse to the United States.

7. Whether the name of the United States has been improperly used on the recommendation of the Commissioner of the General Land Office to prosecute citizens of the United States for any improper purpose.

8. Whether the mode of conducting the secret service in the General Land Office is fair and impartial, affording to citizens whose rights are affected thereby a fair and reasonable opportunity to be heard before decisions are rendered against them, and whether settlers on the public lands are prevented from obtaining pre-emptions and homesteads by secret manipulations of agents or employés of the General Land Office.

9. Whether the expenses and annoyances to settlers by the operations of the secret service in the General Land Office are retarding the growth and prosperity of the States and Territories where the lands are situated.

And that said committee or any subcommittee thereof shall have power to employ a clerk and stenographer, subpœna witnesses, send for persons and papers, administer oaths, and sit during the sessions of the Senate and vacation of Congress at such places as it may deem advisable. The expenses of said committee shall be paid out of the contingent fund of the Senate.

Said committee shall have power to report by bill or otherwise.

The PRESIDENT *pro tempore*. The resolution will be referred, under the rules, to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. VEST. Why should the resolution go to the Committee on Contingent Expenses?

The PRESIDENT *pro tempore*. Because it imposes a charge upon the contingent fund of the Senate, and the rule provides that in all such cases a resolution shall be referred to that committee.

Mr. VEST. Ought it not to go first to the Committee on Public Lands in order to ascertain and report as to the propriety of these investigations, and then as a subsequent proceeding, as to the clause which audits the expenses, it should go to the Committee to Audit and Control the Contingent Expenses of the Senate?

I simply want to observe that if the resolution is passed it would entail the expense of employing a large additional clerical force, and an examination that would extend through months if not years.

Mr. SHERMAN. I would advise the Senator from Missouri that he may make a motion to refer it to the Committee on Public Lands, but the rule requires that it shall go to the other committee some time before it is acted upon.

Mr. VEST. I may be mistaken in regard to the practice of the Senate, but my impression is that the first and preliminary question is as to the propriety of the investigation, and then if money is to be expended out of the contingent fund of the Senate in sending for witnesses and paying for the services of the employés attending the committee, etc., the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate. That was my experience with the committee that was raised on my motion by a resolution in regard to the meat product of the United States. I was advised by the highest parliamentary authority here that it would be necessary, as to that clause of it which expended money for the necessary expenses of the committee to be taken out of the contingent fund, that it should go finally before that committee. But here we commit ourselves, as I understand it, to the necessity for this examination, or these examinations, for there seems to be more than a dozen of them, by sending simply the question of the payment of the money to the Committee on Contingent Expenses.

Mr. STEWART. I do not so regard it at all. All other resolutions proposing investigations have gone first to the Committee on Contingent Expenses, and the question as to the propriety of passing the resolution comes up when the resolution is reported back from that committee.

I do not wish to occupy the time this morning, because the Senator from Florida [Mr. PASCO] desires to speak. When the resolution comes back from the Committee on Contingent Expenses, if they report favorably, I shall be able to discuss the propriety of the investigation and to show the necessity for it. I could do it now, but I would rather not.

I will say to the Senator from Missouri that I shall not regard the report of the Committee on Contingent Expenses as precluding any other motion which may be made to send the resolution to the Committee on Public Lands when it comes back.

Mr. VEST. Aside from this specific case I am a little interested myself to know what is the practice of the Senate and what would be the result of the report of the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The Chair will have the fourth paragraph of Rule XXV read.

The Chief Clerk read as follows:

RULE XXV.

* * * * * * * *

A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of three Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge upon the same.

The PRESIDENT *pro tempore*. The rule is peremptory.

Mr. VEST. I have no doubt that at some time the resolution would have to go to that committee, but my inquiry extends to another point. I should like to know whether every resolution proposing an investigation must first go to that committee and if the report of that committee is conclusive as to the propriety of the investigation.

The PRESIDENT *pro tempore*. It is not.

Mr. STEWART. It is not.

Mr. HARRIS. I suggest to the Senator from Missouri that after the Committee to Audit and Control the Contingent Expenses of the Senate reports, then a motion to refer the resolution to the Committee on Public Lands would be perfectly in order, and he could test the question then as to whether it should go to that committee.

The PRESIDENT *pro tempore*. That motion would undoubtedly be in order under the rules. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, if there be no objection.

TREATY WITH CHINA.

Mr. SHERMAN. I submit the following resolution and ask that it be considered, if there be no objection:

Resolved, That the President is requested, if not incompatible with the public interests, to inform the Senate whether the recent treaty with China and the amendments adopted by the Senate have been ratified by the Emperor of China.

The resolution was considered by unanimous consent, and agreed to.

Mr. SHERMAN. I perhaps ought to say a word in respect to the provisions of the resolution. After what was said on the floor yesterday and the day before, it is manifestly due to the dignity of the Senate and the good order and conduct of our affairs that we should have official information from the President of the United States in regard to the subject-matter of the Chinese treaty before proceeding further. The statement made yesterday does not even seem to come to us from official channels. The resolution has been adopted, and I hope it will be answered to-day. It can be answered to-day as well as in a fortnight's time.

TOLLS ON GOODS EXPORTED TO CANADA.

Mr. HOAR. I desire to make an inquiry of the Chair. Has any answer come to the resolution of the Senate passed a week or more ago asking the President for correspondence in regard to the observance by Canada of the provisions of the treaty of 1871 relating to tolls?

The PRESIDENT *pro tempore*. No answer to that resolution has been received.

Mr. HOAR. It seems to me that from the necessity of the case it is a matter which could be answered by the executive department in a single day. If no such correspondence was had, why not state it? If there be such correspondence, copies of it can be sent. I desire to call the attention of the Senate in this way, and of the President himself, to the reasons for a prompt answer to that request.

ARMY APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 12, 18, 19, 22, 24, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 23, 26, 28, 29, 30, 31, and 34, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Insert after the word "charge," in line 19, page 5 of the bill, the words "or over any of the bond-aided Pacific railroads;" strike out in line 21, same page, the words "last-named railroad," and insert in lieu thereof the word "railroads;" and in lieu of the matter proposed to be inserted by said Senate amendment insert the following:

"*And provided further*, That the transportation furnished by the Quartermaster's Department to officers traveling without troops shall be limited to transportation in kind, not including sleeping or parlor car accommodations over

free roads, over bond-aided Pacific railroads, and by conveyance belonging to the said department."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,000;" and the Senate agree to the same.

On amendments numbered 32, 33, and 35 the committee of conference has been unable to agree.

W. B. ALLISON,
P. B. PLUMB,
Managers on the part of the Senate.
R. W. TOWNSHEND,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. ALLISON. I move that the Senate concur in the report.

Mr. PLATT. We get very little idea of the progress which has been made by the committee of conference from the reading of the conference report, it simply referring to the amendments by numbers. I wish the Senator from Iowa would tell us in a short statement to what the conferees have agreed and to what they have not agreed.

Mr. ALLISON. The amendments agreed upon are the amendments in detail. The amendments not agreed on are the amendments relating to the question of public defense in respect to fortifications, etc.

Mr. PLATT. What is the amendment to which a further amendment has been agreed to, relating to the Canadian Pacific road? I did not catch it.

Mr. ALLISON. There is nothing in the bill relating to the Canadian Pacific road. The Senate inserted a provision prohibiting the Quartermaster's Department from furnishing transportation to officers who are traveling without troops, otherwise than by conveyance belonging to the department. On a further examination of the amendment it was found that we ought also to exclude the land-grant roads and the Pacific railroads, so that transportation could be furnished by the Quartermaster's department on those lines, and the necessary changes were made to accomplish that object.

Mr. PLATT. I mistook the reading. I thought it was read as an item relating to the Canadian Pacific road.

Mr. ALLISON. It has relation only to land-grant roads and the Pacific railroads.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I move that the Senate agree to the request of the House of Representatives for a further conference on the amendments not agreed upon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees of the further conference on the part of the Senate, and Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. FORNEY, and Mr. BUTTERWORTH as managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 11087) to establish a circuit and district court at Johnson City, Tenn., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2371) granting a pension to Jacob Pitner;

A bill (S. 2716) granting a pension to Carl M. Schwantes;

A bill (S. 2871) granting a pension to Mrs. Sarah J. Martin;

A bill (S. 3035) to grant a pension to William Thields;

A bill (S. 3118) for the relief of Mathew O. Regan;

A bill (S. 3178) to remove the political disabilities of William L. Bradford; and

A bill (S. 3364) to provide for an American register for the steamer Saginaw, of New York.

ORDER OF BUSINESS.

Mr. FARWELL. In pursuance of the notice I gave yesterday, I move to take up Order of Business 2206.

The PRESIDENT *pro tempore*. The Chair does not feel at liberty to entertain that motion now, unanimous consent having been given that at the close of the formal morning business the Senator from Florida [Mr. PASCO] should be entitled to address the Senate on the resolution of the Senator from New Hamphire [Mr. CHANDLER].

Mr. FARWELL. It will take but a moment to dispose of the resolution reported from the Committee on the District of Columbia. I ask unanimous consent to call it up.

The PRESIDENT *pro tempore*. Consent must be given by the Senator from Florida.

Mr. PASCO. If the formal morning business is closed, I will take the floor and yield to the Senator from Illinois.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Chair lays before the Senate the resolution offered by the Senator from New Hampshire [Mr. CHANDLER], on which the Senator from Florida is entitled to the floor.

Mr. HARRIS. The Senator from Florida said he would yield to the Senator from Illinois. I ask both the Senators if they will do me the kindness to yield to me in order that I may dispose of a motion to reconsider, with the declaration that if it takes three minutes I shall not ask for further indulgence.

Mr. PASCO. I am willing to yield.

CHURCH OF ST. PETER AND ST. PAUL.

Mr. HARRIS. The bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul at Chattanooga, Tenn., was passed by the Senate, when the Senator from Oregon [Mr. MITCHELL] moved to reconsider the vote by which it was passed, because he proposes to amend the bill in one of its verbal expressions. I shall have no objection to the amendment except that it involves the necessity of the bill going back to the other House, and that I do not propose to debate. I ask that the motion of the Senator from Oregon to reconsider be now taken up and disposed of.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. MITCHELL] moves to reconsider the vote by which the bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul at Chattanooga, Tenn., was passed. Is the Senate ready for the question on the motion to reconsider?

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The vote by which the bill was ordered to a third reading will also be reconsidered, if there be no objection; and the bill is before the Senate and open to amendment.

Mr. MITCHELL. I move to amend the bill, in line 14, on page 2, by striking out the three words "between the States."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 14, after the word "war," it is proposed to strike out the words "between the States;" so as to read:

For stone and all other building materials taken and used during the war of 1861, etc.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MITCHELL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MITCHELL, Mr. SPOONER, and Mr. HARRIS were appointed.

DISTRICT ELECTRIC WIRES.

Mr. FARWELL. I now call up Order of Business 2206.

The PRESIDENT *pro tempore*. Does the Senator from Florida yield to the Senator from Illinois?

Mr. PASCO. I yield with the understanding that the matter will not lead to discussion.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution reported adversely by Mr. FARWELL, from the Committee on the District of Columbia, September 3, 1888, as follows:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to revoke any permit granted for the erection of overhead electric wires.

Mr. FARWELL. I move that the resolution be indefinitely postponed.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Illinois to postpone the resolution indefinitely.

Mr. CALL. I think that is the resolution which was discussed at some length some time ago upon the motion of the Senator from Vermont [Mr. EDMUNDS], and by a vote of the Senate the matter was referred to the Committee on the District of Columbia, with a decided expression of opinion on the part of Senators in favor of revoking any authority that had been given.

Mr. FARWELL. If my friend from Florida will permit the short report to be read which is made on this subject, I think he will interpose no further objection. I call for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report submitted by Mr. FARWELL September 3, 1888, as follows:

The Committee on the District of Columbia, to whom was referred the order of the Senate referring letter of the commissioners of the District of Columbia, with instructions to report a resolution requesting the commissioners to revoke any permit granted for the erection of overhead electric wires, report:

The Eckington and Soldiers' Home Railway Company was duly incorporated by act of Congress approved June 19, 1888. The company was duly organized under its charter, and in good faith entered into contracts for the entire construction and equipment of the road, contracts amounting to some $53,000. The act of incorporation authorized the use of electricity as a motive power. A permit was obtained from the District commissioners, contracts made for the elec-

trical equipment, and work was in progress at the time this resolution was introduced.

After a full investigation of the subject the committee recommend that the resolution herewith reported by order of the Senate do not pass.

The testimony before the committee shows that an electrical current of 400 or 500 volts potential is not dangerous to human life. The testimony is overwhelming and conclusive on this point. The current to be used on the Eckington road will have a potential of about 400 volts.

The testimony shows that under-ground conductors cost about ten times as much as overhead conductors, and that it is doubtful whether any form of conduit would operate successfully and satisfactorily on this unpaved street. About 1 mile of the road is within the city limits. It is doubtful whether the authorized capital stock would suffice to construct this mile of double track with an under-ground conduit and equip the balance of the road.

The route is through a section of the city but little improved, many squares being entirely destitute of buildings of any kind. All the streets, roads, and avenues on which the tracks are to be laid are now without pavements. Neat ornamental iron poles are to be used with a cluster of electric lights on every other pole.

As it has been shown that there is no danger in overhead lines, that the poles and wires are but little if any obstruction on the street, that overhead lines have been generally adopted, and are generally successful, while conduits are as yet somewhat of an experiment, that the great cost of the conduit system, as well as the unpaved condition of the streets makes it impracticable in the present case, your committee fail to see any reason why the Senate should interfere with the construction of this road, the officers of which have been proceeding in good faith, in strict compliance with the law, and with the desire of improving the means and methods of transporting the public in the northeast section of the District.

Your committee deem it of great interest to the District that the electrical system of propelling street-cars should have a fair trial, as it is well known that the street-car system of Washington is not up to the standard of other cities of equal size.

Congress has reserved the right to amend and alter the charter of the Eckington and Soldiers' Home Railway Company, and should the overhead electrical system after a fair trial prove unsatisfactory, it is then time for such action on the part of Congress as is contemplated by the resolution.

The testimony taken by the committee is herewith appended.

Mr. FARWELL. I do not care to have the testimony read. The report of the committee is a unanimous one. I ask for a vote on my motion that the resolution be indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the resolution reported by the committee be, in accordance with its recommendation, indefinitely postponed.

Mr. CALL. I do not think this matter ought to be pressed in the absence of the Senator from Vermont [Mr. EDMUNDS]. I suggest that the resolution be allowed to stand until his return. For myself I should make no objection to the passage of the resolution.

Mr. HARRIS. If the Senator from Florida will allow me, I will state that I am informed the Senator from Vermont will be absent for about a week. Under the provision in the District appropriation bill if this work is not done before the 15th of September it can not be done at all, and the delay asked by the Senator from Florida is simply the defeat of the particular parties interested in that enterprise.

Mr. CALL. I shall not make any further opposition to it. I am sensible of the fact that the city of Washington is one of the most corporation-ridden communities in the world, and many acts of incorporation are heedlessly passed, in my opinion. The fact that certain parties may lose their contracts ought not to be considered in a matter of this kind where the public interest is concerned. But as the act of incorporation in this case contains a provision reserving the power on the part of Congress to alter and amend it, I shall make no further opposition to the indefinite postponement of the resolution.

Mr. VEST. Mr. President——

Mr. PASCO. If this matter is to lead to discussion I shall ask that it be postponed until after I conclude my remarks.

The PRESIDENT *pro tempore*. The Senator from Florida has a right to call for the regular order.

Mr. VEST. I have no extended remarks to make. I simply wish to prefer a request that this matter shall go over until to-morrow. I have some papers bearing upon it, which I left at my residence this morning, and I want to refer to them, and I want to examine the report of the committee and the evidence, which I have not had time to do. I ask to have the resolution go over until to-morrow morning.

Mr. FARWELL. Will my friend call it up then? I may not be here.

Mr. VEST. I have not the slightest objection; but I suppose the Senator from Tennessee [Mr. HARRIS] will take that task upon himself. If he is absent and the Senator from Illinois also, I will pledge the Senator from Illinois to call it up.

Mr. HOAR. Let it be agreed that it be the first business to-morrow.

Mr. FARWELL. I have no objection to that course.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the consideration of this resolution be resumed to-morrow morning at the conclusion of the routine business. Is there objection?

Mr. TELLER. I suppose that will be with the understanding that it shall not interfere with the bill we have under consideration.

Mr. HARRIS. The bill will not come up until 2 o'clock under the rules anyway.

The PRESIDENT *pro tempore*. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. PASCO. Mr. President——

Mr. JONES, of Arkansas. There is another resolution, as I understand, reported by the Senator from Illinois [Mr. FARWELL] pending before the Senate relating to the wires for electric lights. I desire to ask the unanimous consent of the Senate that that resolution be recommitted to the Committee on the District of Columbia. My purpose in asking that is this, certain companies report that they have invested a large amount of money in their enterprises; that they have expended between four and five hundred thousand dollars in an honest effort to organize the system of electric lighting; that they have spent $30,000 in an effort to discover some means of conducting electricity underground, and they desire before there is any action taken on the report by the Senate to have the committee give them a hearing, and hear what they have to say.

It occurs to me it is nothing but common fairness that these people who have a large amount of money invested in this enterprise shall have a hearing by the committee before there is any positive action on the part of the Senate, and for that reason I ask unanimous consent that the resolution be recommitted to the Committee on the District of Columbia. I presume there will be no objection to it.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent that the joint resolution (S. R. 105) to restrain the erection or maintenance of overhead electric motive power and electric-light wires in the cities of Washington and Georgetown may be recommitted to the Committee on the District of Columbia. Is there objection? The Chair hears none, and it is so ordered.

THE LOUISIANA ELECTION.

The Senate resumed the consideration of the resolution submitted by Mr. CHANDLER July 19, 1888, in reference to the election held in Louisiana April 17, 1888.

Mr. BLAIR. Before the Senator from Florida proceeds, he will permit me to say that my colleague [Mr. CHANDLER], the author of this resolution, and to whom I have some reason to suppose the Senator may have occasion to advert in the course of his remarks, is necessarily absent from the city, and will not be here until the first of next week. The Senator from Florida has kindly postponed his speech several times, and I do not feel that I have a right to ask him to do so any longer. I simply desire that it may appear of record that my colleague is absent.

Mr. PASCO. I was about to preface my remarks with the statement that I had not desired to proceed in the absence of the junior Senator from New Hampshire [Mr. CHANDLER], but learning that his absence will continue some time longer, and learning also from his colleague [Mr. BLAIR] that he does not desire that it should be postponed longer in consequence of the absence of the junior Senator as far as speeches being made upon the resolution are concerned, and also in view of the fact that he will have abundant opportunity to reply to anything I may say after his return, I have decided not to postpone further the remarks which I propose to submit.

Mr. BLAIR. I do not like to be understood as saying that I did not desire a further postponement, but I think it would be taxing the courtesy of the Senator from Florida to ask it.

Mr. PASCO. I will put it upon that ground, then.

The PRESIDENT *pro tempore*. The Senator from Florida is entitled to the floor.

Mr. PASCO. Mr. President, the undigested miscellaneous matter collected by the junior Senator from New Hampshire, or under his supervision, does more credit to his industry than to his judgment. He seems to be desirous of emulating the zeal and energy of his colleague, but there is this difference between them: The senior Senator has often exerted himself to benefit the people of the South, to extend the advantages of education, to unite them in efforts for the improvement of the condition of the ignorant and the advancement of the colored race to a higher and better intellectual and moral condition; the junior Senator strives to kindle anew the smoldering embers of the past, to revive the bitterness and ill-will that is fast fading into forgetfulness, and to create fresh antagonisms between the people of different races in the South, who are for the most part living together in friendly and peaceful relations.

No lover of his country can sincerely desire to see the Southern States remanded to the condition which followed the second reconstruction. It is the darkest chapter in the history of the country. States were robbed by political adventurers and burdens placed upon the industry of the people which will be felt for generations. Ill-will and bitterness and prejudice were stirred up for selfish and partisan purposes between the white and black people. Men who had no residence or interest in these unfortunate States aspired to and reached the highest positions of honor and trust and impudently pretended to represent the people. The black man was induced by flattery and deception to band against his old friends, and the social and business relations of society were disturbed and overthrown. Elections were carried without regard to the votes that were cast. Crime went unpunished; and the condition of the Southern States became so deplorable that it at last roused the slumbering indifference of the people of the North.

To give some idea of the condition of things in the State which I have the honor in part to represent during the period referred to, I submit a recent letter written by Harrison Reed, the first governor under the

reconstruction acts of Congress, to the editor of a new Republican paper published at Tallahassee by a colored man.

Mr. Reed has always been a Republican of the straightest sect, and was in a position to know the truth as to the unfavorable statements he makes with reference to his party friends who elevated him to office. This letter appeared in the Times-Union, the leading daily paper in our State, published at Jacksonville, in its issue of June 19, 1888.

SOUTH JACKSONVILLE, *June* 8, 1888.

Editor State Capital:

SIR: I am under obligation for the courtesy of a copy of your initial number, the receipt of which brings back the past in vivid review, and recalls a chapter of political experience which, for the honor of mankind, I would be glad never to have opened, but which confirms the doctrine of human depravity to a degree sickening to the philanthropist, and causing him to bow to the Almighty whose power compels even the "wrath of man to praise him."

When I first visited your beautiful city the State, desolated by the war, lay prostrate in the hands of the soldiery, and all classes were looking with anxious longing for the restoration of constitutional government. The old slaveholding aristocracy which had forced the war to maintain its supremacy; the masses who had gallantly sustained the decree of their political lords and fought for a cause which, if successful, was to degrade their own manhood and establish slavery and aristocracy in place of freedom and democracy; the negro who had never before possessed his own manhood; the camp-followers, army bummers, and military adventurers, hunting for place and plunder; the loyal, patriotic citizen who honored the nation and labored for law, order, peace, and good government, all these heterogeneous and antagonistic elements were to be harmonized under a civil government guarantying freedom and equal rights. No master, no slave, no legalized aristocracy or subservient democracy, no class distinctions, but all subject to a common law.

In the wake of the Federal Army came the Freedmen's Bureau, a grand philanthropic conception of the paternal Government, well designed to protect the emancipated slave and educate him in his new responsibilities, but in the hands of unprincipled military adventurers perverted to personal, political, and mercenary purposes, and thus made a curse rather than a blessing, and finally through fraud and corruption demoralizing the freedmen and debauching them to the vilest ends of personal gratification and aggrandizement.

So the "carpet-bagger" became a synonym of disgrace for the Northern immigrant as significant and odious as that of "abolitionist" had been in the days of slavery. Free negroes from the North, educated in deception and adepts in the less reputable characteristics of low demagogues, came in to assist the white "carpet-baggers" and take charge of the churches, schools, and moral and political interests of the colored race. These black saints traded upon the ignorance, superstition, and credulity of the freedmen, and bartered their souls for gain.

And yet under all the adverse circumstances there has been a steady advance in the civilization and education of your race, and nothing gives a better index of this progress than the establishment of newspapers by colored men now qualified for the editorial and mechanical management.

It is a wonderful contrast, the well-fed, well-dressed, intelligent communities of freedmen, with the former squalid assemblages hanging upon the instructions and awaiting the beck of political demagogues and low adventurers who "stole the livery of heaven to serve the devil in."

I congratulate you on your Capital, and assure you that I have lost nothing of my interest in the advancement and prosperity of your race and the material development of that rich and most beautiful section of the State, in behalf of whose interest I sacrificed years of earnest effort and endured the injustice of treacherous allies and unscrupulous political foes. I wish you and your Capital great success in advocating the principles of freedom and equal rights, and in promoting the moral and material progress of the freedmen and their prosperity. In the bonds of true Democracy and Republican equality, I remain,

Very truly and respectfully,

HARRISON REED.

One by one these States threw off the yoke, the governments established by these adventurers in the name of the Republican party fell to pieces, and the Democratic party came into power from Virginia to Texas. The political change was followed by prosperity and peace, and no man can shut his eyes to the fact that the advance and progress that have been made in the southern part of our country during the eleven and a half years since the last of the Southern States came under Democratic rule is without a parallel in that section.

A few figures with reference to Florida will illustrate this.

The assessment of property for taxation in Florida was, in 1876, $29,688,337; in 1887, $84,860,564. The number of miles of railroad in operation was, in 1876, about 500; in 1887, 2,111. The number of schools was, in 1876, 676; in 1887, 2,103. The money expended for their support was, in 1876, $158,846.36; in 1887, $449,299.15.

But the upheaval of society caused by the war and its results, and the social and political revolution which was brought about by the second reconstruction and the carpet-bag governments which were established in the various reconstructed States under it, left behind them disturbed and irritating conditions, and those upon whom the burdens of government were placed found themselves confronted with social and political questions which required the greatest wisdom and prudence to solve. It ought to be a source of congratulation to right-thinking men of all parties that so few mistakes were made, that there has been so much material progress, that kindlier relations were so soon established between the white and black people, and that the capitalists and business men of the North having confidence in the new governments were willing to invest their money with us and aid in the development of what they were pleased to term "the New South."

If we had been endowed with the wisdom of serpents and the harmlessness of doves and the patience of saints perfect peace and tranquillity might have followed. But our people were men with like passions and impulses that influence and control human beings elsewhere. There were, as I have already said, disturbing and irritating conditions still in existence, and here and there they have borne fruit. It would have been in accordance with the history of mankind in other times and in other countries under similar conditions if there had been a large increase of crime and an epidemic of hate and violence. It is creditable to both races who live in the South that this has not been the case in this instance, and that the percentage of crime among us will compare favorably with that of other sections of our common country that have not had like difficulties to contend with, when all the facts and circumstances are taken into consideration.

But there is a large class of people at the North who are displeased because our States have ceased to give Republican majorities. They do not realize how odious the Republican party became in the South because of the misgovernment of our States by those who wore its livery, and they give credence to every slander and misrepresentation that is uttered with reference to our condition. And when some wrong actually occurs and some crime is committed it is heralded abroad, not as affecting simply the community or locality where it happens, but as an index of a state of things existing universally all over the Southern country.

In the days when the carpet-bag element ruled the Southern States election frauds were common. I can speak from my own personal knowledge as to one State. It is doubtful if any fair election took place in Florida from 1868 to 1876. I could fill a volume with well authenticated details if I had time. Force and fraud, repeating and ballot-box stuffing, suppression of returns and miscounting of votes were the order of the day. I propose to give one memorable instance of this further on. My information and investigations have convinced me that these crimes were not confined to Florida.

After such an experience it is quite probable that offenses of a similar nature have been committed here and there since those days by Democrats. But there is no basis for the wholesale charges that are made against the entire South because wrongs have sometimes been committed. If newspaper reports were accepted as true with regard to elections at the North as they are with regard to those at the South, we might readily believe that our entire system of government had failed. But I have no desire to make any attacks upon other States on sectional lines. I simply stand upon a fair defense of my own State and section.

We listened recently for two days to the Senator from New Hampshire [Mr. CHANDLER], who has placed upon the record extracts from newspapers containing accounts of murder, riot, arson, and election frauds alleged to have occurred in different parts of the South during a series of years—some of them in my own State. He has read letters from parties whose names are not given, and so far as the Senate is concerned anonymous, editorials from partisan sheets, and other matter of a similar nature with the avowed purpose of instituting an investigation into the late election in Louisiana and questioning the right of the newly-elected Senators to their seats.

If the investigation were really desired, it would seem to be becoming to reserve the details till they were actually ascertained by legal evidence. There is no need of haste, for one of these Senators will not have to apply for his seat till 1889, the other till 1891. It is unfair and unjust to prejudge the hearing by *ex parte* and anonymous statements. It can have no other object than to supply campaign material for the Republican party in the present campaign without regard to its truth or falsity. It recalls the letter which was sent in 1874 by Thomas J. Brady to the editor of the Union, Rensselaer, Ind.:

ROOMS OF THE STATE CENTRAL COMMITTEE,
Indianapolis, September 3, 1874.

DEAR SIR: I desire to call your attention to the horrible scenes of violence and bloodshed transpiring through the South, and suggest that you give them as great prominence as possible in your paper from this time till after the election.

THOMAS. J. BRADY,
Chairman.

EDITOR OF UNION,
Rensselaer, Indiana.

The Senator has seen fit to trace all the crimes in his catalogue to political causes without a shadow of evidence or a word of proof, and in this way an indictment is drawn against the Democratic party in the entire South and against every Southern State under a Democratic administration, charging them with wholesale crimes against the elective franchise.

An equally effective indictment might be prepared against the Northern States by any industrious man with a pair of scissors and a pot of paste and the files of the Police Gazette and such like repositories of sensational literature. Murder and arson and robbery and crimes against the elective franchise are not sectional. As long as human nature continues unchanged, weakness and passion and lust will be the fruitful sources of crime.

Add a partisan bias and connect a party purpose to each case in the catalogue and an unscrupulous campaign worker might make a strong *prima facie* case against the peaceful and law-abiding people of Northern communities as has been done against the Southern people.

No such condition of things exists throughout the Southern country as one would naturally believe after reading the partisan scrap-book industriously prepared by the junior Senator from New Hampshire and worked into his recent speech.

The proposed investigation can not be completed before the election, and in the mean time what he has said goes before the country for the use of stump orators, partisan newspaper editors, and campaign managers, with an apparent authenticity, because it appears in the proceed-

ings of the Senate and goes out through the mails under the franks of Senators.

It is a good enough story till after the election and then all interest in the investigation on the part of the Senator who is urging it on will probably cease.

Statements of this kind are made so often and so recklessly by Republican partisans that it is actually believed by many people at the North, who have not the disposition or the energy to investigate for themselves, that honest elections are unknown throughout the South, that it is dangerous to advocate the principles of the Republican party there, and unsafe to vote the Republican ticket on election days, and that the votes of Republicans when cast are not fairly counted, but are systematically and willfully miscounted or suppressed.

A distinguished citizen of Florida, who came to our State in 1871 and formerly held a prominent position in the Republican party and filled successfully the office of postmaster at Jacksonville, one of the most responsible positions in the State, while his party had control of the national administration, is now editing a weekly paper at Eustis, one of our flourishing towns, settled very largely by people from the North. A few months ago he received a letter from a former Northern friend who had accepted as true the oft-repeated stories of force and fraud in Southern elections and blamed him for upholding such practices. Mr. Hamilton Jay, the gentleman I refer to, in replying to the letter sets forth his opportunities for gaining correct information as to the condition of affairs in Florida and gives a fair statement of the record of our people on this question, and I submit his reply as published in his paper, hoping that, as it comes from a former Republican, it will receive attention among the old party associates of Mr. Jay, who will perhaps give it greater credit than if it came from one who was identified with the South prior to and during the late war. At this point I ask the Secretary to read what I send to the desk.

The PRESIDENT *pro tempore*. The Secretary will read, if there be no objection.

The Secretary read as follows:

DEMOCRATIC FRAUD.

A valued correspondent at the West, in renewing his subscription to the Lake Region has this to say: "I like your paper with the exception of upholding Democratic fraud in the South."

I propose to drop the editorial "we" and answer this letter personally. I am a Northern man by birth and education, and came to Florida in 1871. For nearly ten years I was prominently identified with the Republican party in Florida both in a journalistic and official capacity. In the national election of 1876 I had charge of the United States soldiers at the polls in Jefferson County, and during the work of the returning board at Tallahassee I was editor of the Daily Union, a stalwart Republican newspaper, then published at Jacksonville. In April, 1877, I was appointed postmaster of Jacksonville.

In 1880 I became profoundly convinced that the Republican party as then constituted (and it is now composed of the same elements) was not the party to which the interests of the State could be properly committed. It was ignorant, rapacious, and unpatriotic, based entirely on the spoils doctrine, and utterly lacking in the nobler principles of political honor. For holding those opinions and refusing to sacrifice my self-respect at the demand of party leaders I was removed from office by the professional politician who masqueraded as President after the death of Garfield at the instance of another professional politician who was then misrepresenting Florida in the United States Congress. I was removed against the protest of ninety business houses of Jacksonville.

I state these facts not from any spirit of vain-gloriousness, but simply to show that I am fully competent to speak upon the subject alluded to by my correspondent. Of course I only speak for Florida, and I state most solemnly and truthfully that I have never seen a negro intimidated by a Southern white man in his exercise of the election franchise. On the contrary, I have on more than one occasion seen Southern white Democrats go with negroes who hesitated to approach the polls, and stand by their side while they voted the ticket they desired to vote, the Republican ticket.

In Florida every man votes as he chooses, without let or hinderance. Most of them vote Democratic, because they find under a Democratic government honesty, intelligence, and a wise and patriotic administration of affairs.

The patience and forbearance of the Southern white people during the trying times from 1868 to 1876 can not be too highly commended. I have known two cases of "Southern fraud" to be tried in the United States courts in Florida. In one, "Yellow Bluff," Republicans were tried and acquitted; the other, "Brevard County," where the Democratic candidate for Congress was acquitted, and the Republican county clerk was convicted. In both cases the courts were entirely in the hands of Republican officials.

The Eustis Lake Region will never uphold "Southern fraud" or any other fraud while I have editorial management of it, nor will it ever fail to render equal and exact justice to every man, white or black, Democrat or Republican; nor will it hesitate for one moment to expose fraud and injustice wherever found, and no matter where it may hit.

I am no office-seeker, have no ax to grind, and only write this article because I feel it my bounden duty never to let an unjust attack upon my adopted State go forth unchallenged.

HAMILTON JAY.

Mr. PASCO. I add, too, a recent editorial from the Lake Region, Mr. Jay's newspaper, in which he gives a fair description of the political condition of the State since it came under Democratic control; and it states sound reasons why conservative people oppose a return of the Republican party to power in this as well as the other misgoverned States of the South. And I allege, without fear of successful contradiction, that the bad record of the past, and not the suppression or fraudulent alteration of votes, is the insurmountable barrier which stands in the way of the so-called Republican party of the South and prevents its return to power.

Here is the editorial:

Florida is a Democratic State, most emphatically so. It will remain Democratic so long as party lines are drawn as close as now. All talk of carrying it for the Republican ticket in the coming State contest is sheer nonsense. It can not be done. The Northern element recently citizenized in this State adds largely to the Democratic majority on State and local issues. Republicans from every State in the Union settling in Florida find themselves confronted with a problem that can have but one solution. The Republican party of the North is only in name the Republican party of the South. Its elements vary as widely as the poles. The national issue that divides them is the same. The State issue is entirely and radically different. The thousands of Republicans who have settled in Florida during the past fifteen years find that if they would be true to the vital principles of their own party they must on State and local issues cast their fortunes with the dominant party. To do otherwise is to stultify their own professions and make a mockery of their own creed.

Viewing with clear eyes and unclouded reason the progress of the State under Democratic rule, they find that it has been the most rapid of any State in the Union, and that this rule has been wise, beneficent, and just. The administration of George F. Drew, who was elected governor of Florida in 1876, by an outburst of patriotism that ignored party lines, was the first step in the long succession of prosperity, added to by the administrations of Bloxham and Perry, which has made Florida one of the model States of the Republic. Under Democratic rule Florida has more than doubled in population, has only a nominal State debt, low taxes, a splendid school system and almost perfect security to life and property. Its record for good is unsurpassed, its promise of the future is unapproachable.

So far as Florida is concerned in our local election, the only principle at stake is that of good government. This is patent to every thinking, patriotic citizen, and has given to the Democratic party in all local contests a splendid, loyal contingent from those who in national politics are Republican to the core, but who realize in local politics the interests of good government are best subserved by the dominance of Democracy.

Never before as now was good government so necessary to the continued progress and prosperity of the State. To retrograde would be fatal. Patriotism sees this and is prepared to meet the issue. Our own course is plain. In the coming contest the Lake Region will play no neutral part. Its course will be outspoken, fair, and patriotic. It will be the earnest champion of the principles of good government, and support such measures as are best to enhance the best interests of the State. With malice toward none and charity for all, pandering to no prejudice and ignoring no virtue, we shall candidly and fearlessly advocate that wise patriotism and conservative progress that has made Florida a marvel among the States. We can only judge the future by the past, and thus judging we must in common with a very large majority of our fellow-citizens believe that the continued ascendency of the Democratic party in Florida is essential to the best and truest interests of the State.

Perhaps it may not be out of place before I leave this branch of the subject to call the attention of Senators to charges made against the South in 1874 in many respects similar to the present. A clamor was raised against Louisiana, and acts of violence and intimidation to deprive citizens of the freedom of the ballot because of their political opinions were alleged against her Democratic people. It was charged that a like condition of affairs existed in other Southern States. It was in the days when the bayonet was regarded as a legitimate addition to ordinary constitutional methods of government, and a Republican minority was being maintained in power in Louisiana by the persuasive influences of the United States Army. To use the mild language of those times, the Kellogg government was "recognized" by the President.

The matter was laid before the Forty-third Congress, when it convened at its second session, in the President's message. It was considered of sufficient importance by the House for the appointment of a special committee of seven members, to whom this part of the message relating to the condition of the Southern States was referred. The committee made a partial report January 15, 1875, which, I understand, was unanimous, and I call attention to the following extracts from it (Forty-third Congress, second session, Report No. 101, pages 2, 5–8):

Without now referring to other instances, we are constrained to declare that the action of the returning board, on the whole, was arbitrary, unjust, and, in our opinion, illegal; and that this arbitrary, unjust, and illegal action alone prevented the return by the board of a majority of Conservative members of the lower house.

Upon the general subject of the state of affairs in the South, and as to whether the alleged wrongs to colored citizens for political offenses are real, or were asserted without due foundation, your committee took such proof as the opportunity offered.

* * * * * * *

As a whole, they are constrained to say that the intention charged is not borne out by the facts before us. No general intimidation of Republican voters was established; no colored man was produced who had been threatened or assaulted by any Conservative because of political opinion, or discharged from employment or refused employment. Of all those who testified to intimidation there was hardly any one who of his own knowledge could specify a reliable instance of such acts, and of the white men who were produced to testify generally on such subjects, very nearly all, if not every single one, was the holder of an office. Throughout the rural districts of the State the number of white Republicans are very few; it hardly extends beyond those holding office and those connected with them. No witness, we believe, succeeded in naming, in any parish, five Republicans who supported the Kellogg government who were not themselves office-holders or related to office-holders or those having official employment.

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On the other hand, it was in evidence that blacks who sought to act with the Conservative party were on their part sometimes exposed to enmity and abuse In the interior one colored man was shot for making a Conservative speech, and in New Orleans it appeared from the testimony that colored men who sought to co-operate with the Conservatives were subject to so much abuse from the police and otherwise that an association of lawyers volunteered to protect them, but with little effect.

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites since 1872 that the Kellogg government was an usurpation. This conviction among them has been strengthened by the acts of the Kellogg Legislature abolishing existing courts and judges and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws centralizing in the governor every form of political control, including the supervision of the elections; by continuing the returning board, with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State militia subject to the command of the governor; by the creation in some places of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults and removing filth, and doing

work as wharfingers; by the abolition of courts with elective judges and the substitution of other courts with judges appointed by Kellogg, in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board; by unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks, issued during the years 1870 and 1872; by laws declaring that no persons in arrears for taxes after default published shall bring any suit in any court of the State or be allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have served to vest, in the language of Governor Kellogg's counsel, "a degree of power in the governor of a State scarcely exercised by any sovereign in the world."

With this conviction is a general want of confidence in the integrity of the existing State and local officials—a want of confidence equally in their purposes and in their *personnel*—which is accompanied by the paralyzation of business and destruction of values. The most hopeful witness produced by the Kellogg party, while he declared that business was in a sounder condition than ever before, because there was less credit, has since declared that "there was no prosperity." The securities of the State have fallen in two years from 70 or 80 to 25; of the city of New Orleans, from 80 or 90 to 30 or 40, while the fall in bank shares, railway shares, city, and other corporate companies have in a degree corresponded. Throughout the rural districts of the State the negroes, reared in habits of reliance upon their masters for support and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry, so generally—as Bishop Wilmarth stated without contradiction from any source—that the raising of these articles had to be entirely abandoned, to the great distress of the white people, while within the parishes, as well as in New Orleans, the taxation had been carried almost literally to the extent of confiscation. In New Orleans the assessors are paid a commission for the amount assessed, and houses and stores are to be had there for the taxes. In Natchitoches the taxation reached about 8 per cent. of the assessed value on the property. In many parishes all the white Republicans and all the office-holders belong to a single family. There are five of the Greens in office in Lincoln; there are seven of the Boults in office in Natchitoches. As the people saw taxation increase and prosperity diminish—as they grew poor while officials grew rich—they became naturally sore. That they love their rulers can not be pretended.

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But the reduction of wages, the non-fulfillment of personal or political pledges, the misfeasance of some local officials, disputes among the leading colored persons in other localities, the loss or embezzlement in some cases of the school funds, and the failure of the Freedman's Bank, all combined to divide the views of colored voters during the late campaign. An effort was accordingly made by the conservatives to acquire a part of the negro vote; with that view it was sought in many quarters to propitiate them. Frequent arrests by the United States marshals for intimidation or threats of non-employment, and the apprehension that was felt that the returning board would count out their men if excuse for such a course were offered, all combined, especially after the 14th of September, to put the conservatives on their good behavior, and the result was that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

This is from the special report made by Mr. HOAR from the select committee on that portion of the President's message in regard to the condition of the South in the Forty-third Congress, signed by Charles Foster, WILLIAM WALTER PHELPS, and Clarkson N. Potter, who constituted a subcommittee, but adopted as the report of the entire committee, of which the present Senator from Massachusetts [Mr. HOAR] was chairman.

It appears from this report, made by a committee a majority of whom were Republicans, that the election investigated, which was for members of the Legislature, had been carried by the Democrats in 1874, and that the charges as to intimidation, violence, and fraud were not sustained against them, but that some of these wrongs had been practiced by their accusers. It further appeared that the Democrats lost the fruits of their election by the counting-out process successfully practiced by the famous returning board of that unfortunate State. The report further shows that the Democratic majority, relying upon the popular majorities that they had received, met and organized the lower house of the Legislature and were then driven out from their seats by a detachment of United States soldiers.

The committee submitted its final report February 23, 1875, and the resolutions, in which the entire committee united, are as follows (Forty-third Congress, second session, Report No. 261, page 5):

Whereas both branches of the Legislature of Louisiana have requested the special committee of this House to investigate the circumstances attending the election and returns thereof in that State for the year 1874; and

Whereas said committee have unanimously reported that the returning board of that State, in canvassing and compiling said returns and promulgating the result, wrongfully applied an erroneous rule of law, by reason whereof persons were awarded seats in the house of representatives of Louisiana to which they were not entitled and persons entitled to seats were deprived of them:

Resolved, That it is recommended to the house of representatives of Louisiana to take immediate steps to remedy said injustice and to place the persons rightfully entitled in their seats.

Resolved, That William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State.

The preamble and the first resolution fully sustain the charge against the returning board of counting out Democrats who were duly elected to the State Legislature. The second resolution recommends that Kellogg, who had been counted in as governor after the election of 1872, be allowed to fill out his term undisturbed. It will be seen from the majority report that this was the result of a compromise; that the majority of the committee, composed of Messrs. Charles Foster of Ohio, WILLIAM WALTER PHELPS of New Jersey, Clarkson N. Potter of New York, and Samuel Marshall of Illinois, did not believe that he had ever been elected, but two of them, Messrs. Foster and PHELPS, deemed it best to avoid the mischief and confusion of a change, and therefore united with the other Republican members in the second resolution. I quote freely from this majority report, and it ought to have weight from the high standing of the Representatives who united in it and the fact that they were equally divided politically, so that it may be regarded as non-partisan.

Third. Eighteen hundred and seventy-four was a year of political change, in which the vote throughout all the States was seriously affected against the Republican party; a change resulting largely from the financial distress of the people, and which should therefore naturally have been even greater in Louisiana than elsewhere.

Fourth. It became the interest of the Conservatives, at least at the late election, not to intimidate but to acquire by every fair means the colored vote.

Parties who were alleged to have threatened blacks even with refusal of employment were subject to prompt arrest. It was known that pretexts would be sought to deprive the Conservatives of the result if they prevailed in the election. It was therefore their interest to avoid giving any such pretexts. Accordingly, they determined everywhere to co-operate with and conciliate the blacks. They voted down the propositions or suggestions which were made in the early part of the campaign for the refusal to employ those colored voters who would not co-operate with them, and generally sought, by combining with colored voters, to carry the election.

Local combinations against the Kellogg candidates were made in many parishes by men of all parties and colors. In several parishes a union ticket of colored conservative votes was voted for and elected. An intelligent colored witness testified that he "desired better government," and to that end "was willing to swallow the white men if the white men would swallow the colored." These causes and feelings naturally united to swell the conservative vote in such localities exactly as indicated by the returns.

Fifth. The entire want of any direct evidence to show any general intimidation of the colored voters.

Of course, in so large a State, it would be impossible there should be no instances of refusal to employ nor of intimidation. Such occur in every State. But the evidence certainly indicates no general intimidation of colored voters, and that such intimidation as did exist in the State was rather in the interest of the Republicans than of the conservatives. The United States marshals, whose chief was chairman of the Republican State committee, armed in some cases by blank warrants, and aided by Federal troops, made constant arrests before election, but not afterward. The oversight of the elections and of the returns was in the hands of Governor Kellogg's officials. Their count and return did show 29 majority of members of the lower house elected by the conservatives without any protest whatever, except in three parishes, although it was their province and duty to protest in any case where violence, or intimidation, or fraud existed.

Indeed, the direct evidence as to the election of 1874, as well as the circumstances, clearly indicate a peaceable and fair election. In fact, after the visit of the first committee and the revisit of the special committee, the Kellogg party, with all their machinery for collecting evidence, were unable to produce in the entire State more than half a dozen persons to testify to anything impeaching the freedom and fairness of the late elections who were not office-holders or connected with office-holders.

Against such facts it seems to us idle to assume that the disturbances so vividly pictured by the minority could have kept up throughout this State such a feeling of intimidation as would justify the assumption that but for that feeling the State would have gone Republican. All experience shows that the result of the election of 1874 in Louisiana, as returned to the returning board, was natural, and to be only accounted for by the reasons we have given.

We hold, therefore, that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear Conservative majority was elected to the lower house of the Legislature, of which majority the Conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

To the resolution reported to the House from the committee, as to the action of the returning board, we are all agreed.

We understand the committee to be unanimous in finding the fact that the action of the returning board has defeated the will of the people as expressed by them at the polls on the 3d of November, 1874. The people then elected to the lower house of their Legislature a majority of Conservative members; a portion of the Conservative members thus elected were refused their certificates. This is an act of great injustice to the individuals, of gravest danger to the State and free government, and ought to be immediately corrected by any power competent to correct it.

The resolution recommending the recognition of Governor Kellogg is based upon general information and not upon evidence. On this point no testimony was taken, either by the committee or any part of it. Kellogg may or not have been elected in 1872, but there is no evidence to show the fact, or, if there be, it has been neither sought nor found by this committee. Messrs. Foster and Phelps think that the popular belief, taking both conservative and radical circles, inclines on the whole to justify Kellogg and Penn's claims; and that, as Kellogg is and has been the acting governor of Louisiana for the past two years, to deny his right and install another in his place, after this lapse of time, might involve much mischief to the legal and political interests of the State.

To avoid the mischief and confusion of change, a majority of the citizens of Louisiana seem willing to accept as a compromise Kellogg's recognition and the restoration to the Conservatives of the control of the lower house.

For these reasons Messrs. Foster and PHELPS do not wish to oppose the recommendation that the administration of Governor Kellogg be recognized; neither, in view of the fact that they know nothing of the merits of the case as judged by competent evidence, do they wish to be understood as urging it. They only wish to record their agreement with those of their associates who believe that such a compromise might, by making a termination of the uncertainty in Louisiana, be on the whole less intolerable than the present distress.

But to any resolution recognizing Kellogg Messrs. Potter and Marshall are utterly opposed. They find nothing to justify the belief that Kellogg was elected. That he seized the government by the aid of Federal troops, through a void and fraudulent order which prevented the counting and return of the votes, should be a standing presumption against him.

When the people, outraged by the abuses of his government, had successfully regained the office he had usurped, he was again reseated by Federal power. By the forms of legislation with which he had intrenched himself, he once more sought to nullify the choice of the people at the late election, and to that end called on the Federal troops to break up the meeting of a Legislature.

For Congress to recognize usurpation so gross and so oppressive is, they think, to establish a precedent by which, under pretexts that can readily be found, any State government may be overthrown, the will of the people nullified, fraud and violence made permanent, and republican forms perverted to destroy liberty.

In their judgment all that is needed in Louisiana is to withdraw the Federal troops and leave the people of that State to govern themselves.

CHARLES FOSTER.
WILLIAM WALTER PHELPS.
CLARKSON N. POTTER.
SAMUEL MARSHALL.

All admitted that Louisiana had been shamefully misgoverned by

the Republicans; that there had been wrong and corruption in State and local administration, especially under Warmoth's rule, and that the Republicans had continued their power by wrongful means.

The minority report, signed by Representatives GEORGE F. HOAR, W. A. Wheeler, and W. P. FRYE, differed mainly from the majority in blaming the Democratic people for the means which, according to the findings of the minority, they had used to put down bad government and usurpation.

With such a result from a committee appointed by Speaker Blaine, composed of five Republicans and only two Democrats, to investigate charges preferred by a Republican President, can the Senator from New Hampshire reasonably expect a different result by sustaining the charges now made before an investigation committee? Is it not *prima facie* probable that his charges have no better foundation than those which were so unjustly made in 1874?

Louisiana has patiently endured fresh wrongs since that day by the usurpation of 1876. And it would have been indeed strange if her people had not arisen in 1878 without regard to race, without regard to former political associations, without regard to color, without reference to an approaching national election, and overwhelmed with their ballots the Republican candidate for governor, Mr. Warmoth, who had impudently offered his name for the support of a wronged and outraged people, when his former administration had been declared dishonest and corrupt by such high Republican authority as acted upon that committee.

I take pleasure in reciting here a statement from a well-known Republican newspaper published in Western Massachusetts, the Springfield Republican, which takes the position that Warmoth virtually gave up the battle on the eve of the election, and suggests a motive for it which is in harmony with the tactics of Southern Republicans in former contests.

It is as follows:

[Springfield, Mass., Republican, August 23.]

Senator CHANDLER delivered yesterday his speech upon the motion to inquire into the Louisiana election of April last. As to the merits of the particular motion, little need be said. He may have evidence of fraud in the spring elections, although he did not produce it. The argument by comparing the returns of previous elections will not do, because based upon the supposition that every negro is a Republican. Ex-Governor Warmoth, who was the Republicrn candidate for governor of Louisiana, presented Senator CHANDLER'S argument to him three weeks before the elections. Up to that time he had led a good party fight. Suddenly he published a letter claiming that some kind of a deal had been made by which Governor Nicholls was to be counted in. He said that it was useless for him to contend against such odds. This was a direct invitation to his followers to refrain from voting. Hundreds of negroes voted for Nicholls, and they repeated the service at New Orleans a few weeks later, thus securing some of the offices at the hands of the Democrats. Warmoth's surrender upon the eve of battle astonished the Democrats, but there was method in his madness. The returns enrich Mr. CHANDLER'S speech and give him a chance to make out a case upon paper. He succeeded in precipitating a series of personalities yesterday, and so far he was successful. The situation in the South has improved so wonderfully that it is sad to see this friend and advocate of the bloody shirt attempt to turn back the pages of history for partisan purposes.

It is not often that such an opportunity is afforded to call the attention of the country to the fact that there are Northern Republicans who not only understand the situation at the South but are willing to do justice to our section and to recognize the fact that our elections are influenced and controlled there by like causes that control and influence elections in other sections of the country.

When such utterances as this from the Springfield Republican are more frequent and the people of the North rebuke the politicians who are always trying to array one section against another for purely partisan purposes, we shall have made a great advance in dealing with this race question in politics.

As I stated in the progress of my remarks, the Republican party of the South has left behind it a bad record in this matter of honest elections, and during the time that they held control of the governments of the Southern States and maintained their ascendency by any means that would win, right or wrong, they were generally sustained by their Northern allies. When damaging proof was brought forward of a nature to shock the moral sentiment of the country, legal difficulties to its consideration were interposed and no serious check was ever given to the successful consummation of Republican election fraud or wrong in any of the Southern States. Nothing has occurred of late years to show any real change of heart in the Republican party on this subject, and we have no reason to believe that if power was restored to them and the same opportunities were again offered, they would make a better and more honest record than they did prior to 1877.

In selecting the instance that I promised to give of an election carried in the South by unlawful and irregular means and practices, I have chosen the Florida election of 1876, upon which I have for some time wished to address the Senate.

In a speech made by the Senator from Ohio on April 18, when the bill for the admission of Dakota was before the Senate, he took occasion to refer to the Presidential election of 1876 and denounced those who believe and allege that Mr. Hayes was not elected to the Presidency in the following language (RECORD, page 3241):

And hereafter when any man shall assert of President Hayes that he was elected by fraud or wrong, or that he was not duly elected, I will hold him in contempt as uttering that which is not true.

And again—

That he was fairly elected, honorably elected, I believe no man can question.

This language filled me with surprise, for I thought that the popular mind had long since become convinced that Mr. Tilden and not Mr. Hayes was really entitled to the majority of the electoral votes in that famous contest.

The subject of the debate then had was the vote of Louisiana. I have no other information as to that State than that which is open and accessible to the general reader, and shall leave the discussion of it to those who are familiar with all the details and can speak of them with greater accuracy than I can. But I have no hesitancy in saying that my own investigations, made with a sincere desire to discover the truth, have led me to a very positive conclusion as to the result in Louisiana, and that is that the State was fairly carried by the Democratic party and that Tilden was justly entitled to its electoral vote in 1876.

I believe I am sustained in this view by the published statements of the Senator from New Hampshire whose resolution is now under discussion, and as he played a large part in the management of the Republican side of the electoral contests in the disputed Southern States in that memorable year, his statements against his party friends ought to have great weight.

In 1877 and 1878, while the incidents of the struggle were fresh in his mind, he published some letters in the newspapers upon the election of 1876 and its results which were afterwards collected into a pamphlet. In this pamphlet, on pages 9 and 10, he admits that Tilden received 7,000 more votes than Hayes in Louisiana; he admits that more than 7,000 of these votes were thrown out, not on account of any wrongdoing which had been proved and established, but simply on account of alleged murder, riot, and intimidation. He expresses doubts as to its being justifiable and says that it required courage and assurances that the national exigency demanded its performance and the moral support of the North. He further says that the returning board performed this extraordinary work after receiving such assurances. I quote his language, that I may not do him injustice:

In Louisiana, however, there had been thrown into the ballot-boxes over 7,000 more votes for the Tilden than for the Hayes electors, and to make Hayes President it became necessary for the returning board, acting under peculiar local laws, to throw out more than 7,000 Tilden votes on account of alleged murder, riot, and intimidation, preventing a fair and free election in certain parishes. To perform this extraordinary, even if justifiable, work in the face of an armed and infuriated Democracy required men of undaunted courage, and such courage the returning board possessed. It required also that the board should have assurances that the national exigency demanded its performance, that the moral sentiment of the North would approve it, and that they themselves should be protected from evil consequences to be apprehended from the violence of a mob government, which it was known would be established by one Nicholls, a pretender to the office of governor against Stephen B. Packard, who was sure to be found to be elected governor if the Hayes electors should be found to have been chosen.

All these assurances were freely and forcibly given by Mr. Senator SHERMAN and his associates.

His subsequent language in referring to the way in which Mr. Hayes reached the Presidential office is, very frequently, not that he was elected to it by the people, but that he was "counted in;" and on page 24 he insinuates, if he does not directly charge, that this counting in was the result of a bargain by which Mr. Hayes was to become President upon abandoning the Packard State government.

In a letter written to him by William Lloyd Garrison, which is published in this same pamphlet, it is distinctly admitted that the election of Mr. Hayes was carried in South Carolina, Louisiana, and Florida by "bayonet rule," and the publisher of the pamphlet especially commends "the clear vision and calm judgment" of Mr. Garrison.

If, however, the result had depended upon the vote of Louisiana only, I should have remained silent. But the vote of Louisiana, added to the States which actually gave Republican majorities, was not enough to elect Mr. Hayes. Four more were required, and, notwithstanding the risk of incurring the contempt of the Senator from Ohio, I allege and charge that these were wrongfully taken from the State which I have the honor in part to represent in order to make the requisite number of votes to give Mr. Hayes an apparent majority of 1. At the former discussion the debate was extended to so late an hour that I was unwilling to detain the Senate with a full history of the circumstances that led to that result, but did not wish my silence to be regarded as an admission that Mr. Hayes was entitled to the vote of Florida. So I contented myself with a promise to go at length into the matter at a future day, which promise I now propose to redeem.

Since that time another distinguished Senator upon the other side, the Senator from Kansas, has reiterated the claim that Mr. Hayes was fairly elected to the Presidency in 1876, and in a speech made here on May 1 he uses the following remarkable language (RECORD, page 3994):

I feel bound to say that his title is the most absolutely impregnable of any in the whole line of American Presidents, because it is the only one ever passed upon by a constitutional tribunal lawfully organized for that purpose.

As well might one claim to be superior to his neighbors in honesty because he had been tried for crime and acquitted, while their integrity had never been questioned. But if the accused had been acquitted because of a want of jurisdiction in the tribunal to hear the case and listen to the witnesses, his claim to superior honesty would certainly be denied.

On the morning of Wednesday, November 8, 1876, as the returns of the election which had taken place the day previous became known to the people, it became apparent that Mr. Tilden was elected.

Subsequent history establishes it as a fact that the aggregation of the figures, which were publicly announced at the voting-places and precincts all over the United States on the evening of the election, demonstrated a majority for him both in the popular and the electoral vote.

Leading newspapers that received and published the returns in the large cities of the country announced Mr. Tilden's election on the morning after the contest. Mr. Hayes admitted his defeat, and an interview with him, held the day after the election, was published in the leading newspapers of the country. He said:

I think we are defeated in spite of the recent good news. I am of the opinion that the Democrats have carried the country and elected Tilden.

* * * * * * *

I do not care for myself, for the party, yes, and the country, too, can stand it, but I do care for the poor colored men of the South.

But the Republicans were not willing to accept the verdict of the people and relinquish their power. Without waiting for any attack upon the result, they promptly sent out agents and "visiting statesmen" to certain States whose votes they needed to make up the 185 which were necessary for a choice. One of the States thus marked out was Florida. I had the honor to serve as chairman of the Democratic State executive committee during the campaign and was familiar with the events that occurred and of the circumstances that subsequently attended the count. There was no more reason why a doubt should have been cast upon the result in Florida than in Rhode Island or New Jersey. It was always capable of ascertainment by those who desired the truth in an orderly way, without the aid of visiting statesmen or returning boards, without the presence of bayonets or artillery.

On the morning after the election Mr. Martin, who was the chairman of the Republican State committee of Florida, sent a telegram, which was published in the New York Herald, saying:

No more peaceable or quiet election was ever held in any State.

The doubts did not come from Florida; the excuse for pursuing unusual measures did not originate there. They came and originated from beyond the State. Florida at the time had a Republican governor, and every executive and judicial officer throughout the State and in every county was a Republican appointee. The election law was framed by a Republican Legislature, and was cunningly devised to give every possible advantage to the party in power. The whole machinery of the election was in the hands of the Republican office-holders and their appointees.

The governor had the appointment of the county commissioners in every county. The county commissioners designated the voting places in their respective counties, controlled the registration books and lists, and appointed the inspectors of election in every precinct. The clerk, county judge, sheriff, and justices of the peace, appointed in each county by the Republican governor, were the officers, three of whom composed the county canvassers, whose duty it was to compile the returns from the precincts and send the results of the county canvass to the governor and secretary of state. Finally, the State canvassers were cabinet officers, the secretary of state, the comptroller, and the attorney-general, all appointees of a Republican governor, all of whom had voted for Grant for President four years before, though the last named voted for Tilden in 1876.

The law required the returns to be transmitted through the mails, and it is well known that the railway mail service and the post-offices were all controlled by a national administration Republican from center to circumference. In addition to this Tallahassee was a Republican city, in a strong Republican county; in a section which was in the habit of giving large Republican majorities. The county it was in and the two nearest it on the line of railroad gave in the aggregate in the election of 1876, 6,995 Republican votes and 2,575 Democratic votes. And besides, the system of railroad which extended from the Chattahoochee to the St. Johns and from Fernandina to Cedar Keys had been seized by the State and was under the management of one of the Republican cabinet officers.

It can readily be seen which party had the advantage, and that the opportunities for wrong-doing of any kind were all with the Republicans.

We knew full well that they had these opportunities, and former experience had taught us that they knew how to avail themselves of them. Vigilance was all that was left to the Democrats.

Knowing the importance of ascertaining the actual result as it was announced at each precinct when the polls closed, the Democratic State committee arranged to be represented at every voting place in the State on the evening of the election, and their representatives were furnished with blanks similar in all respects to those in the hands of the election officers, and upon these blanks the actual result was entered. Wherever the officers were willing to do so they signed these duplicate returns, and when they refused the fact was noted and the returns were sent forward to the State committee without the signatures of the officers. This was an effectual check upon subsequent alteration, and in but one case was it attempted, and in the few cases where precincts were omitted from county returns there was no difficulty in establishing such omission, nor in telling the true result.

This result, as to the electoral vote, taking for comparison the highest vote for elector on each ticket, was as follows:

Tilden electors	24,469
Hayes electors	24,137
Tilden majority	332

The difference between the votes for electors was small, being 6 on the Republican ticket and 3 on the Democratic.

The Democratic majorities on the State ticket were about 500 greater.

There were but two changes in these results between the precinct and county canvass.

In Clay County one precinct was not included in the total number of votes. It was omitted because there was no signature to the jurat of the oath of the inspectors. The vote of this precinct was, however, given upon the return, and was as follows:

Tilden electors	29
Hayes electors	6

It was subsequently proved before the State canvassing board that the inspectors were in fact sworn, and the election at this precinct was never impeached, nor was any attempt made to impeach it.

In Alachua County a bold and successful fraud was perpetrated at a precinct known as Archer No. 2, by which 219 votes were added to the Republican figures after the public announcement of the result at the polls on the evening of the election.

The vote as announced was—

Republican	180
Democratic	136
Total	316

The vote as canvassed was—

Hayes electors	399
Tilden electors	136
Total	535

Three reputable citizens swear to the above public and official announcement.

Samuel T. Fleming, a well-known citizen, of good character, of the same county, also swears that he was present all day long, from the opening to the closing of the polls, and took down the names of all the voters who voted from the outside, and that there were 305 who so voted, and besides there were about 15 inside of the room who voted, but whose names he did not take down.

Two of the three inspectors have sworn that the smaller of the above votes was the true result.

It appears that after the public announcement of the vote the returns were signed in blank, leaving the number of votes to be inserted later, and one of the Republican inspectors, Richard H. Black, and the Republican clerk of the election, Thomas H. Vance, took charge of the return, poll-book, ballot-box, etc., and went to Gainesville, the county site. Soon after midnight they arrived at the house of L. G. Dennis, one of the leading spirits among the Florida Republicans, popularly known as "the little giant," then a candidate upon the legislative ticket.

There seems to have been some disappointment as to the number of the Republican votes from the precinct, and upon the complaint of Dennis, Black and Vance agreed to add something over 200 votes to the Republican side. So in his presence they took the county registration list and deliberately copied from it the requisite number of names to the poll-book andadded the corresponding number of votes to those given to the Republican candidates, and thus filled in the blank returns.

All the details of this crime were not disclosed at the State canvass, but it was clearly proved, and was a matter of public notoriety at Tallahassee; and at a later date, when the Potter committee was organized, Dennis was summoned to attend as a witness, and on oath told how the whole affair was managed.

His testimony appears in the report of the Potter committee (volume 1, pages 494 and 495). His own account of this transaction is given in a published statement, to which he refers in his testimony, which reads as follows:

L. G. DENNIS UNDER A STATEMENT.

The following is a statement made by L. G. Dennis about the fraud in Alachua County. It will be supplemented by a more detailed statement:

"WASHINGTON, D. C., *March* 22, 1878.

"I have resided in Alachua County, Florida, since January, 1866, and was elected to the State Assembly in 1876, at the same time of the late Presidential election. I was at that time a member of the State central committee of the Republican party of Florida, and also chairman of the Republican committee of Alachua County. I was also president of the board of county commissioners of Alachua County from 1873 to 1877, and was familiar with the manner of registration and manner of voting, the location of the polls, and all other election machinery. As president of said board, and with the consent of said board, I located all the polling-places, appointed all the inspectors who conducted the election, received and counted the ballots, and made and certified to the returns. I appointed as inspectors of Archer precinct, box No. 2, Green R. Moore, Floyd Duke, and Richard H. Black. Thomas D. Vance went at my request to Archer precinct on the day previous to the election, and was appointed by the inspectors clerk of the election at box No. 2, and served as such. I was at Gainesville on the day of the election, and on that night and the day following my residence was the headquarters of the Republican party, and during the night preceding the election all information was brought to me there.

"Some time after midnight of that night Inspector Black came to my house and reported to me that the result of the election at box No. 2 for Presidential electors was as follows: For the Hayes electors 180, for the Tilden electors 136.

A little later Mr. Vance, the clerk at said box No. 2, came and made the same report. Subsequently both Black and Vance came to me and said they had the returns from Archer precinct, box No. 2, signed in blank by the inspectors, and that they would make out the returns so as to meet the expectations of their own party. They retired to a private room, where they remained two or three hours, and then informed me that they had added about 200 names to the poll-list as having voted and had increased the Republican vote to that extent, and I afterwards learned that they had added 219 names to the poll-list.

"I entered the room while they were employed there, and saw them copying names from the county registration list upon which those who had actually voted at Archer precinct, box No. 2, were checked off, and the new names were selected from the names of Republican voters who had not already voted at that precinct. After completing the returns in this manner they filed them with the ballot-box with the county clerk.

"The county commissioners met a few days after election, the board consisting of I. E. Webster, clerk of the court; W. H. Belton, justice of the peace; and Louis A. Barnes, the sheriff, all of whom were Republicans. During the canvass Inspector Moore appeared before the board and submitted an affidavit to the effect that the returns from Archer precinct No. 2 were false, and that the true returns should be for the Hayes electors 180 votes, and the Tilden electors 136 votes, but the board decided they could not hear evidence as to the truth or falsity of the returns, and upon the face of the returns the vote of the county was as follows: For the Hayes electors, 1,984; for the Tilden electors, 1,267; the result included the 219 votes for the Hayes electors which were added to the vote cast at Archer precinct, box No. 2, by Black and Vance. These returns were sent to the governor and secretary of state. After these returns were filed with the secretary of state an effort was made to invalidate them so far as Archer precinct, box No. 2, was concerned. Affidavits signed by Floyd Dukes and Greene R. Moore, and an official statement from Mr. Webster, clerk, were filed with the State canvassing board, for the purpose of showing that the returns from Archer precinct, box No. 2, were false and fraudulent. It also appeared that Mr. Belton, the justice of the peace, had not signed the return filed with the secretary of state and governor. One of the duplicate returns was sent back to Alachua County, and Belton's signature was obtained. Moore also was induced to make a counter-affidavit denying the truth of his former affidavit. A counter-affidavit was also obtained from Floyd Dukes, denying his former affidavit.

"The grand jury of Alachua County investigated the Archer precinct matter, but failed to find any fraud, and passed a resolution to that effect. Whereupon Mr. Webster was induced to withdraw his statement and make another to the effect that he was satisfied that the return was all right. Then affidavits and statements were laid before the State canvassing board, and the returns were counted. This result gave the Hayes electors 219 more votes than were cast for them.

"I have never heretofore made any written statement or given any evidence regarding this election in Alachua County.

"L. G. DENNIS."

The above was sworn to in Florida before a justice of the peace, and is certified by the secretary of state.

But this fraud was carried into the county return and it entered into the general result, and Mr. Hayes received the full benefit of it in all the final statements, whether Democratic or Republican.

And to give some idea of the condition of society there at that time and the facilities in the hands of our political opponents, I may as well state here that after taking these names, as Black and Vance did, according to the sworn testimony of Dennis, at random from the registration list, the Republican managers went out into the highways and byways and brought in men who readily swore that they cast these surplus votes.

Deducting the vote of the Clay County precinct wrongfully omitted and adding the fruits of the Archer fraud to the Republican side gives the actual electoral vote as it reached the State capitol:

	Tilden.	Hayes.
Total vote as before	24,469	24,137
Deduct Clay County precinct	29	6
	24,440	24,131
Add Archer fraud		219
		24,350
Democratic majority		90

According to the law of the State as then clearly understood, and as afterwards declared by the supreme court, this was the actual electoral result, and it should have been promptly announced without endangering the peace and safety of the country.

This was the situation in Florida the day after the election. The returns showed a majority for the Tilden electors, notwithstanding they came from Republican officials, through Republican sources; notwithstanding the opportunities for fraud and their willingness to perpetrate it. The Tilden electors would probably have received the official proofs of their election but for events which were transpiring outside of the State. The Republican leaders found that they required more votes; a political necessity was urging them on, and the circumstances which I am about to relate, taken in connection with their subsequent acts, indicate a determination to secure a majority of the electoral votes and the inauguration of Mr. Hayes, whether he was elected by the people or not.

Three witnesses have sworn before committees of Congress appointed to investigate the election of 1876 and matters pertaining thereto that on the day after the election, the very day when, as I have already stated, the chairman of the Republican State committee had telegraphed that no more peaceable or quiet election was ever held in any State, telegrams were received from trusted leaders of the Republican party in the North stating that the salvation of the country depended upon the vote of Florida being cast for Hayes, and that money and troops would be forthcoming if necessary to secure this result. This was in advance of any call for aid, and in advance of any complaint of disturbance, and while Florida was peaceful and quiet as Vermont.

One of the witnesses, who was the regular telegraph operator at Tallahassee, says that one telegram from Tallahassee, in reply to the suggestion coming from Washington or New York that the returns must be attacked, inquired upon what grounds they should attack them, and the reply said, fraud, intimidation, and some other word which he did not remember. The money was sent, as Mr. McLin, the chief of the returning board, and others testified; the troops were ordered to the State capital, and the war upon the honest majorities was commenced.

Among the visiting statesmen who visited Florida to aid the Republicans in their efforts was the present junior Senator from New Hampshire; and it has since been alleged by Mr. McLin, the secretary of state and chairman of the board of State canvassers at the time, when he was under oath before the Potter committee as a witness, in June, 1878, that he was approached by Mr. Chandler during the canvass, who assured him that if the State went and was canvassed for Mr. Hayes the majority of the returning board would be well taken care of.

This has never been denied by this gentleman, although the opportunity was given to him by the committee and he was sworn as a witness and his attention was called to McLin's testimony on this very point, but he never met the charge with a square denial. And in the pamphlet to which I have already referred he says that the choice of Hayes electors in Florida "was declared without extraordinary assurances from the Northern visitors."

McLin was taken care of and was appointed associate justice of the supreme court of New Mexico, and nearly all of the other guilty agents, whether of high or low degree, who aided in the work of changing the vote of Florida received some Federal appointment, whether in recognition of the special services rendered or because of their superior fitness for the positions they were placed in we can judge for ourselves. And most of those who did not get official place and position were permanently soured against the Hayes administration, because they failed to get the "recognition" that it seems they were led to expect.

The next step in the conspiracy to count the vote of Florida for Hayes and Wheeler was to make the face of the returns show a majority in their favor. The Democratic county of Baker was selected, about whose vote there had been no doubt nor dispute. The county was in the northern part of the State, was traversed by a line of railroad, and the vote had been regularly and publicy canvassed by the county clerk and the only justice of the peace in the county directly after the election. The county judge should have joined with them, but he declined, and in his absence, the sheriff, who also declined, so the two remaining officers acted without them. But this was in accordance with precedent, and there was no controversy about the result. The precincts of the county, four in number, aggregated as follows:

Precincts.	Tilden electors.	Hayes electors.
Olustee	32	
Sanderson	57	130
Johnsville	84	
Darbyville	65	13
Total	238	143

The legal canvass was made by the clerk and Justice Dorman November 10, and on the 13th they made a second canvass with precisely the same results, and sent with the second return a statement that they had been obliged to discharge their duty as county canvassers without the aid of the county judge or the sheriff because of the refusal of each of those officials to act with them. The clerk left the court-house about 6 p. m. It was dark when he left there. He had been obliged to light a candle to finish his writing before leaving. He lived a few miles from town, and went on home. After he left the deputy clerk (Howell), who claimed an office afterwards as the originator of this scheme, furnished Driggers with the key to the clerk's office, and thus a fresh lot of canvassers gained admission and entered upon the scene.

Driggers, the county judge, had persuaded the sheriff to help him under the false pretense that it was necessary because of the clerk's absence, when in fact the clerk had been in town and at his post of duty all day. Up to the 11th of November, a few days after the election, Dorman, who had already assisted at the legal canvass, was the only justice of the peace in the county. On that day the governor, at Driggers's request, made to enable him to get up this false canvass, gave Driggers a commission appointing William Green as a justice of the peace, and Driggers looked him up and secured his aid. The three conspirators, under the cover of darkness, sought the court-house. They knew that the canvassing board had met, discharged their duty, and adjourned. Driggers had, in conversation with the clerk, announced himself as satisfied with the canvass already made. There were no spectators.

They took the precinct returns as the canvassers had left them. Driggers presided, and without any evidence before them, without seeking for any, they undertook to throw out the unchallenged returns from the two Democratic precincts of Johnsville and Darbyville, which gave

149 votes to the Tilden electors and 13 to the Hayes electors, and to include only the other two precincts in their pretended canvass.

They remained at the clerk's office but a short time and completed their work at the house of a neighbor.

The two precincts thus thrown out just reversed the result, and instead of 90 majority for Tilden it is 46 for Hayes, as the figures show:

	Tilden.	Hayes.
Former figures	24,440	24,350
Deduct the two Baker County precincts	149	13
	24,291	24,337

Hayes	24,337
Tilden	24,291
Majority for Hayes	46

All of these returns went forward to the capitol, and when the State canvassers presented the returns the secretary of state held back the true and honest return and brought forward the partial and fraudulent substitute as the only return received from the county. It was only after a determined effort that the chairman of the Democratic State committee succeeded in drawing from the secretary of state the return first received, which proved beyond all successful controversy that the papers upon their face showed that Tilden was entitled to the electoral vote of the State.

So thoroughly was this fraud exposed that the State canvassing board refused to give vitality to it and canvassed the county by including the returns from all the four precincts, and thus it was admitted that, so far as the returns are concerned, they show a Tilden majority, and they were as follows when arranged by counties:

Counties.	Democratic electors.				Republican electors.					
	Wilkinson Call.	James E. Yonge.	Robert B. Hilton.	Robert Bullock.	F. C. Humphries.	C. H. Pearce.	W. H. Holden.	T. W. Long.	C. H. Humphries.	Marcellus L. Stearns.
Alachua	1,267	1,267	1,267	1,267	1,984	1,984	1,984	1,984	.....	.....
Baker	238	238	238	238	143	143	143	143	.....	.....
Brevard	111	111	111	111	58	58	58	58	.....	.....
Bradford	703	703	703	703	202	202	202	202	.....	.....
Calhoun	215	215	215	215	63	62	63	63	1	.....
Columbia	903	903	903	903	718	718	718	718	.....	.....
Clay	286	287	287	287	122	121	122	122	.....	.....
Duval	1,436	1,437	1,437	1,437	2,367	2,366	2,367	2,366	.....	1
Dade	5	5	5	5	9	9	9	9	.....	.....
Escambia	1,426	1,426	1,426	1,426	1,602	1,602	1,602	1,602	.....	.....
Franklin	167	167	167	167	91	91	91	91	.....	.....
Gadsden	835	835	835	835	1,300	1,300	1,300	1,300	.....	.....
Hamilton	617	617	617	617	330	330	330	330	.....	.....
Hernando	579	579	578	579	144	144	144	144	.....	.....
Hillsborough	790	790	790	789	186	186	186	186	.....	.....
Holmes	300	300	300	300	16	16	16	16	.....	.....
Jackson	1,397	1,397	1,397	1,397	1,299	1,299	1,299	1,299	.....	.....
Jefferson	737	737	737	737	2,660	2,660	2,660	2,660	.....	.....
La Fayette	309	309	309	309	62	62	62	62	.....	.....
Leon	1,003	1,003	1,003	1,003	3,035	3,035	3,035	3,035	.....	.....
Levy	487	488	487	487	207	207	207	206	.....	.....
Liberty	147	147	147	147	83	83	83	83	.....	.....
Madison	1,078	1,078	1,078	1,078	1,524	1,524	1,524	1,524	.....	.....
Manatee	262	262	262	262	26	26	26	26	.....	.....
Marion	958	958	958	958	1,552	1,552	1,552	1,552	.....	.....
Monroe	1,047	1,047	1,047	1,047	980	980	980	980	.....	.....
Nassau	667	667	666	667	802	802	802	802	.....	.....
Orange	908	908	908	907	208	207	208	206	.....	.....
Putnam	505	605	605	605	586	586	586	586	.....	.....
Polk	456	456	456	456	6	6	6	6	.....	.....
Santa Rosa	768	768	768	768	409	409	409	409	.....	.....
Sumter	506	506	506	505	173	173	173	173	.....	.....
St. John's	501	501	501	501	338	338	338	338	.....	.....
Suwannee	626	626	626	626	458	458	458	458	.....	.....
Taylor	242	242	242	242	73	73	73	73	.....	.....
Volusia	460	459	459	460	186	186	186	186	.....	.....
Wakulla	361	361	361	361	182	182	182	182	.....	.....
Walton	626	628	628	628	46	46	47	46	.....	.....
Washington	407	407	407	407	119	119	119	119	.....	.....
Total	24,440				24,350					

I might safely stop here, for, as I will show later on, the Supreme Court finally decided that it was the duty of the State canvassers to count the returns, and that they had no right to change them or to reject them when regular on their face. But I prefer to call attention to the fact that the Republicans had everything to lose and nothing to gain by an investigation of the election, and I shall confine myself to the larger matters which were brought to the attention of the State canvassing board.

In Leon County, at a precinct known as Richardson's School-House, about 10 miles from the State capital, 73 "little jokers," as they were termed, were surreptitiously introduced into the box, probably before the election commenced. This "little joker" was a very small ballot with the names of the electoral, State, and county candidates of the Republican party printed upon it.

The circumstances attending this fraud were as follows: Bowes was the leading spirit. He was the County Superintendent of public instruction and the local editor of the Republican organ at Tallahassee. He sent word to Amos Rouse, who had been appointed as the Democratic inspector, who lived a few miles from the voting-place, that he would call at his house on the morning of the election, take an early breakfast with him, and go on together with him to the precinct at Richardson's School-House. Instead of doing so he took Lawrence R. Booth, Isaac Dent, and Wiley Jones, three colored men and Republicans with him the night before and they slept at the school-house. They were all non-residents of the district. Rouse delayed a little before going to the precinct on the morning of the election, waiting for Bowes, and at length rode on to the school-house and reached there before 8 o'clock, the time fixed by law for beginning the election. He found that Bowes had substituted Isaac Dent in his place and that the election was proceeding without a Democratic officer. He staid by the box all day, and swears that none of the "little jokers" were openly voted and that none appeared till the box was opened at night. The poll-book consisted of a lot of detached sheets; neither the names nor the pages were numbered. It was proved that two or three of the sheets contained names of men who voted at other precincts; many of them swore before the House committee that they had never been to Richardson's School-House in their lives.

These small ballots were printed at the office of the official newspaper of the State, the Republican organ, and for the very purpose of fraud, though there was no proof that they were used elsewhere.

Hayes received the full benefit of these 73 "little jokers," and as the face of the returns, even counting the false return from Baker County, only gave him a majority of 46, Bowes could claim that he made a President with these instrumentalities. He was indicted for his crime and fled to Washington, where he was provided for in the Treasury Department.

In Jefferson County there was a population of about 3,000 males over the age of twenty-one. This was ascertained by a State census taken the year before, and by a census of those old enough to vote taken by the party organization of the Democratic party during the campaign. They differed about 150, a fair increase of the population during the interval. Notwithstanding this the registration list contained about 4,350 names and 3,401 votes were cast and counted on the election day. A comparison of the registration list with the census showed that only 2,829 legal voters had actually registered. The excess was shown to be on the Republican side. If every person of the requisite age had been entitled to vote and had voted the excess was 572 (3,401—2,829) votes, which, however, is only the minimum of the fraudulent vote. Many had been convicted of crime or were from other causes disqualified from voting; some who had registered did not vote.

The excess was composed of convicted and unpardoned criminals, young men in their non-age, repeaters, persons who had not gained a residence of sufficient length to entitle them to a vote; and in one precinct the county judge, who was also a precinct canvasser and a Republican in good standing in his party, at a precinct 10 or 12 miles from his home, boasted that he had substituted and counted a package of 100 Republican votes which had not been cast by the voters for a similar package of 100 Democratic votes which had been cast by the voters.

These are the larger frauds which the Democratic managers established, and the difficulties in their way will be understood when I again state that all the machinery of the election and all the original records of it were in the hands of the Republican appointees. It will thus be seen that the Democratic majority of 90 was in spite of the following fraudulent votes and omissions:

Clay precinct, Democratic majority omitted	23
Archer precinct	219
Richardson's School-House	73
Jefferson, fraudulent Republican excess	572
	887

The State canvassing board decided, contrary to law, that they had the power to go behind the returns, and instead of doing so in the interest of right they passed by these manifest frauds in Alachua, Leon, and Jefferson. All that they did was to count the omitted precinct in Clay and deduct about 60 from the Republican majority in Jefferson. This was a mere straining out of the gnats.

They did, however, go back of some of the Democratic returns, and the following are the principal reductions, which I will review in order:

Counties.	Tilden.	Hayes.
Hamilton:		
Jasper No. 2	323	185
White Springs	83	58
Jackson:		
Friendship Church	145	44
Campbellton	291	77
Manatee	262	26
Monroe	401	59
Total	1,505	449

In Hamilton County two Democratic precincts were attempted to be thrown out by a majority of the State canvassing board, against the protest of the third member. At Jasper No. 2 the board continued its work until 4 the next morning, and the result was publicly announced. The night was cold; there was no fire in the court-house, where the election was held. The officers had been on duty for about twenty hours and were exhausted. They adjourned without objection till 9 a. m., when they reconvened, filled up, and signed the papers according to the result as announced the night before. The figures were unchallenged, and the irregularities complained of had no effect whatever upon the vote as cast and counted. The return was regular upon its face, and the attempt to exclude it was in violation of law, and the courts which passed upon this vote decided that it must be counted.

At White Springs the election was regular, fair, and unchallenged. But the blank form sent to the precinct was defective; there was no place in it for the electoral vote and it was overlooked, and the electoral vote, which had been publicly announced and was known to the community, was omitted in the return, though appearing on the tally-sheets and on the ballots which were strung and forwarded to the court-house with the return. When the county canvass began, six days later, the omission was discovered; the inspectors were summoned to the court-house and requested to correct their return. They could have been forced to do it under the laws of Florida. They reviewed their work, used the tally-sheets and other papers, and filled out a new set of returns which simply spoke the truth. Everybody knew it to be the true return. No objections were made to the course pursued, and the officers simply discharged their duty. The county canvassers accepted the return and included it in their county canvass.

It would have been strange indeed if the courts had sustained the effort to deprive the people of Hamilton County of their votes on such slender pretexts, especially when these mistakes and irregularities occurred through election officers appointed by the Republican State and county governments, who were not likely to act against those who appointed them, and no charge of corruption was ever made against either set or inspectors in connection with these matters. The only effort that was made to charge fraud upon the Democrats was in Jackson County, and it was upon this ground that the two precincts of Friendship Church and Campbellton were excluded from the count in the first canvass made by the State canvassing board.

This charge was based mainly upon the idea that all the colored people voted the Republican ticket. A miscount or substitution of 56 votes was alleged at Campbellton. There were two Republican inspectors and one Democratic, as was testified before the Senate committee by one James Gaston, a United States deputy marshal on duty there, and himself a Republican. A similar miscount of 23 was alleged at Friendship Church. And irregularities were charged at both precincts which, if true, would be sufficient to throw a cloud upon the result but for the fact that the Republicans had a majority of the election officers and would hardly defraud their own party friends.

There was much conflicting evidence. But the Democrats produced testimony to show that large numbers of colored men had voted the Democratic ticket secretly, because of the espionage kept over them and the persecution visited upon them by those of their color who were Republican partisans.

After the election soldiers were ordered to the county, and some affidavit takers accompanied the detachment from Tallahassee. No matter what may have been the intention of the officer who sent these troops or the disposition of the one who had immediate command of them, the Republican managers well knew how to take advantage of their presence. The ignorant colored men under this pressure were collected by scores and made affidavits in wholesale quantities.

No fair-minded man, who knows the political and social condition of the Southern States during the terrible period of the second reconstruction, can read over all the affidavits and testimony taken upon the Jackson County election about the time of the electoral contest, and give a verdict against the official result. And if they could, the whole loss to the Republican party which is claimed is less than their fraudulent addition to the Republican result at Archer precinct, No. 2, in Alachua County, which was proved beyond a doubt or a peradventure, and was afterwards admitted by the chief of the guilty actors.

The next county that invites our attention is Manatee. In 1876 this was far beyond all railroad communication. Some of the towns and settlements in its western borders could be reached by steam-boat, but the only means of travel to the larger part of the county was by stage or private conveyance to Gainesville, the most accessible point on the railroad, which was 175 miles or more from Pine Level, the county site. It was in an attractive part of the State, whither the tide of immigration was then drifting, and the vote was always on the increase.

The history of the transaction shows that it was a part of the programme of the managers of the Republican campaign in Florida to deprive the people of Manatee of all their elective rights in 1876, and rob the county of her vote.

During the month of October it was rumored that the Republican clerk had resigned, and notice of the rumor was sent to the Democratic State committee over the Cuba wire, which extended through the western part of the county. Upon inquiry at the State capitol the rumor was found to be true, and the utmost indifference was manifested about filling the vacancy, though at first the secretary of state talked fairly about the matter. The Democratic State committee offered to pay all the expense of carrying on the necessary correspondence by telegraph and to make a bond for the new officer, whoever he might be, at Tallahassee. This offer was not accepted, and the State officials pursued the usual course.

The office was offered to one J. D. Green, a Republican, and he was notified by mail of his appointment, but his acceptance and bond were delayed, and he did not qualify till after the election. The acceptance of the resignation only a month before the election by the governor, who was a candidate for re-election, and the delay in filling the office could have been for no other purpose than to prevent the registration of the new voters, in the hope that the election might be abandoned, or clouded if held at all.

But there were citizens of Manatee County who knew their rights and had the courage and intelligence to maintain them. The county judge, Hon. E. M. Graham, was an able and experienced lawyer, and under his direction all the formalities of the law were carried out as closely and fully as they could without the aid of a clerk. The county commissioners met and made arrangements for the election. The people assembled at the voting places as at the preceding election. Inspectors were appointed for each precinct. The boxes, papers, and forms that were necessary for holding the election, except the lists of voters which only the clerk could furnish, were sent out in due time. The inspectors were directed to allow none of the new voters, who had been unable to register, to vote, and to receive only the votes of such as had registered and voted at former elections.

As a new registration is not necessary at every election under the Florida law these were qualified voters. And in order that there might be no doubt as to the qualifications of those who actually voted, each voter was required to swear that he was so qualified before his vote was received. In this way a part of the vote of the county was saved. The election was orderly and quiet.

At some of the precincts members of both political parties participated in it; at some the Republicans remained away. The returns were formal and regular, and were duly canvassed and sent up to the State capitol, where all these facts were shown before the State canvassing board.

The vote as compared with that at the nearest preceding elections was as follows, and Mr. Graham testified that since 1874 there had been many changes of influential men from the Republican to the Democratic party:

Election.	Democratic.	Republican.	Total.
1872—Presidential	198	79	277
1874—Congressional	249	77	326
1876—Presidential	262	26	288

The only excuse for throwing out the county was that some of the formal requirements of the law were not complied with before the election. Why they were not has been shown. It was because there was no clerk, and some of the clerk's duties could not be discharged by any one else; but if the Republicans suffered any damage thereby it is manifest that it was because they willfully refrained from voting in the hope that by doing so they might discredit the election.

The other county that was attacked was Monroe, in the extreme southern part of the State, including the island of Key West, and the third precinct, one of the wards of the city of Key West, was excluded on the following ground, which appears upon the return:

> This precinct rejected on the ground that the inspectors adjourned before completing the canvass and resumed at a different place next day.

It was proved that the vote was canvassed regularly on the night of the election and the result publicly announced, and that the returns corresponded with that result so far as the electoral, State, and Congressional vote was concerned. The adjournment was made at midnight by general consent and without objection by any one, all being tired out with their continuous and protracted session, and two of the inspectors complaining that they were sick.

This gives the history of the rejected precincts and counties. The reductions left the Hayes electors in the majority, and I feel safe in saying that, even if the State canvassers had had the power to exercise the jurisdiction they attempted, it was not exercised so as to support the right. The facts have been spread upon the public record, and the future historian can refer to them when the time arrives for an impartial and correct history of this period.

The State canvass was closed early on the morning of December 6, the day fixed by law for casting the electoral vote; the result was clearly indicated a few hours sooner by the marching of a detachment of armed soldiers into the capitol yard, and they placed their sentinels around the building and the night was illumined by their camp fires. It was the cowardice of conscious guilt that prompted this movement, for Tallahassee was as peaceful and quiet as an Arcadian village, notwithstand-

ing the near termination of this important act of the great drama that was being enacted in the presence of the American people.

But the Democratic leaders did not slack in their diligence. Proceedings were at once commenced to contest the result. An information in the nature of a quo warranto was filed in the circuit court of Leon County by the Democratic electors, one of whom was my colleague, who sued in their own behalf as well as in the behalf of the people of the State of Florida, and prayed due process of law against the Republicans who claimed to be electors to answer by what authority they attempted to perform the functions of electors, and further prayed judgment of ouster against them.

The information was served on the Republican electors, the court ordered a writ of summons to issue from the clerk's office, and the clerk issued it. It was served upon the defendants while collected at the capitol to cast the electoral vote of the State and before they had discharged the duties of their offices. In this proceeding all the questions of law and fact were raised and tried. The question of the jurisdiction of the court was put in issue and decided in favor of the jurisdiction. Issue was joined upon the merits of the case, and on the 25th day of January, 1877, a final judgment was rendered in favor of the Tilden electors and against the Hayes electors. The judgment was in the following words:

The State of Florida, *ex rel.* Wilkinson Call, Robert Bullock, Robert B. Hilton, and James E. Yonge, *vs.* Charles H. Pearce, C. Humphries, W. H. Holden, and T. W. Long.

Information in the nature of quo warranto.

And now, on this 25th day of January, 1877, came the parties by their attorneys, and the court having fully considered what should be its findings and judgment herein, finds that respondents did not, as shown upon the face of the returns of the election held on the 7th day of November, A.D. 1876, transmitted to the Secretary of State from the several counties, and did not, in fact (as shown by the proof produced herein), receive the highest number of votes cast at said election for electors of President and Vice-President of the United States for the State of Florida. But that the relators did, as shown by said returns upon their face, and did in fact, as shown by the proof produced herein, receive the highest number of votes cast at said election for such electors. It is therefore considered and adjudged that said respondents, Frederick C. Humphries, Charles H. Pearce, William H. Holden, and Thomas W. Long, were not, nor was any one of them, elected, chosen, or appointed, or entitled to be declared elected, chosen, or appointed, as such electors or elector, or to receive certificates or certificate of election or appointment as such electors or elector. And that the said respondents were not, upon the 6th day of December, or at any other time, entitled to assume or exercise any of the powers and functions of such electors or elector. But that they were, upon the said day and date, mere usurpers; and that all and singular their acts and doings as such were and are illegal, null, and void.

And it is further considered and adjudged that the said relators, Robert Bullock, Robert B. Hilton, Wilkinson Call, and James E. Yonge, all and singular, were at said election duly elected, chosen and appointed electors of President and Vice-President of the United States, and were, on the said 6th day of December, 1876, entitled to be declared elected, chosen, and appointed as such electors, and to have and receive certificates thereof; and upon the said day and date, and at all times since, to exercise and perform all and singular the powers and duties of such electors, and to have and enjoy the pay and emoluments thereof. It is further adjudged that said respondents do pay to the relators their costs by them in this behalf expended.

A motion was made for a new trial and was overruled, and notice of an appeal to the supreme court of the State was given.

An offer was made to secure an early hearing before the supreme court by General E. A. Perry, now governor of the State, and my colleague, who represented the relators, but the attorney for the respondents declined an immediate hearing. In fact they never completed nor prosecuted any appeal, and the relators finally, under a rule of court, disposed of the proceeding by docketing the appeal and taking an order for its dismissal. The record of the action of the supreme court in this matter is as follows:

No. 11. Fred. C. Humphries, Charles H. Pearce, W. H. Holden, and Thomas W. Long, appellants, *vs.* The State of Florida *ex rel.* W. Call, Robert Bullock, R. B. Hilton, and James E. Yonge, appellees.

Now come the said appellees (and having produced and filed a certificate from the clerk of the circuit court for Leon County, in which court said cause was tried, that an appeal had been obtained and bond given by said appellants) and move the court to docket and dismiss the appeal herein taken, because the appellants have, for two terms of this court, failed to file in this court the copy of the proceedings in the court below.

E. A. PERRY,
Attorney for Appellees.

JANUARY 15, 1878.

I, David C. Wilson, clerk of the supreme court of the State of Florida, do hereby certify that the above is a true copy of motion No. 11, of the January term, A. D. 1878, as it appears on page 201 of motion docket No. 1, now in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said supreme court, at Tallahassee, this 14th day of May, A. D. 1888.

DAVID C. WILSON,
[SEAL.] *Clerk Supreme Court State of Florida.*

At a regular term of the supreme court of the State of Florida, held in the supreme court room in the city of Tallahassee, on Friday, the 18th day of January, A. D. 1878.

Court met pursuant to adjournment.

Present: Hon. E. M. Randall, chief-justice; J. D. Westcott, R. B. Van Valkenburgh, associate justices.

Frederick C. Humphries, Charles H. Pearce, W. H. Holden, and Thomas W. Long, appellants, vs. The State of Florida *ex rel.* Wilkinson Call, Robert Bullock, R. B. Hilton, and James E. Yonge, appellees. Quo warranto. Appeal from Leon circuit court.

Motion (No. 11) heretofore entered to docket and dismiss the appeal in this cause was this day submitted to the court; whereupon it was considered by the court that said motion is granted.

I, David C. Wilson, clerk of the supreme court of the State of Florida, do hereby certify that the above is a true and correct copy of the order dismissing the appeal in the above stated cause, as it appears upon the minutes of said supreme court, on page 653, volume 1, Minutes Supreme Court of Florida, and dated January 18, A. D. 1878.

In testimony whereof I have hereunto set my hand and affixed the seal of said supreme court, at the court-room in the city of Tallahassee, this 5th day of May, A. D. 1888.

[SEAL.]

DAVID C. WILSON,
Clerk Supreme Court of Florida.

This could not be done until after the inauguration of Mr. Hayes, and was fruitless so far as the possession of the office of the Presidency was concerned, but it demonstrated the fact that by the judgment of the highest court in the State four of the electors who voted for him were usurpers, and without those votes he had, in good conscience, no valid title to the high office he occupied.

While the appeal prevented an execution of the judgment of ouster in the quo warranto proceedings, the efficacy of the judgment was not impaired by such appeal.

Meanwhile the attorney-general, constituting a minority of the canvassing board, certified to the election of the Democratic electors, but the governor refused them the usual lists and gave them to the Republican electors. The Democratic electors met at the State capitol, voted for Tilden for President and Hendricks for Vice-President, complied so far as was in their power with all the requirements of the law, and sent on the certificates of their action to the proper persons, one of them to the President of the United States Senate. These certificates were perfect except that they were not accompanied by the lists of the names of the electors made and certified by the governor, and this is not a constitutional but a statutory requirement, and such certificate was not regarded as essential by the Electoral Commission in the Oregon case. But if the evidence of their title was not present it existed, and the votes cast by them and certified actually represented the true result.

The questions of law and fact came before the supreme court of the State in another branch of the case, and while the electors were not parties and were not technically bound thereby, the canvassing board were, and it was through their action that the Republican electors obtained their possessory title to the offices whose duties they attempted to discharge.

The State canvassing board went on after completing the electoral result as already stated and by the same methods worked out a majority for the Republican candidate for governor, though somewhat smaller, owing to the difference between the State and the electoral vote.

Thereupon the Democrats applied for and obtained from the supreme court of the State an alternate writ of mandamus requiring the canvassing board to reconvene and canvass the returns as they appeared on their face or show cause to the contrary.

In this suit (which is reported in 16 Florida) the supreme court passed upon the whole case, the powers of the board of State canvassers, their duties under the law, and the actual result of the election so far as the State officers were concerned. They sustained the face of the returns, they decided that the vote of Manatee County was improperly excluded, and that the reduction in the vote of Hamilton, Jackson, and Monroe was without authority of law. I have that judgment here.

It is as follows:

State of Florida on the relation of George F. Drew, plaintiff, *vs.* Samuel B. McLin, secretary of state, William Archer Cocke, attorney-general, and Clayton A. Cowgill, comptroller of the State of Florida, respondents.

This day came the parties, by their attorneys, and thereupon the matters of law arising upon the relator's demurrer to the answers, original and amended, of the respondents, being argued, it seems to the court that the said answers and the matter therein contained are not a sufficient answer in law to the alternative writ issued herein, and that said return is insufficient. Therefore it is considered that a peremptory writ be awarded, directed to the said Samuel B. McLin, secretary of state, William Archer Cocke, attorney-general, and Clayton A. Cowgill, comptroller, board of canvassers of election of the State of Florida, commanding them that they forthwith meet and convene and reassemble as a board of State canvassers in the office of the secretary of state, to canvass and count all election returns on file in the said office of the secretary of state of the said election for the office of governor, held on the 7th day of November, A. D. 1876, and that as such board of State canvassers they "canvass and count the returns for said office from each and every of the counties of this State wherein an election was held for said office, and especially that they do canvass and count the said election returns from the said counties of Jackson, Hamilton, Manatee, and Monroe, and that they determine from a canvass and count and examination and tabulation of all the votes cast for said office of governor at said election in all the counties of the State, as shown by the election returns of said election received at the office of secretary of state, who has been elected by the highest number of votes to the said office of governor, as shown by the said returns, and that they do, as such board, make and sign a certificate, as required by law, containing in words and figures, written at full length, the whole number of votes given at said election as shown by said returns for the said office of governor of the State of Florida, and the number of votes given for each person voted for for said office, and in said certificate declare the result of the said election for governor of the said State.

And that they do perfectly execute this writ on or before the 27th day of December, A. D. 1876, and how they shall have executed it make return to our supreme court on that day by 4 o'clock p. m. in writing, to be filed in the clerk's office of said court.

The canvassing board then proceeded to canvass the vote for governor as directed by the court and reported their canvass to the court. The animus of the majority of the board, and perhaps I may with propriety say, their moral obliquity is manifest from their next step. They at-

tempted to force upon the court a canvass of the electoral vote which had not been called for and could not have been in that action. In this canvass they followed the views of the court so far as the counties were concerned in which they had violated the law at the former canvass, but they were determined to make it appear that the Hayes electors had received an apparent majority.

They accomplished this by laying aside the full and honest vote of Baker County, which they had before canvassed and which was contained in the regular return made by the clerk and a justice of the peace and which was by their own official action pronounced genuine, and substituted for it the false and partial Driggers return, which they themselves had formerly rejected and condemned. They went further and rejected the entire vote of Clay County, which had never been attacked, simply because the county canvassers had failed to include one of the precinct returns in the result; in other words, because the people of that county had been deprived of 29 Democratic and 6 Republican votes, therefore they attempted to wrong her still further and deprive her of her remaining votes—287 Democratic and 122 Republican.

This return was stricken from the record by the order of the court, and the board was required to confine itself to its proper return of perfect obedience.

This was done, and the peaceful inauguration of Governor Drew, who had been elected by the Democratic voters, soon followed.

In justice to the judges who made this righteous decision I wish to call attention to the fact that two of them, Chief-Justice Randall and Associate Justice Van Valkenburgh, were Republicans, and continued so afterwards. The latter has recently died, and our people, without regard to party, lament his death and honor his memory. The third, although inclined to the Democratic party, had not been pronounced in his political views from the time of the closing of the war. They were all appointed by a Republican governor and held their offices by a life tenure.

The Legislature met early in January; it had a large and undisputed Democratic majority in both branches. It early addressed itself to the task of obtaining a true canvass of the electoral vote, so that the wrong which had been attempted against the State might be frustrated before its maturity and completion. A bill was framed and passed into a law on January 17, 1877, entitled "An act to be entitled an act to procure a legal canvass of the electoral vote of the State of Florida as cast at the election held on the 7th day of November, A. D. 1876."

It ordered the State canvassing board to meet forthwith and canvass the electoral vote according to the construction of the law as declared by the supreme court in the mandamus case just referred to.

The law is in the following words:

Chap. 3049.—An act to provide for a canvass according to the laws of the State of Florida, as interpreted by the supreme court, of the votes for electors of President and Vice-President, cast at the election held November 7, 1876.

SECTION 1. The secretary of state, attorney-general, and the comptroller of public accounts, or any two of them, together with any member of the cabinet who may be designated by them, shall meet forthwith at the office of the secretary of state, pursuant to notice to be given by the secretary of state, and form a board of State canvassers and proceed to canvass the returns of the election of electors of President and Vice-President held on the 7th day of November, 1876, and determine and declare who were elected and appointed electors at said election as shown by such returns on file in the office of the secretary of state.

SEC. 2. The said board of State canvassers shall canvass the said returns according to the fourth section of the statute approved February 27, 1872, entitled "An act to amend an act to provide for the registration of electors and the holding of elections, approved August 6, 1868," and according to the construction declared and the rules defining the powers and duties of the board of State canvassers under said law, prescribed in and by the supreme court of this State, in the case of the State of Florida on the relation of Bloxham *vs.* Jonathan C. Gibbs, secretary of state, *et al.*, decided in January, 1871, and in the case of the State of Florida on the relation of George F. Drew *vs.* Samuel B. McLin, secretary of state; William Archer Cocke, attorney-general, and Clayton A. Cowgill, comptroller of public accounts of the State of Florida, decided December 23, 1876.

SEC. 3. The said board shall make and sign a certificate containing in words written at full length the whole number of votes given at said election for each office of elector, the number of votes given for each person for such office, and therein declare the result, which certificate shall be recorded in the office of the secretary of state in a book to be kept for that purpose, and the secretary of state shall cause a certified copy of such certificate to be published once in one or more newspapers printed at the seat of government, and shall transmit two certified copies of such certificate, one to the presiding officer of the senate and one to the presiding officer of the assembly of the State of Florida.

SEC. 4. This act shall take effect from and after its passage.

Approved January 17, 1877.

The board met under this authority, and canvassed the returns from the different counties of the State with the following result:

Tilden electors.		Hayes electors.		Democratic majority.
Names.	Votes.	Names.	Votes.	
James E. Yonge	24,440	William H. Holden	24,350	90
Wilkinson Call	24,437	Frederick C. Humphries	24,349	88
Robert Bullock	24,437	Charles H. Pearce	24,345	92
Robert B. Hilton	24,437	Thomas W. Long	24,344	93

Which is the same as the result I have already given. It gives the Republican electors the benefit of the Alachua County fraud committed at Archer precinct No. 2, the omitted precinct in Clay County, the wholesale additions to the Republican vote in Jefferson County, and the 73 little jokers which were smuggled into the box at Richardson's School-House in Leon County. There was no way of eliminating these errors and frauds, but they were not quite large enough to reverse the honest Democratic majority. After the announcement of this result another act was passed to cure and correct the wrong and error that had been done before it had operated to reverse the will of the people as declared at the polls. The act was as follows:

An act to declare and establish the appointment by the State of Florida of electors of President and Vice-President.

Whereas at the general election held in this State on the 7th of November, 1876, according to the returns from the several counties on file in the office of the secretary of state, and according to a canvass, and a statement and certification thereof, made by the secretary of state, treasurer, and comptroller of public accounts, under an act of this Legislature, entitled "An act to procure a legal canvass of the electoral vote of the State of Florida as cast at the election held on the 7th day of November, A. D. 1876," Robert Bullock received 24,437 votes for the office of elector of President and Vice-President of the United States; Robert B. Hilton received 24,437 votes for the said office; Wilkinson Call received 24,437 votes for the said office; James E. Yonge received 24,440 votes for the said office; Charles H. Pearce received 24,345 votes for the said office; Frederick C. Humphries received 24,349 votes for the said office; William H. Holden received 24,350 votes for the said office; Thomas W. Long received 24,344 votes for the said office; and

Whereas, as shown by the said returns, the said Robert Bullock, Robert R. Hilton, Wilkinson Call, and James E. Yonge were duly chosen and appointed electors of President and Vice-President of the United States by the State of Florida, in such manner as the Legislature of the said State had directed; and

Whereas the board of State canvassers constituted under the act approved February 27, 1872, did interpret the laws of this State defining the powers and duties of the said board in such manner as to give them power to exclude certain regular returns, and did in fact under such interpretation exclude certain of such regular returns, which said interpretation has been adjudged by the supreme court to be erroneous and illegal; and

Whereas the late governor, Marcellus L. Stearns, by reason of said illegal action and erroneous and illegal canvass of the said board of State canvassers, did erroneously cause to be made and certified lists of the names of the electors of this State, containing the names of the said Charles H. Pearce, Frederick C. Humphries, William H. Holden, and Thomas W. Long, and did deliver such lists to said persons, when in fact the said persons had not received the highest number of votes, and, on a canvass conducted according to the rules prescribed and adjudged as legal by the supreme court, were not appointed as electors or entitled to receive such lists from the governor, but Robert Bullock, Robert B. Hilton, Wilkinson Call, and James E. Yonge were duly appointed electors, and were entitled to have their names compose the lists made and certified by the governor, and to have such lists delivered to them: Now, therefore,

The people of the State of Florida, represented in senate and assembly, do enact as follows: SECTION 1. That Robert Bullock, Robert B. Hilton, Wilkinson Call, and James E. Yonge were, on the 7th day of November, 1876, duly chosen and appointed by and on behalf of the State of Florida, in such manner as the Legislature thereof has directed, electors of President and Vice-President of the United States, and were from the said 7th day of November, 1876, and are authorized and entitled to exercise all the powers and duties of the office of electors as aforesaid, and had full power and authority on the 6th day of December, 1876, to vote as such electors for President and Vice-President of the United States, and to certify and transmit their votes as provided by law, and their acts as such electors are hereby ratified, confirmed, and declared to be valid to all intents and purposes; and the said Robert Bullock, Robert B. Hilton, Wilkinson Call, and James E. Yonge are hereby appointed such electors as on and from and after the said 7th day of November, 1876.

SEC. 2. The governor of this State is hereby authorized and directed to make and certify in due form, under the great seal of this State, three lists of the names of the said electors, to wit: Robert Bullock, Robert B. Hilton, Wilkinson Call, and James E. Yonge, and to transmit the same, with an authenticated copy of this act, to the President of the Senate of the United States; and said lists and certificates shall be as valid and effectual to authenticate in behalf of this State the appointment of such electors by this State as if they had been made and delivered on or before the 6th day of December, 1876, and had been transmitted immediately thereafter; and the lists and certificates containing the names of Charles H. Pearce, Frederick C. Humphries, William H. Holden, and Thomas W. Long are hereby declared to be illegal and void.

SEC. 3. The governor of this State is further authorized and required to cause three other lists of the names of said electors, to wit: Robert Bullock, Robert B. Hilton, Wilkinson Call, and James E. Yonge, to be made and certified and forthwith delivered to the said electors; and the said electors shall thereupon meet at the capitol in Tallahassee and make and sign three additional certificates of all the votes given by them on said 6th day of December, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice-President, and annex to each of the certificates one of the lists of the electors, which shall have been furnished to them by the governor, pursuant to this section, and the certificates so made shall be sealed up, certified, and one of them transmitted by messenger and the other by mail to the President of the Senate, and the third delivered to the judge of the district, as required by law.

SEC. 4. An authenticated copy of this act shall be transmitted by the secretary of state to the President of the Senate of the United States, and another copy to the Speaker of the House of Representatives of the United States.

SEC. 5. This act shall take effect from and after its passage.

Approved January 26, 1877.

It declared the Tilden electors duly chosen and appointed.

It authorized the governor to certify lists of the names of these electors to the President of the Senate of the United States, and declared such lists as valid and effective as if they had been made before these electors had voted for President and Vice-President.

It declared the lists formerly given to the Hayes electors illegal and void.

It authorized the true electors to meet and make additional certificates of the result and attach to them lists of the electors as required by law. It directed copies of the act to be transmitted to the Secretary of State, the President of the Senate, and the Speaker of the House of Representatives at Washington. All this was done, and the action of the State as thus corrected by lawful and legitimate means was in the possession of the President of the Senate when the two Houses of Congress met to declare the result of the Presidential election on the 1st day of February, 1877.

Florida, through all the departments of her State government, had declared her action. The people had given the Tilden electors a majority at the polls, as declared publicly on the night of the election. The precinct canvassers in the several precincts of the different counties had certified a majority for the Tilden electors to the county authorities as the result of the canvass at the several precincts. The county canvassers in the several counties had certified a majority for the Tilden electors to the State authorities as a result of the canvass in the counties. The supreme court had laid down the true meaning, force, and effect of the law which must govern the board of State canvassers. The Legislature had directed the board of State canvassers to discharge their duty as to the electoral vote under the law as defined by the highest judicial authority in the State. The State canvassing board had declared the Tilden electors duly chosen and appointed according to law. The electors had met at the time and place required by law and discharged their duties according to the Constitution and laws, and their certificate, clothed with all the forms of law, was before Congress.

The Hayes certificate, which was also before Congress, was not based on the popular vote nor a true canvass of the result. The Hayes electors voted under a cloud, while their titles to the offices they assumed to hold were in litigation, which litigation had already been decided against them and a judgment of ouster was in full force, conclusively settling their title till reversed, and it never has been reversed. The only apparent advantage in their favor was the list of electors furnished by the governor which contained their names. But this was not only false, but it had been so declared by the courts, the Legislature, and the executive of the State, and following the law of the Oregon case before the Electoral Commission it should have been disregarded.

The act of Congress to provide for and regulate the counting of the electoral vote was approved January 29, 1877, after all these proceedings had been completed and after the true and valid certificate of the vote of Florida had reached the President of the Senate.

According to the terms of this act the two Houses of Congress met in the Hall of the House of Representatives on the 1st day of February.

The following powers were given to the Electoral Commission by this act, as appears in the second section (Electoral Count, page 5):

When all such objections so made to any certificate, vote, or paper from a State shall have been received and read, all such certificates, votes, and papers so objected to, and all papers accompanying the same, together with such objections, shall be forthwith submitted to said commission, which shall proceed to consider the same, with the same powers, if any, now possessed for that purpose by the two Houses acting separately or together, and, by a majority of votes, decide whether any and what votes from such State are the votes provided for by the Constitution of the United States, and how many and what persons were duly appointed electors in such State, and may therein take into view such petitions, depositions, and other papers, if any, as shall by the Constitution and now existing law, be competent and pertinent in such consideration; which decision shall be made in writing, stating briefly the ground thereof, and signed by the members of said commission agreeing therein: whereupon the two Houses shall again meet, and such decision shall be read and entered in the Journal of each House, and the counting of the votes shall proceed in conformity therewith, unless, upon objection made thereto in writing by at least five Senators and five members of the House of Representatives, the two Houses shall separately concur in ordering otherwise, in which case such concurrent order shall govern. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

Under these powers the Electoral Commission reached the following conclusion as to the vote of Florida, and so declared in their solemn judgment (Electoral Count, page 196):

The commission also has decided, and hereby decides and reports, that the four persons first before named were duly appointed electors in and by said State of Florida.

The ground of this decision, stated briefly, as required by said act, is as follows:

That it is not competent under the Constitution and the law, as it existed at the date of the passage of said act, to go into evidence *aliunde* on the papers opened by the President of the Senate in the presence of the two Houses to prove that other persons than those regularly certified to by the governor of the State of Florida, in and according to the determination and declaration of their appointment by the board of State canvassers of said State prior to the time required for the performance of their duties, had been appointed electors, or by counter-proof to show that they had not, and that all proceedings of the courts or acts of the Legislature, or of the executive of Florida, subsequent to the casting of the votes of the electors on the prescribed day are inadmissible for any such purpose.

With reference to this opinion I wish to say that the commission did not have to go into evidence *aliunde* the papers opened by the President of the Senate to obtain the proof of the action of the State in correcting the wrong and fraud of the first State canvassing board and the false certificate given by Governor Stearns. Such evidence was a part of the record.

They did not find that the people of Florida had chosen the Hayes electors; they only found that the first State canvassers had so declared and that Governor Stearns had so certified, facts which the whole country knew before the Electoral Commission was organized. They further found that it was not competent for them "to consider the proceedings of the courts or acts of the Legislature or of the executive of the State subsequent to the casting of the votes of the Legislature on the prescribed day." And all such evidence, though it was part and parcel of the record, and with the papers opened in the presence of the two Houses, was rejected as inadmissible.

The reasoning upon which the commission acted was clearly and forcibly stated by one of its members as follows:

When the agencies which the State has selected have acted, the State has acted; no power can reverse its action for mistake in law or fact, for fraud or for any cause whatever, unless it be a power higher than the State, on whom the Constitution has expressly conferred such authority.—*Electoral Commission*, page 959.

This reasoning denies the power of the State itself through any of its departments to correct or reverse any wrong, no matter how clear or palpable, unless the correction can be made before the vote is cast.

A more reasonable conclusion would seem to be that the State had control over the entire question of correction of error or prevention of wrong as long as the matter was inchoate and until the actual consummation of the wrong or error. If the right exists it is merely a question of policy as to when it should be exercised, and its existence is expressly recognized in a statute passed by the Forty-ninth Congress.

The act constituting the Electoral Commission gave to it all the powers possessed by the two Houses over the consideration and determination of the electoral result. By the later act referred to the power of correction is not granted, but it is clearly recognized, for, as is well said in the opinion upon the Florida case just referred to, "there is for this purpose no such power (*i. e.*, the power to reverse its action) higher than the State."

I have always believed that the Electoral Commission should have looked into the papers opened in the presence of the two Houses for the purpose of ascertaining therefrom which of the two certificates spoke the true voice of the people of Florida. It would have been consistent with their reasoning as to the right of the States over the determination of this question.

The State had in an orderly way, through her courts, her Legislature, and her executive department, proceeded to investigate and determine who her Presidential electors were. Her courts had pronounced a judgment of ouster against the Hayes electors in a cause regularly tried in which these electors appeared and pleaded, and had declared the Tilden electors to be elected. They had passed their solemn judgment upon the correct interpretation of the statutes under which the canvassing board derived its power, and had decided that the board had violated the law in following the course which had led to the result by which the Hayes electors had received certificates of election.

Her Legislature had obtained a recanvass of the votes in accordance with the law as declared by the courts, which recanvass was regularly made in a lawful way, as prescribed by statute. The Legislature had passed a curative act, when the result of this recanvass demonstrated the falsity of the one previously made, before the court had interpreted the law.

The executive officers had, obedient to the law as enacted by the Legislature and in accordance with the true meaning of the statutes relating to elections as interpreted by the courts, ascertained the will of the people. This ascertainment had been duly certified by the chief executive, and the result of the election had been by him transmitted to Congress and the executive department.

If ever a wrong of this kind could have been righted there was no reason why this one should not have been. Effort was exhausted. The means were supplied. The remedy was in time before the spurious vote had poisoned the whole mass and changed the color of the final result, and thus wronged and defrauded the whole American people.

The State had done all in her power and was present with the judgments of her courts, which were entitled to respect; with her legislative acts, which were duly enacted, and with the formal and solemn declarations of her executive; and the Commission, in spite of the high powers given to it, said no authority can reverse the original action of the State for mistake in law or fact, for fraud or for any cause whatever. A deaf ear was turned to the State, and upon a plea of a want of jurisdiction her remonstrances were unheeded, and Mr. Hayes received the four electoral votes of Florida, notwithstanding her executive, legislative, and judicial determinations to the contrary.

A result thus reached, while it settled the controversy over the possession of the Presidential office, did not settle the question as to whom the people elected. That is a question that history must settle, and the facts and circumstances I have recited will not down at the bidding of any one. The contempt of no man, however high and powerful he may be, will prevent the future historian from making his investigations and reaching his conclusions. The case will be reviewed, every witness will be heard, every motive will be weighed, every document which may throw light upon these transactions will be searched and studied, and I have no doubt as to the final verdict. In fact, the absolute forgetfulness of Mr. Hayes by the American people since the expiration of the Presidential term that he filled is their verdict upon the facts of the electoral struggle of 1876.

In closing this subject I propose to group upon the record the opinions of some prominent Republicans as to the vote of Florida in 1876, and I shall select men who were in a position to know the truth, and some of them were actors in the scenes I have described, others were witnesses, but all have at some time expressed their views, and this testimony is against their interests and wishes, which of course adds to the strength and value of their statements.

General Francis C. Barlow, a distinguished Union soldier, formerly attorney-general of New York, a gentleman of the highest character and at that time a Republican, and to use his own words "pretty vehement" in his party opinions, went to Florida at the request of President Grant as one of the visiting statesmen.

The following extract from a letter of President Grant to General Sherman dated November 10, 1876, about the time he requested General Barlow and other gentlemen to visit Florida and other Southern States, will indicate the spirit in which the President expected them to act:

Should there be any grounds of suspicion of fraudulent counting on either side it should be reported and denounced at once. No man worthy the office of President should be willing to hold it if "counted in" or placed there by any fraud. Either party can afford to be disappointed in the result, but the country can not afford to have the result tainted by the suspicion of illegal or false returns.

He was present before the board of State canvassers during the entire contest. He mingled freely with men of both parties and had the opportunity of hearing all the witnesses and the views of the Republican leaders. Towards the close of the proceedings he was invited by Mr. Cowgill, one of the State canvassers, to give him his views and they had a talk on the whole subject of the election.

General Barlow says in testifying as to this conversation before the Potter committee:

I told him in conclusion that I did not see how on the whole the result of the electoral vote in the State could be fairly given to the Hayes electors; that with the application of the same rules, either strict or lax, to the Democratic and Republican side of the question, and the application of the principles which the courts have laid down in reference to whether a whole poll should be rejected for irregularities, I did not see how, fairly, the State could be given to the Hayes electors. I said that if I was in his place I should feel it my duty to vote for the Tilden electors.

That General Barlow made a formal report to President Grant in harmony with these views, and that he openly proclaimed them on his return from Florida, are facts well known to all familiar with this history. Dr. Clayton A. Cowgill, who sought the interview with General Barlow, at which the foregoing statement was made, was at the time State treasurer of Florida and a member of the board of State canvassers. He was a Republican, and afterwards voted to give the certificates of election to the Hayes electors. But at this interview held late at night, within twenty-four hours of the decision, and after he had heard all the evidence and the argument of counsel, General Barlow testifies as follows with reference to his declarations.

Mr. Cowgill seemingly assented to what I said. He seemed very eager to get what light and information he could and apparently agreed to what I said. I remember that finally he distinctly said: "I agree with you; I can not conscientiously vote the other way; I can not conscientiously vote to give the State to the Hayes electors." This conversation lasted some time, and finally we heard somebody coming. I said to Dr. Cowgill, "Do not go, because this must be one of our party friends, and I want to say before whoever it is what I have just said to you."

It was Governor Stearns who entered, and Barlow told him what had been said; but, some fresh influence operating on Cowgill's mind, he voted contrary to these conscientious views on the day following. Samuel B. McLin was another member of the board of State canvassers and its president. He was an extreme Republican and held the office of secretary of state. In June, 1878, he appeared before the Potter committee and filed a sworn statement he had prepared the previous March with reference to the electoral count of 1876, and while before that committee and under examination he reaffirmed the substantial parts of this statement. The following extracts are taken from this paper, and it appears in full in the second volume of the testimony taken before the Potter committee (Forty-fifth Congress, third session, Miscellaneous Document 31, part 2, pages 98 and 99):

[Paper purporting to be McLin's confession put in evidence, as follows:]

As a member of the late State board of canvassers of the State of Florida, I feel impelled by a sense of duty to myself and justice to others to make the following statement:

At the time the canvass was made I was not at any time conscious of acting otherwise than right and proper. I entered upon the canvass with the conviction that it was my privilege and duty in a political sense to give the benefit of every doubt in favor of the Republican party. I felt that where a question could be decided either way without doing violence to a public sense of justice, it was fairly allowable in politics that I should always lean to my own party, and give my decision in its favor, even at the hazard of straining a point. At no time did I feel that I occupied the position of a judge charged with the duty of a strict and nice weighing and balancing of all the evidence presented. Looking back now to that time I feel that there was a combination of influences that must have operated most powerfully in blinding my judgment and swaying my action.

I had been for many years and was at the time of the canvass a very active partisan. I sincerely thought that our State and the nation would suffer irreparable injury if the Democratic party were to obtain the Presidency and the policy of hatred to the negro should obtain control at Washington. It was the common and universal talk that the very existence of the men who in the South had upheld the Republican party depended upon the election of Mr. Hayes. Mr. Hayes would sustain them throughout the South, while Mr. Tilden would crush them.

I was shown numerous telegrams addressed to Governor Stearns and others from the trusted leaders of the Republican party in the North, insisting that the salvation of the country depended upon the vote of Florida being cast for Hayes. These telegrams came from those to whom I had been accustomed to defer; the chairman of the national committee and the man who was the nearest personal friend of Mr. Hayes had conducted the canvass. These telegrams also gave assurance of the forthcoming of money and troops if necessary in securing the victory for Mr. Hayes. Following these telegrams trusted northern Republicans, party leaders and personal friends of Mr. Hayes, arrived in Florida as rapidly as the railroads could bring them. I was surrounded by these men, who were ardent Republicans, and especially by friends of Governor Hayes. One gentleman particularly, Governor Noyes, of Ohio, was understood to represent him and speak with the authority of a warm personal friend, commissioned with power to act in his behalf.

These men referred to the general destruction of the country should Mr. Tilden be elected; the intense anxiety of the Republican party of the North and their full sympathy with us. I can not say how far my action may have been influenced by the intense excitement that prevailed around me, or how far my partisan zeal may have led me into error—neither can I say how far my course was influenced by the promises made by Governor Noyes that if Mr. Hayes became President I should be rewarded. Certainly these influences must have had a strong control over my judgment and action.

Reviewing my action at this distance of time, with all calmness, with my ardor cooled and my partisan zeal chilled by the President, who has basely betrayed and mercilessly destroyed the Republican party of the South, and crushed the very men who did so much for his election, I am persuaded that the Florida canvass was not conducted with that cool, calm judgment and honest, unbiased decision that should have characterized a proceeding involving such vast and important interests. Instead of this I now see that the whole proceeding went through upon the highest wave of political excitement; that partisan feeling, stimulated to the utmost by the most powerful agencies, usurped the place of reason and sound judgment, and political expediency ruled the hour.

A large number of precincts were either contested by the Democratic or Republican party; voluminous testimony was filed, and the lawyers of both sides argued, each for their side of the issue, that it was the duty of the board to throw out and not include in the count, or retain and count precincts, on the ground of illegality in the conduct of the election or fraud that was charged to exist. The attorney-general of the State and a member of the board had decided that the board had quasi-judicial powers, and had the right to exclude precincts from the count if the returns were shown to be so "irregular, false, or fraudulent as to prevent the board from ascertaining from them the true vote." With this view of its duties the board entered upon the work of the canvass with the conviction that they were invested with large discretionary powers, which were of a mixed character, political and judicial, the political largely predominating.

Partisan zeal and strong political bias had a powerful influence in the exercise of these powers, and the Republicans having a majority of the board, the canvass was largely in their favor, as the result proved. If the board had acted in accordance with the decision of the supreme court of the State, defining the powers and duties of the board in reference to throwing out precincts, since rendered, there is no question of the fact that Mr. Tilden would have been entitled to the vote of Florida. Excluding the return from Baker County, which was counted, and which I have since learned from the parties who made it, was a falsely manufactured return, and including the true return, which corresponded with the precinct returns of that county, would certainly have given the State to Mr. Tilden. Archer Precinct No. 2, Alachua County, was included in the count. The fraud committed in this precinct was not shown to the board by the Democratic lawyers, although a contest was made and much attention given to this precinct. But I have recently learned from the Republican leader of that county, that after the returns had been brought to Gainesville, the county seat, 219 votes were added to the returns by the inspector and clerk of said precinct.

In Leon County 74 small Republican ballots were stuffed into the ballot-box at precinct No. 9, yet it was not made to appear to even the satisfaction of the Democratic members of the board that those were false ballots. Subsequent confession shows that they were stuffed into the box. I had seen Joseph Bowes, one of the inspectors, have tickets similar to them a few days before the election, and cautioned him against their use, unless they were generally adopted, and afterward learned that he had given them up.

In Jefferson County, in a certain precinct at which Mr. J. Bell was inspector, 100 votes were surreptitiously added to the ballots and counted. No charge was made as to this fact before the board. The confession of J. Bell since made to me discloses the fact.

Had the 219 votes fraudulently added to the Archer return, and the 74 votes stuffed in the box in Leon County, and the 100 votes surreptitiously added in Jefferson County, aggregating 393 votes, been rejected and the Democratic rejected precincts which were excluded for irregularity and illegality, contrary to the decision of the supreme court, been retained and counted, Mr. Tilden would have carried the State. The conclusion, therefore, is irresistible that Mr. Tilden was entitled to the electoral vote of Florida, and not Mr. Hayes.

In making this statement my motives will doubtless be questioned by many, but the facts will stand alone as the truth, without any man's motives to sustain them. I am free to admit that, viewing things as I now do, and remembering that Mr. Hayes was continually inspiring his personal friends and trusted agents by every means in his power to secure for him the electoral vote of Florida and Louisiana, and believing it to have been a conscious wrong on his part, done with knowledge that he had not been elected, as his subsequent repudiation of Governor Packard, whose title was bound up in his own, and his willful and cowardly desertion of the very men who contributed so largely to his election have shown, my contempt for the pitiable littleness of the man is beyond my power of expression.

Mr. Hayes has denied the validity of his own title in denying Governor Packard's; he has ignored his Florida friends, showing that he believed them unworthy and tainted with a fraud; yet he holds on to the Presidency, which in his own opinion was secured by this very fraud. He has cowardly abandoned and betrayed his Southern Republican friends through fear of being ousted; that he believes he never was elected by the people.

Whatever may be the opinion of men in regard to my motives, I give them facts and leave my motives to a higher tribunal.

SAML. B. McLIN.

The views of the Republican chief-justice of the supreme court of Florida, E. M. Randall, and the associate justice, R. B. Van Valkenburgh, have already been referred to. The whole question was before them, and their solemn judgment was in favor of the Tilden electors.

L. G. Dennis was an active Republican partisan, familiar with all the circumstances. His sworn statement as to the Archer fraud, already submitted, and his testimony taken since the completion of the work of 1876, are conclusive as to the actual result. The record shows that he was indorsed by some of the leading Republicans of the country when he came to Washington to get an office in 1877 after Mr. Hayes was inaugurated. He plainly says that he warned one of the visiting Republican statesmen, who had a controlling influence in the management of the Republican interests before the board of State canvassers, and who wanted Dennis to go upon the stand as a witness, not to introduce him unless he wanted to lose his case. And he accepted the suggestion and Dennis was not called upon to testify.

The last Republican whom I shall now call is William J. Purman. In 1876 he was a Representative in Congress from the first Congressional district of Florida and a candidate for re-election. If the work of McLin and Cowgill in counting in the Hayes electors in the State was, as the Senator from Ohio claims, right and just, then Purman was re-elected. He participated in the entire campaign and was actively at work aiding his party friends in ascertaining the result of the elec-

tion. He was as well informed with regard to the inside history of the election and count as any member of his party. He was a man of courage and was always aggressive in maintaining his rights. But he could not stand up before the facts of this case and contend for the seat in the other House to which the board of State canvassers had declared him elected. He voluntarily gave it up. He made no contest, and his opponent was afterwards sworn in without objection from him.

On the 14th day of February, A. D. 1877, he made a speech in the House of Representatives upon this subject of the then recent Florida election, from which the following extracts are taken, and nothing ever occurred in his subsequent career to cause any suspicion or charge that his distinct declarations that Tilden was entitled to the vote of Florida were prompted by self-interest. He spoke as a Republican having faith in his political principles, but believing that there was something higher and nobler than a blind adherence to his party, whether right or wrong.

In the beginning of his speech he said:

Mr. PURMAN. Mr. Speaker, there are times in the life of man when silence under painful circumstances is a synonym for caution, and duty undischarged may pass as only individual dereliction; but there come exigencies in the life of representatives, whether upon this floor or in other bodies, when silence is a crime and duty unfulfilled may be treason to conscience, constituency, and country.

Then, after giving some account of the period of the second reconstruction in Florida, he continues:

The Republican party in our State, with all its dissensions healed and with the whole machinery of the State government in its hands, went into the last campaign determined to win if our own resources and efforts, coupled with the most heroic devotion on the part of our voters, could achieve such an end.

Free speech and free locomotion were enjoyed to the fullest extent by the speakers and managers of both sides, and at no time during the campaign or from any portion of the State came up any cry of intimidation, with one or two minor exceptions. It was without exception the most peaceful election ever held in the State, and not one case of violence or disturbance on election day has come to my knowledge.

It seemed the peculiar privilege of the Republicans to win under all these advantageous circumstances, but it is a fact, sir, which I can not stand upon this floor and deny, and which every man, woman, and child in my State knows, that Florida was lost by the Republican party in the late election, and that the Democratic governor and the Tilden electors were truly elected. [Applause on the floor and in the galleries.]

I make this declaration now under the most solemn sense of public duty and from an irresistible feeling of obligation to the people of my State, who have a right to expect that, however partisan their Representative may be in his political faith, he should at least on questions of public fact be an honest man. But, sir, I would not be understood in making this declaration as laying claim to any unusual amount of honesty or conscience, but I only assert my knowledge of the facts.

I love the principles of the Republican party, and for their sake have been singed by the fires of martyrdom, and I believe in the ultimate triumph of its regenerating mission, but I can not return to my State and look my constituency in the face if, standing upon this floor and in the presence of the American people, anxious and entitled to know the whole truth concerning this dangerous Presidential issue, I should shrink from the responsibility of doing justice to my State, and defending her honest political victory against the willful perversion of a bold, dishonest, and unscrupulous State canvassing board. [Applause.]

Should my Democratic colleague in this House introduce a resolution here declaring that the St. John's River had its rise in the southern portion of our State, flowed northward for hundreds of miles and emptied its waters into the Atlantic Ocean, I would be compelled to support the affirmation of the resolution for the reason that I would know the statement to be true, being personally acquainted with the geography of that country. Therefore for like reason am I compelled to give assent to any declarations which have been or may be made upon this floor that the Tilden electors were truly elected in Florida, and that only by "ways that are dark," and tricks that in this case have not proved to be vain, were these electors, and a majority of the people of the United States, defrauded out of their fair and lawful victory. But facts plainly expressed carry with them their own just weight, while jugglery performed with a number of facts only increases the task of explanation, without changing their character or relative weight.

Then, after enumerating the frauds that occurred in the election, he says further:

By this just and lawful proceeding the vote in the State would have stood 709 majority in favor of the Tilden electors. Viewed in any manner, whether in the light of law or fact, we can not escape the truth that the Democratic party really elected their Presidential electors in the State of Florida. This is no longer any question of doubt among the people in our State, who hold our republican supreme court in high esteem for learning and integrity, and whose decision they accept with confidence and acquiescence, although contrary to the hopes and interests of the Republican party in our State.

The Democratic governor-elect, Mr. Drew, was peacefully inaugurated at Tallahassee on the 2d day of January last, and I thank God and the good people of our State that Florida does not present the alarming spectacle of two rival governments upon her soil, both claiming to represent the sovereign will of the people.

HOUSE BILL REFERRED.

The bill (H. R. 11087) to establish a circuit and district court at Johnson City, Tenn., was read twice by its title and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the following bills:

A bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire; and

A bill (S. 3087) granting a pension to Mary A. Pfeiffer.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1873) to limit the jurisdiction of the district and circuit courts of the United States; and

A bill (H. R. 7933) providing for the exchange of worn, defaced, clipped, punched, or otherwise mutilated silver coins of the United States, of smaller denomination than one dollar, for new or unworn subsidiary silver coin at designated places and under certain circumstances.

CHINESE IMMIGRATION.

Mr. STEWART. I ask unanimous consent that the regular order be laid aside temporarily that the Senate may proceed to the consideration of the Chinese restriction bill.

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, which the Senator from Nevada asks may be informally laid aside for the purpose of enabling him to move the consideration of the Chinese restriction bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of bill H. R. 11336, a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

The PRESIDENT *pro tempore*. If there be no amendment to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate without amendment and ordered to a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Having been read three times, shall the bill pass?

Mr. VEST. I ask for the yeas and nays on the passage of the bill.

The PRESIDENT *pro tempore*. Upon this question the Senator from Missouri asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. GEORGE. Mr. President, I desire to submit some more observations upon the bill before it is voted upon. I find myself, however, this morning not physically qualified to do that, and I ask that the vote on the bill may be postponed until to-morrow morning, when I shall endeavor——

Mr. TELLER. Oh, no.

Mr. STEWART. No, no.

Mr. GEORGE. I make that request. If it is not granted I shall go on in the best way I can, though I do not feel as if I could do justice either to myself or to the subject. I have a headache and a sore throat.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent that the vote upon the passage of the bill be postponed until to-morrow.

Mr. STEWART. I object.

The PRESIDENT *pro tempore*. The Senator from Nevada objects.

Mr. GEORGE. Very well; that is all right.

Mr. MCPHERSON. Are we to understand that objection is made, and that the bill can not go over until to-morrow morning at the request of the Senator from Mississippi?

The PRESIDENT *pro tempore*. The Chair submitted the request to the Senate, and the Senator from Nevada objected.

Mr. MCPHERSON. I wish to say that this is the first time in the history of the Senate within my recollection when a Senator preferred a request in such a manner as has been done by the Senator from Mississippi, stating that he was ill and unable to proceed, and yet would like to be heard, that he was denied the privilege of having a sufficient amount of time to enable him to properly present to the Senate his views upon a question.

Here is a bill which has not received consideration in either House of Congress by a committee. No committee of either House has considered the bill at all. It has been before the Senate, I think, for two days, and we are pressing it to a vote in this kind of a way, notwithstanding there is a treaty pending with the Chinese Government, and so far as the Senate knows the Chinese Government have not rejected the treaty.

It is now proposed to abrogate the treaty while it is before the Chinese Government for consideration, upon a bill which has never been before a committee of either House of Congress, which has only been before the Senate and under discussion for two days, and there is so much haste seemingly needed about it that the Senator from Mississippi, although ill, is compelled to speak upon the question to-day.

Mr. STEWART. I understand that the Senator from Mississippi is for the bill, and as to any remarks he wants to make on the Chinese question there is no limitation on him; he can just as well make them on any other bill or on any other measure. He can bring the question up and make his speech at any time; it will not cut him off. If he were opposed to the bill and wanted to assign reasons why it should not pass, I would not make the objection.

Mr. BUTLER. May I ask the Senator from Nevada, why this great haste?

Mr. GEORGE. I would be glad to have the opportunity——

Mr. BUTLER. I do not want to interrupt the Senator from Mississippi; but I wish merely to inquire of the Senator from Nevada, why this great haste?

Mr. GEORGE. All right.

Mr. BUTLER. I was simply going to inquire of the Senator from Nevada why the usual courtesy of the Senate should be violated in this particular instance and this bill should be railroaded through the Senate. I should be very glad if the Senator would give some reason for it. When I left the Senate Chamber on Monday the Senator had up for consideration the bill for the admission of Washington Territory, and he made a very earnest appeal to me to help him in its passage. When I came back I found that the Chinese bill had come in and that he had abandoned his pet scheme for the admission of Washington Territory and that this bill must be railroaded through the Senate.

I should be very glad, I say, if some explanation could be given why what I understand to be the usual courtesy of the Senate should be violated, and this bill hurried through in this form.

Mr. STEWART. I am the last man to violate the courtesy of the Senate, but several Senators who take an interest in the Washington Territory bill, among them the Senator from Indiana [Mr. VOORHEES], went away this afternoon supposing that the time to-day would be occupied by the Chinese restriction bill. They desire very much to be present when the Washington Territory bill is under consideration, and I told them that undoubtedly the restriction bill would be taken up to-day.

As I said before, the Senator from Mississippi is in favor of the bill, and if he wants to make a speech on the Chinese question he can do that at any time. Of course if he were opposed to the bill it would be against the courtesy of the body to refuse to grant his request, but he is in favor of the bill.

Mr. BUTLER. That is not the question at all. The Senator from Mississippi has announced that he is sick and can not proceed without great personal and physical inconvenience. That is the point I make, and the Senator from Nevada insists that the Senator from Mississippi shall go on and deliver his speech when he is sick.

Mr. STEWART. I do not insist upon his going on with his speech. He can make his speech to-morrow morning.

Mr. BUTLER. That is not the point. The Senator from Mississippi wishes to speak to this bill.

Mr. SPOONER. I hope the Senator from Mississippi will not go on at this time if, as he states, and as I have no doubt is the fact, he is ill and can not proceed without great discomfort and pain to himself. I understand him simply to ask that the bill be postponed until to-morrow in order that he might then without pain and suffering make some remarks upon it.

Mr. GEORGE. I am very much obliged to the Senator from Wisconsin, but——

Mr. STEWART. Under the circumstances I shall not press my objection.

Mr. GEORGE. I shall not press the request any further.

Mr. STEWART. I withdraw my objection.

Mr. CULLOM. The objection is withdrawn.

Mr. STEWART. I withdraw my objection if that is the view Senators take of it.

Mr. TELLER. Then let us have an agreement to take up the bill to-morrow morning.

Mr. STEWART. I ask unanimous consent that the bill be taken up to-morrow after the formal morning business, and that it be continued until it is disposed of without any intervening business.

Mr. GEORGE. I understand, then, that the request which I made has been acceded to by unanimous consent. Is that true?

The PRESIDENT *pro tempore*. It was not acceded to.

Mr. GEORGE. Then am I to proceed now?

The PRESIDENT *pro tempore*. The Senator from Nevada withdraws his objection, and asks that the consideration of the bill be resumed to-morrow morning at the close of the formal routine business, to be proceeded with thence until concluded.

Mr. GEORGE. That would incidentally grant my request?

Mr. SPOONER. Certainly.

The PRESIDENT *pro tempore*. The Senator from Mississippi would be entitled to the floor, if he takes it now for that purpose, when the consideration of the bill should be resumed to-morrow morning.

Mr. BROWN. Let it go over.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Nevada?

Mr. HOAR. Is there not something set down, by unanimous consent, for immediately after the routine business to-morrow morning?

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. FARWELL] obtained unanimous consent that the question concerning the electric-motor street railway in this city should be considered at the close of the morning business to-morrow.

Mr. STEWART. Then I will put the hour at 1 o'clock to-morrow.

Mr. GEORGE. I will tell you what I will do. I shall go on the best way I can now.

Mr. FARWELL. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Mississippi has the floor.

Mr. GEORGE. I shall have to apologize to the Senate for the very desultory and disjointed way in which I shall discuss the question to-day for the reasons which I stated when I asked for a postponement of the consideration of this matter until to-morrow. It seems to be the wish of the Senate that I should proceed, and I will do so in the best way I can and to the extent that I may be able to pursue the discussion.

Mr. GEORGE. Mr. President, in the outset I believe I shall allude to a declaration made by the Senator from Colorado [Mr. TELLER], intended to discredit anything that I or any other Senator upon this side of the Chamber who comes from the South may say because we have been slaveholders. That objection to our participation in the discussion of questions before this body has been made on several occasions, as if we who are here as American citizens and American Senators, representing with equal rights equal and sovereign States of the Union, are entitled to less liberty of thought and less liberty of speech than is accorded to other Senators on this floor.

I was a slaveholder. I was a slaveholder in a very small way, however. I was a slaveholder by inheritance. My father before me was a slaveholder. It was not understood in the section from which I came at that time that the holding of slaves was immoral or sinful. The Senator from Colorado yesterday twitted me with the banter that I would not get up now and say that I thought that slaveholding was a sin.

Mr. President, whatever may be my views upon the sinfulness or righteousness of slaveholding is a matter that I suppose no mortal man, no human creature within the broad limits of the country has the slightest interest in; and certainly I have thought—and that is the main idea that I desire to present in reference to that—that whatever may be my opinions now or whatever may have been my opinions heretofore upon the question of the sinfulness or the contrary of slavery, was not a disqualification to the proper performance of my duties as a Senator. In the one hundred years of our national life, including that dark, that perilous period of seven years in which we were contesting for the privilege of having a national life, it had not been regarded by the great body of the American people, or, so far as I know, by any considerable portion of them, that being a slaveholder in the present, much less having been a slaveholder a quarter of a century before, was any impeachment of the patriotism of the person thus situated or was any disqualification for the performance of the highest and most important duties which a citizen of the United States can owe to his country.

When George Washington was called to take command of the Continental Army and proceeded to Boston, then beleagured by the British forces; when from all the great men who adorned our history at that time the Continental Congress selected him as the hope and the foundation for any success we might have in our contest with the British Empire, it was not considered a disqualification to him that he owned slaves; it was no impeachment of his ability, of his patriotism, of his fidelity to the cause of the United States. So after relying on him during the seven dark years in which the weak and feeble colonies, in every one of which I believe at that time slavery was lawful—I say under him, a slaveholder, leading the weak and feeble, comparatively so, armies of these colonies against the strongest power on earth, the country reached freedom and independence. And during that whole time there was not one man in all this broad land who doubted that he would perform his duty as ably, as faithfully, as if he were a non-slaveholder.

And so, sir, after our struggles, through the Confederation, when it became obvious to the thinking men of this country that there must be a closer and a better union between the States than existed under the Articles of Confederation; when the great spirits, the great minds of this country were called in consultation to form a new bond of union, to form that Constitution under which we now live—and which, allow me to say parenthetically, if we observe it and obey it with fidelity to its provisions will continue for many ages to come, as it has in the past, to make us a great and prosperous people—when the great and the patriotic spirits of this land were called together to form this Union, and form the Constitution under which we live, that same man who, as a slaveholder, had led our armies through the Revolution was called to preside over the deliberations of the convention. In that same body the men who most gave shape and form to that grand instrument, that palladium of our liberties, were slaveholders representing slaveholding constituencies.

When the new Government had been formed, when in weakness we were inaugurating the experiment of free institutions in this country, surrounded by powerful nations looking on us and on the experiment with jealousy and with hope that it might fail; when it required the highest genius and the highest patriotism to guard and guide the destinies of the young Republic through the perils which surrounded it, that same man was called to the helm. He was a slave-holder still, and it was not regarded as an objection to him that he was known to be such. Slave-holders were in his Cabinet, and from that time until our unhappy civil war most of the great men—many were not in that position—but most of the great men who guided the destinies of this country, who made it honored at home and respected abroad by their patriotism and their genius, were slave-holders. Jefferson was a slaveholder, Madison and Monroe were slave-holders; Henry Clay and Andrew Jackson were slave-holders. I will not go through the list; you all know it. They were allowed free speech and free discussion in the

councils of the nation, and it was not objected to them that their councils and their voices were not to be heard because they were slaveholders.

So I do not think that having been a slave-holder by inheritance, having twenty-five years ago lost my slaves, having, as I believe and as I aver, discharged all the duties of the relation of master to slave with humanity and with due respect to the unfortunate beings under my control, having acquiesced fully, freely, without mental reservation or evasion, in the destruction of that institution, having avowed my sincere conviction that I had no regrets for the destruction of the institution, that I would not under any circumstances for one moment harbor the thought or suspicion of its restoration, and that I am glad it has departed forever; having pledged my faith by a solemn oath to support the Constitution of my country, in which is embedded an article which declares that slavery is forever prohibited; having in no act of my public life and in no act of my private life violated or sought to violate that provision of the Constitution, and having since my service in this Chamber, as every member on either side of it can testify who has observed me, given expression to no sentiment and cast no vote which looked in a direction contrary to the article or provision in the Constitution to which I have alluded, I claim as an American Senator, acting under my oath to discharge my duty here faithfully to the people of this whole country, an oath which I intend to redeem in its letter and in its spirit upon every question on which I may be called to act—I claim after all this free speech as an American Senator; I claim the right of free discussion as an American Senator, and I claim that no impeachment either of the authority or weight of anything that I may say can be laid upon the fact that I was once a slave-holder.

Upon these sectional questions, and upon all questions on which I have been called to act as an American Senator, I have endeavored to act, and I believe I have acted precisely as I would have acted if I had worn the Union uniform during the war.

The war is over. It was a sad calamity to me and mine. If I have had one wish above all other aspirations since the unfortunate conflict ended it is that American politics and American statesmanship should be so conducted that the wounds on either side made by that fratricidal conflict might be healed; that there should be, as our fathers intended there should be, no division, no heart-burnings, no sectional lines in the United States. I have striven—and if I have failed in that it is because I was unable and too weak in the head to carry out the dictates of the heart—I have striven since the cause of the great quarrel which once divided us has been removed, that there should be no North, no South, no East, no West in politics, but that there should be such communion, such consultation and agreement by Senators and Representatives from all parts of this country as would seek no other end, no other purpose than to make all this country everywhere great, prosperous, and happy.

So, sir, I say it can not be fairly used as an impeachment of any argument I may make here that I once believed in slavery. Did you wage the war—speaking now to my Northern friends—did you wage the war for a real Union, or did you wage it for the purpose of subjugating a portion of the American people? Was all that bloodshed, was all that destruction and devastation which followed in the track of either army, only to make good that the Southern man, the Southern white man, should be the subject and the inferior of the Northern white man? If such was your purpose I did not so understand it. If such be your purpose now, commence your war again; for as long as I live as an American citizen, as long as any decent white man in the South shall live as an American citizen, I will and he will claim and will have for our heritage equality with all the other people of this country.

In the beginning, when your fathers and our fathers—no, I will not use that expression—when our fathers, meaning all, North and South, put their fortunes and the fortunes of the thirteen colonies to the perils and hazards of war, when they came after the war was over to erect on this continent the free institutions under which we live, it was understood that all were equal. The Union could not have been formed without such a sentiment; the Union can not be preserved without such a sentiment. It is not a preservation of the Union for one part of the country to hold in subjugation another part. That of itself is the destruction of any real union.

So, Mr. President, when I took my seat here, now about eight years ago, I entered into all the questions which concerned the American people and any part of the American people with the same determination to do what my heart and my head told me was right with reference to them, whether the particular section from which I come had an interest in that particular question or not. The very first speech I ever delivered in this Chamber (except one of personal defense into which I was precipitated very soon after I took my seat here) was to advocate a bill then pending before the American Senate to exclude the Chinese from this country. I did not vote for that bill, I did not speak for that bill, because the presence of Chinese in this country was a special injury to the State in which I live or an injury to the section from which I come. No Chinese were there, but feeling deeply from sad experience the dangers of a commingling upon the same soil of diverse races, and believing as I did then and as I do now, as expressed by a distinguished and great Senator on this floor, the Senator from Vermont [Mr. EDMUNDS], that the history of the world had shown from Aristotle to Webster, two thousand years, that homogeneity in races was a necessary condition of government, I voted as I did.

My own land was cursed with the want of that homogeneity, and feeling this deeply, when my brothers of the Pacific coast came here complaining that they were being ruined by the presence of the Chinese I went with alacrity to their help. In surveying the field I thought that whether African citizenship should prove a success or not—and about that I say nothing—at least it was such a perilous experiment that I would not inflict a similar trial upon any other portion of the American people. It was said—and I felt it—that these barbarians, unused to the comforts, unsupplied even in their own country with the necessaries of life, frugal, thrifty, capable of great endurance, came here and competed with the American laborer; I felt that their presence here was a hardship and an injustice to the men and women who by their labor create all our wealth and receive for their share so little of it.

I never believed in that sentimental doctrine which dedicated the American continent to the people of all parts of this world without reference to their fitness to be our political associates. I never believed in the inherent and inalienable right of any foreigner to come to America and become a part of our body-politic. I believed that this grand continent, won first by the heroism of the fathers of 1776, added to afterwards by the genius of Jefferson in the treaty under which he purchased Louisiana, and then enlarged by the genius of Winfield Scott and Zachary Taylor and their brave comrades to its present boundaries, was American ground. I believed it belonged to Americans and for such partners only from other countries as they might see proper to admit, and I did not believe that to that partnership—speaking now of foreigners, not the native-born—should be admitted any but those of the Caucasian race. If that be treason, then I am guilty.

So from the very moment this Chinese question arose in the American councils for legislative action the impulses of my heart and my head have been to carry out that idea and to keep this grand country of ours for ourselves and for our posterity and for foreigners only of the white race.

Mr. President, there are some observations that I desire now to make in answer to the speech made by the Senator from Colorado. I charge, and will make that charge good, that the lawful introduction of the Chinese into this country was the result of the action of the Republican party. I pointed to the treaty of 1868 as opening the door, which Republican Senators have said they were so anxious to shut, by which Chinese immigration should come. In that I was, sir, mistaken.

It was the first time the door was opened when we contracted that we would not shut it, pledged our national faith and honor that we would not shut it, but it had been opened before, not, as the Senator from Colorado says, by the treaty of 1844 and the treaty of 1858. In those treaties, which I have before me—I will not read them, but I have read them under the necessities of this debate, and I make this statement, that neither in the treaty of 1844 nor in the treaty of 1858 is there a single provision which gives a right to China or to Chinamen. Both were unilateral treaties, both contained stipulations only in favor of Americans, not one in favor of Chinese. They were commercial treaties. The treaty of 1844 broke down the Chinese wall which excluded us from trade with China. Under that treaty we went to China, with what rights? They were commercial rights in five ports, and five ports only. In getting these rights for our merchants, for our vessels, for our traders, we did not concede to China or to any Chinaman one single right of any character whatever. If I am mistaken in that, I ask the Senators who see my mistake to point it out. I challenge a contravention and dispute of that proposition. There is not a single stipulation in either treaty except to give to Americans rights in China; not a single provision to give Chinamen rights in America. And so when the Senator from Colorado said that there was but little difference between the two except in the provision in the fifth article of the treaty of 1868, he seriously erred.

When was the first door opened? Before I go to that, I suppose that I ought to say something about what we all recognize to be correct constitutional law upon that subject. It has been pointed out by the Senator from Oregon and repeated by the Senator from Colorado that Chinese came here in large numbers before the treaty of 1868. I confess I did not know as much about that as I do now since I have heard those Senators. I had heard no complaint of Chinamen being here before that time. I had seen no Chinamen here, and I had supposed that if there were any in this country prior to that time they were few indeed. But it seems there were a great many. They came here, as I understand, under the invitation of California; and it is good constitutional law that as to who shall come within the borders of a State, until the treaty-making power or law-making power of the United States is put in force, or until as a commercial regulation the United States shall act, each State acts for itself.

I am not prepared nor if I were would I go into a discussion of the question whether the people of California or the people of Colorado acted wisely in admitting the Chinese. That is for them to decide; it is a question for them to act upon. I have nothing to do with any-

thing except with national questions and with the action of the Government of the United States upon that subject.

When was the national door first opened to the admission of the Chinese, and who did it? It was done in 1862 by a statute. The Senator from Colorado read one section of that statute, and found it convenient to omit the reading of another important section of it. The Senator read section 2158, being a section of the act passed in 1862, and he relied upon that to show that the Republican party had been against Chinese immigration very early. If he had read another part of that same statute he would have found that there was an express provision for the entrance of the Chinese here.

In the first place, the Senator entirely misconceives the legal effect and meaning of section 2158. He claims that that was a provision to prevent coolie immigration into the United States, when it has no such effect. I will read it, and I call the careful attention of the Senator to the reading of it:

No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare any vessel, registered, enrolled, or licensed in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported—

Where? To the United States? No, sir—

to be transported to any foreign port or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

It was simply a statute to prohibit our seamen from engaging in what is called the slave-trade with coolies. It had no reference to the importation of Chinese or Japanese into this country, and that is proved by another section of the statute, which I will read, and which the Senator from Colorado did not read, a section of the same statute, passed in 1862:

SEC. 2162. Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section 2158, or to any vessel carrying such person as passenger on board the same.

So in the very statute to which the Senator alluded as prohibiting the importation of Chinese into this country there is an express provision for their coming into this country. I was a little mistaken in my speech a few days ago in supposing and stating that the treaty of 1868 opened the door. It had been opened six years before that time by the act to which I have called attention. That act was in force and under it Chinese immigration was taking place year by year when the United States came to make the treaty of 1868, which was the cause of all our sorrows. If the matter had stood upon the statute it would have been in our power to repeal it at any time without any impeachment of our honor, without any charge that we had broken faith with another treaty-making power. It would have been then not only in our competency to have repealed the law but to have enacted one wholly prohibiting the Chinese from coming here.

But 1868 seems to have been a year of fruitful error in reference to these matters. We had the treaty, to which I desire to call the attention of the Senate again, because on that the Senator from Colorado and myself differ very much. The Senator said that Article V was nothing more than an abstract declaration of a doctrine which is called the American doctrine, but he was mistaken about that as he was about other matters.

I read from that article of the treaty of 1868:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance—

If it had stopped there the Senator would have been right, but it did not stop there—

and also—

They cordially recognize—

the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for the purposes of curiosity, of trade, or as permanent residents.

It ceased to be abstract when this doctrine was expressly applied by the treaty to the coming of Chinese here and to the going of Americans to China. But that is not all of the treaty, Mr. President. You might say that was an ingenious argument. An ingenious man might get up a little argument to show that that did not mean anything. But if you will go to Article VI you will see something even more significant. Here was the statute of 1862 in force, and here is Article VI. After providing for the citizens of the United States visiting and residing in China, which was in the other treaties, they came on and for the first time said in this treaty:

And, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation.

Here is an express contract by which the Chinese are to have the same privileges of visiting this country, of doing business in this country, and of residing in this country as an Englishman, or an Irishman, or a Frenchman, or any other foreigner. That makes it a little more than the mere abstract enunciation, as the Senator said in substance, of an American doctrine. It applied that doctrine by making it a treaty right that every Chinaman should come here, and reside here, and do business here upon the same terms and with the same privileges as the citizens of the most favored nation.

That is not all that happened in 1868 and along there. These are not accidental provisions. There had been a hallucination, there was then a hallucination in the public mind on these questions which showed themselves in statutes, and I shall read one of them. In the same year there was another statute passed. In the same month and within three days of this treaty there was this kind of a statute passed by the Congress of the United States:

Whereas, the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness, etc.

The right of expatriation seemed to have been a favorite idea just at that time, and yet the Senator says all that means only this, that the right of expatriation is to be exercised with the consent of somebody else. Is not that a very remarkable inherent and inalienable right which a man can not exercise without the consent of somebody else, for just as soon as the consent is refused then the right instead of being inherent is lost, and instead of being inalienable it is taken away?

Now, let us stop a minute and think about this grand declaration here as to inherent and inalienable rights which can only be exercised by the consent of the country to which the man comes. Suppose the country does not agree to his coming, then what becomes of your inherent and inalienable right? Yet that seems to have been a hallucination which was very common in 1868. It becomes a mere inherent and inalienable right to leave one's own country—to throw off his native allegiance—leaving the party thus acting without a country until some other country shall see proper to receive him.

I wish to call attention to another act to show how the Government was bent at that time on Chinese immigration. On the 31st day of May, 1870, I find that the following provision was enacted by Congress, and it is incorporated in the Revised Statutes as section 2164:

SEC. 2164. No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country.

That is a section taken from the civil rights act of 1870, a statute which everybody will recognize was passed to prevent any discrimination between citizens here on account of race or color, and whilst the Republican party were doing that in order to put the white man and the negro in the same bed and at the same table in social life in the South, and which the Supreme Court decided to be unconstitutional, they were so full of the idea of Chinese immigration and Japanese immigration and all that sort of thing that they incorporated in that very statute the provision which I have just read, so that no matter how objectionable Chinese immigration might be and however desirable Irish immigration and English immigration and German immigration and Scandinavian immigration might be, they just said to the States, "You shall not tax the Chinese any more than you tax the others."

As I understood the Senator from Colorado, the burden of his speech was to show that the Republican party had been all along fighting, striving to keep the Chinese out of this country. Yet here there were acts by which you not only invited them here in 1862, but you contracted in 1868 that they should come. And what was done two years afterwards? California possibly (I do not know about that, it may be the Senator from Oregon or the Senator from Nevada or some of them can tell me) had commenced discriminating against and taxing the Chinese, or they were talking about doing it; and right then the Republican Congress said, "You shall not do that; you shall not tax a Chinaman any more than you shall tax an Irishman." That brings us down to 1870. How did we stand then?

Mr. MITCHELL. To what section of the Revised Statutes does the Senator refer?

Mr. GEORGE. About the tax?

Mr. MITCHELL. Yes, sir.

Mr. GEORGE. I refer to section 2164 of the Revised Statutes, which is a section of the civil-rights act of 1870, and I have read that this morning. It is a section of the act by which it was intended to make white men and colored men just the same, as if they were all the same color, only a little more so. In the civil-rights act you undertook to make the Southern white man and the Southern white woman the associate and companion of the colored man and the colored woman. Having got your hand in at that, you concluded you would make the Irishman and the Chinaman and the Chinese woman equals in all respects whatever. And yet you pretend that you love the Irish and to welcome them to our shores, and at the same time you would exclude the Chinese.

Those were your grand efforts, as detailed by the Senator from Colorado, to keep the Chinamen out of this country. First was your act of 1862, in which you prohibited the cooly trade between China and England and China and Brazil and forgot to prohibit it between China and the United States; and then, in another section, so anxious were you for the Chinamen to come, you put in a little provision that nothing said there should be construed into interfering with any Chinaman or Japanese coming into this country.

That did very well for one statute, Mr. President. Just for one stroke of the pen it did pretty well. But I suppose they were afraid that

may be that the Democrats would get into power some time, though it did not look very much like it then; and in six years they concluded they would make a bargain with China; that they would make a trade; that they would pledge the national faith, the national honor, that for all time to come this natural and inalienable right of a Chinaman and of all mankind should be exercised by the Chinaman in coming to the United States and residing here permanently.

You were not satisfied with getting the Chinaman here by contract, but you contracted how he should be treated after he got here, and how was it? Just as good as an Irishman or an Englishman or a Frenchman or a German or anybody else, and for fear he would not be given the very best thing there was in the house, you did not specify these men, because somebody might be left out who was in a better fix, and so you contracted that they should be given the same rights, privileges, and benefits as the citizens of the most favored nation, so that there should not be anybody in all the broad world who could stand better or higher than the Chinaman.

Yet my distinguished friend from Colorado talked about my effrontery, I believe, in one part of his speech. I will not speak of his effontery. I will not say that. I am unequal to the occasion; I do not know what word to use. If I were to say "audacity" that would be about as mean as "effrontery," and I do not want to be as bad as the Senator from Colorado; but I will leave it out as being an occasion above my power to use the proper language, and I will just say this, that the Senator from Colorado says the Republican party were all the time trying to keep these Chinese fellows out. That is the way they kept them out!

We will go on a little further. My distinguished friend seems to have got this matter all wrong. I got a part of it wrong as to the time the door was opened and the number of Chinese who came here before 1868. I did not know anything about the statute of 1862. My attention had never been called to that matter. The Senator from Oregon [Mr. MITCHELL] very kindly put me in possession of a lot of information that I did not have before, for which I am very much obliged. I am very much obliged to the Senator from Oregon for that information.

Mr. MITCHELL. I am always glad to be able to enlighten the Senator.

Mr. GEORGE. These Chinese have come over here since away back about 1851 or 1852, as I learned from the Senator. They had been coming here in droves since 1850, and then they were invited by the act of 1862 to come in more, and now all these fellows are here, I suppose perhaps about two hundred thousand of them, everybody knowing what kind of a set of fellows they were. They found that out, because the Senator from Colorado, in order to prove up his Republican side, read a message or an inaugural address from Governor Stanford in 1862, which was six years before the treaty of 1868, in which Governor Stanford said it will not do at all to allow the Chinese to come, and he asked the State of California to take some measures to keep them out. They had been there; they were nuisances there; they were so bad that Governor Stanford had to call the attention of the Legislature to them in his inaugural address; and yet in the very same year that Governor Stanford was making that inaugural address to the Legislature of California here was the Republican party in the Congress of the United States passing an act that they should come in. Worse than that, Mr. President, six years after that time, when according to the Senator from Oregon they were coming in in shoals all the time, our Republican friends were so much in love with the idea that all men, whether they were black, yellow, or white, were the same thing exactly, and that a Chinaman was as good as an Irishman, with all these evils depicted to them, with Governor Stanford standing on the shores of the Pacific coast, in a State which had to bear the brunt of this immigration, warning them, in the language quoted by the Senator from Colorado, that these fellows would not do, warning them that they were destructive to our civilization, and all that sort of thing, they made the treaty. They did not do that ignorantly. They did it with their eyes wide open. So six years after all that they came and made the treaty of 1868 in which they bound us hand and foot so that we could not do anything. That is the way my friend from Colorado says the Republicans have shown their great anxiety to keep the Chinese out of this country.

I must hasten on, Mr. President. I am dwelling longer on this point probably than I ought.

Mr. MITCHELL. May I ask the Senator just one question? I do not want to detain him.

Mr. GEORGE. Yes, sir; if I know it, I will answer it.

Mr. MITCHELL. Is it not a fact that the act of 1862, to which the Senator has referred, is a restrictive act, a prohibition to a great extent, and the first restriction on the right of Chinese to come to this country that was ever passed by the American Congress?

Mr. GEORGE. Will the Senator point out the restriction in it? Look at the supposed restriction right close. The Senator is a lawyer and a very good one, and he will find that it only restricts American vessel-owners from taking Chinese from China to some other country, not the United States.

Mr. MITCHELL. Oh, no; I beg pardon.

Mr. GEORGE. Read it and see.

Mr. MITCHELL. It simply restricts them from exercising a right they could exercise before the passage of that act.

Mr. GEORGE. It was regarded as a species of slave trade, and it was confined to that. I read it here to the Senate. It is confined exclusively to preventing that.

Mr. MITCHELL. To what section does the Senator refer?

Mr. GEORGE. To the first one, the one the Senator from Colorado read yesterday.

Mr. MITCHELL. The first section?

Mr. GEORGE. Yes. Read that carefully, and you will find that I am right about it.

Mr. MITCHELL. Section 2158 reads as follows:

SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall for himself or any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare any vessel registered, enrolled, or licensed in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port——

Mr. GEORGE. To some other port.

Mr. MITCHELL—

or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

"Any foreign port," I submit in all candor to the Senator from Mississippi, includes any port in the United States, which was a foreign port so far as the coolies were concerned.

Mr. GEORGE. I thought that all ports of the United States were domestic ports and not foreign ports.

Mr. MITCHELL. A United States port is "foreign" to the place from which the coolies started.

Mr. GEORGE. It does not say foreign to China; it just says "foreign." When an American statute speaks of a foreigner or anything foreign it means something foreign to this country.

Mr. MITCHELL. The Senator from Mississippi is too good a lawyer and has been too long on the bench to seriously advocate any such construction of the section as that.

Mr. GEORGE. I am not going to argue that two and two make four; but I hope I will be pardoned for repeating that when the word "foreign" is in a statute of the United States without words qualifying its meaning, it means something foreign to this country and not foreign to any other country.

Mr. MITCHELL. What was the object of the law? Look to the reason of the thing.

Mr. GEORGE. One of the first things I learned in studying law was that you are to look at the words of the statute where they are plain and unequivocal.

Mr. MITCHELL. Certainly.

Mr. GEORGE. China is a foreign country.

Mr. MITCHELL. The object of the law, the Senator must admit, was to prevent the bringing of coolies into the United States.

Mr. GEORGE. I do not know whether that was the object or not.

Mr. MITCHELL. Certainly it was. That was the object of the law unquestionably.

Mr. GEORGE. The law is so plain that I do not care to argue it any more.

As the principal quarrel between the Senator from Colorado and myself is about the action of the Republican party, I believe I will address my remarks now somewhat further to the action of the Republican party in this matter. The Senator takes great comfort from a resolution introduced in the Republican convention of 1876 by the Senator from Nevada [Mr. JONES], and he says that means terrible things in the way of excluding Chinese from this country. What was the resolution as quoted by the Senator?

Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with Congress, or with the United States and its treaty-making power, the Republican party, regarding the unrestricted—

Not the immigration of the Chinese, not any immigration of Chinese, but—

the unrestricted immigration of the Chinese as an evil of great magnitude, invokes the exercise of those powers—

To do what? To prohibit the immigration of Chinese? Not a word of it. This bill prohibits. The complaint was of "unrestricted immigration." If they could just get restricted immigration, that was all they wanted. He did not say how much restriction he wanted, but he wanted it restricted. "Unrestricted immigration" was too much for him. And then what did they ask Congress to do?

To restrain and limit that immigration by the enactment of such just, humane, and reasonable provisions as will produce that result.

That was a mere tub thrown to the whale. It amounted to nothing. But in 1880 the convention of the Republican party made another *ex cathedrâ* declaration upon that question, to which I desire to call the attention of the Senate if I can find it in my notes. I know this is a very dreary subject, and I know I am not performing my part very well, for the causes I have stated when I asked for postponement; but as nobody will know when he comes to read what I say in the RECORD how badly I delivered it, I suppose I may as well go on.

In 1882 there was somebody else just like the Senator from Colorado

who was insisting that the Republican platform of 1880 authorized and commanded the passage of laws by Congress to restrict this immigration. I want to read the language of a very distinguished Senator who, I suppose, has about as much right to speak for the Republican party as any man on this floor. He said:

Mr. HOAR. Mr. President, I do not think that anything will be gained by entering upon an extended discussion of a measure which has very recently received so thorough and careful an examination at the hands of the Senate. I suppose the bill, either with or without the amendment which has been adopted, is destined to pass. I wish before it passes to put on record my certain conviction—

And by the way, in order to save time, I want to call the attention of the Senate to a good many other propositions in what I am reading besides the main point--

my certain conviction that the opinion which has come from a large body of the most intelligent people of the country, from the organs of the great denominations of Christians, from the representatives of the communities which have owed their prosperity, their power, their happiness to the respect in which the labor on which they are based has been held—I say I think this opinion is sure, sooner or later, is sure very speedily, to prevail in reversing the policy on which we now seem about to enter.

That is, in passing the Chinese exclusion bill of 1882.

I believe that the Pacific coast itself will come back very soon to the doctrine of the eloquent resolution framed by my honorable friend from California a few years ago as a representative of the Republican convention of his State, of which he was a leading member. It is impossible, it is incredible that a blow at the dignity of human nature, a blow at the dignity of labor, a blow at men, not because of their individual qualities or characters, but because of the color of their skin, should not fail to be a subject of deep regret and repentance to the American people in the nineteenth century.

I do not, however, rise to reargue this question or to reaffirm my own individual opinion. The conviction with which I have started has been deepened and re-enforced by the expressions of sentiment which have come from the sober, religious sense of this country. It has been strengthened also by the exhibition of the true character of the leaders of the sentiment which has demanded and secured the passage of this bill, which we have seen in the press of the section of country from which it comes.

I wish, however, to refer in a single word to one charge which has been frequently made, and that is that those members of the Republican party—

And to this I desire to call the attention of the Senator from Colorado. I might have omitted the reading of all the other, but it was good to have it read and put in the RECORD, and I wanted it in—

I wish, however, to refer in a single word to one charge which has been frequently made, and that is that those members of the Republican party who have resisted the passage of this measure have violated the pledges with which they asked the support of the American people at the recent Presidential election. I was in a condition, I think, to know something of the opinion and purposes of the men who composed the great Republican national convention of 1880. I was also in a condition to know something of the opinion of the great statesman and soldier and martyr and lover of liberty who was the standard-bearer of my political associates in that memorable campaign. It is a dishonor to both to charge that they asked the support of the American people by pledging themselves to the principles upon which this legislation is based.

General Garfield, I believe, would have gone to the stake, he would have put his right hand into the flames like Cranmer, before he would have accepted the Presidency or have subscribed his name to a declaration involving such a blow to the dignity of labor and the dignity of American humanity as is involved in this bill.

This is what the Republican national convention declared. I stand, and am ready to stand in the future, by every word and letter and syllable of the declaration.

Now, I will read that declaration:

Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and the treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as a matter of grave concernment, under the exercise of both these powers, would limit and restrict that immigration by the enactment of such just, humane, and reasonable laws and treaties as will produce that result.

The same idea exactly as the resolution offered in 1876 by the Senator from Nevada [Mr. JONES]. Here is the comment of the Senator from whom I am reading:

That is, the regulation of immigration and intercourse. Then General Garfield in his letter of acceptance stated the doctrine to which he understands he is committed by accepting the nomination of that party upon that platform. He said:

"The material interests of this country, the traditions of its settlement, and the sentiment of our people have led the Government to offer the widest hospitality to emigrants who seek our shores for new and happier homes, willing to share the burdens as well the benefits of our society, and intending that their posterity shall become an undistinguishable part of our population."

Then says the Senator:

Is that like an enactment that no Chinese shall ever be naturalized in the American Republic?

"The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of such an immigration either in its purposes or its result. It is too much like an importation to be welcomed without restrictions, too much like an invasion to be looked upon without solicitude. We can not consent to allow any form of servile labor to be introduced among us under the guise of immigration. Recognizing the gravity of this subject, the present administration, supported by Congress, has sent to China a commission of distinguished citizens for the purpose of securing such a modification of the existing treaty as will prevent the evils likely to arise from the present situation. It is confidently believed that these diplomatic negotiations will be successful without the loss of commercial intercourse between the two powers, which promises a great increase of reciprocal trade and the enlargement of our markets. Should these efforts fail, it will be the duty of Congress to mitigate the evils already felt and prevent their increase by such restrictions as, without violence or injustice, will place upon a sure foundation the peace of our communities and the freedom and dignity of labor."

That ends the quotation from Mr. Garfield. I am reading from a speech made by the Senator from Massachusetts [Mr. HOAR]. That Senator continues:

Mr. President, I reaffirm for myself, and for the people whom I immediately represent, every syllable of that eloquent declaration. I am willing to join my friends from the Pacific coast in regulating immigration so as to extirpate, root and branch, every form of cooly labor. I am willing to plant at the outer gateways of this Asiatic nation vigilant and competent consular agents, without whose certificate no man shall come to our shores whose labor is not his own property; who does not come with his family, if he has a family; who does not come under the fair promise that he is likely to take upon himself in good faith the responsibilities, the duties, and the opportunities of American citizenship.

Not an evil has been suggested in the petition and complaints that have come from the Pacific coast against which I will not join with its representatives in striking a hard and fatal blow. But I will not strike at an honest, industrious, temperate Christian laborer because I am afraid that his labor is more skillful than mine or than the labor of the men of my race. I will not deny to the Chinaman any more than I will to the negro or the Irishman or the Caucasian the right to bring his labor, bring his own property to our shores, and the right to fix such a price upon it as according to his own judgment and his own interest may seem to him best.

I denounce this legislation not only as a violation of the ancient policy of the American Republic, not only as a violation of the rights of human nature itself, but especially as a departure from the doctrine to which the great party to which I belong is committed in its latest declaration of principles, and to which our great martyred chief, whom we were so proud to acknowledge as our standard-bearer, affixed his declaration in almost the latest public act of his distinguished life.

So the Senator from Colorado will see that the platform of 1876, which I have just remarked is substantially the same as the platform of 1880, almost in the same words, as interpreted by one of the most distinguished members of his party, is not in accord with the views which he expressed yesterday; or, in other words, that there is nothing in that platform which justifies the present bill and nothing even which justified the bill which we passed in 1882. I will let that answer the argument of the Senator upon that point.

I showed some days ago in a short speech I made then that the bulk of the Republican party in the Senate voted in favor of striking out from the House bill in 1882 the clause which prohibited Chinese naturalization. I stated that fact. I think I was interrupted then by a suggestion or by a question that that was unnecessary, that the law already prohibited it, and that there was no such practice. It had been a good while since these matters came before me and I only had a dim recollection of them, and so stated at the time; but it was stated in that debate that Chinese were actually being naturalized by State courts in the United States. Upon that subject I desire to read something from that debate. On the motion to strike out section 14, which is in the following words:

That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed—

Mr. Farley, of California, said:

Mr. FARLEY. I hope that amendment will not be adopted. For many reasons I do not wish to take up the time of the Senate just now in the discussion of this amendment. At the time that it was put into the first bill I know that some distinguished Senators took the ground that there was no necessity for this provision, because the statute already provided for it. But, notwithstanding that statute, the courts have been naturalizing Chinamen; and I shall insist on the rejection of the amendment at this time.

Nobody controverted that statement made by Senator Farley. That matter came up again in the debate in a colloquy between Mr. Farley and the Senator from Connecticut [Mr. HAWLEY]. Senator Farley said:

Will the Senator—

Speaking to Senator HAWLEY—

Will the Senator allow me to ask him one question?

Mr. HAWLEY. Certainly.

Mr. FARLEY. Were they naturalized in the State of Connecticut, or where were they naturalized?

Mr. HAWLEY. They were naturalized in Connecticut, I believe. One of them I know was a graduate at Yale College, had taken prizes in English composition there, and was regarded as a man of superior ability and education.

So I was right in stating that it was a then present emergent evil that required legislation, that the practice was going on.

Mr. MITCHELL. Will the Senator state that under the law as it existed at that time Chinese could be rightfully or legally naturalized in this country?

Mr. GEORGE. I have not examined that question very fully, but my present impressions are that they had no right to be naturalized. That is my impression.

Mr. MITCHELL. At the time when the amendment was voted down?

Mr. GEORGE. Yes, I will state that—at the time the amendment was voted on.

Mr. MITCHELL. I think the Senator is right in that.

Mr. GEORGE. I have not examined that matter very thoroughly, though, but there seems to have been a doubt about it. The Senator from Texas [Mr. REAGAN] tells me, in addition to what I have stated here, that they naturalized about seven Chinamen in Indianapolis, Ind., a very enlightened State with a very intelligent State court, and then there was the statement made made by the Senator from Connecticut [Mr. HAWLEY] that they were naturalizing them in Connecticut, and I think that one of the most beneficent acts, and one of the most judicious grounds of legislation is to remove a doubt upon a statute and to prevent misconstructions of the statute by the courts of the country, and so it appears——

Mr. DOLPH. Will the Senator from Mississippi allow me to ask a question?

Mr. GEORGE. Yes.

Mr. DOLPH. Is the Senator able to state by what court, at what place, or by what judge Chinese were naturalized in Indiana?

Mr. GEORGE. I have just read from Senator HAWLEY.

Mr. DOLPH. I ask as to Indiana.

Mr. GEORGE. The Senator from Texas gave me that information. I have seen something in the newspapers about Chinese being naturalized in Indianapolis.

Mr. DOLPH. That statement has been made in the Senate before, but we are not able to ascertain where to look for the authority for it.

Mr. REAGAN. If the Senator from Mississippi will allow me, I will state that I saw an address printed in a St. Louis paper a few days ago, made by the district attorney or assistant district attorney of the United States, lately a State senator of Indiana, in which he gives the record proving that seven Chinamen were naturalized in Indianapolis and voted there against Democratic protest.

Mr. DOLPH. Is the Senator able to state from recollection or otherwise what that record was, before what court or what judge, or in what town?

Mr. REAGAN. It was the record of a State court.

Mr. GEORGE. Well, they were naturalized. I want to bring now before the Senate the opinions of distinguished Republicans to the effect that they ought to be naturalized, that they were proper subjects of naturalization. I have not got my marked copy of the RECORD here and I may have to read a little more——

Mr. TELLER. I should like to ask the Senator a question.

Mr. GEORGE. Let me find this now.

Mr. TELLER. I should like to ask him a question with reference to naturalization. Does the Senator regard a Chinaman in the proper sense of the term a white man?

Mr. GEORGE. I do not.

Mr. TELLER. Does not the Senator know that there has been in the statute since 1804 a provision that persons to be naturalized must be white men?

Mr. GEORGE. I do not know that it is exactly that way.

Mr. REAGAN. If the Senator appeals to me I think I can produce the decision of the State court of Indiana which has been referred to.

Mr. GEORGE. The Senator from Colorado will agree with me when I state my position.

Mr. TELLER. Let me call attention to the statute.

Mr. GEORGE. I know what the statute is. In 1804 there was a statute passed, and I believe before that, in 1791, the first statute was passed for the naturalization of white men. In 1870 it was extended to persons of African descent.

Mr. TELLER. To Africans only; so that it includes only white men and Africans, not Asiatics.

Mr. DOLPH. Will the Senator from Mississippi allow me to ask him another question?

Mr. GEORGE. I shall never get through if I am constantly interrupted.

Mr. DOLPH. I desire to know if he is aware that the present House amended the bill which was recently passed so as to repeal the provision of the act of 1882 which provided that no court should naturalize a Chinaman; and does he know whether that was done under the impression——

Mr. GEORGE. You must not ask me as to my knowledge. I do not know much. If the Senator only wants to find out the extent of my information I will admit that I am very ignorant.

Here is what the Senator from Connecticut [Mr. HAWLEY] said about it after the colloquy in which he stated that they were naturalizing Chinese in his State:

Therefore I conceive that the argument against cooly immigration has no force here for the reason that it is already sufficiently forbidden by statute twenty years old, and for the further reason that there is none, and there is no tendency of it toward this country, because cooly emigration is punished by beheading in China.

The Chinese immigration, while it affords a serious question to the people of the California coast, and I sympathize with certain of their feelings, has not, in my judgment, reached anything like the threatening proportions which have been represented. I am sorry it is not distributed more throughout the country, for I appreciate the painfulness of my position in discussing a matter that does not immediately affect my own State at all, and I am willing to contribute to the charitable and sympathetic feeling for those who sincerely feel themselves afflicted.

I wish we could have some sympathetic feeling of that sort sometimes from Northern Senators about troubles that are equally as distressing to some other sections of the country.

I am willing to regulate the immigration. I think the Chinese Government is willing. I am willing to limit it; to restrict it. I admit, nay more, I assert, the right of a government to defend itself against a hostile or dangerous immigration. It is a question of fact as to whether this is such. It is a further question for rightful consideration whether we are wisely legislating against it even if there be an evil. If we could suppose a bill that should admit only such Chinamen as came with their families, and admit such only as came with a purpose to permanent settlement with us, admitting none to be citizens and voters unless they should be able to speak and read the English language, you certainly could defend such a bill with much more consistency than you can defend this bill as it stands with the clause forbidding naturalization, because that makes no distinction upon the ground of merit, or education, or intelligence, or patriotism. It simply excludes a man by reason of his race or color, and we have said as emphatically as we could to the world that no man should be excluded for that reason.

An exclusion based purely upon race or color is unphilosophical, unjust, and undemocratic.

That is enough to read of that. I call attention now to what I have read from the Senator from Massachusetts [Mr. HOAR] upon that subject. There are one or two other authorities of weight that I desire to call the attention of the Senate to.

This was in 1882. We had a bill passed here in 1886, and that passed without much debate, but there were some Senators who opposed it even then.

I have not gone through all the speeches of Senators. I have quoted only from those of great eminence and of great weight in the Republican party. There are others I might say of almost equal standing and weight that I have overlooked, because I do not desire in my present condition to occupy the attention of the Senate a great deal longer.

This is four years afterwards. I want to read from the Senator from Massachusetts [Mr. HOAR] again:

Mr. HOAR. I understand the Senator from Ohio who reported this bill does not propose to address the Senate further. I think I ought not to let the occasion pass without at least expressing my own protest with regard to this entire proceeding.

This proposed act, and the statute of which it is an amendment, and the treaty which those two statutes profess to carry into effect, will in my judgment be regarded, if civilization be preserved on this continent, in future ages as among the great blots on the history of the human race. Here is legislation aimed at men, not on account of any individual crime or inferiority or fault, but simply because they are laborers and because they belong to a certain race; and that in defiance of the two great foundation principles of this Republic: that labor is honorable, and that there ought to be no distinction between human beings in their privileges on account of race.

The motive for this legislation is not, as will be confessed in private by every intelligent man who seeks it, any fault, wrongdoing, or inferiority of the classes sought to be affected, but because American skill, American industry, and American intelligence fears that it shall be beaten in the race for wealth, and for employment, and for power.

There is more of the same sort which it is not necessary to read. At another part of the same speech the Senator from Massachusetts used this language:

If there were not a rivalry between the two political parties of this country for the political vote of the Pacific coast this legislation would be received, in my opinion, with universal execration from all intelligent and humane men. I do not propose to be led by any real or fancied political necessity into a departure from those principles of human freedom and human rights in which I have been educated, which have been the ornament and glory of my own State and my own country, and in departing from which every nation sooner or later is sure to encounter its just and ordained punishment.

I do not propose, for one, to repeat for myself or to see others repeat without a protest the miserable history of the years which preceded the war, preceded the year 1850, when the two great parties of the country undertook to vie with each other in bidding for the votes of the supporters of slavery. I deem this Chinese legislation in principle a repetition of that disgrace. I do not mean to have on my own record or to leave to my children any share in the blame.

Mr. President, I have been reading from these Senators, not with the view of bringing upon them any reproach whatever for the expression of these opinions, but to show that leading men, able men, justly esteemed as leaders in the Republican party, made the declarations which I have read; and now I want to read from another. This one is very short. I read from a speech made by the Senator from Kansas, now occupying the chair [Mr. INGALLS], in 1886:

The Senator from Ohio states that he does not desire to renew the discussion of four years ago, and accuses the Senator from Massachusetts of knight-errantry, intimating that he is a Don Quixote fighting wind-mills, and perhaps that I am his Sancho Panza [laughter], because we venture to ask that a great measure of this kind—

Now comes the language to which I desire to call attention specially—

because we venture to ask that a great measure of this kind, which I affirm is a disgrace to American civilization, shall not be passed through here without discussion.

That was the bill of 1886, the last bill that was passed on the subject. Now, I read from two Senators, of course we all respect them both as high, eminent, and leading statesmen, one of whom has received the indorsement of the majority of his party as President of the Senate, and the other, I believe, received the rest of the Republican votes in caucus for that position.

With all this record the Senator from Colorado gravely insists that this Chinese restriction matter has encountered mainly opposition from the Democrats all the way through, and that the matter of Chinese admission is altogether a Democratic measure and opposed by the Republican party. Well, I can say nothing more than I have said as to that. There is the record, and there is the record which you made. There is the record which your party made; it stands for itself, and it can not be answered before the American people by the charge that the Senator who brings it before them has been a slave-holder.

There is another little piece of history in Congress which I will read to the Senate, which shows how the party stood, and, by the way, if I could lay my hands on it I should like to read some from the other Senator from Massachusetts [Mr. DAWES]. Everybody knows that that Senator has long been a leader in the councils of his party, and his expressions in 1882 were as strong and in the same line with those of his colleague. If I can find his remarks I will read them. If I do not I hope I shall be allowed to put them in the RECORD, because I want the people of this country to know what my distinguished friend from Massachusetts thinks about it or did think about it. I do not know whether he thinks that way now or not. I do not know whether he has been converted by what is called in debate here "the unanimous demand of the American people for this kind of legislation."

This other little piece of history to which I propose to allude will go to confirm the statement of the Senator from Colorado that the Republican party has been breaking its neck here for several years to try to stop Chinese immigration! On May 1, 1882, a very important act occurred in the House of Representatives. In view of the fact that the Senator from Colorado draws a distinction between the abrogation of treaties and the violation of treaties, let us see how the Republican party stood in 1882 upon a direct and square-out proposition to abrogate the Chinese treaty. I read from the proceedings of the House of Representatives:

Mr. TOWNSHEND, of Illinois. I move that the rules be suspended and that the joint resolution which I send to the desk be passed.

The Clerk read as follows:

"Joint resolution for the abrogation of all stipulations in existing treaties with China which permit the immigration of Chinese into the United States except for travel, education, and foreign commerce.

"Whereas the great majority of Chinese who immigrate to this country are detrimental to the welfare of American laborers; and

"Whereas they manifest no willingness or capacity or intention to assimilate with our own people and have no appreciation of our institutions; and

"Whereas the execution of the fifth and sixth articles of the treaty generally known as the Burlingame treaty endangers the peace and good understanding existing between the United States and China, and interferes with the power of Congress to regulate foreign commerce: Therefore,

"*Resolved by the Senate and House of Representatives in Congress assembled*, That the President of the United States be, and he is hereby, authorized and requested to immediately open correspondence with the Government of China for the purpose of securing a change or abrogation of all stipulations in existing treaties which permit the immigration of Chinese into the United States, except for travel, education, and foreign commerce."

Any one who listened to the Senator from Colorado yesterday, when he spoke about the grand difference between abrogation and violation, when he summoned his great powers to show to the American people that whilst the Republicans and General Harrison would not do a thing, would not move a hair's breadth in the way of "violation," might be led to suppose that they would do everything, travel the circuit of the earth if they could only have "abrogation" as the end of their journey. Here was a distinct proposition to change or abrogate. Now let us see what became of that resolution.

Mr. KASSON. What power to abrogate have we under the treaty?

Mr. HOOKER. I desire to offer an amendment to this resolution.

Mr. TOWNSHEND, of Illinois. I do not yield for the purpose of allowing the amendment.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND, of Illinois. I desire that the House may consider the motion as seconded.

The SPEAKER. No second has been demanded.

Mr. ROBINSON, of Massachusetts. Let the question be taken on seconding the motion.

Tellers were ordered; and Mr. ROBINSON, of Massachusetts, and Mr. TOWNSHEND, of Illinois, were appointed.

The House divided; and the tellers reported—ayes 62, noes 100.

Here comes the great part of this thing. It is funny:

So the House refused to second the motion to suspend the rules.

Mr. TOWNSHEND, of Illinois. I ask for the yeas and nays upon this proposition.

The SPEAKER. That is not in order.

The first thing we do over here after a division has been had, if any one is dissatisfied with the count, is to call for the yeas and nays, and yet the Speaker, who happened to be not JOHN G. CARLISLE or SAMUEL J. RANDALL, but John W. Keifer, a distinguished member of the Republican party, decided the motion not to be in order. Now, let us see what else happened.

Mr. TOWNSHEND, of Illinois. Although the rules provide that the roll need not be called on seconding a motion of this kind, I make the point that this is a motion to suspend the rules, including that rule as well as all others.

The SPEAKER. But the motion is not entertained by the House.

Mr. ROBINSON, of Massachusetts. The rules are not yet suspended.

Mr. REED. You can not suspend the rules until you suspend them. [Laughter.]

The SPEAKER. The vote just taken was to determine whether this proposition should be entertained by the House; and the House has refused to entertain it.

So he could not get the yeas and nays on the motion. Now, see what Mr. TOWNSHEND said was his motive for getting the yeas and nays, which was not controverted by anybody:

Mr. TOWNSHEND, of Illinois. My purpose was to show that but one Republican in this House has voted to sustain the motion.

The important historical fact that only one Republican in the House of Representatives voted to sustain the motion to suspend the rules by which this Republican panacea for all the ills of human life, the abrogation of this treaty, could come before the House of Representatives, was not allowed by the Republican Speaker to be put on the records or Journals of the House, and posterity and the world will not know that fact that only one Republican voted to suspend those rules, except by the statement of Mr. TOWNSHEND, which was not contradicted by anybody.

Mr. DAWES. What is the date of that proceeding?

Mr. GEORGE. May 1, 1882. I read from the CONGRESSIONAL RECORD, volume 13, part 4, page 3476.

Mr. DAWES. Is the Senator aware that the rules of the House do not permit the calling of the yeas and nays on the second of a motion to order the previous question?

Mr. GEORGE. No, sir; I do not impeach the Speaker's decision. I am only stating that I read that for the purpose of showing Mr. TOWNSHEND'S statement. He wanted to get it on the record. He could not do it. His statement that only one Republican vote was for it was not contradicted.

When that time shall come, which the Senator from Massachusetts is certain will come, when all the legislation we have had or are having or are trying to have for the restriction of the Chinese will be regarded with execration, I believe was the word, at least with disfavor—I do not remember the word, but with disfavor—then I take it when that time comes this execration and this disfavor will be mainly laid upon the shoulders of the Democrats. If the Republicans in their action on this matter have been looking forward to that happy time when the prejudices of the American people against admitting these Mongolians into their country to compete with American laborers for their bread shall have passed away—I say if they are waiting for that time, then they may indeed rejoice if it shall come. They have shown the best record for that happy time that a party has ever shown upon any question. In 1862 they invited the Chinese in; in 1868 they contracted with China that they should never be kept out; in 1870, in the civil-rights law, they protected these Mongolians from discriminating taxation as against Irishmen, Germans, and Englishmen, and after we commenced, in answer to the demand of the American people, to pass legislation in Congress upon this subject, as I showed a few days ago, and up to 1886 at least, that side of the Chamber presented almost—not entirely, dissentients run up sometimes, I believe, as high as eight or nine—almost a solid vote against all measures on that subject.

Mr. MITCHELL. Will the Senator allow me to ask him a question?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL. Is the Senator from Mississippi aware of the fact——

Mr. GEORGE. Do not ask me anything about my knowledge. I am a very ignorant man.

Mr. MITCHELL. Is he aware of the fact that the present President of the United States and the present candidate of the Democratic party for the next Presidency——

Mr. GEORGE. Who will be elected, too. Put that in. [Laughter.]

Mr. MITCHELL. Is the Senator aware that the President on the 6th day of April, 1886, sent a message over his signature to the Senate and House of Representatives of the United States——

Mr. GEORGE. Oh, well, put that in an appendix to my speech.

Mr. MITCHELL. Will the Senator allow me one moment?

Mr. GEORGE. Go on.

Mr. MITCHELL. That in that message the President recommended that Congress amend the Chinese restriction act of 1882 as amended by the act of 1884 in such a way as to enlarge the right of Chinese to come to this country, which recommendation, had it been adopted by the Congress of the United States, would have admitted into this country a very large class of Chinese who are not permitted to come into this country by the acts of 1882 and 1884.

Mr. GEORGE. Are you through with your question now?

Mr. MITCHELL. That is my question.

Mr. GEORGE. I am not aware of any such thing.

Mr. MITCHELL. Well, he did.

Mr. GEORGE. I am answering now. You are through with your question. Now you can just stop. I am not aware of any such thing. If any such extraordinary thing happened as that I should think the President had been taking a little Republican liquor, or had been associating with and had been inspired by some of my Republican friends on the other side, and I do not believe he did either. In other words, I do not believe, in the first place, that the President did that thing; and in the next place——

Mr. MITCHELL. Well he did, and I hold the message in my hand.

Mr. GEORGE. Wait until I get through. I do not want to be interrupted now.

Mr. MITCHELL. I should think not.

Mr. GEORGE. Of course not.

The PRESIDENT *pro tempore*. The Senator from Mississippi is entitled to the floor, and declines to be further interrupted.

Mr. GEORGE. I am entitled to the floor.

Mr. MITCHELL. Certainly.

Mr. GEORGE. The Senator from Oregon has from now until Christmas to use his papers.

Mr. MITCHELL. I did not wish to interrupt the Senator; I only wanted to ask him a question.

Mr. GEORGE. I have a little more to say, and I do not want to waste my time in interruptions of that sort. I had a pretty good idea in my head when the Senator came in with his foolishness. I believe I was recapitulating the great efforts made by the Republican party to get the Chinese into this country, but I am so much astounded now by the revelations made by the Senator from Oregon that I have rather lost the track.

Mr. MITCHELL. I think from the sound the Senator——

Mr. GEORGE. Never mind. Keep your seat, if you please.

I believe when the Senator from Oregon interrupted me I was talking about the claim of the Republican party, set up by the Senator from Colorado, as being the early, original, eternal, and undying enemies of

the Chinese getting in here, and then the original, early, and undying friends of any policy to put them out when they had got here. I thought I would recapitulate some important facts upon which I have touched in the scattering and desultory remarks I have made, and which the Senator from Nevada and others on the opposite side forced me to make under great disadvantages, when unwell. Now I will go back.

In 1862 the Republican party opend the door, inviting these fellows in. They never had been invited before. If they were here before, they were here without any national authority, without any national invitation. That was in 1862.

In 1868 they made a treaty throwing wide open the door of Chinese immigration, and bolting and fastening the door open, so that without a violation of the treaty it never could be closed again.

In 1870 they were not content with that. There was a little power, they thought, which might be left in the State governments, by discouraging Chinese immigration, discriminating between an Irishman and a Chinaman, between a German and a Chinaman, and they were so in love with these Mongolians and so much not in love with our Irish and German friends that they thought it might be that some of the States would undertake to tax one of these Oriental jewels of the Republican party, the Chinaman, a little more than they taxed another immigrant. So they put a provision in the civil rights law, not in a revenue law, but in a civil rights law, intended to put the white people of the South on an equality with the negro—I do not know whether they meant to lift us up to the negroes or to put us down, but at any rate it was to put us on an equality with our colored friends socially and every other way, not politically, but socially—they put in this axing provision, "you shall not tax a Chinaman unless you tax an Irishman or a Frenchman or somebody else to the same amount."

Well, the American people got mad at all this wickedness and folly. In 1879 the people, through their Representatives and some of their Senators here, commenced agitating about getting rid of this incubus. A bill was passed mainly by Democratic votes; it was opposed mainly by Republicans, and when the poor laboring people in this country had begun to think that they were in sight of the promised land, when like the poor pilgrim who was in the slough of despond overwhelmed by its waters, they had got a sight of the Delectable Mountains just beyond, when these poor, hard-working people began to think they were about to reach the Delectable Mountains, and at last these Mongolians would be restrained a little, would be crippled a little, would not be allowed to come in here to take their work from them, the bill passed the House, it passed the Senate, it went up to the other end of the avenue, and it was vetoed by a Republican President. That was discouraging; but the people persisted, they threatened, they were mad.

Then in 1882, three years later, after three years more of outrage, three years more of hard competition, three years more of unrewarded and unrequited toil on account of the competition of these men, we passed another bill, mainly by Democratic votes in both Houses, as I showed the other day, and then again the poor laboring people of this country began to think that they would see daylight. That bill was sent up the avenue and it was vetoed, not by a Democrat, but by a Republican.

Then to conform our ideas to the demand of the President we passed a bill, and he at last signed it, and then, oh, then, we know the laborers felt happy then.

In 1886 they had so stirred up public sentiment, they had so organized themselves, they had so pronounced from the house-tops and everywhere else that they intended to have relief from this curse of Chinese competition, that then, indeed, they saw one after another of the stalwart opponents of restriction fall. Two or three were left as I have indicated—it may be more, not many though—to stand by what they regarded as their convictions. But the strangest thing of all this eventful story is that the muse of history, misled by Republican Senators, has got things mixed, and now when everybody is for Chinese restriction—when this has been brought about by the means I have described—it is made to appear that those who fought the good fight for the restriction and won the victory were all the time on the other side, and that the only real friends of restriction were those who all along fought against it.

Now, Mr. President, apologizing to the Senate for the desultory way in which I have discussed this question, and basing my excuse upon the statement of fact which I made when I commenced, I will surrender the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the following bills:

A bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia;

A bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor;

A bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California;

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain;

A bill (H. R. 1641) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey; and

A bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California.

The message also announced that the House had agreed to the respective conferences on the Senate amendments to the foregoing bills asked by the Senate, and had appointed Mr. CRISP, Mr. ANDERSON, and Mr. THOMAS H. B. BROWNE of Virginia managers at the conferences on the part of the House.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. The bill H. R. 11336, a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882, having been read three times, the question is, Shall the bill pass? The yeas and nays having been ordered, Senators in the affirmative will answer "yea."

The Secretary proceeded to call the roll.

Mr. PASCO (when Mr. FAULKNER'S name was called). I was requested to announce that the Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. If the Senator from West Virginia were present, he would vote "yea."

Mr. WALTHALL (when Mr. GRAY'S name was called). The Senator from Delaware [Mr. GRAY] is paired with the Senator from Illinois [Mr. CULLOM].

Mr. CULLOM. I was not aware that the Senator from Delaware [Mr. GRAY] was away. We have a general pair, and if he is not here I shall withdraw my vote.

Mr. WALTHALL. I merely called attention to the pair. If the Senator from Delaware [Mr. GRAY] were here, he would vote "yea."

Mr. CULLOM. Then I shall let my vote stand.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. I suppose if he were present he would vote "yea." Therefore I vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES] is paired with the Senator from New York [Mr. HISCOCK], as the Senator from New York has stated. If my colleague were present, he would vote "yea."

Mr. MCPHERSON (when his name was called). I do not know but that I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. We were paired yesterday afternoon, and I do not know whether he intended the pair to stand over to-day or not.

Mr. STEWART. The Senator from Michigan [Mr. STOCKBRIDGE] would vote "yea," if he were present.

Mr. MCPHERSON. Then I shall vote "yea."

Mr. SAWYER. The Senator from Michigan [Mr. STOCKBRIDGE] told me to-day that he would vote "yea."

Mr. MCPHERSON. I vote "yea."

Mr. PUGH (when Mr. MORGAN'S name was called). My colleague [Mr. MORGAN] is necessarily absent from the Senate, and is paired with the Senator from New York [Mr. EVARTS].

Mr. PADDOCK (when his name was called). I am paired generally with the Senator from Louisiana [Mr. EUSTIS]. Presuming that if he were here he would vote "yea," I shall vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. I ask his colleague [Mr. CULLOM] if he knows how the junior Senator from Illinois [Mr. FARWELL] would vote?

Mr. CULLOM. I think he would vote "yea" on this question.

Mr. PASCO. Then I shall record my vote "yea," with that understanding.

Mr. PLUMB (when Mr. QUAY'S name was called). Some one announced a moment ago on the other side of the Chamber a pair with the Senator from Pennsylvania [Mr. QUAY]. I wish to say from my own personal knowledge on the subject that the Senator from Pennsylvania [Mr. QUAY] would vote "yea" on this bill, and therefore whoever is paired with him will be at perfect liberty to vote the same way.

Mr. PASCO. The Senator from Pennsylvania [Mr. QUAY] is paired with the Senator from West Virginia [Mr. FAULKNER], who is necessarily absent. I announced that the Senator from West Virginia would vote "yea," if he were present.

Mr. DAVIS (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote "yea."

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], but I am assured that he would vote "yea," if he were present, and therefore I shall vote "yea."

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER], but I advised the Senator from Michigan, knowing that my colleague would vote "yea," that he could vote "yea," and he so voted. If my colleague were here, he would vote "yea."

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea." I wish

to state that my colleague [Mr. BECK] is paired with the Senator from Maine [Mr. HALE], neither of them being present. My colleague would vote "yea," if he were present and not paired.

Mr. PADDOCK. I desire to inform the Senator from Kentucky that my colleague [Mr. MANDERSON] would vote "yea," if he were here.

Mr. BLACKBURN. Then I shall ask leave to have my vote recorded in the affirmative.

Mr. ALLISON (after having voted in the affirmative). My colleague [Mr. WILSON, of Iowa] is necessarily absent to-day, and is paired with the Senator from Maryland [Mr. WILSON]. I have a general pair with the senior Senator from Delaware [Mr. SAULSBURY]. I leave it with his colleagues to say what I shall do respecting the pair.

Mr. COCKRELL. The senior Senator from Delaware [Mr. SAULSBURY] would vote "yea," if he were present.

Mr. ALLISON. I will allow my vote to stand unless some Senator thinks I ought to observe my pair.

Mr. COCKRELL. Let it stand. I am paired with the Senator from Connecticut [Mr. HAWLEY]. I leave it to his colleague to say whether the pair shall be observed.

Mr. PLATT. I do not know how my colleague would vote.

Mr. COCKRELL. I have voted "yea." I will withdraw my vote if the Senator says so. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Missouri withdraws his vote.

Mr. HISCOCK. Did I understand some Senator to announce that he was paired with my colleague [Mr. EVARTS]?

Mr. CULLOM. The Senator from New York [Mr. EVARTS] is usually paired with the Senator from Alabama [Mr. MORGAN].

The PRESIDENT *pro tempore*. The announcement of the pair was made.

Mr. PUGH. My colleague [Mr. MORGAN] is paired with the Senator from New York [Mr. EVARTS].

The PRESIDENT *pro tempore*. Both Senators are absent.

Mr. HISCOCK. I have no doubt that my colleague [Mr. EVARTS] would vote "yea," if he were here.

Mr. TELLER. I desire to announce the pair of my colleague [Mr. BOWEN] with the Senator from Florida [Mr. CALL]. If my colleague were present he would vote "yea."

Mr. PUGH. The Senator from West Virginia [Mr. KENNA] requested me to announce his pair with the Senator from Minnesota [Mr. SABIN]. The Senator from West Virginia would vote "yea," if he were present.

Mr. BATE. My colleague [Mr. HARRIS] is necessarily absent, and is paired with the Senator from Vermont [Mr. MORRILL]. If my colleague were present he would vote "yea."

Mr. BLODGETT. I am paired with the Senator from New Hampshire [Mr. CHANDLER]. I understand that he would vote "yea," if he were present.

Mr. BLAIR. My colleague [Mr. CHANDLER] would vote "yea," if present.

Mr. BLODGETT. Then I vote "yea."

Mr. BLAIR. I will simply say that my colleague [Mr. CHANDLER] is necessarily absent, and, as has been stated, if present he would vote "yea."

The result was announced—yeas 32, nays 0; as follows:

YEAS—32.

Allison,	Colquitt,	McPherson,	Reagan,
Bate,	Cullom,	Mitchell,	Sawyer,
Berry,	Davis,	Paddock,	Spooner,
Blackburn,	Dolph,	Palmer,	Stewart,
Blair,	George,	Pasco,	Teller,
Blodgett	Hampton,	Plumb,	Turpie,
Chace	Hiscock,	Pugh,	Vest,
Coke	Jones of Nevada,	Ransom,	Walthall.

NAYS—0.

ABSENT—44.

Aldrich,	Edmunds,	Hawley,	Quay,
Beck,	Eustis,	Hearst,	Riddleberger,
Bowen,	Evarts,	Hoar,	Sabin,
Brown,	Farwell,	Ingalls,	Saulsbury,
Butler,	Faulkner,	Jones of Arkansas,	Sherman,
Call,	Frye,	Kenna,	Stanford,
Cameron,	Gibson,	Manderson,	Stockbridge,
Chandler,	Gorman,	Morgan,	Vance,
Cockrell,	Gray,	Morrill,	Voorhees,
Daniel,	Hale,	Payne,	Wilson of Iowa,
Dawes,	Harris,	Platt,	Wilson of Md.

The PRESIDENT *pro tempore*. A quorum not having voted, the Secretary will call the roll of the Senate.

Mr. PLUMB and Mr. COCKRELL addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Kansas.

Mr. PLUMB. Is it in order to move an adjournment?

The PRESIDENT *pro tempore*. It is in order.

Mr. PLUMB. It seems to me, though I do not care to make the motion——

Mr. COCKRELL. I rose for that purpose myself.

Mr. PLUMB. It seems to me that perhaps we should not lose any time by letting this matter go over until to-morrow morning when there will no doubt be a quorum present. Still, I do not make a motion to adjourn.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

Mr. BROWN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 6, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September* 5, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

MISSOULA RESERVATION, MONTANA.

The SPEAKER laid before the House a letter from the Secretary of War, with accompanying papers, recommending legislation to secure for military purposes certain lands within the limits of the Missoula reservation, Montana; which was referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS DISMISSED UNDER BOWMAN ACT.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a list of war claims under the Bowman act dismissed for failure of proof of loyalty; which was referred to the Committee on War Claims.

ESTABLISHMENT OF LIGHT-SHIPS AND LIGHT-HOUSES.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

Mr. CRISP. Mr. Speaker, this is one of several bills that are on the Speaker's table which have been amended by the Senate by inserting in the House bills the appropriation of the money for the erection of the light-house or the establishment of the light-ship, as the case may be. Under the rules of the House the Committee on Commerce has no authority to make appropriations for such purpose. The Senate ask a conference with the House on the amendments to these several bills; and I ask unanimous consent that the House non-concur in the amendments of the Senate and agree to the conference asked.

Mr. ADAMS. Let me ask the gentleman what difference there is between the request in this case and a somewhat similar request a few days ago, to which objection was then made? The gentleman is aware of the fact that I have been strenuous in my desire that in some way on all such questions there should be an expression of sentiment on the part of the House, although whenever a good reason has been given I have withdrawn any objection to such requests.

Mr. CRISP. The gentleman perhaps did not hear my statement. Under the rules of the House the Committee on Commerce does not incorporate in any of their bills a provision appropriating the money for the work.

Mr. ADAMS. I am aware of that.

Mr. CRISP. The cases to which I now refer are House bills providing for the establishment of light-ships or the erection of light-houses in some half dozen different localities, which are on the Speaker's table.

Mr. ADAMS. The rule is the same in regard to them. The gentleman asked, if I understand it, unanimous consent, a few days ago, that the House should take action upon these bills without reference to the committee at all.

Mr. CRISP. No, sir; they are different bills.

Mr. ADAMS. The bills are of the same character.

Mr. CRISP. They are of the same general character. In each case the Senate amendment appropriates the money. My request is that the House non-concur in these amendments and agree to the conference, in order that we may make an effort at least to enforce the rules of the House in this respect.

The SPEAKER. If there be no objection, that order will be made.

There was no objection, and it was so ordered.

The same order was made with reference to the following bills, namely:

A bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California;

A bill (H. R. 1641) for the erection of a light-house at or near a point about midway between Barnegat and Navesink lights, in the State of New Jersey;

A bill (H. R. 1249) for establishing a light-house and fog-signal on Roe Island, Suisun Bay, California;

A bill (H. R. 5700) to facilitate the transportation of life-saving and light-house supplies at Hog Island, Virginia; and

A bill (H. R. 8855) for the establishment of a light-ship with a steam fog-signal at Sandy Hook, New York Harbor.

BONDS OF DISBURSING OFFICERS, ETC.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 8873) in relation to the bonds of disbursing or other officers and the monthly payments of the Army; which were referred to the Committee on Military Affairs.

NICHOLAS J. BIGLEY.

The SPEAKER also laid before the House the bill (S. 3074) for the relief of Nicholas J. Bigley; which was read twice, and referred to the Committee on Claims.

RETURN OF BILLS TO THE SENATE.

The SPEAKER also laid before the House the request of the Senate for the return of the bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George L. McGuire; and the bill (S. 3087) granting a pension to Mary A. Pfeiffer.

The SPEAKER. If there be no objection, this request will be agreed to, and the Clerk will be directed to return the bills to the Senate.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PHELAN, for ten days, on account of important business.

To Mr. WHITTHORNE, for ten days.

To Mr. WARNER, for three days from September 5.

Mr. JOHNSTON, of Indiana, asks leave of absence for three weeks, on account of important business.

The SPEAKER. The Chair has also received a letter from the gentleman from Virginia [Mr. GAINES] asking that his leave of absence be extended until the 20th instant, on account of serious sickness in his family. Without objection this leave will be granted.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 2871) granting a pension to Mrs. Sarah J. Martin;

A bill (S. 3035) to grant a pension to William Thields;

A bill (S. 3118) for the relief of Mathew O. Regan;

A bill (S. 3178) to remove the political disabilities of William L. Bradford;

A bill (S. 3364) to provide for an American register for the steamer Saginaw, of New York;

A bill (S. 2371) granting a pension to Jacob Fitner; and

A bill (S. 2716) granting a pension to Carl M. Schwantes.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I am directed to submit a privileged report from the Committee on Appropriations.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, and for other purposes, together with the Senate amendments thereto, having considered the same, beg leave to report as follows:

They recommend non-concurrence in all of the amendments of the Senate.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that this report be considered in the House as in Committee of the Whole at the present time; that the House non-concur in the Senate amendments, and agree to the conference asked by the Senate thereon.

There being no objection, the request was agreed to.

The SPEAKER announced the appointment of Mr. SAYERS, Mr. FORNEY, and Mr. BUTTERWORTH as managers on the part of the House at said conference.

ALLEGED IRREGULARITY IN LIBRARY BUILDING CONTRACTS.

Mr. STAHLNECKER. Mr. Speaker, I rise to a privileged question, having discovered this morning upon my arrival at the House of Representatives the following article in the New York World, which I send to the Clerk's desk to have read.

The Clerk read as follows:

A CONGRESSMAN TO BE ACCUSED.

[Special to the World.]

WASHINGTON, *September* 4.

Mr. KELLEY, of Pennsylvania, to-day offered a resolution in the House directing the special committee investigating the construction of the new Library building to inquire whether any member of the House has used improper means to influence J. L. Smithmeyer, the architect, in the selection, acceptance, or approval of inferior or improper material to be used in the construction of the building. Mr. KELLEY refused to name the member his resolution would probably hit, but when the time came for testimony the name and evidence would be forthcoming. During the discussion it was intimated that the gentleman accused might be a member of the special Library committee. The resolution was therefore amended by providing for a new committee, and then adopted.

The Post says: "It is understood that the resolution is directed against Representative STAHLNECKER, of New York, who is now at Atlantic City, but who will return to-morrow."

Mr. STAHLNECKER. If this resolution (and I commence in the subjunctive mood) aims at me, I most emphatically pronounce the statement therein contained as false in every particular. I am not in that frame of mind to answer the base insinuations contained in this article at present, as I would not trust myself to do so under the aggravating circumstances surrounding me, and with my present information as to the meaning of the gentleman from Pennsylvania. I have a reputation that I feel is well guarded at home, and I believe that here I have the confidence of my peers. I have certainly no knowledge why this article should have been printed or this resolution offered. This move may have been made to divert attention from an investigation now in progress of the new Library building on the question of the architect's plans and the cost of the building, and of which investigating committee I am a member. It may have been on that account. If so I certainly must say that it is a very unwarrantable and inexcusable movement on the part of its propagators. I have never in the least degree failed to practice and adhere to the principles of honor that were taught me in my childhood. I demand from this House a speedy and most searching investigation of the charges made and insinuated in the resolution offered by the member from Pennsylvania [Mr. KELLEY], and I will be perfectly willing to abide by its result, feeling confident that such investigation, regardless of party, sectional, or personal feeling, will disclose the fact that the alleged charge is absolutely without foundation. [Applause on the Democratic side.]

LABORATORY BUILDING, WASHINGTON, D. C.

Mr. HATCH. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 9083) to erect a suitable laboratory building in Washington, D. C., and to have it considered in the House at this time.

I ask that the bill and the report be read, so that the House may understand the importance of this bill at this time.

The Clerk read the bill, as follows:

A bill to erect a suitable laboratory building in Washington, D. C.

Be it enacted, etc., That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of enabling the Commissioner of Agriculture to erect, on public reservation numbered 2, in the city of Washington, a suitable laboratory building, to be constructed of brick and to be fire-proof, for the scientific purposes of the Department of Agriculture, the same to be expended on plans to be made by the Supervising Architect of the Treasury and approved by the Commissioner of Agriculture.

Mr. ROGERS. Before I yield for its consideration I want to inquire of the gentleman from Missouri [Mr. HATCH] why this bill should take the construction of this building from under the control of the Supervising Architect of the Treasury and put it under the control of the Commissioner of Agriculture?

Mr. HATCH. I think the gentleman is mistaken, for there is no such provision.

Mr. ROGERS. The Architect is to make the plans and specifications, which are to be approved by the Commissioner, but the building is to be constructed under the control of the Commissioner of Agriculture. It occurs to me as extraordinary to take the construction of a public building from under the charge of the Supervising Architect of the Treasury and to put it under the control of the Commissioner of Agriculture.

The bill was again read.

Mr. HATCH. That is exactly the same provision that is made in regard to all public buildings of the different Departments within this District. Now, the importance of this building is this——

Mr. HOLMAN. It is not understood to be before the House.

The SPEAKER. It is not. The Chair understood the gentleman from Missouri desires to make a statement.

Mr. HATCH. As stated in the report, the chemical and other scientific divisions of the Department of Agriculture are located in the basement of the building, and all their experiments are conducted in the basement of a building occupied by the employés of the Department. There are a very large number of them, and it is not only dangerous but it has been condemned from time to time by the Commissioner and other officers of the Department as exceedingly unhealthful to the employés in the building. This is a matter that has been under consideration for a long time, and there has been no question as to the necessity and importance of it. I hope there will be no objection to the consideration of the bill.

The SPEAKER. Is there objection?

Mr. ROGERS. Before I withdraw my right to object I wish to say that this simply involves a matter of correct business principles. I have not noticed the construction of any of the buildings for the various Departments of the Government heretofore, but unquestionably this bill provides that the plans, etc., shall be made by the Supervising Architect of the Treasury, and that they shall be approved by the Commissioner of Agriculture. To that I have no sort of objection; but the expenditure of public money for the construction of this building, involving the letting of contracts and the control and management of it, is taken from under the control of the Treasury Department, where it properly belongs, and it is put under the control of the Commissioner of Agriculture.

Mr. HATCH. Let me suggest to my friend that I will make an amendment adding the Secretary of the Treasury to the Commissioner of Agriculture.

Mr. ROGERS. I do not see why it should be taken from the control of the Secretary of the Treasury.

Mr. HATCH. I do not think the Secretary of the Treasury would like to have this duty added to him.

Mr. ROGERS. Whether he would or not, it should be made his duty.

Mr. BRECKINRIDGE, of Kentucky. Has unanimous consent been given for the consideration of this bill?

The SPEAKER. It has not.

Mr. KILGORE. I demand the regular order.

Mr. DIBBLE. I would ask the gentleman from Texas to withdraw the objection. It is a very important bill for the Department, and there is nothing objectionable about it.

Mr. HATCH. I have made my statement, and gentlemen objecting to the consideration of such a bill as this can take the responsibility for it. I am not going to make an appeal to any one to withdraw his objection.

SUPPRESSION OF INFECTION IN INTERSTATE COMMERCE.

Mr. FORNEY, from the Committee on Appropriations, reported Senate joint resolution 102, appropriating $200,000 to suppress infection in the interstate commerce of the United States; which was referred to the Calendar of the Committee of the Whole House on the state of the Union.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. McCREARY. I move to dispense with the call of committees for reports, and that unanimous consent be given that members having reports to submit shall file them with the Clerk for reference.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

BRIDGE ACROSS COOSA RIVER, ALABAMA.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HERMAN LIEBMANN.

Mr. TAULBEE, from the Committee on Claims, reported back favorably the bill (H. R. 7098) for the relief of Herman Liebmann; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FINAL ADJOURNMENT.

Mr. OATES offered the following concurrent resolution; which was read, and referred to the Committee on Ways and Means:

Resolved by the Senate and House of Representatives, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Thursday, the 20th day of September, 1888, at 12 o'clock m.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins at thirty-one minutes past 12 o'clock. The call rests with the Committee on the Judiciary. That committee has a bill pending before the House, the title of which the Clerk will read:

The Clerk read as follows:

A bill (H. R. 1873) to limit the jurisdiction of the district and circuit courts of the United States.

Mr. CULBERSON. Mr. Speaker, at the conclusion of the consideration hour yesterday there were two amendments pending reported by the Committee on the Judiciary. I desire now to submit another amendment, which I ask to have read and considered as pending.

The amendment was read, as follows:

Add at the end of the bill the following:

"*Provided*, That nothing in this act shall be so construed as to affect suits pending in the courts of the United States at the time this act shall take effect."

Mr. CULBERSON. I now ask that the Clerk be directed to read the bill again.

The bill was again read, with the pending amendments.

Mr. CULBERSON. Mr. Speaker, the effect of this measure, should it become a law, may be stated in very few words.

I propose now to make such a statement, reserving the privilege, in reply, to answer any objection to the bill that may be offered, if deemed necessary.

The law of citizenship of corporations has not escaped mutation from conflicting decisions of the courts.

It is conceded now, however, that it is definitely settled by the law as interpreted by the Supreme Court that a corporation organized under the laws of a State is a citizen of such State for all judicial purposes.

It follows that such a corporation, in a proper case, may sue in the courts of the United States located in any other State, or if sued in a State court may remove the cause to a circuit court of the United States, provided the amount involved in the controversy is within the jurisdiction of the court.

Congress having vested in the circuit courts of the United States jurisdiction over controversies between citizens of different States when the amount in controversy is within the limits prescribed by law, corporations avail themselves of the right to sue in the courts of the United States as citizens.

This bill does not propose to interfere with the citizenship of corporations or in any manner to change the law fixing their status as citizens; but the object of the bill, and such is its sole purpose, is to withdraw from the courts of the United States jurisdiction over controversies arising between a corporation and a citizen of a State other than that in which the corporation was organized, in which such corporation may be carrying on business authorized by its charter at the time the cause of action accrued.

The legal operation of the proposition contained in the bill may be illustrated, as follows:

A corporation organized under the laws of Massachusetts may open an office and conduct its business in the State of Iowa, under a license granted by that State or under the comity existing between the States. If a controversy arises between such a corporation and a citizen of Iowa, and the amount involved is within the jurisdiction of a circuit court of the United States, such corporation may under existing law sue the citizen of Iowa in such court. The corporation organized in Massachusetts being a citizen of that State, although domiciled and conducting its business in Iowa, may properly under the law as now settled bring such a suit.

If this bill should become law such a suit could not be maintained in the courts of the United States. The corporation would be remitted to the courts of the State.

The proposition to change existing law in this regard is not inspired by any feeling of hostility to corporations, but rests on the doctrine of equal and exact justice to the corporation and citizen.

If a corporation avails itself of the license of a State other than that in which it is organized to conduct its business within such State, it should not be entitled to greater privileges than the citizens with whom it dwells and deals.

There is no reason why such corporations should be clothed as now with the right to drag the citizen from his home to distant and expensive tribunals.

Our observation shows that this power or authority under the law is often employed to vex, harass, and oppress the citizen litigant for the purpose of extorting compliance with unconscionable demands upon the part of corporations, or compelling the citizen to surrender just claims rather than litigate under such circumstances.

There is another object in the passage of this bill which I think should commend it to the favorable consideration of Congress.

We are all advised of the immense amount of business pending in the Supreme Court of the United States. This does not arise from a want of industry upon the part of the judges of that court.

The flow of business into that tribunal under existing law is so great that it is simply impossible for the court to dispose of it with any greater dispatch.

It is well understood, Mr. Speaker, that it requires about three years ordinarily after a cause is filed to reach a trial of a case on the docket. This delay, unavoidable, it is true, results oftentimes in an absolute denial of justice.

What remedy ought to be applied to change this condition is a question of great importance to the country. The bill now under consideration will contribute largely to the reduction of business in that court.

It has been estimated that one-third of the business now upon the docket of the Supreme Court arises out of controversies between corporations and citizens of States in which corporations are conducting their business under license or comity.

By the passage of this bill, therefore, two objects, worthy of our attention, and of great interest to the country, will be attained, namely: Corporations doing business in States, other than those in which they were organized, will be placed on the same plane with the citizens with whom they deal, and the Supreme Court will be largely relieved of the burden of an overcrowded docket.

The limited time allotted to the committee does not permit me to extend my remarks further. Other gentlemen desire to submit remarks upon the bill, and I desire, as far as possible, to accommodate them by yielding such time as I am permitted to do before the hour expires.

But in anticipation of an objection to this measure upon the ground of unconstitutionality, I beg to submit very briefly that the inferior courts of the United States do not derive their jurisdiction directly from the Constitution but from the laws of Congress.

Congress creates inferior courts and vests in them such jurisdiction within the judicial power of the United States as it may deem proper.

On this proposition I submit the following authority:

In the case of Cary *vs.* Curtis (3 Howard, page 245), the Supreme Court held:

Secondly, in the doctrine so often ruled in this court, that the judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. To deny this position would be to elevate the judicial over the legislative branch of the Government and to give to the former powers limited by its own discretion merely. It follows, then, that the courts created by statute must look to the statute as the warrant for their au-

thority; certainly they can not go beyond the statute and assert an authority with which they may not be invested by it, or which may be clearly denied to them. This argument is in no wise impaired by admitting that the judicial power shall extend to all cases arising under the Constitution and laws of the United States. Perfectly consistent with such an admission is the truth that the organization of the judical power, the definition and distribution of the subjects of jurisdiction in the Federal tribunals, and the modes of their action and authority have been, and of right must be, the work of the legislature. The existence of the judicial act itself, with its several supplements, furnishes proof unanswerable on this point. The courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by the common law.

In the case of Sheldon *vs.* Sill (8 Howard, page 441) the court decided as follows:

The only question which it will be necessary to notice in this case is whether the circuit court had jurisdiction. Sill, the complainant below, a citizen of New York, filed his bill in the circuit court of the United States for Michigan against Sheldon, claiming to recover the amount of a bond and mortgage which had been assigned to him by Hastings, the president of the Bank of Michigan. Sheldon in his answer, among other things, pleaded that the bond and mortgage in controversy, having been originally given by a citizen of Michigan to another citizen of the same State, and the complainant being assignee of them, the circuit court had no jurisdiction. The eleventh section of the judiciary act, which defines the jurisdiction of the circuit courts, restrains them from taking "cognizance of any suit to cover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the contents, if no assignment had been made, except in cases of foreign bills of exchange." The third article of the Constitution declares that "the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish." The second section of the same article enumerates the cases and controversies of which the judicial power shall have cognizance, and, among others, it specifies "controversies between citizens of different States." It has been alleged that this restriction of the judiciary act with regard to assignees of choses in action is in conflict with this provision of the Constitution, and therefore void. It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers they could not be restricted or divested by Congress; but as it has made no such distribution, one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their respective jurisdictions. The first of these inferences has never been asserted and could not be defended with any show of reason; and if not, the latter would seem to follow as a necessary consequence; and it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all. The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution unless it confers powers not enumerated therein. Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary. In the case of Turner *vs.* Bank of North America (4 Dallas, 10) it was contended, as in this case, that, as it was a controversy between citizens of different States, the Constitution gave the plaintiff a right to sue in the circuit court notwithstanding he was an assignee within the restriction of the eleventh section of the judiciary act. But the court said: "The political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress; and Congress is not bound to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant." This decision was made in 1799. Since that time the same doctrine has been frequently asserted by this court, as may be seen in McIntyre *vs.* Wood, 7 Cranch, 506; Kendall *vs.* United States, 12 Peters, 616; Cary *vs.* Curtis, 3 Howard, 245.

In the case of Turner *vs.* The Bank of North America (4 Dallas, page 10), Judge Chase remarked during the trial:

The notion has frequently been entertained that the Federal courts derived their judicial power immediately from the Constitution; but the political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court we possess it, not otherwise; and if Congress has not given the power to us or any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would perhaps be inexpedient to enlarge the jurisdiction of the Federal courts to every subject, in every form which the Constitution might warrant.

Mr. ADAMS. Mr. Speaker, I do oppose this bill; and as a member of the Judiciary Committee I prepared a minority report on it, which has been spread upon the record. In ten minutes I can not state all that I might otherwise have to say about the bill. I can not argue the question of constitutionality or the question of policy. All that I shall attempt to do is to state the question as clearly as I can and let the House pass upon it.

First, I wish to state what my understanding is of the character and effect of the bill. The chairman of the Judiciary Committee mentions an abuse. He supposes a Massachusetts corporation doing business in Iowa; and he gave us to understand that the supposed corporation maintained its principal office in Iowa, and therefore he said it was not fair that this corporation thus doing business in Iowa should have the right to sue an Iowa defendant in a United States court. But the bill is very much broader than would be indicated by that illustration. I will give an illustration of my own which I think is fair.

The bill provides that the corporation shall not sue in the United States courts if it has done any business in the State where the defendant resides at the time the cause of action accrued. Now, take the State of Massachusetts and the State of Illinois. The State of Illinois has two judicial districts, the northern and the southern. It has a great city at the north end, Chicago, and a city at the south end, Cairo. Now, suppose this Massachusetts corporation was three years ago doing business for three weeks in the city of Cairo, in the southern district. Suppose that at the same time, and without any connection with that business, a cause of action arose between the Massachusetts corporation and a citizen of Massachusetts. Suppose that the citizen of Massachusetts should afterward remove to Chicago and reside there for a term of years less than the statute of limitations upon that cause of action. The corporation going to Illinois could not, if this bill becomes a law, sue that person who had become a citizen of the State of Illinois; and the reason it could not sue him would be that years before the suit was brought the corporation was doing some business—no matter what—for some time, no matter how short—in the most distant corner of the State of Illinois.

The reasons alleged by the chairman of the committee do not apply to the bill as it actually is. I shall only have time, as I have said, to state two or three objections to the bill. One is that I doubt its constitutionality. The chairman of the committee says that he does not propose by this bill to interfere with the citizenship of corporations; yet the report itself bases its support of the bill on the following consideration and no other:

The committee believe that a corporation that pursues its business in a State or States other than that in which it was organized ought to be regarded as a citizen of such State or States for judicial purposes.

The Judiciary Committee of this House think that under those circumstances the corporation "ought to be regarded for judicial purposes" as a citizen of the foreign State; but the Supreme Court has decided in repeated cases that such corporation is in fact a citizen of the State under whose laws it is organized; and further, the Supreme Court has decided in two cases which I have under my hand that if it does business in another State than that under whose laws it is organized, it does not even acquire a residence in that State. The cases to which I refer are Insurance Company *vs.* Francis, 11 Wallace, 210, and Railroad Company *vs.* Koontz, 104 U. S. Reports, 10. I shall not have time to do more than refer to those cases.

The leading case on the subject of citizenship of a corporation in the State under whose laws it is organized seems to me to be now the case of Louisville Railroad Company *vs.* Letson, 2 Howard, 554; and the reason why I call this the leading case is that although the leading case was for many years a case in 5 Cranch, yet the decision of that case having been questioned, the cases were all reviewed in this case, the decision of which has been confirmed in two subsequent cases—Marshall *vs.* Baltimore and Ohio Railroad, 16 Howard, 314, and Drawbridge Company *vs.* Shepherd, 20 Howard, 233.

These cases settle the question that the corporation is a citizen of the State under whose laws it is organized; and even if we should believe that it ought to be regarded as a citizen of the other State in which it does business—if that could make it a citizen of the State, the result would simply be that it would be a citizen of two States; for no one can claim that a Massachusetts corporation, by reason of its doing business in the State of Illinois, ceases to be a Massachusetts corporation. The constitutional question which I desire only to submit to the House is, can Congress pass a law pursuant to the Constitution by which the United States courts having jurisdiction of controversies between citizens of different States, give the benefit of that jurisdiction to a certain class of citizens of a State and deny it to another class? Under the laws and Constitution of the United States all citizens of Massachusetts, for instance, have a right to sue citizens of other States in proper cases in the Federal courts. Can Congress say that one particular class of Massachusetts citizens shall have that right and other classes of Massachusetts citizens shall not have that right? If Congress can make that difference between two classes of Massachusetts citizens, then it can make a similar distinction between any other two classes of Massachusetts citizens; and I do not see what is to prevent Congress from providing that a native-born citizen of Massachusetts may have the right to sue in the Federal courts, while naturalized citizens of that State shall not have that privilege.

I can see no distinction in logic if you once admit the power of Congress to give Federal jurisdiction under that clause of the Constitution to citizens of different States generally, and then take a particular class of citizens and exempt them from the benefits of that law. That is all I desire to say on that particular point.

But now on a question of policy. A suit between a corporation and an individual is just the same in its proceedings and the principles applicable to it as if the claimant was not a corporation. The evidence is the same, the proceeding is the same, therefore this bill can not have any motive except to discourage the existence of this particular sort or non-resident citizen. I maintain that is the province of State Legislatures to say whether State corporations shall exist or not, and, to speak with all respect to the Judiciary Committee, it is an unwarrantable interference by Congress to say a bill shall be passed which will put to disadvantage that particular sort of business association known as corporations by way of discouraging the formation of them under State laws.

The SPEAKER. The gentleman's time has expired.

Mr. ADAMS. That is not all I wanted to say, but I will not ask for further time.

Mr. CULBERSON. I now yield to the gentleman from Wisconsin [Mr. CASWELL].

Mr. CASWELL. Mr. Speaker, under the laws of Congress, and the decisions of the Supreme Court, a corporation created by a State may

bring an action in the Federal courts against the citizen of any other State. The corporation is deemed a citizen of the State granting its charter. If an action is brought in the State courts against such corporation, in any State other than the one granting such charter, such foreign corporation may, on petition, remove the action to the Federal court. In other words, a railroad company may obtain its organization in Massachusetts, and proceed at once to Wisconsin and there construct a railroad and carry on its business. So may an insurance company, created in one State, conduct its business in another State. In either case such corporation may bring suits in the Federal courts; or if sued in the State courts, may file a petition causing a removal to the Federal courts. In this way great embarrassments often attend the citizen of the State where the business is transacted. He is often subjected to great expense and taken hundreds of miles from the scene of conflict to attend the Federal court. Such practice often amounts to a denial of justice and ought to be corrected. Great prejudice exists in the States against the Federal courts because of this unnatural right extended to corporations which may have obtained their charter or organization in another State.

It seems to me reasonable to provide that if corporations see fit to conduct a business in another State that they shall have the same but no greater rights or privileges in bringing actions, or in their defense, than the citizens of that State may themselves enjoy. Usually these bodies have great wealth and power, and certainly they should ask no greater privileges than are granted to a single individual. They necessarily become local in their business, and reap the benefits of protection under the police powers and laws of the State where they are operating, and they should seek their remedies and defenses in the ordinary way, and in the tribunals furnished under the laws of the State where they are transacting such business.

In reply to the constitutional objections raised by the gentleman from Illinois [Mr. ADAMS] I will remind the House that a corporation is the creature of legislation; from that source it derives all its powers and privileges. Legislative authority may restrict such powers and curtail its privileges, especially, to the limit of those enjoyed by the citizens of the State where the litigation is had.

Congress, through the judiciary act, conferred upon the courts the jurisdiction which they exercise. The same authority may withdraw or modify that jurisdiction, and especially that which pertains to bodies created by law.

Mr. CULBERSON. Mr. Speaker, I now yield two minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, this is an important measure and should pass. I shall occupy only a moment of time. I had the honor to introduce a bill similar to this in the Forty-sixth Congress. Why should the corporations of the country be privileged above the people with whom they transact their business? Take the railroads that traverse my State, for example. The majority of the great trunk lines running through the State of Iowa were not organized under the laws of the State, and are foreign corporations. Their principal places of business are in Boston, New York, or Philadelphia perhaps. Yet they are permanently located in the State and are carrying on business with our people and expect to do so for all time to come.

Now, will any one tell why they should not be required to litigate their causes in the State courts? Are they any better than the people? Why should the people be dragged away from their homes before strange tribunals and before packed juries? Is it to insure justice? No! It is done that justice may be sacrificed. If the corporations can trust the people in business matters, they can trust the State courts in the administration of justice. This removal of causes from State courts to Federal courts by the corporations is all wrong, and this Congress should put an end to it. Let the corporations be placed upon a level with their customers, the people. Let us have one tribunal for both. This is simple justice and sound constitutional law. I hope the bill will pass.

Mr. CULBERSON. I now yield to the gentleman from Iowa [Mr. HAYES].

Mr. HAYES. That this bill should pass is, to my mind, clear, and I think the objections made to it in the minority report are more imaginary than real, although personally I would not object to mere detail in the provisions, so that they might cover some of these objections.

Great volumes of the business of the country is done through the medium of corporations, and doubtless they are practically a necessity, although attended by many objectionable features. It should be the aim of legislation to make these objectionable features as few as possible, and the way to do this is manifestly by attaching, as far as possible, personal attributes to the corporation—in other words, make the attending circumstances and consequences of its business transactions as near like the same between individuals as can be.

Right here is the reason that an apparently different rule should be made as to the jurisdiction of the Federal courts. It may seem paradoxical, but as a matter of fact the different rule brings the same result. I do not refer to exceptional or imaginary cases, but to business as it is actually transacted. The great bulk of the business of the country transacted between individuals is so done that controversies respecting or growing out of it are or may be settled in the local State tribunals, and there is little, if any, such business done in a way so as to be at all analogous to corporation business, like the business of railroads and insurance companies for instance, and no wrong is done by leaving the doors of the Federal courts wide open for litigation respecting this business when between citizens of different States, whereas if the same rule is applied to the business done by these corporations it necessitates in frequent or most instances the settlement of these difficulties in a court far removed from the locality of the business itself, from the residence of the individual and the place of business of the corporation, which is irksome and expensive to the individual, wholly unnecessary to the ends of justice, and very largely amounts practically to a denial of justice to the individual.

I have personally known in practice insurance companies to use this right of removal as a lever to force settlements at less than was honestly due by reason of losses under policies, and its right and exercise by railroad companies in my State is and has been in practical effect an unmitigated outrage upon persons having just claims against them, and with no necessity to the companies for any purposes of mere justice. This has, of course, been lessened somewhat since the jurisdictional amount by reason of damages claimed has been raised to $2,000.

The great trunk lines of railway crossing the State of Iowa are the Illinois Central, the Chicago, Milwaukee and St. Paul, the Chicago and Northwestern, the Chicago, Rock Island and Pacific, and the Chicago, Burlington and Quincy, and only one of them, the Chicago, Rock Island and Pacific, is an Iowa corporation, and the result is that although these other companies have great interests in the State, do their business there with its citizens, and are thoroughly identified with its interests and locally all along their lines, and are only citizens of another State, in relation to this business, in an ideal sense, as is the case with most insurance companies, they have a different, an unnecessary, and a mischievous right of removal of suits from what ordinary individuals have, and for which there is no just reason or excuse, and which is used oppressively and to gain unjust advantages rather than from any necessity in obtaining justice.

I do not believe that the Chicago, Rock Island and Pacific Railway suffers the slightest injustice for not having this right, and doubt if it would even be claimed.

I have never heard but one apparently substantial reason advanced by those interested in the matter why the companies should have this right, and this is that otherwise they would have to employ local attorneys all along their lines to attend to local litigation, and at an increased expense. This is not true in fact, as is well illustrated in Iowa by the Chicago, Rock Island and Pacific Railway, but even if fully true it would afford no good argument. All saved to the companies would be vastly more than lost to the individuals on the other side, and the joint increased expense of witnesses, travel, and other incidents would make this insignificant. The argument that the greater expense, etc., to the individual should not be considered because it would be the same in litigation between individuals is fallacious from the fact that there is comparatively so little of such litigation that the question is not a practical one.

If the corporation does its business locally it should stand on the same footing as individuals of the locality in business transacted at the same place, and there is no justice in its claiming any different right.

A doubt has been suggested as to the constitutionality of this act, but it is hardly necessary to even consider it. The jurisdiction of the Federal courts in cases "between citizens of different States" is manifestly subject to legislative control and regulation, as is evidenced by the time-honored custom of fixing a jurisdictional amount of damages claimed for original jurisdiction and for removal, and even if otherwise, except in this way, this jurisdictional amount can be so placed as to answer all practical purposes.

Mr. HENDERSON, of Iowa. Mr. Speaker, I have not had opportunity to give this bill the careful consideration that it merits. I assume that this has been done by the Committee of the Judiciary.

I can see that this may, in some cases, work a hardship to certain corporations in the matter of forcing them to encounter local prejudice in the trial of their causes. But there is one clear way out for them so far as this difficulty goes, and that is by their so conducting their business as to avoid any such prejudice. The rule that places all litigants upon an equal footing can not be considered a harsh one. The conditions are daily changing in this rapidly growing country. To-day many States are full of the workers and representatives of corporations that do not exist under the laws of the States where they are coining money, and the rule that brings these corporations into the home courts of the people can only result in a more delicate regard for the people's rights.

It is true that in Iowa the conditions, as to the Federal courts, are better than in many of the States. We have two districts, with three divisions in each. Terms of the circuit and district courts are held at Keokuk, Des Moines, Council Bluffs, Sioux City, Fort Dodge, and Dubuque. These points are so distributed that with two terms a year in each division the people of Iowa are in better relations to the United States courts than in other States. Since the creation of two districts and six divisions we have had good Federal court facilities. But still there is every reason why, even under our favorable conditions, Iowa

should have the benefit of the proposed legislation. It will strengthen the hands of the masses. It will make corporations more careful of the people's rights, and I heartily favor its passage.

Mr. CULBERSON. I now yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I desire simply to submit a few observations on a single point suggested by my friend and colleague upon the Judiciary Committee, Mr. ADAMS, of Illinois. He seems to have a doubt as to whether or not Congress has power to withdraw this jurisdiction now vested by law in the Federal courts. The mistake, I take it, into which he has fallen occurs from the fact that he assumes the circuit courts and the district courts of the United States acquire their jurisdiction directly from the Constitution, and may exercise it without legislation by Congress. That is an error. The judicial power is limited by the Constitution; its confines are fixed by the Constitution; but the jurisdiction conferred upon the courts other than the Supreme Court originates with Congress. The power which creates the courts is here, for we both create the courts and delegate the power; and if any question is settled by the Supreme Court of the United States it is the question that they have acquired their jurisdiction from Congress by virtue of the power conferred by the Constitution upon Congress. Chief-Justice Chase said——

Mr. ADAMS. I hope the gentleman from Arkansas will not understand me as claiming that the jurisdiction of the Federal courts depends upon the Constitution only; because without legislation these courts would not exist at all.

Mr. ROGERS. That, however, is the logic of the gentleman's argument; for if Congress has power to confer jurisdiction upon the circuit courts over citizens of different States it has also power to withhold or withdraw that jurisdiction. The circuit courts acquire the jurisdiction by virtue of the act of Congress, which confers upon them jurisdiction over citizens of different States. The Supreme Court of the United States have construed the word "citizen" to embrace a corporation, and by virtue of that construction put by the courts upon the judiciary act, the Federal courts acquire jurisdiction over the corporations of the country where they are prosecuting suits against citizens of a State other than that in which they were created.

But Chief-Justice Chase in passing upon that question used this language:

> The notion has frequently been entertained that the Federal courts derive their judicial power directly from the Constitution, but the political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court, we possess it—not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would perhaps be inexpedient to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant.

Just as that provision of the Constitution which enables the Congress of the United States, if it sees fit, to pass legislation for the election of members of Congress. Congress leaves it where it has been since the foundation of this Government, under the control of the State Legislatures. So in this case, if Congress had not seen fit to confer upon the circuit courts of the United States jurisdiction over controversies between citizens of different States, that power would still remain with Congress; but it has conferred it, and the power which conferred still exists to withdraw it, and that is the object of this bill as it applies to corporations doing business in States other than those in which they were created.

The effect of the bill is as my friend from Illinois suggests: It will put the corporations—foreign corporations doing business in a State—on an equality with the citizens of the State in which they are doing business; and it is but fair, equal, and right that it should be so. Whatever, therefore, may be the view of the House as to the question of expediency, about which I have no doubt, I take it that the constitutionality of the bill is placed beyond all controversy.

Mr. CULBERSON. I now yield to the gentleman from Iowa [Mr. ANDERSON].

Mr. ANDERSON, of Iowa. Mr. Speaker, in the brief time allotted me I have but time to put myself on record in favor of the proposition embodied by this bill. I know not, of course, except as I reason by a process of analogy, how important this bill may be to other sections of the country; but I can safely say that in the State of Iowa, which in part I have the honor to represent, where all the great railroads with which the people have to do business, with which they come into commercial relations, are domiciled in other States, there is not a proposition pending in Congress that in one particular item will do more good or will be more acceptable to the people of that State than the proposition contained in the pending measure, confining corporations doing business in the State to the State courts.

One of the most vexatious things arising in connection with litigation in Iowa is the matter of our citizens being dragged to distant courts at great expense, which has been carried on to such an extent and in such manner as to leave our people who get into litigation with the railroads practically without their day in court. Iowa is somewhat peculiarly situated, as nearly all the great railway lines that serve her people are corporations organized under the laws of other States, having citizenship outside the State. To this is due, in good part, the bad feeling that prevails to-day in that State between the railways and people, proving to my mind that a change in the law for the removal of causes, as contemplated by this measure, will be a step in the direction of a restoration of a better understanding.

The railways in Iowa have been extortionate in their rates and charges and needlessly independent, if not insolent, when they have been criticised for their misdoings, and one of the leading reasons for this is found in their non-accountability to the people of the State for their conduct. When a farmer has had a claim against them for damage, one of their elements of strength that gave the railroads an undue advantage over their adversary was the thought of a distant United States court, where expenses were enormous, and where juries were selected by methods somewhat peculiar, and watched over in a careful way by corporate agents that was very suggestive at times in the light of the verdicts they returned.

These corporations are as permanent fixtures in the States as the farmers they serve, and where they do their business and make their money is good enough place for them to sue and be sued. It is an unmitigated, wicked libel on the farmer to say that he is so prejudiced against railway companies that the companies can not obtain justice from farmer juries. Whatever of feeling the farmer has against corporate power and corporate influence is a just feeling that will entirely be removed whenever the corporation shall conform to the principles of justice and fair dealing with their patrons.

Why should the people along the line of a road on which they depend have a feeling of hostility against it without just cause? There is no reason for it, and nothing will have a greater tendency to show the truthfulness of this assertion than such acts as tend to the equalization of these forces. Let the corporations feel that they must depend more or less on the people and that if they expect fair treatment they must themselves extend it, and the so-called prejudice they talk so much about will be a thing of the past.

As to the unconstitutional phase of the question as presented here, that is to be expected. We are always met with objection to all legislation which has for its object restraint upon corporate greed and insolence. It may be possible that there is doubt on this score but I for one am willing to resolve the doubt in favor of my constituents and let the corporations seek their remedy, if they have one, in the courts.

The passage of this measure is but an act of simple justice, long deferred, against which there should be no opposition.

Mr. CULBERSON. Mr. Speaker, without intending to consume any more time of the House with the discussion of this matter, I ask permission to print with my remarks the authorities on which the bill is founded.

Mr. HENDERSON, of Iowa. Let that permission be general to the House.

The SPEAKER. Without objection all gentlemen who desire that privilege will have leave to print on this bill.

There was no objection.

Mr. CULBERSON. I now demand the previous question upon the bill and amendments.

The previous question was ordered, under the operation of which the amendments recommended by the Committee on the Judiciary were adopted; the bill as amended was ordered to be engrossed and read a third time, and it was accordingly engrossed and read the third time.

The question recurred on the passage of the bill.

The question was taken.

Mr. ADAMS. I demand a division.

The House proceeded to divide.

Before the announcement of the result of the division,

Mr. ADAMS said: I withdraw the demand for a division.

The SPEAKER *pro tempore*. The demand for a division being withdrawn, the ayes have it, and the bill is passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MUTILATED SILVER COIN.

The SPEAKER *pro tempore*. This concludes the hour for the consideration of bills reported from the Committee on the Judiciary.

Mr. BLAND (when the Committee on Coinage, Weights, and Measures was reached). I call up House bill 7933, providing for the exchange of worn, defaced, clipped, punched, or otherwise mutilated silver coins of the United States of smaller denominations than one dollar, for new or unworn subsidiary silver coins, at designated places and under certain circumstances.

The bill was read, as follows:

> *Be it enacted, etc.*, That the holder of any of the silver coins of the United States, of smaller denominations than $1, which have become defaced, punched, clipped, or otherwise mutilated, may, on presentation of the same in sums of the nominal value of $5, or any multiple thereof, at the office of the Treasurer, or any assistant treasurer, of the United States, receive an amount of new or unworn subsidiary silver coins equal to the coinage value in subsidiary silver coin of the said coins, by weight, so presented, and when so redeemed the same shall be recoined into current subsidiary coins at the discretion of the Secretary of the Treasury.

Mr. BLAND. I will ask to have read a letter from the Director of the Mint, Mr. Kimball.

The Clerk read as follows:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., February 18, 1888.

SIR: At the request of the chairman of the Committee on Coinage, Weights, and Measures, I have the honor to submit an opinion as to the provisions of House bill 6631, "for the exchange of worn, defaced, clipped, punched or otherwise mutilated silver coins of the United States, of smaller denominations than $1, for new or unworn subsidiary silver coins, at designated places and under certain conditions."

The redemption of worn subsidiary coins at nominal value by the Treasury of the United States is not excluded from the provisions of the act of June 9, 1879 (21 Stats. L., 7). Moreover, Treasury regulations for the redemption of subsidiary silver coins specifically provide for their redemption at nominal value.

Gold and silver coins of all kinds in a mutilated state, for whose redemption by the Treasury the law fails to provide, may be deposited for recoinage at mints and assay officers at bullion value, not, however, in the case of silver coins without a loss to the depositor of the now large difference between coinage and bullion value, in addition to all other losses, such as correspond to abrasion and depletion. This difference corresponds to the seignorage which has accrued to the Government in the act of their first issue, and which indeed upon recoinage will accrue to it again. In the case of subsidiary coin there is a loss of 26.7 grains of standard silver more than in the case of a silver dollar.

Although the present bill applies alone to mutilated subsidiary coins, there seems no reason why the silver dollar should be exempted from any provision made for the redemption of mutilated silver coin of less denomination.

It seems that the present penalty imposed upon the holder of mutilated subsidiary coin, is considerably more severe than in the case of other coins.

Prima facie, indeed, it would seem to be just to provide by law for the redemption of such uncurrent coins as are now excluded from recourse to a valuation at mints and assay offices by weight at coinage value, and thus in respect to redemption to put them on an equality with all other coins whose bullion and coinage values are coincident.

Respectfully yours,

JAS. P. KIMBALL,
Director of the Mint.

Hon. CHARLES S. FAIRCHILD,
Secretary of the Treasury.

Mr. BLAND. This bill is intended to redeem the subsidiary coin at its coinage value instead of at the bullion value. In 1880, I think it was, Congress passed an act for the purpose of preventing the punching or mutilating of the subsidiary coinage, and it was done by repealing the legal-tender character of any coin so punched, so that a quarter of a dollar or a dime that might have a hole made in it for the purpose of placing it around a child's neck or for any other purpose loses its money value and could be redeemed only as bullion. I am informed by those representing the Pacific coast, especially the gentleman from California [Mr. MORROW], that a large number of these coins have been punched and some have been defaced by the Chinese; and they have a great deal of trouble with them on the street cars and in other places in making change.

Now, this bill provides that this coin may be exchanged for legal coin and recoined at the mint. Under the present law it can not be received except at its bullion value, and that would be a great loss. It is in the interest of the public that this coin should be received at its coinage value for recoinage. I demand the previous question upon the passage of the bill, unless there should be some members who wish to speak on it; and I will yield to the gentleman from California [Mr. MORROW] if he desires.

Mr. MORROW. I do not think it is necessary to have any further explanation of this bill. The report from the Director of the Mint explains the necessity for it, and the gentleman from Missouri [Mr. BLAND] has stated quite correctly the difficulty respecting this subsidiary coinage which exists in California. It is a fact, as stated by the gentleman from Missouri, that a considerable portion of our smaller coins have been defaced from time to time by the punching of holes in them, in some cases by marking the names of firms on them; and in some instances the Chinese have marked names on the coins. Now, that coin under the present law can only be received at its bullion value. It is claimed that that is a hardship on the poor people, who generally have these coins, and it is but fair that they should be redeemed at their coinage value, as provided in this bill. It will be a measure of relief to our people, a proper and reasonable thing to do, and I hope the bill will pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAND. I ask that the original bill be laid on the table.

It was so ordered.

Mr. BLAND moved to reconsider the vote by which the substitute was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CRISP (when the Committee on Commerce was reached). Mr. Speaker, there are but twelve minutes of the hour remaining——

The SPEAKER *pro tempore*. There are fifteen minutes of the hour still remaining.

Mr. CRISP. The Committee on Commerce desire to call up one or two very important bills. One is the act amendatory of the interstate-commerce law; and I ask not to be forced to go on with it now. My own preference would be to have that bill go over till to-morrow.

Mr. O'NEILL, of Missouri. I would ask the gentleman to change his request and ask that his committee be passed. There may be other committees that would like to use the thirteen minutes.

Mr. CRISP. Mr. Speaker, I hardly think it would be just to the other committees. They might, perhaps, want the same privilege I ask.

Mr. BLAND. I move that the House take a recess for ten minutes.

Mr. CRISP. Is there any objection to the request that I made that the bour be considered as closed?

The SPEAKER *pro tempore*. The Chair has heard no objection, and will now ask, Is there objection to the request of the gentleman from Georgia that the hour be considered as having expired?

There was no objection.

Mr. OUTHWAITE. I rise to a privileged motion.

Mr. BRUMM. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Ohio.

Mr. OUTHWAITE. I yield to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. On yesterday it was agreed that I should be recognized for the purpose of vindicating myself against charges which had been made by my colleague [Mr. SCOTT]. I have been waiting for Mr. SCOTT for some time. He has just arrived, and he wants me to agree to a continuance of this matter until to-morrow morning. He wishes to speak on the retaliation bill to-day. It would be too laborious for him to do both, and I have agreed to withhold this matter until to-morrow morning. He agrees with me that I shall be recognized, if the Speaker will do so, immediately after the reading of the Journal to-morrow morning.

Mr. MCMILLIN. I was just going to suggest that I supposed the question as to whether or not the matter consitutes a question of privilege would come up then as it would now.

The SPEAKER. If that question is made.

Mr. MCMILLIN. It would be a question for the House to determine whether the gentleman presents a question of privilege.

Mr. BRUMM. There is no doubt in my mind of its being a matter of the highest privilege, and it was agreed yesterday that if I would consent to have this matter go over there would be no question of its being considered.

Mr. MCMILLIN. What I wanted to say as a member of the House and for the integrity of the proceedings of this body is that the House will have the right to say as to what shall come before it on to-morrow or any other day; and I think it is well to have it understood that no agreement between these parties concerned can take away that right of the House. If the gentleman has a grievance which is a privileged question, I would be the last to prevent any member from getting the full benefit of any explanation he wished to make; but I do not want the action taken either yesterday or this morning to deprive the House itself of the right, if this is to be a degeneration into a simple airing of the views that gentlemen have; and while I do not think from my knowledge of the gentleman from Pennsylvania that he would bring a matter of that kind up, still I think that the right of the House should be reserved to determine for itself whether it is a matter for its consideration or not at the time.

Mr. BRUMM. If there is to be any factious opposition or objection, or if there are to be technical points raised, we may as well go right on and have them raised now.

Mr. MCMILLIN. I was speaking only as an individual member of the House. I have seen cases of this kind here so often where one word brings on another, as it does in private disputes, that I thought it well to make the suggestion I have made. If there is a real question of privilege involved, of course I should not think of interposing any objection.

Mr. BRUMM. The gentleman from Ohio [Mr. OUTHWAITE] yielded to me for a moment, and I now give way to him; but under existing circumstances I can insist on my right to go on with this matter to-day.

OHIO CENTENNIAL EXPOSITION.

Mr. OUTHWAITE. I call up the motion to reconsider the motion to reconsider the vote by which the amendment of the gentleman from Iowa [Mr. HENDERSON] was adopted to the bill (S. 3182) making an appropriation to enable certain Executive Departments to participate in the Ohio centennial exposition.

The SPEAKER. The motion was made to lay the motion to reconsider on the table, and upon that the yeas and nays were ordered by the House.

Mr. MCCREARY. Mr. Speaker, I dislike very much to interfere with the gentleman from Ohio, but the special order for this hour was and is the consideration of House bill 11309, which was under consideration yesterday.

Mr. OUTHWAITE. We have already entered upon the consideration of my motion, and it has prior privilege.

The SPEAKER. The motion to reconsider is a privileged matter.

The SPEAKER. The motion to reconsider is privileged.

Mr. MCCREARY. I know it is; but can not I raise the question of consideration against it?

Mr. OUTHWAITE. I have not yielded to the gentleman from Kentucky.

The SPEAKER. Still, the gentleman must have an opportunity at some time or other to raise the question of consideration, and this seems

to be the proper time. It is always in the power of the House to determine whether it will consider a proposition or not.

Mr. OUTHWAITE. The title of the bill having been read and the question stated, I supposed we had really entered upon the consideration of the motion to reconsider.

The SPEAKER. That is the proper time to raise the question of consideration.

Mr. McCREARY. And I rose at that time.

Mr. OUTHWAITE. Well, Mr. Speaker, there is only a vote to be taken upon this motion to reconsider; there will be no debate. Now, it will require a vote to decide the question of consideration, and therefore no time will be saved by raising that question. I wish to state further that this exposition has already commenced, and that if there is to be any appropriation for the departments of the Government to make an exhibit at all, the matter ought to be decided at once. On several occasions I have yielded and at other times I have kept back, not wishing to interfere with the business of the House; but I feel it my duty to call up this motion at this time.

Mr. McCREARY. I have great respect for the motion of the gentleman from Ohio, and when the question was up before I voted with him; but I remember that we consumed several hours in the consideration of the matter which he now seeks to call up, and as the gentleman has the right to call up his motion to reconsider at any time, I hope that he will not this morning interrupt the progress of the bill which was under consideration yesterday. It is very important that that bill should be disposed of, and if the gentleman will refrain from interrupting its consideration it will not take long to dispose of it.

Mr. OUTHWAITE. What length of time does the gentleman suppose it will take?

Mr. McCREARY. I have been trying to agree with the other side upon a limit of time, but we have not yet consummated the agreement. I would like to get through to-day and I expect that we shall do so; and, as the gentleman's motion is a privileged one, and as he had it up before and can call it up again at any time, I hope he will not insist upon it at this time. I voted with the gentleman on this question, and I very greatly dislike now to get in his way, but I feel it my duty to insist upon continuing the consideration of the bill which the House was considering yesterday.

Mr. OUTHWAITE. The gentleman proposes that the bill that he has in charge shall run for awhile—I do not know how long. I want to have the vote taken on this motion to reconsider when there is a quorum present, and that is why I desire to have it taken now, because there will not be a quorum present at a later hour in the afternoon.

Mr. McCREARY. There will be a quorum present as long as this bill is under consideration. There will be a quorum here when the vote is taken upon it, and after that will be the time for the gentleman to call up his motion to reconsider.

The SPEAKER. The question before the House is, Will the House now proceed to consider the motion called up by the gentleman from Ohio [Mr. OUTHWAITE]?

Mr. McCREARY. Mr. Speaker——

The SPEAKER. The gentleman from Ohio has not withdrawn his proposition.

Mr. OUTHWAITE. I do not intend to withdraw it. I feel it my duty at this time to press this motion.

Mr. McCREARY. Then I raise the question of consideration.

The SPEAKER. The question is, Will the House now proceed to the consideration of the motion called up by the gentleman from Ohio?

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. OUTHWAITE. I ask for a division.

The House divided; and there were—ayes 53, noes 55.

Mr. OUTHWAITE. I demand tellers.

The SPEAKER. As no quorum has voted, the Chair will appoint to act as tellers the gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from Kentucky [Mr. McCREARY].

Mr. BLAND. Mr. Speaker, to save time I demand the yeas and nays.

The House divided; and the tellers reported—ayes 62, noes 61.

Several MEMBERS. No quorum.

Mr. BLAND. Mr. Speaker, no quorum has voted; but before I insist upon the point I ask the gentleman from Ohio if he proposes to do more than to take a yea-and-nay vote on the motion to reconsider?

Mr. OUTHWAITE. I propose to take a yea-and-nay vote on the motion to reconsider.

Mr. BLAND. If the motion to reconsider is agreed to, what does the gentleman propose to do?

Mr. OUTHWAITE. I then propose to take a yea-and-nay vote on the passage of the bill.

Mr. BLAND. There are one or two amendments pending which are to be disposed of, and if the House is going to lay aside a great public measure to take up a bill which simply regulates a circus and side-show in a few of the States of the country, I shall insist upon the point of no quorum. If this House wants to stultify itself, let it do it.

The tellers resumed their places; and after further division they reported—ayes 63, noes 64.

So the motion was disagreed to.

FISHERIES.

Mr. McCREARY. Mr. Speaker, I now call up for consideration the special order, which is House bill 11309, to empower the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887, and will yield the floor to the gentleman from New Jersey [Mr. PHELPS].

Mr. FORNEY. How long is this debate to run? It is necessary to pass the sundry civil appropriation bill. I do not wish to interfere with the pending bill if the time is limited, but unless it is limited I must insist upon taking up the sundry civil appropriation bill to-morrow.

Mr. BELMONT. It seems to me that it would be wise to limit the debate on this bill.

Mr. McCREARY. How much time, let me ask the gentleman from Illinois, do they wish?

Mr. HITT. Let the gentleman from Kentucky indicate how much time will be taken up by the other side of the House. A considerable number of gentlemen have asked to be heard on this side.

Mr. BELMONT. It has been suggested to me a good many members might desire to print their remarks. [Cries of "No!" on the Republican side.] I understand one gentleman has already made that request.

Mr. McCREARY. To facilitate matters I ask unanimous consent that all members who desire to print remarks in the RECORD on the subject may do so.

Mr. ANDERSON, of Kansas. I object at this stage of the debate.

Mr. HITT. I suggest to the gentleman from Kentucky that he allow the debate to proceed until the members of the committee have spoken, and then perhaps we may agree speedily upon a time to which to limit the debate. But I would be unwilling to attempt to put a limit on the debate before my associates on this side of the House have been heard.

Mr. McCREARY. All right, then. Let the debate go on until the members of the committee have been heard.

Mr. O'NEILL, of Missouri. There are one or two members who are not on that committee who would like to be heard. [Laughter.]

The SPEAKER *pro tempore*. The gentleman from New Jersey [Mr. PHELPS] has the floor and will proceed.

Mr. FORNEY. I give notice that I shall insist upon proceeding with the sundry civil appropriation bill, according to the notice I have already given to the House.

Mr. PHELPS. The statement made yesterday by my friend from Illinois [Mr. HITT] was so clear and comprehensive that but two considerations induce me to say anything. As our views are, with one unimportant difference, similar, my remarks will furnish the summary or recapitulation which he had not time to add to his great effort. And as the facts he marshaled are not familiar ones, I may add to the aggregate of human intelligence by repeating them. The power of repetition was well illustrated yesterday. I had heard the gentleman from Missouri characterize the fishery message as a good campaign document.

Mr. O'NEILL, of Missouri. Well, do you not think it was?

Mr. PHELPS. I do; and the gentleman from Kentucky had also said that this message ought to be kept with the free-trade message of the President, the two being, I suppose, a kind of Siamese twins of Presidential policy.

Mr. McCREARY. Will the gentleman allow me to interrupt him just there?

Mr. PHELPS. Certainly.

Mr. McCREARY. I know my friend will allow me to correct him.

Mr. PHELPS. I yield to a correction.

Mr. McCREARY. I did not say that this message would stand with the "free-trade" message, for I deny that the President sent to Congress any free-trade message. [Derisive laughter on the Republican side.]

Mr. PHELPS. The gentleman from Kentucky does not deny that he said the one message should stand with the other?

Mr. McCREARY. I said that the message sent on this subject should stand with that message sent by the President at the beginning of this session of Congress. The President sent to Congress at the beginning of the session a message to reduce taxes and to relieve the burdens imposed upon the people of the country.

Mr. PHELPS. I understand, then, as I said in the beginning, as there are but two messages under consideration, that the gentleman has in mind the same two that I have, and his wish was that the two might stand before the country together. I thought, therefore, that I might possibly illustrate his wishes in that particular when I added that they ought to stand together as the Siamese twins of the Presidential policy. [Laughter.] But if they had not been repeated by the gentleman from Illinois [Mr. HITT] both pieces of testimony might gave been forgotten and lost.

We give the President this additional power cheerfully, and we will give him any other additional power he may ask for, but we wish that there were any more likelihood that he would use these additional powers now than there was that he would use the original powers of

eighteen months ago, when we gave them to him. The powers were then thought to be ample, and they were. If the treaty stipulations are abrogated, as the President claims, they are sufficient to cut off Canada from all commercial intercourse, foreign and domestic. If they are not, the powers are still sufficient to deprive Canada of all intercolonial or interstate commerce both by sea and land. In one section of the act of March 3, 1887, the President is authorized to exclude any Canadian vessel from our harbors. This stops all communication by water. And in the other section he is authorized to deny entry to any product of the dominions or any goods that come from the dominions. This stops all communication by land.

[Public—No. 125.]

An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

Be it enacted, etc., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved, March 3, 1887.

At the time these powers were granted, everybody thought them ample. They ought to be. I do not see what more there is to give. And nobody since, President or citizen, has suggested that there were not all the powers necessary to harass and coerce Canada into good behavior, until Thursday, August 23, then the President went out alone and shot the rocket of his Presidential message into the clear and peaceful air. [Laughter.] It was so clear that you could hear the Senate Chamber still echoing with the voices of the Presidential Senators urging their fellows to come and buy the rights which Canada had refused to give. It was so peaceful that, in the Democratic view at least, there was only the cheerful chatter of a market, and the only question between Canada and the United States was one of price. Holding the President's bargain in their hands, they advised the Senate to close with it. Canada would sell the right to buy supplies and reship our fish if we would give free entry to their fish and fish-oil.

The supplies we needed might be worth $50,000, and the duties remitted $600,000; but then it would be peace. Besides, until this wonderful bargain was signed our fishermen could supply and transship upon buying a license for a dollar and a half a ton, and although this to the fishermen was a *modus moriendi* we can call it a *modus vivendi*, and that, too, is peace. Is not this a fair statement of the fifteenth article of the Chamberlain treaty and of the protocol to it? The Senators pleaded, but pleaded in vain. The Senate would not buy. The Senate refused to ratify and confirm the treaty, and the President had scarcely heard the Senate's reasons before he went back upon himself, upon his Senators, upon his treaty, and adopted the Senate's view. It was, he admitted, no longer a question of the price of the goods—it was a question of the title.

The rights he proposed to buy were our rights already; they belonged to us, and instead of buying them we would take them; and the President, reversing his engine so suddenly, has no time to provide for consistency or courtesy. He urged Wednesday that the rights were Canada's, and we must buy them. He was urging Thursday that the rights were ours and we must take them. And in the haste with which he appropriated the cry of "fishermen's rights or retaliation," he forgot to turn to the Republican Senators and say, "I thank you, gentlemen, for those words." [Laughter and applause.] This conversion of the President from the opinion of the treaty, that the rights were Canada's and we must buy them, to the opinion of the message, that the rights were ours and we must take them, was instantaneous. And yet he had fought long and well for his original opinion. His opinion was that we had no right to transship our catch, and in order to maintain this opinion and to justify Canada in refusing to let us do it, he was forced to do and suffer many unpleasant things. He had first to get rid of the twenty-ninth article of the treaty of 1871.

ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, and conditions for the protection of the revenue as the Governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

This was the article which gave to each country the right to transport its goods through the other's territory in bond, and it was under this article that for thirteen years our fishermen exercised the privilege of sending their fish directly home through Canada. To deprive them of this right it was necessary to cancel the article. There were two ways: one was to hold that the article was canceled by infraction when the Canadians refused to perform their duty under it; the other way was to hold that it was canceled by formal abrogation with the fisheries treaty. The first way was direct and certain. The obligations of the article were canceled by infraction, and everybody knew and acknowledged the fact. The other way was indirect and uncertain, but the President chose it. He determined to adopt the belief that it was abrogated. He found many difficulties. First of all, the Canadians did not believe it was abrogated.

They gave their reasons for refusing to transport our catch, and strangest of all, the President never told them that he believed that the article was abrogated, and I venture to assert that the first intimation that the Canadian authorities had that the President thought so was when they read his message. How could they think otherwise? If it was abrogated it ceased to be operative July 1, 1885; but everything went on as far as our side was concerned just as before, and so on their side until June, 1886. Then they told us that the privilege granted us under the article and used by us for thirteen years, to transship our fish, was withdrawn. This was a violation of the article and canceled it. But the President did not say so. He did not say that it was canceled by abrogation a year ago. He said nothing. He did not protest; he submitted; and what is worse, he continued to perform all our obligations under the article just as if it were not canceled either by abrogation or by infraction, and to perform them with increasing effusion and alacrity.

Mr. BELMONT. Will the gentleman from New Jersey yield to me for a question?

Mr. PHELPS. The gentleman from New Jersey will yield cheerfully for a question.

Mr. BELMONT. It is only in order——

Mr. PHELPS (interrupting). But will not yield for a speech, because the gentleman has his opportunity afterwards. I will cheerfully yield to any gentleman who desires to submit a question, but to no one who desires to interject a speech.

Mr. BELMONT. I should regret that the House should be in the least misled——

Mr. PHELPS (interrupting). That is not a question. That is stating the reason why the gentleman wants to ask a question.

Mr. BELMONT. I would ask the gentleman if he does not know that the operations of commerce of which he is speaking have been allowed and continued under legislative enactments, and that Article XXIX, whether it is violated or not, does not apply to them as they exist to-day?

Mr. PHELPS. Let me now ask the gentleman a question. If the right to send goods from the one country through the other in bond was not created and given to both sides in the twenty-ninth article of the treaty of Washington, will the gentleman from New York be good enough to refer me to the treaty and to the article wherein these rights were created and exchanged between the two countries?

Mr. BELMONT. The gentleman seems to forget that there was legislation upon this subject——

Mr. PHELPS. I am not asking what I forget; I am asking the gentleman, as he stated that this right was not a right created under the twenty-ninth article of the treaty of Washington, if he will state exactly the article and the treaty wherein that right was created.

Mr. BELMONT. I say it was recognized by the twenty-ninth article, though not created by it.

Mr. PHELPS. Then, will the gentleman be good enough to state in what treaty and in what article of the treaty it was created?

Mr. BELMONT. The gentleman with his usual perspicuity will undoubtedly be able to apprehend my meaning.

Mr. PHELPS. The gentleman from New York has stated that the right existed between these countries before the twenty-ninth article of the treaty of Washington was adopted. Now, that statement is so startling, so extraordinary, it gives information at once so valuable to our State Department and to the foreign office of Great Britain and to the world that I insist he shall not beat around the bush, but shall give the country and the House the benefit of the information which he seems alone to be possessed of.

Mr. BELMONT. I do not think it necessary——

Mr. PHELPS (interrupting). I think it is absolutely necessary, because the gentleman said that this right was given somewhere else. Now, I did not know it was given anywhere else, just as your State Department does not know it is given anywhere else, as Salisbury, abroad, does not know it, as Macdonald, in Canada, does not know it; for had either known it, he would have said so. Will not the gentleman then condescend, as I yielded him the time in response to his solicitation, to explicitly state in what treaty and in what article of the treaty these important rights were given and exchanged before the twenty-ninth article of the treaty of 1871?

Mr. BELMONT. I understand the gentleman from New Jersey [Mr. PHELPS] has yielded to me in order to make a——

Several MEMBERS (on the Republican side). Oh, no.

Mr. BELMONT. Statement in regard to this matter for his information.

Mr. PHELPS. Will the gentleman state where the article is, and in what treaty? I was saying that the Canadians——

Mr. BELMONT. I understand the gentleman yielded to me to answer him.

Mr. PHELPS. The gentleman refuses to answer the question. He has his own time, and he can perhaps state then where the treaty is.

Mr. BELMONT. It is not in any treaty or article of a treaty, but in statutory provisions that founded the present commercial operations with Canada. The gentleman from New Jersey interrupted me at every opportunity that he could, and he prevented me from answering.

Mr. PHELPS. The gentleman refused to answer a categorical question; and because my time——

Mr. BELMONT (interrupting). I will very easily answer it in my own time.

Mr. PHELPS. You better, for my time would not be sufficient for you, nor, I fear, eternity. [Laughter on the Republican side.]

It is a painful retrospect—the catalogue of our performances during the last two years in that direction. The President, under the article which he believed to have been abrogated, which he knew to be canceled by infraction, and which was constantly and insultingly disregarded by Canada, was heaping favors on Canadian shippers by land and sea that they might compete more successfully with their American rivals. The country will read with especial pains, if the information shall ever be given it, of the special favors given to Canadian railways. They know what Canadian railways are. They are the creatures of the Canadian Government. They were built by the government for political purposes. They are maintained by government subsidies, and they are operated without any of the restrictions of the interstate-commerce act. Yet these are the railways to which the President has generously extended all the facilities of a bonded transit.

What will the people say when they learn what was done after the Canadian Government had, in June, 1886, refused to give our goods the facilities of transit even after Congress had passed the retaliation act in March, 1887? Will they believe it? On the 20th of May, 1887, the Canadian Pacific Railway was opened to Vancouver. On that very day the Secretary of the Treasury bonded the Pacific Coast Steamship Company, and in July following gave that company a permit to carry goods in bond from San Francisco to Vancouver, to be transported over the Canadian Pacific to Boston, New York, or any other harbor of the United States. That business, which was entirely American, which belonged to the American railways, might be given to this foreign railway, the President authorizes a steamship company to carry goods over the high seas, to deliver them to its Canadian rival. I know that Congress has begun to think that railways have no rights which we are bound to respect; but is there any reason why a broken treaty should be used to take from an American railway and give to a Canadian railway the business of carrying goods from San Francisco to New York?

The President, because he would not tell any one that he thought the twenty-ninth article abrogated, but would keep on executing its provisions without hint or protest or retaliation, just as if it were in force, had trouble not only with Canada but with everybody else.

The Senate, now knowing his views, committed itself against them. In the debate on passing the joint resolution of 1883 to terminate the fisheries article, the direct question was asked Senator EDMUNDS, and he answered no, and the bill was passed without a Senator disputing his answer. So did the House, for on the same occasion, when Mr. Rice, a Representative from Massachusetts, was asked the same question he made the same answer, and the bill was passed without a single Representative disputing his answer. So did the Committee on Foreign Affairs of the House, for it reported unanimously, February 16, 1887, a retaliation bill, in which the twenty-ninth article was referred to by name as being in force. [Applause.]

And upon proof that the privileges secured by Article XXIX are denied as to goods, wares, and merchandise.

* * * * * * *

The President may also by proclamation, etc.

So did his Secretary of State, for Mr. Bayard wrote to Senator REAGAN, of the Committee of Interstate Commerce:

Only the fishery articles of the treaty of Washington are abrogated.

But more regretable than the unfortunate position into which the President's silence forced his friends was the effect it had upon the Canadian authorities. Finding that what they knew to be an infraction of one treaty stipulation was accepted without protest, they waxed bold to disregard at their pleasure other stipulations of the treaty, and the result has been a new series of annoyances and aggressions, which seemed to be invited by the failure of the President to make manful protest and to employ the peaceful means of self-defense committed to him. But these unpleasant things are behind us. If Article XXIX was not canceled by abrogation it was by infraction, and our hands are free, if we wish them to be.

The President is now the President of the message, not the President of the treaty; he is no longer the governor-general of Canada; he is now the President of the United States. He no longer takes the Canadian view; he takes the American view of the stipulation. If now he will act—if he will do anything—we will encourage him in his new departure. We will give him everything he asks for, necessary or unnecessary. The past will be forgiven.

I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has eleven minutes remaining.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate still further insists upon its amendments to the bill (H. R. 11242) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, numbered 32, 33, and 35, disagreed to by the House of Representatives, and agrees to the further conference asked by the House of Representatives on the disagreeing votes thereon, and had appointed Messrs. ALLISON, PLUMB, and GORMAN conferees on the part of the Senate.

The message further announced that the Senate disagrees to the amendment of the House on the bill (S. 832) to provide for an additional mode of taking depositions of witnesses in causes pending in courts of the United States, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. COKE, EVARTS, and GEORGE as conferees on the part of the Senate.

The message further announced that the Senate had passed with amendments the bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., and ask for a conference on the disagreeing votes thereon, and had appointed Mr. MITCHELL, Mr. SPOONER, and Mr. HARRIS as conferees on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates.

The message further announced that the Senate requests the House of Representatives to return to the Senate the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

FISHERIES.

Mr. BELMONT. Ordinarily I should find it a most difficult and serious undertaking to reply to my colleagues of the Committee on Foreign Affairs, the gentleman from Illinois [Mr. HITT] and the gentleman from New Jersey [Mr. PHELPS]. I have had a long experience of their ingenuity and their ability in dealing with such questions as this, and I have a respect for their opinions. But in this instance, after listening to the arguments which they have made, and remembering that in not one single sentence has either of them declared his intention to vote against the bill, my only difficulty is to believe that even those who may be politically opposed to the President of the United States should, in such a grave crisis as this, charge upon him motives inconsistent with his duty—so bravely and well performed—to guard and protect the rights of American citizens and to maintain the dignity and honor of the nation.

Why, Mr. Speaker, we ought not to be, and I am sure upon reflection we will not be, Democrats and we will not be Republicans when

confronting unfriendly acts of a foreign power. The gentleman from New Jersey [Mr. PHELPS] surprised me, who had approached him in the most fair and friendly spirit in the endeavor to make a correction of a statement which I am sure the House will see is unfounded, utterly unfounded. And it is more surprising because the gentleman from New Jersey ought to be familiar with all the phases of this important subject. I deny in common with all who have looked into this question with care, and who have considered the statutes as well as the treaty of 1871, that these commercial operations or privileges originated in the twenty-ninth article. I call the attention of the gentleman to the fact that there exist upon the statute-book laws providing for the operations of commerce between the United States and Canada; laws antedating the treaty of 1871. There is a——

Mr. PHELPS. Will the gentleman permit me——

Mr. BELMONT. I will not yield to the gentleman.

Mr. PHELPS. That is scarcely reciprocity, Mr. Speaker.

Mr. BELMONT. That is exactly what it is.

Mr. ROGERS. "Retaliation." [Laughter.] [Cries of "Regular order!" on the Democratic side.]

Mr. BELMONT. The statute of 1862 is the foundation of this series of legislation providing for the warehousing of foreign merchandise upon our territory for a certain period free of duty. Then there was an act approved by President Johnson March 14, 1866, five years before the treaty of Washington, which distinctly provides "that neither this nor any other act shall operate to prevent the transportation of bonded goods, wares, or merchandise from warehouse within three years from the date of the original importation nor their exportation in bond from the port into which they were originally imported into any other port or ports for the purpose of exportation." This was followed by still another act approved July 28, of the same year, which mentions the British provinces by name.

I did not think I should be called upon to have those statutes read, but it does seem necessary for the information of the gentleman from New Jersey, and I therefore ask the Clerk to read section 5 of the act of 1866, which I send to the desk.

The Clerk read as follows:

And be it further enacted, That from and after the passage of this act, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, or any other port of the United States which may be specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel, Texas, or any other port of the United States which may be specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house and conveyed in transit through the territory of the United States without the payment of duties, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may prescribe.

Mr. BELMONT. The date of that act is 1866. Now I will endeavor to remind the gentleman from New Jersey——

Mr. PHELPS. Will the gentleman yield to me to say——

Mr. BELMONT. I can not yield. I should have gladly done so had I been met in the spirit which at the outset I intended to show to him. The gentleman from New Jersey was a member of the Committee on Foreign Affairs in the last Congress, and he has referred to the bill which we unanimously reported at that time, and has endeavored to point out an inconsistency in the position of the committee by reason of the fact that that bill makes reference to the twenty-ninth article. In view of the existing statutes running parallel with the twenty-ninth article, which was already terminated, it is very clear that it was quite proper that these operations of commerce should be described by some phrase which could properly enter into a bill of that nature, but the language employed does not imply at all that the twenty-ninth article was then in force. It could not imply any such thing. If the House will permit, I will here insert the text of that bill, which was as follows:

That hereafter whenever the President shall be satisfied that vessels of the United States are denied, in ports or territorial waters of the British dominions in North America, rights to which such vessels are entitled by treaty or by the law of nations, or are denied the comity of treatment or the reasonable privileges usually accorded between neighboring and friendly nations, he may, in his discretion, by proclamation, prohibit from entering the ports of the United States, or from exercising such privileges therein as he may, in his discretion, by such proclamation, define, vessels owned wholly or in part by a subject of Her Britannic Majesty, and coming or arriving from any port or place in the Dominion of Canada, or in the Island of Newfoundland, whether directly or having touched at any other port, excepting such vessels shall be in distress of navigation and of needed repairs or supplies therefor, and he may also forbid the entrance or importation, either by land or water, into the United States, of any goods, wares, or merchandise from the aforesaid Dominion of Canada or Newfoundland, or any locomotive, car, or other vehicle, with any goods that may be therein contained, from the Dominion of Canada; and upon proof that the privileges secured by Article XXIX of the treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied as to goods, wares, and merchandise arriving at the ports of British North America, the President may also, by proclamation, forbid the exercise of the like privileges as to goods, wares, and merchandise arriving in any of the ports of the United States; and any person violating or attempting to violate the provisions of any proclamation issued under this act, and any person preventing or attempting to prevent any officer of the United States from enforcing such proclamation, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not more than $1,000, or imprisoned for a term not exceeding two years, or by both said punishments, in the discretion of the court; and if, on and after the date at which such proclamation takes effect, the master or other person in charge of any vessel thereby excluded from the ports of the United States shall do, in the ports, harbors, or waters of the United States, for or on account of such vessel, any act forbidden by such proclamation aforesaid, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and forfeiture to the United States; and any goods, wares, or merchandise, and any car, locomotive, or other vehicle, coming into the United States, in violation of any proclamation as aforesaid, shall be seized and forfeited to the United States.

SEC. 2. That whenever, after the issuance of a proclamation under this act, the President is satisfied that the denial of rights and privileges on which his proclamation was based no longer exists, he may withdraw the proclamation, or so much thereof as he may deem proper, and reissue the same thereafter when in his judgment the same shall be necessary.

The gentleman from Kentucky [Mr. MCCREARY] very clearly explained to the House yesterday that the twenty-ninth article contains within it a provision for its own termination. I do not desire to weary the House with a repetition of that argument, but it seems necessary in view of the statement of the gentleman from New Jersey. The article contains a reference to its own termination in the provision that this article (Article XXIX) shall continue in force for the time mentioned in Article XXXIII. Article XXXIII is the article terminating the fisheries clauses, from No. 18 to No. 25, the time being ten years, with a notice of two years. I was myself a member of the committee in 1883, when the House gave the necessary notice, and the fishery articles, together with the articles of the treaty linked with them, were terminated at that time. I will say further that it was not necessary that the twenty-ninth article should have been named, because the thirty-second article was not named but was also then considered as terminated.

That Canada considered this article as no longer in force is obvious from the course of her officials, and much more so if we observe the character of her legislation. In referring to the bill which was the subject of controversy between the Senate and the House in the last Congress, I think it not improper for me to say that at the time of the preparation of that bill the President was consulted as to the amount of power to be vested in him, and I state to the House that the President at that time desired the same measure of authority for which he asks in the message now before us. I trust I shall observe the rules usually prevailing in both Houses as to the proceedings in either House, but it is almost impossible to properly discuss the questions presented without a reference to the action of the Senate. The Senate was unwilling to grant the power which the House and the President considered necessary to carry out the policy which we are now again endeavoring to put into effect.

I do not think it necessary to recall the points of difference which then existed. There is reason, however, to believe that obstacles which were then placed in the way of such a measure have in part at least been removed. Closer investigation has shown the wisdom and necessity of the policy inaugurated and adopted by the House, and many minds hitherto in doubt as to the power under the treaty of 1871 to withdraw certain privileges from Canadians have now become clear in the opinion that the twenty-ninth article of that treaty is no longer in force, and that such privileges can and should be withdrawn.

We in the House, during the course of the debate—many of us, at least—said it might be that the large railroad interests which undoubtedly would be affected were very sensitive about the measure. It may be so to-day, and we have yet to see the course of this bill to its conclusion. The Senate has not only placed itself in the way of the policy which the President then desired, but it has also interposed by a party vote its opposition to a fair, honorable, and advantageous treaty. Not only that, but the Foreign Relations Committee of the Senate has announced that the fisheries questions, in controversy between Great Britain and the United States, are not subjects for treaty negotiation. The country, it seems to me, will apprehend that the Senate has thereby abdicated its share in the settlement of these gtave questions, and that it now rests with the House to give direction and force to the position of our Government; that it rests with the House to uphold the President in the policy which the country has so well received.

The gentleman from Illinois [Mr. HITT] has referred to the projected treaty of 1888 in terms of contempt, and has made the statement, which appears also in the report of the majority of the Senate Committee on Foreign Relations, that by the treaty there was a surrender of a vast area of fishing waters. The report of the Senate committee stated that that area amounted to 1,127 square miles. I have had a tabular statement prepared, from which it appears that the entire area amounts to 749 square miles as against 4,000 square miles claimed by Canada; and the majority of the Senate Committee on Foreign Relations admit in another part of their report, in the third, fourth, and fifth of their conclusions, that the fisheries in those surrendered waters are practically worthless at the present time, though they contend that they might become profitable in the future, and should therefore not be given up. The exact areas surrendered, if the House cares for the figures, were as follows: In square miles, (1) Baie des Chaleurs, 500 miles; (2) Bay of Miramichi, 23; (3) Egmont Bay, 20; (4) St. Ann's Bay, 5; (5) Fortune Bay, 160; (6) Sir Charles Hamilton Sound, 2; (7) Barrington Bay, 2; (8) Chedabucto Bay and St. Peter's Bays, 18; (9) Mira Bay, 7; (10) Placentia Bay, 7; (11) St. Mary's Bay, 5. This is an actual area of 749 square miles , and is nearly all in two bays.

While we have much to learn, apparently, from our friends on the other side of the aisle about this treaty, we can also learn something from our enemies across the border; and I will ask the Clerk to read a

statement made in the Canadian Parliament by Mr. Ellis, a prominent member of that body, on the 18th of April last.

The Clerk read as follows:

First. We have by the very act of making this treaty receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the treaty of 1818, thus enlarging the restrictions of that treaty. By doing this we have given the United States a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels, should the need arise.

Second. We have almost wholly abandoned the contention that fishing vessels are a class by themselves, and therefore not entitled to any commercial privileges.

Third. We entirely and forever abandon the 3-mile headland theory.

Fourth. We forever admit the right of United States fishermen to navigate the Straits of Canso.

Fifth. We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.

Sixth. We relieve them from the obnoxious operations of customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.

Seventh. We free them from harbor, pilotage, and other dues, which are sometimes inhospitably and often capriciously imposed upon them, even in cases where they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.

Eighth. We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters, and also the plan of putting an officer on board of them as a matter of course.

Ninth. We permit them, under certain circumstances, to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.

Tenth. We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outward voyages. This section does not name bait; but there will be no difficulty whatever of purchasing bait under it.

Eleventh. By the fourteenth article we abandon our previous contention that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the act of 1886.

Twelfth. We have limited and defined and reduced the severe penalties imposed by that act for violation of our exclusive rights of fishing. Forfeiture of the vessel is no longer a penalty except for fishing within Canadian waters or preparing within those waters to fish therein. In all other cases $3 a ton is the highest fine which can be imposed.

Thirteenth. We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the admiralty court.

Fourteenth. And lest the punishment of an infraction of the new treaty or that of 1818 should seem to be unjust, and to prevent the danger of giving offense to the United States, the Government of Canada can reverse the judgment of the court.

Mr. BELMONT. Mr. Speaker, I do not like to bring into this discussion anything like an accusation of unfairness to the President and to his Secretary, but I do not think it just to the House to pass unnoticed the statement of the gentleman from New Jersey, who has said that the Canadian acts have been passed over by our Government without protest. If it will not weary the House I will ask the Clerk to read, and I hope the House will attend to the reading of, a very serious and earnest protest—such a protest as indeed calls for the action which we are endeavoring to take to-day.

Mr. PHELPS. Will the gentleman be good enough to state where, at any time, by agent or directly by himself, the President ever intimated before the 23d of August that he considered this article of the treaty canceled either by abrogation or infraction?

Mr. BELMONT. The gentleman, who is so familiar with diplomatic affairs, will recognize that the statement of the Secretary of State is the statement of the President. I ask the Clerk to read.

The Clerk read as follows:

[Mr. Bayard to Sir L. West.]

DEPARTMENT OF STATE, *Washington, May* 29, 1886.

SIR: I have just received an official imprint of House of Commons bill No. 136, now pending in the Canadian Parliament, entitled "An act further to amend the act respecting fishing by foreign vessels," and am informed that it has passed the House and is now pending in the Senate.

This bill proposes the forcible search, seizure, and forfeiture of any foreign vessel within any harbor in Canada, or hovering within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada where such vessel has entered such waters for any purpose not permitted by the laws of nations, or by treaty or convention, or by any law of the United Kingdom or of Canada now in force.

I hasten to draw your attention to the wholly unwarranted proposition of the Canadian authorities, through their local agents, arbitrarily to enforce according to their own construction the provisions of any convention between the United States and Great Britain, and, by the interpolation of language not found in any such treaty, and, by interpretation not claimed or conceded by either party to such treaty, to invade and destroy the commercial rights and privileges of citizens of the United States under and by virtue of treaty stipulation with Great Britain and statutes in that behalf made and provided.

I have also been furnished with a copy of circular No. 371, purporting to be from the customs department at Ottawa, dated May 7, 1886, and to be signed by J. Johnson, commissioner of customs, assuming to execute the provisions of the treaty between the United States and Great Britain, concluded October 20, 1818, and printed copies of a warning, purporting to be issued by George E. Foster, minister of marine and fisheries, dated at Ottawa, March 5, 1886, of a similar tenor, although capable of unequal results in its execution.

Such proceedings I conceive to be flagrantly violative of the reciprocal commercial privileges to which citizens of the United States are lawfully entitled under statutes of Great Britain and the well-defined and publicly proclaimed authority of both countries, besides being in respect of the existing conventions between the two countries an assumption of jurisdiction entirely unwarranted and which is wholly denied by the United States.

In the interest of the maintenance of peaceful and friendly relations, I give you my earliest information on this subject, adding that I have telegraphed Mr. Phelps, our minister at London, to make earnest protest to Her Majesty's Government against such arbitrary, unlawful, unwarranted, and unfriendly action on the part of the Canadian Government and its officials, and have instructed Mr. Phelps to give notice that the Government of Great Britain will be held liable for all losses and injuries to citizens of the United States and their property caused by the unauthorized and unfriendly action of the Canadian officials to which I have referred.

I have, etc.,

T. F. BAYARD.

Mr. PHELPS. Will the gentleman from New York yield to allow the date of that letter to be read? What I wish to know is whether the date of this letter is after notice of the infraction of the article or of an intention to break it was given——

Mr. BELMONT. I fear, Mr. Speaker——

Mr. PHELPS. Let us have the date. That will answer the question.

Mr. BELMONT. I fear the gentleman does not understand——

Mr. PHELPS. Is the gentleman unwilling that the date should be read?

Mr. BELMONT. I do not yield any further.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The gentleman from New York declines to yield.

Mr. PHELPS. I rise to a parliamentary inquiry. I think it in order for me to expect——

The SPEAKER *pro tempore*. The gentleman from New York is entitled to the floor, and declines to yield.

Mr. PHELPS. I rise to a question of privilege. I claim that it is the right of a member to have a public document so read that if he is giving careful attention and is not naturally deficient in hearing he shall hear what is read. I did not hear the date of this letter.

The SPEAKER *pro tempore*. The Chair will state in reply to the gentleman's "question of privilege" that the gentleman from New York, in addressing the House, is entitled to send to the desk and have read in his time such document as he sees proper; and only such portions thereof as he desires to have read can be read in his time without his consent.

Mr. PHELPS. I think, if the Chair will pardon me, the date was read, but I did not catch it.

Mr. BELMONT. I think the difficulty can be easily overcome. I will read the date—

Washington, May 29, 1886.

I was proceeding to say——

Mr. PHELPS. Now, will the gentleman yield for a question which will be significant in that connection?

Mr. BELMONT. I was proceeding to say that I do not think the gentleman quite understood the nature of the protest. He seems to imagine that it has reference to certain infractions of the twenty-ninth article. It was, in fact, a protest against the proclamation by the Queen of a legislative enactment of Canada. It was an endeavor to urge upon Great Britain the importance of exercising some restraint on the Dominion.

Mr. Speaker, I think the reading of that protest is certainly a sufficient answer to the statement of the gentleman from New Jersey [Mr. PHELPS] that no protest had been entered in regard to the infraction of our treaties and the unfriendly and unneighborly enactments of the Canadian legislature. The policy which we are endeavoring now to establish is a wise one, because it undertakes to protect the rights of our citizens. And more than that, it is an absolutely necessary one in the face of the protest which we have made. If such protests as this are not followed by action on our part, it would be notice to Great Britain and other governments that protests coming from us are mere formalities not to be followed by action.

It is well enough for those who are hostile to us, either in England or Canada, to look upon the rivalry between Democrats and Republicans in maintenance of American rights as the mere struggle of party, but it is a rivalry, Mr. Speaker, in which we can take great pride and satisfaction, a rivalry with a worthy aim in view. We know well when the moment comes to act that when a great crisis comes upon the nation party differences must be sunk in a united purpose to uphold the rights of our people and the dignity of our Government.

If I have time left, I desire to reserve it.

The SPEAKER *pro tempore*. The gentleman has twenty-seven minutes.

Mr. ROCKWELL. I desire to yield thirty minutes of my time to my colleague [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, events do not stand alone. They must be judged by their relation to other facts with which they are connected in order to ascertain their true character and the causes and motives from which they have resulted. This relation is the logic of events and its recognition is the philosophy of history.

Keeping in view this principle we may possibly be able to understand the purpose of the message which the President has recently addressed to Congress. This message reeks with the spirit of retaliation. It demands additional power to that already given by Congress in order that this policy shall be made sweeping and effective.

Now I do not object to this. I have always believed in this policy toward our neighbors over our northern frontier until we could prove to them that their aggressive and unfriendly conduct was a blunder in dealing with a great people who can give blows as well as take them.

I do not think he needs the powers he asks for in addition to those conferred upon him by the act of March 3, 1887. But I would not cool

his new-born zeal or thwart his late purpose of defending our interests in the manner pointed out by Congress. But I am concerned to inquire what has led to this sudden conversion. The exigency calling for the exercise of the powers he already possesses, not to speak of those he calls for, is by no means as imperative as it was when the retaliatory act was passed. The fishing season is nearly over, and there is little, if any, disturbance on the Canadian coast. What, then, has aroused the President so suddenly to the importance of retaliation?

It is known that following the revocation of the fishery articles of the treaty of 1871, a series of annoyances, aggressions, and outrages were practiced by the Canadian officials upon our fishing vessels. The commercial rights which they had enjoyed almost uninterruptedly for more than half a century by virtue of reciprocal arrangements between Great Britain and the United States were denied them. They were molested and driven away or seized when exercising their rights under the treaty of 1818. In short, a condition of commercial non-intercourse and hostility was put in practice by the Dominion Government toward a class of our vessels apparently because they dared to pursue a calling upon the high seas which the New England fishermen had prosecuted a century before the British occupation of Canada. More than two thousand of our fishing vessels had been molested and harassed in this manner. These violations of international law, comity, and treaties had been vigorously protested against by our present Secretary of State and minister at the Court of St. James, and in each case the British Government had been notified that compensation for damages would be demanded.

The object of this injurious policy on the part of the Canadian authorities, sustained by the mother Government, was of course well understood and stated by our Government in the official correspondence arising from it. It was intended to force us to abolish our customs duties upon fish and fish products in order that they might have free entrance into our markets for the products of Canadian fisheries in competition with our American fishermen. Their experience of the treaty of 1871 had proved that with their cheapness of vessels, outfit, and crews and the bounty they received they could eventually destroy our fishing industry and take possession of our market.

It was because of this state of facts that Congress passed, with substantial unanimity, the retaliatory act, which clothed the President with discretionary power to prohibit for such a period of time as he saw fit the entrance into ports or places of the United States of Canadian fishing vessels, fish, or the products of Canada.

This was the obvious method of dealing with the subject. It would teach the Canadians that their policy could not accomplish its object, and that so long as it was pursued they would be utterly shut out from our markets; that, so far from succeeding in forcing us to their position and securing the entrance of their fish free of duty, they would exclude that product by their own act from our ports and markets. It can hardly be doubted that the exercise of this power by the President for a short time would have been effectual, and would have inflicted no serious injury upon any American interest.

Then when our northern neighbors had discovered their mistake it would have been easy, either by reciprocal legislation to have secured our rights, or, if a new treaty were desirable, we could have restored the previous status, and in return demanded commercial rights and fair and liberal treatment in all respects. The President, however, preferred to negotiate a treaty, which was properly rejected by the Senate.

I shall not attempt to discuss this treaty in detail. I firmly believe, however, that if it had not been for that pressure that an executive knows how to bring in favor of a measure it would have been rejected by a two-thirds vote of the Senate.

It utterly failed to protect our fishing interests, and was in the most important respects a surrender of our ancient claims and a submission to the most arrogant British pretensions. It admitted the British headland theory, never before conceded by our Government or even insisted upon by Great Britain; and by its specific delimitations and the increase of the width across the mouths of excluded bays from 6 to 10 miles shut us off from vast areas in which we had claimed and exercised common fishing rights.

It occurs to me that among other waters the Bay of Chaleur was delimited by this treaty—a bay 70 miles in length and 20 miles or more in width—where our fishermen have sailed and fished almost from time immemorial; yes, sir, since the first mackerel was caught by the first Yankee fishermen, two hundred and fifty years ago.

I can recollect when the chief catch of the mackerel fishermen was taken in those waters, and the name of this famous bay is one of the familiar sounds of my childhood.

The Massachusetts fisherman knew these waters as he knew those of Barnstable Bay. He knew its coast line, the rise and fall of its tides, and the familiar roar and swell of its waves. He had seen year by year, month by month, day by day, upon its surface those vast schools of the most beautiful of the finny tribe, their delicate forms leaping and their blue sides glancing in the sunlight, as he merrily plied his lines or drew in his nets. Sir, the Yankee fisherman excluded from those waters would feel as the Scotch Highlander felt when driven from his native mountains by the greed of rapacious landlords.

If this treaty had been ratified, the New England fisherman would have hated the word "delimitation" as he hates the enemy of his salvation.

It left the question of the alleged infraction of this treaty to be determined by Canadian courts, and permitted harsh penalties, extending to forfeiture of vessels and cargo and supplies. These courts are prejudiced against our fishermen and the witnesses are substantially bribed by the share they would receive of the confiscated property in case of conviction.

The burden is placed upon the defendant to prove his innocence—a monstrous perversion of justice. And if the seizure should be adjudged illegal, nominal damages only can be secured. This treaty failed to secure indemnity for the numerous and wanton injuries and outrages committed upon our fishermen, and for which Secretary Bayard had declared compensation would be demanded.

It sacrificed the commercial rights which our fishing vessels had exercised almost uninterruptedly for more than fifty years, and for which we had rendered a full equivalent by the concession of similar privileges which this treaty did not disturb or impair. Instead of these full commercial rights, which were and still are conceded to Canadian fishing vessels in our ports, it only secured what no civilized government could deny—the privilege of purchasing provisions and supplies on the homeward voyage if needed, and these not to be obtained by barter. In other words, it was not to be in any sense a commercial right, but a privilege to be exercised in the most expensive manner to avert actual want or possibly starvation on the homeward trip.

It could not be and was not intended to be of the slightest use in prosecuting the business of the vessel. If the provisions should be spoiled or run short while engaged in fishing, except by casualty, not an ounce of bread or meat could be purchased in all Her Majesty's North American dominions, unless the vessel should agree to leave the fishing grounds and return home, abandoning of course her season's fishing.

What a concession from one civilized nation to another—kindred nations, as we are so fond of saying. Then, under stress of weather or other casualty, we might unload, reload, transship, or sell, subject to customs laws or regulations, all fish on board, when such proceedings were "made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster."

The concession of those privileges only when necessary to save vessel or cargo was a simple act of humanity which needed no treaty stipulations to enforce and which no government could decline to grant without disgrace. But I wish to call the attention of the House to a most serious surrender of our interests contained in this article.

Under the twenty-ninth article of the treaty of 1871 we secured the right to convey in bond goods, wares, or merchandise arriving in any of the ports of Her Britannic Majesty's possessions in North America through said possessions without the payment of duties.

The representative of the Administration and chief negotiator on our side of the rejected treaty declares that this article is not abrogated, and therefore agreed to Article XI of the Bayard treaty under the conviction that Article XXIX of the treaty of 1871 was then in existence. Now, it is clear that by express implication this article repeals the right to convey fish in bond secured by the former treaty, and only preserved the right to transship in case of casualty or disaster.

Two years ago the British Government notified us that this right which we had enjoyed under the treaty of 1871 would no longer be conceded, and this article of the treaty of 1888 virtually admitted the propriety of the refusal of the British Government to obey its treaty stipulations and gave away the most important right which our fishermen possessed under it. The President now says that—

> In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory to this country; and ever since that time such shipment has been denied.
>
> The privilege of such shipment, which had been extended to our fishermen, was a most important one, allowing them to spend the time upon the fishing-grounds which would otherwise be devoted to a voyage home with their catch, and doubling their opportunities for profitably prosecuting their vocation.
>
> In forbidding the transit of the catch of our fishermen over their territory in bond and free of duty the Canadian authorities deprived us of the only facility dependent upon their concession, and for which we could supply no substitute.
>
> The value to the Dominion of Canada of the privilege of transit for their exports and imports across our territory, and to and from our ports, though great in every aspect, will be better appreciated when it is remembered that, for a considerable portion of each year, the St. Lawrence River, which constitutes the direct avenue of foreign commerce leading to Canada, is closed by ice.
>
> During the last six years the imports and exports of British Canadian provinces carried across our territory, under the privileges granted by our laws, amounted in value to about $270,000,000, nearly all of which were goods dutiable under our tariff laws, by far the larger part of this traffic consisting of exchanges of goods between Great Britain and her American provinces brought to and carried from our ports in their own vessels.

The President is now of the opinion that the article of the treaty of 1871 under discussion was revoked, but this probably was not his opinion when the treaty of 1888 was negotiated, as he and the Secretary would hardly have entertained opposite views on a matter of such importance.

But suppose the twenty-ninth article were revoked, the reciprocal legislation which preceded it was in force, and, as the President has shown, was of much more importance to Canada than to us. Why, then, did he assent to a treaty which justified the Canadian Government

in refusing to convey fish in bond through its territory, and fortified its position that fish was not included in the treaty stipulations or in the preceding legislation? I say that the President in that treaty yielded American interests, up to that moment inflexibly maintained by treaty and legislation, to Canadian interests, and would have left our fishermen helpless, notwithstanding the enormous advantages of transit given to Canada. Could not these advantages have been used in securing something for our fishing interests in the treaty instead of flourishing their threatened withdrawal in her face since its defeat?

The President has been aware for two years of the refusal of Canada to allow the transit of fish in bond destined for some point in this country. Has he made proper remonstrances against her refusal to fulfill her reciprocal obligations? If so Congress has not been informed of the fact, and if he has made representations concerning such important interests, reflecting upon the good faith of the British authorities, it is yet to appear.

But if conclusive evidence were wanting in the eleventh article, for which the President is responsible, that we surrendered the privilege of transshipment of fish in bond through Canadian territory, it is found in the fifteenth article, where that privilege is accorded with certain commercial privileges, provided the United States shall admit free of duty the products of Canadian fisheries. So that the two articles show beyond question that this valuable privilege was distinctly surrendered and the British Government could ever afterwards insist that it should be excluded from any reciprocal transit arrangements, although the President now admits that this was the only important concession that the Canadians could make to us.

I will insert in my remarks the views respecting the character of this treaty of one of the most eminent members of the Democratic party, who is, perhaps, better informed upon the subject of our fisheries relations than any American now living.

The letter of Mr. Woodbury is as follows:

To the Editor of the Sun:

SIR: The Chamberlain treaty is now before the Senate. It surrenders everything the United States have contended for since 1838, when the dispute on the 3-mile limit began, contentions which the British authorities have assented to or temporized about as often as pressed, so that really in no entire year since then have they insisted on enforcing their headland theory.

The commercial rights of the United States under the agreements of 1830 were utterly abandoned by Mr. Bayard after much previous insistance on their obligation.

The rights of common humanity toward our vessels in distress, accorded everywhere except on the Canadian coast, are hereafter to be allowed only upon the condition that the United States shall change its present registry laws by repealing them, and enacting such new ones as are acceptable to the British Government before going into effect. This of course leaves the humanity of Canada to vessels of the United States in distress withheld until the United States shall pay the consideration by repealing its laws and making such new ones.

Commercial intercourse by our fishing vessels is disallowed, but they may be permitted to buy a narrow line of supplies, whose extent would not exceed $50,000 a year, when the United States shall have repealed existing duties, now over $611,000 a year, on Canadian fish and oil, and made them free in our markets.

This is the substance of the treaty, all losses to the United States both in honor and profit. General Jackson and Mr. McLane, Van Buren and Forsyth, Stevenson and Everett, Webster, Rush, Grant, Evarts, and even Bayard and Phelps for two of their official years, are buried beneath this treaty and their memories dishonored by its retreat from their patriotic contentions for American rights.

Cavilers have said the treaty of 1818 was wrung from our weakness, but this treaty, made in the hour of our strength, surrenders what that never did—our markets; and it doubles the waters from which it requires we shall be forever excluded.

The consequence of adopting this treaty would be the destruction of the fishery under the American flag, the paralysis of our hope of naval power, and a British monopoly of our markets, aggrandizing its dangerous naval power. Let the treaty be rejected.

CHARLES LEVI WOODBURY.

BOSTON, *May* 4, 1888.

Sir, that treaty failed to protect American interests or to maintain American honor. It surrendered the New England fisherman naked to his enemies. It was the weakest and the worst treaty ever negotiated by an American administration. It leads us to question either the intelligence and competency of our negotiators or their loyalty to the interests they represented. The fifteenth article relieves them from any imputation of lack of intelligence and reveals the true animus of the instrument. It reads as follows:

The fifteenth article of the treaty is as follows:

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the product of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland. And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
2. Transshipment of catch, for transport by any means of conveyance.
3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and Newfoundland on the Atlantic coasts of the United States.

The purpose is here as plainly as if expressly stated that the fisherman must submit to all annoyances, grievances, and wrongs to which he has been subjected until Canadian fish and fish products shall be admitted free of duty into our ports, when, and not before, he shall be relieved from these injuries and harassments, and be entitled to qualified commercial privileges.

In order to secure these privileges, to which he was entitled by the principles of international comity, no less than by existing treaties and laws, he is asked to make this fatal concession against which he has struggled from the beginning as a man fights for his existence. And who is responsible for this attempted injustice? who but the President who controlled the negotiations upon our side and to-day defends the treaty? Sir, I denounce this treaty as part and parcel of the free-trade conspiracy which, inaugurated at the White House and continued here, seeks to prostrate American industry and impoverish and degrade American labor.

The other party to the negotiation understood this perfectly.

I have endeavored to show that where legislation providing for reciprocal commercial convenience or treaty stipulations of a similiar character were violated by Canada for the purpose of forcing us to alter our customs laws in her interest, the remedy would be found in retaliatory or responsive legislation in the same direction. The enforcement of such a policy would have secured promptly and fully the needed concessions by Great Britain. The moment our northern neighbors were made to realize that inconveniences and disadvantages could be mutual and bear with at least equal force against Canadian interests we should have found them in a mood to concede to us what was essential to their interests that we should concede to them. This was the policy of Congress embodied in the act of March 3, 1887. But it was not the policy of the President until this sudden conversion, almost as sudden as that of Saul of Tarsus. Doubtless, like him, he has seen a great light, which is growing brighter and brighter as November approaches. That light the Republicans in this Chamber and out of it hail as the dawning of a new and glorious day.

I speak of the President's conversion, and will ask the Clerk to read a letter written by him to Mr. Steele, of Gloucester, Mass.

The Clerk read as follows:

EXECUTIVE MANSION, *Washington, D. C., April* 7, 1887.

GENTLEMEN: I have received your letter lately addressed to me and have given full consideration to the expression of the views and wishes therein contained in relation to the existing difficulties between the Government of Great Britain and the United States growing out of the refusal to award to our citizens engaged in fishing enterprises the privileges to which they are entitled either under treaty stipulations or the guaranties of international comity and neighborly concession.

I sincerely trust the apprehension you express of unjust or unfriendly treatment of American fishermen lawfully found in Canadian waters will not be realized. But if such apprehensions should prove to be well founded, I earnestly hope that no fault or inconsiderate action of any of our citizens will in the least weaken the just position of our Government, or deprive us of the universal sympathy and support to which we should be entitled.

The action of this Administration since June, 1885, when the fishery articles of the treaty of 1871 were terminated under the notification which had two years before been given to our Government, has been fully disclosed by the correspondence between the representatives and the appropriate Departments of the respective Governments, with which I am apprised by letter you are entirely familiar. An examination of this correspondence has doubtless satisfied you that in no case have the rights or privileges of American fishermen been overlooked or neglected, but that, on the contrary, they have been sedulously insisted upon and cared for by every means within the control of the executive branch of the Government.

The act of Congress approved March 3, 1887, authorizing a course of retaliation through executive action in the event of unfriendly conduct and treaty violations affecting American fishermen, has devolved upon the President of the United States exceedingly grave and solemn responsibilities, comprehending highly important consequences to our national character and dignity and involving extremely valuable commercial intercourse between the British possessions of North America and the people of the United States. I understand that in case recourse to the retaliatory measures authorized by this act should be invited by unjust treatment of our fishermen in the future the object of such retaliation might be fully accomplished by "prohibiting Canadian-caught fish from entry into the ports of the United States."

The existing controversy is one in which two nations are the parties concerned. The retaliation contemplated by the act of Congress is to be enforced, not to protect solely any particular interest, however meritorious and valuable, but to maintain the national honor, and thus protect all our people. In this view the violation of American fishery rights and unjust or unfriendly acts towards a portion of our citizens engaged in this business is but the occasion for action, and constitutes a national affront which gives birth to or may justify retaliation.

This measure once resorted to, its effectiveness and value may well depend upon the thoroughness and extent of its application; and in the performance of international duties, the enforcement of international rights, and the protection of our citizens, this Government and the people of the United States must act as a unit—all intent upon attaining the best result of retaliation, upon the basis of a maintenance of national honor and duty.

A nation seeking by any means to maintain its honor, dignity, and integrity, is engaged in protecting the rights of its people, and if in such efforts particular interests are injured and special advantages forfeited, these things should be patriotically borne for the public good. An immense volume of population, manufactures, and agricultural productions, and the marine tonnage and railways to which these have given activity—all largely the result of intercourse between the United States and British America and the natural growth of a full half century of good neighborhood and friendly communication—form an aggregate of material wealth and incidental relations of the most impressive magnitude. I fully appreciate these things and am not unmindful of the great number of our people who are concerned in such vast and diversified interests.

In the performance of the serious duty which the Congress has imposed upon me, and in the exercise upon just occasion of the power conferred under the act referred to, I shall deem myself bound to inflict no unnecessary damage or injury upon any portion of our people; but I shall nevertheless be unflinch-

ingly guided by a sense of what the self-respect and dignity of the nation demand. In the maintenance of these and in support of the honor of the Government, beneath which every citizen may repose in safety, no sacrifices of personal or private interests shall be considered as against the general welfare.

Yours, very truly,

GROVER CLEVELAND.

GEORGE STEELE, Esq.,
President American Fishery Union, and others,
Gloucester, Mass.

Mr. DAVIS. Several things are to be noticed in this letter. First, there is no intimation that the remedies proposed in the statute are not sufficiently comprehensive and efficient; no suggestion that they do not go far enough to effect the purpose of the law. It does, however, take the extraordinary ground that the statute should be enforced on general considerations, and not to protect the interest specially involved.

I think the President is clearly wrong. No other interest was imperiled. This interest, and this alone, was in issue. The antagonistic attitude of the two governments related to this question only. The retaliatory legislation of Congress was intended to meet and correct this difficulty. The national honor was of course involved in securing justice for our fishermen, whose rights and interests had been wantonly assailed.

He could maintain the honor of his country no more effectively than by protecting against foreign aggression and outrage any class of citizens or any single citizen. He should have recollected the maxim which has come down to us from antiquity, that that form of government is the best in which an injury done to the meanest of its citizens is an injury to the state. He had before him the glorious example of the greatest of all the ancient nations, which resented with the whole force of her irresistible power any insult or injury to a Roman citizen, and whose policy in this respect was so well understood that the simple expression, "I am a Roman citizen," was a shield none dared pierce, wherever the name and power of the great republic were known and feared. [Applause.]

And, sir, in modern times the grandest feature of the English Government, representing a great people who have extended their dominion to every quarter of the globe, with an unequaled energy, ambition, and enterprise, is her protection of the rights of Englishmen wherever assailed.

I regret that an American President could not find inspiration and courage in such examples when confronted with similar exigencies and clothed with ample power. He refers to the great and increasing interests of the two countries in such a manner as plainly betrays a dread of responsibility. No fisherman after reading that unfortunate letter ever expected the President to enforce the legislation of Congress. The sheathed sword which was placed in his hand he dared not draw from its scabbard. No, sir; he dared not touch its hilt with his nerveless hand! Oh, for one hour of Dundee! Oh, for one day of Jackson or of Grant! [Applause.] But he has at last—thanks to the rejection of his treaty—found his courage. He has at last, perforce, taken the ground assumed by Congress eighteen months ago. Of course he has not enforced the retaliation act, but he has written a very courageous message to Congress asking for more power. He has not tried the experiment to ascertain whether a law deliberately passed by Congress and signed by himself is adequate to the emergency, and, if not, whether the Secretary of the Treasury has not sufficient power under existing law, as the ablest statesman living who has occupied that position declares that he has, and that it has already been exercised in similar cases.

Of course no imperious exigency exists at present for the action of Congress or the President, as no outrages are now being committed, and the fishing season is nearly closed. The exigency does not relate to our foreign affairs. It is strictly domestic, not to say partisan, and will terminate with the election, as the English friends of the Administration believe.

With the remaining part of his message concerning unjust discrimination against our commerce through the canals, along the course of the lakes and the St. Lawrence, and the steps to be taken to correct it, I am in entire accord. The attention of Congress and the country was months ago directed to this subject by the gentleman from Maine [Mr. DINGLEY] and it has been discussed in the press ever since.

Can it be possible, however, that the President has not called the attention of the British authorities to this subject, and that they will first learn by his message to Congress that he is aware of this grievance and is determined to redress it? If this be so, or if complaint has been made so recently that they have not had sufficient time to reply, and diplomatic courtesy should be thus violated, they will doubtless attribute it to the political necessities of the situation, which are so urgent and grave as to call for an unusual step; and such seems to be the generous view taken by the English press, who are extremely friendly towards the Administration.

Mr. Speaker, I apprehend that this movement, with all its dramatic accompaniments, with all the applause here, and the telegrams of congratulations from the outside, is a little late. This change of base to Harrison's Landing is rather tardy. [Applause.] I am reminded of an incident in recent French history, where, during one of her revolutions, when the royal family had fled, the Duchess of Orleans took the infant heir of the throne in her arms and introduced him to the French Assembly as their King. She was greeted with shouts of "*Trop tard!*" "*Trop tard!*"—"Too late!" "Too late!" [Applause.]

So it is with this latest product of Democratic wisdom which is presented to us. The position of the President is in effect that the treaty was a mistake; that the Secretary of State was overreached by Mephistopheles Chamberlain, and that the result was "too truly English" [applause]; but that now he presents us with a genuine Democratic baby, having the strawberry mark of paternity on its shoulder, and that, young as it is, if pinched a very little by an Englishman, it will cry "Retaliation." The answer will be, that although it is a handsome child and looks as if its father might be a Republican, it comes too late. [Applause.]

Sir, death-bed repentance is better than none, but it can not be converted into a song of triumph, or treated as if it had any concern with the affairs of this world. And this utterance of the President in the expiring hours of his official service, which is in opposition to the entire policy of his Administration, can not and ought not to command the confidence of the country.

Mr. Speaker, this message will fail to affect the very class it was intended to influence. However much they may distrust and dislike the Tory Government of England, or its plenipotentiary, who was welcomed by this Administration, they do not ask that their feeling may be shared by this Government in its diplomatic relations with that country. They are, first and last and above every other consideration, American citizens, and they only ask that the Government of their adopted country shall adequately defend it against all undue foreign influence or aggression.

This class, among whom I am proud to rank myself, are profoundly grateful for the rights, privileges, and measureless and boundless blessings which a generous and paternal Government has conferred on them, and they would not seek to embarrass her relations with any foreign power.

American citizens of Irish birth or descent doubtless have faults, but you can not reckon among them their warm and uncalculating devotion to American interests and institutions, their readiness to defend them when attacked with tongue and pen and sword, a readiness which was proved by Montgomery beneath the walls of Quebec by the severest of all tests, the offering of his life, and by uncounted thousands of his humbler countrymen in our every hour of trial and martial conflict from then till now. [Applause.]

They will justly resent as an insult to their intelligence and patriotism the idea that a sham menace of opposition to Great Britain and Canada, closing a career of surrender and subserviency to both, should influence their suffrages. They have discovered the determination of this Administration to carry out its free-trade and British policy to the bitter end in the destruction of American industries and the impoverishment and degradation of American labor, and thousands of them have decided to cast their lot with that great party which wielded the destinies of our country for many glorious years in war and peace during the stormiest and grandest period of its history, and raised it to a height of honor, prosperity, and power unmatched in all the tide of time. [Applause.]

This party is about to resume its sway as the rightful representative of American ideas, policy, interests, and destiny, and its conquering battle cry is protection to American labor and American suffrage represented by a pure, intelligent, and unintimidated ballot. [Applause.]

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the House numbered 7421, 7604, 8752, 10183, 1641, 5700, 1249, 8855, and 1239, in relation to the establishment of light-ships, light-houses, etc., Mr. CRISP, Mr. ANDERSON of Iowa, and Mr. THOMAS H. B. BROWNE.

LEAVE TO PRINT.

Mr. HITT. I ask unanimous consent that the gentleman from Massachusetts [Mr. LODGE] may be permitted to print certain remarks in connection with the pending bill.

Mr. McCREARY. I think leave was given generally this morning.

Mr. SCOTT. No, it was objected to by a gentleman on the other side.

Mr. McCREARY. Then I now submit the motion that any member who desires to do so may have leave to print on this question.

There was no objection.

THE FISHERIES.

Mr. ROCKWELL. I now yield twenty minutes to the gentleman from Massachusetts [Mr. COGSWELL].

Mr. CHIPMAN. Before the gentleman proceeds I have twenty-two minutes of my time remaining since yesterday, and I ask unanimous consent to give that to my colleague [Mr. TARSNEY].

The SPEAKER *pro tempore*. If there be no objection, the gentleman will be permitted to reserve that time.

Mr. COGSWELL. Mr. Speaker, if it be true of this world as of Heaven, "that there is joy over one sinner that repenteth more than over the ninety and nine just persons which need no repentance," then the

American fisherman will be just paralyzed with joy to know that the disgraceful, bayardly policy of surrender of his rights has been "confronted with a condition" which has made necessary a change of that policy to one of an apparently manly and courageous determination that those rights shall be recognized and respected. True, he may think the change comes suspiciously late after these years of insult to the flag which he thought should have at once protected him. He may think there is and has been for a long while ample and sufficient law to promptly and effectively redress his wrongs and vindicate his rights, and of this he has no doubt. The "condition" which may have possibly prompted this may not inspire his confidence or his vote.

He may think it somewhat overdone. He may think it would be better to have been "faithful over a few things," by enforcing the present all-sufficient statute before more power was asked for, which may possibly be used to prejudice his cause with other great interests, that he may be ultimately forced into some other ignominious treaty and the surrender of his markets. He may wonder that the "lamb of peace at any price" has suddenly assumed the habiliments of the "lion of revenge," but I guess he will be "Yankee" enough to guess the reason why. But he will not "look a gift-horse in the mouth," as any interest in his cause by the present Administration will be regarded as not only a most gracious, but a most unexpected "gift." And his only real fear will be that the Canadian corsair may regard it as not sincerely meant, for his premier, Sir John Macdonald, already regards the President's message as illustrating to his mind, to use his own words—

More forcibly than ever before the wonderful and monstrous pitfalls which American politics will lead a man into.

And a London journal says:

There is no expectation that he—

The President—

means to take any retaliatory measures against Canada. * * * Nor does any one attach the least importance to the message which Mr. Cleveland has addressed to Congress in consequence—

of the rejection of the treaty.

Mr. Speaker, this is, indeed, a wonderful transformation. The United States, in strict accordance with its conditions, terminates a treaty disadvantageous to its interests. A Secretary of State, in the absence of the Senate, extends, or attempts to extend, the provisions of that disadvantageous treaty for six months, in violation of the Constitution. The United States Senate on assembling declares by an almost unanimous vote against any negotiations as to matters growing out of the termination of that treaty, preferring to rely upon our rights under previous and existing treaties and certain reciprocal legislation. The Congress of the United States, by an almost unanimous vote, gives the President ample powers to enforce, by retaliation in kind, those rights, which under those treaties and reciprocal legislation and international comity are all the rights and privileges the parties aggrieved and most interested desire or claim.

The retaliatory power is not exercised, nor is any attempt made to use it, even so much as by a hint. The policy of retaliation in kind, that is, denying to others the same privileges they deny to us, is ignored. Meanwhile, daily and hourly, more and more, the American fisherman is harassed, deprived of his rights and privileges, his voyages are broken up, his property destroyed, his occupation gone at the hands of Canadian cruisers in waters which are his in common with Great Britain. Then comes a proposed treaty, which nobody ever asked for and against which every fisherman in America protested, a treaty which surrendered much and gained nothing, except by further humiliation and sacrifice on his part. It contained no redress; it settled no grievance. It curtailed our fishing area. It yielded important and vital positions taken by us in regard to our fishing rights which had long been acquiesced in by Great Britain. It crept on its belly so low that it even agreed our fishermen should wear distinctive marks that they might be the more readily detected if they should unwittingly or otherwise infringe upon a provincial law or ordnance; that our navigation laws should be submitted to Her Majesty's Government before taking effect, and it actually proposed that this nation of ours should purchase immunity from barbarous treatment by a colony. And to all this truckling business the Democratic party said "Amen." "All hail to such great diplomacy."

Thanks to a Republican Senate, such a treaty was rejected.

And now, behold! Up from such abject and craven depths of almost disloyal diplomacy spring these treaty-proposing and rights-surrendering parties, and for what? To put in execution the ample and all-sufficient power already in their hands? No; but ask that the great and enormous power of retaliating upon everybody and everything may be granted; and again the Democratic party says "amen" and—flops.

Mr. Speaker, if this be political buncombe, then it is trifling with a great cause. If it be in good faith, then it is grotesque; it is taking a sledge-hammer to kill a fly to ask for all this great additional power to bring a few provincials to a sense of ordinary decency. It does not "make the punishment fit the crime." Already a returning sense is theirs since the treaty has been rejected. Says a leader of the Dominion Parliament all this—

Is due to the vicious policy of the Canadian Government in the administration of the rights secured to us by the treaty of 1818. If the Canadian Government had followed a more friendly course, there would not have been any unfriendly feeling to-day. Time and time again in the year 1885 American fishermen were arrested and their vessels detained for a single violation of the customs laws, which in all probability they did not know. It is no wonder that their hearts were bitter and that they made complaint at Washington. If, on the contrary, the Canadian Government had administered our laws as they conceived them under the treaty, in a friendly spirit, there would not have taken place what has taken place. * * * It is high time we reversed the policy we have been following toward the United States for the past twenty-five years.—*Extract from speech of Hon. Mr. Lourier*, at St. Thomas, August 27, 1888, taken from the New York Tribune of August 29, 1888.

The question is too great, too important, involving as it does rights older than the Constitution, and as sacred as the Declaration of Independence, to be treated either in anger or caprice.

But if there be a "Presidential doubt" again, that existing authority is not sufficient, which I do not admit, and it is thought best that more power be granted, then let it be done; but let it be understood, and I say it, as representing the largest fishing district in this country, that the American fisherman asks for no additional powers of retaliation, and that if granted and applied to the needless injury of other interests, the responsibility will alone rest with him who shall so exercise or abuse the power, and that such interests then must seek their remedy at the polls, and that if undue exercise of this new power of retaliation shall be attempted to prejudice and make odious the cause of the American fisheries, which is no more the cause of the fisherman than it is the cause of the entire country, he will trust the American people to vindicate their own.

Mr. Speaker, I hope this bill may pass, that there may be no possible excuse for any further exhibition of a want of pluck and patriotism in this regard.

I do not think this bill is really needed, or at all, and in my judgment its effect will only be to cause the scales to fall from the eyes of some, and let them behold—a pretender. [Applause.]

Mr. ROCKWELL. I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has eleven minutes of his time remaining.

Mr. HOOKER. Mr. Speaker, the gentleman from Pennsylvania [Mr. SCOTT] desires to address the House on this subject, and as he is necessarily called away by matters of urgent business, I have agreed to yield to him my position in the debate, but not my time, and hope the House will concede him the right of being heard now.

[Mr. SCOTT addressed the House. For his speech complete see the proceedings of the succeeding day.]

Before concluding his remarks—

Mr. McCREARY. Does the gentleman from Pennsylvania desire to conclude his remarks this afternoon?

Mr. SCOTT. I would prefer to proceed in the morning. There is very important matter connected with the debate, to which I desire to call the attention of the House.

Mr. McCREARY. Then I suggest that the gentleman proceed with his remarks until two minutes to 5 o'clock, when I will ask him to yield to a motion to adjourn.

Mr. SCOTT. I shall be very much obliged if the House will consent to permit me to conclude my remarks in the morning, when I will also answer the question of the gentleman from New Jersey.

Mr. McCREARY. If the gentleman will now yield, as the hour for adjournment is close at hand, I will make that motion.

Mr. SCOTT. Certainly.

Mr. McCREARY. Before making the motion to adjourn, I desire to ask unanimous consent on behalf of the gentleman from Pennsylvania that he may be allowed to conclude his remarks in the morning. How much time, Mr. Speaker, remains to the gentleman?

The SPEAKER *pro tempore*. The gentleman has occupied fifty-five minutes of his time.

Mr. BELMONT. I yield fifteen minutes to the gentleman out of my time.

Mr. BAYNE. Mr. Speaker, I have no objection whatever to the request that time be allowed to the gentleman from Pennsylvania, and I hope it will be granted; but in connection with that I trust there will be no effort to limit debate, but that all gentlemen will be given the right who desire to be heard on this question.

Mr. McCREARY. I will say to the gentleman from Pennsylvania that the gentleman from New York [Mr. BELMONT] has yielded fifteen minutes of his time, and it is very likely that the gentleman from Pennsylvania will not require any considerable addition to his time from the House.

Mr. BRUMM. Why not give the time directly to the gentleman from Pennsylvania and not take it from any other gentleman?

Mr. McMILLIN. And let it be understood that similar time will be given to gentlemen on the other side.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. McCREARY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BANKHEAD: A bill (H. R. 11363) for the relief of Mack Holmes—to the Committee on the Public Lands.

By Mr. BELDEN: A bill (H. R. 11364) for the relief of James Nicholas—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 11365) for the relief of Mary Ann Bowers—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELDEN: Petition of numerous citizens of Syracuse, N. Y., for a pension to James Nicholas—to the Committee on Invalid Pensions.

By Mr. BRUMM: Petition of Hon. C. L. Pushing and others, citizens of Pottsville, and of Joseph McArkie and others, citizens of Port Carbon, Pa., against the admission of Utah with polygamy—to the Committee on the Territories.

By Mr. FELIX CAMPBELL: Petition of John H. Percival, of Kings County, New York, for a pension—to the Committee on Pensions.

By Mr. CANDLER: Petition of Joseph M. Fountain, executor of Artenessa Fountain, of Cherokee County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CRAIN: Memorial for a deep-water harbor of the first class at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. ENLOE: Petition of Frederick A. Repogle, of Madison County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Memorial of the citizens' committee and of citizens of San Francisco, Cal., on Chinese immigration—to the Committee on Foreign Affairs.

By Mr. OSBORNE: Petition of the Commercial Exchange, of Philadelphia, for the prompt passage of Senate bill 2851, amendatory of the act regulating commerce—to the Committee on Commerce.

By Mr. ROGERS: Petition of Mary Ann Bower, for payment of her war claim—to the Committee on War Claims.

By Mr. TAULBEE: Petition for the relief of Harvey H. Robinson, of Kentucky—to the Committee on Military Affairs.

By Mr. W. L. WILSON: Petition of W. H. Gilbert, heir of Jacob Gilbert, and of John Gibson, for the estate of Ebin Fussell, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. BELDEN: Of 150 ex-soldiers and sailors of New York City.

SENATE.

THURSDAY, *September* 6, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ALLEGED TIMBER DEPREDATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of August 27, 1888, a report from the Commissioner of the General Land Office, together with other papers, upon which the Commissioner of the General Land Office based the statements in his letter to Hon. JAMES N. BURNES, of the House of Representatives, dated August 18, 1888, with regard to the amendment to the sundry civil appropriation bill relating to the prosecution of persons in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber, unfit to be sawed or hewed into lumber of commercial value; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BLAIR presented the petition of Caroline V. English, widow of the late Lieut. Col. Thomas C. English, of Philadelphia, Pa., praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. PLUMB presented a petition of citizens of Hayes County, Nebraska, praying for the location of the Indian tribes of the Indian Territory upon their lands lying within the eastern portion of that Territory, etc.; which was referred to the Committee on Indian Affairs.

Mr. PUGH. In the absence of the Senator from California [Mr. HEARST], I wish to have read resolutions showing the action of a mass meeting in the city of San Francisco upon the subject of the Chinese exclusion bill now before the Senate.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent to have a telegram read. Is there objection?

Mr. SHERMAN. That subject will come up in a few minutes, when it will be more appropriate.

The PRESIDENT *pro tempore*. It is a telegram purporting to transmit resolutions adopted at a meeting in San Francisco by its chairman, addressed to Hon. GEORGE HEARST. Shall it be read?

Mr. SHERMAN. It could more properly be read in a few minutes, when the Chinese bill comes up.

The PRESIDENT *pro tempore*. The telegram will lie on the table, under objection, until that bill is before the Senate.

Mr. SHERMAN. I have no objection to its being read, but the reading had better be deferred.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3060) granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 952) for the relief of A. W. Hager, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3287) to authorize the appointment and retirement of Nathaniel C. Sawyer, late United States Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 10856) for pension for Eliza N. Aiken, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3353) granting a pension to Mrs. Eliza N. Aiken, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1574) for the erection of a post-office building at St. Paul, Minn., reported it with amendments.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10342) granting a pension to John Dauper;

A bill (H. R. 10563) granting a pension to William S. Latham;

A bill (H. R. 7185) granting a pension to Samuel Neikirk;

A bill (H. R. 10824) granting a pension to Mary A. Van Buskirk; and

A bill (H. R. 201) granting a pension to Edward Waters.

Mr. DAWES, from the Committee on Indian Affairs, to whom were referred the following bills, reported them each with an amendment:

A bill (S. 3446) granting to the Oregon Railway and Navigation Company certain tracts of land upon the Umatilla Indian reservation for station and railroad purposes; and

A bill (S. 3506) to amend an act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March 3, 1885.

Mr. HAMPTON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3458) for the relief of General George Stoneman, to report it without amendment, and submit a report thereon. I ask that the memorial of General Stoneman be printed with the report.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar, and the memorial will be printed with the report if there be no objection.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 2429) for the relief of Charles F. Holly, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 3595) for the relief of C. M. Stinson, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, reported it with amendments.

Mr. JONES, of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred an amendment intended to be proposed to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, to report it unfavorably on the ground that the relief proposed by the amendment can not properly be disposed of on an appropriation bill, and there should be a separate act to provide for the matter itself. I therefore report it adversely.

The PRESIDENT *pro tempore*. The amendment will lie upon the

table, the Committee on Indian Affairs being discharged from its further consideration.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them each with an amendment:

A bill (S. 3100) to correct the military record of David C. Spears;

A bill (S. 3078) to remove the charge of desertion from the military record of James S. Vaughn; and

A bill (S. 2868) to remove the charge of desertion from Michael Sullivan, alias Michael Murphy.

Mr. COCKRELL. I am also instructed by the Committee on Military Affairs, to which was referred the bill (S. 3120) to remove the charge of desertion against Godfrey Smalley, to report it adversely. The Senator from Oregon [Mr. DOLPH] introduced the bill. I am instructed to report the bill adversely and recommend that it be indefinitely postponed, as there is no merit whatever in the application.

Mr. DOLPH. I ask that the bill be placed on the Calendar.

Mr. COCKRELL. All right.

Mr. DOLPH. As the Senator states, I introduced the bill. If he had simply reported it back and asked that it be indefinitely postponed, I should not have made any objection; but after the statement of the Senator, I desire to examine the bill.

Mr. COCKRELL. Let the bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 3081) to remove the charge of desertion against Horace E. Ball, late of Company B, Second Connecticut Heavy Artillery, which was introduced by the Senator from Connecticut [Mr. PLATT], have instructed me to report it back adversely, and ask to be discharged from its further consideration. The War Department have ample jurisdiction to remove this charge upon the presentation of satisfactory evidence. There were three charges of desertion upon the record, and they have already removed two of them. In 1885 and 1886 an explanation was asked in regard to the third charge, and as they have ample jurisdiction to remove it, and as we have no additional evidence which was not furnished to the War Department, we report the bill adversely.

Mr. PLATT. The Senator will allow the bill to go upon the Calendar?

Mr. COCKRELL. Certainly.

Mr. PLATT. In view of the statement which the Senator has made, of course if the War Department will remove the charge of desertion that is all that is desired. From my recollection about the case, it is one in which the soldier ought to be relieved from the charge. Perhaps he has not made the proper proof, but I am convinced that he can make it either to the War Department or to the committee.

Mr. COCKRELL. He made no proof in regard to the third charge. The petition seems to have been drawn up by his attorney, and it was never signed by him, and was never verified by affidavit. It makes the statement that the charge of desertion was made at a certain time. That charge has been already removed, but there is another charge, made in July, 1865.

Mr. PLATT. Let the bill go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 912) granting bounty to Calvin C. Cooley, which was introduced by the Senator from Ohio [Mr. SHERMAN], have instructed me to report the same back adversely and to recommend that the bill be indefinitely postponed.

Mr. Cooley joined a regiment as private and was voluntarily transferred to the regimental band, and served in that for about a year, when under an act of Congress all the regimental bands were discharged, and he was discharged and did not go back into the service. He is not entitled to a bounty any more than any other musician.

The PRESIDENT *pro tempore*. The adverse report will be agreed to and the bill indefinitely postponed, if there be no objection.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to which was referred the bill (S. 199) to remove the charge of desertion from the military record of William H. McBride, introduced by the Senator from Pennsylvania [Mr. CAMERON], to report it adversely and recommend that the committee be discharged from the further consideration of the bill. The War Department have ample power to remove this charge of desertion, and will doubtless do so upon the presentation of a proper application.

The adverse report was agreed to; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 947) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, etc., reported it with amendments.

CLAIMS OF POSTMASTERS.

Mr. CHACE. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the resolution submitted by the Senator from Kansas [Mr. PLUMB] August 16, 1888, in regard to the claims of postmasters, to report it with an amendment in the nature of a substitute.

The PRESIDENT *pro tempore*. The proposed substitute will be read.

The Chief Clerk read as follows:

Resolved, That the Postmaster-General be directed to report to the Senate at the next session the amounts due all postmasters, their heirs or legal representatives, in the several States and Territories for services rendered the United States between July 1, 1864, and July 1, 1874, the gross amount of earnings for each biennial term of service to be stated on the basis of the act of 1854, and the amount of compensation paid for the same term of service to be deducted therefrom, showing the actual difference in each case between the salary paid and the compensation computed on the basis of the act of 1854 for each biennial term of service; such report to be limited to cases in which the compensation paid is 10 per cent. or more less than the compensation already computed on the basis of the act of 1854, and to be made to the Senate from time to time as the statement covering the claims from each State shall be completed. And also to report any other facts in possession of the Department bearing upon these cases.

Mr. CHACE. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. What is the resolution?

Mr. CHACE. It is simply a resolution asking the Postmaster-General to report the condition of postmasters' accounts.

Mr. COCKRELL. I object to it.

Mr. PLATT. He is to report at the next session.

The PRESIDENT *pro tempore*. The resolution will go over, the Senator from Missouri objecting.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 3522) regulating the purchase of timber from Indians; which was read twice by its title, and referred to the Select Committee on Indian Traders.

Mr. SAWYER introduced a bill (S. 3523) granting a pension to Amelia Erdmann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3524) granting a pension to Eliza R. Burdick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3525) granting a pension to Adam Bitner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3526) for the relief of Sarah A. Kelley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3527) granting a pension to Lottie E. Dietrich; which was read twice by its title, and, with the accompanying papers, ordered to be printed.

Mr. CALL (by request) introduced a joint resolution (S. R. 108) requiring consent of Congress for the construction of a bridge across the St. John's River, Florida, below Palatka, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

RELATIONS WITH CANADA.

Mr. HOAR. I offer the following resolution:

Resolved, That the attention of the President be respectfully called to the resolution of the Senate adopted August 28, ultimo, requesting him to communicate to the Senate copies of all communications addressed by his direction to the Government of Great Britain, remonstrating against certain unfair treatment of our citizens, and that he be requested to furnish such information as soon as possible in order that it may be considered in acting upon legislation now pending.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. VEST. Let it go over.

Mr. HOAR. The Senator will allow me to explain it to him, and then of course it will go over if he desires that it shall.

This resolution merely calls the attention of the President to a resolution adopted on the 28th of August asking him to communicate to us copies of all remonstrances addressed to the Government of Great Britain and replies to those remonstrances, in regard to Canadian wrongs in the matter of transportation as set forth in his recent message.

It it quite obvious that the Senate needs that information at once, in order to be able to deal with the pending legislation, measures which have been introduced here and elsewhere. I think the Senator will have no objection to asking the President to send in that correspondence at once. It is a matter which obviously will take but an hour or two. I think every remonstrance which the President has addressed to Great Britain on this subject could be copied in half an hour.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. VEST. My only objection is that the resolution of the Senator from Massachusetts, to which this refers, was offered only on the 28th of August——

Mr. HOAR. It was passed on that day. It was offered on a previous day.

Mr. VEST. It was passed, then, on the 28th of August. It is today the 6th of September.

Mr. HOAR. Nine days since.

Mr. VEST. Nine days since. There seems to be a sort of implica-

tion in the resolution that there is some intentional delay upon the part of the Administration. I presume that is not true. I know nothing about it, but I want the resolution to go over, because I have no doubt the Secretary of State can give some reason for not sending in the papers.

Mr. HOAR. Let the resolution lie over. I think, however, the Administration could have got its eyes open in nine days. [Laughter.]

Mr. VEST. Oh, well, Mr. President, that is very facetious, exceedingly witty, but we do not know what the facts are.

The PRESIDENT *pro tempore*. The resolution lies over under objection.

RECONSIDERATION OF PENSION BILLS.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. 3086) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire, and the bill (S. 3087) granting a pension to Mary A. Pfeiffer, returned from the House of Representatives on the request of the Senate.

Mr. DAVIS. The Committee on Pensions having reported favorably upon equivalent House bills which are on the Calendar, I ask that the votes by which these Senate bills were passed be reconsidered, and that the bills be indefinitely postponed.

The PRESIDENT *pro tempore*. The votes by which the bills were passed and ordered to a third reading will be reconsidered and the bills indefinitely postponed, if there be no objection. The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 1873) to limit the jurisdiction of the district and circuit courts of the United States was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 7933) providing for the exchange of worn, defaced, clipped, punched, or otherwise mutilated silver coins of the United States, of smaller denomination than one dollar, for new or unworn subsidiary silver coin at designated places and under certain circumstances, was read twice by its title, and referred to the Committee on Finance.

PERSONAL EXPLANATION.

Mr. DAWES. I ask unanimous consent to correct a statement made by the Senator from Florida [Mr. PASCO] in his speech yesterday, which I did not hear made at the time, or I should have asked his indulgence then to correct it. It is not a matter of great consequence, except that the mistake which the Senator fell into adds a weight to the statement which he quoted to which it is not entitled, and to those not any more familiar with the facts than the Senator appears to be may carry an idea in reference to the political sentiments of Western Massachnsetts to which it is not entitled. I desire to correct it lest I may seem to acquiesce in the statement of the Senator from Florida.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a personal explanation?

Mr. DAWES. Yes; I ask unanimous consent to correct a mistake.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. DAWES. I ask the Secretary to read the extract from the speech of the Senator from Florida yesterday that I have marked.

The PRESIDENT *pro tempore*. The Secretary will read the extract indicated.

The Secretary read as follows:

I take pleasure in reciting here a statement from a well-known Republican newspaper published in Western Massachusetts, the Springfield Republican, which takes the position that Warmoth virtually gave up the battle on the eve of the election, and suggests a motive for it which is in harmony with the tactics of Southern Republicans in former contests.

It is as follows:

"[Springfield, Mass., Republican, August 23.]

"Senator CHANDLER delivered yesterday his speech upon the motion to inquire into the Louisiana election of April last. As to the merits of the particular motion, little need be said. He may have evidence of fraud in the spring elections, although he did not produce it. The argument by comparing the returns of previous elections will not do, because based upon the supposition that every negro is a Republican. Ex-Governor Warmoth, who was the Republican candidate for governor of Louisiana, presented Senator CHANDLER's argument to him three weeks before the elections. Up to that time he had led a good party fight. Suddenly he published a letter claiming that some kind of a deal had been made by which Governor Nicholls was to be counted in. He said that it was useless for him to contend against such odds. This was a direct invitation to his followers to refrain from voting. Hundreds of negroes voted for Nicholls, and they repeated the service at New Orleans a few weeks later, thus securing some of the offices at the hands of the Democrats. Warmoth's surrender upon the eve of battle astonished the Democrats, but there was method in his madness. The returns enrich Mr. CHANDLER's speech and give him a chance to make out a case upon paper. He succeeded in precipitating a series of personalties yesterday, and so far he was successful. The situation in the South has improved so wonderfully that it is sad to see this friend and advocate of the bloody shirt attempt to turn back the pages of history for partisan purposes."

It is not often that such an opportunity is afforded to call the attention of the country to the fact that there are Northern Republicans who not only understand the situation at the South but are willing to do justice to our section and to recognize the fact that our elections are influenced and controlled there by like causes that control and influence elections in other sections of the country.

When such utterances as this from the Springfield Republican are more frequent and the people of the North rebuke the politicians who are always trying to array one section against another for purely partisan purposes, we shall have made a great advance in dealing with this race question in politics.

Mr. DAWES. The editors of the Springfield Republican are personal friends of mine, and are very much esteemed gentlemen wherever they are known. They would feel hurt if they supposed that I sat here in silence and heard their paper called a Republican paper. While they publish a paper of great value as a newspaper its politics are dreadful. They would resent at any time since 1872 to be called a Republican paper, and it would very much impair their influence in the political field in which they are earnestly at work if the idea should get abroad outside of Massachusetts that the sentiments uttered in that paper are sentiments coming from a Republican paper. Therefore I discharge a duty which I feel I owe to my personal friends in correcting the mistake which the Senator innocently fell into in denominating this a Republican paper, and in endeavoring to add weight to the argument made yesterday by quoting Republican authority to sustain it.

I simply do this out of a feeling that I not only do justice to the truth and the Republican, but a personal favor to friends to whom personally I am under obligations.

Mr. PASCO. I should like to ask the Senator from Massachusetts what are the politics of the Springfield Republican at the present time?

Mr. SPOONER and others. Mugwump.

Mr. DAWES. The paper has been laboring since 1872 to the utmost of its ability, and with great success, in the service of the Democratic party. It calls itself independent, but having the name of Springfield Republican it goes abroad, where its exact position is not known, as a Republican paper, which it originally was. It is one of the most zealous supporters of President Cleveland.

Mr. ALLISON. Now?

Mr. DAWES. Now, at this moment, and has been during all the eccentricities of this Administration of any paper that has come to my observation. It does not hesitate to take professions and practice alike, without question.

Mr. PASCO. I have not been a reader of the Springfield Republican, though I have known a good deal of its history and know how high its reputation and character have been, and I know how fair a paper it used to be when it considered itself a Republican paper.

I will state that the extract which I read was taken from the Public Opinion, and it was there designated as a Republican paper, and I supposed the editor of the Public Opinion was well acquainted with the politics of the different newspapers from which he quoted.

However, whatever the politics of the paper may be, the sentiment as there expressed is fair and manly and just towards our people, and whether it comes from an independent, a Democratic, or a Republican source, it deserves to be commended. But it also comes from a Northern source, and is certainly commendable and fair towards our people; and I am very glad of this evidence that the light of Democracy is spreading out upon the western part of Massachusetts.

Mr. DAWES. The error into which the paper that took the extract fell was caused probably in the same manner as the Senator's mistake; it was because the paper has the name which it bore—it is an old paper—when it did advocate Republican principles with earnestness, as it does everything that it advocates. But wherever its exact politics are understood, and have been since 1872, when it left the Republican party to support the Democratic candidate for the Presidency that year, it has never claimed, and never would claim, that it was a Republican paper or supported Republican candidates or Republican principles, except when those principles were those which a man could consistently support and still fight the battles of the Democratic party.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the following bills:

A bill (H. R. 7421) for establishing a light off Pamlico Point, North Carolina;

A bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina;

A bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts; and

A bill (H. R. 10183) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.

The message also announced that the House agreed to the respective conferences asked by the Senate on the foregoing bills and amendments, and had appointed Mr. CRISP, Mr. ANDERSON of Iowa, and Mr. THOMAS H. B. BROWNE managers at the conference on its part.

The message also announced that the House had passed the bill (S. 212) for the relief of Patrick H. Winston, jr.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul at Chattanooga, Tenn.

DISTRICT ELECTRIC WIRES.

The PRESIDENT *pro tempore*. If there be no further morning business, pursuant to the order of yesterday the Senate resumes the consideration of the resolution reported by the Senator from Illinois [Mr. FARWELL] from the Committee on the District of Columbia in relation to the erection of overhead electric wires. The resolution will be read.

The Chief Clerk read the resolution reported adversely by Mr. FARWELL, from the Committee on the District of Columbia, September 3, 1888, as follows:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to revoke any permit granted for the erection of overhead electric wires.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois [Mr. FARWELL] to indefinitely postpone the resolution.

Mr. VEST. Mr. President, I should very much prefer that this resolution should go over until the Senator from Vermont [Mr. EDMUNDS] could be present in the Senate. He opposed the action on the part of the commissioners in granting a permit to the Eckington and Soldiers' Home Railroad Company, and I had supposed after the debate that was had here, and after the action of both Houses of Congress as evidenced in a provision in the District of Columbia appropriation act, that this matter had been virtually settled.

We passed a resolution instructing the Committee on the District of Columbia to report a resolution in effect forbidding the commissioners from giving a permit to put up overhead electric wires in the city of Washington. Now, the Committee on the District of Columbia report back a resolution to that effect with the recommendation that the Senate do not adopt it, and we are asked, upon the evidence which they report and which is contained in a printed pamphlet that I have before me, to reverse the former action of the Senate and to substantially abandon the provision in the District of Columbia appropriation act, which was, I think, unanimously adopted by both Houses of Congress, and to say to this Eckington and Soldiers' Home corporation that they have the right to put up overhead electric wires in this city.

I ask the Secretary, in the first place, to read the provision in the District of Columbia appropriation act recently passed, so that we may properly understand the status of this question.

The Chief Clerk read as follows:

The commissioners of the District of Columbia shall not, after the 15th day of September, 1888, permit or authorize any additional telegraph, telephone, electric-lighting, or other wires to be erected or maintained on or over any of the streets or avenues of the city of Washington, and the said commissioners are hereby directed to investigate and report to Congress at the beginning of its next session the best method of removing all electric wires from the air or surface of the streets, avenues, and alleys, and the best method of interring the same under-ground, and such legal regulation thereof as may be needed; and they shall report what manner of conduits should be maintained by the city of Washington, if any, and the cost of constructing and maintaining the same, and what charge, if any, should be made by the city for the use of its conduits by the persons or corporations placing wires therein, and upon what terms and conditions the same should be used when required so to do, and for such investigation $1,000 is hereby appropriated: *Provided*, That the commissioners of the District may, under such reasonable conditions as they may prescribe, authorize the wires of any existing telegraph, telephone, or electric-light company now operating in the District of Columbia to be laid under any street, alley, highway, footway, or sidewalk in the District, whenever in their judgment the public interest may require the exercise of such authority; such privileges as may be granted hereunder to be revocable at the will of Congress without compensation and no such authority to be exercised after the termination of the present Congress.

Mr. VEST. This provision in the general appropriation law as to the expenses of the District of Columbia, although the inhibition did not take effect until the 15th day of September, most unquestionably declared the opinion of both Houses of Congress as to overhead electric wires for any purpose whatever.

I can not resist the temptation to say something in regard to the extraordinary action of the commissioners of this District, who, in the face of that inhibition adopted by both Houses of Congress, have granted a permit upon the technical ground that until the 15th day of September they were the exclusive judges in this matter, and could violate the expressed will of Congress or the principles upon which that will had been based. My friend in front of me [Mr. MORGAN] suggests in apt words that they asserted the right to do a thing which Congress had declared from a certain day to be unlawful.

Whilst a court of law might declare that these commissioners had this power under the statute, because the prohibition does not take effect until the 15th of September, in my judgment it would have been more appropriate (and I could use stronger language, I think, without overstepping the limits of legitimate discussion or of the truth) if the commissioners had not stuck in the bark, but had observed the spirit of the enactment which was made by both Houses of Congress upon this subject.

Right here, in this connection, I wish to dispose of the action of the commissioners; and I speak of them the more freely because they belong to the party of which I am a member. In my judgment their action has been most inappropriate and improper. They ought to have considered the action of Congress in passing this clause of the appropriation act as to all intents and purposes binding upon them as servants of the people of the United States officiating in this District.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. VEST. Of course.

Mr. SPOONER. Did not the declaration by Congress that no such permit should be granted after a given date clearly imply that until the expiration of that date such permits might be granted and were to be granted?

Mr. VEST. I have stated that technically they had the power to grant the permit, but I assert at the same time, and I do not think it can be successfully contradicted, that the result of the debates in Congress and of the judgment of its members deliberately expressed in both Houses is that the system of overhead electric wires for any purpose whatever is wrong. I am not a member of the Committee on Appropriations, and I do not know why this limitation was extended to the 15th day of September.

Mr. HARRIS. Will the Senator allow me to ask him a question in that connection?

Mr. VEST. Of course.

Mr. HARRIS. If it was the intent and purpose of the provision in the District of Columbia appropriation act to prevent the putting up of another wire from and after the passage of that act, as the Senator now argues, can the Senator give me a reason why the act did not expressly say that from and after its approval no additional wires should be stretched overhead?

Mr. VEST. I was proceeding to remark that I am not a member of the Committee on Appropriations, and I have not been able to learn why it was that this particular date, the 15th of September, was selected as that upon which the prohibition should take effect. I say the conclusion reached by both Houses of Congress was against the overhead electric-wire system. I take it for granted, without inquiry or information, that there were some facts in connection with the wires already in existence in this city or with the rights of corporations who were erecting these overhead wires—some assurances given as to their removal—which caused the committee to report this limitation of the 15th of September.

But I say to the Senator from Tennessee that it is just as unquestionably true that the fact that there was a limitation at all shows that both Houses of Congress were opposed to the system, and therefore, in my judgment, it was inappropriate, to use no other language, on the part of our servants, the commissioners of the District of Columbia, to ignore the expressed opinion upon the part of Congress, and to take advantage of the fact that the prohibition did not go into effect until the 15th day of September in order to grant the permit to this particular corporation.

My friend, the chairman of the Committee on Appropriations, doubtless knows more about this limitation than I do. I have not asked him in regard to it.

Mr. ALLISON. I will say to the Senator that this particular limitation was put in in the conference committee. The Senator from Kansas [Mr. PLUMB] had charge of the District appropriation bill, and he can state more definitely than myself just why it was put in.

Mr. VEST. I am not here as a partisan, but I am here with the kindest possible feeling to the gentlemen interested in this enterprise. As I have taken occasion to say again and again, and as is the absolute truth, I am utterly opposed to the present horse-car system which obtains in the city of Washington. I think it is a disgrace and a public calamity as it is now operated. As I want nothing but the truth, I should be glad if the Senator from Kansas would tell us why that limitation was put in the act.

Mr. PLUMB. The 15th of September?

Mr. VEST. Yes, the 15th of September.

Mr. PLUMB. The whole subject was before the conference committee, that is to say, the subject of exclusion or inclusion. We did not feel that there had yet been sufficient demonstration of the possibility of putting wires under-ground to warrant us in compelling that to be done now; but on the insistence of the House conferees that something should be done in deference to this sentiment we agreed to put in a date beyond which no more permits should be granted for the erection of wires in the streets. The Senator will observe by the language that it does not apply to alleys, the commissioners stating that no ill effect would grow out of the erection of overhead poles in alleys. It was stated with great force to us that persons had built houses with the expectation that they would be able to make connection with this system of lighting to go up in this city, and that they ought to be accommodated, and that there were quarters of the city into which the system might be properly extended at present.

It was designed to give the commissioners until the 15th day of September, knowing that they themselves were in favor of submerging the wires, to determine what could be properly done with the view of meeting some such conditions as those. The railroad matter was not suggested at all. No member of the committee spoke of it. I did not know that a railroad charter had been obtained in which a provision was made for electric motors; I never thought of it. We were thinking simply of the overhead telephone wires, and overhead telegraph wires, and the overhead lighting wires. That was all. Nothing else was taken into account.

Mr. VEST. That is what I supposed.

Mr. PLUMB. But it seemed that there ought to be some leeway, that where buildings had been erected and various improvements undertaken in reference to this form of lighting we should not compel either the company or the public to be absolutely cut off from the mutual benefits which might arise out of such extensions as the commissioners in looking over the ground might deem advisable up to the 15th day of September.

I can say for myself, without the matter having received any further attention in conference (that is, I do not know that that feature of it was specially mentioned), my idea was plainly and clearly that the commissioners might issue permits up to the 15th of September which would be operative beyond that time. That is the idea I had about it. We knew practically, from the conference which we had with them, their views on the subject. We knew, as we thought, that they would not exercise this authority to any very great extent, and would not go beyond what the public convenience seemed to require. I was perfectly willing, so far as I was concerned, and I think the language carried out that idea, that they should grant permits up to the 15th of September, but which should operate beyond that time. For instance, they might grant permits up to that time to carry wires to be put up at a later period, into different quarters of the city, where the conditions of which I spoke existed, they of course doing it all with a knowledge of the fact that they were required to report to the next Congress, if they were warranted in doing so by what they should determine by investigation, a plan whereby all these wires were to be put under-ground. We felt, therefore, that they would not exercise the authority in any bad way.

Mr. VEST. I understand, then, from the Senator from Kansas that the question which is now before the Senate as to these elevated or overhead electric wires for this Eckington Railroad was not contemplated or considered by the committee of conference at all; and, as I supposed before I made the inquiry, the fixing of a day *in futuro* as the date when this prohibition took effect was put there with reference to the present overhead electric wires used by the telegraph and telephone companies. But I still insist that the expressed will of Congress was against all these overhead electric wires, because if it was right to prohibit them after the 15th day of September, or, leaving out that, if Congress had come to that conclusion, then the commissioners of the District of Columbia ought to have respected that opinion and that will. Speaking for myself, I would unquestionably, if placed in that position, have so considered it.

But I proceed without any intention to do injustice to these gentlemen, and let the commissioners of the District of Columbia give their own version of the matter. Mr. S. E. Wheatley, one of the District commissioners, was examined by the Committee on the District of Columia.

Mr. MORGAN. Will the Senator from Missouri allow me before he goes into that evidence to call his attention to this law, which seems to have been entirely overlooked in the debate so far as I have heard.

The commissioners of the District of Columbia shall not, after the 15th day of September, 1888, permit or authorize any additional telegraph, telephone, electric lighting, or other wires to be erected or maintained on or over any of the streets or avenues of the city of Washington.

I can not understand, if this is the law of the land, why that word "maintained" does not stand there to make unlawful any act of the commissioners of the District of Columbia permitting electric wires or any other wires of that kind to be maintained after the 15th day of September.

Mr. HARRIS. I ask the Senator to read the rest of the clause, where the District commissioners are required to investigate the practicability of putting the wires under-ground and $1,000 is appropriated to enable them to conduct that investigation.

Mr. MORGAN. That is very true, but that word "maintained" has to go out of this text, or else it is unlawful to maintain the wires after the 15th of September.

Mr. PLUMB. I think the construction which the conferees put upon it is illustrated very fairly by the use of the word "maintained" there. The idea was that they should not issue permits after the 15th of September, nor permit any wires to be erected after that date. I mean to say they could not grant permits after that date. The maintenance there of the wires had reference to wires that were put up without the permits which are provided for, and which might be issued up to the 15th of September. Of course, the language is not as plain as it ought to be, and it only illustrates how entirely right our Committee on Appropriations originally was in insisting that the provision ought to go out and that the subject ought to be taken up *de novo* by the committee having jurisdiction of that subject, to wit, the Committee on the District of Columbia, and not committed to the Committee on Appropriations, and of course necessarily in due time to a conference with other things, a portion of which were to be taken up perhaps and discussed and disposed of without that attention which they ought to receive.

Mr. MORGAN. It seems to me it would require positive legislation to authorize the maintenance in the District of Columbia after the 15th of September of any telephone or telegraph wires, especially so as to those which required permits from the District commissioners. My vote upon this measure will be controlled by that construction of it, at all events.

Mr. VEST. I rather think the construction of the Senator from Alabama is the correct one, but I base my observations in regard to the action of these commissioners, not upon any construction of that statute technically, but upon the simple fact that both Houses of Congress have condemned that system and that the District commissioners knew it, and that they deliberately availed themselves of a power given to them, a discretion until the 15th of September, to put the broadest construction upon it, in order to violate what they knew to be the expressed statutory opinion of the representatives of the people of the United States. As I do not want to do them any injustice, I give them the full benefit of their own explanation of what seems to me to be most extraordinary conduct. Mr. Wheatley, one of the commissioners, was examined before the District Committee, and I will read from his evidence:

Q. Before you granted that permission—

That is to the Eckington Railway—

did you take counsel about it?

A. We gave the matter considerable thought and discussion. One of the members of the board, Mr. Webb, is a lawyer, and we decided to issue the permit after considerable thought and discussion, and it is clearly legal under the requirements of that bill.

It never seems to have suggested itself to Mr. Wheatley that it was improper for him or that board to have violated the unquestionable will of Congress, but he says it was lawful. He sticks in the bark about it, and acts with Congress as if they were adversaries instead of being agents and servants of the people, or as if they represented some foreign interest against the Government and against the people and against the Senate and against the House. He says it was lawful.

Then in regard to this particular construction of overhead system, of overhead motive power, we have Major Raymond's views upon that subject.

Not his views, but the views of Major Raymond. Mr. Wheatley says:

Then, in regard to this particular construction of overhead system, of overhead motive power, we have Major Raymond's views upon that subject.

Major Raymond is the engineer officer of the commissioners; and afterwards, upon the very next page, he is put on the stand, and here is what he said. It seems that his views and opinions were potential in this matter with the board. Major Raymond was examined and testified:

By Mr. FARWELL:

Q. Do you consider the electrical system which is proposed to be used for the Eckington Railroad at all dangerous to life?

A. No, sir; I do not.

Q. Are you sufficiently familiar with the character of electricity and the quantity necessary to be used as to be prepared to make that statement?

A. No, sir; I am not.

Major Raymond is a remarkable expert. This is the gentleman upon whose opinion this board of commissioners trample upon the express law of Congress, and yet he says he knows nothing about it.

I make that statement as the result of what little experience I have had in electricity, and as the result of inquiries which I made of men who know more than I do.

Second-hand information.

I am not an electrical expert, and I do not appear in that capacity.

I take it if there ever was a witness who discredited himself on a subject-matter on which he was being examined that witness has done so; and yet his opinion is the sole basis upon which this question was disposed of by the District commissioners in the very teeth of the action of Congress, which is now part of the statute law of the land.

Mr. CHACE. I should like to ask the Senator whether or not, in view of this provision in the District appropriation bill, he considers that the commissioners were authorized and empowered to issue such permits up to the 15th of September?

Mr. VEST. I have not examined the matter as a lawyer should, and I have long since adopted as one of the fundamental rules in the practice of my profession to give no opinion by which I choose to be bound or ought to be bound without a critical examination of the instrument conferring the power. My impression in this case from what I have read—and I simply read it not so much as a lawyer as because I wanted information on this whole subject—is that these commissioners do have that power up to the 15th of September.

I thought I said that before. That, however, is not the point I make. I say it was improper, inappropriate, extraordinary for these commissioners to stand upon a legal technical power when they occupied the position of trustees or agents for the people, and when they were under the control of Congress and ought to have a decent respect for the opinions of both Houses of Congress and of the President of the United States solemnly expressed. I do not think my friend from Rhode Island would have done it.

Mr. CHACE. I certainly should if I had been one of the commissioners.

Mr. VEST. I do not think yet, notwithstanding his disavowal, that my friend from Rhode Island, in the teeth of that expressed will of both Houses of Congress, if he had been a commissioner of this District, would have seized hold of that technical power—for it was nothing else—and issued those permits in the face of the language, which even if you do not give it the broad meaning that the Senator from Alabama gives it, prohibiting the maintenance of overhead electric wires after the 15th of September, still in its spirit and soul condemned the whole system whether applied to telegraphs, telephones, or the motive power of railroads.

Mr. President, I have honestly performed what I conceived to be my duty, and according to the promise I made to the Senate yesterday I examined all this evidence last night, and I think as an impartial juror, I must say if I have any feeling in the world in the matter it is in be-

half of the corporators, and, besides that, I am unalterably opposed to horse-car railroads, and I have sat here for eight long years and condemned and denounced this infamous system in the District of Columbia.

Mr. SPOONER. How can a juror be impartial and lean to any side?

Mr. VEST. I say if I am not an impartial juror, I lean to the side of the Senator from Wisconsin, and I infer from his remarks that he is decidedly in favor of this system. I lean to the side of this electric railway because I want that system introduced into this District; but I repeat here now I would as soon stand here and defend the old flint-lock musket, that passed away with the arsenal at Harper's Ferry and is now one of the relics of the past, as to stand here and defend the system of horse-car railroads. And yet every Senator here knows that in this District we have, notwithstanding our protestations and remonstrances, streets in this beautiful city absolutely ruined by the present rails, with the cobble-stones between, over which no vehicle can pass without inconvenience and almost absolute danger. All my sympathies are with the men who want to put up electric roads in this District, but I am here as a trustee as well as these commissioners, and I simply give to my brother Senators the result of my examination of this testimony and my deliberate judgment, and if I could honestly and conscientiously vote in accordance with the recommendation of this committee I would do it with the greatest pleasure imaginable.

I have great personal respect for the men engaged in this enterprise, who are men of high character in this District. I do not blame them; but as a matter of course they are looking to the success of their enterprise. They want to construct this road as cheaply as possible and with a view to the largest dividends. If I were to say that they expected anything else, I should simply remove them from the ordinary frailties of human nature and put them in the attitude of angels or gods, which I presume they are not. They have the same motives that every corporator has, and it is my duty as a servant of the people, as I conceive it to be, to do justice to them and at the same time justice to my constituents, who are interested in this District as much as the people who reside here.

I have examined this testimony not as critically as I would have done if I were counsel in the case and with a brief, but as carefully as my other duties would permit, and I must be permitted to express my regret, with great respect to the District Committee, that they did not examine one single witness, so far as I have seen, that was not connected directly or indirectly either with this electric railroad company or with the Thomson-Houston Electric Company, who under contract are furnishing the electric motive power to this corporation. If I am mistaken in that I can be very easily corrected.

Mr. SPOONER. The Senator will allow me a word. I was not present at the hearing before the Committee on the District of Columbia, but I desire to remind the Senator that that committee was not charged by any order of the Senate with an investigation into the subject. They were given jurisdiction by an unusual proceeding, and that was a motion that they grant to certain parties who petitioned the Senate, and who I believe were the parties in interest in the construction of this particular railroad, a hearing. That was the direction laid upon the committee, and with that mandate the committee complied absolutely.

Mr. HARRIS. Mr. President, if the Senator from Missouri will allow me to supplement the statement of the Senator from Wisconsin, there was before the committee a large number of affidavits and certificates from persons of experience in the use of electric power. I have not noticed to see whether or not they appear in the report that the Senator from Illinois presented, but a large number of persons who had no connection whatever with the companies referred to by the Senator from Missouri——

Mr. VEST. Perhaps my statement was a little too broad, but I certainly intended to make no imputation either of negligence or otherwise on this committee either in the aggregate or individually; but I think that when they went into this question, when they undertook to examine witnesses, they ought to have done so thoroughly. They have reported here against the action of the Senate deliberately taken. They were instructed to report a resolution prohibiting the commissioners from putting up overhead electric wires. They report back that resolution, but at the same time recommend that it be rejected, and as a ground for their action they furnish us testimony taken by them; and, under the familiar legal maxim, once in court they must remain in court and stand the test of examination and cross-examination, and I have the right to comment upon that testimony and the facts which it assumes to present. I agree that I possibly stated it too broadly when I said there was not a single person whose testimony was taken here—I ought to be more accurate in my statement—that was not connected directly or indirectly either with this railroad company or the electric company, or who was not directly interested in the contract.

Mr. SPOONER. They were the parties to whom the committee was instructed to give a hearing.

Mr. VEST. With due deference to the Senator from Wisconsin, who interrupts me, I did not know that the committee was instructed to give any hearing.

Mr. HARRIS. Will the Senator allow me to state a fact that perhaps he is not aware of?

Mr. VEST. With pleasure.

Mr. HARRIS. I think the very morning after the passage of the resolution of the Senator from Vermont [Mr. EDMUNDS] the Senator from Massachusetts [Mr. HOAR] presented a memorial and asked that it be referred to the committee with instructions that the committee hear the memorialists in respect to the subject-matter, which was the application of electric power and the use of electricity.

Mr. VEST. Not only as a lawyer, but a legislator and an individual, I am bound by the report of this committee, and most unquestionably the committee is bound by it; and I find in the heading of the report the following:

> The Committee on the District of Columbia, to whom was referred the order of the Senate referring letter of the commissioners of the District of Columbia, with instructions to report a resolution requesting the commissioners to revoke any permit granted for erection of overhead electric wires, report.

That was the subject-matter before the committee, and nothing else.

Mr. HARRIS. Will the Senator again allow me?

Mr. VEST. Certainly.

Mr. HARRIS. The particular resolution in question was, according to the custom of all committees of this body, referred to one of its members to report on, while the other subjects kindred and immediately connected with it were referred to other subcommittees to deal with. The Senator reads from the report of a Senator who was especially charged with the particular resolution in question.

Mr. VEST. Well, Mr. President, that particular resolution in question is the matter before the Senate—that, and that alone. This committee, instructed to report a certain resolution referred to them, make a report, but they put a poison in its blood that destroys it, and they bring it back to the Senate with the recommendation that it be not adopted. I know so little about parliamentary law that I scarcely dare to indulge in a criticism in the presence of the Senator from Tennessee [Mr. HARRIS]. It is my misfortune that I never knew but two rules of parliamentary law, and one was that a motion to adjourn was always in order, and that a motion for the previous question was always in order, but since the rules of the Senate struck out the latter rule in regard to the previous question, I have been going single-handed with the former, and I have found out sporadically that not even that one is always in order. So, with my little parliamentary knowledge, I hardly like to indulge in a criticism upon the committee; but it seems to me when they were instructed to report back a resolution specifically, they ought to have done it; but instead of that, they reported it back with deadly killing blight upon it in the nature of a recommendation that it be not adopted, and then they proceed to give us the testimony upon which that recommendation is based, from which I am now quoting.

Mr. SPOONER. Does the Senator mean that the committee was deprived by the action of the Senate of all power of recommendation in reporting the resolution back? Were we bound to report it back with the recommendation that it pass, when every member of the committee was opposed to its passage?

Mr. VEST. I beg pardon. I am so poor a parliamentarian that if I go by the rules of common sense I must be excused. I thought that when the Senate instructed its servants and agents to do a particular thing they ought to do it.

Mr. CHACE. Right there I should like to ask the Senator from Missouri what could have been the object of referring that resolution to the Committee on the District of Columbia if it was not to have their judgment upon the propriety of its adoption?

Mr. VEST. The Senator from Vermont, who, I will undertake to say in his absence or presence, generally knows exactly what he means and adopts the proper instrumentalities to effect his object, drew this resolution, and I take it that if he meant that the Committee on the District of Columbia ought to examine and report he would have said so, but the Senator from Vermont said they were instructed to report a resolution. He did not draw the resolution, but I understood after the long debate we had here that the only province of that committee was to report a resolution, draughted in appropriate terms to do that thing, which was to prohibit this Eckington and Soldiers' Home Railroad from putting up overhead electric wires. If that is not the meaning of it, it is my limited parliamentary knowledge which must excuse me in the eyes of my friends from Rhode Island and Wisconsin.

Now, Mr. President, without intending to be hypercritical, from my cursory examination I find some strange things in this testimony. Mr. Mansfield, the electrical engineer of the Thomson-Houston Company, was put upon the stand and examined by the Senator from Virginia [Mr. DANIEL], a member of the committee. We come now to the question whether these overhead electric wires are dangerous to animal life. Upon that point, when the committee were examining witnesses, the Senator from Virginia asked this question of George W. Mansfield:

> You think under a thousand there is no danger?

Which I may say in an explanatory way referred to a thousand volts, which seems to be the unit of all electric power, and is a technical

term, if I may be permitted to insert this to make myself understood. Mr. DANIEL'S question was:

You think under a thousand [volts] there is no danger?
A. It is perfectly safe to human life.

Anywhere under a thousand volts.

Q. What is the charge of electricity that is given remedially to persons who are being treated with electricity?
A. I could not state.

Understand that the electrician of this company states that under 1,000 volts the electric current is perfectly harmless to human life. On the very next page and almost in the same sentence he is asked by the acting chairman:

Q. What number of units per car does your company contract to furnish the Eckington Company?
A. I think it was originally talked over, and 500 volts was decided upon, as we are using 500 volts on all the roads we are building and that are now in operation. But in this particular instance we thought best to possibly keep that potential to 400, as there seemed to be a feeling that there was some danger in connection with it.

This very same gentleman had declared one minute before that it was perfectly harmless under 1,000 volts, and yet he declares that they reduced it in this contract between Thomson-Houston Company and the Eckington and Soldiers' Home Railway Company to 400 volts, 600 volts under the thousand, because there was some danger in it.

Mr. HARRIS. Not because there was some danger, but because there was some apprehension in the public mind of danger.

Mr. VEST. Let me read what he says; I will let him speak for himself.

But in this particular instance we thought best to possibly keep that potential to 400, as there seemed to be a feeling that there was some danger in connection with it.

Mr. HARRIS. Yes.

Mr. VEST. Now, where that feeling was, who entertained it, why they should reduce it under 500 volts, which they say themselves was necessary, is something they can explain possibly, but it seems a little uncertain and nebulous to my mind. It was, to say the least of it, a deference to public opinion upon the part of the railway constructors that I am glad to see obtaining in this community and throughout the country, something we have long sought and much needed.

Now, upon the question of danger I have not endeavored to find instances in which there has been injury to animal life or human life by reason of these overhead electric wires, and without any exertion upon my part I present to the Senate for what it is worth, a statement which the Senator from Texas [Mr. COKE] handed to me not twenty minutes ago, contained in the Cleburne Chronicle, of Cleburne, Tex., which I will ask the Secretary to read.

The Secretary read as follows:

SHOCKED TO DEATH.

AUSTIN, TEX., *August* 27.

Edward Ramsey, a young colored man, at 1 o'clock to-day had occasion to cross the roof of a building near Congress avenue. An electric motor wire ran across the roof. In some unknown manner Ramsey came in contact with it and was instantly killed. When the body was found it was still limp. A doctor was summoned, but life was extinct. On examination it was found the insulation of the wire was intact, and the theory is that it was too thin and the heavy rain which fell this morning so saturated it as to destroy insulation altogether. The shock was so strong that it burned the flesh off of two fingers of Ramsey as he clutched the wire. No other marks were left on the body.

Mr. VEST. Now, Mr. President, I desire to say so far as I am concerned in regard to that question of the danger to human life or of injury to the human body by this system, that much as I favor the electric system as applied to motive power for railways in this District and elsewhere, if it be dangerous to one single human life it is no argument to me to say that those accidents are infrequent. I hold it to be my duty as a legislator, if the object can be obtained at additional expense, but without danger to human life, to adopt that method and no other. I have never yet come to the conclusion that the life of any human being should be endangered in order to save any amount of money to any corporation or to any individual; and I am not speaking about corporations invidiously. Human life is above everything else. The man who legislates in any capacity and disregards life and limb in the interest of money is, in my judgment, unworthy the place of a legislator, State or national. If the humblest citizen of this District in passing along a street where these overhead wires are suspended is in danger by any sort of unforeseen accident, that risk should not be taken by the legislators of the country, who are the custodians of that life and liberty in the highest degree and in the most sacred manner.

I have not compiled statistics to show that these electric overhead wires are dangerous. I am not here to comment upon the degree of credibility which should attach to the statements of newspapers. Like any man of ordinary intelligence, I have an impression upon the subject, gathered from the daily current statements of the press and from my own intellectual conclusions about them. My friend in front of me, the Senator from Alabama [Mr. MORGAN], tells me that in the city of Montgomery, the capital of his State, a railroad with suspended electric wires has been abandoned on account of its destruction to animal life, horses, mules, and human beings. I believe—and I can be corrected if I misstate it—that the governor of the State recently, in driving along with his horse and buggy, encountered one of these wires, which by a storm or insufficient attachment had become loose and was trailing upon the surface of the street, and the horse put his foot upon it and in a single instant it was dead. I am told by the Senator from Alabama that so great was the complaint upon the part of the people of that city against that system, and so dangerous was it, that it was abandoned or went out of operation four months ago, and has not been reconstructed.

I am not giving this testimony as a witness or an expert, but I am bound as an intelligent man to be governed by these statements coming from reputable sources. I admit that in this pamphlet there are a large number of statements coming from persons attached to this railroad company—its officers and employés—and from the employés of the Thomson-Houston Electric Company, coming from a place in Masschusetts called Crescent Beach, which, I take it, is the place where this Thomson-Houston Company have their manufactory.

Mr. HOAR. I think that is in Lynn.

Mr. VEST. I only know from the headings of the letters, not being acquainted with the locality—"Crescent Beach, Mass."—and these witnesses, the parties who gave these *ex parte* statements without cross-examination, say that they are employés of this electric company, and they put their hands upon these wires with 500 volts of electric power and simply felt a pleasurable sensation like an amatory caress from some loved person.

Mr. HOAR. I think that this is not important enough to interrupt the Senator for, but I think Crescent Beach is in the city of Lynn, which is probably 8 miles out of Boston. The company have their factory in Lynn and their business place in Boston. They employ some fifteen hundred hands in constructing works in different parts of the world.

Mr. VEST. The material part of my statement is simply that these *ex parte* presentations come from the employés of the electric company, and they tell us that five hundred volts of electric power when injected or shot into a man produce simply a pleasurable sensation and are not at all dangerous to human life.

There is nothing whatever to restrain this company from increasing the amount of electric power that they see necessary to use hereafter, notwithstanding their original contract. They claim as a matter of course under their act of incorporation the power to use as much electric force as is necessary. They have made a contract, they state, for the use of four hundred volts or units of electricity as motive power, but hereafter, if they see proper, they can make it one thousand, or fifteen hundred, or two thousand. There is no limit upon their contracting capacity in that regard.

Mr. President, aside from this question of danger, there is another element to be considered which was not much alluded to the other day in the debate that preceded the reference of this matter to the Committee on the District of Columbia. It is proposed, according to the testimony of the officers of this company, to place in the middle of the street along their route to the Soldiers' Home——

Mr. HARRIS. To the boundary.

Mr. VEST. One mile of this route being inside of the city limits and 2 miles outside, it is proposed to place in the middle of the street what they call ornamental iron posts, from which are to be suspended the electric wires. If this electric power can be used with perfect safety to life and limb without any disfigurement or inconvenience to the public by reason of these posts being placed in the streets of the city, why should it not be done? Why should we now give to this corporation, with our past experience with street-railroad corporations in this city, the power to further disfigure the streets of the most beautiful city upon this continent, if not in the world? We have had for years and years upon the streets of this city these miserable car-tracks that are a disgrace to civilization, and we are not able to remove them. The men who own them declare enormous dividends year after year, and yet they persist in maintaining these monstrosities against public sentiment and the will of Congress.

There is one clause in the letter of the attorney of the Thomson-Houston Electric Company that made these contracts, which it seems to me is most suggestive, if not conclusive as to what should be the action of Congress in this matter. Mr. George W. Mansfield, representing the Thomson-Houston Electric Company, and signing himself attorney for it, says:

In conclusion, by all means put the wires under-ground if you can afford to adopt any plan that will insure an efficient, satisfactory service. It will improve the appearance of your city, will remove one of the least of the obstructions in your streets, but will not in any appreciable degree lessen the dangers that surround you.

Even this paid attorney, salaried by this company, says these wires, if they can afford it, should be put under-ground because then they will not disfigure the streets of the city of Washington. He states that it will not lessen the danger to put them under-ground, but he says:

That will insure an efficient, satisfactory service. It will improve the appearance of your city, will remove one of the least of the obstructions in your streets.

Is it possible—and I come to the gist of this whole matter—to have an electric railway in the city of Washington without these overhead wires disfiguring the streets and endangering animal life? Can the conduit system, as it is called, be adopted in this city successfully, and is it practicable? That is the whole question before us, it seems to

me, to-day. The president of this company admits in his testimony under oath—for I presume he was sworn—that at Allegheny City, in the State of Pennsylvania, there is a conduit electric railway now in operation, and the most successful of any in the United States. I stated yesterday, as one of the reasons why this matter should be postponed until to-day, that I had some papers that had been sent to me on this subject. I do not know why they were sent to me. I do not know but that every other Senator has received them; but they may possibly have been sent to me because I took part in the debate upon this question before. They come from the Bentley-Knight Electric Railway Company, of 115 Broadway, New York. They contain an explanation of the whole conduit system. It seems that there are three systems in regard to the use of electric power as a motor for railways. The one is the reservoir system, as you might term it——

Mr. ALLISON. Storage.

Mr. VEST. The storage system; I believe that is the word. Another is the conduit system; another is the cable system; and you might say a fourth one is the overhead electric wire system. The cable system, according to the testimony, is the most expensive, although I may be permitted to say that four of these roads are in operation in the city where I live most successfully and to the entire satisfaction of the public. There was great prejudice against them at first. I have never had any interest in any of them and can not speak accurately as to the cost, but I know from friends who have made investments that they have paid enormously, and to-day the stock of the first railroad constructed there is not for sale at all on account of its enormous value. I find from a perusal of these papers which come from the Bentley-Knight Railway Company that they can construct a conduit system, unless they encounter peculiar obstacles by reason of locality, for $20,000 a mile, and I will read, for such information as it may impart to Senators who may not be better informed than myself, an estimate:

Average prices—

This is for New York City, and I take it that the construction here would not be more expensive. They give the estimate for a horse railway, for an electric railway, and for a cable road. This is for a double track of 5 miles, which we will call a track of 10 miles in length.

Ten miles track, at $7,000 per mile, for an electric railway, $70,000; 40 cars, at $700 each, $28,000. Ten miles of conduit, at $25,000 per mile, $250,000; steam plant, $20,000; dynamo plant, $24,000; 40 motor trucks, at $1,500 each, $60,000; building, $10,000—$462,000.

The estimate for a cable road of the same length is $803,000.

For a horse-railroad, which includes four hundred horses in the estimate, it is $204,000.

At a rough calculation in the city of Washington for an electric railroad on the conduit system, with under-ground wires, the cost would be upon this basis $218,000.

After all, Mr. President, we come now to the real difficulty in this case. I do not think that any of the friends of this enterprise will say that the conduit system is not the best, but it is the difference in cost to which they object. These gentlemen frankly said in their statements before this committee, and they have stated to me personally, for they have called upon me in regard to it, and they are men of intelligence and foresight, that they have not money enough to build a conduit road, and they appealed to me in this way: "You favor the electric system, but this is all that we are able to give you. Instead of opposing this upon the floor of the Senate, you ought to encourage it, because it is the entering wedge to the electric system in the District of Columbia, and we can afterwards improve it by adopting the conduit system when we are able."

I could go on, if the Senate chose to hear it, and read from the testimony, for whatever it is worth, the statements of the Bentley-Knight Electric Company in regard to a difficulty which has been suggested here about this conduit filling with snow and ice and water. They claim that in the road at Allegheny City they have found a mode in which all this difficulty can be obviated. They give statements, amply verified—and I wish the Senator from Pennsylvania [Mr. CAMERON], who knows these people, could look at the names—by men living in Allegheny City and holding official position there, that the road runs 7 miles an hour at heavy grades in places, carrying fifty passengers to a car, without delay winter or summer, and is a perfect railroad for 1 mile within the limits of that city.

It is proper to state that 1 mile of that railroad is in the city limits and 2 miles outside. They have sent me here the plates or photographs showing their cars in operation, with full and accurate descriptions, I take it, as to their capacity and as to their speed. Inside of the city they have the conduit system, because the authorities of Allegheny City would not permit the overhead electric wires. Outside they have the overhead electric wires, but inside the city, with the conduit system, notwithstanding the statement that snow and ice and water impede the cars in winter, they have had no delay and no trouble in operating them.

Mr. President, I will not detain the Senate. I have endeavored to speak fairly and justly, without feeling, in giving, as I am compelled to do in order to do my duty, my deliberate judgment. We had better wait until a company can be found that can raise the capital to adopt the conduit system, which we know is harmless to animal life, than to rush in and take the chances of this overhead electric system, which they themselves admit is an inferior system to the conduit system for streets. They place it upon the ground of cheapness and upon no other ground that I can see that amounts to anything.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the report of the committee that the resolution be indefinitely postponed.

Mr. HARRIS. Mr. President, the resolution that the Senate instructed the District Committee to formulate puts the Senate in what I conceive to be the humiliating attitude of petitioning or requesting public servants that the legislative department has the absolute right to command and control, and if there were no other ground involved, for that reason alone I would not favor the resolution that the Senate instructed the committee to report. The Senator from Missouri in referring to it used the language that our instructions were to prohibit or to compel. Not so. They were to formulate a resolution of the Senate and the Senate only, requesting the commissioners of the District of Columbia to rescind the permission that they had previously given and not to allow the wires to be put overhead.

In obedience to the instructions of the Senate the committee formulated the resolution and then expressed its opinion with absolute unanimity that no such resolution ought to be passed in the Senate; but within the same hour the committee reported a joint resolution adopting a proper legislative form to deal with the question effectively, which opens the whole question of electric wires overhead or underground; and when that resolution is to be considered the argument submitted by the Senator from Missouri this morning will be something perhaps appropriate.

But I am not here for the purpose of defending the action of the District commissioners, and shall not enter into any argument upon that subject further than to say that under the provision which is found in this appropriation bill if I had been one of the commissioners I should have construed the law precisely as they have construed it, and, as it seems to me, the only natural and reasonable way of construing it, and I should have exercised my judgment and discretion in allowing or not allowing the permission to put wires overhead up to the 15th day of September, for if the legislative department had intended to command them to give no permission and not to allow another wire to be put overhead from the passage of that act, it would have been the simplest and easiest method to have said so in explicit terms.

But the very form in which the clause is put shows conclusively that the legislative intent was not to prohibit from the moment of the passage of that act, but to allow the District commissioners from the time that act passed until the 15th of September to exercise their judgment and discretion in allowing or disallowing the placing of electric wires overhead.

When the joint resolution, also introduced by the Senator from Vermont, assuming absolute legislative control by legislative methods and forms of the action of the District commissioners upon this question comes up for consideration the whole subject will be open, and the Senate and the House of Representatives will give whatever instructions they may choose to the District commissioners upon this matter. But the committee, as I said before, with absolute unanimity, did not see proper to recommend the passage of a resolution simply requesting the District commissioners to withdraw or rescind the permits heretofore granted, and I am free to say, and may perhaps say without any breach of propriety or confidence, that the members of the committee present, I believe, were absolutely unanimous, if we had been acting directly upon that question, in allowing the Eckington and Soldiers' Home Railroad to go on and make the experiment with the overhead wires that they propose to make in propelling the cars that they propose to put upon the line of road from Seventh street along New York avenue out to the Soldiers' Home.

The Senator from Missouri is wholly mistaken when he says that the question of cost is the only one. It is an important one, and one that doubtless has very considerable weight with the corporators who propose to construct that road, because there is a difference of quite twenty, perhaps more than twenty, thousand dollars per mile in the cost of constructing the road to be propelled by overhead or underground wires.

But there is another and very material condition affecting that question.

You may put electric wires in a conduit where the power is to be applied at one end of the line and exerted at the other end of the line. There you may completely inclose the conduit and it is open only at the end where the power is admitted and at the other where it is exerted; but in respect of propelling street cars or other moving objects the conduit must be an open slot at the top through which the power is applied on every quarter of an inch on every particle of the line, and it is absolutely true until an ascertained fact that if by any means water shall rise in that until it comes in contact with the wire in that conduit every particle of propelling power is grounded and lost for the practical purpose for which it has been obtained. It renders your power uncertain and absolutely powerless, if I may use such a phrase, whenever the atmosphere becomes exceedingly damp, perhaps not a total loss of power then, but if the water ever touches your wire then your power

is absolutely gone, and in addition to the cost and under the most favorable circumstances the best electrical information based upon experiments is that there is a loss of power with the wire in the conduit of from 10 to 15 per cent. under the very best system of under-ground wires that can be adopted.

The PRESIDENT *pro tempore*. The morning hour has expired. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being Senate bill No. 12, the title of which will be stated.

The CHIEF CLERK. A bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. I ask that that bill be laid aside, and that we may take up the Chinese bill and take the vote on it.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the unfinished business be informally laid aside that the Senate may proceed with the Chinese bill.

Mr. HARRIS. I was inclined to ask the Senator from Nevada and the Senator in charge of the unfinished business to let us proceed with this matter this morning.

Mr. STEWART. I will yield after the Chinese bill is disposed of.

Mr. HARRIS. Of course the Senator will yield when he has no other object.

Mr. SHERMAN. I desire to submit some remarks to the Senate for a few moments in regard to the Chinese bill.

The PRESIDENT *pro tempore*. Is there objection to the request of he Senator from Nevada that the unfinished business be informally aid aside and that the consideration of the Chinese restriction bill be resumed. The Chair hears none.

Mr. VEST. I want to make a statement, and then the Senate, as a matter of course, can do as it pleases. I saw the secretary of the Senator from Vermont [Mr. EDMUNDS] this morning and asked him when that Senator would return to the city. I did so because, before leaving us, the Senator from Vermont had spoken to me about this identical question and expressed anxiety to be present when it was discussed, as he was the mover of the resolution referred to the Committee on the District of Columbia. He seemed to assume, and I did not ask him upon what authority, that the matter would not be taken up in his absence. I asked his secretary to-day to telegraph him, unless this matter came to a vote during the morning hour, requesting him to return to the city, and I should be very glad indeed if some agreement of that sort could be had. I know very well it is said that the 15th of September is rapidly approaching and that this matter must be disposed of, and I have been informed by the president of the company that he has material on hand and is ready to put up the overhead electric wires and only waits the disposition of this question in Congress. Still I think that under the circumstances it would be better to let the matter go over for two days anyhow, until the Senator from Vermont can take charge of it. I am simply acting *in loco parentis* for him.

The PRESIDENT *pro tempore*. The Senate has agreed to consider the Chinese restriction bill.

BENJAMIN D. LAKIN.

Mr. SHERMAN. I move to reconsider the vote by which the bill (S. 979) for the relief of Benjamin D. Lakin was postponed indefinitely, and that it be recommitted to the Committee on Military Affairs. I have spoken to the Senator who reported it. It is desired to submit additional testimony.

Mr. BATE. I have no objection to the action proposed.

The PRESIDENT *pro tempore*. If there be no objection, the vote indefinitely postponing the bill will be reconsidered, and it will be recommitted to the Committee on Military Affairs. The Chair hears no objection, and it is so ordered.

CHINESE IMMIGRATION.

The Senate resumed the consideration of the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? on which the yeas and nays have been ordered.

Mr. SHERMAN. Mr. President——

Mr. STEWART. We were in the act of taking the vote when the Senate adjourned yesterday.

Mr. PUGH. Will the Senator from Ohio give way to allow me to call up a telegram now on the table which I offered this morning in relation to this bill and have it read to the Senate?

Mr. SHERMAN. I have no objection to that.

The PRESIDENT *pro tempore*. The telegram will be read, if there be no objection.

The Chief Clerk read as follows:

SAN FRANCISCO, CAL., *September* 6, 1888.

Hon. GEORGE HEARST, *Washington:*

Following resolutions were adopted at mass meeting to-night:

D. A. MACDONALD.

"Whereas the Scott anti-Chinese total-exclusion act passed the House of Representatives and now before the Senate of the United States for consideration and passage will relieve the people of the United States from the further coming of Chinese, with whom we are now too long overburdened; and

"Whereas the withdrawal of the ruinous competition with our laboring and industrial classes will be the dawn of a greater prosperity to the people of our common country and in a special degree to the entire Pacific Slope: Now, therefore,

"*Be it resolved*, That we, the citizens of San Francisco, in mass meeting assembled, urgently appeal to the Senate of the United States to give the act immediate and uninterrupted consideration and to pass the same.

"*And be it further resolved*, That the chairman and secretary of this meeting immediately forward a copy of these resolutions by telegraph to Senator HEARST for presentation to the Senate.

"Metropolitan Hall, September 5, 1888.

"D. A. MACDONALD, *Chairman.*

"HERMANN GUDTSTADT, *Secretary.*"

Mr. SHERMAN. Mr. President, I do not intend to prolong the debate on this bill, because I think the Senate ought to be willing to wait a day or two, or two or three days, until we ascertain, in response to the inquiry sent to the President, whether the fact on which this bill rests really exists. Yesterday, after information communicated to me in an informal way that we were acting in the dark and in haste upon information that was probably groundless, that the Senate was departing from its usual orderly proceeding upon a misapprehension of facts, I introduced a resolution, which was passed yesterday morning, calling on the President to inform us whether or not there was any information of any kind whatever indicating that the treaty with China was not to be ratified.

There is a bill now before the President of the United States for his approval, passed by both Houses of Congress after full deliberation, after full examination, providing for the exclusion of Chinese laborers under the provision of that treaty. The President has not yet approved that bill. It has not yet been returned to us with his signature. Therefore an inference was drawn in my own mind that perhaps the President of the United States had information that the treaty was not ratified, and therefore that the bill before him would be nugatory and that this bill was intended to supply the defect. Hence I made no objection to it, although it was an unusual thing for the Senate of the United States to receive a bill of this importance and pass it without a reference, without consideration, without any of the forms required by our ordinary legislative proceedings; but assuming that this bill came from the executive department of the Government now in possession of an act based upon an erroneous idea, I was perfectly willing to waive the ordinary rules to meet the exigencies of the case.

I am decidedly in favor of the passage of this bill. If the Chinese Government has deliberately declined to negotiate further upon this subject, and has refused to accede to the universal demand of the American people that there shall be a restriction on this kind of immigration, then I am perfectly willing to pass a law asserting the power of the United States to regulate the coming of persons to this country, declaring who shall be kept out of it, and of passing such a bill without regard to the ordinary forms of legislation. But that fact has not been ascertained; we have no answer to the resolution of the Senate adopted yesterday. That answer will undoubtedly come to-day in the ordinary course of proceedings.

If it should appear, as I believe it will appear, that no such information has been received, that in point of fact the Chinese minister is now on his way to this country, or about to come on his way from Peru, as he is charged also with diplomatic duty, probably with the ratification, at any rate with some explanation or modification of it, then that we should hastily without regard to the ordinary usages of the Senate pass this bill would be a surprise to the whole country and to the whole civilized world.

The very fact that we have felt it to be our duty to wait and have waited and delayed action upon the subject until we could negotiate a new treaty; the very fact that the Senate through its committee had called upon the executive authorities to negotiate this treaty; that it had been negotiated and successfully negotiated only subject to two small amendments that were in harmony with the general object of the treaty and in the line of the treaty, to make that clear which was declared to be already clear, shows the importance of the question. The amendments were put on the treaty for greater safety to accomplish the object by general assent, for the purpose of making clear what perhaps was not sufficiently clear before. And now I have the information from indirect sources, not from the President of the United States or his Secretary of State, but information otherwise that is trustworthy, that the probability is no such action has been taken as has been suggested, but that the Chinese Government is still considering the proposition, although embarrassed by complications with another government, and the Chinese legation have no information at all on this subject, and the President of the United States has no information on the subject. So we are blindly, like a set of partridges, running away from a fact that has not yet occurred.

When this bill came to us from the House of Representatives, as I said in making my remarks in favor of its passage, I assumed as a matter of course that it came by the Executive authority. We had no information about it; we only knew that the House of Representatives suddenly suspended their business at the very beginning of a day's session and sent us this bill on the motion of a gentleman who was supposed to be high in favor with the Executive authorities.

Now suppose it should turn out, as I believe it will turn out, that no such information has been received, that having made a friendly

offer to the Chinese Government to ratify the treaty, and having passed a law in pursuance of the treaty, expecting it to be ratified, we, without waiting to hear from that Government whether it has been ratified or not, or what action has been taken on it, whether or not they may not want some modification of the amendments or some qualification of the terms proposed—suppose we hastily pass a bill of this kind, it would be unbecoming the American Senate, and I have no right to criticise any other body of the Government. I think we are bound by the common courtesies due between nations to wait until we ascertain the action of the Chinese Government on the subject, and then I shall be prepared to act. If it should appear that this treaty is or shall be ratified, we place ourselves in the ridiculous attitude of assuming a fact that does not exist. If, on the contrary, it be not ratified, we shall have ample time then to pass a bill like this.

I do not care to be embarrassed about voting on this bill, and I appeal to the Senate to let the matter stand over a day or two until we ascertain the facts. No harm can result to the people of California from a short delay. No Chinaman can be shipped to this country unless he is now on his way. There is no haste about it. Suppose a dozen Chinamen should land on a vessel within a day or two, or within the next week, what difference would it make to the great 60,000,000 of people we have in this country? I do not like to see the Congress of the United States rush pell-mell like a herd of buffalos, at the fire of a single shot, by some rumor that may prove to be false. What harm can come? None whatever.

I hope, therefore, and I will submit the motion, that this matter be laid aside informally so that we can ascertain what information can be communicated to us by the executive authorities. I do this in no hostility to the bill, but with a desire to see it passed and not wishing at all to engage in a political race, if that is the object. I do not think it is worthy of us. I resent the imputation that we are governed by any desire to run a race for political ends. I do not believe that that is the feeling which actuates the Senate, and resent it. I think the proper way is for the Senate to wait and see whether there is any danger; whether this treaty is to be rejected. If it is to be rejected, then the bill stands upon the table, and in a single moment upon hearing from the President of the United States that the treaty is not to be ratified we may pass the bill; but to do it until that time comes, it seems to me, as I said before, is unbecoming the dignity and good order of the Senate of the United States. Until that is done, as I intimated the other day, I shall not vote for this or any other bill, however important or however good it may appear to be, or however desirable to any portion of our people it may be to pass it. They can wait a little while and have us do the thing in an orderly manner.

I submit the motion that the bill be laid over.

[A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the further consideration of this bill be informally postponed. Will the Senator name the time?

Mr. SHERMAN. No; I leave it to the Senate.

The PRESIDENT *pro tempore*. Informally laid aside.

Mr. STEWART. I object.

The PRESIDENT *pro tempore*. The Senator from Nevada objects.

Mr. PLATT. Mr. President, when the vote was taken last evening, just at the adjournment of the Senate, I did not vote, although in my seat. I did not vote, for the reason that I had not anticipated that the vote would then be taken, and I did not wish to vote at all, either in favor of or against the bill, until I had had an opportunity to express the reasons which would govern my vote.

If a vote is now pressed upon this bill I shall vote for it, and I desire to state the reasons, and I desire also to state some reasons why I shall do it under protest, for I do not intend that any action of mine shall be misunderstood or misrepresented.

I do not like the way this bill has come before Congress, and I want to say so as emphatically as I know how. In May last the Senate of the United States advised and consented to a treaty which had been negotiated with China and communicated to the Senate by the President. We were told by those representing the Pacific coast, and we have heard it over and over again, that the treaty as it came to the Senate was not satisfactory and would not accomplish the object in view, namely, the exclusion of Chinese laborers from this country. Being told that, the Senate amended the treaty in a way which was proposed by the representatives of the Pacific coast and in a manner which they told us would be entirely satisfactory and would have the effect of preventing Chinese laborers from coming to this country in competition with our home labor. The treaty was so amended and passed the Senate, I think, without a dissenting voice, which I may say because the injunction of secrecy has been removed.

Mr. TELLER. I wish to correct the Senator. I for one voted against the treaty.

Mr. PLATT. Then I was mistaken as to that. Will the Senator tell me how many voted against the treaty?

Mr. TELLER. I think perhaps three or four, not over three or four, perhaps only two. The Senator from Oregon [Mr. MITCHELL] and myself voted against the treaty.

Mr. MITCHELL. I not only voted against the treaty, but I spoke against it.

Mr. PLATT. Practically there was unanimity. It was unanimously reported from the Committee on Foreign Relations, and certainly as I understood at the time was satisfactory to the President and to the Senators representing the Pacific coast. Following that treaty the Senate passed a bill on the 8th of August, 1888, to carry into effect the provisions of that treaty when ratifications should be exchanged—a bill which, I think, received the unanimous support of the Senate. In that I think I am not mistaken—a bill which I approved and which I still approve.

Now, I wish to take the time of the Senate for a moment to call attention to the provisions of the treaty and the bill, to show how far the Senate has progressed in the direction of the accomplishment of this object which is so dear not only to the people of the Pacific coast but to the great body, as I believe, of the laboring men of this country. Article I of the treaty provided as negotiated as follows:

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

To which the Senate added this amendment—

And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

Article II contained the limitations under which a Chinese laborer who had left this country under the provisions of its laws, with the certificate issued by law in his pocket allowing him to return, might be permitted to come back, and I will put it all into my remarks which I am making without reading in full, simply saying that it provided that the Chinese laborer who had taken a certificate, as was provided by the laws of the United States he might take, which entitled him to return, should not return unless he left behind him here a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement. Article II of the treaty as sent to the Senate was as follows:

ARTICLE II.

The preceding article shall not apply to the return to the United States of any Chinese laborer who has a lawful wife, child, or parent in the United States or property therein of the value of $1,000, or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where, by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return, which fact shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

To the text of this article, as negotiated, we added this clause:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

The act which we passed on the 8th day of August, 1888, by its first section (the whole act taking effect from the date of the exchange of ratifications of this treaty), made it unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States except as therein provided. It provided that Chinese officials, teachers, students, merchants, or travelers for pleasure or curiosity, should be permitted to enter the United States, having first obtained the permission of the Chinese Government, or other government of which they might at the time be citizens or subjects, and prescribed a great number of conditions attaching to that certificate, so as to make it impossible that any person from China except officials, teachers, students, merchants, or travelers for pleasure or curiosity should ever thereafter land in the United States.

It provided also that the provisions of the act should apply to all persons of the Chinese race or the subjects of China or other foreign power, except Chinese diplomatic or consular officers or their attendants, and that the words "Chinese laborers" wherever used in the act should be construed to mean skilled and unskilled laborers and Chinese employed in mining.

It provided that after the passage of the act no Chinese laborer in the United States should be permitted, after having left, to return thereto except under the conditions stated in the following sections, 6 and 7, which are in these words:

SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement. The marriage of such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must

appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section shall apply to the collector of customs of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said collector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said collector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of the Treasury, and for any false swearing in relation thereto he shall incur the penalties of perjury. He shall also permit the collector to take a full description of his person, which description the collector shall retain and mark with a number. And if the collector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall, at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return. If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States. The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the collector of customs at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States. And no Chinese laborer shall be permitted to re-enter the United States without producing to the proper officer of the customs at the port of such entry the return certificate herein required. A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of the Treasury.

The treaty was agreed to by the Senate, I think, on the 7th day of May, and, as I understand, has been submitted to the Chinese authorities for the exchange of ratifications. The bill, after having passed the Senate, went to the House of Representatives, was concurred in by the House, and on the 1st day of September, 1888, was taken to the President of the United States for his approval, and remains before him at the present time. That was last Saturday. With that bill, which if the treaty is to be ratified by the Chinese Government goes as far as any human being in the United States has asked Congress to go in the exclusion of Chinese laborers—with that bill passed by both Houses, now in the hands of the President of the United States for approval or rejection, there comes here another act, based upon the assumption that this treaty is not to be ratified. As I say, the bill passed by both Houses of Congress was delivered to the President of the United States last Saturday, the 1st day of September. On last Monday, the 3d day of September, there came to us from the House of Representatives the bill now under consideration.

If as every Senator here thinks, if as the whole country believes, the bill under consideration emanated from the executive department, and was started in hot haste immediately after the laying before the President of the United States of a bill passed by Congress upon the subject, it seems to me to be an executive interference with the legislative branch of the Government, and I am bound in my character as a Senator to make that remark.

I want to say one thing more. If there has been any notice received by the executive branch of this Government to the effect that this treaty has been rejected, whether officially or unofficially, that notice has been studiously kept and concealed from every Republican member of the Senate and from every Republican.

Mr. GRAY. Mr. President, will the Senator from Connecticut allow me to interrupt him for one moment?

Mr. PLATT. Certainly.

Mr. GRAY. I do it to say that if any such information, official or unofficial, has been received, so far as I know it has also studiously been kept from every member of the Senate upon this side of the Chamber. I know of no ground on which the Senator has authority to make the remark that the Executive is responsible in any way for this bill or that any Executive Department is.

Mr. PLATT. I can not say that this bill is written upon the paper of the executive department. I know it is generally believed in both Houses of this Congress that it is. I can not say that the most potential man in the Democratic national committee in the management of this campaign came from the White House to the Capitol with this bill; but it is generally believed in this Chamber and throughout the Union. If there has been no official notice or unofficial intimation that this treaty has been rejected or is to be rejected by the Chinese Government, why this hot haste to override the act now lying before the Executive for his approval, and to pass this bill, which under such circumstances would be a direct insult to a nation with whom at least we are desirous of continuing friendly commercial relations? Is this a vote-catching performance? Has it come to this that public office is to be prostituted for Democratic electioneering purposes? And if not, what other reason is there for this thrusting in in this untimely way of this bill upon the attention of Congress?

It is considerations like these which lead me to say that I can not vote for this bill except under protest. If this treaty is to be rejected, not to be ratified by China, if there has been even an unofficial intimation or communication of that fact received by the Executive or by the State Department and we can be informed of that fact, I would willingly vote for this bill. I am going to vote for it, after what I have said, anyway, if the vote is pressed before we can get this information.

I am not going to assume that a potent member of the Democratic national committee, even, has thrust this bill before this Congress when a bill which we had passed was lying before the President, and when there was no intimation received by the President or by the State Department that the treaty which that bill was to carry into effect would not be ratified. I am not going in my position as a Senator to act upon the assumption that this act as it comes here before us is a purely electioneering dodge, coming to us from the source from whence it started, wherever that source may be, in hot haste solely in order that the Democratic party may thereby commend itself to that class of our citizens who are excited upon the question of whether Chinese laborers are coming here to displace American labor.

This bill being here, being bound as a Senator, in spite of all the circumstances which point to other conclusions, to assume that the Executive and the State Department and the Democratic national committee have some knowledge which has not been communicated to us, that this treaty is not to be ratified, I am going to vote for the bill, and I am going to do so because I am heartily and sincerely in favor of prohibiting and preventing any immigration into this country of a character which we ought not to receive. When I voted against the law of 1882 to exclude Chinese laborers, I put it upon the ground that it was unnecessary, and that it was improper plainly to violate a treaty of the United States, and, that I might not be misunderstood and misrepresented, although I have since been misunderstood and misrepresented, I took occasion to explain my position on this subject of improper immigration into this country at that time, and I read now from what I said in 1882:

> My opposition to this bill shall not be misrepresented; no false issue shall be raised without my protest. I say, therefore, that I am willing, and I put on record my willingness, to vote for any law we may properly pass, any law we can pass without violation of treaty obligation, to the end that the labor market of this country shall not be oversupplied by immigration from any quarter; that there shall be no undue and ruinous competition in labor; that honest labor shall not be dishonored or degraded anywhere; that the standard of labor shall be fairly remunerative everywhere; that the man who is willing to do honest work with hand or brain, or both, shall receive wages enough to enable him to live respectably, to educate his children, and respect himself. I believe in the dignity of labor and the dignity of the laborer. I believe that work ennobles a man, and that it is the primal law and condition of successful civilization.

As I believed then I believe now. I did not believe then that it was necessary in order to protect the labor of this country from ruinous and improper competition with Chinese labor to violate a treaty in a law which we might pass.

But still further, that there may be no doubt where I stand on this question of immigration, I desire to say this: I hold first to the right of expatriation. Does any Senator dispute that right? I hold that a citizen of any country on the face of this earth has a right to leave that country and to transfer his allegiance to another country with the consent of the government to which he endeavors to transfer his allegiance. That right, I think, is too sacred in American history to be denied or impeached or in any way invaded.

I hold just as firmly to our right not to receive a man who may thus expatriate himself and desire to come to this country as I do to his right to come with our consent. I hold that we have a right to so regulate, restrain, restrict, or prohibit immigration into this country, as that our own country and our own people shall not suffer by that immigration, as that the character of our own people shall not be in any sense degraded or suffer by such immigration. In the third place, I hold that we ought to receive any person who thus desires to leave a foreign country and come to our shores and who can comply with certain conditions which are necessary to be complied with in order that our civilization, our labor, and the character of our people shall be in no sense lessened, interfered with, or degraded.

If, then, a man coming from another country is honest, is reputable, is able to take care of himself, is healthy, is the head of a family, is of capacity to understand our system of government, and is sincerely desirous of casting in his lot with us and ultimately becoming a citizen of this Government, I hold we have no right to exclude him. But if on the other hand that person belongs to the criminal, or to the pauper, or the diseased or vicious class, we ought to exclude him. We have no room here for that class of immigrants. We have no room for criminals, paupers, diseased, vicious people in all our wide domain. We ought also to exclude people who have no sympathy with us or with our form of government or with our institutions.

The very clause in our statute of naturalization is a guide to us in this respect. Before an alien can become a naturalized citizen he must make it appear to the satisfaction of the court admitting him to citizenship that during his residence in the United States "he has behaved as a man of good moral character, is attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same." I would not admit to these shores, if I could apply the test, a single individual who had not capacity enough

to understand something of our system of government, and to have an aspiration for the liberty and independence and the dignity which a man may acquire and achieve under our system of government. No anarchists, no communists, no persons, from wherever they may come, who do not come here imbued with the principles first laid down, in the history of the world, in that glorious Declaration of Independence should be permitted to come, if I could apply the individual test which would keep them away.

Then, Mr. President, I would protect the great labor interest in this country. I think the future prosperity of this nation depends upon the protection of that interest. I think the perpetuity of republican institutions depends upon the protection of that interest. I think the manhood of American citizenship depends upon the protection of that interest; and I would neither by a law passed here nor by immigration permit that interest in any way to be invaded or degraded. And so if I had it in my power I would keep out from this country, prevent the landing upon our shores, of any man from foreign countries, no matter what the country was, imported to come in competition with our laborers at a rate of wages lower than those paid to American citizens.

I would prevent all encouraged, all stimulated or assisted immigration of laborers into this country. And I would go one step further—and that is what enables me to say that I will vote for this bill—I would keep out from this country not only the laborers of any clime or country who come here and enter into competition with American laborers without having a spark of sympathy with our institutions or the capacity to understand them, and without the intention of becoming citizens, but I would also keep out any class of persons from anywhere on the face of the earth who by any reason are incapable of assimilation with our people.

I did not believe in the start and I do not believe now that all Chinamen are so incapable of understanding our system of government or so incapable of assimilation with our citizens that they may not come here and become citizens of the United States. I do not take much stock in this idea that they should not be permitted to come here because they belong to a particular race; but I have come to see and believe, and in that respect my sentiments have somewhat changed, that the great bulk of the population of China, and especially that portion of it that will come here to enter into competition with our laborers, is of a character which is incapable of assimilation with us in any form, incapable of having the aspirations which an American citizen must have in order to make him a real sovereign of the Republic. I have come to believe that, and I am so thoroughly satisfied of this that I have become willing to exclude all Chinese laborers from the United States.

There is another reason for doing so. Admitting that it were possible to find a skilled Chinese laborer or a more intelligent individual among the class whom, on the general principles which I have stated, it would scarcely be fair to exclude from the United States, yet I am told it is impossible, and I believe it to be impossible, to prevent the coming of Chinamen whom we all agree should be excluded from our midst, who should not come here and degrade the citizenship already here of which we are so proud, that it is impossible to keep those out I say, unless we exclude all laborers.

I believe that to be true. I believe that our laws have been evaded, violated; that we have been cheated in this matter; that when we attempted to place restrictions upon the class of people that come here we were cheated by having the class of people come here that we did not intend to have come in the place of those whom we were willing to receive. Therefore it is from the necessity of the case that I am and for years have been willing to go all lengths which it was necessary to go in order to exclude from coming to this country that class of people whom we can not receive on equal terms of citizenship, whom it is impossible for us to receive and still protect our laborers at home, whom it is impossible for us to receive and not degrade our citizenship.

So I have voted for the acts which I have been told it was necessary to pass in order to exclude this dangerous element, this uncivilizing element, from our community, and so I am led now to vote for anything that is necessary. I put my vote for this bill solely on the ground that I can not assume that there is no necessity for it. If the treaty which we agreed to here is to be ratified by the Chinese Government, and if the bill which we have already passed to carry the treaty into effect is to be approved by the President of the United States, I can not see the necessity for this bill. But I will not, as a Senator, assume that this bill has no necessity behind it, and that it is simply and purely an electioneering trick, a performance on the part of the Democratic party and its high officials to catch votes in certain quarters of the United States.

Mr. STEWART. Mr. President, I do not like to have this debate go on upon the supposition that the Chinese Government have acted with entire fairness in this matter.

In 1886 a bill was passed through the Senate that would have had a tendency to retard their coming to the United States, and the Administration undertook to negotiate with China, and a bill was also reported from the Committee on Foreign Relations, at the present session, which would very much limit their coming. But the treaty came here, and I was in favor of accepting the treaty or anything that would make progress, and after the Committee on Foreign Relations had amended it, as was stated in the Senate by some members of the committee—I do not recollect who—that there was no difficulty about those amendments, that the Chinese Government would accept them; in fact, the State Department, as I was informed, understood the meaning of the original treaty to be the same as the amended treaty, and on the 7th of May last, four months ago to-morrow, the Senate ratified the treaty with those amendments.

During those four months, instead of the Chinese Government acting upon the treaty promptly, we have had a rush of Chinese, a greater rush than usual, and they are acting in bad faith about it anyway, no matter how you fix it. They know very well the desire and purpose of the United States, and they hold this treaty back four months and rush Chinamen in, and they will continue to do it as long as you allow them. They have a great many ways to avoid our laws; they are very cunning.

Mr. BROWN. The Senator from Nevada seems to be in charge of this bill. I desire to ask him whether he has any information that is reliable or official to the effect that the Chinese Government has rejected the treaty.

Mr. STEWART. We have no information that they have not. All the information I have is from the public prints that they have rejected it.

Mr. BROWN. I ask if there is any official information.

Mr. STEWART. I do not know.

Mr. PLUMB. There is one thing to be said about that. I am acting on the source from which this legislation comes. It is stated in the leading Democratic paper in the United States this morning that it comes directly from the hands of the President through the intervention of a member of the House of Representatives. I refer to the New York World.

Mr. SHERMAN. I ask the Senator from Kansas if he is willing to act upon a statement sent in that way when he could telegraph to the executive department and in three minutes get the information.

Mr. PLUMB. As to that, silence is said to give consent. The President of the United States has sent this bill down in the shape of a message to the House of Representatives. We take it from that body representing the Administration. We take it from the hands of his trusted counselor, and as far as I am concerned under all the circumstances, after waiting a couple of days, and there being no sign given out, as I have stated, silence gives consent. It is expected that it is practically an Administration measure based upon something that the Administration knew, or if not based on what they do know, on what they ought to know.

Mr. BROWN. Will the Senator from Ohio permit me to ask him whether as chairman of the Committee on Foreign Relations he has any information as to the rejection of the treaty?

Mr. SHERMAN. Certainly not. On the contrary, I sent a respectful request to the President yesterday, and hoped it would be answered last night or to-day, to inform the Senate whether or not there was any official communication. My information, though not official, was directly to the opposite effect. That information came to me from a very distinguished citizen of the United States, who having had business with the Chinese legation told me he believed, from the information he got, that the Chinese minister was on his way here. No objection was made to the amendments to the treaty, so far as he knows; no objection of any kind has ever come to the Government of the United States; no suggestion that these amendments were objected to. On the contrary, the minister himself assented to them at the time they were offered. It is presumed, as a matter of course, that the treaty will be ratified. Everybody knows that the Chinese Government is slow in its operations; there is a great deal of red tape there, more probably than in any of the European governments. There is no intimation that I have seen anywhere in print or communicated to us verbally or in any way that this treaty will not be ratified.

The President of the United States has the right under the Constitution to send to us a message in writing. We received a message to-day, a short time ago, which I understand is about some unimportant matter. We can have a message at any time from the President. If we wait a day or two the ordinary communication can be made. The Secretary of State will no doubt give an answer to our call. All I ask is that this bill shall be postponed until we can know whether or not there has been any information received, official or unofficial, in reference to this treaty, and not put ourselves in the attitude of passing a law abrogating a treaty, as we all concede this does, as I know it does, as I believe we have a right to do, while the other contracting party is deliberating upon the subject, while it is acting upon the treaty, without any information from the executive authority.

I am not so well informed as my friend from Kansas [Mr. PLUMB], who is willing to take a newspaper account of what a member of Congress did as evidence that the President of the United States had communicated to us his opinion that the treaty was not to be ratified. I do not believe in that mode of communication. The Senate of the United States never has received a message from the President of the United States, from the beginning of its history to this hour, except in the ordinary form, in writing, in pursuance of the Constitution of

the United States. We have no information, and I feel free to say in reply to the question of the Senator from Georgia that no communication of any kind has come to the President of the United States in regard to this treaty.

I believe that to be the fact. The whole of our action heretofore has been based on the assumption because a distinguished member of the House of Representatives brought a bill in, got it through the House, and sent it here, that it was with the sanction of the Administration. Certainly we ought not to be satisfied with that. Suppose the President should veto the bill he has before him on the ground that we have passed a law which abrogates the very treaty which that bill proposes to execute; we should be in a hole then, in a very embarrassing position.

Mr. PLUMB. Who will be in a hole?

Mr. SHERMAN. The Senate of the United States, when it undertakes to act upon rumors or upon inferences, upon probabilities, when it has asked a plain question to be answered in a plain way, and which has not yet been responded to, would be acting like a set of schoolboys.

Mr. BLAIR. May I ask the Senator what reason he thinks there is, the President having had this resolution for some time, why he has not sent any information about the treaty one way or the other? What is the reason the President does not answer the resolution?

Mr. SHERMAN. The resolution was only sent to him yesterday, and I think in due form an answer ought to come to-day.

Mr. BLAIR. I suppose he might send a boy over. It would not take more than half an hour. [Laughter.]

Mr. PLUMB. It is incredible to me that this bill could have been introduced in the House of Representatives and passed there, coming from the source it did, without the proceeding having been with the consent and practical connivance of the Administration. When I say that I speak with all due respect. I have no doubt in the world it was on the suggestion of the President of the United States, and that he believed a measure of this kind had become necessary by reason of information he had of the rejection of the Chinese treaty.

I do not take into special account that the State Department had no information on the subject, because in what I read from the New York World of to-day—and nobody doubts its friendly relations to the Administration or its inspiration in regard to matters of high Administration policy—there was stronger evidence of verity than any knowledge of the State Department would have implied. The general title to the article I have mentioned is:

THE KITCHEN CABINET—THE RIGHT HONORABLE WILLIAM L. SCOTT, K. C.—THE MOST INFLUENTIAL MAN IN WASHINGTON—HIS SHARE IN THE RECENT RETALIATORY MESSAGE AND HIS ANTI-CHINESE BILL.

Then it proceeds:

The bill introduced in the House yesterday relating to the Chinese was the work of the kitchen cabinet. Mr. Scott brought that bill from the White House.

Not from some kitchen or shanty adjacent to the White House, but from the White House itself.

Mr. PAYNE. Is that in the correspondence of the World?

Mr. PLUMB. The correspondence of the New York World. It continues:

It seems that he read in a newspaper last Sunday morning that the Chinese Government had rejected the pending treaty.

So that it goes back to the best of all sources of information, a newspaper.

This is all the information that the kitchen cabinet or the House had upon the subject.

A distinction will be observed there, a lack of information from other than newspaper sources on the part of the kitchen cabinet and the House.

A member of the House Foreign Relations Committee, and a Democrat at that—

Which makes it more binding still, being a Democrat—[laughter]—

told me this morning that he had been to the State Department and had received there no information upon the subject.

That was of no consequence, as will appear when I read further to the effect that the State Department knew nothing about it. That makes it more certain to me that the President knew all about it. [Laughter.]

Mr. Bayard was out of town and had not been consulted concerning this important action. The first information that he could have received on the subject was from the morning papers.

The best possible source of information, as I said a moment ago, that any one can have.

When Mr. SCOTT presented the matter in the House it was generally reported about that it was an Administration measure and that the bill was written upon Administration paper.

Of course the last part about stationery is of importance. No reform Administration could, of course, have any loose sheets of paper lying around. [Laughter.]

They must have had just the amount necessary to carry on the public business, and of course if that bill came down written upon paper of the Administration brand, used only for the transaction of executive business, which, of course, could only be transacted upon official stationery by this reform Administration, and of course there is a practical visé of the bill, the sign manual of the White House upon it.

The motive for this extraordinary haste is so transparent as to appear like a bit of comedy. Senator BUTLER, who denounced the haste in the Senate yesterday with which this bill was rushed through the House, is much more of a statesman than a partisan.

I detect the colored gentleman in the wood-pile right there. [Laughter.] The House of Representatives put it through under the inspiration of a wink it got from the White House. It came down there at the hands of the kitchen cabinet; it was written on Administration stationery, and with all the surroundings and concomitants, of course, of an Administration move, and the House held its breath and put it through without winking, and it was hoped that the Senate, which is said to be a conservative body and governed by traditions and all that sort of thing, would probably go into secret session on the bill or would hesitate about it, or shy at it like a horse that was partially blind and did not exactly understand the character and size of the object in front of him, and therefore some credit come to the Administration and the House by reason of promptness. But the Senate appeared in as much of a hurry as the House had been, and was proceeding with the tumultuous haste to follow the example of the House—being desirous, of course, of obliging the Administration. This was not counted on by the Administration or the kitchen cabinet, and therefore it was that one of the principal representatives of the Administration on this floor endeavored to interpose in order that the Senate should not get its work in so quick as then seemed probable in order that the country might have full opportunity to observe the dilatoriness of the Senate as compared with the haste of the House in passing this very important measure.

He—

That is the Senator from South Carolina [Mr. BUTLER], and I am sorry he is not here to hear the compliment which I pay him as the leader of the Administration forces—

He saw very clearly the lack of wisdom of such a course.

Certainly from the Democratic standpoint it was exceedingly unwise that the Republican Senate should make such haste to pass this bill.

The State Department has cable communication with China, but has received no word of the rejection of the treaty, and therefore was not at all pleased with the position in which the action of the House has placed it.

The article proceeds:

It is not the first time that Mr. Bayard has been ignored by the kitchen cabinet.

Now the phrase "the kitchen cabinet" becomes more comprehensive. It embraces not only the man who sits at the head of the table with his cabinet ministers around him, who may be advisers or may be puppets, but also the President himself, and so I am prepared for what follows:

The retaliation measure of the President was the direct result of Mr. SCOTT's suggestions.

I do not need to dilate upon the relations of Mr. SCOTT to the Administration, and I mention his name only because it occurs in the article from which I read. I do not dilate upon his relation to the Administration at all. That is known of all men. That is about as important a relation as was occupied by the traditional Captain Scott to that celebrated coon that came down when he learned who was aiming a musket at him. [Laughter.]

The message was not approved by Mr. Bayard—

Which, of course, is of no possible consequence—

indeed, it can be said that he was not consulted. Most men occupying a high position as Mr. Bayard has would leave the Cabinet after being ignored in two such important matters. But Mr. Bayard will not resign—

That I regard as entirely true—

the members of the Cabinet are so thoroughly accustomed to being ignored by the President in all matters of public policy that they would not dream of showing resentment.

It will be observed, in the first place, that the President and the kitchen cabinet, or the kitchen cabinet and the President, not to raise a question between them or to put one in the front and the other in the rear, have just done this thing by themselves and that is all there is about it. Nothing in the world could be plainer than that it is an Administration measure from the title of the bill to the period with which its contents are closed; not a measure of a member of the Cabinet—I mean the regular statutory Cabinet—but of the kitchen cabinet; not the work of the statutory Cabinet, not the work of one of those superfluous gentlemen who sit around the table and hear what the President has to say and execute his commands if he chooses to trust them rather than some person outside picked up for the occasion, but the Administratiom itself, kitchen cabinet and all. [Laughter.]

There is a further sentence here of this letter which has some relation to the subject-matter, and which I will read:

Mr. SCOTT has now made arrangements to create popularity on the Pacific coast.

That is another evidence, I think, that this was the inspiration of the Administration, because that is, of course, what they are trying to do, and properly enough, for we are trying to do the same thing; but the Administration of course has got the advantage, because it can act more promptly and more rapidly than we can, and has got the information probably which we are only guessing at.

This was the meaning of the bill of yesterday. It was this which galloped it through the House without debate or consideration.

Of course if it is going to come to nothing, if it is going to be vetoed, if it is going to be shown some of these days that it was not necessary because the Chinese Government has ratified our treaty, where will the votes on the Pacific coast be that the Administration is expecting to get? We should have done a vain thing in the way of helping the Administration. But they know what they are about. The kitchen cabinet has moved upon information that this bill is necessary in order that it may make popularity for the Administration on the Pacific coast, and, of course, it can only make popularity on the Pacific coast from the fact that it has a good foundation.

For many weeks the House has been able to do nothing. Whenever any legislation has come up there have been always enough objecting members to withdraw and break a quorum. The passage of this measure yesterday was the first bill of any importance which the House has been able to vote upon for some time. The Republicans could have broken the quorum yesterday, but they, too, were as anxious as the Democrats to make votes on the Pacific coast, and after the potential whisper went about that the bill was from the White House there was not a single objection.

It seems to have affected Republicans and Democrats alike. That potential whisper that went out, not from the State Department, not from the Attorney-General's office, not from the Post-Office Department, but from the White House, through the medium of the White House, settled it.

Now, Mr. President, I submit to my doubting friend from Ohio that while he is anxious to get a glimpse of the official document with the signature of the prime minister of China in tea-box characters at the bottom of it in order to make perfectly sure that he is on solid ground (he could not decipher the signature if he saw it) [laughter], and it would not be half as plain as the blazed way I have shown him between the Capitol and the White House. He certainly must be convinced, unless it would take one risen from the dead to convince him, that this measure is based on information which the President himself has, which has made him desirous of getting votes on the Pacific coast by having it passed, that we are perfectly warranted in going ahead and passing the bill, and in addition to all the marks and blazes pointing the way plainly, we ought to know, at least we ought to feel that assurance in the good judgment, in the judiciousness, and in the devotion to the public service of the President of the United States that he would not allow Congress to go on for three whole days debating a measure which was based upon false information which he had the means of correcting.

I have not the slightest doubt in the world that somewhere concealed about the clothes of the President of the United States is that identical dispatch which my friend from Ohio wants to see. [Laughter.] I am willing to go ahead without seeing it, and if it was here I could not read it anyhow, no more than he could.

So, sir, it seems to me that the Senate, without partisan discussion, with the light before it, ought to go ahead rapidly. The agreement between the kitchen cabinet and the head of the Administration that this bill should be passed we should promptly ratify.

Mr. BROWN. Mr. President, while I have no authority to speak for the Administration, judging from the character of this measure I deny that it is an Administration measure or a Republican measure. I suppose it is intended to stand upon its merits. In the House of Representatives it was introduced by a distinguished Democrat, and it passed the Democratic House I believe with great unanimity, both parties voting for it. The bill came here and was taken charge of, and is now in his charge, by the Senator from Nevada [Mr. STEWART], who is a distinguished Republican. If it were a Democratic measure it ought to be under the control of a Democratic Senator in this branch of Congress.

Mr. PLUMB. Will the Senator pardon a suggestion there?

Mr. BROWN. Yes, sir.

Mr. PLUMB. It appeared from the remarks which I read, coupled with the fact all of us know, that it was brought to the other House by a member of what is called in the terse expression of the country the K. C., to wit, that is to say, namely, the Kitchen Cabinet. I do not believe there is any member of that cabinet on this floor. In consequence of the absence of some one to take charge of it here, that potential whisper by which it was put afloat in the other House is therefore lacking.

Mr. BROWN. I think the Senate has laughed all it can afford to laugh at that rather trite jest of my friend from Kansas about a kitchen cabinet.

I repudiate the idea that this is an Administration measure, and prefer to treat it upon its merits. I think in some respects the bill is a very good one. In other respects it very seriously needs amendment; and I propose to offer an amendment, to come in at the end of the first section, which I shall read for information:

Provided, That this act shall not apply to any Chinese laborer resident of the United States who has departed therefrom with the certificate of identity provided for under the treaty by the laws of the United States, and who is now absent, and who shall have sailed from China or other foreign country for the United States, and who shall be upon the ocean on his return at the date of the passage of this act.

It seems to me, Mr. President, that the bill in its present shape operates a very great hardship in the class of cases provided for by my amendment. A Chinaman living in San Francisco, having a wife and children, as some of them have, knowing that under the provisions of the treaty between the United States and China and under the statutes of the United States he had a perfect right to depart from the United States and visit China for business or pleasure, and having complied with all the requisites of the law, and having obtained the certificate of identity required by the statute which guarantied his right to return, he may now be on a trip abroad intending to return home immediately, and not doubting his right to return, and he may have engaged his passage on the steamer, and before this bill becomes a law or before the people or the Government of China know that any such bill has been introduced, he may have sailed for the United States, or he may have sailed ten days or two weeks ago, and may be within twenty-four hours of the Golden Gate at the mouth of the San Joaquin River at San Francisco when the bill is passed and signed by the President of the United States.

But if the bill becomes a law he would be met by an officer of the United States, who would inform him that notwithstanding he had wife and children and property in San Francisco, and may have lived there twenty years, and notwithstanding he left home with the guaranty of both governments that he should return on his certificate, that the Congress of the United States, without giving either him or the Chinese Government any previous notice, has passed a law forbidding his return, and that he can not put his foot upon land or see his family, but he must return to China. Doubtless there will be a number of such cases, and it seems to me to be not only a great hardship, but a cruelty and an outrage that no existing public sentiment nor any political exigency can justify.

Let us look a moment to the treaty stipulations between the United States and China. What is known as the Burlingame treaty was ratified on the 28th day of July, 1868. In the fifth article of that treaty it is provided that—

The United States of America, and the Emperor of China, cordially recognize the inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

In the sixth article of the same treaty it is provided that—

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

These provisions are very strong and very pointed. The two governments recognize by this treaty the inalienable right of man to change his home and his allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for the purposes of curiosity or trade or as permanent residents.

And to the citizens and subjects of each the treaty guaranties all the rights of citizens and subjects of the most favored nation.

But I am aware that this treaty has been changed and modified by agreement of both governments. On the 17th day of November, 1880, the Government of the United States and the Emperor of China entered into an amendatory treaty, by the first section of which it is provided that—

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States or their residence therein affects or threatens to affect the interest of that country, or to endanger the good order of the said country, or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitation. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, and suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

By the second section of the same treaty it is provided that—

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to citizens or subjects of the most favored nation.

Article III of the same treaty provides that—

If Chinese laborers or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with maltreatment at the hands of any other persons, the Government of the United States will exert all its powers to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by citizens or subjects of the most favored nation, and to which they are entitled by treaty.

Thus you will see, Mr. President, that the Chinese Government agreed to a modification of the Burlingame treaty by the treaty of 1880, by which the Government of the United States is authorized in case of Chinese laborers to regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to the Chinese who may go to the United States as laborers, other classes not being in-

cluded in the limitation. And that legislation, taken in regard to Chinese laborers, will be only such as is necessary to enforce the regulation, limitation, and suspension of immigration. You will also observe that laborers who are in the United States at the time of the ratification of the treaty of 1880 shall be allowed to go and come of their own free will and accord, and there shall be accorded to them all the privileges, immunities, and exemptions which are accorded to the citizens or subjects of the most favored nation.

In other words, a Chinese laborer who was in the United States at the time of the ratification of the treaty of 1880 has the right to come and go at his own good pleasure with as absolute protection, if the guaranty of the treaty is carried out, as is accorded to an Englishman, an Irishman, a German, or a Russian. Let it be borne in mind that this treaty is of force to-day, that it is the abiding solemn compact and pledge of the two governments each to the other. The treaty gave to the United States the power not absolutely to exclude Chinese laborers who never had been here, but the power to regulate, limit, or suspend their right to come, but such suspension must be reasonable and must apply only to laborers.

In 1882 the Congress of the United States strained this treaty to the utmost, when the act was passed absolutely forbidding the coming of Chinese laborers who had never been here, for the period of ten years. Here was an absolute prohibition which could scarcely be said to be a reasonable limitation or suspension of the right to come. But the act of 1882 does not pretend to take from Chinese laborers who were here at the time of the ratification of the treaty the right to remain or the right to go abroad and return. It is true the act contains provisions which trammel the Chinaman who desires to go abroad no little, by requiring of him to obtain a certificate of identity which must be filed in the custom-house, which must go through a considerable routine of red tape, but which when put in the shape required by the law is his passport and guaranty that on his return home he may land on our shores. While embarrassment may have been thrown in the way of the execution of this law, the Government has not pretended to repudiate it, but it is the law of the land to-day, and the treaty of 1880 from which I have quoted is the treaty of full force between China and the United States.

It is true another treaty was negotiated by the present Administration a few months since with the Chinese Government through its minister in Washington, who was authorized by his Government to negotiate the same. In that treaty, if it were ratified, provision is made for the exclusion of Chinese laborers for twenty years with the consent of China. The Senate, however, amended the treaty, which made it necessary for it to go back to China for ratification of the amendment. If the Chinese Government agrees to the amendments, then the treaty becomes the supreme law of the land, and there is no question about the right of Congress to pass an act excluding Chinese laborers, with a few excepted classes, for the period of twenty years.

I have not been able to learn that the Government of the United States has any official intelligence that the Government of China has rejected the amendments which this Senate proposed to the treaty. If the Chinese Government has not rejected them, and it should within the next few days agree to the amendments and ratify the treaty, then the pending bill would be a slap by this Government in the face of the Chinese Government that would seem to me to be unwise and unwarrantable.

But it is said there is a rumor or somebody has seen a statement in a newspaper that the Government of China has refused to concur in the amendments.

As the present indications are that Congress will remain in session for a very considerable period of time, why this hot haste in the enactment of legislation that disregards and violates our solemn compact with China? Why do the great injustice to the Chinaman who is now on the broad ocean on his return to his home in California to deny him the right to land when he reaches there, though he holds in his hand the certificate prescribed by the act of Congress, which by clear implication guarantied his right to return?

Why not act with a little more caution and circumspection? Why not get rid of Chinese labor in the legal and constitutional way without the violation of our faith, which is pledged to the Chinese Government? Not only is the bill now under consideration a violation of the existing treaty, but it is a violation of the provisions and principles of the new treaty, to which I have referred, that is now pending, which is supposed to express in substance the will of the two governments, with the exception of the amendments, which seem to some of us t obe immaterial.

The first section of the pending treaty provides that—

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited [and this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not].

The part in brackets is one of the proposed amendments. In the second article of the treaty it is provided that—

The preceding article shall not apply to the return to the United States of any Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe, and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited.

Then it provides that the return shall be within one year from the date of leaving the United States, but the time may be extended for an additional period not to exceed one year, in cases where, by reason of sickness or other cause of disability beyond his control, such Chinese laborer may be rendered unable to return. And the other amendment proposed by the Senate is in these words:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

This is in substance the treaty agreed upon by the President of the United States and the Emperor of China. The amendments have not been agreed upon, but it shows that they were in accord on the question as to the right of a certain class of Chinese residents of this country to depart from it and return to it. The class of cases is such that great hardship will be wrought if the right to return is denied, as in case of the Chinaman having a wife, child, parent, property, etc., in this country.

Now, Mr. President, I am opposed to the admission of Chinese laborers into this country, and I am willing to do any act or vote for any law that is necessary to exclude them from our shores whenever it can be done without violating our solemn pledge to the Chinese Government contained in our treaty stipulations, without violating the provisions of our own statutes, and without violating the common principles of humanity; but I do not think the exigencies of the case are so great as to make it necessary to violate faith with the Chinese Government, or to be unreasonable and inhuman, or to do acts that are ungenerous, unjustifiable, and oppressive.

This great Government, with its 60,000,000 of free citizens, can not afford to exercise cruelty or do acts of flagrant injustice to the humblest subject of the most arbitrary government in Asia. What are the provisions of the pending bill? It is entitled "A supplement to an act entitled 'An act to execute certain treaty stipulations relating to the Chinese,' approved the 6th day of May, 1882."

It provides as follows:

SECTION 1. *Be it enacted, etc.*, That from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed or shall depart therefrom, and shall not have returned before the passage of this act, to return to or remain in the United States.

SEC. 2. That no certificates of identity provided for in the fourth and fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof is hereby declared void and of no effect, and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

SEC. 3. That all the duties prescribed, liabilities, penalties, and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth sections of the act to which this is a supplement, are hereby extended and made applicable to the provisions of this act.

SEC. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed.

Mr. President, the treaty of 1880 which now exists between the two governments provides distinctly and emphatically that the Chinese laborer who was a resident of the United States at the time of the ratification of the treaty shall have the right to go and come from time to time at his own free will and accord, with all the rights of citizens and subjects of the most favored nation. The act of Congress provides the certificates that shall be obtained when they desire to travel abroad, to enable them to return, which implies an obligation and a solemn pledge by the United States that on compliance with the terms they shall have the right to return.

This proposed act is in the very teeth of the treaty, and is in the very teeth of the implied pledge made by this Government to each Chinaman who was a resident of this country at the time the treaty was ratified, and who has complied with the statute on that subject, that he shall have the right to return to his home in this country. It is therefore such an act as neither this Government nor any other great government professing to be guided by the principles of right and justice should feel itself at liberty to perform. But we are told that the Congress of the United States has the power to repeal a treaty or abrogate it, or to set it aside absolutely. This is true. The Congress, with the assent of the President, has this power. It may repudiate its solemn compact and refuse longer to be bound by it; but can the Congress of the United States afford to do it in a manner that is hasty, unjust, and at variance with the common principles of humanity? Can a great government like ours afford to repeal a treaty where the interests of individuals are seriously affected, and where the repeal may work the absolute ruin of many persons, without even giving such person notice in advance or allowing such person or persons any time to put their affairs in a shape to conform to the provisions of the repealing act?

My amendment does not go far enough. It ought to provide that this act shall not go into effect until notice has been given by the Government of the United States to the Chinese Government, and until

ample time has been given for Chinamen residing in this country who are abroad and who have obtained certificates in accordance with the act of Congress to return, say six months', or three months', or even thirty days' notice. But the bill proposes no such act of justice, but it shuts down upon the helpless Chinaman who left here with the plighted faith of this Government that he should have the right to return upon the certificate, by the passage of an act while he is crossing the ocean that meets him as a barrier when he reaches our shores. He is no way at fault. He has done no act in violation of any treaty or statutory provision. The pledge of the Government—for it was a virtual pledge when it was provided that the Chinaman going abroad should conform to certain regulations which should entitle him to return—the pledge of the Government, I say, is violated in such case, and it is guilty of palpable bad faith. I repeat, therefore, that my amendment is not as broad as it ought to be, but knowing the temper of the Senate, and knowing the motives that prompt both great political parties to hasty action in this matter, I have so framed the amendment as to provide relief only in the most aggravated cases of outrage and wrong which the act, if it becomes a law, will perpetrate.

Mr. President, I believe Senators are making a mistake in this matter. An outcry has been raised against Chinese laborers and there is a popular sentiment in favor of excluding them from our shores. In that I cordially concur; but the American people on sober second thought are a just people. They are a great, magnanimous people, and on cool reflection they will not be satisfied that an act containing the gross hardships and injustice of the present act was necessary even as a matter of party tactics in a great political campaign. I do not believe either party will make any votes by rushing through a measure of this sort with indecent haste on the heel of the session and in the midst of a great political campaign, and we certainly will not add anything to the reputation of the Government for justice, humanity, and fair dealing.

Mr. President, suppose in place of the subjects of China this legislation were directed against the subjects of the British Government, or the German Government, or any other one of the most favored nations, how different the matter would be. While the power to repeal the treaty would exist in that case as well as in the present, great caution and circumspection would be used in case of the repeal to do no injustice either to the Government or to its citizens or subjects.

It may be said that the Chinese Government is more forbearing and cares less about the protection of its subjects. Yet we may try the patience of that Government until it will resent wrong. The trade with a great country like China is worth a vast amount to a friendly government like the United States. That trade is only in its infancy, and if the two governments cultivate proper relations towards each other it will grow to immense proportions. We already have merchants and other persons following different pursuits residents of China.

Nearly all the Christian churches have missionaries in China. It is regarded as an inviting field for the spread of the gospel. Now, if we have the right to abrogate or repeal the treaty between us and the Chinese Government, and we do it in what some may term the indecent haste which is being exhibited on this occasion, who would deny the right of the Chinese Government to expel from China every merchant, every missionary, and every other citizen of the United States within the limits of that vast empire? Suppose the Emperor of China should exhibit the resentment that any one of the great European powers would do in a like case, and should issue his decree commanding Americans, merchants, missionaries, etc., to depart immediately from China, and that those who had been to America on a visit and were now on the high seas returning to China should not land when they reached there, what right would we have to complain?

But, Mr. President, if the Chinese Government should act promptly and maintain its dignity on this occasion, and should drive our merchants and our missionaries from the empire, you would hear a muttering of discontent from a vast number of good citizens interested in mercantile and commercial affairs, and you would hear the indignant rebuke of all the Christian denominations of the United States. It that should come, instead of political capital being made by this action, it would result in the political downfall of the party regarded most at fault.

Mr. President, I know very well that this bill will be passed with great unanimity. Those who vie with each other as its advocates on both sides of this Chamber are even impatient at the delay that permits reasonable debate; but I do not think this Senate can afford to pass the bill in its present shape without at least providing for the very gross hardship intended to be mitigated by my amendment.

Mr. TELLER. I desire to raise a point of order on the amendment of the Senator from Georgia. It seems to me that it is not in order now.

The PRESIDENT *pro tempore*. The amendment has not yet been offered.

Mr. BROWN. I offer the amendment now.

Mr. TELLER. I raise the point of order that the amendment is not in order; that it is too late.

The PRESIDENT *pro tempore*. The amendment proposed by the gentleman from Georgia will be stated.

The CHIEF CLERK. It is proposed to add the following proviso to section 1:

Provided, That this act shall not apply to any Chinese laborer resident of the United States who has departed therefrom with the certificate of identity provided for under the treaty by the laws of the United States, and who is now absent, and who shall have sailed from China or other foreign country for the United States, and who shall be upon the ocean on his return at the date of the passage of this act.

The PRESIDENT *pro tempore*. A point of order having been raised, the Chair decides that——

Mr. BROWN. The Senator from Colorado has not stated his point of order. I should be glad to know the reason why he thinks the amendment is not in order.

Mr. TELLER. I stated that it is too late, the yeas and nays having been ordered on the passage of the bill.

Mr. BROWN. Debate has been allowed since.

The PRESIDENT *pro tempore*. The question is an obvious one. The Chair will state that the bill having been ordered to a third reading, it has passed the stage at which amendments can be proposed except by unanimous consent. Is there objection to the proposal of the amendment?

Mr. BROWN. I hope no one is afraid to vote on the amendment. I ask unanimous consent that the amendment may be received.

Mr. TELLER. I object to the reception of the amendment.

The PRESIDENT *pro tempore*. Is there objection to the proposal of the amendment by the Senator from Georgia?

Mr. TELLER and Mr. MITCHELL. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. REAGAN and Mr. BLAIR addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Texas.

Mr. MORGAN. I should like to inquire whether the debate is proceeding by unanimous consent or as a right and privilege under the rule?

The PRESIDENT *pro tempore*. The Chair holds that debate is in order.

Mr. HARRIS. The question being, Shall the bill pass?

The PRESIDENT *pro tempore*. The question being, Shall the bill pass?

Mr. REAGAN. While I shall vote to sustain the motion made by the Senator from Ohio, the chairman of the Committee on Foreign Relations, I desire, in order to avoid a misconception of the reasons for my vote, to make a statement to the Senate.

Mr. MORGAN. Will the Senator from Texas allow me a moment? I desire to inquire whether any motion of that kind is pending before the Senate?

The PRESIDENT *pro tempore*. There is no such motion pending. Unanimous consent was asked, but objection was made.

Mr. REAGAN. I understood that the Senator from Ohio had moved to postpone the consideration of the bill.

Mr. MORGAN. Unanimous consent was asked and denied.

Mr. SHERMAN. I asked unanimous consent that the bill might be postponed, but objection was made. A motion to postpone is in order, although a motion to amend is not in order.

Mr. REAGAN. I understood the Senator to make a motion to postpone.

Mr. SHERMAN. I wish to have the bill laid over for a day or two until we can get a reply from the President. That is all I desire.

Mr. REAGAN. The Senator does not make the motion, then?

Mr. SHERMAN. I do not care to move to postpone the matter indefinitely.

Mr. REAGAN. I understood that the Senator made a motion to temporarily postpone the matter until we could get further information.

The PRESIDENT *pro tempore*. That motion would not be in order. The Senator from Ohio asked unanimous consent that the consideration of the bill might be informally postponed for a short time, which could only be done by agreement. The Senator from Nevada [Mr. STEWART] objected to that, and the question therefore recurs, Shall the bill pass?

Mr. HARRIS. Still, if the Senator from Texas will allow me, it is perfectly in order for the Senator from Ohio to move to postpone the bill until to-morrow or any other named day. He can take as many days or as few as he chooses, if he desires to move to postpone at all.

Mr. TELLER. I presume he knows that.

Mr. HARRIS. I suppose he does, and I am willing for the whole Senate to know it also.

The PRESIDENT *pro tempore*. The Senator from Texas has the floor.

Mr. REAGAN. I thought there was a pending motion, and it was my purpose to direct some remarks to that, because I intended to vote for the motion to postpone, because it seems to me that this matter comes before the Senate in a very unfortunate way. From all sides it is agreed that we have no information that the treaty approved by the Senate in May last has not been ratified by the Chinese Government.

One Senator has assumed that we must presume that the bill came from the Administration or was inspired by it. Another assumes from

a newspaper report that it is an Administration measure. The Administration certainly would know how, if it desired to secure the passage of a measure, to communicate information to that effect either to the Committee on Foreign Relations or to some member on one or tho other side of the Chamber. It is assumed on all hands that there is ne information from the State Department or from the President that our treaty with China has been acted on.

Mr. MITCHELL. May I ask the Senator just one question?

Mr. REAGAN. Yes, sir.

Mr. MITCHELL. Does the Senator from Texas understand that the Administration is opposed to this measure?

Mr. REAGAN. I do not. I have no understanding about the position of the Administration any more than the Senator from Oregon has. In what I have to say about this measure I do not choose to lower the dignity of this body by discussing as a matter of petty partisanship a question which affects the national honor and the character of the Senate of the United States before the world. I shall not get down to that, young Senator as I am.

We have no information coming from the proper Department that China has refused to ratify the treaty which has been approved by the Senate. That treaty contains stipulations, amended as the Senate desired to amend it, so as to cover the wishes of this country and the American people on the subject of the restriction of Chinese immigration. To carry out that treaty we passed an act of Congress which has been for a few days before the President of the United States.

Shall we now pass another act assuming that the Government of China has refused to ratify this treaty when we do not know it, and put two acts on this subject, started from different points of view, before the President at the same time? I take it that the President does no want to be put in that sort of a fix. At least, if I were President I would not want it done.

Mr. PLUMB. If the Senator will allow me to interrupt him for a moment, I observe that the RECORD discloses that on yesterday he voted in the affirmative on the passage of this bill.

Mr. REAGAN. I will enlighten the Senator from Kansas further on that subject in a few minutes, if he will just bear with patience. What I am now saying is that we have made a treaty which as far as we know stands binding against the Senate and the United States today. We know that we have passed an act to carry out that treaty, and it is in the hands of the President. Now, without knowing that that treaty is rejected, and without waiting a reasonable time to obtain information, we propose to pass a law utterly disregarding a solemn treaty and an act of the Congress of the United States, and we propose to do that in the face not only of the American people but of the civilized world. We propose thus to deal with a nation the most populous on the face of the earth, with which though our commerce is not very great yet when the population and commerce on our Pacific coast become greater and when the means of transportation on the Pacific Ocean shall be increased, it will then be a very considerable commerce if we maintain proper friendly relations with that great and populous Empire.

I have said this much simply because I am not willing, without a protest, to see the Senate go forward in this sort of way to compromise its dignity and its honor and the dignity and honor of this Government before the world.

Leaving that subject, I will say, upon the policy of Chinese restriction, that I have always favored, since I have been in Congress for the last fifteen years, I believe, the strongest measure for the restriction of Chinese immigration to this country, and I am prepared now to sustain the strongest measures for the restriction of Chinese labor that are consistent with law and with reason. I was so inclined, not from any mere matter of prejudice, but from a feeling that the restriction of Chinese labor is necessary to preserve the rights, the prosperity, and the dignity of American labor. That is one of the reasons.

Another reason which I had covers a broader and a more important field, if possible. By the strain which, as almost an inevitable necessity, fell upon the Constitution during the exigencies of war by the enfranchisement of some eight millions of people not heretofore enjoying the full rights of citizenship, and illy prepared to discharge the duties of citizenship, needing education and instruction to bring them up to a realization of what the rights and duties of citizens are, by the introduction into the country from Western Europe, from the Christian nations of Europe, perhaps three hundred thousand or four hundred thousand emigrants a year, which it has been the policy of this country to invite, so far as they are proper persons to be received, who, like our native element, were not informed as to the theory, the character, and genius of our Government, have to be educated into a knowledge of our republican system of dual governments, we have a strain placed upon the Constitution and character of our Government which, to say the least of it, puts in some measure of peril the preservation and the perpetuation of our constitutional form of government in the spirit in which it was made. It is a government intended for people capable of self-government, intended for people whose intelligence enables them to understand the functions of government, and the duties of the officers necessary to administer that government.

With our 7,000,000 or 8,000,000 blacks, or more perhaps, with the vast influx of foreign emigration, uninformed as to the nature, the genius, and the character of our Government, I was unwilling to see additional elements brought into this country, especially a race which does not assimilate with ours in color, in character, in habits of thought, in religion, in their ideas of government, in everything that makes up a people. I mean those of them who come here, unless they shall remain hereafter for generations to be educated into a knowledge of our institutions, who are utterly disqualified to understand the nature and character of our Government and to become citizens whose authority is to aid in the making of laws and in the administration of laws.

It is reasons like these, briefly expressed, which have made me at all times in favor of the restriction of Chinese labor, and I am as much so now as I ever was. I hope the statement which I have made will satisfy my friend from Kansas.

I am not only opposed now to the introduction of Chinese labor, but I have been at all times. I have been in Congress ready to act upon the question. I remain so to-day for the reason, first, that it would degrade and impoverish American labor; second, because we do not want an alien race that does not assimilate with our people and unfitted to carry on our great system of self-government brought in to put further strain on the Constitution and form of our Government.

I wish it had been the consent of the Senate to allow the request made by the Senator from Ohio to prevail, so as to give us a few days at least for further information as to whether the Chinese Government has ratified or rejected the treaty so lately approved by the Senate of the United States, that we might know we were not doing an awkward, foolish, undignified thing, unworthy the American Senate.

Mr. CALL. Mr. President, I have voted, I believe, for every bill for the restriction of Chinese immigration that has been passed during the ten years I have been in Congress, but I do not wish to disguise to the country nor pretend to disguise to myself the belief that the considerations upon which this public policy has been urged are without any foundation whatever. I have not deceived myself with the allegation that these people should be excluded because they do not assimilate with the people of the United States, that they do not intermix or intermarry with them, when there are twelve millions of people in this country as diverse from the white American people as any two races within the whole range of creation.

Why, then, should this great deliberative body put its support of a measure of this character upon such a baseless and manifestly untrue foundation? Is there not as great diversity between the colored man, the African, and the white man, as there is between the Mongolian, the yellow man, and the white man? Yet, the African makes a reasonably good citizen, and performs a useful part in the public economy of the country. Why, then, shall you seek to justify this legislation with reasons which are in defiance of your own constitutional amendment that every person born in the United States and subject to its jurisdiction shall be a citizen? If you quibble upon the words "subject to its jurisdiction," it can have no just foundation. You can not make that point against the philosophy, the spirit, the purpose upon which that enactment was made a fundamental provision of your Constitution.

Neither do I deceive myself, nor am I willing to be committed to the country and to the future of this country upon the proposition that the contact of our Christian civilization and our superior race with an inferior one will degrade us. I shall not insult the Christian religion, nor the teachings of Christ, nor the great commission to go and preach the gospel to all the world, with the assertion that it will degrade the superior Christianity, the superior religion, and the superior race for it to come in contact with all the world.

Mr. President, there is nothing in this proposition. Neither is there anything in the proposition that American labor is to be degraded, or that it is to be substituted by and with an inferior race and a different civilization. These are not the economies which are to prevail in this country or in the world's future. I do not care to enter into the discussion of the great economic questions related to this subject, but I wish for myself to repudiate any belief or any public action based upon such considerations. They have no part in a true system of economy.

My support of these measures, which I have endeavored to modify so far as they were unreasonable and harsh and severely punitive, has been based upon the proposition that the people of California and Oregon, with great unanimity, were opposed to the admission and the permanent residence among them, and even to the temporary residence of the laborers of this race of people. I recognize the right of every State or community of people to say who in large numbers shall be component parts of their civilization, and be their opinions good or bad I should accord to them the right to keep them out, although it be true that these foreigners, these Mongolians, may be made useful citizens; although it is true that they are embraced within the circle of civilizing and religious influences, and that it is a part of every wise public policy on the part of a Christian civilized nation to do the greatest good to individuals as well as to peoples.

Although that is true, I am not willing that the locality, the community, the State where they may go, shall bear the burden of the upward civilization and training of this race—of the long time which it may require to make them sympathetic in feeling and homogeneous with them, and this latter quality, however unnecessary for the eco-

nomic and industrial development of a State or people, is a most important consideration in its social interests and in its race development. Neither am I willing rudely to disturb, even though future benefit should accrue to the great majority of the people of a community or State, its relations of labor and industrial employment.

Therefore I have thought it wise, and I now think it wise, for that community and that State which wishes to proscribe Chinese among them to forbid their entrance in any shape or form; to exercise with the power of a State government, with the consent of the General Government and its legislation, the power of the State, the local government, to forbid their entrance among their people, and, if they choose, their pursuit of any occupation rather than to commit this country to a policy of non-intercourse with so large a portion of the globe.

If I could have dictated the policy I should have cultivated commercial intercourse, I should have invited not the laboring classes, but those who dealt in trade and commerce to a participation of our privileges with those of other people, excluding them from all political privileges, but giving them the advantages of commercial intercourse and allowing in moderate numbers the admission of laborers in such States as desired them, and under such conditions and limitations as might be necessary to prevent a permanent residence of any great number of them.

Mr. President, the exclusion by treaty of the laboring classes of the Chinese was the wise policy of this Administration, and it can not be ridiculed by quotations and citations from newspapers as to kitchen cabinets. That was the treaty which the present distinguished Secretary of State negotiated, carefully excluding from admission into this country all Chinese except such as come here for other purposes than labor, excluding this dreaded competition with American labor, which seems to be with some persons the greatest possible calamity which could come to the American people—this idea that the greatest possible good that can come to a people is a monopoly of labor by a class.

What have we here? The Senate, a distinct body, with a high function to perform in regard to the foreign relations of sixty million of people with every other people, the Senate, a separate constitutional body, has pledged the public faith of this country to certain propositions of agreement, a treaty, to the sovereignty of China; and having done that in the orderly course of negotiation and pledge of the national faith, the Senate comes forward to violate the public obligations which it has made and declared, and consents as one of the legislative bodies of the country to an enactment positively violating and defeating the covenanted faith and proposition which they have made to the Government of China.

Therefore the proposition of the Senator from Ohio was a wise one. However extreme Senators may be in reference to the admission of the Chinese, however willing to vote for the most severely punitive enactments, it would have been wise to have waited and considered whether the dignity of this body, whether the public faith of this Government, whether the ordinary good faith that exists between nations, should be observed, and the treaty, if it comes back ratified, accepted, instead of being denied and set aside by the action of this body immediately subsequent to its treaty pledges to the Chinese Government. It is idle to talk about information being received in "one way or another" that the Government of the United States is advised that China has rejected the treaty.

This body has its constitutional methods for obtaining information. It has its constitutional duties. It has no right to consider anything in regard to matters of the executive department but that which comes in the mode provided by the Constitution; and Senators can not shield themselves by saying that they assume certain things to be true. What right has any reasonble man to assume a matter of constitutional duty when it is to come to him in a prescribed constitutional form and method? We are sworn not to assume, not to suppose, but to act on information communicated in a constitutional method by the President to the two Houses of Congress. Not only are such assumptions and such suppositions forbidden to us, but apart from this they are unreasonable and untrue.

This proposed action has nothing to justify it. Should the Senate and the House desire to pass the most severely punitive bill to assert, as they do practically assert, that there shall be no intercourse hereafter with the 350,000,000 of people in China? Should they assert this policy of non-intercourse and stand upon the exclusive policy of China, which we with others forced her to abandon, of complete isolation, you can not draw the line. You can find no arguments to justify drawing a line of non-intercourse with one and allowing intercourse with other peoples. The reason, the public policy which requires intercourse with one people requires it with all peoples. Different terms and conditions of intercourse with different peoples may be required, but the public policy which demands it with one requires it with all.

If you justify yourselves, which you can do by the assertion that we do not desire in the midst of our people another people of different economies, of different habits, that we have enough people to occupy this country, that is one thing; and that is the only proposition upon which this policy of exclusion can be justified. You can not do it upon the principle of non-intercourse. You can not do it upon the idea that you will benefit your people by cutting them off from whatever is better, whatever is wiser, whether it be in the humblest or in the more advanced peoples of the earth.

Something is to be learned from all people. Profit is to be derived from all commercial intercourse. The world was made with its oceans, with its rivers, with its communication of thought, and when you establish a policy of restricted intercourse you should do it wisely and not upon the basis of popular prejudice, not upon the proposition that these people are incapable of civilization or incapable of performing any part in the public economy of the world.

Mr. President, I am willing to vote, as I have voted time and again here, for restricting this immigration, for excluding it entirely from the people of the Pacific States. I have voted for their exclusion from all parts of the United States, although the 150,000 or 200,000 or 300,000 Chinamen here are not felt as an evil in the Southern States and are not known as an evil in the East. They make no impression upon the great body of pursuits or upon the industries of the people. They are not competitors to any great extent in three-fourths of the Union with the people of the United States.

But I have, in deference to the united and universal public opinion of the Pacific coast, voted for their exclusion from all parts of the country and for the restriction of their immigration; but I recognize the fact that they have an ancient civilization from which something is to be learned; that they have eminent examples of virtue and character in their history; that for thousands of years they have maintained government and unity of race and civilization, and that their history for the most part is unstained with the blood and human suffering which have characterized other peoples.

I shall make no opposition to this proposed action, but I desire to express my opinion that there is no foundation for it; that this unseemly haste, this violation of the public faith of the country as now exhibited in the action of the Senate, has no justification in the necessities of the occasion.

Mr. MORGAN. Mr. President, the attitude of this question before the Senate at this moment presents a very interesting and a very important inquiry, in which there is involved a necessary comparison of the constitutional duties of the House of Representatives and of the Senate.

The Senate, as a part of the treaty-making power of the United States, in conjunction with the President, by a vote of two-thirds, has a right to put upon the statute-book that which the Constitution terms a supreme law of the land in the form of a treaty. It is conceded, however, that the Congress of the United States, of which the House of Representatives is a member, and in which the President has a voice, has the right to repeal or abrogate any treaty that the Senate and the President may enter into.

The Congress of the United States, therefore, occupies the position of supreme power under the Constitution over questions like this. It is through the Congress of the United States that the people of the United States in their sovereign capacity also express their voice, and that within the limitations of the Constitution is considered in this country as being omnipotent, or at least beyond control.

The Senate of the United States has made two treaties with China, one called the Burlingame treaty, in 1868, and a subsequent treaty, which was negotiated in 1880. The public mind in the United States has been growing gradually more and more dissatisfied with the principles of the Burlingame treaty, which were modified by the treaty of 1880 in respect of the right of Chinese to migrate to this country. Indeed, the question has risen to that degree of importance and of stress that it seems now to be impossible to check the opinion of the people of the United States and hold it in restraint any longer. The Senator from Missouri [Mr. VEST] the other day uttered the solemn fact when he said that the exclusion of the Chinese from the United States had become an American decree; that Congress had nothing else to do from this time forward than to register and record that decree; and that they would find agents here to accomplish that result, whether we chose to do it or not. That is an actual situation which, I think, both of these Houses could not in the slightest degree affect; certainly they could not reverse it.

The House of Representatives, having its co-ordinate legislative power with us, has looked over this subject and has become informed of the public sentiment of the United States just as we are, and it has come to its resolution that Chinese immigration to this country, of the laboring classes at least, must be absolutely and peremptorily prohibited. It therefore originated a bill and passed it, seemingly in very great haste, and almost with entire unanimity, which goes to the very root of the subject. It is a bill which cuts up root and branch all of the doctrine that is in the Burlingame treaty and all that is in the treaty of 1880, and puts a positive, unequivocal prohibition upon the immigration of Chinese laborers to this country. That is the action of the House of Representatives.

The House of Representatives finds itself, however, confronted by this situation, that the Senate, within a recent period of four months, I believe, on its part proposed a treaty to China. When the Chinese treaty came to the Senate, as I am informed, and I think I am correctly informed, it was negotiated and concluded by a minister who had what are called plenary or full powers, so that the negotiation in the form in

which it reached us, if it had been ratified by the Senate of the United States, would have been a treaty in all of its essential parts, and would have required no additional act on the part of the Chinese Government to have made it an absolutely obligatory treaty.

Mr. DOLPH. Will the Senator yield for an interruption?

Mr. MORGAN. Certainly.

Mr. DOLPH. I have good authority for saying that the Senator is entirely mistaken about that; that the Chinese minister had no fuller power on such a question than our minister in China; and that the treaty had to be transmitted, and was immediately transmitted to the Chinese Government.

Mr. MORGAN. I adhere to my opinion on the subject and to the information that I have, which I think is quite as good as that of the Senator from Oregon.

Mr. DOLPH. I get mine directly from the Chinese legation here.

Mr. MORGAN. I do not go to the Chinese legation for mine.

Mr. DOLPH. Nor do I.

Mr. MORGAN. But I go to sources quite as high.

Mr. DOLPH. I got my information from the gentleman referred to this morning by the Senator from Ohio.

Mr. MORGAN. I am informed that the minister came here with a treaty already prepared, which had been submitted to the Emperor of China before he came, if not in the very words in which the treaty was negotiated at least upon all the principles involved in it, and it contained an expression that a Chinese minister would have lost his head for making if it had not been true. I will read that:

> And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States.

No Chinese minister ever made such a declaration as that on the part of his Government without previous exact authority for making it.

Mr. BLAIR. Do I understand the Senator, then, that the only modifications made in this treaty coming directly from China, just as China wanted it, are the amendments suggested by the Senate?

Mr. MORGAN. I say that the treaty was negotiated by a minister who had full power, and if the treaty had been assented to by the Senate of the United States as negotiated it would have been to-day a treaty between China and the United States without any necessity for the formal ratification in Peking.

Mr. TELLER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Colorado appeals to the Senator from Alabama.

Mr. TELLER. The Senator stated that the clause which he read would cost a Chinese minister his head if he had put it in without the permission of the Emperor, or words to that effect. I wish to know why the Senator makes that statement. What is there in Chinese law or Chinese polity to justify a statement of that kind?

Mr. MORGAN. I do not propose to go into a history of Chinese law or Chinese polity in this brief debate that I have here this day, and in which I shall participate for a very short time. I speak of my information. Of course I do not suppose that the bosom of China is very widely opened or unlocked to anybody; but I know enough of that despotic government to understand perfectly well that if a minister should come here and make a representation that the Emperor of China desired to prohibit the immigration of laborers from China to the United States when that was not true, and he had no authority for saying so, he would lose his head.

Mr. TELLER. Will the Senator allow me to suggest that ever since we have had any knowledge of the Chinese it has been their policy to prohibit their people from going abroad?

Mr. MORGAN. I do not so read the Burlingame treaty. I read a joint announcement in the Burlingame treaty of both parties that the doctrine of expatriation is allowed, and not only allowed but encouraged. Immigration back and forth from China and other countries is provided for and put upon a very high basis of morality and public policy both.

Mr. BROWN. With a right to change allegiance.

Mr. MORGAN. The right to change allegiance is expressly announced in the Burlingame treaty, and we considered that a great revolution in Chinese ideas. There is no treaty that was ever penned by the hand of man which contains a stronger expression on this subject than the Burlingame treaty. So I think a little careful reading will correct some of our wild views and vagaries about matters of this sort.

This is the situation: The House of Representatives, impressed as the Senate is impressed with this great American decree for the absolute exclusion of Chinese laborers from this country by any means which are available, finds that we have negotiated this treaty and that the Senate had amended it in certain particulars, so as to make it, as was supposed, more stringent. I never concurred in the view that the amendments added anything to the significance of the treaty, but the supposition was that it was necessary that we should propose it again to China as an unconcluded negotiation in order that the Chinese Government might accede to the amendments which we submitted. It has been four months since that was done. In the mean time the two great political parties of the United States have nominated their candidates for the Presidency. When the candidate of the Republican party for the Presidency was nominated, by some sudden outburst of patriotism on the part of Chinese—I do not know how it happened—they expressed the greatest gratification at the nomination of Mr. Harrison because he had voted for the Chinese side of these questions.

Mr. SPOONER. What evidence of that is there?

Mr. MORGAN. I suppose I have a right in this body now, after four or five weeks of the most extraordinary experience that I have ever observed, to make some reference to a newspaper account. I am very sorry, Mr. President, that I have it to do, and I am exceedingly sorry that we do not organize a committee of the correspondents of the various newspapers in this country for the purpose of giving Senators information on various public topics. It would be a very considerable addition to the intelligence of this body, to the information we receive from day to day, and to the fortifying of our moral convictions in regard to great public questions. It would be a great thing if we could have the galleries to come down on this floor and give us private information as to what we ought to do, the facts we ought to have, which are so assiduously gleaned every day and laid before the world. Our RECORD has got to be a mere supplement to the New York World, the Chicago Times, the Cincinnati Enquirer, and a few others of the leading papers of the United States, a mere supplement, a mere editing of scraps gathered by editorial ingenuity and industry out of the leading daily newspapers in the United States. What a blessing it is, Mr. President, to live in a country where we have the privilege of free speech, so that the Senate can be informed from time to time by these gentlemen who have means of ascertaining things that no Senator here would dare to presume that he had, things that come from the "kitchen cabinet," even the odors that ascend the stairway to gratify the nostrils!

It is like the case of the little boy described by Dickens, who having nothing to eat at home, nothing to subsist upon at home, took up a position about the stairway of the kitchen of some of the lords in London and feasted upon what he could smell through his nose.

That seems to be the business of the Senate of the United States of late days—fishing up from the correspondence of the newspapers the odors we can gather and distribute about in this way from the places that we are not permitted to enter.

So I can refer now, I suppose, Mr. President, to the newspapers for the statement that the Chinese were very enthusiastic over the nomination of Mr. Harrison, and perhaps the Chinese Government, taking the cue from the Six Companies or from Chinese of distinction in the United States, have thought it would be better not to ratify this treaty as amended by the Senate of the United States, but to delay until November and take the chances of his election. Then they would get a better treaty and be on more favorable ground.

The House of Representatives, snuffing the tainted air doubtless, have discerned the fact that there was danger in front; and they concluded that it was a good time to strike, a very good time, and that they had better pass a law which would emanate entirely from the constitutional power of the Government of the United States as represented in Congress and in the Presidency, which should prohibit absolutely the coming of the Chinese here, rather than take the chances of some misunderstanding between us and China in respect to our treaty rights and relations, and take the chances also of this American sentiment and decree being reversed between now and November. So they moved to the front, they put their knife to the root of the tree, and, if this bill passes, Chinese immigration is dead.

That is not all that is dead, I grant you. The treaty itself, of course, and the Burlingame treaty, in respect of the features authorizing Chinese immigration to this country, are dead, and the treaty of 1880 is dead. They all die together, and they die the death—a death from which, as I understand it, there is to be no resurrection in the United States. This treaty itself, and the Burlingame treaty, and the treaty of 1880, all go together; and the House of Representatives, exercising its constitutional powers and functions, has declared in harmony with the declaration of the Emperor of China that it is our will in the United States, as it is also the will of the Emperor of China, that no more Chinese laborers shall be admitted into this country. The two countries, therefore, concur in the restatement of their views, entirely reversing the doctrines and all the statements in the Burlingame treaty. The House of Representatives concludes that it has a right to present a bill to the Senate in which it shall express this American decree and by which it shall exclude Chinese absolutely from this country and take no risks of the November election about it.

Mr. MITCHELL. Will the Senator from Alabama yield to me for a short question?

Mr. MORGAN. For a short one, yes.

Mr. MITCHELL. Does the Senator from Alabama understand that the pending bill has any relation at all to any Chinese laborer who never was in this country? In other words, if this bill shall become a law will it operate to keep out a single Chinaman who never has been in this country?

Mr. MORGAN. With the act to which it is supplemental, it will.

Mr. MITCHELL. I am speaking of this bill.

Mr. MORGAN. I am speaking about the whole farrago; I am not talking about one piece of legislation alone.

Mr. MITCHELL. Is it not a fact that this bill simply relates to those Chinese persons who are now here and may hereafter go away, or those who have been here and have gone away?

Mr. MORGAN. I am talking about the condition in which the law will be when we pass this bill. No Chinaman can then get here.

Mr. MITCHELL. But the Senator from Alabama does not understand that this bill, after it shall become a law (as I hope it will), in connection with existing legislation will be an absolute exclusion bill for all time against Chinese laborers?

Mr. MORGAN. I think it will.

Mr. MITCHELL. I think it will not.

Mr. MORGAN. Well, I hope it will, at any rate; and if it is not such that it will, I shall be glad to assist the Senator to make it so.

Mr. MITCHELL. It will operate until the expiration of the treaty, four years hence.

Mr. MORGAN. I want to see whether the gentlemen from the coast, particularly the Senator from Oregon, are in earnest on this subject.

Mr. MITCHELL. So far as that is concerned, I will say to the Senator from Alabama that the records of the Senate will testify for me upon that subject, and I am willing to abide by my record in the Senate as to whether I have been in earnest or not in reference to Chinese exclusion; but I am glad that the Senator from Alabama, if he is willing to vote for this bill (and I do not yet know whether he is or not from any remarks that he has made), has come up to my view so far as this bill goes, and is willing to vote to abrogate the provisions of the existing treaty in order to exclude the coming of Chinese to this country, even those who have been here and have departed.

Mr. MORGAN. I have had very little faith in the sincerity of a great many gentlemen from the Pacific coast about the exclusion of the Chinese, and I have expressed it on this floor oftentimes. They want to hold their Chinese laborers; they do not want to give them up.

Mr. MITCHELL. In answer to that, I say that the statement is made without any authority, without any basis whatever upon which to predicate it, and there is not one word of truth in it from beginning to end.

Mr. MORGAN. My basis, Mr. President, is my personal observation on the coast of the Pacific, with my own eyes and ears. I know that there are numbers of people who desire to hold their Chinese laborers; the plutocracy of that coast want them.

The Committee on Foreign Relations of this body held an investigation of this subject a few years ago, and Senators and Members of the House asserted that it was testified in California that 10 per cent. of the people of that coast desired to retain their Chinese laborers. Who are the 10 per cent.? The men who own $10,000 where an ordinary laboring man owns one. I have got the testimony on the ocular demonstration of Senators and Members of the House of Representatives that a very large, influential, and powerful class of people on the Pacific coast did desire to retain their Chinese laborers.

Mr. MITCHELL. This question, let me say to the Senator from Alabama, was submitted to a vote of the people of California—the voting population—a few years ago. Can the Senator state, and will the Senator have the candor and honesty to state, to the Senate the result of that vote?

Mr. MORGAN. The word "honesty," Mr. President, is one that the Senator from Oregon ought not to use with too much glibness. He ought not to impeach my honesty. I think I have as much honesty as he has.

Mr. MITCHELL. I am speaking of political honesty, and I am speaking of the charge that the Senator has made against the people of the Pacific coast.

Mr. MORGAN. The man that is a politically dishonest man can not be trusted with my pocket-book. I would not trust him with it. I do not take these distinctions, sir; I never have taken them, and I hope that I never shall see the day that I will do so.

Mr. MITCHELL. The Senator can make his own application.

Mr. MORGAN. I can state from the investigation of the Committee on Foreign Relations of the Senate, which is in print, and I can state as matter of ocular demonstration to me, and of careful observation on the Pacific coast, on two occasions, that a fair proportion (I will say 10 per cent.) of the people of that coast desire to retain their Chinese laborers. The class of people I refer to are the owners of large railroad interests, the owners of large cattle ranches, the owners of vast ditches for irrigating purposes in that country—men who want labor that they can control absolutely, or as nearly so as we used to control labor in the South.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. MORGAN. I receive, sir, with a great deal of allowance, this broadcast statement that every man on the Pacific coast desires to get rid of Chinese labor. I have never believed it, and I never will believe it until I lose the verity of my senses.

Mr. STEWART. Can the Senator name a man on the Pacific coast that is in favor of retaining the Chinese?

Mr. MORGAN. If I could do so I would not do so. I would not expose that man to the difficulties of the situation.

Mr. STEWART. I know pretty nearly every man of wealth on the coast, and I do not know one of any party that wants it.

Mr. MORGAN. Then what becomes of the statements made before your committees—the statement made by Mr. Stanford, among others, that 10 per cent. of your people want it?

Mr. STEWART. I do not know one.

Mr. MORGAN. The Senator may have his own views. I am going on the evidence submitted to that committee.

I repeat again that I receive with a great deal of allowance these broad, universal statements, these sweeping statements, that the whole people of the Pacific coast want to run the Chinese into the sea and get rid of them. They do not want to do it, Mr. President. If they did, the Chinese would have been gone long ago.

The House of Representatives brought in this bill in a hurry. I am disposed to excuse the hurry, considering the pressure brought to bear upon us here on many questions of a political character, and considering the pressure brought to bear upon us on this question. The House of Representatives, if it meant to take this line of action, as I contend it did, solemnly and deliberately did exactly right in passing the bill before the Chinese Government had signified the ratification of this treaty.

Suppose they had waited until after this treaty had been ratified, and a month or two or six months or one year later had then brought the bill into the House of Representatives and passed it in the very form in which it is now—a supplemental bill—China would have had good reason and right to have said, "Here is a broad, unmitigated breach of faith; not only a breach of faith, but a breach of plighted faith. You proposed to us that if we ratified this treaty it should be the engagement between the United States and China. We did so. You paid us under this treaty $276,000 for the benefit of those persons who had been massacred and plundered on the Pacific coast somewhere. We acceded to it in consideration and in consequence of the statement made in the preamble of this treaty that the Emperor of China desired to prohibit the emigration to this country of laborers. They found it not only very inconvenient but very trying to them, in view of the antagonisms much deprecated, and the serious disorders to which the presence of Chinese laborers had given rise in certain parts of the United States." In view of all that, the Emperor of China said that he was willing and desired to prohibit the emigration of Chinese laborers to this country.

If the House of Representatives desired to take that action, I have no right to impeach their motives, their honor, their integrity, their wisdom, or their deliberations. They struck at the very moment of time when it was right they should strike; for from that moment of time forward that we shall pass this bill, all will understand that the United States Government realizes that for the protection of its communities and the body of its citizenship against contamination and against evil and perverting influences, it relies upon its own legislative power granted by the Constitution, and not upon a treaty with any foreign country. We can not impeach the House of Representatives on that. It will not do for us to undertake it. That House has the right to repeal any treaty we make if we concur with it as a legislative body. It takes two-thirds here to ratify a treaty, but a bare majority may repeal it in concurrence with the House of Representatives and with the approval of the President of the United States. It will not do, sir, for the Senate of the United States to take the ground that while treaties are repealable the House of Representatives can not choose its own time to repeal.

Mr. MITCHELL. Will the Senator yield for a moment?

Mr. MORGAN. Yes.

Mr. MITCHELL. I concur entirely with what the Senator from Alabama has said in the last moment or two of his speech. I desire, however, to ask him whether in his judgment or opinion as a lawyer this pending bill does abrogate and repeal material provisions of our existing treaty with China?

Mr. MORGAN. I have not any more doubt of it than that I have the honor of speaking from this desk.

Mr. MITCHELL. Nor I.

Mr. MORGAN. Nobody that I have ever heard of denies it. It is a repeal by repugnant or oppugnant legislation.

Mr. MITCHELL. No doubt of it.

Mr. MORGAN. I should have been better satisfied if the House had come out and stated "article so and so is hereby repealed." Nevertheless, lawyers will not disagree as to what the effect of this is to be. The power is inherent in the Congress of the United States to repeal a treaty made by the President and Senate. The action of the House of Representatives is in pursuance of that power. The House has chosen its own time, and has chosen the occasion to do this. It has wisely chosen its occasion if it is the purpose of the Congress of the United States to record this American decree that no more Chinese laborers shall come here. It has honorably chosen its attitude upon this question in advance of notice of ratification by China of this treaty, if indeed the treaty is to be ratified.

Now, in considering this matter it is well enough for us to remem-

ber that in dealing with Oriental powers in a diplomatic way we always make a very large margin of allowance for their delays. They are proverbially slow, indeed they are diplomatically slow, for it is part of their proverbial philosophy that it is always best to go slow. They are a difficult people to deal with because of their desire to delay and postpone, to see what will turn up.

The Chinese Government, in respect of this treaty and the amendments, being sagacious people, and having just as keen an eye upon the politics of the United States as a Chinaman has upon a dime, following up that policy with most close and assiduous attention always, have doubtless found reasons for delaying this negotiation, for delaying the ratification of that which the Emperor of China expressed through his minister to be his desire, the exclusion of Chinese from the United States. Whether his real reasons are what he said or not makes little difference.

Mr. STEWART. I have no doubt that Chinese are landing every day now.

Mr. MORGAN. Probably they are; I have no doubt they are coming in every day, the Emperor of China not being so desirous now perhaps as he expressed himself to be of restraining that immigration. But the reasons for the delay may reach farther than that. There may be an expectation that the policy of the Government of the United States may be changed in November to such a degree as that Chinese will not only have a right to come here but will have the old Burlingame provisions revived.

Mr. MITCHELL. May I ask the Senator from Alabama one more question? I do not wish to disturb him, but I wish to know his views generally about this.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. MITCHELL. Suppose this bill is passed and sent to the President and becomes a law, as I hope it will, and then it should turn out a week later that China accepts the treaty with the Senate amendments, I ask what in the opinion of the Senator from Alabama would be the legal situation then?

Mr. MORGAN. I did not hear the Senator's question.

Mr. MITCHELL. Suppose, I say, that we pass this bill and it becomes a law, and suppose a week later, or a month later, or two months later, China assents to the treaty, what would the status be then, without any further legislation? Suppose that the treaty receives the assent of the Chinese Government at a date later than the date of the approval of this bill by the President, would the provisions of this act prevail then, or would the provisions of the treaty prevail then, in the opinion of the Senator from Alabama?

Mr. MORGAN. There is no doubt about the provisions of this act being paramount to those of any treaty. We can not repeal an act of Congress here by a treaty.

Mr. MITCHELL. Suppose the ratification is after the approval of the act? I would like to have an answer to that question.

Mr. MORGAN. I am quite willing to advance my opinion at any time on any question that is legitimate or germane to any matter before the Senate.

Mr. MITCHELL. I thought this was such a question. I did not ask it merely for fun.

Mr. MORGAN. Then I do not know that I have got the question untangled that the Senator from Oregon put to me.

Mr. MITCHELL. I did not know that it was tangled, Mr. President. My proposition was this: Suppose this bill becomes a law, and suppose that after it becomes a law the Chinese assent to the treaty. It then becomes a treaty between the two governments at a date later than the passage of this bill. What I want to know is, whether the provisions of this act would prevail then, or the provisions of the treaty?

Mr. MORGAN. The Senator from Oregon would not have asked that question if he had reflected a moment that it is necessary, in order to make a treaty on our part valid, or binding, or efficacious, that it should be promulgated by proclamation of the President of the United States.

Mr. MITCHELL. But suppose it should be promulgated?

Mr. MORGAN. Ah, but it would not be, sir. The President of the United States would never proclaim the treaty after having signed such an act of Congress if he should sign it.

I am sorry to be detained by so many puzzling questions that arise in the mind of the Senator from Oregon. If he would think a little while he would not put me to the trouble. I was about, however, to read a newspaper article here about the Chinese raising flags for Harrison and Morton at No. 923 Race street, Philadelphia, and all that, but I believe I shall not do so.

I have stated this case. When I came into the Senate the other day, having been detained by some personal business that I was very happy to have the opportunity of attending to, I was greatly surprised to find this Chinese bill on its passage in the Senate. I did not understand it. I did not even know that it had passed the House of Representatives. I believe it passed that House the very day it came over here. It was not referred to the Committee on Foreign Relations, and I was greatly surprised to find a bill of this character on its passage here. I knew that there was some powerful impulse moving its passage, and I was informed that the Senator from Nevada [Mr. STEWART] had moved it.

His great anxiety to exclude the Chinese and prevent them from coming in every day, I suppose, was one of the reasons why he moved it. Perhaps the honorable Senator might have seen that there was some little political advantage to be gained by advocating the movement. I do not know, but I thought that the bill ought to have gone to the Committee on Foreign Relations, and I thought it was putting the Senate in a position almost of self-stultification to pass this bill now immediately after we had proposed a negotiation to China which had not been acted upon so far as we knew or had any information.

It looked as if it was rather a bad condition of affairs here. But the Senate of the United States as a treaty-making power is as distinct from the Senate as a legislative power as it can be and consist of the same body of men. It has constitutional functions entirely different. What we do as a treaty-making power in conjunction with the President of the United States is done, of course, ordinarily under the ban of secrecy. We vote upon a treaty here and it requires two-thirds of this body to give its assent to a treaty so that it shall become possible for the President of the United States to proclaim it as part of the law of the land or exchange ratifications with the foreign government, which exchange of ratifications, I will say to the Senator from Oregon, is necessary to validate any treaty, and the President has a right to withhold it if he sees fit. After that vote of two-thirds in favor of its ratification, the President of the United States may change his mind without asking the leave of any human being, and may refuse to exchange ratifications, and therefore it is no treaty. Here we are appealed to by a co-ordinate branch of the National Legislature, as a legislative body, in which a bare majority carries the vote one way or the other.

Now, as far as we can separate ourselves in these two functions, let us try to consider this as a purely legislative question, and let us not allow it to be biased by the fact that we have as a treaty-making tribunal but recently proposed a negotiation to China which has not yet passed into the stage of ratification by that Government; certainly ratifications have not been exchanged. The thing is in a nebulous or chrysalitic state. We are considering this matter now purely with reference to our legislative powers and functions. The question comes, therefore, to us in its most intense form, are we prepared to-day, as a legislative body, to repeal the treaties with China on the subject of the immigration of Chinese laborers into this country?

If that is our judgment, and in that judgment we think we reflect the will of our States and of our people, then it is our duty to vote it, no matter what we have done as a negotiating and treaty-making power in presenting the opportunity to China to come into relations with us of an improved character in respect to the immigration of Chinese laborers into this country. No matter what we have done we must disburden ourselves of that incumbrance and meet this question as legislators, having reference only to the will of the people and the good of the country.

Now, Mr. President, is it for the best that we should vote a law to-day to exclude the Chinese from this country? It is for the best; it has always been for the best that that should be done. There is but one possible obstruction in the way, one possible difficulty to surmount, and that is the fact that we have $25,000,000 worth of trade a year with China, and the abrogation, the repeal by the Congress of the United States of these features of the Burlingame treaty and the treaty of 1880 which relate to the immigration of laborers into this country gives China the full and free opportunity to say that our trade relations with China are determined.

It may even expose our missionaries and other Americans in China to distress. We have citizens over there. I do not hesitate to say that the treaty having been repealed by us in part is abrogated in whole, and that we are entirely at an end with our relations with China, and that whatever is to be done hereafter is to be done *de novo*.

That will be the situation. I for one am willing to stand it, although I know it is going to injure the trade of New York, Philadelphia, Boston, and a good many other Eastern cities if China shall take that view of it. But as I understand, it is the policy of the Emperor of China to exclude his citizens or subjects from immigration to the United States. He makes the point boldly and broadly, and I believe he is sincere.

The people of the Pacific coast were asked the question through their representatives who appeared before the Senate Committee on Foreign Relations some few years ago whether they would prefer to sacrifice their interests in the commerce of China, or to have Chinese laborers excluded from the United States. Those statements are all in print and can be had by Senators if they desire to look into them. With one accord, without any exception at all, the Senators and members of the House of Representatives of the Pacific coast, all of whom were present, I believe, except one Senator and one member of the House, said that they preferred to have no commerce with China at all rather than have an influx of Chinese laborers into this country. I was prepared not only to accept their statement as being entirely veracious, but to sympathize with them.

Mr. MITCHELL. The Senator believes that we were all honest in that statement, then?

Mr. MORGAN. I never said anything to the contrary. I do not impeach a man's honesty every time I speak about him. Acting upon that belief, that it is in accord with the sentiment of the Pacific Slope, believing that the foundation of this movement has the approval in advance of the Emperor of China, I am willing to vote for this bill and take the consequences.

Perhaps if we should wait five years longer or two years longer, this evil might be set upon this country in such a way that we could not get rid of it. I do not know. To my mind it is a fearful question. It is a question of races, and we know how difficult it is to handle such questions when the distinctions are so broad as are those between the Chinaman and the white man. It is a very bad difficulty to get rid of. Oftentimes, yes, almost always, when I turn my mind to the race problem in the South, I feel that I should be willing to make any sacrifices in the world to get rid of the race problem in the South except the honor of the men and women of that country. We will not receive them into our domestic circles and allow them to mingle with our blood and to become the fathers of posterity for white and black alike. But my mind turns on a recollection that has attended me since I was a child, of the terrible difficulties of ever eliminating from a free country like this any great, industrious, powerful race of people, either intellectually or physically, who may find a foothold in our midst.

I therefore sympathize with the people of the western coast most heartily in desiring to lay the ax to the root of the tree and stop that now which hereafter it may be too late a time to stop.

These, Mr. President, are the reasons why I shall vote for this bill.

Mr. BLAIR. Mr. President, I have but a word to say, because I know the anxiety of both sides of the Chamber to dispose of this question to-night.

So far as this treaty is concerned, it seems from statements made by the Senator from Alabama [Mr. MORGAN] that as it came to the Senate it was written in China, and that as we received it and before it was amended by action of the Senate in accordance with the American interests it was a Chinese treaty. Therefore if in the end we get a treaty which is all in accord with American interests, it will be by reason of the action of the Senate in making amendments which represent whatsoever of interest the American people have in the treaty.

We do not know, Mr. President, whether this treaty as modified will be assented to or not. It is unnecessary, perhaps, that we should know, in reference to our action upon the bill before us. That bill coming from the House of Representatives, and under the circumstances in which it reaches us, everybody must, I think, believe, whether there be official reason for so believing or not, that it emanates from the Executive, that it is supported by the Executive, perhaps has been written by his hand or the hand of his amanuensis, the Secretary of State. We have a right, I think, to infer that.

The bill passed the House of Representatives unanimously and reached the Senate, and has been acted upon by the Senate; and last night it reached the decisive vote taken by the yeas and nays, and the Senator from Alabama did not think it necessary then to ask for delay or inaction on the bill. When the bill first reached the Senate it was suggested that there must have been good reason for the action of the House, in view of the rejection of the treaty, and upon that basis we went on.

I should say further, as a part of the history of the case, that early enough to have been long since responded to the Senate made request for information from the Executive as to whether the treaty had been rejected. There is no response. There has been ample time for it, and silence gives consent. It is acting in bad faith with the Senate to withhold information if the Executive sees that we are acting under a false impression or on a wrong supposition. This bill has now reached a stage when it is beyond modification.

Mr. HARRIS. Will the Senator from New Hampshire permit me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Tennessee?

Mr. BLAIR. Certainly.

Mr. HARRIS. If the Senate receive from the President a statement that he has no information of the rejection of the treaty, will the Senator from New Hampshire vote for or against the bill?

Mr. BLAIR. That question I will dispose of, Mr. President, when the fact arises upon which it is predicated.

Mr. HARRIS. Ah!

Mr. BLAIR. I will answer that question when it shall be a pertinent question. I have something else to say now which is pertinent.

As I was saying, the bill came to us from the House of Representatives. It has now passed the stage of modification in the Senate. If it were now where it could be modified, I should ask leave to move this amendment as an additional section:

SEC. 5. This act shall not take effect for thirty days after its passage, unless before that time the treaty pending between the Emperor of China and the United States shall fail to be ratified and to become a law of the land; but if within thirty days from the passage of this act the said treaty shall have been ratified then this act shall be void.

But, sir, the bill is now beyond modification, and there is no occasion to wait. If we were to have further light, we ought to have received it; and an Executive seeing us misled and acting in good faith (as of course the Executive would act with us) would have answered the question which has been put by formal resolution as to information in the possession of the Executive as to the rejection of the treaty.

And we are to consider further that, assuming the President of the United States to have in his inner consciousness or in possession of the archives of the Government information of the rejection of the treaty, this is none too early to take action. In a former case the President was in possession of a law for more than eighteen months before he saw fit to enter upon its execution. Now, if we enact this bill into a law, we can not expect him to enter upon its execution for eighteen months or two years. It is high time, therefore, for the Senate to pass this bill by a unanimous vote, as it is doing, for who knows but what if there were a single opposing vote it might be made the occasion of withholding the execution of the law even longer than in the other case? The idea of the Executive is that it is his obligation to execute a law eighteen months or two years after it has been enacted, and that the obligation of his official oath does not attach until a very long period of time after the approval of the legislation. So we may well be up and doing, I think, in the passage of this bill.

Another thing. Suppose we do pass the bill, and it reaches the President. Then suppose we have acted under a wrong impression, the President has that favorite remedy, the veto. He can hold the act as long as he pleases. He can allow it to become a law by failing to return it; or he can veto it and thus save us from disaster in any event.

So I have no hesitation whatever in asking for an immediate decision upon the question pending before the Senate. I only wish to call the attention of the Senate to one further aspect of the whole subject which has been developed to my mind in the progress of the debate.

My attention was not directed very early to this subject of Chinese immigration and its effects upon our institutions; only within the last ten years have I thought very much about the subject. That may not be much to my credit, but, sir, I had never studied the situation very much until during the last ten years, and having the impulses of a Republican, and, I think, of an American citizen generally, I felt that it was a mistaken idea to put a restriction upon immigration, thereby closing this great continent to which we have invited all the peoples of the earth for their improvement, that they might be instructed in republicanism and in whatsoever appertained to a higher civilization, that they might participate in the blessings of that civilization if they chose to remain here, and that if they preferred to return to their own land they might go as missionaries, carrying with them every good thing in morals, in education, in industry, in love of liberty, and in all that may go to build up great, free, and prosperous communities in the older countries. That was the way I felt about it, and that was the way the North generally felt about it.

When restrictive legislation was first asked for by the people of the Pacific coast, it was something that I admit struck me as almost running counter to the principles of the Declaration of Independence. It was only upon a closer examination, when I saw that these Chinese people were infinite in number and inferior to our own race, that they would not assimilate with our race, and that they would ultimately overwhelm and drown out our civilization, that I became alarmed; and since that time, as a Republican, and as an Eastern Republican, I have felt that it was indispensable that in some way consistently with good faith we should be able to restrict and to utterly prevent for future time this immigration from China.

So it seemed perfectly natural to me that the great North, with its free institutions and its free spirit, should take the same view of it, and acting under all the circumstances with the feeling that I have explained, the North has come to occupy precisely the same position that our friends of both political parties do on the Pacific coast.

But the point that troubles me most is how our friends on the other side of the Chamber should apparently have the same feeling that we have about it. The Democratic party upon the Pacific coast was first in favor of Chinese immigration. Now upon that coast and all over the country it seems to be opposed to it, though not a Democrat has risen on this floor to advocate this bill or to advocate any other bill restricting Chinese immigration during the session of Congress, so far as I remember. All those who have opposed it from the Democratic party have been our friends from the South, and I could not understand why they should be so exceedingly ardent and eager opponents of immigration which was doing injury to civilization in the North and West and feeling about this subject precisely as the Republicans did. That I could not understand. But in looking over this book on Chinese immigration, which I notice is continually referred to by our friends on the other side, I found what I thought might be the explanation. It is in the testimony of Governor Low, of California, to be found on the seventy-sixth page of this book.

He was governor of the State, and had been for three years and a half or four years our minister to China. He had also been a United States consul, I believe, and had held other positions of importance, and was summoned before this committee and questioned. I find some ques-

tions put to him by Mr. Pixley, representing, I think, the Chinese side of the subject. Mr. Sargent had been questioning Governor Low, and then Mr. Pixley, referring to the year 1869, put to him these questions:

By Mr. PIXLEY:

Q. That was the year of Koopmanschap, was it not?

A. Yes; the year of Koopmanschap. They were going to bring over any quantity of coolies to supplant the negroes on the plantations, and some experiments were tried, I think, with very ill results.

Q. I understood it to be a failure?

A. They did not pay the Chinamen; that was the cause of the failure, and the Chinamen quit.

Mr. President, I do not read that to raise a laugh, because this is too serious a matter; but it lets in a flood of light upon my darkened mind. I always like to see through a thing before I act upon it, and I derived this information in the shade of night. When deep sleep had fallen, no doubt, upon most members of the Senate I got this book, and reading it by my candle, I came across that passage, and it illustrated what had been to me the most troublesome problem presented by this entire debate. The Irishmen, the common laborers of the North, found that the Chinaman could underbid them every time. He was a cheaper laborer. He would go just far enough below the standard of wages to take the job every time and to starve the Irishman and the laborer of the North. He inevitably dragged down our civilization. There were 400,000,000 of them, you know, and of course it was simply a question of life and death to the whole Northern civilization.

But how was it when you came to the South? Koopmanschap and others introduced Chinamen. We all recollect the accounts of the efforts and the failure of the experiments. What was the difficulty? The Chinaman demanded his pay, and if he underbid the still cheaper labor of the colored man, he was coming here in multitudes, but he would have his pay, and by rejecting him and driving him out our Southern friends were able to preserve their colored labor with its existing cheapness, costing them nothing in the world but its mere sustenance, just enough to keep them in good order as a labor-producing machine, and they were free from Chinese competition. To be sure it is a hundred thousand who are permitted to remain in the country, but that does not occasion them any trouble. However, if you permit Chinese immigration to the United States we shall not have the six or eight million people, which is the number of colored laborers you now depend upon. The Chinaman can come in like a flood and drive out the negro, and supply in fact the whole country and extirpate the laborer both North and South.

There, I think, is the real secret why the instinct of our friends who owned the labor of the South before the war and during the war and since the war has driven them to take the position on this subject which the North has attained by strong conviction and a benevolent regard for the real interests of the laborers of the land, because the Chinese could not be naturalized and could do no voting.

There is another point to be considered. If the Chinaman were the laborer of the South would not the negro be driven out and be deprived of his inestimable right of suffrage? There are many things to be thought of about this question, but the real secret of it all, it seems to me at least, is this, and I shall read it once more in order that it may impress itself upon the minds of the laboring people of the North, for it is well for them to understand the motives of their friends who are so strongly the opponents of Chinese immigration to-day.

They were going to bring over any quantity of coolies to supplant the negroes on the plantations, and some experiments were tried, I think with very ill results.

Q. I understood it to be a failure.

A. They did not pay the Chinamen; that was the cause of the failure, and the Chinamen quit.

To be sure the Chinaman should have got his pay.

The PRESIDENT *pro tempore*. Shall the bill pass? Is the Senate ready for the question? The yeas and nays having been ordered, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PASCO (when Mr. FAULKNER'S name was called). The Senator from West Virginia [Mr. FAULKNER] is necessarily absent. He is paired with the Senator from Pennsylvania [Mr. QUAY]. If the Senator from West Virginia were present he would vote "yea."

Mr. HARRIS (when his name was called). I have a standing pair with the Senator from Vermont [Mr. MORRILL]. The Senator from Indiana [Mr. VOORHEES] is necessarily absent from the Senate. The Senator from Indiana, if here, would vote for the bill. I suppose the Senator from Vermont would also vote for the bill, but I do not know. However, I transfer my pair with the Senator from Vermont to the Senator from Indiana, and record my vote for the bill. I vote "yea."

I desire to say while I am on the floor, as the junior Senator from Kentucky [Mr. BLACKBURN] is not present, that the senior Senator from Kentucky [Mr. BECK] is paired with the Senator from Maine [Mr. HALE]. The Senator from Kentucky [Mr. BECK] would vote "yea," if he were here. I suppose the Senator from Maine would also vote "yea," but I do not know as to that.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS], but I understand and have reason to believe that he would vote "yea" if he were here. I therefore vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. I understand that he would vote "yea," if he were here, and therefore I shall vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL], but after the assurances received yesterday from his colleague [Mr. CULLOM] that he would vote "yea," if present, I record my vote "yea."

Mr. CAMERON (when Mr. QUAY'S name was called). My colleague [Mr. QUAY] is paired with the Senator from West Virginia [Mr. FAULKNER]. If my colleague were here, he would vote "yea."

Mr. DAVIS (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were present, he would vote "yea."

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], but I am assured that he would vote "yea," if present, and therefore I vote "yea."

The roll-call was concluded.

Mr. ALLISON. My colleague [Mr. WILSON, of Iowa] is necessarily absent, and is paired with the Senator from Maryland [Mr. WILSON]. I am paired with the Senator from Delaware [Mr. SAULSBURY], who, I suppose, if here, would vote for the bill.

Mr. GRAY. I am free to say that if my colleague [Mr. SAULSBURY] were present, he would vote "yea."

Mr. ALLISON. Therefore I shall allow my vote "yea" to stand.

Mr. MORGAN. I have a pair with the Senator from New York [Mr. EVARTS], but his colleague [Mr. HISCOCK] yesterday stated that if the senior Senator from New York [Mr. EVARTS] were present he would vote "yea" upon this bill.

Mr. HISCOCK. I have no doubt he would.

Mr. MORGAN. All right, then. My vote in the affirmative will stand.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If my colleague were here, he would vote "yea."

Mr. WALTHALL. The Senator from Kentucky [Mr. BLACKBURN] authorized me to state that if he were present he would vote "yea."

Mr. CULLOM. The Senator from Vermont [Mr. EDMUNDS] returned to his home in Vermont for two or three days, and I am informed that he is unavoidably detained there for this week.

Mr. PUGH. I was requested to state that the Senator from West Virginia [Mr. KENNA] would vote "yea" if he were not absent and paired with the Senator from Minnesota [Mr. SABIN]. I suppose both Senators would vote "yea."

Mr. COCKRELL. As I announced yesterday, I am paired with the Senator from Connecticut [Mr. HAWLEY]. We were to leave the question of observing the pair to his colleague [Mr. PLATT]. I do not know how the Senator from Connecticut [Mr. HAWLEY] would vote, and his colleague informed me yesterday that he did not know how he would vote. I should vote "yea" if he were here.

Mr. STEWART. Let the pair be transferred to some one else.

Mr. PLATT. Of course I can not say positively how my colleague would vote, for I was not advised upon this matter, but I think I shall take the responsibility of relieving the Senator from Missouri from his pair with him.

Mr. COCKRELL. Under the circumstances, then, I shall vote. I vote "yea."

Mr. TELLER. My colleague [Mr. BOWEN] is paired with the Senator from Florida [Mr. CALL]. If my colleague were present, he would vote "yea." The Senator from Florida is at liberty to vote, if he chooses.

Mr. BLODGETT. I am paired with the Senator from New Hampshire [Mr. CHANDLER], but I understand that he favors this bill and therefore I vote "yea."

Mr. BLAIR. If my colleague [Mr. CHANDLER] were here, he would vote "yea." He is unavoidably detained from the Senate for a few days.

Mr. CHACE. My colleague [Mr. ALDRICH] is detained from the Senate on business of the Senate. I feel assured that if he were here he would favor this bill. I understand that he is paired, I can not say with whom.

The result was announced—yeas 37, nays 0; as follows:

YEAS—37.

Allison,	Cullom,	Mitchell,	Spooner,
Bate,	Davis,	Morgan,	Stewart,
Berry,	Dolph,	Paddock,	Stockbridge,
Blair,	George,	Palmer,	Teller,
Blodgett,	Gray,	Pasco,	Turpie,
Cameron,	Hampton,	Platt,	Vest,
Chace,	Harris,	Plumb,	Walthall.
Cockrell,	Hiscock,	Pugh,	
Coke,	Jones of Arkansas,	Reagan,	
Colquitt,	Jones of Nevada,	Sawyer,	

NAYS—0.

ABSENT—39.

Aldrich,	Butler,	Edmunds,	Frye,
Beck,	Call,	Eustis,	Gibson,
Blackburn,	Chandler,	Evarts,	Gorman,
Bowen,	Daniel,	Farwell,	Hale,
Brown,	Dawes,	Faulkner,	Hawley,

Hearst,	Manderson,	Riddleberger,	Vance,
Hoar,	Morrill,	Sabin,	Voorhees,
Ingalls,	Payne,	Saulsbury,	Wilson of Iowa,
Kenna,	Quay,	Sherman,	Wilson of Md.
McPherson,	Ransom,	Stanford,	

The PRESIDENT *pro tempore*. A quorum not having voted——

Mr. STEWART. I move that the absent Senators be invited to attend.

Mr. HARRIS. Let the roll be called.

The PRESIDENT *pro tempore*. Did the Chair understand the Senator from Nevada to move that the absent Senators be requested to attend?

Mr. STEWART. That is my motion.

Mr. HARRIS. Let us first see whether a quorum will be present under a call of the roll of Senators.

Mr. STEWART. Very well.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Cullom,	Jones of Arkansas,	Reagan,
Bate,	Davis,	Jones of Nevada,	Sawyer,
Berry,	Dolph,	Mitchell,	Spooner,
Blair,	George,	Morgan,	Stewart,
Blodgett,	Gray,	Paddock,	Stockbridge,
Cameron,	Hampton,	Palmer,	Teller,
Chace,	Harris,	Pasco,	Turpie,
Cockrell,	Hiscock,	Platt,	Vest,
Coke,	Hoar,	Plumb,	Walthall.
Colquitt,	Ingalls,	Pugh,	

The PRESIDENT *pro tempore*. Thirty-nine Senators, being a quorum, have answered to their names.

Mr. HOAR. I desire leave to say that I have been present during the roll-call to-night, as I was last night, and that I refrained from voting for the reason stated by the Senator from Ohio [Mr. SHERMAN].

Mr. VEST. I move that the Senate adjourn.

Mr. STEWART. Will the Senator from Missouri wait a moment?

Mr. TELLER. Wait a moment and see if we can not fix a time to take the vote.

Mr. VEST. Very well.

Mr. STEWART. I ask the unanimous consent of those present that a vote be taken on the bill immediately after the morning business to-morrow, without debate so far as those who are here are concerned.

Mr. ALLISON and Mr. TELLER. Say 1 o'clock.

Mr. STEWART. I will ask that the vote be taken at 1 o'clock, without debate so far as those present are concerned. We can not bind those who are not present.

Mr. TELLER. There is a quorum here.

Mr. STEWART. As there is a quorum here I will ask unanimous consent that the vote be taken at 1 o'clock to-morrow.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that to-morrow at 1 o'clock the vote shall be taken on the question shall the bill pass, without further debate. Is there objection? The Chair hears none, and——

Mr. VEST. Does the Senator from Nevada propose that the vote shall be taken to-morrow without any debate at all?

Mr. STEWART. The debate can go on previous to 1 o'clock. I propose that the vote shall be taken at 1 o'clock.

Mr. TELLER. The debate will be previous to 1 o'clock.

Mr. VEST. When will the bill be taken up?

Mr. STEWART. It will be taken up immediately after the morning business.

Mr. TELLER. If the time to vote is fixed at 1 o'clock we should take up the bill earlier than that hour if anybody wishes to speak on it.

The PRESIDENT *pro tempore*. The Chair will hear suggestions from any Senators.

Mr. COCKRELL. I suggest that the bill be taken up in the morning immediately after the disposition of the routine morning business.

Mr. TELLER. And that the vote be taken at 1 o'clock.

Mr. COCKRELL. And that the vote be taken at 1 o'clock.

Mr. STEWART. Very well.

The PRESIDENT *pro tempore*. The Chair will then again state the request of the Senator from Nevada.

Mr. HOAR. I understood that unanimous consent had been given to that request. The Chair so announced.

The PRESIDENT *pro tempore*. Before it had been formally agreed upon the Senator from Missouri [Mr. VEST] interposed a suggestion that some debate ought to be permitted, and the Senator from Nevada then modified his suggestion.

Mr. HOAR. I supposed the Chair had announced the first suggestion as agreed to; but if the Chair understood it otherwise it is all right.

The PRESIDENT *pro tempore*. The suggestion now is that unanimous consent be given to the consideration of the bill at the close of the routine morning business to-morrow, and that the vote on the question shall the bill pass be taken at 1 o'clock. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I move that the Senate adjourn.

Mr. HARRIS. I will say to the Senator from Massachusetts that the executive business I am anxious to have disposed of will not take two minutes, and I shall not seek to prolong the executive session.

Mr. HOAR. I withdraw the motion to adjourn.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. The Senator from Tennessee [Mr. HARRIS] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 7, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate September 6, 1888.

PROMOTIONS IN THE ARMY.

Pay Department.

Maj. William Smith, paymaster, to be deputy paymaster-general, with the rank of lieutenant-colonel, September 6, 1888, *vice* Johnston, retired from active service.

Second Regiment of Artillery.

Second Lieut. George F. Barney, to be first lieutenant, September 3, 1888, *vice* Howard, deceased.

Second Regiment of Artillery.

Additional Second Lieut. William S. Peirce, of the First Artillery, to be second lieutenant, September 3, 1888, *vice* Barney, promoted.

Twenty-fifth Regiment of Infantry.

Additional Second Lieut. Charles G. French, of the Twentieth Infantry, to be second lieutenant, September 1, 1888, *vice* Adams, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 6, 1888.

UNITED STATES CONSULS.

Vicente M. Baca, of New Mexico, to be consul of the United States at Piedras Negras.

J. G. Cisco, of Jackson, Tenn., to be consul of the United States at Nuevo Laredo.

JUSTICE OF THE PEACE.

Lewis I. O'Neal, of the District of Columbia, to be a justice of the peace within and for the District, to be assigned to the city of Washington.

POSTMASTERS.

Walter B. Tedford, to be postmaster at Santa Ana, in the county of Los Angeles and State of California.

John S. Stuff, to be postmaster at Livingston, in the county of Park and Territory of Montana.

Frank P. Thompson, to be postmaster at Cloquet, in the county of Carlton and State of Minnesota.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September* 6, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

NICHOLAS J. BIGLEY.

Mr. BAYNE. Mr. Speaker, the Senate bill 3074, for the relief of Nicholas J. Bigley, was referred to the Committee on Claims. The same bill has been reported by the Committee on War Claims, and I ask by unanimous consent the bill be returned by the Committee on Claims and that it lie on the table.

There was no objection, and it was so ordered.

CATHOLIC CHURCH OF ST. PETER AND ST. PAUL.

The SPEAKER laid before the House the bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn., with a Senate amendment.

Mr. NEAL. This is a mere verbal amendment, and I hope it will be agreed to.

The amendment of the Senate was agreed to.

RETURN OF BILL TO SENATE.

The SPEAKER also laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES, *September 4, 1888.*

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate House bill 5716, for establishing a light at the mouth of Otter Creek, Lake Champlain.

The SPEAKER. If there be no objection, this request will be agreed to, and the bill will be returned to the Senate.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MONTGOMERY, indefinitely, on account of sickness.

To Mr. JOHN R. BROWN, for ten days, on account of important business.

To Mr. BUCHANAN, indefinitely, on account of sickness.

PATRICK H. WINSTON, JR.

Mr. OATES. I ask unanimous consent to discharge the Committee on Claims from the further consideration of the bill (S. 212) for the relief of Patrick H. Winston, jr.; and that it be considered in the House at this time. I would ask leave to state what the object of the bill is in one minute's time.

The Clerk read the title of the bill, as follows:

A bill (S. 212) for the relief of Patrick H. Winston, jr.

Mr. OATES. That Senate bill was referred to the Committee on Claims. Prior to that a bill in the same language was reported by the Committee on the Judiciary to this House in favor of this claimant, and that is the reason why I ask that the Committee on Claims be discharged from the further consideration of this bill.

Mr. McCREARY. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Patrick H. Winston, jr., out of any moneys in the Treasury not otherwise appropriated, the sum of $1,000, for legal services rendered by him in the defense of Tom Hill, a captain of the Indian police of the Nez Percé Agency, Idaho Territory, charged with the killing of the Indian Nine Pipes, said services having been rendered by the request of Mr. Charles Monteith, United States agent at the Nez Percé reservation, and of Hon. Norman Buck, judge of the first judicial district of Idaho Territory.

Mr. OATES. I desire to say to the House that this gentleman was employed to defend this case by the direction of the Attorney-General, and the Attorney-General recommends that this bill be paid. It is reasonable and was approved by the Department, and has been considered by the Judiciary Committee of the House.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the House bill upon the same subject will be laid upon the table.

PUBLIC BUILDING, STERLING, ILL.

Mr. HENDERSON, of Illinois. I ask unanimous consent to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (S. 1940) to provide for the construction of a public building at Sterling, Ill., and that the same may be considered at this time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or acquire by condemnation proceedings or otherwise, a site for, and cause to be erected thereon, a suitable building for the accommodation of the post-office and other Government offices at the city of Sterling, in the State of Illinois; and plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site of said building shall be vested in the United States, nor until the State of Illinois shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building.

The amendment proposed is:

SEC. 2. That the sum of $40,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purpose provided in this act.

The SPEAKER. Is there objection?

Mr. HENDERSON, of Illinois. I desire to make a statement. This is not a fancy building. The amount is only $40,000; a sum necessary to make a good substantial post-office building in a very flourishing city, where the post-office receipts are now more than $13,000 and the net receipts amount to more than $8,000.

Mr. McCREARY. How much has already been appropriated?

Mr. HENDERSON, of Illinois. Nothing at all. This is the first appropriation proposed, and is only $40,000. The necessity for this building is shown by the report. The fact is the Post-Office Department can not obtain a suitable building for the post-office in Sterling at any reasonable rent.

Mr. McMILLIN. Is there a court held there?

Mr. HENDERSON, of Illinois. There is no court at present in Sterling for which this building would be used.

Mr. McMILLIN. What rent is paid for the building that is now being used there?

Mr. HENDERSON, of Illinois. The rent now paid is about $800 for an unsuitable building, and the Post-Office Department has been offering to pay $1,200, and can not obtain a suitable building for that sum.

Mr. McMILLIN. We have passed already an enormous number of public buildings bills.

Mr. HENDERSON, of Illinois. Not one for the State of Illinois.

Mr. McMILLIN. While I am disposed not to make any captious opposition, where the question has come to divide the responsibility with each individual member, I think this matter has been drawn out a long way this session, and I shall have to object to this bill.

ORDER OF BUSINESS.

Mr. McCREARY. I demand the regular order.

The SPEAKER. The regular order is the call of the committees for reports.

Mr. McCREARY. I move to dispense with the call of committees for reports, and that members having reports to submit may be permitted to file them with the Clerk for reference.

The motion was agreed to, and the morning hour was dispensed with

MRS. GENERAL WARD B. BURNETT.

Mr. STRUBLE. I desire to call up the special order for this morning on a pension bill.

The SPEAKER. There is a special order for this morning, which the Clerk will report.

The Clerk read as follows:

Senate bill 681, a bill granting an increase of pension to Mrs. General Ward B. Burnett.

Mr. STRUBLE. I ask unanimous consent for two minutes time on this special order.

There was no objection.

Mr. STRUBLE. Presuming there are those present who do not know the exact status of the bill, I desire to say that the question is a motion to reconsider the vote whereby the engrossment and third reading of the bill was denied. Mr. Speaker, I would like, on behalf of this beneficiary, that this motion may prevail. If it does prevail I give notice that I will make a motion to reduce the amount provided for in this bill from $100 to $75, and I would like the bill then to go to the question of its passage as many of these other bills have gone before it.

Mr. McCREARY. If the bill to which the gentleman from Iowa refers was set for consideration to-day, I ask unanimous consent to postpone its consideration for one week.

The SPEAKER. The gentleman from Iowa has submitted a motion, as the Chair understands, to reconsider the vote by which the House refused to order the bill indicated by him to a third reading. The pending question is on the motion of the gentleman from Iowa to reconsider that vote, and the gentleman states that his purpose is to move to amend the bill by striking out $100 and inserting $75, as the rate of pension. The motion to reconsider is a privileged motion——

Mr. McCREARY. It is so important that we go on with the bill which we had under consideration yesterday until we complete it, that I am compelled to ask unanimous consent that the bill to which the gentleman from Iowa refers be postponed for one week.

Mr. STRUBLE. I ask the gentleman from Kentucky [Mr. McCREARY] to consent to a vote on this motion, and then I will agree that the consideration of the bill may go over until next Thursday, if he desires.

Mr. McMILLIN. I would ask the gentleman from Iowa whether this is not one of that class of bills that have been set down for consideration and postponed two or three times already?

Mr. STRUBLE. It is; but it stands on different ground from those, being under a special order of the House.

Mr. McMILLIN. Then I would suggest that the gentleman comply with the request of the gentleman from Kentucky and let the bill go over until a future day, when it can come up for consideration with other similar bills.

Mr. BLAND. We refused to consider some private bills yesterday in the interest of a great public measure, and I hope the House will adhere to that course.

The SPEAKER. Unanimous consent is asked. Is there objection?

Mr. BLAND. I object.

The SPEAKER. The gentleman from Kentucky [Mr. McCREARY] asks unanimous consent that the consideration of the bill indicated by the gentleman from Iowa [Mr. STRUBLE] be postponed for one week, and the gentleman from Missouri objects. [Laughter.]

Mr. BLAND. Oh, no. What I want to do is to postpone it.

The SPEAKER. The motion to reconsider called up by the gentleman from Iowa is a privileged motion, and the gentleman from Ken-

tucky asks unanimous consent that the consideration of the bill to which the motion refers be postponed for one week. Is there objection to the request of the gentleman from Kentucky?

Mr. STRUBLE. I should like to have a vote this morning upon the motion to reconsider.

The SPEAKER. The gentleman from Iowa objects.

Mr. STRUBLE. I would like to have a vote on the motion to reconsider, so as to have the bill placed in a position where it can be put upon its passage; and if the gentleman from Kentucky will consent to take the vote now on the motion to reconsider, I will not further detain the House to-day.

The SPEAKER. The request of the gentleman from Kentucky for unanimous consent to postpone the consideration of the bill indicated by the gentleman from Iowa [Mr. STRUBLE] for one week is objected to.

Mr. MCMILLIN. Who objects?

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE,] in charge of the bill.

Mr. STRUBLE. I would like to have a vote now upon the motion to reconsider.

Mr. MCCREARY. Then, Mr. Speaker, I move to postpone the further consideration of the motion to reconsider until next Thursday, immediately after the reading of the Journal.

The question was taken on the motion of Mr. MCCREARY, and there were—ayes 50, noes 48.

So the motion to postpone was agreed to.

[Mr. BRUMM withholds his remarks for revision. See APPENDIX.]

Mr. SCOTT. Mr. Speaker, I must confess the remarks of the gentleman from Pennsylvania [Mr. BRUMM] have somewhat surprised me. But considering the fact, sir, that he has just been renominated in his district, possibly campaign literature from a Republican point of view may not be very effective when he goes home to meet his constituents, and that it was essentially necessary for him, whether confining himself to the truth or not, he should go home with a new issue and one he thought might possibly give him a notoriety which he would not otherwise have.

What was the cause, Mr. Speaker, of the issue between the gentleman and myself on this floor, and how has he, as a Representative and a man of honor, conducted it here? He, during my absence from this House, charged me with having employed Pinkerton detectives. This was a direct charge, specific, with no ambiguity about it. Subsequently he fell from Pinkerton detectives to the Coal and Iron police. Well, there was another specific charge. But when I returned and the matter was called to my attention I said I would bring him before the bar of this House to answer that charge. And I intended to have done so, but on account of the important questions here for consideration, and the time of the House being so valuable, though I knew the gentleman had made a statement that was absolutely false and which I will in the next ten minutes prove to be so, I thought I would rather stand his accusation against me than take up the time of this House, so valuable to the country.

Now, sir, let us come down to the real facts. The first charge the gentleman made against me was that I had employed Pinkerton detectives, and next that I had employed the Coal and Iron police of the Reading Railroad. Let us see who has been employing detectives there. I ask the gentleman to listen to this.

Mr. BRUMM. I am listening.

The Clerk read as follows:

[From the Free Press, Minersville, Schuylkill County, Pennsylvania.]

That Congressman BRUMM is inconsistent and hypocritical is borne out by his almost every action. An instance in connection with his recent denunciation of the Coal and Iron police comes to mind. It will be remembered that during the campaign last fall Mr. BRUMM made a speech in Mountaineer Hall, when he highly eulogized our townsman Captain Levan, who was the Fusion candidate for recorder. Among other things, he said in substance, "Some people object to our friend Levan because he is a Coal and Iron policeman. Why, sirs, that is a silly objection. Coal and Iron policemen are neccessary to the preservation of peace and good order in the community—

[Laughter and applause on the Democratic side of the House]—

and I say to you that I went to Harrisburg and asked for his appointment myself.

[Laughter and applause.]

Mr. SCOTT. Does the gentleman deny that?

Mr. BRUMM. No, I do not deny it. [Laughter.]

The Clerk continued the reading, as follows:

Of course Captain Levan and his friends were present and "took it in," knowing that in a score of speeches previously delivered in the patches throughout the county Mr. BRUMM had purposely failed to give "our friend Levan" any such send-off. Well, the point is Mr. BRUMM did say Coal and Iron policemen are necessary, etc., and yet only a few months after making the assertion he gets up in Congress and pitches into Coal and Iron policemen and bitterly denounces Messrs. SCOTT and COXE, two of the many coal operators, for contributing to a common fund to pay these officers. Think of the inconsistency! Denouncing operators for employing and paying a man that he himself asked to have employed and paid!

[Applause on the Democratic side.]

Mr. BRUMM. The only difference is——

Mr. SCOTT. No——

Mr. BRUMM. You asked me a question; let me answer it.

Mr. SCOTT. No, no; keep your seat. I am not done with you—I have not begun with you yet.

Mr. BRUMM. You asked me a question; do you refuse to let me answer it? [Cries of "Sit down!" on the Democratic side.] You had better try to make me; any of you.

Mr. SCOTT. Now, the gentleman from Pennsylvania, and I wish to reiterate it, has made a charge against me that I was employing policemen, and he has read some affidavits in which possibly those policemen may have been employed as he states; but I will show him how they were employed and for what reason they were employed. The gentleman has referred and has called the attention of the House specially to Holden Chester. Holden Chester was at one time superintendent of the Mineral Railroad and Mining Company, in which I never had any interest, and it is essential the House should keep this in view, but he resigned that position and was afterwards hired by me to take a position in my company, the Union Coal Company. When those policemen were appointed to the Coal and Mineral Railroad and Mining Company, Mr. Chester was acting in another capacity and not in my employ. Listen to what he has to say.

The Clerk read as follows:

STATE OF PENNSYLVANIA, *County of Northumberland, ss:*

Personally appeared before me, a notary public in and for said county, Holden Chester, who, after being duly sworn according to law, deposeth and saith that he is a resident of the borough of Shamokin, in the county and State aforesaid, and has been for more than fifteen years last past and is and has been for several years superintendent of the Union Coal Company, a corporation in which Hon. WILLIAM L. SCOTT is largely interested, and that as such superintendent it is his duty to and he does employ and discharge the men employed in, around, and connected with the coal mines and collieries in the said county of Northumberland, carried on and operated by the said Union Coal Company under this deponent as superintendent as aforesaid. And this deponent further says that as such superintendent he has never employed any Coal and Iron police or detectives in, around, or connected with the said coal mines or collieries, and that the said Union Coal Company has not contributed to the support of, nor had in its employ, any Coal and Iron police or detectives since he has acted as superintendent as aforesaid to the knowledge of this deponent, and he would have known it had there been any such contribution made or any Coal and Iron police or detectives so employed.

HOLDEN CHESTER.

Sworn and subscribed to before me this 28th day of May, A. D. 1888.

[SEAL.] W. E. ZIMMERMAN, *Notary Public.*

Mr. SCOTT. I also ask the Clerk to read this letter.

The Clerk read as follows:

THE UNION COAL COMPANY.
Shamokin, Pa., May 28, 1888.

DEAR SIR: We inclose affidavit and further state that the only thing that can possibly be construed to our employing any police whatever will be found in the following facts:

The Pennsylvania colliery, situated about 7 miles east of this point—where we pay all hands working at our other two collieries—therefore to avoid the expense and loss of time to our men at this Pennsylvania colliery in causing them to come to this office for their pay, we carry it to them semi-monthly, and it being 7 miles along a lonely and uninhabited road to said colliery, we frequently take one of our town constables with us, or if none are at hand, one of the town police, and pay them for such service generally $1.50 for the trip. This has nothing whatever to do with what are termed the "Coal and Iron police" employed throughout the coal region. They are employed by the Reading Coal and Iron Company, and I am creditably informed that to pay for their service a small percentage is charged upon the tonnage of all coal shipped by this company, as well as all coal shipped by individuals working upon their lands.

This we have nothing whatever to do with, as we neither work upon their land or ship any coal over their road, or pay anything to the support of such "Coal and Iron police."

Yours respectfully,

HOLDEN CHESTER,
Superintendent.

Hon. W. L. SCOTT, *Washington, D. C.*

Mr. SCOTT. I would call the attention of the House, Mr. Speaker, to the fact that the gentleman from Pennsylvania [Mr. BRUMM] has produced no affidavits here and made no statements substantiating his original charge in connection with my having employed Pinkerton's detectives or the Reading Coal and Iron police. His original charge against me was that I had employed Pinkerton's detectives. The gentleman has the right that any other member on this floor has to participate in debate; but there is always a courtesy when a personal dispute is going on, or a controversy between one member and another—for it is reasonable to suppose that each is capable of taking care of himself—that a third party having no interest in the matter can not with propriety interject himself. If he does, for what; for the purpose of notoriety? [Laughter.] Did the gentleman from Pennsylvania confine himself to the truth, even when he undertook to interfere in a personal matter where he had no interest? He told a falsehood at that time; because he must admit that he has not now substantiated his charge—my employment of Pinkerton's detectives. He then fell down, as I have said, to the Coal and Iron police.

Now, sir, the gentleman leaves his own bailiwick, and he undertakes to cover the State of Pennsylvania, and he straddles the Allegheny Mountains [laughter], and we find him on the Youghiogheny River, some three to five hundred miles away from his district. To make any kind of a case, or supposed case, he found it essential to go over there; and he did not make very much there, as I will show. And then he takes a turn northward, and we find him in the city of Erie, around my rolling mills and down on my docks, and he reads a lot of extracts here from newspapers, probably Republican *ex parte* statements, and personal letters that nobody under heaven could ever trace the author of, and which he declines to name, and then asks this House to accept these statements as facts!

Now I will tell the gentleman about the ejectments at my property at Erie, and I can furnish affidavits for the statement. The men employed at my rolling-mill there struck, and I signed the article and gave them the notice read by the gentleman. That mill from the day of that strike never turned another wheel. The previous year in the operations of that mill I had sunk between $30,000 and $40,000. It is not necessary for me to go into an explanation of these business matters. The House is not interested in them; but I will say this to the gentleman, that of the thirty houses—and that has been some years ago—on that property——

Mr. BRUMM (interrupting). One of them being a stable, I believe.

Mr. SCOTT. Yes.

Mr. BRUMM. And huddling the people together in such quarters.

Mr. SCOTT. No, sir; that is not true. They are good houses, and the stable was never used for other than stable purposes.

Mr. BRUMM. I have some evidence on that point.

Mr. SCOTT. And from the time of that strike never was there an ejectment made from one of these houses; the families of the men remaining in them for over eighteen months without the payment of one single cent of rent, and I kept most of them in coal and in food. [Prolonged applause on the Democratic side.] I will substantiate that statement; and I believe, sir, that there are some of the families there to-day, and they have never paid one cent of rent. And those are pretty good houses, too.

Now, that is an answer to you, sir, and your statement, and what you have just read, and it can all be verified. Now we will go down with you to the Youghiogheny River with your "pluck me" stores.

Mr. Speaker, employing, as I do, at these mines from twenty-five hundred to thirty-five hundred men, and furnishing homes for their families, it is almost impossible to make out the pay-rolls weekly. But the system there is this: Every two weeks these pay-rolls are made out, and at the end of two weeks every man comes up and gets his cash. But the families of these men during these two weeks—they are not a provident class—need to go to the store. That property is under my control, and no store can be erected within a mile or more of the mines except it is on the property. I do not propose to let gin shops and other such institutions come in there. But the miners have their money, and are paid every two weeks. These order-books which the gentleman has referred to are issued this way: The wife of one of these miners can come and get a book for $5. We do not want to keep accounts with her or with her husband. They go to the store and they take off a 1-cent ticket or a 25-cent or a 50-cent ticket, get what they want, and come away. At the end of the two weeks whatever they have not used of that book is brought in, and they get the cash for it. Now I am nearly done——

Mr. JOHNSTON, of North Carolina. There is nothing of compulsion in the matter?

Mr. SCOTT. Not a particle of it.

Mr. JOHNSTON, of North Carolina. And they are not compelled to do their trading at these stores?

Mr. SCOTT. Not at all. They are not required to spend a cent there. They may keep the book, and if they do not use any portion of it they can get the entire amount for it at the end of the time. They are not under compulsion to take the books, which were designed merely for their convenience.

Now, sir, I desire to have this affidavit read, and this will practically end what I have to say.

The Clerk read as follows:

STATE OF PENNSYLVANIA, *County of Allegheny, ss:*

Before me, the subscriber, a notary public in and for said county, personally appeared James Matthews, who being duly sworn according to law doth depose and say that he has been the superintendent of the Scott Haven coal mines since the commencement of operations in the month of April, 1878; that at the time the Scott Haven mines were open, and for a long time prior thereto, the coal mines known as the Penn Gas coal mines and the Westmoreland Coal Company mines, near to the Scott Haven mines, had been worked and operated and were and now are the leading coal mines with which the Scott Haven mines came in competition in the market, the coal in the three several mines being of the same grade and quality and found sale in the same market.

That in April, 1878, the Scott Haven mines were about to be opened and it was agreed that the miners should be paid from time to time the same wages as might be from time to time by the Penn Gas Coal Company and the Westmoreland Coal Company.

In August, 1878, there was a general depression in the coal business and reductions were made in wages by the Penn Gas Coal Company and the Westmoreland Coal Company at their mines, and then the Scott Haven mines made a reduction from 2½ to 2 cents per bushel. At this time a strike took place for a short time, when the men resumed work for 2 cents per bushel, the same price as was paid by the Penn Gas Coal Company and the Westmoreland Coal Company.

In October, 1879, the miners at Scott Haven struck for an advance from 2½ to 3 cents per bushel, which strike continued to the latter part of November. During this strike the miners at the Penn Gas Coal Company and the Westmoreland Coal Company's mines were at work for 2½ cents per bushel. Work was resumed at the Scott Haven Mines at 2½ cents per bushel. Four of the miners who refused to work at the price paid by the Westmoreland Coal Company and the Penn Gas Coal Company at their mines, after several days longer notice to vacate than legally required, were ejected and other men employed by the company went into the possession of these houses. The families ejected moved into vacant houses in the neighborhood without any other or further inconvenience than ordinarily takes place in moving a short distance. Three of these men, James Farrow, George Fine, and George Haden, afterwards were taken back into the employ of the company owning the Scott Haven Mines, at the same time returning with their families to the houses of the company, where they have remained ever since, and they are living there to-day. The other, whom I think was George Ashoff, lives in the vicinity and has been working in the Scott Haven Mines ever since.

On April 15, 1882, the miners at Scott Haven struck for an advance to 4 cents per bushel. This strike continued to June of the same year, when work was resumed at 3½ cents. During this strike the miners at the Penn Gas Coal Company's mines and the Westmoreland Coal Company's mines were paid and at work at 3½ cents per bushel.

In February, 1884, the miners at Scott Haven struck on account of a reduction from 3½ to 3 cents per bushel. This strike continued for about thirty days, when the men went to work at 3 cents per bushel. During this strike the miners at Penn Gas Coal Company and Westmoreland Coal Company mines were at work at 3 cents per bushel.

In February, 1885, a strike took place on account of a reduction from 3 to 2½ cents per bushel, which continued to April 29. For some months prior to this the Scott Haven mines continued to pay 3 cents after the Penn and Westmoreland Company mines had reduced the wages to 2½ cents. Work was resumed at 2½ cents per bushel. About 20th March, 1888, men at Scott Haven mines struck for an advance to 2¾ cents, and the men at Penn and Westmoreland struck for an advance from 50 to 60 cents per ton. Scott Haven mines granted the advance, upon which terms the men continued to work during the month of May. The miners at the Penn Gas Coal Company and Westmoreland Coal Company mines remained out until June, and then resumed work at 55 cents per ton. The Scott Haven mines then asked a reduction to 55 cents per ton, when a strike occurred which continued until August, when the men went to work at 55 cents per ton.

In January, 1888, the miners at Scott Haven struck for an advance to 60 cents per ton, which strike continued until about the middle of March, when the men resumed work at 60 cents per ton—the same price as offered them at the beginning of the strike. During this strike the miners at the Penn Gas Coal Company and the Westmoreland Company miners were at work at 60 cents per ton.

The managers of the owners of the Scott Haven mines have never refused to employ men because of their connection with the Knights of Labor or because of membership in that or any other organization, but on the contrary, Knights of Labor have from time to time worked at the Scott Haven mines, and many of the miners now at work in said mines are Knights of Labor.

Pinkerton detectives have never at any time been employed or in any way or manner used at or about the Scott Haven mines. James Mathews, superintendent of the mines, John F. Hosack, assistant superintendent, W. W. Burlingham, tipple-hand, and Adam Trost, stable boss, constitute the only police force ever known in or about the Scott Haven premises who simply hold police power by commision from the governor of Pennsylvania and are known as a part of the coal and iron police under a law of the State of Pennsylvania.

These men deponent says he had appointed on his own responsibility to protect the company's property from trespasses, but they have never made a single arrest or interfered in any way whatsoever with the liberties of any one.

Since the commencement of mining operations at the Scott Haven mines in April, 1878, not one ton of coal has been therein mined at a less price than has been paid by their neighbors and competitors, the Penn Gas Coal Company and the Westmoreland Coal Company, while on two occasions the Scott Haven mines paid a higher and better price than was paid by the said Penn Gas-Coal Company and the Westmoreland Coal Company.

JAMES MATHEWS.

Sworn and subscribed before me this 29th day of May, A. D. 1888.
[SEAL.] JAS. V. McMASTERS, *Alderman.*

STATE OF PENNSYLVANIA, *County of Allegheny, ss:*

Before me, the subscriber, a notary public in and for said county, personally appeared John F. Hosack, who being by me duly sworn according to law doth depose and say that he is the assistant superintendent of the Scott Haven mines and has been since the commencement of operations at said mines in April, 1878, and that he is acquainted with the statements made in the above and foregoing affidavits of James Mathews, and that the same are true and correct to the best of his knowledge and belief.

JOHN F. HOSACK.

Sworn and subscribed before me this 29th day of May, 1888.
[SEAL.] JAS. V. McMASTERS, *Alderman.*

Mr. SCOTT. Mr. Speaker, I can briefly and in a very few words explain that affidavit.

Mr. BRUMM. Both of these parties are your superintendents or your employés.

Mr. SCOTT. They are superintendents or officers. That whole statement in the affidavit there gives a succinct history of every strike that ever occurred at that property (there are about three thousand men working there) and how it was settled, and the wages paid. I call the attention of the House to the fact that this is the same property in regard to which I furnished evidence of what the wage-workingmen in the unprotected industries of the country were receiving as compared with the wages paid by the protected industries of the country; and it was a comparison of the wage-working skilled miners at this property which I made with the wage-workers of the Carnegie property. I showed that while these men working in these mines were earning from $4 to $5 a day (and I took up fifty of them), Carnegie & Co. were paying their men, protected as they were from 55 to 103 per cent., an average of $2.50 a day; and that is the main difficulty with the gentleman here and his friends on the other side. Now I will close this case, for it is nonsense to go further. But I want to say here that there are two big coal companies there. I will ask my friend from Pittsburgh [Mr. BAYNE], is there any bigger coal company in that section than the Westmoreland and Penn?

Mr. BAYNE. I think not.

Mr. SCOTT. My property is as large as both of them combined, and we are contiguous. I can go under-ground from my property into theirs. We are competitors in the market. What was the agreement which the gentleman read here? It was simply this, that whatever wages the Penn and Westmoreland Company paid for mining coal I would pay; that, if the Penn and Westmoreland men struck and my men were working at a fixed rate of 60 cents a ton, say, and the strike of the Penn and Westmoreland men lasted a year and they went in afterwards at 70 cents, I agreed to pay every man for that past year's work 10 cents a ton more on all the coal that they had mined. But what does the affidavit show? It shows for a period of three years

that, although I had that agreement, I paid out over $30,000 to these men in excess of the prices received by the Penn and Westmoreland miners.

Mr. Speaker, it is hardly necessary, I think, in my own defense, to say much more on this subject. I hope that when the gentleman from Pennsylvania [Mr. BRUMM] returns to his constituency, when he undertakes to explain to them this charge, he will at least take these affidavits along with him, and my answer, and particularly will not forget the newspaper part of it relating to himself and his recommendation in regard to the Reading Coal and Iron policemen, and present it fairly and squarely when he gets on the stump. [Applause on the Democratic side.]

I reserve the balance of the time.

Mr. BRUMM. The gentleman flies from facts to quibbling all through his remarks.

Mr. SCOTT. Is the gentleman entitled to the floor now?

The SPEAKER. The gentleman has six minutes of his time remaining.

[Mr. BRUMM withholds his remarks for revision. See APPENDIX.]

ORDER OF BUSINESS.

Mr. McCREARY. I ask unanimous consent that the consideration hour be dispensed with. I make this request in order that I may call up House bill 11309, commonly called the retaliation bill, so that we may proceed with its consideration and, if possible, complete it to-day.

Mr. WASHINGTON. I would not object, Mr. Speaker, but for the fact that my committee has a bill hung up here as unfinished business.

Mr. McCREARY. You can go on with that to-morrow.

The SPEAKER. The gentleman can not go on with it to-morrow except by consent of the House. Is there objection to the request of the gentleman from Kentucky?

Mr. WHITE, of New York. I feel bound to object, Mr. Speaker, because there are very important matters awaiting consideration.

Mr. McMILLIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. This bill having been privileged to be reported at any time the privilege goes to its consideration at any time, and my inquiry is whether or no a motion to proceed to its consideration would now be in order?

The SPEAKER. The Chair thinks not. It is simply a special order, and the Chair thinks that unless expressly ordered by the House the bill does not come up except when general legislation of that character comes up, but it would then have preference over all other matters. The call for the consideration of bills rests with the Committee on Coinage, Weights, and Measures, the Committee on Expenditures in the Interior Department having been passed over.

A MEMBER. They reserved their time.

The SPEAKER. But the question is—and it has never been determined heretofore—whether a committee can break in on an hour which is actually occupied by another committee, or whether it must wait until the consideration hour, or some part of it, is unoccupied. It is of course entirely immaterial to the Chair.

Mr. O'NEILL, of Missouri. When the Committee on Expenditures in the Interior Department was called, the chairman, the gentleman from Tennessee [Mr. WASHINGTON], was absent from the Hall, and I asked that the committee be passed over, not losing its right.

The SPEAKER. The Chair stands corrected. The business of the Committee on Coinage, Weights, and Measures was completed and the call now rests with the Committee on Expenditures in the Interior Department, which has an unfinished bill pending. The hour begins at eight minutes past 2. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1548) to increase the efficiency of the medical division of the Pension Bureau.

Mr. WASHINGTON. Mr. Speaker, when this bill was under consideration on a previous day, I reserved my time. The gentleman from Indiana [Mr. CHEADLE] asked for the floor in order to have some matter read, and I will now yield to him for that purpose.

Mr. CANNON. The gentleman from Indiana [Mr. CHEADLE] has the floor in his own right.

Mr. CHEADLE. The gentleman has an hour, if he sees proper to occupy it.

Mr. TAULBEE. Who has an hour, Mr. Speaker?

The SPEAKER. The gentleman from Tennessee [Mr. WASHINGTON].

Mr. TAULBEE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. My point is that the gentleman from Tennessee [Mr. WASHINGTON] is not entitled to the floor, and that when the hour expired the gentleman from Indiana [Mr. CHEADLE] had the floor in his own right.

The SPEAKER. If that is the fact, the gentleman from Indiana is of course now entitled to the floor. The present occupant of the chair was not presiding at that time.

Mr. CHEADLE. When this bill was last up for consideration, I secured the floor to oppose the bill about one minute before the expiration of the hour. I sent to the desk a newspaper article to be read, and one or two words of it had been read. I desire the remainder of that article to be read now. I had recognition in my own right on the bill.

Mr. WASHINGTON. I having reserved my time, and having charge of the bill, and having a whole hour, how could the gentleman get the floor in his own right?

The SPEAKER. The gentleman from Tennessee could not reserve his time unless he vacated the floor temporarily at least. The gentleman from Indiana states that he had the floor in his own right, and had sent to the Clerk's desk a paper, a part of which had been read when the hour expired.

Mr. O'NEILL, of Missouri. Will the Chair pardon me a moment? The gentleman from Tennessee [Mr. WASHINGTON] yielded to the gentleman from Indiana to have a paper read. He did not yield the floor.

The SPEAKER. The official record should show what occurred. The Chair will cause it to be examined. The gentleman from Kentucky [Mr. TAULBEE] will state his point.

Mr. TAULBEE. My point of order has been somewhat obviated by what has transpired since I rose to make the point. But I will now make a statement for the information of the gentleman from Indiana who was on the floor at the time the hour expired. There was an arrangement between the then occupant of the chair and some gentlemen who are inclined to oppose this bill, that one of three gentlemen, among whom was myself, should be recognized in opposition to the measure. The gentleman from Indiana rose and stated that he desired to have a certain matter read from a newspaper, and he sent it up.

The Clerk proceeded to read. I made the point of order that the matter read was not pertinent to the issue, and that it was due to the opponents of this bill that time should not be consumed upon matter which did not relate to the question before the House. The point of order was not decided when the hour arrived.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union. The present occupant of the chair has no control over it. The gentleman from Tennessee, if he desires to have the consideration of the bill proceed, must make the motion to go into Committee of the Whole.

Mr. WASHINGTON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] who was presiding in Committee of the Whole on this bill is absent from the city. The gentleman from Missouri [Mr. HATCH] will please take the chair.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HATCH in the chair) and resumed consideration of the bill (H. R. 1548) to increase the efficiency of the medical division of the Pension Bureau.

The CHAIRMAN. The Chair finds on examination of the RECORD that when this bill was last under consideration and before the committee rose the gentleman from Indiana [Mr. CHEADLE] had the floor. The Chair will be compelled under the rules to recognize him.

Mr. WASHINGTON. The gentleman from Indiana was on the floor because I yielded to him. I had not relinquished my right to the floor, but yielded to the gentleman to have an article read from a newspaper.

The CHAIRMAN. The Chair will cause that part of the RECORD to be read. The RECORD does not show that the gentleman from Tennessee yielded the floor, but that the gentleman from Indiana took the floor in his own right.

Mr. O'NEILL, of Missouri. Mr. Chairman——

The CHAIRMAN. Let the RECORD be read.

The Clerk read as follows:

Mr. WASHINGTON. Unless some gentleman desires to be heard on the other side of this question, I shall ask for a vote.

Mr. TAULBEE. I want to be heard on it myself.

Mr. ROGERS. And several of us.

Mr. CANNON. The gentleman from Indiana desires to be heard and was on the floor.

Mr. CHEADLE. I desire to have read as a part of my remarks an article from the New York Tribune, which I send to the desk.

The Clerk proceeded to read as follows:

"CAN SUCH THINGS BE?—HERE IS A PLAIN DUTY OF CONGRESS—PUBLIC FUNDS FOR CAMPAIGN USES—A PLAIN VIOLATION OF LAW—CLEVELAND'S VETOES TO BE DEFENDED—WHAT WILL IT COST?

"[By telegraph to the Tribune.]

"WASHINGTON, *August* 28.

"The retaliatory message"——

Mr. TAULBEE. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. That the article being read, or the head lines which have been read, clearly indicate that it does not relate to the pending question. There are members who want to oppose this bill, and as the time is limited we do not want to have irrelevant matter injected into this discussion.

Mr. CHEADLE. If the gentleman will just allow this article to be read he will see that it has a bearing upon the question.

Mr. CANNON. The gentleman from Indiana has the floor and can debate the question as he pleases.

The CHAIRMAN. The gentleman claimed the floor and sent this article to the desk as a part of his remarks. The Chair thinks that the rule requires, especially in this consideration hour, that the remarks applied to a pending bill should relate to the subject-matter under consideration.

Mr. CHEADLE. But I ask to have read an article which bears directly upon the management of the Pension Department.

The CHAIRMAN. The pending question is one with regard to raising the salaries of certain officials.

Mr. TAULBEE. If it relates to the bill under consideration, I do not object; but the time is very limited and should not be consumed in reading irrelevant matter.

Mr. CANNON. The gentleman can debate the bill in any manner he pleases.

Mr. BROWNE, of Indiana. Having the floor, my colleague has the right to proceed in his own way.

Mr. TAULBEE. I insist that the point of order must be well taken, and the gentleman, if he is going to oppose or favor the bill, must confine himself to the question before the House.

Mr. HENDERSON, of Iowa. But the gentleman has the right to oppose the bill in his own way.

Mr. CANNON. The undoubted right. The question is as to whether the matter submitted by the gentleman from Indiana is in order. The question raised by the gentleman from Kentucky is to the effect that in a debate of this kind the gentleman should confine himself to the bill under discussion.

Mr. TAULBEE. I have no objection to the article being read if the matter relates to this bill.

Mr. O'NEILL, of Missouri. If the Chair will observe carefully the proceedings just read, he will find that at no stage of that colloquy did the Chair recognize the gentleman from Indiana as entitled to the floor. The gentleman from Tennessee [Mr. WASHINGTON] stated that if there was no desire for debate he would call for a vote, whereupon the gentleman from Indiana [Mr. CHEADLE] rose and stated that he desired to have this paper read, which the gentleman from Tennessee was perfectly willing to have read; but he did not yield the floor. He has so stated to-day and he so stated then. I do not think it exactly courteous or fair to take him off the floor in this sort of way. I do not think the gentleman on the other side should attempt to do it.

Mr. CHEADLE. We want time to discuss this bill.

Mr. O'NEILL, of Missouri. We have but an hour altogether; and if your side occupies an hour now in opposition, we can not have the bill properly considered.

The CHAIRMAN. The Chair has no hesitation in sustaining the right of the gentleman from Indiana to the floor. He had not only been recognized by the Chair, but questions of order made by the gentleman from Kentucky and by other gentlemen recognized the fact that the gentleman from Indiana was on the floor in his own right. The only question was how he should proceed. The Chair does not think there is any question as to the gentleman's right to the floor.

Mr. O'NEILL, of Missouri. How much time remains to the gentleman in charge of the bill [Mr. WASHINGTON]?

The CHAIRMAN. The gentleman from Tennessee will have his full hour, and can claim it immediately after the gentleman from Indiana.

Mr. O'NEILL, of Missouri. How much time has the gentleman from Indiana remaining?

The CHAIRMAN. The Chair will have the RECORD examined to see how much time the gentleman from Indiana had occupied.

Mr. PAYSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. This bill being considered in the Committee of the Whole House on the state of the Union, is there any limitation on debate except the hour rule?

The CHAIRMAN. No, unless limited by unanimous consent by order of the House.

Mr. TAULBEE. I call up my point of order, and think by reading the RECORD the Chair will have sufficient knowledge to see just exactly the point I made. The paper was not read.

The CHAIRMAN. It is impossible for the Chair to decide the point of order until the article is read. How can the Chair tell whether it is relevant or irrelevant? It is impossible to determine in advance.

Mr. CHEADLE. I ask the Clerk to read an article from the New York Tribune of Wednesday, August 29, 1888.

The Clerk read as follows:

CAN SUCH THINGS BE?—HERE IS A PLAIN DUTY FOR CONGRESS—PUBLIC FUNDS FOR CAMPAIGN USES—A PLAIN VIOLATION OF LAW—CLEVELAND'S VETOES TO BE DEFENDED—WHAT WILL IT COST?

[By telegraph to the Tribune.]

WASHINGTON, *August* 28.

The retaliation message was only one expression of the sense of desperation which overwhelms the President and his political advisers. It was one which he could not refrain from making public. Private expressions of the same sort are not wanting, but, as far as practicable, they are withheld from the public ear. It now becomes the duty of the Tribune correspondent to call attention to one of these quiet expressions. While the Administration organs have overflowed with praise of the pension vetoes, the managers of Mr. Cleveland's canvass have been brought to realize that the veto messages, with their cruel flippancy, had excited the active hostility of Union veterans and their friends, irrespective of party, and that "something" must be done. The "something" decided upon is briefly this: The preparation and circulation of a campaign document devoted to a defense of the vetoes.

This document with which it is proposed to flood Indiana, Ohio, and other States which were loyal to the Government while Mr. Cleveland's Southern friends were seeking to destroy the Union will contain, of course, citations from such of the veto messages only as contain no phrases which can be construed as insults to the soldiers and friends of the Union. The preparation of this document was begun some two weeks ago.

Where? In the Pension Bureau in this city, a public building which belongs not to Mr. Cleveland, nor to the Democratic national committee, but to the Government of the United States.

By whom? By six clerks, or special examiners, more or less, of said Pension Bureau, who are paid by the United States, and assisted by scores of clerks and copyists, who, also, are paid from the Treasury of the United States.

The whole "outfit" is under the supervision and direction of "Physical Wreck" Black, who receives a pension of $1,200 per annum, plus a salary of $5,000 per year and traveling expenses, which in the course of the last year exceeded those of the General of the Army of the United States. Black, again, is under the orders and subject to the control of the Democratic national committee. Four of the six clerks, or special examiners, who are and have been employed on the document mentioned are named, respectively, James Kennelly, $1,400 per year; Samuel R. Hersey, $1,800; William Smith, $2,000, and Abial W. Fisher, $2,000. In their work the six persons mentioned have been authorized to call to their assistance such other clerks, copyists, etc., as may be necessary, and the archives of the Pension Bureau have been placed at their disposal for all purposes relating to their investigations and labors.

It is not too much to say that the adjudication and settlement of many claims of disabled veterans and needy widows have been postponed by, and on account of, this campaign work which is now in progress solely for the benefit of Grover Cleveland. He must feel like a sort of pensioner himself, although neither he nor his late substitute ever had his name actually placed on the rolls of the Pension Bureau, where Black's name "heads all the rest."

It is said that the work will be completed next week, and it may be hoped that the persons engaged upon it will then be permitted to resume their legitimate duties. It may be fairly estimated that by the time the work is done and the manuscript forwarded, postage free, to Chairman Brice, the actual cost of it in dollars, saying nothing of the demoralization and derangement of the office, or delay in the settlement of deserving claims, will not fall short of $5,000, which, of course, must come out of the money appropriated for the administration of the pension service. This seems a small sum; it is a small sum. It is only a little more than four times Black's annual pension. Probably it is not more than one-third the amount "saved" by all of Cleveland's vetoes of individual pension bills; it is only one-half as much as he has contributed to the Democratic campaign fund out of his own salary; it only slightly exceeds the amount required to pay for a whole year the pension of fifty-two pensioners at the "total disability" rate of $8 per month. It is cheap; but what do the Union veterans think of it—say the 13,000 needy and destitute veterans who are supported by public charity in almshouses, as Cleveland's substitute was?

Of course, there is another matter also to be considered. The clerks and others who are engaged in this work are liable to prosecution and punishment under the penal provisions of the civil-service law, but they would lose their places speedily if they should refuse to do the task. The official or officials by and under whose direction or by whose consent such a thing is done are liable to like prosecution and punishment. Moreover, a public officer who imposes an unlawful task upon a public employé is guilty of a diversion of public funds, and is liable to prosecution under the statute prescribing penalties for malfeasance in office and embezzlement of the public money. In a word, the matter is so serious as to demand a speedy and thorough investigation by Congress. It is a duty which can not be shirked.

Mr. CHEADLE. Mr. Chairman, I oppose the passage of this bill, because in my judgment it is not required by the necessities of the service. The present force of the medical division of the Pension Office consists of one referee, one assistant referee, two qualified surgeons, eighteen medical examiners. These officers were created by section 4776 of the Revised Statutes which I ask the Clerk to read.

The Clerk read as follows:

SEC. 4776. The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons, and such other duties touching medical and surgical questions in the Pension Office, as the interests of the service may demand; and his salary shall be $2,500 per annum. And the Secretary of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, and who shall be borne upon the rolls as clerks of the fourth class; but such appointments shall not increase the clerical force of said Bureau.

Mr. CHEADLE. This bill increases the number of qualified surgeons to three. There is no necessity for the bill so far as it refers to the qualified surgeons, for section 4776 already provides for the appointment of four if the necessities of the service shall require that number.

We have been told for months and the story has been repeated over and over again that the present administration in the Pension Department has transacted more business, has granted more pensions, than any of its predecessors. I want to state this fact because it may have escaped the attention of members that prior to the fiscal year ending June 30, 1883, the number of employés was only 744. During that year the clerical force of the Pension Department was increased 810, so that the force after that year consisted of 1,544 employés. These employés were added to the clerical force of the Pension Department during the administration of Mr. Dudley. He educated, classified, and drilled these employés so that when the present Commissioner of Pensions took charge of that office in 1885 he found the department consisting of 1,554 employés thoroughly drilled and educated in the duties, and he found more than that, he found every pension claim filed in that department under Colonel Dudley, when Colonel Dudley resigned, briefed up to the day of his resignation, and the status of the claim plainly stated on the jacket of each claim, so that in the very nature of things there should have been a large increase in the amount of work accomplished by that bureau over any of the previous administrations because of the fact that the force of the office had been more than doubled in 1883.

My next objection to the bill is the fact that the expenses of the Pension Office are, in my opinion, quite large enough now. Let us examine the expense of the Pension Department to the Government for the last fiscal year, and to get at the real expense we must take the entire cost of the force in all the departments that are kept on pension work.

There are in the Surgeon-General's Office 427 employés. Not less than 280 of them must be, and, in fact, nearly all have been, at work on pension business. Annual salaries, $512,940.

Adjutant-General's Office, 584 employés. Not less than 200 must be, in fact General Drum said in February, 1887, "that all the available force" was at work on pension business. Annual salaries, $703,700.

Pension Office, 1,554 employés. Annual salaries, $2,448,750.

RECAPITULATION.

Salaries of 1,554 pension employés	$2,448,750
Salaries of Adjutant-General's Office on pension work	575,000
Salaries of Surgeon-General's Office on pension work	425,000
Total annual salaries pension employés	3,448,750

The Third Auditor's Office should be charged with quite a large sum, but I have not included any of its cost to the Treasury Department, nor shall I in this estimate. It is now quite large enough; $3,448,750 a year would, Mr. Chairman, pay the annual pensions of 35,924 veterans at $8 per month. I insist that this sum, vast as it is, must be quite sufficient to defray the expense of our Pension Department. If it is not, then I shall insist that it is our imperative duty to simplify the practice of that department so that hereafter such a vast annual expenditure shall not be required. If we add to this expense the attorney fees, we shall find that it costs the tax-payers of the Government and the pensioners nearly five millions a year to disburse the pensions granted by the nation. General Black, the present distinguished Commissioner, appeared before the Committee on Appropriations in February, 1887, it being near the close of the second session of the Forty-ninth Congress, and made a lengthy statement in response to questions propounded by the gentleman from Illinois [Mr. CANNON] and my colleague [Mr. HOLMAN]. I shall read from the official report of that statement.

Mr. CANNON. What is the whole clerical force that you have in your bureau—about the number?

General BLACK. I do not know exactly. Fifteen hundred and fifty-four is the total number provided for, and I think those now employed number 1,541.

Mr. CANNON. In the interview before this committee some little time ago I understood you to say that you expected to so dispose of the business before your bureau during this and the coming fiscal year that on the 30th of June, 1888, there could be a very large reduction made in the clerical force of your bureau. Am I correct in that?

General BLACK. I do not know, Mr. CANNON, whether I ever said that before the committee or not; but I have had some little talk with you about it.

Mr. CANNON. Let me ask you what is your understanding about it?

General BLACK. If there be no additional legislation by the end of the fiscal year ending June 30, 1888, we could dispense with a large number.

Mr. CANNON. About how many?

General BLACK. I can not tell. If there is additional legislation——

Mr. CANNON. Upon the theory that there will be none?

General BLACK. Taking the present legislation?

Mr. CANNON. Could you dispense with several hundred, do you apprehend?

General BLACK. Yes; I should think 150 or 200 could be dispensed with. That would be a very unhappy bit of information to a great many, but it is probably true.

Mr. CANNON. Do you recollect the increase that was given in your bureau for the fiscal year 1882-'83?

General BLACK. Only by what I find of record. Mr. Brock, the assistant chief clerk, who is here, informs me that the number added at that time was 810. That is a matter that I did not concern myself with, it being a portion of the changes that lay before the time when I took charge of the bureau.

I call special attention to two facts prominently set forth by the distinguished Commissioner. First, that of the force of 1,554 employés of the Pension Office, 810 had been appointed during the fiscal year 1882 and 1883, and must therefore have become thoroughly efficient by the spring of 1885, when he took charge of the office; and second, the broad and unqualified statement that taking the legislation then in force, and provided no further legislation was enacted increasing the work of the office, he could by June 30, 1888, dispense with the services of—to use his exact words, "I think from 150 to 200 of the employés can be dispensed with."

There has been no legislation which has in any sense materially increased the work of that office, none that in any way increases the work of the medical department. Has there been a decrease of from 150 to 200 employés? No; there has been no decrease at all. The present year's appropriation bill provides for the entire force for the fiscal year ending June 30, 1889.

Mr. Chairman, in the face of this record I can not see any reason whatever for the passage of the bill now before the House, a bill which increases the number of the medical board from twenty-three to twenty-nine, and increases the annual salaries in the sum of $20,450; a bill which proposes to change a whole class of employés carried from year to year as the exigencies of the service may require upon the appropriation bills, and create twenty-nine statutory offices, which will hereafter require an annual appropriation of $62,100 until such time as some future Congress may see proper to repeal the act creating them. I do not believe the demands of the service require it. I am persuaded that it is best to adhere to the present liberal and ample appropriation for salaries of the Pension Office.

Mr. Chairman, the Democratic party, with a blare of trumpets, went before the country in 1884 demanding, with all the zeal of a host of hungry place seekers, a reform in the administration of the Government and promising the most rigid economy should Cleveland be elected. He was elected, and we now stand at the middle of the third quarter of the fourth year of that reform and economic Administration, and what, Mr. Chairman, is the condition which confronts us? The promises of reform and economy have not, I regret to say, Mr. Chairman, been kept; like all promises from that source they have not materialized, and upon footing up appropriations made and pending we now realize that the reform and economy of Mr. Cleveland's administration have cost the nation the modest sum of $95,000,000 more than the administration of Mr. Arthur. The bill under consideration proposes to increase this vast sum in the amount of $20,450 a year. Mr. Chairman, because I love an economic administration of Government more than I can Democratic promises of economy and reform, is my reason for opposing this specimen sample of those articles as we are supposed to view it, and insist upon adhering to the appropriations made, whereby we can save $20,450 a year.

Mr. PAYSON. Mr. Speaker, I am opposed to the passage of this bill. At the outset I am met with this difficulty. I do not understand how this bill came before this committee or the authority it has to report it. I find by the bill itself, which was introduced on the 4th day of January, 1888, by Mr. BURROWS, of Michigan, it was referred to the Committee on Expenditures in the Interior Department. It proposes an increase in the force of employés in one division only of the Pension Office and an increase in the salary of the employés in that division.

Now, the rules of the House, Mr. Chairman, and I read from Rule XI, clause 3, provide that the appropriation of the revenue for the support of the Government pertaining to the legislative, executive, and judicial departments, for their expenses, shall go to the Committee on Appropriations. And pursuant to that rule an appropriation bill is reported year by year in that Committee on Appropriations providing for this class of employés, how many shall be named, the duties they shall perform, and the sums to be paid to each and all of them. Of course the Committee on Appropriations having jurisdiction of that subject it is for them to recommend to the House the number of employés which are necessary and the amount of money to be paid to them in performance of such duty.

And we all know, as a matter of legislative experience, that the Commissioner of Pensions and the other bureau officers appear before the Committee on Appropriations and make their recommendations and submit arguments in favor of increases whenever in their judgment the exigencies of the public service require it; and I find by reference to the legislative appropriation bill reported by the Committee on Appropriations this year and passed by this House that the Commissioner of Pensions was satisfied, so far as appears from this bill, with the force, Mr. Chairman, that has been there in that division for the last twelve years, and was perfectly content with the salaries that were being paid to each employé for his services. Nothing appears to indicate other than that he and they were perfectly satisfied with the existing conditions. That general bill provides for one medical referee at a salary of $3,000, one assistant at a salary of $2,250, two qualified surgeons at a salary of $2,000 each, and eighteen medical examiners at a salary of $1,800 each; and the fact is disclosed by the RECORD, if any one will take the pains to look at the debate on that question when the bill was under consideration, that there was no claim suggested by any one that the force was insufficient or the salaries not enough.

But the gentleman from Michigan is prevailed on by somebody to introduce this bill, entitled "A bill to increase the efficiency of the medical bureau of the Pension Office," and this efficiency is to be increased mainly by the increase of the salaries to an aggregate of $20,450 per year to the employés of that bureau. It is an unusual thing to start out with; but I am opposed to it on principle. If there is a necessity, Mr. Chairman, for an increase in the force of any division of the Pension Office they ought to have it, and I am willing that they should have it. There is no branch of the public service that demands at the hands of Congress liberal appropriations or the payment of efficient salaries to efficient employés for the transaction of the public business more than the Pension Office.

But I insist, sir, that the duties which should be and have been faithfully and efficiently performed for the last fifteen or twenty years under Republican management for the amount of salary provided in the legislative appropriation bill for this year ought to be performed by gentlemen who happen to occupy these positions, and who are of the opposite political party, on the same terms and with equal efficiency. No question has been made since I have been in public life, to my knowledge, as against the efficiency of these persons or their ability for the performance of the duties assigned to them in this bureau of the Government when under the control of Colonel Dudley and his predecessor. There never was a time in that part of the history of the Government, so far as I know, when the positions that these gentlemen now hold have not been regarded as desirable, and when applicants have not been eager and swift in their applications for appointments to these positions; and they are then, when seeking the place, willing to perform the duties devolving upon them for the salary fixed in the existing law.

It is only a pretense that any one of the gentlemen who are now appointees in the Pension Office and beneficiaries under this bill would perform more efficiently the duties of his office if this increase were accorded. They are all content to keep the places they have and at the salary fixed by existing law.

The bill is only to help the worthy, needy political brother out. That is the simple truth of the matter. To add a small increase in

the force of that small division of twenty-two employés and increasing the pay-roll $20,450.

Mr. Speaker, it will not work: increasing the efficiency of the division! It is a subterfuge; there is nothing whatever in it. It is only another step in the direction we have so often seen taken since the party represented by the gentlemen on the other side has been in power in this Government, of increasing the number of officials and their salaries. That is a fixed Democratic policy in practice.

I remember very well, sir, in 1880, when the national Republican convention was in session in the city of Chicago, and when a question was presented to the convention involving a proposition of a pure civil service for this Government, that the convention and the country was somewhat startled by an energetic inquiry made by a gentleman from Texas, who wanted to know, "What are we here for?" [Laughter.] It is well understood what he meant by the inquiry, and that question was taken up and the changes rung upon it by speakers of your party, Mr. Chairman, all over the North and the West, indicating, as was asserted on every stump throughout the whole country, that the pretense of the Republican party for reform in the civil service was a mere sham, and that Mr. Flannagan struck the key-note of the question in his famous inquiry.

Since then in each political campaign the Republican party has been charged with extravagance and prodigality in expenditure of the public money, with maintaining not only an unnecessary army of useless officials, but paying them extravagant salaries; and the Democratic party, never noted, so far as I have observed, for its modesty of profession or any infertility of promise—no matter how barren it has proved as to performance—frightened the people into a belief of the charges against us and succeeded to the control of the Government.

And since then how they have performed here!

If Mr. Flannagan, of Texas, was a member of the Democratic party and had been present during the last four years he would have had no occasion to inquire what that party was here for so far as patronage is concerned. [Laughter.] And his patriotic heart beyond all question would have been warmed within him and been more than satisfied with the energy manifested, efforts vigorously made, and the success always achieved even down to to-day by gentlemen of his party in securing all they desire in results, of not only enjoying the sweets of possession of office, but increasing its desirability by increase of pay.

But, Mr. Chairman, it is due to the people of this country that the Democratic party's performances should be at least an equivalent of the Democratic party's promises of "economy, retrenchment, and reform" when they succeeded in getting power in this House under a pretense demonstrated to be false, but under which pretense they secured the election four years ago.

Mr. BLAND. Will the gentleman permit me to ask him a question?

Mr. PAYSON. Certainly.

Mr. BLAND. What proposition has been here to make appropriations of public money that your side has not to a man voted for and supported?

Mr. PAYSON. There is one proposition now pending, this one, that gentlemen on this side have not voted for and will not; and all that have been passed, all increases of salaries, have been passed by the Democratic party and passed by a Democratic majority and without a dissenting vote on your side of the House, or an expression of opinion against it, so far as I am advised. Your side present all these proposals, because you control the committees, and no one knows it better than the gentleman [Mr. BLAND].

Mr. BLAND. I remember when the public-buildings bill was up for consideration——

Mr. CHEADLE. The gentleman, I suppose, remembers the action that was taken on this subject, especially by the gentleman from New Jersey, in opposing such propositions.

The CHAIRMAN. The gentleman from Illinois has one minute of his time remaining.

Mr. PAYSON. I desire to say in that one minute, Mr. Chairman, that I am reminded by the gentleman from Indiana [Mr. CHEADLE] that when this bill, the legislative bill, was under consideration upwards of thirty points of order as to increases of salary were made by the gentleman from New Jersey [Mr. BUCHANAN]. I do not know how this is, but I assert now and the record will show that in the history of the Government there has never been a time when there have been so many increases in offices and salaries as since this Administration has been in power, and they have been passed by the votes on the other side of the House. [Applause on the Republican side.]

I am in favor of all needed increases in the clerical force of any of the Departments of the Government and of the payment of good salaries for service so rendered, but I am opposed to increasing the pay of appointees under this Administration above that paid Republicans for many years, for services conceded to have been equally as efficient as those now being performed, and by employés of equally as high a standard as those now in the public service.

These gentlemen now in office were not ignorant of what Republicans were doing and had done for years for these salaries. They eagerly sought these positions, and got them; and now, sir, by my vote, they shall not be released from the obligation to perform these duties for what we did.

Let the Democratic party and its appointees, if they can not validate the charges made against the Republican party, at least make an honest effort to redeem its pledges of economy, and be content with an equally efficient performance of duty at the same salaries as its predecessor, and on that score the people, with their observation of this Administration, will be content. [Applause.]

[Here the hammer fell.]

Mr. HERBERT. In the five minutes yielded to me I desire, in the first place, to welcome our Republican friends in the new rôle that they are now playing on economy. I assure them, although I have no authority to speak for anybody but myself on this side, that I am very well satisfied that if this bill comes to a vote there will be at that time, as there always is when a question of economy is up, more members on this side voting on the side of economy than on that side. I think the gentleman from Illinois is entirely justified in his criticisms, and I welcome them. There is no reason in the world why we should increase these salaries. If they were sufficient ten years ago, or fifteen years ago, they ought to be sufficient now. Notwithstanding this bill is reported unanimously by Republicans and Democrats on the committee, it seems to me that this House ought to make an example of every such bill as this and sit down on it. Money is worth more now a great deal than it was ten or fifteen years ago. If the officers could afford to do the duty of any of the positions enumerated in this bill ten years ago for $2,000, I can see no reason, and there can be no good reason, why $2,400 should be paid them now. The excuse is made by gentlemen who have reported the bill and favor it, that some of these men threaten to resign in case the salary is not increased. Suppose they do. It is no irreparable hardship for a public officer to resign his place, if in his opinion he can do better elsewhere. If he should resign there are plenty of men all over the country and in every State of the Union, in every Congressional district, who are capable of performing these duties who will only be too glad to have an opportunity to do so. So I say, in my opinion, this bill ought to be defeated; and I am very sure it will be defeated. I would be entirely willing to trust it to the Democratic side of this House; and if it comes to a vote, I predict that there will be more voting against it on this side of the line than on that.

Mr. CHEADLE. I yield five minutes to the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. I agree with my friend on my right [Mr. HERBERT, of Alabama]. I believe, as he believes, that this bill should be defeated. There is no reason for any increase in the salaries of these officers, and I am surprised that we should be called upon to increase their salaries at the suggestion of one of the parties interested and a beneficiary under the act, because the report alleges that the medical referee himself urges the passage of this bill which proposes to increase his salary from $3,000 to $3,600.

Mr. O'NEILL, of Missouri. Will the gentleman permit me to interrupt him?

Mr. SOWDEN. I have no time.

Mr. O'NEILL, of Missouri. I want to tell you that the medical referee has not asked for the passage of this bill.

Mr. SOWDEN. Then the report which I have before me misrepresents the fact.

Mr. O'NEILL, of Missouri. That may be.

Mr. SOWDEN. The bill proposes to increase the force as requested by the Commissioner of Pensions and the medical referee; and it also provides for an increase of salaries.

Mr. O'NEILL, of Missouri. It was the action of the committee that the salary of the medical referees should be increased by this bill.

Mr. SOWDEN. It seems to me that the salaries of these officers should not be increased. We have declared ourselves in favor of a most rigid, honest, and economical administration of the Government. We have placed ourselves on record against any increase of officers and against any increase in official salaries; while this bill proposes to increase the expenditures of the Government $20,450 by increasing the number of these officers and the salaries of those already in the service.

I am surprised that the committee having this bill in charge should have recommended its passage, particularly when we are in favor of the strictest kind of economy in the management of governmental affairs under the present Administration.

We believe in lopping off all unnecessary offices and dispensing with all unnecessary office-holders, and paying those in the public service a just compensation for the services they render. It has been said that we have increased the expenditures under this Administration some $95,000,000 over and above the expenditures of the administration that immediately preceded this; and yet we have here an attempt to still further increase that amount. I am opposed to this unnecessary increase of the public expenditures, and I hope this bill will meet the doom it merits by its defeat. [Applause on the Republican side.]

Mr. CHEADLE. I yield five minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I thank the gentleman from Indiana [Mr. CHEADLE] for his courtesy. This bill was introduced by an elo-

quent and able Representative on the Republican side, Mr. BURROWS, of Michigan.

Mr. PAYSON. A victim of misplaced confidence.

Mr. O'NEILL, of Missouri. And it was not dreamed by the committee that he was working the Trojan horse for the purpose of inviting a raid that would involve almost the destruction of the United States Treasury. Our committee honestly believed that the people of this country wanted efficient service. They were free to believe that you could not obtain the best class of medical service for the salaries you paid, of about $2,000; that you could not induce first-class surgeons and physicians, oculists and other necessary specialists to give up their practice and to come here and take these positions.

We thought if our physicians and surgeons are incompetent that great loss would ensue to the Government or to the pensioners; they might make improper allowances, which would involve a raid on the Treasury or an unjust allowance to the pensioner and thereby deprive him of what is honestly due him, and it is my experience that just such mistakes are liable to be made and pensioners injured. Now, I undertake to say that there is no reputable physician in this country who will not say this increase in salaries should be made and the best medical talent secured. From the resignations that have occurred in that department of men of recognized ability, I believe that you could even improve upon the present medical force.

Mr. SOWDEN. Oh, no.

Mr. O'NEILL, of Missouri. Yes, I do.

Mr. SOWDEN. We could not improve upon the officers of this Administration.

Mr. O'NEILL, of Missouri. I have listened to the economical remarks of the gentleman from Pennsylvania with a great deal of patience. [Laughter.]

Now, as the distinguished and extremely competent gentleman at the head of the medical board, Dr. John Campbell, has been referred to, I think it proper to read the following from a private letter received from him concerning the pending bill. He says:

I desire to say that the bill 1548 was not my bill. I did not prepare it, nor was I instrumental in preparing it in any way, nor in presenting it to Congress. I have asked nothing for myself, but I have asked as an act of justice that the medical examiners in this bill for an increase of their salaries be provided for by Congress.

If there is any point to be made in this matter by those opposed to the measure, let them make it on the medical reference; he says that it is an act of justice to the medical examiners to do so, for I am sure that the medical profession of this country from one end to the other will not look with favor upon any attempt to prevent a just recognition of the services of medical men connected with the Pension Bureau. The letter was intended to be private, but in justice to Dr. Campbell I think it proper to place its substance here in the RECORD.

Now, I am not referring to this matter in any spirit of partisanship. These buncombe speeches that are made here to-day on both sides of the House we all understand perfectly well, and for my part I have heard them over and over and over again until I almost feel like imitating the little boys and calling out "chestnut" on them. [Laughter.]

So far as this question is concerned, it ought to be dealt with on its merits, and gentlemen ought not to take an opportunity like this to thrust in their little speeches about "economy," because the people understand very well how much they are worth when applied to an increase of expenditures in the line of increased intelligence.

You gentlemen also know that there will be no chance to have your predictions about the vote upon this bill tested, because at the end of this hour its consideration terminates and up goes the bill. [Laughter.] Therefore my naval friend from Alabama [Mr. HERBERT] can very safely say that he is satisfied that a large majority of the Democratic members of the House will vote against this bill, knowing very well that there will be no opportunity to bring the matter to the test. [Laughter.]

Now, Mr. Chairman, I am satisfied that a large majority of the Democratic members and of the Republican members of this House are in favor of improving the pension service wherever it is needed, especially as we spend hundreds of millions in pensions, and that on sober second thought they will admit that the salaries paid to the medical examiners are not sufficient to secure and retain the services of the best medical talent. Everybody knows that they are small compared with those of the legal examiners, those gentlemen who contrive to get good, large salaries in every branch of the public service. [Laughter.] I trust, Mr. Chairman, that you are not looking at your watch on my account. [Laughter.]

The CHAIRMAN. The gentleman has one minute of his time remaining.

Mr. O'NEILL, of Missouri. Then I ask leave to extend my remarks in the RECORD.

Mr. BRUMM. I shall object to any remarks being printed in the RECORD, or to anything that requires unanimous consent, until justice is done me by allowing me to print my testimony.

Mr. O'NEILL, of Missouri. Then I will ask permission of the House to have read now what I desire to have read in this connection. Have I consent?

Mr. BRUMM. If it requires unanimous consent, you have not.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CHEADLE. I yield five minutes to the gentleman from Kentucky [Mr. TAULBEE].

The CHAIRMAN. The gentleman, Mr. CHEADLE, has only five minutes remaining.

Mr. TAULBEE. Mr. Chairman, the most limited arrangement as to time that was contemplated between the gentleman in charge of this bill and myself was that I should have ten minutes. Gentlemen all know that I would hardly get started in five minutes [laughter], so I will yield my time to the gentleman from Missouri to have read whatever he desires.

Mr. O'NEILL, of Missouri. Mr. Chairman, we all have leave to print on the Chinese bill; if necessary I will print my remarks as an amendment to that bill. [Great laughter.]

The CHAIRMAN. The gentleman from Kentucky [Mr. TAULBEE] is entitled to the floor.

Mr. TAULBEE. If the gentleman from Missouri declines the courtesy which I have offered him——

Mr. O'NEILL, of Missouri. I am grateful to the gentleman, but I will print in the RECORD the balance of my remarks.

Mr. BRUMM. I shall object.

Mr. O'NEILL, of Missouri. You can not.

Mr. BRUMM. I shall.

Mr. O'NEILL, of Missouri. Oh, no; the objection is overruled. [Laughter.]

Mr. WASHINGTON. Mr. Chairman, the gentleman from Kentucky [Mr. TAULBEE] has very kindly yielded me his time.

The CHAIRMAN. The Chair will state to the gentleman that there is little less than two minutes of the consideration hour remaining.

Mr. WASHINGTON. Of course, Mr. Chairman, we expected to hear from our Republican friends on the other side of the House just such a tirade on behalf of "economy" as we have listened to to-day. This bill was introduced by one of their ablest members, the gentleman from Michigan [Mr. BURROWS]. It is true that somebody on that side suggested awhile ago that he was "a victim of misplaced confidence." How often is the gentleman from Michigan a victim of misplaced confidence? I thought his eyes were as wide open as those of my friend from Illinois [Mr. PAYSON], and that he never had sand thrown in them. He introduced this bill, I presume, in good faith, and the Committee on Expenditures in the Interior Department took it into consideration in good faith. We examined into the facts, and we are not afraid of the responsibility for any consequences that may result from the passage of the bill, because we believe that the medical division of the Pension Bureau ought to be administered in such a way as to save this country an immense unnecessary outlay in more ways than one. By having an unfair or improper decision from the medical department of that bureau you damage either the pensioner on the one hand or the Government on the other, according as the decision may fall on the one side or the other. I have no idea that skilled medical men can be employed for $1,800 a year.

Mr. PAYSON. The Republican party furnished them for twenty years, and will do it again after next March.

Mr. WASHINGTON. The legal examiners receive $2,000 a year, and they have much less difficult duties to perform than the medical experts, who are required to examine the papers in these pension cases and to trace back a disability which exists to-day to a wound or an injury incurred in 1861, 1863, or some other year of the war. No tyro in medicine can do work like that; no $1,800, no $1,000 man can do it; and yet to-day there are nineteen clerks who are paid only from one thousand to eighteen hundred dollars a year to do such work.

The CHAIRMAN. The hour for consideration of bills has expired, and the committee will rise.

Mr. BRUMM. Before the committee rises, Mr. Chairman, I desire to make a personal explanation——

The committee rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. HATCH, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration a bill (H. R. 1548) to increase the efficiency of the medical division of the Pension Bureau, and had come to no resolution thereon.

Mr. McCREARY obtained the floor.

Mr. O'NEILL, of Missouri. I ask leave to extend my remarks. I believe the gentleman from Pennsylvania [Mr. BRUMM] withdraws his objection.

Mr. BRUMM. I objected to the request of the gentleman to extend his remarks in the RECORD; and I wish——

The SPEAKER *pro tempore* (Mr. DOCKERY). There is nothing before the House. The gentleman from Kentucky [Mr. McCREARY] has been recognized.

Mr. McCREARY. I call up for present consideration the special order, being House bill No. 11309.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Pennsylvania [Mr. BRUMM] rise?

Mr. BRUMM. For the purpose of making a personal explanation for half a minute.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks unanimous consent to make a personal explanation. Is there objection? The Chair hears none.

Mr. BRUMM. I objected to my friend from Missouri [Mr. O'NEILL] printing in the RECORD anything beyond what he said. From that it might be construed that I am opposed to the bill. I desire to say that I am a member of the committee that reported the bill, and am in favor of it. I think the objections to it are based on a "penny-wise and pound-foolish" retrenchment.

Mr. O'NEILL, of Missouri. You withdraw your objection to the extension of my remarks?

Mr. BRUMM. No, sir; I do not. [Laughter.]

FISHERIES.

The House resumed the consideration of the special order, being the bill (H. R. 11309) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. SCOTT] is entitled to the floor.

Mr. McCREARY. Before the gentleman from Pennsylvania [Mr. SCOTT] proceeds, I would like to have some agreement with gentlemen on the other side with regard to terminating the debate and having a vote on this measure. We have already consumed two days on this bill. It is very important we should get through with it. So far as I have heard we are all for the bill. Every member, with the exception of one, is in favor of it, as I understand. I see no reason why other business should be delayed by taking up so much time in the discussion of this bill. Therefore I hope that our friends on the other side will agree to a time when we can consider the previous question as ordered upon the engrossment and third reading of the bill, so as to take a vote upon its passage.

Mr. HITT. It was the hope, I believe, of both sides of the House that a final vote on this bill would be reached to-day. But three hours of to-day's session have already been consumed in other business. Though a number of gentlemen desire to be heard on this bill, it is quite likely that we can reach a vote to-morrow, if, in addition to that portion of to-day now remaining, we have two hours to-morrow for debate. I make that suggestion.

Mr. McCREARY. The gentleman from Illinois [Mr. HITT], as I understand, suggests that we go on with the consideration of this bill to-day and have two hours more to-morrow, the time to be equally divided.

Mr. HITT. I can not say that my proposition will be agreed to on this side. I make it rather as a personal suggestion.

Mr. ANDERSON, of Kansas (to Mr. HITT). You mean that there shall be two hours on our side?

Mr. HITT. Two hours on each side; there are two hours remaining to-day.

The SPEAKER *pro tempore*. The Chair will state that up to this time one hundred and eighty-nine minutes have been occupied by gentlemen on the right of the Chair, and one hundred and sixty-one minutes by gentlemen on the left.

Mr. McCREARY. I think the Chair is mistaken in that computation.

Mr. BAYNE. I freely consented that my colleague [Mr. SCOTT] should have whatever time he desired to speak on this bill. I consider it one of very great importance—fraught with very grave consequences; and I feel it is but just that those of us who wish to speak upon this measure should have a reasonable time in which to do so. I am certain that a number of gentlemen on the other side, as well as on this, wish to be heard; and I am quite sure that two hours to-day and two hours to-morrow will not give sufficient time. I therefore suggest that the vote be taken on this measure to-morrow afternoon at half past 4 o'clock, which will give abundance of time, and that there be now a unanimous agreement to that effect.

Mr. McCREARY. If agreeable to gentlemen on the other side, I suggest that at 4 o'clock——

Mr. BAYNE. I was going to suggest that the morning hour and the consideration hour be omitted to-morrow, so that we may have the whole day for this discussion.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from Pennsylvania to the fact that there is no consideration hour on Friday.

Mr. O'NEILL, of Missouri. I did not intend to meddle with this discussion; but the gentleman from Illinois [Mr. HITT] and the gentleman from New Jersey [Mr. PHELPS] have thought proper to refer to me in their speeches in connection with the remark I made about this message of the President being a magnificent campaign document. I insist on having the right to be heard before the debate is closed. I want to get in; that is what I mean. [Laughter.]

Mr. McCREARY. I have agreed to give the gentleman some of the time at my disposal.

Mr. O'NEILL, of Missouri. All right.

Mr. McCREARY. I propose that to-morrow at 4 o'clock, if it be agreeable to gentlemen on the other side——

Mr. BAYNE. I suggest to the gentleman that the understanding be that the consideration of this bill begin to-morrow immediately after the reading of the Journal.

Mr. McCREARY. Then I ask unanimous consent that this bill be considered to-morrow, commencing immediately after the reading of the Journal, until 4 o'clock, at which time it be agreed the previous question shall be considered as ordered upon the engrossment and third reading of the bill.

Mr. THOMPSON, of Ohio. I suggest that to-morrow, being Friday, is private bill day.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. McCREARY] asks unanimous consent that the consideration of this bill be continued to-morrow immediately after the reading of the Journal, and that at 4 o'clock the previous question be considered as ordered upon the engrossment and third reading of the bill. Is there objection?

Mr. WHITE, of Indiana. I object, for the reason that I think this bill ought to be allowed to take the ordinary course in this House, and each member be permitted to have his say upon it, if he wishes to say anything. Up to this time, I believe, the discussion has been confined principally to members of the committee. The chairman [Mr. McCREARY] says he understands all members are in favor of the bill. I do not know where he gets that information.

Mr. McCREARY. I give notice that to-morrow at 4 o'clock I will move the previous question.

Mr. HITT. It is the understanding, I suppose, that the time given to debate on the bill shall be fairly divided?

Mr. McCREARY. Oh, yes.

[Mr. SCOTT again addressed the House. For his speech complete see page 8353.]

Mr. McCREARY. I ask the gentleman from Pennsylvania [Mr. SCOTT] to yield to me for a moment.

Mr. SCOTT. Very well.

Mr. McCREARY. Mr. Speaker, I am informed that gentlemen who objected to limiting debate on this bill do not object any longer. Therefore I ask unanimous consent that the consideration of this bill after the adjournment to-day be resumed to-morrow, after the reading of the Journal, and that at half past 4 o'clock to-morrow the previous question be considered as ordered on the engrossment and third reading of the bill and also on its passage.

Mr. WILSON, of Minnesota. I want to understand the effect of this proposition. I desire to say a few words on this subject.

The SPEAKER *pro tempore* (Mr. DOCKERY). The gentleman from Kentucky asks unanimous consent that after the adjournment to-day the consideration of this bill be resumed to-morrow, immediately after the reading of the Journal, and that at half past 4 o'clock to-morrow the previous question be considered as ordered on the engrossment and third reading of the bill and also on its passage.

Mr. DAVIS. I would be glad if the Chair would inform us how much time has been occupied thus far.

The SPEAKER *pro tempore*. Of course the Chair understands that the time is to be equally divided.

Mr. DAVIS. But I would be glad to know how the account stands up to date.

The SPEAKER *pro tempore*. Up to this moment there have been occupied two hundred and seventy-nine minutes by gentlemen on the right of the Chair and one hundred and sixty-one minutes on the left.

Mr. PAYSON. A parliamentary inquiry: Has the time assigned to the gentleman from Pennsylvania [Mr. SCOTT] been exhausted by him?

The SPEAKER *pro tempore*. It has not been. The gentleman has yielded temporarily in order that this request may be submitted.

Mr. CANNON. I have no objection to the request of the gentleman from Kentucky provided the gentleman from Pennsylvania does not take all the time to-morrow. [Laughter.]

The SPEAKER *pro tempore*. The Chair understands the gentleman from Kentucky [Mr. McCREARY] to couple with this request the further request that the time shall be equally divided. If the Chair is misinformed on that point——

Mr. NELSON. That is, that there shall be an equal division from the beginning of the debate.

The SPEAKER *pro tempore*. Certainly; that the entire time is to be equally divided.

Several MEMBERS. That is fair.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Kentucky as stated by the Chair?

Mr. WILSON, of Minnesota. I desire to make some remarks on this bill, and unless I can be assured of an opportunity to do so I shall object.

Mr. DAVIS. It will be borne in mind, I presume, that about one hour and three quarters are still due to our side.

Mr. McCREARY. I ask unanimous consent that the session of this evening be extended until the gentleman from Pennsylvania [Mr. SCOTT] shall conclude his remarks.

The SPEAKER *pro tempore*. If there be no objection, the last request of the gentleman from Kentucky will be submitted first. The gentleman from Kentucky asks unanimous consent that this day's session be extended until the gentleman from Pennsylvania shall have concluded his remarks.

Mr. BURROWS. There is no objection if it is understood that no other business is to be done.

The SPEAKER *pro tempore*. That is the understanding.

Mr. McCREARY. The request of the gentleman was that his time be extended for that purpose.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is ordered accordingly.

The gentleman from Kentucky asks that by unanimous consent, after the conclusion of this day's session, the further consideration of the pending bill be resumed to-morrow after the reading of the Journal, and that at 4.30 p. m. the previous question shall be considered as ordered on the engrossment and passage of the bill, the time to be equally divided between the two sides of the House. Is there objection?

Mr. WILSON, of Minnesota. I stated my objection. I have some remarks to make. [Cries of "Regular order!"]

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President, by Mr. PRUDEN, one of his secretaries.

The message further announced that he had approved and signed bills of the House of the following titles:

An act (H. R. 2176) granting a pension to Alexander J. Collinge;

An act (H. R. 5529) granting a pension to Flora Heath;

An act (H. R. 8494) granting a pension to Gilbert Reed;

An act (H. R. 8534) granting a pension to Jacob Copes;

An act (H. R. 9672) granting a pension to Eliza A. Williamson;

An act (H. R. 10418) granting a pension to Hannah L. Irwin;

An act (H. R. 6501) to grant a pension to Joseph F. Garrett;

An act (H. R. 10525) to increase the pension of Edward Jardine;

An act (H. R. 11062) for the removal of the political disabilities of Gustavus W. Smith; and

An act (H. R. 6001) granting a pension to Sarah J. Fraily.

VETO MESSAGE—RUSSEL L. DOANE.

The SPEAKER *pro tempore* laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I herewith return without approval House bill No. 2507, entitled "An act granting a pension to Russel L. Doane, of Peck, Sanilac County, Michigan."

It is proposed by this bill to pension the beneficiary therein named as the dependent father of the late Demster Doane, late Company D, Thirty-fifth New York Volunteers.

The only information I have concerning this case is furnished by the report of the committee of the House to whom the bill was referred. There is nothing alleged in the report except that Demster Doane, who was a second lieutenant in the company and regiment named, died at Peck, Mich., on the 22d day of September, 1881, and that the deceased up to the time of his death supported his father, the claimant, who is now over eighty-one years of age, incapable of manual labor and destitute of the means of support.

There is no intimation that the death of the son, sixteen years after the close of the war, was caused, or in any way related to his military service. I do not understand that it has ever been claimed that a parent should be pensioned for the death of a son who had been in the Army, unless his death could be traced in some way to his Army service.

While this case is probably one where the exercise of generosity would be pleasant and most timely to the recipient, I can not think that such a precedent should be established.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 6, 1888.

FISHERIES.

Mr. SCOTT. Mr. Speaker, I desire to thank the gentleman from Mississippi [Mr. HOOKER] for having allowed me to precede him in this debate.

Mr. Speaker, I think it was Prince Bismarck who once made the remark that the Schleswig-Holstein question in Europe was one that no diplomat or statesman could understand, and in fact that he did not understand it himself. But, sir, he settled that question eventually after the German Empire was consolidated, by taking possession of Schleswig-Holstein and incorporating it into the German Empire. I think I may safely say that this whole fishery dispute between Great Britain and the United States, or rather between Canada and the United States, is as complicated as was the Schleswig-Holstein dispute in Europe.

It would be impossible, in the time permitted for the discussion of this question, to take it up exhaustively from the beginning. Nor is it necessary for me to do so. Should I attempt it, I would have to begin practically at the point when Canada was first settled by the French and Nova Scotia by the French and English. While the Spaniards were seeking an El Dorado and a short route to the Indies in the southern half of this continent, the French and the English were colonizing in the north and endeavoring to acquire territorial jurisdiction; and perhaps no more valuable discovery or acquisition was made by them, as considered at that day, than the fishing interests of Nova Scotia, the island of Cape Breton, and Newfoundland, including also what are known as the Grand Banks of the present day. Canada and Cape Breton were French colonies and Nova Scotia an English colony. To the wealth-producing power of the fishing banks of Newfoundland they attached more value than to any other portion of the rights and privileges which they enjoyed under these settlements and acquisitions.

In 1745, Great Britain being at war with France, Governor Shirley, of Massachusetts, devised a plan for taking Louisburgh, which was adopted by the Legislature of that province, in secret session, by a majority of one vote. The forces were promptly raised, and William Pepperell was appointed commander. Connecticut sent 516 men, New Hampshire 304, and Massachusetts 3,250, who embarked in one hundred New England vessels, and supported by a British squadron, under Commodore Warren, landed near Louisburgh April 30, and Louisburgh was captured June 17, the forty-ninth day of the siege. It is hardly necessary for me to say that the French were dispossessed of Cape Breton mainly by the American colonies in the capture of Louisburgh; and here our rights as the then subjects of Great Britain had their beginning.

Following the preliminary treaty of peace, concluded between Great Britain and the United States November 30, 1782, of which article third relates to the fishery question, came the definitive treaty of peace, concluded September 3, 1783, our commissioners being John Adams, Benjamin Franklin, and John Jay; and of that, article third relates to our subject. Our rights as therein set forth were not asked as a concession from Great Britain, but, as John Adams afterwards said, "were demanded as an ultimatum; that when the British ministers found that peace could not be had without that article, they consented; that we asked no favor, we requested no grant, and would accept none," in the consideration of a privilege of which we were co-equal owners with Great Britain.

In the treaty of 1818 between the United States and Great Britain Albert Gallatin, our minister to France, and Richard Rush, our minister to Great Britain, were the plenipotentiaries on the part of the United States, and Article I of that treaty relates to the subject.

This article embodied every right in relation to this subject which we had acquired. What is the language? I quote from the treaty:

ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States *shall have forever in common with the subjects of His Britannic Majesty* the liberty to take fish of every kind on that part of the coast of Newfoundland, which extends from Cape Ray to the Rameau Islands, on the western coasts of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, here above described, and of the coasts of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purposes with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Whenever you get away from the treaty of 1818, and Article I of that treaty, you are sailing without compass and without a chart.

The next treaty between Great Britain and the United States which concerns us was what was known as the reciprocity treaty, concluded June 5, 1854. The plenipotentiary on the part of the United States was William L. Marcy, Secretary of State, and on the part of Great Britain the Earl of Elgin, then governor-general of Canada. Article I of that treaty relates to this dispute.

This, sir, was also under a Democratic administration. It will be observed that under the provisions of this article none of the rights and privileges heretofore enjoyed by our fishermen under previous treaties were abridged, and that the restriction upon our fishermen not to fish within the 3-mile limit was removed.

Under this treaty with Great Britain certain Canadian products were admitted into the United States free of duty—among others, fish of all kinds. By the terms of Article V of said treaty it was to remain in force for a period of ten years from the date it went into operation, and further for the expiration of twelve months after either of the high contracting parties had given notice to the other of its wish to terminate the same. When this treaty was abrogated our privilege to fish within the 3-mile limit fell with it, but not our rights as set forth in Article I of the treaty of 1818.

I have but briefly outlined the history of the past relating to this subject, that those who may desire to do so can refer more fully to the data I have considered. And I desire to say here that Article I of the treaty of 1818 clearly defines our rights in connection with this whole subject. We can ask for nothing more, as a right, than what belongs to us, and we should accept nothing less. And while our privileges have been enlarged by subsequent treaties between the United States and Great Britain, such additional privileges terminated with the life

of the treaty which gave them, and we had Article I of the treaty of 1818 to fall back upon. Nowhere in Article I of that treaty can I find that, as a right, we could demand of Canada what the New England fishermen ask to-day; but as privileges they are reasonable and just, when our policy towards Canada is considered.

But here, sir, I shall not confine myself to the subject as it deals with the past, but will consider it as a partisan question, forced upon the country by a Republican Senate for partisan purposes, regardless of every other interest; and to do this I will endeavor to show how our rights have been protected under Republican as compared with Democratic administrations.

We come next to the treaty between Great Britain and the United States, proclaimed July 4, 1871. This treaty was negotiated under a Republican administration, and the commissioners on the part of the United States were Hamilton Fish, Secretary of State; Robert Cummings Schenck, our minister to Great Britain; Samuel Nelson, an associate justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon.

Articles XVIII to XXV inclusive of this treaty related to the fishery question. Article XXX related to the transportation, in part by water and in part by land, from one point in the United States, through Canada, to another point in the United States. Article XXIX related entirely to the transportation of goods in bond between Canada and the United States, and it is to the last six lines of Article XXIX that I desire particularly to call the attention of the House. Article XXVII related to the joint use of the canals of the two countries, and Article XXVIII related to the right of British bottoms to navigate Lake Michigan.

Article XVIII of this treaty relates to fisheries. It was substantially Article I of the treaty of 1818, and conceded the right of our fishermen to fish within the 3-mile limit of Canadian territory; but those rights terminated at the expiration of the treaty. This gave us also the right to fish on the shores of the provinces of Quebec, Nova Scotia, New Brunswick, and the colony of Prince Edward's Island and the several islands thereunto adjacent, which we did not possess under Article I of the treaty of 1818. I may say that the settlement of what are known as the Alabama claims formed the principal subject-matter of the treaty of 1871, while the fisheries question was but incidental to it.

I now desire, sir, to call the attention of the House particularly to Article XXIX of the treaty of 1871 and its provisions, not only as they relate to the bill now before the House, but also in connection with Senate bill No. 3173 and House bill No. 10786, of the Forty-ninth Congress, relating to this subject, and the act approved March 3, 1887, the result of these bills.

But before referring to this article more fully I would call the attention of the House to the fact that the trade relations between Canada and the United States had not been provided for by treaty stipulations prior to 1871, except by the treaty of 1854 which had been abrogated in 1866. They were provided for by statutory law of the United States, revocable at the option of the Government when the interests of our people were to be served thereby. Sections 2971, 3005, 3006, and 3102 of the Revised Statutes provided how and in what manner goods and merchandise in bond should pass between the two countries under our statutory laws before the treaty of 1871 went into effect, and sections 2866 and 4347 were enacted to carry out the treaty of 1871. But, as I have said, most valuable privileges, temporarily conceded on our part to Canada prior to 1871 and revocable at pleasure, by Article XXIX of the treaty of 1871, we parted with during the life of that treaty, a period now of eighteen years. But what is more remarkable, under this article they are made to apply to concessions by Canada to us, and which Republican Senators claim are in full force and effect to-day and which they claim will require two years' notice to abrogate, and for which we received nothing in return.

I quote from Mr. Blaine's "Twenty Years in Congress," where he comments upon the treaty of 1871. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

It would not be just to impute carelessness to the American members of the Joint High Commission in framing the articles of the treaty relating to the fisheries. It is quite evident, however, that they had not closely studied the question and had allowed the British commissioners to gain an advantage.

It was not wise to forfeit, by the assent of so imposing a body as the Joint High Commission, our right of protest against the injustice of its provisions and to agree practically to the assertion that our fishing rights began in 1818.

But a much greater blunder was committed. * * * By practically conceding in the first place that money should be paid to Great Britain and by leaving to the Reference to determine the amount without any limit whatever, they (the American commissioners) offered a great temptation to wrong dealing against which the United States has reserved no defense and could secure no redress.

Mr. SCOTT. That is the criticism, Mr. Speaker, of the historian, not of the politician. It is a Republican historian criticising a Republican administration and a Republican board of commissioners, who undertook to negotiate that treaty and protect the interests of this country. [Applause on the Democratic side.]

Mr. PHELPS. Will the gentleman yield to me for a question?

Mr. SCOTT. If it is not too long. I have so much regard for the gentleman's capacity——

Mr. PHELPS. I will endeavor to make it very brief.

This commission to which reference is there made was appointed by the advice and consent of the Senate. It did not make a success. The commisions which reported the Chamberlain treaty made a greater failure; and I wanted to ask the gentleman if the appointment of that commission was also with the advice and consent of the Senate, or if it was not made in defiance of the Senate and against their protests?

Mr. SCOTT. I will answer that question later on, if the gentleman will do me the honor to follow my argument.

Mr. Blaine does not criticise Article XXIX of the treaty of 1871, to which his language is even more applicable than to the fisheries, when he says:

It is quite evident, however, that they had not closely studied the question and had allowed the British commissioners to gain an advantage.

Article XXIX of the treaty of 1871 I ask to have read.

The Clerk read as follows:

It is agreed that for the term of years mentioned in Article XXXIII of this treaty goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit without the payment of duties through the territory of the United States under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit without the payment of duties from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that for the like period goods, wares, or merchandise arriving at the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit without the payment of duties through the said possessions under such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit without payment of duties from the United States through the said possessions to other places in the said United States, or for export from ports in the said possessions.

Mr. SCOTT. Now, to fully comprehend this article we must understand the situation as it existed in 1871. Canada at that time had no sea-port for five months in the year; the Grand Trunk Railroad terminated at Montreal, and the St. Lawrence River was closed for five months in the year by ice. There was no other possible way for Canada to export her products and import what she desired during the winter months except through the ports of the United States, and she would have been practically excluded from the outside world had not the privileges contained in the twenty-ninth article been granted to her.

Treaty obligations being reciprocal, Canada conceded to us as a nation the same privileges that we conceded to her so far as concerned the importation of goods in bond between the two countries. But this concession on the part of Canada was absolutely worthless to us at that time, and has only been utilized in later years to a moderate extent by the importation of English salt and other coarse commodities into Montreal, which have been transported in bond to Chicago and other Western ports. But even here Canada derived a greater benefit from such importation than our people did, because she secured the transportation of this business to her railroads from Montreal to the Detroit River, a distance of about 600 miles.

Now, the privilege we conceded Canada, under this article, of importing goods in bond through the United States was of great advantage to her, as I have said, and from which we also derived some benefit, as our railroads at least got something for the transportation of these importations. But the great injustice done us under this treaty is embraced in the concession contained in the last clause of Article XXIX, as follows:

And under like rules and regulations and conditions, goods, wares, or merchandise may be conveyed in transit without payment of duties from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

Why our commissioners should have accepted this right from Canada by treaty stipulation as a concession to us is incomprehensible to me.

Referring to the privileges conceded by Canada to us under the last clause of Article XXIX of the treaty of 1871 and also Article XXX, let us fully understand what in fact we gave away and its value to Canada. From the formation of our Government down to the present time we have absolutely prohibited foreign vessels from engaging in our coastwise trade, and no gentlemen have been more strenuous in maintaining this policy than the Republican representatives of the New England States in both Houses of Congress. They are always protectionists where protection puts ducats into the pockets of their people, and they are equally good free-traders when such a policy also benefits their people, regardless of the interests of any other section of the country. The navigation laws of the United States prohibit a foreign ship from taking a cargo of lumber from Portland, Me., to New York. This is in the interest of the New England vessel-owner and American seamen on the high seas, and no party in this country objects to it. Now, a vessel is a vehicle of transportation upon the water, and a railroad-car a vehicle of transportation upon land. Under the articles referred to, the pretended concession made by Canada to us is that the cars of her railroads may enter the United States, there loading them up with our produce and merchandise, carrying them to the northern boundary of the United States, say the Detroit River, there crossing and transporting this produce and merchandise 600 miles through Canadian territory, entering the United States again by the Victoria Bridge at Montreal or other points

on the New England frontier and delivering this produce and merchandise, either for home consumption in the Eastern States or for exportation from New England ports to Europe.

These cars are then again loaded up with Eastern manufactures, protected under our tariff laws from 30 to 100 per cent., and carried up to Montreal, again transported over Canadian railroads, re-entering the United States at Detroit and other ports on the Detroit River, and delivered at all our great commercial centers in the interior of our country. Now, let us look at this for a moment. The cars in which these goods are transported were built in Canada and out of Canadian material, by Canadian labor, and they were permitted under this provision to enter and re-enter the United States without duty upon them. It is true that American cars enjoyed the same privilege for our local traffic over Canadian railroads without the payment of duty to Canada; but if a Canadian railroad desired to purchase a car manufactured in the United States, a duty of 30 per cent. was levied by the Canadian Government upon such car, and if a locomotive belonging to a Canadian railroad, where the railroad was owned by citizens of our country, should have the simplest repairs done to it in the United States, on its return into Canada it was subject to a Canadian tax for such repairs, although utilized for transporting local American tonnage over their roads.

Under the provisions of this article which I have referred to a Canadian car is permitted to go into the pineries of Michigan and there be loaded with lumber, transported about 100 miles in the United States to the Detroit River; thence, as I have said, 600 miles through Canada to Montreal, and unloaded in Portland. If this is not free trade with Canada in railroad transportation then I do not know what it can be called; but not free trade in fish, fresh or salted. Yet to-day you can not find a Republican Senator or Representative from the New England States who favors depriving Canadian railroads of this privilege, although it is impossible for any man advocating the theory of protection to reconcile this state of affairs with the principles underlying the laws governing our coastwise trade.

The President should have been given the power absolutely to terminate such a condition of affairs, as insisted on by the House of Representatives in the Forty-ninth Congress, not only upon the ground that Canada had violated Article XXIX of the treaty of 1871, but that it had been a concession on our part to her for the past eighteen years for which we have received no equivalent. No conscientious protectionist should have objected to the granting of this power to the Executive. The country may not know what we have given away under the provision referred to. During the last winter I obtained at a great deal of trouble, from official sources, the following data of the number of Canadian and American cars which were loaded in the United States with American products and merchandise under the privileges conferred by this article of the treaty of 1871, transported through Canada on Canadian railroads, re-entering the United States again, and either distributed locally in the United States or exported; which I ask to have read.

The Clerk read as follows:

Number of Canadian and American cars, and weight of contents, transported in bond from one point in the United States through Canada to another point in the United States, during the fiscal year ending June 30, 1887, *not including the car transportation in bond between the two countries.*

Port of departure.	Number of cars.	Weight of contents.
		Tons.
Buffalo, N. Y.	54,332	705,316
Detroit, Mich.	*165,417	2,091,735
Ogdensburgh, N. Y.	†2,496	250
Plattsburgh, N. Y.	224	1,712
Port Huron, Mich.	66,350	995,250
Portland, Me.	3,106	37,272
Saint Vincent, Minn.	152	2,000
Suspension Bridge, N. Y.	96,308	833,810
Vermont.	25,000	250,000
Total.	‡410,889 †2,496	4,918,345

*25,968 empty. †Packages. ‡Cars.

Mr. SCOTT. This report shows a gross tonnage of about 5,000,000 tons carried by these Canadian railroads of American produce and merchandise from one point to another point in the United States through Canada. I have had a careful estimate made of the gross money value to Canadian railroads from this business, and a very low estimate is $6,000,000 per annum. Good authorities put it at $8,000,000. Now when we consider that the steel rails over which this immense tonnage is transported in Canada are not subject to a duty of $17 per ton as are those of the railroads of the United States; that the labor employed in the transportation of this produce and merchandise in Canada pays no tax into our Treasury, nor consumes the home produce of our farmers, we can have some faint idea of the injustice that is done, not only the wage-workers of our railroads but those employed in all our industries to operate, equip, and maintain our roads by the continuance of this policy.

To show how directly our people are interested, it is necessary to understand how the railroad business of the country is done. The employés of the railroad companies of this country, as a rule, are not paid by the month, but by the number of trips; the engineers, firemen, conductors, and train-men are always so paid, and when there are no trains to go they remain idle without pay until their turn comes. Now, if this 5,000,000 tons of freight had been transported over American railroads, it is a very easy calculation to ascertain the employment it would have furnished our own people instead of giving it to the people of Canada. This is true protection.

The present ministry of Canada is so interwoven with the Canadian railroad system that the two must either swim or sink together. The large public debt of the Dominion has been incurred mainly by subsidies to her railways, and it is an undoubted fact that to-day the Canadian railroads are supported largely by the American traffic, local to the United States, which I have referred to. It is folly to claim that Canadian railway competition cheapens the cost of transportation in the United States.

Mr. McCREARY (the hour of adjournment having arrived). Does the gentleman from Pennsylvania desire to conclude his remarks this afternoon?

Mr. SCOTT. I would prefer to proceed in the morning. There is very important matter connected with the debate, to which I desire to call the attention of the House.

Mr. McCREARY. Then I suggest that the gentleman proceed with his remarks until two minutes to 5 o'clock, when I will ask him to yield to a motion to adjourn.

Mr. SCOTT. I shall be very much obliged if the House will consent to permit me to conclude my remarks in the morning, when I will also answer the question of the gentleman from New Jersey.

Mr. McCREARY. If the gentleman will now yield, as the hour for adjournment is close at hand, I will make that motion.

Mr. SCOTT. Certainly.

Mr. McCREARY. Before making the motion to adjourn, I desire to ask unanimous consent on behalf of the gentleman from Pennsylvania that he may be allowed to conclude his remarks in the morning. How much time, Mr. Speaker, remains to the gentleman?

The SPEAKER *pro tempore*. The gentleman has occupied fifty-five minutes of his time.

Mr. SCOTT resumed his remarks at 2.30 p. m., September 6.

Mr. Speaker, when the hour of adjournment arrived yesterday I had proceeded in the line of my argument from a short historical account of how our rights to these fisheries originated to the practical results growing out of the treaty of 1871, and I submitted to the House certain data showing what we had conceded under the last six lines of Article XXIX of the treaty of 1871. I will now resume at that point.

The treaty of 1871 has been in force for a period of eighteen years, and, as claimed by the Republican Senate, is in force to-day. Under an award made by a commission created by this treaty we received something over $15,000,000, paid in cash by the English Government for having virtually exterminated our flag from the high seas, in connection with the Alabama depredations. Let us see now, under the last six lines of Article XXIX of that treaty, which was made to appear as a concession to us from Canada, what was the money value of the same to the people of Canada, and whether or not, from a national point of view, we have not given them, for which we have received no consideration, value to nearly five times the amount paid us under the Alabama award.

I have shown that for the year ending June 30, 1887, the gross value of the traffic earned by Canadian railroads, derived entirely from the local tonnage of the United States—and this does not include the bonded business between the two countries—amounted to about $6,000,000. A low average of the gross earnings of these Canadian railroads for a period of eighteen years under this clause can not be put at less than $4,000,000 per annum; and for a period of eighteen years it would amount to a gross sum of $72,000,000. When we come to divide this between capital and labor, as experience has shown it is divided in the United States, 65 per cent. of this sum would go to labor and for materials produced in the United States, and 35 per cent. to capital. Sixty-five per cent. of $72,000,000 amounts to $46,800,000. This has been taken away from the wage-workers and the industries of the country, in the States of Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, and the New England States, and 35 per cent., amounting to $25,200,000, has been received by the owners of Canadian railroads; and yet I think to-day we have more miles of railroad in the United States than in all the other countries of the world combined, and could have transported this enormous tonnage within our own territorial limits and over our own roads, or by our own ships on the Great Lakes, without the additional cost of 1 cent either to the producers or consumers of this country. Can it be claimed, if these figures are correct, that England virtually paid us anything under the Alabama award? The country must not forget that the treaty of 1871 was made under a Republican administration and by Republican commissioners.

I will call attention of the House to Article XXII of the treaty of 1871, which provided commissioners to determine a compensation, if any, to be paid by the United States for privileges granted by Article XVIII of this treaty; and of Article XVIII I will read only the heading: "Rights of the inhabitants of the United States in Certain Sea

Fisheries in Common." Under Article XVIII the restriction of the 3 miles limit was removed, conceding us a privilege which we did not enjoy under Article I of the treaty of 1818; that is, our fishermen were allowed to go within the 3 miles limit and fish in the mouth of the St. Lawrence and on the shores of the provinces of Canada.

As I have said, Article XXII authorized the appointment of a commission to determine whether the concessions granted us in Article XVIII of this treaty were of more value than what we conceded to Great Britain. Under the award growing out of Article XXII the United States was compelled to pay $5,500,000. I have in my hand an excellent authority, "The Republican Party, Its History, Principles and Policies," edited and revised by a very distinguished gentleman, an ex-Governor, and now a member of this House, the Hon. John D. Long, of Massachusetts, which I will send to the Clerk's desk to have read about five lines.

The Clerk read as follows:

Under the terms of that treaty we secured the right to fish within the shore-line of Canada, and other privileges unnecessary to mention, paying for these almost worthless rights $5,500,000, giving to Canada our markets for her fish. During the life of this treaty we remitted in duties nearly $6,000,000—the last year of its existence, in 1885, nearly $700,000, or, to be exact, $689,602.25.

Mr. SCOTT. That is not my criticism of the treaty of 1871. Bear in mind I have shown that, under Article XXIX of the treaty of 1871, by a concession to Canada of railroad traffic in the United States, we had virtually given away $72,000,000, just as much as if it had been taken out of the Treasury of the United States and had been sent over to Canada. It was taken from the wage-workers, the manufacturers, and producers in the country. [Applause.]

All my life, sir, I have had a good deal to do with balance-sheets, and whenever I come to close up my account I want to see the balance-sheets; I want to know where the profit and loss account stands. I make it as follows:

Great Britain in account with the United States.

DR.

To amount paid Canadian railways under Article XXIX of the treaty of 1871, for a period of eighteen years		$72,000,000
To error in award under said treaty, paid by the United States		5,500,000
To amount of duties refunded Canada on fish and fish-oils for a period of twelve years		6,000,000
Total		83,500,000

CR.

By amount received under Alabama award claims	$15,500,000	
By amount received for the right to fish within 3-mile limit of the Gulf of St. Lawrence and the shores of Canada	000,000,000	
		15,500,000
Balance due the United States		68,000,000

But, sir, what was at the bottom of all this? Why was it done? In whose interest? During the late unpleasantness with our Southern brethren the Alabama had committed certain depredations by the destruction of our ships. Most of these ships had been insured, and the parties who suffered had made good their loss from the insurance companies, so that the Alabama claims passed mainly either into the hands of the insurance companies or of private parties who were not the original claimants. The object, therefore, was what? That these claim agents and insurance companies might get the $15,000,000 from Great Britain, whether it cost our people and our Government $100,000,000 or not.

There is hardly any portion of the United States to-day where competition does not exist between rival roads. The Canadian railroads possess no advantage as to distance over our rail and water routes from one point in the United States to another point in the United States, except as to a limited area in the State of Michigan. Take a line drawn due east and west from the city of Baltimore to the city of Chicago. The whole territory south of such a line is nearer to Portland by American railroads than it is by Canadian railroads; and yet Canadian railroads, under Article XXIX of the treaty of 1871, are competitors for every ton of local business originating in this territory destined to our seaports on the Atlantic coast. All of this tonnage secured by Canadian railroads, which it is possible for them to divert from our own seaports and which they can export via Montreal, is so exported to the loss of our own ports on the Atlantic—Portland, Boston, New York, Philadelphia, and Baltimore; and what they carry and can not so export by Montreal they carry from one place in the United States to another.

Again, take the city of Chicago, and let us compare a rail route of Canada partly through the United States and partly through Canada to Portland, with an American railroad between the same points. I select Portland, as it is the terminus of the shortest route for Canadian roads, and the most remote point of export from Chicago on our north-eastern sea-board. The Grand Trunk Railroad of Canada, extending from Chicago to Portland, is the shortest route through Canada, and the distance from Chicago to Portland by that route is 1,145 miles, divided as follows:

	Miles.
Canadian railroads	632
American railroads in the New England States	166
American railroads west of the Detroit River	347

making 513 miles of American railroad and 632 of Canadian railroad by this route. The distance from Chicago to Portland by all American rail route is 1,153 miles, and this distance is via Boston, which can be reduced to Portland by shorter New England routes. There is, therefore, only a difference of 8 miles in favor of the Canadian railroads.

The American route is as follows:

	Miles.
Chicago to Buffalo	540
Buffalo to Albany	297
Albany to Boston	200
Boston to Portland, via Boston and Maine Railroad	116
Making a total of	1,153

It will be seen from the foregoing statement that if the shortness of the route affects the cheapness of transportation, the Canadian route offers no advantages, even when Portland, located in the extreme north-east section of our country, the nearest exporting point to Canada and the extreme exporting point on our eastern seaboard, is considered. But it will be observed that a saving in distance of 116 miles of rail transportation would be made if this produce were exported from Boston instead of Portland; the distance still diminishing the farther south we go, from New York, Philadelphia, and Baltimore.

In the second session of the Forty-ninth Congress a bill known as the retaliation bill was introduced relating to this subject by Mr. EDMUNDS (Senate bill No. 3173), and was passed by the Senate and referred to the Committee on Foreign Affairs of the House of Representatives. This bill authorized the President in certain contingencies by proclamation—

To deny vessels, their masters and crews, of the British Dominions of North America, any entrance into the waters, ports, or places of or within the United States.

And also—

If he thought proper, to deny entry into any port or place of the United States of fresh fish or salt fish, or any other product of said Dominion, or other goods coming from said Dominions to the United States.

The enforcement of these provisions and powers by the President would simply result in non-intercourse with Canada.

A declaration of non-intercourse between two countries is a serious matter, but I had no fears that if this right were conferred upon the President he would ever exercise it, except as a last resort to protect the honor and the interests of the American people. If, however, you can secure justice and right for yourself by simply reserving to yourself what of right belongs to you and which no nation on the earth would claim that you are not fully entitled to, you accomplish peacefully what perhaps belligerent methods would fail to secure. For the fact that we are not in a position to do this to-day a Republican Senate is responsible.

The Senate bill was referred to the Committee on Foreign Relations in the House of Representatives on the 23d day of February, 1887, who reported back to the House a substitute for the Senate bill, which was substantially the Senate bill with the following amendment:

And he may also forbid the entrance or importation, either by land or water, into the United States, of any goods, wares, or merchandise from the aforesaid Dominion of Canada or Newfoundland, or any locomotive, car, or other vehicle, or any goods that may be therein contained, from the Dominion of Canada.

Mr. NELSON. Will the gentleman allow a question just there?

Mr. SCOTT. Certainly.

Mr. NELSON. I do not desire to interrupt the gentleman for the purpose of annoying him, but simply to call his attention to the fact that the very clause he reads was predicated upon the assumption that the British Government or the Canadian Government would violate Article XXIX of this treaty, which was assumed to be in force. I have the Belmont bill, as it is called, in my hand, and will read that paragraph:

And upon proof that the prizileges secured by Article XXIX of the treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied to goods and merchandise arriving at the ports of British North America, the President may, by proclamation, forbid, etc.

So you observe in this retaliation bill (the Belmont bill) his right to do as you claim was conditional upon the fact that the British Government or the Canadian Government, subsequently to that time, should break Article XXIX of the treaty, which you assume now has been obsolete all through these years.

Mr. SCOTT. I will answer the gentleman, but I will do so when I come down to that point in my argument. I would say to the gentleman, just as a brief answer to his inquiry, that the notice received from the Canadian Government that our fishermen would no longer be allowed to send their fish in bond through Canada into the United States was clearly a violation of Article XXIX, in my judgment. I am aware, sir, that in 1878, Mr. Foster, agent of our Government at Halifax, wrote to Mr. EVARTS, then Secretary of State under General Grant, that by conceding to Canada that the right for our fishermen to send their fish into the United States was not covered by Article XXIX of the treaty of 1871, a large sum of money had been saved under the award when we paid Canada $5,500,000 referred to herein. But, sir, I will show him how he and his friends on that side of the Chamber, in connection with a Republican Senate, made it impossible for the President to meet that difficulty before I get through.

There has been, sir, a great deal of low-down cunning work in this whole matter, and if I have time I propose to expose it.

The House bill as amended conferred upon the President of the United States the right, under certain contingencies, to abrogate Article XXIX of the treaty of 1871, and also to do precisely what the bill now under consideration proposes to do as to goods passing in bond between the two countries; and to go further—not only to abrogate Article XXIX of the treaty of 1871, by which we agreed that Canada might transport her goods in bond; but, sir, it gave him the power, covered by Article XXIX, which had appeared as a concession to us, by the last six lines, to stop Canadian cars from coming into the United States and transporting our local traffic from one point in the United States through Canada to another point in the United States. And it was just under these six lines, where under the guise of a concession to us, an absolute gift was made to them of $72,000,000, to which I have just referred.

House bill No. 10786, the substitute for Senate bill 3173, in the Forty-ninth Congress as amended, giving the President power to abrogate Article XXIX of the treaty of 1871, was passed by a Democratic House and sent to the Senate. The yea-and-nay vote which was called on the passage of the substitute was as follows: Yeas—Democrats 136, Republicans 1. Nays—Republicans 123, Democrats 1. Now, on the final passage of the bill substituted by the House the yeas were 256: Democrats 135, Republicans 121. The nays—1 Democrat.

When the Republican Senate refused to concur in the bill as amended by the House and the final vote was taken on the bill, whether the House should insist or recede, the yeas were 148: Democrats 16, Republicans 132; nays 136: Democrats 135, Republicans 1.

On the 24th of February, 1887, Mr. EDMUNDS in the Senate said:

I suppose it is hardly necessary to read the substitute—

Referring to the House bill.

I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference thereon, and that the amendment of the House and the bill of the Senate be printed together for the use of the Senate.

This motion was agreed to.

On the 25th of February the Speaker laid before the House Senate bill 3173, and the Clerk read as follows:

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill of the Senate 3173 and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Messrs. EDMUNDS of Vermont, FRYE of Maine, and MORGAN be the conferees on the part of the Senate.

Mr. BELMONT, chairman of the Committee on Foreign Affairs of the House, said:

I move that the House insist upon its amendments and agree to the conference asked for by the Senate.

The motion was agreed to.

The Speaker appointed as managers of the conference on the part of the House Messrs. BELMONT, CLEMENTS, and RICE. In the conference report made by Mr. EDMUNDS to the Senate February 28, 1887, page 2387 of the CONGRESSIONAL RECORD, after discussing the difference between the House and the Senate bill, we find the following language:

The irreconcilable point of difference between the managers of the two Houses is the insistance on the part of the House managers upon adding to the scope of the Senate bill, and so going beyond it, the further provision that, in case of injurious treatment of our vessels in British American waters, it shall be within the competence of the President of the United States to absolutely stop intercourse, not only by water, but by land, between the people of the United States and the people of the British territories adjacent, thus absolutely cutting off the continuous movement of railway trains from the British provinces to any part of the United States, and in effect reciprocally from the United States to British Dominions, either on the northern boundary of Minnesota, at the river St. Mary, at Port Huron, at Detroit, at Grosse Isle, at Buffalo, at Niagara Falls, at Rouse's Point, at Highgate, Franklin, Biddeford, Troy, Derby, and Norton, on the northern border of Vermont, and on the northern and eastern borders of Maine, at all of which places it is understood there now exist interior railroad lines crossing the boundaries of the two countries—in some cases operated and practically owned by British subjects, and in other cases operated and practically owned by American citizens.

The report further says:

The Senate managers have felt it to be a duty to decline to go to this extent—

And that—

there is no present justification for reposing in the Executive this further enormous power proposed by the House of Representatives in its amendment and insisted upon by the House managers.

The absurdity of this logic is too palpable for discussion. Under the original bill as it passed the Senate, under certain contingencies—

It shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States—

And also—

to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or goods coming from said dominions to the United States.

Now, it will be observed that while a Republican Senate was willing to confer upon the President of the United States the greater power to exclude a Canadian vessel from the ports of the United States, and not only Canadian vessels, but Canadian products, and especially Canadian fish, fresh and salt, we find the following language:

The Senate managers have felt it to be a duty to decline to go to this extent—that is, excluding cars—and have thought it to be clear that the provisions for the protection of American interests set forth in the Senate bill and in that part of the House amendment are entirely adequate to the peaceful end in view, and that there is no present justification for reposing in the Executive this further enormous power proposed by the House of Representatives and insisted upon by the House managers.

"To the *peaceful end in view*" (?) The act authorized the President of the United States, by proclamation, to forbid the entry into the ports of the United States of the ships of a people with whom we were at peace. It prohibited their products from coming within the limits of the United States. But to confer upon the President of the United States the power to exclude Canadian cars engaged in the internal commerce of our country, transporting that commerce from one point in the United States to another point in the United States through Canadian territory, the distinguished Senator from Vermont held, was a power too "enormous" to confer upon a Democratic President.

Had the House amendment become a law, and which the President favored at that time, and been accepted by the Senate, it was optional with the President to exercise any one of or the whole of the powers conferred upon him under the bill. A proclamation of the President simply withdrawing the privileges enjoyed by Canadian railroads granted under the last clause of Article XXIX of the treaty of 1871 could have been considered by the Canadian Government neither as a *casus belli* nor as an unfriendly act. We would have been thereby keeping simply what properly belonged to us. Intercourse and trade between the two countries could have continued as usual. Such a proclamation would not have been declaring non-intercourse between Canada and the United States, nor have affected the entrance and clearance of their vessels in our ports, nor would it have excluded their products from entering the United States; but the withdrawal of this privilege to participate in our internal commerce would have struck the Canadian Government and the Canadian railroads a heavier blow than could have been dealt by any other possible method short of actual warfare, and which we as a government could have adopted, and must have soon brought about a settlement of all the disputes between Canada and ourselves—that is, if we were willing in the future to extend to Canada the privileges which she has enjoyed during the past seventeen years, of participating in our internal commerce.

This whole question between the House and the Senate, so far as the Senate was concerned, was practically left to the Republican Senators from the New England States, who are supposed to be protectionists *par excellence* in their regard for home capital and home labor.

The drippings of commerce from these Canadian railways largely inured to the benefit of New England roads, particularly those in Vermont, as well as New England ports. The loss of these drippings, even to secure from Canada what it was claimed our fishermen and fishing interests were fairly entitled to, would have soon caused a counter-irritant in the public sentiment of New England, not only inland, but in New England seaports, that would have made the whole dispute local and not national. It would have brought about a division of sentiment of the people interested, both in New England and Canada, which would have ended in a solution of the whole subject.

Now, the opposition to this proviso in the House bill referred to came from Mr. REED, of Maine, the Republican leader in the House, and from Mr. Rice, a Republican from Massachusetts, a member of the Committee on Foreign Affairs and also a member of the conference committee on the part of the House, whose constituency evidently did not appreciate his efforts in their behalf in connection with this legislation, as his place is to-day occupied by a Democrat from Massachusetts [Mr. RUSSELL], though it is a Republican district, by some 5,000 majority.

Mr. DAVIS. Does the gentleman desire to say that has anything to do with the fisheries dispute?

Mr. SCOTT. I do not know that his action on that bill was the sole cause of his defeat.

Mr. DAVIS. I supposed you were well informed.

Mr. SCOTT. The active opposition of these gentlemen and of the Senate finally resulted in the House receding from the amendment as a concession to the Senate to save the failure of the bill, which would have conferred upon the President the power to exclude Canadian cars, which, if it had been granted as provided in the House bill, would have conferred upon him all the powers necessary to have brought about an amicable and fair adjustment of this vexatious and irritating difference between the two countries.

I will say that in the line of my argument it is necessary for me to follow the ins and outs of this legislation, so that it does not permit me to make as logical and consecutive an argument as I otherwise might make, but I will try to track it down.

Mr. NELSON. Will the gentleman from Pennsylvania allow me to ask him a question there?

Mr. SCOTT. Certainly, sir.

Mr. NELSON. The gentleman is in favor, as I gather from his argument, of the retaliation bill of the House in the last Congress. Is he in favor of breaking up the trade of the Northwest in favor of the trunk lines of this country?

Mr. SCOTT. That is not in the line of my argument.

Mr. NELSON. Is that your position?

Mr. SCOTT. I will answer the gentleman after awhile.

Mr. NELSON. I would like to know for the benefit of the Northwest.

Mr. SCOTT. I would again call the attention of the House to Article XXX of the treaty of 1871, and I quote as follows:

It is agreed that, for the terms of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Here, sir, under this provision the coastwise trade of the United States was virtually opened to foreign bottoms for the first time in the history of the country.

Mr. NELSON. Only as to the St. Lawrence waters.

Mr. SCOTT. No, sir; the Great Lakes and the St. Lawrence.

Mr. NELSON. I meant that.

Mr. SCOTT. Please do not interrupt me.

Mr. NELSON. I want you to explain this correctly.

Mr. SCOTT. I am not discussing this question as a partisan. I shall endeavor to keep to the facts; I am not talking politics. [Laughter on the Republican side.]

But, sir, it will be observed that the high commissioners, under a Republican administration, who consented to this article were very careful that this privilege did not extend to the seacoasts of the United States, but was confined to the great inland fresh water seas of the United States, over which to-day is transported a volume and value of tonnage exceeding the entire volume and value of the exports and import tonnage of the United States, and this inland tonnage is carried on by American seamen, who, when their services are needed, can always be relied upon to defend the country, while, as shown by the testimony taken by the Ford committee, out of every one hundred seamen employed on New England fishing vessels, 75 per cent. of them are citizens of Canada, Nova Scotia, and other aliens.

I submit the following evidence taken before the Ford committee:

L. M. MONTGOMERY:

Q. What is your occupation?

A. I am a special agent of the United States Treasury.

Q. In charge here?

A. Of this district, yes, sir.

Q. What does this district include?

A. It includes Stonington to New London, Conn., all of Rhode Island, Massachusetts, Maine, and New Hampshire. * * *

Q. State whether it is customary for large numbers of aliens to seek employment in the New England States during the fishing season, and to return to their homes at the conclusion of the season?

A. It is customary, sir.

Q. State whether they come in large numbers or otherwise?

A. They come sometimes in large numbers, as many as two or three hundred; sometimes in groups of twenty-five or thirty. Generally in a number sufficient to man a ship, not less; that would be sixteen to eighteen.

Q. Do you mean a fishing schooner?

A. A fishing vessel; yes, sir.

Q. Have you had occasion to inquire and become familiar with the proportion of aliens employed as fishermen in the New England States?

A. I have.

Q. What, in your judgment, is the proportion of aliens of the whole number of persons engaged in fishing; what proportion are aliens?

A. From the data which I have obtained at the various fishing ports of the New England districts, I should say 75 per cent. were aliens.

Q. Taking the thing as a whole?

A. Yes, sir.

Q. You mean persons not citizens of the United States?

A. Not citizens of the United States.

Q. What countries do these aliens belong to generally?

A. They come principally from the British provinces, some are Portuguese, some are Scandinavians, and other Europeans of less numbers.

Q. What Canadian provinces do they come from?

A. Principally from New Brunswick and chiefly from that part known as Cape Breton.

Q. They are Cape Breton fishermen?

A. Yes, sir.

Q. State whether they are men well skilled in their business.

A. They have the reputation of being excellent fishermen.

Q. Why is it that such a large number of these aliens are enabled to obtain employment here?

A. Because they engage themselves for a less rate of wages and they work more continuously and are generally less expensive than the native fishermen, and also for the reason that there are very few native fishermen left to man the vessels.

Q. What has become of the native fishermen?

A. They have been, if I may use the term, exterminated by the immigration of the aliens.

Q. And gone into other occupations?

A. Yes, sir.

Q. Such as what?

A. Such as in the shoe factories, and are at the industrial centers of New England—Lowell, Manchester, Salem, and those places where there are factories near the ports—they have gone there and practically ceased to be fishermen.

Q. Then, as I understand from your testimony, the American New England fisherman is fast becoming a thing of the past?

A. Extinct, sir. * * *

Q. Do you believe their coming here is stimulated and encouraged by the owners of these fishing industries?

A. I believe that the fact that they can be obtained for less wages and will do more and better work, and their doing better work is from the condition of the natives being estranged and alienated from their legitimate work, therefore the inducement of the owner to get them.

Q. State what means they employ to get them?

A. Generally in this way: The owners of the vessels have their agents in the provinces and they inform their agents about the time that they will have boats going out to be manned.

Q. By the provinces you mean Nova Scotia and New Brunswick?

A. Yes, sir; British provinces. The agent is notified that the vessel will proceed to a certain point on the British coast and there receive the complement, usual for an outfit, sixteen to eighteen men. She is carried across by four and sometimes only three men; the balance of the crew are then taken on board through the instrumentality of the agent of the owner knowing the time and the place of their embarking, and then they go to their work in deep-sea fishing.

Mr. COGSWELL. The statement is false. It is *ex parte* testimony. It conflicts with the United States census of 1880, with the Massachusetts census of 1885, with Professor Baird's report on the fisheries, and Secretary Manning's statement. I say it is *ex parte* testimony, and the Gloucester people already through me have asked of Mr. FORD'S committee an opportunity to contradict and disprove Mr. MONTGOMERY'S statement. A fair estimate of the aliens in the New England fishing fleet is not far from 20 per cent.

Mr. SCOTT. I wish to say in regard to this testimony, Mr. Speaker, that the gentleman who under oath gave that testimony is as accomplished, as intelligent, and as able a man as any member of this House. He is a man, sir, entirely independent and able to live without work. He speaks five different languages; and I want, because I will take no partisan advantage in this discussion, to say that after this testimony was taken an opportunity was given for it to be controverted by witnesses who subsequently appeared before the committee, and then after this rebuttal testimony was taken before the committee the witness whose language has just been read came in, and his subsequent testimony confirmed what he testified to.

Now, sir, with this little digression, in which politics broke out from the other side, I will resume my remarks.

I now ask the Clerk to read 4347 of the Revised Statutes.

It is as follows:

Provided, however, That from the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May 8, 1871, as contained in Articles XVIII to XXV, inclusive, and Article XXX of said treaty; and so long as said articles remain in force, according to the terms and conditions of Article XXXIII of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *And provided further*, That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States: *And provided further*, That the President of the United States may by proclamation suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII of said treaty.

Now, Mr. Speaker, I would remind the House that section 4347 of the Revised Statutes, which has just been read, was the law under which the treaty of 1871 was put into effect. While section 4347 was not in the treaty itself, it was due notice to Great Britain that the treaty was subject to the statute, and that in case of a violation on the part of Great Britain of the provisions specified and defined in that statute, the power was vested in the President of the United States to abrogate Articles XVIII to XXV and XXX, inclusive, in case Article XXVII of the treaty was violated by Canada, and Article XXVII related to the canals. But you must look at the section itself to see what its provisions were, and then, entirely to comprehend and get at the true inwardness of the whole subject, you must come down to the year 1883, when the Committee on Foreign Relations of the Senate of the United States reported a joint resolution for the abrogation of the treaty of 1871.

This is fine work, sir. Many a man has been hung on circumstantial evidence a great deal less significant than that which can be furnished here from the official records of the statutes of the United States and of the proceedings in the Senate of the United States. You have got to read it, and you have got to understand it. The provisions of the treaty of Washington of May 8, 1871, in relation to the fisheries are contained in Articles from XVIII to XXV inclusive, and also Article XXX of said treaty. What were Articles from XVIII to XXV? Articles XVIII to XXV related solely and entirely to the fisheries question. It was all fish, not only in the treaty, but in the statutes; and every other interest in this country, however great and however important, was made subsidiary to the mackerel catch.

Now let us come to the proviso:

And provided further, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII of said treaty.

Article XXVII of the treaty of 1871 referred to the joint use of the canals by Canada and ourselves. I call attention, however, to the fact that Article XXVII of the treaty did not absolutely give us the right to the use of the Canadian canals. In that article the Government of Great Britain simply agreed that it would use its influence to induce the Canadian Government to allow our vessels to pass through their canals.

But, if I am able to make myself clear, gentlemen will see that this was the only statute which put the treaty of 1871 into force and effect, and this statute referred only to Articles XVIII to XXV and Article XXX. It did not refer to Article XXIX. Article XXIX of the treaty of 1871 was dealt with as a provision requiring no statute of the United States to carry it into effect; it executed itself.

Now, sir, if Canada violated Article XXVII relating to the canals,

then it was within the power of the President to declare abrogated Articles from XVIII to XXV which related to the fisheries, and Article XXX which authorized Canadian bottoms to engage in our coastwise trade.

I desire now to call the attention of the House particularly to the debate which occurred in the Senate and which I send to the Clerk's desk; but before having it read I wish to say that we have come down now to a later period, to the year 1883, when the Committee on Foreign Relations of the Senate had reported a joint resolution to abrogate this treaty. I ask the Clerk to read from the CONGRESSIONAL RECORD the portion of the debate which I have marked.

The Clerk read as follows:

BRITISH FISHERIES TREATY.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Vermont [Mr. EDMUNDS].

The motion was agreed to; and the joint resolution (S. R. 123) providing for the termination of articles numbered XVIII to XXV, inclusive, and article numbered XXX of the treaty between the United States of America and her Britannic Majesty, concluded at Washington May 8, 1871, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Foreign Relations with an amendment, which was to strike out all after the resolving clause and insert:

"That in the judgment of Congress the provisions of articles numbered XVIII to XXV, inclusive, and of Article XXX of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the 8th day of May, A. D. 1871, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice.

"SEC. 2. That the President be, and he hereby is, directed to give and communicate to the Government of Her Britannic Majesty such notice of such termination on the 1st day of July, A. D. 1883, or as soon thereafter as may be.

"SEC. 3. That on and after the expiration of the two years' time required by said treaty, that each and every of said articles shall be deemed and held to have expired and be of no force and effect, and that every department of the Government of the United States shall execute the laws of the United States (in the premises) in the same manner and to the same effect as if said articles had never been in force; and the act of Congress approved March 1, A. D. 1873, entitled 'An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries,' shall be and stand repealed and be of no force on and after the time of the expiration of said two years."

Mr. EDMUNDS. In section 3, line 2, there is a clerical error. It now reads:

"That on and after the expiration of the two years' time required by said treaty, *that* each and every of said articles," etc.

The word "that," before "each," should go out as a mere matter of grammar.

The PRESIDING OFFICER. The amendment will be so amended.

Mr. BAYARD. Is this the regular notification under the treaty?

Mr. EDMUNDS. This is the regular notification under the treaty.

Mr. WINDOM. I wish to ask the Senator from Vermont whether section 3, which repeals "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," will repeal the act under which goods are imported in transit through American territory. It says "relating to the fisheries," but the Revised Statutes seem to indicate that it covers the question of transportation in bond.

Mr. MCMILLAN. That is section 2365 of the Revised Statutes.

Mr. EDMUNDS. I will look at the statute.

Mr. WINDOM. While the Senator is looking for the statute I desire to say that I am very unwilling to repeal those clauses of the treaty and those laws which relate to transportation in bond through this country, because it is a very large business and a very great interest would be injured if it should be done. I am very willing to give notice of the termination of the fishery part of the treaty, and I do not know but that Article XXIX of the treaty would cover the transportation question. The question is whether the law which is here proposed to be repealed affects transportation.

Mr. EDMUNDS. The twenty-ninth article of the treaty provides, not for the fishery subject or the transportation between the two countries of things in bond from the ports of one country to those of another, but it provides for complete transit from the sea, for instance at Portland to Quebec, and from Port Huron, in Michigan, to Buffalo, for another illustration, reciprocally. That is the twenty-ninth article.

Mr. WINDOM. Would that provide for transportation, for instance, through Minnesota, of goods brought and carried to Manitoba?

Mr. EDMUNDS. Certainly it would; it covers all that thing. Article XXX would not provide for that.

Mr. WINDOM. But Article XXIX——

Mr. EDMUNDS. Article XXIX provides, I think, for that, because it says not only New York, Boston, and Portland, "but any other ports of the United States," and then reciprocally the other way in exactly the same terms, so that Article XXIX would cover things from Manitoba coming across the Territories of the United States for the British provinces; all that would come under Article XXIX. Article XXX is an entirely different thing, which provides really for the British having the benefit of the coasting trade of the United States, and the United States having the benefit of the coasting trade on the lakes. That is the sum and substance of it, stated briefly.

Mr. FRYE. No notice is given as to Article XXIX.

Mr. EDMUNDS. Oh, no. The only question is whether this repealing clause of the act of 1873 is to operate as repealing the provisions that have been made to carry out Article XXIX; but Article XXIX did not require any legislation about it; it executed itself. I will look now at the act of 1873, and see if it did provide for carrying out Article XXIX.

Mr. MCMILLAN. I think the Senator will find it did.

Mr. EDMUNDS. It may be, but it was not necessary.

Mr. FRYE. Even if the Senator finds that it did, there is ample time to amend it at the next session of Congress.

Mr. WINDOM. Yes; but we would rather amend it now.

Mr. EDMUNDS. It can be arranged in a moment, if it is necessary. I do not think it is, for it says "relating to the fisheries;" but we can fix it in a word.

Mr. FRYE. I said to both Senators from Minnesota that it did not interfere at all with the rights and privileges which were of advantage to us under the treaty. I refer to the twenty-ninth article, which was not repealed, and not to the legislation which the resolution undertakes to repeal, for I did not have in my resolution any such reference to legislation.

Mr. MCMILLAN. This is an express repeal of legislation.

Mr. EDMUNDS. To guard against all possible misconstruction about it, I move to amend the amendment of the committee, page 3, after the end of the description of the title of the act, after "fisheries," partly in line 13 and partly in line 14, to insert:

"So far as it relates to the articles of said treaty so to be terminated."

So that we repeal the act only that far.

Mr. MCMILLAN. I think that covers it.

Mr. WINDOM. I am sure it does.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Foreign Relations as amended.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MCCREARY (the hour of adjournment having arrived). I ask unanimous consent that the session of this evening be extended until the gentleman from Pennsylvania [Mr. SCOTT], can conclude his remarks, which was agreed to.

Mr. SCOTT. Now, Mr. Speaker, I will again refer to the fact that section 4347 was the only statute which put the treaty of 1871 into effect. Under that statute if the Canadian Government violated Article XXVII of the treaty of 1871, then the President was authorized by proclamation to declare what? That Articles XVIII to XXV and XXX, inclusive, should be abrogated, but not Article XXIX, as Article XXIX was supposed to go into effect and remain in effect forever, and I will show that the Republican Senate, under the dictation of New England Senators, intended it to remain forever. We are now dealing with 1883 and a Republican administration. What was to be done? Our people wanted the treaty of 1871 abrogated, not only Articles XVIII to XXV and XXX, inclusive, but Article XXIX, and everyone supposed the Committee on Foreign Relations of the Senate introduced the joint resolution to abrogate the whole treaty. But how did they abrogate it? The joint resolution was amended. I will show it was amended, as set forth in the debates of the Senate just read.

There were Republican Senators, as the debate shows, who feared the language as contained in the joint resolution might be construed to abrogate Article XXIX, and they called the attention of the distinguished Senator from Vermont to it, and he slips down, and in his quiet way says, what? "But we can fix it in a word. I move to insert, so far as it relates to the articles of said treaty so to be determined." What articles? Articles from XVIII to XXV, inclusive, and Article XXX, leaving Article XXIX in force, which is to-day practically the only article claimed to be in force, and the only article which the Republican Senators or the gentlemen on the other side of this House will say is not abrogated and can not be abrogated under two years' notice.

I have endeavored to show what Article XXIX was and its practical results upon the wage-workers and the industrial interests of the country.

In pursuance of the aforesaid joint resolution which became a law, President Arthur issued a proclamation abrogating Articles XVIII to XXV and XXX.

The proclamation put an end to the treaty of 1871, so far as the fishery question was concerned. It abrogated the treaty in that respect, and withdrew from Canadian bottoms the right to navigate Lake Michigan and to engage in our coastwise trade on the Lakes; but it did not affect Article XXIX.

Now, we come to 1877, and the bill brought into the Senate by the Committee on Foreign Relations, of which the Senator from Vermont [Mr. EDMUNDS] was chairman, known as the retaliation bill, of which I have endeavored to give a history in my preceding remarks. If you will carry your minds back to 1883, to the debate that has been read and the amendment that was proposed by the Senator from Vermont in the joint resolution, you can see that, from the beginning down without a deviation, he pursued the accomplishment of a studied and definite purpose.

When you come to the bill which he introduced into the Senate, remember that Article XXIX of the treaty of 1871 was then in full force and effect and his bill did not touch it. When the bill came over to the House and went to the Committee on Foreign Affairs, that committee, taking a decidedly different view, reported a substitute; and when the bill came from the committee the House adopted an amendment empowering the President of the United States to do—what? Not only what the bill already empowered him to do, but also to exclude Canadian cars, [Article XXIX of the treaty of 1871]; and when the vote was taken on the disagreement between the two Houses every gentleman on the other side voted to agree with the Senate except one, as I have already shown. Why did they vote against it? They did not want Article XXIX of the treaty of 1871 abrogated—high protectionists, all of them, in everything except our domestic railroad transportation. The bill went to the Senate, with the result which I have endeavored to explain, and then the distinguished Senator from Vermont came forward and, in his grandiloquent way, in his conference report in regard to the difference between the two Houses, said it would never do, oh no, it would never do to confer "this enormous power" upon the President to exclude from the United States a Canadian car!

Mr. DAVIS. Will the gentleman allow a question?

Mr. SCOTT. No, sir. I can not be interrupted now.

Mr. LIND. Will the gentleman permit me a question? I have listened patiently to his argument and have not interrupted him in any way?

Mr. SCOTT. Yes, sir.

Mr. LIND. I understand by the gentleman's argument, if I have followed it correctly, that he is undertaking to demonstrate that Senator EDMUNDS and the Republicans generally have been opposed to any repeal or abrogation of the twenty-ninth article of the treaty and of the legislation to carry it into effect. Am I correct in that?

Mr. SCOTT. Certainly, sir.

Mr. LIND. Does the gentleman now say that he and the Administration favor that?

Mr. SCOTT. I am not talking about that.

Mr. LIND. But I have a right to ask the question.

Mr. SCOTT. I am talking now about the record; and my vote shows my position in the Forty-ninth Congress.

Mr. LIND. What is the gentleman's position?

Mr. SCOTT. As I go along I will explain that.

Mr. LIND. Well, the question is a categorical one which can be answered yes or no.

Mr. SCOTT. I will answer it in two minutes.

Mr. LIND. All right.

Mr. SCOTT. Now, Mr. Speaker, the House bill went to the Senate and was returned here, and what was the result?

Mr. DAVIS. The Democrats voted for it.

Mr. SCOTT. Hold on a minute. I decline to yield.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania declines to yield.

Mr. DAVIS. The gentleman asked a question, and I answered it.

Mr. SCOTT. The issue was as I have stated it, and you, sir, evaded it and voted against the amendment proposed by the Committee on Foreign Affairs of the House; and yet you pretend to be the friend of the New England fisherman and the friend of the wage-worker of this country. [Applause on the Democratic side.]

Mr. DAVIS. We ultimately voted together, as I understand.

Mr. SCOTT. No, sir; we did not ultimately vote together. When that bill came back to the House, and the question was presented to the House, you and your Republican friends said: If we insist on giving the President the power to abrogate Article XXIX then we will get no bill; and the Democratic side of this House, or at least a portion of the Democrats—twelve in number—when it came to a question of the House receding from the amendment voted with you, and the bill as it originally came from the Senate became a law, as the best we could get.

Mr. BELMONT. Will the gentleman permit me to make one statement here?

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield?

Mr. SCOTT. I yield to the gentleman from New York.

Mr. BELMONT. I want to recall the fact and have it in the RECORD that House conferees insisted to the end; they only yielded by instruction of the House, after a debate and a vote, in which all the Republican members of the House and a very small number of Democrats, 13 or 14, made up the majority against us.

Mr. SCOTT. Section 4347 Revised Statutes, to which I have referred, confers the power upon the President, if Article XXVII of the treaty of 1871 was violated by Canada, to abrogate Articles XVIII to XXV and XXX, inclusive. It is an undoubted fact, sir, that Canada has violated Article XXVII, and I will endeavor to prove it. The underlying principle contained in Article XXVII was that American bottoms and American citizens should have the same right to use the Canadian canals upon the same terms that the Canadian subjects use them.

The House will bear in mind that Articles XXVII and XXIX are the only ones now in force practically relating to this subject. Article XXVII is as follows:

> The Government of Her Britannic Majesty engages to urge upon the government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States; in connection with which, see Revised Statutes, section 4347.

Under the provisions of this statute we conceded to Canadian bottoms the free use of the St. Clair Canal, a canal that alone makes it possible for vessels of heavy draught to pass from the waters of Lake Erie to the waters of Lake Huron; and also the free use of the Sault Ste. Marie Canal, which alone makes it possible for any vessel to pass from the waters of Lake Huron to the waters of Lake Superior, where the Dominion of Canada possesses an inland seacoast fully equal to our own, and from which she would be excluded to-day except for this provision. What did we receive in return for this concession? The right to use the Canadian canals upon the same terms and conditions that Canadian subjects and Canadian bottoms use them.

The use of our canals is virtually free of cost to Canadian bottoms; but we were only to enjoy the privileges of Canadian canals upon the same terms and conditions that Canadian bottoms were permitted to use them. Now, let us see if this agreement has not been violated, at least in spirit if not in law, by the Canadian Government. The Canadian Government imposes a toll of 20 cents per ton upon vessels passing through what is known as the Welland Canal, extending from Port Colborne on Lake Erie to Port Dalhousie on Lake Ontario, and this is the only water connection available to American bottoms between Lake Erie and Lake Ontario. This toll is therefore paid both by American and Canadian bottoms.

Let me call the attention of the House and the country to what I consider a violation of the treaty on the part of Canada, and I can not better illustrate it than to take three steam-ships loading in the city of Chicago with American produce for exportation to Europe. Two of them are American bottoms and one English. The English vessel is loaded with grain to be unloaded at Montreal. One of the American bottoms is also to be loaded with grain to be unloaded at Montreal, and the second American vessel is loaded with grain to be discharged at Oswego, on Lake Ontario, State of New York, for export to England via New York City. All three of these steam-ships have to pass through the Welland Canal. All three pay this toll of 20 cents per ton. But the Canadian ship and the American ship destined to Montreal and whose grain is to be exported from Montreal, on their return trip, when they present to the collector of the port at Port Dalhousie a receipt from the collector of the port of Montreal that their cargoes had been exported from Canada through Montreal, receive from said collector a rebate of 18 cents per ton, making the toll only 2 cents per ton through the Welland Canal, instead of 20 cents, to the American and Canadian steamers unloading at Montreal. But the American steamer whose cargo was consigned to Oswego, on presenting a certificate that the cargo was exported to England via Oswego and the city of New York, receives no such drawback. And this violation of the treaty on the part of Canada has been going on for years past, and in direct violation of its spirit and for the benefit of Canadian bottoms and Canadian ports.

If the notice served upon this Government by the Canadian Government in 1886 that the fish of American fishermen should no longer be exported in bond through Canada under Article XXIX of the treaty of 1871 was not an abrogation of that article on their part, clearly the action of Canada in the matter I have just referred to is a violation of Article XXVII of said treaty.

Now, sir, I go to another point in this history. I desire to call the attention of the House and the country to lines 30 to 36, contained in bill No. 3173, reported to the Senate by Senator EDMUNDS from the Committee on Foreign Relations in the Forty-ninth Congress, and known as the retaliation bill. I quote:

> It shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America any entrance into the waters, ports, or places of or within the United States.

And also lines 44, 45, 46, and 47 of the same:

> And also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

Now, what does this language mean? Was it intended to entrap the President of the United States in the exercise of his high duty in protecting the honor and the interests of the United States? What construction can be put upon the words:

> It shall be lawful and it shall be the duty of the President of the United States or in his discretion.

Is this language mandatory? Or is it intended to confer discretionary powers upon the President? Or was it the intention to place the President in a position where, in certain events, whether he acted or did not act under the powers conferred, a Republican Senator could denounce him, and talk about impeachment? Did not the hand of a political assassin draught these sentences?

In House bill No. 10786, covering the same subject, introduced January 17, 1887, by Mr. BELMONT, chairman of the Committee on Foreign Affairs, the language used, which conferred upon the President the same powers embraced in the bill of Mr. EDMUNDS, was as follows: "He," the President, "can by proclamation prohibit vessels," etc.; and as to what this means there is no ambiguity or uncertainty.

Is it not about time for the American people to inquire what are the powers, duties, and privileges of the American Senate, and whether, by its acts of commission or omission, it is not in fact arrogating to itself not only powers under the Constitution vested in the President of the United States, but in its co-ordinate branch, which represents the people?

Sir, thirty years ago, in the Senate, when questions relating to the relations between the co-ordinate branches of the Government were under discussion, what was the opinion of Mr. Benton upon this subject—as able a Senator as ever served in that body?

> If the President and Senate invade the legislative field of Congress, which is to judge, or who is to judge between them, or is each to judge for itself? The

House of Representatives and the Senate in its legislative capacity, but especially the House, as the great constitutional depository of the legislative power, becomes its natural guardian and defender, and is entitled to deference in the event of a difference of opinion between the two branches of the Government.

Sir, in my humble efforts to discharge the duties of a Representative upon this floor I appear to be singled out, not only by gentlemen on the other side of this House, but also by Senators; and, sir, in coming to this subject I refer to the language which I have just quoted from Thomas H. Benton. I send to the Clerk's desk to have read the debates in the Senate of day before yesterday. It is not necessary to read it at length.

The Clerk read as follows the remarks of Senator TELLER:

Now, Mr. President, what is the condition of this bill and what are the circumstances under which it comes to us? Yesterday, as the Senate was proceeding with its business in the usual way, there came in a bill which I learn now has never seen a committee of any body, of either this House or of any other. It never ran the gantlet that every bill runs of criticism; it has never been printed. I do not know that I am at liberty to say who introduced it in the House of Representatives. I do not know how far I can go upon a question of that kind. I can state what I have seen in the public press, and I suppose I have a right to read what is in the RECORD, and if I have perhaps I have the right to say that this appears to have been introduced by a gentleman who is not a member of the committee that generally takes cognizance of these things, not only not a member of the committee, but I may say without offense to him, a gentleman that in no sense and under no circumstances has a right to speak for American labor.

Without going to a committee the bill goes through the House and comes here. The Senator from South Carolina [Mr. BUTLER] said with great frankness that it was a political movement. I do not find in the RECORD that this bill was drawn in the solicitor's office, but I hear it outside. I hear that it was sent down from the executive department of the Government in hot haste to the House of Representatives to be passed. I do not know that that is so; I only say that that is the rumor, that is the report. I submit to the Senate, however, that it does not take very much to make one believe that in the quick passage of this bill through the House of Representatives there was something more than a desire to protect American labor against the incursions of Asiatic labor.

If I were to look over the whole House and select a man who would most fitly represent the American people who toil, I should hardly have thought of selecting the man who came hot haste with that bill and who succeeded in passing it through the House as very few men would have been able to do, and he succeeded only because he is a high priest in the Democratic church. It is a bill which could only have been considered by the unanimous consent of the House, the Speaker's recognition being first had. This occurred immediately on the reading and approval of the Journal. He succeeded only because he represents the President of the United States more than any other man in the Democratic party, as he did at St. Louis and as he does everywhere, and who is reported to have contributed ten times as much money to the campaign fund as his Democratic President has given. I do not know whether that is true or not, but I know that so far as he is concerned if he chooses to give $100,000 to the Democratic campaign fund he has a right to do it. I hear that he is able to do it; that he has made his millions of money out of the laboring men of this country.

I may ask the Senator from Texas [Mr. REAGAN], who is the special antagonist here of trusts, what he thinks of letting the Democratic House of Representatives be controlled and run by this great Democrat, who is conspicuous not for his great intellect, but for his great railroad interests, of which he boasts in the Congressional Directory.

During the reading of the above extract—

Mr. SCOTT. I do not think it is necessary to continue the reading. I will put in more of it if I desire to do so. I just wish to refer to that part of it which relates to myself as a Representative on this floor.

Mr. BRUMM. Did I understand the gentleman to say that he was going to print? If he does I will object.

The SPEAKER *pro tempore*. General leave has been granted.

Mr. SCOTT. I call the attention of the House to the fact that the gentleman from Colorado in the Senate of the United States questions my right as a Representative of this House to introduce a bill. The Senator from Colorado, when he comes to talk, is for the exclusion of the Chinese; but when time and opportunity for action come, he deals in personal abuse.

Let us see, sir. The President of the United States submitted to the Senate a treaty with China. I am digressing a little from my subject, but I have got to do it—in which there was a provision prohibiting Chinese laborers coming into this country.

That treaty had already been practically agreed to, and China was ready to ratify it. It would have become a treaty obligation between the United States and China, but for what? The inertia of a Republican Senate! The treaty could have been ratified without delay, but the Senate attached to it amendments that did not materially affect any of the fundamental provisions, and after they had delayed its ratification one hundred and two days it was sent to China with the amendments proposed by the Senate. In the meantime the Chinese minister, with whom that treaty had been negotiated and who was also minister resident to the South American Republics, after having accepted the Senate amendments and supposing the treaty would be acceptable to China, left for South America and is absent there to-day. The treaty went to China and upon its receipt there back came telegrams from the Chinese Government wanting to know whether the Senate could put on any further amendments. There was no high official here to represent the Chinese Government. The Chinese minister was in South America.

At the time the treaty was agreed upon between the Secretary of State and the Chinese minister and submitted to the Senate, China was satisfied with the provisions contained in the same. I have no doubt the delay on the part of the Senate in ratifying it brought up new considerations in China, whether or not, if the treaty should be ratified as originally drawn, she might be compelled to confer the same privileges, under the favored nation clause, to the British colonies in the Pacific, and not only to them but to those of Germany and Spain, where her people had been drifting in and out for centuries; and this delay on the part of the Senate brought about, evidently, a whole reconsideration by China of the questions contained in the treaty. If the treaty is rejected by China, the dilatory action of the Senate is responsible.

The gentleman asks what right had I to introduce such a bill. I send to the Clerk's desk and desire to have an extract read from yesterday's Post.

The Clerk read as follows.

A FLOOD OF CHINESE LABOR.

OTTAWA, ONTARIO, *September 4*.

During the past week five hundred and eighty-four Chinese arrived at Vancouver, B. C., from China. It is evident their destination is the United States. An officer of the Dominion Government just returned from British Columbia, stated that there is a steady stream of Chinese floating around that province into Washington Territory. In this way during the present year it is estimated the Chinese population of British Columbia has already been depleted to the extent of five thousand. The minister of customs, who is now on the Pacific coast investigating the Chinese question, has promised to look into the matter for the United States authorities.

Mr. SCOTT. Now, Mr. Speaker, that is the answer to the Senator from Colorado as to the necessity and urgency of action by this House to immediately put a stop to the coming in of this Chinese labor; and, sir, this Democratic House did not require three days to find out whether they would pass that bill or not; it was passed in thirty minutes. The distinguished walking Representative on this floor [Mr. BRUMM] also wants to know why I introduced that anti-Chinese bill. He has been here, sir, as the professed friend of labor, but has he introduced any bill in the interest of the wage-worker or the laborer? The distinguished Senator from Colorado said, as the RECORD will show, that I as a representative of labor had neither the right nor the brains to introduce such a bill. Well, sir, what difference does it make whether I had the brains or not? The question was as to the bill itself. Did it accomplish what the Senator from Colorado professed to favor? If it did why did he not accept it without referring to me in the personal manner in which he did? He might at least paid me a compliment instead of saying that I was neither a friend of labor nor did I have the brains to introduce a bill.

Mr. BRUMM. I rise to a point of order. I will raise the point of order that the reference to a Senator is out of order, unless my colleague will agree that whatever is said here shall go into the RECORD and be printed in his remarks.

Mr. SCOTT. I will put in everything that I say. That is what you object to.

Mr. BRUMM. O, no; I simply want the whole thing to go in. I do not want the gentleman to make remarks here on the floor, and then leave them out of his speech.

The SPEAKER *pro tempore*. What is the point of order made by the gentleman from Pennsylvania [Mr. BRUMM]?

Mr. BRUMM. I withdraw the point of order. [Laughter.]

Mr. BUCKALEW. Nobody has seen it yet.

Mr. SCOTT. Mr. Speaker, I will only say one word in regard to the treaty which has lately been rejected by the Senate. The Administration requires no defense from me, sir; but I challenge any man to find a just and reasonable complaint by an American fisherman against Canadian administration of unjust treatment since 1886, for which the treaty lately rejected did not provide a remedy and a safeguard for exigencies that may arise in the future. In the published records of the two years that have elapsed since the abrogation, on June 30, 1886, of the fishery articles of the treaty of 1871, there is not a recorded case for which the treaty lately rejected by the Senate did not provide and fully cover.

I dislike very much to exhaust the patience of the House, but, sir, the charge against this Administration is what? That it is not maintaining the honor and dignity of the nation in our relations with foreign powers. This suggests a retrospect of the Democratic party and a comparison of its management of our foreign relations with that of the old Whig party, which was the residuary legatee of the Blue Light Federal party of New England, who, whenever their country needed their services, were always to be found in opposition to it. [Applause on the Democratic side.] When the Whig party went out of existence the Republican party became the residuary legatee not only of the Whig party but also of the Federalist party of New England. But in justice to the Whig party, I might ask how the Republican platform of 1888 on the tariff would strike Henry Clay, the father of protection, if he were alive to-day? The gentlemen on the other side of the House and in the Senate are asking us to catch the British lion by the tail and to shake him. Well, we are ready to shake him when there is any necessity for it, but let us see how they ever shook the British lion. [Laughter on the Democratic side.]

I go back, sir, to the years 1836 and 1837, when Martin Van Buren was President of the United States. In 1837 there was a little disturbance in Canada in the way of a rebellion, attended with some bloodshed. An American steamer called the Caroline was engaged in the transportation of passengers and freight from Schlosser, on the Ameri-

can side of the Niagara River, to Canada. The insurgents were encamped on the Canadian side, and as this American steamer was engaged in transporting provisions the British authorities decided to destroy her. So a detachment of their soldiers, or Canadian militia, crossed the river at night and burned the Caroline. Mr. Van Buren's term was drawing to a close. Mr. Fox was at that time the British minister here. Immediately Mr. Forsyth, our Secretary of State under Mr. Van Buren, addressed a communication to Mr. Fox, in which he said in substance: "In these disturbances on our frontier we have kept faith with you; we have prevented our people from going there and joining the rebels against you. Under what authority, then, have you permitted your soldiers to cross the line and destroy an American steamer?"

When the reply of the British Government was received they would not admit that the soldiers who had destroyed the Caroline were British soldiers or that they were responsible for it. More than that, "they carefully abstained from indirect or implied assumption by withholding pensions to their wounded officers in that affair, one of whom had five severe wounds," and for a period of three years they never assumed the destruction of the Caroline.

In 1841 Mr. Van Buren's term of office expired and he was succeeded by the Harrison and Tyler administration. On the 8th of February, 1841, this subject was again taken up by the British Parliament, and in the course of it Lord Palmerston admitted that the Government approved of the burning of the Caroline. But a man by the name of Alexander McLeod, a Scotchman, who had boasted that he was one of the men who assisted in burning the Caroline and that he had shot down two of our citizens, happened to come over within the jurisdiction of the State of New York and was there arrested.

Lord Palmerston soon knew whom he had to deal with. He knew there was no longer a Democratic administration of the Government of the United States; and in an official communication he boldly demanded the release of McCloud. Mr. Webster was Secretary of State. What was the result? McLeod was acquitted by the courts of the State of New York; but at the time he was surrendered Lord Palmerston had admitted in his debates in Parliament that the British Government was responsible for the destruction of the Caroline. But no demand was ever made by our Government for redress.

We now come to the treaty of 1842, the treaty to finally settle our northwestern boundary. The plenipotentiary on the part of England was Lord Ashburton, and Daniel Webster, Secretary of State, on our part. As Mr. Benton says:

> Sixty years had elapsed since the treaty of peace between the United States and Great Britain which had established the boundaries between the revolted colonies, now the independent States, and the remaining British possessions in North America. Part of these boundaries agreed upon in the treaty had not been acknowledged by Great Britain. It was that part which divided the State of Maine from Lower Canada, and was fixed by the words of the treaty along the high lands which divided the waters which emptied themselves into the St. Lawrence and those which fell into the Atlantic Ocean. Nothing could be more simple or easy of ascertainment than this line. But by the treaty of 1842, referred to, we abandoned every claim to this line and virtually surrendeder the whole territory in dispute to Canada, about three hundred miles.

We now come down to the treaty of 1846 between Great Britain and the United States.* Mr. Polk was President. The Democratic party in the campaign, resulting in the election of Mr. Polk, as will more fully appear by referring to the platform of the party, made the issue upon two great questions, the annexation of Texas and the line of 54° 40′ as the boundary between the British possessions and the United States on our northwestern frontier.

Prior to 1801 the French owned Louisiana, and their boundary line extended up to the Lake of the Woods in the neighborhood of what is known as Winnipeg. How was this boundary line described then as between France and Great Britain? From the Lake of the Woods on the forty-ninth parallel westward indefinitely. In 1803, under Mr. Jefferson's administration, we acquired Louisiana.

It is true that under the administration of Mr. Polk we did not get what was the battle-cry of our party, namely, 54°, 40′. But we did get the forty-ninth parallel, beginning at the Lake of the Woods, extending due west to the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the channel of Fuca Straits to the Pacific Ocean. Had this line of the forty-ninth parrallel continued on to the Pacific Ocean on the shores of Vancouver's Island it would have given us a portion of that island; and if we surrendered any territory at all under the treaty of 1846 it was a portion of Vancouver's Island. But when I recall the fact that every acquisition of territory made by this Government since it was established, namely, the acquisition of Florida, Louisiana, Texas, California, and New Mexico, was under Democratic administrations, enlarging the area of the United States, I think, fully 100 per cent., if not more, of what it was at the time of the Declaration of Independence, and that the only acquisitions made under other administrations has been that of the Gadsden purchase during Mr. Pierce's administration, and Alaska, under the adminstration of Mr. Johnson, I think the record of the Democratic party will compare favorably with that of any other party during our existence as a nation in defending our national honor and interest. It will not be improper to refer to the fact, sir, that no sooner had we acquired Alaska, for which we paid $7,000,000 to Russia, that the only industry out of which the people of this country could have realized any material benefit, the sealing fisheries, were at once farmed out as a monopoly by a Republican administration conferring exclusive privileges, and unquestionably the parties who secured these privileges have realized nearly as much profit from it as the entire sum which we paid Russia for Alaska.

In conclusion, I desire to call the attention of the House and of the country to the clause of the Constitution of the United States, referring to the powers conferred upon the President and the Senate in regard to treaties. Section 2, clause 2:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

This language confers upon the Senate a greater power than is conferred upon the President. The Senate can advise, and two-thirds present must concur. The word "advice" has been construed literally to mean the power to amend; the Senate has exercised this privilege of amending treaties submitted by the President, and which they exercised in the case of the Chinese treaty, now pending between the two countries, and which, it is reported, has been rejected by China, growing out of the Senate amendments.

Was any proposition made by the Republican majority of the Senate to amend the treaty with Great Britain submitted by the President and lately rejected by them? The Republican Senators had the power to amend, but the treaty was rejected in the Senate by a strict party vote, every Democratic Senator voting to consent and every Republican Senator voting to reject; and under what conditions did the Republican Senators reject this treaty, or refuse to amend, placing the President in a position where he could not renew negotiations, in an effort to settle peaceably the questions in dispute between the two countries?

The bill No. 3173, introduced by Senator EDMUNDS, is now a law upon the statute-books, and if the language in the same can be construed literally and is not formal, that "it shall be his duty," what other construction could possibly be put by Great Britain upon the two combined—that is, the rejection of the treaty and the powers conferred upon the President—than a menace on our part and notice to them that further negotiation was neither desired nor would be entertained? Have the Republican Senators, I would ask, discharged their constitutional obligations, or have they not?

Mr. LIND. I would like to know whether the gentleman from Pennsylvania proposes to answer my question.

Mr. SCOTT. I will answer it: You get the Republican Senate to abrogate Article XXIX of the treaty of 1871, and I pledge myself to vote for it.

A MEMBER. It has passed the Senate already.

Another MEMBER. Oh, no.

Mr. LIND. The question I asked was this, or rather I made this statement: I understood the gentleman in the course of his argument to say that the Republican Senate and the Republican party generally had upheld the twenty-ninth article and legislation for interchange of traffic in transit under and in pursuance of it. Then I ask the gentleman whether he and the Administration was against that legislation and against that course of conduct?

Mr. SCOTT. The records of the Forty-ninth Congress show where the Administration and where the Democratic party stood. My vote and their votes in the Forty-ninth Congress show that.

Mr. LIND. The gentleman declines to answer my question.

And then, on motion of Mr. MCCREARY (at 6 o'clock and 5 minutes p. m.), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLOUNT: A bill (H. R. 11366) for the relief of the estate of J. H. R. Washington—to the Committee on War Claims.

By Mr. WEST: A bill (H. R. 11367) to increase the pension of Catharine Phillips—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 11368) for the relief of A. T. Sands—to the Committee on War Claims.

By Mr. SHIVELY: A bill (H. R. 11369) granting a pension to Christian Manwell—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11370) for the relief of the legal representatives of Phillip W. Austin, deceased—to the Committee on War Claims.

By Mr. S. V. WHITE: A bill (H. R. 11371) to remove the charge of desertion from John H. Ryan—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BANKHEAD: Petition of John S. Hayes, of Elijah Sides, of Thomas J. King, and of Cader Burton, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BUTLER: Petition of Ellis J. Riggs, of J. H. Dinwiddie, of

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*Mr. SCOTT, speaking from recollection, erred in saying that the northwest boundary question was covered by the treaty which settled our northeast boundary. This he has corrected in a revision of his remarks.

George W. Beets, of Andrew J. Woods, and of Elise Trigg Shields, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GAY: Petition of A. E. and M. E. Goodrich, of heirs of Mrs. Genevieve Carlin, of David and Septine Lanaux, and of heirs of James Mathiew, of Louisiana, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WEST: Proof in support of the pension bill for relief of Catharine Phillips—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of citizens of Philadelphia, for an amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. LAFFOON: Petition of A. T. Sands, for relief—to the Committee on War Claims.

By Mr. McKENNA: Petition for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MILLS: Petition of the heirs of Morgan Jones, for relief—to the Committee on War Claims.

By Mr. MORROW: Memorial of the citizens' committee, and of citizens of San Francisco, Cal., protesting against the immigration of Chinese—to the Special Committee to Inquire Into Alleged Violations of Immigration Laws.

By Mr. CHARLES O'NEILL: Petition of Mrs. Sarah A. Clements, for a pension—to the Committee on Invalid Pensions.

By Mr. ROGERS: Petition of Mary Ann Bower, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. SNYDER: Petition of Alex. H. Anderson, of Greenbrier County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

SENATE.

FRIDAY, *September* 7, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a telegraphic copy of resolutions certified by the chairman and secretary to have been adopted at a mass meeting in San Francisco, Cal., favoring the passage of the pending Chinese restriction bill; which was ordered to lie on the table.

He also presented petitions praying for the rescission of so much of section 2804 of the Revised Statutes as relates to the affixing of a special stamp on the boxes of imported cigars, being petitions from citizens of New York City, Oneida, Breslau, Utica, Hornellsville, Brooklyn, Yonkers, Glen's Falls, Riverhead, in the State of New York; Philadelphia, Pa.; Baltimore, Md.; Westfield, Mass.; St. Louis, Mo.; Flint, Mich.; Chicago and Galena, Ill.; Indianapolis, Ind.; Ottumwa, Iowa; Chillicothe, Mo.; Maysville, Ky.; Aspen, Colo.; Montgomery, Ala.; Richmond, Va.; Omaha, Nebr.; Newark, N. J.; Cincinnati, Ohio; Salt Lake City, Utah, and San Francisco, Cal.; which were referred to the Committee on Finance.

Mr. CAMERON presented a petition of citizens of Pennsylvania, praying for the adoption of certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Peter Kratz, of Hanover, York County, Pennsylvania, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CULLOM presented the petition of Burgess Cole, of Macomb, McDonough County, Illinois, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll;

A bill (H. R. 508) granting a pension to Sarah F. Hawkins;

A bill (H. R. 3504) for the relief of John German; and

A bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 10121) granting a pension to Sarah A. Mason, reported it without amendment, and submitted a report thereon.

AMENDMENT TO CLAIMS BILL.

Mr. WALTHALL submitted an amendment intended to be proposed by him to House bill 2952, making appropriations to pay findings of the Court of Claims under the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

CAMPAIGN WORK BY A SENATE EMPLOYÉ.

The PRESIDENT *pro tempore*. If there are no resolutions, concurrent or other, the Chair lays before the Senate a resolution coming over from a former day, the title of which will be read.

The CHIEF CLERK. A resolution submitted by Mr. VEST, September 3, 1888, in relation to campaign work by a Senate employé.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution.

Mr. VEST. Mr. President, I have no disposition to detain the Senate in regard to the resolution——

Mr. MITCHELL. Will the Senator yield to me for a moment to make a suggestion?

Mr. VEST. Certainly.

Mr. MITCHELL. I wish to suggest to the President of the Senate whether under the unanimous consent given last evening the Chinese restriction bill does not come up now, immediately after the conclusion of the morning business.

The PRESIDENT *pro tempore*. This is morning business.

Mr. MITCHELL. I ask that the resolution be laid aside temporarily until after 1 o'clock.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the resolution be informally laid aside.

Mr. VEST. I have no objection to that course.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

RELATIONS WITH CANADA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. HOAR, as follows:

Resolved, That the attention of the President be respectfully called to the resolution of the Senate adopted August 28, ultimo, requesting him to communicate to the Senate copies of all communications addressed by his direction to the Government of Great Britain, remonstrating against certain unfair treatment of our citizens, and that he be requested to furnish such information as soon as possible in order that it may be considered in acting upon legislation now pending.

The PRESIDENT *pro tempore*. The question is upon agreeing to the resolution.

Mr. VEST. I suggest to the Senator from Massachusetts, although I have no direct information myself, for I have not seen the President and can not speak for him, that he allow the resolution to go over at least for this morning and take it up during the day. I understand that the President intends to make a communication to the Senate inside of half or three quarters of an hour upon this subject. If it meets the approbation of the Senator from Massachusetts I hope that course will be adopted.

Mr. HOAR. I will accept the suggestion of the Senator from Missouri that the resolution, retaining its place, may go over to be called up later in the day. Of course, if the information desired comes in the resolution will be unnecessary.

The PRESIDENT *pro tempore*. The Senator from Missouri suggests that the resolution be passed over informally until to-morrow.

Mr. HOAR. I did not so understand. I understood the Senator from Missouri to suggest that it be passed over informally so that it might be taken up later in the day if the Senate should then desire to do so.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the resolution lie over, to be taken up at a later hour.

Mr. VEST. Yes, that is what I suggested.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection. The Chair hears none.

ADJOURNMENT TO MONDAY.

Mr. PLATT. I move that when the Senate adjourn to-day it adjourn to meet at 12 o'clock on Monday next.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. The Secretary will state the Chinese restriction bill by title.

The CHIEF CLERK. A bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

Mr. VEST. Mr. President, in justice to myself I wish to make a statement in reply to an observation by the Senator from Oregon [Mr. DOLPH] made two days ago. In a speech which I delivered in the Senate some ten days or two weeks ago I made a statement, upon information received from the junior Senator from Indiana [Mr. TURPIE], to the effect that in 1881 seven Chinamen were naturalized in the city of Indianapolis, Ind., where General Harrison, the Republican candidate for the Presidency, resides, and that those Chinamen voted the Republican ticket at the ensuing election in the fall.

I further stated upon the same information, upon which I fully relied and which I have no doubt was given honestly and with the understanding on the part of that Senator that it was absolutely correct, that Mr. Miller, the law partner of General Harrison, had superintended the taking out of the naturalization papers by those Chinamen. I mentioned this fact not as any personal or partisan attack upon General Harrison, with whom I have served in the Senate and from whom I differ as widely as it is possible upon all political questions, but to

whom I would not do any injustice; but I mentioned it in connection with his votes upon the subject of the naturalization of Chinamen in the discussion and action of the Senate in 1882. It had been stated very broadly in the Senate that no Chinamen had ever been naturalized, when the facts are that some twenty had been naturalized by State courts and had been allowed to vote, in Connecticut, in Massachusetts, and in Indiana.

I stated at that time that I intended to write to the city of Indianapolis and procure the record showing the absolute facts in regard to that statement. I have not the official record—the Senator from Indiana [Mr. VOORHEES] tells me that he has it—but I have from a friend, who states that he was having the record prepared, a statement made after a personal examination of the record by himself, which he has sent to me for my use. The Senator from Indiana [Mr. VOORHEES] has the official record which has come since.

Mr. VOORHEES. Here it is. I intended to hand it to the Senator from Missouri.

Mr. VEST. I was mistaken as to dates, but only as to dates. I stated, and I correct myself as to the former statement, that this naturalization took place in 1876. I made that statement in reply to the Senator from Nevada [Mr. STEWART]. I find from this letter (I have not examined the official record, but I shall offer that also) that these naturalizations took place in 1880 and 1881. I will read what my informant says, who is a private gentleman of absolute verity within my personal knowledge, and for whose statement I am responsible. He says:

In 1881, when General Harrison was elected to the United States Senate, Mr. Vincent Carter, a lawyer, was a Republican candidate for the Legislature, and he was mainly instrumental in having seven Chinamen naturalized in the city of Indianapolis. The list is as follows:

Name.	Arrived.	Naturalized.
Shang Foy Sung Moy	May, 1873	Feb. 7, 1880
Chang Sing	1872	June 13, 1881
Foo Chang	1872	Nov. 2, 1880
Black Sing Pang	Aug., 1872	Sept. 6, 1880
Jo Qui Sing	Apr., 1870	Sept. 6, 1880
Chan Yee	June, 1873	Jan. 22, 1880
Pang Yin	Apr. 15, 1875	Oct. 12, 1880

This is taken from the records of the clerk's office, book A, entitled "Declaration of Intentions." The fee-book shows that nothing was charged for issuing the certificates, although the usual fee was $2 for each certificate.

Dan. Ransdell, esq., whose name is signed to the papers given these Chinamen, was then clerk of the Marion court. He was then, as he is now, the close friend of General Harrison, and is the Republican State central committeeman from Harrison's district. These Chinamen voted the Republican ticket at the fall election of 1880 in wards 11 and 17 of Indianapolis, although their votes were challenged by the Democrats.

If this needs any corroboration, I ask the Secretary to read the affidavits made by two gentlemen now in the city of Washington, one of them the legal adviser or attorney for the Post-Office Department, the other also holding an official position, but I do not know his rank.

The PRESIDENT *pro tempore*. The papers will be read if there be no objection.

The Chief Clerk read as follows:

CITY OF WASHINGTON, *District of Columbia:*

Joseph W. Nichol, a citizen of the city of Indianapolis and State of Indiana, being duly sworn, deposes and says that at one of the elections held in said city and State during the year 1880 (it was at the October or November election of said year) he was present at the polls on Massachusetts avenue, in said city, in the Eleventh ward, and at the engine-house in said ward, as a challenger for the Democratic party, and that at one of said elections two Chinamen were presented at the said polling place by one George Carter, a lawyer and a Republican, with Republican ballots in their hands, which said Carter asked for them, they not being able to speak the English language with facility, that they be allowed to deposit said ballots and vote the Republican ticket; that as the first Chinaman presented his ballot he, affiant, protested against receiving the same on the ground that said Chinaman was not a citizen, and that then and there the said Chinaman and said George Carter produced and exhibited to the election officers a certificate of declaration of intention on the part of said Chinaman to become a citizen of the State of Indiana and of the United States, and thereupon the said election officers or the inspector of said election at said precinct received said vote and deposited it in the ballot-box in presence of said affiant and others, and thereupon the vote of the second Chinaman was presented and received by the inspector and deposited in the ballot box.

Affiant says that at said election Daniel M. Ransdell, a Republican, was clerk of the superior and circuit courts of the county of Marion, in which said city of Indianapolis is situate, and said certificates were issued by him, said Ransdell, as he, affiant, was informed at the time; that he, affiant, did not critically examine said certificate at the time, but was assured by said election officers that they were correct and in the usual form; and further affiant saith not.

Joseph W. Nichol, above-named affiant, being duly sworn, says the above and foregoing is true as he verily believes.

J. W. NICHOL.

Subscribed and sworn to before me this 20th day of August, 1888.
[SEAL.] THOS. E. ROACH,
Notary Public in and for the District of Columbia.

CITY OF WASHINGTON, *District of Columbia, ss:*

Before me, Thomas E. Roach, a notary public in and for said city and District, this day personally came Austin H. Brown, a citizen of the city of Indianapolis and State of Indiana, temporarily residing in the city of Washington, who, being duly sworn according to law, says that prior to the year 1887 he was a continuous resident of the city of Indianapolis for thirty-seven years; that in the year 1880, at an election held in said city, he was selected and did act as the challenger for the Democratic party organization at the precinct of the Seventeenth ward; that the voting place of said precinct was on South street, between Meridian and Pennsylvania streets, in said city; that during the voting hours on said election day there was brought to the election poll aforesaid by the Republican workers a Chinaman, who presented a Republican ticket to the election inspector, Benjamin F. Hetherington, a Republican; that immediately the said Brown, as challenger, challenged the right of said Chinaman to vote, whereupon he took from his pocket and produced an official paper, with the seal of the Marion County court attached, and signed by Daniel M. Ransdell, clerk of the court, a Republican, certifying that the said Chinaman had taken the oath of allegiance to this country and had declared his intention of becoming a citizen thereof; that notwithstanding this the said Brown persisted in his challenge, on the ground that no court or court officer had any right to issue such a paper to a native of China. The inspector, however, declared that it was *prima facie* evidence sufficient to permit the holder of the certificate to vote, and he then deposited the ballot in the ballot-box. This same Chinaman was the owner of a laundry in said city, and shortly after this occurrence changed the sign over the entrance to his place of business by adding after his name the word "citizen."

AUSTIN H. BROWN.

Sworn and subscribed to before me this 20th day of August, 1888.
[SEAL.] THOS. E. ROACH, *Notary Public.*

Mr. VEST. The record certified by the clerk, which I have just examined hastily, it seems is a certificate as to six papers of naturalization, possibly seven, but as I read it now six. Anyhow, I ask the Secretary to read that paper.

The Chief Clerk read as follows:

STATE OF INDIANA, *Marion County, sct:*

I, John E. Sullivan, clerk of the Marion circuit court, within and for said county and State, the same being a court of record, do hereby certify that in the year 1880 the following-named persons declared their intention to become citizens of the United States, to wit:

Chang Fay Sung Moy.
Sing Jo Qui.
Sing Pang Back.
Yim Pong.
Chan Yee.
Chan Foo.

That such declarations of intention, as aforesaid, were all made before Daniel M. Ransdell, then clerk of said Marion circuit court, and that each of said persons, so as aforesaid declaring his intention, made affidavit that he was a native of China, and owed allegiance to the Emperor of that country; a true and correct copy of the declaration of intention made by the said Chan Foo being the one bearing the latest date, to wit, November 2, 1880, is hereto attached marked "Exhibit A," and made a part of this certificate, the same being similar in form to all the other declarations so made, as aforesaid, by said parties named.

All of which appears from the record of declarations of intention to become citizens of the United States, for the year 1880, on file in my office.

Witness my hand and seal of said court at Indianapolis, Ind., August 20, 1888.
[SEAL.] JOHN E. SULLIVAN, *Clerk, etc.*
(Exhibit A, as aforesaid, attached.)

Mr. VEST. I do not know that this is a matter of any considerable importance, but in view of the statement made by certain partisan newspapers, especially in the State of Indiana, to the effect that I had garbled and falsified this record, I did not choose to rest under the imputation. I made the statement upon information derived, as I said, from one of the Senators from Indiana and from members of the House of Representatives from that State, and I undertook to secure that record. It seems that it has been in the possession of my friend from Indiana [Mr. VOORHEES], but it only came to me whilst I was making these remarks. It is for the purpose simply of removing any sort of suspicion that I would do General Harrison injustice, much as I differ from him, that I now offer this proof.

Mr. DOLPH. If the Senator will allow me a moment, I understood him before to state that these Chinamen were naturalized. This certificate relates entirely to a declaration of intention to become citizens.

Mr. VEST. I am glad that the Senator has called my attention to that. The term "naturalization" is used. As a matter of course we know as lawyers that it was not naturalization, but it occurs in that State as in a great many of the States that a declaration of intention is a sufficient basis for exercising suffrage.

Mr. DOLPH. That declaration is made simply before a clerk without any other party, voluntarily on the part of the person making it.

Mr. VEST. That is true.

Mr. DOLPH. Naturalization, however, requires action by a court.

Mr. VEST. The Senator and myself are lawyers, and I understand that; but when the declaration of intention is used for the purpose of exercising the right of suffrage, it is generally denominated, incorrectly it may be, as a naturalization paper. Of one thing there can be no sort of question——

Mr. DOLPH. Will the Senator allow me?

Mr. TURPIE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. VEST. Of course.

Mr. DOLPH. Will the Senator allow me to make a suggestion? I understood the Senator also to state in his speech some days since that the partner of General Harrison had appeared in the court and made the motion. Does the Senator now find any basis for that statement?

Mr. VEST. I intended to state, and thought I had stated, that that information came to me from one of the Senators from Indiana, and I made it upon his statement. Since then I have seen the dispatch from Mr. Miller, in fact from both the law partners of General Harrison, disclaiming that fact, and of course I do not think——

Mr. DOLPH. There is nothing in the record the Senator now produces upon that question?

Mr. VEST. Nothing. My friend who writes me states that the Re-

publican candidate for the Legislature superintended this operation before the clerk of the court.

Mr. DOLPH. But there is nothing in the record which shows that there was any proceeding which required any counsel.

Mr. VEST. I do not know that there is except that the Chinamen were taken there.

Mr. DOLPH. Or that General Harrison or any of his partners were cognizant of it?

Mr. VEST. Except that these Chinamen were taken there and the certificates given to them as to their intention to become citizens, and that they afterwards appeared in two wards of the city of Indianapolis and cast their votes for the Republican ticket against the challenges of Democrats.

Mr. PLUMB. Will the Senator from Missouri permit me to interrupt him?

[At this point a message, in writing, was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.]

Mr. PLUMB. The Senator ought to state, if he will permit me to interrupt him, in order to give it deeper significance, that this occurred in the city and State in which General Harrison lived.

Mr. VEST. I think I shall attend to my own occupation, with due respect to the Senator from Kansas. Knowing how good a friend he is to my party, for myself politically I receive his suggestions with a good deal of distrust. But if it is any gratification to him I will say that I have already stated that. This suggestion is about as significant as his reading a partisan editorial yesterday in which no man of even extraordinary intelligence was able to discriminate between the text of the reporter and the commentaries of the Senator, both of them, as a matter of course, coming from friends of the President, the Senator from Kansas and the correspondent of the New York Tribune, and both of them illustrating the extraordinary influence of the President of the United States, who, as the Senator from Kansas said, sent a message with a sign manual of his kitchen cabinet upon it, but of so potential an influence that not a single Republican in either branch of Congress dared to vote against the bill, and the Senator from Kansas himself voted in favor of the bill which he says is an Administration measure. As a matter of course if he voted for it it was right, and yet the whole burden of his complaint was that it came from the President of the United States.

I ask that the message which has just come in from the President be read.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

In reply to the resolution of the Senate in the words following:

"IN THE SENATE OF THE UNITED STATES, *September* 5, 1888.

"*Resolved*, That the President is requested, if not incompatible with the public interests, to inform the Senate whether the recent treaty with China and the amendments adopted by the Senate have been ratified by the Emperor of China"—

I have to communicate the annexed copies of dispatches from our Minister to China, giving the only official information at hand in relation to the matter to which reference is had.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 7, 1888.

I.

"PEKING, *September* 5, 1888.

"BAYARD, *Washington:*

"Believe treaty has been rejected. Have demanded from foreign office positive information some days since. No information has yet been received.

"DENBY."

II.

"PEKING, *September* 6, 1888.

"BAYARD, *Secretary, Washington:*

"Treaty postponed for further deliberation.

"DENBY."

Mr. MITCHELL. Mr. President, since this bill has been before the Senate there has been a tacit understanding among the Senators from the Pacific coast that they would not occupy the time of the Senate and thus delay action by speech-making. For this reason most of the time which has been occupied in the discussion of this bill since it came to the Senate has been occupied by Senators on the other side of the Chamber. It was agreed, moreover, by unanimous consent, in the Senate yesterday, that at 1 o'clock to-day the vote should be taken on the passage of the bill; consequently there remain but a very few minutes' time in which any member of the Senate on this side of the Chamber can have the privilege of making any suggestions in regard to this measure. I propose to occupy the attention of the Senate, through its courtesy, these few moments.

It has been said upon the part of Republicans in the Senate and elsewhere that this is an Administration measure. If it is, then I am heartily with the Administration. I am earnestly and decidedly in favor of the pending bill, as I believe the Senators are generally on this side of the Chamber, if not unanimously. But the suggestion has been made on the other side of the Chamber on this floor, and also elsewhere, that this is not an Administration measure. If it is not an Administration measure, if this bill were not introduced in the House of Representatives at a wink or a nod from the White House, and the Administration is against it, then I am not with the Administration on this measure. I am for the bill, however, irrespective of the question as to how it came here or the question as to the motives which prompted its coming. I am for it because I believe it to be a most important step in the right direction. I believe it to be a most decided step, although not as long a step as I should have taken had I had my way in reference to the matter, in favor of the absolute exclusion of Chinese laborers from within the limits of the United States of America.

The bill, as I suggested yesterday and as we all know, simply relates to those Chinese persons now in the United States or who have been within the United States heretofore. It provides that so far as they are concerned, if they shall go away, or if any of them have gone away heretofore, they shall not be permitted to return.

That is this bill. That is all there is of it. It is important, radical; but radical as it is, I, inasmuch as by this step we abrogate a most material provision of our existing treaty with China, would have gone one step further and made the prohibition, the absolute exclusion, apply, not only to those Chinese who are in the United States now, or who have been in the United States at some time heretofore, but also to the 400,000,000 Chinese who never have been in the United States.

In this connection, as I had not the opportunity fully yesterday, I desire to refer to a remark made more than once in this Chamber by the honorable Senator from Alabama [Mr. MORGAN], in which he has questioned the sincerity not only of a great number of the people of the Pacific coast, but in which he has taken especial and particular pains to question my sincerity in reference to the position they occupy and I have occupied in regard to the subject of Chinese exclusion.

As I stated yesterday, by way of interruption, I am willing that my record on this subject shall stand side by side with the record of the Senator from Alabama, and side by side with the record of every Democrat on the other side of the Chamber and every Democrat in the House of Representatives or in the United States. Three years ago next December I introduced a bill in this body providing for the absolute exclusion of Chinese from the United States; a bill which applied not merely to Chinese here, and who might go away or had gone and wish to return, but to the millions now in Asia. The second section of that bill read as follows:

SEC. 2. That from and after the passage of this act it shall be unlawful for any Chinese person or persons, whether subjects of the Chinese Empire or otherwise, as well those who are now within the limits of the United States, and who may hereafter leave the United States and attempt to return, as those who have never been here, or, having been here, have departed from the United States (save and excepting only the following classes, that is to say: Such as may be duly accredited to the Government of the United States as ministers plenipotentiary or other diplomatic representatives, consuls-general, consular and commercial agents, including other officers of the Chinese or other Governments traveling upon the business of that Government, with their body and household servants), to come to or within, or to land at, or remain in any port or place within the United States; and the coming of Chinese persons to the United States, excepting the classes hereinbefore specifically described and excepted, from and after the passage of this act, be, and the same is hereby, absolutely prohibited.

At the present session of Congress, in December last, I reintroduced that same bill. I supported it in a speech three years ago, and again by another last January.

That bill, which was an absolute exclusion bill, received the studied and persistent and continued opposition of the honorable Senator from Alabama in the Committee on Foreign Relations; and I am a little surprised at the attitude of the Senator from Alabama now, in his speech yesterday in advocacy of a bill which, according to his own statement on the floor of the Senate, is an absolute abrogation of certain material provisions of existing treaties between this Government and China; especially when the records of the Senate and the records of the Committee on Foreign Relations, of which he is a member, will show that always heretofore he has persistently, in season and out of season, insisted that the Congress of the United States should pass no bill that would impinge or infringe in the slightest degree on any provision of our treaties with China. That is the record of the Senator from Alabama; and my own record, the sincerity of which he has questioned, I have in part alluded to. I am willing they shall be paralleled and stand together.

Now, Mr. President, if this is an Administration measure, as suggested in certain quarters, then I want to point out what a most wonderful conversion there has been in Administration circles upon this great subject within the past two or three years, yea, within the past two or three months. When the Senator from Mississippi [Mr. GEORGE] was speaking the other day I rose and inquired if he was aware that the present President of the United States and the present candidate of the Democracy for the succeeding Presidency had on the 6th day of April, 1886, sent a message to the Congress of the United States in which he had recommended that the Congress so change the existing Chinese restriction laws, the act of 1882 as amended by the act of 1884, as to admit into this country a large class of Chinese persons who were not permitted to come here under existing law, the existing restriction acts. The Senator from Mississippi replied that he was astounded at the statement, and that he did not believe the President of the United States had ever sent any such message here.

Mr. President, he did. I hold it in my hand; and if I have the time I shall read it. That message, moreover, was accompanied by a letter

from the Secretary of State, Mr. Bayard, in which he recommended the same thing; and, based upon the letter of the Secretary of State, the President communicated his message to the Congress of the United States asking for this change in the existing law.

Now, what was the change he asked to have made? I will say to Senators on the other side I am not going to misrepresent the President; I am not going to misrepresent the Secretary of State; and especially am I going to be careful about my statements as to facts when I know that before the vote is taken to-day on the final passage of this bill the Senators on the other side will not have an opportunity to reply, although they will have ample opportunity hereafter if they shall desire.

With these preliminary statements, what are the facts? Under the restriction acts as they now stand, the act of 1882 and the amendatory act of 1884, it was provided that certain evidence certificates should be produced at ports in this country by those Chinese persons who were not prohibited from coming to the United States by the Chinese treaty and the restriction acts, such as teachers, students, merchants, and those coming from curiosity. Those were the only classes that were excluded from the prohibitory clauses of existing legislation including those of the treaty. They were permitted to come. When the Congress of the United States, therefore, came to legislate in reference to this treaty, it was provided that all persons coming from the ports of China should produce a certificate issued by the Chinese Government or under its authority in which certain things should be stated, such as the name, title, or official rank, if any; the age, height, and all physical peculiarities, former and present occupation, and place of residence, etc.

The existing legislation provided, in the second place, that Chinese persons not of the prohibited but of the exempted class, who came from other ports in other foreign governments than China, and who were at the time not subjects of China, but were subjects of such other foreign government, should bring a similar certificate issued by such government. The existing legislation, however, did not provide that subjects of China who proposed to come to this country from other ports than the ports of China should be permitted to come. That class, by existing legislation, was and is ruled out.

Now, what followed? In the first place, the Treasury Department took action on the matter. The first attempt, I admit, was made under a Republican administration. The first circular was issued by Mr. McCulloch while he was Secretary of the Treasury. It provided that Chinese persons who were subjects of China and not subjects of some foreign power, and who desired to start to this country from a port other than a Chinese port, should be attested or certified to by the diplomatic or United States consular officer at that port. Of course that was in contravention of law.

This Administration undertook to carry out that circular, and because Colonel Mosby, who was then our consul at the British port of Hong-Kong, in China, would not carry out the instructions of this Treasury Department circular upon that subject, he was removed from office by Secretary Bayard and by the President of the United States, and Mr. Withers, a former member of the Senate from Virginia, was appointed his successor at that port. A renewal of instructions proceeded from Mr. Bayard and from the Department of State instructing Mr. Withers, as the United States consul, to issue certificates to Chinese subjects of the exempted class who desired to depart from the port of Hong-Kong to the United States, and under those instructions Mr. Withers did proceed to issue hundreds and perhaps thousands of certificates, as I am informed, and under which a class of Chinese subjects whose immigration to this country was prohibited by existing law were permitted to enter the port of San Francisco.

After a time the President of the United States and Mr. Bayard awoke to the fact that this circular of the Treasury Department which they were attempting to enforce and which they had modified in July, 1885, was in direct violation of law, was not warranted by the restriction acts; and what did they do? Then it was that the President of the United States sent to Congress the message of April 6, 1886, to which I have referred, which I hold in my hand, and in which he suggested to the Congress that, by existing law, a large and numerous class of Chinese persons were not permitted to come to this country which he thought ought to be permitted to come under the treaty. Congress had construed that treaty, and had legislated in view of the provisions of the treaty intelligently, as I believe. Congress, in its wisdom in construing the treaty in the passage of two restriction acts, had decided that this class which the President of the United States and Mr. Bayard afterwards wished to have come in under an amendment of the law, were not entitled to come in. At all events, Congress had legislated in the act of May 6, 1882, and the amendatory act of July 5, 1884, in such a manner as to prohibit their coming.

What does the President say in that message? It is contained in an executive document, by the way, and I will give its number, so that Senators can find it. It is Executive Document No. 118, first session Forty-ninth Congress. In that message President Cleveland says this, among other things; I wish I had time to read it all:

There being, therefore, no statutory provision prescribing the terms upon which Chinese persons resident in foreign countries, but not subjects or citizens of such countries, may prove their status and rights as members of the exempted classes in the absence of a Chinese representative in such country, the Secretary of the Treasury, in whom the execution of the act of July 5, 1884, was vested, undertook to remedy the omission by directing the revenue officers to recognize as lawful certificates those issued in favor of Chinese subjects by the Chinese consular and diplomatic officers at the foreign port of departure, when visaed by the United States representative thereat. This appears to be a just application of the spirit of the law, although enlarging its letter, and in adopting this rule he was controlled by the authority of high judicial decisions as to what evidence is necessary to establish the fact that an individual Chinaman belongs to the exempted class.

Then he concludes his message:

This anomalous feature of the act should be reformed.

He recommends an amendment of the existing legislation—

as speedily as possible, in order that the occurrence of such cases may be avoided and the imputation removed which would otherwise rest upon the good faith of the United States in the execution of their solemn treaty engagements.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, April* 6, 1886.

So that on April 6, 1886, we find the present President of the United States so careful of having the treaty stipulations between this Government and China observed that he sends a message to the Congress of the United States recommending a change in the existing law so as to conform to his notions of the provisions of the treaty, so as to permit the coming to this country of hundreds and thousands of Chinese who were not permitted to come under existing law. There has a sudden, a most wonderful change come over the Administration, if this is an Administration bill; more wonderful, indeed, than that which happened to Saul of Tarsus, who was stricken down on his way to Damascus.

Mr. GRAY. The Senator will permit me. He says the Secretary of State——

Mr. MITCHELL. If it is a short question I will yield.

Mr. GRAY. I will make it short. The Secretary of State was so anxious to have treaty stipulations complied with, which they ought to be, as all Christian and civilized people agree; so I want to remind the Senator and call his attention to the fact that he negotiated an additional treaty which for the first time by treaty stipulation and treaty provision excluded Chinese in a way they had never been excluded before, and accomplished every result which is accomplished by this bill.

Mr. MITCHELL. That is no answer at all to what I have been saying; it has no relevancy; it does not bear on the question at all. I have made the statement that the present President of the United States, President Cleveland—and I hold the proof in my hand—recommended a change in the existing Chinese restriction law in 1886. His message of April 6, 1886, recommended that that law should be changed so that a large class, a "somewhat numerous class," as he says, that are prohibited under existing law may be permitted to come here. He says:

It is sufficient that I should call the earnest attention of Congress to the circumstance that the statute—

That is the existing statute—

makes no provision whatever for the somewhat numerous class of Chinese persons who, retaining their Chinese subjection in some countries other than China, desire to come from such countries to the United States.

"The somewhat numerous class" which he thought were entitled to come under the treaty, or ought to be permitted to come, were not permitted to come under the existing law, and therefore he sends in this message recommending a change in the law so that they might come, and that is all there is of it. In reference to the last treaty I will simply say as a measure of exclusion it is, in my judgment, and would so prove, an absolute failure. I will say, furthermore, to the Senator, that it never was negotiated, although the administration was in power for years, until the Republican Senate passed a resolution at the instance of the Senator from Ohio, chairman of the Committee on Foreign Relations, suggesting that negotiation be opened with the Chinese Government for that purpose.

Mr. GRAY. The Senator from Oregon is wrong in his statement. It was negotiated long before.

Mr. MITCHELL. I will say the record, I think, shows quite differently.

But furthermore, and I want to call the attention of the Senate and the country to the fact that in the Chinese bill the Senate passed here some days ago—within the last month, I think it was—and which has been passed by the House, and which is now unsigned before the President of the United States so far as the Congress is advised, the Democratic House of Representatives put on an amendment by which they repealed the clause in the existing law on the subject of naturalization; that is, the clause prohibiting the naturalization of Chinese persons.

Now, one word—and I exceedingly regret I am so limited for time—in reference to General Harrison's record. A studied attempt has been made all along the line to charge upon the Republican candidate for the Presidency that his record on the Chinese question has been inimical to the true interests of this country and has not been right; and reference has been made to the vote on the bill of 1884. They said he was absent; that he did not vote. That is true, but there is not one word in that record from beginning to end which shows that General Harrison opposed that bill, while there is abundance in his record to show that he was earnestly in favor of as strong a restrictive act as the treaty would warrant. But not only that, if that is to be taken as a

reason why he was opposed to the act of 1884—that is, that he was absent—I want to call the attention of the Senate to the fact that there were eleven Democrats of this Senate absent at the roll-call, and who were not paired and who did not vote on that bill, including the Senator from Mississippi [Mr. GEORGE], who made the speech here the other day charging General Harrison with dodging votes; and my esteemed friend, the Senator from Georgia [Mr. BROWN], who has spoken earnestly against the pending bill, voted against the bill, according to the RECORD.

I will read the names of the Democrats who were not present and who in company with General Harrison did not happen to be here to vote on that bill, that is the Chinese restriction act of 1884. They were Messrs. Camden, COLQUITT, GEORGE, Jackson, Jonas, KENNA, Lamar, McPHERSON, SAULSBURY, Walker, and Williams; 11 Democrats who were absent, and 8 Republicans were absent. Now, can it be said that because these 11 Democrats happened to be absent and did not vote for that bill, they were opposed to Chinese restriction? They stand in the same position precisely as General Harrison—in so far as that act is concerned. I regret my time is exhausted.

The PRESIDENT *pro tempore*. The hour of 1 o'clock has arrived. The question is, Shall the bill pass?

Mr. GORMAN. Mr. President, in the consideration of this measure——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. GORMAN. Do I understand the President to say that debate is not in order?

The PRESIDENT *pro tempore*. Debate is not in order. Unanimous consent having been given yesterday that at 1 o'clock to-day the vote should be taken without debate, the question is, Shall the bill pass?

Mr. JONES, of Arkansas. I should like to suggest to the Chair that the distinct understanding was that the agreement was only binding on Senators who were then present. That was the agreement.

Mr. VEST. That was the understanding.

The PRESIDENT *pro tempore*. If the Senate desires that the order shall be revoked or reconsidered or not regarded, the Chair will recognize the Senator from Oregon to continue his observations.

Mr. STEWART. I object.

The PRESIDENT *pro tempore*. The Senator from Oregon was stopped by the Chair upon the understanding the Chair had that the vote was to be taken at 1 o'clock without further debate. If that is incorrect, the Senator from Oregon is entitled to the floor.

Mr. HOAR. I desire to recall the recollection of the Chair and the Senator from Arkansas. There was a vote taken and no quorum disclosed. Afterward there was a call of the Senate and a quorum was disclosed. The Senator from Nevada [Mr. STEWART] then said in the first place that this understanding would be binding only on the Senators present, forgetting for the moment that there had been a call of the Senate, which disclosed the presence of a quorum. I suggested to him myself that the call had disclosed a quorum, and the Senator thereupon announced that in his judgment it would be binding upon the Senate, and that was the understanding.

The PRESIDENT *pro tempore*. The Chair suggests to Senators that it would be better, to avoid any misunderstanding, to have the RECORD read; and the Secretary will read the part of the RECORD of to-day containing the proceedings of yesterday regarding the agreement to take the vote at 1 o'clock to-day.

The Chief Clerk read as follows:

Mr. STEWART. I ask the unanimous consent of those present that a vote be taken on the bill immediately after the morning business to-morrow, without debate so far as those who are here are concerned.

Mr. ALLISON and Mr. TELLER. Say 1 o'clock.

Mr. STEWART. I will ask that the vote be taken at 1 o'clock, without debate so far as those present are concerned. We can not bind those who are not present.

Mr. TELLER. There is a quorum here.

Mr. STEWART. As there is a quorum here I will ask unanimous consent that the vote be taken at 1 o'clock to-morrow.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that to-morrow at 1 o'clock the vote shall be taken on the question shall the bill pass, without further debate. Is there objection? The Chair hears none, and——

Mr. VEST. Does the Senator from Nevada propose that the vote shall be taken to-morrow without any debate at all?

Mr. STEWART. The debate can go on previous to 1 o'clock. I propose that the vote shall be taken at 1 o'clock.

Mr. TELLER. The debate will be previous to 1 o'clock.

Mr. VEST. When will the bill be taken up?

Mr. STEWART. It will be taken up immediately after the morning business.

Mr. TELLER. If the time to vote is fixed at 1 o'clock, we should take up the bill earlier than that hour if anybody wishes to speak on it.

The PRESIDENT *pro tempore*. The Chair will hear suggestions from any Senators.

Mr. COCKRELL. I suggest that the bill be taken up in the morning immediately after the disposition of the routine morning business.

Mr. TELLER. And that the vote be taken at 1 o'clock.

Mr. COCKRELL. And that the vote be taken at 1 o'clock.

Mr. STEWART. Very well.

The PRESIDENT *pro tempore*. The Chair will then again state the request of the Senator from Nevada.

Mr. HOAR. I understood that unanimous consent had been given to that request. The Chair so announced.

The PRESIDENT *pro tempore*. Before it had been formally agreed upon the Senator from Missouri [Mr. VEST] interposed a suggestion that some debate ought to be permitted, and the Senator from Nevada then modified his suggestion.

Mr. HOAR. I supposed the Chair had announced the first suggestion as agreed to; but if the Chair understood it otherwise it is all right.

The PRESIDENT *pro tempore*. The suggestion now is that unanimous consent be given to the consideration of the bill at the close of the routine morning business to-morrow, and that the vote on the question, Shall the bill pass? be taken at 1 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. GORMAN. I happened not to be in the Senate yesterday, and therefore was not aware of the proceedings that had been had. I will not violate any understanding of the Senate notwithstanding; as I understand it, it does not bind me or any other Senator who happened to be absent.

I desired to say a word or two on the motion I am about to make, or which I may make hereafter; but I now move that this bill and the message of the President which has just been read to the Senate be committed to the Committee on Foreign Relations.

Mr. STEWART. I object.

Mr. TELLER. That is contrary to the arrangement. It is out of order to do anything but vote on the passage of the bill.

The PRESIDENT *pro tempore*. The Chair holds that the motion to commit is in order under the rules, notwithstanding the agreement.

Mr. SHERMAN. I sincerely hope that the motion will be adopted.

Mr. TELLER. The question is whether we shall not vote. That was the agreement.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Maryland to commit the bill, with the message of the President of the United States, to the Committee on Foreign Relations. Is the Senate ready for the question? [Putting the question.]

Mr. PLUMB called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WALTHALL (when the name of Mr. GEORGE was called). My colleague [Mr. GEORGE] is detained at home by sickness. I think he is paired with the Senator from New Hampshire [Mr. BLAIR]. My colleague would vote "yea."

Mr. BLAIR. I was not aware of that, and withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from New Hampshire withdraws his vote.

Mr. WALTHALL. My colleage would vote "yea," if present.

Mr. BLAIR. I should vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present, I should vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay" on this motion.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "nay."

Mr. TELLER (when his name was called). I have a pair on all political questions with the Senator from Louisiana [Mr. GIBSON]. I have been assured repeatedly that he was in favor of the passage of this bill. Unless some one on the Democratic side will say that this question has assumed a political phase, I shall vote. If it has assumed a political phase, then I shall withhold my vote.

Mr. GRAY. I think the Senator is quite at liberty to vote in that view of the case. There is no political question in it.

Mr. TELLER. I vote "nay."

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "nay."

Mr. HARRIS. I wish to announce the fact that the Senator from Kentucky [Mr. BECK], who is necessarily absent, is paired with the Senator from Maine [Mr. HALE], who is also absent. I do not know how either Senator would vote on this motion. I simply announce the pair.

Mr. BLAIR. I do not observe the Senator from New Jersey [Mr. BLODGETT] here. He is paired with my colleague [Mr. CHANDLER].

Mr. MORGAN (after having voted in the negative). I am informed by the Senator from New York [Mr. HISCOCK] that he is not aware of the attitude his colleague [Mr. EVARTS] would occupy on this motion. Being paired with him it is my duty to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his vote.

Mr. HISCOCK. I do not desire to be understood as expressing any opinion as to how my colleague [Mr. EVARTS] would vote if he were here.

The result was announced—yeas 17, nays 19; as follows:

YEAS—17.

Bate,	Gorman,	Platt,	Walthall,
Brown,	Gray,	Pugh,	Wilson of Md.
Cockrell,	Hampton,	Reagan,	
Coke,	Hoar,	Sherman,	
Colquitt,	Jones of Arkansas,	Voorhees.	

NAYS—19.

Aldrich,	Dolph,	Plumb,	Teller,
Berry,	Hiscock,	Sawyer,	Turpie,
Chace,	Jones of Nevada,	Spooner,	Vest,
Cullom,	Mitchell,	Stewart,	Wilson of Iowa.
Davis,	Payne,	Stockbridge,	

ABSENT—40.

Allison,	Daniel,	Hale,	Paddock,
Beck,	Dawes,	Harris,	Palmer,
Blackburn,	Edmunds,	Hawley,	Pasco,
Blair,	Eustis,	Hearst,	Quay,
Blodgett,	Evarts,	Ingalls,	Ransom,
Bowen,	Farwell,	Kenna,	Riddleberger,
Butler,	Faulkner,	McPherson,	Sabin,
Call,	Frye,	Manderson,	Saulsbury,
Cameron,	George,	Morgan,	Stanford,
Chandler,	Gibson,	Morrill,	Vance.

The PRESIDENT *pro tempore*. A quorum not having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Jones of Nevada,	Sherman,
Allison,	Davis,	Manderson,	Spooner,
Bate,	Dawes,	Mitchell,	Stewart,
Berry,	Dolph,	Morgan,	Stockbridge,
Blair,	Gorman,	Palmer,	Teller,
Brown,	Gray,	Pasco,	Turpie,
Call,	Hampton,	Payne,	Vest,
Cameron,	Harris,	Platt,	Voorhees,
Chace,	Hiscock,	Plumb,	Walthall,
Cockrell,	Hoar,	Pugh,	Wilson of Iowa.
Coke,	Ingalls,	Reagan,	
Colquitt,	Jones of Arkansas,	Sawyer,	

The PRESIDENT *pro tempore*. Forty-six Senators have answered to their names.

Mr. COCKRELL and others. Call the roll.

The PRESIDENT *pro tempore*. If there be no objection, further proceedings under the call will be dispensed with. The question is on the motion to refer. The roll-call will proceed.

Mr. TELLER. What is this vote?

The PRESIDENT *pro tempore*. To commit the bill, with the message, to the Committee on Foreign Relations.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "nay."

Mr. BLAIR. I rise to ask a parliamentary question.

The PRESIDENT *pro tempore*. The Senator will state it.

Mr. BLAIR. It may be too late to raise such a point, and perhaps there is no such point, but I desire to ask whether pending the roll-call on the passage of the bill it is in order to move to commit it?

The PRESIDENT *pro tempore*. In order to advise the Senate positively on that point, as the suggestion has been made once before, the Chair will have the clause of the rule read, so that there may be no misunderstanding.

Mr. SHERMAN. Rule XV.

The PRESIDENT *pro tempore*. Rule XV, clause 2.

The Chief Clerk read as follows:

2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee, it shall be placed on the Calendar, and when again considered by the Senate it shall be as in Committee of the Whole.

Several SENATORS. Call the roll.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The Secretary resumed the calling of the roll.

Mr. BATE (when Mr. BECK's name was called). The Senator from Kentucky [Mr. BECK] is paired with the Senator from Maine [Mr. HALE].

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were here, I should vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay" on this motion.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. If he were present, I should vote "nay."

Mr. PALMER (when his name was called). As I stated before, I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. TELLER (when his name was called). I have been, as I stated before, paired with the Senator from Louisiana [Mr. GIBSON]. I have the consent of the Senator from Florida [Mr. CALL] to transfer the pair of the Senator from Louisiana to my colleague [Mr. BOWEN], so that I feel at liberty on this question to vote. I vote "nay."

The roll-call was concluded.

Mr. HARRIS. I announce again that I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present, I should vote "yea."

Mr. JONES, of Nevada. I am paired with the Senator from New Jersey [Mr. MCPHERSON]. I should like to transfer the pair to the Senator from Vermont [Mr. MORRILL].

The PRESIDENT *pro tempore*. The Senator from Tennessee is paired with the Senator from Vermont.

Mr. JONES, of Nevada. That arrangement will permit the Senator from Tennessee [Mr. HARRIS] to vote, if he so desires.

Mr. HARRIS. I have no objection to transferring the pair, and the Senator can vote.

Mr. JONES, of Nevada. Then I vote "nay."

Mr. HARRIS. I vote "yea."

Mr. WALTHALL. I desire to announce again that my colleague [Mr. GEORGE] is absent on account of sickness and is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay." I also announce that my colleague [Mr. CHANDLER] is paired with the Senator from New Jersey [Mr. BLODGETT].

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

The result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Bate,	Colquitt,	Hoar,	Sherman,
Brown,	Gorman,	Jones of Arkansas,	Voorhees,
Call,	Gray,	Platt,	Walthall,
Cockrell,	Hampton,	Pugh,	Wilson of Md.
Coke,	Harris,	Reagan,	

NAYS—20.

Aldrich,	Dawes,	Payne,	Stockbridge,
Berry,	Dolph,	Plumb,	Teller,
Chace,	Hiscock,	Sawyer,	Turpie,
Cullom,	Jones of Nevada,	Spooner,	Vest,
Davis,	Mitchell,	Stewart,	Wilson of Iowa.

ABSENT—37.

Allison,	Edmunds,	Hearst,	Quay,
Beck,	Eustis,	Ingalls,	Ransom,
Blackburn,	Evarts,	Kenna,	Riddleberger,
Blair,	Farwell,	McPherson,	Sabin,
Blodgett,	Faulkner,	Manderson,	Saulsbury,
Bowen,	Frye,	Morgan,	Stanford,
Butler,	George,	Morrill,	Vance.
Cameron,	Gibson,	Paddock,	
Chandler,	Hale,	Palmer,	
Daniel,	Hawley,	Pasco,	

So the motion to refer was not agreed to.

The PRESIDENT *pro tempore*. The question recurs, Shall the bill pass? The yeas and nays having been ordered, Senators in the affirmative will answer "yea" and those in the negative "nay," as their names are called.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present, I should vote "yea."

Mr. WALTHALL (when Mr. BLACKBURN's name was called). The Senator from Kentucky [Mr. BLACKBURN] is paired with the Senator from Nebraska [Mr. MANDERSON]. If the Senator from Kentucky were here, he would vote "yea."

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "yea;" but he not being present, I shall not vote.

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR]. My colleague would vote "yea," if present.

Mr. GORMAN (when his name was called). I am paired on all questions with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea" on the passage of this bill.

Mr. BLAIR. The Senator from Mississippi [Mr. GEORGE] and myself, who are paired, I suppose I would vote the same way.

Mr. WALTHALL. My colleague would vote "yea."

Mr. BLAIR. Then I am privileged to vote.

Mr. WALTHALL. Certainly.

Mr. BLAIR. I have voted.

Mr. HARRIS (when his name was called). I ask the Senator from Nevada [Mr. JONES] if he wishes to continue the arrangement transferring our pairs as before.

Mr. JONES, of Nevada. Yes, sir.

Mr. HARRIS. Then I vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Not knowing how he would vote I refrain from voting. If he were here, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. Referring to his colleague [Mr. HISCOCK] I suppose I have the right to vote on this question.

Mr. HISCOCK. I have no doubt my colleague would vote "yea," if present.

Mr. MORGAN. I vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS], but understanding that he would vote "yea," if here, I vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. CAMERON (when Mr. QUAY'S name was called). My colleague [Mr. QUAY] is paired with the Senator from West Virginia [Mr. FAULKNER]. If my colleague were here, he would vote "yea" on the passage of the bill.

Mr. DAVIS (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. If present, my colleague would vote "yea."

Mr. GRAY (when Mr. SAULSBURY'S name was called). My colleague [Mr. SAULSBURY] is absent, paired with the Senator from Iowa [Mr. ALLISON]. If my colleague were present, he would vote "yea."

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], but believing that he would vote "yea," if present, I will vote "yea."

The roll-call was concluded.

Mr. CAMERON. Understanding that the Senator from South Carolina [Mr. BUTLER] if present would vote "yea," I desire to cast my vote. I vote "yea."

Mr. ALLISON. The Senator from Delaware [Mr. GRAY] having announced that his colleague [Mr. SAULSBURY], with whom I am paired, would vote "yea," if he were present, I vote "yea."

Mr. GRAY. Both the Senators from West Virginia are absent. I am authorized to state that they would vote "yea," if present. I do not know with whom the senior Senator from West Virginia [Mr. KENNA] is paired, but if his pair refrained from voting he is at liberty to vote.

Mr. CULLOM. The Senator from West Virginia [Mr. KENNA] is paired with the Senator from Minnesota [Mr. SABIN].

Mr. GRAY. I do not know with whom the other Senator from West Virginia [Mr. FAULKNER] is paired.

Mr. CULLOM. He is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS. I wish to announce the fact that the Senator from Kentucky [Mr. BECK] is paired with the Senator from Maine [Mr. HALE]. The Senator from Kentucky is necessarily absent, as I understand is also the Senator from Maine. The Senator from Kentucky, if not paired, would vote "yea."

Mr. CULLOM. The Senator from Vermont [Mr. EDMUNDS] is unavoidably detained from the Senate.

Mr. MANDERSON. Being assured that the Senator from Kentucky [Mr. BLACKBURN] with whom I am paired would vote "yea," I vote "yea."

Mr. TELLER. My colleague [Mr. BOWEN] is paired with the Senator from Florida [Mr. CALL]. My colleague would vote "yea," if present.

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL], but understanding that if he were present he would vote "yea," I record my vote "yea."

The result was announced—yeas 37, nays 3; as follows:

YEAS—37.

Aldrich,	Davis,	Morgan,	Stockbridge,
Allison,	Dolph,	Paddock,	Teller,
Bate,	Gray,	Pasco,	Turpie,
Berry,	Hampton,	Payne,	Vest,
Blair,	Harris,	Plumb,	Voorhees,
Cameron,	Hiscock,	Pugh,	Walthall,
Chace,	Jones of Arkansas,	Reagan,	Wilson of Md.
Coke,	Jones of Nevada,	Sawyer,	
Colquitt,	Manderson,	Spooner,	
Cullom,	Mitchell,	Stewart,	

NAYS—3.

Brown,	Hoar,	Wilson of Iowa.

ABSENT—36.

Beck,	Dawes,	Gorman,	Platt,
Blackburn,	Edmunds,	Hale,	Quay,
Blodgett,	Eustis,	Hawley,	Ransom,
Bowen,	Evarts,	Hearst,	Riddleberger,
Butler,	Farwell,	Ingalls,	Sabin,
Call,	Faulkner,	Kenna,	Saulsbury,
Chandler,	Frye,	McPherson,	Sherman,
Cockrell,	George,	Morrill,	Stanford,
Daniel,	Gibson,	Palmer,	Vance.

So the bill was passed.

Mr. BLAIR. Mr. President, is a motion to reconsider in order?

The PRESIDENT *pro tempore*. It is.

Mr. BLAIR. I desire to make that motion, and if it shall prevail to offer an amendment, which I send to the desk. A reconsideration is necessary to place this bill in such a condition that it may be amended.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to reconsider the vote by which the bill was passed. Is the Senate ready for the question on the motion to reconsider?

Mr. TELLER. I move to lay that motion on the table.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has not yielded the floor.

Mr. BLAIR. Let the amendment be read. I send the amendment to the desk to be read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 5. This act shall not take effect until the expiration of sixty days after its passage unless the pending treaty between China and the United States be rejected by China within that time, but shall take effect immediately upon such rejection, and this act shall take effect upon the expiration of sixty days after its passage, provided said treaty shall not within that time have been ratified. If within sixty days from the passage of this act said treaty shall have been ratified by China, then this act shall be void.

Mr. BLAIR. I submit that motion.

Mr. TELLER. I move to lay the motion to reconsider on the table.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield the floor?

Mr. TELLER. I thought he had yielded the floor.

Mr. BLAIR. No, sir; I simply say this, that we have kept our agreement. We have voted as we agreed to vote and passed the bill. Now, I yield the floor.

Mr. GORMAN. Mr. President, a few moments since I made a motion to commit this bill to the Committee on Foreign Relations. Although not present yesterday, I would not violate the understanding of the Senate by saying what I desired at that time, but I think I am in order now.

Mr. STEWART. The motion to lay upon the table is not debatable.

The PRESIDENT *pro tempore*. The motion to lay on the table has not yet been submitted.

Mr. GORMAN. I understood the Chair recognized me.

The PRESIDENT *pro tempore*. The Chair did.

Mr. GORMAN. So that I beg to say——

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Maryland, and the motion to reconsider is debatable.

Mr. TELLER. I would insist on my motion—I addressed the Chair before anybody else—but as that would have the effect to cut off the Senator from Maryland I will not urge it now; otherwise I should insist on it.

The PRESIDENT *pro tempore*. The Chair did not suppose the Senator from Colorado desired to cut off debate.

Mr. TELLER. Certainly not; otherwise I would insist on the motion.

Mr. STEWART. I understood the motion was made. I made the objection under a mistake.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Colorado to make the motion. The Senator from Maryland is entitled to the floor.

Mr. GORMAN. I think the whole Senate can appreciate the fact that the Senator from Nevada wishes to prevent everybody else from debating this measure.

Mr. President, I made the motion to refer because of the message that was read to the Senate to-day, and because of the hasty consideration of this measure, coming here as it did, I have no doubt, under a misapprehension.

Mr. PLUMB. Created by whom, will the Senator state?

Mr. GORMAN. The Senator from Kansas will pardon me. He can have the floor later on.

There could not be any question about it; everybody understands it, that when this measure was considered here and elsewhere up to this hour, there was a belief that the treaty which had been negotiated had not been ratified by the Chinese Government, but had been rejected. Now officially it comes to the Senate to-day that that information was not correct and that the Chinese Government had not considered this treaty, and it came in response to a resolution of the Senate.

There has never been a measure looking to the exclusion of these people from our country that I have not voted for since I have been a member of this body. In thorough sympathy with all who desire to exclude them, I made the motion, because I believe that the Senate owes it to itself and to the country, while the treaty is pending, and we are now officially informed of that fact, that such action as we have just taken ought not to have been taken with any country, not even with the small powers south of us, and if it were a great power, as has been said by Senators on this floor, I doubt if it could have received half a dozen votes. It ought to have been fully considered by a committee of the Senate. We all understand on both sides the pressure here in the face of a great contest between two great parties, which has prevented that fair consideration.

I concur with the Senator from Ohio [Mr. SHERMAN], a leader on his side, that this matter is above politics, above the Presidential election, and it ought not to have been considered in this indecent haste,

now that we have this official information that the Senate has asked for. I should have voted for the bill, as I have announced, but for my pair with the Senator from Maine [Mr. FRYE], when the matter came directly to our consideration, but owing to the pair I could not vote on it.

I am delighted that the Senator from New Hampshire [Mr. BLAIR] has made the motion that he has and offered the amendment that he has. It only demonstrates that we have acted in great haste. It is a matter that should have been considered by an intelligent committee of this body, in the light of the information that the President has given us, and I trust that the Senate will now, after it has had time to reflect on it, vote to reconsider the motion by which the bill passed and let it go to the Committee on Foreign Relations, an intelligent committee of this body, made up of distinguished gentlemen of both parties, who will give it that fair consideration and fair dealing to which the subject is entitled.

I have no doubt the amendment of the Senator from New Hampshire has been well considered by him, but it is too important a question to be voted upon now in the Senate, and I give notice, and ask my friend from New Hampshire to co-operate with me if his motion to reconsider is carried, that I shall then again move that this matter be committed to the Committee on Foreign Relations, with the message of the President and with the amendment which the Senator from New Hampshire has offered, so that that committee may come here to-morrow or next week and present us a measure that is fair and proper, that will not violate our treaty obligations, or put us in such a position that the Chinese Government will have the right, the moral right, and be justified in the eyes of the world, in excluding all our people from their shores.

We must look ahead, Mr. President. From what we gather from the newspapers of the condition of affairs between China and other great powers, the greater part of the trade of that continent may be ready within the next six months to be transferred to us. If the signs of the times are correct, this may be the opportunity of all others that we have sought for in the last forty years, to obtain possession of that trade by only doing that which is fair and right and manly. As a Democrat I do not believe that either party can gain any great advantage by this unseemly and hasty action on a great measure that is away above politics. We are all united in restricting this immigration and keeping it from our shores. I do not believe in this contest there is any advantage on either side. But if we go on in the face of the information coming here in response to a resolution of the Senate showing that the treaty is pending, and now for Congress to pass this act in such haste, doing that which has never been done in the history of this country, and which no other civilized nation would think of doing, and that, too, which may make it impossible for this great nation of sixty millions of people to have the benefit of the trade with China, and make it impossible to sell their manufactures to that people, you may close the door which we sent our Navy and diplomat to open.

Mr. President, by these hasty and ill-considered measures we may retard and jeopardize the business interests, and woe to the party and to the man who, for a temporary advantage in an election, will violate the great principles which ought to govern the actions of nations and thereby make it impossible for us to extend our commercial facilities. It will be a sad day for the country. The Senator from Nevada ought to restrain his impatience. His people are harassed by these Chinese, I know, for I have witnessed it. Undesirable and bad as it may be, we have no right to strike such a blow pending the consideration of the treaty. The treaty as it came to this body effectually excluded further immigration. The Senate amendments, not material, caused the delay, but for that the question would have been satisfactorily settled.

Mr. STEWART. Mr. President, the more I read the dispatches accompanying the message, the more I feel that this legislation is justifiable and proper, even if it had not been inaugurated by the House of Representatives. The first dispatch reads as follows:

PEKING, *September* 5, 1888.

BAYARD, *Washington:*

Believe treaty has been rejected. Have demanded from foreign office positive information some days since. No information has yet been received.

DENBY.

The second is:

PEKING, *September* 6, 1888.

That was yesterday—

BAYARD, *Secretary, Washington:*

Treaty postponed for further deliberation.

DENBY.

I say the bill is justifiable after all the delays that have been had, after all the procrastination that the people of the Pacific coast have been subjected to, in view of the fact that thousands of Chinese are coming in there fraudulently daily, and when there is a clamor for the impeachment of our judges because they are compelled under existing laws to admit Chinese. These Chinese have become so troublesome and such a nuisance that they are destroying the very existence of society, and are coming in by thousands. It was understood when this treaty was ratified by the Senate that the amendments to it were entirely agreeable to the Chinese minister, and it was claimed on all hands that these amendments did not change the original treaty as understood by the State Department. It was understood then that the object was to put a stop to the immigration, and the amendments do nothing more. It was argued here, and with much force, that the original treaty allowed as stringent regulations and as stringent legislation as the treaty with the amendments; but, as I explained before, after the experience the Pacific coast people have had on this subject, they wanted it specific, and it was made specific and certain according to the intent and meaning as it was declared to be and understood to be by the Senate on both sides of the Chamber and by the Committee on Foreign Relations. Four months have expired and we now first hear that the treaty is rejected altogether, but no information is given upon that demand. Days elapse, and finally when they get word in this direction, they say, "We will keep it under consideration, postpone it." It is no time for them to postpone. We have tried for the last fifteen years to exclude the Chinese by negotiation, and we have been thwarted at every point. They are coming now and invading our country by thousands, and I say it is no time for them to postpone. We shall never get what we want by negotiation.

Mr. MITCHELL. Besides, if the Senator will allow me in that connection, it has been stated over and over again by Senators on the other side of the Chamber that the Chinese minister had plenary power.

Mr. STEWART. Certainly he had plenary power; he was satisfied with the amendments, and now it has gone on four months, and the Pacific coast has been worse invaded in those four months than during any other like period of time in the history of the country, and the Chinese Government have postponed the treaty for further deliberation.

I say the time for deliberation has passed. Let us pass this bill. The President has another bill before him. If the Chinese Government propose to act, let them act at once; but if you postpone this bill; if you do not pass this bill, Congress will adjourn soon and it will be postponed, and this will go on for another year, and there will be no help for it. Any man who will go to San Francisco and see the pest that is in the heart of that city; learn the facts of the disease that is spreading through the community; learn the terrible habits of these people; the opium curse which is debasing the white youth and destroying the life-blood of that city, will not hesitate to take all necessary measures to stop this evil. In addition, the coming of these Chinamen is supplanting white labor.

I say it is the duty of the Senate to pass this bill and stop this ulcer, that is destroying one of the finest cities in the Republic, besides spreading all over the country and spreading demoralization everywhere. We can not wait, and this deliberation is an insult, after their minister here has expressed his satisfaction with these amendments. It shows that the original treaty was but a trick and intended to be evaded. There are conditions in the treaty which are unnecessary and will make a great deal of trouble, allowing a Chinaman to return to this country who has a family here or has a thousand dollars' worth of property, or where there is somebody who owes him a thousand dollars. There is no such case as that. That is a sham, a device, a trick to enable them to come in, as they could under that treaty, under former constructions, by parol evidence, because the courts have held they might introduce parol evidence. That treaty was manifestly intended by them to be evaded.

We have passed a law here which we thought would tend to block that and answer every purpose. Great care was exercised in devising that law so as to keep within the former treaty. I do not know whether it has done so or not. I think it very doubtful; but even with that, we find the Chinese Government postponing it, and sending their people here by the thousands. It is not good faith, and it is the duty, I say, of the Senate to pass this bill and stop this evil now.

There is no use of talking about the past. There is no use in raking up records. If you do not pass this bill, this will go on for another year. This question will never down; you never can get rid of it until you take affirmative, strong action. The Chinese Government have had plenty of time to ratify this treaty if they intended to ratify it; but they have no intention of signing any treaty if they can avoid it. They have no intention of making any arrangement with us which their cunning can not avoid. The action must come from us, if this country would protect its own citizens. China must know this, and I hope this bill will not be reconsidered, but that the motion to reconsider will be voted down, and the bill go to the President as it came from the House of Representatives.

Mr. BLAIR. The Senator from Nevada [Mr. STEWART] in his zeal should not confuse the issue. This bill is not operative in any such direction as his remarks would indicate. To pass it or not to pass it does not help much or hurt much.

Mr. STEWART. Why not?

Mr. BLAIR. I am just about to tell why not. This bill relates only to Chinamen who have been here and have gone back to China and have got certificates. This bill provides practically for the nullification of those certificates. It does not embrace the great, broad question whether other Chinamen shall come to this country at all or not.

While this bill was under discussion and these friends of ours from the Pacific coast were dealing in their trivialties about the passage of this bill I urged the Senator from Oregon to offer an amendment to it, providing that unless this treaty was ratified within a reasonable time this law itself should provide for the absolute exclusion of all Chinese immigrants.

Mr. STEWART. Let me call the attention of the Senator to one fact.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. Certainly.

Mr. STEWART. The existing law provides that no Chinamen that have never been here shall come.

Mr. MITCHELL. No laborer.

Mr. STEWART. No Chinese laborer.

Mr. BLAIR. That is the existing treaty?

Mr. STEWART. The existing law.

Mr. BLAIR. And the treaty has been made in accordance with that law?

Mr. STEWART. That law is in existence, and has been in existence for five years, that none shall come that have not been here before. The trouble is that all swear that they have been here before. This bill provides that none shall come whether they have been here or not, and consequently it closes the door for the next five years, and I do not believe we shall open it. So it is effective if we have it.

Mr. BLAIR. That is, by virtue of some law that exists. The Senator has that remedy. If this bill is as the Senator from Oregon explained, it is applicable only to those who have certificates.

Mr. MITCHELL. It applies to all Chinese persons who have ever been in this country and who are not here now.

Mr. STEWART. Let me explain to the Senator from New Hampshire. The treaty of 1880 provided that legislation might be had limiting immigration. No act was passed to enforce that provision until 1882. In 1882 an act was passed. It was then said to be unfair to exclude those who had left the country between the making of the treaty and the passage of the act—about two years. So the act provided that they might come in on proof of previous residence. It provided, also, for certificates for any of the rest who might go to China and wish to return.

Now there is a stream of previous residents—thousands of them—that have been coming in, and the courts have been overloaded by cases involving their identification. All swear that they are "previous residents," and it has been impossible to detect them.

I have been in the court-room when these cases have been up, and have seen a young Chinaman cross-examined by the attorney for an hour without avail. The young man would state where he had been in this country and where he had lived, and all the circumstances, so minutely and positively that the counsel could not disprove it.

Mr. BLAIR. May I ask the Senator a question?

Mr. STEWART. One moment. Nobody could disprove it, although everybody knew to a moral certainty that the young man had never been here before. Occasionally there would be found a memorandum in Chinese in his possession, in which he had been given the directions. The memory of these people is extraordinary. They will learn a tale so well that through an interpreter you can not investigate it.

The courts in California have been loaded down with cases involving this question of previous residence, and they can do nothing with them. The people of the Pacific coast have become so disgusted with the whole thing that they have asked for its stoppage. These people get all sorts of certificates and papers and bring them to this country. Our people can not tell these Chinamen apart; hence all this trouble.

This bill fills the gap. It says that none shall come, and when you say that none shall come you cover the whole case.

Mr. BLAIR. But this bill does not say that none shall come. It only nullifies the certificates.

Mr. TELLER. The other bill provides that none shall come. The two together make the case complete.

Mr. STEWART. The two together; yes.

Mr. BLAIR. The two together, I understand, make it complete. Of course the Senator understands that the amendment which I have suggested in no event whatever can interfere more than simply to effect a delay of sixty days before the act shall go into operation; but if there should be during those sixty days a ratification of the treaty this bill would be void. I have from the beginning gone upon the theory that there is no treaty, that the treaty has been rejected, and this discussion upon both sides has gone on that theory. I do not suppose that anybody in the Senate would think of passing this bill except upon the ground that the treaty which we have been trying to get amended had been rejected by the Chinese Government.

That question of fact is in doubt. It would seem from the message of the President received this morning that the rejection has not yet taken place. The Senator from Nevada says that the non-action is one of the attempted fraudulent delays on the part of the Chinese Government. This amendment will render that attempted fraud, if it be such, entirely futile at the expiration of sixty days.

If that government is proceeding in good faith to a rejection and the treaty is rejected at any time within sixty days, then, by reason of this amendment, the law which it is proposed here now to pass becomes operative. But if within sixty days the Chinese Government proceeds to ratify the treaty, and ratifies it, this act becomes void, and the treaty which we have authorized on our part, and our consent to which as yet there has been no attempt whatever to revoke (and I suppose we could revoke it before China on her part accepts it), unless its provisions contravene the existing law, will afford all the remedy which the Senate has designed to give.

I call the attention of the Senate to the precise operation and effect of this amendment, which is simply to delay for sixty days' time the operation of the bill if we make it a law. It seems to me that unless this be a covert attempt, which I should dislike exceedingly to suspect, on the part of anybody to destroy the provisions of the treaty which we have agreed to enter into, unless that be the real purpose behind the zealous movement to secure the enactment of this bill, the delay for sixty days ought to be satisfactory to everybody. It is with that view that I offer the amendment, the Senate having received the message of the President this morning which we called for, and having learned that the President and the friends of the President in the other House have allowed us to proceed here from day to day in this matter under a wrong supposition as to the action of the Administration, and having learned that China has acted, so far as we know, in good faith. This treaty came to us in December and we deliberated about it until last May, so that China has not taken so very long a time on her part to consider it.

Mr. TELLER. It did not come in December. The Senator is very much mistaken. It did not come until very much later. It did not come here until spring.

Mr. BLAIR. I shall not be particular about the matter of the exact time. China has had it, at any rate, for about four months. The suggestion that her minister plenipotentiary could act without the home Government seems to be contradicted by the fact that the home Government has the treaty and is considering it in China.

The question seems to have arisen as to whether there are full powers in the minister, as to whether these amendments could be acted upon by the minister without consultation with his own Government. He may have been unauthorized to act upon amendments of importance. And even if he had the right to act upon them, and he had doubt about the wisdom or propriety of the amendments from the point of view of his Government, he had a right to consult his Government. Two months' delay will not seriously affect anybody, because by this specific bill the entry of Chinese on the Pacific coast or across the line upon the borders of Canada or of Mexico is prohibited.

So it seems to me, Mr. President, that as matter of good faith we ought to reconsider our action on this bill and amend it in such way as I have indicated.

I do not assent to the proposition of the Senator from Maryland [Mr. GORMAN], whom I do not now see in his seat, that it being reconsidered action should be taken to send the bill to the Committee on Foreign Relations. I think that would be trifling and juggling with the Senate. The proper time to refer this bill to a committee was when it came to us from the House. That was the usual and ordinary course of procedure; but the chairman of the Foreign Relations Committee did not see that it was the proper thing to do. He assumed that the House of Representatives had the precise information which it now appears that nobody whatever in the Capitol at Washington possessed.

The Senator from Mississippi [Mr. GEORGE], not now in his seat, did enter a motion to refer, but, under the quiet, conniving, and acute manipulation of his associates on this side of the Chamber, as it appeared to me, he was gradually induced to withdraw from the motion which the impulses of his intellect and of his heart inclined him to make—the motion to refer this bill to the committee.

Accordingly the Senate proceeded to consider the merits of the bill, and it was considered long and thoroughly. Three days ago we reached the point of the passage of the bill, and it failed for the want of a quorum. We discussed it further, and again last night we reached the point of the passage of the bill, and it failed for the want of a quorum.

The merits of the bill are well understood, and there is no occasion for a consideration of it by the committee now. The Senator from Ohio [Mr. SHERMAN], and Senators on both sides of the Chamber, have expressed their views upon this bill and upon its merits. What further remains to be done, Mr. President? The opinion of the Senate undoubtedly is matured. There is just this one question, as to whether we are doing an act of bad faith and of insult toward China by making it operative at once. That is the only source of doubt, I think, that can arise in the minds of Senators.

I am not willing, sir, to proceed to do an act needlessly and improperly offensive to the Chinese Government. We have set them a precedent for burning our citizens in China, and I believe we have not yet paid them the cash for that precedent.

I think that this great country, this great Christian power as it calls itself, which assumes to set the highest and best example for mankind and calls on listening angels even to look down and see the highly civ-

ilized, refined, enlightened, and elevated Christian manner in which we transact business here on this earthly ball, may delay the operation of this bill two months for the sake of saving its reputation in this regard. That is why, after having kept my word as others kept their word, after having voted on this bill and voted in favor of the passage of this bill, I now offer this amendment. That is why I have thought that I ought to enter this motion to reconsider. But no one must understand if this motion to reconsider prevails and a motion to take the bill back to a second reading should prevail, that my vote would be recorded to send this bill to a committee. I am in favor of considering and ending the consideration of the bill by the Senate at the present time.

Mr. DOLPH. Mr. President, the Senator from Maryland [Mr. GORMAN] appeals to the Senator from Nevada [Mr. STEWART] to have patience. Patience is a desirable virtue, Mr. President, but there is a time when it ceases to be a virtue, and it seems to me that it comes pretty late, after what has occurred in this Chamber within the last two or three weeks, for such an appeal to come from that side of the Chamber.

It was not long since that during the discussion of the fisheries treaty the Senator from Missouri [Mr. VEST] took the floor, and in an elaborate prepared speech made an attack on the record of a certain gentleman who is now prominent before the country, and among other things stated that in the State of Indiana at a given time, at a time when the gentleman to whom I refer, an ex-member of this body, and now the candidate on the Republican ticket for President, was running for governor of the State, a number of Chinamen had been naturalized upon a motion made in court by the partner of this gentleman, and that they afterward voted for him at the election, as I recollect the Senator's statement. That was intended to be a serious charge. It was calculated to do harm. It went over the entire Union as coming from the Senator from Missouri, as information derived from a Senator from that State, a member of this body.

To-day it appears, when the record is produced, that instead of any Chinamen having been naturalized in the State of Indiana, some Chinamen went before the clerk of a court of record and declared their intention to become citizens of the United States. That is all there is of it.

Mr. President, I undertake to say that any foreigner may at any time declare his intention to become a citizen of the United States. I do not believe any clerk of any court of record has any authority to pass on the question as to whether he is or is not entitled to naturalization. It is not a judicial act in any sense. The Revised Statutes of the United States provide as follows:

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years at least prior to his admission, that it is bona fide his intention to become a citizen of the United States.

But a subsequent portion of the same section of the statute provides, in brackets, as follows:

[*Be it enacted, etc.*, That the declaration of intention to become a citizen of the United States, required by section 2165 of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section 2165; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.]

So I undertake to say that at the time of this declaration there was no provision for a judicial inquiry, and there can not be one, into the right of an alien making a declaration as to his intention to become a citizen of the United States. I think it is the duty of a clerk of a court, who acts in a mere clerical capacity, to receive the declaration and make the necessary record of it. The question what value it will have thereafter is settled by the law, and is to be determined by the court. This, I say, is all that appears in the statement that certain Chinamen had been naturalized in the State of Indiana.

There is no provision for the appearance of counsel in such a proceeding as that. There is nothing for counsel to do, and I understand there is nothing in the record to show that there was any counsel. And the Senator himself does not declare to-day that there was any counsel, much less any one connected with General Harrison.

Some affidavits taken in Washington have been read here from a party or parties in the employ of some of the Departments of the Government, as I understand, to the effect that one of the Chinamen offered his vote and that it was received. Suppose that was so, how does that affect the question of political parties in Indiana or in the United States on the question of Chinese naturalization? If that was so, it was the fault of the laws of Indiana, and I think they are very loose laws in that regard.

The statute of Indiana, approved April 21, 1881, provides, among other things, as follows:

SEC. 3. All elections shall be free and equal, and in all elections every male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and every male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.

Until I read that statute, I was not aware that any State in the Union allowed a foreigner to vote immediately after his declaration of intention to become a citizen.

Mr. VEST. Several States do that.

Mr. DOLPH. If such a foreigner voted at any election in Indiana, I say that the fault was in the law of the State at the time referred to.

On Monday morning last, Mr. President, when I came into this Chamber, I learned that the House of Representatives had already passed this bill which had been introduced that very morning into the House to restrict Chinese immigration. As is well known, it came into this Chamber within two hours after our session commenced. Rumor is at fault, the press of the country is at fault, we are all at fault, or the bill was brought directly from the Chief Executive of this nation to the House of Representatives when it was introduced there. It is now claimed that some information has been received by the Government on the question whether the treaty recently negotiated between the Chinese Government and the United States has been ratified or rejected by the Chinese Government.

On Saturday I went to the State Department to get some information in regard to that matter, having read the telegram from London, and I was informed that there was no information before the Department upon the subject, that the telegram was not credited, and that it was believed that if the treaty had been rejected the American minister would have cabled that information to the Department. Notwithstanding that, this bill, as I have said, came from this high source, and, it was understood, with the approval of the Chief Executive. It was rushed through the House and sent to the Senate.

The telegrams referred to here do not appear to have been received, the first one until two days after that bill passed the House of Representatives, and was sent here for the consideration of the Senate.

Was it desired that the Senate should take the same course on this bill that the House had taken? I ask, was it desired by the author of this bill and by the Administration and by the party responsible for its passage through the House, that it should take the same course in the Senate that it had taken in the House? I am constrained to believe that it was not.

When the bill came into the Senate and was read the Senator from Nevada [Mr. STEWART] requested that the bill should be taken up for immediate consideration. The bill was read. The senior Senator from Mississippi [Mr. GEORGE] having the floor, the following proceedings occurred:

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GEORGE. The bill has not been referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. It has not.

Mr. STEWART. It has not; but I will say to the Senator from Mississippi that it was unanimously passed by the House of Representatives this morning, and it is rather urgent. The House understands what they are doing, and I hope the Senator will not make any objection to the passage of the bill.

Mr. GEORGE. As I caught the reading of the bill, there is one question in it that I should like to have settled.

I will not read all the statement then made by that Senator. Omitting a portion, the proceedings continue:

I should like to have that matter considered by the Committee on Foreign Relations before I vote upon the bill.

The PRESIDING OFFICER. Does the Senator from Mississippi make a motion that the bill be referred?

Mr. GEORGE. I make that motion.

The PRESIDING OFFICER. The bill will be referred to the Committee on Foreign Relations if there is objection made to its present consideration.

Mr. DOLPH. That is done on the objection of the Senator from Mississippi?

The PRESIDING OFFICER. This is a House bill which has been read twice, and the Senator from Mississippi desires to have it referred.

Mr. DOLPH. The Senator from Nevada [Mr. STEWART] asked unanimous consent that the bill be taken up for present consideration.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] asks that it be referred.

Mr. DOLPH. The Senator from Mississippi objects to the present consideration of the bill.

After some remarks by the Senator from Nevada [Mr. STEWART], the Senator from Mississippi [Mr. GEORGE], and my colleague [Mr. MITCHELL], the debate continued as follows:

Mr. GEORGE. I move to refer the bill to the Committee on Foreign Relations for their consideration.

Mr. MITCHELL. The Senator from Mississippi then objects to the present consideration of the bill?

The PRESIDING OFFICER. The bill would naturally go to the Committee on Foreign Relations. Unless unanimous consent is given to consider it now, the bill will be referred to the Committee on Foreign Relations.

Mr. VEST. I do not understand that the Senator from Mississippi objects to its present consideration. We can determine afterwards what we shall do with it.

Mr. GEORGE. I wish to make a statement about it. I have stated my objection——

The PRESIDING OFFICER. The Chair will put the question.

Mr. GEORGE. I want to state——

The PRESIDING OFFICER. Let the Chair first put the question. The bill having been read twice, the Senator from Nevada asks unanimous consent that it be now considered. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. GEORGE. Now, I desire to say that I think it would be proper to have that point considered by the Committee on Foreign Relations. If no other Senator agrees with me, of course I shall not make the motion to refer.

Mr. VEST. That is unquestionably the meaning of the bill. I am ready to vote for it myself. I believe in no sort of temporizing or half-way measures on this question. The Government of the United States ought to take a firm position and stand by it. Let these people come here, or else exclude them. If the present system of certificates and the return of Chinamen which follows it is to obtain, let us know it. For one, I am ready to vote for the bill.

As is well known, this bill led to a discussion in the Senate. The whole tone of that discussion was a complaint against the Republican side of the Chamber because they did not go against this bill or favor its reference to a committee or in some other way signify their dissent from it. The bill was criticised, but with the exception of the Senator from Mississippi, in the discussion which I have read, no Senator on the other side of the Chamber proposed a reference. The complaint was against the Republican side of the Chamber that they did not oppose the bill, and the effort was to make it appear that they were always, and were then, the only Simon-pure friends of restricting Chinese immigration.

Well, sir, that bill has been discussed from day to day until this time, and to-day what do we see? We see that entire side of the Chamber changing front and seeking now to postpone and prevent the passage of this bill. I will not say "prevent;" I will retract that, but I say to postpone the consideration of this bill and refer it to the Committee on Foreign Relations, and voting almost solidly for that proposition.

What has come over the spirit of their dream? Has the situation changed? Not at all. The situation is precisely as it was on Monday morning last when this bill was sent down in hot haste to be introduced into the House of Representatives. If this bill is wrong in any particular, if it is a violation of any existing treaty, if it is premature, let those who originated the bill, and who are responsible for sending it to this body, take the balance of responsibility with regard to it and deal with it.

It was stated this morning by my colleague that before the pending treaty was negotiated the Senate had passed a resolution requesting the Administration to negotiate a treaty with China for this purpose. That was denied by the Senator from Delaware. I hold in my hand a resolution adopted by the Senate on the 1st of March, 1888, on the report of the Committee on Foreign Relations, which reads as follows:

Resolved by the Senate of the United States, That, in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States under the limitations of our treaties with China, the President of the United States be requested to negotiate a treaty with the Emperor of China containing a provision that no Chinese laborer shall enter the United States.

It was not until the 16th of March following that the treaty was transmitted to the Senate by the President of the United States, and I am able to state upon the very best of authority that about the time that resolution was reported, although there had been some negotiation between the State Department and the Chinese Government some time before, there had been nothing since about the 1st of the preceding May done in regard to that. So I reassert and repeat what was stated by my colleague this morning, that the treaty was not negotiated until after the Senate had passed the resolution which I hold in my hand.

Mr. MORGAN. I desire to say that I was present with the Senator at the interview of which he speaks with the Secretary of State. I beg leave to say that my memory is entirely at variance with that of the Senator as to the statement he makes now, and that that treaty had been negotiated practically and agreed upon before the time that this committee went there and saw him and before that resolution was passed.

Mr. DOLPH. I am very glad that the Senator from Alabama has opened the door. I shall feel at liberty to make some remarks in regard to that interview. I did not state that I learned that there. I said I had the very best authority for making that statement.

Mr. GRAY. Will the Senator from Oregon permit me to interrupt him there?

The PRESIDENT *pro tempore*. Does the Senator from Oregon yield to the Senator from Delaware?

Mr. DOLPH. I do.

Mr. GRAY. I do not wish to take it from the mouth of the Senator from Alabama, but the Senator from Oregon the other day, or some one for him, opened that door himself by stating what transpired at that very interview.

Mr. DOLPH. I did not.

Mr. GRAY. Either the Senator from Oregon or the chairman of the subcommittee or the Senator from Ohio opened that door by stating what occurred at that interview.

Mr. DOLPH. I will say that what purported to be a statement of that very interview was telegraphed to the State of California to a newspaper not belonging to the political party with which I affiliate—a distorted statement, made in a complaining way as on the part of the Senate and on the part of the committee, and was afterward published in the newspapers of my own State. The statement did not come from me, and I do not believe it came from any member of that committee.

Now, I reassert that as I understood it at the time, and I think the recollection of the Senator from Alabama is at fault, there had not been for ten months any negotiations whatever between the Chinese Government and the Government of the United States. The Senator will recollect what occurred in regard to a provision in the treaty for the payment to the Chinese Government of damages which had been done to some Chinese subjects in the United States. He will also remember what was said at that time as to the probability that a treaty might be negotiated and concluded if the State Department were at liberty or felt at liberty to make that concession to the Chinese Government. The Senator will probably recollect what was said by every member of the committee in regard to that matter.

The Senator from Alabama yesterday said that he understood or asserted it as absolute fact that the Chinese minister had plenary power to negotiate this treaty. I have never so understood it from the State Department. They have never so understood it. On the contrary, they stated that the original treaty and the amendment must go to China for ratification by the Chinese Government.

As I said the other day, it has been repeatedly charged that the amendment placed on the treaty by the Senate had delayed its ratification, had prevented its ratification by the Chinese Government. I undertake to say that there is no evidence in any Department of this Government that that is the case. On the contrary, the evidence is all the other way.

When the Senate ratified the treaty, with amendments, it was known in this city that the Chinese minister approved the amendments. I was informed that the amendments were telegraphed to the Chinese Government, and as I said before, the treaty had not reached the Chinese minister; it was still in the Department of Foreign Affairs; and I assert again not only that there is no evidence that the amendments delayed the ratification of the treaty or prevented its ratification, but my opinion is that the amendments were not unsatisfactory to the Chinese Government.

I agree, however, with the Senator from Nevada that the Chinese Government has not treated the United States fairly with regard to this treaty, and I will state why. When this treaty was being negotiated the Chinese minister desired to have such a provision put in the treaty as the Senator from Georgia [Mr. BROWN] desired to put in this bill yesterday, that is that the treaty should not take effect so as to exclude Chinese laborers who have once been in the United States and gone out with certificates and were entitled to return, until after a certain fixed period after the treaty had been ratified. That was not done, but it was understood that the Chinese who were already out of the United States would have an opportunity between the date of the negotiation of the treaty and its ratification to return to the United States, and that is what they have been doing by thousands.

I have no doubt that that has been one great reason for the delay of the ratification of this treaty. I say if that is so the situation is so unusual that we have a right to act in order to prevent the return of those Chinese who would be excluded by the treaty and by the legislation under it when the treaty was ratified.

But I do not desire to discuss this question, Mr. President. There were merely those things in regard to it which I desired to say. I will not discuss it after all that has been said during the last few days in this body as to the attitude of the Senate and of the Republican party upon this question.

Mr. TELLER. I move to lay the motion of the Senator from New Hampshire on the table.

The PRESIDENT *pro tempore*. The Senator from Colorado moves to lay the motion to reconsider the vote by which the bill passed on the table.

Mr. CALL. I should like to have the Senator withdraw that motion for a few moments.

Mr. TELLER. Does the Senator desire to discuss the question?

Mr. CALL. For a very few minutes.

Mr. TELLER. I do not desire to cut off debate. I shall withdraw the motion and have it renewed when the Senator from Florida closes.

Mr. CALL. Mr. President, I do not wish to occupy the attention of the Senate for any length of time, but this is a very grave public question and suggestions have been made by the Senator from Maryland [Mr. GORMAN] which are deserving of very great consideration, affecting the financial future of the country, affecting its commerce with China and our general commercial relations in the eastern countries. I should like to know, as this motion for reconsideration is objected to upon the ground of an urgent necessity, upon the ground that the courts of the United States in California are admitting persons who are not authorized to come here under the existing laws and treaty, why a bill requiring specific methods of proof to be administered by the court would not meet that urgent necessity, and why parol evidence should not be declared incompetent, if that be the difficulty? If the difficulty be in the method of proof and hearing, as is alleged, now administered by the courts of the United States in California, why not correct that evil by prescribing methods of proof which shall be certain and definite, and impossible of evasion?

It is also urged that this bill shall be passed and this reconsideration refused upon another ground, and that is, that these Chinese people in the city of San Francisco and in California are guilty of degrading practices, are opium-smokers, are people engaged in licentiousness of the most detestable character. Why can not the State of California so make and administer her laws as to correct that evil? Is it not the feature of this Government upon which we rely, that for domestic crimes, for matters occurring within the States, the power of the State

government shall be exercised and is ample to cover it? It is as great as the criminal power of the United States courts. The State courts have precisely the same extent of power. Why not, if punitive measures are sufficient, exercise them and suppress these evils. There is no difficulty in this, and if there was, the bill under consideration does not touch this subject in any respect. It does not propose to remove the Chinaman in San Francisco.

But it seems to me as if this whole discussion and all these measures are intended to show which party or which individual will go farthest in appearing to persecute and oppress these Chinese people, as if that were the object rather than to devise a proper and an efficacious method of preventing their migration in any great numbers into this country, and at the same time preserving commercial relations and good feeling with the Government of China.

The proper object to be attained is to prevent the migration into this country of any very great number of these people so as to compete with American labor, so as to affect to any marked degree the habits or customs or social order of our people. If that be the object, why can not the States so provide, if they see fit, the General Government consenting thereto and making a treaty with China that no Chinaman shall be permitted to migrate or remain in the State of Oregon or California? I should like to know why not. I find in the Constitution an express provision which recognizes these powers in the State, in section 9 of Article I:

> The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808.

I presume that no one would claim that that is a power confined to the original States, and not a general power in all States either then or now existing. It clearly recognizes, in the absence of any provision by Congress or any prohibition, the power in the States to admit or to prohibit.

Suppose the National Government shall not exercise that power, and we shall by treaty with China say, the State of California objects to the presence of the Chinese there under any circumstances whatever, any portion of them, and by a treaty agreement we agree that the Chinese shall not be allowed the privilege or right either of temporary sojourn or occupation there, what prevents the State of California or the State of Oregon, or any other State from prohibiting the presence of a single Chinaman within her limits? If the object is to get rid of these people and prevent any intercourse whatever, is there not ample power to accomplish it in the States, the National Government consenting and aiding the States?

As to the efficacy of that kind of legislation to accomplish the exclusion of the Chinese, that is the most competent and efficacious means, and it is the power that can most efficaciously execute the laws upon this subject if it is the desire that no Chinamen shall be permitted in the country anywhere. Is not the State authority more generally and universally present? Are not the State officers more numerous in every county, in every locality? Are not the State courts more numerous throughout the country? If there be a State law, with the General Government aiding and assisting it, with no treaty obligations to the contrary, and if there be a public opinion and a law co-operating, why is it not the efficacious and the certain method of preventing the migration or the presence of Chinamen of any description in any State that desires to exclude them?

I have thought much upon this point during the discussions on this subject. If the people are so unanimous and so earnest as they appear to be upon the Pacific coast, and if Senators are so anxious that there should be no pollution of the people by Chinese amongst them, why should not the aid of State legislation, which was ample and sufficient to cover the whole subject, be invoked? No answer has ever been made to that proposition. I have called attention to it every time the subject has been before the Senate in the discussion of these bills. There can be no answer to it. The State power is ample, the National Government co-operating and aiding, to accomplish this end without involving the whole country in trouble in its commercial relations.

Mr. President, suppose you have a law of absolute exclusion, of non-intercourse, which this measure practically proposes with the Chinese Government, and these people cross the border either of Mexico or Canada into the United States, and are found within our country. It is not a very difficult matter for them to evade immediate contact with the officers of the United States. A marshal of the United States is not omnipresent. You must rely upon the local sentiment of the people for the execution of the laws, to communicate the intelligence that here is a Chinaman in this community without authority of law, and the execution of that law for the prevention of this evil, as it is considered, must depend alone upon the local sentiment of the people.

Therefore I undertake to say that if it be the desire to prohibit in this country the presence of all Chinamen, or of any number of them, the remedy is easily at hand in the legislation in the different States upon the subject.

Mr. HOAR. I wish to ask the Senator from Florida if he thinks it would be competent for the Legislature of any State (the power to regulate commerce being in Congress), to prohibt the entrance to its borders of any English subject?

Mr. CALL. I do not think it would be, without the aid of Congress to that effect. But suppose Congress should make a treaty with England and should say that in the State of Massachusetts no Englishman shall be admitted except subject to the laws of Massachusetts, I want the Senator to tell me what would be the objection to that?

Mr. HOAR. The objection to that, in my judgment, is that it would be a regulation of commerce with foreign nations, which Congress can not remit to the States.

Mr. BLAIR. Will the Senator from Florida allow me to ask the Senator from Massachusetts a question?

Mr. CALL. I will.

Mr. BLAIR. I should like to ask the Senator from Massachusetts whether he thinks a State would or would not have the power to say they might come within, but prevent becoming permanent residents within its borders those foreigners who are not admitted to naturalization? In other words, can Massachusetts exclude the Chinaman who is not entitled to be naturalized from permanent residence in the State of Massachusetts?

Mr. HOAR. I do not think she can.

Mr. CALL. The answer to the proposition of the Senator from Massachusetts [Mr. HOAR] is twofold. In the first place, it is not a remission by the Congress of the United States of the power to regulate commerce to any State. It is an exercise by Congress of the power to regulate commerce in respect to that State in accordance with the laws of that State. As I said, it finds its warrant in the provision of the Constitution which prohibits Congress from interfering with the power of admission or rejection until a certain period of time, and in so doing it asserts after that time the power of Congress to exercise that prohibition or not in respect to each State. That is one answer.

The other answer is the suggestion made by the Senator from New Hampshire [Mr. BLAIR], that although it is commerce for an Englishman to come to Massachusetts or to any other State, and it would be a regulation of commerce to forbid them, it is not commerce for him to come there for the purpose of residence or remaining any length of time; and that is the evil complained of here. I apprehend that neither California nor any other State would find any cause of objection in the mere passage through their dominions of any class of people. I apprehend that it would not be at all difficult to formulate a law which would prevent any person passing through a State from stopping for such a length of time as would be objectionable to the people, and to so identify them that there could be no permanent remaining and no permanent occupation there.

I do not see therefore that this agitation has anything more in view than the question of presenting to the people of the Pacific coast the one side or the other side, the one man or the other man as being more in accordance with the public sentiment of the people there; that it is an electioneering scheme.

I am in favor of preserving the purity of this race and not interfering with the employments of our people to any unreasonable extent, and I shall be perfectly willing to acquiesce in any such legislation as reasonably attains that end. But that can be done without interfering with the commercial relations of our people with China. That can be done without non-intercourse. That can be done without asserting what everybody knows to be impossible and to be a mere pretense, the old exclusion policy of China, which the civilized people of the world forced her to abandon. We are here to-day in defiance of the whole civilization upon which our country rests asserting that we shall be absolutely excluded from all intercourse with a very large portion of the globe, upon the proposition that it is necessary in order to prevent the migration of their people in such numbers as to be a serious injury to our people. We are asserting a national policy of non-intercourse with the nations of the earth. We are making a declaration of public policy that contact between a superior and inferior civilization will destroy the superior. That isolation is our only protection against the Chinese. We have gone back on the dial of time eighteen hundred years.

That is the whole of the argument. The Senate of the United States, representing the most enlightened, wealthy, and powerful nation in the world, to-day affirms the principles and the policy of exclusion which the civilized world forced, at the point of arms, the Government of China to abandon, and both political parties here to-day are affirming, giving no reason whatever that can stand the test of investigation, that the prevention of the migration of the Chinese in such numbers as to affect the civilization, degrade the religion, and destroy the virtues of our people is necessary, notwithstanding it is plain that the criminal power vested in our courts and our State governments is ample to meet every exigency that requires the administration of punitive law, and the suppression of crime. Instead of the proper exercise of the powers of government to prevent crime, we declare that isolation is our only protection from Chinese crime.

Mr. MITCHELL. Will the Senator allow me a moment right there?

Mr. CALL. Certainly.

Mr. MITCHELL. Going back to the point the Senator was discussing a moment ago, he called attention to section 9 of Article I of the Constitution, and after having read it, argued that inasmuch as that section provided that "the migration or importation of such persons

as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808," it left the implication that the States had the power to prohibit immigration. I desire to call the attention of the Senator to the fact that that provision only applied to the States in existence at the date of the adoption of the Constitution.

Mr. CALL. That is true.

Mr. MITCHELL. It did not apply, and could not possibly apply, even if there is anything in the Senator's argument, which there is not, to any of the States west of the Rocky Mountains.

Mr. CALL. In terms, it does not.

Mr. MITCHELL. It only applies to States "now existing."

Mr. CALL. I called attention to that fact.

Mr. MITCHELL. Of course it does not include California or Oregon or any State admitted into the Union after the adoption of the Constitution.

Mr. CALL. I called attention to that fact, and also to the fact which the Senator recognizes at once as a matter of argument, but to which I now call his attention as a proposition which all admit, that the States do not derive their powers from the grant in the Constitution. The States have their powers from the people who created the State governments. The Constitution says that Congress shall not prohibit to the States "now existing," until the year 1808, the migration of any persons they see fit to admit.

Suppose Congress does not to-day prohibit immigration of Chinese to California. The Constitution does not give California the power to admit or to prohibit immigration, but the people of California have given the State government that power, and the Constitution of the United States admits that the people of California have the right in the absence of that prohibition to admit or prohibit. That power is uninterfered with by the Constitution and exists by virtue of the grant of power from the people of California in absolute plenitude.

Therefore I take it neither the Senator from Oregon nor any one else will question the fact in the absence of a prohibition by Congress that the power of any State is ample to admit or reject; but my proposition is, that with Congress consenting to and aiding the execution of the State power with a treaty stipulation with China, that no Chinaman shall be permitted to remain within the State of California for any length of time who is objectionable, or even not to enter there, and the State laws of California prohibiting it, it is perfectly within the power of California or of Oregon to-day, with this consenting legislation of the United States, that not a single Chinaman of any class, laborer, skilled or unskilled, scholar, scientist, philosopher, or any class of people, shall be permitted even to breathe the air of California or Oregon. There is ample power, therefore, without destroying the friendly and commercial relations of these two peoples, to exclude this evil from their borders. If this be true why should not this policy be adopted? Every one knows that contact between superiors and inferiors does not degrade the higher and stronger force. Every one knows that the dominant race controls the subject race or the inferior or lower force. Every one knows that distribution of product, and not monopoly of product, helps labor and increases wages and profit.

I ask what injury to California is it that there should be a Chinaman in Florida or in Massachusetts or in Louisiana? What harm is there that somebody there shall be able to employ a gardener or a washerman or give him some other employment? If you say it affects the labor of the people and substitutes an alien element not agreeable to our people, that is a good proposition if it exists in large proportions; but that does not exist to any great extent, and is not felt in those States.

Mr. BLAIR. May I ask the Senator a question?

Mr. CALL. Certainly.

Mr. BLAIR. Suppose the Chinaman has yellow fever and Florida chooses to locate the yellow fever; that is to say, the Chinaman in Florida, is it a matter of indifference to Georgia?

Mr. CALL. Oh, if he has yellow fever——

Mr. BLAIR. That is the question of fact we have decided. He has yellow fever.

Mr. CALL. I do not agree with the Senator.

Mr. BLAIR. Then we disagree.

Mr. CALL. I think the Almighty is a better judge than the Senator, and when He created four hundred million or five hundred million of Chinese people He knew better than the Senator from New Hampshire.

Mr. BLAIR. He created the yellow fever in the same way, according to the Senator's reasoning, and therefore yellow fever is a good thing and not to be avoided by those whose constitutions are adapted to yellow fever.

Mr. CALL. That may be the Senator's argument, and there is a great deal of that sort of argument in the world, and that is the argument on which this bill is supported—that the Almighty created yellow fever and the Chinamen, and that they are one and the same and to be abated in the same way and to the same extent.

Mr. BLAIR. Let me ask the Senator another question.

The PRESIDENT *pro tempore*. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. CALL. Certainly.

Mr. BLAIR. I ask if the Senator's reasoning does not strike directly at the powers which the General Government exercises and which he assumed it to exercise the other day—if it does not strike at the same power which was exercised in the case of Florida hitherto, for the extinction or prevention of the spread of pestilential diseases?

Mr. CALL. I do not see it so.

Mr. BLAIR. If Congress finds the fact that the Chinaman not only does not assimilate but ought not to assimilate with the American civilization; that his presence in small numbers, unrestricted to become infinite numbers, and therefore overwhelming our civilization so as to be destructive of it—if Congress, having in view the general welfare, having control of commerce and our relations with foreign powers, where the Chinaman is, finds the fact to be that that Chinaman is detrimental in his influence to the civilization of the American people, and that located in some particular State he is dead sure to spread and go into all the other States, I ask the Senator is it not in exact analogy to that power by which we exclude by national force pestilential diseases from any portion of the country that we may undertake the prevention of the migration or immigration of the Chinaman to this country?

Mr. CALL. I think in some respects there is a kind of moral analogy between them.

Mr. BLAIR. Is not a moral analogy a very good kind of analogy? An immoral analogy would be a bad one.

Mr. CALL. Yes; it is very good, but it does not correspond with the reverse of the term moral in that connection.

Mr. BLAIR. I think the Senator meant a religious analogy.

Mr. CALL. No; I mean moral as opposed to physical or material. The Senator has read enough of philosophy in the school books of New Hampshire to be correct about that.

Mr. BLAIR. I was not talking about an intellectual matter, but a physical one, of course.

Mr. CALL. There is not very much intellectuality about this part of the matter. The difficulty in the mind of the Senator is simply this, and that seems to be the policy of this bill, that the Chinaman is yellow fever, that the Chinese people and the Chinese Government are yellow fever, and therefore the power of Congress of absolute exclusion is to be exercised. I deny all that. I believe the Chinese civilization has something which can be taught advantageously to all people. I believe that they have not existed four thousand years to our few hundred without having performed some part in the divine economy of the world. I believe that when other peoples and nations have been committing the most horrible cruelties, religious fanaticism and political cruelties, these people, who have existed so many years, with so many bright examples of the moral virtues which our religion teaches, are not, in the divine economy or the wise public economy of states, to be treated as a pestilence and a scourge and a necessary evil to be banished from all communication with mankind.

While acquiescing in the reasonable public policy of allowing our people to say that our industrial system, our habits of thought, our pursuits in life are so antagonistic to these people and theirs to ours that we do not want them, while I am willing to aid them, I need not for the purpose of doing that disregard all our orderly and proper methods of making laws and the execution of laws, and our respect for our treaty obligations and our good faith with other nations, and our respect, our decent respect, for the opinions of mankind.

Mr. BLAIR. May I ask the Senator whether this is his proposition, that the incoming of the Chinese should be absolutely without national restriction save only as a national law may be made to assist such States in excluding the Chinaman from those States as may make laws for their exclusion? That is to say, if Florida decides to exclude the Chinaman, the National Government may assist Florida in excluding the Chinaman from that State; but if all the other States desire or are willing that the Chinaman should come, the national power should not interfere but should allow the Chinaman to come to those States?

Mr. CALL. I think until it gets to be a national evil, until the numbers are large enough, the national authority should not intervene to forbid States who desire to use them from doing so.

Mr. BLAIR. Who is to decide when it is a national evil if not the national authority?

Mr. CALL. Of course the National Government, the two Houses of Congress, and you, are to decide.

Mr. BLAIR. And the Senator from Florida. The Senator from Mississippi [Mr. GEORGE] told us the other day that not only Congress but the whole American nation had decided that the immigration of the Chinese population was a national evil, and that we are here merely to record the verdict of the people and to see that it is carried out.

Mr. CALL. Yes, I believe he said that.

Mr. BLAIR. Then assuming that to be so, are we excusable in dallying about this exclusive legislation?

Mr. CALL. I think you unnecessarily deprive our people of great commercial advantages, and I do not think this exclusive legislation will answer your purpose. I do not believe that you can exclude these people by this kind of legislation without State legislation.

Mr. BLAIR. We can try it.

Mr. CALL. Furthermore, I think it very wise for every one, particularly those who have to vote upon these subjects, to be candid and say what they believe about it. If they believe, as the Senator from New Hampshire seems to do, that the Chinaman is necessarily an evil; that he is like the pestilence or the yellow fever, when we have twelve millions of African people as diverse as the Chinamen is from our own people, as different in their tastes and disposition as theirs—if he believes that these people are a public enemy and can not be permitted to come here under any circumstances or any condition, he is wise to say so and to vote for this legislation without any more candid expression of opinion.

I do not believe it. I believe that the Almighty has created no people who are not for some wise purpose in the world and capable of civilization, capable of improvement, and I believe it is the duty of all public policy, while carefully guarding their own people against evil and contamination, to establish the policy that while they protect their own people from evil they shall do the greatest good to others and establish the widest commercial relations with mankind. I believe in the commerce of thought and intelligence and production. I believe in the spread of intelligence and in the elevation and improvement of mankind.

Mr. SPOONER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. CALL. I do.

Mr. SPOONER. I was about to ask the Senator from Florida whether he was in favor of excluding the Chinese from this country. There is no proposition, as I understand it, to exclude them from the world, but only to exclude them from this part of the world. I recognize their right to live and move and have their being, and enjoy their civilization, and all that, but not to move to this country.

Mr. CALL. I did not suppose there was any policy on the part of these gentlemen to make war on China and exterminate the Chinese.

Mr. SPOONER. I ask the Senator from Florida whether he is in favor of excluding them or not?

Mr. CALL. I might answer that very well by saying that a man's opinions in a concrete form are very much like the opinions now on both sides of the Senate and in the other House—they are formed very much from political expediency. I am probably subject like others to that kind of necessity, that I am obliged to think of what is politically expedient.

Mr. SPOONER. Then I understand the Senator to be just now for political reasons in favor of excluding them?

Mr. CALL. No; but I say that I think a large number of Senators on both sides of this body are that way. My own personal opinion about it is this: I think the Chinese may very safely be admitted to this country in limited numbers.

Mr. BLAIR. May I ask the Senator a question?

Mr. CALL. Yes, sir.

Mr. BLAIR. Why is it that both parties, with the exception of the Senator from Florida, are solid against the admission of Chinese to this country?

Mr. CALL. Because the people of the Pacific coast are solid.

Mr. BLAIR. Now, let me ask the Senator if he really thinks that is true?

Mr. CALL. I have no doubt of it.

Mr. BLAIR. There was a time when the great body of the American people, or rather the northern portion of the American people, were opposed to the policy of the Pacific coast in excluding the Chinaman. I remember when our religious bodies, and our missionary people, and our intelligent people, men who wrote on the Declaration of Independence and wrote books on such subjects, were all on the side of the Chinaman. Something has changed their view, and it was not the clamor of the Pacific coast, for they made more then than they do now. Something has convinced the great body of the American people north of Mason and Dixon's line that on the whole these people ought to be kept out; that they are injuring our own civilization; that the entering wedge is on the Pacific coast; and that it is better for the Chinaman and better for us that they should live in their house and that we should live in ours. They have come to the conclusion, I think, that the best man on the face of the earth, the doctor of divinity or the philosopher, is not to invade the hut of the lowliest and occupy that space which is necessary for breathing and for existence on the part of whosoever has prior ownership and actual possession. I think the conviction of the people has changed there; and the people of the South, or the representatives of the Southern people, for some reason have changed their views; either it is that the negro is such a being as the Senator from Florida depicts him, incapable of assimilating——

Mr. CALL. I have said nothing about that.

Mr. BLAIR. Oh, the Senator did; he spoke of the twelve millions of them, he will recollect.

Mr. CALL. I said they were as different to us in their color, taste, and habits as the Chinese.

Mr. BLAIR. The people of the South do not want 12,000,000, 50,000,000, or 100,000,000 more, who are not likely to become good American citizens, to whom we deny the suffrage and deny naturalization, or for some reason they are in accord with the sentiments of the North. The whole nation is one way. I ask the Senator if it is a fair thing to impeach motives, my motives, the motives of Democrats and Republicans alike everywhere, by saying that we are dallying with this question for mere political advantage? If we are wrong political advantage would be on a different side, for we all recognize the fact that there is no permanent political advantage which is not found by taking the morally right side of a question; and if we are wrong in our position in regard to the Chinese, political injury will result to all parties who oppose this immigration.

Mr. CALL. The answer to all that in my opinion is simply this: I have no power to judge of anybody's motives, and I doubt very much if the motive is very distinct to themselves. I can only judge of the reasons which they give when they tell me that they are opposed to the migration of these people because they are dissimilar in personal and mental characteristics, because they do not assimilate and intermix, and yet they have here twelve million people who are still more dissimilar, and who do not intermingle nor intermix to any very large extent. When I see that every people on the face of the earth is represented here more largely than the Chinese people, and I am told that in defiance of your own constitutional amendment which you put on the Constitution, to the effect that everybody from everywhere should be exactly equal and entitled to the same protection of the laws and have the same rights to be exercised, both political and personal——

Mr. BLAIR. That applies only to citizens.

Mr. CALL. I beg pardon, it applies to all persons.

Mr. BLAIR. It applies to citizens born here or naturalized.

Mr. CALL. It applies to all persons within the jurisdiction of the United States, but we will not argue about that. When I see that you, in direct denial of that proposition, which was made a constitutional amendment a few years ago, now affirm that these people are the exceptions, that the Indians and the Chinese people are the exception of all humanity with whom there can be no intercourse——

Mr. HOAR. May I ask the Senator if he understands that provision of the Constitution, the fourteenth amendment, about denying to all persons within the jurisdiction of a State the equal protection of the laws, to apply to Chinamen, to foreigners?

Mr. CALL. I understand it to apply to every person.

Mr. HOAR. Then I wish to ask the Senator one other question. What becomes of his argument that any State may compel one of them to leave its borders? Does he think that an equal protection of the laws?

Mr. CALL. I think so, when there is a treaty stipulation to that effect. I think that would be an excepted case and that would come within the jurisdiction, and the jurisdiction would be subject to and in accordance with the treaty, which is the supreme law of the land for that purpose. Otherwise the Senator from Massachusetts would be right; they would be protected by the constitutional amendment, and with a treaty stipulation, the supreme law of the land, they would have the right, because they come here under the treaty, and are not subject to the constitutional provision for our own people; they come under the treaty. We constantly by treaty with other nations limit their jurisdiction over our people in their country.

Mr. President, I do not care to prolong this discussion. The Senator from New Hampshire states issues which are not here. If there are to be 12,000,000 Chinese here, that is one proposition, and if necessary to stop that it would be proper to say that no Chinaman shall come to this country except for commercial purposes and temporary sojourn; but when there are no Chinamen in this country outside of California and Oregon, and a few who have been carried into some of the New England States within the last few years by capitalists, and who have met I believe with disfavor from the people there, when it is an evil scarcely felt in four-fifths of the country, that is another question; and that is what we are speaking of to-day, when there is no evil felt from Chinese immigration outside of the Pacific coast, when there is no complaint from our people elsewhere, when the only question is how to relieve the people of the Pacific coast of their presence without disturbing our commercial relations with China.

If you want to prohibit the building of railroads by them, as the Central Pacific was built by the thousands who were brought from China to do it, make a law and prohibit their being here for doing this, that, or the other kind of labor, or in this, that, or the other numbers.

Mr. BLAIR. Will the Senator allow me to ask a question?

Mr. CALL. Certainly.

Mr. BLAIR. The Senator has several times called to our attention the existence of the negro population in this country as in some way bearing on this proposed legislation. I wish to remind him that in just the same way that we allow the negro who is here to remain, we permit the Chinaman who has come by authority of law to remain also, so that the two classes are upon the same ground in that respect. As to the future, it seems the general policy is to exclude the Chinaman. I ask the Senator whether he would be in favor of the exclusion of negro immigration for all future time?

Mr. CALL. I would prevent their coming in any large numbers. I

wound exclude the negroes coming from Africa in large numbers. I would not exclude a limited and inconsiderable number of them. I would not admit them to naturalization or make citizens of them. Neither the Chinese. The evil would consist entirely in the number who should be allow to come.

Mr. BLAIR. You would apply, then, the same principle to the negro that our legislation applies to the Chinaman and for precisely the same reason?

Mr. CALL. No, I do not put them on the same ground, nor is it necessary that I should do so. The proposition the Senator made was, the objection to the Chinamen is because they are different from our people. They are different in appearance, in tastes from our people. They do not assimilate with them.

Mr. BLAIR. What other objection have you to the negro? You do not object to his labor?

Mr. CALL. No, I do not object to him at all. I have made no objection to him.

Mr. BLAIR. If you have no objection to him, why not let him come?

Mr. CALL. I have said that the black man is as different from the white man as the yellow man. Do you deny it?

Mr. BLAIR. I do not know.

Mr. CALL. I have said that the superstitious black man is as different from the intelligent, religious, and public spirited and educated white man as an ignorant and supertitious yellow man is from the white man. Do you deny it? I have said nothing about the intelligent colored men. I have found no fault with them.

Mr. BLAIR. I do not know how that is.

Mr. CALL. I think not, and I think that is about the idea of this legislation. It is all predicated upon precisely such propositions.

Mr. President, I do not desire to go any further into this subject. I am as willing as any one else to protect the people of this country from the inroad of any people who will interfere with the occupations and pursuits of our people, with their sympathies and their tastes and social order; that will introduce alien and unfriendly elements into it; but, while I have voted for every one of these measures, I insist and I wish to declare my opinion that they are not based upon a wise, a sound, and an efficacious public policy adapted to the wise and just end of preventing the migration of these people in any large numbers, and at the same time preserving commercial relations and friendly feeling with the Empire of China and its millions of people.

I wish further to say that, in connection and in common with that, I regard the preservation of friendly relations with China and all eastern nations as an important one to the civilization and the Christian civilization of this country, and I wish to say that I consider that there is much in the Oriental nations which is worthy of study and is not injurious in contact with the civilization of the western continent. We have a great duty to perform as a great light to humanity, as well as a duty to our own people. They are both consistent with each other, and must be performed by intercourse with the nations of the earth and not by non-intercourse.

Mr. TELLER. I now move to lay the motion to reconsider on the table.

Mr. BLAIR. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the motion of the Senator from Colorado [Mr. TELLER] to lay on the table the motion of the Senator from New Hampshire [Mr. BLAIR] to reconsider the vote by which the bill was passed.

The Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. BLACKBURN'S name was called). The Senator from Kentucky [Mr. BLACKBURN] is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. BLAIR (when his name was called). Before I vote I will ask if the Senator from Mississippi [Mr. WALTHALL] can inform me how his colleague [Mr. GEORGE] would vote on this question?

Mr. WALTHALL. I think the Senator from New Hampshire is at liberty to vote.

Mr. BLAIR. I vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. Not knowing how he would vote on this question, I withhold my vote.

Mr. PASCO (when Mr. FAULKNER'S name was called). I was requested to announce that the Senator from West Virginia [Mr. FAULKNER] is necessarily absent, and is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I transfer the pair to the Senator from New Jersey [Mr. MCPHERSON], which enables the Senator from Nevada [Mr. JONES] and myself both to vote. I vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

Mr. PALMER (when his name was called). I am paired, as I said before, with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. CULLOM (when Mr. PLATT'S name was called). The Senator from Connecticut [Mr. PLATT] I think has been called home for a day or two, and I understand him to be paired with the Senator from South Carolina [Mr. HAMPTON], with the understanding that the Senator from South Carolina may vote on this question if he chooses.

Mr. HAMPTON. The Senator from Connecticut [Mr. PLATT] told me that he expected to be here to vote on this question and I might feel at liberty to vote.

Mr. CULLOM. I think he has just gone away, and I understood from him that the Senator from South Carolina was at liberty to vote on this question if he saw proper.

Mr. HAMPTON. Very well. I vote "nay."

Mr. TELLER (when his name was called). My pair with the Senator from Louisiana [Mr. GIBSON] has been transferred to my colleague [Mr. BOWEN]. Therefore I vote "yea."

The roll-call was concluded.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. SAULSBURY]. Not knowing how he would vote, I refrain from voting. I would vote "yea," if he were here.

Mr. CALL. I am paired with the Senator from Colorado [Mr. BOWEN], but I am advised by his colleague [Mr. TELLER] that I can vote on this proposition, the pair having been transferred to the Senator from Louisiana [Mr. GIBSON]. I vote "nay."

Mr. BLAIR. I desire to say that my colleague [Mr. CHANDLER] is paired with the Senator from New Jersey [Mr. BLODGETT]. I do not know how my colleague would vote on this question.

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. I do not know how he would vote.

The result was announced—yeas 23, nays 11; as follows:

YEAS—23.

Aldrich,	Dolph,	Morgan,	Stockbridge,
Bate,	Gray,	Payne,	Teller,
Berry,	Harris,	Plumb,	Vest,
Chace,	Hiscock,	Pugh,	Walthall,
Coke,	Jones of Nevada,	Spooner,	Wilson of Md.
Cullom,	Mitchell,	Stewart,	

NAYS—11.

Blair,	Colquitt,	Hoar,	Sherman,
Brown,	Gorman,	Jones of Arkansas,	Wilson of Iowa.
Call,	Hampton,	Reagan,	

ABSENT—42.

Allison,	Dawes,	Hearst,	Ransom,
Beck,	Edmunds,	Ingalls,	Riddleberger,
Blackburn,	Eustis,	Kenna,	Sabin,
Blodgett,	Evarts,	McPherson,	Saulsbury,
Bowen,	Farwell,	Manderson,	Sawyer,
Butler,	Faulkner,	Morrill,	Stanford,
Cameron,	Frye,	Paddock,	Turpie,
Chandler,	George,	Palmer,	Vance,
Cockrell,	Gibson,	Pasco,	Voorhees.
Daniel,	Hale,	Platt,	
Davis,	Hawley,	Quay,	

The PRESIDENT *pro tempore*. A quorum not having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Colquitt,	Jones of Nevada,	Sherman,
Allison,	Cullom,	Manderson,	Spooner,
Bate,	Davis,	Mitchell,	Stewart,
Berry,	Dolph,	Morgan,	Stockbridge,
Blair,	Gray,	Paddock,	Teller,
Brown,	Hampton,	Palmer,	Turpie,
Call,	Harris,	Pasco,	Vest,
Cameron,	Hiscock,	Payne,	Voorhees,
Chace,	Hoar,	Pugh,	Walthall,
Cockrell,	Ingalls,	Reagan,	Wilson of Iowa,
Coke,	Jones of Arkansas,	Sawyer,	Wilson of Md.

The PRESIDENT *pro tempore*. Forty-four Senators have answered to their names. The roll will again be called on agreeing to the motion of the Senator from Colorado [Mr. TELLER] to lay on the table the motion to reconsider the vote by which the bill was passed.

Mr. JONES, of Arkansas (at 3 o'clock and 30 minutes p. m.). I move that the Senate adjourn.

Mr. HOAR. I wish the Senator from Arkansas would withdraw his motion for one moment.

Mr. JONES, of Arkansas. I will withdraw it for a moment.

RELATIONS WITH CANADA.

Mr. HOAR. During the morning hour this morning the resolution introduced by me calling upon the President for certain information was passed over at the suggestion of the Senator from Missouri [Mr. VEST] that it should be postponed until a later hour of the day, because a message from the President was expected. A message has come in, but it relates to an entirely different subject. I ask the Senator from Missouri if there is any objection to having the resolution adopted at this time.

Mr. VEST. I have none.

Mr. HOAR. Then I ask that the resolution be adopted.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. HOAR September 6, 1888, as follows:

Resolved, That the attention of the President be respectfully called to the resolution of the Senate, adopted August 28 ultimo, requesting him to communicate to the Senate copies of all communications addressed by his direction to the Government of Great Britain, remonstrating against certain unfair treatment of our citizens, and that he be requested to furnish such information as soon as possible, in order that it may be considered in acting upon legislation now pending.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had appointed Mr. RYAN to be one of the managers of the conference on the part of the House on the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in place of Mr. BUTTERWORTH.

The message also announced that the House had agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

The message further announced that the House had passed the bill (S. 1506) for the relief of Addie Bell.

The message also announced that the House had passed the bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid; in which it requested the concurrence of the Senate.

ADMISSION OF WASHINGTON.

The PRESIDENT *pro tempore*. Before putting the question on the motion to adjourn, the Chair lays before the Senate the unfinished business, being the bill (S. 12) for the admission of Washington,

HOUSE BILL REFERRED.

The bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper Department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid, was read twice by its title, and referred to the Committee on Public Lands.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves——

Mr. BLAIR. I desire to say that the vote upon the motion of the Senator from Colorado [Mr. TELLER] is plainly indicative of the sense of the Senate on the motion offered by myself. I do not wish to delay the action of the Senate, and so if permitted to do so I will withdraw the motion to reconsider the vote by which the bill was passed.

Mr. SHERMAN. I object to a withdrawal of the motion.

Mr. BLAIR. Very well.

Mr. JONES, of Arkansas. I insist on the motion to adjourn. I have not withdrawn it.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Arkansas that the Senate do now adjourn.

Mr. STEWART. I call for the yeas and nays on the motion.

The yeas and nays were ordered and taken.

Mr. BLAIR. I desire to announce the pair and the absence of my colleague [Mr. CHANDLER] and the Senator from New Jersey [Mr. BLODGETT].

The result was announced—yeas 19, nays 22; as follows:

YEAS—19.

Bate,	Colquitt,	Harris,	Turpie,
Berry,	Cullom,	Hiscock,	Vest,
Call,	Gorman,	Jones of Arkansas,	Voorhees,
Cockrell,	Gray,	Reagan,	Wilson of Md.
Coke,	Hampton,	Sherman,	

NAYS—22.

Allison,	Hoar,	Payne,	Stockbridge,
Blair,	Jones of Nevada,	Plumb,	Teller,
Brown,	Mitchell,	Pugh,	Walthall,
Chace,	Morgan,	Sawyer,	Wilson of Iowa.
Dawes,	Paddock,	Spooner,	
Dolph,	Palmer,	Stewart,	

ABSENT—35.

Aldrich,	Davis,	Hale,	Platt,
Beck,	Edmunds,	Hawley,	Quay,
Blackburn,	Eustis,	Hearst,	Ransom,
Blodgett,	Evarts,	Ingalls,	Riddleberger,
Bowen,	Farwell,	Kenna,	Sabin,
Butler,	Faulkner,	McPherson,	Saulsbury,
Cameron,	Frye,	Manderson,	Stanford,
Chandler,	George,	Morrill,	Vance.
Daniel,	Gibson,	Pasco,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion to lay upon the table the motion to reconsider the vote by which the bill was passed. The Secretary will again call the roll.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. PALMER (after having voted in the affirmative). I withdraw my vote and announce my pair with the Senator from North Carolina [Mr. VANCE].

The PRESIDENT *pro tempore*. The Senator from Michigan withdraws his vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Not knowing how he would vote, I abstain from voting.

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. BLAIR. I will announce, and shall not again announce during the day, the absence and the pair of my colleague [Mr. CHANDLER] and the Senator from New Jersey [Mr. BLODGETT]. I do not know how either of them would vote on this question.

The result was announced—yeas 25, nays 8; as follows:

YEAS—25.

Aldrich,	Davis,	Paddock,	Teller,
Bate,	Dolph,	Payne,	Turpie,
Berry,	Gray,	Pugh,	Vest,
Cameron,	Hiscock,	Sawyer,	Walthall.
Chace,	Jones of Nevada,	Spooner,	
Coke,	Mitchell,	Stewart,	
Cullom,	Morgan,	Stockbridge,	

NAYS—8.

Blair,	Colquitt,	Hoar,	Sherman,
Brown,	Hampton,	Reagan,	Wilson of Iowa.

ABSENT—43.

Allison,	Edmunds,	Hawley,	Plumb,
Beck,	Eustis,	Hearst,	Quay,
Blackburn,	Evarts,	Ingalls,	Ransom,
Blodgett,	Farwell,	Jones of Arkansas,	Riddleberger,
Bowen,	Faulkner,	Kenna,	Sabin,
Butler,	Frye,	McPherson,	Saulsbury,
Call,	George,	Manderson,	Stanford,
Chandler,	Gibson,	Morrill,	Vance,
Cockrell,	Gorman,	Palmer,	Voorhees,
Daniel,	Hale,	Pasco,	Wilson of Md.
Dawes,	Harris,	Platt,	

The PRESIDENT *pro tempore*. A quorum not being present, the Secretary will call the roll.

Mr. JONES, of Arkansas (at 3 o'clock and 45 minutes p. m.). I move that the Senate adjourn.

Mr. STEWART. On that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. MANDERSON (when his name was called). I am paired, as has already been announced, with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

The roll-call having been concluded, the result was announced—yeas 17, nays 22; as follows:

YEAS—17.

Bate,	Gray,	Pugh,	Walthall,
Berry,	Hampton,	Reagan,	Wilson of Md.
Cockrell,	Harris,	Sherman,	
Coke,	Jones of Arkansas,	Vest,	
Colquitt,	Morgan,	Voorhees,	

NAYS—22.

Aldrich,	Davis,	Mitchell,	Stewart,
Allison,	Dawes,	Paddock,	Stockbridge,
Blair,	Dolph,	Palmer,	Teller,
Brown,	Hiscock,	Payne,	Wilson of Iowa.
Chace,	Hoar,	Sawyer,	
Cullom,	Jones of Nevada,	Spooner,	

ABSENT—37.

Beck,	Eustis,	Hearst,	Ransom,
Blackburn,	Evarts,	Ingalls,	Riddleberger,
Blodgett,	Farwell,	Kenna,	Sabin,
Bowen,	Faulkner,	McPherson,	Saulsbury,
Butler,	Frye,	Manderson,	Stanford,
Call,	George,	Morrill,	Turpie,
Cameron,	Gibson,	Pasco,	Vance.
Chandler,	Gorman,	Platt,	
Daniel,	Hale,	Plumb,	
Edmunds,	Hawley,	Quay,	

So the Senate refused to adjourn.

Mr. COCKRELL. Call the roll.

The PRESIDENT *pro tempore*. The roll-call will proceed upon the motion to lay the motion to reconsider on the table.

The Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. MANDERSON (when his name was called). I am paired with

the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 27, nays 7; as follows:

YEAS—27.

Aldrich,	Davis,	Morgan,	Teller,
Bate,	Dolph,	Paddock,	Turpie,
Berry,	Gray,	Payne,	Vest,
Cameron,	Harris,	Sawyer,	Voorhees,
Chace,	Hiscock,	Spooner,	Walthall,
Coke,	Jones of Nevada,	Stewart,	Wilson of Md.
Cullom,	Mitchell,	Stockbridge,	

NAYS—7.

Blair,	Colquitt,	Reagan,	Wilson of Iowa.
Brown,	Hoar,	Sherman,	

ABSENT—42.

Allison,	Edmunds,	Hawley,	Plumb,
Beck,	Eustis,	Hearst,	Pugh,
Blackburn,	Evarts,	Ingalls,	Quay,
Blodgett,	Farwell,	Jones of Arkansas,	Ransom,
Bowen,	Faulkner,	Kenna,	Riddleberger,
Butler,	Frye,	McPherson,	Sabin,
Call,	George,	Manderson,	Saulsbury,
Chandler,	Gibson,	Morrill,	Stanford,
Cockrell,	Gorman,	Palmer,	Vance.
Daniel,	Hale,	Pasco,	
Dawes,	Hampton,	Platt,	

The PRESIDENT *pro tempore*. A quorum not having voted, the Secretary will call the roll.

Mr. COCKRELL. I move that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 56 minutes p. m.) the Senate adjourned until Monday, September 10, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September* 7, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SNYDER, indefinitely.

To Mr. BROWN, of Ohio, indefinitely.

To Mr. PARKER, indefinitely, on account of sickness in his family.

FORTIFICATION BILL.

The SPEAKER appointed Mr. RYAN, *vice* Mr. BUTTERWORTH, as one of the House conferees on the bill (H. R. 10908) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

DUTY ON COTTON BAGGING.

Mr. DUNN. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a petition, signed by a number of citizens of Sharp County, Arkansas, praying that cotton bagging be put upon the free-list; and that the same be referred to the Committee on Ways and Means.

There was no objection.

The petition is as follows:

To the Congress of the United States:

We, the undersigned, your petitioners, respectfully represent that whereas the tariff on cotton bagging is robbing the South of millions of dollars, therefore we respectfully ask that it be placed immediately on the free-list.

S. L. Arnn, postmaster, Democrat; J. W. Gardner, Democrat; A. Sneede, Republican; N. P. Wiles, Democrat; S. D. Johnston, Democrat; O. D. Cole, Democrat; J. W. Smith, Democrat; J. D. Arnn, Democrat; A. C. Higginbottom, Democrat; J. J. Johnson, Democrat; Joshua Wann, Thomas Bray; B. F. Meeks, Democrat; J. R. Hawkins, Republican; D. M. Coffman, Democrat; J. D. Cargill, Democrat; D. Y. Hardister, Democrat; M. B. Bonner, B. C. Hinson, T. E. Arnold; A. H. Nunn, Democrat; P. J. Smith, Democrat; W. F. Bailey, Democrat; G. W. Ristley, I. F. McElmurry, J. M. Montgomery, I. M. Martin; Geo. R. Hall, Democrat; Lem Pounders, T. A. Kent, M. C. Boatwright, A. F. Baxter, W. H. Chamlain, Perry Meeks, W. I. Simpson, Wiley Mullins, L. F. Dixon, J. A. Wiles, G. F. Springer, A. P. Smith, H. C. Hunter, W. A. Hunter, R. H. Hunter; J. Johnston, Democrat; Sam. F. Barnett; G. P. Oliver, Democrat; J. A. Line, Democrat; G. L. Johnston, Democrat; D. F. Smith; Wm. A. McKee, Republican; A. C. Buchanan, Democrat; J. F. Johnston, Democrat; T. M. McKinney, G. A. Hanter, F. P. Clear, F. M. Storey; W. A. Wiles, Democrat; J. F. Wiles, Democrat; B. Arnn, Democrat; P. G. Kirks, Democrat; I. J. Wall, Democrat; Asa Arnn, Democrat; J. W. Vint; W. H. McGee, Democrat; J. W. Johnson, Democrat; D. A. Whitener, Democrat; L. E. Cole, Democrat; J. A. Green, Democrat; J. C. Smith, Democrat; A. J. Porter, Democrat; R. B. Bellamy, Democrat; J. A. Tassiter, I. N. Bray; J. H. Arnn, Democrat; J. B. Crownover, Republican; John Rose, Republican.

QUARANTINE LANDS, LOUISIANA.

Mr. WILKINSON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid, and put it upon its passage.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Whereas it has become necessary, in the opinion of the board of health of the State of Louisiana, to remove the Mississippi River quarantine station from its present location to a point more remote from the surrounding settlements in order to isolate it more effectually from contact with the people living in the neighborhood, and to prevent intercourse between vessels in quarantine and the adjacent shores, and thus prevent the danger of spreading contagious diseases; and

Whereas there are no other lands suitable or available for the relocation of said station at a point lower on the Mississippi River than its present site other than certain lands, a portion of which belonging to the United States, and especially withdrawn from public sale or entry by act of Congress of June —, 1875: Therefore,

Be it enacted, etc., That for the purpose of maintaining a quarantine station on the Mississippi River the United States hereby donates and transfers to the State of Louisiana all that portion of land known as sections 13 and 14, in township 21 south, range 19 east, southeastern district of Louisiana, east of the Mississippi River, said lands measuring 1,272 feet front on the Mississippi River, being swamp lands, and extending a half mile to the sea in the rear, and bounded above by section 12, patented to Jonathan Jones and Peter Runder in 1843, and bounded below by section 15, patented to Janet Bister and Angelo Laussade in 1839, which sections 13 and 14 were withdrawn from public sale or entry by act of Congress of 1875: *Provided*, That should the State of Louisiana at any time cease to use said lands for quarantine purposes, then, and in that event, said lands shall revert to the Government of the United States.

SEC. 2. That the proper Department of the Government of the United States shall, on and after the passage of this act, execute to the State of Louisiana the proper transfers of said lands, on the conditions hereinbefore expressed.

The committee recommend the adoption of the following amendment:

Strike out in the preamble the words "act of Congress" and insert "proclamation of the President;" and fill the blank after the word "June," in the same line, by the insertion of the word "first;" so that it will read: "by proclamation of the President of June 1," etc.

Mr. WILKINSON. The report is only about twelve lines in length, and it will only consume a minute to have it read.

The SPEAKER. The report will be read, subject to the right of objection.

The report (by Mr. PAYSON) was read, as follows:

The reasons for the passage of this bill are given in the preamble to the act itself. The committee is informed that the lands described in the bill are insignificant in value, their suitability for quarantine purposes consisting in their distance from inhabited and cultivated areas. The bill has been submitted for an opinion to both the Interior and the War Departments, and letters from the Acting Secretary of War and the Secretary of the Interior are appended and made a part of this report.

The committee is of the opinion that the passage of this act will assist the efforts of the board of health of the State of Louisiana, at whose instance this bill has been presented, and contribute to the health and protection from contagious diseases of large areas of our country.

The committee recommend that the bill do pass.

There being no objection, the amendment recommended by the committee was agreed to.

Mr. WILKINSON. In lines 16 and 17 of the bill I move to strike out the words "act of Congress" and insert "proclamation of the President."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILKINSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDIE BELL.

Mr. NUTTING. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 1506) for the relief of Addie Bell and put it upon its passage.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to direct the payment, out of any moneys in the Treasury not otherwise appropriated, to Addie Bell, daughter of Maranda Bell, deceased, mother of John S. Bell, late private in Company C, One hundred and forty-eighth Regiment New York State Volunteers, the pension granted by certificate numbered 231248, to the said Maranda Bell, computing the amount due to the day of her death only.

Mr. HOLMAN. Will the gentleman state the amount involved?

Mr. NUTTING. I can not do that; it is, however, quite small. The certificate came in the morning of the day after the death of the mother, and this daughter had taken care of her mother and paid the funeral expenses.

Mr. HOLMAN. Let her have it.

There being no objection, the bill was considered, ordered to a third reading; and being read the third time, was passed.

Mr. NUTTING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McCREARY. Regular order.

PURCHASE OF NEW MAIL LOCKS AND KEYS.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT], the chairman of the Committee on the Post-Office and Post-Roads, asks unanimous consent that the committee have leave to report at any time a bill making appropriations for the purchase or manufacture of new mail locks and keys.

Mr. ROGERS. What is the bill?

The SPEAKER. The object is for the procurement of new mail locks and keys. If there be no objection, this order will be made.

There was no objection.

POSTPONED PENSION CASES.

Mr. O'NEILL, of Pennsylvania. I hope the gentleman from Kentucky will withdraw the demand for the regular order for a moment, to permit me to submit a parliamentary inquiry.

Mr. McCREARY. The gentleman can do that without withdrawing the demand.

Mr. O'NEILL, of Pennsylvania. Some weeks ago, in fact some months past, a number of pension-increase bills were passed at the Friday night sessions through several readings, upon which bills the previous question was ordered and days fixed for their consideration in the House. This being private bill day, I would like to ask the Speaker why the House can not take up these bills and pass them now, as we can not get them passed at the night session because of the lack of a quorum.

Mr. BLAND. That is not a parliamentary question. Let us have the regular order.

Mr. O'NEILL, of Pennsylvania. Would they not come up as unfinished business?

The SPEAKER. The Chair has heretofore decided that these bills lost none of their rights or privileges under the rules of the House on account of the fact of being made a special order; and that the day on which they were set apart for consideration having lapsed, they would come up in their regular order on private bill day. But the gentleman from Kentucky demands the regular order, and it is the duty of the Chair to call the committees for reports.

ORDER OF BUSINESS.

Mr. McCREARY. I move to dispense with the call of the committees for reports.

The motion was agreed to, two-thirds having voted in favor thereof.

Mr. McCREARY. I now ask unanimous consent that members having reports from committees be allowed to hand them in at the desk.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

MARY VON OLNHAUSEN.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 10951) granting a pension to Mary Von Olnhausen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELVIRA E. FANCHER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 8479) granting a pension to Elvira E. Fancher, widow of E. D. Fancher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IRA E. BALDWIN.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10911) granting a pension to Ira E. Baldwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. CATHERINE BABERICK.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9252) granting a pension to Mrs. Catherine Baberick, of Watertown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M'DONALD.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2938) granting a pension to James McDonald; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RACHEL DIXON.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably an act (S. 3059) granting a pension to Rachel Dixon, mother of James Dixon, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RUTH AMES.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3137) granting a pension to Ruth Ames; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. FOUST.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2683) granting a pension to Andrew J. Foust; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EASTER A. JACKSON.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3241) granting a pension to Easter A. Jackson; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE L. SANDERS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2590) granting a pension to George L. Sanders; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM S. BRADSHAW.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3208) granting a pension to William S. Bradshaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL FERGUSON BEACH.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 11366) for the relief of Samuel Ferguson Beach, executor of Anthony R. Fraser, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. J. TAPP & CO.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 332) for the relief of W. J. Tapp & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. McCREARY. I now call up the regular order, being the special order for this hour, bill No. 11309.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

Mr. HEMPHILL. I desire to submit a privileged report—a report of a conference committee.

The SPEAKER. That is in order.

Mr. McCREARY. How much time does the gentleman expect this will consume?

Mr. HEMPHILL. Only a very few moments. I submit the report in the absence of the gentleman from Maryland [Mr. COMPTON], who is necessarily absent to-day.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

BARNES COMPTON,
JOHN T. HEARD,
Managers on the part of the House.

H. H. RIDDLEBERGER,
ISHAM G. HARRIS,
C. B. FARWELL,
Managers on the part of the Senate.

The managers on the part of the House submit the following statement:

STATEMENT OF CONFEREES ON THE PART OF THE HOUSE.

The managers on the part of the House on the disagreeing votes of the two Houses on the Senate bill 2252 to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company respectfully submit the following statement:

The Senate receded from its disagreement to the amendments of the House, and thus the bill is left exactly as it passed the House.

The report was adopted.

Mr. HEMPHILL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE FISHERIES.

Mr. McCREARY. I call up the special order for this hour, House bill 11309, and the gentleman from Massachusetts [Mr. ROCKWELL] is entitled to the floor.

Mr. ROCKWELL. Mr. Speaker, having yielded the greater part of the time to which as a member of the committee I was entitled to my colleagues from Massachusetts, Mr. DAVIS and Mr. COGSWELL, who represent large fishing constituencies, I can hardly add anything to their pointed, bright, and graceful speeches.

Behind every business interest England plants her treasury, her social influence, and her guns. Her skilled diplomacy overreaches American

simplicity on every occasion. The lately attempted treaty and this war on paper will pass into history as but further illustrations of how Americans can be outwitted and how politicians often place reliance on the supposed gullibility of the American people.

The treaty gave away existing rights and gained nothing of permanent value. While I fully recognize that wine and social influence are large factors in modern diplomacy, I can not yet lose faith in that true American spirit that, unawed by power, resisting flattery on the one hand and unmindful of threats on the other, pursues a straightforward, manly course, standing firmly by American rights.

When the begartered Englishman gives a dinner, the American woman worships at the shrine and the American man straightway loses his head. We are then called "American cousins," and are told that "blood is thicker than water." While the wine of social prestige is poured in full glasses, there is an English eye kept strictly on business. Our great-grandmothers at Boston did not drink English tea after that fashion.

American business opportunities are better for us than the advancement of English business interests.

While we grant by this bill additional power as requested by the President, we must rely greatly on his discretion. He must protect our fishermen from the grievous wrongs and indignities heaped upon them and the flag by Canada. During these negotiations the unfortunate idea has gained currency that "we must not go to war on account of a few fish." While we should by all honorable means avoid war, yet as a nation, holding in our hands the hopes of a world seeking the highest freedom, aside from the preservation of our business interests, we owe something to mankind to see to it that the great Republic always stands firmly for the recognition of its rights. The experiment of free government must not fail from the want of pluck.

Our fishing interests are sometimes underestimated. Aside from the profits arising from the industry itself, the business creates a hardy class of men, trained and skilled seamen, accustomed to the dangers and familiar with our northeast coast. England understands the value of such a class of men. She wishes Canada to have a monopoly of the fishing trade. She looks ahead. She knows the value of skilled men upon the sea. Our little fishing fleet upon the coast furnishes the nucleus for the greater fleets when for us the trying hour shall come, as come it surely will.

Not alone, then, with an eye to business, but from other considerations, we must protect and guard our fishing interests.

Mr. MORROW. I surrender fifteen minutes of my time to the gentleman from New York [Mr. NUTTING].

Mr. NUTTING. Mr. Speaker, in the consideration of the questions now before the House, we have need of all the calm and deliberate judgment at our command. It should be, and I doubt not is, the desire of all that we do nothing which is harmful and that we do, and authorize to be done, everything needful to the welfare and dignity of our great country.

Here it is expected that all questions worthy of serious consideration will be treated in a way to comport with the dignity and exalted standing of the nation we represent.

Whenever we approach legislation which is to affect our people by themselves, the responsibility is indeed great, and we all realize that this responsibility is increased when we formulate or attempt to formulate a rule of action and conduct between our Government and any other nation.

It has been a long time since Congress discussed questions so full of the look of possible war with a foreign nation as the questions presented by this message.

War at any time and under all circumstances is a serious business, and war with England at this time, with our defenseless condition on the coasts and on the seas, would at least place us, to start with, in a position we do not desire if it can be avoided with honor.

The requests in this most curious state paper and the reasons given for them, when coupled with the times and circumstances now surrounding the American people, will at least insure this document a place among the curosities of history. If dramatic effect was the object of the President in giving to the country and to the world this message, no disappointment will follow. If the object of the President, when viewed from the plane in national affairs above the fog and fuz of politics and partisanship, was to obtain necessary power to right the wrongs referred to, then this message was not only statesmanlike, but patriotic.

If the President, however, has for a long time had and now has ample power to redress these wrongs, and has known of the wrongs and abuses referred to and failed to apply the ample remedy in his hands, and has waited the present juncture of political affairs to call for legislation he did not need, then, indeed, has the United States been humiliated before its own people and before the nations of the earth by this action.

I for one will not oppose the passage of any act which is necessary in order that the President have full power to right all wrongs perpetrated upon us as a nation or against any citizen or his property entitled to be protected by our Government.

I mean this in the broadest sense. Even though the President now has all the power asked for in his message, for one I will vote to duplicate it. The continuance of financial evils in the face of power to correct them, vested in the President, has before during this Congress been excused and condoned by legislative action. I now refer to the resolution passed to construe the law authorizing the President to purchase the obligations of the Government with the surplus in the Treasury.

I very well know that all the wrongs, slights, and humiliations referred to in the message have been put upon our Government and upon our people, and I know as well that other wrongs not mentioned have been heaped upon us by the Canadian provinces, under the advice and assistance of the British Government. I believe I know, too, that the Chief Executive for a long time has had cognizance of all these wrongs and that he and his administration have time and time again been called upon to redress them, and that they have always neglected and failed and now neglect and refuse to use the ample power existing to that end.

Has the President and his administration had for more than a year and a half power to redress and retaliate for these wrongs? If this power has existed and now exists, then, indeed, the country and world is called upon to believe that power is asked for already existing in order to cover neglect of the rights of the nation and people, and this, too, in order to retrieve ground lost by a policy which placed the President and his party in a position to be honestly charged with being more English than American in their financial views.

A long line of action on the part of this Administration has satisfied the country that a new policy was being initiated in regard to our financial matters, and that this policy was in the interest of British labor and British capital. I now refer to the free-trade doctrines lately and now promulgated and agitated by the President and the majority in this House.

It was faulty judgment which caused the President and his party to think that this righteous judgment and prejudice held by the people could be done away with by this message of eight pages, especially when that message is promulgated in the face of a Presidential election in which the responsible author of it has an absorbing personal interest.

It was faulty judgment, indeed, that caused the President and his party to think that even the humblest and poorest American citizen would not fathom the flimsy pretexts which are put forward to excuse the most wonderful and sudden conversion to the long ago and oft reiterated policy of the Republican party with regard to our dealings with the British provinces on the north.

Now let us examine closely for a little time the President's message and see what we find in it. On the first page of the message the President says upon the subject of the fisheries:

> Our citizens engaged in fishing enterprises in waters adjacent to Canada have been subjected to numerous vexatious interferences and annoyances, their vessels have been seized upon pretexts which appeared to be entirely inadmissible, and they have been otherwise treated by the Canadian authorities and officials in a manner inexcusably harsh and oppressive.

On page 2 of the message he says upon this subject:

> In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory to this country; and ever since that time such shipment has been denied.

These two abstracts contain all the complaint made by the President in regard to the abuse of our fishery rights.

The President has not dared to ask for legislation to empower him to retaliate because of these wrongs, except in regard to the transit trade perhaps, for the act of Congress of March 3, 1887, which now has been in force for more than a year and a half gives the President ample power to retaliate for the abuse of our fishery rights. Indeed, it was passed for that very purpose. Here is the law:

> An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes.
>
> *Be it enacted, etc.*, That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessel or fishermen having a permit under the laws of the United States to touch and trade at any port or ports, place or places in the British dominions of North America, or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any privilege therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies, as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way

of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance thereof, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved March 3, 1887.

This law plainly and without circumlocution gave him the warrant to exercise almost unlimited power in retaliation for the violation by Canadians of our fishing rights.

These fishery rights of the United States had been violated over and over again prior to March 3, 1887, and this law was by Congress passed that the President might act to redress those wrongs. Our fishery rights have been violated over and over again since the passage of this act, a year and a half ago, and yet not a thing has been done by the President or this Administration, even, until to-day.

Senators and Representatives have over and over again called the attention of the country and the President to specific wrongs against our rights in this regard. The press of the country from Maine to California has teemed with articles showing these wrongs and demanding that some action be taken. Nothing has been done, no move made; not the slightest effort toward putting this law in force has been made even to this time.

The President in his message does not make the attempt to excuse himself for not using the power given him by this law to stop infringements and outrages on the rights of our fishermen and vessels. When no attempt is made at excuse for this neglect, the President for once is consistent with the facts, for there is no possible excuse.

What could the President have done to retaliate? Why, look at the act of March 3, 1887, and see. He could by proclamation have denied "vessels, their masters and crews," belonging to the British dominions of North America, "any entrance into the waters, ports, or places of or within the United States." Has he done it? No, confessedly not: nor has he made the first simple move to that end.

What would the effect have been if the President had carried out this law of March 3, 1887, in an attempt to stop outrages upon our vessels and sailors engaged in fishing? Why it would have shut every American port to every vessel of the Dominion of Canada. It would have closed the St. Clair Flats Canal to the ships of our unfair neighbors; it would have shut the ponderous gates of the Sault Ste. Marie Canal against all vessels attempting to go through except our own, and it would have closed the waters of Lake Michigan to all the Lake trade on the part of Canada. By the time all this had been done the Canadian authorities would have commenced to devise ways and means to avoid such retaliation, and the "ways and means" would have been the utter abandonment of all outrages and wrongs upon our fishermen and their calling. The Canadian Government would long since have cried enough, and our fishery trouble would have been a thing of the past.

In his message, page 7, the President says:

I desire also to call the attention of the Congress to another subject involving such wrongs and unfair treatment to our citizens as in my opinion requires prompt action.

The navigation of the Great Lakes and the immense business and carrying trade growing out of the same have been treated broadly and liberally by the United States Government and made free to all mankind, while Canadian railroads and navigation companies share in our country's transportation upon terms as favorable as are accorded to our own citizens.

The canals and other public works, built and maintained by the Government along the line of the lakes, are made free to all.

In contrast to this condition and evincing a narrow and ungenerous commercial spirit, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

Here the President states pregnant facts. Facts when analyzed show a virtual abandonment on the part of Canada of attempt to comply with treaty obligations. What does this charge of the President refer to? What does it mean? What in plain language are the facts about this business?

Let us see a little, so the people may understand all about it and see the really grave wrongs which the Canadian Government, backed by England, has for years placed in the way of our commerce, enjoying the rights and privileges the United States long ago bought and paid for.

From Ogdensburgh, on the St. Lawrence River, the United States has its own water way to Duluth, the western end of Lake Superior, with the exception of passage from Lake Ontario into Lake Erie. Between Lake Ontario and Lake Erie forty years ago the Canadian Government built the Welland Canal, which has cost already $50,000,000.

The United States never has had any way to pass its ships between these two lakes except as it asked the leave and had the license of Canada and England, and for forty years now we have humiliated ourselves and hampered and endangered our commerce by failing to build an American water way from Lake Erie to Lake Ontario on the American side.

It is just at this point and place and this is the only point and place that the Canadian Government now discriminates against our commerce so as to warrant the language quoted from the President's message.

In the place of building our own canal, as long ago we ought to have done, and as now at this late day we ought to do and will do, we attempt to make a treaty with Canada and England so we might use the Welland Canal on the same terms as the same was used by the British provinces themselves. In the treaty of 1871 between Canada, England, and America the following articles will be found:

ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States bordering thereon not inconsistent with such privilege of free navigation.

It would be supposed that under these articles there could be no doubt but that our ships and cargoes would have the same rights and privileges of passage through the Welland Canal as the ships and cargoes of Canada and England; but it has not been so. Canada, under these clauses, has all the time in the past used, free of charge, St. Clair Flats Canal, so Ste. Marie Canal, Lake Michigan, and even all the canals in the State of New York.

But when our ships from the West, loaded with cargoes to be discharged in American ports, passed through this canal, the Canadian Government charged and has received 20 cents tolls upon each ton. When our ships and cargoes, bound from one American port east of this canal to an American port west of the same passed through it, each ton of the cargo paid 20 cents into the Canadian treasury.

On the other hand, Canadian and English shipping and cargoes passing this canal from any port west with cargo for Montreal or export or passing the canal going west paid no toll. Here was a plain discrimination against our commerce of 20 cents on each ton. For instance, a vessel loaded with 1,000 tons of wheat or corn, or, in fact, any freight bound from Chicago to Oswego, N. Y., Charlotte, Ogdensburgh, Big Sodus, or Little Sodus, all American ports, would for tolls through the Welland Canal be obliged to pay $200.

The same cargo in a British or Canadian vessel bound from any port west of the Welland Canal to Montreal, Quebec, or any port east of there would pay no tolls for passage through the Welland Canal. This has been the course of management for years, and is the course of management to-day.

Here is discrimination, here is forced contribution, here is tribute to the dishonest greed of England with a vengeance. Two hundred dollars difference in the cost of passing these vessels through a canal which by Article XXVII of the treaty of 1871 was to be used by Americans upon the same terms with Canada and England.

What does this amount to? What has it amounted to in the past? And what will it amount to if not remedied?

I will give you the amount of the cereals alone passing through this canal bound from American port to American port which has paid this discriminating toll during the past sixteen years.

Table showing the tonnage of the undermentioned articles passed through the Welland Canal in transit between ports in the United States during a series of sixteen years ended December 31, 1886.

VEGETABLE FOOD.

Fiscal year.	Flour.	Wheat.	Corn.	Barley.	Oats.	Rye.	Other articles.	Total.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1869	30,681	211,085	91,149	2,942	.....	667	1,006	337,530
1872	10,482	124,695	89,761	1,391	7,400	.....	608	234,337
1873	10,805	127,727	101,329	1,920	1,188	3	392	243,366
1874	8,230	229,053	125,627	.....	5,948	.....	5,368	374,226
1875	1,881	113,832	54,188	2,641	2,946	500	1,920	177,908
1876	5,187	96,247	58,138	.....	1,905	525	403	152,405
1877	3,342	107,396	65,260	1,603	2,314	258	413	180,586
1878	1,316	65,542	60,026	859	277	.....	341	128,361
1879	159	53,791	33,401	.....	464	.....	11	87,826
1880	.....	30,611	16,122	1,551	296	.....	.....	48,580
1881	.....	34,320	30,031	924	.....	.....	10	65,285
1882	107	30,227	32,433	537	.....	684	14	64,002
1883	2,041	54,382	66,128	735	731	.....	8,579	132,496
1884	1,715	40,956	53,707	.....	9,874	.....	8,170	114,422
1885	124	53,235	63,229	732	882	.....	1	118,203
1886	7,591	53,258	94,048	.....	4,790	.....	13,201	172,888
Total	.....	.....	.....	.....	.....	.....	.....	2,643,621

Here then, is 2,643,621 tons of produce going from American port to American through the Welland Canal during the past sixteen years, and each ton paying a freight of 20 cents, or a total sum of $528,724.60, and the same amount of Canadian freight or British freight has paid nothing.

Here in sixteen years we have paid, upon food products alone, $528,724.60 more than by Article XXVII of the treaty of 1871 we ought to have paid. The amount of this discrimination is equivalent on an average of over a half-cent per bushel on wheat, corn, and other cereals.

It has been said, and truly said, that often one-half cent on a bushel of wheat or corn determines whether it can be exported at profit or not. So you see that England and Canada have all these years, and now have, under this discriminating toll, the absolute control of all this trade. They have had, and now have, the absolute control of the commerce of Lake Ontario with its 7,500 square miles of navigable waters. This control is absolute, and would apply in case of war as well as in peace.

We have no passage, by canal or otherwise, from Lake Ontario and the St. Lawrence into Lake Erie, so that we must make such bargain as we can with Canada and England, our commercial and financial rivals, for right of passage between these waters.

Is this giving the same privileges to the inhabitants of the United States in the navigation of the Welland Canal that is accorded to the inhabitants of Canada or the most favored nation? Confessedly not, and so this message says.

The message, however, gives us no news on that subject. This has been just as it is now during the continuance of this Administration. Why has the President failed to remedy the evil? Why has he not retaliated to bring about fair dealing and honest work by the Canadian Government under this treaty?

The President intimates he wants more power. He wants Congressional warrant by legislation in order to stop the evil. He intimates and wants the country to believe that the bill now before the House must be passed before he can stop this discrimination in the canals. Is it true that he does need more power to retaliate for this wrong? Not at all. He has had ample power ever since he was President to stop it, and without asking of Congress any assistance. There are two grounds upon which I base this assertion:

First. It will be noticed that Article XXVII of the treaty of 1871, which provides that we may use the British canals on the same terms as themselves, also provides for the use of our canals by that people on the same terms as we use them. I will quote Article XXVII that this may be seen:

ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

This article constitutes a contract between Great Britain and Canada on one side and ourselves on the other. This contract having been broken over and over again, and for a long series of years openly violated by Great Britain and Canada, it has been for years of no binding force on us.

We could have closed our waters and our canals and our ports to Canada at once upon her breaking the contract which bound us to give her the rights referred to. The President, however, wanted more power. He was and is a lawyer, and knew that a broken contract could not be enforced by the party violating it, and yet he wanted more power, and Congress more than a year and a half ago gave him more power, ample power, by the passage of the act of March 3, 1887.

Many jump at the conclusion that this act simply related to the fisheries; simply gave the President power to retaliate for wrongs committed upon our fishing rights. Not so, however. It did give ample power to the President to retaliate for wrongs to our fishing interests, and it at the same time, however, gave ample power to him to redress and stop the wrongs committed upon our commerce by this very discrimination we are discussing. I will quote the act, so no error may be made:

An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes.

Be it enacted, etc., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved March 3, 1887.

Now let us look at this act and see what power it was meant to give, and what power it did give the President. Let us see for what wrongs under this act he could retaliate. Look at the title of the act and see what Congress intended to cover. It says:

An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes.

Here it will be seen at a glance that the rights of other than fishing vessels, to wit, "American trading and other vessels," were to be protected. These were to be protected in certain cases. What cases? Is the case of discrimination in tolls on the Welland one? Yes, it is one, and I will show why and how it is.

The part of the body of the act of March 3, 1887, which applies to this wrong and discrimination in tolls is as follows, and is perfectly plain:

Or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere.

Is not charging one of our vessels and its cargo 20 cents a ton for passage through the canal, and charging nothing to Canadian vessels or British vessels and their cargoes for doing the same thing, where by Article XXVII, treaty of 1871, both have an equal right to pass and on the same terms, "denying privileges therein accorded to the vessels, their masters or crews, of the most favored nations?" Is it not unjustly vexing and harassing our vessels, their masters and crews, to stop at the entrance of this Welland Canal and demand 20 cents per ton tolls before they are allowed to pass, and in the same hour allow a Canadian vessel or a British vessel to pass free?

Thompson Kingsford & Son, starch-makers in Oswego, N. Y., shipped from Western American ports by Welland Canal to Oswego, to be used in making starch, 6,800 tons of corn. This was less than half the amount used by that establishment. Here was 242,857 bushels of corn which cost this establishment $1,360 more to get it from the West than would have been charged if Mr. Kingsford's works had been at Montreal, in Canada. Here is $1,360 discriminating tolls paid by one manufacturing establishment in one year.

Oh, yes; it is too plain to argue; it is too plain to take up time with. Here under this law the President of the United States for more than a year and a half has had power to retaliate for these discriminations in tolls on the Welland Canal. What could he have done? Why, in the words of the bill:

Then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and

may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

He could, you see, shut our canals; he could have shut our ports, and even shut Lake Michigan to all Canadian and British vessels. Did the President do it? No; but he comes to Congress now and wants it to pass a law allowing the American authorities to charge Canadian and British vessels and cargoes the same tolls they charge our vessels. War, retaliation, and revenge this would be indeed!

He talks of retaliation by imposing tolls when he has the power by law to shut every canal and every water and every port to Canadian vessels and British vessels.

I have sometimes thought that this discrimination on our commerce by the British Government in the Welland Canal was a judgment on America for its neglect of its own interests.

Here is a barrier of 8 miles of rock and soil on the American side, and there were 30 miles of rock and soil on the British side, which prevented ships passing between these lakes. A mention of Niagara Falls will explain the physical condition without further words.

The British Government, more than forty years ago, saw the commercial advantage and necessity of uninterrupted navigation between these waters; and at an expense of $50,000,000 that shrewd and far-seeing people built the Welland Canal, and having it, they commanded the position perfectly.

All these past forty years American commerce has been humiliated and harassed by being obliged to pass this British water way and pay tribute to British greed. This has been true until our commerce has been driven off Lake Ontario and St. Lawrence River. This great lake and the St. Lawrence River, forming the northern boundary of the great State of New York for 250 miles, has been by this baby policy of ours, abandoned to Canada and England.

We could have had, and ought to have had, and now will have a canal of our own. A canal 8 miles long, costing $10,000,000, will put it beyond the power of Canada or England to stop our American vessels or make them pay tribute for passage from Ogdensburgh, on the St. Lawrence, to the queen city of the West, Chicago, or the far-famed metropolis of the Northwest, Duluth.

The American people, for the protection of commerce in peace and for the better protection of our country in war, demand that petty local interests and mistaken national economy be laid aside and that we have an unbroken, untrammeled American water way, so that we can without treaty, without obligation, and without humiliation utilize the St. Lawrence River and all the lakes and connecting waters on our northern frontier.

The British Government and Canada can traverse the whole distance from the Atlantic on the east to Duluth on the west in their own waters with one exception, and that is the entrance into Lake Superior from Huron, and the sound of activity comes to us from the Northwest as England, even now, commences to carve a canal of her own so this difficulty will be overcome.

Let us at the same time burst through the barrier at the Falls of Niagara, so that when Canada can pass into Lake Superior without using our canal at that point that we shall be able to pass from Lake Erie into Ontario without using the Welland Canal. Good management for times of peace demands it; and the possible troublesome times of war demand it; and pride and patriotism demand it.

England has now one hundred and eleven iron-built vessels so constructed that they may be sent from Liverpool, England, to Duluth or Chicago. These vessels in time of peace are messengers of prosperity, and their cargoes only conduce to make the people happy and prosperous. It is easy to see, however, how each one of these might convey cargoes and crews over the same route bent upon war, and destruction, and waste.

Each of these vessels might easily carry cannon of the longest range. Eight States and their twenty millions of people are situated upon the shores of the Great Lakes, and it is time and high time that proper steps were taken to guard this easily reached and utterly defenseless country.

But the President calls loudly for one other power or authority to do one other thing, and that is to stop the bonded transit transportation now in vogue. He says that the United States was notified in 1886 that our fishermen would no longer be allowed to ship their fish home over the railroads of the Dominion of Canada, and for this he wants power to retaliate in kind; that is, he desires to stop the shipment of Canadian and English property in bond as it is now being carried on by rail and by water.

The first act of Congress which was passed and which is now in force, permitting the British provinces to ship property in bond without paying duty, was passed in 1866, and is as follows:

SEC. 3005. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or Republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or Republic, be treated in regard to the liability to or exemption from duty or tax, as if the transportation had taken place entirely within the limits of the United States.

This act, it will be noticed, only authorizes the shipment in bond through our territory by the British provinces property arriving at Portland, Me., Boston, Mass., and New York City bound for these provinces. Under these statutes no property could or can be shipped in bond to the British provinces, coming by way of any other than these three ports named, unless by the consent of the Secretary of the Treasury.

This, however, is not all the authority for the transit in bond trade by the Dominion of Canada. The President has run across and wrestled with Article XXIX of the treaty of 1871, and he convinces himself at least that this article is no longer in force. The article referred to reads as follows:

ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that for the like period goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules, regulations, and conditions for the protection of the revenue as the government of the said possessions may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

It will be noticed that the statutes of 1866, quoted by me, gave power to ship goods in bond through the United States by the British provinces only when the same started from Portland, Boston, or New York and went to Canada. This treaty article, however, grants the right to Canadians to ship across our territory from one point in Canada to another, and from Canada across our territory to one of our ports and thence export the same.

Then comes the act of Congress, March 1, 1873, to carry into effect the treaty of 1871, and here is that law:

[GENERAL NATURE—No. 46.]

An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain, signed at the city of Washington on the 8th day of May, 1871, as contained in Articles XVIII to XXV, inclusive, and Article XXX of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence, and thereupon, from the date of such proclamation, and so long as the said Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward Island, shall be admitted into the United States free of duty.

SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said Articles XVIII to XXV of said treaty, inclusive, to that colony, and the Legislature thereof, and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said Articles XVIII to XXV, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said Articles XVIII to XXV, inclusive, and Article XXX, of said treaty shall remain in force, according to the terms and conditions of Article XXXIII of said treaty.

SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the Articles XVIII to XXV, inclusive, and Article XXX of said treaty, shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, and merchandise arriving at the ports of New York, Boston, and Portland, and any other

ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States.

SEC. 4. That from the date of the President's proclamation, authorized by the first section of this act, and so long as Articles XVIII to XXV, inclusive, and Article XXX of said treaty, shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States, as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States: *And provided further*, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals of the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII of said treaty: *And provided further*, That in case any export or other duty continues to be levied after the 16th day of June, 1872, on lumber or timber of any kind cut on that portion of the American territory, in the State of Maine, watered by the river St John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick, that then, and in that case, the President of the United States may, by proclamation, suspend all rights of carrying provided for by this section for such period as such export or other duty may be levied.

SEC. 5. That this act shall not take effect until the 1st day of July, 1873, and shall not apply to any article of merchandise therein mentioned which shall be held in bond on that day by the customs officers of the United States.

Approved March 1, 1873.

Now, let us take up these acts one after another and see what in fact and in truth troubles the President; not what he tries to make it appear troubles him in his desire to stop the British transit traffic, but what really does bother him.

The act of 1864, allowing the British dominions to ship in bond without payment of duty from Portland, Boston, and New York, by its terms may be suspended by the Secretary of the Treasury. In fact, under this law the Secretary did at one time suspend the transit business so far as it related to Mexico. The bonded transit trade with Mexico or by Mexico is authorized by the same law, and Senator SHERMAN, when he was Secretary of the Treasury, stopped the whole business. Here is precedent for the present Secretary to do the same thing with Canada. Here is precedent for the President to have caused his Secretary of the Treasury to have stopped this part of the bonded transit business long ago.

Now, let us look at Article XXIX of the treaty of 1871. For two reasons the President need not be, nor should he have been, stopped from retaliation on the subject of bonded transit trade with Canada by this article. In the first place, the President says in his message, and proves to his own satisfaction at least, that this Article XXIX was done away with in 1885, under the joint resolution of Congress. Assume that he is correct in this conclusion, and that Article XXIX was swept away in 1885, then it must follow that the act of March 1, 1873, so far as it relates to or carries into effect Article XXIX, went with it, and there is no law in force except the act of 1864, which we have seen may be abrogated.

In the second place, this very act of Congress, March 1, 1873, by its very terms provides that the President may suspend by proclamation the carrying in bond provided by that act and Article XXIX of the treaty of 1871 at any time when the Canadian Government fails to allow us the use of the Dominion canals on the same terms as her own people.

The President says we have been deprived of the use of these canals, and if that be so then he had by this very act the right to stop the transit-bonded trade referred to by proclamation. He needed no more acts of Congress.

Third. If the transit trade, or rather the right to ship our fish across the Canadian territory, in bond, has been denied, as the President in his message said it was, as far back as 1886, then that right being provided and given us by this article of the treaty, the denial breaks the contract and the President was no longer bound by it and could have, for this and all the other reasons named, stopped the whole business long ago.

There is one wrong committed by the Dominion of Canada which the President does not refer to and which ought to be known and taken into consideration, and that is, that the Canadian authorities for all time in the past have refused to allow our vessels shipwrecked in her waters to be assisted by American appliances. It would seem that the law of humanity should control them and cause them to change this rule.

But not so, even when Article XXVII of the treaty of 1871 gives the same right to our ships as her ships have in her waters and canals; yet she persistently refuses to allow our wrecking appliances to assist our ships in distress in her waters, and in one instance it is recorded where such refusal was had even though the wreck was in the Welland Canal, when American wrecking appliances could have in this instance been obtained in a few hours from Buffalo, 20 miles distant, the Canadian authorities compelled the wreck to wait until Canadian wrecking appliances came from Amherstburg, 300 miles away. In consequence, the cargo and vessel were damaged more than $4,000.

There are many instances of such wrongs to our commerce and shipping and rights, and all of record in the Treasury Department. We have since 1879 had on our statutes an act of Congress allowing the Canadians to come into our waters to care for their vessels and property in distress, but there has been and is to this day no reciprocity in this regard on their part.

For this wrong action and conduct the President ought to have retaliated under the act of March 3, 1887, long ago. Last winter the member of Parliament from Kingston introduced a bill in the Dominion Parliament to give our people the privilege to exercise this humane right to distressed vessels and sailors in Canadian waters, and that Parliament by actual vote defeated the bill.

Yet under all this notice, the President having under the act of March 3, 1887, the power, has not retaliated, and even in his message he does not call attention to this inhuman conduct and this great wrong upon our commerce and citizens.

Now, Mr. Speaker, I think I have shown that all needed power was long ago in the hands of the President to stop the wrongs he speaks of and to stop those he has not spoken of. It must be left with the people of the United States to call the President and his party to an account for the continuance of these outrages. The American people long since clothed the President and his party with power to right each and every of these wrongs—wrongs which have been so conspicuous that the most humble citizen has known of them; wrongs the endurance of which has brought us in contempt with other nations because of our inactivity thereabout, and the President and the Democratic party must not think they will escape now the just condemnation which the people will visit upon servants so derelict of duty and so wanting in patriotism.

You may say in answer that you have been too busy in attempting to open the markets of our country to European products and cheap labor to give these matters contained in the message and which I have mentioned attention. You may say that you have been too busy in earnest effort for all these long months trying to make free trade between the United States and Canada for the benefit of the cheap labor and products of mill, furnace, and farm of that country, as illustrated by the resolution offered in the House of Representatives by the honorable gentleman from Kentucky [Mr. BRECKINRIDGE] on the 6th day of June last, which was as follows:

And provided further, That whenever the Dominion of Canada admits products, wares, and merchandise grown, produced, or manufactured in the United States free of duty, then the products, wares, and merchandise grown, produced, or manufactured in said Dominion of Canada shall be admitted free of duty.

You will find, however, that these excuses will not be accepted and the President and his party will on the first opportunity be taught by the people that a more rigid and careful attention to public business and less time spent in political management are demanded. The resolution I have quoted was presented by a member of this House who is a leader of the majority of the Ways and Means Committee that formulated the Mills bill. He is one of the advisers of the President, no doubt.

This resolution shows that the President and his party, two months ago, were willing, and in fact attempted to make the United States a great market for the cheap labor and products of Canada. At that time the President and his party wanted the United States to marry Canada financially.

Now the President wants legislation from Congress to cut off all even to the slightest intercourse with Canada, and the wrongs he gives as reasons for his wants are much older than the desire to wed Canada financially.

I leave the case with the thoughtful mind to render the judgment which must follow, that this message is but a desperate political move to retrieve political ground lost in pandering to an English financial policy which for a century has been, and I hope for another century will be, obnoxious to the sense and patriotism of the great masses of the American people.

Traffic through Welland Canal, showing the number, tonnage, and nationality of vessels, tons of freight, number of passengers, and revenue, from 1882 *to* 1886.

[From Canadian Statistical Abstract and Record for 1886.]

Year.	Canadian vessels.		United States vessels.		Total.		Freight.
	No.	*Tons.*	*No.*	*Tons.*	*No.*	*Tons.*	*Tons.*
1882	2,333	516,484	598	162,556	2,931	679,040	608,929
1883	2,331	471,274	999	276,922	3,330	748,196	827,196
1884	2,130	489,021	1,055	362,330	3,185	851,351	940,120
1885	2,264	402,914	952	347,277	3,216	750,191	826,961
1886	2,160	465,286	1,045	358,928	3,205	824,014	914,478

Traffic through Welland Canal, etc.—Continued.

Year.	Passengers.	Gross revenue accrued. Tolls.	Hydraulic rents and other revenues from public works.	Other receipts.	Total net revenue less refunds.	Increase or decrease.
1882	1,741	$108,640	$5,910	$1,802	$116,335	—$35,014
1883	1,719	154,077	2,775	985	157,817	+ 41,482
1884	2,007	176,165	6,705	3,477	179,910	+ 22,093
1885	4,720	151,690	7,489	1,078	148,872	— 31,038
1886	3,851	173,984	4,071	150	150,210	+ 1,338

The quantity of barley, corn, oats, pease, rye, and wheat passed down the Welland Canal from United States ports to United States ports for a period of six years upon which there was no reduction of tolls is as follows:

	Tons.
1880	47,029
1881	64,351
1882	63,881
1883	121,876
1884	104,537
1885	117,346
1886	151,551
Total	670,671

The quantity of these articles passed down the Welland and St. Lawrence Canals from ports west of Port Colborne to Montreal for the same period was as follows:

	Tons.
1880	332,806
1881	146,127
1882	180,694
1883	186,814
1884	142,194
1885	96,569
1886	203,940
Total	1,289,144

The total quantity of freight passed eastward and westward through the Welland Canal from United States ports to United States ports for a period of six years, is as follows:

Year.	Eastward.	Westward.
	Tons.	*Tons.*
1886	224,916	239,562
1885	168,212	216,297
1884	163,998	243,081
1883	174,912	257,699
1882	110,286	172,520
1881	96,266	97,907
Total	940,590	1,227,066

The total quantity of freight passed eastward and westward through the Welland and St. Lawrence Canals from Lake Erie to Montreal during the same period is as follows:

Year.	Eastward.*	Westward.†
	Tons.	*Tons.*
1886	244,514	16,801
1885	132,968	16,115
1884	168,715	9,425
1883	205,394	27,488
1882	198,835	24,488
1881	169,213	37,190

*Allowed to pass through St. Lawrence Canals free, per order of council 21st April, 1881, and a refund of 18 cents per ton of Welland Canal tolls on grain for 1885 and 1886.

†Allowed to pass through Welland Canal free, per order in council 21st April, 1881.

The quantity of barley, corn, oats, rye, and wheat arriving at Montreal via Grand Trunk and Canadian Pacific Railways for a period of five years is reported as follows:

	Tons.
1882	75,026
1883	98,672
1884	142,231
1885	160,821
1886	165,613

The quantity of the same articles passed down the whole length of the St. Lawrence canals to Montreal for the same period being:

	Tons.
1882	230,055
1883	263,368
1884	174,496
1885	134,824
1886	272,133

____ ____,
Chief of Bureau.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
September 1, 1888.

During the delivery of Mr. NUTTING'S remarks the following interruptions occurred:

Mr. SCOTT. That was provided for in Article XXX of the treaty of 1871, and had been abrogated.

Mr. NUTTING. The law of 1873, in section 4, provides that whenever the Canadian Government shall fail or refuse to give us the right to use the canals which she has agreed to under Article XXVII then the President of the United States may retaliate against her by shutting off the transit trade, which was part by water and part by rail.

Mr. SCOTT. I do not want to interrupt the gentleman, but I will explain that to him in two minutes. The Revised Statutes——

Mr. NUTTING. You can reply to that in your own time. I have stated how that was and you can not deny it, nor can any other gentleman.

Mr. SCOTT. I only call your attention to the statutes.

Mr. LIND. I would like to ask the gentleman a question for information. He stated that the Canadian Government was now entitled to use the Sault Ste. Marie Canal. If so, I would like to know under what statute or treaty?

Mr. NUTTING. Under the statute of the State of Michigan.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. DOCKERY). The time of the gentleman has expired.

Mr. HITT. Will the gentleman from California yield five minutes more?

Mr. MORROW. I will yield five minutes more and reserve the remainder of my time.

Mr. NUTTING. In answer to the question of the gentleman from Minnesota [Mr. LIND] I will state that this right to use the Sault Ste. Marie Canal was first given by a statute of the State of Michigan, made after this treaty and in obedience to it, giving the use of the Sault Ste. Marie Canal to the Canadian Government, as provided by Article XXVII of the treaty of 1871. When the United States Government became owner of the canal by purchase from the State of Michigan they took it with these rights in this shape.

Mr. LIND. Under what article of the treaty of 1871 was that done?

Mr. NUTTING. Article XXVII of the treaty of 1871 provides that the St. Clair Flats Canal shall be used by the Canadian Government on the same terms that we use it, and that the United States would procure the use of State canals on the same terms, if possible; and when the Sault Ste. Marie Canal was purchased by the United States Government, then the United States was governed by Article XXVII of the treaty of 1871.

Mr. ROMEIS. I do not rise for the purpose of taking part in the debate on the merits of the bill, but I want to call the attention of the House to one fact which has not been mentioned in this debate, and that is the channel through which the commerce of the Lakes passes is exclusively in Canada. And if the second section of this bill is carried out and put in full operation it will, in my judgment and in that of many friends who have looked into it, be in the power of Canada to close up this great channel. It is exclusively in Canada, is so claimed by them and allowed by us. That is evidenced by the fact that there is an island there between the channel and the American shore on which the Canadian Government maintains the light-house. The American Government made a great mistake some years ago when, instead of improving Detroit River and making the channel through American waters, they extended this channel at an expenditure of thousands of dollars, and instead of putting it through American waters it was made through the Canadian waters. Canada can fill up this channel if she wants to, and I see no way that we could prevent her from doing so except by force. The American Government neglected to improve its own waters, but did improve those of Canada. In relation to the St. Clair Flats Canal, I can say that while sailing its lakes I was informed forty years ago that where it is now located was Canada waters.

Mr. HOOKER. Mr. Speaker, in coming to this question it would perhaps be well for the House to understand what is the proposition before them, and in order to explain that we must necessarily look to the contents of the treaties which have existed between Great Britain and her North American provinces and this country in reference to the fishery question. It will be remembered by those who heard the debate and those who are familiar with this question that the treaty of 1783, which was the treaty of peace, re-established in these provisions the right of American fishermen in common with Canadian fishermen in the waters of the Northern Atlantic jointly by the Dominion of Canada and the provinces of Great Britain. That was the last treaty upon this subject. We had no other law upon this subject until the agreement between the two governments in the treaty of 1818, which restricted the rights of American fishermen within 3 leagues of the shore to enter into Canadian ports for four specific purposes—for the purpose of shelter from the storms of the ocean; for the purpose of obtaining water and supplies, and these four restrictions remain now the right of the American fishermen since the rejection of the recent treaty by the Senate of the United States, made in 1888. Other treaties were made upon this subject that for a time suspended the operation of the treaty of 1818 and the first section thereof, and they are commonly known as the reciprocity treaties of 1854 and 1871. The reciprocity

treaty of 1854 was terminated by limitation as to the time in which it should operate.

That remitted us back again upon the termination of the treaty of 1854, commonly known as the reciprocity treaty of that date; it remitted us back, so far as the fisheries were concerned, to the rights and privileges secured by the treaty of 1818, giving us the free entrance to the deep-water fisheries and the entrance to the inshore fisheries within 3 leagues of the Canadian shore for the purposes specified. That was the condition of affairs at the termination of the treaty of 1854. Matters remained in that condition after the expiration of that treaty and its abrogation until the treaty of 1871. The treaty of 1871 was adopted as another reciprocity treaty agreed upon between the two powers, and it conceded certain rights and privileges to American citizens and American fishermen.

The terms of that treaty of 1871, in Articles XVIII to XXV, inclusive, and Article XXX, granted certain rights to American fishermen. By the twenty-seventh article of that treaty we were to have free access to the canals running through Canada upon the same condition and with the same rights as Canadian citizens. That privilege was secured, I say, by Article XXVII of the treaty of 1871, and the denial of that privilege is referred to by the President in his message sent to the Congress of the United States after the rejection of the recent treaty of 1888, as one of the reasons why he believes that additional powers of retaliation should be vested in him. But it is not the only reason, nor, I may be permitted to say, the principal one. There was another article of that treaty, Article XXIX, which gave to the people of the United States certain rights of shipment of goods over Canadian railways and canals in bond, and gave correlative rights to the people of the British Dominion of Canada and of the Empire of Great Britain to transport in bond goods entering to the ports of the United States. Now the question arises as to whether or not the stipulations of Article XXIX have been abrogated, or whether that article is still in force.

But before I proceed to the consideration of that question I desire to call the attention of the House to what has been so often alluded to in this debate, namely, the retaliatory act, as it is termed, of 1887. That bill was introduced in the Senate of the United States, was passed by that body, came to the House and was referred to the Committee on Foreign Affairs. The House Committee on Foreign Affairs reported back the retaliatory bill with an amendment, of which I will state the substance. I will not weary the House by reading the amendment, but it was to this effect: That power should be given to the President to retaliate against the innumerable wrongs that had been committed against American rights, even prior to the adoption of the treaty of 1871—for it is a remarkable fact that between 1869 and the date of the treaty of 1871 there were more flagrant and more numerous outrages committed upon American fishing vessels than during any other given period in the history of the country. That condition of things necessitated the treaty of 1871, which was negotiated during the administration of President Grant.

This Senate bill of 1887 came to the House, as I have said, and was referred to the Committee on Foreign Affairs, and the committee reported it back to the House with an amendment to the effect that the powers of the President should be extended to restraining the shipment of goods in transit over the railways through our country, because of the denial by the Canadian authorities of the privileges to which American fishermen were entitled under the treaty of 1871. That was, in substance, the amendment reported by the Committee on Foreign Affairs; and when it came to the House for the purpose of being discussed and acted upon, Mr. Rice, of Massachusetts, who was a Republican member of the House committee, and a gentleman of fair dealing and open and magnanimous action so far as my observation extended during the period of our joint service here—Mr. Rice, in speaking of the bill which had been passed by the Senate and the amendment that was proposed used this language:

> Now, Mr. Speaker, this question has been stated by my friend from New York, and it has been stated clearly. The question is just this (I call attention to the distinct manner in which the question is stated)—the question is just this: By the treaty of 1818, made by this country at the heel of an unfortunate war, in which the greatest glory to the American flag was won by the fishermen of New England on the sea, certain rights were renounced by Americans which they had secured in the treaty of 1783, rights to certain inshore fisheries. Let the gentlemen of the House understand. No question is made of the right of American fishermen in the deep-sea fisheries. Those are not involved in this discussion; but by the treaty of 1818 we renounced certain rights with reference to the inshore fisheries, that is, fisheries within 3 miles of the Canadian and Newfoundland coasts; and in that treaty there was a proviso that American fishing vessels should not visit Canadian ports except, first, in stress of weather; second, to repair damages; third, for wood; and fourth, for water.

Now, Mr. Speaker, there is a clear, distinct, and positive statement by a gentleman upon the other side of the Chamber, who was at that time a member of the House Committee on Foreign Affairs, as to what was the attitude of the case when the act of retaliation was passed by the Senate and sent to the House, referred to the House Committee on Foreign Affairs, and by that committee reported back to the House.

It was upon that that the debate grew up in this House as to whether or not this amendment put on by the Foreign Affairs Committee of this House should be added; that is, whether this additional power should be given to the President of the United States. Mr. Rice goes on further to say:

> If the Canadians can shut our vessels out of their ports, we can shut theirs out of our ports. We are under no treaty obligations to let them in. If they can shut our fishermen out of their ports, we can shut their fish out of ours.

It will be remembered that the amendment of the House referred to the question of excluding not alone the fish caught by Canadians and transshipped here, but to any other products that were brought here; and it included the power to interdict the transit of such products across our territory. In the debate on this subject at that time Mr. DAVIS, of Massachusetts, the gentleman who addressed the House the other day on this question so strongly arraigning the President of the United States for the fact that he had not acted under the law of 1887, used this language, which I quote from page 2136 of the RECORD, proceedings of February 23, 1887:

> This can not be done by diplomacy, as the executive branch of our Government must by this time be convinced. The correspondence relating to this dispute has been conducted on the part of our Government with signal ability and in a true American spirit. The Secretary of State has in each instance vigorously protested against the flagrant outrages that have been committed against our citizens and our flag; and the communications addressed by Mr. Phelps to the British foreign secretary are models of statement and reasoning at once clear, forcible, and conclusive. But our representations have been wholly futile. No adequate reply has been vouchsafed, for certainly the curt and unsatisfactory responses we have received can not be dignified by that term.

This was the sentiment of the gentleman from Massachusetts as to the spirit and temper in which the Secretary of State and our minister at the British court had presented this question to the consideration of the British Government.

Mr. DAVIS. Will the gentleman allow me a moment? I do not dispute to-day the statement the gentleman has read; it agrees substantially with what I put in my speech of the other day. But all that was anterior to the treaty.

Mr. HOOKER. This was in 1887, and was, of course, anterior to the treaty of 1888, which is what the gentleman means, I presume.

Mr. DAVIS. And also prior to the act of 1887.

Mr. HOOKER. I will refer also to the speech made at that time by the honorable gentleman from Maine [Mr. DINGLEY], a gentleman coming from a region of country directly affected by this fisheries question. I will not weary the House by reading all that I will incorporate in my remarks. I will read only this single passage:

> And on the same principle, so long as Canada singles out fish caught by fishing vessels of the United States and refuses to allow it to be landed in her ports from one of our fishing vessels authorized to touch and trade, for shipment in bond to the United States, or for any other commercial purpose, it is our duty to arm the President with authority to exclude Canadian fish from our territory. While the Senate bill gives authority to the President to exclude other than Canadian fishing vessels or fish products, yet it goes to this extent only, to arm the President with full authority in case Canada should hereafter extend the discrimination she is now making against American fishing vessels and fish to the vessels and other products of the United States.

The honorable gentleman from Illinois [Mr. HITT] also spoke when this act of 1887 was under consideration. He said:

> They did not propose to claim less than of old for the value of the inshore fisheries and even expected to claim repayment for the tariff duties paid on Canadian fish during the interval. That would have been an interesting commission! To have met to consider the value of the inshore fisheries which are practically worth nothing and not desired at any price by our fishermen, with the old $5,500,000 estimate of the value of the inshore fisheries staring them in the face—a sum we had to pay after that unlucky negotiation which resulted in the Halifax Commission.

Now, sir, that Halifax Commission grew out of the treaty of 1871, a treaty negotiated by the then President of the United States, General Grant, and a joint commission representing Great Britain and the United States agreed that for these privileges, which it is stated here were not worth $500,000, the American Government should pay to the British Government $5,500,000.

I now come to the vote upon this proposition, which will be found on page 2149 of the RECORD; and I will remark that the first aye-and-no vote was upon the amendment of the gentleman from Maine [Mr. DINGLEY], which I will incorporate in my remarks. The amendment will be found on page 2149 of the RECORD of the Forty-ninth Congress; and upon it there were—yeas 137, nays 124.

> Add as section 3 the following:
> "That any vessel of foreign nationality or ownership, within the meaning of the term 'vessel' as defined in section 3 of the Revised Statutes, found engaged in taking fish of any kind within 3 marine miles of any of the marine coasts, bays, creeks, or harbors of the United States, or within sea, lake, or river waters of the United States, shall be liable to seizure and forfeiture, and to proceedings to enforce said forfeiture; and any person employed on or with such vessels found taking fish of any kind in such waters shall be liable to a fine of $50 for every such offense; and said penalty shall be a lien upon the vessel in connection with which such person is employed, to recover which penalty such vessel shall be subject to libel: *Provided*, That this section shall not be construed to affect any right or liberty granted by treaty or reciprocal agreement, or to affect any exclusive rights of a State to regulate fisheries within State jurisdiction: *And provided further*, That the penalties and forfeitures herein described may be remitted or mitigated by the Secretary of the Treasury, when incurred without willful disregard of law, under such regulations and modes of ascertaining the facts as may seem to him advisable."
> The amendment was agreed to.
> The question then recurred on agreeing to the substitute as amended.
> The question having been taken,
> The SPEAKER *pro tempore* said: The noes seem to have it.
> Mr. BELMONT. I call for a division.

Mr. RICE. I call for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 137, nays 124, not voting 57; as follows:

YEAS—137.

Adams, J. J.	Davidson, R. H. M.	King,	Robertson,
Allen, J. M.	Dawson,	Kleiner,	Rogers,
Ballentine,	Dibble,	Laffoon,	Rusk,
Barbour,	Dockery,	Landes,	Sayers,
Barksdale,	Dougherty.	Lanham,	Scott,
Barnes,	Dunn,	Lawler,	Seymour,
Barry,	Eden,	Le Fevre,	Shaw,
Belmont,	Ermentrout,	Lovering,	Singleton,
Bennett,	Findlay,	Martin,	Snyder,
Blanchard,	Fisher,	Matson,	Sowden,
Bland,	Foran,	Maybury,	Spriggs,
Bliss,	Forney,	McCreary,	Springer,
Blount,	Gay,	McMillin,	Stahlnecker,
Boyle,	Geddes,	McRae,	Storm,
Bragg,	Gibson, C. H.	Merriman,	Swope,
Breckinridge, C. R.	Glass,	Miller,	Tarsney,
Breckinridge, WC P	Green,	Mills,	Taulbee,
Bynum,	Hall,	Mitchell,	Taylor, J. M.
Cabell,	Halsell,	Morgan,	Tillman,
Campbell, J. M.	Hammond,	Morrison,	Townshend,
Campbell, J. E.	Harris,	Muller,	Tucker,
Carleton,	Hatch,	Murphy,	Turner,
Catchings,	Heard,	Neal,	Van Eaton,
Clements,	Hemphill,	Neece,	Ward, T. B.
Cobb,	Henderson, J. S.	Norwood,	Warner, A. J.
Compton,	Herbert,	Oates,	Warner, William
Comstock,	Hill,	O'Ferrall,	Weaver, J. B.
Cowles,	Holman,	O'Neill, J. J.	Wilkins,
Cox, W. R.	Howard,	Outhwaite,	Willis,
Crain,	Hudd,	Peel,	Wilson,
Crisp,	Hunton,	Perry,	Wise.
Culberson,	Irion,	Randall,	Worthington.
Daniel,	Johnston, T. D.	Reagan,	
Dargan,	Jones, J. H.	Richardson,	
Davidson, A. C.	Jones, J. T.	Riggs,	

NAYS—124.

Adams, G. E.	Frederick,	Laird,	Romeis,
Allen, C. H.	Fuller,	Lehlbach,	Rowell,
Anderson, J. A.	Funston,	Libbey,	Ryan,
Atkinson,	Gallinger,	Lindsley,	Sawyer,
Baker,	Gilfillan,	Little,	Scranton,
Bayne,	Goff,	Long,	Sessions,
Bound,	Grout,	Louttit,	Skinner,
Brady,	Guenther,	Lyman,	Smalls,
Brown, C. E.	Hale,	Markham,	Spooner,
Brown, W. W.	Hanback,	McComas,	Steele,
Brumm,	Harmer,	McKenna,	Stephenson,
Buck,	Hayden,	McKinley,	Stewart, J. W.
Bunnell,	Haynes,	Millard,	Strait,
Burleigh,	Henderson, D. B.	Moffatt,	Struble,
Burrows,	Henderson, T. J.	Morrill,	Swinburne,
Butterworth,	Hepburn,	Morrow,	Symes,
Cannon,	Hermann,	Negley,	Taylor, E. B.
Caswell,	Hiestand,	Nelson,	Taylor, I. H.
Conger,	Hires,	O'Donnell,	Taylor, Zach.
Cutcheon,	Hiscock,	O'Hara,	Thomas, J. R.
Davis,	Hitt,	O'Neill, Charles	Thomas, O. B.
Dingley,	Holmes,	Osborne,	Thompson,
Dorsey,	Hopkins,	Owen,	Wadsworth,
Dunham,	Houk,	Parker,	Wait,
Ely,	Jackson.	Payne,	Wakefield,
Evans,	James,	Perkins,	Weaver, A. J.
Everhart,	Johnson, F. A.	Peters,	Weber,
Farquhar,	Johnston, J. T.	Plumb,	West,
Felton,	Kelley,	Price,	White, A. C.
Fleeger,	Ketcham,	Rice,	White, Milo
Ford,	La Follette,	Rockwell,	Whiting.

NOT VOTING—57.

Aiken,	Cox, S. S.	Payson,	Throckmorton,
Anderson, C. M.	Croxton,	Pettibone,	Trigg,
Bacon,	Curtin,	Phelps,	Viele,
Bingham,	Davenport,	Pidcock,	Van Schaick,
Boutelle,	Eldredge,	Pindar,	Wade,
Browne, T. M.	Ellsberry,	Ranney,	Wallace,
Buchanan,	Gibson, Eustace	Reed,	Ward, J. H.
Burnes,	Glover,	Reese,	Wellborn,
Caldwell,	Grosvenor,	Sadler,	Wheeler,
Campbell, Felix	Henley,	Seney,	Winans,
Campbell, T. J.	Lore,	Stewart, Charles	Wolford,
Candler,	Lowry,	St. Martin,	Woodburn.
Clardy,	Mahoney,	Stone, E. F.	
Collins,	McAdoo,	Stone, W. J., Ky.	
Cooper,	Milliken,	Stone, W. J., Mo.	

So the substitute was agreed to.
During the roll-call,
On motion of Mr. BELMONT, by unanimous consent, the reading of the names was dispensed with.
Mr. T. J. CAMPBELL said: Mr. Speaker, I am paired with the gentleman from Maine [Mr. BOUTELLE] on this vote; otherwise I would vote in the affirmative.
The following additional pairs were announced:
Until further notice.
Mr. COX, of New York, with Mr. BROWNE, of Indiana.
Mr. THROCKMORTON with Mr. DAVENPORT.
Mr. WELLBORN with Mr. BUCHANAN.
Mr. TIMOTHY J. CAMPBELL with Mr. BOUTELLE.
Mr. CLARDY with Mr. COOPER.
Mr. ANDERSON, of Ohio, with Mr. GROSVENOR.
For this day:
Mr. GLOVER with Mr. PAYSON.
Mr. PIDCOCK with Mr. WADE.
Mr. O'NEILL, of Missouri, with Mr. BINGHAM.
Mr. SENEY with Mr. REED.
Mr. CALDWELL with Mr. PETTIBONE. Mr. CALDWELL would vote for the House substitute.
Mr. CANDLER with Mr. PHELPS.
The vote was then announced as above recorded.
So that the amendment was agreed to, and the proposition of the gentleman from Maine [Mr. DINGLEY] became a part of the bill. Then came the question upon the passage of the bill. The gentleman from Illinois [Mr. HITT] demanded the yeas and nays on that question; and on the passage of the measure there were—yeas 256, nay 1.
The Senate bill as amended was ordered to a third reading, and it was accordingly read the third time.
The question recurred on the passage of the bill.
Mr. BELMONT demanded the previous question.
The previous question was ordered.
Mr. HITT demanded the yeas and nays.
The yeas and nays were ordered.
The question was taken; and it was decided in the affirmative—yeas 256, nay 1, not voting 61; as follows:

YEAS—256.

Adams, G. E.	Dunham,	Kleiner,	Romeis,
Adams, J. J.	Dunn,	La Follette,	Rowell,
Allen, C. H.	Eden,	Laird,	Rusk,
Allen, J. M.	Ely,	Landes,	Ryan,
Anderson, J. A.	Ermentrout,	Lanham,	Sayers,
Atkinson,	Evans,	Lawler,	Scott,
Bacon,	Everhart,	Le Fevre,	Scranton,
Baker,	Farquhar,	Lehlbach,	Sessions,
Ballentine,	Felton,	Libbey,	Seymour,
Barksdale,	Findlay,	Lindsley,	Shaw,
Barnes,	Fisher,	Little,	Singleton,
Barry,	Fleeger,	Long,	Skinner,
Bayne,	Foran,	Louttit,	Smalls,
Belmont,	Ford,	Lovering,	Snyder,
Bennett,	Forney,	Lyman,	Sowden,
Blanchard,	Frederick,	Martin,	Spooner,
Bland,	Fuller,	Maybury,	Spriggs,
Bliss,	Funston,	McAdoo,	Springer,
Blount,	Gallinger,	McComas,	Stahlnecker,
Bound,	Gay,	McCreary,	Steele,
Boyle,	Geddes,	McKenna,	Stephenson,
Brady,	Gibson, C. H.	McKinley,	Stewart, Charles
Bragg,	Gilfillan,	McMillin,	Stewart, J. W.
Breckinridge, C. R.	Glass,	McRae,	Stone, E. F.
Breckinridge, WC P	Goff,	Millard,	Storm,
Brown, C. E.	Green,	Miller,	Strait,
Brown, W. W.	Grout,	Milliken,	Struble,
Brumm,	Guenther,	Mills,	Swinburne,
Buck,	Hall,	Moffatt,	Swope,
Bunnell,	Halsell,	Morgan,	Symes,
Burleigh,	Hammond,	Morrill,	Tarsney,
Burnes,	Hanback,	Morrison,	Taulbee,
Burrows,	Harmer,	Morrow,	Taylor, E. B.
Butterworth,	Harris,	Muller,	Taylor, I. H.
Bynum,	Hatch,	Murphy,	Taylor, J. M.
Cabell,	Hayden,	Neal,	Taylor, Zach.
Campbell, J. M.	Haynes,	Negley,	Thomas, J. R.
Campbell, J. E.	Heard,	Nelson,	Thomas, O. B.
Cannon,	Hemphill,	Norwood,	Thompson,
Carleton,	Henderson, D. B.	Oates,	Tillman,
Caswell,	Henderson, J. S.	O'Donnell,	Townshend,
Catchings,	Henderson, T. J.	O'Ferrall,	Tucker,
Clements,	Herbert,	O'Hara,	Turner,
Cobb,	Hermann,	O'Neill, Charles	Van Eaton,
Compton,	Hill,	O'Neill, J. J.	Van Schaick,
Comstock,	Hires,	Osborne,	Wadsworth,
Conger,	Hiscock,	Outhwaite,	Wait,
Cowles,	Hitt,	Owen,	Wakefield,
Cox, W. R.	Holman,	Parker,	Ward, T. B.
Crain,	Holmes,	Payne,	Warner, A. J.
Crisp,	Hopkins,	Peel,	Warner, William
Culberson,	Houk,	Perkins,	Weaver, A. J.
Curtin,	Howard,	Perry,	Weaver, J. B.
Cutcheon,	Hudd,	Peters,	Weber,
Daniel,	Hutton,	Pettibone,	West,
Dargan,	Irion,	Plumb,	White, A. C.
Davidson, A. C.	Jackson,	Price,	White, Milo
Davidson, R. H. M.	Johnson, F. A.	Randall,	Whiting,
Davis,	Johnson, J. T.	Reagan,	Wilkins,
Dawson,	Johnson, T. D.	Rice,	Willis,
Dibble,	Jones, J. H.	Richardson,	Wilson,
Dingley,	Jones, J. T.	Robertson,	Wise,
Dockery,	Kelley,	Rockwell,	Woodburn,
Dorsey,	King,	Rogers,	Worthington.

NAY—1.

Dougherty.

NOT VOTING—61.

Aiken,	Davenport,	Markham,	St. Martin,
Anderson, C. M.	Eldredge,	Matson,	Stone, W. J., Ky.
Barbour,	Ellsberry,	Merriman,	Stone, W. J., Mo.
Bingham,	Gibson, Eustace	Mitchell,	Throckmorton,
Boutelle,	Glover,	Neece,	Trigg,
Browne, T. M.	Grosvenor,	Payson,	Viele,
Buchanan,	Hale,	Phelps,	Wade,
Caldwell,	Henley,	Pidcock,	Wallace,
Campbell, Felix	Hepburn,	Pinder,	Ward, J. H.
Campbell, T. J.	Hiestand,	Ranney,	Wellborn,
Candler,	James,	Reed,	Wheeler,
Clardy,	Ketcham,	Reese,	Winans,
Collins,	Laffoon,	Riggs,	Wolford.
Cooper,	Lore,	Sadler,	
Cox, S. S.	Lowry,	Sawyer,	
Croxton,	Mahoney,	Seney,	

So the bill as amended was passed.
On motion of Mr. BLOUNT, by unanimous consent, the reading of the names was dispensed with.
The following additional pair was announced:
Mr. TIMOTHY J. CAMPBELL with Mr. BOUTELLE.
Mr. MCADOO. I wish to state that the gentleman from Massachusetts [Mr. COLLINS] has been unavoidably called away from the House. If present, he would vote in the affirmative.
The result of the vote was then announced as above recorded.
Mr. BELMONT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
Mr. BELMONT. I have been requested by several members to ask that they have leave to print remarks in the RECORD on this subject.
Mr. STEELE. I object.

So that it is shown that at that time it was conceded there was a necessity for clothing the President of the United States with the power with which he was clothed by the act of 1887.

It has been said that the President of the United States has been derelict in failing to exercise the power vested in him by the act of 1887. Why, sir, it must be well known to honorable gentlemen on the other side, and especially to a gentleman so familiar with the diplomatic history of the country as the gentleman from Illinois [Mr. HITT], that at that very time and prior to that time—as the gentleman from Maine [Mr. DINGLEY] says in his remarks on that occasion, nine months prior to that time—we were negotiating or endeavoring to negotiate treaties with Great Britain to settle this question of the fisheries—to settle the question not alone as to the rights of American fishermen, but with reference to the wrongs and outrages which had been perpetrated upon them. And this is the reason in all probability why there was no exercise of the powers of the President. A further reason was that under the act of 1887 the power of retaliation was limited to the exclusion of Canadian vessels from entering the ports of the United States. It did not extend the power given under the treaty of 1871 to shipping goods in transit in bond across the continent, across the Canadian territory on the one side and across the territory of the United States on the other.

There was another discussion on the subject when this bill was passed, as I have stated, by an almost unanimous vote of this House, there being but a single vote in opposition to it. A subsequent debate arose on the same subject. When this measure went to the Senate of the United States the Senate of the United States disregarded the expression of the will of the immediate representatives of the people, expressed with a unanimity almost entire, with but one single vote against it; the Senate of the United States disagreed to the amendment of the House which had been adopted by a unanimous vote, save one, and sent the bill back to the House, and a committee of conference was ordered between the two Houses. After this bill had come back and been referred to the committee of conference and reported back respectively to the Senate and House, these very gentlemen on the other side who had voted unanimously, save one man, for the proposition as it left the House, when it came back from the Senate on the motion to recede from the amendment of the House to that bill which had been adopted with such unanimity when the question came up in the House, there was another discussion which I will not weary the House by reading any portion of, but on this motion to recede the vote was as follows:

The SPEAKER. The question is now on receding from the amendment adopted by the House.

Mr. RANDALL. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 136, not voting 35; as follows:

YEAS—148.

Adams, G. E.	Findlay,	Lindsley,	Rockwell,
Allen, C. H.	Fleger,	Little,	Romeis,
Anderson, C. M.	Ford,	Long,	Rowell,
Anderson, J. A.	Fuller,	Lore,	Ryan,
Atkinson,	Funston,	Lyman,	Sawyer,
Baker,	Geddes,	Markham,	Scranton,
Barksdale,	Gilfillan,	Martin,	Sessions,
Bayne,	Goff,	McComas,	Skinner,
Bingham,	Grosvenor,	McKenna,	Smalls,
Bound,	Grout,	McKinley,	Spooner,
Boutelle,	Guenther,	Millard,	Steele,
Browne, T. M.	Hale,	Milliken,	Stephenson,
Brown, C. E.	Hall,	Mills,	Stewart, J. W.
Brown, W. W.	Harmer,	Moffatt,	Stone, E. F.
Brumm,	Hayden,	Morrill,	Strait,
Buchanan,	Haynes,	Morrow,	Struble,
Buck,	Henderson, T. J.	Negley,	Swinburne,
Bunnell,	Hepburn,	Nelson,	Symes,
Burleigh,	Hermann,	O'Donnell,	Taylor, E. B.
Burrows,	Hiestand,	O'Ferrall,	Taylor, I. H.
Butterworth,	Hires,	O'Hara,	Taylor, Zach.
Campbell, J. M.	Hiscock,	O'Neill, Charles	Thomas, J. R.
Cannon,	Hitt,	O'Neill, J. J.	Thomas, O. B.
Caswell,	Holmes,	Osborne,	Thompson,
Conger,	Hopkins,	Owen,	Van Eaton,
Crain,	Houk,	Parker,	Van Schaick,
Cutcheon,	Jackson,	Payne,	Wade,
Dargan,	James,	Payson,	Wadsworth,
Davis,	Johnson, F. A.	Perkins,	Wakefield,
Dingley,	Johnston, J. T.	Peters,	Warner, William
Dorsey,	Kelley,	Pettibone,	Weaver, A. J.
Dunham,	Ketcham,	Phelps,	Weber,
Ely,	Kleiner,	Plumb,	West,
Evans,	La Follette,	Price,	White, A. C.
Everhart,	Laird,	Reed,	White, Milo
Farquhar,	Lehlbach,	Rice,	Woodburn,
Felton,	Libbey,	Riggs,	Worthington.

NAYS—136.

Allen, J. M.	Burnes,	Cowles,	Dunn,
Bacon,	Bynum,	Cox, S. S.	Eden,
Barbour,	Cabell,	Cox, W. R.	Eldredge,
Barnes,	Caldwell,	Crisp,	Ermentrout,
Barry,	Campbell, Felix	Croxton,	Fisher,
Belmont,	Campbell, J. E.	Culberson,	Forney,
Bennett,	Campbell, T. J.	Daniel,	Frederick,
Blanchard,	Candler,	Davidson, A. C.	Gibson, C. H.
Bliss,	Carlton,	Davidson, R. H. M.	Gibson, Eustace
Blount,	Catchings,	Dawson,	Glass,
Boyle,	Clements,	Dibble,	Green,
Breckinridge, C. R.	Cobb,	Dockery,	Halsell,
Breckinridge, W. C. P.	Compton,	Dougherty,	Hammond,
Harris,	Mahony,	Pindar,	Swope,
Hatch,	Matson,	Randall,	Tarsney,
Heard,	Maybury,	Ranney,	Taulbee,
Hemphill,	McAdoo,	Reagan,	Taylor, J. M.
Henderson, J. S.	McCreary,	Richardson,	Tillman,
Herbert,	McMillin,	Robertson,	Townshend,
Hill,	McRae,	Rogers,	Trigg,
Holman,	Merriman,	Rusk,	Tucker,
Howard,	Miller,	Sayers,	Turner,
Hudd,	Mitchell,	Scott,	Wallace,
Hutton,	Morgan,	Seney,	Ward, J. H.
Irion,	Morrison,	Seymour,	Ward, T. B.
Johnston, T. D.	Murphy,	Shaw,	Warner, A. J.
Jones, J. H.	Neal,	Singleton,	Weaver, J. B.
King,	Neece,	Sowden,	Wellborn,
Lafloon,	Norwood,	Springer,	Wheeler,
Lanham,	Oates,	Stahlnecker,	Wilkins,
Lawler,	Outhwaite,	St. Martin,	Willis,
Le Fevre,	Page,	Stone, W. J., Ky.	Wilson,
Lovering,	Peel,	Stone, W. J., Mo.	Wise,
Lowry,	Perry,	Storm,	Wolford.

NOT VOTING—35.

Adams, J. J.	Cooper,	Henderson, D. B.	Snyder,
Aiken,	Curtin,	Henley,	Spriggs,
Ballentine,	Davenport,	Jones, J. T.	Stewart, Charles
Bland,	Ellsberry,	Landes,	Throckmorton,
Brady,	Foran,	Louttit,	Viele,
Bragg,	Gallinger,	Muller,	Wait,
Clardy,	Gay,	Pidcock,	Whiting,
Collins,	Glover,	Reese,	Winans.
Comstock,	Hanback,	Sadler,	

So the motion to recede was agreed to.

And who voted for it? The gentleman from Massachusetts [Mr. DAVIS] voted for it, the gentleman from Illinois [Mr. HITT] voted for it, and every other gentleman on that side, nearly, voted for it, with ten or twelve members on this side voting for it, and that very amendment which had been made in the House by a unanimity almost entire was voted down by the action of the House. And the House receded from its amendment to the Senate bill, and we had to take the Senate bill as adopted by the Senate—the yeas 148, the nays 136.

So the motion to recede was agreed to.

The result of the vote was announced as above. Mr. MILLS moved to reconsider the vote, and Mr. REED moved to lay that on the table; and it was adopted—yeas 142, nays 132.

Thus we obtained the bill not as the House made it, but we obtained the bill as the Senate made it, rejecting the amendments that the House had inserted in it to make it effective.

Now, sir, a treaty is one thing. It is an agreement between two parties; two separate and independent parties are parties to the compact. Retaliation is quite another thing. It is the act of one party taken on his own responsibility. Retaliation in order to be effective must be thorough, and so thought the House when it made the amendment to the bill; but the Senate thought differently, and the Senate rejected the amendment of the House, and the result was the act of 1887 merely clothed the President with the power to deny to Canadian vessels and bottoms the right to enter the ports of the United States.

The President of the United States, after the failure of the recent treaty of 1888, sent his message to Congress. There was necessity for treaty agreement between this country and Great Britain. We can have no treaty with Canada; she is but a province of Great Britain, and to reach it we must treat with the imperial power of Great Britain. We can not make a treaty with Canada any more than Great Britain can make a treaty with one of the States of the Union. We were compelled to treat with the Empire of Great Britain in regard to this matter.

Now, the plenipotentiaries of the United States and Great Britain met in this city in 1888, and they agreed on a treaty relating to the rights of our fishermen in the waters upon our Northern borders.

It was a treaty considered for a long while, deliberated with great care, which was presented to the Senate of the United States, and the Senate of the United States rejected the treaty. Why? Upon what ground? The Senate of the United States is a co-ordinate department of the treaty-making power. No treaty can be made by the President of the United States except by and with the advice and consent of the Senate, and I repeat it was there rejected. Did they move to amend the treaty anywhere? No, sir. Did they propose to change it? No, sir. What did they say? They said the treaty did not go far enough; that it did not accomplish the purposes; in other words, that it did not cover the entire ground of dispute between the Governments of the United States and Great Britain, as if there had ever been out of the entire twenty-seven treaties made with Great Britain since the treaty of peace after the Revolution, the treaty of 1783, more than two treaties which proposed to treat generally of the points of difference between the two Governments. Twenty-five treaties during all that period treated distinctly of other matters, leaving the fisheries matter and other great matters out of the question, and but two treaties, that of 1854 and 1871, related to the general subjects of difference between the two countries. With the exceptions of these two no treaty ever assumed or pretended to embrace all points of dispute between this country and Great Britain.

But, Mr. Speaker, the treaty was rejected by the Senate, and no effort was made to amend it. It was rejected by the Senate by a strict party vote, that sort of a party vote which the honorable ex-governor of Massachusetts, Mr. Rice, appealed to his friends, and appealed not

in vain, to make upon the other side of the Chamber when the bill of 1887 was under discussion in the House, for Mr. Rice said then, and said truly, that that was no time to make a partisan issue, not a time for the consideration of partisan questions in connection with a subject of such vital importance, but that it was a great American question reaching throughout the length and breadth of the land, affecting the honor, the interests, the dignity, and the welfare of the entire American people; and appealed, as I say, not in vain that it should not be made a party question by his friends on the other side of the Chamber.

When this treaty was submitted, sir, to the Senate of the United States, they rejected it by a strict party vote. When the indications were that they would reject the treaty for the reason, as they said, that it did not sufficiently guard the interests of the American fishermen, the honorable Senator from Delaware [Mr. GRAY] offered the amendment which I send to the Clerk's desk and ask him to read.

The Clerk read as follows:

On motion by Mr. GRAY to amend Article XI by striking out all after the word "charge," in line 159 of the treaty, down to and including the word "aforesaid," in line 160, and inserting in lieu thereof the following: And all United States fishing vessels shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels of the United States upon obtaining licenses for this purpose, which shall be granted to all United States fishing vessels, upon application, promptly and without charge.

Mr. HOOKER. What was the effect of the effort to amend by the Senator from Delaware? The amendment was voted down by the same strict party vote that had rejected the treaty itself, thus showing that it was the solemn determination of the American Senate that there should be no treaty with Great Britain to settle these great questions of difference which so vitally affected the honor and the interests of our country and that the party in control in the Senate was determined that there should be no treaty. It was not, therefore, because of anything that was in the treaty nor because of anything that was left out of it, for the friends of the treaty and those who were in favor of its ratification, in the interest of the preservation of American credit and American honor, voted to sustain this amendment; and had there been a desire to adopt the treaty there was an indication of an entire willingness on the part of those who were in favor of the treaty to amend it to conform to the wishes of the Senate. But it was voted down by the same strict party vote. It was determined that it should not be amended.

Now, before I come to the consideration of the message of President Cleveland and the action thereon in the House I shall ask the attention of the House for a few moments, because it is a matter of public record, and I have a right to allude to what occurred in general terms in the Senate as matters of public record without singling out individuals, but before that I recur to the treaty of 1871. That was the treaty, as I said before, which was inaugurated under the administration of President Grant, and I will send to the Clerk's desk and ask him to read this clause from the message of President Grant, to show what his recommendations to the Congress of the United States were when he appealed to them on this same subject.

The Clerk read as follows:

Anticipating that an attempt may possibly be made by the Canadian authorities in the coming season to repeat their unneighborly acts toward our fishermen, I recommend you to confer upon the Executive the power to suspend, by proclamation, the operation of the laws authorizing the transit of goods, wares, and merchandise in bond across the territory of the United States to Canada; and further, should such an extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

Mr. HOOKER. Thus it will be observed, Mr. Speaker, that when the message of President Grant came to the House and Senate it proposed that very grant of power which the President of the United States now suggests shall be granted, nothing more, nothing less. It is true he uses general terms and does not refer to the question touching the railroads; but the message refers to all means of transportation, and if there be anything unusual in the remedy proposed by the message of President Cleveland, and a precedent is demanded, it may be found in this message the clause of which I have just caused to be read.

Now, sir, in reference to the treaty of 1871, the question has arisen as to whether or not the oft-referred-to article of that treaty, XXIX, which gave the mutual right to Canada and the United States to transport goods in bond across either country, which gave the right to American fishermen to ship their fish home through Canadian territory—whether or not this article has ceased to exist and is no longer in existence. Is it in existence? By the very terms of the treaty itself, sir, and by the very terms of that article, which begins—and I will not weary the House by reading the article—

For the period of time.

What period of time? The period of time so expressed, sir, in Article XXXIII of that treaty, and in that article we find what that period was to be. The articles of the treaty which referred to the rights of our fishermen in the fishing grounds were contained in that treaty in Articles XVIII to XXV and in Article XXX of the same treaty of 1871.

Neither of these articles from XXV, nor the thirtieth article, contains any provision with reference to the duration. Where, then, do we look to solve the question as to when this Article XXIX had been terminated? We find it expressed in Article XXXIII of the treaty of 1871. It says that for the period of ten years these regulations shall be in force contained in the articles from XVIII to XXV and XXX and for two years thereafter, notice having to be given two years before they are to be terminated.

That was the provision of Article XXXIII in that treaty of 1871. It referred to these articles from XVIII to XXV and Article XXX. It did not refer in terms to Article XXIX; but Article XXIX connects itself with these other articles. It is recited on its very face that the period of time is prescribed in Article XXXIII. One of the British negotiators in his speech in the British Parliament says as soon as the time arrived that treaty was abrogated. There is no question, therefore, that the Article XXIX limited its existence to the time designated in Article XXXIII and the other articles relating to the fishery question. It contained within itself stipulations for its own destruction. It stipulated that it should be in existence only for one period of time—ten years, and not for a further period—on giving notice for two years. It is conceded that the notice was given, and nobody questions it. Now, sir, the President of the United States having endeavored to secure a treaty with Great Britain in 1888, and our negotiators and the British negotiators having agreed upon this treaty in February of this year, that remained the condition until its final presentation and rejection by the Senate of the United States.

The President of the United States when that treaty was rejected asks the additional power embraced in the bill which has been presented and referred to the Committee on Foreign Affairs and is now under consideration. As I have said, retaliation should be effective, should be thorough, should be complete. It is the giving of power, and there can be no danger of investing the President of the United States with the power that is here thought to be necessary, though the very gentlemen who are now opposing it on the ground that it is not necessary were the men who in 1887 voted in favor of the section contained in the House bill to the same effect, save one man. I am glad to learn and to hear that the denunciation here in their speeches by the gentlemen on the other side of the House of the present President of the United States is to be condoned for by receiving the unanimous vote, save one, of every member on the other side of this Chamber. These votes, I say, will be a handsome condonement for their opposition to the measure in their speeches.

The President of the United States was left where, then? The Senate had said, "We will not allow you to make a treaty with Great Britain upon this subject. We will refuse and reject your treaty. We will not even consent to the exercise of the constitutional power with which the Senate is invested to amend it, but will vote it down. We will vote down more than that; we will vote down every amendment which is proposed to perfect it." How was the President of the United States then left? He was left with the rights and interest and property of American citizens to protect. Negotiations had failed on account of the partisan vote of the Senate to allow any treaty stipulation with Great Britain to be entered into and failed for that reason alone. The President of the United States, not abandoning the fishermen whose rights had been outraged, sent a message, which we had read to us, on the subject of the termination of these rights and asked to have granted this additional power.

The President in that message, and it is a statement of the question which I defy any man here to assault or answer, said:

I recommend immediate legislative action conferring upon the Executive the power to suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares, and merchandise in bond across or over the territory of the United States to or from Canada.

There need be no hesitation in suspending these laws, arising from the supposition that their continuation is secured by treaty obligations, for it seems quite plain that Article XXIX of the treaty of 1871, which was the only article incorporating such laws, terminated the 1st day of July, 1885.

The article itself declares that its provisions shall be in force "for the term of years mentioned in Article XXXIII of this treaty." Turning to Article XXXIII we find no mention of the twenty-ninth article, but only a provision that Articles XVIII to XXV, inclusive, and Article XXX shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned, and that "they shall remain in force for the period of ten years from the date at which they may come into operation, and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same."

It will be observed that the treaty of 1871 was not to go into effect until four legislative bodies had passed upon it, namely, the Congress of the United States, the Canadian Parliament, the Parliament of Great Britain, and the Legislature of Prince Edward Island. These four legislative bodies enacted it. That was done prior to 1873, and the treaty was promulgated as being in force upon the passage of these legislative enactments by these four bodies which were necessary to put it into operation.

Then the President says:

I am of the opinion that the "term of years mentioned in Article XXXIII," referred to in Article XXIX as the limit of its duration, means the period during which Articles XVIII to XXV, inclusive, and Article XXX, commonly called "the fishery articles," should continue in force under the language of said Article XXXIII.

That the Joint High Commissioners who negotiated the treaty so understood and intended the phrase is certain, for in a statement containing an account of their negotiations, prepared under their supervision and approved by them, we find the following entry on the subject:

"The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force."

In addition to this very satisfactory evidence supporting this construction of the language of Article XXIX, it will be found that the law passed by Congress

to carry the treaty into effect furnishes conclusive proof of the correctness of such construction.

This law was passed March 1, 1873, and is entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries." After providing in its first and second sections for putting in operation Articles XVIII to XXV, inclusive, and Article XXX of the treaty, the third section is devoted to Article XXIX, as follows:

"SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the articles eighteenth to twenty-fifth inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty, all goods, wares and merchandise arriving, etc."

The remainder of the section follows the precise words of the stipulation on the part of the United States as contained in Article XXIX.

Now, sir, this is the message of the President which it is said is not authorized, and yet the honorable gentlemen upon the other side, as I understand, say that every man on that side save one intends to vote for this bill. Where, then, do you look for its defeat, gentlemen? Where do you look for the response to the speeches which you have made against it and which you so handsomely propose to atone for by your votes in its favor? Where is it that honorable gentlemen on the other side are looking for the defeat of this bill which proposes clothing the President with discretionary power to make retaliation effective? Is it expected to be achieved as it was in 1887 after gentlemen on that side of the House had voted for the bill of that year? Is the defeat expected at the other end of the Capitol, and is it expected to occur under like circumstances to those of 1887? Is the other branch of the legislative department of the Government, which is Republican in its majority, looked to to accomplish that feat which honorable gentlemen on the other side of this Hall will say by their votes ought not to be accomplished?

Sir, this proposition now made by the House is to clothe the President of the United States with the power to make retaliation effective. It was said by the honorable gentleman from New Jersey [Mr. PHELPS] that this message went up like a rocket, that the President had concealed within his own bosom his convictions about the termination of the treaty of 1871, and that it was never revealed until he sent this message to the Congress of the United States calling for this additional power. Why, sir, the President was cognizant of the act of 1873 putting the treaty into operation; he was cognizant, as his message shows, of its termination; he was aware of the fact that we had given the notice; he was necessitated to occupy the position he did occupy because the Senate had refused to ratify the treaty which he had negotiated for the settlement of these questions. Sir, much has been said against the President of the United States in reference to this matter; much of abusive language has been used toward the President, and I was sorry to hear the honorable gentleman from Illinois [Mr. HITT], and the honorable gentleman from New Jersey [Mr. PHELPS] say that the President was even pusillanimous in not enforcing the act of 1887. Sir, it would have been in bad taste for the President, while he was negotiating a treaty with Great Britain for the settlement of all these questions, to have attempted to enforce the act of 1887.

He was endeavoring to settle this whole controversy by treaty agreement; but, sir, the President of the United States—and when I speak of him I speak only as a humble public officer, occupying a representative position upon this floor. I hold no close relations to the President of the United States which authorize me to speak for him or to vindicate him, nor does he need it. But as a Representative I speak of the President as a public officer who has been clothed with the highest office of trust and honor within the gift of the American people. I speak of him as an American citizen coming from the bosom of the people, not trained in legislative schools, either State or national. When I had the honor to go as a member of the committee appointed to notify him of his nomination after the Chicago convention of 1884, and heard his speech in response to Hon. William Vilas, the chairman of our notifying committee, I listened with keen anxiety to hear what should be the first words that would fall from the lips of the man that was to be the future President of the United States.

The President, as I have said, had had none of the training of legislators such as the honorable gentleman from Illinois [Mr. HITT] and the honorable gentleman from New Jersey [Mr. PHELPS] possess. He had sprung immediately from the people. He had never held a seat in a legislative body. But in that speech he spoke with so much prudence, with so much wisdom, that not even the opposition papers dared to say a word against it; and when, a few days afterwards, he came to write his letter of acceptance more formally not a line nor a syllable nor a letter in it was ever criticised. And when he came to send his first message to the Congress of the United States it came here as the document of a man skilled in the arts of statesmanship and exhibiting strong, sturdy American common sense. Every single sentiment that he has uttered, every act that he has done, has borne this stamp. The honorable gentleman from Massachusetts [Mr. DAVIS] said yesterday, "Oh, for an hour of Andrew Jackson or Ulysses Grant." Sir, you have a President who, in this matter, has exhibited the stern determination, the hardy iron courage of Jackson and the dogged perseverance of Grant in maintaining the honor and the dignity of the American name and the rights of the American citizen wherever they have been assailed. He stands impervious to the attacks of the wily diplomat who speaks with the devious language of diplomacy. He stands impervious to the coarser tirade of the politician who says that he has lacked the courage to do what his duty as an American citizen and an American President required. Wherever the President has been placed—I speak it not as a partisan; I thank God that I believe I utter the sentiment of every American citizen, whether he belongs to one party or another when I say that in whatever position the President of the United States has been placed he has always been equal to the emergencies of the occasion. [Applause.]

Sir, when he sat in that grand old institution of which I am myself proud to be a graduate—when he sat in that seat of learning at Cambridge when she celebrated her grand centenary, and the professors from old Cambridge in England had come over to honor the centenary of our Cambridge, and when he uttered his speech on that occasion and said, "I can not boast an *alma mater* as you gentlemen can, but I come as an American citizen imbued with the rights and interests and honor of my country to speak here as its President"—placed in that grand assembly amidst the savants of the Old World and the New, no man on that occasion spoke with clearer convictions, purer English, or sounder sense than Grover Cleveland, the President of the United States. And wherever else he has been called to speak or to act in vindication of the rights and interests and honor of the American name, he has been equal to the occasion. Is he deficient now because he sends in this message and says, "Defeated as diplomacy has been, defeated as negotiation has been, by the partisan vote of a Republican Senate, I yet do not give up the rights of American fishermen which the gentlemen on the other side have been eloquent in depicting; in vindication of their rights, in assertion of their privileges, in protection of their name, I insist that it is wisdom on the part of the Congress of the United States to invest the Executive with the power to make retaliation effective by stopping in transit all the goods belonging to the people of that Government, or a portion of that Government, which has treated our fishermen and other citizens with so much brutality and wrong." [Applause.]

I believe that this message, like every other utterance of the President of the United States, will, when stripped of the partisan abuse of the Senate and the partisan abuse of the House, receive the approval of his countrymen. I believe that there is a sense of right and justice, of fair dealing and manhood in the American heart—it beats stronger in the breast of no man than in that of the President of the United States. I believe there is in the American heart and the American mind that sentiment of fair and honest dealing toward a great ruler, who has been called to his high position by the votes of 60,000,000 of people, that will say to him: "We approve your course; we find in it nothing to which we object; we commend it." [Applause.]

Sir, I believe that that voice will come from all over this land; and it will be heard nowhere in louder and more resonant tones than on the coast of New England, washed by the long swell of the Atlantic, covering the very fishing grounds which this message was designed to give him the authority to protect; and that voice will come from where the hardy pioneer has built magnificent States of the Union around the glittering lakes of the West; and it will come from the slumberous savannas of my own flower-scented South, where the great Father of Waters, with his thousand tributaries, rolls in solemn silence to that golden goal of the West Indies, the Gulf of Mexico. [Loud applause.]

Mr. CANNON. Mr. Speaker, I listened yesterday to the great statesman and leader and dictator of the Democratic party, Mr. SCOTT, for three long hours, having listened to him an hour the day before. He addressed himself to this great question; and he informed us at the time he commenced his speech that it is a great and intricate question. I must confess, with all due respect to him, that as I listened I found myself with one of old asking involuntarily, "Who is this that darkeneth counsel by multiplying words without knowledge?" But I know this feeling was unjust to him. From the close attention he received, and from the fact that the Postmaster-General, the confidential friend and representative of the President, sat by him through those four long hours with as close and patient attention and with as seraphic a look as ever devotee sat under the droppings of the sanctuary, I know that I was mistaken and that it was a great speech. Judge of my surprise—ay, my grief—when this morning, on picking up the CONGRESSIONAL RECORD, I found that the honorable gentleman from Pennsylvania had "withheld his remarks for revision." I say "surprise" because in those four long hours the gentleman stuck as closely to his manuscript as any gentleman it has ever been my privilege to listen to. He stuck as closely to it, to use a homely Western phrase, as a sick kitten to a hot jamb. [Laughter.]

I was also desirous of seeing this speech, because it was in the recollection of all of us how in the last week the gentleman from Pennsylvania has towered above everybody on his side and upon this side—how from one ocean to another his fame has spread. While your Breckinridges, your McCrearys, and your Crisps sing low, this gentleman, with his great ability, controls one day the Chief Executive and perhaps the Chief Executive him the next. Besides, I have very great respect for the gentleman because, in addition to his great ability and great knowledge, he has qualifications that most gentlemen have not. We all respect a man of ability; but when you couple intellectual gifts with $20,000,000, and when it passes around in low whispers that those twenty millions are to be shed like water in Pennsylvania and that she is to be turned upside down, that those twenty millions are to revo-

lutionize the politics of the country, how could an humble man like myself do otherwise than look on with awe?

Mr. WILSON, of Minnesota. Such a thing sometimes secures a nomination for the Vice-Presidency, does it not?

Mr. CANNON. Furthermore, this same rumor on that side of the House and on this says that the same man, the gentleman from Pennsylvania, wants no little game like that, but is to be the successor of the President when the time comes. He is to wear the purple. I do not know what may happen; but having said this much by way of expressing my sorrow and surprise at not being able to read the gentleman's remarks in the RECORD, let me talk a little while about the matter before the House. I must confess that a man with no more learning than I have is apt to get lost between protocols and treaties and *modus vivendis*, I believe you call them, and all that sort of thing. What is the kernel of the fisheries controversy? What is the matter at issue?

WHAT HAS CANADA DONE TO OUR FISHERMEN,

and what have we power to do for their protection? I thought I understood something about this in 1883, when, as a member of this House, I voted to terminate certain articles of the treaty of 1871. Those articles in substance gave Canada a free market for all her fish in the United States; we did not want to give her a free market any longer, and therefore we passed the act giving notice to terminate those articles of the treaty.

Canada did not like it, because she had enjoyed this free market under treaty for twelve years. It had been the source of great profit to her. The duties she should have paid on the fish shipped free to our markets would have amounted to $6,000,000. It never cheapened a pound of fish in all that twelve years of time to our people.

More than that, it discouraged our fishermen. We pay a larger wage to our fishermen, as we do to all our labor, than they do in Canada or anywhere else in the world. And to give our fishermen a better compensation we gave notice to terminate that portion of the treaty which admitted Canadian fish free.

More than that, there was a matter of public policy, namely, that we should foster our fishermen, the fisheries being a school for the education of the men who are to man our Navy in the time of trial and uphold the honor of the Government on the high seas. I thought we acted wisely then, and I think so now. But Canada did not like this, very naturally, as she had been getting this profit out of sending free fish from her fisheries to our market. Of course she did not like it. Well, what did she do? We thought we had an article in the treaty which remained in force, Article XXIX, which guarantied our fishermen certain rights. Canada gave notice she would not allow the exercise of those rights any longer.

What was the great right we wanted then and which our fishermen want now? There has been much talk about inshore fisheries and the 3-miles limit and headlands and all that sort of thing.

Now, as I understand, brought down to a point,

WE HAVE THE RIGHT IN COMMON WITH CANADA,

and we have had from the time of the colonies before the establishment of the United States and since the United States Government was organized, to fish in the waters off the shores of Canada and upon the Banks of Newfoundland. But if our fishermen are to profit by their work it is important when they have a catch that they should be enabled, not to sell the fish out of the possessions of the United States, but to go into a Canadian port and ship that catch of fish through the territory of Canada on her railways to our markets, paying the freight charge therefor. That is all we want. That is what we had. If Article XXIX is still in force, as I understand it, that is what we have yet. But Canada gave us notice in 1886, as the President said, that we should not be allowed to ship our fish longer through Canadian territory.

Mr. Speaker, here are we with sixty millions of people, great and strong, with magnificent interstate and foreign commerce, and Canada, our small brother, with scarcely five millions of people, undertakes to exercise the privileges which a little boy frequently undertakes to exercise to a burly giant—that is, to go up and kick him and spit in his face, thinking the latter can not afford to strike him because he is little. Canada said, "We have no free market for our fish in the United States, and we will annoy the fishermen of the United States by making it uncomfortable for them whenever they come into our ports or are driven in by stress of weather, until the United States will be glad to purchase fair and neighborly treatment, including the shipment of fish through their territory, by granting to us—Canada—a free market in the United States for Canadian fish."

What we want, what our fishermen want, or rather what they will want when the fishing season begins next year, is the right to enter Canadian ports when they have made a catch of fish and send it over the railroads of Canada into the United States to our own markets.

Now, much has been said about Article XXIX, whether it is in force or not. My own opinion is that Article XXIX has not been abrogated. If not, it covers the shipment of fish as desired under any fair construction of it.

But suppose it is abrogated? Suppose the President is right? Here we are for 3,000 miles alongside of each other, and if Canada will not let us ship fish upon her railways to our markets, we paying her a good price for carrying them, why, then, we have the power to retaliate in kind.

Now, what was the status on the 3d day of March, 1887,

WHEN WE PASSED THE SO-CALLED RETALIATION ACT?

Canada was then saying to us: "All right; if you do not let us have the markets of the United States as a free market for our fish we will annoy you all we can until you do allow it." Well, by and by the great big brother, the United States, got tired of being mistreated and said, "Here, we will stop this foolishness. We do not dislike you over there in Canada; we have lots of your people on this side, married and intermarried with ours, living alongside of each other, but we will give you notice that you have got to stop that." So we passed the retaliation act. You all recollect that. What does it do? It not only gives the President power in his discretion, but it makes it the duty of the President, if Canada mistreats our fishermen or our ships engaged in the fisheries or in trade in her ports, first, to issue a proclamation to shut out every pound of fish that Canada wants to send into our markets, whether it pays duty or not. Do you know what that amounts to? I have the statistics here, and I will give you the information in order that the question may be clearly understood.

Why last year Canada sent into the United States and sold to our people fish of the value of $3,500,000. So on the 3d day of March, 1887, when that act was passed, the President had the power to say, "Here, Canada, small boy, stop your foolishness, and if you do not stop you shall not send a pound of the $3,500,000 worth of fish into the United States."

Now that is not all, although I am satisfied that would have been sufficient if the President had acted, for Canada would drop very quick before any sort of action that would deprive her of a market for her fish; but we said we would make assurance doubly sure. We said, "We will give you, Mr. President,

POWER TO STOP ALL GOODS COMING FROM CANADA,

owned by Canadians, whether produced in Canada, or wherever they may be produced, from coming into the United States; we will close every port against you, at least we will give you, Mr. President, the power to do that." What did that amount to?

Why in the same year I find from these same statistics that Canada sold to the United States and shipped to this country $36,000,000 worth of goods—all products belonging to her citizens. Now nobody ever supposed it would be necessary for the President to stop all that $36,000,000 worth of traffic. Why it would wipe the most valuable trade of Canada out absolutely. It is far more than one-third of all the trade she has got with foreign countries, and it is the very best trade she has got, for it is right here at her very doors. And we said, "Here, we are not going to have any foolishness; we know we have a man here in the White House who wants to retire the silver, we know we have a man there that will not pay out the surplus without being directed to do it by his party friends, Morrison and Randall, and the Republicans, under special action; we know we have a man there who will not buy the bonds, although the authority exists, unless Congress gives it special sanction in a concurrent resolution; so we said, as such a man is now President, we will have no mistake about it;" and we wrote another provision into the law giving this President

POWER TO CLOSE EVERY PORT ON OUR SEABOARD,

10,000 miles of shore line, and every port upon the great inland seas to every vessel of every kind from Canada.

What did that amount to? Why, take these same statistics of Canada that I have here and you find that Canada had last year of these ships over seven thousand of them, to the value of $36,000,000; the great majority of these ships—sailing vessels, schooners, steam-vessels, merchant marine or fishing vessels—the great majority of them engaged in commerce near our eastern border and upon the Great Lakes. And we gave in this law the President power to close all our ports against every one of these ships. Do you want any more power than that? There is not a man throughout the length and breadth of this country but knows if he had the power and would give notice that in one week's time he would use either one of these three powers we had given him the right to use unless our fishermen should receive fair treatment, that American fishermen would get the right to transship their fish across the Canadian territory. The great trouble is that the President has not exercised any one of the powers already given him by the law.

What did he do? He sits in the White House and writes a message which he sent in a week or two ago to Congress, stating that great outrages had been committed. When? Eighteen months or two years ago! Why did you not do something, Mr. President? Why did you not claim the indemnity? Why did you not use some of the powers conferred upon you by Congress? "I did not want to; I wanted to negotiate a treaty," the President replies. Well, he did negotiate a treaty. What was it? Boil it down and the substance of the treaty covering the real point at issue is that by and by we shall have the right to send our fish across the Canadian borders provided we will let Canada send her fish without duty into our markets. That is all there is of it, substantially. Going back substantially and re-enacting the abrogated clause of the treaty of 1871.

Now, the gentleman from Michigan [Mr. CHIPMAN] said the other day that he did not like diplomacy or diplomats. He says that a "man who looks like a diplomat is a fool," and that a "real diplomat is a knave." Now, then, diplomats make this treaty on both sides. Just take this proposed treaty and from its provisions judge who was the

fool and who was the knave, I say to my friend from Michigan. I think the treaty answers.

NOW THE PRESIDENT COMES WITH THIS MESSAGE AND SAYS:

"Here, I have waked up, and find that great outrages have been committed"—that everybody else knew about and had known about for two years past—and "now, within sixty days of an election, take notice: I want an act forthwith giving me power in addition to the powers that I have, namely, power to stop the shipment of foreign goods from other countries through the territory of the United States to and from Canada."

Who would suffer by that? Why, Canada has got her own routes. She has the St. Lawrence, and a railroad leading to her seacoast, her inter-colonial and trans-continental line.

Who would suffer? Why our roads that have been doing this trade. Are you going to give that power? That appears to be the general feeling. Why? Because Canada infracted or violated the twenty-ninth article of the treaty, and we have the right to do it. That is the legal ground upon which I will base my vote. Why, next? Because the President of this great big magnificent nation, that can protect herself and her citizens everywhere, has concluded not to use any of those powers he now has, but has concluded to scare Canada. We have adopted the Chinese policy, and that is to beat gongs. [Laughter.] So the President says, "I am going into this gong-beating business; give me another hammer. [Laughter.] That noise which is determined on, and gong-beating, maybe will scare Canada; if it does not scare Canada it may convince the voters of the United States I am a hero. Who knows?" Oh, for a man in the Presidential chair who would issue a proclamation saying to Canada, "Stop shipping your fish to any of our ports," and in forty-eight hours the whole question would be solved.

Now, I fear I will not have time to say some things I wanted to say. The gentleman from Pennsylvania [Mr. SCOTT] yesterday, about the close of his speech, came to talk about the former history and declarations of the Democratic party. He was so incautious as to refer to the contest about the

OREGON BOUNDARY, "FIFTY-FOUR FORTY OR FIGHT,"

as it was styled. It was unfortunate for the gentleman, provided the Democracy "is the same yesterday, to-day, and forever," to have made reference to that time. [Laughter.]

Why, Mr. Speaker, what are the facts? In 1844 Tyler, their President, had apostasized, the gallant Harry of the West was the Whig candidate, and the battle-cry was "Protection to American labor and industries." Everything bid fair for Clay's election. The Democracy raised the cry of "Texas and annexation!" and they raised the cry of "Fifty-four forty or fight!" I am speaking by the card. I hold in my hand the Democratic platform of that year. It reads as follows:

Resolved, That our title to the whole territory of Oregon is clear and that no portion of the same ought to be ceded to England or any other power; that the reoccupation of Oregon and the reannexation of Texas at the earliest practicable period are great American measures which this convention recommends to the cordial support of the Democracy of the Union.

They hurrahed for "Polk and annexation! and fifty-four forty or fight!" These were the magnificent rallying cries throughout the length and breadth of this country; and the gallant Harry of the West was defeated. What does history record? Thomas H. Benton, dealing with these matters, with his thirty years' service in the Senate, near the close of his life left us his "Thirty Years' View," in which he refers to this platform and these rallying cries of his party and states the historical fact that John C. Calhoun, the greatest man of his party then, and Tyler's Secretary of State, offered Great Britain to fix the boundary of Oregon on 49° right in the white heat of the canvass. It was secretly done, but it was done. Great Britain rejected it. Polk was elected and in his inaugural message (I wish I had time to read it) he gave notice that our title to the whole of Oregon up to 54° 40′ was unquestionable, and should be maintained to the last man and last dollar. That was on the 4th of March, 1845. Speaking further from history, on the 22d day of July, 1845, James K. Polk directed his Secretary of State, Mr. Buchanan, to secretly offer Great Britain 49° for the Oregon boundary. Great Britain declined. A little later he sent his first annual message to Congress, and again he stated that our title was indisputable to Oregon to 54° 40′ and should be maintained.

Soon after this there rose in the other Chamber Senator Haywood, of North Carolina, as Benton graphically records, the personal and party friend of James K. Polk, and he made a memorable speech, in which he sought to prepare the country for the settlement of the Oregon boundary upon the forty-ninth parallel. The debate went on for days and weeks. There were a few honest men in high place in the Democratic party—then. [Laughter.] I want to tell the truth; there were a few honest men, and now and then there was an Irishman among them who believed that the Democratic party was sincere in its platform of "Fifty-four forty or fight." That silver-tongued and magnificent man of Irish descent—I believe of Irish birth—who represented what was substantially my own native State of Indiana, Edward A. Hannegan, was in the Senate at that time, and he rose in his place and said what I will read, and much more, in reply to Senator Haywood, of North Carolina, who had advocated a settlement on the forty-ninth parallel, and intimated, or fairly stated, that the President was for it, notwithstanding his messages and pledges.

MR. HANNEGAN, AFTER SPEAKING OF THIS CLAIM, SAID:

Unless I grossly misunderstood Mr. Haywood, along with several friends around me, he said that the President had occasional stickings-in, parenthetically, to gratify what? The ultraisms of the country and of the public, whilst he reposed in the White House with no intention of carrying out these parenthetical stickings-in. In plain words he represents the President as parenthetically sticking in a few hollow and false words to cajole the ultraisms of the country. What is this but to charge upon the President conduct the most vile and infamous? If this allegation be true these intentions of the President must sooner or later come to light, and when brought to light what must follow but irretrievable disgrace? So long as one human eye remains to linger on the page of history the story of his abasement will be read, sending him and his name together to an infamy so profound, a damnation so deep, that the hand of resurrection will never be able to drag him forth.

Mr. Mangum called Mr. Hannegan to order.

Mr. Haywood desired that he might be permitted to proceed, which he did, disclaiming all disrespect to Mr. Haywood, and concluded with saying that "so far as the whole tone, spirit, and meaning of the remarks of the Senator from North Carolina are concerned, if they spoke the language of James K. Polk, then James K. Polk had spoken words of falsehood with the tongue of a serpent."

So said the eloquent Irishman from my own then State of Indiana. But that is not all. The discussion went on in both wings of the Capitol.

MR. DOUGLAS, THEN A REPRESENTATIVE FROM THE STATE OF ILLINOIS,

obtained the floor and made that memorable speech—if I had time I would read it—in which he outlined the future, in which he pointed to the fact that our title was without question clear up to fifty-four forty; that Great Britain did not then own and never had owned an inch of the territory in question; in which he said that that grasping Government was seeking to control the navigation of the Pacific and called attention to the islands of the Pacific; in which he said that the future would soon show that a road would pass across the continent making the shortest route between the East and Europe, and in which, from every point of view, he appealed to the Democratic party to stand by its pledges. Mr. Douglas had on that occasion almost the eye or the tongue of prophecy; but notwithstanding all these pledges the compromise was made on forty-nine. The trans-continental route has been constructed and if I understand the showing of Mr. Poor's Railroad Manual correctly a trans-continental route upon this very territory of and north of the parallel of forty-nine, known as the Canadian Pacific Railroad, has many owners—and perhaps some directors—who rise in this House as leaders of the Democratic party to denounce railroads in Canada. [Laughter and applause on the Republican side.]

"Fifty-four forty or fight," the rallying-cry, was abandoned with shame and humiliation.

But what else was there in the first annual message of Mr. Polk? There was this:

MR. POLK AS PRESIDENT RECOMMENDED

the revision of the tariff with a view to revenue as the object, with protection to home industry as the incident.

Well, the tariff was revised. The Mexican war on, Texas annexed, an empire north of the forty-ninth parallel given away forever; and the same power that exacted that sacrifice—Great Britain—came again and got from willing Democratic hands the Walker tariff of 1846, which bankrupted both capital and labor in the United States, and hindered the country in industrial progress a quarter of a century.

Then, in 1845 and 1846, hand in hand went concession of the territory of a great empire and concession of industrial rights. How, now? That was a tragedy. The action of this Administration is not so great a tragedy, because as yet not so successful, and I pray never will be. If Cleveland's policy is enacted into law it will indeed prove a tragedy, but some of his efforts smack of comedy. Think of it, to find the President of the United States giving away, in the treaty which he made, the right that the American fisherman has to protection along with the residue of the citizens of the country—making haste to give it away as a price for the right of shipping his catch of fish across Canadian territory to the markets of the United States. Concession again and free trade—free fish! The Ethiopian can not change his skin nor the leopard his spots; and the same may be said of the Democratic party. Concession and progress towards free trade is still its policy.

Mr. Speaker, there are other things I would have been glad to say if I had time. I have only glanced at the history of the country at the periods when it was guided and controlled and dominated by the Democratic party with its policy of revenue reform, and tariff for revenue only, and free trade always present, and its concession to strong governments always present, and its defiance of weak governments always present. I shall place in the RECORD an analysis of Article XXIX and the reciprocal rights that were granted under it. This has been prepared not by myself, but by a gentleman much more competent to prepare it, and to whom I give credit. So far on the speech I have made I think I can have a copyright, but on this part of it I have not. [Laughter]. One other thing before I sit down. Many instances have been given here where the present Administration claimed

ARTICLE XXIX OF THE TREATY OF 1871 WAS IN FORCE.

"Why," said the gentleman from New York [Mr. BELMONT], speaking to my colleague [Mr. HITT] the other day, "listen to the protest of the Secretary of State touching these outrages;" and then he added, "you know the Secretary of State is the same thing as the President." Is he? I suppose so. If he is the same thing as the President, then he is so all the time, is he not? Then, Mr. President, you said in that letter of yours to Judge REAGAN that Article XXIX was in force, when we were about to enact the interstate-commerce law.

But this is not all. Gentlemen have talked by the hour about these treaties. Why, gentlemen, when you send goods in bond from a port of the United States through Canadian territory, there to stop or to pass back into the territory of the United States, those goods, in my opinion, are sent under a clause of Article XXIX in the treaty of 1871. Other gentlemen claim that it is under the law independently of that article. Well, I am only talking about this to show what that great, wise, patriotic, never-mistaken man, the President of the United States, says about it. You recollect that when the Canadian Pacific Railroad was completed the Pacific Steam-ship Company desired to transport goods from San Francisco to the terminus of the Canadian Pacific Railroad across the continent. They wrote a letter first to the collector, saying: "We want to get into this trade;" and he sent it to the Secretary of the Treasury. Mr. Fairchild, Secretary of the Treasury, under date of September 4, 1886, replied, saying: "Yes, you can go into it." How? Under the laws and the treaty of Washington. That is what the President said, if he is responsible for what his Secretaries say.

But this is not all. Before the Pacific Steam-ship Company and the Canadian Pacific Railroad Company could carry goods in bond on that route, it was necessary to make another port of entry. Article XXIX provides that New York, Boston, and Portland shall constitute ports of entry, and such other places as the President in his discretion may designate. Well, after these companies got this route recognized, that did them no good until they could have San Francisco made a port of entry. I now read from the synopsis of the decisions of the Treasury Department, page 123. I here find San Francisco, Cal., designated as a port from which imported merchandise may be shipped in bond under the provisions of the treaty of Washington.

Now listen:

In pursuance of section 2866 of the Revised Statutes, the port of San Francisco is hereby designated as a port from which imported merchandise may be shipped in bond in transit through the United States to and from the British possessions in North America by such routes, etc.

Signed by whom?

C. S. Fairchild, Acting Secretary.

Mr. FARQUHAR. What is the date?

Mr. CANNON. March 3, 1887. What other name do we find here?

Approved. Grover Cleveland. March 12, 1887.

Mr. FARQUHAR. After the retaliation act was passed.

Mr. CANNON. Oh, certainly, after the retaliation act was passed. Here we have the President stating that he approved this action under the treaty of Washington, under section 2866 of the Revised Statutes passed to put the twenty-ninth article in force. Gentlemen, within less than twelve months this quintessence of knowledge and wisdom, this man that doth tower like a Colossus above us all, turns a double somersault between sunrise and sunset, and under the wise manipulation and crafty suggestion of the twenty-times millionaire, the gentleman from Pennsylvania [Mr. SCOTT], comes down with that *anathema maranatha* against the infernal Canadian, and cries out, "Gore!" "Gore!" "Gore!" [Laughter and applause on Republican side.] He now says that Article XXIX is dead and has been dead since 1885. His position reminds me very much of the story we have heard. When postage-stamps first came into use, a little fellow who had never used one obtained a stamp and some one told him how to use it. He took it, spit on it, and then put it on the envelope. He was not sure whether that letter would ever get to its destination or not; so he just took his pencil and underneath the postage-stamp wrote, "Paid, if the blamed thing sticks." [Laughter.]

Ah, gentlemen, why this posturing? In 1844 you touched the patriotic heart of this country until every time you applied the finger it gave response and there went throughout the length and breadth of the country a patriotic awakening. It was "fifty-four forty or fight"—but you deceived and spit upon your promises. You broke the heart, politically speaking, of some great men of Irish descent and some of Irish birth, and of a majority of our people. We were, comparatively speaking, then but a small country, with few railroads, no telegraph, and few daily papers. You men who grew up out West as I did will remember how you would wait for the weekly paper, and how when it came you would read it through, including advertisements. [Laughter.] You fooled the people then and you betrayed and trampled under foot their rights, and future generations will turn and read your history in the light of your broken pledges and your bad faith, and will condemn you for it.

Too late, too late; you can not do it again. [Laughter.] In the first place you have not got a Jackson in the Presidential chair. Everybody knows that Cleveland is not a great warrior. It is all very well to talk about running a hot poker into the lion's mouth, but everybody understands that the present Chief Executive is not going to spill his blood in war. He will not have much longer to do it even if he wants to. [Laughter.]

The President issued his free-trade message last December and discarded everything else. The bill came in. The treaty came in. Thank God the treaty was defeated by the Republican Senate. You passed the Mills bill and your convention in St. Louis indorsed it, but there came like a clap of thunder in a clear sky disapprobation from the workshops and from the farms throughout the nation, and President Cleveland's knees smote together as Belshazzar's knees are supposed to. [Applause and laughter on the Republican side.] Awaking as it were from a troublous dream he saw written on the wall "Mene, mene, tekel, upharsin." [Great laughter and applause on the Republican side.]

Under the inspiration of that great man from Pennsylvania, Mr. SCOTT, he at once turned round and sent in this retaliation message.

Thank God it is the day of daily newspapers and good school-houses. Under a quarter of a century of Republican policy our people have been able to get farms and homes and to educate their children in the public schools. They have gone too far and you can no longer fool them. You might as well attempt to dip the Atlantic up with a tablespoon as to fool again the great mass of the people of this country by any such clap-trap methods as you resort to. [Great laughter and applause on the Republican side.]

Mr. MCMILLIN. Let me ask the gentleman from Illinois whether he is going to vote for this clap-trap?

Mr. CANNON. When it is to be a Chinese policy of terrifying the enemy by beating gongs rather than by using one tithe of the power in our hands, it is patriotic to give him one hammer more for his gong. [Laughter.]

I here insert the statement referred to, made by another and inserted at his request:

COMPARISON OF THE RECIPROCAL PRIVILEGES GOVERNING SHIPMENTS OF GOODS, WARES, AND MERCHANDISE IN THE TRANSIT TRADE BETWEEN THE UNITED STATES AND THE DOMINION OF CANADA AS PROVIDED IN ARTICLE XXIX OF THE TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN, DATED JUNE 17, 1871, COMMONLY KNOWN AS THE TREATY OF WASHINGTON.

I.

Transit through the territory of the United States to Canada.

Goods, wares, or merchandise arriving at the ports of New York, Boston, Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America may be entered at the proper custom-house and conveyed in transit, without the payment of the duties, through the territory of the United States under such rules, regulations and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe.

The above is the first clause of the first paragraph of Article XXIX of the treaty of Washington.

Its immediate origin is to be found in section 5 of the act approved July 28, 1866 (14 Statutes at Large, page 328), and as incorporated in section 3005 of the Revised Statutes of the United States, with this difference, that the act of Congress conferred the authority of designating ports of entry on the Secretary of the Treasury instead of on the President of the United States, and the authority for making transit rules and regulations is conferred on the Secretary of the Treasury by the act of Congress while the article confers this authority broadly on the Government of the United States.

The regulations of the Treasury Department governing such transit shipments are embraced in articles 845 to 855, inclusive, General Regulations of 1884.

The following ports have been designated by the President of the United States pursuant to the foregoing authority in Article XXIX of the treaty:

Boston, Mass.; Buffalo, N. Y.; Baltimore, Md.; Burlington, Vt.; Cape Vincent, N. Y.; Charlotte, N. Y.; Chicago, Ill.; Detroit, Mich.; Duluth, Minn.; Eastport, Me.; Fort Covington, N. Y.; Grosse Isle, Mich.; Island Pond, Vt.; Morristown, N. Y.; Milwaukee, Wis.; New York, N. Y.; Newport, Vt.; New Haven, Conn.; New Orleans, La.; Ogdensburgh, N. Y.; Oswego, N. Y.; Philadelphia, Pa.; Port Huron, Mich.; Portland, Me.; Portland, Oregon; Port Townsend, Wash.; Richford, Vt.; Rouse's Point, N. Y.; St. Albans, Vt.; St. Vincent, Minn.; San Francisco, Cal.; Suspension Bridge, N. Y.; Vanceborough, Me.; Whitehall, N. Y.

The designation of San Francisco was made by the President March 12, 1887.

The following common carriers have been authorized since July 1, 1885, to transport merchandise in bond between the above designated ports and the Dominion of Canada:

The South Pacific Coast Steam-ship Company. Bond approved by the Secretary of the Treasury July 13, 1887.

The Port Huron, Sarnia and Duluth line of steamers. Bond approved September 26, 1887.

II.

[Corresponding privilege.]

Transit through the territory of Canada to the United States.

Goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions under such rules and regulations and conditions for the protection of the revenue as the Government of the said possessions may from time to time prescribe.

The above is substantially the first part of the second paragraph of Article XXIX of the treaty of Washington.

The privilege therein provided was discontinued by the Dominion of Canada as to the transportation of fish in 1866, as stated by the President and as appears by the following documents:

"DEPARTMENT OF STATE,
"*Washington, June* 14, 1886.

"SIR: The consul-general of the United States at Halifax communicated to me the information derived by him from the collector of customs at that port to the effect that American fishing vessels will not be permitted to land fish at that port of entry for transportation in bond across the province.

* * * * *

"T. F. BAYARD.

"To Sir L. WEST."

"DEPARTMENT OF STATE,
"*Washington, July* 10, 1886.

"SIR: I have the honor to inform you that I am in receipt of a report from the consul-general of the United States at Halifax, accompanied by sworn testimony stating that the Novelty, a duly registered merchant steam-vessel of the United States, has been denied the right to take in steam-coal or purchase ice or transship fish in bond to the United States at Pictou, Nova Scotia.

* * * * *

"T. F. BAYARD.

"To Sir L. WEST."

III.

Transit through the territory of the United States from Canada for export from ports of the United States.

Goods, wares, or merchandise may be conveyed in transit without payment of duties from Her Britannic Majesty's possessions in North America through the territory of the United States for export from the designated ports of the United States under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe.

The above is substantially the second part of the first paragraph of Article XXIX of the treaty of Washington. The regulations of the Treasury Department governing such transit shipments are specified in article 856 of the General Regulations of 1884.

It has been claimed that the above paragraph of the treaty of Washington had its origin in section 2 of the act approved June 27, 1864 (13 Statutes at Large, page 197), afterwards incorporated into section 3102 of the Revised Statutes of the United States. This is an error. Section 2 of the act of 1864 only provided for the sealing of cars and vessels so that they might proceed to their destination in the United States without inspection.

It has also been claimed that section 21 of the act, approved July 14, 1862 (12 Statutes at Large, page 559), afterwards incorporated into section 2971 of the Revised Statutes of the United States, was the original authority for the exportation of Canadian goods to foreign ports without payment of the duties. This is also an error. This section of the act of Congress is still in force and constitutes a part of the bonded warehouse system of the United States. The authority for an immediate exportation applies only to merchandise imported in vessels, in which case the importing vessel is considered the warehouse. In other cases the merchandise must go into warehouse before exportation.

V.

Transit through Canada from one port or place in the United States to another port or place in the United States.

Goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through Her Britannic Majesty's possessions in North America to other places in the United States under such rules, and regulations, and conditions for the protection of the revenue as the Governments of the said possessions may from time to time prescribe.

The above is substantially the first clause of the second provision of the second paragraph of Article XXIX of the treaty of Washington.

Its origin is found in section 6 of the act approved July 26, 1866 (14 Statutes at Large, page 329), and afterwards incorporated into section 3006 of the Revised Statutes of the United States.

The regulations of the Treasury Department governing such transit shipments are embraced in articles 836 to 843, inclusive, of the general regulations of 1884.

IV.

[Corresponding privilege.]

Transit through the territory of Canada from the United States for export from Canadian ports.

Goods, wares, or merchandise may be conveyed in transit without the payment of duties from the United States through Her Britannic Majesty's possessions in North America for export from ports in the said possessions under such rules and regulations and conditions for the protection of the revenue as the Government of said possessions may from time to time prescribe.

The above is substantially the second clause of the second provision of the second paragraph of Article XXIX of the treaty of Washington.

VI.

[Corresponding privilege.]

Transit through the United States from one port or place in the Dominion of Canada to another port or place in the Dominion of Canada.

No corresponding reciprocal privilege of transit granted in favor of the railroads or other transportation companies of the United States by the treaty of Washington.

The Dominion Government has refused to allow grain produced in Manitoba to be transported over American railroads in bond to Montreal.

Mr. McCREARY. I said yesterday, Mr. Speaker, that I expected to move the previous question at 4 o'clock. Since that time this side has consumed about three hours more in debate than the other side, and it is proper I should say I will not move the previous question this afternoon at 4 o'clock. There are gentlemen on the other side who insist on speaking in order to equalize the time, and there are gentlemen on this side who desire to be heard. And I have conferred with the gentleman from Illinois [Mr. HITT] and other gentlemen, after which conference I ask unanimous consent that to-morrow at 4 o'clock the previous question be considered as ordered upon the engrossment and third reading of the bill, and also upon its passage. I will say in this connection that I would have been glad to take a vote this afternoon, but——

Mr. O'NEILL, of Missouri. Why not?

Mr. YARDLEY. Yes, let us have it now. [Cries of "Vote!" "Vote!"]

Mr. ALLEN, of Mississippi. I would like to ask the gentleman from Kentucky if he thinks at 4 o'clock to-morrow we will have converted the other man? [Laughter.]

Mr. McCREARY. I hope so, as the gentleman from Mississippi [Mr. ALLEN] is to speak.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Kentucky for unanimous consent that the consideration of this bill shall be resumed on to-morrow——

Mr. HITT. After the reading of the Journal?

Mr. O'NEILL, of Missouri. Oh! no; I object to that.

Mr. McCREARY. If we can resume consideration after the reading of the Journal we can take the vote at 3 o'clock.

Mr. O'NEILL, of Missouri. I will not agree to that.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that the consideration of this bill shall be resumed after to-day's session on to-morrow morning immediately after the hour for the consideration of bills.

Mr. O'NEILL, of Missouri. That is all right.

The SPEAKER *pro tempore*. And that at 4 o'clock the previous question shall be considered as ordered upon the engrossment and third reading of the bill and upon its passage, the entire time to be divided equally between the two sides. Is there objection?

Mr. TIMOTHY J. CAMPBELL. I ask the gentleman from Kentucky to fix the hour at 3 o'clock.

Mr. McCREARY. I would do so, but it would cut out six or seven gentlemen on this side who desire to be heard in ten-minute speeches.

Mr. HITT. There has been a great deal more time consumed on the other side—nearly three hours in excess of that consumed on this side, and I must insist that gentlemen who desire to be heard on our side shall be entitled to that much time to equalize the entire time consumed.

The SPEAKER *pro tempore*. The Chair will state the exact time consumed on each side since the debate begun. Up to this moment there have been occupied by the side on the right of the Chair four hours and five minutes, and by the side on the left of the Chair two hours and fifty-one minutes.

Is there objection to the request of the gentleman from Kentucky?

Mr. TAULBEE. I very much dislike to object to any request for unanimous consent, and have not been in the habit of doing it. But, sir, the situation as I understand it is about this: We have a special order for to-morrow, the consideration of the Private Calendar, a Calendar which has been neglected——

The SPEAKER *pro tempore*. The gentleman from Kentucky is in error as to that. Private business was dispensed with to-day but not fixed for to-morrow.

Mr. TAULBEE. The discussion of this measure, as I understand it, while it may have been and doubtless is interesting to each member of the House, has been proceeded with in a general way, and from the speeches to which I have been listening, while they have entertained me, yet I have seen no real good results, as far as the legislation of this House is concerned, which would warrant the consumption of the time thus taken up. If there is a single member on this floor who is unwilling to vote for the bill, I have been unable to ascertain it; and I want simply to make this observation, that I do not consider it good policy to proceed with the consumption of so much time in an unnecessary discussion of a measure to which there is no objection, and for which everybody is ready to vote, to the exclusion of other important measures which might be considered in that time.

Mr. YARDLEY. That is correct.

Mr. ALLEN, of Mississippi. Did the gentleman entertain that same opinion on yesterday?

Mr. TAULBEE. I have entertained the same opinion for some time.

Mr. TIMOTHY J. CAMPBELL. Let me ask the gentleman from Kentucky if it is not possible to take a vote on this at 3 o'clock to-morrow?

Mr. McCREARY. We could not get through with it to-day.

Mr. TIMOTHY J. CAMPBELL. I mean at 3 o'clock to-morrow?

Mr McCREARY. Oh, we will get through with the bill to-morrow.

Mr. HITT. Before consent is given to the request of the gentleman from Kentucky, I desire to give notice that I shall claim an equal division of the time from the beginning of this discussion.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman to the fact that the request of the gentleman from Kentucky contemplates an equal division of the time.

Mr. HITT. The gentleman from Kentucky coupled his request with a statement that certain gentlemen on that side wanted to be heard in ten-minute speeches, which seemed to contemplate a different arrangement.

The SPEAKER *pro tempore*. The time will be equally divided from the beginning of the debate.

Is there objection to the request of the gentleman from Kentucky?

Mr. HARE. So far as I am concerned, I am as well informed on this subject as I hope to be by further discussion, and I object.

[Some time subsequently the objection of Mr. HARE was withdrawn.]

The SPEAKER *pro tempore*. Is there further objection to the request of the gentleman from Kentucky?

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 109) for the relief of Dr. F. O. St. Clair;

A bill (H. R. 649) for the relief of A. C. Bradford;
A bill (H. R. 988) for the relief of Joseph R. White; and
A bill (H. R. 1073) for the relief of the Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. O'FERRALL for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. ERMENTROUT to withdraw from the file of the House papers in the case of Benj amin F Millard.

THE FISHERIES.

Mr. HITT. I now yield thirty minutes to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. Speaker, my apology for taking up the time of the House on this occasion in reference to the pending question is that to a large extent it affects the business and commercial interests of the Northwest; and I desire in my remarks to briefly discuss what is commonly known as the "transit system," the shipment of goods in bond, and I propose to trace the growth of that system and to set forth its legal and treaty basis, and to specify what power the President has now in the premises and what power he seeks in the proposed bill and in his message heralding the same; and I shall append to my remarks in the RECORD a statement from President Van Horne, of the Canadian Pacific Railway, showing how seriously we would be crippled and injured by an interruption or suspension of our transit trade with Canada.

The St. Lawrence water system, consisting of the St. Lawrence River and the Great Lakes at the head of the same, extending as it does from the seaboard to the very heart of the continent—into the very center of our great zone of wheat production—constituted, in connection with the Erie Canal, prior to the inception of our great railroad system, the chief avenue and highway of commerce and transportation for the great tier of Northern and Northwestern States.

And this water system, nature's pathway, though surrounded and in part supplanted by a net-work of great trunk railway lines with numerous lateral feeders, still serves an indispensable and grand purpose, both in its earlier function as an artery of commerce and traffic and in its more recent but no less important function, that of a regulator and check to the greed and rapacity of our great railroads.

A glance at the map will show how our great east-and-west water system has drawn to it—side by side, as it were—our great east-and-west railway system; and the latter, in seeking a coigne of advantage with its earlier and other rival, the water system, has, for the purpose of being on a footing of equality, bid defiance to and knows no international boundary lines. The necessities of commerce developed through this railway system have brooked no artificial lines or artificial barrier, but have simply sought out and acquired the best and most direct routes to the seaboard.

Chicago, the southern peninsula of Michigan, and Northern and Central New York have for years relied upon and had the benefit of the Canadian Grand Trunk system, and to-day and for more than a year past Northern Michigan and Wisconsin, Minnesota and Dakota, and all that broad and fertile expanse west of the same, together with New York and all of the New England States, in a large measure, rely upon and get wonderful benefits from the "Soo" and a part of the Canadian Pacific Railway systems.

Chicago and the peninsula of Michigan hug New York through the Grand Trunk, and Minnesota and Dakota hug New England through the "Soo" and the Canadian Pacific. This heterodoxy of traffic—if I may coin the expression—has been accompanied by a heterodoxy of invested railway capital. Canadians have invested liberally in American railway lines, and Americans have perhaps to even a greater extent furnished financial aid or made investments in Canadian railways.

But commerce having those dual water and railway transportation systems—and I use the term "dual" in the sense of appertaining to both countries interchangeably—needed something more to promote and perfect traffic, some means by which the goods of one country could pass through the confines of the other back into the first without tariff toll, and with as little delay and hinderance as possible. Commerce was equal to the occasion. Years before there was any legislative or treaty warrant therefor, imperceptibly and by a sort of common-law method, the system of shipping goods in bond from one country through the other back into the first without the payment of the duty grew up, flourished, and expanded.

This system became known as the "transit" system, and is of a twofold character, one pertaining to domestic and the other to foreign merchandise. To distinguish between the two with as much brevity as possible, I shall hereafter in my remarks use the phrases "domestic transit trade," or "foreign transit trade," for the distinction is well defined, and is kept up in the treaty and legislation and proposed legislation to which I shall presently call your attention.

Precisely when this "transit" system arose or how long it existed prior to any legislation on the subject I have been unable to ascertain. The first legislative recognition and permission, so far as our country is concerned, and I am not aware that there was any earlier Canadian, is found in sections 5 and 6 of the act of July 28, 1866, and is as follows:

SEC. 5. *And be it further enacted*, That from and after the passage of this act all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, or any other port of the United States which may be specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel, Texas, or any other port of the United States which may be specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may prescribe.

SEC. 6. *And be it further enacted*, That imported goods, wares, or merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the provinces or republic aforesaid, be transported from one port or place in the United States to another port or place therein, over the territory of said provinces or republic, by such routes, and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the goods, wares, and merchandise so transported shall, upon arrival in the United States from the provinces or republic aforesaid, be treated in regard to the liability to or exemption from duty, or tax, as if the transportation had taken place entirely within the limits of the United States. (Chapter 298, page 328 and 329, 14 Statutes at Large.)

You will observe here that section 5 relates to the "foreign transit trade," and section 6 relates to the "domestic transit trade."

These provisions remained in force till, and were substantially incorporated in the following sections of, the Revised Statutes:

SEC. 3005. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or republic, be treated in regard to the liability to or exemption from duty or tax, as if the transportation had taken place entirely within the limits of the United States.

The transit trade had only this *ex parte* legislative sanction. I call it *ex parte* because there was nothing in it binding on Canada prior to the treaty with Great Britain of May 8, 1871. That treaty was mainly devoted to the settlement of the fishery dispute, but Article XXIX, measured as to duration of time by Article XXXIII, duly recognized, confirmed, and continued by due international obligation the transit trade, both foreign and domestic, as it had before in practice existed. These articles are as follows:

ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at any proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislatnre of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward. (Volume 17, pages 872 and 873, Statutes at Large.)

This treaty was supplemented and put in operation by the legislative act of March 1, 1873, which I quote in full for the purpose of explaining and giving color to the points I propose to make on this subject. The act is as follows:

An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries.

Be it enacted, etc., That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on

the 8th day of May, 1871, as contained in Articles XVIII to XXV, inclusive, and Article XXX of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence, and thereupon, from the date of such proclamation, and so long as the said Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward's Island, shall be admitted into the United States free of duty.

SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said Articles XVIII to XXV of said treaty, inclusive, to that colony, and the legislature thereof, and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said Articles XVIII to XXV, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force, according to the terms and conditions of Article XXXIII of said treaty.

SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the Articles XVIII to XXV, inclusive, and Article XXX, of said treaty, shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States.

SEC. 4. That from the date of the President's proclamation, authorized by the first section of this act, and so long as Articles XVIII to XXV, inclusive, and Article XXX, of said treaty, shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the St. Lawrence, the Great Lakes, and the rivers connecting the same to another port or place within the territory of the United States, as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States: *And provided further*, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII of said treaty: *And provided further*, That in case any export or other duty continues to be levied after the 16th day of June, 1872, on lumber or timber of any kind cut on that portion of the American territory, in the State of Maine, watered by the river St. John and its tributaries, and floated down the river to the sea, when the same is shipped to the United States from the province of New Brunswick, that then, and in that case the President of the United States may, by proclamation, suspend all rights of carrying provided for by this section for such period as such export or other duty may be levied.

SEC. 5. That this act thall not take effect until the 1st day of July, 1873, and shall not apply to any article of merchandise therein mentioned which shall be held in bond on that day by the customs officers of the United States.

Approved March 1, 1873.

Having thus briefly stated the common-law, statutory, and treaty basis of our "transit trade," I shall proceed to discuss for a few moments the attitude of the President on these matters as manifested in his recent message. After mildly criticising the rejection of the recent treaty by the Senate, he proceeds to insist that Article XXIX of the treaty of 1871, the "transit-trade" article, has been abrogated and terminated by notice pursuant to the provisions of Article XXXIII of the same treaty.

Is he right in this contention? Let us see. But while I shall here take issue with him, I desire to state before I proceed that I expect to vote for the proposed bill, because at this juncture it might be deemed unpatriotic not to do so, and because what is asked in the proposed bill is not, on being closely scanned, such a thunderbolt of Jove as some at first supposed it was.

That Articles XVIII to XXV, inclusive, and Article XXX of the treaty of 1871 have been duly terminated by notice pursuant to Article XXXIII can not be questioned, but did that act operate, as the President contends, as an implied abrogation and termination of Article XXIX? This is precisely the issue presented. To understand the matter and as a key thereto it must be remembered that the executive department in the hands of President Arthur did not, as a matter of fact, of its own motion give this notice of termination. There was a precedent legislative request so to do, expressed in the following joint resolution of March 3, 1883:

Joint resolution providing for the termination of articles numbered XVIII to XXV, inclusive, and article numbered XXX of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May 8, 1871.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the judgment of Congress the provisions of Articles numbered XVIII to XXV, inclusive and of Article XXX of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the 8th day of May, A. D. 1871, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice.

SEC. 2. That the President be, and he hereby is, directed to give and communicate to the Government of Her Britannic Majesty such notice of such termination on the 1st day of July, A. D. 1883, or as soon thereafter as may be.

SEC. 3. That on and after the expiration of the two years' time required by said treaty, each and every of said articles shall be deemed and held to have expired and be of no force and effect, and that every department of the Government of the United States shall execute the laws of the United States (in the premises) in the same manner and to the same effect as if said articles had never been in force; and the act of Congress approved March 1, A. D. 1873, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," so far as it relates to the articles of said treaty so to be terminated shall be and stand repealed and be of no force on and after the time of the expiration of said two years.

Approved March 3, 1883. (Volume 22, page 641, Statutes at Large.)

Here was an express legislative mandate to terminate, and give notice of termination of, not Article XXIX, but Articles XVIII to XXV, inclusive, and Article XXX.

The gentleman from Pennsylvania [Mr. SCOTT] labored hard and long yesterday to give the history of the passage of this joint resolution, and as he stuck by his manuscript he overlooked the fact that the record of the proceedings of the passage of the joint resolution which he had read really argued him out of court, and clearly showed that there was no legislative purpose to abrogate Article XXIX. In the Senate and in the House when that joint resolution was under consideration, as the gentleman from Illinois [Mr. HITT] who opened this debate showed, the Senator from Minnesota and the member of the House from Minnesota were both anxious about it because this transit question affected the interests of Minnesota, and the question was put in both Chambers by them as to whether the abrogation of the fisheries articles would abrogate Article XXIX. The response was that it would not.

This legislative command President Arthur in terms obeyed to the very letter, and he did not go one step beyond it, as appears from the following concluding portion of his proclamation of January 31, 1885:

And whereas pursuant to the provisions of Article XXXIII of said treaty, due notice has been given to the Government of Her Britannic Majesty of the intention of the Government of the United States of America to terminate the above-recited articles—

Namely, XVIII to XXV, inclusive, and Article XXX—

of the treaty in question, on the 1st day of July, 1885;

And whereas, pursuant to the terms of said treaty, and of the notice given thereunder by the Government of the United States of America to that of Her Britannic Majesty, the above-recited articles of the treaty of Washington, concluded May 8, 1871, will expire and terminate on the 1st day of July, 1885:

Now, therefore, I, Chester A. Arthur, President of the United States of America, do hereby give public notice that Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXX, and XXXII, of the treaty of Washington, concluded May 8, 1871, will expire and terminate on the 1st day of July, 1885, and all citizens of the United States are hereby warned that none of the privileges secured by the above-recited articles of the treaty in question will exist after the 1st day of July next; all American fishermen should govern themselves accordingly.

Done at the city of Washington this 31st day of January, in the year of our Lord 1885, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.] CHESTER A. ARTHUR.

By the President:

FREDK. T. FRELINGHUYSEN,
Secretary of State.

Applying to this proclamation and to the joint resolution of March 3, 1883, the well-known rule of construction "*Expressio unius est exclusio alterius*," it is clear that by enumerating Articles XVIII to XXV, and Article XXX, that none other were intended to be terminated, and that none other were in fact terminated. It would be a most violent presumption to hold that these acts, the joint resolution, the notice of termination, and the proclamation of termination operated by implication as an abrogation or termination of Article XXIX, especially as that, covering as it did our whole "transit trade," foreign and domestic, was of far greater moment and of far more vital importance to the commercial integrity of the country than the fishery articles.

While the total annual value of this fishery business of New England, which includes our Canadian fishery interests, is only a little over $14,000,000, as appears from the following statement:

The fisheries of the New England States are the most important. They engage 37,043 men, 2,066 vessels, 14,787 boats, and yield products to the value of $14,270,393. In this district the principal fishing points in order of importance are: Gloucester, New Bedford, the center of the whale fishery, Eastport, Boston, Provincetown, and Portland.

The foreign transit trade of Canada, as appears from Mr. Switzler's letter which I shall hereafter quote, is $33,692,676, while the railway freight alone of our domestic transit trade is from $60,000,000 to $70,000,000 annually, according to the statements of the gentleman from Pennsylvania, if I understood him correctly, for he it seems can get information from the Treasury Department which I can not.

Shortly after the President's message came in here I addressed a letter to the Secretary of the Treasury calling his attention to the figures given in the message, and asking him to give me information as to the amount of the transit trade, and I received a letter in reply from the Chief of the Bureau of Statistics, saying that he could give me the amount of the foreign transit trade, but as to the other he was unable to give me any information. And yet on the floor here yesterday the gentleman from Pennsylvania [Mr. SCOTT] appeared armed with facts and figures purporting to be from the Treasury Department, which in some way he had obtained through the Treasury Department, showing the amount of the domestic transit trade by railway. I shall incorporate the letter of the Chief of the Bureau of Statistics in my remarks,

so that gentlemen may see the treatment that has been accorded to me in comparison with the treatment accorded to the gentleman from Pennsylvania.

The President is mistaken in the application he makes of Article XXXIII to Article XXIX when he says:

The article itself declares that its provisions shall be in force "for the term of years mentioned in Article XXXIII of this treaty." Turning to Article XXXIII we find no mention of the twenty-ninth article, but only a provision that Articles XVIII to XXV, inclusive, and Article XXX shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned, and that "they shall remain in force for the period of ten years from the date at which they may come into operation, and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same."

I am of the opinion that the "term of years mentioned in Article XXXIII," referred to in Article XXIX as the limit of its duration, means the period during which Articles XVIII to XXV, inclusive, and Article XXX, commonly called the "fishery articles," should continue in force under the language of said Article XXXIII.

The same phrase found in Article XXIX, to wit—

For the term of years mentioned in Article XXXIII of this treaty—

is also found in Articles XVIII, XIX, XXI, and XXX. And it seems clear from the very language itself and from the context that Article XXXIII is only the "yardstick," or the "chronometer," if I may coin a phrase, that measures the time of continuance of Article XXIX, and that the ten years began to run as to this article when it did as to the other, and that two years' notice of termination is as requisite in abrogating this article as the others. The President's contention involves the violent presumption that Article XXIX can not exist after the fisheries articles have been terminated, that their life fixes the life of Article XXIX, and the further presumption that this, the most important article of all, required no notice at all of its termination, whereas the fisheries articles did. Manifestly every fair construction and every fair presumption is against the view now held by the President.

Why, scarcely eighteen months ago—in the second session Forty-ninth Congress—the administration retaliation bill—known as the Belmont bill, and about which the gentleman from Pennsylvania made so much ado yesterday—assumed in its very terms that Article XXIX was not abrogated. This is a part of the very language of section 2 of that bill:

And upon proof that the privileges secured by Article XXIX of the treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied as to goods, wares, and merchandise arriving at the ports of British North America, the President may also, by proclamation, forbid the exercise of the like privileges as to goods, wares, and merchandise arriving in any ports of the United States.

Can there be any plainer admission than this?

And his own Secretary of State, no longer ago than last January, took a different view, as the following letter plainly shows:

DEPARTMENT OF STATE, *Washington, January* 7, 1887.

SIR: I had the honor to receive late yesterday afternoon your telegram asking to be informed "when was the treaty of Washington between the United States and the Dominion of Canada abrogated? When did its provisions cease to operate?"

The information you desire is found in the accompanying document, containing the correspondence which took place between this Department and the British minister in 1885, and the President's proclamation in regard to the termination of the fisheries articles of the treaty of Washington.

This document is reprinted in full in the recently printed executive document in relation to the rights of American fishermen in British North American waters (Executive Document No. 19, House of Representatives, Forty-ninth Congress, second session, pages 199-210), a copy of which is also inclosed herewith.

The treaty of Washington between the United States and Great Britain did not relate solely to the Canadian fisheries. Only the fishery articles thereof were abrogated, as enumerated in the President's proclamation of January 31, 1885. The remaining articles, comprising those which relate to commercial intercourse between the United States and the British North American possessions, are still in force.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN H. REAGAN,
United States Senate.

But the Administration did not at that time labor under the high political stress engendered by the rejection of the recent treaty.

The truth is that prior to the rejection of the recent treaty our executive department and our legislative department in both its branches never for a moment thought or harbored the idea, nor in action manifested, that Article XXIX was abrogated by notice or otherwise. Transit traffic has continued unquestioned since the abrogation of the fisheries articles as before.

Sir John Thompson, the Canadian minister of justice, entirely concurs with the views expressed by Secretary Bayard last January, as appears from the following statement, contained in a telegram, of the remarks made by Sir John Thompson at a recent meeting in the Province of Ontario, which I beg leave to quote:

TORONTO, *August* 30.

Five thousand persons assembled at Hagersville, Ont., yesterday to listen to political addresses from Sir Hector Langevin, minister of public works, and Sir John Thompson, minister of justice. The speeches of both ministers are pregnant with significance, being the first public utterances of the ministers of the government since President Cleveland's retaliatory threats.

Sir John Thompson said among other things:

The means of retaliation proposed was the withdrawal of the privilege to bond goods through the United States to Canada. This privilege was secured to them by Article XXIX of the Washington treaty, and it required two years' notice by the terms of that treaty before any article could be suspended. No notice of that kind had been given, and yet President Cleveland, regardless of the sacred obligations of the treaty, proposed to end this privilege without notice, and at a single stroke.

The truth of it is, and we might as well state it in plain terms without any circumlocution, that the President in his zeal to "un-English" himself before the American people has permitted himself, in a sort of mental hallucination, engendered no doubt by the stress of a political campaign, to recommend the unwarranted abrogation of a solemn international compact—a compact, too, that concerns one of the most important and momentous interests of the country, and from the abrogation of which we would suffer far more than our neighbor. And he asks our legislative sanction for such abrogation.

And we as legislators sitting here, not to be outdone in what has jocosely been termed "torturing the British lion," will no doubt after mild verbal protests complacently pass the President's little bill, for there is not so much in it after all, when closely examined.

If the President's contention that Article XXIX is abrogated is true, he has no occasion at all to come to Congress for relief, for as I shall show he has now far more power—and to some extent through his late Secretary of the Treasury has exercised the same—than he now asks in the proposed bill. By the act of March 3, 1873, which I have already quoted, he has the power to interdict completely and fully all transit trade on the Great Lakes and the rivers and canals connecting the same. This is the language of the power, full and ample:

And provided further, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII of said treaty.

And the very power here granted was evoked and exercised by Secretary Manning, as appears from the following circular, which operated as a complete interdict of the lake transit trade:

CIRCULAR.

TERMINATION OF CERTAIN ARTICLES OF THE TREATY OF WASHINGTON.

[1885. Department No. 102. Division of Special Agents.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 2, 1885.

To collectors of customs:

Notice having been given by the proclamation of the President, dated January 31, 1885, of the abrogation of Articles XVIII to XXV and Article XXX of the treaty of Washington, collectors of customs are hereby notified that article 844 of the Customs Regulations of 1884, which is identical with article 19 of the regulations of March 30, 1875, made pursuant to Article XXX of said treaty, will cease to be in force from and after this date.

Shipments of merchandise in transit from one port or place within the territory of the United States to another by a route a part of which is by land carriage through the Dominion of Canada, and a part by the Great Lakes and the rivers connecting the same, or by the river St. Lawrence, in either British or American vessels, from ports on the northern frontier of the United States to ports on the Canadian frontier for transshipment to railway cars, and from points on the Canadian frontier, at the termini of railway transportation, to ports on the northern frontier of the United States, will hereafter be treated in all respects as ordinary importations from foreign contiguous territory.

DANIEL MANNING, *Secretary.*

For twenty-two days this order remained in force. For twenty-two days Secretary Manning had entirely suspended and abrogated all Canadian transit traffic on the Great Lakes. I presume that it was owing to commercial pressure that he afterwards modified this order and granted the Canadians the transit privilege in American bottoms, as I shall hereafter show. That was a case where the Administration has exercised far greater power than the mere power of collecting a toll of 20 cents a ton, as is proposed in this bill. That was a case of complete interdict of transit traffic.

Now, in the proposed bill all that is asked for, in case we are not allowed to use the Canadian canals on a footing of equality, is merely the privilege of collecting a toll from the Canadians for the use of our canals. Now, which smacks most of retaliation, the power to completely interdict or the power to merely collect a toll of 20 cents per ton?

Again, if Article XXIX is abrogated as claimed, then our transit trade, foreign and domestic, is remitted back for a legal basis to sections 3005 and 3006 of the Revised Statutes, already quoted; and these provisions are as regards the Canadian transit trade only permissive. There is nothing in them to prevent our Government from revoking the entire privilege, or charging it with new and additional burdens. Secretary Manning so understood the matter, as appears from the following circular:

CIRCULAR.

TRANSIT OF MERCHANDISE THROUGH THE DOMINION OF CANADA.

[1885. Department No. 116. Division of Special Agents.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 24, 1885.

To collectors and other officers of customs:

Under the authority contained in section 3006 of the Revised Statutes, imported merchandise, in bond or duty paid, and products and manufactures of the United States, may, with the consent of the proper authorities of the British provinces, be transported from one port in the United States to another port therein over the territory of such provinces, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe.

Therefore, so much of Circular No. 102 of this Department, dated the 2d instant, as rescinded article 844 of the Customs Regulations of 1884 is revoked, and said article is hereby amended in such manner as to restrict the transportation therein referred to to American vessels. Customs officers will be governed accordingly.

The salaries of officers stationed in Canada to supervise transshipment from vessels to cars, and *vice versa*, must be reimbursed to the Government by the transportation companies interested.

DANIEL MANNING, *Secretary.*

This circular, it will be observed, removes with conditions the interdict contained in the circular issued only twenty-two days earlier, which we have already quoted.

But waiving these considerations, the President has at least as much power as he now asks given him under the act of March 3, 1887, in respect to the Canadian transit trade. The following language of that act is potent and comprehensive enough:

And also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

In fact, this provision authorizes him to interdict the domestic transit trade of Canada—a matter of far more importance really than the foreign transit trade.

And this brings us to the question as to exactly what power the President asks for in the proposed bill. He asks for the privilege of collecting canal tolls, and he asks for the privilege of interdicting and cutting off the foreign transit trade of Canada. He could not touch the canal problem in a milder form, nor tamper with the transit trade at a less hurtful point. The total foreign transit trade of Canada for the year ending June 17, 1887, was, as appears from the following letter of the Commissioner of Statistics, Mr. Switzler, $33,692,676.

Mr. WEBER. Does not that which you have stated embrace the foreign merchandise for foreign countries which passes through and into the British possessions?

Mr. NELSON. Yes; that is what I call the foreign transit trade. I use the term "foreign transit" to embrace all of that traffic, both in and out, as distinguished from the trade which goes back and forth between this country and Canada.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., August 27, 1888.

SIR: In reply to your inquiry of the 24th instant, you are respectfully informed that during the year ending June 30, 1887, the total value of foreign merchandise received from the British North American provinces for transit through the United States to foreign countries was $11,504,721; and the total value of foreign merchandise received from other foreign countries for transit through the United States to the British North American provinces was $22,187,955; aggregating $33,692,676.

I have no means of ascertaining the value of domestic merchandise shipped in bond from Eastern States to Western States, or from Western States to Eastern States, through the Dominion of Canada, such shipments being considered the same as coastwise, and therefore not included in any returns of the foreign commerce of the United States.

Merchandise imported from trans-Atlantic countries through the Dominion of Canada is credited in the import statements to the respective countries of exportation, and no account is taken of the transshipment through Canada.

Respectfully, yours,

WM. F. SWITZLER,
Chief of Bureau.

Hon. KNUTE NELSON, M. C.,
House of Representatives, Washington, D. C.

The stoppage of the foreign transit trade of Canada through our borders could not but result more to our injury than Canada, at present. Boston and Portland are the winter ports of Canada, and the New England railways carry nearly all of her winter imports, while the Dominion railway system, extending from Quebec to the maritime provinces, fails to pay even operating expenses. Interdict this foreign transit trade as proposed and our ports and our railways would lose the benefit of all this traffic, while the ports of Halifax and St. John, together with the railway connecting them with Quebec, would flourish and prosper as never before. The interdict would make Canada entirely independent of us on that score and would be precisely just what her statesmen, imbued with the imperialism of Sir John Macdonald, would sigh for.

One year of interdict would forever transfer to Canada all that foreign transit trade now carried on through our borders. And pray who would be the gainer by all this? A few canal tolls and a little marrow put into the weakest part of the Canadian trans-continental railway system and the recuperation of the ports of Halifax and St. John are after all the only possible outcome and net result of the plan outlined in the ponderous message and accompanying bill. How tame and inconsequential it all seems when one looks beneath the glamour of the ponderous and solemn diplomatic phrases.

Aside from the recommendation to violate a solemn treaty obligation, all the President really asks for is this: Give me the right to collect canal tolls and give me the right to transfer forever to Canada all her foreign transit trade, amounting to over $33,000,000 annually, now carried on through our ports and our borders. If it is retaliation pure and simple the President wants, he has the power to a much fuller extent in the laws now in force. He can interdict entirely the use of our canals, and he can interdict entirely the domestic transit trade of Canada, and if Article XXIX of the treaty of 1871 is abrogated, as he claims, he can interdict the entire transit trade of Canada, both foreign and domestic, without any further legislation.

That State which was my home from childhood to manhood had a regiment in the late war which carried a live eagle perched on its banners into the midst of the fray. That bird of freedom, snuffing the air of war, would in the supreme hour of battle, when the din of arms was the loudest, flap his wings with very joy and keep a bold front to the enemy; and the men, looking up to that fearless bird, so emblematic of our strength and freedom, would, when the stress of battle was the most severe, draw an inspiration and zest therefrom which nerved them in the hour of combat, and which made them realize that they were, above all, the soldiers of a cause and country the noblest and grandest on the face of the earth.

So to-day, when the President attempts to carry aloft, perched on his banner, that bird of freedom before us and the American people, although we can see little or no occasion therefor, yet a glimpse of that bird, however slight or momentary, engenders in each bosom a spirit to do or dare all that the Republic may ask, whether right or wrong; and in this spirit do we acquiesce in yielding to the President what little he now asks, for we all "have a love for our land as if she were our daughter; her pipes in peace, her tomahawks in war."

PRESIDENT VAN HORNE'S STATEMENT AS TO THE EFFECT OF A SUSPENSION OF TRANSIT TRAFFIC.

W. C. Van Horne, president of the Canadian Pacific, and one of the best posted railway men on the American continent, is at the Ryan. It is commonly supposed that the legislation on the subject of non-intercourse with Canada is a matter of great interest to the Canadian Pacific, and Mr. Van Horne was seen last night and asked as to his views on the probable effect of this policy, if adopted, on the railway interests of the two countries. He said:

"I am acquainted with the railway situation on both sides of the international boundary and have figured this matter over very carefully, and I do not hesitate to say that the policy of non-intercourse between the United States and Canada would damage American railway interests between two and three dollars where it would injure Canadian interests one. In the first place take the American lines. All the Michigan roads would be heavily damaged. In New England all the lines would be seriously injured. The Central Vermont and the Boston and Maine systems, which include nearly all of the lines in Maine, Vermont, and New Hampshire, about half of those in Massachusetts, and considerable part of those in Connecticut and Rhode Island, together with the Grand Trunk line across Maine to Portland, depend on the Canadian lines for an outlet, and this would be cut off.

"The same will be the case with the lines centering on the Niagara frontier, the Rome, Watertown and Ogdensburgh, the Delaware, Lackawanna and Western, and the Lehigh Valley, which now depend on the Grand Trunk for connections west. These lines would be forced to look to the notoriously illiberal Vanderbilt system for a western connection, or to the Erie, which is to a great extent a competitor for the very business it would be asked to take west over the lines it controls. The roads like the Wabash, running southwest from Detroit to St. Louis, Louisville, Cairo, and the Southwest, would suffer. The roads northwest of Chicago would be injured to the extent that the Grand Trunk affords them relief in low rates east. The two new lines running west from Sault Ste. Marie, the Minneapolis, St. Paul and Atlantic, and the Duluth, South Shore and Atlantic, would be heavy losers of course; but understand that the carriage of flour and breadstuffs for export would not be hindered, as it does not go in bond.

"The American interests on the Great Lakes would also be damaged greatly. Since Secretary Manning's order of July, 1886, all the lake business from Duluth, Milwaukee, and Chicago for Eastern United States points going by the way of Sarnia, Collingwood, and other Canadian railroad ports has gone in American bottoms, and this would be knocked in the head. On the other side of the border the blow would fall rather heavily on the Grand Trunk line across the Ontario peninsula. But so far as the Canadian Pacific is concerned, the damage would be comparatively slight. There is no money for us in American freight anyway, and we could of course hold the passenger business, in which there is some money. We would be crippled in freight traffic to and from the new Sault Ste. Marie lines; that is about all. The balance to all this is found only in the benefits which would accrue to the New York Central, the Pennsylvania and the Baltimore and Ohio, which, of course, would be considerable, but not to be compared with the injury wrought to other lines. So much for the transportation interests of the two countries. In regard to the effect on the prosperity of the United States and Canada, the former would be damaged twenty dollars to the latter's one.

"In the first place, there is all New England. At present they get their breadstuffs cheaper and they can supply the Western market with their manufactures by reason of the low rates growing out of Canadian competition. Under the policy of non-intercourse the New England States would be at the mercy of the Vanderbilt and other trunk-line interests. On the other hand, the people of the States west of the Detroit River, and particularly those west of the Great Lakes, are inestimably benefited by this same competition, which takes their products East and supplies their wants from the East at lower rates than would otherwise prevail. Any Western railroad man will say that the low rates east of Chicago that have prevailed so long are due almost entirely to the competition of the Grand Trunk. The trunk-line pools have in almost every case been broken by the Grand Trunk Railway.

"The benefit that this competition has been to the people of this country and the money it has saved them cannot be computed. On the Canadian side it is very different. The transfer of American goods benefits the country at large only in the measure that it takes so many more men to run the railroads. The fact of the matter is, such a move to injure Canada should have been made five or six years ago, before we had our line around Lake Superior. Then all goods for the Canadian Northwest had to be brought around by the way of Chicago or Duluth. The Canadian Northwest would then have practically been cut off from Eastern Canada by non-intercourse, but now the injury will all be on the other side. The policy proposed would effectually protect us against the competition of American lines in Manitoba."

Mr. SEYMOUR. Living as I do at the gateway of Superior, on the northern line of transit where two American railways connect with the Canadian system by an international bridge, representing a district rich in minerals, and whose future is intimately identified with the development of the railways connecting the Northwest with the East and traversing a shorter parallel than other American lines, I can not be indifferent to the modes of redress which have been proposed for the protection of American rights in the fishery controversy. The measures adopted by Congress and embodied in the law of 1887, and those asked for by the President in his message of August 23, 1888, desiring an extension of power for retaliatory purposes, are widely different.

The Northwest, situated remote from the seaboard, with its heavy and low-priced products, is interested in and dependent for prosperity upon short and cheap lines of transit. These are essential to its growth and development. Without them the producers and consumers of the Northwest are at the mercy of and must submit to the exactions of

longer railway lines running south of the Great Lakes. Forcing the business of that section through these southern lines, additional to their natural freight traffic, would be injurious to Northern interests.

The extension of power asked for in the President's message for retaliatory purposes is stated by him in the following language:

I recommend immediate legislative action conferring upon the Executive the power to suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares, and merchandise in bond across or over the territory of the United States to or from Canada.

If such authority were given it would result in like action on the part of the Canadian Government, prohibiting the passage of American goods through Canadian territory. This would close the international and intercolonial freight traffic through the two countries. Such course of action would injure, and be enforced largely at the expense of, the citizens of the Northwest, without correspondingly benefiting American fishermen.

It may be urged that this annulment of bonded privilege and transit would cause a serious injury to Canada. It would also be of great damage to the producers of the Northwest, who are in no way accountable for the inconveniences and injuries to which our fishermen are subjected. Such action, if adopted by our Government, would largely tend to strengthen and unify the Canadian Dominion. It would build up seaports now little used, and give business and prosperity to the Canadian trans-continental railway line.

Mutually Canada and the Northwest would suffer were this retaliatory measure adopted and long continued. Why, then, should it be tried? Is it the only or adequate retaliatory measure? The President asked for and urged it. The committee of the House have decided to abridge the powers sought for by reporting a bill which reads as follows:

It shall be lawful for the President, in his discretion, by proclamation to that effect, to suspend, in whole or in part, the transportation across the territory of the United States in bond and without payment of duty, of goods, wares, and merchandise imported or exported from any foreign country from or to the British Dominions in Canada.

The power asked for by the President was authority to suspend the transit of the foreign and domestic commerce in bond through the United States to and from Canada. The authority authorized in the bill reported by the committee is the suspension of the transit of foreign commerce in bond through the United States to and from Canada. This bill, if enacted, will leave unhampered the transit of our domestic commerce and relieve the Northwest of otherwise anticipated burdens. It strips the retaliatory measures of their domestic sting and marks their force in a descending scale.

Congress, on March 3, 1887, offered and demanded that a measure, in its judgment adequate to the conditions and vexations with which our citizens were confronted, should be tried. Its language is plain and imperative, for the act declares "it shall be lawful, and it shall be the duty of the President;" yet with the same conditions confronting us for eighteen months, no executive action has been had. During the interval, a treaty has been proposed and rejected, and the question has assumed proportions and demanded unusual attention in the heat of a Presidential contest. What were the measures of redress embodied in the act of 1887 which the President deemed insufficient or inexpedient to exercise? The act declares:

It shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny to vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies) as the President shall deem proper, whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere, and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act.

The contest in this case applies exclusively to fish. It affects vessels engaged in fisheries needing supplies, requiring repairs, fishing in disputed limits, or fishermen requiring facilities for shipment of fish through Canadian territory to the United States. These are the questions which press for an early and just solution. It would seem that a remedy relating to Canadian fish could be found which would be adequate to the injury offered.

The amount in value of Canadian fish shipped to the United States during the year 1887 was $2,717,509, while the amount in value of fish shipped by the United States to Canada was only $57,920. If the President had tried the effect by proclamation of the prohibition of the importation of Canadian fish, it would have developed the fact whether such action would have been sufficient to have caused a termination of our controversy. Had a trial been given to the partial or full exercise of the powers granted in the act of March 3, 1887, it would have been an assurance of the desire of the President to co-operate with Congress in an endeavor to settle in accordance with powers granted, which in the judgment of Congress were adequate.

If Canadian fish had been excluded from our markets, Canadian vessels from our waters, which latter term would include our canals, the effect would very speedily have convinced the Dominion Government of its unneighborly, unjust, and narrow policy in the treatment of our fishermen, as well as the unjust discrimination against American vessels passing through Canadian canals. Whatever consequences may come, the rights of American citizens must be protected. Whatever powers may be necessary to grant, should be unhesitatingly given to vindicate the honor of the American name; but already authorized powers should not remain unexercised when American rights are disregarded, and when vexatious and unfriendly requirements are exacted.

The enforcement of the present law might long ere this have ended our disputes, terminated our wrongs, and paved the way for an honorable, adequate, and permanent treaty. Between the English speaking people of this continent there should be no lasting disputes, but a friendship and intercourse born of respect, and a determination to concede each other's rights should always exist. While, if disputes are continued and retaliatory measures are necessary they should be of the kind and partake of the nature of the subject-matter through which the injury comes.

Section 2 in the bill is eminently proper in view of the unfriendly action by the Canadian Government in allowing a rebate of tolls less 10 per cent. for vessels bound for Canadian ports, but without such disallowance for those unloading at American ports, though the act of 1887 provides in the discretion of the President against the use of American waters, which includes American canals, by Canadian vessels. The power vested in the act of 1887 is sufficient as a remedial measure for the protection of the rights of our vessel-men against the unjust discrimination of tolls by the Canadian Government in favor of vessels unloading at Canadian ports. Any action under this act would be necessarily prohibitory, but the bill under consideration authorizes the charging of tolls in the amount of 20 cents per ton, which would seem to be fully adequate to the purpose desired.

The discrimination will cease when the rebate is discontinued, but such action would not relieve our vessels from the charge of tolls, although Canadian vessels would be untaxed in United States canals. The Canadian would still be the gainer, as the treaty simply requires that each government shall treat each other's citizens in the use of canals alike subjecting them to the same charges or none, as the regulations of each government may determine. The United States canals are free. On the Canadian canals tolls are charged. The repeal of the rebate would increase the total of Canadian tolls, but would not reduce the amount to be paid by American vessels. Cumulating the interests of the Canadian Government and vessel-owners, the repeal of the rebate as affecting their joint profits might be justly characterized as *damnum absque injuria*, while the American vessel-owner would look in vain for an increase of his wealth or a decrease of his tolls. Yet treaty rights by such action would be respected and an equality of treatment of citizens by each country obtained.

The additional and different power asked for by the President, even so far as it is embodied in the bill now under consideration, will, I fear, if exercised, affect almost as injuriously our interests as those of Canada, while that granted in the act of 1887 I believe to be ample for retaliatory purposes pertaining more nearly to the subject-matter in dispute and sufficient for prevention in the future of vexations, annoyances, and injuries similar to those heretofore inflicted upon our fishermen.

Desirous to do nothing to antagonize the protection of American interests and the rights of American citizens, I trust the passage of the bill now before the House will meet the exigencies of the case, and that, whether the principle of retorsion or other retaliatory powers shall be exercised as a defensive measure in the continuation of the fishery controversy, the Canadian Government will learn that we are earnestly determined to maintain our rights, and only our rights, and that through such knowledge an amicable and just settlement will be finally obtained.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. ADAMS] is recognized for twenty-five minutes.

Mr. ADAMS. Mr. Speaker, in dealing with this bill it is not necessary, I think, to go very deeply into the questions of treaty right and international obligation between ourselves and the Dominion of Canada. All that we need do is to consider that general principles ought to govern the conduct of the greatest and strongest republic in the world in carrying out what is popularly called a policy of retaliation, like that authorized by the act of March 3, 1887.

I doubt whether the mode of dealing with a foreign power which has done us a wrong or evinced an unfriendly disposition can ever be reduced to exact and definite rules. But the President in his recent message lays down one rule at least, which in my judgment is as accurately stated by him as it is inaccurately applied. After saying that the policy of national retaliation "manifestly embraces the infliction of the greatest possible harm upon those who have injured us, with the least possible damage to ourselves," a proposition which is self-evident when applied to retaliation as it is when applied to actual war, the President goes on to say:

There is also an evident propriety as well as an invitation to moral support found in visiting upon the offending party the same measure or kind of treatment of which we complain, and as far as possible within the same lines.

That is well stated. The statement could hardly be improved. But when we come to look at the underlying reason of the rule laid down by the President it may raise a doubt whether he has been as accurate in the application as he has in the statement of the rule.

Why is it that we ought to visit upon the offending nation the same kind of treatment of which we complain? What "invitation to moral support," to use the exact language of the President, do we give by taking this course? The answer is plain. Unless the policy we enter upon is expected and intended to lead to actual war, and in that case we might as well declare war at once, our object should be to raise in the minds of the citizens of the offending power a lively sense of the injury they have inflicted on us rather than give rise to the impression, however erroneous, that we have unjustly inflicted a new injury upon them.

Accordingly where the acts of offense have proceeded from a particular portion of the offending nation or have arisen out of a desire to aggrandize a particular interest in that nation it is far better in the first instance, whatever may be required in a later stage of the proceeding, to choose such measures of redress as shall bear with the greatest weight upon those citizens of the offending nation who have given us the greatest cause of offense and bear with the least weight upon that part of the offending nation which has given us the least occasion to complain.

If we take the opposite course, it is hard to see how we can be said to give "an invitation to moral support" as the President says we ought to do. Suppose the Legislature of the State of Louisiana or the municipal authorities of the city of New Orleans were to adopt a course of conduct which gave offense to the citizens of a friendly foreign power like the Republic of France. What could be fairly said of the French Republic if, having the power to adopt a retaliatory policy which would bear heavily on the citizens of Louisiana and New Orleans, it were deliberately to adopt in the first instance a policy which positively benefited the offending State and city and bore with full weight upon the unoffending citizens of the State of Maine?

The citizens of Louisiana and New Orleans could hardly be expected to see the error of their ways by reason of the penalty inflicted on the citizens of Maine, while in the minds of the citizens of Maine the uppermost feeling would be indignation at the injury inflicted on them by France rather than a vicarious repentance on behalf of the citizens of Louisiana for the wrong done by them to the citizens of the French Republic.

Now, I believe that this illustration fairly applies to the particular line of policy which the President advises us to adopt.

It will be found, I think, that the principal offenders in this matter of the Canadian troubles have been the maritime provinces of the Dominion, while if the President's new suggestion of a retaliatory policy were adopted the chief sufferers therefrom would be the northwestern portions of the Dominion. The maritime provinces would suffer little or not at all, and would probably in the long run be positively benefited thereby.

What are the wrongful or unfriendly acts that we have suffered at the hands of Canada? They are, first, Dominion acts of Parliament; secondly, municipal acts or regulations of the maritime provinces or their municipalities; thirdly, oppressive, vexatious, or insulting conduct of local officials in the maritime provinces in the execution of laws and ordinances which, if administered in a friendly spirit, would perhaps give us little reason to complain.

As for the Dominion laws, I am aware that the whole Dominion is responsible for them. But I think it is worth noting that they are sometimes re-enactments by the Dominion of former statutes of the maritime provinces, and that they all, as well as the ordinances, regulations, and insulting and vexatious conduct of officials, before referred to, have for their object the benefit of the navigation and fishery interests of the maritime provinces. They are not inspired by nor do they benefit Ontario or Manitoba.

Mr. Speaker, I do not forget that a part of the President's message and a part of the pending bill relate to a subject unconnected with the fisheries question and apparently unconnected with any maritime interest of the Dominion. I refer to the discrimination in rebates on tolls on the Canadian canals. I need not spend much time on this part of the subject. There is no difference of opinion as to the wrong or as to the proper remedy. The remedy should be promptly applied, if it can not be found under existing laws, in the general lines marked out by the pending bill.

But I wish to call attention to the fact that the purpose of these discriminating tolls or rebates when carefully considered will be found to be like the purpose of the other wrongful and unfriendly acts referred to. They are intended to strengthen the maritime cities and provinces at the expense of the northwestern parts of the Dominion. A toll imposed on all vessels passing the Welland Canal, and imposed only for the purpose of being rebated at Quebec or Montreal, is clearly intended to divert the export trade of the Northwest from the New York route to the St. Lawrence route. I can see how this would benefit Quebec and Montreal. I can see how it would benefit the navigation interests of the Canadian seaboard. What benefit the Canadian farmers of the Northwest get from it I can not see. It is an injury rather than a benefit to them.

But I wish to call attention especially to the unfriendly acts of the Dominion or its officials which are connected more or less directly with the Canadian fisheries. They all proceed, as I have said before, from a desire to benefit the maritime provinces of the Dominion, and a particular interest in those provinces. The Canadians of the Northwest can not derive any material benefit from them whatever.

I am perfectly aware that these injurious and offensive acts have generally been supported by the Dominion; and that we can if we choose call the Dominion to account for them. But if there is any meaning, as I think there is, in the rule laid down by the President in his message, and especially if there is any force, and I think there is, in the President's suggestion that we ought to give "an invitation to moral support," we ought first to adopt a policy which will injure most of all those Canadians who have most of all injured us, and for whose benefit all these vexatious and insulting measures have been taken against us. We shall get no moral support from any quarter by punishing the Canadians of the Northwest for the fault of the maritime provinces; still less if the measures we take confer a positive benefit upon the Canadian seaboard.

Just such a policy as is called for by the logic of that part of the President's message to which I have referred is provided for, and amply provided for, in the act of March 3, 1887, which the President has declined to put in force.

What does the President now propose? He proposes, as an appropriate remedy calculated to give "an invitation to moral support," that Congress confer upon him the power—

To suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares, and merchandise in bond across or over the territory of the United States to or from Canada.

I am aware that the pending bill gives him the power to suspend transit in bond "in whole or in part." But as it is altogether within his discretion, if the bill becomes a law, to say whether the suspension shall be partial or total, I think it worth noting that he has publicly declared his judgment to be that a total suspension of transit of goods in bond to and from Canada across the territory of the United States is the appropriate remedy for the wrongful or unfriendly acts done by or on behalf of the fishing interests of the Canadian seaboard.

I think it is proper to consider whether the measure proposed by the President is more appropriate than the exercise of the powers which all agree he derived from the act of last year.

It is a matter of no importance in this connection whether Article XXIX of the treaty of 1871, providing for the reciprocal right of transporting goods in bond, was terminated with the fishery articles of the treaty, as the President argues, or has ceased to be binding on us because the other party to the treaty has ceased to regard it. I assume that that article does not stand in the way of the proposed legislation.

There is this to be said, however, of the effect of adopting the President's theory as to the termination of Article XXIX upon the relative position of the two parties to the existing controversy—it strengthens the Canadian position. If Article XXIX still remained in force after the termination of the fishery articles, the refusal of the Canadians thereafter to allow our fishermen to transship their catch for transportation in bond was the refusal of a treaty right. But if Article XXIX terminated in the way in which the President supposes it terminated, the refusal of the Canadians thereafter to permit the transshipment of fish was only the refusal to accord an international courtesy.

The Canadians, believing Article XXIX to be still in force, justified their refusal to give our fishermen the benefit of it on the ground that, although Article XXIX was not a fishery article, but a commercial article applicable to fishermen and to all others, yet when the fishery articles fell our fishermen were relegated for their rights to the treaty of 1818, and the fishery articles of the treaty of 1818 overrode, so far as American fishermen were concerned, the commercial article of a treaty made in 1871, more than fifty years later.

From this difficult and illogical position the Canadians are rescued by the new theory of the President, which they had never dreamed of till the other day. By just as much as the refusal to grant an international courtesy is a less serious grievance than the refusal to acknowledge a positive treaty right, by just so mush has the new-fangled theory of the President weakened the American and strengthened the Canadian position.

There is another question, raised elsewhere, which I do not care to go into at any length. It is the question whether after the issue of the President's proclamation pursuant to the proposed act the Canadians could not get all or nearly all of the advantages of transit of goods in bond by importing the goods into this country and immediately exporting them to Canada under section 2971 of the Revised Statutes. I do not care to go into that. I assume that the intended effect of the proclamation could not be evaded. The question remains, who would be most injured? I mean, what Canadians would be most injured by the adoption of this policy? It strikes me that the Canadians who would suffer most would be those who live farthest from the seaboard. Let any gentleman look at the map and answer the question for himself.

I believe this would be true even in the winter season, when the St. Lawrence is closed by ice. One not improbable result would be an increase of the business of the Inter-Colonial Railway and a great develop-

ment of the port of Halifax. Halifax would take the place of Boston or Portland as the winter port of Montreal, just as it would take the place of New York and Baltimore as the winter port of Ontario and Manitoba. To injure Ontario and Manitoba, of whom we have not complained, and at the same time to build up the prosperity of Halifax, the center of the fishing interest, which is responsible for the whole trouble, would be a stroke of policy almost too grotesque for "Pinafore."

Besides, the St. Lawrence River is not closed with ice all the year round. How would it be in summer? If the enormous traffic which now passes to and from Canada across the United States during the summer months were to be transferred from the New York, Boston, and Portland routes to the St. Lawrence River route, Montreal would be benefited, the Canadian Pacific Railway would be benefited, the the navigation interests of the Canadian seaboard would be benefited, while the citizens of Ontario and Manitoba, who have least of all offended us, would pay the largest share of the increased cost of transportation. As to the loss to be borne by the people of the United States, who, according to the theory of the interstate-commerce law, would have to pay higher local freight rates to make good the loss incurred by American railways in their through business to and from Canada, it is a matter which the President would undoubtedly take into consideration. I do not care to go into it now.

Another thing. The policy indicated in the President's message would, if thoroughly carried out, add to the political strength of Canada. It would tend to consolidate the Dominion. Let gentlemen look at the map of North America, and see how the settled parts of Canada stretch like a narrow ribbon along our northern frontier. Let them consider what is the main cause of political weakness in a nation situated as Canada is.

I believe it is the facility of commercial intercourse between the western parts of the Dominion and the United States, as compared with the facility of commercial intercourse between the western and eastern parts of the Dominion.

I believe the far-sighted statesmen of the Dominion and of Great Britain see this clearly. The remedy they propose is to turn the trade of the Northwest into the St. Lawrence River route. What else would justify the enormous expense at which the Canadian canals have been improved and enlarged? What else would justify the enormous subsidy granted to the Canadian Pacific?

Why, Mr. Speaker, it is not long ago that the Dominion laid a heavy hand on the people of Manitoba, to prevent them from building at their own expense a short railway to make connection with the railway system of the United States. It seemed a brutal measure, but it was a wise one from the point of view of Canadian statesmen. It could be justified only by the political necessity of consolidating the Dominion. The attempt failed. Would it not be wonderful if this Canadian and British policy, so beneficial to the Dominion as a political power, so beneficial to the maritime provinces in particular, were after repeated failures to succeed at last by the act of the American people, irritated by the unjust and unfriendly conduct of that very part of the Dominion which would get the greatest benefit from the consolidation policy.

Mr. Speaker, I believe the President will consider these things once more. I believe his Cabinet officers, who, according to popular rumor, were not much consulted in the preparation of his recent message, will advise him that according to the logic of the message itself he is bound to exercise first of all some of the powers conferred upon him by the act of March 3, 1887. The additional power conferred upon him by this pending bill he must hold in reserve.

I will not do the President the injustice to suppose that he will exercise the vast powers conferred upon him by the act of last year and by the pending bill without great deliberation. As for his recent message, I believe it was hastily prepared and hastily issued. There is a suspicion on both sides of the Atlantic that it was issued by command of a political committee, anxious to persuade a portion of our people that the Administration is after all not a British administration in disguise. If that is so, it proves, not that the President will be reckless, but that the national Democratic committee is desperate.

It is quite possible that the occasion for putting in execution the powers conferred on the Executive by this bill will not arise till after a new administration comes in. The contingency on which these powers are to be exercised is likely to arise, I understand, only during the fishing season. The season for this year is nearly over. The passage of this bill at this time may simply have the effect of adding a new question in the impending Presidential campaign. We have added new powers to the Presidential office, leaving the people to decide which party and which candidate shall be trusted with the execution of them.

So far as the present Administration is concerned, the question will not turn on a message issued by the President within two months of the election of his successor. It will turn on his foreign policy as a whole during his entire term. If in its relation to foreign affairs his administration has been on the whole a distinguished success, it will be a fair argument, so far as it goes, in favor of intrusting to his hands these great powers during a second term. If, on the other hand, his administration of foreign affairs has been on the whole a failure, or if the mismanagement of the fishery question by this present Administration or the position he takes in his message is likely to handicap his future efforts to bring the question to a peaceful and honorable solution, there will be one argument the more in favor of electing General Harrison to succeed him.

At all events, Mr. Speaker, the pending bill is likely to pass the House by a large majority. Many will vote for it under protest. They know it is unnecessary. They feel that the policy outlined in it may be unwise, but they are unwilling to vote against it. They are reluctant even to seem to oppose the grant of additional power, however unnecessary, when asked for in a public message, in which the President declares that he stands in presence of a difficulty with a foreign power and needs additional legislation in order to maintain the interests or the honor of the United States.

If such additional power were really necessary, it would be granted, not under protest, but cordially and without stint. It would be granted not merely to strengthen the hands of President Cleveland in the pending controversy about Canadian fisheries; it would be granted to strengthen the hands of all the Presidents of the United States that shall hereafter hold office in all the controversies that may hereafter arise with any foreign power.

Our desire is to show to all foreign nations that although the President of the United States is elected only for a term of four years, although he is elected as the candidate of a political party and is opposed by another political party, although his policy, foreign and domestic, will be searchingly criticised up to the very end of his term, yet whenever he stands in presence of a difficulty with a foreign power and really needs additional legislation to enable him to deal with it, he will receive the earnest and hearty support even of those who doubt the wisdom of his management and confidently expect within two months to defeat his re-election.

Mr. HITT. I now yield ten minutes to the gentleman from Indiana [Mr. WHITE].

Mr. WHITE, of Indiana. Mr. Speaker, I send to the desk and ask to have read an amendment which I wish to offer to this bill.

The SPEAKER *pro tempore*. The amendment will be read for information, but can not be offered.

The Clerk read as follows:

That section 2 of Article II of the Constitution of the United States be temporarily suspended during the present President's term of office wherein it provides that the President shall make treaties by and with the consent of the Senate.

The SPEAKER *pro tempore*. The gentleman may offer this for information.

Mr. WHITE, of Indiana. I offer that amendment, not with the hope or belief that it will be adopted——

The SPEAKER *pro tempore*. The Chair will state to the gentleman that the House has already adopted an order by which the previous question is ordered on the bill, after the debate shall be concluded upon it, and no provision is made for amendments.

Mr. WHITE, of Indiana. I was not aware of that fact.

Nevertheless, Mr. Speaker, I offer the amendment in order to show the position in which our worthy President has placed himself. I take the ground, sir, that the President had no right to enter into negotiations whatever with Great Britain in regard to the fisheries question.

Mr. CARUTH. Will the gentleman from Indiana yield to have that amendment again reported?

Mr. WHITE, of Indiana. Well, the gentleman can read it for himself after I am through.

Mr. CARUTH. We would like to hear it read now, if it is to be the basis of the gentleman's remarks.

Mr. WHITE, of Indiana. Very well, let it be again read.

The amendment was read at length.

[Cries of "Vote!" "Vote!" and applause on the Democratic side.]

Mr. WHITE, of Indiana. That is just the position that our President has placed himself in. He has clearly stepped outside of the Constitution.

Mr. McCREARY. Mr. Speaker, I wish to interrupt the gentleman to ask if the paper which has just been read at the desk purports to be an amendment sent up for consideration?

The SPEAKER *pro tempore*. It has been read for information. The Chair has stated that the amendment could not be offered.

Mr. WHITE, of Indiana. I sent it for the purpose of showing the House the position that the President of the United States has placed himself in. He has taken upon himself the right and arrogated to himself the power of both Houses of Congress in treating of the affairs of this Government in connection with our foreign relations. He has usurped the power which belongs under the Constitution to the President acting by and with the advice of the Senate. The only question now involved is whether he had not power enough already granted to him by the laws of Congress to enforce the act which he now claims he wants to enforce. He claims that he has not sufficient power to bring the Canadians to terms and enforce his demands that justice shall be done to our seamen, and that additional powers are required, which power he requests, and that he shall have the right to interfere with railroad communication in bonded goods.

We all know that this will affect our own people a great deal more than it will affect the Canadians, for the reason that these railroads are

owned principally by Americans; their termini are in American cities, and in consequence the Americans will be the greater sufferers. He had the power to carry out all the enactments of Congress, which power had been placed in his hands over eighteen months ago, and if he had done so there would have been no occasion to come here now and ask additional legislation. I am free to say, when it comes at this particular time for this alleged purpose, that there is an object in view behind it which has a greater and deeper significance than his pure mindedness would lead us to imagine in the claim that he is looking after the interests of the people. His object is in looking after the interests of the election; and had this document of his been denominated, or designated rather, as a campaign document in place of a President's message to the Congress of the United States, it had been far more properly termed, because that is what it is.

It is simply a campaign document to destroy the bad effect that his first campaign document—document No. 1—had on the people of this country. That is his tariff document. Gentlemen on the other side, and the President too, have realized the effects that his first document has had on the public mind. The Irish vote which he attempts to control by the present document was turned away from him in consequence of the tariff measure that he proposed. That is clearly apparent to all thinking people. And furthermore, he found he had lost their support in consequence of the method he took to negotiate a treaty with a power that was to some extent their enemy. The method he adopted was not satisfactory to the Irish people in that respect; and and in order to overcome, if he possibly can, the bad effects of that effort, he sends this message to this body. But I can assure him, Mr. Speaker, that he is too late.

The Irish vote in this country is not going to be attracted in any such manner as that. No one, I think, has a deeper sympathy than I have, and no one would more gladly strengthen the hands of the President if he were in earnest in helping the Irish people. But he is not. His object is simply to bring them back into the fold of the Democratic party, so as to have their support in the next election.

The President, in his first message, stated that there was no other question before the people but that of the tariff. He said that was the most important and paramount question to this nation. Did he not stop to think that this very question which he refers to now was in existence then?

This question of the fisheries was not settled, and yet he did not in his message say one word about it. Was he not also aware there were other great national questions to be solved besides the tariff? It seems not. The tariff question was sprung on this country as a key to the campaign, and upon its revision he expected to carry the vote of the people and secure his re-election. The President has made a great many mistakes and this fishery message is one of them. The tariff message was another; and the return of the rebel flags another. I am sure the people of the North would gladly have agreed to their return, and this Congress would have determined to return the flags to the people of the South, because they have no ill feeling towards the people of the South, but for the manner of the President in so arrogantly determining that question himself without coming to Congress for instructions.

That is the situation in this case also. He has ignored the Senate. He has undertaken to enter into a treaty with a foreign power without consulting the Senate; when the Constitution clearly provides that he shall not make a treaty with a foreign power unless "with the advice and consent of the Senate." He has undertaken to do that on his own account; and now when he finds that he has got the worst of it he comes back to this House in order to get authority from the people to do—what; to do that which he had power enough to do in the first place.

He says in his message:

> These considerations lead me at this time to invoke the aid and counsel of the Congress and its support in such a further grant of power as seems to me necessary and desirable to render effective the policy I have indicated.

Now, what more effective remedies could he have had than those he already had? If he had stopped the supplies of Canadian fish from coming into this country, as he could have done in one day after the act had passed Congress and he had signed it, it would have been the best course he could have adopted. He could have issued his proclamation then and stopped the Canadian fish from coming in here, and that would have brought them to terms; and if it did not, then he could have issued his proclamation prohibiting intercourse between the Canadas and this country. That is where he is at fault and where he has made the mistake. What would you think, for instance, if a general in any army when sent to do a certain thing and to attack the enemy in a certain position should return and say to his superior he did not have force enough? He would simply be dismissed or superseded. This is exactly the position of the President. It was his duty to enforce what power he had from Congress, and then if he had not enough it was his duty to come here and ask for more power to bring the Canadians to terms. [Applause on the Republican side.]

Mr. HITT. I yield to the gentleman from Iowa [Mr. KERR].

Mr. KERR. Mr. Speaker, the bill under consideration is an extraordinary measure, and while I do not feel entirely justified in withholding my vote from it I think we should not lose sight of the fact that it is a measure of extraordinary character. The Constitution wisely placed in Congress the powers over the subject that are now sought to be placed in the hands of the Executive. Among these are the power to "regulate commerce with foreign nations;" the power to make reprisals; to "grant letters of marque and reprisal;" and none of these powers were by the Constitution placed in the hands of the Executive.

It is true Congress may authorize the Executive to exercise these powers, and it is proper that it should do so when the specific occasion has arisen to exercise them. But Congress should not, except for the most urgent reasons, grant a general and continuing authority to the Executive, for such an act would amount to an abdication of its own power. The fact that certain powers resting in Congress were given to the Executive by the act of 1887 should have been regarded by him as a legislative declaration that if the wrongs complained of were not remedied the Executive should exercise the power of retaliation and should have been acted on by him as such, but we have not a particle of evidence that there has been a single protest during all that time against these wrongs and outrages since the power to enforce the requirements of the fisherman. It seems somewhat remarkable that so suddenly, after so long a period of absolute neglect and disregard, and after they had been pointed out as they have been done repeatedly both by the gentleman from New York (Mr. NUTTING in his speech three months since) and by the gentleman from Maine, Governor DINGLEY, and others, the President should now so suddenly discover that we have suffered so greatly as to demand such vast powers of retaliation as would virtually place the entire commerce of the Northwest subject to the whim of a single man. The gentleman from Mississippi [Mr. HOOKER] seeks to excuse the Executive for his failure to exercise his powers under the act of 1887 by the statement that there were negotiations pending to settle these matters by treaty. This is true; but the terms of the treaty show that the injuries complained of were entirely lost sight of by the Administration in the desire to reverse the policy of the Government and to settle by treaty a question of national policy which the Constitution wisely conferred on the law-making power.

There is no one who has given this question consideration who doubts that if the Executive had been as anxious to secure the rights of American fishermen and other American citizens as he was to secure the triumph of the policy of free trade, those rights would have been secured; for the main motive of the Canadians in preventing the exercise of American rights was to compel the Americans to admit their products free of duty, a motive with which the President was and has been in entire harmony. I am therefore much in doubt whether it is wise to extend further power to the same Executive that has refused to exercise the power he already possesses, when the exercise of the powers sought might be attended with such grave consequences to the commercial interests of the people of the great Northwest.

The power to declare war and all other extensive powers with relation to commerce should be scrupulously held where the Constitution intended, in the hands of Congress, except in cases where it confers these powers temporarily on the Executive, and where its specific exercise is closely defined; and the objections to the grant are the greater where the Executive has, as in this case, entirely disregarded and ignored the authority conveyed in former grants, and where the failure of the President to act efficiently has had the clearly discovered purpose to compel the adoption of policies at variance with the will of the legislative power. Is there not danger that if such measures are encouraged our country will drift into an elective despotism instead of the government intended by the framers of the Constitution? [Applause.]

[During the delivery of the above remarks the hammer fell.]

Mr. ADAMS. I have three minutes of my time remaining, and I yield sufficient time to the gentleman from Iowa to conclude his remarks.

Mr. KERR concluded his remarks as above.

Mr. HITT. I will now yield to the gentleman from Illinois [Mr. POST].

Mr. POST. I listened with special pleasure to the eloquent gentleman from Mississippi [Mr. HOOKER] during his remarks as to the wisdom of the utterances of the President of the United States. The gentleman referred especially to the letter of acceptance of Mr. Cleveland. I presume he referred to the letter of acceptance of 1884. If that be true he did the President scant justice, for he said it met with the approval not merely of his own partisans but with that of the opposite party. I say he did the President scant justice, for the papers of the opposite party keep a portion of that letter as standing matter in their columns, and when he was speaking of it I had before me a copy of the New York Tribune of to-day containing it. It reads:

> When we consider the patronage of this great office, the allurements of power, the temptation to retain public place once gained, and, more than all, the availability a party finds in an incumbent whom a horde of office-holders with a zeal born of benefits received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political service, we recognize in the eligibility of the President for re-election a most serious danger to that calm, deliberate, and intelligent action which must characterize government by the people.—*President Cleveland's letter of acceptance*, August 18, 1884.

The wisdom of these words in the light of recent events should be recognized by both parties. The complaint is not as to the wisdom of

what the President says, but as to the wisdom of what he does. I should be loath to say of him as has been said of some one, that "he never said a foolish thing and never did a wise one." I do not think this eulogy of the gentleman from Mississippi had any special connection with the subject under discussion, but in passing I merely notice it. We are discussing the retaliation bill and what the President has done, or rather failed to do.

Mr. Speaker, when this nation resolves upon war Congress should promptly pass every measure which the executive government finds necessary for its successful prosecution. The gentleman from Kentucky [Mr. MCCREARY] said in opening this debate:

There will be no division on sectional lines, but men of the South and men of the North will stand shoulder to shoulder in solid phalanx to defend American rights and American honor.

There has never been any doubt in the minds of those who fought for the Union, that those who fought against it would defend this country in case of a foreign war. When the blue and the gray united as comrades return victorious from that war, having earned the rewards due the soldiers of a republic, it may happen that some citizen who fought by substitute will have the "moral courage" and the power to defeat the representatives of a grateful people in fulfilling the nation's obligations.

When the embassador of France was insulted at Vienna, the French Government resolved upon retaliation and called in General Napoleon Bonaparte for his advice. He said, "If you want war with Austria I can furnish a better excuse for it."

Do we want war with England? Shall we prepare for it by encumbering our statute-books with a series of cumulative hostile laws to be utterly disregarded by our executive government?

The President in his message of August 23, 1888, recites that—

Our citizens engaged in fishing enterprises in waters adjacent to Canada have been subjected to numerous vexatious interferences and annoyances; their vessels have been seized upon pretexts which appeared to be entirely inadmissible, and they have been otherwise treated by the Canadian authorities and officials in a manner inexcusably harsh and oppressive.

Why was this message addressed to Congress? Why not England? Congress can not stop the wrong complained of; England can. Are the ungenerous and unneighborly acts on the part of Canada, so pathetically described in the message, only to be met by like ungenerous and unneighborly acts on our part? Is this the way a great government conducts its foreign affairs? Is it a dignified course?

What does the President want? When this question was last before this House in the second session of the Forty-ninth Congress, and discussed, as is customary, by the members of the Committee on Foreign Affairs, I find a Democratic member of that committee, the gentleman from Illinois, Mr. Worthington, saying:

What are the wrongs of which we complain? The Canadian authorities have hindered and annoyed our inshore fishermen in the enjoyment of the privileges of shelter, repair, wood, and water guarantied to them by the treaty of 1818. They have also insisted that the deep-sea fishermen were subject to the same limitations as those applying to the inshore fishermen. That is all the difficulty between us and Canada. There is nothing else in dispute. Our intercourse in every other respect is just as free and harmonious as ever.

The President in his recent message contradicts this statement and shows that the member of the Committee on Foreign Affairs who used this language on March 2, 1887, knew little about the matter; that there were other questions and grievances, notably with reference to the use of the canals.

We find also that the gentleman from New Jersey [Mr. PHELPS] on the same day used the following language:

Does the House forget that one year ago we said to the President just what the gentleman from Virginia [Mr. DANIEL] wants us to say to-day: "We trust you; on you is the responsibility; take all that you ask?" Does the House forget that then and there we passed the Dingley shipping bill without any trouble or delay, and said to the President: "Take what we are told you want; take it and fight the Canadian Government with fire as you wish; fight them with the same fire with which they fight us; here is your authority; close every port in the United States against Canadian vessels; deprive all of them in American ports of every right which American vessels are deprived of in the ports of the Dominion?" The President of the United States has had these powers for a year and has never yet used them.

To-day we are again discussing the question of granting more powers to fight Canada. With both hands full of weapons the President asks for more. Will not the people begin to think that it is not weapons which are needed but some one with skill and courage to use them?

Gentlemen on this floor make light of the idea of war in this connection and the country ridicules it, but should the spirit of retaliation be established along the whole length of our northern frontier, could that be called peace?

Why has not the President demanded of Canada the international rights and privileges to which this country is entitled? Why does he not do it now? The English press suggests "that serious international questions ought to be suspended for half a year before a general election." It more than intimates that the sudden change of position on the part of the President concerns only his re-election. A demand directed toward Canada rather than to Congress would remove the suspicion so widely believed.

The President of the United States already has and should always have authority to protect American ships upon the high seas, American citizens wherever they may be, and American rights by whatever power assailed.

Mr. HITT. I yield to the gentleman from Pennsylvania [Mr. BAYNE] whatever time remains.

Mr. MCCREARY. Mr. Speaker, I ask unanimous consent to modify the order that was made a short time ago so as to continue the consideration of the pending bill to-morrow immediately after the reading of the Journal. The gentleman who objected before now withdraws his objection.

Mr. GEAR. How much time does the gentleman want?

Mr. MCCREARY. The time fixed for the vote is 4 o'clock to-morrow afternoon, and it is necessary to make this modification in order to give time for all the gentlemen who are set down to make speeches.

Mr. ANDERSON, of Iowa. Mr. Speaker, do I understand that the order is that the consideration of this bill shall be resumed immediately after the reading of the Journal to-morrow?

The SPEAKER *pro tempore*. The request of the gentleman from Kentucky [Mr. MCCREARY] is that the order heretofore made be modified so that the House will resume the consideration of this bill to-morrow, immediately after the reading of the Journal.

The SPEAKER *pro tempore*. The Chair will lay before the House several messages from the President.

Mr. MCCREARY. How long a time will it take to read the messages?

The SPEAKER *pro tempore*. Perhaps ten or fifteen minutes.

Mr. MCCREARY. I would suggest, as time is very precious, that the gentleman from Pennsylvania [Mr. BAYNE] go on now until 5 o'clock, and then——

Mr. BAYNE. I prefer not to begin until morning. I ask unanimous consent that the messages be read now, and that the session of to-day be extended until the reading of them is completed.

Mr. MCCREARY. Mr. Speaker, I made the inquiry as to how much time it would take to read the messages in order that I might make a request for unanimous consent that this day's session should be extended until their reading could be completed.

Mr. BAYNE. That is my request.

There was no objection, and it was so ordered.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President, by Mr. PRUDEN, one of his secretaries, was received.

The message further announced that the President had approved and signed bills and a joint resolution of the following titles, as follows:

On September 6, 1888:

An act (H. R. 11118) to authorize the construction and operation of a street railway and wagon bridge across the Rio Grande, between the city of El Paso, Tex., and Paso del Norte, Mexico;

An act (H. R. 2710) for the relief of Mathew H. Fulton;

An act (H. R. 8012) for the relief of M. M. Gibson;

An act (H. R. 3480) for the relief of John D. Munnerlyn;

An act (H. R. 793) for the relief of William Collins;

An act (H. R. 204) granting a pension to Frederick C. Shaw;

An act (H. R. 549) granting a pension to Joseph S. Wilson;

An act (H. R. 783) granting a pension to Mrs. Nancy E. Spencer;

An act (H. R. 889) granting a pension to Ishmael Jones;

An act (H. R. 3710) granting a pension to Samuel Piercy;

An act (H. R. 4504) granting a pension to Nancy Baldwin;

An act (H. R. 4575) granting a pension to Michael Hargain;

An act (H. R. 5232) granting a pension to Andrew Mucklin;

An act (H. R. 5446) granting a pension to William H. Dowdall;

An act (H. R. 6314) granting a pension to William J. Toncray, of Tennessee;

An act (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin;

An act (H. R. 8571) granting a pension to Margaret J. McQuary;

An act (H. R. 8617) granting a pension to Henry Crotsley;

An act (H. R. 8885) granting a pension to Eliza A. Woods;

An act (H. R. 9130) granting a pension to Susan Singleton;

An act (H. R. 9399) granting a pension to Albert O. Robb;

An act (H. R. 9463) granting a pension to Lucy A. Jordan;

An act (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward;

An act (H. R. 9704) granting a pension to Martha F. Lee;

An act (H. R. 10356) granting a pension to John T. Vincent;

An act (H. R. 10607) granting a pension to Rachael Morgan;

An act (H. R. 10789) granting a pension to Philip Newman;

An act (H. R. 10906) granting a pension to Fidel Gates;

An act (H. R. 3055) for the relief of A. F. Saint Sure Lindefelt;

An act (H. R. 6848) for the relief of Elizabeth A. South;

An act (H. R. 8931) for the relief of Samuel E. Wilson;

An act (H. R. 9228) for the relief of Nathan Cook;

An act (H. R. 9387) for the relief of Emanuel H. Custer;

An act (H. R. 9824) for the relief of Albert Watson;

An act (H. R. 775) granting an increase of pension to John D. Jones;

An act (H. R. 8912) granting an increase of pension to Almeron J. Patchin;

An act (H. R. 9253) granting an increase of pension to Richard Hogan;

An act (H. R. 2908) to increase the pension of W. B. Stokes;

An act (H. R. 5123) to increase the pension of Charles Ritchey;

An act (H. R. 9792) to increase the pension of Charles S. Baker;

An act (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war, and late a private in Company D, Third United States Infantry; and

Joint resolution (H. Res. 201) to correct an error in the act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

The following bill was approved September 7, 1888:

An act (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

JOHN DEAN.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9372, entitled "An act granting a pension to John Dean."

The beneficiary named in this bill was mustered into the service of the United States February 25, 1863. He never went to the front, but while in camp at Staten Island, on the 21st day of April, 1863, was granted a pass for forty-eight hours, and on account of sickness did not again rejoin his company or regiment. The charge of desertion made against him has been removed. The Surgeon-General's report shows that he was treated at quarters on Staten Island in April, 1863, for syphilis, rheumatism, and debility.

He was admitted to Charity Hospital, Blackwell's Island, New York Harbor, August 5, 1863. He was admitted to the Ladies' General Hospital in New York December 1, 1863, and was discharged from the service for disability April 7, 1864.

The discharge was granted, as stated by the surgeon of volunteers in charge of the hospital, "because of sloughing of both corneas from inflammation contracted while absent without leave, having received a forty-eight-hour pass from his regiment April 15, 1863, then stationed on Staten Island. He lost his sight in August, 1863, while absent without leave. Unfit for Invalid Corps. Admitted to this hospital December 1, 1863. Not a case for pension."

A claim for pension was filed by the beneficiary at the Pension Bureau in March, 1877, alleging that on or about April 1, 1863, he suffered from chronic rheumatism and sore eyes occasioned by exposure and illness contracted in camp.

It will be observed that no affection of the eyes is mentioned in the record of his treatment in quarters.

The claimant was examined by the New York City board of surgeons in June, 1878, and no rheumatism was found to exist. He is now blind; and while his case is certainly a pitiable one, I am forced to the belief that the conclusions reached in 1879 upon his application, that his disease was contracted while absent without leave, and that his disability was due to syphilis, were correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 7, 1888.

C. T. MAPHET.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 217, entitled "An act granting a pension to C. T. Maphet."

This beneficiary enlisted August 1, 1863, and was discharged January 27, 1865, for disability.

The commander of the post certifies:

"This soldier says that he was first affected with the present disease, conjunctivitis, in the spring of 1862, since which time his eyes have never been well, and for a great portion of the time since enlistment he has been unfit for duty."

The certificate of the surgeon is as follows:

"Incapacitated by reason of long-standing conjunctivitis of both eyes, attended with partial opacity of the cornea. Disability existed prior to enlistment, consequently soldier is ineligible to the Veteran Reserve Corps."

The beneficiary filed no application for pension until April, 1883.

Notwithstanding some evidence of soundness prior to enlistment, it seems to be quite well established that the trouble with his eyes was not the result of his military service, but existed before enlistment.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 7, 1888.

CHARLES WALSTER.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 5503, entitled "An act granting a pension to Charles Walster."

This case has been very exhaustively examined by the Pension Bureau upon the application for a pension filed there by the beneficiary named in this bill. Upon a review of the evidence taken, it appears to be well established that any disability of the beneficiary heretofore existing was not attributable to his military service.

In addition to this a board of pension surgeons, as late as July, 1886, determined after a thorough medical investigation that no pensionable disability existed.

It thus appears that even if this bill were approved, there could be no rating, and the legislation would be of no advantage to the beneficiary named.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 7, 1888.

CATHERINE BUSSEY.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 333, entitled "An act granting a pension to Catherine Bussey."

It does not appear that the husband of this beneficiary ever applied for a pension. He was discharged from the volunteer Army on the 9th day of December, 1864, after a service of more than three years.

He was found dead on a railroad track on the 11th day of June, 1870, apparently having been struck by a passing train.

It is claimed that the deceased suffered a sunstroke while in the Army, which so affected his mind that he wandered upon the railroad track, and was killed in a fit of temporary insanity.

Though it would be gratifying to aid his widow, I do not think these facts are proven or can be assumed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 7, 1888.

MRS. JANE POTTS.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 5525, entitled "An act granting a pension to Mrs. Jane Potts."

The husband of this beneficiary enlisted in 1861, and was mustered out of the service in April, 1865.

He was taken prisoner by the enemy and endured for a long time the hardship of prison life.

He never applied for a pension, though undoubtedly his health suffered to some extent as the result of his imprisonment.

The beneficiary married the soldier in 1871.

He conducted his business affairs, managed his farm and accumulated property up to the year 1880, when by a decree of court he was adjudged insane, caused by sickness as far as was known, and that his disease was hereditary.

It also appears that his mother and sister had periods of insanity.

He committed suicide in 1882 by drowning.

The beneficiary, his widow, filed a claim for pension in 1885, claiming that the insanity which caused him to commit suicide resulted from the hardships of prison life.

Upon this application the facts of the case have been thoroughly examined. Two witnesses indicate that domestic trouble was the cause of the soldier's suicide. Another says that his wife (the beneficiary) was a pretty rough woman—a hard talker—and that the soldier often consulted him about the matter, and said it was hard to live with her. This witness adds that he does not believe that the soldier would have committed suicide if she had not abused him till he could not longer endure it.

The special examiner, in summing up the proof, says in his report:

"The general opinion in the community is to the effect that his wife drove him to commit suicide rather than to live with or to obtain a divorce from her. Her reputation is that of a virago."

This kind of evidence, while not perhaps determining the case, reconciles me to the conclusion which seems inevitable from other facts developed, that the military service and prison experience of the deceased were in no manner connected with his death.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 7, 1888.

MRS. CATHERINE REED.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 7717, entitled "An act granting a pension to Mrs. Catherine Reed."

The husband of this beneficiary served in the Army from July 25, 1862, to October 16, 1862, when he was discharged for disease of the lungs. He was pensioned for hernia and disease of the lungs.

On the 23d day of November, 1880, while working in a saw-mill, a piece of board was thrown from a buzz saw and struck him in the groin, causing a wound from which he died two days afterwards.

It is impossible to connect this injury and the resulting death with the disability for which he was pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 7, 1888.

JACOB NEWHARD.

The SPEAKER *pro tempore* laid before the House the following message from the President; which was read, and, with the accompanying bill, referred to the Committee on Invalid Pensions:

To the House of Representatives:

I return without approval House bill No. 4855, entitled "An act granting a pension to Jacob Newhard."

The records show that this beneficiary was mustered into the service August 20, 1862, as a lieutenant; that on the return for November, 1862, he is reported as "absent without leave—left hospital at Louisville." He was treated for hemorrhoids in the hospital at Nashville from December 12 to December 23, 1862, when, having served a few days more than four months, he tendered his resignation upon the ground of disability, and procured the following surgeon's certificate, upon which his resignation was based:

"Lieut. Jacob Newhard having applied for a certificate upon which to ground a resignation, I do hereby certify that I have carefully examined this officer and find him suffering from hemorrhoids, * * * and in consequence thereof is in my opinion unfit for duty. I further declare my belief that he will not be fit for the duties of a soldier in any future time, having already been afflicted twelve years, as he asserts."

On the 14th day of February, 1880, nearly eighteen years after his resignation, the beneficiary filed his claim for pension based upon hemorrhoids, the result of diarrhea and fever.

He denied upon this application that he was unsound prior to enlistment, and filed evidence to support his denial. One of the witnesses, a surgeon, who testified to incurrence of disability in the service, on a special examination stated that he so testified, having satisfied himself of the fact by personal interviews with the beneficiary.

I do not think in the circumstances surrounding this case that the beneficiary should at this late day be permitted to impeach and set aside the medical certificate procured by himself and containing his own statements, upon which he secured exemption from further military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 7, 1888.

And then, under the standing order of the House, at 5 o'clock, the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

The House was called to order by Mr. MCMILLIN as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., September 7, 1888.

SIR: Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ARABELLA DAVIS.

Mr. ROMEIS. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (H. R. 8553), which is already in the House, having been reported favorably from the Committee of the Whole. It is the bill granting a pension to Arabella Davis.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is authorized and directed to place on the pension-rolls the name of Arabella Davis, widow of Lieut. David Davis, late quartermaster of the Forty-fifth Regiment Ohio Volunteer Infantry, now deceased, subject to the limitations of the general pension laws.

Mr. MORRILL. Let the report be read.

The report (by Mr. YODER) was read, as follows:

The beneficiary named in the bill is the widow of David Davis, who served as first lieutenant of the Forty-fifth Ohio Volunteers from July 2, 1862, to June 17, 1863, when mustered out upon tender of his resignation, he being no longer able to endure the fatigues attending heavy marches. The claim of the widow has been rejected on the ground that the officer's fatal disease of kidneys was not due to erysipelas as alleged. He died June 1, 1886.

It is conclusively shown that Davis contracted erysipelas of leg while in the service, which disqualified him for further duty, and from which he was a constant sufferer until death. The physicians who treated him for some years after discharge are dead. Dr. Rowsey, who treated the officer in his last illness, testifies before the special examiner that he found him suffering with a complication of diseases—rheumatism, kidney disease, and erysipelas. The rheumatism involved all the joints in the body. The erysipelas was located in the legs. Dropsy set in of a general character. Dropsy was the result of his general broken-down condition, more specifically the disease of kidneys. Erysipelas utterly incapacitated him from movement. The immediate cause of his death was dropsy, the remote cause rheumatism.

There is other reliable evidence that Davis suffered more or less from rheumatism ever after discharge.

The special examiner, in submitting his report, makes the following statement:

"She (the widow) is a lady of excellent reputation in every respect, but, as I am informed, very poor; and I learned that she and her daughters have furnished the principal means of support both for themselves and the husband and father from the time he left the Army until he died, he being so disabled and incapacitated for labor that he earned but very little for the support of his family. The witnesses are all people of prominence in the community, and all testified unbiasedly. I have exhausted every source of information as to the soldier's physical condition since his discharge and return home from the Army, and I am firm in the belief that the claim is meritorious. That he was severely afflicted with erysipelas in one or both legs while in the service, which disability compelled him to resign, is to me satisfactorily proven, and that he was greatly disabled from the diseased condition of his leg from and at the time of his discharge until mortification set in, ending in death, seems to me well established."

Notwithstanding the favorable report of the special examiner, the claim was rejected as heretofore stated.

Recently the case was submitted to the medical advisory board of the Pension Office for further examination and report, which is as follows:

"A review of the evidence, as contained in the special examiner's report and as briefed in this case, confirms the opinion that upon the present legal approval the widow's claim must be rejected. That erysipelas or any disease resulting therefrom caused death can not be admitted. We are not fully satisfied that erysipelas existed as a factor in the last illness or that the condition testified to have existed in the legs was really erysipelatous. Dropsical accumulation dependent upon an organic disease distended the tissues and finally produced disintegration and absorption of tissue; hence the condition of the legs. According to the evidence of the attending physician, Bright's disease of the kidneys was the immediate organic cause of the dropsy, and rheumatism the remote. If the legal board can change the approval to rheumatism and results, or to disease of kidneys, we can act favorably on the claim, but if not, then rejection must be adhered to."

This change of approval has not been made, and therefore the rejection stands.

With the rheumatic history in the case, which the medical board fully recognized, it is the opinion of your committee that this difference of opinion between the two subordinate boards of the Pension Bureau should no longer deprive the widow of a pension. From the petition of a number of the most prominent citizens of Toledo, Ohio, now before us, it appears that she is an invalid, and has no means of support or income.

This bill is therefore returned, with the recommendation that it do pass.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio [Mr. ROMEIS] that this bill be now considered?

There was no objection.

The SPEAKER *pro tempore*. The Chair is informed that this bill was considered in Committee of the Whole at a former session and was reported to the House with the recommendation that it do pass. The question, therefore, is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROMEIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. YODER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

Mr. O'NEILL, of Pennsylvania. Before that motion is put, Mr. Speaker, I wish to make a request. I have a very peculiar case, and I desire to ask that the Committee of the Whole be discharged from the further consideration of the bill and that it be now put upon its passage.

Mr. PAYSON. It will soon be reached.

Several MEMBERS. Regular order.

Mr. O'NEILL, of Pennsylvania. If gentlemen would listen I am sure they would not object. It is a case of a totally blind man, seventy-two years of age——

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. Regular order is demanded. The question is on the motion of the gentleman from Ohio [Mr. YODER] that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business under the special order.

Mr. MORRILL. Mr. Chairman, I ask unanimous consent we proceed in the same way that we did last Friday evening, that the call of the roll be resumed at the point where we left off at the close of the last Friday evening's session, and that each member present as his name is reached have the privilege of calling up a bill for consideration.

Mr. ATKINSON. I move to amend so as to have the call commence at the beginning of the roll.

Several MEMBERS. Oh, no!

There was no objection, and it was so ordered.

MRS. FANNIE A. BOYD.

Mr. BUTLER. I call up the bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Captain O. B. Boyd.

The bill was read.

Mr. CHEADLE. Time will be saved by passing this bill over.

Mr. BUTLER. What is the objection to it?

Mr. CHEADLE. The objection is that it proposes to grant a pension beyond the amount authorized by law.

Mr. BUTLER. I do not suppose the gentleman will have any objection to it when he understands the case.

The CHAIRMAN. The Chair is advised that this bill has already been considered in the Committee of the Whole and reported to the House, and is one of the bills on the Calendar as unfinished business.

Mr. PAYSON. Then it is not now in order.

The CHAIRMAN. It is not in order at this time.

Mr. BUTLER. I called up this bill for the gentleman from New York [Mr. BLISS].

The CHAIRMAN. The gentleman can call up another bill.

MRS. SOPHIA VOGELSANG.

Mr. BUTLER. I call up the bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Sophia Vogelsang, widow of Dietrick Vogelsang, late a private in Company A, First Regiment Minnesota Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. CHIPMAN) was read, as follows:

Dietrick Vogelsang was a private in Company A, First Regiment Minnesota Volunteers. He was a pensioner up to his death because of the loss of his left leg, amputated by reason of wounds received in battle. Sophia, his widow, married him at Detroit, Mich., in 1849, and is now well advanced in years, being fifty-six years old; is in reduced circumstances and unable to labor. She made an application to the Pension Bureau in 1885, just after his death, for a pension, which was rejected on the ground that his death proceeded from the use of morphine. There is no doubt that he used this drug. This stump never healed, but was in a state of constant irritation, causing him terrible pain, to assuage which he resorted to morphia.

Dr. Kiefer, one of the best surgeons in Detroit, testifies that he treated him in October, 1862, after he was wounded, when "he was suffering with gangrene of the left amputated thigh, the flesh having been destroyed to a great extent by the gangrene," and that he had to make another amputation (January, 1863) high up. The stump healed, but broke out again, and the patient was obliged to take morphia to alleviate his severe and constant pain. In Dr. Kiefer's opinion he died from the combined effects of the morphia and the wound.

In the opinion of the committee it is a very nice distinction to say that he is not entitled to a pension because he died, not directly from the effect of the wound, but from the effect of medicine he was obliged to take in order to live under the suffering caused by the wound.

We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. BAIR.

Mr. CAINE. I call up the bill (H. R. 9862) granting a pension to Benjamin F. Bair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Bair, late corporal Company I, Seventy-third Indiana Infantry.

The report (by Mr. THOMPSON, of California) was read, as follows:

Benjamin F. Bair served in Company I, Seventy-third Regiment, Indiana Volunteers, from July 29, 1862, to March 21, 1863, when discharged by reason of defective vision. He alleges that at Lexington, Ky., in October, 1862, he received a saber cut in left hand; also that he was wounded in right groin and knee by the bursting of a shell at Gallatin, Tenn., in January, 1863, and that he contracted disease of right eye, resulting in total blindness of the same. The claim for wound of groin and knee was subsequently withdrawn, while the claim for wound of left hand and loss of sight of right eye was rejected by the Pension Bureau because there is no record of said disabilities and the parol evidence is not deemed sufficient to establish the same.

Capt. E. M. Williamson, of aforesaid company, testifies that claimant was wounded in left hand on October 20, 1862, while attempting to capture a Confederate captain and two privates. He was in company with two of his comrades, and was cut in the hand with a saber by said captain. The wound was dressed by the surgeon of the regiment. Also contracted sore eyes at Silver Spring, Tenn., by reason of which he was sent to the Gallatin (Tenn.) Hospital.

Reputation of affiant is shown to be good.

The regimental hospital records of the Seventy-third Indiana Volunteers and hospital records of Gallatin, Tenn., are not on file in the Surgeon-General's Office.

There is considerable evidence on file showing that claimant was sound at enlistment, and that on his return home to Plymouth, Ind., he suffered from a wound of hand and an affection of the right eye. He remained at home but a short time, when he left for the West, and has since so often changed his residence that it is impossible for him to obtain much evidence of his condition since the close of the war.

Medical examination finds total blindness of right eye from atrophy of optic nerve, also wound of left hand with loss of little finger through contraction.

While the claim is not supported with the usual accumulating evidence, for reasons heretofore stated, in the absence of any adverse evidence the testimony of the captain, who is shown to be a reputable witness, should be accepted as sufficient to establish the wound of left hand and loss of sight of right eye as of service and chargeable thereto.

Your committee therefore report favorably on the accompanying bill, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES JUNOT.

Mr. CARUTH. I ask for the consideration of the bill (H. R. 10687) granting a pension to Charles Junot.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Junot, of Louisville, Ky., who served in the Florida war under the name of Tom Jones.

The report (by Mr. BLISS) was read, as follows:

The claimant, under the name of Thomas Jones, was a private in Capt. Alexander Jernigan's company of Florida Mounted Militia from March 2, 1840, to November 14, 1840; and the regiment did duty in the Florida Indian war. A land warrant was allowed this claimant for the services rendered, his identity being established in that claim.

He is now sixty-six years of age, and in needy circumstances, being also physically disabled.

His case would fall within the provisions of the general service-pension bill for the survivors of the Indian wars from 1832 to 1842, favorably reported by this committee at the present session of Congress.

Your committee recommend the allowance to the claimant of a service pension, and therefore report the bill back recommending its passage; amended, however, by striking out, in lines 4 and 5, the words "subject to the provisions and limitations of the pension laws," and inserting at the end of the bill the words "and pay him a pension at the rate of $8 per month."

The amendments stated in the last paragraph of the report were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SUSAN V. WILCOX.

Mr. CHEADLE. I call up the bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Susan V. Wilcox, mother of Martin V. Wilcox, deceased, late private Company A, One hundred and twenty-eighth Regiment New York Volunteers, on the pension-roll, at the rate prescribed by existing provisions of law.

The report (by Mr. CHIPMAN) was read, as follows:

Mrs. Susan V. Wilcox is the dependent mother of Martin V. Wilcox, who enlisted August 12, 1862, and died in Louisiana, at quarantine, of fever, January 18, 1863.

Mother filed declaration for pension April 19, 1886, alleging dependence on soldier at the time of his death. Claim was rejected on the ground that claimant admits non-dependence on the soldier during the term of his Army service.

An examination of the papers on file discloses that this claimant at the time of the soldier's death was married and living on a small farm of 21 acres near Canaan, N. Y.; that the proceeds from this farm were barely sufficient to support the family, and that the so dier prior to his enlistment contributed by his daily labor to the support of the family, and continued to do so during the term of his service and up to the time of his death.

There are numerous affidavits showing that from the time of soldier's death claimant's husband was incapacitated by reason of sickness from earning a subsistence for his family; that their little property was mortgaged, and at the time of the husband's death was insufficient to furnish her a support; that since that time she has supported herself by keeping boarders, and that now, at the age of seventy, she is broken in health, unable to work, and is supported in part by relatives.

Your committee believe that the evidence establishes that this claimant was partly dependent upon the soldier during his enlistment. Her advanced age and present condition should entitle her to a pension, and we therefore report favorably, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNA M. NOYES.

Mr. COGSWELL. I ask for the consideration of the bill (H. R. 2471) granting a pension to Anna M. Noyes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Noyes, widow of Benjamin M. Noyes, late Captain of Company D, Forty-eighth Regiment Massachusetts Volunteers.

The report (by Mr. FRENCH) was read, as follows;

Anna M. Noyes is the widow of Benjamin F. Noyes, who served as captain of Company D, Forty-eighth Regiment Massachusetts Volunteers, from September 24, 1862, to September 3, 1363. He was a pensioner on account of dyspepsia and constipation, resulting from malarial poisoning, and died November 29, 1884, of catarrhal pneumonia. The widow's claim has been rejected on the ground that, in the opinion of the medical referee of the Pension Bureau, the fatal disease is not chargeable to the soldier's military service.

The records of the War Department establish the fact that Captain Noyes was sick from May 31 to August 26, 1863, was treated during that period for typhoid malarial fever, and was at date of discharge suffering from neuralgia, feverish habits, and general debility.

Dr. F. V. Cooke, the attending physician, testifies that he treated the officer during the last two years of his life. He was a constant sufferer from dyspepsia, constipation, and kidney trouble, caused in affiant's opinion, by malarial poisoning incurred in the service. Treated him in 1883 for malarial fever and several times for catarrhal dyspepsia. His constitution was so undermined from his long suffering that it was very difficult to pull him through. He contracted a severe cold, with chills and fever, about November 23, 1884, and continued in a dangerous condition for several days. Affiant diagnosed the case as one of pneumonitis, complicated by the catarrhal condition of the stomach and persistent constipation. Affiant is certain that had the acute disease not been complicated with the diseases of army origin the patient would have recovered.

Dr. William R. Chipman testifies that he attended the soldier in his last illness, in consultation with Dr. Cook, and that in his opinion he would have recovered if the disease, pneumonitis, had not been complicated with the army troubles.

While the direct cause of Captain Noyes's death was not the result of army service, there can be no doubt that the recognized diseases of that service were important factors in the same, and for this reason your committee are of opinion that the widow, who is badly disabled in right hand and in very feeble health, should at least have the benefit of the doubt, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the letter "M." after the word "Benjamin," in line 6, and inserting therein instead the letter "F."

The amendment stated at the close of the report was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY E. M'QUEEN.

Mr. CONGER. I call up the bill (H. R. 11243) granting a pension to Mary E. McQueen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary E. McQueen, an imbecile daughter of Anthony McQueen, late a private of Company D, Thirty-first Regiment of Wisconsin Volunteers, and pay to her duly appointed guardian a pension of $18 per month on and after the passage of this act.

The report (by Mr. MORRILL) was read, as follows:

The proposed beneficiary is the daughter of Anthony McQueen, jr., who served as private in Company D, Thirty-first Regiment Wisconsin Volunteers, from August 14, 1862, to June 20, 1865, and died April 14, 1869, from chronic diarrhea contracted in service. His widow, Ellen McQueen, was a pensioner, and is now dead, as appears from the certificate of the United States pension agent at Des Moines, Iowa. The soldier left surviving him six children under sixteen years of age, all of whom are now over pensionable age, and consequently no one is now drawing any pension on account of his death.

Mary E. McQueen is about thirty years of age and is an imbecile, utterly incapable of self-support, as shown by medical and lay testimony before your committee. She has no means of support, being dependent upon relatives who have a hard struggle to provide for themselves.

The liberal policy of Congress towards the dependent relatives of deceased soldiers, not provided for under the general pension laws, suggests the propriety of relief in this case.

The bill is therefore returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PERRY R. NYE.

Mr. CROUSE. I call up the bill (H. R. 6409) for the relief of Perry R. Nye.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Perry R. Nye, late of Company E, Tenth Regiment Ohio Volunteers.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Perry R. Nye served as a private in Company E, Tenth Regiment Ohio Cavalry. He made application for pension March 31, 1880, and the claim was rejected. He alleges as a disability hernia, which he says he incurred in the service and in line of duty. Claimant makes oath that he was one of a detail for foraging, and that the party while so foraging was attacked and that all but one besides himself were killed or taken prisoners. He says that while he was escaping his horse fell and threw him and rolled on him, thus producing rupture. There was but one eye-witness and that man is dead, therefore claimant can not furnish testimony of two witnesses who saw him incur the disability. Comrades and officers testify that he was, immediately after the time of receiving the alleged injury, unfit for duty and was excused from duty.

There is ample testimony in the case to show that claimant was a sound man when he entered the service, and that at the time of his return he was suffering from rupture, and has since his return continuously suffered from rupture. One comrade makes oath that said claimant exhibited the hurt to him at the time it is alleged to have been received, and that the hurt was puffed out as large as a hen's egg; that he put his hand on the injured part and it felt soft as though the bowels had passed out in a cavity. Other affidavits show that immediately on the return of the claimant from the service he was found to have a rupture and was fitted with a truss, and that since that time he has been obliged to wear a truss.

Examining surgeons say that he could not do hard work without wearing a truss.

The committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA A. EATON.

Mr. DAVIS. I ask for the consideration of the bill (H. R. 2472) granting a pension to Lydia A. Eaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Eaton, widow of William G. Eaton, late of Company A, Thirty-third Regiment Massachusetts Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The beneficiary named in the bill is the widow of William G. Eaton, who served as a private in Company A, Thirty-third Regiment Massachusetts Volunteers, from August 2, 1862, to July 12, 1865. He was a pensioner for chronic rheumatism, and died August 4, 1884. The widow's claim has been rejected on the ground that the fatal disease, cystitis, in the opinion of the medical referee of the Pension Bureau, was not a sequel to the chronic rheumatism. This action has been affirmed by the Secretary of the Interior.

Medical examination in 1875 showed chronic rheumatism in knees, hips, ankles, and shoulders, and numbness on outward side of right thigh. Medical examination in 1878 finds chronic rheumatism mostly in knee and ankles, sometimes in hips, shoulders, and wrists. Invalid states was disabled three weeks in May by inflammatory rheumatism. When he contracts cold it is worse.

Soldier was under medical treatment from date of discharge until death; but the death of the attending physician prior to 1884 leaves the case without medical evidence, except the examinations heretofore referred to during that period.

Dr. Perly E. Goodhue, of Haverhill, Mass., commenced the treatment of soldier in March, 1884, who was then suffering from chronic rheumatism and cystitis. Treatment continued until death, which was caused by acute cystitis, a subacute or chronic form of which he had suffered for years, being, in affiant's opinion, due to a weakened condition of the entire system, rendered thus by chronic rheumatism. Had not his physical strength been so seriously impaired by the existing rheumatism he would neither have been affected by the cystitis nor would death have been caused by any inflammatory process of equal severity. Lay witnesses testify to the existence of kidney troubles from discharge to death.

Were it not for the death of the first physician after discharge the widow, undoubtedly, would not have been under the necessity of coming to Congress, but could have established her title to pension before the proper bureau.

Your committee, however, are of opinion that the connection between the death cause and the service has been sufficiently established without the missing medical evidence, so as to entitle the widow to the favorable consideration of Congress, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ESTER GAVEN.

Mr. DOCKERY. I call up the bill (H. R. 11005) granting a pension to Ester Gaven.

The bill was read, follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension-roll the name of Ester Gavan, widow of Bernard Gaven, late a member of Company D, Seventy-first Regiment Ohio Volunteer Infantry, subject to the restrictions and limitations of the pension laws.

The report (by Mr. YODER) was read, as follows:

Ester Gaven is the widow of Bernard Gaven, private of Company D, Seventy-first Regiment Ohio Volunteer Infantry, now deceased. This widow applied for pension on account of husband's death having been the result of disease contracted by him while in the service and in line of duty. This case, by the papers on file in the Pension Office and by the records in the Surgeon-General's Office, has been clearly established, all except the proof of the immediate cause of his death. He having been sick a long time suffering from chronic diarrhea and disease of the stomach, the disability alleged for pension, and they being poor people, had, it appears, no regular family physician who could testify in case of his death.

Mrs. Gaven is quite old and feeble and broken down in health, and has become a charge on the community in which she lives. The record clearly shows that her husband was a brave and good soldier. There is testimony on file as to soundness prior to his enlistment; also as to contracting disease in the service and in line of duty, there is no doubt. In fact, if this missing link of the evidence of the attending physician or some other competent evidence could be procured as to the cause of his death the case would have been allowed. Your committee is clearly of the opinion, from the evidence on file, that it could be proved that the cause of death was the result of the disease contracted in the Army; and from a careful investigation your committee is of the opinion that this is a meritorious case, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH HECKLER.

Mr. FARQUHAR. I call up the bill (H. R. 11222) granting a pension to Elizabeth Heckler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Heckler, widow of the late Francis Heckler, of the Thirty-ninth Regiment New York Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11222) granting a pension to Elizabeth Heckler, have had the same under consideration, and beg leave to submit the following report:

The proposed beneficiary is the widow of Francis Heckler, who served in the United States Navy from March 3, 1841, to March 8, 1845, and as musician of the Thirty-ninth Regiment New York Volunteers from May 17, 1861, to June 23, 1862, when he was discharged upon surgeon's certificate of disability. The soldier applied for pension August 5, 1879, on account of asthma contracted in the spring of 1862 at Hunter's Chapel, Va. He died without completing his claim September 30, 1880. The claim was, however, completed by the widow after a very thorough special examination. Her claim has been rejected by the Pension Bureau on the ground that the fatal disease, cystitis, is not accepted as a result of the asthma.

The diagnosis of the fatal disease was made by a physician who had no personal acquaintance with the soldier until within a week of his death, and who admits in his deposition before the special examiner that he knew of no other difficulty in the case at time of his treatment of Heckler. Yet the proof in support of the invalid claim for asthma is so overwhelmingly strong as to its severeness from date of discharge to death that the Commissioner of Pensions upon a personal review of the case directed, even in the absence of a medical examination (the claim not having been reached for action thereon during the soldier's life-time), a reissue of the original certificate at one-half of total to a total pension from date of discharge.

The special examiner in his report says:

"There is no evidence whatever that cystitis, etc., existed up to a few weeks before his death, and there is overwhelming evidence that he suffered greatly and continuously from discharge to death with asthma. From personal experience I know that cystitis, etc., is a painful but lingering disease, and one that does not result fatally in a few weeks or months."

Again he says:

"The claim is a singularly clear one, and the witnesses exceptionally reliable, and it is very plainly shown that the soldier was sound and healthy before enlistment, and earning a good living by his profession as a musician, and that after his discharge he never earned, nor was able to earn, a dollar at it owing to asthma."

Admitting that cystitis did exist during the last week or two prior to death, and that it became necessary to relieve the suffering therefrom by medical treatment, there yet remains the undisputed fact that asthma was, and had been for years, the principal disabling cause, and that it alone was of such a serious character as to cause death at any moment.

The claim of the widow is highly meritorious, and therefore the bill is returned with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JENNY BUELL.

Mr. GEAR. I call up the bill (H. R. 10159) granting a pension to Jenny Buell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Jenny Buell, widow of Henry C. Buell, late a private in Company B, Fourteenth Regiment New York State Volunteers, and pay her a pension at the rate of $12 per month.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10159) granting a pension to Jenny Buell, have had the same under consideration and beg leave to submit the following report:

Claimant is the widow of Henry C. Buell, who served as private of Company B, Fourteenth New York Volunteers, from May 17, 1861, to May 24, 1863. He was taken prisoner at the battle of Winchester May 25, 1862, and kept in Southern prisons until September 13, 1862. From exposure during imprisonment he contracted scurvy and chronic diarrhea, and finally died of pneumonia April 22, 1886. The claim for chronic diarrhea was established; that for scurvy is not established.

The claim of the widow has been rejected on the ground that the death cause, pneumonia, is not accepted as a result of the service.

It being conceded that chronic diarrhea was contracted in the service, there is no necessity to refer to the evidence on that point. It is claimed, and the evidence corroborates the allegation, that the soldier became much emaciated from the effect of chronic diarrhea of more than twenty years' standing. A few months prior to his death it became necessary, in consequence of the disease with which he was suffering, for him to obey the calls of nature, and in so doing caught a cold, and had a spell of sickness, from which he had only partially recovered when he was under like circumstances again exposed to the inclemency of the weather and contracted pneumonia. His enfeebled condition made it less possible to successfully treat this acute disease, and death ensued. The attending physician expressly states that what seemed a severe cold, although not serious, developed into pneumonia because of the emaciation from chronic diarrhea.

The widow is dependent upon her own labor for her support and that of two children, with the exception of an income of $7.50 per month, the greater part of which, however, in fact belongs to relations, but is not claimed by them because of her poverty and dependence.

Your committee are of opinion that the evidence does show that the death cause of the soldier is at least indirectly connected with his military service, and therefore report favorably on accompanying bill and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LOUISA V. DE KILPATRICK.

Mr. GEST. I call up the bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, and to pay her a pension from the passage of this act, for and during her natural life, at the rate of $100 per month, in lieu of the pensions he may be receiving under any prior law.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, have had the same under consideration and beg leave to submit the following report:

The report of the Senate committee is as follows:

"It appears from the papers on file that General Judson Kilpatrick, the hus-

band of the applicant, was mustered into the service May 9, 1861, and appointed brigadier-general June 13, 1863, and discharged January 1, 1866.

"From the papers submitted there appears to be a conflict in the testimony between the examining surgeon and the physicians who attended the general during his last illness. General Kilpatrick died December 2, 1884, of Bright's disease of the kidneys, at Santiago, Chili.

"There is abundance of medical testimony showing that his death was caused by Bright's disease, which may have been induced by exposure in the service of his country.

"Your committee, however, feel that the distinguished and valuable service rendered by General Kilpatrick during the war of the rebellion entitles his widow to a just recognition from the Government he so ably and faithfully served. We therefore recommend the passage of the bill, with the following amendment:

"Strike out the words 'two thousand dollars per annum' in the ninth line and insert the words 'one hundred dollars per month.'"

Recognizing the eminent services of General Kilpatrick your committee likewise report favorably on the bill, and ask that it pass, amended, however, by striking out the words "one hundred" in line 7 and inserting therein instead the words "seventy-five."

The amendment of the committee was agreed to.

Mr. MORRILL. I move the further amendment to strike out the words "for and during her natural life."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD HUDSON.

Mr. GUENTHER. I call up the bill (S. 2576) granting a pension to Richard Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard Hudson, late of Company B, Third Regiment Wisconsin Volunteer Cavalry.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2576) granting a pension to Richard Hudson, submits the following report:

The beneficiary under this bill has heretofore filed his claim for a pension in the Pension Office, where the same was rejected. The ground on which the same was rejected was that the beneficiary was unsound at the time of his enlistment.

The committee think it entirely clear from the evidence as set forth in the Senate report, hereto annexed and made a part hereof, that the ruling of the Pension Office failed to do justice; and believing that the case is a meritorious one, they recommend that the bill do pass.

[Senate Report No. 987, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred a bill granting a pension to Richard Hudson, have examined the same and report:

The claimant was a member of Company B, Third Wisconsin Cavalry; enlisted December 17, 1861; was discharged June 29, 1863; for disability. He claims pension for hernia incurred at Benton Barracks, St. Louis, Mo., on guard duty at night while crossing a ravine, sustaining a severe fall.

Several witnesses testify to his prior soundness, to their personal intimacy with him, and having seen him in a nude state, whereby they would have known it if he had hernia before enlistment.

Thomas T. Smith testifies that he was a member of the same company; that at Benton Barracks, St. Louis, Mo., about the month of April, 1852, said Hudson, while on guard duty, crossing a ravine, received a fall by which he was severely ruptured; that he went with him to Dr. Reynolds, the regimental surgeon, who, after partially stripping him, made an examination and declared that he had been severely ruptured and gave a certificate to that effect, and Hudson was then exempted from duty.

William Spikes, another comrade, testified that Hudson was placed on guard duty at Benton Barracks to prevent soldiers from scaling the fence and deserting; that in attempting to prevent the escape of a soldier or soldiers in the nighttime he fell, and the fall produced rupture. He was taken off duty and remained off until discharged.

Dr. Reynolds, surgeon of the regiment, made two statements, which he says he can not reconcile. One was that he was ruptured in the service, and the other that his rupture existed before enlistment. He thinks he must have been mistaken as to one or the other; which, he can not determine. He found several hernias after he got in the field; soldiers had eluded examination by him previous to muster; that officers connived at keeping recruits from being examined when found "I was rejecting men for hernia." He was mistaken in one or the other of his statements as to this man.

In his testimony made to a special examiner his bias is strongly against the claimant. The doctor's reputation is good, but as to this matter his statements are so mixed as to be valueless for or against the claim.

The certificate of discharge is signed by A. L. David, captain, and Dr. Reynolds, surgeon. The first says he was unaware of claimant's disability at the time of his enlistment, but has since ascertained that he had a breach, and he has good reason to believe that it was of several years' standing. Dr. Reynolds, in the same certificate, says:

"He has inguinal hernia of several years' duration; he was mustered into the service without having been examined."

It is not probable that soldiers "eluded" examination. It is admitting a very lax and reprehensible military system to assume that recruits could elude examination, or officers connive at keeping recruits from being examined. If the Government's resources were so limited that such expedients as are here admitted were resorted to for the purpose of replenishing our forces, it is a little late in the day to avoid the payment of a pension by using the statements of recruiting officers who certify to such disgraceful expedients.

There have been three special examinations in this case; one by an examiner named Van Buren, who magnifies whatever is to the disadvantage of the claimant, and whose report as to its chirography is almost unintelligible.

Russell Barnes, another special examiner, concludes his report, which is on the average quite favorable, with the comment that "the claim has merit."

There is in the file a review of the case by "Winans, examiner," approved by "S. R. Hersay, assistant chief, Western division," which, in the opinion of the committee, shows conclusively that the claim should have been admitted by the Pension Office. It is adopted as a part of this report, and is as follows:

"Believing injustice has been done claimant in rejecting his claim above named, it is again submitted for admission. The record evidence on which said claim has been rejected is a copy of certificate of disability for discharge, signed by Capt. A. L. David and Surgeon B. O. Reynolds. In it the captain in his statement is vague and indefinite; admits he has rupture, and he has good reason to believe it is of several years' standing, but does not furnish any of those 'good reasons' for such belief. Surgeon Reynolds in said certificate says inguinal hernia of several years' standing. In an affidavit filed December 12, 1882, he states claimant incurred rupture about April 15, 1862, and was discharged for same. In a letter filed March 19, 1884, he states: 'At this time I have no personal knowledge of claimant's condition when he enlisted. I can not reconcile the statement that he was ruptured about April 15, 1862, and the one in certificate of disability that it was of several years' standing. Must have been mistaken in one or the other statement.'

"Lieutenant Wagner, afterwards captain, states claimant was sound; also Comrades Thomas T. Smith and William Spink. After the first rejection of claim by Assistant Chief Green, of Western division, on certificate of disability for discharge, the evidence of Charles E. Lewis and James Johnson is furnished, all of whom state from personal knowledge that claimant was sound immediately prior to enlistment. Charles E. Lewis and James Johnson were specially examined, and Hon. PHILETUS SAWYER certifies all the witnesses are credible. Lieutenant Wagner testifies as to incurrence of injury, and states that the surgeon pronounced it rupture of groin. Comrade Thomas T. Smith states he went with claimant to Surgeon Reynolds, who examined claimant and declared he had incurred a severe rupture of groin. Corporal Miller makes a similar statement. Comrade Spink also testifies, from claimant's statement, as to incurrence of injury. Surgeon Reynolds testifies in affidavit filed December 12, 1882, that at Benton Barracks, Mo, about April 15, 1862, he incurred a rupture of right side and was discharged for same in June, 1862. Claimant, who Hon. PHILETUS SAWYER states is a good and honorable man, swears positively he was not ruptured before he enlisted, and that he did incur it at Benton Barracks, Mo., about April 15, 1862."

It is a matter of fact that this man was drafted after his discharge, and that he was rejected in consequence of the rupture for which he was discharged.

The committee does not attempt to reconcile the contradictory evidence of Surgeon Reynolds, nor the conflicting views of the Pension Office examiners. There is positive testimony from parties whom the maker of this report knows to be men of the very best standing, showing that this man was sound when he enlisted, that he incurred his disability in the line of duty, and that his claim should have been admitted long ago.

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIAN WINKEL.

Mr. HAUGEN. I call up the bill (S. 3186) granting a pension to Christian Winkel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Christian Winkel, late a private in Company B, Sixth Regiment Wisconsin Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, having had under consideration the bill (S. 3186) granting a pension to Christian Winkel, submit the following report:

The report of the Senate Committee on Pensions is adopted, and the passage of the bill is recommended.

SENATE REPORT.

Christian Winkel was a member of Company B, Sixth Regiment Wisconsin Infantry. He bases his claim upon the incurrence in the Army of diarrhea and flux and resulting disease of skin. The Pension Office statement is that his claim was rejected "upon the ground that claimant admits before a special examiner having been affected with diarrhea, piles, and constipation before enlistment, and that the disease of skin did not develop until after discharge."

This is somewhat a peculiar case. Christian Winkel, the claimant, a German, a stranger in our land, without the slightest knowledge of the English language, was drafted. The time he was in the service covered about ten months, and ended with the close of the war. He was a faithful soldier, always on duty except when he was sick.

"Henry Krumdick testifies that he was a comrade of Winkel, often occupied the same tent, and he knows that his skin disease was caused by hard service, exposure, and taking cold, and thinks it was from blood-poisoning. He visited him once at the hospital between Washington and Alexandria, and he complained much of this disease, but did not know what it was."

Yet the Pension Office says the disease did not develop until two or three months after discharge. This conclusion by the bureau, and the fact, as the Commissioner states, that Winkel admitted that he had chronic diarrhea and piles before he was drawn into the service, was the basis of the decision that his disabilities existed prior to his service, and therefore he is not entitled to a pension.

In the claim there is contradictory testimony, and one witness goes so far beyond the bounds of probability as to say that he has not been disabled and that he is not now.

It is also apparent that the Pension Office officials have conflicting views. One of the special examiners criticises another, and says:

"The report of Mr. Raymond I regard valueless, because to my knowledge he does not understand German, and employed as interpreter an ignorant hostler, acting at the time as his driver."

The special examinations, the evidence filed, and the record of the man's service, in the opinion of the committee, develop these facts:

He was drafted, was accepted, served his time faithfully, and was discharged. The fact that he was accepted should have conclusive weight with the committee that he was sound. The only showing to the contrary is the alleged admission made by him through an interpreter that before service he had piles and rheumatism, but they were cured. In an affidavit Winkel says he claims pension for skin disease incurred during the war, and he adds:

"That his claim for pension was misstated from the beginning; those who drew his papers misunderstood because he don't understand English."

And furthermore he says:

"That he is wronged by the special examiner, C. B. Rockwood. When C. B. Rockwood conducted my examination at the office of C. Hageman, esq., he ordered me to Appleton for a medical examination; but when I did come there I hunted two days in every hotel and by every doctor in the city in vain for Mr. Rockwood, and telegraphed twice to him, and received answer, not at home; and don't know, not yet, to-day where Mr. Rockwood and his medical examination is."

Gregor Anhalt testifies that he has known Winkel twenty years, and he is positive that his skin disease is the result of blood-poisoning while in the service.

"I drew my belief (he says) by seeing and examining and cupping him a short time after his discharge."

Special Examiner Rockwood in his report says:

"I am impressed with the evident truth of claimant's statement, and regard his particular description of the disease of skin equivalent to a surgical examination."

There is evidence to show that this disease is loathsome and causes severe

suffering; also that he is disabled to some extent with piles, constipation, and rheumatism. The ground for rejection stated by the Pension Office is not approved by the committee. The mass of evidence is against the conclusion that he was disabled before the service, and the skin disease is clearly a result of his soldier life, but even if the Pension Office conclusion was correct, that the military authorities were guilty of the blunder of accepting for a soldier a man broken and diseased, he cheerfully accepted the situation, fought like a man in good health, and contributed his best efforts to save the country he had adopted. In his present condition he needs relief, and, in the opinion of the committee, it would not only be unjust, but a national disgrace to deny it. The bill is reported favorably with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LIEUT. GEORGE T. RUSSELL.

Mr. HERMANN. I call up the bill (H. R. 2788) granting a pension to Lieut. George T. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George T. Russell, late a first lieutenant by brevet in the Seventeenth Regiment Massachusetts Volunteers, and later of the Eighty-seventh Company, Veteran Reserve Corps, from which he was discharged by resignation at Cairo, Ill., November 18, 1865.

The report (by Mr. THOMPSON, of California) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2788) granting a pension to Lieut. George T. Russell, have had the same under consideration and beg leave to submit the following report:

George T. Russell enlisted July 16, 1861, in Company C, Thirteenth Regiment Massachusetts Volunteers, was promoted to second lieutenant, Seventeenth Massachusetts Volunteers, February 19, 1862, and mustered out, upon tender of resignation because of disability, September 24, 1862. He again entered the service July 20, 1863, as second lieutenant of the Veteran Reserve Corps, and was finally mustered out November 16, 1865. His claim for pension on account of rheumatism and effects of malarial fever has been rejected by the Pension Bureau on the ground that the evidence is not deemed sufficient to connect the former with the service, and medical examination failed to show the existence of any disability from the latter cause.

It appears from the records of the War Department that Lieutenant Russell suffered from remittent fever from July 12 to September 20, 1862, while stationed at New Berne, N. C., and at home on leave, having received a furlough for twenty days July 21, 1862. Immediately upon his arrival home in the fall of 1862 he came under treatment of Dr. Bradford, now deceased, for malarial poisoning and rheumatism, a common sequence of the former. As heretofore stated, Russell again entered the service in July, 1863. The Adjutant-General states, "the disability for which he was appointed in the invalid corps was occasioned by disease in service and wound in battle." Upon his final muster-out in 1865, Russell is shown to have suffered so severely from rheumatism as to compel him to give up agricultural pursuits, in which he had previously been engaged, and to engage in teaching school, which has been his principal occupation ever since.

There is ample testimony on file, both medical and lay, showing that Russell has been a great sufferer from rheumatism ever since discharge. Medical examination reveals muscular rheumatism and an anæmic condition.

From all the evidence in the case your committee are of opinion that claimant did contract malarial poisoning and rheumatism while in the military service of the United States, and that his present disabled condition is chargeable thereto.

The bill is therefore returned with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

STATIRA YOUNG.

Mr. HOPKINS, of New York. I call up the bill (H. R. 5174) granting a pension to Statira Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Statira Young, widow of Joseph Young, Company D, Twelfth Regiment New Hampshire Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5174) granting a pension to Statira Young, have had the same under consideration and beg leave to submit the following report:

Statira Young is the widow of Joseph Young, who enlisted August 15, 1862, in Company D, Twelfth Regiment New Hampshire Volunteers, and was discharged on account of wounds received at Chancellorsville, Va., May 3, 1863. He was a pensioner at the rate of $18 per month for gunshot wound of right hip, scrotum, and penis, and died August 18, 1881, of disease of brain. The widow's claim has been rejected on the ground that the fatal disease was not due to the wound for which pensioned. This action was based upon the assumption of the attending physician that the bullet was lodged in the sacral region of the spine, whereas the fact is that it passed through the thigh and out through the testicle and penis.

The last medical examination of the soldier, May 4, 1881, shows as follows:

"Ball entered nates, passed back of femur, through the thigh, scrotum, and penis, destroying the right testicle. The right leg is much smaller than the left and nearly useless; both arms are affected, the right nearly useless. He is deaf in right ear and blind in right eye. Left leg is weak and failing. Applicant seems to be constantly growing worse; is now a broken-down man, almost demented."

Dr. W. F. Baldwin testifies that he was called in the case August 14, 1881; found soldier suffering from pain at base of brain and extending along the spinal cord; gastric catarrh evident; pupils affected; spasms of muscles of lower limbs. Diagnosed the case spinal inflammation and extension to brain, dependent on wound and exposure in the Army.

Drs. Powers and Sanborn also testify to cause of soldier's death, corroborative of the testimony of Baldwin.

Partial paralysis of right limb followed immediately upon the wound, as shown by the certificate of disability for discharge, and continued till death. It was recognized by the Pension Office as a sequela of the wound, and included in the rating.

It would seem that, in the absence of any evidence to the contrary, the fatal disease should have been held as directly chargeable to the severe wound received in the service. Its serious effects upon the nervous system are conceded by the Pension Office. The attending physicians evidently erred in their diagnosis of the case, resting their judgment upon the assumption that the ball had not been extracted. The wound itself, without the presence of the ball, affords ample ground for favorable action in the case of the widow. She was married to the soldier in 1847, and for the last eighteen years of his life faithfully cared for him in his almost helpless condition. She is without means and now nearly eighty years of age.

Your committee return the bill with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. ROBERTS.

Mr. ANDERSON, of Illinois. The name of Mr. JOHNSTON, of North Carolina, has been called, and I wish to state that he is ill and has requested me to call up for him the bill (H. R. 2127) for the relief of George E. Roberts.

The bill and report were read.

Mr. KILGORE. I must object to this bill, but I do not object to its being withdrawn.

Mr. ANDERSON, of Illinois. I know nothing about it.

The CHAIRMAN. The bill will be passed over, not to lose its place on the Calendar, if there be no objection.

Mr. KILGORE. I do not object to that.

There was no objection, and it was ordered accordingly.

LIEUT. STARKEY R. POWELL.

Mr. KILGORE. I call up the bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of Black Hawk war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Starkey R. Powell, late lieutenant in Capt. William B. Smith's company of the Third Regiment of Illinois Mounted Volunteers in the Black Hawk war, and pay him a pension at the rate of $50 a month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10068) granting a pension to Starkey R. Powell, have considered the same, and report as follows:

The claimant served as first lieutenant in Capt. William B. Smith's company, Third Regiment Illinois Mounted Volunteers, from April 21 to May 27, 1832, Black Hawk war.

A statement signed by about eighty of the prominent citizens of his county, including Hon. J. M. Riggs, ex-member of Congress, certifies that the claimant is eighty-one years of age, infirm and sickly, unable to perform any manual labor, and in need of relief.

His case falls within the provisions of the bill to pension the survivors of this and other Indian wars between 1832 and 1842, favorably reported by this committee.

Owing to his rank, age, and infirm condition, your committee report back the bill, recommending its passage at the rate of $30 per month. They therefore recommend that the bill be amended by striking out the word "fifty," in line 9, and inserting in lieu thereof the word "thirty."

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL A. TATE.

Mr. LANDES. I call up the bill (S. 2750) to increase the pension of Samuel A. Tate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Tate, late of Company I, of the Fortieth Regiment Illinois Volunteers, and pensioned under certificate No. 321486, and to pay him a pension at the rate of $24 per month, in lieu of the pension he is now receiving.

The report (by Mr. LANE) was read, as follows:

The committee beg leave to report that they have considered this case, and adopt the report of the Senate as their report herein, and recommend that said bill do pass.

[Senate Report No. 1300, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2750) to increase the pension of Samuel A. Tate, have examined the same, and report:

The claimant under the bill was enlisted in Company I, Fortieth Illinois Infantry Volunteers, October 17, 1861, and was discharged July 24, 1865. During service he was attacked with typhoid fever, resulting in weakness of the back, which, on examination, was determined to be lumbago, and for which he was pensioned from June 12, 1884, first at $4, and afterwards at $8 per month. February 1, 1887, claimant filed declaration for increase for disease of spine and effects, results of typhoid fever, instead of lumbago, which application was rejected January 28, 1888. The bill is for the increase which was disallowed by the Pension Bureau.

No question exists as to the incurrence in the service of disease, by whatever name it may be designated, nor as to its continuance since service; nor as to the fact of extreme disability to which it subjects the claimant. It is clear on its face that the present allowance is out of correspondence with the suffering and disability. Four official and two lay examinations have demonstrated the fact of claimant's incompetency to support himself by manual labor. The results of the last official examination, made by a medical board October 19, 1887, are certified as follows:

"General appearance very bad. Flat-breasted, pale, enæmic, emaciated; muscles very soft and flabby; thick breathing, coughs, expectorates a thick phlegm mixed with mucus; tender on pressure over the clavicle region; tender over all the muscles of back on left side of spinal column and at sacroiliac junctures; all the lumbar vertebræ are prominent and tender on pressure; stomach, liver, and spleen all enlarged, and tender on pressure; dull on percussion over apex left lung, with marked crepitation; in some prolonged expiratory murmur, and increased vocal resonance in some; respiratory murmur rough and jerky or rather wany in right lung, but resonant on percussion. Forced respiration; expiration 32 inches, inspiration 33 inches, repose 32½. Has four internal pile sacks, ulcerating in centers. Heart's action irregular and jerky, giving an impulse to the entire precordial region. He is wrecked mentally and physically. Has asthma at times.

"He is in our opinion entitled to an eight-eighteenth rating for the disability

caused by lumbago, four-eighteenths for that caused by disease of lungs, four-eighteenths caused by piles, two-eighteenths disease of spine, eight-eighteenths of third-grade disability equivalent to the loss of a hand or a foot."

Whatever question there may be about the character of the original ailment, there is, under the evidence, no doubt that the claimant's present disabilities are in the direct line of descent from his army service, and the man who is by virtue of such service "wrecked mentally and physically," is entitled to a higher pension than he now receives.

The committee report favorably upon the bill with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RACHEL ROGERS.

Mr. LANE. I call up for present consideration the bill (H. R. 10171) granting a pension to Rachel Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel Rogers, dependent mother of Jeremiah T. Rogers, late sergeant of Company H, Fifty-fourth Regiment of Illinois Volunteer Infantry.

The report (by Mr. LANE) was read, as follows:

The committee, in considering this case, find from the evidence that Jeremiah T. Rogers was sergeant of Company H, Fifty-fourth Regiment Illinois Volunteer Infantry, and the claimant herein is his mother. The soldier was drawing a pension from the Government in his life-time, and he died February 26, 1886, of lung disease, which he contracted in the Army and while in line of duty. The mother is now seventy-four years of age, and while as a matter of fact in the life-time of the soldier and while he was in the service of the Government she was not depending on him for her support, the evidence now before the committee shows that she is very poor and has no means of support and is unable to labor, and that there is no person legally liable to support her.

In view of the facts in this case the committee recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN N. BOVEE.

Mr. LYMAN. I call up for present consideration the bill (S. 3018) granting n increase of pension to John N. Bovee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John N. Bovee, late of Company E, Eighteenth Regiment New York Volunteer Infantry, from $30 to $40 per month.

The report (by Mr. CHIPMAN) was read, as follows:

The report of the Senate Committee on Pensions is full and accurate, and we adopt and submit it to the House, namely:

"Claimant enlisted in Company E, Eighteenth New York Volunteer Infantry, May 17, 1861, and was discharged from the service on surgeon's certificate of disability September 15, 1862. He was wounded in the service, necessitating the amputation of his right leg, for which he is now receiving a pension of $30 per month.

"In a letter dated May, 1888, claimant states that his leg has broken out every summer since the time it was amputated, and that it is constantly sloughing off, causing him severe pain all the time; that he applied to the Commissioner of Pensions for an increase, and was informed by him that there is no law authorizing the increase requested by claimant; that he respectfully asks Congress to allow him $10 per month in addition to the $30 now received by him.

"In a letter dated May 11, 1888, Dr. R. M. O'Reilly, of Washington, D. C., certifies that he has made a careful examination of claimant's right leg, and from the appearance of the limb it is evident that extensive sloughing has taken place and that it is apparently a case of irritable stump, and affiant presumes that superficial ulceration of an obstinate character occurs as a result of general physical depression, caused by hot weather. This opinion is concurred in by Dr. H. C. Yarrow and Dr. James T. Young, both of Washington, D. C.

"In a letter dated June 12, 1888, Dr. D. W. Bliss, of Washington, D. C., certifies that he has carefully examined the amputated leg stump of John N. Bovee, and finds that he has chronic eczema of the stump, which is more pronounced during the heated term, and so situated as to render the patient unable to bear an artificial limb; that the present appearance of the stump indicates that there was extensive sloughing of the soft parts immediately or soon after the amputation, which renders the use of an artificial limb of little value, as the stump will not bear the friction of its presence.

"The facts in the case warrant favorable action, and your committee therefore recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET HEINTZELMAN.

Mr. MACDONALD. I call up for present consideration the bill (S. 2726) granting an increase of pension to Margaret Heintzelman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret S. Heintzelman, widow of Major-General Samuel P. Heintzelman, deceased, and pay her a pension at the rate of $100 per month, from and after the passage of this act, in lieu of $50 per month provided for in the act of Congress approved December 23, 1880.

The report (by Mr. LYNCH) was read, as follows:

After a careful consideration of this case, the committee are of the opinion that the relief asked for ought to be granted, and therefore adopt the Senate report hereto appended, and recommend the passage of the bill.

[Senate Report No. 1475, Fiftieth Congress, first session.]

The bill to place on the pension-roll the name of Mrs. Margaret S. Heintzelman, widow of the late Maj. Gen. Samuel P. Heintzelman, deceased, and to pay her a pension at the rate of $100 per month from and after the passage of this act, is most meritorious, and your committee is of the opinion that it should pass.

General Heintzelman entered the military service on July 1, 1822. He served with distinction in the Florida war, in the war with Mexico, and in expeditions against the Indians in California and Oregon. In May, 1861, he was appointed colonel United States Army and brigadier-general of the United States Volunteers, and in May, 1862, major-general of volunteers, and was engaged during the greater part of the late civil war in active field operations. At the battle of Bull Run, July, 1861, where he was wounded, and the Virginia peninsular campaign, in command of the Third Army Corps; at the siege of Yorktown; at the battle of Williamsburgh; at the battle of Fair Oaks; at the battle of Gaines's Mills, and at the battles of Savage Station, Glendale, where he was contused, and of Malvern Hill, in the Northern Virginia campaign, in the fall of 1862; at the battle of Manassas, August, 1862, and at the battle of Chantilly. He afterwards commanded the defense of Washington and the Department of Washington, and the Twenty-second Army Corps. He was breveted brigadier-general of the United States Army for gallant and meritorious conduct at the battle of Fair Oaks, and major-general of the United States Army for gallant and meritorious service at the battle of Williamsburgh.

After the close of the war he was in command in Texas and elsewhere until he was retired, by an especial act of Congress, as major-general, for wounds received in the line of duty.

On the 1st of May, 1880, General Heintzelman died of disease contracted while in military service and the result of extreme exposure in the line of duty, and of wounds, as detailed above. Especial reference is made to the general orders issued by General Sherman (copy herewith attached) on the death of General Heintzelman, in which, summing up the extraordinary services rendered, General Sherman said: "When the war closed no name on our register bore a more honorable record."

Mrs. Heintzelman is now receiving a pension at the rate of $50 per month, but your committee consider that it is but just to her in her declining years to be paid a sum adequate to her needs, which her present pension does not meet.

The long and eminent service of her late husband, the wounds received and disease contracted while fighting the battles of his conntry, are deemed to be sufficient grounds for the increase asked for.

[General Orders No. 30.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OEFICE,
Washington, May 1, 1880.

The General announces to the Army and the country the death of Maj. Gen. Samuel P. Heintzelman (retired), at his residence in this city at 1 o'clock this morning, at the age of seventy-five years.

Thus parts another link in the golden chain of memory which binds us to the past, and naught now remains of this noble soldier and gentleman except his example and the record of deeds which have contributed largely to the development and glory of his country in the last half century.

Samuel P. Heintzelman was born at Mannheim, Lancaster County, Pennsylvania, September 30, 1805; entered the military academy at West Point July 1, 1822; graduated in 1826; commissioned as brevet second lieutenant Third Infantry and second lieutenant Second Infantry July 1, 1826. In this capacity he served on the northern frontier at Forts Gratiot, Mackinac, and Brady, when, on the 4th of March, 1833, he was appointed first lieutenant, and served on quartermaster's duty in Florida and the Creek country.

On the 7th of July, 1838, he was commissioned as captain of the staff in the Quartermaster's Department, remaining in Florida till the close of that war in 1842, and in 1847 joined General Scott's army in Mexico, taking an active part in several engagements, for which he was brevetted major October 9, 1847.

In 1848-'49 he accompanied his regiment around Cape Horn to California, and for several years was very busily employed in what is now the Territory of Arizona, receiving the brevet of lieutenant-colonel for his conduct in the campaign against the Yuma Indians, which terminated hostilities in that quarter.

March 3, 1855, he was promoted to major of the First Infantry, and served with that regiment on the Texas frontier, rendering most valuable service against the organized marauders under Cortinas, and contributing largely to the safety of that newly-acquired region of our country.

The civil war of 1861 found him at Fort Columbus, New York Harbor, superintending the general recruiting service, and with the ardor of his nature, and with his whole soul and might he embarked in that terrible conflict; first, appointed colonel of the now Seventeenth Infantry, he was rapidly advanced to brigadier and major general, holding high and important commands throughout the entire war, attaining the rank of major-general of volunteers, and brevet major-general of the regular Army. A record of these services would pass the limits of this obituary notice, but when the war closed no name on our register bore a more honorable record.

On the 22d of February, 1869, having attained the age of sixty-five, and having served continuously in the Army forty-five years, he voluntarily retired, as major-general, and has since spent most of his time here in Washington till this bright day of May, 1880.

General Heintzelman was a man of an intense nature, of vehement action, guided by sound judgment and a cultivated taste. Universally respected and beloved, at a ripe old age he leaves us, universally regretted. "Well done, thou good and faithful servant." May our end be as peaceful and as much deplored as his.

The funeral will take place from his residence, No. 1123 Fourteenth street, at 9 a. m., on Monday, May 3 instant, and will be escorted to the Sixth-street depot by a battalion of the Marine Corps and a battalion of the Second Artillery. The commanding officer of the artillery troops at the Washington Arsenal will detail an officer, a non-commissioned officer, and three men to accompany the remains to Buffalo for final interment.

The officers of the Army in this city are requested to attend the funeral ceremonies on Monday.

By command of General Sherman.

E. D. TOWNSEND,
Adjutant-General.

Mr. THOMPSON, of Ohio. It was understood, Mr. Chairman, when this bill passed the committee that it should be amended by striking out "$100" and inserting "$75." Through some inadvertence it is not so reported; but in order to carry out the instructions of the committee I move to amend the bill in that respect by striking out "$100" and inserting "$75," in the seventh line.

Mr. MACDONALD. I accept the amendment.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JANE E. KNOBLE.

Mr. MAISH. I call up for present consideration the bill (H. R. 10708) granting a pension to Jane E. Knoble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Jane E. Knoble, widow of Samuel Knoble, late a private in the Eighty-first Regiment Ohio Volunteer Infantry, subject to the provisions and limitations of the pension laws,

The report (by Mr. YODER) was read, as follows:

Jane E. Knoble is the widow of Samuel Knoble, a private of the Eighty-first Ohio Volunteer Infantry, who enlisted September 15, 1861, in the war of the rebellion, and was discharged July 25, 1862. He applied for pension August 12, 1869, which was granted in the Pension Department July 7, 1875. Soldier died April 29, 1886. He received injury in the service, in line of duty, but right inguinal hernia was undoubtedly the cause of his death. His pension was increased April 3, 1884, for other diseases, total from April 3, 1884, and from other evidence on file it is plainly shown that his disease was a progressive one, and that it got worse all the time, until finally it resulted in his death.

Special Pension Examiner E. D. Pinkerton says that the testimony seems to settle that soldier's hernia was the cause of his death. But the family physician who attended him in his last sickness does not state clearly the pathological connection between the hernia, for which the soldier was pensioned, as the immediate cause of his death, which he alleges to have been severe hemorrhage of the bowels, and at another time states that he thinks the patient had consumption (tuberculosis), but he considers that the hernia trouble hastened it. He says that he considered that the soldier acquired consumption; that he first noticed a tendency to consumption three years prior to his death. This testimony was given by Dr. N. Sager, jr., who attended said soldier in his last illness prior to his death. But it appears from an affidavit on file that Dr. N. Sager, sr., the father of N. Sager, jr., who was practicing medicine in company with his son, who testifies as follows:

"I am sixty-nine years old; occupation, practicing physician. I have known Samuel Knoble for about twenty-five years. I remember when he came home from the service that he complained considerably of his head, was hard of hearing, and was also afflicted with hernia. I was his family physician. He told me his hernia was incurred in the Army. He continually grew worse after his arrrival home and would have distressing spells, and I would be called to treat him. His death was undoubtedly the result of the hernia."

In answer to a question he contradicts his son's statement, and says: "No, I do not think he had consumption." He finally, prior to his death, became very deaf. In an affidavit prior to the death of the soldier, this same physician states:

"I have frequently prescribed and examined Samuel Knoble, or above-named soldier, who suffered on account of hernia. There are times when he is entirely laid up from it, and in some instances even endangers his life. He is not able at any time to perform any hard manual labor, and on account of deformity can wear no truss to any good purpose. He resides in this village and has for the past twenty-two years. I have been his family physician all that time," etc.

On this affidavit the pension of the soldier was increased at that time. This clearly indicates by the evidence that the doctor, prior to his death, when he said that his hernia sometimes endangered his life, that his diagnoses were correct and that his death resulted as he predicted, in consequence of hernia. This claim was rejected solely on the evidence of the doctor's son, who, it is no doubt, made a mistake in his diagnoses when he connected the death of this man with tuberculosis, which squarely contradicted the evidence of his father. Your committee is of the opinion that this case should have been allowed in the Pension Office on the evidence on file, but as it was not, there is not a particle of doubt in the minds of your committee but what that this is a meritorious case, and earnestly recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER LINER.

Mr. MARTIN. I ask the present consideration of the bill (H. R. 9106) granting a pension to Peter Liner.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Peter Liner, late a member of Company D, Seventh Regiment Regular United States Cavalry.

The report (by Mr. BLISS) was read, as follows:

Peter Liner enlisted in Company D, Seventh Regiment United States Cavalry, August 14, 1871, and was discharged upon surgeon's certificate of disability April 23, 1875, because of loss of left hand, except index finger and thumb.

His claim therefor has been rejected by the Pension Office on the ground that the wound was received by the bursting of a shot-gun while hunting.

It appears from the testimony of Maj. M. A. Reno that claimant was quartermaster sergeant of the company, and while in charge of the wagons on the march from Sweet Pass Hills to Fort Totten, Dak., he was wounded in left hand by the explosion of a breech-loading gun.

The claimant was without medical assistance for four days after the accident, because there was no medical officer with the command.

It is no uncommon thing for troops while on the march through a country invested with game to hunt, and thus obtain fresh meat. In fact it is not only permitted, but in many instances regular details are made for that purpose. Claimant alleges that he had permission, at the time of the injury, from his captain, who is now dead. The gun was one furnished by the Government, and was unquestionably defective. Could claimant show that he had permission from his commanding officer to hunt for the benefit of the command, his claim would be admissible under the rules of the Pension Office. This, however, can not now be done.

The claimant is a man of excellent character. He served with credit a five years' enlistment prior to his enlistment in August, 1871, and was intrusted with the responsible duties of quartermaster sergeant at the time of the accident.

His allegations as to the circumstances under which he went on a hunt are not contradicted, and it is hardly possible that he could have had any other intent than to let the men under him share in the game which he could secure.

It is the opinion of your committee that the relief asked for should be granted, and therefore report favorably on the bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE TEEGARDIN.

Mr. MCMILLIN. At the request of the gentleman from Ohio [Mr. YODER] I call up for present consideration the bill (H. R. 10827) for the relief of Catharine Teegardin. I know nothing of the merits of the claim, but the report will show its character.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Teegardin, widow of the late Peter Teegardin, who was a member of Company D, One hundred and eighteenth Regiment Ohio Volunteers, and whose pension certificate was numbered 328568.

The report (by Mr. YODER) was read, as follows:

Catharine Teegardin is the widow of Peter Teegardin, a private of Company D, One hundred and eighteenth Regiment Ohio Volunteer Infantry. Peter Teegardin enlisted August 11, 1862, discharged June 24, 1865, and died August 22, 1882. Widow filed application for pension July 6, 1885. The soldier previously filed application for invalid's pension November 7, 1878, and was pensioned for disease of the lungs. The widow's pension was rejected solely on the ground of the statement that the soldier died from a lumbar abscess and that the disease for which he was pensioned was not the immediate cause of his death.

After a careful investigation of the evidence on file your committee are clearly of the opinion that the cause of his death, as stated by his family physician as having resulted from the lumbar abscess, is very doubtful, from the fact that he makes several statements in which he contradicts his diagnoses of the cause of death, and also states that he had but a limited means or opportunity of seeing the claimant's husband during his last illness, saying that he had only seen him occasionally; that he was not his regular physician. Yet on this statement alone, which was contradicted by other evidence, the widow's pension claim was rejected, according to the evidence on file.

After a careful investigation, your committee have come to the conclusion that this is a meritorious claim, and that while the construction of evidence weighed in the Pension Department, which was given by this medical evidence, was the sole cause for rejection, we are clearly of the opinion that it is not worth anything as proper evidence; and as it was on this evidence alone that her claim was rejected, it leaves, to say the least, a very grave doubt as to the justice in rejecting the claim by the Pension Department.

Your committee are strongly of the opinion that this is a clear case that merits the intervention of Congress and granting her pension by special act. This man suffered from disease of the lungs, which he contracted in the line of duty in the Army, for which he was pensioned, which disabled him from accumulating any means to provide for the maintenance of his family after his decease; in fact was a charge upon his wife while living, and when he died he left his wife needy and without any means of self-support. Your committe therefore recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE MULLIGAN.

Mr. MOFFITT. I ask the present consideration of the bill (H. R. 10173) granting a pension to Catharine Mulligan.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Mulligan, mother of Patrick Mulligan, late a private of Company M, Fourteenth New York Heavy Artillery Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10173) granting a pension to Catherine Mulligan, submit the following report:

The chief of the eastern division of the Pension Office makes the following statement of this case, under the date of January 25, 1888:

"Respectfully submitted to the chief of the board of review, calling attention to the attorney's letter showing the claimant's age over eighty years, that she is a cripple, unable to work, totally without means, entirely dependent on charity. Her son-in-law, who seems to be her main support, is said to be poor and sick and has a family of his own."

The beneficiary filed her application for a pension January 19, 1886. The Adjutant-General reports as follows:

"Regimental hospital records show him admitted December 23, 1864, with accidental gunshot wound of abdomen, and sent to First Division Field Hospital, Ninth Army Corps, Virginia, same date, and died from wound received December 26, 1864. Company and regimental lists of casualties show him died in First Division, Ninth Army Corps Hospital, Virginia, December 26, 1864, of accidental wound received at Fort Haskell, Va., December 25, 1864. Circumstances attending accident not stated."

The following is the manner of his death as shown by C. C. Eddy, lieutenant of soldier's company, who testifies as follows:

"That said Mulligan was shot at guard mount of December 25, 1864, by accidental discharge of a comrade's gun, he pointing his gun at him in fun, supposing it was not loaded, he being one of the guard at Fort Haskell, Va. This I know of my own personal knowledge."

The same officer, in a letter to the Commissioner of date July 28, 1887, writes: "It was not known that there was any quarrel or hard feelings, but were the best of friends. It was so evident that it was purely accidental that O'Brien was not put in arrest."

The soldier enlisted December 16, 1863, and was a private in Company M, Fourteenth New York Heavy Artillery. The fact of the soldier's death in the manner above stated by the accidental discharge of a gun in the hands of a comrade, with whom he was on friendly terms, that it was not while engaged in any quarrel or dispute, is clearly and fully shown.

The mother's claim was rejected solely on the ground "that the soldier died from a wound which was not received in the line of duty." The soldier was never married.

The fact of the extreme age of the widowed mother, her perfect dependence, and her crippled condition are all fully shown, and the committee fully believe that this poor, crippled old mother is most clearly entitled to the relief asked for, and they therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY STURGESS.

Mr. MORRILL. I call up for present consideration the bill (S. 2913) granting a pension to Mary Sturgess.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Sturgess, a volunteer nurse in the late war, and pay her a pension of at the rate of $12 per month.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions is adopted and the passage of the bill is recommended.

SENATE REPORT.

This bill proposes to pension, at the rate of $12 per month, Mary Sturgess, a volunteer nurse in the late war. James E. Yeatman, president of the Western Sanitary Commission and authorized agent of Miss D. L. Dix, of the Western Department, certifies—

"That Mary Sturgess, in the fall of 1861, was appointed a nurse for military hospital, and was assigned for duty in Thomas Hospital, and served as such at Paducah, and subsequently at hospital in Memphis, and was favorably reported as a nurse of superior ability by Major Irwin, in charge of hospital at Memphis."

This is fully corroborated by Mrs. M. A. Bickerdyke as to her services in the hospitals at Paducah and Memphis. She is now seventy-seven years old, very poor and feeble.

There can be no good reason assigned why this brave old woman should not have a pension, and your committee therefore recommend the passage of the bill.

Mr. CHEADLE. I move to amend that bill by striking out "$12 per month" and inserting "$50 per month."

Mr. MORRILL. Mr. Chairman, that is a higher pension than the committee have ever awarded to nurses; and I move therefore to amend the amendment by inserting "25" in lieu of "50;" so that it will read $25 per month.

The amendment to the amendment was agreed to.

The amendment as amended was adopted.

Mr. MAISH. That fixes the amount at $25 per month.

The CHAIRMAN (Mr. WEAVER in the chair). That is correct.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JESSE L. GARRETT.

Mr. NICHOLS. I call up for present consideration the bill (H. R. 3908) increasing the pension of Jesse L. Garrett.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jesse L. Garrett, formerly of the United States Marine Corps, and pay him a pension at the rate of $30 per month.

The report (by Mr. BUTLER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3908) granting an increase of pension to Jesse L. Garrett, have considered the same and report as follows:

The claimant was a private in the Marine Corps, United States Navy, and served on board the steamer Jamestown and with the Marine Battalion for duty with the Army in Mexico. His term of service extended from September 5, 1844, to August 18, 1848. He is now in receipt of a pension at the rate of $8 per month under the Mexican service act.

Mr. Garrett claims that he is entitled to an increase of pension because of his age and disability. He is sixty-four years of age, a printer by trade, but now without occupation, having been discharged from the Government Printing Office.

His hands and feet are both distorted as a result of rheumatism.

The examining board at Washington, D. C., in November, 1866, reported as follows:

"Both hands are deformed by calcareous deposits about the joints, particularly the metacarpo-phalangeal articulations. Can flex, but can not extend fully the middle, ring, and little fingers of left hand, nor the ring and middle fingers of right hand. Joints of feet also distorted."

There is no evidence to show that the said disease had its origin in the man's naval service, but your committee, having seen the man and observed his physical condition, are satisfied that he can not make a living. His disease is a permanent one, and will rather increase than decrease in its severity. He is without property or income beyond his present small pension.

Your committee therefore report the bill back to the House with the recommendation that it do pass, amended, however, by striking out the word "thirty," in line 6, and inserting in lieu thereof the words "twenty-five."

The amendment recommended by the committee was adopted.

Mr. MORRILL. I move, as a further amendment, to add to the bill the words:

In lieu of the pension he is now receiving.

He is already on the pension-roll, and this bill, if adopted in its present form, would put him on the pension-roll again and give him a double pension.

Mr. NICHOLS. I accept the amendment.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

H. R. BLAKISTON.

Mr. O'NEILL, of Pennsylvania. I ask consideration of the bill (S. 1988) granting a pension to H. R. Blakiston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $72 per month, the name of H. R. Blakiston, late an acting master in the United States Navy.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1988) granting an increased pension to Henry R. Blakiston, have considered the same, and report the bill back to the House, recommending its passage.

They adopt as their report the naval history of the claimant, as given in a letter from the honorable Fourth Auditor of the Treasury and the report of the Committee on Pensions of the Senate on this matter, as follows:

"TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
"*Washington, D. C., June* 13, 1888.

"SIR: The papers in the case of Henry R. Blakiston, referred by you on the 11th instant, are herewith returned. I do not find his name on the rolls of the Erie for the year 1837 or 1838. It appears that a Henry Blackstone, seaman, enlisted June 15, 1838, and served at the Philadelphia station from that date to June 18, 1838; on the Hudson from June 19 to June 28, 1838; on the Erie from June 29, 1838, to March 15, 1839; was at the naval station, Pensacola, from March 16 to June 10, 1839; on the Erie from June 10, 1839, to October 31, 1840; on the Concord as seaman from November 1 to December 31, 1840, as boatswain's mate from January 1, 1841, to July 21, 1841; on the Enterprise from July 22 to July 30, 1841; on the Potomac from July 31 to September 14, 1841; on the Constitution from September 15 to November 9, 1841, when he was discharged.

"Henry Blankston, seaman, enlisted January 8, 1847, and served on the Petrita to April 9, 1847: on the Mississippi, as seaman, April 10, 1847: as boatswain's mate from April 11 to August 7, 1847; on the Petrita, as boatswain's mate from August 7, 1847, to January 16, 1848; as seaman from January 17 to February 16, 1848; on the Cumberland from February 17 to February 23, 1848; on the Mississippi from February 24 to April 26, 1848, when discharged.

"Henry R. Blackiston, seaman, enlisted from June 30, 1849, and served at the Philadelphia station on that date; on the Pennsylvania from July 1 to July 7, 1849; on the Independence from July 8 to October 31, 1849; as quarter gunner on the same ship, from November 1, 1849, to April 24, 1851; on the Cumberland from April 25, 1851, to June 23, 1851, when he was discharged.

"Henry R. Blakiston was appointed an acting master November 18, 1861, and was attached to the Mystic from November 22, 1861, to August 9, 1862; to the North Carolina from August 10, 1862, to April 23, 1863, when he resigned.

"Very respectfully,

"C. M. SHELLEY, *Auditor.*

"W. C. WHITNEY, *Secretary of the Navy.*"

[Senate Report No. 1011, Fiftieth Congress, first session.]

The claimant enlisted as quartermaster January 9, 1847, and was discharged April 26, 1848. He was assigned to the steamers Petrita and the Mississippi. He applied for a pension as a survivor of the Mexican war, under the act of January 29, 1887. He filed his declaration March 4, 1887. A pension was granted him March 9, 1877. His age is seventy-one years and eleven months.

The bill introduced for his relief proposes to put him upon the pension-roll at the rate of $72 per month. The evidence filed since the granting of his pension shows that he is at this time totally disabled by blindness. The certificate under oath of Dr. W. W. Keene alleges:

"I have not the slightest doubt that his present disabilities are in most part the direct result of his hardships and exposure during his active service in the United States Navy."

This opinion of the physician is based upon his hospital record, which he has examined.

The provisions of the act of January 29, 1887, makes no distinction by reason of the character of the disability incurred in the service in the Mexican war, but grants to all soldiers who are now disabled, or over sixty-two years of age, a pension of $8 per month.

The claimant further alleges in a letter that he was a veteran volunteer of three wars, "Florida, Mexico, and the late rebellion," and further alleges:

"My present physical condition has been brought about principally, if not entirely, by active service and exposure in the Mexican war."

There is no proof in the papers except this allegation of the claimant that he served in any war except that with Mexico. If he served in the war of the rebellion and can trace his blindness to "injury received or disease contracted in the service and in the line of duty," he would be entitled to a pension as asked in the bill, but under the rule adopted by the committee his application should first be made to the Pension Bureau.

The only question presented by this record is, shall the committee, where the proof shows total blindness resulting from service in the Mexican war, give to the claimant a pension equal to that provided by law for total blindness caused by injury received or disease contracted in the late rebellion.

Two cases of this character, namely, of total blindness as the result of services in the Mexican war, have been passed upon by this committee during this session—that of Martin N. Kellogg and that of Titus Wilder. In the present case, as in those, your committee perceive no reason why such an appalling affliction should not entitle the claimant to the same measure of gratitude, no matter in what war incurred, and they therefore recommend the passage of the bill.

Mr. O'NEILL, of Pennsylvania. I move to amend the title so that it will read "Henry R. Blakiston."

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. As the bill I desire to call up is the bill providing a pension for Mrs. Adeline Couzins, which has been reported to the House by the Committee of the Whole, I move that the committee do rise and consider it at this time in the House.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. WEAVER reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

MRS. ADELINE COUZINS.

Mr. O'NEILL, of Missouri. I now ask consideration of the bill (S. 2356) to provide a pension for Mrs. Adeline Couzins.

Mr. CHEADLE. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CHEADLE. Is not the first business in order to dispose of the bills considered in Committee of the Whole?

The SPEAKER *pro tempore*. It is if the point is made.

Mr. MORRILL. I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

Mr. O'NEILL, of Missouri. I would ask the gentleman from Indiana [Mr. CHEADLE] to withdraw his objection to the passage of this bill at this time. He gave me his word to-night that he would not object.

Mr. CHEADLE. Let us first go on and dispose of the business reported from the Committee of the Whole.

The motion to go into Committee of the Whole House was agreed to.

ORDER OF BUSINESS.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills under the special order.

Mr. O'NEILL, of Missouri. I ask to have my name passed over without losing the privilege of calling up a bill.

There was no objection.

MRS. SUSAN BATES.

Mr. PAYSON. I ask the present consideration of the bill (H. R. 9370) granting a pension to Mrs. Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteer Infantry.

The report (by Mr. CHIPMAN) was read, as follows:

Thomas Bates, husband of Susan Bates was pensioned at the rate of $4 per month, for chronic diarrhea. The widow filed claim for pension, alleging that soldier died from the effect of the disease for which he was pensioned. The claim was rejected on the ground that it was not proved that the disease which caused the husband's death was the same as that contracted in the military service.

Dr. L. F. Ingersoll, the physician who attended the soldier during his last illness, testifies that—

"The immediate cause of his death was pneumonia. About January 14, 1883, Dr. Kneeland sent medicines for what he supposed was a simple bronchitis, and January 21 I visited Thomas Bates, being the first and only physician who visited him in his last illness. I found him with respiration about 30, pulse about 160 per minute, and evidence of consolidation of the lower half of right lung. The amount of consolidation (the amount of lung tissue being healthy) I could not deem sufficient in a person of average strength to have caused the evidence of great prostration found in Mr. Bates.

"The chronic diarrhea always kept him reduced in flesh and enfeebled him so as to unfit him for any hard work. The pneumonia trouble attacking him so enfeebled produced the result that otherwise, in all probability, would not have been. January 23, 1883, I visited him again, but found him still weaker, and in a few hours he died."

The reason of the rejection of the claim by the department was the opinion of the medical referee that the immediate cause of his death, pneumonia, could not be accepted as a sequel of the chronic diarrhea, which, in the opinion of the committee, is not of sufficient weight in a pathological sense to cause a rejection of the claim.

The committee therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WALTER O. WATSON.

Mr. PETERS. I ask consideration of the bill (H. R. 200) granting a pension to Walter O. Watson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Walter O. Watson, late a private in Company D, Fourteenth Regiment Infantry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, having had under consideration the bill (H. R. 200) granting a pension to Walter O. Watson, report as follows:

Applicant enlisted as private in Company D, Fourteenth Illinois Volunteers, September 11, 1862, and was discharged May 30, 1865. Filed declaration for pension March 15, 1879, claiming that in the winter of 1864 and 1865, while confined in Southern prisons at Andersonville and Millen, received injuries to his stomach.

His claim was rejected because there was no record of alleged disease and his inability to furnish the necessary evidence to connect it with the service. The evidence shows that soldier was captured October 4, 1864, and sent to Andersonville, and afterwards to Millen, and was paroled in April, 1865. The evidence also shows that claimant was free from stomach trouble at date of enlistment and up to time of capture.

The evidence of two comrades who were confined with him shows that he contracted disease of stomach in prison. The evidence of continuance of the disease from about time of discharge is sufficient, and the only question in the case is whether the evidence of two comrades as to incurrence of disease while a prisoner is sufficient. Of course, under the circumstances, no medical or record testimony of the incurrence of the disease is possible.

The evidence of the two comrades who were confined with applicant testify in substance as follows:

Julius Eldred says: Was a comrade and messmate of claimant while he was a prisoner at Andersonville, Ga., that he contracted disease of his stomach and kidneys by reason of hardship in said prison.

A. S. Wiles says: Was in Andersonville prison with the claimant and that he believes he contracted disease of stomach and kidneys while in said prison.

This evidence standing alone is not very strong, but when taken in connection with the evidence showing that claimant was sound at enlistment and continued to perform the arduous duties of a soldier in active service up to the time of his capture; that he was confined in prison for nearly six months; that at the time of his return home, shortly after his parole and discharge from prison, he was sick with stomach disease; that he has never been a well man since, but has continually suffered from stomach troubles, your committee feel fully justified in concluding that the disease of stomach originated while in prison, and therefore recommend the passage of this bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the Private Calendar had had under consideration various bills, and instructed him to report them with sundry recommendations.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox;

A bill (H. R. 9862) granting a pension to Benjamin F. Bair;

A bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang;

A bill (H. R. 11243) granting a pension to Mary E. McQueen;

A bill (H. R. 6409) for the relief of Perry R. Nye;

A bill (H. R. 2472) granting a pension to Lydia A. Eaton;

A bill (H. R. 11005) granting a pension to Ester Gaven;

A bill (H. R. 11222) granting a pension to Elizabeth Hickler;

A bill (H. R. 10159) granting a pension to Jenny Buell;

A bill (H. R. 2788) granting a pension to Lieut. George T. Russell;

A bill (H. R. 5174) granting a pension to Statira Young;

A bill (H. R. 10171) granting a pension to Rachel Rogers;

A bill (H. R. 10708) granting a pension to Jane E. Knoble;

A bill (H. R. 9106) granting a pension to Peter Liner;

A bill (H. R. 10827) for the relief of Catharine Teegardin;

A bill (H. R. 10173) granting a pension to Catharine Mulligan;

A bill (H. R. 9370) granting a pension to Mrs. Susan Bates; and

A bill (H. R. 200) granting a pension to Walter O. Watson.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments respectively agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 10687) granting a pension to Charles Junot;

A bill (H. R. 2471) granting a pension to Anna M. Noyes;

A bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of Black Hawk war; and

A bill (H. R. 3908) increasing the pension of Jesse L. Garrett.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 2576) granting a pension to Richard Hudson;

A bill (S. 3186) granting a pension to Christian Winkel; and

A bill (S. 2750) to increase the pension of Samuel A. Tate.

JOHN N. BOVEE.

The SPEAKER *pro tempore*. The next bill reported from the Committee of the Whole House is the bill (S. 3018) granting an increase of pension to John N. Bovee.

Mr. KILGORE. Mr. Speaker, I am constrained to oppose that bill; and I do so upon the statement contained in a letter furnished by one J. Jones, an old soldier. I will send it up to the Clerk's desk and have it read. If the facts stated in that letter be true, then that increase ought not to be granted.

The Clerk read as follows:

DEAR SIR: I see that a favorable report has been made by the Committee on Pensions to increase the pension of John N. Bovee. (See Senate bill No. 3018, and House report No. 3329.)

Mr. Bovee already receives a liberal pension ($30 per month). He now receives, and has been for years, a salary of $1,600 per annum in the War Records Office, War Department, runs a Turkish bath (in his wife's name) on G street near Fifteenth, and owns valuable real estate at Washington Grove, Takoma Park, etc. Do you think this man, who has been drawing a salary (in addition to his present liberal pension) from the Government since the close of the war, ought to have his pension increased, while hundreds of worthy indigent soldiers are suffering?

Dr. O'Reilly, in his report, says: * * * "From appearances, etc., it is evident * * * and affiant presumes that superficial ulceration occurs, etc., in hot weather." The doctor is not positive in this case.

Dr. D. W. Bliss, one of his most intimate friends, says: * * * "which renders the use of an artificial limb of little value, as the stump will not bear the friction of its presence."

The facts are these: The only times that he has been known to cast aside his artifical limb were while working in the Government Printing Office. If a furlough or reduction of force was spoken of he found it expedient to resume the crutch until the scare passed over. Also during the twelve years he has been in his present position the same tactics have been resorted to with success.

He now receives from the Government $1,960 yearly as salary and pension; also every five years the price of a new limb (including railroad fare to and from the manufacturer) that he can not wear unless he gets an increase of $10 a month.

Respectfully,

J. JONES,
An Old Soldier.

Hon. C. B. KILGORE.

Mr. THOMPSON, of Ohio. I ask unanimous consent that this bill be passed over until the others reported from the Committee of the Whole House can be disposed of.

There was no objection, and it was so ordered.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments respectively agreed to, and the bills as amended ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers;

A bill (S. 2726) granting an increase of pension to Margaret S. Heintzelman; and

A bill (S. 2913) granting a pension to Mary Sturgess.

H. R. BLAKISTON.

The SPEAKER *pro tempore*. The next bill reported from the Com-

mittee of the Whole House is the bill (S. 1988) granting a pension to H. R. Blakiston; and the question is on the adoption of the amendment made in the Committee of the Whole House.

Mr. O'NEILL, of Pennsylvania. I now desire that the amendment which was agreed to in committee shall be disagreed to.

The amendment was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the votes by which the various bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN N. BOVEE.

The SPEAKER *pro tempore*. The next bill for consideration is the bill (S. 3018) granting an increase of pension to John N. Bovee, and the question is on the third reading of the bill.

The question was put, and the Speaker *pro tempore* announced that the "noes" seemed to have it.

Mr. TRACEY. I demand a division.

The House divided; and there were—ayes 8, noes 14.

Mr. LYMAN. I called up that bill at the request of a Senator. It is a Senate bill and one I know nothing about; but if it can be passed over without being rejected until I can see the gentleman who asked me to call the bill up, I would be glad.

The SPEAKER *pro tempore*. It will go over as unfinished business. The hour of half past 10 o'clock having arrived, the House, according to order, will stand adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BANKHEAD: A bill (H. R. 11373) for the relief of S. C. Dunn, J. H. Walton, John S. Swindells, Thomas C. Clements, and William Dunn—to the Committee on the Judiciary.

By Mr. CATCHINGS: A bill (H. R. 11374) for the relief of Fannie Ricks Jones and Annie Ricks Willis, heirs of Benjamin S. Ricks, deceased—to the Committee on Claims.

By Mr. DARLINGTON: A bill (H. R. 11375) granting arrears of pension to James Keech—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11376) granting an increase of pension to Sergt. James W. McElravy—to the Committee on Invalid Pensions.

By Mr. LANDES: A bill (H. R. 11377) granting a pension to Matilda Minard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11378) granting a pension to James S. Harden—to the Committee on Invalid Pensions.

By Mr. McADOO: A bill (H. R. 11379) for the relief of John Faunce—to the Committee on Claims.

By Mr. McCREARY: A bill (H. R. 11380) for the relief of G. W. Evans—to the Committee on War Claims.

Also, a bill (H. R. 11381) for the relief of William R. Ballard—to the Committee on War Claims.

By Mr. McSHANE: A bill (H. R. 11382) granting a pension to William McBrien—to the Committee on Invalid Pensions.

By Mr. PAYSON: A bill (H. R. 11383) to increase the pension of James B. Dunham—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 11384) to refer the claim against the United States of Mary P. High to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 11385) to refer the claim against the United States of Lucretia Wilcox to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 11386) to refer the claim against the United States of Judge R. Burns to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 11387) to refer the claim against the United States of M. S. Wear to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. MORROW: Papers in the case of Caroline B. Andrews—to the Committee on Pensions.

By Mr. PLUMB: Petition of J. P. Clifford, W. H. Stroutt, and 12 others, citizens of Lemont, Ill., for the passage of the bill granting a pension to Mrs. Julia Welch over the veto of the President—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of H. D. Smith and others, for suppression of convict-made goods—to the Committee on Labor.

By Mr. WHEELER: Petition of Mary P. High, of Lucretia Wilcox, of Judge R. Burns, and of U. S. Wear, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *September* 8, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILLIAMS, indefinitely, on account of sickness.

To Mr. ATKINSON, for three days, on account of important business.

To Mr. JACKSON, indefinitely, to attend the Grand Army encampment and soldiers' reunion at Columbus, Ohio.

To Mr. YARDLEY, for two weeks, on account of important business.

To Mr. NEAL, indefinitely, on account of sickness.

To Mr. NEWTON, for two weeks, on account of important business.

INVESTIGATING COMMITTEE.

The SPEAKER appointed the following select committee to investigate charges of improper conduct against a member of the House: EDMUND RICE, Minnesota; T. C. CATCHINGS, Mississippi; WALTER L. HAYES, Iowa; EZRA B. TAYLOR, Ohio; B. W. PERKINS, Kansas.

REPRINTING OF A REPORT.

Mr. ENLOE, by unanimous consent, obtained leave to have reprinted the report of the Committee on War Claims on the claim of Hiram Johnson and others.

ORDER OF BUSINESS.

Mr. McCREARY. I move to dispense with the morning hour for the call of committees.

The SPEAKER. The Chair thinks that under the order which has been made no such motion is necessary, because the Journal shows that the House is to resume the consideration of the pending bill after the reading of the Journal this morning.

Mr. McCREARY. Then I call up for consideration House bill 11309, to empower the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, and American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887.

WITHDRAWAL OF CERTAIN LANDS, WYOMING.

Pending the motion of Mr. McCREARY,

Mr. STONE, of Missouri, by unanimous consent, introduced a bill (H. R. 11388) to withdraw certain public lands in the Territory of Wyoming from sale or disposition under the laws of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FISHERIES.

The motion of Mr. McCREARY was agreed to, and the House resumed the consideration of House bill 11309.

Mr. HITT. Mr. Speaker, I believe I have the floor, and I now yield thirty minutes to the gentleman from New York [Mr. WHITE].

Mr. WHITE, of New York. Mr. Speaker, there is no man on either side of the House more thoroughly in favor of retaliation for the abuses of neighborly privileges in respect to our fisheries than I am, but I desire that it shall be a retaliation which retaliates, in the first place, and secondly, that it shall be a retaliation which retaliates upon the offenders and not upon our own people; and I propose to show, and I think to demonstrate, that the first section of this bill, if carried into effect, will inure to the benefit of the Dominion of Canada and to the permanent and lasting injury of the commerce of this country, of the laborers of this country, and of the general material interests of this country. If I fail to so demonstrate, I will vote for the bill, including the first section; and I would be glad to hear our friends who may favor the first section say that if I succeed in making this demonstration they wil vote against it.

Mr. WEAVER. Who is to be the judge?

Mr. WHITE, of New York. I will leave each one to judge for himself.

Mr. Speaker, the President has given his view of how retaliation should be made, which is in substance that it should be such as will inflict the greatest injury upon the enemy with the least injury to ourselves, and that it should, as far as possible, be retaliation in kind. With that view I most heartily agree. Now, sir, what are the grievances of which we complain? The maritime provinces of the Dominion of Canada, with thirty-five millions invested in shipping, a very large percentage of it in fishermen's vessels and outfits, have for some years been inflicting outrages upon our fishermen. With those outrages the northwestern provinces of the Dominion have had nothing to do.

Manitoba, the rich agricultural region of the Dominion, has not a fishing smack in the world, and Ontario has none except those that are engaged in the lake fisheries, as to which there is no controversy. The western portion of Quebec has none. The only provinces that do have any are Nova Scotia, Newfoundland, New Brunswick, Prince Edward Island, and the eastern portion of the Province of Quebec,

bordering on the Gulf of St. Lawrence and the Bay of Chaleur. Now, the message recommends the stoppage of the shipment of freight and goods in bond arriving at ports of the United States intended for the consumption or the benefit of the people of the Dominion of Canada.

There never has been a pound of freight received at the three designated ports, Portland, Boston, and New York—and they are all the American ports, with the exception of San Francisco, which have the privilege, the great ports of Philadelphia and Baltimore not having it—I say there has never been a pound of freight received at any one of those ports for transshipment to Prince Edward Island, Nova Scotia, or to New Brunswick, and it is the height of absurdity to talk about receiving goods at our ports destined for the people of the irritating portion of the Dominion of Canada, the people who have been inflicting these injuries upon us. The goods that come into our ports are intended, some for the western portion of the Province of Quebec, Montreal, and its neighborhood, but they are mostly for Ontario, because Montreal has her own shipping connections with the sea and railroad communication with the ports of the lower provinces by means of the Intercolonial Railroad. These goods, I say, are mainly intended for Ontario and for Manitoba, and when you retaliate by stopping this transportation you do not hurt a hair of the head of a single one of the Bluenose fishermen that have been wantonly assailing our rights for the last three years.

But you do hurt; you make it a little more serious expenditure on the part of the inhabitants of the Northwestern provinces, who have not committed a single grievance against us. But what do you do to America? I have taken a little pains to collect a few statistics in regard to that. The President informs us that in six years there has come over here $270,000,000 worth of goods to be transferred to the Dominion of Canada; that is $45,000,000 per year. It is a fair estimate on the valuation of freight, including steel rails at $25 to $35 per ton, and running up to dry-goods, which will average about $200 per ton, that the average value of a ton of freight will be $100. That gives us 450,000 tons per year, there having been $45,000,000 worth per year received during the six years. These 450,000 tons per year are received and handled by whom? When the ship lands at New York or Boston the stevedore who transfers the freight from the ship to the dock is an American workman; the drayman who carts the freight from the dock to the railroad or to the bonded warehouse is an American workman. The commission merchant who pays the charges and makes the advance for sending forward this freight is an American merchant, and the railroad which transports the property through our country is an American railroad.

I have taken the pains to find out what the average profit during the last five years has been per ton per mile for the shipment of freight, and I find from Poor's Manual that it has averaged one and fifteen one-hundredth cents per ton. Applying the figures which result from this, we have for payment to the railroads of this country for handling this freight, estimating the average haul to be, as it is, about 600 miles in American territory, $3,105,000, all of it profit. This is not the amount which was received; certain amounts were received and paid out; but the profit on handling this freight was $3,105,000. The cartage of 450,000 tons of freight at $1 per ton, and that is a very low estimate, as every man knows who has ever moved freight through a city, would be $450,000, every cent of it taken from the American cartman, the carts driven by American laborers, receiving their daily support by the amount of work their employers can furnish them. Further than that, the bare lifting of the freight out of the ship by the stevedores and the longshoremen at 33 cents per ton (and this is a low estimate; the facts, I think, will show this below the proper figure) would be $150,000 per year, paid largely to my constituents, many of whom are longshoremen, for lifting the freight out of the vessel and getting it on its way.

I think I have shown, Mr. Speaker, that while under the operation of this measure the province of Manitoba may pay more for the transfer of its freight, we on our part will lose more than three million and a half dollars per year—a loss to American workmen—by the carrying into effect of the provisions of this intended law. Now, what is the effect of that upon the Dominion? The President, on page 4 of his message, uses this language:

> For a considerable portion of each year the St. Lawrence River, which constitutes the direct avenue of foreign commerce leading to Canada, is closed by ice.

Does that stop their receipts in the Dominion of Canada during that portion of the year? I propose to send to the desk to have read an article from a book which I believe has received high Presidential sanction. I think extracts from it may possibly have adorned Presidential rhetoric, and I can only regret that the haste of its examination should have caused the President to skip the letter "H," under which he would have found the article on Halifax, and to go ahead of it to Indianapolis, which comes one letter later in the alphabet. I ask the Clerk to read the extract I have marked from the American Cyclopædia in regard to the character of the Halifax harbor.

The Clerk read as follows:

> The harbor of Halifax is one of the best in the world. It extends about 16 miles inland, is accessible at all times; and opposite the city, where vessels usually anchor, is about 1 mile wide. Farther up it contracts to one-quarter mile in width, and finally expands into a beautiful sheet of water, called Bedford basin, comprising an area of about 10 square miles. A small arm branching off from the harbor a short distance below the city extends inland to within one-half mile of this basin, forming a peninsula, on which the city is built. The harbor contains McNab's and three or four smaller islands, has two light-houses, and is defended by several fortifications of considerable strength. There are two passages into the harbor, one on each side of McNab's Island. The western is commanded by Fort George and several batteries; the eastern, which has sufficient depth of water only for small vessels, lies under the guns of a formidable stone fort called Fort Clarence. Halifax is largely interested in the fisheries.

Mr. WHITE, of New York. Now, Mr. Speaker, running from Halifax across the province of Nova Scotia, our most irritating neighbor, across the province of New Brunswick, our next most irritating neighbor, and into the province of Quebec to Point Levi, opposite the city of Quebec, extends the Intercolonial Railway, 678 miles in length, with the harbor of Halifax, the best in the world, open at all seasons of the year, ready to pour into the Intercolonial Railway all the wealth which otherwise would have come over American railroads and been handled by American workmen—ready to furnish labor to the "Bluenose" fishermen at the period of the year when they can not follow the sea, and must, from the nature of things, be looking for work. That is "retaliation" with a vengeance!

Take away the bread out of the mouths of our own laborers and increase the expenditures of Manitoba and Ontario, because, forsooth, some fishermen have interfered with our rights in the maritime provinces, and in retaliation you give them work for five months in the year when they otherwise would not have anything to do? Is that wise?

Again, the Intercolonial Railway is owned and operated by these provinces, and these, at least during the winter, would have this increased volume of $3,105,000 worth of traffic plus the increased charges which they, having a monopoly, could add upon the people of Ontario and Manitoba, and which they would be powerless to resist because of the existence of the monopoly. Again, that is your retaliation with a vengeance.

Mr. Speaker, I have indulged my fancy a little in the draught of a diplomatic note, in order to convey the astounding intelligence to Her Majesty's Government that we are going to commence this style of retaliation; and if it should be necessary, I will not claim the right that my friend from Illinois [Mr. CANNON] claimed on yesterday, I will not copyright it, but will leave it free and at the service of the Department:

HON. Sir LIONEL SACKVILLE WEST,
Knight Commander of the Order of St. Michael and St. George, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty:

SIR KNIGHT: The President instructs me to inform Her Majesty's Government that owing to the action of the maritime provinces of the Dominion of Canada towards this country in the violation of the twenty-ninth article of the treaty between Her Majesty's Government and the United States, concluded at Washington on the 8th day of May, A. D. 1871, in refusing to permit the transshipment of fish in bond through said provinces without the payment of duties, and further owing to wrongful seizures and false arrests and illegal fines and imprisonments imposed by said maritime provinces upon American fishermen and ship-owners, and especially by the province of Nova Scotia, in the capital of which the principal aggressive and illegal acts were performed, the Government of the United States has authorized him to retaliate, and acting in behalf of this Government, he feels that such acts of retaliation shall be put in force as will most seriously damage the aggressors.

Acting under this motive the President has determined that all goods, wares, and merchandise intended for the provinces of Ontario and Manitoba, and Winnipeg, which have heretofore been freely received at the ports of New York, Boston, and Portland, and which have heretofore been cheerfully handled by American workmen and transported upon American railroads, shall hereafter be landed only at the ports of Halifax and St. John, in the offending maritime provinces aforesaid, and shall be handled only by Canadian workmen and transported only by the Intercolonial Railroad, which, I need not inform Her Majesty's Government, is owned and operated by said Dominion.

The President can not but regret the severity of this measure, but he feels, as expressed in the language of Her Majesty's greatest poet, that he "must be cruel only to be kind," and he begs to express the hope that this damage inflicted upon the great northwestern provinces of the Dominion will speedily cause the maritime provinces to cease their unjust acts towards our fishermen.

The President further hopes that pending this result Her Majesty's Government will not overlook the fact that stern justice is not wholly unmixed with mercy, as what the northwestern provinces lose the maritime provinces gain, and Her Majesty's possessions in North America are thereby kept, as it were, upon an even keel.

With great personal respect, I remain, your and Her Majesty's obedient servant and friend,

(Presumably to be signed) THOS. F. BAYARD,
Secretary of State.

[Laughter and applause.]

Now, Mr. Speaker, I have exhausted as much time as I feel that I can afford to occupy at present out of the limited space at my command in the discussion of the questions raised by the first section of the bill. With the second section of the bill I am in thorough and hearty accord, but the question comes and has come to me whether I, under the solemnity of my oath of duty as a legislator on this floor, should cast my vote for a measure which I believe to be directly injurious and detrimental to the laboring men of my district and in behalf of what has been characterized by the eloquent gentleman from Illinois [Mr. CANNON] as the beating of a gong in the presence of an enemy and furnishing another mallet for that purpose.

Mr. Speaker, I for one am in favor and heartily in favor of the cultivation of music; and if there is no better music than that of the Chinese gong, let those who enjoy that peculiar taste have the benefit of it; but I will never vote for putting the mallet into the hands of any man to beat a Chinese gong with who as he strikes the gong neces-

sarily hits the head of some American workingman and strikes some American industry. [Applause on the Republican side.]

Mr. Speaker, it is probably true that the rarest combination of qualities to be found in this country, which has been called the "land of the free and the home of the brave," and when we have been upbraided with this name we have admitted it, is that of perfect freedom from the thraldom of one's surroundings and the bravery to disregard the possibilities of misconstruction of one's acts.

The man who shall be able to break the shackles of his environments and under all conditions to exercise absolute freedom of judgment and conscience, and who shall have the moral courage, everywhere and at all times, to do what he conceives to be wisest and best, leaving to time and to history the vindication of unpopular acts, such a man, sir, shall stand out as the embodiment of Juvenal's fancy—the "*rara avis in terris, nigroque simillima cygno.*" Such a man I do not claim to be, but I am tough enough for this case.

Mr. Speaker, let me apply this thought to the pending legislation. I am one of those who believe that the legislation desired is unnecessary; nay, that it is worse than unnecessary; that it is positively unwise, and so clear is it to me that such is the case that I believe that if an unseen ballot, taken in the inner consciousness of each one of the members of this House could be taken, more than half of those who by their surroundings may be compelled to vote in favor of it would concur with me that it is unwise, or at least unnecessary.

But where, as in this case, the rights of American citizens have been wantonly assailed by an aggressive neighbor, and a too tardy reparation is being sought by our Government, the legislator is reluctant to take a step which can be misconstrued and may seem even for a moment to antagonize an honest effort to redress such wrongs.

But my convictions are so clear that the provisions of the first section of this bill are unwise, illogical, and wrong, that if I vote alone, as I probably shall, I shall vote against this bill as a whole, though I am heartily in accord with the second section.

I left out of its proper place one thought to which I wish to recur, and that is just how easy it is to inflict suitable injury to redress a wrong, or retaliate in effect upon the maritime provinces, and at the same time benefit our American ship-owners and fishermen who so sadly need such aid. There are seven thousand ships engaged in trade in the maritime provinces. There is not one of them that has been in commission a year which has not probably at some time or other visited an American port. The law of 1887, which has been in force now more than eighteen months, gives the right to the President to prohibit any ships from that nation coming to any of our ports. When you have enforced that exclusion, then you have struck a "Bluenose" where it hurts.

What else have you done? You will have enlarged the field of commerce to the extent which it was heretofore occupied by the Dominion shippers, and will have invited American ships to enter that field and resume their rightful place in the carrying trade. In one case you have removed competition and given Americans the chance of carrying, while in the other you have taken away the labor and wage of the workingman of America and given it to the maritime provinces of the Dominion. I favor retaliation of that kind which hurts somebody else, and that the offenders and not ourselves, and which induces some sort of anxiety on the part of the party against whom the retaliation is applied to seek a speedy means of relief.

Mr. KERR. Will the gentleman permit me to ask him a question? Does not the Executive have the power to issue such an order, and adopt measures of exclusion such as the gentleman has referred to under the existing law?

Mr. WHITE, of New York. Of course under the existing law is what I had intended to say. I may have said under the bill; if so I correct it.

But, sir, I wish to call attention to another provision which shows how left-handed and awkward, in the attempt at retaliation, the President seems to be in getting in his work. Neither Philadelphia nor Baltimore have the right of receiving goods for transshipment to Canada. What other port has? San Francisco has that right since the 12th of March, 1887. What for? Because the Canadian Pacific Railroad had been opened and presented a formidable competitor to the American railroads. Under what condition was this competition inaugurated? The act of the 4th of February, 1887, known as the interstate-commerce law, was passed, the provisions of which I do not now criticise, although certain provisions of that law I believe to be unwise.

But in the main it worked well for the benefit of the whole people, and I therefore approve it. What did it do? It prevented pooling. That is right. It prevented discrimination between a long and short haul and it put shackles upon the hands of the roads, preventing any lowering of rates between terminal points below that of intermediate points. The Canadian Pacific, a line running for 2,700 miles through that uninhabitable region north of the Lake of the Woods, of Lake Superior, and across the great mountains, needed something. They could charge anything they pleased for local transportation, and this provision was made, after the retaliation law of 1887 was passed and after the interstate-commerce law had been passed, by the same man who now asks us to pass this retaliation law; the port of San Francisco was made a port from which goods might be received and carried in bond over the British lines, if intended for the Dominion provinces, and the American roads, whose hands were tied by the interstate-commerce law, could not compete. Now, I am not complaining of the interstate law; that is all right.

Mr. O'NEILL, of Pennsylvania. I would simply say to the gentleman from New York that I think he would be doing a great thing for the railroad business of this country if he, as an ingenious business man, could devise some amendment to bring the Canadian Pacific Railroad under the provisions of the interstate-commerce law. I wish him to give his attention to that, not on this bill, but in a bill that will be here for consideration during this session.

Mr. WILSON, of Minnesota. In other words, you desire to shut out our people from the competition of all other roads unless it be the Pennsylvania Railroad or the New York Central.

Mr. O'NEILL, of Pennsylvania. I want the Canadian Pacific Railroad to be brought under the interstate-commerce law and give our trunk-lines a chance for the American business.

Mr. WHITE, of New York. I am covered with confusion by the complimentary notice that my esteemed and able friend from Pennsylvania has made of me, and if I were on a committee in which I had influence I would try the experiment; but as a member of the minority in this House, understanding how the rules of the House are made, a party in the minority is not likely to do anything very effective by simply introducing a bill.

Now, I will resume the thread of my discourse. As to the question which has been raised by my friend from Minnesota [Mr. WILSON] in the interruption, in which he wants to protect the people in the Northwest from being shut out and deprived of their rights under the operation of the law which shall prevent free shipment through Canada, I wish to say that that American citizen needs to be born again, and if he is of foreign birth, as my respected and able friend is, he needs to be naturalized again in the principles of American government if he believes the great commercial rights and interests of the whole country should be dominated by the interests of any particular locality.

Instead of using the power of the American Government for his benefit and for the benefit of his district and his State, the commerce by Canadian railroads ought to be made amenable to the provisions of our own wise interstate-commerce law or be wholly interdicted.

Mr. WILSON, of Minnesota. In other words, we ought to legislate for the benefit of Wall street.

Mr. WHITE, of New York. I am not defending Wall street. It needs no defense at my hands. I am not attacking Minnesota. She is abundantly able to vindicate her honorable standing in the sisterhood of States. But all that she should require and all that she should ask is that the American Congress should never barter away the rights of the whole country for the sake of being given advantage through foreign competition of uncontrolled Canadian railroads. She should never ask for American money to be paid to foreign enterprises at the expense of the whole people. The Government of the United States in the management of its commerce under the interstate-commerce law should look to a fair and equitable adjustment of all the properties in this country, and see to it that while the gentleman from Minnesota and the constituents of the gentleman from Minnesota have the broadest right to use foreign railroads they should use them under the same restrictions which are wisely imposed upon American enterprises. [Applause.]

Mr. DAVIS. Is not the present position precisely as though we should relieve one American railroad from the operation of the interstate-commerce law and shackle all the rest?

Mr. WHITE, of New York. It is. The goods start out on an American railroad and end on an American railroad, and have been hauled across the country north of Lake Superior on a road that can discriminate between a long and a short haul. And it operates to the advantage of one and the disadvantage of all the rest.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The Chair will state that there are fourteen minutes remaining to the side on the left of the Chair to make an equalization of the time consumed.

Mr. HITT. Inasmuch as no gentleman asks fourteen minutes to speak, and as I have stated that the gentlemen who were to speak on both sides would alternate, it was expected that the gentleman from Minnesota [Mr. WILSON] would follow.

Mr. McCREARY. I now yield forty-five minutes to the gentleman from Minnesota [Mr. WILSON].

Mr. WILSON, of Minnesota. It would be a useless waste of the time of this House to go into an argument to show what every one in the country admits—that for some time the fishermen of the United States have been subjected to numerous petty annoyances and illegal harassment by Canada and Great Britain.

I shall therefore, in the few minutes for which I feel at liberty to ask the attention of the House, inquire only what is the duty of our Chief Magistrate and of the Government in the present condition of affairs, without going back to refer to the customs or statutes or treaties by which the United States and the British dominions regulated their intercourse up to the time of making the treaty of 1871.

The purview and operation of the earlier treaties, laws, and regula-

tions, and the questions rising under them, have been thoroughly elucidated by the reports of the majority and minority of the Committee on Foreign Affairs and the debates in the Senate and in this House on the fisheries question at this session; but they have little bearing on the question before us now.

In order to understand the present situation and our rights and duties it is necessary to refer to some of the provisions of the treaty of 1871. It primarily treated of the Alabama claims, but it also secured to the fishermen of the United States, in addition to their prior rights under the treaty of 1818, the right to fish in certain waters of British North America, and to the fishermen of British North America the right to fish in certain waters of the United States; and it provided that the fishery products of each country should be admitted into the other free of duty, and that the balance of advantages, if any, should be settled by a commission.

The commission fixed the balance of damages against the United States at $5,500,000, which was paid.

As the meaning and proper interpretation of certain articles of that treaty have been, and are in this House, considered open to question or doubt, I ask attention to the exact language of Articles XVIII, XIX, XXI, XXVI, XXVII, XXVIII, XXIX, XXX, and XXXIII, and I shall incorporate them in the RECORD with my remarks.

ARTICLE XVIII.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the seacoasts and shores, and in the bays, harbors, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE XIX.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern seacoasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said seacoasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

ARTICLE XXVI.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or the Dominion of Canada not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions under such rules and regulations and conditions for the protection of the revenue as the governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from the United States through the said possessions to other places in the United States or for export from ports in the said possessions.

ARTICLE XXX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America, to another port or place within the said possessions: *Provided*, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals of the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

In March, 1883, Congress passed a joint resolution providing for the termination of Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of said treaty, and the termination took effect July 1, 1885. During the life of those articles there was little complaint by our fishermen; but on their annulment the Canadian authorities renewed their illegal and vexatious conduct, so that it became the duty of our Government to take notice of their doings, and in 1886, as we are informed by the President in his message, notice was received by our Government that our fishermen would no longer be allowed to ship their fish in bond, free of duty, through Canadian territory to this country, and ever since that time such shipment has been denied.

To civilized or Christian statesmen the course to be pursued under such circumstances does not admit of the least doubt. I think that if we throw aside partisan prejudice and the desire to make partisan capital, there will be no doubt in the minds of anybody, and no one will fail to admit that there was but one plain duty for the President under the circumstances.

While every Government is bound to guard and protect the rights of the individual citizens at all hazards, yet that ruler or executive who would precipitate war without some imperative necessity therefor, and without having exhausted every reasonable and peaceable means to avoid it, would not only merit but surely draw down upon himself the execration of every humane and right-minded man. War is only to be contemplated as a cruel and *dernier ressort*. Every good man must hope for the coming of that day when we shall beat our swords into plowshares and our spears into pruning-hooks, when nation shall not lift sword against nation, neither shall they learn war any more.

In this case President Cleveland was not forgetful either of his duty to our injured citizens or of the demands of humanity and civilization. Almost at the earliest possible moment—in December, 1885—in his annual message he called the attention of Congress to the situation, and recommended that provision should be made for a commission to adjust the differences and disputes which had arisen. In this and in the power which he now asks he has trodden not only in the path of duty, but in the very footsteps of illustrious predecessors in his high office. In 1870, when essentially the same state of affairs existed that exists to-day, President Grant, in his second annual message to Congress, used this language:

Anticipating that an attempt may possibly be made by the Canadian author-

ities in the coming season to repeat their unneighborly acts upon our fishermen, I recommend to confer upon our Executive the power to suspend by proclamation the operation of the laws authorizing the transport of goods, wares, and merchandise in bond across the territory of the United States to Canada; and further, should such extreme measures become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

Congress refused to comply with the request of President Cleveland to provide for a commission, but enacted this law of March 3, 1887, which I shall also incorporate into the record of my remarks:

An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

Be it enacted, etc., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfuly sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either of all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved March 3, 1887.

There are many objections to this act of 1887, to some of which I may refer particularly before taking my seat. But there are two that strike us at first blush.

Retaliation is incipient war. He is a braggart and a coward who will resort to it without intending to follow it, if necessary, to its probable or possible consequences. This act was for that reason ill-timed if it was intended that the President should enforce it before he had by treaty or other peaceable means sought redress. It was, too, as an act of retaliation inadequate, as it would have injured us nearly or quite as much as it would have injured our adversaries. Indeed, in some localities the putting of it into operation would have resulted in much greater injury to the citizens of the United States than to the citizens of Canada.

Now permit me to call attention to some of the remarks made by the gentleman from New York [Mr. WHITE] who has just taken his seat. The gentleman insists that retaliation under the act here proposed, in pursuance of the message of the President, would inflict great and serious injury on us, and that therefore it should not be resorted to. I wish to remind the party opposed to the Administration in Congress that they have refused to permit the President to adjust our differences by negotiation. They complain that he has attempted that. He can not declare war, and he must either permit our citizens to continue to suffer the wrongs complained of or else resort to retaliation. The question, therefore, is presented between the act of 1887 and the act which we are now considering, as I shall hereafter show. I assert here, and I shall try to prove by a comparison of these two acts, that every injury which he alleges would result to our people by enforcing the act that is now before the House would have resulted to our people from the enforcement of the act of 1887, and many greater injuries.

Let me call attention now to the provisions of these two acts. By the act of 1887 it is provided, among other things, that "it shall be lawful, and it shall be the duty of the President, in his discretion, by proclamation to that effect, to deny vessels, etc., any entrance into the waters, ports, or places of or within the United States." What further? Also "to deny entry into any port or place in the United States of fresh fish or salt fish, or any other product of said Dominion, or other goods coming from said Dominion to the United States." That is what the act of 1887 provides. Does the gentleman from New York pretend to believe that after we shall have denied the right to Canadians to transmit goods or merchandise from Canada to the United States, they will still permit the transmission of goods from the United States to Canada?

No man can believe that. I will presently show the House how the act of 1887 would operate upon the interests of the Northwest if it were enforced.

Mr. LIND. Will my colleague permit a question?

Mr. WILSON, of Minnesota. Yes, sir.

Mr. LIND. I understand the gentleman to say that it is not to be supposed that Canada will permit us to retaliate without paying us in our own coin. Now, if that is true, does my colleague suppose that Canada would permit us to retaliate as provided in the pending act, without also repaying us in our own coin?

Mr. WILSON, of Minnesota. I will come to that in a minute. I will show by reference to this act before the House that it does not assume to cut off the right of transmission of goods from Canada to the United States any more than it does the transmission of goods from the United States to Canada. There is entire mutuality under it. The question of my colleague could not arise under this act. I shall now turn back to the point in my argument at which I diverged to notice the position of the gentleman from New York.

The President, on the refusal of Congress to authorize a commission, attempted to do what I think his duty manifestly required of him—to obtain redress for our citizens and to adjust the differences between the two countries by a treaty negotiated under the treaty-making power conferred on the Executive by the Constitution. In pursuance of this power he appointed three commissioners, two Democrats and one Republican, to act with a like number appointed by the British Government, with a view to a speedy adjustment of the matters of difference. The commissioners met at Washington last November, and the treaty having been agreed upon, it was by the President at once submitted to the Senate. After prolonged discussion the Senate rejected it.

It perhaps was unfortunate that the Senate was required to act upon it in a year of a Presidential election. It is too true, as all experience shows, that public interests are at such times often made subservient to supposed party advantages.

It is sufficient to say, and perhaps as much as I could with propriety say, that without the proposing of a single amendment the treaty was disagreed to by a strict party vote, which has unfortunately produced a widespread impression that party considerations triumphed over patriotism. Pending negotiations, of course the President could not, without disregard of the plainest rules of propriety, have even suggested a resort to retaliation, or to any other mode of redress. No man can, therefore, with truthfulness, affirm that down to this time the President has been neglectful of his duty. A period having been put to negotiations, and the President having in mind his duty to guard the honor of the country and the rights of its citizens, he at once determined on retaliation, the only course left open this side of actual war, and he could only proceed, as I have above said, under the act of 1887, or apply to Congress for enlarged powers.

He realized that an attempt at retaliation is puerile if not effective, and that it is calculated to bring contempt on the Government resorting to it under such circumstances. He also realized that retaliation is worse than contemptible when it inflicts a greater injury on him who attempts it than on his adversary. As he has forcibly said in his recent message, "A policy of national retaliation manifestly embraces the infliction of the greatest harm upon those who have injured us with the least possible damage to ourselves, and above all things, the plan of retaliation if entered upon should be thorough and vigorous."

It is not my purpose to discuss the merits of the treaty. But one thing is clear—if it was not adequate, it might have been made so by amendment; and no one, I think, can read the reports of the committee and the discussions on this question in the Senate without coming to the conclusion that the majority of that body determined that there should now be no treaty. And having been rejected its sufficiency to effect the object intended is not material here.

The question now is simply, what is the best mode of retaliation?

I very much regret that this question could not have been discussed in this House—if it was to be discussed at all—on its merits and without any disingenuous attempt to misrepresent the President or to put forth false issues for political effect. But it has not been.

While most of the gentlemen who have spoken on the other side have declared that they favor this measure, many of them show by their acts and by their course in the discussion that they do not. They not only without reason insinuate, but declare that the President was actuated by unworthy motives in sending in his message, although he has done only what President Grant did when political considerations can not be supposed to have influenced him.

Some of them have declared that this act is a "humbug" and "unnecessary," and some have gone so far as to say that its enactment would be a breach of our treaty obligations; yet they all, with two or three exceptions, say they will vote for it. This would seem to show a low state of morals or a lack of manly independence, or both, un-

becoming to men who assume to lecture the President on political morals, and who even venture to charge him with "pusillanimity."

They have attempted to divert attention from the merits of the measure by lugging into the discussion other matters not germane or relevant, and to excite the supposed prejudice of persons or classes by epithets not only calculated but intended to mislead and deceive. While the gentleman from Illinois [Mr. HITT] and the gentleman from New Jersey [Mr. PHELPS] are among the most intelligent and fair-minded men on this floor, they have gone out of their way in this debate to charge that the President's message is a free-trade document, though they well know that the President is not a free-trader and that he has in his message in emphatic language declared against free trade.

They declare that the Mills bill is a free-trade bill, though they well know that there is perhaps not another nation on earth that has so high a tariff as that bill provides for.

They affirm that by this bill there is given to Canada without consideration many thousands of dollars annually; they intentionally seek to give the impression that this is done by the friends of this bill out of partiality for Canada over our own people, though they well know that the proposed reduction of tariff on the few articles imported from that country is to prevent the monopolists and millionaires of our own country from extorting from our people oppressive, unjust, and unnecessary taxes.

They well know that the President and the advocates of revenue reform and reduction of taxes are fighting the battles of the masses of our own people against a mushroom moneyed aristocracy that has been built up under our high-tariff laws until it has become an offense to genuine manhood and an excrescence upon republican institutions.

The fact that our highest offices are being contended for and filled by men whose only recommendation is that they are enormously wealthy by the operation of our unjust tariff laws, has become a reproach to our institutions.

Mr. Carnegie's income—the result of our tariff laws—is set down at $1,500,000 per year, which is $125,000 per month, $28,846 per week, $4,120.85 per day, $343.40 per hour, $5.72 per minute, and nearly 10 cents per second——

Mr. DALZELL. Where does the gentleman get his figures in reference to Mr. Carnegie?

Mr. WILSON, of Minnesota. I got it from the statement of an honored member of this House.

Mr. DALZELL. But did the gentleman read Mr. Carnegie's explanation?

Mr. WILSON, of Minnesota. Yes, I did read the explanation of Mr. Carnegie, and it only made me satisfied the statement of the "honored member" of this House was true.

Mr. DALZELL. Who was the "honored member" of the House to whom the gentleman refers?

Mr. WILSON, of Minnesota. That is irrelevant, and only calculated to distract the House from the pending question.

Mr. DALZELL. No. Now, does not the gentleman know that Mr. Carnegie has denied the statement which the "honored member" to whom he has referred as having made in this House? And does he not know that Judge KELLEY, a member of this House, corroborated Mr. Carnegie?

Mr. WILSON, of Minnesota. Yes; I know Mr. Carnegie made a statement in which he denied it, but I also know that his denial, as I saw it, was rather calculated to corroborate the statement.

Mr. DALZELL. That is the foundation, then, of your statement and of the figures you are now giving to the House.

Mr. WILSON, of Minnesota. Yes, sir; and every appearance and indication justify it. Such is the man who is claiming that the high protective system shall be kept up to its present height or we will all go to destruction. It is said he began as secretary of J. Edgar Thomson, of the Pennsylvania Railroad Company.

Mr. DALZELL. No, sir.

Mr. WILSON, of Minnesota. Such men as this insist that any man who attempts to reduce that protective system which has given them their enormous wealth is a free-trader and an enemy of the people.

Mr. DALZELL. Since the gentleman appeals to me, I wish to say that Mr. Carnegie was never a private secretary of Mr. J. Edgar Thomson. He made his fortune before he went into the steel business. And the statement that he made a million and a half of dollars in a year is perfectly absurd and ridiculous, and particularly false. Yes, and false in addition. The man is credulous indeed who swallows any such thing. [Laughter on the Republican side.]

Mr. WILSON, of Minnesota. The gentleman seems to know all about Mr. Carnegie's business; now will he tell us how much does he make per annum? He seems to speak for him; how much does he make?

Mr. DALZELL. I could not tell you.

Mr. WILSON, of Minnesota. Then you do not know, though you deny the statement of an honorable member of this House who says Mr. Carnegie told him so.

Mr. DALZELL. No more than I know how much the gentleman makes, or how much is made by the "honored gentleman" who made the statement that Mr. Carnegie had boasted that he was worth $20,000,000.

Mr. WILSON, of Minnesota. The gentleman attempts to give me information of things which he knows nothing about.

Mr. DALZELL. Does the gentleman know how much the "honored member" to whom he refers makes out of his "pluck-me" stores? [Applause and laughter on Republican side.]

Mr. WILSON, of Minnesota. The President and the supporters of the Mills bill say that this is unjust; and when they attempt a modification of the law that would effect a more equal distribution of the wealth of the country they are met with epithets and disingenuous appeals to prejudice by those who were only known as the champions of labor when an election was imminent.

These questions should not have been dragged into this discussion, and misrepresentation should not find a place in any discussion.

As I said, the question here is what is the best mode of effective retaliation for the wrongs inflicted on our people by Canada and England?

The President is justified in calling for such enlarged powers as to him seem needful or proper. He would be culpable if he did not do so, and it is our duty to confer such powers if necessary or proper. That they are necessary is not to be doubted unless the act of 1887 is just and adequate, and to attempt to prove that it is not would seem to be an unnecessary waste of the time of this House, for the fact that Canada and England look on it with such composure and even apparent satisfaction, and on the course suggested by the President with such disapproval and manifest alarm, is the plenary proof that that act would not be effective and this would.

In the Northwest, where I am best acquainted, the enforcement of the act of 1887 would work very great injury to our own people and comparatively little to Canada. I am led to believe that that is one reason why the President desires the passage of this act so that it might not be necessary for him to enforce that. By that act it was provided that "It shall be the duty of the President, in his discretion, by proclamation, * * * to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States." This would shut off all trade or intercourse between the two countries. The trade between Manitoba and Minnesota is very great. There are hundreds of thousands of bushels of wheat produced in Manitoba brought into the United States annually and there milled and the manufactured product shipped to the East and to Europe. This would all be prevented by the act of 1887, for that act would prevent the importation of that wheat from Manitoba into Minnesota.

Mr. HAUGEN. Let me ask the gentleman a question.

Mr. WILSON, of Minnesota. I have but a very few moments' time remaining.

Mr. HAUGEN. I only want to ask if it is true that this bill repeals the act of 1887?

Mr. WILSON, of Minnesota. No; I said that it authorized the President to resort to this instead of the other.

Mr. HAUGEN. Or both.

Mr. WILSON, of Minnesota. Yes, or both; but the gentleman must bear in mind that if the President had exercised the power conferred upon him by the act of 1887, which gentlemen on the other side find fault with him for not exercising, it would have been very hurtful to our interests in the Northwest.

Mr. HAUGEN. How so? Was it not his duty under that act to avail himself of its provisions, or any of its provisions?

Mr. WILSON, of Minnesota. Perhaps so, though the act is very imperative in its terms. Perhaps the President might have refused to exercise all or any of the powers conferred by it, but the course of the opposition shows that he would have been censured for so doing, and it must be admitted that if he had exercised the powers conferred, and which it was evidently intended he should exercise, our interests must have suffered.

Mr. DAVIS. But does not the gentleman admit that he would have had discretion?

Mr. WILSON, of Minnesota. Well, I suppose so. But I must beg to be permitted to proceed without interruption, as my time is limited.

Mr. DAVIS. Pardon me; I only wanted to call the gentleman's attention to the fact that the President had the power to discriminate under the act to which he refers.

Mr. WILSON, of Minnesota. I should be very glad to pursue this question further in answer to my friend from Massachusetts, but my time is limited, and I shall have to proceed in the course I have mapped out for myself.

This is but one illustration of the unjust and prejudicial effect of the act of 1887 on the Northwest.

It would be a direct blow at some of our transportation lines which cheapen the carriage of our products to the East, for on some of those lines products or goods shipped from the West to the East necessarily pass into Canada and from Canada to the United States and therefore would be inhibited by this act. This would be a severe and unjust blow to the Northwest. It would be compelling it to pay the consideration for the settlement of the fisheries question, which principally interests New England.

I am aware that this is a national question and should not be treated or looked at from a narrow, sectional standpoint. But if the people

of either section are to be affected injuriously by retaliation it should rather be those of that section that is to receive the benefit.

And the object that gentlemen on the other side have in view—and that is the Wall street object; the capitalist's view of the question—is to compel the great Northwest to bear the large share of the burden of the settlement of this fisheries question, and that is just what the gentleman from New York, who took his seat but a few minutes ago, and other gentlemen who have argued this question upon the other side and who represent Eastern railroads, favor in the interest of their constituencies. They prefer that character of retaliation which will inflict injury and cost upon the people of the great Northwest to settle a difficulty which affects their local constituencies; just as my friend from Pennsylvania here is always very eager to do what he can for the interest of Philadelphia and Pennsylvania—the Pennsylvania Railroad Company.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I want to benefit American capital as against British capital and American railroads as against foreign railroads.

Mr. WILSON, of Minnesota. And I, Mr. Speaker, wish to encourage and benefit those lines of road that furnish us competition and cheap transportation. There is no danger but that American capital and American railroads will take care of themselves. Situate so far as we are from the seaboard, cheap transportation is absolutely essential to our prosperity. And any act that would interfere with that would strike us in a vital point.

As I said, the President saw this; and by his recommendation has sought to avoid it, and the bill introduced pursuant to his suggestion does avoid it.

Mr. WHITE, of New York. It takes away the freights from the laboring men.

Mr. WILSON, of Minnesota. Yes, it perhaps might take away some freights in your city of New York, of course; and the act of 1887 would have done that and much more, too, as I think I have shown. In other words, the act of 1887 is the Wall-street act to make the people of the great Northwest foot a large share of the consideration for the settlement of the fisheries question.

Mr. WHITE, of New York. Will the gentleman yield to me for a question?

Mr. WILSON, of Minnesota. I dislike very much to say no to a courteous request.

Mr. WHITE, of New York. Well, that is a courteous reply, and I will be very brief in my inquiry.

Does the gentleman contend that the act of 1887 must be put in force in all of its parts, and that discrimination can not be made by the President simply to stop the Dominion shipping from coming into our ports?

Mr. WILSON, of Minnesota. I admit, as I have before said, that perhaps the President might not be required to execute all parts of the act of 1887, nor would he be required to execute all parts of this act. But, as I have said, this act should pass for this as well as other reasons. No evil consequence can possibly follow from the execution of this that would not necessarily follow from the execution of that; and if the act of 1887 were executed according to its purview great injury would come to our section of the country which could not follow from the execution of this act.

I here ask attention to this bill. By its first section—which is the only section bearing on this question—it is provided simply and only that on the happening of certain things the President, by his proclamation, may forbid the transportation across the territory of the United States in bond without the payment of duty of any goods, wares, or merchandise, exported or imported, from any foreign country to Canada or from Canada to any foreign country. It does not interfere with the transportation of any goods from Canada to or through any part of the United States, or from the United States to or through any part of Canada. The language of the statute is—

Be it enacted, etc., That whenever the President may deem it his duty to exercise any of the powers given to him by an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887, it shall be lawful for the President, in his discretion, by proclamation to that effect, to suspend, in whole or in part, the transportation across the territory of the United States in bond and without the payment of duty, of goods, wares, and merchandise imported or exported from any foreign country from or to the British dominions in North America.

SEC. 2. That whenever the President shall be satisfied that there is any discrimination whatever in the use of the Welland Canal, the St. Lawrence River Canals, the Chambly Canal, or either of them, whether by tolls, drawbacks, refund of tolls, or otherwise, which is, or may be, detrimental to the interests of the United States, or any of its citizens, it shall be lawful for the President, in his discretion, to issue a proclamation to that effect, whereupon there shall be collected a toll of 20 cents a ton upon every foreign vessel and her cargo passing through either the Sault Ste. Marie Canal or the St. Clair Flats Canal; and the Secretary of the Treasury may authorize and direct any of the customs officers to collect the tolls levied under this act, or the President may, in his discretion, when he is satisfied there is any such discrimination, prohibit the use of said canals to any such foreign vessel. The President, when satisfied that such discrimination has ceased, may issue his proclamation to that effect, in his discretion, whereupon the tolls authorized by this act shall no longer be collected, and said prohibition, if ordered, shall cease.

SEC. 3. That the Secretary of the Treasury is authorized to make any regulations needful to carry this act into effect.

It will be seen that the trade of the Northwest could not be affected by this.

I do not feel at liberty to dwell longer on the meaning of this section. It is free from ambiguity.

Against this act it is argued:

1. That Article XXIX of the treaty of 1871 is now in force, and therefore that we are under a moral obligation at least not to disregard or attempt to annul it under two years after a notice of our wish to terminate shall have been given; and

2. That if it is not in force then no statute is required to authorize the President to suspend the transportation of goods in bond, etc., across our territory.

I think this contention is more specious than sound. By section 18 of the treaty it will be observed that there is granted to the inhabitants of the United States by her Britannic Majesty certain privileges "for the term of years mentioned in Article XXXIII;" and by section 19 like privileges are granted to the British subjects by the United States "for the term of years mentioned in Article XXXIII." In Article XXIX of the treaty the right to transport goods in bond is granted "for the term of years mentioned in Article XXXIII."

The language of Article XXXIII is given above.

I am of the opinion that by a strict and proper construction of the language of Article XXIX, its life terminated when the life of Articles XVIII to XXV, inclusive, and Article XXX terminated. Indeed, I do not think it admits of any other construction.

The term of years mentioned in Article XXXIII, which is the term of the life of this article, is not for ten years or twelve years, or any other given or certain number of years, but for a term beginning with the approval of the law to carry Articles XVIII to XXV, inclusive, and Article XXX into effect, and ending two years after the giving of notice of the wish to terminate said articles; that is, to terminate Articles XVIII to XXV, inclusive, and Article XXX. If I am right in this position, then of course Article XXIX terminated with the fisheries articles. This position is justified, as pointed out by the President, by the language of the law of 1873, which was enacted to carry Articles XVIII to XXV, inclusive, and Article XXX into effect, and by the official memoranda of the High Joint Commissioners who negotiated the treaty. The language of the act of 1873 is as follows:

That from the date of the President's proclamation authorized by the first section of this act, and so long as Articles XVIII to XXV, inclusive, and Article XXX shall remain in force according to the terms and conditions of Article XXXIII of said treaty, all subjects of Her Britannic Majesty may carry, etc.

The meaning and intention of this act in this respect can not be misunderstood.

The official memoranda of the High Joint Commissioners who negotiated the treaty show with equal clearness that they so understood the meaning of the language of that article. Those memoranda are in the following words:

The transit question was discussed and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fisheries articles should be in force.

This is, at least, a contemporaneous construction of Article XXIX, which is nearly or quite conclusive of its meaning. Nor is there anything in the joint resolution of March 3, 1883, providing for the termination of Articles XVIII to XXV, inclusive, and Article XXX, at all inconsistent with this view. And as the language of the act of March 1, 1873, putting this treaty into effect, clearly limits the life of Article XXIX of the treaty to the life of Articles XVIII to XXV, inclusive, and of Article XXX, whether this act was or was not in accordance with the intention of the treaty, it limited and controlled it, for it is a rule of law so clear on principle and so well settled by authorities that a statute inconsistent with an earlier treaty controls, modifies, or repeals the treaty, it would be a mere affectation of learning to cite authorities in its support. In any view that may be taken on this subject, therefore, I am satisfied that Article XXIX of the treaty of 1871 is not in force.

But it by no means follows from that that the bill now under consideration is unnecessary. The practice of transporting in bond without payment of duty was in force under different statutes before the treaty, and perhaps before any statute authorizing it. These statutes still remain and that practice which has by unquestioned usage been sanctioned still remains. And it is not only proper but necessary that a statute should be passed which would authorize the President in his discretion to discontinue that practice and suspend the operation of those statutes.

The gentleman from New Jersey argues that section 29 did not fall with the fisheries articles, but that by the refusal of the Canadian Government to permit the transportation of fish in bond across its territory in 1886 the President had a right to declare section 29 abrogated, and that the President's acts have been pusillanimous, etc., for not so doing.

This merely shows the straits to which the opposition are driven to find a pretext for censuring the President.

A reference to the proceedings of the Halifax Commission shows that the counsel for the United States—

Asked the commissioners to rule and declare that it is not competent for this commission to award any compensation for commercial intercourse between the two countries, and that the advantages resulting * * * from being allowed to transship cargoes in British waters do not constitute a foundation for award of compensation, and shall be wholly excluded from the consideration of the tribunal.

After argument and consideration this motion was granted by the unanimous vote of the commissioners. The commission held and decided at the instance of the counsel of the United States that this was not one of the rights secured to the United States by the treaty of 1871. The discussion and decision of this question will be found on pages 7, 8, and 40, volume 1, Proceedings Halifax Commission, and volume 2, *ibid.*, pages 1539–1588.

Mr. LIND. I will ask my colleague if that was not one of the elements of damage for which our country was compelled to pay $5,000,000 under the treaty of 1871?

Mr. WILSON, of Minnesota. It was not; on the contrary, the counsel of the United States made the point that it was not one of the elements of damage submitted to the commission, and asked that all evidence touching that be stricken out; and it was stricken out because it was not one of the grounds of damage, as the authorities above referred to show.

Mr. LIND. But our State Department has so recorded, and I will cite my colleague to it.

Mr. WILSON, of Minnesota. I do not think it has.

Time will not permit me, nor do I deem it necessary, to refer to section 2 of this bill. I believe its propriety and necessity are unquestioned. That we should permit Canada, in violation of her treaty obligations and common fairness, by discriminating tolls and unfair rebates to divert business from our country is not for a moment to be tolerated.

We having therefore the right to enact this statute and it being necessary to confer on the President the power asked in order to make retaliation effective, the other question arises for our consideration, shall he be allowed to exercise that power? I think he should.

I believe that nearly every intelligent man in the length and breadth of the land has come to believe that the President is a sagacious, able, honest, and courageous man, to whom the interests and rights of the people and the honor of the nation can safely be trusted.

Even his most earnest political opponents are constrained to admit this. Senator FRYE, of Maine, in speaking of the President when discussing this very question in January, 1887, used this language:

> The President of the United States, I believe, is an American citizen who has at heart the honor and the dignity of the great Republic over which he presides. He is an American citizen who, I believe, sympathizes with every other American citizen. He is an American citizen who believes in protecting the rights of American citizens everywhere; ay, more, I believe that he is an honest man, and if you place the power contained in this bill in his hands he will use it for the protection of our rights or maintenance of our honor, and that we, as Congress, have no right to-day to doubt or hesitate over the question whether or not he will properly use the power. To us there is a plain, clear, unmistakable duty, and that is to give the chief executive officer of the Republic power enough to protect our honor and the rights of our citizens.

Except where it is deemed admissible to pervert the truth for political purposes this is the voice of intelligent people everywhere.

Mr. LIND. When was it said? I did not notice the date on which it was said.

Mr. WILSON, of Minnesota. That was said a year ago.

Mr. LIND. Before the negotiation of the fisheries treaty?

Mr. WILSON, of Minnesota. I understand my colleague to imply that because and since the President attempted to settle our difficulties with another nation by amicable and usual means he has ceased to deserve the confidence of the people and Congress which otherwise would properly have been imposed in him. I think it truly unfortunate, Mr. Speaker, that we have arrived at such a pass.

That the power proposed to be conferred by this act would be efficacious is, I believe, generally conceded. The great complaint that seems to be made in Canada and Great Britain, and by certain parties in this country who, for reasons best understood by themselves, seem to be shocked by the President's recommendation, is that the exercise of the power would be unnecessarily severe. That it would inflict very serious inconvenience on Canada with the least possible injury to us is, I think, quite certain. And I think it equally certain that it would bring Canada to a realization of the fact that though the United States are long-suffering and slow to wrath they will not permit the rights of a single citizen to be trampled on with impunity.

I trust, therefore, that this bill will become a law.

If the public journals are to be credited, it is given out that if we attempt a vigorous enforcement of our rights we may hear the voice of protest from the throats of cannon on the gunboats of Great Britain.

Sir, President Cleveland is not the man nor are the people of the United States the people to be deterred from insistence on their rights by any such menace.

Should war be declared, which God forbid, a gunboat of Great Britain would scarcely have time to reach our shores before Canada would be a part of the territory of the United States, with the Stars and Stripes floating from the Heights of Abraham. Ay, Mr. Speaker, should war be declared recollections of the past would be awakened by the patriotic and friendly emulation of the sons of Massachusetts and the sons of South Carolina to be foremost in resisting the aggressions and punishing the insolence of Great Britain. And when the sons of the North and the sons of the South shall have again baptized the old flag in their commingled friendly blood, the British Dominions in North America and sectionalism among ourselves will forever afterward be things of the past.

No, Mr. Speaker, I think there will not be war. It is only when Great Britain contends with an unequal adversary that she is overbearing and warlike. When she confronts her equal in strength she is yielding and submissive. But should the Queen of Great Britain and Empress of India, forgetting the lessons taught her ancestors in the past, aim or discharge at us one unfriendly gun I predict that the echo which it would awaken would not cease to reverberate before Grover Cleveland, President of the greatest Republic on earth, would salute Charles Stewart Parnell as President of the youngest Republic on earth.

Mr. WHITE, of New York. Will my friend permit me? He was so urbane that I would not interrupt him during his speech, but I wish to ask if I understood him to say that the act of 1887 was a Wall-street measure, and as that act was passed by the Forty-ninth Congress, which had a Democratic majority of 43, is there an imputation that the Democratic Congress was bought or materially influenced by Wall street?

Mr. WILSON, of Minnesota. I did not mean to say that the act of 1887 was a Wall-street measure. I was not in the Forty-ninth Congress, but I will tell you what I do understand, and that is that it was a measure that originated in the Senate and was insisted on by the Senate and pressed on the House by the Senate; and you know better than I the influence that Wall street has on the Senate or the Senate on Wall street. [Applause.]

Mr. HITT. I yield thirty minutes to the gentleman from Minnesota [Mr. LIND].

Mr. LIND. Mr. Speaker, as the sentiment of the House appears to be almost unanimous in favor of the passage of the bill now under consideration, I feel it my duty to state the reasons that impel me to vote against it. The President says:

> I recommend immediate legislative action conferring upon the Executive the power to suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares, and merchandise in bond across or over the territory of the United States to or from Canada.

And the bill before us is skillfully drawn to carry this recommendation into effect.

What does this request mean? It means to the people of Minnesota and Dakota alone that in his discretion he can, by the stroke of a pen, reduce the value of our 60,000,000 bushels of wheat that will seek the markets of the East and the seaboard this Fall by at least 7 cents a bushel. It means that by exercising the powers he asks he can enhance exactions of Northwestern railroads at least 25 per cent. It means that he can rob Duluth of nearly half her shipping. It means that he can ruin the trade of the "twin cities," the pride of our State and of the Northwest. It means that he can cripple the energetic and enterprising men of our State, who have invested their means in the new lines of railway which place us practically as near the seaboard as the State of Illinois. These, sir, I should consider sufficient reasons for a vote in the negative, but I do not rest my objections to the bill on what you might call local grounds.

I shall vote against this bill because I believe it was conceived for an improper purpose. It is uncalled for, wrong in its spirit, and an unworthy exponent of the power, dignity, and honor of the American people.

What grounds does the President assign for asking these extraordinary powers? We have a right to scrutinize them.

He charges that the Canadian Government has discriminated against our citizens in the use of the Canadian canals, but we have not been advised to what extent or in what manner. Neither does he nor has any member of the Committee on Foreign Affairs given us to understand that our Government has ever called the attention of the Canadian Government to this grievance or requested it to desist. If such request or demand had been made it would certainly have been complied with. Since the negotiation of the treaty of 1871 the United States has constructed and is now operating the Sault Ste. Marie Canal, wholly within our own territory.

It is the key, the sole entrance to the immense traffic of Lake Superior. Nearly ten thousand passages were made last season, and while I have not the official figures as to the proportion of Canadian vessels and steamers, I know it was very large. Every Canadian vessel passes through this canal without authority of law, except the provisions of Article XXVII of the treaty of 1871 and the legislation in pursuance of it. The rights granted by this article are reciprocal, and as was well stated by my colleague [Mr. NELSON] yesterday, the President has the power to suspend this right if Canada refuses our citizens the canal rights to which they are entitled. This right has already been conferred by the act of March 3, 1887. Under these circumstances, does it stand to reason that the Canadian Government would have refused to modify its canal regulations had the request been made?

As to the refusal to ship or permit the shipment of fish in bond, it must be admitted that if the President is right in his assumption that the twenty-ninth article died with the fisheries articles, then Canada has violated no agreement in refusing it; but I think differently, and for that reason will discuss that question in connection with the grievances of our fishermen.

The gist of our differences with Canada is her denial of the full and free exercise of our fishery rights and the damage inflicted on our fishermen in person and property.

Is this the grievance we want to redress, or is the President after something else?

From his utterances one is forced to the conclusion that he wants retaliatory powers, not to secure observance of our rights, not to redress our grievances, but for the sake of retaliation as such. This is why I shall vote no on this bill.

If we have cause for retaliation, let us retaliate in a manner sanctioned by the law of nations, and not to the prejudice of our national honor or to the inestimable damage of our own people.

If we have matters to negotiate, let us not embarrass or block the way for negotiations beforehand.

If we have cause for war, then let our quarrel remain just and our action such, that it has the approval of our own conscience and of the judgment of mankind.

What is retaliation as sanctioned by the law of nations?

Vattel says (Book 11, chapter 18, section 339):

When a nation can not obtain justice, whether for a wrong or an injury, she has a right to do herself justice. But before she declares war there are various methods practiced among nations. Among those methods of obtaining satisfaction has been reckoned what is called the law of retaliation, according to which we make another suffer precisely as much evil as he has done.

He then refers to his views on the measure of punishments as follows:

From the foundation even of the right of punishing and from the lawful end of inflicting penalties arises the necessity of keeping them within just bounds. Since they are designed to procure the safety of the state and of the citizens, they ought never to extend beyond what that safety requires.

And continues:

Let us say, then, that a nation may punish another if the latter refuses to give her a just satisfaction; but she has not a right to extend the penalty beyond what her own safety requires. *Retaliation—*

He says, in italics—

which is unjust between private persons would be much more so between nations, because it would in the latter case be difficult to make the punishment fall on those who had done the injury. When a sovereign is not satisfied with the manner in which his subjects are treated by the laws and customs of another nation, he is at liberty to declare that he will treat the subjects of that nation in the same manner as his are treated. This is what is called retortion.

Woolsey, in his work on International Law, § 114, section 2, says:

Retortion, or retaliation, is to apply the *lex talionis* to another nation—treating it or its subjects in similar circumstances, according to the rule which it has set. Thus if a nation has failed in comity or politeness, if it has embarrassed intercourse by new taxes on commerce or the like, the same or an analogous course may be taken by the aggrieved power to bring it back to propriety and duty. The sphere of retortion ought to be confined within the imperfect rights or moral claims of an opposite party. Rights ought not to be violated because another nation has violated them.

I might cite a dozen more authors to the like effect. They all agree that retaliation should not exceed reasonable satisfaction; that it should be "in kind;" that it should violate no rights; in other words, that the "punishment should fit the crime."

For the grievances we have suffered at the hands of Canada a remedy has been suggested. This remedy was suggested by those who are best able to judge of its efficacy and who are most interested—the fishermen themselves. In June, 1887, the president of the American Fishery Union wrote to Mr. Cleveland, and in behalf of the fishermen of the United States requested the President to exclude British American fishing-products from the markets of the United States until such time as Canada should concede American fishermen rights. The President had the power to comply with it under the act of March 3, 1887. The request was reasonable. A proclamation in compliance with it would have met the approval of the entire people. It was in harmony with the law and usages of other nations. It would have satisfied our fishermen and secured speedy redress for their injuries. What did the President do? He wrote a letter (page 91, Miscellaneous Document No. 109, Fiftieth Congress). I quote from it:

I understand the main purpose of your letter is to suggest that, in case recourse to the retaliatory measures authorized by this act should be invited by unjust treatment of our fishermen in the future, the object of such retaliation might be fully accomplished by "prohibiting Canadian-caught fish from entry into the ports of the United States."

The existing controversy is one in which two nations are the parties concerned. The retaliation contemplated by the act of Congress is to be enforced, not to protect solely any particular interest, however meritorious or valuable, but to maintain the national honor——

This is a remarkable scheme for the defense of our honor, and had he not reiterated the same views in the last message I should not have quoted it out of respect for his high office. But in the document we are now considering he says:

Plainly stated, the policy of national retaliation manifestly embraces the infliction of the greatest harm upon those who have injured us, with the least possible damage to ourselves.

After considering these views it is refreshing to turn to the message of a former President, who had a higher conception of American honor. In the treaty of July 4, 1831, with France, that nation admitted an indebtedness of 25,000,000 francs to us, payable in six annual installments. When the first installment fell due she refused to pay, without cause. The money was demanded with firmness, and President Jackson thus advised Congress, in his sixth annual message (1834), as to the policy of such action:

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens or permitting solemn treaties for their indemnity in cases of flagrant wrong to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful and, to my mind, conclusive objections to this mode of proceeding. We can not embarrass or cut off the trade of France without at the same time, in some degree, embarrassing or cutting off our own trade.

The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government, and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom; besides, by every measure adopted by the Government of the United States with the view of injuring France, the clear perception of right which will induce our own people and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just will be obscured, and the support rendered to us in a final resort to more decisive measures will be more limited and equivocal.

President Jackson objected to retaliation that "must fall, though unequally, on our own citizens and weaken that united sentiment in support of the rights and honor of the nation which must pervade every bosom." How different is the spectacle presented by this Administration! The gentleman from Pennsylvania [Mr. SCOTT], who is the avowed mouthpiece and spokesman of President Cleveland, stated in his speech on Friday last, as I understood him, that under this bill, if it became a law, the President would be enabled to suspend the transit of Canadian imports from the New England seaports and thus cut off a traffic amounting to from thirty to fifty millions a year. This would take the business and its profits from capital and the employment from labor, and the people thus injured would turn on the fishermen and curse them for the evils that had befallen them, and the whole fishery question would be confined to New England and made a local question.

What a patriotic purpose! Instead of uniting the people in sentiment he would array State against State, town against town, and brother against brother. He then cited the statement of a Treasury official to show that only 25 per cent. of the fishermen were native-born, and said that "the Yankee fisherman was now pegging shoes;" that 75 per cent. of the fishermen were Canadians, Scandinavians, and other foreigners. The only object of this must have been to convey the impression that foreign-born citizens were not entitled to protection against Canadian violence and insult.

From the views I have already expressed it will be apparent that the existence or non-existence of Article XXIX, at the present time, is immaterial, except in one aspect of the case. Our right to retaliate in the manner indicated by the President depends entirely on the correctness of his assumption that Article XXIX of the treaty of 1871 has been abrogated. He says it has. Against his views we have the official opinion of Secretary Bayard given in reply to a letter from Senator REAGAN. The letter is on file in the Interstate Commerce Committee of the Senate, and reads as follows:

DEPARTMENT OF STATE, *Washington, January 7, 1887.*

SIR: I had the honor to receive late yesterday afternoon your telegram asking to be informed "when was the treaty of Washington between the United States and the Dominion of Canada abrogated? When did its provisions cease to operate?"

The information you desire is found in the accompanying document, containing the correspondence which took place between this Department and the British minister in 1885, and the President's proclamation in regard to the termination of the fisheries articles of the treaty of Washington.

This document is reprinted in full in the recently printed Executive Document in relation to the rights of American fishermen in British North American waters (Executive Document No. 19, House of Representatives, Forty-ninth Congress, second session, pages 199-210), a copy of which is also inclosed herewith.

The treaty of Washington between the United States and Great Britain did not relate solely to the Canadian fisheries. Only the fishery articles thereof were abrogated, as enumerated in the President's proclamation of January 31, 1885. The remaining articles, comprising those which relate to commercial intercourse between the United States and the British North American possessions, are still in force.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN H. REAGAN,
U. S. Senate.

In this letter Mr. Bayard distinctly states that the articles of the treaty "which relate to commercial intercourse between the United States and the British North American possessions are still in force."

Congress has acted on this information. Senators MORGAN, SAULSBURY, BROWN, and PAYNE, all leading Democrats and able lawyers, say in their report on the proposed fisheries treaty as follows:

Article XXIX was not terminated, but it never had the least reference to the fisheries treaty of 1818, to enlarge its scope, change its meaning, or in any way to affect any right to which that treaty related. Yet, if that is not the true meaning of the twenty-ninth article of the treaty of 1871, this present treaty in no way affects that article, and it stands for all that it was ever worth in favor of our fishermen.

The Republican Senators held the same view. With this array of authority against him I feel justified in assuming that the President is in error and that Article XXIX of the treaty of 1871 is still in force. If it is we have no right to pass the bill under consideration. But whether it is or not it is involved in sufficient doubt, so that if we should pass this act and the President should act under it such action would afford the British Government a very plausible claim for dam-

ages to offset against our just claims, and thus further embarrass any future negotiations for a settlement.

My colleague has labored long and hard to convince us that the President is right, and that the reciprocity article is abrogated. But what reason have we to believe that England will accept his reasoning when leading lawyers of his own political faith in the Senate and also on this side in the House deny it?

If England should accept the views of the Secretary of State and of the prominent Senators whom I have cited, supported by the unanimous opinion of the Republicans in the House and Senate, instead of the opinion of the President and my colleague, Mr. WILSON, then the passage of this bill and action under it would, as I have already suggested, afford England a claim, an offset against us. Will she not avail herself of this?

Why not leave the issue, then, clear cut and unembarrassed by other questions, as it stands at this time?

If, on the other hand, the President is right and Article XXIX has ceased to exist, then the President has the power he asks already, and the passage of the Wilson bill is not only unnecessary but improper.

It will be remembered that prior to the reciprocity treaty of 1871 there were only two statutory provisions for transportation in transit. They were carried into the Revised Statutes as sections 3005 and 3006, and read as follows:

SEC. 3005. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house, and conveyed in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or Republic, by such routes and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or Republic, be treated in regard to the liability to or exemption from duty or tax, as if the transportation had taken place entirely within the limits of the United States.

Section 3006 permits goods destined for interior American ports to pass through a foreign country, and the other, section 3005, permits goods destined for the British or Mexican provinces to be entered without payment of duty in the ports of the United States and to be carried over United States territory into the respective countries of their destination. The act of Congress on which these sections are based was simply permissive. They were not based upon anything received in return from the foreign countries or provinces.

They were mere courtesies granted, and aptly expressed in the permissive "may." This was unsatisfactory to the growing demands of our American commerce, and later, in the negotiation of the treaty of 1871, it was not only agreed that these courtesies should be continued, but the whole subject was gone over, renewed, revised, and enacted into an article of the treaty (No. XXIX) upon an entirely different basis. The United States were still willing to concede and did concede these privileges, and additional ones, but they demanded something in return. They demanded equal reciprocity and equal rights of transit, and an equal right for the admission of their goods at Canadian ports.

Now, there is no principle of law better established or better known to lawyers than the one which lays down the proposition that when a matter which has been the subject of legislation, or which has been a rule of the common law, is gone over by a subsequent legislature and wholly revised, the revision embracing all the old provisions and adding new matter to it, the old falls by implication. Is not that correct? Is there a lawyer here who disputes it? There is not and there can not be; because it is almost a self-evident proposition. Now, then, not only was this revised, but it was revised upon a different theory.

What had been simply a permission given on the part of the United States without anything in return to compensate for it, became by the revision a matter of right based upon reciprocal obligations imposed upon Canada. Not only was the object enlarged, not only was the same thing covered, but, as I have already stated, the whole matter was placed upon a different theory, upon a different obligation, and the old prior-existing permission was wiped out—merged, and is not now in force. The law, and all the statute law there is on the subject, is now embraced in the act of Congress of March 1, 1873 (in appendix).

I say, therefore, that if the President is right, and the twenty-ninth article is abrogated, then this act has fallen with it—Canada has no right of transit, and the power he asks is his already. It is his duty to execute the law, and nothing but the law, and if there is no law for the transit of Canadian goods over our territory he can stop it. You may say if that is true, why do you object to passing this bill? I object for this reason, that I do not think it is the duty of the American Congress to give the President an advisory verdict to do that which neither the law of nations nor patriotism dictates, nor the necessities of the case demand. [Applause on the Republican side.]

I have trespassed long upon the time of the House, but there is one more feature involved in the proposed bill that I want to call attention to. I have referred to the sentiment expressed by the exponent of the doctrines and views of the Administration upon this floor. Now, gentlemen, do you not think there is some other purpose, some other object, than that which appears upon the face of these measures? Have there been any recent Canadian outrages to call for this haste?

The gentleman to whom I refer [Mr. SCOTT] admits that he is interested in the Canadian Pacific and a director of that railroad. I find no fault with that *per se*. It is a right which he has as an American citizen. We have Canadians interested in our railroads. But when, as a member of our national council, he comes here to advocate schemes to the detriment of our own people and for the purpose of furthering his own personal private interests as a stockholder and as an officer in a foreign corporation in a foreign country, then I say it is time to cry a halt. [Applause on the Republican side.]

If every power conferred upon the President by the act of March 3, 1887, should be executed, it would not prevent the millers of Minneapolis from exporting their flour and letting the Canadian Pacific take it at Sault Ste. Marie. You can not stop us from exporting our flour to Canada——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHEADLE. I ask unanimous consent that the gentleman be allowed to conclude his remarks. He is the only member of this House who is opposed to this bill, and by all the rules of debate he is entitled to be heard.

The CHAIRMAN. The gentleman took the floor for thirty minutes, the time yielded to him by the gentleman from Illinois [Mr. HITT], who controls the time on that side.

Mr. LIND. I would like ten or fifteen minutes more. I was stopped in the middle of a sentence and I would like to complete it. [Laughter.]

The CHAIRMAN. The time on that side is controlled by the gentleman from Illinois [Mr. HITT].

Mr. LIND. I appeal to the gentleman from Illinois [Mr. HITT].

Mr. HITT. I have been compelled to promise time to other gentlemen.

Mr. LIND. I want about ten minutes more to finish my sentence. [Laughter.]

Mr. SENEY. I move that the gentleman from Minnesota [Mr. LIND] have ten minutes more.

The SPEAKER *pro tempore*. The gentleman's time can not be extended by a motion. It can be done only by unanimous consent.

Mr. BLAND. I demand the regular order. We have been debating this matter for three or four days here, and it is time we brought it to an end.

Mr. HITT. Mr. Speaker, I yield ten minutes to the gentleman from Minnesota.

Mr. LIND. Mr. Speaker, when I was interrupted I was making the statement that we could not prohibit Minnesota millers from exporting their product to Canada, to England, or to any other part of the world. Now, while a portion of our Minnesota flour goes to Glasgow and other British ports, the great bulk of it is eaten in Yankeedom, in New York, and some of it even down here. The point to which we primarily want to send it is the East and New England, and we send it to old England only as a *dernier ressort*.

Our productions are shipped by the "Soo" line of railroad from Minnesota to Sault Ste. Marie, and there the Canadian Pacific receives them and forwards across the Canadian peninsula to Ottawa, to Montreal, or to any of the Canadian points to the north of New England, and transfers them to the Canada and Atlantic, the Vermont Central, or the Grank Trunk, and by one or the other of these roads they are carried down into New England and distributed there or exported from New England ports. These New England connections are exactly what is proposed to be cut off by this bill.

Mr. WILSON, of Minnesota. That is what the act of 1887 does.

Mr. LIND. The act of March, 1887, did not touch that. It did not apply to goods imported into Canada through New England over these roads.

Mr. WILSON, of Minnesota. It did, but this bill does not.

Mr. LIND. The gentleman is certainly mistaken. Your bill is the best answer and I will print it in the appendix. Now, Mr. Speaker, this act proposes, and the President, for purposes stated by the gentleman from Pennsylvania, proposes to cut off this traffic between New England and Canada, which, according to the statistics cited by the gentleman from Pennsylvania [Mr. SCOTT] himself, amounted to $33,000,000 a year, and according to the statistics given in the President's message amounts to nearly fifty millions.

He proposes to cut that off—to prevent an American road—a New England road (it is only New England they are after)—from carrying a pound of goods from the Atlantic seaboard to Canada. Now, if that carrying trade is cut off, does it stand to reason that the roads will be able to carry our flour and produce to the seaboard and run empty the other way? Does it stand to reason that if we deprive Canada of that right—and it is a benefit to ourselves, for we are amply paid for the transportation—that they will stand silent and not retaliate? By no means.

Then what is the result? The result is that the Canadian Pacific road, receiving our flour and productions at Sault Ste. Marie, in-

stead of being permitted to transfer them to the New England roads named to be distributed among our own people, must carry them over its own line to Halifax or St. John on the seaboard; and the objects of SCOTT and of the Canadian Pacific monopoly and of the Tory administration are accomplished. [Applause on the Republican side.]

This is not all. We will be prohibited from sending a barrel of flour to our own markets except by the lakes in summer or by taking the circuitous route by way of Chicago, hundreds of miles farther, and we will be completely in the hands of the Canadian Pacific monopoly on the north and the Chicago roads and American trunk-lines on the south for our railroad transportation. I will not say that my colleague [Mr. WILSON] wishes such a state of affairs, or that he so intended by his bill, but such will be its effect if enforced.

Mr. OATES rose.

The SPEAKER *pro tempore*. Does the gentleman yield for a question?

Mr. LIND. I do not; my time is limited.

In conclusion I will say only one thing more. The President calls attention to the fact that American roads have carried goods and merchandise for Canada to the value of $270,000,000 in the last six years. Is this a fact to be regretted or deprecated? Is it not rather a source of pride? Have these goods been carried for nothing, or has their transportation furnished profitable returns to American capital and labor? Is it not fair to assume that the Canadians paid all the service was worth?

It is true, Mr. Speaker, as the President suggests, that when the St. Lawrence is "closed by ice," when Canada lies enwrapped in the shroud of arctic winter, when her harbors are blockaded by the same power, the President could, by exercising the powers he asks, by shutting off the supply of food and clothing for her people, inflict a serious and terrible punishment. Would we be proud of the act? Would it be becoming the honor and liberality of the greatest and most powerful nation of the civilized world? Will you grant to the President powers which, if he should exercise them in the spirit he indicates, would bring the blush of shame on every cheek?

But, sir, I plead not for Canada, nor for England—I hate England, or rather I hate and despise her policy of dealing with other nations and peoples weaker than herself. Her sense of right is measured by her power to defy it; her love of justice by the gold it will fetch. She enforces vice to replenish her exchequer. She enslaves and impoverishes every land and people that is caught in her toils—but I plead for our own honor. We can not afford to pass laws that will deliver our own people into the hands of monopoly and at the same time place us in the attitude of a "bully" before the world.

If we have grievances, let us demand their redress in a spirit and manner becoming our dignity. If such demands are unheeded, let us enforce our rights in the spirit of American patriotism and valor. [Loud applause on the Republican side.]

APPENDIX.

[Extract from the treaty of 1871.]

ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America may be entered at the proper custom-house and conveyed in transit without the payment of duties through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, and conditions for the protection of the revenue, as the governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

ARTICLE XXX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America, to another port or place within the said possessions: *Provided*, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals of the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

ACT OF CONGRESS TO CARRY IT INTO EFFECT.

An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries.

Be it enacted, etc., That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on the 8th day of May, 1871, as contained in Articles XVIII to XXV, inclusive, and Article XXX of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence, and thereupon, from the date of such proclamation, and so long as the said Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all fish-oil and fish of all kinds (except fish or the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward Island, shall be admitted into the United States free of duty.

SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said Articles XVIII to XXV of said treaty, inclusive, to that colony, and the legislature thereof, and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said Articles XVIII to XXV, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force, according to the terms and conditions of Article XXXIII of said treaty.

SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the Articles XVIII to XXV, inclusive, and Article XXX of said treaty, shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States.

SEC. 4. That from the date of the President's proclamation, authorized by the first section of this act, and so long as Articles XVIII to XXV, inclusive, and Article XXX, of said treaty, shall remain in force, according to the terms and conditions of Article XXXIII of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the St. Lawrence, the Great Lakes, and the rivers connecting the same to another port or place within the territory of the United States, as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States: *And provided further*, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII of said treaty: *And provided further*, That in case any export or other duty continues to be levied after the 16th day of June, 1872, on lumber or timber of any kind cut on that portion of the American territory, in the State of Maine, watered by the river St. John and its tributaries, and floated down the river to the sea, when the same is shipped to the United States from the province of New Brunswick, that then, and in that case the President of the United States may, by proclamation, suspend all rights of carrying provided for by this section for such period as such export or other duty may be levied.

SEC. 5. That this act shall not take effect until the 1st day of July, 1873, and shall not apply to any article of merchandise therein mentioned which shall be held in bond on that day by the customs officers of the United States.

Approved March 1, 1873.

A bill to empower the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President may deem it his duty to exercise any of the powers given to him by an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887, it shall be lawful for the President, in his discretion, by proclamation to that effect, to suspend, in whole or in part, the transportation across the territory of the United States in bond and without the payment of duty, of goods, wares, and merchandise imported or exported from any foreign country from or to the British Dominions in North America.

SEC. 2. That whenever the President shall be satisfied that there is any discrimination whatever in the use of the Welland Canal, the St. Lawrence River Canals, the Chambly Canal, or either of them, whether by tolls, drawbacks, refund of tolls, or otherwise, which is or may be detrimental to the interests of the United States or any of its citizens, it shall be lawful for the President, in his discretion, to issue a proclamation to that effect, whereupon there shall be collected a toll of 20 cents a ton upon every foreign vessel and her cargo passing through either the Sault Ste. Marie Canal or the St. Clair Flats Canal; and the Secretary of the Treasury may authorize and direct any of the customs officers to collect the tolls levied under this act, or the President may, in his dis-

cretion, when he is satisfied there is any such discrimination, prohibit the use of said canals to any such foreign vessel. The President, when satisfied that such discrimination has ceased, may issue his proclamation to that effect, in his discretion, whereupon the tolls authorized by this act shall no longer be collected, and said prohibition, if ordered, shall cease.

SEC. 3. That the Secretary of the Treasury is authorized to make any regulations needful to carry this act into effect.

Mr. McCREARY. Mr. Speaker, I yield fifteen minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. OATES. After the speech to which we have just listened, I would like permission to put a question to the gentleman from Kentucky [Mr. McCREARY] with reference to the character of this proposed enactment. The gentleman from Minnesota [Mr. LIND] seems to construe the measure before the House as a non-intercourse act. Is it not the clear intent of this measure to clothe the President with power by his proclamation to subject Canadian or English goods to the payment of duty under our tariff laws when they come to our territory? Is not that the extent of the bill under consideration?

Mr. FARQUHAR. This is a question of transit, not of duty.

Mr. McCREARY. Perhaps the most satisfactory answer to the gentleman's question would be to let the Clerk read the bill.

Mr. O'NEILL, of Missouri. Not now. If the gentleman in his speech on this subject did not sufficiently explain the bill, he could not do it now by having the bill read.

The SPEAKER *pro tempore*. The gentleman from Kentucky has yielded fifteen minutes to the gentleman from Missouri.

Mr. O'NEILL, of Missouri. Mr. Speaker, I am deeply indebted to my friend Governor McCREARY, of Kentucky, who so admirably fills the position of acting chairman of the Committee on Foreign Affairs, for his courtesy. And now, Mr. Speaker, in regard to the bill.

I do not know of anything for which many of our public men are more noted than for the very elaborate network of webs they can throw around the simplest subject, in order, if possible, to make them more indistinct and obscure. Those who had not studied the subject, believed when they heard the President's message read that they understood this question—a question going back until it is almost lost in the mazes of the past; going back under treaty after treaty and conference after conference, to 1818. And now, listening to the utterances of the distinguished statesmen who have occupied the floor for the last three or four days, we would be led to believe that the question is one which is still to be left for settlement to that charmed circle of diplomats of which my distinguished friend from Illinois [Mr. HITT] is such a splendid representative.

In my judgment the American people have grown tired of this continual haggling over this controversy. It has been used in Canada by the political men in charge of its affairs to continually alienate, irritate, and goad those people so that they might thereby keep themselves in power. They are like a man who was managing a wild beast, and who, when asked why he never permitted a large sore on its leg to heal, said that if it once healed he would lose his control of the animal. If the Tories were to permit this cause of irritation to be removed, there would be a perfect bond of friendship and brotherly love between the Canadians and ourselves. We have no quarrel with the Canadians. We love those people. We are willing to go right along hand in hand with them, without any design either upon their territory or upon themselves.

It is their officials we are after, for it is evidently the hidden policy of Prime Minister Salisbury, in England, and his representative, Sir John Macdonald, in Canada, to keep alive this constant irritation. Can it be believed for one moment that the local magistrates in Nova Scotia and elsewhere would continuously pander to the prejudices and small pecuniary interests of their own fishermen by continuously harassing and injuring the fishermen of this country when it could be abruptly terminated by those officials if they really desired entire friendship between us? No. On the contrary, it seems to have been their settled policy, instead of allaying this irritation, to continually fan it into almost a flame, thereby arresting, as they believed, any tendency on the part of those people towards annexation to the United States. That class of men can only be reached by the passage of a bill of this kind, and holding it up to the Canadian people as a mirror so that they can see reflected the consequences of their own acts.

We must bring this question home to the Canadian people, so that they will understand they can not be considered neighborly when they are continually arresting, on the most trifling pretexts, the captains of our vessels, fining them, not permitting them to purchase bait or supplies, denying then even the demands that humanity would suggest—of shelter in case of storm—the ordinary facilities that you would extend to a wayfarer or a "tramp." There is nothing neighborly about that, or in using the American canals for the commerce of Canada free of tolls, and then when tolls are imposed upon Canadian canals by a system of rebates to Canadian vessels causing the greater portion of the commerce to be diverted into Canadian vessels.

The President thoroughly understands this subject. He says there is only one way you can reach it, and that is by a sharp retaliatory process to have those Canadians understand that as a matter of self-interest they must abandon the policy permitted by their Sir John Macdonalds and men of his class. That is the plain English of it. There is not in this country to-day a man of ordinary intelligence who does not comprehend that the President has taken the only possible way of getting at this question and that his message meets the wishes of the popular heart. When I said that it is a "magnificent campaign document" I said that which every American believes and which every man on the other side of the House knows to be true, for it is a document which was demanded by the people.

It shows that the President is in harmony with and anticipates the wishes of the American people. By that document the President proves himself equal to the occasion. That is what I meant. I never get down to the level of some of these gentlemen who put a small partisan tinge into all discussions of this kind. [Laughter on the Republican side.] Gentlemen, I will yield to any interruptions. My time is at your command if you want to jump into this fight. [Renewed laughter and applause.] There is not a man on the other side who has made a speech on this question who has not been guilty of what in polite terms would be called dissimulation. That is the diplomatic term.

Mr. GEST. Why does not the President use the power he has?

Mr. O'NEILL, of Missouri. Why does he not use the power he has? What is the use of making three or four bites of one small cherry? What is the use of simply stopping transit in bulk, when by reaching their tolls we also prevent the other unjust discriminations. Do you want only partial relief? Is that your idea? Or, to use a Western phrase, do you believe in having at once a "roundup" of all these annoyances and vexations by getting rid of them?

Mr. GEST. There is power enough in the President's hands.

Mr. O'NEILL, of Missouri. Well, my friend, in answer to that question, you and every other Republican on that side of the House will vote to give this additional power to the President, and will be very glad to have an opportunity of doing so; and when you go home you will forget your partisanship for the time being and pose as patriots and will say that you voted for this measure in the name of the American people as an educational measure that you thought would have a salutary effect on the Canadians.

Mr. STRUBLE. Would it not be well, if sixty million people are going to jump upon five millions, to begin with one foot at a time?

Mr. O'NEILL, of Missouri. Why, my dear sir, we are not going to "jump" on them. We are going to do what you would do with a neighbor's boy who is impertinent and saucy and who annoys and injures your children and family. You box his ears in order that he may learn to behave himself; you educate him, that is what you do.

Nobody wants to whip those poor Canadians, stretched along 4,000 miles of territory, although I see the commander of their militia resoluted last night that he was going to drive us right into the Gulf. [Laughter.] That is exactly in the line with the teachings of their Tory ministers, appealing to the fears, passions, and prejudices of those people. In perfect harmony with that style of argument I want the Clerk to read the following article, which I find in the St. Louis Republican.

Mr. FARQUHAR. Will the gentleman permit a question?

Mr. O'NEILL, of Missouri. Oh, certainly; these interruptions embellish a speech. [Laughter.]

Mr. FARQUHAR. I would like to ask the gentleman this question: When our canals are closed to Canadian commerce, how are we going to get our whole Northwestern commerce out of Lake Superior into Lake Huron without going into Canada?

Mr. O'NEILL, of Missouri. My friend, you will find that in the West where I come from they do not measure everything as a matter of dollars and cents. I would not be surprised if some economical and unpatriotic Yankee did not propose to turn Bunker Hill Monument into a shot tower. [Laughter.]

Mr. FARQUHAR. That is no answer. I want to know how, if our canals are closed to Canadian commerce, our Northwestern commerce is going to get out of Lake Superior into Lake Huron without going through Canada, inasmuch as a portion of the existing channel is within Canadian territory.

Mr. O'NEILL, of Missouri. We would find a remedy if the gentleman is correct. He may be mistaken, and in the mean time I would educate these Canadians in ways of neighboring conduct and good behavior.

Mr. FARQUHAR. Educate! Nonsense! We are talking of retaliation. Canada can close you out of Lake Superior to-morrow.

Mr. TARSNEY. No, she can not.

Mr. FARQUHAR. She can.

Mr. O'NEILL, of Missouri. Now, gentlemen, no war. Peace—the white-robed angel of peace—hovers over this scene. [Laughter.]

Mr. HENDERSON, of Iowa. There is an embellishment for you.

Mr. O'NEILL, of Missouri. When this interruption occurred I had sent to the Clerk's desk to have read an article from the London Standard, the recognized organ of the Tory administration, which I find in the St. Louis Republic, the principal Democratic newspaper in the Mississippi Valley. That paper prints it and denounces this Tory bluster in suitable terms. The Clerk will read it.

The Clerk read as follows:

[From the London Standard.]

It will be well for the President and Government of the United States to re-

member that Canada is a dependency of Great Britain, and that if the necessity should unfortunately arise she has behind her the guns of English ironclads. If our American cousins fail to understand this allusion; if, in deference to the tone of coarse brutality, which seems to be the distinguishing feature of their domestic politics, they invite us to reply to their insults in a strain they will comprehend, perhaps we may be allowed to remind them of the Trent affair. If we have to deal with a nation of filibusters let us at least know it. We will tell our American cousins frankly that we have not advanced so far toward ideal Christianity that we are prepared to turn our cheeks to the trans-Atlantic smiter.

Mr. O'NEILL, of Missouri. There never was a bully or a braggart who was not at heart a physical coward when he met his match. There never was a Tory administration that has not from the same instinct cowardly yielded when confronted with a nation that can cope with it on equal terms.

A MEMBER. That is true.

Mr. O'NEILL, of Missouri. It is true. The former boast that "Britain rules the waves" has given way under Tory administration to "peace with honor." That is the motto you will find to-day of the Tory administration of England when they have a serious difficulty to face with any powerful nation.

The Tory Standard need not fling in our teeth the Trent affair. Every American remembers it. It occurred when we were in the throes of a great civil war; when the question of the perpetuity of the Republic hung in the balance. But things have changed since then. We are now a united nation of 60,000,000 people marching together under one flag to a common destiny, and not at all worried about the recurrence of any more Trent affairs.

My only object in calling attention to this gross and brutal article was that this House would recognize at once how well that Tory organ portrays the character of the ministry with which we have to deal—a ministry that is to-day a disgrace to civilization in its treatment of its own subjects, being the only ministry in modern times which murders its political prisoners, as the death of Mandeville and the cruel treatment of Dillon attest.

Their bluster and their bluff alarms no one. In the event of war they would need every ironclad to take care of the English Channel, for it has only been a few months since their own distinguished military general, Wolseley, explained to them in what a helpless and defenseless condition their own coast was. And then they have before their eyes constantly the danger of Russia in India, only waiting to see England involved in war with any nation to accomplish its designs there.

No, there is no fear of war; none whatever. The loss to them in India would not be their only peril. It would also mean a verification of the prophecy of Thomas Davis that "England's difficulty would be Ireland's opportunity." [Great applause on the Democratic side.]

I believe it will be but a short time before increased intelligence will cause the English people to banish forever from their councils their Salisburys, their Balfours, and their Macdonalds, and in their places we will find men who by justice at home to their own people and the avoidance of irritation abroad will permit us to live with them in perfect bonds of friendship and good-will.

And here permit me to say that so far as the English people are concerned, we entertain no bitterness towards them. For that great mass of Englishmen who are following the leadership of Gladstone we have the warmest feelings of friendship and love, and if their devoted leader, Hon. William E. Gladstone, the greatest Englishman of this age, should come to this country he would receive an ovation from the American people second to none. [Great applause on the Democratic side.] It should show our affection for him as a representative of justice and humanity, just as the silent journey of Mr. Joseph Chamberlain, when here, showed the contempt the American people had for Toryism and the representatives of its brutal policy. [Applause.]

And this sentiment is not confined to one political party, but is the sentiment, I believe, of the great mass of the American people. But I have wasted enough time on the London Standard.

I can not longer dwell upon this subject, as I am reminded that my time has nearly expired, but as a fitting conclusion I will ask the Clerk to read this portion of the President's message; and I ask the attention of the House for a moment, and turning aside from partisanship, I ask gentlemen on both sides to join me in a hearty indorsement of its clear, sound American doctrines.

The Clerk read as follows:

The course which I have outlined and the recommendations made relate to the honor and dignity of our country and the protection and preservation of the rights and interests of all our people. A government does but half its duty when it protects its citizens at home and permits them to be imposed upon and humiliated by the unfair and overreaching disposition of other nations. If we invite our people to rely upon arrangements made for their benefit abroad, we should see to it that they are not deceived; and if we are generous and liberal to a neighboring country our people should reap the advantage of it by a return of liberality and generosity.

These are subjects which partisanship should not disturb or confuse. Let us survey the ground calmly and moderately, and having put aside other means of settlement, if we enter upon the policy of retaliation let us pursue it firmly, with a determination only to subserve the interests of our people and maintain the high standard and the becoming pride of American citizenship.

GROVER CLEVELAND.

[Great applause on the Democratic side.]

Mr. STRUBLE. Is that a speech?

Mr. O'NEILL, of Missouri. Yes, it is a speech, and you can contrast it with the platitudes uttered by your candidate who is depending for success upon his grandfather's reputation; but let me tell the gentleman that the Harrison boom will be like the clack in the old song, it stopped, short, never to run again, the day that the old man died. [Great laughter and applause on the Democratic side of the House.]

Mr. McCREARY. I now yield ten minutes to the gentleman from Michigan [Mr. TARSNEY].

Mr. TARSNEY. 'Mid such confusion who can tell
The road to heaven or to—sheol. [Laughter.]

Mr. Speaker, it so happens that I come from a State upon the border line of the British dominions in America. I think that there is no State in the American Union that would be so much affected by the passage of the pending bill as the State I have the honor to represent in part upon this floor—the State of Michigan. Nearly, or quite, 700 miles of our State coast borders upon the line of Canada. The immense commerce passing through the lakes from Chicago, through the Sault Ste. Marie Canal from Duluth, and passing through the straits and rivers St. Clair and Detroit, is larger by 25 per cent. than the entire commerce that passes through the great Suez Canal. Lines of railroad extend from Halifax on the extreme east to the city of Chicago on the lakes, and one of the great trunk-lines of America traverses the district I have the honor to represent, the Grand Trunk Railway.

I have seen in my day something of the conduct of our Canadian neighbors that induces me to think that they are not entirely our friends. While God knows that I abhor trouble, I abhor the possibility of war, I abhor retaliation in any form, yet, sir, if it must come to this pass that the rights of the humblest American citizen are denied either at home or abroad, I for my part would rather see the wheels of commerce stop, and every vessel upon the Great Lakes tied up, than that these rights and privileges, I repeat, of the humblest American citizen should be unprotected [Applause.]

Now, what does this mean? It means this, sir, and I may be permitted to refer to a little personal history. I happened at one time in my life to have been a sailor, and sailed these great inland seas for seven years. During that time I never saw or heard of a Canadian vessel in distress in American waters where an American vessel with an American captain and an American crew did not voluntarily go to their aid and rescue. What is the other side of the picture? I have seen, unfortunately, Mr. Speaker, and it is a matter of record, too, that where our vessels sailed through Canadian waters or upon the Canadian line between the United States and Canada they were subject to seizure and were seized by Canadian authorities because they went to the rescue of human life and property.

I appeal to you as American citizens, as American legislators, whether or not such acts on the part of Canada, in the name of humanity, should not be compelled to cease by some process or other; but by whatever process, that a stop must be put to it.

If it is to be by the peaceful method, then let that method be pursued. But, Mr. Speaker, if it be necessary to pursue some other method, then we will take care of that other method; and if you will only authorize the State of Michigan to do so, we will take care of Canada and make a couple of good Democratic States out of her in short order. [Laughter.] I say this, sir, in no boastful spirit. I know their disposition; I know their nature; I know their character, and I know their conduct towards our people. What we desire is peace; but it must be peace upon honorable terms, and no threat, such as that which has just been read in the presence of an American Congress, can deter us upon the Northwestern border from simply saying it is not retaliation but simply justice we desire and justice we shall have.

Now, let the English people and the Canadian people distinctly understand that their neighbors across the border, although they desire peace and harmony, yet they desire reciprocity, they desire to trade with them upon fair and equal terms, but they will not under any circumstances submit to an insult. [Applause.]

I shall not consume further time of the House.

The SPEAKER *pro tempore*. The gentleman has occupied five minutes of his time.

Mr. TARSNEY. I yield the time back to the gentleman from Kentucky.

Mr. McCREARY. I now yield ten minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, during the past four days this House has presented a somewhat extraordinary spectacle. We have had an elaborate discussion, in which the absence of controversy seemed to be the distinguishing feature. We have had four days of animated and interesting debate; but until this afternoon there seemed to be an absolute absence of anything like a difference of opinion.

The measure pending before the House for its consideration is the bill known as the retaliation measure. The speeches which have been delivered have been devoted to the President's message, or rather perhaps with greater accuracy I should say to the President's messages. On the question presented by the bill itself there appears to be no division—none whatever. With a single exception, I do not believe that there is a member of the House on either side of it who will find it in his conscience or his courage to oppose the bill on its final passage.

Even the distinguished gentleman from Massachusetts, who, so to speak, has transmitted a speech in bond to the Clerk of the House, has thought it prudent to preface his eloquence by the declaration that he did not arise to oppose the passage of the pending bill; and many of us are profoundly grateful for the declaration, as it accounts for the composure with which we approached the perusal of his essay.

But the distinguishing address on the other side, the one that has furnished the key-note to this discussion, was the very able and eloquent speech of the gentleman from Illinois [Mr. HITT], to whom and to whom alone is due the credit of lifting the debate to a high plane of parliamentary procedure. But I regret to say that while the speech was eloquent it lacked those elements of candor and fairness that would have made it the greatest speech of the session.

In that speech I find that the gentleman from Illinois found no fault with the measure itself, but he appears to have three grounds of criticism on the message. One was that the message of the President was unnecessary; another was that the death of Article XXIX did not occur as stated by the President; and the third was almost an impeachment of the conduct of the Administration on the fishery question. This treaty, the rejection of which has evoked the bill now before the House, was spoken of as almost a conspiracy to deliver over to the Canadian exporters the commerce of the United States. In discussing these three questions briefly, I think the criticism that Article XXIX had not expired, as the President claimed it had, may be passed by as almost unworthy of discussion. Nobody pretends that it is in force today. The gentleman states that it has been abrogated by the action of the Canadian Government, and whether it "died in the night"—to quote the language of the gentleman from Illinois—or whether it was killed in the daytime by Canadian violations, is scarcely a subject of discussion worthy the attention of the American Congress.

The important question before this body is whether there is in existence now any valid treaty stipulation which would arrest or impede this House or stand in the way of the passage of legislation of this character. On this subject all are agreed. The treaty stipulation is abrogated and the House is free to enact this law.

Now, as to the necessity for asking these additional powers. The gentlemen on the other side of the House profess to be agreed that the demand was unnecessary, and yet it is stated here that after the passage of the act of 1877 the President was justified in withholding the exercise of the powers conferred on him by that measure until the conclusion of the negotiations which had been entered upon between this Government and the Government of Great Britain; and these negotiations failed by reason of the rejection of the treaty in the Senate. It may be that I have misapprehended the language of the gentleman from Illinois, but I believe that his language is clearer than he himself believes, and that the views he entertains struggled to his lips and found expression in spite of diplomatic reserve. [Applause.]

There is at least no open criticism of the action of the President in suspending the exercise of these powers until the conclusion of the negotiation recently undertaken, and which failed in the rejection of the treaty by the Senate. I think that gentlemen must concede the President was right in that action. I do not think there will be any person even on that side of the Chamber who will say that the President did not act wisely in refraining from the exercise of all the powers given to him until there had been negotiation and an attempt to make an amicable settlement. These negotiations were made, and have failed by the action of the Senate; and then when the President of the United States has thought proper to address to Congress a message placing before the representatives of the people the actual condition of our relations with Canada, he must forsooth be charged, as he has been charged by the gentleman from New Jersey [Mr. PHELPS], with dissimulation in his treatment of the Congress of the United States.

Why, sir, I believe that on this side of the Chamber there is no division of opinion as to the propriety of an executive officer consulting the representatives of the people on any important occasion, and above all, before taking a step which might reach the degree of bringing about a rupture between this country and Great Britain. Was it not good evidence of patriotism to consult the law-making body, and to consult this body, which holds the purse-strings, upon a matter which might lead to open rupture, so as to be sure of the active co-operation of both sides of the House before launching on a particular line of policy which might lead to the most important results? It ought not to lie in the mouths of those members of Congress who are representatives of the people to criticise an executive officer for asking their judgment before exercising the extreme limits of extraordinary powers conferred upon him in the disposition of international matters.

Mr. HENDERSON, of Iowa. If it will not interrupt the gentleman, let me ask him here did not Congress extend its counsel to the President in its act of March 3, 1887?

Mr. COCKRAN. I believe I have spoken to very little purpose if the gentleman from Iowa does not understand the burden of my contention. It is that notwithstanding the powers granted by the act of 1887 there was a suspension of any exercise of them by common consent of the people of this country, with a view of seeing whether the matter could be settled by negotiation, and if there were any division of opinion the representatives of the minority were violating their duty to their constituents by sitting silent and thus sustaining it.

Mr. HENDERSON, of Iowa. Does the gentleman consider the condemnation of the press and the condemnation by the minority of this House and in their Congressional conventions any condemnation of the treaty now negotiated with the Canadian authorities as amounting to anything?

Mr. COCKRAN. The gentleman does not meet the occasion. It is not the course of the President which is condemned; it is the course of the Canadian authorities that the people of this country condemn. The people of this country are in favor of a settlement by treaty or negotiation; and what I say is that while these negotiations were pending in this country not even the stalwart Republican convention of the gentleman's district called upon the President to exercise any of the powers conferred on him by the act of 1887. [Applause.]

Mr. HENDERSON, of Iowa. I say that the Senate and the country have condemned it.

Mr. COCKRAN. The gentleman is referring to one thing and I am referring to another. I say simply that the country has been in favor of suspending any action pending negotiations. Congress approved the grant of the power, and the people ratified that action, but it was suspended in view of the negotiations, and nobody then criticised the President for entering upon negotiations which everybody hoped would reach a satisfactory and honorable and just and equitable conclusion. And it is because those negotiations have fallen by the rejection of the treaty that the President has thought proper, before he takes one step further, to consult the law-making body of this Government, to come back to the people through their representatives and ask them to clothe him with the powers which, as soon as they have been granted, you gentlemen will see exercised to the fullest measure of your satisfaction and the fullest gratification of your patriotism. [Applause on the Democratic side.]

But, Mr. Speaker, this criticism I believe may be dismissed with very few words. The character of the questions put to me by the gentleman from Iowa [Mr. HENDERSON], than whom there is no more alert Representative on the other side of the House, shows the barrenness of the controversy on that side.

Now, if I may have the indulgence of the House to pass for a moment to the graver questions involved in this discussion, I will proceed to answer the imputation of the gentleman from Illinois [Mr. HITT] who charged the representatives of this Government with an act of betrayal of American rights to the Canadian authorities.

The gentleman from Illinois charged, in his own language, that there was "an unwritten postscript" to the treaty, and that the postscript was an agreement between Mr. Bayard and the Canadian minister that all that has been done in this House, the introduction of the Mills bill, the action of the Ways and Means Committee which preceded it, the vote by which the bill was passed, was but part of this conspiracy of betrayal secretly entered into and carried out with dissimulation and almost with treason. What, sir! To charge the President of the United States with having negotiated a treaty and with trying to hoodwink the people of the United States into the belief that it was designed for one purpose while the Canadian authorities were told that it was designed for another purpose; to charge him with having treated the Senate of the United States with dissimulation while extending confidence to the Canadian envoy, and with leaving the people of this country to learn for the first time the true character of their treaty from the declarations of a Canadian minister in the Canadian House of Parliament—this is to charge the President with a crime graver than treason, with a crime which has no parallel in the history of the executive office of the United States since the foundation of the Government. [Applause on the Democratic side.]

The SPEAKER *pro tempore*. The time of the gentleman from New York has expired.

Mr. COCKRAN. Mr. Speaker, may I be pardoned for a few moments while I analyze the character of the evidence upon which this grave charge rests? May I be permitted but five minutes more, having opened up this subject and placed it before the House?

By unanimous consent Mr. COCKRAN'S time was extended for ten minutes, with the understanding that a vote should be taken at ten minutes past 4 instead of at 4 o'clock, as previously ordered.

Mr. COCKRAN. I was about to ask the gentleman from Illinois [Mr. HITT], in all fairness and in all candor, upon what evidence he rests this grave charge which he has preferred against the President of the United States, but I find the answer in his own speech, to which I listened with such attention as I have seldom given to any utterance upon this floor. In that speech the gentleman incorporated certain remarks which are reported to have been made by Sir Charles Tupper, an account which that gentleman gave of a conversation with Mr. Bayard.

Mr. HITT. Our plenipotentiary.

Mr. COCKRAN. He was a plenipotentiary, but while he was a plenipotentiary he did not cease to be Mr. Bayard. The statement was that in a conversation between Mr. Bayard and Sir Charles Tupper, Mr. Bayard declared that he believed in reciprocity of trade with Canada, and that the settlement of vexatious questions would tend to facilitate that consummation; and then Sir Charles Tupper himself added that this treaty formed a basis of settlement which would undoubtedly be satisfactory to both countries, and therefore a step in that direction.

Did not the gentleman himself take occasion to say that he favored reciprocity with Canada? Did not he take occasion to say that he believed it would be for the interests of both countries, and that if reciprocity could be obtained on proper terms it would be a most desirable and most important gain to the financial and industrial interests of this country? And has the gentleman from Illinois the privilege to say on this floor that which Mr. Bayard may not say in conversation? And because Sir Charles Tupper chose to argue in his own House of Parliament in favor of this treaty upon the basis of what Mr. Bayard had said to him, therefore we are told that the Mills bill and all the proceedings that have been had in this Congress during this session upon that subject are evidence of a conspiracy in which the President took the leading part and through which the majority of the House of Representatives were delivered over bound hand and foot by the Executive, who was false to his own country, a traitor to his trust, and that, too, without even the poor consideration that is usually extended to the traitor as the price of his treason.

But the proof of it, forsooth, is that we have remitted duties to the amount of $1,800,000 a year; I believe that is the amount the gentleman said.

Mr. HITT. Sir Charles Tupper said it.

Mr. COCKRAN. One million eight hundred thousand dollars, then, as Sir Charles Tupper said. Well, we have remitted duties upon articles imported, I believe, from every country on the globe. We have remitted duties to a far greater extent upon articles imported from other countries; and the gentleman will see that if our surrender took that form, then we must have surrendered not only to Canada but to almost every other country with which we have done business. If this Administration loves the British Government so much, does not the gentleman perceive that in this general surrender, in this sale of the American market to all the countries with which we maintain commercial intercourse, the seeds have been sown of an inevitable quarrel among the purchasers; that if England has bought it and France has bought it and Germany has bought it, these various countries must quarrel about their purchase? No man who loves England wants to precipitate a quarrel upon her hands. The British lion may love to roar, but for many years he has not displayed any disposition to claw. [Laughter and applause.] If the proof which the gentleman has advanced here of the act of treason be weighed with other acts we have performed it will be found that in the passage of this Mills bill we have made sale of ourselves all round the globe, leaving the purchasers to struggle over the security of the purchase.

Mr. Speaker, there is one aspect of this controversy which the gentleman probably did not weigh to its full extent. He has charged the majority on this side with entering into this conspiracy. I know not whether he meant that they entered into it with their eyes open or were hoodwinked into it by the dissimulation and artifices of the Administration; but there are men on this side who, I believe, would be the last in the world to countenance the sale of American privileges or American dignity to the British Government. There are men on this side whom the gentleman from Illinois has charged with participation in this act of treason, who remember the Government of Great Britain with feelings which would prompt them to anything but an act of friendship; who remember the fact that the gallows has been for ages the bulwark of her governmental force and the hangman the apostle of her civilization.

And it is us and men like us that the gentleman from Illinois has charged, forsooth, with giving over the independence and the glory and the prosperity of this country to Canada as a free gift; and all for what? Has the gentleman shown any reason which would justify, has he shown even a temptation which would prompt, any American statesman to such an act of extravagance, of folly, and of crime as this? What is the bribe? Canada does not seem to have appreciated our surrender at the value set upon it by the gentleman from Illinois, because, according to the gentleman himself, this treaty which the Republicans condemn as an absolute surrender of American rights to Canadian fishermen was viewed with such suspicion by the Canadians that it became necessary for Sir Charles Tupper to broach the subject of the conspiracy in order to secure its ratification by the Canadian Parliament. If we had surrendered everything to Canada, if, as the Republican Senate of the United States considered, this was such a surrender that the treaty itself should be rejected as a blot upon our fair fame and an injury to our international influence, is it possible that Canadians themselves were so purblind and short-sighted that it was necessary to re-enforce that surrender with the further gift of the American market and a further betrayal of American interests and American rights? Does the gentleman really contend that such a proposition as that will stand before the people of the United States?

Sir, this charge scarcely deserves refutation. To refute it or even to analyze it seems to dignify it. The administration of Grover Cleveland, the motives which prompt his official acts, need no explanation to this country. The gentleman from Illinois, as a man of sense, knows that it needs no explanation to cause the people to believe them to be prompted by patriotism and inspired by loyalty. It will not do at this stage of this campaign to attempt to manufacture campaign thunder of this character for the reason that the people know how to test its sincerity. [Derisive laughter and applause on the Republican side.] I greet that applause with pleasure. I know to what it refers, and I adopt the declaration of the gentleman from Missouri [Mr. O'NEILL]. The message was a "campaign document;" and it was a great one, because it appealed to the intelligence and patriotism of the American people, whom the President trusts and whom you gentlemen appear to distrust, whose intelligence he relies on and whose intelligence you think you can delude. [Applause on the Democratic side.] Do not be mistaken about the effect of these assaults. The sneer which you level at the President the country knows is but a thin disguise of the respect you feel for him. [Derisive laughter on the Republican side.] Do not misapprehend for a moment the view of the electors of these United States. They know full well that if you say he has reached his present degree of success merely by luck, you will not insinuate it was compassed by dishonor. You may cavil at his qualifications for the Presidency; the Senators of your faith at the other end of this building will tell you that never during his incumbency have they been able to invade his privileges or limit his prerogatives. [Applause on the Democratic side.] You may sneer and say he is not a great man; there is not one of you who will deny that he is an honest man. And he is a great man in the eyes of this country, not because he is the possessor of qualities which lift him away beyond the mass of his fellows, but because he is a type of the common citizenship of this land; and his success, the success of his administration, proves that there is in this country, throughout the common ranks of all its citizens, ample talent, honesty, and integrity to carry on this Government, even if the race of so-called statesmen should have passed away.

You have the uncrowned king, you have the shepherd of the people, you have I do not know what, and I do not know how to describe him. [Laughter.] He has had so many titles, the mind is confused and paralyzed when it contemplates his greatness; but, sir, before the mass of our people at the ballot-box he was vanquished by the modest and simple type of American citizenship represented by Grover Cleveland. [Renewed applause on the Democratic side.] Let me remind this House it will not do to say that the President, whose four years of administration show not one single act for which his supporters blush, is wanting in greatness. If to rise from the humblest station to the greatest dignity in the world; if he who has risen by force of virtue and not by the sacrifice of it, who has walked the whole pathway of life in the full sunlight of publicity, who after four years' administration of the highest office in the world finds himself renominated by the spontaneous voice of his party, who has never held a trust that those who confided it to him did not seek to extend the term of his service, who by the confidence and respect of his fellow-citizens wields to-day a power far greater than that with which the Constitution clothes him, who after four years in the administration of the greatest office in the world finds that the party leader whom he vanquished while he was yet untried now flies, I think prudently if ingloriously, from a renewal of the conflict [applause on the Democratic side of the House], who has no ambiguous acts to defend or unwise epistolary expressions to explain [laughter and applause on the Democratic side]; if this man be not great, then greatness is not a quality which should be encouraged on democratic soil. [Applause on the Democratic side.] Instead of the ephemeral, dazzling, and often dangerous qualities which, among the unthinking, go to make up greatness, give me his strength and the virtue, the robust dignity, and the sterling integrity of our President who is in the White House, of our candidate, who will be in it for four years more. [Applause on the Democratic side.]

Mr. BAYNE. I ask the Speaker to notify me within three minutes of the expiration of my time.

The SPEAKER. The Chair will be glad to do it.

Mr. BAYNE. Mr. Speaker, the message which the President sent to Congress a short time ago and the bill accompanying it, which we are now considering, have been treated by the country as campaign documents. If anything were needed to emphasize that conclusion reached by the country it would be the speech of the distinguished gentleman from New York [Mr. COCKRAN]. He has failed to treat—and he could have done so, as he is an able lawyer—he has failed to treat the real issue and has expended nearly all his time upon a eulogy of the President instead of discussing the pending issue. Why he has done so may be easily inferred.

Mr. Speaker, our Government is a Government of law, a written Constitution and written laws. The language of the Constitution and the laws, is "Thou shalt," and "thou shalt not." Our Government is not only one of written laws, but, in addition, it is one of limited powers, and only the powers expressly conferred or arising by necessary implication can be exercised by any officer of the Government. Therefore it is that Congress has always heretofore been guarded and always will be in the future, I trust, in the granting of discretionary power to any officer of the Government. The grant of discretionary power is one which can be justified only on the principle of a controlling necessity.

To vest discretionary powers in an executive officer except in cases of overwhelming necessity is something which, in my opinion, should not be done if it can be accomplished in any other mode by ordinary legislation. Therefore, we should proceed with great deliberation and

with exceeding care in determining what discretionary powers should be vested in any department of the Government or any official, I care not who he may be. The President has the power to negotiate treaties by and with the advice and consent of two-thirds of the Senators present. The Senate is as necessary to the negotiation of the treaty as the President. In England the Crown alone has the power to negotiate treaties without reference to Parliament, but in our country it was thought best that two-thirds of a quorum of the Senate should concur with the President in the ratification of treaties.

Now, sir, I claim that under our Government it requires the same power to revoke a treaty that it does to make a treaty. We have heard much during the argument here in reference to the cancellation of treaties for infraction and the repeal of treaties by acts of Congress. There is no doubt in my opinion of the power of Congress to cancel a treaty or any article of a treaty with a foreign nation if there be infraction; but Congress is the judge of the infraction. The orderly and proper method would seem to be for the President to lay before Congress the evidence and facts relating to the infraction, and thereupon Congress would judge of their sufficiency and act accordingly. Now, what is the situation we are dealing with?

Congress passed a law in 1883 requiring the President to give notice of the termination of certain articles of the treaty of 1871, naming the articles in the body of that law; and we find that the President of the United States issued a proclamation calling the attention of the world to the fact, and the other treaty-making power itself, that these particular articles of the treaty should terminate in two years. Article XXIX was not mentioned either in the law or in the proclamation of the President, and Congress has not at any time taken any step looking to the abrogation of Article XXIX. If my proposition be a true one that it requires an act of Congress for the revocation or repeal of a treaty, then it must follow, as the night the day, that Article XXIX of the treaty of 1871 must still be a subsisting obligation as between the United States and Great Britain. And we are not wanting in judicial authority in support of that view, for I have here in my hands a decision in the case of Taylor *et al. vs.* Morton, reported in 2 Curtis's Reports, page 459, in which case the court in pronouncing its opinion uses this language:

> To refuse to execute a treaty for reasons which approve themselves to the conscientious judgment of the nation is a matter of the utmost gravity and delicacy; but the power to do so is prerogative, of which no nation can be deprived without deeply affecting its independence. That the people of the United States have deprived their Government of this power in any case I do not believe. That it must reside somewhere and be applicable to all cases I am convinced. I feel no doubt that it belongs to Congress. That inasmuch as treaties must continue to operate as part of our municipal law, and be obeyed by the people, applied by the judiciary, and executed by the President while they continue unrepealed, and inasmuch as the power of repealing these municipal laws must reside somewhere, and nobody other than Congress can possess it, then legislative power is applicable to such laws whenever they relate to subjects which the Constitution has placed under that legislative power. In conformity with these views was the action of Congress in passing the act of July, 1798, declaring the treaties with France no longer obligatory on the United States.

Thus, Mr. Speaker, doth it appear that Congress must intervene to repeal or terminate a treaty, and although there may be an infraction of the treaty, the proper authority to judge of that infraction and to declare the abrogation of the treaty is the Congress of the United States. Now, sir, what is the condition of Article XXIX in view of this plain proposition of law? Article XXIX is a subsisting obligation between the United States and the Government of Great Britain. Well, sir, if Article XXIX be a subsisting obligation between the two Governments, we have the vantage ground. The Canadian authorities have violated it, and why should not the President demand redress under the act of March 3, 1887? He himself declares in his message, apparently to get rid of his duty, that Article XXIX was abrogated, that it fell with the other articles, but the authority I have cited shows that it did not fall. It was logically necessary for the President to dispose of Article XXIX in some way, for if it were conceded by him to be still in force, the execution of the power conferred by the act of March 3, 1887, would have been a most manifest retaliation, and would have filled the measure of even the late message of the President.

Now, with Article XXIX as a subsisting obligation, the power the President had under the act of March 3, 1887, was so broad as to include everything he should do and more than he should do to bring Canada to terms. What were his powers under that act? First, to deny entrance to vessels belonging to the British dominions to our ports; second, to deny the entrance of fish or any product of said dominions; third, to deny the entrance of any other goods coming from said dominions to the United States. Every power necessary was placed by that act in the hands of the President of the United States, and he could have exercised any one or all of them. If it would have worked great injury to the Northwest, or to any other section of the country, to enforce the provisions of the act, it was not necessary to exert the full power conferred upon him. He could have issued a proclamation giving notice to the Government of Great Britain that unless certain things were done in a certain time he would issue his proclamation, carrying out one, two, or three of the provisions of the act. He need not have taken a step that would have imperiled the interests of this country one particle to bring about the result which was desired, which was to bring Canada to terms. But he did not choose to exercise that authority; he chose rather to send to Congress what I must regard as a buncombe political campaign message, with a view to retrieving his lost fortunes with the Irish-American citizens whom he had alienated by his vacillating course in his dealings with Great Britain.

Now, sir, I say that Article XXIX in every respect has been treated all along by the British Government as being in force. It has been treated all along by our own Government as being in force. The Secretary of the Treasury, on July 13, 1887, said it was in force. Canada has acted upon it all along as if it were in force. I think there have been such infractions of it as to fully justify its cancellation, for outrages and indignities without number have been heaped upon our citizens by the Canadian authorities, but the President seems to have formed no adequate conception of these wrongs, for he comes to Congress and asks for authority to deal with a different subject.

And what does he now seem to want? Why, authority to deal with transportation in bond through the United States. And why does he want this? That he may throw the traffic of Canada, consisting perhaps of $50,000,000, to the Canadian railways, and take that traffic away from the New England railways; and that is the secret of this affair. A member of the kitchen cabinet of the Administration and a director of the Canadian Pacific Railway—a man whose fortunes would be enhanced, though large now, by having that traffic driven from the New England railways and given to the Canadian—makes a four-hour speech in advocacy of this measure.

To benefit the Canadian railways is the scheme. That is the principal object of this bill. This scheme is intended as the visitation of a judgment of the President upon the New England States for their glorious Republican majorities. [Applause] That is the animus of this bill. Why, sir, when did the President arrive at the conclusion that we were treated badly by the Welland Canal, or by the St. Lawrence canals, or by the other Canadian canal companies? What did he state when he submitted his first message to Congress? The President said when submitting the treaty to Congress which the Senate has rejected:

> As the documents and papers referred to will supply full information of the positions taken under my administration by the representatives of the United States, as well as those occupied by the representatives of the Government of Great Britain, it is not considered necessary or expedient to repeat them in this message. But I believe the treaty will be found to contain a just, honorable, and therefore satisfactory solution of the difficulties which have clouded our relations with our neighbors on our northern border.

Why, Mr. Speaker, he says that if that treaty had been ratified by the Senate all our difficulties would have been settled. Our relations with Canada would be of the best possible character. The President, in the exuberance of the delight which the ratification of the treaty would have afforded him, goes on to predict the marvelous prosperity that would result to both nations in the event of peaceful relations being effectually secured by that treaty. *Not one word at the time* the message was sent in to the Senate of the United States about any other difficulties with Canada than those arising out of the fisheries. More than that, the Senate of the United States, sir, understanding that there were wrongs done by the canal companies, otherwise the Canadian Government, to our people, passed a resolution asking the Secretary of the Treasury to furnish information as to such wrongs. That resolution was passed by the Senate on the 30th day of January, 1888, and was replied to by the Treasury Department on the 7th of February, 1888. And what did the Secretary of the Treasury say in his reply:

> In reply to the first inquiry, I have to state that no communication has been had with the Dominion of Canada, nor have any agreements been arrived at touching the transportation of goods since the abrogation of the articles of the treaty referred to.

No communication had, no inquiry made. The President quiet, the Secretary of the Treasury quiet. Not one word about these wrongs that have been committed upon our people up to the 7th day of February, 1888, not a word about it until this message came here a few days ago.

Did he find it necessary to do something to make some show of patriotism and indignation regarding these wrongs? He and his Secretary of State had belittled the fishery wrongs. It would seem that something had to be done, so the message comes. Now what inference are we to draw from this state of facts? John Stewart Mills says, "The great business of life is to draw inferences." Words are cheap things. Grandiloquent messages are cheap things, easily gotten up, but acts speak louder than words. What inference must we draw? We can not help but infer that the President instead of executing the provisions of the act of March 3, 1887, desired to shift the controversy into a new field for campaign purposes. And this very bill now under consideration is itself a violation of Article XXIX, or it proposes the repeal of that article by indirection. Thus the Administration is bringing the country into a new complication and into an untenable position under international law.

Now, Mr. Speaker, I can not believe that anybody, Republican or Democrat, who will do that sort of thing is sincere and honest in his transactions. I can not think it is honest to do such a thing, for I am constrained thereby to believe that the President had no other purpose in sending this measure to Congress than to promote his chances of reelection and escape the great tariff issue that was before the country. But, Mr. Speaker, how are our friends on the other side placed in ref-

erence to this measure, the message, and this bill? They are going to vote as a unit for this bill, I believe. They want this bill enacted into a law, and what do they propose to do when it becomes a law? They propose to clothe the President with power to exclude all commercial relations with Canada and to prevent transportation in bond across the United States one way or the other of goods, wares, and merchandise.

But, sir, when a short time ago the Mills bill was under consideration in this House, what did our friends on the other side of the Chamber do? Did they then propose to exclude Canadian goods from our markets? Did they then think it would be well to have no further intercourse with Canada? Was not the subject of the wrongs of the Welland Canal and the other canals then a live subject known to the President, and could he not have informed his friends about it? Oh, no; neither the President or his friends thought of that. On the contrary, they were most solicitous for commerce with Canada, for they prepared and passed the Mills bill. And what did that do? Look at this list, which I have taken from the speech of the gentleman from Indiana [Mr. OWEN].

Articles.	Canadian rate.	United States rate.	Mills rate.
Beans	15 cents per bushel..	10 per cent	Free.
Pease	10 cents per bushel..	10 to 20 per cent	Free.
Tomatoes	30 cents per bushel..	10 per cent	Free.
All other vegetables, including sweet potatoes.	20 per cent	10 per cent	Free.
Plums	1 cent per pound...	1 cent per pound...	Free.
Currants	1 cent per pound...	1 cent per pound...	Free.
Peppermint and other essential oils.	20 per cent	25 per cent	Free.
Blacking	25 per cent	25 per cent	20 per cent.
Bricks	20 per cent	20 per cent	Free.
Brooms	25 per cent	25 per cent	20 per cent.
Brushes	25 per cent	25 per cent	20 per cent.
Flax (raw)	$20 per ton	$20 per ton	Free.
Flax (hackled)	$40 per ton	$40 per ton	Free.
Tow	$10 per ton	$10 per ton	Free.

We are to pay Canada duties, but Canada pays us no duties. That is Democratic reciprocity for you. That is Democratic retaliation, when it comes to downright acts. Among the articles proposed to be made free by the Mills bill is lumber. What about lumber? The Canadian Government owns the lumber of Canada, and therefore it was for the benefit of the Government of Canada that the Mills bill proposed to let lumber come in free. The benefit was to be conferred not upon the people of Canada, but upon the Canadian Government. That bill proposed also to make brick free, and plums and currants and other fruits, and vegetables. Now, sir, how do these two propositions comport, the request of the President now that he may have power given him to declare substantial non-intercourse with Canada, and his wish, expressed some time ago in his message and subsequently formulated into the Mills bill, that Canadian products shall be allowed to come within our borders free, although the Canadian Government charges us a duty when we send our like products into Canada?

What sort of consistency is that on the part of the President, or on the part of Democratic Representatives in Congress? It strikes me that that inconsistency is so bold, so flagrant, that he who runs may read insincerity and bad faith in it. No use talking, this message of the President is nothing more than an effort on his part to create a diversion from the tariff issue in favor of some new issue, which this Administration sadly needs at this time, but which will not, despite the words of the gentleman from New York, rescue it from the defeat and oblivion that await it on the ides of November. [Applause on the Republican side.]

But, Mr. Speaker, what more? While this very Mills bill was being framed, our Secretary of State, Mr. Bayard, as reported by Sir Charles Tupper, made a statement which I send to the Clerk's desk to be read.

The Clerk read as follows:

Mr. Bayard told us, the American plenipotentiaries told us, that there was but one way of obtaining what we wished. "You want greater freedom of commercial intercourse; you want relaxation in our tariff arrangements," etc.

"You will find"—

Continues Mr. Bayard—I give his closing language—

"You will find that the policy of this Government, the policy of the President, and of the House of Representatives, the policy of the great Democratic party of the United States, will at once take an onward march in the direction you propose, and accomplish steadily that which you would desire. It is the only way it can ever be attained."

I obtained that statement, made by Sir Charles Tupper, of his conversation with Mr. Bayard from the able and exhaustive speech of my friend from Illinois [Mr. HITT].

There it is, Mr. Speaker. Our Secretary of State, while this fearful indignation is resting in the mind of the President, gives assurance to Sir Charles Tupper that Canada must look for free trade to the great Democratic party, and makes that pledge. But, Mr. Speaker, I understand that assurances have been given even beyond that. I ask the Clerk now to read what has appeared in the public prints, what I have extracted from the Philadelphia Press where it was published upon the authority of Zebulon L. White, the Washington correspondent of the Press, over his own signature.

The Clerk read as follows:

Simultaneously with the transmission of the President's recent retaliation message to Congress a private communication was transmitted by the Government of the United States to the British Government at London, assuring it that it need have no anxiety as to any official action that would be taken under the authority that the President had asked of Congress if it should be granted. Assurance was given that the United States would furnish no *casus belli* in connection with these matters.

Mr. BAYNE. Mr. Speaker, this is a statement which has been published in the press without denial, that assurances have been given by this Government to the British Government that if this bill shall become a law no *casus belli* will be given by us, but that the President will execute the law in the same amiable and friendly spirit in which he negotiated the treaty. [Laughter and applause on the Republican side.] This makes it still more manifest than it was before that the message is mere buncombe, that it does not mean anything except to get authority to make some sort of a hurrah before the election in order, as I said before, to revive the failing political fortunes of the President. Assurances given by Secretary Bayard to Sir Charles Tupper that the Democratic party would give Canada free trade, and assurances given by the Administration to the Government of Great Britain that if this bill now pending shall become a law no *casus belli* will be given, that nothing will be done under it that would have a tendency to change the kindly and affectionate regard which this Administration seems to feel for Great Britain. Why, sir, with abundant power already in his hands and with these assurances given to Great Britain, is it not absurd for the President of the United States to ask for additional powers which he does not intend to execute?

Mr. Speaker, the President has pursued with reference to these transactions a course that has not to my mind been dignified or proper. He has not in my opinion met fairly and squarely the issue that has been presented to him by the Government of Great Britain. He has shown a want of familiarity with the national policy of our Government. He negotiated a treaty which proposed to surrender the most valuable of our rights, and based that surrender upon the fact that such a surrender had been made by the treaty of 1818. That is his only justification. He knew that our rights and the rights of our fishermen needed an extension beyond the limits placed upon them by the treaty of 1818, and all the correspondence of Secretary Bayard with the British Government pointed to the fact that he regarded an extension of those rights as necessary to the protection of American fishermen. How different, how very different, have been the utterances of the candidate of the Republican party for the Presidency in the various speeches which he has made, in which he has declared that the rights of the American people should be defended at home and abroad and that American labor should be protected by a high tariff instead of repealing existing duties and admitting into our country free of duty the products of a nation which is wronging our people.

Mr. Speaker, in view of the course of this debate, in view of the facts which have been developed, I am constrained to believe that this bill should not become a law; and I propose to vote against it. I think the President has now abundant power, if he chose to exercise it. I think this message requesting additional power is a makeshift for campaign purposes; and I for one do not propose to place in the hands of the President an extension of power for any such purpose. [Applause on the Republican side.] I do not propose to place in the hands of the President the power to injure the Eastern railway system of this country and to deprive the employés of that system of their occupation. I do not propose to place in the hands of the Executive this power because I think his course throughout has been one of dissimulation and double-dealing toward Congress and the country.

I do not believe that this "campaign document" will work out the results that it was intended to accomplish. I believe that this whole scheme has fallen flat, and that the common sense of the American people will suggest that the President being already clothed with ample power, should first execute the power he has and see what will be the effect before we give him the additional power which he asks for.

Therefore I shall vote against this measure. I believe that it is simply a game of "bluff," resorted to in the heat and excitement of a political campaign; for it is simply intended by the President as a declaration to the Senate that he will go "one better."

Mr. DALZELL. Ten thousand dollars better.

Mr. BAYNE. Ten thousand dollars better, as my colleague suggests. I do not intend to aid in enacting into a solemn act of Congress any such bill as this affecting our dealings with foreign nations.

What did we do here the other day? We hurried through a Chinese bill—put it through under the whip and spur of the Cabinet minister who is not in the Cabinet. [Laughter.] It was taken over to the Senate and passed there; and then word came that China had not rejected the treaty which had been under consideration by that nation; and now the Democratic party in the Senate and in the House are both in a "stew" with reference to that subject. This suggests the propriety of just deliberation.

I have said how different are the principles and attitude of General Harrison from those of the President in reference to the protection of the rights of our citizens, both at home and abroad.

Now, let me show how differently General Harrison and the Presi-

dent regard the policy of protecting American industries. The whole country knows what the President advocated in his message to Congress at the opening of the present session. He proposed a policy tending rapidly to free trade, and the Mills bill, as I have said, is the exponent and exemplification of that policy.

Now, by way of contrast and for purposes of comparison, I shall reproduce from a speech of General Harrison, delivered at Fort Wayne, Ind., a few days ago, what he thinks should be the policy of our Government. This is what General Harrison said:

GENERAL HARRISON'S ADDRESS.

My friends, I desire to thank you for this cordial demonstration. I thank you, not so much for myself as for the party to which most of us have given the consent of our minds. I am glad to know that the people are moved to a thoughtful consideration of those questions which are this year presented for their determination. Under a popular Government like ours it is of the utmost importance that every man who votes should have some reason for his vote; that every man who attaches himself to this or that political party should intelligently understand both the ideas and purposes of the party to which he belongs. I think it is universally conceded by Democrats as well as by Republicans, that the questions involved in this campaign do have a very direct bearing upon the national prosperity and upon the prosperity and welfare of the individual citizen. I think it is conceded that the result of this election will affect beneficently or injuriously our great manufacturing interests, and will affect, for weal or for woe, the workingmen and the working-women who fill these busy hives of industry. [Applause.]

I want to call your attention to a few general facts and principles; and the first one, the one I never tire of mentioning, the one I deem so important that I do not shun the charge that I am repeating myself, is that the condition of the wage-worker of America is better than that of the wage-worker of any other country in the world. [Applause.] Now, if that be true, it is important that you should each find out why it is so; that each one of you should determine for himself what effect a protective tariff has had and is likely to have upon his wages and prosperity. Does it need to be demonstrated that if we reduce our tariff to a revenue level, if we abolish from it every consideration of protection, more goods will come in from abroad than come in now, and what is the necessary effect? It is the transfer to foreign shops work that you need here; it is to diminish American production and increase English production. It is not worth while to stand upon nice definitions as to free trade. Some think it enough to say that they are not free-traders because they are not in favor of abolishing all customs duties. Let me remind such that the free-trade countries of Europe have not abolished all customs duties.

A better distinction is this: The free-trader believes in levying customs duties without any regard to the effect of those duties upon the wages of our working people or upon the production of our own shops. This, then, is the issue. Take it to your homes. There are many confusing and contradictory statements made in the public press and by public speakers. Ask any of those who assail our protective system whether they do not believe that if their policy is adopted a larger amount of foreign-made goods will come into this country. It is their purpose to increase importation in order to cheapen prices. I think I may safely ask you to consider the question whether this cheapening of prices, which they seem to regard as the highest attainment of statesmanship, is consistent with the rate of wages that our working people enjoy now—whether it will not involve, if we are to have foreign competition without favoring duties, a reduction of American wages to the standard of the wages paid abroad. [Applause.]

Do you believe for one moment that two factories making the same product can be maintained in competition where one pays 33 per cent. more to its workingmen than the other? Is it not certain that wages must be equalized in those competing establishments or the one paying the higher wages must shut down? Here in this city, so important and so prosperous, we have a fine illustration of the accruing advantages of a large factory and shop population. It has made your city prosperous as well as populous, and it has made these outlying Allen County farms vastly more valuable than they otherwise would have been. These interests harmonize. But I only ask you to think upon these questions. Settle them in your own minds, for it is agreed by all that as they shall be settled one way or the other, your interests and those of your families and of this community, and of every other like community in this country, are to be affected favorably or unfavorably.

May I not appeal to you to review these questions, to throw off the shackles of preconceived notions and of party prejudices and consider them in the light of all the information that is accessible to you? If you shall do that I do not doubt that the working people of this country will this November forever settle the question that American customs duties shall by intention, by forethought, have regard to the wages of our working people. [Applause.]

I desire now, Mr. Speaker, to pay my respects to the gentleman from Michigan [Mr. CHIPMAN]. That gentleman, when I endeavored politely to ask him a question, took occasion to reply rudely, and I wish to make an observation or two respecting him. I ask the Clerk to read a single sentence from the gentleman's speech.

The Clerk read as follows:

The nearer a man approaches a diplomat in form, the nearer he is to a fool; and the nearer he approaches one in substance, the nearer he is to a knave.

Mr. BAYNE. Mr. Speaker, it is to be presumed that a gentleman who thus gives a general judgment of the diplomats all over the world has some knowledge of them. I send to the Clerk's desk to be read the autobiography of the gentleman from Michigan as given in the Congressional Directory.

Mr. BLAND. I do not see the gentleman from Michigan now in the Hall.

Mr. BAYNE. Well, he ought to be here. I deferred my remarks the other day because he was not here.

Mr. GEAR. He has not leave of absence.

The Clerk read as follows:

J. LOGAN CHIPMAN, of Detroit, was born in Detroit, Mich., June 5, 1830; was educated in the schools of that city and at the University of Michigan; in 1846 was engaged in the Lake Superior region as an explorer for the Montreal Mining Company; in 1854 was admitted to the bar, and in that year aided in the payment of the Chippewas of Lake Superior, and participated in making the treaty of Detroit with the Ottawas and Chippewas of Michigan; in 1853 was assistant clerk of the State House of Representatives of Michigan; in 1856 was elected city attorney of Detroit, and held that position till 1861; in 1863 was elected to the Michigan Legislature; in 1865 was appointed attorney of the police board of Detroit; in 1866 ran for Congress on the Democratic ticket, but was defeated; retained the office of attorney of police till May 1, 1879, when he was elected judge of the superior court of Detroit, to which position he was re-elected at the end of six years, and was elected to the Fiftieth Congress as a Democrat, receiving 17,367 votes, against 15,801 votes for Robinson, Republican, and 876 votes for Frisbie, Prohibitionist.

Mr. BAYNE. It will be observed, Mr. Speaker, that the gentleman from Michigan was himself a diplomat.

[Here the hammer fell.]

Mr. HITT. I ask unanimous consent that the same courtesy be extended to the gentleman from Pennsylvania [Mr. BAYNE] that was extended to his predecessor in this debate—at least to the extent of five minutes.

Mr. McCREARY. I do not understand the gentleman.

Mr. HITT. I ask that the vote be postponed for five minutes in order that the gentleman from Pennsylvania may have that much additional time.

Mr. McCREARY. There are one or two gentlemen on this side who desire a short time, and I suggest that by unanimous consent the time for closing debate be extended until half past 4 o'clock.

Mr. HITT. Is the additional time to be divided?

The SPEAKER *pro tempore*. The Chair would presume so. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and it is so ordered.

Mr. HITT. I yield to the gentleman from Pennsylvania so much of the extended time as he desires.

Mr. BAYNE. It will be observed that the gentleman from Michigan was himself a diplomat. He was one of the commissioners who negotiated the treaty with the Ottawas and Chippewas of Michigan. The gentleman was thus enabled, no doubt, to form a conclusion respecting diplomats from a subjective standpoint by an introspection into his own moral and mental operations while negotiating that treaty. He should therefore be quite able to determine to which of the two classes he belongs.

It may be, however, he had not fully determined that all diplomats belong to those two classes until he came to Washington and examined the recent treaty negotiated by the President of the United States. It is perfectly evident a critical examination of that treaty would have enabled him to conclude that diplomats were either knaves or fools. It is perfectly certain that in the negotiation of that treaty somebody was badly fooled, and if I understand the stipulations of that treaty it was the United States. Therefore the gentleman has had an opportunity of forming a conclusion respecting diplomats from an objective point of view as well as from a subjective.

A conclusion thus based on the inner consciousness as well as the external facts which he as a jurist examined, for it will be noted he was a judge, ought to be safe and sound. But unfortunately that conclusion relegates the gentleman himself to one of these classes, and to which class he choose to consign himself he may, for I will not quarrel with him. [Laughter.]

Mr. Speaker, I thought the gentlemen composing the Committee on Foreign Affairs, and their able associates on the floor of the House, as legislators would be quite equal to the discussion of this bill; but it seems they were not. It seems a telegram was sent to the most distinguished criminal lawyer in the State of New York to come on, and he came in hot haste; and I close with the remark, Mr. Speaker, that the President's case must indeed be bad, his crime against the country must indeed be great, when there was necessity for this able criminal lawyer from the city of New York to come here and defend him. [Laughter and applause on the Republican side.]

Well may I say the President needs defense. The distinguished gentleman from Maine [Mr. DINGLEY] has given what he called "specimen cases," out of more than one hundred that occurred during the fishing season of 1886, of outrages committed by the Canadian authorities upon our fishermen. Here are the specimens:

James A. Garfield.—Gloucester, Mass. Threatened, about June 1, 1886, with seizure for having purchased bait in a Canadian harbor.

Martha W. Bradley.—Gloucester, Mass.; J. F. Ventier, master. Warned off at Canso, Nova Scotia, between June 1 and 8, 1886.

Eliza Boynton.—Gloucester, Mass.; George E. Martin, master. Warned off at Canso, Nova Scotia, between June 1 and 9, 1886. Then afterwards detained in manner not reported, and released October 25, 1886.

Thomas F. Bayard.—Gloucester, Mass.; James McDonald, master. Warned off at Bonne Bay, Newfoundland, June 12, 1886, and refused privilege of buying bait.

James G. Craig.—Portland, Me.; Webber, master. Crew refused privilege of landing for necessaries at Brooklyn, Nova Scotia, June 15 or 16, 1886.

Novelty.—Portland, Me.; H. A. Joyce, master. Warned off at Pictou, Nova Scotia, June 29, 1886, where vessel had entered for coal and water; also refused entrance at Amherst, Nova Scotia, July 24.

N. J. Miller.—Booth Bay, Me.; Dickson, master. Detained at Hopewell Cape, New Brunswick, for alleged violation of customs laws, on July 24, 1886. Fined $400.

Rattler.—Gloucester, Mass.; A. F. Cunningham, master. Warned off at Canso, Nova Scotia, June, 1886. Detained in port of Shelburne, Nova Scotia, where vessel entered seeking shelter August 3, 1886. Kept under guard all night and released on the 4th.

Caroline Vought.—Booth Bay, Me.; Charles S. Reed, master. Warned off at Raspebiac, New Brunswick, and refused water, August 4, 1886.

Alice M. Jordan.—Refused permission to buy bait, June 5, 1886.

Mascot.—Gloucester; refused permission to buy bait, June 10, 1886.

Julia Ellen.—Booth Bay, Me.; Burnes, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.

Mollie Adams.—Gloucester, Mass.; Solomon Jacobs, master. Warned off into storm from Straits of Canso, Nova Scotia, August 31, 1886.

Jennie Seaverns.—Gloucester, Mass.; Joseph Tupper, master. Refused privilege of landing, and vessel placed under guard at Liverpool, Nova Scotia, October 20, 1886.

Cynosure (schooner).—Booth Bay, Me.; L. Rush, master. Was obliged to return home before securing a full cargo, not being permitted to purchase provisions in Nova Scotia. (From statements from S. Nickerson & Sons, owners, Booth Bay, Me.)

Lottie E. Hopkins (schooner).—Vinal Haven, Me.; Emery J. Hopkins, master. Refused permission to buy any article of food in Canadian ports. Obtained shelter in harbors only by entering at custom-house. (From statement of Emery J. Hopkins, owner and master, North Haven, Me.)

Cora Louisa (schooner).—Booth Bay, Me.; Obed Harris, master. Could get no provisions in Canadian ports and had to return home before getting full fare of fish. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

Eben Dale (schooner).—North Haven, Me.; R. G. Babbidge, master. Not permitted to buy bait, ice, or to trade in any way. Driven out of harbors, and unreasonable restrictions whenever near the land. (From statements of R. G. Babbidge, owner and master, Pulpit Harbor, Me.)

Charles Haskell (schooner).—North Haven, Me.; Daniel Thurston, master. Obliged to leave Gulf of St. Lawrence at considerable loss, not being allowed to buy provisions. (From statements of C. S. Staples, owner, North Haven, Me.)

Willie Parkman (schooner).—North Haven, Me.; William H. Banks, master. Unable to get supplies while in Gulf of St. Lawrence, which necessitated returning home at great loss, with a broken voyage. (From statements of William H. Banks, owner and master, North Haven, Me.)

Nellie M. Snow (schooner).—Wellfleet, Mass.; A. E. Snow, master. Was not allowed to purchase provisions in any Canadian ports, or to refit or land and ship fish, consequently obliged to leave for home with broken trip.

Gertrude Summers (schooner).—Wellfleet, Mass.; N. S. Snow, master. Refused privilege of purchasing provisions, which resulted in injury to voyage.

Charles R. Washington (schooner).—Wellfleet, Mass.; Jesse S. Snow, master. Master was informed by collector at Ship Harbor, Cape Breton, that if he bought provisions, even if actually necessary, he would be subject to a fine of $400 for each offense. Refused permission by the collector at Souris, Prince Edward Island, to buy provisions, and was compelled to return home September 10, before the close of the fishing season.

John M. Ball (schooner).—Provincetown, Mass.; N. W. Freeman, master. Driven out of Gulf of St. Lawrence to avoid fine of $400 for landing two men in the port of Malpeque, Prince Edward Island. Was denied all supplies, except wood and water, in same port.

Zephyr (schooner).—Eastport, Me.; Warren Pulk, master. Cleared from Eastport, May 31, 1886, under register for West Isles, New Brunswick, to buy herring. Collector refused to enter vessel, telling captain that if he bought fish, which were plenty at the time, the vessel would be seized. Returned to Eastport, losing about a week, which resulted in considerable loss to owner and crew. (From statements of Guilford Mitchell, owner, Eastport, Me.)

Abdon Keene (schooner).—Bremen, Me.; William C. Keene, master. Was not allowed to ship or land crew at Nova Scotia ports, and owner had to pay for their transportation to Maine. (From statements of William C. Keene, owner and master, Bremen, Me.)

John Nye (schooner).—Swan's Island, Me.; W. L. Joyce, master. After paying entry fees and harbor dues was not allowed to buy provisions at Malpeque, Prince Edward Island, and had to return home for same, making a broken trip.

Asa H. Pervere (schooner).—Wellfleet, Mass.; A. B. Gore, master. Entered harbor for shelter; ordered out after twenty-four hours. Denied right to purchase food.

Nathan Cleaves (schooner).—Wellfleet, Mass.; P. E. Hickman, master. Ran short of provisions, and, not being permitted to buy, left for home with a broken voyage. Customs officer at Port Mulgrave, Nova Scotia, would allow purchase of provisions for homeward passage, but not to continue fishing.

Frank G. Rich (schooner).—Wellfleet, Mass.; Charles A. Gorham, master. Not permitted to buy provisions or to lie in Canadian ports over twenty-four hours.

Emma O. Curtis (schooner).—Provincetown, Mass.; Elisha Rich, master. Not allowed to purchase provisions, and therefore obliged to return home.

Pleiades (schooner).—Wellfleet, Mass.; F. W. Snow, master. Driven from harbor within twenty-four hours after entering. Not allowed to ship or discharge men under penalty of $400.

Charles F. Atwood (schooner).—Wellfleet, Mass.; Michael Burrows, master. Captain was not permitted to refit vessel or to buy supplies, and when out of food had to return home. Found Canadians disposed to harass him and put him to many inconveniences. Not allowed to land seine on Canadian shore for purpose of repairing same.

May I not fairly say that the protection of the rights of American citizens, both at home and abroad, and the protection of American industries go hand in hand, and that he who will not maintain the one will not maintain the other? [Applause.]

Mr. McCREARY. I will yield now to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. Mr. Speaker, I indorse with heartiness every word said this morning by the eloquent gentleman from New York [Mr. COCKRAN]. And I thank publicly that simple, dignified, honest, and splendid American citizen, Grover Cleveland, for his magnificent message. [Applause on the Democratic side.]

Mr. Speaker, this question transcends that of a mere political one. It is no longer a question of fish dutiable or undutiable. It is not a question of transportation of grain. It is not a railroad or a personal question. It is not a question for peddlers or speculators, but for patriots. It is not a local or sectional question. It is a question which concerns the honor and dignity and the rights of the whole American people. We have been over-kind and generous to our northern neighbors, and they have repaid our kindness by an open, brutal, bullying, and unjustifiable breach of a solemn treaty entered into between our country and Great Britain. The Tory mobs and cowardly bigots of Toronto and other places in Canada have mistaken our generosity for fear of British bluster and assumed power.

Canada, a long line of straggling provinces, peopled by unassimilated and antagonistic races, is ruled by railroads managed by British Tories. Sir John Macdonald, in the plain face of the treaty provisions and the whole history of the case, to placate the bigoted, intolerant Orange faction of the center and please the financially distressed fishing and maritime provinces of the coast and build up, at our expense, the Canadian Pacific Railway on the Pacific coast, in a characteristic British Tory way, inaugurated a policy of Canadian aggression against our fishing and carrying trade. It became fashionable in Canada among the Tory faction to deride and sneer at Americans, and robbing us of our rights was looked upon as a sort of "spoiling the Egyptians."

The Canadian pirate fishing cruisers seemed to think that pulling pinfeathers out of the American eagle was an amusement fraught with no serious consequences. We are peaceable people. The early Jeffersonian statesmen who molded and formed our institutions wanted to avoid foreign entanglements and questions. The American question of rooting our people on the land in happy, prosperous times, and of fairly distributing the result of productive industry among well-fed, well-clothed, happy, intelligent, and contented freemen, was to them the main question. The foolish foppery of bespangled diplomacy, smothered in ornate but meaningless rhetoric, had no charms for them, and we their descendants have little use for the absurd pomp and narrow chicanery of a system that may have befitted the days when mankind were divided into seigneurs and serfs, and nations communicated by stage-coaches and lumbering craft moved by fitful winds.

European nations, mistaking our disuse to a great extent of this system, have ignorantly concluded, seemingly, that we would be easy victims to foreign arrogance and infringement of our rights.

This to them is a fatal mistake. The United States are so powerful, unassailable, and so conscious of their strength that they are tolerant of petty annoyances to a degree.

But let Canada and England take warning that the first step beyond the dead-line of what is right and just, and our people will rise as one man, irresistible in their strength and fury, and crush the intruder.

I regret my time is short, and therefore I shall be obliged to notice only one or two features of the question. I had hoped to have had time to review the merits of this bill. I was pained to see during this debate gentlemen on the other side of the House address themselves to a portion of American citizens, as if they were influenced by reasons which are not applicable to the great mass of the people of the United States.

Mr. Speaker, that portion of our fellow-citizens who were born in Ireland, as well as that portion who are descended from those who were born in Ireland, view American questions through distinctively American eyes to be reviewed in minds dominated solely by American ideas; and their only concern in public action, as citizens of the great Republic, is as to how they can best conserve her prosperity, rights, and dignity. Like other American citizens they differ in their views of public questions and are to be found in all leading political parties. They are intensely America and of America. They are not aliens; they are children of our common country. It is, therefore, a direct imputation, not only upon the intelligence, but upon the patriotism of these people in thus selecting them as a special audience when gentlemen on the other side of this Chamber instead of addressing to them the ordinary arguments affecting the reason and conscience of the great mass of the American people, made up of almost every race, select them as a distinct and un-American people, so low in intelligence, so wanting in discrimination, that red fire and stage thunder are sufficient to carry conviction to their minds and influence their political action; that playing with the tail of a lion stuffed with straw, and provided with a patent squeak in his abdominal recesses, is to them equal to seizing the live, genuine animal by his cruel jaws and making him disgorge his prey.

That blare, bluster, tin helmets, sham oppositions, and frothy declamation are captivating to these our fellow-citizens and fellow-Americans. That fulsome eulogy during the heat of a Presidential campaign from lips that heretofore have "coined slander like a mint" on a people who need no defense and whose ears can not be tickled by transparent flattery can not be detected from genuine friendship. They need no defense, for are not their names glowing on our pages in field and forum, in arts, sciences, and industries from the early settlements of America to the day the clods fell in yonder cemetery on the bier of the General of our armies. They need no advertisement of special friendship, for in the struggle in the old land there are no Democrats or Republicans in this land, all Americans being in sympathy with those heroic efforts for liberty.

Mr. Speaker, it would be well for gentlemen on the other side of this Chamber, and members of the same party outside of it, to remember somewhat the history of these our fellow-citizens in their native land. There are no people who come to this country who are more intensely American than are our citizens of Irish birth or descent. For seven hundred years they have maintained a continuous contest unequaled either in classical or modern annals for the right of self-government and for the boon of liberty. Hence, to every land to which they have been driven, as well as in this country, they are intensely and instinctively democratic-republican in the universal sense. For seven hundred long years they have been the unfortunate victims of an alien paternal government, and of caste, class, and sect; and hence, in the United States, as in all other lands in which they have found refuge, they are the uncompromising and unyielding opponents of a centralized paternal government and the staunch advocates of a local self-government, and in our land have ever favored the cardinal home-rule doctrine of our federal system.

For over seven hundred years they have felt the cruel injustice of

monopoly in lands, trade, and in the right to rule, and hence in this as in all other countries, while almost unanimously opposed to State socialism and centralization of the governing power, they are the unyielding enemies of monopoly, trusts, combinations, land-grabbing, and all injustices of the few against the many; and in such a contest as is now being waged here in the United States between the plutocracy and the democracy it is, sir, not at all surprising to the intelligent observer who understands the history of this portion of our fellow-citizens to find that a large and overwhelming majority of them have ranged themselves with the masses of the people against monopoly. [Applause.] They are an exceedingly acute and intelligent people, and quick and discerning, as is known universally, and they may be relied upon to resent the silly imputations upon their good sense and judgment shown in these now frantic partisan appeals.

Sir, the action of the President of the United States, in my opinion, is not only wise, firm, statesmanlike, and patriotic, but it has been absolutely consistent. After the passage of the impotent, localized, and misleading act of 1887 it was right that we should negotiate with Great Britain, so that our relations with Canada might be placed upon a pacific, permanent, and honorable basis. The act of 1887, against which I voted for the stronger act of the majority of this House, developed the issue to a contention about the duty on fish, and our so-called retaliation was only calculated to close out competition for the wealthy owners of New England fishing fleets. It was a great misfortune that the commission that dealt with this question, and which sat in this city, should have as the British representative on it a man who had forfeited the esteem, confidence, and respect of the great portion of the American people, as well as millions of his own countrymen, a man whose course in his own land as politician and statesman had been such that he rightfully merited the condemnation of millions of our people. Among no small number of our citizens his appointment by the British Tories was regarded as an open defiance and contempt of American public opinion on contemporaneous British politics.

The appointment of that gentleman on the commission as the British representative, while not excusing the blind partisanship of a Senate that would neither amend nor judicially consider, helped no little to becloud the negotiations. This gentleman, from the day he landed on our shores, among a law-abiding and peaceful people, was followed by a cordon of detectives in a land where he was in less danger than in Great Britain, and cast suspicion by his conduct on our good faith and desire for peace as well as the honesty and friendly nature of his own intentions.

But, sir, in the limited time allotted to me I can not pursue this subject further. My distinguished friend from Missouri [Mr. O'NEILL] has read the boastful, bombastic British brag of the London Standard. I want to say a word in that connection.

Let Lord Salisbury and the English Tories and the London Standard indulge in their boastful threats and insinuations as to our naval weakness, and I will say to them in response that the modern ironclads of England, such ships as the Inflexible and the Thunderer, would be as impotent on our coasts and harbors as wash-tubs armed with fire-crackers. [Laughter.] The good God who made the harbors and the unexcelled officers of our Navy will make the Tories, if it be necessary, regret they ever saw the shores of Sandy Hook. And Yankee crews on American-built cruisers will strew the waters with the wrecks of British commerce, and the day a British gun knocks the first brick from a house in New York or Boston or anywhere on our shores will usher in the destruction of the whole monstrous, greedy British Empire, presage a free flag for India, Ireland, Canada, and Australia, a cessation of territorial stealing in Venezuela and Africa, and means financial liberation from British despotism and damnable selfishness and greed to Egypt and Turkey and the innumerable victims of her infamous commercial piracy. [Applause.]

Mr. MCCREARY. I now yield five minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. This, Mr. Speaker, has been in many respects the most remarkable debate——

Mr. CANNON. Will the gentleman yield to me for a moment, as I wish to inquire how much time is due to this side of the House?

The SPEAKER *pro tempore* (Mr. BLOUNT in the chair). Ten minutes' additional time was granted by unanimous consent, which carried the time up to ten minutes past 4 o'clock. Since then an additional request for unanimous consent has fixed the time for the vote at half past 4 o'clock. The Chair will endeavor as far as possible to divide the time equally.

The Chair will state that the time is now running.

Mr. CANNON. I only wanted to know whether a portion of that time was not due to this side, in addition to the six minutes yet remaining.

Mr. MCCREARY. I will see the gentleman and confer with him while this debate is in progress.

Mr. CANNON. Very well.

Mr. MCMILLIN. As I was saying, Mr. Speaker, when interrupted, this has been in many respects the most extraordinary debate I have ever heard in Congress. The country is threatened with a disturbance on the Canadian border that bodes it no good. A measure was adopted during the last Congress which, if enforced, by way of retaliation, would have inflicted upon ourselves as much injury as we would have inflicted upon our antagonists. The President, hesitating to exercise the authority which would result in so little good to ourselves and so little punishment to Canada, has gone patriotically to work for the purpose of negotiating a treaty to settle the difference between the countries and secure for American citizens the rights which inherently belong to them and have been recognized by treaty stipulations since almost the first of the century.

Gentlemen on the other side have talked of partisanship in connection with this matter. When I look to the Senate, Mr. Speaker, the co-ordinate treaty-making branch of the Government, I find that all precedents were violated, and this audacious President who had dared work for honorable peace by treaty, was to have a public castigation administered to him by an indignant Senate. The doors were thrown open contrary to custom, and the country invited to witness the partisan chastisement to be given; the public were invited that outside influences might have their effect in settling our difficulties, with a view to obtaining a partisan triumph. But the public parade did not accomplish the object for which it was intended. True, the treaty was defeated, but the President has come forward with that patriotism and boldness which characterize him, and said, "You have defeated the treaty; you have prevented the possibility of a treaty." You have refused to give our people their rights and peace by treaty. Now, if you mean what you say, go forward and give that kind of retaliation which injures the enemy and not your own people. [Applause.]

That great message of the President on retaliation came to this House filled with wisdom and patriotism, profound and lofty, and is before us for consideration. [Applause.] Strange to relate, every gentleman who has arisen on the other side to debate it has carped and criticised and condemned that message, but when the time for voting comes they are forced to fall down and truckle after the President in this American measure. We do not care whether you are forced to your duty by patriotism, public sentiment, or by the action of the President, so you are brought to it.

Now, gentlemen have laid stress upon the fact that the President failed to enforce the retaliatory measure that was put upon the statute-books by the last Congress. To have done so would not have reached the evil. It would have left the Canadian Government and the Canadian people to ship through our borders annually between forty and fifty million dollars' worth of their products in bond without paying duty and without any power to stop them. The authority to stop this was not given by the act of 1887. That is the power that the President asks to-day, and that is the power that he will get, the opposition on the other side and the majority of the Senate to the contrary notwithstanding. [Applause.]

If I had the poor opinion of this movement that gentlemen on the other side profess, I could not be forced to support the bill. One, the gentleman from Illinois [Mr. CANNON], calls it "clap-trap," but acknowledges his fondness for "clap-trap" by announcing he will have to vote for it. Another says it is an effort to "humbug," but confesses it is a humbug he has not the courage to resist. The gentleman from Minnesota [Mr. NELSON] complains at it volubly, but toward the close of his speech says pathetically that he thinks he has spied the American eagle flying in that direction, and he has determined to support the bill rather than leave the bird. A score or more of gentlemen on the other side have poured forth their vials of wrath on the President and his retaliatory message, and not half a dozen will be bold enough to vote against it.

We want no war. We would much prefer peace. We trust the relations between Canada and the United States will be amicable. But we believe that honorable peace will most surely be maintained by withdrawing from Canada those privileges of shipment and commerce she has heretofore enjoyed. But at whatever of cost is necessary we are resolved that a Democratic administration will maintain, as did Jefferson, Madison, Jackson, and Polk, the dignity of our Government and the rights of our people. [Applause.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HITT. I now yield to the gentleman from New York [Mr. FARQUHAR.]

Mr. FARQUHAR. I have a strong interest, representing as I do one of the border Congressional districts, in calling attention to some of the commercial features involved in this retaliation bill and the message, and to that which relates more particularly to our lake commerce. I took occasion to-day to interrupt the gentleman from Missouri [Mr. O'NEILL] in one statement that he had made, as to whether Canada would not have the advantage if the provisions of the second section of the bill were carried out by the President.

Now, I understand that all powers granted in the first and all of this second section are discretionary with the President, and I am very glad it is so, for few statesmen can understand the Northern commerce and its needs and the commerce of the Northwest better than Mr. Cleveland. He has seen its ebb and flow all his life. He has lived in a city that is the gateway of all the Northwestern commerce, the city of Buffalo. Now, if this bill should become law and the President regarded it as

mandatory upon him to carry out the second section of the bill, the first and most dangerous movement in retaliation that would be made upon the part of Canada would turn on the fact that all commerce that comes out of Lake Superior has to pass partially over Canadian waters. All that commerce could be crippled in an hour.

We could in the course of a year, probably, manage to improve the Middle Neebish, which is a part of the proposed Hay Lake channel, so as to deepen it sufficiently for vessels drawing 12 to 14 feet to pass through; otherwise transportation of all the Northwestern grain, all the upward coal, and all the downward lumber via the Lake Superior water route would have to stop. And this is only one of the canals involved in the contemplated retaliation. What a predicament our people would be in should it be discovered that part of our St. Clair Flats Canal, and all of the Limekiln Crossing near Detroit are in Canadian waters? Probably our commerce would be better off without the use of the St. Lawrence canals. I do not care if the Canadians did shut up the Welland. I think that the great preponderance of trade that comes into New England could well escape that route and be transported cheaper by an enlarged Erie Canal.

When you come to the railroad traffic and "transit in bond" of all our winter-carried products in the Northwest, then Canada has the key in her hand. She has the lock, too, to the local Northwest. More than that; if the usual four months of winter transit, through any proclamation or act of the President, is stopped, every farmer in the Northwest as far south as Northern Kansas will pay 5 to 10 cents a bushel out of the proceeds of his grain as demanded for freight on more southern trunk-lines. There is no help for that shrinkage in the value of his grain crop.

The Canadian Pacific Railroad is a British railroad. It is really owned by Great Britain. It is put in trust by British capitalists simply in Canadian hands. It is an imperial political road that all the Tory Government officials of Great Britain, all the greater Britain statesmen, all the jingo politicians of England, have asked for for years. There are $140,000,000 British and Canadian funds in that road. There are $50,000,000 of like funds in the Intercolonial road. These roads combined is the line that is to be the imperial route from India to England. This bill, I say, practically, if carried out, as is demanded, and which is declared to be asked for by public sentiment, gives to England and Canada all they desire. Cutting off Canada's southern railway connections in the States they care little about. For British gold, British honor, and British credit will reimburse Canada for any temporary loss. If this bill is construed as mandatory it makes one road from Port Moody to St. Johns and Halifax independent and profitable, and thereby controlling the trans-continental trade from one ocean to the other. [Applause.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. McCREARY. I yield to the gentleman from Ohio [Mr. SENEY].

Mr. SENEY. Mr. Speaker, the pending bill authorizing the President, at his discretion, to suspend the operation of all laws which allow Canada to transport across the territory of the United States, free of duty, what her people may import from or export to foreign countries, is a measure having no other purpose than that of retaliating upon Canada for what we claim to be her wrong-doings respecting our fisheries interests.

Equally retaliatory is that part of the bill which imposes a tax upon the tonnage of foreign vessels using the Sault Ste. Marie or the St. Clair Flats Canal, and retaliatory, too, is the provision which authorizes the President, in a given contingency, by proclamation, to prohibit the use of either of these canals to all foreign vessels.

As a mere retaliatory measure the pending bill is all that the friends of a retaliatory policy could desire. But, sir, upon a careful reading of the bill it will be seen that the tonnage tax for which it provides is to be levied upon all foreign vessels and their cargoes which may pass through either the Sault Ste. Marie Canal or the St. Clair Flats Canal, and against all foreign vessels these canals may be closed whenever the President shall be satisfied that the Canadian Government discriminates against the interests of American citizens in the use of the Welland Canal, the Chambly Canal, or the St. Lawrence River canals.

Sir, to my mind these features of the bill do more than retaliate against the interests of Great Britain and Canada. To retaliate against these two countries by charging their vessel-owners for the use of our canals, or to prohibit their use to all British subjects is right; but to go beyond this, and impose a tax upon the tonnage of vessels owned in countries other than Great Britain or Canada, or to close these two great water ways to countries with whom we have no differences would be, in my judgment, wrong. With Canada, or speaking more exactly, with Great Britain, we have a dispute, but with all other countries, fortunately, we have none. To retaliate against British interests we feel that there is just cause, but to harm in the slightest degree the interests of any country with which our relations are entirely friendly we have no cause at all.

The bill, in the particular under discussion, will, in case it becomes a law, place the United States in a position which she ought not to occupy. If we enact this bill into a law we, in effect, say to the world that because of a dispute between us and our Canadian neighbors respecting fishery rights, no vessels except those owned by our own citizens shall pass through either of our canals connecting the northern lakes. Sir, we should hesitate long before we make such a declaration. and it ought not to be made at all unless the situation be such as to imperatively demand it. If my reading of this bill be correct, there is, to my mind, a necessity for amending it so as to limit the retaliatory features to British interests, and so they will operate against none other.

The bill as it now stands may offend those whom we wish to be our friends, and as a precedent it may give us trouble in the future. If there be any sufficient reason why Germany, or France, or any other friendly power should pay a tonnage tax upon their vessels, should they have occasion to pass through our lake canals, or be excluded altogether from their use, it is to be hoped that my distinguished friend from Kentucky in charge of the bill [Mr. McCREARY] will state it to the House so that all the friends of a retaliatory policy may be united in supporting this measure.

If there be no good reason for closing these canals against foreign countries other than Great Britain and Canada, or for the imposition of a tonnage tax upon vessels not owned or controlled by British subjects, I shall at the proper time, if permitted, offer an amendment to the bill striking out, in line 9 of section 2, the words "foreign vessels," and insert the words "vessel owned in whole or in part by British subjects," and also by striking out the word "foreign" where it occurs in section 2, lines 15 and 16.

Mr. Speaker, we hear it said that all the power needful in the present exigency has been conferred upon the President by existing law. Sir, either the gentlemen who assert this are mistaken or my understanding of the act of March 3, 1887, is greatly at fault. This act simply confers power upon the President in given cases, to deny British vessels entrance into our waters and to deny entry into the United States of fish or other products or goods from the Canadian Dominion.

It will be seen, therefore, that under the act of March 3, 1887, there is no power to levy a tonnage tax upon British vessels passing through our lake canals or to deny to British subjects the use of these canals in case the Dominion Government discriminates against our people in the use of either of the three Canadian canals. In my judgment the situation does not necessitate a resort to extreme measures.

To deny British vessels entrance into our waters, or to our ports, would be an act little, if any, short of a declaration of war, and to a war between the United States and Great Britain every interest we have, and they have, is opposed. Better by far that before we open our guns upon our Canadian neighbors we first exhaust all peaceful measures to secure to our fishermen their rights. When we have done this, and not before, it will be time to talk about closing our ports against British vessels.

That part of the act of March 3, 1887, which provides a peaceful method for adjusting existing differences with Great Britain and Canada limits the power of the President to excluding all Canadian products and goods from the United States. Sir, if it be becoming in our Government to employ one peaceful method in settling a dispute between it and a foreign power, it is equally becoming in it to employ others, if they be not dishonorable.

While the President under existing law may exclude Canadian products from the United States, would it not be wise in us to go a step further and give him the power to exact from the Canadian people pay for the use of our water ways, or to deny them their use, and if this be wise, why does the Republican side of the House speak only in fault-finding words when discussing the subject? Is it an answer to the President's message recommending what the pending bill proposes to say that the President has the power under the act of 1887 to prevent British vessels from entering our waters or our ports, and that hitherto this power has been unused? No one of the gentlemen who have taken part in this debate had the boldness to demand that our ports be closed to British ships.

Shall the President, at this time, to-day, this hour proclaim that no British vessel shall enter our waters or our ports; and for the sole reason that Congress near two years ago authorized the President to so do if, in his judgment, he thought it best? Is war with Great Britain a demand of the Republican party? Come, gentlemen of the opposition, let us hear from you on this point. Tell the House and the country whether or not, in case your party is voted into power at the coming election, that on and after the 4th of March next all British vessels will be denied entrance into the waters of the United States.

Why, sir, it is known of all men that at or about the time the act of March 3, 1887, was passed, negotiations were pending between our Government and that of Great Britain and Canada for an amicable adjustment of these disputed fishery rights. It may be fairly assumed that arrangements for treating upon this subject were perfecting at the time, if not before this act was passed. Would it have been politic in the President to have put an end to these negotiations and issued his proclamation closing our ports against the entrance of all vessels carrying the British flag? Had he done so he would have been condemned and upbraided from one end of this country to the other.

In continuing the negotiations, and particularly in reaching a result which at the time was supposed to be satisfactory to each of the three Governments, instead of exercising the power with which he had been

invested to suspend all intercourse by water, if not by land, between the United States and Great Britain and Canada, he deserves and has, I verily believe, the good opinion of all except the leaders and politicians in the Republican party.

That the treaty made between these three Governments adjusting all differences respecting the fisheries did not become operative is not the fault of the President, nor is it the fault of Great Britain, nor of the Dominion of Canada. Great Britain, according to my understanding, still stands by her agreement, the Canadian Government still stands by its agreement, and both of these high contracting parties are willing that what they and our Government did shall be a binding compact between the three countries.

The entire blame for the failure of the treaty, and as a consequence the situation which now confronts us, is upon the few gentlemen who for the time being control the action of the Senate of the United States. Sir, it is a fact deserving particular notice that these fishery troubles are still upon our hands because the Republican Senate was unwilling that they should be settled by a Democratic administration. Every Republican Senator present voted to reject the treaty, and in so voting he gave the country to understand that its rejection was a party necessity.

The Republican Senators had full power to amend the treaty and make it conform to their views, but they dismissed it, seemingly without a why or a wherefore, and now appear greatly pleased that the rights of our fishermen are still a subject for dispute and to be settled, if at all, upon terms to be dictated by Republican politicians, or else at the point of the bayonet and amid the rattle and roar of musketry and cannon.

If the Republican leaders are to have the exclusive charge of our fishermen and their rights they must show more purpose in adjusting their troubles than they have hitherto done in settling their own disputes about tariff legislation or determining whether they will do something or do nothing with the tariff bill which, seven weeks ago, this House sent to the Senate, and which, as early as April last, Senators well understood and then knew would sooner or later be upon their desks for their action—not after, but before the November election. Fondly is it to be hoped that our fishermen will fare better at the hands of Republican politicians than have the tax-burdened people of our country.

But, sir, the treaty made by the present Administration, and which the Senate rejected by a strict party vote, would, had it been ratified, put at rest, perhaps for all coming time, the fishery disputes which for so many years have been so disturbing to many of our people. Without discussing the merits of the treaty, or the question as to whether it was an advantageous or disadvantageous agreement upon our part and for our people, the public mind will not be easily persuaded to believe that President Cleveland would give to it his approval unless it secured to American citizens their just rights.

Outside of the Republican party the treaty appears to be in great favor, but inside of that party opinions differ as widely about the fishery questions as they do about making food and clothing and shelter dear, and whisky, beer, and tobacco cheap. The time which has been allotted to me in this debate does not permit my discussing at great length this branch of the subject. We dismiss it, therefore, full of the belief that our fisheries rights will not be adjusted at any future time more satisfactorily to American interests than they were in the treaty recently rejected by the Republican Senate.

Mr. Speaker, while I shall vote for the bill as it now stands, it would have a still warmer support at my hands if it gave to the President the power to negotiate with Great Britain and Canada for the annexation of the British dominions in North America to the United States.

Firm and immovable in the belief that this is the true American policy, I shall, if able to secure the attention of the House, offer to further amend the bill by adding the following section:

SEC. 4. In case the United States, Great Britain, and Canada further negotiate to adjust the existing differences between the said countries, the President be, and hereby is, directed to negotiate, at the same time, for the annexation of the British dominions in North America to the United States.

Mr. Speaker, no man, whether he be a citizen of the United States or owes his allegiance to Great Britain or Canada, can look upon a map of the American continent and rid himself of the thought that the United States and the British dominions ought to be one country, under one government and one flag, and the people thereof united in indissoluble bonds to promote a common interest and achieve a common destiny.

In the brief time at my disposal this question can not be elaborately presented, and therefore I will have to be content, at this time, with a very few words. The reasons, sir, for urging that these two countries be made one are so many and convincing and so obvious that the mere statement of the proposition is the strongest and best argument in its support.

Will it be said that while the United States no doubt favors annexation, surely Great Britain and Canada will oppose it?

Who is authorized to so speak? Unless negotiations are opened for annexation, the two countries must be forever separate and apart. We will never know the mind of Great Britain or Canada upon this subject unless we make inquiry. It is for us, not them, to make the advance. If we favor annexation, it is not likely that any better opportunity will be presented to make the declaration than now, and for negotiations with them the pending bill, if amended, will surely open the way. No matter if the subject be a delicate one to broach, or that success may appear to be improbable, still a move in that direction ought to be made, and made here and now.

Less than one hundred years ago the Atlantic Ocean and the Mississippi River were the eastern and western boundaries of the Republic. To-day the waters of another ocean are washing our western borders. Had our fathers been reared in a stand-still school the Republic at this hour would be a poor, puny, and pitiful power among the nations of the world. No, sir, the men who fought for seven long and weary years in the Revolutionary struggle for the independence of themselves and their posterity were no stand-stills; nor did the men who succeeded them and preceded us in the up-building of this great Government of ours pursue a do-nothing policy.

Jefferson, in acquiring Louisiana from France, showed his profound understanding of a true American policy. By this wise and masterly achievement French rule over a part of our continent ceased. Out of the territory acquired, nine powerful and populous States have been formed, and enough area is left to form nine more.

The history of that period tells us that Jefferson was the first to move, the first to set on foot the negotiations. Monroe had well in mind the American policy when he peacefully released the hold Spain had upon our continent and made what is now the State of Florida a part of our territorial possessions, yet he had to take the advance in negotiating. We would do well if we thought oftener and more than we do of what is known in our history as the Monroe doctrine.

Still later, sir, the administration of President Polk gave to the country unmistakable proof that it knew the right policy for us to pursue respecting contiguous territory under the control of a foreign power. Under the rule of this far-seeing Executive the independent Republic of Texas was annexed to the United States, and in the negotiations which secured this great empire our Government moved first. And later we acquired California and New Mexico; yet, sir, the policy which secured these valuable possessions was not of the stand-still and do-nothing kind. Alaska we acquired under the administration of President Johnson, but we should keep in mind that it was the United States who first proposed to buy and not Russia who first offered to sell.

Wise, indeed, sir, was the policy of our fathers in adding so largely to our territorial area, and were they with us to-day they would tell us that they did their part, and that now and here we ought to do ours, to the end that the flag of the Republic may peacefully wave over every part and parcel of the North American continent. Not in my day, nor in the day of any now before me, but surely in the time of the youngest among the living, the British possessions upon our northern boundary and what is now the Republic of Mexico will be States in the Federal Union and be governed by laws enacted at this Capitol.

Let the acquisition of Mexico be the work of those who are to come after us. Upon the annexation of the British dominions I would have the mind of the present generation intent. When, if not now, shall the negotiations commence? Authorize them by amending the pending bill, and the first step is taken.

Shall this be done now, or will we allow the opportunity now presented to pass unimproved?

My judgment, Mr. Speaker, upon any public question is of little or no value, and upon the question before us it is possibly, if not probably, more than ever at fault; yet such as it is, and for whatever it be worth, it is strong and abides in the conviction that the administration which adds the British dominions on this continent to our territorial possessions will be remembered in love and in pride by hundreds of millions of people long after its other achievements have faded or gone from human memory.

Mr. HENDERSON, of Iowa, rose.

Mr. HITT. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HENDERSON] be allowed ten minutes, the session to be extended for that period.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

Mr. LEE. I do not wish to be discourteous, but do I understand that it is proposed that the session of to-day shall be extended beyond the hour fixed?

The SPEAKER *pro tempore*. The request of the gentleman from Illinois is that the gentleman from Iowa [Mr. HENDERSON] be allowed ten minutes, and that the session be extended. Is there objection?

Mr. MCCREARY. I do not object, if it is done with the understanding that the session will be extended until the vote is taken.

Mr. KELLEY. Mr. Speaker, do I understand the gentleman to propose that the session of to-day shall be extended until the vote is taken on the bill?

The SPEAKER *pro tempore*. That is the request as modified by the gentleman from Kentucky [Mr. MCCREARY]. Is there objection?

There was no objection, and it was so ordered.

Mr. HENDERSON, of Iowa. Mr. Speaker, until within an hour it had not occurred to me to offer any observations upon the pending proposition. I state this in justice to myself, as I have not had the

time to give this subject the careful examination that it merits. But, sir, there are some things which appeal to the intelligence of every citizen; there are some propositions that have come into the debate this morning from able and eloquent sources, upon which every American citizen ought to be prepared to say a word. I am going to vote for this bill. I do not know but I may regret it, but I will take the chances, on the principle, chiefly, that in order to get an inch out of the present Executive we have got to lay several ells upon his back. That is my chief reason. [Applause on the Republican side.]

Mr. Speaker, the eloquent gentleman from New York [Mr. COCKRAN] has made a sharp issue between the two sides of this Chamber to-day. It is this: Has the President of the United States, in assuming his present attitude towards the country, acted honestly with the American people? My eloquent friend says "no one here charges the President with dishonesty." I do, Mr. Speaker, when he sends in the message that he has sent, claiming to be acting as a patriot in connection with this great subject. Why do I so charge him? Becauae from the standpoint of the great position that he holds he is trifling with the American people. The White House is converted into a Democratic headquarters or document-room to catch the Irish vote. What is the issue?

Fifteen thousand fishermen of this country, representing over 60,000 Americans dependent upon them or connected with them, have been outraged almost in the very presence of the President of the United States, and have been repeatedly denied time-honored rights. What did these outraged citizens of the United States ask for? Simply that as they were treated by a foreign government so should their own Government treat the people that outraged them. That is what they ask, and nothing more.

The American Congress with but one dissenting voice, and with a quick ear to the appeal of their fellow-citizens, responded on the 3d day of March, 1887, and directed the President to do the very thing that these injured American fishermen and American honor demanded—that is, to deny to Canadian fishermen the same rights that the Canadian Government denied to American fishermen. In the presence of insults such as have never before been offered to the American flag by a foreign power the head of this nation, with this ample power in his hands, stood paralyzed.

In the presence of the appeal of an aroused nation, expressed in this Hall, he stood silent and impotent. Press, people, every self-respecting voice of this nation, cried out against the outrage, and we commanded him to act. Those that now cry out in this Hall so eloquently in behalf of American labor and American rights, and hurl with thundering intonations invectives against the British flag, then sneered at the "codfish quarrels" on the Atlantic coast. "It was but a little question of codfish," they said, "and shall we involve 60,000,000 people in trouble on that account?" Now, forsooth, when a great national political conflict is impending, you and the President jump in with your sleeves rolled up, bellowing practically for war. It will not do. Even my gifted and esteemed friend from New York [Mr. COCKRAN] with all his eloquence can not pull the lion's skin over the Democratic candidate and hide the long ears that will protrude. [Laughter and applause on the Republican side.] He is the "great moral type of American citizenship," says the gentleman from New York. Then God have mercy on my country! Ah, I will not touch upon that "moral type;" I never have done so. The curtain which has here been drawn so carefully around that "moral type" by eloquent and gifted men I will not raise my hand to touch. I will be kind. But I challenge you, and each of you, to tear down every curtain around the life of the Republican candidate, Benjamin Harrison! [Applause on the Republican side.] Do not spare any transaction of his life, private or public. Away with the curtain! He stands before you; shatter one defending column, if you can! [Renewed applause.]

Grover Cleveland may be the Democratic type of American morals and American citizenship, but as for us, we would not point the young men of America to him as a model to follow. The man who, now bursting for war, stood a shivering coward behind a substitute when there was reason for battle [applause on the Republican side] need not be cited to us as the model for American youth——

Mr. MCMILLIN (while Mr. HENDERSON, of Iowa, was speaking). Did you vote for Blaine in the last Presidential contest? I want to know whether you voted for Blaine. [Applause on the Democratic side.]

Mr. HENDERSON, of Iowa (not hearing Mr. MCMILLIN). But instead of holding up Grover Cleveland as the model of American citizenship, we would burn into the brain of the young men of America a true type, and point them to Benjamin Harrison, who, with drawn blade, undaunted heart, and flashing eye, dashed into the thickest of the conflict for American honor and American life. That is the model that sixty millions of people are going to adopt in November. [Loud applause on the Republican side.]

[Here the hammer fell.]

The SPEAKER *pro tempore*. The Chair will state, before the debate proceeds further, that the hour of adjournment for to-day has been extended until the vote shall be concluded.

Mr. MCCREARY. I yield three minutes to the gentleman from New York [Mr. BRYCE].

Mr. BRYCE. Now, Mr. Speaker, the pros and cons of this fishery question, and the interpretation of the twenty-ninth article in particular, have been too fully discussed to justify my repeating them. I will only say that I take my stand with the President in his construction of this article. And who is it that criticises his action? The same party who refused to amend the treaty when it was in their power to make it conform to their views.

Look at the magnificent speech of the gentleman from Illinois, whose brilliancy and information justly entitle him to be considered as the spokesman of his own side. See its inconsistency. In prophesying the dangers of this bill Mr. HITT says:

As a practical fact, the interruption of the traffic in bond would probably affect our people more seriously and more injuriously than anything that has transpired in the fishing difficulty since the beginning.

And yet I am told that in spite of holding such an opinion he is going to vote for the bill. In short, he will vote for a measure which he avers would injure our people more seriously than anything that has transpired in the fishing difficulty since the beginning.

Continuing, he says:

And as to punishing an enemy, while it might trouble many persons in Canada, it would play directly into the hands and promote the purposes of the body of men who now rule Canada.

Canada is ruled by a body of able men, under a system which has enabled the Tory party, with concentrated English influence, to keep Sir John Macdonald in power now these many years.

And yet I am informed that along with his party he will vote for this measure—a measure that will play directly into the hands and promote the purposes of a body of men who now rule Canada. In short, he will vote to further the "concentrated English influence," and to give the Tory party under Sir John Macdonald a new lease of power.

Again he says:

Stop transit in bond now coming across the United States, turn it all over that intercolonial road to the sea, and it will become a great trunk line, its trains loaded with the commerce of Central Canada.

Later on he says:

Nor do I see the wisdom of promoting the general policy of the Tory government.

But then why will he vote to promote the policy of this Tory government if he does not see the wisdom of so doing?

"Is the President thinking of fishermen or fishing for votes?" he asks again. It seems to me it does not require much fishing to get votes on the Republican side of the stream.

Turning also to the speech of another distinguished gentleman from the same State, I read:

If Cleveland's policy is enacted into law, it will indeed prove a tragedy.

But the same gentleman when asked yesterday by the gentleman from Tennessee [Mr. MCMILLIN] confessed that he was going to vote for the bill—to vote for a measure that in his opinion would prove a tragedy.

In another place he says:

The Ethiopian can not change his skin, nor the leopard his spots.

But it seems the Republicans can change their convictions, which is worse. Who is it that turns the double somersault he attributes to the President? Who is it that cries "Gore, gore, gore!" which he attributes to Mr. SCOTT? With bombastic gestures and heroic words, with clash of arms and blaze of trumpets, with blood-curdling denunciations and martial music, the Republican party, led by the gentleman from Illinois, marches like the French king up the hill only to walk down again, crying, in the words of the small boy he has quoted, "Paid, if the blamed thing only sticks."

"Why this posturing?" the same gentleman goes on to ask. Why this posturing, indeed? But who is it that is posturing and beating gongs? as he accuses us of doing. Who is it that is adopting the Chinese policy of terrifying the enemy by noise? Certainly not the Democrats. We will stick to our colors, whether it pays or not.

Does principle go for nothing? For a party to criticise and abuse, to villify and ridicule a measure they intend to vote for marks, in my opinion, an infamy so profound, a damnation so deep, that the hand of resurrection will never drag it forth.

Now, sir, I have not picked out these utterances in a captious spirit, but simply to show the inconsistency of the only objectors to this bill. If they believe as they talk, let them have the courage of their convictions and vote against it.

But they will not vote against it. Hence they will prove that they do not believe in the danger of granting the President the power he asks for.

But votes or no votes, let it never be said that the President appealed in vain to his country; though let it be recorded in deep-cut letters on the grave-stone of the Republican party, that when they gave that power they gave it grudgingly and only because to refuse it they did not dare.

Mr. MCCREARY. I yield four minutes to the gentleman from Kentucky [Mr. CARUTH].

Mr. CARUTH.

A government does but half its duty when it protects its citizens at home and permits them to be imposed upon and humiliated by the unfair and overreaching disposition of other nations.—*Grover Cleveland.*

Mr. Speaker, in the limited time at my disposal I shall not attempt

to consider the sections of the various treaties which bear upon our relations with Great Britain, nor to argue the legal effect of the proposed retaliatory measure. I am satisfied that the President of the United States, with the aid of his legal advisers, has given the subject matter, as was his duty, thoughtful and patriotic consideration. I am convinced that the result of that consideration, as announced in his message of the 23d of August last, will bear any scrutiny which may be given it by the civilized world, and that in demanding of this body additional legislation the President desired to be so situated that if he could not exact "an eye for an eye" or "a tooth for a tooth" he might at least be empowered to deny to the Dominion of Canada privileges heretofore enjoyed by its citizens of at least equal value with the rights denied our people by that government. The President well expresses it when he says:

The policy of national retaliation manifestly embraces the infliction of the greatest harm upon those who have injured us, with the least possible damage to ourselves. There is also an evident propriety, as well as an invitation to moral support, found in visiting upon the offending party the same measure or kind of treatment of which we complain, and as far as possible within the same lines.

It is well known that the claim of Great Britain to regulate our rights to fish and enter the various bays, inlets, and creeks surrounding her American provinces dates from the year 1818 to this hour, and it is known, too, that from the time of the treaty of peace, at the close of the Revolution, whereby the independence of these States was acknowledged, the citizens of this country were as unmolested and undisturbed when fishing in Canadian waters as were the residents of Her Majesty's Dominion of Canada.

It is known, too, from the evidence elicited, that for many years the wrongs complained of were committed against our fishermen and their vessels, so as to evince an unneighborly and unfriendly spirit. I know that this irritation and these injuries continued under Republican administration unchecked, even whilst "the uncrowned king," "the idol of his party," the "plumed knight," was Secretary of State, and shaped the foreign policy of the Government [applause on the Democratic side]; nor was any demand for reparation for any of these injuries made until the year 1886, during the present Democratic Administration. Gentlemen upon the other side say that Congress, by the act of 1887, gave the President the power to redress the wrongs by retaliation.

We are told in effect that it was "a sharp sword placed in his hands, but his fingers trembled and could not grasp the hilt, and his coward arm refused to draw it from its scabbard," and that "for eighteen months it hung unused at his side." Well did those whose deceptive tongues utter the charge know that for two years negotiations were pending between the powers looking to a friendly settlement of these disputes, and that to resort under such circumstances to harsh measures would, in the eyes of the civilized world, have been almost as inexcusable as for a soldier to fire upon the bearer of a flag of truce or a general to order an attack during the period of an armistice. [Applause on the Democratic side.]

Well did the gentlemen upon the other side know that the President has asked that full powers of retaliation be given him by the Forty-ninth Congress, and that the Democratic Committee on Foreign Affairs had reported to the House a bill which conferred the power desired, and that in lieu thereof there had been enacted a measure, born in a Republican Senate, which, if a sword, was a two-edged weapon, as liable to cut or kill him who wielded it as the person against whom it was drawn. I see no evidence of disagreement among the members of the committee under whose auspices this measure is brought into the House. I find here no expression of the views of a minority. It is a unanimous report, and this is proof sufficient that a necessity for this measure exists, and that full power has not heretofore been given to the President of the United States to protect American rights or to defend American honor.

We are told that this measure is "a sledge-hammer to be used to crush a fly." The Republican gentleman who uttered this sentiment comes from a State more interested in this subject than any other in the Federal Union—the old Bay State. Let his people know that when he spoke of the wrongs done a large, industrious, and useful class of citizens, he compared their wrongs to an insect which annoys but can not harm; that it is but "a fly" we now prepare to crush. There were those in his State in colonial times who laughed at and ridiculed the indignation evinced by citizens at the imposition of a tax on tea; on the requirement of a government stamp on commercial paper. They said it was but a trifle—a fly which annoyed but could not harm—yet it led to seven years of war and the independence of the colonies.

When England arrogated to herself the right to board and search American vessels on the high seas and to impress into her service American seamen, there were those in his section of the Union who said it was but a trifle; it annoyed but did not harm. They proclaimed that they would not countenance hostility or give a dollar to the prosecution of the impending war. The "fly was too small for the sledge-hammer." This country, to vindicate a right or to redress a wrong, does not look to the cost if its quarrel be just, and when any other nation proposes to trample on the rights of an American citizen, however humble he may be, the United States stands ready to protect its citizen with all its treasury and all its men.

I do not apprehend, Mr. Speaker, that these troubles will end in war, but if proper respect should not be paid the citizens of this country abroad as well as at home, national honor and national dignity alike demand that the United States shall resort, if need be, to extremes to maintain the one and assert the other. We fought over a kettle of tea; we can fight again, if necessary, over a kettle of fish.

We are told that the wise and patriotic message of the President which has called the attention of the law-making body of the Government to the needs of the hour and stirred the blood in the veins of every patriot throughout the land is but a piece of demagogy, intended to divert the attention of the country from the cry of "British free trade" which is charged against the Democratic party. It is not enough to answer that is a false clamor, raised by demagogues to divert the attention of the country from the merits of the arguments used in favor of the reduction of taxation by an attempt to excite the prejudice of the people against England. It is not enough to answer that the President of the United States is not a free-trader and to quote the language of his December message.

The question of free trade is absolutely irrelevant; and the persistent claim made in certain quarters that all efforts to relieve the people from unjust and unnecessary taxation are schemes of so-called free-traders is mischievous and far removed from any consideration for the public good.

The simple and plain duty which we owe the people is to reduce taxation to the necessary expenses of an economical operation of the Government, and to restore to the business of the country the money which we hold in the Treasury through the perversion of governmental powers. These things can and should be done with safety to all our industries, without danger to the opportunity for remunerative labor which our workingmen need, and with benefit to them and all our people by cheapening their means of subsistence and increasing the measure of their comforts.

It is not enough to point to the conservative measure of tariff relief, known to the country as "the Mills bill," which this body has passed. The cry still goes on. I have seen men pose as the enemies of England upon this floor, who announce with an appearance of pride their birth upon the soil of the "Green Isle of the sea," who come from that section of Ireland where the inhabitants are England's staunchest friends and whose ancestors favored the hated union by which their country lost its place from among the nations of the earth. I have heard members denounce this treaty, proposed by the representatives of the two countries, and which has been rejected by the Senate, who "hob-nobbed" with, wined and dined Her Majesty's representatives whilst they were negotiating the treaty which they now denounce. "Consistency is a jewel." Is it ever worn by a Republican politician?

"British free trade!"—those who utter the cry know that England rules the markets of the world; that her sails whiten every sea; that her flag floats in every port, and they know, for many of them are sensible, well-informed statesmen, that it is the restriction upon our commerce which has destroyed our carrying trade and driven our ships from the sea.

"British free trade!"—they know that the severest blow which could be inflicted upon Great Britain would be the one aimed at her commercial supremacy, by the competition of the United States with her in the markets of the world. They know that in the race for power this nation is held back by the selfish hand of monopoly, and handicapped by unnecessary burdens, and that unrestrained and freed she would outstrip her rival.

These gentlemen know that Gladstone, "the grand old man," who would not surrender principle for place, position, or power, speaking to his own people, said that England, so far as her supremacy as a commercial nation was concerned, had nothing to fear so long as the United States kept her giant strength fettered by unnecessary protective laws. The wise statesman who honors the position he holds as President of this great country desires to destroy the power of England in the marts of trade. He desires to defeat her in the competition for commercial supremacy, and wishes to place the United States in a condition to meet and conquer her ancient enemy in every country on the globe, and make "the stars and stripes" the emblem of power on land and sea. To do this he has advised a course by the revision of our unwise revenue laws, so that "our people may have the opportunity of extending their sales beyond the limits of home consumption—saving them from the depression, interruption in business, and loss caused by a glutted domestic market, and affording their employés more certain and steady labor, with its resulting quiet and contentment." And when he, with the party he represents, desires to enter into commercial war with England our ears are assailed by the false clamor of demagogues who shout, "British free trade!" whilst they would let the flag of Great Britain, covering the commerce of the world, float defiantly in every breeze. Besides this, our President would teach England and all other foreign powers that American citizens shall be honored abroad as well as at home. In the great work he has set out to perform he should have the aid of all good citizens, and he is but a traitor to his country who dares to attempt to stay his course. [Applause.]

[Here the hammer fell.]

Mr. McCREARY. I now yield to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, I ask this House to assume that the Clerk has just read for the benefit of the House Victor Hugo's description of the devil-fish in the Toilers of the Sea. Assuming that

to be done, sir, and that the House has the matter now in mind, let me say that England is the gigantic devil-fish of the nineteenth century. [Laughter and applause.] Its body rests in the bed of the North Sea; its tentacles reach over the face of the earth. This monster is sucking the blood of all nations. One of its numerous arms extends along the Mediterranean, with suction cups at Gibraltar, Malta, and Cyprus. It holds the commercial supremacy of that immense inland sea.

A second tentacle runs down the Red Sea, with suction stations at Alexandria, Suakim, the Straits of Bab-el-Mandelb, and Socotra, thus controlling that greatest of commercial arteries, the Suez Canal and its approaches. The life-blood of India has been drained, and Burmah is gasping under the suction of this rapacious octopus. The Malay and the Yellow Seas are virtually British waters. The monster has fastened its fingers upon every continent. It has in its grasp Cape Colony, in Africa; Guiana, in South America, and the whole Australasian continent. New Zealand and other islands of the Pacific are in its power.

Ireland is struggling manfully to free herself from its tentacles, and the Boers of the Transvaal have torn themselves from the grip. St. Helena, the Bermudas, and other islands of the Atlantic still feed its body. A nest of blistering cups in the West Indies dominates the commerce of Caribbean Sea. A cup at Belize is a sucker on the commercial life of the Gulf of Mexico. The tentacles of the monster are even now gliding over the face of our sister republic of Venezuela in an effort to rob her of her rich gold fields and to secure the mouths of the Orinoco.

But the greatest of her tentacles was fastened on the North American continent. Its grip was loosened by the American Revolution. Yet it retains its hold upon nearly half of the continent. It has slimed and is still sliming the American nation. Four times in this century has its poisonous fingers touched the heart of the American people. The first tentacle was lopped off in the war of 1812. The second tore away a part of our northeastern boundary, and the third ripped an empire and an inland sea from our boundary on the northwest. The fourth is fastened upon us in an attempt to rob us of our natural rights on the ocean. Rights are claimed for Canadians in American waters which they are not willing to grant Americans in Canadian waters. Meantime every artery of our foreign trade is being drained by this colossal devil-fish. On the Atlantic and on the Pacific its supremacy is unquestioned. Within thirty years it has robbed us of nearly the last vestige of our foreign commerce. We are chilled by contact with the body of this monstrosity and we are environed by its network of tentacles and suction cups. [Applause.]

Sir, the time has come for the United States to again declare itself free and independent of England. We are dependent upon no nation on the face of the earth. The assumption that either England or her colonies have maritime rights superior to those of any other nation is not to be based on the treaty of 1818 or upon any other treaty. It is based upon the cheek of a national bunco thief and upon the nerve of a rapacious robber. [Laughter and applause.]

Let us act promptly. Let party politics no longer pollute the patriotic fervor aroused by the retaliatory message of the President. A plague on both your houses. The people are up in their might. Let both political parties unite in strengthening the hands of a patriotic Executive and in filling the demands of a great and justly indignant nation. Give the President power to lop off an arm of this devil-fish. Let him seize this opportunity to hamstring the British lion, and as the measly-skinned beast drags its hind legs over the hot sand in weary retreat all the nations of the earth will clap their hands and roar with applause. [Laughter and applause.]

The SPEAKER *pro tempore* (Mr. DOCKERY). The time fixed for debate has expired.

Mr. McCREARY. I now ask a vote.

Mr. VANDEVER. I rise to submit a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. VANDEVER. Is this bill open to amendment?

The SPEAKER *pro tempore*. It is not open to amendment.

Mr. VANDEVER. I would like to offer an amendment to strike out the first section.

The SPEAKER *pro tempore*. The previous question has been ordered upon the third reading of the bill, and also upon its passage, and hence no amendments would be in order. [Cries of "Vote!" "Vote!"]

Mr. COCKRAN. I ask the yeas and nays on this question.

Mr. McCREARY. Let the yeas and nays be taken on the passage of the bill.

Mr. WHITE, of Indiana. At the request—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the vote on the engrossment and third reading of the bill.

Mr. WHITE, of New York. I ask unanimous consent to strike out——

Mr. McMILLIN. Regular order.

Mr. WHITE, of New York. I ask unanimous consent to amend the bill by striking out the first section.

Mr. McMILLIN. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McMILLIN. The regular order having been demanded, the gentleman has no right to submit a request for unanimous consent.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The regular order having been demanded, the Chair can entertain no requests for unanimous consent.

The question is on the engrossment and third reading of the bill.

Mr. SENEY. I desire to amend the bill.

The SPEAKER *pro tempore*. An amendment is not in order.

Mr. SENEY. I ask that the amendment I propose to the bill be read for information.

Mr. McCREARY. I demand the regular order.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. WHITE, of New York. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of New York. Is it in order to move to recommit the bill with instructions, after the previous question has been ordered?

The SPEAKER *pro tempore*. The motion will be in order.

Mr. WHITE, of New York. I now move to recommit——

The SPEAKER *pro tempore*. But the motion is not in order now. Pending the demand for the previous question, or after the previous question has been ordered on the passage of the bill, it will be in order to move to recommit with or without instructions.

Mr. SENEY. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it. [Cries of "Vote!" "Vote!"]

Mr. SENEY. Is the bill open to amendment?

The SPEAKER *pro tempore*. It is not. By order of the House the previous question was ordered on the engrossment and third reading and on the passage of the bill.

Mr. McMILLIN. Let us have the regular order.

Mr. CANNON. I wish to submit a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON. Would it not be in order to ask unanimous consent that the gentleman from Ohio [Mr. SENEY] may offer his resolution to annex Canada forthwith? [Laughter.]

The SPEAKER *pro tempore*. It is not in order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, the question recurring on the passage of the bill.

The SPEAKER *pro tempore*. If the gentleman from New York desires now to submit a motion to recommit the bill it will be in order.

Mr. WHITE, of New York. I move to recommit this bill to the Committee on Foreign Affairs having it in charge, with instructions to report the bill back amended by striking out the first section and changing the numbers of sections 2 and 3 to sections 1 and 2 of the bill, and upon that I ask the yeas and nays.

The yeas and nays were not ordered, six members only being in favor thereof.

The question being taken on the motion of Mr. WHITE, of New York, to recommit the bill, it was rejected.

The question recurred on the passage of the bill.

Mr. McCREARY. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the affirmative—yeas 176, nays 4, not voting 144; as follows:

YEAS—176.

Abbott,	Cowles,	Hutton,	O'Neill, Mo.
Anderson, Iowa	Crain,	Johnston, N. C.	Osborne,
Anderson, Ill.	Crisp,	Kean,	Owen,
Anderson, Kans.	Crouse,	Kelley,	Payson,
Anderson, Miss.	Culberson,	Kerr,	Peel,
Bacon,	Cummings,	Kilgore,	Penington,
Baker, Ill.	Dargan,	Laffoon,	Perkins,
Baker, N. Y.	Davis,	La Follette,	Peters,
Bankhead,	Dibble,	Lagan,	Plumb,
Barnes,	Dockery.	Laidlaw,	Post,
Barry,	Dougherty,	Laird,	Rice,
Bingham,	Dunn,	Landes,	Robertson,
Bland,	Farquhar,	Lane,	Rogers,
Blount,	Foran,	Lanham,	Romeis,
Bound,	Forney,	Latham,	Rowell,
Bowden,	French,	Lee,	Rowland,
Breckinridge, Ark.	Fuller,	Lynch,	Russell, Mass.
Breckinridge, Ky.	Funston,	Macdonald,	Ryan,
Browne, T. H. B., Va.	Gay,	Mahoney,	Sawyer,
Browne, Ind.	Gear,	Maish,	Sayers,
Bryce,	Gest,	Martin,	Scull,
Buckalew,	Gibson,	McAdoo,	Seney,
Bunnell,	Glass,	McClammy,	Seymour,
Burnes,	Grimes,	McCreary,	Shively,
Burrows,	Guenther,	McCullogh,	Smith,
Butterworth,	Hall,	McKenna,	Sowden,
Campbell, T. J., N. Y.	Hare,	McMillin,	Stahlnecker,
Cannon,	Haugen,	McShane,	Stephenson,
Carlton,	Hayes,	Mills,	Stewart, Ga.
Caruth,	Heard,	Moffitt,	Stone, Ky.
Caswell,	Hemphill,	Moore,	Stone, Mo.
Catchings,	Henderson, Iowa	Morrill,	Struble,
Cheadle,	Henderson, N. C.	Morrow,	Symes,
Chipman,	Henderson, Ill.	Nelson,	Tarsney,
Clements,	Herbert,	Nichols,	Taulbee,
Cobb,	Hermann,	Norwood,	Thompson, Ohio
Cockran,	Hitt,	Nutting,	Thompson, Cal.
Compton,	Hogg,	Oates,	Tracey,
Conger,	Holman,	O'Neall, Ind.	Turner, Kans.
Cothran,	Holmes,	O'Neill, Pa.	Vance,

Vandever,	Weaver,	Wickham,	Wilson, W. Va.
Walker,	Weber,	Wilkinson,	Yardley,
Warner,	Wheeler,	Williams,	Yoder,
Washington,	White, Ind.	Wilson, Minn.	Yost.

NAYS—4.

Bayne,	Dalzell,	Lind,	White, N. Y.

NOT VOTING—144.

Adams,	Davidson, Fla.	Jackson,	Randall,
Allen, Mass.	De Lano,	Johnston, Ind.	Rayner,
Allen, Mich.	Dingley,	Jones,	Reed,
Allen, Miss.	Dorsey,	Kennedy,	Richardson,
Arnold,	Dunham,	Ketcham,	Rockwell,
Atkinson,	Elliott,	Lawler,	Russell, Conn.
Belden,	Enloe,	Lehlbach,	Rusk,
Belmont,	Ermentrout,	Lodge,	Scott,
Biggs,	Felton,	Long,	Shaw,
Blanchard,	Finley,	Lyman,	Sherman,
Bliss,	Fisher,	Maffett,	Simmons,
Boothman,	Fitch,	Mansur,	Snyder,
Boutelle,	Flood,	Mason,	Spinola,
Bowen,	Ford,	Matson,	Spooner,
Brewer,	Gaines,	McComas,	Springer,
Brower,	Gallinger,	McCormick,	Steele,
Brown, Ohio	Glover,	McKinley,	Stewart, Tex.
Brown, J. R., Va.	Goff,	McKinney,	Stewart, Vt.
Brumm,	Granger,	McRae,	Stockdale,
Buchanan,	Greenman,	Merriman,	Taylor, E. B., Ohio
Burnett,	Grosvenor,	Milliken,	Taylor, J. D., Ohio
Butler,	Grout,	Montgomery,	Thomas, Ky.
Bynum,	Harmer,	Morgan,	Thomas, Ill.
Campbell, F., N. Y.	Hatch,	Morse,	Thomas, Wis.
Campbell, Ohio	Hayden,	Neal,	Tillman,
Candler,	Hiestand,	Newton,	Townshend,
Clardy,	Hires,	O'Donnell,	Turner, Ga.
Clark,	Hooker,	O'Ferrall,	Wade,
Cogswell,	Hopkins, Ill.	Outhwaite,	West,
Collins,	Hopkins, N. Y.	Parker,	Whiting, Mass.
Cooper,	Hopkins, Va.	Patton,	Whiting, Mich.
Cox,	Houk,	Perry,	Whitthorne,
Cutcheon,	Hovey,	Phelan,	Wilber,
Darlington,	Howard,	Phelps,	Wilkins,
Davenport,	Hudd,	Pidcock,	Wise,
Davidson, Ala.	Hunter,	Pugsley,	Woodburn.

So the bill was passed.

By unanimous consent, on motion of Mr. McCREARY, the reading of the names was dispensed with.

The following pairs were announced, until further notice:

Mr. COX with Mr. COOPER.
Mr. COMPTON with Mr. GOFF.
Mr. SCOTT with Mr. MCCOMAS.
Mr. MCRAE with Mr. DORSEY.
Mr. WILKINS with Mr. LONG.
Mr. HOOKER with Mr. LODGE.
Mr. RANDALL with Mr. DINGLEY.
Mr. NEWTON with Mr. JACKSON.
Mr. MATSON with Mr. HOVEY.
Mr. SIMMONS with Mr. BROWN, of Ohio.
Mr. HATCH with Mr. STEWART, of Vermont.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. OUTHWAITE with Mr. MCKINLEY.
Mr. BOUTELLE with Mr. WISE.
Mr. TOWNSHEND with Mr. JOSEPH D. TAYLOR.
Mr. WHITTHORNE with Mr. GROSVENOR.
Mr. TILLMAN with Mr. FINLEY.
Mr. SPRINGER with Mr. JOHNSTON, of Indiana.
Mr. MANSUR with Mr. WARNER.
Mr. CANDLER with Mr. BREWER.
Mr. STOCKDALE with Mr. CLARK.
Mr. MERRIMAN with Mr. FARQUHAR.
Mr. FISHER with Mr. LEHLBACH.
Mr. BOWEN with Mr. STEELE.
Mr. VANCE with Mr. RUSSELL, of Connecticut.
Mr. GREENMAN with Mr. SHERMAN.
Mr. RUSK with Mr. O'DONNELL.
Mr. RICHARDSON with Mr. CHEADLE.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. SNYDER with Mr. YOST.
Mr. ERMENTROUT with Mr. GROUT.
Mr. FORD with Mr. GUENTHER.
Mr. GLOVER with Mr. PUGSLEY.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. CLARDY with Mr. WEST.
Mr. PERRY with Mr. SPOONER.
Mr. O'FERRALL with Mr. MASON.
Mr. BIGGS with Mr. MORROW.
Mr. BELMONT with Mr. DAVENPORT.
Mr. GRANGER with Mr. ROCKWELL.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. TURNER, of Georgia, with Mr. REED.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. HUDD with Mr. ARNOLD.
Mr. DARLINGTON with Mr. MOORE.
Mr. PIDCOCK with Mr. PHELPS.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. MORGAN with Mr. MILLIKEN.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. LAWLER with Mr. DE LANO.
Mr. MCKINNEY with Mr. BOOTHMAN.
Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.
Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.
Mr. BLOUNT with Mr. PETERS.
Mr. JONES with Mr. HARMER.

The following pairs were announced for this day:

Mr. BLISS with Mr. BROWER.
Mr. SPINOLA with Mr. KETCHAM.
Mr. SHAW with Mr. HAYDEN.
Mr. ENLOE with Mr. HOPKINS, of New York.
Mr. HOPKINS, of Virginia, with Mr. ALLEN, of Michigan.

During the roll-call,

Mr. O'NEILL, of Pennsylvania. I wish to state that I am paired with the gentleman from Florida, Mr. DAVIDSON. I am of the opinion that if he were present he would vote "ay," and I have therefore voted "ay."

Mr. ANDERSON, of Mississippi. I desire to say that my colleague, Mr. HOOKER, is absent, but if present he would vote "ay."

Mr. ANDERSON, of Illinois. My colleagues, Mr. LAWLER and Mr. SPRINGER, are absent. If present, they would vote "ay."

Mr. CHEADLE. I am paired with the gentleman from Tennessee, Mr. RICHARDSON. I am satisfied if he were present he would vote "ay," and I desire to have my name called.

The SPEAKER *pro tempore*. Was the gentleman in the Hall when his name was called?

Mr. CHEADLE. I did not vote, as I am paired with the gentleman from Tennessee, who if present would have voted "ay."

The SPEAKER *pro tempore*. The gentleman does not place himself under the rule so that he could now vote.

Mr. CHEADLE. There are points under which I am permitted to vote under the pair. That is in case the vote is not a political question—and it certainly is not contended this is a political question—and to make a quorum.

The SPEAKER *pro tempore*. The gentleman can only vote by unanimous consent.

Mr. WHITE, of New York. I ask unanimous consent that the gentleman be permitted to vote.

There was no objection.

Mr. GUENTHER. I am paired with the gentleman from Michigan, Mr. FORD. I voted "ay" because if he were present he would vote "ay."

Mr. WARNER. I am paired with my colleague, Mr. MANSUR, and voted "ay," as, if he were present, he would vote "ay."

Mr. MORGAN. I voted "ay," Mr. Speaker. I am paired with Mr. MILLIKEN, of Maine, and desire to withdraw my vote.

Mr. MCMILLIN. My colleague, Mr. NEAL, was called home by sickness, and I desire to make this announcement, as, if he were present, he would vote "ay."

Mr. MORROW. I voted "ay," though I am paired with my colleague, Mr. BIGGS. If he were here, he would vote "ay."

Mr. BACON. My colleague, Mr. SPINOLA, is absent on account of sickness. If present, he would vote "ay."

Mr. TURNER, of Georgia. I voted inadvertently. Being paired with the gentleman from Maine, Mr. REED, I withdraw my vote.

Mr. TIMOTHY J. CAMPBELL. I desire to say, for the information of the House, that I am paired with Mr. BOWDEN, and voted "ay." As I understand, if he were present he would vote "ay."

I desire also to state that my colleague, Mr. COX, whose pair has been announced, is absent on account of illness, and I am authorized to say that if he were here he would vote for the bill.

Mr. BOOTHMAN. I am paired with the gentleman from New Hampshire, Mr. MCKINNEY, who is not present, and I therefore withhold my vote. If he were present, I should vote ay. The gentleman from New Hampshire, I believe, if present, would also vote ay.

Mr. TARSNEY. I am paired with my colleague, Mr. CUTCHEON, on all political questions. He is at home sick, I am sorry to say. Although I am paired with him on political questions I am entirely satisfied that if he were present he would vote "ay," and therefore I have voted "ay."

Mr. MCCREARY. My colleague, Mr. MONTGOMERY, is detained at home by sickness. If he were present he would vote for this bill.

Mr. ROGERS. My colleague, Mr. MCRAE, is also absent by reason of sickness in his family. If he were present he would vote "ay."

Mr. WILKINSON. My colleague, Mr. BLANCHARD, is absent, but is paired. I did not hear his name called.

The result of the vote was then announced as above recorded.

Mr. MCCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OKLAHOMA TERRITORY.

Mr. TAULBEE. Mr. Speaker, I desire to announce to the House that it is the purpose of the Committee on Territories to make an effort to take up and dispose of the Oklahoma bill on Tuesday.

At 5 o'clock and 20 minutes p. m. the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BURNES: A bill (H. R. 11389) granting a pension to Aaron J. Waltz—to the Committee on Invalid Pensions.

By Mr. CARLTON: A bill (H. R. 11390) for the relief of Joel A. Billups—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Papers in the claim of John Casey, for a pension—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Petition of heir of William Worthy, deceased, late of Whitfield County; widow of James Masters, deceased, Whitfield County, Georgia, and of D. W. Hampton, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Paulding County, Georgia, asking certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. DUNN: Petition of citizens of Sharp County, Arkansas, praying that cotton bagging be put upon the free-list—to the Committee on Ways and Means.

By Mr. GEST: Proof in support of the pension claim of Eugene Durst—to the Committee on Invalid Pensions.

By Mr. GRIMES: Petition of L. L. Stanford, J. L. Dennis, and R. E. Fort, committee of Harris County (Georgia) Grange, for relief of agriculturists—to the Committee on Ways and Means.

SENATE.

MONDAY, *September* 10, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting for the consideration of Congress additional estimates of deficiencies in certain appropriations for the service of the District of Columbia as submitted by the commissioners of the District, amounting to $401.49; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report from the Quartermaster-General of the action taken by him in compliance with the provisions of an act for the relief of Edward Fitzgerald, approved May 24, 1888; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of August 20, 1888, reports from the Quartermaster-General and Commissary-General of Subsistence in regard to the claims for commissary and quartermaster's supplies upon which there has been adverse departmental action, and requesting an appropriation to further comply with the resolution; which was read.

The PRESIDENT *pro tempore*. If there be no objection, this communication, with the accompanying papers, will be referred to the Committee on Appropriations and printed.

Mr. HOAR. I should like to call the attention of the chairman of the Committee on Claims [Mr. SPOONER] to the communication. I think it should go to the Committee on Claims and not be referred to the Committee on Appropriations.

Mr. COCKRELL. I think the suggestion of the Senator from Massachusetts is probably best.

The communication, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Acting Chief of Engineers relative to the blocking of commerce through the St. Clair Flats Canal, Michigan, caused by the grounding of certain vessels, and recommending action in regard to the matter; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of De Kalb County, Alabama, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CAMERON presented a petition of citizens of Philadelphia, Pa., praying for the repeal of that portion of the internal-revenue law classing druggists as liquor dealers; which was referred to the Committee on Finance.

Mr. HARRIS presented the petition of Reuben R. H. Melton, of Maple Creek, Carroll County, Tennessee, praying to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 10504) granting a pension to Mary Hooper;

A bill (H. R. 10224) granting a pension to Elias H. Hall; and

A bill (H. R. 8993) for the relief of Shadrack W. Brown.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 3124) erecting three additional land offices in the State of Colorado, reported it without amendment.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3528) to authorize the construction of a bridge across the Coosa River at Gadsden, Ala.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 3529) granting a pension to Mrs. Elizabeth E. Tuttle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3530) granting a pension to Miss Hattie A. Dada; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK introduced a bill (S. 3531) for the relief of Felix McKitterick; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. MORGAN, Mr. CALL, and Mr. EVARTS submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH. I offer amendments intended to be proposed to the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations, now before the Committee on Indian Affairs. I ask unanimous consent in offering the amendments to follow the plan adopted by a committee in reporting a bill with amendments, and let the amendments as printed show the part stricken out and the part inserted. I think that would be more convenient to the committee.

The PRESIDENT *pro tempore*. The proposed amendments will be received, referred to the Committee on Indian Affairs, and printed, as suggested by the Senator from Oregon.

WITHDRAWAL OF PAPERS.

On motion of Mr. EVARTS, it was

Ordered, That George Lane have leave to writhdraw his petition from the files of the Senate.

PACIFIC RAILROAD COMMISSION REPORT.

Mr. TURPIE. I offer the resolution which I send to the desk, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That 500 copies additional of the report of the Pacific Railroad Commission made in January, 1888, be published for the use of the Senate.

The PRESIDENT *pro tempore*. The Chair is not advised whether the number proposed would exceed the limit of cost that would render it necessary to refer the resolution to the Committee on Printing.

Mr. TURPIE. The former order was 200 copies, and Senators received but one copy each. I think the number suggested will not exceed the limit.

The PRESIDENT *pro tempore*. Perhaps to avoid difficulty the resolution might be referred to the Committee on Printing and reported during the day.

Mr. TURPIE. If that reference be made I hope I shall be allowed to express the wish that the resolution will receive early and favorable consideration from that committee. The report is an important one, and the subject is of general interest.

The PRESIDENT *pro tempore*. Upon further inquiry the Chair is satisfied that the resolution of the Senator from Indiana need not be referred to the Committee on Printing.

Mr. CULLOM. I simply desire to say that there seems to be an impression out among the people that that report has not been printed at all, and I think under the circumstances we ought to print as many copies of it as is consistent with the duty of the Senate, so that the public as well as the Senate of the United States may see what the report is. I understand that the resolution only contemplates a very few copies for the use of the Senate itself.

The PRESIDENT *pro tempore*. Without the evidence?

Mr. CULLOM. May I inquire whether there has been any considerable number of copies of that report printed with the evidence?

Mr. TURPIE. Two hundred copies were printed for the use of the Senate.

Mr. CULLOM. I hope the resolution will be adopted at any rate.

Mr. HOAR. I move to amend the resolution by substituting 5,000 copies for 500 copies.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In the first line of the resolution it is proposed to strike out "500" and insert "5,000;" so as to make the resolution read:

Resolved, That 5,000 copies additional of the report of the Pacific Railroad Commission, made in January, 1888, be published for the use of the Senate.

Mr. TURPIE. I have no objection at all to the amendment offered by the Senator from Massachusetts if it does not occasion a delay of the resolution by a reference of it to the Committee on Printing.

The PRESIDENT *pro tempore*. The Chair thinks that the amendment, if agreed to, would require a reference to the Committee on Printing.

Mr. HOAR. It will not take a delay of two days. The Committee on Printing always report such things instantly.

Mr. CULLOM. I desire to inquire of the Senator from Maryland [Mr. GORMAN] who, I believe, is the only member of the Committee on Printing present, whether that committee has considered a resolution for the printing of the Pacific Railroad Commission report?

Mr. GORMAN. I think not, but we hope to have a meeting to-day on that subject, and I think probably during the day we shall be able to report it.

Mr. HOAR. The Senator from Maryland will see that it is attended to.

Mr. CULLOM. I wish to state again that there has been an impression in the public mind that the report is kept within the control of the Senate and not allowed to go to the public. If there has been any such disposition as that on the part of anybody, I desire that the Senate shall show a disposition to let the people know what the evidence is that has been taken on the subject, and let the country see it.

Mr. PLUMB. I understand the report has been printed. I certainly have a copy of it on my table now.

Mr. TURPIE. Only 200 copies have been printed, one for each Senator.

Mr. PLUMB. I have sent away, I think, two copies.

Mr. TURPIE. Then the Senator has had more than his share.

Mr. GORMAN. I will state to the Senator from Kansas that the usual number has been printed, which is 1,900 copies. As to the order for an extra number of copies, the Committee on Printing, I understand, are waiting for the estimate required under the law to be submitted before the resolution is reported.

Mr. CULLOM. Does the Senator state that there have been 1,900 copies already printed?

Mr. GORMAN. I understand the usual number, 1,900 copies, have been already printed.

Mr. PLUMB. I was inquired of about it and I sent to the document-room and to the Printing Office, and got the information that the document had been printed in the ordinary way, that the usual number had been printed. So far as it was known in either place there had been no delay made which was not inevitable upon the printing of so large a mass of matter. But if there is a proposition to print a larger number for distribution, that I know nothing about.

Mr. HOAR. It is quite obvious that this resolution of the Senator from Indiana, unless it be amended, will not answer his own purpose. It will give only 7 copies to each Senator for distribution, and wherever there is any public interest in the matter there will not be enough to satisfy the demand. So it seems to me the number ought to be enlarged.

The Senator fears that there may be some delay by a reference. We are assured by the Senator from Maryland [Mr. GORMAN] that the Committee on Printing expect to have a meeting to-day, so they will be able to report it very likely in the course of the day. I hope, therefore, the amendment will be adopted.

Mr. MCPHERSON. If there is any delay about the matter of printing 5,000 copies of this report, I hope that the report as already made, to wit, the printing of 1,900 copies, which I understand the Senator from Maryland to say the committee have ordered, will be made at once.

Mr. COCKRELL. That order has already been made.

Mr. MCPHERSON. I have had repeated requests for this report, and I have been unable to obtain it. There is an impression in the public mind that by some agency or other the report is being suppressed. I presume I have had applications from my own State from more than one hundred people who desire the report, and I have been unable to get a single copy for distribution. I hope the resolution will be agreed to.

Mr. HOAR. May I inquire of the Senator from New Jersey if he can supply the demands of his own constituents if he is given only 7 copies?

Mr. MCPHERSON. Not at all. If we would print the 1,900 copies at once and order 4,500 more it would be a great deal better.

Mr. CULLOM. I understand that the 1,900 have been already printed. The Senator from Maryland so stated.

Mr. MCPHERSON. Where are they? They are not for distribution in the Capitol.

Mr. GORMAN. So far from there being any foundation for the impression alluded to by the Senator from New Jersey, that it has gone out to the country that there is any attempt to suppress this report, it is as far from the truth as anything possibly could be. It is like many other idle reports. When the Senate orders a document to be printed, the usual number, 1,900 copies, is printed. This document went through the usual process and 1,900 copies were printed, one copy of it being supplied to every Senator and the remainder disposed of as the law requires. Senators may find in the document-room extra copies, if they have not been already disposed of.

All know that members of the Committee on Printing have been absent, and the Committee on Printing have not had an opportunity to consider any resolution for an extra number of copies. There has been no attempt on the part of anybody to suppress the document, and there is no excuse for such a statement by the public press, here or elsewhere.

Mr. MCPHERSON. I suppose the Senator from Maryland will understand that there is no criticism upon the committee because of the absence of a resolution before the committee to increase the number beyond that required by the rules of the Senate. Certainly the committee would not be expected to act upon the matter without having a resolution before them. Surely I have no intention to criticise the committee in any sense or form. The committee state that they have already had printed 1,900 copies, all that they are allowed under the rule to print, and that is sufficient. But this report was made last December and submitted to the Senate, and so far as I know no copies of it can be obtained now in the document-room; at least I inquired a few days ago for copies there and they had not yet reached the document-room. There is some fault somewhere. Where it is I shall not undertake to say.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The resolution as amended will be referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 200) granting a pension to Walter O. Watson;
A bill (H. R. 2471) granting a pension to Anna M. Noyes;
A bill (H. R. 2472) granting a pension to Lydia A. Eaton;
A bill (H. R. 2788) granting a pension to Lieut. George T. Russell;
A bill (H. R. 3908) increasing the pension of Jesse L. Garrett;
A bill (H. R. 5174) granting a pension to Statira Young;
A bill (H. R. 6409) for the relief of Perry R. Nye;
A bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox;
A bill (H. R. 8553) granting a pension to Arabella Davis;
A bill (H. R. 9106) granting a pension to Peter Liner;
A bill (H. R. 9370) granting a pension to Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteers;
A bill (H. R. 9862) granting a pension to Benjamin F. Bair;
A bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of Black Hawk war;
A bill (H. R. 10159) granting a pension to Jenny Buell;
A bill (H. R. 10171) granting a pension to Rachel Rogers;
A bill (H. R. 10173) granting a pension to Catharine Mulligan;
A bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang;
A bill (H. R. 10687) granting a pension to Charles Junot;
A bill (H. R. 10708) granting a pension to Jane E. Knoble;
A bill (H. R. 10827) for the relief of Catharine Teegardin;
A bill (H. R. 11005) granting a pension to Ester Gaven;
A bill (H. R. 11222) granting a pension to Elizabeth Heickler;
A bill (H. R. 11243) granting a pension to Mary E. McQueen; and
A bill (H. R. 11309) to empower the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes," approved March 3, 1887.

The message also announced that the House had passed the following bills:

A bill (S. 1988) granting a pension to H. R. Blakiston;
A bill (S. 2576) granting a pension to Richard Hudson;
A bill (S. 2750) to increase the pension of Samuel A. Tate; and
A bill (S. 3186) granting a pension to Christian Winkel.

The message further announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

A bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers;

A bill (S. 2726) granting an increase of pension to Margaret S. Heintzelman; and

A bill (S. 2913) granting a pension to Mary Sturgess.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the Speaker had announced the appointment of Mr. MAISH in the place of Mr. TOWNSHEND, excused, as one of the conferees on the part of the House on the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 649) for the relief of A. C. Bradford;

A bill (H. R. 109) for the relief of Dr. F. O. St. Clair;

A bill (H. R. 988) for the relief of Joseph R. White; and

A bill (H. R. 1073) for the relief of the Roman Catholic Church of St. Peter and St. Paul, at Chattanooga, Tenn.

LOUISA V. DE KILPATRICK.

Mr. DAVIS. I ask that the action of the House on Senate bill 1488 be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers.

Mr. DAVIS. I move that the Senate disagree to the amendments made by the House of Representatives, and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. BLODGETT, and Mr. PADDOCK were appointed.

FORTIFICATION APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 20, and 21; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the words "two officers" and in lieu thereof insert the words "an officer;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 13, page 1 of the bill, strike out the words "propelled and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: After the word "For," in line 16, page 1 of the bill, insert the following: "The completion of the guns now under fabrication by the Ordnance Department and for testing the same, and for;" and in line 17, same page of the bill, strike out the words "two 10-inch;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$700,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the words "of manufacture;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: In line 39 of said amendment, after the word "proper," insert the word "purchases;" in line 41, after the word "guns," insert the words "including multicharge guns and the conversion of Parrott and other guns on hand;" in line 49, after the word "such," insert the word "purchases;" after the word "dollars," in lines 50 and 51, insert the following, "which sum is hereby appropriated: *Provided further*, That said board shall test, and, if found satisfactory, shall purchase two breech-loading field guns of 3.2 inch bore, of aluminum bronze;" in line 55, after the word "million," insert the words "five hundred thousand;" and in line 58, strike out the word "act" and insert in lieu thereof the word "section;" and the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.
JOSEPH D. SAYERS,
W. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. PLUMB. I move the adoption of the report.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

The report was concurred in.

ELIZA N. AIKEN.

Mr. CULLOM. I ask leave to call up House bill 10856, a pension bill for Eliza N. Aiken, an old lady who gave her life almost as a nurse in the Army. She is now between seventy and seventy-five years old, and I understand is in need as well as sick. I should like to have the bill passed this morning. There is a report accompanying it.

By unanimous consent, the bill (H. R. 10856) for pension for Eliza N. Aiken, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Eliza N. Aiken, late nurse of Sixth Regiment of Illinois Cavalry Volunteers, at $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAMPAIGN WORK BY A SENATE EMPLOYÉ.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted by the Senator from Missouri [Mr. VEST] in relation to campaign work by a Senate employé, which comes over from a preceding day. The question is on agreeing to the resolution.

Mr. PLUMB. I move that the resolution lie on the table.

Mr. VEST. I ask for the yeas and nays.

Mr. PLUMB. I should have no objection to the resolution being adopted if it was not perfectly apparent that it would apply to a Senate employé a rule which we have no power to apply to a House employé. The Senate now knows perfectly well that what it is charged Mr. McKee was doing has been done by an employé of the Democratic House of Representatives. It is not proper for us, of course, to investigate that. If the resolution could be amended so as to investigate the House employé, I should be perfectly willing to have the resolution passed, but it would be an unnecessary humiliation on the part of the Senate to investigate one of its own employés for doing what the co-ordinate body permits its employés to do.

Mr. VEST. It is not my purpose to consume any of the time of the Senate by discussing this matter. I have said all I propose to say about it. Having called the attention of the Senate to the nature of the publication, the Senator from Kansas has again asserted that there is a parallel existing between a publication by an employé of the House and the publication made by Mr. McKee, an employé of the Senate. Since he has made that statement (for I had never seen the publication when he brought it here in his remarks the other day) I have examined the book carefully from beginning to end, and I assert that it is not partisan, and I defy the Senate to point to a single line or syllable in that work which is partisan. It is simply a compilation of the messages of the Presidents of the United States, from 1789 down to this time, upon the subject of the tariff. The introduction to it, which is in these words:

"Of making books there is no end—and much study is a weariness of the flesh;" and so, in this day of hurry and of labor-saving machinery and appliances, the issue of "such a little one" as this, to save the scholar and the statesman, the doctrinaire and the materialist some hours' search seems hardly to need apology.

There is nothing original offered, since comment would defeat the object of a reference book for all by making it distasteful to some. It is only the gathering together of what has been said by our century of Presidents on the tariff; extracts made at odd times for my own use, until the manuscript had grown too bulky to be longer convenient; and now it is printed, partly for that convenience and partly for that a friend or two has encouraged me in the belief that the current demand for any literature on this engrossing subject will justify offering it to the public in cheap form.

There is not one single line or syllable of comment in this whole work. It is no more a partisan work than Spofford's American Almanac. It is simply made for the convenience of public men, and it contains, permit me to say, in the messages of the Presidents of the United States far more in behalf of a high protective tariff system than for the opposite opinion.

Yet the Senator from Kansas brought that here and introduced it as a parallel publication to that of Mr. McKee, which is full, from beginning to end, of the most extreme partisan comments and utterances. There is no parallel between the two cases, and I say if the Senator can find one syllable that militates against what I have said I will stand convicted and pilloried before the country as having made an unfair, a partisan, and a false statement.

Mr. HOAR. What is the pending question?

The PRESIDENT *pro tempore*. The pending question is the motion of the Senator from Kansas [Mr. PLUMB] to lay upon the table the resolution offered by the Senator from Missouri [Mr. VEST]. The title of the resolution will be stated.

The CHIEF CLERK. A resolution by Mr. VEST in relation to campaign work by a Senate employé.

Mr. HOAR. I suppose that motion is not debatable, but it has been debated.

The PRESIDENT *pro tempore*. The Chair thinks it is not debatable, but debate has been proceeding by unanimous consent. The Chair will recognize the Senator from Massachusetts.

Mr. HOAR. Perhaps the Senator from Kansas will withdraw the motion.

Mr. PLUMB. Yes, I will withdraw the motion for the present, so as to allow what may be said to be said on the main question.

Mr. SPOONER. I ask that the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be read at length.

The Chief Clerk read the resolution submitted by Mr. VEST, September 3, 1888, as follows:

Resolved, That the committee to examine the several branches of the civil service be instructed to inquire whether the employés of the Senate, whilst receiving pay, and when the Senate has been in session, have been engaged in preparing partisan campaign literature for the purpose of advancing the inter-

ests of the Republican party in the pending canvass, and whether publication of the matter so prepared has been published by an employé of the Senate with his official character printed thereon, and what legislation is necessary to prevent and punish such conduct, and that said committee report by bill or otherwise.

Mr. HOAR. Mr. President, the Senator from Missouri the other day spoke with some severity, one might almost say with some contempt, of the doctrine which is known popularly by the name of civil-service reform. Considering that some of the persons who were zealous advocates of that reform have adopted the present Executive as the exponent of their theories and as a practical example of the excellent doctrine which they propose, I am not surprised at the opinions of the Senator from Missouri; but I desire to say for myself, that whoever may have changed his mind, or whoever without a change of mind may have expressed disapprobation of the endeavor to divorce the civil service of this country from politics, my own opinion upon that question, which I have often expressed, remains unchanged.

I think it is one of the worst things in the present administration of our politics that the offices which are created for the service of the people should be used to bribe them. Neither party, no party that has ever had any considerable power in State or nation in this country is free from reproach in this matter. We have seen the civil officers of the country, paid from the public Treasury, first becoming the large and perhaps the chief instrumentality of political management by the party in power.

That, after getting thoroughly established, as it was, in our political methods, was succeeded by a state of things which was still worse, and the civil servants of the country, the men in the Treasury Department, in the Post-Office, and in other branches of the public service became, and were expected to become, prominent and active politicians. Sometimes a man holding a seat in the Senate, sometimes a man aspiring to a seat in the Senate, sometimes holding a seat in the other House, or an executive officer of a State, and sometimes a man aspiring to that office, would get the ear of the appointing power, and members of the same party would be appointed and displaced as they favored or did not favor the aspirations of particular ambitious politicians. I think that was all wrong. I think it was corrupt. I think it was of evil example and influence; and it ought to have been suppressed.

But that is a very different thing from the doctrine which the Senator from Missouri avows. I think the public servants of this country (except those who are expected to carry out the political policies in the administration of the President, who should have a liberal construction of that rule) should be chosen without regard to their political opinions, just as the officers of a church or the officers of a bank are chosen. I think it can be done. I think the civil-service law passed in the Congress before the last was a step towards that accomplishment, and has worked well as far as it has been fairly and properly carried out.

I was in hopes when the present Executive came in that he would take another firm, forward step in the same direction, and I was correspondingly disappointed when I found that he was turning out nearly every Territorial judge in this country. Surely, if anybody, such officers should be removed from political considerations in the question of their appointment or their continuance in service. In those cases a Republican was displaced by a Democrat. The President has not done any worse in that matter than some of his predecessors, and I do not say this by way of reproach to him, but he certainly in that respect has not done any better.

However, that is a very different thing from saying that when a civil servant is appointed and continued in the civil service, as he ought to be, solely on considerations of fitness and honesty and fidelity in the service, he should be debarred from any of the privileges and rights of active citizenship. No pressure ought to be put upon an officer for partisan service or for partisan contribution, especially by the appointing power; but I hold that an officer of this Government is just as much entitled to express his opinion on the stump, by attending caucuses, by political activity, by the preparation of publications like the one referred to in the resolution or the one which has been referred to by the Senator from Kansas, as an officer of a church or an officer of a bank. When Mr. McKee wishes to give an assurance of his competency, or thoroughness, or fidelity, in a publication like that, I do not see why he is not as much entitled to add to his political pamphlet that he is a clerk in the employ of the Senate of the United States as the Senator from Missouri is to add to a pamphlet edition of one of his speeches that he is a Senator from the State of Missouri.

Mr. VEST. As I understand the Senator, then, if he will permit me, he thinks it is perfectly legitimate for an employé of the Senate, over his official signature, to issue a partisan pamphlet.

Mr. HOAR. I do not know what the Senator means by the term "over his official signature."

Mr. VEST. As this pamphlet contains it, "Assistant Librarian of the Senate."

Mr. HOAR. I understand. That is just what I am talking about. I say that the assistant librarian of the Senate may make a compilation of arguments, if he thinks he can be useful to his fellow-citizens in that way, and in that way can exert his honest right as an American citizen in favor of one view or the other of the tariff, in favor of one view or the other of the national-banking system, or anything else, and he may add on the title page of a document that he publishes the name of any office which he holds which entitles him to trust and confidence or respect just as much as the Senator from Missouri.

Mr. SHERMAN. It is only printed.

Mr. HOAR. It is only printed there. There is no signature. It is not over his official signature, but he makes known the fact that he holds that office just as the Senator from Missouri would add the fact that he held his present office of Senator.

It seems to me that the opponents of this reform have misunderstood its purpose and theory, as much as its pretended friends. Near the close of the last administration the Senator from Indiana [Mr. VOORHEES], a bitter and zealous opponent of this proposition, who I regret not now to see in his seat, offered a bill which I should like to have the Secretary read and have the Senator from Missouri *listen to.*

The Chief Clerk read as follows:

A bill to prohibit officers and employés of the United States from contributing money for political purposes.

Be it enacted, etc., That it shall not be lawful for any person holding any office under the United States, or any employé thereof, to contribute or pay to any committee or person, or into any fund, any money, property, or valuable thing for any political purpose whatsoever, or to pay any assessment or percentage upon the income or emoluments of his office or position for any political purpose, or to give, lend, advance, or pay any money, property, or valuable thing with the intent, or with the assent, permission, or understanding, that the same may be applied to or for any political purpose whatsoever, or to himself or herself apply the same to any political purpose. No head of a Department or other superior officer shall himself collect, or permit or allow any other person to collect or receive, from any officer or employé in his Department or under his supervision, or from any other officer or employé whatsoever, any assessment, percentage, contribution, gift, loan, or advance of any money, property, or valuable thing, with the intent, understanding, or permission that the same shall or may be used for any political purpose.

SEC. 2. That any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for a term not exceeding six months, and, in the discretion of the court, by a fine not exceeding $5,000, and, on conviction, shall be forever thereafter disqualified from holding any office of honor, profit, or trust under the United States. Any officer of the United States who shall violate any provision of this act shall, in addition to such imprisonment and fine, be deemed and taken to have vacated the office by him held.

Mr. HOAR. I send to the Secretary's desk a few remarks made by the Senator from Indiana in favor of that bill. The remarks which are marked I should like to have read.

The Chief Clerk read as follows:

Mr. VOORHEES introduced a bill (S. 1511) to prohibit officers and employés of the United States from contributing money for political purposes; which was read twice by its title.

Mr. VOORHEES. In connection with the bill I have introduced, if the Senate will indulge me a moment, I should like to say a few words.

It is perfectly notorious and known, I think, to all, that at this time, in spite of existing laws and in violation of them, political assessments are going on pretty much the same as ever. Men are not required to contribute, perhaps; and it may be said in one sense they voluntarily contribute; but it is simply that voluntary action which is produced by fear of losing his place, performed for the purpose of making himself solid and square with political managers.

I am prepared to show under proper circumstances the fact that money for political purposes is being raised now throughout the various Departments of this Government. The bill which I have introduced is the only bill and the only legislation which will cure this evil; that is, to make it a penal offense on the part of the contributor to make such contributions; not merely to punish the offender, but to punish the man who pays. That may seem like harsh legislation; so it does; yet ninety-nine out of every hundred of the officials desire such legislation, desire to be armed with such an answer to those political managers and machine bosses who come here and walk through these corridors and look at clerks with a significance which is well understood. I have seen some of these gentlemen around here within the last few weeks flitting about like birds of prey, of evil omen. I wish to arm the poor clerk—who needs every cent he gets and more, too, to support his wife and children—with an answer to these men that he can not contribute money for such purposes without laying himself liable to the penalties of the law.

Mr. BUTLER. What is the date of that proceeding?

The CHIEF CLERK. February 12, 1884.

Mr. HOAR. I stated that it was near the close of the last administration.

Mr. President, here are a bill and a speech by an eminent Democratic member of this body implying that he thinks, if he has not changed his mind, that the present Chief Executive Magistrate of this country ought to be sent to the penitentiary, ought at once to vacate his office, and ought to be rendered incapable of holding any office of trust under the Government hereafter. He says that the people who made these contributions were inspired by the fear of losing their office, and I suppose nobody would question that that high official was inspired very actively by the fear of losing his office.

I do not cite that as indicating any agreement of mine with the honorable Senator from Indiana. Indeed, I think that a public officer is as much entitled to make contributions voluntarily and of his own thought to a political cause in which he is interested as any private citizen, and that the doctrine of civil-service reform rests on no such theory as that which the Senator from Missouri bases this resolution upon or as that which the Senator from Indiana based this bill upon.

Mr. VEST. Mr. President, I must be permitted to express my surprise at the statement of the Senator from Massachusetts that there is any parallel between a speech or an utterance by a member of the Senate and the publication of such a book as that which I have produced here, emanating from Mr. McKee, an employé of the Senate. A part of my functions, and those of every other Senator of the United States,

is the free utterance and declaration of my opinions as to all public questions.

Mr. HOAR. Is not that true of every citizen of the United States, may I ask the Senator?

Mr. VEST. If the Senator will let me finish my sentence, I will yield to him with the greatest pleasure.

Mr. HOAR. Certainly.

Mr. VEST. It is a part of my duty. I am sent here by the people of Missouri for that purpose, and so far is this doctrine carried and this duty enforced that under the Constitution and laws of the United States every member of either House of Congress has an immunity from arrest and annoyance by reason of anything he may say in either House in debate. The whole spirit and autonomy of our Government contemplate that the representatives of the people shall exercise their highest functions and their most sacred duties when they express before the whole American people their opinions upon all questions, political and otherwise, that come within the jurisdiction of Congress.

But who has ever heard before that the employés of the Senate, the doorkeepers who are put here to keep these doors, the Librarian who is put here to take charge of our books, and all the different employés of the Senate who are merely ministerial in their capacity, are appointed for the purpose of using those positions in order to influence the people of the United States?

Mr. HOAR. Now, will the Senator answer my question?

Mr. VEST. Certainly.

Mr. HOAR. My question is whether it is not the right and the duty of every American citizen (unless he holds a judicial office which renders it improper) to express his opinions freely on public questions?

Mr. VEST. Most unquestionably in his personal capacity, and if Mr. McKee had published this work and put his name upon every page of it at the top and bottom, and upon the fly-leaves, I should not have objected.

But, Mr. President, the fallacy, if the Senator from Massachusetts will permit me to use the term, in his position and argument to-day is in simply ignoring the difference between a ministerial officer of this body and a Senator of the United States, a part of whose functions is unquestionably the utterance of his opinions upon all political questions. It is expected that these opinions may influence the country, and he is sent here in order to give them a frank and manly expression upon this floor.

And now let me say to the Senator from Massachusetts, what would be the condition of this body, equally divided as it is, if every employé of this Senate should turn himself, as Mr. McKee has done, into a factor for political purposes? I deliver an address here upon a political question as a United States Senator. Mr. McKee answers it the next day with a political pamphlet, not as the Senator says with a compendium, but with quotations from the speeches of Democratic Senators and Representatives and his comments, sarcastic and otherwise, upon what his political opponents have said. Is that seemly? Does any Senator now deliberately contemplating this thing justify such a course? If Mr. McKee can do this, a Democratic employé can do the same thing; and I can imagine the criticism of my distinguished friend from Massachusetts if one of his eloquent harangues here, or orations to use a more respectful term, should the next day be criticised, after the fashion of Mr. McKee, by a pamphlet issued by a Democratic employé of the Senate. Not for one instant is the idea to be tolerated.

Mr. PADDOCK. If the Senator will permit me, I should like to ask him a question.

Mr. VEST. If I can hear the Senator.

Mr. PADDOCK. This resolution, as it is framed, requires an investigation as to whether an employé has been engaged in doing work to further the interests of the Republican party. I do not understand how, under this resolution, an employé who may be engaged in furthering the interests of the Democratic party can be investigated.

Mr. VEST. I have not the slightest objection, as a matter of course, to amending this resolution so as to include employés on both sides of the Chamber, because in the remarks which I submitted the other day I distinctly asserted that if any Democratic employé was guilty of this thing he ought to be punished in just the same degree as a Republican employé, and I intended nothing invidious in the language I employed.

I did not propose to discuss the matter at all to-day; but as the Senator from Massachusetts has alluded to the fact that I had declared publicly that I was opposed to what was known as the civil-service law, I want to say frankly what I think in regard to that law and what my position is about it. I voted for it. Those of us who were here at that time members of the Senate will recollect that when that bill was under discussion the Senator from Georgia [Mr. BROWN] and the Senator from Alabama [Mr. PUGH] offered amendments to the effect that the law should not go into effect until employés in the bureaus of the Government should be equal in number as between the respective political parties. Those amendments were voted down. I voted for those amendments, but they were defeated. What then? Then the Republican majority of the Senate passed that bill, retaining in office the Republican employés who to-day fill the bureaus and the Departments of the Government, whilst every member of the Democratic party, who has been excluded from every office for twenty-five years, is compelled to undergo the classified civil-service examination before he can get into the service.

Mr. PLUMB. Will the Senator bring to the attention of the Senate the provision of the civil-service law which requires the retention of anybody in the classified service of the Government a single moment of time after the President or the head of the Department is desirous of removing him?

Mr. VEST. That, as a matter of course, is a hypercritical criticism for this reason, that the spirit of the law was understood by everybody that the President should turn out nobody on account of political differences of opinion with him or his party, and it was understood when those amendments were voted down, and the debate shows (and I recollect it it as well as if it had happened but one hour ago), that all the Republican employés should remain in the bureaus and Departments.

Mr. PLUMB. I want to say, as far as that statement is concerned, that it does not include me at all. I never understood that that was the spirit of the law. I understood and now understand that that law dealt not with the existing service, but with the service as it was to be by the introduction of the new members into it.

Mr. VEST. As a matter of course——

Mr. PLUMB. And that the President of the United States is under no limitation whatever, either by public sentiment, the popular construction of the law, or by legislative construction, that requires him to keep in office one single person, Democrat or Republican, a single instant beyond the time that he believes the public service is benefited by such retention.

Mr. VEST. It is true the law was intended to apply *in futuro;* it was intended to apply to applicants for positions in the Departments after the date of its passage; but the fact that these amendments were voted down showed unquestionably that the opinion of the majority of the Senate and that the intention was that the employés then in the Departments and bureaus should be retained, unless they were discharged on account of inefficiency. That has been the popular construction of the law, and I have never yet heard it doubted; and if the President of the United States or the heads of Departments had undertaken to put a different construction upon it and had turned out the employés in the Departments because they have been Republicans, liberty would have lain bleeding in the streets, and we should have heard a denunciation of the President in comparison to which what we have heard heretofore has been mere love work. We all know that was the construction put upon the law after the amendments were voted down.

I voted for the law because I indorsed the principle of civil-service reform, because I believed the public offices should not be used as rewards for political service; but at the same time I never relinquished my opinion, and I hold it to-day, that the operation of this law is unjust to a majority of the people of the United States, who are Democrats. It assumes that the men in office are qualified to hold on, while those who are out of office shall appear and be examined in order to make them eligible. It puts a qualification and a limitation upon applicants hereafter not put upon the men who are in office to-day, and the result is that here under a Democratic administration, as I stated the other day, are whole bureaus of Republicans, with hardly a single Democrat to be found amongst them. In the face of this fact the President of the United States is denounced as false to the civil-service theory and as having been hypocritical in his professions of attachment to it.

If the law had been equitable and just in its operations, if it had been applied to both parties alike, the principle would be correct. The spoils system in politics, as it is understood throughout the country, is wrong in so far as it permits the offices of the country, without regard to qualification, to be used for the advancement of any individual or for the success of any party. Whilst I say this honestly and without any sort of qualification, I think I have a right to demand at the same time that there should be no proscriptive feature against the members of the party to which I belong. This law ought to have contained within itself a provision to make it equitable and just to all the people of the United States.

All I have ever said, and I repeat it here as I have repeated it elsewhere, is that I believe with equal qualifications the members of the political party in power should hold the ministerial offices of the Government as well as the political offices. I believe it is just, right, honest, fair, and legitimate in every sense of the term. If the Republican party is in power, its friends should administer the Government from top to bottom, from end to end, and if the Democrats are in power they should do the same thing. That is a far different proposition from the spoils system, which declares that, without regard to qualification, the offices should be divided out as rewards for political services. Other things being equal, between a qualified Democrat and a qualified Republican, I hope never to see the hour in which I will not give any of the offices, from the highest to the lowest, in this country to the members of my party. In so far I am a civil-service reformer and no further.

A few words more and I am done with this subject. The Senator

from Massachusetts satirically talks about the President of the United States and his civil-service reform. What is the history of this civil-service reform movement according to the record? In 1870 General Grant sent a message to Congress in which he asked that an appropriation of $25,000 be made to pay the expenses of a civil-service commission. The message was strong, urgent, eloquent. Under this appeal the $25,000 appropriation was made. Mr. Dorman B. Eaton was put at the head of that commission. It remained in existence two years, with an annual appropriation for each of these years of $25,000. Then Congress, with an absolute and overwhelming Republican majority in both branches and a Republican President, declined to appropriate another dollar, and civil-service reform, as it was called, fell dead, pulseless, at the hands of the Republican party.

General Grant was succeeded by Mr. Hayes, and although in his first and every subsequent message, I believe, he urged upon Congress the propriety of re-establishing this commission and making an appropriation annually of $25,000, the Republicans still holding the power in Congress, nothing was done. And in the succeeding administration General Garfield, who was an outspoken and eloquent advocate of civil-service reform when a member of the House of Representatives, in his first message recommended an appropriation of $25,000, but unavailingly and without effect.

Mr. PLUMB. I know the Senator desires to be accurate. I therefore call his attention to the fact that he says the Republicans had the entire legislative power during the entire Hayes administration.

Mr. VEST. I said—and I know to what the Senator alludes—that they were still in power; they had the majority of power; they had the Chief Executive and the Senate.

Mr. PLUMB. During the last two years of the Hayes administration the Democrats had this body by ten majority, and they had the other House during his entire term.

Mr. VEST. Very good. Let the Senator have the full benefit of his interjection.

Mr. PLUMB. I only wanted that the Senator might be correct.

Mr. VEST. Now we come to the next administration, the President of the United States still being a Republican. Mr. Garfield urged upon Congress this appropriation, and no appropriation was made. Mr. Arthur urged the same appropriation, and it was not made.

In 1883, the elections in the fall of that year having resulted most disastrously to the Republican party throughout the country, the House of Representatives having gone Democratic by an overwhelming majority, the Pendleton bill, as it was called, which is now in force, was acted on. It had been reported in the preceding session of Congress. It was reported from the committee to examine the several branches of the civil service. It came here, was placed upon the Calendar, no attention was paid to it, it was moribund and dead until after the elections in the fall of 1882.

The country then went overwhelmingly Democratic. We assembled here in December. Our friends on the other side with pale and ghastly faces looked at each other and asked, "What is the reason of this most disastrous result in November last?" Then, under the dictation of the Republican caucus, to the astonishment of the whole country, the Pendleton bill, emanating from a Democrat, was taken up as a Republican measure, passed through the Senate and House of Representatives, and became a law. That is the history of civil-service reform.

For years and years this bill, which is said now by the Senator from Massachusetts always to have received his support, remained in the Presidents' messages and afterward upon the Calendar without any notice being taken of it by the Republican party in the slightest degree.

That is all I care to say about it.

Mr. HOAR. I suppose the Senator from Missouri in his last sentences did not mean to imply that I personally had not manifested my support of the doctrine in season and out of season throughout all these years. I certainly did everywhere.

Mr. SHERMAN. Mr. President, I have but a word to say in regard to this subject. I have always made it a rule when any Senator desires an examination into the conduct of any officer of the Senate, or of any officer of the Government, or of any member of this body, to vote for the resolution of investigation as a matter of course. I shall vote for this resolution now. I think, therefore, the motion of the Senator from Kansas ought to have been withdrawn; and yet I feel bound to say that Mr. McKee did nothing but what he had a lawful right to do, if it was done outside of office hours and without interfering with his official duties. The book he presents, instead of being a partisan document, contains extracts in favor of a particular idea, that is, the protection idea, extracts from messages of Presidents of the United States, from speeches of Senators and members of the House, carefully arranged with a view to aid any one who believes in that doctrine in expressing his opinions and fortifying his views. Although I believe that everything Mr. McKee did was right and proper, and that he will come before this committee and with an open hand state exactly what he has done, I shall vote for the resolution and any amendment that will call out any information in regard to similar conduct by any officer of the Government, whether a Republican or a Democrat.

Mr. PLUMB. I have withdrawn the motion to lay on the table.

Mr. VEST. Will the Senator from Ohio permit me to ask him a question before he takes his seat?

Mr. PLUMB. I have withdrawn the motion in order to enable the discussion to go on, and have not renewed it.

Mr. VEST. I want to ask the Senator from Ohio—of course I do not choose to be put in the position of attacking this gentleman unjustly, who is not here on the floor of the Senate—does he mean to say that this book only contains a compendium?

Mr. SHERMAN. Some parts of this book I have read and derived information from.

Mr. VEST. That is not the proposition. I have read it, and can show it *in extenso*, and I say that this book, so far from being a compendium, as the Senator says, of messages and speeches, contains the partisan comments of this gentleman upon Democratic speeches, ridiculing them. The *reductio ad absurdum* is the slightest sort of argument he uses.

Mr. SHERMAN. Ought he not to ridicule doctrines that he believes to be offensive or unjust or absurd? Will you deny to an officer of the Senate, because he is an officer of the Senate, the right to publish his opinions? Certainly not. It is true that here and there he makes comments in this compilation, for it is nothing but a compilation. Here is an introduction, commencing with Madison's resolutions and Hamilton's report, and closing with the Mills bill, in all two or three pages of matter, and then follows twelve hundred and fifty-four selections arranged in alphabetical and numerical order. Each selection has a number, and so it goes, with here and there probably a mere phrase to hang on and connect the different clauses together; and if he does ridicule any opinions that are offensive to him, I do not see why he has not the right to do so.

Mr. VEST. As an officer of the Senate?

Mr. SHERMAN. Not as an officer of the Senate. If he neglects his duty; if, in this investigation, which I hope will be granted, it shall be shown that Mr. McKee has neglected his duties, though he has the reputation of being one of the very best officers of the Senate; if it be shown that he did this at a time when he ought to have been doing something in regard to the public interests, then it would be different. But the idea of making complaints about this!

I hope somebody will offer a general resolution to extend this inquiry so that we may know whether the statements made in the newspapers are true as to what is said to be done in the various offices of the Government, and make it an object worth inquiring into. So far as Mr. McKee is concerned, I have no doubt he will come forward as an honest man and tell you why he did this. He did not print his compilation at the public expense; the public has nothing to do with it; and I do not see any object in making any fuss about it. I shall vote for the resolution of inquiry.

Mr. VEST. I have not the slightest objection, let me say to the Senator, to making this resolution as broad as possible.

Mr. SHERMAN. I do not offer any amendment, because I do not choose to do so.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] withdrew his motion to lay upon the table, as he said, for the purpose of enabling discussion to go on. As he is not now present, the Chair will assume that it was his intention to renew it when the discussion ceased.

Mr. HARRIS. The Senator stated, I think, a few moments ago when the Senator from Ohio was on the floor, that he had withdrawn that motion and had not renewed it, and I understood him to say that he did not intend to renew it.

Mr. SHERMAN. I do not think he intended to renew it.

The PRESIDENT *pro tempore*. The question then recurs upon agreeing to the resolution offered by the Senator from Missouri [Mr. VEST].

The resolution was agreed to.

TRANSIT OF GOODS IN BOND.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day; which will be read.

The Chief Clerk read the resolution submitted by Mr. CULLOM August 30, 1888, as follows:

Whereas the President of the United States in his message of August 23, 1888, concerning our relations with Canada, advises Congress that Article XXIX of the treaty of Washington, which provided for the transit of goods, wares, and merchandise in bond over the territory of the United States to or from Canada is no longer in force; and

Whereas in the same message the President also advises Congress that section 3 of the act of March 1, 1873, passed to carry into effect the provisions of said Article XXIX is no longer in force; and

Whereas section 3005 of the Revised Statutes only authorizes the transit through the territory of the United States of merchandise destined for Canada and arriving from abroad at New York, Boston, Portland in Maine (or at such other ports as may be specially designated by the Secretary of the Treasury): Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether the transit in bond over or across the territory of the United States, without the payment of duty, of goods, wares, and merchandise coming from Canada has been permitted since July 1, 1885, when Article XXIX of the treaty of Washington, and section 3 of the act of March 1, 1873, are said to have ceased to be in force; and, if so, to what extent and by what authority of law.

Mr. CULLOM. I am willing to let that go upon the Calendar for the present.

The PRESIDENT *pro tempore*. The resolution will be placed upon the Calendar.

DAMAGES TO CHINESE SUBJECTS.

Mr. MORGAN. I ask unanimous consent of the Senate to introduce a bill, which I ask to have read at length.

The bill (S. 3532) to appropriate money for the relief of certain Chinese subjects was read the first time at length, as follows:

Whereas Chinese subjects, being in remote and unsettled regions of the United States, have been the victims of injuries on their persons and property at the hands of lawless men, for which unexpected events the Chinese Government has claimed an indemnity the legal obligation of which the Government of the United States denies; and whereas the Government of the United States humanely considering these injuries and bearing in mind the friendship between the United States and China, is desirous of alleviating the exceptional and deplorable sufferings and losses to which the aforesaid Chinese have been subjected: Therefore,

Be it enacted, etc., That the sum of $276,619.75 be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to be paid to the Chinese minister at this capital, as full indemnity for all losses and injuries sustained by Chinese subjects who are mentioned in the preamble to this act; the said money to be distributed to the relief of said sufferers and their relatives in such sums and in such manner as the Government of China through its minister to the United States may direct.

Mr. MORGAN. If it will not be objectionable to the Senate I should like to submit a very few observations on the bill.

The PRESIDENT *pro tempore*. Is there objection to the second reading of the bill of the Senator from Alabama?

Mr. HOAR. Is the bill introduced for present passage or for reference?

Mr. MORGAN. I shall move to refer it to a committee.

The PRESIDENT *pro tempore*. It has been read the first time at length and will be considered read the second time by title.

Mr. MORGAN. Mr. President, in the treaty which was sent to us by the President of the United States in regard to Chinese immigration, and which was passed upon by the Senate without any amendment in respect of the fifth article, the following language is found:

ARTICLE V.

Whereas Chinese subjects, being in remote and unsettled regions of the United States, have been the victims of injuries in their persons and property at the hands of wicked and lawless men, which unexpected events the Chinese Government regrets, and for which it has claimed an indemnity the legal obligation of which the Government of the United States denies; and whereas the Government of the United States, humanely, considering these injuries and bearing in mind the firm and ancient friendship between the United States and China, which the high contracting parties wish to cement, is desirous of alleviating the exceptional and deplorable sufferings and losses to which the aforesaid Chinese have been subjected: therefore, the United States, without reference to the question of liability therefor (which as a legal obligation it denies), agrees to pay on or before the 1st day of March, 1889, the sum of $276,619.75 to the Chinese minister at this capital, who shall accept the same, on behalf of his government, as full indemnity for all losses and injuries sustained by Chinese subjects as aforesaid, and shall distribute the said money among the said sufferers and their relatives.

The treaty from which I have read the fifth article contains in substance the provision in this bill together with the appropriation in the bill of the sum of money necessary to extinguish this claim. The Senate of the United States in passing upon this treaty made no amendment to this fifth article; so that we have the concurrence of the President and of the Senate in sending to China the negotiation as amended by the Senate containing this clause. We have now before us, up for almost immediate consideration, a bill which enacts for the period of five years to come the provisions of the first and second articles of this treaty and also of the third article, excluding Chinese laborers from the United States. That bill may in its terms go to a very slight extent farther than the treaty engagement between the two governments, even as amended by the Senate, but the difference is insubstantial, it is not very material, between the bill and the treaty as we proposed it to China.

The difference in the two cases is that in the Chinese treaty, which is now pending and being considered by that government, the exclusion of all laborers was to continue for a period of twenty years, beginning with the date of the exchange of ratifications; whereas the bill that has passed the Senate and is now subject to a motion to reconsider and a motion to lay that motion on the table, is supplementary to the act of 1882, and provides that during the operation or continuance of that act, which was limited to ten years, the exclusion of Chinese laborers shall be absolute. So, then, treating the Articles I and II of this proposed negotiation and the bill that is now pending before the Senate as being substantially identical in their provisions, we find that the treaty makes provision for the exclusion of Chinese laborers for twenty years; whereas the bill, being a supplement to the act of 1882, would exclude them only for the remaining period of ten years from the date of that act, which would be not quite five years from this time.

Now, in passing that bill, for which I have voted and for the principles of which I am an advocate, I would very much prefer to introduce into that measure so much of the fifth article of the treaty that we have sent to China as is embodied in the bill I have now introduced. Some few of the recitals are omitted, being unnecessary to give a full definition of the attitude of the United States towards China upon this subject.

I do not wish that the Chinese Government should have any just ground for the opinion that we are acting in a spirit of hostility or, as it may be called, of animosity towards the Chinese Government. That is not the spirit that characterizes the American legislation on this subject. The only question presented by the pending bill as contradistinguished from the question presented by the treaty is whether we shall take in the United States legislative control of this question of Chinese immigration, or whether we shall take the control of it by treaty agreement between the United States and China. That is the only proposition that is up at all.

In respect of the legislation that is proposed here now there is this objection and this difficulty, that the treaty of 1880, modifying the Burlingame treaty of 1868, contained a provision that we shall not absolutely prohibit the coming of Chinese laborers into the United States, but that we may suspend their coming for a reasonable time. That is also coupled with a provision that the legislation we may enact on that subject shall be submitted to the Chinese Government. The proposition to submit that legislation to the Chinese Government is not a proposition that that Government shall interfere with the passage of a law before it becomes such, nor that it shall have any right to claim that the law is anything else than a mere violation of the treaty rights. In other words, that provision reserves, as diplomatists call it, a diplomatic question which the Chinese Government have the right to call to the attention of the United States by treaty agreement as a subject for immediate discussion and diplomatic action. That is all the effect of that part of the treaty which requires us to give the Chinese Government any notice at all of what legislation we have resorted to for the purpose of executing the provisions of that treaty.

Now, as to the proposition that we shall not prohibit absolutely the coming of Chinese laborers here, in making that agreement with China in the treaty of 1880 we have put it in their power to say that while that treaty subsists the Government of the United States will not prohibit the coming of Chinese laborers to this country absolutely and unequivocally; so that the legislation we are now proposing repeals that part of the treaty of 1880. It does not do so in express terms, as I wish it did; it does so by indirection; it does so by hostile or repugnant legislation, legislation that is absolutely inconsistent with that provision of the treaty of 1880. The legislative power in the United States being supreme over the treaty-making power, in the exercise of that supreme power we revoke the treaty of 1880 so far as it relates to the right of the United States or the pledge of the United States in regard to the exclusion absolutely of the coming of Chinese into the United States, for the bill does exclude them and that treaty does say that we shall not exclude them absolutely. Standing opposed to each other in this way, the treaty, of course, is repealed by the effect and operation of the law that we are about now to pass.

There is another difficulty surrounding this question of a very embarrassing character. Both Houses of Congress have passed a bill and have sent it to the President of the United States, for the purpose of enforcing the treaty submitted by the President to the Senate at the present session, about four months ago, and of course that bill must be either returned to the House in which it originated, which is the Senate, within ten days, or it must become by the operation of the Constitution of the United States a law. So then at the time we are passing a bill here for the purpose of repealing the treaty of 1880 we have another bill now in the hands of the President passed by both Houses of Congress, for the purpose of carrying into execution this new treaty.

That treaty and this statute can not stand together both as operative law. This new treaty and the statute we propose to enact now are substantially alike, but the one, as a matter of course, excludes the other from its influence upon the statute-book. One or the other of them becomes *brutum fulmen* the moment this last bill is passed and signed by the President of the United States. Now, which one is it? It must be the treaty, because the act of Congress we are now considering is a later act and it is directly opposed to the treaty of 1880, repeals that treaty, and it would override this engagement if it were to-day signed, for the reason that it would be an assumption on the part of the United States Government that the matter of Chinese immigration to this country should hereafter be regulated by the laws of the United States and not by treaty engagement with China. Our attitude would be discretionary were that not the later act, the one that is now before the Senate of the United States. We would assert the proposition that the coming of Chinese immigration into this country was a matter which we had a right to regulate by law, notwithstanding any treaty engagement which we might have made.

So, then, if this act which we are now passing and this treaty were identical in terms, the later act would override the treaty as a matter of course, and would put us on the footing where we should have declared by act of Congress that hereafter the relations between China and the United States relating to immigration should depend entirely upon the exercise of legislative will and power on the part of the United States, and should not depend in any degree at all upon consent to be obtained from China.

So far as I am concerned, I have reached the conclusion that the latter is the better phase of the case. I have reached the conclusion that the American decree that the Senator from Missouri [Mr. VEST] spoke of has gone forth, and it is an irrevocable decree, that hereafter Chinese are to be excluded from the United States, those of certain classes, and

that this exclusion must be worked out through the operation of our own laws and not through an engagement or agreement with China. I propose to adhere to that ground now that we have reached it.

It has been charged that I have reached that ground with reluctance. That is not true. I have worked towards that ground as far and as fast as I could go, but I have not been willing to expose the commerce of $25,000,000 a year between the United States and China to any sudden shock by the enactment of a law which would give to China the option, the right, to declare that all of her commercial agreements with us were at an end if she chose so to declare; but since this treaty has been made, and since the declaration has gone forth from the Chinese minister in the solemn form that it is now presented to the United States Government, that it is the policy of the Chinese Empire that their people shall be prevented from coming here, I have felt myself from that moment of time at perfect liberty to co-operate with that sentiment on the part of the Chinese Empire and to enact laws of the United States which should prohibit their coming here. What is that declaration? I will repeat it, although it has been frequently read before the Senate.

And whereas the Government of China, in view of the antagonism and much-deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the immigration of such laborers from China to the United States,

After that solemn declaration on the part of the Chinese Government, communicated through her minister to the President of the United States and by him to the Senate, and after we have returned a treaty with our own amendments upon it to the Chinese Government containing that same declaration, I feel that the battle has been won, so far as Chinese opinion or sentiment is concerned, and I feel that I am at liberty to respond to that condition of sentiment and opinion existing here and also in China, and to fall back upon that which we never ought to have abandoned, the right of the people of the United States to exclude Chinese by law from coming into this country.

The Senate of the United States received this declaration from China through the President of the United States as one worthy of consideration. The Senate, without changing it or expressing any disbelief in it, amended the treaty and sent this declaration back to China, which was the clearest and most forcible expression the Senate could give of its belief that China was sincere in making that declaration. Now, I will not stultify myself on this floor by saying that I doubt the sincerity of China in making a declaration of that kind through her minister.

It is not necessary for me to do that for political or any other purposes. There it stands, a solemn recorded declaration, concurred in by the President of the United States and acted upon and concurred in by the Senate of the United States, and returned to China as an understanding between the two Governments that the Chinese Government actually does desire from motives of public policy to prohibit her subjects from coming here. That was the declaration in the treaty. So I think, notwithstanding any suspicions that a very suspecting man may have of the motives of the Chinese government, or any other, I am warranted in holding the Chinese Government up to the record upon this question, holding the President up to it, and the Senate up to it; and that is the actual situation as I regard it.

I repeat that after that situation became known, became disclosed, became thus confirmed, thus acted upon by the Government of China and the President and the Senate of the United States, I have the right to assume, and I do assume, that it is the policy of China that her people shall be prevented from coming here, and I am in favor of legislating in accordance with that policy. I feel that my hands are unfettered by this declaration, and that I have a right now to go back to that ground that we occupied before the negotiation of the Burlingame treaty, which was a free, open right to legislate against the coming of Chinese into the United States. I feel that we are remitted now to that ground, and that we have nothing to do but to make a declaration of a legislative character upon the basis of the declaration made by the Chinese Government that Chinese laborers shall not be permitted to come here. We did not hesitate to do that in respect to the cooly immigration. Where did we get the power to do it? We got it out of our own inherent right of self-defense and our right of government; we got it from the sovereignty of the United States, and nowhere else.

So now we are free, as I understand, to legislate in that direction. It is a mere question of taste whether we shall go along and do it at once or whether we shall delay a little bit and see whether the Chinese will accept the proposition that the Senate of the United States has offered them. I say the Senate of the United States has offered it to them, and I do that very carefully. The President and the Senate both concurring upon a negotiation, the Senate by a vote of two-thirds of its body can make a treaty which the President can afterwards proclaim, which becomes a part of the supreme law of the United States under our Constitution. I suppose that is well enough understood throughout the United States by this time, it has been repeated so frequently.

The President of the United States sent this treaty here as he agreed to it with the Chinese plenipotentiary. The Senate of the United States was not satisfied with it. It put two amendments on it, of greater or less importance or value, according to the differing opinions of Senators upon that subject; but at all events, not being satisfied with it, we refused to ratify it as it had been sent here. There was, therefore, a want of concurrence between the Executive action and the Senatorial action on the treaty as proposed, and no treaty resulted. What was it that resulted? A proposition from the Senate of the United States—not from the President, but from the Senate of the United States—to the Chinese Government sent through the President. It could not be sent through anybody else.

Mr. TELLER. Was it not approved by the President?

Mr. MORGAN. No; he had not anything to do with approving or disapproving.

Mr. TELLER. No treaty will ever pass that is not approved by the President.

Mr. MORGAN. If the Senator will wait a moment he will see that it will not pass, of course; but the question is as to the time when the President has to give it his approval and the manner of giving it.

Mr. TELLER. I understand the President gives his approval after it is ratified by the other government; but does the Senator think the President is under obligation to send to another government for their consideration a treaty he does not intend to approve?

Mr. MORGAN. I think it would be his duty, an act of courtesy to the Senate of the United States. I will not say certainly, but it would be a high constitutional duty for him to submit to a foreign government the propositions that the Senate of the United States might put upon a treaty by way of amendment.

The Senate can not make a treaty as an original negotiation. It can only reach any improvement of a treaty that it desires to make through an amendment which it puts upon the text and then ratifies by a two-thirds vote, and after that ratification it ought to be communicated—we will say it must be communicated—by the President of the United States to the foreign government. That government acts thereupon. Acts upon what? Acts upon the negotiation as proposed by the Senate. The President of the United States has had nothing to do with that negotiation in that shape except merely to transmit it to the foreign government. When the foreign government has ratified it it comes back to the President of the United States, and then arises his opportunity.

Mr. TELLER. Suppose he then declines?

Mr. MORGAN. Then arises his opportunity to say whether or not he will exchange the ratifications with that government of that treaty. And that is the first time when he has had any constitutional connection with the subject. I will illustrate that. I will suppose that the fisheries treaty, which was pending before the Senate for months, had been amended by the Senate in this particular, that in the consideration of our restoring to Great Britain the full and free right of navigation of the Mississippi River, Great Britain would restore to us the full and free right as it existed in 1773 of fishing along the shores of all her northeastern possessions. Suppose the Senate of the United States had put that proposition into that treaty by amendment, the President of the United States would have been bound to have communicated that proposition to Great Britain, for *non constat* that he is not to be President always.

Great Britain might take time to deliberate upon that until Mr. Harrison should be elected. I think that will be a long while; but that makes no difference. We will suppose it to be a short one and a different man, a different Executive, though filling the same office, might be here at the time that treaty was returned. Would the President of the United States have the right to choke down an amendment put upon a treaty of so important a character as that without submitting it to Great Britain? Certainly not. But when the treaty came back ratified, as we would suppose Great Britain might ratify a treaty of that kind, and the President of the United States was called upon to exchange the ratifications with Great Britain, then his constitutional right to say "No, I will not exchange the ratifications" would make him a party by dissenting to that provision; or if he saw proper to concur with the Senate upon that proposition, then his constitutional right for the first time would arise and could be expressed in a constitutional way by the exchange of ratifications, which would complete the treaty.

Then you would have the concurring action of the President and the Senate of the United States, which before that time could not have existed, unless it might have been by a mere intendment, but no official act, no constitutional act, no legal act would have supervened, through which the President would have committed himself to that treaty—none at all.

I therefore hold, and I think I am entirely correct about it, that the President of the United States is not in the slightest degree responsible for the negotiation that is now pending in the Chinese court. It is the Senate of the United States that made that negotiation, and through the President it was communicated to the Chinese Government, and that is all of it.

Now, it is for the Senate to say whether or not they choose to break down their negotiation. It seems to me that there is no difficulty in the way at all, for the legislative Senate, acting in concurrence with the legislative House of Representatives, has the right to overrule and ride down the action of this body, proposing a negotiation, though it is done by a two-thirds vote of this body. There is no doubt about that.

The Senate of the United States owes it to China, if it has changed

its mind upon this question, right now to notify that Government that that negotiation with the Senate of the United States, not with the President of the United States, which is now pending before the Chinese Government, is hereby withdrawn and recalled, so that that Government will have no surprise inflicted upon it. I believe it is the duty of the Senate to-day to proceed to give notice that that proposed negotiation which is now being conducted through the President of the United States with China has been recalled henceforth and forever as to the Chinese Government.

I intend to stand upon the doctrine of the sovereign right of the people of the United States to exclude Chinese of any class or quality that they see proper to exclude, and I put it distinctly again upon the ground of national self-defense. Nevertheless, the pending bill ought to be amended. It ought to contain the provisions of the bill that I have just had the honor of submitting and having read to this body, for we ought to satisfy China for the purpose of preventing her taking unnecessary umbrage at us, through which our commercial relations with that country may be seriously interrupted, that we have every feeling of kindliness and regard for her people that is expressed in this fifth article of the treaty which the Senate sent back to China without any dissent at all. That contains the provision for the payment of $276,619.75, that being the sum of money claimed by the Chinese Government for alleged injuries and actual injury—for there is no doubt about it—to her people which we were unable to control in consequence of the very great distance that these things occurred from the center of civil power in the United States.

I give this statement and one other fact as my reason for intending this morning to vote for a reconsideration of the bill under consideration for some days past, in order that it may go to the committee, or, at least, in order that the Senate may receive and act upon the amendment which I have proposed contained in the bill just read.

The other point is this: The Chinese are pouring into us here from the British possessions, and we have no means of preventing it. The twelfth section of the act of 1882, carrying into effect the treaty of 1880, if Senators will examine it, they will find it contains a provision that a Chinaman when he comes in contrary to the treaty is to be returned to the country whence he came. He comes into the British possessions and pays $50 head-money for getting inside the line. Then he comes over into Washington Territory, down to Oregon, and down to California, or anywhere else.

What are we to do? All we can do is to seize that man, proceed against him by indictment or information, for violating the immigration laws, and lock him up in the penitentiary for a brief term, six months or a year, or whatever the term is. We feed him there and do better by him than he can do for himself; he gets fat, and by the time his term of imprisonment has expired he is turned loose on the community, and that is all you can do, because you must send him back to the country from whence he came. He came from the British possessions and you can not get him back without paying $50 head-money. They have tried to see whether that would work or not, paying $50 head-money to the local government there. That would not work.

Now what ought we to do? The act of 1882 ought to be amended in the twelfth section so as to say that we shall return the Chinaman to the country from which he came or to China; and then after he has come here and undergone his punishment we could ship him off under our own statute to China and thereby get rid of him. But as it is, the first door that is open is the door into the British possessions with a demand of $50 a head. The next door that is open is the door of the penitentiary, and after the man has been there six months or twelve months then the Chinese are poured out upon that country with the additional grace of having been locked up in the penitentiary with other convicts for perhaps six or twelve months.

The system does not work, and while we are at this matter this morning we ought to get down to the bottom of it and that provision of law ought to be changed, so that when one of these Chinese comes into the United States from the British possessions we can take him and send him back to China and not to the country whence he came.

Mr. STEWART. Can we not pass a law of that kind now? Several bills of that kind have been introduced.

Mr. MORGAN. I say to the Senator from Nevada there is no danger about the passage of this bill. Everybody in the Senate wants this bill passed.

Mr. STEWART. I hope that is true.

Mr. MORGAN. There are 95 per cent. of Senators who want it passed. If I felt that I was imperiling its passage I would not do what I am now proposing; but I am quite sure, after all the votes given here, that if the bill goes to the proper committee, or if it does not, if it is amended in the Senate, we can make it a much more perfect bill than it is, a much more available and useful bill than it is. The bill is exactly in the line of policy I advocate, and I want to do the best I can. I move the reference of the measure I have introduced to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. Having been twice read, if there be no objection, the bill will be referred.

Mr. MITCHELL. I wish to be heard on that question.

Mr. STEWART. I hope the bill will not be referred until the Senator from Oregon shall have had a chance to make an explanation.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I desire to present the report of the committee of conference on the Army appropriation bill.

The PRESIDENT *pro tempore*. The report will be received and read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 32, 33, and 35 to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 33.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out the amended paragraph, being lines 3 to 8, both inclusive, on page 16 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 2. That the Secretary of War be authorized to enter into negotiations for the purchase of the 225 acres of land on the Hudson River, directly south of the military reservation at West Point, belonging to the estate of Edward V. Kinsley, or so much thereof as he may deem necessary for the purposes of the Military Academy, and to receive offers for the sale of their interest in such land from such of the heirs of said Kinsley as are competent and willing to sell such interests; and the Secretary of War is authorized to submit all offers so made and the question of the value of said 225 acres to a board, to consist of the Superintendent of the Military Academy and two competent civilians, who shall make due investigation and report concerning said value; and the Secretary of War shall submit said offers and the report of said board, with his opinion, to Congress at its next session. The expenses of said board and compensation at the rate of $10 a day, for not more than ten days for each of the civilian members, shall be paid from the appropriation for contingencies of the Army."

And the Senate agree to the same.

W. B. ALLISON,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.
LEVI MAISH,
JOSEPH D. SAYERS,
BENJ. BUTTERWORTH,
Managers on the part of the House.

Mr. ALLISON. Mr. President, one word in explanation of the report. The amendments on which this conference was held were inserted by the Senate under the belief that at this session no fortification bill was likely to pass, for at the time of their insertion the fortification bill had not been reported to the other House. Since that time the fortification bill has passed and been agreed to, so that our amendments to the Army bill are substantially provided for.

Mr. MCPHERSON. I should like to call the attention of the Senator from Iowa to the fact, as I understood the report when it was being read, that there are two civilians to be appointed in addition to the Superintendent of the Military Academy, but nowhere did I hear any provision by whom they were to be appointed.

Mr. ALLISON. By the Secretary of War. I will say that that relates to the purchase of property adjacent to the West Point Academy and was inserted in the bill by the Senate, but it was covered in as a general amendment with the fortification provisions, and therefore had to be taken out and reinserted in this way.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the report of the committee of conference?

The report was concurred in.

DAMAGES TO CHINESE SUBJECTS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. MITCHELL. I wish to say a few words in response to the Senator from Alabama [Mr. MORGAN].

The PRESIDENT *pro tempore*. The Senator from Oregon can take the floor on this bill.

Mr. MITCHELL. Mr. President, the Senator from Alabama [Mr. MORGAN] for years past, until within the last seven days, has been the devoted champion in the Senate of the sanctity of treaty rights. In season and out of season, in committee and in the Senate, he has sought to denounce, and has denounced, various propositions that have been brought to the attention of the Senate by members of this body looking to the exclusion of Chinese from this country. He has insisted first, last, and all the time that that was a question to be settled by diplomacy and by treaty stipulation. He referred to a measure such as the one now pending in the Senate, looking to the exclusion of Chinese laborers, when being discussed by the Senator from Colorado [Mr. TELLER] some time ago, as "the Colorado notion," as "the Colorado idea."

He has time and again denounced bills which have been brought here and advocated by Republican Senators looking to the exclusion of Chinese laborers from this country as "the Pacific-coast idea," as "the Oregon idea," as propositions brought forward and pressed by demagogues for demagogical purposes and for party objects. That has been the line of Senatorial conduct on the part of the Senator from Alabama in reference to this question of Chinese exclusion.

But lo, and behold! when a Democratic House of Representatives introduces and in one day, without a reference to a committee, passes a Chinese exclusion bill, that, according to the admission of the Senator from Alabama, is in direct contravention of material provisions of existing treaties between this country and China, the Senator from Alabama vaults clear over the fence, turns around, and says he is in favor of that bill, and he absolutely votes for it, as he did the other day, if I am not wrong in my recollection, going back on the whole record of his life in the Senate on that question, doubling on himself, repudiating everything he had ever said and all that he had ever advocated upon the subject; turns around and takes a position here in the Senate, not only by his vote, but by his speech, in favor of the passage at once through the Senate of a total exclusion bill, in so far as the Chinese in this country are concerned, and a bill which he himself stated in that speech was a direct repeal of the existing treaties with China.

This morning he comes into the Senate and takes another turn and insists that the bill for which he voted last Friday shall be amended. He desires to go back on what he did on Friday last. He proposes to recall, if I understand him, his vote on last Friday, and vote for a reconsideration of what was done last Friday, in order that he may take another position and a different position from the one occupied last Friday—a different position, perhaps, from any that he has ever occupied heretofore.

That is the record of the Senator from Alabama on the Chinese question in the Senate, and it does not lie in his mouth to be questioning, as he has questioned time and again, the sincerity of the Senator from Oregon upon this question, and the sincerity of the representatives from the Pacific coast upon this question, and the sincerity of the great mass of the people of the Pacific coast upon this question. A Senator with that kind of a record is not in a position to question the sincerity of Senators on this floor.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill for the exclusion of Chinese, laying aside informally the pending business.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the unfinished business be informally laid aside. Before submitting that request the Chair lays before the Senate——

Mr. SHERMAN. If the request of the Senator from Nevada requires unanimous consent, I respectfully object.

The PRESIDENT *pro tempore*. Before submitting the request the Chair will lay before the Senate certain bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 200) granting a pension to Walter O. Watson;
A bill (H. R. 2471) granting a pension to Anna M. Noyes;
A bill (H. R. 2472) granting a pension to Lydia A. Eaton;
A bill (H. R. 2788) granting a pension to Lieut. George T. Russell;
A bill (H. R. 3908) increasing the pension of Jesse L. Garrett;
A bill (H. R. 5174) granting a pension to Statira Young;
A bill (H. R. 6409) for the relief of Perry R. Nye;
A bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox;
A bill (H. R. 8553) granting a pension to Arabella Davis;
A bill (H. R. 9106) granting a pension to Peter Liner;
A bill (H. R. 9370) granting a pension to Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteers;
A bill (H. R. 9862) granting a pension to Benjamin F. Bair;
A bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of Black Hawk war;
A bill (H. R. 10159) granting a pension to Jenny Buell;
A bill (H. R. 10171) granting a pension to Rachel Rogers;
A bill (H. R. 10173) granting a pension to Catharine Mulligan;
A bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang;
A bill (H. R. 10687) granting a pension to Charles Junot;
A bill (H. R. 10708) granting a pension to Jane E. Knoble;
A bill (H. R. 10827) for the relief of Catherine Teegardin;
A bill (H. R. 11005) granting a pension to Ester Gaven;
A bill (H. R. 11222) granting a pension to Elizabeth Heckler; and
A bill (H. R. 11243) granting a pension to Mary E. McQueen.

The bill (H. R. 11309) to empower the President to carry out the purposes of an act entitled "An act to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes, approved March 3, 1887, was read twice by its title, and referred to the Committee on Foreign Relations.

ORDER OF BUSINESS.

Mr. STEWART. I move that the Senate proceed to the consideration of the Chinese exclusion bill.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed to the consideration of the bill named by him, the title of which will be reported.

The CHIEF CLERK. A bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

Mr. HARRIS. I rose for the purpose of appealing to the Senator from Nevada to withhold his request or motion, whichever he may elect to make, in order that I may ask the Senator in charge of the unfinished business and the unanimous consent of the Senate to consider at this time the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, which is in fact an appropriation bill, and which as such, having always been recognized as such, is entitled to the right of way. It is a bill not involving a very large amount, but in which a great many people are interested, and I am confident that it can not take an hour, I do not think it will take more than half an hour, to dispose of it. I shall be greatly obliged if the Senate will consider it at this time.

Mr. STEWART. I am in favor of that bill, but I can not consent to its consideration now. I insist on my motion.

Mr. HARRIS. Does the Senator move to take up the Chinese bill or does he ask unanimous consent?

Mr. STEWART. I move, because there is objection made, and so I can not do otherwise.

Mr. HARRIS. Has there been objection?

Mr. STEWART. Yes; the Senator from Ohio [Mr. SHERMAN] objected.

The PRESIDENT *pro tempore*. Unanimous consent was asked and objection was made.

Mr. HARRIS. I was not aware of that.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed now to the consideration of the bill, the title of which has been reported by the Secretary.

Mr. SHERMAN. I ask the Chair if that is a debatable question.

The PRESIDENT *pro tempore*. The Chair thinks the question of proceeding to the consideration of a bill is not debatable.

Mr. VEST. Let us take it up.

Mr. SHERMAN. I desire to make some observations upon it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nevada.

The motion was agreed to—ayes 21, noes not counted.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. The bill is before the Senate. The question recurs on the motion of the Senator from Colorado [Mr. TELLER] to lay on the table the motion to reconsider the vote on the passage of the bill.

Mr. TELLER. The Senator from Ohio asks me to withdraw that motion that he may submit some remarks, and as I have done that for everybody who wanted to talk I feel that I must do it for him. Therefore I withdraw the motion, and I shall renew it at a later time.

Mr. HARRIS. Before the Senator from Ohio proceeds I wish to make a parliamentary inquiry about which I have no doubt myself.

If the Senate shall reconsider the vote by which this bill was passed, the Senator from New Hampshire [Mr. BLAIR] who made the motion to reconsider connecting with it the declaration of his purpose to offer a certain amendment which he had read, it would be quite in order, would it not, if the bill be reconsidered, to move to commit it to the Committee on Foreign Relations?

The PRESIDENT *pro tempore*. The Chair so holds.

Mr. HARRIS. I asked the question in order that there should be no misunderstanding about it if the vote be reconsidered.

Mr. SHERMAN. Mr. President, having already early in this debate expressed my strong desire to vote for the exclusion of Chinese laborers from this country, and believing that this bill if it stood alone, without any connection with the treaty with China recently pending in the Senate, would be a wise bill, I yet appeal to Senators on both sides of the Chamber, for considerations of national honor which ought always first to be heeded on any question that is presented to us, that they allow the bill to stand in its present position until we can ascertain whether or not the treaty now pending between the two nations will be ratified. That is my only desire. If this bill is allowed to remain in its present position and it shall turn out that this treaty will not be ratified and that the Chinese Government has taken ground against the ratification of the treaty, then I should be willing to vote and I would vote with pleasure for the passage of this bill; but pending that question I submit as a matter of national honor whether it is right and proper for us to seek to nullify a treaty that is now being considered by a friendly nation, a treaty that has been ratified by this body, to which we have committed ourselves in every possible way—whether it is right at this stage of the proceedings to proceed to nullify and abrogate not only all existing treaties with China, but the treaty at present pending between these two nations? I frankly say that if our position was reversed, and Great Britain were thus to act towards the American people, I would without hesitation vote for a declaration of non-intercourse or war.

It is a departure from all the usages of civilized nations. It is a departure from all considerations of national honor. No man believes that the House of Representatives would have passed this bill except upon the supposition that the treaty had been rejected by China. It was understood in that House at the time it was passed that the Chinese Government had refused to ratify the treaty, or it would not have passed. I can assume that but for that supposed fact the bill could not have passed the House of Representatives. It came to us here; and but for the general idea that the treaty had been rejected by China the bill would surely have been referred to the Committee on Foreign Relations and taken the ordinary course prescribed by our rules for the consideration of public measures. There is no doubt about that.

Early in the debate I said that my action and my neglect to make the ordinary motion to refer the bill to the Committee on Foreign Relations was based on the idea that I then assumed to be accurate and correct, that the President of the United States had information that this treaty would not be ratified, and therefore that the Congress of the United States would be at liberty to proceed upon that basis. Proceeding upon that basis I was willing that Congress should by law put an end to this whole system of Chinese immigration.

But since that time the condition has changed. We are informed officially by the President of the United States that this treaty is still under consideration. We are informed from other sources, of which there can be no question, that the Chinese minister is now on his way to this country for the purpose of either conveying to us intelligence that it has been ratified or that it has not been ratified.

Mr. TELLER. I would call the attention of the Senator to the fact that the Chinese minister has not been to China since this treaty was made.

Mr. SHERMAN. He has been in Peru in the execution of his duty, and he must be undoubtedly in communication with his government either in Peru or here by telegram. There can be no question about that.

Now, I ask you, is it right to deal with a nation great or small—the argument would be just as strong with a nation of one hundred thousand as with a nation of three hundred million people—is it right, honorable, just, proper for us suddenly, with full information now that the treaty is being still considered by the Chinese Government, not only to nullify the treaty that we have just proposed to make, but to nullify all the treaties that exist between China and the United States, because if we violate or abrogate any portion of any of these treaties it is by the law of nations, at the will of the other party, an abrogation of all treaties. The Chinese Government might at once with great propriety and according to the system of civilized nations, upon our refusing to observe existing treaties or seeking to abrogate any provision of any of these treaties, declare that all the treaties are null and void. There is no question about that.

This situation has already excited the conservative mind of the people of the United States. They have not gone crazy on this question. They do not want anything done to China that would not be done to any other nation. We have all proceeded on the principle that the Chinese Government is one to be treated according to the laws of civilized nations. We boasted when we made our first treaty with China that we had broken down the barrier of three thousand years of prejudice and seclusion, and we believed that in accomplishing that we had done a great good for our country, opened to us avenues of new commerce, and the result of the opening of such communication has been that we have developed an enormous trade with China not only of imports but of exports. Now is it wise for us to put ourselves in a position where the Chinese Government might with great propriety and with proper regard to established usages put an end entirely to all our treaty relations and all our commercial relations with that great country?

We do no harm in postponing this treaty from day to day. The gentlemen from the Pacific coast ought to remember that they are but a part of this country, and while their voice on this question is potent, and we are willing to follow them and have followed them without regard to party lines and local distinctions, have followed them to extreme measures for the exclusion of all laborers of the Chinese race, and propose to follow them still further, yet we do insist as the representatives of a law-abiding and law-governing people that this proceeding shall be in an orderly manner, and that no undue or unnatural or unusual course should be taken in dealing with the Chinese Government. Therefore I appeal to Senators to let this matter stand as it is. It is safe in the hands of the Senate of the United States. The bill has passed the House of Representatives, and we can pass it any day. The Senate can act in a day; any Senator can make a motion to proceed to its consideration when we know whether or not the treaty has been acted upon.

Suppose the treaty is ratified by China, the President of the United States can not with propriety in the face of this law if it pass exchange the ratifications, and the treaty does not take effect until these ratifications are exchanged. The ratification of a treaty is precisely the same as the appointment of an officer. We may approve an appointment and then the President may withhold the commission. That is settled by one of the oldest decisions of the Supreme Court of the United States. This treaty is still pending and not yet ratified by the contracting parties. If we pass this bill and make it a law we nullify the treaty, a treaty that we ourselves ratified. We can not do that consistently with national honor, unless for some flagrant act or cause; it would not be a good example to set to the nations of the world.

Therefore I, speaking as the chairman of the committee here charged with this matter, a committee bound to see that our treaty obligations and our friendly relations with all nations are observed according to their usual order—I appear as one of the members of that committee to object to this exceptional course when there is no occasion for it, as this bill is under the power of the Senate, and on a mere motion when we have full information may be enacted into a law when the President shall sign it.

Suppose this bill is sent to the President of the United States. I do not for a moment suppose that any Senator here wants to play a mere political game and put the President in an embarrassing position in dealing with foreign nations, or as has been expressed elsewhere put him in a hole. How can he say, or how could any man say, whether this bill ought to be approved until he knows what is done with the treaty? Suppose he is called upon to approve the bill sent to him in the face of his declaration that the treaty is still pending between the two nations; do you expect him to sign that bill and thus put an end to our relations with China? If he does not do it, he may be embarrassed by grave political considerations affecting his party and his country. We do not care for him or for his success on this side of the Chamber, but we do care if it also affects the national honor, for this we are bound to consider on both sides and by every Senator.

Therefore, I appeal to the Senator from Nevada and the gentlemen who agree with him, not that I expect them to vote against this bill or to change their opinion, but that they allow it to take its due course and await the result of the action already had on the treaty. If that should not be carried into full execution by the ratification of the treaty, which not only provides for cutting off all Chinese immigration hereafter, but also provides for excluding even Chinamen holding our certificates in foreign countries from returning to the United States, a treaty that goes to the full length of this law—then it seems to me is the time to pass this bill, and until then we ought not to take one single step further.

For these reasons if I stood here alone I would demand and insist that this bill should remain until the treaty is disposed of. There should be no child's play, no party tactics or undue haste in dealing with our treaty relations with foreign nations. When we offered the Chinese Government a treaty we offered it in good faith, proposing to cut off all Chinese immigration and to pay them a large sum of money for injuries that were done to Chinese subjects. If you defeat the treaty by this law, you make no provisions such as by the unanimous vote of the Senate were held to be necessary and proper to give to the Chinese Government compensation for injuries done to Chinese people in this country. You defeat the treaty and pass a law and thus revoke an appropriation that has been made already to pay the Chinese Government for the injuries done to Chinese subjects.

Why not let it rest? There is no reason, and I appeal to Senators on both sides to do so. Remember now that this is not a question of Chinese exclusion; it is not a question that affects the Chinaman in this country or outside of this country, or the Chinese people, but it is a question whether the Senate of the United States, the conservative guardian of all the great interests of this country, will suddenly and rashly in the face of the information we now have abrogate a treaty which we have only recently ratified, and do it summarily without any of the necessary provisions needed to accompany it.

I say I will not do it, and I trust the Senators on both sides will see that it is not done. I am bound to say that a large majority on the other side of the Chamber, although they probably are in favor of Chinese exclusion as strongly as the Senator from Nevada, yet they have seen the bearing of this question upon national honor, and I will not be behind them in standing by the good faith of this nation in dealing with China as well as with every other nation and with all the peoples of the world.

I can not conscientiously, with my view of public duty, see here a gross, obvious breach of the treaty with a foreign nation made suddenly upon statement of facts that do not exist. I would not do it for the world, although I am willing to do anything that is proper and necessary to carry out the object of those gentlemen who are pressing this bill so strongly. While their people, no doubt, feel keenly the necessity of stopping Chinese immigration, I think they ought to be willing to await the ordinary course of events. They were well satisfied with the treaty that was made here the other day. All their papers, so far as I saw, and all their Senators, I believe every one of them, voted for it, including the Senator from Nevada.

Mr. TELLER. I always enter a disclaimer when that statement is made. I voted against it.

Mr. MITCHELL. I never voted for it.

Mr. SHERMAN. It is certain that the great body of the Senate voted for it. It is therefore an obligation resting upon every one, on the two-thirds and more than two-thirds who voted to ratify the treaty.

I supposed the Senators all voted for it, but they say not. That is the end of it.

Mr. STEWART. I voted for it.

Mr. SHERMAN. The Senator from Nevada says he voted for it, and I know myself, from having reported the treaty, that it was based upon the representations of the Pacific coast. Senators from the Pacific coast came before the Committee on Foreign Relations and insisted that the treaty as sent to us was not sufficient, that it might be evaded by technical reasoning, and they therefore asked and demanded of us the very amendments that were proposed to the treaty, every one of them concurring of both political parties. That treaty having the sanction of the Senate and the approval of the Senators from the Pacific coast, was ratified and sent to the President, and the President has done his duty in trying to secure the ratification of the Chinese Government. Before the Government of China has had in due course the opportunity of acting upon it, it is proposed that we should abrogate this and all other treaties.

Sometimes it has been said, it has been said here to-day, that the Chinese are too slow about this. There are 8,000 miles between us. Telegraphic communication is not always to be had and is very unsatisfactory. Here is a peculiar nation, a peculiar government with a great deal of form and red tape. Suppose they should take a little longer time than we deem necessary. They have not, indeed, taken as much time as the Senate of the United States took to consider any one of a dozen treaties that have been ratified at the present session. In some cases we have ratified treaties that have lain on our tables two years; and now because the Chinese Government has not promptly come up to the extreme measure contained in the recent treaty we will give them no longer time, they have had enough time, and therefore we will go to work and abolish and abrogate all our treaties with them.

It will not do. It is not consistent with good faith, with national honor, and therefore I insist upon it so far as my vote will go and my voice can go that this bill remain here in the position in which it is, the most favorable possible, when a single vote can at any moment pass it, until we know whether or not the treaty we have sent them has been ratified.

Mr. GEORGE. Mr. President, I am very much gratified by the remarks that have fallen from the Senator from Ohio [Mr. SHERMAN]. When this bill came into the Senate a few days ago my first impulse was, as the RECORD shows, to have it referred to the Committee on Foreign Relations. I made a motion to that effect. I withdrew it only after the failure on the part of the Senator from Ohio and every other member of the Committee on Foreign Relations who was present, and every other member of the Senate who was present, to put in one word in favor of that motion. The bill had not been printed then. I did not understand its contents, for it is very difficult sometimes to catch the full meaning of a legal document by simply hearing it read at the Clerk's desk. It has been printed since. I have looked into this matter a little, and I am as well satisfied as I am of any proposition that was ever submitted to my mind that the undue haste—I might use another expression and be well justified in using it—that the undue race, the contest for swiftness and haste between the two opposing sides of this Chamber looking to the vote of the Pacific coast in the Presidential election should not have intervened.

Mr. PLUMB. Will the Senator allow me to interrupt him there?

Mr. GEORGE. No, sir. In regard to this bill involving, as the Senator from Ohio justly and wisely said, the national honor, if it had not been for those circumstances, this undue haste, this unseemly contest would not have occurred.

Mr. President, on the 7th day of May last, just four months ago, this body in executive session, by a vote of more than two-thirds of those present, ratified the treaty now pending before the Emperor of China. In making that ratification we saw proper to put on two amendments, which amendments, in my regard, do not change the sense or meaning of the treaty at all, but they were amendments, and we having exercised the power of amendment thereby notified the Chinese Government that the treaty as amended met our entire approbation.

There is no provision in that treaty, as there is in some, that there should be an exchange of ratifications of the treaty within any specific period; so that, according to the terms of the treaty itself, either party was entitled to take just such time to act upon it as in its own judgment it saw proper, and, as the Senator from Ohio well remarked, in cases of this sort there is no technical rule of limitation which requires haste upon the part of a government; that we ourselves in deliberating upon solemn treaties and solemn contracts with other nations have even taken as much as two years in which to come to a final conclusion.

I had the curiosity when I thought of this Empire of China with all of its singular attributes as a nation, as alluded to by the Senator from Ohio, to see what had been the course of China in reference to her other treaties which we had made with her. I find that the first treaty we ever made with China was concluded on the 3d day of July, 1844. It was proclaimed by the President of the United States immediately after the exchange of ratifications of the treaty, on the 18th day of April, 1846, nearly two years occurring between the signing of the treaty and its coming into effect as a bargain between the two countries. I find in reference to the treaty of 1858 that it was concluded on the 18th day of June, 1858, and it was proclaimed by the President of the United States as a treaty on the 26th day of January, 1860.

Thus our prior intercourse with China, our knowledge of the red-tape, of the delays, and so on which occur in that country with reference to the ratifications of treaties, and especially treaties with us, notified us that there would be delay, and in the instances which I have mentioned there were delays of nearly two years; and as to this treaty there has been a delay, not from its conclusion, or from its ratification by the Senate with amendments, but from its original negotiation of about seven months.

Now, Mr. President, I put it to every Senator here present when we have thus made a treaty with China, by which we acquired valuable rights, by which we acquired by her consent a release from a most onerous obligation that had been imposed on us by the treaty of 1868, when we had deliberated upon that treaty, when we had amended it so as to make it suit us exactly, without consulting China or her minister with reference to the amendments, is it consistent with that high notion of national honor which should characterize the Government of this great country? You may call China barbarian or semi-civilized and all that sort of thing. Possibly it is; but, sir, national honor, the pledge of national faith is just as binding upon us whether it be made to the greatest, the grandest, and the most civilized nation in the world, or whether it be made to China.

For these reasons and for the reasons so well expressed by the Senator from Ohio I hope that this body, the conservative force in our politics, the guardian, made so by the Constitution, of treaties and treaty rights and treaty obligations with other countries, will not with undue haste proceed to the passage of a bill which no man denies, which no man can deny, is plainly, openly, flagrantly in violation of a treaty which we have made with that empire. This violation is not a matter of argument, as was in the case of the law of 1882, but our treaties with China expressly state that, whilst we may suspend and limit the immigration of Chinese laborers, we shall not prohibit it. This does prohibit it.

What are we to do? We have made a treaty with China very recently, in which more than two-thirds of this body concurred, and, as the Senator from Ohio stated, it was made in accordance with the wishes and the declarations and the representations of the Senators from the Pacific coast, made by them to the Committee on Foreign Relations. Now in seven months, when we have heretofore waited nearly two years before any treaty with China could be consummated, in hot haste we come and violate the treaty.

I want to allude to another remark made by the Senator from Ohio for the purpose, if my poor powers can accomplish such a thing, of enforcing the view presented by that Senator. I desire to call the attention of the Senate to these treaties. The treaty of 1868 and the subsequent treaty of 1880 are but additions to the treaty of 1858, which is a substitute for the treaty of 1844. They therefore become a part of the treaty of 1858, and if we abrogate it, it is abrogated entirely. There is no such thing as a partial abrogation of a treaty, except by the consent of the two contracting parties. Then that is not called abrogation, but a change of the treaty by mutual consent. Every article in a treaty, every stipulation in a treaty is the condition of every other article and of every other stipulation.

If you take away one, it being the condition of all the others, then you destroy the whole; and then what becomes of your commerce with China? For without the treaty of 1858, which, as I said just now, was a substitute for the treaty of 1844, you have no right to put an American vessel within any port in China; you have no right to claim that any American merchant or any American missionary shall put his foot upon the soil of China. And suppose China should claim, as she has a right to claim, that "as you have abrogated your contract with us whilst there was pending before you and before us a proposition to change these treaties in accordance with your wishes"—suppose she should say to us, "as you would not allow time for the consideration of it, but you made haste to destroy the treaties so far as they were binding upon you, we accept the proposition made by yourselves, to treat all the treaties as null and void."

Therefore, Mr. President, I shall vote with as much pleasure as I ever cast a vote in my life, I shall vote because I believe it to be my duty to do it, to reconsider this measure and refer it to the Committee on Foreign Relations.

Mr. EVARTS. Mr. President, my absence from the sessions of the Senate during the whole period that this matter of Chinese immigration has been before the two Houses of Congress finds me now with the first opportunity to express my views in regard to the pending bill.

This pending bill has as many relations to the great interests of this country as almost any single bill presented could have. In the first place, it is for the first time in the diplomatic history of this country an intervention by legislative action while there was a treaty negotiated by this Government in all its constitutional forms pending for adoption by a foreign nation, and this intervention not only rebukes and repeals our action in that diplomatic conduct of affairs, but it immediately and absolutely affronts the foreign nation with the suggestion that we will no longer tolerate any such method of dealing with the matter between us.

That, Mr. President, when once stated, seems to me a sufficient reason why in this body a bill of that kind should be referred to the Committee on Foreign Relations.

But this bill has relations not to the uncompleted treaty alone, but has relations to all the existing treaty arrangements between us and China; and China is our great friend, always looking to this nation to stand for justice to a non-Christian country when she could not expect it from any European power; and yet no European power, with its rude oppressions of China in the interests of its trade, has ever undertaken to present to that great nation and that dignified and sensitive Government a proposition of this kind.

I will first say a word in regard to the present condition of the treaty which so recently received the almost unanimous support of this body.

The Senator from Alabama [Mr. MORGAN] has introduced, it seems to me, quite a novelty into our treaty-making power. There is but one treaty-making power representing this country, and towards foreign nations it is strictly true. Though the forms of our Constitution divide responsibility and require concurrence, yet as towards those nations there is but one treaty-making power here. That treaty-making power is in the Executive as our representative, and wholly our representative, toward every foreign nation. He has the complete authority to negotiate and approve and agree to, so far as the foreign nation is concerned, and so far as the commitment of the executive authority is concerned, merely to negotiate a treaty; but it is a part of our Constitution, and so known and understood diplomatically abroad, that the Senate must give its advice and consent in concurrence with the executed will of the Executive in respect to a treaty or this Government is not bound.

Now, this Senate has passed through that stage of internal and divided authority, and has placed in the President's hands a treaty of his negotiation, which we have approved with some amendments that we have appended. It was quite competent for the President of the United States, having received this qualified approval, advice, and consent to have relinquished the negotiation then and abandoned it. The qualifications of the Senate might seem to the President unsuitable to the negotiation and to the proposed treaty, and then it would have been a *res infecta* between the countries and neither could take offense; but the moment the President of the United States, taking the treaty with these modifications and our approval, sends it forward for the consideration of the foreign government, then absolutely and completely the whole treaty-making power of this country is presented and engaged for its deliberation and assent.

Mr. MORGAN. Will the Senator from New York allow me to ask him just there whether after the President has done that he still has not the right under the Constitution to refuse to exchange ratifications?

Mr. EVARTS. That is a question that will come after I get through with what I am now saying. It does not affect in the least the proposition that I now make.

The Senator from Alabama seems to think that this is a Senate treaty, the Executive treaty having failed between us and China, and the Senate treaty is now under consideration before the Emperor of China. There is no other way to make a treaty with this part of the treaty-making power. It has made one with the President and another treaty comes out of that agreement, and now the question is whether they will come to an agreement with this body while it all remains *res infecta*. Then the President, after it comes back again, can say, "Well, you have agreed to the Senate's treaty, but not to my treaty, and I do not agree to the Senate's treaty."

I submit, sir, to the further consideration of the Senator from Alabama, that when the President of the United States communicates a treaty that has received amendments for the consideration of the foreign power, the President accepts our amendments as a part of his negotiations, and the further proceeding is wholly with the foreign power having engaged to it in this form, both the Senate's concurrence and the Executive's desire and design and engagement.

Well, now, the Senator asks a question shedding no light upon the proposition I have laid down, which is perfectly clear and perfectly intelligible and can receive a direct answer. After this engagement thus presented, if the Chinese Empire declines concurrence, there is no treaty. If the Chinese Government accedes to the modified treaty, then that Government is engaged to this Government in the completion of this treaty, but there is no completion between nations of any treaty until ratifications are exchanged, and it is quite competent for either nation to proceed no further, and then the treaty fails; but it is in the nature of a *post hdc* consideration, and there may be grave, interesting, and valuable reasons that prevent an exchange of ratifications.

There may occur changes of opinion, changes of interest, and caprice, if you please, of a domestic motive and a domestic application that will incline a government not to exchange ratifications. Sometimes a President may consider it for the welfare of the country to refuse a ratification; sometimes, when the government have committed themselves thus fully, they may regard that refusal on his part as not consistent with his duty to the country though it is within his power; but when ratifications are not exchanged then there is no treaty. There is no difficulty about that.

But here the transaction is of a legislative power intervening, interrupting, preventing the courtesy and amity and equality between nations, which thus rudely interrupts the action of the foreign power without any public reason having arisen whatever; and the foreign nation thus interrupted in deliberation over what apparently was a sincere and deliberate proposition of treaty is notified "we prefer to take into our own law the changes in your treaties that we had held out to you might be accomplished with your concurrence and with the preservation of amity and mutual respect;" and the foreign nation, whether it be feeble or great, whether it be connected with our European system of civilization and of commerce, or whether it confronts us as the great Asiatic power and the great Asiatic industry that confronts us across the Pacific sea, with being a great commercial Pacific Ocean nation nearer to the Orient and the Ind, that has been sought and followed after for the wealth to be gained from it for a thousand years.

What, then, is there in our past relations that would thus be rudely jostled if they be not actually abrogated and annulled? They were of the most friendly nature. There has not been an approach that this Government has made to China in our domestic interests, in the questions of our polity, the questions of our naturalization, and the questions of immigration, that the great nation confronting us has not met us in the most conciliatory and the most yielding attitude.

We made a treaty of great importance, ratified and concluded by an exchange of ratifications in 1859, by which a vast improvement was made in our relations with China; and it took the place of the former somewhat fragmentary condition in which we stood to them. Everything there was of concession and of advantage to our trade, our citizens, our religious faith, our missionaries; and yet every one of these concessions and arrangements was a departure from the settled polity and policy of thousands of years. Let me ask attention to the general nature, which I find alluded to in a message from President Hayes to the Congress when the question of the abrogation of treaties in 1879 was up:

> The principal treaty, of which the ratifications were exchanged August 16, 1859 recites that the "United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting, and sincere friendship, have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules of which shall in future be mutually observed in the intercourse of their respective countries," and proceeds, in its thirty articles, to lay out a careful and comprehensive system for the commercial relations of our people with China. The main substance of all the provisions of this treaty is to define and secure the rights of our people in respect of access to, residence and protection in, and trade with China. The actual provisions in our favor, in these respects, were framed to be, and have been found to be, adequate and appropriate to the interests of our commerce, and by the concluding article we receive the important guaranty "that should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege, or favor connected either with navigation, commerce, political or other intercourse which is not conferred by this treaty, such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants, and citizens." Against this body of stipulations in our favor, and this permanent engagement of equality in respect of all future concessions to foreign nations, the general promise of permanent peace and good offices on our part seems to be the only equivalent. For this the first article undertakes as follows: "There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings."

That is our treaty. How many Chinese subjects were in this nation on the Pacific coast at the date of that ratification? Two hundred thousand of them; and no question was raised by us. No point, no clause, no phrase was introduced to show that these our promises, not to our friends, did not cover, with our eyes open and in our actual condition of immigration, our obligation.

What happened next? The treaty of 1868, or the Burlingame treaty, a treaty given us also by our desire, enlarged for our then present occasion the introduction of these laborers from China; and when it was found that this, although but a temporary motive seemed to justify it, yet introduced a foreign element, incapable of ingratiation with our race, with our Government, and when we desired a reconsideration under these proper and just necessities, as we regarded them, we were met in the same spirit, and there was no guard, no restriction in the freedom of their concession as to the abrogation of that treaty except a due protection of those who were here under our invitation.

Mr. President, I have no occasion to find it necessary to yield anything on the question of opposition to the immigration of the Chinese. I heartily agreed in the position as it then arose in 1879 that we should be the masters again of the question of immigration from China, and on the highest considerations and without hesitation I espoused the measures that led to the exclusion. But not then and not now will my desire and my convictions that we should not entertain this foreign race as a part of our population lead me to flout our obligations by treaty.

It became my duty to give advice to the President as to whether the bill that had then passed both Houses by great majorities was consistent with the duty of this Government to its treaties, its public faith, and its honor; and to show how quickly even in the very minds and in the very votes a measure can be rushed upon a provocation and an excitement, of a public nature to be sure, but yet not as deliberative and as cool as it should be, when the President's veto was read in the House

of Representatives, where the bill had passed 155 to 95, there was but a vote of 110 against 96 to pass the bill over the veto. It did not reappear in the Senate by its being thus disposed of constitutionally in the other House. But immediately the Government undertook to negotiate a treaty that should absolve us from the obligations of the Burlingame treaty. Let me call attention to that treaty for a moment, for its brevity, for its completely executing the purpose in its prospective treatment:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

The future legislation that was to execute this conceded privilege of absolving us from the obligations of the Burlingame treaty contained this very proper provision, as it seems to me, as it seemed to me then, and as it seemed to the Senate in approving the treaty as negotiated:

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

Of course the nations dealing with us in amity always raise any question of our legislation that seems oppressive and contrary to amity. But this polite nation was not willing to put itself in the position, after it had parted with the principal power, to be considered as harping or criticising without a reservation of that right, so that acting in the dark, so to speak, without the legislation before it, it might have this privilege of questioning between the nations, not the validity, for it had parted with the power, but the propriety of the legislation.

On the same day with that treaty we made a supplementary treaty to the commercial treaty of 1858, and therein we were elevated in the judgment of that power far above every foreign nation with whom it had ever dealt. If there be a sincere, a humane, a benevolent purpose on the part of the Chinese Government towards their subjects, it is to save them from the horrors of the opium habit and the destruction of character, of health, and of life; and every nation immersed in trade has carried its point always by evasion, by browbeating, and finally, at last by England, by war to keep up and insist upon the trade.

But now for the first time this Christian nation of ours, dealing with this non-Christian nation, undertook to cut ourselves loose from the Western proposition that these nations were all to be treated as subordinate and subject to our trade and our purposes of trade, by providing either for an obligation on our part to see to it that our citizens did not engage in the importation of opium into China against its laws, or by its commerce or its navigation within its own waters aid in transporting from place to place within it, giving us also on our part by this treaty certain serious and practical advantages in our trade and engagements with China of a domestic nature within that territory. That put us at once upon two propositions, that is, is this country as ready to make its treaties with a non-Christian power as a Christian power in weaving around Japan and China a web of interference with their domestic affairs and with their freedom in their customs regulations? If we found ourselves subject to regulations onerous and intolerable, we submitted always to them, having reason and justice and friendly consideration adequate to relieve us. Then on her part she has found this great, humane, benevolent engagement on our part and that for it we were on the side of the humane domestic legislation of China against the greed of all the trade of all the nations, including our own.

Those are the treaties, superadded to the common and free arrangements of the treaty of 1858. What does this legislation do with those treaties? Upon looking at this bill I am not so sure that it should be treated as an abrogation of the treaties, but it is an absolute violation. The bill does not convey to the Government authority to denounce the treaty of 1880 or to denounce any sections of that treaty. The former bill as it came up from the other House in 1879 was substantially of the same nature, though rather covert, with what is now proposed to be done in this bill, though that was done upon the Burlingame treaty, and not after the treaty that we made in 1880, which was supposed to be satisfactory to us. But in the Senate a section was added which directed the President to communicate to the Chinese Government the abrogation of the fourth and fifth sections of the existing treaty. Then the question arose directly for the President to consider and for me to advise, and it seemed to me very clear that the Burlingame treaty was imbedded in the treaty of 1858 in its own terms, and there could be no possibility of dislocating any denunciation of a part of the Burlingame treaty that did not carry down the whole; that is to say, that did not in the conception and intelligence and interest of the Chinese Government, without any denunciation by itself of any portion of those treaties, regard it as a denunciation of the whole fabric.

It is well to talk about a denunciation of a treaty as being something that is within a permission or a right, but a denunciation of a treaty is a violation of a treaty. That is all that it is. If there is no reserved right of denunciation, then it is a violation of that treaty, and of its terms and of its duration; and it leaves to the foreign government the right to put its own construction, if it be consistent with our action and be equivalent to a rupture of our relations, to justify such methods of resistance and resentment as it sees fit.

While we were talking only, and thinking, and the legislation was proposed in 1879 with these modifications and denunciations of the treaty, the whole fabric of the protection of our citizens, of our commercial or Christian civilization and its purposes, were at the mercy of China as by a blow, if we should have passed that bill. If we had desired or expected that tolerance, deliberation, humanity should govern that nation towards our commerce and our citizens, it would not be by expecting it from the lessons that we taught them; it must have been from some non-Christian example that they would have found that forbearance and that humanity, and not in this Christian nation that had dealt with it. But in the method that was then taken, and which was followed up by the law-making power in 1882, we stood better and better with China. We had accomplished the first and practical act—that is, of liberation from our own negotiation and our own obligations as sought by us in the Burlingame treaty.

Is it any fault of China if we do not know how to pass searching and vigorous laws in execution of our rights as conceded to us by the treaty with China? Is it any fault of China that we, being a free and not a despotic nation, find difficulties in executing our rightful laws, and that our customs officers, either by negligence or by the principles I have stated, of freedom and adherence to law, find it an embarrassment to us to execute what has been conceded to us? Certainly we have no right towards China but to present to her these difficulties and ask for a further concession in maintenance of our diplomatic relations and our existing treaties and desires further in this direction.

The proposed treaty of 1888 is precisely of that nature, and until within the last few weeks no question was raised in this country but that that treaty with China gave us, if not all the power a despotic government would have, all the power that as between us and China it was righteous for us to ask or was just on the part of China towards us. To what does it relate? It relates to the dealings with the citizens and subjects who are already here under permissive treaties which have tolerated if not invited them. Do you suppose when China has been asked by our amendments to carry this exclusion by its consent to the very verge of our need or our desire, she does not, as a parental government, just to its subjects, feel a scruple of scrutiny and deliberation before it concedes what when once conceded is irrevocable as to the fate of its subjects who have departed from its shores to our country, our hospitality inviting and protecting them?

Mr. MORGAN. I do not wish to interrupt the Senator from New York except to ask him if he remembers the number of instances in which the Chinese Government has made reparation to our citizens for wrongs and injustice done to our people in China under the same treaties.

Mr. EVARTS. Yes, uniformly reparation has been made, I believe.

Mr. MORGAN. In how many instances?

Mr. EVARTS. I can not say, but in every instance in which we needed it.

Mr. MORGAN. China has always made reparation to us?

Mr. EVARTS. I think so.

Mr. MORGAN. So that her people have violated treaties as well as our own?

Mr. EVARTS. We have not hesitated to return damages and reparation when we were obliged to do so. I do not mean obliged by China, but obliged by our own sense of duty.

Mr. MORGAN. I wish to state, if it does not interrupt the Senator from New York, that in his absence his colleague [Mr. HISCOCK] informed the Senate that the Senator if present would vote for this bill, and thereupon my pair with the Senator from New York was considered as being at an end, and I of course was at liberty to vote. I owe him an apology, finding that he is opposed to the bill, for having voted.

Mr. EVARTS. I do not think that any apology is due to me from the Senator, nor is any apology due to me from my colleague. My colleague acted upon his judgment in the matter, and it was quite right that the Senator should act upon that concession. I had observed that up to a certain point my colleague had reserved the opinion concerning me, but at last when there was general consent all around, I suppose, of everybody, and no one opposing the bill, he considered that I might come in then in favor of the bill.

I have said that I am not certain that this can be properly treated as in our intent and purpose a denunciation of the treaty; but it is certainly a violation of it, and would not need any justification from China itself to denounce the treaty in consequence of its violation. If the bill does not attempt to abrogate, but only to violate and take the consequences, and if China does not retaliate by abrogating the whole fabric because of this encroachment and violation, then, on the face of the bill, we should be open to every reclamation against this Government for every one of the Chinamen who was put to a loss or injury to his stipulated rights under the existing treaty. It is a violation of their

rights; it is a violation of the rights which are secured to them not only in general, but by our own legislation giving them the rights and the immunities of their rights; and then if the matter went no further, every one of these Chinese laborers who is placed under a ban and an exclusion, when without this bill he would have rights by law, will have a reclamation, and this Government will have no answer in the forum, I will not say of conscience, because rightful duty is our law, private and public, under an absolute obligation to make indemnity.

I do not raise this question as bearing upon the amount of burden upon the Treasury, which should be cheerfully borne, but it represents exactly what the nature of this transaction is; that it is a violation not only of our obligations to China, but it is a violation of the personal rights of these people as now enjoyed under our laws.

Is there any Senator here doubts if China should thus deal with our citizens there, enjoying the hospitality and protection of the treaty of 1858 and the treaty of 1880, what this Executive, what this Congress, what this people, would say, though it was the humblest attendant upon a missionary's establishment or a mere clerk in a mercantile firm there? What has the President thus lately encouraged the American people? That we do but half our duty in protecting our citizens here if we do not protect them also abroad. What is the *casus*, what is the situation of deliberation on the part of the Chinese Empire as to what it regards as a grave extension of its privilege in dealing with subjects of that empire still here? What is the delay? We had a treaty with a little power down in South America, with Venezuela. Although we made a remission of our treaty and made a new bargain, how long has she been without ratifying that concession of ours? Is it two years, or three years? The Senator from Alabama is better informed on this as on other affairs.

Mr. MORGAN. My information is—it is not official at all—that the convention has been ratified.

Mr. EVARTS. Just now. What was the delay?

Mr. MORGAN. There was quite a delay.

Mr. EVARTS. A couple of years.

Mr. MORGAN. I suppose the same thing will occur with any Oriental people or any Spanish people or any people who want to defer a question of this kind. I suppose we shall always have delays about such matters.

Mr. EVARTS. Mr. President, I have sufficiently indicated how I should have voted had I been in the Senate. I have one word more to say in regard to the situation, as I understand it, which would be produced by the passage of this bill, and then the ratification by the Chinese Empire of the pending treaty. If ratifications are exchanged between this Government and the Chinese Empire, which is dependent upon the Executive here so far as this nation is concerned, this act, if it shall pass, falls to the ground, for it is a settled proposition that a treaty and a law are of equal import and dominion domestically, and the latter one, therefore, whether law or treaty, is the paramount power.

Mr. BLAIR. I should like to ask at this time a question. The Senator from Ohio [Mr. SHERMAN] and others have spoken of the enactment of this bill into a law as operating as a breach of public faith with China; and the whole debate seems to go upon the assumption that while this instrument which we have approved is in the possession of the Chinese Government, and unaccepted by that government, there is no power on our part of a revocation of our proposition. I should like to ask the Senator what rights we have in that regard, if they are pursued in the due and formal manner?

Mr. EVARTS. I have perhaps covered that point sufficiently by my reply to the Senator from Alabama.

Mr. BLAIR. That may be true. I was obliged to be out of the Chamber for a few moments.

Mr. EVARTS. Until ratifications are exchanged it is no treaty.

Mr. BLAIR. There is the power by giving notice of revocation.

Mr. EVARTS. There is power now to give notice, undoubtedly; and politeness requires it. Courtesy between nations requires that immediate notice, if this bill passes, should be given that this Government does not propose to go on with the treaty.

Mr. BLAIR. The national honor requires that.

Mr. EVARTS. The national honor is violated in respect to the treaty already in force, as I have stated.

Mr. BLAIR. I was speaking only of the pending treaty.

Mr. EVARTS. We have violated our obligation in respect of this inchoate treaty, in that without any public event between China and us whatever we have departed from negotiations and have undertaken to pass laws which are at variance with the existing treaty. It is not only an obligation to behave as a man of honor, but it is an obligation to behave in a manner that justifies castigation if we do not perform it.

Mr. BLAIR. If that be the principle, I do not see why it is not a destruction of the right of revocation of our proposition. If a proposition can not be recalled in a due and formal manner without a justification of war, it seems to me there can be no such right.

Mr. EVARTS. I was speaking in regard to the existing treaty.

Mr. BLAIR. May I ask the Senator whether we have not the right by a law to abrogate the existing treaty without any violation of the national honor?

Mr. EVARTS. No; we have the power.

Mr. BLAIR. I suppose that the power resides in the Congress.

Mr. EVARTS. We have the power.

Mr. BLAIR. It strikes me that we can not have power to do a thing which is wrong.

Mr. EVARTS. We often do.

Mr. BLAIR. I do not know; but we have perhaps the power derived from the devil to do it. However, the powers of this Government to which I refer are supposed to be derived from a higher source. The powers vested in the Constitution, the powers which we have by virtue of international law, the great principles of right and justice are the powers I had reference to.

Mr. EVARTS. We have the power by the Constitution to do things that are wrong, morally wrong, politically wrong, and in the interest of society wrong. The best evidence of that is that we frequently repeal them because we find that out. But the power and the right are two different matters.

Mr. JONES, of Nevada. I should like to ask the Senator whether, if the people of this country should become convinced that a continuance of the treaty was working great and permanent injury to the country, it would be not only our right but our duty to abrogate it?

Mr. EVARTS. To that I agree: and we take the consequences.

Mr. JONES, of Nevada. That is the proposition. Then there is no wrong in doing that.

Mr. EVARTS. There is no moral wrong in doing that, but it is a violation of your obligation, which you have faced under a sterner necessity.

The only instance of the denunciation of a treaty is that of the French treaty, which we denounced; but see with what preface we accompanied that action:

> The action of Congress in the matter of the French treaties, in 1798, if it be regarded as an abrogation by this nation of a subsisting treaty, strongly illustrates the character and degree of justification which was then thought suitable to such a proceeding. The preamble of the act recites that "the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity."

That was our situation, which we thought gave the right to abrogate a treaty.

Mr. MORGAN. Will the Senator from New York allow me to ask him a question? I ask him whether the declaration made in the treaty which has recently been ratified, as we say, by the Senate, of the purpose of the Chinese Government, is not a moral absolution of this country from the previous engagements by which we permitted their people to come here? I will read it:

> Whereas the Government of China, in view of the antagonism and much-deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States.

Does the Senator attach no importance to that declaration?

Mr. EVARTS. I attach all the importance to it that its import carries. It is a reason, and a proper reason, given by it for yielding in what is there given on its part towards us. It is not, however, a concession that we are to exercise it at our option and not by her consent. What she is ready to permit is shown by the clause which follows and the clauses which protect the subjects who are still here.

I do not say it often happens, but it may happen that a nation violates a treaty without abrogating or intending to abrogate it. In our commercial treaties, for instance, we have certain arrangements—conspicuously we had with Russia—as to the rates at which we would exact duty. We exacted by our tariff certain rates that covered the Russian hemp of importation, not in that name and not in that intent touching Russia, but covering all hemp. Russia complained, and we refunded out of our Treasury to the Russian Government all the excessive duties that we had collected. So, although it was really a violation, *pro tanto*, of the treaty, although our domestic legislation had displaced, replaced, repealed, if you please, *pro tanto*, the treaty, so that our port and domestic regulations were governed by the tariff, yet it left us not justified towards Russia by our having abrogated the rate of duty arranged. We accordingly conceded the fact, and we repaid what was exacted.

Mr. VEST. Will the Senator permit me to call his attention to a case in which the Government of the United States deliberately violated a treaty by an act of Congress, and refused any sort of redress to the parties who were ruined by it? It is the case reported in 11 Wallace, with which he is familiar, the Cherokee tobacco case. In 1866 we made a solemn treaty with the Cherokee Nation, and the Supreme Court of the United States decided in the decision in 11 Wallace that that treaty was of the same binding force upon this Government as a treaty with England or France. We stipulated in that treaty that the internal revenue laws, the tax laws, of the United States should not apply to the Indian Territory. Afterwards we deliberately passed an act of Congress applying the internal-revenue laws to the Territory. Our officers went into the Territory, seized the tobacco factory of Boudinot & Stand Wattie, confiscated all their tobacco, together with their warehouses and factories. The Supreme Court decided that we had a perfect right to do it, and those men have never been paid one dollar in the way of damages from that day to this.

Mr. EVARTS. There was no nation behind them.

Mr. VEST. The Supreme Court decided that the Congress of the United States had both the right and the power to collect the tax.

Mr. EVARTS. The Indians had no power behind them like Russia.

Mr. VEST. That made it so much the worse.

Mr. EVARTS. It made it the worse in our moral conduct, and illustrates to my friend from New Hampshire that a nation may do wrong and yet have power to do wrong.

Mr. BLAIR. I did not controvert the Senator's proposition. My suggestion was as to the source from which the power was derived.

Mr. EVARTS. I am talking somewhat at large, but not more widely than is necessary to present the status that we are now in for our action and the action here proposed. It is perhaps debatable whether this proposed legislation is an abrogation of the treaty or only a violation of it to be accounted for in damages, or it may be an abrogation which thus removes the fabric of all our treaties, or it may be an abrogation which will not carry down all the treaties unless the justifiable conduct of China shall itself carry them down by denunciation.

All I ask is that the bill shall be referred to the Committee on Foreign Relations, and I should like to have that deliberation, that inspection beforehand that will need to enforce itself upon this Government, and upon this Senate, and upon this people hereafter for all the people of the United States who agree with Senators on the other side and Senators on this side, and agree with me, that Chinese immigration must be absolutely exterminated so far and so fast as can be done according to the principles of law and duty. I am not of the opinion that we should assume an attitude toward this great and friendly nation of China that is inconsistent with true relations of good neighborhood and of public peace.

Mr. BUTLER. The Senator will pardon me for one moment. He was proceeding to state what his opinion was as to the effect of this measure if it should become a law and if it should be ascertained that there was a subsisting treaty between this Government and the Chinese Empire. The Senator was interrupted just at the point where he was giving his opinion on that subject. I should be very glad if he would continue to express his view upon that point.

Mr. EVARTS. I supposed that I had completed my statement, having shown that it depends upon the President whether ratifications shall be exchanged, and when ratifications are exchanged and it becomes a treaty, this act, earlier in date, is superseded by the later treaty.

Mr. WILSON, of Iowa. Mr. President, when this bill was put upon its passage last Friday, 3 votes were cast against it. I cast one of them. It seemed to me then, as it seems to me now, that among the various reasons justifying that vote, there was one which was sufficient.

All persons acquainted with the political and diplomatic history of this country are aware of the long contention we had with other nations in respect of the doctrine of the right of expatriation. We could find no power on the face of the globe to agree with the position we had assumed on that subject. We had put the doctrine in our Constitution; we had insisted upon it in our diplomacy; we had knocked at the doors of the nations of the earth and asked that they would give recognition to it. But one after the other answered us, "No; we can not agree to that; once a subject, always a subject; a man born in England the Crown of England can not recognize as a citizen of the United States." So, like answers came from all of the nations to whom we made advances in that respect. Along through the weary years of this nation's progress we kept up an insistence in our correspondence with other nations that there should be some recognition given to that principle.

Never, until we reached the year 1868, did we meet with a power that would agree with us. On the 27th day of July, 1868, a law went into effect, having been passed by the two Houses of Congress and approved by the President, asserting our position concerning the doctrine of the right of expatriation. The declaration was pointed, brief, and effective. It may be found in section 1999 of the Revised Statutes, and reads as follows:

> Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

That declaration passed the House of Representatives by a vote of 107 yeas to 4 nays; it passed the Senate of the United States by a vote of 39 yeas to 5 nays; so that by almost a unanimous vote of both Houses of Congress we have a definite declaration of the doctrine of this Republic in respect of the right of expatriation.

After that was done, what happened next? This act took effect by approval on the 27th day of July, 1868. On the 28th day of July, the next day, the Burlingame treaty between the United States and China was signed. What language was carried into that treaty? The next day after that definite and resolute declaration by the Congress of the United States had become a law by the approval of the President, there was put in that treaty this language:

> The United States of America and the Emperor of China cordially recognize the inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

And there was put into the sixth article the following:

> Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

Mr. President, could we have induced any other nation on the face of the globe, after our long search for the one to agree with us, to have given that formal and emphatic recognition of our position concerning the right of expatriation? Was it an important subject to us? We had, as I have already remarked, introduced the right of expatriation and of naturalization into our Constitution. We had carried it into our laws; we had naturalized the subjects of other powers, and because of that had been involved in difficulties with other nations. But we went on in the line of asserting that doctrine until in the year 1868 the Emperor of China conceded it, and made the first treaty with us affirming it as a true doctrine.

Mr. President, I recognize fully the right of a nation as well as I do of an individual to exercise the right of self-protection and self-preservation; so that the nation avowing the doctrine which I have read may protect itself against involvement in its internal affairs through the introduction of improper, unsafe, vicious, or criminal additions to its inhabitants. It has the whole scope of self-preservation; and if we should require the passage of a measure as severe in terms as the one now pending it may be exercised, just as the individual in protecting himself may go to the extremity of taking the life of his assailant.

Shall we, in view of this conduct of China, select that power as the one against which we will first exercise the authority that is involved in the bill now pending of declaring void a treaty yet in process of construction, although we have done all we can towards making it perfect and it remains with China to do its part therein?

Shall we select, I say, this power to legislate against in this haste—I will not say indecent haste, for that we would not do—but in this haste, this want of circumspect action, this absence of deliberate judgment? Shall we select this case in which to so act; or shall we take that decent course which will secure to us a reasonable time for consideration, reconsider the vote by which the bill was passed, and let it go to a proper committee for consideration? If in the mean time the information arrives that China has rejected the treaty, then with more propriety we may legislate again, at the same time assuring ourselves sufficient postponement to know whether China will or will not agree with us in this modification of the treaty as she has in all others which have been submitted.

It does seem to me, Mr. President, in view of what I have suggested in connection with the course of that power towards us, that we ought to have a reasonable delay which will enable us to pursue the proper, conservative, well-considered course, and save us from the charge of being ungrateful towards the first power that agreed with us on that point.

Mr. STEWART. It is almost too late now, and the Senate is almost too thin for me to discuss this question, because I want the Senate to hear facts before it makes another mistake.

Mr. JONES, of Nevada. Will my colleague yield for a motion to adjourn?

Mr. STEWART. In just one moment, and then I should like to adjourn.

I want the Senate to hear the facts, I say, and the situation, and take their bearings before they commit a mistake as great as President Hayes did in the veto referred to by the Senator from New York. I want a little time, when the Senate is full, to call their attention to the terrible calamity which has happened while we are talking about etiquette, the ruin that is taking place in San Francisco and on the Pacific coast, the diseases which are being spread while we are talking about etiquette. I want to show that the Government of the United States must take this thing in hand and spend no more time in negotiating with the Six Companies or we shall never see any end to the trouble. I want a little time for that purpose, and I should like to have it.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Nevada to yield to his colleague.

Mr. STEWART. I yield for a motion to adjourn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered mail locks and keys therefor; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 32, 33, and 35 to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

Mr. JONES, of Nevada. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, September 11, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *September* 10, 1888.

The House met at 12 o'clock m. Prayer by Rev. Dr. CUTHBERT, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS, of Wisconsin, for ten days, on account of important business.

To Mr. RICE, for two days, on account of important business.

To Mr. HOOKER, for six days, on account of important business.

To Mr. WALKER, for fifteen days, on account of important business.

To Mr. POST, for one week, on account of important business.

To Mr. YODER, for ten days, to give him an opportunity to attend the Grand Army of the Republic encampment at Columbus, Ohio.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SAYERS. I rise to present a privileged matter, the conference report on the fortifications bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 10993 making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 9, 19, 11, 14, 15, 16, 17, 18, 20, and 21, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 4 of said amendment, strike out the words "two officers" and in lieu thereof insert "an officer;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 13, page 1 of the bill, strike out the words "propelled and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: After the word "for," in line 16, page 1 of the bill, insert the following: "the completion of the guns now under fabrication by the Ordnance Department, and for testing the same and for;" and in line 17 of the same page of the bill, strike out the words "two 10-inch;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$700,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the words "of manufacture;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: In line 39 of said amendment, after the word "proper," insert the word "purchases;" in line 41, after the word "guns," insert the words "including multicharge guns and the conversion of Parrott and other guns on hand;" in line 49, after the word "such," insert the word "purchases;" after the word "dollars," in lines 50 and 51, insert the following: "which sum is hereby appropriated: *And provided further*, That said board shall test, and, if found satisfactory, shall purchase, two breech-loading field guns of 3.2-inch bore of aluminum bronze;" in line 55, after the word "million," insert the words "five hundred thousand;" and in line 58, strike out the word "act" and insert in lieu thereof the word "section;" and the Senate agree to the same.

JOSEPH D. SAYERS,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.
H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

The following statement, under the rules of the House, accompanied the report:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee on the several amendments:

On amendment numbered 1: Provides for the appointment of a Board of Ordnance and Fortification in the terms proposed by the Senate in said amendment, except that there will be but one officer of ordnance thereon instead of two.

On amendments numbered 2 and 5: Corrects the numbering of sections.

On amendments numbered 3 and 4: Appropriates $200,000 for torpedoes for harbor defense.

On amendments numbered 6, 7, 8, 9, and 10: Appropriates $500,000 to complete the guns now under fabrication by the Ordnance Department, and for testing the same, and for the manufacture or purchase and test of cannon and carriages, including the carriages maneuvered by power; for the alteration of carriages on hand; for projectiles, powders, fuses, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Ordnance Bureau, and their expenses while employed at the proving-ground; and $100,000 for examining, testing, and experimenting with pneumatic or other dynamite guns, gun carriages, aerial torpedoes, dynamite shells and ammunition, and batteries for coast defense.

On amendments numbered 11 and 12: Appropriates $700,000 for the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for the Army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y.

On amendments numbered 13, 14, and 15: Appropriates $1,500,000 for the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, with the provision that no contract shall be made under said appropriation for gun-steel at a greater average price per pound for each caliber than the lowest average price paid under contracts hitherto made by the Government for American forgings of like character.

On amendments numbered 16, 17, and 18: Makes verbal corrections in the text of the bill.

On amendments numbered 19, 20, and 21: Appropriates $250,000 for purchase of material for and the manufacture of 12-inch breech-loading rifle mortars of cast-iron hooped with steel, said mortars to be subject to inspection in all stages of manufacture.

The amendment numbered 22: Relating to the production of 12-inch mortars, 10, and 12 inch single-charge, breech-loading steel guns by private parties, as agreed to, with the following modifications:

The powers of the Board of Ordnance and Fortification are extended so as to authorize them to make purchases;

Their jurisdiction is also extended so as to include multicharge guns and the conversion of Parrott and other guns on hand;

A specific appropriation of $500,000 is made for purchases, investigations, experiments, and tests by the board, and the whole amount which may be expended is limited to $6,500,000; and

The board is authorized to test, and if found satisfactory they are directed to purchase, two breech-loading field guns of 3.2-inch bore of aluminum bronze.

The bill as agreed upon appropriates $3,972,000, being $247,000 more than was appropriated by the bill as it passed the House, $650,000 less than was proposed by the Senate, and $4,267,000 less than the estimates submitted by the War Department.

JOSEPH D. SAYERS,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. SAYERS. I move the adoption of the report.

The report was adopted.

Mr. SAYERS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGISTERED-MAIL LOCKS, ETC.

Mr. BLOUNT. I rise to make a privileged report. I report from the Committee on the Post-Office and Post-Roads the bill which I send to the desk.

The bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor was read a first and second time.

Mr. BLOUNT. I ask the consideration of this bill at the present time.

The SPEAKER. The gentleman, under the order of the House, has the right to make this report at any time, and that carries with it the privilege of consideration; but the bill, unless unanimous consent is given for its consideration in the House, must be first considered in the Committee of the Whole on the state of the Union.

Mr. BLOUNT. I ask unanimous consent that the bill be now considered in the House.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized to advertise for and receive proposals for such registered-mail locks and keys for such locks for the use of the Post-Office Department as he may deem suitable for the safety and security of registered mail matter; and he is further authorized to make contracts for such locks and keys for the supply of the Post-Office Department, if he deem the same suitable, and for such a number of years, not to exceed four, as he may deem best for the interest of the mail service, with power, however, to the Postmaster-General to renew such contract or contracts, should he make any contracts under the provisions of this act, for said articles of mail equipment, for another and additional period of four years, should he deem it proper and advisable so to do. And the sum of $45,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purchase of such locks and keys therefor, if such contract or contracts be made: *Provided, however*, That no part of said appropriation shall be expended unless new registering locks and keys therefor are adopted by the Postmaster-General for the use of the mail service under the authority given by this act.

There being no objection, the House proceeded to the consideration of the bill.

Mr. BLOUNT. Mr. Speaker, quite recently it has been discovered that the locks for the registered-mail matter are defective, seriously exposing to loss that class of mail matter. The Postmaster-General, in view of this fact, has thought it may probably be necessary to change all the locks now used. The appropriation in this bill is designed to meet that emergency. It authorizes a contract to be made for four years, with a power of renewal on the part of the Postmaster-General at the expiration of that time for an additional term of four years. Under the existing law general supplies for the Post-Offise Department can not be contracted for beyond the term of a single year. An exception, however, to this provision of law is made with respect to mail locks and keys and mail-bags, in reference to which contracts may be made for four years. Under that general provision contracts for mail

locks and keys have been entered into for a period of four years, and in the contract there is a provision reserving to the Government, through the Postmaster-General, the power to compel a supply of such locks and keys for a second and a third term of four years each, making a period of twelve years.

The criticism has been made that under the provisions of existing law such conditions can not properly be inserted in the contract, and a provision in this bill has been framed to meet that difficulty. This provision in the contract is important to the Government, because with that in force these locks can not be supplied to anybody else for eight years if the Post-Office Department may desire to retain control over them for that period. So carefully has the Department seen fit to insist upon the terms of the present contract that the contractor is not allowed to make a contract with the Treasury Department for supplying these locks, it being deemed proper that the Post-Office Department should have absolute control over this system of locks and keys.

If it should appear upon more thorough examination that the defects in the existing locks may be supplied much more easily than is apprehended, then, under this bill, the Postmaster-General will not be allowed to expend this money for any other purpose than the bill contemplates.

I have now explained the whole matter, and unless some gentleman desires to make some inquiry I will ask for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

PUBLICATION OF "WITHHELD" REMARKS.

Mr. SCOTT. I rise to a correction of the RECORD. On Friday last the gentleman from Pennsylvania [Mr. BRUMM] brought against me in this House certain charges to which I replied. The official stenographer of this House made out a report of those proceedings. The remarks which I made were handed to me at 7 o'clock in the evening; and by 8 o'clock they were sent to the Public Printer. Thinking it possible, however, that my remarks might get in as an answer to my colleague's, while his might not appear at the same time, I took the precaution to send word to the Public Printer that I did not wish what I had said to be put in the RECORD until my colleague inserted his remarks. He received the copy of his remarks from the stenographer, and, as I am informed, put them in his pocket, and has gone off to Pennsylvania. Whether he proposes to return again or not, I do not know. But I think, as the Official Stenographer has every word that was uttered by Mr. BRUMM, and as, under objections made, he was not allowed to print anything which he did not say or which he had not read, it is nothing more than justice to myself that the proceedings in that debate should now go into the CONGRESSIONAL RECORD as they took place in this House. I therefore ask, sir, if it be in order, that this matter be put into the RECORD, so that Mr. BRUMM'S charges and my answers thereto shall go in together. I make the motion, therefore, Mr. Speaker——

The SPEAKER. The Chair will state that it is a matter over which the Chair has no control whatever. The law provides for the reporting and publishing of the official debates and proceedings of the House. The practice has heretofore always been, so far as the present occupant of the chair is aware, for gentlemen, when they desire, to withhold their remarks for revision; and as to the length of time that they may withhold them the Chair knows of no rule or restriction.

The Chair supposes, however, that the matter is always under the control of the House; and the gentleman from Pennsylvania submits a motion——

Mr. SCOTT. I do not wish to do injustice to anybody. But I think it is proper that these charges and the answer should be published together, and I move, therefore, that the Official Stenographers be directed to put the remarks into the official record exactly as they occurred on this floor, and that this be done at once.

Mr. MORGAN. Unless they are furnished by Mr. BRUMM.

Mr. CANNON. Without waiving the question of order which may be raised at this time, I desire simply to suggest to the gentleman from Pennsylvania that as his colleague is absent he had better wait until his return, or else notify him to return.

It is common, and always has been, for gentlemen, when they desire to do so, to withhold their remarks, some of them a week, some two, some a month; and I have known instances where, without, perhaps, any great loss to the RECORD or to the country, they never were inserted. [Laughter.]

Now, the gentleman himself is not overvigilant. It is a maxim of equity that he who seeks equity must do equity. The gentleman is himself subject to some criticism. His three or four hours' speech has not yet appeared in the RECORD. So I think it is perhaps better at least to wait until the return of the gentleman from Pennsylvania, especially as the gentleman should recollect that there was a request made to print, and in one of the few instances in this Congress it was denied.

I think very likely the House will get into a good humor after a while, and both the gentlemen will have their remarks appear in the RECORD, and it may be in such form as to do all parties justice.

Mr. SCOTT. That is just what I desire.

Mr. CANNON. It strikes me, therefore, that we had better not be in a hurry. The gentleman himself says that he revised his remarks, and I understand that Mr. BRUMM, who had his remarks for revision, was called away unexpectedly.

Mr. SCOTT. Then I give notice that I will call this matter up within a week's time, and will withdraw the motion for the present.

Mr. FORNEY. Regular order.

ROOMS FOR SELECT COMMITTEES.

Mr. BOOTHMAN. I desire to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 21, 1888.

Resolved, That the Select Committee on Indian Depredation Claims and the Select Committee on the Eleventh Census be authorized and empowered to retain the use of the committee-room now occupied by them in the Butler Building during the recess and during the second session of this Congress at the same rent as is now paid; and that the Committee on Expenditures in the Treasury Department be also authorized to occupy a room in the said building at the rate of $50 per month during the balance of this session and during the recess and the second session of this Congress; and the Clerk of the House is hereby directed to pay all of said rent out of the contingent fund of the House.

ROOMS FOR COMMITTEES DURING THE RECESS, BALANCE OF THIS SESSION, AND SECOND SESSION OF THE FIFTIETH CONGRESS.

Mr. BOOTHMAN, from the Committee on Accounts, submitted the following report:

Your committee having had under consideration the resolution introduced by Mr. Cox, July 21, 1888, and referred to the Committee on Accounts, providing in substance for the rental of rooms in the Butler Building, so called, for the Select Committee on Indian Depredation Claims, the Select Committee on the Eleventh Census, and the Committee on Expenditures in the Treasury Department during the recess, balance of this session, and the second session of this Congress, report as follows: The two rooms in said building now occupied by the two select committees first above named have heretofore at this session been rented for said committees by and in accordance with a resolution of the House, and are necessary for that purpose during the sessions of this Congress, and from the work necessary to be done by the Committee on the Eleventh Census during the recess, and the importance of having a proper place for the storage and keeping of the papers and documents of the Committee on Indian Depredation Claims and the performance of its work during the same time, we further find that the use of said two rooms is also necessary during the recess of this Congress. We therefore unite in recommending that the resolution as to the rental of said two rooms for said select committees be passed.

Regarding the rental of a room in the same building for the rest of this session, during the recess, and for the second session of this Congress for the Committee on Expenditures in the Treasury Department, your committee find the following to be the facts: Said committee has already assigned to its use a certain room on the basement floor of the Capitol Building. Said room is small, illy-ventilated, and illy-lighted, it being necessary to use gas-light therein whenever and at whatever time it may be used by the said committee. Upon general principles, it would seem that a committee, as a body, ought not to be required to occupy a room which none of its members would occupy from choice, or as individuals. We also find that said committee has held several meetings during this session (being seven or eight in number) in the Judiciary Committee room, by the sufferance of the Committee on the Judiciary, and has not met in the room assigned to it for the reasons above named. While your committee feel that proper and suitable rooms for meeting ought to be provided and assigned to each committee of the House, yet the fact being that one room has already been assigned to this committee, we do not feel like changing the present arrangement, although we are not at all satisfied that the room assigned is a comfortable and suitable room. We therefore report back that portion of said resolution without recommendation.

Mr. BOOTHMAN. In explanation of the report I will say simply this: The Committees on the Eleventh Census and on Indian Depredation Claims have had assigned to them by a former resolution of the House rooms in the Butler Building. It is proposed by this report to enable them to occupy the rooms in question during the coming recess, if it occurs——

Mr. CONGER. "If it occurs!"

Mr. BOOTHMAN. And also during the second session of this Congress. There is no question but that it will be necessary for the second session, and for a short time between the two sessions, if there is to be any vacation, it is also necessary. We report, therefore, in favor of that part of the resolution.

As to the second portion of the resolution, conceiving it to be divisible, we simply say that the room assigned to the Committee on Expenditures in the Treasury Department is of the character described in the report, utterly unfit for the business to be transacted by the committee, for which reason it has not heretofore been used by the committee. But the room having been assigned to it, we did not feel it proper to interfere.

Mr. BLAND. Let me ask if it would not be possible for the two committees to occupy one room?

Mr. BOOTHMAN. In answer to the inquiry, it seems to me that it would hardly do to mix up the Census Committee with the Committee on Indian Depredation Claims.

Mr. BLAND. How much mixing would there be? How many meetings have they had?

Mr. BOOTHMAN. I am not advised as to the meetings, but unquestionably if there is to be a census the committee must have the opportunity of preparing the way for it.

Mr. BLAND. I understand that the Committee on Indian Depredation Claims meets once a week; and that the Committee on the Census

has probably met once during the session. In view of that, if it be true, it seems that one room ought to be sufficient for both.

Mr. BOOTHMAN. Whatever may have been the action of the committee heretofore, the necessity for the work to be done by the committee is admitted by all. As to how the committee may do its duty may be a matter of criticism perhaps, but it does not enter into the consideration of the Committee on Accounts.

If there is no further question, I move the previous question on the adoption of the resolution.

Mr. BLAND. I move to amend by making one room for both of these committees. There are a number of instances in which more than one committee uses one room.

The SPEAKER. The Chair would state that the resolution as reported provides for three committees using one room—the Committee on Indian Depredations, the Committee on the Eleventh Census, and the Committee on Expenditures in the Treasury Department.

Mr. COWLES. Right there, in connection with the Committee on Expenditures in the Treasury Department, I desire to ask a question——

Mr. BOOTHMAN. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Ohio demands the previous question, and that cuts off any amendment to the resolution.

Mr. BLAND. I understand it leaves the Committee on Expenditures in the Treasury Department where it is now.

The SPEAKER. The committee only reports the resolution back.

Mr. BLAND. Then, I move to amend the resolution.

The SPEAKER. The gentleman from Ohio has demanded the previous question.

Mr. BLAND. It does seem to me that it should be amended.

Mr. BOOTHMAN. Regular order.

The SPEAKER. The regular order is demanded, and the question is on ordering the previous question.

Mr. BLAND. I think the gentleman had better allow an amendment on that resolution.

The question was put, and the Speaker was in doubt as to the result.

The House divided; and there were—ayes 32, noes 35.

Mr. BLAND. No quorum. We had better have a count by tellers.

The SPEAKER appointed the gentleman from Ohio [Mr. BOOTHMAN] and the gentleman from Missouri [Mr. BLAND] as tellers.

The House again divided, and the tellers reported 38 voting in the affirmative.

Mr. BOOTHMAN. I withdraw the demand for the previous question.

The SPEAKER. The gentleman withdraws the demand for the previous question, and the gentleman from Missouri moves to amend the resolution by striking out all that part which relates to the Committee on Expenditures in the Treasury Department.

Mr. WHEELER. Mr. Speaker, it is quite apparent that the objection of the gentleman from Missouri [Mr. BLAND] is directed to that part of the resolution which proposes to provide a room for the Committee on Expenditures of the Treasury Department. My relation to that committee justifies me in asking the House to remove this objection by striking out that portion of the resolution. It is true that the room which was assigned to that committee when the session commenced is unfit for committee meetings or committee work of any kind whatever, so entirely unfit that it has not been used by the committee at a single meeting.

Notwithstanding this and notwithstanding the fact that the committee has had an unusual amount of business, including a very important and tedious investigation, I did not request that this committee be included in the resolution, preferring to pay for the rent of the committee-room myself than to ask for an outlay that the most scrupulous economist could intimate might be avoided. I desire, however, to say that I appreciate the courtesy and consideration of the distinguished gentleman who prepared the resolution now before the House, and I also equally appreciate the spirit manifested by the members of the Committee on Accounts, all of whom it appears were impressed with its propriety, and I thank them all for their efforts in behalf of the committee of which I have the honor to be a member.

While the room in the center and lower part of the Capitol which was originally assigned to the Committee on Expenditures in the Treasury Department is not adapted to such use, its location makes it quite valuable to the Doorkeeper with his unusually crowded work, and if this is known it very probably had its influence upon some gentlemen who regard the measure as advisable, but in order that the provision for the Committees on the Census and Indian Depredations may not be retarded—for I regard the portion of the resolution which refers to and provides for them as absolutely essential—I ask unanimous consent that the remainder of the resolution be stricken out, and as thus amended that the resolution be adopted.

If this is done I will gladly continue to care for the committee of which I have the honor to be the chairman.

The question was put on the adoption of the amendment, and there were—ayes 32, noes none.

So the amendment was agreed to.

The question then recurred on the passage of the resolution as amended.

The question was put, and the Speaker announced that he was in doubt.

Mr. BOOTHMAN. Division.

The House divided; and there were—ayes 3, noes 20.

Mr. BOOTHMAN. I make the point of no quorum.

The Chair appointed as tellers the gentleman from Ohio [Mr. BOOTHMAN] and the gentleman from Missouri [Mr. BLAND].

After some time spent in the count,

Mr. BOOTHMAN. Mr. Speaker, would it be in order to withdraw the resolution and report?

The SPEAKER. That can be done by unanimous consent.

Mr. BOOTHMAN. I ask unanimous consent to withdraw the resolution and report.

There was no objection, and it was so ordered.

INTRODUCTION OF BILLS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and resolutions for reference.

SIGNAL STATION ON WEST INDIA ISLANDS.

Mr. WHEELER introduced a bill (H. R. 11392) to authorize and direct the Secretary of War to establish signal stations on the West India Islands; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

NATURALIZATION LAWS.

Mr. OATES introduced a bill (H. R. 11393) to amend the naturalization laws of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed.

LIBRARY INVESTIGATION.

Mr. HOLMAN offered the following resolution; which was referred to the Committee on Printing:

Resolved, That the testimony taken by the Select Committee of Investigation of the Construction of the new Library Building be printed.

PAVING ALLEY IN DES MOINES, IOWA.

Mr. CONGER introduced a bill (H. R. 11394) providing payment for paving the alley adjoining the United States Government building in Des Moines, Iowa; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

OVERHEAD ELECTRIC WIRES.

Mr. HENDERSON, of North Carolina (by request), introduced a joint resolution (H. Res. 220) limiting the provisions of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia," etc., on the subject of overhead electric wires, approved July 18, 1888; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TRUSTS.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 11395) to check and nullify the baleful operations of pernicious combinations commonly called trusts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JUDGES OF UNITED STATES COURTS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 11396) depriving a judge of a United States court of the authority to give an opinion on questions of fact; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REVENUE EMPLOYÉS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 11397) for the relief of certain gaugers and other internal-revenue employés who have been assigned to duty and have rendered services before the date of their qualification.

Mr. HENDERSON, of North Carolina. I ask that that bill be referred to the Committee on the Judiciary.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The Chair thinks this bill under the rules would go to the Committee on Claims, but the Chair will submit the request of the gentleman to the House, and if there be no objection, it will be referred as requested.

There was no objection.

INLAND WATER WAY FROM NEW YORK TO FLORIDA.

Mr. MCCLAMMY introduced a bill (H. R. 11398) to provide an inland water way from New York to Florida; which was read a first and second time, and referred to the Committee on Railways and Canals.

COMPENSATION OF CUSTOMS OFFICERS FOR EXTRA SERVICES.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 11399) to regulate the compensation of officers of customs for extra services rendered at night, on holidays, and out of business hours; which was

read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

DIRECT TAX OF 1862.

Mr. CAMPBELL, of Ohio (by Mr. FORAN), introduced (by request) a bill (H. R. 11400) to carry into effect the provisions of the twelfth section of the act of June 7, 1862, entitled "An act for the collection of direct taxes in the insurrectionary districts of the United States, and for other purposes;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PREVENTION OF "TRUSTS."

Mr. CULBERSON introduced a bill (H. R. 11401) for the prevention of "trusts;" which was read a first and second time.

Mr. CULBERSON. I ask that this bill be read and referred to the Committee on the Judiciary.

The bill was read.

Mr. DUNN. I ask that the committee have leave to report this bill at any time.

Mr. BACON objected, but subsequently withdrew his objection.

Mr. BLAND. It seems to me that this bill, instead of going to the Committee on the Judiciary, should go to the Committee on Ways and Means, inasmuch as it refers to duties on imports.

The SPEAKER *pro tempore*. The Chair is inclined to think that the bill properly goes to the Committee on the Judiciary, because it proposes to define new offenses.

Mr. BLAND. I have no objection to the reference proposed.

Mr. LANHAM. I ask consent that this bill be printed in the RECORD.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. DUNN] asks unanimous consent that the Committee on the Judiciary have leave to report at any time.

Mr. BRECKINRIDGE, of Kentucky. I do not desire to object to the privilege of reporting at any time; but I would suggest whether the bill should not properly go to the Committee on Ways and Means.

Mr. CULBERSON. I will state to the gentleman that three-fourths of the provisions of this bill are strictly within the jurisdiction of the Committee on the Judiciary. There is one provision, standing alone, which might properly be referred to the Committee on Ways and Means. Therefore, as will be perceived, the bill might properly go to either committee; but I insist that it be referred to the Committee on the Judiciary.

Mr. BRECKINRIDGE, of Kentucky. The one-fourth of the bill which the gentleman concedes belongs properly to the Committee on Ways and Means would appear to be the most important part of the bill; but as the gentleman who introduces the bill is chairman of the Committee on the Judiciary, I do not object to the reference to that committee.

The SPEAKER *pro tempore*. The Chair will state that this is one of those peculiar cases where either of two committees would probably have jurisdiction of the measure.

Mr. LANHAM. I ask unanimous consent that the bill be printed in the RECORD.

Mr. KELLEY. I object.

The SPEAKER *pro tempore*. Is there objection to the request that the committee have leave to report at any time?

Mr. KELLEY. I object to that.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

FREE IMPORTATION OF COTTON-BAGGING, ETC.

Mr. CRAIN introduced a bill (H. R. 11402) to exempt from duty the importation of bagging for cotton, or other manufactures suitable for the uses to which cotton-bagging is applied; which was read a first and second time.

The bill having been, upon the request of Mr. CRAIN, read in full, was referred to the Committee on Ways and Means, and ordered to be printed.

LEAVE OF ABSENCE TO POSTAL EMPLOYÉS.

Mr. BLOUNT introduced a bill (H. R. 11403) to provide for granting leaves of absence to employés of the Post-Office Department employed in the mail-bag-repair shops in said Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PORT OF DELIVERY AT QUINCY, ILL.

Mr. ANDERSON, of Illinois, introduced a bill (H. R. 11404) to establish a port of delivery at Quincy, in the State of Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CORRECTION.

The SPEAKER. The Chair desires to have a correction made. The gentleman from Pennsylvania [Mr. MAISH] was appointed one of the conferees on the Army appropriation bill in place of the gentleman from Illinois [Mr. TOWNSHEND], who went home; but it seems a message was sent to the Senate announcing that the gentleman from Pennsylvania had been appointed in place of the gentleman from Ohio [Mr. BUTTERWORTH]. If there be no objection, the Chair will cause the Clerk to send to the Senate the necessary correction.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. This being the second Monday of the month, the remainder of the day, if claimed by that committee, is set apart for the consideration of bills reported from the Committee on the District of Columbia. The Chair has been advised, however, by the gentleman from South Carolina [Mr. HEMPHILL], the chairman of that committee, that the committee has no business to present to-day.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY. I call up for consideration the conference report on the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The SPEAKER. The Clerk will report the pending amendment.

The Clerk read amendment numbered 119, as follows:

Insert the following:

"For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of $250,000. And all the lands which may be designated for reservoirs and canals for irrigation shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law.

The following amendment to the Senate amendment was offered when the bill was last under consideration, by Mr. BRECKINRIDGE, of Kentucky:

After the word "dollars," in line 1, on page 66, strike out the following:

"And all the lands which may be designated for reservoirs and canals for irrigation shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law."

And insert in lieu thereof:

"And the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation; and all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law."

The following amendment, offered by Mr. FELTON as an amendment to the amendment of Mr. BRECKINRIDGE, of Kentucky, was also pending:

In line 9, page 1, after the word "——," insert "and for the selection of water-sheds that shall be preserved."

Line 5, after the word "purposes," insert "and such selected water-sheds."

The SPEAKER *pro tempore*. The gentleman from Colorado [Mr. SYMES] is entitled to the floor for twenty-two minutes.

Mr. SYMES. Mr. Speaker, I am not going to pursue this debate at the present time. I will only have read a dispatch which I have received from the officers of the interstate deep-harbor convention, held one week ago at Denver, Colo. After the reading of this dispatch I may say a word in explanation of the purpose of that convention.

The Clerk read as follows:

DENVER, COLO., *September* 1, 1883.

Senators TELLER, BOWEN, and Representative SYMES, *Washington:*

The interstate deep-harbor convention took up and unanimously adopted the following resolution:

"*Resolved*, That we respectfully request the Congress of the United States to pass the amendment to House resolution No. 10540, offered by Senator BOWEN, of Colorado, and now pending before it, to provide for a line of surveys preliminary to the establishment of a system of reservoirs for the storage of water on the arid lands of the West, and that such reservoirs when established should be owned or controlled by the State governments for the irrigation of said lands by the owners thereof."

F. L. DANA, *Secretary.*

Mr. SYMES. I had that dispatch read for the purpose of informing the House that what is known as the deep-harbor convention, sitting at Denver, Colo., adopted, about one week ago, before the commencement of the debate on this amendment, the resolution which is embodied in that dispatch. I call attention to the fact that the deep-harbor convention had accredited to it, upon the report of the committee on credentials, 325 delegates from the great empire State of Texas; and that there were also represented in that convention by delegates the States of Missouri, Kansas, Arkansas, Iowa, and Colorado, and the Territories of Wyoming, Arizona, New Mexico, and the Indian Territory. The object of that convention, Mr. Speaker, was to devise ways and means for securing the construction of a deep-water harbor at Galveston, Aransas Pass, or some other practicable point upon the Texas coast of the Gulf of Mexico.

The occasion of this arose by reason of the completion of what is known as the Denver, Texas and Fort Worth Railroad, connecting the

city of Denver, by way of Pueblo and Trinidad, in Southern Colorado, through Eastern New Mexico, and through the great State of Texas, directly with Galveston and the Gulf harbors. Mr. Speaker, the opening of that road during the past three months marks a new era in an important line of transportation to the seaboard for that great Southwestern country. It brings that great country (the prosperity of a good portion of which depends in the future upon the adoption of this Senate amendment) 500 miles nearer to the ocean than by way of Chicago, St. Louis, or other Eastern grand trunk routes.

This great convention having for its object the cheapening of transportation to the seaboard, by the lessening of the distance 500 miles, the representatives in the convention embracing, as I have said, 325 delegates from the great State of Texas, resolved unanimously in favor of this Senate amendment proposing to provide at once for the survey and reservation of these reservoir sites, and the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE]. I therefore appeal to the Representatives from Texas, Arkansas, Kansas, Iowa, and other States to support this amendment, because in doing so they will simply obey the behests of the solemn resolve of this important convention composed of so many of their constituents.

Mr. Speaker, I reserve the residue of my time.

The SPEAKER *pro tempore* (Mr. DOCKERY). The gentleman has fifteen minutes remaining.

Mr. SYMES. Mr. Speaker, if the gentleman from Alabama [Mr. HERBERT], who it was understood, I believe, desired to proceed this morning, will give way for the present I will yield a few minutes of the time at my disposal to the gentleman from California [Mr. VANDEVER].

Mr. HERBERT. That is satisfactory to me.

Mr. SYMES. I wish to say to the gentleman from Alabama [Mr. FORNEY] in charge of this measure, that I think we ought to have about one hour more for this discussion, in addition to the time reserved by those gentlemen who have already occupied the floor.

Mr. VANDEVER. Mr. Speaker, the time allotted me is very short in which to cover so important a question as the one now before us. But I desire to say to this House, in my judgment no more meritorious proposition has been submitted to our consideration during this session than this amendment to the sundry civil appropriation bill providing for the reclamation of the vast area of arid land which lies west of the hundredth meridian, constituting in territorial area about one-third of the surface of the United States excluding Alaska. Within the limits of this territory there are three sovereign States, seven organized Territories, and portions of other States and Territories.

There is an insufficient rainfall on this vast region of country, and unless water is provided, it is doomed to perpetual aridness. The beneficent proposition made in this bill is to employ a portion of the public funds in the Treasury, under skillful management, to discover whether or not the waste water of the neighboring mountain tops overlooking these plains may not be so husbanded as to become useful for the purpose of irrigation. We know from previous experiments had in this desert region, that it requires only the introduction of water to make it blossom as the rose. Traversing this vast area are mountain ranges that pierce the clouds, upon the summits of which the snows of winter concentrate; the summer suns melt these snows and drain them into the valleys below. The banks of the streams are fertilized, but the chief body of the lands remain desert.

I feel a particular interest in this question more on account of the district I represent. Within my district, lying far beyond the Rocky Mountains and upon the Pacific Slope, there is a desert extending from the northern boundary of Mexico in a northerly direction for some 300 miles, and from 50 to 100 in width. These Sierras, under which this desert land lies, collect the snows of winter, which, melting under the summer sun, descend into the valleys below and are lost in the sand. It is a matter of vital importance not only to California, but to the whole country to reclaim this vast region of desert land, and to determine whether or not this waste water may not be applied to the purposes of reclamation and irrigation.

This region now called a desert, as has been proved by actual experiment, can be reclaimed and made fertile as any other part of California. The best part of California has been reclaimed by irrigation. Add to the public domain by reclamation this vast area of arid lands lying under the Sierra Mountains constituting this Mohave desert, you will bestow an incalculable, inestimable boon upon the entire country.

It is not within individual means and enterprise to utilize and save this waste water for purposes of irrigation. In all the past history of the world, countries where irrigation is necessary for the cultivation of the soil, the State has employed its energies to accomplish the enterprise, and has conducted water to fertilize its arid plains. If the Congress of the United States can appropriate money to remove impediments from the navigation of streams whose sources are in the mountains, why is it not also legitimate to appropriate money to preserve these sources and there collect and economize the waste water? Why is it not proper to furnish great reservoirs from which water can be obtained to irrigate and fertilize the thirsty plains below, thus adding to the general wealth of the country incalculable millions by increase of the public domain for settlement?

This small appropriation of $250,000 is a mere bagatelle in comparison with the immense benefits which are to flow from so judicious an appropriation. Therefore I say, no proposition made in this House during this session of Congress is, in my estimation, more deserving approval of this body than the one now pending, to utilize the waste water accumulating in the mountains and apply it to the fertilization of the plains below.

There we are in that country situated on the plain, looking up towards the summit of the towering mountains, covered with the snows of winter through all seasons of the year, snows which have fallen and drifted in the valleys a hundred feet in depth, and in timber lands and on the levels, where it does not drift, 15 or 20 feet in depth; and from this immense accumulation arises the streams which feed these various rivers whose waters it is proposed shall be utilized. In that portion of the country represented by the gentleman from Colorado [Mr. SYMES] is found that great range of mountains from which descends the Arkansas and the Red Rivers to the plain, flowing into the Mississippi River and thence to the seaboard; and on the other side comes the Colorado, flowing westward and seeking an outlet to the sea on the Pacific side; and so important has this subject become that the people of the State of Colorado and the adjacent States have recently met in a convention at Denver and presented the subject to the Congress of the United States for its attention, asking favorable consideration of this measure. For, Mr. Speaker, this is a question that appeals to the people of the surrounding States as well as to Colorado, and if it appeals to them, it appeals with as great or even greater force to the people of the whole Pacific coast.

We have this range of mountains running from Alaska clear through to the Gulf of California, in which are stored these exhaustless supplies of water; and if by proper expenditure of money and availing ourselves of that skill which science enables us to employ we can ascertain the convenient points to retain this water and store it in reservoirs, to be released at the proper time under a system to be adopted by the Government, it will be a benefit of incalculable value not only to the people of the present generation but to the generations that are to come which will occupy that region. For these reasons, therefore, I urge upon this House at the present time that the Senate amendment be adopted, and that the House recede from its disagreement to that amendment, for there is no more beneficial proposition contained in any of the appropriation bills that have been submitted for our action during the present session.

[Here the hammer fell.]

The SPEAKER. The gentleman from Colorado has five minutes of his time remaining.

Mr. FORNEY. Mr. Speaker, the amendment now before the House proposes an appropriation of $250,000 to continue the survey in the arid regions. Upon its face the amendment seems to be a very simple and innocent proposition; but I wish to tell the House that it means millions upon millions of dollars' expenditure from the public Treasury if the amendment shall be adopted. The $250,000 is a mere bagatelle. It is the entering wedge which will take up the surplus in the Treasury and millions of dollars besides.

Major Powell, the Director of the Geological Survey, says that the arid regions embrace two-fifths of this country, or 1,300,000 square miles of territory, a large proportion of which can be irrigated, a small percentage by the use of the small streams, and about 15 per cent. can be irrigated by the storage of water in reservoirs by employing the larger streams for that purpose. He says in that way 96,000,000 acres can be irrigated. Now, the question comes up, before embarking on such an enterprise, what will it cost? This $250,000 is appropriated for the survey, but it does not complete it. It needs an appropriation of five millions more to complete it. Major Powell says that he can only use $250,000 this year, but the next year and for five succeeding years he will need $1,000,000, making a total of five and a quarter millions simply to do the work of survey.

After the completion of the survey, what have we? A report from Major Powell showing what land can be irrigated and where the sites for reservoirs exist, where they shall be established, where canals shall be dug, and we have no lands irrigated, no reservoirs built, no canals dug, although we have appropriated and paid five and a quarter millions of dollars. Who then is to do this work? It must be done either by the aggregation of capital—by corporations—or the Government. How much will it cost if done by the Government? Major Powell says he does not know, and it does not belong to his bureau to ascertain; that it is a matter for the engineers. But the sum will be enormous. It is to be done by capitalists or the Government, I repeat. If done by capitalists, they must get their money out of the people by charging so much for every acre of land that is irrigated through their canals. No one knows what it will cost. No one has attempted to ascertain. Major Powell himself says that in the aggregate the sum will be enormous. How much? I venture to guess, and I think I am not far from correct, that the 96,000,000 acres he says can be irrigated by the storage of water, in the mountains, will cost $10 an acre, or $960,000,000.

Mr. FELTON. The gentleman does not mean for the survey?

Mr. FORNEY. Oh, no; that costs five and a quarter millions, as I have said.

Mr. BLOUNT. I would like, with the permission of the gentleman from Alabama, to ask him a question: If the location of the reservoirs is assumed to be followed by the construction of the canals by the Government of the United States?

Mr. FORNEY. Of course. It can not be done any other way. It must be done either by the Government or else by capitalists.

It is simply impossible for the Government to undertake this work. The Government will have to pay out $960,000,000 to accomplish it.

Mr. BLOUNT. I would like to ask another question.

Mr. FORNEY. Certainly.

Mr. BLOUNT. I would like to know if this proposition which the gentleman has been developing has been reported upon by the Commissioner of the General Land Office, the Secretary of the Interior, or any person connected with the Executive Departments; and if any recommendations have been submitted in regard to it, or any report?

Mr. FORNEY. Yes, sir.

Mr. HOLMAN. There is no report.

Mr. SYMES. I can answer, if the gentleman is not familiar with the facts.

Mr. FORNEY. I have the facts here. The Senate called upon the Secretary of the Interior, as shown by Executive Document 163.

Mr. BLOUNT. What date?

Mr. FORNEY. May 11, 1888; and Mr. Vilas referred this matter to the Director of the Geological Survey, Major Powell. He reported upon it. But Mr. Vilas makes no recommendation whatever. Mr. Powell does. He says that the report should be adopted, and he submits an amendment or suggests an amendment recommending that this be done. I say that if that amendment should be adopted it is the entering wedge for the expenditure of millions and millions on the headwaters in the mountains.

Mr. MCMILLIN. Will the gentleman permit me a suggestion there?

Mr. FORNEY. Certainly.

Mr. MCMILLIN. Is it not true that there is not a place on the American continent to-day where irrigation has been successfully and extensively inaugurated and carried on that it has not cost even a higher figure than $10 an acre?

Mr. FORNEY. No doubt. There has been some done at less, and probably more at not less than $10 an acre. The rental of the water, if this is done by corporation, would be from $1.50 to $4 an acre per annum.

Mr. SYMES. If the gentleman will yield to me I will answer the question of the gentleman from Tennessee, and say that thousands and hundreds of thousands of acres of the best agricultural lands in this country to-day are made arable by irrigation, by ditches, where it has cost only from $1 to $2.50 an acre.

Mr. FORNEY. That is where branches and springs can be used; but the proposition here is to make reservoirs in the mountains. It is outside of the land where the irrigation can be done by ditching, and the land that would be irrigated under this provision can only be irrigated after a canal has been dug from 10 to 50 miles, 10 feet wide and probably 10 feet deep.

Mr. BRECKINRIDGE, of Kentucky. Is not the gentleman aware that this amendment is to give effect to what Congress has already ordered to be done? Congress ordered this to be done by resolution adopted in February in both Houses. That resolution passed without the opposition of the gentleman from Alabama [Mr. FORNEY], I expect, and also without the opposition of the gentleman from Tennessee [Mr. MCMILLIN]. We ordered it to be done, and now comes the time to appropriate the money.

Mr. MCMILLIN. It is one of those things that has passed *pro forma*, with the statement that it takes no money; and now the fact turns out that it is ultimately intended to take an appropriation with it.

Mr. BRECKINRIDGE, of Kentucky. I do not know whether it was passed *pro forma;* but it was passed.

Mr. MCMILLIN. I do not know whether it was passed *pro forma;* but if you will look at the record I have no doubt you will find it accompanied with a statement that it takes no money, and now it turns out that millions of dollars would have to be appropriated under it.

Mr. FORNEY. I wish to show the difference between the House and the Senate upon this matter. Ten years ago we had several surveys in this country and at that time it was thought that it should be put under one head. Major Powell was appointed Director and instructed to make the geological surveys, to show the timber lands, the arid lands, and the mining lands and all other kinds. He was to make separate classifications. Now, we have been appropriating every year from $150,000 and $200,000 to $600,000, and much of it has been expended for the identical work provided for in this bill. Measures have passed both Houses authorizing over $637,240 appropriated to carry on the geological survey, out of which Major Powell has paid about $400,000 of the money for this identical work.

Mr. SYMES. Will the gentleman allow me to correct him at that point?

Mr. FORNEY. I will yield to the gentleman to correct me if I am wrong; but I am right.

Mr. SYMES. I will show the gentleman is not right in one moment. The appropriation expressly provides that $199,000 of that half a million is for the topographical branch of the survey, and one hundred odd thousand dollars is for the geological survey in the field. Now, the Director can not divert that money for this purpose.

Mr. FORNEY. Possibly he can not, but he has been——

Mr. SYMES. And a portion of that topographical survey is of use in this work, and can be utilized in locating these sites for reservoirs.

Mr. FORNEY. We have been using it for the last ten years, and last year about $100,000 was used for this identical work of ascertaining where these lands lie and how they can be irrigated. Now, the Senate go forward and say they want to increase this to $250,000 in the appropriation which they make in the bill outside of this amendment, and if we continue to make them as we have been in the past Major Powell says he can finish this work in thirty years; but the Senate go forward and make the appropriation so as to complete it in six years. That is the difference between the Senate and the House.

Mr. SYMES. He said he would accomplish the topographical survey of the United States, which is now being made, in thirty years, and it is a fact that a part of this work that ought to be done for the purposes of these reservoirs has been stopped, and he has been making surveys in the East and the West at the solicitation of members of Congress, because they all want topographical surveys made of their own States and districts.

Mr. FORNEY. I will state from the evidence of Major Powell before a Senate committee that he said he could in thirty years, with the appropriations that are now being made, if continued for the next thirty years, do the identical work which it is proposed to do under this proposition. He says if you give me $250,000 this year and a million each for the next five years, I can carry out and make the survey of that arid region and show where the head works should be established on each one of the rivers; can show where the reservoirs should be constructed, and where the canals should be dug; but that survey would not be worth anything unless the Government undertakes it or leaves it to corporations to do so. And I say that if it were done, either by corporations or by the Government, it would cost $960,000,000, and perhaps more; no one knows.

This is the entering-wedge, and after you have made the survey and got the map and ascertained where the sites should be, then you must go into this great work and make this vast expenditure. Now, I say it is not necessary for this work to be done within thirty years. There is no occasion for it. We are told that the arid region covers two-fifths of our country. Granted. The other three-fifths requires no irrigation. It is irrigated by the dews and rains of heaven, and no artificial irrigation is there required. Why, sir, outside of the arid region, in those portions of the country which do not require irrigation, we have land enough to sustain a population of three hundred millions of people, a number which we shall not reach for centuries. To-day we have, say, sixty millions of people, and even if our population should continue to increase as rapidly as it has increased for the last decade or two, we shall not have more than one hundred and twenty millions in thirty years, while, as I have said, there is territory enough outside the arid region to maintain three hundred millions of people.

Now, Mr. Speaker, I say this expenditure is entirely unnecessary at this time in order that at the end of thirty years we shall be able to hand down this heritage to our posterity. When the proper time comes they can go to work upon the arid region. We do not need it now. Why, sir, outside of the New England States there is not a State in this Union to-day but could support five times its present population. Take Virginia, one of the oldest of the States; she could readily maintain five times as large a population as she has to-day.

Mr. SYMES. Did not I take the position on Saturday that this was a work for the future, but that it would not do to postpone the beginning of it until a period when, under the homestead and pre-emption laws, these natural sites for reservoirs should have become private property?

Mr. FORNEY. Then, if it is a work for the future, why expend these two hundred and fifty thousand this year or five years hence?

Mr. SYMES. For the purpose of preserving these reservoirs for the future.

Mr. FORNEY. I insist, Mr. Speaker, that we do not require this expenditure at this time. It is pleasant to know that in the arid region we have 96,000,000 acres of land which, when irrigated, will be worth $30 an acre, or, as Major Powell puts it, two billions eight hundred millions. It is pleasant to know that; but we should also remember that in our country, beginning at the Atlantic coast and going west to the one hundredth meridian, where the arid region sets in, and then jumping across to the Pacific Slope, we have, as I have already said, land enough which requires no irrigation to maintain a population of 300,000,000. Therefore, sir, I hold that the motion of the gentleman from Kentucky that the House recede should not be adopted. The House has disagreed to this amendment and it ought to insist upon its disagreement.

But the gentleman from Kentucky says that this proposition to store the waters will solve the problem of the overflow of the Mississippi. Let us stop and think for a moment. In the first place, under this

scheme no dam will be built within a thousand miles of the Mississippi River. And what about all the waters of the Missouri and of the Arkansas and of the Tennessee and of the Ohio? Major Powell himself says that the annual flow of the Ohio is greater than the annual flow of the Missouri and greater than the flow of the Upper Mississippi. It is evident, therefore, that the Mississippi will continue to overflow its banks so long as all these waters flow into it, and the only way to stop the overflow of the Mississippi is by leveeing, a work which will be accomplished by and by when our population has increased to one hundred and fifty millions.

I hope, sir, that this House will not agree to the motion of the gentleman from Kentucky, but will insist upon its disagreement. I now yield ten minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Speaker, I rise to oppose the adoption of the resolution toconcur in the pending amendment put upon this bill by the Senate. We are relieved from the consideration of the main question whether the means for a more complete survey of the public lands shall be provided by the frank admission of the gentleman from Kentucky and others who have spoken in support of this motion, that the present appropriation is intended only as the first step towards an expenditure the amount of which no man ventures to prophesy, and the purpose of which is to make the United States the purveyor of a water supply to a population which the fervid imagination of gentlemen leads them to estimate at many millions. In other words, this is the commencement of another great scheme of spending the people's money in furtherance of the policy of making this a great paternal Government.

In determining whether we should enter upon it we can not get much help as legislators, though we do receive much information and entertainment from the poetical sketches of what he has seen and learned in other lands by my esteemed colleague [Mr. COX]. The Governments of Egypt, or of the Moors, or of the Sultan, or of Spain can not furnish us with any safe guides in determining what shall be the policy of our Government. The officials of those countries were the sovereigns and had most excellent reasons for lavish expenditures of the money raised by arbitrary taxes levied in the employment of the people who were their subjects. They made their governments splendid because their people were wretched.

In this country, where the people are the sovereigns and the officials the servants, there can be no such reason for splendid expenditure. The more our Government leaves the people to take care of themselves the more nearly it accomplishes the purpose for which it was created. I am not unmindful, however, that the present unfortunate condition has some resemblance to that which pertain in foreign lands when canals were built in Egypt and fountains made to gush in Constantinople. Here in these days as there in olden times the Treasury is overflowing with money gathered by an oppressive system of taxation imposed upon a people who are submitting with surprising patience to the exaction.

I believe that propositions to make such appropriations would not be entertained for one moment by either House of Congress if it were not for the unfortunate condition of our Treasury. The surplus which we all hear about, and which many of us talk about, is a constant source of temptation to the House to make extravagant appropriations and to the people to submit to them. Although this question of the existence of the surplus has been often spoken of and written about, still, sir, in the face of the proposition to make an appropriation of this character it is not amiss to recall the exact figures with regard to it.

On the 31st day of July, 1888, there had been collected and was in the Treasury of the United States $132,517,751.55 over and above every authorized expenditure for ordinary purposes which could be made by the executive department of the Government. It should not be overlooked that this is not a book-keeping surplus, but that it is actual money, the currency of the country, locked up in the vaults of the Treasury, for which the Government has no use, and which the officers charged with its custody have but a very restricted right to pay out. And it should also be understood that day by day the income of the Government exceeds the authorized expenditures and adds a further sum to this fund withdrawn from the channels of business. Under the authority given by the legislative branch of the Government the Secretary of the Treasury of the United States finds himself so placed that he has but two means of restoring to the channels of trade this accumulated and accumulating mass of the circulating medium of the country.

One method is to buy the bonds of the United States, and that method can only be pursued by paying for them a price which amounts to an advancement and payment at once by the Government of nearly one-half the entire amount of interest which would become due upon those bonds if they were left to be redeemed at maturity. And the other method is to deposit in national banks, upon their giving security by the deposit of Government bonds dollar for dollar, this accumulated currency of the country, to be by the banks loaned and used in their daily transactions. The amount so deposited was, on the 31st of July, 1888, $59,681,642.34.

It used to be thought and said that Americans were an acute people and transacted their business with a sagacity unexcelled by any class of business men in the world, and yet so stupidly has the legislation of this country failed to meet the situation which it has created that we find the Secretary of the Treasury compelled by law to receive the obligation of the Government, upon which it pays 4 per cent., and to deliver to the banks currency to the amount of their par value, and those banks having received it lend that same currency to the people, to whom it belongs, at a rate of interest running from 6 to 8 and even 12 per cent. per annum.

In other words, sir, so ridiculous, if the result were not so serious, has been our financial legislation that we are paying money into the Treasury of the United States, paying somebody 4 per cent. to borrow it from us and then paying these same people interest for the privilege of borrowing back from them our own funds. It is not to be wondered, sir, that in such a condition of the Treasury and with such limitation upon the power of the Secretary of the Treasury to put back into the hands of the people the money which has been gathered together unnecessarily such schemes as that proposed by this amendment find place and supporters in our legislative bodies.

Obviously one of two things must be done, either the expenses of the Government must be increased so as to bring them up to the limit of the revenue, or else the revenue must be reduced to the limit of the expenditures. No man yet has been found bold enough to advocate in terms the first plan or even to sit still without denial under the charge that he is willing to adopt such a system. And yet, sir, it is not to be overlooked that these increased appropriations, if they are not caused by it, are at least excused by the existence of the surplus. I take it that at least in profession all political parties agree that the further accumulation of the surplus should be stopped by a reduction of the revenues. The attention of this House was pointedly called to this condition of the Treasury and this effect of existing law at the opening of this session of Congress.

The party to which I belong has responded to the call for legislation which this condition of things makes upon us by a definite proposition which has been passed by the votes of its members through this House. The bill known as the Mills bill is the response by the Democratic party to the demand for a reduction of the revenues of this country and has been subject to exhaustive debate and criticism in this House. And in view of what is happening about us, if we accept public rumor as true, it seems to me timely to call the attention of the House to the answer which events give to some of the objections which were urged against it during the general debate upon it. This House rang with denunciations of the majority and of the author of this bill because it was not sooner introduced.

The gentleman from New Jersey [Mr. BUCHANAN], criticising the length of time taken in preparing the Mills bill, said:

> More than four months have passed and no measure looking to any avoidance of the dangers described by the President has yet been brought to a vote. His friends are in a majority here.

Since that utterance the bill and every line in it has been subjected to the most critical and exhaustive discussion in a debate which began April 17 and ended July 21.

The RECORD shows that arguments in relation to the surplus and tariff reform were addressed to the Senate in January last. The Mills bill passed this House and reached the Senate on the 23d day of July, and although the period since it formally reached that body is much shorter than elapsed during its preparation and discussion in this House, its substance was well known and there was not a feature of it or of the condition of the country to which it applies but what was fully understood and had received the careful attention of the individuals who constitute the Senate during all these months. If therefore there is an earnest desire to reduce the revenue entertained by our Republican friends, how comes it that daily we are informed by the public press that the majority of the Senate committee have postponed until next week or to some uncertain date in the future their report upon this measure? If four months was too long a time for the majority of the Ways and Means Committee to initiate a reform of our revenue laws and perfect a bill before the public and exhaustive discussion of the subject, what can be said of a delay of nearly two months in reporting upon a measure thus fully discussed and thoroughly understood before it left this House?

It was also said in regard to this bill that it was the creation of what some gentleman upon this floor termed a cabal and was approved by a caucus. The method of its preparation, adopted by a majority of the Committee on Ways and Means, was the frequent and repeated source of complaint and reviling by gentlemen on the other side during its discussion. The gentleman from Michigan [Mr. BURROWS], speaking of the Mills bill, said "that it was conceived in darkness, brought fourth in secrecy, its parentage carefully concealed," and, with assumed earnestness, asked the House "to think of a majority of a great committee of this House hiding away from the minority of that committee for six weeks, and in some secret place without consultation with the minority framing a measure involving the industrial prosperity of sixty millions of people." My colleague [Mr. BELDEN] opened his re-

marks by saying, "A glance at the provisions of this bill would indicate that this wonderful production of star-chamber gestation had been conceived in malice." The gentleman from New Jersey, Mr. KEAN, remarked "that it was unfortunate for the country and for the proper consideration of the tariff that this bill had its birth in secret and its cradle in a partisan caucus."

And yet, Mr. Speaker, after the Mills bill had passed this House and reached the hands of the committee of the Senate, unless common rumor lies worse than ever, it took a party caucus held under the most favorable and enlivening circumstances to enable the majority of that body to reach, doubtingly and late at night, the conclusion that an effort should be made to reduce the revenue and to report on this bill, and in accordance with the conclusion reached by that caucus the majority of that committee have met with closed doors, outside of which the minority of that committee have been compelled to stand, to consider how to reduce the revenues or rather how to destroy the Mills bill.

These events, sir, have made plain to the country if not to the members of this House how silly such criticism is, and it will be fortunate for the critics and the party of which they were the spokesmen if they escape the suspicion that the real reason for these criticisms was the hope to unfairly discredit and to delay the passage of the only measure to reduce the revenues as yet sought to be enacted.

This bill has also been criticised upon the ground that it would if enacted result in the destruction of American industries, and it is a curious fact, sir, that this assertion was as earnestly made in resisting propositions to put upon the free-list articles which were not produced by the industries of this country or with which it was impossible that there should be foreign competition as with regard to any other items in the bill.

To illustrate: one of the articles placed upon the free-list by the Mills bill was "fresh milk." No one intentionally put "fresh milk" into a tariff bill as a proper object upon which to impose a duty. It was by a blunder put into the tariff law of 1883 by falling within the terms of section 2513 A, which is in these words:

> There shall be levied, collected, and paid on the importation of all raw or unmanufactured articles not herein enumerated or provided for a duty of 10 per cent. ad valorem.

When line 141 of the Mills bill "milk, fresh" was read in committee the gentleman from Iowa [Mr. LYMAN] arose and moved to strike out the line, and added:

> I have thus far taken no part in the debate upon the pending bill, but we are now considering a portion of the bill which makes a direct attack upon the farmers of my section and upon the farmers of the entire country—

And on this amendment after argument the committee was called upon to vote, and the amendment was rejected.

The total value of milk imported for two years past and the ports at which it was entered are shown by the following table:

Of the fresh milk entered for consumption in the year ending June 30, 1887, there was entered at—

Plattsburgh, N. Y.	$1,616
Detroit, Mich.	490
Port Huron, Mich.	999
El Paso, Tex.	720
Burlington, Vt.	377
Total	4,202

Value of imported fresh milk entered for consumption in the United States during the year ending June 30, 1888.

Ports at which entered.	Value.
Cape Vincent, N. Y.	$14.00
Plattsburgh, N. Y.	267.73
Corpus Christi, Tex.	11.00
Detroit, Mich.	1,823.00
Port Huron, Mich.	1,223.00
El Paso, Tex.	193.00
Burlington, Vt.	1,507.00
Total	5,038.73

The relative importance of such importation is best shown when I state that there was paid by the farmers of the district which I represent to the railroads as freight upon the fresh milk carried to the city of New York for consumption there (the rate of freight being 35 cents for each can containing 40 quarts) more than the sum of $900,000 in the year 1887. And yet, sir, the farmers of my section are invited to believe that their product is protected from ruinous competition with Canada by the tax upon the quantity of milk imported as above shown. They are invited to believe that the Mills bill is a direct attack upon their industry because their production upon which they pay the large amount above mentioned as freight is liable to be driven out of the New York market by the product of the pauper cows kept in Canada with its nine months of winter and three months of cold weather.

The intelligent farmers of my district will fully appreciate the force of this argument to induce them to sustain modern Republican doctrine when they contrast this munificent protection of 10 per cent. upon the importation of an article which can never come into real competition with their product with the burden of a tariff rate of 34 per cent. upon every pound of tin which enters into the utensils and cans for which they are so constantly and largely paying out their earnings. I have called attention to this particular item partly because I am familiar with facts relating to it and partly because I believe that the sincerity of the assertion that the Mills bill strikes down American industries can by it be fairly tested.

Another item placed upon the free-list by the Mills bill was ordinary building brick. It was subject to a duty of 20 per cent. ad valorem, and we were informed that this bulky and comparatively cheap article would certainly be made and imported into our country and our brick-yards annihilated if it should be brought in free. And yet, sir, the fact is well known that little or no brick of the quality of ordinary building brick has been imported into this country for many years under any of our tariff laws. The bulk and weight of common brick as compared with their value are such that the freight rates for their transportation not only protect us against foreign competition but prevent competition between different neighborhoods in our own country. A haul of a few miles upon a railroad will prevent the carrying of brick from the largest yards in the Hudson River valley as against the competition of smaller yards with poorer facilities and greater running expenses but in the immediate neighborhood where the brick is needed.

In this connection I submit the following table compiled from the census of 1880 as showing the range of selling price and of labor cost of brick from 1860, with the remark that the highest selling price reached by brick and the highest wages paid to labor in this business in twenty years were attained and paid under the same rate of duty as was exacted when both items were at the lowest point:

Comparative table of tariff rates, selling price, and labor cost of brick.

State.	Year.	Rate per 1,000.	Price per 1,000.	Wages.			
				Burners.	Setters.	Molders.	Common labor.
New Jersey	1860	$0.20	$8.00	$1.62	$1.62	$1.25–$1.50	$0.75–$1.10
Do	1865	.20	8.00	2.50	2.50	1.50– 2.00	1.00– 1.50
Do	1870	.20	10.00	3.50	3.00	2.25– 3.00	1.25– 2.00
New York	1871	.20	7.00	2.50	2.50	3.25	1.75
Do	1875	.20	6.00	2.00	2.00	2.75	1.50
Do	1879	.20	6.00	1.62	1.62	2.25	1.25
Do	1880	.20	7.00	2.00	2.00	2.50	1.50

I also call attention to the fact that the price for brick and the wages paid in that business vary from year to year in such a way as to preclude the idea that either was at all dependent upon the effect of tariff legislation.

An examination of the statistics of brick importation demonstrates that in recent years the brick imported into this country were glazed or otherwise decorated and expensive brick.

I also submit to the House the following table showing the exports of common brick from this country for twenty years past:

Quantity and value of building bricks exported from the United States for the years ending June 30, 1870 to 1888, inclusive.

Years.	Building bricks.	
	Quantity.	Value.
1870	2,258,000	$25,091
1871	896,000	9,279
1872	1,705,000	14,305
1873	1,219,000	10,632
1874	1,347,000	11,290
1875	1,451,000	12,120
1876	2,336,000	18,035
1877	3,363,000	23,571
1878	41,822,000	254,446
1879	7,827,000	51,714
1880	4,663,000	36,299
1881	3,364,000	27,989
1882	5,400,000	50,870
1883	6,350,000	56,227
1884	7,998,000	60,702
1885	6,223,000	45,181
1886	5,241,000	35,579
1887	5,734,000	45,557
1888	3,882,000	31,728

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *August* 27, 1888.
WM. F. SWITZLER, *Chief of Bureau.*

Hon. H. BACON,
House of Representatives.

We exported and sold these large quantities of brick made by our higher-priced labor, maintained, say the opponents of this measure, by

the duty, in competition with all the world and its cheaper labor. Of course the exporters of these brick did not export them for fun; they exported and made a profit on them; and yet intelligent men are asked to believe that the removal of the duty on imported brick will compel our manufacturers to give up the home market to the very men whom they successfully met and overcame in open competition in the foreign market.

Mr. Speaker, with the knowledge which these statistics give us of the entire inutility of an import duty on the article of common brick either to sustain its price or the rate of wages paid to labor employed in its manufacture, we heard here from gentlemen on the other side eloquent and pathetic appeals to strike out the provision putting brick on the free-list in order to save this industry from ruin. It is impossible to resist the conclusion that from this example we can learn the groundlessness of the expressions of fear, the idleness of the prophecies of ruin to American industries as the result of the passage of the Mills bill, with the repetition of which our ears have been so frequently assailed.

The theory upon which the Mills bill was constructed, so far as it affected the tariff, was that the surplus revenue now collected by the Government should be reduced by taking off the duties paid upon the necessaries of life and of what are denominated raw material, to the end that not only might money not needed for the legitimate expenses of the Government be kept out of the Treasury, but that the people of the country might receive the necessaries of life relieved from the extra charge made necessary by the payment of duties. The President in his annual message said that these duties added to the cost to the consumer of the article subject to duty, and there has been no portion of his message and no argument in favor of this bill, so strenuously attacked and denied as this plain statement of a fact which can not be the subject of fair contradiction. If our manufacturers do not enhance the cost of the articles that they sell to the consumer by reason of the amount of duty paid upon the foreign goods before they are admitted into this country, what possible protection can the tariff afford to the American manufacturer?

The only argument in favor of a protective tariff is that by reason of the exclusion of competition with the foreign manufacturer our manufacturer is enabled to enhance his price and thereby to pay enhanced wages to his employés. He enhances his price by an amount exactly or approximately equivalent to what it costs the foreign manufacturer to place his goods upon the American market. In fact, he adds every time to the cost of the foreign product in the markets abroad the items of freight, insurance, and tariff rates in order to determine the amount at which he will sell his own product. It affords no reply to this plain business proposition to say that as compared with twenty years ago manufactured products in this country are sold at vastly reduced prices. That is conceded, but the question is not whether prices have tended downward for twenty years in this country.

The question as to whether the tariff duty increases the cost to the consumer in this country is to be settled not by a comparison of the prices in this country now and twenty years ago, but by a comparison between the prices at the present time in this country and in the country from which the goods would be imported were it not for the duty. Any such comparison, sir, will demonstrate the entire accuracy of the statement that this duty enhances the price of all commodities to the consumer in this country.

I submit herewith a table, prepared with the aid of the Bureau of Statistics, as sustaining the proposition that the tariff rate does enhance the cost of the commodities to the consumer:

Export prices of the below-named articles in England, Germany, France, and the United States in 1877 *and* 1886, *with rate of duty in the United States.*

Countries, etc.	1877.				1886.			
	Steel rails, per ton.	Tin-plate, per cwt.	Pig-iron, per ton.	Refined sugar, per pound.	Steel rails, per ton.	Tin-plate, per cwt.	Pig-iron, per ton.	Refined sugar, per pound.
				Cts.				*Cts.*
England	$35.28	$4.82	$13.95	6.0	$23.11	$3.44	$10.50	3.1
Germany	.....	.....	19.95	8.6	.....	.....	10.40	3.5
France	42.16	5.88	13.73	7.2	23.53	3.92	11.77	3.5
United States	45.50	8.81	28.00	11.6	37.13	4.69	18.91	6.7
Tariff rate	23.00	1.10	7.00	5.0	17.00	1.00	6.72	3.5

One of the advantages which the opponents of the Mills bill claim as the result of a high rate of duty is a steady reduction in the price of all commodities. That there has been this steady reduction is not disputed, but that it results from the high rate of duty is not only denied but disproved. I submit the following table to show that during the past twenty years in the article of cotton cloth there has been a steady reduction in price, in England as well as in this country, and that in the last ten years the reduction there has been greater than it has been here.

Average export prices per yard of domestic cotton cloths (not colored) exported from the United States and from the United Kingdom, respectively, during each year from 1868 *to* 1887, *inclusive.*

Years.	United States.	United Kingdom.
	Cents.	*Cents.*
1868	14.3	7.45
1869	.....	7.69
1870	16.3	5.51
1871	12.0	6.76
1872	14.9	7.12
1873	16.2	6.99
1874	12.6	6.54
1875	10.8	6.35
1876	8.9	5.87
1877	8.4	5.74
1878	8.0	5.59
1879	7.5	5.37
1880	8.5	5.53
1881	8.2	5.38
1882	8.1	5.50
1883	8.3	5.30
1884	7.5	5.01
1885	6.9	4.73
1886	6.5	4.48
1887	6.8	4.60

But, Mr. Speaker, it has been insisted that the revenues of this country should not be reduced by the reduction of the rate of import duties for the reason that the inevitable result of such reduction will be injurious to labor and will diminish the price at which it is compensated in this country. And those who oppose this measure of reduction are fond of calling attention to what they assert to be the vastly higher rate of wages paid in this country than that paid in foreign countries, and ascribe the whole of the difference between the rates of wages in the different countries to the effect of a protective tariff. The question to be determined is not whether wages are higher in this country than in other countries, but why are they higher.

My own conviction is that tariff taxation can no more increase the wages paid in a country than it can increase the amount of grain which will grow upon an acre of land in the same country. And in support of that conclusion I call attention to the fact that comparing the prices paid for wages in foreign lands we find that the wages paid in England, a free-trade country, are higher than those paid in Germany, a country having a protective tariff system, or in Italy, which is also a country with a protective tariff, or in France, which is also a country with a protective tariff. Again, comparing the wages paid in this country with the wages paid in England, it will be found that while the rate of daily wages in this country is higher than that paid in England, that the excess paid in this country anywhere, and in any occupations connected with the important manufactures, is but a small proportion of the amount of the ad valorem rate of duty upon the commodities imported into this country.

It will also be found by comparing the wages within this country itself and in its different States, although all of them alike have whatever benefit there can be in our tariff system, yet the difference in wages between the various States for labor in the same occupation and of the same grade is very great. Now, sir, if the high rate of wages in this country were created or sustained solely by the tariff, can anybody satisfactorily explain why labor in this country is not paid uniform wages in all parts of it? Again, comparing the wages of men employed in business connected with commodities which are protected with those in business connected with commodities not protected, the fact will be found to be that, excluding unskilled labor, the daily wage of the latter class is quite generally higher than that of the former.

To institute still another comparison, it will be found that the variation in wages between different parts of this country is greater than the variation in wages paid in many parts of this country and in Great Britain in the same occupation.

This latter fact, which is incontestable, can be explained away, as it seems to me, upon no theory consistent with the statement that a high rate of wages paid in this country is due to the existence of a tariff tax. In discussing this question of wages to this point I have confined myself to a comparison of the daily wages paid, but it is obvious that in determining why wages are higher in one country than another the true test will be found in a comparison of the labor cost in the various articles produced in the two countries. That is, the labor of the two countries should be compared by a consideration of their productive values. But some man will say the laborer is not interested in the question of a comparison of the labor cost in different countries, provided he gets more money in one country than in the other. If the laborer was seeking to ascertain the fact whether he got more money or not, the question of comparison of labor cost would be unimportant; but in seeking to determine why he gets more money he will understand that it is important to know the relative effectiveness of the two kinds of labor; for it is obvious that whether there is a tariff or not a manufacturer can better afford to pay a man $2 a day who produces $5 worth of work than he can to pay a man $1 a day who produces $2 worth of work. With or without any tariff the better workman will command the better wages.

That the labor of the American workmen is more productive than that of the workmen of other countries is a fact to which so much testimony has been borne from time to time by different men of different parties that those who deny it are compelled to contradict the eloquent testimony of most of the leaders of the Republican party.

I submit the following table as showing the variations in different parts of our country in the price paid for labor and in the percentage of labor cost in certain lines of manufactures:

Selling price, labor, cost, and percentage of wages to cost of certain woolen goods in twelve establishments.

[Selected from Statistics of Wages, by Joseph D. Weeks, Tenth Census. Pages as below.]

	Selling price.	Labor cost.	Percentage of wages to cost.
Alabama (page as above, 378):			
Jeans, per yard	$0.40		20 to 25
Kerseys, per yard	.25		
Yarns, per pound	.85		
California (page as above, 379):			
Blankets, per pair	8.24	$0.77	11
Flannel, per yard	.55	.08	20
Illinois (page as above, 384):			
Flannels, per yard	$0.35 to .40	.06	17
Cassimeres, per yard	.65 to 1.50	$0.10 to .20	13 to 14
Indiana (page as above, 386):			
Jeans, per yard	.40	.05	14⅜
Flannel, per yard	.42½	.12	32½
Yarn, per pound	.80	.10	16¾
Iowa (page as above, 388):			
Blankets, per pair	7.50 to 8.50	1.75	26
Cassimeres, per yard	1.40	.35	35
Flannel, per yard	.55	.16	30
Plain and fancy yarn, per pound	1.00 to 1.40	.12½	15
Kentucky (page as above, 388):			
Flannel, per yard	.50	.15	50
Yarn, per pound	1.12	.28	32
Massachusetts (page as above, 394):			
Sleeping-car blankets, per pound	1.50 to 1.60		21.52
Repellents, per yard	1.00	.15¼	
Carriage rugs, each	6.50		
New York (page as above, 390):			
Wool cassimeres, per yard		.62	25
Ohio (page as above, 401):			
Flannel, per yard	.40	.14	40
Cassimere, per yard	1.00	.25	30
Blankets, per pound	.90	.18	22½
Yarn, per pound	.70	.13	20
Pennsylvania (page as above, 403):			
Fancy cassimeres, per pound	1.36 22/100	.19 3/10	15
Rhode Island (page as above, 404):			
Cloth, per yard	.37½	.02 to .05	10
Hosiery, per pound	1.25	.10 to .15	
Utah (page as above, 406):			
Doeskin, per yard	1.75	.63	58½
Kersey, per yard	1.20	.46	50½
Dress flannel, per yard	.85	.38½	56⅔
Jeans, per yard	.90	.40½	58

Per cent. of labor cost of total cost of pig-iron in various States of the United States.

[Pages 116, 117, first annual report (1886) of the Commissioner of Labor.]

States.	Description of unit.	Per cent. of labor cost of total cost.
Alabama	One ton run of furnace foundry pig-iron (Alabama ore).	16.28
Indiana	One ton run of furnace foundry pig-iron	14.84
New York	One ton run of furnace foundry pig-iron (New York ore).	13.08
Ohio	One ton run of furnace foundry pig-iron (Lake Superior ore).	8.81
Do	One ton run of furnace foundry pig-iron (Hocking Valley and Lake Superior ore).	14.23
Do	One ton run of furnace foundry pig-iron (Hanging Rock ore).	10.11
Do	One ton run of furnace foundry pig-iron (Hanging Rock ore).	12.06
Do	One ton run of furnace foundry pig-iron (Hanging Rock ore).	12.20
Do	One ton run of furnace foundry pig-iron (Mahoning Valley and Lake Superior ore).	9.23
Do	do	8.55
Do	do	9.68
Pennsylvania	One ton run of furnace foundry pig-iron	12.50
Tennessee	One ton run of furnace foundry pig-iron (Tennessee ore).	14.49
Do	do	16.71
Virginia	One ton run of furnace foundry pig-iron (Virginia ore).	10.99
Do	do	9.21
Do	do	9.12
West Virginia	One ton run of furnace foundry pig-iron (Lake Superior ore).	12.70
Do	One ton run of furnace foundry pig-iron (West Virginia ore).	11.16
Maryland	One ton No. 1 foundry pig-iron	14.38
New York	do	13.29
Ohio	One ton Bessemer pig-iron	7.13
Do	One ton Bessemer iron	13.59
Do	do	13.59
Pennsylvania	do	7.29
Do	do	6.89
Do	do	8.52
Ohio	One ton foundry pig-iron, soft, silvery (Ohio brown hematite ore).	17.02
Do	do	15.65
Do	do	14.58
Do	do	15.09
Do	do	14.69
Do	do	15.43

I desire to call the attention of the House to a table prepared by the statistician of the Bureau of Labor and presented to this House in connection with a speech on the tariff made by the gentleman from Texas [Mr. MILLS] in April last, and to make some comment upon it.

Cost of production, etc., in the United States at two periods.

THE FIRST PERIOD—1849 TO 1860.

Number of establishment.	Year.	State.	Industry. General.	Industry. Special.	Product per employé per day on full time. Quantity.	Product per employé per day on full time. Unit of measure.	Labor cost per unit of measure.	Average daily earnings of employés on full time.	Number of employés reduced to full time. Day hands.	Piece hands.	Total.	Weavers. Number.	Weavers. Wages.	Weavers. Yards per day for each.
1	1849	Massachusetts	Cotton	Print cloth	44.5	Yards	$0.01499	$0.667	58	57	115	45	$0.65	113.3
2	1850	do	do	do	42.0	do	0.01547	0.650	76	154	230			
3	1852	do	do	Sheetings	41.3	do	0.01624	0.670	169	317	486	180	0.70	120.6
4	1855	New Hampshire	do	Print cloth	42.5	do	0.01576	0.670	414	350	764	283	0.65	114.5
5	1858	Massachusetts	Woolen	Cassimeres	1.5	do	0.70000	1.050	50	45	95	30	0.90	4.8
6	1858	do	do	Flannel	10.0	Pounds	0.10000	1.000	26	32	58	20	0.90	30.0
7	1860	New York	Iron	Pig "anth."	4/3	Ton	2.02500	1.080			75			

THE SECOND PERIOD—1884 TO 1887.

Number of establishment.	Year.	State.	Industry. General.	Industry. Special.	Product per employé per day on full time. Quantity.	Product per employé per day on full time. Unit of measure.	Labor cost per unit of measure.	Average daily earnings of employés on full time.	Number of employés reduced to full time. Day hands.	Piece hands.	Total.	Weavers. Number.	Weavers. Wages.	Weavers. Yards per day for each.
1	1884	Massachusetts	Cotton	Print cloth	98.2	Yards	$0.01018	$1.00	151	244	395	142	$1.06	273.4
2	1884	do	do	do	102.0	do	0.01029	1.05	150	260	410			
3	1886	do	do	Sheetings	73.0	do	0.01369	1.00	227	530	757	280	1.17	194.0
4	1886	New Hampshire	do	Print cloth	103.0	do	0.01019	1.05	394	760	1154	429	1.05	278.0
5	1886	Massachusetts	Woolen	Cassimeres	3.2	do	0.46875	1.50	60	80	140	40	1.45	11.2
6	1887	do	do	Flannel	16.9	Pounds	0.07100	1.20	23	40	63	19	1.02	*55.0
7	1886	New York	Iron	Pig "anth."	1/9	Ton	1.80928	1.49			95			

*Pounds per day for each.

The two periods considered with respect to labor cost.

Number of establishment.	Period.	State.	Increase in product.	Increase in wages.	If wages of first period prevailed in second and were applicable to product of second, the following would be—		Decrease of labor cost per unit of measure.
					Labor cost per unit of measure.	Per cent. of such labor cost of total cost of first period.	
			Per cent.	*Per cent.*			*Per cent.*
1	1849-1884	Massachusetts	120.6	50.0	$0.006702	45.3	32.0
2	1850-1884	....do	142.8	61.5	0.006372	41.2	33.4
3	1852-1886	....do	77.0	49.2	0.009178	56.5	15.7
4	1855-1886	New Hampshire	142.3	56.7	0.006504	41.2	35.3
5	1858-1886	Massachusetts	113.3	42.9	0.328125	46.8	33.3
6	1858-1887	....do	69.0	20.0	0.059110	59.1	29.0
7	1850-1886	New York	54.4	38.0	1.311428	64.8	10.6

The House will observe that in the manufacture of cotton-print cloth, while the same labor made 120.6 per cent. more product in 1884 than it did in 1849, there has been only an increase of 50 per cent. in wages, and to obviate the criticism that cotton cloth is not a fair test, I call attention to the fact that in the manufacture of cassimeres, while the increase of production is 113.3 per cent. from 1858 to 1886, the increase in wages of labor is only 42.9 per cent. Mr. Speaker, how can it be argued that, when the actual value of labor to the manufacturer by reason of the amount of product has in both the instances cited more than doubled while the wages have only increased 50 per cent., the high wages paid American workmen are due to tariff legislation?

The tariff of 1856 as applied to woolen manufactures was much lower than the tariff of to-day or the tariff proposed by the Mills bill, but the wages have not only not been increased in proportion to their increase in value, but have fallen far below it under the supposed benefits of a protective system. If we keep before us clearly that the question to be asked, discussed, and answered is not whether wages are higher in one country than in another, but why they are higher, the importance of these figures and of the facts which they demonstrate is clearly shown.

It seems to me, then, that whether we undertake to determine this question of why wages are higher by a comparison between the wages paid in foreign countries having varying rates of duty or by a comparison between the wages paid in our own country and in the countries of Europe, or by a comparison of wages paid for the same kind of labor in different sections of our own country, or by a comparison of wages paid in our own country in different kinds of business, some directly protected, some unprotected, or whether we test it by the much fairer test of the comparative value of labor, judged by the amount it produces, there can be but one conclusion reached, and that is that the rate of wages paid in any country is not determined by its relations with other countries, but solely by the internal conditions of the country itself, the demand for labor, the opportunity for productive paying employment.

So long, sir, as this country possesses a vast domain of public lands, preserved by vigilant executive officers for settlement by its citizens, so long as the population is scanty and labor is in demand, so long will the price of labor remain high in this country; and in exact proportion as these public lands are absorbed and the population becomes dense the rate of daily wages will decline. We can say, and it is a just source of pride to members of my party, that since this Administration came into power it has prolonged the time when our public lands shall be open to settlement by poor men, by the restoration of large tracts of such lands to the public domain. But whenever these lands shall have been absorbed, whenever the same conditions exist here that exist in Europe, then, and not until then, will the rate of wages in this country sink to a European level.

Not only is the Government of the United States collecting more money by taxation than it needs, but by reason of it it is, to a large extent, responsible for the existence of various forms of combination, including most of those which have come to be known as trusts. It has been my duty, sir, under the order of this House, to devote the greater portion of my time during the present session of Congress to the investigation of the methods of business and forms of organization of such combinations. The modern business combination called a trust has come into existence in various kinds of business, but in all cases it will be found that one or two conditions existed in each kind of business anterior to the trust and was the inducing cause that led up to its formation.

Either the supply of the chief article purchased in such business as its raw material was limited or the demand for the chief article produced therein was limited and did not exceed if it equaled the supply. A monopoly—for after all that is what is intended to be accomplished by these trusts—could not be preserved where either the supply of the raw material was unlimited or the demand for the finished product remained unlimited, *i. e.*, greater than the supply. The limitation, however, may come from natural causes, or it may come from the interference by legislation with the operation of natural laws.

The Standard Oil trust is an instance of a trust which has grown up because of a limitation arising from natural causes, *i. e.*, because the source of supply of crude oil which is the article it buys is restricted to a small area. The early efforts of the combination which has developed into the Standard Oil trust were successfully directed to obtaining control of the transportation facilities necessary to bring the supply produced in this limited area to the points where the demand for it and for the refined product is general, and it has carried on that effort until to-day, practically, the whole of the crude petroleum passes into its custody, or under its control, the moment it leaves the earth. If oil, like wheat, was produced everywhere, there would have been no possibility of and no profit in the trust.

But the Standard Oil trust as a combination of corporations refining crude petroleum has an immense advantage over all competitors when, availing itself of the opportunity growing out of the limited source of supply, it takes into its possession and under its control the raw material which its competitors as well as its corporations must use. For the creation of this trust, therefore, the taxing laws of the country are not in any way responsible.

The sugar trust, however, was formed because the tariff law of this country is such as to place a limit both upon the demand for sugar refined here and upon the supply of refined sugar which might be brought here from abroad to compete with the American article. The duty imposed upon raw sugar, which is the article bought by our refiners, and a sufficient supply of which is produced within the limits of our own country, makes it impossible for our refineries to compete in the markets of the world with the refined sugars of England, France, and Germany with their systems of free trade or bounties, and hence limits the demand for the products of our refineries to our own markets.

Their productive capacity has become largely in excess of this demand, and hence it became necessary, in order to maintain the profits of that business, to organize a trust by means of which production could be limited, competition prevented, and prices regulated and sustained. The price of refined sugars has steadily advanced since the formation of this trust, and this advance has not been accompanied, and hence has not been occasioned by a corresponding advance in the cost of raw sugar. The advance in refined sugars therefore simply represents an additional profit to the refiners and an additional burden upon the whole body of the people. The almost complete monopoly of the American market possessed by the corporations which are controlled by the sugar trust has, in this instance, worked out its natural effect an enhancement of price to the consumer not resulting from any enhanced cost of production to the manufacturer.

This trust not only came into existence by reason of the limitations of the demand for its product created by our tariff laws, but its power to thus unreasonably enhance its profits by increasing disproportionately the difference in price between raw and refined sugars is also derived from the same legislation because it limits the supply of refined sugars which can be imported. In this instance the limitation is the direct result of interference by national legislation with natural laws, for if the tariff laws were so modified as by the Mills bill it is proposed they shall be, that the rate of duty imposed upon refined sugar fit for consumption was more nearly equal to the rate upon raw sugar, the sugar trust would find itself compelled to reduce the price charged for refined sugar, or foreign sugars fit for consumption could be introduced and profitably sold in our market duty paid.

This trust with its power to do mischief and oppress is not largely or at all a private affair with which the Government of this country has no particular right to interfere, but its power is the direct result of laws enacted by Congress fixing the rates of duty upon the various classes

of sugar. The destruction of its power to oppress is not only a matter of public concern and duty, but it is practically not difficult to accomplish. Of course the sugar-refining business and the sugar-growing business of the country can be destroyed together by placing sugar of all grades upon the free-list.

It may seem wise to some gentlemen to pursue that method. But as I understand the policy of my party it is, while reducing taxation to a point where it will produce only revenue enough to pay the expenses of the Government economically administered, where the people will be relieved from all unnecessary burdens by reason of it, and where the existence of trusts as the results of legislative interference with the laws of trade will be made impossible, to so wisely and judiciously reduce rates of duty as not to destroy and not to seriously disturb any business or the employment of labor in any business.

The remedy for the existence of any power to oppress by the sugar trust is not to disturb materially the rate of duty upon raw sugar, but to diminish the rate of duty upon refined sugar, and by that term I mean to include all sugars in a condition for consumption to a point that will render it impossible for the sugar trust or any similar combination to put the price of refined sugar at an unreasonably high figure in this country without bringing it immediately into competition with the product of the refineries of England, Germany, and France. Such a course will at once preserve the sugar growing and sugar refining industries of the country and permit them to continue their business and the employment of labor, and at the same time prevent the people from being subjected to exorbitant charges for this necessary article of food. What I have stated with regard to the sugar trust I believe correctly describes the conditions which have led to the creation of most of the other trusts existing in this country. The instances in which the limitation of either supply or demand arises from natural causes are few and with few exceptions unimportant.

The remedy, therefore, for the evil arising from such combinations can be found in such a modification of the tariff laws as will open the markets of the United States to the world whenever American manufacturers, united by combination or in a trust, put an unreasonably high figure upon any commodity which they produce. Such a modification will also release the United States from its quasi, and to it unprofitable, copartnership with the managers of the trusts.

There have been other remedies for the regulation of these trusts suggested. Most of them seem, however, to have been suggested without reflecting upon or perhaps clearly knowing the peculiar form or organization which the modern trust adopts. That form of organization was carefully and accurately described in a report submitted to this House by the Committee on Manufactures, of which I have the honor to be chairman, but it will not be amiss here, sir, to briefly recall the leading features of it.

These modern trusts are not incorporated under the laws of any State and are restricted to a combination of the stocks of independent corporations existing under charters granted by several States. They leave the corporations in the various States independent, each carrying on, under the laws of the States and subject to their correction, its business. They put the stock of the corporations into the hands of trustees, who thus become owners of the controlling interests in the corporations, and the dividends of the corporations are paid to the trustees as stockholders, and are by them distributed to the holders of the trust certificates. By this device, sir, these creatures of the statutes of the State corporations remain undisturbed as the buyers and sellers and dealers with the public. They are not combined. Any law which prohibits the combinations of persons or corporations to deal in articles for the purpose of limiting the production or regulating the price of the commodity will fail, in my judgment, of accomplishing its purpose of destroying these trusts, because the corporations are not in any combination and their individuality and separate existence is carefully preserved.

The combination or pooling of the stock is a matter with which it is difficult to see how the Federal Government can interfere. The right to issue stock and the rights of stockholders grow out of State legislation, and the States granting those rights having imposed no condition upon the use to be made of the stock or upon the stockholders pooling or combining their holdings, it is not easy to see how the Federal Congress can prohibit any use that the owner of stock may lawfully make of his certificates under the State law which authorized their issue. This particular form of organization has become possible, because in these days we have strayed so far away from the limitations which, by the wisdom of the fathers, used to be imposed upon the granting of corporate charters that we have grown forgetful of their nature.

The charter of a corporation is a privilege granted by a sovereign and carries with it many attributes of the sovereign, notably the power of self-perpetuation, the power to exercise the right of eminent domain, the freedom of the persons who actually transact the business from any personal liability for the obligations and contracts which they lawfully make in the name of the corporation. It was always the custom in earlier days to grant these charters as a special privilege and because they were supposed and intended to serve a public purpose. Every charter in this country was then granted by a special act of some State Legislature. As the result of this practice there grew up many charges of legislative corruption in connection with the granting of charters, and these charges became so frequent that they threw disgrace upon our whole legislative system.

To avoid this evil the States have pretty uniformly authorized individuals, upon compliance with a few formalities, to clothe themselves with charter privileges, until now the rule is that charters, instead of being granted for some public purpose, are obtained as the easiest means of transacting private business. The free granting of charters has become so much a matter of course that we have forgotten that each one of them is a little piece of the sovereignty of the people chipped off and donated to some individual, and that in giving to any individual any portion of the sovereign authority we are conferring a power which is capable of being used for the selfish advancement of its possessor and against the public welfare.

As a result of this lax usage it has come about that the right of the holders to transfer and combine for their own selfish interest, without regard to public welfare, certificates of stock in corporations, is assumed to be almost, if not quite, a natural right not subject to regulation by the Government. If, as a result of the formation of these trusts, the attention of the people shall be called to the fact that a corporate charter and the rights of stockholders under it are not natural but artificial rights, created by the laws of the States and justifiable only when they serve a public interest, the trusts will have unintentionally performed a useful function.

The time will come, in my opinion, when it will be found best to return to a policy of restricting the granting of charters to such lines of business as public rather than private interests make it desirable should be carried on by corporations and to restrict the powers of stockholders to combine their holdings. Should such a policy be adopted, the form of trust organizations, which is at present most menacing to the public welfare, will disappear. The efforts of men to so combine their business as to enable them to make unreasonable and oppressive profits will not cease with their disappearance.

The modern trust has been devised and used as a method of combination because it is a way made easy and safe by legislation to reach the result of oppressing the people. It is not the only way. A striking illustration of the truth of this statement is afforded by what has recently taken place in the cotton-bagging business. There is no trust organization in this business. The Government of the United States put a rate of duty on cotton bagging which was practically prohibitory. The raw material which is used in its manufacture is a product of India. This particular infant industry has been nurtured by high rates of duty until the mills are able to produce in a portion of the year more than enough to supply the market for the whole year, and the price has been run down in former years until it was not profitable to import the article.

The competitors of our mills were originally at Dundee, Scotland, and at Calcutta. The Dundee mills no longer make the article of cotton bagging or have ready for use the machinery to manufacture it. It takes about three or four months to bring it from Calcutta. This being the situation of the market the manufacturers and jobbers, dealers in the article, early in this year entered into a combination by which the control of the whole of the production of the American manufacturers passed into the hands of a few men. It was in form a sale of the product, it was in fact a combination of manufacturers. The managers left the price undisturbed until in July last, and then, there being no bagging in Dundee, and it being impossible to bring any from Calcutta in time to cover this year's crop of cotton, they have doubled the price and put it far beyond that at which the Calcutta bagging can be profitably imported and promise to still further increase it at their pleasure.

This industry, which has been protected into existence, has grown so great that it makes no concealment of its power or purpose to use the monopoly the tariff laws have given it to oppress and to put under contribution the growers of the entire cotton crop of the country. One of the largest and most valuable of the agricultural products of this country can not reach the market until this band of cotton-bagging manufacturers has levied toll upon it. Is this combine, which derives every particle of its power from the laws passed by Congress, which demands the surrender of its victims in the name of labor and the Congress of the United States, a purely private enterprise with which the Government has no right to interfere? Mr. Speaker, the Government gave it power to oppress, the Government can take it away. The Government is responsible for the oppression, and must remain so as long as it fails to take away the power so shamefully misused.

Mr. Speaker, it may seem shrewd politics to prophesy smooth things to those who are interested in the preservation of trusts and combines, and to say of them that they are largely private matters with which the Government can not interfere. But the strong, sound sense of the people will detect the fallacy and discover the unworthy reason for its utterance.

The situation at present in the cotton-bagging business enables us also to foresee what the condition of the people of this country would become should the modern Republican doctrine of prohibitory duties be adopted as the policy of the Government. Here is an article which has been protected by what is practically a prohibitory duty. All imports of it have ceased.

We have here a case of American labor protected to the point which, according to the theories of gentlemen on the other side, should produce at once the highest rate of wages to the laborer and the lowest cost to the consumer. And yet, most unfortunately for these theories of the approaching millennium, the managers of this combine have not increased the wages of their laborers, have shut up many factories, thrown out of employment the operators, bought the bagging of the mills at from 5¼ to 6¼ cents a yard, and are exacting for it from the cotton-grower, rich and poor alike, from 11 to 12½ cents per yard. Last year they sold the same material made by the same labor and in the same mills for 7¼ cents per yard. The amount estimated to be needed for covering this year's crop is forty-five and a half millions of yards. The amount, therefore, which this combination proposes shall be exacted beyond a reasonable profit is, this year, $2,275,000.

This is the result of prohibitory duties and of the consequent combinations in one industry. Will the country be persuaded that it will be benefited by a similar condition in other industries? To prevent such combinations, or at least any Government connection with them, it will be at all times necessary that the rates of duty imposed by our tariff system should be so regulated as to free the people from the possibility of an unreasonable enhancement of prices by manufacturers located within our country and engaged in the production of articles which the people must use. This power to oppress can always be destroyed by fixing the rates of duty at such a figure as will not destroy the business, but will prevent any combination from making unfairly high prices for its products without inviting foreign competition.

The Mills bill, as it passed the House, seemed to me to be a wise, conservative, and certain step forward toward stopping the accumulation of a surplus, reducing the taxation of the country to the limits of the proper expenditures of the Government, and relieving the people from the threatened oppression of combinations and trusts.

If it is not a good one, why has not some other been suggested? From the other side of this House there has come but one such proposition, and it was offered by the gentleman from Pennsylvania [Mr. KELLEY], and is in these words:

> Mr. KELLEY. Hear my proposition first, and then I will submit to any interruption. I am not asking an immediate reply to my suggestion, nor does its presentation involve any of my associates in responsibility. I alone am responsible for submitting it to the consideration of the House. I believe that in submitting it to the consideration of gentlemen good results will flow from the proposition; but whatever be the result, I alone am responsible for my action. I repeat that whether we consider methods of action or results, the issue between the two parties is sharply defined and complete.
>
> Now, sir, my suggestion is that the bill shall be laid over until the next session of Congress, with the understanding that if at the November election it shall be distinctly approved by the people the Republican party will withdraw its opposition. If, on the other hand, it is condemned unmistakably by the voters, that the bill shall not be further pressed.
>
> This proposition leaves the question of the surplus undisposed of, and I have a suggestion on that subject which will require of the President's supporters a slight concession to the "condition that confronts us." It is that they shall allow the entire internal tax on tobacco to be repealed, and instead of making two bites of that cherry and repealing only about eighteen millions of the thirty-one millions drived from the internal taxes on tobacco, shall permit the entire repeal.

It was promptly repudiated by his associates, and with that repudiation it died. Since that time, through all these long months, this excessive, unnecessary, and therefore wicked taxation has gone on. The surplus has accumulated, and as the result of it schemes for spending it, extravagant and useless as the one under consideration, have found their way into the Houses of Congress, and their passage has been eagerly sought. If the gentlemen upon the other side have any other method of relief, if they can suggest something upon which they are agreed to the country, why has it not ere this been suggsted?

If the Mills bill is wrong why has not a correct one, upon which the gentlemen upon the other side agree, found its way into one or the other of the two Houses? Assuredly it can not be claimed that it has been for want of time, for want of opportunity for consultation, for want of having their attention directed to the subject. Why, I ask, if it is really desired by the other side that this taxation should be reduced and the accumulating of a surplus brought to an end, why have the efforts upon the other side resulted only in the criticisms of the provisions of this bill in a policy of not doing nor assisting in doing what the necessities of the country require? The question which I put to the House is one that must be answered, if not here, elsewhere, before the end of this Presidential campaign. It is no answer to it to pile adjectives and epithets one upon another. The country demands some measure of practical relief.

Mr. HERBERT. Mr. Speaker, I ask the attention of the House because, in my opinion, this is one of the most important propositions that have come before it during the present session. It certainly involves, or will eventually involve, the expenditure of a much larger sum of money than has been contemplated in any other scheme of this kind we have been called upon to consider; and if we enter upon it now there will be, I think, no halting. Looking back carefully over the expenditures made by this Government and the different schemes which have from time to time been adopted, I do not remember a case, except one, in which, having entered upon a regular scheme for the expenditure of money, Congress has ever stopped that expenditure.

It seems that these expenditures grow stronger in their claims upon Congress in proportion as they grow larger and more burdensome upon the people. The one case in which Congress did call a halt and did abolish a bureau which it had established was in 1852. At that time there was a geological survey which had been in existence for some years, and it was then abolished by Congress, but I am sorry to say it has since been recommenced on a much larger scale. I challenge gentlemen on the other side to point me to a single instance, with the exception I have named, in which Congress ever did stop the expenditure of money for any scheme upon which it had once entered.

Mr. CANNON. I can give the gentleman a very notable case. Congress virtually abolished the national board of health because of its inefficiency and extravagance.

Mr. HERBERT. I had forgotten that. Congress did abolish that; but it had not gotten strong enough to stand on its own legs. At the time it was abolished only one hundred or two hundred thousand dollars a year was being expended.

A MEMBER. It merely failed to appropriate for it.

Mr. HERBERT. Well, failing to appropriate for it was abolishing it. I give Congress credit for the virtue it displayed in that instance, but I think the gentleman from Illinois [Mr. CANNON] will agree with me that the rule is as I have stated it, that once having started to spend money in a certain direction we never stop. Look at the Smithsonian Institution, the National Museum, the Ethnological Bureau, the Coast and Geodetic Survey, and the Geological Survey itself, in the brain of whose chief this scheme we are now discussing was hatched.

Mr. SYMES. Will the gentleman pardon me for a suggestion. This scheme was not "hatched" in the brain of the Director of the Geological Survey; it was hatched in conventions of the people throughout the arid regions, which have called attention to the necessity of saving the natural sites for reservoirs from the grasp of private corporations and reserving them for the homesteaders of the future.

Mr. HERBERT. When were those conventions held?

Mr. SYMES. During the past winter there have been several conventions held, and they have been held from time to time for years.

Mr. HERBERT. For how many years?

Mr. PETERS. For about six years.

Mr. SYMES. There have been such conventions held for about six years, I think, in the States and Territories of the arid region.

Mr. HERBERT. This Geological Survey has been in existence for about ten years, and ever since its inception its Director has had this scheme in his mind. The gentleman from Kansas [Mr. PETERS] and the gentleman from Colorado [Mr. SYMES] say that for six years the people out there have been advocating this scheme in conventions. Let me now call attention to what the Director of the Geological Survey said upon this subject four years ago. I happened to be upon a joint commission of the two Houses which investigated the scientific surveys, as they are called, from 1884 to 1886, and I have here the more than 1,000 pages of evidence we took during that investigation. I wish to call attention to the testimony of Major Powell. Let me, however, premise by stating that prior to 1879 there had been four different surveys in the Rocky Mountain region, Major Powell conducting one of them. In 1879 they were all abolished, or rather they were consolidated into one. Of that one, after the first year, Major Powell became the Director. He certainly knew the purpose for which the Geological Survey was organized and the objects it had in view, and testifying in 1884 he said:

> This survey "is investigating the floods in valleys of the great rivers, like that of the Mississippi, for the purpose of determining the conditions under which they can be redeemed. It is investigating the conditions under which the arid regions may be most economically fertilized by irrigation."

Since the establishment of this bureau it has been all the time considering this problem, and when the gentleman from Kansas [Mr. PETERS] and the gentleman from Colorado [Mr. SYMES] state that this scheme has originated with conventions which have been held within the past six years, I simply answer them with the fact that this Geological Bureau has been considering the matter for nine years. Now, I ask the House: Is not the proof conclusive of the correctness of my statement that the idea originated with the Director of the Geological Survey? Certainly it did if he has stated correctly the purposes he has had in view since the very beginning of that bureau.

Now, upon this matter so important to the country there is no evidence at all before the House except the testimony of Major Powell. I do not want to make any personal attack upon him and I shall not do it. I have great respect for his ability. He has great knowledge; he is a great talker; he is a man of great power, even, as I think, over Congress. But I submit that this House ought not to enter upon a scheme involving so large an expenditure on the unsupported opinion of one man, on the opinion of Major Powell alone. When we were investigating the Geological Survey five years ago and inquiring as to the time it would take to complete it, this question was put to the Director by the chairman (page 43):

> Q. Twelve years, did you say, or twenty-four to complete it?
> A. Twenty-four. I have given that as the longest time.

Now, mark you, gentlemen, at that time, while he was getting a little more for printing than now, he was getting not quite so much for the other purposes of the survey, including topography, and he then

testified that twenty-four years was the longest possible time that would be required for the completion of the work. He was asked the same question recently before the Appropriations Committee of the Senate, and in reply he said:

We are going on with that map, and in thirty years we shall have it done as we are going on now.

That is to say, four years ago he said he would have the work done in twenty-four years, and now, four years later, he adds six years to the time required. In other words, he corrects his former calculation by ten years. Then it was to last till 1908; now it is to last till 1918. It is like the old school-boy problem of the frog in the well: How long would it take him to get to the top if he only climbed up 4 feet in the day and fell back 6 feet at night?

Sir, if we admit that this scheme is practicable, if we admit that everything can be accomplished that is claimed, if we believe what its ardent advocates contend for, then indeed it is a scheme of surpassing grandeur.

Only leave out of consideration the cotton-growers of the South and the wheat-growers of the West and all the tax-payers of the country, consider it solely with reference to its being a great problem, a problem, as my friend on my left [Mr. BRECKINRIDGE, of Kentucky] views it, in which this country is to be interested at some time in the great future when we shall have a population of four or five hundred millions—I say, if you consider it in that light, it is, to use the language of my friend from New York [Mr. COX], the grandest scheme in the history of progressive humanity.

But is it feasible, and if it is feasible who is to accomplish it? Let us not deceive ourselves about the facts. The gentleman from California [Mr. VANDEVER], who argued in favor of it, is right. He said that private enterprise could not do it; that in the history of the world, going back to the remotest times and coming down to the present, there never had been an instance in which a great scheme like this was carried out by private enterprise. He is undoubtedly right. It is absolutely impracticable for private individuals to do it. Let us look at it for a moment. I see published in the RECORD a letter from Governor Thayer, of Nebraska, addressed to Senators MANDERSON and PADDOCK and Representative MCSHANE, of the State of Nebraska. In that letter he goes on just as the gentleman from California did this morning to argue in favor of the Government doing this work. He sets forth, without addressing himself particularly to that point, incontrovertible reasons to show that private enterprise can not do it. He complains that the river Platte, which runs down through the northeast part of Colorado into Nebraska, is entirely absorbed by the people of Colorado, and never gets down to the people of his State. He contends that the people of Nebraska have the same natural right to use this water of the Platte that the people of Colorado have, and the governor is sustained by a maxim of law almost as old as the law itself, *aqua currit et debet currere*—water runs and ought to run.

He is complaining of the people of Colorado who use up the waters of the Platte and will not let it run down so that people of his State can use it.

Mr. SYMES. Will the gentleman pardon me if I ask him a question?

Mr. HERBERT. Yes, if it is relevant. I hope the gentleman will not take me off my line of argument.

Mr. SYMES. The experience of the Western country, of the people on the lower waters of the Platte and Arkansas, is that irrigation and the storage of water for irrigation increases the flow of water below in those streams during the dry season. It flows down into the States of Nebraska and Arkansas more regularly during the dry season than formerly.

Mr. HERBERT. Then you think the governor is wrong?

Mr. SYMES. The governor is undoubtedly wrong if he disputes this. Perhaps he has never investigated the subject and knows little about it.

Mr. HERBERT. The gentleman from Colorado arguing for this bill on this floor may know more about it than the governor of Nebraska, who is in the State of Nebraska arguing from that standpoint for the bill.

Mr. SYMES. He is arguing to meet the complaint of some new farmers who have gone beyond the rain-line and expect more water in the river than ever was found there by the pioneers in the dry season, when they crossed it on their way to California.

Mr. HERBERT. You say they have not absorbed the water?

Mr. SYMES. They have absorbed the water by diverting much of it, but by a law which I can not explain in a minute it passes back into the stream below, and to such an extent during low water that there is more water in the lower portions of the stream during the dry season.

Mr. HERBERT. This is a fine theory, but unfortunately the advocates of the bill do not agree with it.

Mr. SYMES. It is the absolute fact and proved by pioneers who live on the stream itself.

Mr. FELTON. With the gentleman's permission, I will say that there is a part of the San Joaquin valley where you could not get water in many places without digging wells 20 to 30 feet, and when that country was irrigated for ten or twelve years you could get water in wells at a depth of 5 or 6 feet. The irrigation of that country does not require over 25 per cent. what it did when the system was first commenced. The earth is simply a vast sponge or reservoir, holding the water from evaporation; water which fills it from these irrigating canals or ditches. There is no question but that the gentleman from Colorado is correct, therefore. I have seen it with my own eyes. It is simply a storage of water which would otherwise make its way rapidly to the sea.

Mr. HERBERT. It is a remarkable thing that the governor of Nebraska should address a letter to the Senators from that State, and that one of them should use it in the debate on this amendment, and never ascertain that it was inaccurate.

Mr. SYMES. The Senator [Mr. MANDERSON] who used it spoke in favor of this amendment, and advocated storing the water in Colorado.

Mr. HERBERT. I know he did; of course he did; and I suppose every gentleman in the whole arid region if he had an opportunity would speak in favor of the bill and vote for it. He is almost bound to do it, because it simply asks for an appropriation of money to fertilize by water that arid region he represents. Sir, it would amount to just the same thing if these gentlemen should come and ask an appropriation of money to buy any other fertilizer and put it on their lands and tax the people of the East to pay for it, for that is what it amounts to.

Mr. SYMES. Pardon me a moment; we are not proposing to irrigate Nebraska. That is one of the richest States in the whole world without irrigation except a narrow strip on the western border.

Mr. HERBERT. In this connection let me state what I have seen myself. I had occasion to go down the River Platte some years ago in the direction of Omaha from Denver, and found after I left Denver that the Platte River, which at Denver was quite a bold stream of water, some hundred miles below practically dried up. I found cattle all along the way for this hundred miles; the water was impounded in pools for watering stock. Sir, it would never occur to me from what I then saw to question now the information of Governor Thayer. From what I saw with my own eyes I should never say that he did not know what he was talking about.

Now, sir, let me ask the gentleman from Colorado a question. Is it not true that all along the river Platte below Denver there are pools after pools for watering stock and for the irrigation of the farms lying along the river, and is it not also true that the Platte vanishes in dry seasons below the points where the water is used in this way?

Mr. SYMES. There is found more water in the lower Platte River now during every dry season than ever was found there by the pioneers who crossed over in 1849 to 1859 going to California. That can be proved to be an absolute fact. The system of which the gentleman complains has simply increased the volume of the river below during the dry season; after the water is spread out and absorbed it percolates through the earth and finds its way again into the stream below.

Mr. HERBERT. But the gentleman does not answer my question. Is the water not impounded in pools before it reaches Nebraska?

Mr. SYMES. I answer the gentleman by stating the facts. If you go right below the point where several large irrigating ditches have been opened up you will find that the water has been drawn off from the river and the channel is practically dry. This water has been carried to the adjacent farms. It is spread over the lands and sinks into the soil which holds it like a vast sponge; and by some process, which I have not time now to explain, it passes through the earth and eventually finds its way again into the stream below, and when it reaches Nebraska the volume of water is larger under the present system during the dry season than it was before these irrigating ditches and reservoirs were constructed. It causes a larger flow of the river on the surface of the streams than the pioneers ever found in the early days when passing through that region, and this is due to natural causes. It is not evaporated, but it is retained in the earth and distributes itself during the dry season.

Mr. HERBERT. And the gentleman thinks it is right for his constituents in Colorado to stop the flow of water and shut it off in pools and reservoirs and keep it for their cattle and farms, and let Governor Thayer's constituents in Nebraska wait until the sun of heaven kindly draws up the water and carries it down to them in the shape of clouds and rain?

Mr. SYMES. I certainly did not say so; but I have explained the fact that it increases the continued flow of the river during the dry season. There is not quite so much water in the river below during the wet season, for it is retained to some extent in the reservoirs, but in the dry season they have more.

Mr. HERBERT. Mr. Speaker, without occupying further time in this line of discussion, I desire to come back to the argument I was pursuing, simply saying that Governor Thayer does not agree with the gentleman from Colorado. I was using Governor Thayer's letter for the purpose of showing that the gentleman from California [Mr. VANDEVER] was absolutely right when he said the Government would have to do this work; that private individuals could not. The reasons clearly appear from what the governor of Nebraska says:

These people—

That is your constituents—

have the physical power to take those waters, and it is freely conceded that there is not at present any legal means by which their power can be restrained.

Mr. SYMES. Pardon me. I would say, as I did the other day, that the most of the current supply of the Platte River is already appropriated. What we mean by the "current supply" is during the growing season——

Mr. HERBERT. What the gentleman says has nothing to do with the point I am making. The point is, if there was any chance of succeeding in a suit against the parties indicated by Governor Thayer, such suit would be instituted. But there is no one against whom suit can be brought, because these persons who do what is complained of are very numerous, and the wrong, if wrong it be, is distributed among so many people that there is nobody to sue. The people living nearer to the headwaters of the Platte are getting the water and controlling and preventing the water, as Governor Thayer thinks, from coming down to the State of Nebraska. That, he says, is a wrong for which there is no remedy. It is that private individuals could not undertake an enterprise of this kind on a grand scale for fear of lawsuits.

Mr. SYMES. That is not the law of the arid regions. That position can not be maintained, admitting all the premises that the gentleman lays down, by the rulings of the courts throughout the arid regions.

Mr. HERBERT. That is the common law; that he who improperly retards the water that ought to flow down to his neighbor and for which his neighbor has use is subject to an action. That is the common law of this country, if it be not the law in Colorado. You may have statutes there which authorize your constituents to deprive Governor Thayer's people of this water.

Mr. SYMES. That is the common law in the humid but not in the arid region.

Mr. VANDEVER. The common law that the gentleman from Alabama alludes to is that which was intended to preserve the navigability of streams; and the question would be whether it should apply to streams of water used for navigation.

Mr. HERBERT. I am not stopping to answer nicely every legal question gentlemen may put to me; suffice it to say that if any private individual or corporation should undertake to do this thing the Government is expected to do he would himself be shingled all over with lawsuits. Now, sir, the gentleman from Colorado says very plainly that he does not want corporations or private individuals to get these sites. The amendment of my friend from Kentucky [Mr. BRECKINRIDGE] provides that these reservoir sites shall be withdrawn from the market.

Mr. FELTON. In order that at a future time some way of disposing of them may be determined on, the same as they surveyed the public lands in order that they might determine in what way they would dispose of them.

Mr. HERBERT. Gentlemen know very well now that the two ways of disposing of these sites are either to let individuals undertake this work, or to enact that the Government shall do it. I hope gentlemen will allow me to go on with my argument.

The argument of the gentleman is that it is impracticable for any private individual to undertake this business, and the amendment which proposes to withdraw these lands simply means that the Government is to do it? If not, why will you not let an individual do it? Why shall the Government keep these reservoirs in its own possession? Can you tell me any reason except that the Government is to do this work? If individuals are to be allowed to do it at any time in the future, why will not gentlemen allow them to do it now?

Mr. FELTON. Does the gentleman want to be answered?

Mr. HERBERT. Answer in your own time.

Mr. SYMES. I should like to interrupt the gentleman there.

The SPEAKER *pro tempore*. Does the gentleman from Alabama yield?

Mr. HERBERT. Let the gentleman ask me his question.

Mr. SYMES. Does the gentleman understand the object of this amendment to be to prevent private individuals and corporations from grabbing up these reservoirs to use plain western language, and reserve them for the Government and the people?

Mr. HERBERT. Exactly. That is the purpose of it. It is to keep private individuals from buying these sites, because if they get into possession the Government will have to buy them out. If you take the other course, if you allow whoever may wish to invest capital to build reservoirs and irrigate these lands, why, then, there can be no necessity for this amendment. Sir, the gentleman from Colorado can not deny that the scheme is that this work is to be done by the Government.

Mr. SYMES. Will the gentleman pardon me? I do deny that we have any such scheme in view.

Mr. HERBERT. The gentleman says he has no such scheme in view. I should like to inquire what the amendment is for, and what does the gentleman mean by saying he wants to prevent corporations from grabbing up this land? To me, sir, it is clear that if this thing is ever to be done the Government must do it. The surveys that have already been made indicate clearly where these catchment basins are to be located. The geological survey has been going on for years, and a large portion of this arid region has been surveyed. I call attention to the testimony of Major Powell before the Committee on Appropriations in the Senate:

Q. Have you made this topographic survey in the line of what you call catchment districts?

A. Yes, sir. Wherever we have made the survey every catchment basin has been outlined on the map.

Q. That is to say you have in your surveys the necessary data for outlining those basins.

A. Yes, sir.

Now what use is there of the surveys that have been made except that the surveyor shall go there and stake the particular boundaries of these reservoirs as indicated by the map? If gentlemen will examine the map by Professor Hayden, standing there before them, they will find it is a contour map of the whole of Colorado and a large portion of New Mexico. On its every elevation of 200 feet is plainly marked down.

If you have the money you can tell your surveyor from that map where to go and locate your reservoir, just as did the projectors of the Denver and Rio Grande Railroad. When I was investigating the Geological Survey the fact came out—I do not know whether it is in the testimony or not, but it was stated—that the Denver and Rio Grande Railroad, which runs along through Marshall Pass, from Denver west, was absolutely located by the surveys made by the Government of the United States; that the projectors of that scheme had only to take the map and trace the line upon it as laid down by the United States surveyors and so locate the road. So with this map of Hayden.

There is no problem about this question except the money problem. Who is to take the responsibility? Who is to invest the money? That is all the problem there is to it. The gentleman from California [Mr. VANDEVER] was perfectly square when he said that private individuals would not do it; that is evident from the fact that these surveys have been made, many of them, as long as fifteen years ago, and the enterprise still waits on the Government. Now, if the Government is to undertake this scheme, what will it cost? But before I come to that, you are to tax the people of the wheat-growing region to bring into cultivation 96,000,000 acres of wheat land, which all the testimony concurs in saying will produce more wheat when irrigated than the rich prairies in the State of my friend from Illinois.

All the land in cultivation under wheat in this country is given in Mulhall's Progress of the World at less than 35,000,000 of acres; but let us assume that we have 40,000,000 acres of wheat lands in cultivation in the United States. If this scheme succeeds according to the dreams of its projectors, there will be brought into cultivation 96,000,000 acres of additional wheat lands. Allowing 16,000,000 of that for potatoes and other crops, although the land is said to be best adapted to wheat, there will be an addition of 80,000,000 acres of wheat land, twice the acreage now under cultivation, and capable of growing more than twice the wheat we now produce. What will be the result?

We export now annually about 150,000,000 bushels of wheat. The whole world takes only 290,000,000 bushels, and we supply more than half of it. If we bring into cultivation these additional 80,000,000 acres, our wheat product will be so enormously increased that we shall have to export three or four or five hundred million bushels. Where will we find a market for it? That is the question.

Mr. FELTON. You would not find it.

Mr. HERBERT. We would not find it. There would be so much more wheat grown that, unless we accepted the pauper prices which the paupers of Europe could pay, our wheat would be without a market.

Now, do the gentlemen who represent here the wheat-growing States of the West want to have their people taxed for the purpose of destroying the farmers who have sent them to this Congress? The same considerations apply to the South. It has been stated (although I think I shall show that the idea is chimerical) that the impounding of these waters in the Rocky Mountains would result in preventing overflows in the Mississippi Valley and redeeming to cultivation alluvial soil which would make 2,000,000 bales of cotton.

If that be true, do the farmers in Mississippi and all through the South desire to be taxed for an object of that kind? How much would the addition of 2,000,000 bales of cotton to the annual supply reduce the price of that article? Perhaps I am occupying a rather low plane when I look at the question in this light, but although I love my whole country and desire the welfare of it all I have never yet risen to that point of sublimated patriotism where I was able to forget the people who made me their representative.

Ought we to consent, so long as we claim equal and exact justice for all the people of this country, to tax the people of the East to this extent to redeem the arid regions of the West? Ordinary internal improvements of rivers and harbors are bad enough; but they are presumed to be for the benefit of commerce, and, to a large extent, to benefit all the people. But to tax the wheat-growers of the country to raise up rivals that will drive them out of the market, or the cotton-growers of the South to redeem from overflow lands of other persons—lands that if put into cultivation would produce so much as to press down still further the price of cotton. Sir, I would not do that if I knew the scheme would succeed. I certainly can not do it when I know it is chimerical. That is, Mr. Speaker, the scheme is absolutely chimerical so far as the prevention of overflow in the Mississippi River is concerned. In the first place, there are in the whole United States 3,547,000 square miles of land; and of that number about 2,450,000 square miles—more than two-thirds—are drained into the Mississippi

River. Look at that map down in the left-hand corner, on the right. The green ridge on the right represents the Alleghany Mountains; on the left are represented the Rocky Mountains. All that intervening space is the watershed of the Mississippi River. Into that flow the great rivers I shall name. First, the Upper Mississippi, the mean discharge of which per second is 105,000 cubic feet; the Missouri, with a mean discharge of 120,000 cubic feet; the Ohio, 138,000; the Arkansas, 63,000; the Red River, 57,000; the Yazoo, 43,000; the St. Francis, 61,000; and into the Lower Mississippi altogether there is a mean discharge of 675,000 cubic feet, making, as I have said, 2,450,000 square miles drained into that river. The Missouri River is only the second; and it heads in the Rocky Mountains, many hundred miles back, as the Arkansas River does. How much of that area is drained through the Missouri River and the Arkansas River into the Mississippi? Major Powell in his testimony says that these reservoirs are to be put high up on the mountains. Let me read what he says, so that there may be no mistake about it:

In the valleys of Nevada there are from 60 to 80 inches of evaporation from a body of water. If you go up into the high country the evaporation may be but 11 or 12 to 15 inches. To store water where the evaporation is 50 or 60 inches is to store it to be evaporated to the heavens. These reservoirs are to be constructed in the highlands, where the country is moist.

Again he says:

So the water must be stored in the mountains, for economy, where it falls, for if it runs down across the plains it is wasted in the sands.

Again:

Nine-tenths of the reservoirs will be made in regions of country where agriculture is impossible, but 10, 20, 30, or 50 miles below the water will be conducted by canals.

It is only the water that falls upon the Rocky Mountains that is to be impounded in reservoirs and thus kept out of the Mississippi. Look at the map there. See that little spot of blue just west of the deep green, and compare its dimensions with the size of all that region. It is absolutely infinitesimal. I should not think it would make the two hundredth part of the area drained into the Mississippi Valley. Yet it is only there that Major Powell proposes to impound this water; and only half of the water and snow falling upon the mountains is to be imprisoned and kept out of the Mississippi; the other half flows west. What effect would that have upon the valley of the great Mississippi River? Look at the question for yourselves and think about it. Examine that map, taking into consideration the fact, as the maps which I have here show, that after you get west of about the one hundredth meridian the rainfall gets less and less until it is between 18 and 20 inches per annum. Major Powell states that in some of the mountains there is a rainfall of 70 inches. I am told at the Signal Office such is the fact; but that is only one comparatively small spot away west of the Rocky Mountains somewhere in the Sierras; and that rainfall runs off toward the Pacific Ocean. That is what our friend from California wants to scoop up.

But we are now discussing the problem of how much of the Rocky Mountain rainfall goes into the Mississippi Valley and subsequently——

Mr. CATCHINGS. What is the water discharge of the Missouri River?

Mr. HERBERT. One hundred and twenty thousand cubic feet per second; of the Mississippi River it is 675,000.

The gentleman's inquiry calls my attention to another argument of Professor Powell, which is that the Missouri River carries 86 per cent. of the sediment that gets into the Mississippi River. Where does that come from?

Mr. CATCHINGS. When the gentleman speaks of the discharge of the Mississippi River he refers to the low-water discharge?

Mr. HERBERT. No, to the mean discharge.

Mr. CATCHINGS. As I understand, the mean discharge of the Mississippi River at Cairo is 1,250,000 cubic feet per second.

Mr. HERBERT. The authority to which I refer is a book on the Valley of the Mississippi, by Foster, which gives the mean discharge of the Lower Mississippi at 675,000 cubic feet and of the Missouri at 120,000. Here it is.

Mr. WADE. Will the gentleman allow me a remark right here? He is discussing, as I understand, the question whether the floods in the Lower Mississippi are not occasioned by the melting of snow in the mountains. Is not that in fact the cause?

Mr. HERBERT. No, sir. I am glad to answer the gentleman.

Mr. DUNN. Will my friend from Alabama allow me to answer that question?

Mr. HERBERT. No, sir; I have the answers here, obtained from the Signal Office.

Mr. DUNN. I can state some facts which will put the matter at rest.

Mr. HERBERT. I have the answers here, for I expected some one would raise that question. Before going into that, however, I must finish the topic I was discussing. As I was asking, where does this sediment which goes into the Mississippi River come from? Here is a report by a major of engineers who examined that question, extending his investigations over a distance of 720 miles—up to Sioux City; and he says it comes from the caving in of the banks along that part of the river.

Bank erosion to the extent of 2,000 feet per annum, over long distances, has been noted, and to a greater or less extent it is constantly going on, even during low stages. The enormous amount of material thus precipitated into the river, together with that scoured from the bed, causes the formation of innumerable bars which even at high water obstruct navigation.

At another place he says:

This is explained by the fact that the largest portion of the suspended sediment is undoubtedly due to the caving of the banks, in which progress a much larger amount of material is thrown into the stream than due to actual erosion. By this latter action the toe of the bank is undermined, and the upper portion, being unsupported, falls in, when the lighter materials of which it is composed are carried off by the water in a state of suspension, the heavier materials remaining on the bottom.

Now, sir, your question was about how much of that water from the Rocky Mountains comes into the Mississippi. I asked that question of the Signal Service Bureau. Here is the answer of the acting chief of the bureau, and I ask the Clerk to read it.

The Clerk read as follows:

Probable effect of the rainfall in the Rocky Mountain region on the floods in the Mississippi may be approximately stated as follows:

The rainfall in New Mexico, Colorado, Wyoming, and Montana, for the year, is not more than one-fortieth of the rainfall which occurs in the watersheds of the Mississippi, and of the annual rainfall one-half of it occurs during those months of the year when it would not be possible for the waters in the Rocky Mountain region to reach the Mississippi River during the flood season. According to this estimate not more than one-eightieth of the precipitation which goes to make up the floods of the Mississippi can possibly come from the Rocky Mountain region, and of this one-eightieth it is probable that one-half of it disappears by evaporation, as the average relative humidity of that region is very low, and the annual evaporation amounts, approximately, to 50 inches per year.

From the above it will be seen that not one one-hundredth part of the water causing the Mississippi floods is due to the precipitation occurring in the Rocky Mountain region, and if reservoirs were constructed which would retain the entire precipitation in that region, the floods in the Lower Mississippi would not be reduced below the danger line.

Mr. HERBERT. There is the statement of the Chief of the Signal Office that not one-hundredth part of the water in the Mississippi River can come from the Rocky Mountains. If that be so what is the effect upon the floods in that great river? What would be the effect of putting these reservoirs high up on the mountains, as is proposed by the bill?

Mr. DUNN. Let me interrupt the gentleman from Alabama at this point to show what effect they do have on the Mississippi River. I am satisfied there is an overestimate in the minds of gentlemen as to the influence of the waters of the Missouri River in the overflows of the Mississippi. Those who are familiar with the floods of the Mississippi River know the great winter and spring floods come from the Ohio River and its tributaries and from the Mississippi. The only effect the Missouri River has ever had on the floods or the overflows of the Mississippi River has occurred once in fourteen years as an average during the last sixty years. Whenever the melting of the snows on the Rocky Mountains brings along a flood of the Missouri River into the Mississippi and it catches the Mississippi full up to its banks, then it precipitates what is called the summer overflow, and the only effect of damming up the waters of the Missouri or the waters of the Mississippi will be to that extent to restrain those fifteen-year overflows, which are disastrous in their effect.

Mr. MORGAN. I ask the gentleman from Arkansas whether to prevent the summer overflow of the Mississippi River referred to by him we would not have to retain the whole of the water that comes down in those mountains?

Mr. DUNN. Certainly.

Mr. HERBERT. I think the gentleman has been too liberal to the other side.

Mr. DUNN. I do not wish any one to misunderstand as to the overflows of the Missouri River.

Mr. HERBERT. It seems to me the gentleman has gone too far and admitted too much.

Mr. DUNN. I have stated the fact.

Mr. HERBERT. Do not interrupt me any more as I have little time.

Mr. DUNN. I have stated the fact without regard to direction.

Mr. HERBERT. To ascertain how much effect on the Missouri River and on the summer overflows of the Mississippi the melting of the Rocky Mountain snows did have I addressed the question to the Signal Service and here is the answer which I received.

The Clerk read as follows:

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, September 8, 1888.

SIR: In compliance with your verbal request of the 7th instant, the Acting Chief Signal Officer has the honor to inclose herewith a "table showing highest water in the Mississippi, Arkansas, and Ohio Rivers, with departure from danger-line during the months of June and July, 1878 to 1887, inclusive."

Of the ten years for which the record is given, five years were without dangerous floods in the Lower Mississippi Valley, and of the floods that did occur none were excessively dangerous, and the high water in each case was directly traceable to the heavy rains which occurred in the Mississippi and Ohio Valleys and not the Missouri Valley. The accompanying charts, showing precipitation for the months and years named, clearly indicate the origin of these floods.

Following is a comparative statement of high water and precipitation during the year in which floods occured:

In 1881, at New Orleans, in June, river 0.9 feet above danger-line.

The precipitation was from 8 to 20 inches in the Lower Red River valley during May. The Mississippi was not above danger-line above New Orleans. (See Chart A herewith.)

In 1882, at Helena, in June, river 3.4 feet above danger-line; Vicksburg, in June, 0.5 feet above danger-line; New Orleans, in June, 0.4 feet above danger-line; Helena, in July, 1.9 feet above danger line; New Orleans, in July, 0.4 feet above danger-line.

The precipitation was from 8 to 15 inches in the Ohio and upper portion of the Lower Mississippi Valleys during May; over 8 inches in portions of the Ohio and Upper Mississippi Valleys during June, and from 8 to 14 inches in the Lower Mississippi and Red River Valleys during July. (See Charts B, C, and D.)

In 1883 at New Orleans, in June, river 1.7 feet above danger-line; at New Orleans, in July, river 0.6 feet above danger-line.

The precipitation was over 8 inches in the lower portion of the Lower Mississippi Valley in June, and in portions of the Arkansas Valley in July. The river was not above danger-line above New Orleans. (See Charts E and F.)

In 1884, at Vicksburg, in June, river 0.3 foot above danger line. At New Orleans, in June, river 1.4 feet above danger line. The precipitation was from 8 to 15 inches in the valleys of the Lower Red River and Lower Mississippi during May, and over 8 inches in the lower portion of the Lower Mississippi Valley during June. (See Charts G and H.)

In 1886, at New Orleans, in June, river 1.4 feet above danger line. The precipitation was from 8 to 10 inches in the Lower Mississippi Valley during June. (See Chart K.)

I am, very respectfully, your obedient servant,

H. H. DANWOODY,
First Lieutenant Fourth Artillery,
Acting Chief Signal Officer.

Hon. HILARY A. HERBERT,
House of Representatives, Washington, D. C.

Mr. HERBERT. The answer is this, that the floods that have occurred within the last ten years in June and July in that river have not come down from the Missouri River at all. Here are the charts showing the rainfall by months, the charts referred to in that letter. The limits of the rainfall are clearly marked on the map, and it will be seen that these maps date back for years. You can see in these charts for each month exactly where the great body of the rainfall was. In the chart which I hold in my hand you will observe it is marked here in the western portion of the Mississippi Valley. In others it varies materially. Here it is on the Ohio River and in that region; here again it extends to near the one hundredth meridian, including part of Nebraska but not extending to the western part of it.

Here, again, the heaviest rainfall is shown down upon the Lower Mississippi, and so on throughout all of this series of charts, which I would like gentlemen to examine for themselves. There is nothing whatever therefore in the assertion that the impounding of the waters in the Rocky Mountains would prevent an overflow of the Mississippi River. Much can be done, I admit, by the Government for irrigation if it will invest millions and millions of dollars in impounding the waters in the Rocky Mountains. As Major Powell says, by digging canals and irrigating ditches for 20, 30, 40, and 50 miles you can use the water thus impounded to fertilize the lands. Lands of whom? Somebody said here the other day that this bill was to "restrain corporate greed." Let us see about that.

Why, the Union Pacific Railroad Company and the Northern Pacific have great areas of land all through the arid regions, and I suppose they have now, although they have sold a great deal to private individuals, at least 125,000,000 acres of land, and upon those lands, if this amendment succeeds, reservoirs are to be located by Government surveyors free of cost to those great corporations. That is the way you are to "restrain corporate greed."

Mr. SYMES. Pardon me there——

Mr. HERBERT. I beg to be excused. I can not yield further.

Gentlemen who have taken the trouble to investigate this matter will see that this grand scheme is only practicable if the Government undertakes it. You must get the Government back of it in order to make it a success; and after you once get the Government to undertake it, it can never stop. We must go on and on indefinitely.

Where is to be the limit? You can not consistently use the waters of that region to fertilize the lands of the constituents of the gentleman from Colorado without doing the same thing for the people of Nebraska, California, and New Mexico, and all through the arid regions; and in doing all this we are taxing the people of the East, we are taxing the people of the South to do what there is certainly no present necessity for. Mr. Speaker, the very moment that we undertake to say that no private individual shall enter any of these lands or obtain a title to them, that very moment we shut out all prospect of having such work done by private enterprise. By withdrawing the lands from the market we say no private individual shall do this work. When we say that, we commit the Government to the project. If we will not allow private enterprise to undertake it, then we must in good faith to the people of that region do it ourselves, and do it regardless of cost. How much will it cost? Have gentlemen given this matter a thought?

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Alabama has expired.

Mr. HERBERT. I ask unanimous consent to be permitted to proceed for five minutes, as I was interrupted a great deal.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

Mr. HERBERT. The gentleman from Colorado [Mr. SYMES] said that there were many acres in Colorado which had been irrigated at an expenditure of not exceeding $2.50 an acre. I have no doubt of it. When that great fertile valley of the Platte lay there, in its virgin state, it probably in many cases did not cost a dollar an acre to irrigate it. But it is being day by day and year by year made more difficult, until now all of the lands that can be easily irrigated by private enterprise or by individuals have been taken up. The work becomes more and more expensive as accessible water is exhausted, and now they ask the Government to step in and do it. Now, every acre of land that is irrigated, every acre of fertile land, is worth, and I think the gentleman from Colorado will agree with me, at least $30 an acre. The gentleman nods approvingly.

Mr. SYMES. It is worth about that and from that up to $100 an acre.

Mr. HERBERT. Very well; then does anybody believe that there is any land in Colorado or in that arid region that could be made worth from $30 to $100 an acre at an expenditure of say $15 an acre where capital could not be found prompt to enter upon the work? You can get the land for almost nothing from the Government, and if you can fertilize it at $15 an acre, and make it worth $30 to $100, is it not reasonable to suppose that private enterprise would enter upon the work? There are throughout the West any quantity of millionaires, in Colorado, in Nevada, in California, all through the Western States, millions of capital waiting investment, and if this work could be done, and such an enormous profit realized upon the investment, it is only reasonable to conclude that the Government would not be called upon.

But as it is, the Government is expected to pay the cost, because it does not promise to be a profitable investment. It is absolutely certain to cost more than $10 an acre. It will cost more than $12.50 an acre. If it costs that, how much would the aggregate expenditure be to reclaim the 96,000,000 acres said to be reclaimable? It will amount to more than our present national debt. That is to-day a billion of dollars. That is the scheme we are asked to embark upon. I appeal to gentlemen representing Western constituencies that grow wheat and Southern constituencies who grow cotton, and constituencies all over the country who pay the taxes, are you willing to embark the Government now upon this scheme, a scheme involving more in the end than $1,000,000,000? Are you ready to do so? That is the question.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the erection thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. H. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889.

The message further announced that the Senate had disagreed to the amendments of the House to the bill (S. 1488) granting an increase of pension to Eliza V. de Kilpatrick, widow of General Judson Kilpatrick, United States Volunteers, and asked a conference on the disagreeing votes of the two Houses.

The message further announced that the Senate had passed the bill (H. R. 10856) for pension for Eliza N. Aiken.

ARMY APPROPRIATION BILL.

Mr. MAISH. I desire to submit a privileged report.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). If there be no objection the Chair will entertain the report of the conferees upon the Army bill.

Mr. SYMES. I would like to know how long it will take.

Mr. MAISH. It will not take over three minutes.

Mr. SYMES. If the gentleman will guaranty it will not take long, I shall not object. However, I leave it to the judgment of the gentleman in charge of this matter.

Mr. FORNEY. I have no objection.

Mr. MAISH. It is a privileged report.

The SPEAKER *pro tempore*. The Clerk will read the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 32, 33, and 35 to the bill (H. R. 10234) "making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 33.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out the amended paragraph, being lines 3 to 8, both inclusive, on page 16 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: In lieu of the matters proposed to be inserted by said amendment insert the following:

"(35) SEC. 2. That the Secretary of War be authorized to enter into negotiations for the purchase of the 225 acres of land on the Hudson River, directly south of the military reservation at West Point, belonging to the estate of Edward V. Kinsley, or so much thereof as he may deem necessary for the purposes of the Military Academy, and to receive offers for the sale of their interest in such land from such of the heirs of said Kinsley as are competent and willing to sell such interests; and the Secretary of War is authorized to submit all offers so made and the question of the value of said 225 acres to a board to consist of the Superintendent of the Military Academy and two competent civilians, who shall make due investigation and report concerning said value; and the Secretary of War shall submit said offers and the report of said board, with his opinion, to Congress at its next session. The expenses of said board and compensa-

tion at the rate of $10 a day for not more than ten days for each of the civilian members shall be paid from the appropriation for contingencies of the Army."

And the Senate agree to the same.

LEVI MAISH,
JOSEPH D. SAYERS,
BENJ. BUTTERWORTH,
Managers on the part of the House.

W. B. ALLISON,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 32, 33, and 35, to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, submit the following detailed statement in explanation of the effect of the action recommended on the Senate amendments to said bill:

On amendment numbered 32 strike out the following provision from the bill, namely:

"For examining, testing, and experimenting with pneumatic or other dynamite guns, gun carriages, and plants for the same, and dynamite shells and ammunition, and batteries for coast defense, whether sunken, counterpoise, or otherwise, brought to the notice of the Secretary of War, $100,000, or so much thereof as he may deem proper."

On amendment numbered 33: Strikes out Senate provision for the manufacture, or purchase, and test of cannon and carriages; for the alteration of carriages on hand; for projectiles, powders, fuses, and implements, their trial and proof, and for experiments in the means of protecting torpedo lines, and appropriating therefor the sum of $600,000.

On amendment numbered 35: Authorizes the Secretray of War to enter into negotiations for the purchase of certain land adjoining the military reservation at West Point, and to submit all offers made and the question of the value of the land to a board to consist of the Superintendent of the Military Academy and two competent civilians, and requires the Secretary to transmit to Congress at its next session the report of said board with his opinion. Strikes out sections 3, 4, 5, 6, 7, and 8 of said amendments providing for the establishment of an army gun factory at the Watervliet arsenal, West Troy, N. Y., and appropriating therefor the sum of $750, 000; for the purchase of steel for high-power coast-defense guns, and appropriating therefor the sum of $5,000,000; for the purchase of submarine mines, casemates, cable galleries, and continuing torpedo experiments, and appropriating therefor the sum of $500,000, and for the purchase of submarine controllable torpedoes or torpedoes and torpedo-boats controllable from those and adapted to coast defense and appropriating therefor the sum of $100,000.

The amount of the bill as agreed to is $24,471,300, a reduction from the amount of the bill as passed the House of $168,000.

LEVI MAISH.
JOSEPH D. SAYERS.
BENJ. BUTTERWORTH.

Mr. MAISH. I desire to say that the amount appropriated by the bill as passed by the House was $24,639,300. The amount as passed by the Senate was $31,531,800, and the bill as now reported appropriates $24,471,300.

The report of the committee of conference was agreed to.

Mr. MAISH moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SYMES. I will now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. FORNEY. I would like to ask the gentleman from Colorado if we can not agree on some hour at which the debate shall be closed?

Mr. SYMES. I think I can get along with an hour on our side.

Mr. FORNEY. Can not you make it three-quarters of an hour?

Mr. SYMES. I feel somewhat embarrassed about this matter, because I have granted time to gentlemen who desire to speak on this subject, sufficient to occupy the hour. Here are the gentleman from Arizona [Mr. SMITH] and the gentleman from Montana [Mr. TOOLE], who desire to speak on this question, who are representatives of the two greatest Territories in the Union, and no time has been reserved for them. I do not feel justified in lessening the time for debate after making the promises of time I have made.

Mr. FORNEY. Will you agree to one hour on your side and one on our side? We need not occupy it unless we choose to. Mr. Speaker, I ask that that side have one hour and this side one hour.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama?

Mr. SMITH, of Arizona. I object, unless I can make arrangement to have time in which to speak.

Mr. PETERS. I shall ask an opportunity to speak on this question, and want about five or seven minutes. I do not desire to occupy much time, but I desire to be heard.

Mr. FORNEY. I am willing to give that out of our hour.

Mr. PETERS. As I understand, the gentleman from Arizona [Mr. SMITH] and the gentleman from Montana [Mr. TOOLE] desire to speak. Will the gentleman give them five minutes?

Mr. SYMES. This is a very important matter, and the objection of the gentleman from Arizona [Mr. SMITH] will make it imperative that I shall not agree to the time being limited as suggested.

The SPEAKER *pro tempore*. The objection would have to come from a member of the House.

Mr. PETERS. The gentleman from Arizona [Mr. SMITH] and the gentleman from Montana [Mr. TOOLE] have no time parceled out to them, and that they may have an opportunity to speak, I shall object.

Mr. FORNEY. I ask unanimous consent, then, that the session be extended to 6 o'clock.

Mr. SYMES. I will not object to that, provided it be understood that we take the vote to-morrow morning. There are a number of gentlemen who say they can not remain in the Hall until 6 o'clock, but who desire to vote to-morrow morning.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Alabama to ask unanimous consent that the session be extended to 6 o'clock, the time to be divided equally between the friends of this proposition and those opposed to it, the debate on the proposition and the pending amendment thereto to be considered as closed and that the vote be taken to-morrow morning?

Mr. VANDEVER. I object.

Mr. BLOUNT. Mr. Speaker, I desire to state that I do not see any necessity for extending the session beyond 5 o'clock. I think the rule was passed for the purpose of avoiding late sessions, because we have already had sufficient tax upon our strength and attention. I think to-morrow morning we will have a fuller House and dispose of it probably in half an hour. I hope gentlemen will agree to such debate as they see fit, and that when they have concluded the debate, at the time the vote is taken, we shall have a fuller House.

Mr. BRECKINRIDGE, of Kentucky. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentlemen has thirty-five minutes remaining.

Mr. FORNEY. Let us agree on four hours of debate, two hours on each side.

Mr. STONE, of Missouri. Who is to control the time?

The SPEAKER *pro tempore*. The gentleman from Alabama on the right [Mr. FORNEY] and the gentleman from Colorado [Mr. SYMES] on the left will be permitted to control the time in the absence of any other arrangement by the House. Is there objection to the request of the gentleman from Alabama [Mr. FORNEY]?

There was no objection, and it was so ordered.

Mr. SYMES. I now yield twelve minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. Mr. Speaker, it was my good fortune some years ago to traverse the section of country involved in this appropriation, and I may say in passing, in some countries the members of their national councils are encouraged to travel over the country that they may intelligently legislate for the people, and in the direction of an increase of intelligence to Congress I sometimes think the provisions of the interstate-commerce law, which prohibited railroads from extending courtesies, should have been reversed in the case of Congressmen, and that members should be compelled to use them. [Laughter.]

It would change marvelously not only the judgment of members, but their speeches. If gentlemen had personally visited the region in question here, there are very few who would require any appeals to induce them to vote for the pending proposition. I listened with a great deal of pleasure awhile ago to the reading of the conference report on the fortifications bill, a bill which, I think, appropriates $24,000,000, and I have ardently supported all of the measures reported by the distinguished chairman of the Committee on Naval Affairs [Mr. HERBERT], who has just spoken, having the same general object in view, namely, to provide this country with a magnificent system of defense and of offense if necessary.

But, while we are doing that, would it not be a good idea to cultivate also, to some slight extent at least, the art of peace? When we realize that to-day there are thousands of people in our large cities who are of very little benefit to themselves or to the community for want of employment, but who if they could go upon the land would become producers of wealth both to themselves and the country, we must be impressed with the importance of extending the area of our cultivable lands as much as possible. The territory involved in the arid region, so called, will become, with irrigation, the garden of America. There is no other land within our limits which is so abundantly productive as that can be made with the aid of water.

I remember stopping at Humboldt, a veritable oasis in the desert, which had been reclaimed by irrigation within ten years, and I saw there trees from 15 to 20 feet in height, the most luxurious grasses, the most delicious fruits, and every evidence of the highest cultivation. And yet that spot is surrounded by what is almost literally a desert. And as you travel through those sandy plains you see many such places where they have brought water from the hills and have converted the barren plains into smiling and beautiful garden spots.

As an instance of the injury to a section by private parties controlling the land, take the Utah valley. There you find a splendid stream, the Humboldt River, which disappears in a subterranean channel and is lost, when below it there are thousands and thousands of acres, upon which, with the aid of irrigation, the people of this country could build up happy and prosperous homes. But you have permitted the control of the land to pass into private hands, and the parties who have taken it for speculative purposes are perfectly willing to wait for ten, twenty, or thirty years; and if you wait until all the natural sites for these reservoirs are controlled by private individuals, you will have permitted a serious obstruction to the reclaiming and improvement of that portion of our country.

Gentlemen talk about this enormous expenditure; but it seems to me that when you haggle about a small appropriation like this—for

it is small when you remember that the object is to reclaim an empire—and at the same time we rush through a fortification bill appropriating $24,000,000, there is a slight inconsistency from a broad-gauge standpoint. [Applause.] Now, I appreciate the objections raised by gentlemen who are not familiar with the country, and who do not comprehend the immense advantages which would ensue.

They say that if we begin this enterprise it will result in the expenditure of millions. I hope it will, sir; and I hope that in a few years the men elected by the people will be so educated upon this subject that they will cheerfully and gladly vote all the money that is required. The argument which is behind the Oklahoma bill, and which has influenced the labor organizations of this country to appeal to us in its favor by petitions bearing thousands and thousands of signatures, applies with equal force to this bill.

They have sent up those petitions because they believe it is for the benefit of the working classes to enlarge as far as we possibly can the opportunities for the workingmen of the country to find homes upon the public domain. The displacement of human labor by labor-saving machinery, which is going on steadily all the time at such a marvelous rate, naturally raises the question in the mind of every workingman as to what is to be the ultimate result of the movement, and what is to be its effect upon himself and upon his children, for they believe amid the varying changes and uncertainties of life they all see that there is at least one refuge from want. They know that by their own toil and their own industry they can obtain a competence from the soil, and can bring up their families to be good and noble citizens of the great Republic. [Applause.]

Mr. SYMES. I now yield ten minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, I have no scientific knowledge upon this subject. I have never studied it from a scientific standpoint. I have never had time to do so. The many duties that have devolved upon me since I have been a member of this House have prevented me from giving the subject that careful attention and acquiring that accurate knowledge which a man should possess before undertaking to discuss it from a scientific point of view. All the knowledge I have upon this question is that which came to me from actual experience and observation.

But I have sometimes thought that kind of knowledge is much preferable to theoretical knowledge, which is often misleading and is not so easily understood by the masses of the people. I know from my own experience, as well as from observation, the effect of bodies of water upon the rainfall of certain sections of the country. I do not know whether it can be explained upon scientific grounds; I have not taken the trouble to ascertain. But I do know as a fact that wherever there is a body of water, even though it may be at such an altitude as to be near the line of vegetation, the presence of that body has an effect upon the rainfall. I know that in the history of my own State, in the very county in which I now live—which, by the way, is in the midst of the agricultural belt—as late as 1872 we had almost no rainfall, and it was not believed that county could ever be an agricultural county, not for want of soil, but for want of rainfall.

Yet, although such was the case in 1872, that is to-day, as I have said, one of the finest agricultural counties in the State, and is in what is known as the agricultural belt.

What brought this about? There are no large bodies of water to the west of this; and most of our rains in that section come from the west and the northwest. The Arkansas River traverses this country, of course; but there are no lakes, no reservoirs from which water can be drawn up into the air, formed into clouds, and then returned to the earth. The only way in which I can account for the change in the rainfall, or, as we say there, the moving westward of the rain-belt, is in the fact of cultivation, the railroad, the telegraph, the artificial timber which has been planted, and a large number of other causes which have had an influence upon the climate in making everything more porous so as to retain the moisture; and as this moisture has been absorbed by the soil, as all these influences have had their effect upon the climate, the rainfall has gradually and continually increased.

Thus from the year 1872 up to the present time that rain-belt, by this gradual extension of civilization, has gone westward from where I live more than 130 miles; and a very large section of country which, even as late as 1878, was nothing but a large cattle domain, fit only for pasturage because there was no rainfall during the crop season, is now so changed that it can be placed in crops to advantage, the rainfall being distributed through the crop season. If the experience and observation of men who have lived in the Western country can be taken for anything, this result has been brought about by the gradual extension of civilization into that country, and by the breaking up of the soil.

Now, arguing from that position, I believe that if a reservoir were established, for instance, at the foot of the Rocky Mountains in the State of Colorado—a reservoir which would furnish to the clouds the material from which they could be supplied so as to cause a precipitation of the rainfall—by such a system of reservoirs, the rain-belt could be extended to the very foot of the Rocky Mountain range; and if so, it would bring under cultivation an empire even in Western Kansas and Colorado alone.

I do not know anything of what happens west of the Rocky Mountain range, as I have never had the pleasure of going there. My duties have always confined me to the eastern side of those mountains. But I do know that the very presence of those irrigation-ditches in my district has had a wonderful effect upon the rainfall in that section. The gentleman from Alabama [Mr. FORNEY] said there was not a single instance within his memory throughout the country where the irrigation process has been made successful. I will state to him that there is in my district alone one irrigation-ditch more than 75 miles long which has been built by private enterprise. According to the observation of those competent to testify, that ditch has not only been a benefit to the land immediately irrigated by it, but has had a very valuable effect even upon portions of country not near enough to be so irrigated. Why? Because that irrigating ditch—a body of water 30 feet wide and about 4 feet deep—furnishes something from which the sun can draw up into the air that which makes clouds, and which, by climatic conditions, will be returned in the shape of rain.

I believe from this evidence that the presence of reservoirs in that Western country would gradually increase the amount of moisture from which the clouds could be formed.

There is another matter to be considered in this connection. The Arkansas River through a great portion of my district has been, during the last summer, dry—why? Because much of the water has been taken out, away up in the western part of Kansas, by these irrigating ditches, so that a large part of the bottom of the Arkansas River for as much as 20 or 30 miles in my district, has been dry. There is a reason for this, and the reason is plain. The water has been taken out of the river by these irrigating ditches. Then we want something to supply more water to that river.

Mr. HERBERT. The gentleman from Kansas [Mr. PETERS] does not agree with the gentleman from Colorado [Mr. SYMES], who said that the cause of which the gentleman speaks did not dry up the stream below.

Mr. SYMES. No; I did not say that it might not take up the water and dry up the streams immediately below.

Mr. HERBERT. I understand that the gentleman from Kansas [Mr. PETERS] and the gentleman from Colorado [Mr. SYMES] directly contradict each other.

Mr. SYMES. Oh, no.

Mr. PETERS. I will leave that to be settled between the two gentlemen.

Mr. SYMES. I said that the water found its way back to the stream below by percolation.

Mr. HERBERT. The gentleman from Kansas is taking Governor Thayer's side.

Mr. PETERS. I do not know whose side I am taking except my own.

Mr. HERBERT (to Mr. PETERS). I think you are right; the stream is dried up in the way you state.

Mr. PETERS. So far as this irrigation question is concerned, by reducing the water in the Arkansas River it reduces the water from which there is a very large sub-irrigation, and that makes the Arkansas valley productive from one side to the other. This system of reservoirs proposed by this appropriation would husband the supply, so that it could be made available during the cropping season, and by this means retain a continued flow of water in the bed of the river at all times.

This subirrigation which goes out from the Arkansas underground, extending throughout the valley, which is in some places 4 to 5 miles wide, has been one of the means of the fertility of that noted section. Experience and observation in the valley have been that whenever a tree which is planted has been able to push its roots down far enough to reach this subirrigation, which is 5 or 6 feet below the surface, the result has been marvelous. It may be that the growth of timber referred to by the gentleman from Missouri [Mr. O'NEILL] took its rise from this source. The presence of these reservoirs, increasing, as I think they will, the rainfall in the upper valley, will help continue the current in the river and thus preserve this valuable subirrigation.

[Here the hammer fell.]

Mr. SYMES. I will now yield for ten minutes to the gentleman from California [Mr. FELTON].

Mr. FELTON. Mr. Speaker, as I understand the object of the Senate amendment it is to add to the geological and perhaps topographical survey a hydrographic survey, so to speak; it may not be strictly so, but of that nature. I take it the object of these surveys is the same as that which has always been considered as the object of the surveys which have already been made, and that is to get information in regard to the conditions in which the public lands are surrounded and are situated geologically and topographically, to which it is now proposed to add this hydrographic feature in order to obtain a knowledge for the proper disposition of the same. If it is necessary for the wise and proper distribution of our public domain that the hydrographic character of the same should be known, then it strikes me it ought to be done now rather than to defer it to a future time from the fact that it can be earlier, cheaper, and more easily accomplished at this time than to defer it; and I take this to be the object of the Senate amendment.

It is said by some gentlemen opposed to its passage that its passage at this time would entail for the future an enormous and endless amount

of expenditure which the Government will surely be called upon to pay. I do not so understand it, nor do I understand gentlemen in favor of the amendment to so understand it or desire this to be its consummation. The object is simply to ascertain certain facts and to sequester from public sale certain locations well calculated for reservoir purposes for the purpose of impounding the surplus waters which rise at a given time, and thus prevent their departure to the sea in such quantities as to be an evil instead of a blessing in destroying not only the water ways but much of the adjacent lands through which they pass. The object is simply to ascertain certain facts in connection therewith and to withdraw from public sale certain lands within certain localities well calculated by nature for the creation of reservoirs in which to impound the surplus water of certain seasons of the year.

That the Government may need this information for the wise disposition of this class of land in order that those, in the common parlance of this House, who are termed land-grabbers shall not further do as they are now doing and have been doing in the past, take up large tracts of this character of land for the purpose of holding the same, in the belief and almost certainty that it is only a question of time when they will be necessary for the irrigation of the surrounding country, and hence become very valuable; in short, to sit down upon and hold them at a Government price for from five, ten, fifteen, and to perhaps twenty years, when they shall become an absolute necessity to the settlers and inhabitants who have settled or desire to settle and make homes upon the lands adjacent thereto (we in California have had much experience in this matter), when they can exact terms of the inhabitants either for the sale of the said locality or for the price of the waters they may have impounded for the purpose of irrigation. In fact, exacting whatever price they choose for either.

If the Government would now set aside these lands, holding them in reserve whenever the time comes when it is necessary for its disposition, it may in its wisdom and in the light of subsequent events make such disposition of them as may be necessary and wise for the welfare of all concerned and the country generally.

And now I desire to say I do not believe it would be wise or good policy on the part of this Government, situated as we are, to engage in a general expenditure for the development of this or any other system of irrigation or improvement of like character for reasons too obvious to need mention, and I furthermore agree with the gentleman opposed to this amendment (or on the other side of this question), in that I would not vote or have the Government engage in any business whatsoever that the individual or a combination of them can do and ought to do.

If it requires an aggregation of capital even known as a corporation, this Government and those of the respective States which comprise it, if they have the wisdom they have the constitutional power to protect themselves from the extortion from any association of men, or capital, or combination created by their own laws. If they have the wisdom and the integrity, the power is within their own hands, and in the disposition of these lands this Government has the power to couple with their disposition such restrictions as will be just to the association or corporation that may engage in their development and for the benefit of the masses of the people who are and may become interested.

Now, sir, my main object in securing time to speak upon this question was to submit my views in regard to the amendment, which I had the honor to offer for the preservation of the watersheds from being denuded from their timber and underbrush, which would furnish the supply for the filling of the natural streams and the artificial reservoirs designated by this amendment.

The theory is that the source of water is the heavens, that its quality depends upon the composition of the soil upon which it falls and percolates through; that its preservation in quantity depends upon the watershed upon which it falls, as preventing its rapid exit to the stream thence to the ocean or its evaporation; that its preservation is essential to the fertility of the soil, as well as for the prevention of floods which annually destroy not only a large area of the most arable lands but at times causes the destruction of vast amounts of property and the lives upon them; and I believe the first and most important part of this question is to preserve the natural watersheds of the country and then of the reservoir sights for the impounding of their surplus, or both at once, which it is proposed to do by this amendment and the amendment to it.

Any observing person who has traveled through the West, over the Sierra Nevada Mountains and its parallel spurs and ranges when they were in a comparative state of nature, undisturbed by the vandal's hand, could not have failed to observe on their ridges at altitudes from 3,500 to 4,500, and 6,000 feet in height the winter snows remaining unmelted until late in the fall, and in many places not then, their existence, so far as we know, being perpetual; and one who has visited them since, where for miles and tens of miles the timber had been cut and the surface denuded of its young growth and underbrush, would observe in the spring and by the early summer no vestige of this store-house of nature's for the preservation of the waters. A warm rain, a few bright days of sunshine, and then the deluge, creating loss and devastation in its train and robbing the future of what nature had intended and arranged for the benefit and prosperity of mankind. I regard it, sir, as very important if the House should not conclude to pass the Senate amendment that it should pass this amendment to it, as it will involve but a small expense; that some instructions should be given to the survey or a law passed by which certain lands on these ridges and mountains should be designated and set apart as watersheds in order that the growth of timber and underbrush should be preserved. I would if I had the power reserve from sale every mountain ridge and every acre of timber land upon them and every acre of underbrush upon the Sierra Nevada Mountains, or any of its parallel or contiguous ranges above an altitude of 3,500 feet.

It would be wisdom to adopt such a policy in a country where the seasons are as uniform as they are in that part of the country where the rains are periodical and not general; it is indispensable, or will become so, for the preservation of the agricultural interests of its lower altitudes and valleys. As to what could be accomplished in this direction by proper care of these vast watersheds, the people interested in that region are fully conversant and alive to its importance. They know what can be done; they have proved it by experience; they have discovered the effect of the denuding of these sections of nature's growth for the preservation of the country, and by the purchase of lands and the allowing of nature to reassert herself and restore them to their former primitive condition. They have found the streams increasing in their volume of water month by month and year by year; they have observed the streams that were dry in the early summer continuing in volume until the fall and winter rains.

Something has been said during the course of the debate upon this measure in regard to the rainfall in different sections of the country. That there is a great difference there is no question; but my experience has taught me that it is very difficult to obtain correct facts, as the rainfall varies, as do the localities in which it falls. I know of localities, situated between two ranges of mountains, where upon the western range the average rainfall is 30 inches per annum, upon the eastern range it is 40, and in the valley it is only from 14 to 20. In parts of the Sierra Nevada Mountains it is from 40 to 60 and 80 inches; where at some seasons the snowfall is from 15 to 20 feet deep, and in other portions it is not over one-third of that amount, a difference of 10 or 20 miles in breadth showing entirely different results.

As the gentleman from Kansas [Mr. PETERS] has well said that the cultivation and irrigation of the soil has in his part of the country extended what is termed the rain-belt a hundred miles westward, in a country once deemed unfit for cultivation, but which now is among the most desirable portions of the country for agriculture, what was only once fit for grazing are the homes of agriculturists.

It is supposed that the rainfalls are caused and determined by the configuration of the country and the prevailing currents of the atmosphere. By irrigation waters are stored within the soil as reservoirs and covered by the same, and thus a new and local source of water supply for evaporation and condensation is created, new currents evolved; a rainfall, a change of atmosphere, and absolute new condition and climate in that locality is the result. There is no question of it; we have abundant examples of it in the West. Let us, then, preserve from sale the reservoir sites, the watersheds to fill them, and at a proper time and in a wise way dispose of them.

Now, to refer a moment to this amendment. If the House should deem it wise to pass the amendment, which I understand and believe goes no further than the setting aside of the reservoir sites, there is nothing within the law, as I see it, that requires the Government to increase the appropriations, and in my opinion the development never will be done by the Government; but, as was said by gentlemen on the other side of the House, so soon as it is necessary there is plenty of capital to take care of this enterprise; to engage in it if it is possible to make it profitable; and by the aggregation of individuals it can be done, and it can be given to them under such conditions that, whilst it would make it profitable to them, it will not make the parties so interested the lords of the manor, the soil, and the water. The Government could make conditions that would be and prove alike fair and just to all.

Mr. SYMES. I now yield fifteen minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH, of Arizona Mr. Speaker, in the very beginning of this session I introduced a bill having for its object the reclamation of the desert land in Arizona and making an appropriation for a hydrographic survey of that Territory. The Committee on Territories, to whom it was referred, promptly reported the bill with certain amendments unanimously and recommended its passage. The long tariff debate and the inexorable appropriation bills and other pressing business of great magnitude have conspired to keep that measure silent on the Calendar of the House.

But by a Senate amendment to the present bill the great question, to wit, the eventual reclamation of these lands, is now appropriately presented in a broader and loftier aspect. The amendment appropriates $250,000 towards a thorough hydrographic survey of all our western desert lands with a view of furnishing reliable data on which Congress can subsequently act with that degree of wisdom which should always and which usually does characterize the proceedings of this body.

I apprehend plainly the difficulties under which the advocates of this amendment are laboring. We are on the eve of a Presidential election and the party to which I belong being in power and justly feeling itself responsible for an economical administration of the Government, should be prudent in the expenditure of the people's money.

But in recognizing this fact we should not overlook that broad line running between decent generosity to posterity and short-sighted, time-serving, niggardly economy which would reap a benefit to-day, however cheap, at an expense to the future, however great.

It is an easy matter for a mere politician to vote no on all appropriations and demonstrate to his constituents his zeal in defending their property from the violent attack of other less conscientious and less ardent public servants. But the real servant of the people, seeking only to do with courage what he knows to be best for his country, would scorn such motives in others; in himself he could not scorn them, for in himself they could not be. And if this House will banish all personal considerations, and rise to the full height of patriotic statesmanship, viewing the question in no other light than that which future benefits will shed about it, we will have no difficulty in speedily adopting the amendment placed by the Senate on this bill.

This measure comes from the Senate with the indorsement of the Secretary of the Interior communicating a report of Maj. John W. Powell, of the Geological Survey of the United States, an officer who indeed stands to this measure "like the shadow of a great rock in a weary land." In his valuable report, on page 5, is found this language:

The area of the arid region is about 1,300,000 square miles. Of this, about one-fifth is too rugged or too elevated to admit of cultivation under any condition of agriculture likely to arise for a century to come. A smaller fraction consists of playas, or drainless desert plains, so flat that it is impossible to wash the salts from their soils. There remain about 1,000,000 square miles of land which need only water to be rendered productive. At the minimum price of public land, $1.25 per acre, a price greater than its value for pasturage, this land has a valuation of $800,000,000; at $30 per acre, a moderate estimate of its value when irrigated, it would be worth $19,200,000,000. For the irrigation of this area we have the annual precipitation upon 1,300,000 square miles of mountain, valley, and plain. This ranges from 5 inches or less on the driest plains to 30 inches on the mountains, and even 75 or 100 inches on the highest peaks, and the average for the whole region is not far from 15 inches.

If all this could be applied to the land suited by configuration for cultivation it would afford about 20 inches of water annually for the whole area, or nearly double the amount which need be applied to crops during the growing season. The water which falls in the arid region would therefore fully meet the agricultural needs if only it could be stored until the proper season and then conveyed to the proper land. Unfortunately, many causes conspire to render impossible the full realization of so desirable a result.

Of the precipitation, which has the form of snow, a large fraction is returned to the air by evaporation without going through the process of melting. Of that which falls as rain, a large part is received by the soil and evaporated from it without gathering in streams, and the only portion of such unconcentrated rainfall serviceable for agriculture is that which falls on the farming land during the growing season. Of the water from rain and melted snow which gathers in channels and forms streams, only a portion has such relation to arable land that it can be utilized; the remainder flows too low or at such distance from the land as to be beyond the economic limits of conveyance. Moreover, a comparatively small portion of the stream water is furnished during the farming season, and that which must be stored in reservoirs in order to utilize it necessarily suffers material loss by evaporation.

Under such adverse conditions it is manifest that only a small portion of the rainfall of the region can be made to serve the farmer, and that there is no solid foundation for the opinion sometimes expressed that the greater part of our arid West will ultimately be reclaimed. In 1880 less than 1 per cent. of its arable portion had been supplied with irrigation water, and it is not believed that with the most elaborate irrigation works this can be increased to more than 20 per cent. On the other hand, an estimate based on such data as are available leads to the anticipation that when all the larger streams have been brought under control, and the storage of water has been carried as far as it may be economically, there will be redeemed about 15 per cent. of the region, or 150,000 square miles, the whole comprehending an area which exceeds one-half of the land now cultivated in the United States. At $30 per acre, this will add $2,880,000,000 to the wealth of the nation.

The establishment of a general system of irrigation on a comprehensive plan is of immediate importance, because the agriculture of the arid region, now in its infancy, is rapidly developing, and its development without suitable regulation constantly involves the use of temporary plans which interfere with and obstruct the adoption of those necessary to the fullest utilization of our resources.

I will not consume the time of the House by further allusion to this report, which in itself is so convincing that every negative vote will argue ignorance of its contents or carelessness of the public weal.

Mr. Speaker, the future action of Congress is in no manner handicapped by this appropriation. The appropriation only contemplates a survey of the arid region with a view to its improvement without compromising the Government in the least degree to the adoption of any policy which the facts may suggest. I can not produce an instance more apposite than when the friends of Western improvement many years ago besought Congress for an appropriation for railroad surveys between the Mississippi River and the Pacific Ocean. Who will deny that the light thus thrown on those regions led to the construction of the iron belt which now, many times, binds ocean to ocean and people to people?

While we may dissent from the subsequent generous and unnecessary donations of the public lands to these railroad corporations, yet none will be found so stupid as to question the value of that survey. So it will prove again in this instance, and with this additional advantage, that we are attempting to save the land to the people, and convert the now dreary desert into a paradise of happy homes. You who are inclined to consider the present scheme chimerical or visionary have been careless in your study of the history of man's conflict with nature, and of his victory over the most terrible obstacles. Irrigation is no new question. It existed in Egypt before the pyramids were erected. It has fed the millions of Asia since the creation of the world. It nurtured Rome into existence, and was practiced in America ages before the birth of Columbus, and yet the people of the United States east of the Mississippi River know but little about it.

The Moors introduced irrigation into Spain, and the Spaniards imported an imperfect system into Mexico, Texas, and California. The valley of the Nile has yielded its fruitful abundance from irrigated lands for countless ages, and Cato wrote learnedly, in a language now dead, advocating its introduction into Italy. Modern times have made their greatest achievement in the improvement of the system of irrigation in the East Indies by the British Government of India. Irrigation there antedates all history. The great Mogul we know gave it a grand impetus during the magnificence of his reign.

The wealth and grandeur of royal Babylon, of Nineveh, Thebes, Bagdad, Cairo, and Memphis, around which, as common centers, the civilization of great periods of time revolved, were due to and dependent on the agricultural perfection surrounding them, and made possible only by irrigation. The Nile supported the Roman world, and irrigated Egypt was the granary of the empire. As was well said by one from whom I have already largely drawn, a predecessor of mine on this floor, who honors me with his friendship:

The Egyptian people were overthrown and vanquished, but their system of irrigation survived and gave sustenance to Roman civilization, and remained intact throughout all the vicissitudes and changes. If anything, irrigation was better in the days of Semiramis than in the days of Boabdil, although, like the other concomitants of the beautiful Alhambra, orchards, vineyards, and meadows, as then seen along the banks of the Guadalquiver, speak of a splendid development, both material and intellectual. The Moors obtained from their Arab progenitors a taste for astronomy and some inclination toward practical mathematics, and to some extent we find applied mathemathics in its crude state assisting in making large portions of their country bloom and blossom as the rose by the ingenious devices which the Moors had of supplying water to the gardens, orchards, vineyards, and beautiful meadows which dotted old Hispania during their occupancy.

It is a fact which can not be controverted, that after the reconquest of Spain and the expulsion of the Moriscoes, Spain began to decline. The splendid schools of Granada and the numerous manufactories of Valencia and other places gradually faded away and left Spain without any support save that which she gathered by the sword, for she had neglected almost entirely her irrigation system; and the apology for one which we have, and which was found in California when that State was acquired, is the system handed down by the successors of those Spaniards who vanquished and expelled the Moriscoes from Spain.

Shall it be said of the American Congress of the nineteenth century that it was less able to cope with physical difficulty and less able to provide for the prosperity of its future than the people whom we dimly see groping about in the uncertain dawn of history? It is to be hoped that the enlightenment of this age and the statesmanship of this Congress, drawing knowledge from the experience of nations, may provide wisely against the dangers which are rushing to the attack of our matchless Republic.

Mr. Speaker, this brings us to the consideration of this question in its most important aspect. Both sides of this Chamber have been vieing with each other in expressions of sympathy for those who bear the heat and burden of the day throughout their honest lives. I would like to believe that both are sincere. We have before us now a true test of that professed sympathy, for the present amendment if adopted will do more to alleviate the pain and lighten in years to come the burdens of our laboring classes than all other measures now before Congress combined.

Talk as you please of tariff duties and the effect of protection on wages; talk as you may about protecting American labor against the pauper labor of the older world; make what political capital you can by scaring the timid poor with the senseless cry of free trade; draw, if you wish, a darker background for the picture of despair you are now painting, but amid it all you know, and I know, and every man should know that American labor has been kept up generally to a decent living point, not by artificial enactments, but by the physical fact of a land vent and the industry and intelligence of the laborers themselves.

Wages here are high because good land has been cheap. That character of land is almost exhausted. When it shall have been fully occupied can you conceive of any mere enactment of Congress that will prevent the poor and ignorant from being still deeper steeped in poverty and ignorance? Can you pass a mere law that of itself will raise the daily earnings of the wage-worker? Will a protective tariff or any kindred policy drive want from the door of unemployed labor? What is the remedy? It is simply more land for the landless unemployed, more possible homes for the homeless. This amendment anticipates coming wants and for centuries postpones any degradation of American labor. More land can be reclaimed, and cheaply reclaimed, by wise and speedy action in the line of this amendment than is now occupied east of the Mississippi River.

What is the present character of this land which is ultimately to be reclaimed by irrigation? A somewhat overdrawn description is to be found in an Australian Report on American Irrigation. The writer gives this description of our western arid region:

The irrigated lands of America, though widely various, may be divided into two great classes. The rolling prairies of Kansas and sloping uplands of Colorado belong to one division. Poor and brown in ordinary seasons, their buffalo and bunch grasses are often green after favorable spring rains, and it seems but natural that, when a constant supply of water is secured, these treeless expanses should be gradually conquered by the march of settlement from thickly inhabited and closely cultivated districts. Not so with the sandy wastes stretching in a broad belt from the north to the south and southwest of the arid region. Here there is no prospect of any early invasion due to pressure of population or overflow from crowded towns. Here there is nothing to attract and everything to repel. Here even the rich red mesa lands that lie under the shadow of the foothills are desolate at all times and all seasons—so desolate that it seems impossible they should ever sustain a living thing. From them the illimitable desert, bare and blinding in its glaring barrenness, stretches far away to the mirage towers that shift along a dull and undefined horizon. Much of the soil is so powdery, even in winter, that it follows in a lazy trail of cloud the horse

of the solitary rider, or is sucked up in whirlwinds under the scorching summer sun. Elsewhere its gravelly and gritty surfaces, strewn with splintered bowlders, are seamed into gaping gulches and fissures of inappeasable thirst. There is no grass, the only vegetation being a withered-looking brush resembling saltbush, the thirsty-looking cactus, a juiceless scrub like our ti-tree, or thorny variety of stunted palm.

Such is the Mapimi Desert in Mexico, the Maricopa Desert in Arizona, or the Mojave Desert in California; and such, without water, they must remain. As it is, these wastes of sandy aridity and gray, innutritious herbage, surrendered by nature to solitude, surround oases created and sustained by irrigation. In the distance the track of a canal, pleasantly breaking the dull level of the dried-up plain, is marked sometimes for miles by a line of green bushes following its sinuous course. By and by this line broadens as if into a great green plantation dotted with houses, divided into gardens, and decked with flowers. Its little fields, fringed with flourishing trees, are bright with fresh-springing pasture, upon which stock are grazing, or else crowded with dark orange groves and clustering vines. In the center of it is a tiny township, busy with teams and traders, where the train stops for a moment or two. When it starts again the houses and trees vanish as if by enchantment, and the engine rushes on through the dreary desert once more.

It is thus that the eye bears testimony to the fruits of irrigation in the south; and in the north, though in a less striking way, the lesson is the same. The unpretentious ditches that wind along the hillsides or prairie ridges are not notable themselves until it is perceived that, where they are not, a scattered herd of rough cattle, a small party of roving Indians, or a burly rancher are the only objects of interest, while, where they multiply, are the buildings, the barns, and the business. A stretch of open country broken by long ridges of canals, its paddocks plotted off into little checks, with a barefooted Chinaman or high-booted European, spade in hand, directing the water from one to the other, are common features of the landscape, where one beholds industry and intelligence transmuting barren surfaces into orchards and fields of waving grain. Familiar, too, are the knots of active men, the little camp of tents, and toiling teams that mark the progress of a new ditch into the wilderness, where it is to create a settlement and maintain it in the face of all seasons. The Indian village, the Mexican pueblo, the American township, all cluster about the natural stream, or the artificial stream which makes it serviceable. For in these parched regions its progress is everywhere a triumphal march. It is here veritably the water of life—life to the grass and flower, to the loaded tree, to man, and to the city of men, whose homesteads and harvests follow in its wake.

Such a prospect as here described faced the Western pioneer on his awful march toward the setting sun. Brave hearts and willing hands alone would ever have taken up the gantlet that desolated nature had here thrown down. Yet all undaunted their terrible struggle was begun with a courage that time has been unable to lessen or danger to dissipate. In the few short years that the Government of the United States has held impotent sway in my Territory the brave and manly people have been obliged to make their warfare against the natural desolation of the land with rifle in hand to protect life against the hostile Apache, and I point with pride to their achievements.

In the Salt River Valley alone eight main canals have been constructed to bring the water from the river upon the cultivated land. These canals aggregate a distance of 160 miles, and were constructed at a cost of $1,000,000. The land along these canals, which a few years ago was a veritable desert, are now the most productive fields on earth. Yet this transformation from arid waste to blooming field has been accomplished by private enterprise in the face of the most adverse circumstances. But in these enterprises only the water from the flowing stream has been used. There is not enough of this to reclaim all the desert land in Arizona. Other and more expensive means must now be resorted to.

The surface flow from the mountains, hills, and *mesas*, and the overflows of the rivers and streams must be preserved in reservoirs for use in the dry season. Private enterprise will never do this except in the form of monopoly. The Government for its own protection and for the well-being of the people must assume this duty. There never was and there never will be a more auspicious time than now for the Government to take the necessary preliminary steps by commencing this survey and investigation. This great question should no longer be left to private enterprise. True, such enterprise has accomplished wonders.

The real development of irrigation in the West has taken place mainly within the last fifteen years. Within that time it has been lifted out of rudeness into something like science. The strides it has taken may be judged by the 12,000 miles of main canals in the West, costing millions on millions of dollars.

Even at the expense of proving wearisome, I can not forbear taking the following extract from the report of our consul in Egypt:

IRRIGATION.

Were it not, in fact, for irrigation there would never have been an historical, a scientific, a classical Egypt. God granted it natural irrigation, and this, aided by artificial works, once gave to Egypt a material existence as grand as its monuments are enduring. Since it is due alone to the employment of the waters of the Nile that agriculture is known in Egypt, and since agriculture is the base of all wealth here, it must be deduced, the wealth of old Egypt being far greater than that of the Egypt of to-day, that these waters were once more widely employed; that they were made to feed the crops of more extended agricultural districts. History as well as the silent evidences of the past proves this, and evidences of to-day begin to show a broader and growing conception of the value of irrigation. The spirit of advancement in this direction was evidenced in the works of Mohammed Ali, in the Barrage, and in the grand canals he opened. Ismail Pasha also pushed with great vigor schemes of irrigation; and Thewfik is lending all the aid he can towards their enlargement.

The curious historical and scientific researches of a citizen of the United States have unfolded a huge plan of irrigation, known to the ancients, and the present Egyptian Government at this time seems disposed, after at first turning a deaf ear to his propositions, to profit by this man's philosophy. The darkness which spread over Egypt in the Byzantine period, and which grew denser still under the supremacy of the Mamelukes, was dispelled by Mohammed Ali, and, unless foreign power again re-establishes decay, it may be expected that in a few generations it will be entirely dispelled.

The processes of irrigation are just about as they were thousands of years ago. Partial use of steam power has created slight changes, but the shadoof and the sakeeyek are yet supreme, and, in fact, as they are worked, it may be said they have no superior.

The shadoof is made of two posts about 5 feet high, set into the earth 3 feet apart and joined at the tops by a horizontal bar. Across this bar is slung a pole or a branch of a tree, having at one end a weight composed of mud, and at the other, suspended by two palm stalks, a bucket made of basket-work, or matting, or of a hoop with woolen stuff or leather. This is worked by one man, who is able with its use to raise water about 8 feet. Where it is necessary to raise water to a greater height, two or more of these machines are employed. Appliances of a similar nature for lifting water from wells are common in parts of the United States.

The ancient Egyptians utilized the waters of the Nile for irrigation to a greater degree than the Egyptians of to-day. They put into practical operation measures only dreamed of at this time, for many of the channel ways of some of the old canals are now wholly unknown. The ancients cultivated more soil than the moderns; they produced greater crops; they were possessed of greater wealth. One ancient Egyptian king had more money in his private vaults than is now contributed in a twelvemonth to the entire Egyptian Government. The great wealth of old was derived from proper distribution and utilization of the waters of the Nile, and it is to the resolution of this subject that moderns must address themselves if they would free Egypt from the oppressions of the European bondholders. Mohammed Ali inaugurated a new Nile era. Had he lived till now Egypt would have been one of the very greatest nations of the East. It would have been re-enthroned in grandeur and riches. The Barrage has been at last put into practical operation with great beneficial effects, but this is only the beginning of what may be done.

A GRAND SCHEME.

Under the head of "irrigation" reference was made to a huge plan of irrigation unfolded by an American. When Herodotus visited Egypt, B. C. 454, he enumerated various great monuments and public works. Among these he included the Pyramids, but to them he failed to give so great prominence as was given to a vast artificial reservoir, which, in his own words, "excelled all other human productions." "The circuit of its coast," said the historian, "is 60 schoenes, or 3,600 furlongs, which is equal to the entire length of the seacoast of the Delta. It stretches in its longest direction from north to south, and in its deepest parts is of the depth of 50 fathoms. The water of the lake does not come out of the ground, which is here excessively dry, but is introduced by a canal from the Nile. The current sets for six months into the lake from the river, and for the next six months into the river from the lake. While it runs outward it returns a talent of silver (about $1,060) daily to the royal treasury from the fish that are taken in the canal, but when the current is the other way the return sinks to one-third of that sum."

The Ionian historian was careful to repeat the measurements in such a way as to avoid any possibility of error on the part of his copyist. The circumference of the lake was given by the schoene, an Egyptian unit of length, a day's tow, and could be compared to the distance which separates Alexandria from Port Said. He took pains to insert that the furlong was a hundred fathoms, or 600 feet. The depth, also, he repeated, is one-half of a hundred fathoms, or half a furlong. About five centuries later Diodorus from Sicily, Strabo from Asia Minor, Mutianus and Pliny from Rome repeat what was evidently a wide belief regarding a well-ascertained fact.

Diodorus said the utility of the lake deserved the highest praise, and its greatness was incredible. "Considering," he said, "the benefit and advantage brought to the Government by this great work, none could ever sufficiently extol it according to what the truth of the thing deserved." He explained in lucid terms its unique character.

But I must hasten, as my time is nearly exhausted. As I have before said, Arizona's desert lands can only be reclaimed by Government action in storing the surface waters and by developing artesian wells. Much of the land of that much-slandered Territory is now a desert. As long as it remains such it will remain a disgrace to the inaction of the Federal Government. These deserts can be reclaimed. They must be reclaimed, they will be reclaimed, for, as quoted by the gifted and scholarly member from New York [Mr. COX] the other day in his beautiful speech in favor of this amendment:

For the Lord shall comfort Zion: He will comfort all her waste places: and He will make her wilderness like Eden, and her desert like the garden of the Lord: joy and gladness shall be found therein, thanksgiving and the voice of melody.

The Lord uses strange means sometimes to effect His kindly providence. The Fiftieth Congress, let us hope, will here serve the purpose in reclaiming these lands; and when reclaimed what will it not produce? As to my own Territory I can speak advisedly. Every semi-tropical fruit and every product of the temperate zone can be produced in "prodigal profusion." You who favor "home industries" can drive the Spanish olives from this continent. Nowhere will the orange grow to greater perfection. It is the natural home of the fig.

The "blushing vine hills of delightful France" can not surpass us in their product or equal us in the beauty of scenery or salubrity of climate. Our possibilities are measureless. The desert can be made to bloom as the rose. The waste places can be made glad and all for far less money than you have appropriated to the improvement of our rivers and harbors.

The Treasury is bursting with its accumulated gold. Our people are not niggardly. Give back to their posterity what you have taken from them and they will be content. Of their money make happy homes for their children's children.

The available agricultural lands are nearly exhausted. The overcrowded laborer seeking a Western home finds a useless desert staring him in the face. You took from him your hoarded wealth. Will you not give him a chance to live? He, and thousands like him, asks no bounty of you. They only want justice at your hands. They demand, and have a right to demand, that you with the means which they have afforded shall do your part toward the proper development of our wonderful resources.

Projects are now on foot for large expenses in the construction of a navy and in coast defenses. This is well enough; but one man owning his home in a land he loves, with his family about him, is worth more to his country in time of need than a whole company of hired soldiers. In war he is the ready, brave, and faithful volunteer. It is he who will honor his flag and die for his country. Sirs, make homes for your people. Save your lands from monopoly. Redeem the arid

regions, and thus in your prudent watch care over the people's interest, your patriotic statesmanship, your provision for future prosperity, emulate the example of our fathers who gave our matchless Government to the admiration of the world, and to our people unexampled prosperity, liberty, and happiness. [Applause.]

Mr. SYMES. I reserve the remainder of my time until I hear from the other side.

Mr. McMILLIN. I am glad, Mr. Speaker, that my friend from Arizona [Mr. SMITH] has come squarely up to this measure and avows the object sought, *i. e.*, to have the Government do this work; for it thereby presents it to Congress stripped of all extraneous matter, and the broad proposition is before us whether we are ready to enter upon the work of constructing irrigating canals which he says it is designed to accomplish and which he advocates. These things always begin in a small way. I remember when the Geological Survey was inaugurated, and before it had reached its present magnitude it was under a proposition to survey the lands in the Territories; a very innocent proceeding, and one that was said to be of vast importance to the United States. Then came the proposition to extend that survey into the States a few years ago, with the claim made that it was of great importance to them, and that it would give to the people such a survey of their mineral resources in all the States as had not hitherto been had. Years have rolled by, and if this Geological Survey has found anything new in the State of my friend from Alabama I have not yet heard of it.

If they have added anything to the surveys made by Professor Safford and others in Tennessee, I have heard nothing of it. If they have added anything new to the geological surveys made by Professor Owen, Professor Proctor, and others in the State of Kentucky, I have heard nothing of it. Hundreds of thousands of dollars have been doled out to them as they have demanded, and still the work perpetually goes on, and its completion becomes perennially hopeless.

Mr. SYMES. Will the gentleman permit me to ask him a question there?

Mr. McMILLIN. Certainly.

Mr. SYMES. Have not the geological surveys made during the time mentioned by the gentleman included a great many specific geological surveys of some of the richest mining districts in the Rocky Mountains, and have not these surveys in many cases, and the reading of the reports describing the geological formations of these mineral districts resulted in the development of mines and the addition of millions and millions of precious metals to the wealth of this country?

Mr. McMILLIN. I have not visited the Rocky Mountains. I am talking of that portion of the continent with which I am familiar, and I have announced a proposition concerning it that the gentleman even in all the zeal of his advocacy of this proposition will not dispute. We were told that the work could be done in a few years. There were a number of us in the beginning of these surveys in the States who held that there was no use for the Government of the United States making geological surveys within the States. But there was a clamor for it; the clamor was heeded, and the surveys were entered upon. I believe it has been about eight years since that was done; and, as we are told in the statement made by my friend from Alabama [Mr. HERBERT] a few moments ago, it will now take thirty years to complete them, whereas four years ago it was announced that twenty-four years would be sufficient to make the surveys.

We are asked to give new powers, to open new fields, give more millions to this surveying party for the accomplishment of what?

Mr. STONE, of Kentucky. To levy more taxes.

Mr. McMILLIN. To levy more taxes, to squander more money. If you do this you will have additional burdens of taxation. By the creation of these reservoirs it is said that ninety-odd million acres of land can be reclaimed that can not now be cultivated except by irrigation.

Now, the gentleman from Arizona does not come at this matter in any covert way. He comes at it like the candid, fearless man he is, saying that it is a work the Government ought to do, and he advocates it as a Government work.

Taking the whole field together, the remoteness from water of a vast quantity of it and the fact that the dams and reservoirs will have to be maintained in their places, is there a gentleman here who supposes that it can be done for an average of less than $10 per acre? Do you propose to enter upon a policy which will add to the taxes of the people of the United States, now excessive, and to the present bonded indebtedness under which they are groaning? If so——

Mr. SYMES. Will the gentleman permit me?

Mr. McMILLIN. I can not yield. My time is too limited.

Mr. SYMES. I would like to correct the gentleman; and that is why I wish to interrupt him.

Mr. McMILLIN. The gentleman has plenty of time in which to answer. I dislike to appear discourteous, but I must insist upon going ahead. Now I undertake to say that it can not be done at an average of much less, taking all the arid region, than $10 an acre; and I want to know whether any gentleman is in favor of duplicating the present bonded indebtedness, or of levying taxes equal to the present bonded indebtedness for this purpose?

I like the announcement of my friend who sits before me [Mr. FELTON], and who stated the true doctrine of American and republican government—"that the Government of the United States ought to do nothing that the citizen could do." As long as we adhere to that principle we can not go far wrong; but whenever we depart from it for the purposes of building reservoirs to the extent that we do depart from that doctrine by this measure we go away from good government. I undertake to say that if somebody else would build these canals and reservoirs and the different appliances necessary to reclaim these lands the Government of the United States could not afford to accept them as a donation and run them. The hundred thousand officers and employés that we now have would be run up to a quarter of a million, requiring thousands and tens of thousands of dollars, and in place of having my friend from Missouri [Mr. O'NEILL] as we now have him with one Committee on Labor we would have twenty such committees. [Laughter.]

Now, how much is proposed to be given here? Two hundred and fifty thousand dollars under this bill to be used by this bureau. We have become a little too much of a bureaucratic government to suit me.

We have already given more than $600,000 to this bureau for this year and now they want $250,000 more, and that is but a nest-egg for future operations. Next year it will take, they say, a million dollars, and a million a year for five years succeeding. Is this Congress ready to give all the millions that may be demanded to all the projects that may be conjured up in the fruitful brains of any bureau chiefs?

Mr. SMITH, of Arizona. It will be only a million a year until we get it all done.

Mr. McMILLIN. A million a year. Five millions for the work of survey, and you, my friend, have said that then the Government ought to do the work of building and operating this system. That is just where I want to make the fight. I say that if it is to be done the Government ought not to do it. I say the Government could not afford to accept it as a donation and "run" it.

Mr. HERBERT. At the rate of one million a year it would take a million of years to get through.

Mr. McMILLIN. I have seldom known any man in Washington to work himself out of a job, and it is very difficult to repeal even a clerkship, or a desk in a bureau, or a bureau itself. They all run in the opposite direction. The clerkship of to-day is the bureau of to-morrow, and the bureau soon buds into a Department. Now, I think the best time to halt in this matter is just as we are about to begin. The lands are there; they are not going away. Does any man suppose that the private enterprise and the individual energy of this great American people are not sufficient for any emergency that may arise? Already your farming lands almost all over the United States are running down. That proposition will not be denied by anybody; and will you tax the people who own these lands millions of dollars to be put into other localities?

As our country fills up with population and these lands are needed, American genius and American enterprise and American capital will do the work that is necessary for their reclamation. I have no fear that if this Congress fails to appropriate all the money that is in the Treasury for purposes not hitherto appropriated for, those who come after us will go to ruin. I think the next generation will be able to take care of itself.

This Congress has been prodigal beyond necessity, and still we are asked not only to appropriate a quarter of a million dollars now, but to lay the foundation for five millions of appropriations in the next five years. We have appropriated for all sorts of schemes heretofore. I remember standing in this House a few years ago protesting against an appropriation for the building of reservoirs on the Upper Mississippi. The claim was that they were being constructed for the purpose of improving the navigation of the Mississippi River in summer by damming up water in winter to be turned loose in summer, and I stated that the proposition, as a mental performance, would disgrace an idiot. [Laughter.] I never yet have seen a man who was fool enough to believe that the reservoirs built there have improved the navigation of the Mississippi River, but I have no doubt that some excellent gentlemen have got some very fine water-powers for strictly private uses without cost to themselves.

Now, it is claimed that one benefit to result from the scheme before us will be that the water will be caught and collected in these reservoirs, and that thus the summer overflow of the Mississippi will be prevented. After having made the comment I have made concerning the other proposition, which is in the past, I will not be uncharitable enough to compare this with it; but I do not think it is wise to make this proposed appropriation. I think this Congress ought to be satisfied with the millions of dollars it has already appropriated. I think they ought to be sufficient to satisfy any ordinary ambition in the direction of prodigality.

For one, I have no desire to rival the Prodigal Son in his most prodigal days, and we are in a fair way of doing that if we do not call a halt. My friend from Colorado [Mr. SYMES] is here advocating this proposition, and the next thing we shall hear of him will be that he is making the welkin of Colorado ring with the statement that there is no surplus in the Treasury to make a revision of the tariff necessary, that this is the most prodigal Congress that has ever assembled here, and

that it has squandered more of the public money than was ever squandered by any preceding Congress under any administration. I can see that in him right now, and he will not deny it. [Laughter.]

Mr. SYMES. Mr. Speaker, I deny that impeachment for the present and for the future. I wish to say that I consider myself to-day in the affairs of government, municipal, State, and national, more of a practical economist than my distinguished friend from Tennessee [Mr. MCMILLIN]. I would appropriate money to add to the value of the public domain; I would appropriate money that should benefit the future settlers upon that domain. Other gentlemen in this Hall would appropriate, as I heard them say the other day on the other side and on this side of the House, ten millions for a Library building that might attract the attention of distinguished architects from Europe. I would not. I would erect a Library building so plain and simple that the architects from the Old World, when in the future they may come over here, would not view a structure similar to the Coliseum and Parthenon of ancient times, which have excited the wonder and admiration of the artists of all countries for ages. No, sir; I would not expend the people's money in trying to rival the Old World in art or architecture; but I would erect a Library building so plain and simple in its architectural design that it would attract the attention of artists on account of its simplicity, and not on account of its expensive grandeur. And I would place within it more of the treasures of intellect than is found in any similar structure of ancient or modern times. [Applause.] I would not aim at beauty of architecture, which might attract the eye of the uncultured and thoughtless, as well as the æsthetic; but I would add to the treasures of the Library millions of valuable manuscripts and books which the intelligent people of America might read and study. The gentleman has not found me voting for any architectural extravagance of that sort.

Mr. MCMILLIN. No; I am aware that the gentleman has voted with me on that proposition, and to that extent he is right. I regret to say at the same time that the gentleman's party has not generally voted with him on that question.

Mr. SYMES. I call upon the House to bear witness that I am never disposed to bring in partisan politics where they do not belong; and they do not belong here.

Mr. MCMILLIN. It does not belong anywhere when you are seeking an appropriation. But when a political canvass is pending, I have never known the gentleman's party to ease up on questions of this kind.

Mr. SYMES. Yes; and the only thing that endangers the success of this amendment is the fact that we are within sixty days of a Presidential election; otherwise the amendment would be carried by a four-fifths majority.

Mr. MCMILLIN. I must not permit my friend to carry the House off into the labyrinths of that extensive building, which ought never to be erected on the foundations proposed for it, by an expenditure of $10,000,000. I want to know from the gentleman whether he is in favor of the proposition submitted by the gentleman from Arizona [Mr. SMITH] for the Government to do this work?

Mr. SYMES. I answered substantially the inquiry of my friend from Tennessee during the course of my remarks a week ago last Saturday. I said then, as I say now, that I do not advocate and I see no necessity, during my lifetime or that of the gentleman from Tennessee, that the Government should enter into the business of building dams, accumulating water, constructing canals, ditches, and subditches, and distributing the water and selling it by Government agents. If such a thing were proposed at this time I would speak against it. I am not now advocating such a proposition, but simply that the Government reserve its own reservoir sites and water and land for the benefit of the people in the future.

The dispatch I read this morning from the deep-harbor convention is that these reservoirs be turned over to the States. That can be settled hereafter. First secure their control by the United States before it is too late.

Mr. MCMILLIN. If the gentleman is not in favor of this work being done by the Government I would like to know why he wants to spend over $5,000,000 in making a survey that is to come to naught. I think the proposition is wrong. It could never have come in here regularly on one of our appropriation bills. But this bill comes back from the Senate, and the Senate, following its custom, has undertaken to ride us down with appropriations which would not be in order in the House on these bills. I believe that this proposition ought to be rejected. I think we shall serve the public interest by doing so.

Mr. SYMES. I yield now for ten minutes to the gentleman from Missouri [Mr. STONE].

Mr. STONE, of Missouri. Mr. Speaker, this is a question in which I feel a great deal of interest and to which I have given some attention and thought. I can not in the period of time allotted to me undertake to elaborate the views I entertain in regard to it. I wish I had time to express myself fully. I believe I could say some things that would be interesting to the House, and possibly useful in the discussion. But though I can not say what I would like, I am gratified by the courtesy of the gentleman from Colorado [Mr. SYMES] to have an opportunity to express my hearty approval of the proposed amendment and to identify myself in the RECORD with this great measure. I agree with the gentleman from Alabama [Mr. HERBERT] that this is the most important measure in its possible eventualities which has been considered by this Congress, though it is probable the reasons I have for saying that are wholly different from those which that gentleman would assign. Mr. Speaker, the gentleman from Tennessee [Mr. MCMILLIN] who has just taken his seat has spoken of the prodigality with which appropriations have been made by this Congress.

I regret that his animadversions and criticisms on that account are too well founded. I wish to say for myself, however, that against all these prodigal and extravagant expenditures against which the gentleman from Tennessee complains, whether great or small, I have opposed myself with resolute obstinacy. I have voted against them with great regularity and persistency, but I am for this amendment. It advances a proposition which in no possible sense savors of a personal enterprise. It is not local in its character; it is not even sectional; it is national in the broadest and highest acceptation of the term.

What does this amendment propose? It proposes to appropriate $250,000 to inaugurate and prosecute extensive surveys in what is known as the arid region of the country, to locate its boundaries accurately, to ascertain where natural reservoirs may be established for the storage of water supplies, to ascertain the extent and location of these desert or arid lands which may be reclaimed and restored to agricultural uses by a system of irrigation, and to suggest the best and most practicable methods of irrigation. It provides also that all lands which may be utilized and made valuable by irrigation shall after the passage of this bill be withdrawn from sale or other disposition until such time as Congress shall provide for disposing of them. That is the sum and substance of the amendment. That is the whole proposition.

Gentlemen oppose the amendment because they say it is the incipient step towards inaugurating a vast system of irrigation which is to involve the Government in an expenditure of indefinite millions. But, Mr. Speaker, gentlemen who assail the pending proposition on any such ground as that are running too fast; they are galloping too furiously.

The proposition which the House is now called upon to consider does not provide for any such thing as that. It is simply to prosecute a survey of these lands and to report the facts.

But the gentleman from Tennessee [Mr. MCMILLIN] contends that if this appropriation is made and the surveys are prosecuted, the Government thereby becomes committed to the policy of irrigation as a public work and at public expense, and in proof of that he points to the gentleman from Arizona [Mr. SMITH], who expressed the opinion that the work of irrigating and reclaiming these waste lands ought to be done by the General Government. I do not know whether it ought to be done by the General Government or not. It certainly ought to be done by somebody. I am not now prepared to commit myself to any scheme, one way or the other. But these waste lands are there in the West—immense areas of them. They are useless for agriculture under existing conditions. What shall we do with them? Draw a line from the northern border of Texas (it ought to go east of the hundredth meridian) and extend it through the Indian Territory, through the heart of the great States of Kansas and Nebraska, and along the eastern line of Dakota to the British possessions. The immense empire west of that line, and between that line and the Pacific Ocean, is practically worthless under present conditions for agricultural purposes.

What are you going to do, then? The only way by which these lands can be reclaimed is by irrigation. What are you going to do? The gentleman from Tennessee says he wants to leave the whole matter to private enterprise. He is confident that private enterprise will solve the problem in due time. If it can be so accomplished, then let it be so done. Let the Government stand aloof and take no part in the prosecution of any system of irrigation if the work can be done without its intervention. I am opposed to the Government doing any thing of this character if it can be done by individual effort.

Mr. MCMILLIN. Is private enterprise not doing it, I ask my friend?

Mr. STONE, of Missouri. Private enterprise certainly has done something in that way to a limited extent, and when the opportunities for irrigation are favorable it is possible, sir, and I certainly hope it is practicable, for private investment—for private effort to so exert itself as to reclaim and restore the whole of these lands to civilization. But if it can not be done in that way, if it is not practicable or possible, but on the contrary if it is impossible for it to be done by private enterprise, then I certainly would not hesitate for a moment to put the Government forward to take charge of it as a national work and prosecute it to a successful end.

Mr. MCMILLIN. Within the States?

Mr. STONE, of Missouri. Anywhere; wherever there are public lands. Certainly, within the States as well as within the Territories, for I am unable to conceive any reason why a distinction should be drawn.

Mr. Speaker, what we seek to do by this amendment is not to inaugurate a system of public works, but we are seeking information, reliable, accurate information, upon which the representatives of the people can rely, and upon which private enterprise can depend. The work is certainly worthy of the most serious consideration at the hands of the American Congress.

Whether this information when acquired may develop the necessity

of irrigation as a public work remains to be seen. Let us get possession of the facts; let us comprehend the situation, and then act as wisdom, prudence, and the statesmanship of common sense may dictate. An empire of waste lies there awaiting the magic touch of industry to make it bloom. Out among the mountains and plains of this great arid West lies the secret of a splendid future. Mr. Speaker, while listening to this debate and looking at that map yonder, I tried to think of this vast region which is described as arid in this way—as a separate and independent republic, and to imagine that we were sitting in the Congress of that new republic deliberating on its public affairs. In my imagination I tried to picture some ambitious, but patriotic statesman of that republic of the occident standing on the summit of some stupendous mountain peak in the heart of the Rockies, where he had his whole country under his vision. As he gazed around him what would he behold? A territory greater by one-third than the combined areas of Great Britain, France, Italy, Austria, and the German Empire—five of the greatest nations of the earth, the homes of nearly 200,000,000 people, and representing the accumulations, the culture, and the civilization of the Saxon, the Gaul, the Teuton, and the Latin for twenty centuries and more—a territory greater than the Chinese Empire, or China proper, supporting a population of nearly 400,000,000.

The SPEAKER. The gentleman's time has expired.

Mr. STONE, of Missouri. I am sorry I have not time to go on and complete the view I was about to present.

[Here the hammer fell.]

Mr. FORNEY. I now yield to my colleague [Mr. OATES].

Mr. OATES. Mr. Speaker, it is a late hour in the day as well as a late hour in the discussion of this measure, and hence I shall not attempt any elaborate argument upon the question presented, but will proceed to give my views as plainly as I can set them forth on what I conceive to be the salient points involved in this controversy.

The object of the measure here presented, as I gather it from the report of the committee and from the arguments in favor of the proposition, is to put a large percentage of lands in the arid regions in our Western country in a condition to fit them for agricultural purposes, so that the people may avail themselves of these lands for such purposes in the near future.

Sir, I am not one of those who join unqualifiedly in the assertion that it is wise or for the public good to encourage an overrapid taking up of the public domain and the devotion of it to purposes of agriculture.

According to my observation, experience, and reading of other countries, I am convinced that the inevitable result will be when the lands fit for agricultural purposes in the United States are all taken up and devoted to such purposes that in exact proportion as that is done the grazing lands will disappear, and food products, especially meat products, will be found much dearer, and the battle of life for the poor man and for the laboring people of the country to obtain that character of food will be found to grow harder and harder as this process goes on. That is the history and the result in all of the older countries of which I have read.

While, sir, I admit that the people who are located upon lands and become rooted in the soil are more strongly attached to their country, for love of home and its sacred precincts is a sentiment which pervades nearly every human heart, yet there are other considerations which should enter into our action in dealing with this subject.

Mr. FUNSTON. Will the gentleman yield to me for a question?

Mr. OATES. Yes, sir.

Mr. FUNSTON. I wish to ask whether in your opinion more cattle can be raised on cultivated soil than on wild soil?

Mr. OATES. Yes; at a very much higher cost.

Mr. FUNSTON. Oh, no, my friend; I have been familiar with that subject for some time, and on cultivated lands they are produced more cheaply and afford cheaper food.

Mr. OATES. According to your argument, it would be cheaper to raise cattle in New York than in Kansas, which is not a fact.

Mr. FUNSTON. It would be if they would raise them.

Mr. OATES. Ah; but it is never done. The lands are devoted to other purposes.

Mr. Speaker, while I would not stop the process of continued settlements upon the public domain, I do not believe it would be wise to greatly accelerate or stimulate it unduly. I think if there is any fault now to be found with our policy in that direction it is that settlement is progressing too rapidly rather than too slowly. Our policy, sir, for a number of years has been not only to give homes to all our people on the public domain, but to throw open the doors wide and invite all the foreigners of the world, tramps included, to come and occupy this great bounty of ours, the public domain. I think, sir, that the time has arrived in the history of this country when that practice, to a great extent, should cease and allow this process of taking up the public lands to go on gradually; and with such a policy inaugurated there is no present necessity for applying a stimulus for preparatory steps to be taken to induce the settlement and cultivation of these arid regions.

I admit, however, that in the distant future these lands, such as can be made useful for agriculture, will be demanded by the young men of this country in the course of natural growth, and therefore it seems to me that it may be prudent enough to withdraw certain districts or portions of these arid regions from sale.

I see from the testimony of Major Powell that the surveys which have been made and are now in progress, while not distinct enough for him to locate and designate all the different catchment basins and to segregate them one from another, yet they are distinct enough so that the neighborhood in which they lie, and where in all probability the reservoirs would be located, can easily be ascertained. The withdrawal of these districts from the market is all that seems to me to be necessary at this time.

But some gentlemen seem to have in contemplation at no distant day the engagement of the Government of the United States in the development of this work as outlined by Major Powell in creating these vast reservoirs in the catchment areas for the purpose of rendering the country thereabout fit for agriculture. For one, sir, that argument can have no favorable influence upon my mind in dealing with this proposition. I think my friend from Missouri [Mr. STONE], who just preceded me, was a little thoughtless in some of his remarks upon that line.

Why, sir, if gentlemen will recur to the fundamental law of this country they will find that Congress has no power to engage in works of that character. I see no necessity for any violation of or for exceeding the power with which the fundamental law has invested us. I for one decline to take such a course. The only power which Congress has over the public domain and territory of the United States is in the following clause of the Constitution:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory belonging to the United States.

The latter proposition, to make rules respecting the territory, is daily exercised under the provisions that are made for the government of the Territories of the United States; but the first proposition, the power over the public lands of the United States that Congress has, is to provide for their disposal. Gentlemen seem to confound the right of Congress to legislate throughout the Territories and in the District of Columbia with power to do anything they please by way of improving the public lands. Why, sir, the two propositions are very distinct. If Congress has power to erect improvements on the public lands in order to put them in a condition for sale and to be profitable to the purchaser, I ask any lawyer or other member on this floor to tell me where there is any limit to the exercise of that power?

If, sir, you can put an improvement of $100,000 upon the public domain you can put $100,000,000. If the power exists it has no limit except in the discretion of Congress, which is no limit at all. I have never believed that Congress has any such power. It never was the intention of the framers of the Constitution to vest in Congress that extent of power in respect to the public lands.

And now, sir, as to the utility and practicability of the scheme, let me say that while I have a great respect for Major Powell I can not always agree with him. He is a scientist. He is a very learned gentleman, and the testimony he gave before the Senate committee is to me quite interesting reading. But he, like all other scientists, is liable to err in his conclusions. The conclusions he draws from the premises strike me as exceedingly erroneous, Mr. Speaker, in respect to the Mississippi River. That has been frequently alluded to by gentlemen in the course of this debate, but I desire to read a portion of the testimony, which strikes me with peculiar force, in which he speaks of the disastrous floods or overflows of the Mississippi, which he thinks can be entirely prevented by a recourse to scientific methods and damming up the waters in reservoirs. He says:

> Pardon me, perhaps it is egotistical to say so, but I have studied this subject for many years and I am satisfied that the yearly overflow of the valley of the Mississippi could be prevented and the whole of that vast area, now flooded annually or from time to time, could be redeemed and made dry by storing the water on the great plains.

Why, Mr. Speaker, it would take more money to accomplish that, if it could possibly be done at all, than the whole national debt ever did amount to. I do not believe that it is practicable at all, because if anything in all this land is a law unto itself it is the Mississippi River.

Mr. Chairman, in conclusion of what I have to say I will send to the Clerk's desk and ask to have read an extract from that great humorist, Mark Twain, from his "Life on the Mississippi," as an illustration of the science involved in this point.

The Clerk read as follows:

> Since my own day on the Mississippi, cut-offs have been made at Hurricane Island, at Island One Hundred, at Napoleon, Ark., at Walnut Bend, and at Council Bend. These shortened the river, in the aggregate, 67 miles. In my own time a cut-off was made at American Bend which shortened the river 10 miles or more.
>
> Therefore, the Mississippi between Cairo and New Orleans was 1,215 miles long one hundred and seventy-six years ago. It was 1,180 after the cut-off of 1722. It was 1,040 after the American Bend cut-off. It has lost 67 miles since. Consequently its length is only 973 miles at present.
>
> Now if I wanted to be one of those ponderous scientific people and "let on" to prove what had occurred in the remote past by what had occurred in a given time in the recent past, or what will occur in the far future by what has occurred in late years, what an opportunity is here! Geology never had such a chance, nor such exact data to argue from, nor development of species either!
>
> Glacial epochs are great things, but they are vague, vague. Please observe: In the space of one hundred and seventy-six years the Lower Mississippi has shortened itself 242 miles. This is an average of a trifle over 1 mile and a third per year. Therefore, any calm person, who is not blind or idiotic, can see that

in the old Oölitic Silurian period, just a milllion years ago next November, the Lower Mississippi River was upwards of 1,300,000 miles long, and stuck out over the Gulf of Mexico like a fishing rod. And by the same token any person can see that seven hundred and forty-two years from now the Lower Mississippi will be onlya mile and three-quarters long, and Cairo and New Orleans will have joined their streets together, and be plodding comfortably along under a single mayor and a mutual board of aldermen. There is something fascinating about science. One gets such wholesale returns of conjecture out of such a trifling investment of fact.

[Laughter and applause.]

Mr. SYMES. Will my friend yield for a suggestion?

Mr. OATES. Yes, sir.

Mr. SYMES. I understand that that is cited and considered as the most reliable authority upon the side of the opponents of this bill.

Mr. OATES. I think it equally as good as the authority of the advocates of the bill, and I prefer it.

Mr. SYMES. That is what I understand to be your position. I now yield five minutes to the gentleman from Montana [Mr. TOOLE].

Mr. BUTTERWORTH. I desire to inquire whether it is the purpose of the gentleman in charge of this bill to have a vote upon the amendment this afternoon?

Mr. FORNEY. No; not until to-morrow; but I want to get on as far as possible this evening.

Mr. TOOLE. Mr. Speaker, during the month of July, when this bill was first considered in the House, I offered substantially the same amendment as we are now discussing. The amendment was ruled out upon a point of order made by the gentleman from Pennsylvania [Mr. RANDALL], but through the courtesy of that gentleman I was permitted to submit some remarks upon the merits of the amendment. In addition to what was then submitted I have but a few remarks to make.

Some time ago when the public-land bill was under consideration in the House gentlemen upon this floor offered certain amendments to meet their views of what the law should be, and expressed grave apprehension lest the remaining public lands of the United States should be largely dominated and controlled by the cattle barons and syndicates formed for speculative purposes. I confess, Mr. Speaker, that in my opinion the fears then expressed were not entirely without foundation. To persons at all familiar with what is denominated "the arid regions" of the United States the fact is undeniable that the ownership of the water frontage and water supply is tantamount to the ownership of the entire surrounding country.

With this fact admitted, gentlemen can not better fortify against the lamentable consequences which were then so graphically portrayed than the adoption of the amendment under consideration. It is in keeping with that true political economy which is demanding public attention and fast asserting itself in this country by which a greater equality in the occupancy and ownership of the soil will be established and maintained. It will make it expedient and wise to repeal all land laws except the homestead law. It will encourage and foster agriculture, which, after all, is the basis of national prosperity.

For nearly twenty years I have been an actual observer of the superiority of irrigation over the present method of farming in the older States. I went to Montana when practically the only aspirants for the supremacy of the soil in that Territory were the sage-brush, the grease-wood, and the prickly pear. I saw these worthless growths disappear before the advancing irrigating ditch, and in their stead, as if by magic, sprang waving and prolific fields of wheat, oats, and barley. It has been said that "bread is the staff of life," but water in these arid regions is life itself. With it under his control and dominion the farmer does not have to contend against either a lack or excess of rainfall, but reaps his crops in their fullness with the regularity of the harvest.

Mr. Speaker, this amendment, I hope, is the harbinger of a new departure, the dawn of that glad day when the Government shall exercise supervision and control over the unappropriated waters in the arid regions and when only the homestead law shall be applied to our public domain. The voice and vote that promote this important legislation, legislation which makes it possible to multiply homes for the homeless and which encourages small holdings of real estate, will have done something to deserve the good opinions of the tillers of the soil and the toilers of the land; done something to vindicate what has come to be the deliberate judgment of mankind, namely, that the safety, conservatism, and perpetuity of our institutions are largely dependent upon that attachment to the soil which springs alone from small holdings of real estate.

The gentleman from Indiana [Mr. HOLMAN] in his remarks upon the bill to organize the Territory of Oklahoma said something that deserves to be repeated here. I can not always agree with the gentleman from Indiana in his views respecting the public lands, but I give my unqualified indorsement to the following declarations of that gentleman:

There is no hope now, as all considerate men see, of preserving republican institutions with our ever rapidly increasing population swelling the multitudes of our cities with startling rapidity, unless the great body of the people are invested with an actual interest in the soil of their country. It is on the conservative power of these freeholds that our free institutions must rest. Therefore any measure that seeks to enlarge the number of freeholds is a measure of public safety and worthy of the highest consideration of the American Congress. Those freeholds, even if they are but a half or a quarter section of land, are better than fortifications and armed bulwarks for the support of free institutions and free government [applause]; and any measure of policy that will tend to diminish the number of these freeholds by an unwise appropriation of the public land still under national control ought not to be approved by Congress, while any measure that tends to enlarge their number ought to commend itself to us as the representatives of the American people.

These were brave and patriotic words fitly spoken, and ought to meet with a hearty response from every Representative in Congress, as I trust they will.

[During the delivery of the foregoing remarks, Mr. TOOLE's time was, upon the request of Mr. O'NEILL, of Missouri, and Mr. SYMES, extended by unanimous consent for five minutes, not to come out of the four hours limited for debate on the pending amendment.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BAYNE, for the remainder of the week.

To Mr. CASWELL, indefinitely, on account of important business.

ANNIE GIBSON YATES.

Mr. BANKHEAD. I present the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the word "forty" insert "thirty-five;" and the Senate agree to the same.

JOHN H. BANKHEAD,
JOHN E. HUTTON,
Managers on the part of the House.
PHILETUS SAWYER,
C. K. DAVIS,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

The following statement of the House conferees, submitted in accordance with the rule, was read:

Statement to accompany report of conference committee on House bill 7708.

This bill provides for an increase of the pension of Mrs. Annie Gibson Yates from twenty to thirty dollars. The Senate adopted an amendment increasing the pension from thirty to forty dollars. The conference committee has agreed to $35, so that the effect of the conference report increases the pension from twenty to thirty-five dollars.

JOHN H. BANKHEAD,
For managers on part of the House.

The report of the committee of conference was agreed to.

Mr. BANKHEAD moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CANNON FOR ILLINOIS SOLDIERS AND SAILORS' HOME.

Mr. ANDERSON, of Illinois. I ask unanimous consent for the present consideration of the bill (H. R. 6105) donating a 6-pound brass cannon to the Illinois Soldiers and Sailors' Home. This bill has been favorably considered by the Committee on Military Affairs, and reported with an amendment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate a 6-pound brass cannon to the Illinois Soldiers and Sailors' Home.

The amendment reported by the committee was read, as follows:

Strike out after the word "donate" the word "a" and insert "two."

There being no objection, the House proceeded to the consideration of the bill.

Mr. MCMILLIN. I hope the gentleman will give us some explanation of this bill. I do not remember any instance in which the Government has given away brass cannon; it has been in the habit of donating cannon which were condemned and worthless.

Mr. ANDERSON, of Illinois. The worthless and condemned cannon to which the gentleman refers have been given away for different purposes from that contemplated in this bill. These cannon are intended to be used for the purpose of firing salutes at the Illinois Soldiers and Sailors' Home. Under the general law all the national soldiers' homes have cannon for such purposes.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title of the bill was amended, as recommended by the Committee on Military Affairs, so as to read: "A bill donating two 6-pound cannons to the Illinois Soldiers and Sailors' Home."

The hour of 5 o'clock having arrived, the House, according to order, adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 11405) granting a pension to Mary P. Myers—to the Committee on Pensions.

By Mr. GEST: A bill (H. R. 11406) granting a pension to Nathaniel Decker—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 11407) granting a pension to David Wild—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11408) granting a pension to John A. Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11409) granting a pension to Joseph McElfish—to the Committee on Invalid Pensions.

By Mr. McADOO: A bill (H. R. 11410) to remove the charge of desertion against John W. Stewart—to the Committee on Military Affairs.

By Mr. CHARLES O'NEILL: A bill (H. R. 11411) granting a pension to Sarah A. Clement—to the Committee on Invalid Pensions.

By Mr. OWEN: A bill (H. R. 11412) granting a pension to William Downey—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 11413) for the relief of Henry C. Hooker and Henry L. Hinds—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 11414) granting a pension to Charles A. Platz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11415) for the relief of C. C. Humphreys—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. GEST: Petition of Nathaniel Decker, for special pension—to the Committee on Invalid Pensions.

Also, to pass the bill to correct the military record of A. G. Henry—to the Committee on Military Affairs.

By Mr. HOLMAN: Petition of Rudolph Walter and others, citizens of Lawrenceburgh, Ind., for the repeal of the internal-revenue tax on retail druggists—to the Committee on Ways and Means.

By Mr. MORROW: Petition of the Sons of Veterans of San Francisco, Cal., for the loan of condemned army rifles and unserviceable accoutrements upon certain conditions, etc.—to the Committee on Military Affairs.

Also, petition of Mrs. Frances M. Branton, of Laredo, Tex., for a pension—to the Committee on Pensions.

By Mr. ROBERTSON: Papers in the claims of James Howell, Alphonse Miltonburger, and others—to the Committee on Private Land Claims.

By Mr. TAULBEE: Petition of Elijah Patrick, for relief—to the Committee on War Claims.

The following petition for the repeal or modification of the internal-revenue tax of $25 levied on druggists was received and referred to the Committee on Ways and Means:

By Mr. CHARLES O'NEILL: Of druggists of Philadelphia, Pa.

SENATE.

TUESDAY, *September* 11, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 28th ultimo, certain information in relation to claims for Army transportation, certified to be due by the accounting officers of the Treasury Department, and a list of those on file which have been certified to be due by the accounting officers of the Treasury; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MARY STURGESS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2913) granting a pension to Mary Sturgess, which was, in line 6, before the word "dollars," to strike out "twelve" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Sturgess, a volunteer nurse in the late war, and pay her a pension at the rate of $25 per month.

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MARGARET S. HEINTZELMAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2726) granting an increase of pension to Margaret S. Heintzelman.

Mr. DAVIS. I move that the Senate non-concur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. TURPIE, and Mr. BLAIR were appointed.

HOUSE BILL REFERRED.

The bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 7516) to increase the pension of Sylvester Stearns, reported it with amendments, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3322) granting an increase of pension to George W. Montgomery, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3801) granting a pension to Nelson J. Crook;

A bill (H. R. 2566) for the relief of Phillip Kopplin;

A bill (H. R. 4820) granting a pension to Ellen Kelly; and

A bill (H. R. 11057) granting a pension to Margaret Gray.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the petition of Lyman Guinnip, late colonel Seventy-ninth Illinois Infantry Volunteers, praying for the correction of his military record, asked to be discharged from the further consideration of the petition; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3479) granting a pension to Sarah J. Powers;

A bill (S. 2374) for the relief of David Gray Purman;

A bill (S. 3502) granting a pension to Juliana Roitsch;

A bill (S. 3477) granting a pension to Minerva Griffith; and

A bill (S. 3435) granting a pension to J. D. Haworth.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8748) to increase the pension of Richard Jobes; and

A bill (S. 3397) granting an increase of pension to Caroline McDougal.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1598) granting to Truman A. Morton a pension of $24 a month, reported it with amendments, and submitted a report thereon.

TRUSTS AND COMBINATIONS.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production, to report it with an amendment in the nature of a substitute. I ask that it take its place on the Calendar.

Mr. HOAR. Let the bill be read. It is short.

Mr. CULLOM. I should like to hear it read.

The PRESIDENT *pro tempore*. Shall the original bill be read or the amendment merely?

Mr. SHERMAN. Let the substitute be read.

The PRESIDENT *pro tempore*. The amendment will be read, if there be no objection.

The SECRETARY. The committee report to amend the bill by striking out all after the enacting clause and inserting:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States or which shall be transported from one State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.

SEC. 2. That any person or corporation injured or damnified by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity what-

ever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than $10,000, or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3533) granting an increase of pension to Robert Bruffett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3334) granting a pension to William S. Dean; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK (for Mr. INGALLS) introduced a bill (S. 3535) granting a pension to Rebecca Page; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. INGALLS) introduced a bill (S. 3536) granting a pension to Hellen Amelia Carroll; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. INGALLS) introduced a bill (S. 3537) to increase the pension of Mrs. Virginia Gardner; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. INGALLS) introduced a bill (S. 3538) granting a pension to Mary Saeger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 3539) to amend an act to detach the county of Audrain in the State of Missouri from the eastern and attach it to the western judicial district of said State; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GEORGE introduced a bill (S. 3540) granting a pension to Mary P. Myers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3541) for the relief of John B. Wiltberger, executor of the will of Charles Wiltberger, late of the District of Columbia; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 3542) granting a pension to Mrs. Elizabeth Stewart; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY BILL.

Mr. KENNA submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN, from the Committee on Indian Affairs, reported an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RELATIONS WITH CANADA.

The PRESIDENT *pro tempore*. If there be no further morning business, the Secretary will report the first bill on the Calendar under Rule VIII.

Mr. HOAR. Before the Senate proceeds to the Calendar, I wish to inquire of the Chair if any message or communication has been received by the President of the Senate from the President of the United States in response to the resolution of the Senate asking for any communication made by his direction to the Government of Great Britain in regard to unfair discriminations against our citizens in the matter of tolls.

The PRESIDENT *pro tempore*. No message has yet been received in reply to the resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6105) donating two 6-pound brass cannons to the Illinois Soldiers and Sailors' Home; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7708) to increase the pension of Annie Gibson Yates.

FOURTH OF JULY CLAIMS.

Mr. HARRIS and Mr. BLAIR addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Tennessee. Does the Senator from New Hampshire rise to morning business?

Mr. BLAIR. I do not, but I understand the Calendar is in order and I wish to——

The PRESIDENT *pro tempore*. The Senator from Tennessee first addressed the Chair.

Mr. HARRIS. I move that the Senate proceed to the consideration of House bill 6514, being Order of Business 2231, and being an appropriation to pay the claims allowed by the accounting officers of the Treasury called the 4th of July claims.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Tennessee moves that the Senate proceed to the consideration of the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. BLAIR. Before the Senate proceeds to vote upon the motion of the Senator from Tennessee, having in view the Army nurses bill, which has been passed over without prejudice a great many times, I wish to ask the Senator from Missouri [Mr. COCKRELL], who has been waiting a great while for information from the War Department in order that the bill might be considered, whether he is prepared to go on with that bill this morning.

Mr. COCKRELL. I am not. I have not received the information. I have been assured by the Department that they are preparing it just as rapidly as it could well be done. It is a difficult matter to get at the exact information in regard to the nurses in consequence of the number of rolls upon which the names appear. The information is being prepared, and I hope it will be ready this week, anyway.

Mr. BLAIR. I ought to say, perhaps, that while the Senator may be quite careful as to the extent and minutiæ of the information which he is endeavoring to secure (which I do not consider of importance in reference to disposing of the bill, because the bill must be disposed of upon the merits of the cases rather than their number), still I understand the Senator is co-operating with a view to an early disposal of the bill, and I take the delay to be in no unfriendly spirit to its passage.

Mr. COCKRELL. Not at all. The object is to get the classes of employés who were in that position so as to distinguish between the cooks and the various classes and the nurses.

Mr. BLAIR. As I understand the Senator, we can hope that the powers of the Government will be sufficient to give us that information during this week?

Mr. COCKRELL. I think so.

Mr. BLAIR. The war power is a great power, and I hope it will be able to do so.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS] that the Senate proceed to the consideration of the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, after line 1085 to insert in the list of claims from the State of Missouri provided for in the bill:

To Elkanah Grace, administrator of James Grace, deceased, Vernon County, $48.21.

Mr. SPOONER. This item of $48.21 was included in the letter of the Secretary and I understand it was in the bill when it was introduced, but it was omitted by mistake of the printer. So it should be inserted.

The amendment was agreed to.

Mr. PAYNE. I move to insert, after line 1372, a new paragraph, as follows:

To John R. Reynolds the sum of $35,996, and to the personal representatives of James M. Reynolds the sum of $35,996, the same to be accepted in full payment, satisfaction, and discharge of all claims of the said John R. Reynolds and James M. Reynolds upon and against the United States for property sold to or taken and used by the United States Army during the war by or from said parties or either of them in the State of Mississippi.

I understand that the matter has been very fully examined by the Committee on Claims, and I leave it to the chairman of the committee to make any explanation desired.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. PAYNE].

The amendment was agreed to.

The PRESIDENT *pro tempore*. Are there further amendments to the bill as in Committee of the Whole?

Mr. SPOONER. I understand that the Senator from Missouri [Mr. COCKRELL] desires to offer an amendment.

Mr. COCKRELL. Yes; I supposed the Senator from Wisconsin had the amendment and would offer it.

Mr. SPOONER. No; I understood that the Senator from Missouri would offer it.

Mr. COCKRELL. In line 4, after the words "to pay," I move to strike out the word "upon" and insert "in such manner as he shall direct, and without;" and in line 5, after the words "Secretary of War," to insert "and;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, in such manner as he shall direct and without the requisition of the Secretary of War, and without further audit, allowance, or restatement of the claims by the accounting officers, etc.

Mr. SPOONER. I am satisfied with the amendment. I think it should be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

Mr. BLAIR. I rise to make a motion before that is acted upon. I wish to enter a motion to reconsider the vote by which the bill has just been passed, and upon that motion I desire to say a few words to the Senate.

The PRESIDENT *pro tempore*. The Chair will first state the motion of the Senator from Tennessee. The Senator from Tennessee moves that the Senate request a conference with the House of Representatives on the bill and amendments.

Mr. BLAIR. I move to reconsider the vote by which the bill was passed.

The PRESIDENT *pro tempore*. Did the Senator vote in the affirmative?

Mr. BLAIR. I did, audibly, on purpose that I might make this motion.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to reconsider the vote by which the bill was passed.

Mr. BLAIR. The Senate will observe, or at least I have observed, that the consideration of this bill commenced at a trifle after half past 12, and that it was passed at a quarter to 1, the moment or two that have elapsed since a quarter to 1 having been occupied in the effort which I have made to get the floor on this motion to reconsider. It is a bill appropriating I do not know how much money.

Mr. SPOONER. One hundred and eight thousand dollars.

Mr. BLAIR. One hundred and eight thousand dollars.

Mr. SPOONER. Without the amendments.

Mr. BLAIR. That is nearly or quite four times the amount of money which has been saved to the country by the wrongful veto of the large number of special pension bills which have been vetoed during the last and the present Congress. It is three times at least the amount that was saved by the vetoing of bills, most of them unjustly vetoed, during the last Congress. Let me state the number of cases or claims which have been thus passed as rapidly as it was possible for the Chief Clerk to read them, and he read with very great rapidity, and without a single interruption except to adopt a single amendment which had been made by the committee to the bill, which was the addition of a further claim, none of them receiving the slightest consideration, all of them having been rushed through with this heedless disregard, this wicked, almost impious and nefarious disregard of duty on the part of Congress, which has been properly stigmatized from other departments of the Government with reference to the passage of other bills. In fifteen minutes we find a bill comprising six hundred and eighty-six claims, each one of them properly the subject-matter of close, long-continued, and intense investigation on the part of committees and other agencies of the Government, thus passed, without the slightest attention, without any apparent justification, without any discussion whatever, without any interference on the part of the Presiding Officer, without a word being said by anybody on either side of the Chamber.

Thus this great robbery, this outrage upon the Treasury of the United States, has been perpetrated by the Senate in the course of the last fifteen minutes without a word of objection or a word of criticism even from the most fastidious, not even from the Democratic side of the Chamber. In fact, the bill was introduced, it was championed, it was brought before us, it was called up this morning in the eye of other and very pressing business, and forced through. It was not forced through; it went through of itself, on account of this dereliction of duty on the part of us all, and it is now a law of the land so far as Congress can make it a law, but for the motion to reconsider which I have submitted, and which, as soon as I am done my remarks, if nobody cares to speak further upon the motion, I propose to withdraw.

Mr. COCKRELL. I hope the Senator will not withdraw the motion. I should like to say a word or two.

Mr. BLAIR. No, I am not done. If any Senator wishes to speak upon it to justify this outrage upon the forms of legislation, I certainly have no objection. I notice that the Senator from Missouri finds in this bill claims to the number of ninety among his own constituents, and I have not a doubt that he may have something to say in justification of this wicked action on the part of the Senate, on account, it may be, of the justice of the claims of his own constituents.

But I am not undertaking to say that these claims are not all correct; I am simply calling attention to this gross carelessness, this wicked violation of the rules of proper procedure on the part of the Senate. I know it is wrong to make any allusion to another branch of the Government, or at least to the other legislative branch of the Government, but since the Senator from Ohio [Mr. SHERMAN] not now in his seat made the supposed possession of information by the other House the reason for our action here in a way that led us all into considerable difficulty in the case of another bill, I may go so far as to call attention to the fact that this is a House bill; it came from the House of Representatives and is in our possession from the House, for it must have passed the House in order to get here. It so appears from the CONGRESSIONAL RECORD.

I do not know that there is any law against our reading the proceedings of the House in that RECORD, even though doing so may influence our minds. And yet as we all read the RECORD outside the sessions of the Senate, the influence brought to bear upon our minds by reason of the proceedings of the House I do not suppose anybody will object to.

This is a House bill, and as I was saying, having read the RECORD with some attention from time to time, I have never seen any indication of discussion even in the House upon this bill; and that is the negligence and the legislative villainy perpetrated on the Senate in regard to this bill by the other branch of Congress; and if it be not so in reference to this bill, nevertheless it is true and has been true every year I have been in Congress, I think, in reference to similar bills.

This is what is called the 4th of July bill, I believe. The Senator from Tennessee has been kind enough to inform us that a great number of items of this description have come to us from time to time from the Committee on Claims. We find them incorporated in appropriation bills all the way through our legislation, and they are rushed through Congress in this same heedless, objectionable, bold, bad way, vastly worse than any of the acts granting special relief to the soldiers and the widows and mothers of soldiers of the Union of which we hear so much complaint. Why, in these fifteen minutes we have passed six hundred and eighty-six claims. Think of that! Six hundred and eighty-six, more than half the entire number of special pension claims which were passed during the whole of last Congress. Divide 686 by 15, and how many claims are passed in a minute?

If the Senator from Texas [Mr. REAGAN] will be kind enough to inform me by a little example in division, I should be glad to know how much time we have given to the consideration of each of these claims this morning.

Mr. VEST. May I ask the Senator a question?

Mr. BLAIR. Just a moment. What will be found by dividing the 686 claims by 15 minutes of time? And I have counted less than the actual number, I see, because in some instances I found after I got well through the bill half a dozen claims in a single paragraph, and in my count I counted each paragraph as one claim.

Mr. VEST. I should like to ask if any of these claims have been duplicated? Have we passed any of them before that we are now passing again?

Mr. BLAIR. I can not say in regard to that.

Mr. VEST. I call the Senator's attention to the fact that there are several pension bills that have passed this body twice, and when they have gone to the President the second time he said he did not see any use in that mode of proceeding.

Mr. BLAIR. That is very good of him. And I notice that another bill went through the Committee on Commerce, of which the Senator from Missouri is a leading member, in which we appropriated for the harbor of a little one-horse village down in the State of Maine $25,000,000, and yet it became a law without the President signing it.

Mr. VEST. We had nothing to do with that. That was a mistake made by an officer of Congress, not by any member of that committee.

Mr. BLAIR. I would not undertake to screen the Committee on Pensions behind its clerks. There have been exceptions of that kind made many times, but the committee is responsible for its clerks, and we have got good clerks in the Committee on Pensions. They are mortal men, and the members of the committee are mortal men, and occasionally a mistake is made. I only allude to this mistake, which has not done a particle of harm, although the Committee on Commerce of both Houses of Congress and the President made this appropriation of $25,000,000 to improve the harbor at a place in Maine which would not perhaps bring $50,000 if bought outright.

I may be wrong in regard to that; but the appropriation was for the harbor of a little town where the appropriation designed was $25,000 only; but the mistake did no harm; and I call attention to the fact in regard to the pension cases to which the Senator from Missouri alludes where there happens to be a duplication of bills by some mistake in doing this vast amount of business. With bills cutting across each other, passing from one House to the other, sometimes it may be in the hurry and confusion of business that the same individual is provided a pension by two separate acts. But even then there is no harm done to the Treasury of the United States. The pension-roll is what the individual is paid upon, and if his name is on the roll by one act passed by a given Congress and after that another one has passed through both Houses and even may have been signed by the President, it does not result in a duplication of the tax upon the Treasury by any means.

As for the instances of such pension cases as the Senator refers to there have been but very few of them; indeed not more than six or eight. I have often called attention to the fact—and nobody has ever challenged it—that there has never been brought to the notice of Congress or of the country a single veto of a bill which was to give a pension where the local community knowing the applicant and knowing the case complained of the allowance of the pension. There are very great numbers of cases where those who have known of the case have exceedingly regretted and oftentimes with great emphasis have de-

nounced the action of the Executive in vetoing those bills. I have stated here before and I state again that of all the cases which I have ever re-examined which were vetoed upon the merits, I have never found one which was not a good case, and which in my judgment, at least, should not have been allowed to become a law by the signature of the Executive.

I know the reports, I know the bills, I know the messages that come in from the Executive stating the facts altogether differently from what they had been found by Congress. I understand all that, and I know the zeal with which the press publishes to the country the Executive finding, which is simply that of a clerk at the Pension Office, who has been overruled in his former bad and sometimes malignant findings. But upon the facts as they exist, upon the evidence before Congress, I have never known the Executive to veto a single pension bill upon the merits, where in my judgment—and the judgment of Congress is but little behind what I say—the action of the Executive was not against justice, and did not constitute a wrong upon the party relieved by the action of Congress.

Now, Mr. President, I call attention to another fact. I find that two hundred of the claims embraced in this bill are in the State of Tennessee. The Senator who represents and who has charge of this bill is the honorable and distinguished Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. Oh, no.

Mr. BLAIR. Well, the Senator from Tennessee took charge of it yesterday morning; the Senator from Tennessee moved its consideration this morning; and as his State has two hundred cases in this bill, while no other State has over one hundred, and that is the State of Kentucky, I assumed that the Senator from Tennessee felt more interest in the passage of this bill perhaps than he has in some of the pension bills which have been vetoed by the Executive. He knows the justice of these claims, and he presses them accordingly.

But I am not finding fault with the action of the Committee on Claims that reported this bill. Behind all this is the careful consideration of this committee that has been over the testimony, that has examined these cases fully; and these cases have all had a precedent examination by an executive officer of the Government, testimony has been collected, it has been considered, *ex parte* to be sure, and the question of loyalty often arising and very serious questions as to whether these claims should be allowed: first, as to whether they ever existed, and, second, whether the parties who preferred them were entitled to recover, even if they did exist. All this has been investigated.

But the point I make is that there is no stronger presumption of their sound and appropriate adjudication than there is in regard to every pension case which the President has vetoed, and there probably has not been so full, accurate, and careful an examination. I doubt whether a committee of Congress has looked over the evidence in these cases. I doubt whether it has done anything more than to make the most perfunctory examination. These cases come reported by an executive officer, who may be a very obscure man, and yet he may be a very sensible and discreet and able and judicious man.

A Senator suggests that perhaps they are relying upon the President to look up the testimony in these cases. If so, their reliance has been a vain one. For the last three years nobody has ever heard of his examining these cases at all. Here is an opportunity to save to the exchequer of the country many times more than the amount of money saved by what have been styled his brutal vetoes in the cases of pensioners. Why does he not look into these matters? Is there any claim that he sends these claims back to the executive officer who reports them to Congress in the first place? We have done all this in fifteen minutes, and we have done greater wrongs in every Congress all the while, under Republican as well as under Democratic administrations.

Now, Mr. President, let me read the number of these claims and their locality, and I do not claim to be accurate to a single number, because this did not occur to me as an outrage until the clerk commenced reading the bill and got about half-way through it, when the feeling of the solemnity of the occasion coming over me, gradually setting me all in a tremble, and perhaps possibly to some extent depriving me of the natural and full use of my powers, I may have made a mistake of a few in my count, but I did the best I could. I find that the honorable Senator from Tennessee, or the State he more particularly represents, has in this bill two hundred claims. They vary in amount. I observe one of $600, others of a smaller amount, and in another place I notice a claim of over a thousand dollars, and there may be—I can not say how large the largest or how small the smallest; can the Senator from Wisconsin [Mr. SPOONER] tell me, or has he left the matter pretty much to the Senator from Tennessee [Mr. HARRIS]?

Mr. SPOONER. I would not undertake to remember every item in the bill exactly.

Mr. BLAIR. I thought the Senator might be able to tell us.

Mr. SPOONER. One is as low as $48.

Mr. BLAIR. There are some as low as $12. Perhaps I am more familiar with the bill than the chairman of the committee. I notice one is for $1,094. So these amounts are not all so contemptible as they might be by any means. The average pension is $8 a month, and twelve times eight are $96. That is the annual amount involved in the average of the vetoed pension claims, you will observe, and here is a single claim which I notice for a larger amount than $1,000, passed right through in the same heedless way, in violation of the rules of propriety and legislative decorum, and carelessly, not to say in fraud and collusion and demagogy—I think that is the right word. I refer Senators to the veto messages for the proper language by which to stigmatize the action of the Senate and House on these matters.

Mr. PAYNE. I ask the Senator from New Hampshire if he is not aware that nearly, if not all, the two hundred claims from Tennessee are from Eastern Tennessee, which was on the Union side during the war?

Mr. BLAIR. I am glad to hear it. There is a presumption in their favor, then. Most of the Union soldiers were Union men during the war.

Mr. PAYNE. The people of East Tennessee were loyal.

Mr. BLAIR. But would the Senator claim that the presumption in favor of Union claimants under this bill in Eastern Tennessee is any stronger than the presumption in favor of the Union man who was in the Army and was wounded in the service of his country during the war, and yet whose bill has been vetoed in so many instances?

Mr. PAYNE. The Senator spoke of the "brutal" action of the President of the United States in vetoing pension bills. He has the right, and it is his constitutional right and duty to veto a bill of any kind which he does not deem proper. I regard that as very improper language.

Mr. BLAIR. Well, Mr. President, I will withdraw the word "brutal." I used the word "brutal" in this way: I said, "what so many have styled the brutal vetoes." I do not know but that may be an indirect indorsement of the term employed, on my own part. It seems that the Senator did not quite understand the language which I used. For fear somebody else will accuse me of using really bad words about these vetoes I will withdraw that word.

Mr. PAYNE. The Senator from New Hampshire ought to know that all of the claims provided for in this bill have been examined by the officers of the War Department, the Quartermaster-General, and the Commissary-General, who have found them to be just and have recommended that payment be made, and the Committee on Claims of the Senate has examined every one of these claims.

Mr. BLAIR. And no bill for a pension to any Union soldier by special act has gone to the President which had not been examined by the Committee on Pensions of the House, and by the House, and by the Committee on Pensions of the Senate, and by the Senate, and allowed from the pressure of the sense of justice which was in most instances fairly burdened by the pressing weight of the testimony in favor of those claims. They have been vetoed, and yet that was a constitutional right. I admit it was a constitutional right. I am not complaining of the exercise of any constitutional right. What I am complaining of is not of the Executive, but of Congress for passing these bills in this hurried and heedless and utterly improvident and improper manner, and I want to know why it is that the Executive, since bill after bill of just this description has during every session of Congress since he has occupied the Executive chair been sent to him, has not interposed.

Congresses that have preceded this have passed these bills in this way and Executives have signed them, and nobody has ever before undertaken to criticise the wicked conduct either of Congress or the Executive. That is what troubles me, why this bill should not be vetoed, why this whole thing should not be overruled, and why the President, now that I call his attention officially by these words in debate to this gross imposition upon the forms of legislation and this probable outrage upon the Treasury of the country—I say I do not see why the President should not veto this bill, although it might deprive two hundred honest Union claimants of their money down in the State of Tennessee. It seems to me that he ought to do it, or else this nonsensical and abusive and outrageous talk that has been made in the vetoes and in the criticisms of Senators on this floor and in the press of the country, upon Congress for passing pension bills ought to be stopped and apologized for, one of the two. That is all I wish to say in that regard.

I was diverted from my point in giving the location of these claimants. The Senator from Tennessee, as I said, represents two hundred of them; the loyal State of Kentucky has one hundred more, West Virginia twenty-nine, Missouri ninety, Indiana twenty-three, Ohio fifty-nine, Maryland twenty, Pennsylvania thirteen, Kansas five, and the District of Columbia one, making a total of five hundred and forty according to my count, but which I think would, if I had time to count each individual case, for there are sometimes several contained in one paragraph, make more than seven hundred.

Mr. President, I have nothing more to say beyond calling attention—and I like to call the attention of the country to this matter in connection with the criticisms that have been passed upon the action of Congress in the enactment of special pension bills—to the fact that in the last Congress we did not undertake to pass through the two Houses more than about one-fifth of the bills that were introduced and referred, as I remember. So careful was the examination that the larger

proportion of the bills were rejected, and many of them, as I think, improperly. We brought only to the consideration of the Senate from the Senate Committee on Pensions a little over a thousand bills, and we only brought them here after very careful and close scrutiny upon their merits. The Executive, after having apparently vetoed all that he could find an excuse for vetoing, approved about five-sixths of the bills passed.

The Senate will remember how we pass these pension bills always. If the action of Congress was thus heedless, thus inattentive, thus deserving of reprimand, how does it happen that this Executive approves and sanctions five-sixths of them, after all; and whoever examines the cases which he has approved and the cases which he has vetoed will find—I assert it from a re-examination of them—that he vetoes oftentimes very much better cases than he approves. I call attention to these points in connection with the alleged inaccuracy and improvidence on the part of the Senate.

Mr. PAYNE. How many bills has the President vetoed?

Mr. BLAIR. The last account was two hundred and eighteen, I think. I see in the papers that eight more have been vetoed within a few days and sent to the other House.

Mr. PAYNE. How many have been passed by Congress over the President's veto?

Mr. BLAIR. Not one, I think. It takes a two-thirds vote to pass a bill over a veto, and every time you discuss one of these you put an end to twenty and it may be one hundred other just claims. I have learned a lesson or two. I find no fault longer with the Executive or with bureau officers for their action. I did that formerly. I uttered some criticisms which I thought were just; but I discovered that it is better for the great mass of those whose claims are yet unacted upon that you keep as quiet as possible. You get nothing whatever by undertaking to pass over an Executive veto any case, no matter how great may have been the wrong which was perpetrated by the veto itself.

After discussion in the last Congress of one bill, which the Senator from Maine [Mr. FRYE] thought was a very exceptional bill—no more just than a hundred others that had been vetoed—and by the committee consenting to keep silence while he put the case to the Senate and to the country in a way which blamed the Senate committee when they were not justly to blame, as I felt at the time, at least, he did succeed by an eloquent, urgent appeal to the Senate in passing one of those bills over the veto, and it went to the House; but it stopped in the House.

Mr. PAYNE. Were there any bills that were passed over the veto?

Mr. BLAIR. There may have been one that went through, perhaps one where it was found that it was good policy or on some allegation of new circumstances, to let that bill become a law. I do not know how that was; but, as a rule, those who have been interested for the allowance of these special acts know that the more quiet you can keep the better you endure your buffeting, the better it is for the great mass of those whose claims are yet undecided.

Mr. PASCO. I should like to ask the Senator from New Hampshire whether he can point to a single claim in all this list that is not a just and honest claim against the Government?

Mr. BLAIR. In this bill?

Mr. PASCO. In this bill.

Mr. BLAIR. I do not believe there is one, and I do not believe there has been a single special act granting pensions vetoed by the President which upon the merits was not a just bill.

Mr. PASCO. I am not talking about pensions.

Mr. BLAIR. I am.

Mr. PASCO. But as a member of the Committee on Claims I shall be thankful to the Senator from New Hampshire if he will point out a single claim in this list which is not a just, honest, and valid claim against the Government. If he will, I shall move to amend the bill by striking it out.

Mr. BLAIR. I do not believe there is one. I think no wrong has been perpetrated. I only call attention to the analogy between the method in which this business has been done and the method in which the special pension acts have been passed by Congress, and to the fact that while these bills go through, these Southern bills especially, as they all go through without criticism from any quarter whatever, and in the universal belief in their justice and upon a degree of investigation which does not in any wise compare with the thoroughness of investigation in the cases of the vetoed pension claims—I call attention to the fact that while these bills go through in this way and nobody finds any fault, yet the manner in which, after full consideration, the reading of every bill, attention being called to every bill specifically, we pass the pension acts without objection, or, if with objection, after debate; and yet Congress is held up almost to the execration of the country for the improvident and improper manner in which it transacts its business touching the special pension acts.

I think that is a point which ought to fix itself in the minds of Senators and in the minds of Congressmen and in the minds of the country, that on the whole subject of pension claims and these claims for losses by men of the South, the rule which is applied in the one case of charity, at least of admitted justice in their adjudication, should with equal liberality at least be extended to claims of the wounded and disabled soldiers of the Union and their dependent relatives.

Mr. COCKRELL. Mr. President, I am glad that this night-mare has seized the Senator from New Hampshire in the daytime and not in his sleeping moments. I confess my great astonishment that he should undertake to institute a comparison between the passage of this bill containing, say, seven hundred items, and the passage of seven hundred independent pension bills. He refers to these claims as "Southern claims." Mr. President, the Senator has spoken in utter disregard of the law and the facts. These seven hundred claims are what we generally call "4th of July claims." Why? Because the law which authorized their adjustment was approved July 4, 1864, and all the claims adjudicated under that law have been since called the "4th of July claims."

That law applied only to the non-insurrectionary States. It did not affect a solitary claim in an insurrectionary State. The claims for quartermaster stores and commissary supplies which originated in the insurrectionary States during the war were passed upon by the Southern Claims Commission as it is commonly called, or the commissioners of claims. That commission was organized under the act of 1871 in an appropriation bill, and all claims of loyal men residing in the insurrectionary States for quartermaster stores and commissary supplies were required to be presented to that commission, and the law of July 4, 1864, which gave the Quartermaster-General and the Commissary-General of Subsistence jurisdiction of the claims of loyal citizens in non-insurrectionary States, excluded from their jurisdiction and consideration any claim originating in the Southern States or the insurrectionary States. This law, therefore, applied only to loyal citizens of non-insurrectionary or loyal States.

Mr. BLAIR. Do not the claimants have to prove their loyalty?

Mr. COCKRELL. They have to prove their loyalty.

Mr. BLAIR. Is not that, then, a subject of investigation requiring proof?

Mr. COCKRELL. They have to prove their loyalty.

Mr. BLAIR. That is what I say.

Mr. COCKRELL. Certainly; but the act of July 4, 1864, is only applicable to the claims of loyal citizens of loyal States.

Mr. BLAIR. I did not say they were not loyal.

Mr. COCKRELL. Why did you use the term "Southern claims?"

Mr. BLAIR. Is not Missouri a Southern State?

Mr. COCKRELL. No, sir; Missouri is a loyal State.

Mr. BLAIR. Is not Tennessee a Southern State?

Mr. COCKRELL. Part of Tennessee was loyal.

Mr. BLAIR. Are not Southern States loyal States?

Mr. COCKRELL. I will explain that.

Mr. BLAIR. I should like to hear the explanation.

Mr. COCKRELL. The non-insurrectionary States were never declared to be in insurrection.

Mr. BLAIR. Was Tennessee a non-insurrectionary State?

Mr. COCKRELL. The part of Tennessee from which these claims come was non-insurrectionary, and was expressly declared so by law and with the President's approval.

Mr. BLAIR. You mean East Tennessee.

Mr. COCKRELL. None of these claims were in an insurrectionary part of Tennessee; not one.

Mr. BLAIR. There was no insurrection in East Tennessee?

Mr. COCKRELL. There was insurrection in Tennessee; there was insurrection in Virginia, but none in Missouri, none in West Virginia, none in Maryland, and none in Kentucky. They were non-insurrectionary States. Portions of Tennessee were in insurrection, but not the whole of the State. A loyal Congress and a loyal President, Mr. Lincoln, declared what portions of Tennessee should be taken out of the condition of insurrection or disloyalty and placed in that of loyalty and non-insurrection during the war.

Mr. BLAIR. During the war and before subjugation?

Mr. COCKRELL. Mr. Lincoln declared what portions of Tennessee were non-insurrectionary, and all these claims originated after that time.

Mr. SPOONER. The Senator will allow me a word?

Mr. COCKRELL. Certainly.

Mr. SPOONER. I do not understand that the Senator from New Hampshire challenged the justice of any item in this bill or intimated that there is an item in this bill which has not received careful and thorough investigation, or to allege any reason why this bill should not become a law.

Mr. BLAIR. Certainly not. On the contrary, I averred that I believed that every claim here provided for was a just claim even if it be a Southern claim, and I do not look on a claim from the South as necessarily a claim of a disloyal person, or on any human being, whether in the insurrection or not, as less loyal to-day than those who never were engaged in insurrection.

Mr. COCKRELL. I think I understand the Senator perfectly. I think I understand his insinuations. I think I understand what he wants the country to understand. I understand him perfectly.

Mr. SPOONER. The remarks of the Senator from New Hampshire

were ironical so far as they related to this bill and the length of time taken by the Senate to pass it. I desire to have placed on record the statement of the Senator from New Hampshire that he did not challenge the justice of the items in this bill.

Mr. COCKRELL. He challenged the action of the Senate in passing it, and then made these insinuations. He said that the Senate had passed this bill in fifteen minutes, containing seven hundred claims, and that he compared with the action of the Senate in passing seven hundred independent, separate bills, each one of which had to be read, instead of one line as in this bill.

Mr. SPOONER. I understand the Senator's argument to be simply this, that there was no more ground for impeaching the justice of these claims because of the short time it had taken the Senate to act on this bill than there was ground for impeaching the justice of pension bills because the Senate passes them rapidly.

Mr. COCKRELL. I suppose the RECORD will show what the Senator said.

Mr. BLAIR. If the Reporter has gotten it right, for I never touch my remarks.

Mr. COCKRELL. Nor I. I do not correct my remarks.

Mr. BLAIR. Sometimes he gets it wrong, however. I notice sometimes he leaves out the word "not" when I put one in, and the other day, if you will allow me, I was made to use the word "conniving" with reference to the action of this side of the Senate, when a motion was made by the Senator from Mississippi in regard to the reference of that Chinese bill, when I said "contriving." I want to say to the Senator that in leaving ourselves wholly to the mercy of the Reporter we may sometimes go down to posterity very differently from what we ought to do.

Mr. COCKRELL. There is no comparison between the time taken up in considering this bill and the time that should be taken up in considering it, and the time that should be taken up in the consideration of any independent pension bill or any independent separate bill.

I stated that these claims originated under the law of July 4, 1864, in the non-insurrectionary States, and that law authorizes the Quartermaster-General and the Commissary-General of Subsistence to receive, consider, and pass upon the claims of loyal citizens in those States for commissary supplies and quartermaster stores taken and used by the Union Army during the rebellion.

Mr. BLAIR. Let me ask the Senator a question.

Mr. COCKRELL. Yes.

Mr. BLAIR. Is he not after all putting rather a superficial view of this subject to the country? These are claims resulting out of actual war where men furnished supplies to the armies that were doing their fighting on the soil where the parties lived. That is so, is it not? And if the war was an effort to suppress an insurrection, is it not rather sticking in the bark, to use a common expression, to try to make a point on me in using the expression "Southern claims?" These parties have to prove their loyalty. That would seem to imply that possibly the claim arose from parties living where there was a condition of rampant disloyalty which was being contended with.

Mr. COCKRELL. These claims originated, as I stated, in non-insurrectionary territory, and the law expressly provided that the claimant should present his claim to the Commissary-General of Subsistence or the Quartermaster-General and should prove his loyalty. That was the first requisite. Therefore there is no suspicious claim here; no Southern claim here. Then, in the second place, he had to prove that the supplies were actually taken and used by the Army for Army purposes and not as trespassing; not for individual use; not for personal gain, but they had to be used by the Army for the same purposes that the United States furnished to the Army quartermaster stores and commissary supplies; and the theory upon which the United States recognizes liability for these articles taken and used by the Army was that it was the duty of the Government to furnish our troops in the field with the quartermaster stores and commissary supplies necessary and allowed for their subsistence; and when they could not be furnished by the Government, the officers and the soldiers took them, and therefore the United States recognize liability for them, and they only recognize liability for such stores and supplies as it was the duty of the Government to furnish.

These claims were passed upon first by the Quartermaster-General and the Commissary-General. We have appropriated thousands of dollars to appoint special agents under the Quartermaster-General and the Commissary-General, who have gone into the field and have gone to the locality of the origin of every one of these claims and made a personal investigation, and every solitary agent that has been making these investigations was appointed under a Republican administration. The Quartermaster-General, General Holabird, is still the Quartermaster-General who is acting upon them. These agents go into the locality of each claimant and make an investigation and a special report, and after the Quartermaster-General or Commissary-General has received that report he passes upon the claim. That is not conclusive; that is not final. He then transmits the claim with all the papers and his decision to the Third Auditor of the Treasury. The Third Auditor of the Treasury then examines the claim and passes upon it anew. He has rejected hundreds and thousands of claims that the Quartermaster-General had reported favorably, and has allowed some that the Quartermaster-General had reported adversely upon.

That does not conclude the investigation. The claims are then sent to the Second Comptroller, and the Second Comptroller makes another investigation, which is the third investigation and third auditing of these claims; and after he has passed upon them he then reports them to the Secretary of the Treasury, and under the law the Secretary of the Treasury transmits a report at the beginning of each session of Congress to the House of Representatives, giving a list of all the claims so allowed since the making of the last report.

These reports began under the law in 1874. Prior to that time the allowances were paid directly by the Treasury; but in 1874 Congress passed a law requiring all these claims to be reported to Congress, and each year since 1874 the Secretary of the Treasury has made an annual report to Congress, giving the list of the claims and the amount allowed. That goes to the House of Representatives and goes to the committee there. They make an investigation; they act upon it; they report it to the House; it is passed by the House and it comes to the Senate. The bills have all gone here to the Committee on Claims. They are there considered in the Committee on Claims and reported back to the Senate and passed.

We see what investigation these claims have undergone, every one of them, and they are all of one class, all of one kind. Now, the Senator undertakes to make a great deal of noise about Congress passing a bill of this kind in fifteen minutes, and undertakes to criticise the President for vetoing pension bills that were passed at the rate of one hundred and twenty, I believe, in an hour, or something of that kind—I do not remember what it was.

Mr. BLAIR. The Senator will allow me to say that I have figured it out. These claims are passed at the rate of one in a second and two-sevenths.

Mr. COCKRELL. That is mathematical. The Senator only shows his want of attention—I will not say ignorance—to the business of the Senate.

The Senator makes a mare's nest over the passage of a bill here making appropriation for, say, seven hundred individuals, after each one of these claims has been investigated in the manner I have indicated, passed upon by the Quartermaster-General, then repassed upon by the Third Auditor, then repassed upon by the Second Comptroller, then submitted by the Secretary of the Treasury to the House of Representatives, and passed by the House, sent to the Senate, and passed upon by the Senate.

This is nothing. Talk about passing a bill with seven hundred items in it in fifteen minutes. The Senate, and the Senator is a party to it, has passed a bill every year ever since 1874 with sometimes ten thousand claims in almost ten lines, and yet he has said nothing about that. I hold in my hand now, as I happened to pick it up, having it here on my desk——

Mr. BLAIR. Did the President sign all those bills?

Mr. COCKRELL. Certainly; all the Presidents have been signing them.

Mr. BLAIR. That is what I thought.

Mr. COCKRELL. I happen to hold in my hand—I did not get it for this purpose but for another purpose—House Executive Document No. 70, Forty-ninth Congress, first session, being "List of claims allowed by accounting officers of the Treasury." Here is a document of two hundred and seventy-six pages, all the pages one after the other filled with the names of claimants and the amounts allowed them. I will commence with the War Department. They commence:

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	WAR DEPARTMENT.			
	Claims.			
6615	.....	.....	.....	.....

There follow the claims in regular successive order. The first claim is "Henry C. Pratt," "Pay, etc., of the Army, 1883 and prior years, 1882." Under that heading of "Pay, etc., of the Army, 1883 and prior years," there are ten full pages of names, each name occupying one line. The second one we come to is "Pay of two and three years' volunteers, 1871 and prior years." That occupies some twenty-odd pages of names.

I then come to a third class:

Bounty to volunteers and their widows and legal heirs, 1871 and prior years.

There is a large list of claims.

Then we go on to various others. Here is another class of claims:

Commutation of rations to prisoners of war in rebel States and soldiers on furlough prior to July 1, 1883 (14 Stats., 364 and 422; also deficiency appropriation, act March 3, 1885).

Then here is another class of claims:

Horses and other property lost in the military service prior to July 1, 1883 (sections 3482-3487, Revised Statutes)—

A large number of them.

Then here comes another list of thousands of claims for "compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenues, 1883, and prior years." That covers over one hundred pages of this document.

All these claims were appropriated for and paid under simply a clause referring to the Executive Document and stating that the claims audited and reported in Executive Document No. so and so, under a certain heading, and the gross sum is appropriated for them. Why, Mr. President, was this gross sum appropriated in these cases? Is that act to be compared with the passage of a separate, independent bill, which had only received action in the Senate and House with the laborious duties imposed upon Representatives and Senators in addition to the consideration of private legislation?

Mr. President, the claims for arrears of pay and bounty in the Army are passed upon by the Second Auditor; they then go to the Second Comptroller; they are passed upon by him, and then they are reported to Congress. They go through two auditings. So it is with the claims for commutation of rations; so it is with claims for horses lost in the service; they are adjudicated first by the Third Auditor, they then go to the Second Comptroller, and so they are audited twice.

Does the Senator from New Hampshire undertake to say that the passage of a bill of that kind or the passage of a law providing for the payment of the claims under the act of July 4, 1864, that has just passed, is to be compared with the passage of so many independent separate pension bills?

Mr. JONES, of Arkansas. Will my friend from Missouri permit me to make a suggestion?

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. COCKRELL. Certainly.

Mr. JONES, of Arkansas. I would like to call attention to one thing that seems to have escaped the vigilance of the Senator from New Hampshire. The cases in this bill have been thoroughly examined and have been recommended favorably by the accounting officers of the Government, whereas the other class of cases to which the Senator referred have been examined by the officers of the Government and have been rejected.

Mr. BLAIR. Not in all cases. However, I do not wish to interfere with the Senator who has the floor.

Mr. COCKRELL. I say there is no comparison. These claims have been acted on by officers whose duty it is to act upon them. They have been stamped and restamped, they have been audited and reaudited, and after that they have been passed upon by the House of Representatives and then sent to the Senate.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. COCKRELL. The comparison the Senator attempts to draw is between the pension bills and this bill having the class of cases to which I have referred, that have been examined and approved by the officers of the Government.

Mr. BLAIR. I think the Senator said that there are many hundred claims in that single volume which he holds in his hand.

Mr. COCKRELL. I did not figure them up. The Senator from New Hampshire can figure them up at his leisure. There are 276 pages and I suppose there are from fifteen to twenty-five cases on each page; I do not know how many.

Mr. BLAIR. I ask the Senator, who has served upon the Committee on Claims, whether those claims that he now speaks of were sent to his committee.

Mr. COCKRELL. No.

Mr. BLAIR. They went simply to the Committee on Appropriations.

Mr. COCKRELL. To the Committee on Appropriations.

Mr. BLAIR. And they were passed without any examination by that committee or examination by Congress at all?

Mr. COCKRELL. The Senator sees what the document is that is presented here.

Mr. BLAIR. But did not the Senator read the evidence in support of the claims?

Mr. COCKRELL. No, nor anybody else.

Mr. BLAIR. Nor any member of either House of Congress?

Mr. COCKRELL. No.

Mr. BLAIR. Then the President of the United States has sanctioned these claims without any investigation whatever on the part of Congress, and left it to these unknown accounting officers. Who knows what fraud the country may have been submitted to. The Senator has made my case stronger, so much stronger by what he has said that I really have no occasion to talk about it at all.

Mr. COCKRELL. The Senator may say that it has made his case stronger. Congress has never investigated these cases, claim by claim, and could not if its members lived to be as old as Methuselah.

Mr. BLAIR. No Committee on Pensions ever imposed on the Senate of the United States by reporting a case that had not been investigated by it, and investigated pretty thoroughly.

Mr. COCKRELL. The Committee on Appropriations never imposed on the Senate either by reporting these cases.

Mr. BLAIR. The Senator has found a great deal of fault with any criticism of this majestic, all-powerful, all-wise, and omnipotent Committee on Appropriations. I did not expect to catch that committee in a thing like this.

Mr. COCKRELL. Prior to 1874 these claims were all paid by the respective officers of the Government. A Republican Congress, by an act passed in 1874, declared that it was a better policy to require the accounting officers, although they were Republican, to report all these claims to Congress. Since then all these claims for pay, and for bounty, and for horses lost in the service have been reported to Congress. They have gone through the auditing process I speak of. If ever a committee of Congress undertook to go through the claims allowed for pay and bounty and lost horses I have never heard of it.

Mr. BLAIR. This bill is the one on which the debate originated. Am I to understand that the Committee on Claims have never examined personally, individually, the testimony in regard to these claims?

Mr. COCKRELL. The Senator never understood anything of that kind from me, and I did not refer to them.

Mr. BLAIR. I know that the Senator did not refer to these, but is not this book that he has here entirely irrelevant to the subject-matter of the debate? I understood that he was telling us that these claims were adjudicated in the Departments, and I supposed we were to understand the same in regard to this bill.

Mr. COCKRELL. No, sir.

Mr. BLAIR. Then the items in this bill have all been examined?

Mr. COCKRELL. When the Senator takes his seat I shall answer his question.

Mr. BLAIR. That is the question, whether the original evidence in support of the claims in this bill has been examined by the members of the Committee on Claims before they reported the bill?

Mr. COCKRELL. From the session of 1875 and 1876 to the 3d of March, 1881, I was a member of the Committee on Claims. During that time, at each session, a bill of the same purport as this, authorizing the payment of claims for quartermaster stores and commissary supplies came to that committee. We then divided the cases among the different Senators. I believe it was then the rule to refer about twenty cases to each Senator on the committee. All the papers—a whole car-load of papers in all these cases had been sent to the House of Representatives. I do not know what the rule of the Committee on Claims now is; but heretofore during the years that I was on it, those papers were sent to the Senate when the bill passed the House.

The chairman of the Committee on Claims would take, promiscuously, twenty or more of the claims and refer them to each one of the Senators, in order that he might make a thorough examination of those twenty cases as sample cases. We could then judge for ourselves of the accuracy, first, of the Quartermaster or Commissary General in his investigation and audit, and second, of the accuracy of the Third Auditor in his reinvestigation and audit, and third, of the Second Comptroller in his reinvestigation and re-reaudit; and if we found that number of claims correct, we then recommended the passage of the bill.

Occasionally we found inaccuracies, and those were corrected. I presume the Committee on Claims of the Senate now give the subject that consideration. I can not answer for it, but I presume the committee does. The House committee may have given it more. I do not know what the rule now is. That was the investigation that was given when I was a member of the Committee on Claims.

Mr. BLAIR. Particularly to these bills?

Mr. COCKRELL. I do not know about these bills specially; I have not been a member of the Committee on Claims since 1881.

Mr. BLAIR. That seems to strengthen my original position, that the claims in this bill undoubtedly are all just claims.

Mr. COCKRELL. I have no doubt of the justice of the claims, and they have received consideration. They have received consideration three times by proper officials before they have received action in the Senate or before they received action in the House.

Now, the Senator says this is great carelessness, this is negligence—that we are rushing through here seven hundred claims in fifteen minutes; and beyond that, he undertakes to criticise the President of the United States.

I will not repeat the language that the Senator applied to the President. It is common language to be applied to the Chief Executive now. I do not take offense at it. If gentlemen, Senators, can apply such epithets to the Chief Executive of the United States, they are welcome to do so. The Chief Executive of the United States is not harmed by the application of such epithets, he is not injured by the application of such epithets, he is not lowered in the estimation of the good people of the United States by the pouring of any such epithets on his head; he stands far above the reach of such malicious thrusts, far above the reach of such envenomed arrows. They fall harmless at his feet.

I would bid the Senator from New Hampshire and his colleagues go on, "lay on," "gnaw the file" to your heart's content. The President

can stand it; the people of the United States can stand it; and the people of the United States will understand it and will know and appreciate the motives which inspire such charges and such attacks.

There is no comparison here at all, Mr. President. The Senator from New Hampshire is trying to sustain the passage of hundreds of pension bills hurriedly, each one of them a separate bill, each one of them depending upon a different state of facts and different questions of law.

Nine out of ten of them have been investigated by the proper executive department of the Government and have been rejected, have been "disallowed." The appeal is from the executive department to Congress to override the action of the duly constituted officers. And not only that, but a very large number of those bills that have been vetoed by the President were rejected by General W. W. Dudley, the Commissioner of Pensions, under a Republican administration, and a wounded and crippled soldier of our country.

When the Senate of the United States passes those bills and reverses the action of that executive officer, General Dudley, it is criticising him and criticising former Republican administrations. A large number of bills which have been passed and vetoed by the present Executive were claims disallowed while General Dudley was Commissioner of Pensions; and now the effort is being made to heap upon the President the responsibility for the disallowance of these claims, and to create the impression that those which were rejected were all rejected by the present Commissioner of Pensions.

Mr. BLAIR. Who has undertaken to create such an impression as that?

Mr. COCKRELL. That is the impression you want to go abroad to the country.

Mr. BLAIR. The Senator is not at liberty to say that I have tried to create that impression.

Mr. COCKRELL. I do not see what else to ascribe it to.

Mr. BLAIR. The Senator must not attribute bad motives to me in order to cover his own obtuseness.

Mr. COCKRELL. If there was any object on earth except a thrust at the President and his party and the Executive Departments I fail to see it.

Mr. BLAIR. I desire to tell the Senator that the Senate of the United States and the other branch of Congress are not in the condition of the aggressor in dealing with pension bills. The criticisms, and the insulting criticisms, began with the Executive, and when there is a little disposition to resent that impertinent and wholly unprecedented method of dealing with the legislative department of the Government, and it begins to hurt, because there is a sense of justice in the American people that may be appealed to, then the Senator and his coadjutors and his apologists lie down and whine under it.

Mr. COCKRELL. Lie down and whine under what?

Mr. BLAIR. Lie down and whine under it, and complain that they have been assaulted.

Mr. COCKRELL. We do not.

Mr. BLAIR. Anything that has ever been said in regard to these vetoes, so far as I know or have had anything to do with it, has been the simplest and long-withheld effort at self-defense on the part of Congress.

Mr. COCKRELL. Did I not tell you a moment ago to "lay on?" I will repeat it now: "Lay on."

Mr. BLAIR. Yes, but when there is a little laying on the Senator whines at it.

Mr. COCKRELL. I do nothing of the sort.

Mr. SPOONER. I hope the Senator from New Hampshire will not interrupt these quotations from Shakespeare.

Mr. COCKRELL. Let him interrupt it; it is no interruption.

Mr. SPOONER. The quotations from Shakespeare I alluded to.

Mr. BLAIR. Oh, yes; excuse me. I should not have interrupted them.

Mr. COCKRELL. Let him interrupt. We are not complaining; we are not whining. I say the President has done right. I say the insinuation that his messages were insulting or that they were brutal or unjust is without foundation. I hurl the aspersion back; but I say I am delighted to see you hurling such epithets at the President. It only shows the desperation of your position and your cause, when you can only benefit it by abuse and vilification, and making mouths at the President. That is what it results in; nothing less and nothing more.

We are asking no quarter on that ground; none at all, not a particle. The President has done his duty; he has done it manfully, he has done it bravely, he has done it fearlessly, and the people of this country will give him just credit for it. These insinuations and these speeches such as the Senator from New Hampshire has made this morning are simply for the purpose of trying to discredit the President before the country and to cast an aspersion on him and his motives, to justify the action which the Senator and his colleagues have taken in hurriedly passing hundreds and hundreds of pension bills through the Senate.

Mr. HARRIS. Mr. President, I am supremely indifferent, as Tennessee is, to the scolding criticisms of the Senator from New Hampshire. I do not propose to waste either time or words upon that. But I do propose to inform the Senator from New Hampshire and the Senate that the House has passed another bill making appropriations for the payment of a large number of claims very similar to these provided for in this bill—claims that have been regularly referred to and investigated by the Court of Claims, where both the Government and the claimant were represented, and where that tribunal has ascertained and declared the fact of the loyalty of the claimant, the fact of the taking, using, and consumption of the property of the citizens, and the fact of its value. That bill passed the House of Representatives in March last and was referred to the Committee on Claims of the Senate.

I rise more for the purpose of asking the chairman of that committee when I may hope that that bill may be reported to the Senate; and, when it is reported to the Senate, if somebody else does not, I will act in respect to that bill as I have done in respect to this because of the fact that a large number of exceedingly worthy and needy people of the State that I have the honor in part to represent are claimants and are justly entitled to their money. I am eagerly anxious to see that that bill shall pass at the earliest moment possible in order that they may receive what has been due them for more than a quarter of a century. I would be glad to hear from the chairman of the Committee on Claims as to when I may hope that the bill may be reported to the Senate.

Mr. SPOONER. At the outset, in replying to the question put to me by the Senator from Tennessee, I am willing to give him a certificate, if he desires it, for use among his constituents, that from the day the bill to which he alludes came from the House of Representatives up to this moment that Senator has not neglected the interests of his constituents who are named in the bill; but has, in season and out of season, brought that subject (politely always, of course) to the attention of the committee and its chairman, and has urged action upon it.

The bill to which the Senator from Tennessee alludes was referred by the Committee on Claims to its chairman for investigation and report. The bill appropriated, as it passed the House of Representatives, about $155,000. Amendments were offered to it in the Senate by various Senators, the amounts of which aggregate, I believe, about $384,000. At any rate, with the amendments and the original bill, the sum now involved is about $466,645.82. The House of Representatives passed the bill upon a report made by the Committee on War Claims. That report proceeded upon the theory, which possesses an element of strength beyond question, that the Government having created a tribunal of its own, before which it had invited its citizens having claims, it ought to be bound by the result of the investigation. Therefore every claim reported by the Court of Claims was passed by the House.

When the bill came into the Senate I examined it upon the theory that the assumption of the House report was correct, and to ascertain simply whether the findings of fact in each case, assuming them to be correct and supported abundantly by competent testimony, would warrant an appropriation. I found two or three claims which I thought did not, as found by the court, afford sufficient foundation for the appropriation.

The PRESIDENT *pro tempore*. The Senator from Wisconsin will pardon the Chair. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. HARRIS. I would suggest that the unfinished business be informally laid aside, adding that if it takes fifteen minutes to dispose of this bill I will not insist on occupying the time of the Senate further.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks that the unfinished business be informally laid aside to continue the consideration of the bill as to which the Senator from Wisconsin was addressing the Chair when the hour of 2 o'clock arrived. Is there objection? The Chair hears none.

Mr. SPOONER. As I was saying, I found a few cases which, even as found by the court, did not warrant an appropriation. Under the act of Congress it is entirely competent for Congress to disregard the findings of the court if it deems it wise to do so, because those findings do not constitute a judgment at all, but are simply findings of fact for the information of Congress, and are advisory only.

I brought to the attention of the committee those cases, and was authorized to strike them from the bill and then to report the bill. Before I could report the bill to the Senate, however, my attention was called to another claim, the findings of fact upon which were adequate, but I was led to examine the testimony upon which the findings were based. I found the record elaborate, and I went through it at great labor, and I think I state simply the fact when I say that no man in the Senate, and no intelligent man in the United States, would be content for one moment to submit to a judgment based upon such testimony as that which formed the basis of that finding against the Government of the United States. I could not report that claim favorably to the Senate.

Thereupon it became natural for me to investigate further the items in the bill and also the general subject. I found that forty-five thousand claims had been rejected under the 4th of July act by the Quartermaster's Department, and that about ten thousand claims had been rejected under the 4th of July act by the Commissary Department. I found that a vast number of claims had been rejected by the Southern Claims Commission. Those claims were rejected upon different grounds,

some of them upon the ground that the claimants were disloyal, others, the loyalty of the claimant being established, upon the ground that the claims themselves were without merit.

I found that nearly every item of the bill as it came from the House of Representatives and nearly every item embodied in amendments offered in the Senate to the bill were claims which had been acted upon under the law either by the Departments or by the Southern Claims Commission and had been rejected, some of them for want of loyalty, some of them for want of merit. I hunted up the reports of the Southern Claims Commission. They reported each claim rejected, with a synopsis of the testimony upon which they rejected it, giving in many cases the names of the witnesses and an abstract of the testimony. I examined a number, I think eight, of these claims involved in the amendments offered in the Senate in which the Southern Claims Commission had rejected the claims because of the disloyalty of the claimants. They are now before the committee upon finding by the Court of Claims that the claimants were loyal and attached to the Government of the United States during the rebellion.

I felt it to be my duty, after what had already transpired, and after ascertaining upon investigation in one case that the findings of fact were not, in my judgment, supported by the testimony, to compare the testimony as to loyalty upon which the Southern Claims Commission acted with the testimony as to loyalty upon which the Court of Claims found favorably the fact. I have before me some of the testimony, depositions, sometimes taken with cross-examination and sometimes with the cross-examination waived, and I think it absolutely inadequate for any tribunal to base the finding of loyalty upon, and the finding of loyalty is the jurisdictional fact, it will be remembered.

I do not intend to take the time of the Senate to call attention to the evidence specifically. I have examined eight of the cases. I am unwilling, and so far as I have submitted the matter to the Committee on Claims, notwithstanding the Court of Claims has found in favor of the loyalty of the claimants, they are unwilling to authorize a favorable report in those cases.

It will be seen that so far as we have gone and with the result, we can not report any of those cases without a careful examination of the testimony upon which each case is based. I have gone into that as far as I could, with other duties.

But I desire to call attention to the fact that that bill is the first of the omnibus bills, the *avant-courier* of an army of similar bills to follow, involving twelve or fifteen millions of dollars; I think I would be more nearly accurate if I said involving $20,000,000. Fourteen similar omnibus bills are now favorably reported, as I understand, by the committee of the House of Representatives and are upon the Calendar of that House awaiting action.

It will be seen by Senators that it behooves the Senate and its committee to act with great care in the examination and the report upon such bills. Under existing law it is an easy matter to invoke the jurisdiction of the Court of Claims, and that, too, without even the knowledge of claimants. At the last Congress 1,600 of these claims were referred by a committee of Congress to the Court of Claims. At this session of Congress 4,000 of these claims have been referred by the committee to the Court of Claims. All of the 45,000 rejected by the Quartermaster's Department——

Mr. HOAR. The Senator does not mean the committee of the Senate?

Mr. SPOONER. I mean the committees of the House; I do not mean of the Senate. The Senate has referred very few. It will not be long until every one of the 45,000 claims rejected by the Quartermaster's Department and the 10,000 rejected by the Commissary Department, and the claims rejected by the Southern Claims Commission, will find their way by reference under the Bowman act to the Court of Claims.

I am told that a single lawyer, or claim agent, as he should be called, has secured the reference of six hundred or seven hundred of these claims to the Court of Claims. I am told that he found those claims in the list of the rejected cases. It is an easy matter to file petitions; it is an easy matter to have them referred; and having had them referred to the Court of Claims, I am told that he communicated with the claimants, who up to that time were utterly ignorant of the fact that their claims had been referred to the Court of Claims. The claims had years ago been rejected and the claimants had rested content with the action of the Department. He informed each claimant that he had had his case referred to the Court of Claims, where he would be pleased to prosecute it if he would pay him a half or quarter of what was recovered. I might say more in this direction, but will not now take the time of the Senate, although the matter is important to the people.

A great many Senators have received letters from claimants. Some have received letters from gentlemen whose claims are in the bill. A great many Senators have received letters from claimants whose claims are not in the bill. I have for some time been the object of special attention from a good many Senators. They have come to me frequently, stating that they had received requests from their constituents that the bill should be promptly reported, and many letters have been referred to me all couched in similar language.

Mr. BLAIR. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. BLAIR. If it would not be too personal, I would inquire whether they were Northern Senators or Senators from the insurrectionary States.

Mr. SPOONER. I have had requests from Southern Senators and I have had requests from Northern Senators, and I will explain to the Senate in a moment how it has come about.

Mr. BLAIR. I have no doubt they came from all sections, of course.

Mr. SPOONER. It was not because the claims came from all sections; but I will explain that in a moment. Senators have come to me stating, of course accurately, that they had received, some of them telegrams, others letters from constituents claiming that they were interested in the bill and asking them to call upon the chairman of the committee and urge a prompt report upon the bill. I looked into the bill and found that a good many of the gentlemen who were writing these letters were not named in the bill; that they apparently had no interest in the bill, and I could not understand it until there came to me one day a circular which made it all clear as the sun-light. I desire to read it to the Senate, and I propose to read it to the Senate to show how the scheme is being worked up; what pressure is attempted to be brought from over this country upon the Committee on Claims to make haste in reporting the bill, and how it happens that a large number of these requests came from people who have no appropriations in the bill. It is a printed circular except in one or two places where the blanks are filled by writing. I shall not read the name of the gentleman to whom it is addressed, but it is some one who has a claim against the Government, I believe. The circular is as follows:

LAW OFFICE OF GEORGE A. KING, 1420 NEW YORK AVENUE,
Washington, D. C., August 20, 1888.

DEAR SIR: A number of claims for stores and supplies, similar to your claim which I have in charge, have been from time to time favorably reported by the Court of Claims to Congress, after a thorough examination by that court of the questions of loyalty and of the taking and use of the property by the Army. Up to this date, however, not a single one of these claims, so far as I am aware, has been paid. This is owing to the failure of Congress to make an appropriation for the purpose.

It must be obvious to you that it is useless to spend time and money in the prosecution of these claims if Congress is not going to fulfill its obligation to do justice to the citizen by making the necessary appropriations to pay claims favorably passed upon by the Court of Claims. It is therefore very important for you to do all you can by proper argument to induce Congress to appropriate for claims already allowed, as this will set the example and form a precedent for an appropriation to pay your claim when allowed, as I trust it will be, by the Court of Claims.

A bill passed the House of Representatives on the 9th of March last, for the payment of the first batch of these claims reported by the Court of Claims. It is numbered House bill 2952, and is entitled "An act for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act." This bill was received in the Senate on the 12th of March, 1888, over five months ago, and referred to the Committee on Claims. A number of amendments, embracing claims reported at later dates in the session by the Court of Claims, have also been introduced by various Senators, and have all been referred to the same committee. This committee has not yet reported back either the bill or the amendments to the Senate, nor can I learn when it intends to do so. The members of this committee are: Senator JOHN C. SPOONER, of Wisconsin, chairman; Senators GEORGE F. HOAR, of Massachusetts; JOHN H. MITCHELL, of Oregon; WILLIAM M. STEWART, of Nevada; MATTHEW S. QUAY, of Pennsylvania; JAMES K. JONES, of Arkansas; EPHRAIM K. WILSON, of Maryland; SAMUEL PASCO, of Florida; and CHARLES J. FAULKNER, of West Virginia.

I suggest to you that as a measure tending to the ultimate payment of your own claim—

Which is not in the bill at all—

it would be proper and highly advisable for you to address a letter to each of your Senators in Congress—

And then follows in writing the names of two Senators. This circular is made so that it is easily adapted to the situation of the claimant—

Hons. JOHN T. MORGAN and JAMES L. PUGH, and also to any of the above-named members of the committee that you may know, giving the title and number of the bill above mentioned (House bill 2952), and setting forth that, as a measure of justice to all claimants interested, said bill and the amendments thereto ought to be reported to the Senate for consideration at the earliest possible date, and asking them to request the committee and its chairman so to report them without further delay. In view of the lateness of the session you may find it well to telegraph these Senators, especially if you are at any telegraph station where night messages can be sent at half rates.

Please notify me of whatever action you take on this circular, and should you receive any answers from the Senators whom you address please send me such answers or copies thereof.

Truly yours,

GEORGE A. KING.

What other circulars of a similar kind have been sent out by other claim agents I do not know, and I do not care.

Mr. CULLOM. May I ask the Senator a question, as I am not very familiar with these claims?

Mr. SPOONER. Certainly.

Mr. CULLOM. I believe the Senator stated that there were about forty-five thousand of these claims rejected by the Quartermaster's Department?

Mr. SPOONER. Yes; and ten thousand were rejected by the Commissary Department.

Mr. HOAR. Saying nothing about those rejected by Congress itself.

Mr. SPOONER. Yes.

Mr. CULLOM. Is the Senator familiar with the cases sufficiently to

state whether, in the main, the cases which were rejected have been rejected on account of the disloyalty of the parties claiming?

Mr. SPOONER. I have read the reports in a goodly number of cases, and I find that in many cases the claims were rejected upon the ground of the disloyalty of the claimants, and in other cases on the ground that there was no justice in the claim.

Mr. CULLOM. I should like to ask another question. Are any of the claims now being considered by Congress any portion of those which have been rejected by the Quartermaster's Department?

Mr. SPOONER. Certainly. I stated at the outset that almost every item in the original bill and nearly every item covered by the amendments, amounting to three hundred and fifty-odd thousand dollars, offered in the Senate, have heretofore been investigated by the Quartermaster's or other Department, or by the Southern Claims Commission, and rejected either because of the disloyalty of the claimants or because the claims were without merit.

Mr. CULLOM. I was not in at the time. When the claimants come to Congress I suppose the effort has been to prove that they were loyal?

Mr. SPOONER. The cases are presented to Congress by bills or petitions and referred to the Court of Claims under the Bowman act, and in all these cases, in the bill and in the amendments, the Court of Claims——

Mr. BLAIR. Does the Senator refer to the pending bill?

Mr. SPOONER. Oh, no. The Department has found in all those cases the claimants to have been loyal. What I stated to the Senate was that I have gone behind the findings of fact by the Court of Claims in a number of cases, have examined the evidence upon which they predicated the finding of loyalty in a comparison with the testimony upon which the Department or the Southern Claims Commission rejected the claim upon the ground of disloyalty, and I find in the cases I have examined that the evidence is not sufficient to establish the loyalty of the claimants, or to overturn the adverse decisions heretofore made upon thorough investigation into the subject.

Mr. CULLOM. I wish to ask one question further, which probably has already been answered, as I have not been present all the time. Have any of the claimants whose claims are provided for in the bill we are now about to vote upon been declared by the Quartermaster's Department to be disloyal to the country?

Mr. SPOONER. Certainly not. All those claims were investigated by the Department, the claimants were found to be loyal, the claims were found to be just, were reported to the proper auditing officer of the Government for settlement, and reported by the Secretary of the Treasury to Congress as allowed claims for payment. I am referring in what I state to another bill not yet reported from the Committee on Claims.

Mr. HARRIS. Will the Senator from Wisconsin allow me to ask him if he knows—I am informed and I suppose the statement to be true, but I do not know it certainly—that in the vast number of claims referred to the Court of Claims under the Bowman act that court has rejected over 80 per cent. of the claims that it has investigated? Is the Senator informed as to that fact?

Mr. SPOONER. I do not know whether that be true or not. However that may be, the court has not rejected some claims which I think and which the committee think the court ought to have rejected.

Mr. HOAR. I should like to ask the Senator from Wisconsin a question, as his time seems to belong to the Senate at large and not to himself. Is it not true that under the Bowman act the Court of Claims can reject nothing under the clause of which he is speaking? The Court of Claims simply finds the facts and reports to Congress.

Mr. HARRIS. If the Senator from Wisconsin will allow me, I will state that I was perhaps inaccurate in the use of that word. I intended to say that the Court of Claims failed to find the necessary facts to recommend payment of the claim.

Mr. SPOONER. The Senator means the jurisdictional fact of loyalty.

Mr. HARRIS. Well, the jurisdictional fact of loyalty, or I suppose the question of merit even, where loyalty was established, would be a ground upon which the court would not recommend payment.

Mr. SPOONER. The court is to report the information to Congress, and they could report that they found the claimant loyal and that the claim was without merit. They do not recommend the payment of any claim.

Mr. CULLOM. I should like to make a further inquiry. I understood the Senator to state a few moments ago that quite a number of bills in another place are on the Calendar or under consideration which would amount to a great many millions of dollars if the claims were allowed. Are those claims incorporated in such bills as we are now considering?

Mr. SPOONER. They are not incorporated in such bills as we are now considering. The question of the Senator from Tennessee [Mr. HARRIS] to which I am replying is not in relation to the bill which we are now considering, but in relation to another bill, an omnibus bill, so called, which is still before the committee.

I desired to bring to the attention of the Senate the fact that there is an immense number of these claims, amounting to millions and millions of dollars, which under existing legislation are being referred to the Court of Claims, and we have come to the conclusion that we can safely pass no bill without an examination of the testimony upon which the finding is based; and we propose to take our time in the examination of that bill and similar bills. We do not intend that any one of them shall be reported to the Senate without careful investigation and without the judgment of the committee upon the testimony in each claim that the claimant was loyal and that the claim is just.

I desire to say, therefore, that these dragooning methods which have been adopted may as well, so far as the Committee on Claims is concerned, come to an end. Unless instructed by the Senate we shall proceed, as we have been proceeding, to examine upon its merits each case, and if we do not finish the examination until the next session the bill will not be reported until the next session. I desire that every claimant whose claim is fair and whose loyalty is unimpeachable shall be paid, and promptly paid, and every claim which is a fair claim we shall as speedily as possible report to the Senate.

I wish to say that in nothing I have said do I intend to be understood as reflecting in the slightest degree upon the Court of Claims. It is absolutely impossible, in my opinion, for that court to investigate these cases and to give to them the attention which it seems to me they demand in the interest of the Government.

Mr. BUTLER. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. BUTLER. Of course he is more familiar than I am with the mode of procedure before the Court of Claims. The Government I understand is represented before that court.

Mr. SPOONER. I will get to that in a moment.

Mr. BUTLER. Is the testimony taken *ex parte* or upon cross-examination?

Mr. SPOONER. In most of the cases I have examined it might as well have been taken *ex parte*.

Mr. BUTLER. I should like to know as to that fact.

Mr. SPOONER. I found a number of cases where I could find no fault with the representative of the Government, but it seemed to me to be perfectly palpable that there was a collusion in which the Government was powerless almost, with the means in the hands of the Department of Justice, to detect. It is not difficult for dishonest claimants to so combine. They can swear each other's cases through. Here are a dozen claimants in a community. Each must establish his loyalty, each must prove his case. They interchange testimony. Tom Jones testifies to the loyalty during the war of half a dozen other claimants, and when Mr. Jones's case is to go through the other claimants testify as to his loyalty.

Mr. BUTLER. Then practically the investigation of the Court of Claims is of no real value to Congress?

Mr. SPOONER. I will not say that; I think it is of value, but I was about to say——

Mr. HOAR. I rose to ask the Senator from Wisconsin a question, which will come in as pertinent to what was inquired by the Senator from South Carolina. Will he not state a little more fully to the Senate the advantage of the old investigation under the direction of the Department, or under the direction of the Southern Claims Commission in those cases, over a trial in the Court of Claims, by reason of the sending of agents to the neighborhood? I do not know but what the Senator may have stated that.

Mr. SPOONER. No, I did not state it, but it is what I was about to say. The investigation made by the Quartermaster's Department was made by an agent sent into the vicinity, a man who could hunt up the claimant, who could examine his neighbors as to his antecedents, who could find out whether he was loyal during the war or whether he was not, whether his loyalty began when the Union Army came into his vicinity or whether he had been loyal from the beginning.

Mr. HOAR. He saw the witnesses in person.

Mr. SPOONER. He saw the witnesses and could examine them and cross-examine them. It was so with the investigation made by the Southern Claims Commission. They had at their disposal agents, and I judge from the investigations some very intelligent and energetic agents, who went into the vicinity, into the neighborhood of every man who had a claim, and pursued a careful, thorough investigation.

It is not possible that the Court of Claims should make any such investigation. It is not its function. It is not the business of the court, and it can not be made the duty of the court, to hunt up evidence. The court must decide upon the evidence presented, and the collusions and the fraudulent combinations which produce testimony detrimental to the interests of the Government are not before the court. They pass upon the case as they find it. We have more discretion. We have more power as a committee, and the Senate has more power.

Another thing, I think that the Attorney-General's Department, from what I hear, is inadequately supplied with the necessary agents and assistants to attend to this business. There are only six attorneys representing that Department in that court. The business of the court has multiplied within the last three or four years beyond measure. The spoliation claims have gone up into the thousands. Several lawyers have been detailed to look after them. Every Department has the right under the Bowman act to refer questions of fact to the court for

investigation and finding upon the facts, and in addition is what may properly be called the "general jurisdiction" of the court. It is not fair to the court to dump upon them these cases by the thousand, expecting satisfactory results under present methods, and with present facilities for investigation.

One of the attorneys who represents the Government (and I have been pleased with such of his work as I have examined in the way of briefs upon the question of loyalty and upon questions of fact) tells me the Department of Justice has no authority, no power to send out agents to investigate the facts in these cases. On the other hand, the principal attorneys of this class of claimants mostly come from the States in which the claims arise. They are familiar with the people in the locality. They go out and take testimony with the aid of the claimant and other claimants; but the attorney of the Government is at a great disadvantage.

On the question of loyalty the Government is at a disadvantage at best and of necessity. It is purely subjective. If a man did nothing either one way or the other it is impossible to contradict him if he swears he was loyal. If my friend from Alabama says he has the headache I must take it and we must all take it to be true. If a man says he was loyal, which is a mere sentiment of course, we can not contradict it or successfully dispute it if he did nothing to evidence his loyalty or to evidence his disloyalty; so that here, after the lapse of twenty-odd years, we have claimants by the thousand coming into the Court of Claims under an act of Congress making the finding of loyalty a jurisdictional fact, the claimant testifying that he was loyal, two or three of his neighbors testifying that he was loyal, and the court finding he was loyal. It is not satisfactory, but it is inevitable, and the situation demands radical treatment. The committee will in time endeavor to recommend such. In the mean time we wish to give notice to these claim agents that a favorable finding by the Court of Claims is not to be held by the Senate as equivalent to a judgment against the Government by any means.

Mr. MORGAN. There is no statute of limitations?

Mr. SPOONER. There is no statute of limitations as to the investigation under the Bowman act.

Mr. BUTLER. The court has the right, as I understand, to subpœna witnesses.

Mr. SPOONER. How will the court ascertain the witnesses?

Mr. BUTLER. The representative of the Government could ascertain them.

Mr. SPOONER. The representative of the Government is, as a rule, here in Washington. You can not send six lawyers representing the Department of Justice all over Tennessee and all over North Carolina and the other States to look personally into the different cases and hunt up witnesses.

I have only attempted to state sufficiently the facts and the difficulties to the Senate, to explain why the Committee on Claims is moving slowly in its action upon the bill as to which the Senator from Tennessee interrogated me, and to show that we must, among other things, in some way relieve the court and strengthen the Department of Justice by giving additional aid for protecting the interests of the Government.

Mr. BLAIR. Mr. President, I wish to occupy but a few moments.

Mr. STEWART. I must insist upon going on with the Chinese restriction bill.

Mr. BLAIR. I wish to have a few moments, and I think under the circumstances I should be allowed to proceed. After the motion which I made with another view, which has developed matter of very great, of almost supreme importance to the Senate, I can not but feel that I have builded much more wisely than I knew in making the motion to reconsider. It may not be of great importance so far as this particular bill is concerned, which I understand has the indorsement, after careful scrutiny, of the Senator from Wisconsin [Mr. SPOONER], but it has opened before us an impending gulf which it would be well to scan before we leap into it.

I might perhaps be justified in alluding to the courtly manner in which the Senator from Tennessee [Mr. HARRIS] as well as the Senator from Missouri [Mr. COCKRELL] waived all allusion to the trifling matters that I may have uttered during debate, upon the ground that the source they came from seemed to render them entirely a matter of indifference. I have become accustomed to the airs of the patricians in the Senate, and they trouble me less than ever before. So I think I am able to pass that by with a corresponding, if not a superior, degree of indifference to that which was manifested by those who indulged themselves therein.

Gradually, as this becomes a republican government and true republicanism prevails all over the country, we shall have a Senate of peers; the patricians and the plebs will be merged in one, and Senators from one section of the country, unless they are able to demonstrate that they have some superior ability to ground their airs upon, will be willing to associate with others in open Senate upon an equality. Until they demonstrate that native capacity to despise what others may say or do I shall certainly be indifferent to the demonstration of those who wear those honors at present.

Mr. President, I was criticised a little for having dropped inadvertently or purposely, as the case may be, severe expressions with reference to the conduct of the Executive, and I am informed that it is of no consequence that I withdraw them. It is a happy thing that it is of no consequence, because there would be no withdrawal under any circumstances. I will simply add, however, that giving to them their utmost pertinency and intensity of meaning, I still concede the universally admitted proposition that the President is better than his party; and there I leave that.

In regard to the fluttering that was evinced on the part of Senators who spoke in opposition to my original speech, if it were a speech, which was not designed to be uttered with the utmost gravity and solemnity all the way through, I will say to those who insisted upon making it a serious matter, as though I were controverting the justice of these claims, that I am moved to make a quotation myself. This is a quotation, the Senators will observe:

Conscience does make cowards of us all.

I had not assailed the justice of these claims. I had said nothing about the forty-five thousand other claims which are lying behind waiting, and a dozen bills embodying a great number of them, it seems, is already upon the Calendar of the Democratic House. I had said nothing about them. I had asserted what I supposed I could safely do, the justice of every claim that is contained in this bill. Yet Senators rose, the Senator from Missouri notably, and demonstrated that the Government had done a great deal worse in other instances in the way of its carelessness in appropriation than in the instance before us.

They seemed to be apprehensive that just what the Senator from Wisconsin has been moved to say would be developed in this debate, and that this ocean of discredited, of false, wicked claims, as it seems, so far as the previous action of the Government can stigmatize them, would find barriers and dams in the way when they came to be let loose upon us and upon the Treasury. So they went on justifying and proving that we had done worse in other instances; that we ought not to make an investigation here; that this was not near so bad as the pension instances to which I adverted.

Mr. President, it was conscience, I think, that made cowards of some of us, at all events; not physical cowards, but apprehension of the adverse decision in the future upon which a dozen bills are already pending in the other House, to be followed by the whole forty-five thousand ultimately, if you come to have a Government which is made up in all three of its departments with those who may be favorable to the consideration of the claims of the disloyal.

There is little else to say. In regard to the pension claims, the Senator from Missouri alluded to them as being thousands in number. There can not be two thousand which were passed by both this Congress and the last. They came in something of a rush in the last Congress, because they had been accumulating for years. There had been hostilities in committees that were insurmountable, and the discussions upon the pension claims took on very largely the aspect of controversies between the different sections; at least, so it seemed to me. Very few pension claims were acted upon for years.

In the last Congress the acting chairmanship of the Committee on Pensions fell upon myself, and I determined that those bills should be acted upon or I would quit the Senate. They were acted upon, and a great many more than usual reached the Executive, I think through my fault, if it be a fault, more than that of anybody else. They were the accumulations of years in the natural outgrowth of time, in its due succession. Had the developments of time been properly taken care of as they came to the surface—if the bills had been passed when they ought to have been passed, President Cleveland never would have been troubled with any more than the usual number.

I only made the motion to reconsider in the beginning for the reason that it does seem to me that attention should be called to claims such as we are passing upon to-day, these claims generally accruing, as they do, from the Southern section of the country, growing out of the war itself, and dependent even for jurisdiction upon the controverted question of loyalty on the part of the claimant, and with such tremendous temptations to establish loyalty, when there is an almost universal suspicion that disloyalty was the actual fact in the case of every claimant. I say that when there is such looseness as has now been developed, nothing like the thoroughness of investigation that takes place with a pension claim, in the allowance of these claims, and when there is such a determined effort already manifested to collect even the claims of disloyal claimants, I was well justified in calling attention to the sharp criticism made upon the action of the committee of the Senate and of the legislative department of this country by the vetoes of the President and by others who support him in reference to the comparatively few pension claims that the President has destroyed. All of them put together, all this great exercise of power, even if the President be right, will not save to the country more than $50,000 a year.

I assert—it is of no use to make appeals to anybody—I assert that if there be any class of claims wherein haste could be justifiable, where in case of uncertainty or of doubt in the nature of the proof the benefit should be given to the claimant, it is these pension claims. We are not even likely to go wrong. If we do, we are on the side of probable right, and on the side of a great cause which gave us our existence and our jurisdiction of the subject-matter itself.

I rose only to remind the Senate and the country that we should

treat pension claims, and our action in the effort to enact them into law, with at least the same degree of consideration that is demanded for these other and, it seems to me, vastly less meritorious claims.

I withdraw my motion to reconsider unless some other Senator wishes to speak.

Mr. JONES, of Arkansas. Mr. President——

Mr. STEWART. I move——

Mr. HARRIS. The withdrawal of the motion to reconsider leaves the bill passed.

The PRESIDENT *pro tempore*. The question then recurs on the formal motion of the Senator from Tennessee that the Senate ask for a conference on the bill and the amendments, to which the Chair supposes there is no objection, and it is so ordered.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. JONES of Arkansas were appointed.

Mr. SPOONER. I appeal to the Senator from Nevada to permit the Senator from Arkansas to address the Senate upon this question. He is a member of the Committee on Claims.

Mr. BLAIR. I renew the motion for that purpose.

Mr. JONES, of Arkansas. Mr. President, I suppose the question is disposed of, and what I have to say will not have any effect on it. I only desire to call attention to what seems to me to be an unjust criticism of the Court of Claims in the execution of its duty. The Senator from New Hampshire [Mr. BLAIR] characterized it as "looseness."

I am very much obliged to the Senator from Wisconsin [Mr. SPOONER] for having called the attention of the Senate to this question. I believe it is a very great evil, and one that requires the serious consideration of members of this body. I believe that great harm is likely to result if there is no careful investigation of the evil to which the attention of the Senate has been to-day called. But certainly no just criticism can be made on the action of the court or on the representatives of the Government in the court.

I am advised by the Attorney-General, who looks after the interests of the Government in these cases, that in every instance when a case is sent to the court he asks the Departments for whatever they have which will throw light upon the claim. Every means is resorted to in order to find out everything that can be found about the claim, not only in the archives of the Government but everywhere else.

As the Senator from Wisconsin very clearly stated to the Senate, there are no means within reach of the Department of Justice to make investigations where these claims originate, as was the case with the Quartermaster and Commissary Departments, and this Department can not be blamed because it is unable to find out whatever facts might be ascertained by making an investigation at the place where the claimants live. But that there is some wrong, that there is somebody to blame in these cases, seems to me to be perfectly clear. The first section of the Bowman act, the act of March 3, 1883, provides—

> That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

Think for one moment of the condition in which this court is placed. Any man choosing to do so comes here and asks a member of this body to introduce a bill to pay him a lot of money or to relieve him from certain hardships he believes he has suffered in the past. A similar request goes to the other House of Congress; and these cases are sent by thousands to the Court of Claims. There is an affidavit or two, a little bit of evidence of one sort and another, a statement on the part of the claimant that he has been a loyal man, and with the meager evidence that is submitted here goes an order down from the Congress of the United States to the Court of Claims to find the facts and report them to Congress. There are no adequate means provided by which the court may know all the facts, and they are compelled to make some sort of a report on the order made to them by Congress; and when this light and unsatisfactory evidence is presented to them they must determine on which side the weight of the evidence stands.

It must necessarily be the case that in many instances the testimony will be such as would not satisfy anybody that the truth was fully ascertained and brought out by the evidence as presented to the court, and yet no means are provided by Congress for the Attorney-General or for the court to send out into the country and ascertain what the truth is, to get evidence on the other side of the case; and the *ex parte* statements as they come up and as presented by the claimants' attorneys must be accepted by the court as the finding of facts, and reported accordingly.

The intimation I understood the Senator from New Hampshire to make, that there was more or less of partisan bearing in this thing, is wholly without foundation. The judges of the Court of Claims were appointed under a Republican administration, and they are Republicans. None of them can be suspected of any sympathy with any of these claimants. It is true that under the present Administration the Department of Justice has Democratic officers, but the leading man who is in charge of those cases was himself a Union soldier, and he is as absolutely free from any sort of sympathy with an attempt to have paid to any man an unjust or unworthy claim as can be found on the face of the earth. I know he is capable and he is faithful and efficient, and there can be no sort of charge made, and there ought not to be a suspicion entertained by anybody that there is anything but perfect fairness in the efforts to find out the truth in these cases. I believe the fault lies in the fact that committees of this body send these cases down to the Court of Claims by thousands and without any regard or reference to the reports they have here.

Mr. SPOONER. The Senator does not mean to say committees of this body?

Mr. JONES, of Arkansas. Did I say of this body? I meant to say of Congress. I claim that the committee to which I have the honor to belong, and of which the Senator from Wisconsin is the honored chairman, has been discreet and careful and considerate in sending claims to the Court of Claims. We may have sent some that should not have been sent, but we have made an effort to have investigation made only where we believed there was such a case made on the part of the claimant as would justify him in having a full and fair investigation of his claim, and we have not sent cases by the hundred down there to be investigated without knowing whether there was any merit in them or not.

In justice to the claimants, and in justice to the Department of Justice, I thought it was but right that I should call attention to these facts, and to the manner in which these things are done.

Mr. HOAR. Mr. President, I wish to utter only two or three sentences, if the Senator from Nevada [Mr. STEWART] will permit me.

I do not think any Senator on either side of the Chamber, whatever other matter of criticism he may find in regard to me, will say that since I have been in public service here I have not dealt with justice, as far as I could, with reference to all claimants against this Government from whatever part of the country they may have come. I think that the honor of this Government is as much concerned in the payment of a just claim, whether supported by express contract or not, as it is in the payment of the Government bond, without which it would be adjudged a bankrupt Government in the commercial circles of the world.

There is nothing which has seemed to me more objectionable, indeed I might say more contemptible, than the spirit which attempts (if there be such a spirit anywhere) to get a reputation for vigilant care of the Treasury or for public virtue by an indiscriminate attack upon persons who come here to make claims against the Government.

I quite agree with what has been said by the Senator from Wisconsin and the Senator from Arkansas, that it will be necessary for Congress to re-examine and reconsider the policy which was adopted with my entire concurrence three or four years ago of calling in the assistance of the Court of Claims for a judicial determination of claims. The machine so far has not worked well. I make no criticism upon that court, but of course a court can only decide upon the evidence submitted to it, and it is manifest that not only in a few cases but in hundreds and thousands of cases the evidence which had enabled the Southern Claims Commission and the Departments heretofore to deal with them justly and fairly in most instances has not reached the Court of Claims, and the rescripts which come back here come as the result of the examination of *ex parte* testimony and testimony very indefinitely sifted. I think that will be the opinion. The Senator from Arkansas bows his head. I think I may appeal to every member of the Committee on Claims without distinction of party or residence for the truth of that statement.

So far as the Committee on Claims of the Senate is concerned, I do not believe any bill has reached the Senate with a favorable report where the claim is not founded upon principles and policies which have been certainly for ten or fifteen years acted upon by the Senate. There has been no opening of the door wider than it was before. There has been no relaxation on the part of the Committee on Claims of the Senate or on the part of any member of that committee of either party of the old rules, which we endeavored to apply as faithfully as we could when the party to which I belong had the uncontrolled ascendency in both Houses of Congress and in the executive department.

There is one possible exception, and that exception is found in the case which was passed by the Senate a few weeks ago, in which the Senator from Tennessee [Mr. HARRIS] took a special interest by reason of representing the persons concerned in it. That was the case of a church at Chattanooga, Tenn., where a claim of that church for the material of the church building taken for military purposes was allowed and paid. That unquestionably would not have been granted under the same circumstances by the committee to an ordinary claimant; but it rests for its vindication, if it can be vindicated at all, upon a principle which I have been prepared to act on for a great many years, and which I have myself repeatedly urged upon Congress, both in the Senate and in the other House when I was a member of it.

I think it would be desirable, and would be a valuable example in regard to all future wars, foreign and domestic, to have the Government pay institutions of religion, education, and charity for losses which have been occasioned to them by the direct action of the Government in war. It is no new principle. It is a principle which was acted upon in some

instances by the British Government in regard to this country during the Revolution. It is a principle upon which General Washington acted in paying out of his own pocket for an injury occasioned to the college at Princeton, and it is a principle upon which Louis XVI acted in replacing injuries which were occasioned to buildings in this country during our Revolution by the operation of the French army.

There are less than $300,000, I think less than $200,000, of these claims, all told; and I should be very glad for one to see them paid. I should be more delighted than by any public or political honor or good fortune which could come to me if before my public life ends I could be the instrument of having the old college of William and Mary in Virginia rebuilt at the public charge.

But that exception, if it be an exception, is the only one (with the general fact I have stated that there has been no relaxation and no proposed relaxation on the part of the Committee on Claims in the Senate or of any member of it) of the old rule which has been acted upon for so many years.

Mr. BLAIR. I withdraw the motion to reconsider.

HOUSE BILL REFERRED.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a bill from the House of Representatives for reference.

The bill (H. R. 6105) donating two 6-pound brass cannons to the Illinois Soldiers and Sailors' Home was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs.

Mr. CULLOM. I ask that it be taken up now and passed. It is a very small matter and need hardly go to the committee.

Mr. COCKRELL. I must ask that it go to the Committee on Military Affairs. We have reported against giving things that we do not have, until I think we ought to get another chance to make a similar report on the question.

Mr. CULLOM. Very well.

Mr. COCKRELL. The Government has no brass cannon, and we can not give away what we have not got.

Mr. CULLOM. I supposed, as the other House passed the bill, that we certainly had what it was proposed to give.

The bill was referred to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the following acts:

An act (S. 3474) amendatory of an act authorizing the construction of a bridge over the Mississippi River at St. Louis, Mo., approved February 3, 1887;

An act (S. 3226) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kans.;

An act (S. 1070) granting a pension to Mrs. Mary R. Armstrong;

An act (S. 2721) granting a pension to Jackson Chapman;

An act (S. 3076) granting a pension to Mary M. Shattuck;

An act (S. 3166) granting a pension to William F. Pike; and

An act (S. 1880) declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 2197) empowering and directing the Commissioner of Navigation to register and enroll as American vessels certain sailing vessels of foreign construction, repaired in the port of Cleveland, Ohio, and named the Josephine and M. C. Upper, respectively; and

An act (S. 2825) granting an increase of pension to Benjamin T. Baker.

WILLIAM MACKEY.

Mr. FARWELL. I move to reconsider the vote by which the Senate postponed indefinitely the bill (S. 3101) for the relief of William Mackey, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHIPMAN, Mr. FRENCH, and Mr. PAYSON managers at the conference on the part of the House.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. STEWART. I ask unanimous consent that the bill to restrict Chinese immigration may be taken up.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the unfinished business be informally laid aside, and that the Senate proceed to the consideration of the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882. The Chair hears no objection. The bill is before the Senate, and the Senator from Nevada is entitled to the floor on the question of reconsidering the vote on the passage of the bill.

Mr. STEWART. Mr. President, I learned from the speeches made against this bill yesterday that there was a general misapprehension not only of the circumstances, but of the condition of the negotiations and the effect of passing the bill. The legal effect of the passage of the bill was well stated, however, by the Senator from New York [Mr. EVARTS], and I will read his statement of the case. He said:

I have one word more to say in regard to the situation, as I understand it, which would be produced by the passage of this bill, and then the ratification by the Chinese Empire of the pending treaty. If ratifications are exchanged between this Government and the Chinese Empire, which is dependent upon the Executive here so far as this nation is concerned, this act, if it shall pass, falls to the ground, for it is a settled proposition that a treaty and a law are of equal import and dominion domestically, and the latter one, therefore, whether law or treaty, is the paramount power.

If this bill shall pass it will not interfere at all with the ratification of that treaty, if China is willing to ratify it, nor will it interfere with its promulgation by the President or its becoming a law and superseding the act that we are passing to-day.

That being the case, it is well to examine the necessities for this proposed law. I believe that we have gone wrong from the beginning in assuming that we had no right to say who should come and live among us. All of our treaties with China in this regard have proceeded upon a decidedly false basis. The United States should never surrender the power to protect its own citizens and to say who should come here and who should not.

I think this mistake was made in attempting to guard against what was a notorious and manifest evil. Chinese were imported as coolies here. We had been legislating against the cooly trade. Chinese were taken to other countries as coolies. In the Burlingame treaty an effort was made to stipulate against that cooly trade, which they deny is practiced now, and probably it is not in that aggravated sense in which it was carried on in exporting Chinese. I say the cooly trade is not in operation between the United States and China to the same extent that it was between China, the West Indies, and South America. But the fifth article of the Burlingame treaty provided against what both parties recognized as an illegal traffic in coolies, as follows:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, or trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

The intent and meaning of that article of the Burlingame treaty was to stipulate against the cooly trade, but the phraseology went beyond the intention and laid down a general proposition that the right of expatriation was recognized, a general principle that we had been advocating; but the plain intent and meaning was to stipulate against this infamous traffic, which was then in vogue, and I do not believe that the Chinese Government have taken the slightest offense, or had the right to take the slightest offense, if after entering into that treaty we had exercised our inherent right to say who should come here and who should not. I think the Hayes veto of the Chinese restriction bill of 1879 was a grave mistake. Of course it was founded on the want of knowledge.

The Senator from New York [Mr. EVARTS] says that as Secretary of State he advised the vetoing of the bill of 1879. I do not think he did so with a knowledge of the situation at all. I do not think there was anything in the Burlingame treaty which should have been construed or held by us for one moment to tie our hands so that we could not relieve ourselves of this evil. Besides, it is very doubtful whether that bill of 1879, which was vetoed by President Hayes, was in conflict with the treaty in any sense. These Chinese come here in one sense voluntarily; they agree to leave China, and most of the coolies agree to go. They leave voluntarily; all the cooly trade is done in this way. The great mass of the laborers that have come to this country have come under contracts with the Chinese Six Companies that they will come here and work a certain number of years and be subject to the orders and dictation of these companies and be returned home at the end of the time, dead or alive. That was the contract, and they came under those contracts, and it was straining a point to assume that that was voluntary immigration to this country. But it was so construed, and all parties became committed to dealing with this question by negotiation, and another treaty was negotiated, but the old treaty was not abrogated; only an addition was made to it; it was not abrogated at all. In the preamble of the treaty of 1880 we find the following:

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States,

and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit.

The stipulation that none but those who come voluntarily shall be allowed to enter and that both countries would pass penal laws to prevent the cooly trade still remains, and I hardly think it can be regarded as voluntary immigration when a laborer who is a cooly-serf makes a contract with these companies to serve them a given number of years and be returned back, dead or alive. The people who come in that way do not come within the spirit of the treaty. A veto for such a reason was a blunder, and such a veto illustrates the danger of executive usurpation.

The treaty of 1880 stipulated that the Chinese might go and come. No action was taken for about two years. Then an act was passed providing that those who left after that date should be allowed to come with certificates and that those who had left the United States between 1880 and 1882 might return without certificates. That law has been amended, and still the tide of immigration comes. They come not only with certificates, but without them. You can not distinguish them. A Chinaman receives a certificate, and if he does not want it he gives it to another. Investigation shows that great numbers of fraudulent certificates have gotten out in various ways. It has been investigated by the grand jury in California and they find that there has been a system of fraud and deception invented by that ingenious people to get extra certificates in every possible way. And not only that, but this previous residence is a question of parol so far as testimony is concerned.

That is the way it stands. Being situated in that way, all the laws you may pass will be of no avail. As long as any come by law, more will come by fraud. Experience has demonstrated that.

In 1886 an act was passed through the Senate which was as stringent as it could be. It did not pass the House of Representatives, but the Administration undertook to negotiate, the idea being that the object could only be secured by negotiation.

In the early part of this session I introduced a resolution calling on the President to negotiate a treaty. He had it under consideration. China is very slow. Finally a bill was reported from the Senate Committee on Foreign Relations which was intended to remedy as much as possible the evils under the existing treaty, and before action was taken upon it we got this treaty.

This treaty provides that Chinamen who are not here shall not return. That was the meaning put on the language by every Senator, I believe, in discussing it, and it is even said that many thought our amendment was unnecessary because the treaty excluded all Chinese without amendment. Article I is a plain, simple declaration and a short one. It is as follows:

ARTICLE I.

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

If we had ratified that treaty it would have gone into effect last May, four months since, and from four to five thousand Chinese have since come. It might then have been a harsh thing, but they knew very well that this treaty had been negotiated. They had been preparing for it during all that time, and under the present circumstances it is by no means harsh. The Chinese Government had made up their mind to submit fully and to recognize the condition that we would prohibit that immigration, and they were willing that it should be prohibited.

We find in the preamble to this treaty the following:

Whereas the Government of China, in view of the antagonism and much-deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States.

We amended this treaty, not to change its meaning but to make its meaning definite, because the people on the Pacific coast, who had seen so much of evasion, feared evasion under this treaty. We amended it for the purpose of making its provisions clearer, and for nothing else. We were told here at the time we amended it that we had not changed its meaning, and we were told that it was satisfactory to the Chinese minister. That was over four months ago.

From that time until now the Chinese have been rushing into California at every port and in every direction more rapidly than heretofore, and we are first informed that the treaty is rejected by China, and then we are told it has been postponed for consideration. China is very deliberate, and Senators tell us that China is liable to postpone it a long time; that China may postpone it for two or three years, and they also say that these exchanges are sometimes delayed for several years. They read precedents from China and other countries to show that we are liable to wait for two years before she will consider the treaty. She knew very well the urgency of this case. China knew very well that for the last four years Congress had been trying to legislate to stop this tide. She knew very well, her minister knew, the troubles these people were producing by their presence in San Francisco and through all the country; they knew the urgency of the case perfectly well; and when this treaty was negotiated and they agreed to it, they agreed that this immigration might be stopped at once; but they have kept us for four months when there was no such excuse for delay as there was when other treaties were made, because we now have steam-ship and telegraphic communication. The old sailing ships that went to China took months to make the trip, but now we can communicate daily. They know perfectly well what is going on, and if this is going to be delayed for years I will try to picture to you some of the consequences before I sit down. If we pass this bill we can then wait for China to act. If we pass this bill she will ratify the treaty. If we do not and adjourn, it will take her years to act. That is perfectly evident.

The Senator from Ohio [Mr. SHERMAN] says that if China rejected this treaty he was perfectly willing to pass the bill. I say they have delayed it an unreasonable time, and if they ratify the treaty the bill in the mean time will only operate until they do. It will take away from them all reason for delay; it will take away the motive for delay.

These Chinese companies are the parties that are influential in maintaining Chinese diplomacy. They control and manage it, and they are reaping a rich harvest out of this delay. I say take away the reward they are getting daily for the delay, and then we shall have action.

I am told to wait. We have waited, we have waited long years for negotiation. I do not believe any negotiation was ever necessary. We have failed to protect our people from a cancer that is destroying the Pacific coast and will eat out the life-blood of any part of the country wherever it goes.

It was suggested by a Senator yesterday that it was strange that these people could have so many vices and still have survived through the ages and be 400,000,000 strong to-day. I do not pretend to discuss the morals or the manners of the better class of Chinese who have homes and families in China. But you do not take into account the situation here. None come to this country but the very lowest class of Chinese and the scum of Canton and other seaport towns. The men who come here are the cooly laborers. They have no families; they come here without any of the family restraints, if they have any, in China; there is nothing of that kind here, and the women they bring here they buy and import, and every day there are fights in Chinatown over women that are stolen from one company by another. The class of men that fight for these women and steal them are called highbinders. Cases of that kind appear in the courts daily. A committee of the Senate examined this question in 1878, and what they say with regard to the women is true to-day, only there are more of them now than then.

It was proved before the committee that Chinese women in California are bought and sold for prostitution, and are treated worse than dogs; that they are held in a most revolting condition of slavery. It was further shown that the Chinese have a quasi government among themselves independent of our laws, authorizing the punishment of offenders against Chinese customs, even to the taking of life. It was further shown that violent hostilities exist between Chinamen from different parts of China, who, coming together in California by accident or otherwise, engage in deadly feuds and riots, to the disturbance of the public peace.

This traffic in Chinese women is the most revolting spectacle that you can imagine, and in the heart of San Francisco to have these female slaves polluting a great city, destroying its morals, carrying on their traffic in broad daylight boldly, is horrible to contemplate. They bring them in still by proof that they are wives or that they are daughters, and all this business has to be passed upon by the courts. The traffic goes on, and they spread the most deadly consequences with which any city was ever visited. Leprosy prevails in China, and there are constant statements of discoveries of Chinese lepers in San Francisco. Terror exists throughout the whole city for fear of this contamination.

Then these people, being nearly all males, being all industrious, except the gamblers and the highbinders and the roughs, take the place of our white people. For every thousand of them that come to our shores a thousand young men and young women have got to be crowded out of their places. They live by the hundreds in small rooms, they sleep in the same rooms packed in on shelves from the floor to the ceiling, their work-benches in the middle, their cooking apparatus in one corner, and in order to economize space and continue at work they work by eight or ten hour shifts and change, some sleep while others work, and they stay in that small space. The food they eat would not support white people at all. Consequently they invade every avocation; they make all the underwear for the women, they engage in making clothing, boots, shoes, cigars, and take away the avocations that should build up the city and make it prosperous, and they spread over the different towns and carry with them their women slaves wherever they go. In every little town you will find a Chinatown, polluting and corrupting the youth, spreading disease among them, and there is no help for this. Whatever these people may be at home, the coolies that come here bring nothing but evil to our country.

It is said that we must overlook all this; that we must legislate in view of the fact that there are 400,000,000 of these people in China and of the great amount of trade we have with them, the vast advantage we are to get, and that China may break off relations with us. There is no danger of that; not the slightest. China understands her interests as well as any other country. She protects them against every country n the world except the English.

Mr. PLATT. I should like to inquire how these Chinamen work, of whom the Senator has been speaking, where they are huddled into single rooms with their workshops in the same room? Do they work each on his individual interest, or is there some co-operation by which they work for the common benefit?

Mr. STEWART. There is some co-operation. The Six Companies are at the head of it. They fall into corporations and co-operations, and the Six Companies are composed of very intelligent men. They organize them in that way and have the benefit of their labor, to what extent I do not know; what percentage they get I do not know.

Mr. PLATT. That is to say, it is the idea of the Senator that these Chinamen who are at work are not at work as independent individuals?

Mr. STEWART. Not at all. It is a combination under the management of the Six Companies. There is no individual effort at all. It is an organized effort on the part of these powerful companies to underwork, to work for lower wages, and starve out the white people wherever they go, and they succeed; they organize for that purpose.

Mr. GEORGE. I should like to be allowed to ask the Senator a question.

Mr. STEWART. Certainly.

Mr. GEORGE. How long has the dreadful state of affairs to which the Senator alludes existed in the State of California? Is it recent, or does it extend back?

Mr. STEWART. It has existed to some extent from their first coming. When they first came they went into the mines. They were not engaged in manufacturing. They followed in the ravines to mine where the white men had been and gone, and they did not come in conflict. They did not, in the first instance, enter into manufactures, but into mining, although they had pestilential headquarters all the time in San Francisco, but it was mostly confined to traders. They grew as the manufacturing interests grew, and as they congregated the State grew, and they grew with the growth of it and kept pace with the other population.

Mr. GEORGE. Has it existed for a dozen years?

Mr. STEWART. More than that.

Mr. GEORGE. Twenty?

Mr. STEWART. Not precisely twenty. The system, as I say, commenced with a small beginning and is growing every day and every year. It is worse now than it ever was. It will be worse next year, and so on.

Mr. PLATT. The Burlingame treaty is only twenty years old.

Mr. STEWART. It had not at that time been brought so forcibly to the attention of the people. There was very little idea of manufactures among the Chinese at that time. It had not developed itself so that it could be seen and appreciated as it is now. The young men and young women had not been thrown out of employment to any great extent then.

Mr. GEORGE. What kind of manufacturing are they engaged in?

Mr. STEWART. Everything you can conceive of. They are engaged in manufacturing boots, shoes, hosiery, underclothing, cigars, everything that men wear and that women wear, and many other things. There is no kind of manufacturing but what they can turn their hands to, everything that does not require a large establishment, although they have got some very large establishments.

Mr. MITCHELL. Allow me there to put in an exhibit showing the occupations they were engaged in and the prices.

Mr. STEWART. I should like to have that put in.

Mr. MITCHELL. It is a statement that I have showing the different occupations in which the Chinese in San Francisco are engaged and the prices they receive in comparison with the prices paid to white persons in the same occupations. It is as follows:

Occupation.	White.	Chinese.
Bakers (country only), per week	$8 to $15	$3 to $9
Cigar-makers:		
Per 1,000	8 to 17	4 to 6
Weekly wages—average	10 to 12	6 to 7
Weekly wages—girls	10 to 12	.....
Weekly wages—boys	4 to 6	.....
Cooks:		
City, per month	55	20
Country, per month	55	25
Kitchen help, per month	20	12
Confectioners (country only), per month	45	22
Clothing:		
Men's shirts, etc., per week	6 to 10	5 to 8
Women's underwear, per week	5 to 8	4 to 7
Tweed suits, etc., per week	18 to 20	9 to 13
Coat-makers, per week	18 to 24	9 to 15
Trousers-makers, per week	14 to 18	8 to 12
Harness-makers, per week	9 to 18	5 to 11
Paper-bag makers, per week	5 to 12	3 to 9
Paper-box makers, per week	6 to 15	4 to 12
Shoemakers:		
Lasters, per week	11	8
Fitters, per week	15	11
Machinists, per week	14 to 25	9 to 17
Nailers, per week	12	9
Trimmers, per week	17	12
Girls, per week	7	.....
Boys, per week	5	.....

Mr. STEWART. They invade every employment, and, what is worse, they have a schedule of prices there for the whites, so that no establishment carried on by white labor can live in competition with Chinese, and the consequence is that we hear charges all the while, criminations and recriminations among persons that they are using Chinese goods, and they are smuggled into stores by back doors, etc. They make a pretense of hiring white labor, but really the work is done by the Chinese. It has been charged all over the country that diseases are communicated from the cigars they make. There is a great deal of complaint about that, and undoubtedly there is some foundation for it.

Mr. GEORGE. Will the Senator explain this to me, which I do not exactly understand: How is it that the white laborers there succeed in getting about 100 per cent., as I caught the reading of the list of the Senator from Oregon, more than the Chinese do? How is that!

Mr. STEWART. I will tell you. It is because there are many good people in San Francisco who will not hire Chinese and will take the whites and get along the best they can, and there is a strong sentiment against hiring Chinese, but, as I say, it is done frequently by people who can not help themselves. These wages are no more than are necessary for a white person to live upon, but the Chinaman can thrive on the wages he gets because it does not cost him very much to live, but the competition is ruinous and destructive.

Every month they are coming in by the thousand, and they displace a thousand or two thousand of white young men and women, besides diseasing the city, besides making a whole section of that city a pestilence and disgrace to civilization which you can see there any day. In addition to all that, in addition to their immorality, they have no homes here, no wives. The women they bring are slaves for a vile purpose, bought and sold; and we must tolerate that spectacle because China is unwilling to make a treaty!

I say until she signs the treaty let us stop their coming for a little while, because if the treaty be ratified between us, the coming of all except those named in the treaty will be stopped. They were all cut off last spring, and they have had ample time to get here. There is no hardship about this thing.

It has been stated here that this treaty was satisfactory to the Pacific coast. The Pacific coast will take any relief they can get. They are not satisfied with treaties at all and never were, but they will take anything they can get that will go to mitigate the evil. I have advocated and am willing to take any scheme that will be one step in advance. I hold in my hand an article published a few days ago (September 1) in the San Francisco Bulletin, which is a leading paper, a conservative paper, taken by all classes, and voices the sentiment of the people as well as any other paper upon this subject. They are all united. Take any of them and you get the same sentiment. To show how they feel about the present situation I will read the article:

EFFECT OF THE REJECTION OF THE CHINESE TREATY.

California should rejoice that the Government of China has rejected the new treaty. It would have tied up this country for twenty years, and was intended to give the Chinese now in the State perpetual rights here, and to increase their number by as many as could be smuggled in through our ports, or by the back doors kept open in British Columbia and Mexico. These doors are bound to open wider and wider as the facilities of transportation increase. The new treaty would have enlarged the Chinese slave-trade, and encouraged the building of more steam-ships and the organization of new lines to profit by the demoralizing traffic. The course of this Government is plain. The Burlingame treaty must be abrogated, or treated as the Australians have treated a similar compact. It was a fraud from the start and our nation was deceived. The Chinamen now in this country will receive good treatment and be allowed to enrich themselves while they stay with us. But when they go away to spend their money and have a holiday in China, there they must stay. The transportation companies are welcome to make as much as they can by carrying Chinamen to China, but not one cent for bringing them back.

This country knows how it nearly lost its civilization by protecting the African slave-trade until all ships engaged in it should wear out. It has been terribly warned, and the American people, thus enlightened by experience, will not now go deliberately to work to establish Asiatic slavery all along the Pacific coast, with the certainty of eventual loss of our civilization. Yet it is a marvel that a treaty that tended in that direction was agreed to by the Administration, and would have been accepted by China but for the amendments inserted by the Senate.

That is about the view taken there; but I believe that under this treaty we can legislate more freely than we could under the other, which is a step in advance, and I so stated at the time, though others differed with me, and I voted for the treaty, but I did not believe it was a remedy. I have believed at all times that legislation was the real and the only adequate remedy. Without regard to treaty we ought to say who can come among us and stay among us. It is a police regulation that we ought to exercise independent of all the world, and I feel something like the people of California do. I hope China will reject the treaty if she has not already done so. But whether she has done so or not, she has procrastinated an unreasonable time, and we have a right to have this check for a little time to see what they are doing.

If they are going to deliberate, let us stop this now in September which they agreed in the treaty might be stopped in May. I say that is but fair. If you go before the people of California, who have seen this, and attempt to get a hearing for an excuse for continuing the evil, no one, high or low, will listen to you. Whether he be a Democrat or a Republican, every man who loves his country will say to you, "This evil is intolerable, and the first principles of self-preservation demand that it shall be immediately stopped." It will be years before it will disappear, but they say it should not be increased. The pest-house in San Francisco should not be enlarged. That disgraceful quarter known

as Chinatown, the Chinese portion of San Francisco, should not be enlarged by another invasion.

Now, inasmuch as China has willfully kept the treaty back, it is our duty to act and to act promptly. But we are told of the great commerce that we shall lose if we offend China. There is no danger of that, as I commenced saying some time ago when I was interrupted. They understand their interests as well as any people. The balance of trade is largely in their favor as against us. We sent them last year, in round numbers, $6,000,000 of our products of various kinds, and we bought of them $19,000,000 worth, leaving a balance against us of nearly $13,000,000, for which we sent gold to China to buy commodities.

Mr. GEORGE. We send silver to China.

Mr. STEWART. That is good for China. She is not going to dispense with it there.

Mr. GEORGE. We did not send any gold to China.

Mr. STEWART. We sent the precious metals. It is worse yet if we sent silver, because silver has been regarded in all the ages as the better metal of the two until this last conspiracy. I say they are not going to give up that trade.

Another thing. There are in this country, I can not tell exactly, but undoubtedly about two hundred thousand Chinese. They are all laboring men; they labor for other people. They are wage-workers, and they send their money to China.

I think it has been estimated by those who are best acquainted with the subject that they send on an average at least $100 a year to China. Some have put the amount as high as $200; but at $100 apiece, they send each year to China, there being 200,000 of them, twenty millions of gold and silver, mostly of silver however, I think. You will find that sent out of this country. That these laborers take away. They leave nothing; for wherever they go they leave nothing but burnt ground and the little shanties they live in, which are not much superior to the wigwam of the Indian, and they leave such a filthy place that every one is shocked. They make no improvements. Of course they have no schools, because they are adults and laborers. They leave nothing in this country. They send out about twenty millions, and $13,000,000 balance of trade added to that makes $33,000,000 sent out from us to China each year.

Do you think the Chinese Government is going to make much fuss about it? China has the advantage of all the world except England. England is the only country that gets anything like even with China, and she has a balance of trade as against China of $24,000,000, and the way she obtains that is by her gunboats and guns and armies to make China buy her opium. Otherwise England makes nothing by trading with China, except what she forces China to take by her armies, and every other nation in the world has the balance of trade largely against it in favor of China. That is a great country. Everything they need they can produce; it is a self-sustaining country. It will buy nothing from abroad except what it is forced to buy. Consequently there is no danger of China ever throwing up our trade, which is all in her favor. We have never done anything to offend China. If we will not allow her laborers to come here and take possession of our country, she has already said she would consent to our action. She agreed that it must be stopped last May, but as long as the Chinese Six Companies can make money out of it they will keep the treaty there.

I think it was wise in the House of Representatives to send this bill here, and I think it was wise in the Senate to vote by an overwhelming majority to pass it, and I think it would be the greatest blunder of the age, with all the facts before us, now to vote to reconsider this bill.

I have heard here records hauled over and discussed and votes read day after day of Senators who are attempting to follow the labyrinths of these treaties in their votes and making them conform, claiming, as you all claim to-day, that you are in favor of excluding Chinese, but you want to do it in a certain way. You are all in favor of it now, but you want to do it in a certain way. If you do not pass this bill and Congress adjourns, this whole question will confront you at the next session, and this evil will go on increasing and increasing.

The House of Representatives are considering charges now against our judges, who have hitherto stood above reproach and their decisions respected in every part of the Union, because under your laws and the decisions of the Supreme Court they have had to issue writs of habeas corpus and allow Chinamen to come in. I do not believe that one in ten has a right to land under your act excluding contract labor.

Mr. GEORGE. If the Senator will allow me before he commences on that point, I wish to call his attention to the statement he made just now. I understood him to say that $22,000,000 in coin was exported from the United States to China every year. I have a tabular statement on that subject, which differs very much from what the Senator says. In 1886 the exports from the United States to China of gold and silver and bullion amounted to $230,000; in 1887 to $117,500, and it so happens that in those years there were imported into the United States from China, in 1886 $2,400, and in 1887, $981,284. So it appears that in the year 1887 there was $117,500 exported from the United States to China, and nearly nine times as much as that imported from China to the United States—$981,284.

Mr. STEWART. The Senator takes what is imported through the custom-house, where a record is kept of it.

Mr. GEORGE. Is there any other method by which we can tell the difference between the exports and imports of gold and silver from and to this country?

Mr. STEWART. I did not pretend to give the exact amount of gold or silver exported to China, because nobody knows. The Chinamen have been mining on the Pacific coast ever since the mines were opened, but there is no record of what they have taken to China; besides, the Chinese merchants do business as all other merchants do, and send money by bills of exchange and in other ways. But one thing is certain, the Chinamen carry or send in some way about $100 apiece each year to China. How they get it there is immaterial. Of course it does not appear in the public records.

Mr. GEORGE. The Senator disputes the official records?

Mr. STEWART. Certainly I do. I dispute the fact that they contain this information.

Mr. GEORGE. I should like to know upon this subject of trade, as he will not stand by the official record, what evidence has he to make the statement that there is $22,000,000 sent?

Mr. STEWART. I have the information from Chinese; I have it in general estimates that there is from $100 to $200 a year sent by each Chinaman. I know a great many Chinamen, and I have heard them discuss the question. The Chinese who go home carry the money on their persons. They travel back and forth a great deal. There are thousands of them going constantly. How they get the money home, by what means, I do not know. That will not necessarily appear in the records.

Mr. GEORGE. I understand the Senator to say that those who remain here at work are sending $100 apiece every year to China.

Mr. STEWART. By their agents who are going. It is managed by the Six Companies. There is great secrecy about the whole business. I do not know the details, but there is no doubt about the fact. They send their entire wages. The companies attend to it, and it is all taken home. I have been told by Chinamen that there are thousands upon thousands of Chinese laborers who are called rich at home after they have returned from the United States. They spend nothing here. That we all know. As to how they ship their money, I have not the details and never took the pains to inquire into it. It is a fact agreed upon on all hands. Now, to show that we are not in much danger——

Mr. MITCHELL. The statistics of articles imported from China for the fiscal year 1884–'85, not including gold and silver, show that the total imports from China to the United States were $16,293,698, while the exports were $6,396,500.

Mr. GEORGE. I was only calling attention to the difference between the statement of the Senator from Nevada and the official records of the country.

Mr. STEWART. There is no difference; it is not in the records.

Mr. TELLER. I should like to suggest to the Senator from Mississippi that these Chinamen do not register the amount of money they take away at the custom-house. There is no pretense of that at all. They will not go to the expense of doing the business in that way. If one Chinaman is going back to China he will carry for a dozen, and he will carry it on his own person.

Mr. GEORGE. I should like to know, as nobody sees the money that the Chinamen carry, as they do not tell anybody and they do not register it, how the Senator from Nevada knows how much they do carry?

Mr. STEWART. I did not pretend to state. I said it was generally believed, stated by the Chinese and by citizens who have paid attention to the subject, that it was estimated that from one hundred to two hundred dollars a year was sent by each Chinaman. We know they send all they get. Chinamen never invest a dollar in this country; they leave only burnt ground behind them in this country, and send all they can get home, and then they have contracts to have their bones sent there in case they should die here.

Mr. President, there has been so much said about our gains in trade with China that I will again say that it appears from the published reports that during the fiscal year ending June 30, 1887, we imported from China $19,076,780, and we exported to China $6,246,626. Great Britain, including Hong Kong, imported from China $65,600,000. She, including Hong Kong, exported to China $89,600,000, making a balance of trade in favor of Great Britain of $24,000,000.

The imports and exports of China are pretty nearly evenly balanced. Great Britain is the only country that has any advantage in the trade. She sends her opium there, and carries it there by force of arms, and has that advantage. I say that there is no danger whatever of any interruption of commercial relations with China, because she has everything to gain and nothing whatever to lose by trading with us.

She agreed that last May the immigration of Chinese to this country might be stopped. She agreed to the same proposition that is in this bill last May, but her Six Companies are exercising influence to-day to keep this treaty back, and they will keep it back as long as we will tolerate it. All we have to do is to pass this bill and bring about a final settlement. We must take some action. The idea of being held so firmly by treaty, the idea of being so fearful that we shall offend

China, that we shall do something that is not dignified while the evil is going on, is astounding. It would be well for Senators if they did not live in the upper air, if they did not live in the higher regions, if they lived down among the people and knew something of their wants; but they know nothing, they go into abstractions, and the Senator from New York congratulated himself on having advised the President that the Government of the United States was bound to allow Chinamen to come, no matter how great an evil they were, until we should get China to agree, and that we had no natural right of self-defense, that we were bound to let them come, contracts or no contracts, because of that indefinite language used in the Burlingame treaty which was intended to provide against the cooly trade and never was intended to take away from the United States the right to legislate. We would not have offended China at all if the bill of 1879 had been passed.

That same provision still remains in the Burlingame treaty. It has not been modified. We are at liberty to legislate against the cooly trade, and the Chinamen who came into this country are nothing but coolies. We are expressly authorized to do so. We have passed a law that any person who comes from abroad to this country under a contract for labor here shall be returned, and we have made it the duty of our officers to return them. I have reference to the act of February 23, 1887. Under that law no Chinaman can come. They all come under contract in some form. The testimony taken in 1878 shows that fact. The question submitted to the committee appointed to investigate was whether they came voluntarily or were forced to come. The committee found that they came under contract and that they came voluntarily.

Now, we have passed a law which excludes all that come under contract, and this law on the statute-book against all the world, if properly enforced, would exclude every Chinaman. We only agreed with China to treat her in that respect as we treat the most favored nation. The stipulation with China was that we would treat her in regard to the coming of Chinese the same as we treated the most favored nation. We have passed a law against all nations that their subjects shall not come here under labor contracts, and still China sends them by the thousands under labor contracts, and yet we are told in effect that if we apply the reasonable rule to China that we apply to all she will be offended and we are violating the treaty!

Mr. GEORGE. May I interrupt the Senator?

Mr. STEWART. Yes.

Mr. GEORGE. The Senator charges us who want to stand by the public faith and preserve that, at least until China shall decide upon this treaty, with living in the upper air and not living among the people, not knowing anything about their wants. I should like to ask the Senator how long has it been since he came down from the upper air and got among the people on that question?

Mr. STEWART. I have been among the people a good many years on this question.

Mr. GEORGE. I should like to ask the Senator another question. I ask, whilst he was in the upper air or when he was among the people, did he at any time favor the enactment of a law which allowed Chinamen to come into this country under a contract to serve here six months after they got here to pay their passage across the Pacific Ocean? And if the Senator ever did advocate a law of that sort, I should like to know whether he was then living in the upper air or down among the people?

Mr. STEWART. I never did. I never voted for any such law. I have always lived among the people, and never had any conscientious scruples about excluding Chinese that came here under cooly contracts to supplant free labor. I never had any idea of postponing such a bill, and was glad to have a chance to vote for a bill of this kind.

Let me say, if Senators vote against this bill it will take a long time to explain it, and I think it is better to go right this time. It will save a great deal of explaining. If my friend from Mississippi votes against it, he will be rising to explain for the next twenty years every time this question comes up, and he will have to enter into some constitutional arguments to show that he was right.

Mr. GEORGE. I hope the people of the United States will be as charitable to me if I make a mistake on this subject as the people of the Pacific coast seem to have been charitable to the Senator with his record on this subject.

Mr. STEWART. My record is all right. If it had not been for me the Chinaman would have been a voter before this time. I do not know whether they will be as charitable to the Senator. The Senator from Mississippi has shown remarkable intelligence on this subject, and if he sins now it will be a willful and malicious sin, with all the badges of wickedness, if he goes wrong now after having understood the question, knowing the evil, knowing the necessity, seeing the duplicity of these people, knowing of their holding back this treaty for the purpose of evading its provisions, knowing that they are acting fraudulently, and knowing all the circumstances, and while we have a law on the statute-book that excludes contract laborers even from the most favored nations. We can legislate against the Chinese, we can exclude them, for they all come under contract.

By this law we are authorized to legislate, because the Burlingame treaty never required us to do more than we did for the most favored nation, and we will not allow servile labor from the most favored nation to come here; and still Senators say: "Wait; it is too early to do this; refer it to the Committee on Foreign Relations." What information can they give that we do not know now? If they read over these very reports, if they inform themselves of the condition there, they will find that all these Chinamen come under contract.

If they will look at the procrastination of this negotiation for the last two years and see how China has acted, if they will visit San Francisco and the Pacific coast and see the condition there, if they will look at the terrible evil that is there and growing—and it is the fault of our legislation and the fault of China—if they will look at these things they will have to report this bill back without delay. I understand that if it is referred there, the object is that it may rest—rest until when? Until China shall ratify the treaty. Whenever the word goes forth that you will not legislate until China acts one way or the other, then she will bide her own time, and it will be one, two, three, or four years, and perhaps never. As long as we wait the Chinese companies will continue to reap this harvest.

I say that it is the duty of the Senate to remind China that we have waited long enough; to remind China that if she wants this she will not have the benefits of delay; to remind her that we can not have this evil increase. It is time to speak now, and voting against this bill is voting worse and with more light than any man ever voted in the Senate.

It is a pretense to say that you want to exclude Chinese, and say boldly that China may keep the treaty two or three years and that you will wait her good time. She agreed that the immigration should stop last May, and when we acted upon this treaty it was satisfactory to her. She holds it back and sends us this continual stream of laborers, and continues the traffic in vile women, and continues all this pestilential work, and the people of the Pacific coast are asked to wait patiently the good pleasure of China; but we tell her that they may come here as cooly slaves under contract and not come from any other country.

But we are told China has four hundred millions of people and an enormous trade, and we must not offend her, and we must not legislate to protect our own people. That is the only argument. We violate no treaty, for we never did agree that we would treat these people in a different manner from the way we treated those of other countries. Let me read the language of the law to show what we do with the laborers of all countries that come under contracts:

> And it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if in such examination—

That is an examination to see whether they came under contract or not—

> there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land,

if they have contracts for labor. Here are the Six Companies contracting for labor for the last generation, doing it boldly, bringing them in here by the thousands, all coming in that way. We let them come and say it will be a violation of our treaty stipulation to stop them now after China has consented to our doing so. While she is acting in bad faith in procrastinating, it is said we can not pass this bill. It seems to me that the arguments against this bill are the most flimsy I ever heard. They are not founded in reason, justice, or common sense.

For a man to say that he can not vote for this bill, while he is in favor of excluding the Chinese, is to impeach his honesty or his intelligence on the subject. Any man who has examined this subject, who knows the facts, knows what he is talking about, knows what we have to put up with, is well aware that we have a right to exclude them because China is acting in bad faith in relation to this treaty; that we have the right to exclude them because we have a right to protect our country from pollution, to protect this country dedicated to the people of this country. Everybody knows there is no constitutional reason, there is no reason in good faith, there is no reason whatever against the passage of this bill, and if ever an emergency called aloud upon the Senate to act it is this which is upon us now.

I wish you had to argue this on the Pacific coast. Pick your own jury, take any twelve men on the Pacific coast. If you can get any one of that region, from the base of the Rocky Mountains to the Pacific Ocean, of any party, to say this bill ought not to pass, then I will say no more. The thing is so absolutely right that it meets with universal approval, and no man dare in that country say "nay," because there is no reason, I say there is no consideration strong enough to allow the country to be polluted as these people are polluting it. There are no reasons of state that are sacred enough to have us abandon our own people, abandon them to these polluting diseases that are brought there, abandon them to conditions under which they can not exist, do it for the sake of trade with China, when China has from twenty to thirty millions the better of the trade every year, and the trade will continue whether we do this or not.

I say any man who votes against this bill will regret it while he lives,

because if it is voted down the evil will go on. We have now been laboring here for twenty years to exclude them, and we have met similar objections, but never one so flimsy as this. They were predicated upon reason, they were predicated upon some treaty, they were predicated upon some consideration of good faith; but here when China is procrastinating, acting in bad faith, when she has agreed to it, and still continues to send her Chinamen here, when we have passed a law excluding all others of this class of the most favored nation, when the evil has grown so as to be seen of all men, with this condition of things and after the Senate has passed this bill by an almost unanimous vote, it is proposed to reconsider it, to take a step backward, to let the Chinamen come until they get ready to quit. Why? Because of the trade with China, of which she gets five to one!

I appeal to the Senate not to allow this occasion to pass without making this bill a law, and you will send gladness to the hearts of millions of people, lift a burden from the people on the Pacific coast and make them happy. You will send a ray of hope into many a darkened family if you say this evil shall stop.

Pass through the streets of San Francisco or of any other town on the Pacific coast and see the sad havoc that the coming of the Chinese has wrought among the youth, see the destitution and the ruin that have been spread everywhere; witness that, and come here and vote against this bill! If you did, you never would respect yourself afterwards. I tell you it is ignorance, gross ignorance, of the situation, of the magnitude of the evil, that excuses any man for going wrong.

But the evil is so enormous that he has no right to be ignorant. It should be known to all, and if you do not know it there are a great many people in the United States who do know it in all sections, in New York, in Mississippi, in Ohio, and in every other State of the Union. You will find plenty of men all over the country who have knowledge of the evil and the necessity for legislation. It need not be charged to the Pacific coast alone. It is universal among the people who have given attention to it and know something of it.

We ought not to live in the clouds above all other men. We are legislating for the people, for the protection of the people, and we should understand their wants, their desires, and their necessities, and if there ever was a necessity for the passage of a bill there is one for the passage of this bill.

Mr. TELLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Colorado withdraw his motion to lay on the table?

Mr. TELLER. I do not at the present time, for I understand that the senior Senator from Nevada [Mr. JONES] desires to address the Senate on this subject.

The PRESIDENT *pro tempore*. The question then recurs on the motion to reconsider.

Mr. TELLER. Mr. President, I do not desire to detain the Senate by a discussion of the Chinese question. As I said the other day, that has passed beyond discussion. The public sentiment of the United States has decided the proposition that the Chinese are to be excluded. All political parties and all factions and shades of political parties agree to that. So it is a question simply of how we shall do it? What is the proper method?

The Senator from Alabama [Mr. MORGAN] called attention a few days since to what he said was undoubtedly the sentiment of the House of Representatives on the passage of this bill, that the House had concluded, as it had a right to conclude, that hereafter in our dealings with China we were to deal with reference to the Chinamen who may come to this country, not under any treaty, but under a general law recognized among civilized people—the right to say who shall and who shall not come to reside within our borders, and who shall come here temporarily or who shall not.

I do not know, Mr. President, that the people of the United States have reached that point. If they have I am glad of it, for that is a position that I took years ago in this body, and which governed my votes on at least two Chinese bills since I have been a member of this Senate, one before the treaty of 1880 and one subsequent thereto. But I want to say, because it has been referred to two or three times, that the Senate was unanimous on the passage of the pending Chinese treaty. I do not suppose that outside the committee that had this treaty in charge there were a half dozen Senators on this floor, who did not come from this section of country where we have had our attention directed to this question, who ever read the treaty.

They heard it read from the desk, and they assumed that presumption of rightfulness (spoken of sometimes by the Senator from Delaware) when a treaty came here, and they voted for it. I understand the whole proceedings have been made public, and therefore I can say that I did not vote for it. I declined to vote for it, and voted against it, and gave then as my reason that I did not approve of any treaty which limited the right of the Government of the United States to deal with this question. I was opposed to putting that into the treaty. I maintained that it was a right that should be always reserved by every nation, to exclude at all times all classes of people that it saw fit to exclude.

I do not understand from my reading of international law or history that it is a cause of complaint if we say to the people of Great Britain, the greatest nation in the world except our own, that they shall not send emigrants to this land. I do not understand that Great Britain can defend herself upon any theory if she should commence a war against us for that. That is not international law. We have a right to say to the people of Great Britain, "We will not accept your citizens of a certain class; we will not accept any people from your territory at all," and they may say the same to us, and that is the end of the whole business.

Of course Great Britain might begin a war on us without any excuse whatever; so might China if we should say to the Chinamen that they can not come here. But neither of those countries would have the support of the civilized world in declaring such a war if we really believed that the people coming here from Great Britain and from China were injurious to us and to our civilization.

Why, Mr. President, the time will come when this country will be so full of Americans born on American soil when there will be no room for anybody else. Has anybody thought, at the rate at which we are progressing in population, how short the time will be when we shall have this continent covered as Belgium is covered with people? To say that when we are overcrowded we shall open our doors at the risk of going to war if we do not, is to say something that is not supported either by the rules that nations have adopted or by any moral ground.

The right of a nation to take care of its own can not be questioned any more than the right of a man to take care of his family—and that is not questioned. I do not suppose that there is any sentiment anywhere in this country against the proposition that I have enunciated, that if we think it is for our interest to restrict immigration from the greatest nation in the world, or the smallest, we have the right to do it, doing it in such a way, of course, as to give as little offense as possible. So in dealing with China, I admit that we should give the Chinese Government as little offense as possible.

I concede that there is some force in the suggestion made by the Senator from Ohio, that in dealing with a question of this kind we should deal with it not in haste, that we should take reasonable time to determine what our duty may be to ourselves and to this nation.

A few days ago I had reason, I thought, to complain a little (if a man could complain in this body of another body) of the action of the House of Representatives. If I could not complain of the action of that House and could not criticise it, I could at least say that its course with regard to this bill was most remarkable. I did say, and I repeat, that it was a most remarkable proceeding, of which I understand I have no right to complain, but to which at least I may have the right to refer.

In the morning hour, as soon as the Journal had been read, a distinguished politician for whom I have nothing but the kindest feelings and of whom I do not wish to say an unkind word, a man distinguished for his political connection with the present political campaign, rose and presented this bill. That he should be the author of a bill that should pass the House of Representatives in thirty minutes from the time it was read and should come here in hot haste within an hour after it had passed that body is somewhat remarkable. I had occasion to say that I thought it was sent here for a purpose. I am speaking now of outside influences that induced this; I am not speaking of inside influences.

It seems to be an open secret that this bill originated in the minds of persons not in the House of Representatives, but outside of it.

That matter has been adverted to here and has never been denied that I know of; but I would like to say that I will myself, so far as my belief goes, exonerate the present Secretary of State individually from having had any connection with that transaction. I want to say that, because, while I think he has made many mistakes as Secretary of State, I believe he has too high a sense of honor and too high a sense of the importance and the dignity of his position to engage in that himself. But others did engage in it, officials or non-officials connected with the campaign that is being fought now, and the very purpose for which it was done can be seen by an extract that I will now read from a Democratic paper, published in the city of New York, on the 8th day of this month, called the Globe. The article is headed "The Chinese Question," and reads as follows:

THE CHINESE QUESTION.

Both Democrats and Republicans have manifested a keen anxiety to be first to take advantage of the rejection by the Chinese Emperor of the treaty which has been lately negotiated between that country and the United States, and to use the opportunity in such way as to win the anti-Chinese vote by proposing the most vigorous laws for the exclusion of the Chinese from this country.

The Democrats have been too quick for their adversaries, for, on Saturday, before it was officially known that China had refused to ratify the treaty, Mr. SCOTT, of Pennsylvania, a member of the Democratic national committee, and the President's most intimate friend, asked the unanimous consent of the House of Representatives to introduce for immediate consideration a bill supplemental to an act to execute certain treaty stipulations relating to the Chinese. No one on either side of the House dared to interpose an objection, and by unanimous consent the bill was introduced.

I presume everybody recognizes the truth of that statement, even to the assertion, perhaps, that nobody "dared to interpose an objection." It was undoubtedly hoped in certain quarters that objection might be interposed, provided it came from the right direction.

I have something further to read on that subject. I find in the proceedings of the House of Representatives on last Thursday that a dis-

tinguished member of the national Democratic committee, speaking of myself, said:

The gentleman asks what right had I to introduce such a bill.

I never did, Mr. President.

I send to the Clerk's desk and desire to have an extract read from yesterday's Post.

The Clerk read at follows:

"A FLOOD OF CHINESE LABOR.

"OTTAWA, ONTARIO, *September* 4."

I call the attention of the Senate now to this, because while it does not justify this bill, it will show the necessity, perhaps, of other and further legislation; and if this bill should get into the Committee on Foreign Relations, it will show the necessity of an amendment to this bill.

"During the past week five hundred and eighty-four Chinese arrived at Vancouver, B. C., from China. It is evident their destination is the United States. An officer of the Dominion Government just returned from British Columbia stated that there is a steady stream of Chinese floating around that province into Washington Territory. In this way during the present year it is estimated the Chinese population of British Columbia has already been depleted to the extent of five thousand. The minister of customs, who is now on the Pacific coast investigating the Chinese question, has promised to look into the matter for the United States authorities."

That is an extract from the Washington Post of the 5th of this present month. The speaker then continues:

Mr. SCOTT. Now, Mr. Speaker, that is the answer to the Senator from Colorado as to the necessity and urgency of action by this House to immediately put a stop to the coming in of this Chinese labor; and, sir, this Democratic House did not require three days to find out whether they would pass that bill or not; it was passed in thirty minutes.

When this bill was before the House of Representatives it undoubtedly passed in the time mentioned. I have made a little calculation, and it seems to me it could probably not have taken thirty minutes from the time it was introduced until it was passed.

How does it happen that in a body in which it is so difficult for any member to get the floor and catch the Speaker's eye, he who this Democratic paper says stands so close to the Chief Executive, and is so influential in Democratic circles, could so readily catch the Speaker's eye? Nobody on his side objected, although everybody knew that this Administration had sent here a treaty that all the friends of the Administration, without exception, voted for, and that this was an infraction of the treaty or a repeal of at least a portion of it. How could it happen if it was not understood in circles influential that this bill was to pass? It was not to be gainsaid that the bill was to pass.

Was it hoped that objection would be raised in this body? Was that hoped by outsiders? Of course I can not presume that any member of the House of Representatives would so suppose. But was it supposed by people outside that when this bill reached this body, noted for its conservatism, its attention to details, and its desire that there shall be nothing done in an undignified manner, nothing done with indecent haste, was it hoped and expected that the chairman of the Committee on Foreign Relations, who is a prominent Republican of national reputation, would rise in his place and say: "Mr. President, that bill must go to the Committee on Foreign Relations?" Then it would have been said everywhere: "Thirty minutes the bill took to pass the Democratic House, but it is tied up and hung up in a Republican Senate." Was that the purpose?

It does not take a very vivid imagination to believe that in certain quarters that was the idea. And I may say here, while I always favored this kind of legislation and while I have always insisted that it was meet and proper and just to legislate without reference to a treaty, I myself was almost inclined to say that decency and proper regard for the Senate itself required that this bill should go to a committee. But I thought that if the men who were supporting this Administration and who had defended its recent treaty could sit here and see this bill taken up and passed—a bill which they had not seen in print—we who had been clamoring for this legislation because we realized (as they did not) the alarming necessity for it, if they could submit, I could on my part.

I want to speak of this bill which I suppose is now to be claimed by the members of the Democratic national committee to be of such immense value. When the bill was before the House, Mr. BLAND, of Missouri, said:

There has been great complaint about Chinese coming across the border from the British possessions. I would like to ask whether any provision is made as to that?

Mr. SCOTT. This covers the whole field.

Mr. MORROW, of California. This does not protect us against the emigration from the British possessions.

Mr. MCSHANE. Oh, yes.

Mr. SCOTT. It does very carefully.

Mr. DUNN. The bill seems to be very carefully drawn to cover the whole ground.

Why, Mr. President, that affords further proof that the bill did not meet any criticism from those who ought to have known, and who did probably know, what it contained, or who professed to know what it contained, but the bill contains nothing of that character at all. If the action was instigated or hurried by what appeared in the Post of last Wednesday it was ill done.

This bill does not provide at all for the evil they are complaining of, and it could not have been that that was the moving cause, outside or inside, or anywhere, for the passage of this bill to prevent the Chinese from coming across into the United States from British Columbia, for it is absolutely silent on that subject and deals only with the Chinamen who have been here and who have gone out of here and who seek to return by virtue of the provisions of the statute of 1882 and statutes subsequent thereto.

When the bill got here, as I was saying, it came very near going to the Committee on Foreign Relations. That suggestion was made and nobody objected. That suggestion was made by the Senator from Mississippi [Mr. GEORGE]. Twice he made the suggestion that it ought to go to the committee. As I said the other day, when he concluded, in my judgment, that some political advantage would be taken of his side of the Chamber if he sent the bill to the committee or if he suggested such a course, he withdrew the suggestion, and then nobody was found here to propose that it go to the committee. Why? It had come here for political purposes and both sides knew that it had come here for political purposes. I can say for myself that I did not propose to fall into the pit which had been dug for me or for mine.

When the bill got here the Democratic party was in the condition to which the sweet singer of Israel refers when he speaks of his enemy who had attempted great things against him. He said:

He made a pit, and digged it, and is fallen into the ditch which he made.
His mischief shall return upon his own head, and his violent dealing shall come down upon his own pate. (Psalms, VII, 15, 16.)

The rhymster put in rhyme this idea when he said:

He digged a pit,
He digged it deep,
He digged it for his brother;
But for his sin
He did fall in
The pit he digged for another.

[Laughter.]

That, Mr. President, was the condition of the Democratic party. The other day, when the Senator from Maryland [Mr. GORMAN] came to its rescue after we had agreed to vote, after there had been an agreement made here, which I admit is not binding in law, but which we have uniformly since I have been a member of this body adhered to—when the Senator from Maryland came in and wanted to move to send this to a committee, he was allowed to do it, I confess properly, rightfully, because such an agreement is not binding upon anybody, it is not a legal agreement, it is not an order of the Senate.

Therefore I did not question the right of the President of the Senate to receive the motion. On that motion there were 17 votes in favor of sending the bill to the committee. Fourteen of those votes were from the Democratic side and 3 from the Republican side. On a subsequent vote, there being no quorum, the relation was about the same. I think it stood just the same; but, however, whether it did or not, the question then came whether the Senate should adjourn. The Democrats of this body all at once got new light; where they got it from I do not know. The bill had been here, and we had heard nothing from any Department of the Government until it was called out by the resolution of the Senator from Ohio [Mr. SHERMAN], when we received a message saying that the executive department of the Government had no official information except that which they transmitted to us, which was that it was once reported that the treaty had been rejected, and the next time that the treaty had been postponed for further deliberation.

Then came the question of voting. Whatever delay there has been has been occasioned by the Democrats of this body. I do not say that they have not a right, and that they ought not to so vote, but I do say that it will not do for the members of the Democratic national committee anywhere to assert that the House of Representatives put this bill through in thirty minutes, and that we were a week or ten days (or whatever the time may be) in passing this bill through the Senate. The bill has received practically the unanimous support of the Senate. The Senate is committed, as I said in the opening of my remarks, to the doctrine that the American people reserve to themselves the right, independent of treaty, to say who shall and who shall not come here. The vote was cast after we were as morally certain as we could be that the treaty had not been rejected. Whether the motive for the vote, then, has been good or bad, there has been a step forward taken in the interest of good government, there has been a step forward taken in what I believe to be a just and proper assertion on the part of the Government that it has the right under all circumstances to say for itself, untrammeled by treaties, who shall and who shall not come into this country.

I do not intend, Mr. President, to continue my remarks on this subject. I would only say with regard to the discussion that has taken place here to-day by the Senator from Nevada [Mr. STEWART] that I stated six years and more ago in this body that the Chinese question could not be properly discussed in this body with open doors. No man knows the difficulties involved in this question who has not been brought in contact with it and who has not seen it. The Chinese are not free men as we understand free men; they are not laborers as we understand laborers; they are not the class of men with whom we express sympathy day by day. They are not such men as compose the great mass of society in this country who labor and who create. They are foreigners to our soil, and intend so to remain. They are not only foreigners to our soil, but foreigners to our institutions, and intend so to remain. They are not merely foreigners to our institutions, but they

are the opponents of our institutions and hostile to them. They are hostile to our religion as well as to our civilization.

I repeat, sir, that if the great mass of people in the East have not wakened up to the evil of Chinese immigration, it is because they have not been brought in contact with it, because they have not considered, because they have not thought, because they have not read, and have not familiarized themselves with the subject. These people have no part and no lot with us. They pay no taxes, they have no homes, they have no wives, they have no children; they contribute nothing locally to the wealth of the State; they contribute nothing to the wealth of the nation; they contribute nothing in any shape to the community in which they live except the cheap labor which they give, and that is dearly bought, Mr. President, when you take into account the evils which follow their residence in every land.

The Sandwich Islands, which a few years ago were the fairest portion of the earth, and held a people remarkable for their physical beauty and for their intellectual strength, although uneducated, will in a generation be depopulated, and there will not be a single native left, because when brought into contact with Chinese they became diseased and destroyed to such an extent that in one generation more there will not be a full-blooded Sandwich Islander on the face of the earth.

We can no more come in contact with them without our degradation than can the Sandwich Islander. We can no more come in contact with them without having our labor degraded than we can with the wild African. And, as the Senator from Nevada has said, when they came into California they drove out the young men and the young women from all the ordinary avenues of trade, from all opportunities. Wherever the Chinamen went all chance departed from the young men and women of that State who had not had the good fortune to receive a superior education. In every community there will always be some people who by their unfortunate situation will be compelled to take work that other men will decline. They do not, however, lack the ability to do well the work which falls to their lot; but the Chinaman will drive that class of men out. He has driven the American girl out of the kitchen; nay, he has driven all classes of people, whether American or foreign, save his own countrymen, from that class of labor on the Pacific coast.

The Chinamen monopolize every class of labor that is ready to the hand of the poor and the weak and the unfortunate of the country—men and women. More than that, Mr. President, I repeat, is the degradation that comes to labor of the presence of these people in California and other States. You can not get the high-spirited Caucasian to labor by the side of the Chinaman, although he may be willing to labor for the same wages. He never will do it. And thus the Chinese are not simply taking the bread from the mouths of our laborers, but they are compelling them to be brought up in idleness, and in vice, and in crime.

There is a fearful account to be laid at the door of every man who fails to understand this question, since it has been so publicly advertised and discussed as it has been within the last two or three years. There is a fearful account to be laid at the door of every legislator who has failed to legislate in the interest of the laboring men, not alone in California but in all portions of the United States.

Mr. GEORGE. Mr. President, I desire simply to correct a misapprehension into which the Senator from Colorado [Mr. TELLER] has fallen with reference to the scope and extent of the bill now under consideration.

The Senator said that this bill made no provision whatever for the prevention of the return of Chinese laborers from the British dominions. I will read from the bill for the purpose of showing that the Senator has made a serious mistake as to that. The first section of the bill is in the following words:

> That from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been or may now or hereafter be a resident within the United States, and who shall have departed or shall depart therefrom, and shall not have returned before the passage of this act, to return to or remain in the United States.

That language is broad and general, and refers to every Chinese laborer who having once resided in the United States had departed from the United States, whether he went to China or to any other country.

Mr. TELLER. May I ask the Senator from Mississippi if he understood me to say that that was not the case?

Mr. GEORGE. I understood the Senator to say that no provision was made in the bill to prevent the return of Chinese laborers from the British dominions.

Mr. TELLER. These laborers of whom I spoke and of whom the Post spoke have never been here. They are the Chinamen that are coming now. They have no certificates.

Mr. GEORGE. Then the criticism of the Senator is ill-timed and inappropriate. This bill does not pretend to make any provision whatever for or against the introduction of any Chinese into this country for the first time.

Mr. TELLER. That is what I said. That is all. That was my criticism of the bill.

Mr. GEORGE. It does not prohibit their coming for the first time, because by a prior law in force on the statute-book, unquestioned, there is a provision covering a prohibition for a period of ten years, which was the longest time that a Republican President would allow us to make a prohibition, that President having vetoed the twenty years' prohibition. That provision is now in force, and prohibits absolutely the coming of Chinese to this country from any quarter whatever for the first time.

This bill is a supplement to that act. It does not pretend to deal with that question, because Congress had dealt with it and there was an absolute prohibition decreed for the balance of the term of ten years remaining after the year 1884, extending to 1894. That excludes all original introduction of Chinese.

Mr. HOAR. Will the Senator from Mississippi allow me to make a suggestion at this point for his consideration and that of the Senator from Colorado?

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield?

Mr. GEORGE. If it is on that point, yes; because that is all I desire to engage the attention of the Senate upon.

Mr. HOAR. It may be an important consideration for whoever shall deal with this bill hereafter. This bill is entitled "A supplement to an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved the 6th day of May, 1882."

Those treaty stipulations are stipulations made with the Government of China, and no other; and of course an act which is designed to execute those stipulations would be interpreted in the light of the treaty. The question came up in the city of Boston and was argued before two very eminent judges, one of them Judge Lowell, of the circuit court, who is known throughout the country, the author of the Lowell bankruptcy bill, so called, not now upon the bench, a gentleman who I believe is a supporter of the present President, and Mr. Justice Nelson, of the district court, who is still upon the bench, and also a very able, learned, and intelligent judge. I would like to ask the attention of the Senator from Colorado and the Senator from Nevada to this statement.

The question was raised whether the term "Chinese," used in the existing legislation prohibiting the introduction of certain persons, described them by race, whether it was a term designating the race to which they belonged or a term designating the country to which they belonged; and those learned judges, gentlemen of different politics, held (in a habeas corpus case, I think it was) that as the act was entitled an act to execute this treaty its provisions must be construed as describing the Chinese as countrymen, as citizens of a certain empire with which the treaty had been made, and not persons belonging to a certain race, and therefore that a Chinese person who came from Canton or Hong-Kong, or whatever other place it might be in the British possessions——

Mr. TELLER. Being a British subject.

Mr. HOAR. Being a British subject, was not within the terms of this legislation. When that matter was made a subject of discussion here two or three years ago, it was misunderstood somewhat by some Senator, who adverted to this decision of these judges, and I explained it to the Senate. I stated the ground on which that decision went as I have stated it now. The chairman of the Committee on the Judiciary, the Senator from Vermont [Mr. EDMUNDS], said in his place that it seemed to him the decision of these judges was entirely right.

Mr. TELLER. Who said that?

Mr. HOAR. The Senator from Vermont [Mr. EDMUNDS]. Whether that decision is right or wrong I have not any occasion now to say.

Mr. MITCHELL. The Senator is aware that Mr. Justice Field decided otherwise.

Mr. HOAR. I understand it was decided otherwise on the Pacific coast and by very eminent judges there; but what I have to say is that in the face of the adjudication of such eminent jurists as those I have described, and in the face of the opinion expressed in the Senate of the United States by the chairman of the Committee on the Judiciary, who is also a member of the Committee on Foreign Relations, and holds an influential place in the Senate, it seems to me that the friends of this legislation would be extremely rash if they passed a new bill subject to the same doubt.

It would be pretty difficult, I suggest to my honorable friend from Colorado, to deal with the matter of the coming of persons of the Chinese race from British Columbia. They come from the British Empire. They come from the territory of a power which has very numerous subjects of the Chinese race. The presumption would certainly be, or would be very likely to be claimed, at any rate, that they were British subjects.

So the bill is not only deficient in the particular which the Senator from Colorado has pointed out, but opens also this very much larger door, or the opportunity, at any rate, to make this claim.

I beg the pardon of the Senator from Mississippi for taking so much time in the statement which I have made.

Mr. GEORGE. Very well. That draws me to a point which I had not intended to present to the Senate, but as the suggestions of the Senator from Massachusetts are very easily answered, as the doubts and difficulties which he has, whilst they might properly have arisen under the act of 1882 are clearly taken away and removed by the act of 1884,

and as it would take no time to answer him, I propose to do it simply by reading from the act of 1884. The act of 1884 at the point to which I desire to call the attention of the Senate reads as follows:

Section 15 of said act—

That is the act of 1882, and I believe I will read it now, so that the Senate may understand the pertinency of the amendment made in 1884. Section 15 of the original act of 1882 read as follows:

That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

In 1884, I presume on account of difficulties and doubts suggested by the Senator from Massachusetts, when the Senate came to amend the act of 1882 it made section 15 read as follows:

That the provisions of this act shall apply to all subjects of China—

If it had stopped there the difficulty suggested by the Senator from Massachusetts would have existed; but it goes further, and this is the material amendment of the act of 1882 which removes all grounds for doubt or dispute on that subject—

and Chinese, whether subjects of China or any other foreign power.

Under the act of 1884, notwithstanding any doubts which may have arisen under the act of 1882, it is clear that the exclusion of Chinese is not an exclusion merely of the subjects of China, but an exclusion of all persons of the Chinese race, "whether subjects of China or any other foreign power." Therefore the difficulty suggested by the Senator from Massachusetts does not exist.

Mr. MITCHELL. Will the Senator allow me just a moment to call his attention to section 6 of that same act? The Senator will find that section 6 of the act of 1884, in providing for the certificates, provides for a class of certificates which shall be issued to persons who are not subjects of China, which confirms what the Senator has just stated.

Mr. GEORGE. Very well; that is a confirmation. Now I will go back.

I did not intend to take the time of the Senate long, but the interruption, as the Senator from Massachusetts himself confessed, was rather lengthy, and as I have shown, was wholly unnecessary and was based upon a very unsubstantial and shadowy foundation, and one which has been removed entirely by the legislation of this country.

Now I come to answer the Senator from Colorado, as I was proceeding to answer him when I was interrupted by the Senator from Massachusetts. The Senator from Colorado insists that the bill now before the Senate does not exclude the original immigration of Chinese. I admit that it does not exclude original Chinese immigration.

Mr. TELLER. Very well; we do not disagree then.

Mr. GEORGE. I answer that by saying that there is in my hand an act passed by Congress in 1884, the first section of which I shall read, which does exclude the introduction originally of Chinese:

That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States.

So there was and is upon the statute-book a complete, an efficient, and a thorough provision for the exclusion of Chinese when they first attempt to come. In that act, however, in accordance with the treaty made by President Arthur, there was a provision that those who came here and went away might return.

That is the way the law stood, and that is the way the law stands now. When this proposed act was passed by the House of Representatives they found that the first or original immigration of a Chinese laborer was absolutely prohibited by law.

Mr. TELLER. For how long?

Mr. GEORGE. For the period of ten years; just exactly as long as a Republican President would allow us to make it.

Mr. MITCHELL. Ten years from the 6th of May, 1882?

Mr. GEORGE. It says ten years "from and after the passage of this act." However, that makes no difference; for the present they are excluded. So when the other House came to deal with this subject they found only one door open by which a Chinese laborer could enter the United States, and that was the door left open in pursuance of our treaty stipulations with China, left open by the act of 1882, and left open also by the act of 1884, which permitted Chinese laborers who have once come here and departed from this country to return.

That, then, was the evil. No other Chinamen could come here under the law; and when the other House proceeded to deal with this question they dealt only with the evil then existing, and provided for shutting the only other door that was left open, and that, as I said the other day, in direct violation of the treaty stipulation with China.

That, I believe, is an answer to what the Senator from Colorado said.

Mr. TELLER. Is the Senator through?

Mr. GEORGE. Yes; I am through.

Mr. TELLER. I called attention to the character of the bill for two purposes: first, to show that it did not deal with the whole subject, but more particularly to what is said to have been the pressing necessity of the bill, that Chinamen who never had been here were coming in vast quantities from British Columbia to the United States. I called attention to the fact that the bill does not deal with that subject at all, and that could not have been the moving cause, or if it was, it has certainly miscarried, and that is an afterthought. Somebody thought of that afterwards; but at the midnight conference at which this bill was arranged it was not suggested, because it had not yet appeared in the public press, and therefore that could not have been the reason why the measure was brought before Congress. I called attention to the provisions of the bill to show that the bill does not contain any such thing.

Mr. GEORGE. If I have learned anything in my profession—and I am sure that the Senator from Colorado from his eminence in it has learned it as I have learned it—it is that the object of a statute can not be made out by reading from the newspapers. The object of a statute is gathered alone from the terms of the statute itself.

Mr. TELLER. That is what I say, and that is why I complain that parties are citing the newspapers to support the reason why they want this legislation and complain of the Senate.

Mr. GEORGE. Then the Senator from Colorado, if he will allow me, complains that the House of Representatives has not squared its conduct in the passage of this bill by the outgivings of some newspapers.

Mr. TELLER. Oh, no; I do not. I understand that outside of the House of Representatives it is asserted that the bill was brought in because the Chinese were coming over from British Columbia. I say there was no such reason for it.

THE CHINESE TREATY.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the Senate as early as convenient all correspondence or communications by and with the Government of the United States concerning the treaty with China recently ratified by the Senate, including all communications which have passed between the State Department and our minister to China or any other representative or agent of the United States in China or elsewhere with reference to said treaty.

GEORGETOWN BARGE, DOCK, AND ELEVATOR COMPANY.

Mr. HARRIS. At the request of the Senator from Virginia [Mr. RIDDLEBERGER], who is absent, I submit a conference report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

H. H. RIDDLEBERGER,
ISHAM G. HARRIS,
C. B. FARWELL,
Conferees on part of Senate.
BARNES COMPTON,
JOHN T. HEARD,
Conferees on part of House.

The report was concurred in.

ADJOURNMENT.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Hampshire [Mr. BLAIR] to reconsider the vote by which the Chinese restriction bill was passed.

Mr. TELLER. I suggest that the Senator from Nevada [Mr. JONES] desires to address the Senate on this subject, and it is late, and we had better not attempt to take a vote to-night.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, September 12, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September* 11, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

LIGHT AND FOG-SIGNAL, HUDSON RIVER.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of appropriation for a light and fog-signal on the Oyster Bed Shoal, opposite the Rockland Lake dock, Hudson River, New York; which was referred to the Committee on Commerce, and ordered to be printed.

OBSTRUCTIONS ON ST. CLAIR FLATS CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers relative to obstructions to commerce on St. Clair Flats Canal, and recommending legislation granting him authority to prescribe regulations for its use; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CLAIM OF JESSE K. VAWTER.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of findings of fact in

the case of Jesse K. Vawter against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

CLAIM OF DAVID HICKS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of findings of fact in the case of David Hicks against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

GEORGE KEEL.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of findings of fact in the case of George Keel against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROMEIS, indefinitely, on account of ill health.

To Mr. WASHINGTON, indefinitely, on account of sickness.

ORDER OF BUSINESS.

Mr. FORNEY. I demand the regular order. I call up the report of the conference committee on the sundry civil appropriation bill. Pending that I ask that gentlemen having reports to make may be permitted to file them with the Clerk.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

JOSEPH VAN ARSDEL.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4763) granting a pension to Joseph Van Arsdel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA S. GLASS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11332) granting a pension to Eliza S. Glass; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LOUISA V. DE KILPATRICK.

The SPEAKER. The bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, with House amendments disagreed to by the Senate, and a conference requested thereon, has reached the stage where it is privileged; and if there be no objection, the House will insist on its amendments and agree to the conference.

There was no objection, and it was so ordered.

The SPEAKER announced as the conferees on the said bill Mr. CHIPMAN, Mr. FRENCH, and Mr. PAYSON.

COMMITTEE SERVICE.

The SPEAKER appointed Mr. TRACEY as a member of the Committee on Coinage, Weights, and Measures, and on the Committee on the Pacific Railroads.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Alabama.

The Clerk read as follows:

A bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The SPEAKER. The gentleman from Colorado [Mr. SYMES] has a portion of his time remaining, as the present occupant of the chair understands, which he reserved.

Mr. SYMES. I control something like three-quarters of an hour of the extended time.

Mr. BRECKINRIDGE, of Kentucky. By unanimous consent an agreement was reached by which a certain extension of time was allowed, and a portion of that is still under the control of the gentleman from Colorado.

The SPEAKER. The present occupant of the chair is advised by the gentleman from Missouri [Mr. DOCKERY], who has kept a list of the time, that something like an hour remains on each side.

The gentleman from Missouri, who has occupied the chair heretofore during the discussion of this bill, had better resume it.

[Mr. DOCKERY here took the chair as Speaker *pro tempore*.]

Mr. FORNEY. I yield twenty minutes of the time remaining to this side to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, the purpose of the appropriation suggested by the Senate amendment has been rendered somewhat uncertain by various suggestions on the part of different gentlemen who have occupied the floor during the discussion. It is a matter of very great importance for us to ascertain whether or not it is proposed that we are to go forward making these surveys with a view to locating the basins and reservoirs, whereupon the operations of the Government in that direction are to cease, or whether we propose, having gone thus far, that we shall go into the construction of the reservoirs and canals themselves. Now, sir, I have the opinion of Mr. Powell, who is at the head of this Survey, and who is likely to come in contact with the various individuals and to encounter the various thoughts connected with it, and who is more likely to present to us the true situation than any gentleman who has made suggestions or embodied them in the debate which has taken place on this bill. That gentleman, in an examination had before the Senate Committee on Appropriaions, in considering the very matter to which I am now calling your attention, uses this language:

Two methods have been presented, and there are two parties in Congress and two parties about the country as to the best method of utilizing that land for irrigation.

I call attention to this language, "two parties in Congress and two parties about the country." This matter of discussion is not one of mere essay. These thoughts are thrust into the legislation and legislative debate by practical men for practical purposes, and the Superintendent of the Geological Survey tells you that they debate two schemes. What are these schemes? He says:

It should first be understood that all the land within that area—that is, 14 or 15 per cent. of the country which is to be redeemed—can only be redeemed by the utilization of large capital. To build the headworks, canals, and reservoirs necessary to do this work large capital must be used. The experience of the world is very full upon that. The British system is for the General Government to irrigate in India and in other countries, but especially in India, by the General Government building the headworks, canals, and reservoirs, and taxing the people by collecting tolls. The British Government has in India irrigated about 3,000,000 acres of land in this manner within three years. The British Government, in the prosecution of that plan, has done all the work itself. It maintains the canals, reservoirs, and headworks; it employs a little army of officials who are supervisors of irrigation, and it taxes the land to pay the maintenance of the irrigation works, to pay for the supervision of irrigation, and to pay 4½ per cent. on the original plant; so that the income of the British Government from India is chiefly from tolls on its irrigating canals. The plan is that those tolls shall make an income of 4½ per cent. after paying the current cost of maintenance and the cost of supervision.

Then he recurs to the Spanish system:

The system of Spain was originally to grant to individuals and corporations the right to take out water. That is not accompanied with the tenure of the land, but it was the right to take out water and to sell water to individuals. The Spanish system did not give the land, but only the right to the water. In the main that was usually the case, but it had the further condition that after a term of years, usually thirty-nine years, but variously in different portions of the country, sometimes fifty years and sometimes even a hundred years, the right to that water was yielded by the company.

Now, if we are to regard the distinguished gentleman at the head of the Geological Survey, and persons who keep moving forward and agitating the question of irrigating the public lands we will find, as these extracts show, that they have in mind one of two systems—the British plan, which is to make the policy of irrigating the public lands afford a system of revenue to the Government by the building of reservoirs and lakes, and then by canals irrigating the lands and deriving therefrom, by a tax or toll upon the landholders, a revenue for the Government; or by the Spanish system of letting the right out to individuals or corporations by contract, that is, allowing the work to be done under contract. If this be true, and I take it that there can be no doubt, when we come to look at the case it is a grave question for us to consider before embarking upon either plan or giving our sanction to it. Permit me just here, however, to call attention to the opinion of a distinguished gentleman from the Northwest, who uses this language in this same report; I refer now to one of the Senators from Nevada.

The difficulty we meet here is utter ignorance in Congress of what we have and what we want the appropriation for. It is to survey these districts and make the reservoirs, so that irrigation will be possible, and then we can discuss how the people can manage them.

So that at the other end of the Capitol the views and opinions of the head of the Geological Survey are confirmed by one of the Senators and other persons connected with that body, which indicates that the real intent of this whole appropriation is that the Government shall itself enter upon the work of constructing these reservoirs.

Now, then, what does that mean? I read further from the report of the Committee on Appropriations of the Senate:

Q. You have told us of the cost of the surveys, the location of the reservoirs, the segregation of the irrigable lands, and the establishment of catchment districts. Suppose all that is done and completed—take for illustration the upper waters of the Missouri—what would the cost of the construction of the reservoirs and canals be, in your judgment? What would be the range of cost? You have never gone into that subject.

A. I have never gone into that; that is outside of my work. It would be an enormous sum in the aggregate.

Q. Nobody, so far as you know, has entered into any calculation of the cost of that work?

A. No, sir.

Go on with these surveys if you will, Mr. Speaker, locate your reservoirs, locate your catchment basins at a cost of over $5,000,000, and when you have made that expenditure you are told by the highest authority that we can have that it is all worthless unless you go forward and construct these reservoirs and canals by resorting to sources where large capital is to be had either of corporations or of the Federal Treasury.

Mr. TAULBEE. Will it disturb the gentleman if I ask him a question there?

Mr. BLOUNT. I will hear you.

Mr. TAULBEE. I simply wanted to ask if this $5,000,000 was for the survey and location of these reservoirs.

Mr. BLOUNT. I so stated.

Mr. TAULBEE. I did not catch that statement.

Mr. BLOUNT. My statement was that the cost of making surveys and locating the catchment basins and the reservoirs would amount to more than $5,000,000, and we are informed that after that expenditure it would all be worthless unless we went further and constructed the reservoirs and canals at an expense to the Federal Treasury, or permitted contracts to be made with great corporations and large capitalists.

Mr. TAULBEE. Whose statement was it you read?

Mr. BLOUNT. I read from the report made to the United States Senate by Mr. ALLISON, chairman of the Committee on Appropriations.

Mr. TAULBEE. What part of it?

Mr. BLOUNT. Among the other witnesses is the testimony of Major Powell, and I will read from him:

Mr. POWELL. If those catchment basins were defined—if the areas that waters could be stored were fixed and the area to which water was to be applied was determined—within one year $200,000,000 would be offered by capitalists to do that work. It is one of the most inviting investments that can be made.

By Mr. HALE:

Q. In what form would capital enter into the work?
A. To construct the reservoirs.
The CHAIRMAN. Corporations?
Mr. HALE. Would corporations construct the reservoirs for the toll they would get?
Mr. TELLER. We have $15,000,000 invested in irrigating ditches in Colorado.
Mr. POWELL. You have I do not know how many bills before the present Congress asking for those rights. The capital of this country is ready to be poured right into that work.

The Superintendent of the Geological Survey declares that we have a great number of bills pending before both bodies of Congress in the interest of corporations for locating these reservoirs to make the contracts for the purpose of furnishing water to these lands.

Now, Mr. Speaker, it has been stated in the course of debate that at this very session, during the month of May, a joint resolution had passed Congress providing for a topographical survey of the section in question. That joint resolution, I apprehend, attracted very little of the attention of this House or the Senate or the committees which respectively recommended it to the several bodies. Why do I say so, sir? Simply because the law now provides for that very thing; simply because by virtue of the law existing prior to the passage of that joint resolution more than $1,000,000 have been expended in the very line indicated by that resolution. In this same paper from which I have quoted, Mr. BECK asked:

Q. What do those large blue blocks indicate?
A. That is the survey which has been already made. We have already done something.

By the CHAIRMAN:

Q. What is the nature of that map?
A. It is topographical and geographical both, but for the purpose here, topographical.

By Mr. HALE:

Q. Bearing upon the question of irrigation?
A. Yes, sir.

By the CHAIRMAN:

Q. What are those yellow lines?
A. [Indicating.] That is work which was done by Wheeler; that by Hayden, and this by Clarence King, where we have rough maps of the country comparatively, but where a part of the work is already done.
Q. Is the topography all done?
A. The topography is not done sufficiently; it is done for the general map of the country, but not for all the irrigable districts.
Mr. TELLER. That is, you mean, in King's work.
Mr. POWELL. In King's work.
Mr. STEWART. Is the work which has been done in such shape that in laying the topography it is sufficiently definite, so that you can connect your work and show where the reservoirs, etc., ought to be made?
Mr. POWELL. I shall come to that directly. All the blue area I have mapped and colored on the map is irrigable area, as you see, one about Salt Lake City [indicating].

By Mr. HALE:

Q. What does the red represent?
A. The irrigable areas.

Sir, I might go on with quotation after quotation from this report showing that a very large area has already been surveyed with the view of locating the catchment basins and reservoirs as proposed by this appropriation.

Then, sir, there is nothing in the passage of that resolution which binds this Congress *de novo* to the inauguration of a system of topographic surveys.

Mr. SMITH, of Arizona. Can the gentleman tell us where that survey to which he refers was made?

Mr. BLOUNT. I will hand the gentleman the paper. He knows that I have not time to stop and investigate the matter for him.

Mr. SMITH, of Arizona. I thought you knew where the survey was made.

Mr. BLOUNT. Why, then, Mr. Speaker, is this increase of appropriation made? Is it to facilitate the work of those surveys? That is all that can come from it. There are some of us, Mr. Speaker, who have felt that one of the greatest wants of this country was the reduction of taxation, that our people were carrying in time of peace a burden belonging to the war period. There are some of us who have felt that if the rates of taxation are to be reduced there should be a corresponding effort on the part of legislators to aid in that purpose by economy in Federal expenditures. Sir, he who thinks that he can waste the public treasure and reduce the taxation of the country at the same time, deceives no man save himself. I hold in my hand volume 20 of the Statutes at Large, providing for the Geological Survey, and consolidating various other surveys, for the purpose, as was alleged, of economizing expenditures in that direction.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BLOUNT. I should like to have ten minutes more.

Mr. FORNEY. I yield the gentleman ten minutes.

Mr. BLOUNT. Mr. Speaker, at the time this consolidation was made the expenditures for the Geological Survey were $106,000, and the head of this bureau himself was the chief advocate for the consolidation on the ground of economy, and yet from $106,000 in 1880 the expenditures of this survey have gone on increasing until they reached in the last fiscal year $675,240.

The sundry civil bill which the House passed at this session provides for the continuation of the various surveys, this topographical one among the others, at a cost of $677,000. Not content with that the Senate has added $250,000, and now, if this amendment shall be agreed to by the House, we shall have an appropriation in this bill for the Geological Survey of $927,000. I repeat, the expenditure for this purpose has gone up from $106,000 in 1880 to $927,000 if this amendment shall become a law. Sir, there is no branch of the public service along the whole line where expenditures have grown with such vigor and extravagance as in this particular bureau. But the same tendency is found in all Departments and bureaus. Take the Fish Commission, which fourteen years ago was expending only $15,000 or $25,000, we find that it now expends $400,000.

I might go on and enumerate others to illustrate the way in which, gradually yet rapidly, we have increased the expenditures of the Government, and I say that this very Congress, these very honest gentlemen right around me, and myself as culpably as any, have permitted expenditures to be increased to an unwarranted extent, while at the same time we have been preaching in favor of reducing taxation. Now, the people will not be deceived by this. In every man's affairs, Mr. Speaker, there is but one way of reducing expenditures, there is but one way of economizing, and that is by doing it.

You can theorize as much as you please about your private bank account, what the balance ought to be; but unless you forego certain expenditures your theories and your calculations are silly. I well remember that in the Forty-fourth Congress, when the work of reducing expenditures was undertaken by the Democratic majority in this House, a distinguished gentleman, a man of honor and of high character, a man of public spirit, a man of large knowledge of public affairs, who afterwards became Vice-President of the United States, and who has now passed away from the stage of action, Mr. Wheeler, of New York, sympathizing with the disposition of the majority of the House at that time in the matter of reducing public expenditure, said:

The heads of Departments will not help you to reduce; the bureaus will not help you to reduce; no man having charge of the expenditure of these funds will help you; the only way to reduce expenditures is to reduce them.

And unless this side of the House has the nerve to make expenditures on a moderate scale, keeping in mind the purpose of reducing taxation, the judgment of the country upon us will be one of scorn and contempt.

Mr. Speaker, we have been entertained by some gentlemen who indulge themselves in literary researches, and who have gone back into centuries past and told us what Egypt and China did, what Spain and France and various other countries have done in reclaiming desert areas and improving the public lands. Asia, with her deserts, with her crowded population, ignorant, starving in vast numbers, Spain, an old, wornout dynasty, with restricted territory and crowded population, Italy and other countries with like conditions, are held up as the examples for our guidance. Sir, I feel thankful that I have been born in a land where nature has been bountiful in supplying us with cheap lands sufficient for our people for centuries to come, so that we need resort to no schemes of taxation like the English system, charging tolls for water. Nature has so provided for us that we need not resort to the system of Spain by putting this supply in the hands of corporations, to be doled out to the people. We have millions of fertile acres for the laboring classes to resort to, in an agreeable climate with abundance of water, and all the favorable conditions for human life and human happiness. We have a people who are not pushing forward to desert lands, but who are bearing a system of taxation which could not have grown up except in a state of gigantic civil war.

From a consideration of the desert lands I turn to the pledges this side of the House has made in the matter of expenditure; I turn to its pledges in behalf of reduction of taxation, and I beg my associates on this floor that, if their record as a party, if their proclamations to the country are not silly mockery, they will observe moderation in voting away the public money.

Will you say that the proposed expenditure here is but $250,000? Sir, the great bulk of our expenditures is made up of little items. It is by the aggregations of details that your millions are piled up and

your high rates of taxation made necessary. Unless we can get down to the consideration of these matters in a business-like way, the record we shall make will be anything but creditable or attractive.

I have heard the argument here that we should not count dollars, that we should have broad ideas, should take in the whole country, should feel that there is no limit to the public resources. I have high respect personally for gentlemen who utter these sentiments; but I must say that such is the cry we have heard from corporations and subsidy-hunters of every kind, as they infest this Capitol. They are the leaders in this cry, as heard here and in the press all over the land. The plain laboring people have no sympathy with such a sentiment; and though I may have the misfortune not to be classed with those gentlemen of large ideas, I prefer so to act as to keep myself in sympathy with the great masses of the people who have to economize in order to maintain themselves, and who are asking for a reduction of taxation. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. SYMES. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, if I understand this amendment, it seeks to accomplish two things which are to my mind of great importance. The first is to expend a small sum of money (I do not care if you make it smaller—I would as soon have an appropriation of $25,000 as $250,000) in commencing the survey of sites for reservoirs in the mountains, looking to some time in the future when either by the Government or by private citizens under the authority of the Government, measures shall be taken to irrigate the land. That is one branch of the question. The next branch, and by far the most important—in fact the important proposition of this amendment—is the reservation, now at the time of the passage of the law, of lands that may hereafter be needed at any time for reservoirs or for irrigating canals, and all lands that may be irrigated by virtue of the establishment of reservoirs hereafter.

Mr. ANDERSON, of Iowa. Would it not be practicable to make a reservation of these locations suitable for pooling or reservoir purposes, so as to save them from the hands of speculators according to the talk we have heard here, without any appropriation whatever?

Mr. CANNON. Oh, certainly. So far as that is concerned, I have no doubt it is practicable. The conferees would understand that as the House understands it. I have no objection to a small appropriation to commence these surveys now; I think perhaps such an appropriation would be wise. But that is a matter of but little importance. The main thing is the reservation. Otherwise, as we are told by gentlemen here, and as I believe from my little knowledge of the Western country, these sites will be taken up under your land laws in one way or another by private speculators; and in that event those who are to follow us will turn round and condemn us for our want of wisdom and prudent legislation.

Mr. Speaker, I have heard much of economy. I have heard much of objection from one standpoint and another. One gentleman says that this proposed measure will not stop the floods of the Mississippi; another man says it will be expensive. I do not know whether it will stop the floods of the Mississippi or not. I live in a district which, so far as I know, has never had one dollar of money expended in it for any public improvement of any kind. I think I represent an intelligent constituency; and when gentlemen seek to oppose this proposition by attacks such as the gentleman from Alabama indulged in, they should recollect that this country stands or falls as a whole. As well might a citizen or a Representative living a thousand miles inland say that we shall have no coast fortifications, no river and harbor improvements, that there shall be no money expended to protect the people directly or indirectly in what is soon to be an empire along the great Mississippi Valley. I have no such narrow-minded constituency, thank God! No man can journey over that Western country and see something of the great watershed and the great mountains and the vast stretches of land—the best land anywhere, if you can put water upon it—without feeling that it is the part of statesmanship to take a step of this kind now, whether it costs $10,000, $500,000, or $5,000,000.

There will be people who believe these reservoirs are a great national object, necessary for the Government to take hold of. If we do not make the reservations people who follow after us will have to remove the hand of monopoly from the key of the situation. Go along the rivers out West now, and under the land law you find the monopolist and speculator owning the water privileges. If we had had proper legislation that would not have been the case.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. CANNON. I ask the gentleman from Colorado to yield me a few minutes longer.

Mr. SYMES. Certainly.

Mr. CANNON. Now, Mr. Speaker, I was surprised to see my honored friend from Georgia [Mr. BLOUNT] rise in his place and discuss this question not on its merit, as he is competent to do, and I have great respect for him, but he flew off on the question of expenditure. Oh, my friend, the people of this country are not afraid of the expenditure of money for great national objects, honestly and justly made. That is the kind of expenditure they want. They are not afraid of taxation to raise money for such expenditure.

But I will say to my friend that you can draw a broad line of distinction between expenditures of this class and expenditures I am sorry to say this and the last Congress have made for mere increases of salaries, and mere increases of official place—the mere swelling of great Departments like the Post-Office Department, I think under the lead of my friend from Georgia, in many cases unwisely and extravagantly done. That is the kind of expenditure they object to. They do not object to proper expenditures from one ocean to the other or from the northern to the southern boundary. They are a liberal, wise, and far-seeing people. When you look over these multiplied millions of acres, from fifty to a hundred millions of acres, which can be reclaimed, if not in our time, in that of our children or grand-children if we make these reservations and make them now, I say that it is almost akin to a misdemeanor on our part to fail to do it. [Applause].

[Here the hammer fell.]

Mr. FORNEY. I now yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I wish to refer to the subject of our expenditures, to which my friend from Illinois [Mr. CANNON] referred a moment ago, for a single purpose, and that is to call attention to the rapidity with which we are enlarging the expenses of Government in every new field that is suggested, and if possible to recall to gentlemen on this side of the House the fact that whatever may be the view of the gentleman from Illinois as to the indifference of the people on the subject of taxation and expenditure, there is a portion of the people of the United States, and a large portion of them, who do not desire to bear unnecessary taxes or to see their hard earnings applied on questionable objects.

In the first session of the Forty-fourth Congress, a Congress in which was laid the foundation of whatever measure of success the Democratic party has achieved from that time to this, the appropriations of the public money for scientific surveys were as follows:

West of the hundredth meridian under the War Department: Lieutenant Wheeler, $.0,000; under Professor Hayden, $65,000; under Major Powell, $30,000; in all, $125,000.

At that time I admit there was no surplus in the Treasury.

We appropriate more than $400,000 for the scientific surveys for the present year. The country demanded economy then as I think it does now. While it was easy to be economical at that period it is possible for Congress under the present state of the Treasury to so enlarge the field of expenditures as to render economy in the future practically impossible. And I trust gentlemen who feel an interest in taxation and economy will bear in mind the parties in this country are to test their theories of government and the honesty of their professions with a lavish and corrupting abundance of money in the Treasury. The surplus in the Treasury will test the sincerity of our professions.

I am not complaining of the appropriations for these scientific surveys. Public opinion seems to demand that they shall go on, and there is no doubt that under the direction of Major Powell, a gentleman whose attainments and standing in the world of science is a source of just pride to the whole country, the work is being well performed.

But, sir, the main purpose I have in addressing the House is to call the attention of the House, and especially the gentleman who introduced this proposition [Mr. BRECKINRIDGE, of Kentucky], as well as the gentleman from Colorado [Mr. SYMES], who, as I understand, formulated it, as to the effect of the pending measure. The point in the amendment to which I wish to call the attention of the gentleman from Kentucky and the gentleman from Colorado is as follows:

That all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforth hereby reserved from sale, as the property of the United States, and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law.

I do not understand clearly the meaning of this language:

And all the lands which may hereafter be designated, etc., are from this time henceforth hereby reserved, etc.

The language here, it will be observed, is "which may hereafter be designated." My friend from Colorado will see at once that this provision does not preserve an acre of this land from entry under the desert-land law or any other land law unless it is intended to vacate entries made before the land is designated. It has only the effect of withdrawing from sale lands that shall have been designated as sites of reservoirs and canals, etc., and lands which will be benefited by virtue of the reservoirs and canals through the system of irrigation proposed after the fact of their being benefited is ascertained. I would like to ask the gentleman from Colorado if that is the purpose of the amendment, that the lands are only set apart or reserved after being "so designated?"

Mr. SYMES. It is not; I will state the effect of the amendment——

Mr. HOLMAN. I hope my friend will be very brief, as I have but a few moments.

Mr. SYMES. I will not take a moment.

The amendment was drawn as an improvement or modification of the

Senate amendment in that particular regard. There was considerable debate in the Senate as to whether this amendment would, *in præsenti*, or from this time forth, reserve the lands where reservoir sites should be located under this provision; and Senator REAGAN and others offered amendments for that purpose.

After they had fixed the amendment up in the Senate and it had come to the House I scrutinized it very carefully, in connection with other gentlemen, and have drawn the amendment which was offered by the gentleman from Kentucky for the particular purpose of reserving from this time forth the lands which should be selected as the sites of the reservoirs——

Mr. HOLMAN. And that is intended to be the effect of this language:

> And all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals, etc., are from this time henceforth hereby reserved from sale, etc.

Does the gentleman mean that after the passage of the act these lands shall be reserved from sale; that is, all lands which shall be ultimately designated as necessary for the canals, reservoirs, and ditches, shall not be subject to entry?

Mr. WEAVER. It was to except just such lands from entry and sale.

Mr. HOLMAN. Then it is intended to have a retroactive effect; its operation being to take from persons who may have entered lands which shall be found embraced in such sites, or benefited by irrigation during the interim and while this survey is being made, the lands on which they may have entered?

Mr. SYMES. If the gentleman will permit me I will state in brief that there was some objection to the amendment I drew in the first instance, reserving all lands which might become susceptible of irrigation by means of the reservoirs. That language may be modified by the Senate conferees, and after consultation I am satisfied that it can be made acceptable to them.

Mr. HOLMAN. If the gentleman will allow me to interrupt him, I would like to ask this question: Does the gentleman intend hereby that all lands hereafter, at any time hereafter, that may be found necessary for the sites of the reservoirs, canals, or ditches, or that may be made valuable by irrigation through such sources, shall be reserved from entry, and that entries made hereafter in the interval shall not be operative?

Mr. SYMES. That is the intention of the amendment and its effects as it now stands. I know that the Senate conferees will agree to the first part of the amendment; that is to say, from now on all lands selected for reservoirs, ditches, or canals shall be absolutely reserved, and that if A, B, or C in the mean time locates upon them that he shall be subject to be dispossessed, if the sites are necessary for such purposes.

Mr. HOLMAN. I supposed so.

Mr. SYMES. And so far as it relates to reserving all the lands, that of course may be modified.

Mr. HOLMAN. In view of this explanation I wish to say only this: That the Committee on the Public Lands have considered the propriety of withdrawing from entry the desert lands, except those entered under the homestead law.

Mr. SYMES. Will the gentleman pardon me a moment? I wish to say that I wrote that amendment in order to give the Committee on the Public Lands an opportunity to legislate upon the subject hereafter at the next session of Congress, and I wrote it because they had failed to introduce practical legislation on the subject up to that time.

Mr. HOLMAN. I was saying that this subject had been before the Committee on the Public Lands, and the question whether or not it would be desirable to suspend all laws authorizing the disposal of the desert lands until further legislation was secured. That legislation can be had at a comparatively early day. I think the present House land bill now before the Senate would accomplish it in a general way, and that a law covering the whole field I think can be carried through Congress during the present term, though possibly not during this session. It is a measure of great importance.

But what is going to be the effect of a permanent withdrawal, not for a year, until legislation can be had upon the subject, or for two years, but for five years, of these lands? It should be remembered that this survey alone is to extend through a period of five years at least at a cost of over $5,000,000; and in view of the uncertainty of the time, it would be very unsafe for gentlemen to assume that the topographical survey of the lands would be accomplished in the five years, as suggested. It may probably occupy much more time than that, during which the entries of lands under the desert-land law and the homestead law would be prohibited absolutely. Now, that brings me to consider this point: are gentlemen aware of the rapidity with which these so-called desert lands are being taken up and improved under the present laws by private enterprise?

My friend from Kentucky [Mr. BRECKINRIDGE], the gentleman from Colorado [Mr. SYMES], the gentleman from Illinois [Mr. CANNON], and others who have discussed the subject, assume that here is an enterprise where the individual citizen counts for nothing, that you must depend upon the Federal Government to take the initiative steps, at least to make the surveys. These gentlemen, I take it, will be surprised if they would examine the records of the General Land Office, which shows that since the passage of the act of 1877, known as the desert-land laws, entries have been made to the extent of 922,900 acres of land in Colorado, and more than 1,600,000 acres in Wyoming, and more or less in other States and Territories. Since the 3d of March, 1877, there have been entered of lands under the desert-land law alone 5,564,607 acres. I present the following table, prepared at the General Land Office, which shows how much desert land has been entered under the desert-land law alone in each State and Territory:

Number and area of original and final desert-land entries from the passage of the act of March 3, 1877, to June 30, 1888, by States and Territories.

States and Territories.	Original desert.		Final desert.	
	No.	*Acres.*	*No.*	*Acres.*
Arizona	1,392	571,676.79	108	42,358.71
California	2,505	922,901.16	283	84,241.36
Dakota	35	20,021.00	1	300.00
Idaho	1,659	458,386.24	353	88,871.00
Montana	2,469	876,029.74	760	224,782.63
Nevada	566	162,012.37	106	26,740.25
New Mexico	893	246,555.02	76	19,099.20
Oregon	481	139,071.09	126	39,802.33
Utah	2,565	513,319.06	475	80,915.91
Washington	205	53,658.62	43	5,891.98
Wyoming	4,051	1,600,975.92	1,060	417,924.76
Total	16,821	5,564,607.01	3,391	1,030,928.13

Now, gentlemen must not assume that. Under laws which have been in operation for eleven years, and which up to this time have not been satisfactory, 5,564,607 acres have been patented, for the entries in many cases are not yet matured. But see, gentlemen, how rapidly during the period of five years or more, while your surveys are in progress, private enterprise would enter that field, open up these lands and cultivate them, as shown by the table I have presented. Gentlemen are aware of another fact. Congress declared forfeited in the Forty-eighth Congress the grant of land to the Texas Pacific Railroad; and yet there are bills being pressed upon our Committee of Public Lands for refunding to a large body of settlers on the alternate sections of that land $1.25 an acre, for they paid $2.50 an acre for it. According to my judgment (and I have passed over the ground) almost the entire grant to the Texas Pacific would be designated as desert lands. Yet portions of these desert lands have been entered at $2.50 an acre, and are still being entered upon at that price.

Mr. SMITH, of Arizona. Is not that confined to portions of the country where there are small streams from which irrigation can be obtained?

Mr. HOLMAN. That may be.

Mr. BLAND. I would like to know of the gentleman from Indiana what information his committee has on one point that I have not heard discussed here in reference to the location of the reservoirs on these desert lands. The main question is as to the reservation to the Government and to the people of the great water supply in the cañons, in the streams, and all the sources of water for irrigation. I think that is more important than the land itself, because that will determine whether or not it ought to be reserved from entry and sale.

Mr. HOLMAN. I agree with my friend upon that. The bill which passed this House long ago and which is in the Senate contemplates reaching that object. My friend from Iowa [Mr. WEAVER] offered an amendment, and I hope that that amendment will ultimately be modified and adopted, so as to extend its operations more completely to the desert lands; yet there are two exceedingly important provisions in that which would render monopoly of the water courses absolutely impossible.

Mr. BLAND. That simply relates to the quicksand streams in that country.

Mr. HOLMAN. It applies to all.

Mr. BLAND. That water that trickles along down the mountain sides, the little cañons, the rains and water from the snows on these mountains, and that all ought to be reserved.

Mr. HOLMAN. The proposition of the gentleman from Iowa and the two provisions in the land bill which passed the House seek to accomplish the object desired by my friend from Missouri [Mr. BLAND].

I wish to add that there is nothing so indefinite as the term "desert lands." There are vast regions of country, as gentlemen are aware, in the eastern part of Colorado and the western portions of Kansas and Nebraska which twenty-five years ago would have passed under the designation of this bill as desert lands that are now covered with prosperous farms—not limited areas, but wide, extended districts of country. But the atmospheric changes which have occurred in those regions by opening up the prairies by cultivation will not take place, I admit, in the vast region of country lying farther to the west.

The question I wish to present is, are you prepared on such slight investigation as we have had, such hasty inquiry and such partial knowledge of the facts, to stop the private enterprise which in a comparatively short period of time has already entered over 5,000,000 acres of this so-called "desert land" and is transforming them into

prosperous homes? Will you on such slight data suspend private enterprise in that vast region? Will you take from your people the works they are doing so well and place it under the paternal care of the Federal Government?

While the Government by the expenditure of millions is adopting some general system of irrigation, private enterprise would open up as prosperous homes and cultivated fields millions and millions of acres of these so-called desert lands; past experience demonstrates the truth of this.

Mr. SMITH, of Wisconsin. By the homesteader?

Mr. HOLMAN. Yes, by the homesteader. The bill which has passed the House opens up the desert lands to homestead entry, and thousands of homes now exist on lands embraced in the definition of "desert lands."

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. COX in the chair). The time of the gentleman has expired.

Mr. HOLMAN. How much time had I?

The SPEAKER *pro tempore*. The gentleman had to 1 o'clock and 13 minutes.

Mr. HOLMAN. I ask the gentleman from Alabama [Mr. FORNEY] to give me further time.

Mr. FORNEY. I yield to the gentleman further time.

Mr. WEAVER (to Mr. HOLMAN). Do you think there is any prospect of the Senate passing the bill the House passed?

Mr. HOLMAN. The bill, I feel sure, will pass during the present Congress, but I do not say it will pass during this session. And it will accomplish a great deal that is sought to be accomplished by this measure. It will prevent the monopoly of your water courses; it will prevent the monopoly of your coal fields; it will prevent the monopoly of your public lands.

But, Mr. Speaker, in the very short time that is left me I ask this House to pause in legislating upon this subject until they have facts before them upon which they can safely act. I sympathize fully with the object of this measure. There never has been any measure proposed promising to increase the number of homes for our people that has not had my heartfelt and earnest sympathy. But I want to know a good many things before I vote for this proposition. With the facts fully before Congress I shall hope to see proper legislation having in view the reclamation of such desert land as private enterprise can not reach. In doing so, however, I shall take into account the extent to which private enterprise may be able and willing to open up that country without Government aid.

Whatever private enterprise can accomplish is far better than that which results from Government action, if for no other reason, because it secures the final benefits to the persons who are really entitled to them. Before I vote for this or any similar measure I want to know how we are to provide that the benefits which shall flow from it and the increased wealth which it will ultimately create shall result in securing for the great mass of the people an additional territory upon which they can secure homes, instead of enlarging the fortunes of a few men at the expense of the whole people.

I have never known an artificial system devised and fostered by Government that did not ultimately result to the advantage of the few instead of to the benefit of the many. Your grand expanse of prosperous homes is the outgrowth of simply just and equal laws. I want to know how this measure will affect the enormous land grants that have been made to railroad corporations. This is one of your grand schemes for enlarging by artificial methods the public wealth, and it has blighted vast regions of your country with the curse of land monopoly. I want to know what its ultimate effect will be upon the vast grants which you have given to the Southern Pacific Railroad corporation, whose road traverses one of the largest "desert" fields in the country. I want to know to what extent it will increase the wealth of the few men to whom you have given millions of acres of land, large districts of which are so-called desert land, and which are still held by the Atlantic and Pacific Railway corporation. I want to see what will be the effect of this measure on the empire of public land which you granted to the Northern Pacific and which the Senate up to this time refuses to restore to the public domain. I want to see how far it will benefit and enlarge the wealth of that other great beneficiary of this Government, the Union Pacific system of corporations, to which you made such liberal grants of the public domain, and Government bonds, which have resulted in piling up wealth in the coffers of a few men to an extent and by a policy hitherto unknown in the history of governments. I want to see what will be the effect of this measure in enlarging the wealth of all these great corporations at the expense of the people before I enter upon it. I want Congress to understand more fully than now how far private enterprise has grappled and can grapple with this problem of desert lands. I wish to see, sir, how far these lands when reclaimed can be secured for homes for our people.

These, Mr. Speaker, are some of the aspects of the question which I hope this House will consider before entering upon any definite system of legislation upon this subject.

I expect, with the approval of your Committee on Public Lands, to ask the House, on the day after to-morrow, to consider a bill to suspend the desert-land law for the time-being, and to suspend all your land laws except the homestead law and the mineral land law, at least until the pending land bill shall be finally acted on. With that measure the law we can safely postpone this measure until full information is obtained.

Mr. BLOUNT. Will the gentleman permit a question?

Mr. HOLMAN. I have only a few minutes left, and I want to make one additional remark. I very cordially indorse the views so glowingly and eloquently expressed upon this floor yesterday by the gentlemen representing the Territories of Arizona [Mr. SMITH] and Montana [Mr. TOOLE]. I have watched the growth and development of our great Territories from year to year for many years past, and nothing in that development has gratified me more than the steady growth in the intelligence, capacity, and high character of the gentlemen who have successively represented these great Territories Congress after Congress upon this floor. [Applause.]

I sympathize with the views which were expressed here yesterday by the representatives of the Territories. I was delighted with the enthusiam and confidence in which those gentlemen spoke of their respective Territories. What I said upon the subject of homes on a former occasion, and to which my friend from Montana referred, was said in the same spirit in which I have submitted these few remarks this morning. What I fear is that this measure, this artificial plan of Federal legislation for the enlargement of the public wealth, will result, not in enlarging the number of freeholds and homes for the benefit of the great mass of the people, but in increasing the wealth and estates of the few.

In view of our past history I distrust this kind of legislation. I hope that we shall not take any positive action upon this subject until we can see more clearly the practical results that will follow. My friend [Mr. SMITH, of Arizona] dwelt eloquently upon the subject of homes for the people, and while he was speaking so eloquently of homes I could not but recall in memory from the long ago the language of a poet who wrote in a different clime, but whose ideal realm could only be realized in this blessed country of ours.

This land of cheerful and prosperous homes could only fill the ideal of the poet. The poet said:

There is a land, of every land the pride,
Beloved by Heaven o'er all the world beside;
Where brighter suns dispense serener light,
And milder moons emparadise the night;
A land of beauty, virtue, valor, truth,
Time-tutor'd age, and love-exalted youth;
The wandering mariner, whose eye explores
The wealthiest isles, the most enchanting shores,
Views not a realm so bountiful and fair,
Nor breathes the spirit of a purer air;
For in this land of Heaven's peculiar grace,
The heritage of nature's noblest race,
There is a spot of earth supremely blest,
A dearer, sweeter spot than all the rest,
Here woman reigns; the mother, daughter, wife,
Strews with fresh flowers the narrow way of life;
In the clear heaven of her delightful eye,
An angel-guard of loves and graces lie;
Around her knees domestic duties meet,
And fireside pleasures gambol at her feet.
"Where shall that land, that spot of earth be found?"
Art thou a man?—a patriot? look around;
O, thou shalt find, howe'er thy footsteps roam,
That land thy country, and that spot thy home!

Mr. Speaker, gentlemen must pardon me for recalling this scrap of a grand poem, for I think it is my first offense. From the beginning of my career in this House I have taken a lively interest in the subject of dedicating forever the public domain, that source of all the wealth and greatness of the nation, for homes for our people. I believed in the beginning, as I still believe, that the distribution of that vast body of wealth among our people in the form of independent freeholds was the only measure that would guaranty to the people of the United States the permanence of their free institutions.

My mind has been directed to that subject more than any other; my whole heart has been in it; and I assure the gentleman from Arizona [Mr. SMITH] that no words shall ever fall from my lips the purpose of which is not to enlarge to the greatest degree possible by the employment of the public resources the number of the independent and prosperous homes of the people of the United States. These homes are the bulwark of our free institutions, while land monopoly is their deadliest enemy.

Mr. SYMES. I yield five minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I appreciate very highly the eloquent remarks of the gentleman from Indiana [Mr. HOLMAN], for I know that he has been sincerely and energetically working for a number of years in the direction indicated. And I can say without ostentation that I have for the past ten years, in season and out of season, been doing what I could in my humble way to attract the attention of the American people to the importance of this question of homes for the people. But, sir, we know it is true that at this time the speculator is acquiring large areas of our public demain. Just at this juncture in the history of the country it has become apparent to that class of men that the great area, 1,000,000 square miles, of what is now known as our arid

desert land will soon have to be occupied as homes by our people—must be covered with an industrial population, and that irrigation must be relied upon to make it fruitful and inhabitable.

Knowing this, the speculators are to-day investing in that portion of the public domain in the arid region which must be used hereafter as sites for reservoirs upon which to store the surplus water which falls upon that country in certain seasons of the year. It was my understanding that the amendment now pending was directed to the preservation of that portion of the public domain, not to the withdrawal of all the desert land from entry hereafter. I think that if the amendment is as comprehensive as is indicated by the gentleman from Colorado, it should be modified so as to reserve simply that portion of the desert land which must be occupied or devoted hereafter to the storage of water for purposes of irrigation. I am not clear that we ought to go further than that.

Mr. SYMES. That is as far as the amendment will go with the amendment which I propose to offer.

Mr. WEAVER. But, sir, the necessity is very urgent that we should reserve at this time that portion of those lands which I have indicated. If this Congress should fail to act, the speculators of the country who are now awake to the necessities of the future will certainly before the assembling of another Congress gather up millions of acres, including nearly all the sites for reservoirs. Let the present amendment reserve that and reserve also the right of way for such ditches as it may be necessary to construct hereafter. Then let the appropriation be very moderate at present, for the purpose of obtaining the information necessary to a proper understanding of this great project, and I shall feel that a great public good has been accomplished.

Let me say one word further, Mr. Speaker, in reply to the honorable gentleman from Mississippi [Mr. MORGAN], who seems to think that no man can tell what effect this system is likely to have upon the flow of water in the Mississippi River and its wonderful western tributaries. The fact that Major Powell said he could not say what would be the effect is evidence of the conservative character of his mind. It is impossible to make even an approximate statement of that kind. But, sir, I have lived long enough in the West to know one thing—that an uncultivated prairie is a watershed. The surplus water which falls upon it is precipitated into the streams in torrents, creating tremendous floods, while a cultivated prairie is a sponge, absorbing the water that falls upon it, and then it trickles into the adjacent streams by slow degrees and breaks forth in beautiful springs to refresh the country; and thus the floods are stayed. Sir, this is a great and good undertaking. A blessing is promised to him who gives even a cup of water to a thirsty soul. This seeks to give fountains and springs and lakes and fruitfulness to millions of people. The Good Book tells us that the Great Law Giver will "cause the wrath of man to praise him, and the remainder he restraineth." We want to cause the floods to serve the people, and to restrain the remainder. I am for the amendment.

[Here the hammer fell.]

Mr. SYMES. I yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, the amendment proposed by the gentleman from Colorado ought certainly to be adopted, if any appropriation at all is to be made for this purpose. I do not think, however, that $250,000 ought to be appropriated; $50,000 would be sufficient. But whatever appropriation may be made should be accompanied with that amendment. Any one who has lived any length of time in those mountain ranges is aware of the importance of water as well as timber. In the mining regions of California great water privileges went into the hands of monopolies; and that is what is taking place in those mountain ranges to-day. All that I think Congress ought to do in this regard is to reserve from public sale those mountains themselves, with the springs and little brooks trickling from them, so that the people of this country through the Government may have control of the great water supply, and that it shall not be permitted to go into the hands of individuals or private corporations for speculation.

That far we ought to go; and that far I am willing to go. That does not mean, Mr. Speaker, that we commit this Government to a grand scheme of opening up that country by appropriations of money, but it does mean that we reserve to the Government the power of opening up the water and the timber of that country to those who may enter upon those lands and desire the use of the water and the timber under such regulations as the Government may prescribe. We do this with regard to timber now; why not with regard to water? If a corporation desires to go upon any of the watersheds in those mountains to locate a cañon down which is trickling a little stream all the year round, or a spring that may be worth in the future millions of dollars, let the location be made under certain conditions prescribed by Congress, so that the people who may hereafter settle that country shall be entitled to the use of such water supplies and at a figure which will make it possible for them to enjoy that use. Unless this be done, the same thing will happen in regard to those agricultural lands which occurred in California in the early days with regard to mineral lands when all the water privileges were located and held by private corporations as monopolies, so that the miner had sometimes to pay all that his mine was worth for the privilege of obtaining water with which to work it. This amendment, contemplating, as I believe it does, the reservation of those mountains and the mountain streams, springs, or other supplies of water, ought to accompany this appropriation if it is made at all. I approve of the object, and think this a great, patriotic, and statesmanlike step to be taken.

[Here the hammer fell.]

Mr. SYMES. The other side have more time remaining than we have, and we should like to hear from them.

Mr. O'NEILL, of Missouri. I do not think there is any opposition.

[Cries of "Vote!"]

Mr. FORNEY. We are ready to vote. [Cries of "Vote!"]

The SPEAKER *pro tempore*. If no gentleman desires to discuss this proposition further, the Chair will submit the question to the House.

Mr. SYMES. I will yield for five minutes to the gentleman from California [Mr. VANDEVER].

Mr. VANDEVER. Mr. Speaker, the few words I desire to say are upon one point, in reference to conducting waters from the mountains to the thirsty plains below, which has not yet been referred to. We people who live over in that country where these thirsty plains abound have much keener appreciation of the question involved in this proposition than those do who live in a country where there is an abundant rainfall and where the great question of irrigation is but little considered.

I say in this connection, the water brought to the plains directly from the mountains possesses far greater fertilizing properties than rain from the clouds. Water brought from the mountains and distributed upon these plains produces a good deal the same effect that waters of the Nile do upon that great and prolific valley. The water carries in solution from its mountain sources mineral properties which when spread over the land enrich it and add to its productiveness. We have an illustration of this in our own country. Go to-day into the valley of the Rio Grande; you find there parcels of land about Albuquerque or Mesilla which have actually been in cultivation year after year without interruption for the last five hundred years, and not the slightest diminution in their fertility. It arises from the fact it is vitalized by the water coming from the mountains bearing minerals in solution, which, spreading over the fields, replenish as well as irrigate them.

It is one important property of mountain water brought down upon the desert plains of California, Colorado, or any other portion of the country and distributed; it stimulates and enhances the fertility of the soil and increases its productiveness to an astonishing degree. It is one of the marvels of irrigation. There is no land reclaimed that is equal in productive qualities to that land which is fertilized by the overflow of mountain streams.

My friend from Iowa [Mr. WEAVER] has seen fit to quote from the good book, and I wish to call his attention to that psssage where it speaks of "the rain that cometh down and the snow from heaven." It is the snow which comes down from the summit of these mountains by a wise order of Providence, which seems designed to be held as a supply for a time of drought; and then as it melts under the sun and descends into the valleys below as it has been doing in the past history of this and every country, the mountains have stored the water, to be utilized by the energy of man for the irrigation of deserts and to make them fruitful as the valleys of the Euphrates, the Jordan, and the Nile.

In the early history of mankind, some people suppose the human race to have been in a condition of savagery, but tradition and history do not so inform us; the evidence goes to prove the condition of primitive man to have been one of the highest civilization, and the great enterprises of the earliest civilizations of which we have any knowledge were to provide methods for irrigating waste and desert land. The system is about the same to-day that it was four or five thousand years ago.

It is this kind of enterprise that makes California fruitful. It is this that will reclaim all the desert lying west of the hundredth meridian and convert it into happy homes for the millions, which will bring into requisition land for the landless and homes for the homeless for generations to come, if we now reserve it from the greed of land grabbers and speculators.

Mr. Speaker, I say again in conclusion as I said yesterday, that no more beneficent measure has been submitted to the attention of the House during this session than that contained in the Senate amendment to the sundry civil bill now pending, and I trust it may be adopted.

Mr. SYMES. Does the gentleman from Alabama desire to close the debate now, allowing the gentleman from Kentucky and myself to make a few remarks on this side after he concludes?

Mr. HERBERT. I do not think both gentlemen should have the right to speak after me.

Mr. SYMES. I only desired that there should be some understanding.

Mr. HERBERT. I will follow you.

The SPEAKER *pro tempore*. The Chair will state that up to this time ninety-two minutes of the one hundred and twenty have been consumed by the gentleman from Alabama, and seventy-six by the gentleman from Colorado. There yet remains to the gentleman from

Colorado forty-four minutes, and twenty-two to the gentleman from Alabama.

Mr. SYMES. Mr. Speaker, I have but a very few words to add in closing this discussion. I have watched the debate with deep interest, and think I know about what has been said during the course of the debate succeeding the opening of it a week ago on last Saturday by the gentleman from Kentucky [Mr. BRECKINRIDGE], the gentleman from New York [Mr. COX], and myself. I may say, sir, that nothing has been advanced here, not one argument presented, in opposition to the amendment; and, in plain English, I have heard scarcely a word that may be regarded as legitimate criticism upon the propriety of the adoption of the amendment now pending before the House. The only thing that seems to be contended for by our opponents is, that it is assumed to be pledging the Government to an immense scheme of irrigation that will cost many hundreds of millions of dollars. Mr. Speaker, I deny that *in toto*, and gentlemen who advance that argument have not shown that such is the case.

This amendment simply and only provides an additional appropriation for the Geological Survey, adding to the topographical branch thereof $250,000, and requiring an examination and survey to be made thereby, requiring that this survey shall be extended to the arid regions, and by making the additional surveys and examinations necessary to select the large and numerous natural sites for reservoirs that exist in that country, and then extend the survey to an examination of the natural routes for canals and ditches to and from these reservoirs for the distribution of the water in future when they shall be filled. The amendment also provides for reserving from this time orth all the public domain that shall thus be designated for reservoi rs and canal purposes from occupation or sale.

No gentleman can dispute the statement that I have made as to the exact features of the pending proposition, and I do not believe that any man can question the wisdom of the policy here inaugurated. No gentleman has pretended to say that it is not an entirely proper thing for this House at this time, and in fact that it is not imperative that the Government should do this in order to prevent what I explained would take place over a week ago if it did not, namely, that private surveyors and engineers of private corporations would be found throughout this region selecting some of these best sites for reservoirs on the public domain, and by hook or by crook, under the provision of those pre-emption laws that have resulted in so much land grabbing in the last twenty years, obtain title to them and thereby dictate or acquire power to dictate to those persons, who may in the future under the homestead law take possession of the lands which are susceptible of irrigation, exactly what price they shall pay for the use of their own lands or for the use of the water to make them valuable.

That is simply the substance of this amendment. It is a plain, practical proposition. That is all that the appropriation suggests. But gentlemen say that this is an "entering wedge." An entering wedge for what? They say that while they might not object to the amendment if it went no further than the present, that if the Government should do such a reckless thing as to authorize the Geological Survey to do a little more work by its topographical branch, upon which it has already expended some $5,000,000 in various parts of the country, and require through that topographical branch an examination and selection of the natural reservoirs throughout the arid regions, that it will absolutely and necessarily result in the United States going into the irrigation business at an expenditure of untold millions.

Mr. Speaker, I deny that. There is nothing in the proposed amendment that in any way commits the Government to any irrigation scheme in the way of filling these reservoirs, ditches, or canals, or having their contents distributed over the adjacent land, or allowing the Government through its agents to sell or peddle this water throughout that country. Not one word to authorize it. Mr. Speaker, there would have been just as much sense in gentlemen getting up here and urging as an objection to the establishment of the Geological Survey, that has been established for the benefit of the people of this country, that when it had pursued its work, when it had examined the geological character of the country, when it had issued its charts and maps and reports which were prepared in pursuance of its scientific work for the benefit of the theoretical and practical prospectors and mining superintendents of this country, by which they obtained information and went out into the mining districts, where the reports pointed out that within a certain formation of limestone when it came near the surface prospecting would develop the presence of carbonate deposits, and as a result of that work these deposits have been developed and millions, almost hundreds of millions of mineral wealth been added to the nation; that when it was proposed to do that and the Government authorized the geological surveys, that it committed the Government to the policy of opening the mines, furnishing the mining machinery, sinking the shafts, bringing the ore to the surface, building smelting works, and making bullion of the ore. There is just as much reason in the one suggestion as in the other.

Again, sir, we have been appropriating about $200,000 a year for some years past as a provision to keep up the topographical branch of the Geological Survey. This appropriation has extended over a period of about ten years past. The topographical survey has been extended over different parts of the country, throughout the different States of the Union, from the Atlantic to the Pacific and from the Gulf to the Lakes. We might as well say that after the topographical survey shall be made, and it was pointed out that there are marvelously rich natural resources in different parts of the country and within different States of the Union, it commits the Government to the scheme of mining and developing the coal mines or any other mineral deposits disclosed by the topographical survey throughout all parts of the United States.

Now, Mr. Speaker, that is not a fair way of treating this subject. But the gentleman from Tennessee [Mr. MCMILLIN], the three gentlemen from Alabama [Mr. FORNEY, Mr. OATES, and Mr. HERBERT] have all pointed out that you will incur terrible dangers if you proceed to allow the Government of the United States to survey its own public domain, and reserve it so that the policy of the Land Department, as now exhibited by the Public Lands Committee in legislation here, can be carried into effect, so that there shall be small holdings for homesteaders and they shall not be subject to the extortion of private corporations owning the reservoirs into which they have turned the water that gives the value to all lands susceptible of irrigation from it. That is all there is of this so-called scheme. But they say——

Mr. OATES. Will the gentleman allow me to interrupt him there?

Mr. SYMES. Yes, sir.

Mr. OATES. I am sure my friend would not intentionally misstate my position.

Mr. SYMES. I do not object to the gentleman correcting me if I have misstated his position.

Mr. OATES. I said I thought it would be prudent and wise to withdraw from sale such districts as are indicated by the survey already made, and which is now going on; but I was opposed to this scheme which attempts improvements of the public domain by the Government. I do not think that is warranted.

Mr. SYMES. It is an impracticable proceeding to withdraw from the market all these arid lands, as was well shown by the gentleman from Indiana [Mr. HOLMAN] this morning. I have offered a modification of this amendment which is thought by some members of the House would have that result. We can not say about all this arid region, containing a third of this country, shall be reserved, so that no homesteader or pre-emptor or any one shall go there, because after these surveys shall have been made and the lands classified they might be turned out of their homes.

It is necessary to go and make these surveys in addition to the topographical surveys already made, and locate the sites.

Mr. OATES. As the gentleman states, it is impracticable to withdraw all arid lands from settlement; but I understand that the testimony of Major Powell only goes to the extent of claiming that about 28 per cent. of the arid land might be reclaimed for agricultural purposes by the system that he advocates.

Mr. SYMES. And that is too large an estimate.

Mr. OATES. Then, instead of withdrawing all these arid regions, you could withdraw only such portion as might be required for this purpose.

Mr. SYMES. How are these numerous homesteaders and these pre-emptors and their families who are now going out there, and who are settling at a long distance from where some reservoir may be made and where it may be found practicable to furnish water, to be notified on what land they can safely settle upon. It can only be done by surveys. This amendment goes a long ways and it says to every man hereafter locating land, to the pre-emptor or homesteader, "If you now locate on a homestead or pre-emption claim after this amendment is adopted you take the chances hereafter of having a canal run through your farm or a ditch, or of a part of it being taken by a reservoir, and you will have no claim for damages."

That is going far enough. The other amendment makes a general reservation, and the operation would be to stop the emigration to the West, to stop settlement, stop progress, stop the settling up of the country; and you can not do that. But, Mr. Speaker, I think the House understands pretty well by this time what the amendment really is. I will say to those gentlemen who oppose this amendment because they think it commits the Government to going into the irrigation business, that it does not do so. When the gentleman from Alabama [Mr. FORNEY] estimated the cost somewhere in the neighborhood of $960,000,000—I suppose when he made that estimate he proposed to rival the statement in Mark Twain, which was quoted by the other gentleman from Alabama [Mr. OATES], referring to the time when the Mississippi River extended like a fishing-rod into the Gulf of Mexico.

Mr. Speaker, I am not one of those gentlemen who think that future Congresses can not be trusted to deal with the practical question when they meet it face to face. I am not one of those who think that because this Congress may pass a law for the survey and reservation of these reservoir and canal sites, therefore we can not trust future Congresses to dispose wisely of the lands that shall be made susceptible of irrigation by these reservoirs, and sell them perhaps at $5 an acre, as is provided in a bill which I introduced at this session, and which was referred to the Committee on Agriculture.

Sir, there will be some good statesmen in the next Congress, and in the

next Congress after that, and in the next, and I believe that my distinguished friends who think we are in danger of creating another national debt if we make a small appropriation of this kind will find, or if they do not their children will find, that wise statesmen will continue to grow up in this country. I believe, Mr. Speaker, in the sentiment expressed by Abraham Lincoln: I have great confidence in the ultimate good sense of the American people; and I believe this legislative body can be trusted to do what is proper at this time, as I believe that future Congresses can be trusted to take care of this great question when they are confronted with it. It is a great question, Mr. Speaker. As I said the other day, it has been the habit of gentlemen to rise here and find fault with what has been done before; is has been their habit to say that this country has been half ruined by grants of public land that have been heretofore made to corporations. It has been their custom to say that if it had not been for those grants we would now have abundant homes left for future millions.

Now, I say to those gentlemen that this amendment which we are insisting upon is immediately and imperatively necessary in order that these reservoir sites may be reserved for the benefit of the people, in order that vested rights shall not grow up and stand in the way of future legislation when Congress shall be called to deal further with this question as time shall show the necessity for it. Mr. Speaker, how long have I spoken?

The SPEAKER *pro tempore*. The gentleman has spoken eighteen minutes.

Mr. SYMES. I desire to read an extract in relation to the Geological Survey from Secretary Lamar's annual report, because several gentlemen have intimated here that the object of those in charge of that survey seemed to be to secure all the appropriations they could, and to make no great practical use of them. Mr. Secretary Lamar in his last annual report said:

> I ask special attention to the report of the Director of the Geological Survey. Apart from the achievements of this bureau as one of the great instrumentalities for the advancement of scientific research, I desire to express my admiration of its organized system for the transaction of business. In order to determine whether it was consistent with my duty to sanction the estimates for this bureau, it became necessary for me to look into the details of its practical operation. While undertaking to perform this duty I was struck with the perfect adaptation of the system to the securing of efficient work and rigid economy, as well as to fixing by documentary evidence the responsibility for the business transacted, and of making the documentary and the actual responsibility coincident. The Director reports that satisfactory progress has been made in the topographic work of the year. An aggregate of 55,683 square miles have been surveyed."

And so on.

Mr. Speaker, in conclusion I appeal to this House, delay not the adoption of this Senate amendment. Delay it not until you find that vested rights are in the way of reserving what is so necessary for the future homesteader and the small farmer throughout that arid region, namely, the command of water. That is the principal object in that country. Land is the incident and water the paramount object in an irrigating country. I wish this House and the people of the whole country to profit by our experience in Colorado, where an alien corporation constructed a ditch which it was supposed would add to the value of the lands of the homesteaders and the pre-emptioners down on the plains below. When the water reached those lands the company asked $50 an acre "royalty;" that is, it required the people to pay $50 an acre for the privilege of being permitted to buy water thereafter at such annual rates per acre as should be fixed by the board of directors of the corporation.

But, sir, thanks to the wisdom of the makers of the organic law of Colorado, who incorporated into the constitution a provision that the waters of the State should remain public property for public use, it was decided by the courts that no corporation, and no individual, under a right of prior appropriation could acquire anything more than the right to take the water, and convey it and sell it and distribute it under rules and regulations to be made in pursuance of acts of the Legislature. The company opposed the regulation of charges for conveying the waters, and said that the law which undertook to dictate to them the price at which they should sell water was unconstitutional. The question went into the courts and it was decided in favor of the State statute.

I think it probable, sir, that the time will come when these reservoirs will be turned over to the States and when each State will have an irrigation bureau. I have not advocated, and until there is a great change in the practical aspect of this question I would not vote for, the creation of an irrigation bureau under the Federal Government to distribute water and peddle it out by Government agents. I appeal to the House at this time: keep this matter within your own control, so that, in pursuance of your public land policy, you may hereafter retain these sites for reservoirs and ditches and canals upon the public domain, to do with them as may seem best for the interests of the people.

Mr. HERBERT. Mr. Speaker, to sum up the situation as briefly as possible, it seems to me to be this: Topographical surveys have been going on in the arid region among the mountains for about fifteen years. Prior to 1879 there were four of these surveys. In 1879 they were all consolidated, and since that time the Geological Survey has been conducting the work by itself. The survey is topographical and geological. The only original authority for making the survey at all was contained in a clause of an appropriation bill in these words: "To continue the preparation of a geological map of the United States." Under these few words this great bureau has been built up. In the first fiscal year after its organization, ending June 30, 1880, its expenditures were $106,000; in 1881, they were $156,000. I have not the figures for 1882, but the expenditure was about $200,000; in 1883, it was $258,000; in 1884, $341,000; in 1885, $504,000, and in 1886 it was $526,000. I have not the amount for 1887, but for the last fiscal year the appropriation amounted to $675,000. The bill we are considering contains an appropriation of $677,000 for this work, and the Senate has put on an amendment adding $250,000 more. What for? Ever since the survey was organized, as the Director testifies, he has been investigating the condition under which these arid regions could be irrigated and the floods of the Mississippi and other streams controlled.

Keeping this purpose always in view he has done this topographic work so that one may mark out on the map each one of those catchment basins as he calls them; and you may say without going on the ground at all: "Here in this region is a catchment basin." The purpose of this additional appropriation of $250,000 is to have done still more topographical work of this same character, and in addition thereto to have marked out on the ground itself—not only on the map, but on the ground by stakes or other monuments—the particular sites for reservoirs, hereafter to be built by somebody. Now, the question is, by whom? At present all the land easily and cheaply irrigated is found to have been taken up. That whole country, according to the figures given to us this morning by the chairman of the Committee on Public Lands, is being very rapidly settled; and we are coming to the point, if we have not already reached it, at which any further irrigation must be done upon a large scale; these reservoirs must be located, and canals, as the Director of the Geological Survey says, must be surveyed and eventually built, conveying that water 20, 30, 40, and 50 miles away.

Mr. SMITH, of Arizona. In India they convey the water nearly 3,000 miles.

Mr. HERBERT. As the gentleman from Arizona [Mr. SMITH] interrupts me to say, water is conveyed in this way in India 3,000 miles; and I have no doubt in the world that if there be water enough, the canals contemplated in this scheme will, many of them, be, if not 3,000 miles, at least several hundred miles long.

This is a great, a stupendous work; and just at this point Congress is asked to adopt an amendment not only appropriating more money for the topographic work already being done, but providing also that some of it shall be used in the location of these reservoirs. And that is not all; the amendment provides for the withdrawal of these lands from market.

The gentleman from Colorado [Mr. SYMES] indicates that he intends in some manner to modify this amendment. But however it may be modified, I suppose it will substantially provide that no more homesteads are to be allowed upon this land. You propose to say by law, "No more homesteads shall be allowed; private enterprise shall no longer enter upon these lands." It must wait. How long? Neither the gentleman from Colorado nor anybody else has told us. And for what? The gentleman from Colorado has especially, and with great detail, refused to tell us. But the gentleman from Arizona [Mr. SMITH] has done so, so has the gentleman from Montana [Mr. TOOLE], so has the gentleman from California [Mr. VANDEVER], so has the gentleman from Nebraska. These gentlemen come out openly and say that the Government must do this work, must undertake this great scheme. Sir, it must come to that.

If the Government now says, "We withdraw this land; we allow hereafter no settlements upon it under the desert-land act or the homestead act; this land is reserved for reservoirs," what follows? Why, sir, that the Government which refuses to allow private individuals to do this work must itself undertake it. If we adopt this provision, if we refuse to allow private enterprise to go on these lands, I ask gentlemen to imagine the clamor which will come up here from those interested in the settlement of that all arid region, demanding that the Government shall do what it has forbidden others to do, and how can we refuse? So far as I am aware, no gentleman has told us—the gentleman from Colorado has not dared to say—what sort of legislation is to follow this. He says, "Oh, no; nothing is contemplated except a withdrawal of the lands from market until this survey shall be made and these reservoirs located." I have asked the question, "What then?" and he has not answered. This debate has now run for days and nobody can answer that question, unless he comes squarely up, as these gentlemen I have named have done, and says, "Of course the Government must do this work."

I can not see that anything else is to follow. There is nobody who can give a reason why the lands should be withdrawn, why private individuals should not be allowed to do this work, unless the Government intends to undertake it.

Now, a word upon the question of cost. I want to repeat briefly what I said the other day, that the cost of this work must be immense. Work done by the Government always costs a great deal more than when done by private enterprise. It is not necessary to argue that proposi-

tion. Take as a sample of how Government money goes the expenditures of this Geological Survey. They have run up and up from $150,000 a year until they have now reached, outside of this proposed expenditure of $250,000, $657,000 a year. More than $4,000,000 have already been expended. Four years ago, when investigating this survey, I calculated that, according to the figures then given by Major Powell, the geological map of the United States, when finished, would cost $17,000,000. Now, I must revise my estimate, as he has revised his. The calculation is a simple one. If it is to take thirty years from this time—and that is what he now says—four years ago he said twenty-four from that date, now it is thirty years from this time he says it will take at the rate he is going on—the geological map of the United States will cost $20,000,000 in addition to the $4,200,000 heretofore spent. But, sir, I want to say for Major Powell that the Geological Survey is not the only expensive nor is it the most expensive bureau in this Government. Take the Coast Survey. That was started in 1807; from time to time between 1807 and 1843 it was shifted to and fro between the Navy Department and the Treasury Department. From 1843 down to the present time it has continued under the same organization; and the expenses of that bureau up to 1886, including the hydrographic work in connection with it by the Navy Department, amounted to over $24,000,000. We curtailed it some after this Administration came in, but it is still spending a great deal of money.

And, sir, although that $24,000,000 had been spent up to 1886, yet not then, nor even now, has that Coast Survey gotten through with its topography of the coast. That bureau, like every other bureau which once gets started, has determined to perpetuate itself. Just as this Geological Survey is now endeavoring to extend its operations, so has the Coast Survey gone into geodesy and magnetism, and for years has been making every effort to get into the whole broad field of electricity. It is magnifying itself in every possible direction. After these bureaus are once started they grow year by year. The Coast Survey has now an annual appropriation of $483,000, somewhat less just now than years ago, but the National Museum has $186,000, and for ethnology $40,000.

Mr. WEAVER. When you have done so much for the water, now let us do something for the land.

Mr. HERBERT. The gentleman from Iowa interrupts me by saying we have done so much for water, let us now do something for the land. Yes, that seems to be the argument—one extravagance is an excuse for another; that is the logic of the situation.

The Senate has sent us not only this but another scheme of similar character. Following after this is another amendment to this bill for a great zoological park in Washington. That is to be established, too, regardless of expense. The elephant and a kangaroo and all known animals are to be collected here in one great park.

Mr. ANDERSON, of Kansas. And the gyascutis. [Laughter.]

Mr. HERBERT. For the delectation of the people who come from all parts of the country to visit the capital. But what of the tax-payer of the country who is not able to visit the capital, what share has he in that, what share has he in such great schemes as this? In a word, this seems to be the policy: Let the lion roar at the national capital, let the American eagle scream, and let the tax-payer foot the bill in the sweat of his face. [Applause.]

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I have listened with great interest to the remarks made this morning on this question, and with all the more attention because the gentlemen with whom I heretofore have generally and cordially concurred are opposed to the amendment. I think, with all respect to them, it is because we look at this question from entirely different standpoints; they from a highly imaginative view, and I from a consideration of the plain, practical legislation which they have heretofore adopted. My friend from Georgia [Mr. BLOUNT], my friends from Alabama [Mr. FORNEY and Mr. HERBERT], my friend from Tennessee [Mr. MCMILLIN], and my friend from Indiana [Mr. HOLMAN] have heretofore, with the other members of the House, adopted the scheme which they now denounce as chimerical, improper, and extravagant.

Let us get exactly our attitude. On the 12th day of March the Committee on the Public Lands offered as a matter of privilege a unanimous report, recommending the passage of the resolution which I hold in my hand. That resolution says:

That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid region of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storage of water for irrigating purposes, with the practicability of constructing reservoirs, together with the capacity of the streams and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

My distinguished friend [Mr. COX], who made the other day the speech on this question which really closed the argument, and was as conclusive as it was eloquent and beautiful, was Speaker *pro tempore*.

The gentleman from Illinois claimed that the resolution was a matter of privilege. The Speaker *pro tempore* doubted it, so the attention of the House was called to the matter. Mr. PAYSON said:

This resolution is reported back under the rule.

The SPEAKER *pro tempore*. The Chair is in doubt whether this is a privileged question, and will ask unanimous consent for its consideration.

Mr. PAYSON. It is clearly privileged under the rule.

Several MEMBERS. No objection.

Mr. PAYSON. I move that the joint resolution be put on its passage.

The joint resolution was ordered to a third reading, was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

So that the attention of the House was specially called to this resolution; and these gentlemen who for the last two or three days have been declaiming with such force and eloquence against this bureau and the various bureaus of the Government—my friend from Tennessee, who does not believe in any science except that science which inures to the strictest economy, my friend from Alabama [Mr. HERBERT], who prepared and submitted a large and valuable report about this very bureau some years ago—were all silent while this terrible scheme which now affrights them as they look into the dim future was unanimously and deliberately adopted by the House.

When the Committee on Appropriations, therefore, came to the appropriation of the money for this bureau the Congress had ordered that bureau already to make the survey. It was said by one of the gentlemen, and no doubt correctly, that under the law perhaps the bureau had the power already to do it. But this is a special resolution ordering this special work, and I presume the Secretary of the Interior would feel obliged to use such other sums given in this very appropriation bill to which these gentlemen make no objection, the $199,000 for the topographical survey and $100,000 for geographical surveys, or so much of the $199,000 as may be necessary for the purpose of carrying out this order, which has not been repealed, and which these gentlemen have not made any effort to repeal, in preference to the other work to which these sums are and ought to be devoted, for it is his duty to execute the order of Congress.

So, Mr. Speaker, when we come to vote on this question to-day let us understand that the law is already in existence ordering the work to be done, and an amount of money is given to this bureau; so that the simple question presented is whether the amount shall be larger or smaller, and whether we shall reserve from sale or occupation the lands in question.

Mr. HERBERT. Will the gentleman allow me a question?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. HERBERT. Does the gentleman think that we are coerced in any manner to vote money for this purpose because we passed that resolution?

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly not; and the gentleman from Alabama and the gentleman from Indiana [Mr. HOLMAN], the chairman of the Committee on the Public Lands, have the indubitable right to be in a condition occupied by a gentleman who was somewhat notorious in Kentucky, and who while running for office was asked the question "whether he was for the local option law." His answer was "Yes, I am for the law, but agin its enforcement." [Laughter.] They unquestionably have the right if they so choose to pass a law and then refuse to appropriate the amount necessary to enforce it; but I appeal to them and to this House if that is the proper way to legislate about great public matters. Here is a law ordering the work to be done, and now we are gravely refusing to appropriate that amount for this bureau which is required.

Mr. BLOUNT. May I ask the gentleman a question?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. BLOUNT. I want to ask if the gentleman does not recollect that Mr. Powell stated that up to this time and before the passage of this resolution more than $4,000,000 had been expended making these topographical surveys?

Mr. BRECKINRIDGE, of Kentucky. The amount expended was about a million or a little over a million of dollars, and $4,000,000 is the amount which was expended for the whole of the topographical surveys, but not for this particular section.

Mr. BLOUNT. No; $5,000,000 is the amount estimated for this particular section.

Mr. BRECKINRIDGE, of Kentucky. Only a million or less has been expended so far. But that does not change what I desired to say, for the contention that I make is not over the amount to be given to the survey for this purpose. That is not the important matter. My judgment is, I submit to the House, that if we are to carry this out it is better to do it as rapidly as we can; that is, if we want the information we have ordered, the quicker we get the information, the less time occupied in getting it, the better it is for both Congress, the Government, and private enterprise.

In my judgment it is a mistake to scatter the investigation over a long series of years; and that it is cheaper to give to the survey $250,000 or $200,000 for the special purpose this year than to spread it over a series of years, during which things may change, titles to property change, vested rights accrue, and all of these and perhaps other contingencies arise against which no human foresight can guard. That as wise men winding up their business in the business affairs of life, it is better, if the facts are needed, to obtain them as rapidly as possible, so that they may be available for practical good and for such purposes

as it may be found useful to apply them to, rather than let the work run through a series of years during which the conditions which now exist will be materially changed. But so far as I am concerned, that was not the most important matter to me.

The House had, with the concurrence of the Senate, under the recommendation of the Committee on the Public Lands, asked for this information, most important information, important as to the arid regions of the country, important as to the expensive problem of the Mississippi River, important in its aspect and bearing upon the great labor questions of the day, important upon the great question of taxation. Congress ordered this information to be obtained; and it seems to me, while that information was being obtained, that the right of the people to the lands which would be benefited by the survey had better be retained by the Government than to be given over to speculators during the period of its obtension.

The real question between the gentleman from Alabama and the gentleman from Tennessee [Mr. McMILLIN] and the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Georgia [Mr. BLOUNT] and myself is here. That information makes that land valuable. I say let us reserve that land from public sale, which is made more valuable by this information. They say that this can probably be carried out by small appropriations, which ultimately will inure for the benefit of private enterprise and those who go there and choose to take up this land. There is the real point of difference between us.

In the name of economy, in the name of the people, they say let this go on and let the land be opened for entry. We say if it goes on let us reserve the land from entry until we see exactly what these facts are. I confess to have listened with some degree of surprise to the gentleman from Indiana [Mr. HOLMAN], who claimed that he represented the homesteaders and wanted free homes to be given to the people, while he was doing all he could to prevent all these lands being kept out of the hands of the speculator; for we can not shut our eyes to the fact that whoever owns the water privileges from which or by means of which the lands of that arid region can be made fertile and arable will own the toll to the land; and he never owns the soil, I care not what be the nature of his title, who does not own the profit from the land, and in that section he who owns the water will control the fruits of the tillage.

Mr. McMILLIN. Will the gentleman yield for me to ask him a question there?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. McMILLIN. Does my friend, apropos to his remarks on that subject, favor the policy of the Government doing this work, and accepting the rent for these lands, or does he expect it ultimately to go into private hands?

Mr. BRECKINRIDGE, of Kentucky. I say that, so far as I am concerned, I do not know. And the very thing we want is that the Congress of the United States may have this information and reserve this land, so that the question may be decided in the light of the information we obtain where to have these reservoirs located and what will be their cost and capacity and the amount and value of the land which can be made tillable by irrigation.

Mr. McMILLIN. As my friend does not answer that question, I want to say that the criticism he has made on those who were opposed to the measure is not well founded.

Mr. BRECKINRIDGE, of Kentucky. My friend agrees with Rev. Mr. Jasper, that "all science is a lie, and the sun do rise."

Several MEMBERS. "The moon do rise."

Mr. McMILLIN. "Sun do rise!" My friend from Kentucky has got his rising mixed.

Mr. BRECKINRIDGE, of Kentucky. One of the curious things is that gentlemen in the name of the people plead for the execution of a law that gives the water privileges of 1,200,000 square miles to speculators who stand ready to take it.

Mr. McMILLIN. I want to know of my friend who is going to prevent the speculators from getting it in any event?

Mr. BRECKINRIDGE, of Kentucky. We are going to prevent it, if gentlemen will vote for the amendment, by taking these lands out of public sale; in the second place, by getting an idea of how these lands lie in the light of practical science, and seeing what they are worth; and in the third place, by giving a fair chance to every citizen of America to have the benefit of these lands after scientific research. [Applause.]

Mr. McMILLIN. It is the plan of doing this that I want to get at.

Mr. BRECKINRIDGE, of Kentucky. And the plan is that the Congress of the United States is to adopt the only possible plan, which is to cause this survey to be made and find out what land is there subject to this improvement, and paying out of the Treasury whatever is necessary for a practical and scientific research. That is the whole scheme. If the gentleman asks me what I expect to do when all this information comes in, I can only say that I do not know.

I am against all paternal government. In all my theories I am not only against every form of paternal government but against every form of unnecessary taxation.

Mr. BLOUNT. I would like to ask my friend a question, if he will permit me.

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. BLOUNT. I would like to ask if under the legislation which is proposed any person locating on this land where this water is has a right to use any more of it than that which he requires for his own purposes?

Mr. BRECKINRIDGE, of Kentucky. I do not profess, sir, to give an opinion on the construction of the complicated system of public laws that we call our land law, much of which has been dictated in the interest of private speculation; but I do mean to say that the very question which my friend has put to me is a question which had better be decided with those lands reserved from sale than with the title of the United States passed by patent to somebody else.

Mr. BLOUNT. If the gentleman will allow me a suggestion here, I wish to say to him that that question has already been distinctly settled by the action of the Forty-first Congress, which enacted a law providing that "such right shall not exceed the amount of water actually appropriated and necessary for the purposes of irrigation."

Mr. DUNN. That refers to water taken from a river or creek.

Mr. BRECKINRIDGE, of Kentucky. That is simply the common law. That does not increase or change what I supposed was the right of the owner of lands under the common law. But, Mr. Speaker, I have not time to discuss the legal aspects of the question. I know that a man without a grant of the lands from the Government has no right to that water. What his rights will be if we give him the grant I am not now prepared to say.

To return, then, merely for the purpose of recapitulation, this is not a question whether the Government shall irrigate these arid regions at a cost of one million, or ten millions, or a thousand millions, according to the scheme conjured up by my friend from Alabama. It is not a question of whether it is best for this Government to enter into any project of that kind. Mr. Speaker, may I be excused for an episode just here? Gentlemen have appealed to this side of the House on the ground of economy. I am for economy, sir, but there is political wisdom sometimes in the wise expenditure of money. The Democratic party for twenty years has treated the Territories of the United States meaner than the meanest step-mother ever treated step-children, and it is no want of political wisdom if, within the limits of prudent expenditure, we now show them, as the olden Democratic party did under the lead of such men as Douglas, that we look upon the Territories as younger sisters soon to come in as full sisters in a joint copartnership of sovereign States. It is not an unwise thing for us, if we can do it, to treat those Territories with greater justice and generosity than they have met in the past.

But, Mr. Speaker, the question here boiled down is this: We want to pass certain land laws. The Senate stands in our way. We want to reserve certain lands from sale. The Senate stands in our way. Here, now, in this proposition we can put upon this bill, under the rules of the House and the Senate, a provision which will withdraw from sale a large part of these lands and retain public control over them until we can ascertain whether this will be a wise and economical expenditure of money, leaving to the future all other questions.

If a Presidential campaign were not pending, Mr. Speaker, nobody would oppose this proposition. We are going into a Presidential canvass with mutual crimination and recrimination as to extravagance. I will not give to this question a partisan aspect. To me it has a broader view than that. I find on the statute-book this resolution, brought in by the Committee on Public Lands and unanimously adopted. I find in the reports of Mr. Lamar, as Secretary of the Interior, use for the other moneys given to this bureau, the four hundred and odd thousand dollars. I find that an additional sum is necessary for obtaining this information. I believe that the more quickly it is given the better it will be. All that I take any special interest in is that so far as I am concerned I want to reserve the sale of those lands until we obtain this information. If $250,000 is too much, let the conferees when they go into conference agree upon some smaller sum.

The amendment which I have offered, but which was formulated in accordance with my views as well as his own by the gentleman from Colorado [Mr. SYMES] does not go merely to the sum of money to be expended, but to other things more important. If $250,000 is too much, let the amount be made smaller. The principle involved is that the investigation shall be made as rapidly as possible, and that pending the investigation the lands affected by it shall be withdrawn from sale. The object is first to obtain that information so that we may act upon it as soon as possible; and secondly that those who are to get the benefit of the expenditure of the money shall get it with their eyes open. The amendment is so drawn that it is notice to everybody that, if he takes this land, he takes it subject to this burden. What is to be the further effect of the proposition I care not to take time in discussing, after the exceedingly intelligent way in which the question has been presented by my friend from Missouri [Mr. STONE] in his speech yesterday, and by the gentleman from Colorado [Mr. SYMES] to-day.

I take the liberty of accepting Mr. STONE'S explanation of my amendment:

What does this amendment propose? It proposes to appropriate $250,000 to inaugurate and prosecute extensive surveys in what is known as the arid region of the country, to locate its boundaries accurately, to ascertain where

natural reservoirs may be established for the storage of water supplies, to ascertain the extent and location of these desert or arid lands which may be reclaimed or restored to agricultural uses by a system of irrigation, and to suggest the best and most practicable methods of irrigation. It provides also that all lands that may be utilized and made valuable by irrigation shall, after the passage of this bill, be withdrawn from sale or other disposition until such time as Congress shall provide for disposing of them. That is the sum and substance of the amendment. That is the whole proposition.

Mr. Speaker, so far as I am concerned, and so far as this question is concerned, that is the whole of it. We ought not to say to the people of America—gentlemen whom I am in the habit of following and whom usually I follow so willingly—the gentleman from Georgia [Mr. BLOUNT], the gentleman from Alabama [Mr. HERBERT], the gentleman from Tennessee [Mr. MCMILLIN]—can not afford to say that we permitted this resolution to be passed *pro forma* and at the same time say that it committed us to a scheme to spend one thousand millions of dollars. We are bound by our representative character and duty to say that we took this action, under the lead of the Public Lands Committee, intelligently; and having passed the order that this work be done, we give the money by which it shall be paid for, and in the mean time withdraw those lands from public sale. That is the whole question.

I will not follow gentlemen into either attack or defense of this or other bureaus of the Government, nor as to the feasibility of schemes of irrigation nor their possible cost; nor will I add anything to the observations I submitted to the House when this amendment was under discussion some days ago as to the nature of the problems which were connected with this subject and the possible value of the knowledge which might be secured under the resolution adopted by Congress last March. For myself, I close my part in this debate for this session. What shall be done with that magnificent empire which in this debate has been called "the arid regions" is a question which we and our successors can not shirk. Our duty now is as rapidly and as accurately as practicable to put into intelligible form all the knowledge we can gain pertaining to it, and to reserve the lands until that is done.

The SPEAKER *pro tempore*. There are three minutes remaining.

Mr. FORNEY. The gentleman from Georgia [Mr. BLOUNT], I understand, desires to make a statement.

Mr. BRECKINRIDGE, of Kentucky. I supposed I had the right to close the discussion. At any rate, I presume I shall be allowed a minute to reply to the gentleman from Georgia.

Several MEMBERS. Oh, yes.

The SPEAKER *pro tempore*. The gentleman from Kentucky has one minute of his time remaining.

Mr. BLOUNT. Mr. Speaker, the gentleman from Kentucky lays a great deal of stress upon the resolution to which he has referred contemplating topographical surveys for the purpose of investigating the location of catchment basins and reservoirs. I have already said, and it is almost useless to repeat, that under the general law the propriety of such surveys has always been claimed, and a vast sum of money has already been expended in that way. In this view, therefore, the resolution was merely surplusage; it has no force so far as this amendment goes. The amendment proposes that a sum of money be added to the amount already expended; that and nothing more.

Mr. HOLMAN. Allow me to inquire whether gentlemen here understand how much is appropriated for topographical surveys in this very bill?

Mr. BLOUNT. I have only a minute, and can not yield.

Mr. HOLMAN. It is important the amount should be known; it is $199,000.

Mr. BLOUNT. Mr. Speaker, my friend from Kentucky in one breath urges the rapid expenditure of money in the direction of this survey; yet in the closing portion of his remarks he declares that he cares nothing for the amount of money, but is concerned only in the principle involved, the reservation of these lands from sale. He says so far as the amount is concerned that may be settled by the conference committee. I wish to say that when the amount is agreed upon between the two Houses, as will be done by the adoption of this amendment, there will be nothing for the conferees to discuss with reference to the amount.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I did say, and I repeat, that the amount of money to be given for this purpose is very much less important in my view than the reservation of the land. Two hundred and fifty thousand dollars is a comparatively large sum of money in one aspect. It is a very small sum in comparison with giving to private speculation the advantages of the water supply for 1,200,000 square miles of arid lands. There is nothing inconsistent in my proposition.

[Here the hammer fell.]

The SPEAKER *pro tempore*. Debate on this proposition is now exhausted.

Mr. BLAND. I rise to a parliamentary inquiry: Is it in order now to move an amendment striking out "$250,000" and inserting "$50,000?"

The SPEAKER *pro tempore*. Not at this time.

Mr. BLAND. If the amendment of the gentleman from Colorado be adopted, will that carry with it an agreement to the appropriation of $250,000 as contained in the Senate amendment?

The SPEAKER *pro tempore*. The Chair will state the parliamentary status of this proposition. There is pending a motion of the gentleman from Alabama [Mr. FORNEY] that the House insist on its disagreement to the Senate amendment. The gentleman from Kentucky [Mr. BRECKINRIDGE] moves to concur in the Senate amendment with an amendment, to which amendment the gentlemen from California [Mr. FELTON] offers an amendment. No other amendments are in order at this time.

Mr. BLAND. When these amendments have been voted on, it will be in order to move an amendment cutting down the appropriation?

The SPEAKER *pro tempore*. The Chair will entertain that amendment in due time.

Mr. SYMES. After the amendment of the gentleman from California has been voted on, it will then be in order for me to offer an amendment striking out certain words from the pending amendment of the gentleman from Kentucky.

The SPEAKER *pro tempore*. That will be in order, unless the previous question should be demanded and ordered.

Mr. HOLMAN. If it is in order, I desire to offer a substitute.

The SPEAKER *pro tempore*. The gentleman can offer a substitute now if he desires.

Mr. HOLMAN. I offer the provision which I send to the desk as a substitute for the entire proposition, as well for the Senate amendment as the proposition of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. WEAVER. That can not be voted on until the other amendments have been voted on?

The SPEAKER *pro tempore*. Certainly not. The House has a right to perfect the pending proposition before acting upon the substitute.

Mr. HOLMAN. Let the substitute be read.

The SPEAKER *pro tempore*. The Clerk will now read the substitute proposed by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

That the money appropriated for the topographical surveys for the present fiscal year, or any part thereof, may be employed by the Director of the Geological Survey, with the approval of the Secretary of the Interior, for the purpose of ascertaining the feasibility of establishing reservoirs of water in the arid region of country west of the one hundredth meridian with a view to a system of irrigation in the arid region, and the Director of the Geological Survey is directed to report to Congress at as early a period as is practicable the results of such inquiry and all the information he may possess touching the irrigation of the arid lands: *Provided further*, That during the pendency of the measures now before Congress affecting the public lands the entry of lands known and designated as "desert lands" shall be suspended, but this provision shall not prevent the entry of such land under the homestead laws except that section 2301 of the Revised Statutes shall not apply to such entry.

The SPEAKER *pro tempore*. The question first in order to be voted on is the amendment of the gentleman from California [Mr. FELTON] to the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. FELTON. Let the proposition be read.

Mr. FELTON'S amendment to the amendment was read, as follows:

In line 9, first page, after the word "reservoirs," insert "and for the selection of watersheds that shall be preserved."

In fourth line, page 2, after the word "purposes," insert "and such selected watersheds."

Several members asked for the reading of the amendment of Mr. BRECKINRIDGE, of Kentucky.

The SPEAKER *pro tempore*. If there be no objection the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE] will be again reported.

The Clerk read as follows:

After the word "dollars," in line 1, on page 66, strike out the following:

"And all the lands which may be designated for reservoirs and canals for irrigation shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law."

And insert in lieu thereof:

"And the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress, on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation; and all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law."

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from California [Mr. FELTON].

Mr. FELTON. I wish to say, Mr. Speaker, with reference to the amendment to the amendment——

Mr. BLOUNT. I demand the regular order of business.

The SPEAKER *pro tempore*. Debate is not in order.

The question recurred on Mr. FELTON'S amendment to the amendment.

The House divided; and there were—ayes 29, noes 54.

So the amendment to the amendment was rejected.

Mr. SYMES. I desire to offer an amendment on behalf of the friends of the measure which I will send forward and ask the Clerk to read.

The Clerk read as follows:

Amend by striking out all after the word "purposes" in lines 4 and 5 to and including the word "canals" in the seventh line.

The SPEAKER *pro tempore*. The Clerk will now read the words which are proposed to be stricken out.

The Clerk read as follows:

And all lands made susceptible of irrigation by such reservoirs, ditches, or canals.

Mr. SYMES. I demand a division.

The House divided; and there were—ayes 30, noes 47.

So the amendment to the amendment was rejected.

Mr. BLAND. I move to amend the amendment by fixing the appropriation at $50,000 instead of $250,000.

Mr. STONE, of Missouri. Make it $100,000.

Mr. SYMES. I rise to a parliamentary inquiry. If the amendment is voted down will it not then be in order to offer an amendment fixing the sum at $100,000?

The SPEAKER *pro tempore*. It will.

Mr. SYMES. Then I hope the House will vote it down.

Mr. ANDERSON, of Illinois. I demand a division on the motion of the gentleman from Missouri.

The House divided; and there were—ayes 43, noes 68.

So Mr. BLAND'S amendment was rejected.

Mr. BLAND. I move to fix the amount at $75,000.

Mr. STONE of Missouri. Make it $100,000.

Mr. BLAND. Very well, I will make it $100,000.

Mr. SYMES. We accept the amendment, and move the previous question on the proposition as modified by the amendment of the gentleman from Missouri.

The SPEAKER *pro tempore*. Debate is exhausted, and the previous question on the amendment is therefore unnecessary.

Mr. SYMES. I understand it is unnecessary, and will therefore withdraw it.

Mr. SOWDEN. I desire to offer an amendment to the amendment.

The SPEAKER *pro tempore*. It is not in order, as there is an amendment pending now in the second degree. When that is disposed of another amendment will be in order.

Mr. DUNN. I rise to a parliamentary inquiry. I would like to know the use of demanding the previous question when debate has been closed on the pending proposition?

Mr. SPRINGER. It may be necessary to cut off further amendments.

The SPEAKER *pro tempore*. The pending amendment is in the third degree, and no further amendment is in order.

Mr. SYMES. The demand for the previous question has been withdrawn.

The question recurred on Mr. BLAND'S amendment to the amendment to strike out "$250,000" and insert "$100,000;" and it was adopted.

Mr. SOWDEN. I move to add, after the word "dollars," the words "or so much thereof as may be necessary."

Mr. SPRINGER. That is all right.

Mr. SOWDEN'S amendment to the amendment was adopted.

The SPEAKER *pro tempore*. The question now recurs on the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE] as amended.

Mr. HOLMAN. Is not the question on my substitute?

The SPEAKER *pro tempore*. The gentleman is correct; the substitute is first in order, and will be again reported by the Clerk.

The amendment of Mr. HOLMAN was again read.

Mr. BLOUNT. I ask for the yeas and nays.

Mr. RYAN and Mr. HOLMAN both rose.

Mr. BLOUNT. I demand the regular order. [Cries of "Vote!" and "Regular order!"]

Mr. RYAN. Not a dollar of this money will be available, but is to be devoted to other purposes.

Mr. HOLMAN. One hundred and ninety-nine thousand dollars will be available.

Mr. PAYSON. Debate is not in order.

The SPEAKER *pro tempore*. Order must be preserved on the floor. Debate is not in order.

Mr. FARQUHAR. Does this carry an appropriation separate from the Geological Survey?

Mr. TAULBEE. I ask the amendment be read, so that we may understand it. There seems to be a misunderstanding amongst members about it.

Mr. HOLMAN'S substitute was again reported.

Mr. HOLMAN. It allows $199,000. [Cries of "Order!"]

Mr. RYAN. Not a single dollar will be available. It will be devoted to the work already in progress. [Cries of "Order!" from all parts of the House.]

The SPEAKER *pro tempore*. Members will please assist the Chair in maintaining order. Debate is not in order.

Mr. TAULBEE. In order that we may understand the proposition, I ask that it be again read.

Mr. HOLMAN'S substitute was again read.

Mr. HOLMAN. One hundred and ninety-nine thousand dollars is available under this proposition. [Cries of "Order!"]

Mr. RYAN. No, sir. There will not be a dollar available, if this substitute passes, for this work, and the gentleman knows it. It will be devoted to the prosecution of other work now in progress. [Cries of "Order!"]

The SPEAKER *pro tempore*. All debate is out of order.

Mr. DUNN. Does not this take the place of both the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] and the Senate amendment?

The SPEAKER *pro tempore*. That is not the understanding of the Chair.

Mr. TAULBEE. Then we will agree to it.

The SPEAKER *pro tempore*. The question is on agreeing to the substitute which has just been read.

Mr. BLOUNT. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair desires first to be informed as to the exact nature of the substitute offered by the gentleman from Indiana. The Chair would ask the gentleman to again state his proposition, as there appears to be some misunderstanding.

Mr. HOLMAN. It is offered as a substitute for the Senate proposition as amended by the pending amendment of the gentleman from Kentucky, if that shall be adopted.

Mr. RYAN. But the vote has not yet been taken upon that.

Mr. BRECKINRIDGE, of Kentucky. Then what the gentleman calls a "substitute" is not now in order. The amendment I have offered is first to be voted on to complete the proposition.

Mr. RYAN. That is correct.

Mr. HOLMAN. I think the gentleman is correct in that as a parliamentary procedure.

The SPEAKER *pro tempore*. The substitute being in the nature of an amendment must be first submitted.

Mr. DUNN. I wish to submit a further point of order. I doubt whether it is a regular proceeding to offer a substitute for a Senate amendment to a bill. Is it not about all we can do to disagree to it or adopt it?

The SPEAKER *pro tempore*. The Chair is of opinion that the gentleman is correct. The Chair understood the gentleman from Indiana to offer his proposition as a substitute for that of the gentleman from Kentucky, as amended by the proposition of the gentleman from Colorado; in other words, to agree to the Senate amendment with the substitute, which would be in the nature of an amendment to it.

Mr. DUNN. That is all we could do.

Mr. HOLMAN. I understand that the parliamentary condition is this: The gentleman from Kentucky proposes to add to the Senate provision, and I presume the vote on his provision comes first. In the event of its adoption by the House my proposition is then offered as a substitute; that is to say, that we agree to the Senate proposition as amended by the substitute which I offer.

The SPEAKER *pro tempore*. The House must either agree or disagree to the Senate amendment. An agreement under the rules can be made with an amendment.

Mr. RYAN. The question should first be taken on the amendment of the gentleman from Kentucky.

The SPEAKER *pro tempore*. The substitute is first in order.

Mr. HOLMAN. Suppose the proposition of the gentleman from Kentucky was not pending at all, of course a substitute for the Senate amendment would be in order.

Mr. DUNN. I think not.

Mr. HOLMAN. That is to say you accept the Senate amendment with a further amendment.

Now the same result follows supposing the House should adopt the amendment of the gentleman from Kentucky. The substitute would then be in the nature of an amendment of the Senate amendment as amended by the gentleman from Kentucky, and would be in order. It is simply an instruction to the committee; nothing more, nothing less.

Mr. BLOUNT. Let me submit this parliamentary inquiry: If the House should agree to what has been designated as a substitute by the gentleman from Indiana, will it not be practically a motion to concur in the Senate amendment with an amendment in the form indicated by the proposition of the gentleman from Indiana, the motion of the gentleman from Kentucky being agreed to? Will it not simply be a concurrence in the Senate amendment with an amendment?

The SPEAKER *pro tempore*. That was the understanding of the Chair when the proposition was introduced. But the Chair now understands the gentleman from Indiana to offer this as a substitute for the entire proposition, including the Senate amendment.

Mr. SYMES. That is what he stated.

The SPEAKER *pro tempore*. And the Chair is of the opinion that it is not in order, but is willing to hear testimony upon the point.

Mr. HOLMAN. How else would you get at it? The substance of my motion is to concur in the Senate amendment with an amendment. That is in order.

The SPEAKER *pro tempore*. Certainly.

Mr. HOLMAN. Then I so offer it.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PETERS. Is not the only motion in order now a motion to disagree with the Senate amendment or to concur in the amendment with an amendment?

The SPEAKER *pro tempore*. The Chair is of the opinion that the position of the gentleman is substantially correct.

Mr. PETERS. Then I make the point of order that the substitute of the gentleman from Indiana is neither a motion to concur in the Senate amendment nor a motion to concur with an amendment.

The SPEAKER *pro tempore*. The substitute is in the nature of an amendment and can only be offered in that view and not as a substitute for the Senate amendment.

Mr. COX. Let me ask whether the amendment of the gentleman from Kentucky has been voted on.

The SPEAKER *pro tempore*. It has not been.

Mr. COX. Is it not, then, first in order to dispose of that?

Mr. RYAN. Undoubtedly you must first get rid of that.

The SPEAKER *pro tempore*. The substitute of the gentleman from Indiana is first in order.

Mr. TAULBEE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. I wish to inquire (if I caught the motion of my colleague who offered the amendment) if it was not to agree to the Senate amendment with an amendment. Now, my point is this: If the vote is submitted on that question it must be to concur in the Senate amendment with an amendment.

The SPEAKER *pro tempore*. Undoubtedly.

Mr. TAULBEE. And the only way to reach a vote on the substitute of the gentleman from Indiana would be to reconsider the vote by which the Senate amendment with an amendment was agreed to.

The SPEAKER *pro tempore*. But the question has not been taken on the motion of the gentleman from Kentucky.

Mr. PETERS. I desire to call the attention of the Chair to a ruling which will be found in the Digest, on page 334.

The report of the committee of conference can not be amended or altered, as that of any other committee may be.

The SPEAKER *pro tempore*. The Chair sees nothing whatever in the reference germane to the pending question.

Mr. HOLMAN. I wish to ask unanimous consent to submit this proposition.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I move the previous question on my amendment and on all pending amendments.

Mr. RYAN. That is right.

Mr. SYMES. Let us have a vote. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. I ask unanimous consent, to avoid any embarrassment on this question and to accomplish what gentlemen desire on both sides, that a vote be taken on the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE] whether adopted or not, and that a vote be taken upon the proposition which I have submitted as a substitute; and if it be adopted, it will be adopted as an amendment to the Senate amendment in that form.

Mr. SYMES. I object, because it is not in parliamentary form.

The SPEAKER *pro tempore*. Objection is made.

Mr. HOLMAN. I move my proposition as a substitute for the proposition of the gentleman from Kentucky.

The SPEAKER *pro tempore*. It is already pending in that form.

Mr. STONE, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STONE, of Missouri. The gentleman from Colorado offered an amendment to the original amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE], which was voted down. Now, I make this inquiry, at the instance of the gentleman from Arizona [Mr. SMITH], whether a motion to reconsider the vote by which the amendment offered by the gentleman from Colorado was rejected is in order at this time?

The SPEAKER *pro tempore*. It would be in order, but the previous question has been demanded.

Mr. STONE, of Missouri. It is a question in which the gentleman from Arizona [Mr. SMITH] has a very great interest, and it is of extreme importance to his constituents.

The SPEAKER *pro tempore*. The question is on the demand for the previous question by the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. What is the effect of this call for the previous question upon the pending amendment? In what order does the Chair hold the amendments are pending?

The SPEAKER *pro tempore*. The substitute offered by the gentleman from Indiana [Mr. HOLMAN], which is in the nature of an amendment to the Senate amendment, will be voted on first.

Mr. BRECKINRIDGE, of Kentucky. To that I raise the point of order.

Mr. MCMILLIN. I would suggest, then, as that brings up the question squarely, that the gentleman from Kentucky permit an amendment to be added to the general proposition striking out the $250,000 provided for in the Senate amendment, and then we get to the question. I believe the Chair has decided correctly.

Mr. TAULBEE. That is, to have a vote on the substitute.

Mr. MCMILLIN. Very well; that is all we want.

The SPEAKER *pro tempore*. It leaves the Senate amendment intact, and the substitute of the gentleman from Indiana simply stands as a substitute for the proposition of the gentleman from Kentucky; and the previous question has been demanded.

Mr. RYAN and Mr. TAULBEE addressed the Chair.

The SPEAKER *pro tempore*. The Chair will first recognize the gentleman from Kentucky.

Mr. TAULBEE. Mr. Speaker, it seems to me that the statement of the Chair differs somewhat from the statement of the gentleman from Indiana as to this proposition; because I put it directly to him as to whether or not the proposition which the gentleman from Indiana offered was intended as a substitute to the Senate amendment and the amendment thereto offered by the gentleman from Kentucky, and his statement was that it did. Now, as I understand the statement of the Chair just made, it is to the effect that if the amendment of the gentleman from Indiana is adopted, it is adopted only in lieu of the amendment offered by my colleague [Mr. BRECKINRIDGE], and would leave the Senate amendment intact. That it is a substitute operating as an amendment to that amendment.

The SPEAKER *pro tempore*. That is the parliamentary status of the proposition. The Chair will now recognize the gentleman from Kansas.

Mr. RYAN. That is the inquiry I intended to make myself.

The SPEAKER *pro tempore*. The gentleman from Kentucky demands the previous question.

Mr. HOLMAN. I arise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. The parliamentary inquiry is this: I desire to submit a proposition which will keep in the Senate amendment. We propose to concur in the Senate amendment with an amendment. That is to say, instead of appropriating the $250,000 or $100,000 we propose that of the $199,000 appropriated for the topographical survey so much as the Secretary of the Interior shall designate shall be appropriated to make these examinations. Now, is it proper for me to inquire of the Chair how that can be accomplished?

The SPEAKER *pro tempore*. The proposition can be entertained by unanimous consent.

Mr. HOLMAN. I have known that question raised, and I have never seen the question presented as it is now but that the ruling has been uniform that a proposition to add to a Senate amendment was in order. And I desire to submit a proposition covering both; that is, we cover a Senate amendment on the one side and an amendment of the House on the other, if adopted. The first proposition is to add to the Senate amendment; if adopted, or not adopted, either, then the question recurs on the proposition contained in the Senate amendment. I therefore insist that there is no embarrassment here whatever, and that the question still operates on the amendment of the gentleman from Kentucky. We are both hoping to concur in the Senate amendment. My proposition is just as much before the House as the proposition of the gentleman from Kentucky. No question of order was made on either of them when first submitted. I submit, the vote is to be taken on his amendment first, and if adopted or not adopted the effect is just the same as to my proposition. Then the question is, there being but one proposition before the House, whether that is to be amended or not amended at all. This question is whether the Senate amendment shall be amended as I propose, and whichever amendment is agreed to it becomes a Senate proposition amended. I think there is no embarrassment in the matter.

Mr. TAULBEE. I would like to ask a question of the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER *pro tempore*. This is proceeding by unanimous consent.

Mr. SYMES. I desire to correct the gentleman from Indiana.

The SPEAKER *pro tempore*. Debate is not in order. The Chair will hear gentlemen for parliamentary inquiries only.

Mr. TAULBEE. That is my object.

Mr. SYMES. I desire to correct the gentleman from Indiana [Mr. HOLMAN]. I did reserve the point of order on his substitute.

Mr. TAULBEE. That comes further along. My question is this, Mr. Speaker. In view of the statement just made by the gentleman from Indiana [Mr. HOLMAN], he seems to labor under the impression that the correct proceeding is to first vote on the amendment of the gentleman from Kentucky, as adding to the Senate amendment, and that whether that be adopted or not the vote then recurs on his [Mr. HOLMAN'S] amendment, which is in the nature of a substitute, and, if adopted, strikes out the Senate amendment. Am I correct in that?

The SPEAKER *pro tempore*. The Chair did not catch the gentleman's statement. [Laughter.] The Chair has stated his view of the parliamentary position several times and has seen no occasion to change it. The Chair may be wrong, but his opinion is unchanged by any suggestion that has been presented.

Mr. TAULBEE. I believe the Chair is right.

The SPEAKER *pro tempore*. The conclusion of the Chair is sustained by some of the best parliamentarians on the floor.

Mr. TAULBEE. I agree with the opinion of the Chair so far as expressed, but my question leads further. It is this: If, according to the statement of the gentleman from Indiana [Mr. HOLMAN], the vote is first to be had on the amendment of the gentleman from Kentucky, which is adding to the Senate amendment, then, whether that be adopted or not, the vote recurs on the amendment of the gentleman from Indiana, which is in the nature of a substitute for the Senate amendment, and would have the effect of striking the Senate amendment from the bill?

The SPEAKER *pro tempore*. But the Chair has stated that the vote will be taken on the substitute of the gentleman from Indiana [Mr. HOLMAN] first. If that is adopted, the question will then be taken on agreeing to the Senate amendment as amended.

Mr. TAULBEE. Will that retain the Senate amendment in the bill?

The SPEAKER *pro tempore*. It will. The House can not disturb the Senate amendment or affect it in any manner other than heretofore stated.

Mr. SYMES. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SYMES. I reserved the point of order against the substitute of the gentleman from Indiana, and, as I understood, the Chair ruled it out, so that nothing remained to be voted upon under the demand for the previous question made by the gentleman from Kentucky [Mr. BRECKINRIDGE] but the Senate amendment as amended.

The SPEAKER *pro tempore*. The gentleman reserved his point of order until the stage should be reached when the substitute would be presented for consideration, but at that time he did not insist upon the point of order, and the Chair presumed that he had waived it. The Chair will state, however, that if the point of order had been made, in the opinion of the present occupant of the chair, it would have been overruled; so that the gentleman has lost no right except perhaps the right to appeal from the decision of the Chair.

Mr. SYMES. Well, I reserved the point of order. I did not present it then because the Chair said that I could present it thereafter.

The SPEAKER *pro tempore*. At the time the substitute was offered for consideration.

Mr. SYMES. I insisted on it then and the Chair ruled it out, as I understood.

The SPEAKER *pro tempore*. The Chair has not ruled upon that point. The gentleman is entirely in error.

Mr. SYMES. Well, I do not insist. My friends suggest that we take a vote.

Mr. HOLMAN. Mr. Speaker, in view of the present attitude of matters and the embarrassment that manifestly surrounds this question, I will submit the amendment which I have already submitted with an additional provision striking out the amendment of the Senate.

Mr. RYAN. That is not in order.

The SPEAKER *pro tempore*. The modification can be made only by unanimous consent.

Several MEMBERS. I object.

Mr. HOLMAN. Does it require unanimous consent?

The SPEAKER *pro tempore*. It can only be done by unanimous consent when the demand for the previous question is pending.

Mr. HOLMAN. I hope that demand will be voted down.

Mr. MCMILLIN. I suggest to the gentleman from Kentucky to withdraw the demand for the previous question to allow this to come in.

Mr. RYAN. If the demand for the previous question is withdrawn, I renew it.

Mr. SYMES. The object is to defeat this proposition after the House has practically adopted it.

The SPEAKER *pro tempore*. Debate is not in order. The question is on ordering the previous question.

The question being taken, there were—ayes 77, noes 32.

Mr. BLOUNT. I call for the yeas and nays.

Mr. HOLMAN. I make the point of "no quorum." I suggest that the call of the yeas and nays be not now insisted upon. It is quite manifest that there is hardly a quorum present. I suggest that the fair and honorable thing to do, in view of the ruling of the Chair, is to allow this substitute to be brought in just as gentlemen understood it to be in the first instance—that is, as a substitute for the whole proposition.

Mr. PETERS. I think we had better have the regular order.

The SPEAKER *pro tempore*. The regular order is the demand of the gentleman from Georgia for the yeas and nays.

Mr. HOLMAN. I made the point of no quorum.

The SPEAKER *pro tempore*. The demand for the yeas and nays takes precedence.

The yeas and nays were ordered, there being—ayes 21, noes 79; more than one-fifth voting in the affirmative.

The question being on ordering the previous question, the Clerk proceeded to call the roll; but before the first roll-call was concluded,

Mr. BURNES addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Missouri rise?

Mr. BURNES. For the purpose of asking unanimous consent that I may be heard a moment to state a proposition which I think will tend to facilitate a settlement of this question.

The SPEAKER *pro tempore*. The Chair will hear the gentleman at the end of the first roll-call.

Mr. BURNES. It is for the purpose of preventing any further call of the roll that I rise.

The SPEAKER *pro tempore*. If there be no objection, the gentleman from Missouri will be recognized for the purpose of making a statement.

There was no objection.

Mr. BURNES. Mr. Speaker, it is very evident that this roll-call, if completed, will develop the fact that there is not a quorum present, in consequence of which we shall have to adjourn, so that another day will have been lost, and the consideration of this most important of all the appropriation bills will be further delayed. Now, the feeling and judgment of the House have been tested upon the pending proposition. I think from what has taken place the conferees will understand about what is the sentiment of the House. At all events, if there should be a disagreement, there will be another opportunity for considering and voting upon the question. Whether the conferees do one thing or the other, the matter will have to be reported back to the House.

Now, I have risen for the purpose of suggesting that the vote by which the yeas and nays were ordered be reconsidered, and that the Breckinridge amendment, or whatever proposition may be agreeable to the majority of the House, be regarded as adopted, without naming any amount, so that the conferees may regard themselves as informed that the judgment of the House is in favor of the subject-matter under consideration, while it is divided with regard to the amount which ought to be appropriated for the prosecution of the work. With this sort of instruction, favorable to the subject-matter, but leaving it with the conferees to negotiate with the Senate as to the amount to be inserted, which action will have to be reported back, the House will be protected; and on that basis I think gentlemen on the two sides of this question ought to be able to agree, so that business may go on.

Mr. BLOUNT. I had hoped that the gentleman from Missouri [Mr. BURNES] would have submitted a different proposition, especially in the light of his statement that the purpose of the House in reference to this subject had been made manifest. The gentleman from Indiana made what seemed to me a reasonable request—to be allowed to modify his motion so as to strike out the appropriation of $250,000 in the Senate amendment. As one of those who are opposed to the Senate amendment, I submit that if we are in the minority, it is quite a small concession on the part of the majority, or so-called majority, to allow us the privilege of voting upon that proposition. I have no objection to permitting the reconsideration of the vote by which the yeas and nays were ordered, if it be understood that the gentleman from Indiana may modify his proposition as indicated to the House; otherwise, I shall object.

Mr. RYAN and Mr. PETERS. Regular order.

The SPEAKER *pro tempore*. The regular order being demanded, the Clerk will proceed with the call of the roll.

The Clerk proceeded with the calling of the roll.

Mr. RYAN. I ask that the order for a call of the yeas and nays be rescinded, and that the gentleman from Indiana [Mr. HOLMAN] be permitted to modify his motion as suggested, and that we take a vote upon that.

Mr. SYMES. With the understanding that no demand for a quorum shall be made.

The SPEAKER *pro tempore*. The gentleman from Kansas, by unanimous consent, asks to vacate the order for the yea-and-nay vote.

Mr. BLOUNT. Suppose this arrangement should be entered into and on one of the amendments the House should desire to order a yea-and-nay vote?

Mr. SYMES. It is the understanding that there is to be no yea-and-nay vote.

Mr. BLOUNT. I do not wish to demand a yea-and-nay vote, and I wish to agree to dispense with the roll-call; but the House may desire to put itself upon record by a yea-and-nay vote on some of these amendments. I do not mean to make any point of no quorum, but I wish to preserve the right of the House to have a yea-and-nay vote on any amendment upon which it may be desired.

Mr. RYAN. I made the proposition to facilitate the business, but as it appears it will not facilitate the business at all if there is to be a yea-and-nay vote, which will disclose the fact that there is no quorum present, I will withdraw it.

The SPEAKER *pro tempore*. The gentleman from Kansas asks unanimous consent that the order by which the yeas and nays were ordered be vacated, and the gentleman from Indiana be allowed to modify his substitute.

Mr. BLOUNT. I have no objection to the modification being made, but I do not wish to preclude the House from having a yea-and-nay vote if it should desire to do so on any of these amendments it may choose.

Mr. RYAN. I will withdraw my request.

Mr. BRECKINRIDGE, of Kentucky. I hope my friend from Kansas will not withdraw his proposition.

Mr. RYAN. Very well, then, let it stand.

Mr. SYMES. It is with the understanding that there is to be no point made of no quorum.

Mr. BRECKINRIDGE, of Kentucky. I understand the proposition of the gentleman from Kansas to be that the order for the roll-call shall be vacated, and that the gentleman from Indiana [Mr. HOLMAN] shall have the right to amend his substitute by adding to it a provision striking out the appropriation, and on that a direct vote shall be had. If that is carried, of course it settles it. If it be voted down, then a direct vote will be taken on my amendment. What I wish to say is, even if the gentleman from Georgia [Mr. BLOUNT] declines to make an agreement he will not call for the yeas and nays. I hope the proposition made by the gentleman from Kansas will be accepted. It will facilitate business. We can have a fair vote on this question, as the gentleman from Indiana desires.

The SPEAKER *pro tempore*. The gentleman from Kansas asks unanimous consent that the order for the yea-and-nay vote be vacated; and further, that the gentleman from Indiana [Mr. HOLMAN] shall be allowed to modify his substitute in accordance with the suggestion he has made. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. HOLMAN. I now send up the modification, which I ask to have read.

The Clark read as follows:

And the sum of $250,000 proposed by the amendment of the Senate is stricken out.

The SPEAKER *pro tempore*. The question is on agreeing to the substitute offered by the gentleman from Indiana, which has been modified as just reported. The Chair will state, however, that the order did not vacate the demand for the previous question, but if there be no objection it will be considered as withdrawn.

Mr. BRECKINRIDGE, of Kentucky. Let it be understood that that was also withdrawn.

The SPEAKER *pro tempore*. Without objection that order will be made.

There was no objection.

The SPEAKER *pro tempore*. The question is on agreeing to the substitute of the gentleman from Indiana as modified.

The question was taken; and on a division there were—ayes 47, noes 73.

Mr. BLOUNT. I demand the yeas and nays.

Mr. RYAN. That is not in accordance with the agreement.

Mr. BLOUNT. There was no agreement not to demand the yeas and nays.

Mr. SYMES. I thought it was understood that we were not to have the yeas and nays. It was represented that the demand would not be made.

The yeas and nays were ordered, there being 34 members voting in favor of the demand and 26 in opposition.

Mr. SYMES. The understanding, then, has been violated.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. BLAND. It is evident that there is no quorum present; and I move that the House do now adjourn.

The motion was rejected.

The SPEAKER *pro tempore*. The Clerk will now call the roll on the substitute.

The question was taken; and there were—yeas 62, nays 80, not voting 183; as follows:

YEAS—62.

Abbott,	Culberson,	Johnston, N. C.	Peel,
Allen, Miss.	Dargan,	Kilgore,	Penington,
Anderson, Iowa	Dougherty,	Landes,	Richardson,
Anderson, Miss.	Elliott,	Lane,	Robertson,
Anderson, Ill.	Enloe,	Lanham,	Rowland,
Barnes,	Forney,	Lee,	Russell, Mass.
Blount,	Gibson,	Lynch,	Sayers,
Breckinridge, Ark.	Grimes,	Macdonald,	Seney,
Carlton,	Hall,	Maish,	Shively,
Caruth,	Hare,	Martin,	Simmons,
Catchings,	Hemphill,	McClammy,	Stewart, Ga.
Clements,	Henderson, N. C.	McMillin,	Turner, Ga.
Cobb,	Herbert,	Merriman,	Wheeler,
Cothran,	Holman,	Oates,	Wilson, Minn.
Cowles,	Hudd,	O'Neall, Ind.	
Crisp,	Hutton,	Payson,	

NAYS—80.

Baker, N. Y.	Cox,	Grosvenor,	Mansur,
Baker, Ill.	Crouse,	Haugen,	McCreary,
Bland,	Dibble,	Henderson, Iowa	McCullogh,
Bound,	Dockery,	Henderson, Ill.	McKenna,
Breckinridge, Ky.	Dunn,	Hitt,	Moffitt,
Buckalew,	Farquhar,	Holmes,	Morrill,
Bunnell,	Felton,	Hunter,	Nelson,
Burnes,	Foran,	Kean,	Nutting,
Butler.	French,	Kerr,	O'Neill, Pa.
Butterworth,	Fuller,	Laffoon,	O'Neill, Mo.
Cannon,	Funston,	La Follette,	Perkins,
Cheadle,	Gay,	Lawler,	Peters,
Chipman,	Gear,	Lind,	Plumb,
Conger,	Gest,	Lyman,	Rice,
Rowell,	Sowden,	Symes,	Vandever,
Ryan,	Springer,	Taulbee,	Wade,
Sawyer,	Stahlnecker,	Thompson, Cal.	Weaver,
Scull,	Stephenson,	Tracey,	Weber,
Seymour,	Stone, Mo.	Turner, Kans.	White, Ind.
Smith,	Struble.	Vance,	Wickham.

NOT VOTING—184.

Adams,	Cutcheon,	Kennedy,	Reed,
Allen, Mass.	Dalzell,	Ketcham,	Rockwell,
Allen, Mich.	Darlington,	Lagan,	Rogers,
Anderson, Kans.	Davenport,	Laidlaw,	Romeis,
Arnold,	Davidson, Ala.	Laird,	Russell, Conn.
Atkinson,	Davidson, Fla.	Latham,	Rusk,
Bacon,	Davis,	Lehlbach,	Scott,
Bankhead,	De Lano,	Lodge,	Shaw.
Barry,	Dingley,	Long,	Sherman,
Bayne,	Dorsey,	Maffett,	Snyder,
Belden,	Dunham.	Mahoney,	Spinola,
Belmont,	Ermentrout,	Mason,	Spooner.
Biggs,	Finley,	Matson,	Steele,
Bingham,	Fisher,	McAdoo,	Stewart, Tex.
Blanchard,	Fitch,	McComas,	Stewart, Vt.
Bliss,	Flood,	McCormick,	Stockdale,
Boothman,	Ford,	McKinley,	Stone, Ky.
Boutelle,	Gaines,	McKinney,	Tarsney,
Bowden,	Gallinger,	McRae,	Taylor, E. B., Ohio
Bowen,	Glass,	McShane,	Taylor, J. D., Ohio
Brewer,	Glover,	Milliken,	Thomas, Ky.
Brower,	Goff,	Mills,	Thomas, Ill.
Browne, T. H. B., Va.	Granger,	Montgomery,	Thomas, Wis.
Browne. Ind.	Greenman,	Moore,	Thompson, Ohio
Brown, Ohio	Grout,	Morgan,	Tillman,
Brown, J. R., Va.	Guenther,	Morrow,	Townshend,
Brumm,	Harmer,	Morse,	Walker,
Bryce,	Hatch,	Neal,	Warner,
Buchanan,	Hayden,	Newton,	Washington,
Burnett,	Hayes,	Nichols,	West,
Burrows,	Heard,	Norwood,	White, N. Y.
Bynum,	Hermann,	O'Donnell,	Whiting, Mich.
Campbell, F., N. Y.	Hiestand,	O'Ferrall,	Whiting, Mass.
Campbell, Ohio	Hires,	Osborne,	Whitthorne,
Campbell, T. J., N. Y.	Hogg,	Outhwaite,	Wilber,
Candler,	Hooker,	Owen,	Wilkins,
Caswell,	Hopkins, Ill.	Parker,	Wilkinson,
Clardy,	Hopkins, Va.	Patton,	Williams,
Clark,	Hopkins, N. Y.	Perry,	Wilson, W. Va.
Cockran,	Houk,	Phelan,	Wise,
Cogswell,	Hovey,	Phelps,	Woodburn,
Collins,	Howard,	Pidcock,	Yardley,
Compton,	Jackson,	Post,	Yoder,
Cooper,	Johnston, Ind.	Pugsley,	Yost.
Crain,	Jones,	Randall,	
Cummings,	Kelley,	Rayner,	

No quorum voting.

On motion of Mr. NELSON, by unanimous consent, the reading of the names was dispensed with.

Mr. HATCH. I am paired with the gentleman from Vermont, Mr. STEWART. I have voted, under the agreement, to make a quorum. As I am informed no quorum is present, I will withdraw my vote.

Mr. MORGAN. I am also paired with the gentleman from Maine, Mr. MILLIKEN, and for the same reason withdraw my vote.

Mr. SMITH, of Arizona. Before the result is announced I ask unanimous consent of the House, as I do not wish to occupy its time now, to be permitted to print certain remarks in the RECORD on this amendment.

There was no objection.

The following pairs were announced until further notice:

Mr. MATSON with Mr. HOVEY.

Mr. RANDALL with Mr. DINGLEY.

Mr. WILKINS with Mr. LONG.

Mr. SCOTT with Mr. MCCOMAS.

Mr. WHITTHORNE with Mr. COOPER.

Mr. HATCH with Mr. STEWART, of Vermont.

Mr. OUTHWAITE with Mr. MCKINLEY.

Mr. COMPTON with Mr. GOFF.

Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.

Mr. HOOKER with Mr. LODGE.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. MCRAE with Mr. DORSEY.

Mr. JONES with Mr. BOWDEN.

Mr. WILKINSON with Mr. DALZELL.

Mr. WALKER with Mr. ROMEIS.

Mr. BRYCE with Mr. GAINES.

Mr. FELIX CAMPBELL with Mr. BROWN, of Ohio.

Mr. NEAL with Mr. HAYDEN.

Mr. TIMOTHY J. CAMPBELL with Mr. WEST.

Mr. SPINOLA with Mr. THOMAS, of Wisconsin.

Mr. HOGG with Mr. POST.

Mr. DAVIDSON, of Florida, with Mr. BINGHAM.

Mr. STONE, of Missouri, with Mr. WILLIAMS.

Mr. NEWTON with Mr. JACKSON.

Mr. BOUTELLE with Mr. WISE.

Mr. TOWNSHEND with Mr. JOSEPH D. TAYLOR.

Mr. HOPKINS, of Virginia, with Mr. ALLEN, of Michigan.

Mr. TILLMAN with Mr. FINLEY.

Mr. SPRINGER with Mr. JOHNSTON, of Indiana.

Mr. MANSUR with Mr. WARNER.

Mr. CANDLER with Mr. BREWER.

Mr. STOCKDALE with Mr. CLARK.
Mr. FISHER with Mr. LEHLBACH.
Mr. BYNUM with Mr. STEELE.
Mr. VANCE with Mr. RUSSELL, of Connecticut.
Mr. GREENMAN with Mr. SHERMAN.
Mr. RUSK with Mr. O'DONNELL.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. SNYDER with Mr. YOST.
Mr. ERMENTROUT with Mr. GROUT.
Mr. FORD with Mr. GUENTHER.
Mr. GLOVER with Mr. PUGSLEY.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. CLARDY with Mr. WADE.
Mr. PERRY with Mr. SPOONER.
Mr. O'FERRALL with Mr. MASON.
Mr. BIGGS with Mr. MORROW.
Mr. BELMONT with Mr. DAVENPORT.
Mr. GRANGER with Mr. ROCKWELL.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. TURNER, of Georgia, with Mr. REED.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. DARLINGTON with Mr. MOORE.
Mr. PIDCOCK with Mr. PHELPS.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. MORGAN with Mr. MILLIKEN.
Mr. WHITING of Michigan, with Mr. HOUK.
Mr. LAWLER with Mr. DE LANO.
Mr. MCKINNEY with Mr. BOOTHMAN.

The following were announced as being paired for this day:

Mr. MILLS with Mr. PARKER.
Mr. ROGERS with Mr. OSBORNE.
Mr. BLISS with Mr. BROWER.
Mr. BANKHEAD with Mr. KELLEY.
Mr. STONE, of Kentucky, with Mr. WHITE, of New York.
Mr. CRAIN with Mr. MORRILL.
Mr. SHAW with Mr. ATKINSON.
Mr. NORWOOD with Mr. HIESTAND.
Mr. MCSHANE with Mr. HIRES.
Mr. BACON with Mr. ANDERSON, of Kansas.

Mr. SPRINGER. I am paired with the gentleman from Indiana [Mr. JOHNSTON], but am advised by his friends that he would vote "no" on this question, and so I will allow my vote to stand.

Mr. STONE, of Missouri. I am paired with the gentleman from Ohio [Mr. WILLIAMS]. If there is a quorum I withdraw my vote. Otherwise I desire that it shall stand, under the agreement. Has a quorum voted?

The SPEAKER *pro tempore*. No quorum has voted.

Mr. SHAW. I notice that I am paired with the gentleman from Pennsylvania [Mr. ATKINSON], and I withdraw my vote.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. No quorum has voted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 6514) for an allowance of certain claims reported by the accounting officers of the Treasury Department, in which the concurrence of the House was requested.

The message further announced that the Senate had disagreed to the amendment of the House to the bill (S. 2726) granting an increase of pension to Margaret S. Heintzelman; asked a conference with the House on the disagreeing votes of the two Houses thereon, and announced that Mr. DAVIS, Mr. TURPIE, and Mr. BLAIR had been appointed conferees on the part of the Senate.

The message further announced that the Senate had agreed to the amendment of the House to the bill (S. 2913) granting a pension to Mary Sturgess.

ORDER OF BUSINESS.

Mr. BLAND. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. T. J. CAMPBELL: A bill (H. R. 11416) for the relief of Catherine McDevitt—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 11417) granting a pension to Mary Dippel—to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 11418) to restore to the pension-roll the name of John Horrigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11419) granting a pension to Mary E. Converse—to the Committee on Invalid Pensions.

By Mr. LANDES: A bill (H. R. 11420) granting a pension to John Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11421) granting relief to Edward Wesner—to the Committee on Military Affairs.

By Mr. MCCULLOGH: A bill (H. R. 11422) granting a pension to Daniel B. Ross—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CRAIN: Petition of Mrs. Frances M. Brandon, of Laredo, Tex., for a pension—to the Committee on Pensions.

By Mr. FORNEY: Papers in the case of James A. Galbreaith—to the Committee on Claims.

By Mr. HITT: Petition of A. J. Swezey and 75 others, citizens of Winnebago County, Illinois, urging the passage of House bill No. 10320, to prevent the sale of adulterated food, medicines and liquors—to the Committee on Agriculture.

Also, petition of A. J. Swezey and 59 others, citizens of Winnebago County, Illinois, urging the passage of House bill No. 11027, to prevent the manufacture and sale of adulterated lard—to the Committee on Agriculture.

By Mr. PERKINS: Resolutions of Girard Grange No. 6, of Kansas, for legislation prohibiting the adulteration of food articles—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *September* 12, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

TRUSTS AND COMBINATIONS.

Mr. GEORGE. I desire to offer some amendments, which I regard as of some importance, to Senate bill 3445, the trust bill, which has been reported from the Committee on Finance by the Senator from Ohio [Mr. SHERMAN]. As my handwriting is a bit difficult to read, I ask leave to read them myself.

The PRESIDENT *pro tempore*. The Chair hears no objection,

Mr. HOAR. It is impossible to hear the request of the Senator from Mississippi on this side.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks consent to read his own amendments, his handwriting not being very legible.

Mr. GEORGE. I will read them so that they will be understood.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. GEORGE. The amendments I propose to offer to the trust bill are to add the following as additional sections:

SEC. 4. That when any action or suit in law or equity shall be commenced or shall be pending in any court of the United States, it shall be lawful for any defendant therein to except to the jurisdiction of such court upon the ground that the cause of action or suit is for the enforcement of a right based on a contract for the sale, exchange, or transportation, or on any damage arising from any wrong committed in respect to any article of merchandise manufactured, transported, imported, or sold in violation of the provisions of the first section of this act, and if such ground of exception shall be proven to the satisfaction of the court, judgment of dismissal shall be entered with double costs to the defendant, and with such reasonable sum for the attorney's fees for the defense thereof as may be allowed by the court.

SEC. 5. That when the President of the United States shall be satisfied that any arrangement, trust, contract, agreement, or combination as described in the first section of this act has been formed a nd that in consequence thereof there has been a rise in the price of any article of merchandise, he shall have power and it is hereby made his duty to issue his proclamation suspending the collection of all customs duties or import taxes on similar articles when imported into the United States from any foreign country. Such suspension shall continue for ninety days after the President, upon being satisfied that such enhancement in price no longer exists, shall issue his proclamation withdrawing his former proclamation of suspension, and the President of the United States may from time to time, as may in his judgment be proper, reissue or withdraw any proclamation he may have issued.

SEC. 6. That when any article of merchandise shall have been raised in price by reason of the unlawful means described in the first section of this act such article when owned by any of the persons, companies, or corporations mentioned in the first section of this act or by any person, corporation, or company claiming or holding either directly or through any number of successive transfers under any of the first-named persons, companies, or corporations shall not be the lawful subjects of interstate or foreign commerce and such commerce or transportation is hereby prohibited. It shall be the duty of the President of the United States through the Interstate Commerce Commission and such other agencies as he may see proper to employ to make such investigations as may be necessary to carry out the provisions of this section. To that end every officer of the United States who may be employed in such investigation is hereby authorized to summon witnesses and to examine them under oath, and the said Interstate Commerce Commission shall make all such needful rules and regulations as may be deemed proper to carry out the provisions of this section, which rules and regulations shall, before they go into effect, be approved by the President of the United States. When such commerce and transportation as to any article of merchandise shall have become unlawful under the provisions of this act the aforesaid interdict on the same may be removed whenever the President of the United States shall so proclaim upon his being satisfied that the enhanced price as herein provided against shall no longer exist and that commerce in such article is free and not restrained or affected in any way by reason of the matters mentioned in the first section of this act.

SEC. 7. That whenever it shall appear to the President of the United States

that the manufacturers or producers of any article of merchandise or a majority of them in the United States shall not pay in regular weekly wages, in lawful money, to the workmen, artisans, and laborers, excluding superintendents and officials engaged in such manufacture or production, the full sum realized in sales by them in excess of the wholesale price in the city of New York of similar and competing articles manufactured or produced in any foreign country, such wholesale price being diminished by a reduction therefrom of the customs duties on said foreign articles, it shall be his duty to issue his proclamation suspending all duties on such similar articles when imported in excess of 30 per cent. ad valorem, and such suspension shall continue till otherwise ordered by Congress, but no act of Congress shall have the effect to allow the collection of the suspended duties on articles which shall have been imported during the time of such suspension under the proclamation of the President of the United States. He shall also have in respect to the matters of this section all the powers of investigation through officers of the United States provided for in section 6 of this act.

SEC. 8. Every violation of any proclamation issued by the President of the United States under provisions of this act, and every violation of any provision of sections 4, 5, 6, and 7, shall be punished in the same manner and to the same extent as provided for in section 3.

Mr. President, I desire to make some observations in explanation of the amendments which I have offered. The fourth section, being the first which I read, relates to suits in the United States courts. It is a somewhat difficult constitutional problem to determine how far the Congress of the United States may go in the exercise of any direct power to legislate as provided in section 1 of the bill for the suppression of these combinations and trusts. As I have read the authorities—and I can mention some of them—the Supreme Court of the United States seems to have reached finally a conclusion as to the point of time when articles of merchandise become subject to the jurisdiction of the United States and subject to the power of Congress as interstate and foreign commerce. I take it that point of time, as I deduce it from the various decisions of the Supreme Court, among which are Veazie against Moor in 14 Howard, and a very late decision in relation to some logs transported through the State of New Hampshire—I have forgotten the name of the case—is that point of time when the article commences to be transported. If that be true constitutional law, then any provision of law by Congress which undertakes to subject the article to the jurisdiction of Congress because it may become at some future time the subject of interstate and foreign commerce would be unconstitutional.

It is a difficult question, however. I do not mean to pronounce now any positive opinion upon that subject. But for fear that the offering we are now making to the people of the United States upon a subject of very grave importance to them, affecting very seriously their interests, may turn out after all not to be an efficient remedy for this evil, I have seen proper to offer the amendments which I have submitted to the Senate.

The first amendment is an outlawry of all these combinations and trusts so far as seeking remedies in the courts of the United States is concerned. It can not be objected that we can not do that, because if anything is settled in American constitutional law it is that the jurisdiction of the courts of the United States within the limits prescribed by the Constitution depends solely upon the action of Congress. Congress may give, Congress may deny any jurisdiction as to any person or as to any class of cases within these limits.

The fifth section relates to a suspension of the collection of tariff duties. My attention was called to that as a remedy against these trusts by a remark which dropped from the eminent Senator from Ohio [Mr. SHERMAN] several months ago. It is known that the facility for forming these trusts arises out of the fact that a high duty is imposed on the articles concerning which the trust is formed. The manufacturers instead of allowing the people of th s country to have the benefit of that reduction of prices which comes from a fair, an honest, and a business-like competition between the producers of this country, the producers and manufacturers themselves, in order to evade and avoid that result, combine and fix the price just below the price at which importations can be made. A just and a fair and a complete remedy, and I think an efficient remedy, would be that suggested by the Senator from Ohio, to reduce the duties in cases of that sort.

I have provided in this amendment that when such proof is made to the President of such combination he shall issue his proclamation and the duty shall be suspended until the normal condition of affairs shall be resumed. There can be no doubt about the constitutionality of that provision, nor can there be any doubt about its efficiency.

So up to this point we have an outlawry from the courts of the United States of men who thus violate the laws of trade and thus abuse the privileges granted to them by the tariff laws of the United States. They themselves having declared themselves, or having become *hostes humani generis*, enemies of the people of the whole country, they have no right whilst they occupy that relation to demand from this same people protection for their rights under the laws which they have violated, and through the courts of the country, whose interests they conspire to destroy.

Section 6 prohibits interstate and foreign commerce in trust articles. I will state the difference between section 1 and this section. Whilst I fear section 1 might be declared unconstitutional, for the reasons which I have before stated, there can be no doubt that when the article becomes or begins to be a part of interstate or foreign commerce by being delivered to a common carrier to be transported from one State to another or from the United States to a foreign country, at that very instant the jurisdiction of the United States commences, and that section is framed with the view of furnishing a remedy in that aspect of the case.

Section 7 is no less important than the others. It is true, it is not strictly germane to the other provisions of the bill. It does not relate to trusts, but it does relate to a very important class of our people who are mainly injured by these trusts, and I think for that reason might well be associated with the other provisions of the bill.

It is claimed—I am not going now into a discussion whether that claim is just or not—that high protective duties are the cause of high wages to workmen. It is claimed that these high protective duties should be laid for the purpose of enabling the workmen to be paid high wages. On the other side it is denied that such a result follows.

The object of the seventh section, therefore, is that this claim of protection on the ground that the tariff duty is expended by the manufacturers in increased wages to the laborers shall be made good, or, in other words, that where a majority of the manufacturers and producers of a particular article in the United States, having protection under the tariff law, decline to give their workmen and laborers who are engaged in this production and in this manufacture the benefit of the tariff thus levied in their name and for their alleged benefit, then this provision of the amendment requires the President not to take away entirely, but to reduce the protection to 30 per cent.

These, sir, are the provisions of the amendments, and I ask that they be printed in the RECORD and also printed in ordinary bill form. The bill has been reported from the Committee on Finance, I understand.

The PRESIDENT *pro tempore*. The bill is on the Calendar. The amendments will be printed.

Mr. HOAR. Mr. President, I desire to make an observation or two in regard to the same matter to which the Senator from Mississippi has addressed himself.

We have heard of late in the Senate and from other very distinguished sources of information and suggestion a good deal about the matter of trusts. At the same time there has been a most singular absence of specification in regard to these trusts. I am not aware that in regard to any of the trusts which have attracted the attention of the country and have created the discontent that calls for a remedy, there has been anything said on the part of gentlemen on the other side of the Chamber or their political associates elsewhere.

The Senator from Texas [Mr. REAGAN] addressed the Senate in an elaborate written speech a few days ago, and I hoped we should get some light as to what these trusts were, where they were, what their relation was to great political parties, what the likelihood was of their being not merely a danger to the public in the way of increasing prices but a political danger. But no light seems to come.

Now, I wish the Senator from Texas or the Senator from Mississippi would tell the Senate what information they have. Is there a Standard Oil Trust, for instance, in this country or not? Is the Standard Oil Company one of the trusts which the Senator from Mississippi and the Senator from Texas want to have suppressed? If there be such a trust, is it represented in the Cabinet at this moment? Is it represented in the Senate? Is it represented in the councils of any important political party in this country? These gentlemen certainly have not assumed the position of enlighteners of mankind on this interesting question without having investigated that matter and having got an opinion about it which would be exceedingly useful to us.

Is there a sugar trust in the country, and have its representatives been consulted in the framing of a great revenue tariff, and had their interests specially looked out for and considered by the representatives of a powerful political party in this country in the framing of the measure which is to tax or affect the article on which every laboring man in this country I think pays more than he does for his flour? What can the Senator from Texas tell us about that? What can the Senator from Mississippi tell us about that? St. Paul said, "When I fight" (or rather the real Greek word which he used is, "When I box"), "I strike not as one that beateth the air;" "I hit somebody," was the apostle's boast, in substance. I should like to have these gentlemen tell us if there is a sugar trust in this country, and if it is likely to have got such power not only over prices but over legislation that it takes a great political party in this country and compels it to frame a tariff in its interest and tax every American citizen, every American household on one of the great necessaries of life in accordance with its dictation and its interest.

Is there a cotton-oil and cotton-seed trust in this country? Where is that found at work? Does the Senator from Mississippi know something about that? He is a cotton man. He and the Senator from Texas both come from cotton States. Give us a little detail so that we shall be ready for this legislation when it comes.

Is there a whisky trust in the country? Where is that at work in politics just now, and is that anything of a danger?

Is there an anthracite-coal trust? Where is that at work? Is there danger from that?

I listened to the Senator's amendment, in which he proposes to attack those trusts or supposed trusts which are connected with manufactures on which there is a protective duty. If one such trust be found in the country, I understand he is willing to put the enormous power

in the hands of the Executive of altering the tariff of this country (a power which the framers of the Constitution denied to the Senate even the right to propose, leaving it only to the Representatives of the people), so as to strike down every honest manufacturer throughout the country who is engaged in the same business.

Does it not occur to the Senator from Mississippi that it might be well to include some of these trusts that I have mentioned, some of which, notably the whisky trust, the cotton-seed and cotton-oil trust, the anthracite-coal trust, and the Standard Oil trust, are not protected by tariffs? Why does the Senator steer so carefully in his proposed legislation not to hit these great trusts which stand to the Democratic party at this moment, as a great portion of the people believe, in the relation of Treasury and of Executive control both?

I do not think that it will turn out, on reflection, to be a good plan to put in the hands of a Chief Executive Magistrate of this country (who notoriously owes his election to the aid of the grossest interest of such a trust that exists on the face of the earth, and who has it represented in his Cabinet) the power to strike at these things and to control them and to affect the revenues of the country and the tariff legislation by his unsupported will. It is a good deal like setting the cat to watch the cream, if I may use a homely metaphor.

There is another trust about which I should like to have a little information. There is a gentleman whose name I shall not call, for I do not want to have the suggestion made that I am violating any rule of courtesy or parliamentary law, who is understood to be the most powerful and trusted counselor in directing the campaign of the Democratic party in this country at this moment. When he walks from the White House down Pennsylvania avenue after he has spent an hour or two at the White House he is very apt to have a bill in his pocket on some important political matter, and the bill is very apt to get through somewhere by a unanimous vote of the same party, and it is very apt to be pressed through here until the mistake or blunder is found out.

I should like to know whether the gentleman to whom I have referred has any relation to any of these great trusts that affect the transporting interests, or the coal interests, or any other interests in this country—the trust which puts its tax upon the fire of every workingman in the winter, the trust which can increase the freight he pays for every article of necessity or comfort in the summer, or upon the fare he pays when he travels from place to place on business or recreation. The Senator from Texas knows all about this trust. Who is managing it? What party keeps it up? What party profits by it? I hope we shall get a few of the facts and details of this matter before the committee is ready to report.

Is there a fruit trust, and where is that?

I ask the Secretary of the Senate to read at the top of the ninety-fourth page from the Congressional Directory.

The Chief Clerk read as follows:

TWENTY-SEVENTH DISTRICT.

[Counties.—Erie, Venango, and Warren.]

WILLIAM L. SCOTT, of Erie, was born in the city of Washington, D. C., July 2, 1828, his parents being residents of Virginia; he received a common school education; served as page in the House of Representatives from 1840 to 1846; settled in Erie, Pa., in 1848, and was employed as a clerk in the shipping business; engaged in 1850 in the coal and shipping business, owning and running several vessels on the lakes; subsequently became largely interested in the manufacture of iron and the mining of coal, as well as in the construction and operation of railroads, either as president or director of various lines, aggregating over 22,000 miles of completed road, the greatest number of miles of railroad, probably, which any one individual was ever an officer or director of; was a district delegate to the national Democratic convention held in the city of New York in 1868, and a delegate at large from the State of Pennsylvania to the Democratic national convention held in Cincinnati, Ohio, in 1880, and also represented the State of Pennsylvania on the Democratic national committee from 1876 to 1884; was elected mayor of the city of Erie in 1866, and again in 1871; was elected to the Forty-ninth and re-elected to the Fiftieth Congress as a Democrat, receiving 14,787 votes against 13,574 votes for Mackey, Republican, and 2,140 votes for Andrews, Prohibitionist.

Mr. HOAR. Twenty-two thousand miles of railroad—just think of it—in the service of the Democratic party in this election, more than all the railroads in Great Britain and France put together, if I am correct in my memory. I understand that part of it is in Canada, and I do not wonder that the Canadian minister who negotiated the late treaty went home and told the Canadian Parliament that he was told by the Democratic Secretary of State that the House of Representatives and the great Democratic party in this country proposed to do exactly what Canada desired, according to the report of Sir Charles Tupper.

Mr. President, I do not profess to be an expert in this matter. I am one of the plain, simple people who pay the taxes. But the Senator from Texas is the great lover of the people; he spends his time and grows thin and spare when he thinks of the wrongs of the people at the hands of these trusts, metaphorically I mean, not actually. He will tell us all about these questions that I have asked, and when he has got through telling us I am going to ask him a few more, if he will be good enough to answer these first. I want to know the facts about these five or six great trusts, which are sufficient in their power to overthrow any government in Europe, if they existed in those nations, that should set itself against them, the coal, the sugar, the whisky, the cotton, the fruit, the railroad transportation of this country, controlled by these giant chieftains, manipulated in the interest of the Democratic party and the present Administration, represented in Cabinet and Senate, the chairman of their national committee one of the same sort. I do not wonder that gentlemen are working up the attention of the American people to this gigantic danger. I said they would overthrow any country in Europe, and it is only a country whose destinies are in the hands of 15,000,000 of freemen, each with his free and equal vote, that will be able to defend itself against them and put them down.

Mr. REAGAN. Mr. President, I introduced a bill some time ago which had for its object to define trusts and provide for punishing those connected with them. On the same day the Senator from Ohio [Mr. SHERMAN] introduced another bill on the same subject and having the same object in view.

It did not occur to me that the introduction of a bill was the time to explain its provisions, its meaning, and all the facts which inspired its introduction, as the distinguished Senator from Massachusetts seems to have supposed was the case. I supposed when a bill on this subject was reported and was before the Senate for consideration would be the time at which to discuss it.

Mr. HOAR. Will the Senator from Texas pardon me? I judge from what he said just now that he assumes I began this debate.

Mr. REAGAN. Oh, I was not talking about who began it.

Mr. HOAR. It was begun by the Senator from Mississippi.

Mr. REAGAN. I am not talking about that. I supposed that the time for the discussion of this question would be when a bill comes up for consideration in the Senate. I made no objection if a Senator chooses to make some explanatory remarks in introducing a bill; I know that is customary; but it is not customary to go into an elaborate discussion if the question before it is up for consideration and before the time when Senators have had an opportunity to consider the subject.

The Senator from Massachusetts is anxious that I should give an explanation about these trusts, of what constituted and by whom managed; and he seems to have a special distress on account of the management of trusts by Democratic politicians. I am sorry that a question which affects the interests of the great body of the American people can not be treated as a question affecting the interests of the people and deserving of a remedy without attempting to make a party issue out of it. I do not undertake to say whether Democrats or Republicans are connected with these trusts, nor do I care. My purpose is to get a law that will punish either Democrat or Republican who engages in this business.

Mr. HOAR. Will the Senator pardon me for a question?

The PRESIDENT *pro tempore*. Does the Senator from Texas yield?

Mr. REAGAN. Certainly.

Mr. HOAR. Did the Senator not make his own speech on this subject the other day as an attack on Mr. Blaine?

Mr. REAGAN. The Senator made an allusion of that kind before. I made no such speech nor any speech having that object in view at all. I made a speech upon the injurious effects of our tariff legislation on the industrial and labor interests of the country. That was the object of the speech; and the only reference I made to trusts at all was to refer to an expression made by a distinguished American citizen the day before excusing and defending trusts, and if I would follow the example set me by the distinguished Senator from Massachusetts I would say a Republican politician had defended and excused trusts in a measure. I simply referred to that to dissent from what had been said. I made no pretense to discuss the question of trusts whatever. I did not have that object in view, and it only occurred to me at the very time the discussion was going on.

All I desire to say now is to protest that I have not been called upon nor have I undertaken to discuss the question of trusts, and I do not intend to do so until a bill comes up for consideration, when if it is found convenient and I think I can do anything to enlighten the subject I shall be disposed to do so.

The Senator from Massachusetts quoted from St. Paul about the impropriety of fighting in the air and about the propriety of striking somebody when he fought. Whom did he strike in these trusts? Has he told the Senate whether he would favor them or oppose them? There has been a good deal of talk with a view of giving a partisan trend to this subject, and when that question comes up for consideration, if the Senator chooses to take that line he will get enough of it. I assure him now that he will get enough of it if he undertakes to make a partisan issue of it.

My purpose is, and it is the only purpose I have in view, to arrest if possible the great evils that afflict this country. The Senator does not overstate them when he states they are sufficient to overturn any government in Europe, and if they are not arrested they will overturn this Government as inevitably as the night follows the day. It is for the purpose of trying to arrest them that I propose to act, not as a Democrat, not to affect Republicans, not to affect Democrats, but to affect any man who violates the laws of trade and the rights of the American people, I do not care to what party he belongs.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. Debate proceeds by unanimous consent. Is there objection?

Mr. HOAR. I desire permission to say a few words.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will proceed.

Mr. HOAR. I asked the Senator from Texas if he would be good enough to answer some five or six questions?

Mr. REAGAN. I say to the Senator now that I do not care to be catechised. I am not entering upon a debate of this question, and I shall not participate in a debate of it until it comes up in proper order.

Mr. HOAR. The Senator made an elaborate speech on this subject.

Mr. REAGAN. I tell the Senator now that I never made a speech on the subject. I only made an incidental reference to the subject.

Mr. HOAR. Here is the speech of the Senator which I have in my hand, from which I shall read, if he will pardon me. Let us see. The Senator from Texas rose the other day in a state of considerable, I will not say excitement, but zeal, righteous indignation, to comment on a declaration made by an eminent citizen of the United States now in private life, formerly a candidate of the Republican party for the Presidency, in regard to trusts. The Senator gave us an elaborate discourse on that subject, as I understood, and I heard him. I was therefore moved when the Senator from Mississippi [Mr. GEORGE] made his remarks on this subject to ask the Senator from Texas, who might be getting ready to act on this legislation, the facts as he knew them in his opinion on five or six questions.

He could not have been blind to contemporary history in this country. He could not have made that speech without having thought all about and known all about, as far as he could, the questions to which I asked an answer. I wanted to know what he could tell us about the Standard Oil trust, and where its representatives were, what they were doing with the Democratic party to-day, the sugar trust, the cotton-oil and cotton-seed trust, the whisky trust, and this great railroad control; and the Senator, instead of answering that question, says that he is not going to be catechised, and he deplores that in regard to this great and melancholy evil, which causes him so much grief, anybody should undertake to introduce a partisan consideration of it, and talk about parties.

Here is an extract from that Senator's speech, "Speech of Hon. JOHN H. REAGAN, of Texas, August 16, 1888," made when no human being had alluded to the subject before, as far as I know. This is a copy of the speech which I suppose I received by his courtesy, which is always abounding, for, as we all know, he is one of the most courteous men alive. I received it from some one so that I might read it. This gentleman, who thinks it is dreadful that there should be any partisanship or mention of party in this great sober consideration, in the time of this Democratic funeral which is going on in this country, to be talking about party!

Can there be a doubt as to which side of this question the majority of the intelligent and patriotic voters of this country will adopt?

There is much reason to congratulate the country on the professed reforms of political principles which the Democracy has compelled the Republican party to adopt as a last means of saving that party from further defeat.

That is, I suppose the Senator means, with these six great trusts, which cover everything as with a great blanket in this country.

Mr. REAGAN. The Senator will allow me——

Mr. HOAR. As soon as I have finished the extract.

We declare our opposition to all combinations of capital organized in trusts or otherwise to control arbitrarily the condition of trade among our citizens.

They did not know—

The Senator goes on—

What Mr. Blaine would say on that.

Then he quotes the Republican platform further, and goes on—

That beats audacity itself, and I do not know what name to call it.

And these six great trust-owners, all Democratic, have compelled the Republican party to insert in its platform a declaration of opposition to trusts. I should think they might very well. As I said before, they constitute its treasury, they constitute its support, they constitute its executive management and control. The Democratic party is like a great artichoke. You cut off the outer peel, and there is another one just like it, and so you peel and peel and peel, and it is trust, trust, trust, trust, trust, trust from outer shell to inner core, and I do not wonder that it has compelled the Republican party to express its objection to it. Then the Senator goes on—

The votes and speeches of Republican Senators and Representatives in Congress—

Remember, this was not in debate, this was the introduction of the subject, when the Senate laid aside its business to enable the Senator from Texas to go on with a set speech—

from the time that party came into power until the present, and the action of the Executive Departments at all times when under the control of that party, will show to any one who will take the trouble to investigate them that the foregoing declarations of principle are in direct conflict with the recorded action of that party for many years past, and that they may now be regarded as a sort of death-bed confession of past political sins.

In view of the conflict between the recorded action of the Republican party and the foregoing declarations, we may congratulate the country on the success of the Democratic party in educating Republicans up to the point of making such declarations of principle. If they are only hypocritically made in the effort to be successful in the approaching election, still such action is a tribute to the virtue and soundness of Democratic principles.

There is nothing partisan in that, as my friend on my left [Mr. ALLISON] observes.

The Hon. James G. Blaine, who has just returned from luxuriating in the splendid castle of Mr. Carnegie in Scotland—

Nothing partisan in that—

the prize extorted from American labor by a protective tariff, has taken upon himself the task of showing how little President Cleveland knows about tariffs, and trusts, and statesmanship generally.

He goes on:

And now, Mr. Blaine, who is the guiding spirit of the Republican party in the pending campaign, true to his past record, and a true representative of his party and of its past history, has taken on himself, in his speech in Portland, Me., of yesterday, to ridicule Mr. Cleveland's reference to the evils and dangers of trusts. And in his rôle of defender of protection, of corporations, of aggregations of capital of all kinds, he poses as the apologist and defender of trusts.

When I asked the Senator about these great and notorious facts of our current history relating to the very subject he was talking about, he turns around with a pious exhortation to banish politics from the consideration of this important question!

Mr. REAGAN. Mr. President, the Senator from Massachusets commenced reading to show that I had in that speech introduced the subject of trusts first, and he read that paragraph. If he had read the entire speech, he would have known that it applied to the whole field of discussion of class legislation. I had reviewed, as I understood it, to some extent, the history of class legislation as carried on by the Republican party on various subjects. It was to that I referred in asking the question as to which side the intelligent voters of the United States would act with, and I was not dealing specially with the subject of trusts. I objected to the partisan turn the Senator wanted to give to this subject in advance of the discussion of the question. I have no objection, if he sees proper to go into it when the question comes up, to see what party in this country is responsible for this class legislation, and I promise the Senator if he provokes that, I will show facts from the record running through years to sustain the declaration which I have made there.

The Senator speaks of the Democratic funeral. Perhaps he had better wait until the funeral procession starts to know whose funeral it is.

Mr. HOAR. It started from Oregon and Vermont and Maine.

Mr. REAGAN. I do not think anybody has been surprised at the result in Vermont and in Maine and very little surprised at the result in Oregon. I might turn to the State of Arkansas, that has had an election recently, and ask if the Senator feels discouraged at the result in Arkansas; but I do not. I do not care to occupy the time of the Senate now in such references. I simply desire to protest that the Senator has misconceived the object of the speech I made, and that I have not attempted the discussion of the special subject of trusts. The object of that speech in a great measure was to show the evil effects of our tariff legislation and of class legislation generally, and I made it a point to arraign as best I could the Republican party for being responsible for that; and whenever it becomes necessary I will attempt to make good what I said.

Mr. PAYNE. Mr. President, I have a feeling of kindly sympathy with the honorable Senator from Massachusetts [Mr. HOAR]. The "Standard Oil Company" seems to trouble his mind and will probably trouble it during all his life, unless he can be relieved in some proper way of responsibility for it. Even at this day it seems that that company is represented as being guilty of all sorts of unlawful and improper things. Such allegations, without proof to sustain them, I regard as unworthy of an honorable man or an honorable Senator. Now, a brief statement perhaps will relieve the Senator's mind. I have no doubt he delights in uttering before the Senate an insinuation that that company has a representative in this body, and he never will be happy until that impression is removed from his mind.

To begin with, let me say that there is nothing whatever to sustain the insinuation which the honorable Senator conveys. I make the declaration now for the first time, and it will be the last time I shall ever take notice of it.

The Standard Oil Company is a very remarkable and wonderful institution. It has accomplished within the last twenty years as a commercial enterprise what no other company or association of modern times has accomplished; but, Mr. President, I never had a dollar's interest in that company; I never owned a dollar of its stock; I never rendered it any service, and that company never rendered me any service. On the contrary, when a candidate for the other House in 1871, no institution, no association, no combination in my district did more to bring about my defeat and went to so large an expense in money to accomplish it as the Standard Oil Company. I never was in their works but once, and then, in company with the late General Devereaux, as an escort to a gentleman, a distinguished stranger from Russia. So much for myself.

As a matter of fact nine-tenths of the stockholders of the Standard Oil Company are now, and always have been, Republicans. Within my knowledge there are but two Democrats who have ever been stockholders in that company. Not only are the majority Republicans, but they are very liberal in their philanthropic contributions to charities and benevolent works, and I venture the assertion that two gentlemen in that company have donated more money for philanthropic and for benevolent purposes than all the Republican members of the Senate put together.

So, then, if there is any politics in that organization, they are Republican politics. There never has been a national election in which those two gentlemen to whom I refer have not contributed very liberally; at the same time they have contributed liberally to the Prohibition or the "anti-saloon" organization which my honorable friend, the Senator from New Hampshire [Mr. BLAIR], so ably represents.

I do not know that I need go any further in that matter. If the Standard Oil Company has done anything wrong, it is a corporation under the laws of Ohio, without any exclusive privileges and opportunities; if it has done anything immoral, oppressive, or unjust, I am as free as any other citizen of that State to demand that it shall be held accountable.

As to that corporation being represented in the Cabinet, I hardly know what to say. It is a mere insinuation, unmanly and untruthful, and such as only could be expected from the lower class of stumpers, and I think it not deserving of further notice here.

Now, one word further. I do not know one of these trusts to-day that is under the controlling management of Democrats. One reason is the Democrats generally have not had money enough to engage in these trusts, and I might say with reference to Colonel SCOTT, whom I have known many years and have been associated with him in various enterprises, that he, a very intelligent and enterprising gentleman, has had connection with numerous companies. The two principal lines of railroad in which he has been interested as a stockholder and director are the "Canada Pacific" and the New York Central lines of roads, and he has had an associate in the latter, Mr. Depew. As to the Canada Pacific, I suppose I need not name a distinguished gentleman who has been associated with him in the directory of that company. He is a gentleman of the highest respectability, and is the Republican candidate for the Vice-Presidency of the United States.

Insinuations that Colonel SCOTT "traveled down from the White House to the House of Representatives with a draughted bill," etc., I utterly discredit. I have inquired in my own way without success to find a single particle of evidence to sustain it. Such charges might do on the stump or in a political harangue, but I submit that it is unworthy a distinguished and leading Senator on this floor to make public such insinuations against honorable men. As to that I forbear further comment.

This bill I have not considered. It has been referred to the Committee on Finance. No doubt it will receive due consideration, and I think there should be no political differences in the effort to guard against the abuses and influences of these trusts. I hope each side, if there be sides, will vie with the other in endeavoring to provide some efficient protection against the evils of trusts.

Mr. HOAR. I should like to ask the Senator from Ohio a question. If I understood him correctly—he spoke in a low tone of voice—I understood him to say that the Standard Oil Company had exerted itself against his election?

Mr. PAYNE. When I was a candidate for the House of Representatives.

Mr. HOAR. Does the Senator refer to the time when he was a candidate for the Senate?

Mr. PAYNE. I will include that, if I did not include it before. I will say to the Senator from Massachusetts, if he will allow me, as I suppose I am relieving his mind from a great deal of useless anxiety, that not one dollar or one cent directly or indirectly was contributed to my election to this body by the Standard Oil Company.

Mr. HOAR. Who were the stockholders? The Senator manifested a great knowledge of the stockholders. He said there were two Democrats among them.

Mr. PAYNE. One of them was my own son and the other Colonel Thompson. Those are the only Democrats that were ever stockholders in that company as far as my knowledge extends.

Mr. HOAR. They are very influential in the Democratic councils. I should like to ask the Senator another question, and that is, if it is not true that the Standard Oil Company has been able to get very large advantages in the way of railroad transportation over any other manufacturers of similar articles?

Mr. PAYNE. I will answer as far as I know. I know that at one time, in Saratoga, one of the managers of the oil company met in conference the representatives of the New York Central and the Pennsylvania Railroads and discussed the question of freights, but I know nothing of the results of the interview.

Mr. HOAR. That was not my question. My question was whether in the transportation of their manufactured products they had not had large advantages by transportation by rail over other manufacturers?

Mr. PAYNE. I know they have had very extensive dealings, and I know at one time they constructed, in order to conduct their shipping business, over a thousand cars. I know from general report that at another time they constructed several hundred if not several thousand miles of pipe, in order to make themselves independent of the railroads. I only know these things from report.

Mr. HOAR. We get some very remarkable admissions from the Senator from Ohio, which I think will interest the country. One is of a very remarkable and considerable knowledge on his part of the private affairs of this company. He says he has not any personal interest. Another is, that two of its most important managers are persons who were among the most influential and important managers of his election to the Senate, according to the evidence which has been laid before the Senate. Third, a confession on his own part that that company did take an earnest and active part in politics. He says it was taken in opposition to his election to the other House. I think if that company had taken an active part in politics on one side, it would have been very likely to have its vast weight felt on the other.

Mr. PAYNE. I do not know that I understand the Senator very distinctly. I did not admit that any one member of the Standard Oil Company had contributed to my election to this body, nor do I know that any member of that company ever contributed a dollar to my election. The Senator must have been laboring in his Copiah, Miss., imagination on these matters to discolor and distort the facts. I know he has been troubled in that way for a long time. He certainly has had experience enough and is sensible enough to rise above the low demagogic motives that may control others.

I know something of this company, to be sure, because it is in my own town; it originated there, and I know the members of it. For many years before they left Ohio they were my neighbors, and I know from public reports and from what I have seen that we have had no two gentlemen in the State of Ohio who have been as liberal as they have, and it is to their credit, and their success is due to their wonderful sagacity as managers of this corporation.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendment to the bill (S. 2726) granting an increase of pension to Margaret S. Heintzelman, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHIPMAN, Mr. THOMPSON of California, and Mr. THOMPSON of Ohio managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 1959) authorizing the Secretary of War to issue to the governor of the Territory of Montana military stores for the use of the regularly enlisted, organized, and uniformed active militia; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7708) to increase the pension of Annie Gibson Yates;

A bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes;

A bill (H. R. 10856) for pension for Eliza N. Aiken; and

A bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

DEATH OF JOSEPH HOFFMAN, WASHINGTON COUNTY, TEXAS.

Mr. SPOONER. Mr. President, is it in order to introduce a resolution at this time?

The PRESIDENT *pro tempore*. Resolutions are in order.

Mr. SPOONER. I desire to offer a resolution, but before sending it to the desk I ask the consent of the Senate to make a brief explanation of the purposes of the resolution and the motives which lead to its introduction.

The PRESIDENT *pro tempore*. The Senator has that right under the rules.

Mr. SPOONER. As a member of the Committee on Privileges and Elections it became my duty under the order of the Senate and the direction of the committee to investigate during the last session of Congress, in conjunction with other members of the committee, some alleged election outrages in Washington County, Texas. It was to me an exceedingly disagreeable duty. If there is a partisanship in the United States which gloats over the existence of outrage and cruelty and bloodshed as to elections in any part of the country as a source of political capital I have no sympathy with it; but I believe in the rights of citizenship; that men who under the Constitution of the United States have a right to vote should be maintained in that right whether they live in the North or in the South, whether they are white men or are black men—the black man just as much as the white man—and whether they vote the Democratic ticket or the Republican ticket. I therefore went about the work as an important duty. I do not intend to say a word at this time—for I should not regard it as proper—of the testimony taken by the committee in its effect or as to conclusions upon it. That will come later. There came before that committee one day as a witness, brought here by subpœna, a man by the name of Joseph Hoffman, a clear-eyed, clear-faced, brainy, brave man, if one could judge of the characteristics of the man from his appearance, and his testimony was careful and cautious, but outright and unequivocating. He was not a negro; he was a white man, a German, a Republican, living in Washington County, Texas. In all the testimony there was no whisper against his character. He had been elected, I think, nine times the assessor of that county, and at the election which we were investigating, when what was called the "People's ticket," by methods

which are yet to be discussed, succeeded, he alone of all the men on the Republican ticket was elected.

Mr. REAGAN. Will the Senator allow me?

Mr. SPOONER. Yes, sir.

Mr. REAGAN. Has the Senator made a report of that investigation?

Mr. SPOONER. No, sir.

Mr. REAGAN. I want to suggest to the Senator that it strikes me it is very remarkable, and this is the second time the Senator is discussing that testimony, when he has not dared to make a report of the facts and has given others no opportunity to know what they are. I suggest that it is unfair and unjust for him, as the chairman of that subcommittee, to come into the Senate a second time to discuss the facts of the case, when the testimony is before him and he does not report it to the Senate.

Mr. SPOONER. Mr. President, in the first place, I am not chairman of the subcommittee. In the second place, the Senator from Texas will be in better position to intelligently criticise what I am about to say if he will content himself in patience until I have said it.

I am not committing any breach of propriety in simply stating the fact that Joseph Hoffman was elected assessor of Washington County, Texas, at that election, and took an oath and entered upon the discharge of the duties of that office. Does the Senator object to my stating that fact?

Mr. REAGAN. I think I have a just right to object to a second discussion of this question when the Senator holds the testimony in his hands and will not report it to the Senate.

Mr. SPOONER. I will proceed, Mr. President, with what I desire to say and let the Senate judge when I am through whether I am abusing the privileges of the Senate and the rights of a Senator.

This witness was discharged for the time being. At a later day and at the beginning of this session of Congress that committee found it necessary to take additional testimony, and the committee was authorized by the Senate to take the additional testimony. Among other witnesses subpœnaed to testify before the committee was Joseph Hoffman. He did not make his appearance in obedience to the subpœna, because, as he stated to the officer of the Senate who served him with the subpœna, he did not dare to come here and testify as a witness before the Senate committee again.

He stated as a reason why he did not obey that subpœna that he had been threatened with death for having testified before, and therefore he did not dare to appear again. He is dead, Mr. President. Six days ago he was shot down like a dog, his body filled with buckshot, at Brenham, the county seat of his home county, and such a home county for him, a free American citizen! He can not answer any more the subpœna of any tribunal here.

I first learned of the fact that Joseph Hoffman had been killed by this statement in the newspapers:

Riddled with buckshot.

The Senator from South Carolina sneers at it.

Mr. BUTLER. Why, Mr. President, the Senator is exaggerating his own importance immensely if he supposes I was paying any attention whatever to what he says.

Mr. SPOONER. I did not assume that the Senator from South Carolina was paying any attention to me.

Mr. BUTLER. Not the slightest.

Mr. SPOONER. If I had assumed for a moment that a matter of this character would be deemed entitled to the least consideration or importance in that direction, I confess my error.

Mr. BUTLER. I do consider it entitled to importance at the proper time. I think there are proper occasions when these things may be presented.

Mr. SPOONER. Whether this is a proper occasion or not——

Mr. BUTLER. The Senator is magnifying his own importance and his dramatic power before the Senate immensely if he supposed I was concerned about it. I simply want to say that, sir.

Mr. SPOONER. I beg to say to the Senator from South Carolina that my remark was not because I assumed that I possessed any importance in his eye——

Mr. BUTLER. It looked so.

Mr. SPOONER. It is a matter of utter indifference to me, however, whether I did or not, or what his estimate is.

I was about to read this dispatch which appeared in the newpapers:

RIDDLED WITH BUCKSHOT.

BRENHAM, TEX., *September* 7.

At 10.45 o'clock last night, while several gentlemen were standing on the doorstep of Murphy's saloon, on the east side of the court-house square, heavy charges of buckshot were fired into the crowd from the southeast corner of the court-house, about 75 feet away. J. I. Hoffman, a Democratic nominee for county assessor, was instantly killed, and J. H. Holt, brother of O. T. Holt, Texas member of the Democratic national committee, and himself an active worker for the same ticket, was dangerously wounded. Mr. Holt was struck with twelve buckshot. Hoffman and one other candidate were the only nominees of the Democratic party who have not been indorsed by the Republicans. Holt and Hoffman had received warnings that if they did not keep quiet they would be put out of the way.

I was surprised, Mr. President, when I read that article to see it stated that Joe Hoffman, a witness before that committee, had become a Democrat or was a candidate for office upon the Democratic ticket. That was explained to me, however, by a letter which I hold in my hand received yesterday, a letter from Mr. Hackworth, dated Topeka, Kans., one of the gentlemen upon whose petition this investigation was ordered. I will ask the Secretary to read this letter.

The PRESIDENT *pro tempore*. The Secretary will read it, if there be no objection.

The Chief Clerk read as follows:

TOPEKA, KANS., *September* 8, 1888.

DEAR SIR: The above clipping from the Associated Press dispatches explains itself.

I have received no news from my brother and Republican friends at Brenham, Tex., in regard to this horrible outrage. I suppose that the unfortunate condition of affairs of 1886 is now being re-enacted in Washington County, Texas, and that my friends there are now surrounded by well armed bands of "Kuklux" assassins and State troops; consequently they can not and dare not communicate with me over the wires or otherwise.

The above statement that Mr. Hoffman was a Democratic nominee for county assessor is an unqualified falsehood. Some two months ago some of the leading "Kuklux" Democrats waited upon Mr. Hoffman and informed him "if he would become a candidate for assessor upon the same ticket with Judge Kirk and other present 'Kuklux' officials of Washington County he would have no opposition, but if he became an opposition candidate he would be murdered." This he refused to do, and after he and other leading Republicans of the county had corresponded with me I advised them to form a combination ticket with leading law-abiding Democrats, thus avoiding making a straight party fight and uniting the law-abiding elements of the county, irrespective of politics, to oust the present "Kuklux" officials from office.

My advice was followed, the following ticket was nominated, namely: J. E. Gray (Democrat) for county judge, T. J. A. Walt (Democrat) for sheriff, C. Zurcher (Republican) for collector, G. W. Breedlove (Democrat) for county treasurer, W. C. Broeche (Mugwump Republican, or Democrat) for county clerk, Joseph Hoffman (Republican) for county assessor, W. H. Blount (colored Republican) for representative, W. H. Vinson (Democrat) for county attorney, and P. Simmons (Democrat) for county clerk. The last two named candidates withdrew, because they were satisfied that the Kuklux would resort to murder, if necessary, to maintain political power. The Kuklux Democratic ticket is as follows: L. Kirk, county judge, N. E. Dever for sheriff, H. M. Lewis, county clerk, S. Schlenker for collector, C. Minkwitz for treasurer, C. Herbst, district clerk, E. G. Langhammer for county assessor, and B. S. Rogers, county attorney. The combination ticket, composed of Republicans and Democrats, was making splendid headway, and if a free and fair election could be had, this ticket would be elected by at least 2,500 majority. The murder of Mr. Hoffman will now probably cause the Republicans and all law-abiding Democrats of Washington County to abandon the canvass and remain away from the polls on day of coming election. For this and no other purpose the murder of Mr. Hoffman has been brought about. The "Kuklux" Democrats concluded it was best to adopt this method rather than to commit robbery of ballot boxes, and thus subject themselves to indictment and prosecution in the Federal courts.

Mr. James Holt, who was shot with Mr. Hoffman, was a fearless Democrat, and opposed to the election of the Kuklux ticket.

Last year he gave Judge Kirk a sound thrashing, and would have killed him but for the interference of other parties, and not long since he also gave B. S. Rogers, county attorney, a sound thrashing; hence this explains why Mr. Holt was assassinated at the same time with Mr. Hoffman. The Associated Press dispatches of Texas and other Southern States seem to be wholly controlled by the Kuklux leaders, and in many of the recent outrages perpetrated by the Kuklux upon Republicans the Associated Press dispatches make it appear that these outrages were committed by Republicans upon Democrats.

I also send you the inclosed letter, written me by Mr. Hoffman on 16th ultimo, from which you will readily perceive that he knew the dangers confronting him, and that his life might be sacrificed at any time. This letter, together with this communication, you are at liberty to make public, if you deem it advisable to do so.

Mr. Hoffman was a native of Ohio (German Jew), and in 1863, when he was only fourteen years of age, he ran away from his parents and enlisted in the Federal service as a drummer boy, and was in General Sherman's army in his famous march "from Atlanta to the sea." He came to Texas in 1870, and has been an active Republican ever since, up to the time of his death. Since 1878 he has been the regular nominee of the Republican party of Washington County for assessor of taxes at every election held since then, and has been continuously in office since 1878 up to the time of his death. In 1886 he was the only Republican candidate of Washington County who still had a majority of votes after the Kuklux had destroyed the three ballot-boxes at Graball, Flewellen's, and Lott's Store, where at least 600 Republican majority was lost, and by the throwing out of at least 500 Republican ballots by Democratic election officers at other polling places in the county the Republicans lost a total of 1,100 votes. Mr. Hoffman's wife died last July, leaving him with a large family of nine children, who are now by his death left orphans. I feel somewhat responsible for his death, because some three months ago he wanted to leave Texas, and asked me to issue a circular addressed to the Republicans of Washington County advising them to take no part in the present political campaign.

This I refused to do, and advised him to remain in Texas; to organize the Republicans, and to make an active canvass for the combination ticket, which advice he followed.

No words of mine can express my sorrow and regret, but letters I have received during the past ten months from Democrats and Republicans of Washington County led me to believe that a combination ticket would be triumphant and that the Kuklux would not dare to resort to violence.

In Fort Bend County, Texas, which is the last remaining county under Republican ascendency, the Kuklux are now expelling Republicans, and ere this reaches you it is probable that scores of Republicans will have been murdered or expelled from that county.

THE WINCHESTER IS KING.

RICHMOND, TEX., *September* 7.

The negroes ordered to leave the Fort Bend country for the attempted assassination of H. H. Frost, will resist. A committee of six citizens went out to Jack and Tom Taylor, 15 miles from Richmond, in a stronghold of five hundred negroes, to notify them that they had ten hours in which to leave the country. They declined to leave, defying the whites. One of the committee returned to town and reported the decision of the Taylors. While the others remained on guard, forty men armed with Winchesters have gone out to enforce the order. C. M. Ferguson, the offensive negro district clerk, has gone to the Taylor neighborhood. Matters have assumed such a serious phase that two local military companies have been called into service, and Governor Ross has ordered the State rangers to Fort Bend County.

THREE HUNDRED TEXANS IN ARMS.

RICHMOND, TEX., *September* 7.

At a late hour last night a dispatch was received here from Thompson Switch, saying that Rufe Lave, a notorious negro agitator, had purchased all the cart-

ridges in that vicinity, and had advised the negroes to arm themselves and prepare to defend their lives and property. A posse immediately formed and proceeded to the place on horseback. Thirty-two armed men are patrolling the town. Three hundred men with arms are ready to respond to the first alarm.

The above dispatches from Richmond, Tex., explain themselves, and show that Governor Ross is following in the footsteps of his predecessor, Governor Ireland, in sending State troops into Republican counties to aid the Kuklux in carrying out their hellish purposes.

I submit all of the above facts as further evidence of the truth of allegations made in petition of myself, Carl Schutze, and J. L. Moore, to the honorable United States Senate.

Mr. Hoffman is only another martyr added to the long roll of the thousands of brave Southern Republicans who have been murdered by the Kuklux since President Hayes, in 1877, withdrew the Federal troops from the Southern States, thus placing Southern Republicans wholly in the power of the old rebel leaders, and the thousands of Kuklux assassins whom the rebel leaders controlled and directed in all their outrages, etc.

Since Mr. Cleveland's election in 1884, thousands of Kuklux outrages have been committed in many sections of the Southern States, where such outrages have never been hitherto known.

His re-election will make matters a thousand times worse than they now are in the Southern States. In event of his re-election tens of thousands of poverty-stricken colored people will pour into the Northern and Western States to escape Kuklux domination.

When will the liberty-loving and law-abiding people of the North realize that the Kuklux outrages of the South are perpetrated, not only to secure a solid and unbroken South, but also to secure the supremacy of the Southern leaders in the National Government?

Will the liberty-loving and law-abiding people of the North now unite to build up and maintain a solid and unbroken North, whereby the supremacy of law and good government may be maintained throughout every State in the Union, and which will protect every citizen in the full enjoyment of every political right guarantied by the Federal Constitution?

The election of Harrison and Morton will alone stop the retail and wholesale murders of Southern Republicans, and every citizen who fails or refuses to support them will largely aid to perpetuate the remorseless power of the Kuklux leaders of the solid South.

With sincere regards, I remain, yours truly,

S. A. HACKWORTH.

Hon. JOHN C. SPOONER,
Washington, D. C.

Mr. SPOONER. Mr. President, I did not intend to have caused to be read the newspaper slips which are attached to that letter and which have been read, except that the Senator from Vermont [Mr. EDMUNDS] just handed to me the morning Post, which contains, pertinent to these extracts, the following:

GENERAL POLITICAL NEWS—TEXAS REPUBLICANS AFRAID TO MAKE A STATE CAMPAIGN.

GALVESTON, TEX., September 11.—The Republicans of Galveston County, in mass meeting last night, elected delegates to the State Republican convention, which meets at Fort Worth on September 20. Resolutions were passed condemning the occurrences in Fort Bend and Washington and appealing to the governor of the State to right matters. Another resolution was adopted as follows:

"*Resolved*, That the mob violence of Fort Bend County and the assassination of Joseph Hoffman, of Washington County, admonishes us that similar scenes may be expected to follow the vigorous efforts of our party in counties in which the Republican vote predominates; therefore it is the sense of this convention that the interest of the Republican party will be best served by not nominating a State ticket."

The letter of Mr. Hackworth abounds in pretty strong expressions, so strong, perhaps, as to warrant the charge of intemperance in his language, were it not for the fact that, as he states, he considers himself an exile by force, because of his political opinions, from the State of Texas.

I desire to read Hoffman's letter to Judge Hackworth, a private letter never intended for publication and doubtless, so far as it expresses his fears and the threats which had been made against him, absolutely true. I do not know how it may seem to others, but to me it is a pathetic letter, of a brave, strong man who dared in the face of danger to do his duty as he understood it and to maintain his allegiance to the party in whose principles he believed, even though it were in the presence of death. There are many things in it which, if it were not for the fact that he is dead, would perhaps be so irrelevant to anything involved here as to warrant the suggestion that I should omit them, but I will read the entire letter.

[Office of assessor of Washington County. Joe. Hoffman, assessor.]

BURTON, TEX., *August* 16, 1888.

DEAR STEVE: I received your letter yesterday, and I hasten to reply. I am glad you and your family are well, and I hope Mrs. Wallney and your mother are enjoying themselves in free Kansas, and if I can get a couple of weeks to spare as soon as I get money I will visit you. I have seen your scathing rebuke of Southern Democrats (K. K.) alluding to the troubles in your State, and I hope the murderers of Sheriff Cross—

I do not know what particular murder this is to which he refers. It was not one disclosed by the investigation—

and I hope the murderers of Sheriff Cross and others will be dealt with according to law. I hope your prediction about Harrison is true, and then we will be all right with Paul for marshal.

That is Paul Fricke, as I understand it, a prominent Republican there.

We will make this country clean of murderers and ballot-box thieves, and, you can rest assured, I will do all I can to help get the position for Paul then. He is a noble, whole-souled fellow, and a truer Republican never trod the earth. Our ticket is made—

That is the combination ticket which Mr. Hackworth advised, as he states in his letter, should be put in the field, made up of Republicans and of men who, while Democrats, were opposed to the present Democratic régime in Washington County, which is a part of Mr. ROGER Q. MILLS'S Congressional district—

and it is a good one; James E. Gray, county judge; Thomas J. Awalt, sheriff; C. Zurcher, collector; George W. Breedlove, treasurer; W. C. Broesche, county clerk; myself for same office—

That is, assessor, the office he held at the time—

Blunt for representative; W. H. Vinson, county attorney, but I heard he has withdrawn, and Press Simmons for district clerk, and he has withdrawn, and I do not know yet who will fill the vacancies. Our issue in the campaign is clear, and I am willing to do my part. I know it is dangerous, and I may be killed, but I will do my duty. I wish I could be somewhere during this campaign where I could do more good than here running for office. I would like to make some votes for the Republican nominees where it would count. You have no idea how well our ticket is taking; but whether the Democracy will succeed in getting their split-up ranks closed again I am unable to say. They lay all the blame to Paul and me, and I have been threatened a good deal lately. Dr. Watt remarked to Squire Broesche, in presence of his wife and daughter, if I persisted in running he would not answer for my life, and he would not stand back in shedding blood. I tell you, dear friend, the canvass will be red-hot, and I would rather be out of it, on account of my children, and my mother-in-law begs me day after day to have nothing to do with it; that should I be killed they will have no support. The old lady talks to me with tears in her eyes, but I have stood firm. God knows we miss you, Schutze, and Moore.

These are the two other signers of the petition upon which the investigation was ordered.

And while I know that Paul will not feel the interest in the campaign now that he would if he were on the ticket, I know he will do his duty and work and talk all he can, but he will not go to the meetings like he formerly did. George Brown wants me to go to the lower part of the county to the meetings, and I have expressed my fears to him about going and I have a presentiment if I go down there I will be killed. Dear Steve, you know I have not got the education I ought to have, but if the Republicans North can make use of me I would rather be there than here and I am coming to see you and I expect to live in free Kansas; then you know I can not live here and express my sentiments. Give my regards to your family, mother, and Mrs. Walling, and my best wishes to all of you.

Your friend,

JOE HOFFMAN.

He staid there; he accepted the position upon the ticket; he walked in the clear light of day, as he had a right to do, and he was shot down.

Mr. COKE. Will the Senator allow me to ask him if he has the envelope in which that letter was sent from Texas to Kansas?

Mr. SPOONER. Yes, sir, I have.

Mr. COKE. Does it bear the postmark of Brenham?

Mr. SPOONER. On the upper left-hand corner is "Return to Joe Hoffman, county assessor, Burton, Texas." It bears the postmark "R. P. O.," meaning railway post-office, "Aug. 17, 1888." The rest of the postmark I can not decipher. It is addressed to "Mr. S. A. Hackworth, 206 East Fifth street, Topeka, Kansas." What is the object of the Senator's inquiry?

Mr. COKE. The object of my inquiry was to know whether the letter came from Joe Hoffman or not. I believe that letter, unless there is evidence of its having come from Texas, to be a forgery. I believe it to be a forgery. Mr. Hackworth, the writer of the letter which the Senator from Wisconsin has just read, is a man of infamous character. He is a man who ought not to be believed on his oath in any court of justice. He is a man who I believe would not hesitate to commit forgery or perjury or any other crime in order to make his point. For that reason I wanted to know if that letter appeared to have been mailed in Texas.

Mr. SPOONER. Mr. President, the assertion of the Senator from Texas as to the character or want of character of Mr. Hackworth, and his willingness to commit all the crimes known to man, would come to me with much more significance if it were not for the fact that at the time when the petition was presented to the Senate, signed by three men representing themselves to be citizens of the United States, and stating under oath that they had been driven by force and threats of death from their homes in Texas because of their political sentiments, stating in detail outrage after outrage, including the most cowardly murder, that had been perpetrated for purely political purposes in Washington County, Texas, stating that poll after poll at that election, all Republican, of course, had been raided by Democrats, and the ballots destroyed before they could be counted, and stating other facts upon which they based the demand that the Senate of the United States should hear their cry, the Senator from Texas arose in his seat and without hearing any of the testimony denounced these men as vagabonds and scalawags.

Mr. COKE. I did so, sir, because I knew them to be such before the testimony came here.

Mr. SPOONER. Since that time, charged with a duty by the Senate, I, in company with the Senator from New York [Mr. EVARTS] and the Senator from Colorado [Mr. TELLER], on this side, have examined the witnesses, have taken the testimony bearing on the charges so freely and so flippantly made by the Senator from Texas when this petition was introduced. And while I do not intend to debate at all the testimony taken before that committee, I have a right to say, and it is my duty to say in reply to what the Senator from Texas has stated, that his assertion that these men are without character is shown by the testimony to be utterly without foundation in my opinion.

Mr. PUGH. Mr. President, will the Senator allow me?

Mr. SPOONER. Why, certainly.

Mr. PUGH. I am a member of the Committee on Privileges and Elections that is charged with the duty of making this investigation. The Senator from Louisiana [Mr. EUSTIS] and myself were members of the subcommittee appointed by the full committee to examine the witnesses brought before it upon the subject of this examination.

I was present during the time when most of the witnesses were examined, and so was the Senator from Louisiana, and so was the Senator from Texas [Mr. COKE]. I feel it my duty to state, and I do state, that when that testimony is published it will fully verify the statement of the Senator from Texas that the man who wrote the letter that the Senator from Wisconsin has had read to the Senate is unworthy of credit and could not be sustained in any judicial proceeding by any reputable witness in the county and community in which he lived.

That examination was made months ago. It was protracted through several months. It culminated several months ago. I have never seen any of the testimony since it has been printed. It is all printed, as I am informed. There has been abundant time for that testimony to be reported to the Senate.

Mr. HOAR. Is not a copy of that testimony in the Senator's possession?

Mr. PUGH. I sent, at the instance of the Senator from Texas [Mr. COKE], to the clerk of the Committee on Privileges and Elections for a copy of that testimony. I obtained it and delivered it to the Senator from Texas.

Mr. HOAR. I desire to say that the clerk of the committee——

Mr. PUGH. I have since sent for a copy of that testimony to the clerk to deliver to the junior Senator from Texas [Mr. REAGAN]. I desired a copy of that testimony for my own use, having parted with the one sent me to the Senator from Texas [Mr. COKE], as I stated before. I have never read that testimony in print. I have been unable to obtain any other copy of that testimony than the one I furnished to the Senator from Texas [Mr. COKE].

Mr. HOAR. The Senator will pardon me. The clerk of the Committee on Privileges and Elections was absent from the city a little while ago, owing to the very severe illness of his father, but the gentleman temporarily left in charge of the room during the clerk's absence, as I understand, delivered the last two copies, which had been printed for the use of the committee, to the Senator from Alabama, one for the senior Senator from Texas, and one for the junior Senator from Texas.

Mr. PUGH. I have never received but one copy.

Mr. HOAR. Then there is a mistake about it.

Mr. REAGAN. I desire to say that I called twice on different days on the Senator from Wisconsin [Mr. SPOONER], and asked him to furnish me a copy of the testimony he has been discussing, and I have called on two other members of the committee, and I have never been able to obtain a copy of the testimony.

Mr. PUGH. If the Senator from Wisconsin will allow me, I desire to state that the testimony taken by the subcommittee, which has never yet been reported to the full committee, will show that the troubles which that committee was called on to investigate grew out of an election of county officers. That testimony, in my opinion, will show beyond question that there was no politics that caused the trouble at Brenham after the election of those county officers. The contest in the election was over the election of a judge of probate and the election of other county officers. The candidates voted for at that election were nominated by a peoples' convention at Brenham, made up of citizens irrespective of party or race. That citizens' meeting nominated the candidates. That meeting was made up of colored people and white people, of Republicans and Democrats. The witnesses who testified before this committee were colored witnesses, Republicans, and white Democrats, and the witnesses who voted for the peoples' nominees in that election were a number of them Republicans in Washington County, men of property and men of character.

I state again that when that testimony is published it will fall far short of sustaining the statements made or the opinions expressed by the Senator from Wisconsin. There is a difference of opinion between that Senator and myself as to what that testimony establishes. I am perfectly confident that when that testimony is published and examined it will show that the troubles produced by that election and growing out of it were on account of an effort of the best citizens of Washington County, made up of Republicans and Democrats, colored people and white people, to keep the persons who were seeking these county offices from obtaining them, as they had had possession of them for years before; and one of them who had been county treasurer, I believe it was, had been convicted of embezzlement of many thousand dollars of county funds and lodged in the penitentiary. It was this class of people that had obtained these county offices through the use of the ignorant vote of the negroes. It was the use that they had made of these county offices that caused this meeting of the citizens for the purpose of defeating that class in holding on to these offices.

Mr. SPOONER. I only rise for the purpose of asking the Senator from Alabama to let me know when he gets through with his question.

Mr. PUGH. I obtained leave to make a statement, not to answer a question or ask one.

Mr. SPOONER. The Senator took me off my feet in the middle of a sentence.

Mr. PUGH. I obtained leave to make a statement in answer to what the Senator himself stated, and if the Senator objects to my saying anything more——

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield?

Mr. PUGH. Is there objection to my going on?

Mr. SPOONER. No, no. Let the Senator go ahead. I do not object at all.

Mr. PUGH. I will close by simply saying——

Mr. SPOONER. I do not object at all.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Senator from Alabama will proceed.

Mr. PUGH. I say that I make the statements that I do upon personal knowledge of what the testimony will show when it is published, and I say that it will demonstrate to every fair-minded man that the statement made by the Senator from Winconsin has—I will not say no foundation—but the preponderance of the evidence taken by that committee that is worthy of credit and belief will show that his statement in reference to the facts it establishes is entirely unsupported.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. PUGH. Certainly.

Mr. SPOONER. Do the facts show that the ballot-box at Gr[illegible]all was raided while the votes were being counted and the ballots taken and the count stopped?

Mr. PUGH. I deny that the testimony will show that.

Mr. SPOONER. Does the testimony show that there was any interference with the count at any poll in that county?

Mr. PUGH. I deny that the testimony will show that.

Mr. SPOONER. Does the testimony show that there was ever any election in Washington County?

Mr. PUGH. Well, when the Senator asks a question that is worthy of an answer, and a proper one to be asked of a Senator or propounded by a Senator, I will answer it.

Mr. SPOONER. I beg the Senator's pardon. I was so astounded by his answer to the two previous questions that I put to him, that I put what I concede was an improper question.

Mr. PUGH. I simply call on the Senate to wait until the testimony taken by that committee is published, and the Senate and the country can judge of the character of that testimony and what it establishes. I undertake to say that when it is published it will show that the troubles growing out of that election were provoked by the effort of these people, who are now getting up this investigation and trying to make political use of it. They occurred after an effort on the part of the best people in Brenham, Washington County, to displace these men from offices in which they had been guilty of embezzlement and crime, and in which they had destroyed the credit of that county.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. The Senator will please suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

COURTS IN MISSOURI.

Mr. VEST. I rise to a privileged question. I wish to make a conference report.

The PRESIDING OFFICER. It will be received if there be no objection.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1604) entitled "An act to change the time of the sessions of the circuit court of the western division of the western district of Missouri" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

G. G. VEST,
JAMES F. WILSON,
RICHARD COKE,
Managers on the part of the Senate.
D. B. CULBERSON,
JNO. H. ROGERS,
L. B. CASWELL,
Managers on the part of the House of Representatives.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 11th instant, approved and signed an act (S. 3364) to provide for an American register for the steamer Saginaw, of New York; and an act (S. 1813) for the relief of Susan B. Hopkins, widow of Arvah Hopkins, late of Tallahassee, Fla., deceased.

KILLING OF JOSEPH HOFFMAN, WASHINGTON COUNTY, TEXAS.

Mr. HOAR. I ask unanimous consent that the pending measure be informally laid aside in order that the Senator from Wisconsin may be at liberty to conclude his remarks.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be laid aside informally to permit the Senator from Wisconsin [Mr. SPOONER] to continue his remarks on the resolution submitted by him.

Mr. SPOONER. Mr. President, I do not mean to be put by the Sen-

ator from Alabama or by the Senator from Texas to the quite unnecessary task of defending the Committee on Privileges and Elections against the charge of having unnecessarily delayed making its report. That is not the business which at this particular moment I am engaged in. I ask the Senate to bear me witness that I have not engaged here in any debate upon the testimony given before that committee or the effect of it except so far as forced to do so by the intervention of the Senator from Texas and the Senator from Alabama.

The Senator from Texas has challenged the authenticity of the letter which I read as passing from Mr. Hoffman to Mr. Hackworth upon the ground that Hackworth is a man of infamous character, ready at any time to commit the crime of forgery or any other crime which he thought would answer his purpose. I stated, and I repeat it, that the Senator from Texas, when this petition was presented to the Senate signed by S. A. Hackworth, by J. L. Moore, and Karl Schuetze, before any evidence had been taken, before the resolution or petition had even been referred to the committee, denounced these men in the same way as scalawags and not entitled to credit.

I said that the Senator's criticism or impeachment of these men did not come to me now with such significance as it would have come if after taking the testimony before the committee I had not been led to the conclusion that his original impeachment of their integrity and character was utterly without foundation. This has no bearing on the question I was debating except this, that it was in answer to his attack upon the genuineness of this letter predicated on the bad character not of the man who wrote it but of the man who sent it to me.

I said before the Senator from Alabama intervened, and I say again, that on the testimony taken before that committee, Stephen A. Hackworth, aside from the fact that he was a Republican politician, aside from the fact that he persisted in making Republican speeches to "nigger" audiences—which is proof positive in that region, as much of the testimony shows, that a man is a bad character—aside from the fact that he had been politically active, stands upon the testimony entitled to full credit on the witness stand and generally.

He had been for a long time a resident in that county. He had been repeatedly elected to office in the county. He had been once charged with an offense of some maladministration in office. Two or three indictments had been presented against him, or informations had been filed against him; and every witness by whom his character was sought to be impeached was asked the question, "Was he not indicted while he was county judge?" "Yes." But never in a single case was that question followed by the other question which would elicit the truth, that he was acquitted upon the trial, and the other charges were all nolle prossed.

There were men who testified before the committee generally that he was a bad man. On cross-examination, when we pressed them to know upon what they had based their impeachment of him, it turned out to be either that he could not pay his debts or that he made speeches to colored Republicans and was therefore an agitator! He could not pay his debts! I asked several witnesses the question whether there were any other men there who could not pay their debts. "Certainly." "Are there not Democrats there who can not pay their debts?" "Certainly." "Why do you not drive them away from Texas if that is sufficient ground for exile?" But analyzed and followed up, the adverse judgment upon Hackworth was palpably political. He is a great organizer, a bold, tireless Republican worker.

Another thing. How absurd it is that the Senator from Texas should attempt to discredit this letter—this statement from a man now dead—of his hopes and fears, and of his courage and devotion—this man who stood well even in Washington County, Texas, and who had been elected again and again to office, by such a suggestion.

Mr. COKE. What is the post-mark on the letter?

Mr. SPOONER. I care nothing about the post-mark on the letter. The envelope has printed on one end of it "Return in ten days to J. Hoffman, county assessor, Burton, Tex."

Mr. COKE. Where was the letter mailed?

Mr. SPOONER. It bears the stamp of the railway post-office, August 17, one day after its date. The letter is not from Kansas; the letter is not dated in Kansas. The letter bears date where it was signed or purports to be signed. It is on the official letter-head of Joe Hoffman, the assessor of Washington County:

Office of assessor of Washington County, Joe Hoffman, Burton, Tex., August 16, 1888.

Here is the official letter-head of Mr. Hoffman and the official envelope of Mr. Hoffman. The letter is signed by Mr. Hoffman, and is dated at Burton, Tex. There is every indication, to a right-thinking man, that this is a genuine letter. It carries proof of genuineness upon its face. There are two pages of it, not in the handwriting of Mr. Hackworth, but I believe in the handwriting of Mr. Hoffman; and the Senator asks that it shall all be discredited; that it shall be taken as a forgery; that that letter, as an appeal to the Germans of this country, from a German soldier who wanted to live and to be a free man in Washington County, Texas, shall be broken and shall go for nothing because the Senator states that Stephen A. Hackworth, who sent it to me, is a man of bad character.

Mr. President, another thing that goes to the weight of the Senator's condemnation is this: At the time he made his speech, when this petition was introduced, he denounced J. L. Moore, another of the petitioners, as a scallawag and a man unworthy of credit. Sir, I state without hesitation—and I believe I am entirely accurate about it—that among all the witnesses, Democrats and Republicans, who came before that committee, there were but one or two who did not say that Mr. Moore was a gentleman and entitled to credit, and that they had nothing against him except that he worked and voted for the Republican ticket, made speeches at negro meetings, etc. If I do not state the fact accurately, I hope the Senator from Colorado and the Senator from New York will correct me.

It will not do, Mr. President, to attempt to whistle this letter down the wind, to stifle this pathetic voice that comes up from Washington County to his countrymen, upon any such suggeston as that to which the Senator from Texas resorts.

The Senator from Alabama undertakes to discuss what I had not undertaken to discuss—the testimony given before that committee. I say, sir, that in my opinion the uncontradicted testimony shows that two separate ballot-boxes or polls were raided and that as to one of those cases the ballot-boxes while the count was going on were taken and the ballots taken out and the count not permitted to proceed. Upon one of these occasions a man who came in there named Bolton was shot dead.

I undertake to say that the undisputed testimony as to another of the cases is that after the ballots had been counted, and while two men, one of them an officer of the election, were on their way from the polling-place to the county seat to deliver over the papers to the proper county officer, they were stopped by masked men and at the point of a revolver were compelled to hand over their tally-sheets and the ballot-boxes. And yet the Senator would have it understood that there were no outrages committed on the ballot in Washington County, Texas!

Those polling-places were, as I need not say, all Republican polling-places. There was no violence at any Democratic polling-place. This was in the black district, where the Republican majority came from, and that was and had been for many years a strong Republican county. Three negroes who were at one of the polling-places were taken upon a charge of being accessory to the killing of this man Bolton—men who, I think the testimony showed, were absolutely guiltless of any participation whatever. They were never examined. No testimony was taken. They were taken out from the jail by masked men and hanged. They had no chance for their lives in this law-abiding county of Texas, any more chance than if they had been rats or mad dogs.

I stated the other day that there were circumstances connected with this infamous outrage pathetic beyond the power of expression. That was not all, sir. After the election, men—those men who have left the State of Texas and who signed this petition—had notices served upon them which are in the testimony, commanding them to leave the State of Texas. This was after a mass meeting of Democrats had been held at the county seat upon the subject. This man, Joe Hoffman, this brave man, who dared to be a Republican in Washington County, Texas, this man who had marched with Sherman, in our uniform and under our flag, from Atlanta to the sea, a German-American citizen, the uncontradicted testimony shows, when this election was over, had a notice served upon him. It is here in the testimony, and I would not for the world have commented upon this testimony, as I stated the other day, but for the fact that the Senators have compelled me, in justice to these men and in justice to the committee, to do it.

The testimony of the witness Hoffman was taken before the subcommittee, his examination being conducted by the Senator from New York [Mr. EVARTS], and I may say in reply to the Senator from Alabama that all the time that I attended the examination of these witnesses I never saw the Senator from Texas there for more than five minutes.

Let me read from the testimony which I hold in my hand—the notice to Hoffman:

DECEMBER 8, 1886.

JOE HOFFMAN:

You are requested to vacate Burton forever by Saturday night.

CITIZENS.

Mr. HAWLEY. The best people!

Mr. SPOONER. Yes; the "best people"—"citizens." That is the old formula which obtained for so many years throughout the Southern States, when men were being driven to the swamp and out of the States because they chose to vote the Republican ticket. Mr. Hoffman was too brave a man to leave there, and he refused to leave, although his letter shows that he felt that he was in danger. He felt that his nine motherless children were liable to become orphans any day because of the malevolence of his political foes. Joseph Hoffman staid there like an honest man. This was no "nigger" killing; this was not some "negro agitator," whose existence there imperiled the best society. This was a white man, a Republican, living in the country of his adoption, which he had served in battle.

But, Mr. President, if any Senator on that side supposes that I introduced this resolution which I now send to the desk for the purpose of making the speech I am making, he is mistaken. If any Senator supposes I intended to debate what transpired before that committee, he is mistaken. If any Senator supposes that my desire was to stir up

sectional strife or make a point for the Republican party, he is mistaken.

My purpose was this: This man, Joe Hoffman, was still under the subpœna of this Senate. This man, Joe Hoffman, had been served by an officer of the Senate with a subpœna commanding him to come here and give his testimony.

We may not be able, Mr. President, to throw the safeguard of the law, the protection which the law ought to give to all men whomever and whatever and wherever they are, around men in Washington County, Texas, if they choose to be Republicans——

Mr. PUGH. Mr. President——

Mr. SPOONER. We may not be able to throw the safeguards of the law around men in other parts of the South, but we ought to be able to protect a man summoned as a witness before a committee of the Senate. We ought to be able to protect him from being shot ruthlessly down at his home because he dared to obey a subpœna and give his testimony. If we can not protect him the fact should be known of all men.

Mr. PUGH. What information, let me ask the Senator, has he as to the circumstances under which Hoffman was killed?

Mr. SPOONER. I have no information as to the circumstances under which Mr. Hoffman was killed except this, that he had been before this committee, and we subpœnaed him as a witness again. He did not come. An officer of the Senate, who stands within hearing of my voice, who served the subpœna on him, informed the committee that Joseph Hoffman was afraid to come; that he had informed the officer that he had been threatened with death because of his former attendance and of the testimony he had given.

I have no other information than that, and the information given by this letter from Mr. Hoffman, that he lived in daily dread of what at last came to him.

I have, in addition, the information given by the newspapers, that he was shot in cold blood while talking with several gentlemen at Brenham, Tex., in broad daylight several days ago.

Now, Mr. President, the object of the resolution which I propose to offer is this: I want the Senate of the United States if they will, in view of the information which we have, which of course may not be absolutely accurate or entirely reliable, although I deem it sufficient to authorize and instruct its Committee on Privileges and Elections to investigate the circumstances attending the murder of this man, with especial reference to ascertaining and reporting whether the fact that he had testified before the Senate committee in obedience to a command of the Senate had anything to do with the cause of his taking off. That was the purpose of my resolution; that was the purpose with which I sought the floor and which I intended to express in five minutes instead of taking up the time I have taken.

Now, Mr. President, before I sit down I owe the Senator from South Carolina [Mr. BUTLER], I think, an apology (in view of the fact that he did not interrupt me orally) for alluding to him in the discussion. That apology I certainly tender to the Senator.

Mr. BUTLER. That is quite satisfactory to me, Mr. President. I had not interrupted the Senator at all.

Mr. SPOONER. I had interpreted the expression of the Senator's face as lawyers often do in court, and as I concede I probably ought not to have done in the Senate. I thought I saw something like a sneer on the Senator's face, but I owe him an apology for referring to it, which I cheerfully tender to the Senator.

Mr. BUTLER. Why, Mr. President, I was simply enjoying a privilege which I think we all have on this floor, of smiling occasionally. I think it is a privilege we all exercise, the privilege of smiling, not of sneering. I do not think I was guilty of any offense. I was surprised when I was taken up by the Senator from Wisconsin. Of course I have no feeling about it at all.

Mr. SPOONER. I have made the *amende honorable* to the Senator as well as I can, and I think perhaps that feature of the debate ought to be ended.

I now send to the desk the resolution which I offer, and which I ask may be read for information and referred according to the rules.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read as follows:

Whereas Joseph Hoffman, of Brenham, Washington County, Texas, a prominent German Republican of that county and a witness before the subcommittee of the Committee on Privileges and Elections of the Senate, was recently shot down, apparently in cold blood, in said city of Brenham; and

Whereas there is some reason to believe that the taking of his life was directly attributable to his political views and activity and to the fact that he had given strong testimony before the Senate committee upon the investigation, which is still pending, under order of the Senate, into alleged election outrages perpetrated in said Washington County, Texas; and

Whereas it is of the utmost importance that witnesses before Congressional investigating committees may, without danger to their lives, freely and fully testify concerning matters under investigation: Now, therefore,

Resolved, That the Committee on Privileges and Elections be, and it is hereby, instructed to investigate, either by the subcommittee in charge of the investigation of alleged outrages in Washington County, Texas, or by another subcommittee or otherwise, the circumstances attending the killing of said Joseph Hoffman, with especial reference to ascertaining whether said killing was in any sense due to the testimony given by said Hoffman before the Senate investigating committee as aforesaid, and the said committee, or its subcommittee as aforesaid, is hereby empowered, in pursuing said investigation, to send for persons and papers, and to employ a stenographer; and said committee is directed to report at the earliest practicable day to the Senate, the testimony, with their views thereon, and such recommendation, if any, as to the committee shall seem best, and the said committee may sit during the recess.

Mr. COKE. Mr. President, I know nothing of the occurrence spoken of in that resolution except what I derive from the public journals, and I am informed by the dispatches in the papers I have received that Mr. Hoffman was killed by some unknown person, I think not in the day time but in the night; and at the same time that Mr. Hoffman was killed Mr. Holt, a leading Democrat of Washington County, and an exceedingly active one, was severely if not mortally wounded by the same shot.

Mr. REAGAN. Mr. Holt, I understand, has since died of his wound.

Mr. SPOONER. If the Senator will allow me, Mr. Holt was bitterly opposing Judge Kirk and the present Democratic county ticket in Washington County.

Mr. TELLER. And was on the same ticket with Hoffman.

Mr. COKE. It was not stated that Holt was on the same ticket with Hoffman.

Mr. TELLER. He was supporting the same ticket; I will not say that he was on the same ticket.

Mr. COKE. My colleague tells me that Mr. Holt has died of his wound. I had not heard that. I am very sorry to hear it. He was a good man and a Democrat. He was the brother of Mr. Holt, the executive committeeman for the State of Texas in the national Democratic committee.

He and Mr. Hoffman were engaged in conversation together. Mr. Hoffman is said by the newspapers of Texas to have been the Democratic nominee for county treasurer, and he and Mr. Holt were together talking in front of a certain house when an assassin (it was after dark) fired upon them and killed Hoffman instantly, and, as my colleague informs me, Mr. Holt has died since. Am I correct?

Mr. REAGAN. I do not think that I am mistaken. I think I saw a statement that Mr. Holt died a short time afterwards.

Mr. COKE. He was stated to have been severely if not mortally wounded.

Mr. SPOONER. It did not take him long to die; there is no doubt about that.

Mr. COKE. Now, Mr. President, here is a Democrat, a leading, active, working Democrat, who was shot down; and at the same time, and by the same assassin, Mr. Hoffman, also a Democrat, as reported in this paper, was shot. I do not know Mr. Hoffman, but he is represented in the dispatches to be the Democratic nominee for treasurer. Both were killed by the same shot. Yet this fact is paraded here by the Senator from Wisconsin with the view of showing that it was a Democratic outrage in Washington County.

Those are the facts as they are given in the newspapers of the country. Two Democrats were shot down by an unknown assassin when they were suspecting nothing, and yet it is called a great Democratic outrage!

Mr. TELLER. I want to ask the Senator from Texas, if he will allow me, whether he means to say that Joe Hoffman was a Democrat or had ever been a Democrat?

Mr. COKE. I mean to say this, that a newspaper at Brenham—that the Daily Dallas News, which has a dispatch giving a narration of the circumstances, says that Joe Hoffman was the Democratic nominee for county treasurer of Washington County, and only one of two nominees of the Democratic party that had not also been nominated or indorsed by the Republicans.

Mr. TELLER. Does not the Senator from Texas know that Mr. Hoffman had been a leading Republican?

Mr. COKE. I do not know it.

Mr. TELLER. Does not the Senator know that it was testified by more than one man before that committee that he was a Republican?

Mr. COKE. I did not know it at all, and I am led to believe that the Senator's understanding is not a correct one from the statements that I see in the papers and the only ones I see giving a statement of this transaction.

Mr. TELLER. The Senator from Texas has the printed testimony in which Mr. Hoffman testified that he was a Republican, and the Senator knows it, if he will take the pains to read it.

Mr. COKE. I have a volume of testimony as large as this volume that I hold in my hand. I have had it some two or three weeks, but I have only had time to glance hurriedly over an occasional page of it. I have not had time to go over the whole of it. I did not know that Mr. Hoffman had testified here until I heard it from the Senator from Wisconsin.

Mr. SPOONER. If the Senator from Texas will allow me a moment, I will say that if the Senator holds that testimony in his hand and will turn to the index, he will find the name of Joe Hoffman among the witnesses; and if he will then turn to the page on which Joe Hoffman's testimony is given, he will see that he testifies under oath as to whether he is a Republican or a Democrat, and the Senator will not then repeat the statement that Joe Hoffman was a Democratic politician.

Mr. COKE. I remarked at the commencement that all I know about this transaction I derived from the newspapers; and I state what

the newspapers say on this subject when I say that Mr. Hoffman was the Democratic nominee for county treasurer of Washington County; and I know Mr. Holt personally. I have known him for many years, and I know him to be a very strong, leading, and active Democrat.

And I know further, Mr. President, that nothing has occurred in Washington County in many years which has so excited the people as this double assassination. Meetings have been held there, and the governor has been called on to offer a reward of a thousand dollars for the discovery of this assassin. Private rewards have also been offered.

Mr. SPOONER. If the Senator will allow me to interrupt him, I desire to say that I am glad that that is true. It denotes a change perhaps—I hope it does—in Texas.

The uncontradicted testimony showed that no rewards were offered for the apprehension of the men who raided the ballot-boxes or for the men who hanged the negroes in Washington County, Texas. I interrogated myself Governor Ireland on the witness-stand, and he testified that, although informed of the occurrence, he had offered no rewards, and the testimony showed that no step was taken either in the county or State to secure the punishment of the men that committed the crime.

Mr. COKE. It makes very little difference to me what the Senator's views are on a thing of this kind. I simply stated the fact that the governor had been requested to offer a reward for the discovery of the assassin, which is true.

Mr. EVARTS. For the discovery of this one.

Mr. COKE. And I cite that fact as evidence that it is not the case which is paraded before the Senate—of a Democratic outrage. The Senator from Wisconsin says that Governor Ireland offered no reward for the men who violated the ballot-boxes and who hung those three negroes. But a reward is offered for the men who assassinated those two men.

Mr. SPOONER. Then that must be because one of them was a Democrat.

Mr. COKE. Well, I am simply stating the facts. If they were Democrats then it is not the Democratic outrage that the Senator from Wisconsin would make it out to be.

Mr. SPOONER. I said one of them was a Democrat. I think the Democrat was killed by mistake, probably. I think the man they were after was a Republican, Joe Hoffman.

Mr. COKE. I simply state what I see in the papers about it. The papers said that Hoffman was a Democratic nominee for county treasurer. I know Mr. Holt to have been a Democrat, a very ardent and active one. Those are the two men who were killed.

With reference, now, to the facts that have transpired in Fort Bend County. The Senator from Wisconsin read papers showing that certain parties had been ordered out of that county.

What were the facts in that county? One of the very best citizens in that county, a Mr. Shamblin, was assassinated in his own house when surrounded by his wife and children, simply because he was a Democrat, and a card was tacked to his gate-post giving the reason for his assassination to be that he was a Democrat. Mr. Shamblin was a Democrat of Fort Bend County, sitting with his wife and children in his home and was shot down, and the transaction is explained by a card tacked to his gate-post. In a little while, may be two or three weeks, another attempt at assassination was made, another leading Democrat, Capt. H. H. Frost, was shot and badly wounded from an ambush as he was entering his own yard-gate at night. He was not killed, but that was not the fault of the would-be assassin.

From those transactions people became alarmed. When was this thing to cease? Who was to be the next? The people got together and having evidence that certain parties had instigated these assassinations they were ordered to leave.

Mr. SPOONER. Will the Senator allow me to interrupt him?

The PRESIDENT *pro tempore*. Does the Senator from Texas yield?

Mr. COKE. Yes, sir.

Mr. SPOONER. I desire to say that this, as a pretext for the ordering of this man to leave Washington County, Texas, was never lisped in all the investigation made before that committee, and I for one never heard it suggested until this moment.

Mr. COKE. I am speaking of the transactions occurring in Fort Bend County about which the Senator had some papers read some minutes ago.

Mr. SPOONER. I beg the Senator's pardon. I thought he was alluding to the other case.

Mr. COKE. That is all there is about the transaction in Fort Bend County. One Democrat was shot down when surrounded by his wife and children, and another severely if not mortally wounded two or three weeks after that as he was entering his house, both because they had been active Democratic politicians. It was in consequence of these things that the men were ordered to leave Fort Bend as described in the papers sent up by the Senator from Wisconsin to the desk.

Mr. TELLER. I would like to inquire of the Senator from Texas if that is all the punishment inflicted on people in Texas when they commit murder—that they are ordered to leave the State?

Mr. COKE. I do not pretend to justify these things. I simply tell what occurred.

Mr. TELLER. If these men are guilty, why are they not punished?

Mr. COKE. They ought to be punished, but you have cases all over this country of men who take the law into their own hands, and if there is anything that will make men do that, it is such assassinations as occurred in Fort Bend and Washington Counties.

Mr. TELLER. I should like to say to the Senator from Texas that I have had a pretty extended acquaintance in the United States, and I never knew in any section of the country where I have lived (and since I have been a voter I have lived in three States) a man killed for his political principles—never. Nor can the Senator state that any such killing occurred in any Northern State.

Mr. COKE. If I had known that this debate would occur to-day, I would have brought papers that I have on this subject. The debate has been precipitated upon the Senate without notice to anybody, and the papers referring to it are all in my room. But of the fact that these people were killed in Fort Bend County because of their politics, and that, too, as is supposed, by Republicans and negroes, there is no question in the world.

Mr. TELLER. Then you ought to punish them.

Mr. COKE. Well, these men were assassinated and their assassins are unknown. People get tired after awhile of being shot down in that way. One killed and then in a little while another wounded—intended to have been killed—and all from the same source.

Now, Mr. President, I do not desire to anticipate the Washington County case or the testimony in it. The testimony has not been laid on the desks of Senators. It is not here so that we can see it and comment on it and refer to it, but I do assert here now, notwithstanding the assertions made by the Senator from Wisconsin, that the testimony taken by the Committee on Privileges and Elections utterly fails to make out any such case as he charges here before the Senate and the country against that people.

And I assert further, Mr. President, that of the three men who memorialized the Senate for this investigation, Hackworth and Schuetze are men of infamous character. I stated in reply to a question from the Senator from Wisconsin when this matter was up before, that probably Moore was a good man. I have since looked into the testimony. There are witneases who say that he is a good man, and there are other and better witnesses who say that he is a very bad man. As to Hackworth and Schuetze, I do not think anybody defends them against the charge of being very bad men.

Mr. SPOONER. Will the Senator give me the name of the witness who says that he is an infamous man, or a very bad man?

Mr. COKE. Of whom does the Senator speak—Moore?

Mr. SPOONER. Yes.

Mr. COKE. Colonel Giddings for one. He says Moore is a bad man.

Mr. SPOONER. Well, who else?

Mr. COKE. I happen to remember that one. There were others—I will say as many as three or four witnesses—that testify that this man Moore is a bad man.

Mr. SPOONER. There were about forty witnesses examined, I think, and all the rest concurred that he was a good man.

Mr. COKE. However that may be, the testimony will be printed, the report will be made and will be laid upon the desks of Senators, and I am prepared when that is done to enter into a discussion of all of it, and have no fears but that an ample vindication of the people of Washington County will be the result.

Mr. PUGH. Mr. President, I have no disposition to continue this debate, but I feel it due to myself to make a correction of the statement I made in reference to the presence of the Senator from Texas [Mr. COKE] during the examination of witnesses by the subcommittee. He, myself, and the Senator from Louisiana [Mr. EUSTIS] were in frequent conference with the witnesses we had to examine, and I had confounded his presence on those occasions with his presence at the time of the examination of the subcommittee. He informs me himself that he was only present at the subcommittee examination on one day.

Mr. COKE. And then only for a few minutes.

Mr. PUGH. And then only for a short time. I desire further to state that the square issue between the Senator from Wisconsin [Mr. SPOONER] and myself in reference to a matter of fact that each of us states is established by the testimony, is explained so far as I am concerned by the testimony as I remember it in reference to the raiding of the ballot-box. The testimony is that there was a young man by the name of Bolton, a young man of respectability and standing in the community—who was related, I believe to Judge Kirk or some of the candidates at that election——

Mr. COKE. His father was a candidate at the election.

Mr. PUGH. Yes, his father was a candidate for county commissioner. This young man went to the polling-place at Graball, as I believe the place is called, for the purpose of ascertaining the result at that box. The officers were engaged in counting the vote in an outhouse, and when he shoved open the door and entered the house where the election officers were engaged in counting the ballots, as soon as he appeared in the light, he was shot down in the doorway by some persons from the outside. My recollection is that there were as many as three shots fired at him from the outside of the building, and the young man fell dead in the doorway.

That produced such confusion and such a panic among the election officers that the lights were extinguished and the boxes and the ballots were scattered over the floor. They were never collected and were never counted.

The three negroes who were in jail and who were taken out and hanged, as has been stated, and as is shown by the testimony, were shown to have been present at the time this young man Bolton was shot, and it was believed that the three negroes were the authors of his death. They were arrested and put in jail on that charge, of the murder of young Bolton. When in jail some wicked people, if you call them so—of course it was wrong for them to go there and break open that jail, but it is done every day under provocations of that sort—entered the jail and took out the three negroes, and they were hanged.

That, Mr. President, I am satisfied, will be shown to be the fact as established by the testimony when it is published. Now, that is what is called the "raiding" which was established by the testimony. That occurrence was as I have stated.

The other facts in reference to the destruction of a return which the returning officers had to carry to Brenham or wherever the county seat was——.

Mr. TELLER. Brenham.

Mr. PUGH. Yes, Brenham—they were on their way to the county seat with the returns as stated by the Senator from Wisconsin, and the ballots were taken from them and destroyed. I denied that that was a raid in the sense that I understood it, and I denied that the polling place at Graball was raided, because I say that the young man Bolton who went there did it for the innocent purpose of ascertaining what had been the result at that box, his father being a candidate for county commissioner, and as soon as he entered the building where the election officers were counting the ballots he was shot down at the door and was found there dead. These three negroes were arrested on the charge of his murder, and while in jail they were taken out and hanged by a mob.

Mr. EVARTS. Mr. President, the Senator from Texas furthest from me [Mr. COKE] considers a newspaper as evidence that Mr. Hoffman was a Democrat. I believe that is the whole foundation and extent of the Senator's pretension that Hoffman was a Democrat. The pages of the testimony before the committee show that Hoffman was from top to bottom, from heart to action, a sturdy Republican under circumstances that required courage, heroism, and truthfulness, and not one word whatever has been made by way even of suggestion that he was anything but a Republican.

Let me read a dispatch from Brenham to the New York Herald, if the newspapers are sources of evidence as to the political opinions of important people:

BRENHAM, TEX., *September* 7, 1888.

Between 10 and 11 o'clock last night Messrs. Joseph Hoffman, tax assessor of Washington County, and James Holt, a prominent planter, were sitting at the corner of Murphy's saloon on the public square, engaged in conversation, when shot from a shotgun heavily loaded with buckshot entered the bodies of the two gentlemen, instantly killing Mr. Hoffman and fatally wounding Mr. Holt. The shot came out of the darkness, and nothing can be learned as to the identity of the assassin.

Mr. Hoffman was terribly wounded in a number of places.

A buckshot entered Mr. Holt's throat just beneath the chin and passed entirely through the neck.

As soon as the shot was heard a number of persons gathered on the spot, and their number was soon largely increased. Dr. Lockett was called and did what he could for Mr. Holt, but it is said he can not recover.

The cause of the shooting is a mystery. Hoffman was a Republican, and a candidate for re-election. He was one of the number proscribed during the political troubles in Brenham some time ago, which was made the subject of Congressional investigation. The Republicans here claim that Hoffman was the man shot at, and that the shooting of Holt was purely accidental.

The only testimony of hearsay—for these newspapers are hearsay—I read from the statement of Mr. Hackworth under his responsibility. After he had quoted and inserted the telegraphic communication which the Senator from Texas relies on as plenary proof, which led to that observation, he said:

The above statement—

That is, the printed telegram on which the Senator has relied—

The above statement that Mr. Hoffman was a Democratic nominee for county assessor is an unqualified falsehood. Some two months ago some of the leading "Kuklux" Democrats waited upon Mr. Hoffman and informed him if he would become a candidate for assessor upon the same ticket with Judge Kirk and other present Kuklux officials of Washington County, he would have no opposition, but if he became an opposition candidate he would be murdered.

He declined, as upon his own statement, to avoid a candidacy on what ticket? A ticket of the best men of Brenham and the best Democrats of Brenham. Among those espousing that ticket was Mr. Holt, whom the Senator from Texas vouches for as an excellent man and a prominent Democrat. I think he was both an excellent man and an eminent Democrat. He was supporting this ticket upon which almost all were Democrats, Joe Hoffman being a Republican, and two others retiring from the nomination because of threats of murder if they staid on the ticket. Mr. Holt, up to the time of his death, was on the side of Hoffman and on the side of the eminent and upright and courageous Democrats who were going to put down the dastardly crowd who committed the frauds and violence two years ago and were up again for re-election.

The assassin had two men in view of his murderous shot. One of them was a Republican obnoxious to the Kuklux, but not obnoxious to the honest and worthy Democrats of that country. With him was engaged this firm, courageous, excellent Democrat, who had espoused that same ticket and was on the side of Democratic and white Texan resistance against violence and murder.

A shot-gun fired at two people can not be treated as if it had the accuracy of the aim of a minie shot. There was either in that murder a purpose to take both lives, for they were both co-operating against the Kuklux ticket, or such recklessness in the purpose to drink the blood of the Republican that they did not care if it took down the Democrat who stood by his side. I talk of these things not affected by any dispute or any differences of opinion which occurred when these two gentlemen were conferring together. The shot came from a distance of 70 or 75 feet. There was no renconter, no excitement, but a deliberate murder in those streets, with none of the excuses of election excitement, or of any of the blood which, heated, excuses if it does not justify extravagances.

When we have from the letter of this murdered Republican a narrative, and the absolute verity and the nobility of his character are shown in every line, which ought to bring admiration from every honest Texan and from every honest Democrat, what do we hear from that State as here represented but a bold, rash proposition that that letter was forged by Hackworth? Look at it. Is there a man here who will look at that letter, without calling a witness to prove the handwriting of Joe Hoffman, and say that it was an invention? This has not come into existence since this murder. It has come into existence in a confidential, upright, clear communication from Joe Hoffman to Mr. Hackworth, exhibiting the situation of the contest, exhibiting the urgency of honest men, such as Mr. Holt and such as Mr. Hoffman, to do what they could in that region to assert the pre-eminence of justice and of right against violent men; and that was the issue.

Mr. Hoffman took his life in his hand when he was willing to stand as a candidate with Mr. Holt as a backer of the ticket, and all the honest Democrats who were on the ticket with Hoffman, he though a Republican and though exposed to every danger, which he realized and felt, that he stood in an attitude well warned by what preceded in the examinations before; and he was under the deep shadow of the recent death of his wife, with the nine children who were thus half orphaned clinging to his skirts to avoid a civil duty; and yet he fulfilled that duty.

I do not care what the Senator from Texas may say, nor what the Senator from Alabama may say, no man can read that letter and learn the fact of that man's murder without admiring the courage and the constancy of Hoffman, and believing in conformity with the whole record of his life and the whole record of the examination before the Senate committee, that he was an upright man, so known and felt by all Democrats and by all Republicans, by all black men and by all white men; that he fell under a former persecution; when there was an approaching election, by which that same set of men were to be re-elected who were engaged in the outrages before, and they were to be imposed upon a reluctant community—a community so reluctant that a great body of citizens of Democratic faith were on the ticket.

Hoffman had been elected for nine years assessor, the post of most confidence, as we all know, in judgment, in integrity, in confidence, and was chosen even in 1886 when he had been robbed of all these votes, because there was not fraud and violence enough to overcome the honest voters, black and white, of those precincts to re-elect Joe Hoffman. He was in office, and he was on the ticket to be re-elected. The Kuklux organization, of which Judge Kirk again was the leading candidate, was willing to make a barter, as we are assured, for the safety of his ticket, against the uprising resentments of the worthy Democrats of that county if he would take a place on it with the alternative, "Betray your Republican duty and you shall be continued in office; adhere to this uprising Democratic organization against us Kuklux and you shall be burned."

I agree that violence, however pitiable, however deplorable, is not to convict a community or a party. I use no epithets of accusation, but I know that it is as true in Texas as it was in Rome and is in all jurisprudence, *si nocens absolvitur, judex damnatur.* That is our accusation of Washington County and Washington County politicians, and the Kuklux violent men. I need not point a moral nor enforce an objurgation, for it is not my function to be a censor or a mentor; but when I heard the testimony given before us two years ago, I knew that if violence was to be the method of politics there, there would be no opportunity of drawing the line between the victims who were Republicans and the victims who were Democrats.

Is not this a pitiable occurrence? Is it not right that we should feel a spirit and a pride when we are told that at last the governor down there and the neighborhood are trying to find the author of this cowardly murder? When we hear of his being hanged after he has been tried and after he has been convicted, we shall not scruple to admire the deliberate justice in his case, although we contrast it with the rash act of that neighborhood, that without evidence and without one particle of fact in existence sacrificed the lives of these three colored men two years ago, as I think and shall be able to show to the Senate, upon no provocation and no incentive except that they spoke the truth and

stopped vengeance that was intended to be visited upon those who had taken the life of Bolton.

The Senate, in anticipation of a principal inquiry, probed to the bottom the question whether this was an innocent young man who came to his death by mischance or by rash violence. This leader, Judge Kirk, at the stage of the election when it was evident that the people's ticket was to be elected, telegraphed to Bolton, who was the candidate: "Things look gloomy; put in your work." Young Bolton put in his work; and in disguise and armed entered this polling-place to put in work. There he stood, and one of the colored men going out and getting a gun came in and, with no complicity whatever of anybody else there, killed Bolton, who fell there before them, and lay for many hours before any of his friends dared to go there and claim him.

These matters are given in the evidence. Whenever we come to examine these questions, as we shall do, I promise the Senators that we shall then weigh the outside evidence that bears upon the motives and the excuses; but of the principal fact, that Bolton was slain red-handed in a violent plan and commenced execution against the ballot-box, there will be found no doubt whatever.

Mr. COKE. Will the Senator allow me to interrupt him?

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Texas?

Mr. EVARTS. I will hear the Senator.

Mr. COKE. I desire to say that the testimony in possession of the Senator and his committee proves conclusively that young Bolton, who was murdered, went to see the state of the poll alone, and that just as he was going into the room where the vote was being counted was shot down by a negro with a gun and fell dead upon the floor. I mean to say that the testimony proves conclusively that Bolton had no comrade; that he was not armed; that he was not disguised; and that he went there when the vote was being counted to see how the poll stood, because his father was a candidate for one of the county offices.

Mr. EVARTS. Now——

Mr. COKE. If the Senator will allow me, I do not mean to say that that testimony is uncontradicted, because it is contradicted by some men who are not as credible as they might be. I do mean to say that the men, who at home where they live are believed on their oath, and in their words, and on their honor, testify to the facts as I state them.

Mr. EVARTS. I will agree that young Bolton came there alone, an emissary from his father, urged by the telegram from Kirk to him, "Things look dark; put in your work," or "get in your work." Judge Kirk, the writer of that telegram, through question after question and page almost after page, struggled to avoid the truth by every degree of prevarication in regard to that testimony, thinking that we could not get it. We proved it within all rules of evidence in the absence of the telegram itself, but when the criminal trial took place at Austin before the United States court the telegram was produced by the force of law, and it threw into absolute discredit all that Mr. Kirk and his friends could claim for it. The testimony was undisputed so far as ocular evidence went, that when the dead body as it lay, when his fearful comrades were afraid to approach it, was found the disguise was on it, the *corpus delicti* proving the deed and the guilt.

Mr. REAGAN. Mr. President, I shall not object to the passage of the resolution presented by the Senator from Wisconsin, simply because to object would seem that I was disposed to shrink from an investigation of the matters which he presents. But I do not wish it understood that in withholding an objection to that resolution I assent to the authority of Congress to investigate such a case. The Senator knows, as every Senator in this body knows, that Congress has no jurisdiction over such a case, notwithstanding the form in which he has put his words, as I understand it. The Senator tries to get jurisdiction by indicating that this man was possibly killed on account of testimony he gave here. That would not alter the case, and the Senator knows it.

Mr. SPOONER. The man was still under the subpœna of the Senate when he was killed.

Mr. REAGAN. I shall not continue the discussion on that point. Of course no presentation of facts or of law could arrest this sort of thing so long as the agitation of such a question and the misrepresentation of a people are necessary to influence an election.

If one should listen to the discussion here, to such speeches as have been made by the Senator from Wisconsin and the Senator from New York, without knowing the actual condition of things and the character of the people of Texas, he would be led to suppose that they were the most lawless, the vilest, and the most reckless on earth. Yet notwithstanding such speeches are made, men from New York every day are traveling through Texas, sometimes persons from Wisconsin, and there they find exactly the same sort of people that they find in all the other States, a people who abhor crime and who will punish it as inevitably as they obtain knowledge of guilt. Our courts punish crime without reference to race or condition or politics. So far as I am concerned, whenever a man violates the law, whether by committing murder, by unlawful interference with the ballot-box, or by any other unlawful act, I would aid in and insist upon his punishment.

I am not going to enter into a discussion of this question generally. I only want once more to call attention to the fact that has come out to-day from the gentlemen who know and members of the committee, that the evidence in this Washington County case was taken and finished four months ago, and that it has lain in the hands of the committee and in the hands of the Senator from Wisconsin, who is chairman of the subcommittee.

Mr. SPOONER. Will the Senator allow me?

Mr. REAGAN. Certainly.

Mr. SPOONER. I said at the outset—the Senator probably did not hear me—that I am not the chairman of the subcommittee. The Senator from New York [Mr. EVARTS] is the chairman.

Mr. REAGAN. The Senator may not be the chairman, but he understands about it; and he has certainly taken the lead in representing the committee on this floor. Perhaps on that account I was misled, for I had understood that he was chairman of the subcommittee.

That testimony being in his hands for four months or in the hands of the committee four months, if not in his, two elaborate discussions are made here, *ex parte*, one-sided, prejudiced, unjust to the last degree, in order to do what? Not to secure justice, not to secure fairness in elections, not to arrest murderers and prevent murders, but in my judgment solely for the purpose of agitation and of aggravating public sentiment and securing strength in the pending election.

Mr. SPOONER. Will the Senator permit me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Texas yield?

Mr. REAGAN. Certainly.

Mr. SPOONER. Has the Senator from Texas read the testimony taken before the committee?

Mr. REAGAN. I have not read the testimony taken before the committee. I have read what was taken in the United States court and a supplement that goes with it, but I have not read the body of the testimony.

Mr. SPOONER. I have based the remarks I have made on this subject upon the testimony taken, and I was curious to know how the Senator from Texas could find it comporting with fair criticism to denounce statements made upon that testimony as unjust and prejudiced when he himself has never read a line of it.

Mr. REAGAN. I did read, as I told the Senator, such testimony as was taken before the United States court at Austin, which is a considerable pamphlet, and a large pamphlet of the testimony taken before this committee in reference to the testimony at Austin, but the other I have not read. The testimony which I read deals largely with the very facts which these two gentlemen have been discussing, so that I am not entirely in the dark.

But, Mr. President, it is a curious spectacle to see a distinguished Senator, two distinguished Senators, come twice before the Senate with the testimony in their hands, unwilling or afraid to produce it, and make deliberate and elaborate efforts to prejudice the popular mind against the people of Texas. It is a spectacle I imagine that has never before been witnessed in the Senate, a committee charged with an investigation coming twice before the Senate to discuss the testimony and holding it in secret, either unwilling or afraid to publish it so the Senate can see and verify the truth of the statements submitted and see the kind of testimony and the character of the men who delivered it.

The Senator from New York chose to say that my colleague relied upon a newspaper statement as to the facts he presented, and the inference was that the paper published in the county where these transactions occurred was unreliable—testimony published in a daily at Fort Worth by a man of character, and testimony published in a daily paper at Houston, Tex. All these papers give the same account, that Hoffman was the nominee of the Democrats for assessor of taxes in Washington County.

My colleague has stated that he knew personally Mr. Holt as a leading man, as a brother to the superintendent of the Central Railroad, who is also a member of the executive Democratic committee of the State of Texas, a man of high character and a decided Democrat. But the Senator from New York in the face of that statement assumes that Holt was co-operating with Hoffman against what he was pleased to term, without a word of evidence, the Kuklux organization of Washington County. I say without a word of evidence so far as the Senate knows, for no such thing has been revealed in the testimony. These gentlemen are not only misrepresenting, in my opinion, the facts, but to some extent they are making witnesses of themselves.

The Senator from New York, after expressing disbelief in what my colleague had said, goes on to offer as testimony a dispatch to the New York Herald, which upon its face bears the evidence that it is a partisan dispatch, because it goes on to recite things known to be untrue. I want to say this, and I will say it though my colleague is present: He has told you upon his authority that Hackworth is an infamous man. My colleague has served his State as judge of the supreme court; he has twice served the State as governor; he has nearly completed his second term in the United States Senate, and yet the Senator from New York chooses to take the authority of a man he does not know and assumes that it is better authority than a statement made by my colleague upon his own personal knowledge. So you see the extent to which matters are to be carried in order to warp judgment and incite prejudice and influence elections.

The Senator assumes that Holt was shot by accident in the attempt to kill Hoffman. How does the Senator get that information?

Mr. EVARTS. I have not said that. I read it from a newspaper.

Mr. REAGAN. The Senator read it from the New York Herald dispatch.

Mr. EVARTS. Yes. I have not said that.

Mr. REAGAN. That dispatch states no fact indicating the truth of it. Is it not as possible that Hoffman was killed in an attempt to murder Holt as that Holt was killed in an attempt to murder Hoffman? The two gentlemen were acting together politically at the time, whatever their antecedents may have been. They were standing together late in the evening, and were shot at a distance of some 25 yards. Is it to be presumed that a man actuated simply by political prejudice and partisanship would sacrifice a leading political friend in order to shoot down what Senators claim to be a political enemy?

These Senators are both distinguished lawyers, they are both familiar with the rules of evidence. I take it that neither of them would permit such evidence in a court of justice either to form an opinion or to influence an opinion of a jury. It is an assumption based upon prejudice, unwarranted by the facts, and it seems to me it ought not to have been stated.

The Senator from New York states that Holt was obnoxious to the Democrats on account of the part he was taking. The dispatch which the Senator referred to, if I remember aright, does not state that, and he did not have the authority of that dispatch for the statement, I believe. Where he got his information that Holt was obnoxious to the Democracy of Washington County I do not know. The Senator may explain if he chooses.

Mr. COKE. I will state to my colleague that there is not in Washington County a more thorough-going, active, or live Democrat than Mr. Holt who was assassinated.

Mr. REAGAN. So I have understood, though I had no personal acquaintance with him.

Mr. EVARTS. And I believe I paid him every compliment that I could furnish him, but that did not stand in the way of his being shot.

Mr. REAGAN. The Senator is very kind to compliment a man whom he puts in a false position in that way. I compliment people upon whom I desire to confer compliments in a very different way. I do not first place them in a false position and then compliment them for being in a false position, as the Senator has done.

Mr. EVARTS. I thought I understood the Senator to say that he believed Holt was sympathizing with the ticket on which Hoffman was.

Mr. REAGAN. On the contrary, I said exactly the opposite. The Senator misunderstood me, if he supposes I said Holt sympathized with the enemies of Democracy.

Mr. SPOONER. If the Senator's colleague is right in his assertion often repeated here, that Hoffman was on the Democratic ticket, of course Holt, being a loyal, staunch, fearless, splendid Democrat, must have sympathized with Hoffman.

Mr. REAGAN. The fact that these two men were murdered together, one a known active Democrat and the other the nominee of a Democratic convention, does not carry out the theory of these gentlemen that it was a Democratic political murder, and it may turn out that it was a Republican political murder. The Senator from New York smiles; and yet within the last ten days or two weeks one of the best men in Fort Bend County, as has been stated by my colleague, an active Democrat, was called to his door in the night time and shot down for being a Democrat. A statement was found pinned to his gate showing the reason for his being shot down, and the newspapers show that the evening before this occurred a prominent negro politician had threatened to take his life. Yet the Senators have no sympathy for that man and for his bereaved widow and orphaned children. Soon after, another citizen of that county, an upright and an honest man, was in like circumstances attempted to be assassinated. He was severely wounded, and the last statement I saw was that he was restless and his wounds are considered very dangerous; he may be dead now.

They were shot down under circumstances which made the people believe, by negro politicians, because they were Democrats; but these two Senators propose no investigation as to the murder of Democrats by negro politicians. They have no sympathy with them or with their families. They have no anxiety about the failure of justice. That is all right; they were nothing but white men and Democrats; no matter if they were murdered.

Mr. SPOONER. Mr. President——

Mr. REAGAN. The Senator will allow me to proceed for a moment. While I am on this feature of the discussion, I desire to call attention for a moment to the denunciation which the Senator from Wisconsin made on the floor some weeks back of the mob which hung the three negroes in Washington County. He went on in the same speech, as you will see if you will look at the RECORD, and spoke approvingly of the murder of Bolton. He said he ought to have been murdered. Why? He was a white man and a Democrat and ought to have been murdered—a Senator of the United States, on the floor of the Senate in a public address, justifying murder because it was the murder of a white man and a Democrat! Now I will hear the Senator from Wisconsin.

Mr. BUTLER. The Senator from Wisconsin did say that.

Mr. SPOONER. The Senator from Texas need have no anxiety about the necessity of calling witnesses or corroborative statements to establish the accuracy of the statement made by the Senator from Wisconsin, because whatever I say upon the floor of the Senate I intend to avow. I stated that this man, Bolton, was engaged at the time he was killed in a raid upon the ballot-box, and I stated, and it will be found in the RECORD, that being so engaged in a raid upon the ballot-box with confrères and associates he deserved to be shot down.

Mr. REAGAN. And ought to have been shot down?

Mr. SPOONER. What is the difference between saying that a man deserves to be shot down and saying that he ought to be shot down? I undertake to say, while I am upon the floor, that whether the election officer be a white man or a colored man, if a band of ruffians invade the polling-place and attempt to take by force the ballot-box, to defeat the count of the ballot, the officers there charged with the custody of the polls, in the exercise of a sworn duty, if they have the means at hand with which to defend the polls, ought to defend them even to the extent of killing the marauders. I say that that night when these two election officers were traveling to the county-seat, engaged in a duty imposed upon them by law, to carry the ballot-box and the tally-lists, to be delivered to the proper officers of the county, and those Democratic marauders stopped them and compelled them at the point of a revolver to deliver over those ballots and the tally-list—if they had been armed and had been brave and faithful men they would have shot them and retained possession of the ballot-box and the ballots and would have gone on in the discharge of their duty. I said just what the Senator claims I said, and I meant what I said, and I avow it now. I did not call it murder; I should call it justifiable killing.

Mr. REAGAN. The Senator has heard nearly all the testimony and he is either afraid or unwilling to submit it to the judgment of the Senate.

Mr. SPOONER. Mr. President, that is an unjust aspersion upon me.

Mr. REAGAN. Why does the Senator not submit it, then?

Mr. SPOONER. The Senator has stated over and over again, and I have assumed he intended to be fair, that I am chairman of the subcommittee charged with the duty of making the report of this testimony to the Senate, and I have informed him again and again that I am not. It is no more my function nor my right to make the report than it is the Senator's. The Senator says a good deal about not having this testimony.

When the debate on the Texas investigation came up casually some weeks ago it was brought on by the Senator's colleague, and the Senator's colleague has had for a long time in his possession all of the testimony taken by this committee. I presume if the Senator now speaking were extremely anxious to read it he could borrow it of his colleague. I endeavored to obtain it for the Senator from Texas, but the supply was exhausted. It had only been printed for the committee.

Mr. BUTLER. Exhausted for campaign purposes?

Mr. SPOONER. The Senator from South Carolina says it was exhausted for campaign purposes.

Mr. BUTLER. I expect it was.

Mr. SPOONER. The testimony had only been printed for the use of the committee, and no copy was sent out to the public at all, as I understand it. It was given to the Senator from Texas because he represented the State and was interested in it. I know of no other Senator than the Senator from Texas who had a copy.

Mr. REAGAN. I hope I may be allowed to proceed.

Mr. COKE. I will state that the copy I received was given me by the Senator from Alabama [Mr. PUGH].

Mr. SPOONER. He is a member of the committee. I endeavored to get a copy for the Senator from Texas.

The PRESIDENT *pro tempore*. The Senator from Texas [Mr. REAGAN] declines to be further interrupted.

Mr. REAGAN. While a portion of the testimony has never been accessible to me, that portion of it taken before the United States court at Austin has been in my possession, and a portion of the testimony taken here has been in my possession. So far as that testimony is concerned, the statement of the Senator from Wisconsin is not borne out that Mr. Bolton went to interfere with the ballot-box. On the contrary, the testimony states that Bolton was a young man of exceptionally good character; that about 10 o'clock at night, I believe it was, while the vote was being counted, he went to the election precinct and started to go into the room where the vote was being counted, and as he entered the door he was shot down and fell upon the floor.

Mr. HOAR. How was he dressed?

Mr. REAGAN. I am not going to leave anything out, the Senator will find before I am done. He was dressed as an ordinary citizen, with a rain-coat on, and nothing else. He was alone and unarmed. Can it be supposed that a man alone and unarmed had gone there to rob the ballot-box in the presence of all the people who were there? Is it possible? I have seen no testimony but what shows he was alone.

Gentlemen make reference to the cowardly part of the citizens of that neighborhood and the friends of this young man in not going to his relief. He had been assassinated, and there were three negroes armed with guns on the porch from whence the fire came that killed

him. It is possible that good citizens were afraid to go there until daylight, lest they should be shot down in like manner.

When found in the morning some sort of a cloth was spread over his face. The witnesses were cross-examined as to whether it was tied there. All who spoke of it said it was not, but that it had been laid loosely over his face. That is the basis, and the only basis, that these Senators have for saying he was disguised, so far as I know and so far as the testimony taken by this committee or the testimony taken at the district court at Austin shows. Could this man have spread the handkerchief over his own face after being shot dead?

Mr. SPOONER. I am willing to admit that he could not.

Mr. REAGAN. If he had been disguised, would not that disguise have been in some way fastened around his neck or face or head? But every witness whose testimony I saw upon that point testifies that it was a loose handkerchief or cloth spread upon his face.

That is the ground upon which Senators assume that he was disguised; but the very fact that that young man, with the character he bore within the knowledge of all his neighbors, went there alone and unarmed to inquire about the result of the election, as is supposed, and was shot down, is enough evidence of the falsity of the statement that he went there to raid the ballot-box.

I do not know whether the Senator from New York did it by design; it may have been an inadvertence, but his remarks left the impression that the man who was the candidate for county judge had telegraphed to this Bolton "Things look gloomy; do your work," and that Bolton had gone there to do his work by raiding the ballot-box. The testimony shows that no such dispatch nor any other dispatch was sent to this man.

Mr. EVARTS. I did not say it was. I knew perfectly well what the facts were, and I stated them. The Bolton who was on the ticket was the father.

Mr. REAGAN. I may have misunderstood the Senator, but I state it the way I understood it and the way it impressed my mind, that the idea was to go out to strengthen this case that young Bolton had been dispatched, and that he had gone to perform the work of raiding the ballot-box, and was shot down for doing so. He was a young man unarmed. Every witness states that he was unarmed.

Mr. EVARTS. The Senator means every witness he has read?

Mr. REAGAN. Every one I have read, and I read all the testimony before the court, and I read a large pamphlet of the testimony that was taken before the committee. There may be other testimony, but I speak of the testimony of the people who were there on the ground, the testimony given on oath before a court.

Mr. President, the American people as a rule have been distinguished for their law-abiding character and for their disposition to uphold and sustain not only the law, but the action of courts in administering it. I do not think the people of Texas are an exception to this rule, and if either of those Senators should ever honor the State by passing through it, I am sure they never would again make such speeches as they have made upon this floor. There are troubles brought on the people there not by their fault, but brought on them by the logic of events that they could not control, by placing two dissimilar races with race prejudices on the same level as to political rights.

If the facts existed in New York or in Wisconsin as they exist in Texas and other Southern States, I imagine the feelings of these gentlemen would be very different from what they are. I do not mean to state that as justifying violence of any kind or wrong of any kind. I have no doubt there have been in the Southern States instances of violence and instances of wrong growing out of race prejudices and growing out of the bad conduct of one or the other, and sometimes, possibly, of both.

Mr. President, we are not to judge the people by exceptional circumstances like this. You can scarcely pick up a newspaper that does not tell you of some man in the Northern States, where they are not confronted with such trouble as this, a man who has murdered his wife, or a wife who has murdered her husband, some parent who has murdered a child, and some deaths by poison, or other violent means. Are we to judge of the people of that section of the country by these characters? Is that the evidence upon which we are to test the character of their civilization? I do not assume it, because I know it would be a false ground. I understand how strong the purpose is among the people there when such crimes are committed to bring the offenders to justice. There is no reason for picking out exceptional cases and judging whole States by individual instances or neighborhood troubles, as these Senators propose to do.

Attention might be called to one fact, and it will, if gentlemen feel like having it, perhaps have something to do with their conclusions. The negroes are scattered over almost all the State of Texas. No one has ever heard of a negro's rights being interfered with in a county where there were not negro majorities; and there now, and from now until the election, Republican speakers of all sorts and rank make their speeches with the same freedom and fullness of discussion, and as I am sorry to say engage in about the same sort of denunciation on both sides that they do elsewhere during the campaign, and no disturbance follows such discussion. The freedom of discussion is as perfect there as it is anywhere on earth, and I state upon my veracity as a man, from a very extensive knowledge of the people—and I have heard the orators often—I have heard them make statements like these Senators make, and I have heard them do more; I have heard them abuse, traduce, and slander the very people among whom they lived, and yet the people laugh at their ignorance and malice and nobody disturbs them. But where they get the majority in some cases they have become overbearing, insulting, offensive, and this has led to retaliatory action. I am sorry that it should ever be so.

Gentlemen will understand that this is a great race problem which we are trying to solve. In the State in which I live the negroes are not only as thoroughly protected by law in the freedom of speech and the right of property and defense in the courts as the white people, but the State makes the same ample, generous provision for their education that it does for the white people, no more and no less. In addition to giving them the benefit of ordinary common schools it has provided at State expense a normal school for the education of teachers for them. It has given them a place in the State Agricultural and Mechanical College. It has given them a place in the University where they can take the degrees of the University without charge or expense.

That State has done all this for the negroes. Its people feel the importance of elevating them into good citizenship, into a knowledge of the functions and duties of citizens. The State has done all that it could do to promote their welfare, and let people feel as they may about the race problem, they are doing all they can to elevate these people in the scale of citizenship, so that by intelligence and by virtue race prejudice and race collisions may not mar the harmony of society.

These are the kind of problems we are to deal with. Gentlemen may think no sort of feeling should be manifested in the presence of such discussion and such circumstances so variant from the truth as the general tone of them is; but if they could turn the matter around and take to themselves the condition in which we are, and find our people persecuting them for every crime with which a black man was connected for political effect and purposes, they could then realize the sort of feelings which we have and must have when we see our misfortunes brought about not by our action but entailed upon us by the logic of events, and instead of giving us their sympathy and giving us their encouragement and aiding us to punish crime and to protect the virtuous and innocent, they seize upon our misfortunes to aggravate public sentiment, to excite sectional prejudice as a means of controlling political elections.

This is hard for an American citizen, hard for a whole State of American citizens to bear, but I suppose there is to be no help for it. Now, nearly a quarter of a century after the close of the trouble which led to the present condition of things, we are to be treated, every time there is a violation of law, whether within Federal jurisdiction or not, with an investigation. Why do not gentlemen investigate the murders of Chinese over in Montana? Why do they not investigate the murders and riots in Cincinnati? Are they a different people? Are they more capable of self-government? We must all understand, when it is assumed that the people of a State can no longer enforce the laws preserving the rights of life, liberty, and property, that that people have ceased to be capable of self-government; and wherever an assertion of Federal jurisdiction over a State, where it has no authority, is made, it is the assertion of the paternal power of the Federal Government and of the fact that the people of that State are no longer capable of self-government, but must be governed by a power outside of themselves and superior to themselves; and whenever this assumption shall culminate into action our republican system, our dual system of government, our local self-government will have passed away, and the despotism of majorities will have been inaugurated, and then the end of the Republic must inevitably come.

I do not wish to see these things. If gentlemen will entrust these things to the people of the States where they occur, they will find that the people—I speak especially of the people of Texas—will try to enforce the law. These gentlemen assume that a reward has been offered for the murderer of Holt and of Hoffman because one of them was a Democrat. Whenever it comes to sectional prejudice or denunciation, these gentlemen seem to forget logic and reason. If they find the man who killed Holt they also find the man who killed Hoffman. If it was a political murder would those people who sympathized with the murderers offer a reward for the arrest of the assassin who murdered these two citizens?

Mr. SPOONER. Will the Senator from Texas allow me to interrupt him, for I do not wish to detain the Senate by any general speech on this subject further?

Mr. REAGAN. I am nearly through, but if there is any necessity for a question or a correction, I will yield.

Mr. SPOONER. I only wish to say to the Senator in explanation of that remark, that it was because Governor Ireland, of Texas, when he was before the investigating committee, was interrogated as to whether the fact that these three negro Republicans had been hanged had been brought to his notice, and he testified that it had. He was asked whether he had offered any reward for the apprehension of the murderers, and he testified that he had not. There was also brought to his attention the fact of the outrages committed at the polls in Washington County, and being interrogated as to whether he had offered any

reward for the apprehension of those who had perpetrated those outrages he testified that he had not. I simply stated that if a reward had been offered in this case, I was rejoiced at the change that had come over the spirit of affairs in Texas, and I feared the reason was that one of the men who had been killed was alleged to have been a Democrat.

Mr. REAGAN. Without having the testimony before me, I am unable to go into a discussion of matters which are perhaps more within the knowledge of the Senator than mine. There may have been circumstances influencing the action of the governor which left him without fault.

The Senator does not inform the Senate that in that contest there was a Republican ticket and a People's ticket, and that that People's ticket was made up of Democrats and Republicans, and the candidate upon that ticket for the Legislature was a black man and a Republican, and he was one of the witnesses before the committee.

Mr. SPOONER. One ticket, called the People's ticket, was made up of Democrats and Republicans who were acting with the Democratic party, or Mugwump Republicans, and the other was a straight-out Republican ticket.

Mr. REAGAN. Perhaps the Senator knows better than the witnesses, and better than I do. The people there had felt the pressure of these race troubles, they had seen the robbery of their county by reckless officials, and they banded together, Republicans and Democrats, to protect the county and give it good officers. That is the truth about it.

Mr. SPOONER. The testimony before the committee shows that during all the years the Republican party had been in control in that county, county orders had gone from almost nothing until they were at nearly par.

Mr. REAGAN. The Senator forgets that my colleague stated that the collector there was sent to the penitentiary for robbing the county of some thousands of dollars. It does not suit the Senator to remember facts like that, and there are other counties in Texas in which some of the officials were so notoriously corrupt that the citizens combined, as they have for three or four elections in Harrison County, where there is a large Republican majority, for the purpose of putting a People's ticket forward and electing honest county officers, but reserving each to himself the right to vote with his party for State officers and Representatives in Congress.

Mr. SPOONER. If the Senator will allow me, it is true that the testimony shows that during all of the years of Republican administration in that county but one of the county officers, I think the treasurer, had been guilty of a defalcation, but it shows nothing else in the way of maladministration or malfeasance during all those years, and I submit to the Senator——

Mr. COKE. Will the Senator allow me?

Mr. SPOONER. One moment. I submit to the Senator that that is not sufficient foundation for characterizing, as he does, the entire Republican administration of that county during all those years as corrupt, any more than the fact that the Democratic treasurer of the State of Kentucky not long ago was found to have stolen several hundred thousand dollars would warrant me in denouncing in general terms, as he has done several times, the Democratic administration during all the years it has been in power in Kentucky.

Mr. REAGAN. I was proceeding to say that there was this much of justice in the criticism the Senator makes on my observations. I ought to have stated perhaps that I did not make that statement upon positive knowledge as to the facts of the action of these county officials; but I did speak from a general knowledge of the facts which are of general notoriety with reference to a number of counties, and I would rather that my remarks should be understood as being limited in that way than to be understood as submitting any general assumption of the corruption of the officers of Washington County, for about that I do not know any more than the others; but I do know that in some of the counties the blacks have been acting with the whites to elect people's tickets in order to protect them and secure good officers, reserving to themselves the right to vote with their party on the State and Congressional tickets.

Mr. President, I have occupied more time than I wished to and with less profit than I could have desired, because this debate has been sprung up in a way not to give an opportunity for its fair consideration; and I regret that for a second time it should have been obtruded upon the Senate when the testimony is withheld so that Senators can not form a fair judgment or discuss the question involved intelligently.

Mr. BLAIR. Mr. President, on account of an allusion made by the Senator from Texas [Mr. REAGAN] I feel it incumbent on me to offer a very few words in the way of improvement.

Mr. SHERMAN. Will the Senator from New Hampshire allow we to have a message read, which has been received from the President, so that an order to print it may be made?

Mr. BLAIR. I yield for that purpose.

RELATIONS WITH CANADA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

Responding to the inquiries contained in the subjoined resolution of the Senate of the 28th ultimo, I have the honor to state in reply to the subject first therein mentioned, calling upon the Executive for "copies of all communications, if any, addressed by his direction to the Government of Great Britain, remonstrating with that Government against the wrongs and unfair treatment to our citizens by the action of the Canadian Government in refunding to vessels and cargoes which pass through the Welland and other Canadian canals nearly the entire tolls if they are destined to Canadian ports, while those bound for American ports are not allowed any such advantage; and the breach of the engagement contained in the treaty of 1871, whereby Great Britain promised to the United States equality in the matter of such canal transportation; also copies of any demand made by his direction upon Great Britain for the redress of such wrongs, and the replies of Great Britain to such communication and demand," that I herewith transmit copies of all communications between the Department of State and the United States consul at Ottawa, which are accompanied by copies of the orders of the Canadian officials in relation to the subject inquired of. Also correspondence between the Department of State and the British minister at this capital, with copies of the documents therein referred to.

I also inclose, as connected therewith, a copy of executive document (No. 406, House of Representatives, Fiftieth Congress, first session) containing the answer of the Acting Secretary of the Treasury, dated July 23, 1888, in reply to a resolution of the House of Representatives relating to the navigation of the Welland Canal; and the documents thus transmitted comprise the entire correspondence in relation to the subjects referred to in that portion of the resolution of inquiry which is above quoted.

The second branch of inquiry is in the words following:

"And also that there be communicated to the Senate copies of all papers, correspondence, and information touching the matter of the refusal of the British Government, or that of any of her North American dominions, to allow the entry at Dominion seaports of American fish, or other cargoes, for transportation in bond to the United States since the 1st day of July, 1885."

It will be remembered that though the fishing articles of the treaty of 1871 expired on the said 1st day of July, 1885, a temporary arrangement was made whereby the privileges accorded to our fishermen under said articles were continued during the remainder of that year's fishing season.

No instance of refusal by the Canadian authorities since July 1, 1885, up to the present time, to allow the entry at Dominion seaports of American cargoes other than fish for transportation in bond across the territory of Canada to the United States has been made known to the Department of State.

The case of the fishing steamer Novelty, involving, among other things, a refusal, on July 1, 1886, of the right to permit the transshipment of fish in bond at the port of Pictou, Nova Scotia, was duly communicated to Congress in my message of December 8, 1886, a copy of which I herewith transmit. (Ex. Doc. No. 19, Forty-ninth Congress, second session, page 1.)

On page 16 of this document will be found a copy of a communication addressed by the Secretary of State to the British minister, dated June 14, 1886, on the subject of the refusal of transshipment of fish in bond. At page 24 of the same publication will be found the protest of the Secretary of State in the case of the Novelty, and at pages 49–50 are the response of the British minster and report of the Canadian privy council.

On the 26th of January, 1887, a revised list of cases of alleged ill-treatment of our fishing vessels in Canadian waters was furnished by the Secretary of State to the Committee on Foreign Relations of the Senate, in which the above case is included, a copy of which, being Senate Executive Document No. 55, of the second session Forty-ninth Congress, is herewith inclosed; and in the report by Mr. EDMUNDS, from the Committee on Foreign Relations (No. 1683 of the same session), the case referred to was again published. And, as relating to the subject of the resolution now before me, the following pertinent passage, taken from the said report, may be of interest:

"As regards commercial and other friendly business intercourse between ports and places in the Dominion and the United States, it is of course of much importance that regulations affecting the same should be mutually reasonable and fairly administered. If an American vessel should happen to have caught a cargo of fish at sea a hundred miles distant from some Canadian port, from which there is railway communication to the United States, and should be denied the privilege of landing and shipping its cargo therefrom to the United States, as the Canadians do, it would be of course a serious disadvantage, and there is, it is thought, nothing in the treaty of 1818 which would warrant such an exclusion. But the Dominion laws may make such a distinction, and it is understood that in fact the privilege of so shipping fish from American vessels has been refused during the last year."

I also respectfully refer to Senate Miscellaneous Document No. 54, Forty-ninth Congress, second session, being a communication from the Commissioner of Fish and Fisheries to Hon. GEORGE F. EDMUNDS, chairman of the Committee on Foreign Relations, dated February 5, 1887, which is accompanied by a partial list of vessels injuriously treated by the Canadian authorities, based upon information furnished to the United States Commissioner of Fish and Fisheries.

This list is stated to be supplementary to the revised list which had been transmitted to the committee by the Secretary of State January 26, 1887.

Of the sixty-eight vessels comprised in this list it is stated that six, to wit, the Nellie M. Snow, Andrew Burnham, Harry G. French, Col. J. H. French, W. H. Wellington, and Ralph Hodgdon, were refused permission to transship fish. None of these cases, however, were ever reported to the Department of State by the parties interested, or were accompanied by affidavit; nor does it appear the facts ever were investigated in any of the cases by the parties making the reports, which were obtained by circulars issued by order of the Commissioner of Fish and Fisheries.

The concluding inquiry is as follows:

"And also that he communicate to the Senate what instances have occurred since the 3d of March, 1887, of wrongs to American fishing vessels, or other American vessels, in the ports or waters of British North America, and what steps, if any, have been taken in respect thereto."

Soon after the passage of the act of March 3, 1887, the negotiation which had been proceeding for several months previously, progressed actively; and the proposed conference and the presence at this capital of the plenipotentiaries of the two governments, out of which the since rejected treaty of February 7, 1888, eventuated, had their natural influence in repressing causes of complaint in relation to the fisheries. Therefore, since March 3, 1887, no case has been reported to the Department of State wherein complaint was made of unfriendly or unlawful treatment of American fishing vessels on the part of the Canadian authorities in which reparation was not promptly and satisfactorily obtained by the United States consul-general at Halifax.

A single case of alleged unjust treatment of an American merchant vessel, not engaged in fishing, has been reported since March 3, 1887. This was the ship Bridgewater, which was first brought to the attention of the Department of State by the claimant by petition filed June 1, 1888.

On June 18, 188-, legal counsel, who appeared and desired to be heard, filed their formal authority, and the claim was at once duly investigated, and on June 22, 1888, a communication was addressed by the Secretary of State to the British minister, which sets forth the history of the claim, and a copy of which is herewith transmitted; and of this formal acknowledgment was made, but no further reply has been received.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 12, 1888.

Mr. SHERMAN. I move that the message be printed, and, together

with accompanying documents, be referred to the Committee on Foreign Relations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; also that the House had receded from its disagreement to the one hundred and sixteenth amendment of the Senate, and agreed to the same; that it had agreed to the one hundred and nineteenth amendment of the Senate with an amendment; that it further insisted upon its disagreement to the amendments of the Senate to the bill, numbered 105, 106, 107, 110, 118, 121, 127, 128, 221, 222, 223, 233, 234, 236, 238, 239, 240, 242, 243, 244, 248, 254, 255, 256, and 257; that it agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORNEY, Mr. BURNES, and Mr. RYAN managers at the conference on the part of the House.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom were referred the following bills, reported them without amendment and submitted reports thereon:

A bill (H. R. 5336) for the relief of George B. Hansell; and

A bill (H. R. 2686) for the relief of William Knowland.

Mr. REAGAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3501) relating to the classification of post-offices and amendatory of the act approved March 3, 1883, entitled "An act to adjust the salaries of postmasters," reported it without amendment and submitted a report thereon.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 3543) granting a pension to Benjamin W. Botts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 3544) granting a pension to Alice Kelly, late volunteer Army nurse; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3545) granting a pension to Therese Vidlene as dependent sister; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3546) granting a pension to Mary A. Wells; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3547) for the relief of Francis Palms *et al.;* which was read twice by its title, and referred to the Committee on Private Land Claims.

AMENDMENT TO DEFICIENCY BILL.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I understand that the sundry civil appropriation bill has been returned from the House of Representatives.

The PRESIDENT *pro tempore.* The Chair lays before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *September* 12, 1888.

Resolved, That the House recedes from its disagreement to the one hundred and sixteenth amendment of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; and agrees to the same.

Resolved, That the House agrees to the one hundred and nineteenth amendment of the Senate to said bill with amendments as follows:

In line 10 of said Senate amendment strike out the word "two" and insert the word "one."

In line 11 of said Senate amendment strike out the words "and fifty."

In line 11 of said Senate amendment after the word "dollars" insert the words "or so much thereof as may be necessary."

In line 11 of said Senate amendment after the word "dollars" insert the following:

"And the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress, on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation; and all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law."

In line 11 of said Senate amendment strike out all after the word "dollars."

Resolved, That the House insists upon its disagreement to the amendments of the Senate to said bill numbered as follows: 105, 106, 107, 110, 118, 121, 127, 128, 221, 222, 223, 233, 234, 236, 238, 239, 240, 242, 243, 244, 248, 254, 255, 256, and 257, and agrees to the further conference asked by the Senate on the disagreeing votes of the two Houses.

Ordered, That Mr. FORNEY, Mr. BURNES, and Mr. RYAN be the managers of the further conference on the part of the House.

Mr. ALLISON. I move that the Senate still further insist on its amendments disagreed to by the House, and disagree to the amendments proposed by the House to our amendments.

The PRESIDENT *pro tempore.* The Chair thinks that the motion of the Senator is unnecessary, the Senate having already asked a conference on this bill and the House of Representatives having agreed to the request.

Mr. ALLISON. I ask the Chair if it would be in order for the Senate now to recede from its amendments?

The PRESIDENT *pro tempore.* The Chair thinks it would.

Mr. ALLISON. Then I suppose it would be necessary that we should disagree to the House amendments to our amendments in order to have a conference. If I am mistaken, of course I do not make the motion.

The PRESIDENT *pro tempore.* The Chair will have the state of the bill examined and call the attention of the Senator from Iowa to it hereafter.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore.* The Senator from New Hampshire [Mr. BLAIR] is entitled to the floor.

Mr. PLATT. Will the Senator from New Hampshire yield to me for a moment that I may ask a question of the Senator from Iowa?

Mr. BLAIR. Certainly.

Mr. PLATT. I should like the attention of the Senator from Iowa. I desire the Senator, either now or when the bill comes again before the Senate on the conference report, to state the condition of the disagreements between the two Houses. I did not catch it very well from the reading of the message. I ask him to make the statement either now or at some future time before the matter is disposed of.

Mr. ALLISON. I apologize to the Chair. I find that the Senate has already further insisted on its amendments and asked for a conference, which the House has now granted. So the Chair was right, and I was wrong in submitting a motion.

The PRESIDENT *pro tempore.* The Senator from Connecticut [Mr. PLATT] appeals to the Senator from Iowa [Mr. ALLISON]——

Mr. ALLISON. As to the disagreeing votes?

Mr. PLATT. Yes. What is the condition of the disagreement now between the House and Senate?

Mr. ALLISON. There are several amendments, but the questions involved are not very numerous. The first disagreeing vote relates to the allowance to the widow of Professor Baird. The next is in regard to the Library. The next is the limitation put upon the public-land provision, on the motion of the Senator from Nevada [Mr. STEWART].

Mr. STEWART. I should like to inquire in that connection if the bill will at any stage be open to a motion to be made to strike out the extraordinary appropriations in it for the purpose of agents and investigations? I think I shall be able to show that they are unnecessary and that they are leading to much evil.

Mr. ALLISON. The bill has gone from the control of the Senate except in so far as the amendments have not been agreed to by both Houses.

The next amendment, in importance at least, is the amendment respecting irrigation, which was put on in the Senate. The House of Representatives have agreed to that amendment with a modification appropriating $100,000, and as Senators probably noticed by the reading at the desk, they have put certain limitations and qualifications upon the appropriation.

Mr. PLATT. Do you agree to that?

Mr. ALLISON. We have not yet. That is one of the questions for the conference.

The next important amendment is in regard to the purchase of a site for a new public building for the city post-office. The next important amendment disagreed to, I believe, by the House, is one respecting the zoological park.

I believe I have stated all the important amendments now in dispute. There are one or two minor amendments, which are not now in my memory, but I believe these comprise the amendments in dispute and not agreed to.

Mr. PLATT. The matter on which I wished to be particularly informed was the condition of the amendment put on by the Senate in relation to irrigation.

Mr. ALLISON. That amendment has been modified, and my motion was that the Senate disagree to the amendment proposed by the House which of course will carry that amendment of the House into the conference.

Mr. BUTLER. May I inquire of the Senator from Iowa as to the condition of the amendment in relation to the new Library building?

Mr. ALLISON. That amendment has been disagreed to by the House. I think they have not undertaken to amend it, but have disagreed to the Senate provision.

Mr. TELLER. I should like to say that on an examination of the bill hastily made it appears that the House has amended the proposition for reservoirs by striking out $150,000, leaving the appropriation $100,000 instead of $250,000, as the Senate proposed. They have also reserved not simply the reservoirs which we had reserved from occupation, but all the lands that are susceptible of irrigation below.

That has evidently happened because the House could not have un-

derstood what the real result would be. That is equivalent to saying in the State of Colorado, if a reservoir should be located on the head of a stream, that all the land below that should be reserved. There are thousands of acres that may still be irrigated by the waters of the stream. It would practically withdraw in Colorado and in some parts of Nevada all of what we call the arid lands, all the lands that have to be irrigated. That part will not do. It will be no benefit to the Western country at all. If you put that in we should be worse off than if we had nothing at all. It would be worse than a disagreement to the Senate amendment.

The PRESIDENT *pro tempore*. The whole subject will be under the urisd iction of the committee of conference.

Mr. ALLISON. I will say to the Senator that the conferees appointed will undoubtedly confer with Senators respecting these amendments.

PACIFIC RAILROAD COMMISSION REPORT.

Mr. HAWLEY. I ask leave to make a report from the Committee on Printing. A resolution was referred to the Committee on Printing for the printing of 5,000 additional copies of the message of the President and the report of the Pacific Railroad Commission. We find also in the hands of the Printing Committee a resolution of the House proposing to print 10,000 copies. The committee combined the two and move the postponement of the resolution just referred to it, and the amendment of the House resolution to make the number 15,000—5,000 for the Senate and 10,000 for the House—and as so amended recommend the passage of the resolution.

The PRESIDENT *pro tempore*. The Senate resolution will be indefinitely postponed, if there be no objection, and the resolution of the House will be read.

Mr. HAWLEY. I ask for immediate action on it.

The House resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House 10,000 copies of the President's message and accompanying reports of the majority and minority of the Pacific Railroad Commission.

The amendment of the Committee on Printing was stated to be in line 3, after the word "House," to strike out "ten" and insert "fifteen."

Mr. HAWLEY. That was not the amendment as I instructed the clerk of the committee to draw it. Does it say at the end "5,000 for the Senate and 10,000 for the House?"

The PRESIDENT *pro tempore*. The resolution will be read as proposed to be amended.

The SECRETARY. It is proposed to amend the resolution so as to read:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 copies, for the use of the House 10,000, and for the use of the Senate 5,000 copies, of the President's message and accompanying reports of the majority and minority of the Pacific Railroad Commission.

Mr. HAWLEY. That is not it.

The PRESIDENT *pro tempore*. The resolution will be laid aside until the amendment can be properly prepared.

Mr. HAWLEY. Very well.

MYRA FREEMAN.

Mr. COCKRELL. On the 4th of January, 1888, I introduced a bill (S. 1152) granting a pension to Myra Freeman, and on March 13 a similar bill was introduced, No. 2343. On the 17th of April, the Senator from Iowa [Mr. WILSON] reported Senate bill No. 1152 adversely, on the ground that the pension application was still pending in the Pension Office. Now I desire to withdraw Senate bill 2343, and to introduce a new bill and have it referred to the Committee on Pensions, the Pension Office in the mean time having rejected the application. The first bill was indefinitely postponed, but no action was had on the second bill. I desire the Committee on Pensions discharged from the further consideration of the bill (S. 2343) granting a pension to Mrs. Myra Freeman, and the bill indefinitely postponed.

The PRESIDENT *pro tempore*. If there be no objection, it will be so ordered.

Mr. COCKRELL. Now I introduce the bill which I send to the desk.

The bill (S. 3548) granting a pension to Mrs. Myra Freeman was read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 1786) to regulate appointments in the Marine-Hospital Service of the United States; and

A bill (S. 3447) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888, and for other purposes.

POSTAL CRIMES.

Mr. VEST. There has been returned from the House of Representatives an amendment to the bill in relation to postal crimes, which I ask may be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 3447) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888, and for other purposes, which were on page 2, lines 2 and 3, to strike out "92" and insert "93," and on page 2, line 6, to strike out "section 3892" and insert "section 3893."

Mr. VEST. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

KILLING OF JOSEPH HOFFMAN, WASHINGTON COUNTY, TEXAS.

The Senate resumed the consideration of the resolution submitted by Mr. SPOONER in relation to the killing of Joseph Hoffman, in Washington County, Texas.

Mr. BLAIR. Mr. President, in listening to this protracted and somewhat excited, certainly pathetic and solemn, debate, the question must arise, I think, in the mind of every Senator *cui bono*, what good? For twenty-five years facts like these have been brought to the Senate Chamber, discussions like this have taken place, investigating committees have been appointed, investigations have followed, reports have been made, legislation has been enacted, and here to-day it is more true than it ever has been before in the history of the country that the conditions still exist out of which all this has grown.

If the ballot was ever suppressed, it is suppressed to-day. If freedom of debate was ever violated, it is violated in some portions of this country to-day. The Senate knows it, the country knows it, and by reason of the absolute certainty and fixity of the situation the country is somewhat indifferent to it. It is like being informed that you have a mortal disease. You will become reconciled to death and go quietly to—

> The undiscovered country, from whose bourn
> No traveler returns.

That is the condition of the country, and that is the reason why this debate to-day will hardly stir a single ripple over the surface of the North, still less of the South. The resolution will pass, the investigation will take place, the facts will be demonstrated, as they have been in a hundred instances before, the report will come before the Senate, and it will all vanish into thin air.

But, as I was saying, if there is any change, things have become worse. Both Senators from Texas intimate to us that they have already gone to such an extent that the Republicans in that State, being either eliminated or silenced as an active force in politics, the Democrats have now gone to killing each other, and they rather protest against the idea that there should be discussion upon the subject, although the whole thing is so evidently the outgrowth of political conditions.

So I inquire again, Mr. President, what good? There can be only one remedy, and that has been often suggested. It has been often put aside by the Senators from Texas. One of those Senators touched upon it when he said to us that in their State they were giving to the colored man, and I suppose he would be understood to include the poorest white man, equal conditions in the direction of education; and there is the remedy and the only remedy, the only balm there is in Gilead, the only physician that will ever succeed in removing this mortal disease of illiteracy.

It was in consequence of this view of the subject that I rose to ask the attention of the Senators from Texas and of the whole country to an article which I find in the New York World of this morning. It is what is known as a signed article, and I will read an extract from it:

NATIONAL AID FOR COMMON SCHOOLS.

The nation, not less than the States, is dependent for prosperity and security upon the intelligence and morality of the people—

This is from a very high order of signed article in the New York World—

The nation, not less than the States, is dependent for prosperity and security upon the intelligence and morality of the people. This common interest very early suggested national aid in the establishment and endowment of schools and colleges in the new States. There is, I believe, a present exigency that calls for still more liberal and direct appropriations in aid of common-school education in the States.

This article in the World is signed by "Benjamin Harrison," and I commend the whole article to the careful consideration of the entire Senate and of the entire country, but particularly the proposition which I have read.

Mr. President, in this connection I wish to read another article from another newspaper. It is a voice from Texas herself, and it is the utterance of the Democratic Exponent, published at Corsicana, Tex., dated Friday, September 7, 1888, a Texas paper which in one article I find here takes pains to say, as it ought to say:

We thought the right thing was done when Judge REAGAN was elected United States Senator.

It criticises some things the Senator may have done, but I read that language from the paper in order that it may not be supposed that the paper itself is one abounding with race or political prejudice, especially against either of the Senators from that State. The article bears directly upon the subject-matter of the quotation which I have read, the signed article in the New York World, and I will send this to the desk and ask the Secretary to read it.

Mr. REAGAN. Does the Senator seek to have it understood that that is a Democratic paper?

Mr. BLAIR. The New York World? Yes. [Laughter.]

Mr. REAGAN. Oh, no; but the paper from which he reads.

Mr. BLAIR. It says "Democratic" on the outside of it.

Mr. REAGAN. It is malignant.

Mr. BLAIR. It did not seem to be malignant. I saw nothing to indicate any malignant feeling towards anybody in the paper. The Secretary will please read the article, commencing near the top of the second column.

The PRESIDENT *pro tempore*. The Secretary will read the article, if there be no objection.

The Secretary read as follows:

CONDITION OF THE BLAIR BILL.

This bill passed the Senate in December last by a vote of 39 to 29, the remaining ten Senators being paired. It went to the House and was referred to the House Committee on Education, a committee that has little or nothing to do. Some believe that that committee was appointed by the Speaker for the purpose of smothering the bill and so preventing the House from considering it at all. For nearly eight months the bill has been smothered by the so-called Democrats belonging to the committee keeping away from committee meetings, so as to prevent a vote upon the report by preventing a quorum. At any time the chairman of the committee could get a quorum by handing the names of the absentees to the Sergeant-at-Arms and telling him he wanted a quorum. But probably Mr. CARLISLE appointed that chairman to not do that.

Committees, in all parliamentary bodies, are appointed to report bills, not to smother them. What would be the effect of reporting the Blair bill? There would be two reports, the majority one unfavorable. Upon presentation in the House there would be a motion made by the friends of the bill to substitute the minority for the majority report. If that motion carried, the bill would be passed by the House. Then it would rest altogether with the President whether the bill became a law or not. If he disapproved it and vetoed it, that would end it. Twenty-nine noes in the Senate and the President's veto would kill any bill.

Beyond question, then, the object of the smothering of the bill by the House Committee on Education is to prevent the President from declaring how he stands upon that bill. Who knows how Mr. Cleveland stands on it? Perhaps it is nobody's business. American citizens have no right to know. To keep them from knowing it is deemed worth while, by the Speaker of the House, to stock a committee to smother a bill and so prevent the representatives of the American people from voting upon it.

That is the whole affair in a nut-shell. The Blair bill has received the treatment it has solely to keep the American people from knowing how Mr. Cleveland regards it. They evidently have no right to know, and no rights worth considering. How much Democracy is there in a party that takes such a position? Would it not be brave to keep up the bill and, if it should pass, let Mr. Cleveland veto? But the worst of it is, the people are asked by their votes to approve the way of doing.

Mr. BLAIR. Mr. President, these discussions are likely to go on interminably and these investigations to go on interminably until there is a radical change in the conditions of society at large where these occurrences take place. I am in favor of the investigations, because such occurrences are violations of individual and personal right, they are dangerous violations of such right in the way of precedent for the future; but I do not believe that there is any remedy save in the application of moral and educational causes which shall so elevate the general conditions of society everywhere, in all parts of the country, as that every individual right shall be held sacred and shall be defended and vindicated by the utmost exertion of the intellectual and physical force of all. And I think the Senators from Texas and the Senators from the North as well, while giving full scope to the spirit of inquiry and the fixing of the responsibility for acts, whatever they may be, in violation of law, should look rather to the remedy to prevent the repetition of such evil things in the future; and if our Democrats would establish for themselves due protection against the domination of the Southern Republican, the Southern negro Republican of which the Senators from Texas complain with such a pathetic wail—if they will do that for the protection of the Southern Democrat as well as the Southern Republican, let them do something to assist in the moral and intellectual education of the masses of the children among them, and they will do that which is to some purpose; but until that be done and the conditions of society be made not only homogeneous, but be elevated, these evil deeds will continue, violence will be perpetrated upon the ballot-box at the South, the violations of the right of suffrage, to which allusion has been made, which occurred in Cincinnati will be repeated in our great cities all over the country and wherever the conditions exist of ignorance, illiteracy, and consequent degradation and carelessness as to the exercise and protection of human rights. Wherever those conditions continue to exist, these crimes will be the natural consequence, and we might, I think, direct our attention to the remedy as well as to the evils complained of.

I just call attention to this in passing, for I do not mean, so far as I am concerned, that the discussion of these Southern conditions, which are before the country again in the resolutions of investigation which have been introduced here—justifiably and properly introduced—shall go on without specific attention being directed to the only conceivable remedy, a remedy the possibility of applying which is the only justification for the agitation of these subjects here.

Mr. EVARTS. Mr. President, I will occupy the attention of the Senate but a few moments.

The Senator from Texas who last addressed the Senate [Mr. REAGAN] seemed to complain that I had imputed to his colleague, my friend, the other Senator from Texas [Mr. COKE], a reliance upon a newspaper as evidence of a fact contained, and then referred also to an item of news in the New York Herald which I had adduced on the same subject. My point was not the reliance on a newspaper communication simply and in general, but that the Senator had chosen to impute to Mr. Joe Hoffman the quality of being a Democrat upon a mere newspaper reference to him in that relation, when all the evidence taken and all the public facts show that Mr. Hoffman was and always had been a Republican.

In regard to the item in the New York Herald, I have no responsibility for that. The Senator from Texas commented upon that by saying it was obviously partial by reason of the comments that it made. Well, the comment that I cited it for was for stating that Mr. Hoffman was a Republican. That did not seem to be a very inflammatory observation in regard to the meaning of Mr. Hoffman's relation to the matter which resulted in his death.

The Senator, too, has chosen to insist upon what I readily recognize, and which I distinctly stated in my observations, that the occurrence of violence of this kind by itself gave no right to impugn or to inculpate the community at large. The question, therefore, of whether the community involves itself in that inculpation depends upon how it proceeds to deal with the authors of the occurrence, and the imputations that I have made in regard to the occurrence two years ago in the way of inculpation of that community in its treatment of it have been based upon the evidence produced before the committee, and is just as apparent upon the evidence which the Senator from Texas [Mr. REAGAN] has read, even in that portion of it. The governor, the local community, the authorities, the Democratic party, the public press, the public opinion of Texas, never frowned at all upon that transaction in any shape. The grand jury never took any action upon it whatever. There was no pretense that the community had purged itself or desired to purge itself of a just inculpation of entire indifference to that transaction.

That is what I meant by saying that an occurrence of violence does not inculpate a community, but the community's treatment of it exposes it to the judgment of judicious and honest comment and judicious and honest condemnation, and that is all that I have indulged in.

The Senator from Texas proceeded further to say that at a place in that State, Lampasas or Fort Bend, or some other point of that kind, there had been a murder, certainly a homicide, and as he would call it, and perhaps justly, for I know nothing about it, the murder of two white Democrats, or one killed, perhaps, and one wounded with the intent to kill. I think that was the situation. He finds fault with the Senator from Wisconsin and myself for not having had any sympathy for the widows and the children of those unfortunate victims or violence.

When have I or when has the Senator from Wisconsin been remiss in his attention of sympathy with regard to any suffering that has been inflicted by that crime? I know nothing about them. I do not know whether they had wives or children; nor is it right to bring into a controversy in this way suggestions that are mere insinuations without the least foundation. We have expressed sympathy in the transaction which ended in the death of Mr. Hoffman and of Mr. Holt, and I appeal on the common ground of humanity to both sides of this Chamber to observe the heroism of Joe Hoffman and to pity his sad fate.

It will not do to say that we are indifferent to transactions of violence or to homicide or to murder or to sufferings of the families of the victims, until the consideration of those matters becomes a proper subject for the Senate to inquire into and make itself responsible for.

I hope the resolution will be adopted.

The PRESIDENT *pro tempore*. The question is on referring the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HOAR. I understand the resolution goes to that committee under the rules without a formal order of the Senate.

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. SAULSBURY. Let the resolution be again reported.

The Chief Clerk read the resolution of Mr. SPOONER.

Mr. SAULSBURY. Mr. President, I shall not vote for that resolution. I think there is a great deal in the question propounded by the Senator from New Hampshire [Mr. BLAIR]. We have had investigations, investigations that we had no right to make—I mean where there was no necessity to make them—instituted alone for political purposes. The country fully understands that all those investigations have no other basis than a simple desire to promote the interests of the political party that starts them in the Senate of the United States.

If the Senator had propounded another question, "what harm they do?" I should have been ready to say that the first was the disgrace which such investigations bring upon the Senate of the United States, for I hold that it is a disgrace to constitute this high body into a political machine to advance the interests by such means of a political candidate for the Presidency. Whatever disclaimers may be made by Senators of any such motives, whatever high purposes they may avow as instigating these investigations, the people of this country know that at the very foundation of all of them is the simple desire to advance the interests of their party, and to go by steps that they have no right to take to accomplish this purpose.

I have served upon the Committee on Privileges and Elections and been engaged in some of these investigations. I have been down to

New Orleans twice on investigations into the condition of affairs in that section of the country, and I say here, standing in my place in the Senate and upon my responsibility as a Senator, that I have never seen one of these political investigations conducted with the least adherence to the rules of justice. The whole animus has been to make political capital for the party that initiated the investigations, and this resolution has the same purpose in view, and the country knows it. I do not hesitate to say here that there is not an intelligent man in the country but knows full well that the animus that moves such investigations is a political purpose, and not because they are expected to accomplish any good whatever.

What right have you to go down? What right has the Senate to go down to investigate a local murder unconnected with politics perhaps, except for the purpose of trying to make political capital?

I repeat again, sir, it is a disgrace to the Senate of the United States that these investigations should be instituted and conducted in the manner they are, and I do not hesitate to say that I am sorry to see men occupying high positions in this country, Senators, resorting to such means to accomplish party purposes. I do not object to partisanship, for I am a partisan myself, but I do object to the Senate of the United States, a body of which we are all proud to be members, being converted into a political machine, thus making use of the Senate of the United States for the purpose of investigations that have no proper foundation, merely to excite the prejudices of the people of the North against the people of the South.

Murders take place all over the country. Unfortunately humanity is so constituted that crime will exist wherever man exists in large communities, and no investigation is made, no inquiry is made into the causes of murders and of riots in the Northern section of the country. The investigation is all confined to some portions of the Southern States for the purpose of inciting the prejudices of some parts of this country against that section with a view to political effect on elections. We are doing harm, not only disgracing the Senate, but I aver as my honest conviction that such a proceeding, tending to keep up the spirit of animosity between the races in the South, is reprehensible in every point of view in which it can be looked at.

I enter my protest here and now against all such procedure on the part of the Senate, and I hope that the country will take notice and hold to responsibility the men who initiate and carry out these partisan investigations through the agency of the Senate of the United States.

Mr. HOAR. Mr. President, I desire to call the attention of the Senate to the unconscious admission made by the honorable Senator from Delaware [Mr. SAULSBURY], who has just taken his seat. The Senator from Delaware seems to admit, and does admit in substance, that the stopping of political murders, that the calling of public attention and public indignation down upon them, and the establishing of a free ballot and a fair count is the same thing with the advantage of the Republican party. It is. The Senator is quite right.

I have no doubt that in that very district in Texas where these things have happened, the district now represented by the author of the Mills bill, if there could be an honest and a fair debate on public questions, not interrupted by murder and violence, the people of that district itself would pronounce by a large majority against this raid upon the industries and the interests of the wage-earners of this country.

There is one other significant piece of testimony which came out in that investigation. These were murders and exiles of white men as well as of colored men. The witnesses who testified that they had been compelled to go and leave their homes as exiles were white men. One of them had been a Confederate soldier who served through the war, and the question was put to the Democratic witnesses as to the character of these men: "Have they done anything wrong in their relations as citizens? Were they not honest? Did they bear a high character?" "Certainly; we do not deny that, except in their political conduct." "What was their political conduct? What did they undertake to do, and what is the matter with that?" "Oh, they make," was the answer in substance; I do not give the language now, but the substance—"they make inflammatory speeches to the negroes." "What is the nature of the inflammatory speeches that these men make to the negroes?" "Why, they tell the negroes that if the Democratic party remain in power their wages will be lowered, and if the Republican party come into power their wages will be raised." In other words, they use the argument which both sides are presenting to the workingmen of this country as the issue upon which this election is largely to be determined.

If a party takes the ground which Washington, and Jefferson, and Hamilton, and Madison, and Webster, and Clay took, that the policy now advocated by the Republican party will enhance the wages of the workingmen, increasing the price of cotton among other things, that is an incendiary appeal to the race prejudices of the negroes in the eyes of the dominant party in the Mills district of Texas!

I do not propose, Mr. President, at this hour of the evening, to enter upon this debate; but having had some considerable observation of this class of questions, I wish to put upon record my opinion that this is not a question of negro or race domination over white men in those Southern States where these things happen. When we undertake to show that large numbers of votes are suppressed, that the elections there do not represent the free will of their people, they answer us: "Why, your fallacy in that is in claiming that all the colored votes are on your side; the negroes are sick of the Republican party and are voting the Democratic ticket in large numbers." But when we come to say, "Let them vote; let their votes be cast and counted," they answer, "Oh, it is a race issue, and you are in favor of putting the white man under the domination of the colored man."

Under a fair count and a full count and free speech, the colored men, as the white men throughout this country, will divide, will differ in opinion, will divide according to their judgment or their interests, and whenever or wherever that condition of affairs is established education, wealth, business capacity, character will have, as everywhere in a republic, its full, free, proportionate influence.

It is not a question of race domination, according to my belief. It is not possible for the white people of a single State in this Union, under the influence of republican ideas and republican methods (I use the word "republican" now in the large sense to cover the ideas upon which this Republic is based), to be under the domination of the people of the other race.

This method is a method of keeping Democratic superiority and supremacy in States where that party would otherwise be in the minority, and, through those States, in the nation. It is not a race question. The men who do these things in Mississippi are not Mississippi. Mississippi lies prostrate under their feet. The men who do these things in Texas are not Texas, or will not long remain Texas. It is that they may keep Texas prostrate beneath their feet that these things are done.

Mr. COKE. Mr. President, the Senator from Massachusetts [Mr. HOAR], who has just taken his seat, has in a few minutes misrepresented and perverted more testimony than has been treated in that way by everybody else in this debate to-day.

He says it is not race antagonism that produces the troubles in Washington and Fort Bend Counties. He says that the real sentiment of the people of Texas is in some way suppressed and dominated and falsified in its expression; that the people of Texas favor a protective tariff if they were permitted to say so. That Senator talks about something of which he is profoundly ignorant. The Senator from Massachusetts is informed about what transpires in Massachusetts——

Mr. HOAR. Will the Senator permit me to ask him a question?

Mr. COKE. I will.

Mr. HOAR. Does the Senator say that it is a race issue there? Does he say that these murders are the act of Texas?

Mr. COKE. If the Senator will allow me to proceed I will answer his question.

Mr. HOAR. But the honorable Senator challenged my statement as being erroneous on these two points. I want to know whether he agrees with me or disagrees with me?

Mr. COKE. The Senator will see as I proceed. The Senator's statement is erroneous. The murder of young Bolton was a cold-blooded murder, perpetrated by negroes. When he went to the polls to inquire the state of the vote he was unarmed and unaccompanied by anybody, and there were eight or ten people about the polls. He could not have intended a raid on the ballot-box; he was not disguised. He simply went as a citizen interested in knowing what the state of the vote was, and he was shot down.

Mr. SPOONER. Will the Senator from Texas permit me——

Mr. COKE. I decline to be interrupted by the Senator from Wisconsin. The man was shot down before he could make an inquiry.

Mr. SPOONER. I did not decline to be interrupted by the Senator from Texas.

Mr. COKE. The people who killed Bolton—that is, the man who shot him and those who were accessories to the murder—were arrested. The testimony shows that, fearing that in the condition of the public mind some violence would be done them, they were taken away from Brenham. Some of them were carried to Houston, and I think the man who fired the shot and committed the murder was carried to the Milam County jail. They were kept until it was believed that the excitement had subsided, and those who were carried to Houston were brought back to Brenham. A mob of disguised men did assemble and take three of them out of the Brenham jail and hang them. The man who actually killed Bolton—whom they would not bring back to Brenham—is yet alive and in jail, if he has not been tried. The Senator from Wisconsin stated here some weeks ago that these men were hanged not because they were accessories to this most foul and brutal murder but in order to get them out of the way as witnesses to the violence done to the ballot-box.

These men were taken out of jail and hung just as men have been taken out of jail and hung in nearly every county and in every State in this Union.

Mr. HAWLEY. Oh, speak for Texas; do not speak for Connecticut.

Mr. COKE. I will venture the assertion that when Connecticut was a new State occurrences of that character transpired there. I do not believe that there is a State in this Union where they have not transpired.

I do not justify the men who took these people out of prison and hung them. I do not justify law-breaking, but I do say that the im-

pulse upon which these people acted in taking these men out of jail and hanging them was one that has moved men to similar performances in every State in this Union, and I may almost say in every county in every State in the Union at some time or other.

Mr. HAWLEY. I may as well, perhaps, satisfy the Senator at this point as to one State. I challenge him to find in the history of Connecticut from 1635 to the present time a single case of hanging by mob violence.

Mr. COKE. I take it for granted, of course, that the Senator is better informed than I can be about Connecticut, but Connecticut is an exception. I will say then all the States except Connecticut. [Laughter.]

Mr. BLAIR. The Senator must also except New Hampshire. I have never known of a hanging of that kind being done in that State.

Mr. COKE. Why, Mr. President, go to all the Western States, and you will scarcely find a county in which there has not been mob violence and in which men have not been hanged by mobs. Our Texas people do not pretend to be better than the people elsewhere. We have got a large amount of human nature in us, exactly the sort of human nature that is found in men everywhere else.

It is wrong that these negroes were taken out of jail and hanged; but it was done because it was believed that they had assisted in the murder of young Bolton, and that was all there was about it. There was nothing political in it. There was no motive in it that had anything in the world to do with politics.

So in Fort Bend County, where men have been murdered recently because they were Democrats—avowedly murdered for that reason—the people have been conservative; they simply met together and adopted resolutions and ordered certain men whom they had good reason to believe (possibly not amounting to legal proof) had been guilty of these murders, these assassinations—ordered them to leave the county.

Men have to take care of themselves; they will take care of themselves. In Fort Bend County and in Washington County where blood has been spilled, murders and assassinations committed, the victims have been Democrats invariably. About this there is no question or doubt.

The hanging done at Brenham was the work of a mob, which we can attribute to but one cause, and that is that poor human nature under excitement was carried away by feeling and led to a violation of law.

I desire the fact to be specially remembered that in no case that has come from Texas have Democrats been the aggressors or have white men been the aggressors. Bolton was killed by a Republican negro. Shamblin, of Fort Bend, was killed by a Republican and a notice tacked to his gate that he was killed because he was a Democrat. Captain Frost, of Fort Bend, was shot and severely wounded when going into his yard at night because he was a Democrat and a white man.

Notwithstanding these admitted facts the Senator from Wisconsin desires an investigating committee to take hold of and look into the matters referred to. The resolution of the Senator from Wisconsin refers to matters not under the Federal jurisdiction, having nothing in the world to do with anything over which this Senate has jurisdiction, yet the Senate is asked to make an investigation, and, as if to illustrate the absurdity of the proceeding, the Senator from Massachusetts, when he comes to make his contribution to the debate, finds it is not the race issue, it is not race prejudice or antagonism which produces disturbance, but it is a desire to suppress the vote of people who favor a protective tariff!

How does the Senator from Massachusetts find this out? The Senator sneers at Colonel MILLS, who represents the district embracing Washington County. Let him sneer at Colonel MILLS before the people and on the stump, where Colonel MILLS has a chance to reply to him.

Mr. HOAR. I have said nothing about Colonel MILLS.

Mr. COKE. You said it was Colonel MILLS's district.

Mr. HOAR. That is another thing.

Mr. COKE. You said it was in the district represented by ROGER MILLS. ROGER MILLS is able to answer for himself, and if the Senator desires to meet ROGER MILLS, ROGER MILLS will go to Boston and discuss the tariff question with him, and be glad of the opportunity.

No, Mr. President, the Senator is mistaken. These troubles in Washington County had their origin, not in Federal politics, but in local county politics. The people in Washington County, as the testimony shows, have been plundered and robbed and stolen from by people like these three who memorialized the Senate until they have gotten tired of it. Democrats and Republicans who had property to be taxed, who had substance in the county, joined and made a People's ticket and obtained control of the county; and since 1886 Democrats and Republicans together have held the offices of the county and they have had honest administrations. Before that time they were plundered. There is a man in the penitentiary now who was county treasurer, I believe—at all events was one of the high officers. They were indicted, these Radical, corrupt officials, repeatedly indicted, indicted, too, when the judge having jurisdiction and holding court was a Republican judge, when the county attorney and the district attorney were Republicans, when the sheriff was a Republican, and the same Republican judge is in office now. Republican officials had cognizance and jurisdiction of these men who hung the three negroes at Brenham.

They say Governor Ireland offered no reward for the discovery of the persons who hung the negroes. Who drew the grand jury? Whose duty was it to prosecute? Whose business was it to see to it that those people were prosecuted? It was Judge McFarland's business, and Judge McFarland is a Republican. It was the business of the county and district attorneys, who also were Republicans.

The county and the district attorneys are Republicans, and were Republicans when some fifteen or twenty indictments were returned into court under the instruction of the Republican judge against the thieves and robbers who under the lead of the three men who appear before this Senate as memorialists had gotten possession of the offices of Washington County.

Why, Mr. President, the Germans of Washington County constitute one-half of the voters. They are nearly all Republicans. But they deliberately turned their backs upon the Republican party and fused with the Democrats and elected county officers in 1886, and are still co-operating with the Democrats in county elections. They vote the national Republican ticket. Washington County gives a large majority for the national Republican ticket; but when you come to county elections they can not stand these people who have been plundering and robbing them, and they do not vote the straight Republican ticket. Men like Hackworth and Schutze and Moore, so lauded by the Senators from Wisconsin and New York, are the men who drive the Germans to co-operation with the Democrats in county elections.

The Senator from Massachusetts sees nothing but a suppression of the vote on the protective-tariff issue in these disorders in Washington County; sees nothing of race prejudice, nothing of race antagonism. He simply knows nothing in the world about it.

I do not believe that the Senator from Massachusetts would knowingly make a misstatement. I have no idea that he would do so; but he has made misstatements this evening, and made as many of them in a few minutes as I ever heard made in the same length of time—statements that had no particle of foundation for them. A freer people, black and white, Democrat and Republican, in speech and in casting the ballot, does not live than those in Texas.

Mr. HOAR. May I ask the Senator a question there? Has he seen in the newspapers this very morning the statement that the Republican party of Texas have said that in consideration of these crimes and this violence they will not undertake to put a State ticket in the field? Is that a slander also?

Mr. COKE. Now, Mr. President I will say to the Senator from Massachusetts that I do not believe the same number of letters have ever been put together in the English language to express a grosser or more palpable falsehood than that. The Republicans afraid to put a ticket in the field! It is simply preposterous. There is not a Republican in Texas who is not as fearless of consequences in his political or other action as the Senator from Massachusetts is when he is at home in Massachusetts. That is the truth.

The Republicans are not going to put a ticket in the field, and I will tell you why. Because by combining with a lot of odds and ends and isms of other political parties in Texas, and throwing aside, for the time being, their own political identity, they hope to accomplish results which as Republicans they know they would be powerless to accomplish. That is all there is about it. Why, this man Hackworth has a brother living at Brenham, a Republican, and has always been a Republican, who is elected regularly to the office of justice of the peace, and he holds the office and discharges the duties of it well, and reputably, and satisfactorily as I am informed.

I say right here, without the fear of successful contradiction, that there is not an honest Republican in Texas who is not as free, as fearless, and as independent as he would be in Masaschusetts or in Kansas or anywhere else. There is not a Republican in Texas who can not live among his Democratic neighbors as pleasantly, if he is an honest man, as he could in Massachusetts with the neighbors and friends of the Senator from Massachusetts.

What the people of the United States need, Mr. President, is to know each other better. I was never so impressed with that conviction as I was when I heard the statement of the Senator from Massachusetts, because I respect that Senator; both for his ability and integrity. I do not believe that for his right hand he would have made the statement with reference to Texas that he did make had he known the facts as I and those of us who live in Texas do know them.

Why, Mr. President, we rarely have trouble in Texas at elections or at any time between the races. Remember that we have one hundred and eighty organized counties in Texas. Remember that our territory stretches from east of the Sabine to the Rio Grande, between seven and eight hundred miles, and then from the Panhandle to the Gulf, seven or eight hundred miles more—one hundred and eighty organized counties, and some counties as large as the good State of Delaware or as Rhode Island.

Yet out of all these, with a population from every country under the sun gathered there, all the foreign nations being abundantly represented, and all the States North and South, East and West, abundantly represented, with a population there not homogeneous, a population

that has not had time yet to be fused into a homogeneous mass, but which will become homogeneous; the only charges that are brought against the people of Texas for political disorders and disturbances are confined to Fort Bend and Washington, just two counties out of the one hundred and eighty.

Is not Kansas a good State, Mr. President? I say it is. The population of Kansas can not be surpassed for intelligence, for sobriety, for energy, for American push; and yet here but the other day we read of a war there in which a sheriff and five of his deputies were killed by a camp-fire as they slept at night.

Why did you not send an investigating committee there? Ah, Mr. President, they did not send one there, because it would not have paid politically to do it. Murders are committed all over the United States every day, and yet it is reserved for Texas to be persecuted under the forms of law by a Senate which has no jurisdiction over the matter to be inquired into, while all other violations of local law are to be let alone!

Speaking of the race question, Mr. President, where is the Indian? He has gone and is now a mere reminiscence. The red man, the "noble red man," has gone before the advance of the white man. Where is the Chinaman?

Mr. SPOONER. Going. [Laughter.]

Mr. COKE. He has not quite gone, but he is getting away very fast. [Laughter.] He is the brown man. It is reserved for the people of the South to have to stand face to face with the black man and solve the problem of joint government and joint residence, and we are solving it. If you will let us alone we will solve it. It is hard enough to do without outside interference. When let alone it taxes all our powers and demands our highest wisdom. Just let us alone, and we will solve it. We have no trouble except once every four years. All the trouble we have ever had comes from outsiders, who hope to reap political advantage from it. If intermeddlers from the outside who instigate colored men to evil deeds will desist and let us alone, there will be an end of the trouble. Go down to Texas, go into the counties where the whites are in the majority, and you will see the colored people, some Democrats, some Republicans, and some Knights of Labor, all voting their own tickets. There you will see colored men quietly accumulating property, many of them becoming rich and well to do. Everything in the world that is needed for this condition of affairs to exist in every county in Texas, and, I will say, in the entire South, is for the Republicans outside to let them alone, to cease exciting their bad passions and inflaming them against their white neighbors.

Mr. BLAIR. May I ask the Senator——

Mr. COKE. I decline to be interrupted.

Mr. BLAIR. Will the Senator touch upon the solution with reference to the negro? He told us what they had done with the Indian and the Chinaman.

The PRESIDENT *pro tempore*. The Senator from Texas declines to be interrupted.

Mr. COKE. Only wait until I get through, and do not be in too great a hurry.

Mr. BLAIR. I think a speaker always allows a fellow-citizen to put a question to him.

Mr. COKE. I did not intend to be curt or discourteous.

Mr. BLAIR. I did not think the Senator was.

Mr. COKE. I say let us alone and we will solve this problem. Whenever the negroes divide, their votes are sought by both parties, and it is the interest of both parties to see that they have perfect freedom of choice. Keep outside pressure away from them and they will disperse among our population, and you will hear no more of any race troubles. But I tell you, and I say it frankly, the white people of the South and those of their race who come to settle among them, they and their seed will govern that country just as long as time lasts.

Mr. HOAR. Whether they are in the majority or not?

Mr. COKE. They will do it. I will be frank. They will not do it by violence. They are the superior race. They will maintain and protect and defend their civilization, their women, and their children, their race, and their citizenship as long as water runs or grass grows. They will not raise the hand of violence against the black man, because they know they are superior in every element of manhood, of humanity, and of civilization to him and that he can not dominate them.

The idea that it was the protective tariff and not the race issue which produced the disorders in Texas advanced by the Senator from Massachusetts ought to be patented. It belongs to him; it is original. I say if that Senator would once travel among our people he would never advance it again.

Mr. HOAR. Which is it, the race issue or the protective tariff? I understood the Senator himself to say just now that it was not——

Mr. COKE. I say it is not the protective tariff.

Mr. HOAR. Is it the race issue?

Mr. COKE. Yes; that is exactly what I do say.

Mr. SPOONER. I understood the Senator to say several times that it was simply an ebulition of violence or murder, such as has occurred in every county and every State in the Union. The race issue is not quite so universal.

Mr. COKE. Certainly, I said that there were cases of violence and of murder in the South, and that there were cases of violence and murder in all the States, and that when the South is being judged for the violence and murder committed within her borders it should be placed to her credit that they are the only people in the world who are compelled to live with an alien race of another color, while a lot of conscienceless politicians are constantly prodding the negroes to warfare with and alienation from the whites. I said the South ought to be credited with that fact in determining whether she is better or worse than the neighboring States of the North and West.

Mr. President, just let us manage our local affairs. If you do that, we will present you magnificent results in a very few years. We will show you a contented black population, educated, because the negroes are receiving just as much school money in proportion to population as the whites, I know, in Texas, and I believe in all the other States of the South. They are becoming more intelligent. You can not find a little negro that high in Texas [indicating about four feet] who can not read and write. That is true; and we are opposed to the Blair educational bill, besides.

Mr. BLAIR. That is meant principally for the white children.

Mr. COKE. I say, if you will let us alone, let our free schools do their perfect work, let human nature have its play, withdraw the outside pressure which binds the blacks together in a solid body against the whites, and let them disperse and mingle among the balance of the population, we will show you grand results in a very few years.

Mr. President, I am at a loss to know why it is that the Senator from New York puts on an extra coat of war paint whenever the name of Texas is called. [Laughter.] Let him go to his great merchants in the city of New York, let him go to the railroad nabobs, to all the chief moneyed and commercial men of New York and ask them what about Texas. They will tell him that Texas has to-day not less than two and a half million of population, that she has territory for five magnificent States. They will tell him that Texas swells the balance of trade in favor of the United States with a million and a quarter bales of cotton. They will tell him that Texas runs neck and neck and a nose ahead of Ohio and California in her product of wool. They will tell him that your hungry millions up East are fed from the plentiful larder of Texas, which holds within her borders one-seventh of the cattle of all the United States. They will tell him that of all the States the trade and commerce of Texas is the greatest and most valuable now, with infinite possibilities for the future.

And yet the Senator from New York, unmindful of the interests of his people, would tomahawk Texas on all occasions. Mr. President, Texas, with her imperial domain, her 8,000 miles of railroad, being increased at the rate of 1,000 miles annually, and her income of $175,000,000 annually from exported products, and increasing every year, and her school fund of 30,000,000 acres of land and $8,000,000 of interest-bearing securities, can afford to smile at the efforts at her disparagement.

Mr. President, I have shown that this pretense of lawlessness in Texas is a fraud and a sham, gotten up for political purposes. I have shown you that the bloodshed in Washington County was first caused by Republican negroes.

The Senator from Wisconsin stated that Bolton ought to have been shot. The testimony is that Bolton was there without arms, alone, without disguise, simply, his father being a candidate for one of the county offices, to inquire how the vote stood, and when the door was opened was shot and fell dead on the floor.

Mr. MORGAN. At night.

Mr. COKE. At 11 o'clock at night. No man was with him, according to the testimony, for no man saw anybody with him. From that cause sprang the hanging of the three negroes by the masked mob. They were taken out of the jail at Brenham, when they had been brought back by the authorities under the impression that the danger was past.

Mr. TELLER. I should like to ask the Senator a question.

The PRESIDENT *pro tempore*. Does the Senator from Texas yield?

Mr. COKE. No, sir.

Mr. TELLER. Very well, then.

The PRESIDENT *pro tempore*. The Senator from Texas does not yield.

Mr. TELLER. It is a right he has. If I had made that statement I should not yield either, if I were in the Senator's place.

Mr. COKE. I refer to the testimony, whenever your close corporation committee will let it out and let it be printed. I assert here that I state the truth, and I assert that any other statement of the bulk and weight of that testimony is a misstatement and a perversion of it.

Mr. TELLER. That is the Senator's judgment?

Mr. COKE. Yes; I say that is my judgment.

Mr. EVARTS. Will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Texas yield to the Senator from New York?

Mr. COKE. No, sir.

The PRESIDENT *pro tempore*. The Senator from Texas declines to yield.

Mr. EVARTS. I have no war paint on, but——

The PRESIDENT *pro tempore*. The Chair has to protect the rights

of the Senator on the floor. The Senator from Texas declines to be interrupted.

Mr. COKE. I repeat, Mr. President, because I wish to emphasize these facts, that Bolton was murdered in cold blood, and that the authorities arrested the negroes who committed the murder and took them to Brenham. They feared the negroes would be taken out of jail and dealt with violently. They took all of them to Houston, about 80 miles off, except one, and that one, the man who really killed Bolton, they took up to Cameron, in Milam County, about 60 miles distant, and he is in jail in Cameron now, unless he has been tried since. Of those who were brought back from Houston under the impression that the feeling had subsided, three were taken out of jail and hung, not in order to suppress their testimony, because there were five of them, and the testimony of the other two would have been just as good as that of the three who were hung, but they were hanged because of the violent feeling engendered by the murder of Bolton.

Mr. BUTLER. Who was a white man and a Democrat.

Mr. COKE. Bolton was a white man and a Democrat. As to the Fort Bend case, I did not know that this debate was coming up to-day or I would have had some papers here to submit to the Senate. There they called to the door and killed Colonel Shamblin; and tacked a card to his gate-post stating that they had killed him because he was a Democrat and had the audacity to try to prevail on some colored people to vote the Democratic ticket. Nothing was done because nobody could find the assassin.

Some two or three weeks after that another leading Democrat was shot in the dark. He was not killed, but he is crippled for life and badly wounded, and may die yet. Then it was that the people bethought themselves, How long must this thing last? What shall we do? Who will be the next? They met together. They did not hang anybody, but they said to certain gentlemen whom they had good reasons strongly to suspect, "Now, it will be good for you to absent yourselves from here," and they did absent themselves.

Mr. TELLER. Of course.

Mr. COKE. Yes, they did, in a hurry.

Holt, who was assassinated at Brenham, was an active, aggressive, thoroughgoing Democrat. I was amused at the effort of the Senator from New York to identify him with the Mugwumps. Holt had nothing of the Mugwump in him.

Mr. EVARTS. I did not use the word "Mugwump," or say anything about it.

Mr. COKE. No, the Senator did not.

Mr. EVARTS. Not a word.

Mr. COKE. But the Senator did use language that was equal to that.

Mr. EVARTS. What was it?

Mr. COKE. The Senator said that Mr. Hoffman was a Republican and running on the Democratic ticket, and that Mr. Holt was co-operating with him and was just such a man as Hoffman was in that regard.

Mr. EVARTS. That I said.

Mr. COKE. Well, the Senator was wrong. The Senator from New York inadvertently and without intending it at all told that which was not true when he said it. Holt was a Democrat, but not a candidate for any office, as I understand. Hoffman was running on the Democratic ticket for county treasurer. Yet when the assassin fires and kills both of them it is paraded here as a Democratic outrage. That is all there is about that.

No, Mr. President, you may take these Texas cases and sift them and inquire into them; I shall interpose no objection. Get all the testimony here you can, and nothing derogatory to the people of Texas, to the people of Washington County, to the people of Fort Bend County, will be developed by the investigation. There was one ballot-box captured by three masked men.

Mr. MORGAN. Who were they?

Mr. COKE. I do not know who they were. Nobody else knows who they were. The Senators on the other side say that the governor ought to have offered a reward. Judge McFarland, the Republican judge and his Republican district attorney ought to have called on the governor to offer a reward, which they never did. They ought to have ferreted out this transaction and instructed the governor as to the facts of it, which they never did that I have ever heard of.

The killing of Bolton and the hanging of these negroes transpired last November a year ago.

Mr. TELLER. In 1886.

Mr. COKE. Two years ago this coming November.

Mr. TELLER. The statute has not run out.

Mr. COKE. The witnesses were examined many months ago. No report has been made. They have been keeping it for two years as a rich development to be sprung upon the country at this time for campaign purposes.

Mr. BLAIR. Why have they not hung his murderer, who is now, as you say, in jail?

Mr. COKE. They may have done so, for aught I know. I have not heard from him lately.

Mr. BLAIR. The Senator said several times that he was in jail.

Mr. COKE. He was in the jail of Milam County, Texas, six months after the other three were taken out of the jail and hung at Brenham.

These are the facts, Mr. President, as I understand them. This case has for two years been saved for this occasion. They have had it on ice. They bring it out now for the first time for active service and use, and coupled with it the Senator from Massachusetts undertakes to instruct the Senate that these disorders proceed, not from race prejudice or antagonism, but that the tariff issue is at the bottom of them.

Mr. HOAR. With Democratic ascendancy.

Mr. COKE. I will just say to the Senator that if there is any one thing in this world the average Texan would go any number of miles out of his way to kick and kill and destroy it is a protective tariff.

Mr. HOAR. Is that murder?

Mr. COKE. It may be. That is the kind of murder they will commit if you give them a chance.

I repeat, Mr. President, that the ballot-box nowhere in the world gives a freer or truer expression than in Texas, and all testimony to the contrary is false and utterly unworthy of belief, and when the report of the Committee on Privileges and Elections is presented to the Senate, and the Senate is permitted to see the testimony which has been taken, the truth of this averment will abundantly appear. I am more than willing to invoke the honest judgment of the country upon it, satisfied that the vindication of the people of Texas must result from a fair consideration of it. I have nothing further to say.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, Chief Clerk, announced that the House had passed a bill (H. R. 11101) to include Sapelo Sound, Sapelo River, and Sapelo Island, in the Brunswick collection district in the State of Georgia; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STONE of Kentucky, Mr. PENINGTON, and Mr. CROUSE managers at the conference on the part of the House.

HOUSE BILLS REFERRED.

The bill (H. R. 1959) authorizing the Secretary of War to issue to the governor of the Territory of Montana military stores for the use of the regularly enlisted, organized, and uniformed active militia was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 11101) to include Sapelo Sound, Sapelo River, and Sapelo Island in the Brunswick collection district in the State of Georgia was read twice by its title, and referred to the Committee on Commerce.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 13, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September* 12, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

MARGARET HEINTZELMAN.

The SPEAKER. I will lay before the House the bill (S. 2726) granting a pension to Margaret Heintzelman, with House amendment, disagreed to by the Senate. If there be no objection, the House will insist on the amendment and agree to the conference requested.

There was no objection, and it was so ordered.

CONFEREES APPOINTED.

The SPEAKER appointed as conferees on the part of the House on Senate bill 2726, granting an increase of pension to Margaret S. Heintzelman, Mr. CHIPMAN, Mr. THOMPSON of California, and Mr. THOMPSON of Ohio.

CLAIMS REPORTED BY TREASURY.

The SPEAKER laid before the House the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the Treasury Department, passed by the Senate with amendments.

Mr. STONE, of Kentucky. I ask unanimous consent to non-concur in the Senate amendments and agree to the conference requested.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. VANDEVER. I ask unanimous consent to take up the bill (S. 2) for the relief of the Mission Indians in the State of California, and discharge the Committee of the Whole House from its further consideration, and that it be considered at this time.

The bill was read at length for information.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DUNN. I ask the gentleman from California what Indians this bill is intended to apply to? Those in California?

Mr. VANDEVER. It is intended to apply to the Mission Indians in Southern California.

Mr. DUNN. I desire to put on record here a short statement in reference to that matter.

The SPEAKER. Is there objection?

Mr. BLAND. I reserve the right to object.

Mr. DUNN. I have had occasion to look into the question of the tenure by which the Village Indians and Mission Indians in California hold their titles. I am perfectly satisfied that the law is that the Pueblo or Village Indians are entitled to have a deed in fee-simple to the original grants made to them by either the Spanish or the Mexican Governments. The Mission Indians in many cases were located or made superincumbent upon the Village grants; they were extended merely for mission purposes. The mission lands were somewhat analagous to our own Indian reservations, and could be what the Mexican Government calls "secularized," that is, when they ceased to be used for mission purposes they could be restored to the public domain. But the title of the Pueblo or Village Indians to the grant is as perfect a title in law and in fact as any other grants of the Mexican or Spanish Government; and any attempt in this bill or any other bill to take from them their original grants and give them back a part of it completes a robbery which the California commission failed to complete under the law of 1854; and I object to this bill.

Mr. VANDEVER. I hope the gentleman will withdraw his objection, because it does not affect the Village Indians at all in the remotest degree.

Mr. DUNN. If I understood the reading of the bill, it proposes to take possession of all grants of Village and Mission Indians, and to give them enough ground to answer their purposes.

Mr. VANDEVER. The gentleman is entirely mistaken. It does not attempt to take the Pueblo lands at all.

The SPEAKER. Is there objection?

Mr. DUNN. It is a complicated question that will have to be determined in the future, and it is one of great and grave importance, as it affects the rights of a class of people who are absolutely helpless; and I object.

Mr. VANDEVER. There is no possible chance for litigation under this act.

LEAVE OF ABSENCE.

Mr. BACON, by unanimous consent, obtained indefinite leave of absence, on account of sickness.

ORDER OF BUSINESS.

Mr. TOOLE. Mr. Speaker, I ask unanimous consent to call up for consideration the bill which I send to the desk.

Mr. CANNON. I demand the regular order.

CHARGES IN CONNECTION WITH LIBRARY BUILDING.

The SPEAKER. The gentleman from Minnesota [Mr. RICE], chairman of the select committee appointed to make an investigation under a recent order of the House, asks unanimous consent for the present consideration of the resolution which the Clerk will read.

The resolution was read, as follows:

Resolved, That the special committee of investigation, appointed by the Speaker in pursuance of the resolution adopted by the House of Representatives on September 4, have leave to sit during the sessions of the House, be authorized to send for persons and papers, to administer oaths, and to employ a stenographer and a messenger, and that the expenses of such investigation shall be paid out of the contingent fund of the House.

The resolution was adopted.

MILITARY STORES FOR MONTANA MILITIA.

Mr. TOOLE. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] yields to me to ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 1959) authorizing the Secretary of War to issue to the governor of the Territory of Montana military stores for the use of the militia.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to the governor of the Territory of Montana such additional arms, ordnance stores, quartermaster's stores, and camp equipage as may be required to fully arm and equip the present regularly enlisted, organized, and uniformed active militia of said Territory, consisting of seven general staff officers and the officers and men of one regiment of eight companies of infantry, two companies of cavalry, and one battery of artillery: *Provided*, That nothing herein shall affect the appointment hereafter, to said Territory, of arms, ordnance stores, quartermaster's stores, and camp equipage, under existing laws and regulations: *And provided further*, That the military stores to be issued hereunder shall remain the property of the United States, and said governor shall be chargeable therewith as now provided by law.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. FORNEY. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports, unless some privileged matter be called up.

Mr. FORNEY. I move to dispense with the call of committees.

The SPEAKER. It is not necessary to make that motion if the gentleman desires to call up a privileged report.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY. Then I do call up the privileged report which was under consideration when the House adjourned, the report on the sundry civil appropriation bill.

The SPEAKER. The question is upon the amendment offered by the gentleman from Indiana [Mr. HOLMAN] as a substitute for the amendment proposed by the gentleman from Kentucky, and upon that the yeas and nays were ordered.

Mr. FORNEY. I move to reconsider the vote by which the yeas and nays were ordered.

Mr. HOLMAN. Mr. Speaker, I believe the demand for the yeas and nays was made by the gentleman from Georgia [Mr. BLOUNT], whom I do not see in his seat at this moment. I ask now that by unanimous consent, the order for the yeas and nays be vacated. I make this request because it is manifest that there is not a quorum present.

There was no objection, and it was so ordered.

The SPEAKER. The question then is upon agreeing to the amendment of the gentleman from Indiana [Mr. HOLMAN], offered as a substitute for the amendment proposed by the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. A vote was taken in the usual way, and I suppose the RECORD shows what that vote was. Later a yea-and-nay vote was ordered, and I desire to know whether another division is now in order?

The SPEAKER. The Chair thinks so, because the subsequent order of the House directing the yeas and nays to be taken was a vacating of the vote which had been taken before.

Mr. HOLMAN. Mr. Speaker, my amendment appears in the RECORD this morning in a form so unsatisfactory that I ask unanimous consent to have it read again.

The amendment was read, as follows:

That the money appropriated for topographical surveys for the present fiscal year, or any part thereof, may be employed by the Director of the Geological Survey, with the approval of the Secretary of the Interior, and for the purpose of ascertaining the feasibility of establishing reservoirs of water in the arid regions of country west of the one hundredth meridian, with a view to a system of irrigation of the arid region; and the Director of the Geological Survey is directed to report to Congress at as early a period as is practicable the results of such inquiries and all the information he may possess touching the irrigation of said lands: *Provided further*, That during the pendency of measures now before Congress affecting the public lands, the entry of lands known and designated as desert lands shall be suspended; but this provision shall not prevent the entry of such lands under the homestead law, except that section 2301 of the Revised Statutes shall not apply to such entries. And the sum of $250,000 proposed by the amendment is hereby stricken out.

Mr. TAULBEE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. If I caught the reading of the gentleman's amendment as it was offered yesterday, that part which provides for striking out the $250,000 was not included in it; and, as stated by the gentleman from Indiana himself, his amendment was first intended to be a substitute for the Senate amendment as it was proposed to be amended by the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. SYMES. Will the gentleman yield for an explanation?

Mr. TAULBEE. Certainly.

Mr. SYMES. By unanimous consent it was agreed that the gentleman from Indiana [Mr. HOLMAN] might strike that out, upon the understanding that no point should be made as to a quorum, and that the yeas and nays should not be demanded.

Mr. TAULBEE. Was it understood that the gentleman from Indiana should be permitted to include in his amendment the provision to strike out——

Mr. SYMES. Yes, sir.

Mr. TAULBEE. I did not know that.

The SPEAKER. The Chair is advised that the modification was made by unanimous consent.

Mr. TAULBEE. I was not aware of that.

Mr. HOLMAN. I wish to correct a misapprehension of the gentleman from Colorado. The consent to the modification was not given in consideration of the agreement not to call the yeas and nays, because the gentleman from Georgia expressly declined to accept that proposition.

Mr. RYAN. That is immaterial.

Mr. SYMES. The gentleman from Georgia did demand the yeas and nays; but other gentlemen (the gentleman from Indiana included) agreed that if this modification were permitted the call for the yeas and nays should be rescinded.

Mr. BRECKINRIDGE, of Kentucky. I think that matter immaterial.

The SPEAKER. The Chair will state that the sum of $250,000 has already been stricken from the Senate amendment by a vote of the House, and $100,000 inserted, on motion of the gentleman from Missouri [Mr. BLAND].

Mr. BRECKINRIDGE, of Kentucky. The consent was that the gentleman from Indiana might modify his amendment so as to propose to strike out all appropriation.

Mr. RYAN. That is to say, consent was given that the gentleman from Indiana might modify his amendment so as to propose to strike out all appropriation.

Mr. HOLMAN. Certainly; and $250,000 having been the sum named originally in the Senate amendment, the language in my substitute refers to that, although the Senate amendment has since been amended.

Mr. TAULBEE. I understood the Chair to state that the amount named in the Senate amendment was stricken out by unanimous consent.

The SPEAKER. It was stricken out by a vote of the House, on motion of the gentleman from Missouri [Mr. BLAND].

Mr. SYMES. And $100,000 inserted.

The SPEAKER. And $100,000 inserted in lieu of $250,000.

Mr. TAULBEE. Then the privilege granted by unanimous consent to the gentleman from Indiana was that he might modify his amendment so as to strike out the $100,000.

Mr. SYMES. No; let me explain; the gentleman from Kentucky does not understand. After the House had adopted practically the Senate amendment, except that the amount had been fixed at $100,000, the gentleman from Indiana was then allowed by unanimous consent to patch up his substitute and have a vote upon it, in order that business might not be interrupted by the lack of a quorum.

Mr. HOLMAN. My friend from Colorado did not succeed in "patching up" his amendment.

Mr. SYMES. Our amendment did not need any "patching up;" the House adopted it by a three-fourths majority.

The question being taken on agreeing to the substitute of Mr. HOLMAN, there were—ayes 39, noes 61.

Mr. HOLMAN. I would like to have tellers on this question.

The SPEAKER. The gentleman asks for tellers. As no quorum has voted, tellers will be considered as ordered; and the Chair appoints the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. SYMES. I rise to a parliamentary inquiry. I was informed just as I entered the Hall that it had been agreed a quroum would not be demanded this morning on this vote.

The SPEAKER. The gentleman from Indiana has not demanded a quorum, but has asked for tellers.

The House again divided; and the tellers reported—ayes 46, noes 65.

So Mr. HOLMAN'S substitute was not agreed to.

The SPEAKER. The question is now on the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] that the House recede from its disagreement to the Senate amendment and agree to the same with the amendment proposed by him.

The question was determined in the affirmative—ayes 59, noes 38.

The SPEAKER. The Clerk will report the next amendment of the Senate.

The Clerk read as follows:

Amendment 121: After the words "one hundred," in line 12, page 66, insert the words "and two;" so as to make the paragraph read as follows: "For the purchase of necessary books for the Library, and the payment for the transmission of public documents through the Smithsonian exchange, $5,000; in all, $402,000."

Mr. FORNEY. It is desirable in this case to ascertain the proper amount to be appropriated, a matter which can be arranged hereafter. I move that the House insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment of the Senate.

The Clerk read as follows:

Amendment 127: Before the word "education," in line 22, page 68, insert "industrial;" so as to read:

"For the industrial education of the children of school age in the Territory of Alaska," etc.

Mr. FORNEY. I move that the House insist on its disagreement to this amendment.

The motion was agreed to.

The Clerk read the next amendment of the Senate, as follows:

Amendment 128: Strike out "25" and insert "50;" so that under the heading of "Education in Alaska" it will read "$50,000."

Mr. FORNEY. I move that the House insist on its disagreement to that amendment of the Senate.

The motion was agreed to.

The SPEAKER. There are seventeen of these amendments of the Senate, and it would facilitate business if those upon which a separate vote may be desired should be indicated, and the vote taken in gross upon the others.

Mr. FORNEY. I move that the House insist upon its disagreement to all the remaining amendments, excepting the one in reference to the zoological garden, upon which a separate vote is asked.

The motion was agreed to.

Mr. NELSON. I now move that the House concur in the two hundred and fifty-sixth amendment of the Senate.

Mr. BLOUNT. I ask that it be read.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 4. For the establishment of a zoological park in the District of Columbia, $200,000, to be expended under and in accordance with the provisions following, that is to say:

That, in order to establish a zoological park in the District of Columbia, for the advancement of science and the instruction and recreation of the people, a commission shall be constituted, composed of three persons, namely: The Secretary of the Interior, the president of the board of commissioners of the District of Columbia, and the Secretary of the Smithsonian Institution, which shall be known and designated as the commission for the establishment of a zoological park.

That the said commission is hereby authorized and directed to make an inspection of the country along Rock Creek, beginning at the point on that creek where the Woodley road crosses said creek, and extending upward along its course to where said creek is crossed by the Klingle road, and to select from that district of country such a tract of land, of not less than 100 acres, which shall include a section of the creek, as said commission shall deem to be suitable and appropriate for a zoological park.

That the said commission shall cause to be made a careful map of said zoological park, showing the location, quantity, and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed thereon, and the said map shall be filed and recorded in the public records of the District of Columbia; and from and after that date the several tracts and parcels of land embraced in such zoological park shall be held as condemned for public uses, subject to the payment of just compensation, to be determined by the said commission and approved by the President of the United States: *Provided*, That such compensation be accepted by the owner or owners of the several parcels of land.

That if the said commission shall be unable to purchase any portion of the land so selected and condemned within thirty days after such condemnation, by agreement with the respective owners, at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition, at a general or special term, for an assessment of the value of such land, and said petition shall contain a particular description of the property selected and condemned, with the name of the owner or owners thereof, and his, her, or their residences, as far as the same can be ascertained, together with a copy of the recorded map of the park; and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of the land and to ascertain and assess the value of the land so selected and condemned by appointing three commissioners to appraise the value or values thereof, and to return the appraisement to the court; and when the values of such land are thus ascertained, said values shall be paid to the owner or owners, and the United States shall be deemed to have a valid title to said lands.

That when the said commission shall have obtained the land for a zoological park, as herein provided, it shall have power to lay out the same as a park and to erect such building or buildings thereon as may be necessary for the scientific purposes to which the park is dedicated and proper for the custody, care, and exhibition of a collection of animals.

That when the said commission shall have established a zoological park in the District of Columbia under the provisions of this section, by acquiring the necessary lands and by laying out the same as a park and by the erection of the necessary buildings thereupon, it shall be the duty of said commission to turn over the said zoological park, with all its buildings and appurtenances, to the custody and care of the Regents of the Smithsonian Institution; and when such transfer of the custody and care of the zoological park shall be made, the duties of said commission shall cease and its existence terminate.

That when the said commission shall tender to the Regents of the Smithsonian Institution the care and custody of the zoological park provided for in this section, the Regents of the Smithsonian Institution are hereby authorized to assume the care and custody of the same; and the said Regents of the Smithsonian Institution are hereby authorized to make such rules and regulations for the management of the park, and of the property, appurtenances, and collections of the park as they may deem necessary and wise to secure the use of the same for the advancement of science and the instruction and recreation of the people.

That the said commission is hereby authorized to call upon the Superintendent of the Coast and Geodetic Survey or the Director of the Geological Survey to make such surveys as may be necessary to carry into effect the provisions of this section; and the said officers are hereby authorized and required to make such surveys under the direction of said commission.

Mr. FORNEY. I move that the House insist on its disagreement to that amendment. Before the gentleman from Minnesota commences I should like to know how much time is proposed to be taken up in debate? I am willing to consent to an hour's debate [cries of "No!"], and that each side shall have thirty minutes.

Mr. NELSON. I should like to inquire of the gentleman from Ohio [Mr. FORAN] how long a time he wants?

Mr. FORAN. Ten minutes.

Mr. NELSON. Very well, then; I am willing to agree to the debate being limited to one hour, to be equally divided—thirty minutes on each side.

The SPEAKER. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. BRECKINRIDGE, of Kentucky. I ask, by unanimous consent, to print in the RECORD a paper prepared on this subject.

There was no objection, and it was ordered accordingly.

Mr. BRECKINRIDGE, of Kentucky. I do not object to the proposition to limit the debate, but I ask leave to have read the accompanying paper, prepared at my request. My friend, the senior Senator from Kentucky [Mr. BECK], whose enforced absence from this city by reason of sickness, took great interest in this project, and this, as well as other reasons, induced me to look into it; and that the House may have the benefit of this paper, I put it into the RECORD.

The paper indicated is as follows:

OBJECTS.

The object of the zoological park for which this Senate amendment provides is declared to be "the advancement of science, and the instruction and recreation of the people." Probably no one will deny that the advancement of science and the instruction of the people are objects for the support of which every enlightened government is in duty bound to provide. Every zoological garden or park is in the strictest sense an educational institution of a high order, the same as is every museum of science, art, or industry, every marine laboratory and aquarium, and every botanic garden; and one may also add without fear of contradiction every public library.

Although the United States is to-day perhaps the wealthiest nation on the earth, and the most prosperous, in comparison with all the nations of Europe, almost without exception, we are actually poor in such institutions as those mentioned above. True, we have in some ways made a good beginning, as for instance in the National Museum, the National Library, and a few other similar institutions.

But although we have made a good beginning in the higher educational institutions—those which must be established and maintained by national aid everywhere—the public is clamorous for more, and, what is more, the public is willing and even anxious to pay for what it asks.

Just as breech-loading fire-arms of precision have been invented by the score and manufactured by the hundred thousand, so have the living creatures of our fields and forests disappeared, until now he who would seek to study or even to see representatives of what were once our commonest quadrupeds and birds must seek them either in museums or zoological gardens. With a fauna that is almost unsurpassed in richness and variety of forms, and boundless resources of every kind, the United States to-day is without a zoological garden, or even the semblance of one. With our quadrupeds and birds both great and small being rapidly swept out of existence, we have as yet taken no steps whatever to preserve a good collection of living specimens for the advancement of science and the instruction of the people.

NEED.

It surely is unnecessary to urge the great desirability and even the necessity that exists for the immediate establishment of such an institution as that contemplated in this Senate amendment; but it is possible that many members of this House, who have been engrossed in other questions of public importance, have not until recently had their attention called to this matter, and it may be as well to briefly direct attention to the reasons for urgency in the consideration of this measure. In the first place, many specimens of our most important and conspicuous North American quadrupeds are very rapidly approaching extermination. So far as his existence in the wild state is concerned, the great American bison, the grandest and once the most valuable ruminant on the earth, is already considered by naturalists as an extinct animal.

In the whole of the British possessions not a single wild buffalo remains. In the whole of the United States, where it is estimated between eight and ten millions existed as late as the building of the Union Pacific Railroad in 1868, only twenty short years ago, there exist to-day not over one hundred and twenty-five buffaloes in a wild state. Of these, fifty head, or less, are in Northern Texas, and will all be slaughtered by hunters next fall and winter. The remaining seventy-five head are in the Yellowstone Park, but every year a number of head wander out on the north and west, and are promptly killed by the hunters who eagerly watch for them. Six months ago the Government had not a live buffalo anywhere in its possession, nor had any means been taken to provide against the total extermination of the species. It is true that various private parties own captive buffaloes, but the species is in danger of being lost through cross-breeding with domestic cattle.

The naturalists of this country, and even of England, declare that it is the duty of the National Government to secure a herd of American bison, and preserve it under the best conditions, not only for the public of to-day, but for future generations. But for the wise forethought of the Czar of Russia, exercised many years ago in a similar direction toward the last representatives of the European bison, or aurochs, that species would have been utterly exterminated long ago. Science and the public demand that the United States Government should do as well by the last representatives of our most characteristic quadruped. Three months ago a New York patron of science, Mr. E. G. Blackford, purchased a pair of buffaloes in Nebraska and presented them to the National Museum, where they may be seen to-day—the only living representatives of the species in the possession of the Government. But instead of two only we should have a herd of at least twenty head.

It has been predicted by those who are in possession of all the facts that within five years the rare and really wonderful Rocky Mountain goat will also be totally extinct in the United States. At the Cincinnati exposition, in the Smithsonian exhibit, there are now displayed seventy skins of the mountain goat, which were brought into Denver and sold for the paltry sum of 50 cents apiece. And yet this animal exists in so few localities and is really so scarce in numbers that only the largest scientific museums in this country and Europe have even stuffed skins.

American naturalists and sportsmen assure us that the elk, moose, antelope, caribou, black-tailed deer, grizzly bear, wolf, beaver, otter, wolverine, and many other large quadrupeds that could be named if time permitted are rapidly approaching extermination. Railroads are being built everywhere, and sportsmen now go everywhere in pursuit of every living thing that is large enough to shoot with a gun or catch with a hook. If we are ever going to bring together a national collection of living creatnres to illustrate the animal life of our forests, fields, and waters, it must be done now. We are permitting all these great animals to be exterminated, just as we permitted the extermination of the buffalo, and if we take no steps to preserve living examples of them—at least in a zoological garden—in the eyes of science, of the public, and the world we will be inexcusable.

THE PLAN.

In order to hasten the establishment of a national zoological garden, and to make it immediately possible, three eminent persons, a distinguished Senator from the State which I have the honor in part to represent, the Secretary of the Smithsonian Institution, and the Director of the United States Geological Survey, assisted by the judgment of a practical naturalist whose whole life has been spent among animals—these gentlemen, I say, have selected a spot and formulated a plan for the establishment of a zoological park or garden in the District of Columbia. That plan, in the form of this amendment, comes to us from the Senate with the unanimous approval of the Senate itself, the Senate Committee on Appropriations, and also the Committee on Public Buildings and Grounds. It contemplates the appropriation of $200,000 for the purchase of a site of not less than 100 acres, lying in a certain region, the nature of which most of the members of the House are already acquainted with, and the balance of $50,000 or $75,000 that will remain after the purchase of the 120 acres desired is to be devoted to improvements. The amendment provides that the purchase of the site and the making of the improvements shall be under the direction of a commission composed of the Secretary of the Interior, the Secretary of the Smithsonian Institution, and the president of the Board of District Commissioners. When the park establishment is complete, it is to be turned over by the commissioners to the Regents of the Smithsonian Institution, who are empowered to receive it and assume control of it.

THE LOCATION AND COST.

It is declared by those whose judgment in such matters is worthy of acceptance, that the site selected on Rock Creek, between the crossing of Woodley road and the Klingle road, is incomparably the best that could be found within a radius of 5 miles of the city of Washington, and by its natural features is magnificently adapted to the purpose in view. It has features of beauty and utility possessed by no similar institution in the world. The abundance of water in the stream, and the course of the stream itself, are worth more than $100,000 to any such an institution. The picturesque features of valley, hill, slope, and cliff are unrivaled. A large portion of the tract is covered with a fine growth of virgin forest, which affords an abundance of shade, and the drainage is perfect.

The maximum estimate of the cost of the site of 121 acres is $142,000, but there is good ground for the belief that this estimate is too high, and that no board of appraisement could reasonably consider the whole tract worth more than an average of $1,000 per acre, or $121,000. By many even that is regarded too high an estimate. The ground is owned by seven different parties, but the largest portion of the site desired, 55 acres of the Evans estate, has never been in the market. The ground lies sufficiently near the city to render the garden easy of access, which is a very important point. The London Zoo lies in the heart of London, and no one will deny that an accessible location is a matter of prime importance. This site was not chosen until all the Government reservations around Washington had been carefully examined, from the Arlington Cemetery around to the Eastern Branch of the Potomac.

The Potomac flats were fully considered, but it was believed that while it would be almost impossible to make so low a piece of land a suitable habitation for mountain-loving animals, it would also cost four times as much to make it habitable at all as it would cost to purchase the site on Rock Creek. A zoological garden must have dry knolls and well-drained slopes to make it even habitable for wild beasts in rainy weather. It was decided that it would be a serious and costly mistake to locate the gardens on the flats, even though the ground cost nothing in purchase-money. The site on Rock Creek is to-day, without the expenditure of a single dollar, a beautiful and picturesque park, with features of loveliness for which the city of New York would gladly pay $1,000,000 were it possible to place them in Central Park by the expenditure of money.

It is not too much to assert that the character of the three men who have proposed the plan makes the plan itself stand, like Cæsar's wife, above suspicion. Not one of the promoters of the plan owns a dollar's worth of property anywhere in that region, nor do any of them expect to own any there. It is the sincere conviction of the distinguished Senator who introduced this measure, and of the other Senators who have by every means in their power facilitated its passage thus far, that it would be a boon to the public, not only of this city but of the whole United States as well, to secure that beautiful spot to the people forever, and establish there a great national zoological garden to instruct not only the millions of the present but also the millions which will come after us.

COLLECTIONS.

It has been proven conclusively by the records of the Department of Living Animals, lately established by the National Museum, that an institution of this kind could and would acquire fully three-quarters of all its collections of American animals by donation. This has actually been the experience of that Department during the eight months of its existence. It has made thirty purchases and received one hundred and fourteen gifts, and the cash value of the gifts is declared to be six times as great as the value of all the specimens purchased. As has been proven by the receipt of rare and valuable gifts of live animals from Texas, Kentucky, New York, Alabama, Nebraska, Montana, and Utah, to say nothing of the city of Washington, Virginia, and Maryland, the people of the United States will take unbounded pride in such an institution as it is proposed to establish. Gifts will come pouring in from every direction the moment it is known that a place has been provided for them, that they will be thankfully received, carefully and comfortably cared for, and exhibited under the name of the donor.

It is in just this way that all such national collections are kept up. To-day the figures show that the Philadelphia Zoological Garden receives nearly three-fourths of its accessions as gifts. Already the United States Consul at Maracaibo, Venezuela, has written to the Secretary of State and offered to send jaguars, pumas, monkeys, and other objects innumerable to the national zoological garden which he hears is to be established here. Can it be doubted that nearly all our consuls would take pride in doing the same? Can it be doubted that any member's constituents would rejoice at the establishment here of such a source of national pride, which he feels is free to him and his children forever, because it is partly his own? No one need fear that any one will find fault with Congress if it appropriates this money. The newspapers of the country, from Boston to New York, Philadelphia, Pittsburgh, Chicago, and even far away San Francisco say in so many words, "Give us a National Zoo! Give it to us before all our great game animals are exterminated."

The entire public is certainly behind the measure. There is no opposition to it in any quarter. The Smithsonian has been urged to further the end sought by this amendment. The plan challenges the closest scrutiny and invites criticism, for to know the details of the plan and the public need for this institution is to become an advocate of it. Every great nation on the earth, excepting this, has its national zoological garden, for the advancement of science and the instruction of the people. Like the collections of the National Museum, the people, no matter how ignorant of natural history, will feel it is for them, and they will support it accordingly. Under the management provided for in this amendment, no man who votes for this amendment will ever regret it. We have lost too much time already in the prosecution of this enterprise; let us delay no longer, but begin at once to build up the grandest collection of American quadrupeds, birds, and reptiles on the face of the earth.

Mr. NELSON. Mr. Speaker, I do not propose to enter upon any extended discussion of this matter. I think on its face it will commend itself to the favorable consideration of every member of the legislative department of so great a country as that of the United States. This city, sir, ought to be something more than a mere political center, something more than a mere gathering-place for statesmen and politicians. The people coming from every part of the country expect at the national capital to see something else than to come into these galleries and look down upon members of Congress to see us perform our duties in a listless and perfunctory manner, as we often do. This city ought to be not only the political center, but it ought to be the great art and educational center toward which the attention of our people should be directed.

The people of this country, Mr. Speaker, are not endowed with the little and mean spirit some persons suppose. Amongst the great institutions we have established in this city, which are now in successful operation, are the Smithsonian Institution and the National Museum.

I venture to say there is not a man or woman who comes to this capital throughout the year who does not visit those institutions to examine carefully the specimens and study the object lessons there presented, and who does not go away satisfied and content that the Government has established those institutions, and who does not cheerfully acquiesce in the taxation necessary to supply the money to carry them on. All great governments have recognized the fact that such scientific establishments as the National Museum and the Smithsonian Institution and a zoological garden are well calculated to train and educate the people and to cement the nation into one harmonious, intellectual whole.

All great countries on the face of the globe have these zoological gardens or institutions of a similar character established in some form or other. There is scarcely one—indeed, I doubt if there is one—that has not already made a beginning in this direction except the United States of America. And now, Mr. Speaker, when we have an abundance of money in our national Treasury, when the country is so rich, powerful, and prosperous, can there be any valid reason assigned why we should not inaugurate this establishment, this great scientific instructor that all nations have the benefit of to a greater or a less extent? Shall we, claiming a higher grade of civilization than many of the other nations of the world, be the only one which is to deprive its people of the lessons to be taught and the education to be obtained from such an establishment as a zoological garden?

In addition to this there is another consideration which is pressing upon us at this moment, and which ought to make us anxious to make a beginning in this direction, and it is the fact that many of the unique and peculiar zoological specimens which were once common to this country are fast passing away and very few of them now remain. The time will not be far distant when many species of animals which once existed in vast herds on this continent will be entirely extinct. Let us begin and preserve a few specimens before all are gone. But a dozen years ago I could purchase buffalo robes cheaper at my village home in Minnesota than I could purchase calfskins, while now the buffalo is almost a thing of the past in America; and what is the case with that animal is also the case with a great many other specimens which once roamed this country.

Now is the time to gather up the remains of our animals and concentrate them here, where they can be properly cared for, and become a scientific link between our past and present. It is now or never.

Mr. Speaker, I have looked into this matter further, and I find that the proposition is to establish this park on that beautiful little creek in the northwest section of the city known as "Rock Creek," and to take about 120 acres of land for the purpose of this garden. I am satisfied from what I have been able to learn on a personal examination of the matter, for I have taken particular pains to look into it, that there is no real-estate job or speculation connected with it. On the contrary, those people now owning real estate in that immediate neighborhood are averse, as I am informed, to the establishment of a zoological garden in their midst.

It is proposed to appropriate about $140,000 to secure the site, and about $50,000 for the preliminary plant and a year's operating expenses.

Mr. PAYSON. I would like to ask the gentleman where he finds that in the bill, or where he finds any limit to the amount of land which is to be acquired? There is no limit whatever on it.

Mr. NELSON. The limitation is on the amount of the appropriation.

Mr. PAYSON. Yes; but not as to the quantity of land that may be acquired. The bill does not limit them and does not specify the lands.

Mr. NELSON. Certainly not. The bill does not go on and describe the lands, because this tract is composed of a multitude of little tracts varying from 6 to 20 acres in extent. They have to secure these several tracts in order to get the site.

Mr. PAYSON. But my point is this: That this bill provides for an unlimited acquisition of lands in that region, and the minimum amount is fixed in the amendment, which is to be not less than 100 acres, but as much more as these gentlemen choose to incorporate into the tract. Now, if it is to be adopted at all, there ought to be some limit.

Mr. NELSON. I want to say in reply to the gentleman from Illinois that that is a pure matter of detail, and if he thinks that there is anything in this which is susceptible of a misconstruction it can be covered by a suitable and proper amendment, which I am perfectly willing to accede to.

Mr. HENDERSON, of Iowa. The amount fixed in the Senate amendment is 100 acres.

Mr. NELSON. Yes, sir; and so far as I know the gentlemen with whom I have conversed, and I may say, indeed, about the only gentleman I have talked with is a man who is interested in this from a purely scientific standpoint—I refer to Mr. Hornaday, of the Smithsonian Institution—informs me that all that is contemplated and all that is desired is 121 acres. It has nothing of the element of speculation about it. It is to establish a zoological garden for the benefit of the great body of our people who visit this city, and for no other purpose.

Now, by establishing the institution, sir, in this manner, we will make a beginning; and knowing what our experience has been in reference to the Smithsonian Institution, we are safe in saying that a large number of valuable specimens which we are likely to acquire in the future will be given us as a free gift whenever we have the place to put them and take care of them. I urge every gentleman in this Chamber, no matter what his politics may be, as he looks upon the greatness of this country and regards its abilities and resources, vast and unparalleled as they are, under all these circumstances, to join with me to aid in establishing this institution here, and thereby place us on a par with other great countries of the world, and in this manner do what intelligence, civilization, and public spirit has done for all other countries. There are no people in the country, no class of our people, who would begrudge the sum—the few thousands of dollars—necessarily involved in this establishment.

This city is the great center which attracts all of our people. They do not feel that anything is too grand for this city or Government. They go away from here often feeling perhaps that with the exception of the Capitol our public buildings, particularly the White House, are most insignificant and incompatible with the high character and dignity of the country. They feel that here, in the capital of a great nation, everything should be on the grandest scale, in consonance with the dignity of our nation, and that all that appertains to culture, art, and science ought to have a home and abiding-place here on a grand and ample scale, commensurate with our resources, greatness, and dignity as a nation.

Mr. FORNEY. It is proposed by this amendment of the Senate to establish a zoological park in the District of Columbia by the appropriation of $200,000 at this time. Now, when this $200,000 is expended, what have you got? You simply have 121 acres out here on Rock Creek, for which it is proposed to pay $142,000. In the first place, that is an immense price for that kind of land. Then, after we have spent $142,000 for the 121 acres of land, there are $58,000 left with which to commence building houses. Next year we will be called upon to appropriate $200,000 to buy buffaloes, tigers, lions, monkeys, and other animals to put in there. [Laughter.] The next year after that we will have to appropriate another $200,000, because we will have to buy reptiles, snakes, and things of that kind. [Laughter.] So really, Mr. Speaker, it simply means $200,000 this year and $200,000 a year for the next five years, and then we have a zoological garden. There is a zoological garden in New York and another in Cincinnati. Of course we must rival them, and it will cost $100,000 every year for all time to come. Now, are we ready to commence this business? I say not; and why? Because the Government has no business to enter into this matter until we are out of debt, and if the gentleman will postpone this measure until 1907, when we have paid our debt, I will join in the business. [Laughter.] I now yield to the gentleman from Alabama [Mr. HERBERT].

[Mr. HERBERT withholds his remarks for revision. See APPENDIX.]

Mr. CANNON. Mr. Speaker, I doubt the wisdom of providing for this expenditure at the present time. I have no hesitation about the right and expediency, at the proper time and in a proper way, of improving the parks about our cities and establishing, at proper places and under proper safeguards, zoological gardens. In nearly all of our great cities you find them. Since this measure has been pending, I got on my horse and went up Rock Creek road along the northern and the southern boundary of the proposed zoological garden. I went along the creek, and, as nearly as I could, found the boundary of that proposed park. Nature has done a great deal for that location; and I am very frank to say that I hope to live a good many years after the zoological garden shall have been established there or at some other good point; and I doubt whether any better location can be found anywhere.

Yet I am frank to say I do not favor this measure at this time, because we are not ready. I believe the time is near at hand when there ought to be a park established, commencing at Massachusetts avenue and running a considerable distance north of the proposed northern boundary of this garden; and in that park ought to be placed, I believe, the zoological garden.

It may be, and I think it quite likely, that a portion of the expense of this park proper ought to be borne by the District of Columbia; but whether that shall be done or not, we are not ready at this time to establish the park; I mean as disconnected with the zoological garden. If you establish the garden there now, and the Government begins to spend money upon it, my opinion is that the cost for the land north and south of it for a park proper would be very greatly increased. I think it wise, therefore, to let this matter go over until the next session of Congress; and in the mean time let the Committee on Appropriations, if you choose, or the Committee on the District of Columbia, or both committees, as well as members generally, look into this subject.

Mr. TAULBEE. Would it disturb the gentleman if I should ask him a question?

Mr. CANNON. Not at all.

Mr. TAULBEE. If I understand the gentleman, his position is that the District of Columbia ought to pay half the expense of this park, while the Government acquires the title to the property. Now, if the District of Columbia is to pay half of the expense, is it not right, under the present system of taking care of the parks of this city and of dividing the general expenses of the city, that the title should be vested in the District of Columbia? If the Government owns the

property, why require the District of Columbia to pay half the expense?

Mr. CANNON. The Government does not own the property.

Mr. TAULBEE. I understood that was the purpose.

Mr. CANNON. That is a matter for adjustment in the future. The government of the United States may pay all the expense, or the District of Columbia pay one-half; that would depend upon the provisions of the law which may be passed at the time we acquire the park. It may be that the District of Columbia ought not to pay anything, so far as the zoological garden is concerned.

But my particular objection to this provision at the present time is that, after having gone over that portion of the District and examined it pretty closely, the impression rests strongly on my mind that we ought to have not only the ground proposed, but north of it a considerable distance—a mile or two—and south of it to Massachusetts avenue, for a general park, in which this garden ought to be located.

Mr. TAULBEE. That is the same plan, I believe, which was considered some weeks ago in the time belonging to the District of Columbia, when we had a bill before us proposing to establish a park.

Mr. CANNON. I do not say that I approve of that plan at all. I say generally that I approve of acquiring this land for that purpose.

[Here the hammer fell.]

Mr. FORAN. Mr. Speaker, I am sorry to differ on this question with some of my colleagues on the Committee on Appropriations. The gentleman from Alabama, [Mr. FORNEY] is usually right, although somewhat possessed of a parsimonious spirit in respect to public expenditures, as is the gentleman from Alabama [Mr. HERBERT]. The gentleman from Alabama [Mr. FORNEY], when he says that the adoption of this amendment will involve an annual expenditure of $100,000, draws largely, I think, on his imagination.

Mr. FORNEY. I will ask the gentleman whether he understands what is the cost of maintaining the parks in New York and other large cities? I understand that in New York the expense is $50,000; and of course we shall have to go ahead of New York.

Mr. FORAN. Fifty thousand dollars! I do not care whether the zoological garden in New York costs $50,000 or $500,000 or $5,000,000.

Mr. FORNEY. That is the right way to meet the question.

Mr. FORAN. That park, the Central Park in the city of New York, is the institution which above all others attracts the attention and admiration of visitors. It is the one bright spot, the great oasis in the desert of misery and selfishness known as New York. And so, too, when a person visits Philadelphia the first place he is likely to go to is the Zoological Garden. The same is true in respect to Cincinnati.

Mr. Speaker, I think I know something as well as other gentlemen about public opinion in respect to expenditures of the public money, and I wish to say right here that when we go upon the political platform this fall to discuss political questions before the people we shall not be asked about the expenditures of the public money as much as we shall be interrogated in regard to other questions. I have made many a canvass, and I know that the people of the United States are not so much concerned about the amount of public expenditures, if they are properly expended, as they are about other great and leading issues. Of course when public moneys are improperly expended, when there is peculation and fraud, the people have a right to complain, but the expenditure of the public money for scientific and other useful purposes has never been complained of by the people. Especially is this true when money is appropriated and expended for the benefit, the education, and the edification of the people. Money expended for public parks and botanical and zoological gardens, where the poor, who can not afford these luxuries as the wealthy can, may breathe fresh air, enhance their health and improve their minds, is never condemned, but is always commended and appreciated by those who pay taxes, for these parks are the recreation grounds of the poor.

Why, sir, the people of the Old World have for years and centuries encouraged art and science. Hence you find there a Humboldt, an Agassiz, a Muncaczy, and a Meissonier. But you do not find such men in this country, and you will not until our public men rise to the height they should and encourage art and science in this country. The hard, sharp struggle for existence keeps many of the brightest minds in the Republic chained to the bench or the desk. With proper encouragement our artists, scientists, and naturalists would become shining stars in the great galaxy of human science and genius.

I am strongly in favor, Mr. Speaker, of a zoological garden in this city or some other place under the control of the United States. The sciences of biology and biogenesis are attracting wide attention at this time, and that part of biology which embraces zoology, the structure, habits, distribution, classification, and derivation of animals receives the most earnest consideration of scientific men everywhere. There is in Paris the Jardin des Plantes, which has been the nursery and educator of naturalists for hundreds of years. They have in Regent's Park, London, a great zoological garden, which has over 5,000 animals in it to-day, and although it is an admission garden more people visit it than visit any other quarter of London or England. It is the haunt of the poor, the woman and child as well as the man, the haunt of the naturalist, the scientist, the traveler—the pride and the glory of the British metropolis. And why should we not have such a garden? We proudly boast of our greatness, our prosperity, our intelligence as a people. Let us show by our acts, our encouragement to art and science that we are worthy of the distinction we claim.

Look at this city to-day. Has the United States encouraged art, even in so meager a way as to provide for a national art gallery? No, sir. If it were not for the munificence and generosity of one man—I refer to the late lamented Mr. Corcoran—the capital of the United States would not have a single work of art free to the student, the people—all who love and admire the beautiful and the artistic. Thank God, there was one man who recognized that property was not an individual fact, but the creation of social agencies; and, recognizing his duty to society, this great and good man gave to the people the Corcoran Art Gallery. He recognized a principle that wealthy men do not recognize generally. Were it not for the generosity of that one man the visitor to this city to-day could find no place where might be seen specimens of the art of this and other countries, this and past ages.

It has been well said by the gentleman from Minnesota [Mr. NELSON] that a great many of the animals which were found in this country are fast becoming extinct—such as the buffalo, the caribou, the Rocky Mountain goat, the moose, and other species. Are these animals, this part of our natural history, to be blotted out and lost forever? Must future generations know of them only by seeing their remains or by reading what naturalists say of them?

The science of zoology is closely related to the cognate sciences of biology and anthropology and ethnology, and all questions relating to human life and life itself. They are all of vast and unbounded interest to science and to everybody. I know myself from practical experience how interested the people generally are in all that relates to animal life—to the fauna of this as well as other countries. A small park in the city of Cleveland has recently had donated to it a little alligator, a very small specimen, from the region of my friend from Alabama. This saurian has held levees, matinees, and noon-day receptions all summer, and has had more visitors than any other attractions in the city of Cleveland. His audiences number hundreds of thousands. Man has a peculiar interest in all living things. The animals of a circus have ever had more interest for the youth than the contortions of the clown. The study of life always has, and always will have, a fascinating interest for the human mind, and where can lower forms of life be better studied than in zoological gardens?

It is something we need in this city, and the expenditure of $200,000 in a matter of this kind is a mere bagatelle compared with its necessity and its usefulness for the advancement of science. I do not care if it does cost $50,000 or a $100,000 next year, although there is no warrant for that assumption. You have to-day a National Museum with a large ethnological collection in this city and with a large collection of the fauna and flora of the country. As you have gone that far, why not in addition have a zoological garden?

I understand that in the Smithsonian Institution or the National Museum there are fifty or a hundred animals already, donated by men interested in the zoological geography of the country. Instead of having to pay for the animals for this park they will be donated by persons from all parts of the United States, because there are large hearted and generous men in the United States everywhere who are anxious to enrich and perpetuate this science. Until recently our knowledge of extinct animals was so very limited that the science hardly deserved the name; but within a few years the discovery of extinct fossil remains has enabled the scientist, by an examination of these records of past ages, to solve many mysteries, not only of relation, but of structure as well. In this research dwarfed organs have been found in full development and widely separated forms linked together. The zoology of the future will include the past as well as the present. It is already a most wonderful as well as a most useful science; and it is to stimulate and advance it that this measure is proposed. All scientists now agree that the germ of life, the bioplasm, the clay from which the Great Potter molds living beings, is identically the same in all animals, man included. It is for this reason that the study of life, its origin, its purpose, its existence has so great an interest to the human mind. Therefore I say, Mr. Speaker, that the expenditure of this money will be productive of great and lasting benefit to science.

Let me say, in conclusion, that the people do not scan too closely the expenditures of money out of the Treasury provided it is expended for their benefit. Persons coming to this city and seeing this magnificent structure, the Capitol of the United States, are not filled with envy because it is located in Washington. It is the nation's building and each citizen has a part in it. As the visitors go through the beautiful grounds of the Botanic Garden, or through the National Museum, and the Smithsonian Institution, they are conscious these institutions belong to them as well as to the people of Washington. You have a National Observatory here, too; it is national in its character and belongs to the whole country. This zoological garden will belong not to this city alone, but to the whole United States. It will be a place where the weary resident, every sojourner and visitor will delight to go, for there will be found types of all living animals in our zoological geography, as well as specimens of the remains of all extinct fauna found in the

same zone. Animals and specimens of fauna from other countries will also be found there. It will be a great national educator, and I am heartily in favor of it.

Mr. FORNEY. I yield now to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I think my friend from Alabama has not made a very good comparison when he compared this appropriation with the one which has just been made in another bill. The object of that was to subserve the interests of the great mass of the people. It was an anti-monopoly measure, to prevent certain things from going into the hands of monopoly, in aid of which there was an expenditure of the money of the people. But here is an aristocratic measure, just the reverse of that, intended to beautify and adorn private property and enhance the value of real estate in the city of Washington at the public expense. While it is doing so it fails to provide that these private individuals shall contribute one cent to the expense of it.

Now, if the States throughout the country have established the parks for their own adornment, use, and benefit, let the city of Washington do the same, and if the people here want to go into the show business let them do so at their own expense. So far as the people of this country are concerned, they are quite willing, if left to themselves, in a proper mannner to provide parks and adornments for their own cities and the capitals of the States; but it is not right and proper to tax, for the purpose of "bulling" the real estate market of the city of Washington, the people of this country; and that is all this does.

Why, Mr. Speaker, if gentlemen want to study this science, and the habits of monkeys, bears, and elephants, I suppose it would be better to go into the country where they are grown and reared and study their habits in their native homes. But to bring them here for "scientific" purposes is not a proper use of the word. It is not in the interest of science in any manner, but simply in the interest of curiosity; and hundreds of the people of my State would prefer, if this circus is to be inaugurated, that it shall be carried around; and that if it is for their benefit, and for the benefit of their science, that it shall be put on wheels. Let us organize it in that way. I believe the gentleman from Texas has an amendment to that effect. Let us organize the menagerie, appoint the clown, get all the actors, and visit all the States and capitals of the country, and give the people the benefit, as they have to foot the bill for the performance, and not restrict it alone to the city of Washington.

I am opposed to the amendment and to all appropriations of the public money that go simply to the benefit of the rich and aristocratic classes; and I repeat if they desire the menagerie here, and the establishment of a zoological garden for the benefit of the people of the city of Washington, let them foot the bill. The people of this country ought not to be expected to do it.

Mr. NELSON. Has the time in opposition been exhausted?

The SPEAKER. There are seven minutes remaining to the gentleman from Alabama, and twelve minutes to the gentleman from Minnesota.

Mr. NELSON. I propose to close the debate, and I hope the gentleman from Alabama will exhaust the time on that side.

Mr. KERR. I would like a minute or two.

Mr. FORNEY. On which side?

Mr. KERR. On your side.

Mr. FORNEY. I yield two minutes to the gentleman.

Mr. KERR. Mr. Speaker, I do not think that we ought to appropriate the public money for any such purpose. There are certain purposes connected with the administration of the Government in the District of Columbia in which it is necessary for us to appropriate money and incidentally thereby to improve the city. This necessarily results in large benefit to the city; but I do not see why the city of Washington ought not to be left to provide its own zoological garden if it desires one. There is not one boy or man in five hundred throughout this country that ever comes here, or will come and get any benefit from the establishment of the garden here, and for that reason I do not think the public money ought to be appropriated for any such purpose.

LEAVE TO PRINT.

Mr. HERBERT. Mr. Speaker, I ask leave to print, as an appendix to my remarks, the report which I hold in my hand.

The SPEAKER. The Chair understands that was objected to.

Mr. HERBERT. I renew the request.

The SPEAKER. What is the document?

Mr. HERBERT. It is the report of the commission in regard to restricting the work of the Coast and Geodetic Survey.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. COX. Does this apply to the bill of to-day, or to the irrigation matter?

Mr. HERBERT. The bill of to-day.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. NELSON. I ask unanimous consent at the same time to be permitted to insert certain statistics and statements to accompany my remarks.

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY. I yield now to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, I do not rise to go into the general discussion of the pending matter, but to call attention to one single fact, one paragraph of this amendment, and that is:

That the said commission is hereby authorized and directed to make an inspection of the country along Rock Creek, beginning at the point on that creek where the Woodley road crosses said creek, and extending upward along its course to where said creek is crossed by the Klingle road, and to select from that district of country such a tract of land, of not less than one hundred acres, which shall include a section of the creek, as said commission shall deem to be suitable and appropriate for a zoological park.

There never happens a time, sir, when the Government of the United States needs land for any purpose that the land it owns or is in possession of is suitable for it. While we have vast areas in reserve, whenever a public building is to be located for governmental purposes the sites owned by the Government are never found to be suitable. We are now expending vast sums of money which will run up into millions of dollars along the river front here in what is known as the Potomac flats improvement. More than 700 acres of land, we have been told, are to be reclaimed, and yet under the provisions of this very bill, true to the instincts that seem to prompt all efforts on the part of certain persons to bring about expenditures of the public money here, they go away from that vast area of reclaimed and reclaimable land and provide for the purchase of a particular body of land for this garden. If there was nothing else in this bill but that, it is enough to cause this House to stop and say we will not load down appropriation bills with all manner of schemes merely under the semblance of promoting science, when a little examination is well calculated to excite the suspicion, at least, that it is nothing more than a grand raid upon the public Treasury.

Out on the grounds of Rock Creek we are to buy 100 acres of land at a cost of you do not know what, and at the very same instant you are expending millions of dollars in the reclamation of the Potomac flats, in extent about 700 acres. I say, sir, that we have always found when we have sought to sell lands of the Government they were always valuable until the Government come into possession of them; but having got into possession then the lands were utterly useless for another purpose. We have now some hundreds of acres, perhaps—certainly we will have before we shall have concluded the reclamation of the Potomac flats. Will any gentleman undertake to say that when they shall have been reclaimed that land may not be utilized; and could not a part of it that has been reclaimed be utilized for that purpose? May we not delay this matter until such time as it could be done? I trust, sir, that there is no occasion for any alarm about not having this zoological garden now.

Mr. MCMILLIN. Does my friend think it will be advisable to establish a bear-garden there after we have the land?

Mr. BLOUNT. I do not care to go into a bear-garden at all.

Mr. MCMILLIN. It does not seem to be advisable.

Mr. BLOUNT. I do not think I have any zeal about purchasing the buffaloes and reptiles that my friend from Alabama [Mr. FORNEY] spoke of having to put in there. It may become necessary——

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. NELSON. Has the time allotted to those opposed to this amendment expired?

The SPEAKER. It has.

Mr. NELSON. I yield to the gentleman from Iowa.

Mr. HENDERSON, of Iowa. My first impressions were decidedly against this measure, for the reason that I entertained some fear that it was a real-estate speculation, and I have taken some interest while I have been in Congress in endeavoring to keep out legislation in the interest of real-estate speculators. When we had the officers of the Smithsonian Institution before us in regard to this matter I took pains to probe this question carefully, and satisfied myself that instead of real-estate men being in favor of this zoological garden they are against it. Men owning real estate in that vicinity do not care to have their property condemned and the title taken from them and given to the Government.

Condemnation juries do not always give verdicts to suit real-estate owners, especially when they have a strong public sentiment back of the movement, and favoring reasonable compensation. Let this park be established, and real estate will tumble in the vicinity. The speculators desire residences built and not parks for animals.

The truth is I found out that the owners of real estate are against this movement. They want fancy and fictitious prices for their property and not prices fixed by a jury of the people. On that point my mind is at rest.

Now, then, as to the cost of this matter. Mr. Hornaday, of the Smithsonian Institution, who has given this matter a very great deal of attention, has urged this matter upon our attention. He is a man of

established reputation and high character and ability, who is interested in the question from high-minded, patriotic motives. He has studied the habits of animals of this country after having first taken an initiation of between two and three years in the African jungles. He is also a close student of the character and habits of our own American animals. They of the Smithsonian prepared careful estimates of what it would cost to buy this 121 acres, and they estimated that it would not exceed $142,000.

They took the advice of real-estate agents, among them Mr. Fisher, whom most gentlemen here know by reputation, and he says it could not cost more than $140,000. One hundred and forty-two thousand dollars is the outside estimate. I think when the jury get hold of this estimate they will cut them out of some of that even. The annual cost is estimated by the officers of the Smithsonian Institution at $50,000 a year at present. This is to include maintenance, salaries of employés, improvements in buildings, for the construction of yards, cages, and all that sort of thing. That is a cost that will obtain for a few years until this place shall have been established. After that the annual cost, it is estimated, will not exceed thirty-five to forty thousand dollars. So far as the estimate of the cost is concerned, let me remark in passing—what most gentlemen are familiar with—that the Smithsonian Institute has never involved the Government in a deficit. The officers there are careful, prudent men, and know at all times what they are talking about. Now, as to the views of my colleague [Mr. CANNON] that it ought to go over to another Congress, it must be borne in mind if we are to have a zoological garden, where every animal of this country is to be gathered, it is time we were moving. Already a large number of animals that were indigenous to this country have passed away. The buffalo is almost a creature of the past; and if it is desirable to have such places and if we are to preserve all these curiosities in this country I think it is time we were moving in it. Besides, a year or two of delay will see the land contemplated for it cut up and largely occupied as residences, and we will then be too late.

The objection is made that we are going into the "show business." That kind of remark, sometimes coupled with a sneer—I do not say that it has been so in this debate—can be urged against the Medical Museum, the National Museum, and public parks and gardens everywhere; but it will not do to make that an argument in a case like this. Mr. Speaker, this is a democratic movement. It is a movement in the interest of the masses of the people. He who favors parks, where the people can take recreation and come in contact with nature, he who favors public libraries, where the masses of the people can acquire knowledge, is taking an advanced stand in the interest of the masses. But some gentlemen say that this garden should not be established at Washington, that it should be in the National Park. Gentlemen, you will find that a very large number of your constituents will from year to year visit the national capital, while very few of them comparatively will ever go to the National Park. Besides, I am opposed to sending this garden to the National Park. That institution is practically owned now by a great hotel monopoly. That great National Park is owned and controlled practically by one corporation, and I understand that there is now a bill in this House to put the rivets into it and fasten it as an attachment to that corporation.

Mr. Speaker, let this garden be established at this great national center, where, with our increasing railroad facilities, more and more of our citizens will visit it every year, for there is no nation in the world whose people move about their country as ours do. More of our people will get the benefit of this garden in Washington than at any other point where it could be located. In connection with this discussion let it not be forgotten that this is a proposition which has been introduced into Congress by Senator BECK, a patriotic citizen, a man conservative in thought and in legislation, a man whom no member of this Congress will charge with being extravagant or favoring real-estate speculations. Let it be borne in mind also that the scientific men of this country stand back of this bill urging it upon the consideration of Congress. Not only that, but the great agricultural journals and the leading journals of this nation have urged upon us to pass this bill establishing a zoological garden.

The sentiment of the country is back of this proposition. It is not designed for the benefit of the citizens of Washington, though I am perfectly willing that they, as a respected part of our people, and entitled to every advantage of other citizens, shall have all the advantage which they can derive from it. This garden is demanded as an educator, as a preserver of elements of education and interest that are passing away like the morning mist and will soon pass away entirely unless preserved by intelligent legislative action.

Mr. Speaker, I have said all that I desire to urge upon the House in connection with this subject, and I now yield back my remaining time to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. I yield that time to the gentleman from New York [Mr. BAKER].

Mr. BAKER, of New York. Mr. Speaker, it seems to me that the argument in favor of this proposition is very tersely stated by a Democratic newspaper, the Boston Globe of Saturday last, and I propose to read as part of my remarks its article on the subject. It is as follows:

TIME FOR A NATIONAL "ZOO."

Senator BECK's bill to establish a national zoological garden at Washington is still pending. It ought to pass at the present session of Congress.

This is the only great nation in the world that does not possess such an institution. And of all the nations this is the one that needs it most. In no other country are the native wild animals becoming so rapidly extinct. Only a few years ago the great Western plains were black with bison; now that huge animal is a curiosity even to the dwellers on the plains. A thousand other varieties and species are being exterminated with equal rapidity. If the children of the coming generations are to know anything of the kind of animals that once roamed over the United States, except from books, something like what Senator BECK's bill contemplates must be done at once.

The price of land in Washington, already enormous, is rapidly rising, and for that reason, if no other, delay will be costly. At present land can be had for the purpose at a reasonable price, but every month adds to its value.

At a cost that would be trifling compared with the benefits to be derived, Congress might give the country the largest and most interesting collection of live animals in the world. The primary object of the proposed "zoo" should be to preserve perfect specimens of American animals; but there is no reason why the wild denizens of Asiatic jungles and South American forests should not have a department to themselves.

The "national zoo" is a good object on which Democrats and Republicans can unite for the credit of their common country. Congress ought to give it to us, and any person in private life can help secure the "zoo" by writing to request his Congressman to vote for Senator BECK's bill.

Now, Mr. Speaker, this is one of the few wise Democratic propositions that have been brought before this Congress. [Laughter.] My worthy friend from Alabama [Mr. HERBERT] suggests, and I think very properly, that he is opposed to taxing the many for the benefit of the few. I agree with him, and for once we stand together on a common platform. But, Mr. Speaker, it is as an educator of the people that this institution is desired. Like the Smithsonian Institution, like the National Museum, like the many statues that decorate the parks and streets of Washington, this garden will educate the people, will teach them to love their country, to take an interest in the products of their country, and for that reason I think it is a very proper thing to be created and maintained by the General Government. I am thoroughly in favor of the proposition. Whether the garden shall be located at the point proposed or not, I do not care particularly; but at some proper place within the District of Columbia such an institution ought to be established and maintained. The argument of the gentleman from Alabama [Mr. HERBERT], if it is good against this, is equally forcible against all the institutions that are maintained now at the public expense, such as those which have been enumerated by my friend from Iowa [Mr. HENDERSON]. We have here, moreover, the talent, the knowledge, and the energy of Mr. Hornaday which are to be given to this garden if it is established. I have known him for many years, and I know that he possesses intelligence, experience, and capacity that would be very valuable in connection with an institution of this kind.

The SPEAKER. The time of the gentleman has expired. The question is on the motion that the House recede from its disagreement to the amendment and agree to the same.

The question was taken; and there were—ayes 36, noes 56.

So the motion was not agreed to.

Mr. FORNEY. I move that the House insist upon its disagreement.

The motion was agreed to.

Mr. FORNEY. I now move that the House agree to the further conference requested by the Senate.

The motion was agreed to.

The SPEAKER appointed as managers of the conference on the part of the House, Mr. FORNEY, Mr. BURNES, and Mr. RYAN.

The SPEAKER. The Chair will call the attention of the gentleman from Alabama [Mr. FORNEY] to the fact that one of the amendments of the Senate to the sundry civil appropriation bill—amendment 105—appears not to have been disposed of by the House.

Mr. FORNEY. That was one of the amendments intended to be included with those as to which the House insisted on its disagreement.

The SPEAKER. If there be no objection, this amendment will be regarded as included with the amendments on which the House insisted upon its disagreement.

There was no objection, and it was ordered accordingly.

MAIL TRANSPORTATION BY RAILROADS.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT], chairman of the Committee on the Post-Office and Post-Roads, asks unanimous consent for the adoption of the order which will be read by the Clerk.

The Clerk read as follows:

Mr. BLOUNT asks that the Committee on the Post-Office and Post-Roads be allowed to report at any time a bill to regulate the compensation of railroads for carrying the mails, and also to report similar legislation in the Post-Office appropriation bill at the next session.

The SPEAKER. Is there objection to the adoption of this order?

Mr. SPRINGER. Does this relate entirely to the next session of Congress?

Mr. BLOUNT. No, sir; it relates to the present session as well.

Mr. WEAVER. I object.

Mr. BLOUNT (after a pause). I understand the gentleman from Iowa [Mr. WEAVER] withdraws his objection.

Mr. WEAVER. With the distinct understanding that this bill when

reported is not to interfere with the consideration of the Oklahoma bill, I will make no objection.

Mr. BLOUNT. I presume it will not.

Mr. RYAN. If I understand this proposition, it is that a bill for the object stated may be reported at any time during the present session, or a provision to that effect may be incorporated in the Post-Office appropriation bill at the next session.

Mr. BLOUNT. That is it exactly.

The SPEAKER. The Chair will state, however, in order to avoid misunderstanding, that the word "or" is not in the order. It provides that the committee may report at any time a bill of the character mentioned, "and also report similar legislation in the Post-Office appropriation bill at the next session."

Mr. BLOUNT. I will modify the proposition by inserting the word "or" instead of the word "and."

The SPEAKER. The proposition will be modified by omitting the words "and also" and inserting the word "or."

Mr. WEAVER. Is it understood that this is not to interfere with the consideration of the Oklahoma bill?

Mr. BLOUNT. I will say to the gentleman that I am likely to have charge of this measure when reported, and will endeavor to carry out the gentleman's wishes.

Mr. McMILLIN. I wish to ask the gentleman from Georgia what is the difficulty which this proposition seeks to avoid?

Mr. BLOUNT. I take pleasure in answering the gentleman. This is a very large question. The Committee on the Post-Office and Post-Roads, not having had during this or the last Congress the right to report at any time (which carries with it the right of consideration), have not felt there would be any use in reporting a measure of this sort which would simply go to the Calendar. The committee desire the House to encourage them at least with the assurance that if they shall report legislation reducing the compensation of the railroads for carrying the mails they shall have a hearing. The question involves millions of dollars; and the committee have thought it important enough to make this request of the House, in order that the question may be considered.

Mr. HOLMAN. I hope there will be no objection. The measure is a very important one.

Mr. WEAVER. This is an important question—a very large question indeed—and if brought up will no doubt consume a great deal of time. But I understand the gentleman from Georgia to say that he will not allow its consideration to interfere with the Oklahoma bill.

Mr. BLOUNT. I will not interfere with the Oklahoma bill.

Several MEMBERS. That is all right.

There being no objection, the order requested by Mr. BLOUNT was made.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7708) to increase the pension of Annie Gibson Yates;

A bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes;

A bill (H. R. 10856) for pension for Eliza N. Aiken; and

A bill (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

WAR CLAIMS.

The SPEAKER announced the appointment of Mr. STONE, of Kentucky, Mr. PENINGTON, and Mr. CROUSE as the conferees on the part of the House upon the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent that the call of committees for reports be dispensed with to-day, and that members desiring to present reports may file them with the Clerk.

There being no objection, it was ordered accordingly.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk.

DAMAGE TO PLANTED OYSTERS, RARITAN BAY, NEW JERSEY.

Mr. WHEELER, from the Committee on Expenditures in the Treasury Department, reported back with amendment the bill (H. R. 9767) authorizing the Secretary of the Treasury to appoint commissioners to investigate certain claims for damages done to planted oysters in Raritan Bay in 1881; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COURT OF PATENT APPEALS, ETC.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 9084) to establish a court of patent appeals of the United States, and so on; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES CLARK.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 11252) for the relief of James Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIAS B. MARTIN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with amendment the bill (H. R. 8959) for the relief of Elias B. Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. F. JONTE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10073) granting a pension to P. F. Jonte; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICKA LIESEGANG.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11317) granting a pension to Fredericka Liesegang; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY B. M'VEAN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 3421) granting a pension to Mary B. McVean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS GUINEAN.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the bill (H. R. 5267) for the relief of Thomas Guinean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent that the consideration hour for to-day be dispensed with.

Mr. CRISP. As the Committee on Commerce will be called during this hour, I am compelled to object.

Mr. SPRINGER. Then I demand the regular order.

The SPEAKER. The consideration hour begins at five minutes past 2 o'clock; and the call rests with the Committee on Commerce.

BRUNSWICK COLLECTION DISTRICT, GEORGIA.

Mr. CRISP. I call up for consideration the bill (H. R. 11101) to include Sapelo Island in the Brunswick collection district, in the State of Georgia.

The bill was read, as follows:

Be it enacted, etc., That the island of Sapelo shall henceforth be included in, and be a part of, the second district for the collection of customs, in the State of Georgia, known as the Brunswick district.

The amendment reported by the committee was read, as follows:

Insert after the word "that," in line 3, the words "Sapelo Sound, Sapelo River, and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title of the bill was amended, in accordance with the recommendation of the Committee on Commerce, so as to read: "A bill to include Sapelo Sound, Sapelo River, and Sapelo Island in the Brunswick collection district, in the State of Georgia."

APPOINTMENTS IN MARINE-HOSPITAL SERVICE.

Mr. CRISP. I call up for consideration at this time Senate bill 1786, to regulate appointments in the Marine-Hospital Service of the United States.

The bill was read, as follows:

Be it enacted, etc., That medical officers of the Marine-Hospital Service of the United States shall hereafter be appointed by the President, by and with the advice and consent of the Senate; and no person shall be so appointed until after passing a satisfactory examination in the several branches of medicine, surgery, and hygiene before a board of medical officers of the said service. Said examination shall be conducted according to rules prepared by the Supervising Surgeon-General and approved by the Secretary of the Treasury and the President.

SEC. 2. That original appointments in the service shall only be made to the rank of assistant surgeon; and no officer shall be promoted to the rank of passed assistant surgeon until after four years' service and a second examination as aforesaid; and no passed assistant surgeon shall be promoted to be surgeon until after due examination: *Provided*, That nothing in this act shall be so construed as to affect the rank or promotion of any officer originally appointed before the adoption of the regulations of 1879; and the President is authorized to nominate for confirmation the officers in the service on the date of the passage of this act.

Mr. HOLMAN. Does this bill only change the mode of appointment?

Mr. CRISP. Secretaries of the Treasury have recommended it from time to time. It does not increase the pay or number of officers, but merely provides they shall hereafter be appointed by the President instead of by the Secretary. It also allows them to have commissions. The head of the bureau is the only officer in this service now appointed by the President, with the advice and consent of the Senate.

Mr. CARUTH. Does not this bill make the positions to be obtained simply by confirmation?

Mr. CRISP. The bill provides in the second section that appointments shall be made by the President instead of, as now, by the Secretary of the Treasury.

The letter of Secretary Manning says:

It appears that there is at the present time no law specifically regulating the appointment of medical officers in the Marine-Hospital Service, and the appointments are made in accordance with the general authority conferred on the Secretary of the Treasury to direct the affairs of the Marine-Hospital Service.

Hence the propriety of the passage of an act regulating these appointments.

An examination of the text of the bill shows it to be substantially a transcript of the regulations of the Department which have been in force since 1879, and which were lately repromulgated and approved by the President under date of April 24, 1885. It must be sufficiently obvious to any one that medical officers of the Marine-Hospital Service should be thoroughly versed in the different branches of medicine, as set forth in the bill, and the incorporation of these requirements in the statutes would seem to be necessary.

It is, in substance, as stated by the Secretary, the rule in the Department to-day; but this bill puts it in the form of law, and these officers hereafter will be appointed by the President instead of, as now, by the Secretary of the Treasury.

Mr. CARUTH. Does not this bill perpetuate the present officers?

Mr. CRISP. As I understand it, the only officer now in the Marine-Hospital Service who has been appointed by the President and confirmed by the Senate is the Supervising Surgeon-General. This does not affect him at all.

Mr. CARUTH. Will the gentleman have any objection to putting an amendment in to say that is the effect of it? I have read the bill, and it is ambiguous. It does not say it does not affect him, but it does.

Mr. CRISP. I think the gentleman is mistaken.

Mr. CARUTH. It looks that way to me.

Mr. MAISH. I have not read the bill, but I have been advised that the effect is to give the Supervising Surgeon-General a life tenure of office, which he has not now.

Mr. CARUTH. That is exactly it.

Mr. MAISH. If that is the effect of the bill, I am entirely opposed to it.

Mr. CRISP. How gentlemen arrive at that conclusion I confess I do not know.

Mr. MAISH. I have not arrived at such conclusion myself, but have been so told.

Mr. CRISP. I think the gentleman will find on examination that he has been misinformed. It passed the Senate unanimously. The report shows it has the approval of Secretary Sherman and Secretary Manning. It meets with the approval, I am informed, of the present Secretary, although there is no letter from him to that effect. I did not make the report myself. My understanding is that the head of the service is the only one the bill does not affect, he being an officer appointed by the President and confirmed by the Senate, and as I understand it, the sole object is to allow subordinates instead of being appointed as now, by the Secretary of the Treasury, to be appointed by the President and confirmed by the Senate.

Mr. DUNN. Let the bill be reported again.

Mr. CRISP. As there seems to be some doubt about it let the bill be again reported.

The bill was again read.

Mr. CARUTH. How long will they have to hold office?

Mr. CRISP. As I understand it, this is putting into the form of a law what is simply at the present time a regulation of the Department. If I am correctly informed as to the regulations, these officers may be discharged summarily at any time.

Mr. BUTTERWORTH. Does this operate to muster out the subordinates in that service?

Mr. CRISP. No; I do not so understand it. It authorizes the President to nominate those now in the service.

Mr. BUTTERWORTH. But does it vacate the offices at all unless he does nominate them?

Mr. CRISP. The President is authorized to nominate those now in the service. I do not know, of course, that it would compel him to do so.

Mr. CARUTH. Of course not.

Mr. MAISH. I wish to ask the gentleman a question.

Mr. CRISP. I yield to the gentleman.

Mr. MAISH. I understand, sir, the present Supervising Surgeon-General tendered his resignation a good while ago. Could the President under this proposed act of Congress appoint an officer of that bureau who had served less than four years?

Mr. CARUTH. No; of course not.

Mr. MAISH. Now, Mr. Speaker, I think that this is very objectionable for that reason, if such is the effect of it. It would seem to convey the idea that an officer must have served four years in that bureau before he would be eligible to appointment; and as the Supervising Surgeon-General, as I understand it, has tendered his resignation, and the President may accept it on any day, then if it is accepted there is not an officer left who has served the four years in the bureau who is eligible to appointment.

Mr. CRISP. I shall ask to have a letter of the Surgeon-General appended to the report read, which I think will be satisfactory, as I do not want to take up any more time than is necessary with the bill, because if there is objection to it I would prefer to withdraw it. As I stated before, I understand the only officer who is not affected by the bill is the head of the bureau, who has already been appointed, and does not come under the terms of the bill.

Mr. CARUTH. I wish to say to the gentleman, in view of what he has said, that so far as this bill is concerned in its present shape I shall feel it my duty to make an effort to defeat it.

Mr. CRISP. That is the gentleman's privilege.

Mr. CARUTH. And I say this because I understood the gentleman desired to know whether or not there was any opposition to it.

Mr. CRISP. But I do not propose to withdraw it on that account, or to have it kicked out without consideration. I will first ask a vote upon it. I ask the Clerk to read this letter, embodied in the report, of the Surgeon-General.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE SUPERVISING SURGEON-GENERAL,
UNITED STATES MARINE-HOSPITAL SERVICE,
Washington, January 13, 1880.

SIR: I have the honor to transmit herewith the draught of a bill to "increase the efficiency of the Marine-Hospital Service," and to request that, if the draught is in accordance with your views, it be transmitted to Congress. The general object of the bill I assume to be in accordance with the recommendations you have repeatedly made, that statutory provisions be made for the appointment of officers and employés of this service.

Section 1760, Revised Statutes, prohibits the appointment by the Secretary of any person to any office not authorized by law, or subsequently sanctioned by law. The law has, by implication, subsequently sanctioned the employment or appointment of such officers in the text of several health laws passed in 1878 and 1879. No authority exists, in terms, for the employment or appointment of any person in the Marine-Hospital Service, with the exception of the Supervising Surgeon-General. The various circulars and regulations that have been issued from time to time since 1802, by the Treasury Department, governing these appointments, have been based upon the general law of 1798, which created the fund, and left all the details of its management to the Secretary of the Treasury.

It has been found expedient, as time demonstrated its necessity, that the system of these appointments should be made uniform, and the proposed bill only aims at regulating by law what has for several years been the practice of the Department.

* * * * * * *

The results thus clearly foretold in this report, made thirty years ago, have been accomplished; the reports of the service are sought after by the medical profession; the standard of professional requirements necessary to gain admission into the service is high, 78 per cent. of all applications for admission into the corps having been rejected during the past year; the sailors are satisfied as a body; and the popularity of the officers is evidenced by the steadily-increasing number of patients from year to year. But in order to maintain the service at its present high standard of excellence, and to attract to it young men of the highest ability, the methods of appointment and the rates of compensation must be regulated by law.

Experience has shown the present system—the one recommended in the bill and already in practice by the Department—to be that best adapted to carry out the purpose of the founders of the law and that most creditable to the Government.

* * * * * * *

I am, sir, very respectfully, your obedient servant,
JOHN B. HAMILTON,
Surgeon-General, United States Marine-Hospital Service.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

Mr. CRISP. Now, I would like to have a vote on the bill; and if no gentleman desires to be heard further, I shall ask the previous question upon it.

Mr. CARUTH. I desire to tender an amendment before the previous question is demanded. It is to remedy the principal objection I have to the bill.

Mr. CRISP. Let the amendment be read, subject to the right of objection.

The Clerk read as follows:

Add to the bill the words:

"*Provided further*, That nothing herein contained shall apply to the office of Supervising Surgeon-General of the Marine-Hospital Service, whose appointment shall be as now regulated by law."

Mr. CRISP. I have no objection to the amendment.

Mr. PERKINS. As I understand the amendment, it would go further than that and extend to the subordinates of the office.

Mr. CRISP. It merely excepts the head of the bureau from this bill.

Mr. PERKINS. But the amendment goes to the subordinates of the office.

Mr. CARUTH. Oh, no; the Supervising Surgeon-General alone is referred to.

Mr. PERKINS. I think the bill itself excepts him.

Mr. CARUTH. I want to provide by this amendment that there shall be no question on the subject.

Mr. CANNON. I wish to ask one question. Why make a different

rule in regard to the head of the service to that you make in regard to the subordinates?

Mr. CARUTH. Because there is now on the statute-books a law applying to the appointment of the Supervising Surgeon-General of the Marine-Hospital Service, but none as to the others. Their appointment is a matter of regulation in the Department.

Mr. CANNON. You propose to make permanent the tenure of the subordinates, not of the chief?

Mr. CARUTH. The proposition, as I understand it, is to embody into the shape of law what is now a regulation of the service.

Mr. CANNON. Does this make them permanent?

Mr. CARUTH. I think it does.

Mr. CANNON. Why not make the chief permanent as well as the subordinates?

Mr. CARUTH. I do not believe that any of them ought to be made permanent.

Mr. CANNON. Then why make fish of one and fowl of the other?

Mr. CARUTH. I am perfectly willing to make fish of all. They are in the marine business. [Laughter.]

Mr. CRISP. I am willing to accept the amendment, and now demand the previous question.

The previous question was ordered, under the operation of which the amendment was adopted, and the bill as amended ordered to a third reading; and being read the third time, was passed.

The SPEAKER. If there be no objection, the bill (H. R. 6693) on the same subject will be laid on the table.

There was no objection, and it was so ordered.

Mr. CRISP. I ask unanimous consent that the report of the committee upon the House bill, which is a more full report than the other, be printed in the RECORD.

There was no objection.

The report (by Mr. WILSON, of Minnesota) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 6693) to regulate appointments in the Marine-Hospital Service, submit the following report:

The Marine-Hospital Service was organized by virtue of an act of Congress approved July 16, 1798, authorizing the President of the United States to appoint, in such parts of the United States as he might think proper, certain persons, to be called medical directors of the Marine Hospital of the United States. This act defined the duties of the persons so appointed; and, further, provided that they should hold their office during the pleasure of the President, who was authorized to fill vacancies, etc. (Stats. at Large, volume 1, page 606.)

In 1870 Congress passed an act reorganizing this service, and provided, among other things, for the appointment of a supervising surgeon of the Marine-Hospital Service, to be appointed by the Secretary of the Treasury, etc.

This act made no provision for the appointment of officers in the service further than for the appointment of the Supervising Surgeon. (Rev. Stats., chap. 59, page 940.)

In 1875 Congress repealed this law so far as it related to the appointment of the supervising surgeon, and provided that this officer should be appointed by the President, by and with the consent of the Senate. (Supp. to Rev. Stats., chap. 130, page 158.)

By the provisions of law now in force all other medical officers in the Marine-Hospital Service are now appointed by the Secretary of the Treasury upon the recommendation of the Supervising Surgeon-General. (Regulations of the United States Hospital Service, approved April 24, 1885.)

The pending bill provides that these officers, other than the Supervising Surgeon-General, shall be appointed by the President, by and with the consent of the Senate. It also makes provision for their examination before appointment, etc.

The object of this act is to secure efficiency and regularity on the part of the officers in this service in the discharge of their duties, and also to provide that their appointment may be made in like manner as the medical officers in the revenue-cutter service.

Your committee find that the legislation asked is at the instance of the Secretary of the Treasury, and that for several years past the same legislation has been requested of Congress by different Secretaries of the Treasury, and at each session of Congress it has received the favorable action of the different committees to which it has been referred, but thus far the bills have failed to become a law.

In 1880 the Secretary of the Treasury called the attention of Congress to this subject in a letter of which the following is a copy:

"TREASURY DEPARTMENT, *January* 14, 1880.

"SIR: I have the honor to invite the favorable attention of Congress to the draught of a bill, herewith transmitted, to increase the efficiency of the Marine-Hospital Service, and to the accompanying letter in explanation thereof from Dr. J. B. Hamilton, Surgeon-General of that service.

"It is believed that the enactment of the bill substantially in its present form into a law would place the service upon a better footing without materially increasing its expense.

"Very respectfully,

"JOHN SHERMAN, *Secretary.*

"Hon. SAMUEL J. RANDALL,
"*Speaker of the House of Representatives.*"

Accompanying this letter was also a letter from the Supervising Surgeon-General of the Marine-Hospital Service, as follows:

"TREASURY DEPARTMENT,
"OFFICE SUPERVISING SURGEON-GENERAL,
"UNITED STATES MARINE-HOSPITAL SERVICE,
"*Washington, January* 13, 1880.

"SIR: I have the honor to transmit herewith the draught of a bill to 'increase the efficiency of the Marine-Hospital Service,' and to request that, if the draught is in accordance with your views, it be transmitted to Congress. The general object of the bill I assume to be in accordance with the recommendations you have repeatedly made, that statutory provisions be made for the appointment of officers and employés of this service.

"Section 1760, Revised Statutes, prohibits the appointment by the Secretary of any person to any office not authorized by law, or subsequently sanctioned by law. The law has, by implication, subsequently sanctioned the employment or appointment of such officers in the text of several health laws passed in 1878 and 1879. No authority exists, in terms, for the employment or appointment of any person in the Marine-Hospital Service, with the exception of the Supervising Surgeon-General. The various circulars and regulations that have been issued from time to time since 1802, by the Treasury Department, governing these appointments, have been based upon the general law of 1798, which created the fund, and left all the details of its management to the Secretary of the Treasury.

"It has been found expedient, as time demonstrated its necessity, that the system of these appointments should be made uniform, and the proposed bill only aims at regulating by law what has for several years been the practice of the Department.

* * * * * * *

"The results thus clearly foretold in this report, made thirty years ago, have been accomplished; the reports of the service are sought after by the medical profession; the standard of professional requirements necessary to gain admission into the service is high—78 per cent. of all applications for admission into the corps having been rejected during the past year; the sailors are satisfied as a body; and the popularity of the officers is evidenced by the steadily-increasing number of patients from year to year. But in order to maintain the service at its present high standard of excellence, and to attract to it young men of the highest ability, the methods of appointment and the rates of compensation must be regulated by law.

"Experience has shown the present system—the one recommended in the bill, and already in practice by the Department—to be that best adapted to carry out the purpose of the founders of the law, and that most creditable to the Government.

* * * * * * *

"I am, sir, very respectfully, your obedient servant,

"JOHN B. HAMILTON,
"*Surgeon-General, United States Marine-Hospital Service.*

"Hon. JOHN SHERMAN,
"*Secretary of the Treasury.*"

In 1886 Hon. Daniel Manning, the then Secretary of the Treasury, requested of Congress the passage of a bill similar to the present bill. His letter upon this subject, of which the following is a copy, was addressed to the chairman of the Committee on Commerce of the United States Senate:

"FEBRUARY 6, 1885.

"SIR: I have the honor to acknowledge the receipt of a letter from the clerk of your committee, under date of February 4, 1885, transmitting, in accordance with the directions of the committee, Senate bill No. 780, 'to regulate appointments in the Marine Hospital Service of the United States,' in which I am requested to furnish the committee with suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, and in answer to respectfully inform you that the bill is in accordance with the various recommendations of this Department that have been made from time to time based upon reports of the Supervising Surgeon-General.

"It appears that there is at the present time no law specifically regulating the appointment of medical officers in the Marine-Hospital Service, and the appointments are made in accordance with the general authority conferred on the Secretary of the Treasury, to direct the affairs of the Marine-Hospital Service.

"Hence the propriety of the passage of an act regulating these appointments.

"An examination of the text of the bill shows it to be substantially a transcript of the regulations of the Department which have been in force since 1879, and which were lately repromulgated and approved by the President under date of April 24, 1885. It must be sufficiently obvious to any one that medical officers of the Marine-Hospital Service should be thoroughly versed in the different branches of medicine as set forth in the bill, and the incorporation of these requirements in the statutes would seem to be necessary.

"Attention is invited to page lii of my annual report for 1885, pages 11 and 12 of the Report of the Supervising Surgeon-General; also to the letter of Mr. Secretary Sherman, dated January 4, 1880, transmitting to the House of Representatives a draught of a bill having for its object the same purpose as that of the bill now under consideration.

"The present bill, if passed, will place the officers of the Marine-Hospital Service on the same footing as those of the Revenue Marine, and will not materially increase the expense of the service.

"In order to perfect the bill, I suggest that line six (6) be amended by striking out the word 'successful' and substituting the word 'satisfactory' therefor; and after line eight (8) to add the words 'said examination shall be conducted according to rules prepared by the Supervising Surgeon-General, and approved by the Secretary of the Treasury and the President.'

"It is believed that the purposes of the proposed law will be more effectually secured if the plan of examination shall be fixed as suggested.

"Very respectfully,

"D. MANNING, *Secretary.*

"Hon. S. J. R. MCMILLAN,
"*Chairman Committee on Commerce, United States Senate.*"

The committee report that they are informed that the present Secretary of the Treasury has indorsed and approved the views expressed in the foregoing letter, and in fact that the bill now pending before Congress was prepared under his supervision and direction.

The committee further report that the officers in the Marine-Hospital Service affected by this bill have, as they are informed, petitioned Congress asking that the bill should become a law. The reasons assigned by them for urging the passage of the bill is, among others, that they should receive their commissions in like manner as medical officers in the revenue-cutter service receive their appointments, and placing them in a position where they would be entitled to equal rank and consideration with officers of the revenue-cutter service, which is in the same Department and is a kindred branch of the public service.

The men composing the branch of the service affected by this bill are men of education, skilled and practiced in the medical profession, and competent and efficient to discharge the duties required of them. They are compelled to pass an examination as strict and thorough as the medical officers in the revenue-cutter service or of the Army and Navy. They are frequently called upon to perform services as important as those assigned to the line of the Army or Navy, for, on the appearance of cholera, yellow fever, small-pox, or other dangerous diseases, they are called to the front and compelled to use every effort to prevent the introduction and advance of contagious diseases into the country, and your committee believe that it is but right and just that they should receive consideration as to rank and position equal at least to that of other officers in the same branch of the service. It does not ask for increased pay or remuneration. It simply asks, so far as the officers of the service are concerned, that the dignity of their station shall be upheld by the commission of the President of the United States.

For the reason that the passage of this bill is asked by the Secretary of the Treasury having this branch of the public service in charge, and also by the officers directly affected by the passage of the bill, your committee are of opinion that the good of the public service requires that the bill should become a law, and they therefore report recommending its passage.

INTERSTATE COMMERCE.

Mr. CRISP. I am directed by the Committee on Commerce to call up Senate bill 2851, to amend an act entitled "An act to regulate Commerce."

The bill was read, as follows:

An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Be it enacted, etc., That section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, be, and it is hereby, amended so as to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

"Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

"No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Reductions in such published rates, fares, or charges shall only be made after three days' previous public notice, to be given in the same man ner that notice of an advance in rates must be given.

"And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

"Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same. Every such common carrier shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said commission, in so far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published.

"No advance shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after ten days' notice to the commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect. No reduction shall be made in joint rates, fares, and charges, except after three days' notice, to be given to the commission as is above provided in the case of an advance of joint rates. The commission may make public such proposed advances or such reductions in such manner as may, in its judgment, be deemed practicable, and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

"It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of such persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare or charge is named thereon than is specified in the schedule filed with the commission in force at the time.

"The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

"If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated, or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the commissioners appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act."

SEC. 2. That section 10 of said act is hereby amended so as to read as follows:

"SEC. 10. That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense: *Provided*, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges for the transportation of passengers or property, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

"Any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding $5,000, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

"Any person and any officer or agent of any corporation or company who shall deliver property for transportation to any common carrier, subject to the provisions of this act, or for whom as consignor or consignee any such carrier shall transport property, who shall knowingly and willfully, by false billing, false classification, false weighing, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the carrier, its agent or agents, obtain transportation for such property at less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of fraud, which is hereby declared a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject for each offense to a fine of not exceeding $5,000 or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court.

"If any such person, or any officer or agent of any such corporation or company, shall, by payment of money or other thing of value, solicitation, or otherwise, induce any common carrier subject to the provisions of this act, or any of its officers or agents, to discriminate unjustly in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person, or such officer or agent of such corporation or company, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding $5,000, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense; and such person, corporation, or company shall also, together with said common carrier, be liable, jointly or severally, in an action on the case to be brought by any consignor or consignee discriminated against in any court of the United States of competent jurisdiction for all damages caused by or resulting therefrom."

SEC. 3. That section 12 of said act is hereby amended so as to read as follows:

"SEC. 12. That the commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created; and for the purposes of this act the commission shall have power to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and in case of disobedience to a subpœna, the commission, or any party to a proceeding before the commission, may invoke the the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

"And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding."

SEC. 4. That section 14 of said act is hereby amended so as to read as follows:

"SEC. 14. That whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found.

"All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

"The commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the commission therein contained, in all courts of the United States, and of the several States, without any further proof or authentication thereof. The commission may also cause to be printed for early distribution its annual reports."

SEC. 5. That section 16 of said act is hereby amended so as to read as follows:

"SEC. 16. That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate, or refuse or neglect to obey or perform any lawful order or requirement of the commission created by this act, not founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, it shall be lawful for the commission or of for any company or person interested in such order or requirement, to apply in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the

case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable: and such notice may be served on such common carrier, his or its officers, agents, or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the findings of fact in the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court on such hearing or on report of any such person or persons that the lawful order or requirement of said commission drawn in question has been violated or disobeyed it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money, not exceeding for each carrier or person in default the sum of $500 for every day, after a day to be named in the order, that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining or into court, to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

If the matters involved in any such order or requirement of said commission are founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the constitution of the United States, and any such common carrier shall violate or refuse or neglect to obey or perform the same, after notice given by said commission as provided in the fifteenth section of this act, it shall be lawful for any company or person interested in such order or requirement to apply in a summary way by petition to the circuit court of the United States sitting as a court of law in the judicial district in which the carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience as the case may be; and said court shall by its order then fix a time and place for the trial of said cause, which shall not be less than twenty nor more than forty days from the time said order is made, and it shall be the duty of the marshal of the district in which said proceeding is pending to forthwith serve a copy of said petition, and of said order, upon each of the defendants, and it shall be the duty of the defendants to file their answers to said petition within ten days after the service of the same upon them as aforesaid. At the trial the findings of fact of said commission as set forth in its report shall be *prima facie* evidence of the matters therein stated, and if either party shall demand a jury or shall omit to waive a jury the court shall, by its order, direct the marshal forthwith to summon a jury to try the cause; but if all the parties shall waive a jury in writing, then the court shall try the issues in said cause and render its judgment thereon. If the subject in dispute shall be of the value of $2,000 or more either party may appeal to the Supreme Court of the United States under the same regulations now provided by law in respect to security for such appeal; but such appeal must be taken within twenty days from the day of the rendition of the judgment of said circuit court. If the judgment of the circuit court shall be in favor of the party complaining, he or they shall be entitled to recover a reasonable counsel or attorney's fee, to be fixed by the court, which shall be collected as part of the costs in the case. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session."

SEC. 6. That section 17 of said act is hereby amended so as to read as follows:

"SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations and sign subpœnas."

SEC. 7. That section 18 of said act is hereby amended so as to read as follows:

"SEC. 18. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties. Until otherwise provided by law, the commission may hire suitable offices for its use, and shall have authority to procure all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States."

"All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employés under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission."

SEC. 8. That section 21 of said act is hereby amended so as to read as follows:

"SEC. 21. That the commission shall, on or before the 1st day of December in each year, make a report, which shall be transmitted to Congress, and copies of which shall be distributed as are the other reports transmitted to Congress. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary; and the names and compensation of the persons employed by said commission."

SEC. 9. That section 22 of said act is hereby amended so as to read as follows:

"SEC. 22. That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers under arrangements with the boards of managers of said homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act."

SEC. 10. That the circuit and district courts of the United States shall have jurisdiction upon the relation of any person or persons, firm, or corporation, alleging such violation by a common carrier, of any of the provisions of the act, to which this is a supplement and all acts amendatory thereof, as prevents the relator from having interstate traffic moved by said common carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said common carrier for like traffic under similar conditions to any other shipper, to issue a writ or writs of mandamus against said common carrier, commanding such common carrier to move and transport the traffic, or to furnish cars or other facilities for transportation for the party applying for the writ: *Provided*, That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact: *Provided*, That the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by this act or the act to which it is a supplement.

Mr. CRISP. I do not desire, Mr. Speaker, to occupy the attention of the House by any extended explanation of this bill. I will state, however, that in the main the propositions in this bill are in conformity with the recommendations of the Interstate Commerce Commission. The bill now before the House is a Senate bill. The House Committee on Commerce have recommended the alteration of it in only one particular, and that was in order to give greater publicity to the rates of tariffs or joint tariffs. Perhaps, Mr. Speaker, I may be expected to make some explanation of the changes in the law. I will be perfectly willing to do so if it is thought necessary. The trouble is the hour for consideration to-day is very nearly up, only ten minutes of it remaining. We have only one hour left us to-morrow, and several gentlemen have amendments which they desire to offer. It is exceedingly important, in the opinion of all gentlemen who have considered the question of regulating interstate commerce, that these Senate amendments should become law, and I do not, therefore, care to occupy much time. Perhaps I ought, however, to point out briefly what the changes are.

Mr. CANNON. May I suggest that the gentleman ask unanimous consent for the present consideration of the bill and that it continue on until completed?

Mr. CRISP. I would be very glad to have it either to-day or to-morrow, so as to get the bill through, for I am very anxious to finish the bill.

Mr. CANNON. Why not take time enough to consider your bill to-day or to-morrow?

Mr. CRISP. Mr. Speaker, at the suggestion of the gentleman from Illinois [Mr. CANNON] I ask unanimous consent to finish the consideration of this bill to-day.

Mr. WEAVER. I am very anxious that this bill should be passed as soon as the Oklahoma bill is out of the way, but I will not consent to unanimous consent being given until then.

Mr. CANNON. I hope the gentleman will yield. I am a friend of the Oklahoma bill.

Mr. WEAVER. I am friendly to this bill, too.

Mr. CANNON. The gentleman from Missouri [Mr. WARNER], who is in favor of the Oklahoma bill, is away, but will be back in a day or two.

Mr. WEAVER. But the gentleman knows that the friends of the Oklahoma bill have given way to everything. It affects the fortunes of hundreds of thousands of people; it has the right of way and it should not give way to any other proposition.

Mr. O'NEILL, of Pennsylvania. Why can not the gentleman ask leave that the Committee on Commerce get its two hours now, then you can go on with your Oklahoma bill and still have time before the termination of to-day's session?

Mr. WEAVER. I am not in charge of the Oklahoma bill.

Mr. SPRINGER. I have no objection to the proposition that the morning hour for to-morrow be taken now on this bill.

Mr. FARQUHAR. That will probably finish the bill.

Mr. WEAVER. That would have to be altered now.

Mr. GROSVENOR. Mr. Speaker, I would suggest to the gentleman who has charge of the bill that he can take the hour to-morrow, and

have the amendments printed in the RECORD, so that the House can act understandingly when it comes to the consideration of the bill without the trouble of constantly re-reporting the amendments.

Mr. CRISP. I think the suggestion of the gentleman from Ohio a good one, and before asking that, as there are five or six minutes left of the hour, I will merely call the attention of those members of the House who give me their attention to the points wherein this bill changes the bill of last session. In the first place, the bill changes the rule for the publication of rates. The original bill provided that the schedule of rates should be kept in the railroad office. Complaint has been made that such schedules have not been kept in such place and manner that a shipper could go into the office of a railroad and without aid from the agent look at the schedule. The complaint is that the shipper is forced to ask the agent to furnish him the schedule, and sometimes, the agent being busy, this causes delay and inconvenience. The bill seeks to remedy this and make the schedules easily accessible to all.

The next change is as to the reduction of rates. The original bill, the House will remember, required ten days' notice of an advance in the rate; but a reduction of the rate might be made without any notice. The commission recommends some change in that, and suggests that there shall be notice of the reduction of the rates as there is of the advance. Otherwise a favored shipper might be notified in advance by the carrier that such a reduction was to take place, and in that way be benefited. The provision in this bill requires three days' notice of a reduction in the schedule rates, and also prescribes the method in which the publication shall be made.

The third applies to the publication of joint tariffs. The House will remember that the original bill only provided for the publication of the individual tariffs, so to speak, the tariff on each road. This amendment provides for the publication of joint tariffs wherever the roads enter into them, and it requires that notice of them shall be given to the commission, and that they shall not be altered except with the ten days' notice or the three days' notice required, as the case may be. It also provides that the commission shall prescribe the mode and method of publication of these tariffs.

The next is as to underbilling. It provides a penalty for the railway company and also for the shipper for underbilling. It seeks to punish the carrier and also the shipper or any other person who attempts to influence the carrier to give discriminating rates in violation of law.

Mr. HENDERSON, of Iowa. Was not that provided for, as to the railroads, in the old law?

Mr. CRISP. There was no provision as to the shipper, and I think there was no express provision in reference to underbilling.

Mr. HENDERSON, of Iowa. I know there was nothing as to the shipper, but I thought there was a provision as to the railroads.

Mr. CRISP. There have been a great many petitions sent to the committee in favor of this provision in the bill, and no opposition to it has appeared either from the railroads or from any quarter.

Mr. HENDERSON, of Iowa. It can not be made too clear.

Mr. CRISP. The next changes the penalty upon the railroad company for willful violations of the law by discriminations in rates. It makes the penalty, in addition to the fine now provided, imprisonment in the penitentiary for two years—fine or imprisonment, either or both, in the discretion of the court. Of course this applies only to violations which by their very character must be knowingly and willfully committed.

The next proposition is as to the question of damages in cases of such character as under our constitution must be passed upon by a jury. Of course the House understands that there are certain kinds of cases which at common law and under the Constitution must be passed upon by a jury. It is not in our power to clothe the commission or anybody else with authority to hear and determine those cases, because they must be heard by a jury. There is a provision in this bill that cases of that character shall be remanded to the court and that the court shall give them a speedy hearing.

The only other change that I now recall is one making this an independent bureau—that is, repealing the law which requires that all the proceedings of the commission shall go through the Secretary of the Interior.

The SPEAKER. The time of the gentleman has expired.

Mr. CRISP. I now ask unanimous consent that the amendments which gentlemen desire to offer may be printed in the RECORD.

Mr. ANDERSON, of Kansas. And that they be considered in the order in which they amend the act of 1887.

Mr. SPRINGER. In the order in which they apply to the sections of the bill.

Mr. CRISP. I think we had better leave that for the Chair to determine.

The SPEAKER. The hour for the consideration of bills has expired.

The following amendments were offered:

By Mr. ANDERSON, of Iowa:

To amend section 2 of an act entitled "An act to regulate commerce," approved February 4, 1887, by striking out wherever they occur in said section the words "under substantially similar circumstances and conditions."

To amend section 3 of same act by striking out wherever they occur in said section the words "undue and unreasonable."

To amend section 4 of same act by striking out of said section all after the word "distance" where it occurs before the word "Provided."

To amend an act entitled "An act to regulate commerce," approved February 4, 1887, by adding the following section:

"That in all civil actions and proceedings of whatever nature arising under an act entitled 'An act to regulate commerce,' approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction."

To be added after the word "created," in line 10, of section 3 of this act:

"And said commission is hereby authorized and required to prescribe for the use and guidance of said common carriers in making their schedules of rates and charges for transportation of persons and property one uniform classification, and shall transmit copies thereof to said common carriers on or before the first Monday in January, 1889, and thereafter the failure or refusal of any such common carrier to observe said classification in making schedules of rates shall be an unlawful act, and all rates and charges not in conformity with said classification shall be deemed and be unreasonable rates and charges."

By Mr. ANDERSON, of Kansas:

That the following section be added to the said act of 1887:

"That the commission is hereby authorized, empowered, and required to execute and enforce the provisions of this act; and upon the request of said commission the Attorney-General of the United States shall institute and prosecute all necessary proceedings in the proper court for the enforcement of this act and for the punishment of all violations thereof."

Amend by inserting at end of second line:

"That section 5 of said act of 1887 be amended by adding the following: 'That all pools, agreements, understandings, or arrangements of any kind existing or entered into, or to be entered into, by any corporation or carrier subject to this act, and all rebates, drawbacks, underbilling, or devices of any and every kind whatsoever, to regulate or affect interstate commerce, either by maintenance of rates or charges, or by divisions of traffic, territory, or earnings, are hereby made unlawful.'"

By Mr. CABUTH:

In section 2, line 50, after the word "weighing," insert the words "false representation of the contents of the package."

By Mr. LIND:

Amend by inserting after line 6 the following:

"SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance; that it shall also be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line, in the same general direction, or from the same original point of departure, or to the same point of arrival; but this shall not be construed as authorizing any common carrier subject to the provisions of this act to charge as high a rate per ton per mile for a longer as for a shorter distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act."

By Mr. NELSON:

At the end of the bill insert:

"*Provided further*, That any railroad company or other common carrier heretofore or hereafter created or incorporated under the laws of the United States shall, as to the transportation of passengers or property from one place or station to another place or station in the same State, over a route wholly in that State, be subject and amenable to the laws of such State relating to the transportation of passengers and property, the same as though it were a railroad company or common carrier created or incorporated under the laws of that State."

By Mr. O'NEILL, of Pennsylvania:

Amendment to come in at end of line 139, page 7:

"That from and after ninety days after this act shall take effect it shall be unlawful for any common carrier to engage in the transportation of passengers or property between the several States and Territories of the United States or between any place in the United States and a foreign country over any route which includes as a part thereof a railway or water route outside of the United States without first having procured a license authorizing such carrier to engage in such transportation, and the conditions of such license shall be the acceptance of this act by such common carrier and of such regulations as said commission may lawfully make in pursuance thereof, and agreement by the common carrier or carriers controlling the portions of such route situated within the United States to become responsible for and guaranty the observance by those controlling the portion of the route outside thereof of the terms and conditions of such license.

"All licenses issued shall be renewable each year, and may be suspended by said commission for cause after full hearing, and, upon the final judgment of a court of competent jurisdiction, may be revoked by said commission for a violation of its terms or of the provisions of this act."

By Mr. GROSVENOR:

First, by adding at the end of section 1:

"*Provided, however*, That it shall be unlawful for any common carrier subject to the provisions of this act to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

Add at the end of section 2:

"That in all prosecutions under this section on complaint of a citizen of the United States such citizen shall be entitled to have and receive for his own benefit all fines that may be imposed and collected for any violations of said act in any and all prosecutions in which he may be such complainant, if such complainant shall prove that he has been injured by the said violations of this act."

First, by adding at the end of section 1:

"*Provided*, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry or transport any commodity, for any shipper, in a car or vehicle owned, leased, or in any way controlled by such shipper: *And provided further*, That it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee

of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1604) to change the time of the sessions of the circuit court of the western division of the western district of Missouri.

POSTAL CRIMES.

Mr. DOCKERY, from the Committee on Post-Offices and Post-Roads, reported back with amendments a bill (S. 3447) amendatory of an act relating to postal crimes and amendatory of the statutes therein mentioned, approved June 18, 1888, and for other purposes.

The SPEAKER. The question is upon agreeing to the amendments, which will be read.

The Clerk read as follows:

Amend by striking out, in line 1, section 2, the word "two" and inserting in lieu thereof the word "three;" and in the same section, line 5, strike out the figure "2" and substitute the figure "3."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OKLAHOMA.

Mr. SPRINGER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union, my object being to proceed with the consideration of the bill to organize the Territory of Oklahoma.

Mr. BAKER, of New York. Mr. Speaker, will it be in order to raise the question of consideration against that bill and in favor of the bill for the admission of Dakota?

The SPEAKER. The only way to raise that question is to vote against the motion to go into Committee of the Whole.

Mr. SPRINGER. I will say to the gentleman from New York [Mr. BAKER] that I shall be glad to take up the Dakota bill as soon as we have disposed of this one, which I hope will be this afternoon.

The question was then taken on the motion of Mr. SPRINGER; and there were—ayes 43, noes 13.

Mr. BARNES. No quorum, Mr. Speaker.

Mr. SPRINGER. I hope the gentleman will not object to the consideration of this bill.

The SPEAKER. The point is made that no quorum has voted. The Chair will appoint as tellers the gentleman from Georgia [Mr. BARNES] and the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered, 28 (more than one-fifth of the last vote) voting therefor.

The question was taken; and there were—yeas 104, nays 26, not voting 194; as follows:

YEAS—104.

Abbott,	Funston,	Lane,	Robertson,
Allen, Miss.	Gay,	Lanham,	Rowell,
Anderson, Iowa	Gear,	Latham,	Rowland,
Anderson, Ill.	Gibson,	Lawler,	Sayers,
Anderson, Kans.	Grosvenor,	Lyman,	Scull,
Baker, Ill.	Haugen,	Macdonald,	Seney,
Bankhead,	Hayes,	Maish,	Shively,
Barry,	Heard,	Martin,	Smith,
Bound,	Henderson, Iowa	McKenna,	Sowden,
Breckinridge, Ark.	Henderson, N. C.	McMillin,	Springer,
Breckinridge, Ky.	Henderson, Ill.	McShane,	Stewart, Ga.
Bunnell,	Herbert,	Moffitt,	Stone, Ky.
Burnes,	Hermann,	Moore,	Struble,
Butterworth,	Hitt,	Morrill,	Symes,
Cannon,	Holman,	Nichols,	Taulbee,
Caruth,	Holmes,	Nutting,	Turner, Kans.
Catchings,	Hopkins, Va.	Osborne,	Vance,
Cox,	Howard,	Patton,	Vandever,
Crouse,	Hunter,	Payson,	Wade,
Dockery,	Hutton,	Peel,	Weaver,
Dunn,	Johnston, N. C.	Penington,	Weber,
Enloe,	Kerr,	Perkins,	Wheeler,
Farquhar,	Kilgore,	Peters,	White, N. Y.
Felton,	La Follette,	Plumb,	Wickham,
Foran,	Laird,	Rice,	Wilson, Minn.
Fuller,	Landes,	Richardson,	Wilson, W. Va.

NAYS—26.

Anderson, Miss.	Cheadle,	Glass,	Oates,
Baker, N. Y.	Cobb,	Grimes,	O'Neill, Pa.
Barnes,	Cothran,	Hall,	Owen,
Blount,	Cowles,	Hemphill,	Seymour,
Browne, Ind.	Crisp,	Hopkins, N. Y.	Turner, Ga.
Brumm,	Dargan,	Laidlaw,	
Carlton,	Forney,	Morgan,	

NOT VOTING—194.

Adams,	Bayne,	Bland,	Brewer,
Allen, Mass.	Belden,	Bliss,	Brower,
Allen, Mich.	Belmont,	Boothman,	Browne, T. H. B., Va.
Arnold,	Biggs,	Boutelle,	Brown, Ohio
Atkinson,	Bingham,	Bowden,	Brown, J. R., Va.
Bacon,	Blanchard,	Bowen.	Bryce,
Buchanan,	Ford,	McAdoo,	Shaw,
Buckalew,	French,	McClammy,	Sherman,
Burnett,	Gaines,	McComas,	Simmons,
Burrows,	Gallinger,	McCormick,	Snyder,
Butler,	Gest,	McCreary,	Spinola,
Bynum,	Glover,	McCullogh,	Spooner,
Campbell, F., N. Y.	Goff,	McKinley,	Stahlnecker,
Campbell, Ohio.	Granger,	McKinney,	Steele,
Campbell, T. J., N. Y.	Greenman,	McRae,	Stephenson,
Candler,	Grout,	Merriman,	Stewart, Tex.
Caswell,	Guenther,	Milliken,	Stewart, Vt.
Chipman,	Hare,	Mills,	Stockdale,
Clardy,	Harmer,	Montgomery,	Stone, Mo.
Clark,	Hatch,	Morrow,	Tarsney,
Clements,	Hayden,	Morse,	Taylor, E. B., Ohio
Cockran,	Hiestand,	Neal,	Taylor, J. D., Ohio
Cogswell,	Hires,	Nelson,	Thomas, Ky.
Collins,	Hogg,	Newton,	Thomas, Ill.
Compton,	Hooker,	Norwood,	Thomas, Wis.
Conger,	Hopkins, Ill.	O'Donnell,	Thompson, Ohio
Cooper,	Houk,	O'Ferrall,	Thompson, Cal.
Crain,	Hovey,	O'Neall, Ind.	Tillman,
Culberson,	Hudd,	O'Neill, Mo.	Tracey,
Cummings,	Jackson,	Outhwaite,	Townshend,
Cutcheon,	Johnston, Ind.	Parker,	Walker,
Dalzell,	Jones,	Perry,	Warner,
Darlington,	Kean,	Phelan,	Washington,
Davenport,	Kelley,	Phelps,	West,
Davidson, Ala.	Kennedy,	Pidcock,	White, Ind.
Davidson, Fla.	Ketcham,	Post,	Whiting, Mich.
Davis,	Laffoon,	Pugsley,	Whiting, Mass.
De Lano,	Lagan,	Randall,	Whitthorne,
Dibble,	Lee,	Rayner,	Wilber,
Dingley,	Lehlbach,	Reed,	Wilkins,
Dorsey,	Lind,	Rockwell,	Wilkinson,
Dougherty,	Lodge,	Rogers,	Williams,
Dunham,	Long,	Romeis,	Wise,
Elliott,	Lynch,	Russell, Conn.	Woodburn,
Ermentrout,	Maffett,	Russell, Mass.	Yardley,
Finley,	Mahoney,	Rusk,	Yoder,
Fisher,	Mansur,	Ryan,	Yost.
Fitch,	Mason,	Sawyer,	
Flood,	Matson,	Scott,	

During the vote the following proceedings occurred:

Mr. MCCULLOGH. Mr. Speaker, I would like permission to vote.

The SPEAKER *pro tempore* (Mr. MCMILLIN). Was the gentleman in the Hall during the roll-call, and did he fail to hear his name called?

Mr. MCCULLOGH. I was in the Hall long before the roll-call was closed. I can not say that my name was called and I did not hear it, because that would be negative testimony.

The SPEAKER *pro tempore*. The practice is to allow a member's vote to be recorded after the conclusion of the roll-call if he states that he was within the Hall during the call and failed to hear his name called. If the gentleman makes that statement he can vote.

Mr. MCCULLOGH. I can not make that statement; and I do not see how any member could give negative testimony of that kind.

Mr. HATCH. I am paired with the gentleman from Vermont [Mr. STEWART], but have voted to make a quorum. As a quorum has not voted, I withdraw my vote.

Mr. MORGAN. I am paired with the gentleman from Maine [Mr. MILLIKEN], but have voted to make a quorum. I suppose it is not material whether my vote be withdrawn or not.

Mr. DUNN. I wish to state that my colleague [Mr. ROGERS] is absent on account of sickness, and is paired.

The following-named members were announced as paired on all political questions until further notice:

Mr. MATSON with Mr. HOVEY.
Mr. RANDALL with Mr. DINGLEY.
Mr. WILKINS with Mr. LONG.
Mr. SCOTT with Mr. MCCOMAS.
Mr. WHITTHORNE with Mr. COOPER.
Mr. HATCH with Mr. STEWART, of Vermont.
Mr. OUTHWAITE with Mr. MCKINLEY.
Mr. COMPTON with Mr. GOFF.
Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.
Mr. HOOKER with Mr. LODGE.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. MCRAE with Mr. DORSEY.
Mr. JONES with Mr. BOWDEN.
Mr. WILKINSON with Mr. DALZELL.
Mr. WALKER with Mr. ROMEIS.
Mr. BRYCE with Mr. GAINES.
Mr. FELIX CAMPBELL with Mr. BROWN, of Ohio.
Mr. NEAL with Mr. HAYDEN.
Mr. TIMOTHY J. CAMPBELL with Mr. WEST.
Mr. SPINOLA with Mr. THOMAS, of Wisconsin.
Mr. HOGG with Mr. POST.
Mr. DAVIDSON, of Florida, with Mr. BINGHAM.
Mr. STONE, of Missouri, with Mr. WILLIAMS.
Mr. NEWTON with Mr. JACKSON.
Mr. BOUTELLE with Mr. WISE.
Mr. TOWNSHEND with Mr. JOSEPH D. TAYLOR.
Mr. TILLMAN with Mr. FINLEY.
Mr. SPRINGER with Mr. JOHNSTON, of Indiana.
Mr. MANSUR with Mr. WARNER.
Mr. CANDLER with Mr. BREWER.

Mr. STOCKDALE with Mr. CLARK.
Mr. FISHER with Mr. LEHLBACH.
Mr. BYNUM with Mr. STEELE.
Mr. VANCE with Mr. RUSSELL, of Connecticut.
Mr. GREENMAN with Mr. SHERMAN.
Mr. RUSK with Mr. O'DONNELL.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. SNYDER with Mr. YOST.
Mr. ERMENTROUT with Mr. GROUT.
Mr. FORD with Mr. GUENTHER.
Mr. GLOVER with Mr. PUGSLEY.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. CLARDY with Mr. WADE.
Mr. PERRY with Mr. SPOONER.
Mr. O'FERRALL with Mr. MASON.
Mr. BIGGS with Mr. MORROW.
Mr. BELMONT with Mr. DAVENPORT.
Mr. GRANGER with Mr. ROCKWELL.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. TURNER, of Georgia, with Mr. REED.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. DARLINGTON with Mr. MOORE.
Mr. PIDCOCK with Mr. PHELPS.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. MORGAN with Mr. MILLIKEN.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. LAWLER with Mr. DE LANO.
Mr. MCKINNEY with Mr. BOOTHMAN.
Mr. LYNCH with Mr. YARDLEY.
Mr. BACON with Mr. CASWELL.
Mr. BLISS with Mr. PARKER.
Mr. WASHINGTON with Mr. HIESTAND.
Mr. ROGERS with Mr. ALLEN, of Michigan.
Mr. BUCKALEW with Mr. BAYNE.

The following-named members were announced as paired for this day:

Mr. FRENCH with Mr. GEST.
Mr. BURNETT with Mr. BROWER.
Mr. SHIVELY with Mr. ATKINSON.
Mr. ELLIOTT with Mr. HARMER.
Mr. THOMPSON, of California, with Mr. THOMPSON, of Ohio.
Mr. CRAIN with Mr. KELLEY.
Mr. SHAW with Mr. WHITE, of Indiana.
Mr. MAHONEY with Mr. HIRES.
Mr. DIBBLE with Mr. ADAMS.

Mr. FELTON. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The result of this vote has not yet been announced.

Mr. KENNEDY. I am paired with my colleague [Mr. CAMPBELL]. I voted, but desire to withdraw my vote, as I do not know how he would stand on this question.

Mr. SPRINGER. I am paired with the gentleman from Indiana [Mr. JOHNSTON]. I voted for the reason that I am satisfied he would record his vote in the same way.

Mr. TURNER, of Georgia. Although I am paired with the gentleman from Maine [Mr. REED], I voted to make a quorum.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I move that there be a call of the House.

Mr. COX. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from California has just submitted a motion.

The question was taken; and on a division there were—ayes 49, noes 35.

Mr. SPRINGER. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 26, nays 101, not voting 197; as follows:

YEAS—26.

Abbott,	Crisp,	Hutton,	Penington,
Barnes,	Dargan,	Lanham,	Richardson,
Barry,	Felton,	Latham,	Robertson,
Carlton,	Gay,	McClammy,	Sawyer,
Cobb,	Grimes,	McKenna,	Simmons.
Cothran,	Haugen,	Moore,	
Cox,	Herbert,	Morrow,	

NAYS—101.

Allen, Miss.	Browne, Ind.	Farquhar,	Henderson, N. C.
Anderson, Iowa	Brumm,	Forney,	Henderson, Ill.
Anderson, Ill.	Buckalew,	Fuller,	Hermann,
Anderson, Kans.	Bunnell,	Funston,	Hitt,
Baker, N. Y.	Caruth,	Gear,	Holman,
Baker, Ill.	Catchings,	Gibson	Holmes,
Bankhead,	Cheadle,	Glass,	Hopkins, Va.
Bland,	Cowles,	Grosvenor,	Hopkins, N. Y.
Blount,	Crouse,	Hayes,	Hunter,
Breckinridge, Ark.	Dockery,	Heard,	Johnston, N. C.
Breckinridge, Ky.	Enloe,	Henderson, Iowa	Kilgore,
La Follette,	Morrill,	Rowell,	Symes,
Laidlaw,	Nelson,	Rowland,	Taulbee,
Laird,	Nichols,	Ryan,	Turner, Kans.
Landes,	Nutting,	Sayers,	Vandever,
Lane,	Oates,	Scull,	Wade,
Lawler,	O'Neill, Pa.	Seney,	Weaver,
Lind,	Osborne,	Seymour,	Weber,
Lyman,	Owen,	Shively,	Wheeler,
Macdonald,	Patton,	Smith,	Wickham,
Maish,	Payson,	Sowden,	Wilson, Minn.
McCullogh,	Peel,	Springer,	Wilson, W. Va.
McMillin,	Perkins,	Stephenson,	Yost.
McShane,	Peters,	Stewart, Ga.	
Moffitt,	Plumb.	Stone, Ky.	
Morgan,	Rice,	Struble,	

NOT VOTING—197.

Adams,	Cummings,	Jones,	Rogers,
Allen, Mass.	Cutcheon,	Kean,	Romeis,
Allen, Mich.	Dalzell,	Kelley,	Russell, Conn.
Anderson, Miss.	Darlington,	Kennedy,	Russell, Mass.
Arnold,	Davenport,	Kerr,	Rusk,
Atkinson,	Davidson, Ala.	Ketcham,	Scott,
Bacon,	Davidson, Fla.	Laffoon,	Shaw,
Bayne,	Davis,	Lagan,	Sherman,
Belden,	De Lano,	Lee,	Snyder,
Belmont,	Dibble,	Lehlbach,	Spinola,
Biggs,	Dingley,	Lodge	Spooner,
Bingham,	Dorsey,	Long,	Stahlnecker,
Blanchard,	Dougherty,	Lynch,	Steele,
Bliss,	Dunham,	Maffett,	Stewart, Tex.
Boothman,	Dunn,	Mahoney,	Stewart, Vt.
Bound,	Elliott,	Mansur,	Stockdale,
Boutelle,	Ermentrout,	Martin,	Stone, Mo.
Bowden,	Finley,	Mason,	Tarsney,
Bowen,	Fisher,	Matson,	Taylor, E. B., Ohio
Brewer,	Fitch,	McAdoo,	Taylor, J. D., Ohio
Brower,	Flood,	McComas,	Thomas, Ky.
Browne, T. H. B., Va.	Foran,	McCormick,	Thomas, Ill.
Brown, Ohio	Ford,	McCreary,	Thomas, Wis.
Brown, J. R., Va.	French,	McKinley,	Thompson, Ohio
Bryce,	Gaines,	McKinney,	Thompson, Cal.
Buchanan,	Gallinger,	McRae,	Tillman,
Burnes,	Gest,	Merriman,	Tracey,
Burnett,	Glover,	Milliken,	Townshend,
Burrows,	Goff,	Mills,	Turner, Ga.
Butler,	Granger,	Montgomery,	Vance,
Butterworth,	Greenman,	Morse,	Walker,
Bynum,	Grout,	Neal,	Warner,
Campbell, F., N. Y.	Guenther,	Newton,	Washington,
Campbell, Ohio	Hall,	Norwood,	West,
Campbell, T. J., N. Y.	Hare,	O'Donnell,	White, Ind.
Candler,	Harmer,	O'Ferrall,	White, N. Y.
Cannon,	Hatch,	O'Neall, Ind.	Whiting, Mich.
Caswell,	Hayden,	O'Neill, Mo.	Whiting, Mass.
Chipman,	Hemphill,	Outhwaite,	Whitthorne,
Clardy,	Hiestand,	Parker,	Wilber,
Clark,	Hires,	Perry,	Wilkins,
Clements,	Hogg,	Phelan,	Wilkinson,
Cockran,	Hooker,	Phelps,	Williams,
Cogswell,	Hopkins, Ill.	Pidcock,	Wise,
Collins,	Houk,	Post,	Woodburn,
Compton,	Hovey,	Pugsley,	Yardley,
Conger,	Howard,	Randall,	Yoder.
Cooper,	Hudd,	Rayner,	
Crain,	Jackson,	Reed,	
Culberson,	Johnston, Ind.	Rockwell,	

So the House refused to adjourn.

On motion of Mr. PAYSON, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. ANDERSON, of Mississippi, with Mr. ATKINSON for the rest of the day.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I move that there be a call of the House.

The SPEAKER *pro tempore*. That is the pending motion.

The question was taken; and the Speaker *pro tempore* decided that the nays seemed to prevail.

Mr. SPRINGER. Before calling for a division I desire to state that if gentlemen will allow a call of the House to be ordered, simply to determine who are present and who are not, and I can get in a resolution in regard to absentees, I will myself move to adjourn. [Cries of "Regular order!"]

I demand a division.

The question was taken; and there were—ayes 35, noes 43.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. It is now so near the hour of adjournment that we will scarcely complete the call of the roll before that time, and I hope the call for the yeas and nays will be reconsidered.

Mr. SPRINGER. I have no objection to waiving the call of the House if gentlemen will allow the gentleman from Iowa to offer a resolution which can be read now subject to objection. If this resolution can be adopted, I do not desire a call of the House.

Mr. BRUMM. Regular order.

The SPEAKER *pro tempore*. The regular order is the call of the roll on the motion of the gentleman from Illinois for a call of the House.

Mr. WEAVER. I think the gentleman from Pennsylvania will withdraw the demand.

Mr. BRUMM. I will withdraw it to permit the resolution to be read.

The SPEAKER *pro tempore*. Is there objection to the reading of the

resolution proposed by the gentleman from Iowa, the right to object being reserved?

There was no objection.

The Clerk read as follows:

Resolved, That all leaves of absence, except those granted on account of sickness of members or of their families, are hereby revoked, to take effect on Monday next, September 17; and that the Sergeant-at-Arms notify all members so absent of this order by telegraph.

Resolved further, That the Sergeant-at-Arms be directed to telegraph all members who are absent without leave to return at once.

Mr. SPRINGER. I ask unanimous consent to revoke the order by which the yeas and nays were demanded.

The SPEAKER *pro tempore*. The first question is, Is there objection to the consideration of this resolution?

Mr. BARNES, Mr. ROWELL, and others objected.

The SPEAKER *pro tempore*. The Chair will state that this could only be presented by unanimous consent.

Mr. HOPKINS, of New York. Regular order.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. HOLMAN. In view of the lateness of the hour, and that the call can not be got through with before 5 o'clock, I move to reconsider the vote ordering the yeas and nays.

The question was taken; and on a division there were—ayes 50, noes 33.

Mr. GROSVENOR. No quorum.

The SPEAKER *pro tempore*. It does not require a quorum.

Mr. BAKER, of New York. I rise to a parliamentary inquiry.

Mr. BLOUNT. I move that the House adjourn.

The SPEAKER *pro tempore*. The question recurs on ordering the yeas and nays.

The gentleman from New York rises to a parliamentary inquiry and will state it.

Mr. BAKER, of New York. The yeas and nays having been ordered by one-fifth of the last preceding vote, can that order be rescinded by a bare majority of the House?

The SPEAKER *pro tempore*. The Chair would state that something of an anomaly is presented by a majority being required to undo what one-fifth only was required to do. But it is only reconsidering the order for the yeas and nays, and the House has still the same power to order them by one-fifth of those present as it had to order them before.

The question now recurs on ordering the yeas and nays on the motion of the gentleman from Illinois.

The yeas and nays were ordered.

Mr. BLOUNT. I move that the House do now adjourn.

The question was put and there were—ayes 56, noes 41.

During the count,

Mr. BLOUNT (to Mr. WEAVER). You can not do anything now, and we may as well adjourn.

Mr. WEAVER. I know we can not do anything now, but I give you notice that you shall not do anything else.

Mr. SPRINGER. I demand the yeas and nays.

Mr. BAKER, of New York. Mr. Speaker, is it in order to move to reconsider the vote by which the yeas and nays were ordered?

The SPEAKER *pro tempore*. It is.

Mr. BAKER, of New York. Then I move that, as it is a pleasant pastime.

The question was put, and the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. HOLMAN and others. Division.

The House divided; and there were—ayes 59, noes 40.

So the motion to reconsider was agreed to.

The SPEAKER *pro tempore*. The question recurs on ordering the yeas and nays.

The question was put.

The SPEAKER *pro tempore*. Thirty-eight gentlemen have arisen, a sufficient number, and the yeas and nays are ordered.

The question is on the motion of the gentleman from Georgia [Mr. BLOUNT] that the House do now adjourn.

The question was taken; and there were—yeas 41, nays 89, not voting 194; as follows:

YEAS—41.

Abbott,	Cothran,	Holmes,	O'Neill, Pa.
Allen, Miss.	Crisp,	Hutton,	Penington,
Barnes,	Dargan,	Kerr,	Richardson,
Barry,	Dibble,	Latham,	Robertson,
Blount,	Elliott,	Lee,	Sawyer,
Bowen,	Enloe,	McKenna,	Stewart, Ga.
Carlton,	Grimes,	McMillin,	Stone, Ky.
Catchings,	Hall,	Moore,	Yost.
Cheadle,	Haugen,	Morgan,	
Clements,	Hemphill,	Morrow,	
Cobb,	Herbert,	Oates,	

NAYS—89.

Anderson, Iowa	Breckinridge, Ark.	Caruth,	Funston,
Anderson, Ill.	Breckinridge, Ky.	Cowles,	Gear,
Anderson, Kans.	Brumm,	Crouse,	Gibson,
Baker, N. Y.	Buckalew,	Dockery,	Glass,
Baker, Ill.	Burnes,	Farquhar,	Grosvenor,
Bankhead,	Butler,	Forney,	Hayes,
Bland,	Cannon,	Fuller,	Henderson, Iowa
Henderson, N. C.	Lind,	Perkins,	Symes,
Henderson, Ill.	Lyman,	Peters,	Turner, Kans.
Hitt,	Macdonald,	Rice,	Vance,
Holman,	Maish,	Rowell,	Vandever,
Hopkins, Va.	Mansur,	Rowland,	Wade,
Hopkins, N. Y.	Martin,	Ryan,	Weaver,
Hunter,	McClammy,	Sayers,	Weber,
Johnston, N. C.	McCullogh,	Scull,	Wheeler,
Kilgore,	McShane,	Seney,	White, N. Y.
La Follette,	Moffitt,	Shively,	Wickham,
Laidlaw,	Morrill,	Simmons,	Wilkinson,
Laird,	Osborne,	Smith,	Wilson, Minn.
Landes,	Owen,	Sowden,	Wilson, W. Va.
Lane,	Patton,	Springer,	
Lanham,	Payson,	Stephenson,	
Lawler,	Peel,	Struble,	

NOT VOTING—194.

Adams,	Cutcheon,	Jones,	Rockwell,
Allen, Mass.	Dalzell,	Kean,	Rogers,
Allen, Mich.	Darlington,	Kelley,	Romeis,
Anderson, Miss.	Davenport,	Kennedy,	Russell, Conn.
Arnold,	Davidson, Ala.	Ketcham,	Russell, Mass.
Atkinson,	Davidson, Fla.	Laffoon,	Rusk,
Bacon,	Davis,	Lagan,	Scott,
Bayne,	De Lano,	Lehlbach,	Seymour,
Belden,	Dingley,	Lodge,	Shaw,
Belmont,	Dorsey,	Long,	Sherman,
Biggs,	Dougherty,	Lynch,	Snyder,
Bingham,	Dunham,	Maffett,	Spinola,
Blanchard,	Dunn,	Mahoney,	Spooner,
Bliss,	Ermentrout,	Mason,	Stahlnecker,
Boothman,	Felton,	Matson,	Steele,
Bound,	Finley,	McAdoo,	Stewart, Tex.
Boutelle,	Fisher,	McComas,	Stewart, Vt.
Bowden,	Fitch,	McCormick,	Stockdale,
Brewer,	Flood,	McCreary,	Stone, Mo.
Brower,	Foran,	McKinley,	Tarsney,
Browne, T. H. B., Va.	Ford,	McKinney,	Taulbee.
Browne, Ind.	French,	McRae,	Taylor, E. B., Ohio
Brown, Ohio	Gaines,	Merriman,	Taylor, J. D., Ohio
Brown, J. R., Va.	Gallinger,	Milliken,	Thomas, Ky.
Bryce,	Gay,	Mills,	Thomas, Ill.
Buchanan,	Gest,	Montgomery,	Thomas, Wis.
Bunnell,	Glover,	Morse,	Thompson, Ohio
Burnett,	Goff,	Neal,	Thompson, Cal.
Burrows,	Granger,	Nelson,	Tillman,
Butterworth,	Greenman,	Newton,	Tracey,
Bynum,	Grout.	Nichols,	Townshend,
Campbell, F., N. Y.	Guenther,	Norwood,	Turner, Ga.
Campbell, Ohio	Hare,	Nutting,	Walker,
Campbell, T. J., N. Y.	Harmer,	O'Donnell,	Warner,
Candler,	Hatch,	O'Ferrall,	Washington,
Caswell,	Hayden,	O'Neall, Ind.	West,
Chipman,	Heard,	O'Neill, Mo.	White, Ind.
Clardy,	Hermann,	Outhwaite,	Whiting, Mich.
Clark,	Hiestand,	Parker,	Whiting, Mass.
Cockran,	Hires,	Perry,	Whitthorne,
Cogswell,	Hogg,	Phelan,	Wilber,
Collins,	Hooker,	Phelps,	Wilkins,
Compton,	Hopkins, Ill.	Pidcock,	Williams,
Conger,	Houk,	Plumb,	Wise,
Cooper,	Hovey,	Post,	Woodburn,
Cox,	Howard,	Pugsley,	Yardley,
Crain,	Hudd,	Randall,	Yoder.
Culberson,	Jackson,	Rayner,	
Cummings,	Johnston, Ind.	Reed,	

So the House refused to adjourn.

On motion of Mr. WEAVER, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Illinois [Mr. SPRINGER] for a call of the House, upon which the yeas and nays have been ordered.

Mr. SPRINGER. I ask unanimous consent that the call of the House be considered as ordered.

Mr. CHEADLE. I object.

Mr. SPRINGER. Regular order, then.

Mr. HOLMAN. It is so late I think we ought to reconsider that vote.

Mr. SPRINGER. That has been a failure, and it has been ordered again.

The SPEAKER *pro tempore*. The Chair will state that that can not be done a second time. After the vote has been reconsidered, and the yeas and nays have been ordered a second time, it is not in order to reconsider a second time.

The question was taken; and there were—yeas 73, nays 32, not voting 219; as follows:

YEAS—73.

Abbott,	Henderson, Ill.	McMillin,	Seney,
Anderson, Ill.	Holman,	McShane,	Smith,
Anderson, Kans.	Holmes,	Moore,	Sowden,
Baker, N. Y.	Hopkins, Va.	Morrill,	Springer,
Baker, Ill.	Hopkins, N. Y.	Nichols,	Stephenson,
Bankhead,	Hudd,	Oates,	Stone, Ky.
Bland,	Hunter,	Osborne,	Struble,
Bowen,	Kean,	Owen,	Symes,
Brumm,	La Follette,	Patton,	Vandever,
Butler,	Laidlaw,	Peel,	Wade,
Caruth,	Landes,	Penington,	Weaver,
Crouse,	Lane,	Perkins,	Weber,
Farquhar,	Lanham,	Peters,	Wheeler,
Forney,	Latham,	Rice,	Wickham,
Fuller,	Lawler,	Rowell,	Wilson, Minn.
Funston,	Lyman,	Rowland,	Wilson, W. Va.
Gibson,	Maish,	Ryan,	
Hayes,	Mansur,	Sayers,	
Henderson, Iowa	McClammy,	Scull,	

NAYS—32.

Barnes,	Cothran,	Haugen,	Martin,
Blount,	Crisp,	Hemphill,	McCullogh,
Breckinridge, Ark.	Dibble,	Herbert,	Moffitt,
Buckalew,	Elliott,	Hutton,	Nelson,
Carlton,	Enloe,	Johnston, N. C.	O'Neill, Pa.
Cheadle,	Glass,	Kerr,	Robertson,
Clements,	Grimes,	Kilgore,	White, N. Y.
Cobb,	Grosvenor,	Lee,	Wilkinson.

NOT VOTING—219.

Adams,	Culberson,	Johnston, Ind.	Rockwell,
Allen, Mass.	Cummings,	Jones,	Rogers,
Allen, Mich.	Cutcheon,	Kelley,	Romeis,
Allen, Miss.	Dalzell,	Kennedy,	Russell, Conn.
Anderson, Iowa.	Dargan,	Ketcham,	Russell, Mass.
Anderson, Miss.	Darlington,	Laffoon,	Rusk,
Arnold,	Davenport,	Lagan,	Sawyer,
Atkinson,	Davidson, Ala.	Laird,	Scott,
Bacon,	Davidson, Fla.	Lehlbach,	Seymour,
Barry,	Davis,	Lind,	Shaw,
Bayne,	De Lano,	Lodge,	Sherman,
Belden,	Dingley,	Long,	Shively,
Belmont,	Dockery,	Lynch,	Simmons,
Biggs,	Dorsey,	Macdonald,	Snyder,
Bingham,	Dougherty,	Maffett,	Spinola,
Blanchard,	Dunham,	Mahoney,	Spooner,
Bliss,	Dunn,	Mason,	Stahlnecker,
Boothman,	Ermentrout,	Matson,	Steele,
Bound,	Felton,	McAdoo,	Stewart, Tex.
Boutelle,	Finley,	McComas,	Stewart, Ga.
Bowden,	Fisher,	McCormick,	Stewart, Vt.
Breckinridge, Ky.	Fitch,	McCreary,	Stockdale,
Brewer,	Flood,	McKenna,	Stone, Mo.
Brower,	Foran,	McKinley,	Tarsney,
Browne, T. H. B., Va.	Ford,	McKinney,	Taulbee,
Browne, Ind.	French,	McRae,	Taylor, E. B., Ohio
Brown, Ohio	Gaines,	Merriman,	Taylor, J. D., Ohio
Brown, J. R., Va.	Gallinger,	Milliken,	Thomas, Ky.
Bryce,	Gay,	Mills,	Thomas, Ill.
Buchanan,	Gear,	Montgomery,	Thomas, Wis.
Bunnell,	Gest,	Morgan,	Thompson, Ohio
Burnes,	Glover,	Morrow,	Thompson, Cal.
Burnett,	Goff,	Morse,	Tillman,
Burrows,	Granger,	Neal,	Tracey,
Butterworth,	Greenman,	Newton,	Townshend,
Bynum,	Grout,	Norwood,	Turner, Kans.
Campbell, F., N. Y.	Guenther,	Nutting,	Turner, Ga.
Campbell, Ohio	Hall,	O'Donnell,	Vance,
Campbell, T. J., N. Y.	Hare,	O'Ferrall,	Walker,
Candler,	Harmer,	O'Neall, Ind.	Warner,
Cannon,	Hatch,	O'Neill, Mo.	Washington,
Caswell,	Hayden,	Outhwaite,	West,
Catchings,	Heard,	Parker,	White, Ind.
Chipman,	Henderson, N. C.	Payson,	Whiting, Mich.
Clardy,	Hermann,	Perry,	Whiting, Mass.
Clark,	Hiestand,	Phelan,	Whitthorne,
Cockran,	Hires,	Phelps,	Wilber,
Cogswell,	Hitt,	Pidcock,	Wilkins,
Collins,	Hogg,	Plumb,	Williams,
Compton,	Hooker,	Post,	Wise,
Conger,	Hopkins, Ill.	Pugsley,	Woodburn,
Cooper,	Houk,	Randall,	Yardley,
Cowles,	Hovey,	Rayner,	Yoder,
Cox,	Howard,	Reed,	Yost.
Crain,	Jackson,	Richardson,	

So the call of the House was ordered.

On motion of Mr. SPRINGER and Mr. HOPKINS, of New York, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House stands adjourned until to-morrow at 12 o'clock m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. GIBSON: A bill (H. R. 11423) for the relief of William F. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11424) to empower the Secretary of the Treasury to settle a claim referred to the Board of Treasury—to the Committee on Claims.

By Mr. GIFFORD: A bill (H. R. 11425) granting to John G. Kleiner, Henry M. McDonald, and Robt. H. Proudfoot the right to construct a wagon and foot-passenger bridge across the Missouri River—to the Committee on Commerce.

By Mr. A. C. THOMPSON: A bill (H. R. 11426) for the relief of Thornton Lucas—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOOTHMAN: Petition of David Weaver and 13 others, citizens of Middlepoint, Van Wert County, Ohio, against food adulterations—to the Committee on Commerce.

By Mr. RICE: Petition of Stephen Harrison and 37 others, citizens of Isanti and Anoka Counties, Minnesota, for pure food—to the Committee on Agriculture.

Also, petition of 30 citizens of Anoka County, Minnesota, for pure lard and butter—to the Committee on Agriculture.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. GROSVENOR: Of W. T. Stevens and 43 others, of Ohio.

By Mr. TARSNEY: Of ex-soldiers and sailors of Ashley, Mich.

SENATE.

THURSDAY, *September* 13, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting an additional judgment of the Court of Claims, rendered during the present term of that court in favor of Sarah M. Burge, administratrix of Young Burge, deceased, for the sum of $576.99; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Department of Justice, inclosing lists of accounts unpaid in favor of district attorneys for unofficial services for the fiscal years 1886, 1887, and 1888, under section 3, page 109, volume 18 Statutes, and of special assistants to district attorneys under section 833 of the Revised Statutes, disallowed by the accounting officers of the Treasury under section 3679 of the Revised Statutes, construed by them to apply to the appropriations for expenses of United States courts so far as to relieve them from the duty imposed upon them by the act of June 14, 1878, section 4, Supplement to the Revised Statutes, page 350, chapter 191, etc.

The PRESIDENT *pro tempore*. The communication, with the accompanying papers, will be referred to the Committee on Appropriations, and printed.

Mr. COCKRELL. I should like to have a special order made in these cases for their speedy printing, so that the committee can act upon them soon. The subcommittee now has the bill covering these matters in charge and is making it up.

The PRESIDENT *pro tempore*. That order will be made.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I regret to say that owing to the illness of the Senator from Kentucky [Mr. BECK] he desires to be excused from service upon the committee of conference on the sundry civil appropriation bill. I ask that he be excused and that another Senator be substituted for him.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the Senator from Kentucky [Mr. BECK] may be excused as one of the managers of the conference on the part of the Senate on the bill he has named. It will be so ordered, if there be no objection, and the Chair will appoint in place of the Senator from Kentucky the Senator from Missouri [Mr. COCKRELL].

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10687) granting a pension to Charles Junot;

A bill (H. R. 9862) granting a pension to Benjamin F. Bair;

A bill (H. R. 11005) granting a pension to Ester Gaven;

A bill (H. R. 9106) granting a pension to Peter Liner; and

A bill (H. R. 11222) granting a pension to Elizabeth Heckler.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5888) for the relief of W. H. Boyd, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10401) for the relief of J. H. Bugg and others, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3908) increasing the pension of Jesse L. Garrett;

A bill (H. R. 10173) granting a pension to Catharine Mulligan;

A bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox;

A bill (H. R. 10159) granting a pension to Jenny Buell; and

A bill (H. R. 9370) granting a pension to Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteers.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8553) granting a pension to Arabella Davis;

A bill (H. R. 10708) granting a pension to Jane E. Knoble;

A bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of Black Hawk war;

A bill (H. R. 6409) for the relief of Perry R. Nye;
A bill (H. R. 10171) granting a pension to Rachel Rogers;
A bill (H. R. 11243) granting a pension to Mary E. McQueen; and
A bill (H. R. 200) granting a pension to Walter O. Watson.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2788) granting a pension to Lieut. George T. Russell;
A bill (H. R. 5174) granting a pension to Statira Young;
A bill (H. R. 2471) granting a pension to Anna M. Noyes;
A bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang;
A bill (H. R. 10287) for the relief of Catharine Teegardin; and
A bill (H. R. 2472) granting a pension to Lydia A. Eaton.

PACIFIC RAILROAD COMMISSION REPORT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a report from the Committee on Printing on a resolution to print extra copies of the reports of the Pacific Railroad Commission presented yesterday by the Senator from Connecticut [Mr. HAWLEY], who is absent this morning. The concurrent resolution of the House of Representatives will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House 10,000 copies of the President's message and accompanying reports of the majority and minority of the Pacific Railroad Commission.

The PRESIDENT *pro tempore*. The amendment proposed by the Committee on Printing will be stated.

The CHIEF CLERK. It is proposed to strike out all of the resolution after the word "concurring" and to insert:

That there be printed 15,000 copies of the President's message and accompanying majority and minority reports of the Pacific Railway Commission, 5,000 for the use of the Senate and 10,000 for the use of the House.

The amendment was agreed to.

The resolution as amended was concurred in.

AMENDMENT TO TRUSTS BILL.

Mr. TURPIE submitted an amendment intended to be proposed by him to the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production; which was ordered to lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9271) for the relief of James A. Stewart; and

Joint resolution (H. Res. 221) to continue the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution entitled a 'Joint resolution to provide temporarily for the expenditures of the Government.'"

THE COPPER TRUST.

Mr. PLATT. I wish to introduce a resolution, and I should like to say a few words before presenting it formally to the Senate.

I am very much gratified that the bill reported by the Senator from Ohio [Mr. SHERMAN] from the Finance Committee on the subject of trusts and also the amendments proposed by the Senator from Mississippi [Mr. GEORGE] show that an interest, and a just interest, is being taken in the danger of these trusts and in devising some way to reach them, and to relieve the people from their operation. But in looking over the bill reported, and also the amendments suggested by the Senator from Mississippi, it seems to me that there is one class of trusts which is not reached by either the bill or the amendments. I do not know that it is possible to reach them, and yet there are some reasons why those particular trusts are more injurious to the people of the United States than those which the bill and the amendments are calculated to reach.

I refer to trusts or syndicates organized entirely outside of the United States for the purpose of controlling the markets within the United States, and it is therefore that I propose to introduce a resolution asking the Finance Committee to inquire with regard to one such trust and see what the facts are in relation to it, and if there may not be some way in which this more dangerous, as it seems to me, or at least equally dangerous, trust or syndicate may be reached and its operations prevented. I refer to what is called the copper syndicate, which, as I understand, is organized entirely by foreign capital and has its headquarters in Paris.

I am not aware that any persons in this country are connected with it. If they are I want that fact brought out. I do not care whom the resolution hits. If it hits any persons in this country I desire to have them hit.

This foreign syndicate, as I understand, controls now the production of all the copper in the world. It has, I understand, made contracts with the owners of mines in the United States to buy the production of the copper mines for a limited period, I think three years, and is now negotiating for the purchase of the production of all the output of copper mines in the United States for twelve years longer.

I do not understand that the price for which they contract for this copper is much above the market price, so that the real profit, the great profit made by the syndicate, goes entirely into the hands of these foreign capitalists and is taken out of the consumers in the United States of all articles into the composition of which copper enters. If it be so that we can reach a trust of that sort, I think it is very desirable to do so, as indeed I will say I am anxious that all unlawful trusts or combinations in this country should be reached and punished.

I do not think the tariff has anything to do with this trust or syndicate; indeed, I do not think it has anything to do with any of them; but I do not speak upon that subject, for when a syndicate controls the production of an article throughout the world it is manifest that it is of no consequence so far as the operations of that syndicate are concerned and the profits, the abnormal and outrageous profits, which they may make out of the consumers of the article, whether there is a tariff upon it or not. The article might be entirely free of duty and yet the same results would follow.

I do not know whether this is the only syndicate which attempts to control the production of any particular article throughout the entire world or not; but if we can not reach this syndicate it is manifest that others will be formed to control the price of every article throughout the entire world which is susceptible of being controlled by a company with great capital and with great enterprise.

In the matter of coffee, perhaps no trust has been already organized which controls so thoroughly the price and production of coffee as does this copper syndicate control the price of copper, but it will be seen how easy it would be for a Paris company organized as this is to control the production and price of coffee, tea, and many of the necessaries of life.

As I said, I am earnestly and anxiously desirous that all such combinations shall be reached, prevented, and punished, and this equally with any of them.

Mr. BLAIR. May I ask the Senator a question?

Mr. PLATT. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved, That the Committee on Finance be, and is hereby, instructed to inquire whether a foreign syndicate, combination, or trust controls the production of copper in the United States and has thereby largely increased the price of all articles made therefrom to the consumers; and if so, whether any legislation can be devised to relieve the people of the United States from such injurious effects of the operation of such foreign combination, trust, or syndicate, and report by bill or otherwise.

Mr. BLAIR. I was going to ask the Senator from Connecticut if any method has occurred to his own mind by which the legislation of this country can control the operations of a foreign syndicate unless we by our tariff laws exclude the commodities of that foreign syndicate?

Mr. PLATT. That would not do it, because it is the production of the United States which they would sell to the people of the United States then.

Mr. BLAIR. If that be so——

Mr. PLATT. No prohibition of importation, let me say, would reach the matter. I will answer the Senator's question. I have not thought of this matter sufficiently to know whether there is any way in which it can be reached, but I have thought of it sufficiently to know that we ought to give serious and earnest consideration to the determination of the question whether we may not relieve against the operations of such a combination as they are carried on in this country. I do not know that there is any means by which it can be reached, but I think the subject worthy of the investigation of the Senate and of Congress.

Mr. BLAIR. It had occurred to me that perhaps the Senator might have in his mind a course of legislation or of action something like what I shall state. The foreign syndicate, controlling the production of the entire world, of course would furnish the only purchaser of the production of the United States; but if in some way the operations of the foreign syndicate could be excluded from the United States, the United States producer would have the market of the United States, and in controlling the market of the United States he might find the natural employment of his capital and his labor in the production, in this instance, of copper. But if the foreign syndicate is beyond the legislative control of the United States, he is left at liberty to contract with the American producer, and the American producer is forced to contract with him in order to find a market, because the foreign syndicate may undersell the American producer, unless he chooses to sell to the foreign syndicate, and thus ruin the American producer unless the American producer of copper finds his protection against that foreign competitor by the protective tariff.

It is in that view that I wish to ask the Senator from Connecticut and the Senators who are discussing this matter if it may not turn out that the protective tariff, so far from being the source and origin of trusts, may in the end become our only protection against trusts, especially when they have grown to the magnitude they have already assumed, in some instances controlling the production of the entire world and being located beyond the legislative jurisdiction of this country.

Mr. PLATT. I say very frankly to the Senator from New Hampshire that I do not desire to encumber this investigation with any tariff discussion. If there is relief through taxation or want of taxation in any way, I desire to have the relief granted. I do not care how that relief is reached. I know that we ought to protect our people against such combinations, whether organized here or abroad. Nor do I understand that the Senator from New Hampshire would object to any method by which we could reach and prevent such a trust and its injurious operation upon our citizens.

Mr. BLAIR. By no means; but I am only thinking and anticipating in my own mind a problem of difficulty that everybody must meet with in grappling with this subject. The only means by which we can possibly control the operation of these great trusts, which become dangerous in proportion to their world-wide effect, is by legislative control within our own jurisdiction.

It is perfectly manifest that we can pass no law here which will break up a Parisian corporation or a London corporation, and unless we can control the laws of trade so far as to exclude the property of a foreign syndicate which is produced outside of our own geographical lines, the lines within which our legislation is operative, it seems to me perfectly clear that we can not reach the real difficulty. The only way we can do that is by tariff legislation, not necessarily by a revenue tariff, but protective legislation, that is, legislation which excludes the foreign articlue, whether by a high tax or by an absolute prohibition irrespective of the tax, or by a tax so high as to amount to practical prohibition; for it is manifest that until we have some legislative obstacle of this kind interposed between the American producer and the foreign syndicate controlling all other production in the same direction, as copper in this instance—until we can put that legislative obstacle between our producer and the foreigner we can do nothing which would be effective at all. But if we can exclude the foreigner with his article so that he can not reach the American market, then we have the American production and we have the American market under our own control and can break up any American trust.

I do not wish to take any further time on the matter now.

Mr. GEORGE. Mr. President, yesterday morning I had the honor to present to the Senate some amendments to the bill reported by the Finance Committee on the subject of trusts. In introducing the amendments I made a short explanation of their meaning. I did not go beyond that. I made no reference to or discussion of any party question which might be connected with the general subject. I had supposed, and I now suppose, that the evil of these trusts was so great, the demand for a remedy, if a remedy could be found, was so emergent, that all classes and sections of our country were about equally injured by the operation of these trusts, and that there would be such a unanimous concurrence of opinion on both sides of the Chamber as to the necessity of remedial legislation that about the only discussion which could arise with reference to any proposed remedy would be as to its constitutionality and its efficiency.

However, the Senator from Massachusetts [Mr. HOAR], after I took my seat, put to me several interrogatories, and as they were respectfully put and were somewhat, though not very, pertinent to the matter of my amendments, I sought occasion yesterday to respond to the questions which he propounded. But the course which the business of the Senate took was such that another matter of a more exciting nature occupied the attention of the Senate until, I believe, an hour after the usual time of adjournment.

I propose, therefore, as briefly as I can this morning to answer the questions propounded to me by the Senator from Massachusetts, and in doing so I may, and probably will, enlarge a little upon the considerations which induced me to offer the amendments.

I think, if I do not misremember the Senator from Massachusetts, that an inquiry or an objection of this sort was propounded: that in my amendments I had made no description of what trusts were. That is true. What I offered to the Senate were in the nature of amendments to a bill. In the first section of that bill there is a definition of what the trusts prohibited by the bill are. I accepted that definition, and referred, in the various sections of the amendments which I offered, to that section of the original bill—the first section—as containing the accepted definition of trusts. So no complaint can be made against my amendments upon that ground.

I alluded yesterday morning to an apprehension I had that, however well intentioned the bill offered by the Finance Committee might be, it might prove in the end utterly fruitless for want of constitutional power to pass it. I refrained then, as I refrain now, from expressing any positive opinion on that subject. If it were clear, if I were certain that the first section of the bill offered by the Senator from Ohio would be valid constitutional law, I should have less concern for the fate of my amendments than I have now.

I will read in the hearing of the Senate a few extracts from the decisions of the Supreme Court of the United States which will justify my apprehension, and which I fear (because I am very anxious to have legislation upon this subject) may prove an insuperable obstacle to the efficiency of the measure proposed by the Senator from Ohio. Yesterday I quoted a case, Veazie *vs.* Moor. I propose to read a short extract from that case.

Mr. BROWN. From what volume does the Senator read?

Mr. GEORGE. Fourteenth Howard, Supreme Court Reports. I read from page 573. The court, referring to the phrase in the Constitution, "commerce with foreign nations" and "among the States," say:

> The phrase can never be applied to transactions wholly internal, between citizens of the same community, or to a polity and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community. Nor can it be properly concluded that because—

This language I desire especially to call the attention of the Senate to, because I fear that in oblivion or forgetfulness of the force of this language the first section of the bill is framed—

> Nor can it be properly concluded that because the products of domestic enterprise in agriculture or manufactures or in the arts may ultimately become the subjects of foreign commerce, that the control of the means or the encouragements by which enterprise is fostered and protected, is legitimately within the import of the phrase "foreign commerce," or fairly implied in any investiture of the power to regulate such commerce. A pretension as far-reaching as this—

Now, this is the very point in controversy—

> would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the collieries and mines and furnaces of the country, for there is not one of these avocations the results of which may not become the subjects of foreign commerce—

And you might say of interstate commerce the same—

> and be borne either by turnpikes, canals, or railroads from point to point within the several States towards an ultimate destination like the one above mentioned.

That case was decided in the year 1852. Quite recently it was cited and confirmed by Chief-Justice Waite in the one hundred and second volume of United States Reports as valid constitutional law.

I referred also yesterday to another case as indicating the exact point of time when the power of the States over articles which became the subjects of interstate and foreign commerce ceased and where the power of the United States began. I will read a short sentence from that opinion. In the case of Coe *vs.* Erroll, one hundred and sixteenth United States Reports, page 525, will be found the following:

> There must be—

Say the court—

> a point of time when they—

That is, subjects of commerce—

> cease to be governed exclusively by the domestic law and begin to be governed and protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose, in which they commence their final movement for transportation from the State of their origin to that of their destination.

In view of these and numerous other decisions of the Supreme Court, I have grave apprehensions, I have serious fears, that if we pass the bill unamended which was introduced by the Senator from Ohio and recommended by the Committee on Finance, when we have passed it we shall have done nothing, absolutely nothing, in the way of suppressing trusts. That bill attempts to subject to the power of Congress articles of merchandise before they become objects of interstate or foreign commerce.

For these reasons, my attention having been called to this matter some time ago by my distinguished friend from Texas who sits to my right [Mr. REAGAN], I applied my mind to see if some other mode than direct legislation, which I feared was not warranted by the Constitution of the United States, could not be invented, which would be efficacious to remove from our midst these great pests, these great evils arising in our commercial intercourse. I suggested to that Senator then one of the provisions embraced in my amendments, and that was the provision of outlawry.

That may seem a little harsh, but I may call the attention of Senators who are members of the bar—and nearly all are members of the bar—to the fact that this outlawry of illegal contracts, of illegal combinations, of illegal actions, is one of the oldest and most cherished principles of the common law. I have but to call the attention of Senators to the fact that from the earliest period of the common law it has been settled that where two men or more are engaged in a common illegal business, neither has the right to sue the other with reference to that business. That is expressed in the legal phrase, very familiar to Senators, *in pari delicto potior est conditio defendentis.*

The courts will not interfere. They allow the parties to wrong each other, if it may be called a wrong when two parties being engaged in a common wrong against society, one of them gains an advantage in the wrong of the other. So in this outlawry, which I regard as the most efficacious means that can be provided, I have precedent, I have the common law coming down to us from ages.

I will say no more, then, upon that point, except to indicate to Senators in what a terrible condition these trust-men will be when, if that section is passed, they can bring no suit in a United States court upon any contract made with reference to the trusts. If they sell their goods they can not collect the money.

But that is not all of it, because the amendment refers not only to contracts, but it prevents suits for any wrongs committed to them in reference to these goods. So if there be a trespass committed by an outside party, if there should be such a trespass as the taking of the goods forcibly from the possession of any member of the trust and applying

them to the party's own use, there would be no action of trover, no action of detinue, no action of any sort which would enable the party to recover damages. So if there be a contract of transportation made with reference to these goods, the bill of lading would give no right of action for any breach of that contract. If the common carrier burned the goods, converted them to his own use, threw them overboard at sea, or committed any other wrong against them, the owner being a member of a trust would have no remedy.

It strikes me, therefore, that if that section is adopted we should give, as far as the Federal courts are concerned, such a blow to these trusts that they would never be able to recover from it.

I desire also to call attention to a distinction, and a very important distinction, between the remedy given by the Senator from Ohio, where he makes the party injured plaintiff, and the remedy in the amendments which I have had the honor to offer. In the case of a plaintiff, the party has to go out and seek evidence and all that sort of thing, and bring his action. In the case provided for in my amendments he must stand still until the other side move against him, and then he has nothing to do but to prove to the court that the suit is about this illegal trust, and on that he turns the other side out of court, recovers double damages, and has his lawyer's fees paid besides.

Mr. President, after these introductory remarks, I propose now to answer the questions propounded to me by the Senator from Massachusetts. I read from his speech:

Now, I wish the Senator from Texas or the Senator from Mississippi would tell the Senate what information they have. Is there a Standard Oil Trust, for instance, in this country or not? Is the Standard Oil Company one of the trusts which the Senator from Mississippi and the Senator from Texas want to have suppressed?

In answer to the first branch of that, I am bound to say that, unless my information is wrong, there is a Standard Oil trust in this country. In reference to the second branch of the interrogatory—

Is the Standard Oil Company one of the trusts which the Senator from Mississippi and the Senator from Texas want to have suppressed?—

I have to say that it is one of the very trusts which I expect to be suppressed by the amendments which I have offered. Certainly coming within the category of the fourth section, to which I have just alluded, that trust will be crippled as any other trust.

But, Mr. President, I have not to rely upon my statement now as to my anxiety to suppress that trust. I have a record in the Senate extending back several years, which shows how I stand on that subject. Before I refer to that record, however, in order to show its pertinency, I will read a question or two propounded by the Senator from Massachusetts to the Senator from Texas, because it shows that in his mind the evil indicated, or the advantage which that trust had as indicated in the question, was one of the great evils to be suppressed:

Mr. HOAR. My question was whether in the transportation of their manufactured products they had not had large advantages by transportation by rail over other manufacturers,

referring, as the previous part of his speech shows, by the word "they," to the Standard Oil Company. I think that is about the great advantage which that trust has over all others, and I regard that as one of the great evils which build up trusts and monopolies and crush out little men and little enterprises. So, Mr. President, when the interstate-commerce law was first passed a few years ago, when the distinguished Senator from North Carolina, now absent [Mr. VANCE], offered an amendment expressly and pointedly directed to the suppression of this advantage by requiring all railroad companies to transport goods of small shippers or in small lots at the same price as similar goods were transported for large shippers, I advocated it. It had my earnest support. It did not have the advocacy of the Senator from Massachusetts.

Again, during the present session, being moved thereto by a letter from a competitor of the Standard Oil Company, a small enterprise struggling to maintain its foothold on the commerce of the country against that mammoth and gigantic institution, I offered an amendment to the interstate-commerce bill then pending before us, in the following words:

Provided, That it shall be unlawful for any common carrier subject to the provisions of this act to carry or transport any commodity for any shipper in a car or vehicle owned, leased, or in any way controlled by such shipper, unless the said common carrier shall charge for the transportation of said goods, wares, and merchandise so carried the same price exactly as would have been charged if the same had been shipped in cars belonging to said carrier: *And provided further*, That it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper.

The point was, as the Senator from Illinois [Mr. CULLOM] can well inform the Senate, that this mammoth institution had its own cars, had its own tanks in which oil was transported, and using its cars and using its tanks it had such an advantage over the small shipper as to crush out opposition. I offered that; I supported it with all the ability I possessed; and I withdrew it only, as the Senator from Illinois will remember, because he assured me that the matter should have serious consideration and action at as early a day as practicable.

Thus, Mr. President, it appears, so far as the Standard Oil Company is concerned, I have been advocating measures to destroy its supremacy for years. I have not heard that the Senator from Massachusetts joined with me or with any one else in these efforts. So then so far from wishing to protect or favor the Standard Oil Company, I regard it now as I have regarded it from the time of my commencement in service in this body to be my duty, whenever I could and by whatever lawful means I might use, to destroy the advantages which such corporations had over smaller enterprises.

That the Standard Oil Company may be partly owned by Democrats does not concern me. Why, Mr. President, I have not assumed that these trusts were carried on solely by members of one party to the exclusion of members of the other. If I were called upon to pass any criminal law for murder or mayhem or any other crime it would not be a proper or valid consideration to me to consider whether alone members of one party or of the other were guilty. Sir, it is my duty, and I take pleasure in discharging it, to assist in passing any legislation in this body which will benefit the people of this country, whether that legislation strikes down Democrats or Republicans. No Democrat has a right to my favor if he be engaged in any enterprise against the rights, the interests, the prosperity, or the happiness of the American people.

Further the Senator from Massachusetts asked:

Is it represented in the Cabinet at this moment?

That is another question that was propounded. I have no knowledge that it has any member in the Cabinet. I presume from what I have heard and what occurred yesterday between the Senator from Ohio [Mr. PAYNE] and the Senator from Massachusetts that he must have referred to Mr. Whitney, because he is a relative of some member of the Standard Oil trust. That he entered into it has not been shown; that he has acted in any way improperly with reference to it has not been shown. But this has been shown, or this is known, that not since the foundation of this Government has there been a man in the office of Secretary of the Navy who has been more efficient, more honorable, more devoted to the interests of the country intrusted to his hands than the present Secretary. I might say a little further, in view of the statement which was made on this floor by the Senator from Kentucky [Mr. BECK] several years ago, that more money had been appropriated by Congress for the Navy since the war and up to a time several years ago than had been appropriated for that purpose from the foundation of the Government up to the close of the war, and yet we were without a navy. There are no scandals in that Department now; no Secor-Robeson contracts there. There is no suspicion resting upon that officer that one single dollar of money appropriated out of the Treasury to be used by him for Navy purpose has not been fully, completely, and honestly applied to that purpose.

Is it represented in the Senate?

What a curious question, a very curious question; but it was propounded. The answer was made yesterday. I will not answer that.

Is it represented in the councils of any important political party in this country?

What does that mean? Does it mean that the Standard Oil Company as a corporation has allied its fortunes with any political party in this country? If it does, I fail to recognize that it belongs to the party to which I belong. Or does it mean that some of the stockholders in it may belong to the Democratic party? If so, it may be so; but it is equally true, as stated by the Senator from Ohio [Mr. PAYNE] yesterday, that nearly all of them belong to the other party.

Having made that statement, I wish to make another. I do not think the Democratic party is responsible for the fact that some of the members of that trust belong to it, nor do I think the Republican party is responsible for the fact that some of the members of that trust belong to it. Whether they belong to one party or the other, or both, it is the duty of the Senate—and so far as I may be able I will perform that duty—to pass such legislation as may prevent its plundering and injuring the people of this country.

The next question is:

Is there a sugar trust in the country, and have its representatives been consulted in the framing of a great revenue tariff, and had their interests specially looked out for and considered by the representatives of a powerful political party in this country in the framing of the measure which is to tax or affect the article on which every laboring man in this country I think pays more than he does for his flour?

I understand there is a sugar trust, but it is not located in Louisiana. It is not among the farmers and planters of that State who produce sugar. They, as well as we, as well as the rest of the country, are the victims of this trust, which is located in New York, and which is composed of men who do not raise sugar, but who buy sugar and refine it; and unless I have read the history of the times very inaccurately of late, I find that this trust has not only combined to raise the price of the refined article to the consumer, but has combined to reduce the price to the producer. They rob with an equal hand, the producer by combining together and saying to him, "We will not pay but so much for your sugar," and then by an equal combination they say to the consumer, "You shall not have this sugar unless you pay what we demand." As to that trust, if the Senator from Massachusetts has any evidence that it was consulted in relation to the formation of the Mills bill, he is invited, so far as I may extend the invitation, to produce the evidence. I do not believe it exists.

Is there a cotton-oil and cotton-seed trust in this country? Where is that found at work? Does the Senator from Mississippi know something about that? He is a cotton man.

Unfortunately I have some, and those who are dependent upon me have some knowledge by sad experience by being the victims of the rapacity of the cotton-seed-oil trust. I have that evidence that such a trust exists. I do not know who its members are; I can not point to the hand that strikes the blow, but I know the people of Mississippi have felt the blow. Since I have been referred to so pointedly in that matter as if I had some special knowledge on it, I will divulge to the Senate all that I know.

Some years ago cotton-seed mills began to be built in the State of Mississippi. There was one at the capital of the State; there was one over on the Mississippi River, I believe about Greenville; there was one at the residence of my colleague [Mr. WALTHALL]; there was one at Meridian, and one at Vicksburg, in all some six or eight scattered throughout the State; and the first thing I learned about the operations of these cotton-seed-oil mills was that they took the map of the State of Mississippi and drew lines around the various counties and numbered them.

Number 1, embracing six or eight or ten counties, according to the map, belonged to this mill; number 2 belonged to that mill, number 3 to the other, and so on all the way through. So the cotton-seed raised in the district allotted to a particular mill could not be shipped except (for they had an arrangement with the railroads) by extra charges to another. I was raising cotton. I felt the injustice of this, and I entered into a correspondence with a firm in Cincinnati that advertised that they would furnish us what they called plantation cotton-seed-oil mills, mills of small cost, so that each man who had a gin and a steam-engine might press his own cotton-seed. I was about to consummate that arrangement when one day, speaking to a distinguished member of this body, now not here, the then junior Senator from Tennessee, Judge Jackson, as to the enterprise, he informed me, "You had better go slow; there is some sort of an arrangement among the refiners of cotton-seed oil that unless you comply with certain terms"—which I have now forgotten, but they were so onerous that I would not comply with them—"they will not refine your oil, and you will press your cotton-seed, make your crude oil, which in that stage is worthless, and will have nobody to refine it." He gave me some experience on that subject which he had himself. I thereupon desisted.

Then the scene shifted again. The refiners first combined, but yet the mills were independent except in the way I have mentioned. Some two or three years ago they took another step. That came from New York, as I am informed—I do not know it; I believe the statement however—a grand trust was formed and into that trust were put nearly all these independent cotton-seed-oil mills in the South. What happened then? Does the Senator imagine that because I am a cotton man and represent a cotton constituency we feel any interest in preserving and protecting this cotton-seed-oil trust?

I will tell the Senator and the country what happened. Immediately all competition as to the price of cotton-seed was destroyed because there remained but one purchaser and it fixed its own terms, reduced the price paid to the producer 20, 30, and even as much as 40 per cent. That is the interest now that a cotton man, a man from Mississippi representing a cotton constituency, has in drawing a bill intended to put down trusts, to so draw it that the cotton-seed-oil trust shall not be hurt!

While I am on that subject I will allude to another trust not mentioned in my amendments—indeed none of them is specially mentioned but all are included—that is equally as unjust and equally as onerous to the people of Mississippi, and in fact to the whole South, as the cotton-seed-oil trust, and that is what is called the cotton-bagging trust. That is of recent formation, I understand. Some gentlemen, I suppose I ought to say capitalists, some business men have combined and got control of the factories making cotton bagging, the whole of them, and the price of cotton bagging has been advanced very nearly 100 per cent., and the farmers of Mississippi are to-day endeavoring to find some substitute to cover their cotton instead of using this bagging.

I am a cotton man; the people of Mississippi are cotton men; and that is the way that we have been injured by these trusts, and it is one reason why my energies have been somewhat stimulated to provide, if I could, a remedy against them.

I ask the Senator from Massachusetts or any other Senator who feels any interest in this matter to look over the amendments which I have offered and see if he can find any distinction between one trust and another. Certainly I thought of none when I penned the amendments. Section 4, the first one, outlaws every one of them, as I have explained to the Senate. Section 6, which outlaws them on the railroads, applies to every one of them. Section 5, which provides for a suspension of duties upon similar articles, applies to every one of them. Section 7 is upon a different matter entirely, as I explained yesterday.

So the three sections which I have proposed as amendments to the bill of the Senator from Ohio [Mr. SHERMAN] apply in terms fully as much to one trust as another. If the Senator from Massachusetts or if any other Senator can devise anything better, anything more efficient, anything more certain to crush out these infamous combinations against the prosperity and the happiness of the people of this country, he will have my hearty co-operation and my sincere thanks. I would not protect any one of them. I regret that the Constitution of my country does not give me power to deal with them more directly than I think it does.

The Senator from Massachusetts said:

> Why does the Senator steer so carefully in his proposed legislation not to hit these great trusts which stand to the Democratic party at this moment, as a great portion of the people believe, in the relation of Treasury and of Executive control both?

In answer to that question I can not give the reason why, because I have not done the thing. I have endeavored to strike all, and I will venture to say that if the amendments which I have offered (which possibly ought to be perfected in their phraseology or in some way, because they were drawn up in some haste) are adopted, there will not be a trust of any sort in this country in twelve months after the law is passed.

Mr. HOAR. May I ask the Senator from Mississippi a question in that connection?

Mr. GEORGE. Certainly.

Mr. HOAR. I ask whether his amendment does not in fact—I will not imply in the question that it is done designedly—steer clear of punishing all trusts and combinations to reduce the wages of labor?

Mr. GEORGE. I have not heard of any such trust. If there be any suggested, prepare your amendment and I will accept it. That would be in my opinion the meanest of all the trusts that could be formed.

Mr. HOAR. Amen.

Mr. GEORGE. And if the Senator from Massachusetts knows of the existence of any such trust I hope he will not exhaust his interest in the matter by criticising me for not having provided against it, but will come here and make the provision himself. He shall have my hearty co-operation in the effort.

Another matter. The Senator was very hard to satisfy. He imagined that I had drawn my amendments carefully, not to hurt anybody that was hurting me, and then he objected most seriously to the machinery that I provided for.

> I do not think that it will turn out, on reflection, to be a good plan to put in the hands of a Chief Executive Magistrate of this country (who notoriously owes his election to the aid of the grossest interest of such a trust that exists on the face of the earth, and who has it represented in his Cabinet) the power to strike at these things and to control them and to affect the revenues of the country and the tariff legislation by his unsupported will. It is a good deal like setting the cat to watch the cream, if I may use a homely metaphor.

That is not a very extraordinary power to put in the hands of the President. It is a common power to place in the hands of the President of the United States. I have looked into that matter a little this morning and I find that upon our statute-book there exists an authority given to the President of the United States to reduce taxes on certain contingencies and on certain others to restore them. There are several proclamations of the President of the United States upon that subject very recently. The retaliation bill of 1887 gave the power, not the distinct power given to the President by my amendments, but it gave him even greater power to stop all commercial intercourse with one or our neighbors. I believe the Senator voted for that.

I call his attention to some other instances. In volume 24 of the Statutes at Large, page 1025, will be found a proclamation of the President reducing certain duties and taxes as to the nation of Colombia upon certain conditions. In 1884 President Arthur, in pursuance of law, made a proclamation reducing certain duties imposed by law, under authority given to him that when he was satisfied that certain other things were done by another country he might issue the proclamation. He issued it; the duties were reduced; and President Cleveland discovering that President Arthur had made a mistake as to the existence of the fact upon which he was authorized to issue his proclamation reducing the duties, issued his proclamation restoring them.

Mr. PLATT. To what does the Senator refer?

Mr. GEORGE. Porto Rico and Cuba.

So, sir, it is a very common exercise of power by the President. He does not change the revenue laws. Congress enacts that under a certain state of facts the tax shall be so and so, and under another state of facts the tax shall be thus and so. The President only determines under the power given to him by Congress whether the one state of facts exists or the other.

I believe that I have noticed about everything which the Senator from Massachusetts propounded. I have simply endeavored to answer questions, though of course I have had to make some little explanations, and having done so I will close.

Mr. HOAR. Mr. President, the Senator from Mississippi [Mr. GEORGE] rose and announced his purpose to answer some six or eight questions which I had proposed to him and to the Senator from Texas [Mr. REAGAN] yesterday. The Senator from Mississippi has undertaken to deal at all, I think, with two of those questions only. The remainder of the hour or hour and a half of his speech seems to have been expended in an attempt to commend himself to the admiration of mankind as a wise, industrious, and faithful Senator. I desire for one to express my hearty concurrence with the honorable Senator from Mississippi in that opinion and to admit that he has been faithful, industrious, and, to the extent of his power, considering his political opinions, not an unwise public servant in this regard.

I think, however, neither that Senator nor the Senator from Ohio [Mr. PAYNE]—whom I saw in his seat a moment ago, but I do not see now—in what he said yesterday will succeed in removing from the minds of the people of this country the belief that the managers of the Standard Oil Company, the two men who notoriously control its concerns and whose vast fortunes are notoriously the result of that monopoly, contribute largely to the treasury of the Democratic party and are largely the directors of its councils. I do not think the people of the country believe that from Democratic power in this Republic there is to come any considerable restraint upon the trusts the Senator from Mississippi has described.

I called attention the other day to a bill introduced by the Senator from Indiana [Mr. VOORHEES] and to a speech made by that Senator in its support, in which he denounced the contribution of money to political campaign funds by office-holders in this country. He denounced it as a fruitful source of corruption and of oppression. He provided in his bill that any person holding an executive office in this country who should be guilty of subscribing money for campaign purposes to affect an election should be sent to the penitentiary and should vacate at once the office he held, and should be rendered incapable of holding any office of trust or confidence in this country in the future, and besides be fined not exceeding $10,000.

Now I wish to read an extract from the New York World, the chief Democratic paper in this country, the organ of the Democratic party in this country, of August 27, 1888, setting forth the condition of the subscriptions to the Democratic campaign fund at that time, and the Senate and the country will judge how much the Democratic party in general believe in the denunciations by one Democratic Senator in this body of subscriptions by executive officers to campaign funds and in the denunciation by two more Democratic Senators in this body of the existence of these great trusts. Here is the article:

DEMOCRATIC AMMUNITION—A DOZEN HEAVY CHECKS CONTRIBUTED TO DEFRAY CAMPAIGN EXPENSES.

President Cleveland is not alone in his contribution to the campaign fund. His check for $10,000 on Riggs & Co., the Washington bankers, has been "seen" by Chairman Brice, who "goes" him $10,000 better, and Congressman WILLIAM L. SCOTT does the same thing. That makes a round $40,000 from two of the wealthiest workers in the party. Secretary Whitney chips in $10,000 and Secretary Endicott has followed suit. Don M. Dickinson has made a similar subscription. Pat. Kelly, of Minnesota, Chairman William H. Barnum, Herman Oelrichs, and Oliver Payne each made a like contribution, so that with the President's subscription the grand total foots up $120,000, and many counties are yet to be heard from.

I suppose Oliver Payne is the chief manager of the Standard Oil Company, a gentleman whom the Senator from Ohio, who seemed to know all about it, affirms was one of the Democratic managers of that company. I suppose Mr. William H. Barnum is one of the largest controllers of railroad manufacturing iron monopolies that exist in this country. I suppose Mr. Herman Oelrichs—though that I get from an informant who does not profess himself to be sure, and I may be mistaken about that—is a very extensive brewer. Perhaps I am in error in that particular. Some gentleman on the other side shakes his head, and therefore I will withdraw the suggestion, because, as I stated, it does not stand on such a foundation that I am willing to affirm it. But leaving that out, here is the Democratic campaign fund starting off when $120,000, according to the New York World, subscribed, with the possible exception of one or two of those names, only by executive officers of this country, and the managers of these enormous trusts and monopolies. And how idle is it for the Senator from Mississippi and the Senator from Texas to say they are opposed to these things as Democrats and that they do not want any partisan suggestions!

The Senator, in his speech which I read from the other day, proceeded to discourse about Mr. Blaine, who was an eminent Republican—quoted a speech of his, and then discoursed about the Democratic party and the Republican party, and how much the Republican party was to blame and the shortcomings of its platform in this matter; and when we disclose these facts in answer to these taunts from the other side of the Chamber, our honorable friends just fold their arms and say *Mea virtute ne involvo*—do not let us have any partisanship in this thing!

Mr. President, I made two criticisms on the propositions of the Senator from Mississippi. One was suggested by a question just now and one was suggested yesterday. To those criticisms I adhere. There is not any attempt in the Senator's amendment to strike at the worst combination that exists in this country—the combination of men who mean that a large class of its laboring men shall hereafter have the rate of their wages dependent upon the will of their employers. That is a trust which not merely takes possession of and wields business instrumentalities, but by the instrumentalities which we heard described yesterday, and which will be further alluded to to-day by other Senators on this side of the Chamber, is undertaking to make the whole Government of the United States, its elections, its political affairs, the very life and strength and health of the Republic, one vast trust to be managed by the men who very recently were in arms against its life.

The President of the United States, the candidate of the gentlemen on the other side, uttered the words with a meaning and a truth which perhaps he did not intend when he declared that in the eyes of his party public office itself is a public trust. It is a public trust in the eyes of some men, according to the definition which has been given by the Senator from Mississippi.

The other criticism which I made, and to which I adhere, upon his proposition is that it is totally repugnant to all the principles of a free government to put in the hands of the Executive Magistrate, whether George Washington, or Ulysses Grant, or Abraham Lincoln, or any other, the power, and not merely the power, but to make it his absolute duty, when he finds that the price of anything in this country is raised by an illegal combination, to issue his proclamation admitting that article free of duty. There may be ten thousand honest, simple, moderate manufacturers of the article here; there may be one hundred thousand workmen dependent upon an established and protected industry; and yet if a President of the United States of the same way of thinking with the Senator from Mississippi and the Senator from Texas in regard to the protective policy finds in one corner of a State somewhere, or thinks he finds, a combination to put up the price, the entire protective tariff, with all the industries dependent upon it, it is his duty to strike down and to close it. Under the Senator's proposition the importer who wanted to strike down the tariff might himself collusively create this trust and the President could not escape his duty.

How idle to compare a proposition like that with the proposition which the Senate unanimously voted for last year, that when an American ship was treated with indignity or inhospitality in a foreign port the President should have a discretion to exclude ships from that country from coming into our harbors!

I will not undertake to dwell now on the extraordinary proposition of the Senator's section 7. The workman is as much affected by some of these trusts as the agricultural laborer—as any other class of men.

The Senator from Texas [Mr. COKE], whom I do not now see in his seat, uttered on this floor last evening, just before the Senate adjourned, this very remarkable sentence:

I will just say to the Senator—

Before I read it I will say that the Senator from Texas was replying to what he thought was an allusion of mine to Mr. MILLS. I alluded to the Mills bill, and pointed out that the occurrence complained of, suppressing free speech and free elections, had taken place in the very district of the author of the bill, which, as we conceive, is intended to strike a most powerful blow at the manufacturing industries of this country and at the wages of the workingman and the comfort and the dignity of the workingman's home. I made no other allusion to the individual, but this is the reply which the honorable Senator made:

I will just say to the Senator—

I ask the attention of the Senate and of the country to this sentence, which I have obtained from the Reporter—

I will just say to the Senator if there is any one thing in this world that the average Texan would go any number of miles out of his way to kick and kill and destoy, it is a protective tariff.

Some persons are telling us that the difference between the two parties in this country is a difference in schedules and as to tariff reform; that there is not any free-trade crusade; that there is not anybody who wants to break down the protective system; and yet here is this bill coming from Texas, the very essence and result and product of the political opinion which there prevails and which dominates in the councils of the Democratic party, and the Senator from that State, frank and honorable as he always is, announces the shallowness and hypocrisy of that pretense, and says:

If there is any one thing in this world that the average Texan would go any number of miles out of his way to kick and kill and destroy, it is a protective tariff.

Mr. STEWART. I move that the Senate now proceed to the consideration of the Chinese bill.

Mr. PLATT. Let my resolution be acted on.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on agreeing to the resolution of the Senator from Connecticut [Mr. PLATT].

Mr. REAGAN. Does the Senator ask for a vote on his resolution?

Mr. PLATT. I should like to have the resolution passed. I did not introduce it for the purpose of stirring up any discussion, but for the purpose of having the Finance Committee immediately proceed to an investigation which I think it ought to make. There will be plenty of opportunities to speak upon some other question.

The PRESIDING OFFICER. Pending the consideration of the resolution of the Senator from Connecticut [Mr. PLATT], the Senator from Nevada [Mr. STEWART] moves that the Senate proceed to the consideration of the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th of May, 1882.

Mr. REAGAN. Before we pass from the consideration of the resolution I desire to say something on it.

Mr. HOAR. If the Chair please, I rise to a question of order; and that is, that the resolution offered yesterday by the Senator from Wisconsin [Mr. SPOONER] should be referred. I did not observe the Senator from Wisconsin when I rose; but I see he is now in his seat. I was about to suggest that the resolution offered by the Senator from Wisconsin should go, under the rules, as a matter of course, to the Com-

mittee on Contingent Expenses. The discussion on that subject thus far has proceeded by unanimous consent.

Mr. SPOONER. I desire to say as to that resolution that I am quite willing it shall be referred to the committee, and that such additional debate as is to be had upon it may be had when the resolution is reported back.

I have additional information in regard to the details of the transaction, and I desire to reply to the speech made by the Senator from Texas [Mr. COKE], but if the resolution had been called up this morning or had been reached in its order, I should have been obliged, in view of the communications made to me by Senators on the other side giving ample reasons for its being deferred, to allow it to go over until to-morrow anyhow.

Mr. HOAR. Let it go to the committee, and let the debate take place when it comes back.

The PRESIDING OFFICER. The resolution has not been called up this morning. Does the Senator desire to call it up to be referred?

Mr. HOAR. I call it up.

Mr. REAGAN. Is it in order to call that up and supersede the resolution which is pending before the Senate?

Mr. STEWART. Let it be by unanimous consent.

Mr. HOAR. Let it be referred.

Mr. REAGAN. If it is only proposed to refer the resolution, I do not object.

Mr. SPOONER. I am entirely willing that it be taken up now.

Mr. REAGAN. It ought to go to the committee. It ought to go somewhere to be amended and the preamble struck out.

The PRESIDING OFFICER. The resolution offered by the Senator from Connecticut [Mr. PLATT] is now before the Senate. Unless it be superseded by some other motion, the Chair will hold that that is the matter now pending.

Mr. REAGAN. I desire to move——

The PRESIDING OFFICER. Let the Chair state the question. The Senator from Nevada has moved that the Senate now proceed to the consideration of the bill in regard to Chinese immigration.

Mr. REAGAN. I hope the Senator from Nevada will not insist on that motion for a short time.

Mr. STEWART. I will wait until 2 o'clock, but I shall insist on it then.

The PRESIDING OFFICER. The resolution of the Senator from Connecticut has been considered by unanimous consent, and unless objection is made it will be regarded as under consideration by the Senate.

Mr. REAGAN. Mr. President, it occurred to me to inquire of the Senator from Connecticut why a single trust is now to be selected for investigation? I can not understand it. If it was more overwhelming, if it was more mischievous than any other trust, I could understand why it should be singled out——

Mr. STEWART. I did not yield the floor for the purpose of bringing up another subject for general discussion, because there is no time for that. I only yielded for a moment to dispose of the resolution by unanimous consent.

The PRESIDING OFFICER. The Chair understood the Senator from Nevada to withdraw his motion until 2 o'clock.

Mr. STEWART. Well, I renew it.

Mr. SPOONER. I ask the Senator to withdraw his motion in order to enable me to call up the resolution I offered yesterday, that it may be referred to the Committee on Contingent Expenses.

The PRESIDING OFFICER. The Senator from Nevada withdrew his motion until 2 o'clock. The resolution of the Senator from Connecticut is pending, and upon that the Senator from Texas [Mr. REAGAN] has the floor.

Mr. REAGAN. I will conclude what I have to say before 2 o'clock.

I desire, Mr. President, to object to the selecting of a particular trust for the purpose of an investigation on that particular trust when there are so many others of more magnitude. If the direction had been made to investigate the mischiefs of trusts generally, I do not think here would be objection to it; but I can not understand the reason for selecting a single trust. Surely it can not be in the mind of the Senator from Connecticut to raise a question about an investigation that shall delay action on the general question of trusts.

Mr. PLATT. May I answer the Senator?

Mr. REAGAN. Certainly.

Mr. PLATT. I think I can answer the Senator's inquiry to his satisfaction. I do not know that I can, however, without infringing somewhat upon the parliamentary rules of the Senate.

I understand that there has been in another body a committee which has investigated with regard to several of the more notorious trusts in the country, has taken testimony, and it is in print; and before offering this resolution I took occasion to inquire whether this had been included at all within their investigations, and I found that it had not been. That is one reason why I directed my resolution particularly to this matter.

Another reason is that it seems to stand outside of the usual character of the trusts which we are talking about.

Mr. REAGAN. I know that the resolution speaks of a trust formed in a foreign country over which we have no earthly jurisdiction, and the Senator is so accurate and so good a lawyer that it will not be necessary to argue such a question as that before him. If the powers of Congress enabled us to control a trust in a foreign country, then it would be worth while to make the proposed investigation. If that is the reason, the ground for investigation falls with the statement of the fact that Congress has neither the jurisdiction nor the power under the Constitution to deal with that question.

As to the investigation which is proceeding in the House of Representatives, it is true that the committee have reported a portion of the testimony which they have taken and it has been printed; but the committee have not been discharged and are, as I am informed, continuing their investigation. I trust the Senator will consent to the enlargement of his resolution, if an inquiry is necessary, so as to cover other trusts. Why select the copper trust in reference to any jurisdiction which we have? The Standard Oil trust is one of more magnitude, one that is inflicting greater injury upon the country. The sugar trust is one of great moment. It is inflicting great injury upon the country. The cotton-seed oil trust is one which, as has been explained by the Senator from Mississippi [Mr. GEORGE], is inflicting great injury upon a large agricultural portion of the country, which furnishes for foreign export one of the largest items of export from this country—an export of some two or three hundred million dollars a year.

I need not restate what was said by the Senator from Mississippi, but simply confirm by my own knowledge the facts which he stated in regard to the use of that trust for the purpose of controlling absolutely the price of cotton-seed and cotton-seed oil.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. REAGAN. Very well. I will conclude my remarks in the morning.

Mr. STEWART. I move now that the Senate proceed to the consideration of the bill for the prevention of the coming of Chinese.

The PRESIDING OFFICER. Does the Senator make that motion or ask unanimous consent?

Mr. STEWART. I ask unanimous consent, if I can have it.

Mr. HOAR. I desire with the leave of the Senate to correct or qualify a statement I made just now in regard to an individual. It will take but one moment, if the Senate will allow me.

The PRESIDING OFFICER. If there be no objection, the Senator will proceed.

Mr. HOAR. In reading the list just now of the subscribers to the Democratic campaign fund, I stated that Mr. Oelrichs, I had been told, was a brewer by occupation, but I stated at the time that my informant himself was not sure, and that I could not undertake to make the statement positively. A gentleman on the other side of the Chamber shook his head, and I then stated that I presumed the information I had was an error. I am now informed that the gentleman referred to—and this I get from a very high and trustworthy quarter—is the agent of a foreign line of steam-ships, the North German Lloyd, a line of steam-ships which brings over imported labor, so far as it comes from Europe, in large quantities.

So the thing stands that the $120,000 which this great Democratic organ says is subscribed now to their campaign fund is made up from a class of officers whom the Senator from Indiana said ought to be sent to the penitentiary for making such subscriptions, and the representatives and managers of several of the largest trusts in the country, and the agent of a large foreign steam-ship company.

Mr. STEWART. I now ask that we proceed with the Chinese bill.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the pending order be laid aside informally for the purpose of taking up the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882. Is there objection? The Chair hears none and the bill is before the Senate.

KILLING OF JOSEPH HOFFMAN, WASHINGTON COUNTY, TEXAS.

Mr. SPOONER. Now, the Senator from Nevada yielding to me, I ask unanimous consent that the resolution I offered yesterday may be referred to the Committee on Contingent Expenses.

The PRESIDING OFFICER. The Senator from Wisconsin asks that the resolution to which he refers be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Is there objection? The Chair hears none, and it is so referred.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 221) to continue the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution entitled a 'Joint resolution to provide temporarily for the expenditures of the Government,'" was read twice by its title, and referred to the Committee on Appropriations.

CLAIMS OF POSTMASTERS.

Mr. CHACE. I move to recommit to the Committee on Post-Offices and Post-Roads the resolution directing the Postmaster-General to re-

port to the Senate at its next session amounts due all postmasters, etc., for services between July 1, 1864, and July 1, 1874, etc. There are some verbal errors in the resolution, and I understand the Post-Office Department wish to be heard in regard to it.

The PRESIDING OFFICER. It will be so ordered, no objection being made.

WITHDRAWAL OF PAPERS.

On motion of Mr. WALTHALL, it was

Ordered, That Frank Moore have leave to withdraw his petition and papers from the files of the Senate.

AMENDMENT TO A BILL.

Mr. WILSON, of Maryland, submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CHINESE IMMIGRATION.

The Senate resumed the consideration of the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire [Mr. BLAIR] to reconsider the vote by which the bill was passed.

Mr. STEWART. I ask for the yeas and nays on that. I hope we shall have a vote.

The yeas and nays were ordered.

Mr. BLAIR. The motion is to lay on the table the motion to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. That motion was withdrawn by the Senator from Colorado. The question is on the motion of the Senator from New Hampshire to reconsider.

[Mr. JONES, of Nevada, withholds his remarks for revision. See APPENDIX.]

Mr. VEST. I have listened, as I always do, with a great deal of pleasure to my friend from Nevada [Mr. JONES]. I have heard him before upon this Chinese question, and I have always been in full accord with him. In 1882 I stood with that Senator in the legislation which was then enacted, and I so stood in opposition to the candidate of the Republican party for the Presidency of the United States.

The contention then upon the part of the opponents of that legislation, as the Senator from Nevada very well knows, was twofold, as I have had occasion to remark here before. First, that it violated the Declaration of Independence, which, to use the language of General Harrison himself in his letter to Rev. Mr. Brent, of St. Louis, was antagonistic to his opinion that this was a free home for all comers. The distinguished Senator from Massachusetts [Mr. HOAR] delivered an oration which must always rank among the best delivered in the Senate for the last twenty years upon that single ground, that the Declaration of Independence was being trampled under foot, that there should be no distinction as to color in admitting immigrants to this country, and that the old idea of Charles Sumner was the correct one, that the word "white" should be stricken out from the naturalization laws. The second contention was that the legislation of 1882 violated the treaty with China. But the Senator from Nevada and all the Senators from the Pacific coast, Democratic and Republican (for both parties then were represented from the Pacific States), scouted at the idea that the Declaration of Independence had any such meaning, and stood with the overwhelming majority of the Democrats in this Chamber upon the idea that our first duty was to the people of the United States, and that, without any regard to the doctrines of the Declaration of Independence, which had in our opinion no such meaning, we had a right, and it was a sacred duty, to protect ourselves against this deluge of Mongolian immigration.

Mr. President, I want no argument to convince me that the Chinese should not come to this country. I saw them in the construction of the Northern Pacific Railroad in gangs of three hundred and five hundred, and I would rather have yellow fever, small-pox, cholera, socially and politically in this country, than to have the Chinese I then saw engaged in the construction of that great road. These laundry people that we see, these domestic servants, do not represent the Chinese immigration to the Pacific coast. A man must have seen, as I saw, the laborers who were brought in by the Six Companies and used in the construction of the Pacific roads in order to appreciate the danger to our civilization, our religion, our morality, by letting such people become citizens or denizens of the United States.

Mr. MORGAN. It was cooly traffic.

Mr. VEST. Of course, as my friend says, it was a cooly traffic, and nothing else. I have always stood in opposition with voice and vote against Chinese immigration to this country; but when I listen to my distinguished friend from Nevada [Mr. JONES] and my other friend from Nevada [Mr. STEWART], when I hear their denunciations of Chinese immigration, when they lift up their hands to the representatives of the people of the United States, and say, "Deliver us from the body of this death," and when I endeavor to deliver them, I can not resist thinking how inconsistent is their position here with the appeal they make to us on the subject of Chinese immigration, when they come to vote on the question of negro domination in the South.

I asked my friend from Nevada in his speech to tell me whether he stood upon the doctrine that the Declaration of Independence made this, in the language of General Harrison, the free home for all comers to this country, and he answered me indirectly by stating that the Chinese constituted a great curse and with an eloquent oration in regard to the evils of Chinese immigration. I want a direct answer. I want to know if the Republican Senators from the Pacific Slope who urge upon us to relieve them from this curse of the Chinese are willing to turn around in a single hour and vote for the most extreme measures to fix upon the white people of the South the curse of negro domination, politically, socially, and otherwise?

I undertake to say that if the right to vote were attempted to be given to the Chinese in the Pacific States, California would fight the Government until the last man fell in defense of what he believed to be his home and his fireside. Even Nevada, with 75,000 people, would take arms against any such thing. But when the negroes of the South, under the leadership of corrupt politicians and reckless demagogues, are given the right to strike down the civilization of those people, what do we hear from the same Senators? "That is right." "That is a different question."

The Senator from Nevada who has just addressed us says that he does not believe that two races so dissimilar as the Chinese and the whites can live in the same country. But when it comes to the negro domination in the South, how is it? The white men of the South must submit to every outrage. If a negro is attacked, if he is hurt in a common *mêlée* or affray, there must be a committee of inquiry. Upon every hand we hear in this Hall and in the other branch of Congress declarations of the most violent description appealing to the white men of the North to strike down the Democratic party because its home is in the former slaveholding States.

I saw in a speech the other day of Hon. James G. Blaine a defense of the people of the South compared to which nothing I could frame or utter here would amount to anything. Mr. Blaine, in his speech at Bangor, said what I shall read about the people of the South.

Mr. GEORGE. What is the date?

Mr. VEST. Bangor, Me., August 23.

Mr. GEORGE. This year?

Mr. VEST. Of course, this year, 1888. In his recent canvass there against the Democratic party Mr. Blaine said:

> By the census of 1860, seventy-one years after the Federal Government was organized, the Southern States, or, to describe them more accurately, the slaveholding States of the Union, had acquired property amounting in the aggregate to $6,800,000,000. One-third of this total amount, or certainly over $2,000,000,000, was reckoned as the value of the negro slaves. Eleven of these States went into rebellion, at the end of which they had lost the institution of slavery with all of its assured money value. They had used up four annual crops for war purposes. They had lost all their ready money and their stocks. They had lost a quarter of a million of the youth of the land, and had disabled as many more. They had subjected all their fair and blooming section to the blighting and devastating influence of the sword to as great a degree as the Seven Years' War had affected Prussia or the Napoleonic struggles had France. Coming out of the war in 1865 defeated, discouraged, almost destroyed, the Southern people set to work under the influence of the protective system, made good the $2,000,000,000 which they had lost in slaves, repaired the ravages and damages of war, and in the short space of fifteen years they had acquired, by the census of 1880, $2,100,000,000 property more than they had possessed by the census of 1860. If the financial and industrial conditions of the South could be ascertained to-day they would be found to have two and a half to three times as much property as they had on that direful day when they rashly fired on Sumter.

And yet the people who have done this, who have rebuilt their desolated homes, who have made their country, blackened with the fire of war, to bloom and blossom like the rose, who have added a crown of glory to the race to which we belong as imperishable as the language and institutions of the Anglo-Saxon and Caucasian races, we are told by Senators on the other side have spent all their time in drinking mean whisky by day and murdering negroes by night. What honest man in this country believes it?

If the Southern people are the murderers, ruffians, desperadoes, the lawless, vile people who have been described here for the last two days, who believes that they could have done what Mr. Blaine, their most extreme political opponent, in addressing the people of his own State, says?

Sir, I think I can speak of this question without prejudice. I was born a slave-owner in a border State, and I have lived in a border State, where the institution of slavery has never been a great political factor. In the State of Missouri it was with us simply a domestic institution. The owner of the slave worked side by side with his slave in the cotton and the hemp fields upon our prairies. The negroes to-day in Missouri count as nothing in our political struggles. I have come to that age in life when passion has cooled and when judgment asserts its sway, at least to such an extent that I can look back to what has occurred even in this country as upon the other pages of history. I know what the people of the South have suffered; I have seen the knife put to them in the shape of extortion and wrong and robbery; and I say that the man who, understanding what they have gone through and what they have done, does not sympathize with them to-day in working out the most terrible problem ever submitted to any portion of our race, will have no other argument directed by me to him.

When our friends from the Pacific coast speak of the terrible evils of Chinese immigration, let them think of a people proud, prosperous, wealthy, who in the short period of four years saw everything they held dear stricken down, and not a foreign race, not the yellow curse from the Mongolian Empire, but their own slaves made their masters politically, and the power of those slaves pinned upon those States by the bayonets of the National Government. Yet under this curse, with all these disadvantages, with their industrial system destroyed, with their social fabric almost ruined, with their civilization at stake, owning nothing but their own manhood and the soil upon which they lived, they have done what Mr. Blaine has so eloquently depicted in the oration from which I have read.

Sir, I shall continue to vote against Chinese immigration. I shall vote against it in the interest of my own people. In my judgment, when we quit the domain of treaty in 1882 and went into that of legislation, we settled forever in this country the question whether the Chinese should come here, and, much more, the question whether they should ever participate in our political affairs.

I shall vote against the reconsideration of the vote had here in the Senate, and I shall do it upon the ground which I announced a few days ago, that the people of the United States have crystallized and settled forever this question; that it has passed away from treaties; that it is now a question of statutory enactment alone. For my part I shall take no backward step upon this subject. But I want my friends from the Pacific coast to understand that if I could be driven from my own race and people, if I could be induced to vote for a reconsideration and let them wrestle with this Chinese question by themselves, I should be made to do it by the remarkable fact that after they have got rid of the Chinese they want to fasten African supremacy upon the white people of the South.

Mr. GEORGE. Mr. President, the Senator from Nevada [Mr. JONES] alluded to me in the remarks which he made as taking a backward step. I want to say to that Senator and to the Senate that I sympathize deeply and fully with all the evils and all the troubles which he has so elegantly and eloquently described as pertaining to those who live on the Pacific coast.

I know something from sad experience of long years (I am afraid I shall know more from a continuation of that sad experience) about the troubles and the difficulties arising from placing two dissimilar races on the same soil, intermingled locally, but in all else as wide apart as the poles. I can sympathize with him, and I do. From the first moment that my attention was called to this great evil on the Pacific coast I made up my mind that so far as in me lay I would do all in my power to save my brethren in California, Nevada, and Oregon from the terrible fate which the representatives of those States have concurred in inflicting upon my own State.

But, Mr. President, we have other duties to perform. By this bill no Chinaman can enter into the United States who has the solemn contract of this people, made in pursuance of the pledged honor of this Government and of this great people, that having departed from this country he should be allowed to return. I know there are some evils which become so pressing, so emergent, so threatening to the safety and the happiness of a people that before such an evil plighted faith, made under mistake and misapprehension, must give way. The safety of the people is superior, in my judgment, to any treaty obligation.

But we have a treaty pending with China. It is now being considered by China. We asked her again to release us more and more from the shackles which had been put upon our limbs by the Burlingame treaty. She has not had the time usually allotted to her in our negotiations for a consideration of that treaty. We amended that treaty so as to make it suit ourselves. We sent it to her, and I believe that it is our duty to her, and more than that, our duty to our own honor, that she should have a reasonable time in which to consider it.

I do not propose to wait indefinitely. I do not mean that my brothers, men of my race, on the Pacific coast shall suffer indefinitely; but I do believe if we act now with this haste, when the question raised is not more than a week old, without notice to China, without telling her we were tired of her delay—I believe if we thus repudiate our obligations already consummated and the force of a treaty which we have sent to her, we shall do an injustice.

I shall vote for the reconsideration, but if my friends from the Pacific coast, for whose troubles I feel most deeply, desire haste in the negotiation, I shall vote for a resolution requesting the President to notify China within a day named, not far distant, but decent as to time, that if the treaty is not ratified by China we propose to act for ourselves; and if she does not act I shall vote for any measure, however stringent, which may prevent the entrance into our country of another Chinaman. I will go further than that. I know your troubles. I feel for them. In order to save you from the fate which impends over a large portion of this country, I will vote an appropriation from the Treasury to induce those who are here under our plighted faith to leave. There is nothing which appeals more strongly to my mind, to my heart, and to my judgment than a bill to relieve any portion of the American people from an injury arising from a foreign and an alien race.

Mr. BLAIR. Mr. President, when I made this motion to reconsider, I stated at the same time that I did it for the reason that I wished to offer an amendment to the bill. I stated the substance of that amendment which, if there should be a reconsideration, I would still desire to offer, but modified somewhat. I will read to the Senate the amendment, and I shall ask leave to move it, should there be the opportunity. I propose to amend by adding to the bill a new section, as follows:

SEC. 5. This act shall not take effect until the 1st day of November next, unless the pending treaty between China and the United States be rejected by China before that time, but shall take effect immediately upon such rejection, and shall be in force upon said 1st day of November, provided said treaty shall not before that time have been ratified by China. If on or before the 1st day of November next said treaty shall have been ratified by China, then this act shall be void. The President shall at once make known the passage of this act, by the most expeditious method, to the Empire of China.

Should there be the opportunity afforded by a reconsideration, I shall offer that amendment and ask the Senate to consider it.

Should there be a reconsideration, for one I should feel strongly bound to oppose any reference of the bill to the Committee on Foreign Relations for consideration. It came here a week or more since. There was the usual opportunity for reference. Reasons existed which persuaded the Senate that such a reference should not be made, and as an exception to the ordinary rule the Senate proceeded to consider the bill, and has all this time considered the bill upon its merits. I do not suppose any one believes that a reference to the committee would result in throwing any new light upon the subject-matter which is before the Senate. Therefore, as I stated, I shall oppose any further action than such as may be under the control of the Senate directly, in the body at large.

The reason why, having voted for the bill, I made this motion to reconsider I have stated briefly, and I wish to state it again, as it was several days since that I did so.

It will be remembered that the bill was hurried to its final stages beyond the reach of amendment, and by an agreement, such as we hold to be binding in honor upon every Senator, a time was fixed for taking the vote upon the passage of the bill. Before that vote was to be taken I stated that I should vote for the passage of the bill, but should have moved an amendment had there been an opportunity to do so. I stated then the nature of the amendment, which is substantially the same as this amendment, only the time mentioned was sixty days, while this is made the 1st of November.

So I feel that I, having kept faith with the Senate and helped to keep the faith of the Senate so far as the taking of the vote upon the final passage of the bill is concerned, if my convictions lead me that way, I do what I ought to do in making the motion to reconsider.

Mr. STEWART. I wish to suggest——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. I yield for a suggestion.

Mr. STEWART. I do not think the faith of the Senate has been kept, and I wish to state why I think so. I have always understood that an agreement to take the vote at a given time cut off discussion, and that votes on amendments, motions to reconsider, etc., came within the agreement. The agreement covered a disposition of the whole question. If the Senate makes an agreement to take a final vote upon a measure at a given hour, and it is then left open on a motion to reconsider, and the whole measure is open to discussion after that time, the agreement becomes a nullity. I think the agreement has been violated by any discussion or proceeding other than voting after we came to a vote at the time fixed in the agreement. A motion to reconsider came within the agreement and was not open to debate. The Chair ruled otherwise. I shall want it understood, if I ever become a party to another such agreement, that it is to be the old-fashioned agreement which disposes of the question at the time fixed. The agreement in this case was good for nothing, because it did not dispose of the question.

Mr. BLAIR. The suggestion of the Senator from Nevada has never been heard in this body before to my knowledge. I do not believe it was ever heard in any deliberative body whatever before. Certainly I never before heard it or heard of it. The right to make a motion to reconsider inheres by virtue of the individual who makes it having voted for the bill. I understand, and the ruling of the Chair is in accordance with my understanding——

Mr. STEWART. The Senator misstates my position. I say that he had a perfect right to move to reconsider and make all the motions he pleased, but the subject-matter was to be disposed of at the time fixed. The agreement was made with a view that the subject-matter should be disposed of at a given time. Senators might make as many motions to reconsider as they pleased, but the effect of the agreement was to cut off debate. Otherwise it would have no effect.

Mr. BLAIR. I do not understand the Senator to mean to be understood as saying that, in making the motion to reconsider or in discussing the motion under the circumstances of this case, I was committing any breach of faith.

Mr. STEWART. Not at all. The Chair has ruled that it is open to debate, and I say that abrogates the agreement.

Mr. BLAIR. I am very glad to know that is the Senator's understanding.

Mr. HARRIS. Will the Senator from New Hampshire allow me to say to the Senator from Nevada that the agreement was that at a named hour a vote should be taken upon the passage of the bill? At that hour the vote was taken. The agreement was executed, it was ended, and afterwards any legitimate question that any Senator chose to raise it was perfectly legitimate for him to raise, and he had all the rights as though no such agreement had ever existed.

Mr. STEWART. That is the ruling of the Chair.

Mr. HARRIS. And that is the correct ruling of the question.

Mr. STEWART. But I give notice now that I regard an agreement of that kind as worthless and as being against the spirit of such agreements. I have always understood that the purpose of such an agreement was to dispose of the question.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. BLAIR. I did not like to exclude the Senator from Nevada from a fair opportunity to express his idea, and if he has done so I shall be glad to proceed.

Mr. STEWART. I undertake to say that it is simply a fraud and a deception to carry out the agreement so far as to vote on one question and then keep the whole subject-matter open and not dispose of the question. Nobody ever understood such an agreement that way before. When we make the next agreement we shall know how far it goes.

Mr. BLAIR. It is not incumbent upon me perhaps to say anything about the words "fraud" and "deception," because they do not apply to my conduct any more than that of the entire Senate, and the ruling of the Chair, and the continuous practice of all parliamentary bodies from the time of Adam until to-day. The Senator from Nevada might well be more choice in his language if he is to introduce a parliamentary practice unknown in civilization.

Mr. STEWART. Mr. President——

Mr. BLAIR. I do not care to yield further. The Senator will have his own opportunity.

The PRESIDENT *pro tempore*. The Senator from New Hampshire declines to yield.

Mr. BLAIR. I went through Chinatown, in San Francisco, a few years ago, and the Senator from Nevada, who has spoken this afternoon [Mr. JONES], has depicted nothing that reaches the cold, positive fact. My knowledge of the Chinese situation is of course comparatively slight, but from the moment that I saw that seething, roaring, blood-curdling curse, Chinatown, in San Francisco, I felt as though there had been planted in the vitals of American civilization the seeds of death, unless the upas plant could be rooted up and extirpated.

This bill does not reach the difficulty actually existing. It leaves all that which I saw and what has become worse by subsequent development. It reaches, however, or is supposed to reach, to the exclusion of whatsoever like influence there is yet beyond our shores. So far as that is concerned, it accomplishes an untold good, and so soon as the rules of international procedure and the proper observance of international good faith will permit it should be made operative. There should be no substantial delay.

But the evil which already exists should also be removed, and I believe that evil can be removed under existing law. The Senator from Nevada [Mr. JONES] has well stated that there is no Chinese laborer in this country to-day who has not been brought here in violation of our existing laws against the importation of contract labor. I believe that most of those Chinamen, at least all who have arrived here since the enactment of our law against their introduction, can be by force of law removed from the land to-day, and this great continental nuisance, which finds its nucleus there in Chinatown, in the city of San Francisco, can be removed under the ordinary law of the land; and it ought to be abated by State and by national law.

In regard to securing the enactment of this bill into a law, I think the Senate might well consider that there are remaining steps to be taken before it is a law. The signature of the President is indispensable before our friends from the Pacific coast and the rest of the country can find this a law upon the statute-book. We have to consider whether we are going to send to the President a bill which he will feel obliged perhaps by his sense of executive duty to veto, and thus all that we have done will pass for nothing.

We know, or at least it is assumed as the basis of this entire debate, that the bill came originally to the House of Representatives perhaps with Executive sanction. I can not say as to that, but at all events it came to the other House and was passed by the House with the understanding that the pending treaty had been rejected. No one believes that the House would have passed it, or the Senate either, until it was entangled in an agreement to vote at a particular hour, or that the Senate would have thought of passing the bill in its existing form unless it had been based upon the belief that the pending treaty had been rejected by China. The President is in the possession of information which he has imparted to us that the treaty is yet being considered in the ordinary course of negotiation by the Emperor of China. Can we believe, if we send this bill deliberately to the President without modification, that he will sign the bill at all?

I appeal to our friends from the Pacific coast, I appeal to them in the interest of their own purposes, not recklessly to throw away the only chance they may have to obtain this legislation by forcing the Senate to forward to the President a bill which he inevitably, as an honorable Executive, will be bound to reject by his veto. The Senator from Nevada [Mr. STEWART] does not look very much pleased by that suggestion, but I appeal to the Senators who want this bill to become a law, and are willing to use ordinary prudential reasons in working out their purpose, to send it to the President in such form that he can not, without a serious responsibility to the major part of public opinion of this country, fail to give it his approval, so that it may become a law.

If we consider this bill, if we amend it in the way I have suggested, or some similar way which the wisdom of the Senate may devise, so that China shall have a reasonable opportunity either to ratify the existing treaty and give to us just what the Senate and what the American Executive Government but recently said would be satisfactory on the part of China, or, failing to ratify the treaty by the 1st of November, then we reject it, we nullify it, and pass this bill so that it shall become the rule and the law of the land, and the international law between us and the Empire of China. If we do that, we have maintained faith with China, for we give her a reasonable opportunity to act; we preserve our own honor, we save the danger of losing all this legislation and the taking of this great step forward in the direction that all of us wish to go; we do a prudent thing, which the hot blood of our friends on the Pacific coast seems to render them incapable of doing in their own interest. Can we not wait until the 1st day of November? We are not to remove the evil existing by this legislation. The anti-contract-labor bill which we passed in 1886, if enforced, would remove that evil.

Mr. BUTLER. May I interrupt the Senator one moment to ask a question for information? I intended to have asked the question of the Senator from Nevada; but I shall be very glad if the Senator from New Hampshire will give me the information.

Mr. BLAIR. If I can, I will do so.

Mr. BUTLER. The Senator from Nevada [Mr. JONES], who spoke a short time ago, said the Chinese brought to this country were brought in under contracts for labor. I wish to inquire of some Senator who made those contracts, whether the people of the Pacific coast or elsewhere? The people who are clamoring so much against this immigration seem to be the people who are making the contracts.

Mr. STEWART. Will the Senator from New Hampshire permit me to answer that question?

Mr. BLAIR. Certainly.

Mr. STEWART. The testimony taken in 1878 upon that subject—and it was well understood before the testimony was taken—developed the fact that nearly all the Chinese coming to this country, with hardly any exceptions, came by an arrangement with the Six Chinese Companies.

Mr. BUTLER. With whom are those arrangements made—with the people of the Pacific Slope?

Mr. STEWART. The companies carry them.

Mr. BUTLER. For whom?

Mr. STEWART. For themselves, and then they deal them out as laborers. They have a percentage, they have an interest in the work of these laborers. They pay their expenses here and agree to take them back to China.

Mr. BUTLER. May I ask the Senator another question? The point I want to get at is, who take these laborers when they come here?

Mr. STEWART. They are taken wherever a market can be found for them.

Mr. BUTLER. In what part of the United States?

Mr. STEWART. On the Pacific coast.

Mr. BUTLER. So that the people themselves on the Pacific coast encourage this immigration by making contracts with the Six Companies. Is that the idea?

Mr. STEWART. They hire this labor, of course.

Mr. BUTLER. Precisely. That is the point I want to get at.

Mr. STEWART. People do it.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BUTLER. I shall be through in a moment.

I am not informed about it, but is it not a fact that the president of the Central Pacific Railroad Company made a contract for ten thousand of these Chinese recently?

Mr. STEWART. I did not hear that.

Mr. BUTLER. My inquiry is whether the president of the Central Pacific Railroad Company, the Senator from California [Mr. STANFORD], has not within the last few years made a contract for ten thousand of these people to work on his road.

Mr. STEWART. I never heard of it. I do not want to prolong this debate. I want to get a vote if the Senate will allow us to get a vote, for we have been without a quorum for a week whenever we were about to reach a vote. I should like to have the vote taken.

Mr. TELLER. If the Senator from New Hampshire will allow me

to say a word I think I can relieve the Senator from South Carolina a little.

When these Chinamen come here they do not come under contract to work for anybody specifically, not even for the Six Companies. In the first place the Six Companies advance the money. They have a rule by which they compel this advance money to be repaid. The companies pay the expenses of the Chinamen here and continue to pay their expenses until they find something to do. You can not go out and hire a Chinaman anywhere; you can not pick up a Chinaman on the street and say to him, "Will you go and do a day's work for me?" At least I have never known anybody who could do it. You have to go to the man who controls the Chinaman. He hires him out. If persons want to use Chinamen and have a place for them to work, they get some man to go and negotiate with the party who owns them. They do not let out themselves.

Mr. BUTLER. I understand that, but the point I want to get at——

Mr. BLAIR. Perhaps it would be as well for Senators not to discuss this matter in my time.

Mr. BUTLER. I merely wanted to get the information.

Mr. BLAIR. I wish to say that the anti-contract-labor law now on the statute-book covers the case upon any state of facts suggested here, whether the Six Companies import these men and let them out or whether the contract be a contract between the American employers and the Chinese laborers before they come here. In either event the existing law would reach the evil if it were enforced; and we have now on the Calendar, reported from the Committee on Education and Labor, an amended anti-contract-labor bill which the Senate ought soon, I think, to consider. The present law is somewhat inefficient for the want of its execution being placed in the hands of national officials. If that were done the existing law would undoubtedly be efficient.

Mr. STEWART. I should like to ask the Senator, if the existing law excludes them why is this proposed law wrong?

Mr. BLAIR. If the bill which the Senator has now pending is not directed simply against those who are brought here in violation of the anti-contract-labor law, what I say is that those already here and who ought to be sent home have been, many of them at least, brought here in violation of that law, and that the execution of the existing law would break up the existing evil in San Francisco and elsewhere, and this bill does not touch that evil at all. What we have been discussing here only relates to the increased immigration of the Chinese laborers and of the men who may be coming over here, or having been once here, or fraudulently pretending to have been once here, try to come back upon an existing certificate. That is all.

The enactment of this bill into a law will not reach the evil largely under which they are laboring on the Pacific coast. It leaves it there in all the intensity in which it now exists, leaves these communicable diseases spreading everywhere already, and which will continue to spread and devastate their population, and finally, undoubtedly, reach populations further east unless there be positive and aggressive and additional measures taken to extirpate the evil.

Now, Mr. President, I wish to allude to another aspect of this question, the Declaration of Independence, which has been talked so much about. We have been accustomed, all of us at the North, to consider that the Declaration of Independence did not imply that other and alien races could come here and take possession of all these States. Nobody ever held to any such construction of the Declaration of Independence as that, so far as I know. We have held to the equality of all men, men of all races, so far as civil and personal rights are concerned, life, liberty, and the pursuit of happiness, and we hold to those principles still; but those principles can not be made effective and available to ourselves if we yield to others, to an alien and an adverse population the possession of the facilities by which alone these rights can be enjoyed by ourselves.

We have heard of the negroes and of the pitiable condition of the South. I do not think the South asks pity of anybody. They are a proud, self-respecting people, and they need pity not from our people nor from any party whatever, either of the North or of foreign nations; for, strong in their own self-respect and high purposes, they have achieved the great result of the war itself, which was an infinite credit to all that constitutes high courage on the part of the South, and although they failed in the matter of success, yet they have demonstrated that they are worthy of the highest encomiums that can be passed upon American citizenship, regardless of all geographical location. But the negro is a portion of the American people. By the consent of the American people, by the active interference and procurement of the American people he is a portion of the Southern population. By the action of the Southern people and by the action of the Northern people in helping to bring him here, and by the universal acquiescence of all he is now as much a native American as the white man, and he is a part of the industrial development of the South, and by this industrial development he has contributed to the North as well as to the development of the South and to the high status of the South.

Mr. President, there is no comparison between these two races. Because we are opposed to the further immigration of the Chinese, because we are in favor of the elimination of the Chinese from our Northern populations for the present and for the future, it does not follow that we are involved in any inconsistency when we ask that the negro American citizen, born here and with an ancestry as old as our own on this continent, when we ask for him, not social rights, but that he have simply those same civil and personal rights which we demand for the white race. That implies no negro domination over this country. It does not imply in the social sense any negro equality, nor does the negro ask this quality of social association at all. He simply asks, like the white race, to be let alone upon his own homestead in the exercise of his own personal rights, living under the same laws, vindicated by the same courts of justice, and receiving at the hands of the law and at the hands of the institutions which he has himself aided to preserve the same vindication of his life, his liberty, and his right to the pursuit of happiness, and his right of property—precisely the same that the rest of us obtain. We ask for him nothing more, and I am not aware that he asks for himself anything more; and it seems to me that our friends ought to yield to that. Perhaps they do; but certainly in the matter of political rights there is a failure.

There is one thing more, Mr. President. The people of the South ought to consider that the people of the North look perhaps with a special feeling of friendliness towards the colored race for another reason. In the terrible struggle of war, with the balance hanging even, the question as yet undecided, and apparently not to be decided without some outside help, as it seemed, between the two great branches of the Anglo-Saxon race arrayed in deadly hostility against each other, whether the Government itself could be preserved, the negro cast the weight in the balance which settled the question of unity and the perpetuity of our institutions. We feel some obligation to him for that; and it does not seem to me that our Southern friends ought to complain when we demand that he shall have the enjoyment of life, liberty, and the pursuit of happiness when he does not interfere with the white man. He is the weaker vessel. His demands have rather more than less of right, it seems to me, and here is this grand resuscitation of the South, this compliment, which is less than the truth, paid by Mr. Blaine in the address from which the Senator from Missouri has read to us this afternoon. But are we to forget, and is the Senator from Missouri to stand here before the Senate and forget, as he seemed to do, that the labor of the colored men of the South has been, if not the chief, at least the equal agency in the accomplishment of this grand resuscitation of that fair country; and is he not to receive some credit for that?

I might well go one step further and inquire if the Senator from Missouri will receive the approbation of his companions in this Chamber or of the Southern people if he will have us to understand that, following out the analogy he entered upon, because he would remove the Chinaman, because he would expel the Chinaman from our borders, would he do that to the Southern negro? No, Mr. President. The truth is just this, the eight or ten millions of the Southern colored population are an integral part of the great unit of the American population. They do their full share in the way of industrial contribution to the greatness of the whole, and the American people as a whole, the South as well as the North, would resent and would by every lawful measure prevent anything like the forcible extradition of the Southern colored man from our shores. Everybody knows that.

But we attack the Chinese upon a different ground altogether, and I say that if we could prudently and with this specific piece of legislation, by the reconsideration of the vote by which the bill was passed, and then by the adoption of some amendment which will carry it into force very soon unless the treaty itself be ratified, we shall secure the great end at which we are all aiming.

Mr. BUTLER. Mr. President, I did not get an answer quite satisfactory to the question which I put to the Senator from New Hampshire, for the reason, perhaps, that he was not himself informed on the subject; but I find in the testimony taken several years ago by an investigating committee of the two Houses of Congress the following testimony of a Mr. Pixley, whom I do not know—perhaps some of the gentlemen from that part of the world can tell us who Mr. Pixley is. The third interrogatory put to him was:

Do they come here voluntarily, and by what means do they get here?

This was his answer:

Very many of them undoubtedly come upon their own means. It requires but the little sum of $40. Chinese labor commands in China from $3 to $10 per month. Those who have not the means to come by themselves; after the first came and made money they returned money to aid their friends and relatives, as all our European immigrants in the early times used to do. There are undoubtedly many instances where the Chinese Six Companies, or wealthy members of them, send to bring them here, and order that they may go upon their roll and become laborers, out of which they make money as middlemen or agents. The Central Pacific Railroad demanded 10,000 of these laborers, and this demand was greater than the market afforded. Through the Six Companies they sent their money to China, and brought them here, and that is the way in which they come.

I am quite willing to do anything that I can constitutionally and lawfully do to prevent the evil of which our friends from the Pacific coast ask to be relieved; but, according to the testimony taken before that committee, the people of the Pacific coast themselves are responsible for the evil, and are continuing to be responsible by inviting these very Mongolians, whom they now denounce with so much bitterness,

to come into our country, and giving them employment. They must come on some steam-ships that ply between this country and China. They certainly could not exist in this country unless they were employed, and they could not get employment unless they got it through the people on the Pacific coast.

Mr. STEWART. Will the Senator allow me?

Mr. BUTLER. Certainly, because I want information.

Mr. STEWART. Did the Senator vote for the act to prohibit contract laborers being brought to this country?

Mr. BUTLER. Did I approve it?

Mr. STEWART. Did you approve it?

Mr. BUTLER. I think it very likely I did. No doubt I voted for it.

Mr. STEWART. Did the Senator regard it as a reason why that act should not pass that people in this country employed such persons?

Mr. BUTLER. Not at all. I am simply replying now to the demand for such hasty action on the part of the Senate that we shall in violation—as has been stated on this floor—of the solemn obligations of treaties, that we shall without regard to those obligations, as the Senator from Nevada said awhile ago, railroad this bill through this body.

Mr. President, I repeat that I am willing to do anything I possibly can to relieve the situation on the Pacific coast; but before coming to the Senate and demanding at our hands, as they do, that we shall pass this legislation, it does seem to me that they themselves ought to take some steps among themselves to prevent the very evil of which they complain; and yet they seem to have taken no action in that direction. Here is a large corporation in California, the Central Pacific Railroad Company, bringing in 10,000 Chinese laborers at one time and sending the money to China to bring them here, in pursuance of treaty stipulations; inviting them, begging them, asking them, buying them, bribing them to come; and now we are told that in the face of our obligations with a friendly power, in the face of the action of the American people inviting them here under the Burlingame treaty and subsequent treaties, we shall, without regard to the honor of the Government, the honor of the American people, shut the door upon them in the face, as I say, of these stipulations. I think it behooves us as a part of the treaty-making power of this Government to proceed at least with seemly caution and deliberation before doing that; and I can see no possible injury, no wrong, no harm to the people of the Pacific coast if we take that deliberation and caution which a great government ought always to take in dealing with another government, and gentlemen from the Pacific coast should not be clamoring, clamoring, clamoring that Congress shall do something to exclude the Chinese, when they themselves are inviting them and encouraging them by giving them employment.

The Chinaman is not going to stay in San Francisco unless somebody employs him. He is not going to Oregon, or Washington, or Nevada unless he can get employment there. If there is that intense feeling of hostility to the Mongolian and that great fear of his driving out the Caucasian race from the Pacific coast which the Senator from Nevada would have us believe, it seems to me that the commonest dictates of self-preservation and of self-protection would enjoin upon those people the necessity of themselves putting a stop to the evil which they complain of before they come and ask Congress to do it.

Mr. MORGAN. Mr. President, in voting for the reconsideration of this bill, as I shall do, my sole purpose is to get some amendments upon the bill which I think will improve it very much and relieve us from the difficulties of the situation that are now apparent. I approve the substance, and I think the phraseology also, of the amendment proposed by the Senator from New Hampshire [Mr. BLAIR], which would postpone the effect and operation of this proposed statute until, I believe, the 1st of November unless the treaty with China, which is now being negotiated, shall be meanwhile ratified.

I am opposed to sending this bill to the Committee on Foreign Relations. I think that would be an unnecessary delay; that the Senate having the bill now in its care should prescribe the time when this matter shall become a final legislative act or shall cease to be such. The object of referring it to the committee, if there should be such a motion made, could only, it seems to me, be to delay action, because the Senate understands this question just as well as the Committee on Foreign Relations will understand it, and has all the information necessary to enlightened action upon the bill.

I think that this bill needs amendment in two important particulars besides the one suggested by the Senator from New Hampshire. The first relates to the $276,000, which in the fifth article of this treaty we are now negotiating we agree to pay to China, not because we are indebted to China or the Chinese for that amount of money, but because it is a benevolence that accords with our sentiments towards those people, and results from the fact that we have not been able to protect their lives and property in the Territories of the United States owing to the very great distance that those Territories are from the control of the executive department of the Government. It is impossible for us to keep police and soldiery in the different places in the Territories of the United States where Chinese are congregated, for the purpose of preserving the peace.

We see that this race question arises between the laboring men and the Chinamen in different localities in the United States and is totally irrepressible. That is one of the reasons why I am in favor of getting back just as soon as we can to the legislative control of this entire question. I do not believe now that we shall ever be able to control it by any agreement with China. Having proposed that compensation to China under the circumstances and conditions mentioned in that fifth article, which denies any liability of the United States, and the Senate in its ratification of the treaty having also approved of that fifth article, having made no amendment to it, but sent it to China, it would be the proper thing for the Congress of the United States, in the passage of this measure, to put that feature in as a clause of the bill, so that China might not understand that Congress had any mercenary object in view to save $276,000 or any view to revoke that feeling of benevolence in which that appropriation originated and through which it was carried into the treaty.

I propose, if there should be a reconsideration, to submit to the Senate an amendment which I have prepared, the substance of a bill that is before the Committee on Foreign Relations now, that I offered the other day, covering this branch of the case, and I also shall propose another amendment by adding a section, which will read as follows:

SEC. —. That section 12 of said act, approved July 5, 1884, to which this act is supplemental, be further amended, so that Chinese who are required by said act to be sent out of the United States, in accordance with the provisions thereof, may be sent either to the country from whence they came or to China.

Perhaps I had better read the twelfth section of the act of 1882 so as to get it clearly before the Senate:

That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, by direction of the President of the United States, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

In 1884 we amended that section 12 along with other sections of that law, and I will read the section as it was amended in 1884 to show how the legislation progressed, how it grew, and has not yet attained that growth which is necessary to cover the evil we are trying to prevent:

Section 12 of said act is hereby amended so as to read as follows:

"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came—

The same language—

and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers. And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."

The practice under that section 12 as amended has been this, as I am informed: The Chinese come into the British possessions on the steam-ships that run regularly now to the coast of China; but the British possessions, in their local legislation, I believe—I think it is not an act of the Dominion Parliament—have provided that every Chinaman who comes there shall pay $50 as head-money on being landed. The object was to tax them so that they would not come there, I suppose. The Chinaman, however, having his real destination in the United States, comes in at Vancouver or Victoria or wherever it is, enters the British possessions, and comes immediately into Washington Territory, or Oregon, or California, or Arizona, or Nevada, all down the coast. They distribute themselves throughout that entire country. When we take them up under this law for having violated the immigration statutes and carry them before a judge or a justice of the peace under the different system of statutes which we have regulating immigration, they are put in the penitentiary and kept there for a term of perhaps six months or a year; I forget the precise provision upon that subject, but I believe it does not exceed a year.

Mr. STEWART. Will the Senator allow me to make a suggestion?

Mr. MORGAN. Yes.

Mr. STEWART. We are all aware that it is necessary to have some further legislation in the way of a law to exclude them. There have been several bills introduced for that purpose. Mr. FELTON, a member of the other House from California, introduced a bill during this session for registration. That would be necessary in order to distinguish which are which. A bill of that kind will have to be considered by a committee. It will be complicated in details and will require considerable machinery to prevent their coming in from Canada on the north and from Mexico on the south. In that bill we can also make the ap-

propriation that the Senator speaks of. These things can be done, but to do them properly will require some consideration. I suggest to the Senator to let this bill pass, and make the declaration that no more Chinamen shall come, and we will then take up the legislation, which will have to be considered very carefully, and it is very doubtful whether we can complete it at this session.

Mr. MORGAN. I will complete the statement I was making about this immigration before I reply to the suggestion of the Senator from Nevada.

These people come in here and are put in the penitentiary under our laws for a year or less for violating our immigration laws. They stay there until they get through with their little term of service, are well fed and all that, and we turn them out, and then what are we to do with them? The statute says they shall be returned to the country from whence they came. That is construed, I think, rather narrowly myself, but it is construed by the judicial and other officers of the country out there as meaning the British possessions when they come through the British possessions, so that when we go back with the Chinaman, our Chinese ex-convict, we go back to the British line with him, and they charge us $50 head-money for getting him in again. We can not afford to pay it. We have tried to send a good many of the Chinese back into that country, but it would not do.

This all results because we omitted from the twelfth section of the act of 1882 and the act of 1884 the words "or to China." Just put those words in the statute, and then when the convict has served his term, if you choose to punish him, or before that time if you do not choose to resort to the penal laws of the United States for his punishment, we can send him back to China—keep up the current, put him right on board ship, and send him out of the country. That would be a very great relief; and it has occurred to me in trying to formulate bills that were in some sense consistent with our treaty relations and also with our necessities, that perhaps we could do several things that might obviate the coming of Chinese through the British possessions. I suggested in committee—the printed report of what occurred there is before me—that we should provide that no Chinaman, it made no difference what country he came from, should be landed in the United States except at one of the open ports of our country. That would cut off his egress from Mexico into this country and also from the British possessions. We have a perfect right to provide that no Chinese laborer who comes here, whether he has a certificate of having gone back to China and being entitled to return in consequence of any provision of law or treaty, shall come with that certificate unless he comes to an open port of the United States. I have no doubt about our power to provide that, even under the existing treaty, giving it all of its force and efficacy.

But I go further back than that on that question. I hold that China has solemnly declared that she does not want her laborers to come to the United States, and that therefore there is no objection at all now to our assuming the function of legislation that we ought to have assumed the first moment we could. There can not be any objection to it. China consents to it. She does not say that she wants the introduction of these people, these coolies, or whatever you please to call them, to be regulated by treaty, but she wants to prevent their coming, and really I think we are attaching a great deal too much weight and importance to the idea of our honor being involved in the matter of breaking a treaty with China when she herself has declared that she does not want the very thing to take place which we are trying to prevent by our legislation.

China is aware, painfully aware, as she expresses herself, that the Burlingame treaty of 1868 and the treaty of 1880 and all the statutes we have enacted upon that subject are really incapable of protecting the Chinese subjects in the United States against mob violence. I remember when I was in the city of Los Angeles some few years ago, it had been but a few days before that time when twenty-one Chinamen were strung up by halters and hanged, no offense having been committed except that they were Chinamen and in the way; they were a nuisance in that country and the people of Los Angeles made up their minds to get rid of them. There they were strung up on halters and hanged. So we know this turbulence has existed in Washington Territory, in Wyoming, and I believe in Idaho. I doubt if there is a single State or Territory in the West which has not been troubled with the presence of these mobs inflicting violence upon the Chinese. It all argues merely an aversion to that race in consequence of the exhibition of their vices amongst our own people and the contaminating influence of their presence amongst the youth and all classes of the people of the country. These little mobs rise, but they can not exterminate them, and we can not prevent it. All we can do is to keep them out of this country. The Chinese Government understands this just as we do precisely, and has so solemnly declared, and therefore I do not see any reason why we should not proceed to legislate.

The modification of this bill as proposed by the Senator from New Hampshire will probably give it a little more of what we call respectability in the eyes of the world by postponing this legislation to see whether or not the treaty is to be ratified, and whether or not the bill that we have passed at the present session of Congress through both Houses and now in the hands of the President to execute that treaty shall become an operative law. Perhaps it would look better, but that is all there is in it. It is a mere question of appearances, for we have arrived, as the Senator from Missouri stated, at that point in American conviction where these people will be excluded from this country, and it is a duty of humanity to exclude them so that they shall not become a means of inflaming the prejudices and passions of mobs for their destruction. It is a very important and a very grave topic, and the gravity of the situation is recognized as perfectly by the Chinese Empire as it is in the United States, and there will be no necessary occasion for any delay, it occurs to me, in perfecting our legislative system upon that subject.

Mr. SAULSBURY. I was not here last week when this bill was voted on and had not the opportunity of listening to the arguments advanced in favor of and against its passage. I find, however, that the bill is now before the Senate, under a motion to reconsider. For that motion I shall vote.

I am fully aware of the incubus of these people upon the Pacific coast. I have been there and seen, both in Portland, Oregon, and in San Francisco, Cal., the condition of affairs, and I know that it is a great burden to the people of the Pacific coast to have these persons among them. But they came here under treaty stipulations, and they have a right to be here, therefore, while the obligations of the treaty are recognized to be binding on this country.

I shall not discuss the question as to whether, if we saw proper to abrogate all treaties with China, we might not have the power to return those people to their country. But I find in this bill a provision which excludes Chinese who came here under treaty stipulations and who have departed from this country in accordance with the requirements of our laws, taking with them a certificate of identification. That is the pledged faith of the Government, that those people may return upon the production of that certificate. I think the pledged faith of this Government ought not to be violated.

Mr. MORGAN. Let me call the attention of the Senator to the fact that the treaty which was sent to the Senate by the President had precisely that same effect, because that treaty required a new certificate of identification, different from the one that a Chinaman carried out with him, before he could be permitted to return. The Senate, however, not being satisfied with the language employed in the negotiation for the purpose of reaching that result, amended it, so that under the amended treaty that we have sent to China there is no doubt that persons who are absent from the United States now with all those certificates are prohibited from returning.

If the Senator will indulge me one moment I will add one further remark. It may be asked how did that happen, in virtue of what treaty was it that these two Governments took away from an individual man a certificate that had been given to him by the United States and rendered it null and void? It is based upon the fact that the Chinese Government is an absolute despotism and that it has never consented nor have we consented to the full expatriation of a Chinaman if he comes into this country. He remains a Chinese subject in the United States, and the jurisdiction of the Chinese Government has been retained—absolutely and expressly retained—to change the condition of their subjects in respect of their rights of emigration. So that Government did consent in the treaty that was sent here to a regulation which the Chinaman was absolutely prohibited from returning to the United States although he had our certificate. That is the actual situation, and we are not legislating one hair's breadth beyond the doctrine and points that were made expressly both in the negotiation that China authorized her minister to make here and that which remains as we have amended it and sent it back after a vote of the Senate.

Mr. SAULSBURY. I am fully aware that the treaty as agreed to by China contained the provision referred to by the Senator from Alabama. I voted for that treaty, but I stated at that time, not in the Senate, but in another place, as to that provision that destroyed the effect of our certificate, that were it not for the consent of the Government of China, I could not agree to it. But recognizing that these people are subjects of China, that they acknowledge their allegiance to China, that all their rights, therefore, are dependent upon arrangements made by their Government, even though they may have the certificates of the United States, I consented to vote for the treaty containing the provisions referred to by the Senator from Alabama.

But this is a law of Congress, not a treaty. No consent of the Chinese Government is necessary for us to enact a provision of this kind. It is a provision with which the Chinese Government have nothing to do. It is an agreement with the individual subjects of China—the pledged faith of the Government to these subjects, when they come here under treaty stipulations to return to their own country, that if they took with them a certificate of identification, that should entitle them to a return to this country at any time they saw proper or within a certain limited time. Now, I say that the provisions of this bill violate that pledged faith of this Government, and while I recognize the great evil of the Chinese population on the Pacific coast, while I recognize the desirability of getting clear of them and am willing to go as far as any Democrat can go as to the rights of these people, I ask whether,

in the American Senate, a body charged, not only with preserving the healthful condition of our population, but charged with maintaining the honor and good faith of this Government, we are at liberty to ignore the plighted faith of this country even to the vilest man that ever trod the earth.

Sir, we had better move slowly, I think, rather than bring a stain and reproach upon the honor of this Government. I admit the great evil with which we are dealing. I express my anxiety to see these Chinese people not only prohibited from coming to this country, but if we can do it consistently with the obligations that we are under to the Chinese people that are here, I would be willing to see legislation that would remove from this country those that are here. But, sir, in this bill there is a plain declaration that the faith of this Government pledged to these people shall be violated. Hence I want to see the bill reconsidered for the purpose of giving the Senate time, and I shall vote for its reference to the committee for the purpose of giving time to the Senate to deliberate calmly and dispassionately whether they will adopt a bill which no man can say does not violate the pledged faith of this Government to those people that have gone out with the certificate of the Government. Let us be cautious in deliberating. There may be a present necessity that would justify even that extreme measure, but we ought to be satisfied that such necessity exists before we adopt it. I shall therefore vote for the motion to reconsider and I shall vote to refer this bill to the Committee on Foreign Relations that the matter may be properly considered.

I am willing to go as far as any Senator can, so far as I can do it consistently with my ideas of my duty to my Government as well as to those men who have gone away with the certificates of the Government, but I would not willingly aid in tarnishing the fair fame and faith of this Government pledged to these men.

Mr. TELLER. I move to lay the motion of the Senator from New Hampshire on the table.

The PRESIDENT *pro tempore*. The Senator from Colorado moves to lay on the table the motion of the Senator from New Hampshire to reconsider the vote by which the bill was passed.

Mr. SHERMAN. I wish to facilitate the business of the Senate, and I therefore ask unanimous consent, as I am satisfied there is not a quorum present, that the question may be taken to-morrow at 2 o'clock. I hope the Senator from Colorado will withdraw his motion and let the vote be taken directly on the motion to reconsider. That will probably avoid a double vote.

Mr. STEWART. I will agree to that if it can be understood that if the vote be reconsidered, and any amendments are offered, there shall be no discussion.

Mr. SHERMAN. Oh, the Senator can not go beyond the motion in hand. I have known dozens of cases in which that has been tried without result. The Senator can not expect to tie our hands behind our backs even in the case of a proposed amendment. I do not wish to say a word regarding the merits of the proposition, but let us have an understanding that we take the vote at 2 o'clock to-morrow.

Mr. STEWART. Let us test the question.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the vote on the motion of the Senator from Colorado may be taken to-morrow at 2 o'clock. Is there objection?

Mr. STEWART. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. STEWART. Let us wait till the vote is taken.

Mr. SHERMAN. If there is not a quorum, the unanimous agreement which the Senator wishes to have made can not be made.

The PRESIDENT *pro tempore*. The Senator from Nevada objects. The question is on the motion of the Senator from Colorado.

Mr. BLAIR. It having been stated in the hearing of the Senator from Colorado——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRIS. I ask the Senator from Colorado to withdraw his motion for a moment. I want to make a statement that will not take three minutes, perhaps not one.

Mr. TELLER. I have done that when any Senator wanted to say anything, and I will of course do it for the Senator from Tennessee.

The PRESIDENT *pro tempore*. The motion to lay on the table is withdrawn.

Mr. HARRIS. Shortly before the vote was taken on the passage of this bill there was a motion to commit it to the Committee on Foreign Relations. I voted for that motion. The motion failed. The question then was on the passage of the bill, and the bill was passed. After its passage the Senator from New Hampshire entered a motion to reconsider the vote by which it was passed in order that he might move an amendment that he had read at the Secretary's desk. I was not inclined to reconsider the vote for the purpose of considering that amendment, and more than once I voted against reconsidering, or for laying the motion to reconsider on the table, which is substantially the same thing. Since that time there has been considerable debate upon the general question. Being now, as I was before the passage of the bill, decidedly of opinion that this bill ought to have gone to and been considered by the Committee on Foreign Relations, I shall now vote to reconsider, not for the purpose of considering the amendment of the Senator from New Hampshire particularly, but for the purpose of moving (if some other Senator does not move) to commit this bill to the Committee on Foreign Relations, in order that it may be considered there and that the amendment of the Senator from New Hampshire, or any other amendment that that committee may deem wise, may be reported to the Senate after such consideration. That was all I desired to say.

Mr. TELLER. I now renew my motion.

The PRESIDENT *pro tempore*. Does the Senator from Nevada insist on his objection to the consent asked for by the Senator from Ohio?

Mr. STEWART. I suggest that we had better take the vote at an earlier hour, because we dwindle out here and are without a quorum. I think we had better have it immediately after the morning business.

Mr. HARRIS. The morning business has been cut off for two or three days, and it may take two hours to-morrow to get through the morning business.

Mr. STEWART. But at 2 o'clock Senators leave the Chamber.

Mr. HARRIS. Oh, no; they all stay until 2 o'clock at any rate, and if the vote is to be taken at that time they will all stay to have it taken.

Mr. SHERMAN. Suppose the Senator goes one step further. Suppose the motion to reconsider prevails and the Senator should offer an amendment? There are two amendments that are now proposed. In that case, while I am perfectly willing to adopt the five-minute rule, I think that to cut off a moderate debate upon those amendments would be wrong. For instance, the amendment of the Senator from New Hampshire is before me, and I would suggest an amendment probably to that, which he would agree to. I do not think it right to cut off all debate. I am willing to have the vote taken on the motion to reconsider at 2 o'clock to-morrow; but as a matter of course there may be amendments which may be modified in the interest of the bill, and we ought not to cut off our right or power to amend the bill or to amend an amendment.

Mr. STEWART. Can we have the five-minute rule then?

Mr. SHERMAN. I am perfectly willing to have a two-minute rule.

Mr. STEWART. So that there may be explanations made, if necessary.

Mr. SHERMAN. Yes; if we agree to the motion to reconsider. Of course if that motion fails the bill is passed.

Mr. TELLER. I think all we want is to agree to take this vote at 2 o'clock to-morrow.

Mr. SHERMAN. That is all.

Mr. TELLER. Then if the bill shall be (as I trust it will not be) reconsidered, I do not think we ought to have a limit on debate. I should like to be at liberty, if necessary, to take an hour to speak if I thought that an amendment offered was a very objectionable one. I am anxious to have the bill passed. If we can prevent the amendments, all right; if not, they will have to go on.

Mr. BUTLER. May I inquire of the Chair what is the matter before the Senate?

The PRESIDENT *pro tempore*. It is the request of the Senator from Ohio that unanimous consent be given for the taking of the vote on the motion to lay the motion to reconsider on the table at 2 o'clock to-morrow.

Mr. STEWART. To take it on the motion to reconsider.

Mr. HARRIS. Let it include the motion to reconsider if it is not laid on the table.

The PRESIDENT *pro tempore*. The pending question is on the motion to lay on the table.

Mr. TELLER. In order that there may be no trouble I will withdraw that and let the vote be taken on the motion to reconsider, which is about the same thing.

Mr. BUTLER. That, I think, is much preferable—to vote directly on the motion to reconsider.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Colorado to withdraw the motion to lay on the table.

The Senator from Ohio asks unanimous consent that the question may be taken on the motion to reconsider the vote by which the bill passed to-morrow at 2 o'clock without debate. Is there objection? [A pause.] The Chair hears none, and it is so ordered.

Mr. BLAIR. At the suggestion of a Senator, I ask permission of the Senate to have printed the amendment proposed by me to this Chinese exclusion bill.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

BILL INTRODUCED.

Mr. PAYNE introduced a joint resolution (S. R. 109) declaring the meaning of a clause in the river and harbor bill of August 11, 1888; which was read twice by its title, and referred to the Committee on Commerce.

HOUSE BILL REFERRED.

The bill (H. R. 9271) for the relief of James A. Stewart was read twice by its title, and referred to the Committee on Claims.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The regular order is the bill (S. 12)

to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. VEST. I move that the Senate adjourn.

Mr. HARRIS. I ask the Senator from Missouri to withdraw that motion for a moment in order that I may move for a short executive session.

Mr. VEST. Certainly. I withdraw my motion for that purpose.

The PRESIDENT *pro tempore*. The motion to adjourn is withdrawn. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 14, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate September 13, 1888.

UNITED STATES MINISTER.

Lambert Tree, of Illinois, now envoy extraordinary and minister plenipotentiary to Belgium, to be envoy extraordinary and minister plenipotentiary of the United States to Russia, *vice* George V. N. Lothrop, resigned.

SECRETARIES OF UNITED STATES LEGATIONS.

Howard Martin, of New York, to be secretary of the legation of the United States to China, *vice* William W. Rockhill, resigned.

Charles K. Holliday, of Kansas, to be secretary of the legation of the United States to Venezuela.

Henry L. Vilas, of New York, to be secretary of the legation of the United States to the Argentine Republic.

Henry R. Whitehouse, of New York, to be secretary of the legation of the United States to Mexico, *vice* Thomas B. Connery, resigned.

UNITED STATES CONSUL.

Edwin R. Connell, a citizen of the United States, to be consul of the United States at Batavia, *vice* Oscar Hatfield, resigned.

MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

Professor George Davidson, of California, an assistant in the United States Coast and Geodetic Survey, to be a member of the Mississippi River Commission to represent the United States Coast and Geodetic Survey on said commission, in accordance with the provisions of section 2 of the act of Congress approved June 28, 1879, *vice* Henry Mitchell, resigned.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

Maj. Herbert P. Curtis, judge-advocate, to be deputy judge-advocate-general with the rank of lieutenant-colonel, September 10, 1888, *vice* Burnham, retired from active service.

POSTMASTERS.

Perry M. Trumbower, to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania, in the place of James H. Fulmer, resigned.

Everington D. Kelly, to be postmaster at Oregon City, in the county of Clackamas and State of Oregon, in the place of John M. Bacon, removed; Hercules L. Kelley, who was nominated to the Senate on the 10th of August last, having declined the appointment.

Lawrence Smith, to be postmaster at Gadsden, in the county of Etowah and State of Alabama, in the place of Daniel Liddell, resigned.

John P. Gasper, to be postmaster at Kingsley, in the county of Plymouth and State of Iowa, in the place of Frank A. Winchell, resigned.

Benjamin S. Chase, to be postmaster at Natchez, in the county of Adams and State of Mississippi, in the place of Richard Holmes, removed.

ASSOCIATE JUSTICE.

Louis W. Crofoot, of Dakota Territory, to be associate justice of the supreme court of the Territory of Dakota for the seventh judicial district, as provided by the act approved August 9, 1888.

UNITED STATES MARSHAL.

John Fitzpatrick, of Louisiana, to be marshal of the United States for the eastern district of Louisiana, *vice* R. B. Pleasants, deceased.

WITHDRAWAL.

The nomination which was delivered to the Senate on the 10th of August, 1888, of Hercules L. Kelley, to be postmaster at Oregon City, in the State of Oregon, is withdrawn.

CONFIRMATION.

Executive nomination confirmed by the Senate September 13, 1888.

JUSTICE OF THE PEACE.

William W. Moffett, of the District of Columbia, to be a justice of the peace within and for said District, to be assigned to the city of Washington.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September* 13, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION.

Mr. GROSVENOR. Mr. Speaker, when the Senate bill No. 2851, relating to internal commerce, was pending in the House yesterday an order was made permitting members who desired to propose amendments to forward them to the Clerk's desk in order that they might be printed in the RECORD. I had already secured recognition from the Chair and had prepared amendments, which, immediately from the order being made, I filed with the Clerk before any one else. I filed three amendments and called the attention of the Clerk to them, and received from him the assurance that mine had been received in advance of any other amendments. I find this morning that, instead of their appearing first in the RECORD, they are last. I can imagine that the gentleman from Kansas [Mr. ANDERSON] may have had consent of the Chairman to the offering of his amendment in advance, but as against any other amendment than his mine certainly had priority.

The SPEAKER. The amendments were numbered by the Clerk and passed by him to one of the Official Reporters for publication in the RECORD. It may be that the numerical order was not observed in printing them. The correction will be made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'NEILL, of Pennsylvania, for three days.

To Mr. DUNN, indefinitely, on account of sickness.

To Mr. GEST, for ten days, on account of business.

JAMES A. STEWART.

Mr. BUTTERWORTH. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of House bill 9271, and that it be put upon its passage. The bill has been reported from the Committee on War Claims.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James A. Stewart, of Cincinnati, Ohio, out of any money in the Treasury not otherwise appropriated, $5,000, said sum to be in full payment and discharge of the amount due the said James A. Stewart for services rendered as pilot of Government transports and gunboat from October 6, 1863, to April 30, A. D. 1865.

Mr. HOLMAN. Let the report be read.

The report (by Mr. PENINGTON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 9271) for the relief of James A. Stewart, report as follows:

The claim is for services rendered as a pilot on Government transports from October 6, 1863, to April 30, 1865. Claim stated at $5,000.

The proofs obtained from the War Department show that James A. Stewart, late private Company L, Fourth Regiment Ohio Cavalry, was enrolled August 27, 1862, to serve three years, reported present for duty to April 30, 1863; from May 1, 1863, to October 30, 1863, absent, detached on escort duty. He was detailed as pilot on the Tennessee River by Special Field Order No. 266, paragraph 3, Department of the Cumberland, October 6, 1863. The records of the War Department show that he remained on duty as pilot to April 30, 1865.

The Quartermaster's Department paid pilots on the Tennessee River $250 per month.

Your committee append to this report a copy of a letter from General W. S. Rosecrans, dated May 1, 1888:

"TREASURY DEPARTMENT, REGISTER'S OFFICE, *May* 1, 1888.

"DEAR SIR: James A. Stewart tells me he has a claim before your committee for services as pilot on the Tennessee River, in the Government service during the war.

"When it was necessary to have such services it was found that Mr. Stewart, of the Fourth Ohio Volunteer Cavalry, was qualified. He was therefore detailed as pilot, and his services were in such demand from that time that he was kept at it for nearly two years. Being a soldier, however, he was obliged to serve where orders placed him. He got no compensation for these services above his soldier's pay.

"I have no hesitation in saying that this treatment was outrageously wrong, and ought now to be righted.

"Very truly, yours,

"W. S. ROSECRANS.

"Hon. THOMAS R. STOCKDALE,
"*Committee on War Claims, House of Representatives.*"

In view of the foregoing statement of facts your committee report back the bill and recommend its passage with the following amendment:

In line 6, strike out "five thousand" and insert in lieu thereof "four thousand seven hundred."

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. BUTTERWORTH] that this bill be now considered?

Mr. KILGORE. I object.

PUBLIC BUILDING, WINONA, MINN.

Mr. WILSON, of Minnesota. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of Senate bill 2475, to increase the appropriation for the erection of a public building at Winona, Minn.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the purchase of a site and the erection of a building for the accommodation of the United States courts, post-office, and internal revenue and other Government offices at the city of Winona, Minn., be, and the same is hereby, increased to $150,000; and that sum is hereby fixed as the limit of cost for the erection of said building.

Mr. EZRA B. TAYLOR. I object.

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order, and I ask unanimous consent that the call of committees be dispensed with, and that members having reports to present may file them at the Clerk's desk in the usual manner.

Mr. SYMES. Mr. Speaker, the gentleman from Ohio [Mr. EZRA B. TAYLOR] withdraws his objection to the consideration of the bill called up by the gentleman from Minnesota [Mr. WILSON].

The SPEAKER. But the gentleman from Illinois [Mr. SPRINGER] has demanded the regular order.

Mr. SPRINGER. I supposed there was going to be objection to every one of these bills. If there is not, I will withdraw the demand for the regular order.

Mr. BUTTERWORTH. Mr. Speaker, I understand that the objection of the gentleman from Texas [Mr. KILGORE] to the consideration of House bill 9271 is withdrawn, and as that bill was called up first, I ask that it be first considered.

The SPEAKER. In the absence of objection that bill will come first.

Mr. KILGORE. Mr. Speaker, upon information which I have received since I made the objection, I withdraw it.

The SPEAKER. Is there further objection to the request of the gentleman from Ohio [Mr. BUTTERWORTH]?

There was no objection.

The SPEAKER. The question is on the amendment proposed by the committee, which has been read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTTERWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT WINONA, MINN.

Mr. SPRINGER. The gentleman from Alabama [Mr. FORNEY] desires to offer a resolution to extend the appropriations——

The SPEAKER. The Chair understood the gentleman from Illinois [Mr. SPRINGER] to withdraw the demand for the regular order. If that is done, the gentleman from Minnesota [Mr. WILSON] has the floor upon his request for unanimous consent to pass a bill which was read.

Mr. SPRINGER. All right.

Mr. HOLMAN. I ask that the report be read, reserving the right to object.

Mr. WILSON, of Minnesota. Permit me to make a statement. This bill has been reported favorably in the Senate and passed there. A bill identical with it has been considered by the House Committee and reported favorably. The House report is more full and satisfactory. I ask that it be read.

The report was read, as follows:

Winona is much the largest city in Minnesota south of St. Paul, and is rapidly increasing in population, business, and wealth.

In 1880 the population was 10,240, in 1885 it was 15,697, and at this time it is about 22,000.

Winona is situated on the Mississippi River, and on the lines of road of the following railroad companies: The Chicago and Northwestern, the Chicago, Milwaukee and St. Paul, the Chicago, Burlington and Northern; and it is the western terminus of a line of railroad from Green Bay to the Mississippi River, and the eastern terminus of the Winona and St. Peter Railroad, a line running westerly from the Mississippi River, through Minnesota and Dakota, to the Missouri River.

From the data furnished to your committee it appears that the value of the manufacturing plants in the city is $3,268,000; the number of men employed during the last year in the business of manufacturing is 2,972; the monthly wages (on an average) to the employés of that business is $133,960, and the value of the manufactured product of the year, $6,876,265.

A term of the United States district court has been held there for many years, and by an act passed in the House at this session a term of the United States circuit court is to be held there annually.

There is no Government building in Winona. There was appropriated by Congress, at the first session of the Forty-ninth Congress, $100,000 to purchase a site and erect a building. Of that sum $15,000 has been used to purchase the site, and the Supervising Architect estimates that not less than $8,000 will be required for heating and $5,000 for constructing approaches, leaving $72,000 for the erection of the building. This sum, in the opinion of your committee, is insufficient. If Winona increases for the next decade as it has for the last, the population will be about 50,000, and it seems to us neither wise nor economical to erect a building that would not be sufficient for the wants of the place a few years hence, or even at the present time.

Your committee therefore recommend that the limit of cost heretofore fixed for the purchase of a site and the erection of a building for the accommodation of the United States courts, post-office, internal revenue, and other Government offices at the city of Winona, Minn., be increased to $150,000. The committee therefore recommend that the bill (H. R. 3400) be amended by striking out the words $200,000, in line 8, and inserting in lieu thereof $150,000.

Subject to said amendment, the committee recommend the passage of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Mr. Speaker, I wish to say a word to my friend from Minnesota. It appears from this report that the real cost of the site, approaches, etc., will be in the neighborhood of $25,000, $15,000 having already been expended for the site. Now, it does seem to me that, for a town of 20,000 people, an appropriation of $100,000 for the erection of a public building is very ample. The great trouble we are encountering in regard to these public buildings is the large amount we are expending in particular localities. It has been shown abundantly that brick is a better material than marble or granite for the erection of public buildings. That is the judgment of the Supervising Architect of the Treasury, as expressed to the House committee within a very short time; and the cost of this material is very considerably less. I therefore suggest that $125,000 for the cost of site and building ought to be regarded in this case as sufficient.

Mr. WILSON. Mr. Speaker, we do not expect to have a public building erected of marble or granite. Let me read a few words from the Supervising Architect. He says:

The present limit of cost is $100,000, of which $15,000 was expended in the purchase of a site, leaving $85,000 for the construction of this building. A building can be erected of sufficient size if constructed of brick, without ornamentation, for $85,000; but if it is desired to erect the same of stone and make it fireproof, it will cost from $60,000 or $70,000 additonal.

A building such as any private individual would construct for his own use under like circumstances would cost, as the architect says, $60,000 or $70,000 more. On examination, the committee, in view of such considerations as my friend from Indiana suggests, has cut down the additional amount to $50,000 instead of $60,000 or $70,000, which the Supervising Architect has declared necessary. To build a structure something like a barn, of plain brick, without stone for window-sills, window-caps, or door-caps is something no one would do in erecting a corresponding building for private purposes, and it would be a discredit to the Government to do it in this case.

Mr. HOLMAN. While I shall not object to the gentleman's request, I must say that the large sums which are being appropriated for the erection of expensive public buildings in particular localities, the expenditures in many cases far exceeding the cost of our county court-houses, where in many instances larger accommodations are required, tend to deprive many of our towns of the chance of getting any public buildings. I represent a city, the largest in my district, with very nearly as much population as this town of Winona, and for that city of Madison, Ind., I have asked, for a public building, an appropriation of only $40,000. I believe that for a plain, substantial building such as the Government ought to have a less sum than that named in this bill ought to be sufficient.

Mr. STRUBLE. I would like to know the population of Winona.

Mr. WILSON, of Minnesota. Twenty-two thousand. Within the last eight years it has increased a good deal more than 100 per cent. The Government will make money by the erection of this building. The interest on the amount to be expended is not near what it will cost the Government to procure the necessary accommodations in rented buildings. Our city is *the* city of the State, outside of St. Paul. The expenditure proposed in this case is not as much as we are expending there this year upon a county court-house.

Mr. STRUBLE. Mr. Speaker, I have great sympathy with these gentlemen who desire public-building bills passed, because I have been trying to get an appropriation for a public building at Sioux City, Iowa, which has a population of 32,000. A bill was recently passed by Congress appropriating $150,000 for a public building at that city, but it failed to receive Executive sanction. I merely desired to know about the population and some other facts bearing on the gentleman's case, in order to judge of its merits as compared with the bill in which I have recently been concerned. I assure the gentleman I will sympathize with him from now on until the time Executive action is taken on his bill. [Laughter.]

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GEAR. I call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order being called for, the bill is not before the House.

Mr. SPRINGER. I ask unanimous consent that the call of committees for reports be dispensed with, and that members have leave to file reports at the Clerk's desk.

There being no objection, it was ordered accordingly.

REPORTS FILED.

The following reports were filed by being handed in at the Clerk's desk:

LEAVES OF ABSENCE.

Mr. ENLOE, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 11403) to provide for granting leaves of absence to employés of the Post-Office Department employed in the mail-bag repair shops connected with said Department; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT OF PATENT LAWS.

Mr. VANCE, from the Committee on Patents, reported back with amendment the bill (H. R. 4959) to amend section 4965 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN F. RICHARDSON.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIGNAL STATIONS, WEST INDIA ISLANDS.

Mr. WHEELER, from the Committee on Expenditures in the Treasury Department, reported back favorably the bill (H. R. 11392) to authorize and direct the Secretary of War to establish signal stations on the West India Islands; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE OVER ST. JOHN'S RIVER, FLORIDA.

Mr. PHELAN, by unanimous consent, introduced a joint resolution (H. Res. 227) requiring the consent of Congress for the construction of a bridge across the St. John's River, Florida, below Palatka, Fla.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EXTENSION OF GENERAL APPROPRIATIONS.

Mr. SPRINGER. I yield to the gentleman from Alabama [Mr. FORNEY], who desires to offer a resolution extending temporarily the appropriations for the Government.

Mr. FORNEY. On behalf of the Committee on Appropriations, I ask the consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

A joint resolution to continue the provisions of a joint resolution entitled "A joint resolution to continue the provisions of a joint resolution entitled 'A joint resolution to provide temporarily for the expenditures of the Government.'"

Resolved by the Senate and House of Representatives, etc., That the provisions of the joint resolution entitled "A joint resolution to continue the provisions of a joint resolution entitled 'A joint resolution to provide temporarily for the expenditures of the Government,'" approved September 1, 1888, be, and the same are hereby, extended and continued in full force and effect to and including the 25th day of September, 1888.

The SPEAKER. This would necessarily have its first consideration in the Committee of the Whole House on the state of the Union if the point of order was made.

If there be no objection, the joint resolution will be considered in the House as in Committee of the Whole.

There being no objection, the joint resolution (H. Res. 221) was considered, ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORNEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. GENERAL WARD B. BURNETT.

Mr. STRUBLE. Mr. Speaker, I call up the special order fixed for to-day, being the pension bill in behalf of Mrs. Burnett. I would like to say that I hope the House will grant this motion to reconsider. I feel very much like exclaiming "Once more to the breach, dear friends, once more!" I am very anxious to have this matter disposed of.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett.

The SPEAKER. The gentleman from Iowa moved to reconsider the vote by which the House refused to order this bill to be read the third time.

Mr. STRUBLE. Allow me to correct the Chair in one respect. The motion was originally made by the gentleman from Massachusetts [Mr. LONG], but being in charge of the bill I call up the motion now to reconsider.

The SPEAKER. The question is, Will the House reconsider the vote by which it refused to order the bill to be read a third time?

Mr. SPRINGER. I rise to a parliamentary question. Can the gentleman from Iowa not call this up at any time, being a privileged motion?

Mr. STRUBLE. I wish to say that I desire to put this bill in such shape that at the next session of Congress I may ask a vote upon its merits.

Mr. SPRINGER. The gentleman had better leave it, then, where it is, for the motion to reconsider is privileged and can be called up at any time.

Mr. STRUBLE. I am advised by the gentleman from Indiana [Mr. CHEADLE] that he intends to call a quorum on the motion, and I ask that it be postponed——

The SPEAKER. The Chair will state that it is not necessary to make an order postponing the consideration of the motion, which is privileged. But if the gentleman desires to dispose of it with certainty at this session of Congress, a day had better be fixed.

Mr. STRUBLE. I give notice, Mr. Speaker, that I will not make any further effort to secure consideration at the present session; but on the second Thursday of the next session, if living and well, Providence and the House willing, I shall call up this bill.

Mr. CHEADLE. There is another special pension bill following this, and I ask that it go over until the second Thursday in December. It has been set down for this morning to follow the consideration of the bill just referred to.

The SPEAKER. That was set for consideration on last Thursday, and the recollection of the Chair is that it was postponed to be taken up when called up, after the special order then under consideration, which was the bill known as the retaliation bill.

Mr. CHEADLE. My understanding is that it was to follow the Burnett bill.

The SPEAKER. The Chair is advised by the Journal Clerk that the order to which the Chair refers was the one just called up by the gentleman from Iowa, and not the one referred to by the gentleman from Indiana.

Mr. CHEADLE. Then I was mistaken.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the consideration of bills reported from committees. The hour begins at twenty-two minutes past 12 o'clock.

INTERSTATE COMMERCE.

Mr. CRISP. Mr. Speaker, the bill coming over from yesterday is amended by the Committee on Commerce, and I ask that the amendment be first read. It will be found in line 20, on page 2, and also in line 23.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, before that I want to make a proposition to the chairman of the Committee on Commerce, who now has the floor, and to other gentlemen here, who, like myself, have offered amendments to the pending bill; that is, we all permit our amendments to be withdrawn, so that the bill may go back to the Senate without amendment, and in that way speedily become a law. The bill has been pressed upon us by all the commercial associations almost throughout the country without any opposition or fault finding, as far as I can learn, in the Committee on Commerce, of which I have the honor of being a member, and without any opposition on the part of the railroad companies. Hence the shippers, as well as the transporters themselves, interested in sending goods over the lines of railroads, and the railroads interested in conveying them, everybody, in fact, concurs in the amendment as passed by the Senate, and the desire is that this bill should soon become a law. Now, I fear that if we go into these amendments—they are very important amendments, all of them, the one offered by myself, as well as those offered by other gentlemen—that we will not get through with the bill to-day in the remaining hour left to the Committee on Commerce, and that the bill pending may be pending for a number of days if it loses its day now. We do not know, in fact, when it will be reached again. So in the interest of the commerce and transportation of the country, I ask that all gentlemen be permitted to withdraw their amendments.

Mr. ANDERSON, of Iowa. I rise to a parliamentary inquiry.

Mr. O'NEILL, of Pennsylvania. I believe I have the floor.

The SPEAKER. The gentleman has the floor.

Mr. ANDERSON, of Iowa. But I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman can not take the gentleman from Pennsylvania off the floor to submit a parliamentary inquiry.

Mr. ANDERSON, of Kansas. I rise to a point of order. The gentleman from Pennsylvania rose to make a request of the chairman of the committee who had the floor, and instead of simply making a request he is making a speech.

Mr. O'NEILL, of Pennsylvania. I am not making a speech, because I have an amendment to speak to when that amendment comes up.

Mr. ANDERSON, of Kansas. We all have amendments.

Mr. O'NEILL of Pennsylvania. I am appealing to the chairman of the Committee on Commerce, to both the gentlemen from Iowa, the gentleman from Minnesota, and others who have offered these amendments, in the interest of the transportation of this country, to let the committee's amendments go and let these amendments go for the present, so that the bill may get back to the Senate and not be hanging up for two or three weeks, and prevent it becoming law.

The SPEAKER. The gentleman from Iowa [Mr. ANDERSON] rose to a parliamentary inquiry. The gentleman will state it.

Mr. ANDERSON, of Iowa. This is an important matter, and it seems to me that notwithstanding it is a railroad measure it ought not to be railroaded through this House. The Senate is not to measure of the duty of this House in reference to matters of legislation. In this bill there are other amendments which will come up to perfect it, in my judgment, that ought to be considered.

Mr. O'NEILL, of Pennsylvania. If the gentleman will permit me

I will state, notwithstanding I want to perfect the bill, I desire that it shall pass now.

Mr. CRISP. These appeals are simply addressed to individual members. I can not have any control over them whatever. I ask, first, that the Chair——

Mr. GROSVENOR. I want to know whether this is a general discussion on the bill or on the amendments?

The SPEAKER. The gentleman from Georgia has the floor, and when the general discussion closes the amendments will be taken up and voted upon in order. The first vote is to be taken on the committee amendments.

Mr. GROSVENOR. Unless the gentleman from Georgia permits the consideration of these amendments this bill will not be allowed to pass.

Mr. CRISP. Intimations of this sort are quite unnecessary. I am merely asking in the orderly course of business to take up the committee amendments, which, under the rules of the House, ought to be voted upon first.

Mr. GROSVENOR. I understood the gentleman had asked the previous question.

Mr. O'NEILL, of Pennsylvania. It is not a question whether the amendments offered by the Committee on Commerce ought or ought not to be passed in the House, but it is a question of whether this bill shall go back to the Senate with amendments. However plain the amendments may be, and however desirable it may be to pass them, I do not want the bill to be delayed any longer. I consider that I have the most important amendments offered to this bill; more important than any other amendment offered by any gentleman on the floor, and I am willing to withdraw my amendment.

Mr. CRISP. If the gentleman from Pennsylvania will withdraw this motion, I think there will be no objection on his part or that of any other member of the House.

Mr. O'NEILL, of Pennsylvania. I do not object to it; my only point is to prevent delay.

Mr. ANDERSON, of Kansas. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Georgia will proceed, and the Chair will not recognize any further interruption except by his consent.

Mr. CRISP. On page 2, line 20, the Committee on Commerce recommend striking out the word "kept," which refers to the schedules, and insert in lieu thereof, "posted in two public and conspicuous places." That is the first amendment. If there be no objection I should like to have it voted upon.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 23 it is proposed to strike out the words "in such places and."

Mr. CRISP. That amendment is made necessary by the other.

The amendment was agreed to.

Mr. CRISP. As I stated to the House on yesterday, I am very anxious for the passage of this bill. I have no disposition to prevent any gentleman from offering an amendment. I do not want to prevent the offering of any amendment unless it becomes absolutely necessary for the purpose of passing the bill. I propose now to yield ten minutes to the gentleman from Iowa [Mr. ANDERSON] in which to offer his amendments and debate them.

Mr. ANDERSON, of Iowa. Mr. Speaker, on yesterday, under the order of the House, I sent to the Clerk's desk, to be printed in the RECORD for information, five amendments to this bill. If it be in order now, I wish to formally offer as amendments to the pending measure the last two in the series of five, and I will ask the Clerk to read them.

The Clerk read as follows:

Add after the word "created," in line 10 of section 3, the following:

"And said commission is hereby authorized and required to prescribe for the use and guidance of said common carriers in making their schedules of rates and charges for transportation of persons and property one uniform classification, and shall transmit copies thereof to said common carriers on or before the first Monday in January, 1889, and thereafter the failure or refusal of any such common carrier to observe said classification in making schedules of rates shall be an unlawful act, and all rates and charges not in conformity with said classification shall be deemed and be unreasonable rates and charges."

Amend the act entitled "An act to regulate commerce," approved February 4, 1887, by adding the following section:

"That in all civil actions and proceedings of whatever nature arising under an act entitled 'An act to regulate commerce,' approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction."

Mr. ANDERSON, of Iowa. Mr. Speaker, in the limited time allotted me in this consideration hour I can but speak briefly with reference to the purposes of the amendments that I offer. I had hoped that during this session I would be permitted to submit extended remarks with reference to the revision and modification of the interstate-commerce law which was passed by the Forty-ninth Congress, but opportunity is denied and I shall have to defer them.

It is not worth while to more than advert to the great power that the highways of this country have over the commerce of the country, or to the unlimited and unrestrained power which they exercised over the entire commerce of the country up to the enactment of the law of February 4, 1887. Even after the enactment of that law we find them exercising more power in this Government and in the management of the highways—the common highways—than is consistent with sovereign power properly exercised on the part of the people.

For instance, in the year 1887, after the passage of the interstate-commerce act, these railroad companies in the aggregate collected, according to Poor's Manual, from the people of this country for transportation of their commerce, nine hundred millions of money, and it is currently reported and generally believed—at least I have never seen it denied in any quarter—that notwithstanding the law as it now exists against discriminations and favoritism, these railroad managers gave back to their favorites along their lines more than one hundred millions of money in the way of rebates. And this sum did not enter into the account of gross earnings, amounting to $900,000,000, but was in excess of that sum, making a grand total of $1,000,000,000, $600,000,000 of which is sheer extortion, being to that extent in excess of a reasonable cost of service, taking the actual value of the roads and equipments, less watered stocks and bonds, as the only just basis on which to estimate rates and charges.

These various lines, according to Poor's Manual, had in operation, in 1886 125,146 miles of road charged up to the country in capital stock, and debt at more than $8,000,000,000, with earnings to the amount of about $800,000,000, whilst for the year 1887, Mr. Poor says, at page 10 of his Manual for 1887, that—

The earnings for 1887 are likely to equal $900,000,000, the increase to equal fully 10 per cent. over that of 1886.

And from the same authority we learn that the roads earned $305 per mile more in 1886 than in 1885, and he adds that—

Hereafter it seems probable that the earnings of our railroads are to increase in ratio considerably greater than the amount of capital invested in them.

And for the benefit of those who are endeavoring to make the people think the interstate-commerce law of last year is a thing of virtue, I call attention to Mr. Poor's observation that—

The general managers of our great lines feel themselves to be much more masters of the situation, as it were, than for some years past.

So it would seem that the railroad owners are well pleased with the law in its present form, which is rather suggestive that substantial amendments are in order if the interests of the people as well as the railroads are to be regarded.

Mr. Speaker, the manner of conducting the business of these highways is not only demoralizing to the management of the roads themselves, but it is absolutely sapping the foundations of business integrity in every commercial circle throughout the length and breadth of this land. The great power that these railroad companies exercise must be defined and limited. The very first step in the direction of doing that is to make the railroad rate a fixed quantity and a known quantity, and the next great thing to be done is to give the courts jurisdiction that will secure the enforcement of the law. As the case now stands, it reminds me of the old gentleman that the agitation of the prohibition question developed in Maine, who announced that he was "in favor of the law, but agin its enforcement." I do not intend to be extravagant, but I undertake to say, after having given this matter careful attention for years, that a statute professing to eliminate discrimination on the part of these railroads, but containing in it the words "under substantially similar circumstances and conditions," is a section that is not even a step in the direction of a limitation upon the power of the railroad companies to discriminate.

Mr. BUTTERWORTH. Will my friend explain what he means by the words "uniform classification," as used in his amendment? I do not understand the precise use of the term.

Mr. ANDERSON, of Iowa. The Board of Interstate Commerce Commissioners have discussed that question in their report, and if the gentleman had read that report he would understand. It is the classification of railway freights for transportatiron, and that classification should be uniform throughout the entire length and breadth of the land, and should apply everywhere alike to all common carriers subject to the provisions of the interstate-commerce law.

Mr. BUTTERWORTH. As my friend from Iowa [Mr. ANDERSON] has studied this question, I trust he will give for my information and that of the House an illustration of the evil of which he complains, and the manner suggested in his amendment for curing it. I am not opposing the amendment at all.

Mr. ANDERSON, of Iowa. Classification of property is the basis for all freight tariff schedules.

A railway company makes a schedule of rates embracing fixed charges with reference to a given class of freight. They immediately afterward, for the express purpose of evasion and fraud, change the classification of a given article by taking freight from one class to another and placing upon it a higher and a different rate. By this reclassification and change of schedule rates they constantly, in violation of the spirit of the law, practice discrimination and extortion to an unlimited extent. Now, I would like to strike out of this act as it stands the words "under similar circumstances and conditions," and will offer an amendment to that effect if I have the opportunity to do so. I undertake to say, Mr. Speaker, that any circumstance or condition which is the just basis of a differential charge is so tangible a thing that it is the subject of classification, and can be put in the schedule,

and the discretionary power that now rests in the hands of the managers of railroad companies to fix that matter at the time of the shipment will thus be restricted. This manner of establishing and publishing all rates will destroy the dangerous power of the rail common carrier over the commerce of the country.

Mr. GEAR. Will my friend answer a question?

Mr. ANDERSON, of Iowa. Oh, yes.

Mr. GEAR. I agree with him that there ought to be some remedy applied; but would he apply a fixed schedule on certain given classes of freight to all roads?

Mr. ANDERSON, of Iowa. I would make the rate a fixed quantity; I would make it a known quantity; I would have it posted in conspicuous places in large letters that could be read. Thus, in the sunlight of publicity, the amount of the rate would, I think, largely take care of itself. If this should not prove to be the case, if time should develop the fact that this restriction was insufficient to curb corporation greed and the rates continue still exorbitant in spite of all this light being turned on, we can advance further and fix a schedule of rates; for the country will not stand this robbery.

Mr. GEAR. My friend does not understand my question.

Mr. ANDERSON, of Iowa. Mr. Speaker, a great deal has been said about the surplus in the Treasury; but these great commercial contrivances which permit the railroad and telegraph companies without let or hinderance to charge what they please and give to favored customers, by way of rebates and special rates, whatever advantage they please, is carrying into the hands of a few men in this country much more money than is carried into the Treasury of the United States by exorbitant taxation; and that money is as fully withdrawn from circulation and the channels of trade as the money which goes into the vaults of the United States Treasury.

I can count one dozen men who have more money than is lying idle in the Treasury, and it has been taken from the people in the last few years by exorbitant, extortionate corporate charges more unjust and unreasonable than the tax charges by which the great surplus found its way into the Treasury; and this money is as much withdrawn from the business of the country, and is wielded in its aggregated capacity with more harmful effect, than is the money in the vaults of the Treasury building.

And much has been said about trusts, the commercial monsters that are crushing the life out of competition in all important lines of trade; and just at this time there is a dispute not only as to their nature and functions but as to their origin. In this country trusts are largely, if not wholly, the offspring of the greed and corruption of the owners of railroad property, as the essential element of power in them that enables them to crush out rivals in the line of business in which they are engaged is found in the cheaper freight rates they can obtain. The great Standard Oil trust would not have been possible but for its advantageous transportation arrangements, and most great trusts are on the same footing.

This tremendous power must be taken out of the hands of these soulless corporations, if a just equilibrium in the business and commerce of the country is to be restored.

The amendments I have offered to the original act and to the pending measure, I think, are a long step in the direction of the attainment of that end. Remove the power of discrimination, provide one uniform classification as the basis of all railway freight and passenger charges, and, above all, provide courts available and within the reach of the people for the administration of the law. This will put the corporations on their good behavior, and in case of infractions of the rights of their patrons will give parties aggrieved a chance to be heard where equality between the parties to the controversy will be one of the controlling-elements, as it ever should be, in the administration of justice under the interstate-commerce laws of the country. I hope the pending amendments will be adopted.

[Here the hammer fell.]

Mr. CRISP. Mr. Speaker, I shall not undertake to reply to the argument of the gentleman from Iowa [Mr. ANDERSON]. The amendments offered by him were printed in the RECORD so that members might see them this morning. I will say, however, that the Committee on Commerce, in considering this Senate amendment, felt, as seems to have been felt elsewhere, that the law establishing the Interstate Commerce Commission was largely experimental, and that as it has only been in operation about eighteen months it is wise to confine ourselves to such amendments of the act as have been recommended by the Commission themselves, having been suggested by their experience in the administration of the law. The amendments offered by my friend from Iowa are radical. They go back to the old question of State court jurisdiction. I may say that I favored that proposition; it was in the interstate-commerce bill as passed by the House. It was surrendered in conference in order that we might secure the passage of a law on this subject. The committee has now felt, as I feel, and as I hope the House will feel, that having made this surrender, having agreed upon a law, we should give it a fair trial, and should content ourselves with adopting now such suggestions as are made by the commission, with the view of remedying the faults which have been found to arise in its practical administration. Let us give the law a fair test upon this principle, and if it should prove a failure we can then make such changes as may be regarded as necessary.

Mr. ANDERSON, of Iowa. Has not this proposition with reference to conferring power on the State courts been adopted by this House on three separate occasions—in the Forty-fifth, the Forty-eighth, and the Forty-ninth Congresses?

Mr. CRISP. I think so. This House was disposed to insist upon that proposition; but, as I have stated, when we went into conference we surrendered it. The House having approved that surrender, in order to give this experiment a trial the Committee on Commerce of the House and, I presume, the Senate concluded it would be wise now to make only such amendments in the law as have been suggested by the commission, so that the experiment may be fairly tried.

Mr. Speaker, I demand the previous question upon this amendment.

Mr. ANDERSON, of Kansas. I hope the gentleman will not do that.

Mr. CRISP. I am only calling the previous question upon the amendment of the gentleman from Iowa [Mr. ANDERSON].

Mr. ANDERSON, of Iowa. There are two amendments.

Mr. CRISP. My only object is to get a vote on the amendments of the gentleman from Iowa.

Mr. GROSVENOR. I make the point of order that the amendment of the gentleman from Iowa is not pending for the purpose of being voted on. The various amendments presented by members stand in the order in which they were submitted, and I have a right to insist upon their being voted upon in that order. The gentleman from Iowa has been speaking in the general debate, and his sending his amendment to the desk had no other effect than to suggest his own views.

Mr. ANDERSON, of Iowa. I understood that I formally offered those amendments.

Mr. CRISP. I yielded to the gentleman for the purpose of offering his amendment or series of amendments, and also yielded to him ten minutes for debate. As I understood, the amendment was offered.

Mr. ANDERSON, of Iowa. I also understood that the amendment was formally offered.

Mr. GROSVENOR. The general debate had not been closed.

Mr. CRISP. We are not in the Committee of the Whole and there is no such thing as the general debate to which the gentleman refers.

Mr. GROSVENOR. But we have reached the point when these amendments are pending and I think they should be called up in the order in which they have been submitted.

The SPEAKER *pro tempore* (Mr. MCCREARY). The Chair understands the gentleman from Georgia to state that he yielded yesterday to the gentleman from Iowa [Mr. ANDERSON] for ten minutes to submit amendments, and that they were submitted and are printed in the RECORD this morning. Is the Chair correct?

Mr. CRISP. Yes; I yielded to the gentleman from Iowa for ten minutes and I supposed, of course, the House would vote on those amendments and then proceed to the consideration of other amendments which other gentlemen desired to present.

Mr. GROSVENOR. My understanding has been that the amendments were not offered, but merely printed in the RECORD for information.

The SPEAKER *pro tempore*. The Clerk will read the first amendment submitted by the gentleman from Iowa [Mr. ANDERSON].

The Clerk read as follows:

To amend section 2 of an act entitled "An act to regulate commerce," approved February 4, 1886, by striking out wherever they occur in said section the words "under substantially similar circumstances and conditions."

To amend section 3 of same act by striking out wherever they occur in said section the words "undue and unreasonable."

To amend section 4 of same act by striking out of said section all after the word "distance" where it occurs before the word "Provided."

To amend an act entitled "An act to regulate commerce," approved February 4, 1887, by adding the following section:

"That in all civil actions and proceedings of whatever nature arising under an act entitled 'An act to regulate commerce,' approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction."

The SPEAKER *pro tempore*. The question is upon the amendment of the gentleman from Iowa which has just been read.

Mr. ANDERSON, of Iowa. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Iowa. When the vote has been taken on that amendment I wish to know whether the second amendment I offered will not immediately follow?

The SPEAKER *pro tempore*. The Chair understands that such was the agreement. The ayes seem to have it.

Mr. CRISP. I ask for a division.

The House divided; and there were—ayes 44, noes 15.

So the amendment was agreed to.

The SPEAKER *pro tempore*. The second amendment submitted by the gentleman from Iowa [Mr. ANDERSON] will be read.

The Clerk read as follows:

To be added after the word "created," in line 10 of section 3 of this act:

"And said commission is hereby authorized and required to prescribe for the use and guidance of said common carriers in making their schedules of rates and charges for transportation of persons and property one uniform classification, and shall transmit copies thereof to said common carriers on or before the first Monday in January, 1889, and thereafter the failure or refusal of any such com-

mon carrier to observe said classification in making schedules of rates shall be an unlawful act, and all rates and charges not in conformity with said classification shall be deemed and be unreasonable rates and charges."

The amendment was adopted.

Mr. CRISP. My friend from Pennsylvania [Mr. O'NEILL], a member of the committee, has an amendment, and I will yield to him. How long does he wish?

Mr. O'NEILL, of Pennsylvania. Five minutes; hardly that.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Kansas. My parliamentary inquiry is this: It was understood yesterday the amendments pending would be considered in the order in which they were offered. Now I submit the amendments I presented yesterday are next in order, so far as that understanding is concerned.

The SPEAKER *pro tempore*. It is not for the Chair to say what the understanding was.

Mr. CRISP. The understanding is correctly printed in the RECORD. There was some inquiry as to that matter. There was no understanding or agreement. I simply yielded to the gentleman from Iowa to present his amendments. There is no trouble about it.

The SPEAKER. The Chair understands the agreement yesterday was that the amendments should be considered in the order in which they applied to the sections of the bill. The Clerk will read the RECORD.

Mr. CRISP. I do not think it so appears in the RECORD.

The Clerk read as follows:

Mr. CRISP. I now ask unanimous consent that the amendments which gentlemen desire to offer may be printed in the RECORD.

Mr. ANDERSON, of Kansas. And that they be considered in the order in which they amend the act of 1887.

Mr. SPRINGER. In the order in which they apply to the sections of the bill.

Mr. CRISP. I think we had better leave that for the Chair to determine.

The SPEAKER. The hour for the consideration of bills has expired.

Mr. CRISP. That is all.

The SPEAKER. The Chair is mistaken.

Mr. CRISP. I now yield for five minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. I ask the Clerk to read the proposition submitted by me and which is printed in the RECORD of this morning.

The Clerk read as follows:

Amendment to come in at end of line 139, page 7:

"That from and after ninety days after this act shall take effect it shall be unlawful for any common carrier to engage in the transportation of passengers or property between the several States and Territories of the United States or between any place in the United States and a foreign country over any route which includes as a part thereof a railway or water route outside of the United States without first having procured a license authorizing such carrier to engage in such transportation, and the conditions of such license shall be the acceptance of this act by such common carrier and of such regulations as said commission may lawfully make in pursuance thereof, and agreement by the common carrier or carriers controlling the portions of such route situated within the United States to become responsible for and guaranty the observance by those controlling the portion of the route outside thereof of the terms and conditions of such license.

"All licenses issued shall be renewable each year, and may be suspended by said commission for cause after full hearing, and, upon the final judgment of a court of competent jurisdiction, may be revoked by said commission for a violation of its terms or of the provisions of this act."

Mr. O'NEILL, of Pennsylvania. I now ask to have read the paragraph in the CONGRESSIONAL RECORD of August 4, which is the resolution of investigation offered by Senator CULLOM, the chairman of the Interstate Commerce Committee of the Senate of the United States.

The Clerk read as follows:

Resolved, That the Committee on Interstate Commerce be, and it is hereby, directed to ascertain and report to the Senate whether any railroad lines located in the United States are owned, operated, or controlled by the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or any other Canadian railroad corporation; whether commerce originating in the United States is diverted from American to Canadian lines of transportation, and, if so, to what extent and by what means; and whether there is any discrimination in the charges made for tolls, or otherwise, against American vessels which pass through the Welland and St. Lawrence Canals.

Said committee is further directed to inquire fully into the question of the regulation of the commerce carried on by railroad or water routes between the United States and the Dominion of Canada, and to report what legislation on the subject, if any, is necessary for the protection of the commercial interests of the United States or to promote the enforcement of the "act to regulate commerce," approved February 4, 1887.

In making the inquiries required by this resolution said committee shall have power to send for persons and papers, to administer oaths, to employ a clerk and a stenographer, to sit during the recess of Congress, and to do whatever is necessary for a thorough investigation of the subject. Any subcommittee may exercise the powers hereby granted to said committee, and the expenses of said investigation shall be paid from the contingent fund of the Senate upon vouchers duly approved.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I made the magnanimous offer to the chairman of the committee and other members of the House who have amendments to submit to let the bill pass as it was reported from the Committee on Commerce in the Senate. I do not wish to delay the passage of these very excellent amendments of the interstate-commerce law one minute of time further than is absolutely necessary. Beside that, I have had to-day conversation with several Senators who are members of the Interstate Commerce Committee, and they assure me the investigation directed to be made by Senator CULLOM'S resolution, which was unanimously adopted by that body, will be acted on and report made at the next session of Congress as to the control of the Canada Trunk Railway and other railroads over railroads of the United States.

Knowing from the constitutional questions involved in my proposition, as well perhaps as matters relating to our treaties, it will give rise necessarily to debate, and not wishing in any respect whatever to delay or endanger the passage of this measure I will now withdraw my amendment.

Mr. CRISP. The gentleman from Kansas, of the committee, has an amendment, and I yield to him ten minutes.

Mr. ANDERSON, of Kansas. I ask the Clerk to read the amendment which is printed in the RECORD last.

The Clerk read as follows:

That the following section be added to the said act of 1887:

"That the commission is hereby authorized, empowered, and required to execute and enforce the provisions of this act; and upon the request of said commission the Attorney-General of the United States shall institute and prosecute all necessary proceedings in the proper court for the enforcement of this act and for the punishment of all violations thereof."

Mr. ANDERSON, of Kansas. I now ask the Clerk to read the amendment that is first printed in the RECORD.

The Clerk read as follows:

Amend by inserting at end of second line:

"That section 5 of said act of 1887 be amended by adding the following: 'That all pools, agreements, understandings, or arrangements of any kind existing or entered into, or to be entered into, by any corporation or carrier subject to this act, and all rebates, drawbacks, underbilling, or devices of any and every kind whatsoever, to regulate or affect interstate commerce, either by maintenance of rates or charges, or by divisions of traffic, territory, or earnings, are hereby made unlawful.'"

Mr. ANDERSON, of Kansas. Mr. Speaker, the great trouble with the present law is that it is not the duty of any one to enforce it. Reliance for its enforcement was placed upon the interests of the shipper. The idea was that where the law was violated, the shipper, whose interests were at stake, would go into the courts, or go before the commission, and have the remedy provided by the law applied. But, as a rule, there is no large shipper in the United States who dares to apply either to the commission or to the courts. If he does, the railroad corporations have it in their power to crush him by withholding cars, and other devices. The result is that the law to-day stands unexecuted to an alarming extent where these violations occur. The first amendment which has been read simply proposes to give the commission power to execute and enforce the provisions of the present law. It makes it the duty of the existing commission, as the agent of the United States, to see that this United States law is enforced; that is all there is of it. And upon the request of the commission this amendment makes it the duty of the Attorney-General to institute proper proceedings for the execution of the act, and for the punishment of any violations of it. That proposition, Mr. Speaker, is so simple, it is so important to the people of the United States, and must commend itself so strongly to the judgment of the House that it is not necessary, and I shall not take more of the brief time allotted to me for the purpose of arguing it.

Mr. FARQUHAR. Let us have a vote on that proposition now.

Mr. ANDERSON, of Kansas. If the gentleman from Georgia is willing to have a vote on that proposition now, and will allow me to resume and occupy the remainder of my time, I am willing.

[Objection was suggested.]

However, the next amendment, Mr. Speaker, is the one in relation to pooling. Undoubtedly it was the intention of the House and of Congress in passing the act—what is known as the present interstate law, as to pooling—to prevent the combination of the roads, by which they annihilate and eliminate all competition between them, and enable themselves to fix any rates they may see fit. But a narrow interpretation has been put upon the word "pooling," and the language of the existing law seems to confine the prohibition of the law simply to pooling for freights. I will read from the original act:

That it shall be unlawful for any common carrier, subject to the provisions of this act, to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights on different and competing roads, or to divide between them the aggregate or net proceeds of such earnings, etc.

Now, that has been construed to limit this enactment to a specific formal pooling of freights. My amendment goes somewhat further and provides that all pools or agreements, understandings or arrangements of any kind or character for the maintenance of rates are made unlawful. I find in this morning's Tribune the following statement, dated Chicago, September 12:

ORGANIZING TO RESTORE RATES.

The general managers of the Western roads to-day succeeded in reorganizing the Western, Northwestern, and Southwestern roads under the general name of the Western Freight Association. One form of agreement applies to the whole of this territory, but the association was divided into three sections, J. W. Midgely being elected chairman of the Southwestern division and J. N. Faithorn chairman of the Western and Northwestern. On all matters affecting two or more of the divisions the two chairmen are to act jointly, and they are also to exercise joint supervision over Colorado, Utah, and Pacific coast business. The Southwestern Association is strengthened by the addition of three new lines—the Chicago, Santa Fé and California, the Chicago, Milwaukee and St. Paul, and the Kansas City, Fort Scott and Memphis. The first action of the Southwestern lines after organizing was to agree upon a restoration of all rates to take effect September 23. The Western and Northwestern lines will meet to-morrow to canvass rates.

Now, the fact is the railroad associations to-day, under some form of an agreement, have organized the greatest "trust" in America. And where the United States Government under the law takes $1 from the people in the way of taxes these railroad companies take $4 through their agreements, not their pools, as defined under the existing law, but through their understandings and associations like that presided over by Mr. Finck, who is the "high muck-a-muck" of the Eastern association and these other associations in Chicago, covering the whole Western territory, and through their Southern associations. They have to-day a practical and effective trust, which takes from the people of the United States without law, and in absolute defiance of the law, without competition among themselves, to a large extent, a thousand millions of dollars a year. If any trust is unlawful, if any combination in restraint of trade is against public policy, then this procedure, this agreement by which the railroad companies make these combinations by which, as shown by this dispatch, they are to restore rates, that is, to raise them, is unlawful; and the second amendment I offered proposes to make any such agreements or devices an unlawful proceeding.

Now, these are the amendments to which I desired to address myself in the short time allotted to me; and I simply submit to the gentlemen who look well to the interests of the people of our country, to those who realize that where the tariff and the internal revenue take $1 from the people the roads are taking $4 from them by such unlawful combinations, to those who realize that a combination of roads, wielded by Finck, Midgely, and the rest of their associates, has and exercises the power to tax the wheat-growers of the country, taking out of the farmers' pockets 5 cents on every bushel of wheat they raise, to tax the cotton producers of the country and the cattle-raisers and all persons who are interested in the produce of the soil or manufactures of any character—I submit that such power is dangerous to the Republic and that such a combination ought to be declared unlawful, and that the men who organize such a combination, the men who take part in it and direct its action, Albert Finck, Midgely, Faithorn, or any president of any railroad, ought to be put into the penitentiary and kept there. [Laughter and applause.]

Either some such remedy for an existing wrong, making the present law effective in some way, must be adopted, or you will find that the people of this country who are really having the life-blood drawn out of them by these great trusts, these infamous, outrageous combinations of selfishness, of greed, and of rapacity—either these things must be stopped, or, gentlemen, you will find that the people of this country will send here men who will stop it and send men to the Senate who will stop it. Now I ask a vote on my amendment.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. O'NEILL, of Pennsylvania. I want to ask the gentleman from Georgia——

Mr. CRISP. I desire, Mr. Speaker, as it is apparent that the eight or nine minutes of the hour remaining will be insufficient to pass this bill, to ask unanimous consent (and I hope our friends will not object to it) for an extension of the time for one hour to-day. I think that we can get through with it in that time; and I want to couple with that a proposition that the gentleman from Ohio [Mr. GROSVENOR] be allowed fifteen minutes of that time.

Mr. BLAND. Why not extend the time until the completion of the bill?

Mr. CRISP. And that five minutes be given to Mr. ANDERSON, of Iowa; also that I be allowed to control the rest of the time.

Mr. BUTTERWORTH. I would suggest to my friend from Georgia that he ask an extension of the time for one hour and a half or two hours.

Mr. WILSON, of Minnesota. I was going to suggest that there be an extension asked of two hours. We will have nothing more important than this before the House; and we had better consider this bill than be fighting about the want of a quorum.

Mr. BLAND. Why not extend it to the completion of the bill?

Mr. CRISP. I was only anxious to propose an extension of the time that would be acceptable to everybody.

Mr. WEAVER. I would like the gentleman from Georgia to allow me a minute in which to make a statement.

Mr. CRISP. I yield to the gentleman from Iowa.

Mr. WEAVER. I wish to say a word on this question. Notwithstanding the friends of the Oklahoma bill feel the importance of that measure, they also concede that this is an important measure now pending, so important to the people that we will not interpose an objection to a reasonable extension of the time.

The SPEAKER *pro tempore*. Does the Chair understand the request of the gentleman from Georgia to be that the time for the consideration of this bill be extended two hours after the expiration of the morning hour?

Mr. CRISP. It is; and of that time the gentleman from Ohio is to have fifteen minutes. And if there be no objection, and the House will allow me to control the time, I will see that those gentlemen desiring to address the House shall have time.

The SPEAKER *pro tempore*. The Chair will again state the request of the gentleman from Georgia. The gentleman from Georgia asks unanimous consent that two hours additional time after the expiration of the consideration hour be allowed to consider this bill, or so much as is required. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CRISP. It is understood that the House permits me the control of the time?

Several MEMBERS. Oh, yes.

The SPEAKER *pro tempore*. If there be no objection, the gentleman from Georgia will be permitted to control the time. The Chair hears no objection.

Mr. CRISP. The gentleman from Minnesota [Mr. WILSON] desires to ask a question.

Mr. WILSON, of Minnesota. I want to ask this additional extension from the House, and if I am permitted to go on I can state it in one minute. I know the House will agree to it. There is another bill, reported by the Committee on Commerce, to wit, a bill touching railroads that have been organized under the laws of the United States running through the States and disregarding State laws regulating the tolls thereon. We have one bill already reported to the House which touches that and gives States jurisdiction in such cases. I do not believe its consideration will take more than five minutes, but I ask unanimous consent to report such a bill. There has been such a bill sent on by the railroad commissioners of my State on that matter, and I hope there will be no objection to it.

Mr. O'NEILL, of Pennsylvania. At present I object. It is a bill involving entirely different principles. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. CRISP. I desire to say just one word in relation to the amendments proposed by the gentleman from Kansas [Mr. ANDERSON]. His first amendment seeks to enforce the interstate-commerce act. I will say in respect to that, under the law as it is now upon a complaint being filed the commission are required to enforce the act; and it would seem to be a little out of place to require them to proceed in a matter without information from some party injured. That is all I desire to say about the matter. Under the law anybody complaining has simply to send notice to the commission, and they are required to proceed and investigate the case. It seems to me that is enough.

Mr. ANDERSON, of Kansas. Has the commission ever instituted any proceedings?

Mr. CRISP. So far as I know the commission have fully discharged their duties under the act. In every case, so far as I know, where application has been made to them it has been respectfully received and considered, and a hearing given.

Mr. ANDERSON, of Kansas. The commission has never carried a case into court.

Mr. O'NEILL, of Pennsylvania. I want to offer an amendment to the amendment of the gentleman from Kansas [Mr. ANDERSON].

Mr. RYAN (to Mr. CRISP). Is not the aggrieved party now entitled to make application for redress directly to a court instead of to the commission?

Mr. CRISP. He is.

Mr. RYAN. He can take his choice, can he not?

Mr. CRISP. He can take either. He can go to the court or to the commission. We have already provided that in every case where he shall recover he shall also recover counsel fees in addition to the damage.

Mr. ANDERSON, of Kansas. I think that part of the law is not enforced.

Mr. CRISP. The next amendment is to touch upon the question of pooling, and my only reply to that is to ask the Clerk to read the fifth section of the act of 1887.

Mr. ANDERSON, of Kansas. It does not touch this at all.

Mr. CRISP. I ask the Clerk to read the section, and if it does not cover this subject I am at a loss to know how language can be framed to cover it.

The Clerk read as follows:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

Mr. CRISP. Now, Mr. Speaker, I would like to have a vote on these amendments of the gentleman from Kansas.

Mr. O'NEILL, of Pennsylvania. I presume it is in order for me to offer an amendment to the amendment.

Mr. FARQUHAR. Mr. Speaker, having some knowledge of this section that the gentleman speaks of, I wish to say that the gentleman from Kansas [Mr. ANDERSON] is very evidently striking at a matter that can not be very well regulated either by the Interstate Commission as it exists, or even by the through trunk-line associations. The gentleman's proposition contemplates that the present Interstate Commerce Commission, or some other commission to be created by this Congress or by some subsequent Congress, shall provide all the paraphernalia of a pooling, combining, and adjusting division for all the railroads of America. Let me say in justice to the railroads that the very dispatch which has been read by the gentleman [Mr. ANDERSON] this

morning arose out of a quarrel on the terminals west of the Missouri River. The question was whether those companies that owned the trunk lines, like the Burlington and the Topeka and Santa Fé and others, should or should not secure the through freight that came from the West to, say, Kansas City, on their through bills, and consigned to Chicago or St. Louis, yet is stopped at Kansas City and sold there, but is reshipped thence to the East at proportional of the original through rate; whether such freight shall be open to competition by all lines eastward when it came to reshipping.

The managers of trunk lines west of the Missouri River contend that the competing lines east of the river that had not built roads or put on heavy operating equipments, costing millions of money, should not come in and compete for this class of freights with the trunk lines. Now, that is a question that evidently lies entirely with the railroads themselves. Take the through rate from New York to San Francisco on dry goods, $4 a hundred. Do you think the settlement of that rate between the Eastern trunk lines and the transcontinental association is left to chance? No, indeed; for one of the most expensive pieces of clerical work that the railroad companies have to provide and pay for—not for the purpose of "combines" or of "pools," but for fair business purposes—is to settle the just and proper division of through and competing rates among themselves. As between those railroad associations and the Interstate Commerce Commission there is, I presume, a perfect understanding. The transcontinental lines that were mentioned a while ago in their prorating West claimed so much. Then the central traffic association claim so much, and they agree among themselves as to their proper proportions of the through rate; but that through rate itself is the standard of the commission.

If the amendment of the gentleman from Kansas [Mr. ANDERSON] were to be adopted, you would have to turn your Interstate Commerce Commission itself into a pooling arrangement. This matter of a division of rates among the railroads is entirely open and above board. The newspapers and the public discuss every dollar that is divided. Generalities or impassioned talk do not cover the question. It is as plain a business proposition as the position of the Sergeant-at-Arms paying a member his salary.

Mr. ANDERSON, of Kansas. Let me ask the gentleman, is not the object of the railroad associations expressly to keep up rates?

Mr. FARQUHAR. No. I deny that.

Mr. ANDERSON, of Kansas. And do not the people have to pay for it?

Mr. FARQUHAR. No. In 50 per cent. of the cases of contention these very associations I have named have put on and upheld uniform rates and kept your farmers from being skinned. I assert that as a fact and I can prove it.

Mr. ANDERSON, of Kansas. They have put on an uniform rate, and that uniform rate is an extortionate one.

Mr. FARQUHAR. No, sir.

Mr. ANDERSON, of Kansas. I ask that the amendment as offered be read.

The Clerk read as follows:

That the following section be added to the said act of 1887: "That the commission is hereby authorized, empowered, and required to execute and enforce the provisions of this act, and upon the request of said commission the Attorney-General of the United States shall institute and prosecute all necessary proceedings in the proper court for the enforcement of this act and for the punishment of all violations thereof."

Mr. ANDERSON, of Iowa. If the gentleman from Georgia [Mr. CRISP] will allow me a moment, I wish to submit just one remark. I am not opposed to the amendment of the gentleman from Kansas [Mr. ANDERSON]. I am in favor of every proposition that goes to restraining the power of these highwaymen that are managing the affairs of this country literally as highwaymen. But in my judgment the present law as it stands, if there was any place on earth where it could be enforced, would be good enough for all the purposes for which the people thought it was intended.

If this amendment conferring jurisdiction upon the State courts should prevail and become a law there will be an assurance to the complainant when "on his native heath," in the domestic court with which he is familiar, that it will not require the entire amount of his claim to prosecute it; and thus the effectual enforcement of the law will be promoted.

Mr. ANDERSON, of Kansas. Take the class of cases which must necessarily be tried in the United States courts, cases in which the commission itself in the course of its investigation has discovered violations of law. Would not my friend be willing that this amendment should be adopted giving to the commission a power it has not now of enforcing the law, and causing the Attorney-General to institute proceedings?

Mr. ANDERSON, of Iowa. Certainly. I am not intending to antagonize the amendment, but am endeavoring to enforce the necessity of a court somewhere to secure the effectual execution of our laws on this subject.

The SPEAKER *pro tempore*. The question is on the first amendment of the gentleman from Kansas [Mr. ANDERSON].

The amendment was adopted; there being—ayes 27, noes 16.

The SPEAKER *pro tempore*. The Clerk will now read the next amendment of the gentleman from Kansas [Mr. ANDERSON].

The Clerk read as follows:

Amend by inserting at end of second line:
"That section 5 of said act of 1887 be amended by adding the following: 'That all pools, agreements, understandings, or arrangements of any kind existing or entered into, or to be entered into, by any corporation or carrier subject to this act, and all rebates, drawbacks, underbilling, or devices of any and every kind whatsoever, to regulate or affect interstate commerce, either by maintenance of rates or charges, or by divisions of traffic, territory, or earnings, are hereby made unlawful.'"

Mr. O'NEILL, of Pennsylvania. I move to amend that amendment by adding these words:

Whether said pooling be done by railroads running only through the United States or by railroad companies outside of the United States through their agents doing business for them in this country.

I take it, sir, from what has been said by the gentleman from Kansas that he wants to prevent all possibility of pooling, all possibility of any discrimination by rebates, drawbacks, or in any other way in favor of one class of shippers as against another. I presume, therefore, that he will be willing to accept this amendment. It proposes in a moderate way to reach railroads running through Canada and owned by foreign capitalists, while it does not at all interfere with the charges that those railroads may make in a legitimate way.

Mr. ANDERSON, of Kansas. The gentleman proposes, I understand, to add that to my amendment?

Mr. O'NEILL, of Pennsylvania. Yes, sir.

Mr. ANDERSON, of Kansas. I accept it.

Mr. O'NEILL, of Pennsylvania. I modify my amendment by inserting the word "rebates" after the word "pooling."

Mr. CANNON. Mr. Speaker, having just entered the Hall, I am not as familiar with this amendment or with the bill as perhaps I ought to be. But in listening to this proposition of the gentleman from Kansas, the question occurred to me whether the amendment may not go further than he intends. If there are arrangements by which undue rates are exacted or by which drawbacks are allowed, I apprehend there will not be much division of opinion in providing a remedy. But as I listened to the amendment, I found myself asking whether it is not broad enough to cut up by the roots all agreements and arrangements touching transportation. For instance, if starting in Kansas, or some other point of the West, you desire to make shipment of freight to the seaboard, there are, as I understand, a number of arrangements or agreements by which, as a matter of convenience, a continuous haul is secured, and which in the main give cheaper rates. Now, I ask for information whether this amendment may not be so broad as to interfere with these arrangements between connecting lines of railway, so as to leave each railroad to make its own agreement with the shipper, and requiring perhaps half a dozen agreements in order to secure continuous shipment from the West to the seaboard?

Mr. CRISP. I will say to the gentleman from Illinois [Mr. CANNON] that such consideration as I have been able to give that amendment makes it very doubtful in my mind whether, if it were adopted as law, there could be such a thing as joint tariff rates at all.

Mr. CANNON. If the amendment is liable to operate in that way, it might strike a very serious blow which we do not intend, because, as I understand, the business of the country, so far as transportation is concerned, has been revolutionized within the last fifteen or twenty years by these arrangements for continuous transportation. If we should go back to the old system under which "every tub stood on its own bottom," and if we should require a man, in order to transport his product from his farm to the seaboard to make half a dozen contracts with as many different corporations, it might do very great harm. We ought to take care, in seeking to remedy abuses, that we do not inflict great injury upon the public, and cut up by the roots a system of doing business with which we do not desire to interfere.

Mr. ANDERSON, of Kansas. Will the gentleman from Georgia allow me to answer his question?

Mr. CRISP. Most certainly.

Mr. ANDERSON, of Kansas. And I will do it by reading my proposed amendment. It is as follows:

That section 5 of said act of 1887 be amended by adding the following: "That all pools, agreements, understandings, or arrangements of any kind existing or entered into, or to be entered into, by any corporation or carrier subject to this act, and all rebates, drawbacks, underbilling, or devices of any and every kind whatever—

Now, for what?—

to regulate or affect interstate commerce—

How?—

either by maintenance of rates or charges, or by divisions of traffic, territory, or earnings are hereby made unlawful.

Now, that does not in the slightest prevent them from making joint schedules. What is a joint schedule? It is a schedule agreed to by two roads.

A MEMBER. Or more.

Mr. ANDERSON, of Kansas. Each makes its own rates. That is all there is of it, and gentlemen need not be scared.

Mr. CANNON. There is no desire, I will say to my friend from Kan-

sas, to scare anybody, but there is an honest desire to get to the meaning of the amendment.

Mr. ANDERSON, of Kansas. I admit that the gentleman from Illinois does not mean to scare anybody.

Mr. CANNON. I think there are a number of us just as anxious as my friend from Kansas, although we do not make so much noise about it. [Laughter].

Mr. ANDERSON, of Kansas. That is correct. I wish to ask, even supposing my amendment does go too far in a proper direction, does any one doubt the Senate would correct it? Gentlemen need not be scared. [Laughter.]

Mr. O'NEILL, of Pennsylvania. I understand the gentleman from Kansas to accept the modification which I suggested to his amendment.

Mr. CANNON. Allow me but a single word more. I live, Mr. Speaker, a thousand miles from the seaboard, and am honestly anxious to provide legislation that will cut off rebates, drawbacks, understandings, or arrangements of any kind, and especially to cut off unjust poolings, as any man upon the floor of this House, but I stand here before action is taken to get as much knowledge as I possibly can touching this matter. I am inquiring in good faith and not for the purpose of antagonizing this amendment offered by the gentleman from Kansas. For one, I am not here to allow anything to go through without seeing that the House understands all about it, and without thoroughly understanding it myself in every particular. I have my own responsibility, and am perfectly willing to shoulder it.

Mr. CRISP. Mr. Speaker, I said in the beginning of the consideration of this bill that some of the amendments would bring up questions which have been before the House a great many times and which I thought and the committee thought had been compromised by the adoption of this bill to which we wish to give effect. Now, I hope the House will not understand from anything said by the gentleman from Kansas on his amendment that the act of 1887 does not by itself prohibit, because it does prohibit in as strong terms as language can make it, rebates, drawbacks, pools, agreements, arrangements, or anything of that character, which seem to be pointed out by the gentleman's amendment.

Mr. ANDERSON, of Kansas. Does the gentleman deny pools take place under the present law?

Mr. CRISP. You will find the present law prevents rebates. The gentleman does not question that?

Mr. ANDERSON, of Kansas. Suppose you read it.

Mr. CRISP. It is in two or three sections. It prevents rebates; you do not deny that?

Mr. ANDERSON, of Kansas. Yes.

Mr. CRISP. It prevents drawbacks.

Mr. ANDERSON, of Kansas. Yes.

Mr. CRISP. It prevents unjust discriminations?

Mr. ANDERSON, of Kansas. Yes.

Mr. CRISP. What else do you want?

Mr. ANDERSON, of Kansas. My amendment goes to the extent of preventing agreements for maintenance of rates.

Mr. CRISP. I am not going into a discussion of this case. I take it for granted the House understands the bill. It is not clear if the amendment of the gentleman from Kansas should be adopted, railroads would not be allowed to make joint tariffs to give cheap freight from here to Kansas.

Mr. BUTTERWORTH. And the result will be each road will charge local rates over its line.

Mr. CRISP. Yes, and I think these joint tariffs for great distances are in the interests of the people.

Mr. FARQUHAR. Fairer arrangements have been made under this act by railroads than ever before.

Mr. ANDERSON, of Kansas. Yes, for robbery. Under the present law they collect more to-day than they ever did.

Mr. FARQUHAR. Some gentlemen do not know what they are talking about.

Mr. ANDERSON, of Kansas. That is mere assertion. There is not a president of a railroad company in the United States who is not violating the present law.

Mr. FARQUHAR. The gentleman does not dare to make his assertion over his own signature.

Mr. ANDERSON, of Kansas. Yes, I do—over my own signature.

Mr. HENDERSON, of Illinois. Will the gentleman allow me to call attention to the language of the present law?

Mr. CRISP. I will yield to the gentleman; how long?

Mr. HENDERSON, of Illinois. For only a few moments. I want to read a provision of the present interstate-commerce law.

Mr. CRISP. Then I will yield to the gentleman for a few moments.

Mr. HENDERSON, of Illinois. Mr. Speaker, if I can be recognized I desire to call the attention of my colleague from Illinois, as well as the chairman of the Committee on Commerce, to the provision of the existing law, which is as follows:

That every common carrier, subject to the provisions of this act, shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines, and those connecting therewith; and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks and terminal facilities to any other carrier engaged in like business.

It seems to me that that provision of the law affords as strong an assurance as can be given to compel this continuous interchange of traffic by railroad transportation.

Mr. CHEADLE. Will the gentleman from Georgia allow me a moment to make a statement in response to what has been stated upon this very point?

Mr. CRISP. I will yield to the gentleman for a moment.

Mr. CHEADLE. The gentleman from New York [Mr. FARQUHAR] wanted an illustration of the question he raised; and I can give him one if I can have his attention for a moment. I live in the town of Frankfort, Ind. Four railroads pass through the town, one of them being what is known as the "Air Line." Now, it is 48 miles from Frankfort to Indianapolis, and the rate from Indianapolis to the seaboard cities was 1½ cents less per bushel than from Frankfort; and yet under the provisions of the existing law the Air Line road can take freight from Indianapolis and pull it north, passing through Frankfort to its connections at Chicago, for 1½ cents per bushel less than they charge from Frankfort over the same route.

Mr. CRISP. Now let us have a vote.

Mr. O'NEILL, of Pennsylvania. I understand the gentleman from Kansas has accepted my amendment.

Mr. ANDERSON, of Kansas. I did.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, the easiest abuse possible in this House, or out of it, is the abuse of the great railroad system of the country. I dislike very much to hear it wherever it may come from, because we all know to-day that the railroad companies have done nothing in opposition to the law, but are satisfied with the provisions of the act of 1887, and will be better satisfied when we pass this Senate bill, which makes clear some points in doubt, a bill which practically originated in the idea that there was underbilling of rates all over the country, and to prevent this underbilling was the object of the bill.

This has been recommended by all of the commercial bodies everywhere throughout the country and by the people who know what they are about—the shippers of goods and those directly interested in railroad traffic. The people of the country have been instructed by the operation of the law up to this time. I know from my own city, the city of Philadelphia, which I have the honor in part to represent, that I have received memorials and petitions which I have presented here, from boards of trade, from the Commercial Exchange, and from the other business exchanges, asking that this law, this bill of the Senate, may be adopted by the House and sent back, so as speedily to be enacted as the law of the land; and I express my regret, sir, that we are prejudicing action upon the bill by taking up the time with these amendments and so changing the character of the bill as it came from the Senate as to make the question of its final passage one of delay if not of doubt. I sought this morning to have all amendments withdrawn, that the bill might be adopted in its original form, but objection was made. I hope we will not prejudice the passage of the bill by further action here to-day; and while I am strongly in favor of the passage of the bill, I regret that I feel compelled to refrain from voting on any of the questions presented. I am paired with the gentleman from Florida [Mr. DAVIDSON], and not knowing how he would vote I shall also refrain from voting.

Mr. CRISP. I hope we will now have a vote on the pending proposition.

Mr. NELSON. I want one moment to reply to the gentleman from Pennsylvania. I want to say to him, in reference to his amendment, that I think if he will read it again he will see that it has precisely the opposite effect from what he understands it has. It is precisely what we would like out West. We do not want the trunk lines to pool with the trunk lines of Canada.

Mr. O'NEILL, of Pennsylvania. I think the gentleman is entirely mistaken. The amendment was carefully drawn.

Mr. ANDERSON, of Kansas. Let the amendment be again reported.

The amendment was again read.

Mr. MACDONALD. I do not like the wording of the amendment, and I would like to suggest an amendment.

Mr. BLAND. I understand the first question is on the pending amendment to the amendment to the amendment—that offered by the gentleman from Pennsylvania.

Mr. O'NEILL, of Pennsylvania. That was accepted by the gentleman from Kansas as a part of his amendment.

Mr. BLAND. But the House has a right to vote upon it. It has not yet been adopted.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. O'NEILL, of Pennsylvania. The gentleman from Kansas accepted that.

Mr. ANDERSON, of Kansas. Is that the amendment of the gentleman from Pennsylvania?

The SPEAKER *pro tempore*. It is.

Mr. ANDERSON, of Kansas. I was willing to accept the amendment to the amendment, but objection was made and a vote was demanded upon it.

Mr. O'NEILL, of Pennsylvania. Very well; I have tried my best, in the most modified way, to do something to check the railroads owned by British capital and Canadian capital.

Mr. MACDONALD. I have an amendment which I think is necessary here.

The SPEAKER *pro tempore*. It is not now in order. The first question is on agreeing to the amendment to the amendment proposed by the gentleman from Pennsylvania.

The amendment to the amendment was rejected.

Mr. ANDERSON, of Kansas. I now ask the previous question——

Mr. MACDONALD. Let me suggest an amendment here. I suppose it is in order now.

The SPEAKER *pro tempore*. If it is an amendment to that of the gentleman from Kansas.

Mr. MACDONALD. That is the purpose of it.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

Insert the word "and" after the word "pools," and strike out the words "of any kind" and insert in place thereof the words "having pooling, rebates, or drawbacks in view."

Mr. ANDERSON, of Kansas. So it will read how?

Mr. MACDONALD. I will tell the gentleman. So it will read:

That all pools and agreements, understandings or arrangements, having pooling rebates or drawbacks in view, etc.

Mr. ANDERSON, of Kansas. Oh, no; that is the present law.

Mr. MACDONALD. The gentleman is mistaken in that. This is to prohibit just exactly what the gentleman has referred to. Your amendment declares any arrangement that any railroad company may make is unlawful.

Mr. ANDERSON, of Kansas. Where it is to keep up rates.

Mr. FARQUHAR. The gentleman from Kansas provides for the maintenance of rates. So you go against the very schedule required to be posted up.

Mr. ANDERSON, of Kansas. Oh, no.

The SPEAKER *pro tempore*. The question is on the amendment to the amendment of the gentleman from Minnesota.

The amendment to the amendment was rejected.

The SPEAKER *pro tempore*. The question is now on the amendment of the gentleman from Kansas [Mr. ANDERSON].

The question was taken; and the Speaker *pro tempore* stated that the noes seemed to have it.

Mr. ANDERSON, of Kansas. Division.

The House divided; and there were—ayes 23, noes 27.

So the amendment was rejected.

Mr. CRISP. I now yield to the gentleman from Minnesota [Mr. LIND], who has an amendment he desires to discuss.

Mr. LIND. I ask the Clerk to read the amendment which I offered yesterday.

The Clerk read as follows:

Amend by inserting after line 6 the following:

"SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance; that it shall also be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line, in the same general direction, or from the same original point of departure, or to the same point of arrival; but this shall not be construed as authorizing any common carrier subject to the provisions of this act to charge as high a rate per ton per mile for a longer as for a shorter distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act."

Mr. LIND. Mr. Speaker, this does not introduce nor seek to introduce any new feature into the interstate-commerce act as it was understood at the time of its passage. Nor is it a novel scheme. It is a provision that is to be found in the railroad laws of the State of Iowa and other States, and in the railroad law of my own State. Instead of making a speech I will endeavor briefly to explain the effect of and the difficulties this amendment seeks to remedy. The leading feature in the interstate-commerce act, as we call it, is that which denies the right of a railroad corporation to charge a higher rate for a short haul over the same road than for a longer haul which also includes the shorter. That is the principal, the one leading idea in the interstate-commerce act, but the reverse of that proposition is not provided for.

There is another feature which that act does not prohibit, and that has been more burdensome than that form of discrimination. While it is true that the law prevents a railroad company charging more for the shorter distance than for the longer one, it is not true that it prohibits it from charging proportionately less for the shorter than the longer. To illustrate—and I trust you will not think that this is an attempt to introduce a distance tariff, but to illustrate the idea that is expressed in this amendment—I will take for instance Chicago, the general distributing point for the West. St. Peter is situated west of Chicago, and New Ulm is another town still farther from Chicago. The rate from Chicago to St. Peter, I will say, is $10 a ton. It is 500 miles. The rate to New Ulm, only 30 miles farther west, is $15 a ton. These are figures for illustration only.

Mr. ROWELL. Is not that a violation of the law?

Mr. LIND. It is not a violation of the terms of the act, and the commissioners have so decided. While the distance from St. Peter to New Ulm is only 30 miles, the rise in the charges for transportation is $5. I purposely exaggerate these figures simply to bring out the force of the illustration. The difference actually charged is not so great, but nearly so.

Mr. RYAN. Will my friend permit me to ask him a question?

Mr. LIND. Wait one moment until I have stated another fact in this connection. Gentlemen will notice the unfair discrimination made against New Ulm. That town is only 30 miles farther west than St. Peter, and still the company charges a difference of $5 a ton on freight. As a matter of fact it is charging a difference of 40 cents a ton on coal, whereas if we were given the same rate per ton per mile that St. Peter received and which we ought to have, the difference would be only 16 cents per ton on coal.

The proposition involved in this amendment is this: That if a railroad company can haul freight, we will say 150 miles, at 1 cent per ton per mile, they certainly under the same circumstances, over the same road-bed, can carry it 500 miles at the same rate per ton per mile. If there is one axiom in transportation it is this: That with the increase of the distance there should be a decrease in the rate per ton per mile.

Mr. CRISP. That is where I want to ask the gentleman this question: Is not that a violation of the interstate-commerce law?

Mr. LIND. It is not of itself, and the commission has so decided.

Mr. CRISP. Would it not be an unreasonable rate?

Mr. LIND. That is another question. But as I have already stated the commission has already decided that this state of facts is not of itself an unreasonable rate. I say the gentleman can not point to one case where the commission has yet pronounced any rate unreasonable. Our people brought the matter up before the commission, and it was heard, and relief was refused.

Mr. CRISP. The trouble is that the gentleman wants the law itself to define in every case what is an unreasonable rate, which is impossible.

Mr. LIND. No. The gentleman does not understand me. I do not undertake to define in this amendment what the railroads shall charge. The amendment simply does this: You have already said by your law that they shall not charge more for a short haul included with a long haul than for the long one, and we ask this additional provision that they shall not charge more per ton per mile for a longer than they do for a shorter distance in the same direction and over the same road.

Mr. ROWELL. It is introducing the mileage rate, is it not?

Mr. LIND. No, sir; nothing of the kind.

Mr. RYAN. The illustration which my friend from Minnesota [Mr. LIND] has given satisfies me that, so far as that is concerned, his amendment is all right; but will it not have a further effect? Take, for instance, a case like this: A ton of flour is shipped from my town, Topeka, Kans., to the Mississippi River. Now, will the railroad companies be required to carry that flour at the same rate per ton per mile that they would carry it to New York for?

Mr. LIND. No, sir; not at all. I will explain. If you have a continuous line of railway from Chicago to Topeka by way of Kansas City, this amendment will compel the railroad company to carry freight from Chicago to Kansas City and beyond there to your town at no greater rate per ton per mile than they charge to Kansas City. It is a fair regulation, and it has been thoroughly tested in our State.

Mr. RYAN. If that is the only effect of the amendment, I think it is a good one and should be adopted.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Minnesota [Mr. LIND].

Mr. CRISP. A word in reply. Whilst the gentleman from Minnesota [Mr. LIND] insists that this amendment does not propose the introduction of the mileage principle into the law, it will be very difficult for him to satisfy the House of the correctness of that proposition. His amendment is the converse, so to speak, of the short and the long haul clause in the existing law. When we provided that a railroad should not charge more for a short than for a long haul we thought we were correcting the inequalities that existed; but the gentleman's proposition is that, as to the long haul, the railroads shall not charge more per ton per mile than they do for the short haul. Now, there may be some case—doubtless there is such a case, because the gentleman refers to it, and I of course accept his statement—where the practice of the railroads discriminates against a town.

I suppose that is the kind of case to which the gentleman refers, but there is another provision of the law which would reach a case of that character. All rates are required to be reasonable and just. There

must be no discrimination against individuals or against localities, but it is utterly impossible to prohibit specially in the law every injustice that may arise. Gentlemen will see that the short and the long haul provision, about which so much is said, is merely a determination by Congress, when the question of reasonableness or unreasonableness of rates arises, that in every case, unless the commission shall decide differently, it is not unreasonable to charge more for a short than for the long haul. The general proposition is that in every case the rates shall be reasonable, but as to that particular matter Congress says to the railroads, "Whenever you charge more for a short than you do for a long haul you are doing an unreasonable thing, and this commission shall have authority to modify the rate." But the amendment of the gentleman from Minnesota [Mr. LIND] is a proposition to add to that, and to protect the long haul as against the short haul.

Mr. LIND. That is it.

Mr. CRISP. It introduces for the first time in the legislation of this country the per ton per mile principle.

Mr. LIND. It does not do that at all.

Mr. CRISP. It certainly does, if language can do it. It provides that the charge shall not be greater "per ton per mile" in the one case than in the other. As I have said, we have never introduced the mileage principle into our legislation on this subject.

Mr. LIND. It applies, however, to the long haul, and not to the short haul.

Mr. CRISP. But the gentleman does not seem to get the idea that it introduces a mileage rate.

Mr. LIND. It does not.

Mr. CRISP. The question of the mileage rate is very distinct from the question of reasonableness, as between the long and the short haul. A mileage rate means so much for every mile. It is a principle which certain parties have sought for some years to introduce into our legislation, but, so far as I am informed, it has never met the approbation of Congress in either branch.

I yield to the gentleman from Minnesota [Mr. LIND], as I understand he will occupy but a short time.

Mr. LIND. I merely wish to call attention to the fact that this proposition, as I claimed in my former statement, does not introduce the mileage system. Suppose there are on a railroad route three points —A, B, and C. A is 100 miles distant from B; C is 10 miles further. Between A and B there is a certain rate per ton per mile. Now, we say it is not reasonable as a matter of law that the company should be permitted to charge a greater rate per ton per mile for the longer haul than for the shorter one, the transportation being over the same road, in the same cars, and under the same circumstances.

Mr. CRISP. That introduces the mileage rate.

Mr. LIND. No, it does not; the gentleman is wrong.

Mr. MACDONALD. Will the gentleman from Georgia yield to me a moment?

Mr. CRISP. Yes, sir.

Mr. MACDONALD. My view of the matter is that this is a restrictive clause inserted in the law, and simply provides, as any person will see, that where a railroad is carrying freight for 500 miles at a stipulated rate per ton per mile, it shall not charge more for 600 miles. The proposition ought to be plain. Its adoption does not compel the companies to adopt exactly the same rate, but simply prevents them from charging more.

Mr. CRISP. But you are applying the mileage rate.

Mr. MACDONALD. Oh, no. This is the only way in which you can have a restriction applied. I am unable to see anything objectionable in a rule which is based upon what is termed the "mileage rate." The present law is the result largely of agitation caused by railroads giving better rates to terminal cities, which were favored by having competing railroads, than they did to intermediate points which were a less distance and shorter haul. Now, here is a case where it is found that where railroads have competing points which are intermediate they charge a sum which is proportionately much less than to points a short distance beyond. It is the old story in a slightly different form. The railroads are willing to carry freight at reasonable rates where, because of competition, they are compelled to; but where there is no competition they put up the rate to an extortionate figure, whether the non-competing point is a longer or a shorter distance. All should be required to carry at a rate which is reasonable, and the same should be uniform in proportion to the distance. In determining this you must resort to the "mileage rate."

Mr. CRISP. The present law says the rate shall not be unreasonable or unjust. Take the case presented by the gentleman from Minnesota [Mr. LIND]. Two points, A and B, are 100 miles distant, while the distance from B to C is 10 miles. As I understand it, what the gentleman desires to accomplish is that the company shall not charge $10 from A to B, and $15 for the other 10 miles. Now, I ask, if this were done, whether it would not be an unreasonable rate, and whether the interstate-commerce law does not already prohibit it?

Mr. MACDONALD. I will answer that question by asking another. If the amendment should be modified by omitting the words "per ton per mile," making it provide simply that these companies shall not charge more in proportion for, say, 600 miles than for 500 miles, would that be more satisfactory? I can not see how it would improve it.

Mr. CRISP. I do not myself see any necessity for such a provision.

Mr. MACDONALD. If it is a fact that they do charge more in proportion there certainly is a necessity for it. This transportation question is yet in its infancy, and it is by experience that we can learn what is necessary in the way of regulation and control. I do not believe that railroads carry freight at a loss, or for amusement simply, to competing points. If they do they will have to cease their folly. As public servants they should serve all alike, and no one citizen should be required to pay for services received by another. No man should have to pay freight which another should have paid for.

Mr. BRUMM. Allow me to illustrate the difference between the position of the gentleman from Georgia [Mr. CRISP] and that of the gentleman who has offered the amendment. Let us suppose that the rate per ton for 100 miles is $2. That pro rata rate would apply all along the route. But at a certain point there is a town which is off the regular route and which the railroad company wishes to punish; it wishes to deprive it of freight, because by sending it that way it must necessarily go over some other route. Under the existing law the company may charge an extra dollar per ton to the point they wish to punish; but if this were not allowed, freight could be shipped to that extreme point which the company wishes to punish without any increase of rate, even though it might go over another road. The purpose of the present provision is to prevent a discrimination in this respect.

Mr. CRISP. In reply to the gentleman, I will say that the present law prohibits any such discrimination—anything like "punishing" a town, or an individual, or a railroad.

Mr. BRUMM. I have mentioned a case in which it may be done.

Mr. CRISP. Do you want to make the law stronger than it is? It now distinctly prohibits discrimination.

Mr. BRUMM. The proposition is simply to apply the same rule to the longer distances that the present law applies to shorter distances.

Mr. WILSON, of Minnesota. Mr. Speaker, this matter, I see, is not generally understood; but I think a moment's reflection will make it understood. We will suppose that two railroads start from a given point. One reaches a second point by a route 100 miles long; the other by a route 150 miles long. At the crossing or competing point the road that has the short haul always makes the rate; and the road which has the long haul must either go out of business in respect to that competing point or it must consent to take freight at the same rate as the road having the short haul; that is at the 100 mile rate. Now, the question presented by my colleague [Mr. LIND] is this: if a road having a line of 150 miles takes freight at the competing point at the rate of the road having the line of 100 miles, shall this longer road be compelled, where it goes beyond the competing point, to take freights at the same rate per ton per mile as at the competing point? That presents the question in as few words as I can state it; and that is the whole case.

I admit with my colleague the ordinary rule is true, and true in almost every instance, that the rate at which the railroad carries for 100 miles ought to be and is a reasonable rate for a greater number of miles. But the question is whether that should be the unchangeable rule in every individual case, or ought it to be left to the commission to determine in exceptional cases. That is the simple and only question in this case. If we adopt a cast-iron rule, we may, and in some few cases doubtless would, give all the business at the point of crossing to the shortest line, thus preventing competition at that point; whereas, if we do not adopt this rule, injustice may be done to points on the longer line beyond the point of crossing. Often, or at least sometimes, injustice may be done to a point by charging a rate to it that is not absolutely too high. A great wrong may be done to a town, A, by charging too low a rate of freight to a neighboring town, B.

That is the way I understand it. Am I right?

Mr. LIND. I do not concede the correctness of the gentleman's conclusion, but he does state one of the features of complication I seek to avoid.

Mr. WILSON, of Minnesota. I will say that I will vote for this amendment. I have inquired a great deal in reference to this question; I have inquired of the Interstate Commerce Commission; I have inquired of the railroad commissioners in my own State, and I have thought a great deal about it.

There is a great deal to be said on both sides. Any one who says there is not, and that it is free from difficulty, either has not devoted any thought to the subject or makes statements recklessly. I have thought of it and have come to a conclusion not altogether satisfactory to myself. My State has instructed me to vote for it, and although I do not always follow instructions, in this instruction I shall. I am a little in doubt how I should vote on this question if I were uninstructed.

Mr. LA FOLLETTE. I would like to ask the gentleman from Minnesota whether he has recently examined the proviso to section 4, and whether in his opinion that proviso is broad enough in its terms to invest the commission with discretion to suspend the section even, should the amendment of his colleague [Mr. LIND] be adopted by this House?

Mr. WILSON, of Minnesota. Under the present law?

Mr. LA FOLLETTE. Do you get my question?

Mr. WILSON, of Minnesota. Well——

Mr. LA FOLLETTE. You cite, for instance, in the case of a line of 100 miles to a competing point, the other road having 150 miles, the application of this amendment of the gentleman from Minnesota would work injustice to the longer road beyond the competing points. Now, if the amendment be adopted would the Commission be invested with power to suspend that fourth section as amended?

Mr. WILSON, of Minnesota. I have not looked at it enough to answer dogmatically. They have the right to correct it if it works an inequality, or if it is unreasonable, by another clause. Which is the greater evil, to deprive the people at the point of crossing of the competition and lower freights or the people beyond that point on the longer line of equal rates with the people at that point?

For instance, shall the people of Mankato, in my State, be deprived of such competition and be compelled to pay higher rates so as to prevent the injustice that it must be admitted the people of New Ulm are subjected to by being compelled to pay essentially higher rates of freight than are charged to Mankato?

Mr. RYAN. Permit me for one moment.

Mr. WILSON, of Minnesota. I have not control of the time.

Mr. RYAN. I will not take a minute. There is a railroad running directly from Chicago to my town. I may say there are two direct lines. From Chicago to the Missouri River, we will say, is 500 miles. It is 65 miles further to my town, Topeka, in Kansas—565 miles between the terminal points. Can the gentleman tell me why these companies ought to be permitted to lay freights down at the end of the 500 miles, at the Missouri River, for a less rate per ton per mile than they lay it down at the end of the line, 565 miles, per ton per mile?

Mr. WILSON, of Minnesota. I do not pretend to say that there is any reason for it or justice in it, and unless there is some exceptional reason there is no justice in it. That the rule you cite is general, and almost always true, is without doubt. The question is: May there not be an exception which should not be governed by cast-iron rules? That is all.

Mr. RYAN. This amendment simply compels the road to carry it the 565 miles at the same rate per ton per mile that it carries it for the 500 miles.

Mr. WILSON, of Minnesota. I understand that.

Mr. RYAN. Then what is the objection to it?

Mr. WILSON, of Minnesota. I do not say there is any. I was trying to state the difficulties; and if I have failed it is because I do not know how to present the question so that it may be understood.

Mr. CRISP. The objection is that this is introducing for the first time the mileage rate, as I stated before, in the legislation of Congress upon this subject. I think the House can rest assured, and the public can also be satisfied, that the long haul will take care of itself; and while the gentleman may find occasionally a case of hardship, if the hardship is apparent, it follows that the rule is unjust, that it is a discrimination; and if it is a discrimination it is a violation of the law.

I can see very well how some gentleman living at an intermediate point would insist that the long haul should be raised in order that some neighboring town should not have equal privileges with him. But I do not understand why for any other reason such a provision should be advocated.

Mr. MACDONALD. Will the gentleman allow me to ask him this question: Wherein in principle is there any difference between the proposed amendment and the existing law in reference to the short and the long haul? I ask for information, of course.

Mr. CRISP. The law provides that these roads shall not charge more for the short than for the long haul. It does not provide that they may not charge the same. They may charge as much under the provisions of the law for hauling 50 miles as for a hundred miles unless the charge be affected by the other provision of the law, which provides that such rates must be reasonable. That, however, is the only provision governing that point; and, taking the long and the short haul clause, the language is that you shall not charge more for the short haul than for the long haul.

Now, the proposition here is that when you come to the long and short haul you shall not charge less per ton per mile for the long haul than for the short. It does not provide that you may not charge more.

Mr. MACDONALD. That would be satisfactory, provided we assume that the railroads are carrying freight too cheaply to the competing points, which I do not admit.

Mr. CRISP. That question does not arise at all. The gentleman asked the difference in principle between this amendment and the present law, as far as it is applicable to the long and short haul clause. I say in response to him that as to the long and short haul you may charge as much for the short as for the long; but the proposition here is to apply the charge to so much per ton per mile, and provides that a similar rate must exist between the long and the short haul. That is the distinction between them.

Mr. MACDONALD. My remark was applicable to the proposed amendment and the statement in reference to it. The gentleman fails to make clear the difference in principle.

Mr. CRISP. Let me state further that I have heard no complaint of this from anywhere except it be from Minnesota, where I believe the railroad commissioners recommended it, but from no other State has there been any complaint and no recommendation by the railroad commission that I recollect. It comes solely from that State, and, I suppose, from some agitation in some towns where one or two have conceived themselves to be and perhaps are discriminated against, in which case, if they will go to the commission, under the present law they will probably get relief.

If no gentleman desires to discuss the matter further I would like to have a vote upon it.

Mr. WEBER. I wish to ask the chairman of the committee a question.

Mr. CRISP. Certainly.

Mr. WEBER. Whether he is able to answer the question propounded by my friend from Wisconsin [Mr. LA FOLLETTE] to the gentleman from Minnesota, to wit: Would there be power under the existing law, if this amendment were adopted, for the commission to regulate in exceptional cases, such as were cited by the gentleman from Minnesota?

Mr. LIND. I will say no; but if anybody desires to amend in that respect, it can be readily inserted, giving the commission discretionary power in extraordinary cases.

Mr. WEBER. It would seem that there should be such power vested in the commission; and if adopted, the principle that no greater rate shall be charged per ton per mile for the short than for the long haul would be proper. There should be a provision to regulate just such cases.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Minnesota.

Mr. LIND. Before that question is put I desire to modify the amendment by inserting three words, and my friend from Wisconsin is draughting it.

Mr. WEAVER. I hope it will not be in the way of granting discretion to the commission. They have enough now.

Mr. LIND. I withdraw my request for a modification.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Minnesota.

The question was taken; and on a division there were—ayes 23, noes 27.

Mr. LIND. Let us have tellers.

Tellers were refused, seven members only voting in favor thereof.

Mr. MACDONALD. No quorum.

The SPEAKER *pro tempore*. The point of order being made—does the Chair understand the gentleman to make the point of order that no quorum voted on the demand for tellers?

Mr. MACDONALD. I want a vote by tellers on this question.

Mr. CRISP. The motion was for tellers. The Chair announced that not a sufficient number of gentleman had arisen. No question of no quorum arose.

The SPEAKER *pro tempore*. The Chair asked the gentleman if he asked whether there was a quorum. The Chair is of opinion that the amendment is rejected.

Mr. CRISP. The gentleman from Kentucky [Mr. CARUTH] has an amendment.

The Clerk read the amendment, as follows:

In section 2, line 50, after the word "weighing," insert the words "false representation of the contents of the package."

Mr. CHEADLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CHEADLE. There was a division, and before the result was announced the gentleman from Minnesota [Mr. LIND] asked for tellers. Tellers were denied. Then before the Chair had announced whether or not the amendment had been rejected or accepted a demand for a quorum was made by the gentleman from Minnesota [Mr. MACDONALD].

The SPEAKER *pro tempore*. The Chair understood the gentleman from Minnesota [Mr. MACDONALD] to say that he asked for a quorum on the last vote, and the last vote was on the demand for tellers.

Mr. MACDONALD. My demand for a quorum was on the vote rejecting the amendment.

Mr. HERBERT. At the time the demand was made the vote on the ordering of tellers had been taken, and tellers had been refused, and that was the only vote on which at that time a quorum could have been asked.

Mr. MACDONALD. Well, let the point go.

Mr. CRISP. I do not object to the amendment of the gentleman from Kentucky.

The amendment was agreed to.

Mr. CRISP. The gentleman from Minnesota [Mr. NELSON] has an amendment which he desires to offer.

Mr. NELSON. I ask that the amendment be reported.

The Clerk read as follows:

At the end of the bill insert:

"*Provided further*, That any railroad company or other common carrier heretofore or hereafter created or incorporated under the laws of the United States shall, as to the transportation of passengers or property from one place or station to another place or station in the same State, over a route wholly in that State, be subject and amenable to the laws of such State relating to the trans-

portation of passengers and property, the same as though it were a railroad company or common carrier created or incorporated under the laws of that State."

Mr. CRISP. I raise the question of order on that amendment, that it is not germane to this bill. This is a bill for the regulation of interstate commerce, and the amendment of the gentleman relates wholly to railroads within the States.

Mr. NELSON. Mr. Speaker, I desire to be heard on that question. I will first state the facts which gave occasion to offering the amendment. One of the principal railroads of Minnesota, running east and west through the northern half of it, with a branch line to St. Paul, is the Northern Pacific Railroad Company, a corporation created by act of Congress under an act giving it a large grant of land to aid in the construction of the railroad. This company claims that because it is a corporation created under the laws of the United States, having a land grant, and because Congress has passed an interstate law, it is not amenable to State legislation or State control in respect of local traffic. Exactly what the Northern Pacific Railroad claims has been said by the Union Pacific Railroad, the Central Pacific Railroad, and other land-grant railroads. They insist that being Federal corporations, created by act of Congress since the interstate-commerce law has passed, they are not liable to be controlled by State legislation in respect to local traffic. Now, the object of this amendment——

Mr. CRISP. That claim has not been sustained by any court.

Mr. NELSON. I understand that it has been sustained by a court in the West.

Mr. CRISP. Not by the Supreme Court of the United States.

Mr. NELSON. By a circuit court of the United States. I am informed by a member near me that it has been sustained by Judge Deedy in Oregon. The Northern Pacific Railroad in our State have denied that they are subject to our State railroad laws or our State railroad commission, and I know of my own knowledge that that road has put it upon this ground among others, that because we have an interstate-commerce law, that being a Federal corporation, it is not amenable to the State laws in Minnesota. The object of this amendment is to remove all doubt from the question and leave these corporations in respect to purely local traffics on a par with the local companies in the State, and amenable to the same rules and the same local legislation. Now, they claim this immunity, and as I have said one of the grounds on which they claim it is this interstate-commerce law. They say that it has been passed, and they being a corporation created by Congress and no reference being made as to them they are exempt from any control by the States.

Now, I claim that these great corporations we have created by Federal statutes in the first place have acquired their substance in the shape of money and land from the United States in respect to purely local traffic within our own State should be under the interstate-commerce act; that they should be on a par with other companies in this country and liable to the same rules and regulations. It is, therefore, for the purposes of removing this doubt and settling this question, and to evade long and tedious litigation in the Supreme Court for two, three, or four years before it can get through the court, that I have proposed to add this clause to the bill, and I think it is germane to it. It defines clearly the line in respect to the provisions between the interstate law and the State law, and is to prevent them from claiming directly or indirectly that they are entitled to this special immunity that they claim.

Now, this can certainly do no harm to the bill. It serves a useful purpose, and I think every gentleman who understands the question will be in favor of the measure and can not possibly have any objection to it.

Mr. CRISP. I shall not discuss the merits of the proposition. I probably agree with the gentleman. In fact, the Committee on Commerce have reported a bill to relieve the difficulty of which he complains, but certainly not upon the idea that the act of 1887 has any relation to it. I call the gentleman's attention to the first section of the act of 1887, which provides:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such a place from a port of entry either in the United States or an adjacent foreign country.

It will be seen that under no construction can the gentleman claim that this act which we are now amending covers or influences the question which he seeks to reach here. His proposition that a railroad company chartered by Congress can not be regulated by the State as to commerce wholly within the State I totally dissent from. Within the State the State and the State commission, in my opinion, can regulate it. But whether they can or not, the point here is that we are dealing with interstate commerce, while this is a proposition to confer, if I may use such an expression, upon the State the power to regulate matters within its own jurisdiction.

Mr. BLAND. Mr. Speaker, this law deals not only with interstate commerce but also with transportation lines engaged in interstate commerce, and, as I understand it, the amendment of the gentleman from Minnesota is designed to affect those transportation lines, lines which are authorized by acts of Congress and over which we have jurisdiction. The amendment is not for the purpose of regulating commerce in the State at all, but for the purpose of giving the State power to regulate its own commerce over transportation lines created by Congress, lines therefore which are covered by this law. The very subject which we are legislating upon is these corporations engaged in interstate commerce, and hence the amendment of the gentleman is clearly germane to the subject-matter under consideration.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Kansas. I desire to inquire whether the Chair is ready to rule on this point?

The SPEAKER *pro tempore*. The Chair is ready to rule.

Mr. NELSON. I desire to make a brief reply to the gentleman from Georgia.

Mr. CRISP. I hope the gentleman will confine himself to the question of order, which is the only question now before the House.

Mr. NELSON. I will. As to the legal proposition I agree with the gentleman. I am surprised at this claim that the railroad company has set up, and if a case arising under that claim ever gets to the Supreme Court of the United States I do not think the decision will be in favor of the company. But we all know that it takes years and years before a litigation of that kind can be brought to a final determination in the Supreme Court, and it is to remove all doubt and put these great interstate-commerce carriers on the same footing with the other railroads that this amendment is offered. Now, these corporations that have been created by Congress and given these great land grants are the great interstate-commerce carriers of the country, the trans-continental lines; and as to those lines we have a right to say that outside of interstate commerce they shall be in all respects amenable to the rules and regulations established by the States in which they do business.

Mr. WILSON, of Minnesota. Mr. Speaker, this is the very measure to which I referred when the gentleman from Pennsylvania objected, and I wish to have ten minutes to discuss it, because it concerns the people of my State.

Mr. BRUMM. If the gentleman is going to discuss the merits of this matter I shall object, but if he is going to speak to the point of order I shall not object.

Mr. WILSON, of Minnesota. Now, Mr. Speaker, if there be any doubt about the question, this is a matter of such importance that it certainly ought not to be ruled out on a point of order. The effect of such a ruling would probably be to defeat the bill at this session and perhaps at this Congress, and it is a bill which I do not believe one man on this floor would object to on examination, because it is so essentially fair and just. As I was about to say, our railroad commissioners in the State of Minnesota——

Mr. BRUMM. Now, Mr. Speaker, I must insist upon the point I have raised, that the gentleman is not speaking to the point of order, but is speaking to the merits of this measure.

Mr. MACDONALD. The point of order necessarily involves the merits of the bill.

Mr. WILSON, of Minnesota. Gentlemen must permit me to go on in my own way.

Now, Mr. Speaker, there are two bills in this House reported by the Committee on Commerce, and this amendment is one of them. They were drawn by the Railroad Commissioner, and they have been reported by the committee, every member of it concurring, and if they are cut off now, they probably will not be reached this session. Therefore I say that if there is any doubt in the mind of the Chair about the point of order, it ought to be solved in our favor, and I appeal to the chairman of the Committee on Commerce [Mr. CRISP] to let us get our bill up and pass it.

[Cries of "Vote!" "Vote!"]

Mr. WILSON, of Minnesota. Well, if the gentleman from Georgia [Mr. CRISP] insists that he will not withdraw his point of order, I will ask the Chair to rule upon it.

The SPEAKER *pro tempore*. The Chair thinks that the amendment offered by the gentleman from Minnesota relates to the transportation of passengers or property from one place or station to another place or station in the same State, over a road wholly in that State, whilst the act of 1887, which he seeks to amend, relates to the transportation of passengers or property from one State or Territory of the United States to any other State or Territory of the United States, and therefore the Chair thinks that the amendment is not germane; and the point of order made by the gentleman from Georgia is sustained.

Mr. CRISP. I yield to the gentleman from Ohio [Mr. GROSVENOR] fifteen minutes.

Mr. GROSVENOR. Mr. Speaker, I have submitted three amendments to this bill; and I will discuss them in the order in which they stand in the RECORD. I do not present these amendments in any spirit of hostility against the railroad corporations of the United States. I

by no means make myself a party to the unnecessary condemnation of railroad managers. I offer these amendments with the view of making the existing law better and more effective for the purposes for which it was enacted. I was not originally in favor of this law; and I did not look to it with the hope or expectation that it would yield a great deal of benefit to the people.

I desire to submit a word upon the first amendment which I have presented, and to explain the purpose I had in view in offering it. I ask the Clerk to read that amendment.

The Clerk read as follows:

Add at the end of section 1, the following:

"*Provided, however*, That it shall be unlawful for any common carrier subject to the provisions of this act to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder cars and said wooden packages and barrels being carried free in each case."

Mr. GROSVENOR. Mr. Speaker, the discrimination which is now made, and against which this amendment is directed, is one which I pointed out in the speech I had the honor to make at the time of the passage of the act of 1887. This discrimination was not only not guarded against by the terms of that law, but by fair construction and inference the right to make such discrimination was reserved to the railroad companies covered by the statute. I refer now especially to the practice of shipping for certain favored customers in cars belonging to the shipper, not to the railroad corporation. At the time of the passage of the original act, the previous question being demanded, I was deprived of opportunity to offer precisely the same amendment I have now submitted. The result of omitting a provision of this kind is demonstrated in a series of figures which I incorporate in my remarks, showing the discrimination against the barrel shipper and in favor of the car-load shipper, a discrimination of such a character as to defeat substantially the whole purpose of the act.

Discrimination existing August 1, 1888, *in the transportation of oil in tank-cars and barrels from Cleveland, Parkersburgh, and Marietta.*

	Freight rate.		Per barrel discrimination.
	Barrel.	Bulk.	
From Cleveland to—	*Cents.*	*Cents.*	
Indianapolis, Ind	50	38	$0.12
Chicago, Ill	50	38	.12
Milwaukee, Wis	58	46	.12
Springfield, Ill	62	47	.15
East St. Louis, Mo	62	47	.15
St. Louis, Mo	62	47	.....
Des Moines, Iowa (add 10 cents per 100 pounds beyond)	.....	.....	.22½
St. Paul, Minn. (add 13 cents per 100 pounds beyond)	.....	.....	.24½
Omaha, Nebr. (add 20 cents per 100 pounds beyond)	.....	.....	.30
Lincoln, Nebr. (add 23 cents per 100 pounds beyond)	.....	.....	.32¼
Kansas City, Mo. (add 20 cents per 100 pounds beyond)	.....	.....	.30
Topeka, Kans. (add 32 cents per 100 pounds beyond)	.....	.....	.39
Little Rock, Ark. (add 22½ cents per 100 pounds beyond)	.....	.....	.32
Austin, Tex. (add 60 cents per 100 pounds beyond)	.....	.....	.60
Palestine, Tex. (add 60 cents per 100 pounds beyond)	.....	.....	.60
Laredo, Tex. (add 75 cents per 100 pounds beyond)	.....	.....	.71
Denver, Colo. (add 85 cents per 100 pounds beyond)	.....	.....	.79
Sante Fé, N. Mex. (add $1.19 per 100 pounds beyond)	.....	.....	1.05
Salt Lake, Utah (add $1.50 per 100 pounds beyond)	.....	.....	1.28
Prescott, Ariz. (add $2.35 per 100 pounds beyond)	.....	.....	2.39
San Francisco, Cal. (add 65 cents per 100 pounds beyond)	.....	.....	.64

	Freight rate.	Per barrel discrimination.
From Parkersburg, W. Va., and Marietta, Ohio, to—	*Cents.*	*Cents.*
Louisville, Ky. { bbl.	52	14
Louisville, Ky. { bulk	38	14
Cincinnati per 100 pounds	7	.....
From Cincinnati to—		
Lexington, Ky. per 100 pounds	10	12½
Nashville, Tenn. do	20	20½
Chattanooga, Tenn. do	33	30
New Orleans, La. do	22	21½
Mobile, Ala. do	24	23½
Montgomery, Ala. do	37	33
Atlanta, Ga. do	37	33
Columbus, S. C. do	39	34½
Jacksonville, Fla. do	40	35½
Jackson, Miss. do	48	41½
Shreveport, La. do	47	40½

The Interstate-Commerce Commission has referred to this subject on page 15 of its report, from which I read:

It is well known also that the transportation of mineral oil is already to a very large extent in tank cars owned by parties who are not carriers subject to regulation under the act to regulate commerce. A willingness to disregard the rules of equality and justice as between shippers, when it can be made for the interest of the carriers to do so, is as likely to make its appearance in the action of the managers of any one of these outside organizations as in that of the managers of the railroads, for the temptations will be the same and the same class of persons will be bidding for special privileges and advantages which before the act was passed prospered so unfairly upon railroad favors. The act has not changed the nature or the grasping disposition of individuals; it has only interposed certain restraints, which it is reasonable to assume will be evaded if the opportunity shall be presented.

These facts are noted for the purpose of placing the whole subject distinctly before the National Legislature. If it is the will of Congress that all transportation of persons and property by rail should come under the same rules of general right and equity, some further designation of the agencies in transportation which shall be controlled by such rules would seem to be indispensable.

I do not care to elaborate my views upon this amendment farther than to say that it is one which I think must commend itself to the judgment of every thinking man as a provision which beyond possibility of doubt ought to be incorporated in any act which undertakes to make the existing law more valuable.

I will say, Mr. Speaker, it is barely possible that this amendment as now presented applies to the wrong section of the bill; hence I reserve the right to modify it in that respect.

Mr. Speaker, I have before me a very able argument presented to the Committee on Commerce by Hon. J. Randolph Tucker, of Virginia, which points out the difficulties that have arisen under this discrimination. I may properly say that this amendment which I offer has been drawn in conformity with Mr. Tucker's suggestion, and in my judgment has been drawn by him, although I can not personally make that statement. It is at any rate in strict accord and compliance with the recommendation of the Interstate-Commerce Commission. So much for that amendment.

The next amendment, Mr. Speaker, provides that any party complaining that he has suffered injury by discrimination——

Mr. CRISP. If the gentleman from Ohio [Mr. GROSVENOR] will permit me, I will say a word upon his first amendment before he proceeds to discuss the next.

Mr. GROSVENOR. Certainly.

Mr. CRISP. As to this first amendment I confess my sympathy with it.

Mr. GROSVENOR. I will say that if this amendment be adopted, although it is not as vigorous as I should like it, I will withdraw my second amendment, which is much more radical in its character.

Mr. CRISP. This amendment, Mr. Speaker, seeks to correct an evil which undoubtedly exists, and which it occurs to me every man who desires to see equal and exact justice meted out by the railroad companies would desire to see remedied. The only embarrassment I have had in regard to it is, in the first place, that it was not favorably reported by the committee which I represent; and, in the second place, I was not perfectly clear the language as now presented is exactly what it ought to be.

The object of the amendment, the House will understand, is to prevent discrimination by railroad companies in favor of great oil companies who own their own tank-cars. The evidence taken before the Interstate Commerce Commission, as well as the papers before the Committee on Commerce, discloses the fact that great monopolies in this country, like the Standard Oil Company, by furnishing their own tank-cars, get discrimination against companies who are forced to use barrels and ship their oil in them. The discrimination is very great in favor of the monopolies owning their own tank-cars. I have not the figures before me at this moment.

Mr. GROSVENOR. I will furnish them to be printed in the RECORD with my remarks.

Mr. CRISP. The gentleman from Ohio states that he has the figures and will print them with his remarks in the RECORD.

Now, Mr. Speaker, this amounts to a discrimination of 30, 40, or 50 cents on each barrel, which is enough, you know, to drive the others out of the market.

Mr. ANDERSON, of Iowa. And does drive them out.

Mr. CRISP. I recollect, in looking over the matter, that from my own State the difference is over 30 or 40 cents a barrel.

These tank-cars are owned by the Standard Oil Company. They furnish their tank-cars to the railroad lines and the railroads charge less for oil shipped in these tank-cars than for the oil of other people which is shipped and sold in competition with the oil of the Standard Oil Company.

That case has been heard before the railroad commission. A gentleman by the name of Rice made the point. The railroad commission did not see how they could apply the remedy. This proposition is to give a remedy. While I am not entirely satisfied with the language and can not accept the amendment as a representative of the Commerce Committee, I am frank to say as an individual that I sympathize with the amendment. [Cries of "Vote!"]

Mr. GROSVENOR. If the language of the amendment is in fault, when it comes before the conference committee it can be corrected.

Mr. GROSVENOR'S amendment was agreed to.

Mr. GROSVENOR. I now offer the following amendment.

Add at the end of section 2:

"That in all prosecutions under this section on complaint of a citizen of the

United States such citizen shall be entitled to have and receive for his own benefit all fines that may be imposed and collected for any violations of said act in any and all prosecutions in which he may be such complainant, if such complainant shall prove that he has been injured by the said violations of this act."

First, by adding at the end of section 1:

"*Provided*, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry or transport any commodity, for any shipper, in a car or vehicle owned, leased, or in any way controlled by such shipper: *And provided further*, That it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper.

Mr. GROSVENOR. Mr. Speaker, as the law stands at this time it is a burden upon any private individual or man of moderate means to carry on the prosecution or examination against a railroad corporation. This provision is a simple one. It provides that to the extent of the injury which a shipper has received by reason of the discrimination of which he has complained, and upon which he has received a decision in his favor, that he shall be entitled to that extent to be paid out of the fines to be assessed against the corporation. It seems to me that is perfectly fair. It is in the nature of a tax on the corporation in favor of the individual against whose rights it has itself acted in violation of law. It will do more, in my humble judgment, to make this law efficient and effective than any other provision we can put into it.

As it is now the remedy is so expensive that very few are able to secure it. [Cries of "Vote!"]

Mr. CRISP. The amendment now proposed by the gentleman from Ohio [Mr. GROSVENOR] proposes to give the penalty to the informer; that is, the person bringing suit against the railroad company is to have the fine. I am opposed in principle to that kind of legislation, so far as I am concerned. It breeds a class of informers, a class of spies, a class of people who are not entitled to the sympathies of the court when they have cases of this sort. As suggested by the distinguished gentleman from New York [Mr. COX], by every account we get in history of this character of persons you will find they are odious, and so regarded by all people. I do not mean the men who complain, but the professional informers, who get the fines imposed by the court.

Now, you see while, of course, it is something of a hardship for a gentleman to appear before the commission with a complaint, yet you should recollect that you provide under the general law that he shall have his costs and counsel fees. I do not know what other expenses he may be subjected to except his personal expenses for traveling. All costs, witness fees, and counsel fees are taxed upon the defendant. The proposition of the gentleman from Ohio now is to give him the fine. Is that the proposition?

Mr. GROSVENOR. It is to compensate him for the particular damage which he may have sustained by a violation of the law.

Mr. CRISP. If the Clerk will report the amendment again I think my friend from Ohio will find that he is mistaken as to its purport. As I understand it, all fines go to the informer.

Mr. GROSVENOR. I consent that the gentleman is partly right and partly wrong. It ought not to take all the fine; but it is only for the purpose of compensating him for the damage done by a violation of the law. It can readily be modified, so that there can be no question as to its meaning, by the addition of these words at the end of the amendment, "to the extent and not beyond the amount of his actual injury thereby;" that will of course make it specific and prevent any misunderstanding.

Mr. CRISP. It is in the discretion of the court now as to how much the railroad company shall be fined; or it must be remembered that the officer violating the law may be imprisoned, if it be a willful violation under this amendment which we now propose.

This suggestion, however, of the gentleman from Ohio is a proposition that the complainant shall be paid out of the fine collected his damages. The law provides that he may get his damages by suit against the company, and that he gets his cost and counsel fees under the law. It seems to me, therefore, and I have not time to say more on this question, as the hour is nearly exhausted, that it will be a very great departure from the rule we have heretofore established. All of this system has been wiped out in our legislation heretofore. In the revenue laws we have repealed all provisions which permitted moieties to be paid to informers, because it will be remembered we once had such a system, but it is obnoxious to the people, and the general tendency, I think, is to oppose such legislation. I should regret very much to see that provision incorporated now in this bill, and I hope the House will not concur in the amendment.

Mr. GROSVENOR. If this was a proposition to create an informer I would be as strongly opposed to it as the gentleman from Georgia [Mr. CRISP], and for the same reasons; but it is not. No person other than the injured party is entitled to this compensation. Therefore the whole character of informer is wiped out. It does not interest any other than the party aggrieved or damaged under the interstate-commerce law. This provision is simply, if I may be permitted to state it that way, an amendment to an amendment, and provides that out of this fine the party injured shall be reimbursed for the discrimination that has been made against him.

Now, Mr. Speaker, it seems to me that this amendment will make the provisions of this bill vastly more effective than the bill is now. The property that is taken from a railroad corporation in a fine is to be put into some other man's treasury, while the man actually injured by the outrage has no remedy except to proceed by a long litigation, which I had the honor to point out a long time ago was out of the reach of anybody of ordinary means in this country. This provides for a reinstatement or reimbursement, to the individual who has been injured, out of the money which the court has already assessed against the corporation, and which is the property of nobody. Nobody has lost anything except that one individual who was aggrieved. It amounts simply to this: To whom shall this money go? The law says it shall go into the public Treasury. I ask that a moiety or share of it, equal to the actual damages sustained, shall go to the person—not an informer—but the party discriminated against by the railroad. It is very easily ascertained. The court could refer it to a special master to ascertain the amount. The judgment is given as to what the rate shall be from point A to B and that it shall be at a certain price. This would simply be a reimbursement to the party overcharged.

Mr. CRISP. That would be using a penal law to collect it. The law gives the right to sue for damages, but the proposition of my friend would be to make the offense penal, and in that method to collect the damages. It really makes a penal law to collect the damages, and I hope the amendment will be rejected.

Mr. GROSVENOR. I desire to offer an amendment, in order that the amendment may be perfect. I propose to add at the end of the proposed amendment, "to an extent equal only to the amount of actual injury caused by such violation."

The question was taken on the adoption of the amendment, and the Speaker *pro tempore* announced that the noes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 7, noes 35.

So the amendment was rejected.

Mr. GROSVENOR. The third amendment which I offered is of a very radical character. It would necessarily lead to a great deal of discussion, as it affects a great system of transportation in this country, and with the leave of the House I will withdraw that amendment.

There was no objection.

Mr. CRISP. I would like to call the attention of the gentleman from Ohio to the fact that he informed me he wanted to offer another amendment. I would be glad if he would offer it now.

Mr. GROSVENOR. I am very much obliged to the gentleman from Georgia for calling my attention to it.

In line 15, page 20, in original section 22, I desire to add after the word "soldiers" the words "or inmates of soldiers and sailors' orphan homes."

I ask unanimous consent that that be placed in the bill.

Mr. CRISP. I have no objection to that amendment.

The amendment was agreed to.

Mr. CRISP. I now move the previous question on the third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, in writing, was delivered to the House by Mr. PRUDEN, one of his secretaries, returning without approval House bill 6371, granting a pension to Jesse M. Stilwell.

The message also announced that the bills of the following titles having been presented to the President on August 27, 1888, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his signature, namely:

An act (H. R. 7508) granting a pension to Julia E. Ambrose;
An act (H. R. 8889) granting a pension to Charles Molseed;
An act (H. R. 9684) granting a pension to William J. Brown;
An act (H. R. 9697) granting a pension to Mrs. Helen B. Brown;
An act (H. R. 10275) granting a pension to Joseph Hunter, M. D.;
An act (H. R. 8545) for the relief of Samuel Purcell; and
An act (H. R. 9795) to restore Nathaniel Francis to the pension-roll.

Also, that the following bills had been approved by the President September 11, 1888, namely:

An act (H. R. 7013) to place the name of Delia Newman on the pension-roll;
An act (H. R. 3902) for the relief of Sophia B. Moore;
An act (H. R. 5516) for the relief of John H. Weeks;
An act (H. R. 165) for the relief of H. C. Markham; and
An act (H. R. 8087) for the relief of Thomas Strodder.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the amendments of the House of Representatives to the bill (S. 3447) amendatory of the act relating to postal crimes and misdemeanors and the statutes therein mentioned.

Also, that the Senate had passed with amendments, in which concurrence was requested, the resolution of the House to print 10,000 copies of the President's message and accompanying documents relating to the Pacific Railroad Commission.

The message further announced that Mr. BECK having been excused as a member of the conference committee on the sundry civil appropriation bill, Mr. COCKRELL had been appointed in his stead.

ORDER OF BUSINESS.

Mr. CRISP. We have eight minutes of the two hours remaining, and if the House will consent I will yield the time to the gentleman from Minnesota [Mr. WILSON] to ask consent for the consideration of a bill.

Mr. WILSON, of Minnesota. Mr. Speaker, I now ask consideration of the bill to which I referred earlier in the day.

Mr. WEAVER. Within the eight minutes, let it be understood.

REGULATION OF CERTAIN RAILROAD COMPANIES.

Mr. WILSON, of Minnesota. I ask consideration of the bill (H. R. 8367) to provide in certain cases for the regulation of railway companies chartered by the United States by the several States and Territories in which the railways of such companies run and are operated.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That where any railroad company heretofore chartered or incorporated, or which hereafter may be chartered or incorporated by act of Congress, has built or constructed and operates, or shall build, construct, or operate a railroad through, across, or into the territorial limits of any State or Territory of the United States, the tolls, rates, and fares made or charged for the transportation of property and passengers over or upon such road or roads for traffic within the limits of a State or Territory, and the tariffs and schedules thereof shall be subject to the legislative control of and by the several States and Territories through, across, or into which such road or roads are constructed, built, or operated, anything in the charter of, or acts of Congress creating such, company or companies, or any law of any State or Territorial Legislature enacted in pursuance of such charter or act of incorporation, to the contrary notwithstanding.

SEC. 2. That section 1 of this act shall be limited in its operation, and shall apply only to the carriage and transportation, by such company or companies, of passengers and property wholly by railroad, or partly by railroad and partly by water (when both are used under a common management, control, or arrangement), from one place or station to another place or station, both being within the territorial limits of one and the same State or Territory, and shall in no case apply to any commerce between the States, Territories, or into foreign countries.

Mr. WILSON, of Minnesota. The bill was agreed to unanimously by the Committee on Commerce.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VIOLATION OF POSTAL LAWS.

Mr. ROWLAND, from the Committee on the Post-Office and Post-Roads, submitted the following report:

Resolved, That the Postmaster-General be requested to communicate to this House whether it is true that an enormous edition of a certain publication called the Tax-Reform Advocate has been sent and distributed, in violation of the postal laws, through the mails, being sent out from Columbus, Ohio, to all or nearly all the post-offices of the State, and, if such is the case, whether any officers or officer of the Post-Office Department has been guilty of such acts, or has known of the same and has not taken any steps to prevent the same; and also what further legislation by Congress is necessary to enforce the laws of the United States in regard to the postal service and to prevent the repetition of such offenses; and also the honorable Postmaster-General is requested to report what steps, if any, have been taken by the Department to punish such offenses and to prevent their recurrence.

The committee, having had the same under consideration, recommend that the same do pass.

Mr. ROWLAND. I call the previous question on the adoption of the resolution.

The previous question was ordered.

The resolution was adopted.

Mr. ROWLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIRCUIT COURT, WESTERN DISTRICT, MISSOURI.

Mr. CULBERSON submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 1604, entitled "An act to change the time of the sessions of the circuit court of the western division of the western district of Missouri," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

D. B. CULBERSON,
JOHN H. ROGERS,
L. B. CASWELL,
Managers on the part of the House.
GEORGE G. VEST,
JAMES F. WILSON,
RICHARD COKE,
Managers on the part of the Senate.

The managers on the part of the House submitted the following statement to accompany conference report on House bill 1604:

The effect of the report of the conference on the disagreement of the House to the amendment of the Senate may be stated as follows:

The House bill provided for a change of time of holding the circuit court in Kansas City.

The Senate amendment substituted for the House bill a provision regulating the times of holding the circuit court at the different places in the judicial district where the court is established, including Kansas City. To this amendment the House disagreed, and the conference recommends that the House recede from its disagreement and agree to the amendment.

Mr. CULBERSON. I move the adoption of the conference report.

The conference report was adopted.

Mr. CULBERSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OKLAHOMA.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole on the state of the Union, my object being to reach the consideration of the bill to organize the Territory of Oklahoma.

The question was taken on the motion of Mr. SPRINGER; and there were—ayes 45, noes 14.

Mr. BARNES. No quorum.

Mr. SPRINGER. I move that there be a call of the House.

The motion was agreed to; and a call of the House was ordered.

The Clerk proceeded to call the roll, when the following members answered to their names:

Abbott,	Cowles,	Hutton,	Peters,
Allen, Miss.	Cox,	Johnston, N. C.	Phelan,
Anderson, Iowa	Crisp,	Kerr,	Rice,
Anderson, Ill.	Crouse,	Kilgore,	Richardson,
Anderson, Kans.	Culberson,	Laffoon,	Robertson,
Arnold.	Dargan,	La Follette,	Rogers,
Baker, N. Y.	Davis,	Laidlaw,	Rockwell,
Baker, Ill.	Dibble,	Landes,	Rowell,
Bankhead,	Dockery,	Lane,	Rowland,
Barnes,	Dougherty,	Lanham,	Russell, Conn.
Barry,	Dunn,	Latham,	Ryan,
Belden,	Elliott,	Lawler,	Sawyer,
Bland,	Farquhar,	Lyman,	Sayers,
Blount,	Forney,	Macdonald,	Scull,
Boothman,	Fuller,	Maish,	Seney,
Bound,	Funston,	Mansur,	Seymour,
Bowden,	Gear,	Martin,	Simmons,
Bowen,	Gibson,	McClammy,	Smith,
Breckinridge, Ark.	Glass,	McCormick,	Sowden,
Breckinridge, Ky.	Grimes,	McCreary,	Springer,
Browne, T. H. B., Va.	Grosvenor,	McCullogh,	Stephenson,
Browne, Ind.	Hall,	McKenna,	Stewart, Ga.
Brumm,	Harmer,	McShane,	Stone, Ky.
Buckalew,	Haugen,	Merriman,	Stone, Mo.
Bunnell,	Hayes,	Moffitt,	Symes,
Burnes,	Heard,	Morgan,	Tarsney,
Butler,	Hemphill,	Morrill,	Taulbee,
Cannon,	Henderson, Iowa	Morrow,	Thompson, Ohio
Carlton,	Henderson, N. C.	Nelson,	Turner, Ga.
Caruth,	Henderson, Ill.	Nichols,	Vance,
Catchings,	Herbert,	Oates,	Vandever,
Cheadle,	Hermann,	O'Neill, Mo.	Weaver,
Chipman,	Hitt,	Osborne,	Weber,
Clements,	Holman,	Owen,	Wheeler,
Cobb,	Holmes,	Patton,	White, N. Y.
Compton,	Hopkins, N. Y.	Payson,	Wickham,
Conger,	Hopkins, Va.	Penington,	Wilson, Minn.
Cothran,	Hunter,	Perkins,	

The SPEAKER *pro tempore*. The doors will now be closed and the Clerk will call the names of the absentees. During this roll excuses may be offered.

The Clerk proceeded to call the list of absentees for the presentation of excuses.

The following-named members were absent on leave:

Allen, Mich.	De Lano,	Johnston, Ind.	Sherman,
Bacon,	Ermentrout,	Lehlbach,	Snyder,
Bayne,	Finley,	Long,	Steele,
Biggs,	Fitch,	Matson,	Stewart, Tex.
Brown, Ohio	Ford,	McKinley,	Spooner,
Brower,	Gaines,	McRae,	Thomas, Wis.
Buchanan,	Gallinger,	Montgomery,	Townshend,
Bynum,	Gest,	Neal,	Walker,
Candler,	Granger,	Newton,	Washington,
Caswell,	Grout,	O'Neill, Pa.	Whiting, Mich.
Cogswell,	Houk,	Parker,	Whitthorne,
Cooper,	Hooker,	Post,	Williams,
Cutcheon,	Hovey,	Randall,	Yardley,
Davidson, Fla.	Jackson,	Rayner,	Yoder.

For the remaining absentees no excuses were offered, except in the following cases:

Mr. McSHANE. My colleague, Mr. LAIRD, has been called out on important business, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. SAYERS. I ask that my colleague, Mr. MOORE, be excused.

There was no objection, and it was so ordered.

Mr. HOPKINS, of New York. Mr. Speaker, I ask that my colleague, Mr. NUTTING, be excused for one day, on account of sickness.

There was no objection, and it was so ordered.

Mr. STEELE. My colleague, Mr. WHITE, was in the House just until the call was ordered, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. SOWDEN. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That all leaves of absence be, and the same are hereby, revoked, excepting those for sickness or sickness in the absentee's family, and the Ser-

geant-at-Arms is hereby instructed to notify by telegram all absentees of the action of the House on this subject, requiring them to return forthwith, as well as those who are absent without leave; so that the public business may no longer be impeded by reason of their absence and the lack of a quorum.

Mr. SOWDEN. I hope that this resolution will be adopted. It seems to me that this House ought to take some action to enforce the attendance of its members, so that the public business may no longer be impeded by reason of a lack of a quorum. Certain members feel compelled to stay here because they believe that a "public office is a public trust." [Laughter, and cries of "Chestnut!" on the Republican side.]

It seems to me, Mr. Speaker, it is unfair to members who feel it their duty to be constantly in attendance upon the sessions of the House that others should be permitted to go off and reform their political "fences" at the public expense, inflicting upon those who remain great inconvenience in the transaction of the public business by reason of the difficulty of obtaining a quorum.

Mr. O'NEILL, of Missouri. Mr. Speaker, the American people, usually so quick-witted, are in this case more lacking in their ordinary acute appreciation of the obligation of public duties than would appear on the surface. Now, in the case of some of these statesmen who have gone forth to electrify the people with their views upon the tariff, how appropriate it would be after the public meeting was over if the people would organize a little private meeting, and would send up a resolution to this effect: "Whereas there is still pending in Congress important legislation, demanded by the people, which it is impossible to have accomplished by reason of the absence of this gentleman and other gentlemen from their posts, they are hereby instructed to return to their seats and earn the salaries they are drawing from the Treasury." [Applause.] Such a resolution, I am sure, ought to be enthusiastically adopted. A good, healthy "boycott" of this kind by the American people would be in order at this time and cause them to come back.

We have on our statute-book a law which instructs the Sergeant-at-Arms to deduct from the pay of each member—it is an absolute, plain law, and it is remarkable that it has never been enforced—the Sergeant-at-Arms is instructed by positive law to deduct from each member's account the amount of his per diem for each day that he is absent without leave. If this question was measured by dollars and cents I think every member would find fourteen good reasons every day why he should get back.

A MEMBER. We understand it is to be enforced.

Mr. O'NEILL, of Missouri. It is about time it should be.

A MEMBER. You were absent for awhile.

Mr. O'NEILL, of Missouri. I was absent, but only for a few days; and I had a biblical excuse. [Laughter.] I went home to get married; that was all right. The House would unanimously give leave of absence for such a purpose as that. I am criticising absence for political reasons.

Mr. Speaker, I hope this resolution will be not only adopted but enforced; and I trust no member of this House will be so wanting in consistency as to get up here to-morrow and ask us, as has been done heretofore, to grant additional leaves of absence. The action of this House in the last case of this kind, when on a Saturday it adopted a resolution revoking all leaves of absence and sending out telegrams to bring members here, and then on the following Monday extended leave of absence to two gentlemen to go home and engage in the political campaign in Indiana, was a farce, and no member could fail to recognize it as such. Those two gentlemen are now speaking to the people of that State; but do you not think in that case, as both candidates were members of the House, they should have remained here and made their campaign from their seats?

The Oklahoma bill my friend from Illinois [Mr. SPRINGER] has charge of to-day ought to pass, and important labor bills are still pending that ought to be passed. Concerning pending labor bills, while now on the floor it will save me the trouble of hereafter referring to it by now calling attention to a series of falsehoods that I noticed in a Massachusetts paper, signed by a man named Frisbie, who, I am informed, is associated with a claim agent of this city, one J. Daniels, who has faithfully labored to secure contracts from workingmen to pay him 25 per cent. of their claims, and by his pernicious activity has retarded and injured the prospects of the bill more than any other cause. We will take care to protect the workingmen against these claim agents when the bill comes up again.

I am not now and never have been in charge of the bill. Those members in charge of it have faithfully done their duty, and I have cheerfully co-operated with them. Of the four days given to the Committee on Labor during this session almost the entire time during two days was given to this back-pay question, and I hope it may be yet reached and disposed of.

For my part, every member of this House is at liberty to make such efforts as he thinks proper to secure a day for the consideration of this bill. I have tried day after day to secure additional time for labor legislation and without success. I am not in the way of any member who desires to make the effort.

They have my permission to get up here day after day and try to get a time fixed for its consideration.

If my friend from Iowa [Mr. LYMAN] could bring back into the fold those absent brethren, we might secure several days for the consideration of important pension legislation. If those members were brought back, and if we would legitimately and intelligently apply ourselves to the discharge of public work, we could make such a record in reference to the accomplishment of efficient legislation as has never been known in the history of this country. [Applause.]

If we adopt that resolution, let it be distinctly understood we mean it, and that we are going to send for these absent gentlemen. Let us appoint enough deputy sergeants-at-arms to go to the various localities and insist that these gentlemen shall come back. [Laughter and applause.] If you intend to do this, adopt the resolution; but if you do not, it certainly ought to be defeated.

Mr. BLOUNT. Mr. Speaker, the gentleman from Pennsylvania [Mr. SOWDEN] offers this resolution and complains of the absence of gentlemen at this time. He thinks it necessary. My friend has been absent, at least with the permission of the House, for reasons entirely satisfactory to himself. The gentleman from Missouri has also been absent.

Mr. O'NEILL, of Missouri. The gentleman has no right to refer to that. [Laughter.]

Mr. BLOUNT. I do not complain of it. I think my friend from Missouri did well, much better than we expected. [Laughter.] I think other friends may do as well as the gentleman from Missouri, and I do not see why he wishes to stop here.

Now, Mr. Speaker, there is an unusual reason for the absence of members of the House. We have reached the 13th of September. We are detained here, not by the business of the House. We should have adjourned many weeks ago so far as the situation of the business of the House relating to legislation is concerned. We are detained by the action of the Senate, and I may speak plainly for we all know the situation. We are detained by a question relating to taxation. That is a question for their own consideration and does not lie within the power of the House. I am not here to declaim against the Senate for its action.

Some time ago I did vote to send for absent members. The situation, as known to us all, was that they prevented the passage of one of the important appropriation bills by the persistent opposition of persons interested in certain claims.

A MEMBER. Is not the condition now the same as it was then?

Mr. BLOUNT. I will come to that. We did take action, finding ourselves in that situation, and sent for the absentees. They came, and we disposed of the emergency.

What is the situation now? There is a bill known as the Oklahoma bill.

Mr. BAKER, of New York. There is another, known as the Dakota bill.

Mr. BLOUNT. Yes, and another, known as the Dakota bill, as the gentleman from New York suggests; but I take it the Oklahoma bill is the principal one.

A MEMBER. And several pension bills.

Mr. BLOUNT. I will come to that. It is an important measure, one about which gentlemen differ. There are two reports, able reports, on the subject. The matter might go over, and would have gone over, but for the difficulty with the Senate, to the next session. We can adjourn and let it go over, and from indications it will then become a law.

Now, I submit, we are in the month of September, when gentlemen have been kept here far beyond the legislative period, kept from their business, from their private affairs, and we ought not, in the case of members who are absent, to resort to any harsh rule and treat their absence as though it were an ordinary case of absenteeism during a period when the House is usually in session.

I do not believe, sir, that the absenteeism of this time is of a criminal character, as set forth by gentlemen in their speeches, and as they would endeavor to press upon us by their action upon this floor. I do not believe it is an absenteeism that would have occurred originally or prior to any reasonable date, say the 1st day of August. It occurs now because this is an exceptional time and an exceptional condition of things. These are facts that we should remember; and I trust, sir, that we will exercise that calm judgment about it which justice to our associates requires. I am not willing, simply that the Oklahoma bill may be taken up, that every gentleman who is absent for one cause or another shall be summoned to this Capitol by telegraph, and that if he does not come he shall be arrested and brought as a criminal before the bar of the House. I do not believe that it is the judgment of this House that there is such an exigency pressing.

The gentleman from Iowa [Mr. WEAVER] has suggested that the situation is the same as when we passed a similar resolution some time ago. I submit that this is not a parallel case. Then there was an appropriation bill before the House, and a bill that was necessary to be passed before Congress could adjourn. If we reach a period when gentlemen determine that rather than the House shall adjourn without the disposition of the Oklahoma bill no appropriation bill shall be passed, and the machinery of the Government must stop, we will then have reached an emergency when such a resolution as is now proposed may be proper, and when our associates who are absent will feel that it is

reasonable for us to require their attendance. I have no doubt when such an emergency arises they will respond with alacrity. But until we shall reach that situation I am utterly opposed to any such course as is here proposed.

The gentleman from New York has suggested that there are also some pension bills. That may be true. And yet I scarcely think that our friends would insist on sending for the absent members merely for the purpose of taking action on the pension bills at this time. I believe the country would accept an adjournment of Congress at this time more as a relief than otherwise but for the existence of a certain class of legislation. My own opinion is, sir, barring that question, that the adjournment would be received with satisfaction by the people, and that the sooner the House adjourns the better; and I had rather, sir, that we should adjourn this House than pass this legislation, or that we should adjourn for three days at a time, until the Senate shall have taken action with reference to taxation. [Applause.]

Under these circumstances I am not willing to give my assent to the adoption of such a resolution.

Mr. LYMAN. Mr. Speaker, the gentleman from Missouri [Mr. O'NEILL] took occasion to refer to me as one of the causes of the obstruction of the business of this House. I desire to remind the gentleman and the House that at the time the resolution was under consideration—I refer to the resolution which was called up by the gentleman from Kansas [Mr. MORRILL], and upon which we spent two hours of consideration, the resolution fixing a time for the consideration of general pension bills—a call of the House was had during the two days, and a quorum answered.

When a quorum had appeared and the vote was taken upon the passage of the resolution, fifty-four gentlemen, members of this House, the political associates of my genial friend from Missouri [Mr. O'NEILL], refused to answer to their names, and thereby again broke the quorum. I am not responsible therefore for the delay. It is due to the gentlemen on the other side. Let them take the responsibility.

Mr. GROSVENOR. Mr. Speaker, I am one of those members of this House who believe that there is no public necessity and no public demand for the adoption of this resolution or for anything that may grow out of its adoption. We are here in the middle of the tenth month of this session of Congress. It has been unusually prolonged. It has been a long, hard pull. In the early portion of the session there were some delays, and I want to remind gentlemen on the other side, and especially do I commend this suggestion to the gentleman from Missouri, who has certainly broken out with an extraordinary degree of activity for the transaction of public business——

Mr. O'NEILL, of Missouri. I have been here all along, sir. [Laughter.]

Mr. GROSVENOR. To remind the gentleman that for nine days of this session he joined with a minority to absolutely suspend all public business.

Mr. O'NEILL, of Missouri. To do what?

Mr. GROSVENOR. Which of course was a matter of judgment on the part of gentlemen connected with it.

Mr. O'NEILL, of Missouri. Why, I was not here. [Laughter and applause.]

Mr. GROSVENOR. And I do not introduce this subject for the purpose of complaint or for the purpose of criticising the action of the gentleman, but simply to say that there was a delay for which the gentleman and his party associates were more or less responsible. So the session ran along, and a debate which in point of time exhausted and in point of ability manifested has never been equaled by any debate upon any economic question on the continent of America and probably not in this world ensued. The appropriation bills have been substantially gotten out of the way, and within the last week the last of them has passed the House of Representatives.

The time has come, therefore, when members of Congress who desire to be here in December ready for business have a right, Mr. Speaker, under all the usages of Congress, to go home and attend to whatever business they may find to engage in. It is a very small piece of business for a member of Congress here to criticise at this point of time the judgment of men who are disinclined to sit down here day after day and go through this miserable dribble of legislation. The public are not asking it at the hands of Congress. I defy any gentleman to put his finger on a paragraph from a respectable newspaper of this country where the action of members of Congress in going amongst their constituencies in this great exigency of politics has been criticised. It has not been criticised in my district by the very vigilant members of the opposition. It has not been criticised when a large number, about an equal number of gentlemen composing each party, made their appearance in the contested State of Maine during the last two weeks of the campaign. I heard no complaint whatever. To tell you the truth, the people of the country are positively more interested in the issue of the coming campaign than they are in what will be done by a little, unselfish, faithful, perspiring band of patriots who choose to remain here in Washington. [Laughter.]

Now, Mr. Speaker, there is another suggestion, and I make it for the benefit and commend it to the consideration of members on the other side of the House, and that is, that there is vastly more danger of injury to the public welfare in the passage of bad legislation at this time than there can possibly be in allowing these bills, or any of them, to be laid aside and go over from now until December next.

And I want to say that you can not bring members of Congress in here as might be done with school children and compel them to do your bidding. You may have measures—and I do not criticise them, though I have my own judgment in regard to some of them—that you think are vitally important to the country, but other gentlemen do not seem to understand it in that line. A clean majority of the House of Representatives, just as responsible to their constituents as you, have seen fit to go home and seen fit to mingle with their fellow-citizens, and press their re-election, or whatever they may consider to their interest at home, and their judgment is just as good as the judgment of you who are staying here and dragging out the session to an untimely extent.

I have heard vastly more criticism at the apparent purpose to remain here and prevent any vacation than I have about the absenteeism of anybody. It is not a question, Mr. Speaker, of whether a man is always in his seat so much as it is as to whether he is able to discharge his duties satisfactorily to his constituency; and if he has done that he is not to be called up as though he were recreant and be put up to be lectured by everybody who can get upon this floor and who may possibly have bills for consideration. The gentlemen who are anxious to have such bills pass will find that they can promote their passage vastly better by going along and taking things as they find them than they will by undertaking to force Congress to do anything.

A member of the American Congress is not to be driven about the country as though he were a criminal. If he takes it upon himself to go to that highest source of power, the constituency that sends him here, he frankly recognizes the fact that he is absent from his post; it is not a proper proceeding to send out for him and break up his arrangements in order to bring him back here; and nobody will make anything by it in personal popularity or in furtherance of the business of the House. I think, Mr. Speaker, that the country escaped very well from the hands of this Congress, and that they are willing to stand about where they do stand. They have made an extraordinarily safe escape from the hands of this Congress. I think the issues of 1888 are made up, and that there will be no supplemental pleadings filed that will be recognized by the great court before which these great questions are to be tried. The issues are made up on which the judgment of the people of this country is to determine these questions. To hurry legislation here under whip and spur and propose to drag here unwilling members of Congress would simply be to put upon the statute-books legislation which has not been properly considered and which is utterly valueless to this country.

Mr. TAULBEE. Would it disturb the gentleman for me to ask him a question here?

Mr. GROSVENOR. Not in the least.

Mr. TAULBEE. Do I understand by the statement of the gentleman that there will be no supplemental pleadings filed in the issue that the Senate will not report a bill revising the tariff?

Mr. GROSVENOR. I am not here to criticise the action of the Senate or to speak for it. I am not here criticising the action of the Ways and Means Committee of this House which took a long time to incubate the tariff bill.

Mr. ANDERSON, of Kansas. Eight months.

Mr. GROSVENOR. It is not for me to say that the gentlemen of the Ways and Means Committee delayed one hour or one moment beyond what they saw was right. I believe it is the duty of every member of Congress to carefully consider measures before presenting them to this House—and certainly it ought to come with very poor grace from that side of the House. I believe the Committee on Ways and Means, in their long delay in reporting the bill, acted in good faith; and in the long discussion of fifty-odd days—almost three months—the bill was under discussion here I am not willing to say, and I do not say, that any member of this House occupied one moment of time over what he thought was proper in the discharge of his duty to the people of this country.

Now, then, to answer the question of the gentleman from Kentucky. The Senate of the United States ought not to be, and shall not without rebuke in my presence, be criticised for its present action. If I had my way——

Mr. TAULBEE. I beg leave to state that I am not criticising the Senate; but the gentleman has failed to answer my question. I want him to tell us what he means by the pleadings to which he referred, so that we may understand just what he is talking about. Then I want about five minutes in which I may be heard in reply to his argument.

Mr. GROSVENOR. The gentleman ought not to break into my speech in that sort of way.

I was saying if I had had my way, there would not have been any of this tariff discussion and consideration after the House of Representatives passed a bill, which I believe now will be repudiated by the American people by a verdict so overwhelmingly decisive that in December next we will understand better what to do than we do now. [Applause on the Republican side.] The Senate has seen proper to enter upon consideration of the bill, and in doing so they have acted according to the dictates of their judgment, and not according to the dictation either of myself or the gentleman from Kentucky.

Mr. TAULBEE. I do not think the gentleman ought to consume all of my time. He has made a fairly long speech already, and I have not. I want to occupy only about five minutes.

The SPEAKER. The gentleman from Ohio is speaking in his own time.

Mr. GROSVENOR. I am speaking in my own time.

Mr. TAULBEE. I thought the gentleman gave me the floor. [Laughter.] I ask him now whether he will not divide his time with me. We have got only twenty-one minutes altogether before the hour for adjournment.

Mr. GROSVENOR. I will divide my time with somebody before I get through. Mr. Speaker, the gentleman from Kentucky wants to know what I mean by the filing of supplemental pleadings. I will tell him. When, after the presentation here of the President's message, which for the first time in the history of this Government treated upon a single proposition only, the Mills bill was brought forth here and carried through by the power and influence of this Administration and by the Democratic party, the Republicans almost unanimously voting against it, the issue for the Presidential election of 1888 was made up. The petition had been filed upon the part of the Democratic party asking for a reduction of tariff duties in that form, and upon the plan and idea in that bill contained, and the Republican party had made a general denial of the propriety of that sort of legislation.

Mr. TAULBEE. If the gentleman's party considered the issue closed, I would like to know——

Mr. GROSVENOR. I decline to be interrupted.

Mr. TAULBEE. I was only going to ask what they were doing in the Senate, if his party considered the issue closed.

Mr. GROSVENOR. I am telling the gentleman what I meant by supplemental pleadings. When the people of this country were ready to go to battle upon one great question and one great issue, and that they did not care a fig for any other, it was a supplemental pleading for the President of the United States, after the Senate, acting properly and legitimately under their constitutional right, had rejected a treaty—it was, I say, a supplemental pleading on the part of the President to formulate a bill of particulars such as he sent to Congress and undertake in that way to make up a new issue, and to seek to create a public discussion of a question of war or peace with England and a question of retaliation and all that.

Mr. TAULBEE. Did it hurt?

Mr. GROSVENOR. And the result of it is that the American people understand that, and laugh in the face of the man who talks about any issue of retaliation in this campaign.

Mr. TAULBEE. I believe there were only four dissenting Republican votes on the passage of that bill.

Mr. GROSVENOR. Mr. Speaker, I object to interruption. I can not talk against a brass band, a steam-boat whistle, or the voice of the gentleman from Kentucky [Mr. TAULBEE]. [Laughter.]

Again, Mr. Speaker, when the House of Representatives and the Senate of the United States, acting jointly, passed a bill upon the subject of carrying into effect an existing treaty between the Chinese Empire and this country, and when that bill was lying upon the table of the President ready for his signature or his disapproval, and the exigencies of the campaign in one of the States of this Union made it necessary that something should be done to retrieve the falling fortunes of the party to which the President belongs, it was a supplemental pleading that was sent in here from the State Department with the approval of the President, as is fully admitted everywhere, a bill to be passed into a law revoking and abrogating a treaty and undertaking to place upon the table of the President at the same time two bills, one of them to carry into effect a treaty and the other to abrogate a treaty. It created a condition damaging to the wisdom and the honor of this country.

Mr. TAULBEE. Why did you not vote against it?

Mr. GROSVENOR. I was not here.

A MEMBER. He was in Maine. [Laughter.]

Mr. GROSVENOR. But I will tell the gentleman who did vote against it, and I will tell him who it was that came to the rescue of the honor of the American people. It was one Senator in the Senate of the United States who dared to lift up his voice in opposition to it, and to point out the terrible stultification into which the Administration was projecting us—JOHN SHERMAN, of Ohio; and it was another American Senator who moved to reconsider the hasty, injudicious, and almost revolutionary act by which that bill was passed. The answer to the whole proposition is that to-day there is not a Democrat on that side of the House, nor a Democratic Senator, nor the President himself, nor any member of his Cabinet, who will stand up and say that he wants that bill to become a law. [Cries on the Democratic side of "Oh, yes!" and "We all want it!"]

Mr. GROSVENOR. They have been crying out with a Macedonian cry for some one to come and save the people of the United States from the disgrace of the supplemental pleading which the President filed in that case.

That is what I mean by supplemental pleading. I mean an attempt to turn aside the people of this country from consideration of the blunder committed in introducing and passing the Mills bill. From one end of the country to the other the response is coming. It is not coming from the Republican States of the North alone. There are indications of an uprising in the South, and I can say to some of the gentlemen on the other side who think that they are secure of their seats that possibly before the frost comes some of them will be found going home to look after their interests as members of the next Congress of the United States.

The sound comes up from Kentucky. It comes from the State of Arkansas, where 36,000 majority was cut down suddenly to about 13,000. It has come from everywhere; and I predict to the gentlemen on the other side that when they get back here in December they will have to hunt around for somebody they know among those who have been elected on that side to the Fifty-first Congress. [Laughter.]

So, Mr. Speaker, I say the duty of the hour does not lie in dragging in this Hall men who have to be at home attending to their business. It lies in the direction of closing up the business of this session as soon as possible; and then let the Democratic members of this House get down on their knees before their constituents and cry out, "Lord, be merciful to us sinners!" [Laughter and applause.]

I now yield to the gentleman from Iowa [Mr. GEAR].

Mr. TAULBEE. I would like the gentleman from Ohio to give me a little time.

Mr. GEAR. Mr. Speaker, I am opposed to this resolution. The gentlemen who have asked leave to be absent from the House have done so for reasons which are evidently sufficient to themselves. That leave was granted by the House; and unless public necessity should absolutely require their presence here, it appears to me it would be a violation of good faith if we should undertake to rescind that leave.

I wish to say a word in reply to the remarks of my friend from Georgia [Mr. BLOUNT]. He criticises the Senate as being responsible for the delay in the termination of this session. I want to call his attention to the fact that it took (to be accurate) exactly seven months and nineteen days for the "dark-lantern committee" to formulate, introduce, and pass the Mills bill. Not a single man in all this country representing the laborer or the manufacturer was invited to be present before that committee to submit any argument in reference to his side of the case. The right of petition, a right dear to the American people, was denied by the action of that committee. Mr. Speaker, it is just fifty-four days since that bill went to the Senate. Are we to sit here now and criticise the Senate because of the fact that they are giving to the manufacturers, the wage-workers, and to all the people the right to be heard on a question which is fraught with great good or great evil to the country? It seems to me not. I think the position of the gentleman from Georgia, in criticising the Senate, is not well taken.

Mr. BRECKINRIDGE, of Arkansas, rose.

Mr. GEAR. I do not yield. The gentleman can talk in his own time.

Mr. BRECKINRIDGE, of Arkansas. I know the gentlemen does not wish to be unjust.

Mr. GEAR. I do not yield.

Mr. Speaker, the gentleman on the other side says it is time for us to go home. Why does not the Committee on Rules report the resolution for final adjournment which was offered here the other day? They have the power to do so. Why do you not report it, gentlemen, and give us an opportunity to vote on that question? Then we will tell you whether in our judgment it is time to go home or not; and if that resolution should pass here and go to the Senate that body will give us their opinion of it very quickly. It is, in my judgment, bad policy and bad politics for my friend from Georgia to criticise the Senate for the delay connected with this session when gentlemen on the other side have taken seven months and nineteen days for the framing and consideration of one bill.

Mr. Speaker, I yield back the floor to the gentleman from Ohio [Mr. GROSVENOR].

Mr. TAULBEE. I believe I had the promise of the gentleman from Ohio that he would give me five minutes. [Laughter.]

Mr. GROSVENOR. I yield my time to the gentleman from Illinois [Mr. CANNON].

Mr. TAULBEE. Now let the gentleman from Illinois yield me five minutes.

Mr. CANNON. Mr. Speaker, in the ten minutes remaining of to-day's session I can hardly say what I want to say.

Mr. TAULBEE. Mr. Speaker—— [Cries of "Regular order!"]

Mr. TAULBEE. I only ask the gentleman from Illinois to yield me enough time to ask unanimous consent that the session be extended five minutes in order that I may be heard. [Laughter and cries of "Regular order!"]

Mr. CANNON. Why does the gentleman from Kentucky insist on wasting my time? I want to say a word in reply to my friend from Georgia [Mr. BLOUNT]. He says it is notorious that the House could have adjourned (if it had desired or been ready for adjournment) weeks ago. Well, I suppose it could; but it did not. Three times, if not four, have the general appropriations for the service of the Government for the last fiscal year been extended into this year.

A MEMBER. Four times.

Mr. CANNON. I have been very anxious during all these weeks that we should close up the business of the House, provide for the public service, and then, if the House did not signify its readiness to adjourn——

Mr. TAULBEE. I rise to a question of order. My point of order is that this discussion is not pertinent to the issue pending; it is a manifest effort to waste time and delay the business of this House. I shall insist that gentlemen engaging in this debate shall proceed strictly in order. [Laughter.]

The SPEAKER. The Chair can not see that the gentleman from Illinois [Mr. CANNON] is out of order. He seems to be replying to the argument made by the gentleman from Georgia.

Mr. CANNON. Mr. Speaker, I will say again that if this House had passed the sundry civil bill, the deficiency bill, and the other appropriation bills weeks ago we could have been ready to go home. I have not felt free to go for the reason this work yet remained to be done, and as one member of the House I felt it to be my duty to do it, although time and again I have asked, in season and out of season, the business be presented; and for weeks I have been standing with other members on this side of the House, asking that the point of no quorum be not made so this important business could be transacted with less than a quorum because there was no quorum here to do it.

Now, when this House gets ready to adjourn by performing its part of the duty of legislation, and informs the Senate so far as it is concerned it has finished its business and is ready to adjourn——

A MEMBER. That is right.

Mr. TAULBEE. Will the gentleman yield to me?

Mr. CANNON. Not now.

Mr. TAULBEE. For a question that is pertinent?

Mr. CANNON. Oh, no. Then if the Senate is not ready to adjourn it will indicate a time when it will be ready, and if it is ready to adjourn let it concur in the resolution. In either event if the House has clean skirts and has performed its duty and the Senate has failed to perform its duty let the Senate be responsible. [Applause.]

I tell you gentlemen on the other side of the House, as much as I admire your great ability, you have not ability enough to run this House and the Senate, too. [Laughter and applause.]

I will now yield to my friend from Kentucky to ask his question.

Mr. TAULBEE. I am obliged to the gentleman for yielding to me the six minutes remaining. [Laughter.]

Mr. CANNON. Oh, no; I yield for a question only. [Renewed laughter.] The gentleman asked to be permitted to ask a question in the middle of a sentence, and I did not yield at that time; but as the gentleman is himself disposed to be courteous, I will be courteous to him and permit him to ask his question. I will still retain the floor.

Mr. TAULBEE. My question is not pertinent to the resolution pending before the House, but it is pertinent to the discussion had by the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Illinois [Mr. CANNON] all of which I have contended was out of order as being irrelevant to the pending question.

It relates to what the gentleman from Ohio [Mr. GROSVENOR] has been pleased to call the pleadings upon which the issues are to be joined in the campaign on which we are entering. [Laughter and applause.] I put the question to the gentleman from Ohio [Mr. GROSVENOR] and so far as I caught his answer he claims that the pleadings consist of the President's messages. If that be true his party is excusable for entering upon trial without plea or traverse, for the people ordered the previous question on messages from Republican Presidents in 1884, and they will have no opportunity to plead for the next twenty-five years. [Renewed laughter and applause.]

But, Mr. Speaker, if the pleadings consist in the legislative records of the two parties compared to their promises in their respective national platforms of 1884, then the pleadings will not be complete until the Republican party either joins issue with the Democratic party as to the mode of revising the tariff, or until a Republican Senate by its failure to report a bill confesses itself incapable of dealing with the question and unwilling to even make a feint at compliance with its promises and goes before the country content with asking the voters to allow them the benefit of a traverse, thus hoping to prevent a judgment by default.

Will the gentleman from Ohio or the gentleman from Illinois longer claim that the Democratic party is afraid to take a position on any economic question? Afraid to take the aggressive, or that it is not a party of positive ideas, or delinquent in the matter of complying with its promises?

Has not the Democratic party given to the country a bill revising the tariff schedule? Has not that bill gone to the Senate, and, although the gentlemen and their party claim that the most disturbing and depressing influence brought to bear on the business interests of the country is the agitation of tariff taxes, yet has not the Senate and its Committee on Finance been for more than fifty days juggling and smuggling and "tinkering" with the tariff? And are not the gentlemen on this floor and at the other end of the Capitol trying day by day to evade the issues and go into the campaign without a clearly defined position, hoping to hoodwink the people with empty promises renewed, which they now have the power and opportunity to comply with, but which they never intended to fulfill? [Applause.]

I now yield the balance of my time to the gentleman from Illinois [Mr. CANNON] in order that he may answer. [Laughter and applause.]

Mr. CANNON. Now, Mr. Speaker, I yield one minute of my time, after having answered the question of the gentleman from Kentucky, to the gentleman from Pennsylvania. [Laughter.]

Mr. McCULLOGH. Mr. Speaker, some little reflection has been made on the Senate in regard to its non-action. I only wish to call the attention of the House to one or two things in our own history. The first is that we came here last winter, many of us new members and unknown to the Speaker, it is true (but for the first few weeks of the session the Speaker was busy in matters pertaining to Kentucky and election committees), and it took the House in its wisdom, in its private consultations, and its assembled statesmanship, which had been here for years, from the 5th day of December until the 10th day of January before we knew where the House and the country were to look for a tariff bill to originate. [Cries of "Time!" "Time!"]

Mr. SPRINGER. If the gentleman from Pennsylvania will yield——

The SPEAKER. The gentleman will desist. The hour of 5 o'clock having arrived, the House, under its previous order, stands adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. PHELAN: Joint resolution (H. Res. 222) requiring consent of Congress for the construction of a bridge across the St. John's River, Florida, below Palatka, Fla.—to the Committee on Commerce.

By Mr. BELDEN: A bill (H. R. 11427) granting a pension to Amasa Chase—to the Committee on Invalid Pensions.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 11428) for the relief of W. J. Bond—to the Committee on Pensions.

By Mr. CHIPMAN: A bill (H. R. 11429) for the relief of Francis Palms *et al.*—to the Committee on Private Land Claims.

By Mr. SHIVELY: A bill (H. R. 11430) to increase the pension of Harlan E. King—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Resolutions of the Farmers' Alliance of Columbia County, Georgia, relating to trusts—to the Committee on Ways and Means.

By Mr. BOWEN: Petition of W. D. Brooks and 19 others, citizens of Franklin County, Virginia, in favor of House bills 10320 and 11027 for pure food and pure lard—to the Committee on Agriculture.

By Mr. CARUTH: Papers to accompany bill for the relief of James D. Maclay—to the Committee on Patents.

By Mr. LODGE: Petition of W. M. Bicknell and 14 others, of Malden, and of Helen Ware Myrick and 20 others, of Northborough, Mass., for a pension to Anna Ella Carroll—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: Petition of James Hagerty, of Washington, La., for relief—to the Committee on Private Land Claims.

Also, petition of Alexis Leduf, of widow of Samuel S. Simmons, and of Brevard Markin, tutor of minors of John Ward, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SENEY: Petition of William Stevens and 86 others, citizens of Putnam County, Ohio, in favor of pure food—to the Committee on Agriculture.

Also, petition of A. M. Boxwell and 26 others, citizens of Putnam County, Ohio, in favor of pure lard—to the Committee on Agriculture.

SENATE.

FRIDAY, *September* 14, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. MITCHELL presented the petition of Lorenzo R. Whitlock, of Albany, Oregon, late of Company E, Boyle's Regiment Missouri Volunteers, praying that his name be placed on the pension-roll; which was referred to the Committee on Pensions.

He also presented the petition of Miss Anna Platt, late a volunteer army nurse, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BROWN. I present resolutions passed at the meeting of the Farmers' Alliance of Columbia County, Georgia. In the first resolution they denounce combines and trusts as unfriendly to the interests of mankind and say that they ought to be made felonies by the laws of the States and of the United States, and they then resolve that they urge upon Congress the immediate suspension of tariff or customs duties on all imports of cotton bagging and jute butts used in the manufacture of cotton bagging. I move the reference of the resolutions to the Committee on Finance.

The motion was agreed to.

Mr. HOAR presented a petition of Henry B. Blackwell and others, men and women, of Massachusetts, South Carolina, and New Jersey,

praying that a pension be granted to Miss Anna Ella Carroll; which was referred to the Committee on Pensions.

JAMES BRIDGER.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 480) for the relief of James Bridger or his legal representatives, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claim of James Bridger for the value of the improvements erected and constructed by him at Fort Bridger, and the rent of said premises by the United States Army, situated in Green River County, in the Territory of Utah, appropriated by the United States to its own use, be referred to the Secretary of War, who shall investigate the justice and equity of said claim, and report the amount and value of such improvements used and occupied by the United States Army, and under what circumstances, contracts, and agreements said premises were taken and used by said Army, and also what amount, if any, has been paid for the same; and that he also report what amount of money is equitably due said Bridger, or his heirs, on account of said claim, together with the evidence, for the consideration of the Senate.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3549) for the relief of John A. Barton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 3550) granting a pension to Lorenzo R. Whitlock, of Albany, Oregon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3551) granting a pension to Miss Anna Platt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3552) to abolish rents for the use of Potomac water for domestic purposes in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. BLODGETT introduced a bill (S. 3553) granting a pension to Joseph J. McIntire; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPRINTING OF A RESOLUTION.

On motion of Mr. BLAIR, it was

Ordered, That the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States respecting establishments of religion and free public schools be reprinted.

THE COPPER TRUST.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution submitted by the Senator from Connecticut [Mr. PLATT] coming over from yesterday, the title of which will be stated.

The CHIEF CLERK. A resolution directing the Committee on Finance to inquire whether a foreign syndicate or trust controls the production of copper in the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. VEST. I believe it was upon this resolution that the Senator from Massachusetts [Mr. HOAR] made some remarks yesterday on the strength of a publication in the New York World. I would prefer that that Senator be present when I make a statement in regard to the same matter.

The PRESIDENT *pro tempore*. The resolution can lie over, if the Senator desires, until the Senator from Massachusetts comes in.

Mr. VEST. I should prefer that course.

The PRESIDENT *pro tempore*. The resolution will lie over for the present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8367) to provide in certain cases for the regulation of railway companies chartered by the United States by the several States and Territories in which the railways of such companies run and are operated; in which it requested the concurrence of the Senate.

The message also announced that the House requested the Senate to furnish it with a duplicate copy of the engrossed bill (S. 320) for the relief of John D. Adams.

The message further announced that the House requested the Senate to return to it the bill (S. 1988) granting a pension to H. R. Blakiston.

The message also announced that the House had passed the joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States.

The message further announced that the House had passed the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1604) to change the time of the sessions of the circuit court of the western division of the western district of Missouri.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 212) for the relief of Patrick H. Winston, jr.;

A bill (S. 1506) for the relief of Addie Bell;

A bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company;

A bill (S. 2576) granting a pension to Richard Hudson;

A bill (S. 2750) to increase the pension of Samuel A. Tate;

A bill (S. 2913) granting a pension to Mary Sturgess; and

A bill (S. 3186) granting a pension to Christian Winkel.

FORT MORGAN MILITARY RESERVATION.

The PRESIDENT *pro tempore*. If there be no further morning business, the first bill on the Calendar under Rule VIII will be stated.

Mr. MORGAN. I wish to ask the indulgence of the Senate to take up House bill 10679, Order of Business 2025.

The PRESIDENT *pro tempore*. The Senator from Alabama will allow the first bill on the Calendar to be stated, when the Chair will recognize him.

The CHIEF CLERK. Order of Business 1986, a bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions.

Mr. MORGAN. The bill which I ask the Senate to take up proposes to grant the right of way through the military reservation at Fort Morgan, on the spit of land that runs out from Florida. It would be a very great advantage to the Government to have the road there, and the officers of the Government have surveyed and located it according to the necessities of the military as well as the commercial situation. The bill was passed by the House of Representatives. I ask that the Senate consider it at this time.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Alabama asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

Mr. SHERMAN. By not only the rules of the Senate, but by the agreement, as I supposed, of gentlemen on both sides, without making any more definite reference to it, it was agreed that we should proceed to the business of the morning hour in the ordinary way under the rule except where appropriation bills and certain other bills should be taken up by a vote of the Senate.

Mr. MORGAN. When was that agreement made?

Mr. SHERMAN. It was made two or three weeks ago, but has been lost sight of by the interposition of the Chinese question.

Mr. MORGAN. I was not here when any agreement of that kind was made, otherwise I would not have presumed to violate it. At the same time this is the first request I have made of the Senate on a question of this kind. The passage of the bill I have called up is a matter of no concern to me at all, but it is important to the Government.

Mr. SHERMAN. I do not wish to object to the bill, but I wish to remind Senators of what occurred a week or two ago.

Mr. MORGAN. I was not aware of any agreement of that kind.

Mr. SHERMAN. That was the understanding, but I have no objection to the consideration of the bill.

The PRESIDENT *pro tempore*. Does the Senator from Ohio object to the consideration of the bill?

Mr. SHERMAN. I do not think it is my business to do that. I do not care to object against bills which Senators desire to call up, but I have stated the agreement and I think we ought to go on under it. The Senator's bill will probably be reached in due order.

Mr. PLATT. Mr. President——

Mr. MORGAN. No, it will not be reached this session. There is no chance for it.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Connecticut.

Mr. PLATT. I stepped out of the Senate a moment since, and when I came in I was informed that a resolution which I offered yesterday, and which I supposed would have precedence before we go to the Calendar, was taken up and was laid over because I was out of the Senate.

The PRESIDENT *pro tempore*. The Chair laid the resolution before the Senate, when the Senator from Missouri [Mr. VEST] stated that he desired to make some observations in reply to remarks made yesterday by the Senator from Massachusetts [Mr. HOAR] on the resolution and preferred that that Senator should be present when they were made, whereupon the resolution was informally laid aside until the Senator from Massachusetts should come in.

Mr. PLATT. I do not want the resolution to lose its chance this morning.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill moved by the Senator from Alabama?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10679) to grant the right of way

through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

Mr. SHERMAN. After this bill is disposed of—for I do not wish to take any snap judgment—I shall again call the attention of the Senate to the understanding, and insist upon the regular order of business.

The PRESIDENT *pro tempore*. The Chair of course desires to enforce any understanding, but such an understanding is not in the recollection of the Chair.

Mr. SHERMAN. The Chair was not necessarily advised of the order. It was an agreement among Senators that a certain line of business should be pursued.

Mr. MORGAN. It was not made in open Senate. I do not know of it.

Mr. SHERMAN. I do not object to the bill now before the Senate.

The PRESIDENT *pro tempore*. If there be no amendment to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE COPPER TRUST.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Missouri [Mr. VEST] to the appearance of the Senator from Massachusetts [Mr. HOAR]. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Connecticut [Mr. PLATT], which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Finance be, and is hereby, instructed to inquire whether a foreign syndicate, combination, or trust controls the production of copper in the United States, and has thereby largely increased the price of all articles made therefrom to the consumers; and if so, whether any legislation can be devised to relieve the people of the United States from such injurious effects of the operation of such foreign combination, trust, or syndicate, and report by bill or otherwise.

Mr. VEST. Mr. President, I have nothing to say in regard to the merits of the resolution. I have no obstacle to interpose to its adoption.

Yesterday the Senator from Massachusetts [Mr. HOAR] read from the New York World a statement to the effect that several Democrats had made contributions amounting to $120,000 to the campaign fund of the Democratic party. It has been the fashion with our friends on the other side of the Chamber, for several days past, to make a special attack upon Hon. WILLIAM L. SCOTT, of Pennsylvania, and his name has been brought here in many connections that are not at all complimentary to his character as a public man. I have a dispatch from Mr. SCOTT, which in sheer justice to him I desire to read to the Senate. He telegraphs to me as follows, being out of the city:

There is not a word of truth in Mr. HOAR'S statement.

WILLIAM L. SCOTT.

The statement was made upon the authority of the New York World, and it was made by the Senator from Massachusetts, accompanied with the allegation that it comes from a Democratic newspaper.

It is but just to the Democratic party to say, without pretending upon my part to make any attack upon the New York World, that it is not in my judgment strictly a Democratic paper. That journal exercises the liberty, which it unquestionably has, of supporting the administration of Mr. Cleveland or not supporting it. I do not understand that it is a Democratic paper within the proper meaning of the term.

I have from other gentlemen whose names are mentioned in this editorial the statement that there is absolutely not the slightest foundation for the allegations made in this publication.

Mr. HOAR. What is the statement in regard to Mr. SCOTT which the Senator from Missouri considers untrue and wishes to correct, if he will allow me?

Mr. VEST. I gave Mr. SCOTT'S statement in regard to it. The statement as made in the editorial read yesterday by the Senator from Massachusetts is as follows:

President Cleveland is not alone in his contribution to the campaign fund. His check for $10,000 on Riggs & Co., the Washington bankers, has been "seen" by Chairman Brice, who "goes" him $10,000 better, and Congressman WILLIAM L. SCOTT does the same thing.

That is, Congressman WILLIAM L. SCOTT is stated here to have subscribed $20,000 to the campaign fund of the Democratic party. Mr. SCOTT in his telegram states that there is not one word of truth in that statement, and it is but just to him that it should be made public.

The Senator from Massachusetts arraigns these prominent Democrats who are not present in the Senate for having made these voluntary contributions to the campaign fund of the party to which they belong, and he makes as the groundwork of his complaint a bill introduced by the Senator from Indiana [Mr. VOORHEES], which proposed to punish, as the Senator from Massachusetts alleges, for I have never read the bill, a contribution by any executive officer of the Government to the campaign fund of any political party.

I understood the Senator from Massachusetts to state the other day when he discussed a publication made by an employé of the Senate that an American citizen had a perfect right to express his opinions as to any political question, and that, if an employé or officer of the Government, or of either branch of Congress, he had the right to place his official character upon that publication in order to give it credit and weight in the community. If that be so, what discrimination does the Senator make between the right of any American citizen to express his sentiments and to argue in behalf of them and his right to take his money and give it voluntarily to the party of which he is a member for legitimate campaign purposes?

Mr. HOAR. If the Senator will pardon me, I will state that he totally misapprehends the point of my statement the other day, which of course is my fault and not his, because the Senator is a person whose keenness of apprehension nobody would question.

I stated the first time I called attention to the bill and to the remarks of the Senator from Indiana [Mr. VOORHEES] that I did not at all concur with him in the view which he entertained. I merely stated it as an illustration of what I considered a wholly unreasonable and unsound view of civil-service reform, and I stated then that I thought, office-holder or no office-holder, any American citizen had a right to express his opinion, make arguments to his fellow-citizens, to engage in political activities, and to contribute his money, whether he was an office-holder or not, just as he would—I used the illustration—if he were an officer of a bank or a railroad. That is my opinion.

If I am not abusing the Senator's patience I will say that the first time I alluded to the bill and argument of the Senator from Indiana I did so to show that he in his view of the civil-service reform thought this was a thing for which the executive officer should be sent to the penitentiary, should be dismissed from office, and should be rendered incapable of holding any office in future. Yesterday my allusion to it and my reading of certain matter from the New York World was in reference to the charge made on the other side of the Chamber that there was a certain connection between the Republican party and the great trusts or monopolies. I read that statement from what I supposed was an eminent Democratic authority, and then had read from the record what certainly Mr. SCOTT will not deny—of course we accept his denial absolutely in regard to this matter—his own statement, or the statement furnished at any rate to the Congressional Directory of his connection with this vast railroad control. If it had been a charge which I considered a charge of turpitude or of impropriety, if it had been anything that I disapproved against anybody, I certainly should not have made it in the Senate on the authority of this paper.

I will say, however, and I certainly do not want to do this gentleman any injustice, and I do not think it is anything that he would regard as an improper charge, but rather creditable to him—I think I am not mistaken in my recollection in saying that a distinguished member of the other House informed me that the gentleman referred to informed him that he made a very large contribution to the Democratic campaign fund four years ago, when Mr. Cleveland was elected. I think I am quite certain of that fact, but I would not even allude to it without giving Mr. SCOTT an opportunity to say whether it be true or not if it had been anything discreditable.

My point is that when these gentlemen are getting up and talking about trusts, from their candidate for the Presidency down through their various speakers in various places, it is proper that the people should know that the great monopolies and trusts of this country are on the Democratic side; that they constitute its treasury in large part, and that the persons whose names are known as the controllers of great business influences, regulating prices, governing transportation, dealing with the necessaries of life, are interested and enlisted and zealous for the re-election of the present occupant of the White House. That is my point, not that it is improper for anybody to subscribe to a campaign fund.

Mr. VEST. I understand the Senator from Massachusetts now to state that he makes no objection to or criticism upon voluntary contributions by members of the Democratic party, whether they are executive officers or not.

Mr. HOAR. I shall make a contribution myself, I will inform the Senator, to the extent of my ability, and beyond my ability, before the campaign gets through.

Mr. VEST. I understand the Senator to state that he simply cited the bill that was introduced here by my friend from Indiana [Mr. VOORHEES], but that he does not approve of that bill.

Mr. HOAR. I said so then.

Mr. VEST. The legitimate inference, the irresistible inference from that statement is that if not only Mr. SCOTT but Mr. Whitney had made a contribution, or if the President had made a contribution, he made himself, in the judgment of the Senator from Massachusetts, amenable to the punishment which is fixed in that bill.

Mr. HOAR. Oh, no; that I did not say. That bill did not pass, and they could not be amenable to it.

Mr. VEST. Of course not, but it was simply a declaration of opinion, I presume, on the part of the Senator from Indiana. Whether he drew that bill himself or whether he offered it here as the product of the brain of somebody else, I do not know. I have never read it. For my own

part I have no hesitation in saying that Mr. SCOTT, or any other Democrat, has the perfect and complete right to give his money, that belongs to him, to the legitimate purposes of a campaign as much as he has to make a donation to any eleemosynary or religious institution. If he believes the Democratic party is right, that its principles are necessary to the welfare and the honor of this country, he would be derelict in his duty as an American citizen if he did not do all that an honorable man can do in order to promote those principles and put them into active operation.

The fact that Mr. SCOTT is connected with the management of 22,000 miles of railway is no argument that he is making improper use of his money. It is no argument against his character. On the contrary, it simply shows that as a self-made man he illustrates the activity and enterprise and brain work of the American people, and he demonstrates the possibilities that are offered in this country to any man, no matter how poor or obscure, to achieve position and fortune by his own honorable individual effort.

But the Senator from Massachusetts most unquestionably in what he said here yesterday intended to make the impression, as he states emphatically to-day, that the Democratic campaign fund came from trusts and corporations. The Senator was informed yesterday by the Senator from Ohio [Mr. PAYNE] that the Standard Oil corporation or trust had in it only two Democrats, and that a large majority of its stock was owned by members of the Republican party.

The Senator from Massachusetts offers no proof here that these trusts or corporations are contributing this money, or that these contributions came from any such source. But we know from the highest authority almost in the Republican party that contributions are being taken from a trust that reaches to all the products of this country, that levies a tax upon the necessities of life as well as the luxuries, that reaches to every home and every fireside in this broad land.

The other day the Senator from New Hampshire [Mr. BLAIR] had read a publication from the New York Tribune, a partisan paper, and I have never seen as much delight upon that side of the Chamber, as much merriment, as much hilarity as when that document was read. The Senator from New Hampshire requested the Secretary of the Senate to handle it tenderly, lift it with care, and return it afterwards to his safe-keeping.

Mr. HOAR. What document was that?

Mr. VEST. The article from the New York Tribune, which was read here.

Mr. President, are there no other trusts in this country besides those which are named by the Senator from Massachusetts? Is it not a notorious fact to-day that the manufacturers of the country, the highly-protected manufacturers, are contributing largely to the campaign fund of the Republican party? I ask the Secretary to read the document I send to the desk. I know nothing about the high Republican authority that is named in it, but it is an authentic document, with facsimile signatures to it, and shows that contributions are now being coerced from the protected manufacturers of the country for campaign purposes of the Republican party.

The Chief Clerk read as follows:

[Confidential.]

NEW YORK, *May* 25, 1888.

MY DEAR SIR: I have been requested to submit the inclosed communication to you, and I do so with the greatest pleasure. With my knowledge of practical politics, I unhesitatingly say that this is the most important undertaking in the campaign of 1888, and I confidently rely upon your prompt indorsement and assistance. Will you kindly subscribe and return the inclosed subscription list to me at as early a day as practicable, as the work is outgrowing the resources of the League, which now contains over five thousand clubs with a membership of half a million voters?

Very truly yours,

ALBERT DAGGETT.

[Confidential.]

HEADQUARTERS OF THE REPUBLICAN LEAGUE OF THE UNITED STATES,
New York, May 25, 1888.

MY DEAR SIR: The Republican League of the United States desires to bring you face to face with the startling fact that the coming Presidential election is not to be fought on the old party lines which have heretofore divided Democrats and Republicans, but upon the direct issue of free trade versus protection.

The League stands for protection and is fighting in your interest. It is no Fourth of July organization for dress parade, but is an every-day working force of practical political workers, who have in four months enrolled an army of over four hundred thousand men to fight against British free-trade ideas, British gold, and the Democratic Hessians who are fighting under her banners. It is useless to argue the case; Democracy stands for free trade and against your interests, and you know it, no matter whether you have heretofore been a Democrat or a Republican. High-sounding platforms of words can not gainsay this fact, nor fool you unless you wish to be fooled.

The coming campaign will be fought for protection under disadvantages never before encountered. Ninety-nine per cent. of the Federal officials are Democrats, and will contribute financially to the hoped-for success of the free-traders. Never before has the Democratic free-trade or "tariff-reform" party been in so fortunate a position.

The Republican League is not composed of theorists who are forever promising to do something and never keeping their promises. It has already done more than any other political organization ever attempted before the Presidential candidates had been placed in the field. As our patriotic volunteers sprang to the country's defense when secession threatened its destruction, so at the call of the League vast armies have been enrolled to fight the thousand times more dangerous foe to the country's continued prosperity, free trade.

We will win this fight if you will do your share and help us to finish what we have begun; we want money, and want it at once. We are overwhelmed with calls for tariff documents and for speakers and organizers. We propose to organize and fight against free trade in every doubtful Congressional and legislative district in the United States. To-day there is but one majority in the Senate of the United States when the lines are drawn between Democrats and Republicans, and unless much is done the next Congress will see a free trade House, Senate, and President, and then good-bye to your prosperity.

It may not be of your personal knowledge, but it is a fact, nevertheless, that the manufacturers of the United States who are most benefited by our tariff laws have been the least willing to contribute to the success of the party which gave them protection, and which is about to engage in a life and death struggle with free trade.

A Republican United States Senator, from a State which never had a Democratic representative in either House of Congress, or a Democratic State officer, in speaking of the well-known disposition of the manufacturing interest to lock up its money, fold its hands, and look on while somebody else fights for its success, says:

"The campaign which we are about to enter will concern more than anybody else the manufacturers of this country. They have heretofore been very laggard in their contributions to the Republican cause. In fact, if I could punish them without punishing the cause of protection itself, I would consign them to the hottest place I could think of on account of their cravenal parsimony. If this class of people do not contribute to the success of the Republican party, they are welcome to try their chances under a Democratic administration; I can stand it as long as they can." And again: "I was solicited to contribute to a protective tariff league, and I replied that if the manufacturers of the United States in their associated capacity were an eleemosynary institution, that I would vote to give them a pension, but that I did not propose myself to contribute money to advance the interests of men who were getting practically the sole benefit, or at least the most directly important benefits of the tariff laws. I am in favor of protection; not precisely the kind we are having, but I might be willing to keep even that rather than not to have any; but I am sure I can get along without any of it fully as well as the manufacturers can; and if they think the Republican party is going to maintain a high protective corps for this benefit, and that the men who do the work in that party are going to keep up the expenses of a campaign out of their own pockets, leaving them to reap the fruits of the tariff policy without any deduction for political expenses, they are very greatly mistaken. I understand that in a general way the manufacturers of New England have been more liberal in their contribution than those of Pennsylvania.

"In fact, I have it from the best possible source that the manufacturers of Pennsylvania, who are more highly protected than anybody else and who make large fortunes every year when times are prosperous, practically give nothing toward the maintenance of the ascendency of the Republican party. Of course, I shall not violate what I consider to be a proper principle of action; but if I had my way about it, I would put the manufacturers of Pennsylvania under the fire and fry all the fat out of them. If the Mills tariff bill comes to the Senate, there will be some votes cast there which will open the eyes of some of these people who have, while gathering their millions, treated the Republican party as their humble servant."

These are strong words, and bitter, but they are true, and it now remains with you and your associates to determine whether they are to be reiterated after this campaign is over, and protection has, through your apathy, been struck its death blow. If you give us the means to win the victory, we will do it. Are you willing?

Yours very truly,

JAS. P. FOSTER, *President.*

Mr. VEST. There was great delight and approbation on the other side of the Chamber when the Senator from New Hampshire had read an article from the New York Tribune the other day which presented the President of the United States in a dual personality as Mr. Hyde and Dr. Jekyll. I wanted this article read "trippingly on the tongue," in order to present the duality of the Republican party as between the speech of the Senator from Massachusetts yesterday attacking prominent Democrats for voluntary contributions to the campaign fund of the Democratic party and that instrument coming from the chief officer of the largest Republican association in the United States.

I wanted it read for another purpose. We are told that the tariff tax is paid not by the consumer but by the importer. I should like to know where the "fat" comes from that is now gathered upon these Pennsylvania manufacturers. I should like to know where those millions come from of which this Republican Senator has spoken to Mr. Foster, that have been gathered up for years under the tariff system, and which he demands now shall be expended in the interest of the Republican party.

As a matter of course it would be impertinence in me to undertake to say from whom that statement which is quoted by Mr. Foster in the circular emanated. I do not share the confidence of the Republican party and have no right to make any assumption. The Mills tarift bill came from the House of Representatives, I think, on June 21. It has been before the Finance Committee of this body since that date.

Mr. ALLISON. July 23.

Mr. VEST. Well, I will accept the amendment, July 23. It has been before the Finance Committee of this body ever since. I well remember that the distinguished Senator from Ohio [Mr. SHERMAN], for whose public character I have great regard and for whose ability I have unfeigned admiration, has time and again stood in this Chamber and told the Democrats, "Bring your tariff bill here from the House and we will take it up at once and dispose of it." The RECORD will show that that Senator has taunted us for four long years with the fact that the Democratic majority in the House could not and would not pass a tariff bill and send it here for the action of the Senate.

We did pass such a bill. It was brought here on July 23, and where is it to-day? What has become of the promise of the Republican party in their last platform that they proposed to reform the inequalities of the tariff? Who is there now upon that side of the Chamber who will specify those inequalities which his party pledged itself publicly and solemnly to reform?

No bill has been brought forward, and I doubt very much whether any bill will be reported back from that committee to the Senate. But when it comes I am anxious to see this knight armed in proof who,

like the "Disinherited Knight" in the famous tournament of Ashby de la Zouche, will come into the arena armed in proof and make good the statement in the circular that strange votes and speeches will be heard from the Republican side of the Chamber upon this tariff question. I want that *dénoument* to occur. The country is waiting for it.

In the mean time I call upon the Senator from Massachusetts, in the face of the statement that is made here by Mr. SCOTT and that was made here yesterday by the Senator from Ohio [Mr. PAYNE], and made also in behalf of Mr. Whitney, who was charged to be a representative of the Standard Oil Company in the Cabinet of President Cleveland, to make good his assertion or admit here that it is absolutely groundless.

Mr. SHERMAN. Mr. President, the Senator from Missouri [Mr. VEST] seems to be anxious for a political debate. I do not care now to indulge him to any great extent, but I shall make a few observations in reply especially to his pointed allusion to me.

I repeat, the Democratic party has been for the last twenty-five years, is now, and probably ever will be only positive in its opinions upon one or two points. Upon every other point it is a purely negative party and has been during all the time of my service in the Senate of the United States.

I say again, that having for the first time in their history for twenty-five years submitted an affirmative proposition to the people of the United States, the Republican party will meet them upon the ground they have chosen, and we will submit that controversy to the people of the United States to be decided at the next election.

It took them from the first Monday of December, when the President of the United States called their attention specially to the tariff question, excluding from consideration in his message all other matters—it took from the first Monday of December, 1887, until the 23d day of July to frame the meager tariff bill that they sent to us. It was not a careful revision of the tariff, not, as they admit themselves, a completed measure, but was cut to pieces, molded and twisted out of all proportion from time to time by the opposing arguments and demands of individual Democrats in the House. It was sent to us ill-shapen and insufficient, full of crudities and impossibilities, only embracing a portion of the tariff list. They sent it to us in that condition.

Not only that, but during this long incubation the Democratic portion of their committee sat in secret and silence—they refused to hear a single citizen of the United States. They refused to take any open testimony; they refused a hearing to laboring men and manufacturers and all interests affected; but did hear politicians, according to the newspapers, at least in regard to particular provisions, and conformed those provisions to meet the wants and demands of individual Democrats inside and outside of Congress.

They sent us what is called the Mills tariff bill, which breaks down several important industries of our country and impairs and nibbles away at others, which creates disturbance and alarm, and which, if there was any supposition that that bill would pass, would create distress in this country beyond measure. It is a bill which has tended in my judgment to change the course of trade already by largely increasing our imports and diminishing our exports. It is a bill that is a threat to nearly all the industrial interests of the Northern States, but is careful to protect the interests of the men who represent the Democratic party in the Southern States.

That is the bill which is sent to us, and now, forsooth, because we, with a narrow majority here of one or two, do not present a perfect revision of the tariff within sixty days at their demand we are to be blamed as postponing and evading an issue which they have presented to us.

Sir, from the very day that bill came to us we accepted that issue. I would want none other to go before the people of the United States. Take the Mills tariff bill with all its crude provisions and let the issue stand upon that document. But we are not satisfied with that.

The Democrats have had the command of the House of Representatives for ten years out of the twelve.

Mr. PLUMB. They have had control of the House of Representatives fourteen years of the last sixteen.

Mr. SHERMAN. For I think twelve years out of the last fourteen they have had the command of the House of Representatives, where alone a tariff bill may be originated, and they were never able to propose or dared to propose a tariff measure during all that long period of time.

In the single Congress when we had the power we did propose a measure to reduce the tariff, unwisely in some respects. We did grapple with the subject. But they did not for twelve long years, when they had the power, present it as a measure or as an issue. There was one Congress when they had the power in both Houses and five other Congresses when they had the power in the House and could have presented their proposition to the Senate of the United States, whose arms and hands are tied by the Constitution from originating a revenue measure.

Now, because we have not presented a full, carefully prepared tariff bill we are reproached by the Senator from Missouri, who has been here most of the time for the last twelve years and has never had the pleasure of hearing an affirmative measure presented by the Democratic party, and especially has never had an opportunity to hear a tariff measure presented until on the 23d of July last it comes to us for revision and amendment.

What has been the course pursued by the Republicans on this side, with its narrow majority? We threw wide open the door of the committee-room. We appointed a subcommittee composed of gentlemen of both parties to hear and examine witnesses, to hear complaints and consider amendments suggested. That committee have been in session time and time again, and have heard dozens, almost hundreds of witnesses.

They have now printed testimony amounting probably to more than 1,000 pages, which has been taken by that committee in the examination of complaints from workingmen and manufacturers and producers on hearings by parties interested. They have gone over in elaborate detail the whole tariff laws of the United States; and they have now published for their consideration as a committee all the schedules embraced and all the measures proposed for a complete revision of our tariff laws, and have gone carefully over them page by page and letter by letter, and at the same time have heard testimony of many witnesses covering a large mass of very important matter, which in due time will be submitted to the Senate of the United States.

In point of politics or in point of the order of business there was no necessity for this work to be done during the present session. I believe if I could have had my way I would have said "we accept the measure of the Democratic party as containing their views of the principles that should prevail in our tariff laws, and propose to fight the issue on that line;" but the Republican party being an affirmative party, is always ready to meet its adversary on its own ground and to fight the battle for the maintenance of our diversified industries on the affirmative ground that in framing a tariff law we must continue the policy of protection to American industries. We therefore felt that it was our duty to meet this Mills bill by a counter proposition that while reducing the revenue would carefully guard and protect the industries of the American people against foreign competition, that while we would reduce the revenues to the full extent demanded we would also protect our industries, protect our labor, diversify our employments, secure good wages and fair pay for honest work; in other words, we would report a Republican tariff designed to protect and foster American industries in antagonism to this free-trade Mills tariff bill, which was intended to and does cripple or destroy many industries.

It is said sometimes that it is not a free-trade measure. Certainly no such measure is a free-trade measure in the sense of Calhoun Democrats, because their idea is that all duties on imported goods are wrong; and if the principles announced by the President of the United States, even in his recent letter of acceptance are true, then no tariff or duty ought to be levied on any goods imported that come into competition with American products. If it be true, as he says, that the tax levied by a tariff is added to the cost of the article imported, and if, besides, such a tax is added to the cost of all similar articles produced in the United States—if that be so, then all tariff laws ought to be repealed absolutely, and free trade would be right and should be universal.

But it is because these propositions are not true, are not believed in by the people of the United States, that the protective tariff is maintained and defended and supported by them. This Mills bill is a step in the wrong direction. It is a step toward free trade; and if that step is acquiesced in by the people of the United States in the coming election then the Democratic party is committed to take the next step, and the next step, and so on until the workingmen and producers of this country will be reduced to the abject and hard conditions that prevail in European countries. That is their idea; and because we can not frame in sixty days a careful revision of the tariff laws, not only dealing with the defects in the Mills bill, but removing the defects that exist or have grown up in the process of time under the existing law, and shall hear everybody that chooses to come before us, we are to be reproached for delay!

Gentlemen, when six months have rolled around and we have taken as much time as you did to frame your crude, insufficient, and inconsiderate bill, then you may have cause for complaint. Long before that time we shall present you a measure on which we can all stand, but we are not going to be hurried about it. We are going to take our time. We are not going to be taunted in this way into reporting an insufficient measure. Every word and every item of that bill will be carefully weighed and parsed over and considered. Its provisions will be harmonious, and it will contain an entire revision of our tariff laws, so that any custom-house officer or any citizen may see precisely the amount of duty imposed on any article in which he is interested, and all the various provisions of our laws intended to regulate the mode and manner of collecting duties will be harmonized with each other.

Besides that, we intend to repeal those taxes that are most felt by the people of the United States. We intend to reduce the burden of internal taxation. We intend to reduce the revenue to the full extent that is proposed by the Democratic party. There is no difference between us as to the necessity of bringing about a reduction of revenue, although there may be a question as to the amount. We propose to do that, and we propose to do it by a careful revision of the internal-revenue laws, so as to give to those engaged in the industrial arts the use

of alcohol untaxed; and so as to practically sweep away the tobacco tax and give that great agricultural production free and fair play in this country, and thus to repeal all that can be properly removed of the taxes imposed by the internal-revenue laws. And we will also propose to reduce the duties on important articles which now pay the largest sums and are the heaviest burden to the consumers of the United States. All these and other propositions have been weighed and considered, and in due time will be submitted at our own good will and pleasure. Until then our constituents will not reproach us with the neglect of our duty.

They expect us to be careful. They know what the Democratic party threatens. They expect us to give them a measure in the opposite direction. We intend to do it, but we will take our time about it, and if the House of Representatives wish to prolong the session until that tariff bill is reported they will wait until we are ready to report it, and we intend to do it as soon as it can be properly done after full hearing of every man affected by it. After this detailed consideration by the subcommittee it will be reported to the Finance Committee, and after being subjected to its revision it will be reported to this body. Then, and not until then, it will be open to free and full consideration of every provision contained in it. Then, then, and not until then, will we be ready to contrast the merits of a tariff bill framed upon the principle of protection with the Mills bill, framed upon the principles of free trade.

If the Senator can make anything out of this statement let him do it; but is it not a strange idea that the Democratic party, which has been twelve years in trying to prepare a tariff bill, and that now under the influence of the President's message has taken at this session from seven to eight months to prepare this abortion of a bill, should taunt us for delaying the consideration of the tariff measure, when the Republican party has framed and formed every tariff law since the year 1861, and has from time to time changed and modified duties and taxes, gradually reducing their burden from time to time, and which in 1883 passed the last tariff act? We will pass the next tariff act, because I believe that when our bill is reported it will so command the intelligent judgment of Congress that our Democratic friends will no longer desire to press the Mills bill, but will accept the Senate amendment as the firm basis of our tariff legislation.

If its consideration should be prolonged until the election in November next we shall then know if the people of the United States have made up their mind to take the road toward free trade by the reelection of President Cleveland. In that event it would perhaps be better for Congress to administer a dose of the medicine prescribed by the Democratic party, and thus to test the ideas and acts of that party. But if not, and General Harrison is elected, we will then be able perhaps to convince our Democratic friends that the measure we propose as a substitute for the Mills bill will be satisfactory to the people of this country and will be approved by them. If not, we shall have a President in the executive chair who will give it his approval if Mr. Cleveland declines to do it during the short period of his term yet remaining.

Mr. President, I did not want to enter into this political controversy; I do not think it is wise; but how can we help it? Here the Senator from Missouri appeals to me personally for holding back this tariff bill. I do not happen to be on the subcommittee that has had the honor and the labor of this great work. My friend from Iowa [Mr. ALLISON], the Senator from Rhode Island [Mr. ALDRICH], the Senator from Nevada [Mr. JONES], the Senator from New York [Mr. HISCOCK], have had this sphere of hard and exacting work to perform. As a matter of course there are three Democrats on the subcommittee. I have nothing to say about how much they have done. That is not for me. There are eleven members on the Finance Committee. I claim no credit for what is done except that I occasionally look in and see what is being done. As the acting chairman of the Committee on Finance I am compelled to answer this unreasonable complaint.

I say, therefore, that these gentlemen wisely and as rapidly as other public duties would allow—for they are all pressed with other important public duties, especially the chairman of the subcommittee [Mr. ALLISON], who has charge of appropriations—in season and out of season in the committee-room, right within the door, almost, of your Senate Chamber, have been carrying on this work. They have listened to witnesses, they have listened to Senators on both sides of the Chamber, they have taken testimony precisely like a master commissioner, have been hearing, analyzing, and arranging that testimony, and I have no doubt will in due time present their report to the Committee on Finance, and then only a few more will add their judgment to the general consideration given to the bill by the subcommittee, and then it will be reported to the Senate of the United States.

Then will be the time for the Senator from Missouri, if he desires, to make the contrast between these two measures. One will be a protective tariff yielding also enough revenue and only enough to carry on the operations of the Government. The other will be a revenue tariff looking only to money for the support of the Government and not to the good or the interest of the people of the United States. There is the difference. That striking contrast, no doubt, is already being discussed before the people of the United States. Already the Mills bill has been circulated in great numbers everywhere, and is being read and commented upon. While I am speaking probably hundreds and thousands of men are canvassing and discussing in all portions of the country this vital difference between the two great parties—carrying on the great debate that was commenced in the House of Representatives.

As to the letters that have been read here, as to the biographical sketch of Mr. SCOTT, as to the rumors in regard to partisans giving or not giving money for the election, these are not worthy of discussion here, as it seems to me. I do not propose at least to indulge in it. We all give, no doubt, to help forward our views. A man would be foolish who would not in a proper way support his opinions by his money, who would not bet, if he bets at all, on his own horse. Certainly we shall all contribute as far as we think it proper and right. If President Cleveland gave his check he only did what I believe he had a right to do, and I have no criticism to make either as to the amount or the fact that he gave money.

It is no worse to give money towards aiding in a proper way a good cause than it is to give work. It is no worse to give money to aid in missionary work than it is to do missionary work. If the work is good, it is well. If the work is bad, it is ill. But the motive is the same whether it is money or labor that is contributed to a cause. No doubt both parties may commit errors, foolish letters may be written, and much folly and demagogism may mingle in the conflict. These all are but the incidents of a popular canvass, but after all the real question to be decided this fall is whether the industries of this country are to be maintained and supported upon an American basis or by gradual steps to be reduced to the European basis, and the instincts of the people will, I trust and believe, lead them to maintain the policy of the Republican party.

Mr. VEST obtained the floor.

Mr. CULLOM. The Senator from Missouri kindly yields to me for the purpose of calling up the interstate-commerce bill, which has today come from the House of Representatives.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives.

Mr. SHERMAN. I hope before that is done the pending resolution will be referred to the Committee on Finance, so that it may not be called up again.

The PRESIDENT *pro tempore*. The Senator from Missouri has taken the floor on the pending resolution and yielded to the Senator from Illinois.

Mr. SHERMAN. I beg pardon.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. CULLOM. I move that the Senate non-concur in the amendments of the House of Representatives, and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. PLATT, and Mr. HARRIS were appointed.

THE COPPER TRUST.

The Senate resumed the consideration of the resolution submitted by the Senator from Connecticut [Mr. PLATT].

Mr. VEST. Mr. President, the Senator from Ohio [Mr. SHERMAN] does me injustice when he states that I am anxious for a political debate. I am anxious to go to the people of this country upon the issues already made up, and I am detained here with other members of the Senate by the delay of the Committee on Finance in regard to the Mills tariff bill. Now, the Senator tells us that at their leisure they propose to report that bill, and that after taunting the Democratic party with having delayed for years, with the political power in their hands, to formulate such a bill and send it here from the House of Representatives. Sir, there is a celebrated case reported in the Court of Appeals Reports of the State of Kentucky, I think in 13 Ben. Monroe's Reports, in which a man named Haggin figured conspicuously, and who has gone down to posterity in our profession as a party to one of the *causes célèbres*. In that Commonwealth Mr. Haggin gave a promissory note with the following remarkable language:

> Twelve months after date I promise to pay Richard Jones $50 with interest at 6 per cent.; but it is distinctly understood that the said Haggin is not to be hastened.

[Laughter.]

After two years Mr. Jones thought it was time to hasten Mr. Haggin, and he sued him in the circuit court of the State of Kentucky and obtained judgment, but Mr. Haggin took it to the court of appeals, which in that State is the highest appellate tribunal, and the court gave it as its opinion that Mr. Haggin ought to be hastened.

Now, the Senator from Ohio tells us that the Finance Committee and the Republican party, although it has taunted us and dared us and challenged us to bring a tariff bill here from the House of Representatives, is not to be hastened. I propose, if I can do it, to hasten the aforesaid Mr. Haggin and to compel the Republican party to make good what they have challenged us so often to do—to meet them face to face upon this tariff issue.

Why, sir, it is most astonishing that the Senator from Ohio should

say the Democratic party has failed and refused to formulate any bill or attempted to do so. He says that about 1878 we had both branches of Congress. But there was then no such surplus in the Treasury as confronts us to-day. In the Forty-eighth and Forty-ninth Congresses the Democrats attempted to pass a tariff bill through the House, and the Senator's party, with a unanimity never before seen in parliamentary life, resisted it. Did they offer any other bill? Whilst they attack the Mills bill now in the most violent terms, and denounce it as a fraud and an outrage upon labor and all the interests of the country, do they offer anything better? Notwithstanding all their promises, in the popular branch of Congress, whilst that bill was being debated, why did they offer no amendment? Why have they persistently and consistently for years satisfied and contented themselves with standing upon the tariff as it now is?

The Senator speaks of the tariff of 1883——

Mr. SHERMAN. Does the Senator want an answer to the question he puts to me? If he does not, I do not care to interrupt him.

Mr. VEST. I will listen to the answer. Certainly I will yield.

Mr. SHERMAN. The Senator asks, why did not members of the House present a counter-proposition? It was clearly understood that the Mills bill was framed in secret. Its terms were not known to the associate members of the Committee on Ways and Means, and when introduced it was made the subject, as the papers stated, of a caucus decision. It was passed upon in that way, and really the Republican members of the House had no time, no chance, no opportunity, to make a counter-proposition. It was distinctly understood that if they did it would be voted down. That is a matter of public notoriety.

Mr. VEST. The Mills bill was before the House of Representatives, speaking as accurately as I can from memory, for more than two months. Was there no time in those sixty days to offer any amendment, to formulate any substitute?

The Senator says the Democratic Committee of Ways and Means of the House of Representatives sat with closed doors. All I know about it is that that statement is positively denied by the members of that committee. They state, and have stated upon the floor of the House repeatedly, that they heard witnesses, that they were willing to hear any one who desired to be heard before them. But what has been the action of the Committee on Finance of the Senate? The Senator from Ohio in stating the members of the Finance Committee of the Senate who have had anything to do with the proposed substitute for the Mills bill enumerated the Republican members alone. Where were the Democrats?

Mr. SHERMAN. I suppose they did precisely what they did when they refused to serve on the committee of conference on the last tariff law. They were not present then.

Mr. VEST. The Senator refers again to that committee of conference in 1883. I say that the report of that committee of conference was the most outrageous parliamentary proceeding in the history of this country. They reported a bill here which had been voted down by both Houses of Congress, and the Senator knows it, and provisions were put in that report which had been deliberately discussed and voted down; and yet they were forced upon us in the last hours of the session and by 1 majority in this body.

Mr. SHERMAN. The committee of conference were appointed before the differences between the two Houses were known, and upon the very first committee appointed they refused to serve.

Mr. VEST. But they refused to serve only when they saw that they were utterly powerless. They refused to be a party to what was, in my judgment, an outrageous transaction upon the representatives of the people both in the Senate and in the House. Does the Senator deny that in the Forty-eighth and Forty-ninth Congresses his party opposed every attempt to reform the tariff? In their convention they declared and pledged themselves to reform the inequalities of the tariff. What are they?

Mr. SHERMAN. They opposed the tariff that was proposed, and even Democratic members refused to support that tariff, and therefore they have no right to ask us to regard that as a Democratic measure until the Democratic majority should formulate a measure on which they were agreed. We were not expected, of course, to join the free-trade Democracy in framing a tariff bill.

Mr. VEST. The issue between the Senator from Ohio and myself is this: He has repeatedly stated in the Senate that the Democratic party refused to formulate any tariff bill, and he has stood here in his peculiarly aggressive manner and pointed his finger to us, as I distinctly remember and as the RECORD will show, and said "Why do not the Democrats, who have the House of Representatives, bring us a bill? We will dispose of it in short order; we will settle that question. But you do not dare to bring it." We have brought it, and now it is said, "Haggin is not to be hastened." [Laughter.] That is the whole of it.

The Forty-eighth and Forty-ninth Congresses passed and the Republican party persistently refused to consider any tariff bill in the House. They trampled upon the declarations in their platform.

The Senator says the Mills bill is a free-trade measure. I am not here to discuss it now; I have not the opportunity to discuss it now. I want to do so at the proper time. If it is a free-trade measure to reduce the taxation of this country hardly 6 per cent., I should like to have a definition of free trade and high protective tariff from that distinguished authority. If that be free trade, if taxing higher than the Morrill tariff be free trade, I should like to know what would be a high protective tariff indeed and in fact. No, Mr. President——

Mr. BLAIR. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. BLAIR. What is the percentage of reduction on the whole?

Mr. VEST. We shall take up the whole question and discuss it hereafter.

Mr. BLAIR. The Senator talks about a 6 per cent. reduction. What is it on wool?

Mr. VEST. Wool is put on the free-list, as the Senator very well knows.

Mr. BLAIR. How many per cent. reduction is that?

Mr. VEST. I speak of the average reduction. I say it is not 6 per cent. As to the specific details it will be time enough to take them up when the bill comes before us. We are ready to meet our opponents upon the question and are ready to go to the country to determine whether the people of the United States are in favor of continuing to bind up the interests of the country under the present enormous tariff, or whether they are willing to take a step in the right direction and to do what the Republican party pledged themselves to do, reform the inequalities of the tariff. I want to hear what the inequalities are.

Mr. President, the Senator says, in contrast with the action of the Committee on Ways and Means of the House, that the Committee on Finance have had open doors and that they have examined witnesses. They have examined the manufacturers, they have examined the men who are interested in the tariff.

Mr. SHERMAN. The Senator from Iowa [Mr. ALLISON] can answer on that subject; but the Senator from Missouri [Mr. VEST] is entirely mistaken. The invitation has been broad and open to all, I understand.

Mr. VEST. I have never heard of it until now. No Democratic member of the Committee on Finance of the Senate has been present, I believe, at these *ex parte* examinations. If there ever has been a conclave, it has been that of this Finance Committee working in the interest of the proposition that "the said Haggin is not to be hastened." [Laughter.]

Mr. FARWELL. Will the Senator allow me to correct him? I was in that committee-room on one occasion when the Senator from Tennessee [Mr. HARRIS] was present.

Mr. HARRIS. Will the Senator from Missouri yield to me for a single moment?

Mr. VEST. Of course.

Mr. HARRIS. From the 1st to the 23d of July I was absent from the city. The House bill came to the Senate on the 23d, it is said, and was referred to the Committee on Finance. On the 23d of July I returned and went to the committee-room to ascertain what action the committee proposed to take. Some time prior to that, perhaps a month and a half or two months, a subcommittee of the Committee on Finance, composed of the Senator from Iowa [Mr. ALLISON], the Senator from Rhode Island [Mr. ALDRICH], the Senator from Nevada [Mr. JONES], the Senator from New York [Mr. HISCOCK], the Senator from Kentucky [Mr. BECK], the Senator from Indiana [Mr. VOORHEES], and myself, was appointed for the purpose of hearing such persons as desired to be heard or as the committee might consent to hear. We had had various hearings before I left the city, on the 1st of July. Upon my return I understood that the Republican members of the subcommittee were examining the question with a view of preparing a substitute for the House bill. I was not aware of the fact for perhaps two weeks that hearings were going on. I think, however, the Senator from Kentucky [Mr. BECK] attended many and possibly all the hearings that were had during that period; but I was not notified of any hearings for perhaps a couple of weeks, possibly three, after having inquired of some member of the committee, the acting chairman, I believe, if they were going on with the hearings. Since that time there has been no hearing before that committee that I have not been notified of, and no hearing, I believe, before that committee since that time that I have not attended.

It is simply due to the committee that these facts should be stated and that the Senator from Missouri should comprehend them.

Mr. VEST. Well, Mr. President, of course I do not propose to do any injustice to the Committee on Finance, and I only stated what was the impression on our side of the Chamber, what I have understood to be the case, that this examination was conducted exclusively by the Republican members of the Finance Committee. If it be otherwise, as a matter of course I make the *amende* with the greatest pleasure.

But the fact still remains that this bill is not reported back to the Senate, and if the programme of the Senator from Ohio be correct that they propose to extend these examinations until every man interested is heard by that committee, as a matter of course the November election will come upon us without that examination being concluded.

The Senator from Ohio is not consistent. He says that he challenges us to go to the country upon the Mills bill, which he says is crude and imperfect and unjust. We are ready to go to the country upon it.

And yet in the next breath he tells us that his Committee on Finance propose to stay here and examine all the parties interested in order to formulate a substitute tor it.

In much that the Senator from Ohio said in regard to bringing up statements about campaign subscriptions and newspaper articles, I heartily agree. I did not bring them here. They were brought here by the Senator from Massachusetts [Mr. HOAR], as the RECORD will show. I have made no political speech here, except in answer to our adversaries. I have never seen the day or the hour, and never will so long as I am physically and mentally able to stand upon my feet and defend my party, that I will not do it here or elsewhere. When these attacks are made upon us are we to sit quietly and placidly and to make no reply? They are to vilify us, and murder and arson and all sorts of crimes are to be charged upon the Democrats of the South, and nothing is to be said in reply. The other day when a harangue was made here, outrageous, in my judgment, in the Senate of the United States, against the Southern people, the Senator from Ohio sat with a smile upon his impassive countenance like an arctic sunbeam playing across a glacier. [Laughter.] That was all right, that was all proper; but as soon as a Democrat undertakes to defend his party, in which he believes as honestly and sincerely as that Senator believes in his, then it is said "Oh, you are dragging politics into the Senate."

It is like the little boy who complained to his mother and said: "John will cry when I hit him on the head, mother, and you ought to make him stop." [Laughter.] The Democrats ought to submit, no matter how hard they are struck, and the minute we undertake to retort and show these gentlemen that they themselves are amenable to thrusts and blows, to spear-point and sword-thrust, that very minute they get upon a pedestal and say, "We do not want any politics; we are statesmen!" [Laughter.]

The Senator speaks of the Mugwumps, the Pharisees. Yes, there is something in the Bible about those gentlemen. I have seen it in modern days. We are told they stood upon the corners of the street with great phylacteries and verses of the Scripture upon their foreheads, and thanked God they were not like unto the poor publicans; and so to-day we hear from the Republican pedestal in this country, "thank God, we are not like these poor, ignorant, whisky-drinking Democrats." [Laughter.]

Well, Mr. President, my party, whatever its faults may be, shirks no issue. The record shows whether the Democratic party is willing to meet this issue fairly and squarely. The President of the United States, if he had chosen to skulk behind some other issue, could have been re-elected President with a unanimity unparalleled in the history of the Republic. Like a brave, honest, and true man, he sent his message to Congress, which struck with steely point the shield of this infamous protective system; and because he has done it he is now denounced here and we are denounced as if we attacked the whole protective system of this country from beginning to end.

Mr. Cleveland said in his message, and the Democratic party has repeated it individually and collectively over and over again, that we do not propose to injure any industry in this whole country or any interest. We propose to do what the Republican party pledged themselves to do and will not do, to reform the inequalities of the tariff. That is all we propose now, and upon that issue we are ready to go to the country.

Mr. HOAR. Will the Senator answer a question?

Mr. VEST. Certainly.

Mr. HOAR. Does the Senator understand that the Democratic party propose to overthrow what he styled just now "the infamous protective system," or do they propose to retain it—which?

Mr. VEST. We propose to overthrow the oppressions of the present tariff system.

Mr. HOAR. That does not answer my question. The question is whether he proposes to overthrow what he styles the "infamous protective system?"

Mr. VEST. Yes, sir; the infamous part of it I do; that part of it which collects money from one man in this country to enrich another without any necessity for the collection other than to enrich classes and individuals; that part of it which pretends to protect labor and does not do it, but protects the manufacturer; that part of it which takes money out of the pocket of one citizen in order to put it into the pocket of another and then hypocritically cries out, "Oh, but for this labor would be stricken down and the interests of this country destroyed." I do not propose, and have so said over and over again, to assail the interests of any portion of this country fairly and honestly existing. The President has said so, and the Democratic party has declared so over and over again; and yet to-day the Senator from Ohio taunts us with being a free-trade party when we propose a reduction less than 6 per cent. on the average of the taxation under the existing law.

Mr. President, I am sorry that I have detained the Senate so long, and I wish simply to conclude by reading what a brother Senator has called my attention to in connection with the original cause of my saying anything at all. I quote from the New York Herald of this morning, September 14, in its correspondence from this city:

Mr. Whitney adds with reference to the use of his name in the Senate in connection with the Standard Oil Trust: "I have never owned a dollar in it nor ever had any relation to it. Every officer or director of the trust is, I believe, a Republican and so are nine-tenths of its stockholders."

Mr. ALLISON. Mr. President, inasmuch as some allusion has been made both by the Senator from Missouri [Mr. VEST] and the Senator from Ohio [Mr. SHERMAN] to the conduct of the subcommittee of the Committee on Finance, of which I am chairman, affecting the tariff bill, I think perhaps I ought to say a few words. But before speaking of that subject I want to call the attention of the Senator from Missouri to the fact that he is not waiting here for this tariff bill. It so happens that the most important of all the appropriation bills, that which gathers into its folds more of the public service of this country than any other individual bill, has not yet become a law, and if the tariff bill was in the farthermost part of the earth, we are not yet in a position to adjourn these two Houses of Congress. We are compelled to remain here until the appropriation bills shall pass for the carrying on of this Government for this current fiscal year, which began nearly two months and a half ago. Only yesterday there was read at the Secretary's desk a joint resolution from the House of Representatives amending a joint resolution which amended a previous joint resolution amending a former joint resolution to extend the appropriations of the last fiscal year to the 25th day of September. So, then, the tariff question, as respects the convenience of Senators, cuts no figure in the prolongation of the session.

We are compelled to remain here because the House of Representatives, which has primary control, under the universal custom of the two Houses, of the general appropriation bills, has not yet finished these bills so that we can adjourn the Senate if we are ready to do so.

Now, I want to say a word or two respecting the implied censure of the Senator from Missouri as to the conduct of the Committee on Finance respecting this tariff bill; and first of all I say to him that if there is delay as respects this bill on the part of the Republican majority of this body, it is a delay of less than sixty days as against the delay of three years of this Administration, and it is a delay of the Democratic party in the House of Representatives, as the Senator from Ohio has said, of more than fourteen years.

This "infamous" system of protection, as it is characterized by the Senator from Missouri, has been on our statute-book absolutely unchanged, except as it has been changed by the Republican party, as it was changed in 1883. He characterizes this "infamous" system as a system which the Democratic party now proposes to get rid of. Why have they not gotten rid of it before when they have had for so many years the control of the House of Representatives, the only place where such a question can be first considered? Why did they not get rid of it during the two years from 1879 to 1881 when they had the control of both Houses of Congress? I merely suggest this in answer to the partisan flings of the Senator from Missouri.

Now, what is the situation as respects tariff legislation? I suppose there is no man in this Chamber who has given any attention to the subject of the revision of the tariff who does not know that it is so complicated and delicate in its details that if touched at all it must be touched with care. If it be true, as the President says, that not only every duty is added to the price, but in addition thereto that every single domestic article produced here has also added to it the duty on the foreign article—if that absurd statement be true, then surely it is also true that if we are not to wipe out absolutely the existing system, if we touch it at all, we must touch it with care.

What I complain of the Democratic party and the President of the United States is that he did not exercise the power he had to call Congress together in extra session a year and a half ago. Instead of doing that, he allowed nine months of this Congress to pass away before a tariff bill could be touched at all. We met here on the first Monday of December last, and one whole month of this Congress passed away without the committees of the other House being organized, so that the month of January of the present year arrived before Mr. MILLS became the head of the Committee on Ways and Means. His tariff bill was reported to the House about the 1st of May—I think the 22d of April, perhaps. It came to the Senate on the 23d day of July. The House of Representatives had seven months to consider that bill; five months of the time practically it was in Committee of Ways and Means, and always under the control of the House of Representatives. That bill was sent to us, and no Senator could know practically what that bill was to be until it came here, because under the system of the House of Representatives (which I will not characterize, but which is well known), changes and amendments were made in that bill from the time of its being reported until the day of its final passage. Nobody could tell what was there until the bill finally passed the House. I say, then, that the Senate would be derelict in its duty, as would its committee having charge of this great subject, if it undertook to bring into this body a crude and imperfect measure.

I believe that it was the duty of our subcommittee of the Committee on Finance in examining this question to give it all the care and attention that it was possible to give it. As was truly said by the Senator from Tennessee [Mr. HARRIS], we have not conducted this business in the dark. This committee has been a committee composed of members of both political parties. The testimony that has been taken by the committee has been taken by both parties practically. It is true that

there were many times when only a portion of the committee, whether Democrats or Republicans, could be present. I was not able to be present at all the hearings. Sometimes it happened that only Republican members came to the hearings; sometimes it happened that two Republicans and a Democrat were present, and I think in one or two instances two Democrats and a Republican; but whatever has been done in this regard has been done in open daylight in the presence of Democrats as well as Republicans.

The Senator from Missouri says we have examined only the manufacturers. Sir, we have examined everybody who appeared before the subcommittee at any time and asked a hearing. We have examined manufacturers, we have examined merchants, we have examined laborers and foremen of laborers when they have presented themselves. We have heard representatives of trades unions, and whoever came to our committee-room door and said he was interested in this question that was pending before us.

Are we to deal lightly with the great industries and the great interests affected? Are we to bring in here a bill which may cut down and destroy great manufacturing industries that have grown up in our country? Does the Senator from Missouri expect us to do that thing? Does he not require both of the Democrats and Republicans of that committee that whatever we bring in here shall be a just bill, not ruthlessly destroying industries that have grown up under this "infamous protective system," as he characterizes it? If it be a bad system, does the Senator from Missouri think it should be ruthlessly torn down, thus destroying industries that have grown up under it? Does he think it is a wise thing by our legislation to throw thousands or hundreds of thousands of laborers out of employment?

I do not intend to discuss the imperfections of the Mills bill, but I will say to the Senate that after an examination of that bill the Committee on Finance came to the conclusion that it was necessary to make a complete revision of the tariff. If the Senator from Missouri will go with me to the committee-room, I can submit to him a half-dozen instances where very likely he and I would differ as to the construction of the Mills bill. I will only give one illustration now, and that is respecting lumber. I do not believe there are any three lawyers in this body who can agree as to what the proper construction of the lumber schedule is under the Mills bill, whether it largely increases the duty on the great bulk of manufactured lumber or whether it makes absolutely free everything that is composed of wood and specifically enumerated. So of other things. But I can say this of the Mills bill, that when we came to examine it it was necessary for us to discard it practically in the consideration of the question; and therefore our labor has been increased because of that necessity. We have gone on, with a view of making a complete schedule of the tariff, reducing and increasing duties; we have done both; and we intend to continue that work with deliberation and care, and I promise the Senator from Missouri that as soon as that work is completed the result of it will be brought into this Chamber.

Mr. BUTLER. May I ask the Senator, if he will permit me to interrupt him——

Mr. ALLISON. Certainly.

Mr. BUTLER. Whether he thinks that report will be made before the next Presidential election?

Mr. ALLISON. I do.

Mr. BUTLER. I am glad to hear it.

Mr. ALLISON. And if the Senator from South Carolina thinks that the Republican party or those who represent that party on this floor shrink from the responsibility in any sense of discussing in all of its details this tariff question, they make a great mistake; but we do not intend that this bill shall come into the Senate in an imperfect way. All haste possible is being made with reference to this bill. The members of the subcommittee have worked "in season and out of season." I need not go into details. I will say for myself that for the last five months I have not been out of this city, and I have been engaged constantly upon the tariff bill when I have not been engaged upon the necessary work of the Appropriations Committee. I have been compelled, as Senators well know, to absent myself from this Chamber, as have the other members of the subcommittee, for weeks at a time. There is no situation that ought to ask this sacrifice of Senators on this floor. There is no situation now that requires such sacrifice. It was because we were anxious to bring in at the earliest possible moment this bill that we have been thus engaged in its preparation during the sessions of the Senate.

Mr. HOAR. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. HOAR. I desire to ask the Senator from Iowa if he recollects the length of time that was occupied by the House of Representatives in the last entire revision of the tariff, known as the Schenck revision? My recollection is that it was some five or six months. The Senator was, I think, a member of the other House at that time.

Mr. ALLISON. My recollection is that the House of Representatives at that time undertook to make a thorough revision of the tariff and did not complete that revision until the middle of July.

Mr. HOAR. And at that time one party was dominant in the House by two-thirds majority, so that there was no difficulty of political antagonism.

Mr. ALLISON. None whatever; and I do not know of an instance—perhaps the Senator from Missouri can point to one—where the tariff has been considered and finally passed upon at any session of Congress by both Houses since the revision of 1857. The celebrated tariff act of 1861 was acted on and passed by the House of Representatives before the adjournment of the long session in 1860, and was under consideration in the Senate until near the end of the following February, and became a law on the 2d of March, 1861, just at the close of Mr. Buchanan's administration. If the Senator from Missouri can give me an instance since that time where an entire revision of the tariff has been accomplished by both Houses at one session of a Congress, I shall be glad to hear it.

Mr. VEST. Does the Senator from Iowa call the tariff of 1883 a general revision or a partial revision?

Mr. ALLISON. I know what the Senator speaks of now; but the Senator will remember that the detail work of the tariff revision of 1883 was done by a tariff commission, and I will say to the Senator as respects that tariff revision of 1883 that it was not considered as tariff bills should be considered, in my judgment, though the bill which was the base of it was sent here by the House of Representatives in 1882. Why was it considered with haste as the Senator implies? It was because there was at that time believed to be a necessity for a revision of the tariff in order to reduce the surplus revenue.

Mr. VEST. I should like to ask my friend a question.

Mr. ALLISON. Certainly; I yield.

Mr. VEST. I ask whether the record does not show that in 1883, whilst the Republicans had a majority in the House of Representatives and General Keifer, of Ohio, was Speaker, they refused to allow the tariff bill to be read, much less considered. Did they not refuse to allow the Clerk to read the bill that became a law?

Mr. ALLISON. Mr. President, it is perfectly well known that the tariff bill of 1883 could not have passed without the assent of both Houses; and why should the Senator ask me a question of that kind? That tariff bill of 1883 was considered by a tariff commission appointed by President Arthur, and the necessity then seemed to be so great for the reduction of revenue that the tariff commission's report was taken in substantial detail and brought into this body and into the other House.

Mr. BLACKBURN. Mr. President, I do not desire to interrupt the Senator from Iowa, but I would like to ask if he will allow me to submit a question.

Mr. ALLISON. Certainly.

Mr. BLACKBURN. I was a member of the other House when that tariff-commission bill passed. It was a Republican House, as the Senator from Missouri has stated, with the gentleman from Ohio presiding over it as Speaker, and I think the records show that that revision, whether it was partial or general, of which the Senator now boasts, was brought from the dark-lantern meetings of a tariff commission into a joint committee of the two Houses, which had but one Democratic member upon it from both Houses, and passed without reading, much less without consideration, through that House.

Mr. ALLISON. Mr. President, I do not care to be diverted from the question I am discussing by a little incident that may have occurred in the House of Representatives. The Senator has become familiar with dark-lantern proceedings; otherwise he would not have characterized the tariff commission as such a body. That commission was composed of Democrats and Republicans, a majority being Republicans. They took more than two thousand pages of testimony, and their report, with the testimony, I believe, occupies three volumes of our public documents.

Mr. BLACKBURN. Ah, Mr. President, the Senator will do me the justice to remember that I am not speaking of the Tariff Commission; I am speaking of the joint committee of the two Houses. The Senate did not furnish a Democratic member to it, and the House of Representatives furnished but one.

Mr. ALLISON. Mr. President, I thank the Senator from Kentucky for speaking of that conference committee and its report.

Mr. BLACKBURN. What I have stated is the fact.

Mr. ALLISON. Here was the Senate Committee on Finance, composed then of eleven members as now, and five of those members were Democrats. That bill was considered in all its details in the Finance Committee with those Democrats present. There was no dark-lantern proceeding respecting it. Every line of it, every syllable of it, was read and gone over, discussed, and digested by Democrats and Republicans alike on that committee. The Senator's own colleague [Mr. BECK], an able member of that committee, as he knows, the present Secretary of State, Mr. Bayard, a member of it, and these gentlemen knew in detail every line of that bill, and they agreed to a great deal of it.

The bill came into this body and was discussed at great length here, and finally it became necessary for a conference committee on the part of the Senate to be appointed to consider the disagreeing votes between the two Houses. Whoever occupied the chair adopted the universal custom of this body and appointed on that committee of conference

first the then Senator from Delaware, now Secretary of State, as the minority of that committee, and the present Secretary of State went into that joint conference room and sat with the conferees at several sittings, and then, through some arrangement which I never could comprehend and do not even now understand, he came into this Chamber one morning and declined to further serve upon that conference committee, a most extraordinary proceeding under the circumstances, and his declination was accepted, and the colleague of the Senator from Kentucky [Mr. BECK] was put upon that conference in his place.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, pursuant to the order of the Senate, the Chair lays before the Senate the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

Mr. STEWART. I ask unanimous consent that the vote on that bill be postponed until the Senator from Iowa concludes his remarks.

Mr. ALLISON. I shall not occupy a great deal more time.

The PRESIDENT *pro tempore*. Is there objection to the request?

Mr. STEWART. We can take the vote after the Senator from Iowa concludes.

Mr. HOAR. I understand a vote is to be taken, which will occupy a very short time. I hope the Senator from Iowa will have unanimous consent to finish his remarks now, and then the vote can be taken on the Chinese bill, and then the matter which has been pending can be resumed.

The PRESIDENT *pro tempore*. The Chair has no power to enforce unanimous agreements of the Senate. It is for the Senate to decide what shall be done to-day. Unanimous consent is now asked that the Senator from Iowa may proceed with his remarks. The Chair hears no objection.

Mr. PLATT. And that the vote be taken after the conclusion of his remarks.

The PRESIDENT *pro tempore*. If unanimous consent be given for that purpose, it can be done.

Mr. PLATT. I understood that was the proposition.

Mr. STEWART. That is the proposition.

The PRESIDENT *pro tempore*. The Chair hears no objection. The Senator from Iowa will proceed.

Mr. ALLISON. Mr. President, the Senator from Kentucky [Mr. BLACKBURN] diverted me from my line of thought on the pending question. I wish to say one further word as respects the conference report on the tariff bill of 1883.

The colleague of the Senator [Mr. BECK], for whom I have the highest esteem, declined to serve upon that conference committee, and the Senate was either compelled to abdicate its powers or appoint three men from the Republican party, as no Democrat would serve upon that conference committee.

Mr. BUTLER. I think it is due to this side of the Chamber that some of us should state the reason why we declined to serve upon that conference committee.

Mr. ALLISON. I will yield to the Senator to give him the privilege of stating it.

Mr. BUTLER. I remember distinctly that the presiding officer of the Senate at that time, Judge Davis, of Illinois, did make a number of appointments of Democratic Senators to serve upon that conference committee. I was one of them. I declined to serve, and declined for the reason that the friends of that measure had packed the jury, so to speak; in other words, it was the invitation of the spider to the fly, and we declined to go upon that conference upon that ground and that ground alone, that the jury was packed.

Mr. ALLISON. They declined to serve, then, simply because the Republicans had a majority of the Senate.

Mr. BUTLER. Oh, no.

Mr. ALLISON. And because the Republicans had a majority in the House.

Mr. BUTLER. Oh, no.

Mr. ALLISON. How else? Here was the House of Representatives, with two Republicans and a Democrat as its conferees, and here was the Senate of the United States, with two Republicans and a Democrat as conferees. Did the Democratic party want to reverse the usages of this body and of the other House to secure a majority on this conference committee in order to make a report to suit themselves? To state the proposition as stated by the Senator from South Carolina is to reverse everything that has ever been done in this Chamber.

The Senator from Missouri [Mr. VEST] asked whether we can call the Mills bill a free-trade bill when it only reduces the existing duties 6 per cent. on an average. The Senator reiterated that two or three times as though there was no great alarm. Why, Mr. President, the Mills bill does not touch silk or liquors; it touches sugar very lightly and tenderly; and if you take the three schedules that I have just named, which are left untouched practically, the ad valorem rate would be about 75 per cent. So the Mills bill, where it touches, practically touches to destroy. It destroys industries. It puts upon the free-list articles produced by great industries of our country. Therefore, when the Senator says there is only an average reduction of 6 per cent., in order to make that average he takes schedules which are not touched by the Mills bill and all of which comprise duties ranging from 50 to 85 or 90 per cent. So that is no argument at all.

But I do not intend to be drawn into a discussion of the Mills bill, and I only make this statement for the purpose of showing that wherever that bill has touched our industries, it has touched them either to greatly embarrass and cripple them or to absolutely destroy them.

I want to say one word more, and then I shall have done, as respects the necessity for the bill. As I stated only a few days ago, taking the revenues of this year and the appropriations for this year and the necessary expenditures for the sinking fund, there is but twenty millions of a surplus. So the exigency, the haste for this bill is not as great as it was when we met here in December, because we have appropriated money which exhausts our revenues to the extent of leaving a surplus of only about $20,000,000.

When I say this I ought to say in connection with it that when this measure comes into the Senate Chamber it will come with a reduction of from $60,000,000 to $70,000,000 in our revenue, because I believe, and I think it is the universal opinion of the Committee on Finance, that we can reduce the revenue at least $60,000,000 without detriment to the country in any sense. When that bill will come in it is impossible for me now to say. I will only say for myself, and I think I can for my colleagues on the subcommittee, that at the earliest practicable day we shall report the bill to the Committee on Finance for its consideration, and whether it shall be considered for a longer or shorter time by the whole committee will settle the time of its being reported to this Chamber; but that it will be reported I give the Senator from from Missouri absolute assurance.

Mr. HOAR. Before the Senator from Iowa sits down I would like to ask him in regard to a matter which I do not know that I understand. He says that the surplus revenue is only about $20,000,000, and the reduction proposed by him will be about $60,000,000. How does he reconcile those statements?

Mr. ALLISON. I thank the Senator for calling my attention to that point. I will explain it briefly. The revenues for this year are only about $20,000,000 in excess of what must be expended this year according to our appropriations, but there are included in those expenditures some thirty or forty million dollars that ought to have been expended last year and that properly belong to last year's expenditures. In addition to that, there is, according to the message of the President, $130,000,000 of accumulated surplus in the Treasury which has been accumulating there for some years. According to the Secretary of the Treasury there is an accumulated surplus of $106,000,000, and under any tariff bill that may be reported, before the exigency will arise demanding additional revenue, that needed revenue will come from the tariff by reason of additional importations. The tariff of 1883 reduced largely the revenue from what it was in 1881 and 1882, but when that tariff came into full play, as it did in 1886 and 1887, the revenues from the tariff were larger than ever before.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, and agreed to the same.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House to print the President's message and the accompanying reports and the majority and minority reports of the Pacific Railway Commission.

The message further announced that the House had passed the bill (H. R. 11388) to withdraw certain public lands in the Territory of Wyoming from sale or disposition under the laws of the United States, and for other purposes; in which it requested the concurrence of the Senate.

CHINESE IMMIGRATION.

Mr. TELLER. I ask now that we may take the vote on the Chinese bill, and the discussion that has been going on can proceed afterwards.

The PRESIDENT *pro tempore*. The Secretary will report the bill by title.

The SECRETARY. A bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire [Mr. BLAIR] to reconsider the vote by which the bill was passed.

Mr. TELLER. The yeas and nays have been ordered, I believe.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN], but by the consent of his colleague the pair has been transferred to some one else. I will therefore vote "yea."

Mr. CHACE (when his name was called). I desire to state that my colleague [Mr. ALDRICH] is paired with the Senator from New Jersey

[Mr. MCPHERSON]. If my colleague were present, I have no doubt he would vote "nay." I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "nay."

Mr. GRAY (when his name was called). I am paired generally with the Senator from Illinois [Mr. CULLOM]. I do not know how he would vote.

Mr. HARRIS. He was here a moment since. He was at my desk not five minutes ago.

Mr. FARWELL. I can inform the Senator from Delaware that my colleague [Mr. CULLOM] would vote "nay," if here.

Mr. GRAY. If the Senator from Illinois were present, I should vote "yea." As he is not here, I withhold my vote.

Mr. HAMPTON (when his name was called). I am paired with the Senator from California [Mr. HEARST]. I should vote "yea," were he present.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. The Senator from North Carolina [Mr. RANSOM] is absent, and I understand without a pair. I therefore transfer my pair with the Senator from Vermont to the Senator from North Carolina [Mr. RANSOM], and I vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. PAYNE (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "nay" and he would vote "yea."

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], but I have transferred that pair to my colleague [Mr. BOWEN], who is absent. I do not know how the Senator from Louisiana would vote. My colleague would vote "nay." I vote "nay."

Mr. TURPIE (when his name was called). I am paired at his request on this vote with the Senator from Connecticut [Mr. HAWLEY]. I announce that if he were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON] on this question.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. I do not know how he would vote. If he were here, I should vote "yea."

Mr. PADDOCK. I think if my colleague were here he would vote "nay."

Mr. BLACKBURN. Then I withhold my vote.

Mr. CALL. I have a telegram addressed to my colleague [Mr. PASCO], who is absent, from the Senator from West Virginia [Mr. FAULKNER], asking him to announce his pair. If the Senator from West Virginia were here, he would vote "nay."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. VEST (after having voted in the negative). I am informed by my colleague [Mr. COCKRELL] that the Senator from Maryland [Mr. GORMAN] considers himself paired with me. I think I do recall his making a request of that sort. I will take the liberty of pairing the Senator from Maryland [Mr. GORMAN] with the Senator from California [Mr. STANFORD]. The Senator from Maryland, if present, would vote for the reconsideration and the Senator from California against it. I will let my vote stand.

Mr. BLODGETT. I am paired with the Senator from New Hampshire [Mr. CHANDLER]. If he were here, I should vote "nay."

Mr. BLAIR. My colleague, if present, would vote "yea."

Mr. HARRIS. I desire to state that the Senator from Kentucky [Mr. BECK], who is absent from the sessions of the Senate by reason of illness, is paired with the Senator from Maine [Mr. HALE]. I promised the Senator from Kentucky on his leaving here that I would announce from time to time his pair.

The result was announced—yeas 18, nays 17; as follows:

YEAS—18.

Bate,	Evarts,	Morgan,	Stockbridge,
Blair,	George,	Pugh,	Wilson of Iowa,
Brown,	Harris,	Reagan,	Wilson of Md.
Call,	Hoar,	Saulsbury,	
Cockrell,	Jones of Arkansas,	Sherman,	

NAYS—17.

Allison,	Farwell,	Plumb,	Vest,
Berry,	Hiscock,	Sawyer,	Walthall.
Coke,	Jones of Nevada,	Spooner,	
Davis,	Mitchell,	Stewart,	
Dolph,	Platt,	Teller,	

ABSENT—41.

Aldrich,	Daniel,	Hawley,	Quay,
Beck,	Dawes,	Hearst,	Ransom
Blackburn,	Edmunds,	Ingalls,	Riddleberger,
Blodgett,	Eustis,	Kenna,	Sabin,
Bowen,	Faulkner,	McPherson,	Stanford,
Butler,	Frye,	Manderson,	Turpie,
Cameron,	Gibson,	Morrill,	Vance,
Chace,	Gorman,	Paddock,	Voorhees.
Chandler,	Gray,	Palmer,	
Colquitt,	Hale,	Pasco,	
Cullom,	Hampton	Payne,	

The PRESIDENT *pro tempore*. Upon the motion of the Senator from New Hampshire [Mr. BLAIR] to reconsider the vote by which the bill was passed, the yeas are 18 and the nays 17. A quorum not having voted, the Secretary will call the roll of the Senate.

Mr. SHERMAN. It is manifest that a quorum is present though not voting on this question owing to pairs. I suggust that by unanimous consent the vote be postponed until Monday at 2 o'clock, standing precisely as it does now. I hope unanimous consent will be given to take the vote then without delay. There is more than a quorum here.

The PRESIDENT *pro tempore*. The Chair ascertains by an enumeration that a quorum of the Senate is present, but the pairs prevented a quorum from being recorded on the roll-call. By unanimous consent the calling of the roll can be waived, and the Chair will announce that a quorum is present for the purpose of transacting further business if suggestions are to be made.

Mr. STEWART. I think we had better set the taking of the vote for an earlier hour than 2 o'clock, because Senators get through speaking before that and then go away.

Mr. SHERMAN. I have no objection to any hour on Monday that will be satisfactory to the Senator.

Mr. STEWART. Let us take the vote immediately after the morning business is concluded and continue with it until we get a quorum.

Mr. PLATT. Say half past 12.

Mr. STEWART. Half past 12 on Monday.

Mr. HARRIS. Immediately after the routine business is through, whether that be half past 12 or 1.

Mr. STEWART. That will be satisfactory.

Mr. BLAIR. I desire to say that I may not be able to be here on Monday by half past 12.

Mr. BUTLER. Will the Senator from New Hampshire yield to me a moment? I move that when the Senate adjourn to-day it stand adjourned to meet on Monday next.

Mr. ALLISON. I hope the Senator will not ask that that be done. The conferees on the sundry civil bill have agreed to a report; that report must first be made in the House of Representatives. It will probably be made this afternoon, but too late perhaps for the Senate to consider it to-day. If we adjourn over until Monday, it will be absolutely necessary for us now to pass again a joint resolution respecting the continuance of the old appropriations pending that bill, whereas if to-morrow the bill can be agreed to, the President can sign it, so as to avoid the necessity of passing a resolution to continue last year's appropriations.

Mr. BUTLER. In that view of the case, I withdraw the motion.

Mr. HARRIS. Did I understand the Senator from Iowa to say that the conferees had agreed upon a final report?

Mr. ALLISON. They have agreed upon a final report.

Mr. HARRIS. Does the Senator think it probable that report will be made in the other House to-day?

Mr. ALLISON. It was stated to us by the House conferees that they hoped to get it up during the day, but they feared too late for it to come to the Senate for consideration here during to-day.

Mr. BUTLER. Under that statement I have withdrawn my motion.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Nevada to ask unanimous consent——

Mr. STEWART. That we vote at 1 o'clock on Monday.

The PRESIDENT *pro tempore*. The Senator asks unanimous consent that the vote on the motion of the Senator from New Hampshire [Mr. BLAIR] to reconsider the vote by which the Chinese restriction bill was passed be taken at 1 o'clock on Monday. Is there objection? The Chair hears no objection, and it is so ordered.

THE COPPER TRUST.

The Senate resumed the consideration of the resolution submitted yesterday by Mr. PLATT, directing the Committee on Finance to inquire whether a foreign syndicate or trust controls the production of copper in the United States.

Mr. HISCOCK. Mr. President, I desire to submit a few remarks upon the subject which was under discussion when the Senate proceeded to vote upon the Chinese bill.

My name has been alluded to as a member of the subcommittee of the Committee on Finance that has charge of preparing a substitute for the Mills bill. I represent, as I suppose, my party, this side of the Chamber at least, upon that subcommittee, and I may add that I represent the industries of a great State, I think the largest manufacturing State in the nation, upon that subcommittee.

The bill was referred to the subcommittee on the 23d of July. From that day to this, with the exception of two or three days when I have been necessarily absent from the city, my time has been given to work before the subcommittee, and I announce now for the benefit of Senators on this as well as the other side of the Chamber that in my judgment the bill is not so far perfected and will not be so far perfected for some time to come as to warrant its presentation either to the general committee or to the Senate. The House sent us a bill that is advertised here as not being a free-trade measure. Sixty-six protected articles of manufacture are added by it to the free-list, the effect of which would be the destruction of the industries that produce them.

The Senator from Missouri [Mr. VEST] has said in regard to the bill sent here that it reduces the average rate of customs duties only 6 or 7 per cent. Is he aware, sir, that, not including sugar, in respect to items considered and affected by it the Mills bill reduces the average measure of protection nearly 40 per cent.? I repeat, that the average reduction by the Mills bill of protection given to these industries which now are protected is 40 per cent. I notice it has been given out to the country that the reduction is 6 or 7 per cent. It is a 40 per cent. reduction, Mr. President; and no less.

It is very easy to juggle in respect to a bill of this character. You may put one-half of the items you touch upon the free-list, and may maintain a high enough tariff on the remaining articles, as the Mills bill does in respect to sugar and a few others, so that when you make a per cent. of average of reduction it will not be more than 6 or 7 per cent. on all the articles affected by the legislation. This is one of the peculiarities of the bill which has been sent us and referred to the Finance Committee, and for which we are preparing a substitute.

As has been said here, the bill touches all the schedules of the tariff law, unless it is the liquor schedule. I insist that the Republican party is committed to a revision of the tariff; but in that revision it is to look to it that ample protection is continued—extended, if necessary—to every American industry that can be successfully prosecuted upon American soil. In that revision the Republican party is charged to insure an American market for the products of American factories and of American labor. It is on that line and no other that a revision of the tariff would be affected or attempted even by the Republican party.

We have been, of working days, I suppose about forty days on this general revision of the tariff.

Mr. SHERMAN. Will the Senator allow me, in the line of his argument, to read a letter attributed to the Senator from Missouri? That Senator can say whether he is correctly reported—a letter read at a Democratic club in St. Louis, in which that Senator writes as follows:

Mr. Cleveland, by his message, for which I sincerely honor him, has challenged the protected industries of the country to a fight of extermination. The fight is to the death.

I read that to show that the Senator from Missouri did not contemplate the Mills bill as a simple slight reduction of the tariff, but as a destruction of the industries of the country.

Mr. VEST. Mr. President——

Mr. HISCOCK. Will the Senator from Ohio tell us the date of the letter?

Mr. SHERMAN. The letter is published in the New York Tribune of August 31.

Mr. VEST. Will the Senator from New York permit me to say a word?

Mr. HISCOCK. Certainly.

Mr. VEST. There happens to be, fortunately or unfortunately, a club in the city of St. Louis——

Mr. CHACE. We can not hear the Senator from Missouri.

The PRESIDENT *pro tempore*. The Chair has repeatedly requested the Senate to be in order. Business will be suspended until Senators and others are seated and conversation ceases.

Mr. VEST. I am obliged to the Senator from Ohio for having had that statement read. I have received several letters in regard to it, but I did not think that my personal opinions were of enough importance to intrude them upon the Senate even in explanation of a misstatement. There is a club in St. Louis which, fortunately or unfortunately, bears my name—the "Vest Democratic Club." Some time since I wrote to an intimate friend, Mr. Charles N. Napton, who happened to be the secretary of that club, not specially on any political matter, but in regard to some matter of business about which he wrote me, in which letter he asked me generally about the campaign, as the constituents of Senators generally do. I wrote him a letter—it was written hurriedly, without any idea that it would ever be published, or that it would ever be subjected to any public criticism—but I wrote it as one confidential friend would write to another.

I used that expression that the President in discussing the issues of the campaign had challenged the protected industries to a war of extermination, or words to that effect; but if the Senator from Ohio had felt enough interest in the cause of justice, or in me personally, to have read the context of that letter, he would have seen that in the next sentence I made evident my meaning by stating that the protected manufacturers, who were accumulating their immense fortunes under the present system, would not surrender their large profits without a desperate struggle. As a matter of course I can say frankly that I am not an idiot, and that the Democratic party would not, in the teeth of its platform and of the public and private expressions of all its members, attack the industries of this country; I had no such meaning. Although the letter was addressed to Mr. Napton from the Senate, he took the liberty of tearing off the heading and read the letter in the club, and it has been a matter of public comment from that day to this.

If I had thought that that matter would be made public I should have written more carefully; but I wrote it here in the Senate, in the midst of a debate, and my meaning is perfectly clear to any one who does not wish to take partisan advantage by misconstruing.

Mr. HISCOCK. In that connection, Mr. President, if it were necessary to go beyond the Mills bill itself to discover the purpose of the President of the United States and the Democratic party, we are not compelled to look to the letter of the Senator from Missouri or to the speeches of Democratic Senators and Representatives upon the hustings; we have enough material here, and I will read in this connection a remark made by the Senator from Texas [Mr. COKE] the other day:

I will just say to the Senator—

Said he, that—

if there is any one thing in this world that the average Texan would go any number of miles out of his way to kick and kill and destroy, it is a protective tariff.

But, Mr. President, I will not diverge from the line of remarks which I proposed to submit when I took the floor. I was addressing myself to the work which is being done by the subcommittee having in charge the preparation of the substitute for the House bill revising the tariff, and the work that that subcommittee proposes to do in the future in the preparation of a substitute.

A general revision of a tariff has never been accomplished by any party in two, three, four, or five months; it is too vast a labor, and when revision is to be attempted in the direction of protection the labor is much increased above what it is when it is to be revised in the direction of free trade and opening our markets to the commerce of the world.

As I said, my time has been devoted, with the exception of two or three days when I have been necessarily absent from the city, to the consideration of this subject. As I have also said, I have the honor to represent, in part, the largest manufacturing State in the nation, and it is my intention—I speak for myself here—before the bill shall be submitted to the Senate that every industry in this country, every industry in my State that is entitled to protection shall have a fair and complete hearing before that committee if it wants to be heard.

I say again for myself, and I speak for myself alone, that I do not propose to join in the report of a bill as a political exigency. There is something above party exigencies—the good of the country—that must be first looked to, and while in my opinion that can be best achieved by the administration of the Republican party, yet even for the Republican party, as a political exigency, a bill revising the tariff should not be presented to the Senate or the country before it is well considered and perfectly prepared, before the people, those interested in the question, have submitted their views and necessities.

We have been in session since December last. Republicans on this side of the Chamber owe it to themselves, to their party, and to the country to give to this bill all the attention and all the consideration necessary to insure that it shall give expression to the views and the opinions of our constituencies, to the platform and the policy of the party we represent.

For myself, sir, I am entirely willing to stay here from now until December in the preparation of the substitute; and I say that at the very earliest moment when it can be prepared I for one shall favor its report to the Senate if it shall be the will of Congress to remain here. But I am entirely unwilling to be crowded into incautious speed, into a hasty consideration which may force upon the country an ill-prepared, an ill-considered measure. We may be able to bring it before the Senate soon, but not to-day, to-morrow, nor next week.

The committee, as said by the honorable chairman of the subcommittee, has devoted itself incessantly to the responsible duty with which it is charged and to performing the great labor imposed upon it and will continue to do so; and whenever that duty is fully discharged, whenever it is ready and the labor well done, then it will report its work for the consideration and approval of the Senate and for the consideration and approval of the country.

Think of it, Mr. President, and Senators! Forty days exhausted in the preparation of a tariff bill! Forty days in considering the repeal of provisions of the internal-revenue laws, and forty days only, and the Senator, and other Senators probably growing impatient at the delay, and arraigning a committee because it has not acted speedily enough! Why, sir, we are to take into consideration the amount of revenue to be reduced; we are to take into consideration the provisions of the present law, and whether to amend or to repeal to produce that reduction. When has it ever been done or accomplished in forty days? Who are they here, in private consultation by themselves, five, six, seven, eight, nine, or ten gentlemen in the interest of the industries of our country, will undertake, within forty days, or one hundred days, to present a scheme to the country which will preserve its industries according to the policy of the Republican party and make the required reductions?

We will reduce the revenue, Mr. President, and insure protection. It is not a difficult task, but it must be a painstaking and somewhat tedious one. We agree with the gentlmen on the other side that the revenues should be reduced. More than that; the bill which will be reported to the S nate will, in my opinion, carry many millions of reduction more than is carried by the Mills bill, and it can be accomplished without disturbing the industries of the country. More than that, it will be accomplished in many instances—I speak for myself only—by increasing the protection to the industries of the country that require it, increasing it when adequate and diversified capacity for

national production equal to the national demand exists and foreign commerce seems to justify it.

It would not have been necessary for me to intrude into this discussion except that I felt that for myself I should meet here and now before the country, and before the people of my own State, this question of haste to which we are urged. We can afford to do this work considerately. We can not in my opinion, sir, and we shall not, I trust, do it inconsiderately or in such haste as will not enable us to satisfactorily effect the object we have in view.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution offered by the Senator from Connecticut [Mr. PLATT].

Mr. COCKRELL. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read as follows:

Resolved, That the Committee on Finance be, and is hereby, instructed to inquire whether a foreign syndicate, combination, or trust controls the production of copper in the United States and has thereby largely increased the price of all articles made therefrom to the consumers; and if so, whether any legislation can be devised to relieve the people of the United States from such injurious effects of the operation of such foreign combination, trust, or syndicate, and report by bill or otherwise.

The resolution was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting a communication from the chairman of the Light-House Board recommending that the funds appropriated for Castle Hill light station may be made available without condition; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of the Treasury, transmitting, in answer to a resolution of the 22d ultimo, copies of correspondence, etc., with supervisors of elections appointed for the election of 1886.

Mr. SHERMAN. I would suggest the reference of that communication to the Committee on the Judiciary. I believe it properly goes to that committee.

Mr. SPOONER. I offered the resolution, and I am quite content that the correspondence be referred to the Judiciary Committee.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

HOUSE BILLS REFERRED.

The bill (H. R. 8367) to provide in certain cases for the regulation of railway companies chartered by the United States by the several States and Territories in which the railways of such companies run and are operated, was read twice by its title, and referred to the Committee on Interstate Commerce.

The bill (H. R. 11388) to withdraw certain public lands in the Territory of Wyoming from sale or disposition under the laws of the United States, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

CONTINUANCE OF APPROPRIATIONS.

Mr. ALLISON. Mr. President, after a rather informal consideration of the joint resolution (H. Res. 221) extending the appropriations, I am instructed by such members of the Committee on Appropriations as I can consult to report that resolution back favorably and ask for its present consideration.

The PRESIDENT *pro tempore*. The Senator from Iowa, from the Committee on Appropriations, reports favorably House joint resolution No. 221, and asks that it be now considered.

Mr. ALLISON. If there be no objection I desire to say one word. The last extension of the old appropriations expires to-morrow, and it would be absolutely necessary that the sundry civil bill, which is not yet acted on in the House of Representatives, should be agreed on by the two Houses, and be signed by the President to-morrow; otherwise this resolution should pass. I had hoped when the Senator from South Carolina [Mr. BUTLER] made his motion to adjourn over until Monday that that could be effected to-morrow. I think now it is impossible. Therefore I desire that this resolution should be passed, so that the President may sign it, and that will give us an opportunity of considering the conference report on the sundry civil bill more deliberately on Monday.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 221) to continue the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution entitled a 'Joint resolution to provide temporarily for the expenditures of the Government.'" By it the provisions of the "Joint resolution to continue the provisions of a joint resolution entitled a 'Joint resolution to provide temporarily for the expenditures of the Government,'" approved September 1, 1888, are extended and continued in full force and effect to and including the 25th day of September, 1888.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. BUTLER. I now move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

JOHN D. ADAMS.

Mr. JONES, of Arkansas. A resolution was sent over from the other House a short time ago in regard to a bill which passed the Senate some time since and has been mislaid. I ask that it be laid before the Senate for action.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *September* 14, 1888.

Ordered, That the Clerk be directed to request the Senate to furnish the House of Representatives with a duplicate copy of the engrossed bill (S. 320) for the relief of John D. Adams.

The PRESIDENT *pro tempore*. If there be no objection, the request of the House of Representatives will be complied with.

H. R. BLAKISTON.

The PRESIDENT *pro tempore* laid before the Senate the request of the House of Representatives for the return of the bill (S. 1988) granting a pension to H. R. Blakiston; and by unanimous consent the request was ordered to be complied with and the bill returned to the House of Representatives.

AMENDMENTS TO DEFICIENCY BILL.

Mr. EVARTS, from the Committee on the Library, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLAIR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3554) to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas in accordance with certain treaty stipulations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3555) granting a pension to Albert N. Bradley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3556) granting a pension to William H. Mays; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

PROPOSED LAND OFFICE INVESTIGATION.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by my colleague [Mr. STEWART] on September 5, 1888, to report the same favorably, and ask for its present consideration.

The PRESIDENT *pro tempore*. The Senator from Nevada reports favorably from the Committee to Audit and Control the Contingent Expenses of the Senate the resolution which will be read.

The Chief Clerk read as follows:

Resolved, That a committee of five members of the Senate be appointed by the Presiding Officer for the purpose of investigating—

1. Whether there has been any improper use of the moneys appropriated by Congress for the purpose of protecting timber on the public lands, investigating fraudulent claims to the public lands, or for any other purpose connected with the administration of the General Land Office.

2. Whether any fraudulent practices, whereby the public lands are illegally acquired, exist, and whether the same are knowingly tolerated by the Commissioner of the General Land Office.

3. Whether any discriminations have been made by the Commissioner of the General Land Office, or any of his subordinates, between citizens of the United States in investigating claims to the public lands or in canceling or setting aside applications to buy or enter public lands.

4. Whether there have been any discriminations between persons who have entered upon or fenced the public lands, in the recommendations, prosecutions, or the removal of fences, or any other matter connected therewith, and if all such persons have been treated alike, or whether some have been allowed to illegally occupy the public lands while others have been required to remove therefrom.

5. Whether there have been any secret compromises between the Commissioner of the General Land Office, or any of his subordinates, and influential persons or corporations, whereby the Government of the United States has been defrauded and illegal claims to lands patented.

6. Whether any prosecutions have been recommended by the Commissioner of the General Land Office at the instance of persons, or their attorneys or agents, having or claiming an interest in the lands to be recovered adverse to the United States.

7. Whether the name of the United States has been improperly used on the recommendation of the Commissioner of the General Land Office to prosecute citizens of the United States for any improper purpose.

8. Whether the mode of conducting the secret service in the General Land Office is fair and impartial, affording to citizens whose rights are affected thereby a fair and reasonable opportunity to be heard before decisions are rendered against them, and whether settlers on the public lands are prevented from obtaining pre-emptions and homesteads by secret manipulations of agents or employés of the General Land Office.

9. Whether the expenses and annoyances to settlers by the operations of the secret service in the General Land Office are retarding the growth and prosperity of the States and Territories where the lands are situated.

And that said committee or any subcommittee thereof shall have power to employ a clerk and stenographer, subpœna witnesses, send for persons and papers, administer oaths, and sit during the sessions of the Senate and vacation of Congress at such places as it may deem advisable. The expenses of said committee shall be paid out of the contingent fund of the Senate.

Said committee shall have power to report by bill or otherwise.

The PRESIDENT *pro tempore*. The Senator from Nevada asks for the present consideration of this resolution. Is there objection?

Mr. PLUMB. Let it lie over. I want to see what the resolution is.

The PRESIDENT *pro tempore*. The resolution will lie over.

DISTRICT ELECTRIC WIRE HEARING.

Mr. JONES, of Nevada. I am further instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Tennessee [Mr. HARRIS] on September 4, to report the same favorably, and ask for its present consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the District of Columbia be, and it is hereby, authorized and empowered to employ a stenographer to report hearings before said committee on the subject of overhead electric wires in the cities of Washington and Georgetown, the expenses therefor to be paid out of the contingent fund of the Senate.

PERSONAL EXPLANATION.

Mr. PAYNE. I rise to a question of personal privilege.

Some remarks were made in this Chamber yesterday by the Senator from Massachusetts [Mr. HOAR] which I only read in the RECORD this morning.

The Senator from Massachusetts said:

I think, however, neither that Senator nor the Senator from Ohio [Mr. PAYNE]—whom I saw in his seat a moment ago, but I do not see now—in what he said yesterday will succeed in removing from the minds of the people of this country the belief that the managers of the Standard Oil Company, the two men who notoriously control its concerns and whose vast fortunes are notoriously the result of that monopoly, contribute largely to the treasury of the Democratic party and are largely the directors of its councils.

And again the Senator from Massachusetts said further down:

I suppose Oliver Payne is the chief manager of the Standard Oil Company, a gentleman whom the Senator from Ohio, who seemed to know all about it, affirms was one of the Democratic managers of that company.

I meet that, Mr. President, simply by saying that there is not one word of truth nor an atom of foundation for that charge. I have said no such thing here or anywhere else as the Senator from Massachusetts undertakes to affirm. It was only when with a curiosity that might characterize some curious old lady the Senator insisted on knowing the names of the two Democrats that I referred to as among the stockholders, that I gave him the names. One was my son, Colonel Payne, and the other, Colonel Thompson, of New York. I did not say that they were directors. If I did I should have told an untruth. My son was treasurer of that company until three or four years since, when he resigned. Colonel Thompson, I believe, has never been a director of the company, so that there is not one particle of foundation for what was said by the Senator from Massachusetts; and there I leave it.

But, Mr. President, I want to go one step further. The Senator from Massachusetts, in a disingenuous, dishonorable, unbecoming way, has several times insinuated—it would be so much better in a manly way to make a charge—that Mr. Whitney was the representative in the Cabinet of the Standard Oil Company, and this without a particle of authority, borrowing it from his own diseased imagination and nothing else in the world, perhaps for a party or personal purpose.

Now let me read to the Senate what Mr. Whitney says on this subject, and upon a question of veracity between him and the Senator from Massachusetts, I think among all who are acquainted with both of them there will be no hesitation as to which one should be awarded credit. Mr. Whitney says:

I have never owned a dollar in it, nor ever had any relation to it. Every officer or director of the trust is, I believe, a Republican, and so are nine-tenths of its stockholders.

Now, Mr. President, whether the instincts of honor or propriety or decency will lead the honorable Senator from Massachusetts to make an apology for, and retraction of, that is for him to determine.

Mr. HOAR. Mr. President, the style of speech in which the Senator from Ohio [Mr. PAYNE] has indulged belongs rather to a barroom or grogshop, to a place where ruffians and their companions congregate, than to the Senate of the United States. The attempt to mingle in the debate of the Senate this style of coarse and gross personality, to undertake to raise comparisons in regard to personal credit or qualities when political or other questions come up, and to divert the attention of the public or of the Senate from them is one which nothing in the character or history of the Senator from Ohio will enable him to carry through.

I made neither charge nor insinuation against anybody further than this: A Senator on the other side of the Chamber in an elaborate written speech the day after a public address of a distinguished gentleman of Maine, formerly a member of this body and at one time the Republican candidate for the Presidency, proceeded to discourse on the subject of trusts and to attack that gentleman for an utterance which he quoted and to attack the Republican party and its platform for being connected with great trusts and monopolies injurious to the public interests. That was followed by a very remarkable proposition on the part of the Senator from Mississippi [Mr. GEORGE] that where the President of the United States should become satisfied that any trust existed in this country that raised prices of articles he should have the power immediately to proclaim its existence, and therefore, no matter how many hundreds or thousands of honest manufacturers or honest workmen unconnected with the trusts were engaged in the occupation, suddenly to proclaim free trade in regard to the articles so manufactured.

When the Senator from Mississippi took his seat I rose and said I would like to have those Senators, either of them, tell us in regard to particular trusts, to give us the result of their information as to details, and not beat the air. I wished them to tell us what were the facts about a certain half a dozen trusts which I named, among them the Standard Oil Company.

Mr. PAYNE. But the Senator in a previous speech on a previous occasion had said that the Standard Oil Company had a representative in Congress.

Mr. HOAR. That is the occasion I speak of.

Mr. PAYNE. That was the first occasion.

Mr. HOAR. That was the first time I referred to the subject, and I inquired whether that Senator would inform the country if he knew whether that Standard Oil Company was represented in the Senate or in the Cabinet. That is the extent of what the Senator calls a distinct charge or assertion.

Undoubtedly, I alluded to what was the general public belief, what has been a newspaper charge on that subject. I alluded to what has been called to my attention by personal letters. I have one on my desk now charging that the Standard Oil Company is under Democratic management, and that those of its managers who have been Republicans in the past are gathering to the support of the Administration now, and that a great danger to the Republican vote in the city from which this man writes grows out of——

Mr. PAYNE. Will the Senator read that letter?

Mr. HOAR. I will not read that letter.

Mr. PAYNE. Well, I guess you will not.

Mr. HOAR. I guess I will not. I am stating what the contents are. I do not propose to have that Senator change or transfer the issue. I will not undertake to use the words "disingenuousness" and "dishonesty," which he so flippantly used in that connection. I do not propose to permit that Senator to change my position on this subject.

I say there is a wide-spread public belief that the trusts which I alluded to are trusts which are controlled and managed and exerted in the interest of the Democratic party, and that the men who have made their money by them are the contributors to its campaign fund; but I did not make the charge; I did not indorse the charge; I did not say anything which by any fair mind can be construed into a charge, an insinuation, or a hint. I am not in the habit of insinuating or hinting.

I put the question, to be answered by gentlemen who had understood the subject, to give an opportunity for an explanation to the public in regard to the belief, and that is all, a thing which was done properly, courteously, and within my right as a Senator. If either of the distinguished gentlemen whom the Senator has named disclaims there being any foundation for this public understanding, no man will more promptly or more cheerfully or more gladly accept their explanation than myself.

The question remains unanswered in regard to five or six. These are matters of notorious public concern; they are matters upon which the price of the necessities of life, the control of the great transportation routes, and large public policies depend; and when these men are found set forth in the principal Democratic newspaper of this country as not only contributing to but heading, among the first dozen, the subscriptions to the Democratic campaign fund, I think it is an entirely proper subject, when Democratic Senators are discussing the trusts, to ask them whether there is an explanation for these matters, and let us have it. There is nothing in the proceeding which warrants the suggestion that it is an insinuation or a charge or anything but a direct demand for the explanation which the circumstances of the case require.

Mr. President, I am not very much moved to any feeling which deserves to be described as indignation or anger or anything above the feeling of contempt by the utterances which have come from the Senator from Ohio [Mr. PAYNE]. The history of that Senator's accession to this body is fresh in the memory of his countrymen. A Senator who, when the governor of his State, when both branches of the Legislature of his State complained to us that a seat in the United States Senate had been bought, when the other Senator from the State rose and told us that that was the belief of a very large majority of the people of Ohio without distinction of party, failed to rise in his place and ask for the investigation which would have put an end to those charges if they had been unfounded, sheltering himself behind the technicalities which were found by some gentlemen on both sides of this Chamber that the investigation ought not to be made, but who could have had it by the slightest request on his own part and then remained dumb, I think should forever after hold his peace.

Mr. PAYNE. Mr. President, the matter last alluded to by the Senator from Massachusetts I suppose he should be the last man in the world to bring to the recollection of the Senate, for taking his own challenge and expressions, they condemn the action of the very small number in the Senate who had, no doubt, reasons satisfactory to themselves. I should suppose the Senator from Massachusetts would be the last man to bring that matter up, for I am sure he is the one who suf-

fered most in reputation by his conduct in that regard. So I shall not dwell upon that point. But upon the other point, that the Senator is too perfect a man to be disingenuous, that he is never disingenuous, that in partisan discussion he is truthful and reliable, if he has that conceit in his own brain I think it is confined pretty much to himself.

The Senator says when a matter is denied that if it shall prove to be a malicious or false charge he is willing to retract it. He was told distinctly, and he knows that he can not contradict it, that nine-tenths of the stockholders of the Standard Oil Company and all the officers of that company are Republicans and had never contributed a vote or a dollar for the election of any Democrat to office. Does he withdraw his charge? Does he acknowledge that he has made a false charge, one that any man with the instincts of honor would apologize for and recant? Not at all.

Then as to Mr. Whitney, the Senator seems desirous to avoid that for some reason, but on half a dozen occasions he has insinuated that Mr. Whitney in the Cabinet was a representative of the Standard Oil Company, and now when there is the most unequivocal denial, when he declares in his own name (and I say he is not to be questioned by anybody) that he never has had any interest in nor any connection with that company and that nine-tenths of the stockholders are Republicans and all the officers are Republicans, how does the Senator retract? Like a man of honor? That is all I need say on the matter. He can digest that, and he is welcome.

Mr. HOAR. Mr. Whitney's denial of that matter never had been brought to my attention until to-day. I never heard of it before I read it in the papers this morning.

Mr. PAYNE. It was in all the papers this morning.

Mr. HOAR. There does not seem to be any occasion for the Senator's interposing to reaffirm what I said. I said just before he rose that I had read it in the papers this morning.

Mr. PAYNE. I do not believe you did. Let me ask the Senator as a question of candor, have you not read that declaration of Mr. Whitney's this morning?

Mr. HOAR. Mr. President, I think this style of behavior on the part of the Senator from Ohio had better stop. I rose and stated to the Senate, before the Senator interrupted me the first time, that I never heard of Mr. Whitney's denial until to-day, and that I read it in the papers this morning. What I said is on record unquestionably.

Mr. PAYNE. I do not question that.

Mr. HOAR. It will be found there. Now the Senator gets up and says he wants to ask me, as a matter of candor, if I did not read it in the papers this morning. I said so.

Mr. PAYNE. Have you made a retraction as you said you would if you were satisfied the charge was not true?

Mr. HOAR. When the proper time and place come to make any retraction I shall make it. I accept the disclaimer of Mr. Secretary Whitney very cheerfully——

Mr. PAYNE. Do it like a man.

Mr. HOAR. The Senator from Ohio is disorderly and insolent beyond bounds in his style of interruption. If he has——

Mr. FARWELL. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Massachusetts has the floor.

Mr. HOAR. If the Senator from Ohio has anything to say, let him rise in his place and in order, and when he has the floor say it.

Mr. PAYNE. I can do that without your permission, I suppose, if I want to.

Mr. HOAR. It certainly is not becoming in him to ask my indulgence and courtesy for an interruption of this kind. That style of language belongs to the grogshop rather than here.

Mr. BUTLER. Mr. President, I call the Senator from Massachusetts to order. Is this style of debate in order in the Senate?

The PRESIDENT *pro tempore*. The Chair thinks it is not.

Mr. BUTLER. Then I hope the Chair will enforce the decorum which is certainly due the Senate?

Mr. HOAR. If I have said anything out of order, I withdraw it. I desire to ask the Chair whether this style of interruption is to be tolerated?

The PRESIDENT *pro tempore*. The whole colloquy has been disorderly from the beginning.

Mr. HOAR. I shall endeavor to proceed in order.

The PRESIDENT *pro tempore*. The Chair has no observation to make about either Senator; but the colloquy has been disorderly.

Mr. HOAR. I am willing to abide under the strictest principles of parliamentary law by my recorded language anywhere. I have been interrupted again and again when I was speaking, by taunts and insults, by demands that in the name of candor I should do something or say something which I had just said, and I thought it was within the limits of parliamentary discussion to say that that style of interruption did not belong to the Senate, but belonged to another place which I have mentioned. If that be out of order, anybody may make the most of it.

If Mr. Secretary Whitney, as he is represented by a newspaper interview, has denied a connection with the Standard Oil Company, I very cheerfully accept his denial, and if I have anywhere affirmed the contrary I will very cheerfully retract the affirmation. I do not remember ever to have affirmed it. I have put the question several times to gentlemen in debate whether that is true which is certainly believed by a large number of the people of the country; but to speak of the thing as if it were a charge against him, as if it were a matter dishonorable to Secretary Whitney, seems to me to be the entire fallacy and absurdity of the Senator from Ohio. He rose just now to state that his own son (who I have no doubt is an honorable gentleman of character and standing) had been recently the treasurer of that company.

Mr. PAYNE. Not "recently." I did not say that.

Mr. HOAR. Within a few years.

Mr. PAYNE. Several years.

Mr. HOAR. Several years. The Senator stated that his own son had been within a few years treasurer of that company, and that another gentleman, who is understood to have been one of his most intimate political friends, Colonel Thompson, was a manager or a stockholder in the company. That he said the other day. Suppose I had made that as a charge. Suppose I had made it without foundation. Suppose I had failed to retract it when I should have retracted it. What is there of a charge against those gentlemen which is in the least a charge of anything which is dishonorable or improper? Why is it that it is a gross insult to Mr. Secretary Whitney to make the mistaken charge that he sustains at this moment a character which Mr. Oliver Payne by the statement of his father does hold? What is there which is properly to be stigmatized as making a charge against a man's character who stands high in saying that he holds stock or is a director in or treasurer or manager of a certain corporation in this country, of which the Senator from Ohio admits his dearest and best friends are stockholders?

If I had made a charge, which I did not, but merely referred to the public belief under a request for an explanation from men who knew, in the presence of the Senator from Ohio himself, and if it had turned out to be a mistake, it would be no more than if I had said Mr. A B sat in one chair and not in another. The point of what I had to say had nothing to do with anything which was in the least personally disgraceful or derogatory to the gentlemen whom I mentioned. When I read from the New York World that list of ten subscribers to the campaign fund of the Democratic party, I had already said that I did not deem a contribution to a campaign fund from a Senator or from a person holding an executive office an impropriety. When I alluded to the bill and the remarks of the Senator from Indiana [Mr. VOORHEES] the other day, I alluded to them to say that I did not agree with them. I had said already this morning in answer to the Senator from Missouri [Mr. VEST] that I proposed to do that exact thing myself to the extent of my ability, and beyond my ability, before this campaign is over, as I have done in the past.

We were not talking about any matter into which anything of personal dishonor entered. We were not talking about anything which it is not well known is done by persons of the highest character and standing in both political parties and in all parts of the country. I was talking about a Democratic arraignment of trusts, a charge that certain great business enterprises in this country are things which ought to be put down by law, and I asked the honorable Senators to tell us whether the popular belief was or was not true that the party to which they belong got in a large measure its campaign funds and its direction and its assistance and its counsel from men who are engaged in these things, just as when the Senator from Indiana proposed to make a contribution to a campaign fund by an executive officer a penal offense, to dismiss from office the man who did that, to make him incapable of holding public office in the future, it was perfectly legitimate in me to call attention to the fact that if the leading Democratic organ in this country were to be trusted the President of the United States and members of his Cabinet and men standing high in the councils of the Democratic party did that thing.

I accompanied it with a statement that I did not agree with the Senator from Indiana in the condemnation, but the point of my argument was that the policy of that proposed statute was erroneous and was inconsistent with the principles of true civil-service reform, just as I think the condemnation of the assistant librarian of the Senate for exercising his rights as a freeman was inconsistent with the real principles of civil-service reform. I think that officer had a perfect right to do what he did.

When I was saying that, and that is all that has happened, I held a letter in my hand charging that the members of the Standard Oil Company everywhere are active on the side of the Democratic party, a letter written to me by a well-known citizen of this country, a man signing his name, a stranger to me, the Senator from Ohio asks me with a sneer if I will read the letter. I tell him I do not choose to read it, and he guesses I will not.

Mr. President, I do not make any invitation to a comparison either as to propriety of conduct or political integrity with that Senator or anybody else, but if that Senator desires to have that comparison instituted, I certainly shall not shrink from it. I know very well that the matter to which I have alluded, the complaint of both houses of the Legislature of Ohio,

the charge of the governor of that State, the charge of the Senator's own colleague, seemed to a majority of the Senate, under the constitutional arrangements which prevail in this country between State and nation, not to warrant the Senate in entering upon an investigation without the request and assent of the honorable Senator himself. I think few men ever sat in the Senate who would refrain from demanding an investigation under such circumstances, even if it were not required by the Senate itself. There were Senators who differed with a great majority of the Senate in their opinion on that question. There were Senators who thought that the admission of that Senator, the continuance of that Senator in his seat without that investigation, indicated the low-water mark of the Senate of the United States itself. I do not propose to renew that debate. I should not have alluded to it but for the honorable Senator's observation in regard to me.

REGISTERED-MAIL LOCKS.

Mr. PLUMB. I move that the Senate proceed to consider Order of Business 2011, being the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an Executive Department to be known as the Department of Agriculture.

Mr. SAWYER. I ask the Senator from Kansas to yield to me for a moment. I ask leave to make a report from the Committee on Post-Offices and Post-Roads and to have immediate action on the bill.

Mr. PLUMB. Let the report be made, and I reserve the right to object.

Mr. SAWYER. Very well. I report favorably, without amendment, from the Committee on Post-Offices and Post-Roads, the bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor, and I ask that it be put on its passage now.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent that the bill may be now considered. Does the Senator from Kansas yield for that purpose?

Mr. PLUMB. I yield, but not to displace the Agricultural Department bill which I wish to bring before the Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor.

Mr. VEST. I should like to ask the Senator—I am a little ignorant on the subject—what is the necessity for this special appropriation? Is there not a general law on the subject which gives the Postmaster-General authority to purchase these locks?

Mr. SAWYER. The law now authorizes him to purchase certain locks for registered-mail matter. The Department find that they are defective. This bill was drawn at the Post-Office Department. I went there and saw the Postmaster-General this morning. He says it is very important that the Department should have these locks and have them at once for the safety of the registered-mail matter. I could give the Senator all the details, but the Department do not want to make the matter public. That is the amount of it. The bill is strongly urged by the Post-Office Department.

Mr. VEST. That is satisfactory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 576) for the relief of Semon Bache & Co.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3447) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888, and for other purposes; and

Joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States.

DEPARTMENT OF AGRICULTURE.

Mr. PLUMB. I now move that the Senate proceed to the consideration of the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an Executive Department to be known as the Department of Agriculture.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 2, line 3, to strike out "and" before "who;" so as to make the section read:

SEC. 2. That there shall be in said Department an Assistant Secretary of Agriculture, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as may be required by law or prescribed by the Secretary.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after "shall," to strike out "hereafter;" in line 3, before "Assistant," to strike out "First;" and in line 5, before "Assistant," to insert "First;" so as to make the section read:

SEC. 3. That the Secretary of Agriculture shall receive the same salary as is paid to the Secretary of each of the Executive Departments, and the salary of the Assistant Secretary of Agriculture shall be the same as that now paid to the First Assistant Secretary of the Department of the Interior.

The amendment was agreed to.

The next amendment was, in section 4, line 1, to strike out "law" and insert "laws;" so as to make the section read:

SEC. 4. That all laws and parts of laws relating to the Department of Agriculture now in existence, as far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect.

The amendment was agreed to.

The next amendment was to strike out section 5 in the following words:

SEC. 5. That the Weather Service of the United States Signal Service Bureau is hereby transferred to the Department of Agriculture, to take effect July 1, 1888, and shall consist of one chief and such subordinate officers and employés as may be necessary to efficiently manage said bureau. Until otherwise provided by law, the present organization of the subordinate force of said bureau, including the second lieutenants now in service, shall continue as at present: *Provided*, That nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps. The chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the Weather Bureau until a chief shall be appointed by the President and confirmed by the Senate; and the compensation now paid to the employés and enlisted men of said service shall continue as now; and the moneys appropriated for said service and hereafter appropriated shall be disbursed under the direction of the Secretary of the Department of Agriculture.

The Secretary of War is authorized and directed, within thirty days after the passage of this act, to appoint a board of three Army officers, of which the Chief Signal Officer shall be a member. The duty of said board shall be to make an inventory of all property now in the control and possession of the Signal Service Bureau, and shall separate and turn over to the Department of Agriculture such portions of the property as the said board may determine to be suitable for the work of the Signal Service Weather Bureau. The remainder of the property shall remain in the control of the Secretary of War.

Mr. HARRIS. I desire to ask the Senator from Kansas in charge of the bill why the fifth section is proposed to be stricken out? It seems to me that the Weather or Signal Service Bureau is more important to the agricultural interests of the country perhaps than to any other of the great interests, and that being true it appears to me that there is absolute propriety in putting that service under the control of the Department of Agriculture rather than to continue it under the Department of War. I should like to know why the committee recommend the Senate to strike out that section which proposes to subject the weather service to the control of the Department of Agriculture which the bill designs to create?

Mr. PLUMB. In reporting the bill in its present shape I acted simply as the organ of the committee. For myself, I agree entirely with the Senator from Tennessee. I believe that the Department of Agriculture should not only have the Signal Service because it belongs there for the reasons so cogently stated by the Senator, but I believe it ought to be there because this Department has room for it, and it would help to give to it that importance and dignity which it should have.

There are many other reasons why I think it should go there, but the committee thought otherwise, not, perhaps, as an ultimate thing, but because of certain ideas which prevail on the part of certain members of the committee to the effect that the transfer might be better postponed until there has been some more definite organization of the Signal Service Bureau provided for.

For myself I can say that I believe it ought to go there for the benefit of the Department and for the benefit of the bureau. I never have been able to reconcile myself to the idea of having a bureau which has in charge measurably at least the productive interests of this country, which relates to agricultural productions, under the control of that Department which represents destruction. Why agricultural interests, real or remote, should be under the charge of the War Department is one of those things I never could see any reason for, and that I never agreed to except under compulsion. So far as I am concerned, however, I am willing to have this bill with this much taken off, if the Senate should so vote, rather than not to have it at all.

Mr. HARRIS. If the Senator will allow me I will state that I quite agree with him; if we can get no more I am quite willing to take the bill with the fifth section out. But I want to ask the Senator from Kansas if he has scrutinized the various provisions of the fifth section other than the one which provides for the transfer of this bureau to the Department of Agriculture, so as to be satisfied that they are in themselves proper, because I am strongly inclined myself to vote against agreeing to the committee's amendment with the hope of retaining the fifth section as a part of the bill.

Mr. PLUMB. I have no doubt that the fifth section if adopted would prove operative in the direction of at least maintaining the present efficiency of the Signal Service Bureau, if the effect would not be to increase its efficiency. I do not mean to say by that that I think by the adoption of this provision we should carry into the Agricultural Department as thoroughly equipped a Signal Service Bureau as we ought to have. The change will undoubtedly require other modifica-

tions in time, but these, in my judgment, will come by the experience which the new Department will have of the operations of this bureau by the illustrations which will be furnished of its relations to the agricultural productions of the country and so on under the new control.

I believe myself that the proposed transfer is proper and would conserve the efficiency of the Signal Service Bureau, that it would do no wrong to any one, and would place the bureau in proper relation to the Agricultural Department.

Mr. HARRIS. Then I hope the Senate will not agree to the amendment.

Mr. GEORGE. Mr. President, I am a member of the Committee on Agriculture and Forestry. That committee agreed, I believe unanimously, to strike out the fifth section, and I will state our main reason for doing so.

The bureau as now organized, with agents stationed all over the United States, is a military organization. There are lieutenants, sergeants, and privates in the organization, with duties and pay rated according to their rank. This has been its organization from the very beginning. The committee thought that upon this bill, intended mainly if not wholly to establish a new department of the Government, it would be a little dangerous to disarrange and disorganize so important a bureau.

The bureau is now well conducted, and the fact that it has relation to agriculture might be persuasive when we have full time to disorganize that which we now have organized and to erect or create a new bureau. Whilst under these circumstances we might make the experiment of disorganizing this bureau and creating it anew, yet we thought that in the initiation of this new department we had better not encumber its operations with this new problem.

Of course the agricultural interest is deeply concerned in the operations of the Weather Bureau, but it would be very difficult for any Senator to suggest that agriculture would get any more benefit from the operations of the bureau if it were transferred to the Agricultural Department than it now derives from it. The truth is that at present, owing to the insufficient number of the employés of the bureau and the inadequate methods which have been adopted to transmit the intelligence gathered by the bureau among the country people, its operations can not have a very material effect upon them. The predictions as to the weather rarely reach beyond twenty-four hours, and they are often wrong as to that period.

If the Senator from Tennessee, the Senator from Kansas, and other Senators will just imagine the facts to exist as they do exist, that the farmers who in the main, as they suppose, are interested in this bureau, live in the country, a large majority of them distant from telegraphic offices and where they have no means of acquiring this information within the twenty-four hours in which the predictions will either be verified or not, they will see that it will be a long time to come yet before agriculture can be made the chief recipient of the benefits of the Weather or Signal Service Bureau. Of course it gets some benefit.

I see the chairman of the Committee on Agriculture [Mr. PALMER] here, who can confirm what I have said.

For these reasons, whilst the committee were very anxious, all of us, to create this new department, we thought we had better not encumber it just now with the Signal Service or Weather Bureau.

Mr. PALMER. Mr. President, I hope that the Senate will agree to the committee's amendment, and I think I represent the view of most of the members of the Agricultural Committee. It is not that we do not desire to magnify the Department of Agriculture, the new Executive Department to be created, but we doubt very much whether it is a wise thing to ingraft this bureau upon that department in its inception.

The proposition at first struck me as very novel, for I had been educated to suppose that the Signal Service Bureau appertained mostly to commercial wants and commercial exigencies. Upon the shores of the Great Lakes, where it is much more essential to know the correct weather than it is upon the Atlantic coast, the bureau is regarded with great favor. That immense commerce is in a great measure affected by the predictions of the bureau. The bureau has been very successful, and its success might not be impaired by attaching it to the Agricultural Department, but it would be an experiment. I do not think that any one has really studied up the subject so as to be confident that it would be the proper thing for us to attach it to the Agricultural Department.

While I appreciate the animus that inspires the Senator from Kansas in desiring that the bureau shall be attached to the Agricultural Department, still I think it would be some time before the country would become reconciled to such a transfer. Even if the transfer were thought best and we had agreed upon attaching this bureau to the Department of Agriculture, I do not think it would be wise to attach it until some of us know a little more about the Signal Service Bureau.

On that account I hope the amendment of the committee will be agreed to and that this very important agent of commerce, and to be, possibly, of agriculture, will be allowed to remain where it is until we have further time to acquaint ourselves with the wants of the farmers and the views of the commercial men and the seafaring men, and also to look into its organization and see how it will be affected by a transfer.

Mr. BLAIR. Mr. President, I only want to add a few words. As a member of the committee I voted for this amendment, principally for the reason that I desired the bill should go unembarrassed by difficulties that it seemed sure to meet before it reached the statute-book unless this change was made, and in the hope that by making it a bill pure and simple for the creation of the Agricultural Department, unembarrassed by serious controversies which grow out of the attempted transfer at this time of the Signal Service Bureau, it would be such a bill as to be at least tolerably sure of its enactment into a law. I think that the amendment is decidedly in the interest of the chief purpose of the bill.

For my own part, at as early a period of time as it can well be done, with such care and consideration in the reforming and reshaping of the Weather Bureau as the importance of the subject demands, I should wish to have the bureau under purely agricultural control and devoted to agricultural uses. I should, with such precautions, desire early to see the Weather Bureau, or a weather bureau at least ample and sufficient for all agricultural uses, placed under the direct control of the Agricultural Department; but I think we shall be making haste even if we make it a little more slowly by the adoption of this amendment, and in the interest of the chief purpose of the bill I favored it in committee.

Mr. CALL. Mr. President, the Weather Bureau, as it is called, is a bureau of very great importance throughout the agricultural portion of this country everywhere. It is also of some commercial importance upon the seashore. It is quite evident that it relates only to agricultural and commercial interests.

The committee ought either to put the Agricultural Bureau under the Secretary of War and in the War Department or they ought to transfer the Weather Bureau to the Department of Agriculture created by the bill. There is no question in regard to that point. The War Department has nothing to do with agriculture; it has nothing to do with commerce; and I do not see why it is not quite as easy in the passage of this bill establishing the Agricultural Department to make provision for the Weather Bureau or the Signal Service Bureau as for any other branch of that department.

I only wished to say this much, sir. I shall not make any motion upon the subject, but it is quite evident that those matters which concern the agricultural and commercial interests of the country ought not to be in any wise connected with the War Department.

Mr. BUTLER. Mr. President, it seems to me that this is a very important bill upon which we are passing, and it strikes me that we are acting upon it without that consideration to which it is entitled. As at present advised I shall vote against the amendment of the committee. The effect of rejecting the amendment, I understand, will be to leave the bill as it came from the other House.

The Signal Service Bureau of the Government became a part of the military establishment in time of war, when it is a very important adjunct of an army for the purpose of indicating the movements of troops. But as matters now are I can not understand what possible relation it can have to the military establishment of the Government.

It has been claimed, I believe, by those who are in favor of retaining this bureau under the War Department that it was necessary to preserve the discipline of the bureau. But there are very many other attachments or adjuncts of the various bureaus of the Departments on the civil side of the Government where the discipline I presume is kept up just as well as if they were under military government. It is obvious that the only people in this country who derive any essential material benefit from the Signal Service Bureau are the agriculturists, the farmers.

Mr. BLAIR. If the Senator will allow me to interrupt him, I will state that the really great service for which the bureau was established originally was to aid commerce, as I understand, and that service continues and is becoming daily more and more important.

The probability is that so far as money, material development, and improvement are concerned, the Weather Bureau serves the country $5 in the direction of commerce where it serves it $1 in the direction of agriculture. There is use for the bureau in the War Department still.

Mr. BUTLER. Possibly I was not quite accurate in my statement that the bureau would entirely subserve the interests of the agriculturists of the country. I have no doubt in the world that it is of very great service to commercial interests also. If that be true, it is an additional argument and reason why the amendment should not be adopted, and I shall therefore feel constrained to vote against the amendment.

I think the Signal Service Bureau ought to be transferred to the Department of Agriculture, especially if we are to make a Cabinet officer of the head of that department, because if that be the case the commercial as well as the agricultural interests, I understand, will in a great measure pass under that department.

But I rose for the purpose of suggesting to the Senator from Kansas that unless he is very urgent for a vote this evening we might let this bill go over and have a little more consideration, for I agree with him entirely that the amendment ought not to be adopted.

Mr. PLUMB. I have no objection to the bill going over until Monday if there can be unanimous consent that it shall come up then immediately after the conclusion of the morning business.

Mr. BUTLER. I think that course would facilitate the passage of the bill.

Mr. BLAIR. The Chinese restriction bill is to be voted upon on Monday.

Mr. PLUMB. That will occur at 2 o'clock.

Mr. BUTLER. This is a House bill, and if passed without amendment it will become a law with the signature of the President. On the contraay, if we amend it it must go back to the other House.

Mr. BLAIR. A conference committee could be asked and obtained very soon, I imagine, and the House would probably agree to the amendment.

Mr. BUTLER. We know the difficulty of getting anything through the other House. There is rarely a quorum there now, and if anybody should be opposed to the bill there he would have no difficulty in defeating it. I am so anxious to have the bill become a law that, in my judgment, unless there is some very strong reason controlling otherwise, the Senate ought to pass the bill as it came from the other House. As to the matter of detail in the arrangement of the Signal Service Bureau under this new Department, I think there will be no trouble about that.

Mr. PLUMB. I think we had better have a vote anyway, and see what the temper of the Senate is in regard to the amendment.

Mr. BUTLER. Very well.

Mr. PALMER. I ask the Senator from South Carolina whether he has examined the fifth section of the pending bill?

Mr. BUTLER. Yes, sir.

Mr. PALMER. Undoubtedly if he has examined it he sees that it involves a thorough reorganization of the Signal Service Bureau. My opinion is that it is of such vital importance that this great agency should be protected that the matter should come in as a separate bill and receive a separate discussion, detached entirely from the pending measure even if we do transfer this bureau to the Department of Agriculture. I am not prepared to say but that I should be in favor of it.

I am very anxious to have the Department of Agriculture created; and I do not think this is the proper time to transfer the Weather Bureau by a section of the pending bill where more consideration is given to the aim to be arrived at in establishing that executive department than to the methods which may be involved in the fifth section. I think it is a matter which requires very careful scrutiny and that we should have the Signal Service Bureau officers before us and get the pros and cons before we take this very decisive step.

Mr. HARRIS. Will the Senator from Michigan allow me to ask him if in creating a department he does not think it proper to assign to it the various duties which should legitimately belong to it?

Mr. PALMER. I think so, but I do not think there should be hasty or inconsiderate action on this particular matter.

Mr. HARRIS. Does the Senator not think that this particular bureau, the Signal Service Bureau, would be more properly assigned to the Agricultural Department of the Government than to any other one of the Executive Departments of the Government?

Mr. PALMER. As to that I am not prepared to answer now. At first blush I should say no, and I have no doubt I could bring ten arguments to the gentleman's one in support of my position. I am not taking the ground that the bureau should not be attached to the Department of Agriculture, but I think that the subject should be considered separately and have mature deliberation and examination. It is better for us to go slowly and build up this department as it should be built up, without detracting from its powers by doing something irrelevant and foreign and attempting to make all the provisions which possibly will be made in the future. I do not think we should attach the Signal Service Bureau now and reorganize it, as it is reorganized in this section, without regard to the wants of commerce or of agriculture.

Mr. BUTLER. I do not understand that the fifth section proposes to reorganize the Signal Service Bureau. It simply proposes to transfer the bureau.

Mr. PALMER. Will the Senator permit me to ask him a question?

Mr. BUTLER. Yes, sir.

Mr. PALMER. Does the Senator know what the present organization of the bureau is?

Mr. BUTLER. Yes, I have some information on that subject; but the fifth section proposes to transfer the organization of the Signal Service Bureau to this new executive department. I can not see why there should be any friction in that transfer, inasmuch as the second paragraph of the section provides for a reorganization of the Signal Service Bureau. It does not disturb any vested rights. If any officer of the Army, or soldier, or non-commissioned officer has a vested right, it does not disturb the vested rights of anybody in the Signal Service Bureau.

Mr. PLATT. It takes the force away and transfers it.

Mr. BUTLER. It transfers the force to this new executive department, but that is all. Then the second paragraph provides that within thirty days after the passage of this act the Secretary of War shall appoint a board of three Army officers, of which the Chief Signal Officer shall be a member, for the purpose of such a reorganization of the bureau under the Agricultural Department. I can not see what harm or injury or injustice can result to anybody by the transfer.

Mr. HARRIS. May I ask the Senator from South Carolina, as he has the bill before him, if when the commission created by the second clause of the fifth section shall have investigated and shall have determined upon what it may think the best policy it will not have to report to Congress, and Congress will then take action determining upon the wisdom or unwisdom of the recommendations of that board?

Mr. BUTLER. Clearly Congress has jurisdiction and control of the whole subject, and the mere transfer to this new executive department does not disturb it, as I understand.

Mr. HARRIS. As I understand the Signal Service Bureau as now organized, that organization is simply and bodily transferred to the new department by the fifth section, and Congress will deal with it hereafter in respect to its reorganization or non-reorganization as Congress may choose.

Mr. BUTLER. That I understand to be the case. In fact, the fifth section so provides distinctly. I call attention to lines 6, 7, and 8 of section 5:

> Until otherwise provided by law, the present organization of the subordinate force of said bureau, including the second lieutenants now in service, shall continue as at present.

Mr. PALMER. I ask the Senator if he understands that the board is composed of three Army officers, of which the Chief Signal Officer shall be a member?

Mr. PLUMB. What board is that?

Mr. PALMER. The board proposed to be created by this bill.

Mr. PLUMB. But that board is simply to make an inventory of the property and determine what is necessary to go with it and what is necessary and proper to remain under the custody of the War Department.

Mr. PALMER. Very true.

Mr. BUTLER. Certainly, that is all of it.

Mr. PLATT. I hope the Senator in charge of this bill will permit it to go over. It is very evident that there is not a quorum here this afternoon. I think he can scarcely expect that this amendment will be voted upon without a call of the yeas and nays. I am certainly in favor of the amendment—that is to say, I am in favor of striking out that part of the bill which proposes to transfer the Signal Service Bureau to the Agricultural Department. There seems to be a very great incongruity in transferring the force which is now a part of the military establishment of the United States, second lieutenants, sergeants, and enlisted men.

Mr. GEORGE. If the Senator will allow me, I will state that the enlisted men are under the same penalties for desertion that the men in the Army regularly are.

Mr. PLATT. Exactly; and it seems to me that there is a very great incongruity in transferring that force, both the men and officers, and putting it under the control of a civil department of the Government, for that is just what it is, and nothing else.

Mr. PLUMB. There are several incongruities. The one the Senator speaks of is no greater than the one that exists now in having a bureau, which has relation to nothing of a military character whatever, entirely under the control of the military establishment. That certainly is as incongruous as it would be to have for the time being a few lieutenants and enlisted men under the command of a military officer, remember, as the Chief of the Signal Service would be until we reorganize the bureau by law, himself put under the control of a civilian head of a department, which is just what he is now, because his superior officer at present is the Secretary of War, who is a civilian. So if there is any way of measuring incongruities, the incongruity is longer and broader as it exists now than it would be if this transfer were to take place.

Mr. PLATT. There is an old maxim that it is better to—

> Bear those ills we have,
> Than fly to others that we know not of.

If it be true that there are incongruities in the present system, it seems to me to be no reason for this proposed transfer where, I submit, with all respect, the incongruity will be greater than it is now. It simply proves to my mind that if we are going to pass this bill we ought to pass it with this amendment which is proposed by a majority of the committee, and that then we should deal with this subject hereafter as an independent matter, as the chairman of the committee suggests.

It may be well to entirely reorganize the system by which the present Signal Service is carried on and disconnect it entirely from the military system, but this section does not propose to do that. It proposes to retain the military features of the service and transfer it to the control of a man who it may be expected has great knowledge of farming, the distribution of seeds, looking after cattle plague, and all that sort of thing.

While I am not prepared to say, and do not say, that there are not incongruities in the system as it now exists, I think this hasty and arbitrary, I will not say reckless method of transferring the Signal Service to the Agricultural Department to be created ought not to be pursued.

I trust the Senator from Kansas will allow the matter to go over. If he insists upon a vote now, there is another view of the subject that I should like to present at this time, but I prefer to have it go over.

Mr. PLUMB. On a consideration of the lateness of the hour and

the fact that the Senate is thin, I have no objection to the bill going over, provided there can be an understanding that it shall come up immediately at the close of the morning business on Monday, not to displace, however, the existing order in regard to the Chinese restriction bill.

Mr. PLATT. I have no objection to that course.

Mr. STEWART. I have no objection to such an understanding provided that if the Chinese restriction bill should be reconsidered we can go ahead with that.

Mr. BLAIR. It might be well to suggest, in connection with what has been said, that amendments have been adopted which will compel the return of the bill to the other House, and to its being sent to a conference committee, so that the objection of the Senator from South Carolina as to the adoption of this further amendment would seem to be without point for that reason.

Mr. BUTLER. Yes; my attention has been called to one provision of the bill which is to go into operation the first day of July, 1888. Of course it will have to be amended in that particular.

Mr. BLAIR. Several other amendments have been adopted.

Mr. HARRIS. Several verbal amendments have been already agreed to, and are proper.

Mr. BLAIR. I have no doubt a conference committee would dispose of the bill with promptitude.

The PRESIDENT *pro tempore*. If there be no objection, the consideration of this bill as the unfinished business will be resumed on Monday at the conclusion of the routine morning business, not to interfere with the assigned order already for the vote upon the motion to reconsider the Chinese restriction bill.

Mr. HARRIS. Is this agricultural bill the unfinished business?

The PRESIDENT *pro tempore*. It is the unfinished business.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 221) to continue the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution entitled a 'Joint resolution to provide temporarily for the expenditures of the Government;'" and it was thereupon signed by the President *pro tempore*.

ARBITRATION OF RAILROAD DIFFERENCES.

Mr. WILSON, of Iowa. I ask the Senate to proceed to the consideration of the bill (H. R. 8665) to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILSON, of Iowa. The first five sections of this bill are but transcripts of the bill that passed both Houses in the Forty-ninth Congress, but failed to be enrolled for want of time. The latter sections of the bill confer upon the President the power to appoint a commission whenever a disturbance occurs in connection with the interstate-commerce transportation, etc., to make examination and report.

Mr. CALL. I was going to ask the Senator if he did not think the Senate was rather too thin to consider so important a bill, but I will not do so, as the Senator from Texas [Mr. REAGAN] is anxious for its passage.

Mr. WILSON, of Iowa. That is the only explanation that I deem it necessary to make at this time. The Senate has passed upon the first five sections already in the last Congress. The other sections merely provide a method of examination which may be of very great practical importance in cases of disturbance such as we have had in various States and Territories in the past few years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF HENRY VOLCKER.

Mr. COKE. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 2170, House bill No. 2996.

There being no objection, the bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. HOAR. I should like to know what the value of this land is?

Mr. COKE rose.

Mr. STEWART. I made the report in the case. It is a very straight case and was reported upon by Mr. Benjamin some thirty-odd years ago. The certificate referred to was one of the certificates issued by the government of Texas before she was admitted into the Union. It was located in New Mexico. Afterwards by the act of 1850 the line was changed, and territory claimed by Texas was ceded to the United States and made part of New Mexico. That is the way that it happened to be left out.

Mr. HOAR. My question was, what is the present value of the land?

Mr. STEWART. It is not very valuable. I inquired into that and the surrounding land, and sent to the Department, but I could not get at the exact value.

Mr. HOAR. It is 640 acres, I suppose?

Mr. STEWART. Six hundred and forty acres. It is probably worth $16 or $17 an acre.

Mr. HOAR. If it was a large and valuable tract of land, I think the bill should not pass without a full Senate and without a full explanation, but if it be but a few thousand dollars only, I do not suppose there is any reason for delay.

Mr. COKE. The land is of very little value.

Mr. STEWART. I inquired into that. It is not of great value.

Mr. COKE. It is in that part of New Mexico that was ceded by the State of Texas to the United States, and this party had acquired an equitable title to the location of his certificate issued under the laws of the republic of Texas upon the land before it was ceded to the United States.

Mr. STEWART. It was located before the cession.

The bill was ordered to a third reading, read the third time, and passed.

MATTHEW W. BERRYMAN.

Mr. EVARTS. I ask the Senate to proceed to the consideration of House bill 925, Order of Business 2009, for the relief of Matthew W. Berryman, which was reported from the Committee on Military Affairs by the Senator from Tennessee [Mr. BATE] without amendment. The report is in very few words. The bill is simply a provision for the payment to Mr. Berryman of compensation for his service as a major in the Army of the United States during the war of the rebellion, to give him the emoluments of major for services rendered as major of the Tenth Regiment New Jersey Volunteers from the 13th day of October, 1861, to the 23d day of November of the same year.

By unanimous consent, the bill (H. R. 925) for the relief of Matthew W. Berryman was considered as in Committee of the Whole. It directs the proper accounting officer of the Treasury to pay to Matthew W. Berryman, of Newark, N. J., a major in the Army of the United States during the war of the rebellion, the emoluments of a major, for services rendered as major of the Tenth Regiment New Jersey Volunteers, from the 13th of October, 1861, to the 23d of November of the same year.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES L. BRADWELL.

Mr. BROWN. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 2021, House bill 5092.

There being no objection, the bill (H. R. 5092) for the relief of Charles L. Bradwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, which were, in line 6, after the words "sum of," to strike out "three" and insert "one;" in line 7, after the word "thousand," to strike out "seven" and insert "five;" and in the same line, after the word "and," to strike out "fifty" and insert "thirty-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles L. Bradwell, late of the county of Chatham and State of Georgia, and now a resident of the county of Bartow, in said State, the sum of $1,532, the value of cotton belonging to said Bradwell and delivered by him to the Federal authorities in the winter of 1864 and 1865, under orders issued by General W. T. Sherman; and the amount of money necessary to pay said claim is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sum to be in full settlement and payment of said claim.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BROWN. I move that the Senate insist on its amendments and ask a conference on the bill and amendments.

The motion was agreed to.

The President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HOAR, Mr. BUTLER, and Mr. BROWN were appointed.

PUBLIC BUILDING AT WATERTOWN, N. Y.

Mr. HISCOCK. I ask unanimous consent to call up Order of Business 2148, being the bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINING-DÉBRIS QUESTION IN CALIFORNIA.

Mr. STEWART. I ask unanimous consent to call up Order of Business 1987, House bill 1216.

There being no objection, the bill (H. R. 1216) for the investigation of the mining-débris question in the State of California was considered as in Committee of the Whole.

The bill was reported from the Committee on Mines and Mining with

an amendment, in line 8, after the words "can be," to strike out "derived" and insert "devised;" so as to read:

That the Secretary of War is hereby authorized and directed to detail three officers from the Engineer Corps of the United States Army as a commission for the purpose of making a thorough examination and investigation of the mining-débris question in the State of California, for the purpose of ascertaining whether some plan can be devised whereby the present conflict between the mining and farming sections may be adjusted and the mining industry rehabilitated, etc.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the committee.

Mr. STEWART. The amendment is immaterial. It is a mistake in the engrossing. The two words are pretty nearly synonymous, "derived" and "devised," and so I will withdraw the amendment. The bill will have the same meaning with either word.

The PRESIDENT *pro tempore*. The Senator can not withdraw the amendment, it having been reported by a committee.

Mr. STEWART. Then I ask that it be disagreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment. It is possible that the engrossed copy is right. It had better be compared.

Mr. STEWART. Both words really mean the same thing, and I ask that the amendment be voted down anyhow.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF CONTAGIOUS DISEASES.

Mr. HARRIS. I ask the Senate to proceed at this time to the consideration of Order of Business 2203, being the bill (S. 3467) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I ask that the substitute reported by the committee be read.

The SECRETARY. The amendment reported by the Committee on Epidemic Diseases is to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That whenever it shall be made to appear to the satisfaction of the President that cholera, yellow fever, small-pox, or plague exists in any State or Territory or in the District of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to make or promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease. And any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $500, or imprisonment for not more than two years, or both, in the discretion of the court.

SEC. 2. That any officer, or person acting as an officer, or agent of the United States at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall willfully violate any of the quarantine laws of the United States, or any of the rules and regulations made and promulgated by the Secretary of the Treasury as provided for in section 1 of this act, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $300, or imprisonment for not more than one year, or both, in the discretion of the court.

SEC. 3. That when any common carrier or officer, agent, or employé of any common carrier, shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in section 1 of this act, such common carrier, officer, agent, or employé shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than $500, or imprisonment for not more than two years, or both, in the discretion of the court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORFEITURE OF MICHIGAN RAILROAD GRANT.

Mr. PALMER. I ask that the Senate proceed to the consideration of Calendar No. 2259, being the bill (S. 947) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, etc.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 9, after the word "*Provided*," to strike out the words:

That this act shall not be construed as forfeiting lands lying opposite to and coterminous with the completed portion of any railroad heretofore constructed under authority of said act of Congress.

And insert:

That nothing herein contained shall be construed as forfeiting any lands heretofore earned by the location and construction of any portion of said road, nor as forfeiting the right of way or depot grounds of any railroad company heretofore granted.

The amendment was agreed to.

The next amendment was, to add the following as a new section:

SEC. 2. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to, or for any cause resumed by, the United States from the grant mentioned in the first section of this act, have heretofore been disposed of by the proper officers of the United States or under State selections in Michigan confirmed by the Secretary of the Interior, under color of the public-land laws, where the consideration received therefor is still retained by the Government, and the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

Mr. HOAR. Mr. President, the Senate will remember that when a general forfeiture bill came up some time ago there was a very earnest controversy between several Senators on one side and on the other, in which the Senator from Arkansas [Mr. BERRY] and the Senator from Michigan [Mr. PALMER]—the Senator from Arkansas as representing the committee and the Senator from Michigan as representing so far as possible important interests among his own constituents—took part on one side and I took some part on the other in the interest of some constituents of mine. The bill was subsequently passed by the Senate in a shape not entirely conforming to the original proposition of either side, passing, I believe, by the consent of both sides.

Now, I understand—and I make this statement so that my constituents who are interested will understand the matter—the Senator from Michigan proposes the passage of this special bill relating to Michigan alone, but which as he assures me (of course, I am quite sure he has examined it carefully) contains substantially, I do not know but in words, the provisions which existed in the bill that passed.

Mr. SAWYER. The same.

Mr. HOAR. With that understanding I do not feel it my duty to oppose the bill.

Mr. PALMER. I will state the only object I have in asking for the passage of this bill, although it is included in the omnibus bill reported by the Public Lands Committee, in which there were many railroads North and South involved. There is no prospect of that bill getting through the other House, or of the conferees agreeing very soon, and this is deprived of many of the objections to the former bill, because it relates to one set of interests which can be discussed on their merits.

Section 2 in this bill is the section corresponding to section 9 of the bill that was passed, over which the contest was had between the Senator from Massachusetts [Mr. HOAR] and the Senator from Wisconsin [Mr. SPOONER] on the one side, and the Senator from Arkansas [Mr. BERRY] and myself on the other. It is taken *verbatim* from that bill as it was passed. The only difference in section 1 is that whereas the Plumb bill forfeited all lands not opposite completed portions of the road, in this there occurs this proviso, which effects the same thing:

That nothing herein contained shall be construed as forfeiting any lands heretofore earned by the location and construction of any portion of said road, nor as forfeiting the right of way or depot-grounds of any railroad company heretofore granted.

It is identical essentially with that part of the bill which pertains to this interest.

Mr. PLATT. Is section 2 the same as in the bill passed?

Mr. PALMER. I think it is identical. If not I will move a reconsideration on Monday.

Mr. PLATT. Very well.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Public Lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TIMBER ON PUBLIC DOMAIN.

Mr. TELLER. I ask the Senate to take up Senate bill 2877, Calendar No. 2173.

Mr. PLATT. I should like to give notice that when this bill is considered I shall move that the Senate adjourn.

Mr. TELLER. It is a very important bill, but a local one.

By unanimous consent, the bill (S. 2877) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 7, after the word "Idaho," to strike out "and" and insert "or;" in the same line, after the word "Montana," to strike out "and all other mineral districts of the United States;" so as to read:

That all citizens of the United States, and all persons who have declared their

intention to become such, and who are bona fide residents of the States of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, shall be, and are hereby, authorized and permitted to fell and remove for mining, etc.

The amendment was agreed to.

The next amendment was, in section 1, line 9, after the word "mining," to strike out "milling, manufacturing," and insert "quartz-milling."

Mr. STEWART. I think we had better insert "reducing ores." I move to amend the amendment by inserting the words "and ore-reducing," if that be agreeable to the Senator from Colorado.

Mr. TELLER. I have no objection. Let those words be inserted after the word "quartz-milling" in line 10.

Mr. STEWART. I do not care about "quartz-milling" at all.

Mr. TELLER. Let that stay in.

Mr. STEWART. Very well; let it stay.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. The proposed amendment is in section 1, line 10, after the word "quartz-milling," to insert "ore-reducing."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Public Lands was, in section 1, line 14, before the word "citizens," to strike out "said" and insert "such;" in line 17, after the word "be," to strike out "exported" and insert "used;" in line 21, after the words "who are," to insert "such citizens or have so declared their intention and are bona fide;" and in line 26, after the word "for," to strike out "mining, milling, manufacturing," and insert "mining, quartz-milling;" so as to read:

That all citizens of the United States, and all persons who have declared their intention to become such, and who are bona fide residents of the States of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, shall be, and are hereby, authorized and permited to fell and remove for mining, quartz-milling, ore-reducing, building, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under the existing laws of the United States except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents. No timber felled or removed under the provisions of this act shall be used out of the State or Territory in which it was felled or removed without the consent of the Secretary of the Interior first had and obtained. That nothing in this act shall be so construed as to impose any penalty on any person or persons who are such citizens or have so declared their intention and are bona fide residents of the States or Territories who may fell and take timber from any of the mineral lands in any of the States and Territories enumerated in this act for the manufacturing of lumber or fuel for sale for mining, quartz-milling, etc.

Mr. STEWART. In line 26, after the word "quartz-milling," I move to add "ore-reducing."

Mr. TELLER. Those words should be inserted in order to harmonize with the amendment previously made on the motion of the Senator from Nevada.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Public Lands was, in section 1, line 29, after the word "removed," to insert "such felling and removal under this section to be;" and in line 32, before the word "other," to strike out "such" and insert "any;" so as to read:

Such felling and removal under this section to be subject to such rules and regulations, not inconsistent with the provisions of this act, as the Secretary of the Interior may prescribe for the protection of any other timber and the undergrowth growing upon such lands.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That the disposal of timber on non-mineral lands for domestic purposes shall be made by means of licenses as follows, namely: First, a settler's license shall be granted to any bona fide settler not having sufficent timber on his claim for his use thereon, on the payment of a fee of $1. Such license shall confer the right, for one year, to cut, for the licensee's own use only and for domestic purposes, timber, fuel, and fence material, without waste and under the general regulations of the Secretary of the Interior upon any of the public lands which the licensee may designate near his settlement, but such license shall not give the licensee exclusive right to cut timber on the land so designated, nor prevent settlement under the laws of the United States. Second, a timber license shall be granted to any bona fide settler or mine operator, manufacturer, or other person, for the purpose of allowing him to supply himself or others with timber, fence material, or fuel, upon the payment of a license fee of $5 and a sum equal to $1 for each and every acre embraced in his license, to be paid on the issuing of such license. Such license shall be granted for one year and shall confer the exclusive right to cut the timber on not more than 40 acres, the same to be selected by the applicant and the selection to be approved by the register or receiver of the land office of the district within which the lands are situated.

And in lieu thereof to insert:

SEC. 3. That any citizen of the United States, or any person who has declared his intention to become such, and who is a bona fide resident of any of the States or Territories herein named, who is a bona fide settler under existing land laws upon any public land which has not sufficient timber thereon for his use for domestic purposes, shall, on application to the register and receiver of his land district, describing his claim, and on payment of a fee of $1, be granted a settler's license, conferring on him the right, for one year thereafter, to fell and remove from any of the public lands near his settlement, for his own use only, and for domestic purposes, any timber, fuel, and fence material thereon, without waste, and under such regulations as the Secretary of the Interior may prescribe; but such license shall not confer on him the exclusive right to fell and remove such timber nor prevent settlements under the laws of the United States. And any such citizen, or person who has declared his intention to become such, and who is a bona fide resident of any of the said States or Territories herein named, who is a bona fide settler on any public land, or a mine operator or manufacturer, who desires to supply himself or others with timber, fuel, or fence material from any public lands, shall, on application to the register and receiver of the land district, describing the quarter quarter-section of public land, and on payment of a fee of $5, and $50, being $1.25 per acre, be granted a license conferring on him for one year thereafter the exclusive right to fell and remove from such quarter quarter-section of public land timber, fuel, or fence material for his own use or the use of others residing in such State or Territory.

Mr. TELLER. I am directed by the Committee on Public Lands to move to strike out, in line 27 of section 3, the words "one year" and insert "two years." That was an oversight.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 27 of the proposed section 3, before the word "thereafter," strike out "one year" and insert "two years;" so as to read:

Be granted a license conferring on him for two years thereafter the exclusive right, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committte on Public Lands was to strike out section 4, as follows:

SEC. 4. That all licenses provided for in the preceding section shall be in printed forms, and shall be issued by the register and receiver of public money of the land district where such lands are situated, upon the payment of the license fee. Licenses shall be numbered in succession, as applications for them are made, and priority of application shall determine the order in which they are granted. The register and receiver shall keep open books, in which shall be recorded, in proper order, applications for license and the action taken upon them, with the names and residence or post-office address of the applicants and description of the lands applied for. No licenses of any kind shall be transferred from one company or person to another unless the transfer of the same is authorized by the Secretary of the Interior.

And in lieu thereof to insert:

SEC. 4. That the registers and receivers of each land office in any of the States or Territories herein named shall keep open books and record therein in consecutive order the name, residence, and post-office address of each applicant for license under this act, the date of his application, the description of the lands applied for, the action had thereon and the date of such action, the number of each license and its date, and shall grant and issue such licenses to bona fide settlers, and to bona fide settlers, mine operators, or manufacturers applying for a quarter quarter-section according to priority of application, and shall number such licenses in successive order. The said licenses shall be in such printed forms or partly printed and partly written forms as may be prescribed by the Secretary of the Interior, and shall not be transferable unless such transfer is authorized by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was to strike out section 7, as follows:

SEC. 7. That all applications for "lumberman's license" are to be made to the register and receiver of the proper land office and must be accompanied by a statement of the location and the proximate amount of the timber sought by the applicant. Such applications for a "lumberman's license" shall be considered in the months of May, July, August, September, and October only, and no license shall be granted before at least three months have expired from the date of application and the same has been advertised three times in a local paper of the district in which the licensee intends to locate. If the same location is sought by more than one applicant, priority of application shall not rule as to applications made in the same month, but the application for the smallest location shall, in such case, receive first consideration. And wherever a survey of the location is necessary, the applicant shall pay the expense of such survey; and whenever the licensee begins operations upon his location he must notify the register and receiver, and all cutting and disposal of the timber and other forest products shall be done under the supervision of the register or receiver and in accordance with such regulations as the Secretary of the Interior shall prescribe.

The amendment was agreed to.

The next amendment was to change the numbering of sections 8, 9, and 10 to sections 6, 7, and 8, respectively.

The amendment was agreed to.

Mr. STEWART. I move to amend, on page 2, section 1, at the end of line 32, by adding the words "of timber trees" after the word "undergrowth;" so that it shall read, "the undergrowth of timber trees growing upon such lands."

Mr. TELLER. There is no objection to that amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 1, line 32, after the word "undergrowth," it is proposed to insert "of timber trees;" so as to read:

For the protection of any other timber and the undergrowth of timber trees growing upon such lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT.

Mr. HAMPTON and Mr. PLATT addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from South Carolina.

Mr. HAMPTON. I was very anxious to call up a bill of great importance to South Carolina, but as my friend from Connecticut [Mr. PLATT] is anxious to adjourn, and I know that he wants the Senate full so that he can have all his friends to vote for my bill, I will not call it up this evening.

Mr. PLATT. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until Monday, September 17, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September* 14, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

VETO MESSAGE—JESSE M. STILWELL.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 6371, entitled "An act granting a pension to Jesse M. Stilwell."

On the 6th day of May, 1885—twenty years after this beneficiary was discharged from the Army—he filed an application in the Pension Bureau for a pension, alleging that in December, 1863, one year and eight months before his discharge, a comrade assaulted him with a stick while he was sitting in front of his tent preparing for bed and injured his back. He alleged that the assault was unprovoked and unexpected.

The claim was rejected upon the facts stated upon the ground that any injury incurred was not the result of military duty.

Unless the Government is to be held as an insurer against injuries suffered by any one in the military service, no matter how incurred, and also as guarantor of the good and peaceable behavior toward each other of the soldiers at all times and under all circumstances, this is not a proper case for the allowance of a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 13, 1888.

POLYGAMY.

The SPEAKER also laid before the House a letter from the Attorney-General in reply to the resolution of the House in relation to polygamy in Utah and Idaho; which was referred to the Committee on the Judiciary.

REPORT OF PACIFIC RAILWAY COMMISSION.

The SPEAKER also laid before the House the amendment of the Senate to the concurrent resolution of the House providing for the printing of 10,000 copies of the message of the President, together with the reports of the majority and minority of the Pacific Railway Commission.

Mr. RICHARDSON. I ask unanimous consent that the House agree to the Senate amendment. It simply provides for the printing of 5,000 copies of these documents for the use of the Senate. The House resolution provided for only 10,000 copies for the House. This simply adds an additional number of copies for the Senate.

There being no objection, the Senate amendment was concurred in.

JOHN D. ADAMS.

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] asks that an order be made requesting the Senate to supply the House with a duplicate engrossed copy of the bill (S. 320) for the relief of John D. Adams, that sent to the House having been lost or mislaid.

There was no objection, and the order was made as requested.

H. R. BLAKISTON.

The SPEAKER. The gentleman from Pennsylvania [Mr. O'NEILL] requests that an order be made asking the Senate to return to the House the bill (S. 1988) granting a pension to H. R. Blakiston, the object being to correct the name of the beneficiary.

There being no objection, the order was made as requested.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCSHANE indefinitely, on account of important business, and to Mr. HATCH for two weeks, on account of important business.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 212) for the relief of Patrick H. Winston, jr.;

A bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company;

A bill (S. 2913) granting a pension to Mary Sturgess;

A bill (S. 3186) granting a pension to Christian Winkel;

A bill (S. 2750) to increase the pension of Samuel A. Tate;

A bill (S. 2576) granting a pension to Richard Hudson; and

A bill (S. 1506) for the relief of Addie Bell.

Mr. LANHAM. I demand the regular order.

LIFE-SAVING STATION, NANTUCKET ISLAND.

Mr. CRISP. I wish to submit a privileged report from a conference committee.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8752) providing for the establishment of additional life-saving stations on Nantucket Island, Massachusetts, having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate.

CHARLES F. CRISP,
A. R. ANDERSON,
Managers on the part of the House.
T. W. PALMER,
J. N. DOLPH,
Managers on the part of the Senate.

The managers on the part of the House submit the following statement:

The House committee of conference on the disagreeing votes of the two Houses on H. R. 8752 submit the following explanation of the report herewith submitted:

The bill as it passed the House limited the cost of the life-saving station on Nantucket Island, Massachusetts, to the sum of $5,000. The Senate amendment strikes out this limitation, the report agrees to the Senate amendment, and no limit of cost is now fixed in the bill.

CHARLES F. CRISP,
A. R. ANDERSON,
Managers on the part of the House.

Mr. CRISP. I ask unanimous consent also, in this connection, that a letter from the superintendent of the Life-Saving Service, showing the reason for the action of the House conferees in agreeing to the amendment of the Senate, be printed in the RECORD.

There was no objection.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF GENERAL SUPERINTENDENT
UNITED STATES LIFE-SAVING SERVICE,
Washington, D. C., September 11, 1888.

SIR: I have the honor to acknowledge the receipt of your request of the 6th instant for a statement of reasons why the cost of the establishment of life-saving stations should not be limited in the acts authorizing such establishments.

In reply I would say that I entertain this opinion because:

First. It is impracticable to name a sum which would be a reasonable limitation for the cost of stations authorized for various localities upon the 10,000 miles of coast in the United States where the prices of material and labor greatly differ, the cost of transportation depends largely upon the accessibility of the locality, and where the amount of engineering skill and labor requisite must be determined by the peculiar local features of each site selected.

Second. On account of the large difference in the cost of stations in different localities the maximum amount which would have to be named as a limit would encourage the owners of property upon which stations were to be built to demand excessive prices for sites which otherwise the Government would be able, as now, to obtain at low rates or by donation.

Third. It would encourage communities where stations were to be erected, actuated by the desire for local aggrandizement, to press for the expenditure of the entire sum fixed as the limit.

In this connection I would state that the sum of $5,000, which was named in the amendment to certain bills providing for the establishment of stations, which passed the House in July last, is entirely inadequate. The accounting officers hold that the cost of establishing a station includes the expense of selecting the site; its purchase; the ascertainment of the validity of the title; advertising for proposals for the construction of the buildings; the cost of the buildings; the cost of supervising their construction, and of final inspection; the cost of equipment with apparatus, furniture, and outfits of every kind, and, in fine, all other expenses connected therewith. The average cost of the buildings alone in the last sixteen stations which have been constructed is $4,831.59; and the average cost of boats, apparatus, furniture, and other outfits has averaged $2,581.48. The smallest cost of any of these buildings are those erected at South Haven, Mich., for $3,814.63, and the largest those now being completed at Galveston, Tex., for $9,615. In all cases the lowest bids have been accepted upon plans and specifications after advertisement.

These facts, I presume, will satisfy the committee and Congress that the proposed limitation of $5,000 is insufficient, and that it would be inexpedient to establish any limitation.

Respectfully, yours,

S. I. KIMBALL,
General Superintendent.

Hon. CHARLES F. CRISP,
Chairman pro tempore Committee on Commerce,
House of Representatives.

The report of the conference committee was adopted.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LEE. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The regular order has been demanded. Is the demand for the regular order withdrawn?

Mr. LANHAM. I withdraw the demand for the regular order for the present.

Mr. KILGORE. I demand the regular order.

WITHDRAWING PUBLIC LANDS FROM SALE.

Mr. STONE, of Missouri. I ask to make a privileged report, and I ask present consideration of the bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 11388) to withdraw certain public lands in the Territory of Wyoming from sale or disposition under the laws of the United States, and for other purposes.

Mr. STONE, of Missouri. I am directed by the committee to ask consideration of the bill.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act all public lands in townships 20, 21, and 22 north, of range 116, and in townships 19, 20, 21, and 22

north, of range 117, in the Territory of Wyoming, be, and the same hereby are, withdrawn and reserved from sale or disposition under the laws of the United States: *Provided*, That nothing herein contained shall be construed to affect any right heretofore acquired in good faith and in pursuance of existing law: *And provided further*, That any lands included in any of said townships which may be hereafter restored to the public domain shall become and be subject to the provisions of this act.

The amendment of the committee was read, as follows:

Strike out the first proviso, beginning with the word "*Provided*," at the end of line 9, down to and including the word "law" in line 12, and in lieu thereof insert: "*Provided, however*, That any part of said lands exclusively valuable for agriculture shall remain subject to entry under existing law."

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STONE, of Missouri. I ask that the report of the committee be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the report be printed in the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

The report of the committee (by Mr. STONE, of Missouri) is as follows:

Your committee having had under consideration H. R. 11388, report the same back to the House with an amendment. The committee propose to strike out the first proviso, beginning with the word "*Provided*," in line 9, and ending with the word "law," in line 12, as being unnecessary, and in lieu thereof to insert the following: "*Provided, however*, That any part of said lands exclusively valuable for agriculture shall remain subject to entry under existing law."

The lands sought to be withdrawn by this bill are in Southwestern Wyoming. In parts of the several townships described in the bill are located coal fields containing deposits phenomenal in extent and of rare value. Indeed, the facts brought before your committee have led to the conviction that in the small area described in the bill are contained the most remarkable and in some sense the most valuable coal deposits on the American continent. The existence of these coal fields have but recently come to the public knowledge. Combinations and syndicates have been formed to obtain possession and control of them under the law authorizing the purchase of coal lands. The lands are within 15 miles of the Union Pacific Railroad, and the law fixes the price at $20 per acre. The contest between opposing interests has brought the matter to public attention. Various schemes have been devised to obtain title and to monopolize the lands. Different experts have been sent out to examine them. In 1863 Mr. P. W. Sheafer, of Pottsville, Pa., geologist and engineer of mines, and a practical and experienced operator on a large scale in the coal regions of Pennsylvania, was sent out by one of the combinations endeavoring to get control of these lands, or a large part and the most valuable part of them, for the purpose of examining and reporting the extent and value of the deposits. He concluded his report as follows:

"In concluding I would say that it has never been my privilege to look upon so vast and magnificent a deposit of coal as you have in Coal Ridge, and while it is a cretaceous deposit, inferior to anthracite and bituminous coals in calorific power, it has here, where it is the only coal, and where wood is scarce and costly, a value second to none, and however rich other regions may prove in coal-bearing strata, I question whether yours will not exceed them in possible output and outrank them in convenience of access. Taking into consideration the pertinent facts in relation to your lands, the great number, thickness, and extent of the coal beds, the character of the coal, the millions of tons above water level capable of being easily and cheaply mined, their location in reference to markets, and remembering that the coal areas of the West are comparatively small and isolated, one then can only fairly estimate the value of this great coal deposit which as yet stands without an equal."

The actual cash value of these lands is evidently very great, and their value to the people and to the industries of a vast region where fuel is scarce and high is inestimable if a monopoly of the lands can be prevented. At present the fight for the possession of them by opposing interests is fast and furious, and among the foremost in this desperate struggle are capitalists from abroad. Declaratory statements have been filed upon nearly all the lands certainly known to contain coal. Contests have been made and others are pending in many instances. A corporation was organized in the city of New York especially for the purpose of obtaining these lands. An agent was sent out and located on the ground, to whom the company furnished names of persons to be used in the location of entries and money with which to make the entries. This scramble for the possession of these lands is still in progress. It is a long history, and it would require much time to give all the details.

The Commissioner of the Land Office is now prosecuting inquiries and using what powers he has to get at all the facts. The entries made, or the declaratory statements filed, may be denied and canceled. And it is in anticipation of that result that this proposed legislation becomes important. If the present schemes for monopolizing these lands should be thwarted by official scrutiny and prompt action, very little would be accomplished, so far as the public interest is concerned, as long as the law now applicable to them remains as it is. New schemes for their acquisition would be started at once, and the lands would sooner or later pass into the hands of a monopoly, or else the Land Department would be harassed continually with every species of vexatious and expensive annoyance incident to the situation.

Your committee agree unanimously in the opinion that the public welfare will be best subserved, and deem it the part of prudence and wisdom to withdraw the lands from sale to await future legislation by Congress.

ORDER OF BUSINESS.

Mr. LANHAM. I move to suspend the regular call of committees for reports, and ask unanimous consent that gentlemen having reports to make be allowed to present them to the Clerk for reference to the appropriate Calendars.

The SPEAKER. Is there objection to the request of the gentleman from Texas to dispense with the morning hour?

YELLOW FEVER IN FLOBIDA.

Mr. DOUGHERTY. I would ask the gentleman to yield to me to have read a telegram which has been sent by Surgeon-General Hamilton to Hon. S. V. WHITE, of New York, in reference to the yellow fever in Florida.

The SPEAKER. The gentleman from Florida [Mr. DOUGHERTY] asks unanimous consent to have the telegram read. Is there objection?

Mr. LANHAM. I yield for that purpose.

The Clerk read as follows:

CAMP PERRY, FLORIDA, *September* 13, 1888.

Hon. S. V. WHITE,
House of Representatives, Washington, D. C.:

This camp is getting in splendid condition, and a safe and sure outlet is now provided from Florida infected points to North. No sickness among refugees here, but five cases yellow fever in hospital. Tents half mile away. Have in place twenty-eight pine buildings and one hundred and fifty A tents. Baker County as well as Duval now danger points. Weather wet and favors development. Demand for aid from frightened Florida and Georgia towns entirely beyond appropriation.

HAMILTON.

Mr. DOUGHERTY. I was authorized by the chairman of the Committee on Appropriations to call up the joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States, Report No. 3407.

The SPEAKER. The gentleman from Texas did not yield for that purpose. Does the gentleman from Texas withdraw the demand for the regular order?

Mr. LANHAM. I withdraw the demand for the present.

The Clerk read as follows:

Resolved, etc., That in addition to the unexpended balance of the fund heretofore appropriated, the sum of $200,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, to be expended in the discretion of the President of the United States in aid of State or municipal boards of health, or otherwise, by such means as he shall deem best, to prevent the introduction of cholera or yellow fever into the United States from foreign countries, or into one State or Territory from another, or into the District of Columbia from any State or Territory, or into any State or Territory from said District.

The report (by Mr. FORNEY) was read, as follows:

The Committee on Appropriations, to whom was referred the joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States, having considered the same, beg leave to report it back herewith with the recommendation that it do pass.

Herewith is submitted certain correspondence had by the committee with the Treasury Department touching the subject-matter of the joint resolution.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., August 25, 1888.

SIR: By direction of the Committee on Appropriations, House of Representatives, I hand you herewith a copy of the Senate joint resolution 102, making an appropriation to suppress infection in the interstate commerce of the United States, and to request that you will, as early as may be practicable, advise them whether you deem it necessary and important that the same shall become a law.

The committee further request that you will inform them what balance of the appropriation made by the sundry civil appropriation act approved March 3, 1887, is now available for preventing the spread of epidemic diseases, and whether, under the provisions of that appropriation, the President has sufficient power to take all known and needful steps to prevent the spread of yellow fever, now prevalent in portions of the State of Florida.

Very respectfully,

JAMES C. COURTS,
Clerk Committee on Appropriations, House of Representatives.

Hon. C. S. FAIRCHILD,
Secretary of the Treasury.

TREASURY DEPARTMENT, *Washington, August* 27, 1888.

SIR: I have the honor to acknowledge the receipt of the committee's letter of the 25th instant, making inquiry—

1. What is the amount of the unexpended balance of the appropriation for the prevention of the spread of epidemic diseases, and in answer to inform you that there is now an available balance of about $149,000; the exact amount can not be definitely stated owing to the fact that certain authorized expenditures have not yet been reported. You ask the opinion of the Department whether the proposed joint resolution 102 should become a law, and I have to say that it is at this time impossible to forecast the expenses that may become necessary in case of the further spread of the epidemic, and that in my opinion the passage of the resolution would be expedient.

2. The committee further inquire whether under the provisions of the appropriation the President has sufficient power to take all known and needful steps to prevent the spread of yellow fever, and in relation thereto I submit a copy of a letter written to the chairman of the Senate Committee on Epidemic Diseases, as containing the views of the Department on the further measures necessary to make the appropriation acts more effective in the fulfillment of the legislative intention.

Respectfully, yours,

I. H. MAYNARD, *Acting Secretary.*

CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

TREASURY DEPARTMENT, *Washington, August* 20, 1888.

SIR: I have the honor to inclose the draught of a bill to prevent the introduction of contagious diseases from one State into another, and to provide for the punishment of certain offenses.

It has long been evident to the Department having charge of the matter that while the maritime quarantine is fully up to the present requirements, a general law making definite provisions for the framing of regulations for the conduct of operations to prevent the spread of epidemic diseases from one State to another was wholly lacking in vital force and statutory sanction. An appropriation act originally passed to tide over a public exigency then existing has been continued down to this time, and many instances have arisen showing the inadequacy of the power to frame satisfactory regulations.

In regard to the proposed penalty, it is the opinion of the Department that no penalty can be too severe for such a violation of the regulations as would introduce a virulent epidemic from one locality to another, and experience in the

conduct of the service has shown conclusively the difficulty of executing by Federal machinery the local ordinances of a State or municipality.

It is therefore hoped that an act in some such form as the inclosed draught may be passed as speedily as practicable.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

Hon. ISHAM G. HARRIS,
Chairman Committee on Epidemic Diseases, United States Senate.

A bill to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when, in pursuance of the request of the governor of a State, the President shall by order direct the employment of any portion of the appropriation for the prevention of the spread of epidemic diseases within the boundaries of the said State in the maintenance of quarantine at points of danger or otherwise, in his discretion, any officer, or person acting as an officer or agent of the United States, who shall knowingly and willfully violate any lawful order of his superior officers shall be deemed guilty of a misdemeanor, and when any such officer or person acting as an officer or agent of the United States shall so violate, disobey, or willfully neglect to obey the order of a superior officer, as to cause the extension of cholera, small-pox, yellow fever, plague, or other disease prevailing as an epidemic, such officer or person acting as an officer or agent of the United States shall be deemed guilty of a felony.

SEC. 2. Whenever any common carrier, through its officers, agents, or employés, shall violate any quarantine order or regulations made in accordance with the provisions of section 1 of this act, such officer, agent, or employé shall be deemed guilty of offense in the same degree as that defined in section 1, and shall suffer the same penalty as that provided in section 3 of this act.

SEC. 3. Any person convicted of a misdemeanor under the provisions of this act shall forfeit and pay a fine of not less than $300, and any person convicted of a felony shall forfeit and pay a fine of not less than $3,000, and suffer imprisonment at hard labor for a period of not less than one nor more than three years; and when any person in the service of the United States shall be convicted of a misdemeanor or of a felony under the provisions of this act he shall, in addition to the penalty aforesaid, be dismissed the service forthwith.

SEC. 4. Whenever it shall be made to appear to the satisfaction of the Secretary of the Treasury that any of the diseases specified in section 1 of this act exist in any State, and that there is danger of the spread of such disease by the usual channels of transportation to other States, he is authorized to adopt such rules and regulations as in his judgment may be necessary in order to prevent the spread thereof from one State to another, and to employ such inspectors and other persons as may be necessary for the purpose aforesaid; and any person who shall knowingly disobey or violate any order, rule, or regulation made by the Secretary of the Treasury pursuant to the authority herein conferred shall be deemed guilty of a misdemeanor, punishable by a fine of not less than $500 and by imprisonment for a period of not less than one year.

Mr. BLOUNT. I would like to ask the gentleman from Florida how large an amount of the appropriation that has been made is still on hand?

Mr. DOUGHERTY. Very little. The telegram states that the demand exceeds the amount on hand.

The resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. DOUGHERTY moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. SPRINGER. If I had any idea that there would be a quorum in the House to-morrow I would oppose this motion; but believing that there will not be a quorum present I hope it will be adopted.

The motion was agreed to.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question now is on the motion of the gentleman from Texas, dispensing with the morning hour. Is there objection? The Chair hears none, and it is so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

JOHN SWEENEY.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10947) for the relief of John Sweeney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TALLMOND GRAY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8223) granting a pension to Tallmond Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LOUISA HUMPHREY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11333) granting a pension to Mrs. Louisa Humphrey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE J. CLARK.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9654) granting an increase of pension to Jesse J. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY K. RICHARDS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3306) granting a pension to Mary K. Richards; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M'COOL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 5807) granting a pension to John McCool; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLOTTE AYRES.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 11316) granting a pension to Charlotte Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES E. SCOTT.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4867) granting a pension to Charles E. Scott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEMUEL A. WHEELER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8911) granting a pension to Lemuel A. Wheeler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELI J. YAMGHEIM.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2236) granting a pension to Eli J. Yamgheim; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANNA LEACH.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10109) granting a pension to Mrs. Anna Leach; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY J. FOSTER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3030) granting a pension to Mary J. Foster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

KATE C. VAN ARNUM.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3422) granting a pension to Kate C. Van Arnum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INDIAN DEPREDATION CLAIMS.

Mr. HERMANN, from the Select Committee on Indian Depredation Claims, reported back favorably the following cases; which were severally referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed, namely:

A bill (H. R. 2823) for the relief of Hardy Elliff;
A bill (H. R. 655) for the relief of P. C. Davis;
A bill (H. R. 2831) for the relief of I. B. Nichols;
A bill (H. R. 3827) for the relief of George S. Comstock;
A bill (H. R. 3831) for the relief of James Bainter;
A bill (H. R. 2817) for the relief of George Engle;
A bill (H. R. 2828) for the relief of Rev. John Wesley Miller;
A bill (H. R. 2818) for the relief of Michael Riley;
A bill (H. R. 2829) to pay the heirs of George W. Harris and his wife, Mary A. Harris, and their daughter, Sophia Love, deceased, of Oregon;
A bill (H. R. 2835) for the relief of John P. Walker;
A bill (H. R. 2837) for the relief of Vitz Schulz;
A bill (H. R. 2830) for the relief of B. B. Bishop;
A bill (H. R. 2824) for the relief of W. C. McKay;
A bill (H. R. 2813) for the relief of B. F. Dowell;
A bill (H. R. 5834) to provide compensation to Isaac Bailey, of Doug-

las County, State of Oregon, for Indian depredations committed by the Piute and Modoc Indians on Pitt River, in California;

A bill (H. R. 2816) for the relief of Mrs. Kate Halton;

A bill (H. R. 2815) to indemnify Abial Morrison for property destroyed by hostile Indians in Washington Territory in the years 1855 and 1856;

A bill (H. R. 2821) for the relief of E. J. Northcutt and brothers;

A bill (H. R. 5271) to pay Joseph Russell, of Coos County, Oregon, $310 for property destroyed by hostile Indians in Oregon in 1855 and 1856; and

A bill (H. R. 4012) to pay Green Arnold, of La Grande, Oregon, $7,596.80 for Indian depredations committed.

THERESA HERBST.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back the bill (H. R. 8078) granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment of New York Volunteers, with the recommendation that it be passed notwithstanding the objection of the President; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES A. COOK.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 11304) for the relief of James A. Cook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. J. SHACKLEFORD.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 11351) for the relief of E. J. Shackleford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS UNDER BOWMAN ACT.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably a bill (H. R. 11431) for the allowance of certain claims for stores and supplies taken and used by the Army of the United States as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NICOLLET ISLAND.

Mr. TURNER, of Kansas, from the Committee on the Public Lands, reported back favorably the bill (H. R. 6286) granting to the city of Minneapolis, Minn., certain described tracts of land bordering on Nicollet Island; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 221) to continue the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution entitled a 'Joint resolution to provide temporarily for the expenditures of the Government.'"

ORDER OF BUSINESS.

Mr. LANHAM. I move that the House resolve itself into Committee of the Whole House on the Private Calendar.

The motion was agreed to.

Mr. CHIPMAN. Mr. Speaker——

The SPEAKER. The House has resolved to go into Committee of the Whole.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the Private Calendar. The Clerk will report the first bill.

Mr. LANHAM. I ask unanimous consent that the roll of members may be called, and that gentlemen present, as their names are reached on the roll, may be allowed to call up each one bill. There are a great many private bills on the Calendar that will provoke but little discussion, and I think that by adopting this order of proceeding we shall be enabled to dispose of a considerable amount of business. On the other hand, if we take up the Calendar in its regular order we shall be confronted at the outset with some bills that are very strongly opposed, and the probability is that the day will be consumed without much business being dispatched.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] asks unanimous consent that the consideration of bills on the Private Calendar be had to-day in the order usually observed at the Friday evening sessions for the consideration of pension business—that is, that the roll be called in the regular order, and that each member present as his name is called shall have the right to call up one bill for consideration. Is there objection?

Mr. WHEELER. Mr. Chairman, if that rule is to be adopted it will relegate all members whose names come toward the end of the roll to a later day, and probably they will get no hearing at this session of Congress. There is a bill at the top of the Calendar to which there can be no objection, and which I have endeavored for a long time to bring before the House, but objections were made, and finally the bill was passed over——

The CHAIRMAN. Does the gentleman object to the request of the gentleman from Texas [Mr. LANHAM]?

Mr. WHEELER. I will not object, Mr. Chairman.

There was no objection to the request of Mr. LANHAM, and it was so ordered.

Mr. STONE, of Kentucky. Mr. Chairman, there was some confusion in the Hall when the Chair stated the order, and I ask that it be again stated for the information of members.

The CHAIRMAN. The Chair will again state the order as it was adopted by the committee. The names on the rolls are to be called in their regular order, and when the name of a member is called he is to have the right to present for consideration one bill which is upon the Private Calendar, but no other business, and if any member fails to respond or to call up a bill the next name will be called, and so on.

Mr. BAKER, of New York. Does that relate to pension bills also?

The CHAIRMAN. It does not. It relates only to bills upon the Private Calendar.

Mr. THOMPSON, of Ohio. I understand that the order includes pension bills.

The CHAIRMAN. They are to be considered at the Friday evening session.

Mr. THOMPSON, of Ohio. But they stand on the Calendar and they are private bills, and the habit has been to call them up when we have had a private bill day.

The CHAIRMAN. The Chair did not understand that the order included pension bills, because they are assigned for consideration on Friday evenings. The Chair did not understand the request of the gentleman from Texas to include pension bills.

Mr. LANHAM. It did not.

The CHAIRMAN. The order is as it has been stated by the Chair

MRS. SALLIE H. CARROW.

Mr. ATKINSON. I call up the bill (H. R. 8979) for the relief of Mrs. Sallie H. Carrow, executrix of Samuel T. Carrow, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed, out of any moneys in the Treasury not otherwise appropriated, to pay to Mrs. Sallie H. Carrow, the widow and sole executrix of the last will and testament of Samuel T. Carrow, deceased, the sum of $3,596, on account of property taken from said deceased for the use of the armies of the United States, the same being the amount awarded to said deceased by the Commissioners of Claims, as by reference to the third annual report of said commissioners, bearing date December 8, 1873, will more fully appear.

Mr. HOLMAN. Let the report be read.

The report (by Mr. BROWER) was read, as follows:

The Committee on War Claims, to whom was referred House bill No. 8979, after careful consideration and painstaking investigation of the claim of Mrs. Sallie H. Carrow, the widow and sole executrix of Samuel T. Carrow, deceased, submit the following statement of facts and conclusions:

This claim is based upon a claim filed in 1872 by Samuel T. Carrow (now deceased) before the Commissioners of Claims, under act of March 3, 1871, which claim is numbered 11427 upon the registry of said commissioners, and is for the sum of $10,870, on account of property taken from him by and for the armies of the United States. The Commissioners of Claims took under consideration this claim, and reported to Congress an allowance of $3,596, as appears in the summary report made by said commissioners, also on page 20 of their third annual report, bearing date December 8, 1873, which report established the loyalty of said Samuel T. Carrow, and fixes his claim as above stated.

Early in 1874 an anonymous letter was received by the Commissioners of Claims, purporting to have been written from Washington, N. C., calling into question the loyalty of said Carrow and the justice of his claim.

This letter, written in a scrawling and disguised hand, reads thus:

"WASHINGTON, N. C.

"SIR: I perceive from the list of claims that Col. Samuel T. Carrow, late marshal of North Carolina, recorded as No. 11427, and as from Wake County, North Carolina, but a native and resident of Beaufort County, has been awarded by your commission $10,870. You have certainly been imposed upon in more respects than one. Colonel Carrow's entire property of every description previous to 1861 never exceeded in valuation over $2,500, including slaves. He did aid and abet the Confederates by furnishing provisions, encouraging men to enlist, and in other ways, as will be readily proven to your satisfaction by applying to the following persons for information, who are the most prominent in the county: Satterthite & Brown, Sparrow & Shepard, lawyers; Dr. John McDonald, Dr. David Taylor, Dr. Jesse Bryan, and Dr. William Blount; or to the following merchants: John Myers & Sons, George Brown & Co., Benjamin F. Havens, John Blount, William Shaw, Edmund S. Hoyt, John Arthur, J. G. Brogon, John Smallwood, or to his neighbors, William Branch, William Blount, Burton Stilley, William Patrick, Joseph Stickney, Bryan Grimes, Joseph Laughinghouse, Churchill Bright, Thomas Wingfield. Or, if you send some one down to Washington to take evidence, you can convict him of falsehood by one-half of the people in Beaufort County."

(It will be observed that this letter is without date as well as without signature.)

A communication without paternity, of a character always dangerous and pernicious, wholly at variance with fair and honorable dealing, in violation of every principle of manly, moral courage fortified by the truth, coming from a hand only fitted to wield the assassin's stiletto, ignobly bent upon the gratification of personal malice, resorts to measures altogether contemptible and reprehensible, accomplishes its nefarious design in causing the Commissioners of Claims to recall the papers touching the claim of said Carrow from the Committee on War Claims, House of Representatives, which papers were referred to Special Agent Nelson, who, it appears, visited Washington, N. C., commenced

to take and did take testimony without notice to the claimant, contrary to the universal rule of taking evidence.

While questioning the propriety of considering testimony so taken (covering the dates between February 4, 1874, and February 19, 1874), yet this testimony, fairly weighed, detracts nothing from Samuel T. Carrow's claim, but rather substantiates the justness thereof and establishes his loyalty. The loyalty of Samuel T. Carrow can not be questioned after an impartial review of the testimony (taken in the informal manner), for it appears that of the twenty-four names of individuals and firms given in the anonymous letter, eighteen were examined. Of that number twelve witnesses, among them political and war adversaries, testify that claimant Carrow was loyal and true to the Government of the United States during the late civil war; two of these witnesses are in doubt as to what were Carrow's sentiments, and only four openly and directly charge him with disloyalty. Of those who maintain that Carrow was loyal—

George Brown says "that he (Carrow) was loyal to the United States."

R. D. Myers says his (Carrow's) sympathies were with the Union," and that he "was thoroughly loyal to the United States Government, as shown by letters written by him to friends and captured during said war."

Thomas Sparrow says that Carrow's "sympathies and feelings during the entire war, from beginn ng to end, were in favor of the Union and against the war."

W. H. Patrick says "he (Carrow) sympathized with the United States Government and denounced secession."

John W. Blount says "he (Carrow) was regarded as a Union man."

Churchill Bright says Carrow "was in favor of the Union against the Confederacy, and believes his Union feelings grew stronger all the while after the State went out."

Edmund S. Hoyt says Carrow "was opposed to the secession movement and was looked upon as being disaffected toward the South."

John McDonald says that Carrow's "general reputation was that of a decidedly loyal man to the United States Government."

W. A. Blount says that Carrow's general reputation "was that of a very loyal man to the United States Government during the war."

Dr. David T. Taylor says that Carrow's "general reputation was that of a truly loyal man to the United States Government during the war."

John C. Bragonier "regarded him (Carrow) as disloyal to the Confederate government."

John Albert says he "was intimate with him (Carrow) during the war, and knows he was opposed to secession."

It also appears when it came to the knowledge of the said Carrow that Special Agent Nelson was proceeding to take testimony or would take testimony, Carrow, through counsel, asked opportunity to cross-examine witnesses, the clerk of the Commissioner of Claims replied to Carrow's counsel, saying:

"We also sent an agent to Washington, N. C., to see the persons named in the anonymous letters and find out how much truth there is in the charges. Meantime we have not touched our report and the papers in the case before the War Claims Committee. If it becomes necessary to go into an investigation, of course you are to have every opportunity of rebuttal; but if this preliminary investigation ends in sustaining the findings already made, what is the use of troubling Carrow or yourself?

"Signed, yours, Chas. F. Benjamin."

(This is an extract from a letter dated at Washington, D. C., February 13, 1874, pending the taking of testimony by Special Agent Nelson, above referred to.)

It demonstrates that the Claims Commission treated this investigation as preliminary, and the evidence taken of no greater weight than any other *ex parte* testimony. Afterward, on March 31, 1874, Carrow, by counsel, asked the special agent, H. E. Nelson, to recall certain witnesses examined by him during preliminary investigation, which special agent did; and in addition thereto examined some ten or twelve other persons, and the examination of the testimony given is substantially as elicited in the preliminary examination, and of the eleven persons who testified at the subsequent or second and more regular taking of testimony, all testify to the undoubted loyalty of Samuel T. Carrow (now deceased) to the Government of the United States, with but a single exception, and that person was simply unable to state whether or not said Carrow was a loyal citizen.

After this additional testimony had been taken and submitted to the Commissioner of Claims they returned their original report to the House of Representatives without modification, thereby ratifying and reconfirming the same, the award and allowance of $3,596 to Samuel T. Carrow (now deceased), on account of his claim as hereinbefore set forth; which report was referred again to the Committee on War Claims, January 9, 1880, where it failed to receive consideration, and all papers in relation thereto at the expiration of the Forty-third Congress found their way into the files of the House of Representatives.

Your committee deem this a case of peculiar merit which has been subjected to singular hardship, and as in some measure repairing the injustice occasioned by tardy recognition of the rights of a loyal citizen's claim, who has passed away, leaving this claim as a legacy to his family, believing that an honest and just Government will discharge its valid obligations to the widow and orphan, submits herewith the bill (H. R. 8979) for the relief of Mrs. Sallie H. Carrow, executrix of Samuel T. Carrow, deceased, without amendment, with the recommendation that the same do pass.

Mr. HOLMAN. I wish to make one inquiry of the gentleman reporting this bill. If the Southern Claims Commission, after the supplemental examination, reported favorably upon this claim, how did it happen that it was not paid? I have no recollection of any claims reported by the Southern Claims Commission not having been provided for by the current appropriation bills.

Mr. ATKINSON. I will yield to the gentleman from Kentucky [Mr. STONE], the chairman of the Committee on War Claims, who will answer the gentleman's question.

Mr. STONE, of Kentucky. The explanation may be made very briefly; in fact it is all set forth in the report.

Mr. HOLMAN. My inquiry was as to the reason of the failure to allow this claim heretofore. These claims came in at each session of Congress and were reported in one bill in the same way as the 4th of July claims; and if this claim was favorably acted on, how did it happen that it did not go into the general bill, as those general bills were passed from year to year, up to 1880?

Mr. STONE, of Kentucky. This claim, as is stated in the report, was originally passed at $10,870; the court allowed $3,596. After that allowance, and after the bill had been reported to the House, this anonymous letter was received undertaking to impeach the loyalty of this man Carrow. Hence this claim was omitted from the general bill. Before further testimony upon the question of loyalty had been received the 1st of January, 1880, had passed.

Mr. HOLMAN. I understand from the report as read that this supplemental proof was taken in 1874 or 1875, which would be five years before the last report on these claims.

Mr. STONE, of Kentucky. The supplemental proof was taken at that time, and was filed with the papers in the case; but, as the papers themselves show, the matter was left untouched and nothing done with it. The claim was not included in the general bills subsequently reported. In 1880 some one representing this claimant secured the introduction of a bill for the payment of this claim, and the bill was referred to the Committee on War Claims. In the various vicissitudes which attend claims before Congress, this claim has slumbered there until the present time. The Committee on War Claims found this state of facts existing, found nothing had been done by Mr. Carrow or Mrs. Carrow which should deprive them of their right to this money; hence the committee could do nothing else than report that the claim ought to be paid.

Mr. COBB. Will the gentleman tell us what the claim is for? The report does not state that.

Mr. STONE, of Kentucky. The papers show it. I do not remember the circumstances. The papers show clearly the nature of the claim. It was for such supplies as were furnished to the armies of the United States, and claims for which were considered and allowed by the Southern Claims Commission, this claim having been filed before that commission and allowed.

Mr. HOLMAN. I shall not object to this bill; yet I am apprehensive that the whole facts have not been ascertained by the Committee on War Claims. I had the honor to be a member of that committee for a portion of the time when this matter was pending before the committee. I remember that this claim was withdrawn on account of some question having arisen; but how it happened (the claim having been reported back in 1875) that no appropriation was made for it in any general bill is what I can not understand. I apprehend something has transpired which is not now before the House; but not being able to recall all the facts, I do not feel justified in raising objection to the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

W. W. WELCH.

The Clerk called the name of Mr. BACON.

Mr. ANDERSON, of Mississippi. Mr. Chairman, I was present in the House and did not hear my name called.

The CHAIRMAN. In view of that statement the gentleman will be recognized.

Mr. ANDERSON, of Mississippi. I call up for consideration the bill (H. R. 2557) for the relief of W. W. Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. W. Welch, of Meridian, Miss., the sum of $103.86, on account of services rendered from February 10, 1872, to April 12, 1872, both dates inclusive, as local mail agent at Meridian, Miss.; and the said sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That this act take effect from the date of its passage.

The report (by Mr. SHAW) is as follows:

Your committee find from the records of the Post-Office Department that the claimant was duly appointed local mail agent at Meridian, Miss., on February 10, 1872, at $600 per annum, and served in that capacity until April 12 following, when his services were discontinued upon the recommendation of Robert E. Leachman, then postmaster at Meridian, as no longer needed. Although the service was rendered, the claimant received no pay therefor, the postmaster at Meridian not being authorized to pay for such service. There is due him, therefore, according to the auditor of the Post-Office Department, the sum of $103.58, and your committee would recommend that the bill be amended by striking out the word "eighty-six," in line 6, and inserting in lieu thereof the word "fifty-eight," and as so amended the bill do pass.

POST-OFFICE DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT RAILWAY MAIL SERVICE.
Washington, D. C., March 27, 1888.

SIR: I return herewith a letter personally handed to me by you from Hon. FRANK T. SHAW, making inquiry regarding the nature of the services performed by W. W. Welch, appointed local mail agent at Meridian, Miss., February 10, 1872, salary $600 per annum, and discontinued April 12, 1872, and asking further why his services were discontinued, why he was not paid for services performed, and who was the postmaster at Meridian, Miss., at that time.

In reply I would state that the records of this office, so far as the date of appointment and date of discontinuance of Mr. Welch, agree with those given by Hon. Mr. SHAW, namely, appointed February 10, 1872, at $600 per annum, and his services discontinued April 12, 1872, upon the recommendation of the postmaster at Meridian, Miss., stating that his services were not necessary.

Local agents are usually appointed at important railroad junctions, and their duties are to see that the mails are properly transferred from one road to another, keep a record of the arrival and departure of trains, and attend to any other business assigned them by the Superintendent of Railway Mail Service in whose division they may be located.

The name of the postmaster at Meridian during 1872 was Robert E. Leachman.

I inclose herewith a copy of a letter from the Auditor of the Treasury for the Post-Office Department, dated June 19, 1880, upon the same subject, which may have a bearing on the case.

Very respectfully,

T. E. NASH, *General Superintendent.*

Hon. A. E. STEVENSON,
First Assistant Postmaster-General, Washington, D. C.

JUNE 19, 1880.

SIR: In reply to your letter dated April 22, 1880, in regard to the claim of W.

W. Welch, local mail agent at Meridian, Miss., in 1872, I have the honor to inform you that the following facts have been ascertained:

Mr. Welch performed service as local mail agent through substitute from February 10 to April 12, 1872, and received no pay for the same, the postmaster at Meridian not having been authorized to pay for such service.

Mr. Welch having been appointed at $600 per annum, he is entitled to $163.58 for this service, but can not be paid until Congress makes an appropriation for that purpose.

Very respectfully,

J. M. McGREW, *Auditor.*

Hon. SAMUEL L. SAWYER,
House of Representatives.

The amendment reported by the Committee on Claims, striking out, in line 6, "86 cents" and inserting "58 cents," was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NEHEMIAH OSBURN.

Mr. BAKER, of New York. I call up the bill (H. R. 464) for the relief of Nehemiah Osburn. I ask unanimous consent that a bill granting the same relief, which was reported favorably by the Committee on Claims in the Forty-ninth Congress, be considered in lieu of this bill. The bill of the Forty-ninth Congress was reported with the preamble struck out. My object is to avoid the necessity of reading that long preamble.

Mr. KILGORE. I do not understand the gentleman's request.

Mr. BAKER, of New York. It is simply to substitute for the bill I have called up from the Calendar a bill of the Forty-ninth Congress granting the same relief, but which does not contain the long preamble embraced in the bill of the present Congress. I desire to save the necessity of reading that long preamble.

Mr. KILGORE. Is not this the same bill which was beaten here one night?

Mr. BAKER, of New York. It is a bill which was considered in the House at an evening session.

Mr. KILGORE. Was it not beaten?

Mr. BAKER, of New York. No, sir; its consideration was withdrawn under an arrangement then made.

Mr. KILGORE. I think the bill ought to be read as it is.

The CHAIRMAN. The gentleman from Texas [Mr. KILGORE] objects to the request of the gentleman from New York. Does the gentleman from New York desire to call up the bill he first indicated?

Mr. BAKER. Yes, sir; let its consideration proceed.

The bill (H. R. 464) for the relief of Nehemiah Osburn was read.

Mr. LANHAM. Mr. Chairman, the bill which has just been read is likely to provoke a great deal of discussion and opposition. My object in asking the order which has been made in regard to business to-day was that we might get through with as many bills as possible not involving large appropriations. I ask now to modify my request, so that only bills to the consideration of which no objection is made may be considered to-day. By the adoption of this order we shall be enabled to dispose of some business.

Mr. WHEELER. I move to amend that order so as to provide that bills not objected to by three members may be considered.

The CHAIRMAN. No amendment can be entertained; the order can only be made by unanimous consent.

Mr. LANHAM. I make this request with a view to dispatching as much business as possible.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] asks unanimous consent to modify the order already made, so as to consider only bills to which there is no objection.

Mr. McCREARY. Is it understood that if a member calls up a bill which is objected to he shall have the right to call up another bill?

The CHAIRMAN. That would be the ruling of the Chair. Is there objection to the order requested?

Mr. CHIPMAN. I object.

Mr. WHEELER. I ask unanimous consent that no bill be considered which is objected to by three persons.

Mr. PERKINS. Say five persons.

Mr. BLAND. Yes, that would be better; that is in accordance with the old rule.

Mr. WHEELER. I accept the suggestion. I ask unanimous consent that no bill be considered to-day which is objected to by five persons.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] asks, by unanimous consent, to modify the order so that no bills shall be considered to which five members may object.

Mr. STRUBLE. That is after an explanation of the bill?

The CHAIRMAN. Yes, after the reading of the bill. Is there objection?

Mr. BAKER, of New York. That request is made.

The CHAIRMAN. Is there objection to the request?

Mr. BAKER, of New York. I wish to make a remark or two before I pass upon that point. [Laughter.] I wish to make a remark reserving the right to object, and what I wish to say is this: This same bill was considered during an evening session. A number of friends objected to it on account of its length, and also on account of the length of the accompanying report. I wish, now, to say that it simply authorizes this party, Nehemiah Osburn, to go to the Court of Claims, and that after the finding of the court the amount of damage shall be such as Congress may see fit to make for breach of contract in the construction of a building at Baltimore in 1860–'61.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. CHIPMAN. What is the request?

The CHAIRMAN. It is to modify the order so that no bill shall be called up if five members shall object. Is there objection?

Mr. EZRA B. TAYLOR. I object.

Mr. LANHAM. I ask the gentleman from New York to withdraw the bill he has called up, as the point of no quorum will be made against it. If he will do that, then other bills may be passed during the day.

Mr. BAKER, of New York. I am requested to get out of the way and let other bills have a chance. This bill has precedence. It has been reported favorably more than once. The pending report is a unanimous one.

The CHAIRMAN. The gentleman from New York will suspend.

Mr. EZRA B. TAYLOR. My objection was made under a misapprehension, and I now withdraw it.

The CHAIRMAN. The gentleman from Ohio withdraws his objection to the request of the gentleman from Alabama that the order be modified. Is there further objection?

There was no objection, and it was ordered accordingly.

Mr. BAKER, of New York. What is the order now?

The CHAIRMAN. It is that no bill shall be considered if five members object. The bill and report, if requested, will be read, after which the Chair will ask for objection.

Mr. BAKER, of New York. That does not apply to the pending bill which I have called up?

The CHAIRMAN. It does.

Mr. BAKER, of New York. I want to have fair play.

The CHAIRMAN. Certainly; but it requires five members to object to its consideration.

Mr. KILGORE. I wish to say to my friend from New York that for one I will not consent to the passage of this bill without the presence of a quorum.

Mr. BAKER, of New York. In view of the kindness of my friend from Texas, and in order not to obstruct the bills to be called up by other members, and especially in view of the fact that the point of no quorum will be raised against the bill (and we all know that a quorum is not present), I am compelled to withdraw the bill. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is called for, and if the gentleman withdraws the bill he can call up another.

Mr. BAKER, of New York. I feel constrained to withdraw it, but I have another bill to call up, which I ask the Clerk to read.

CHARLES F. SWAIN.

The CHAIRMAN. The Clerk will read the bill and accompanying report now called up by the gentleman from New York [Mr. BAKER].

The Clerk read as follows:

A bill (H. R. 6404) for the relief of Charles F. Swain, master of bark Philena.

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, to Charles F. Swain, late master of the bark Philena, of New York, $8,000 for going with the said bark after and rescuing shipwrecked seamen from an uninhabited island near Cape Horn, at the request of Gorham Parks, then United States consul at Rio de Janeiro, the same having been declared due said Charles F. Swain by recent findings of the Court of Claims.

The report (by Mr. LAIDLAW) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6404) for the relief of Charles F. Swain, master of bark Philena, having considered the same, report as follows:

This claim embraced in the present bill was duly referred to Court of Claims to find the facts and report to Congress. It appears that a hearing was had in that court of all the matters relating to the claimant's demand; that the United States was upon said hearing represented by counsel, and that after the hearing and due deliberation said court made a report, which was filed November 7, 1887, as follows, to wit:

[Court of Claims. Congressional Case No. 220. Charles F. Swain *vs.* The United States.]

FINDING OF FACTS. FILED NOVEMBER 7, 1887.

The claim or matter in the above-entitled case was transmitted to the court by the Committee on Claims of the House of Representatives on the 9th day of January, 1885.

R. D. Mussey, esq., appeared for claimant, and the Attorney-General by Lewis Cochran, esq., his assistant, and under his direction, appeared for the defense and protection of the interest of the United States.

The case having been brought to a hearing on the 2d day of June, 1887, the court, upon the evidence and after considering briefs of counsel on both sides, finds the facts to be as follows:

I.

The petitioner was in 1849 the master of the American bark Philena, which sailed from New York for San Francisco with passengers and a general cargo.

II.

Arriving at Rio Janeiro in September, 1849, he was requested by Mr. Gorham Parks, then consul of the United States at that port, to undertake to rescue from an uninhabited island near Cape Horn the passengers and crew of wrecked Robert Fulton, an American vessel of New York.

The said consul had made application to other vessels to attempt the said rescue; but up to said time the vessels had refused.

III.

Captain Swain undertook the rescue and effected it, at a cost of some sixteen days' detention to his vessel and deviation from his regular course, as hereinafter stated.

V.

On his arrival at his port, San Francisco, the detention and deviation caused by this rescue resulted in litigation, including an attachment of the vessel and a detention of three months, which caused losses on the cargo, freight, and employment of the vessel.

VI.

Litigation between Captain Swain and the owners followed, growing out of the detention and deviation incident to the rescue, that did not end until 1882. Said litigation was pending in the city of New York. The case remained on the docket twenty-nine years. No payment has been made by the United States on account of the services of the Philena.

VII.

After the rescue was made by the Philena, as aforesaid, claimant made on the 28th day of November, 1849, a declaration before the United States consul at Valparaiso, in which he claimed the sum of $5,000, which included his compensation for said rescue and damages to his vessel.

The said declaration, made as aforesaid, was sent to the Department of State and filed in said Department.

VIII.

After the consul requested the said petitioner to make the said rescue, the said ship left Rio Janeiro early in October, 1849, for the East Falkland Islands, where it anchored.

The captain visited a settlement, as he supposed, on one of the said islands, in a whale-boat; but found the settlement had been removed; he there procured a small sealing vessel, and with that boat went to the place where the ship had been wrecked, where he found five men, with nothing to sustain them except what they saved from the ship, and with no means of escape. The rest of the crew of the Fulton had been rescued.

He rescued the men and returned to the Philena at the end of nine days. The ship was eleven days at anchor at said islands.

The distance sailed by said petitioner from said ship to where he rescued the men is about 50 miles.

It does not appear what detained him for the space of nine days. It does not appear what the expense of the litigation at San Francisco was. The petitioner owned one-tenth of the vessel.

The suit in the city of New York was commenced by the petitioner in the name of a third party against the owners of the vessel Philena, for wages as master and supplies. The defense was that the petitioner had deviated from his course with the ship, whereby the owners had suffered injury to the vessel and cargo.

The suit was discontinued in 1882, the plaintiff for the claimant herein releasing the defendants from all claim for wages, and the defendants releasing to claimant all their interest in the claim against the United States because of the rescue and detention.

In January, 1851, the petitioner terminated his connection with the Philena, and at that time the owners owed him $3,000 for wages and supplies.

IX.

The ship Philena was held at San Francisco until the 18th of May, 1850. The captain had arranged to go to Panama after a load of passengers, and after the release did so, but in consequence of the delay at San Francisco he was compelled to return to said place with only five passengers, when he could have carried two hundred.

When the ship arrived at Panama the passengers, except as above, had left.

It does not appear that he had any arrangement as to a specified number of passengers from Panama, nor does it appear what number he would have received if he had been at Panama, as he contemplated at the time of detention at San Francisco.

The expense of the said ship while detained by said attachment as aforesaid were $3,000.

The services in making said rescue, including time and damages to said Philena, were reasonably worth the sum of five thousand dollars ($5,000.)

By the Court.

A true copy.

In testimony whereof I have hereunto set my hand and affixed the seal of the Court of Claims this 16th day of November, 1887.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk of Court of Claims.

Your committee have also looked through the evidence in the case before the Court of Claims, and they are of the opinion that the findings of fact by said court are fully sustained by the evidence, and recommend that the bill do pass.

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. ANDERSON, of Iowa. At the moment my name was called I was temporarily out of my seat, and I ask now consent to call up the bill I send to the desk.

Mr. BANKHEAD. I would like to have some understanding about this matter. I do not like to object exactly.

The CHAIRMAN. The gentleman from Iowa states that he was temporarily out of his seat, and asks consent to call up a bill.

Mr. BLAND. Is it the gentleman's own bill?

Mr. MACDONALD. I think, Mr. Chairman, that I shall have to object to this.

The CHAIRMAN. The gentleman has stated that at the moment his name was called he was absent from his seat.

Mr. ANDERSON, of Iowa. I have been in the Hall all the morning, but did not hear my name called.

Mr. FARQUHAR. When that rule was adopted it was the understanding that we would live up to it and make no exceptions. I do not object in the present instance, but I do object to these 2 and 3 o'clock members who may come in here after the A, B, and C list has been passed over and ask to go back to their names. It is unfair to those of us whose names are lower down on the list.

Mr. ANDERSON, of Iowa. I have been here for ten months, and I want to say to the gentleman from New York that I am not a 3 o'clock arrival.

Mr. FARQUHAR. The same case here, exactly; but I know there are members who will come in later in the day and ask the same thing.

Mr. MACDONALD. I would like to ask the gentleman from Iowa if this is his own bill?

Mr. ANDERSON, of Iowa. It is not.

Mr. MACDONALD. Then I do not think it is fair to those of us who are lower down on the list to have bills taken up in this manner, and I object.

Mr. ANDERSON, of Mississippi. I wish to submit a question to the Chair. There are some bills on the Calendar which embrace a number of claims, represented by as many different members of the House, what may be called "omnibus" bills. I would like to know if under this order these bills may be called up?

The CHAIRMAN. The Chair has heretofore stated that any member, when his name is called, has the right to call up any bill on the Calendar except pension bills, which are excluded, the evening session being set apart for their consideration. The gentleman from Illinois is entitled to recognition.

DAVID RYAN.

Mr. BAKER, of Illinois. I call up the bill (H. R. 8356) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear and determine the claim of David Ryan, of Alton, Ill., against the United States, for extra work, if any, done by him for the United States upon the national cemetery road at Springfield, Mo., and to render judgment thereon as in other cases, with right of appeal to each party to the Supreme Court.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. STRUBLE. I would like to inquire if this bill was introduced by the gentleman from Illinois himself?

Mr. BAKER, of Illinois. It was.

Mr. STRUBLE. I have no objection.

The CHAIRMAN. The Chair thinks that any gentleman has the right to call up any bill he desires on the Calendar, and the order does not confine him to bills introduced by himself.

There being no objection, this bill is before the House for consideration.

Mr. SPRINGER. During the last Congress I reported this bill from the Committee on Claims, and unless gentlemen desire a further explanation, I will say briefly that it involves a small amount and only allows this gentleman to go to the Court of Claims to have it adjudicated.

Mr. SAYERS. Let me ask the gentleman from Illinois the same question that was asked by the gentleman from Minnesota a few moments ago. Is this your bill?

Mr. SPRINGER. No; it belongs to the gentleman from Illinois [Mr. BAKER].

Mr. JACKSON. Does it repeal the statute of limitations?

Mr. SPRINGER. No; it does not. It relates to work done by this gentleman in constructing a road to one of the national cemeteries.

Mr. JACKSON. But does it come within the terms of the statute?

Mr. SPRINGER. The statute has nothing whatever to do with it.

Mr. JACKSON. Would the statute bar the claim without the bill?

Mr. SPRINGER. No. The court has no jurisdiction of the claim. This simply gives it jurisdiction.

Mr. COBB. Let the report be read.

The CHAIRMAN. The gentleman from Alabama demands the reading of the report.

Mr. O'NEILL, of Missouri. Yes; what is it?

Mr. SPRINGER. It simply allows him to go to the Court of Claims.

Mr. COBB. I am informed as to the contents of the report by the gentleman from Illinois, and shall not insist upon the reading.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. ANDERSON, of Illinois. Mr. Chairman, I have been in the Hall all morning, but did not happen to hear my name when it was called. I now ask unanimous consent that I may have the right to call up a bill for consideration.

Mr. BLAND. I would like to ask the gentleman the same question which has been propounded to other gentlemen this morning, if this bill he now desires to call up is one from his own district? If it is not, and belongs to somebody else, I shall object.

Mr. ANDERSON, of Illinois. It is not my bill.

Mr. BLAND. Then I do not think it is fair to other members.

Mr. STRUBLE. I object.

WILLIAM B. PAYNE.

Mr. ANDERSON, of Illinois. Then I offer a bill of my own. I call up for present consideration the bill (H. R. 7634) for the relief of William B. Payne.

The bill was read, as follows:

Be it enacted, etc., That the sum of $7,805 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to pay the account of William B. Payne, of Virginia, Cass County, Illinois.

for merchandise and mules furnished in July, September, October, and December, 1861, and November, 1862, to the Tenth Regiment Kansas Volunteers, and other United States soldiers.

Mr. HOLMAN. Let the report in that case be read, subject to objection.

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 7634) for the relief of William B. Bayne, submit the following report:

In the spring of 1861 Mr. Payne began merchandising at Harrisonville, Cass County, Missouri. The original cost of his stock was $9,800. About the 25th of July of that year Federal troops under command of Col. William Weir, consisting of two regiments of Reserve Corps, or Home Guards, under R. T. Vanhorn and A. H. Deane, respectively, two companies of the Fifth Kansas Volunteers, and one independent company, under the command of Capt. C. R. Jemison, were in camp near Harrisonville. A portion of these troops had never been supplied with clothing, shoes, blankets, or anything, by United States.

These troops went into the town and took from the store of Mr. Payne several wagon loads of clothing, boots, shoes, hats, and blankets, and hauled them to camp, when they were distributed among the needy soldiers.

Mr. Payne was recognized as a loyal man then, and his store was protected by a guard of Union soldiers, and he was informed that the Government would pay him for these goods.

In September of the same year Federal soldiers, under the command of Col. John T. Burris, of the Tenth Kansas Volunteers, took from the pasture three valuable mules for the use of the company.

In October of the same year Federal soldiers, under the command of Col. A. Newgent, took a large supply of boots, shoes, clothing, blankets, hats, and caps.

In December, Federal troops, under the command of Col. C. R. Jamison, but acting under the immediate authority of Lieut. Col. D. R. Anthony, took about all that remained of the stock of goods of Mr. Payne, and, in addition, one horse, three cows, and a lot of hay and corn.

The above facts are well established by documentary evidence from quite a number of people, including that of other merchants at the same place, who were there and personally knew the facts; by citizens who were living at Harrisonville at the time, and by some of the soldiers and officers, including Col. A. G. Newgent, one of the officers in command, and E. F. Rogers, who was quartermaster of one of the regiments above mentioned that took the goods. Mr. Rogers was detailed to guard Payne's store while the troops were stationed at Harrisonville. Mr. Payne, by his itemized bill, values the property taken at $7,805, while the other witnesses estimate the value variously from $6,000 to $9,000.

All the witnesses positively assert that Mr. Payne was loyal to the United States at all times.

Your committee report back the bill and recommend its passage.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. HOLMAN. What is the amount named in the bill?

Mr. ANDERSON, of Illinois. Seven thousand eight hundred and five dollars.

Mr. HOLMAN. A single word——

The CHAIRMAN. The first question is whether there is objection to the present consideration of the bill?

Mr. HOLMAN. I wish to call attention to the fact that the claim was cognizable, under what is known as the 4th of July law, by the Quartermaster-General, and I would like to inquire whether this party sought to have the claim adjudicated under that law?

Mr. ANDERSON, of Illinois. He did not.

Mr. HOLMAN. I suppose, then, it was a case of spoliation rather than the appropriation of property for the use of the Army.

Mr. ANDERSON, of Illinois. The officers were there at the time in charge, and it was taken in regular order and made a note of. They made a note of what they did take at the time.

Mr. ROGERS. What do you mean by regular order in that connection?

Mr. ANDERSON, of Illinois. They simply went and took the goods. It was not stray soldiers, but a squad that was sent there for that purpose.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. COBB. I believe I will not object; but I will oppose it when it comes up for consideration.

Mr. HOLMAN. We will take a vote on it.

The CHAIRMAN. The Chair will ask all gentlemen who object to this bill to rise.

Mr. COBB. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. I did not understand that the rule that five objections would be necessary to prevent consideration was really adopted. I understood the gentleman from New York [Mr. BAKER] objected at the time it was offered.

The CHAIRMAN. The gentleman from Ohio [Mr. EZRA B. TAYLOR] objected to the adoption of the rule and afterwards withdrew his objection.

Mr. BLAND. And the gentleman from New York [Mr. BAKER] also objected.

The CHAIRMAN. Under the rule adopted, it requires five objections to prevent the consideration of a bill.

Mr. HOLMAN. If no objection be made, the bill is still before the House for a vote.

The CHAIRMAN. Certainly.

Mr. COBB. Right there I desire to make a parliamentary inquiry. I do not object.

The CHAIRMAN. The gentleman will state it.

Mr. COBB. If I fail to object to the consideration of this bill, is it not still debatable on the merits?

The CHAIRMAN. Certainly it is debatable on the merits, but not on the objection. Is there objection to the consideration of this bill?

Mr. CRISP. I object for one.

The CHAIRMAN (after counting). Seven gentlemen have risen to object.

Mr. ANDERSON, of Illinois. I ask to withdraw that bill and present the bill (H. R. 8469) for the relief of Michael Pigott, and ask unanimous consent that it be considered.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw this bill and requests consideration of another bill.

Mr. MACDONALD. Mr. Chairman, I will ask the gentleman if it is his own bill.

Mr. ANDERSON, of Illinois. Yes, sir.

The CHAIRMAN. The Chair will state that without contrary direction by the committee hereafter he will not recognize gentlemen to call up two bills.

Mr. LANHAM. I think gentlemen ought to elect what bill they will bring up, and if that fails they ought not to be permitted to call up another.

The CHAIRMAN. The Chair thinks that would be but fair.

MICHAEL PIGOTT.

Mr. ANDERSON, of Illinois. I ask consideration of the bill (H. R. 8469) for the relief of Michael Pigott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay Michael Pigott, late postmaster at Quincy, Ill., out of any money in the Treasury not otherwise appropriated, the sum of $18, paid by said Pigott for use of telephone for year ending June 30, 1873.

The CHAIRMAN. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DR. JOHN B. READ.

Mr. BANKHEAD. I ask consideration of the bill (H. R. 10633) for the relief of Dr. John B. Read.

The bill was read, as follows:

Be it enacted, etc., That the sum of $17,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay Dr. John B. Read his compensation as royalty on all rifle projectiles with iron sabots furnished by R. P. Parrott to the United States during the war of 1861 to 1865; said sum of $17,000 to be received by said John B. Read as royalty upon all such projectiles so furnished to the United States and in full satisfaction of his claim.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. ROGERS. Let the report be read.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] asks that the report be read, subject to the right of objection.

The report (by Mr. SIMMONS) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 10491) for the relief of John B. Read, submit the following report:

In the year 1856, when rifled ordnance of large caliber did not exist in the United States or in any country, Dr. John B. Read secured a patent, dated October 28, 1856, for an elongated rifle projectile, with a wrought-iron cup or sabot at the base, for expansion into rifle grooves, so as to secure rotation. Early in the same year he had experimented, at Fortress Monroe, with a two-grooved 24-pounder rifle gun, with such favorable results as to secure a contract with the Secretary of War that, on condition of his assigning the free use forever of such projectiles to the United States, he should receive such compensation, in case of adoption, as a board of Army officers, to be appointed for the purpose, might decide to be just. A joint resolution was passed the present session of Congress, authorizing the Secretary of War to appoint such a board; which, after careful investigation of the case, made its report to the Secretary of War, and was by him transmitted to Congress on the 4th instant.

These projectiles were extensively used at the outset of the war, and were furnished the United States by R. P. Parrott from West Point Foundry, with iron sabots, according to Dr. Read's patent.

The board of officers decides that Dr. Read "has a just claim for a reasonable royalty upon those projectiles furnished to the United States by R. P. Parrott, which were covered by his (Read's) patent of October 28, 1856; and that the sum of $17,000 is the proper amount to be paid by the United States to Dr. Read, in full satisfaction of his claim."

Your committee therefore recommend that the substitute for the original bill herewith submitted do pass.

During the reading of the report,

Mr. ROGERS said: I understand two Army boards have reported on this matter, and I withdraw the request for the reading of the report.

Mr. HOLMAN. I think the report had better be read, and I will renew the request.

The reading of the report was concluded.

The CHAIRMAN. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

S. E. SCARBOROUGH.

Mr. BARNES. I ask consideration of the bill (H. R. 2059) for the relief of S. E. Scarborough.

Mr. SPRINGER. I think we ought to have a quorum on that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to S. E. Scarborough, out of any money in the Treasury not otherwise appropriated, the sum of $91.08, that being the amount of money illegally collected of him by the United States marshal for the southern district of Georgia and paid into the Treasury of the United States.

SEC. 2. That the sum of $91.08 be, and the same is hereby, appropriated from the Treasury of the United States for the purpose of enabling the Secretary of the Treasury to pay said claim.

Mr. SPRINGER. In view of the fact that this bill is for less than $100, and that it would cost less than the expense of getting a quorum, I withdraw my objection.

Mr. BARNES. I am obliged to the gentleman for his wit.

The CHAIRMAN. Is there objection to the present consideration of this bill? The Chair hears none.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

NICHOLAS J. BIGLEY.

Mr. BAYNE. I ask consideration of Senate bill 3074 for the relief of Nicholas J. Bigley. It is a substitute for the one on the Calendar.

The CHAIRMAN. That can not be done by the committee.

Mr. SPRINGER. The gentleman can call up the House bill and when we get into the House he can ask to substitute it; but it is impossible to take up in committee a bill that is on the Speaker's table.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Nicholas J. Bigley, out of any money in the Treasury not otherwise appropriated, the sum of $42,611.50, being for four barges sunk and destroyed, worth $1,600 each, and 70,638 bushels of coal of the value of $21,211.50, and the value of the tow-boat Hercules, $15,000, as found by the Court of Claims.

The CHAIRMAN. Is there objection?

Mr. COBB. Let us have the report.

Mr. HOLMAN. Mr. Chairman, I would state that this bill was reported on adversely in the Forty-fourth Congress, and I object to the consideration of the bill. The reports are very lengthy.

Mr. BAYNE. I would like unanimous consent to make a brief statement. The Committee on War Claims of the House reported a bill for the relief of Captain Bigley, putting the amount somewhere in the neighborhood of $40,000, for coal delivered and accepted by the United States, and also for the value of the steamer which was burned at Memphis, where this coal was delivered. The Senate cut this down to $21,000, eliminating the value of the steamer Hercules, but allowed for the value of the coal. That coal was delivered by Mr. Bigley to the Government of the United States, and he is entitled to be paid for it. The bill was reported unanimously, I believe, from the Committee on War Claims of the House for the entire amount, but the Senate, as I have said, cut it down.

Mr. BLAND. I demand the regular order.

The CHAIRMAN. The regular order is demanded. The regular order is the announcement of the result of the vote.

Mr. HOLMAN. I wish to make a correction in my own statement. I think this matter was reported adversely in the Forty-fourth Congress. It may be that the adverse report was a minority report; I will not be positive about that; but I know the subject was fully discussed, and I examined every paper in the case over and over again.

Mr. BAYNE. I will ask the chairman of the Committee on War Claims whether this bill was not reported unanimously?

Mr. STONE, of Kentucky. It was a unanimous report.

Mr. HOLMAN. I am speaking about the Forty-fourth Congress.

Mr. BAYNE. We have nothing to do with the Forty-fourth Congress.

The CHAIRMAN. Eleven gentlemen have objected to the consideration of this bill, and it is not before the committee.

Mr. BAYNE. Eleven gentlemen have objected to paying this honest debt of the Government! I hope they pay their own debts. [Laughter.]

SEMON BACHE & CO.

Mr. BELDEN. I call up the bill (S. 576) for the relief of Semon Bache & Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Semon Bache & Co., of New York, the sum of $3,562.56, out of any money in the Treasury not otherwise appropriated, for the purpose of refunding the duty paid by said firm upon glass from imported stock furnished to the National Museum and the New Orleans, Louisville, and Cincinnati expositions for exhibition cases.

Mr. SPRINGER. Mr. Chairman, during the last Congress I had the honor to report this bill from the Committee on Claims. The claimants are citizens of the State of New York, and the claim is for a refund of the duty paid upon glass which was imported for the use of the Smithsonian Institution and for the New Orleans, Cincinnati, and Louisville expositions. The glass was used by the Government for making show-cases in the Smithsonian and for those expositions. Professor Baird certified the claim to the Treasury Department for a refund, and the Department put it in the estimates and sent it to Congress. The Committee on Appropriations, however, had the matter referred to the Committee on Claims, under the new rule requiring such reference, and I reported the bill from that committee. The Treasury Department regards the claim as a proper one to be paid, and, as I have said, Professor Baird certified that the importation was made by his order for the use of the Government, and with the expectation that the duties were to be refunded.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. PRESTON BECK, JR.

Mr. BLAND. I call up the bill (H. R. 4554) for the relief of the heirs of Preston Beck, jr.

The bill was read, as follows:

Be it enacted, etc., That the sum of $6,565 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the judgment of the Court of Claims in favor of the estate of Preston Beck, jr.; and that the Secretary of the Treasury be, and he hereby is, authorized and required to pay the same to the heirs of said Preston Beck, jr., in conformity to the last will and testament of said Preston Beck, jr., executed at Santa Fé, N. Mex., on the 1st day of April, A. D. 1864.

Mr. HOLMAN. Let the report be read. My object in calling for the reading of the report is to ascertain when the judgment was rendered, for it seems to me almost incredible that a judgment of the Court of Claims should have remained unpaid all these years.

Mr. BLAND. No doubt it ought to have been paid years ago. A bill for the payment of it passed this House in the Forty-third Congress. Most of the claimants are in the gentleman's own State; there is only one of them in my district. This claim passed the House once; it has been reported here unanimously, and there is no question that it ought to be paid.

Mr. LANHAM. Mr. Chairman, I will state that I investigated this case fully myself. It was originally referred to the Committee on Claims, but, for want of jurisdiction in that committee, it was afterwards referred to another, I believe to the Committee on Indian Depredations.

Mr. HOLMAN. I can not account for the fact that this judgment has remained unpaid all these years, when every year for the last twenty years we have been appropriating to pay judgments of the Court of Claims.

Mr. BLAND. In this case the administrator of the estate died and another was appointed——

Mr. HOLMAN. Was not the judgment rendered before the war?

Mr. BLAND. I think not.

Mr. BLOUNT. Does the gentleman from Indiana think that if this judgment has been paid the Treasury Department will pay it again?

Mr. HOLMAN. I am not assuming that it was paid, but I am raising the question whether there was a judgment of the Court of Claims. I ask for the reading of the report.

The report was read, as follows:

The Select Committee on Indian Depredation Claims, to whom was referred House bill No. 4554, beg leave to report the same favorably and to recommend its passage.

This claim is based on the following opinion and judgment of the Court of Claims, to wit:

"IN THE COURT OF CLAIMS.

"J. Preston Beck, administrator, *vs.* The United States.

"LORING, *J.*:

"The petitioner is administrator *de bonis non* of Preston Beck, who was surviving partner of Brent & Beck, merchants, of Santa Fé, in the Territory of New Mexico. The petitioner claims indemnification by the United States for a herd of mules, etc., of which Brent & Beck were plundered by the Navajo Indians on the 12th of September, 1849, and the claim is made upon the statute of 30th June, 1834, as that is explained by the joint resolution of June 25, 1860.

"The facts shown are, that about the 12th of September, 1849, a band or herd of mules, mares, etc., belonging to Brent & Beck, were pastured by them under the charge of herdsmen on the plains or mesa in the county of Santa Fé, and about 12 miles from the city of Santa Fé; that a body of Navajo Indians seized them and drove them off into the Navajo country. That on the 29th of November, 1851, Brent & Beck made application to the Superintendent of Indian Affairs, and filed with him their claim for indemnification for the animals stolen and the proofs of their loss, under and according to the seventeenth section of the statutes of 1834. The claim was not paid or allowed, and since it accrued no annuity has been granted to the Navajo Indians. The petitioner claims to be paid out of the Treasury of the United States the sum of $8,710, with interest thereon from one year after filing his proof.

"The act of June 30, 1834 (4 U. S. L., 729, sec. 1), defines the Indian country, and the seventeenth section provides that if any Indians in amity with the United States shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there steal horses or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, or his representatives, may make application to the proper superintendent, who, being furnished with the necessary documents and proof, shall, under the direction of the President, make application to the nation or tribe to which the Indians shall belong for satisfaction; and on refusal or neglect of the Indians to make satisfaction for a reasonable time, not exceeding twelve months, the superintendent is to make return to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury. 'And in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party so injured an eventual indemnification.'

"The section then provides that the injured party shall not seek private satisfaction or revenge, and that his claim shall be deducted from the next annuity, if any, payable to the Indians; and, if none, then be paid from the United States Treasury.

"We think the claim of the petitioner is within this section.

"It is true that New Mexico was not comprehended within the Indian country, as was defined in the act of 1834, for New Mexico was not acquired by the United States until the treaty of Guadalupe Hidalgo, February 2, 1849, when it became the property of the United States and subject to its jurisdiction.

"But after that, and on the 9th of September, 1849, a treaty was made between the United States and the nation of Navajoes, in which it was recited that by the treaty of Guadalupe Hidalgo those Indians were placed under the exclusive

jurisdiction and protection of the United States, and then provided that the laws regulating the trade and intercourse with the Indians should be extended over the Navajo country.

"We think the purpose and effect of this was to make the Navajo country Indian country.

"Then the treaty declares that 'perpetual peace and friendship' shall exist between the contracting parties, and we think this placed the Navajoes 'in amity' with the United States, and that this relation thus created between the nations could not be altered by the depredations of individuals of either of them, for which indeed the treaty provides.

"Thus the Navajoes committed the depredation when their tribe was in amity with the United States, and passed from the Indian country into a territory inhabited by the citizens of the United States, and this brings the claim of the petitioner within the seventeenth section of the act of 1834.

"That the mules and animals taken belonged to Brent & Beck is admitted in the brief of the solicitor, and we think, is shown by the evidence, pages 7, 8, 9. As to the number of animals taken at Montalla, says page 8, 'I think there was a hundred head;' Duval, who had charge of the herd, says, page 9, 'there were about eighty mules, sixteen mares, and a few horses, colts, and jackasses.' He thus enumerates ninety-eight animals, and a phrase, 'a few horses and colts,' taken, as it should be, at its least extent, adds three to the enumeration, making one hundred and one animals in all.

"Then, as to the average value of the animals. Duval and Estes state it at $75 per head. J. L. Collins, a deponent for the petitioner, says the general range of prices for mules that year was about $60 to $80, and the petitioners, in proof filed by them before the superintendent in support of their claim, and which they produce here, stated the value of the animals to be $65 per head, which we think the fair conclusion as to their value from the evidence; and one hundred and one animals, at $65 per head, give a total of $6,565.

"The petitioner claims interest on the ground that the seventeenth section of the act of 1834 provides for the party injured 'an eventual indemnification;' but by the express terms of the statute such eventual indemnification is to be 'in respect to the property so taken, stolen, or destroyed.'

"These words must have some meaning, or they would not have been used; and if any effect is allowed them, it must be restrictive, and then the whole sentence does not of its own force indicate more than the value of the property taken, etc., or create an obligation on the part of the United States to pay interest for the default or delay of the Indians in satisfying, or of the officers of the Government in enforcing, the claims of the parties injured.

"On the whole case we are of opinion that the petitioner is entitled to relief in the sum of $6,565, for which a bill will be reported to Congress."

It will be observed that all the facts are alluded to in the opinion of the court, hence the committee has been relieved of the necessity of recapitulating them here.

A copy of the last will and testament of Preston Beck, jr., is hereto attached. The testator died soon after executing this will, and the estate has been administered upon and all debts paid, so that the allowance of the Court of Claims is due to the heirs in the manner provided by the will.

This committee therefore recommend the passage of the bill.

LAST WILL AND TESTAMENT OF PRESTON BECK, JR.

Know all men by these presents, that I, Preston Beck, jr., a resident of the city and county of Santa Fé and Territory of New Mexico, having in view the uncertainty of life and the liability to sudden death, do judge it best to make, and accordingly do hereby make and declare this to be my last will and testament.

It is my will that all my just debts be paid and discharged as soon as conveniently my executor can pay and discharge them after my death, and I leave all the charge and manner of so doing to my executor hereinafter named.

My interests in business of the firm of S. and P. Beck, lately conducted at Boonville, Mo., and Lexington, Mo., is that of one-third only, and my interest in the business of S. and P. Beck, in the Territory of New Mexico, is that of two-thirds; and the said firm of S. and P. Beck, both in Missouri and New Mexico, was composed solely of my brother, Simpson Beck, deceased, and myself.

Before any division of the profits of the firm of S. and P. Beck, in the Territory of New Mexico, are made, as above stated in third parts, the estate of Simpson Beck is to have $5,000, and I am to have $5,000, which said sums of $5,000 are to be drawn out of each of us immediately after the debts of said firm are paid and before any division of the profits.

I give, devise, and dispose of my estate, real, personal, and of whatever description it may consist (except what shall be necessary to pay my just debts) in the following manner:

I will and devise that all my estate, real, personal, and of whatever description, shall be given to, received, and enjoyed by the following-named persons, share and share alike, that is to say, to my nephew, James P. Beck, and my niece, Elizabeth C. Beck (children of my brother, Lewis Beck), and my nephew, William P. Beck, and my nieces, Anna D. Beck and Elizabeth Beck (children of my brother, Simpson Beck), and my brother, John Jeffrey Beck, and my cousin, Preston H. Lee, and my nieces, Mary Ann Cracraft and Elizabeth Cracraft (children of my sister, Martha Beck), all taking share and share alike and enjoying the same without any dispute or difference after my just debts shall be paid.

I hereby nominate, constitute, and appoint John Jeffrey Beck to be sole executor of this my last will and testament, reposing in him every trust and confidence that he will execute it according to my intention and desire as herein expressed.

In testimony whereof I have hereunto set my hand and seal, and publish and declare this writing to be my last will and testament, at the city of Santa Fé, this 1s day of April, 1854.

PRESTON BECK, JR. [SEAL.]

Signed, sealed, published, and declared by the said Preston Beck as his last will and testament in presence of us, who have hereunto subscribed our names as witnesses thereof, at the request of the testator and in the presence of the testator and in the presence of each other; and the testator acts with freeness of will, soundness of mind, and entire judgment.

R. H. THOMPKINS.
J. M. GIDDINGS.
H. W. SMITH.

Recorded by me in accordance with an order of the probate court given on the 9th day of April, A. D. 1858.

C. P. CLEVER, *Probate Clerk.*

TERRITORY OF NEW MEXICO,
County of Santa Fé:

I, the undersigned, clerk of the probate court and *ex officio* recorder in and for the county and Territory aforesaid, do hereby certify that the foregoing is a true and correct copy of the last will and testament of Preston Beck, jr., as appears of record in book "C" of wills and testaments, pages 59 and 60.

Witness my hand and official seal at Santa Fé, N. Mex., this 11th day of November, A. D. 1887.

[SEAL.]

MARCELINO GARCIA,
Probate Clerk and Recorder, Santa Fé County, New Mexico.

Mr. HOLMAN. It will be seen that the judgment is not a judgment against the United States. It is simply a judgment under the act of 1834, and it is a claim against the funds of the Navajo Indians, the annuities that may hereafter accrue to them; but no such annuities have accrued, and therefore this claim has not been paid. Now it is proposed to pay this claim for an Indian depredation out of the public Treasury. Gentlemen are aware that under the act of 1834, where moneys were held by the United States for the benefit of any Indian tribe, and that tribe committed depredations, the amount of the damage sustained by the citizen might be deducted from the annuity coming to the Indians; but I do not understand that it has ever been held that in such a case the Government of the United States is liable to pay the damage out of the public Treasury.

Why is not the Government of the United States a guarantor of the protection of citizens everywhere against unlawful depredations, if there is such a guaranty with reference to Indian depredations? I do not think the principle involved here is a sound one. I can not myself vote for the payment of this money out of the public Treasury. If the Navajoes have lands or money the Government should see to it that their lands or money shall be applied to the payment of this claim; but I see no principle by which we can take the money out of the public Treasury.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. HOLMAN. I object.

Mr. BLOUNT. I would like to know whether the gentleman from Missouri [Mr. BLAND] admits the facts as claimed by the gentleman from Indiana.

Mr. BLAND. I have always understood that this was a judgment against the United States. The gentleman from Indiana has stopped the reading of the opinion; I hope the reading may be concluded, so that the effect of the opinion may be understood.

Mr. HOLMAN. Very well.

Mr. BLAND. As I understand, there were at that time funds to pay these claims, and the judgment was rendered for that purpose.

The CHAIRMAN. If there be no objection, the Clerk will continue the reading of the report, at the conclusion of which the Chair will again ask if there is objection to the consideration of the bill.

The Clerk resumed and concluded the reading of the report.

Mr. BLAND. That is the unanimous report of a committee of this House which investigated the whole question as to the liability of the Government. A committee of the Forty-third Congress, which also investigated the matter, made a unanimous report in favor of paying this claim, and a bill for that purpose passed the House. The gentleman from Indiana gets up here and makes his statement as to the effect of the law of the United States, and all that; but there is nothing in his statement which should weigh against the unanimous report of two committees and the favorable action heretofore of the House.

Mr. HOLMAN. In answer to the gentleman, I desire to say that if this opinion was delivered, it must have been delivered prior to 1862, because since that time it would have been simply a judgment against the United States and would have been appropriated for in the regular way. The Court of Claims as originally organized, I believe in 1852 or 1853, had the same jurisdiction substantially with reference to the ascertainment of facts that the court now has under what is called the Bowman act; and under that state of the law the court simply reported the facts to Congress. I shall have to examine that opinion much more closely than I can do from the mere reading if I come to the conclusion that this is in any sense a judgment against the United States. As I understand, it is simply a judgment that out of the funds which may become due by annuities or otherwise to the Navajoes this sum of money shall be paid. I do not believe that the Court of Claims or any other tribunal has held that the Government of the United States is liable in money for depredations committed by the Indians.

Mr. BLOUNT. My friend from Indiana will allow me to call his attention to this passage from the report:

The section—

That is, the section of the act of 1834—

then provides that the injured party shall not seek private satisfaction or revenge, and that his claim shall be deducted from the next annuity, if any, payable to the Indians; and if none, then be paid from the Treasury of the United States.

Mr. BLAND. There is no question that this claim is legitimate, and that the Government is liable for it. The gentleman from Indiana is wholly mistaken as to the theory on which the claim is based.

Mr. HOLMAN. I wish to look at the act of 1834. If the gentleman thinks proper to allow this case, by unanimous consent, to be passed over——

Mr. BLAND. I will not do that, Mr. Chairman; it would be unfair to do it.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. HOLMAN. I object for the present.

The CHAIRMAN. All who object to the consideration of this bill will rise. [A pause.] Two gentlemen have risen—not a sufficient

number. The bill is before the Committee of the Whole for consideration.

Mr. HOLMAN. I call for a vote.

The question being taken on laying the bill aside to be reported favorably to the House,

The CHAIRMAN said: The ayes seem to have it.

Mr. HOLMAN. I call for a division.

The question being again taken; there were—ayes 46, noes 1.

Mr. HOLMAN. No quorum.

Mr. LANHAM. I hope the gentleman from Indiana will not make that point.

The CHAIRMAN. The gentleman from Indiana makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Missouri [Mr. BLAND].

Mr. HOLMAN. I wish to say a single word. I have not seen the act of 1834; but if that act sustains the gentleman from Missouri [Mr. BLAND] and this report, I will withdraw opposition to the bill. [Cries of "Regular order!"]

Mr. BLAND. I have this to say to the gentleman from Indiana. [Renewed cries of "Regular order!"] If this bill goes to the Senate and the gentleman can establish there the facts which he claims, all right; but to let this bill be held back for days and days——

Mr. HOLMAN. I am not asking that; I am simply asking that it be passed over until the next bill shall be considered.

Mr. BLAND. I object to that. The gentleman is not acting justly toward this bill, or toward the parties interested, or toward my self. [Cries of "Regular order!"]

Mr. BURNES. Mr. Chairman, I hope this matter will be compromised in some way. I understand the gentleman from Indiana is entirely willing to let this bill go to the House with the understanding that if the act of 1834 is as he claims it to be a quorum shall be required to pass the bill in the House. With this understanding business can go on.

Mr. HOLMAN. I have only asked that the next bill be called up and disposed of; and I say that in the mean time I will look into this law, and if it is as stated by the gentleman from Missouri——

Mr. BLAND. The gentleman can have time for that examination until the bill is reported to the House to-day. When the bill comes up in the House he will have the right to object and make his point.

The CHAIRMAN. The Chair suggests to the gentleman from Indiana that if the bill be now laid aside to be favorably reported, the gentleman will have the right to oppose the bill in the House and demand the vote of a quorum.

Mr. HOLMAN. I understand that; but the proposition I have made is a fair one, and I ask that it may be complied with.

Mr. BLAND. I prefer that the bill shall go into the House, and then the gentleman will have plenty of time to fight it there if he desires to do so.

Mr. HOLMAN. My request is that this bill be passed over informally until another bill is considered, and in the mean time I will look into the law.

Mr. BLAND. I object. The gentleman can have a vote in the House if he wants it.

Mr. HOLMAN. I have made a very reasonable proposition, which I think ought to be accepted.

The CHAIRMAN. The tellers will take their places, the point of no quorum being made.

Mr. BLOUNT. I wish to make a suggestion to my friend from Missouri.

Mr. BLAND. To save time I will withdraw my objection.

The CHAIRMAN. The objection being withdrawn, this bill will be laid aside informally until the next case is disposed of.

W. S. BRANTLY.

Mr. BLOUNT. I call up for consideration the bill (H. R. 3469) providing for the payment of $450 to W. S. Brantly, executor of J. H. Brantly, for damages to property by United States troops in 1865.

The bill is as follows:

Be it enacted, etc., That the sum of $450 be, and the same is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to pay William S. Brantly, executor of J. H. Brantly, for property of J. H. Brantly destroyed by the Second Brigade, First Division Cavalry, and the corps wagon train, the value of which was ascertained by a board of survey, in pursuance of special order.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURNES having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

Also, that the Senate returned to the House, at its request, the bill (S. 1983) granting a pension to H. R. Blakiston; and also returned to the House a duplicate engrossed copy of the bill (S. 320) for the relief of John D. Adams.

The message further announced that the Senate disagreed to the amendment of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, asked a conference with the House on the disagreeing votes thereon, and had appointed Mr. CULLOM, Mr. PLATT, and Mr. HARRIS managers on the part of the Senate.

The Committee of the Whole resumed its session.

JOHN M. HIGGINS.

Mr. BOOTHMAN. I call up for present consideration the bill (H. R. 520) for the relief of John M. Higgins.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and hereby are, directed to audit and pay to John M. Higgins, late a lieutenant of Company A, Thirty-third Regiment Ohio Volunteer Infantry, his accounts against the Government the same as if he had never been court-martialed and dismissed the service but had been honorably discharged therefrom.

Mr. COBB. Let the report in that case be read.

The report (by Mr. CROUSE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 520) for the relief of John M. Higgins, report the same back, after due consideration thereof, with the recommendation that it do pass; and in support of this action hereby adopt and make part hereof, as containing the facts in the case, the report of the Committee on War Claims of the House of Representatives of the Forty-ninth Congress, which is as follows:

"[House Report No. 1131, Forty-ninth Congress, first session.]

"That the bill authorizes and directs the accounting officers of the Treasury Department to audit and pay to John M. Higgins, late a lieutenant of Company A, Thirty-third Regiment of Ohio Volunteer Infantry, his accounts against the Government, the same as if he had never been court-martialed and dismissed the service, but had been honorably discharged therefrom.

"It appears from the proof submitted that this officer was mustered into service as second lieutenant, Company A, Thirty-third Ohio Volunteers, August 27, 1861, and is reported promoted to first lieutenant, same company and regiment, May 6, 1862, that he was tried by general court-martial and sentenced to be dismissed the service for absence without leave, with loss of all pay and allowances, which sentence was promulgated in General Orders, No. 86, April 20, 1863, Department of the Cumberland; that application was made to the War Department in 1871 for such relief as could be granted in the case, and thereupon, by direction of the President, the disability resulting from the dismissal was removed January 25, 1871.

"The removal of the disability consequent upon the sentence did not operate to restore to Lieutenant Higgins the pay forfeited by the dismissal, but simply declared him qualified to re-enter the service in the future.

"In speaking of the case of Lieutenant Higgins, his colonel, Col. Oscar F. Moore, of the Thirty-third Ohio Volunteers, in a letter now on file in the War Department, says:

"'Lieutenant Higgins, prior to the battle of Perryville, had been a gallant, faithful officer, and in that fight was wounded and came home. While at home he kept up a correspondence with the second lieutenant of his company, with whom he had been on friendly and very intimate terms. This correspondence was not very chaste. * * * Lieutenant Higgins was quite young and thoughtless, and having confidence in the party with whom he was corresponding that his letters would not be exhibited, he wrote, as he says, with the utmost freedom, and in such style as to make him ashamed of himself now. The party, desiring to secure his place, betrayed him, and upon the strength of these letters charges were preferred and the trial and conviction followed. The party who thus betrayed his companion and availed himself of the letters written in confidence to obtain the dismissal of Higgins in order to secure his place turned out badly, and in the battle of Mission Ridge acted so cowardly that he was put under arrest and would have been dismissed in disgrace, but was permitted by General Carlin to resign and go home. The letters written by Lieutenant Higgins, and on account of which he was dismissed the service, were no doubt in very bad taste, * * * and very unbecoming an officer; but his youth and the fact that they were written in confidence, and that confidence was betrayed from selfish motives, afford at least some excuse for the act. He served the Government faithfully up to the time he was wounded at Perryville, and is, I think, at least entitled to his pay.'"

"This letter was written February 11, 1867. Lieutenant Higgins was not twenty years old when the occurrences upon which the charges against him were based took place.

"The disabilities imposed by his sentence—the substantial part—having been removed, it seems to your committee that the Government ought not to retain the pay earned by faithful and gallant services. It is submitted that the nature of the offense and the severity of the sentence are such as appeal, certainly after this lapse of time, to the sense of justice in any impartial tribunal.

"Your committee, therefore, in view of the foregoing statement of facts, report in favor of the passage of the bill."

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BROWNE, of Indiana. I desire to inquire up to what time this pay is to be allowed?

Mr. BOOTHMAN. Up to the time of his dismissal.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

Mr. KILGORE. I give notice to the friends of this measure on the other side that I will appeal from the objection here to the point of no quorum on this bill.

Mr. THOMPSON, of Ohio. Will the gentleman permit a suggestion in this connection?

Mr. KILGORE. It is simply a waste of time.

Mr. THOMPSON, of Ohio. I think if the gentleman would hear a short explanation of the case he would not object.

Mr. KILGORE. I listened to the reading of the report and listened carefully, and made up my mind upon the facts therein alleged.

Mr. THOMPSON, of Ohio. This is a case with which I am thoroughly familiar. This young man lives in my town, and I am con-

vinced that the gentleman when he knows the facts, which are but briefly stated in the report, will not insist on his objection.

Mr. KILGORE. I take the report on its face and must conclude that there is not sufficient merit to put the case through this House without a quorum.

Mr. THOMPSON, of Ohio. The gentleman, perhaps, has not observed that every disability incurred by this officer was removed, but that the removal did not restore to him the money which he had earned by faithful and gallant services, which money is still held by the Government. This bill simply restores him that money. The Government is placed in the attitude of holding on to a little sum earned by the gallant and faithful services of this man, services which are certified to by his colonel, who states that he served gallantly and was wounded in battle, but afterwards, unfortunately, he fell into bad company, and the result of some imprudences on his part was the court-martial which dismissed him from the service and withheld from him the pay that he had earned up to that time. I repeat that every single disqualification and disability has been removed by President Grant. This was a mere boy, not exceeding twenty years of age, and I hope we will not insist on holding on to the little bit of money earned by his services in battle. The disabilities and the substantial part of the sentence were removed after a full hearing of the case by President Grant years ago when the matters were fresh in the minds of the witnesses.

Mr. PERKINS. I would ask unanimous consent, in view of the objection of the gentleman from Texas, that this bill be laid aside temporarily, to be called up again some time during the course of the day, if the gentleman from Texas, on an examination, is willing to withdraw his objection.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection.

NORFOLK COUNTY FERRY COMMITTEE.

Mr. BOWDEN. I call up for consideration the bill (H. R. 5517) for the relief of the Norfolk County Ferry Committee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Norfolk County Ferry Committee, of Norfolk, Va., out of any money in the Treasury not otherwise appropriated, the sum of $42,300, that being the amount collected by the Quartermaster's Department of the United States Army as tolls and ferriages for the transportation of civilians, their animals and freights, for three years and eleven months, excepting eight days, beyond the current expenses and repairs of said ferry as found by the Court of Claims.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. ROWELL. I object.

Mr. WILSON, of Minnesota. I wish to state that if this bill comes up I shall desire to be heard to discuss it. I would not object to the consideration of the bill except that it is going to stand in the way of others, as I do not object to consideration as a rule.

Mr. ROWELL. I object because the report in the Department shows that the Government spent more money than it got.

Mr. BOWDEN. If the gentleman will permit the report to be read it will show no such state of facts, but will show, on the contrary, that during a part of this time the Government collected a larger rate than that allowed by the Court of Claims.

Mr. BLAND. I wish to make a parliamentary inquiry. The bill that I called up was passed over informally to be taken up again. Now, I would like to know if the gentleman from Indiana has made an examination which will satisfy him, as it is unfair to me and to the bill to defeat it in any indirect way.

The CHAIRMAN. The first question is to determine the disposition to be made of the bill called up by the gentleman from Virginia. Is there objection to its present consideration?

Objection was made.

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

Mr. BOWDEN. I believe, Mr. Chairman, it is my privilege to call up another bill.

The CHAIRMAN (Mr. CRISP). The present occupant of the chair does not know whether the gentleman would be entitled to do so or not.

Mr. BOWDEN. I asked the Chair at the beginning, when I asked the consideration of this other bill, if there was objection, whether a member would be entitled to call up another bill; and it was conceded that he would.

The CHAIRMAN. Of course the Chair will carry out that agreement.

Mr. BOWDEN. Then I call up the bill (H. R. 7799) for the relief of the Albemarle and Chesapeake Canal Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to investigate the claim of the Albemarle and Chesapeake Canal Company, it being for tolls on vessels transporting naval supplies, and to award such sum as he may find equitably due, not to exceed the sum of $3,742.20; said award being in full payment of all claims of said company against the Government, and for the payment of whatever sum the Secretary may award, as aforesaid, appropriation is hereby made, out of the Treasury, payable out of any moneys not otherwise appropriated.

Mr. KILGORE. Do I understand that bill refers the matter to the Secretary of the Navy to be adjudicated?

Mr. BOWDEN. It refers it to the Secretary of the Navy for investigation and award of an appropriate amount.

The CHAIRMAN. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PRESTON BECK, JR.

Mr. BLAND. I would like to dispose of the bill (H. R. 4554) for the relief of the heirs of Preston Beck, jr., which was laid aside informally.

Mr. HOLMAN. The court passed upon that under the old system, which only authorized them to find the facts. I find on an examination that the act of 1834 is somewhat modified by the act of 1860. If the act of 1834 alone stood, I should still insist on my objection, but under the present law as I find it I shall only ask for a vote.

Mr. BLAND. We have had a vote upon it already.

Mr. HOLMAN. It is now properly before the committee.

Mr. BLAND. It was before the committee and a vote taken, and then it was laid aside informally.

Mr. HOLMAN. It was laid over informally, and is now before the House properly.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

A. J. M'CREARY.

Mr. BOWEN. I ask consideration of the bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes.

The bill was read, as follows:

Whereas in the year 1878 the Osage Indians were in a state of destitution and suffering for the actual necessaries of life owing to the inadequacy of the appropriation for them by Congress out of their fund, and said tribe, by nearly if not quite all the chief councilors and headmen of said Osage tribe of Indians, appealed to the then Indian traders, J. M. Hiatt & Co., at the Osage agency (Pahuskey), Indian Territory, to extend to the Osages a credit of from eight to ten dollars per capita, promising payment out of their next annuity, which it was supposed would be ample for that purpose, which appeal was supported and the credit approved by Cyrus Beede, the then United States agent for the Osage Indians, as a matter of actual necessity; and

Whereas the said firm of J. M. Hiatt & Co., pursuant to said appeal, and relying thereon, did extend to said Osage Indians a credit, aggregating the sum of $16,759.99, keeping a careful, just, and true itemized account of all goods sold to each head of a family and individual, said goods being sold under supervision and advice of Paul Akin, United States interpreter, Governor Joe, Sam Bevenue, chief of the half-breeds, and other chiefs and headmen, who were fully and freely consulted as to who were proper persons to receive credit and the amount thereof; and every precaution was taken to have the credit fairly distributed to all the members of the tribe. But the next annuity, instead of being $15 per capita, as had been expected, was reduced to little over $3 per capita, so that the payment of said amount of credit so extended was rendered impossible, and before the subsequent annuities were made sufficient for its payment, the Indian agent, Cyrus Beede, was superseded by an agent who, for unknown reason, resisted and defeated the payment of said credit out of the same; and

Whereas, afterward, in the summer of 1880, said account was settled and adjusted as to items and amount, after a long and careful examination thereof by the governor and head chiefs constituting the business committee of said tribe of Osage Indians, and there was thereby found to be due the said firm of J. M. Hiatt & Co. the sum of $16,759.99, and said governor and head chief requested the Secretary of the Interior to pay the same; and

Whereas by an act of the Forty-ninth Congress, approved July 14, 1886, the Secretary of the Treasury was authorized and directed to pay to J. M. Hiatt, only surviving partner of said J. M. Hiatt & Co., late traders for the Osage tribe of Indians, out of any money in the Treasury accruing to the Osage tribe of Indians under an act of Congress approved June 16, 1880, the said sum of $16,759.99, or so much thereof as may be found actually due the claimant; and after an investigation of the facts the Secretary of the Interior, without having any valid evidence affecting or impairing the justness or correctness of said accounts and the amount due thereon, declined to certify any greater sum than $8,380, leaving still justly due the sum of $8,380, and said J. M. Hiatt has since died and A. J. McCreary has been appointed his administrator: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said A. J. McCreary, administrator of the estate of said J. M. Hiatt, survivor of said J. M. Hiatt & Co., late traders for the Osage tribe of Indians, out of any money in the Treasury accruing to said tribe of Indians by act of Congress, approved June 16, 1880, the balance of said account, namely, the sum of $8,380, in full satisfaction of said demand against the said Osage tribe of Indians, on said credit extended to them as aforesaid.

Mr. BROWNE, of Indiana. I ask that the report be read.

Mr. PERKINS. The report is very voluminous. The matter has been very carefully considered by the committee.

Mr. BROWNE, of Indiana. Have the committee reported in favor of the bill?

Mr. PERKINS. The committee have unanimously reported in favor of the bill, and I ask, for the information of the gentleman from Indiana and the House generally, that a single statement from the chief of the Indians be read, which is incorporated in the report, as the report is very voluminous.

The Clerk read as follows:

OSAGE AGENCY, INDIAN TERRITORY, *August* 20, 1880.

Hon. COMMISSIONER OF INDIAN AFFAIRS:

SIR: The governor of the Osages and a number of the chiefs have directed or petitioned the honorable Secretary of the Interior to pay a claim of $16,759.99, due to Hiatt & Co. from said tribe.

As chief of the half-breed band, and having a better knowledge, perhaps, of the origin and character of said claim than any other chief, I unite with them in earnestly asking that the claim be promptly paid, as requested. The Indians

and others were led to believe that the payment of about $15 per head in January, 1878, would be continued at substantially that sum. In that belief I advised H. & Co. to give the Osages a credit for half the sum, knowing that it would greatly accommodate the Indians, and believing it would be entirely safe; but the consequent payment and later ones, instead of $15, have been but little over $3 per head. Their present needs absorbed this small sum at once, so there has been no time at which it was possible to pay a debt made in good faith, and of which they reaped the full benefit. Knowing their ability to pay their debts, and grateful for the accommodation, the honor and self-respect of the Osages is concerned in the quick and full discharge of the debt.

I have the honor to be, your obedient servant,

SAMUEL BEIVNEW,
Head Chief of Half-Breed Band.

Witness:
J. H. TISDALE.

The CHAIRMAN. Is there objection to the consideration of this bill? The Chair hears none.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. RICHARDSON.

Mr. BRECKINRIDGE, of Arkansas. I ask consideration of the bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson.

Mr. CRAIN. I would like to ask the gentleman from Arkansas whether that bill is one that he has introduced or whether it was submitted to him by some gentleman whose name comes lower in the list.

Mr. BRECKINRIDGE, of Arkansas. I introduced the bill.

The bill was read, as follows:

Be it enacted, etc., That the Quartermaster-General of the United States is hereby authorized and directed to examine the claim of the estate of Benjamin F. Richardson, deceased, late of Jefferson County, Arkansas, for stores and supplies belonging to said Richardson alleged to have been taken by the United States, or the armies thereof, in Jefferson County in the State of Arkansas during the war of the rebellion; and he may consider the evidence heretofore taken on said claim, so far as applicable, and such other legal evidence as may be adduced before him in behalf of the claimant or in behalf of the United States, and shall report the facts to Congress, to be considered with other claims reported by the Quartermaster-General.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DESTRUCTION OF PROPERTY IN CYNTHIANA, KY.

Mr. BRECKINRIDGE, of Kentucky. I ask consideration of the bill (H. R. 8640) to direct the Secretary of War to appoint a commission to ascertain and report the facts concerning the destruction of property at Cynthiana, Ky., on July 17, 1862.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to appoint a commission, to consist of three officers of the Army, to ascertain and report the facts concerning the destruction of property at the battle at Cynthiana, Ky., on July 17, 1862, between the forces of the United States under the command of Colonel Landrum and the Confederate forces under General John H. Morgan, and the value of the property there destroyed, ascertaining the names of the owners thereof, the value, and description thereof, which report the said Secretary of War will transmit to Congress as early as practicable.

Mr. McCULLOGH. I would ask the gentleman from Kentucky the object of the bill; and reserve the right to object.

Mr. BRECKINRIDGE, of Kentucky. The object of the bill is simply to enable the Secretary of War to appoint a commission who shall ascertain the facts.

Mr. McCULLOGH. Was it for destruction of property caused by two forces at war? The ultimate object is what I ask.

Mr. BRECKINRIDGE, of Kentucky. The ultimate object is that if the commission reports there ought to be any award the amount would be reported for appropriation by Congress.

Mr. McCULLOGH. Was the destruction caused by two opposing forces in a state of war?

Mr. BRECKINRIDGE, of Kentucky. The facts, so far as I understand them, are that in the town of Cynthiana, in the State of Kentucky, during a battle in the streets of the town, there was a destruction of property——

Mr. McCULLOGH. The object that I have in rising is to inquire whether this damage was done in an act of war, between two opposing forces at the time at war. We have the same case at Gettysburgh, in Pennsylvania, where opposing forces were in actual war, which the House has refused to recognize.

Mr. BRECKINRIDGE, of Kentucky. This is for the purpose of having the facts ascertained, so that if it does not come within any proper rule nothing further is heard of it. I desire to amend the bill by changing the names and the date. I desire to strike out lines 6 to 9, "July 17, 1862, between the forces of the United States under the command of Colonel Landrum," and insert "on July 11, 1864, between the forces of the United States under the command of Col. Conrad Jervis."

Mr. SPRINGER. I do not desire to oppose this bill, but ask how is the expense to be incurred in this matter provided for?

Mr. BRECKINRIDGE, of Kentucky. There will be no expense, because the officers of the Army are employed now.

Mr. SPRINGER. Unless there be an appropriation the bill can not be executed.

Mr. BRECKINRIDGE, of Kentucky. The Secretary of War says it can, and that is the form of bill recommended.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOHN F. ALSUP.

Mr. BROWNE, of Indiana. I call up the bill (H. R. 3494) for the relief of John F. Alsup.

Mr. CRAIN. I will ask the gentleman from Indiana whether that bill was introduced by himself?

Mr. BROWNE, of Indiana. No, sir; it was not.

Mr. CRAIN. Was it handed to you by a member lower down on the list, to be called up when your name should be reached?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. CRAIN. Mr. Chairman, I rise to a parliamentary inquiry. I ask to have read the order of the House in regard to the presentation of bills for consideration to-day.

The CHAIRMAN (Mr. CRISP). The present occupant was not in the chair when the order was made, but he can state his understanding of the order, which was that when the name of a member was called by the Clerk he should have the right to call up any bill on the Private Calendar.

Mr. CRAIN. I will ask whether it was not the intention that that should apply only to bills in which the member himself was interested?

Several MEMBERS. Oh, no.

Mr. CRAIN. I am asking for information from the Chair.

The CHAIRMAN. Of course the Chair can not say what was the intention of the House, but the present occupant of the chair would not hold——

Mr. CRAIN. I had not finished my inquiry, Mr. Chairman. It seems to me that it is unjust to members of this committee that gentlemen whose names happen to be far down on the list should therefore have the opportunity to present two bills for the consideration of the committee.

Mr. BROWNE, of Indiana. I, too, think that would be unfair, and it will not be done in this case.

Mr. CRAIN. What is done in this case, however, gives precedence to this bill over others, for example over a bill which I may desire to call up for consideration but which may not be considered at all to-day owing to want of time, and therefore it is unjust. I understand the spirit of this order to be that each member as his name is called shall have an opportunity to present a bill in which he is interested, and if he has no bill it is just and right that he should not respond; because if the rule of procedure adopted by the gentleman from Indiana is to be followed by every gentleman whose name is called, then some members will have an opportunity to present two bills each for consideration in case their names are called to-day; or, if that does not result, at least gentlemen whose names precede them, and who have priority on the list by reason of their names happening to commence with letters earlier in the alphabet will fail to be reached and their bills will be left behind.

I do not think it is the intention of the House, or of the committee, as the case may be, that gentlemen should be permitted to take bills from members whose names come later than theirs in the list and present them to the committee for consideration to the disadvantage of other bills. I give notice now that in every case I shall object to the consideration of bills brought up in that way, and I begin by objecting to the consideration of this bill.

Mr. BROWNE, of Indiana. Well, that is something that may be done by one gentleman as well as by another.

The CHAIRMAN. Is there objection to the consideration of the bill called up by the gentleman from Indiana?

Mr. CRAIN alone objected.

The CHAIRMAN. Not a sufficient number, and the bill is before the House for consideration.

The bill was read, as follows:

Be it enacted, etc., That John F. Alsup, late first sergeant of Company B, Thirty-ninth Illinois Infantry Volunteers, of Leroy, Ill., be paid, out of any money in the Treasury not otherwise appropriated, the full pay and allowances of the captain of said Company B for the period of five months, he having acted as captain of the company for that length of time, less any pay received by him as sergeant.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

H. L. NEWMAN.

Mr. BUNNELL. I call up the bill (H. R. 766) for the relief of H. L. Newman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to pay, out of any money that may hereafter be appropriated for the use and benefit of the Arapaho and Kiowa Indians, to H. L. Newman the sum of $3,450, which sum shall be in full satisfaction for claims against said Indians for property destroyed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ST. JOSEPH COMMERCIAL COLLEGE, ST. JOSEPH, MO.

Mr. BURNES. I call up House bill 5426.

Mr. CRAIN. I will ask the gentleman the same question that I asked the gentleman from Indiana.

Mr. BURNES. The answer is that this is my own bill. It is a St. Jo. bill.

The bill was read, as follows:

Be it enacted, etc., That there be paid to the trustees of St. Joseph Commercial College, in the city of St. Joseph, State of Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, in full compensation for the use and occupation of said college and the land thereunto appurtenant during the late war by the United States troops and for damage to the same by said troops.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred House bill 5426, being a bill for the relief of St. Joseph Commercial College, of St. Joseph, Mo., respectfully report as follows:

In the year 1861 the Christian Brothers College of St. Joseph, now known by the name of the St. Joseph Commercial College, was erected and completed at a cost of $15,000 for school and educational purposes. From the year 1861 until near the close of the war, in 1865, said college and its grounds were under the control and in the occupancy and possession of various commands of United States troops.

The actual occupancy was not continuous during the whole time, but was at intervals, having the effect necessarily of preventing the owners of the property from using or enjoying it for the purposes for which it was constructed or held by them. Sometimes it was occupied by infantry and sometimes by cavalry, and when occupied by the latter class of troops their horses were stabled in the college basement. The floors (except a part of the floor in the fourth story), the doors, windows, and window-sashes, and glass were wholly, or nearly wholly, destroyed.

At one time during the war when the college buildings were for a few months unoccupied by soldiers, the owners, hoping such occupancy was at an end, proceeded, with the aid of the community, and repaired the buildings and grounds with a view to the opening of the college for the reception of students; but such repairs were but little more than finished when other troops of the United States needing quarters came and retook possession of said buildings so repaired, and occupied them until the condition of the property was made worse by such occupancy than it was before the repairs. The owners of the property could do nothing but quietly abandon it and all thought of a school, until after the complete close of the war.

In 1866 and 1867 the college buildings and grounds were again repaired and improved, and its occupancy for college purposes began six or seven years after its first completion as a college.

The testimony shows that the repairs made, as before stated, cost between $6,000 and $7,000, and that a fair rental value of the property was from $1,500 to $1,800 per annum. Although the owners of the property were deprived of the use of their property for six years, the committee have not been disposed to allow them for any time after the close of the war—say four years, at $1,500 per year, and for the actual cost of the repairs made, say $6,000.

Wherefore your committee recommend the allowance of $12,000, and that the bill do pass, with an amendment striking out in the sixth line of the printed bill the word "twenty" and inserting in lieu thereof the word "twelve."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CLAIMS UNDER THE BOWMAN ACT.

Mr. BUTLER. I call up House bill (H. R. 6047) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; and I ask unanimous consent to substitute for the House bill Senate bill 97.

The CHAIRMAN. The request of the gentleman can not be entertained, because the Senate bill is not on the Private Calendar, but is still on the Speaker's table.

Mr. BUTLER. I ask that it be taken from the Speaker's table.

The CHAIRMAN. That can not be done in Committee of the Whole.

Mr. BUTLER. Not by unanimous consent?

The CHAIRMAN. No. The House bill can now be considered by the Committee of the Whole and reported to the House, and when the bill is in the House then the gentleman can ask unanimous consent to substitute the Senate bill for the House bill.

Mr. BUTLER. I will take that course.

Mr. HOLMAN. I wish to inquire whether this bill comes within the spirit of the agreement, which was that each member when his named was reached might call up a single measure?

Mr. BUTLER. This House bill is an "omnibus bill," embracing, with many other items, one paragraph which is the same substantially as a Senate bill, which is all that I desire to pass.

Mr. HOLMAN. You are proposing to pass a bill of one item.

Mr. BUTLER. That is all.

The CHAIRMAN. Does the gentleman from Tennessee desire to call up this bill?

Mr. BUTLER. Yes, sir.

Mr. HOLMAN. I rise to a parliamentary inquiry. This is a bill containing many different appropriations. The question is whether it comes within the spirit of the order made by the House.

The CHAIRMAN. The Chair is of opinion that it comes within the terms of the order, which was to consider, when called up by a member, any business on the Private Calendar except pension bills. This bill appears on the Private Calendar.

Mr. STONE, of Kentucky. I think I can explain what my friend from Tennessee [Mr. BUTLER] desires. The Senate has passed a bill for the payment of a certain claim in accordance with the finding of the Court of Claims. The House committee has reported a bill which embraces that claim with a number of others. The gentleman from Tennessee wants such action of the Committee of the Whole as will indorse the particular claim in regard to which he is interested, so that when this bill comes up in the House he may have the Senate bill substituted.

Mr. CRAIN. I will ask the gentleman from Tennessee whether this bill which he calls up is one introduced by himself, or whether he calls it up at the request of a gentleman below him in the alphabetical list.

Mr. BUTLER. This is a claim which concerns parties in my district.

Mr. CRAIN. If the bill comes from the gentleman's own district, all right.

The CHAIRMAN. The Clerk will read the bill.

The bill (H. R. 6047) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act, was read.

Mr. MCCULLOGH (interrupting the reading). Mr. Chairman, I rise to make a request for the purpose of saving time. The gentleman from Tennessee [Mr. BUTLER] desires to have passed but one of the claims mentioned in this lengthy bill. I ask that *pro forma*, and without prejudice to the other claimants mentioned in the bill, all after the enacting clause, except the part in which the gentleman from Tennessee is interested, be laid on the table——

The CHAIRMAN. The Chair takes the liberty of suggesting that the action proposed would very materially damage the interests of the other claimants in this bill.

Mr. MCCULLOGH. I think not; the action I propose is only *pro forma*.

The CHAIRMAN. The Chair could not, at any rate, entertain the proposition until the reading of the bill is concluded.

Mr. MCCULLOGH. It will take a long time to read it.

The Clerk concluded the reading of the bill.

Mr. HOLMAN. I call for the reading of the report.

The CHAIRMAN. The report will be read, reserving the right to object.

The report was read.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. ANDERSON, of Mississippi. I desire to offer an amendment to the bill.

The CHAIRMAN. The question of the consideration of the bill must first be determined.

Mr. WILSON, of Minnesota. Mr. Chairman, it is impossible for us to consider during this day a bill involving so many different accounts and so large an amount of money. If this bill be taken up, it will not be finished to-day.

Mr. LANHAM. I hope the gentleman from Tennessee will withdraw the bill.

Mr. WILSON, of Minnesota. This House could not do justice to itself by permitting such a bill to pass without consideration.

The CHAIRMAN. The Chair desires to call attention to the fact that a Senate bill which the gentleman from Tennessee desires to substitute for this bill in the House is now on the Speaker's table. If this bill should be reported, and the Senate bill substituted, the effect would be to cut out all the claims not included in the Senate bill. The Chair suggests this for the consideration of the gentleman from Tennessee.

Mr. LANHAM. I hope the gentleman will withdraw the bill.

Mr. BUTLER. I do not want to prejudice anybody's claim or to consume time unnecessarily. All I desired was to pass the Senate bill, which embraces only the claims about which I am interested.

Mr. STONE, of Kentucky. I suggest that if the gentleman desires specially to pass the Senate bill, there is a way to accomplish the purpose; that is to withdraw this bill now, informing the committee that he will not call up another bill here, but will in the House ask unanimous consent for the consideration of the Senate bill which embraces one of these claims.

Mr. BUTLER. That will meet my approbation.

Mr. WILSON, of Minnesota. I submit that this committee, acting under the constitution fixed by the House, can not do what is now suggested.

Mr. STONE, of Kentucky. I am as well aware of the conditions under which we are acting as is the gentleman giving us this information. The House can, by unanimous consent, consider any bill which it pleases. The gentleman from Tennessee can now simply give notice that in the House he will ask unanimous consent for the consideration of the Senate bill; and I do not think the House will refuse it. I am not suggesting any unusual proceeding or anything out of order.

Mr. BUTLER. With that understanding, I withdraw the bill.

The CHAIRMAN. The gentleman withdraws the bill, and announces that he will in the House ask unanimous consent for the consideration of the Senate bill which he has indicated.

Mr. WILSON, of Minnesota. Mere silence here in committee gives no consent to anything which may be proposed hereafter.

The CHAIRMAN. Certainly not; the gentleman simply announces that he will make the request.

Mr. LANHAM. The gentleman from Alabama [Mr. FORNEY] desires to submit a conference report on an appropriation bill, and I move that the committee rise for that purpose.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had, according to order, had under consideration the

Private Calendar, and had directed him to report to the House sundry bills with various recommendations.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY submitted the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, having met, after a full and free conference have agreed to recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 106, 107, 118, 222, 223, 233, 236, 238, 239, 243, 244, 248, 254, 255, 256, and 257.

That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For continuing the construction of the building for the Library of Congress, and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary for the prosecution of the work, and shall specially order to carry into effect the appropriation of money made for the construction of the said Library building, and to be paid from such appropriation for the construction of the western front of the building and reading-room, and the book repositories connected therewith, as shown by sketch termed 'Plan No. 1' on file in the office of the Librarian of Congress, $500,000. This appropriation and all appropriations hereafter made, and all sums available from appropriations heretofore made for this purpose shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and so much of the first section as provides for a commission, together with the eighth section of the act entitled 'An act authorizing the construction of a building for the accommodation of the Congressional Library,' approved April 15, 1886, are hereby repealed, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, who shall annually report to Congress at the commencement of each session a detailed statement of all the proceedings under the provisions of this act, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library except such as is contemplated on the sketch or 'Plan No. 1' herein referred to, and all contracts for work or materials outside of the space covered by said plan are hereby rescinded. And all loss or damage occasioned thereby or arising under said contracts, together with the value of the plan of said Library building submitted to the joint select committee on additional accommodations for the Library of Congress by John L. Smithmeyer in the Italian renaissance style of architecture, may be adjusted and determined by the Secretary of the Interior, to be paid out of the sums heretofore or hereby appropriated. All sketches, plans, and computations heretofore made under the commission created by the act of April 15, 1886, or hereafter made respecting said Library building, or any part of the same, shall be the property of the United States.

"And so much of said act entitled 'An act authorizing the construction of a building for the accommodation of the Congressional Library, approved April 15, 1886,' as authorizes the construction of a building for the accommodation of the Congressional Library and as provides for plans for the same, excepting only so much of said building as is shown by the sketch termed 'Plan No. 1,' on file in the office of the Librarian of Congress, be, and the same is hereby, repealed."

And the Senate agree to the same.

Amendment numbered 119: That the Senate recede from its disagreement of the House to the Senate amendment numbered 119, and agree to the same with an amendment as follows: Add at the end of the matter proposed to be inserted by the House amendment numbered 4 the following:

"*Provided*, That the President may at any time in his discretion by a proclamation open any portion or all of the lands reserved by this provision to settlement under the homestead laws."

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum named insert "$502,000;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Add, after the word "industrial," the word "primary;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

Amendment numbered 221: That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"Catalogue of the Congressional Library: To enable the Librarian of Congress to continue the work upon the catalogue of the Congressional Library, $5,000."

And the Senate agree to the same.

Amendment numbered 242: That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,067,000;" and the Senate agree to the same.

WILLIAM H. FORNEY,
JAMES N. BURNES,
THOMAS RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The following statement, under the rules, accompanied the report:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government submit the following written statement in explanation of the action which has been agreed upon by the conferees on said amendments:

On amendment numbered 105: Appropriates $25,000 for payment to the widow of the late Spencer F. Baird, in full compensation for the services and expenses of the said Spencer F. Baird during his administration of the office of Commissioner of Fish and Fisheries.

On amendments numbered 106 and 107: Strikes out proposed appropriation of $100,000 for international boundary survey between the United States and Mexico.

On amendment numbered 110: Appropriates $500,000 for continuing the construction of the building for the Library of Congress substantially in the terms proposed by the Senate, except that so much of section 1 of the act authorizing the construction of the building as provides for a commission, together with section 8 thereof, and all that portion of said act which authorizes the construction of said building and the preparation of plans therefor, except as is shown by the sketch termed "Plan No. 1," is repealed.

On amendment numbered 118: Strikes out the provision inserted by the Senate forbidding the use of money appropriated for expenses of depositing public moneys in investigating any case or prosecuting any person in the mining regions of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value.

On the amendments of the House to the amendment of the Senate numbered 119, reducing the appropriation of the Senate from $250,000 to $100,000 for investigating the extent to which the arid region of the United States can be redeemed by irrigation, the committee agree to recommend that the Senate accept the proposition of the House, adding thereto the following:

"*Provided*, That the President may at any time, in his discretion, by proclamation, open any portion or all of the lands reserved by this provision to settlement under the homestead laws."

On amendment numbered 121: Corrects a total.

On amendments numbered 127 and 128: Appropriates $40,000 instead of $50,000 for industrial and primary education in Alaska.

On amendment numbered 221: Appropriates $20,000 instead of $40,000 for special counsel to be employed by the Attorney-General.

On amendments numbered 222 and 223: Restores the provisions proposed to be stricken out by the Senate prescribing how certain prosecutions under the internal-revenue laws shall be commenced.

On amendment numbered 233: Strikes out appropriation of $10,000 for purchase of works of art by the Joint Committee on the Library.

On amendment numbered 234: Appropriates $5,000 instead of $18,000 to enable the Librarian of Congress to continue the work upon the catalogue of the Congressional Library.

On amendment numbered 236: Strikes out the appropriation of $15,000 to purchase from B. F. Stevens the transcripts from certain state and historical papers.

On amendment numbered 238: Strikes out appropriation of $4,500 to purchase the library of Professor Guyot.

On amendment numbered 239: Strikes out appropriation of $1,500 for purchase of the unfinished painting by Benjamin West of the peace commissioners of the treaty of Paris.

On amendment numbered 240: Appropriates $3,000 to pay for the work done in preparing the index to Congressional documents.

On amendments numbered 242, 243, 244, and 248: Requires the Public Printer to do printing and binding up to the sums allotted to each of the Departments, and strikes out the proposed increase of the sum for printing of Congress from $802,000 to $952,000.

On amendment numbered 254: Strikes out the indefinite appropriation to purchase the square of ground between E and F and Eighth and Ninth streets, on which to erect a public building for the city post-office and other Government purposes.

On amendment numbered 255: Strikes out the proposed indefinite appropriation to purchase additional ground for the use of the Government Printing Office.

On amendment numbered 256: Strikes out the proposed appropriation of $200,000 for the establishment of a zoological park in Washington.

On amendment numbered 257: Strikes out proposed appropriation of $15,000 to purchase that part of Battery Island at the mouth of the Susquehanna River now occupied by the Fish Commissioner as a fish-hatching station.

The bill as agreed upon appropriates $26,245,454.82, being $2,261,544.72 less than as it passed the Senate, $2,913,048.52 more than as it passed the House, $3,858,913.86 more than the law of last year, and $2,497,240.44 less than the estimates submitted for 1889.

W. H. FORNEY,
JAS. N. BURNES,
THOS. RYAN,
Managers on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same, namely:

Joint resolution (H. Res. 221) to continue the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution entitled a 'Joint resolution to provide temporarily for the expenditures of the Government.'"

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I now move the adoption of the conference report which has just been read. If any gentleman desires any further information other than that covered by the statement of the House conferees, I shall be glad to furnish it.

Mr. PAYSON. Mr. Speaker——

Mr. CANNON. I would be glad, Mr. Speaker, to be recognized at this time.

Mr. FORNEY. I will yield to the gentleman, if he desires it, a part of my time.

Mr. CANNON. I would prefer to be recognized in my own time.

Mr. FORNEY. Very well.

The SPEAKER *pro tempore*. The gentleman from Illinois is recognized.

[Mr. CANNON withholds his remarks for revision. See APPENDIX.]

Mr. FORNEY. I now ask a vote, Mr. Speaker, on the adoption of the report of the conference committee.

Mr. PAYSON. Before that I wish to make a suggestion to the gentleman from Alabama.

Mr. FORNEY. I yield for that purpose.

Mr. PAYSON. I desire to suggest to the gentleman that I would be glad to hear from him, and at some length, as to why, after the vote taken in the House with reference to the proposition in regard to the construction of the Congressional Library building a few days ago, the House conferees have seen proper to submit the report they have submitted and in its present shape; and to supplement that suggestion with another, that I hope in some way the question may be presented to the House as to whether or not it desires to commit itself to the completion of the building under the Smithmeyer plan.

Mr. HOLMAN. Will the gentleman allow a suggestion?

The SPEAKER *pro tempore*. The gentleman from Alabama is entitled to the floor.

Mr. FORNEY. I yield to the gentleman from Indiana to ask a question.

Mr. HOLMAN. I wish to make a suggestion to the gentleman from Alabama.

Mr. FORNEY. I will hear the gentleman with pleasure.

Mr. HOLMAN. I suggest that as there are a large number of amendments involved in the report, and as I understand it there is no objection to any of them except in respect to the Congressional Library building, that the gentleman from Alabama move a concurrence in all the rest, and leave this one for the separate action of the House.

Mr. RYAN. Oh, no; that can not be done.

Mr. PAYSON. I should be very glad if that could be done. I am quite willing, as far as I am concerned, that that action shall be taken.

Mr. FORNEY. The report is an entirety, and must be received or rejected as such.

Mr. HOLMAN. I concede that it can not be done; but I should be glad if that course could have been adopted by some means.

Mr. RYAN. It could not be done, even by unanimous consent.

Mr. PAYSON. Then, before the question is put to the House, I desire to submit to the gentleman from Alabama that the proposition in regard to the construction of the Congressional Library ought to be debated, and there ought to be some understanding as to what the House proposes to do in regard to it. I submit the propriety of agreeing to all the items in the report except that, as a matter of unanimous consent, and let some suggestion be made upon it and a separate vote taken later on the single proposition.

Mr. HOLMAN. Unfortunately, that can not be done.

Mr. PAYSON. It can by unanimous consent.

Mr. HOLMAN. No; not even by unanimous consent.

Mr. FORNEY. This report was before the House the other day and discussed fully, and the House committee of conference carried out what they presumed to be the wishes of the House on the subject of the Congressional Library building. They have, as far as they could understand the wishes of the House, carried out its instructions. This bill simply proposes that the work shall be suspended except as regards the west wing, and we appropriate $500,000 to continue that. It is all placed under the direction of the Chief of Engineers, who has full control, with the right to make the necessary contracts and appoint all the officers required. He can get clear of any one of them that is desirable to be removed. The Senate asked $1,000,000, but $500,000 was finally agreed upon. This work is confined alone, as I have said, to this one wing.

Mr. PAYSON. But that is a part of the Smithmeyer plan.

Mr. FORNEY. Yes.

Mr. PAYSON. And in order that there may be no doubt upon the subject, I wish it to be understood that the construction of the west wing and the central dome, being integral parts of the Smithmeyer plan, is a continuation of the work on that plan and a committal of the House to the construction of the building thereunder.

Mr. RYAN. Let me make a suggestion to the gentleman.

Mr. PAYSON. With pleasure.

Mr. RYAN. His view is entirely negatived by the proposition which repeals so much of the law of 1886 as authorizes this building beyond that which is provided for here.

Mr. PAYSON. Certainly, but you are proceeding with the part which is authorized on the old plan, and that is a recognition of the old plan.

Mr. RYAN. This absolutely repeals all other provisions in regard to it and all plans.

Mr. FORNEY. And it will cost about $4,000,000 to finish the building.

Mr. HOLMAN. I hope the prediction of the gentleman from Alabama will be verified, and that the House is of the same mind still that it was a few days ago when the subject was being acted upon, and when the House with a great deal of unanimity determined that it was proper to rebuke the extraordinary agencies through which the House was induced to pass the bill of 1886 to leave matters in a state of suspense for the time being, continuing only contracts already made until next December. I am inclined to think that the judgment of the House was clearly in favor of that proposition, that no appropriation should be made except the $10,000 proposed to induce the presentation of new plans, and then let the matter go over in a state of suspense until the meeting of Congress next winter. Now, I hope the House will agree to do this, not being able to concur in a part of this report, but to agree to non-concur in all the report—and I understand there is no objection except to this particular provision—and at least adopt this safeguard if they go no further, though I hope the House will adhere to the original determination to suspend the work for the time being as a proper emphasis of the disapproval of the methods which were adopted to secure the passage of the original bill.

But I hope the committee of conference will be called upon to ask the Senate to agree to the following proposition, as they have failed to fix some limit.

The Clerk read as follows:

And the cost of the building as authorized to be constructed by this provision shall not exceed $4,000,000; and if in the judgment of the Chief of Engineers the building so authorized to be erected can not be completed by an expenditure of $4,000,000, he shall suspend the work thereon and make full report to Congress of the facts in relation to said building.

Mr. HOLMAN. Now, Mr. Speaker, I only wish to ask the committee of conference to insist on this.

Mr. PAYSON. Do you propose to offer that as a proposition?

Mr. HOLMAN. I propose to ask the House to instruct the committee of conference to ask the Senate to consent to that. It seems to me that the House owes something to itself in this matter. We entered upon this enterprise with an understanding brought before the House that the structure was to cost about $3,200,000. I do not believe the House was at any time willing to go beyond that sum in the construction of this building. Indeed, so long as it was a proposition for the construction of a building costing $8,000,000, or anything beyond $3,000,000, it was opposed.

Mr. BUTTERWORTH. What is the estimate of the Smithmeyer plan?

Mr. HOLMAN. The reduced plan—Plan No. 1?

Mr. MAISH. Yes.

Mr. HOLMAN. The lowest estimate is $4,000,000.

Mr. RYAN. What is the highest?

Mr. HOLMAN. That is what I wish to avoid. It would depend altogether upon the plan of construction, but I think $4,000,000 will be the ultimate cost of the construction of the partial plans. It has been estimated that it would cost $4,000,000. There is plenty of time to act on this matter, inasmuch as the appropriations for last year have extended still further and there is no necessity for any extraordinary haste. This subject can be acted on next Monday or Tuesday as well as to-day. I ask the House to non-concur in this conference report, and let the committee of conference, if it can accomplish nothing else, at least fix some limit. The gentleman to have the construction of the building in charge as indicated by this amendment is the Chief of Engineers, a gentleman in whom Congress has entire faith. We have no doubt of his integrity, but in the present proposition we direct him to go right on with this structure no matter at what the cost in the future, whether it be four, five, six, or more millions; and if the proposition should prevail his duty would be to proceed at once without limit.

If the building to be constructed on this reduced plan would cost more than four millions, he would suspend operations and report the matter to the House. Under this proposition we would be proceeding with some degree of caution; but we have displayed no caution whatever up to this time.

Mr. WHITE, of Indiana. Suppose you do agree that it shall cost $4,000,000, and you carry on the work under the supervision of the Chief of Engineers, but when you get about half or three-fourths of the building constructed your four millions are gone. What are you then going to do?

Mr. HOLMAN. We will guard against that by the proposition I have submitted. We have a competent officer, whom we instruct. If this building can not be constructed under his supervision for $4,000,000, he is to suspend the work until the meeting of Congress in December, and report the facts to Congress.

Mr. WHITE, of Indiana. Where do you suppose the money is going to that goes into this building?

Mr. HOLMAN. I think a large amount has been thrown away already.

Mr. WHITE, of Indiana. It is better than where it is.

Mr. HOLMAN. Would my friend appropriate ten or fifteen million dollars for that work and construct a building approaching this Capitol in cost?

Mr. PAYSON rose.

The SPEAKER *pro tempore*. The gentleman from Alabama controls the time.

Mr. FORNEY. I will yield to the gentleman from Illinois [Mr. PAYSON] fifteen minutes.

Mr. PAYSON. I would like to be recognized in my own right.

Mr. FORNEY. I do not concede that; but I will yield you a reasonable time. If you want ten or fifteen minutes you can take that, and if you are not through I can yield you more.

Mr. HOLMAN (to Mr. PAYSON). You can get your own time eventually.

Mr. PAYSON. I know that very well. I can be heard; but I do not want to make any threat; it is unnecessary. When this excitement over undue haste shall subside I will be heard, I think.

Mr. FORNEY. This is a very important matter. The Senate is now in session for the purpose of receiving this report and taking action.

Mr. PAYSON. Mr. Speaker, the Senate will wait then till next week. This measure will not pass without debate by unanimous consent, because it ought not to. I believe, sir, there are not ten members of this House who understand the proposition that has been presented, and I do not think that there will be any material time lost in having the matter debated as it should be.

Mr. FORNEY. I believe every gentleman understands it. The matter is to be left with the Chief of Engineers.

Mr. PAYSON. Let me say further that the gentleman from Alabama [Mr. FORNEY] entirely misapprehends my point, if he thinks that I am making a question as to an honest accounting for the expenditure of the money for the proposed building. That is a secondary matter altogether at this time. I propose to address myself now to the fundamental question whether or not the House intends to adopt this Smithmeyer plan or any integral portion of it at all. It goes to the foundation.

Mr. FORNEY. The report proposes to adopt the plan which is now on file, and which embraces the west wing.

Mr. PAYSON. And which is only a portion of the whole plan, as I will explain. Now, Mr. Chairman, I hope to be recognized in my own right, and I agree in advance to take no more time than is necessary to express the ideas I have on this subject. I do not hope to speak connectedly, as I had not a moment's notice that the report was to be called up; but I will, I trust, be understood. This scheme, the proposed action of the House this afternoon, may involve an expenditure of from twelve to fifteen million of dollars.

Mr. FORNEY. Oh, no. It will not go beyond four millions.

Mr. PAYSON. Well, I will explain to the House why it may, and the gentleman will agree with me when he shall have heard me.

Mr. FORNEY. I yield fifteen minutes to the gentleman.

Mr. PAYSON. Mr. Speaker, the proposition submitted by the gentleman from Indiana [Mr. HOLMAN] is open to the same objection as the report made by the committee. I hold in my hand the plan which has been agreed upon for the erection of this entire building. At the outset, I disagree entirely with the observation made by the gentleman from Indiana that when this plan was adopted it was adopted inconsiderately or without due investigation or discussion on the part of members of the House. There never has been a proposition submitted to Congress since I have been in it that has had a more earnest, sturdy, and vehement opposition than the erection of this public Library building.

It began as long ago as the Forty-sixth Congress, and the measure was reported time and time again. Various plans were submitted, the principal ones among them being for a proposed enlargement of this Capitol building so as to afford room for the accommodation of the rapidly accumulating mass of books, maps and manuscripts, etc., in the Congressional Library. One plan was to extend it eastwardly; another was to extend it westwardly and make it five or six stories high, and the result of them all was that in the Forty-sixth Congress a committee was appointed, consisting of the Architect of the Capitol, a gentleman named Esty (if I recall the name rightly), and Mr. Smithmeyer, to examine, as scientific men and as experts in this business, these various schemes and report to Congress some plan to meet the necessities for the growth of the Congressional Library.

These gentlemen submitted individual reports, which I have upon my desk, but which are too long for me to take time to read now. It is enough to say that all three of these architects agreed that the enlargement of the Capitol building was impracticable; that it would interfere with the architectural beauty of the building; that it would injure the stability and security of the dome, and all that sort of thing, and they all concurred in saying that the proposed enlargement would involve an expenditure, upon a minimum estimate, of over $4,000,000.

Mr. HOLMAN. Four million two hundred thousand dollars was Mr. Clark's estimate.

Mr. PAYSON. Four millions of dollars, in round numbers, was the lowest estimate made for the enlargement of this building for the purposes of the Library, and all three of these gentlemen agreed that the way out of the difficulty was to erect a separate and independent building. Then controversy arose as to what site should be selected in case Congress should decide to erect a separate building, and that matter was discussed in the House here, the general idea being that Judiciary Square was the best place. A point was made as to the stability of the foundation there, it being alleged, as I remember very well, that a large portion of that territory was "made" ground; and a detail of engineers was sent from the War Department to investigate the matter, and their report was that Judiciary Square was not objectionable so far as the stability of the soil was concerned and its suitableness to carry the weight of this great building.

But an important factor in connection with the proposition to enlarge the Capitol building was the item of expense. Mr. Clarke submitted a plan and estimates for the erection of a building for a public library, the cost of which, in round numbers, was to be about $5,000,000. Mr. Esty's plan would cost nearly $4,000,000. Mr. Smithmeyer did submit a plan, which, as to the ground plan, was substantially the same as this which I have in my hand. However, the style of architecture was Gothic, covered with expensive turrets and towers and ornamentations of that kind, and because of the expense that plan and style was regarded as not suitable to be adopted. The question was discussed and statements were made here as to the enormous expense of that kind of a building, in Gothic, and finally a detailed statement was made with reference to the cost of a building of the present adopted plan, modified as to ornamentation and style, exclusive of some iron shelving to be put in the numerous alcoves, as in the future they might be required, and for which shelving the estimate was about $700,000, and which, in the plan of Mr. Smithmeyer, was distributed over fifty years, and the total cost of the proposed building, as stated by him, was to be two million three hundred and some odd thousand dollars, completing the entire structure ready for shelving one million books, all complete, except a portion of iron shelving, etc., to be supplied in later years as needed, as I have said.

Mr. ROGERS. Where is the evidence of that statement?

Mr. PAYSON. I am coming to that. The statement has been made here time after time. Mr. Smithmeyer undertakes to deny that he ever made any such statement, and has said so under oath. He has so stated to members on this floor. I knew that I had seen such a statement in print, and so said when this matter was up two weeks ago. I knew such a statement had been made by Mr. Smithmeyer and I now appeal to the gentleman from Indiana [Mr. HOLMAN] to confirm my recollection and statement that a pamphlet, with reference to the cost of this building, was published over the signature of Mr. Smithmeyer, and headed, "For the information of Congress"—a pamphlet printed at the Government Printing Office and distributed among members of the House, stating the cost of this building to be what I said.

A copy of that pamphlet was, within the last week or ten days, in the possession of the gentleman from Indiana as chairman of this investigating committee, which we appointed with reference to the troubles growing out of the foundation of the building. The gentleman from Indiana and I have both made diligent search for the pamphlet in the committee-room to-day, and it could not be found. I do not like to say that it has been taken away in any mysterious manner; but such a document was in existence; it was printed as a public document at the Government Printing Office, and was headed, "For the information of Congress;" and it contained the statement I have cited as to the cost of this building over Mr. Smithmeyer's signature. I ask the gentleman from Indiana to verify my statement with reference to this matter.

Mr. ROGERS. Will the gentleman state when the pamphlet was published?

Mr. PAYSON. During the Forty-eighth Congress, I believe, just prior to the time when this report was adopted. In corroboration of that statement, I refer to the fact that Mr. Singleton, the chairman of the House Committee on the Library, made in this House the official statement that this was to be the cost of the building; and when the bill was pending in the Senate, Mr. MORRILL, who was chairman of the Senate committee, made the statement which I will read:

The estimate of the architect, for the building constructed with limestone or sandstone with three hundred alcoves, or sufficient for 800,000 or 1,000,000 volumes, with the heating and ventilating apparatus, elevators, and other fixtures, is $2,323,600. When fully completed there will be seven hundred additional alcoves which will cost $700,000 more—

Those are the iron shelving to which I referred a few minutes ago—alcoves made of iron on which the books are to be placed—

and the entire completion of the whole interior, including the basement, will require a further sum of $239,000. This is a carefully revised estimate, and shows that the building may be put into a condition of readiness to be occupied with very large accommodations, at an expense already mentioned—

That is the sum of $3,323,600—

and when it shall be hereafter completely finished, with a capacity to hold over 3,000,000 books, with facilities for even largely increasing even this vast stock when absolutely necessary, in addition to all of its other extensive and important accommodations, its ultimate cost will be $3,262,600.

There is the statement which was made by the committee based on Mr. Smithmeyer's formal paper.

Mr. WHITE, of Indiana. Is that Mr. Smithmeyer's estimate?

Mr. PAYSON. It is Mr. Smithmeyer's estimate; it was also embodied in the statement of Senator MORRILL, who was chairman of the Senate Committee on Additional Accommodations for the Congressional Library.

Mr. WHITE, of Indiana. Has Mr. Smithmeyer changed that estimate since?

Mr. PAYSON. Mr. Smithmeyer now concedes, at least he does not deny, that the entire building will cost upward of $10,000,000, and that to build simply one wing, which is a kind of ten-pin alley structure, will cost $4,000,000.

Mr. WHITE, of Indiana, rose.

Mr. PAYSON. I do not desire to be interrupted further.

Now, that this matter was not inconsiderately acted upon by the House, that the House did not act without full information is evident from another fact. The report which was made by Mr. Singleton, chairman of the House committee, proposed that the appropriation to pay for this building should be divided into three installments, the first of which, if I recollect aright, was about $800,000——

Mr. HOLMAN. Five hundred thousand dollars.

Mr. PAYSON. Five hundred thousand dollars the first year; a larger amount the second year; and then the third year enough to make up the balance of the $2,323,600, which would complete the building, except part of the shelving.

Bear in mind, Mr. Speaker, that during all the time when this matter was pending in the Forty-eighth Congress and in prior years running back to 1880, in the Forty-sixth Congress, Mr. Smithmeyer was an official of this Government, drawing pay from the public Treasury for his connection with the preparation of these plans. During the preparation of the plan which I hold in my hand, on which this estimate of $2,323,600 was based, he made a trip to Europe to study the subject of library accommodations, the best methods of book handling, storing, preserving, etc.

Mr. HOLMAN. Under the auspices of the Senate.

Mr. PAYSON. Yes, I was going to mention that he made this visit to Europe under the auspices of the Senate Committee on Additional Accommodations for the Library. Every gentleman here who was a member of the Forty-ninth Congress well understands that Congress acted with distinct and explicit information on this subject.

As I stated the other day, I was opposed at the beginning and down to the time of the passage of the bill to the adoption of this scheme in any way. I knew, as a matter of fact, the information coming to me from men in whose statements I had the utmost confidence, that a large frontage of the land which was afterwards condemned for the purpose of this Library had been bought up by a syndicate of gentlemen (some of whom had lately been in public life) for the purpose of unloading it on the Government. That did not tend to convince me that the project was a good thing to enter upon. But that is all past now. My opposition to the present measure is not based upon anything of that kind. I was opposed to the plan, believing that another plan was better; but this House did not agree with my ideas, and reluctantly I ceased my opposition to the bill upon the personal assurance of General Singleton, with whom I had served on the Committee on Coinage, Weights, and Measures, in the Forty-seventh Congress, a gentleman than whom I do not believe a more conscientious legislator ever sat under this roof, that these estimates were carefully guarded, and that the building in its entirety, from the grout that covered the cellar of the basement to the vane upon the topmost spire of the building, would not exceed the amount of money named. Everybody else so understood.

Now, what have we? We have a proposition to construct a building which, in the observations I made the other day, I pronounced an architectural monstrosity; and if there is any way of emphasizing that language, I would be glad to do so. Here [exhibiting a diagram] is what is proposed—to erect a part of the building as shown by that long line, 459 feet long, 60 feet in width across there [illustrating] at its widest place at the corner, and only 44 feet wide most of the distance; and then there is to be this central tower. Here is the building that this committee proposes to construct for the accommodation of our public library, as a piece of architecture in reference to which you and I are expected to feel proud that we had something to do with it; and this is to cost not exceeding $4,000,000. Are members of this House prepared to embark on that proposition? In its proportions this structure is, as I have suggested, an exaggerated ten-pin alley in appearance. I am not an architect, but since this matter was up the other day I have talked with some half dozen architects of this city with reference to this matter, and I am convinced their criticism is not the result of any professional jealousy as between themselves and Mr. Smithmeyer. They all agree that it would be a disgrace architecturally to attempt the erection of any such building. An inspection of this plan is enough to satisfy any one upon this question.

Mr. STONE, of Kentucky. Where are they going to put the tower—behind?

Mr. PAYSON. The tower is to be behind.

Mr. STONE, of Kentucky. So I thought.

Mr. PAYSON. I hope this plan which I hold in my hand is within the view of every member. Here is a building 459 feet long; there [illustrating] is the width of it—44 feet—and it is to be 70 feet high. The chairman of the conference committee [Mr. FORNEY] does not know himself whether these connecting corridors are contemplated by the plan, but doubtless this is one [illustrating]. All the rest of the original plan is abandoned; the law originally authorizing the construction of the building is to be repealed and is to be as though it had never existed. This plan comes to us now to put $4,000,000 in that building and that tower; and everything else in connection with the original plan is to be repealed.

Mr. RYAN. Here is the plan that is proposed.

Mr. PAYSON. Those corridors are omitted from his plan. Is it pretended that is proportionately accurate? [Referring to plan handed to him by Mr. RYAN.]

Mr. RYAN. Yes, sir.

Mr. PAYSON. It does not look like the plan Mr. Smithmeyer circulates to us.

Mr. HOLMAN. I think it is not proportionate. That is clearly erroneous.

Mr. PAYSON. Was this drawn by Mr. Smithmeyer?

Mr. RYAN. I think so.

Mr. PAYSON. Let me ask the gentleman whether there is anything on this plan indicating that it is not true to scale?

Mr. RYAN. I think it is true to scale.

Mr. PAYSON. Let us see. There is the whole building, and the red represents what is to be constructed now. In this one sent to us there is some reduction in it.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. PAYSON. I ask unanimous consent to go on.

Mr. BLOUNT. I hope we will not be hurried along in this matter. We are all deeply interested and it is very important.

Mr. FORNEY. I wish to get a vote on it to-day. I will yield to the gentleman from Illinois for five minutes longer.

Mr. PAYSON. I hope gentlemen will give me their continued attention. Now, we have made an excavation, and we have in this hole over here $40,000 or $50,000. It is a mere bagatelle. It does not amount to anything. But the question is whether now, as an original proposition of erecting a library building, we will put up a building like that [illustrating] with that tower behind it? Because it is agreed by the gentleman from Kansas [Mr. RYAN] these connecting corridors are themselves not to be built. It is this part of a building with a tower behind it that we are to vote to put four millions in.

Mr. HERBERT. It ought to be discontinued.

Mr. PAYSON. Excepting a little corridor there. That is the proposition. I say if the proposition had been submitted to this House in the Forty-ninth Congress as in this plan that that building in its entirety would cost $4,000,000, it would not have received the approval of this House. The expense of the building was an important one, and was thoroughly canvassed and talked about; and now we come here and within the limit of five minutes we are expected to take a new departure and to adopt and build that part of the building, a small but substantial portion of the whole building, a building which will be a monstrosity to look at.

But what does it matter if the result is to keep in office, in connection with the reduced building, Mr. Smithmeyer? I do not know him. I know what the gentleman from Alabama [Mr. FORNEY] says, that it is in the power of the Chief of Engineers, who will have charge and spend the money, to employ whom he pleases and discharge whom he pleases, and we will hold him to a rigid accountability for the expenditure of this money.

But, Mr. Speaker, that is not the question. Every dollar of this money would have been honestly expended under William F. Vilas as under any member of the Engineer Corps of the Army. Under the Library Commission, composed of the Secretary of the Interior, Mr. Vilas, the Librarian of Congress, Mr. Spofford, and the Architect of the Capitol, Mr. Clark, this money would have been honestly expended by these gentlemen as a question of personal integrity or a question of personal confidence, for in the expenditure of money each one of these gentlemen stands as fair as any gentleman connected with the Engineer Corps of the Army.

Gentlemen ought not to be diverted by that suggestion from the main question here. I am in favor of some kind of a building. I am in favor of a building that will cost, if necessary, millions of dollars for that purpose.

What have these great buildings cost in foreign lands? Take the great building referred to by the gentleman from Pennsylvania [Mr. KELLEY], the great library building of Munich. The total cost of that library building, which will accommodate 1,400,000 volumes, was less than $750,000. Reference has also been made to the British Museum by the gentleman from Pennsylvania [Mr. KELLEY], who grew eloquent, as he always does, when he described the feeling of awe which came over him when he approached that building.

I have taken occasion since that date to look into the history of this building a little. It contains not only the British Library proper, but a great collection of all sorts of curiosities and works of art and antiquities congregated there from foreign lands to enrich it. The building covers some 6 or 8 acres of ground in extent; but that portion of it which is devoted exclusively to the public library, and accommodates the great metropolis of London sufficiently not only for the present day but for generations to come, cost £160,000.

Mr. GROSVENOR. That is cheap labor.

Mr. PAYSON. Or but little over $800,000 for a public library in the city of London, over which the gentleman from Pennsylvania [Mr. KELLEY] became so eloquent the other day, which he pointed out as an example to us, and argued that this young Republic, so rich and prosperous, should not be outdone by foreign governments.

Mr. Speaker, this matter will not be disposed of to-day. Gentlemen may rest assured that it will be thoroughly discussed; and on Monday I will be prepared to submit some observations, more connectedly than now and fortified by the record.

[Here the hammer fell.]

Mr. FORNEY. I had hoped, Mr. Speaker, that we could get this report adopted to-night, but as there is a disposition manifested on the part of many to discuss the question, and that this time be extended, and as it seems to be the desire of those around me to proceed with the

matter on Monday (as I understand we adjourn over to-morrow) I shall not press the consideration to-night.

Mr. PAYSON. I hope the gentleman will withdraw it and let it go over, as he suggests. Let the consideration of it be resumed on Monday when the House again meets.

The SPEAKER *pro tempore*. The gentleman from Alabama has fifteen minutes of his time remaining.

Mr. FORNEY. I think the matter had better go over, then, until Monday, as I understand gentlemen want to resume the consideration of the Private Calendar to-day.

Mr. WEAVER. Let us understand this matter first. This is not to interfere with a suspension of the rules?

Mr. FORNEY. It will have to interfere with everything until it gets through.

Mr. WEAVER. Then it is still subject to the right of objection. Now, we are not ready to accede to the suggestion of the gentleman that it shall go over until Monday if it is to interfere with other matters.

The SPEAKER *pro tempore*. But this is a privileged report, and the gentleman can call it up at any time.

Mr. RYAN. I should dislike to have this interfere with some business which I understand is to be called up on Monday, the Oklahoma bill; but I suppose, being a conference report, it is a question of privilege, which can be taken up at any time.

The SPEAKER *pro tempore*. Undoubtedly.

Mr. WEAVER. Then let us agree upon some time to be taken up on Monday.

Mr. RYAN. Yes, we might limit the debate on it.

Mr. HOLMAN. I would suggest an hour and a half, after the reading of the Journal on Monday.

The SPEAKER *pro tempore*. Is there objection to the suggestion of the gentleman from Indiana?

Mr. BLOUNT and Mr. PAYSON objected.

Mr. RYAN. Then how much time do you want?

Mr. BLOUNT. I may not want any time at all, but this is a matter of too much importance to be pressed through in that way.

Mr. HOLMAN. Well, say two hours, to be equally divided.

Mr. RYAN. Will two hours be satisfactory to the gentleman?

Mr. BLOUNT. I do not think there should be a limit fixed to it now.

The SPEAKER *pro tempore*. The Chair will submit the question to the House. Is there objection to the suggestion of the gentleman from Indiana that two hours be devoted to the consideration of this report on Monday?

Mr. PAYSON. There is objection.

Mr. RYAN. It seems to me that an hour and a half ought to be sufficient, and certainly two hours is ample.

Mr. ROGERS. Why fix the limit to it now? We have plenty of time.

Mr. PAYSON. I shall be entirely unwilling to agree to any limit at present.

Mr. WEAVER. There should be a limit fixed to it because there are other matters pressing.

Mr. ROGERS. They will have plenty of time.

Mr. SPRINGER. I suggest, then, that the hour for the recess to-day be extended, say for an hour, and let us dispose of this to-night. If this bill is disposed of to-night, it can become a law so as to render it unnecessary to put in operation the joint resolution just passed extending the appropriations.

Mr. PAYSON. It can not be done to-night.

Mr. FORNEY. Suppose we extend the session of the House this evening for an hour?

Mr. SPRINGER. If that is done, we can dispose of this bill to-night.

Mr. PAYSON. You can not dispose of it to-night.

Mr. SPRINGER. We can extend the time this evening.

Mr. CANNON. But we have a pension night. Why not take it up to-morrow morning?

Mr. SPRINGER. This will not interfere with the pension night, and besides we have adjourned over to-morrow. However, that order may be rescinded.

Mr. RYAN. It ought to be rescinded.

Mr. WEAVER. Then I ask unanimous consent that the order by which the House agreed to adjourn over from to-day until Monday be rescinded.

Mr. PAYSON, Mr. BLOUNT, and others objected.

Mr. WEAVER. Then I submit a motion to reconsider the vote by which the House agreed to adjourn over.

The SPEAKER *pro tempore*. That motion has already been made and laid on the table.

Mr. WEAVER. Then I give notice that if they intend to crowd out Oklahoma by this agreement I will require a quorum to pass this bill. [Cries of "Regular order!"]

Mr. FORNEY. I withdraw the report for the present.

H. R. BLAKISTON.

The SPEAKER laid before the House the bill (S. 1988) granting a pension to H. R. Blakiston, returned from the Senate.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent to reconsider the vote by which this bill was passed, for the purpose of correcting the name of the beneficiary.

There was no objection.

Mr. O'NEILL, of Pennsylvania. Now I move to insert the name "Henry" in place of the first initial, "H.;" so that it will read: "Henry R. Blakiston."

The amendment was adopted.

The bill as amended was read a third time, and passed.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

Mr. LANHAM. A number of bills were favorably reported from the Committee of the Whole House to-day, and I ask that they be now put upon their passage.

Mr. GEAR. Is not the regular order to go on with the call of the roll?

The SPEAKER. The House is in session now, and not the Committee of the Whole.

Bills of the House of the following titles, reported from the Committee of the Whole without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8979) for the relief of Mrs. Sallie H. Carrow, deceased;

A bill (H. R. 6404) for the relief of Charles F. Swain, master of the bark Philena;

A bill (H. R. 8356) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States;

A bill (H. R. 8469) for the relief of Michael Pigott;

A bill (H. R. 10633) for the relief of Dr. J. B. Read;

A bill (H. R. 2059) for the relief of S. E. Scarborough;

A bill (H. R. 3469) providing for the payment of $450 to pay W. S. Brantly, executor of J. H. Brantly, for damages to property by United States troops in 1865;

A bill (H. R. 7799) for the relief of the Albemarle and Chesapeake Canal Company;

A bill (H. R. 4554) for the relief of the heirs of Preston Beck, jr.;

A bill (H. R. 9724) for the relief of A. J. McCreary, administrator of J. M. Hiatt, deceased, and for other purposes;

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

A bill (H. R. 3494) for the relief of John L. Alsup; and

A bill (H. R. 766) for the relief of H. L. Newman.

Bills of the House of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2557) for the relief of W. W. Welch;

A bill (H. R. 5426) for the relief of the St. Joseph Commercial College, of St. Joseph, Mo.;

The bill (S. 576) for the relief of Semon Bache & Co., reported from the Committee of the Whole House without amendment, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the several votes by which the various bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DESTRUCTION OF PROPERTY AT CYNTHIANA, KY.

The SPEAKER. The next bill reported from the Committee of the Whole House is the bill (H. R. 8640) to direct the Secretary of War to appoint a commission to ascertain and report the facts concerning the destruction of property at Cynthiana, Ky., on July 17, 1862.

The bill and amendments were reported.

Mr. HOLMAN. I do not think that bill ought to pass. I take it for granted that when the House is in possession of all the facts they will not lay the foundation for a claim against the Government. It is for spoliation in the midst of war.

Mr. SPRINGER. Will the gentleman allow me to interrupt him? The gentleman from Kentucky [Mr. BRECKINRIDGE] who called up this bill is not present, and I suggest that the bill lie over until next Friday, when he can be heard.

Mr. HOLMAN. I have no objection to that.

The SPEAKER. If there be no objection, the bill will be passed over informally and not lose its place on the Calendar.

BILLS ON CALENDAR.

The SPEAKER. The Chair will state that there are a number of bills on the Calendar heretofore reported from the Committee of the Whole House which, unless disposed of in some way, must lie over until next Friday. There are some pension bills on which a quorum has been demanded, with perhaps one exception.

Mr. DOCKERY. I ask that they be passed over informally.

The SPEAKER. If there be no objection, they will be passed over informally.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

FAIRPORT HARBOR, OHIO.

Mr. GROSVENOR. I hope before that is done the gentleman from Texas will allow me to call up for consideration at this time joint resolution (S. R. 109) declaring the meaning of a clause in the river and harbor bill of August 11, 1888. I send it to the Clerk's desk.

The SPEAKER. It will be read for information.

The Clerk read as follows:

Joint resolution declaring the meaning of a clause in the river and harbor bill of August 11, 1888.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the phrase "present low-water mark" in the river and harbor bill of August 11, 1888, in the paragraph referring to Fairport Harbor, Ohio, is intended to mean the inner shore-line represented on map in the report of Chief of Engineers of 1881.

Mr. GROSVENOR. This joint resolution is sent here by the Chief of Engineers in order to make plain certain rather indefinite language in regard to the line in the river and harbor bill.

Mr. SPRINGER. Has the Committee on Rivers and Harbors had this under consideration?

Mr. GROSVENOR. All members of the committee present have been consulted and have given their consent. It changes nothing except that it defines the line.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GROSVENOR moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 3147) amendatory of an act relating to postal crimes and amendatory of the statutes therein mentioned, approved June 18, 1888, and for other purposes.

Joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States.

LEAVE TO PRINT.

Mr. SENEY, by unanimous consent, obtained leave to print remarks in the RECORD upon the bill (H. R. 8190) to define and regulate the jurisdiction of the United States courts.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GEAR, indefinitely, on account of sickness in his family.

To Mr. WILKINSON, indefinitely, on account of important business.

To Mr. BOWDEN, for one week from the 17th instant, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. LANHAM] that the House now resolve itself into Committee of the Whole.

Mr. SHAW. I request the gentleman to withdraw that motion in order that I may ask consent for the consideration of a bill to refund the duty paid upon a clock and a chime of bells for a church.

Mr. LANHAM. I will yield to the gentleman.

Mr. COBB. Pending that I move that the House, under the special order, take a recess until 8 o'clock.

The motion was agreed to—ayes 34, noes 26; and the House accordingly (at 4 o'clock and 34 minutes) took a recess until 8 p. m.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. STONE, of Missouri, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
September 14, 1888.

Hon. W. J. STONE, of Missouri, is hereby designated to preside as Speaker *pro tempore* at this evening's session.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk of the House of Representatives.

ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. 1139) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor;

A bill (H. R. 8665) to create boards of arbitration or commission for settling controversies and differences arising between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers, and their employés;

A bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York;

A bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico;

A bill (H. R. 1216) for the investigation of the mining-débris question in the State of California; and

A bill (H. R. 925) for the relief of Matthew W. Berryman.

The message also announced that the Senate had passed the bill (S. 346) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses; in which the concurrence of the House was requested.

The message further announced that the Senate had passed with amendments the bill (H. R. 5092) for the relief of Charles L. Bradwell; requested a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HOAR, Mr. BUTLER, and Mr. BROWN.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. Mr. Speaker, I ask the gentleman from Michigan [Mr. CHIPMAN] to withdraw for a moment his motion to enter into Committee of the Whole.

Mr. CHIPMAN. I will withdraw the motion for the present.

MRS. ADELINE COUZINS.

Mr. O'NEILL, of Missouri. I ask unanimous consent to call up Senate bill No. 2356, to provide a pension for Mrs. Adeline Couzins. Let the bill be read, and then, with the permission of the House, I will make a brief statement in regard to it.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Adeline Couzins, at the rate of $50 per month.

Mr. O'NEILL, of Missouri. When my name was called in its regular alphabetical order on the roll at the last pension session I asked to have the committee rise for the purpose of considering this bill. The committee rose, but after we got back into the House, there being other bills that had priority, this one was not reached. The bill is to pay to Mrs. Adeline Couzins a pension of $50 a month. In regard to the amount I am willing to be governed by the judgment of the committee. The grounds for the pension are these: During the war Mrs. Couzins organized a board of nurses and went to the various battle-fields and hospitals, and, I believe, did more for the suffering, sick, and wounded soldiers, Confederate and Federal alike, than any other woman in the Mississippi Valley.

Mr. RYAN. As much as any other, you mean.

Mr. O'NEILL, of Missouri. I believe more, and I think they will say so. The testimony of James E. Yeatman, who was the head of the Sanitary Commission, certifies to the fact, and the certificate of Col. James O. Broadhead, formerly a member of this House, makes the same statement. At the battle of Vicksburg, while engaged in waiting upon the wounded, Mrs. Couzins was herself wounded, and this claim is based especially on that fact. I do not know of any other case of a like character. This woman was wounded upon the battle-field while engaged in the work of attending upon the wounded soldiers.

Mr. CHEADLE. I will ask that in connection with this bill we take up and pass a bill to pension an old lady, seventy-seven years old, who was a nurse with this lady in the Army.

Mr. O'NEILL, of Missouri. I have no objection whatever.

Mr. CHEADLE. I ask that both bills be taken up together.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. CHEADLE. The bill to which I refer is a Senate bill.

Mr. KILGORE. Did I understand the gentleman from Indiana to object to the consideration of this bill?

Mr. O'NEILL, of Missouri. He does not object.

Mr. KILGORE. Was not this bill considered at a former Friday evening session?

Mr. O'NEILL, of Missouri. It was, and was recommended favorably to the House.

Mr. KILGORE. Was it not recommended to the House to be voted on when a quorum should be present?

Mr. O'NEILL, of Missouri. It was recommended to be voted on in the House because it proposed a pension of $50. If there is objection to that amount——

Mr. KILGORE. As I understand, the agreement was it should be voted on when a quorum should be present.

Mr. O'NEILL, of Missouri. No point of that kind was made.

Mr. KILGORE. That was the point made by the gentleman from Indiana [Mr. CHEADLE], as I understand.

Mr. O'NEILL, of Missouri. No, sir.

Mr. KILGORE. If the gentleman from Missouri will reduce the amount to $30, I have no objection.

Mr. THOMPSON, of Ohio. I do not think the gentleman ought to do that.

Mr. CHEADLE. I wish to correct the statement of the gentleman from Texas [Mr. KILGORE]. He said he understood I had objected to this bill on account of the want of a quorum. I did not.

Mr. O'NEILL, of Missouri. I will accept the suggestion of the gentleman from Texas [Mr. KILGORE]. I move to amend the bill by striking out "$50" and inserting "$30." With this amendment I hope there will be no further objection.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the House now resolve itself into Committee of the Whole House for the consideration of business under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. DOCKERY in the chair.

Mr. CHIPMAN. I ask unanimous consent that we now proceed to call the roll of members, beginning where we left off on last Friday night, and that each member as his name is reached be permitted to call up a bill.

The CHAIRMAN. The gentleman from Michigan [Mr. CHIPMAN] asks unanimous consent that business be continued this evening under the order of the last Friday-night session; that is, that the roll be called commencing where the call stopped on last Friday night, and that each member, as his name is reached, have the privilege of calling up a bill for consideration. Is there objection? The Chair hears none, and it is so ordered.

The Clerk proceeded to call the roll.

MRS. MARY MORRISON ELLIOTT.

Mr. PLUMB. I call up the bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Morrison Elliott, who was a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $12 per month.

The report (by Mr. LANE) was read, as follows:

The committee beg leave to report that they have considered this case and adopt the report of the Senate made in this case as their report, and report the bill back with a recommendation that the same do pass.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott, have examined the same, and report:

This is a bill to pension Mrs. Mary Morrison Elliott as an army nurse, at the rate of $25 a month.

Her identity as a nurse, and a very efficient one, is established by testimony in the possession of the committee.

Dr. H. A. Buttorph, who was superintendent of the Trenton (N. J.) State Lunatic Asylum, certifies that she left that institution soon after the commencement of the war, at the request of Miss D. L. Dix, to engage as a nurse under her direction in the case of sick and wounded soldiers.

Dr. Walter Ure certifies to her faithful, devoted, and efficient services at Winchester (Va.) Hospital and in the field, while he was assistant surgeon in charge in 1864. From the certificate of Dr. D. R. Good, acting assistant surgeon, United States Army, it appears that she was on duty at United States General Hospital, Camp Letterman, near Gettysburgh, in 1863, from which she was transferred to officers' hospital at Georgetown, D. C.

The committee is satisfied as to the extent and value of her service. She is now seventy-seven years of age, and physically and financially helpless.

The bill is reported favorably, with an amendment substituting the word "twelve" for "twenty-five" in the eighth line, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES H. PLUMMER.

Mr. RICE. I call up the bill (S. 2091) granting a pension to Frances H. Plummer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Frances H. Plummer, widow of Brig. Gen. Joseph B. Plummer, United States Army, and to pay her a pension of $100 a month in lieu of the pension she is now receiving.

The amendment reported by the committee was read, as follows:

Strike out "$100" and insert "$75."

Mr. CHEADLE. I shall call a quorum on every bill of this kind. I have said this so often that it is very singular to me gentlemen should undertake to pass bills of this kind in this way.

Mr. RICE. I will ask, then, that the bill be reported to the House with the usual understanding in such cases.

The CHAIRMAN. The Chair suggests to the gentleman from Minnesota [Mr. RICE] that, with no quorum now in the city and with the likelihood that there may not be, his bill is in a more satisfactory condition where it is on the Calendar than it could possibly be if reported from the Committee of the Whole with such an understanding as he suggests.

Mr. RICE. Then I ask that the bill be passed over informally, retaining its place on the Calendar.

There being no objection, it was ordered accordingly.

PIERRE BOTTINEAU.

Mr. RICE. I now call up the bill (S. 2713) granting a pension to Pierre Bottineau.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Pierre Bottineau, and pay him a pension at the rate of $25 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2713) granting a penson to Pierre Bottineau, have considered the same and report it back to the House, recommending its passage.

George W. Sweet, a prominent citizen of Minneapolis, Minn., states:

"I have known Mr. Bottineau for a period of forty years, and during that time have often met him upon the frontiers, where he has been acting as guide to both military and civil expeditions, and from what I have seen I believe his faithful services, frequently rendered at great personal risk to himself, deserves recognition at the hands of our Government. Should it be the policy of the country to pension those engaged in putting down the hostile Indians, then he has well earned and deserves a pension."

Hon. W. H. Sibley also states:

"I have known him for fifty years past as a reliable, faithful guide and scout, who has rendered much valuable service to the Government, and richly merits to be provided for in his old age."

In addition to the above, your committee invites attention to the report of the Senate committee upon this matter as follows:

[Senate Report No. 1008, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred a petition of Pierre Bottineau, guide and scout, praying for a pension, have examined the same and report:

The memorial of a large number of the most eminent citizens of Minnesota represents that Pierre Bottineau, who for thirty years has been employed by the civil and military officers of the Government in hazardous enterprises, involving not merely the special knowledge and instinct of scout and guide, but the highest courage and unbending rectitude, is now, in his old age, broken in health and poor.

The committee, appreciating the value of the service rendered, report the bill granting the pension prayed for, and recommend its passage.

The memorial follows, and is made a part of this report:

ST. PAUL, MINN., *March*, 1879.

PETITION.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned citizens of the United States resident in the State of Minnesota respectfully represents that they have been for many years personally acquainted with Pierre Bottineau, an old and experienced guide and scout, and known that he has been long employed in that capacity by civil and military officers of the Government, and has rendered important services, at great risk to his own life from hostile Indians.

Your memorialists further respectfully represent that the said Pierre Bottineau is now advanced in years and physically disabled from supporting himself by manual labor, and is withal reduced to poverty. There is appended hereto a list of some of the duties performed by said Bottineau, connected with the public service during a long series of years, which is made a part of this memorial and will serve to show that much of the prime of his life has been devoted to the Government, and that he has been a faithful, efficient, and intelligent public servant.

In view of which facts your memorialists humbly pray Congress to pass a special act for his benefit, granting him a pension of $50 a month for and during the time of his natural life.

And your memorialists will ever pray, etc.

Wm. R. Marshall, late colonel Seventh Regiment Minnesota Volunteers, and ex-governor of Minnesota; Henry H. Sibley, late brevet major-general United States Volunteers; W. Pfeauder, State treasurer, late colonel Second Minnesota Volunteers; N. W. Kittson; James Gilfillan, late colonel Eleventh Minnesota Volunteer Infantry, now chief-justice supreme court of Minnesota; J. S. Pillsbury, governor of Minnesota; David Day, postmaster, St. Paul; H. P. Van Cleave, adjutant-general of Minnesota; R. N. McLaren, late colonel Second Minnesota Cavalry Volunteers, brevet brigadier-general of volunteers, now United States marshal; Geo. W. Moore, deputy collector customs, St. Paul; D. A. Robertson; Henry M. Rice, ex-member Congress, Minnesota; C. C. Andrews, late colonel Third Minnesota, and brigadier and brevet major general United States Volunteers; Edmund Rice, Wm Lockren, R. B Langdon, F. Beebe, R. P. Russell; Eugene M. Wilson, ex-member Congress Third Congressional district, Minnesota; Chas. E. Vaudeburg, judge district court Hennepin County, Minnesota; R. M. Babcock, ex-judge of probate, Hennepin County, Minnesota; N. R. Thompson, sheriff of Hennepin County, Minnesota; Chas. A. Pillsbury, Rev. D. B. Knickerbocker, D. D., rector of Church of Gethsemane, Minneapolis; R. J. Baldwin, S. C. Gale, C. W. Nash, late captain and assistant quartermaster volunteers; L. Fletcher, Geo. K. Shaw, D. Blakely; L. R. Palmer, county commissioner; L. P. Plummer, late Sixth Minnesota Infantry; J. K. Sidle, president First National Bank, Minneapolis, Minn.; J. B. Gilfillan, L. L. Baxter, late colonel First Minnesota Heavy Artillery; Geo. A. Bracket, surveyor-general Second district, Minnesota; F. R. E. Comell, assistant justice supreme court; Henry O. Gorman, judge of probate, Ramsey County, Minnesota; Wm. Crooks, late colonel Sixth Minnesota Infantry Volunteers.

LIST OF PRINCIPAL PUBLIC SERVICES PERFORMED BY PIERRE BOTTINEAU.

First. In 1857 he was employed as guide and interpreter to the commissioner to make a treaty with the Chippewa Indians, at Red Lake. Hon. Alexander Ramsey, Government commissioner.

Second. In 1853 he was employed and acted as guide to Governor Stevens in surveying route to the Pacific.

Third. In 1854 and 1855 he acted as guide and interpreter to the command of Lieutenant Kearny or Carney, ordered to Mille Lac to apprehend the Chippewa murderers of lumbermen.

Fourth. In 1856 he was employed as guide to the command of Colonel Smith, United States Army, to Graham's Point, Sheyenne River, Devil's Lake, and Pembina, to select site for a military post at latter point.

Fifth. In 1858, as guide to Colonel White and another Army officer, appointed to examine points for military posts in Western Minnesota and Dakota Territory.

Sixth. In 1859 he was appointed by Gov. H. H. Sibley one of the commissioners to select Salt Spring lands.

Seventh. In 1860 he was guide to United States Commissioners Cullen and Bailey to make treaty at Grand Forks with Chippewas.

Eighth. In 1862, guide to Captain Fisk's overland expedition to Montana and Idaho.

Ninth. In 1863 he was chief guide to the important expedition against the hostile Sioux Indians, under the command of General H. H. Sibley.

Tenth. In the fall of the same year guide to United States Commissioner Alex. Ramsey, to make treaty with the Chippewas at Old Crossing.

Eleventh. In 1864 with Major Carlin, United States Army, to select site for military post at Fort Wadsworth, Dak.

Twelfth. In 1866 with General Terry, United States Army, to locate Fort Ransom; thence with Captain Wainright's command to Fort Totten, Dak.

Thirteenth. In 1865 with Colonel Camden, Illinois Cavalry, to seat of Indian war on the Missouri.

Fourteenth. In 1867 with Major-General Hancock to inspect military posts in Dakota Territory.

Fifteenth. In 1868 with J. Gregory Smith, of Red River, and with General W. R. Marshall, Phil. Holmes, and Major Brackett, to explore route for Northern Pacific Railroad.

Sixteenth. In 1870 with special agent for the Government, R. T. Crowell, to Pembina and other points.

Seventeenth. With Government Agents R. F. Crowell and H. S. Neal, to White Earth, Minn., and Pembina and St. Joseph, Dak.

Eighteenth. In 1872 with W. R. Marshall to Pembina and Manitoba, and many other minor services not above enumerated.

Mr. RICE. I will add my personal testimony to the value of the services of this man, whom I have known for a number of years.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. BRIDGET HACKETT.

Mr. ROWELL. I call up the bill (S. 2050) granting a pension to Mrs. Bridget Hackett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Bridget Hackett, of Decatur, Ill., widow of Michael Hackett, who served as a seaman in the naval service of the United States during the war of the rebellion.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois [Mr. ROWELL] to the fact that the report in this case is adverse.

Mr. ROWELL. I am aware of that. But there was a favorable report in the Senate; and the committee of this House seem to have started out to make a favorable report. I want to submit the case to the House. I think the bill, when the circumstances are understood, will be passed.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2050) granting a pension to Mrs. Bridget Hackett, beg leave to report:

They have considered the same and find that the following two reports were made to the Senate on said bill by the committee thereof, one being favorable and the other adverse:

"[Senate Report No. 1726, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 2050) granting a pension to Mrs. Bridget Hacket, have re-examined and reconsidered the same and report:

"This bill was adversely reported May 15, 1888, and recommitted June 11, 1888, new evidence having been filed, as follows:

"H. M. Mixer, M. D., United States examining surgeon at New Hampton, Iowa, states that he has a perfect recollection of the late Michael Hackett, who served for two years on board the United States gunboat Lexington, to which affiant was attached as a surgeon; that the late seaman came to the Lexington with Capt. George M. Bache, who had commanded the Cincinnati at the time she was lost in an engagement with the enemy in front of Vicksburg, Miss., about May 23, 1863; that affiant knows that Captain Bache thought highly of the late Michael Hackett and often spoke of his valor in the engagement above referred to, and of the fact that the said Captain Bache owed his life to Hackett, who swam ashore carrying him in his arms; that affiant remembers that Hackett had received, as he alleged, an injury of his right eye from flying splinters during the engagement; that it was several days after the engagement before affiant saw Hackett, and did not treat him for the trouble at the time.

"This evidence, in connection with the former report, a copy of which is hereto appended, warrants favorable action.

"Your committee therefore recommend the passage of the bill."

"[Senate Report No. 1303, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 2050) granting a pension to Mrs. Bridget Hackett, have examined the same and report:

"Claimant is the widow of Michael Hackett, who enlisted as a seaman September 30, 1862, for three years, and served as a first-class boy on the North Carolina to November 9, 1862; on the Clara Dolson from November 10 to November 15, 1862; on the Cincinnati from November 16, 1862, to May 27, 1863, and on the Lexington from May 28, 1863, to June 8, 1865, when he was discharged as a seaman.

"Widow filed no claim through the Bureau of Pensions, but in a letttr to the Commissioner of Pensions, dated October 18, 1887, she states that her husband died of a different disease than the one for which he claimed a pension; that she is greatly in need of a pension, having a large family of small children to support.

"In her affidavit executed January 21, 1888, claimant states that her late husband was injured in his right eye by a splinter striking him during an engagement of the gunboat Cincinnati with the enemy in front of Vicksburg, Miss., May 27, 1863, and that said injury resulted in a cataract, greatly impairing the vision of the late sailor's right eye; that her husband died September 26, 1884, from disability on account of peritonitis; that the late sailor left surviving him the following named children: Nellie Hackett, aged fourteen years; Harry Hackett, aged thirteen years; Willie Hackett, aged eleven years; Lillie Hackett, aged five years, all of whom are wholly dependent upon claimant for their support, and that she keeps the family, as best she can, by washing and ironing; that as she is debarred of a pension through the ordinary way, she prays that her name be placed upon the pension-roll by a special act of Congress.

"A petition signed by B. I. Sterrett, L. F. Skilley, G. C. Kinsman, E. F. Dawson, W. W. Burns, H. I. Miller, Charles P. Denton, Ralph Templeton, and fifty other citizens of Decatur, Ill., prays for the relief of claimant by the passage of a special act of Congress, as she is without remedy through the Bureau of Pensions.

"The sailor's application for pension was filed September 17, 1883, in which he alleges injury of right eye received by a splinter striking him during an engagement of the gunboat Cincinnati with the enemy in front of Vicksburg, Miss., May 27, 1863.

"In affidavit filed May 27, 1884, the sailor states that he was never treated for injury of right eye while in the service, and that since discharge he has treated himself; that he is unable to furnish testimony of officers showing the origin of his alleged disability, for the reason that Lieutenant Bache, the commanding officer of the Cincinnati, can not, at this late day, remember his disability.

"In affidavit filed September 20, 1884, John Pearce, late executive officer of the Mississippi squadron, testifies that the sailor was on the boat Cincinnati when she sunk at Vicksburg, Miss., May 27, 1863, and claims to have been wounded by a splinter; that splinters were flying around from the enemy's shots and struck many persons.

"Examination made by the board of United States surgeons at Springfield, Ill., October 10, 1883, rates the late sailor one-half on account of loss of sight of right eye, resulting from an injury from a flying splinter.

"The claim is one of a large class of cases which should be provided for by general legislation, but under the present state of the law the testimony presented does not seem to warrant a favorable recommendation by the committee for a special act granting a pension to the claimant."

It will be seen that no claim was ever made by the claimant for a pension in the Pension Bureau. It is further shown by the testimony, and not contradicted, that the soldier on whose account the pension is asked was injured in the right eye by a splinter during an engagement on May 27, 1863, on a gunboat, at Vicksburg, Miss., and that he died September 26, 1884, from disability on account of peritonitis. There is no pretense that the soldier's death was traceable to his Army service or had any connection with the injury to his eye. While the widow of this soldier, and his children, have our profound sympathy, and perhaps there should be a general law passed to meet this class of cases, yet we are unable to see any reason now why this pension should be granted and made an exception of a large class, and therefore report the bill back with a recommendation that the same lie on the table.

Mr. ROWELL. Mr. Speaker, I will state my reason for calling up this bill and asking for its favorable consideration. This soldier, had he been able in his lifetime to find the evidence which was subsequently found, would have been entitled to a pension from 1863. He is proved to have been a very gallant soldier, and on one occasion he saved the life of his captain at the risk of his own, by carrying him ashore when the gunboat on which the soldier served was sunk. I know his widow. She is very poor and very deserving. She presents a petition in her behalf from the most prominent people in the city where she lives. I think there is presented here a specially meritorious case. If she be granted a pension for the rest of her life, she will not receive as much as her husband would have been entitled to if he had procured the proof which was discovered after his death. I think the bill ought to pass.

Mr. KILGORE. Do I understand that the committee reported adversely on this claim?

Mr. ROWELL. The Senate committee reported favorably and the House adversely. The bill was passed in the Senate.

Mr. KILGORE. I think I would be inclined to stand by the committee as usual. [Laughter.]

Mr. ROWELL. I would like to call the attention of the gentleman to the fact——

Mr. KILGORE. Oh, no; I am satisfied with the report.

The CHAIRMAN. The question is on laying the bill aside with favorable recommendation.

The committee divided; and there were—ayes 25, noes 15.

Mr. KILGORE. No quorum.

Mr. ROWELL. Very well; if that point is made I will withdraw the bill.

The CHAIRMAN. If there be no objection, this bill will retain its place on the Calendar.

There was no objection, and it was so ordered.

H. S. SAYRE.

Mr. PUGSLEY. I ask unanimous consent to call up the bill (H. R. 968) granting a pension to H. S. Sayre. I will state that I was in the cloak-room when my name was called.

There being no objection, the bill was considered.

It is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. S. Sayre, late captain of an independent company of scouts of the State of West Virginia, who served in the war of the rebellion, at the rate of $24 per month.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 968) for the relief of H. S. Sayre, submit the following report:

Said Holdridge S. Sayre recruited a company of State scouts in Doddridge County, West Virginia, which, on the 25th day of October, 1863, selected him as captain, and on the 4th day of November of said year he was duly commissioned by the governor of said State as captain for one year. Said company was mustered out of service on the 20th day of June, 1864, and he in the mean time was paid with the men of his company as in active service. The company was armed, clothed, and supplied with commissary stores by the United States Government, and their service was useful and efficient in protecting the loyal peo-

ple of the State and in co-operating with United States forces. That while engaged in such service and in the line of his duty, on the 17th day of December, 1863, he was thrown from his horse on his back across a rail and severely injured, so that he vomited blood and passed blood through his urine, from which injury he has never recovered. That he is unable to perform manual labor on account of such injuries without great pain, and at times he is unable to work at all from said injuries, although he has no other means of making a living than by manual labor.

About the 25th day of April, 1864, while engaged in said service, the company was fired upon by the Confederates, and said Holdridge S. Sayre received a gunshot wound in the right hand, causing the loss of the use of two fingers, and making it impossible to close the hand.

After the expiration of his service of scout, he recruited a company for the United States service, but was himself refused muster on account of disability. He was a sound man at the time of entering said service, to which fact three members of his company testify, and that they were with him at the time he received his injuries and wound, and also the effect they had upon him. Two physicians testify to the continuance of and increasing disability, now almost total, arising from said injuries and wound.

In view of the facts that his injuries were received in the service of his country, and that by reason of them he was unable to be mustered into the United States Army when he applied for that purpose, your committee are of the opinion that relief asked for in the bill ought to be granted. We therefore submit a favorable report, and recommend the passage of the bill with the following amendment, to wit, strike out after the word "rebellion" where it occurs in the bill the words "at the rate of $24 per month."

The amendment recommended by the committee was adopted.

Mr. O'NEILL, of Missouri. Mr. Chairman, the work accomplished by the Pension Department and why certain pension bills were not approved by the President can be obtained in the annual report of the Commissioner of Pensions, a perusal of which reveals interesting and instructive facts. Within the last quarter of a century the pension system has developed from an inconsiderable office to a great bureau, whose operations reach out into nearly every hamlet and township of the nation. Its clients are legion, and its bounties and disbursements surpass the most generous dreams of the founders of the American pension system. It shows that there were during the fiscal year ending June 30, 1888, 60,252 names added to the pension-roll (the largest annual addition in the history of the bureau), making a total of 452,557 pensioners on the rolls at the close of the year.

One million one hundred and sixty-six thousand nine hundred and twenty-seven pension claims have been filed since 1861, and 737,200 claims of all classes have been allowed since that date. The average annual value of the pensions at the close of the year was $125.20. The aggregate annual value of the pensions is $56,707,220.92. There were received 2,698,000 letters during the year. Sixty-five thousand seven hundred and four applications for original pensions were filed. The highest number of claims received was from Ohio; Indiana follows next; then New York and Pennsylvania; the least number of claims came from Montana, and from South Carolina none were received.

The Adjutant-General of the Army removed 1,110 charges of desertion from the military records of that many volunteer soldiers of the late war, the most of which referred to pending pension claims. Twenty-six thousand five hundred and eighty-one claims were filed under the Mexican pension act.

The work of the final adjudicating boards is practically up to date. The roster of the medical officers of the late war, with their post-office addresses, is nearly completed, and makes a record invaluable to claimants in their efforts to obtain necessary evidence. The work of restoring to claimants fees improperly obtained by attorneys is very gratifying. The spirit of the bureau is, no compromise with those willfully or intentionally guilty, and no prosecution of those who sin through ignorance or without motive against the pension laws and who are willing to make restitution when the same is demanded of them. Special examiners submitted an average of eleven reports and fifty-six depositions per month, at a cost of $12.40 per report, an increase of nearly one-half report per man and a decrease in the cost of one-fourth in each case.

Over 88 per cent. of all pensions are paid by the pension agents within 10 days after the quarterly payments are due, and payments can not be made more rapidly without multiplying agencies. One hundred thousand cases of increase of pensions under recent legislation have been settled without expense or delay to the pensioners.

A new and unique feature of the report is a discussion of special pension acts and their relation to the administration of the general pension laws. It shows the various stages through which a special act passes from its receipt at the Executive Mansion to its receipt by the pensioner. In addition, a table is furnished showing the total number of special pension acts which have become laws since 1861, as follows:

1861–'65 (Lincoln)	41
1865–'69 (Johnson)	431
1869–'77 (Grant)	490
1877–'81 (Hayes)	303
1881–'85 (Garfield and Arthur)	736
Total	2,001
1885–'88 (Cleveland)	1,369
Grand total	3,370

It appears that while during President Cleveland's administration thirteen hundred and sixty-nine special acts became laws, while one hundred and ninety-one were vetoed, of this number seventeen were vetoed in the interest of claimants, because they would be entitled to a greater amount under the general law. These seventeen cases were afterwards allowed by the Pension Bureau, and saved the pensioners $17,249 more than they would have received had the special acts become laws. Twelve were vetoed because the charge of desertion or dishonorable discharge stained the military records of the soldiers. Two dependent fathers' claims were vetoed because the fathers abandoned their sons while said sons were infants and never resumed the care and custody of them, nor did they manifest any interest in them until after their death, when these fathers became applicants for pension. Two cases because they were duplicates of precisely the same special acts already approved by the Executive and in full force. Seven because the death cause was suicide and had no connection with the military service. One hundred and twenty-one because soldiers' disabilities or deaths were in no wise due to the service, but arose from causes entirely distinct therefrom. Seventeen because the cases were pending in the Pension Bureau, where they were being properly investigated. These cases also involved arrears. Nine because the special acts fixed no rate and the claimants were now receiving pension commensurate with the disability found to exist by competent boards of surgeons, and a special act would be of no benefit. Two more dependent cases because no dependence was shown by the evidence on file. One because the President refused to set aside the limitations fixed by the law of 1879, governing arrears, and one because the beneficiary was dead at the time of the passage of the special act.

Ninety-three of these vetoed claims had been rejected by the Pension Bureau prior to July 1, 1885, and fifty-four subsequent to that time; three were rejected before and after that date; thirty were pending unsettled in the Pension Bureau, and no applications under the general law had ever been filed in eleven.

In connection with the foregoing it may be interesting to state that in the fiscal years from July 1, 1882, to June 30, 1885, there were issued 191,221 certificates of all classes; to June 30, 1888, 359,537; making an increase for the last three years of 168,316.

The CHAIRMAN. The question is on laying the bill aside.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY JANE JELLY.

Mr. RUSSELL, of Connecticut. I call up for present consideration the bill (H. R. 10825) granting a pension to Mary Jane Jelly.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and restrictions of the pension laws, the name of Mary Jane Jelly, widow of Frank Trask, late a private in Company F, Eighth Regiment Connecticut Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10825) granting a pension to Mary Jane Jelly, have had the same under consideration, and beg leave to submit the following report:

Mary Jane Jelly was the widow of Frank Trask, who was killed in battle of Antietam September 17, 1862, while serving as corporal of Company F, Eighth Regiment Connecticut Volunteers, and on account of whose death she drew pension until her marriage with one John Jelly, December 10, 1868. The soldier also left surviving him a minor child, who drew pension after the widow's remarriage until June 23, 1877, when it terminated under the limitation of the general pension laws.

Mary Jane Jelly continued to live with her second husband until about the 1st day of May, 1869, when a separation became necessary because of his intemperate habits, and never thereafter until his death, March 20, 1874, did she live with him as his wife.

From medical evidence before your committee it appears that the proposed beneficiary has for many years been and is now a complete invalid by reason of hemorrhoidal and uterine troubles, recovery from which, in the opinion of the attending physician, is improbable because of age. She has no income from any source, and is consequently dependent upon others for support.

The case comes clearly within a well-established rule of the House, and as the necessities for Congressional relief are so well shown by the evidence submitted, your committee unhesitatingly return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM M. DEAN.

Mr. RUSSELL, of Massachusetts. I ask the present consideration of the bill (S. 2862) granting a pension to William M. Dean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William M. Dean, late a member of Company G, Fifteenth Regiment Massachusetts Volunteers, and pay him a pension of $72 per month, in lieu of the pension he is now receiving.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2862) granting a pension to William M. Dean, have had the same under consideration and beg leave to submit the following report:

The report of the Senate Committee on Pensions is as follows:

"These facts are satisfactorily established in this case: That the claimant was a sound man when he entered service; that during service he suffered from chills and fever, chronic diarrhea, and from measles, which occasioned disease of throat; and that for these combined disabilities and their continuance he was pensioned first at $2 per month from April, 1862, at $6 from September, 1865, and at $12 from February, 1878.

"A mental aberration, of which he gave occasional indications after his army service, and which affected him particularly after attacks of chills and fever, increased upon him until he has become insane. The difficulty in the case before the Pension Bureau is in connecting the insanity pathologically with the diseases for which he is pensioned. But there is a large amount of testimony, too voluminous to be abstracted, which shows that while in service he was reduced to

a state of extreme nervous prostration, and that since his discharge he has been constantly subject to nervous attacks, interfering with the employments in which he was engaged, and which degenerated into melancholia and finally into settled insanity. These conditions followed each other, as appears by the mass of evidence, in progression sufficiently regular and continuous to justify the committee in finding the insanity to be an ultimate result of his army service.

"The claimant's wife has been acting for some years as his guardian; they are utterly destitute of property, and subsist on the charity of friends and of organizations with which he was connected in his better days. His insanity is of a harmless type, but, with his feebleness, requiring constant watchfulness and care, and the necessity of attendance on him prevents his wife from earning anything for their support.

"It is as hard a case as can be conceived, and, with the reasonable presumptions offered by the testimony, the committee do not hesitate to recommend the passage of the bill."

A careful examination of the evidence discloses the fact that soldier, after nearly three years honorable and faithful service, became broken down in health, and gradually his mind failed, until now he is unable to take care of himself. While the evidence may not be sufficiently positive to permit the Pension Bureau to accept this condition as sequential to the diseases admitted to be chargeable to the service, yet the most thorough special examination failed to discover any other cause therefor. In the absence of any adverse evidence your committee are of opinion that the relief asked for should be granted, and therefore return the accompanying bill with the recommendation that it do pass, amended, however, by striking out the words "seventy-two," in line 5, and insert therein the word "fifty;" also by striking out the words "William M. Dean," in the bill and the title of the same, and insert therein instead the words "William R. Dean."

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JESSE SPENCER.

Mr. RYAN. I call up for consideration the bill (H. R. 9663) granting a pension to Jesse Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse Spencer, late a private of Company M, Second Regiment of Pennsylvania Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 9663, have had the same under consideration, and submit the following report:

The claimant enlisted as a private in Company M, Second Pennsylvania Cavalry, October 1, 1861, and was honorably discharged October 1, 1864.

In application filed February 5, 1882, he alleges that while in line of duty at Philadelphia, Pa., he contracted measles in February, 1862, resulting in disease of heart.

The claim was rejected on the ground of no record of alleged disease of heart, nor any competent evidence connecting the same with service or with the measles which claimant had in service.

The evidence is conclusive that claimant prior to and at the time of enlistment was a strong, healthy man and free from heart disease.

Claimant alleges that the first appearance of heart disease was while he was in Cherry Street Hospital, Philadelphia, with measles. He had no medical treatment, for the reason he had no confidence in medical skill for that disease. He alleges that he has been in trouble with said heart disease ever since his discharge from the Army, and has been unable most of the time to do but little manual labor, and since 1880 has scarcely done anything.

Lewis Kirk testifies—

"That he has been intimately acquainted with claimant for twenty-five years; has been a frequent visitor at his house, and knows that since he returned from the Army he has been regularly afflicted with heart disease. He has worked with him at many different times when an attack would come on, almost completely prostrating him for some hours, and unfitting him for labor for several days. Any sudden exertion brings on an attack."

Lieutenant Ferguson—

"Has known claimant many years. During the service he sometimes complained of something wrong, but was never off duty. Since the war he has known him all the time, sees him often, and knows that he is troubled with what is said to be heart disease. He is no doctor, but derives his information from his own knowledge and what he has been told by those who ought to know. He has often to lie down during spells of pain about the heart."

Isaac Spencer, who has been intimately acquainted with him since the war, knows that plaintiff is suffering with heart disease contracted while in the Army, making it impossible for him to perform hard labor.

Others testify to about the same state of facts, and the committee believe that it is established beyond a reasonable doubt that the claimant was sound prior to enlistment; that the heart disease for which he asks relief was incurred while in the line of duty, and that said disability has continued to the present time.

The committee therefore submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY M. ORD.

Mr. SAWYER. I call up for present consideration the bill (S. 2663) granting an increase of pension to Mrs. Mary M. Ord.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary M. Ord, widow of the late General E. O. C. Ord, and to pay her a pension at the rate of $100 per month, in lieu of the pension she is now receiving.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2663) granting an increase of pension to Mrs. Mary M. Ord, have had the same under consideration and beg leave to submit the following report:

The beneficiary named in the bill is the widow of the late Maj. Gen. E. O. C. Ord.

Upon the death of General Ord the following order was issued by the War Department:

"HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
"*Washington, July* 24, 1883.

"With profound sorrow the General of the Army announces the death at Havana, Cuba, at 7 o'clock on the evening of the 22d instant, of Maj. Gen. Edward O. C. Ord, retired, and lately brigadier-general and brevet major-general on the active list.

"General Ord was graduated at the Military Academy and appointed second lieutenant in the Third Artillery July 1, 1839. Having passed through the several grades, including that of lieutenant-colonel in the artillery arm, he received his appointment as brigadier-general of the permanent establishment on the 26th of July, 1866. He had, on the 14th of September, 1861, for service in war, been appointed brigadier-general of volunteers, and on the 2d of May, 1862, major-general of volunteers. He was mustered out of the volunteer service September 1, 1866.

"For gallant services in action at Dranesville, Va., Iuka, Miss., the Hatchie, Miss., and at the assault of Fort Harrison, Va., he received successively the brevets of lieutenant-colonel, colonel, brigadier-general, and major-general, United States Army. He served in the Florida war against the Seminole Indians, on the Pacific coast in the war against Mexico, and in Indian campaigns on the same coast.

"In the Army of the Potomac he was brigade and division commander, in the Army of the Tennessee he commanded the left wing from August to September, 1862, and subsequently he commanded successively the Thirteenth, Eighth, Eighteenth, and Twenty-fourth Corps, and the Army of the James. He was severely wounded in the battle of the Hatchie, Miss., and was wounded in the assault and capture of Fort Harrison, Va.

"Since the late war he has at different times commanded the Departments of Virginia, the Ohio, Arkansas, California, the Platte, Texas, and the Fourth Military District.

"He was retired on the 6th day of December, 1880, and by act of Congress approved January 28, 1881, he became a major-general on the retired-list. Retirement did not close his active life, for immediately thereafter he engaged in civil pursuits and continued therein until death suddenly came upon him.

"Distinguished among his country's defenders, General Ord was a soldier of national repute. Through his long military service, reaching towards half a century, his career has been marked by faithful, devoted, and intelligent discharge of duty, by personal gallantry, by honest administration, and by a firmness which was not weakened by his great kindness of heart. As his intimate associate since boyhood, the General here bears testimony of him that a more unselfish, manly, and patriotic person never lived.

"By command of General Sherman.

"GEO. D. RUGGLES,
"*Acting Adjutant-General.*"

Mrs. Ord is now in receipt of a pension of $50 per month, under act of Congress, approved July 5, 1884. She was married to General Ord October 15, 1854, at San Francisco, Cal., and is now a resident of that State. Having exhausted her limited means in support of an invalid daughter, she is now poor and not able to maintain hereself and daughter, who is dependent upon her on present pension, which is her only resource.

In view of her dependence and the long and eminent services of her gallant husband, your committee report favorably on the accompanying bill, and ask that it do pass, amending the same by striking out the words "one hundred" and inserting in lieu thereof the words "seventy-five."

The CHAIRMAN. If there be no objection, the amendment recommended by the committee will be concurred in.

Mr. CHEADLE. There is objection.

The CHAIRMAN. Then the question is on agreeing to the amendment recommended by the committee.

Mr. SAWYER. If the question of a quorum is to be raised, I will withdraw the bill and ask the consideration of another.

The CHAIRMAN. The bill is withdrawn, if there be no objection.

Mr. WEBER. I understood the request was based on the supposition that a quorum would be called?

Mr. SAWYER. I assumed that the gentleman from Indiana will raise the question of no quorum, when he objected; and hence I will withdraw the bill.

The CHAIRMAN. The bill will retain its place on the Calendar in the absence of objection.

There was no objection.

ANSON WARD.

Mr. SAWYER. I now call up the bill (H. R. 5740) granting a pension to Anson Ward.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place the name of Anson Ward, of Rockford, Ill., late private of Company K, Seventy-fourth Illinois Volunteers, on the pension-roll, subject to the limitations and restrictions of the pension laws.

The report (by Mr. LANE) was read, as follows:

That the said Anson Ward enlisted August 5, 1862, as a private in Company K of the Seventy-fourth Regiment Illinois Volunteer Infantry; that he was a faithful soldier during the war and was honorably discharged June 10, 1865; that on the 28th of December, 1862, while in the line of duty at Nolensville, Tenn., he was severely attacked with rheumatism, caused by hardships endured in the service, and that he has been afflicted continually ever since; that his system was so shattered that his mind became affected, and on June 9, 1875, he was confined in the Northern Hospital for Insane at Elgin, Ill., and remained there until April 26, 1876, and that the cause of his insanity is clearly traceable to rheumatism, and the ground on which his claim for pension was rejected was that at the time of filing said claim the disability shown did not exist in a pensionable degree; that he is not able to perform manual labor, and were it not for the disabilities incurred in the service would be abundantly able to provide for himself.

The committee have therefore concluded that he is justly entitled to a pension, and respectfully recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BETSEY WILLIAMS.

Mr. SEYMOUR. I ask to call up the bill (H. R. 9371) granting a pension to Betsey Williams, widow of William R. Williams, private Company C, Eighth Regiment Michigan Volunteers.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Betsey Williams, widow of William R. Williams, late private Company C, Eighth Regiment Michigan Volunteers, on the pension-roll, at the rate prescribed by existing provisions of law.

The report (by Mr. CHIPMAN) was read, as follows:

William R. Williams, husband of Betsey Williams, was pensioned at the rate of $4 per month for hernia. The widow filed claim for pension, alleging that her husband died from the effects of the disease for which he was pensioned. The claim was rejected on the ground that it was not proved that the diseases

which caused her husband's death were connected as results with his military service.

Dr. J. W. O'Harra, the physician who attended the soldier during his last illness, testifies that—

"The remote cause of his death was a hernia contracted in the Army, the hernia producing excessive constipation and strangury, thus producing apoplexy, retarding the free circulation of blood and finally paralysis, of which he died. He was of an apoplectic diathesis. My first visit was March 30, 1881; April 4, 7, 12, 16, and 23, which was the last visit, then having little encouragement, being hopelessly paralyzed. Had not much acquaintance with him previous to his last illness, but learned from the family that his health had been failing for some time, having had attacks of apoplexy. He complained much of constipation and impairment of the secretions, no doubt from paralysis, accompanied by vacant stare, slow, full pulse, flushed face; in fact, all the apoplectic symptoms."

The only evidence against the testimony of the attending physician is the opinion of the medical referee, which, in the opinion of the committee, should not cause a rejection of the claim.

The committee therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNA BOPPELL.

Mr. SHERMAN. I ask consideration of the bill (H. R. 9784) granting a pension to Anna Boppell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna Boppell, widow of Martin Boppell, late of Company E, One hundred and fifty-third Regiment New York State Volunteers, and pay her a pension at the rate of $12 per month.

The report (by Mr. SAWYER) was read, as follows:

The beneficiary named in the bill is the widow of Martin Boppell, who served as a private in Company E, One hundred and fifty-third Regiment of New York Volunteers. The records of the War Department show that Martin Boppell enlisted in said company August 22, 1862, and was discharged November 28, 1864, in consequence of the amputation of his right arm, caused by a gunshot wound received September 19, 1864, at Winchester, Va., while in service. The soldier was pensioned therefor March 15, 1865, and drew pension until the date of his death, July 25, 1882. The widow's claim has been rejected by Pension Office on the ground that soldier's death is not due to service. Soldier's arm was amputated close to the shoulder. The evidence shows that he had several times fallen in consequence of the loss of his right arm, by which he was more or less injured. It shows that on the evening of July 15, 1882, he tripped and fell, striking upon a broken bottle, receiving a severe and serious wound in his back, and that the fall was in no way the result of bad habits or the use of liquor. Medical aid was summoned, but despite the efforts of two physicians blood-poisoning set in, from which he died July 25, 1882. The evidence describing all the particulars of the fall and injury clearly shows that had the soldier had his right arm he would not hav received the injury that caused his death. The widow is the mother of three children, two of whom are under sixteen years of age.

Your committee believe the claim is meritorious and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY J. COTNER.

Mr. SHIVELY. I call up the bill (H. R. 10388) granting a pension to Nancy J. Cotner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Nancy J. Cotner, dependent sister of Thomas Cotner, late private Company E, Thirteenth Regiment Indiana Volunteers, at the rate of $12 per month.

The report (by Mr. MATSON) was read, as follows:

Nancy J. Cotner, the applicant, was the sister of Thomas Cotner, who was a member of Company E, Thirteenth Indiana Volunteers, and was killed in battle. The said applicant was the daughter of George Cotner, some time since deceased, and who, at the time of the enlistment of the said Thomas Cotner, was a man of feeble health and very limited means, and, being about sixty-five years of age, was dependent to a great extent for his subsistence and that of his daughter, the claimant herein, upon his said son.

It is shown by evidence that said Nancy J. Cotner was from childhood of feeble mind and very poor health, and has continued in that condition to the present time. It also appears that she has no means of support excepting her father and brother, and that since their death she has been thrown upon the charities of her neighbors and friends, and now has no means whatever, and is totally unable to support herself. There is no widow entitled to pension.

It seems to the committee that this is a case which strongly appeals for Congressional action, and we therefore submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS DE FREITAS.

Mr. SPRINGER. I ask consideration of the bill (H. R. 2051) granting an increase of pension to Francis De Freitas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to all the conditions and limitations of the pension laws, the name of Francis De Freitas, who was a private in Company G, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $45 per month from and after the passage of this act.

The report (by Mr. LANE) was read, as follows:

That the claimant is now drawing a pension of $8 per month for gunshot wound in right breast. Department refuses increase on ground that disability is not total. Antonio Vasconcellos testifies that he has known claimant thirty years; that the wound in his breast has broken out afresh; that it is now a running sore; that by reason of said wound he is totally disabled, and at times he requires an attendant.

John Stirling Nimens testifies:

"That he is a near neighbor of claimant; that he sees him daily and helps him in the care of his wound; that said wound is a running sore, requiring constant attendance, and that by reason of said wound claimant is totally disabled and unable to care for himself without assistance."

Dr. David Prince, of Jacksonville, Ill., testifies:

"That claimant is now totally disabled, and it is probable that his capability for any physical labor is permanently impaired."

Your committee conclude from the testimony in this case that the soldier is entitled to the increase of pension asked, and we therefore respectfully recommend that the bill do pass.

Mr. MORRILL. I move to amend that bill by adding the words "in lieu of the pension he is now receiving."

Mr. SPRINGER. There is no objection to that.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEAMAN L. BOWERS.

Mr. STONE, of Missouri. I call up the bill (H. R. 10433) for the relief of Leaman L. Bowers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place the name of Leaman L. Bowers, late second sergeant of Company H of the Tenth Regiment of Pennsylvania Reserves, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. WALKER) was read, as follows:

Leaman L. Bowers was mustered as second sergeant of Company H, Tenth Regiment of Pennsylvania Reserves, on July 21, 1861. He was captured at the battle of Fredericksburgh in December, 1862. He was greatly exposed and subjected to many hardships on the march to Richmond as a prisoner. He was in Libby Prison from December, 1862, to April, 1863.

The evidence clearly shows that claimant was sick of inflammatory rheumatism during his imprisonment, from which he suffered terribly during the greater part of his imprisonment. His heart became involved as a result of the disease. These facts abundantly appear from the records, both Confederate and Union.

The testimony shows that his heart has been diseased ever since his discharge from the service in 1864. The medical testimony shows that this heart disease has become so aggravated as to practically unfit him for manual labor.

There can be no doubt that claimant should be pensioned if the disability from which he is suffering was incurred in the line of duty while in the service. The claim was rejected on the sole ground that claimant had had inflammatory rheumatism before his enlistment. That is true. The claimant, who made a frank and manly statement of his whole case, said that in 1848 or 1849 he had an attack of inflammatory rheumatism from which he soon recovered. That the attack at that time was confined wholly to his lower limbs. He was never troubled with it before that time nor afterwards prior to h s imprisonment in Libby.

The testimony shows that at the date of his enlistment he was a strong and vigorous man.

James Lish testified that he and claimant were raised in the same county in Pennsylvania and that he had known claimant well up to the date of his enlistment. Mr. Lish says:

"He (claimant) was known as the stoutest and toughest young man in the county. When he enlisted in the Army he was as sound and healthy as he ever had been. I saw him in the Army several times. I saw him again soon after the war and found his health very bad. He seemed to me a perfect wreck—so much so that he was entirely unable to make a support for himself and family by manual labor, and has continued in that condition ever since. I have been at his house frequently since the war and know this to be the fact."

There is testimony of other witnesses to the same effect. Indeed, there is no testimony, medical or otherwise, to the contrary.

Dr. Amos H. Caffee, examining surgeon, says he has examined claimant and finds him suffering from chronic rheumatism, resulting in chronic valvular disease of the heart, and, in his opinion, claimant was entitled to be rated at $8 per month.

Drs. Underwood and Ackason, who also examined claimant, concur in saying that they consider his condition dangerous, so much so as to make life very uncertain. They say his condition is such as to unfit him for much physical exertion.

There is no conflict in the testimony. We are at a loss to understand why the claim was rejected. The statement of the reviewer is that it was rejected because claimant admitted he had an attack of rheumatism in his legs in 1848 or 1849. The rejection is predicated wholly on that statement. But, since that attack was slight and claimant had so entirely recovered from it that he was regarded as an unusually strong and healthy man at the date of his enlistment, and since it clearly appears that the attack of inflammatory rheumatism which he suffered in his arms and breast in 1862-'63 was the direct result of exposure and hardship while a prisoner of war, and that he has never recovered from that attack, your committee think Mr. Bowers is entitled to a pension, and report the bill back accordingly with a favorable recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY ANN CROSS AND OTHERS.

Mr. STRUBLE. I ask consideration of the bill (H. R. 5985) to increase the pension of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardner, and Mrs. Lillie May Pavy to $30 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the names of Mrs. Mary Ann Cross, widow of Sergt. William H. Cross; Minnie L. Gardner, widow of Sergt. Hampton S. Gardener, and Lillie May Pavy, widow of Dr. Octave Pavy, on the pension-roll at the rate of $30 a month each, in place of that of $12 a month now allowed; the said William H. Cross, Hampton S. Gardner, and Octave Pavy having served in the late Arctic expedition under Greely and lost their lives in consequence.

Amend the title so as to read: "A bill to increase the pensions of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardener, and Mrs. Lilla May Pavy to $30 per month."

The report (by Mr. RUSSELL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5985) increasing the pensions of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardiner, and Mrs. Lilla May Pavy to $30 per month, have considered the same and report as follows:

Mrs. Cross and Mrs. Gardiner are the widows of the late William H. Cross and Hampden S. Gardiner, of the general service, United States Army; and Mrs. Pavy the widow of Dr. Octave P. Pavy, late acting assistant surgeon United States Army. These soldiers were members of the Lady Franklin Bay expedition into the Arctic regions under Lieut. (now General) A. W. Greely,

and all met their death from starvation "on the south side of Buchanan Strait, half-way between Cape Sabine and Cocked Hat Island."

Concerning the incidents and results of that terrible expedition no detailed reference is necessary. They form part of history, and are fresh in the minds of everybody.

Mrs. Cross and Mrs. Gardiner are in receipt of pensions at the rate of $12 per month, and Mrs. Pavy of one at $17 per month.

All three of the claimants are without any property and are dependent upon their own labor for support. Concerning Mrs. Gardiner, Hon. Z. B. VANCE, under date of January 15, 1885, states:

"I am well acquainted with her. She is in a very destitute condition, and is almost powerless to work on account of diseased eyes."

Mrs. Cross has depending upon her a family of children and an invalid sister, and her only means of subsistence is a small salary and her pension. Mrs. Pavy is likewise dependent upon her daily labor, and, as she has expressed it, "Dares not succumb to illness oftentimes threatened from overwork."

Your committee are of the opinion that the peculiar circumstances surrounding the cases of these widows warrant the granting of the relief they seek. The bill is therefore reported back with the recommendation that it do pass; amended, however, by changing the words "Gardner" and "Lillie," wherever they appear in the bill, to "Gardiner" and "Lilla," respectively.

The amendments reported by the committee were agreed to.

Mr. STRUBLE. There is another amendment which should be reported.

The Clerk read as follows:

The committee propose to amend the bill in line 9 by inserting after the word "twelve" the words "and seventeen."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM R. RODGERS.

Mr. THOMPSON, of Ohio. I ask consideration of the bill (H. R. 11362) for the relief of William R. Rodgers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the rate of pension now allowed to William R. Rodgers, late a private of Company F, of the Twenty-seventh Regiment of Ohio Volunteer Infantry, war of 1861, under certificate numbered 252404, from the sum of $8 per month to the sum of $50 per month.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 511) granting a pension to William R. Rodgers, having considered the same, report as follows:

The claimant enlisted as a private in Company F, Twenty-seventh Regiment of Ohio Volunteer Infantry, war of 1861, on the 25th day of August, 1862, and was discharged July 11, 1865. On the 14th day of August, 1879, he applied for a pension, which was granted him October 29, 1883, at the rate of $4 per month, for "disease of the eyes," and which was afterwards increased to $8 per month. Afterwards he again applied for an increase of his pension for total blindness, but his application was rejected. He is now, and since December, 1875, has been stone blind.

Special Examiner Samuel Woods, in his report in the case, says: "The claimant, William R. Rodgers, is so utterly blind that the full glare of an electric lamp gives him no sense of light." The only question in the case is whether this blindness was due to his military service, or to an injury to his right eye received in November, 1875. The case excited a great deal of discussion in the Pension Office, and it was maintained there on the one hand that the injury to the right eye not only caused the loss of that eye, but through sympathy the loss of the left eye also; while on the other hand it was claimed that the disease (the result of measles contracted in the service) was of a character that would result in total blindness, and that the injury to the right eye simply hastened that result. Finally all doubts were resolved against the soldier, and he was granted a pension of $8 per month for "disease of eyes," but was refused the rate of $72 per month for total blindness.

The original application for pension was based on rheumatism and disease of eyes, and Special Examiner Samuel Woods, in his report on this application, in which he recommended the admission of the claim "for a portion of the disability," says:

"My reasons, which I think will be sustained by the evidence of such of the witnesses as had intimate personal knowledge of the claimant, are as follows: (1) The soldier contracted measles while in service and line of duty; (2) that impairment of sight followed and was consequent upon measles so incurred; (3) that the impairment of sight and partial disability were continuous until he was virtually blind in the left eye (being unable to distinguish objects, though able to discern light) as early as 1873; (4) that the right eye was impaired, but while yet useful, its sight was destroyed by an accident in the fall of 1875."

In speaking of the type of measles from which the soldier suffered this examiner says:

"His family took it; one of his daughters died; his eldest son suffered with bad eyes on account of it, and shortly after claimant returned home in 1865 the son's left eye burst, and its sight was forever gone."

Afterwards, in an additional report made some months later on a further examination of the case, he says:

"My opinion as to the justice of the claim of William R. Rodgers has not changed one iota. That opinion was formed from knowledge of the manner in which the witnesses received their impressions as well as from the evidence itself. I beg pardon in advance for any violation of the new rule in regard to summaries, but would prefer to risk a reprimand rather than to see so worthy and so needy a claim rejected without entering my earnest protest. To do less appears to me dereliction of duty. * * * That except the immediate loss of the then failing sight of the right eye by accident in the ore bench the claimant's disabilities are due to and consequent upon his Army service; that he is a cheery, honest, simple-minded man, who will not intentionally make a false statement, and that he is a worthy applicant for pension."

As evidence of the state of doubt in which the officials of the Pension Office found themselves we quote from Dr. Hood, then medical referee, who, October 14, 1884, addressed Colonel Clarke, Acting Commissioner, as follows:

"That the soldier suffered from disease of the eyes as a sequel of measles there seems to be no question, but it is impossible to say with any certainty what would have been the ultimatum of the condition. The probability is that entire loss of vision would not have resulted, since, though many cases of conjunctivitis, etc., and other diseased states of the eyes follow upon measles, it is very rarely that loss of vision follows. But there is another view of the case and that is stated in this question. Is it probable that the condition of the eyes resulting from the attack of measles, particularly that of the left eye, was such as that the injury incurred (of right eye) was destructive in its effects? It is my judgment that giving the doubt to the claimant that question must be answered affirmatively. A diseased condition exists; more than that, a diseased condition with disposition to persistence and not recovery. To that condition are superadded the effects of injury; the result in the end is the destruction of both eyes. That is to say, it should seem wholly probable but that for the pre-existent disease caused by the attack of measles, the injury of 1875 would not have made enucleation of the right eye necessary, and thus the subject of the injury would not have wholly lost vision." * * *

And yet they finally allowed him but $8 per month.

The soldier requires the constant care and attention of another person, and has no means of support other than the small pension now paid him. We think the soldier is entitled to a pension of $50 per month, and we offer as a substitute for the bill under consideration the bill herewith presented, and recommend the passage of the substitute bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK WELCH.

Mr. TURNER, of Kansas. I ask for the consideration of the bill (S. 3130) granting a pension to Patrick Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Welch, late of the United States Navy, war of the rebellion.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, having had under consideration the bill (S. 3130) granting a pension to Patrick Welch, submit the following report:

The report of the Senate Committee on Pensions is adopted, and the passage of the bill is recommended.

Patrick Welch, the claimant under this bill, enlisted March 17, 1865, as landsman in the United States Navy, and was discharged October 18, 1865. He made application for pension February 7, 1880, alleging that at Bayou Sara, Miss., about September 26, 1865, he contracted piles.

The records of the Navy Department show that he was admitted to the hospital at New Orleans, July 26, 1865, "with hemorrhoids," and was sent North July 31, 1865. He was examined under date of July 27, and found that his disease, piles, rendered him unfit for service, and that in duration, permanent; and from the hospital ticket on which he was admitted it was believed it originated prior to enlistment, and his discharge was recommended. The claimant states that he is unable to furnish medical testimony as to prior soundness for the reason "that he had no family doctor." He submits, however, in lieu of medical testimony, the affidavits of friends and neighbors, whose statements are direct and positive as to the prior soundness of the claimant. The claim was rejected by the Commissioner of Pensions October 4, 1882, on the ground—

"That it is shown by the record of the Navy Department that claimant's disability, for which he claims pension, existed prior to his enlistment."

Dr. John J. Gilmer, late surgeon Thirty-second Illinois Infantry Volunteers, swears to treatment for piles in 1873, 1874, and 1875, and rates his disability at one-fourth.

D. W. Else, M. D., swears to treatment for piles from 1877, 1878, and 1879, and makes same rating.

Under date of May 16, 1881, S. D. Hall, United States examining surgeon at Concordia, Kans., reports to the Commissioner that—

"On thorough examination he finds one of the worst cases of piles that it has ever been his lot to witness. * * * That he is unable to perform any manual labor at all, and has not been for a number of years; has not been able to do a full day's work since coming out of the service."

He rates him at total third grade, $18.

Your committee feel disposed to accept the testimony of the creditable gentlemen who have made affidavits concerning the prior soundness of the claimant, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE A. WASHBURN.

Mr. VANCE. I ask consideration of the bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of George A. Washburn, late major of the Sixteenth Connecticut Volunteers, at the rate of $72 per month, in lieu of the amount per month ($45) he is now receiving.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers, have had same under consideration, and beg leave to submit the following report:

The committee have carefully examined all the evidence on file in the case, and find the facts, as set forth in the report of the Senate committee, which is made a part of this report, to warrant favorable action on pensioner's request for an increase, and therefore return the bill with the recommendation that it do pass.

The report of the Senate Committee on Pensions is as follows:

"Claimant is now receiving a pension of $45 on account of gunshot wound of left thigh. This pension was granted by a special act of Congress approved February 28, 1885. The present bill authorizes the Secretary of the Interior to place on his name on the pension-roll at the rate of $100 per month.

"The testimony of Dr. C. S. May and A. S. Warner, late surgeon of claimant's regiment, considered by the committee at the time that the increase from $25 to $45 per month was recommended, showed that claimant was in a helpless condition at that time, suffering from lameness, asthma, bronchitis, wounds of the pelvis, sacrum, ilium, ischium, and left teste, and that he required the attendance of another person.

"Since the time above referred to testimony has been filed as follows: In affidavit filed August 7, 1886, Charles B. Rowell, of Aiken, S. C., testifies that during the past two years claimant has frequently been confined to his bed by reason of gunshot wound through his body, disease of lungs and throat, and difficult breathing, with symptoms of blood poisoning; that claimant has been compelled to leave his northern home on account of the disabilities above mentioned. This testimony is corroborated by the testimony of Dr. T. G. Croft and D. F. McEwen, of Aiken, S. C.

"In affidavit executed June 21, 1888, Dr. A. H. Ashley, of Aiken, S. C., testifies that claimant is suffering from severe chronic bronchitis, with asthma, and heart and kidney trouble, caused by a gunshot wound which has not healed; that claimant is not able to perform any kind of labor, or to attend to any kind of business, but requires the constant attendance of one or more persons both day and night, and under no circumstances is it safe to leave him alone.

"In an affidavit executed June 22, 1888, Dr. B. F. Wyman, of Aiken, S. C., testifies substantially as above.

"The evidence shows that claimant is a physical wreck, wholly unable to care for himself, and needs the constant aid and attendance of another person.

"Favorable action is warranted by the facts in the case, and your committee therefore recommend the passage of the bill, with the following amendment: Strike out the words 'one hundred' in the sixth line and insert the words 'seventy-two.'"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. THOMPSON, of California. I desire to call up the bill which I send to the Clerk's desk.

Mr. LANE. I object to calling up a bill out of the regular order. [To Mr. THOMPSON, of California.] Is it your bill?

Mr. THOMPSON, of California. It is not.

Mr. LANE. Then I object.

MYRA SINCLAIR.

Mr. WADE. I ask consideration of the bill (H. R. 10488) granting a pension to Myra Sinclair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Myra Sinclair, a volunteer nurse in the late war, giving her the sum of $25 a month from and after the passage of this act.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10488) granting a pension to Myra Sinclair, submit the following report:

The evidence filed with the committee shows clearly the following facts:

That the beneficiary is now a widow and upwards of seventy-four years of age, having been a widow for about thirty years; that she is now poor and dependent upon others for support.

That in October, 1862, she entered upon her duties of nurse as nurse at the General Hospital, West's *Building*, Baltimore, Md., where she remained until March, 1864; that she acted as matron of that hospital.

That she discharged her duties in a very faithful and satisfactory manner.

Her faithfulness as a nurse and her kind discharge of her duties are fully shown by the certificate of Mrs. Dorothy L. Dix; Capt. S. A. Day, of U. S. Army, and a number of others who were cared for by her while acting as such nurse.

Your committee believe that this faithful nurse, now old and poor, is fully entitled to relief, and therefore recommend that the bill do pass with an amendment striking out the words "twenty-five," in the sixth line, and inserting in lieu thereof the word "twelve."

Mr. WADE. I move to non-concur in the amendment offered by the committee.

Mr. STRUBLE. Let the amendment be reported.

Mr. ANDERSON, of Illinois. What is the amendment?

Mr. WADE. The amendment offered by the committee strikes out $25 and inserts $12. A number of these bills have passed—one to-night—for $30. This woman is just as worthy as the woman who gets $30. I know the character of the service she rendered, and it was just as valuable service as that of Mrs. Couzins, who to-night has been allowed a pension of $30.

Mr. CHEADLE. I hope the amendment of the committee will not be concurred in. There ought to be some uniformity in these bills. [Cries of "Vote!"]

The question was put; and there were—ayes 21, noes 15.

So the amendment of the committee was agreed to.

Mr. CHEADLE. I move to strike out "$12" and insert "$20;" and I make that motion for the reason that we have passed a bill to-night giving a pension to a nurse at the rate of $30 per month. We have also passed others giving $25 a month.

Mr. MAISH. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MAISH. We have already adopted the amendment of the committee.

The CHAIRMAN. The point of order is well taken.

Mr. CHEADLE. I move to make an amendment.

The CHAIRMAN. But the committee has already fixed the amount.

Mr. STRUBLE. You can move to reconsider.

Mr. CHEADLE. I move to reconsider the vote by which that amendment was agreed to.

Mr. MORRILL. Mr. Chairman, I wish to state that the Committee on Invalid Pensions have carefully examined these cases, and have fixed the rate at $12 where it is shown that a nurse received full pay for the time she served; and where they did not receive pay, and did not incur any disability in the service, they have fixed it at $12. But where it is shown that the nurses served without pay, and received injuries, we fixed it at $25. And we have in four or five cases fixed it at $30. There are twenty-five or thirty cases where it is fixed at $12. I regard any increase in this case as a reflection upon the committee, after they have carefully examined the merits of the case. [Cries of "Vote!"]

Mr. CHEADLE. I want to be heard a moment. I do not mean to make even a technical reflection upon the committee; but I think that in this tribunal of the people we ought to legislate upon some uniform plan, and upon some system as applicable to one as to another. This woman is seventy years of age. She was in charge of one of the hospitals and rendered valuable services to her country.

Mr. MAISH. Mr. Chairman, I rise to another point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MAISH. I ask whether a motion to reconsider is in order in Committee of the Whole.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OWEN. I thought the gentleman from Indiana [Mr. CHEADLE] was proceeding by unanimous consent.

Several MEMBERS. Oh, no.

Mr. CHIPMAN. Regular order.

Mr. CHEADLE. It is too late to make the point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Pennsylvania. [Cries of "Regular order!"]

The CHAIRMAN. The question is on ordering the bill as amended to be laid aside to be reported to the House with a favorable recommendation.

Mr. CHEADLE. I object. Let us have a vote.

The question was put, and there were—ayes 32, noes 1.

So the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MRS. ALMIRA J. TOWNER.

Mr. WEBER. I call up the bill (H. R. 10908) granting a pension to Mrs. Almira J. Towner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Almira J. Towner, dependent mother of Seth S. Towner, late a private in Company A, Second Regiment Illinois Volunteer Cavalry.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10908) granting a pension to Mrs. Almira J. Towner, submit the following report:

Almira J. Towner, the beneficiary, is the mother of Seth S. Towner, who was a private in Company A, Second Illinois Volunteer Cavalry Regiment, and who enlisted in said regiment September 23, 1862, to serve three years, and died at the St. Louis Hospital, New Orleans, December 16, 1864. He was admitted to the general hospital at Baton Rouge, La., October 11, 1864, from Camp Baton Rouge, with chronic diarrhea and dropsy, and was transferred December 9, 1864, to and was received at St. Louis Hospital, New Orleans, La., December 10, 1864, with parotitis, and died of that disease December 16, 1864, as appears from the report of the Surgeon-General of the date of July 9, 1879.

The papers in the Pension Office show that the soldier left surviving him neither widow nor child, never having been married, and that the claimant is the mother of the soldier; that her husband, the soldier's father, died September 15, 1868; that he was a physician, in poor health, and having but a limited practice. The mother filed her claim for pension, and the same was rejected in 1884—

"On the ground that claimant was not dependent wholly or in part upon the soldier for support at the date of his death. Husband's income was sufficient to and did furnish her a comfortable support."

The evidence furnished the office as to the husband's inability to support the family was not conclusive. The evidence would appear to show that the soldier, previous to his enlistment, contributed of his earnings to the support of the family, and while in the Army sent home money for the same purpose.

The evidence on file and furnished the committee shows that the mother is now and has been for years in very poor and destitute circumstances and wholly blind.

The committee, believing that this is a just and meritorious claim, report favorably upon the bill and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CAPT. WILLIAM J. DULEY.

Mr. WHEELER. I call up the bill (H. R. 9310) granting a pension to Capt. William J. Duley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William J. Duley, chief of scouts, with the rank of captain, in the Army of the Northwest, Maj. Gen. John Pope commanding.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9310) granting a pension to Capt. W. J. Duley, have had the same under careful consideration, and find that the proposed beneficiary of the bill was badly wounded himself and his family grievously outraged and oppressed by the Sioux Indians at the time of their outbreak in Minnesota in 1862. The facts in the case are found to be as follows:

Captain Duley's settlement at Lake Shetek, Murray County, Minnesota, was attacked by the Sioux Indians August 21, 1862. Captain Duley heroically defended himself and his neighbors, killing the chief, Lean Bear, in the combat, but was overpowered after being badly wounded. Three of his family were massacred, and his wife and two of his children taken prisoners.

Immediately upon recovering from his wounds sufficiently to enable him to do so, Captain Duley volunteered his services as scout in the campaign undertaken by General Sibley to punish the Sioux for their outrages previously recited. General Sibley accepted Captain Duley's offer, and he proved to be both brave and sagacious, and as a recognition of the distinguished services rendered by Captain Duley, and to afford him the personal gratification of bearing a personal part in the punishment inflicted upon the savages through whom he had suffered so cruelly, both in person and in his family, he was ordered to superintend the details of the execution of the thirty-eight Indians who were hanged at Mankato, December 26, 1862, and the murderers were hanged under his immediate supervision.

Captain Duley enjoyed in an unusual degree the respect and confidence of his commanding officers while in the service, his strictly moral and temperate habits rendering him thoroughly reliable for the most arduous and perilous duty, and was also highly esteemed by his neighbors and acquaintances.

Maj. Gen. Henry H. Sibley, subsequently governor of Minnesota; S. P. Jennison, late lieutenant-colonel of the Tenth Minnesota Volunteers, engaged in the pursuit, capture, and punishment of the Indians in 1862-'63; William Crooks, late colonel Sixth Minnesota Infantry Volunteers in same expedition; William R. Marshall, late colonel Seventh Minnesota Volunteers in same expedition; ex-Governor L. F. Hubbard, and other citizens of Minnesota who had personal

knowledge of Captain Duley's services and sufferings, have united in a petition to Congress, praying Congress to grant Captain Duley some relief, which the committee beg to incorporate in and make part of this report:

ST. PAUL, MINN., *June* 18, 1885.

The undersigned respectfully memoralize the Congress of the United States to authorize a pension to Capt. William J. Duley, who suffered greatly in his person and family at the time of the Sioux outbreak in Minnesota in August, 1862, and who rendered most valuable service as a scout and otherwise during the expeditions against the authors of the massacre of 1862 and 1863, under General Sibley.

Captain Duley's settlement at Lake Shetek, Murray County, Minnesota, was attacked by the Indians August 21, 1862. He heroically defended his neighbors and family, killed the chief, Lean Bear, but was overpowered. Three of his family were among the massacred, his wife and two children were taken prisoners, and he was badly wounded. As soon as he recovered from his wounds sufficiently he gave his services as a scout in the campaigns against the Indians that avenged the horrible outrages upon the settlers. He was remarkably brave and sagacious, and rendered such distinguished services that at the execution of the thirty-eight Indians hung at Mankato, December 26, 1862, Captain Duley was appointed to superintend the erection of the gallows, and to cut the rope that suspended the drop from which the murderers swung in the air.

Captain Duley enjoyed in an unusual degree the respect and confidence of his commanders. He was a man of strictly temperate and moral habits, always to be relied on for the most difficult and perilous duty.

He is now, in his old age, poor and in infirm health. He suffers from the effects of his wounds and exposure; his wife is an invalid from months of captivity and untold outrages among the Indians.

Captain Duley, not being an enlisted man or mustered into the United States service, is not entitled to pension under the general laws. Hence this application for relief by special act.

Respectfully,

L. F. HUBBARD,
Governor.

S. P. JENNISON,
Late Lieutenant-Colonel Tenth Regiment Minnesota Volunteers on Indian Expedition, 1863.

WILLIAM CROOKS,
Late Colonel Sixth Minnesota Infantry Volunteers in Indian Expeditions of 1862 *and* 1863.

ALEX. RAMSEY,
Ex-Governor, late Secretary of War.

HENRY H. SIBLEY,
Ex-Governor of Minnesota, late Brevet Major-General United States Volunteers, Commanding Military District of Minnesota.

WM. R. MARSHALL,
Late Colonel Seventh Regiment Minnesota Volunteers in Indian Expeditions of 1862 *and* 1863, *and ex-Governor of Minnesota.*

HORACE AUSTIN,
An officer on the expedition and late Governor of Minnesota.

A number of citizens of Minnesota, who were personally acquainted with Captain Duley and were present at the execution of the thirty-eight Indians hereinbefore referred to, have united in a certificate as to the personal part borne by Captaid Duley in said execution, which the committee beg also to incorporate in and make part of this report:

STATE OF MINNESOTA,
County of Blue Earth, City of Mankato:

We, the undersigned, residents and citizens of the said city of Mankato, state that we were well acquainted with Capt. William J. Duley prior to his removal to Colbert County, in the State of Alabama.

That we were present at the execution of the thirty-eight Sioux Indians who were hung at said city of Mankato on the 26th day of December, A. D. 1862, and personally saw said William J. Duley cut the rope that held up the frame upon which said Indians stood at the time of such execution, whereby said Indians were suspended until they were dead. Also that said Duley superintended and assisted in the erection of said gallows.

Dated Mankato, Minn., February 14, 1885.

DANIEL BUCK, *Attorney-at-law.*
JOHN WILLIAM HOERR, *Proprietor of American House.*
JOHN F. MEAGHER.
JOHN C. WISE.
J. T. WILLIAMS.
CHARLES A. CHAPMAN.
S. F. BARNEY, *Attorney-at-law.*
H. P. CHRISTENSON, *Insurance Agent.*
A. C. BARNEY, *Insurance Agent.*
W. J. MARTIN.
G. C. BURT.
CLARK KEYSAR, *late First Lieutenant Company E, Ninth Minnesota Infantry.*
CHARLES BENNETT.
GEORGE H. MARSH.
DAVID DACKINS.
JOHN PAGE.
FRED BOEGEN.
JOHN W. LEWIS.
GEORGE PAYOR.

The committee find further that Captain Duley was never enlisted or mustered into the military service of the United States, and therefore, notwithstanding his wounds and services, can not claim a pension under the pension laws; that he is now, in his old age, poor and infirm, and still suffering from the effects of wounds and exposure in his fight with and pursuit of the Indians.

In view of all the facts and circumstances of Captain Duley's case, the committee regard it as one eminently deserving of Congressional interference to grant the relief not otherwise obtainable, and they therefore report the bill back without amendment, and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA S. GLASS.

Mr. WHITE, of Indiana. I call up the bill (H. R. 11332) granting a pension to Eliza S. Glass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Eliza S. Glass on the pension-roll of the United States, subject to the rules and limitations of the pension laws, she being the widow of Randall S. Glass, a late soldier in the Union Army of the late war and a member of Company G, One hundred and twenty-eighth Ohio Volunteer Infantry.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11332) granting a pension to Eliza S. Glass, have examined the papers on file, and submit the following report:

Soldier enlisted December 18, 1863, and was discharged April 27, 1864, on surgeon's certificate of disability, showing chronic hemorrhoids and rheumatism, both together producing lameness of back.

He filed a claim for pension December 24, 1879, alleging that on the 15th day of February, 1864, while drilling at Camp Cleveland, Ohio, he received an injury to his back by slipping and falling to the ground, from the effects of which he has never recovered. The claim was rejected on the ground that his disability existed prior to enlistment.

April 26, 1885, soldier died, and his widow filed her application December 3, 1885. The claim was also rejected on the ground that death cause, nervous prostration, and spinal trouble was not due to the service.

It appears from the evidence on file, and on which the rejection by the Pension Office is based, that at the time the soldier was discharged the captain of the company, John J. Manor, gave information to the surgeon of the regiment that the soldier had been injured prior to his enlistment by falling from a load of hay, injuring his spine. The surgeon thereupon indorsed soldier's discharge with the statement that soldier's disability was chronic, and was not contracted in the military service.

Soldier, in support of his claim, furnishes the testimony of three comrades who were present when he received his injury, who saw him fall, who know of his sufferings, and his inability to perform military service up to the time of his discharge.

Dr. William Tripp, surgeon of soldier's regiment, in an affidavit admits having treated him for sprained back at the time, but says that as it was of recent occurrence and short standing he concluded it would get well quickly, and therefore did not include it as part of the cause of disability.

Dr. J. W. Failing testifies that he was soldier's physician previous to his enlistment, and that he was in good health and free from disability at that time. He also treated him immediately after discharge and up to 1881. He describes soldier's disability as rheumatism of the muscles of the back.

There is a mass of evidence establishing prior soundness. Seventeen of his neighbors who had known him intimately before the war, and who had seen and worked with him daily, testify to his having been a sound, healthy man, and free from any disability, and as many more testify that from his discharge up to his death he was in feeble health, physically weak, and unable to perform manual labor.

Your committee are of the opinion that the soldier's widow is clearly entitled to a pension. The uncorroborated statement of the soldier's captain that the disability existed prior to enlistment is abundantly refuted by the testimony of seventeen neighbors and the family physician. His condition since his discharge showed continued suffering and increased disability up to his death, and his family physician testifies that the cause of death was due to spinal trouble caused by some violent injury long before the time the affiant became acquainted with him.

Your committee can not doubt that soldier's death was caused by the fall received in the military service and in the line of duty. They therefore report the bill favorably and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AARON R. GILKISON.

Mr. WICKHAM. I call up the bill (H. R. 7305) granting a pension to Aaron R. Gilkison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to place on the pension-rolls the name of Aaron R. Gilkison, late of Company H, Fifteenth Regiment Ohio Volunteers, from August 29, 1861, subject to the provisions and limitations of the pension laws.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7305) granting a pension to Aaron R. Gilkison, has had the same under consideration and make the following report:

That said Aaron R. Gilkison enlisted as a musician in Company H, Fifteenth Ohio Volunteers, April 23, 1861, and was discharged therefrom August 29, 1861. He also served a term of three months in 1864 with a National Guard regiment from Ohio.

This soldier claimed a pension because of the disability, epileptic fits, which is of such degree that he requires the constant supervision of an attendant, and has been for years an inmate of the St. Elizabeth Asylum, in the District of Columbia, and has not been able to live with his family for many years in consequence thereof.

He has proven that he was injured in the spine by a fall that was occasioned May 25, 1861, in alighting from a car that was side-tracked at Rowlesburgh, W. Va., being suddenly summoned to beat the long roll, and claims that epileptic fits are the sequence of said injury of the spine. His pension has been refused under the general laws, because he has not established the connection between the disability and the injury by proof deemed sufficient by the Commissioner of Pensions.

Your committee have carefully examined the papers connected with his case in the Pension Office, and find that the fact of the injury is abundantly proven; also that in a short time after his discharge from the first service he was subject to spasms and continuously since, even during his second service. Unfortunately the physicians who treated him soon after his return from the Army are dead, and he is not able to offer medical evidence showing the connection between the spasms and the injury. He does produce testimony of credible neighbors as to the fact of being afflicted, and the tenor of the evidence sustains the soldier's allegations.

The testimony of his wife and other members of the family, also his family physicians and neighbors, shows that he had no symptoms of the disease before enlistment in the United States service, and, although the witnesses are uncertain as to the precise date their attention was called to the epileptic fits, yet the burden of the proof indicates they made their appearance soon after his return from the Army.

His comrades testify that this soldier was anxious for discharging his duty as a musician. His orderly sergeant states as a reason he did not enter the hospital "that he was a gamey man," and hence he has no hospital record of treatment.

Your committee believe that this is a case that should have relief by special act of Congress, and therefore recommend that the bill do pass.

Mr. WICKHAM. I move to amend the bill by striking out, in line 6, the words "from August 29."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH W. FILLER.

Mr. WILKINSON. I call up the bill (H. R. 10274) granting a pension to Joseph W. Filler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Filler, lieutenant-colonel, late of Company G, Eleventh Regiment of Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10274) granting a pension to Joseph W. Filler, submit the following report:

The committee find that Joseph W. Filler was lieutenant-colonel of the Eleventh Regiment Illinois Volunteers in the late civil war, and that he was severely injured while in the service, and that he made an application for a pension in the Pension Office, but the same was rejected for the reason that the injury did not occur in the service and in line of duty; but the committee have fully examined the records and the evidence therein, as well as the additional testimony filed with the committee, and we find the facts to be as follows: The soldier while in the service was thrown from his horse, striking on his left shoulder, from which injury a tumor developed, at first of slow growth, but finally increased very rapidly in size, until he was compelled to have the tumor cut out.

Dr. John N. Grones, assistant surgeon of the Ninety-eighth Regiment Illinois Volunteers, testifies:

"That he was the surgeon who cut out such tumor, and that it was necessary to save the soldier's life; that the soldier was totally disabled from such injury for over five years, and that he will never be able to perform manual labor, and that the tumor came from the injury the soldier received in being thrown from his horse."

Dr. A. W. Heise, surgeon of the Eleventh Illinois Volunteers, testifies:

"That in May, 1861, he was riding with the claimant, being then on duty near Camp Hardin; the claimant was thrown from his horse, and, falling, struck a stump with his left shoulder, rendering him at the time insensible, and causing a large contusion on the left shoulder."

There is the testimony of a number of comrades that before the soldier enlisted he was a sound, healthy man.

The committee are forced to the conclusion from reading this testimony that the soldier received the injury complained of in the service and in the line of duty, and that he is now disabled from the performance of manual labor, and the committee therefore recommend that this bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANN BRYAN.

Mr. ANDERSON, of Illinois. I call up the bill (H. R. 8613) granting a pension to Ann Bryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Bryan, widow of William Bryan, late of Forty-sixth Regiment of Illinois Infantry Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8613) for the relief of Ann Bryan, submit the following report:

William Bryan, the soldier in this case, enlisted November 20, 1861, was discharged January 24, 1866, and died June 2, 1885.

The soldier drew a pension in his life-time for chronic diarrhea, and the widow made application for pension, which was rejected for the reason that chronic diarrhea was not the cause of the soldier's death.

The testimony in the record is abundant to show that the soldier contracted chronic diarrhea in the Army, and the granting to him of a pension is a confession on the part of the Government that he was so diseased, and the only question remaining is whether or not that was the cause of his death.

William Howell testifies that he knew the soldier for ten years prior to his death, that the soldier was affected with chronic diarrhea, that he was there on the day of his death, and that in his belief the cause of death was diarrhea.

John R. Murphy testifies that he knew the soldier for twenty years, that he had chronic diarrhea, and that was the cause of his death.

Other witnesses testify to the existence of chronic diarrhea in a severe form at the time of his death, that he was quite sick the evening before his death, and that he died suddenly at night.

There is no claim in the record that the soldier was affected with any other disease at the time of his death than that of chronic diarrhea, and the committee think it more reasonable to believe that the soldier died from this cause, for which he was pensioned, than to believe that he died from some disease with which he was not affected.

The widow is old, blind, and very poor, and the committee think that the testimony warrants the conclusion that the soldier died from chronic diarrhea, contracted in the service of his country, and the committee recommend that this bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

IRA E. BALDWIN.

Mr. ANDERSON, of Kansas. I call up the bill (H. R. 10911) granting a pension to Ira E. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Ira E. Baldwin, of Ada, Kans., dependent father of Alphonso Baldwin, late of Company I, Eighth Vermont Infantry Volunteers, subject to the provisions and limitations of the general pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10911) granting a pension to Ira E. Baldwin, having had the same under consideration, submit the following report:

"The claimant in this case is the father of Alphonso D. Baldwin, late private in Company I, Eighth Vermont Volunteers. The soldier enlisted December 30, 1861, when only sixteen years of age, and served until June 22, 1864. He died October 22, 1854. The mother of the soldier died in 1858. The cause of the soldier's death is given as spinal difficulty, which originated in the Army. The hospital records show that he was treated in hospital for chronic diarrhea a few months before being mustered out, and the lay evidence is conclusive that he came home in feeble health and continued so to time of death. It is also shown that the father was poor and infirm at time of soldier's service and received help from his son.

The Pension Office can not allow the claim without fuller and clearer proof showing the connection between his service and his death. This the aged father is unable to obtain. The facts as they appear from the evidence are that this boy of scarcely sixteen enlisted in the Army early in the war, served until June, 1864, enduring all its privations and hardships, returned to his home in feeble health, continuing so until, four months after, he died of some obscure disease which the doctor called spinal trouble. The father is now seventy-eight years old, feeble, and utterly destitute. It is a case which calls strongly for Congressional action, and your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M'DONALD.

Mr. ARNOLD. I call up the bill (S. 2938) granting a pension to James McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McDonald, assistant wagon-master, Quartermaster's Department, whose invalid pension claim, numbered 163621, was rejected in the Pension Office on the ground that applicant was a civilian employé when he received the injury which caused the amputation of his leg, and to pay him a pension at the same rate as if he had been a regularly enlisted soldier.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2938) granting a pension to James McDonald, having had the same under consideration, submit the following report:

In this case the files at the Adjutant-General's Office fail to show that claimant was regularly enlisted, though it seems to be shown by evidence submitted to your committee that he was sworn in and armed when he was placed in charge of a train of supplies accompanying a detachment of the Army.

The claimant was assistant wagon-master of the Second Kansas Cavalry in June, 1862, when that regiment was *en route* to New Mexico with a detachment of troops and as escort to an Army paymaster. While the train was crossing the Arkansas River the mules in one of the wagons became unmanagrable, and the claimant, dismounting, in his efforts to save them from drowning was knocked down and trampled upon by them, injuring his left leg so seriously as to require amputation some twenty days after, while on the march. These facts are properly attested in the record by the major and surgeon of the regiment.

There is little in the incident to create enthusiasm on the score of devotion to duty, but the fact is apparent that the wagon-master might have saved his leg without dereliction. He chose to apply himself to the emergency instead of ordering a subordinate, and lost his leg in a faithful and courageous effort to save the Government property. The committee do not think that the Government or the service will be injured by the appreciation of such spirit and conduct on the part of employés, and they recommend the passage of the bill which places the claimant, in his pensionary rights, on the footing of an enlisted soldier.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY F. KAISER.

Mr. ATKINSON. I call up the bill (S. 124) granting a pension to Henry F. Kaiser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Kaiser, late a private in Company E, Forty-ninth Regiment Pennsylvania Volunteers.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 124) granting a pension to Henry F. Kaiser, have considered the same, and submit and adopt the following report:

The claimant, Henry F. Kaiser, enlisted April 17, 1861, and served until July 29, 1861, in Company B, Twenty-fifth Pennsylvania Volunteers. He again enlisted August 6, 1861, and was discharged January 5, 1863, having served as a private in Company E, Forty-ninth Pennsylvania Volunteers. He first filed an application for a pension August 31, 1877, and again April 9, 1878, alleging that at Camp Griffin, Virginia, December 25, 1861, from cold and exposure he became disabled so that he lost the sight of left eye and partial sight of right eye.

The claimant has on file the original discharge, dated January 5, 1863, at camp near White Oak Church, Virginia, stating that it is because "the said private has been blind of one eye for the last six months, and the other has become so affected that he is not able to see after night at all."

The claim was rejected March 9, 1885, on the ground that the alleged disease existed prior to enlistment.

It appears also that the soldier enlisted again at Harrisburg, Pa., in the Veteran Reserve Corps, December 29, 1863, and was mustered out December 23, 1865. Disability at date of enlistment in Veteran Reserve Corps, partial loss of sight of left eye.

The certificates of the examining boards show that in 1881 he had lost the sight of the left eye, and the right was very weak; June 8, 1883, total loss of sight of right eye, and can barely discern the light with the left eye; June 27, 1883, totally blind.

The claimant testifies that he can not furnish medical evidence showing his physical condition prior to and at the date of his enlistment, for the reason that he was a sailor on a merchant vessel for nine years prior thereto, and there were no doctors employed in the merchant service.

The testimony in this case is very voluminous, and the case has been several times examined by special examiners in the field. There is no question as to the existence of the disease in the service, and its continuance in a more severe degree and increasing intensity ever since. In addition to his own testimony there is the evidence of several comrades who served with him in his first three months' service that he was then sound and his eye-sight good. The only evidence of any prior difficulty is very meager and indefinite in its character.

Your committee are of opinion that if the disease was not in its first inception due to the service, of which there seems to be little doubt, that it was certainly much aggravated thereby, and that after the Government twice accepted this man as a good soldier, and he rendered long and valuable service to his country and was discharged for disability, that the weak and unsatisfactory evidence here presented of some slight previous weakness of the eyes should not prevent this poor blind soldier from now receiving a pension. We therefore report back the bill and recommend that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICKA LIESEGANG.

Mr. BAKER, of New York. I call up the bill (H. R. 11317) granting a pension to Fredericka Liesegang.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fredericka Liesegang, widow of Ernest Christian Liesegang, late of Company H, Seventy-eighth Regiment New York Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The proposed beneficiary claims pension as the widow of Ernest C. Liesegang, or Leizegang, who served as private in Company H, Seventy-eighth Regiment New York Volunteers. Her claim has been rejected on the ground of her inability to furnish proof of the soldier's death.

The record of the War Department in the case is peculiar and evidently badly mixed. The Adjutant-General reports the soldier enlisted November 20, 1861; present with his command until June 1, 1862; sent to Washburn General Hospital; from there to Armory Square General Hospital, Washington, D. C., and discharged for disability July 26, 1862, by reason of mental imbecility; arrested as a deserter January 20, 1864, at Washington, D. C., and discharged February 17, 1864, on certificate of disability by reason of old age and infirmities of old age. This latter action was canceled as illegal by the Secretary of War June 16, 1882. The original discharge certificate is not on file, neither does the hospital record show nature of disability for which treated.

Capt. William N. Hall, of aforesaid company and regiment, testifies—

"That he was well acquainted with Liesegang from his enlistment in the fall of 1861. He was a sound, healthy, and able-bodied man, of sound mind, and entirely free from brain trouble; that in the winter of 1861-'62, while drilling on the ice at Fort Porter, New York, Liesegang slipped and fell, breaking his leg. When the company was ordered away he could only get about on crutches, and continued in that condition until after the command reached Staten Island, in March or April, 1862. While at the latter place, and still unable to walk without crutches, he was attacked and badly beaten about the head and body by one Frank Russell, a comrade, who was then very intoxicated. For these injuries he was treated by Regimental Surgeon Gray, who informed affiant that the blows received at the hands of Russell seriously affected Liesegang's mind. He was removed finally to Washington and finally discharged, as affiant was informed by the surgeon of the hospital, by reason of insanity."

Comrade S. H. Carson and Sergt. James H. Moore testify—

"That the assault upon Liesegang by Russell was without provocation he then being almost helpless and using crutches by reason of a fractured leg. They also fully corroborate Captain Hall as to the effect of the assault upon the soldier's mental condition."

Francis Weiss, late a member of Company D, Seventieth New York Volunteers, testifies—

"That in August, 1862, while on the march to Bristow Station, Va., and near that place, a soldier, evidently dangerously wounded, was lying by the roadside. The body was searched and papers found thereon showing them to belong to Ernest C. Liesegang, Compay H, Seventy-eighth Regiment New York Volunteers. Having been well acquainted with said person before his enlistment in the service, affiant examined the body and recognized the wounded soldier as the aforesaid Liesegang, whom he had known in Rochester before the war."

Captain Hall's testimony clearly shows that Liesegang while in hospital just prior to his discharge had a great desire to join his command, notwithstanding he was utterly unfitted for duty. He also states that it is his opinion that the soldier did not understand the full meaning of his discharge, but considered himself as still in the military service, and went in search of his company.

Comrade Dibble testifies—

"That he saw Liesegang in Washington City shortly after his discharge. He looked wild, had every appearance of being insane, and labored under the impression that he was still in the service. He then informed the affiant that he would soon join his company."

From this testimony it would appear that Liesegang, after his discharge, while believing himself still in the military service, made his way to the front and was wounded. Nothing, however, is known of his whereabouts from the fall of 1862 until in January, 1864, when arrested as a deserter in Washington, as heretofore stated. If the person arrested and subsequently discharged for disability under the name of John Leisegang was identical with the soldier in quest on, the latter action, by reason of the cancellation of the record of the same, must be eliminated from the case.

The evidence clearly shows that the soldier was sound at enlistment; that while in the service, and without fault or provocation on his part, received injuries which so seriously affected his mind that it became necessary to discharge him; that he disappeared while laboring under mental disabilities shown to be due to his service, and that he has not been heard from for about twenty-four years.

Evidence filed with the Second Auditor of the Treasury Department establishes the fact that the soldier was a hard-working man of sober habits prior to his enlistment and much attached to his family.

The claimant is old and has no means of support.

In view of all the facts shown, the committee are of opinion that the legal presumption of the soldier's death is fully established, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. CHIPMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. STONE, of Missouri, having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry pension bills with various recommendations.

ORDER OF BUSINESS.

Mr. LYMAN. I rise to a parliamentary inquiry. On last Friday evening Senate bill No. 3018 was considered so far as to reach the question of third reading, when it went over, the hour for adjournment having arrived. I wish to ask whether that bill is not now the first business in order?

Mr. DOCKERY. I suggest that the bill to which the gentleman refers is on the Calendar of unfinished business, and should not interfere with the bills just reported from the Committee of the Whole House.

Mr. LYMAN. Very well; let this bill go over until next Friday evening.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 10825) granting a pension to Mary Jane Jelly;

A bill (H. R. 9663) granting a pension to Jesse Spencer;

A bill (H. R. 5740) granting a pension to Anson Ward;

A bill (H. R. 9371) granting a pension to Betsy Williams, widow of William R. Williams, private Company C, Eighth Regiment Michigan Volunteers;

A bill (H. R. 9784) granting a pension to Anna Boppell;

A bill (H. R. 10881) granting a pension to Nancy J. Cotner;

A bill (H. R. 10433) for the relief of Leaman L. Bowers;

A bill (H. R. 11362) for the relief of William R. Rogers;

A bill (H. R. 10908) granting a pension to Mrs. Almira J. Towner;

A bill (H. R. 9310) granting a pension to Capt. William J. Duley;

A bill (H. R. 11332) granting a pension to Eliza S. Glass;

A bill (H. R. 10274) granting a pension to Joseph W. Filler;

A bill (H. R. 8613) granting a pension to Ann Bryan;

A bill (H. R. 10911) granting a pension to Ira E. Baldwin; and

A bill (H. R. 11317) granting a pension to Fredericka Liesegang.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 968) granting a pension to H. S. Sayre;

A bill (H. R. 2061) granting an increase of pension to Francis De Freitas;

A bill (H. R. 10488) granting a pension to Myra Sinclair;

A bill (H. R. 7305) granting a pension to Aaron R. Gilkison; and

A bill (H. R. 5985) to increase the pensions of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardner, and Mrs. Lillie Pavy, to $30 per month. [Title amended by striking out "Gardner," and inserting "Gardener," and by striking out "Lillie," and inserting "Lilla."]

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott;

A bill (S. 2713) granting a pension to Pierre Bottineau;

A bill (S. 3130) granting a pension to Patrick Welch;

A bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers;

A bill (S. 2938) granting a pension to James McDonald; and

A bill (S. 124) granting a pension to Henry F. Kaiser.

The bill (S. 2862) granting a pension to William M. Dean (reported from the Committee of the Whole House with amendments) was taken up, the amendments agreed to, the bill as amended ordered to a third reading, read the third time, and passed, the title being amended by striking out "M" and inserting "R."

Mr. DOCKERY moved to reconsider the votes by which the various bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHRISTIAN KUNZIE.

Mr. CHIPMAN. I ask unanimous consent (this is the first time I have made such a request) that the bill (H. R. 9385) for the relief of Christian Kunzie be taken up and passed. This bill is for the relief of an old man seventy years of age.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Christian Kunzie, dependent father of Henry Kunzie, of Company G, First Regiment Michigan Sharpshooters, killed in battle.

The report (by Mr. CHIPMAN) was read, as follows:

Christian Kunzie is the surviving father of Henry Kunzie, of Company G, First Regiment of Michigan Sharpshooters, who is returned by the Adjutant-General as killed in battle before Spottsylvania Court-house, Va., May 12, 1864. Henry left no widow or child, as is shown by testimony before the committee and by the files of the Pension Bureau, to which Christian applied for pension as a dependent father in 1874, he being then sixty years of age. The application was rejected on the ground that at the time of the son's death he was self-supporting. This decision was then right, because the evidence showed that he was actually at work regularly on the streets, but he is now no longer able to do manual labor, is over seventy years of age, and dependent upon charity for support. He was a soldier in the regular Army and engaged in Indian wars when he was a young man.

In view of his advanced age and dependent condition we recommend that the bill pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. STARR.

Mr. PETERS. I ask unanimous consent for the present consideration of the bill (H. R. 206) granting a pension to William H. Starr.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to place the name of William H. Starr, late a private in Company D, Eighth Illinois Infantry

Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

Claimant was a member of Company D, Eighth Illinois Infantry, and filed his application for pension on October 10, 1882, alleging injury to drum of left ear by concussion at Shiloh, Tenn., and injury to back caused by explosion of a shell at Vicksburg, Miss., in May, 1863.

The Pension Office calls for the testimony of an officer as to incurrence and surgeon as to treatment for deafness of left ear, which claimant says he is unable to obtain. He has filed affidavits of two comrades as to incurrence, showing that immediately after the battle of Shiloh claimant complained of deafness in his left ear. One of the witnesses, J. M. Honey, in a letter to the Commissioner of Pensions, in reply to inquiries of the Commissioner, says:

"I never heard his hearing called in question until after the battle of Shiloh. From that time until my discharge (in August, I think, 1864) I always understood Starr got his hearing injured there. * * * I got my information this way: First, Starr always claimed after the battle that his hearing was injured there. Second, I was jarred until my nose bled, and am deaf in one ear when I have a cold, fever, or take medicine, and can not distinguish the direction of sound when I hear it. Third, we were to the right a little, and were in front of some heavy guns there, and the firing was terrific. They opened the battery very sudden, and we were jarred and shook up generally. I was there, and I know Starr was, too."

Daniel N. Osborn, another comrade, corroborates the above. Both of these witnesses are vouched for as reliable men. Claimant can not furnish medical evidence of treatment, as required, never having been treated; he was examined by Dr. Edmonson, at Denver, Colo., who could not give any treatment beneficial to his ear.

Several acquaintances and neighbors testify to claimant's soundness prior to his enlistment, and that he is now deaf in his left ear, and has been since his discharge. The board of medical examiners at Wichita, Kans., report on July 16, 1884:

"We find left ear-drum gone, with resulting total deafness, as shown by failure to hear tick of watch or loud conversation on closing right ear."

The evidence seems to establish that claimant was free from deafness up to the battle of Shiloh, and that he has been deaf in his left ear ever since.

Your committee therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. BARR.

Mr. LAIDLAW. I ask unanimous consent for the present consideration of the bill (H. R. 935) to grant an honorable discharge to George W. Barr from the Army.

Mr. DOCKERY. That bill can not be considered under the special order for this evening's session.

Mr. KILGORE. I move that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 29 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday next.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLOUNT: A bill (H. R. 11432) for the relief of A. V. Toole—to the Committee on Claims.

Also, a bill (H. R. 11433) for the relief of William T. Maynard—to the Committee on War Claims.

By Mr. CARUTH: A bill (H. R. 11434) for the relief of James D. Maclay—to the Committee on Patents.

By Mr. CHIPMAN (by request): A bill (H. R. 11435) granting an increase of pension to Mrs. General Ward B. Burnett—to the Committee on Pensions.

By Mr. GOFF: A bill (H. R. 11436) for the relief of the heirs of Brittan Marshal Odam—to the Committee on War Claims.

By Mr. HUNTER: A bill (H. R. 11437) granting a pension to Wm. C. Bowman—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 11438) for the relief of Joseph Wilburn—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 11439) to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas in accordance with certain treaty stipulations—to the Committee on Indian Affairs.

By Mr. RAYNER: A bill (H. R. 11440) granting a pension to George D. D. Decker—to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 11441) for the relief of M. J. Edwards—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of Mrs. Rachael R. McMullan and of John McGuire, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. FELIX CAMPBELL: Petition of John Wilson, for relief—to the Committee on Naval Affairs.

By Mr. CRAIN: Petition of Henry Simmons, for relief—to the Committee on War Claims.

By Mr. KENNEDY: Petition of William H. Tipton and 29 others, citizens of Pickaway County, Ohio, for a bill granting every soldier 160 acres of land—to the Committee on Invalid Pensions.

By Mr. NEAL: Papers in the claim of Oliver M. Thurman, of Warren County, Tennessee—to the Committee on War Claims.

By Mr. RAYNER: Petition of George D. D. Decker, for an original pension—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: Petition of Thomas J. Freeman and others, citizens of Cedar County, Missouri, for re-enactment of arrears-of-pension act—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *September* 17, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

FORFEITURE OF MICHIGAN RAILROAD GRANT.

Mr. HOAR. I rise to a privileged motion. I desire to enter a motion to reconsider the vote whereby the Senate passed the bill (S. 947) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, etc.

When that bill was passed on Friday the Senator from Michigan [Mr. PALMER] said that if on examination it turned out not to be a literal and exact copy of a certain modification of the general bill which had passed the Senate, being somewhat of a compromise of different views, he would consent that it might be reconsidered. The Senator from Michigan informs me this morning that he has found that without his knowledge there was a slight verbal change from the language which had been contained in the old bill.

That was, I am sure, without the knowledge of the Senator from Michigan, and I am also reasonably sure that it is a mere change of phraseology, not in the least affecting the substance, so that the substance of the assurance which the Senator from Michigan made to the Senate on Friday is doubtless absolutely and precisely true and well founded.

I am not familiar with this matter myself. All that I knew about it when I engaged in the discussion before had been recently pumped in, I might almost say, by some constituents of mine who had an interest in the matter. I desire out of abundant caution to have the motion to reconsider entered, and let it stand a day or two until I can refer the matter to them. I have no doubt that at the end of two or three days I shall withdraw the motion and allow the bill to be passed.

Mr. PALMER. I shall not oppose the reconsideration, if the Senator from Massachusetts desires it. I would state, however, that when the bill left my hands section 2, which was intended to be identical with section 9 of the general forfeiture bill, was the same, but it was reported back with a slight interpolation, making it a little more particular. It does not affect the sense at all, but I thought under the circumstances it was my duty, as long as I had assured the Senator from Massachusetts that it was identical with the other bill, to state the circumstance to him this morning; and he now enters a motion to reconsider, that he may take advantage of it if he thinks it affects the particular features of the bill.

Mr. HOAR. My own belief is that they are identical.

Mr. PALMER. I have no doubt of it.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

REGISTERED-MAIL LOCKS.

Mr. PLATT. I wish to enter a motion to reconsider the vote upon House bill 11391, which was passed by the Senate on Friday. It was reported by the chairman of the Post-Office Committee [Mr. SAWYER], and passed without being printed. I desire to examine the bill further, and to understand, if I may, what the object of the bill is.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to reconsider the vote——

Mr. PLATT. I wish to enter a motion to reconsider until I can have an opportunity to examine the matter.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to reconsider the vote by which this bill passed the Senate. The bill having gone to the House of Representatives, the motion will be accompanied by a request to the House of Representatives to return the bill.

Mr. PLATT. Very well.

ATTORNEYS' FEES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Department of Justice, inclosing a letter from the office of the First Comptroller of the Treasury, transmitting a list of accounts

approved by the Attorney-General and requesting that provision be made in the pending deficiency appropriation bill for the payment of such accounts; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented petitions of citizens of New York, Tennessee, and California, praying for the repeal of so much of section 2804 of the Revised Statutes as relates to the affixing of a special stamp on the boxes of foreign-made cigars; which were referred to the Committee on Finance.

Mr. BROWN presented resolutions adopted by the Clem Farmers' Alliance, of Georgia, condemning the cotton-bagging trust and asking legislation for its suppression; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-rolls;

A bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-rolls; and

A bill (H. R. 6022) granting a pension to Smith Bodkins.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California, growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 11006) to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes, reported it with amendments.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3528) to authorize the maintenance of a bridge across the Coosa River at Gadsden, Ala., reported it with amendments.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 3540) granting a pension to Mary P. Myers, reported it without amendment, and submitted a report thereon.

Mr. EVARTS, from the Committee on the Library, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSES AND FOG-SIGNALS.

Mr. PALMER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lake Superior, Lakes Huron, Erie, and Michigan, and range-lights in Lake Saint Clair and Detroit River, to report it favorably without amendment, and I ask unanimous consent that it be considered now.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The bill was read.

Mr. HARRIS. I wish to ask the Senator from Michigan if this is a unanimous report from the Committee on Commerce.

Mr. PALMER. I will state to the Senator from Tennessee that the subcommittee on light-houses are authorized to report when a majority agree. There are five on that subcommittee. The majority have agreed to the report.

Mr. HARRIS. The majority of the subcommittee?

Mr. PALMER. The majority of the subcommittee. I have not seen the others, because they are not here. The Senator from West Virginia [Mr. KENNA] was not here when the subcommittee considered the bill.

Mr. HARRIS. I do not want to object to the consideration of the bill. Does the Senator know whether any Senator representing this side of the Chamber on the subcommittee is present?

Mr. PALMER. The Senator from North Carolina [Mr. RANSOM] has given his assent to it, and if it were not very patent that the bill should be passed I should not ask the Senate to consider it.

Mr. HARRIS. As there is a representative of the subcommittee on this side present, I shall not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISIANA QUARANTINE LANDS.

Mr. WALTHALL. I am directed by the Committee on Public Lands to report favorably with amendments the bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid.

Mr. PLUMB. That is somewhat urgent, and in view of the necessity for quarantine areas in that vicinity I will venture to ask that the Senate proceed at once to the consideration of the bill. It is a House bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Public Lands was, in section 1, line 4, after "hereby," to strike out "donates and;" and in line 5, after the word "Louisiana," to insert "the possession of;" so as to read:

That for the purposes of maintaining a quarantine station on the Mississippi River the United States hereby transfers to the State of Louisiana the possession of all that portion of land known as sections 13 and 14, in township 21 south, range 19 east, southeastern district of Louisiana, east of the Mississippi River, said lands measuring 1,272 feet front on the Mississippi River, being swamp lands, and extending a half mile to the sea in the rear, and bounded above by section 12, patented to Jonathan Jones and Peter Runder in 1843, and bounded below by section 15, patented to Janet Bister and Angelo Laussade in 1839, which sections 13 and 14 were withdrawn from public sale or entry by proclamation of the President in 1875.

The amendment was agreed to.

The next amendment was, in section 1, line 18, to strike out the proviso in the following words:

Provided, That should the State of Louisiana at any time cease to use said lands for quarantine purposes, then and in that event said lands shall revert to the Government of the United States.

And to insert—

Provided, That should the State of Louisiana at any time cease to use said lands for quarantine purposes, or should the same be needed for the purposes for which they were originally reserved, then the Government of the United States shall resume the possession of said lands on the order of the President, whose decision in the premises shall be final.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the proper Department of the Government of the United States shall, on and after the passage of this act, execute to the State of Louisiana the proper transfers of said lands, on the conditions hereinbefore expressed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

The title was amended so as to read: "A bill to transfer to the State of Louisiana for quarantine purposes the possession of certain lands on the Mississippi River belonging to the United States, and for other purposes."

Mr. WALTHALL. I move that a conference be requested with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WALTHALL, Mr. PLUMB, and Mr. BERRY were appointed.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 3557) to ratify and confirm certain agreements with the Upper and Middle bands of Spokane Indians, the Cœur d'Alene Indians, the Lower Pend d'Oreille or Calispel Indians, and the confederated bands of Flathead, Pend d'Oreille, and Kootenai Indians, in Washington, Idaho, and Montana Territories, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a bill (S. 3558) to reduce letter postage to 1 cent per ounce from and after March 4, 1889; which was read twice by its title.

Mr. MITCHELL. I ask that the bill be printed and lie on the table; and I give notice that at an early day I shall move to proceed to its consideration for the purpose of enabling me to submit a few observations before it is referred to the appropriate committee.

The PRESIDENT *pro tempore*. The bill will lie on the table for the present.

Mr. MANDERSON introduced a bill (S. 3559) to amend section 2304 of the Revised Statutes of the United States to allow honorably discharged soldiers and sailors of the late war who have abandoned or relinquished their homestead entries before the expiration of the six months allowed by section 2304 of the Revised Statutes to make another entry; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3560) for the relief of William S. Rosecrans; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STOCKBRIDGE introduced a bill (3561) granting a pension to Edwin W. Warner; which was read twice by its title, and, with the accompanying papers referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3562) granting increase of pension to James A. Patterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HISCOCK introduced a bill (S. 3563) to amend section 7 of the

act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. GEORGE (by request) introduced a bill (S. 3564) for the relief of Caroline C. Hedges; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3565) for the relief of Allie V. Askew, administratrix of W. W. Neeley, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MITCHELL, Mr. CHANDLER, and Mr. PALMER submitted amendments intended to be proposed by them, respectively, to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENT'S ANNUAL MESSAGE.

Mr. MITCHELL. I desire to give notice that on Thursday morning next, immediately at the conclusion of the morning business, I shall ask the Senate to proceed to the consideration of the resolution offered by the Senator from Ohio [Mr. SHERMAN] to refer the President's annual message to the Committee on Finance, for the purpose of enabling me to submit some remarks thereon.

RELATIONS WITH GREAT BRITAIN AND CANADA.

Mr. SHERMAN submitted the following resolution; which was read:

Resolved, That the Committee on Foreign Relations be directed to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada, with such measures as are expedient to promote friendly commercial and political intercourse between these countries and the United States, and for that purpose have leave to sit during the recess of Congress.

Mr. SHERMAN. If it is the pleasure of the Senate to-morrow, when the resolution will naturally come up for consideration, I propose to address the Senate for a brief time upon it, and then will ask its reference to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

DEPARTMENT OF AGRICULTURE.

The PRESIDENT *pro tempore*. If there be no further morning business, the Chair lays before the Senate, pursuant to the order of the Senate on Friday last, the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture.

Mr. PLUMB. The time to elapse till 1 o'clock, at which hour the Senate has agreed by unanimous consent to take the vote upon the Chinese restriction bill, is so short that I ask unanimous consent that this bill may go over now and be taken up immediately after the final vote upon the Chinese bill. That will give some twenty minutes for the Calendar and prevent the interruption of the proceedings on the Agricultural Department bill, which would be, I think, unwise and unnecessary.

The PRESIDENT *pro tempore*. There having been some misunderstanding about the extent of these unanimous agreements hitherto, the Chair asks more definitely whether the request is that the bill shall be resumed after the vote on the motion to reconsider or after the Chinese restriction bill shall be finally disposed of?

Mr. PLUMB. After the bill is finally disposed of.

The PRESIDENT *pro tempore*. It is so ordered, if there be no objection.

Mr. PLUMB. I wish simply to say that if the Chinese bill is to go on indefinitely I shall move to take up the Agricultural Department bill, the Chinese bill to the contrary notwithstanding. I shall not submit to its going on for a week or two.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 206) granting a pension to William H. Starr;

A bill (H. R. 766) for the relief of H. L. Newman;

A bill (H. R. 968) granting a pension to H. S. Sayre;

A bill (H. R. 2059) for the relief of S. E. Scarborough;

A bill (H. R. 2061) granting an increase of pension to Francis De Freitas;

A bill (H. R. 2557) for the relief of W. W. Welch;

A bill (H. R. 3469) providing for the payment of $450 to pay W. S. Brantley, executor of J. H. Brantley, for damages to property by United States troops in 1865;

A bill (H. R. 3494) for the relief of John F. Alsup;

A bill (H. R. 4554) for the relief of the heirs of Preston Beck, jr.;

A bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.;

A bill (H. R. 5740) granting a pension to Anson Ward;

A bill (H. R. 6404) for the relief of Charles F. Swain, master of the bark Philena;

A bill (H. R. 5985) to increase the pensions of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardener, and Mrs. Lillie May Pavy, to $30 per month;

A bill (H. R. 7799) for the relief of the Albemarle and Chesapeake Canal Company;

A bill (H. R. 7305) granting a pension to Aaron R. Gilkinson;

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

A bill (H. R. 8356) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States;

A bill (H. R. 8469) for the relief of Michael Pigott;

A bill (H. R. 8613) granting a pension to Ann Bryan;

A bill (H. R. 8979) for the relief of Mrs. Sallie H. Carrow, executrix of Samuel T. Carrow, deceased;

A bill (H. R. 9724) for the relief of A. J. McCreary, administrator of J. M. Hiatt, deceased, and for other purposes;

A bill (H. R. 10633) for the relief of Dr. John B. Read;

A bill (H. R. 9310) granting a pension to Capt. William J. Duley;

A bill (H. R. 9371) granting a pension to Betsy Williams, widow of William R. Williams, private Company C, Eighth Regiment Michigan Volunteers;

A bill (H. R. 9385) for the relief of Christian Kunzie;

A bill (H. R. 9663) granting a pension to Jesse Spencer;

A bill (H. R. 9784) granting a pension to Anna Boppell;

A bill (H. R. 10274) granting a pension to Joseph W. Filler;

A bill (H. R. 10433) for the relief of Leaman L. Bowers;

A bill (H. R. 10488) granting a pension to Myra Sinclair;

A bill (H. R. 10825) granting a pension to Mary Jane Jelly;

A bill (H. R. 10881) granting a pension to Nancy J. Cotner;

A bill (H. R. 10908) granting a pension to Mrs. Almira J. Towner;

A bill (H. R. 10911) granting a pension to Ira E. Baldwin;

A bill (H. R. 11317) granting a pension to Fredericka Liesegang;

A bill (H. R. 11332) granting a pension to Eliza S. Glass;

A bill (H. R. 11362) for the relief of William R. Rodgers; and

Joint resolution (H. Res. 223) declaring the meaning of a clause in the river and harbor act of August 11, 1888.

The message also announced that the House had elected Hon. SAMUEL S. COX, a Representative from the State of New York, as Speaker *pro tempore* during the temporary absence of the Speaker.

The message further announced that the House had passed the following bills:

A bill (S. 124) granting a pension to Henry F. Kaiser;

A bill (S. 2713) granting a pension to Pierre Bottineau;

A bill (S. 2938) granting a pension to James McDonald;

A bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott;

A bill (S. 3130) granting a pension to Patrick Welch; and

A bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

A bill (S. 2862) granting a pension to William M. Dean;

A bill (S. 1988) granting a pension to H. R. Blakiston; and

A bill (S. 2356) to provide a pension for Mrs. Adeline Couzins.

WILLIAM BROWN.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII is in order, and the first bill will be stated by its title.

The CHIEF CLERK. A bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions.

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of the bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood.

The PRESIDENT *pro tempore*. The bill whose title has just been read being in order under Rule VIII, the Senator from Arkansas moves to proceed to the consideration——

Mr. SHERMAN. That is contrary to the understanding.

Mr. HARRIS. I suggest to the Senator from Arkansas that we had better proceed regularly.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. JONES, of Arkansas. Mr. President——

The PRESIDENT *pro tempore*. The Chair can not entertain debate.

Mr. JONES, of Arkansas. I will withdraw the request as Senators are unwilling that it shall be granted.

Mr. HARRIS. I am not going to object to the consideration of the bill, but I think we had better go on with the Calendar.

The PRESIDENT *pro tempore*. The bill moved by the Senator from Arkansas will be read.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. SHERMAN. I think the order of business ought to be observed.

The PRESIDENT *pro tempore*. The first bill on the Calendar will be proceeded with.

Mr. SHERMAN. I do not want to be understood as objecting to the pension bill, and I do not desire to displace it, but I simply object to its being taken up now.

The bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120 in the city of Washington, on certain conditions, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and it was read the third time.

Mr. GEORGE. I should like to have some explanation of the bill. It proposes to grant lands to somebody.

The PRESIDENT *pro tempore*. The Senator from West Virginia [Mr. FAULKNER] who reported the bill is not present. The report will be read.

The Secretary read the report submitted by Mr. FAULKNER, from the Committee on the District of Columbia, July 27, 1888, as follows:

Your committee, having carefully considered the bill, concur in the opinion of the commissioners of the District as expressed in the following communication:

"OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
"*Washington, July 27, 1888.*

"SIR: Referring to Senate bill 3193, 'directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions,' submitted to the commissioners at your instance for their views, the commissioners are of opinion that the enactment of this bill will conduce to both public and private convenience, and recommend favorable action upon it.

"Very respectfully,

"W. B. WEBB,
"*President Board of Commissioners.*

"Hon. JOHN J. INGALLS,
"*Chairman Committee for District of Columbia, United States Senate.*"

The bill was passed.

HARBOR OF FAIRPORT, OHIO.

The next bill on the Calendar was the bill (S. 1107) to regulate the subdivision of land within the District of Columbia.

Mr. PAYNE. I ask unanimous consent for the consideration of the joint resolution received from the House of Representatives just now, in reference to the meaning of a clause in the river and harbor bill.

The PRESIDENT *pro tempore*. The Chair has been advised that objection was to be made to the consideration of anything except the Calendar under Rule VIII. The Chair does not feel at liberty to enter ain the request after the agreement which has been made.

Mr. PAYNE. I am sure there will be no objection to this joint resolution. It passed the House of Representatives on Friday.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Ohio asks that it be laid aside for the consideration of a joint resolution from the House of Representatives, which will be read the first time by its title.

The CHIEF CLERK. A joint resolution (H. Res. 223) declaring the meaning of a clause in the river and harbor act of August 11, 1888.

The PRESIDENT *pro tempore*. The joint resolution will be read the second time at length.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives, etc., That the phrase "present low-water mark" in the river and harbor bill of August 11, 1888, in the paragraph referring to Fairport Harbor, Ohio, is intended to mean the inner shoreline represented on map in the report of Chief of Engineers of 1881.

The PRESIDENT *pro tempore*. This joint resolution having been just received from the House of Representatives, and not referred to a committee, the Senator from Ohio [Mr. PAYNE] asks unanimous consent that the reference may be waived, and that the joint resolution may now be considered without a reference. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CANADIAN PACIFIC RAILWAY.

The next business on the Calendar was the resolution submitted by Mr. CULLOM July 25, 1888, directing the Committee on Interstate Commerce to inquire into the ownership by the Canadian Pacific Railway of the Minneapolis, Sault Ste. Marie and Atlantic Railway Company.

The PRESIDENT *pro tempore*. What disposition shall be made of the resolution?

Mr. PALMER. The Senator from Illinois not being present I move that the resolution go over.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting three claims allowed by the Fourth Auditor and Second Comptroller, amounting to $4,445.81, inadvertently omitted from the list of claims forwarded to Congress on the 3d instant; which was referred to the Committee on Appropriations, and ordered to be printed.

CORRECTION OF RECORD.

Mr. CHANDLER. Mr. President, having occasion to look at the record of the proceedings of the Senate of Friday last, on page 9477 of the RECORD published on Saturday, in the speech of the Senator from Missouri [Mr. VEST], I noticed that after he finished the Senator from Massachusetts [Mr. HOAR] made an inquiry of him, which inquiry, as it seems very clearly to me, was not pertinent to what the Senator from Missouri appeared to have said. I therefore made inquiry of the Reporter and found that two words of the speech of the Senator from Missouri had been accidentally omitted by the Reporter. It is my desire, if I properly can raise the question, to have those two words restored in the RECORD. I will read the sentence of the Senator from Missouri as it is recorded. Speaking of the present President of the United States, he is reported to have said:

Like a brave, honest, and true man, he sent his message to Congress, which struck with steely point the shield of the protective system; and because he has done it he is now denounced here and we are denounced as if we attacked the whole protective system of this country from beginning to end.

The Senator from Massachusetts [Mr. HOAR] thereupon asked the question—

Mr. HOAR. Does the Senator understand that the Democratic party propose to overthrow what he styled just now "the infamous protective system," or do they propose to retain it—which?

Mr. VEST. We propose to overthrow the oppressions of the present tariff system.

Mr. HOAR. That does not answer my question. The question is whether he proposes to overthrow what he styles the "infamous protective system?"

Mr. VEST. Yes, sir; the infamous part of it I do; that part of it which collects money from one man in this country to enrich another without any necessity for the collection other than to enrich classes and individuals—

and so on.

The whole colloquy seems to be incongruous by reason of the omission from the speech of the Senator from Missouri of the words "this infamous" before the words "protective system" where first used. I learn that the words were accidentally omitted by the Reporter or by a copyist of the Reporter. They were not omitted at the suggestion of the Senator from Missouri, who did not see the report of his remarks. Notwithstanding that, however, I desire to have the words restored to the RECORD.

Mr. VEST. Mr. President, I have not seen the report of that speech and have not even read the RECORD containing it. I did not supervise it and did not correct it, and if any change was made in it, it was without any authority from me.

I have no question that I did use the expression "that infamous protective system;" I repeat it now, and the Senator from New Hampshire and his colleagues can have the full benefit of it. I mean by the "infamous protective system" the tariff that now exists, which the Republican party pledged itself to the country in 1884 to reform as to its inequalities and abuses and infamy. It has infamous features in it, and to those features I am opposed, and propose, with voice and vote, to strike them down if possible.

I have never stated, and never intended to say that the Democratic party proposed to attack the entire industrial or protective system of this country, but its abuses and outrages they do intend to remedy, and they never intend to stop the fight until they have struck them down.

Mr. CHANDLER. That opinion of the Senator is exactly what I wished to have recorded in the RECORD and made fixed and certain, adjectives and all.

Mr. VEST. Certainly; the Senator is welcome to it, adjectives, pronouns, interjections, and all.

The PRESIDENT *pro tempore*. The correction will be made by the Official Reporter.

COTTON-BAGGING TRUST.

Mr. HOAR. What is the question before the Senate?

The PRESIDENT *pro tempore*. The Calendar under Rule VIII.

Mr. HOAR. I ask unanimous consent to introduce a resolution, and ask for its adoption at this time. I will state as a reason for it that there came to me in the mail on Friday a petition, signed by a large number of colored citizens in one of the Southern States, complaining of what they call a cotton-bagging trust, which they say enhances unduly and improperly the price of cotton-bagging. I had the petition laid aside with directions that it should be brought to me this morning in order that it might be presented to the Senate; but by some accident it has been mislaid and can not be found, and I think justice to the petitioners therefore requires me to introduce a resolution asking the Committee on Finance to take the subject into consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Finance be directed to inquire whether there be in existence a trust or combination whereby the price of cotton-bagging is increased, and what legislation is required, if any, to counteract the same.

The resolution was considered by unanimous consent and agreed to.

Mr. BUTLER. I ask leave to present a communication that I have received from South Carolina on the same subject, and ask that it be

read. It is very brief. It is a resolution of the convention recently held at Columbia.

The Chief Clerk read as follows:

CLIO, S. C., *September* 9, 1888.

DEAR SIR: Pursuant to a resolution passed by the State convention of the Democratic party of South Carolina at Columbia, S. C., on September 6, 1888, we herewith inclose for your attention the following resolution as introduced by D. P. Duncan, of Union, and adopted by said convention:

"*Resolved*, That the Democratic party of South Carolina approves of the resolution offered by Representative HOOKER, of Mississippi, in the Congress of the United States authorizing the President to remit the duties on foreign bagging used in baling cotton, and urges upon Congress the prompt passage of the resolution, and that a copy of this resolution be transmitted by the secretary to the Senators and Representatives from South Carolina."

Respectfully submitted.

JAS. L. ORR, *President.*
J. T. ROPER,
WM. L. STOKES,
Secretaries.

Hon. M. C. BUTLER,
Washington, D. C.

Mr. BUTLER. I am not sure but that a bill on that subject has been introduced.

Mr. HARRIS. There was one introduced in the Senate.

Mr. BUTLER. I move that this resolution be referred to the Committee on Finance.

The motion was agreed to.

MISSOURI JUDICIAL DISTRICTS.

Mr. VEST. I am instructed by the Committee on the Judiciary to report back favorably with an amendment the bill (S. 3539) to amend "An act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State."

In regard to this bill, I would ask the Senate to take it up and pass it. It is entirely a local matter, and originates out of a mistake made in a bill which passed the House of Representatives and the Senate detaching the county of Audrain in my State from the eastern district of Missouri and attaching it to the western district. The bill, by an inadvertence, overlooked the fact that these districts are subdivided. There are six judicial divisions in the State of Missouri, two in the eastern and four in the western district, and this bill ought to have provided that Audrain County should have been taken from the northern division of the eastern and attached to the central division of the western district. Instead of that, by an oversight the bill simply provided for taking the county from the eastern to the western district. The term of court is approaching and the judge is anxious, together with the bar, to have this mistake corrected, as the county now belongs to neither division. I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SHERMAN. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, in section 2, line 2, before the word "courts," to strike out "Federal," and after the word "courts," in the same line, to insert the words "of the United States;" so as to read:

SEC. 2. That all civil and criminal causes or proceedings pending in the courts of the United States for the northern division of the eastern district of Missouri which originated in said county of Audrain shall remain within the jurisdiction of said courts for that division until finally disposed of, and all offenses committed in said county against the laws of the United States before the passage of this act shall also be cognizable in the United States courts for the northern division of said eastern district until final disposition of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived, the Chair lays before the Senate the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882. Will the Senate reconsider the vote by which this bill was passed? The yeas and nays having been ordered, Senators in the affirmative will answer "yea" as their names are called, and those in the negative will answer "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHACE (when the name of Mr. ALDRICH was called). My colleague [Mr. ALDRICH] is paired with the Senator from New Jersey [Mr. MCPHERSON]. If my colleague were here, he would vote "nay."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON] on this question.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. By arrangement with his colleague [Mr. TELLER] the pair is transferred and I am allowed to vote. I vote "yea."

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were here, I should vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I would vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. I will ask if the Senator from Indiana [Mr. VOORHEES] is paired with any one? [A pause.] I will for the present transfer my pair to the Senator from Indiana [Mr. VOORHEES], and, if it turns out that he is paired with any one, I shall withdraw my vote. I vote "yea."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. REAGAN (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER]. If he were here, I should vote "yea."

Mr. SPOONER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "nay," and I understand he would vote "yea."

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], but the pair is transferred to my colleague [Mr. BOWEN]. I vote "nay."

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present, I should vote "nay."

Mr. COCKRELL. The Senator from Wisconsin [Mr. SPOONER] has just announced a pair with the Senator from Delaware.

Mr. ALLISON. Very well, then.

Mr. SPOONER. I announced my pair with the Senator from Delaware.

Mr. ALLISON. If the Senator has any arrangement for a pair with the Senator from Delaware, I will vote.

Mr. SPOONER. I am generally paired with the Senator from Mississippi [Mr. WALTHALL], but the Senator from Alabama [Mr. PUGH] just came to me with a statement that he desired me to pair with the Senator from Delaware [Mr. SAULSBURY].

Mr. PUGH. I had just received a telegram from the Senator from Delaware asking me to pair him. I was not aware that the Senator from Delaware had any pair.

Mr. FARWELL. My colleague [Mr. CULLOM] is absent, and the pair may be transferred to him.

Mr. ALLISON. Very well, I will transfer my pair to the Senator from Wisconsin.

The PRESIDENT *pro tempore*. Does the Senator from Iowa desire to be recorded?

Mr. ALLISON. I do, as I understand the Senator from Wisconsin has paired the Senator from Delaware [Mr. SAULSBURY] with the Senator from Illinois [Mr. CULLOM]. I will therefore vote "nay."

Mr. SPOONER. I understand, then, that the Senator from Delaware is paired with the Senator from Illinois [Mr. CULLOM] and that I am at liberty to vote. I vote "nay."

Mr. BLACKBURN. I desire to announce the pair of my colleague [Mr. BECK] with the Senator from Maine [Mr. HALE].

Mr. HARRIS. I simply desire to inquire if any pair has been announced with the Senator from Indiana [Mr. VOORHEES] except the transfer that I made?

The PRESIDENT *pro tempore*. No announcement has been made.

Mr. HARRIS. Then I shall let my vote stand.

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired generally with the Senator from Louisiana [Mr. EUSTIS]. If my colleague were here, he would vote "nay."

Mr. BLAIR. The Senator from New Jersey [Mr. BLODGETT] was paired with my colleague [Mr. CHANDLER]. If the Senator from New Jersey were present, he would have voted the same way. He would have voted "nay." I ought to say, perhaps, that last week in pairing my colleague with the Senator from New Jersey I did so by authority.

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bate,	Cockrell,	Hampton,	Pasco,
Blackburn,	Edmunds,	Harris,	Pugh,
Blair,	Evarts,	Hoar,	Sherman,
Brown,	George,	Jones of Arkansas,	Wilson of Iowa,
Call,	Gorman,	Morgan,	Wilson of Md.

NAYS—21.

Allison,	Frye,	Payne,	Teller,
Berry,	Hearst,	Platt,	Vest,
Chandler,	Hiscock,	Plumb,	Walthall.
Coke	Jones of Nevada,	Spooner,	
Dolph,	Manderson,	Stewart,	
Farwell,	Mitchell,	Stockbridge,	

ABSENT—35.

Aldrich,	Daniel,	Ingalls,	Riddleberger,
Beck,	Davis,	Kenna,	Sabin,
Blodgett	Dawes,	McPherson,	Saulsbury,
Bowen,	Eustis,	Morrill,	Sawyer,
Butler,	Faulkner,	Paddock,	Stanford,
Cameron,	Gibson,	Palmer,	Turpie,
Chace	Gray,	Quay,	Vance,
Colquitt,	Hale,	Ransom,	Voorhees.
Cullom,	Hawley,	Reagan,	

So the motion to reconsider the vote by which the bill was passed was not agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the Department of Agriculture.

Mr. GEORGE. Mr. President, as this matter has been disposed of, I desire to call the attention of the Senator from Oregon [Mr. DOLPH] and the attention of the Senate to a very serious mistake which that Senator made in relation to the action of the State Department on the Chinese treaty, in the language which I will now read.

Mr. SHERMAN. What is the pending question?

The PRESIDENT *pro tempore*. The question is on the Agricultural Department bill, which was the unfinished business, by agreement on Friday, to be resumed after the morning business on this day, and informally laid aside to enable the vote to be taken on the Chinese restriction bill. That vote having been taken, the Senate resumes the consideration of the unfinished business and the Senator from Mississippi [Mr. GEORGE] takes the floor.

Mr. GEORGE. In the RECORD of September 4 I find the following language used by the Senator from Oregon [Mr. DOLPH]:

When the Senate Committee on Foreign Relations stirred up the question of a treaty last winter and took action upon the matter and reported their resolution, there had not been, as I have very good authority for saying, a scratch of a pen between the two Governments in regard to this Chinese treaty since the 1st of the preceding May.

That is, when applied to the dates of these various transactions, from May, 1887, up to the 1st day of March, 1888, a period of ten months, the Senator from Oregon, upon what he regarded, and I have no doubt sincerely, as very good authority, stated that there had not been a scratch of a pen between the United States and the Government of China in relation to the subject-matter of Chinese immigration. My attention has been called to that and also to the very serious character of the mistake into which the Senator had fallen. It appears that the Senate passed the resolution which I will now read—I have it in my hand—on the 1st day of March, 1888:

Resolved by the Senate of the United States, That in view of the difficulties and embarrassments that have attended the regulation of the immigration of Chinese laborers to the United States under the limitations of our treaties with China, the President of the United States be requested to negotiate a treaty with the Emperor of China containing a provision that no Chinese laborer shall enter the United States.

The effect of the statement made by the Senator from Oregon is that the State Department had been negligent in its duties, had taken no steps to negotiate a treaty or to have any understanding or arrangement with China in reference to the importation or immigration of Chinese laborers until March 1, 1888, when that Department, to use the language of the Senator, had been "stirred up" by the action of the Senate Foreign Relations Committee; that is, that no step had been taken by the Department from May, 1887, until March, 1888, on that subject.

I call the attention of the Senator and of the Senate to a document which was sent by the President to the Senate when he sent us the treaty which is now pending in China. With that paper and with the message of the President are several communications between the State Department and the Chinese Government.

On page 88 there is a letter from the Chinese minister dated January 30, 1888, prior to the time indicated by the Senator, in which he acknowledges the receipt of a note from Mr. Bayard, dated the 28th of December, 1887, inclosing a draught of *projét* for a treaty.

On page 88 of the document from which I quote is found the statement of the Chinese minister, in these words:

As to your proposition for a conventional arrangement and the draught of a *projét* inclosed by you, I beg to recall to your attention the fact that this identical *projét* was sent to me with your note of April 11, 1887.

So it appears that so far from Mr. Bayard or the State Department having been stirred up to diligence by the action of the Senate and of its Committee on Foreign Relations, long prior to any action taken by the Senate, to wit, on the 16th of August, 1887, and even previously, on April 11, 1887, Mr. Bayard had written a letter to the Chinese minister proposing a treaty almost substantially the same as the one that was concluded. I will read an extract from the letter of Mr. Bayard dated the 28th of December, 1887, to the Chinese minister:

SIR: I am constrained, in the interests of that international comity which we both desire so fully to promote and sustain, to attract your excellency's attention to certain late disclosures in the course of judicial proceedings at San Francisco, in which certain Chinese subjects were arraigned for violation of existing laws of the United States relative to the restriction of the immigration of Chinese laborers, passed for the enforcement of the existing treaties with China.

In that same letter the following language is used:

In considering the remedy I have great satisfaction in finding a complete accord between the Government you so honorably represent and that of the United States, in desiring an absolute prohibition of Chinese laborers from coming into the United States from China.

So that in this letter of the 28th of December, 1887, several months prior to the time indicated by the Senator from Oregon, there had been such communication and interchange of views between the Chinese minister and Mr. Bayard, the Secretary of State, that Mr. Bayard felt authorized in a letter directed to the Chinese minister to inform him that he was very much gratified to know that there was perfect accord between them. There is also the *projét* of a treaty communicated again. And so on August 17, 1887, prior to the date indicated by the Senator, there is "a scratch of a pen" from the Chinese minister to Mr. Bayard, in which the following language is used:

In view of the foregoing it is believed that you will be willing to draught an article, to be added to the proposed convention, somewhat similar to Article XIX of the treaty of 1844 and Article III of 1880, or a stipulation for protection to Chinese laborers secured by laws of Congress to the extent indicated by the Supreme Court as consistent with the system of government.

In that same letter the Chinese minister says:

SIR: I have the honor to acknowledge the receipt of the draught of a convention which accompanied your note of April 11 last. In the interview I had the pleasure of having with you on the 13th of April last, I pointed out to you some words in the draught which I considered as not well defined, etc.

Soon after that interview on the 13th of April the Chinese minister left this country for Peru, and, as I am informed, did not return until August, about the date of his letter in reply to Mr. Bayard's letter.

So it can not be urged, as the Senator from Oregon felt authorized to urge upon what he deemed good authority, that the State Department had been negligent in this matter and had only acted when pressed by the action of the Senate and its Committee on Foreign Relations.

Mr. MITCHELL. If my colleague desires to say anything I will yield.

Mr. DOLPH. Not at present.

Mr. MITCHELL. Inasmuch as the Senator from Mississippi [Mr. GEORGE] has referred to this Chinese business, although the bill has passed, I desire to call the attention of the Senate to an editorial appearing in the New York Star of yesterday, an Administration paper, as I understand, in New York. It is headed "The Scott Chinese bill signed." It reads as follows:

THE SCOTT CHINESE BILL SIGNED.

The President has signed the bill to prevent the further immigration of Chinese laborers to this country. It is now a law, and there is no doubt that it will be rigidly enforced. It originated in a Democratic House, where it was unanimously passed. Among the Republicans of the Senate there was some disposition shown to cavil at its provisions and delay its passage, but the feeling on the subject on the Pacific coast was so strong that few Republicans dared to vote against it.

There is a disposition among some good people to criticise the provisions of the bill as harsh, and the haste that has marked its passage, while a treaty is still pending, as discourteous to the Chinese Empire.

If there is any truth in these charges the Republican majority in the Senate must bear the whole blame. The President had negotiated with China a friendly treaty that met the case. Out of mere malignant partisan perversity the Republican Senate refused to ratify the treaty, and insisted on amendments that probably have caused its rejection by China. Then came the crisis that the President had wisely sought to avoid by diplomacy.

It could not be denied that in the absence of the treaty stipulations a flood of Chinese immigrants was pouring into the country. There was no time for hesitation or parley, in view of the facts. Something had to be done and done at once. Mr. SCOTT, of Pennsylvania, introduced his bill, and it has swiftly become a law. The immigration will be stopped, and if this is not accomplished in accord with Chinese views the fault lies with those who caused the delay in the ratification of the treaty.

The New York Star is a little previous, it will be seen, in announcing in its issue of yesterday that the President of the United States had signed what is known as the Scott Chinese exclusion bill. That bill has not yet gone to the President. Yesterday it was still pending in the Senate on a motion to reconsider, and that motion to reconsider was only disposed of this morning. Certainly the New York Star was misinformed when it stated that the President had signed the bill.

It would be well to remark in this connection that on the motion this morning to reconsider the vote by which the bill was passed some ten days or two weeks ago, there were 20 yeas, and 14 of them were Democrats and 6 of them were Republicans. There were 21 nays; 15 of whom were Republicans and 6 were Democrats. Therefore, although there was vigorous opposition to this bill by the Democratic party in the Senate, it passed; the motion to reconsider has been voted down by the Republicans, and the bill has now gone to the President, and I hope he will have an opportunity, as he certainly will in a day or two, to sign it, and I trust he will sign it and that it will become a law.

Mr. DOLPH. Mr. President, I see that I was mistaken in the statement I made about any negotiations in regard to a treaty after the 1st of May, 1887. That arises from the imperfection of hearing or of recollection. I derived my information from a conversation in which certain documents were read and referred to in the meeting which was alluded to by the Senator from Alabama [Mr. MORGAN] the other day, concerning which I undertook to make some statements. It arose from the fact that the Chinese minister is also accredited to Spain and Peru, and on or about the 1st of May, 1887, he left the United States for Spain; and as I understood the statement at the time, while there had been some negotiation prior to the time of signing the treaty, it was stopped by the absence of the Chinese minister at the time he left for Spain, and I had not recollected if there was anything said or any-

thing in the correspondence which showed that it had been renewed after his return, and I was in error to that extent. I was not, however, in error in contradicting the statement made on the other side of the Chamber that the treaty was not negotiated before the Senate committee acted or before the resolution was adopted. As I stated before, the treaty had not been negotiated. Although there had been correspondence concerning it, nothing had been agreed upon, and the probability of successful negotiation was talked over in connection with the provision for the payment of the indemnity to Chinese subjects.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1216) for the investigation of the mining-débris question in the State of California;

A bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes;

A bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts;

A bill (H. R. 5059) to provide for the erection of a public building at the city of Watertown, in the State of New York;

A bill (H. R. 925) for the relief of Mathew W. Berryman;

A bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico;

A bill (H. R. 1604) to change the time of the sessions of the circuit and district courts for the western division of the western district of Missouri; and

A bill (H. R. 8665) to create boards of arbitration for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

DETAILS OF ARMY OFFICERS TO EDUCATIONAL INSTITUTIONS.

Mr. MANDERSON. I ask the Chair to lay before the Senate Senate bill 186 as amended by the House of Representatives.

The PRESIDING OFFICER (Mr. PASCO in the chair) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 186) entitled "to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions," etc., do pass with the following amendments:

Page 1, line 6, after the word "established," insert "military institute, seminary, or academy."

Page 1, line 8, after the word "Army," insert the words "or Navy."

Page 1, line 9, strike out the word "president."

Page 1, line 20, strike out all after the word "population," in said line, down to and including the word "president," in line 22.

Page 2, line 3, add, after the word "required," the following:

Provided, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February 26, 1879, entitled "An act to promote a knowledge of steam engineering and iron-ship building among the students of scientific schools or colleges in the United States;" and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section 1260 of the Revised Statutes.

Mr. MANDERSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

DEPARTMENT OF AGRICULTURE.

The PRESIDING OFFICER. The Agricultural Department bill is before the Senate as in Committee of the Whole. The pending amendment will be read.

The SECRETARY. The Committee on Agriculture and Forestry recommend that section 5 of the bill be stricken out, as follows:

SEC. 5. That the Weather Service of the United States Signal Service Bureau is hereby transferred to the Department of Agriculture, to take effect July 1, 1888, and shall consist of one chief and such subordinate officers and employés as may be necessary to efficiently manage said bureau. Until otherwise provided by law, the present organization of the subordinate force of said bureau, including the second lieutenants now in service, shall continue as at present: *Provided*, That nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps. The chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the Weather Bureau until a chief shall be appointed by the President and confirmed by the Senate; and the compensation now paid to the employés and enlisted men of said service shall continue as now; and the moneys appropriated for said service and hereafter appropriated shall be disbursed under the direction of the Secretary of the Department of Agriculture.

The Secretary of War is authorized and directed, within thirty days after the passage of this act, to appoint a board of three Army officers, of which the Chief Signal Officer shall be a member. The duty of said board shall be to make an inventory of all property now in the control and possession of the Signal Service Bureau, and shall separate and turn over to the Department of Agriculture such portions of the property as the said board may determine to be suitable for the work of the Signal Service Weather Bureau. The remainder of the property shall remain in the control of the Secretary of War.

Mr. BUTLER. In connection with this amendment I beg to submit some extracts from a letter which I received awhile ago from the president of a State agricultural college, a gentleman of high scientific attainments, whose opinion is entitled to very great weight. He says:

SEPTEMBER 15, 1888.

DEAR SIR: By to-day's CONGRESSIONAL RECORD I have been much pleased to see your approbation of the transfer of the Weather Bureau to the proposed enlarged Department of Agriculture. Permit me to express the hope that your efforts to secure the rejection by the Senate of the pending amendment of the House bill will be vigorously renewed on Monday.

There seems to be very general agreement that the Weather Service, by itself, divorced from the technical signal service of the Army, is more closely related to agriculture than to any other industry or interest; that the proper logical place for its administration is under the Department of Agriculture; that being a purely civil service its organization and administration in military form throughout is an anomaly—and that even as it exists (as claimed by the Chief Signal Officer himself) the service sadly needs reorganization.

The main difference of opinion is, therefore, as to the expediency of entering upon a reorganization at this time and in connection with the proposed rational transfer. I know that I am not alone among those outside official circles and legislative halls, who have given this subject much attention from a combined agricultural and scientific aspect, in believing that a better time and more favorable circumstances for effecting this desirable change, easily, efficiently, and economically are never likely to exist.

Seeing your interest in the subject, and the general concurrence of your views and ours, I venture to send some of the reasons occurring to us.

First. If new law is desirable to "enlarge" the Department of Agriculture, is it not well to increase in some other way than by substituting, at almost treble cost, a Secretary and an Assistant Secretary to perform the duties already well executed by a single Commissioner?

Second. The House bill amply provides for bridging over the transitory period without a break in the service. The agricultural colleges and the newly formed or forming experiment stations, constitute a *cadre* organization upon which the new system can be soon developed and perfected at a very moderate cost. My own belief is that within a year, practical utility could be increased and the total cost actually decreased. The service thus transplanted would be in a congenial atmosphere, and in the hands of efficient men earnestly interested in its success. At every State college or university with an agricultural experiment station attached (and such an institution exists in almost every State) the need is already felt of a complete meteorological record, including observations of the physics of the soil as well as of the atmosphere, as an essential part of the work. Several of these institutions have thought it necessary to establish weather bureaus of their own, local or covering their States. The efficient State weather service in Alabama is organized at and managed by an officer of the State Agricultural College. The same is true of Ohio, and applies in a measure to Tennessee and Wisconsin. The United States Signal Service depends largely upon these State organizations and officers for its local information. Other States are at this time arranging for similar service. The Massachusetts experiment station at its agricultural college has just procured a meteorological equipment, equaled in this country only by those at the Government office in Washington, and at Central Park, New York. Only last Wednesday the Associated Press dispatches published the details of arrangements just perfected at Cornell University for a State weather service and the issue of daily bulletins with predictions or probabilities. (See New York Times, September 12.)

It is absurd for the Chief Signal Officer of the Army to express a fear, as he did before the Senate committee, that the work would fall into incompetent hands if this transfer were made. In almost every State men of scientific attainments, well trained for just such service, are now on duty, and could at once assume the direction of this meteorological work. They are fully the peers of those who now have the service in charge, and far exceed the latter in number. As stated, a good many of them are already the local representatives and agents of the present bureau. The local observers, scattered over the country and doing only civil duty, would be but too glad to escape the unpleasant status and disadvantages of being "enlisted men" and transfer their services to the control of these State officials, or a civil chief, at the Agricultural Department. There is a man at your own State University at Columbia, now engaged in work of like nature, who has already demonstrated his right to be classed as a meteorologist equal in ability to any in the Signal Service. Another could be named, in Indiana, whose experience and capability fit him to assume at any moment all the duties of the Chief of the Army Signal Corps that is or the Weather Bureau of the new Department of Agriculture that is hoped for without detriment to the service.

Third. (Personal.) It can not be doubted by candid observers that if the Weather Service alone were transferred to the Agricultural Department, and with a new civil chief, leaving the present Chief Signal Officer to his military service proper, there would be a great public gain.

SENATOR BUTLER,
Of South Carolina.

Mr. PALMER. I ask the Senator from South Carolina if he will give the name of the person who wrote the letter.

Mr. BUTLER. I have not given the name. The writer requests that for the present his name be not given. It is a private letter to me, but I will state for the information of the Senate that the writer is one of the most distinguished scientific agriculturists of this country, and is at present president of a State agricultural college. He is well known to the Senator from Massachusetts, and in fact to almost all the scientific agriculturists of the country. For some reason he begs that I will not give his name. I am quite willing to vouch for him in every particular. I have simply added that, as he expresses it, as a contribution to the consideration of this bill.

I am not inclined personally to insist upon this amendment of the Senate committee being agreed to. The bill will have to go back to the House anyhow. I am very clear, however, that this weather service of the Signal Bureau ought to be transferred to the Agricultural Department, and, for myself, it appears to me that this is about the most proper time to do it, and, as this gentleman suggests, it will not produce any friction or inconvenience at all. Therefore if I were to consult my own feelings and wishes about the matter I should vote against the amendment of the Senate committee.

Mr. PALMER. Mr. President, as I said on Friday that I was not assured in my own mind that I should not at some future time be in favor of this transfer, but what I deprecated was hasty legislation on this most important matter, both for the sake of the Signal Service and the Agricultural Department, and I think if there was any proof necessary to be adduced that we are acting unintelligibly in voting

for the transfer of this bureau, it would be furnished by the Senator from South Carolina and myself this morning. His arguments are from a letter from a distinguished gentleman, and I claim the consideration of the Senate while I read one from another. It shows the paucity of ideas and arguments in the Senate upon this most essential question.

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, September 15, 1888.

SIR: In answer to your verbal inquiry relative to section 5 of the bill which creates an executive department to be known as the Department of Agriculture, I have the honor to state that the bill transfers, in block, the entire Signal Service force to the new department, and the proposed legislation is crude and shows unmistakable evidence of haste, without full consideration of the effect which must attend the passage of this bill.

I would respectfully invite your attention to the fact that such a bureau as is named in section 5 of the bill is not known to law. If the meteorological work of the Signal Corps is intended, the intent of the law should be made clear by adding after the word "service," in line 1, the words "Organized under the joint resolution approved February 9, 1870." If the Senate intends to go further and transfer the varied duties of the Signal Corps entire to the Department of Agriculture, it should specifically so provide, but it should be brought to the notice of the Senate that the office of the Chief Signal Officer of the Army existed for many years prior to the Weather Bureau, and that he has important and responsible duties, which are of a strictly military character. It is hardly thought that Congress intends to impose upon the Agricultural Department the anomalous charge of supervising Army signal duty, which by Statutes at Large devolves on the Chief Signal Officer.

It should also be noted that there is signal property to the value of $100,000 in the Army proper, which, entirely disconnected from the Weather Bureau, is by law and regulations under the control of the Chief Signal Officer, and this section leaves him without a man to care for it. Attention is further invited to the fact that there is in existence nearly 2,300 miles of military telegraph lines, which unite military posts on the frontier, and which are entirely disconnected from the Weather Service. The proposed bill leaves these lines and all military signal duty unprovided for, and it will be necessary for the Secretary of War to ask for an additional appropriation of $50,000 for the maintenance of these lines on a civil basis, since the men now operating them are to be transferred from the War Department by this bill.

"I would ask your careful attention to the provisions of section 5, which transfers this bureau in its present shape to the Agricultural Department without correcting any of the abuses or inefficiencies which may exist." It is provided that the organization is to remain as at present until otherwise provided by law. If the service is to be transferred, the law transferring it should state clearly and specifically what its organization shall be.

The bill provides for the transfer of the entire service to a new department, with provision that the pay of employés shall remain unchanged. The present pay is based on time of service and increases with each year of service; it depends upon the station at which service may be rendered; and, in fact, the conditions are so varied that there are actually one hundred and twenty different rates of pay for the employés of this service. Are these rates to be fixed according to War Department rules and regulations? Are they to continue as under the present organization? It will be seen that this proposed transfer has not been fully considered in detail, and that dangerous precedents and complications must result if the bill becomes a law.

Is the Senate prepared to establish a pension-list for civilian employés, and is it prepared to furnish medical attendance to such employés?

Which is the case now in the Signal Service.

These are privileges which are now secured to the enlisted force of the Signal Service, and which under the provisions of this bill may be considered a part of their present pay and allowance.

It is stated in the report of the committee that the Signal Service may be greatly extended and that it may be the means of saving millions of dollars' worth of property. The Signal Service is at present accomplishing what is proposed by the committee, and there is no demand from the people for its transfer. A year's experience with the Signal Service under its present able management shows that no change is necessary. There is commendation of this service from every section of the country. It is performing excellent work, giving its special bulletins to those interested in agriculture. For the first time in the history of this or any other country can those interested in farm products receive at the close of each week reliable statements of the weather conditions and the probable effect of same on the growing crops. This new feature of Signal Service work is of recent origin and its benefits are acknowledged throughout the country.

It is proposed to try the experiment of placing this valuable service in new hands, chiefly for the purpose of organizing a new department. The Signal Service is now under the management of one who is thoroughly familiar with it, both generally and in detail; one who fully understands its capabilities, appreciates its importance to the varied interests of the country, and who has the knowledge, experience, and determination necessary to make it of more value to the people. By extended travel as a subordinate, the present Chief Signal Officer has become familiar with the needs of every section of the country, and by years of study he has become expert in the vital work of the service, namely, the preparation of weather indications, cold-wave, frost, and storm warnings. His skill as a signal officer has enabled him to devise a cipher system by means of which the weather telegrams are sent at a saving of many thousands of dollars yearly.

While extending the service for the benefit of the farmer, he has been able to reduce the annual expenses $100,000, and has made recommendations which, if adopted by Congress, will still further reduce the annual expenses $112,000, without impairing the efficiency of the service. He has reorganized the office force, and so arranged the meteorological records as to enable the service to furnish data for climatic study without delay. Under the old system hundreds of volumes and thousands of forms were so badly arranged and so deficiently indexed as to render it a matter of great difficulty, and practically an impossibility, to obtain any consecutive data pertaining to the voluntary stations of the country. By improved methods the Chief Signal Officer was enabled to prepare and furnish promptly, in compliance with resolutions of the United States Senate, a most exhaustive paper treating of rainfall in the States and Territories west of the Mississippi River, which will prove of special value to the agriculturists of those sections.

Notwithstanding all this experience, which is so necessary and valuable in the management of a technical service, it is proposed to take it from the most thoroughly qualified man in the country for the work and place it in untried hands. Although the bill provides for the present Chief Signal Officer having charge, as director, of the Weather Bureau, temporarily, I am confident that he would decline such directorship should the service be transferred without a reorganization which would provide for the continued service of those assistants who have proved most efficient, while at the same time freeing the service of those who are incompetent.

By the provisions of section 5 the Signal Corps is stripped of its entire force and military signaling wholly neglected. In the organization of the regular Army it was the intention of Congress to have in it all the various arms of the service, so that it might be possible to organize an army complete in all its details in the shortest possible time. Each branch of the service is represented in the small organized regular Army, so that improvements in each branch of foreign armies, as made from time to time, may be utilized in our own. The Engineer Battalion is so provided, and much good has resulted from the employment of this small force. The Ordnance Corps of the Army, so far as permitted by Congress, keeps pace with the improvements in that branch of the service, so as to be ready to meet the wants on a large increase of force. The force of quartermaster and commissary sergeants furnishes an intelligent body of men ready for enlarged duties, and the Signal Corps, as part of the Army, with its four hundred and seventy enlisted men, stands ready to supply the immediate wants of a volunteer army, in furnishing men skilled in all branches of signaling and operations of field and permanent telegraph lines, all so new in armies, and now so indispensable. The Army must be supplied with a signal corps; and it will be in the interest of economy to keep the meteorological work with it, and thus save the organization of a separate service.

The prime object of the Signal Corps and its proper functions in case of war are entirely ignored by this section, and certainly no action should be taken on this important question before the subject is considered by the Military Committee, which by right should have been consulted in matters pertaining to a bureau of the War Department.

If there is to be a Department of Agriculture, it would seem proper that it should be required to devote its energies to that special branch of industry. There are many commercial interests constantly calling for information from the Signal Service, especially the marine interest, which receives substantial benefit from the storm warnings on the lakes and seacoasts. Might it not be possible that these varied interests would be sacrificed if the proposed change is made?

It may be wise to organize a new department of agriculture, but I doubt the propriety of taking this scientific and extremely valuable service from the management of one who is specially, by education and experience, qualified to supervise and, if necessary, to perform every feature of the work required of his officers or assistants.

The present organization has been in existence eighteen years, and is efficient for the work assigned to it. It is not apparent how it can be made more efficient by the substitution of a wholly civil force for that now employed, as it is proposed to employ the same force.

The pay received by the enlisted force is probably less than it would be under the civil organization; the annual pay of the enlisted force ranges from $1,175 to $684 per man, and this is a smaller compensation than is received by the employés of any civil bureau. If this change is made it will prove expensive, as the rate of pay will be raised to that of other bureaus, while many of the most worthy and efficient observers will be replaced by new and inexperienced men. The bill provides for the immediate discharge of the entire enlisted force on a single day. Such action would be in bad faith on the part of the Government, as these men are all serving under an enlistment of five years. A number of the men have served about twenty years faithfully, and are looking forward to the benefits resulting from the privilege they now have of being placed upon the retired-list after thirty years of service.

While the Signal Service continues, justice demands that those who have engaged in it should be retained during the continuance of the enlistment contract, and any change from a military jurisdiction can only be equitably made by gradual discharge of the present force as time of service expires. This sudden change would not only work injustice to the men, but would impair the efficiency of the service. The current work of the bureau would be injured and the service would be deprived of its most experienced indication officers, who are not included in the provisions of section 5 of the bill. These officers will be returned to their regiments and sixteen years' experience in the preparation of weather forecasts could not be utilized.

The proposed legislation will paralyze all efforts now being made by the Chief Signal Officer to improve the methods of military signaling, and in case of war no army can afford to be without the most thorough and approved system of signaling.

It is only urged that no transfer, in block, of a badly arranged, and in some respects inefficient, *personnel* be enacted, but that a detailed organization, either civil or military, be provided for. Crude and illy-digested provisions, put forth in a general form, can not but vastly injure the efficiency of this service, which from its importance has both a need of and a right to consideration and wise legislation.

The meteorological service of this country is far in advance of any similar service in the world, as it renders more practical benefits to the public, and these benefits may be increased by proper organization and support. But no improvement can be looked for by depriving the service of its most experienced officers, making the working force civilian and subjecting it to partisan influence. The service is now non-partisan, and the best interests of the country demand that it should be so. Examinations have always been required of persons before enlistment, and the standard of the Signal Corps is much higher than that of any other branch of the Army.

During the past year the service has been seriously crippled by the loss of Fort Myer as a preparatory school for instruction of the observers, who are now enlisted and sent at once on station to be instructed in their duties. Experience shows that during the past year the observers in charge of stations have been hampered in the performance of their regular duties by being obliged to instruct their assistants. It is also apparent that men entering the service without thorough training under a military direction in many cases fail to satisfactorily perform their duties.

Efforts have been made during past years to transfer this service from the War Department, but the reasons urged for this change do not obtain under the present management. The demand for the change no longer exists, and if this bill is forced through Congress it will be at the expense of every interest of the country now receiving benefits from the Signal Service.

Very respectfully, your obedient servant.

Hon. JAMES Z. GEORGE,
United States Senate.

Mr. President, as I said before, the very fact that the Senator from South Carolina and myself have to give the arguments pro and con as we receive them by letter from men who are supposed to be posted shows——

Mr. HARRIS. Who is the writer of the letter just submitted by the Senator?

Mr. PALMER. I suppose I might withhold his name, but I have no object in doing so. I presume he would have no objection to having it known. Lieut. H. H. C. Dunwoody, acting Chief Signal Officer, wrote this letter to the Senator from Mississippi [Mr. GEORGE], at the request of the Senator from Mississippi, for information.

As I said before, I think we are about to take a very grave step without due consideration. It was so regarded in the Committee on Agriculture. We felt that although we should like to magnify the Department of Agriculture we should not tamper with so vital an interest as the Signal Service. To me it appears particularly perilous, for upon

the coast and upon the waters of the Great Lakes the Signal Service now has attained a reputation that gives confidence to the mariner and is the protector of millions of property and the lives of thousands of men. On the shores of the Great Lakes there are over two hundred signal stations. No sailor ever thinks of coming into or going out of port without looking at those signals.

I think that to transfer this whole service in block to the Agricultural Department would at this time be very perilous, and I think that if it is going to be transferred it should be transferred on the joint reports, and favorable reports, of the Committees on Agriculture and on Military Affairs. If the Committee on Agriculture had supposed that there would be any effort to have the fifth section restored they would have consulted the Committee on Military Affairs, or they would have reported the bill and asked for its reference to the Committee on Military Affairs. Nothing of that kind has been done. Whatever may be the ultimate legislation in regard to this transfer, no decisive step, in my opinion, should be taken now.

Mr. VEST. Do I understand the Senator to state that both committees he named reported in favor of the proposed transfer?

Mr. PALMER. No, sir. I say if the Committee on Agriculture had been in favor of this transfer it would have felt bound to have consulted the Committee on Military Affairs; but the committee being nearly unanimous against it, we supposed that there would be no effort on the part of the Senate to transfer it.

I think that if the Senator from Kansas really appreciated the Signal Service, as far as it relates to life and property upon the water, he would be as cautious as any of us in transferring it, without the utmost care in making all the provisions essential to its success. This proposed transfer in block appears to me as a very crude piece of legislation, and I hope the Senate will concur in the amendment of the committee to strike out section 5.

Mr. VEST. I am willing to make a frank confession that I intended to look into this matter, but I have been so busy that I have not been able to do so. I should like the Senator to state what is the exact condition of the question now.

Mr. PALMER. Has the Senator the bill?

Mr. VEST. No. I glanced at the bill and somebody took it off my desk. The Senator can state in a very few words what is the status of the matter at present.

Mr. PALMER. The Department of Agriculture is created by the first four sections of the bill, and section 5 transfers the weather service of the Signal Service Bureau, as it is called, in block to the Department of Agriculture.

Mr. DAWES. The Senate committee moved to strike that out.

Mr. PALMER. The Senate committee have stricken that out and reported against it.

Mr. CALL. Mr. President, unless the agricultural interests of the country are to be committed to the War Department generally, there can be no possible reason for the service of the Weather Bureau being placed under military control. The propositions and suggestions which the Senator from Michigan has read relating to the military signal service have no kind of relation to the weather service of this bureau, which does not concern military operations in any respect. The only advantage of it is that it confines the appointment of the Chief of the Signal Service to the Army. That is the whole of that argument and proposition.

It may be that a military government is the best kind of a government. It is perhaps true that the Secretary of War would make the best administrator of the agricultural and the Secretary of the Navy of the commercial interests of the country; but these are novel propositions to make here. It really seems to me that the suggestions upon which this retention of the Weather Bureau, designed to give information in agriculture and in commerce, under the control of the Army, the military department, with which it can have no possible connection, are not entirely worthy of this body.

This service can properly rest nowhere else but in the civil department of the Government. You have no need of enlisted men to give information in regard to the weather, to operate telegraphs which are connected with commercial interests alone.

There can be no additional strength given to these ideas by the report of either one or two committees. They are fixed principles in this Government that the military are to be confined to military matters, to matters of war, and the peace establishment is to be confined to the commercial and agricultural and industrial interests of the country.

I can see no possible difficulty in making the proposed transfer. If the War Department desire a military signal service they should certainly have it. If they require preparation in time of peace for the efficiency of this service in war, it is easy enough for the Committee on Military Affairs to recommend it, and certainly Congress should make provision for it.

But this service as it is now established is purely a civil service. It has no relation to the signal service in time of war. It makes no preparation for that work. The great mass of its duties are confined to giving information of sudden changes of temperature, to ships engaged in commerce, and to the farmers, the fruit-growers, and the gardeners more particularly of the country.

Mr. DAWES. Mr. President, the Senator from Florida [Mr. CALL] reminds us that this bureau has nothing military in its character, but is entirely in the service of the agricultural interests of the country.

Mr. CALL. Commercial and agricultural.

Mr. DAWES. To some extent that remark is true. There is nothing connected with this Government which I take more interest in than the Signal Service Bureau. The history of it will show the Senator from Florida how it happens to be connected with the Army. If I may use the remark, I was in at the first. It was on my motion that it first had a dollar of appropriation, and it begun with a little appropriation of $15,000 put in an appropriation bill in the House of Representatives of which I had charge, and on my motion.

It came about because there was an Army officer connected with the Signal Service of the Army located on the lakes at Milwaukee or near there who had made this subject a study and who had an idea that he could utilize it for the benefit of commerce on the lakes. For that, and with that idea alone, with no idea that it ever could be utilized for the farming interests of the country, a friend of his came to those who had charge of that bill and suggested that his investigations, voluntary as they were, could be enlarged and improved by a little appropriation. We asked him how much, and he said that if he could have only $15,000 it would be enough to try this experiment. He said this man had of his own accord done very much for the benefit of commerce on the lakes by indicating what the weather was to be, and vessels cleared from harbors or sought refuge in harbors according to the indications which he gave. Out of that grew this great service from year to year.

Mr. GEORGE. If the Senator will allow me, I desire to read the joint resolution which first established the service, which confirms exactly what he says.

Mr. DAWES. It grew from little——

Mr. GEORGE. Will the Senator allow me to read the joint resolution. It will confirm what he says.

Mr. DAWES. I will.

Mr. GEORGE. February 9, 1870, the following joint resolution was passed:

That the Secretary of War be, and he hereby is, authorized and required to provide for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories of the United States, and for giving notice on the northern lakes and on the seacoast, by magnetic telegraph and marine signals, of the approach and force of storms.

Mr. DAWES. It was before the passage of that joint resolution that the appropriation to which I referred was made. The joint resolution grew out of the success of that appropriation precisely as was the case with the Fish Commission. The law establishing the Fish Commission which exists to-day on the statute-book grew the next year out of an appropriation of $5,000 introduced into a similar appropriation bill.

I was going to remark that the Signal Service developed from these small beginnings and reached out not only for the benefit of commerce, but of agriculture, and very many business relations have availed themselves of it which were not thought of originally.

It has come to be true that it is of immense advantage to agriculture, and perhaps of more advantage to the agricultural interests of the country than to any other. It is of immense advantage to them, and no man having the interest of this bureau at heart desires anything but to push it as far as it can be pushed in that direction.

So far as the creation of this Department of Agriculture, making it a Cabinet position, is concerned, those who desire the best development of this bureau desire also the passage of this measure. It may be true (I am coming more and more every year to think it is true) that ultimately this bureau will be more largely devoted to the interests of agriculture than to the interests of commerce, where it began.

Mr. GEORGE. That is the fact now. It is more beneficial to agriculture than it is to commerce.

Mr. DAWES. There is no doubt about that. The gentleman from whose investigations it began and who had charge of it in connection with the Signal Bureau in its early years, it has always seemed to me, had the most scientific knowledge in reference to it of anybody ever connected with it. At any rate it never would have been a success had it not been for the clear head and scientific research and ability to group together and make a language out of the facts gathered together in that bureau like Albert J. Myer. All others followed after him, and some of them, I am free to say, a good ways after him.

But it has come to be a bureau of which this Government ought to be proud, which it ought to cherish. It may be that sooner or later it ought to be with the Agricultural Department, as it is proposed to establish it by this bill; but I for one am not ready now and in this way to transfer it all in block without any preparation for the change. As one who has stood by this bureau from beginning and have no interest in the advancement or the furthering of the wishes of any man connected with it, but as one who has seen it grow up and done what he could to help it grow up, when it goes to the Agricultural Department I want that it shall go there under an organization that will take it along as a civil institution in the best way.

If this new department will content itself by establishing itself in the manner provided in this bill until the next session of Congress or the next Congress, when this organization can be transferred without friction, its best friends will be found helping to contribute to that end;

but I am unwilling for one to contribute to doing it in this crude manner and breaking up all arrangements that are being carried on under this system without knowing what the practical operation of this provision will be, where those who are employed in it will be, and what the Signal Service Bureau will be when it is taken out.

I ask the Senate therefore, earnestly, in the interest of this bureau and in no other interest, to strike this section for the present out of the bill.

Mr. CALL. In all the Senator from Massachusetts has so well said as to the honorable paternity of this service there is not a single reason given why the service would not be as efficient if transferred in block, as he terms it, under the Agricultural Department as it would be under the Secretary of War. What is the difference? If you choose to discharge these people, as they ought to be discharged, except the general in charge, who from personal considerations might be retained—if you choose to discharge the enlisted men from the military service it requires but three words to do it. Why should we have a large corps of civilians employed in civil duty?

Mr. GEORGE. It is a contract.

Mr. CALL. A contract with these men? Oh, well; if you hold that everything the Government does is a contract, comply with it. What is the contract? That they shall be employed for life or for a term of years?

Mr. GEORGE. For five years.

Mr. CALL. They can be employed for five years on the same terms they are now employed in the Army. If they do not perform the duties, discharge them. You need not try them before a military court-martial in order to do that. But why enlarge the number of people who are subject to military law, who are deprived of the rights of citizens? Why in a republic assign men who are not performing military duties to the severe discipline of the military service? That is a great objection to the present establishment.

Mr. GEORGE. But they do perform military duties.

Mr. CALL. What military duties do they perform?

Mr. GEORGE. They signal for the Army.

Mr. CALL. There is no signaling required for the Army.

Mr. GEORGE. They operate military-telegraph lines.

Mr. CALL. There is no military telegraphing required for the Army.

Mr. GEORGE. There are 23,000 miles of military telegraphs.

Mr. CALL. Built when there was some necessity for it, but now there is little or none. We have no foreign war. Our relations with the Indians do not require the maintenance of any class of military-telegraph lines. We all know that. It is a pretense. This duty is a civil duty. It is a commercial interest; it is an agricultural interest. It is a mere pretense without any truth that there is any military interest whatever in the weather or meteorological bureau or that it should have any connection with the Army. The Senator from Mississippi and the Senator from Massachusetts can point to none; and when they say there are 23,000 miles of military telegraph it is a delusion, because although it may have been constructed under the military service and for temporary military exigencies, we know that it is not maintained for that purpose.

Mr. GEORGE. It is now in operation.

Mr. CALL. Where? I beg the Senator to say where. I aver it as a fact that nowhere in this country is there any existing line of military telegraph maintained as a necessity, or properly so, as a part of the necessities of this Weather Service, this commercial and agricultural interest. Where are the enemies in war that we should require military telegraphs at this time?

Mr. President, these things have no kind of foundation. Transfer it in block. What do you transfer? So many clerks, so many telegraph operators, telegraphing not for military signal service. The service of signaling and communicating by signals in a field to an army is one thing, and telegraphic service in commercial and agricultural interests is just as distinct as the judge and the jury and the court.

There is no difficulty whatever in transferring this bureau to-day, these telegraph operators, these clerks in the Department here who have nothing whatever to do with the Army except that they are enlisted, they having grown up as an incident, as the Senator from Massachusetts said, to a service already established and known as the Signal Service for war purposes and created in time of war.

I have no particular interest in this matter. I am in favor of extending this bureau and maintaining it. It is a civil bureau. It is related to agricultural and commercial interests entirely. It has nothing to do with the Army. There is no system of telegraphing and signaling by telegraph extending all over the country which can be said to be peculiarly military. Of course telegraphs are a great military aid in time of war, and a necessity of communication, but this is nothing more than the communication which belongs to us in the ordinary transactions of life. It is an agency that may be used, and it is now entirely commercial and industrial. You might just as well have enlisted men to serve as jurors and an official of the Army assigned as a judge of the courts or to fill the legislative positions here as to maintain this as a military department.

[Mr. PLUMB withholds his remarks for revision. See APPENDIX.]

Mr. GEORGE. Mr. President, in a good deal of what the Senator from Kansas [Mr. PLUMB] has said I entirely sympathize. I believe that at every Congress since I have been a member of this body I have introduced a bill or have voted for a bill to make the Agricultural Department an executive department. I have made one or two speeches in this body in advocacy of that measure. My opinions upon that subject are well known and I do not regard it as necessary to repeat them.

I find now in the fourth Congress in which I have served that there seems to be a general concurrence of opinion as to the propriety of making the Agricultural Department an executive department, so that the head of the department may be a member of the President's Cabinet. As there seems now to be no objection to that, I shall not discuss it.

There is a different view, though, between the members of the Agricultural Committee and among the members of this body generally as to the disposition to be made of the weather branch of the Signal Service Bureau. I believe the Senator from Kansas was not present when the Agricultural Committee, with entire unanimity of all the members except him as far as I know, after very careful consideration of this subject, determined that it was unsafe and unwise to make the change provided for in the fifth section of the bill and therefore recommended that it should be stricken out.

Mr. PLUMB. Will the Senator allow me to interrupt him?

Mr. GEORGE. Certainly.

Mr. PLUMB. I think he stated the case substantially correctly with a slight addition to it. There was a feeling that the bill in some shape ought to pass.

Mr. GEORGE. All agree to that.

Mr. PLUMB. And it was desirable to have eliminated anything liable to create special objection, and thereby prevent its passage; and in that view of the case I think some members of the committee subordinated their view as to what ought to be done, and I know I was one of them. I say now that I do not care so much about the transfer of the bureau at this time as I do about the passage of the bill; but I do not like to have the assertion that the committee decided that the bureau should stay with the War Department go without contradiction.

Mr. GEORGE. Mr. President——

Mr. PALMER. Will the Senator yield to me for a moment?

Mr. GEORGE. Yes, sir.

Mr. PALMER. I think the Senator from Kansas is mistaken in regard to the view of the committee. The view of the committee was that although it might be advisable in time to make this transfer, there was no reason perhaps why it should be made now, and they thought it would be unsafe without further light on the subject. That was the view, as I understood, in the committee, and I think the Senator from Mississippi will agree with me in that.

Mr. BLAIR. If the Senator from Mississippi will allow me——

Mr. GEORGE. Certainly.

Mr. BLAIR. As one member of the committee my vote in the committee for this amendment was chiefly, almost entirely, influenced by what I understood to be the fact, and still understand to be the fact, that the transfer at the present time will be likely to excite all or nearly all the opposition that the bill will meet with in its progress, and how serious that may be I do not know. I have understood that it might be such as to involve the fate of the bill, and with a view to get the department established upon the basis desired, to get it a foothold so that it will have "a local habitation and a name" on this higher elevation where it is desired to place it so that hereafter it may attract unto itself whatever is necessary for its aggrandizement and increasing development, I was anxious to take this step and to have no mistake about it. With a view to the accomplishing of that desirable thing without risk of its failure, I acquiesced in this amendment and approved of it. I have no other motive now. I think the transfer should be made. I think without the Weather Bureau, and one thoroughly and appropriately organized, the Agricultural Department will suffer for the want of the assistance which it should have in the future.

At the present time the service is largely inefficient. Our farmers do not realize from it, in my opinion, 10 per cent. of the good that they will realize from its proper development, and it may be in the future a question whether this existing Signal Service that we have should be transferred, or whether there should be a new one organized and established in connection with the Department of Agriculture for specific uses of our agricultural people. It is a question whether it may be carried on efficiently in such a way as best to serve the interests of commerce under the War Department, or whether the Bureau of Weather Service in the Agricultural Department should not be wholly and exclusively devoted to the benefit of agriculture. There are so many questions in regard to it, even so many personal questions arising as to whether the transfer should be made at this time, that I favor, as I stated before, the amendment in order that we may get something, the main thing in the bill certainly.

Mr. GEORGE. Of course there were various views operating upon the minds of members of the committee in recommending this amendment. Several Senators have stated theirs. I stated mine partially on Friday. There is one view, however, that has not been presented to the Senate, and which operated largely on the minds of the members

of the committee, and that is that this legislation in section 5 was very crude and very imperfect, and such as would disorganize and disarrange the whole Signal Service, as well in its Army relations as in its meteorological relation. The first provision in the section is:

That the weather service of the United States Signal Service Bureau is hereby transferred to the Department of Agriculture.

There is no line drawn in the statutes of the United States which separates and marks with distinctness the weather service of the Signal Service Office from the military service; and when you make the transfer you have no standard by which you can effectuate it. There are appropriations for several purposes, and as to those the division can be made; but as to the officers, from the Chief Signal Officer down to the privates, there is nothing in the statutes, so far as I have been able to learn—if I am mistaken in this the Senators who oppose my view can correct me—which designates any particular officer or any particular enlisted man or non-commissioned officer for the weather bureau as contradistinguished from the military signal service. I ask when you make this transfer, how are you going to do it?

Mr. BUTLER. If the Senator will pardon me one moment, I will say to him that my information is—a good deal of it has been acquired from the letter I read this morning—that the present bureau is dependent in very large measure upon persons connected with the various experimental stations and agricultural colleges in the various States.

Mr. GEORGE. I will come to that presently.

Mr. BUTLER. I was answering that part of your question.

Mr. GEORGE. They are not part of the Signal Service Bureau, and you do not transfer them.

Mr. BUTLER. I understand that.

Mr. GEORGE. I am talking about the legal effect of the section. The first clause of it provides for a transfer of the weather service of the United States Signal Service Bureau. There is no such thing. There is a transfer of something that does not exist. There is nothing in the statutes which draws a distinction except in the appropriations requiring the money to be applied in a particular way; but in the organization of the *personnel* of the Signal Service there is no distinction drawn between military signaling and the weather service—not a particle. How are you going to do that? When you get your board, as provided for in section 5, to make the transfer, where are you going to run the line of division? Who will say under this statute that so many sergeants and so many corporals and so many privates and so many commissioned officers shall be maintained to discharge the military part of it, and so many shall be turned over to the weather service part?

So you find in the very beginning that this legislation can not be adopted. It is crude; it has not been examined and perfected as was necessary to form a new weather service bureau.

Then again:

Until otherwise provided by law, the present organization of the subordinate force of said bureau—

What?

the weather service of the United States Signal Service Bureau.

Who are these subordinates? If you transfer all, if you transfer every private, if you transfer every sergeant, if you transfer every corporal, if you transfer every second lieutenant, what have you left then for the military part of the service?

Then it goes on and says:

Provided, That nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps.

What are you going to do with the sergeants? What are you going to do with the corporals? What are you going to do with the privates? The commissioned officers are preserved in their status in the Army; but are you going to discharge the others? You have 150 sergeants, you have 50 corporals, and you have about 300 privates. What is to become of them? They are all under contract. The Government has enlisted them for five years. The Government is bound to feed them and to clothe them and to furnish medical assistance to them. Suppose you transfer them; how is all this to be done? They are privates, they are sergeants, they are corporals, and they are paid in that way, paid as sergeants, paid as privates, paid as corporals. Now when you come to feed them how are you going to do it? Have you a commissary department in the Department of Agriculture? Have you a quartermaster's department in the Agricultural Department? Have you a medical staff in the Agricultural Department? All these men are entitled to be clothed, entitled to be transported, entitled to be fed, and entitled to medical assistance under their contract. How are you going to perform that contract?

Let us go on a little further to see how this thing will work:

The chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the Weather Bureau until a chief shall be appointed by the President and confirmed by the Senate; and the compensation now paid to the employés and enlisted men of said service shall continue as now.

There are one hundred and twenty-two different rates of pay for these men, based upon their length of service and other considerations. How are you going to arrange that in the Agricultural Department? You will find some trouble in it.

The measure is crude; it is ill-digested. In other words, it is an attempt to transfer and ingraft on a purely civil department a military establishment, and of course when you undertake to do that you will always fail to accomplish what you intend to do.

These are some of the inconsistencies, some of the difficulties which attend this wholesale attempt to transfer a part of the military establishment of the Government to a civil department.

But, Mr. President, whatever may be our ultimate determination as to where this Weather Bureau ought to go, it is very certain that it ought not to go to a civil department now, and I am not right sure whether I shall ever be willing to see it transferred.

Senators talk here about the necessity of having this weather service made subordinate to the interests of the farmer. That is very nice. I am a farmer and I believe every member of the Committee on Agriculture is a farmer. I know of no exception to it. I have no other interests than farming. Will some man tell me right now, leaving out all gush, in what respect the service of this bureau can be made more subordinate to the interests of farmers than it is now? Will some Senator point out to me any defects in the service as now carried on which will be remedied by making the transfer? I stated on Friday that so far as predictions are concerned it would always happen that the predictions would never reach ninety-nine out of every one hundred farmers until the event had happened.

Mr. BLAIR. Will the Senator from Mississippi permit me to say a word here?

Mr. GEORGE. Yes.

Mr. BLAIR. It has been claimed, I think, that great advantage would result to the farmers from the head of the Agricultural Department having the control of this bureau, the absolute control of it, and in this way: That the adaptation of crops to particular portions of the country can be determined better by more systematic and thorough meteorological and climatic observations than perhaps in almost any other way; and that the head of the Agricultural Department will make that the subject-matter of inquiry, the chief duty of the Signal Bureau in this weather department. As it now exists, the officer in control is a military officer; he is in no wise by law subordinated to the authority of the Agricultural Department. He does what he does for it rather by permission and consent than by absolute obligation of law, and is not subject to the control of an officer who has the development of the agricultural interests primarily under his charge; and now by the transfer of the bureau to the charge of the head of that department we shall be likely to get all the good that can be got out of it, whereas at the present time it is merely an appurtenance to the duties of a military officer, to whom farming is altogether a matter of comparatively little consequence.

Mr. GEORGE. Mr. President, the statement of the Senator from New Hampshire is a little plausible, but it has no relation whatever to any duty performed by this bureau which is thus transferred. If you want what the Senator from New Hampshire seems to desire, that there should be a scientific study of meteorology as to every section of this country, not with reference, as now, to predicting storms and forecasting the weather, but with reference to the adaptation of any particular place with its climate, with its rain, with its sunshine and storm, to the raising of any particular crop, then you have got something clear outside of anything that is in this bureau and clear outside of any connection it has——

Mr. BLAIR. I do not wish to interrupt the Senator, but just there is the main purpose, the chief direction in which this bureau can be made serviceable to the farming interests of the country, with reference to climatology as well as the observation of weather.

Mr. GEORGE. The study of climatology, the adaptation of soil and climate to the production of particular crops, may be carried on properly now at the Agricultural Department without reference to or an invasion of the duties performed by the Signal Service Bureau entirely outside of it. This bureau has nothing to do with anything of that sort. It is organized in its civil capacity, leaving out its military capacity, mainly, and almost exclusively, with the view of forecasting the weather for twenty-four hours, and I want to call attention now to the fact that the longest time which they ever undertake to forecast the weather is thirty-two hours, and they find as they add an hour to the length of the prediction, so is the uncertainty as to whether the prediction will be verified.

Now, let us stop and talk as sensible men about this. What good will it do the farmers of this country? They do not live in towns; they do not take daily papers; they do not leave their farms every morning and go into some village or city for the purpose of ascertaining how the weather is going to be for the next twenty-four hours.

Mr. CALL. Will the Senator allow me a word?

Mr. GEORGE. Not now. I do not wish to be interrupted.

How are they going to get it? I will take Mississippi for instance. I am quite familiar with that State, and there are three or four daily papers in Mississippi. They are published in the morning. Suppose they get these reports. Very few farmers take daily papers. Most of them live from 1 to 10 miles from any post office; and how are they to

be put in possession of these predictions until after the period at which the predictions will either be verified or falsified?

There is an interest in this country very largely subserved by the weather part of the Signal Service Bureau who do get the information in time to control their actions. In the large cities, in New York, in Chicago, in Boston, in New Orleans, and in various other large cities of the country where there is shipping, these reports are published every morning; and if a storm is forecast on the seas the owners of vessels may regulate their conduct accordingly.

But I wish to say to the Senate, what probably most Senators are not aware of, that in the respects in which the weather service can be of especial benefit to farmers it has already accomplished and is now accomplishing the best results ever obtained in this country or anywhere else. Do Senators know that on every Sunday a bulletin is issued by the Signal Service Bureau stating the weather in all parts of this country for the previous seven days and its effect upon crops? I have a few of these bulletins here before me, the last two, but I will not read them to the Senate. I will state, however, that upon an examination of those reports as applied to the State of Mississippi, from which I have information otherwise as to the correctness or incorrectness of the reports, I find that the reports are entirely correct. These reports are made oftener than the Agricultural Department make their crop reports. They make theirs, I believe, once a month, not oftener.

This bureau issues these bulletins every Sunday morning, and these reports are distributed all over the country, and whilst farmers now can not have the benefit, from the nature of their lives and the nature of their business, of conforming their actions to predictions as to the weather, they can conform their business and make their business arrangements with reference to information furnished weekly by this Bureau. For instance, I was informed the other day that a gentleman in New Jersey had a large amount of grapes for sale. A man came from New York to buy them. He was offered so and so. He said, "I will wait until I see the weekly report of the Signal Service Bureau." When he saw that, he saw that there had been rain and injury done to the crop, and he received 30 per cent. more than he was offered before he got the report.

Mr. President, a good deal has been said about Army officers interfering in civil matters; that they are not the proper persons for this business. Suppose we discharge all the engineers of the War Department from their appropriate duties in improving rivers and harbors, how are you going to supply their places? That is a peculiarly civil matter. Instead of endeavoring to cut off the Army from any association with the business of the people, we ought to enlist them on that side. We are obliged to keep an army, not so much for use in peace, but as a nucleus for an army in war. There is a large number of engineer officers competent to build harbors, competent to clean rivers, and all that sort of thing.

What are they to do? There is no military duty for them to do. Is it not well that during times of peace when these men have nothing in their profession to do, for them to earn their salaries and to serve their masters, the American people, by doing work which they are qualified to do, and work which the American people have paid for teaching them how to do? I see no incongruity in that.

So, Mr. President, in reference to the army signaling. I am not much of a military man, but I see from what I have read—and I appeal to other Senators who have more knowledge on that subject than I have—that it is as essential now in the present state of the world to have a competent signal corps for an army as it is to have an engineer corps.

Mr. PLUMB. Then what——

Mr. GEORGE. Let me get through, and then you can reply to me if you please.

We do not send out in the present age of the world little armies of eight or ten thousand men. Armies now amount to hundreds of thousands, and the same army covers a large district of territory. It is impossible, even when under fire, that the commanding general by his couriers on horseback should have instant communication with all parts of his army. So this is a useful service, and absolutely essential in the present system of modern warfare. Why? There is a great battle to be fought; hundreds of thousands of men are to be engaged in it; the lines are several miles long; it would take hours to communicate back and forth from the commanding general to the commander of one of his divisions. By signaling the communication is instantaneous.

It is now understood, if am not incorrectly informed, that a competent, faithful, well-organized, and skillful signal service corps is just as essential to an army in the field as an engineer corps or any other part of it.

This corps is a part of the Army. Gentlemen sneer at that. You have provided for it; it has grown up under the Army; and because the people through their representatives, desiring to have a competent signal service corps in the Army when in peace there is very little for them to do, see proper to annex to them the discharge of civil duties for which they are specially qualified, we are told that we are subordinating the interests of agriculture and of the people of this country to the Army!

Let us see how this thing has grown up. The first statute on the subject of a signal service corps was passed before the late war. June 21, 1860, it was found necessary to have a signal service, and in 1861 belonging to that service were 108 commissioned officers and 259 enlisted men. In 1866, when the war was over, they ran down and there was only 1 commissioned officer with 7 enlisted men in the service. But in 1870, as we were informed by the Senator from Massachusetts [Mr. DAWES], it being essential to keep up this corps of the Army, Congress, in order to keep it up and yet at the same time there being no war to utilize the men who were qualified for the discharge of this signal service, passed the law alluded to by the Senator from Massachusetts, requiring them to inquire into storm signals for the benefit of navigation on the lakes, and then they embraced the sea; and it went on in that way until about 1873, doing great good, no man complaining that the duties were not performed exactly right, no man complaining that this was mercantile business or commercial business, and that therefore it should be under the Secretary of the Treasury and not under the Secretary of War. The men in this service went on performing their duties faithfully and well, saving thousands of lives and hundreds of vessels, with no complaint from any source that they were not doing their duty right.

The corps was kept up and put on that duty, and then in 1871 we find there were 17 commissioned officers and 230 enlisted men, and in 1876 there were 20 commissioned officers and 398 enlisted men, and about 1873, if I am not mistaken, or 1874, the first provision was introduced into the statute which required the men of this bureau to make observations with reference to the benefit of agriculture. They have been doing it ever since. Now, will any Senator say that they do not do their duty properly?

Mr. PLUMB. If the Senator refers to me, I say I do most decidedly.

Mr. GEORGE. Very well. Then point out when I get through where they do not do it properly. I know that about three or four years ago we got to meddling with this thing, and matters did not work as well then as they did before, and I want to call the attention of Senators to that, for I have looked into this subject somewhat.

As to the merely meteorological observations, you can teach the taking of them to any intelligent man; but there is one part of this duty which can only be performed by a man of a peculiar order of mind and of great experience, and that is an important part of it. You can take an ordinarily intelligent man and station him at Chicago, for instance, and he can report to you the state of the barometer, the temperature, and the direction of the wind. That only requires care. But when you come to what is called the indicator, the man who takes the reports coming up from all parts of this country and compares them and interprets them, he has a duty to perform which very few men can perform, and none, however intelligent, can do it except with great experience.

Mr. President, let me describe that operation for a minute so that Senators may understand it. Here are five hundred different reports coming into the Signal Bureau at Washington, say at 11 o'clock at night, from all parts of the country. All these reports are to be compared, and what they mean is to be determined. Do Senators know that the examination of these reports has to be so rapid that sometimes less than a minute is allowed for the observation and comparison and weighing of the different materials that come in? Here is a report saying the temperature is so and so, and the same report says the wind is from a certain direction, and then there may be other elements about which I am probably not familiar. But all such reports from a particular section must be taken and compared, and upon that comparison a prediction is to be made. Let us see how that is done and see whether merely smart, intelligent men, men who understand meteorology, can do that thing satisfactorily:

The tri-daily indications are now issued for a period of thirty-two hours, so that they hold good for twenty-four hours, or more, from the time they reach the general public. This increase in the length of hours, while manifestly in the public interest, has naturally resulted in a reduced percentage of verification, as might be expected; the diminution from such cause amounting so far to 7 per cent. It is thought that with carefully selected indications officers the diminution in accuracy which has resulted from an increase in time may be eventually compensated for by increased skill through study, research, and practice. The difference of successful percentage between predicting officers is very marked.

I desire to call the attention of the Senate to that.

The difference of successful percentage between predicting officers is very marked, as is shown by the fact that between the general standing of the best predicting officer and of the poorest there is a difference of 13.7 per cent. It is thus to be seen how greatly such public interests as depend upon accurate forecasts must be benefited or prejudiced by any action which tends to either raise or lower the standard or efficiency of these officers.

It has been a subject of complaint that the indications of this service have not improved to the extent expected—

That is the predictions—

And since the statement has been officially put forth that the indications are made by the same officers who have made them for years, it is presumed that the public labors under this same misapprehension. Such is not the fact, as within the past three or four years the relief of the old officers detailed from the line of the Army has been forced upon the Chief Signal Officer by legislative action. In consequence, it followed that the young officers of the Signal Corps, who have only within the past year or two received any extended instruction in meteorology, have been assigned to this important duty. Within the past year three officers have necessarily been assigned to indications work who never before have performed duty of this character. It consequently follows

that through restrictive legislation the Chief Signal Officer finds himself compelled to permit the new officers to serve their apprenticeship in predicting at the expense of the whole country.

So that whenever you have a change, whenever you bring in a man without experience, then you have got false predictions, or, at least, you have got a large loss in the percentage of accurate predictions.

Again, on page 44—I am reading from the report of General Greely—I find:

The table of percentages shows that in such proportion as officers of long experience and high standing have been relieved from signal duty, to be replaced by those of less experience and training, just to that extent the character of the service, as shown by the verifications, has decreased. If the country is to have the utmost benefit which can be derived from a bureau of this kind, it must be by insuring that the officers who make these indications shall be men of training and experience, with a decidedly scientific bent of mind.

Mr. President, where do you get men who have permanency of situation in the Departments except in the Army? Talk about permanency in situation, long experience, and all that sort of thing in the other departments here excites the ire of all of us. We denounce that. We want our friends in. When the Democrats succeed they want Democrats in; and when the Republicans succeed they want Republicans in. So in the ordinary *personnel* of the Departments you are liable to have changes with every change of administration; and yet the experience of this bureau shows that if you want to have accurate predictions, if you want to have thorough and good work done, you must retain in your Departments for long periods of time the men who are able to do it.

What is there in all this? Will any Senator say how he could improve it? The Senator from Kansas said that the Signal Service work was not done well. In what respect is it not done well? Are the predictions false? If that is alleged, I answer by showing you that by your own legislation you have required a change of officers, and that by this change there was a large decrease in the percentage of verifications. Are you going to make it any better; are you going to make your predictions better by tearing up this bureau and reorganizing it and putting in new men and putting in a man who happens to be a friend and supporter of the Senator from Massachusetts, or the Senator from Alabama, or some other Senators around; or will you preserve its efficiency by putting in men there who can retain their places as other Army officers, to be turned out when they are of no account, when they do not perform their duties well?

So, Mr. President, as far as I can see, this section is not only crude and ill-digested, but worse than that, it introduces a law which can not be carried out; and not only that, but if you make the transfer and make it properly and make it under a well-digested, carefully-drawn bill, if you take the service from the Army, you are in great danger of having a substitute which will not be half as efficient for agriculture as the bureau that we now have.

[Mr. PLUMB withholds his remarks for revision. See APPENDIX.]

Mr. VEST. I do not propose, Mr. President, to make any elaborate argument or any studied effort about this bill. I take great interest in it as a matter of course, because the State of Missouri is one of the largest agricultural States in the Union, and my constituents almost always feel the very greatest possible interest in a measure of this kind.

It seems to me there has been a confusion as to the issues that are pending before the Senate in this present legislation. If the question were here whether we were to abolish this Signal Service Bureau, or the weather bureau or weather division of it, a good deal that has been said would be entirely applicable; but as I understand it there is no such proposition pending before the Senate. The simple question is whether we are to establish an executive department to be known as the Department of Agriculture, and then whether we are to attach to that the Weather Bureau of the Signal Service. That is my understanding of the issue that is pending here.

About the first issue there can be I think no sort of question. This Department of Agriculture will be established as one of the executive departments of the Government, and the only salient point, then, is as to whether this Signal Service Bureau or the weather department of it, in the language of the bill before me, shall be attached to this agricultural executive department after we have created it. About that, sir, I have not the slightest doubt, so far as my own vote and judgment are concerned.

It seems to me there is not one single argument why the Army should retain possession of this Weather Bureau. It is an adjunct, simply and solely, of agriculture, and of nothing else. The signal part of this bureau is simply the handling of flags, as all of us who have been out in the West and amongst the mountains have seen over and over again an Army officer at some high point in the mountains that has a signal service there isolated and alone, from which he signals the condition of the atmosphere, and changes his flag from one day to another. It is a mere show performance so far as the flag is concerned. It amounts to nothing of consequence; and the only possible utility in this Signal Service Bureau is in that portion of it which attaches to the Weather Bureau and which gives information, not always entirely reliable, but simply approximating to what may be expected to be the atmospheric changes in the different localities throughout the country.

I heartily agree with what the Senator from Kansas has said as to the absurd reports that are frequently made, and so long as men are finite, so long as human judgment has not arrived to the perfection which is given to the gods, there must be this inaccuracy, this guessing, frequently this absurdity. No living man, I care not how much science he may have attained, can ever tell over a distance of thousands of miles what a particular week or a particular day will be in any locality. That is absurd upon the face of it; but to do justice to this Weather Bureau I must say that there are some things connected with it which are of the very greatest importance.

There is no sort of question that science has attained to an approximate result as to great and sudden atmospheric changes. It is within my personal knowledge that cyclones in my State of Missouri have been foretold by this Weather Bureau; not the exact locality, for that was impossible; not the amount of damage, for that was equally impossible, but the notice has been sent out—the storm-signal—that a storm would proceed upon a certain extent of territory, not in any specific locality, but over certain regions, and subsequent events have shown that to be true.

There is not a sensible man in this city who does not know when the storm-signal is put up here over the Weather Bureau that in seventy-five cases, at least, out of one hundred that storm comes, not always in the full force predicted, but in some sort of shape to show that science has approximated to the result attained.

That is of incalculable advantage to the agriculturists. When this Weather Bureau can even approximate as to what may be expected as to a great convulsion, a radical change in atmospheric currents, that is of great value to the intelligent farmer, and for that reason I would not vote to abolish this Weather Bureau, but at the same time I am clearly of the opinion that not one single argument can be made that is anything more than plausible why it should remain under the control of the Army.

If we create this executive department why not give it all the powers that should appertain to it? If we are to make the head of this department—it is called a department now in law but it is simply a great bureau of the Interior Department—if we are to make the Commissioner of Agriculture an executive officer, we should give to him the full powers necessary to subserve all the interests of agriculture in this country. It is not a question as to abolishing the Signal Service. It is a question where we should put it; and if we conclude to establish a great executive department of agriculture we should give it this appurtenance of the Weather Bureau which belongs to agriculture and not to military affairs. It seems to me in that single sentence is the whole argument, and certainly the one that will control my action.

Mr. GEORGE. Of course I do not know how to reply to the peculiar kind of argumentation of the Senator from Kansas [Mr. PLUMB], in which he undertakes to make me a worshiper of the Army and as going back on the agriculturists of the country and all that sort of thing. If it is any consolation to that Senator to believe that I am not devoted to the agricultural interests of the country, or that I have any special interest in the Army, be it so; but I do not believe that I am acquainted with a single man who belongs to the Army. I can not call to mind a single officer of the Army with whom I am personally acquainted; but if it is any consolation to the Senator to entertain this opinion, he is welcome to it.

I attempted to discharge my duty in the speech I made by showing, as I thought I showed and I believe I showed, that as things were now and were likely to remain for some time, the agriculturists of this country would get more benefit from the Weather Bureau, conducted as it now is, than they would by breaking it up, getting new officers and a new *personnel* entirely and transferring it to another department.

I endeavored to show—and that has not been contradicted by anybody—that the predictions as to the weather would not in one case in a hundred ever reach the farmers of this country before the prediction would either be verified or falsified. I did show that as to the commerce of this country, as to the shipping in the large cities where these reports are published every morning in the daily papers, great benefits could arise. I did show, also, and there has been no controversy about that, that as to all that anybody can claim to be the benefit which can be derived by the farmers of this country from weather reports, they already have them under the weekly bulletins of the Signal Service Office issued here. Gentlemen, instead of answering these plain points, get up and glorify the farmer, talk about the importance of agriculture and about the importance of everybody and everything being subordinated to it. That is the answer they make to the plain statements I made, first, your predictions can not reach the farmers until it is too late, and, secondly, all the weather information that it is possible to give to them is given in an accurate form by the bulletins every week.

Then, in addition, the Senator from Kansas seemed to make light of the idea that in time of peace we had any particular use for military signaling. That may be true. In time of peace we have very little use for the Army except as having a body of men and officers prepared to go into war, and prepared to act as a nucleus for the volunteer soldiers of the country in making an army. That is about all. I thought it was the policy of this Government to not have a large standing Army—and I am opposed to that—but to have a sufficient body of men and officers trained in all the various departments of military knowledge so that if war should come there would be competent men and compe-

tent officers to do every single thing that is done in war. If that is not the policy of this country, we had better abolish the Army entirely and abolish West Point.

The Senator says that Army signaling is taught at West Point. I answer that by saying that may be so, and yet like all theoretic knowledge it amounts to very little unless put in practice. The report of General Greely, from which I read, shows that the present state of Army signaling amongst those who have not been specially trained is very inefficient.

Mr. President, this is a plain business proposition. Here is a bureau, as I understand, first in importance and in usefulness in the whole world, that has grown up in the Army, under Army officers, to its present usefulness. The Senator from Kansas sneers and makes fun of some bulletins they have issued. I can not reply to anything of that sort. We do know that as to 80 per cent. of the predictions—and it has gone as high as 89 and it fell off when we made changes in the officers under the legislation of Congress—that as to 80 per cent. of the predictions made by this bureau as to the weather, there has been a verification. That is what the report says. The Senator shakes his head. If he knows more about it than General Greely he has a right to give his information on that subject.

Mr. PLUMB. Will the Senator permit me a suggestion? I suggest that the great storm of last winter, the greatest storm probably this country has ever known, was as totally unknown to any official of the Signal Service as to any citizen on the streets. There was no premonition of it furnished by that bureau.

Mr. GEORGE. That may be an exceptional case. The reports show, and I hold the report of General Greely in my hand, that over 80 per cent. of the predictions made by that bureau are verified.

Then you seek to destroy this. You start out crudely. No man can take the fifth section of this bill and say who shall go in the Agricultural Department and who shall remain. No one can do that. You make your change suddenly. You make it without due reflection; you make it without due preparation. You discharge the best and most experienced men you have, and I showed that wherever you discharged the experienced men then right off that discharge was indicated by a failure in a larger percentage of the verifications of the predictions.

The Senator assails the engineers of the Army. I do not know how competent they are. I only know that we have appropriated this year about $22,000,000 to be spent solely under their direction. If they are incompetent, the Senator from Kansas and other Senators who believe they are incompetent ought to suggest a better means of spending that money, ought to suggest a better *personnel* to superintend these immense works for which we pay these large sums of money.

Mr. President, I do not join in any idolatry of the Army, nor do I join in any depreciation of the Army. They are our Army; the officers are educated at our expense; and in times of peace I think it is fair to them, fair to the country, fair to the tax-payers of this country that they should perform such civil duties as they are specially qualified for.

Mr. BUTLER. I think, Mr. President, in order to have a just conception and comprehension of what we are proposing to do it would be as well to see what is proposed in the fifth section of the bill as it came from the House of Representatives.

The intimation has been made by the Senator from Mississippi, and others who agree with him in this matter, that there is some intention to destroy the Signal Service Bureau of the Army. I see nothing of that kind in this bill. On the contrary, it says distinctly:

SEC. 5. That the weather service of the United States Signal Service Bureau is hereby transferred to the Department of Agriculture, to take effect July 1, 1888, and shall consist of one chief and such subordinate officers and employés as may be necessary to efficiently manage said bureau. Until otherwise provided by law, the present organization of the subordinate force of said bureau, including the second lieutenants now in service, shall continue as at present: *Provided*, That nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps. The chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the Weather Bureau until a chief shall be appointed by the President and confirmed by the Senate.

In the second paragraph of that section it is said:

The Secretary of War is authorized and directed, within thirty days after the passage of this act, to appoint a board of three Army officers, of which the Chief Signal Officer shall be a member. The duty of said board shall be to make an inventory of all property now in the control and possession of the Signal Service Bureau, and shall separate and turn over to the Department of Agriculture such portions of the property as the said board may determine to be suitable for the work of the Signal Service Weather Bureau. The remainder of the property shall remain in the control of the Secretary of War.

I do not see anything in that which proposes to destroy the Signal Service Bureau of the Army. On the contrary it remains practically intact, and as has been so properly said by the Senator from Kansas, there is now very little for the Signal Bureau of the Army to do. In time of war it becomes a very important service, but even that service has been largely superseded by the military telegraph, even on the field of battle; and whilst it is true that Army officers are taught military signaling at West Point, and perhaps when appointed from civil life they are taught it, that is purely and simply a military duty; Army officers are supposed to be informed in strictly military duties and nothing else. True, the engineers discharge certain civil duties in their surveys and management of the rivers and harbors, but that is merely an incident of their education.

It is no reflection upon the officers of the Army to say that these bulletins and communications are imperfect, incorrect. The predictions made are largely guess-work. But I understand the proposition in this bill is to make it strictly and essentially a scientific bureau, and that some scientific man shall be put at the head of it as is to-day at the head of the Geological Survey, of the Smithsonian Institution, of the Coast and Geodetic Survey, and of the other scientific bureaus of the Government. It does not involve merely the knowledge of transmitting signals from one hill top to another, but involves the study of the currents of the wind, of the atmosphere, meteorological studies, which require sometimes a very high order of scientific attainment. It is no reflection upon the Army officers that they are not informed upon those subjects; and the statement of the Senator from Mississippi himself as to the manner of getting these bulletins before the public is a quite sufficient argument to my mind why Army officers, who are simply taught military duties, are disqualified for this business.

If a man is stationed at a certain point and he communicates to another that the wind is in a certain direction, the atmosphere of such a state and character, that is communicated to the headquarters at Washington; and then the indicator, as the Senator from Mississippi calls him, takes charge of it, and from the variety of reports that come in the indicator strikes a general average and issues his bulletin. Necessarily such bulletins are incorrect; they are bound to be incorrect, and the more incorrect as the man is less informed scientifically on the subject with which he deals.

If I had the selection of the chief of that bureau I should try to get the services of the most accomplished scientific man in this country; but it is not to be supposed that an Army officer, simply because he has been in the Signal Service of the Army, which is merely a technical duty, is necessarily informed as to these subjects which he has to treat of and deal with. So I can not see with the light before me where there is to be any injustice whatever to the Army officers by this proposed change.

I repeat, Mr. President, we had better go back to the text of the bill and see what that means, and it will be found to mean nothing whatever on earth except the transfer of the weather service of the Signal Bureau of the Army to the Agricultural Department that we are about to organize. It provides for the transfer of the subordinate force of the bureau and only the subordinate force. There is no proposition in this bill to interfere with the Signal Service of the Army. That will go on—whatever is left of it—just as if this bill had not passed, and possibly General Greely will be retained at the head of it with such subordinate officers as may be necessary to give it efficiency; and those subordinate officers may as well be selected from the Army as anywhere else, because it does not require a high order of intelligence simply to transmit signals for the use of the Army, and in time of peace there is very little need for them.

So I repeat again that I can not for the life of me discover that there are the difficulties which the Senator from Mississippi has pointed out. The argument he makes is a very good one for the purpose for which he made it, but for the purposes of this bill it seems to me to have no possible application. No injury can result to anybody in the Army or out of it by the transfer, and great benefit, in my judgment, will be conferred upon the agricultural interests and upon the commercial interests our people.

I am very frank to say that I think the benefit of the present weather bulletins to the crops is very much exaggerated, for I do not believe crops grow any better or grow any worse than they did before we had this weather service, and I doubt very much if the farmers would get along any better if they had the reports every morning of what the weather was going to be the next morning. But still, like a good many other things which have grown up in this Government, it has got to be rather a stupendous affair, like the Agricultural Department itself, which originated about the year 1845 on an appropriation bill with an appropriation of $4,500. It has grown and grown, and is about to become an executive department of the Government. So does every other bureau of the Government spring up in the same way.

I think, perhaps, the importance and value of the Signal Service Bureau is exaggerated, but still, whatever of value there is in it my disposition is to put that bureau where it can render the most efficient service for the benefit of the country and for the benefit of science, and I believe it can be better done in the Agricultural Department than in the Army, in the very nature of things. It is no reflection upon the Army or upon the Army officers when I say that. I do not intend to make any such reflection. I have no doubt they have done the best they could. Very few of these lieutenants are scientific men. They simply learn military duties in the course of their education; they learn what is called military signaling, and that can be done by men without a very high order of intelligence.

Mr. DAWES. The entire argument for the immediate transfer of

the Signal Service or Weather Bureau to the Agricultural Department at this time proceeds upon the idea that it is exclusively for the use of the agricultural interests of this country. If Congress is prepared by law to put that limitation upon the bureau, this is the way to do it. That is the idea of the letters of the two presidents of agricultural colleges which have been read here to-day. That is the idea of every communication which I have seen that has been made upon the subject. It is the idea that this Weather Bureau is exclusively for the use of the agriculturists of the country; and it is proposed now, when this department is created, to incorporate it into the active legislation of the country, and to appropriate it to that use. An appropriation of it to that use extinguishes any effort through this bureau to utilize science for the commercial interests of the country.

Mr. HARRIS. Will the Senator from Massachusetts allow me to ask him if the Weather Bureau shall be as well conducted under the control of the Agricultural Department as under any other Department, is there any reason why commerce may not reap all the advantages from the reports of that bureau that it can while it is under the War Department?

Mr. DAWES. If the Agricultural Department shall conceive it to be a part of its duty not only to take in the breadth of the agriculture of this country and all that pertains to it, but also all that pertains to commerce, all that pertains to the interchange of business among the States, and all the other elements of public affairs as well, that may be true.

Mr. BUTLER. Why should it not?

Mr. DAWES. It may be that it should; I am not arguing the question whether it may not be proper for us to create a department and call it the Department of Agriculture, that shall take in and swallow up all other departments and all other features of administrative policy in this Government. I am not arguing that question. Upon the assumption of the Senator from South Carolina, why not? It is the most natural thing in the world to take this bureau with all other bureaus and gather them in this Agricultural Department.

I protest as one member of the Senate against putting any such limitation upon this bureau. I protest against putting it where it will be assumed by those in charge of it that that is the purpose of Congress by this legislation. I have a higher idea of the possibility and the comprehension of this bureau. I do not know any interest in this country, any pursuit in all the business affairs of this country, that does not come properly under the effects and benefits of the proper administration of this bureau. I would do everything in the administration of it that would contribute to its efficiency and its breadth and its development, in the appointment of the proper officer at the head of it, in furnishing him with everything that can make of that bureau the marvelous results that have grown out of the small beginning, not larger than a man's hand.

This proposition is belittling the bureau; and while I say it is belittling it, I do not mean to belittle the great agricultural interests of this country or to belittle in any sense the beneficial effects of this bureau upon the agricultural interests of the country. But the agricultural interests of this country have no right to appropriate it. They have no right to take it as their special bureau, and they have no right to put it where its efforts to benefit commerce and to benefit all other transactions of business affairs shall be crippled in the least.

When this bureau shall be taken from the War Department, as it must be, and as it ought to be, early, I want to have it put in such charge, on such a foundation, under such men—whether they be in the Agricultural Department, or in the Interior Department, or in the Treasury Department, or in a new department—put upon such a basis and in such a charge as will comprehend in its administration all that it is possible to accomplish by means of science and scientific men. But to undertake in the creation of a new Agricultural Department to pack into its administration this bureau is equivalent to saying that the bureau shall hereafter be simply an adjunct and an auxiliary to the Agricultural Department and its interests.

As one who has some regard and some affection for this bureau, I desire to see it lifted above all such application of it to any narrow and circumscribed interest, and that is why I want this question postponed to that time, and that time only, to be taken from the War Department, when it can be put upon the broadest and strongest and most efficient foundation possible that legislation can make for it.

Mr. DAVIS. It seems apparent that the pending matter can not be concluded to-day. I ask unanimous consent that it be informally laid aside, and that the Senate proceed to the consideration of such private pension bills on the Calendar as are unobjected to.

Mr. COCKRELL. I hope that the Senator will defer that until to-morrow. It is now 5 o'clock, and nearly dark.

Mr. DAVIS. I have been waiting nearly a week to get this opportunity. I do not feel like withdrawing the application.

Mr. COCKRELL. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Before submitting that motion, the Chair will lay before the Senate sundry bills from the House of Representatives.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 206) granting a pension to William H. Starr;

A bill (H. R. 968) granting a pension to H. S. Sayre;

A bill (H. R. 2061) granting an increase of pension to Francis De Freitas;

A bill (H. R. 5740) granting a pension to Anson Ward;

A bill (H. R. 5985) to increase the pensions of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardener, and Mrs. Lilla May Pavy, to $30 per month;

A bill (H. R. 7305) granting a pension to Aaron R. Gilkison;

A bill (H. R. 8613) granting a pension to Ann Bryan;

A bill (H. R. 9310) granting a pension to Capt. William J. Duley;

A bill (H. R. 9371) granting a pension to Betsey Williams, widow of William R. Williams, private Company C, Eighth Regiment Michigan Volunteers;

A bill (H. R. 9385) for the relief of Christian Kunzie;

A bill (H. R. 9663) granting a pension to Jesse Spencer;

A bill (H. R. 9784) granting a pension to Anna Boppell;

A bill (H. R. 10274) granting a pension to Joseph W. Filler;

A bill (H. R. 10433) for the relief of Leaman L. Bowers;

A bill (H. R. 10488) granting a pension to Myra Sinclair;

A bill (H. R. 10825) granting a pension to Mary Jane Jelly;

A bill (H. R. 10881) granting a pension to Nancy J. Cotner;

A bill (H. R. 10908) granting a pension to Mrs. Almira J. Towner;

A bill (H. R. 10911) granting a pension to Ira E. Baldwin;

A bill (H. R. 11317) granting a pension to Fredericka Liesegang;

A bill (H. R. 11332) granting a pension to Eliza S. Glass; and

A bill (H. R. 11362) for the relief of William R. Rodgers.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 2059) for the relief of S. E. Scarborough;

A bill (H. R. 3469) providing for the payment of $450 to pay W. S. Brantly, executor of J. H. Brantly, for damages to property by United States troops in 1865;

A bill (H. R. 4554) for the relief of the heirs of Preston Beck, jr.;

A bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.;

A bill (H. R. 6404) for the relief of Charles F. Swain, master of bark Philena;

A bill (H. R. 7799) for the relief of the Albemarle and Chesapeake Canal Company;

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

A bill (H. R. 8356) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States; and

A bill (H. R. 8979) for the relief of Mrs. Sallie H. Carrow, executrix of Samuel T. Carrow, deceased.

The following bills were read twice by their titles and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 2557) for the relief of W. W. Welch; and

A bill (H. R. 8469) for the relief of Michael Pigott.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3494) for the relief of John F. Alsup; and

A bill (H. R. 10633) for the relief of Dr. John B. Read.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 766) for the relief of H. L. Newman; and

A bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes.

H. R. BLAKISTON.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1988) granting a pension to H. R. Blackiston.

The amendments of the House of Representatives were, in line 3, to strike out "H. R. Blackiston" and insert "Henry R. Blakiston," and to amend the title so as to read: "An act granting a pension to Henry R. Blakiston."

Mr. DAVIS. I move that the Senate concur in the amendments.

The amendments were concurred in.

INDEMNITY TO CHINESE SUBJECTS—TREATY WITH CHINA.

The PRESIDENT *pro tempore*. The bill (S. 3532) to appropriate money for the relief of certain Chinese subjects, introduced by the Senator from Alabama [Mr. MORGAN], having been twice read, at his request, will be referred to the Committee on Foreign Relations. If there be no objection, the message of the President of the United States in response to the resolution of September 5 will also be referred to the same committee.

MATHEW W. BERRYMAN.

Mr. COCKRELL. Is there a bill on the desk for the relief of Mathew W. Berryman?

The PRESIDENT *pro tempore*. The bill to which the Senator from Missouri calls the attention of the Chair, being the bill (H. R. 925) for the relief of Mathew W. Berryman, has passed both Houses and the

enrolled bill has been signed by the presiding officers of both Houses. It is yet here, however. What action does the Senator from Missouri desire?

Mr. COCKRELL. It has not passed beyond the time to move a reconsideration. The only question is as to what motion must precede in order to get the bill into the possession of the Senate.

The PRESIDENT *pro tempore*. The bill passed the Senate last Friday. The Senator can move to reconsider the vote by which the bill was passed after it shall have been brought into the custody of the Senate.

Mr. COCKRELL. I shall enter that motion. I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

Mr. COCKRELL. I simply want to enter a motion to reconsider.

The PRESIDENT *pro tempore*. The motion will be entered.

AMENDMENTS TO DEFICIENCY BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. PLUMB. I suppose the bill which was last under consideration will come up as the unfinished business to-morrow at 2 o'clock.

The PRESIDENT *pro tempore*. It will be the unfinished business for to-morrow at 2 o'clock.

Mr. PLUMB. I ask unanimous consent that it may come up immediately at the close of the formal morning business to-morrow.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the unfinished business may be taken up at the close of the routine morning business to-morrow. The Chair hears no objection, and it is so ordered.

CONSIDERATION OF PENSION BILLS.

Mr. COCKRELL. I desire to suggest to the Senator from Minnesota [Mr. DAVIS] that it be the understanding that immediately after disposing of the Agricultural Department bill, which will come up after the morning business to-morrow, we take up the unobjected pension cases and dispose of them. There is not time to dispose of them this evening.

Mr. DAVIS. I do not see why we can not as well put in an hour this evening on that portion of the Calendar.

Mr. HARRIS. At this time of the evening we can not afford to stay here and consider them. The proposition of the Senator from Missouri only delays the Senator from Minnesota a day.

Mr. DAVIS. I feel quite certain it will delay me more than that. However, I do not wish to be strenuous. I accept the proposition.

The PRESIDENT *pro tempore*. Then it is the understanding that after the conclusion of the Agricultural Department bill the Senate will proceed to the consideration of private pension bills on the Calendar favorably reported to which there is no objection. It is so ordered, if there be no objection.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, September 18, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *September* 17, 1888.

The House was called to order at 12 o'clock m. by Hon. JOHN B. CLARK, its Clerk.

ELECTION OF SPEAKER PRO TEMPORE.

The CLERK. The Clerk is in receipt of the following communication from the Speaker of the House:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., September 17, 1888.

Hon. JOHN B. CLARK, *Clerk House of Representatives:*

DEAR SIR: I am compelled to be absent from the city until next Friday, and you will therefore please ask the House to elect a Speaker *pro tempore*.

Yours, truly,

J. G. CARLISLE, *Speaker.*

Under the rules of the House, in the absence of the Speaker it is the duty of the Clerk to proceed to the election of a Speaker *pro tempore* to occupy the chair during the Speaker's absence. Nominations are now in order.

Mr. MCMILLIN. I submit the resolution I send to the desk.

The Clerk read as follows:

Resolved, That Hon. SAMUEL S. COX, a Representative from the State of New York, be, and he is hereby, elected Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was unanimously agreed to, and Mr. COX took the chair as Speaker *pro tempore* amidst loud applause.

Prayer by Rev. J. H. CUTHBERT, D. D.

NOTIFICATION TO THE SENATE.

Mr. MCMILLIN submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk be directed to notify the Senate that the House has elected Hon. SAMUEL S. COX, a Representative from the State of New York, as Speaker *pro tempore* during the temporary absence of the Speaker.

The Journal of Friday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COWLES, indefinitely, on account of sickness.

To Mr. LATHAM, indefinitely, on account of sickness.

To Mr. PENINGTON, for two days, on account of sickness in his family.

To Mr. SYMES, for ten days, on account of ill health.

To Mr. SIMMONS, indefinitely, on account of important business.

To Mr. GROSVENOR, indefinitely, on account of important business.

To Mr. WEBER, for two weeks, on account of important business.

To Mr. MAISH, for three days, on account of important business.

To Mr. DAVIDSON, of Florida, an extension of leave for ten days, on account of important business.

Mr. RICHARDSON. My colleague [Mr. GLASS] has been called home on account of important business and sickness in his family, and I ask that indefinite leave of absence be granted to him.

There was no objection, and it was so ordered.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. STEWART, of Georgia, to publish certain remarks in the RECORD on the tariff.

Mr. RYAN. There is already a general order covering this request, I think.

The SPEAKER *pro tempore*. The Chair is so advised.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of States and Territories for the introduction of bills, etc.

BUSINESS FROM COMMITTEE EXPENDITURES TREASURY DEPARTMENT.

Mr. WHEELER submitted the following resolution; which was read, and referred to the Committee on Rules:

Whereas there are several important bills on the Calendar reported from the Committee on Expenditures in the Treasury Department; and

Whereas said committee have had no opportunity to consider but one bill during the present session: Therefore,

Resolved, That two days of the present week be set apart for the consideration of bills reported from the Committee on Expenditures in the Treasury Department.

WATER RENTS, WASHINGTON, D. C.

Mr. ROWELL introduced a bill (H. R. 11442) to abolish rents for the use of Potomac water for domestic purposes in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC BUILDING, BROOKLYN.

Mr. CHEADLE submitted the following resolution; which was read, and referred to the Committee on Expenditures on Public Buildings:

Whereas it is reported in the public prints that the contract for the construction of the Brooklyn Federal building was awarded, after advertisement, to one Gobel, of Chicago, at his bid of $623,000, and that said Gobel failed to comply with the terms of said contract, and that the Supervising Architect has forfeited his check for $1,000 deposited with his bid, and that the said official has since awarded the contract to Bernard Gallagher, of Brooklyn, at his bid of $860,000; and

Whereas it was reported that said Gobel had undue advantages in the matter of information; that other contractors said that with these advantages they could have reduced their bids: Therefore,

Be it resolved, That the Committee on Expenditures on Public Buildings be directed to inquire into all the facts of the case, and to report to the House whether the Supervising Architect was derelict in his duty in failing to readvertise for proposals, and in awarding the contract at a figure nearly a quarter of a million of dollars more than the lowest offer submitted at the letting.

PAYMENT OF BOUNTY.

Mr. CHEADLE also introduced a bill (H. R. 11443) authorizing the payment of bounty to regular soldiers who served in the war of the rebellion and who were not paid any bounty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPOSIT OF PUBLIC MONEYS IN NATIONAL BANKS.

Mr. WEAVER introduced a bill (H. R. 11444) to prohibit the deposit of public moneys in national banks or other banks except in certain cases; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SIOUX INDIAN TREATY.

Mr. MORRILL submitted the following resolution; which was read, and referred to the Committee on Indian Affairs:

Whereas the following statements in relation to the action of the Sioux Indian Commission have appeared in several of the leading newspapers of the country, and contain grave charges of official misconduct on the part of said commission:

[St. Louis Globe-Democrat, August 8.]

"Two of the commissioners (Judge Wright, of Tennessee, and Rev. Mr. Cleveland, of Dakota), have been inclined to a fair and decent policy, which, if adopted, might have secured the consent of the Indians, but unfortunately the man

selected as chairman has attempted to pursue the same tactics with the warriors of the reservation that he employs in ruling a few weak-minded children at Carlisle, Pa. For days it has been apparent that the Indians were growing more bitter in their opposition to the treaty daily, but not until to-day did Pratt realize the fact. Puffed up with his importance in the East, where he exhibited his Indian children and educates the whites to believe that he is the greatest 'Indian controller in the country,' he has been slow to believe that he knows absolutely nothing of the true Indian character. For the past week he has had control of the Associated Press wire and has been dictating so-called news which has been misleading and unfair to the press depending upon this service.

"At last the conference has been closed, not by the commissioners but by the Indians, and he can no longer blind the public with his silly reports of the great work which he is accomplishing.

"The commissioners again warned the Indians of what would follow their refusal to sign, and informed them that unless they accepted this treaty their lands might be taken from them without giving them a cent for them, b t the speeches of the commissioners had no effect, and when John Grass and Mad Bear replied, it was evident that the climax had been reached. When Grass closed his speech by calling upon the Indians to disperse and leave the agency, a grand break was made, and but for the action of Agent McLaughlin the commission would not have been given an opportunity to adjourn. As it was, the Indians remained long enough to hear that the conference would now be adjourned indefinitely; that the commission would leave for other agencies, and that after other tribes had taken action Standing Rock would again be visited."

[New York World.]

"ALLEGED LIES TO INDIANS—HARSH METHODS BEING USED, IT IS SAID, TO COERCE THE SIOUX.

"WASHINGTON, *September* 7.

"Dr. Bland, secretary of the Indian Defense Association, of this city, is in receipt of information, as follows:

"'The Sioux commission, now in the Sioux country, having failed to get the Indians to sign the agreement to surrender half their reservation, are now resorting to threats, telling them that if they do not sign the agreement soldiers will be sent to drive them from their reservation to some other, and that in such a contingency they will lose their lands and get nothing.'

"It is also said the Indians charge that Captain Pratt, chairman of the commission, on their refusing to sign the agreement printed in black ink, presented another, printed in red, which they understand to mean war unless they attach their signatures. The Indians say Pratt told them they would yet be compelled to sign the paper. This they say they will never do, nor do they believe the Great Father at Washington instructed Captain Pratt to force them to sign any paper against their will."

[Omaha Bee, August 7.]

"And now Judge Wright, of the commission, is telling them that if they refuse to sign this bill the troops will distribute them among other reservations, and they will lose their land without compensation. The commission has taken possession of the telegraph, and no dispatch can be sent without being inspected."

[New York Tribune.]

"BULLDOZING THE INDIANS.

"In our report of the Standing Rock conference of Saturday the following passage occurs: 'Judge Wright reminded them (the Sioux) of the white man and the Indian who went hunting and divided the game, the white man taking the turkey and giving the buzzard to the Indian. He admonished them to accept the treaty, so that they would not share the fate of their brother in the story.' Commissioner Cleveland was even more outspoken: 'Before closing he reminded that if they failed to accept this treaty they might be compelled to give up their lands without recompense.'

"The American people have, we trust, a conscience, and it ought to be stirred by this amazing method of recommending the treaty to the Sioux. The line of argument employed by the commissioners is degrading and humiliating to the national honor in the last degree. They say in effect: 'We represent a great nation, but one whose honesty can not be depended upon. It is true that Congress has decreed that this reservation shall not be opened unless the consent of three-fourths of the Indians to whom it belongs is obtained. But you must not rely upon that pledge being kept. On the contrary, we now tell you plainly that unless you accept the treaty, even against your judgment, there is imminent danger that the United States will steal your land without more ado.'

"Let it be understood plainly that this is practically what the United States commissioners have said to the Indians at Standing Rock. Let it be further understood that, however shameful the position taken must appear to all right-minded people, the commissioners have not been drawing wholly upon their imagination, have not invented a danger which has no tangible existence, for three years ago Congress showed its entire willingness to do precisely this outrageous thing, to steal the half of the Sioux reservation bodly and without pretense of right; and but for the force of public opinion then brought to bear by the Indian Rights Association, the seizure would have been carried into effect at that time. Now, however, Congress stands committed to abide by the decision of the Indians. It has expressly provided that the consent of three-fourths of the Sioux shall be necessary to the opening of the reservation. Is it to be supposed that the freedom of that consent was not implied in the stipulation?

"What the commissioners are now doing is only too apparent. They are trying to bulldoze the Indians; trying to intimidate them into consenting to the treaty; and what is worst of all, trying to do this by alleging the dishonesty and perfidy of their own Government. The Sioux are plainly told that they must not rely upon the good faith of Congress, or believe that it will keep its engagements; and in the same breath they are chidden because they suspect the sincerity of the Government in its promises of payment for their lands. Surely cynicism can hardly go beyond the exhibition these commissioners are now making at Standing Rock. This is their idea of 'negotiating a treaty,' to threaten the other party with high-handed confiscation of their lands if they refuse to sell them for less than they believe them to be worth to a Government whose good faith they have already had a score of reasons for doubting.

"We are compelled to repeat what we have said before, that the most brutal and reckless seizure of Indian lands would be less discreditable than the methods at present being employed. If the country is not again to be disgraced by the immorality and baseness of its Indian policy, the commissioners at Standing Rock must be instructed to suspend their bulldozing tactics and to tell the Indians that they are free to decide the question for themselves. In a word, the country must compel Congress to stand by its own laws, and the outrageous intimation that unless the Sioux yield to threats they will be plundered in cold blood by the people of the United States must be repudiated and rebuked emphatically."

Therefore,

Be it resolved, That the Secretary of the Interior be, and he is hereby, requested to inform this House whether there is any foundation for these statements, and to take such steps as may in his judgment be proper to ascertain whether undue influence has been used to secure the signatures of any of the Indians to the treaty.

THE FISHERIES.

Mr. DINGLEY submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Whereas the President, in a message laid before the House on the 23d of August last, for the purpose of securing the rights of American fishing vessels in Canadian ports, asked for a grant of power additional to that given by the act of March 3, 1887, which provided that—

"Whenever the President of the United States shall be satisfied that any American fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or place in the British dominions of North America, are or then lately have been denied the privilege of entering such port or place in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, * * * or shall be prevented from purchasing such supplies as may be there lawfully sold to trading vessels of the most favored nation, * * * it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America any entrance into the waters, ports, and places of or within the United States, and also to deny entry into any port or place of the United States of fresh or salt fish or any other product of said dominions;" and

Whereas the President in said message informed the House that American fishing vessels are denied in Canadian ports rights and privileges to which they are entitled; and

Whereas the President in said message further informed the House that the treaty negotiated by him with Great Britain in February last secured to American fishing vessels all their rights in Canadian ports, which rights were defined in said treaty to be simply shelter, repairs, the purchase of wood and obtaining water, with such incidents of repairs and shelter as the right to land fish for sale, on payment of duty, and for shipment in bond to the United States, only in case of marine disaster, and the right to ship a man to take the place of one ill or deceased, and to purchase provisions and supplies for a homeward voyage or to take the place of those lost by accident, the privileges of purchasing bait, provisions, and supplies for a fishing voyage and transshipment of catch being expressly excluded: Therefore,

Resolved, That the President be requested to inform the House—

First. Whether he has information that American fishing vessels are now denied or have been denied in Canadian ports within the past year either of such rights or privileges named in the treaty negotiated with Great Britain in February last as the sole rights of such vessels in such ports; and, if so, when and to what vessels these rights were denied.

Second. Whether the Executive now holds that American fishing vessels, authorized by our laws to touch and trade at foreign ports, are also entitled to the rights or privileges of entering Canadian ports for the purpose of purchasing bait, provisions, or supplies for a deep-sea fishing voyage, or for the purpose of landing fish to be sold in Canadian territory on payment of duty, or for shipment in bond to the United States without the payment of a license fee to the Canadian authorities for the exercise of either or all of such privileges.

Third. Whether any American fishing vessels authorized by our laws to touch and trade have been denied the exercise of either of said rights in Canadian ports, or have been required to pay a special license fee not exacted of other vessels for the exercise of such privileges; and, if so—

Fourth. What steps have been taken by the President, pursuant to the act of March 3, 1887, to withdraw from Canadian fishing vessels in ports of the United States the privileges of purchasing bait, provisions, and supplies for a fishing voyage, denied to American fishing vessels in Canadian ports, or to withdraw from Canadian fishermen the privilege of bringing their fish into the territory of the United States for sale in our markets on payment of duty or for shipment in bond to Canada, which privileges have been denied in Canada to fishermen of the United States.

LABOR MEASURES.

Mr. O'NEILL, of Missouri, offered the following resolution:

Resolved, That Wednesday, September 26, 1888, immediately after the reading of the Journal, be set apart for the consideration of measures reported from the Committee on Labor, and if not completed by 5 o'clock of that day, their consideration to be continued at the evening session, commencing at 8 o'clock.

Mr. O'NEILL, of Missouri. I move that the resolution be referred to the Committee on Labor.

Mr. MCMILLIN. That resolution would go to the Committee on Rules.

Mr. O'NEILL, of Missouri. I move to refer it to the Committee on Labor.

The question was put; and the Speaker *pro tempore* (Mr. COX) announced that the "ayes" seemed to have it.

A division was demanded; and there were—ayes 45, noes 39.

Mr. BLOUNT. I make the point of no quorum.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Tennessee [Mr. MCMILLIN] and the gentleman from Missouri [Mr. O'NEILL] as tellers.

The House divided; and the tellers reported—ayes 54, noes 37.

Mr. BLOUNT. No quorum.

Mr. FORNEY. I rise to a privileged question. I desire to call up the report of the committee of conference on the sundry civil appropriation bill.

LIBRARY BUILDING.

Mr. KELLEY. I would ask the gentleman from Alabama to allow me to submit a privileged resolution, which will not take any time.

Mr. FORNEY. With the understanding that I retain the floor in the event that it provokes discussion I will yield to the gentleman for that purpose.

Mr. O'NEILL, of Missouri. A vote is being taken, and the question of no quorum has been raised. Can any business be transacted, even a question of privilege, without a quorum?

The SPEAKER *pro tempore*. A question of privilege is always in order, even pending a motion to adjourn. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. FORNEY. Yes, sir.

Mr. KELLEY. The resolution I desire to offer is asking an extension of the scope of the powers of the committee to investigate the

construction of the Library in connection with a charge against a member. It is to remove the restriction confining the inquiry to improper material, and asking that the committee may investigate whether undue influence was used to affect the acceptance of any material, so as to give the inquiry the scope which was originally intended.

Mr. SPRINGER and Mr. O'NEILL, of Missouri. That is all right.

The Clerk read as follows:

Whereas the House of Representatives on the 4th day of September instant passed a resolution as follows: *Resolved*, That the special committee engaged in investigating the construction of the new Library building be directed to inquire and report to this House whether any member of the House acting by and for himself, or in concert and combination with others, has sought by persuasion, intimidation, or other corrupt or improper means, to influence or control the action of Mr. J. L. Smithmeyer, the architect of said building, in the selection, acceptance, or approval of inferior or improper materials to be used in the construction of said building; and

Whereas the Speaker of the House in pursuance of said resolution appointed a select committee to inquire into and report to the House regarding the facts set forth in said resolution; and

Whereas it is desired to offer certain evidence before said committee for the purpose of showing attempts to improperly influence the said architect of the Library building in the selection or acceptance of material to be used in the construction of said building, which said evidence is not competent under said resolution for the reason that the said resolution looks solely to an investigation into the selection of inferior or improper material to be used in the construction of said building: Therefore,

Resolved, That the said committee be directed to inquire into and report to the House whether any member of the House, acting for himself or others or in connection with any person acting for or in the interest of others and with the knowledge of any member, or acting for or with the knowledge and in the interest of any company, person, or individual with whom any member of the House is interested or associated in business, directly or indirectly, has sought by persuasion, intimidation, or any undue or improper influence to direct or control or influence the action of Mr. J. L. Smithmeyer, the architect of said building, in the selection or acceptance or in procuring to be selected or accepted material to be used in said building or in the management, control, or construction of said building.

Resolved, That said committee be further directed to inquire whether any member of Congress has sought, directly or indirectly, to cause the removal of said Smithmeyer in any way or manner from his position as architect of the Library building, or to deprive or take from him any of the powers and duties pertaining to his position as architect of said building, for the reason that said Smithmeyer has refused to act as requested by said member of Congress in and about using or procuring to be used material of any kind in the construction of said Library building.

Mr. TAULBEE. Is that resolution subject to objection?

Mr. KELLEY. It is a privileged question.

Mr. TAULBEE. The question I addressed to the Chair is whether this is subject to objection.

The SPEAKER *pro tempore*. That point has not been made on it as yet.

Mr. TAULBEE. What I mean is whether this resolution is being introduced by unanimous consent.

The SPEAKER *pro tempore*. It is offered as a matter of privilege.

Mr. TAULBEE. Is it a matter of privilege?

The SPEAKER *pro tempore*. The Chair has not decided that.

Mr. KELLEY. It pertains to the conduct of a member of the House and the integrity of the proceedings of the House, and is therefore clearly a privileged question.

Mr. BLOUNT. If the gentleman from Pennsylvania will allow me, I will state that the Speaker of the House ruled on this very question that it was a matter of privilege.

The SPEAKER *pro tempore*. The present occupant of the chair was not present when the decision was made. As the Speaker has already ruled on the matter the Chair will hold it a privileged question.

Mr. MORGAN. Mr. Speaker, the House, as I understood, was taking a vote. The inquiry I would make is whether this is in order. The gentleman who is affected by this resolution [Mr. STAHLNECKER] is not present, and I think he should be when the resolution is under consideration. I simply ask whether the resolution is in order.

Mr. KELLEY. The Speaker, Mr. CARLISLE, a few days ago ruled that it was a privileged question. First, when on Monday, under a call of the States and Territories I submitted it, he decided that it was a privileged question, and could be brought up at any time. On the next day he recognized me to submit it as a privileged question, and it was acted upon; so that it has been twice held to be a privileged question.

The SPEAKER *pro tempore*. It is open for both amendment and debate.

Mr. TAULBEE. I desire to offer an amendment.

Mr. MORGAN. Mr. Speaker, I would like to have a ruling on the point I have raised, that the House being now dividing, this matter is not in order.

Mr. KELLEY. Having submitted a privileged question, I do not yield for an amendment. I call the previous question.

Mr. TAULBEE. I believe I have the floor.

Mr. KELLEY. No; I have not yielded the floor.

The SPEAKER *pro tempore*. The Chair will state the situation. The gentleman from Alabama [Mr. FORNEY] had the right, as a matter of privilege, to call up the conference report. He did so, and then yielded to the gentleman from Pennsylvania [Mr. KELLEY] for a short time, as he said.

Mr. FORNEY. Yes, sir; with the understanding that this matter would take but a very short time.

The SPEAKER *pro tempore*. If the gentlemen from Alabama [Mr. FORNEY] now resumes the floor, the Chair is bound to recognize him for that purpose.

Mr. FORNEY. I do resume the floor.

Mr. KELLEY. Then I withdraw the resolution.

Mr. TAULBEE. So far as I am concerned, I have no desire whatever to debate the resolution, but I desire to offer an amendment which I am willing shall be considered with the resolution without debate.

Mr. KELLEY. I will withdraw the resolution.

Mr. HEARD. I hope the gentleman will not do that.

Mr. TAULBEE. I hope the gentleman will not withdraw it. I see no disposition to delay its consideration at all. I simply desire to offer an amendment.

Mr. KELLEY. If the gentleman from Alabama [Mr. FORNEY] will give me an opportunity to hear the gentleman from Kentucky state his amendment, I may be willing to adopt it.

Mr. FORNEY. I yield for that purpose.

Mr. TAULBEE. Mr. Speaker, as I was proceeding to state to the gentleman from Pennsylvania, I have no disposition to delay the consideration of his resolution or to discuss the resolution. I simply wish to offer an amendment and then let the House vote on the amendment and the resolution without any discussion whatever.

Mr. KELLEY. I will hear the amendment of the gentleman before yielding the floor.

Mr. TAULBEE. The amendment which I wish to offer will come in just after that point in the resolution where the committee is directed to inquire whether or not the influence of any member of this House has been brought to bear for the removal of the architect from the position which he holds, and the amendment will be to the effect that the committee shall also be authorized and directed to investigate as to whether or not any member has used his influence to retain the architect in the position which he holds.

Mr. KELLEY. My proposition is to inquire whether any member has used his influence in the manner stated in the resolution because the architect would not yield to his solicitations. I decline to accept the amendment.

Mr. TAULBEE. Then, if the gentleman please, let the resolution further recite that the committee shall investigate as to whether or not the influence used to retain Mr. Smithmeyer in his present position was so used by reason of his doing or trying to do what the members wanted him to do. Let the resolution cut both ways and let us have the whole thing opened up.

Mr. KELLEY. Let the gentleman introduce a resolution at his own time to that effect. I have no objection to that inquiry.

Mr. TAULBEE. I am not given to introducing resolutions; but why will not the gentleman accept the amendment?

Mr. KELLEY. I have no objection to the inquiry, but I do not want this amendment interpolated in my resolution.

Mr. TAULBEE. Let it come in as my amendment, and then the gentleman will have no responsibility for it.

Mr. KELLEY. I demand the previous question on the resolution.

Mr. TAULBEE. Mr. Speaker, I would like to have the resolution in my possession long enough to indicate the point where my amendment would come in.

Mr. KELLEY. I decline to accept the amendment.

Mr. TAULBEE. I offer it as a matter of parliamentary right.

Mr. FORNEY. As the gentleman from Pennsylvania [Mr. KELLEY] declines to accept the amendment, I now call up the conference report.

Mr. TAULBEE. Pending that, I ask unanimous consent that the resolution of the gentleman from Pennsylvania be printed in the RECORD, so that we may all understand what it is when it comes up again.

There was no objection, and it was so ordered.

Mr. BLOUNT. I appeal to the gentleman from Alabama [Mr. FORNEY] not to urge the conference report in the presence of the proposition of the gentleman from Pennsylvania [Mr. KELLEY] to investigate the conduct of a member of this House. I think we owe it to ourselves, I think we owe it to the gentleman whose character is involved, that we shall proceed to consider this resolution with the dignity, the seriousness, and the promptness to which the matter is entitled. I hope the gentleman from Pennsylvania [Mr. KELLEY] will proceed, and that the gentleman from Alabama [Mr. FORNEY] will co-operate with him.

Mr. FORNEY. I was perfectly willing that the gentleman from Pennsylvania [Mr. KELLEY] should offer his resolution, and also that the gentleman from Kentucky [Mr. TAULBEE] should offer his amendment; but it seems they can not agree, and the only way I could see out of the difficulty was to call up the conference report. However, if it is the desire of the House to proceed with this matter, I will withhold the motion to call up the report for the present.

Mr. KELLEY. If the gentleman from Kentucky will make his amendment to this effect: "Directing the committee to inquire whether any member of this House has used improper or corrupt influence to induce the retention of the architect," so as to make the inquiry correspond to what I propose on the other side, I will accept it.

Mr. HEARD. That is what the gentleman proposes.

Mr. TAULBEE. That is all I have proposed—to insert after the phrase "after his removal" the phrase "or his retention."

Mr. O'NEILL, of Missouri. I rise to a point of order. I want to ask whether this business can interrupt the call of States for the introduction of bills. I have always understood that that order, when commenced, must be gone through with.

The SPEAKER *pro tempore*. The question now before the House is a question of privilege, and can interrupt the call of States.

Mr. O'NEILL, of Missouri. That is all I desired to know.

Mr. HEARD. I wish to ask the gentleman from Pennsylvania a question with regard to the scope of his resolution. As I understand, it goes to the extent of directing an inquiry whether any member of Congress has used his influence, etc., to procure the use of improper or inferior materials.

Mr. KELLEY. That was the original resolution.

Mr. HEARD. Very good. Now, what I want to know is this: I see it stated that Mr. Smithmeyer claims that some inferior material has been used, contrary to his assent. Now, I regard this question whether or not in the foundation of this building improper material has been used as more important, perhaps, to the country at large than the question which is immediately under inquiry. I should like to have the investigation broad enough to ascertain whether by the influence of any member of Congress or otherwise inferior material has been used, such as may make that foundation unfit for the purpose for which it was intended.

Mr. KELLEY. That question is distinctly covered by the original resolution.

Mr. HEARD. That is satisfactory.

Mr. HERBERT. I have just come into the Hall; and I wish to ask the gentleman from Pennsylvania whether it is likely that the broadening of the scope of this inquiry as indicated may result in preventing a report this session.

Mr. KELLEY. From my knowledge of the case, I have no idea that it will.

Mr. HERBERT. It is very important in a matter of this kind, affecting the character of a member of the House, that a report should be made promptly.

Mr. KELLEY. I have not the remotest idea that this session can come to an end before the presentation of the report of this committee.

Mr. HERBERT. If there is anything in this proposed enlargement of the inquiry which may prevent a report before the adjournment of Congress, I think we ought to pause and consider before adopting any such proposition.

Mr. SPRINGER. I ask the gentleman from Pennsylvania to accept as an addition to his resolution the clause which I ask the Clerk to read.

The SPEAKER *pro tempore*. The gentleman from Illinois asks consent to have an amendment read.

Mr. KELLEY. I yield for the reading.

The Clerk read as follows:

And that said committee be instructed to report the evidence to the House, together with their recommendation thereon, within one week from this time.

Mr. KELLEY. That can not be done, for the reason that one or two witnesses are absent, but have promised to be here during next week. The Speaker of the House has expressed a desire to the committee to be heard, and has announced——

Mr. SPRINGER. The Speaker will be here on Friday.

Mr. KELLEY. That he can not be here until Friday. I hope that Senator VOORHEES, whose testimony is desired, will also be here on Friday. I hope that Mr. George B. Williams, of Indiana, will be here before Friday. If these gentlemen should attend as expected, I can see no reason——

Mr. SPRINGER. We must fix a time within which this report shall be made.

Mr. BLOUNT. I ask the gentleman from Pennsylvania to yield to me.

Mr. SPRINGER. This investigation, in justice to Mr. STAHLNECKER, ought not to be continued beyond the present session of Congress. The facts to be brought out should be laid before the country before we adjourn. This is due to Mr. STAHLNECKER. He may be a candidate for re-election; and to have this matter pending and under investigation until the election would be a manifest injustice to him. All I desire is that there shall be a report upon this matter before Congress adjourns, so that he may have an opportunity to go before his constituents with all the facts in their possession.

Mr. KELLEY. I am very anxious to bring about that result.

Mr. HERBERT. Let me ask the gentleman from Pennsylvania another question. Will the present proposition require the introduction of any more witnesses who are absent? Is it contemplated to bring in additional witnesses who are now absent?

Mr. KELLEY. None that I know of that have not been intimated, if not actually named, to the committee. I know of no other cause of delay than securing the attendance of the two witnesses I have named, unless it be that we would gladly have the testimony of Judge Lamar, who was Secretary of the Interior and *ex officio* chairman of the commission. But we will make no delay on that account.

Mr. MORGAN. I understand he is here now.

Mr. KELLEY. We have taken all proper steps to secure the attendance of Senator VOORHEES and Mr. Williams.

Mr. SPRINGER. I will modify my amendment so as to provide that the committee shall report during this session, but not later than ten days hence.

Mr. KELLEY. Two weeks.

Mr. SPRINGER. Well, not later than two weeks. If a report be made this session, that is all I desire. Let the language be inserted, "but not later than two weeks from this time."

Mr. KELLEY. All right.

Mr. TAULBEE. I desire now to offer my amendment.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield?

Mr. KELLEY. I yield to hear it read.

Mr. TAULBEE. Now, Mr. Speaker, I offer this amendment.

Mr. KELLEY. I do not yield except to have it read.

Mr. SPRINGER. The suggestion I have made is accepted as a part of your proposition?

Mr. KELLEY. Yes.

Mr. TAULBEE. Now, let this go in also.

Mr. KELLEY. I will hear it.

Mr. TAULBEE. The first words to be inserted in the resolution occur in the fifth line, where the words "removed from" are used, immediately after "or retention in."

Mr. BLOUNT. What is the effect of it?

Mr. TAULBEE. The effect would be to ascertain whether improper influences were used to retain Mr. Smithmeyer in his position, as well as improper influences to remove him. The resolution of the gentleman from Pennsylvania was to inquire if improper influences had been used to induce his removal. My amendment seeks to ascertain whether improper influences were used for his retention.

The SPEAKER *pro tempore*. The Clerk will read the amendment proposed by the gentleman from Kentucky.

The Clerk read as follows:

In the first line on the third page of the resolution, after the word "removal"——

Mr. KELLEY. I demand the previous question.

Mr. TAULBEE. Is the gentleman not willing to have this amendment read for information?

Mr. KELLEY. I yielded for the purpose.

Mr. TAULBEE. The Clerk is just about reading it.

Mr. KELLEY. Very well.

The Clerk read as follows:

After the word "removal," in the first line of the third page of the resolution, insert: "and whether any member of the House has or is now using his position to retain Mr. Smithmeyer in his position, or to divert attention from the investigation now proposed, in which the said Smithmeyer is involved, or to intimidate the committee or any member of it now engaged in the investigation of the construction of the Library building."

Mr. KELLEY. The terms "improper or corrupt" are omitted there.

Mr. TAULBEE. I am willing to insert the words "improper or corrupt."

Mr. KELLEY. Insert them; and I want to hear from my friend from Georgia, to whom I have twice yielded the floor.

Mr. BLOUNT. I hope my friend from Pennsylvania will not consent to the previous question operating on the amendment. The House has begun an investigation in relation to one particular matter, to wit, alleged improper influences on the part of a member of this House in regard to certain contracts. That is a distinct and unequivocal charge. An investigation is going on, and it is important that it should be pressed promptly, and that we should have a report to the House without delay.

This amendment contains an entirely different proposition, to wit, whether or not any member has improperly used or is using improper influences or corrupt influences to have Mr. Smithmeyer retained; and it savors very much, sir, of an attempt to impede the former investigation. The House can not afford to occupy that attitude. It looks very like two propositions contesting against each other at a time when the House should, as with one mind, proceed to investigate that which involves the question of its own honor and dignity.

It is perfectly competent for the House to charge another committee with the investigation of the question as to whether any member of the House, or any number of members, have been using undue motives to have Mr. Smithmeyer retained. If any member on this floor believes that this has been done, I am willing to unite with him, and I have no doubt the House will so feel, in having an investigation ordered of that matter. But, for one, I trust that this side of the House will give no semblance of partisan or personal feeling to this question, but will conduct itself in a manner calculated to command the confidence of the country in the purity of its motives and purposes; and I trust that this amendment will be voted down. The gentleman from Pennsylvania has taken the responsibility for the first investigation, and he shall not have from me, and I trust will not from this side of the House, the slightest discouragement in what he believes to be a public duty.

Mr. TAULBEE. Mr. Speaker——

Mr. KELLEY. I believe I am entitled to the floor on my demand for the previous question.

Mr. TAULBEE. I think the gentleman has yielded to my amendment, although I believe I have the floor.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has not yielded the floor, as the Chair understands.

Mr. KELLEY. As I said before, start an original investigation in the new line that you suggest and I will help you.

I demand the previous question.

Mr. TAULBEE. Mr. Speaker——

Mr. BLOUNT. I demand the regular order.

Mr. TAULBEE. I want to ask the gentleman from Pennsylvania if he desires, by demanding the previous question, to prevent the offering of this amendment.

Mr. KELLEY. I call for the previous question.

Mr. TAULBEE. I want to know if the gentleman feels himself justified in demanding the previous question after having yielded to the gentleman from Georgia to discuss his side of the pending proposition, or that side in which he seems to concur?

Mr. KELLEY. Regular order.

Mr. MORGAN. I hope the gentleman from Pennsylvania will yield to me to explain a matter. I rose for the purpose of making a point of order, which may be improperly construed. I am not opposed to the resolution nor to this investigation, but I desire it to be as broad as possible. I felt that Mr. STAHLNECKER, the person who is most interested, ought to be present and have opportunity to present amendments, if he thought necessary.

Mr. KELLEY. Regular order.

Mr. ROGERS. I ask the gentleman to have inserted in his resolution the words which I suggested, "improperly or corruptly," in connection with the removal of Mr. Smithmeyer. You have it there simply "who sought to cause his removal."

Mr. KELLEY. The purpose is stated all through.

Mr. ROGERS. But not there.

The SPEAKER *pro tempore*. The Chair thought the gentleman accepted that amendment to the resolution.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. It is this: I wish to inquire as to whether or not the first amendment which I suggested and read myself from the floor, as being inserted in the fifth line in the second paragraph of the resolution, was not that amendment accepted by the gentleman from Pennsylvania?

Mr. KELLEY. No, Mr. Speaker; fearing that I am to be removed from the floor by a question of higher privilege, I ask that the matter go as it is, and I call for the previous question.

The SPEAKER *pro tempore*. The Chair understands the previous question affects the amendment of the gentleman from Kentucky.

Mr. NELSON. The amendments were only read for information.

Mr. TAULBEE. Now, I understood from the statement of the gentleman from Pennsylvania that my amendment, which was last read by the Clerk, was consented to.

Mr. BLOUNT. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. I am speaking to a point of order, and it pertains to the status of this resolution. My point of order is this: I want to know the effect of the previous question if ordered, and I want the House to understand before we order the previous question whether the resolution will include the amendment I had read.

Mr. KELLEY. Not at all.

Mr. TAULBEE. The amendment suggesting the insertion of "undue and improperly" before the word "influence," in the resolution which the Clerk read.

Mr. KELLEY. I accepted the amendment of the gentleman from Illinois [Mr. SPRINGER] to limit the time. I did not accept the other amendments.

Mr. BLOUNT. Regular order.

Mr. TAULBEE. Is it in order to ask that the notes be read?

The SPEAKER *pro tempore*. It is in order.

Mr. TAULBEE. Then I ask that the notes be read.

Mr. KELLEY. I trust the Chair will endeavor to influence the gentleman from Alabama [Mr. FORNEY] not to take me off the floor.

The SPEAKER *pro tempore*. The Chair will refer to the notes. Does the gentleman from Pennsylvania insist that he did not yield the floor for the purpose of an amendment being offered?

Mr. BLOUNT. Of course he did not.

Mr. KELLEY. Of course I did not, and I so stated.

Mr. ROGERS. Is it in order to ask that the second resolution be reported again?

The SPEAKER *pro tempore*. The question is now on the point of order. After that the Chair will listen to the gentleman from Arkansas.

The Clerk read from the Reporter's notes, as follows:

Mr. KELLEY. The terms "improper or corrupt" are omitted there.
Mr. TAULBEE. I am willing to insert the words "improper or corrupt."
Mr. KELLEY. Insert them; and I want to hear from my friend from Georgia, to whom I have twice yielded the floor.

Mr. ROGERS. Now, Mr. Speaker, I would like to have the second resolution reported again.

The Clerk again read the second resolution.

Mr. ROGERS. I want to call the attention of the gentleman from Pennsylvania to the fact that the words "corrupt and improperly" are left out.

Mr. HEARD. I hope the gentleman from Pennsylvania will accept the amendment and insert these words.

Mr. KELLEY. The very object is to show the impropriety; but I have no objection to say "by improper or corrupt means."

Mr. TAULBEE. Let us have the whole thing open for amendment.

Mr. KELLEY. No, you do not. I make that amendment myself, and continue the demand for the previous question.

The SPEAKER *pro tempore*. The question now is on the demand for the previous question; and the amendments proposed by the gentleman from Kentucky are not before the House, the gentleman from Pennsylvania not having yielded for that purpose.

Mr. TAULBEE. I desire to inquire as to whether or not my amendment will be in order and whether I will be entitled to recognition if the previous question is refused?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Kentucky if the previous question is not sustained on the resolution as amended.

The question was put; and the Speaker *pro tempore* announced that the "ayes" seemed to have it.

Mr. TAULBEE. Division.

The House divided; and there were—ayes 74, noes 11.

The SPEAKER *pro tempore*. The Chair understands the amendment of the gentleman from Illinois as accepted and incorporated in the resolution that has just been read.

Mr. ROGERS. I would like to hear that section again read.

The resolution as amended was again read.

The question was then taken on the adoption of the resolution; and the resolution as amended was agreed to.

Mr. KELLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. 925) for the relief of Mathew W. Berryman;

A bill (H. R. 1216) for the investigation of the mining-débris question in the State of California;

A bill (H. R. 1604) to change the time of the sessions of the circuit and district courts for the western division of the western district of Missouri;

A bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico;

A bill (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York;

A bill (H. R. 8665) to create boards of arbitration for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers and their employés;

A bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts;

A bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes; and

A bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor.

WITHDRAWAL OF PAPERS.

Mr. MORRILL, by unanimous consent, obtained leave to withdraw papers filed in support of a bill in the Forty-eighth Congress for the relief of C. W. Keifer.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Pensions was discharged from further consideration of the bill (S. 3145) for the relief of the heirs of John M. Powell, deceased, and it was referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I wish to ask what has become of the call of the States for bills and resolutions, and what has become of the resolution offered by my namesake from Missouri [Mr. O'NEILL]?

The SPEAKER *pro tempore*. It was interrupted by a privileged matter, a conference report.

Mr. O'NEILL, of Pennsylvania. Could it be interrupted until that order was concluded?

The SPEAKER *pro tempore*. The Chair has so ruled, and it has been so decided frequently.

DREDGING THE ST. CLAIR FLATS CANAL.

Mr. CHIPMAN, by unanimous consent, introduced a bill (H. R. 11445) for completing the improvement and dredging the St. Clair

Flats ship-canal in Michigan; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

WORKS ON RIVERS AND HARBORS.

Mr. CHIPMAN also, by unanimous consent, introduced a bill (H. R. 11446) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BARNES. Mr. Speaker, I desire to introduce a bill for reference.

Mr. O'NEILL, of Missouri. I demand the regular order. I can not be removed from the floor in that kind of a way.

The SPEAKER *pro tempore*. The gentleman will be in order. The gentleman from Alabama [Mr. FORNEY] has the floor.

Mr. FORNEY. I rise to a privileged question and call up the conference report on the sundry civil appropriation bill.

Mr. O'NEILL, of Missouri. I rise to a point of order. Rule XXIX, under the head of "conference reports," provides that the presentation of reports of committees of conference shall always be in order except when the Journal is being read, when the roll is being called, or when the House is dividing on any proposition. Now, the House is dividing upon a proposition for the reference of a resolution introduced by me.

The SPEAKER *pro tempore*. The Chair understood the tellers to have made their final report.

Mr. O'NEILL, of Missouri. That was a mistake. The point of no quorum was made, and the tellers were still taking the vote.

The SPEAKER *pro tempore*. The report of the tellers having been made, as the Chair understood, the Chair recognized the gentleman from Alabama [Mr. FORNEY] on a question of the highest privilege.

Mr. O'NEILL, of Missouri. The result of the vote was not announced. The point of no quorum was made, and when that point was made the tellers were required to resume their places, and, in the absence of a quorum, is not the only thing in order either a motion to adjourn or a call of the House?

The SPEAKER *pro tempore*. The Chair will again state the situation. The tellers, as the Chair understood, made their final report.

Mr. O'NEILL, of Missouri. That was a mistake.

The SPEAKER *pro tempore*. And thereupon the gentleman from Alabama [Mr. FORNEY] took the floor to call up a conference report. If the tellers did not make their final report, then they must resume their places.

The tellers resumed their places.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Missouri [Mr. O'NEILL] to refer the resolution introduced by him to the Committee on Labor. Those in favor of the motion will now pass between the tellers.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. As business has intervened, I submit to the Chair that the vote ought to be taken *de novo*.

The SPEAKER *pro tempore*. The Chair thinks so, and the Chair has requested gentlemen who are in favor of the motion of the gentleman from Missouri [Mr. O'NEILL], to refer the resolution to the Committee on Labor, to pass between the tellers. This is a new vote.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLOUNT. If this resolution should be referred to the Committee on Labor, will that committee have the right to report at any time?

Mr. O'NEILL, of Missouri. Regular order.

The SPEAKER *pro tempore*. The Chair would not be authorized to answer that inquiry just now.

Mr. BLOUNT. As the gentleman from Missouri [Mr. O'NEILL] seems to be distrustful of the opinion of the Chair, I withdraw the point of no quorum.

The SPEAKER *pro tempore*. The Chair understands that the point of no quorum is withdrawn.

Mr. BLOUNT. Yes, sir.

Mr. OATES. I renew it.

The tellers resumed the count.

The SPEAKER *pro tempore* (after the count by tellers had continued some time). If no other gentlemen desire to vote, the Chair will announce the result. On the motion of the gentleman from Missouri [Mr. O'NEILL] the ayes are 60, the noes 12. Is the point of no quorum insisted on?

Mr. OATES. It is.

Mr. MCMILLIN (after further continuance of the count). I ask the Chair to announce the result. There is evidently not a quorum in the House; there has not been to-day, and I do not believe there will be.

The SPEAKER *pro tempore*. The tellers report—ayes 64, noes 12. Does the gentleman from Alabama still insist on the point that there is no quorum.

Mr. OATES. I do.

Mr. MCMILLIN. There is evidently no quorum in attendance, and if the point is insisted on this proposition can not go through. I suggest to the gentleman from Missouri [Mr. O'NEILL] that he allow the gentleman from Alabama [Mr. FORNEY] to bring up the conference report on the sundry civil appropriation bill and have it acted on.

Mr. O'NEILL, of Missouri. That would be a wise suggestion to offer to the gentleman from Alabama [Mr. OATES].

Mr. MCMILLIN. I make it, then, to the gentleman from Alabama. I only propose it as a practical way of doing business. It is evident we can not go further with the present question in the absence of a quorum.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. MCMILLIN] asks unanimous consent that the further count by tellers be suspended and that the gentleman from Alabama [Mr. FORNEY] be allowed to bring up his conference report. Is there objection?

Mr. O'NEILL, of Pennsylvania. I hope the call of States will be concluded.

The SPEAKER *pro tempore*. If there be no objection, the request of the gentleman from Tennessee [Mr. MCMILLIN] will be complied with. The States will be called through, and then the gentleman from Alabama [Mr. FORNEY] will be recognized to call up his conference report.

Mr. O'NEILL, of Missouri. Did I understand the Chair to say that the call of States is to proceed before we get through with this question? I object.

Mr. JACKSON. It is too late to make objection.

Mr. O'NEILL, of Missouri. It is not too late.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Tennessee to ask unanimous consent that the conference report be taken up.

Mr. MCMILLIN. I did.

Mr. O'NEILL, of Missouri. I call the attention of the Chair to the fact that I am still standing here to discharge my duty as a teller. I have not vacated my place.

The SPEAKER *pro tempore*. Does the gentleman object to the proposition?

Mr. O'NEILL, of Missouri. I do.

Mr. MCMILLIN. I ask, then, that some one be appointed a teller in my place. I did not make the point of no quorum; and I have some business which I wish to attend to.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] will please take the place of the gentleman from Tennessee [Mr. MCMILLIN] as a teller.

Mr. WEAVER (after a further continuance of the count by tellers). I move a call of the House.

Mr. DOCKERY. Let us have the result announced.

The SPEAKER *pro tempore*. The Chair will announce the result of the count by tellers. On the motion of the gentleman from Missouri the ayes are 68, the noes 12. Does the gentleman from Alabama still insist on the point of no quorum?

Mr. OATES. If I had not intended to insist on it, I would not have made it.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Iowa [Mr. WEAVER] that there be a call of the House.

The motion was not agreed to; there being—ayes 11, noes 35.

Mr. DOUGHERTY. As there is no quorum here, and as it will doubtless be impossible to get a quorum here to-day, I move that the House adjourn.

Mr. CANNON. Mr. Speaker, let me make a suggestion.

Mr. O'NEILL, of Missouri. Regular order.

Mr. CANNON. My suggestion is that by unanimous consent this matter go over until to-morrow after the reading of the Journal, retaining all the rights it now has, and that to-day we go on by unanimous consent and finish the consideration of the conference report on the sundry civil bill.

Mr. O'NEILL, of Missouri. I have no objection to that.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent that the matter now pending upon the count by tellers go over until to-morrow, and that this afternoon be given to the consideration of the conference report on the sundry civil bill.

Mr. BLOUNT. I do not see what advantage is to be gained by allowing this matter to go over until to-morrow.

Mr. CANNON. We can probably finish the conference report to-day.

Mr. ROWLAND. I object.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Florida [Mr. DOUGHERTY] that the House adjourn.

The motion was not agreed to.

The SPEAKER *pro tempore*. The tellers will resume their places.

Mr. CANNON. I will renew my request, Mr. Speaker, for unanimous consent at this point.

The SPEAKER *pro tempore*. The Chair will again submit the request of the gentleman from Illinois that the business now pending go over until to-morrow after the reading of the Journal——

Mr. SPRINGER. And that the rest of the business of Monday go over also—the call of States.

The SPEAKER *pro tempore*. And retain its same position on to-

morrow that it occupies to-day, the afternoon of this day being dedicated to the conference report indicated.

Mr. ROWLAND. If this evening is to be devoted to the consideration of the conference report exclusively, so far as I am concerned my objection will be withdrawn.

The SPEAKER *pro tempore*. Is there further objection?

Mr. WEAVER. Is it understood that the rest of the business of to-day, under the rules, goes over?

Mr. PAYSON. Let us understand this matter. That is not what was originally proposed.

The SPEAKER *pro tempore*. That was not the request of the gentleman from Illinois.

Mr. PAYSON. I do not understand that the suspensions are to go over until to-morrow.

Mr. WEAVER. Oh, yes.

Mr. PAYSON. Then I object. That was not my understanding of the request.

The SPEAKER *pro tempore*. The Chair did not so understand it.

Mr. SPRINGER. We are now in the midst of the call of States for the introduction of bills. If this order goes over it takes the call of States with it, and all other business of this day.

Mr. WEAVER. And all the other business of to-day under the rules.

The SPEAKER *pro tempore*. The Chair did not so understand.

Mr. WEAVER. Then it must be so understood.

Mr. CANNON. I am perfectly willing to put the request in this shape, that the matter now pending go over until to-morrow, and all other matters pertaining to this day go over the same as if it was Monday, so that we may go on with the conference report to-day.

Mr. BLOUNT. I do not see that we would remedy matters or gain any time by that. We would have the same contest to-morrow.

Mr. ROGERS. What is the regular order for to-day after the call of States?

The SPEAKER *pro tempore*. Suspensions by committees. Is there objection to the request of the gentleman from Illinois just stated by him?

Mr. BLOUNT. It is simply a loss of time, for we would have the same proceeding to-morrow; and I object.

Mr. DOCKERY. But, Mr. Speaker, if this arrangement were made we could dispose of the sundry civil bill to-day.

Mr. BLOUNT. I have no objection to going on with the conference report on the sundry civil bill; but I understand that the request also embodies the suggestion that this matter and all other matters for Monday shall go over until to-morrow. We would then be in exactly the same condition as we are now in.

Mr. RYAN. But we lose no time.

Mr. BLOUNT. We will go on for three or four hours on to-morrow in the same way, and do nothing.

Mr. CANNON. Is a conference report not privileged; and can it not be called up any time?

The SPEAKER *pro tempore*. Not when the House is dividing.

Mr. CANNON. It can interrupt a motion to adjourn.

The SPEAKER *pro tempore*. It has been already decided once, but the Chair will cause the rule to be read.

Mr. CANNON. It is not necessary.

Mr. PAYSON. If it be in order, I ask unanimous consent that the pending order be postponed temporarily, and that the conference report of the gentleman from Alabama be taken up and considered, this order being resumed afterward by unanimous consent.

Mr. WEAVER. That will take the whole day, and then suspensions will be gone.

Mr. O'NEILL, of Missouri. I object.

Mr. PAYSON. I ask that the Chair state the request.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent that the present question be temporarily laid aside——

Mr. O'NEILL, of Missouri. I object.

Mr. O'NEILL, of Pennsylvania. I have a proposition to make to my namesake, the gentleman from Missouri, who seems to be running the House to-day. I propose that the House take a recess until Friday next.

Mr. O'NEILL, of Missouri. I am perfectly willing that the gentleman may take a recess for himself.

Mr. O'NEILL, of Pennsylvania. I do not want a recess unless my fellow-members have the same privilege.

The SPEAKER *pro tempore*. The gentleman's request is not in order. The gentleman can move to adjourn until Thursday.

Mr. O'NEILL, of Pennsylvania. I will not do that, because there is too much public business pressing. I hope, however, the gentleman from Missouri will yield to let the conference report come up.

Mr. TAULBEE. I demand the regular order. This debate is out of order.

Mr. DOCKERY. Mr. Speaker, in view of the fact that three hours remain of this day's session I ask unanimous consent, in order to facilitate the public business, that the order of business prescribed for to-day be pursued for three hours to-morrow, after the reading of the Journal, beginning at the call of States where we now are, and that the conference report be taken up for the remainder of the day.

Mr. BLOUNT. I think we had better finish this matter as it is now pending.

Mr. DOUGHERTY. I object.

Mr. CHEADLE. I move that the House now adjourn.

Mr. DOCKERY. I understand the gentleman from Georgia will withdraw his objection if a slight modification is made in the request.

Mr. BLOUNT. I have no objection to occupying two hours and three-quarters to-morrow to consider the business of Monday, with the understanding that we proceed with the conference report to-day and with other public business to-morrow after the time named.

Mr. DOCKERY. Then I modify my request that we now take up the sundry civil conference report, and the same length of time to-morrow be devoted to the pending question and to the other business of this day that now remains of to-day's session.

Mr. DOUGHERTY. I withdraw my objection.

Mr. O'NEILL, of Missouri. I renew it. We might as well end this matter now.

Mr. DOCKERY. Mr. Speaker, I appeal to my colleague not to object, and I renew the request to resume the order of business of to-day——

Mr. O'NEILL, of Missouri. Until it is disposed of.

Mr. DOCKERY (continuing). On to-morrow until two hours and three-quarters shall have been consumed.

Mr. O'NEILL, of Missouri. I am willing to accept the suggestion of my colleague, if it be understood that on to-morrow I may be allowed to pursue this matter until it is disposed of; but I object to fixing any limit to the time allotted to it.

Mr. CANNON. That is all the time you have to-day.

Mr. O'NEILL, of Missouri. Well, then, if it is I will pursue it to-day until I secure some kind of action upon it.

Mr. DOCKERY. The gentleman will be deprived of no rights whatever that he now possesses by acceding to the request I have made, and it will enable us to dispose of this important conference report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, was received announcing to the House that the Senate had passed with amendments the bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper Department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid; and that the Senate request a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. WALTHALL, Mr. PLUMB, and Mr. BERRY to be the conferees on the part of the Senate.

The message further announced that the Senate had passed House bills and a joint resolution of the following titles:

A bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lake Superior, Lakes Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River;

A bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882; and

Joint resolution (H. Res. 223) declaring the meaning of a clause in the river and harbor act of August 11, 1888.

The message also announced that the Senate had passed the following bills; in which the concurrence of the House was requested:

A bill (S. 2877) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes;

A bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions; and

A bill (S. 3539) to amend an act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State.

The message further announced that the Secretary of the Senate had been directed to request the House of Representatives to return to the Senate the bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 186) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc.

LABOR MEASURES.

Mr. CHEADLE. I move that the House do now adjourn.

The question was put; and the Speaker announced that the "ayes" seemed to have it.

Mr. SPRINGER. Division.

The House divided; and there were—ayes 46, noes 29.

Mr. SPRINGER and Mr. SOWDEN. Yeas and nays.

The yeas and nays were ordered.

The question was taken, and decided in the negative—yeas 37, nays 92, not voting 195; as follows:

YEAS—37.

Abbott,	Cannon,	Henderson, N. C.	Moore,
Allen, Miss.	Carlton,	Hiestand,	Oates,
Anderson, Miss.	Cheadle,	Hunter,	Richardson,
Barnes,	Cobb,	Hutton,	Robertson,
Barry,	Dougherty,	Kilgore,	Rogers,
Bland,	Elliott,	Laffoon,	Rowell,
Browne, Ind.	Enloe,	Laidlaw,	Stone, Ky.
Buckalew,	Grimes,	Martin,	
Burnes,	Hare,	McCormick,	
Butler,	Haugen,	McCreary,	

NAYS—92.

Anderson, Iowa	Dockery,	Lyman,	Sayers,
Anderson, Ill.	Farquhar,	McClammy,	Scull,
Anderson, Kans.	Forney,	McKenna,	Seymour,
Arnold,	Fuller,	McRae,	Smith,
Atkinson,	Funston,	Merriman,	Sowden,
Baker, N. Y.	Heard,	Moffitt,	Springer,
Baker, Ill.	Henderson, Iowa	Morgan,	Stahlnecker,
Bankhead,	Herbert,	Morrill,	Stephenson,
Bayne,	Hermann,	Morrow,	Stewart, Ga.
Bliss,	Hires,	Nelson,	Struble,
Blount,	Hitt,	Nichols,	Taulbee,
Bound,	Holman,	O'Neall, Ind.	Thompson, Ohio
Brower,	Holmes,	O'Neill, Pa.	Townshend,
Burrows,	Hudd,	O'Neill, Mo.	Turner, Kans.
Campbell, F., N. Y.	Jackson,	Osborne,	Vance,
Caruth,	Johnston, N. C.	Owen,	Vandever,
Chipman,	Kelley,	Patton,	Wade,
Clark,	La Follette,	Payson,	Warner,
Conger,	Landes,	Perkins,	Weaver.
Crouse,	Lane,	Plumb,	Wheeler,
Culberson,	Lanham,	Post,	White, Ind.
Davis,	Lawler,	Rowland,	Wickham.
Dingley,	Lind,	Ryan,	Wilson, Minn.

NOT VOTING—195.

Adams,	Davidson, Ala.	Kerr,	Romeis,
Allen, Mass.	Davidson, Fla.	Ketcham,	Russell, Conn.
Allen, Mich.	De Lano,	Lagan,	Russell, Mass.
Bacon,	Dibble,	Laird.	Rusk,
Belden,	Dorsey,	Latham,	Sawyer,
Belmont,	Dunham,	Lee,	Scott,
Biggs,	Dunn,	Lehlbach,	Seney,
Bingham,	Ermentrout,	Lodge,	Shaw,
Blanchard,	Felton,	Long,	Sherman,
Boothman,	Finley,	Lynch,	Shively,
Boutelle,	Fisher,	Macdonald,	Simmons,
Bowden,	Fitch,	Maffett,	Snyder,
Bowen,	Flood,	Mahoney,	Spinola,
Breckinridge, Ark.	Foran,	Maish,	Spooner,
Breckinridge, Ky.	Ford,	Mansur,	Steele,
Brewer,	French,	Mason,	Stewart, Tex.
Browne, T.H.B., Va.	Gaines,	Matson,	Stewart, Vt.
Brown, Ohio	Gallinger,	McAdoo,	Stockdale,
Brown, J. R., Va.	Gay,	McComas,	Stone, Mo.
Brumm,	Gear,	McCullogh,	Symes,
Bryce,	Gest,	McKinley,	Tarsney,
Buchanan,	Gibson,	McKinney,	Taylor, E. B., Ohio
Bunnell,	Glass,	McMillin,	Taylor, J. D., Ohio
Burnett,	Glover,	McShane,	Thomas, Ill.
Butterworth,	Goff,	Milliken,	Thomas, Ky.
Bynum,	Granger,	Mills,	Thomas, Wis.
Campbell, Ohio	Greenman,	Montgomery,	Thompson, Cal.
Campbell, T.J., N.Y.	Grosvenor,	Morse,	Tillman,
Candler,	Grout,	Neal,	Tracey,
Caswell,	Guenther,	Newton,	Turner, Ga.
Catchings,	Hall,	Norwood,	Walker,
Clardy,	Harmer,	Nutting,	Washington,
Clements,	Hatch,	O'Donnell,	Weber,
Cockran,	Hayden,	O'Ferrall,	West,
Cogswell,	Hayes,	Outhwaite,	White, N. Y.
Collins,	Hemphill,	Parker,	Whiting, Mich.
Compton,	Henderson, Ill.	Peel,	Whiting, Mass.
Cooper,	Hogg,	Penington,	Whitthorne,
Cothran,	Hooker,	Perry,	Wilbur,
Cowles,	Hopkins, Ill.	Peters,	Wilkins,
Cox,	Hopkins, Va.	Phelan,	Wilkinson,
Crain,	Hopkins, N. Y.	Phelps,	Williams,
Crisp,	Houk,	Pidcock,	Wilson, W. Va.
Cummings,	Hovey,	Pugsley,	Wise,
Cutcheon,	Howard,	Randall,	Woodburn,
Dalzell,	Johnston, Ind.	Rayner,	Yardley,
Dargan,	Jones,	Reed,	Yoder,
Darlington,	Kean,	Rice,	Yost.
Davenport,	Kennedy,	Rockwell,	

So the House refused to adjourn.

On motion of Mr. WHEELER, by unanimous consent, the reading of the names was dispensed with.

During the roll-call,

Mr. DOCKERY. In view of the fact that the announcement of the call of the roll will disclose the lack of a quorum——

Mr. O'NEILL, of Missouri. I demand the regular order.

Mr. DOCKERY. I was about to suggest that——

Mr. O'NEILL, of Missouri. I demand the regular order, and debate is not in order.

Mr. DOCKERY. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DOCKERY. I desire to know if by unanimous consent the announcement of the result of this roll-call was dispensed with whether it would not be in order to resume consideration of the resolution offered by the gentleman from Missouri.

The SPEAKER *pro tempore*. Undoubtedly; but the regular order has been demanded.

Mr. DOCKERY. I ask unanimous consent——

Mr. O'NEILL, of Missouri. I demand the regular order.

Mr. SPRINGER. I rise to a parliamentary inquiry. If this vote should show that there was no quorum would it be in order to transact any other business during this day?

Mr. O'NEILL, of Missouri. It is evident that the "noes" have it.

Mr. SPRINGER. No other business can be transacted.

The SPEAKER *pro tempore*. The regular order is demanded, and the pairs will be announced, which is the regular order.

The following pairs were announced until further notice:

Mr. WILKINS with Mr. LONG.

Mr. SCOTT with Mr. MCCOMAS.

Mr. WHITTHORNE with Mr. COOPER.

Mr. HATCH with Mr. STEWART, of Vermont.

Mr. OUTHWAITE with Mr. MCKINLEY.

Mr. COMPTON with Mr. GOFF.

Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.

Mr. HOOKER with Mr. LODGE.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. JONES with Mr. BOWDEN.

Mr. WILKINSON with Mr. DALZELL.

Mr. WALKER with Mr. ROMEIS.

Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.

Mr. BRYCE with Mr. GAINES.

Mr. NEAL with Mr. HAYDEN.

Mr. TIMOTHY J. CAMPBELL with Mr. WEST.

Mr. SPINOLA with Mr. THOMAS, of Wisconsin.

Mr. STONE, of Missouri, with Mr. WILLIAMS.

Mr. BOUTELLE with Mr. WISE.

Mr. TILLMAN with Mr. FINLEY.

Mr. MANSUR with Mr. WARNER.

Mr. CANDLER with Mr. BREWER.

Mr. FISHER with Mr. LEHLBACH.

Mr. BYNUM with Mr. STEELE.

Mr. VANCE with Mr. RUSSELL, of Connecticut.

Mr. GREENMAN with Mr. SHERMAN.

Mr. RUSK with Mr. O'DONNELL.

Mr. DAVIDSON, of Alabama, with Mr. PATTON.

Mr. SNYDER with Mr. YOST.

Mr. ERMENTROUT with Mr. GROUT.

Mr. FORD with Mr. GUENTHER.

Mr. GLOVER with Mr. PUGSLEY.

Mr. STEWART, of Texas, with Mr. DUNHAM.

Mr. CLARDY with Mr. WADE.

Mr. PERRY with Mr. SPOONER.

Mr. O'FERRALL with Mr. MASON.

Mr. BIGGS with Mr. MORROW.

Mr. BELMONT with Mr. DAVENPORT.

Mr. GRANGER with Mr. ROCKWELL.

Mr. BLANCHARD with Mr. THOMAS, of Illinois.

Mr. MONTGOMERY with Mr. HUNTER.

Mr. MORSE with Mr. WHITING, of Massachusetts.

Mr. TURNER with Mr. REED.

Mr. HOWARD with Mr. HOPKINS, of Illinois.

Mr. CUTCHEON with Mr. TARSNEY.

Mr. DARLINGTON with Mr. MOORE.

Mr. PIDCOCK with Mr. PHELPS.

Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.

Mr. MORGAN with Mr. MILLIKEN.

Mr. WHITING, of Michigan, with Mr. HOUK.

Mr. MCKINNEY with Mr. BOOTHMAN.

Mr. LYNCH with Mr. YARDLEY.

Mr. BACON with Mr. CASWELL.

Mr. MCADOO with Mr. BRUMM.

Mr. MAHONEY with Mr. BROWN, of Ohio.

Mr. MCSHANE with Mr. LAIRD.

Mr. BURNETT with Mr. JOHNSTON, of Indiana.

Mr. SHIVELY with Mr. OWEN.

Mr. BRECKINRIDGE, of Arkansas, with Mr. BINGHAM.

Mr. LATHAM with Mr. GEST.

Mr. STOCKDALE with Mr. GROSVENOR.

Mr. GLASS with Mr. KETCHAM.

Mr. THOMPSON, of California, with Mr. PARKER.

Mr. SENEY with Mr. DORSEY.

Mr. WASHINGTON with Mr. WEBER.

Mr. MILLS with Mr. JOSEPH D. TAYLOR.

Mr. CRISP with Mr. DE LANO.

Mr. NEWTON with Mr. FELTON.

Mr. SIMMONS with Mr. BUNNELL.

Mr. COWLES with Mr. THOMPSON, of Ohio.

Mr. DUNN with Mr. ALLEN, of Michigan.

Mr. MAISH with Mr. WOODBURN.

Mr. MATSON with Mr. HOVEY.

Mr. ALLEN, of Michigan. I see that I am paired with the gentleman from Arkansas [Mr. DUNN], and I desire to withdraw my vote.

Mr. O'NEILL, of Pennsylvania. I am paired with the gentleman from Florida [Mr. DAVIDSON], but I vote on all questions to make a quorum.

Mr. McMILLIN. I was called from the House on business during the roll-call, and was detained until after my name was passed on the call of the roll.

The result of the vote was announced as above recorded.

Mr. O'NEILL, of Missouri. I move a call of the House.

The question was taken, and the Speaker *pro tempore* declared that the noes seemed to have it.

Mr. O'NEILL, of Missouri. Division, Mr. Speaker.

The House divided; and there were—ayes 17, noes 47.

Mr. O'NEILL, of Missouri. I call for the yeas and nays.

The House again divided.

The SPEAKER *pro tempore*. Fourteen gentlemen have risen, more than one-fifth of the last vote.

Mr. DOUGHERTY. The other side!

The SPEAKER *pro tempore*, after counting the other side, declared that there were—ayes 14, noes 58; not a sufficient number.

Mr. O'NEILL, of Missouri. I demand tellers on ordering the yeas and nays.

Mr. WHEELER. Mr. Speaker, I desire to make a privileged report.

Mr. O'NEILL, of Missouri. I demand the regular order.

The SPEAKER *pro tempore* (to Mr. WHEELER). No quorum having been developed, that motion would not at this time be in order.

The question on ordering tellers was taken, and the Speaker *pro tempore* announced that but nine gentlemen had voted in favor of ordering tellers, not a sufficient number; and tellers on the yeas and nays were refused.

Mr. RICHARDSON. I move that the House do now adjourn.

The question was taken, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. O'NEILL, of Missouri, and Mr. CHEADLE. Division.

The House divided; and there were—ayes 63, noes 24.

Mr. SOWDEN. I demand the yeas and nays.

The question was taken on ordering the yeas and nays; and there were—ayes 17, not a sufficient number; and the Speaker declared that the yeas and nays were refused.

Mr. CHEADLE. The other side.

The SPEAKER *pro tempore*. The other side will rise. [After a count.] Only sixty-nine gentlemen have risen, not a sufficient number, and the yeas and nays are refused. On the motion to adjourn the ayes have it.

Accordingly (at 2 o'clock and 50 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule, private bills of the following titles were introduced and referred as indicated below:

By Mr. DAVIS: A bill (H. R. 11447) for the relief of William M. Blye—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 11448) for the relief of William F. Denmure—to the Committee on Military Affairs.

By Mr. HUDD: A bill (H. R. 11449) for the relief of Andrew Schneider—to the Committee on Claims.

By Mr. CHARLES O'NEILL: A bill (H. R. 11450) granting a pension to James A. Patterson—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 11451) granting a pension to Jesse Edwards—to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ENLOE: Petition of Henry King, of McNairy County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOLMAN: Petition and papers of William F. Denmure, in support of bill for his relief—to the Committee on Military Affairs.

By Mr. McCOMAS: Petition of surviving legatee of Mrs. Sarah E. Lynch, of Frederick County, Maryland, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Memorial to prosecute the bagging trust—to the Committee on Ways and Means.

By Mr. J. D. STEWART: Petition of heirs of Robert Jackson, and of Edward W. Reynolds, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. VOORHEES: Petition of the Tacoma (Wash.) Bar Association, and of practicing attorneys of Pierce County, Washington Territory, for two additional judicial districts in said Territory—to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of Tacoma, Wash., for certain public improvements—to the Committee on the Territories.

Also, resolutions of the Grand Army of the Republic, of Washington Territory, for an appropriation for head-stones for the graves of Union soldiers—to the Committee on Military Affairs.

By Mr. WHEELER: Petition of W. H. Baugher, of Madison County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

SENATE.

TUESDAY, *September* 18, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

INTERNATIONAL BUREAU OF CUSTOMS TARIFFS AT BRUSSELS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, inclosing a copy of a letter addressed to the Speaker of the House of Representatives favoring the establishment at Brussels of an international bureau for the publication of customs tariffs, and requesting that an item for this purpose be inserted in one of the appropriation bills which may now be pending before the Senate; which, with the accompanying paper, was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present the petition of Lucretia Ann Elliott, unmarried sister of E. B. Elliott, late Government actuary in the Treasury Department, who died on the 24th of May, 1888, together with letters of the Secretary and Dr. Lincoln of this city, recommending an allowance of one year's salary of Mr. Elliott to Miss Elliott, with other papers.

I wish to say that this is a case of peculiar hardship. Mr. Elliott had been for a long time, I do not know how many years, but certainly for twenty years, actuary of the Treasury Department. He was of immense service to both Houses of Congress, and I suppose that every Senator and every member is probably familiar with the nature and character of his services. He was purely a mathematician, and was called upon in all questions of doubt in settling amounts, etc. He was an invaluable officer. He died, leaving a sister unmarried in certainly very uncomfortable circumstances, without any means whatever.

This is an appeal to Congress to give to her as the only surviving unmarried sister of Mr. Elliott—the other sisters being married and consenting and joining in this prayer—such amount as Congress may think is proper on the occasion, and I sincerely trust it will be granted.

I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

WILLIAM BROWN.

Mr. FAULKNER. I was not present in the Senate when the Calendar was reached yesterday and the bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions, was passed. That bill was passed on a report from the Committee on the District of Columbia made by myself as a member of that committee under its instructions. The passage of the bill had been indorsed by the commissioners of the District of Columbia. When I returned yesterday and looked at my mail I found that the commissioners had withdrawn their approval of the passage of the bill after further examination, and were of opinion that it would be against public and private interests to have the bill passed. I therefore move a reconsideration of the bill, and ask that it be recommitted to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. If there be no objection, the votes by which the bill was ordered to a third reading and passed will be reconsidered, and the bill will be recommitted to the Committee on the District of Columbia. The order of reference will be accompanied by a request to the House of Representatives to return the bill to the Senate.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Appropriations, to whom was referred the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, reported it with amendments.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 3450) granting a pension to Carl J. Chindblom, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3453) granting an increase of pension to Alfred T. McKinsey;

A bill (S. 2623) granting an increase of pension to James Patterson; and

A bill (S. 3462) granting a pension to John Watson.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3492) granting a pension to John Parkinson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3461) granting a pension to Harrison Lansdown, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 3299) to authorize and empower the Secretary

of the Navy to contract for certain guns and ammunition therefor, reported it with amendments.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3472) to authorize the Union Gas Company to lay conduit-pipes across the Ohio River, reported it with amendments.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 2363) for the relief of John W. Combs, reported it with amendments, and submitted a report thereon.

JAMES HARVEY DENNIS.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 3140) for the relief of James Harvey Dennis, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3140) entitled "A bill for the relief of James Harvey Dennis," now pending in the Senate, together with all of the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act approved March 3, 1883, and an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim, including the loyalty of the claimant and all other facts contemplated by the provisions of said act.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 3566) granting a pension to John Hicks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL. In connection with the bill I present a petition signed by many citizens of Dallas County, Missouri, in which county the beneficiary resides, urging the passage of a bill placing his name upon the pension-roll. I move that the petition be referred to the Committee on Pensions to accompany the bill.

The motion was agreed to.

Mr. DAVIS introduced a bill (S. 3567) granting a pension to Mrs. E. C. Russell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3568) to prevent and suppress infectious or contagious diseases in foreign and interstate commerce of the United States; which was read twice by its title, and referred to the Committee on Epidemic Diseases.

AMENDMENTS TO DEFICIENCY BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PALMER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

THE PRESIDENT'S ANNUAL MESSAGE.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is absent this morning, but requested me to give notice that to-morrow morning, at the close of the morning business, he will ask the Senate to take up for consideration the resolution submitted by the Senator from Ohio [Mr. SHERMAN], to refer the President's annual message to the Committee on Finance, for the purpose of submitting some remarks thereon.

Mr. STEWART. The Senator from Arkansas [Mr. BERRY] having given notice that his colleague [Mr. JONES] will call up the President's message and make some remarks thereon to-morrow immediately after the morning business, I desire to give notice that I shall submit some remarks on the same subject at the conclusion of the remarks of the Senator from Arkansas.

COAST AND GEODETIC SURVEY REPORT.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the Report of the Superintendent of the United States Coast and Geodetic Survey, with the usual necessary sketches and illustrations showing the progress made in said survey during the year ending June 30, 1887, 1,000 copies of which shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by said Superintendent.

RELATIONS WITH GREAT BRITAIN AND CANADA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN September 17, 1888, as follows:

Resolved, That the Committee on Foreign Relations be directed to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada, with such measures as are expedient to promote friendly commercial and political intercourse between these countries and the United States, and for that purpose have leave to sit during the recess of Congress.

Mr. SHERMAN. Mr. President, the recent message of the President recommending a line of retaliation against the Dominion of Canada involves the consideration of our relations with that country in a far more important and comprehensive way than Congress has ever before been called upon to give. The recent treaty rejected by the Senate related to a single subject affecting alone our treaty rights on her northeastern coast. The act of retaliation of 1887 was confined to the same subject-matter. This message, however, treats of matters extending across the continent, affecting commercial relations with every State and Territory on our northern boundary. Under these circumstances I feel it is my duty to present my views of all these cognate subjects, and in doing so I feel bound to discard as far as possible all political controversy, for in dealing with foreign relations, and especially those with our nearest neighbor, we should think only of our country and not of our party.

The problem before us would be much easier to solve if we could treat alone with Canada as an independent power, but this in form is impossible, though by the wise and generous policy of Great Britain the government of Canada has been practically committed to the Canadian Parliament. Our negotiations have been and must be with Great Britain, though our differences are with her dependencies, the Dominion of Canada and the Province of Newfoundland, which participated in the negotiation of the late treaty, and their consent to the treaty was necessary to its ratification. It can not be doubted that if the English Government was alone to be consulted, it would readily, in conformity to its avowed principles and modern practice, concede to American fishermen the right to enter its ports and harbors to purchase supplies and transship commodities. But, to use the language of the President, the Canadian authorities and officers deny us these privileges and have subjected our citizens engaged in fishing enterprises in waters adjacent to their northeastern shore to numerous vexatious interferences and annoyances, have seized and sold their vessels upon slight pretexts, and have otherwise treated them in a rude, harsh, and oppressive manner. He further says:

This conduct has been justified by Great Britain and Canada, by the claim that the treaty of 1818 permitted it, and upon the ground that it was necessary to the proper protection of Canadian interests. We deny that treaty agreements justify these acts, and we further maintain that, aside from any treaty restraints, of disputed interpretation, the relative positions of the United States and Canada as near neighbors, the growth of our joint commerce, the development and prosperity of both countries, which amicable relations surely guaranty, and above all, the liberality always extended by the United States to the people of Canada, furnished motives for kindness and consideration higher and better than treaty covenants.

Thus far I agree with the President. Not only was a harsh and narrow construction given to the treaty of 1818, but our fishing vessels were denied the benefit of the liberal and enlightened ideas and measures adopted in later years by commercial nations, and, especially, by the United States and Great Britain, of throwing wide open their ports and harbors to all vessels of friendly nations for the exchange of foreign commodities, subject only to such duties as by the public policy of each nation were deemed necessary, and without discrimination of country or vessels or mode of transportation.

Our policy has been especially favorable to Canada, as the duty on the articles she exported to the United States were exceptionally low. Her fresh fish were admitted free of duty into our country through our ports, harbors, and adjacent waters. This public policy was adopted not by treaty only, but by friendly laws, in harmony with the general good will of our people toward a kindred race in language, institutions, and origin, having a common boundary of 4,000 miles, and with whom it is our desire and hope to establish more intimate relations, and, in due time, a common union and destiny.

The President complains that on the part of Canada there was an entire want of reciprocity, that—

While keenly sensitive to all that was exasperating in the condition, and by no means indisposed to support the just complaints of our injured citizens, I still deemed it my duty for the preservation of important American interests which were directly involved, and in view of all the details of the situation, to attempt by negotiation to remedy existing wrongs and to finally terminate, by a fair and just treaty, these ever-recurring causes of difficulty.

I do not question the power of the President to negotiate a treaty subject to the advice and approval of the Senate, but I do deny that the treaty he negotiated would have remedied existing wrongs or terminated the causes of difficulty, or was in any sense a fair and just treaty. The more I have reflected upon it the more I am convinced that it was a one-sided treaty, that it would not have lessened but rather have increased the causes of irritation, and such, I believe, is the general sentiment of the people of the United States, and especially of those who are nearest in interest and in locality to the scene of the wrongs we complain of.

The exclusion of our fishermen by that treaty from the extensive waters and bays adjacent to the fishing grounds, on which they have the same rights as Canadian fishermen, admitted to be ours both by treaty and international law, should never have been conceded except for concessions of commercial rights of equal importance. When we look in the treaty for such concessions we find such trivial provisions as that our fishing vessels need not report to a custom-house when putting into the bays and harbors for shelter or repairing damages, or for purchasing wood or obtaining water. But even this concession prohibits our vessels remaining more than twenty-four hours. They were not to be liable for compulsory pilotage and are relieved from certain dues which are not enforced against any commercial vessel. In case of being driven into any bay or port under stress of weather they could unload when such unloading is made necessary as incidental to repairs, may replenish provisions or supplies damaged or lost by disaster.

In certain cases they could purchase supplies for the homeward voyage. They were promised that the penalties for violating the customs laws should not exceed the value of the ship and its cargo, that the proceedings should be as inexpensive as practicable, that reasonable bail should be accepted, and the usual incidents of a fair and speedy trial are promised. These provisions are not concessions. All these are rights which an Anglo-Saxon believes are inherent to man, as life, liberty, and property, rights which we have demanded from Algiers and Tripoli, which we have exacted from China and Japan when they opened their doors to European civilization, rights which Great Britain would not allow to be denied to Englishmen by any nation of the world. Any negotiation for such rights is a reproach to the framers of the treaty. The very fact of their concession by Canada and acceptance by us is an admission that they had been denied by the Canadian authorities, and that we had to buy these common rights by extending the local jurisdiction of Canada over vast bays where our fishermen had plied their vocation for more than one hundred years.

Nor does the fifteenth article help the treaty, for that is only an offer that, if we will repeal our duties on fish oil, whale oil, seal oil. and fish of all kinds (except fish preserved in oil), as well as on the usual and necessary casks, barrels, kegs, cans, and other coverings of the products named, whether these duties are necessary for revenue or for protection, then, and only in that event, they will allow our vessels to enter their ports for—

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.
2 Transshipment of catch, for transport by any means of conveyance.
3. Shipping of crews.

But even this article does not allow our fishing vessels to have any rights except those specially specified in the three clauses named. All and more of the rights proposed by this article have been freely granted and are enjoyed by every British and Canadian vessel, of whatever kind, whenever its owner wishes to enter the ports, harbors, or bays of the United States.

Why are not similar commercial rights conceded to our fishing vessels? Why should Canada refuse to allow American fishing vessels, engaged in a lawful and hazardous business on adjacent banks, to enter their ports and ship their catch over a railroad chiefly of American ownership to the American market? The denial of this privilege, which costs Canada nothing, has always seemed to me so inhospitable, unchristian, and selfish that I wonder that it has not long since led to violence and retaliation. The only answer is that the fishing banks lie nearer to Canadian shores than our own, and that they have therefore an advantage in shipping their catch that we do not enjoy; and yet, strange to say, we allow them to ship their fish free of duty into our market and thus take advantage of their own wrong. The President, as I will show, has the power under the act of 1887, by a simple order, to change all this by stopping for a time the importation of fish and other goods from ports from which our fishermen are excluded, and this alone would in all probability have secured justice, hospitality, and equal commercial privileges to our fishermen; but he chose to negotiate, and the result was a project of a treaty which secures none of these except upon a surrender of the taxing power of the Government.

The President complains that the treaty was rejected without any apparent disposition on the part of the Senate to alter or amend it. The only amendment that would make the treaty tolerable was one to stipulate for the entry of our fishing vessels into Canadian ports with the same commercial privileges that are now enjoyed by the British and Canadian vessels in our ports, but it was said in the committee and concurred in by all that such an amendment would not be accepted by the other contracting parties, that to adopt this amendment would be to defeat the treaty in an indirect way and be a concession of the delimitation of the bays mentioned, that it would be better for the United States, and the Administration as well, to reject the treaty entire, leaving the executive authorities to negotiate anew, or pursue the remedy provided by law, as deemed best for the public interest. These considerations induced me to withhold the amendment suggested, for it was perfectly well known that the treaty was rejected because it extended the exclusive waters of Canada without securing reciprocal advantages, and aggravated rather than lessened existing difficulties.

The President charges that it was the evident intention of the Senate, not wanting expression, that no negotiation should at present be concluded touching the matter at issue; in other words, that the Senate was governed by political motives. This is founded upon a single clause of the report of the committee, in which it is said:

Congress came to the conclusion that the period of negotiation and unavailing remonstrance had passed, and with almost absolute unanimity and without any party division enacted the act of March 3, 1887.

This was the statement of a fact absolutely true, and is not in any sense a denial of the right of the President, under the Constitution and by and with the advice and consent of the Senate, to make treaties. That Congress did expect him to pursue the course marked out by the law which he had approved is undeniably true, but it is equally true that he might, before resorting to the law, continue negotiations, and the same right was open to him after the Senate had expressed its disapproval of the treaty, and yet, in the face of this, the President says the Senate has declined.

The co-operation necessary for the adjustment of the long-standing national differences with which we have to deal, by methods of conference and agreement.

What were these differences? None were suggested by the treaty he sent us except those growing out of the treaty of 1818, which related alone to our fishery rights. These were not settled by the treaty except by new concessions and by a surrender of the taxing power. We believe they could have been easily and quickly settled by his executing the law of March 3, 1887. He seems to be unwilling to execute that law, which undoubtedly expressed the deliberate judgment of Congress without party division, and now that the Senate has declined to approve the treaty, he neglects the execution of the law, imputes to the Senate a declaration that it has not made, seeks to change the issue, sets out other causes of complaint, and invokes new and extraordinary powers to punish Canada for levying discriminating duties in the use of her canals.

A purely executive officer, charged with the execution of a law, places his opinion and his will above the law, declines to renew the negotiations, neglects to carry out the plan of retaliation provided by law, and says he will "therefore turn to the contemplation of a plan of retaliation" entirely different and distinct from the one provided by the law, and asks Congress to grant him the power of suspending a commerce stated by him to have amounted to $270,000,000 during the last six years. It is no wonder that this sudden change of base excites surprise in both countries and is regarded as a mere political movement to divert attention from the real issue, and, for party purposes, to broaden a local controversy into one that may involve the peace of two great countries.

This brings me directly to the consideration of the method of retaliation provided by existing law and that recommended by the President. The act of March 3, 1887, provides:

That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are then or lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States, and also, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

That all the injuries to our countrymen recited in the act of Congress have been committed is admitted and strongly stated by the President in his recent message. The ground for retaliation is specifically pointed out by him, and the proper measure of retaliation was clearly and distinctly defined by Congress and is fully justified by the facts stated in the message.

Can there be a doubt that, if the President had promptly, after the passage of this law, exercised his powers, or even now, after the failure of his negotiation, should exercise either of the powers given to him by the law—that is to prevent the entrance of Canadian vessels into our ports or to deny entry into our ports of fish or other goods, the product of said Dominion—he would have secured to our countrymen the privileges referred to? And this would have been a just and proper measure of retaliation. He would have inflicted upon Canadian vessels the precise injury to the same extent that has been inflicted upon American fishermen.

But, not content with this, he proposes a measure of retaliation that will inflict great injury upon our own citizens, in no way connected with the fishery difficulties; will arrest a vast commerce beneficial to both countries, which has been conducted in peace and safety and without controversy for years, which furnishes occupation for our railroads and other modes of transportation, and to a vast number of our people; which causes no loss to our revenue; which will create damage and irritation along the whole length of our border, from the Gulf of St. Lawrence to the Straits of Fuca. It will, without furnishing a remedy to the fishermen employed upon our northeastern fisheries, inflict an injury to all engaged in commerce on the upper lakes, to several lines of railroads through New England States, will check the construction of railroads to and from the friendly province of Manitoba, probably lead to the suspension and breaking off of the exportation of coal from Ohio and the West to Canada, and the shipment of wheat from the Red River country to Minneapolis, to be ground into flour for re-export or home consumption. In other words, it will suspend or embarrass a commerce of exports and imports aggregating nearly $100,000,000 a year. A proposition like this, made without warning in the midst of a popular election, with all the air and surroundings of a sensation, is the response to an earnest demand made by the fishermen of New England that they should be secured in the enjoyment of what they believe to be their unquestionable rights.

On what ground is this recommendation made? If to secure the rights of our citizens it is necessary to make these sacrifices, a patriotic people will not for a moment hesitate; but if this is a mere expression of resentment because the Senate has not approved the treaty, or is a mere bluff to attract popular feeling in aid of a political canvass, in no way necessary to secure the object sought. the Senate should promptly

deny the power asked for, and appeal to the sober judgment of our people to support them in resisting measures so dangerous to the peace and prosperity of the country. The broad question is presented whether it is wise to confer this power on the President of the United States under existing circumstances, and this involves the consideration of our commercial relations with Canada, their extent and importance both to Canada and the United States, and especially of the articles in the treaty of Washington of 1871 and the subsisting laws to carry them into effect.

Prior to the treaty of Washington there were many subjects of dispute between the United States and Great Britain in respect to Canada. That treaty was negotiated with the utmost care by eminent representatives of Great Britain and the United States, and was ratified on the 17th of June, 1871. It was a broad, comprehensive, liberal, and just treaty, fit to be made by two great friendly nations, and was designed to and did put all the controversies then existing upon a course of peaceful settlement honorable to both parties.

The first eleven articles relate alone to the Alabama claims. These have been fully executed. Besides settling these claims there were two clauses honorable to both countries and of good example to all nations. One was the expression by Great Britain in a friendly spirit of—

> Regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports and for the depredations committed by those vessels—

And, second, the three provisions in Article VI defining the duties of neutral governments to a friendly nation in war with another. These rules embrace the American idea in respect to neutral nations, and have been substantially adopted by other maritime powers.

The next six articles provide for a claims commission to adjudicate and settle mutual claims of citizens of the respective nations against each other. This is an effective form of arbitration, and these articles have been executed.

Article XVIII granted to fishermen of the United States the right to take fish of every kind except shell-fish on the seacoast and shores and in the bays and harbors and creeks of the maritime provinces on the northeastern coast of Canada, without being restricted to any distance from shore, with permission to land upon the shore for the purposes of drying their nets and curing their fish. This clause modifies the fishing rights granted by the treaty of 1818 by allowing our fishermen to fish within the marine league, but it grants them no commercial privilege of entering the port for provisions or supplies and transshipping their catch over the Canadian roads to the United States. This, however, is provided for in Article XXIX, to be hereafter discussed. The nineteenth article grants reciprocal rights to Canadian fishermen on all bays, harbors, and creeks on the seacoast and shores of the United States north of the thirty-ninth parallel of north latitude. These and the two following articles relate exclusively to the fishing rights of the respective nations.

The four following articles relate exclusively to the Halifax Commission, organized to estimate the difference between the concessions to the United States and to Great Britain in respect to the fisheries, and have been fully executed by an award that has always been considered in the United States as excessive and unjust; but the award was made and has been paid.

Article XXVI and several articles following deal with the coasting and transit trade along the rivers and lakes which form the border between the United States and Canada, a distinct subject-matter. Article XXVI declares that the river St. Lawrence, running through British territory, shall forever remain free and open to the sea for the purposes of commerce to the citizens of both countries. Article XXVII secures to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in Canada on terms of equality with the inhabitants of the Dominion, and the United States undertakes that English subjects shall enjoy the use of the St. Clair Canal and certain State canals on terms of equality with the inhabitants of the United States, and the navigation of Lake Michigan was to be free and open for the purposes of commerce to English subjects.

The twenty-ninth article relates to goods in transit arriving at ports of the United States destined for Canada, and, reciprocally, that goods from ports in the United States through Canada to the United States should be conveyed in transit without the payment of duties. I shall have occasion to call attention in detail to the provisions of this article.

Articles XXX and XXXI provide for the coasting trade in vessels of both countries reciprocally on and through the Great Lakes and the rivers connecting the same, free of duty. In other words, the coasting trade of the waters on the borders of the two countries was to be open to the vessels of both nations on terms of reciprocity.

The last articles from XXXIV to XLII relate solely to the boundary between the two countries on the northwestern coast. This controversy was referred to the Emperor of Germany, who decided it in favor of the United States. These articles were executed by his decision in our favor.

Thus it will be perceived that this treaty embraces four distinct subjects, each of which was of great importance, but not in any way connected with each other.

First. The settlement of the Alabama and other claims.

Second. The fishery controversies on the northeastern coast.

Third. The coasting and transit trade along the Great Lakes and rivers which formed a large part of the boundary between the two countries, and transshipment of goods in bond to and through either country free of duty.

Fourth. The boundary line on the Pacific.

The first and fourth of these, relating to claims and the boundary on the Pacific, were settled in pursuance of the terms of the treaty. The fishery articles gave rise to irritation and were terminated by the act of March 3, 1883. The articles relating to the transit of goods, providing for a vast interior commerce and the reciprocal use of the railroads and canals of each country, have been substantially observed by both countries, except as to the transit of fish belonging to American fishermen from Canadian ports to the United States.

The benefits conferred are mutual, and if any other complaints have arisen they have no connection with, relation to, or similitude to the fishery controversies. Why, therefore, blend this dispute about the transshipment of fish at local ports in Nova Scotia with the vast interior commerce of a continent? Why connect a controversy in the waters about the mouth of the St. Lawrence with the commercial relations along a boundary line extending more than 4,000 miles? No good can result from it unless it is desirable to establish non-intercourse between the two countries, and turn the minds of the two peoples from growing relations of friendship and good will to preparations for controversy and war.

When a nation is compelled by a sense of wrong to seek a remedy by retaliation it is bound to apply a remedy suitable to the offense, and not to resort to extreme or unnecessary measures. If it does so it becomes a wrong-doer. The rule is properly stated by the President in the following words:

> There is also an evident propriety as well as an invitation to moral support, found in visiting upon the offending party the same measure or kind of treatment of which we complain, and as far as possible within the same lines.

And yet at once he invokes a measure of retaliation far beyond the range and out of all proportion to the complaint. What we complain of is the denial of the right of American fishing vessels to enter Canadian ports to ship their catch to the American market.

The remedy provided by law is clear, simple, direct, and sufficient, visiting on the offending party the same measure or kind of treatment of which we complain, and there we should rest. They deny our vessels the right to enter their ports; we deny their vessels the right to enter our ports. They deny our right to transship our fish to our market; we deny them the right to bring their fish into our market. We base our right to enter their ports and transship our fish upon precisely the article of the same treaty upon which they send their fish to our market. If our claim is unfounded, then they should not enjoy the privilege they deny to us.

We believe that the right to transfer fish in bond free of duty through either Canada or the United States rests upon the same law as the transit of all other goods. Fish can be and are freely transmitted from any other port or place in the United States to or from Canada, precisely like other goods, wares, and merchandise, but it is claimed that fish caught on the fishing banks by American fishing vessels can not, under the terms of the treaty of 1818, be allowed to enter the Canadian ports in that region except for certain purposes, and that this traffic is not embraced in the twenty-ninth article of the treaty of 1871. It would appear upon the face of the latter treaty that there is no ground whatever for this distinction. By the plain terms of Article XXIX, which supersedes prior laws and treaties, the goods, wares, or merchandise of American citizens arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered and conveyed in transit through said possessions without the payment of duties. There is no restriction as to the character of the goods, no exception made as to fish, or as to particular ports, or the character of the vessels, whether fishing vessels or commercial vessels, or as to prior rights. No reserve is made as to the treaty of 1818, and this right was enjoyed by our fishing vessels until 1886. The transit of fish stands on precisely the same basis as the transit of wheat, potatoes, or merchandise.

If the right to transship fish does not exist it is because Article XXIX is not in force. It therefore becomes important to determine whether this article has been in any way changed, qualified, or terminated by the notice given to terminate the articles of the Washington treaty relating to the fisheries by the joint resolution approved March 3, 1883. This resolution declares:

> That in the judgment of Congress the provisions of articles numbered XVIII to XXV, inclusive, and of Article XXX of the treaty between the United States and Her Britannic Majesty, * * * ought to be determinated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice.
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> * * * * * * *
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> SEC. 3. That on and after the expiration of the two years' time required by said treaty, each and every of said articles shall be deemed and held to have expired and be of no force and effect.

Due notice was given by the President of the termination of the a-

ticles named, and an act of Congress prescribed the mode of carrying it into effect.

Thus, by the plain terms of the treaty and in pursuance of a right reserved in the treaty, the fishery articles have been terminated, and by the common consent of both parties the fishing rights of the United States rest upon the treaty of 1818; but this does not affect any other portion of the treaty. This leaves the treaty of Washington, so far as it respects the navigation of the St. Lawrence and the Great Lakes and the rivers that connect them, and the shipment of goods in transit under Article XXIX in full force.

The President admits the force of this position, but contends that, as the result of the termination of the fishery articles, Article XXIX has also been terminated. He, in his recent message, for the first time takes that position. He says:

There need be no hesitation in suspending these laws, arising from the supposition that their continuation is secured by treaty obligations, for it seems quite plain that Article XXIX of the treaty of 1871, which was the only article incorporating such laws, terminated the 1st day of July, 1885.

He supports this by a narrow and technical construction of Article XXXIII. It is not pretended that either country has taken any direct measure to terminate Article XXIX, but, as stated, it is a mere constructive repeal, for Article XXIX is not mentioned in the joint resolution of March 3, 1883, terminating the fishery articles. The Senator from Mississippi [Mr. GEORGE] supports the President by a subtle argument, plausible upon its face but not satisfactory.

It is sufficient to say that all the contracting parties to this treaty have treated this article as in full force. It is a reciprocal arrangement upon a distinct subject-matter, beneficial to both parties, and of which no complaint has been made, either as to its fairness or its continuance. A repeal by construction is not favored in law. Since the termination of the fishery articles the great commerce conducted under the provision of Article XXIX has been continued and is annually increasing. When appealed to, Great Britain insisted it was in force. If violated at all it has been by the refusal of Canada to allow the transshipment of fish from American vessels in the ports on the northeastern coast, from Nova Scotia through the State of Maine to Boston and other points. But this grievance could be amply remedied under the act of March, 1887, by forbidding the entry of fish from Canada into the United States, or by forbidding Canadian vessels from entering the ports of the United States.

We are told by the President that—

In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory to this country; and ever since that time such shipment has been denied.

If this be so it is another reason why the President should have at once responded by a refusal to allow fish to be brought through Canadian territory to our country or the entry of Canadian vessels into our ports. This would be a plain, direct, and prompt remedy which the President, though armed with full power, has refused to exercise. To make this injustice by the Canadian authorities the ground for arresting the transit of goods between the two countries along the line of the frontier would be to inflict a vastly greater injury on our own people as well as upon the Canadians, to redress a local grievance for which he has an ample local remedy. It is retaliation against ourselves.

It was said in debate that President Grant in his message of December 5, 1870, recommended the identical measure of retaliation now recommended by President Cleveland. This is easily answered by the very different state of our relations with Great Britain then and now. All the many causes of complaint subsequently settled by the treaty of Washington were then pending and flagrant. But a better answer is that in spite of the many causes of complaint then existing, Congress refused to General Grant the powers he asked for and left him to negotiate as a better remedy. No party then proposed to comply with his request. No Democrat would then confer upon him such powers. Shall we now when our causes of complaint are infinitely less and have been localized give to President Cleveland powers we refused to President Grant?

It has been said in debate that the President has already the power he asks for, and sections 3005 and 3006 of the Revised Statutes have been quoted to sustain this view. I do not concur in this, but agree with the Senator from Mississippi [Mr. GEORGE] that no such power is conferred by these sections. It can not be based upon the power granted by section 3005 to the Secretary of the Treasury to prescribe rules and regulations. This is merely directory to provide a proper mode for executing the law, but the law itself confers upon the owners of the merchandise the right to carry their goods through the United States free of duty, and that right can not be taken away by the regulations of the Secretary or by his failure to make such regulations. Nor does the authority conferred upon the Secretary of the Treasury by section 3006 to make rules, regulations, and conditions, limit or control the authority to import merchandise in bond or duty paid, to be transported from one port of the United States to another over neighboring territory.

The regulations must be in harmony with and not defeat the object of the law. Nor does it follow that powers given to the Secretary of the Treasury are conferred upon the President. A multitude of examples of this kind can be given where the head of a Department is clothed with independent power denied to the President. Nor has the President any dispensing power. He can not take advantage of the non-fulfillment of a treaty by a foreign nation. Congress alone can abrogate a treaty if it is violated by the other party. It may abrogate the treaty in whole or in part, but the President has no such power. If Great Britain has violated the twenty-ninth article of the treaty of Washington, or has failed in any respect to perform its obligations, as I believe it has in refusing the entry and transshipment of our fish, the Congress alone may prescribe proper remedies, either by abrogation of a part or the whole of a treaty or by retaliation in kind. In this case Congress has furnished the remedy, ample, complete, and specific. It has not undertaken to abrogate Article XXIX, but all the parties to the treaty have treated it as subsisting, and, according to my construction, it is still in full force and effect, and neither the interests of our people nor public policy demand that it should be suspended or evaded, but should be maintained and enforced.

Unfortunately the President is committed against this policy; and disappointed in the rejection of the late treaty and dissatisfied with the attitude of his administration on a question involving the rights of a large number of our people, he now, in his recent message, seeks to change the issue, sets up new grievances, asks for new powers to fight another diplomatic battle on another line. He says in his message of the 29th of August that the Dominion of Canada has not complied with Article XXVII of the treaty of Washington in allowing American vessels to use the Welland Canal on the same terms and conditions granted to Canadian vessels. This is quite a different subject-matter than Article XXIX. Article XXVII provides that—

ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties on terms of equality with the inhabitants of the United States.

Though Great Britain only engaged to urge Canada to secure citizens of the United States the use of the Welland and other canals on terms of equality with citizens of Canada, yet, considering their relations to each other, this constitutes a substantial obligation on the part of Great Britain to secure to citizens of the United States the use of the canals on the same terms granted to citizens of Canada. It is now alleged that such discrimination is made against the United States, but this is denied by the Dominion Government. It appears, however, that as early as the 28th of March, 1887, by an order of council, that Government did levy a special reduced rate of 2 cents a ton, merely nominal, on wheat, corn, pease, barley, and rye, all being food products, carried through the Welland Canal, when shipped to Montreal or ports east of that, while the usual rate when shipped to other ports is 20 cents a ton. This does not discriminate against American vessels, for they may carry these articles to Montreal; but it does discriminate against American ports, and is certainly a violation of the spirit of the treaty if not its letter. This discrimination has continued ever since. It appears also from the report of the Commissioner of Navigation that similar orders of council were in operation since July 4, 1885, during nearly the whole period of this Administration.

A memorandum taken from the Canadian report of canal statistics for 1886 throws some light upon the subject of tolls:

"O. C., 21st April, 1886.—On a memorandum dated 20th April, 1886, from the minister of railways and canals, submitting that, by an order in council dated 4th July, 1885, the Dominion canal tolls on certain food products shipped from Montreal or any other Canadian port east of Montreal were reduced, for the then current season of navigation only, to 2 cents per ton.

"O. C. 14th June, 1886.—Notice is hereby given that by order of his excellency the governor-general in council, dated the 14th June, 1886, the order in council, dated 21st April last, fixing at 2 cents per ton the Dominion canal tolls on certain food products, shall apply to the Welland and St. Lawrence Canals only."

Now, the first inquiry I have to make is if this discrimination is so grievous as to demand the extreme remedy of retaliation, why was it not sooner brought to our attention? The first we heard of such complaint were statements made by a Senator on this floor during the present session and by a bill introduced in the House of Representatives. If there was just ground for this complaint it was the duty of the President to inform Congress of it, and to call upon Congress without respect to the fishery controversy for power to enable him to meet this breach of the treaty. It is not mentioned by the Secretary of the Treasury in his annual report. I need not say it was not mentioned by the President in his annual message. It is said it was mentioned in the report of the Commissioner of Navigation in December last, a document not likely to attract attention, and in a letter from the Secretary of the Treasury to the Committee on Foreign Affairs of the House, January 23, 1888. It does not seem to have been called to the attention of the distinguished negotiators of the late fishery treaty. It was not even called to the attention of Mr. Bayard, our Secretary of State, until the 10th of July, 1888, and then in a perfunctory kind of a way. He slept on this grievance until the 21st of July, when he addressed a note to

the British minister at his summer retreat; even then did not treat it as a complaint against Great Britain, but closed his brief note with this request:

I will thank you to bring this matter to the attention of the Canadian Government.

No doubt in due time we will hear further from the Canadian Government through Mr. West and Mr. Bayard.

And yet this is the subject-matter of the message of the President of August 29, 1888, which has caused so much excitement in those countries, and even the facts which I state were not known to us until the 12th of this month of September—six days since—when they were communicated by the message of the President in response to a resolution of the Senate. And yet with the message of the President there came to the House by some grape-vine line the bill now before us. It was hurried through in hot haste to heal the wounded honor of our country, which had, according to the President, suffered almost unconsciously a grievous wrong for more than three years!

Mr. President, I have in my time seen many panics. I have seen the Senate and the House rush in hot haste through the forms of legislation under sudden excitement many foolish measures. I have seen mobs not so respectable commit violence and crimes against law and justice. I have read of panics in battle when the bravest of troops fled in a fright from imaginary dangers, but I have never known one so groundless as this. For us to set up these old orders of council of the Canadian Government now, here in the midst of the fishery controversy, as a ground for retaliation would be a departure from all the usages of friendly intercourse between friendly nations. It would be to seek a quarrel on a new pretext to fortify an old controversy. It would be neither manly, dignified, nor just. It is an afterthought. If not, why did not the President advise us before of the discrimination against us in the use of the Welland Canal? Why did he, in June, 1887, confer bonding privileges on the Canadian Pacific Railroad? Why did he not make a firm remonstrance against such discriminations? Why did he not give notice that if continued, like discriminations would be made on the St. Clair and Sault de Ste. Marie Canals? Why, after giving notice to the British minister, does he not await an answer? Can it be that he never heard of this grievance until now, and seized upon it to cover his refusal to obey the law fixing the measure and extent of retaliation for injuries done to the fishing rights? I can not resist the conclusion that this grievance, neglected or overlooked by the President, is now lugged into the fishery controversy to divert attention from the failure to enforce the retaliation authorized by law.

And yet, Mr. President, I believe the discrimination made is a substantial and, as the debate in the House of Representatives shows, an injurious infraction by the Canadian authorities of the treaty of Washington, and calls for a firm remonstrance by the President to Great Britain, and, if not heeded, an act of Congress authorizing a toll on vessels passing through the St. Clair Flats or Sault de Ste. Marie Canals to Canadian ports, or in the last resort authorizing specific retaliation. Upon the showing now made I will vote for such an act or acts after a fair notice and proper hearing. It may be, and has been contended, that the joint resolution of March 3, 1887, is broad enough to justify such retaliation, but if there is any doubt of it full and specific authority should be conferred upon the President to retaliate in kind. I can not doubt that Canada will on proper representation remove this cause of complaint. It is not to be supposed that any such discrimination would be made except by inadvertence, or continued after the attention of the Canadian authorities had been called to it.

We have no right to complain that Canada levies tolls on vessels passing through her canals, though we levy none on American canals, for that right is expressly recognized by the Washington treaty. All that we can ask is that no higher or other tolls are levied on American vessels than on Canadian vessels, that no discriminations are made under cover of drawbacks or bounties in favor of Canadian ports against American ports. If we object to tolls we should do what ought to have been done forty years ago, and for which I voted thirty years ago, build a canal around the Falls of Niagara on American soil.

I conclude, therefore, that it is not wise at the present time to give to the President the additional powers of retaliation he asks for as the case now stands. It is for Congress, the representatives of the States and the people, to judge of the necessity and extent of powers of retaliation demanded by national honor to secure national rights, and not for the President. If the object is to secure our fishery rights, the powers already granted are full, complete, and adequate. If it is to prevent discriminations against American vessels in Canadian canals, the foundation has not been laid by negotiation, remonstrance, and refusal to justify acts of retaliation. When that is done it will be time enough to provide such measures, and the patriotism of Congress may be relied upon, whatever party is in power, to assert and maintain the rights of our people.

That there is no haste about this matter is shown from the very cool and placid manner in which Sir John Macdonald treats the whole question. The Welland Canal will be closed for the season in sixty days, before we shall receive an answer from the Canadian Government or from Mr. West, and then we shall have a long season intervening. Sir John Macdonald is reported in the newspapers to have said yesterday:

The policy of the Canadian Government will be to await developments in the United States. By this I mean that the only question from which trouble can arise relates to the fishing. The fishing season has just closed, and it will not open again until May. In other words, it will be fully eight months before the United States will have any chance to bring up the question again.

That was not the view the House of Representatives seem to have taken.

And now, Mr. President, taking a broader view of this question, I submit if the time has not come when the people of the United States and Canada should take a broader view of their relations to each other than has heretofore seemed practicable. Our whole history since the conquest of Canada by Great Britain in 1763 has been a continuous warning that we can not be at peace with each other except by political as well as commercial union. The fate of Canada should have followed the fortunes of the colonies in the American Revolution. It would have been better for all, for the mother country as well, if all this continent north of Mexico had participated in the formation and shared in common the blessings and prosperity of the American Union.

So evidently our fathers thought, for among the earliest military movements by the Continental Congress was the expedition for the occupation of Canada, and the capture of the British forces in Montreal and Quebec. The story of the failure of the expedition, the heroism of Arnold and Burr, the death of Montgomery, and the fearful sufferings borne by the Continental forces in the march and retreat is familiar to every student of American history. The native population of Canada were then friendly to our cause, and hundreds of them as refugees followed our retiring forces and shared in the subsequent dangers and triumphs of the war. It was the earnest desire of Franklin, Adams, and Jay at the treaty of peace to secure the consent of Great Britain to allow Canada to form a part of the United States, and at one time it appeared possible but for the influence of France and Spain, then the acknowledged sovereigns of large parts of the territory now included within the United States. The present status of Canada grew out of the activities and acquisitions of European powers after the discovery of this continent. Spain, France, and England especially desired to acquire political jurisdiction over this newly discovered country.

Without going into the details so familiar to the Senate, it is sufficient to say that Spain held Florida, France held all west of the Mississippi, Mexico held Texas west to the Pacific, and England held Canada. The United States held, subject to the Indian title, only the region between the Mississippi and the Atlantic. The statesmen of this Government early discerned the fact that it was impossible that Spain, France, and Mexico should hold the territory then held by them without serious detriment to the interests and prosperity of the United States, and without the danger that was always present of conflicts with the European powers maintaining governments in contiguous territory. It was a wise policy and a necessity to acquire these vast regions and add them to this country. They were acquired and are now held.

Precisely the same considerations apply to Canada, with greater force. The commercial conditions have vastly changed within twenty-five years. Railroads have been built across the continent in our own country and in Canada. The seaboard is of such a character and its geographical situation is such on both oceans that perfect freedom as to transportation is absolutely essential, not only to the prosperity of the two countries, but to the entire commerce of the world; and as far as the interests of the two people are concerned, they are divided by a mere imaginary line. They live next-door neighbors to each other, and there should be a perfect freedom of intercourse between them.

A denial of that intercourse, or the withholding of it from them, rests simply and wholly upon the accident that a European power one hundred years ago was able to hold that territory against us; but her interest has practically passed away and Canada has become an independent government to all intents and purposes, as much so as Texas was after she separated herself from Mexico. So that all the considerations that entered into the acquisition of Florida, Louisiana, and the Pacific coast and Texas apply to Canada, greatly strengthened by the changed condition of commercial relations and matters of transportation. These intensify not only the propriety, but the absolute necessity of both a commercial and a political union between Canada and the United States.

The immense extent of our boundary line invites, has produced, and will more and more produce, as both countries grow, innumerable causes of controversy that would not exist if we were bound by the tie of a common government. Nearly all of the troublesome questions that have been the subject of negotiations with Great Britain have related to Canada. One fruitless war led to the invasion of Canada. More than once we have been on the verge of war with Great Britain as to the boundary line with Canada. Our present controversies as to the fisheries, canals, commercial and trade relations are with Canada. The similarity of our language and institutions makes intercourse easy and controversies frequent. Our proximity is more dangerous than if we were of different races, speaking different languages, and separated

by old traditions and usages. We are essentially one people; but since the autonomy of the Dominion of Canada, composed of many provinces, we are two rival federal republics between whom union is the only safety, can we not therefore, as the elder and stronger republic, adopt a line of public policy that will peacefully and happily blend the two in one harmonious whole. Canada is now stronger, more populous and wealthier than the United States was when the Constitution was formed. In one hundred years our country has been increased fifteen fold in population, five-fold in extent, and twenty fold in wealth, productions, and resources. We may anticipate for Canada the same proportionate growth in population and wealth, but neither can grow in extent, for the continent is shared between us.

Shall each country protect itself from the other by lines of fortifications, dotted by custom-houses, carefully watched by smugglers, and expend their resources for armies and vessels of war? Shall we duplicate canals on our borders at every natural obstacle to commerce because we can not agree for their common use? Shall we, like unfriendly neighbors, build a mad-lane between us, because we can not agree to join our fences? One or the other of these lines of public policy will very soon have to be adopted, or, like the ancient English and Scotch, we will be in a state of continual controversy or warfare with each other. I prefer a kind and generous policy to Canada rather than one of retaliation and force. Nor will mere commercial arrangements, in their nature temporary, like the reciprocity treaty of 1854 and of 1871, liable to be set aside by the shifting exigencies of the political situation, meet or solve the problem we have before us. They only tend to emphasize our separation.

The way to union with Canada is not by hostile legislation; not by acts of retaliation, but by friendly overtures. This union is one of the events that must inevitably come in the future; it will come by the logic of the situation, and no politician or combination of politicians can prevent it. The true policy of this Government is to tender freedom in trade and intercourse, and to make this tender in such a fraternal way that it shall be an overture to the Canadian people to become a part of this Republic.

The admission of Canada into the Union divided into states and territories upon the basis of our Federal system would be of untold advantage to both countries. Four or five States could be admitted, each with an already established autonomy, defined boundaries, and a sufficient population, and the remainder divided into territories would have the benefit of local government and become the scene of a migration only exceeded by that of the Northwest Territory.

The natural advantages of the union would be in closing forever all controversies inseparable from a long boundary line, in giving the broadest free trade in the productions of a continent, in combining the interests and pride and achievements of a kindred population fairly represented in the Congress of the United States, in increasing the power and influence of republican institutions among the nations of the world, and in giving additional security against the aggression of European powers. This, as I have said, is no untrodden experiment in the history of American progress. The thirteen old colonies have absorbed under their flag and jurisdiction successive regions of vast extent and resources, some of which now exceed in wealth and population many times that of the old thirteen States at the beginning of this century. The settlement of the Northwest Territory, the Louisiana and Florida purchases, the annexation of Texas, and the acquisition from Mexico are examples of the adaptation of our form of government for expansion, to absorb and unite, to enrich and build up, to ingraft in our body-politic adjacent countries, and while strengthening the older States confer prosperity and development to the new States admitted into this brotherhood of republican States.

The Dominion of Canada is so situated that she would reap more advantages from this connection than any previous acquisition. Our great market will be at once open to her vast undeveloped natural resources. Her fisheries would find an undisputed and untaxed market. Her extensive forests, far greater than any now known, will be doubled in present value. Her wheat, barley, and other cereals will enter into our consumption or add to the store of food to be conveyed to other markets by modes of transportation always open, free of custom-house officers or tolls at all seasons of the year. The tide of emigration that has steadily passed through her borders into our more favored climate will turn northward to the forests of Columbia, to the vast plains of Manitoba and adjacent provinces, to the silver, gold, copper, iron, and nickel mines north of Lake Superior and to the still unsettled agricultural regions in the older provinces.

I know of no portion of the population of Canada whose interests would be injuriously affected by union with the United States except the favored few who enjoy titles or who, like their senators, hold offices for life; but even these will find compensation for their loss, but the public gain, by a broader sphere of ambition and influence. For the mass of their people the change would be imperceptible, while its benefits would be undeniably apparent. They now, under the British North American act of 1867, form a voluntary union into one legislative confederation. Under our system they would have this and greater security for perpetual union, growth, wealth, and strength, with all their local powers, autonomy, and government.

Nor is it likely that the British Government would object to the free and voluntary action of a dependency upon which it has already conferred substantially independent power; for the parent government will find in the extended union an enlarged market for its productions and will be relieved from the embarrassments under which they now labor of guarding and protecting interests of which they have no part. In any event, the independent action of two peoples, bound by so many ties of kinship, neighborhood, and interest could not long be denied their union under a common government.

And the advantages of this union will be fully shared by the people of the United States. Our manufacturing industries, now greatly developed, will find new markets in the Dominion of Canada; machinery, clothing, supplies will be needed with new developments. Has it not always been so? Has not the prosperity of the older States kept pace constantly with the march of prosperity westward until the shores of the Pacific have been reached? Every new clearing in the forest, every new opening in the prairie, every new ranch on the plains, every new mine in the mountains has contributed to the employment and wealth of the East; and so will it be when the Dominion of Canada is open for new explorers unchecked by rival lines of sovereignty and jurisdiction. The ports of the East will be open to their fisheries, the great rivers and lakes will be unvexed by rival interests and regulations, the canals of both countries will be free to all, and the common treasure of a greater country than now will enable us to overcome natural obstructions to our commerce.

And may we not hope that, with a broader area, the unhappy sectionalism of the past between the North and the South may be dissipated by new questions that will arise, by a more intense patriotism invoked by the expansion of our institutions? It has always been so in the past. The North watched with jealousy the annexation of Texas; the South resisted to the utmost the extension of free institutions over California, and sought to break up the Union when the North obtained temporary ascendency. Both sections found their greatest good in the defeat of their cherished wishes. Will not the South see in the extension of our domain the triumph of the principles their statesmen did so much to establish? Will it not invoke in the North a genuine sympathy for them in solving the grave problem they have of dealing with a rapidly-growing race in their midst, distinct and different from their own? Will it not make easier the blending and mingling of the different races and tribes and types of men that form our population?

I see in the success of this policy much that is good and nothing that is harmful to any part of our great country. Nor are there any difficulties that should deter us for a moment. The institutions of Canada are substantially like our own. The population is in the main of the same stock. Our proximity is such that while separated we may be enemies, if united we will be friends. The debt of Canada is no impediment, for our resources are such that it can be assumed without being a burden. It can only be accomplished by the free and hearty assent of both peoples. Any force used will defeat the object we have in view. It can only be approached by gradual measures that invite and tend to good will and intercourse. It can not be promoted by controversy or retaliation. These measures lead to others, and end in war. There are restless spirits in every generation that seek to rise by the misfortunes of their country. There are narrow politicians that seek by tricks and popular appeals to gain an advantage; but in the end they fall by their own devices.

True statesmanship consists in an earnest effort by honest means to promote the public good. No greater good can be accomplished than by a wise and peaceful policy to unite Canada and the United States under one common government, but carefully preserving to each state its local authority and autonomy. This controlling principle of blending local and national authority—many in one—was the discovery of our fathers, and has guided the American people thus far in safety and honor, and I believe can be and ought to be extended to the people of Canada. With a firm conviction that this consummation, most devoutly to be wished, is within the womb of destiny, and believing that it is our duty to hasten its coming, I am not willing for one to vote for any measure not demanded by national honor, that will tend to postpone the good time coming when the American flag will be the signal and sign of the Union of all the English speaking people of the continent from the Rio Grande to the Arctic Ocean.

I ask that the resolution be referred to the Committee on Foreign Relations.

Mr. MORGAN obtained the floor.

Mr. PALMER. I ask the Senator from Alabama to yield for one moment that I may make a motion.

Mr. MORGAN. Very well.

LIGHT AT OTTER CREEK.

Mr. PALMER. I ask unanimous consent to move to reconsider the vote by which the Senate passed the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

The PRESIDENT *pro tempore*. Does the Senator desire action upon the motion now?

Mr. PALMER. Yes, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the

motion to reconsider the vote by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. What disposition does the Senator desire made of the bill?

Mr. PALMER. I move that it be recommitted to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES. May I inquire what the bill is?

The CHIEF CLERK. A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

Mr. PALMER. If there is any interest felt I can make an explanation that will satisfy all Senators that it is the proper thing to do.

The PRESIDENT *pro tempore*. The bill has been recommitted to the Committee on Commerce.

CHINESE IMMIGRATION—PERSONAL EXPLANATION.

Mr. HAWLEY. The Senator from Alabama kindly yields to me for a moment. I wish to make a brief statement on a matter personal to myself.

I was not present when the vote was taken upon the Chinese exclusion bill yesterday. Before leaving town last Wednesday I had arranged a pair with the Senator from Indiana [Mr. TURPIE]. I desired to vote "yea" upon the motion to reconsider the passage of that bill. The Senator from Indiana, I understand, was to vote "nay." By some mistake, for which I blame no one, the Senator from Indiana being absent yesterday, a pair between him and some other Senator was announced, and I did not appear to be accounted for. I wish merely to say that if here I should have gladly voted "yea" upon the motion to reconsider.

I do not remember having ever heard of a bill, even in the agonies of war or expected war, in the face of any calamity, that was passed with such extraordinary haste and disregard of formality as that bill was originally. Considering the fact that we had then pending a treaty with China and that we then had in the hands of the President a bill unsigned which had just passed both Houses substantially providing, as I understood, for all that was needed to ward off Chinamen, I thought it a matter of propriety and proper respect to a foreign nation to reconsider our somewhat hasty action and refer the bill to the Committee on Foreign Relations, that this important subject might take the usual steps of deliberate and dignified consideration.

RELATIONS WITH GREAT BRITAIN AND CANADA.

Mr. MORGAN. Mr. President, when I heard yesterday the resolution of the Senator from Ohio, "that the Committee on Foreign Relations be directed to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada, with such measures as are expedient to promote friendly commercial and political intercourse between these countries and the United States, and for that purpose have leave to sit during the recess of Congress," I was very much puzzled to understand what it was the Senator from Ohio desired that that committee should do in the vacation of Congress. I was not aware that the Senate or the country was in need of any information of an accurate character or of a general character in reference to the actual state of the relations between the United States and Canada, either as it concerns their commerce or their intercourse of any description. I was not aware that there was any necessity for promoting the friendly commercial and political intercourse between those countries and the United States that had not existed always and would not continue to exist until the end of time, I hope.

I was quite surprised this morning to find the Senator come in with a prepared written argument, a speech in which he went into a *post-mortem* examination of the fisheries treaty, which has been denounced by the Senate. He has gone over the whole ground covered by the recent message of the President asking additional powers by way of amendment to the act of March 3, 1887, and has proceeded further to delineate in a more specific way a favorite idea that seems to have haunted the imagination of the Senator from Ohio now for quite a while in respect of a zollverein between the United States and Canada, which this morning seems to have matured into a settled purpose on his part to have Canada annexed to the United States.

I admire the reach of the Senator's statesmanlike genius and ability in thus grasping Canada around the waist and hauling her up into close embrace with the people of the United States, and I look forward perhaps at the end of another century to something like a realization of the dream of the Senator from Ohio which he has so beautifully portrayed this morning, of the admission of Canada into the United States, unless in the mean time the Federal party of the United States, who are very much in love with the ancient traditions of centralized power, should conclude that after all it was a better movement that Canada should embrace us in her union, should draw us back beneath the imperial crown of Great Britain rather than that we should absorb those provinces in this democratic Republic of ours.

I am a little at a loss to know, after the course that has been observed in political campaigns in the last few Presidential elections, whether we are not, after all, drifting into imperialism; whether we are not disregarding the injunctions of the Constitution of the United States, and whether we are not seeking a power higher than the Constitution continually through which we may work out the personal or political designs that seem so much to excite the minds of some of our leading statesmen in this country.

The Constitution of the United States was intended to confer upon the Government of the United States all the power necessary to promote the happiness of its people in accordance with the matured plan which had ripened through the experience of mankind after many centuries into what we conceive to be the best form of government for these purposes that could possibly be devised—a Government which, I think, will be very little improved even by amendments to the Constitution of the United States. But one of the chief means by which this thing has been accomplished was the division of power between the different branches of the Federal Government. It is a very curious, a very instructive, a very accurate, a very exact division and distribution of powers that has been placed in the Constitution of the United States, and we believe on this side of the Chamber that the religious observance of this distribution of powers and the refusal on the part of one of the departments of the Government to interfere with the duties enjoined by the Constitution upon another, is after all the very best guaranty that we are to have for the preservation of our liberties and the promotion of the great ends of this Government—ends that have been so remarkably illustrated in a hundred years' history of the people of the United States as being within the highest aspirations of the human mind in respect of government.

But of late years the Senate of the United States, which has a certain definite constitutional connection with the subject of making treaties, has been assuming to itself certain authority and certain powers over the diplomatic relations of the United States which, I beg leave to say, augur badly for the preservation of the proper constitutional distribution of powers between the different departments of this Government. The Senate has become in later years extremely aggressive in its endeavor to control by resolutions and through the action of committees the whole diplomatic relations between the United States and foreign powers. It seems entirely to discard the fact that the President of the United States is conjointly with it the treaty-making power, and that he has also resting upon him the duty, secured and sanctioned by the obligations of an oath, that he will see that the laws are faithfully executed.

The President of the United States, considering the relations of this country to Great Britain in respect of a matter which has been for seventy years in controversy, with a great many different, varying phases of the question from time to time, thought it to be his constitutional privilege and his duty to institute negotiations with Great Britain with a view of removing these troubles. It was not supposed until the present political campaign opened that the President of the United States did not have the power in virtue of the Constitution to enter upon such a negotiation. It was not supposed, so far as I know, that Congress had expressed any opposition to negotiation. It is true that in the act of March 3, 1887, provision was made by which the President could avail himself of certain powers granted by the Legislature of the United States for the purpose of bringing to terms Canada or Great Britain in respect of certain features of our fisheries controversy.

It is perhaps almost a waste of time after the long debate which has preceded the discussion this morning, upon the resolution on the fisheries treaty, to refer to the fact that the act of 1887 was a permissive act, an act that clothed the President with certain power to be exercised in his own discretion, an act which made it necessary for him to determine, first, the existence of the causes of retaliation; second, that they were then of recent date or that they occurred after the passage of the law; third. that they were of sufficient magnitude to justify the President in retaliation upon the commerce of Canada: and, fourth, that the remedy which was to be sought through retaliation was one which would not seriously cripple or embarrass the commerce and the financial arrangements of the people of our own country. All of these conditions, all of these considerations were left open for him to determine as the condition-precedent of his enforcing that act of Congress.

I repeat, Congress at that time had not only the full opportunity, but stood in the presence of the duty of declaring that the outrages committed on our fishermen by Canada justified and required the retaliation provided for in that act, if Congress was of that opinion. The Congress of the United States in dealing with a question of this kind, in avowing that wrongs and outrages had been committed, in declaring what those wrongs and outrages were, in declaring that redress was demanded, had not only the opportunity, but had the self-confessed duty resting upon it to provide adequate and sufficient means for resistance to or retaliation on account of these wrongs.

Do we suppose that the people of the United States intend to exonerate Congress from the performance of a plain and obvious duty which it has declared upon the statute-book, and that the Congress of the United States can devolve upon the Executive of this country a discretion which it refused to exercise itself, and hold him guilty of a delinquency in his public office because he did not do what Congress itself had the opportunity to do, declared ought to be done, and failed and refused to do?

We can not hold that relation towards the President of the United States without self-stultification. When we admit the wrong, when we denounce it, when we provide the remedy, and then instead of putting it into force throw the responsibility upon the shoulders of the President of the United States, we do something which I can not regard as highly creditable to the Congress of the United States.

Sir, that was not the intention of that law, or if it was it was so concealed as to make the law a snare and a pitfall for the President of the United States instead of an open, manly, brave declaration of the duty of the Government of the United States in respect of these vexed questions.

Having left the President in that attitude in regard to this question, he cast about for the best means of accomplishing a result which Congress seemed to desire, which it had indeed expressed a desire to accomplish. He looked over the powers of negotiation conferred upon him by the Constitution of the United States, and he did precisely what we did in 1871, in 1854, in 1818, in 1793; he invited the British Government to come into council with him to ascertain what were the causes of disturbance between the two powers, and to see whether or not upon just and fair terms those causes of disturbance could be removed.

He negotiated a treaty. In doing so he employed some of the very best intellect in this country. The Senate of the United States has borne witness to the capacity of the Secretary of State during many long years of faithful and able public service, and I dare say in his behalf here to-day that there is no American statesman who has had better opportunities for being informed in respect to the condition of his country, who treats them in a broader way than he does, or who has greater ability in their management. He then invited two very distinguished publicists, gentlemen learned in the law of treaties, one of them a Republican, an experienced negotiator, who had been sent by Republican administrations to China, there to negotiate in respect to some of the most difficult problems that we have ever yet had to deal with; another a Democrat, a man of eminence, of high reputation, of such character as recently justified the people of his State in conferring upon him the honor of a candidacy for its chief executive office, a man who lived almost upon the very shores of the Bay of Fundy, whose very life had been spent in close practical study of the facts connected with the fisheries, and whose legal attainments, bright and splendid as they are, were brought to bear in their full force, not merely in the diplomatic way, but before that he had been engaged in the courts defending the cause of the fishermen, seeing that their rights were protected under the treaty and under the laws of Canada and the United States. This trio of able negotiators commenced last November to negotiate about this matter, and after a long discussion they brought forward the treaty which was signed by them and submitted to the Senate of the United States.

For thus engaging in this negotiation, for presuming without the consent of the Senate of the United States to initiate this negotiation, the President of the United States has been censured upon this floor in terms that I should almost hesitate to repeat. No epithet, it seems, has been sufficiently strong to characterize the contempt Senators on the other side of this Chamber have desired to express because the President of the United States availed himself of these high functionaries, these able men, and under his constitutional privilege and prerogative went forward to make a negotiation to be submitted to this body for its consideration.

Now, sir, had the President of the United States chosen to deal with this question in any mere political sense, he would have withheld this negotiation in order to win certain votes that seem to have been up to to-day the prize that is contended for by political combinations and politicians generally, the President would have commenced a retaliation that would have provoked, if not war, a very serious and intense state of hostile feeling between the United States and the people of Canada and the people of Great Britain. How easy was it for him to have availed himself of the act of March 3, 1887, to have carried forward this particular class or species of retaliation that Senators insist he was confined to by that act and that he shall be confined to now. How easy would it have been for him to have denied intercourse between the people of Canada and the people of the United States. What would have been the result of that? Friction, anger, outbreak, collision, hostility, ultimately war, unless the good sense of these peoples on both sides of the line had held themselves in check until a better time and a better temper could characterize their action. That was easy enough.

But the President of the United States, disregarding all the contemptible tricks of a politician, resorted to his high constitutional powers to negotiate, as General Grant had done, as Mr. Pierce had done, as Mr. Fillmore had done, as John Quincy Adams and Mr. Monroe had done. He resorted to the high constitutional power of negotiation for the purpose of presenting this question to the consideration of the American people, knowing that he had to come before a Republican Senate, and that it required a two-thirds majority of this body to ratify his act.

Sir, in the presence of a political campaign, where there was eager searching for votes and earnest and impassioned appeals to the rankling prejudices of classes and of races, the President of the United States found himself possessed of sufficient statesmanship, sufficient honor, sufficient strength, enough of the confidence of the American people, to enter upon this negotiation, lay it before the Senate of the United States and the people of the United States, and ask them to consider it dispassionately even in the tumultuous time of a great political campaign.

I hold, sir, that there has been no higher example in this country in all of its history of true, honest, sincere statesmanship than that which has characterized the conduct of the President of the United States in bringing this subject freely, openly, and fairly before the attention of the American people. When he is condemned for that he will not be condemned by the honest men of this nation. He will be condemned only by those men who prefer the success of a political party to the success of our country in the promotion of its interests and in the maintenance of its honor.

The debate upon the treaty was long and arduous, but it was not fair. The treaty came in here under the condemnation of a party caucus. It was the first treaty that was ever hauled out of the Senate of the United States and carried into the curtained recesses of a party caucus. It came back into this body stamped with the disapproval of the Republican caucus of this Senate, and from that time until this time we knew then just as well as we know now that the treaty was to be condemned, it made no difference how strongly it might appeal to the American people for the principles upon which it was constructed, and for the justice that it secured to all persons concerned in it.

Departing from a usage that had characterized the history of the Senate of the United States without a single break for one hundred years, this treaty was thrown into the arena of politics by a vote which required its open discussion, and yet we had proceeded but a little way in the discussion of it when the very majority which required that it should be so discussed refused to allow the facts to come out before the American people upon which its discussion alone could be conducted with safety and with propriety. There were letters written to the Department of State by no less a man than Edward Everett when he first considered the effect, bearing, and meaning of the treaty of 1818, which Mr. Calhoun, as Secretary of State, declined to publish, because those facts could not be put in the reach of the British Government without serious detriment to the American people. Those facts have remained buried in the archives of the State Department until this moment. They were important facts, and the Senate knows it. They were facts that the people of the United States ought to have heard if they were allowed to hear any part of the case.

Mr. BLAIR. I should like to ask the Senator a question: whether it is not entirely within the competency of the executive department of the Government to publish those facts?

Mr. MORGAN. It is entirely within the competence of the executive department of the Government.

Mr. BLAIR. Then, if those facts are essential and would have thrown light upon this treaty and the discussion of it favorable to the Administration, why were they not given to the American people?

Mr. MORGAN. Because this Administration determined it would do nothing to injure the American people even for its own salvation.

Mr. BLAIR. Not even in self-defense?

Mr. MORGAN. No; not even in self-defense.

Mr. BLAIR. The American people will be glad to hear that excuse.

Mr. MORGAN. Well, some of them will and some of them will ironically pretend that they are. The great body of the American people will rejoice in the fact that they have a President who is willing to withhold from the people of the United States anything that would damage the country in respect of a foreign negotiation.

Mr. BLAIR. May I ask the Senator another question?

Mr. MORGAN. I do not wish to get into any debate about it.

Mr. BLAIR. I leave the matter with this suggestion, whether this repetition of matter so libelous to this country and so disgraceful to this country, if it exists, as the withholding of this secret knowledge and secret weakness of its case from the world—whether this general charge of dishonor to the country be not a great deal worse for the country to endure than to give the contents of that letter to the world?

Mr. MORGAN. Not one word has been said about the honor of the country. It is the interests of the country that have been spoken of and not its honor at all. Not one word has been said that Mr. Everett had put into a state paper anything that was libelous—not a word.

Mr. BLAIR. The Senator evades the point.

Mr. MORGAN. I am not evading anything, but I decline to be interrupted, if the Senator will excuse me, because I have something else to do besides swapping words with the Senator from New Hampshire this morning.

The PRESIDING OFFICER (Mr. MANDERSON in the chair.) The Senator from Alabama is entitled to the floor.

Mr. MORGAN. I repeat, sir, that the people of the United States, if they had the right to hear the open discussion of this treaty, had the right to hear all the facts upon which it proceeded; but the very party which compelled the open discussion withheld the facts. Now, let the people judge about that, where the sincerity of action is in this matter. Let them judge whether or not this proceeding in respect of the whole progress of the discussion upon this treaty has been with a view to its possible effect upon the existing political campaign, or

whether it has been with a view to the permanent interests of this great Republic of ours.

There stands the record, sir, and it will speak trumpet-tongued through ages yet to come, and it will speak in vindication of the President of the United States, and it will speak in condemnation of that party maneuver which took this great subject into a party caucus and made it, from the time of the beginning of the discussion down to this morning, a matter of pure political exploit.

I have not time this morning, neither have I the inclination, to go over the features of the treaty for the purpose of undertaking to justify the whole of it, as I think I should be very able to do, to the mind of any impartial, sincere man. But there are one or two matters referred to by the Senator from Ohio [Mr. SHERMAN], who is absent from the Chamber at this time, in which I totally disagree with him upon the facts. The Senator evidently felt embarrassed that the majority of this Senate had not availed themselves of their opportunity in this case, as they did in the case of the Chinese treaty, to improve the treaty by amendment; to make it, in other words, conformable to the wishes of the Senate.

Mr. SHERMAN. I wish ——

Mr. MORGAN. I beg pardon. I did not see the Senator.

Mr. SHERMAN. I wish the Senator to know that I am listening to him with great attention.

Mr. MORGAN. The Senator felt the embarrassment of the situation. He knew very well that no important treaty had come into this Senate since the beginning of this Administration that the Senate did not take—I will not call it the liberty to exercise its privilege—its right of amending that treaty to suit itself—to perform its duty, suggests the Senator from Mississippi [Mr. GEORGE], and I accept the suggestion, of amending that treaty to suit itself. I could go over a number of treaties that we have ratified here, I could go over some that have been postponed, in respect of which there was the exercise on the part of the Senate of its duty of amendment so as to make the language of the treaty and its provisions conform to the Senatorial will.

The power of amendment and the duty of amendment rest within the grasp of the Senate and upon its shoulders, for we, sir, let it be reiterated again, are a body of negotiators; we are exercising, conjointly with the President of the United States, the power of negotiation, and that is all that we do. We have no power but that of negotiation. By voting with a two-thirds majority to put the treaty into effect we can not ratify it so as to make it obligatory upon the country, for after we have cast our vote—two-thirds—in favor of a treaty, then it turns out that the President of the United States has the perfect constitutional right to withhold the exchange of ratifications, and thereby the treaty falls.

So the Senate of the United States in its constitutional relation to the subject of making treaties is simply a body of negotiators. It has no other function but that. The Senator from Ohio well understood that fact, and now he says that an amendment was proposed in the Committee on Foreign Relations to this treaty. I suppose the honorable Senator refers to an amendment offered by himself, and it was conceded on all hands he says that if that amendment had been put upon the treaty there was no chance for its ratification. Sir, I am at the first of that. It is news to me that any such concession as that was made by any Democrat upon that committee. It made no difference to us whether we supposed the amendment would be accepted by Great Britain or not. If it was an amendment that was meet for the occasion, one proper to be put upon the treaty in our judgment, it was our duty as negotiators to put it there and let Great Britain accept it or refuse it, as she might see proper to do.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the Department of Agriculture.

Mr. MORGAN. I hope I shall have the opportunity of continuing my remarks to-morrow.

Mr. PLUMB. I do not wish to interrupt the Senator at this moment. If he desires to go ahead now I am willing that the special order shall be laid aside until the Senator concludes his remarks.

Mr. MORGAN. There are some points in the speech of the Senator from Ohio that I wish to read. I confess that I was greatly surprised at that speech, at the breadth of treatment he gave to this question; and, if the Senate will excuse me, I prefer to break my remarks here and to take up the subject to-morrow morning.

I should like to observe, if the Senate will permit me a moment further, that the Committee on Foreign Relations meets to-morrow, and House bill 11309 has been before that committee since the 10th day of September, and I confess that I was greatly astonished that the Senator from Ohio should deliberately get up here, before the committee have had a chance to argue the case in the slightest degree, before the subject has even come up for consideration, and make an argument with a view of defeating that bill. If that committee have made up their minds, as I suppose they have, that the bill shall not be reported back at this present session of Congress, I desire to-morrow after the committee has had its session to bring the subject to the attention of the country, and therefore I prefer that this resolution should go over for to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. C. TOWLES, its Chief Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 5092) for the relief of Charles L. Bradwell.

The message also returned, in compliance with the request of the Senate, the following bills:

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain; and

A bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid.

The message also announced that the House had passed the bill (S. 3539) to amend "an act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 13th instant, approved and signed the act (S. 3304) to prohibit the coming of Chinese laborers to the United States.

The message also announced that the following bills having been presented to the President on the 1st instant and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, the same have become laws without his signature:

An act (S. 899) for the relief of Mary M. Briggs; and

An act (S. 2899) granting a pension to Harriet Welch.

The message further announced that the President had, on the 14th instant, approved and signed the following acts:

An act (S. 2716) granting a pension to Carl M. Schwantes;

An act (S. 2371) granting a pension to Jacob Pitner;

An act (S. 2871) granting a pension to Mrs. Sarah J. Martin;

An act (S. 3035) to grant a pension to William Thields;

An act (S. 3118) for the relief of Mathew O. Reagan; and

An act (S. 3178) to remove the political disabilities of William L. Bradford.

DEPARTMENT OF AGRICULTURE.

The PRESIDING OFFICER. The unfinished business will be stated.

The CHIEF CLERK. "A bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the Department of Agriculture."

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole. The question is on the amendment proposed by the Committee on Agriculture and Forestry, to strike out section 5.

Mr. PLUMB. I do not wish to prolong this debate, but I wish to have the attention of the Senator from Mississippi [Mr. GEORGE] for a moment.

Mr. BLAIR. Unless it is apparent that there is a quorum present, I move a call of the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire calls the attention of the Chair to the fact that a quorum of the Senate is not present, which fact is quite evident upon a count by the Chair, and asks a call of the Senate. The roll of the Senate will be called.

The Secretary called the roll, and the following Senators answered to their names:

Berry,	Coke,	Hawley,	Stewart,
Blackburn,	Daniel,	Manderson,	Teller,
Blair,	Davis,	Mitchell,	Turpie,
Bowen,	Dolph,	Morgan,	Vest,
Brown,	Edmunds,	Payne,	Walthall,
Call,	Evarts,	Platt,	Wilson of Iowa.
Chace,	Frye,	Plumb,	
Chandler,	George,	Pugh,	
Cockrell,	Harris,	Sherman,	

Mr. COKE. I desire to state that my colleague [Mr. REAGAN] is detained at his house by sickness.

Mr. BLACKBURN. I desire to state that my colleague [Mr. BECK] is detained from the Chamber by reason of sickness.

The PRESIDING OFFICER. On the call of the Senate, thirty-three Senators have answered to their names. There is not a quorum present.

Mr. FARWELL, Mr. BUTLER, Mr. DAWES, and Mr. PALMER, respectively, entered the Chamber and responded to their names.

Mr. HARRIS. Is there a quorum present?

The PRESIDING OFFICER. There is no quorum present. Thirty-seven Senators have now responded to their names.

Mr. HARRIS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. BATE and Mr. PASCO, respectively, entered the Chamber and responded to their names.

Mr. HARRIS. If that makes a quorum, I withdraw my motion.

The PRESIDING OFFICER. The Senator from Tennessee withdraws his motion, a quorum being now present.

Mr. DAWES. Mr. President, yesterday, in undertaking from memory——

The PRESIDING OFFICER. The Chair will announce the result of the call. On the call of the Senate thirty-nine Senators have responded to their names. A quorum is present.

Mr. DAWES. Mr. President, yesterday in giving from memory the origin and history of the Signal Service Bureau I seem to have fallen into an error and unintentionally done injustice to an exceedingly worthy and scientific gentleman who was actually the originator of it. I had in mind myself only what passed between me and the then Representative from the Milwaukee district, Hon. Halbert E. Paine. What I said yesterday has attracted Mr. Paine's attention, and he has written me a letter which I desire to have read in order that full justice may be done to the persons who did actually originate this matter. I ask the Secretary to read that letter. I do not desire to participate in the debate.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *September* 18, 1888.

DEAR SIR: In the remarks relating to the Signal Service which you made in the Senate yesterday, you unintentionally failed to do justice to the late Professor I. A. Lapham, of Milwaukee, Wis., who originated the Weather Bureau.

I was chairman of one of the House committees in 1870, and received my morning mail at the committee-room. One morning I was pleased to find among my letters a communication from my esteemed friend, Professor I. A. Lapham, of Milwaukee. He inclosed two numbers of the Milwaukee Sentinel, setting forth in detail the losses of life and property occasioned during two successive years by storms on the northern and northwestern lakes. There were hundreds of casualties, and the aggregate was appalling. He suggested that Congress should do something to prevent these disasters.

My first impression was that he wanted Congress to restrain the winds; but, upon perusal of his whole letter, I discovered that his plan was to take daily meteorological observations throughout the United States and give notice on the lakes and seaboard of the approach of storms. I had studied the movements of cyclones in the United States, and it seemed to me that observations taken in the West and communicated by telegraph would enable the authorities to give notice of approaching storms on the lakes and on the Atlantic coast in time to mitigate the losses which they caused. After a few minutes' consideration I concluded that the War Department, having military stations and men and money, was at the time better equipped for the service than any other.

Within thirty minutes after I opened Professor Lapham's letter I draughted the joint resolution under which the Signal Service was organized. It is printed on page 369 of volume 16 of the Statutes. I made several ineffectual attempts to secure the passage of the joint resolution by unanimous consent. There was always an objection from some quarter, generally from Indiana. At length I called upon my Indiana friend and explained my measure, begging him to permit it to pass. He feared that the little mustard seed planted in my joint resolution would, sooner or later, develop into a large and very costly tree, but at last very kindly, and yet very reluctantly, promised that when I should again ask the unanimous consent of the House to the passage of the resolution he would interpose no objection. As soon as I could obtain the floor I again asked the House to pass the resolution.

To my great astonishment my Indiana friend instantly objected. I hastened across the Hall and reminded him of his promise. He said he had forgotten it, and shouted, "Mr. Speaker, I withdraw my objection." That was decisive of the fate of the resolution. If the gentleman from Indiana did not object nobody could. The resolution was adopted by unanimous consent. I then went over to the Senate and requested Mr. Wilson, afterwards Vice-President, to engineer the measure through the Senate. He earnestly approved Professor Lapham's plan, and secured favorable action in the Senate at once. The President approved the joint resolution on the 9th of February, 1870. Soon after that date I met Professor Henry, of the Smithsonian Institution, at a public reception. He congratulated me on the passage of the resolution, but said he apprehended that my troubles would commence when I reached the Committee on Appropriations with my prayer for money to meet the incidental expenses of the service.

But Professor Henry's predictions were not verified. Mr. DAWES and his committee promptly decided in favor of an appropriation. The money was appropriated by the act approved April 20, 1870. (16 Stat., 90.)

The modesty of this first appropriation is almost ridiculous in view of the munificent appropriations of modern cities. The appropriation for 1887 amounted to $269,000. (24 Stat., 532.) The appropriation for 1870 was only $15,000. (16 Stat., 90.)

Before I finally obtained the unanimous consent of the House to the passage of the joint resolution, a stranger called upon me and introduced himself as Colonel Myer, of the Signal Corps. He exhibited the most intense anxiety for the success of the measure. It seemed to me that his zeal and enthusiasm marked him as the fit man to launch the new enterprise.

As soon as the joint resolution passed, I called upon General Belknap, then Secretary of War, and suggested that he should consider the propriety of assigning Colonel Myer to the duty. He said at once that he had already in his own mind fixed upon Colonel Myer as the officer to commence the work under the joint resolution.

Very respectfully,

HALBERT E. PAINE.

Hon. H. L. DAWES, *U. S. Senate.*

Mr. BUTLER. Mr. President——

Mr. PLUMB. I yield to the Senator from South Carolina.

Mr. BUTLER. This question, Mr. President, has been before this body on a former occasion. On the 23d of February, 1887, the Senate passed a bill sent to us from the House of Representatives substantially, and in fact literally almost, the bill which we now have under consideration, with the exception of the fifth section.

The Senate after long debate, participated in by Senators on both sides, agreed to an amendment to that bill, which I will ask the Secretary to read.

The PRESIDING OFFICER (Mr. CHACE in the chair). The amendment will be read.

The CHIEF CLERK. On page 4 of House bill No. 190, Forty-ninth Congress, second session, it was proposed to strike out section 6 and insert in lieu thereof:

SEC. 6. That the Weather Service of the United States Signal Service Bureau is hereby transferred to the Department of Agriculture and Labor, to take effect July 1, 1887, and shall consist of one chief and such subordinate officers and employés as may be necessary to efficiently manage said bureau. Until otherwise provided by law, the present organization of the subordinate force of said bureau, including the second lieutenants now in service, shall continue as at present: *Provided*, That nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps. The chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the Weather Bureau until a chief shall be appointed by the President and confirmed by the Senate; and the compensation now paid to the employés and enlisted men of said service shall continue as now; and the moneys appropriated for said service and hereafter appropriated shall be disbursed under the direction of the Secretary of the Department of Agriculture and Labor.

The Secretary of War is authorized and directed, within thirty days of the passage of this act, to appoint a board of three Army officers, of which the Chief Signal Officer shall be a member. The duty of said board shall be to make an inventory of all property now in the control and possession of the Signal Service Bureau, and shall separate and turn over to the Department of Agriculture and Labor such portions of the property as the said board may determine to be suitable for the work of the Signal Service Weather Bureau. The remainder of the property shall remain in the control of the Secretary of War.

Mr. BUTLER. As I stated, that bill was adopted by the Senate in February, 1887, in precisely the words of the House bill which we are now considering, with the exception of perhaps some verbal changes which were made by striking out the word "labor" and making the department a Department of Agriculture alone. That bill, with the amendment—an amendment proposed by the Senator from Alabama [Mr. MORGAN] and amended in the Senate after it came from the committee—was adopted by the Senate after a long and exhaustive debate.

I find that in the vote on the bill the yeas were 37 and the nays 15, and among those voting in the affirmative was the Senator from Mississippi [Mr. GEORGE]. I will read the names of the Senators voting for and against on that proposition:

YEAS—37.

Allison,	Dolph,	Mahone,	Ransom,
Beck,	Eustis,	Maxey,	Sabin,
Berry,	Evarts,	Miller,	Sawyer,
Blackburn,	Fair,	Mitchell of Oregon,	Sherman,
Blair,	Frye,	Mitchell of Pa.	Van Wyck,
Brown,	George,	Morgan,	Vest,
Cheney,	Harris,	Morrill,	Walthall.
Cockrell,	Ingalls,	Payne,	
Coke,	Jones of Arkansas,	Plumb,	
Conger,	Kenna,	Pugh,	

NAYS—15.

Bowen,	Hampton,	Platt,	Whitthorne,
Dawes,	Harrison,	Saulsbury,	Williams,
Edmunds,	McMillan,	Spooner,	Wilson of Iowa.
Hale,	Manderson,	Teller,	

As I have remarked, Mr. President, this amendment which the Senate Committee on Agriculture now strikes out was adopted in the Senate on the recommendation of the Committee on Agriculture or the leading members of that committee; so when the House of Representatives passed this bill which we are now considering it incorporated the amendment literally, with the exceptions to which I have called attention, and it is sent back to us. In the debate, which I will not trouble the Senate with reading, it was insisted that the amendment was crude, imperfect, and unsatisfactory—precisely the arguments that we have heard on this bill. It was stated that a commission, of which the Senator from Iowa [Mr. ALLISON] and the Senator from Maine [Mr. HALE] were members, had labored for three years to reach a solution of this problem and had failed, and it was urged in debate that the matter had better be postponed and passed over for an occasion when the Senate could more deliberately provide for a more satisfactory assignment or transfer of the Weather Service Bureau to the new Department of Agriculture—precisely the arguments we had here yesterday. And yet in the face of these arguments the bill passed by a vote of 37 to 15.

The House of Representatives has now sent us this bill with precisely this amendment in it, and our Senate Committee on Agriculture turns around upon its own record, reversing its own action in this regard, and strikes out that provision of the House bill. I have not called attention to this with the view of convicting anybody of inconsistency, but it does seem to me that it is a game of shuttlecock and battledore.

The other House passed a bill simply organizing the Department of Agriculture. The Senate put the amendment on and sent it back to the House, and from some difficulty in reaching it it failed to become a law. The House at this session has passed identically the same bill, and in deference to the wishes of the Senate has put the amendment on that we put on it before and sent to it, and now our committee strikes it out.

Perhaps some of those Senators who have been insisting that this amendment shall not be put on may be able to explain this inconsistency. I confess I do not see how it can be explained.

Mr. PALMER. The argument that the Senator from South Carolina advances as giving solidity and strength to this fifth section, it seems to me, will not produce that effect. He says it was incorporated in deference to the views of the Agricultural Committee four years ago. Am I correct?

Mr. BUTLER. I so understand it. The amendment was offered by the Senator from Alabama [Mr. MORGAN] from the Committee on Agriculture.

Mr. PALMER. I do not wish to dispute that; but now the committee almost unanimously—with only one exception—are opposed to section 5, and it is a very remarkable thing that the only three practical farmers upon the committee are the most strongly opposed to this section 5.

Mr. BUTLER. Has the committee, let me ask the Senator, had any additional light by which they should so suddenly change their position on this question?

Mr. PALMER. The committee is not the same that it was four years ago, at least as far as I am concerned; there are some other members that have been added to it and some have gone out. I do not know what proportion of the present members were on the committee four years ago, but the members of the committee now are not unalterably opposed to the incorporation of this Signal Corps with the Agricultural Department. What they wish to do is to make haste slowly, and, in the transfer, not to involve in demoralization a great interest which is now recognized as one of the most important factors of commerce, and if they were of the opinion that it should be incorporated with the Agricultural Department they would ask that the matter should go to the Committee on Military Affairs to have a proper section drawn. The thing is so crude now that I imagine there would be no Signal Corps left after this section took effect.

My opinion is, taking a cursory view of this question, that the agriculture of the country is deriving all the benefit that it can derive from the present management in regard to cold waves, predictions of storms, and things of that kind. But there is another very important matter that if it was known that this matter was being discussed here would flood this Senate Chamber with remonstrances against the transfer from the marine and commercial interest. As far as the Committee on Agriculture of the Senate is concerned, we have not had one single petition for the incorporation of section 5. Therefore we who have probably a greater practical interest in the agriculture of the country than other members of the committee are opposed to this transfer at this time, and wish, if the Signal Service Bureau is transferred, that it should be transferred properly and the organization or frame-work be preserved so that it may be properly built up in the new department.

Mr. BUTLER. Can the Senator indicate in what respect he would modify the provisions of section 5 in order to accomplish what he thinks ought to be accomplished? He must have reflected about it. I must confess I do not discover anything at all.

Mr. PALMER. I have here a memorandum of my objections. I do not know that I have the requisite knowledge to prepare a proper section to take the place of section 5 in order to intelligently modify it. Therefore I propose, as far as I am concerned, that it shall be stricken out, and that was the view of the committee.

1. The bureau named in section 5 is not known to the law.
2. It leaves the Chief Signal Officer of the Army without a force.
3. There are 2,300 miles of military telegraph lines disconnected from the weather service. The bill leaves these and all military signal duty unprovided for.
4. To keep faith with the men transferred Congress must establish a civil pension list and provide medical attendance.
5. The present pay is fixed by time of service and is fixed now by the War Department rules and regulations. The present bill does not so provide.
6. The Signal Corps of the Army is entirely neglected or ignored.
7. The bill provides for discharge of the enlisted men.
8. Section 5 provides that the compensation of enlisted men shall remain as now. Will this not carry with it a civil pension list?

Mr. PLUMB. Let me interrupt the Senator right there. He is reading from a memorandum that he got undoubtedly from some member of the Signal Corps of the Army. Let me say that I would rather have his own judgment on those points than to have him repeat objections made from that corps; and I would like the Senator to take up that fifth section and justify any single one of his statements in regard to it.

Mr. PALMER. Is the Senator certain of what he states when he says that I get that from some member of the Signal Corps of the Army?

Mr. PLUMB. I assumed so because it only puts in more compact shape what the Senator read yesterday from Captain Dunwoody.

Mr. PALMER. I took that letter and drew my deductions from it. The very fact that we are so dependent on outside information on the subject shows to my mind that to pass this bill with section 5 would be a very crude, dangerous, and improper piece of legislation.

Mr. PLUMB. The Senator from Michigan may speak for himself when he speaks of depending on outside knowledge, but I hope he will not use that expression with reference to other members of the Senate. I will ask him to take up the objections numbered from 1 to 8, which he has just read from manuscript, and which I said (wrongfully, no doubt) that he got from the Signal Service Bureau, and I ask him to take up section 5 and justify a single one of those objections that he has made by reading the section.

Mr. PALMER. Would it not be more proper for me to catechise the Senator from Kansas and ask him to show me wherein any one of these objections is faulty?

Mr. PLUMB. I think, on the other hand, the onus is on the Senator from Michigan. Here is a proposition which comes from the House of Representatives, which has had the sanction of a practically unanimous vote of that body. It is a proposition which also passed this House four years ago by a large majority, and it is, I think, proper for the Senator to show wherein its provisions are defective.

Mr. PALMER. I do not suppose it is proper for us to discuss the legislation of the other House.

Mr. PLUMB. We can discuss what took place there four years ago.

Mr. PALMER. We can refer to a matter of legislation——

The PRESIDENT *pro tempore*. The Chair hopes the Senator from Michigan will not violate the rules by making statements of what occurs in the other House.

Mr. PALMER. I was going to make a suppositious case, Mr. President. I did not intend to violate the rules.

Mr. PLATT. May I rise to inquire whether there is any impropriety in referring to the action of the House of Representatives taken at a previous session?

The PRESIDENT *pro tempore*. There is not.

Mr. PALMER. If the Senator from Kansas is right, I ask him if it is not true that the bureau named in section 5 is not known to the law? I am so informed.

Mr. PLUMB. I do not think it is, but——

Mr. PALMER. It is known as a signal corps.

Mr. BUTLER. Here is the information which the Senator is seeking on this subject:

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 12, 1885.

By direction of the Secretary of War the following Regulation is published, and will be numbered paragraph 2574½ of the Regulations.

2574½. In times of peace a detail of not less than one officer and three enlisted men will be kept constantly under instruction and practice in military signaling at each post in the United States, until the officers and all men who have sufficient intelligence are proficient in the use of the general service-code with flag, torch, and heliograph, and homographic code with disks. The post commander will detail an acting signal officer at each post to give the necessary instruction and supervise field practice. The monthly reports of instructions and practice will be rendered to the Chief Signal Officer through department commanders.

By command of Lieutenant-General Sheridan.

R. C. DRUM,
Adjutant-General.

That extract is taken from the regulations of the War Department in regard to the Signal Service Bureau of the Army proper. All the Army officers, I take it, are instructed and these posts are established by order of the War Department at various points in the Union for the purpose of instructing certain officers and men in military signaling. I do not understand that this transfer interferes with them in the slightest degree. It simply takes the weather portion of that service, if I may use that expression, and transfers that to the Agricultural Department, and leaves the Army part where it is to-day.

Mr. PLUMB. Let me say, Mr. President, by way of enlargement of what the Senator from South Carolina has said, that the language of this section is explicit, as he stated yesterday, that the transfer is only of the weather service; that is to say, so much as relates to the indications and prognostications, or actual existing facts of the weather pertaining to the United States Signal Service Bureau. That is all that is transferred. The Senator from Michigan makes the point that that is not in the statute; that is to say, that that does not transfer something which the statute recognizes; but if it does not, no harm can be done.

Mr. BUTLER. We recognize it in this act.

Mr. PLUMB. I was going to say that we go on and prescribe in detail, a little later, enough to cover all that, if it should lack in definite description in the first part of the section, by saying that—

The present organization of the subordinate force of said bureau, including the second lieutenants now in service, shall continue as at present: *Provided*, That nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps. The chief of said bureau shall receive an annual compensation of $4,500, and be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the Chief Signal Officer of the Army, in addition to his strictly military duties, may be assigned to the charge of the Weather Bureau until a chief shall be appointed by the President and confirmed by the Senate.

The Senator knows exactly what that means. The officers who would have the execution of it would know exactly what that means. I think there could be no doubt of what the effect would be of a bill that should be passed in the language proposed by the House of Representatives.

Mr. PALMER. I can not deny that I know what I think it means, but whether it would be so construed by the technical officers of the Government is another thing. But that is not so material as the fact

that there is a difference of opinion on many of these points, and I think that no Senator here will deny that the section is crudely drawn, and that if it is to be incorporated in the bill it should go to the Committee on Military Affairs and be properly drawn, and as a matter of courtesy they should consider it.

The benefit, as I say now, to be derived by the commerce of the country beyond what it derives at present is from the collection of data from which conclusions can be deduced. The delay of a couple of years in the transfer of this bureau or of its weather branch, which we all recognize as of great value, can not inure very seriously to the detriment or to the lack of dignity of the new department.

Mr. BUTLER. The Senator from Michigan assumes that some of us who are in favor of not concurring in the amendment of the Agricultural Committee agree that this provision is crudely drawn. I do not make any such admission, and while I have no desire to show any want of courtesy to the Committee on Military Affairs, I do not believe that if that committee had this matter under consideration for two years they could improve upon it in the slightest degree. The whole matter was discussed elaborately in the last session of Congress, and while I admit that that is not conclusive on us now, it ought to have some potency, it seems to me, on the action of the Senate in regard to this bill, particularly as the House of Representatives on a subsequent occasion have adopted the amendment which the Senate adopted by an overwhelming majority, and have sent it back to us as a part of our action, not theirs, in deference to the wishes of the Senate. If I believed that this provision would lead to any confusion or would work injury to anybody, I should be as much opposed to it as the Senator from Michigan.

I must confess, Mr. President, that while there has been a general charge of crudeness, a general arraignment of this provision because of its crudeness and imperfection, I have failed to hear a single suggestion from any Senator pointing out wherein it is crude and imperfect and likely to work injury to any person. As the Senator from Kansas has pointed out again and again, and as I have attempted to do, it simply proposes to transfer the weather service of the Signal Service Bureau of the Army to the Agricultural Department, which we are creating by this bill, and it leaves the Signal Service of the Army precisely as it is. If there is nothing left of it, that can not be the fault of this provision of law.

Mr. PALMER. I did not wish to attribute any undue ignorance to the Senator from South Carolina. I merely included him in the category of most of us—that we did not know much about it.

Mr. BUTLER. Well——

Mr. PALMER. And I will withdraw him from that category if he makes any dissent.

Mr. BUTLER. I do not profess any profounder knowledge on the subject than the Senator from Michigan, and perhaps not so profound. As he is the leading authority upon agricultural subjects in the Senate, I shall not undertake to put my judgment against his. All I have to say is that, in my judgment, if this provision were committed to the Committee on Military Affairs, as able and distinguished and well informed on military affairs as the members of that committee are, I do not think they could improve on this measure.

Mr. PALMER. Is the Senator through?

Mr. BUTLER. For the present.

Mr. PALMER. Mr. President, the telegram that I hold in my hand has just been delivered to me, and it is an indication of what we should receive in a perfect storm if it were known throughout the country that there was any serious danger of the transfer.

I look at the thing in this way—that the agriculture of the country is dependent upon cheap transportation for its prosperity, and this is a recognized factor now in the great commercial interests of the country. I will ask the Secratary to read the telegram which I send to the desk.

The PRESIDENT *pro tempore*. The telegram will be read from the desk, if there be no objection.

The Secretary read as follows:

NORTH FIELD DEPOT, MINN., *September* 17, 1888.

Senator C. K. DAVIS, *Washington, D. C.:*

It is the desire of the meteorological committee of the St. Paul Chamber of Commerce that the United States Signal Service be not transferred from the War Department.

WILLIAM M. PAYNE.

Mr. BUTLER. Now, Mr. President——

Mr. PALMER. One moment, if the Senator pleases, I think I have the floor; but I will give way to him if he wishes.

Mr. BUTLER. I was simply going to interject the remark that there is no proposition in this bill to transfer the Signal Service of the Army to the Department of Agriculture, so that the dispatch has no reference whatever to what we are considering.

Mr. PALMER. The country understands that the Weather Bureau and the Signal Service are identical. We look upon it on the shores of the Great Lakes as particularly important as a weather barometer where the commonest sailor may look at the signals in every port and see what the weather is to be. If it had been supposed that there was going to be any serious attempt to transfer that to a new department with the risk of demoralization, instead of having one telegram here this morning I have no doubt we should have had a thousand.

Mr. PLUMB. Let me ask the Senator from Michigan why we did not have them some years ago when the Senate actually adopted, after long debate and prolonged investigation by a committee of this body on the subject, this very proposition?

Mr. PALMER. From the very fact, I imagine, that the commercial men of the country hardly ever read the discussions in Congress unless their attention is particularly called to some imminent danger. They had reason to believe undoubtedly that there was danger of this provision becoming a law and this transfer being effected.

Mr. BUTLER. This subject has been under discussion here for several days, and the Senator from Michigan can produce but one single dispatch protesting against the transfer, and, as I insisted a while ago, that has no reference whatever to the subject under consideration, except incidentally.

Mr. PLUMB. I will venture to say that that dispatch does not reflect the action of any meeting of the St. Paul Board of Trade at all, and it was sent by some understrapper who has chosen to use the *imprimatur* of that board of trade to bolster himself up.

Mr. BUTLER. Very likely.

Mr. PLUMB. I will wager a good farm that the Board of Trade of St. Paul has had no meeting on that subject.

Mr. PALMER. If the telegram means nothing, then nothing is to be said. The Senator from Kansas seems to think that it comes from no one; that it practically originated nowhere, and will end without effect. I do not suppose it will have a great deal of effect. I am going to let the Senator from Minnesota [Mr. DAVIS] speak.

Mr. DAVIS. I have nothing to say except——

Mr. PALMER. Will the Senator from Kansas please listen to the explanation of the Senator from Minnesota?

Mr. DAVIS. The matter of the Signal Service has been a subject of continued debate from year to year by that body, and it has taken a great deal of interest in it. I have no question, indeed I personally know, that the dispatch represents the sentiment of the St. Paul Chamber of Commerce on that subject. I was told a month ago that it was a subject of conference in that body.

Mr. PLUMB. The Senator may speak of the occult thing by which he knows, but I speak of the actual fact. I venture to wager a good prairie farm in Kansas on the proposition that the Board of Trade of St. Paul has had no meeting recently at which it has given any expression of that kind.

Mr. DAVIS. I do not know whether it has had any meeting recently, but I know perfectly well that the matter has been under discussion for the last two years. In regard to the wager of the farm, I should make some question about the gentleman's title and preliminary requisites before accepting it. So far as the sentiments in that dispatch are concerned, I personally know, if I know anything, that it does represent the sentiments of the community in which I live.

Mr. PALMER. As the Senator from Kansas seems to be a little doubtful about any feeling upon this question, I suggest to him that we defer the discussion of this matter one week and invite an expression of opinion from the different quarters of the country, of the boards of trade, in which the farmer is just as much interested almost as he is in the practical growing of his crops.

Mr. PLUMB. Mr. President——

Mr. BUTLER. If the Senator from Kansas will pardon me, I will say that I of course do not want to defer the consideration of the bill any further, but if I had the privilege of doing so I would accept the suggestion of the Senator from Michigan, with the understanding that the boards of trade and various other organizations in the country be informed specifically exactly what the bill proposes, and I would be quite willing to risk its passage upon the replies which we should get from those organizations. If we would demonstrate to those organizations that we simply propose to transfer the weather service of the Signal Service Bureau of the Army to this new department, I am quite willing to leave it to a vote of those organizations as to whether it should be done or not.

Mr. PLUMB. Let me say one other thing in that same connection. The Senator from Michigan says that these boards of trade represent the farmers. They represent them just as the wolf represents the lamb. They represent them to rob them. They represent them to plunder them. They do not stand for anything that is useful to the farmer, but are destructive of every interest he has in view. If they come here after consulting that constituency which is behind them, and which they evidently assume to represent, they would not tell the story as told in that dispatch. But they would be prompted to send dispatches here which are stimulated by Army officers whose only fear is that they will be sent back to their commands, and who want to live in Washington at the public expense, performing social duties and all that sort of thing, and neglecting the military duties for which they were educated.

If the Senator makes the issue between the boards of trade, the packers, and the trusts and combines that plunder the farmer, he can do so, but he shall not here without challenge set them up as the representatives of the men whom they have made poorer every year that they have operated.

Mr. PALMER. It is not my mission to defend boards of trade or

transportation lines. I recognize the disadvantage of corners, of eveners, of all those things which the Senator from Kansas so graphically described some time ago; I do not remember their technical names. I believe with him that the farmer is burdened by their exactions oftentimes. At the same time there is a great underlying interest which, although it may be distorted and warped by their machinations, the farmer is dependent upon, and that is cheap transportation. The cheaper the farmer can have his grain transported the less the exaction of these boards of trade and transportation lines which the Senator stigmatizes so cruelly. Underlying all these exactions and extortions there is some great want, and the want here is the want of transportation. Everything that conduces to cheap and safe transportation helps the farmer. If it does not, we ought to legislate so that it may.

The Signal Service upon the shores of the Atlantic and upon the borders of the Great Lakes is a very important factor. It makes transportation cheaper. It is one of those factors that have brought the transportation of wheat down from 20 cents a bushel from Chicago to Buffalo to 2 and 2½ cents a bushel. No man can say that that is an exaction upon the farmer. That is attributable to these various factors, river and harbor bills and the Signal Service, which have conduced to safe navigation.

This service may be conducted just as well under the Agricultural Department—I do not contend that it will not be—but I say that we ought to pause before we take so radical a step without getting the opinion of practical men. I know that the information of the Senator from Kansas is great and varied, but there are some things that specialists know better and more exactly than he does in a general way. I say that we should hear from these transportation lines and from these boards of trade, and if they give us proper reasons we can take and use those reasons to sustain our argument or else to detract from the argument of our opponents.

Mr. BUTLER. Does the Senator from Michigan really believe that any number of men in this country engaged in agriculture would object to the transfer of the weather service of the Signal Service Bureau of the Army to the Agricultural Department?

Mr. PALMER. I think at first blush——

Mr. BUTLER. Does the Senator believe that any material number, any number that would amount to anything, would object to such a transfer? Does the Senator believe that there is a single scientific man in this country who has given this subject any consideration whatever who would not advocate the transfer, from the General of the Army down?

Mr. PALMER. I think the Senator asked me if the farmers would object.

Mr. BUTLER. I ask as to both.

Mr. PALMER. We will take one at a time, if the Senator will permit me. I think at first blush it might gratify the pride of the farmer to have this great department created, which I am anxious to see created and made an executive department. I think that he would like to see it graced with all the adjuncts possible. I have no doubt that the Senator from Kansas and the Senator from South Carolina, with their facility of expression and with their imaginative way of talking, could make the farmer believe that the Signal Service or the Weather Bureau appertained to nothing but the growing of corn and oats and potatoes; but other men could come in and show that it was just as essential to the farmer after his corn, potatoes, and wheat were raised to have them safely transported to market.

Mr. BUTLER. Right there, does the Senator believe that that service can be as efficiently rendered under the Agricultural Department as under the War Department?

Mr. PALMER. I am not prepared to say now. I do not think it could be unless the service was thoroughly organized and put in perfect working order, so that it could be worked when it was transferred. The fear that I now have is that you would demoralize the whole service.

Mr. BUTLER. I ask the Senator if the bureau is not organized now?

Mr. PALMER. I think it is.

Mr. BUTLER. Then, how is the organization going to be affected by a transfer to the Agricultural Department?

Mr. PALMER. You are going to take away the Chief Signal Officer, who has information on these points. You are going to take away four Army officers, who have been making weather predictions, and who are educated as far as men can be in making predictions. You are going to take them away and send them to their respective regiments.

Mr. PLUMB. No.

Mr. BUTLER. Then I understand the Senator from Michigan to take the position that this service can not be efficiently rendered by gentlemen selected from civil pursuits—by scientific men?

Mr. PALMER. I think it can be; but I doubt whether you can take any gentlemen from civil pursuits and put them into this service and have it done as successfully as by the men who have been for fifteen years engaged in the Signal Service Bureau, and whose tastes and inclinations are in that line. Another thing which has to be regarded is the uncertainty of the civil service as contradistinguished from the War Department.

Mr. BUTLER. The Senator, I believe, introduced a letter yesterday. I certainly heard extracts read from a letter from Captain Dunwoody, who is high authority in the Signal Service Bureau of the Army, in which he stated that it was inefficient as at present organized. I believe that is true. I can not understand what higher authority——

Mr. PALMER. I do not think he said that.

Mr. BUTLER. What did he say? The Senator from Kansas [Mr. PLUMB] read from it.

Mr. PLUMB. I read from it. It is contained in the RECORD of to-day. He said it was inefficiently organized, and that was one of the objections to transferring it; that it ought to be properly organized before it was transferred.

Mr. BUTLER. Now, the Senator from Michigan says that the organization is perfect, as I understand him.

Mr. PALMER. No, I did not say anything of that kind. Nothing is perfect in this world.

Mr. BUTLER. Well, as near perfect as human nature can make it.

Mr. PALMER. I do not think the RECORD will bear the Senator out.

Mr. PLUMB. Here is what Captain Dunwoody says on that point:

It is only urged that no transfer, in block, of a badly arranged, and in some respects inefficient, *personnel* be enacted.

Mr. PALMER. That is the point. The process of eradicating that inefficiency is now going on.

Mr. PLUMB. In other words, a badly arranged and inefficient *personnel* would be worse in the Agricultural Department than in the War Department.

Mr. PALMER. But we are not going to amend it by transferring it in block. We are going to interrupt the process of renovation that is now going on.

Mr. PLUMB. I do not think any process of renovation is going on.

Mr. HAWLEY. The expenses have been largely reduced.

Mr. PLUMB. What does the Senator say?

Mr. HAWLEY. It is claimed by the present administration that the expenses have been very largely reduced, and the Chief has plans before Congress for still further reducing them.

Mr. PLUMB. Senators talk about inefficiency of the bureau. It will get all the appropriations needed whenever Congress sees fit. The Senate will bear in mind that this favors the transfer. Captain Dunwoody only opposes a transfer in block of the present organization. The Senator's authority is Captain Dunwoody for the effect of section 5. He ought not to object to that, for the language of section 5 itself is sufficiently explicit on that point:

Until otherwise provided by law, the present organization * * * shall continue as at present.

Then a special provision is made for the use of the services of the Chief Signal Officer until the President shall in his judgment send to the Senate the name of a person who he thinks is better qualified than the present head of the bureau. We therefore simply changed the department in which this bureau shall render service; and inasmuch as by the confession of those who are interested in it and yet who oppose the change the bureau should be reorganized, where is the best place to reorganize it, in a department in which it can not stay permanently, as everybody here admits, or in that department in which it can and ought to stay permanently, and in which the purpose of its usefulness is more fully understood than it can possibly be in the War Department?

Mr. BUTLER. It is so admitted on all hands.

Mr. PLUMB. Yes, it is so admitted on all hands. The fact is really that the Senator from Michigan is contending, not that it shall not be transferred now, but he is contending that it never shall be transferred. I do not mean to say that he believes that is the effect of his course. These military officers have been enjoying so long the delights of Washington life that they never will go back to their regiments if they can prevent it. They are begging of Congress not to transfer them to-day, hoping that new conditions will arise next year whereby we shall not transfer them at all. That is all there is about it.

Mr. PALMER. That is collateral.

Mr. PLUMB. It is good collateral, notwithstanding. [Laughter.]

Mr. PALMER. I do not think I can be accused of officer-mania or officer-phobia. I am now speaking for delay in this matter that we may have time to discuss it and get the opinion of our constituents. I am certain that I have heard from none of mine in regard to the propriety of this proposed transfer. The Senator is speaking of a transfer in block. He imagines that we are going to take up this whole system of four hundred and ninety men and lift it right over and put it into the Agricultural Department without the suspicion that there are certain parts that will drop out—for instance, the four experienced regular Army officers who will go back to their regiments.

Mr. PLUMB. Not necessarily. The President can detail them just as well for service under the civilian head of the Agricultural Department as he can under the civilian head of the War Department.

Mr. BUTLER. I should like to ask the Senator from Michigan a

question. He speaks about delay and making haste slowly. Will the Senator inform the Senate how much longer time he would like in order to perfect this organization and secure the transfer which he says ought to be made? This whole matter was discussed in the last Congress—exhaustively and elaborately discussed. The very same arguments were used against it then that are used to-day.

Mr. PALMER. In the Senate?

Mr. BUTLER. Yes, sir. It was claimed the proposition was crude.

Mr. PALMER. I can say that I never heard a word of it.

Mr. BUTLER. The Senator was a member of this body at that time. A long, elaborate, exhaustive discussion took place, and the very same argument that he is offering to-day was offered then, that we ought to postpone the transfer, that we ought to delay it, in order that the Military Committee might incubate upon it. Well, sir, we have been incubating over this thing from that time until now. The other House has adopted the suggestions of the Senate. The proposition has been before the Committee on Agriculture. They have reported on the bill and have suggested no remedy, and now as we put the bill upon its passage and propose it, in order to give effect to the organization of the Agricultural Department, the Senator comes in and says, "Let us make haste slowly; let us go slow; it is crude; it is imperfect."

Mr. PALMER. The Senator forgets that the committee who had this matter under consideration and who weighed it carefully were almost unanimous against retaining the fifth section.

Mr. BUTLER. It is very singular what a change has come over the spirit of their dream, when the committee in the last Congress reported upon it to this body, when amendments were made in the Senate and the bill was passed by a vote of 37 to 15, and went to the other House. The other House have adopted what the Senate then proposed, and now it is suggested that the Senate shall turn right back upon its own action.

Mr. DAWES. I should like to inquire of the Senator, when he says it is so easy to take all these Army officers and put them down into the Agricultural Department, what beneficial result is to come if the same men are to carry on this work? Why will they not carry it on just as well where they are as when they are moved over to the Agricultural Department? Is it not an absolute necessity, if you are going to produce different results, to change entirely the whole organization?

Mr. BUTLER. In the first place, I have made no such statement as the Senator from Massachusetts assumes that I did. Nor do I understand that the Senator from Kansas has made any such statement.

Mr. DAWES. I do not know what it means, then.

Mr. BUTLER. Nobody makes any such proposition as to transfer the Army officers to the Department of Agriculture. The provision of the bill itself makes no such proposition. On the contrary, the bill provides that the Chief shall be appointed by the President by and with the advice and consent of the Senate. The presumption is that the President will select a gentleman of scientific attainments in civil life. There is no proposition in the bill to transfer the Army officers, certainly not permanently, to the Agricultural Department. It provides in terms that the subordinate force, including the lieutenants and the enlisted men, shall be transferred temporarily until a board to be appointed by the Secretary of War can devise a method by which this service can be assimilated with the Agricultural Department, and that is all.

Mr. DAWES. It means either taking this work out of the hands of the persons who are now carrying it on, or it means to keep it in their hands, one or the other. If it means to take it out of their hands and put it into more efficient, more scientific hands that will insure better results, the suggestion is that that will come better after you have reorganized the bureau and put it in such shape that new men can take it along. Then the answer comes. But there is no need of that; we are going to transfer the Army officers, the lieutenants, and we provide that the existing Chief himself may be utilized for that purpose.

Mr. BUTLER. Temporarily.

Mr. DAWES. Our friends do not mean to put this service into new hands, or else they do. If they mean to put it into new hands, they ought not to put it in at once, but should wait until it is reorganized on a basis that will carry out that purpose. Then they turn around and say that we can carry it on with the existing officers just as well until after it is reorganized.

Mr. BUTLER. Will the Senator suggest some plan by which we can accomplish the results which he says he desires to accomplish?

Mr. DAWES. I am, in common with my friend, seeking the best possible results. If I knew to-day what that plan may be, I could suggest possibly an amendment to the bill that would carry a new organization along with it; but I do not profess to know.

Mr. BUTLER. We can not live always; that is very certain.

Mr. DAWES. Will my friend tell me the necessity of doing to-day, on this 18th day of September, in the year of our Lord 1888, this instant, this new and radical overthrow of a system which has during its existence in its present organization, though defective and not producing the best possible results, achieved more than any other system in the world of that kind? There is in no other country such an organization that has accomplished such marvelous and useful results as this. Now, it seems that my friend from South Carolina and my friend from Kansas can not wait over night, but it must be upset and put into new hands.

Mr. BUTLER. Oh, no; we are not simply waiting over night; we have been waiting more than three years.

Mr. DAWES. You would not have waited over night if you had found a quorum yesterday.

Mr. BUTLER. That may be; a quorum might be sufficient to settle the question; but I do not think there is any good reason to prevent action. The absence of a quorum might.

In any observations I have made in regard to the Signal Service Bureau of the Army I have not made the slighest reflection upon it, and I do not intend to do so now. I have no doubt in the world that the Army officers have done as well as they could, perhaps, under the circumstances. But the Senator himself admits, as I understand him, that the bureau is not as efficient as it might be. He himself admits that it ought to go to the Agricultural Department; but he says, "wait." If the Senator would just intimate the ground upon which he asks this delay I would acquiesce with him; but in view of the action of Congress upon this subject I must confess that the argument strikes me with no force whatever, and no sufficient satisfactory reason has been assigned why this provision should not be adopted now.

Mr. BATE. Mr. President, I did not desire to take part in this discussion, and certainly should not but for the criticism upon the Agricultural Committee, of which I am a member, which has been indulged in by Senators, and but for the repeated questions which have been repeatedly put with emphasis by the Senator from South Carolina, calling for reasons why the committee's amendment, striking out the fifth section of the bill, should be sustained; and for the further oft-repeated assertion by Senators that the Signal Service can be transferred as an entirety, in its present shape, without inconsistency, from the military to a civil department.

Mr. President, I am in favor of this bill which creates an Agricultural Department as one of the Executive Departments of the Government and want to see that great interest represented in the Cabinet of our Chief Executive, and it is in part for the reason that I wish this done that I oppose the fifth section of the bill.

The committee gave it careful consideration, sent for the Chief Signal Officer, General Greely, and heard his statement as to the existing organization, and wherein embarrassments would arise in its transfer to the civil Department of Agriculture.

He gave such reasons as were satisfactory to the committee, and the committee amended the bill by striking out the fifth section, and this action was concurred in, as I remember, by all but one of the committee, the Senator from Kansas, who has just taken his seat after vigorously opposing the action of the committee. Now, sir, I will not, in this running debate, turn from the issue to indulge, in this presence, in a general discussion of agriculture, but adhere to the issue in question.

This fifth section proposes to transfer in block the entire Signal Service from where it now is to another department foreign to its present organization. It proposes to take it up, root and branch, and plant it, as a whole, into a department not yet created, and with which, as this Signal Service is now organized, it could not be homogeneous. The inconsistency of mixing the military with the civil departments is apparent. But it is denied by Senators that the Signal Corps, as it now exists, is a military organization.

Why, Mr. President, you may trace this service from its inception to the present, and you will find it in all respects essentially military. If it is not military, it is nothing. Indeed it had a strange beginning for a great organized service. It seems to have been created by virtue of no regular legislation, but out of appropriations on bills to which it did not directly relate. It rode into existence on other bills. Beginning in 1860, with a small appropriation, it was organized in the simplest form, purely for Army purposes, by a surgeon of the Army, Dr. Myer, who originated it.

It was, if I may so speak, a legal bastard, as it was really without legislative parentage until subsequently adopted. As the war demonstrated its utility other small appropriations were made. In 1866 it was enlarged, and I think by Army regulation was ingrafted as a part thereof. Not till 1870 was the Weather Bureau established as a part of it. In 1873 a larger appropriation was made, by which its numerical strength was greatly increased, and it became an acknowledged success—of wonderful advantage to both the commercial and agricultural interests of the country.

We are asked by more than one Senator what is to be done by way of reformation? I will read a short sentence from the chief of this corps, General Greely, which was addressed to the Secretary of War. It makes some suggestions at least of what changes should be made. He says:

> To cut off fifty of the men now authorized by law; to simplify the methods of payment; to insist that skill, capability, and fitness shall be the tests for positions in the Signal Corps, and that useless expenditure of public money which now obtains in the present organization shall no longer continue.

Let us consider for a moment what is the present organization for the Signal Corps. Is it civil or is it military? It is essentially military. This is denied by Senators, who claim it to be more of a civil than military organization; but when you look for a moment at its history, its components, and existing relations you can not doubt.

Now, it is proposed to take it up, root and branch, and throw it into the midst of the Agricultural Department, a civil department. It is a military organization. Why do I say it? Who is its chief? A brigadier-general who belongs to the Army of the United States. Who are its officers? There are fourteen second lieutenants, recognized upon your Army rolls as officers belonging to that peculiar duty.

Is that all? No, sir; there are four here. And I was surprised to hear the Senator from Kansas make rather a fling at those gentlemen who have been here in Washington attending to this duty by saying they had easy berths and desire this service, referring of course to Lieutenant Dunwoody, who wrote the letter read yesterday morning, and Lieutenants Craig and Thompson, and Captain Jones, the two former having made almost life-service of this specialty, and the two latter have been so engaged for a few years.

Before I was here in the capacity of representative I had occasion to know somewhat of the operations of this institution. I had occasion to know from the place I held in my own State, having frequent correspondence with those here connected with the Weather Bureau, and it was exceedingly gratifying to me to know that it was gradually increasing toward a practical perfection, if I may so speak. Those who are at the head of it, strange to say, by the fifth section of the bill, I say to the Senator from South Carolina, are the very men who have been excluded now from the benefits of this, if benefits there are.

For sixteen years, if I understand his history, Lieutenant Dunwoody has given his time to this service. He has been twenty-one years a lieutenant in the Army. He was detailed to this service without his request, and he is now here acting as one of the chief signal officers, and kept here for his superior capacity and efficiency in this line, and is perhaps the best weather indicator in this country, and, besides, is known to be a worthy and accomplished gentleman. Who are his associates here, or who have been for the past sixteen years? Lieutenant Craig is also here, and worthy, as are others, of the highest commendation.

It is perfectly well known to the country that those two have conducted these indications and this foretelling of the weather for this long period. They are the men who seem to be practically acquainted with it. They are scientific men. They have associates, too, who have been assigned to duty more recently—Captain Jones and Lieutenant Thompson, successful and deserving officers. Yet every one of these four has been left out in this fifth section. All the lieutenants, competent, no doubt, have, however, come in.

Mr. BUTLER. May I ask the Senator from Tennessee if the officers to whom he refers are officers of the regular Army, with their commissions?

Mr. BATE. They are; yet they have been under this detail, and it is a life-time service. They, of course, could return to the Army; so, I suppose, could the lieutenants who are there and who are kept in by the fifth section, and so, I suppose, could General Greely return to the Army; but if I understand the object of this service it is to get the best and most perfect work from the best sources that you can, and who are they?

Will you take up a raw recruit and put him there and bring down anew the criticisms of the Senator from Kansas, with all his ability and his vigilance, and hold up as a subject of ridicule certain bulletins that may come forth? If you trace those bulletins thus criticised you will find perhaps it was at a time when neither of these gentlemen was off duty, for it is a conceded fact and has gone into current history that 80 per cent. of the predictions have turned out to be correct.

It is true that they can not make predictions with perfect accuracy. They may not tell the exact momentum of the storm; they may not tell its exact movements, but they can sound the note of warning, which they have faithfully done, and been the means of saving many a human life and millions of property. They understand the currents of air, the disturbances of the atmosphere, which can be obtained only by practice and strict observation and by an analysis of the mass of information which they are able to gather from every point of the compass within their circuit.

Mr. BUTLER. Will it disturb the Senator if I interrupt him?

Mr. BATE. Not at all.

Mr. BUTLER. I was going to inquire whether the Senator from Tennessee was in favor of the transfer of the weather service to the Agricultural Department?

Mr. BATE. I will tell you in a moment with a great deal of pleasure, and I thank the Senator for the suggestion. I am in favor of this bill for the establishment of the Agricultural Department as an executive department, and I will say to the Senator from South Carolina that one of the reasons why I oppose the fifth section is because I believe it will jeopardize the success of the bill proper and the establishment of the Agricultural Department of the Government. I believe section 5 handicaps it and that if that section is retained the bill will not become a law.

Mr. HARRIS. If my colleague will allow me, I will suggest to him that the other House incorporated the fifth section in the bill and so passed it. They sent it here. The Committee on Agriculture and Forestry recommends as an amendment to strike it out. We may jeopardize the bill if we strike it out. We pass the bill and it becomes a law if we refuse to agree to the amendment reported by the committee.

Mr. BATE. But my colleague forgets that there are Senators upon this floor who have the say-so first, before the bill goes back to the other House, and here is where I believe it is going to fail with the amendment rejected and the fifth section retained in the bill.

In further response to the interrogatory put to me by the Senator from South Carolina [Mr. BUTLER] I will state that I desire not only to see this service established, and I do not know but that the Agricultural Department is the proper place for the service. I rather believe that the Agricultural Department when established will be the place for it, but my point is that this is not the time for it. When we are seeking to establish that Department it is not the time to push this military organization right into its bosom as it goes along.

It is taking, if you please, those who belong properly to the barracks and putting them in the cornfield. I object to it. I want it to go there properly organized, and I believe that when it is so organized and the proper time comes that is the place for it, because the agricultural interest connected with the weather bureau service is perhaps more vast than that of any other interest in this country, although commerce is a vast one.

How, then, will that be done? is the pertinent question which has been put here by more than one Senator, but especially by the Senator from South Carolina. How will that organization take place? I have read what was said by General Greely, the chief of this service, which is only partially in explanation of it; but it must be remembered that there are $100,000 worth of property which belongs to the Signal Service Corps. What are you going to do with it?

Is there any satisfactory provision made for it in this bill? I know it was said awhile ago that part of it belongs to the Army. It all belongs to the Army. You would only want that part of it which is connected with the Weather Bureau. What becomes of the balance? In that connection will the Senator from South Carolina permit me to say that the military part of this service can not be conducted with less than fifty men, as is stated by its chief. Where are you going to get the fifty men from? Does section 5 provide for them?

Mr. BUTLER. There is no trouble about that. As I understand it, the Secretary of War can detail fifty men to attend to the duty perfectly well.

Mr. BATE. Not at all. Not only that, but look at the danger of having raw recruits in a matter like this. I think not less than the fifty sergeants would be necessary for the proper conduct of this service upon the plains, from whom daily telegrams now come as a part of the matter from which forecasts of weather are made.

What do we find in addition to what has been stated here? There are 2,300 miles of telegraph line under the direction and reporting daily to the chief of the service. Those telegraph lines have their operators there; they belong to this peculiar service; they have wires, batteries, and all necessary equipment, wagons and drivers, and stock, with all other material that is necessary to run that institution among the plains and the mountains where storms generate.

This amount of property is also made up of such things as torches, signal flags, and the heliograph, that wonderful instrument that is being so rapidly developed. That is one reason perhaps why it ought to be kept in the Army, or at least ought to be put under scientific hands, where they can with a "sun-flash" communicate for 160 miles with the means of a lens, and even at night by calcium light, or electric light, they can communicate 40 miles. How remarkable.

All this property belongs to this service, and what are you going to do with it? Is there anything in the fifth section of this bill which provides for it properly or for the men who operate it? I say not.

Not only is General Greely a part of this organization, but I believe that a man like him, who has gone amidst the hazards of the Arctic circle for scientific purposes, and that he might serve the interest of his race; a man with his force of character, who has capacity for organization, and who has shown such efficiency with the material he has, can reorganize this service better, perhaps, than any other man, especially when we consider his familiarity with it.

He knows what is necessary in order to perfect it. He knows where the rub is. He knows who are the efficient and who the inefficient officers under him. His proposition to the committee was that he could run the service efficiently with six lieutenants, a field officer, besides himself, and with fifty men less than now in its service. Not only these fifty sergeants, but the three hundred and fifty men are enlisted and sworn into the service.

What becomes of them as soldiers if you transfer them to a civil department? Is it not a violation of the contract? Have they not some vested rights that should be respected? Can they be turned loose at will, if you transfer them to a civil department when they belong to the military? Have they not then a right to leave at will? Dare they desert, however, if they belong to the military?

I see, therefore, another serious embarrassment that might grow up in this relation. This service can be better organized with its existing relations than it can be under those which will be created by its transfer to the Agricultural Department. This is a service that is too valu-

able to the country not to be treated with the proper care and attention. Let us reorganize it where it can best be done, and after it is thus reorganized, if it is thought proper, then let us transfer it to the Agricultural Department. That is the idea I have; and we can meanwhile save the $112,000 a year and have a more perfect organization.

I insist that those who have charge of it have a better opportunity to know what is necessary, and hence can reorganize it better and more efficiently than can be done by others.

This service is looked to with the greatest interest. It is a growing institution, and we should foster and encourage it in that manner which will best produce the ends and objects for which it was created. If it needs reorganization, that reorganization should be perfected in the manner that will accomplish the most good.

The proposed transfer is crude and incongruous. Here are the military and the civil mingled; here is property you can not tell to whom it belongs, and here are three hundred and fifty men, besides the fifty sergeants, and you can not tell, should they be transferred under this fifth section, whether they belong to the civil department or to the military. I hope this is a matter which my military friend from South Carolina will take into consideration.

Mr. BUTLER. Just there may I ask the Senator a question?

Mr. BATE. Certainly.

Mr. BUTLER. Can these three hundred and fifty enlisted men, as the Senator designates them, and the fifty sergeants, be ordered to any military duty now in the Army?

Mr. BATE. They can be ordered to do anything within the line of the Signal Service, as I understand.

Mr. BUTLER. But may they be ordered to go on a scout or to perform any purely military duty?

Mr. BATE. I will say to the Senator that, as I understand it, they have been enlisted, and they are sworn in as regularly enlisted men of the Army of the United States, assigned to this duty; and whenever you transfer them to a civil department you have violated the contract of enlistment, and the men have a right to leave. If such soldier belongs to a military department it would be called desertion, but if to a civil department he will have a right to leave with impunity, and you would have to supply his place with a raw recruit with whom to conduct this scientific duty.

Mr. BUTLER. But I do not understand that the fifth section of the bill proposes to absolve him from the obligation of his contract. He still remains an enlisted man and gets the same pay.

Mr. BATE. Exactly so, but there may be many of them who want to get out of the service, and they are now bound for five years by virtue of the terms of their enlistment; and to transfer them to a civil department would be embarrassing.

Mr. BUTLER. I should think the Government would be very glad to get rid of them if that is the case.

Mr. BATE. I do not know. It ought not to be glad to get rid of those who render the most efficient service and who are almost the only men who can do the work. I think in the reorganization of this service there ought to be some mode of enlistment and some term of service observed like that, for instance, in the Senate. They should not go there for life, but one-third might come in after two, three, four, or five years, and others for a less or a longer period, so as to have at all times some persons in the service who are familiar with its peculiar and scientific duties. I think that would be an improvement.

Mr. PLATT. I should like to ask a question of the Senator from Tennessee, with his permission.

Mr. BATE. Certainly.

Mr. PLATT. I have listened to this debate with a good deal of interest, and I have heard a good deal said about the reorganization of this service, but I wish some one to tell me what is the matter with the organization as it exists, whether the plan of the organization is not a good one, whether there is anything else needed than improvement under the present organization to make it more efficient?

Mr. BATE. In response to the Senator from Connecticut, I will state that I think the service is quite efficient now, but I think it can be bettered. I think it is a growing institution. Those who have had charge of it, like General Greely, know exactly how and when to bring about a reorganization. I have given some reasons and read from his letter to the Secretary of War in regard to that. It would be economical; there would be fewer men engaged in it. He says the service would be equally as efficient as it is now, and he could save $112,000 per annum.

Mr. BUTLER. May I make another inquiry of the Senator?

Mr. BATE. Certainly.

Mr. BUTLER. I ask him if, in point of fact, the men who are now in the Signal Service Bureau, who the Senator informs us are enlisted for five years, would not have the right at the expiration of the five years to abandon the service entirely, and therefore we should lose the experience and qualifications which they have acquired by the five years of enlistment from the Signal Service Bureau, and defeat the very end which he says he desires to attain?

Mr. BATE. That is why I suggested that perhaps a reorganization was necessary and why additional legislation should be had so as to regulate the time and period of enlistment, and keep certain men there under an obligation to remain.

Mr. BUTLER. I understand that in the civil departments of the Government, when the services of a scientific man are secured, he is there for life or during good behavior, and the efficiency of the service is not jeopardized by the termination of a term of enlistment.

Mr. BATE. Who will feed these men when they come to the Agricultural Department under the provisions of this bill? Who will clothe these men that you place under the provisions of this bill? Who will give them that medical attention under its provisions to which a soldier in the Army of the United States is entitled? It shows that the bill itself needs remodeling if the amendment of the committee should not be sustained and the fifth section is to become a law.

Therefore I say the proposed transfer is crude and incongruous when you take into consideration the antagonism of the military and civil elements. That is the idea I have in regard to it. I believe that the Weather Bureau is of the greatest benefit to both commerce and agriculture. As I said, it is a growing institution, and we must make it practical, extend its area, multiply its stations, and give strength and vigor to the organization, until it may permeate the whole country and give notes of warning at every point where commerce is likely to touch upon the seacoast of our country. We need it there.

Have I not witnessed at this session appropriation after appropriation, by the million of dollars, for the purpose of establishing light-houses upon the coasts, and that coast the Senator from South Carolina represents so faithfully? Though those light-houses may be the eyes of the ocean, yet they are near-sighted, and near-sighted to see the coming storm.

Sir, we need an institution like this Weather Bureau to give the note of warning. It overtops the light-house. It tells whence the storm comes and where the danger is. I say it should be fostered and cared for, and this can best be done by reorganizing it with its existing relations before it is placed in relations that it knows not of and which are unfamiliar to it. That is the idea I have about it.

Look at the influence of this service. You can not get the sailor to go to sea if he looks at the signal flag and it indicates a storm. The farmer is governed by it to a great extent, for he is told of the coming of the approaching frost. It is true you can not by this means regulate the temperature of the atmosphere and prevent the frost, but you can give the note of warning, tell that it is coming and prepare against it, and build a barrier for your defense.

The sailor can keep from going upon the vessel, whether upon the Lakes or upon the Gulf or upon the rock-bound dangers of the Atlantic. That is a part of the utility of this service.

I want to see the day come when this service will permeate the whole country, when every railroad will carry its signal-flag along, when every post-office will have it up, in order to benefit the common people of the country, especially the agriculturist, and likewise upon the coast to benefit the commerce of the country. I want to see that done, and to do that we should reorganize the service and put it in proper shape before it is transferred to the Agricultural Department or anywhere else.

Mr. President, I have made these suggestions, belonging to the Committee on Agriculture as I do, because I want to justify its action. It reports almost unanimously, I believe with one exception, in favor of striking out the fifth section. I ask the Senate to sustain the action of that committee for the reasons I have urged. This is a matter of organization. I say do not take it up root and branch and throw it into the heart of a civil department of the Government, crude, incongruous, and not thoroughly organized.

Mr. HAWLEY. Mr. President, I rose at the same time with the Senator from Tennessee [Mr. BATE], and I am happy to say that he has said better than I could have said many of the things that were in my mind. We are asked to point out the crudities of this provision. I read a line or two:

That the weather service of the United States Signal Service Bureau is hereby transferred to the Department of Agriculture.

I do not see what good there is in ordering a transfer of the weather service unless you transfer the men who have been in the habit of doing the weather service and giving it to us. They must go there.

Mr. BUTLER. That is provided for lower down in the section.

Mr. HAWLEY. The weather service thus transferred—

shall consist of one chief and such subordinate officers and employés as may be necessary to efficiently manage said bureau. Until otherwise provided by law, the present organization of the subordinate force of said bureau * * * shall continue as at present.

It seems to be taken for granted that the men are to go over to the Agricultural Department as well as the service. Then these military persons, officers and privates, will be under the command of the Department of Agriculture, though still remaining a part of the Army, for it says that the present organization "shall continue as at present" and "nothing in this act shall be construed as altering or affecting in any way the present status in the Army of the commissioned officers of the Signal Corps."

What is to be done with the work that these men have been performing, not only in the service of the Weather Bureau but in the service of the Army? There is a double function which they have been performing. You are going to split them in two. You are going to leave them undisturbed in the Army to perform their Army duties, and yet you are going to transfer them to the Department of Agriculture, there to be subject to the control of that department.

They are to be paid rates that they are now receiving under Army regulations, but this section says that the Secretary of the Department of Agriculture shall direct their payment. Is he to take the payments out of the hands of the paymasters of the Army and pay them upon rates of his own as civilian employés? Then he is certainly changing their status very considerably.

Again, they are in the service for five years. They can be tried for desertion, for disobedience of orders. They can be sent to the penitentiary for a term of years for desertion. Is that to continue? Is the Secretary of the Department of Agriculture to order a court-martial to sit upon the desertion of a soldier put on duty at the top of Pike's Peak? It is a very singular piece of business.

Mr. PLATT. How is the Secretary going to prevent desertion?

Mr. HAWLEY. My colleague inquires, how is he going to prevent it? The Secretary of the Department of Agriculture will have no more control over those men than he has over his own clerks. As the Senator from Tennessee has very well explained, if a clerk of a Department says he will not serve the Government any longer, out he goes. He refrains from coming in the morning, and that is the end of all the Government has to do with him, and it settles his account. If in the Signal Service in a dangerous and disagreeable place a man on duty runs away or deserts, he is liable to punishment precisely as a soldier in the Army is. But he has to remain with all his present rights. Among his rights is one that is of very considerable importance, is very highly valued by the private soldiers of the Army, by a large number of them, at any rate—those who have served many years. They have the privilege at the end of thirty years of retiring upon a pension. Some of them have been in the service ten, fifteen, or eighteen years now. Are you going to forfeit that accrued interest, if I may so speak, that accruing right to be retired upon a pension? This matter is not so simple as you suppose it is when you simply order the Weather Service to be sent over to the Department of Agriculture and leave the men with all their rights in the Army, the Secretary of Agriculture to order a court-martial, the Paymaster-General of the Army to pay these men, and the Secretary of War to commission them, and the subordinates of the Secretary of War to swear them into the military service.

It takes more than the dash of a pen to break up these men. They have been performing a double class of duty, partly civilian and partly military. If you try to execute this law, I do not see what is to prevent taking these men wholly away from whatever military duty they have been performing, deserting 2,300 miles of telegraph, and turning that over to somebody else—employing civilians for it or detailing privates of the Army for it and incurring a very considerable expense.

The Senator from South Carolina [Mr. BUTLER], I think it was, said that the board provided for here would adjust the details of this transfer and reorganize the service. It can not organize the new civilian corps. That is not provided for, as he thinks. He is mistaken. If he will look at this paragraph, he will see that this board of three is to make an inventory of all property now in the control and possession of the Signal Service Bureau, and separate and turn over to the Department of Agriculture such portions of it as may be suitable for the work of the Weather Service. It is merely a property board to give prices and catalogues of the present property, and divide it between the War Department and the Department of Agriculture. It is easy to do that, because that is a matter of figures—of counting; but it is by no means easy to divide functions of men, to retain them in one place and retain them in another—continue them in the Department of Agriculture and continue them a thousand miles away in the War Department at the same time.

Mr. CALL. Mr. President, the only serious aspect of this question, for it is not very important it seems to me who shall conduct this Signal Service Weather Bureau, providing it be efficiently done, and it scarcely is worthy of argument to say that no ability can be found to do it outside of the military circles of the country. That can hardly be a proposition to discuss, that a military man as such, *quoad hoc*, as the lawyers say, as to this matter, has anything whatever to do with it.

It is not military. He can not know anything of it by virtue of his military education. If he has any knowledge of it it is because it is outside of his avocation, and he has followed some pursuit that qualified him for a civil pursuit. He may be the greatest engineer or the greatest general or the best disciplinarian in the world, and yet that gives him no knowledge of meteorology, it gives him no capacity to deduce the conclusions which result from a mass of observations relating to the weather. Certainly that is apparent, and if General Greely is so distinguished from his short experience in this service, as I think he is, it is by virtue of his adventures in the North, in the polar regions; it is because of a capacity that is not military, but civil and scholastic and scientific.

Now, Mr. President, the serious portion of this question is the disposition on the part of the Senate of the United States to enlarge the emoluments or civil appointments which are perquisites of the Army; to make high civil place a mere perquisite of the military position; to forget that this is a government in which the civil are superior to the military and the military subordinate; that there is danger in enlarging the number of people who are subject to military law and not to civil law.

It is the disposition to subordinate the civil departments to the military. I respect the officers of the Army and Navy and their attainments and qualifications, and I am willing to be just and even generous with them; but I am not willing to make this a military government, to exclude the people of the country from civil appointments in order that they may be held by military men. I am not willing to enlarge the number of civil appointments to which military men alone are eligible.

To me it seems a mockery to talk about generals and lieutenants and enlisted men charged with the sole duty of making observations about the weather and making clerical calculations and as telegraph operators, and speaking of their special fitness and efficiency for this simple duty because of their military capacity. If it be true of this class of clerks and telegraph operators it is equally true of all the others, and we had better enlist them all in the Army, both men and women, and assign a general and lieutenant to their command; but it is not true; on the contrary, it is untrue and unreasonable in any respect, and it is a subject of surprise that the retention of this purely civil non-military and peaceful service in the War Department should be so strenuously insisted upon.

We have already too much of this exclusion of the great body of the people from offices and pursuits which are purely civil. We have $20,000,000—more than ten millions annually of money expended by engineer officers of the Army in the improvement of rivers and harbors, a very important work, and while I respect the qualifications of these officers, it is not saying too much to say that they are in no way superior to the engineers who are not in the Army.

Why shall a clerk who has no other employment than that of a clerk, who engages in nothing that imperils his life, be allowed a pension after thirty years' service for performing clerical work in the Weather Bureau and all other Government clerks be denied it?

Mr. President, this whole thing is entirely unreasonable. The proposition that the military are better qualified for this has nothing in it, because a military man can not by virtue of his military avocation have any knowledge of meteorology or of weather indications; he can have no knowledge which relates to the efficiency of this bureau. On the contrary, his military capacity is an obstacle to his scientific knowledge and value to this service.

What has the fact that this service has grown up under certain exigencies in the military department to do with its efficiency, either present or future? Here is the express company, extending all over this country and the world, conducting its business with the greatest efficiency; here are the great corporations, telegraphic and railroad, civil bodies entirely, and yet conducting their business with the greatest efficiency and success.

It is for these reasons, Mr. President, that this service can not properly be an attachment of the military department of the Government and that I favor, and decidedly favor, the placing of these men entirely under civil rule. I do not wish to see any American citizen subjected to martial law unless there be public necessity for it. I am not willing that the clerks in this department shall be tried by court-martial and deprived of their rights of citizenship. I am not willing under any pretended necessity of the public service, which is entirely unreal, to enlarge the number of men who are subject to a despotic government. It is all a mere delusion in regard to this service being promoted by or in any wise benefited by being connected with the military organization under which by chance it has grown to its present importance.

The value of this service I think has been very much exaggerated, still it is an important one. It is very important to the farmers, the garden farmers, the truck farmers, the fruit growers, to those persons who require knowledge of cold and of wind that they may gather their fruit, that they may avoid planting their vegetables, that they may take advantage of the seasons in the short space of time that is allowed to them between the receipt of information of coming changes in the weather and their arrival, and in my own section of the country, I wish to say in reply to the Senator from Mississippi [Mr. GEORGE], where the farmers can get this information, they form clubs and they are everywhere now petitioning Congress to establish stations, telegraph stations, signal stations, at which the intelligence may be communicated, and to which they resort daily or whenever they are in sufficient nearness to it to send daily for information as to the predictions of the weather. It is for that reason that I desire that this service, which is valuable alone to the commercial and agricultural interests, especially to the garden-farming and the truck interests, shall be conducted under the civil department of the Government.

So far as commerce is concerned, if you see fit to do so, put it in the Treasury Department, which is the Department specially assigned to commerce; but whether this service is conducted under the Treasury Department or under the Agricultural Department or the War Depart-

ment, the intelligence that is obtained will inure equally well to either of these two occupations. The state of the weather, if it be important for the farmer to know it, will be communicated to him, and whether it comes through the War Department, through the Treasury Department, or the Agricultural Department, it will be equally available; and so in regard to commerce.

Therefore there is no reason, no even plausible reason, for the continuance of this bureau in the military department of the Government. It can just as well be transferred to-day, whether they are enlisted or unenlisted men; and as to that, I presume there is not an enlisted man in this service who would not to-day gladly exchange it for a civil employment, retaining his pay and his position and employment which he has, and I think the Senator from Tennessee may spare himself any uneasiness as to the permanency of the service. They will stay just as long as they can. There need be no restrictions as to their giving it up. The number of those who leave the Government service when once employed in it are comparatively few. Very few die and none resign, as General Jackson said years ago.

So, Mr. President, these are mere unreal delusions. This is an important service and it is a strictly civil service, and it can not in any wise whatsoever be connected with any military employment or any military knowledge, or any interest of the Army or for the Army, even the most remote.

As to its efficiency, to say that an organization of this sort can not be efficiently conducted by the civil department of the Government is to say that neither the Treasury nor the Interior Department, nor the Presidency, nor the Senate, nor the Post-Office nor any other Department can be efficiently conducted unless it is by a man who has been taught to maneuver troops and taught the qualities of gunpowder and steel and the methods of warfare, all of which have nothing whatever to do with these pursuits and these qualifications. You may transfer to-day every man under this bill to the Agricultural Department, and there will not be the slightest inconvenience or the least difficulty, and if it be desirable, if the Senate think they ought to grant a pension to every person who sits at a telegraph wire and gives information as to the state of the weather or to every clerk who makes calculations in the office here after thirty years' service, you can attach it just as well to this service in the Agricultural Department as you can to the Army. All this is so manifest that it is a matter of surprise that it should even be a subject of debate in the Senate.

Mr. BLAIR. Mr. President, I wish to offer one or two observations before the vote is taken upon the amendment of the committee.

This Signal Service, growing up under the auspices of the War Department and originating in the necessities of the war, gradually developing and spreading out into a career of usefulness in the arts and employments of peace, has nevertheless retained within its scope of operations all of its original elements. Being originally designed to facilitate the purposes of war and to give the necessary training to a body of men which under the conditions of modern warfare is indispensable to its successful prosecution, it has come to embody in the same organization superadded labors and efficiencies, but all are still performed by the same body of men, and the necessities which led to the original creation or organization of this body still remain. They may slumber to some extent in time of peace, but it is only in peace that we properly can prepare for war; and the education, the training, the efficiency of a signal corps in actual warfare must emphatically be acquired by prior training in time of peace, unless the war is prolonged for such a period as to give within its own duration the necessary training, and in that case in the earlier stages of war the nation which is without the efficiency is placed at a great disadvantage.

So now it has come to pass, Mr. President, that the Signal Service Corps as it actually exists performs all the functions appertaining to a military organization so far as it is necessary that they should be performed, and we have an army, as you know, of 25,000 men constantly employed, always in readiness for war, and also the same body of men performing functions which are of great service in commerce and in agriculture superadded to its other duties, and it is the same men who are doing all this work.

But when you come to make a provision of law by which, as in the attempted transfer by this bill, you carry from one Department—that is, from the War Department—to another Department and place under the control of another Department, under the order and command of another Department, simply one function which is jointly performed by all these men as one organization, you undertake what seems to me to be an utter impossibility.

The fifth section of this bill proposes to transfer the weather service of the Signal Service Bureau of the country to the control and place it under the command of the proposed Department of Agriculture. If we undertake to analyze this thing we shall find it to be, I think, an utter impossibility. We can not do it. The same men do these three functions. Here is a given signal station. The observations made at that station, the identical individual observations made on any particular day at that particular station, are made use of for commercial purposes, for agricultural purposes, and for the purposes of war. How are you going to transfer the third part, if you choose to divide it mathematically, of the function performed at that particular station, and place it under the command of the Agricultural Department and leave the other two-thirds of the control there, of the commandership there, under the orders of the War Department? And you must do it if you undertake to carry out the provisions of this proposed bill.

What confusion there will be of control! How would it be in war supposing the same army should be placed under the control of two different commanders, two generals, one wanting this thing done and the other wanting that thing done, disagreeing as to the plan of action? But this, if possible, would be still more impossible than that. Here is a united function which is to be divided by three, and one of the three given mathematically over to the Agricultural Department and the other two to remain, as now, under control of the Department of War.

I admit if you could separate this function geographically that there might be a possibility of carrying out the provisions of the section; but at every single station all over the United States the thing done is precisely the same thing, and then its uses are applied in their different directions.

It seems to me, from the very nature of things, we have got to keep this Signal Corps under one control, as it is now, in the War Department. We do not undertake to transfer anything but the Weather Service, it is said, but in transferring the Weather Service or the service to be rendered with reference to a knowledge of the weather and observations of a climatic character, but one-third of the service to one Department, we necessarily transfer the individuals who render not only that service but the other two-thirds of the aggregate which is rendered and for which the public pay. But, on the other hand, in undertaking to do that we leave the law in force so far as the control of the War Department is concerned, as to the uses of the same identical act which are appropriate to commerce and to war.

Mr. PLUMB. Will it disturb the Senator if I call his attention to a fact?

Mr. BLAIR. Not the slightest. I know more than I did two years ago. The difference between the Senator and me is that he does not. During the last two years I have learned something, and the Senator from Kansas has failed in that regard.

Mr. PLUMB. If the Senator is learning in that direction, of course he will be opposed to this transfer always.

Mr. BLAIR. No; I may learn more next year, and by two years from this I may, if I have much to do about this—my attention has never been particularly called to it before, although I was on the committee—I assure the Senator that if this matter passes over and I have occasion to discuss it two years from now, if I am here, I shall know more about it than either of us at the present time.

Mr. PLUMB. I have never heard turning one's coat called a process of education before.

Mr. BLAIR. I will ask the Senator right there to withdraw the expression about turning one's coat.

Mr. PLUMB. No, I will not withdraw it.

Mr. BLAIR. Very well, sir, then consider that our acquaintance is at an end. [Laughter.]

Mr. PLUMB. I want to call the Senator's attention in relation to the great hardship he is speaking about, that, like the Senator from Mississippi, he has gone off to this military view all at once and in place of being a bucolic advocate, he is an advocate of Mars, and he is afraid we shall not have a Signal Service Corps when we get into war. I will call his attention to the fact that one officer and three enlisted men——

Mr. BLAIR. I will say to the Senator that unless he is willing to withdraw the expression in regard to my coat, I shall not feel justified in further extending my courtesy to him in using my time. [Laughter.]

Mr. PLUMB. I did not want to reflect on the Senator's coat.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. BLAIR. Oh, certainly.

Mr. PLUMB. I want to call his attention to the fact that under the orders of the Secretary of War and the regulations of the War Department——

Mr. BLAIR. I shall make one condition, and that is that the Senator shall give us information if he is to occupy my time.

Mr. PLUMB. All there is, according to the Senator's own statement of the case, would be the loss to the military service of one officer and three enlisted men, and I do not think so ill of our military establishment, badly as I regard it, that it would collapse if they should happen to be removed.

Mr. BLAIR. The Senator's remarks and deductions and assumed facts are of such a character that I do not think they ought to be introduced. I do not think he has said anything to justify the waste of five minutes of my precious time. However, I have not intended to be understood as saying——

Mr. CALL. I should like to ask the Senator a question.

Mr. BLAIR. In a moment. I have not understood myself as saying that this act was proposing to injure the efficiency of the Signal Service of the Army. I have not understood myself as saying that I was not in favor of extending all the benefits of weather observations, and greatly increased in scope and thoroughness and efficiency and

minutiæ in every regard, to the Agricultural Department. I only desired to say, and did say yesterday, and I say it now, that this thing shall be done with such due conservatism and discretion as not to encumber the statute-book with a very discreditable bill.

I will now yield to the Senator from Florida for a question.

Mr. CALL. The Senator from New Hampshire said there were three uses of this Signal Service, one military and the other civil.

Mr. BLAIR. That makes but two. If the Senator will quote me accurately he will get the other.

Mr. CALL. Commerce and agriculture.

Mr. BLAIR. I said military, commercial, and agricultural.

Mr. CALL. Very good. We will consider it that way. I should be very glad for the Senator to tell us what military function this weather bureau has, or the Signal Service Bureau? I ask what military function it has?

Mr. BLAIR. There are almost 25,000 miles of military telegraph in this country which are still made use of.

Mr. CALL rose.

Mr. BLAIR. Let me finish one sentence before the Senator interrupts me with additional questions.

There are nearly 25,000 miles of military telegraph actually in use on our frontier and throughout the whole Western territory, utilized by the War Department in its care over our Indian wards, and at military stations along the shores of oceans and the boundaries between ourselves and other countries that have got to be maintained as part of the military establishment. But it is still true of them that it is essential that the observations taken at these stations shall be utilized for the purposes of study in climatology and for the necessary forecasting of the approach of storms, even though those may be uncultivated regions, which when they reach cultivated portions of our country may have a destructive effect, and also in order that the approach of these storms may give the agriculturist due warning in proper season as to the planting of seed and the performance of the other functions of his great employment.

So every one of these stations now used at military posts—for it is quasi war—is still of as much service to the rest of the country in regard to the approach of storms and the acquisition of that knowledge which would be of benefit in the cultivated regions as in the uncultivated regions to the future agriculturist when he comes to cultivate them—whether they may be made useful by irrigation or by other means—those, I say strictly military posts of observation are just as necessary as the other posts and signal stations in other parts of the country where there is no actual work for the Army to perform. Then when you come to the settled and civilized portions of our country, if you please, where observations are necessary for the protection of commerce, especially all along the coasts, the coasts of the Great Lakes, the Atlantic and Pacific coasts—there these same observations made in remote portions of the country as yet uninhabited, if you please, are just exactly as essential, because it is only by virtue of their collection here at a central point that we are able to give to the man who is to sail from New York City with a great cargo of wheat for Liverpool—it is only by reason of these distant observations that we are able to inform him of the approach of storms, and just so this observation which is taken on the Atlantic coast, which you might say is more particularly for commerce, or taken at a commercial depot or station, a life-saving station, or whatever you please, or in one of the great cities, specifically you might assert that they were of special benefit to the commercial interest, yet they are just as essential to agriculture and to the War Department if this sort of knowledge is necessary by reason of actual war on the frontier. Storms come from all directions.

Thus it is that I think I was justified in saying that here are three functions combined in one and just as indissoluble in their union as the three persons in the Trinity; but unless you yield to the disadvantages of a divided commandership, a divided generalship, I do not see how you are going to place one function of the weather service of this bureau under the command of the Department of Agriculture absolutely, and yet, so far as the other two functions are concerned, having exactly the same *personnel*, leave it under the command of another Department.

Mr. CALL. The question I asked the Senator was what was the military service this bureau performed, and I understand him to say it is operating a line of telegraph.

Mr. BLAIR. And giving observations at signal stations, of course.

Mr. CALL. Giving intelligence to commerce. Now, I want to know if the Senator maintains that it is a military function to operate a line of telegraph?

Mr. BLAIR. Just exactly as much as it is a military operation or function to manufacture gunpowder. It does not follow that that is not a military business, because you may use gunpowder to explode a rock in time of peace. The telegraph is as much a part of the art of war as it is a part of the art of peace.

Mr. CALL. So is the farmer. You can not have an army unless they have something to eat, and they can not have anything to eat unless it is grown out of the ground.

Mr. BLAIR. I am not careful as to what may be proven provided it be true. Does the Senator controvert my statement that the telegraph is part of the art of war as well as of peace?

Mr. CALL. Unquestionably so, beyond a doubt.

Mr. BLAIR. Very well. Then what is there between us?

Mr. CALL. A telegraph line may be useful to the military service, but it is certainly not a military art or a military function.

Mr. BLAIR. Is a gun a military weapon.

Mr. CALL. Yes.

Mr. BLAIR. And yet it may be used to shoot a partridge. Is that a military operation?

Mr. CALL. That is no analogy and is not in the line of the proposition.

Mr. BLAIR. That is what I said to the Senator. There is the point between us. If the Senator consents to the truth of my proposition it is not necessary to argue it.

Mr. CALL. The proposition is that there is a military function attached to this bureau. I say there is not; and when called upon to specify what it is, the Senator says it is operating a line of telegraph.

Mr. BLAIR. The Signal Service Bureau, so far as I have been able to learn of its statutory organization, is to be found under the head of "Department of War," on page 36 of the Revised Statutes, and there it is provided:

SEC. 221. The Secretary of War shall provide for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories, and for giving notice on the northern lakes and seacoast, by magnetic telegraph and marine signals, of the approach and force of storms.

SEC. 222. The Secretary of War shall provide, in the system of observations and reports in charge of the Chief Signal Officer of the Army, for such stations, reports, and signals as may be found necessary for the benefit of agriculture and commercial interests.

SEC. 223. The Secretary of War is authorized to establish signal stations at light-houses and at such of the life-saving stations on the lake or seacoast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the Signal Service by means of a suitable telegraph line in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the Chief Signal Officer of the Army, or the Secretary of War and the Secretary of the Treasury; and the use of the life-saving stations as signal stations shall be subject to such regulations as may be agreed upon by said officials.

I think that is the substance of the statutory provision establishing this Signal Service. There is also a statutory provision, which I have at hand here, but will not trouble the Senate by delaying to read it, which gives the Department of Agriculture the right to call upon the War Department or the Chief Signal Officer for such information as may be serviceable to the interests of agriculture. I think that is the substance of all the statutory law upon the subject.

If any one will take the appropriation bills of any year and read them and note the items of appropriation which apply to the Signal Service, some twenty or more in number, it will be seen that nearly all of them appear naturally to be connected with the sort of service rendered in the War Department.

I have been kept on the floor longer than I expected. The point I rose specifically to make is this: That here is a service which is a unit. It is rendered by certain individuals who are now a part of the war-making power, or rather a part of the Army of the United States, enlisted, sworn, examined, qualified, and experienced in this particular department of service; and so far as we know they are the only efficient body which can be rapidly summoned and concentrated for this work.

They have these three separate functions to perform, and I do not see myself how it is possible to take the Signal Service any more than it is proposed to take from its existing organization and place it under the control of the Department of Agriculture. The other elements of the service must remain where they are; and this bill does not propose to do anything more; and if the thing is to be done, I can see no reason why it is not necessary, after mature and careful deliberation, to organize a signal service specifically and specially for the Agricultural Department.

It probably would need nearly as large a number of men as are now found in the corps which performs this joint service for these three great interests of our country. Probably that will be the result, but it may not be. It is possible that by careful and judicious statutory enactment this whole body of men and all that it performs for the Army, for commerce, and for agriculture can be placed under the control of the Department of Agriculture; but I submit, Mr. President, that that is a thing that can not now very well be done, and this bill only proposes to go so far as to have a divided control, which must result in inextricable confusion and in injury to the service as it is now rendered to all three of these great interests of our country.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Agriculture and Forestry to strike out the fifth section of the bill.

Mr. PLATT. Mr. President, when the Senator from Tennessee [Mr. BATE] was addressing the Senate I put an inquiry to him which I think he did not fully answer, namely, what was the matter with the organization of the Signal Service, considering it as an organization solely? I have heard a great deal said about the necessity of the reorganization of the Signal Service, and no one yet, unless it be in some

remarks which fell from the Senator from Kansas [Mr. PLUMB], in relation to weather prediction in Missouri, has said or indicated anything which shows that there is any fault with the organization of the Signal Service.

Mr. PLUMB. I quoted, as all the authority I thought necessary on the subject, the letter of Captain Dunwoody, who signs himself "Acting Chief Signal Officer," in which he says it is badly arranged and in many respects inefficient; but I may say, if further testimony is needed, that General Greely said in his testimony before the Agricultural Committee that the bureau was in a very bad condition, something which I think he has since emphasized by a letter which he has published, in which he reflects very seriously upon some members of the organization.

Mr. PLATT. But that does not touch the plan of organization.

Mr. PLUMB. Captain Dunwoody says it is inefficient and badly arranged.

Mr. PLATT. When we talk about reorganization we talk about whether this is a good system or not, not whether the system is properly carried out, whether it is as efficient as it might be, whether the conclusions and results might not be improved by weeding out the inefficient men. But the question, as it seems to me, which touches this transfer is whether the organization as a whole, the plan, the system, is going to be any better in the hands of the Agricultural Department than it is under the control of the Army. For there has got to be an organization, a plan, a framework, through the agency of which these results are to be obtained. It is perfectly apparent that if the Signal Service goes to the Agricultural Department, which is to be created, one of two things must happen: the present military organization must be retained, simply putting at the head of it a chief signal officer who is a civilian, or there must be a reorganization purely through civil appointees—one or the other.

If the military organization is all right, then I see no occasion for transferring it from the Army to the Agricultural Department. If it is not all right and you propose to reorganize when you get the subject-matter into the hands of the Agricultural Department, then we have got to have a new organization with civilians. The organization will then consist of the Chief Signal Officer and all his subordinates, which means, I suppose, chiefs of bureaus, chief clerk, clerks of the first, second, third, and fourth classes. Either one thing or the other: The military organization is to be transferred to the Agricultural Department, or it is to be abandoned. If it is to be abandoned, then the reorganization means an organization such as we have in any of these Departments to carry on any particular bureau of the Government. I apprehend it is the latter that is meant, that it is meant to take away entirely from the military service of the country this business, that it is to take it away from the military officers, and from the enlisted privates, and is to reorganize the service with civilians. That is what this means, perhaps not in the immediate but in the near future; and the clause in the bill which says that the Chief Signal Officer shall go over, as it were, to the Agricultural Department and take charge until a civilian Chief Signal Officer can be appointed, shows what the intention is.

The intention is to take this service entirely out of the hands of the men who are now carrying it on. Otherwise there is no sense or reason in transferring this service to the Agricultural Department, and it was in view of what I thought was the manifest purpose of this bill that I asked what was the matter with the present organization? I did not ask what was the matter with the operations of the organization, whether they were as perfect as they might be, but with the plan of organization. I think that I know where this matter started, Mr. President.

There was a time when some people in the country conceived a very great dislike, not to say prejudice, to the Chief Signal Officer, and that dislike led to an effort to get the whole business out of the hands of General Hazen. Whether there was foundation for it or not I do not know. There was a special committee, as I remember, raised to investigate General Hazen and his conduct of this office. It was while that dislike was strong, while the prejudice, if it was prejudice, was exceedingly strong against the Chief Signal Officer that this idea of transferring the Signal Service to the Agricultural Department sprang up.

Now, I apprehend that is all gone; that the thing which really was the motive for this suggestion is all gone. I apprehend that nobody says that the head of this service now is not as good a man for the place as can be found, whether in military or in civil rank, for scientific attainment, for discipline, for executive ability. Nobody questions the capacity, the integrity, the skill, the learning, the scientific attainment, or the executive ability of General Greely; so that so far as the head of the organization is concerned it is admitted to be in good hands.

Well, let us look a little at what has been accomplished. This is a growth of nineteen years. Nineteen years ago we knew very little about these matters, which have now become part of the scientific knowledge of the country and of the world. We knew very little about the movement of storms—very little about the laws of climatic changes. Perhaps we know very little now about the causes of atmospheric and climatic phenomena; but we have learned a great deal, and learned more, I think, here in the United States than anywhere else in the entire world.

I think the result of the knowledge which has been attained through the deliberations and the studies and the experiments of this Signal Service is in advance of the knowledge of all the rest of the world at the present time. I think we may boast ourselves that we are a step further along the road to knowledge in this subtle realm than any other people. How has that been brought about? It has been brought about through this misrepresented—I will not say abused—organization. It has been brought about through this military service, and the men who have made these attainments are now in the service to a large extent. Possibly there has been occasionally a displacement of an officer and another officer put in his place, but largely the very men who have contributed to the wonderful advance in scientific knowledge in this direction are still in this service.

Is it according to the dictates of common sense to take away from them this matter to which some of them have now devoted half of a lifetime, and put it into the hands of men who have had no experience, whatever of theory they may have, on this subject? Largely whatever scientific knowledge there is upon this subject outside of the military service has been derived through the aid which these very men have given to students.

Now, shall we take away from the very men who have thus become accomplished this work and intrust it to the hands of those who have had no experience in it, who will rely purely upon theory resulting from a superficial study and of the knowledge which has been acquired as amateurs, for I take it that is what this means. It means that we are to have a new set of men to make these observations, to study these difficult scientific problems, and that they are to be civilians and not military men.

So, Mr. President, it seems to me that if there were no question here except the bare question of whether, in the organization of a new department, we should transfer to it this scientific work which has heretofore been done by the military branch of the Government, that of itself ought to determine the matter. But, Mr. President, I think there is a wider question involved in the passage of this bill than the question whether we shall transfer to this new department a service which, with all its faults, has accomplished so much for agriculture, for commerce, for scientific knowledge. To the discussion of this wider question I beg the attention of the Senate for a few minutes.

This is a bill the intention of which, and the only intention of which, is to protect, and conserve, and develop a certain portion of the capital of the country.

CONSIDERATION OF PENSION BILLS.

Mr. DAVIS. Mr. President, the Senator from Connecticut yielding the floor for that purpose, I rise to ask unanimous consent that after the routine morning business on the day after to-morrow, Thursday, the Senate proceed to the consideration of such pension cases on the Calendar as are unobjected to.

Mr. PLUMB. I have no objection to that, provided always the present order is disposed of, but I do not think it would conduce to the proper disposition of business to lay aside the pending bill until it is concluded.

Mr. DAVIS. Subject of course to the present order.

Mr. PLUMB. Very well. I have no objection to that.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that on Thursday next at the conclusion of the routine morning business the Senate shall proceed to the consideration of private pension bills on the Calendar favorably reported, to which there is no objection, subject to the now pending unfinished business.

Mr. STEWART. The Senator from Oregon [Mr. MITCHELL] gave notice that he desired to make some remarks on that day immediately after the morning business.

Mr. DAVIS. Then, of course, I will modify my motion. I was not aware of any notice of that kind, except the one given on behalf of the Senator from Arkansas [Mr. JONES].

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Nevada to object?

Mr. STEWART. I do not object. I merely make that suggestion.

Mr. DAVIS. I withdraw the request.

The PRESIDENT *pro tempore*. The request is withdrawn.

Mr. CHANDLER. I should like to ask whether it was not agreed by unanimous consent yesterday, on the suggestion of the Senator from Minnesota [Mr. DAVIS], that pension bills should be proceeded with this afternoon after the consideration of the Agricultural Department bill? If so, as this bill is certainly not to be concluded this afternoon, I hope the Senate will take up pension bills and go on with them for an hour now, pending the consideration of this bill, and to-morrow if the Senator from Connecticut does not object he can conclude his remarks.

The PRESIDENT *pro tempore*. It all depends upon the Senator from Connecticut, who is entitled to the floor.

Mr. PLATT. It is a matter entirely immaterial to me, except this: I had no thought of making any remarks on this bill until I got upon my feet, and I can go on now or I can wait until to-morrow.

The PRESIDENT *pro tempore*. Does the Senator yield for the purpose of enabling the Chair to submit the request?

Mr. PLATT. I do.

Mr. CHANDLER. Then I ask that the request be submitted.

The PRESIDENT *pro tempore*. The Senator from New Hampshire [Mr. CHANDLER] asks unanimous consent that the unfinished business may be informally laid aside for the purpose of considering private pension bills on the Calendar favorably reported to which there is no objection.

Mr. PLUMB. I shall not object if there is an understanding that the pending bill shall come up as the unfinished business at the conclusion of the routine business to-morrow morning.

The PRESIDENT *pro tempore*. Is there objection to the resumption of the consideration of the Agricultural Department bill to-morrow at the conclusion of the routine morning business?

Mr. HARRIS. I want to suggest to the Senator from Kansas that, in addition to the request that he has suggested, he fix an hour to-morrow at which we shall take the vote upon the pending amendment.

Mr. PLUMB. I will, then, amend my request so that the consideration of the bill shall be resumed to-morrow at the conclusion of morning business, and that the Senate will vote upon the bill without further debate at 2 o'clock, or earlier if the debate is sooner concluded.

Mr. BERRY. I gave notice this morning on behalf of my colleague [Mr. JONES, of Arkansas] that he desired to submit some remarks on the tariff question to-morrow immediately after the conclusion of the morning business, and I can not consent to any arrangement that would interfere with him, because he expects to address the Senate then.

Mr. PLUMB. I will then modify my request. If the Senator from Arkansas will take the floor at the conclusion of the morning business to-morrow, then I will say that at the conclusion of his remarks the consideration of the pending bill shall be resumed and that the Senate will vote on it at 3 o'clock.

The PRESIDENT *pro tempore*. The Senator from Nevada [Mr. STEWART] gave notice that at the conclusion of the remarks of the Senator from Arkansas [Mr. JONES] he would take the floor to submit remarks upon the same subject.

Mr. CHANDLER. I object to agreeing upon a time for voting upon this bill. It seems to me that debate ought not to be limited upon it at once.

Mr. PLUMB. Then I shall object to anything interposing now.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. HARRIS. I want, in connection with this matter, to say, as it is impossible to come to any agreement by unanimous consent, that whenever I can get the floor to-morrow I shall move to lay the amendment of the committee on the table and endeavor to get a vote upon that motion.

The PRESIDENT *pro tempore*. The Senator from Connecticut is entitled to the floor.

Mr. DAVIS. On reflection I renew my request that at the conclusion of the remarks of the Senator from Oregon [Mr. MITCHELL] on Thursday the pension bills may be considered.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that, at the conclusion of the remarks of the Senator from Oregon to be submitted on Thursday next, the Senate will proceed with the consideration of private pension bills on the Calendar.

Mr. PLUMB. I shall not object, provided——

Mr. HARRIS. I thought the Senator had asked that we proceed now.

The PRESIDENT *pro tempore*. That was objected to.

Mr. HARRIS. I did not suppose there was any objection to that request.

The PRESIDENT *pro tempore*. That was objected to.

Mr. HARRIS. The Senator from Kansas did not object, but wanted another agreement about another matter.

Mr. CHANDLER. I ask for the consideration of pension bills at this time, unless there can be unanimous consent as to the disposition of the Agricultural Department bill to-morrow.

Mr. PLUMB. If there can be no arrangement that debate on this bill shall be concluded at some reasonable period, then I shall insist, so far as I can, that the debate go on until it is finally talked out.

Mr. CHANDLER. I think it is entirely right that the Senator should make that request, but I do not consider it a fair offset to a request that pension bills shall be considered to insist that there must be an agreement that the debate on a bill of this importance should end and the vote be taken at a particular time. I have no more interest in the passage of pension bills than the Senator from Kansas, but I certainly think, as this debate is not to be concluded to-night, that we might let the consideration of pension bills go on for an hour at this time without insisting on bringing debate on the other bill to a close.

Mr. PLUMB. I think it will conduce to the final and early disposition of this bill to have it go on continuously until it is disposed of.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. PLATT. I do.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that on Thursday next, at the conclusion of the observations to be submitted by the Senator from Oregon, the Senate will proceed to the consideration of the private pension bills upon the Calendar favorably reported to which there is no objection. Is there objection to the request? The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 5092) for the relief of Charles L. Bradwell;

A bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lake Superior, Lakes Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River;

A bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, but subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid;

A bill (H. R. 11336) supplementary to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882; and

Joint resolution (H. Res. 223) declaring the meaning of a clause in the river and harbor act of August 11, 1888.

THE CHINESE TREATY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I herewith transmit, in reply to the resolution of the Senate of the 11th instant, a copy of a report from the Secretary of State, with accompanying documents, relative to the pending treaty with China.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, September* 18, 1888.

AMENDMENT TO A BILL.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 124) granting a pension to Henry F. Kaiser;

A bill (S. 186) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc.;

A bill (S. 576) for the relief of Semon Bache & Co.;

A bill (S. 1988) granting a pension to Henry R. Blakiston:

A bill (S. 2713) granting a pension to Pierre Bottineau;

A bill (S. 2938) granting a pension to James McDonald;

A bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott;

A bill (S. 3130) granting a pension to Patrick Welch; and

A bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers.

DEPARTMENT OF AGRICULTURE.

The Senate, as in Committee of the Whole, resumed the consideration of House bill 8191.

Mr. PLATT. Mr. President, this is a bill the intention of which and the only intention of which is to promote, to conserve, to develop a portion of the capital of this country, namely, that portion engaged in agriculture or invested in agricultural business. There is nowhere in the bill a suggestion that any body except the farm-owner, the man who is carrying on the business of farming, is to be affected by the bill or is to be represented in the councils of the President by the new Cabinet officer who is to be appointed. It is to enable those who have invested their money in farms and agriculture, in cattle-raising, in growing wheat and corn and cotton to get more profitable returns upon their money so invested, to develop their business, to find out new methods by which their business may be made more lucrative. It does not contemplate that the great number of men who are employed by the year, the month, or the day upon the farms of the United States shall receive any benefits from the measure.

They are to have no voice, they are to have no representative, in the Cabinet. The great underlying interest of agriculture is not to be heard through this new Cabinet officer. The agriculturists who are at the top, not the agriculturists who are at the bottom, are to be peculiarly and particularly benefited by the passage of this bill. The man who works in the great wheat-fields of Dakota for the Dalrymples, the thousands of men who are there employed are not thought of.

The men who take from the cotton-planters of the South the little holdings upon leases of 25-acre farms, of one-horse farms as they are called, and take them on shares, are to receive no particular benefit

from this bill. The wage-earner agriculturists are outside of the province and pale of this legislation. They are a very considerable portion of the agriculturists of this country. I find by the last census, which has been brought to me while I have been talking, that the number of farms in the United States is 4,008,907; the number of those employed in agriculture is 7,670,493; so that approximately the wage-earning agriculturists of this country are 3,662,486. Probably that is not exactly accurate, but sufficiently so to illustrate what I am saying.

This bill is not for their benefit. It is for the benefit of men who own farms, who have invested their capital in land, whether they own large farms or small farms; and, to a great extent, it is for the benefit of the men who own the large farms, and not the men who were once, in a former period of our history, called the "small-fisted farmers." I have no objection to doing this service to the capital invested in agriculture. Agriculture, to be sure, is the foundation of the wealth and prosperity of the Nation, but, down underneath the men who own the farms are the men who work upon them for wages. The Senator from Alabama [Mr. MORGAN] the other day called such of our citizens the substratum of our society, and intimated that they constituted an inferior and humble class. Let me refer to the remarks of that Senator for a moment.

The Senator from Alabama said, in making a speech on the Chinese question, I think:

> There are in the Senate Chamber, I dare say—I think I know there are—Senators who have come up from what are called the inferior or humbler class of society, whose fathers and mothers, with themselves, toiled in the field for the bread of life until perhaps fifteen or twenty years of age.

I should be the last man, Mr. President, to object to dignifying agriculture.

I am one of the men who commenced this life in what the Senator from Alabama is pleased to call the inferior or humbler class of society. I worked with my father in the field for the bread of life until I was more than fifteen years of age. Some of the time I worked for other farmers for wages, and I wish right here to enter a protest against that life being called inferior or humbler in any sense than life in any other occupation, profession, or calling.

Mr. President, agriculture is honorable, it is dignified, it is a noble employment. If I were to go back to my native town and attempt to tell its citizens that when I left the farm and its hard labor I went up into a higher station or a more honorable position I should be laughed at, and justly laughed at. There is no higher or more honorable or more dignified station than that of the man who cultivates the farm or the one who works for him who owns and cultivates the farm. I do not feel that my position as Senator is more worthy of respect and honor than was my position on the farm.

It is because this class of men, these agricultural wage-earners, are not thought of in this bill that I think the scope of it is entirely too narrow. It is too narrow in another sense—I will speak of the interests of labor further on; but if we are to legislate in a way to develop, to conserve, to protect, to amplify a portion of the capital of the country, why not all?

Why should we seek out the capital which is engaged in farming, in wheat-growing, raising cattle or corn or cotton, and give that capital a representative in the councils of the President—make a Cabinet officer in order that he may call to the President's attention the means by which the farmers can make money on their investments, and leave out the other capital of the country engaged in business? Why not pay some attention to the mining interests of this country and the capital invested in such interests?

Mr. PLUMB. If the Senator is offended at the idea that the farmers should have this representative he can easily move to create a Cabinet minister for just as many other interests as he wishes. It is no argument against this bill that it does not embrace every other legislative subject in the universe.

Mr. PLATT. When this bill was before the Senate on a previous occasion I made some of these suggestions, and the bill went back to the Committee on Agriculture, as I supposed, for the widening and enlargement of it. Now it comes back in the same limited shape; so I am bound to believe that there is a studied purpose to keep out from its sweep and scope all the capital of the United States except the capital which happens to be invested in farming, and also to keep out from its scope all the interests and demands of labor whether engaged in agriculture or in other branches of industry.

It is no answer to say "pass this bill now and then enlarge its operations by and by." As I said, I am the last man who would by any means disparage agriculture. If it were possible for me to realize in my declining years the dream of my life, I would find that realization in being permitted to leave public life, professional life, and seek once more the pleasure, the independence, and quiet to be found only in agricultural pursuits.

So I say nothing against the farmer, nothing against helping him; but why this neglect of the other industries of the country? Why the neglect, as I was saying, of the mining industries of the country? The mineral production of the country for the fiscal year 1887 was greater than the mineral production of any country on the face of the globe.

Mr. PLUMB. Yes; but if it is a question of comparisons, will the Senator call attention to the fact that the eggs produced in this country were worth more than all the gold and silver of the country?

Mr. PLATT. I am not speaking about gold and silver alone. I am speaking of the entire mineral production of the country—the coal and the iron, the copper, and all the other minerals, their value exceeding that of the minerals of any other country in the world. Yet we must have a department for the agricultural capitalist, and not for the capitalist engaged in the development of the mineral resources of the country.

I have had no time to collate statistics. I did not expect to speak to-day. I can not say how much capital is engaged in the production of our minerals or how it compares with that invested in our farms, but it compares favorably in amount. Why, if we are seeking to benefit capital, should we neglect it?

Take another branch, the commerce of the United States, foreign and domestic, by land and by water. Think of the investment in it! Why, in the railroads of this country there is more money invested, squeezing all the water out, as I remember the statistics, than in the farms of the country. I may be mistaken about the exact amount, but at any rate the amount is vast, $7,500,000,000, as I remember the figures. Add to that all the shipping plying along our seacoast and on our rivers and such foreign shipping as we have. Why is this great commercial interest of the country and the capital invested in it—for this is a capitalistic bill alone—shut out from this new department and to have no voice in the Cabinet?

Mr. PLUMB. Will the Senator allow me to ask him a question?

Mr. PLATT. Certainly.

Mr. PLUMB. I ask the Senator if he does not think the railroads of this country have pretty good care taken of them by law—if he thinks it necessary to have a department in the Cabinet to take better care of them than is taken of them now?

Mr. PLATT. Mr. President, I am not to be diverted from the line of my argument into a discussion of the railroad problem. I have discussed that question here very often, and I think my views ought to be pretty well known. I am prepared to say, however, that it would be a good thing that in this new departure there should be a Cabinet officer with whom the President of the United States could confer in relation to restricting the powers of the railroads. For this should be a department where restriction may go along hand in hand with development, where the Executive may lay its restraining hand upon things that are wrong as well as its fostering hand upon the things which need to be helped.

Then there are manufactures, Mr. President. Why should not they have some voice in this matter? I know that it has become the fashion of late, even in the highest official circles, to rail at manufactures. I know that some people affect to believe a manufacturer to be a public enemy, but manufacture is a part of the business of this great country just as much as agriculture and railroading and mining and commerce are a part of the business of the country. All go to make up the sum of our wonderful wealth and wonderful prosperity, and all branches of business work together for national development. Why should any be shut out? The investments in manufactures in the year 1880 would compare very favorably with the investments in farming. Since capital alone is to be conserved by this bill, why should we turn our backs upon and shut out from our sight all capital engaged in prosperous industry except the capital used in agriculture?

If this is a Nation of diversified industries, why take one of those industries and make a Cabinet office for it to the exclusion of all others? If this measure were truly what in various quarters of the country it is supposed to be, a bill for the creation of a department in which all the industrial interests of the country should be considered and protected and fostered, that would be another thing.

But it touches neither the agricultural laborer, the laborer who is engaged in developing and carrying on the commerce of the country, the laborer who is engaged in producing the vast mineral products of the country, nor the laborer who is engaged in the vast manufacturing production of the country. My objection to it, so far as it is a capitalistic bill, is that it is a discriminating capitalistic bill, discriminating in favor of a certain class of capital and against all other classes of capital. But my greater objection to it is that it is a bill which ignores an interest in this country which not only underlies but is greater and more important than capital.

Mr. President, our civilization and progress rest upon one fundamental idea, and that is the idea that work is honorable and dignified and blesses instead of curses where it goes. It is a civilization dissimilar from that of any other country in the world in this respect, that in our system the man who labors with hands or with brain shall lose thereby nothing of dignity and honor. It is a civilization founded upon the reversal of all ideas in the world previous to the settlement of the United States.

The old idea was, and it has not been entirely eradicated yet, that the man who worked could not be a gentleman; that the thing that distinguished the gentleman from the fellow was leisure and idleness on the part of the gentleman, and work and toil on the part of the fellow, illustrated in that old couplet when Wat Tyler marched on London and sang:

> When Adam dolve and Eve span,
> Who was then the gentleman?

Showing that the idea was the man who worked could not be a gentleman. This civilization of ours, our Government, all our institu-

tions were founded upon the idea that the man who did work might be a gentleman, and was not an inferior or humbler member of society than the man who had leisure and lived in ease and idleness.

That—

Worth makes the man and want of it the fellow.

Right at the foundation of republican government lies the principle that the man who works shall be honored—that his position shall be one of dignity, that no man shall have a right to despise him in this free land; and not only that, but that he shall have such wages as will enable him to elevate both himself and his family and those dependent upon him in the scale of moral, social, and financial well-being.

The great underlying force of America is the workingman—the man who labors and toils, the man who receives wages, and just as he is elevated, just as a condition of things exists which lifts him up and makes him more and more a man, enables him to ascend in the scale of manhood, a republic grows strong; and just in proportion as any policy exists which beats him down and degrades him in the scale of manhood the republic grows weak.

With us, this is a Government of the people. It is more than that, it is emphatically a Government of the common people. It is a Government of the men who work. More than that, it is a Government of the men who work for wages.

They are the majority of its voters. They set, or ought to set, the policy of the Government in finance, in education, in civil rights, in all that goes to make a Nation great and honorable, prosperous and beneficent. The common people for once in the world here on these shores, away from the tyrants and kings, were given the reins of government. Whatever we have of government we are indebted to them for. Whatever we are to have in the continuance of free government we shall be indebted to them for.

What, then, should be the policy of the Government? Simply to build up the common people. The very integral idea of our system is that every man who works votes, and votes intelligently, knows enough of our system, has aspiration enough to rise and grow and develop so that he shall vote wisely, and thus we shall be governed wisely.

As I said, this is the day of the common people. It is the day of the workman, and the time is coming when more and more he is to be recognized not only as the gentleman but the sovereign. Is there discontent among the men who labor? I do not fear it. It signifies aspiration, and is full of promise and hope for mankind.

Let nobody delude himself with the idea that capital is going to govern this country. There is a great ground-swell of humanity in the world. You can see it abroad in foreign lands, in monarchical governments; but more here in the light of our free institutions this great ground-swell means that humanity is taking an upward step, and that the man who works is to rule, and he is to rule wisely.

You need have no fear of him. You need have no fear that he is going to tear down and destroy free institutions. He is going to conserve and preserve them, because he knows that they are the outcome of the principle which makes him what he is and what he wants to be.

If we are going to have a new Cabinet officer; if we are going to have a new department; if we are going to have eight departments instead of seven, let us have one which will be wide in its scope, which will be embracing in its purposes, which shall not single out a portion of the capital of this country and elevate that, giving it a prominence over other capital, which above all things shall not neglect the great labor interests of the country.

Whom does the President need to consult most if he is to have advisers? Is it the men who represent merely capital, or the men who represent that greater, nobler, holier force in the world, labor? Time and again there has been an effort to incorporate into a new Executive Department which was spoken of, the interests of labor. By some mysterious process they have been overlooked. The Senator from Kansas says, make as many Executive Departments and Cabinet officers as you please, have a department of mining, have a department of commerce, have a department of manufactures, have a department of transportation, have an executive department for each of these industries, and an executive department of labor also.

Oh, no, Mr. President, we shall not create more than one additional Executive Department in fifty years. If we do not do it now we never shall within the life of the present generation. It is the one opportunity to recognize this great upheaving force of society and civilization and government—the labor interest of this country.

I have therefore felt that this bill ought to be wider, grander in its purposes, more elevating in its aims, more beneficent in its operations than it can possibly be by confining it to the enlargement and benefit of a portion of the capital of the country, to wit, the portion engaged in owning and cultivating farms.

I have felt that the question as to whether the Signal Service should be transferred to it was a mere bagatelle. There is an opportunity now, if the time has come for another Cabinet officer and another Executive Department, to look out for all these interests of the country, and above all for this greatest of our national interests, labor.

There is an opportunity now to weld together, to blend into one harmonious whole, all the capital and all the labor of the country, to put them where they will have a representative in the Executive council, where friction and contest and conflict between them may be avoided, where their interests shall be treated as mutual interests, as they are, and where, represented in the Cabinet, having the ear of the President, they may go on hand in hand to the future development of this great Nation and to the uplifting of humanity the world over.

Mr. HARRIS. Mr. President, the Senate having devoted the last two or three days to making stump speeches upon the grave and important question as to whether the Weather Bureau of the Signal Service should perform its functions and duties under the control of one or another of the Executive Departments, I think the subject well-nigh exhausted, and desiring, as I do, that this bill shall pass with or without the amendment of the committee, but preferring that it should pass without it, I move that the committee's amendment be laid upon the table.

Mr. PALMER. I hope that the Senator from Tennessee will not press his motion. It will merely lead to the showing that we have no quorum.

Mr. HARRIS. I make the motion. I am quite satisfied we have no quorum to do anything but to adjourn after the motion is made.

Mr. SAULSBURY. I move that the Senate adjourn.

Mr. HAWLEY. I hope the Senator will withdraw that motion. I should like to have a short executive session.

Mr. SAULSBURY. I withdraw it if the Senator from Connecticut desires.

EXECUTIVE SESSION.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, September 19, 1888, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 18, 1888.

COLLECTOR OF CUSTOMS.

William E. Bond, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina.

INDIAN AGENT.

Edwin Eells, of Washington Territory, to be agent for the Indians of the Puyallup agency (consolidated), in Washington Territory.

PROMOTIONS IN THE ARMY.

Fifth Regiment of Cavalry.

First Lieut. George B. Davis, to be captain.
Second Lieut. William E. Almy, to be first lieutenant.

Ninth Regiment of Infantry.

Lieut. Col. Alfred L. Hough, of the Sixteenth Infantry, to be colonel.

Tenth Regiment of Infantry.

First Lieut. Clayton S. Burbank, to be captain.
Second Lieut. Isaac W. Littel, to be first lieutenant.

Twelfth Regiment of Infantry.

Capt. Jesse A. P. Hampson, of the Tenth Infantry, to be major.

Sixteenth Regiment of Infantry.

Maj. William H. Penrose, of the Twelfth Infantry, to be lieutenant-colonel.

Tenth Regiment of Infantry.

Additional Second Lieut. Alexander W. Perry, of the First Infantry, to be second lieutenant.

Fifth Regiment of Cavalry.

Additional Second Lieut. Andrew G. C. Quay, of the Eighth Cavalry, to be second lieutenant.

Corps of Engineers.

Capt. Daniel W. Lockwood, to be major.
First Lieut. Thomas L. Casey, jr., to be captain.
Second Lieut. Henry C. Newcomer, to be first lieutenant.

Tenth Regiment of Infantry.

Second Lieut. John H. Shollenberger, to be first lieutenant.

Corps of Engineers.

Additional Second Lieut. William V. Judson, to be second lieutenant.

Tenth Regiment of Infantry.

Additional Second Lieut. William T. Littebrant, of the Nineteenth Infantry, to be second lieutenant.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September* 18, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

INTERNATIONAL BUREAU FOR PUBLICATION OF CUSTOMS TARIFFS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting, with accompanying letters of the Secretary of State, communications from the Belgian minister at Washington and the United States minister at Brussels concerning the proposed international bureau at Brussels for the translation and publication of the various customs tariffs of the world, and submitting an estimate of an appropriation to pay the share of the United States in the annual expenses of said bureau; which was referred to the Committee on Appropriations, and ordered to be printed.

ALLEGED VIOLATION OF POSTAL LAWS.

The SPEAKER *pro tempore* also laid before the House the following communication from the Postmaster-General; which, on motion of Mr. BLOUNT, was ordered to be printed in the RECORD, and referred to the Committee on the Post-Office and Post-Roads:

LETTER FROM THE POSTMASTER-GENERAL, IN RESPONSE TO A RESOLUTION OF THE HOUSE RELATIVE TO THE ALLEGED DISTRIBUTION THROUGH THE MAILS OF THE TAX-REFORM ADVOCATE, IN VIOLATION OF THE POSTAL LAWS.

POST-OFFICE DEPARTMENT, *Washington, D. C., September* 15, 1888.

SIR: I have the honor to acknowledge receipt of the resolution of the House of Representatives adopted on the 13th instant, and which is in these words, namely:

"*Resolved*, That the Postmaster-General be requested to communicate to this House whether it is true that an enormous edition of a certain publication called the Tax-Reform Advocate has been sent and distributed, in violation of the postal laws, through the mails being sent out from Columbus, Ohio, to all or nearly all the post-offices of the State, and if such is the case, whether any officers or officer of the Post-Office Department has been guilty of such acts, or has known of the same and has not taken any steps to prevent the same; and also what further legislation by Congress is necessary to enforce the laws of the United States in regard to the postal service, and to prevent the repetition of such offenses; and also the honorable Postmaster-General is requested to report what steps, if any, have been taken by the Department to punish such offenses and to prevent their recurrence."

I have the honor to comply with the resolution, as follows:

I. It is not true that "an enormous edition of a certain publication called the Tax-Reform Advocate was sent and distributed in violation of the postal laws through the mails, being sent out from Columbus, Ohio, and to all, or nearly all, the post-offices of the State."

II. It follows that it is not true that "any officers or officer of the Post-Office Department have been guilty of such acts, or have known of the same and have not taken any steps to prevent the same."

III. It is not necessary that there should be any "further legislation by Congress to enforce the laws of the United States in regard to the postal service," and to prevent such offenses or the repetition of them, for the reason that no such offenses have occurred; and the resources of the Department and the laws now in force are entirely adequate to promptly detect such offenses, and to punish them, if they ever should occur.

IV. As will fully appear, steps have been taken by the Department to investigate the truth or falsity of complaints of offenses of the nature described in the resolution, but as no such offenses have occurred, no "steps have been taken by the Department to punish such offenses, or to prevent their recurrence."

Inasmuch as every complaint or suggestion of a complaint touching the subject-matter of the resolution and heretofore filed in the Department or coming to its notice has been thoroughly investigated and reported upon, and inasmuch as all the evidence offered has heretofore been examined, and every source of evidence suggested by any person has been heretofore followed up and reported upon, I am enabled to report exhaustively on the whole subject without delay.

The attention of the Department was not in any manner directed to the subject until the resolve was offered in the House of Representatives by a distinguished member from Ohio. Shortly thereafter, for reasons which will appear by the accompanying correspondence, which also sets forth the principal charges against the service subsequently investigated and covered by this report, I detailed a sufficient number of reliable and competent men in the inspection service of the Department to investigate all the evidence presented, to seek all other evidence suggested, to institute prosecutions of all violations of the law discovered, and, laying all other business aside, to proceed with this duty forthwith.

CHARGES.

On the afternoon of August 21 I received the following communication:

Mr. Grosvenor to the Postmaster-General.

"HOUSE OF REPRESENTATIVES, UNITED STATES,
"*Washington, August* 20, 1888.

"SIR: I have the honor to call your attention to the resolution introduced by me in the House of Representatives to-day, looking to an investigation of the alleged abuse of mails in Ohio by the chairman and managers of the Democratic executive committee of that State.

"The honorable chairman of the Committee on Post-Offices and Post-Roads informed me to-day that it might be impossible to procure the attendance of a quorum of the committee, and hence advised me to address you officially upon the subject-matter of the resolution.

"It is alleged in the public prints of Ohio, and by numerous letters now in my possession from gentlemen of high character in Ohio, that a pretended newspaper called 'The Tax-Reform Advocate,' a copy of which is in my possession, has been circulated far and wide through the mails of Ohio without the payment of postage.

"The paper purports to have been published at a certain number, to wit, Rooms 53 and 55 Wesley Block, in the city of Columbus, and the subscription price is placed at 10 cents for the campaign and 25 cents for annual subscription.

"It is alleged, and I believe the truth to be, that there is no such place of publication, nor is there such a publication within the meaning of the law. It is claimed, and I have in my possession written statements abundantly proving it, that great bundles of this publication are sent from Columbus to the various post-offices throughout the State, and, by the postmasters, addressed to all or many of the patrons of the office, and copies of the paper thus addressed, without any payment of postage, are placed in the boxes and personal mails of the persons so addressed, and in this way a fraudulent circulation of the paper has been procured.

"It is stated to me by an authority, which I can not decline to recognize as truthful, that the postmaster at Columbus, whoever he may be—I do not happen to know him—has forwarded these packages through the mail knowingly, and has loaned himself and the agency of the United States mails and the facilities of his office to this unwarrantable and unlawful distribution of these prints. It is within my personal knowledge, that at one post-office in Athens County a large package of this paper made its appearance on last Wednesday, and was distributed to the patrons of the office in their mail, in the handwriting of the postmaster, when, in fact, there were no subscribers to the publication at the office, and the papers thus distributed had no postage-stamps or other indication of prepaid postage upon them. I have information based upon reliable authority that large packages of this publication have been sent by express to the local offices, and thereupon the same process of distribution has been carried on. I can not vouch personally for any of the allegations except the one heretofore referred to, but I state that the information comes to me from so many highly respectable sources, officers of the State government of Ohio, and persons known to me to be credible, that I can not doubt the truth of the allegations.

"I do not know that there is no such office of publication at Columbus as that alleged, but I do not believe that such a one exists. I do believe that the pretended newspaper publication is brought from a distance in large numbers, and is being thus surreptitiously placed in the mails. Believing, as I do, that the Post-Office Department is wholly without knowledge of these violations of the postal laws of the country, I beg to call attention to the existing facts as claimed, and leave the matter in your hands. I have a statement from a high authority, which I am willing to submit to you, that no lawful application has been made to the Columbus post-office for the transmission of this alleged newspaper, and that that fact is well known to the postmaster, but it is said on his behalf that a temporary permit has been issued by him pending the creation of facts to justify the distribution of the paper in gross quantities to the various post-offices of the State.

"I respectfully call your attention to these facts, and remain,

"Your obedient servant,

"C. H. GROSVENOR.

"Hon. DON M. DICKINSON,
"*Postmaster-General.*"

On the same day I received the following telegram:

Mr. Grosvenor to the Postmaster-General, covering charge of the Cincinnati Commercial Gazette.

[Telegram. From House of Representatives; time, 4.20.]

"WASHINGTON, *August* 21, 1888.

"To Hon. DON M. DICKINSON:

"I have just received following from Hon. Richard Smith, proprietor Commercial Gazette, Cincinnati:

"'We have evidence that our paper is opened at post-offices in Ohio and Democratic campaign documents stuffed in paper and thus delivered to our subscribers. This clear violation of law in every way. If we inserted such documents and sent it through the mails, paying postage at pound rates, it would subject us to heavy penalty. In all my experience I never before heard of such an outrage. Proofs are at hand.'

"C. H. GROSVENOR."

On the same day I replied to Mr. GROSVENOR as follows:

The Postmaster-General to Mr. Grosvenor.

"POST-OFFICE DEPARTMENT,
"OFFICE OF THE POSTMASTER-GENERAL,
"*Washington, D. C., August* 21, 1888.

"DEAR SIR: I have the honor to acknowledge receipt of your communication of the 20th instant, delivered by special messenger this afternoon, and I will give the matter the same attention and full reply as I would in reply to the resolution if passed. You are entirely correct in your courteous assumption that the Post-Office Department is wholly without knowledge of the alleged violations of the postal laws referred to, and is indebted to you for your full statement in regard to them.

"I also beg to acknowledge your Departmental telegram of this afternoon, transmitting a copy of the complaint of Hon. Richard Smith, proprietor of the Commercial Gazette, of Cincinnati, addressed to you.

"These are the first complaints I have received on the subject, and I can assure you of their prompt and vigorous investigation.

"Very truly, yours,

"DON M. DICKINSON,
"*Postmaster-General.*

"Hon. C. H. GROSVENOR, M. C.,
"*House of Representatives.*"

I immediately directed Inspector Maxwell to call upon Hon. C. H. GROSVENOR for such evidence as was in his possession and for such information as he could afford, to make the investigation effective. In accordance with such request Mr. GROSVENOR furnished the written statement which appears by the report of Inspector Holmes, hereto appended, and entitled "Case No. 103706 C," in which Mr. GROSVENOR states, it will be observed, "I have now given to the Post-Office Department all the information in my possession, and turn the matter over to the action of the Department."

The details of the investigation entered upon under the matter furnished by Mr. GROSVENOR, together with the report thereon (except with regard to the charges made by Hon. Richard Smith, of the Cincinnati Commercial Gazette, and in regard to the Newark (Ohio) American, which are made the subjects of separate investigations), appear in the appended report under the title "Case No. 103706 C," aforesaid.

THE CHARGE OF HON. RICHARD SMITH, OF THE CINCINNATI COMMERCIAL GAZETTE.

The complaint appears in the original telegram of Mr. Smith, furnished the Department by Mr. GROSVENOR, a copy of which is here repeated, and is as follows:

Mr. Smith to Mr. Grosvenor.

[Telegram. Received at corridor House of Representatives, August 21, 1888.]

"CINCINNATI, OHIO, *August* 21.

"To Hon. CHARLES H. GROSVENOR:

"We have evidence that our paper is opened at post-office in Ohio and Democratic campaign documents stuffed in paper and thus delivered to our subscribers. This is clear violation of law in every way. If we inserted such document and sent it through the mails, paying postage at pound rates, it would subject us to heavy penalty. In all my experience I never before heard of such an outrage. Proofs are at hand.

"RICHARD SMITH."

It will be observed that Mr. Smith states in his telegram that proofs are at hand, and the inspector in charge of the investigation was instructed to call at once upon Mr. Smith for the proofs or for any evidence that he might be willing to furnish, and for the names of post-offices and names of their patrons whose papers have been treated in the manner described in his complaint. The inspector called personally upon Mr. Smith, and all the data that he could obtain

from him on such application was the accompanying slip of paper, in the words following, to wit:

"Free-trade paper. Jerry Beck, Aaron Beck, Louis Fagaly, Levi Mattox, Joseph Clare, folded in Weekly Gazette; Jacob Easter, folded in National Tribune, Bethel, Clermont County, Ohio."

And two other letters which are returned with "Case No. 103706 C," above referred to. The affidavits of persons named by Mr. Smith on that memorandum appear in the accompanying report of Inspector Holmes, hereto appended, entitled "Case No. 103707 C;" but as they are brief I transcribe them in this place:

"STATE OF OHIO, *Clermont County, ss:*

"Personally appeared before me the undersigned authority, Levi Mattox, who, first being duly sworn, says that for the past three months he has not been a subscriber for the Weekly Commercial Gazette, published at Cincinnati, Ohio, and within that time has received no paper in which was folded or found any matter foreign to original publication. Further deponent saith not.

"LEVI L. MATTOX.

"Sworn to in my presence and subscribed to before me this 30th day of August, 1888.

"A. R. HOLMES."

"STATE OF OHIO, *Clermont County, ss:*

"Personally came before me the undersigned authority, Jacob Easter, who, being first duly sworn, says that on the 17th day of August, 1888, he received the National Tribune, for which he is a subscriber, from the post-office at Bethel, Ohio; that with said paper he received a supplement entirely foreign to the original paper; that while such supplement was inside of said Tribune as he received it, yet he does not believe the paper had been unfolded for the purpose of inclosing the additional sheet, but from the manner of its inclosure the same was due to accident of distribution.

"JACOB EASTER.

"Subscribed in my presence and sworn to before me this 30th day of August, 1888.

"A. R. HOLMES, *Post-Office Inspector.*"

"STATE OF OHIO, *Clermont County, ss:*

"Personally appeared before me, the undersigned authority, J. L. Fagaly, who, first being sworn, says that with his Cincinnati Weekly Gazette of August 15, 1888, he received a supplement, a portion of which is hereto attached.

"Affiant says he does not remember just how this supplement was folded, and can not now say whether same had been folded in with the original publication or its presence there was due to manner of handling in transit or at the post-office.

"J. L. FAGALY.

"Subscribed in my presence and sworn to before me this 30th day of August, 1888.

"A. R. HOLMES, *Post-Office Inspector.*"

"STATE OF OHIO, *Clermont County, ss:*

"Personally appeared before me, the undersigned authority, Jerry M. Beck, who, first being sworn, says that with his Cincinnati Weekly Gazette of August 15, 1888, he received a supplement that was foreign to the original publication, as he believes that such supplement was folded in with said paper, but as he does not recollect whether in a manner to indicate intent or an accident of handling in transit in the post-office,

"J. M. BECK.

"Subscribed to before me and sworn to before me this 30th day of August, 1888.

"A. R. HOLMES, *Post-Office Inspector.*"

And also the following from the postmaster at the place named in Mr. Smith's memorandum:

"STATE OF OHIO, *Clermont County, ss:*

"Personally appeared before me, the undersigned authority, Charles E. Manning, who, first being sworn, says that he was, on August 15, 1888, and still is, postmaster at Bethel, Clermont County, Ohio; that on August 14 he personally made distribution of the entire package of Cincinnati Weekly Gazettes bearing date of issue of August 15, 1888; that the said papers were properly distributed in said post-office, and that no copy of the same was opened by him or by any clerk in his office; that no matter foreign to original publication was inserted in any of said papers, and if such matter was found therein it was an accident of distribution.

"Affiant further says that said package of papers reached his office in a compact roll with wrapping intact, and so put up that in his opinion the removal and return of any portion of the package would have been impossible without breaking the wrappings.

"CHARLES E. MANNING.

"Subscribed to before me and sworn to in my presence August 30, 1888.

"R. M. GRIFFITH,
"*Justice of the Peace.*"

On the inspector's request for further evidence, or for any clue to further evidence, Mr. Smith kindly caused to be inserted in the Commercial Gazette of Thursday, August 23, 1888, in its editorial column, the following:

"We referred yesterday to the violation of the postal law by interior postmasters. The matter has been taken up by the Postmaster-General and an investigation ordered. The inspector at Cincinnati will undertake the job. People who have evidence of frauds should send their names at once to the Commercial Gazette Office, and we will see that the statements are placed in the hands of the inspector. It will thus be made lively for the offending officials."

It is to be regretted that even this widely disseminated call for information did not result in any more substantial evidence than the telegram of Mr. Smith himself, heretofore quoted, as will appear by the report of the inspector, with accompanying documents, entitled "Case No. 103707 C," as aforesaid.

OTHER COMPLAINTS

On or about August 28, 1888, Hon. C. H. GROSVENOR kindly furnished me with a complaint of Mr. W. D. Bickham, proprietor and editor of the Dayton (Ohio) Journal, appearing by a printed "Open Letter" to the postmaster at Dayton, charging that a copy of the Tax Reform Advocate had been "doubled in with the Dayton Weekly Journal addressed to one of my old Republican subscribers, whose name I have at hand on the Tax Reform Advocate as well as on his own paper."

It appears that both papers were entitled to be sent through the mails, and were properly addressed to the same person with postage prepaid, and, of course, it is no violation of the rules for any postmaster for the convenience of handling, to put them together.

I append hereto the report of the inspector, with accompanying papers, entitled "Case No. 103920 C."

THE COMPLAINT OF THE EDITOR OF THE NEWARK AMERICAN, REFERRED TO IN THE COMMUNICATION OF MR. GROSVENOR.

The report of the inspector on this case is hereto appended, entitled "Case No. 103634 C."

Another charge having been extensively circulated in Ohio and repeated and re-repeated throughout the State, which originated in the Seneca County Record on June 28, 1888, and which has served as the text of attacks upon the postal service in Ohio in a large number of publications, and is still going the rounds of the press in that State, it was thought to be worth while to order an investigation in connection with the suggestion of the resolution when offered in the House of Representatives, as to whether further legislation by Congress was necessary to enforce the laws of the United States in regard to the postal service. The charge is as follows:

"A number of parties here have lost amounts ranging from $3 to $10 by inclosing postal notes in letters. Several instances of this kind have happened recently when letters were sent only to Tiffin or Mansfield, and our people are becoming aroused. The postal department should be informed of the situation and the mail thief brought to justice. Our people have a holy horror of one of the mail clerks on this route, and when they are locked up in their closets quietly censure this fellow. Ere this complaint has been made against this chap for his fault-finding, carelessness, and negligence. It is high time that the Department was looking after him."

The result of this investigation is the usual one. The attack upon the service was not sustained, nor could the person who originated it suggest a shred or shadow of evidence to sustain it. This person has acknowledged that there was no foundation for his charges, and I append the report of Inspector Townsend to A. R. Holmes, inspector in charge at Cincinnati, Ohio, on that subject. The inclosed clipping, referred to in that report, is the one above set forth. The report will be found entitled "Townsend."

It will be seen that such of the charges as may seem to have been made in good faith are predicated upon the distribution of the paper known as "The Tax Reform Advocate." By some of these complaints it is assumed that the paper is not entitled to second-class or pound rates as a newspaper, because it is a "campaign issue." Whether a campaign issue or not, whether its publication shall survive the pending canvass or not, it is, according to the uniform precedents in this Department, entitled to mail service at the pound rates.

During every Presidential canvass, as appears by the data on file in this Department, the number of publications greatly increases, and at the close of the canvass the number greatly decreases. I have been handed an estimate by the Acting Third Assistant Postmaster-General from which it appears that transitory publications were issued and admitted to second-class rates during the summer and fall months of the years 1876, 1880, and 1884, to the number, respectively, as follows, 68, 101, and 100. Some of these transitory papers have always been avowedly started for campaign purposes. It can not be assumed in any case, however, that a paper which *prima facie* comes within the requirements of the act of March 3, 1879, and within sections 327 to 338, inclusive, of the Postal Laws and Regulations, will not survive beyond a given period.

Neither the law nor regulations require a continuous publication, and it would be an absurd requirement of, and a burden to, the citizen if any guaranty of continuance were exacted. Publications are, and always have been, admitted to the second-class rates when issued for special occasions only—for example, during the sessions of scientific or other conventions; during the "season" at pleasure resorts; during "camp meetings," etc. If the papers are issued "as frequently as four times a year," and are otherwise within the conditions, the duration or probable duration of their existence has, under the law, nothing whatever to do with the question of their admissibility.

The publication known as "The Tax Reform Advocate" has filed its indemnity, and otherwise formally complied with all the requirements of the law and regulations as a second-class publication. All the other charges regarding the incidental misuse of the mails are either frivolous, entirely unsustained, or disappear before this conclusion.

It is but simple justice to the postmasters of Ohio, who have been charged in general and in detail, in this connection, with violations of the postal laws, to say that not only has no complaint of such violation been sustained against them, but also that this investigation develops no ground for the slightest criticism upon one of them.

In conclusion, it may not be improper to say as to complaints against postmasters and officials of the postal service, made in other parts of the country as well as throughout Ohio, moved, it would sometimes seem, from apparent concert of attack, by common direction, that the great increase of business since the opening of the canvass, pouring into the mails an amount of matter unprecedented in any previous Presidential year, and the widely-circulated and unfounded charges against them, born of the asperities, not to say exigencies, of the time, have in no case swerved those officials from the impartial performance of their duty by all citizens and by all parties represented in the contest.

All complaints, whether made to the Department, to any official, or to any of the fifty-eight thousand and odd postmasters, coming to the files here, and the case being rare when an attack is made, even in the newspapers, that it is not sent here in some form, the record sustains, and the service is entitled to, this statement.

I have the honor to be, sir, with great respect, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

[Case No. 103707 C.—A. R. Holmes, post-office inspector.]

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
Cincinnati, Ohio, August 31, 1888.

SIR: Above-numbered case relates to an allegation by the proprietors of the Cincinnati Gazette that at sundry post-offices in the State of Ohio that paper is opened and "stuffed" with Democratic campaign documents and thus delivered to their subscribers.

With a view to investigation of this charge I called upon Richard Smith, the person making complaint on behalf of the proprietors of the above-named paper, for names of post-offices and names of their patrons thereat whose papers have been treated in the manner described in their complaint.

The only data obtained by this application bearing on this case was the accompanying slip of paper headed "free-trade paper," bearing the names of Jerry Beck, Aaron Beck, Lewis Fagaly, Levi Mattox, and Joseph Clair, alleged subscribers to the Cincinnati Weekly Gazette, and Jacob Easter, a subscriber to the National Tribune, all residents at Bethel, Clermont County, Ohio. Two other letters were obtained relating to case 103706 C, and will be returned in that case in envelope marked "Commercial Gazette Correspondence," August, 1888.

I visited the several parties whose names are above given at Bethel, Ohio Jerry Beck and J. L. Fagaly, subscribers to the Gazette, and Jacob Easter, a subscriber to the National Tribune, each received a supplement similar to the one accompanying the affidavit of Fagaly with their paper of August 15, 1888, but none of them can state what its relation to the paper was, and their affidavits herewith inclosed fail in any degree to sus tain the charge made.

Mattox and Aaron Beck are not subscribers to the Weekly Gazette, and have made no complaint in relation to this supplement. Joseph Clare disclaims any personal knowledge of the matter whatever, bu has only heard others compla in as having received this supplement.

A large list of the Gazettes are sent to this office. They are sent in roll lengths of half sheet, securely wrapped, and wrapper pasted on, and have to be folded by the postmaster before they can be distributed to the boxes.

Postmaster Manning says that the issue of August 15, 1888, reached his office

in good condition and wrapped in a manner that precludes the idea of any foreign matter being inserted between the time of mailing and delivery at his office. He further says that neither he nor any clerk in his employ opened the paper of any patron of his office and put in this supplement or any other document, Democratic or Republican.

Mr. Manning says, however, that on the day above named issue of the paper was received and distributed by him; he had a large number of the supplements complained of, some of which, possibly to the number of one hundred, were distributed by him to the post-office's boxes, and that in view of the loose folding of the Gazette some of these may have been passed into the folds of that and other papers already distributed; but if such a thing did happen it was without intent on his part.

The evidence of the parties whose names were furnished by the Commercial Gazette in no manner sustains the charges made by that paper.

In a personal interview with Joseph Clare, whose name was given as one having knowledge in this affair, says, the Commercial Gazette wrote him to get the names of persons who would make statements of a character to sustain this charge. Clare thinks the letter was written about the 16th of August, 1888. If such is the fact, this request came before any one could have made complaint to their office, as the paper does not reach Bethel until the evening of the 14th, and all unite in saying that they made no personal complaint in the matter, but incidentally made mention of the fact that they had received this supplement, in Clare's store, when their attention was called to the "howl" raised by the Commercial Gazette and other papers over misuse of the mails by Democratic postmasters in connection with this document, by Clare himself.

Clare has made it his business to hunt for complaints following their request, and in the issue of their daily of August 23 they editorially call on their patrons to complain. (See clipping inclosed.)

A call at the office of the Commercial Gazette this date failed to elicit any further evidence relating to this matter. I recommend this case be closed.

Very respectfully,

A. R. HOLMES, *Inspector in Charge.*

Hon. WILLIAM A. WEST,
Chief Post-Office Inspector, Washington, D. C.

[From the Commercial Gazette, August 23, 1888.]

We referred yesterday to the violation of the postal law by interior postmasters. The matter has been taken up by the Postmaster-General and an investigation ordered. The inspector at Cincinnati will undertake the job. People who have evidence of fraud should send their names at once to the Commercial Gazette office, and we will see that the statements are placed in the hands of the inspector. It will thus be made lively for the offending officials.

STATE OF OHIO, *Clermont County, ss:*

Personally appeared before me, the undersigned authority, J. L. Fagaly, who, first being sworn, says that with his Cincinnati Weekly Gazette of August 15, 1888, he received a supplement, a portion of which is hereto attached. [A supplement containing various articles relating to the tariff.] Affiant says he does not remember just how this supplement was folded, and can not now say whether same had been folded in with the original publication or its presence there was due to the manner of handling in transit or at the post-office.

J. L. FAGALY.

Subscribed in my presence and sworn to before me this 30th day of August, 1888.

A. R. HOLMES, *Post-Office Inspector.*

STATE OF OHIO, *Clermont County:*

Personally came before me, the undersigned authority, Jacob Easter, who, being first duly sworn, says that on the 17th day of August, 1888, he received the National Tribune, for which he is a subscriber, from the post-office at Bethel, Ohio; that with said paper he received a supplement entirely foreign to the original paper; that while such supplement was inside of said Tribune as he received it, yet he does not believe that the paper had been unfolded for the purpose of inclosing the additional sheet, but from the manner of its inclosure the same was due to accident of distribution.

JACOB EASTER.

Subscribed in my presence and sworn to before me this 30th day of August, 1888.

A. R. HOLMES, *Post-Office Inspector.*

STATE OF OHIO, *Clermont County, ss:*

Personally appeared before me, the undersigned authority, Levi Mattox, who, first duly sworn, says that for the past three months he has not been a subscriber for the Weekly Commercial Gazette, published at Cincinnati, Ohio, and within that time has received no paper in which was folded or found any matter foreign to original publication. Further deponent sayeth not.

LEVI L. MATTOX.

Sworn to in my presence and subscribed to before me this 30th, 1888.

A. R. HOLMES.

STATE OF OHIO, *Clermont County, ss:*

Personally appeared before me, the undersigned authority, Jerry M. Beck, who, first being sworn, says that with his Cincinnati Weekly Gazette of August 15, 1888, he received a supplement that was foreign to the original publication, as he believes; that such supplement was folded in with said paper, but he does not recollect whether in a manner to indicate intent or an accident of handling in transit or in the post-office.

J. M. BECK.

Subscribed to before me and sworn to before me this 30th day of August, 1888.

A. R. HOLMES, *Post-Office Inspector.*

STATE OF OHIO, *Clermont County, ss:*

Personally appeared before me, the undersigned authority, Charles E. Manning, who, first being sworn, says that he was, on August 15, 1888, and still is, postmaster at Bethel, Clermont County, Ohio; that on August 14 he personally made distributions of the entire package of Cincinnati Weekly Gazettes bearing date of issue of August 15, 1888; that the said papers were properly distributed in said post-office, and that no copy of the same was opened by him or by any clerk in his office; that no matter foreign to original publications was inserted in any of said papers, and if such matter was found therein it was an accident of distribution.

Affiant further says that said package of papers reached his office in a compact roll, with wrapping intact, and so put up that, in his opinion, the removal and return of any portion of the package would have been impossible without breaking the wrappings.

CHARLES E. MANNING.

Subscribed to before me and sworn to in my presence August 30, 1888.

R. M. GRIFFITH,
Justice of the Peace.

CHARLES E. MANNING, *Postmaster.*

[Telegram. Received at corridor of House of Representatives August 21, 1888.]

CINCINNATI, OHIO, *August* 21.

To Hon. CHARLES H. GROSVENOR:

We have evidence that our paper is opened at post-offices in Ohio and Democratic campaign documents stuffed in paper, and thus delivered to our subscribers. This is clear violation of law in every way. If we inserted such document and sent it through the mails, paying postage at pound rates, it would subject us to heavy penalty. In all my experience I never before heard of such an outrage. Proofs are at hand.

RICHARD SMITH.

[Case No. 103920 C. A. R. Holmes, post-office inspector.]

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
Cincinnati, Ohio, September 15, 1888.

SIR: I return case of above number, which relates to the finding of the Tax Reform Advocate inside a copy of the Dayton Weekly Journal, supposed to be placed there by some employé of the Dayton (Ohio) post-office.

The case is founded upon an open letter, published in the Ohio State Journal, by W. D. Bickham, the editor, to W. H. Gillespie, postmaster at Dayton, Ohio, a copy of which is submitted by Hon. C. H. GROSVENOR, and inclosed as part of files in this case.

I return with the case the answer of Postmaster Gillespie to this open letter, with editorial comments thereon by W. D. Bickham, and the affidavit of Lee R. Hooper, general-delivery clerk of the Dayton (Ohio) post-office.

From these it will be found that the Tax Reform Advocate and Dayton Weekly Journal, each addressed to Irvin Oliver, were folded together and handed from the general-delivery window on August 28, in the manner as shown by copy herewith submitted.

That this folding together of second-class matter to one address is a practice of the office of long standing, and, Mr. Hooper claims, was learned to him by his predecessor as general-delivery clerk, one Ben. Guion; that the practice was made necessary by want of room in general-delivery paper case for the accommodation of local-delivery and transient newspapers.

In the particular case under consideration the papers were found upon the streets of Dayton by Ben. Guion, formerly a delivery clerk of this post-office, and by him carried to the Dayton Journal office instead of being returned to the post-office for delivery according to address. Mr. Guion is fully apprised of the former practice of the office in this matter, and thought nothing of the manner in which the papers were found folded. The party to whom the papers were addressed has since been seen and has no complaint to make and offers no objections to the manner in which his mail has been handled in this office. Mr. Bickham himself says that the purpose he had in view by his open letter to Postmaster Gillespie was to bring on the controversy and by that means counteract the effect that he supposed the circulation of the Tax Advocate might have. Having accomplished this, he had no further special interest in the matter, and it had never been his intention that it should have been a subject of an official investigation against the office. I recommend that the case be closed.

Very respectfully,

A. R. HOLMES,
Inspector in Charge.

Hon. WILLIAM A. WEST,
Chief Post-Office Inspector, Washington, D. C.

HOUSE OF REPRESENTATIVES, *Washington, D. C., August* 28, 1888.

SIR: I have the honor to send you an article from the Dayton Journal. The card is written by Maj. W. D. Bickham, owner of the Dayton Journal.

I was mortified to see in a Cincinnati paper that I had sent one or more of the documents appertaining to this matter to the Republican national executive committee. I had no communication with that committee on the subject, nor had I with any one but you.

Yours truly,

C. H. GROSVENOR.

Hon. DON M. DICKINSON,
Postmaster-General.

[From the Dayton Journal.]

AN OPEN LETTER TO THE POSTMASTER OF DAYTON.

SIR: I have in my possession a copy of the Dayton Weekly Journal dated Tuesday morning, August 21, which, besides my usual supplement, contains a four-page paper, entitled The Tax Reform Advocate, purporting to be published at Columbus, Ohio, and dated August 15, 1888. It is nothing more nor less than a Democratic electioneering sheet. How it got doubled in with the Dayton Weekly Journal, addressed to one of my old Republican subscribers—whose name I have at command on the Tax Reform Advocate as well as on his own paper, when investigation shall be made—is a mystery that neither I nor my mail clerks can explain. That the Democratic Tax Reform Advocate was not inserted in the Journal addressed to any Republican subscriber by any employé of the Journal office is certain. The paper is a local-delivery Weekly Journal, so that apparently the Democratic Tax Reform Advocate was stuffed into my subscriber's Weekly Journal in the Dayton post-office. Now, you must perceive, Mr. Postmaster Gillespie, that this, if there is no explanation, is not only a gross outrage upon my Republican subscriber, but also upon the Dayton Journal, and is a violation of the United States postal laws as well as of common honesty. I respectfully invite you to make a thorough investigation of what appears to be a grave private and public wrong, and will lend you all assistance in my power to locate it. I will be found at my place of business at about noon, daily.

Respectfully,

WM. D. BICKHAM,
Proprietor and Editor of the Dayton Journal.

Hon. WILLIAM H. GILLESPIE,
Postmaster, Dayton, Ohio.

NOTE FROM POSTMASTER GILLESPIE.

We have received the following from the postmaster at Dayton, Hon. William H. Gillespie:

"UNITED STATES POST-OFFICE,
"*Dayton, Ohio, August* 27, 1888.

"SIR: My attention is directed to an open letter published in the Dayton Daily Journal of this date, written by you and addressed to me as postmaster, wherein you call my attention to the fact that an old subscriber of the Dayton Weekly Journal received his regular paper at the post-office recently, with a copy of a publication entitled The Tax Reform Advocate inclosed or folded within the same. You do not state the name of the person upon whom this alleged outrage was perpetrated, and I do not care to know, for, admitting what you state to be the fact, there is nothing that warrants investigation, but it does, however, warrant an explanation. The Tax Reform Advocate is a publication regularly entered at the Columbus, Ohio, post-office as second-class mail matter, and is entitled to pass through the mails as such, and to receive the same attention in transit and delivery as any other publication entered in like manner. It is the custom at all post-offices for carriers and general-delivery clerks to fold together all papers addressed to the same name, and there is method in the custom, for it facilitates delivery and lightens the labor of those whose duty it is to deliver this class of mail matter. Now, inasmuch as a copy of the Tax Reform Advocate was received at this post-office, addressed to a person who had a Journal addressed to him also, awaiting delivery, the clerk but followed

the established custom in folding the one with the other. There was no outrage perpetrated on the subscriber in question, nor on you as editor and proprietor of the Journal; and presuming this explanation to be satisfactory to the subscriber and yourself, I request that you give this letter the same prominence in its publication that you gave your 'open letter' to myself in the Journal. On the contrary, should this explanation prove unsatisfactory, I request that this correspondence, together with your complaint, be submitted to the honorable Postmaster-General for investigation.

"Yours, respectfully,

"W. H. GILLESPIE, *Postmaster.*

"W. H. BICKHAM, Esq., *City.*"

We respectfully direct the attention of Postmaster Gillespie to the following facts:

First. The Tax Reform Advocate is not, according to its face, entered in any post-office as "registered at the post-office (anywhere) as second-class matter." The Dayton Weekly Journal is very plainly printed at the head of the first column, first page, as "registered as second-class matter." Accordingly, the Democratic campaign sheet entitled "The Tax Reform Advocate," does not appear to comply with the law. We do not, therefore, understand that it has any rights as second-class matter in the United States mail unless it is so registered, but if Postmaster Gillespie knows it to be registered at Columbus, that settles that point.

Second. We do most decidedly object, as the Republican organ of this city, to having the Dayton Journal made a vehicle for the dissemination of Democratic campaign literature to our Republican subscribers, no matter what the conveniences of the employés of the Dayton post-office may be.

Third. Postmaster Gillespie is not altogether ingenuous in saying that "you (editor of the Journal) do not state the name of the person upon whom the alleged outrage was perpetrated." No, we did not publish his name, but we were careful to send his paper, with his name on it, and the Tax Reform Advocate, with his name on it, to Postmaster Gillespie in person, by a confidential member of the Journal staff, who pointedly exhibited to Postmaster Gillespie the name of our subscriber on both papers, the Democratic campaign document, as we received it, being doubled within the Journal. It may have got there in due post-office form, but the circumstances were calculated to excite suspicion, especially as the Democratic Tax Reform Advocate does not appear to have been registered anywhere as "second-class mail matter."

We have no desire nor disposition to press Postmaster Gillespie to an official investigation. We are satisfied with the attention we have directed to the outrage upon our rights to the use of the United States post-office, while we comply with the law, without being made the victim of a disagreeable imposition. The postmaster ought to be able to see that if postal employés can stuff a regular Republican publication with Democratic literature it is also possible to make it the vehicle of a lottery scheme or any indecent or unlawful publication. There is no objection to the circulation of Democratic literature through the post-office, or in any lawful way, but we do most decidedly object to being made a pack-horse to carry Democratic burdens. If this can be done in the post-office, the Democrats might as well shut down their organs and use Republican papers for their campaign purposes. We emphatically deny the right of any post officer to inclose anything whatever in any copy of the Dayton Journal deposited in the post-office for distribution to any party to whom it may be addressed.

STATE OF OHIO, *Montgomery County, ss:*

Personally appeared before me, the undersigned authority, Lee R. Hooper, who, being first duly sworn, says that he is general delivery clerk in the Dayton, Ohio, post-office; that he was on duty as such clerk on Monday, August 20, 1888, and continuously from that date up to the present time; that on that above date he received for distribution and delivery the Dayton Weekly Journal of August 21, 1888, of which one copy was addressed to Irvin Oliver, whose post-office address is Dayton, Ohio.

Affiant further says that, following a custom of the office to place all papers to one address inside of some one of the papers to the same address for convenience of delivery, he placed a copy of the Tax Reform Advocate, addressed to I. Oliver, inside the copy of the Dayton Weekly Journal, as above described, and in the manner as shown by accompanying copy of Dayton Weekly Journal. Affiant further says if there had been any other newspapers, or third-class matter, to the same address, they would have been found inclosed in a similar manner, and without any intention of conveying to Mr. Oliver, or any other patron of the office, the idea that they were any part of the publication with which found.

Affiant further says that on Saturday August 25, 1888, he made delivery of the Dayton Weekly Journal, addressed to Irvin Oliver, with inclosures as above described, and further affiant saith not.

LEE R. HOOPER.

Sworn to before me and subscribed in my presence this 4th day of September, A. D. 1888.

A. R. HOLMES,
Post-office Inspector.

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., August 15, 1888.

SIR: The publisher of the Newark (Ohio) American represents that the inclosed sheet has been folded as a supplement inside of copies of his paper addressed to subscribers at Utica, Ohio, by parties unknown to him, between the time of mailing and delivery. Please investigate the matter and report to this office as early as practicable.

Very respectfully,

H. R. HARRIS,
Third Assistant Postmaster-General.

Hon. W. A. WEST,
Chief Inspector, Post-Office Department.

[Case No. 103634 C. A. R. Holmes, post-office inspector.]

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
Cincinnati, Ohio, August 27, 1888.

SIR: Case of above number is herewith returned and relates to a complaint of the editors of the Newark (Ohio) American that persons unknown had inserted matter foreign to original mailing in papers delivered to his subscribers at Utica, Ohio.

I visited the office of the Newark American and they gave me the names of J. J. Williams and Henry Bash as the parties whose mail had been so treated at Utica.

I procured a personal interview with Mr. Williams, Bash being absent from home, and found him (Williams) to have been the one who brought the inclosed sheet to the editor of the American, and on whose statement they base this complaint. Mr. Williams could not state positively how or by what means he received this supplement, but only supposes that it came through the post-office. A day or two after receiving it the matter of the circular became the subject of conversation between him and his neighbor, Henry Bash, and it was to them a question of doubt as to whether this was a campaign document sent out by the Republican or Democratic committee. To settle the question, Mr. Williams, who was going in to Newark the next day, was to carry it to the American office and find out if it emanated from the proper source.

This he did and now seems surprised that the editors of the American have formulated this complaint on his inquiry.

Investigation at the Newark (Ohio) post-office, at Utica, and the route between the two, utterly bars the idea that this matter could have been inserted in these papers in manner set out in the complaint, at any point except after distribution in the Utica post-office. The issue of the paper in which it was claimed they were folded as put up for the Utica office was a compact roll, with the wrapping secured by paste, put up in a manner that it would be impossible to take out and put in again any part of the contents.

This package was dispatched from the Newark office within a few minutes after its delivery from office of publication, and received at Utica by due course of mail, in good condition.

Paul Knisely, postmaster at the latter place, whom I find in every way worthy of credence, says that none of the supplements have been folded in newspapers in that office. There is no evidence to sustain the charge, and in truth the thing charged was never done, and I recommend the case be closed.

Very respectfully,

A. R. HOLMES, *Post-Office Inspector in Charge.*

Hon. WILLIAM A. WEST,
Chief Post-Office Inspector, Washington, D. C.

UTICA, OHIO, *August* 24, 1888.

DEAR SIR: In reference to the supplement said to have been in the American, I can only say that when my mail was brought to me I did find a sheet with my paper. This mail was brought to me by Joseph Waters, a son-in-law.

HENRY BAST.

A. R. HOLMES, *Post-Office Inspector.*

[Case No. 103706 C.—A. R. Holmes, P. O. inspector.]

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
Cincinnati, Ohio, September 5, 1888.

Hon. WM. A. WEST,
Chief P. O. Inspector, Washington, D. C.:

SIR: Case of above number is herewith returned relating to the legal right of the Tax Reform Advocate, of Columbus, Ohio, to admission to the mails at pound rates; also as to the alleged wrong mailing of said publication by several postmasters.

The specific charges in this case are found in the several communications of Hon. C. H. GROSVENOR, herein, together with clippings from sundry papers by him submitted in connection therewith. They are:

1. That the postmaster at Columbus, Ohio, passed through the post-office there the above-named publication before the necessary application for its admission at second-class rates (Form 3214) had been properly filled out and filed, and without prepayment of postage.

2. That the postmaster at Wapakoneta, Enon, East Palestine, and Oxford, Ohio, had variously been guilty of violations of the postal laws and regulations, in either receiving the above-named publication by express and distributing through the post-office boxes without prepayment of postage, or receiving them unaddressed, writing the names of patrons of their office upon them, and making delivery to non-subscribers.

The first charge is made in a communication from W. S. Cappeller, chairman of the Republican State executive committee, to the honorable gentleman. Mr. Cappeller wrote under a misapprehension of the report of a party whom he delegated to visit the post-office and find out the standing of this publication in its relation to the mails.

The party who did this is a Mr. Galloway, in the office of Judge Nash, at Columbus, Ohio. Galloway says that he reported to Cappeller; that Assistant Postmaster Krumm said the necessary affidavit and application had been filed but not yet acted on by the Department, instead of the report attributed to him in Mr. Cappeller's letter of August 17, herewith. Mr. Galloway's statement in no way differs from the statement of facts set out in the sworn statement of Assistant Postmaster Krumm, herein, except possibly he did not state the amount of money deposited for prepayment of postage.

Application for the admission of this publication was made prior to the 15th day of August, 1888, date of issue of first number, on form 3214, properly filled out and attested, and immediately forwarded, with a copy of publication for departmental action. At the same time C. Q. Davis, editor, on the granting of temporary permit (Form 3215) deposited $100 in the post-office for prepayment of postage. The proceeding was regular in all its forms, and on the evidence submitted on August 16 the honorable Third Assistant Postmaster-General issued authority to the postmaster at Columbus, Ohio, for the admission of the Tax Reform Advocate to second-class rates of postage, conditioned that it was not entitled to privilege of free county circulation, as the paper was printed at Cleveland, Ohio.

In the matter of the second charge it is claimed that the postmaster at East Palestine, Wapakoneta, and some office in Athens County not named, received large numbers of these papers unaddressed with the names of the patrons of their offices thereon, and made delivery of same to non-subscribers.

In view of the provisions of section 579, Postal Laws and Regulations, if the thing charged was done, it is not necessarily a crime or a fault, but in each case where the post-office is named the postmaster denies that such a thing was done by him, and I was unable to find through persons making the complaints any testimony sustaining the charge.

At Enon and Oxford it is charged that the postmasters received the Tax Reform Advocate by express and distributed them through the post-offices without prepayment of postage. In this connection I invite attention to the affidavit of C. Q. Davis, editor of the Tax Reform Advocate, and the written statements of the postmasters at Enon and Oxford, by which it is made manifest that the Tax Reform Advocate has not been sent to either of these offices by express. Mr. Davis claims that no papers have been forwarded by that medium.

Another feature of the charges is that at Utica, Bethel, and Dayton, Ohio, certain Republican newspapers have been opened up, the Tax-Reform Advocate and campaign literature foreign to original mailing have been folded inside and delivered in violation of law.

The charge against Utica is covered in case 103634C; against Bethel by report in case 103707C, previously sent in, and that against Dayton covered by report in case 103920C, sent in this date.

I visited W. S. Cappellar and other parties, as requested, in course of these investigations.

The point upon which Mr. Cappeller lays special stress has already been treated as charge 1, as to his claim; that the paper is not entitled to admission to pound rates. Neither from him nor from the other sources cited was I enabled to get any fact tending to show that such admission had been obtained by fraudulent or false representations.

I submit in support of the foregoing the affidavits of Fred Krumm, C. Q. Davis, E. O. Corcoran, and M. Mulrony, and have reduced to writing all statements in support of or against the validity of the charges where parties personally knew that of which they would testify.

Believing the facts show that the thing charged shows as to the several postmasters are untrue and no evidence is to be found that the publication named in title of this case has been admitted to the mails at pound rates upon false evidence or misrepresentation as to its character, I recommend the case be closed.

Very respectfully,

A. R. HOLMES, *Inspector in Charge.*

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, August 23, 1888.

SIR: Pursuant to your verbal request I have the honor to make the following formal statement in addition to my letter to the honorable Postmaster-General in relation to the alleged violations of the postal laws in the State of Ohio:

In the first place, I desire that the officer charged with the investigation shall call upon Hon. W. S. Cappeller, railroad commissioner for the State of Ohio and chairman of the Republican executive committee of that State, for such information as that gentleman may have in his possession.

I also desire that Hon. William C. Lyon, lieutenant-governor of Ohio, who resides at Newark, Ohio, and is the proprietor of the Newark American, may be called to testify to the introduction into his issue of the alleged newspaper, of which I send you a copy, called the Tax Reform Advocate. Governor Lyon told me that it had come to him from various sources within the delivery of his office that the packages had been broken open, the papers spread out, and copies of the Tax Reform Advocate inserted therein. He is a fearless man and will give information without hesitation. I quote from his letter of August 13 to Chairman Cappeller: "That supplement or circular, about which there has been so much complaint because of its being sent through the post-office without postage, and in many cases stuffed into Republican papers by Democratic postmasters, has made its appearance here."

I inclose the letter of George R. Davis, esq., of Wapakoneta, Ohio, under date of August 14, which makes the direct charge involved in one view of the case.

I also inclose the letter of R. N. Chamberlain, esq., of East Palestine, Ohio, upon the same subject.

I also inclose the letter of D. P. Beaton, esq., mayor of the city of Oxford, Ohio, and in that letter it will be seen that he makes the direct charge that the United States Express Company brought from the Democratic committee a lot of papers, of which this copy which I send you is one, and that the postmaster put them into the boxes and delivered them without postage to a large number of Republican voters and others.

I also inclose the circular letter of Mr. James B. Townsend, chairman of the Democratic State executive committee, addressed to a postmaster. I am informed that he has called upon every Democratic postmaster in the State to comply with this circular, thereby compelling, substantially, the postmasters to be agents for his alleged newspaper.

I also inclose the letter of Hon. W. S. Cappeller, dated August 17, 1888, which shows that the postmaster at Columbus sent out these packages without any legal or formal application under the law.

I will state that I was myself present at the post-office at Stewart, Athens County, Ohio, one week ago to-day, and that shortly after the arrival of the mails a number of persons came from the post-office having in their hands this Tax Reform Advocate, who stated to me that they had not subscribed for the paper nor been requested to do so. The paper contained their names, written in lead pencil, and without any postage-stamp thereon.

I inclose the original telegram of Hon. Richard Smith, one of the proprietors of the Commercial Gazette, of Cincinnati, Ohio. Mr. Smith is a man of high character and will fearlessly do his duty in this regard.

I have now given to the Post-Office Department all the information in my possession and turned the matter over to the action of the Department.

Yours, truly,

C. H. GROSVENOR.

Mr. MAXWELL,
Inspector, Post-Office Department.

AUGLAIZE COUNTY REPUBLICAN COMMITTEE ROOMS,
Wapakoneta, Ohio, August 14, 1888.

DEAR SIR: To-day, after the regular distribution of the mails, the post-office service here flooded the delivery-boxes with the first number of the Tax Reform Advocate, of the issue date August 15, 1888.

Each copy was addressed in lead pencil, which led to the general suspicion that they had been addressed after reaching the distributing office, and if so, of course in violation of postal laws.

Do you know anything about how this sheet is sent out from Columbus?

Very truly, yours,

GEO. R. DAVIS, *Chairman.*

W. S. CAPPELLER,
Chairman, Columbus, Ohio.

EAST PALESTINE, OHIO, *August* 16, 1888.

MY DEAR SIR: Volume 1, No. 1, of the Tax Reform Advocate has reached our town on this afternoon's mail, and it would seem that every voter has received one. I supposed this was Chairman Brice's paper, although it purports to be edited by Charles Q. Davis, 53 Wesley Block, Columbus, Ohio, and thought it best to advise you at once.

R. N. CHAMBERLIN.

Hon. W. S. CAPPELLER,
Columbus, Ohio.

HEADQUARTERS OHIO REPUBLICAN
STATE EXECUTIVE COMMITTEE,
Columbus, Ohio, August 17, 1888.

MY DEAR GENERAL: I had inquiry made to-day at the post-office here to ascertain upon what authority the Tax Reform Advocate was admitted into the United States mails and carried at pound rates. You will understand that under the post-office regulations that application for admission of publication at second-class rates must be made on a form like the one inclosed, which you may be able to work in with your statement.

The postmaster was not in, but the deputy postmaster informed the attorney who called that a temporary permit had been given, but the proper application with the necessary affidavit had not yet been filed.

I also inclose a copy of the paper which they are thus illegally getting into the mails, and violating both the postal and civil-service laws.

Very truly, yours,

W. S. CAPPELLER, *Chairman.*

P. S.—Your attention is also called to the letter from D. P. Beaton, mayor of Oxford.

W. S. C.

General C. H. GROSVENOR,
Washington, D. C.

HEADQUARTERS OHIO STATE DEMOCRATIC EXECUTIVE COMMITTEE,
Columbus, Ohio, August 9, 1888.

Mr, POSTMASTER:

DEAR SIR: In order to supply the enormous demand for tariff literature, the Tariff Reform League of this city will issue a paper beginning August 15 to be called the Tariff Reform Advocate, which will be backed by this committee. It will contain the very best literature obtainable on the tariff question. Inclosed find a subscription blank; the price is only 10 cents for the campaign, and by getting us as large a list of subscribers as possible you will very materially assist in the work of educating the people on this question.

Please attend to this as soon as possible.

Yours, truly,

JAMES B. TOWNSEND, *Chairman.*
GEORGE A. BATESON, *Secretary.*

MAYOR'S OFFICE, *Oxford, Ohio, August* 16, 1888.

SIR: In reply to your letter in relation to formation of Harrison and Morton clubs, will say we have a live, acting, working Republican permanent club here, and are at work forming marching clubs for the campaign. The postmaster here (D. O. Corcoran, a Democrat) received the other day by United States Express from State Democratic committee, a lot of papers, of which inclosed is one, which papers he put in the post-office boxes and delivered without addresses and without postage to large numbers of Republican voters and others (which seems to us to be in violation of law). They seem to and must be getting desperate when they resort to such means.

Please give me your opinion of the above, and oblige

Respectfully yours,

D. P. BEATON,
Member of Republican County Central Committee.

Hon. W. S. CAPPELLER,
Chairman Republican State Executive Committee.

POST-OFFICE DEPARTMENT,
OFFICE OF CHIEF POST-OFFICE INSPECTOR,
Washington, D. C., August 28, 1888.

DEAR SIR: Inclosed find additional papers in case sent you last week. Give this matter your personal attention and a thorough inquiry.

Respectfully,

W. A. WEST, *Chief Inspector.*

Acknowledge receipt of this and other two packages on this subject.

WEST.

HEADQUARTERS OHIO STATE DEMOCRATIC
EXECUTIVE COMMITTEE,
Columbus, Ohio, August 23, 1888.

DEAR SIR: We have heard of Mr. GROSVENOR'S charges; and in regard to the first, that newspapers are opened in Ohio post-offices and Democratic campaign documents inserted in them, and thus transmitted without prepayment of postage, we know nothing about. From post-offices where these charges have been made, the postmasters inform us they are willing to make affidavit that the charges are wholly false and without any foundation whatever.

In regard to the second, that a newspaper called the Tax Reform Advocate is circulating without prepayment of postage, that also is a pure fabrication. This committee has paid the subscription of a great many people and the paper is being sent out from headquarters. We know that the postage has been prepaid, and there is a large balance credited now to the Tax Reform League, which is the publisher.

Very truly, yours,

JAMES B. TOWNSEND,
Chairman.

Hon. DON M. DICKINSON,
Postmaster-General, Washington, D. C.

COLUMBUS, OHIO, *August* 23, 1888.

DEAR SIR: Your letter of the 21st instant, regarding violations of law in transmitting the Tax Reform Advocate through the mail, was shown me to-day. I desire to say that there is nothing whatever in these charges, and the publishers of the Tax Reform Advocate are willing and anxious to be investigated. The paper is a legitimate business enterprise, and is only assailed because it conflicts with the interest of the Republican party in many localities.

The charge of circulating without prepayment of postage is so far from true that there is a large balance to my credit at Columbus post-office to be used in payment of postage.

Yours, truly,

C. E. DAVIS.

Hon. DON M. DICKINSON,
Postmaster-General, Washington, D. C.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., August 23, 1888.

SIR: I now hand you, in addition to my former letter, the inclosed letters of Hon. John H. Doane, State librarian of Ohio, and the copy of the letter of Mr. Townsend, chairman of the Democratic executive committee. From these you will see that the whole scheme of the Tax Reform Advocate lacks all the essential elements of a newspaper, and is only a political circular sent in fraud of the postal laws.

Truly,

C. H. GROSVENOR.

HEADQUARTERS OHIO REPUBLICAN
STATE EXECUTIVE COMMITTEE,
Columbus, Ohio, August 21, 1888.

MY DEAR GENERAL: I notice that Townsend, in his telegram to Campbell, says that the Tax Reform Advocate is published by the Tax Reform League. On July 27th Mr. Townsend, as chairman of the Democratic State executive committee, sent a letter or letters in which he announced that this paper would be issued under the auspices of his committee and sent into every home in the State of Ohio, and in it he asked bids both for printing the sheet and for an advertisement for the entire last page of it. I inclose you a copy of his letter, but regret to say that I have not the original. The letter was printed in the Cleveland Leader of August 4, and it is possible that the original is in that office or can be had on application to the Leader.

Bids for the printing and the press-work on this sheet were received by the Democratic State executive committee, and the contract for printing it given by Mr. Townsend to the Cleveland Plaindealer office at $3.66 a thousand copies. The papers are printed in Cleveland and sent to this city, from whence they are mailed as from the place of publication. The Charles Q. Davis whose name appears at the top of the first column of the paper is a clerk or assistant secretary, or something of the sort, at Democratic State headquarters, and is under Townsend's direction and control. The papers which I sent you yesterday were obtained from him at the Democratic State headquarters. As you will notice, the paper announces that it is backed by the Democratic State executive committee. The postmaster here, De Witt C. Jones, says that the paper is admitted by him to the mails at newspaper rates because the regular affidavit was

made by Davis. The thing is a transparent fraud, and if the postal laws allow such matter as this to go through the mails at newspaper rates, there is no reason why any sort of an advertising circular should not also go at pound rates.

Yours, very truly,

JOHN M. DOANE.

General CHARLES H. GROSVENOR,
House of Representatives, Washington, D. C.

COLUMBUS, OHIO, *July* 27, 1888.

DEAR SIR: The Tax Reform Advocate is the name of a journal that will be issued under the auspices of this committee and sent into every home in the State of Ohio.

It will be a four-page paper, with seven columns 21 inches long.

We already have the names of 500,000 voters, and expect to increase the number to 700,000 before the first issue is sent out, August 4.

It will be issued every two weeks, and we desire bids on the seven issues up until election day. After that time the circulation will diminish.

We would like to sell the entire last page to one firm. If you desire to bid, do so immediately, and if possible by wire. We desire to let the contract August 1, and will guaranty a circulation of 600,000.

Yours, respectfully,

JAMES B. TOWNSEND, *Chairman.*

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., August 24, 1888.

Hon. DON M. DICKINSON,
Postmaster-General:

The following is from the Commercial Gazette of the 21st instant:

"In our experience as newspaper publishers we have not known of a greater outrage than is now being practiced by Ohio postmasters in the rural towns and villages. The postal laws are very stringent in their provisions, and for violations of the law there are severe penalties. Newspapers are mailed at pound rates, but publishers are prohibited from including anything that does not properly belong to the paper. We are not even permitted to send circulars relating to the publication of the papers. We may send specimen copies of the paper at pound rates, but that is all. In the face of this law Democratic postmasters at offices of delivery have opened our paper and stuffed it with Democratic campaign documents, and thus delivered it to subscribers, creating the impression, of course, that the document was sent from the Commercial Gazette office. The same liberty has, no doubt, been taken with other publications, but in our case we have the proof. What the post-office authorities will do in the case we do not know. If we undertake to violate the law as it has been violated in this case, we know what would be and should be done. The authorities are not in ignorance upon this subject. They know what has been done, and it remains to be seen whether they will punish the guilty officials. Meantime we warn our subscribers to be on their guard, and ask them to throw the fraudulent documents in the face of offending postmasters. It should be understood that no document of the kind can be legally included in any newspaper sent through the mails; that it is a violation of law to send anything in a newspaper except the paper itself, unless the postage is paid at transient rates."

The following are from the Mount Vernon Republican, of Mount Vernon, Ohio:

"TAMPERING WITH THE MAILS.

"Under this heading the Newark American of Saturday has the following:

"Quite a number of our readers living in and about Utica have brought us papers in the form of a supplement and the same thing sent out as a supplement in this week's Advocate. They tell us these supplements were folded in their Americans when handed to them by the postmaster at that place. None of these were in the American when it was placed in the office in this city, and hence must have either been placed in our papers by the postmaster in this city or at Utica, it matters little which. It is a direct violation of the postal laws and we shall see to it that an investigation is made by the proper authority. It is too small and dirty work for any decent official to engage in, and we can not lead ourselves to think that Postmaster Brady would permit such a transaction in his office. Whoever did it should be removed from the service, and that promptly.

"The same trouble occurred in this county last week, all of which was duly exposed in the last issue of the Republican. The fellows engaged in this work will find out before the thing is over that Uncle Sam's mails are not maintained exclusively for Democratic electioneering purposes. The matter so fraudulently sent through the mails was subject to and should have paid transient rates of postage, and to permit it to pass otherwise constitutes a crime; but the supreme impudence and gall consists in folding Democratic campaign documents into Republican newspapers."

"Stuffing Republican papers committed to the United States mail for transmission and delivery with Democratic campaign documents will prove a troublesome enterprise for Bourbon postmasters."

"Any of our subscribers who received a Bourbon campaign supplement folded into their Republican last Wednesday are hereby informed that the nasty business was done by Democratic postmasters throughout the county. Our friends have done right in returning them to this office, and we give them a pointer that there will be some loud squealing in connection with this mattter further along. If the sanctity of the mails are not to be preserved the people will know the reason why. The United States courts are not in the hands of judges who will tolerate that kind of business in Ohio by a considerable majority."

I inclose the letter of W. K. Mills, etc., who claims to have witnessed one transaction.

I need not add to the suggestions already made.

The Department will have no trouble to ascertain how, when, and by whom this whole matter has been done.

Yours, truly,

C. H. GROSVENOR.

ENON STATION, OHIO, *August* 21, 1888.

General GROSVENOR,
Washington, C. D.:

Noticing your resolution to investigate the violation of the postal laws as regards the sending of the Tax Reform Advocate, will say that they are being sent to this place by express from Columbus. I have seen the express bill, containing charges, being sent to the postmaster for distribution.

Yours, respectfully,

W. K. MILLS.

Temporary permit for entry of publication at second-class rate.

POST-OFFICE AT ——, ——,
——, ——, 1888.

Upon affidavit and other proofs submitted to me, and by virtue of authority conferred by section 333 of the Postal Regulations of 1887, permission is hereby given to the publisher of the —— to mail it at this office, at the pound rate of postage, until the Post-Office Department shall determine whether it is admissible as second-class matter.

—— ——,
Postmaster.

Application for admission of publication at the second-class rates of postage.

[This application and the appended questions are required to be made out and answered by the publisher or publishers of every new publication presented for admission at the pound rate of postage.]

——, ——,
——, ——, 188–.

Application is hereby made to have the ——, a —— published in this place, admitted to the mails at the second-class rate of postage, full particulars of it being given in the sworn answers to the subjoined interrogatories.

—— ——, *Publisher.*

1. Magazine or newspaper?—Answer.
2. How often published?—Answer
3. Where is the paper printed?—Answer.
4. Who are the proprietors of the paper or magazine?—Answer.
5. Are they in any way interested pecuniarily in any business or trade represented by the publication, either in the reading matter or in the advertisements? If so, what is the interest?—Answer.
6. Who are the editors of the publication and how is their compensation determined?—Answer.
7. Have the editors any pecuniary interest in any business or trade represented by the publication, either in the reading matter or in the advertisements? If so, what is the interest?—Answer.
8. Is your publication regarded by the trade which it purports to represent as a general organ of the trade, or is it considered as representing the business interest of a special house in that trade, whose price-currents or advertisements appear therein?—Answer.
9. As a result of the publication of your paper or magazine, is the interest of any business house in the trade especially advanced by it, notwithstanding your design of making the publication a journal representing the trade?—Answer.
10. Can any house in good standing advertise in your publication at the regular published rates?—Answer.
11. Have any of the business houses which advertise in your publication any interest (either by past connection or special contract) therein respecting advertisements or subscriptions? And if so, what is that interest?—Answer.
12. What is the greatest number of copies furnished to any person or firm who advertises in your publication?—Answer.
13. On what terms are these papers furnished?—Answer.
14. What number of papers do you print of each issue?—Answer.
15. About what number of bona fide subscribers (that is, subscribers who pay their own money for the publication and receive it regularly) have you to the next issue of your paper?—Answer.
16. What is the subscription price of your publication per annum?—Answer.
17. How many pounds weight will cover the papers furnished to regular subscribers?—Answer:
18. What average number of specimen copies with each issue do you desire to send through the mails at pound rates?—Answer:
19. How are the names of the persons to whom you wish to send sample copies obtained by you?—Answer:

—— ——.

Sworn to and subscribed before me this —— day of ——, 188–.

—— ——.

This paper, when properly filled out, is to be sent by the postmaster to the Third Assistant Postmaster-General, Washington, D. C., with any other proofs that may be offered, and with one copy of the publication for the admission of which the application is made. (See sections 333 and 334 of the Postal Laws and Regulations.)

Extracts from the postal laws and regulations of 1887:

* * * * * * *

STATE OF OHIO, *Franklin County, ss:*

Personally appeared before me, the undersigned authority, Fred Krumm, who, first being duly sworn, says that he is the duly appointed and qualified assistant postmaster of Columbus, State of Ohio; that on or about the 15th day of August, 1888, C. Q. Davis, editor of the Tax Reform Advocate, submitted his affidavit on Form No. 3214 with $100 for prepayment of postage, and after full examination, being satisfied of his right under the postal laws and regulations to have the Tax Reform Advocate admitted as second-class matter, a "temporary permit," in accordance with subsection 2, section 333 of postal laws and regulations, was by me filled out and issued to him, and his affidavit above-noted, together with a copy of the paper, at once forwarded to the Third Assistant Postmaster-General, at Washington, D. C., in compliance with the postal laws and regulations, for final disposition. By authority of above-named "temporary permit," the Tax Reform Advocate was allowed to pass through this office as second-class matter, beginning on or about August 15, 1887, and under date of August 16, 1888, this publication is admitted to the mails as second-class matter by authority of the honorable Third Assistant Postmaster-General.

FRED KRUMM,
Assistant Postmaster, Columbus, Ohio.

Subscribed and sworn to before me this 29th day of August, A. D. 1888.

A. R. HOLMES, *Post-Office Inspector.*

COLUMBUS, OHIO, *August* 29.

STATE OF OHIO, *Franklin County, ss:*

Charles Q. Davis, being first duly sworn, says that he is editor of the Tax Reform Advocate, issued at Columbus, Ohio, and recently admitted to the mails as second-class matter at that post-office. Affiant says that since the original application for the admission of said publication to pound rates that no change in the purpose or intent of the publication have been made that in any manner alters the face of his original affidavit; that at this time he has a bona fide subscription list in excess of 3,000 copies. Affiant further says that he has sent no packages of his paper by express to Enon, Ohio, Oxford, Ohio, or any other postmaster, and that he has in all regards endeavored to comply with the rules and regulations of the Post-Office Department in the handling of his paper. Further deponent sayeth not.

CHARLES Q. DAVIS.

Subscribed to in my presence, and sworn to before me this 29th day of August 1888.

A. R. HOLMES, *Post-Office Inspector.*

ENON STATION, OHIO, *September* 4, 1888.

A. R. HOLMES,
Cincinnati, Ohio:

Yours of the 3d at hand, and will say the same to you as I did to General GROSVENOR, that I saw a bundle of the papers (Tax-Reform Advocate) that came via Erie Express to the postmaster at Enon. I saw the way bill and the charges on same, namely, 25 cents. Also, the same paper came in same manner to the postmaster at Mad River post-office.

Yours, respectfully,

W. K. MILLS,

P. S.—Can produce all the evidence you may wish as to the above facts.

ENON POST-OFFICE,
Clarke County, Ohio, September 4, 1888.

Mr. A. R. HOLMES,
Post-Office Inspector, Cincinnati, Ohio:

SIR: Your circular received. In reply I do swear that I did not receive any package of Tax-Reform Advocates by express at this office.

M. MULRONY, *Postmaster.*

Sworn to and subscribed before me this 4th day of September, A. D. 1888.
[SEAL.] DANIEL BAKER, *Notary Public.*

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
New Philadelphia, Ohio, September 2, 1888.

POSTMASTER AT ENON, OHIO:

It has been charged that you have received a package of Tax-Reform Advocates by express, and distributed same through your post-office without prepayment of postage. If such is the fact please give to me the numbers so distributed, with the explanation of how it occurred you did so. But if it is not so please state the facts under oath and return affidavit to me at Cincinnati, Ohio, by first mail.

Yours, truly,

A. R. HOLMES, *Post-Office Inspector.*

P. S.—This charge relates to Tax-Reform Advocate, and not to the supplement sent out by the Democratic executive committee.

HOLMES.

United States Express Company. Freight way bill, from Columbus, Ohio, to Oxford Ohio, August 14, 1888.

No.	Description.	Weight.	Address.	Prepaid.	Remarks.
1	Package.....	12	Postmaster.....	$0.45	Democratic committee.

[Case No. 103706 C. Joseph Townsend, post-office inspector.]

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
Oxford, Ohio, September 5, 1888.

D. O. Corcoran, being first duly sworn, deposes as follows: I am forty years of age; I have resided in Oxford about six years; I have been postmaster at said place since March 12, 1888.

Q. Have you ever received any copies of a certain newspaper published at Columbus, Ohio, known as the Tax-Reform Advocate, at the Oxford post-office; if so, how were said papers received?

A. Copies of said paper have been received at said office. They came regularly through the mail just as other second-class matter, with addresses thereon, and were distributed to the parties addressed just as any other mail matter.

Q. Have you ever received any copies of said paper by express, or in any other way except through the mails?

A. I have not. Said papers have always come to the office regularly through the United States mails, as other second-class matter comes, and still continue to come in the same way. I have never received any through any other channel. I have treated said paper just as I would any other newspaper received at said office in distributing it to the addresses. I receive lots of other newspapers about this time for patrons of the office which I am satisfied are not sent to them as regular subscribers; for example, I received last week about thirty copies of the Weekly New York Tribune, addressed to parties here who never have been receiving it before. It came as other second-class matter, and was so distributed. I have shown no partiality in management of the post-office.

D. O. CORCORAN, *Postmaster.*

Subscribed and sworn to before me at Oxford, Ohio, September 5, 1888.
JOSEPH TOWNSEND, *Post-Office Inspector.*

OXFORD, OHIO, *August 31, 1888.*

The papers in question, as I understand it from different citizens of this place, were received by the United States Express from Columbus, Ohio, and distributed through the post-office boxes without addresses. These facts were reported to me by different citizens, I not having received any myself.

D. P. BEATON.

Subscribed to and sworn before me by D. P. Beaton this 31st day of August, 1888.

G. R. SNEED, *Post-Office Inspector.*

[Referred to in report as Commercial Gazette correspondence.]

ENON STATION, OHIO, *August 22, 1888.*

DEAR SIR: The Tax Reform Advocate, a lying, blackguard, free-trade paper edited in Columbus, is being sent to postmaster here by express prepaid; then delivered by said postmaster to any one who calls for mail. They are being largely circulated in this manner, in direct violation of the postal laws. Noticing your editorial in to-day's issue, I give you the manner in which they are working the scheme here and in surrounding country towns.

Yours, respectfully,

W. K. MILLS, *Secretary.*

Editor COMMERCIAL GAZETTE,
Cincinnati, Ohio.

[Referred to in report as Commercial Gazette correspondence.]

NEPTUNE, OHIO, *August 25, 1888.*

DEAR SIR: I notice an article in the Gazette concerning the distributing of campaign documents and papers illegally through the mails, which I have no doubt is being done and on a large scale. Last Wednesday, August 22, there was a large number of the Tax Reform Advocate distributed at our post-office at Neptune, published in Columbus, edited by Charles Q. Davis. Now, has this paper (or rather the editor) complied with the United States postal laws? I hardly think so. I think if the State Democratic committee can't afford to pay the postage on their documents they are getting hard up and had better throw up the sponge, which they will have to do the 6th of November, in my opinion.

If there is anything like violation of the postal laws and any evidence is wanted, I can send several names of persons that received those papers from the hands of our honorable postmaster at our place.

J. H. MURLIN.

Editor DAILY COMMERCIAL GAZETTE.

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
Cincinnati, Ohio, September 6, 1888.

SIR: I have thoroughly investigated the charges made in the inclosed clipping from the Seneca County Record, of Bloomville, Ohio.

I called upon the editor of said paper to give me all the information he could in regard to the matter, names of all parties who had given him the information on which the article was based, names of all parties who had lost anything in the mails. He could give the name of only one person (G. F. Swigert) who had said anything to him about a loss. I went with the editor to see Mr. Swigert, who said that he had expected a letter in which he supposed there would be a postal-note or some money, and had never received the letter, but that he had since seen the writer of the letter, and he had informed him (Swigert) that there was no inclosure in the letter, nothing of value. I diligently inquired around for anybody who had lost anything in the mails, but heard of only one other loss, a man who said he had inclosed a five-dollar bill in an ordinary letter, addressed to a firm in Tiffin, which they claimed never to have received; but he never suspected that the loss occurred in the mails, but after its delivery at place of address. I heard of no one who had lost a postal-note.

I inquired of the editor to which one of the clerks he referred in his statement that "Our people have a holy horror, etc.;" he replied that he did not know to which one it referred. I then asked for the name of the person who gave him information about the matter; he said it was one W. S. Lowry, formerly a mail-messenger from depot to post-office. We called upon Mr. Lowry, who stated that he knew nothing about any losses or any carelessness or negligence upon the part of either of the clerks; and as to "fault-finding" of one of the clerks, it had nothing to do with the public, but referred simply to the clerks finding fault with the postmaster for not making up the mail as he thought it ought to be made up. The editor was compelled to acknowledge that there was no foundation for his charges.

The postal clerks on the Northwestern Ohio route are M. A. Ridenour and A. F. Ackerman, both men of good reputation, capable and efficient. They are, however, both Democrats, while this editor of the Seneca County Record is a Republican. This appears to be the cause of the charges, which investigation proves to be utterly groundless, without any foundation whatever in fact, and apparently arising only out of a desire of a reckless Republican editor to bring discredit upon Democratic postal clerks and the postal service; and also out of the natural disposition of a class of newspaper men to publish something sensational, *i. e.*, to make "a mountain out of a mole-hill." The article referred to was extensively copied in other Republican newspapers in the State.

Very respectfully,

JOSEPH TOWNSEND,
Post-Office Inspector.

A. R. HOLMES, Esq.,
Inspector in Charge, Cincinnati, Ohio.

ORDER OF BUSINESS.

Mr. FORNEY. I call up the conference report on the sundry civil appropriation bill.

TRANSFER OF LANDS TO STATE OF LOUISIANA.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper department of the United States Government to execute the necessary transfer to the State of Louisiana on conditions aforesaid, with amendments of the Senate thereto.

Mr. ROBERTSON. I ask unanimous consent that the House concur in the amendments of the Senate.

Mr. HOLMAN. Let the amendments be read.

The Clerk read as follows:

Page 1, line 2 of the bill, strike out "donate and."

Page 1, line 3, after "Louisiana," insert "the possession of."

Page 1, strike out all after "seventy-five," in line 13 of the bill, down to and including "United States," in line 16, and insert: "*Provided*, That should the State of Louisiana at any time cease to use said lands for quarantine purposes, or should the same be needed for the purposes for which they were originally reserved, then the Government of the United States shall resume the possession of said lands on the order of the President, whose decision in the premises shall be final."

Amend the title so as to read: "An act to transfer to the State of Louisiana for quarantine purposes the possession of certain lands on the Mississippi River belonging to the United States, and for other purposes."

The amendments were agreed to.

CHARLES L. BRADWELL.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 5092) for the relief of Charles L. Bradwell, with the amendments of the Senate thereto.

Mr. CLEMENTS. I ask unanimous consent that the House concur in the Senate amendments.

Mr. BRECKINRIDGE, of Kentucky. Let the amendments be read or explained.

The amendments were read, as follows:

Line 4 strike out "three" and insert "one."

Line 4 strike out "seven" and insert "five."

Line 5 strike out "fifty" and insert "thirty-two."

Mr. BRECKINRIDGE, of Kentucky. What is the effect of those amendments?

Mr. CLEMENTS. This is a private bill, and the effect of the amendments is to reduce the amount which the beneficiary is to receive.

The amendments were agreed to.

INTERSTATE-COMMERCE ACT.

The SPEAKER *pro tempore*. The Chair will lay before the House a bill (S. 2851)——

Mr. BURNES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURNES. I wish to inquire by what rule this business takes precedence of a conference report.

The SPEAKER *pro tempore*. By unanimous consent.

Mr. BURNES. The gentleman from Alabama [Mr. FORNEY] rose and called up the conference report on the sundry civil appropriation bill, but nevertheless I see this business is going on.

The SPEAKER *pro tempore*. If the gentleman from Alabama [Mr. FORNEY] chooses to interrupt this business by calling up the conference report he can do so, but the regular order is to lay these Senate bills before the House immediately after the reading of the Journal. The Chair lays before the House a bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. CRISP. The Senate has rejected the amendments of the House and requested a conference on the bill. I move that the House insist upon its amendments and agree to the conference asked for.

The motion was agreed to.

PREVENTION OF CONTAGIOUS DISEASES.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3467) to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses; which was read a first and second time, and referred to the Committee on the Judiciary.

JUDICIAL DISTRICT IN MISSOURI.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3539) to amend an act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State; which was read a first and second time.

Mr. BLAND. The object of this bill is simply to cure a defect in an act which was passed a short time ago. I ask unanimous consent that the bill be taken up and put on its passage.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of Missouri," approved May 21, 1888, be so amended as to read as follows:

"That the county of Audrain, in the State of Missouri, be detached from the northern division of the eastern judicial district of Missouri and attached to the central division of the western judicial district of the State of Missouri."

SEC. 2. That all civil and criminal causes or proceedings pending in the courts of the United States for the northern division of the eastern district of Missouri which originated in said county of Audrain shall remain within the jurisdiction of said courts for that division until finally disposed of, and all offenses committed in said county against the laws of the United States before the passage of this act shall also be cognizable in the United States courts for the northern division of said eastern district until final disposition of the same.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. BLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER *pro tempore* also laid before the House bills of the following titles; which were respectively read a first and second time, and referred as indicated:

The bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions—to the Committee on the District of Columbia.

The bill (S. 2877) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes—to the Committee on the Public Lands.

REGISTERED-MAIL LOCKS, ETC.

The SPEAKER *pro tempore* also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *September* 17, 1888.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor.

The SPEAKER *pro tempore*. If there be no objection, this request of the Senate will be complied with. The Chair hears no objection, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'DONNELL, indefinitely, on account of important business.

To Mr. DIBBLE, indefinitely, on account of important business.

To Mr. O'NEILL, of Pennsylvania, for three days.

To Mr. DOCKERY, indefinitely, on account of sickness in his family.

To Mr. DUNN, on account of the death of his little daughter.

ROAD THROUGH PLATTSBURGH MILITARY RESERVATION.

Mr. MOFFITT introduced a bill (H. R. 11452) to construct a road from the village of Plattsburgh, N. Y., through and along the Government military reservation in said village; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALE AND SHIPMENT OF SPIRITUOUS LIQUORS, ETC.

Mr. BLAND, by unanimous consent, introduced a bill (H. R. 11453) to amend section 18, act of February 18, 1875, as amended by section 4, act of March 1, 1879, relating to the sale and shipment of malt, spirituous, and vinous liquors; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXTIRPATION OF YELLOW FEVER.

Mr. BARNES, by unanimous consent, introduced a bill (H. R. 11454) offering a reward of $100,000 to any person of any nationality who will discover the true cause or germ of yellow fever, with any certain means of effecting its prevention, destruction, or material modification, or who, without discovering the cause or germ of said disease, shall discover a certain and practical mode of effecting its prevention, destruction, or material modification; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. LAWLER, by unanimous consent, introduced a bill (H. R. 11455) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY. I now call up for consideration the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The SPEAKER *pro tempore*. That is a privileged question, and the gentleman is recognized for that purpose.

Mr. FORNEY. Mr. Speaker, I suppose it is not necessary that the report should be now read, as it has already been read and printed. When this matter was up last Friday it was generally agreed, I understand, that the only part of the report which was objected to was that relating to the Congressional Library; in regard to the residue of the report there was, I believe, no dissent. I now wish to show the House what is proposed by the conferees in this report.

This bill as passed by the House proposed to suspend all work upon the Library building, to repeal the law relating to the commission, to authorize the Committees on Public Buildings and Grounds of the Senate and House of Representatives acting conjointly, to invite eminent architects, not exceeding five in number, to submit designs and general specifications for the Library building, $10,000 being appropriated for that purpose. The Senate disagreed to that proposition and presented another, to which the House refused to agree. The conferees have now presented the proposition before the House which I will endeavor to explain.

The Senate proposition was to continue work on the Library building, appropriating $1,000,000 for that purpose. The proposition now before us is to continue the construction of the Library building and to appropriate $500,000 "for the construction of the western front of the building and reading-room and book-repositories connected therewith, as shown by sketch termed 'Plan No. 1,' on file in the office of the Librarian of Congress." It is further provided that this money "shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work, and the employment of all persons connected therewith; and all contracts for the construction of said building or any part thereof shall be made by the Chief of Engineers of the Army."

The proposition also repeals so much of the first section as provides for a commission, together with the eighth section of the act authorizing the construction of the building, the act passed in January, 1886; "and the duties of said commission under said act are hereby devolved on the Engineer-in-Chief of the United States Army."

Now, Mr. Speaker, by this report it is proposed the Library building shall be turned over to the Chief of Engineers, that $500,000 shall be given to him, that he shall have full control of the construction of the building and of the employés and of the making of the contracts. He is limited and confined to what is known as the western front.

[Exhibiting the plan to the House.] There is the picture before the House. Any one can see it. The picture is taken from the Capitol.

Mr. TAULBEE. Does it give to the Chief of Engineers the right to select the material as well?

Mr. FORNEY. He has the right to make all contracts.

I notice, Mr. Speaker, in the remarks made by the gentleman from Illinois [Mr. PAYSON] that he said that he hoped this plan would not be adopted, and I will read what he said:

I hope this plan which I hold in my hand is within the view of every member. Here is a building 459 feet long; there [illustrating] is the width of it—44 feet—and it is to be 70 feet high. The chairman of the conference committee [Mr. FORNEY] does not know himself whether these connecting corridors are contemplated by the plan, but doubtless this is one [illustrating]. All the rest of the original plan is abandoned.

Mr. Speaker, any one who supposes we have what he said further on, "a building suitable for a ten-pin alley," "an architectural monstrosity," that it was 459 feet long—that is the impression he made

upon the House—and only 44 feet in width, will be undeceived by looking at the plan which I have before me.

What are the facts? I have before me the original "Plan No. 1" referred to in this proposition. No gentleman can look at it without seeing what we get in this building. The length of the front toward the Capitol is 460 feet and the width from the central front to the end of the book-depositories from west to east is 300 feet, instead of the width being only 44 feet. The diameter of the rotunda or reading-room is 100 feet. It is marked A on this plan. Width of book-depositories, 144 to 160 feet (that is the building behind the west front and connected therewith throughout as an integral part of the same building); length of curtain (or corridor) connecting the main building (west front) with the corner pavilion, 100 feet; width of same at its narrowest part, 45 feet.

Mr. COBB. Is that the plan of the proposed building?

Mr. FORNEY. It is; and instead of being 459 feet by 44 feet, as stated by the gentleman from Illinois, we have a building of the proportions I have just stated.

Mr. McCREARY. What part do you propose to build first?

Mr. FORNEY. The whole of that part. I presume that building will cost $4,000,000. We do not know exactly, as it depends on whether it shall be constructed of granite or marble.

Mr. PAYSON. Who determines that? Will the gentleman from Alabama say?

Mr. FORNEY. That will be determined by General Casey, Engineer-in-Chief of the Army of the United States. Under this bill it is proposed that all the duties conferred upon the Library Commission by the act to which I have already referred are to be devolved on the Engineer-in-Chief. Whatever were the duties imposed on that commission are devolved upon the Engineer-in-Chief; and I refer the gentleman to that act, where he will get a full and accurate statement of the duties of that commission.

Here we have a building, ample and sufficient for the next twenty-five years. We have in the Library over 600,000 volumes, and this building will hold, I suppose, one million more, sufficient for the next twenty-five years.

Mr. PAYSON. By what authority, and I ask in all deference, does the gentleman make that statement as to the book capacity of the plan he has now before him? The reason for my asking the question, and I will be frank if the gentleman will permit me to interrupt him, is that the architect who drew that plan, Mr. Pelz, who is the associate of Mr. Smithmeyer, and who is the man who has done all this work, told Mr. HOLMAN and myself on Saturday last that the book capacity of this "Plan No. 1" will be insufficient for the needs of the Library when it shall be constructed. That is to say, there is not capacity enough in "Plan No. 1" for the present needs of the Library and the additions during the time there will be required to construct it. That statement was made to us on Saturday last. I ask, therefore, what authority the gentleman has for stating the book capacity of this proposed "Plan No. 1" is upwards of a million of volumes?

Mr. FORNEY. It is the evidence of Mr. Spofford, one of the commissioners, before the Senate committee.

Mr. PAYSON. I should be glad to have a reference to it.

Mr. FORNEY. I will do that later on.

Mr. RYAN. Permit me to suggest to the gentleman from Illinois that it was represented to the managers on the part of the House in conference, and I think I have a right to state it here, that the Librarian, Mr. Spofford, is authority for the statement that it will be sufficient for the purposes of a library for the next quarter of a century, and perhaps more.

Mr. FORNEY. I will look the matter up for the information of the gentleman.

Mr. PAYSON. In order that there may be no misunderstanding in regard to this matter, I would be glad to have the recollection of the gentleman from Indiana [Mr. HOLMAN] upon that point as to the capacity of this building on the authority of Mr. Pelz on Saturday last.

Mr. HOLMAN. The statement made by the gentleman from Illinois is, of course, correct.

Mr. FORNEY. I have the information here at hand, showing the testimony taken upon this point. Mr. Spofford in his statement says:

1. The requirements of the growing Library and the necessary storage of copyright publications, the entries of which now exceed 36,000 annually, will demand ultimately every foot of space embraced in the foundation plan of the building, being nearly three acres.

Then he goes on further to say in answer to the question of the chairman:

Q. Suppose the building contemplated in Plan No. 1 should be constructed, for what length of time, in your judgment, would that accommodate the growing wants of the Library?

A. From the present rate of accessions, I have computed that it would be ample for storage for fifteen years to come.

So it will be seen, Mr. Speaker, that with the continued annual increase, estimated at 36,000 volumes, this building, according to the testimony of the Librarian himself, is sufficient for the next fifteen years. That is my authority for the statement I have made. We have a building, then, that is not only sightly in appearance, but sufficient for all of our purposes, the accommodation of the public Library, for a generation to come.

Again, as to the "architectural monstrosity" of which the gentleman from Illinois speaks, Mr. Spofford says, in response to questions:

By the CHAIRMAN:

Q. We were looking into this matter a little further. Some things occurred to us upon which we were not quite clear. We had doubt about the appearance of the building. What do you think of that? Will it be an ornate building?

A. It will be, from the Capitol, a very sightly edifice. From other points of view, as you go along the sides, it will be neither sightly nor unsightly. It will look somewhat like any unfinished building. Some of the walls will not be ornate, but it will be a most creditable and handsome building. You must observe that there will be nothing visible from the Capitol except a very handsome façade or elevation.

By Mr. HALE:

Q. The top of the dome will show?

A. Very slightly. The dome is to be kept down because of the immediate vicinity of the Capitol. It would not do to have a public building that would be soaring in character so near this magnificent Capitol, which ought to be left the unique ornament of Capitol Hill.

Q. What is to be the height of the dome?

A. It will be less than 110 feet.

Q. What is the height of the Dome of the Capitol?

A. Two hundred and eighty-eight feet. My idea is to have no roof visible; that is the handsomest building which exhibits a fine front elevation or façade.

By the CHAIRMAN:

Q. According to the plan, what will all this part of the building [indicating] be used for? Here is the Library reading-room [indicating], and here are the alcoves around it, and here are the repositories for books.

A. They will be filled to the utmost capacity with the existing Library and the growth for the coming fifteen years. This section will be used primarily, nearest to the Library, for the copyright and record rooms, and for lesser-sized rooms for Senators and Representatives to have a quiet place to study, which they never can have in this Capitol.

This work is proposed to be placed under the control and management of the Chief of Engineers, General Casey. Some gentlemen may be inclined to question the wisdom of that selection and say, "Who is the Chief of Engineers, and why give him control of the matter?" The other day, Mr. Speaker, he was selected from the Army to fill the position of Chief of Engineers by the President. He comes highly indorsed; he was nominated by Mr. Cleveland for that position, and confirmed by a Republican Senate. He is not only able but has had experience, and his work has been tested in the past. We know him as having had charge of the Washington Monument. We know that he has also had control and charge of the building known as the State, War, and Navy building, and that he discharged his duties not only faithfully but with signal ability, and at a saving of immense sums to the Government; and in this connection I wish to call the attention of the House to what was really done in that regard by him. We commenced the construction of the State, War, and Navy Department building in 1871. The construction was under the control of the Secretary of State, who had exclusive charge of it. The designs for the building were prepared by Mr. Mullett, who was three or four years engaged in building the south wing of that building, what is now known as the State Department wing.

The cost of the south wing was $3,373,939.35. Colonel Casey had nothing to do with that portion of the building, but in course of time there was much noise and confusion here about something going on wrong—something rotten in Denmark—in connection with the work of that building, and the charge or control of the work was changed. In course of time it came under General Casey's charge, the present Chief of Engineers. He had exclusive control of the building of the north wing, identical in all respects with the south wing, both having the same plans, containing the same floor space—I think about 73,241 square feet. Colonel Casey took control of that construction and finished that portion of the building at a cost of $1,914,501.99, a saving to the Government, to the people, and to this country of $1,459,437.36.

Mr. SOWDEN. You mean as compared with the south wing?

Mr. FORNEY. Yes. He went on, Mr. Speaker, with the same result in connection with the west wing. The east wing was not under his control during the whole time, and cost $2,617,287.43, against the cost of the west wing, precisely like it, under Colonel Casey's charge, of $1,773,476.24, showing really that that building under the charge of Colonel Casey, the gentleman who has lately been appointed the Chief of Engineers, was constructed at a saving of over two and a quarter millions of dollars to the people. So I think we need have no fear of intrusting to him the new Library building.

But the gentleman from Illinois says that this is an architectural monstrosity. Here we have a man who understands his business. Colonel Casey has had wide experience. He is skilled in his profession. He is honest, and he has the power under this very law to change the matter as he moves along. He has a right to make modifications here, so that instead of being an "architectural monstrosity," it will be, if constructed on the present plan, like the building the drawings of which are now in front of you.

Mr. PAYSON. Does the gentleman from Alabama understand that there can be specific modifications of the plan under the amendment proposed by the conferees?

Mr. FORNEY. Whatever modifications General Casey thinks are in the interest of the country he will have a right to make. Of course he could not vary materially from the plan.

Mr. PAYSON. And that the material out of which it is constructed, the entire arrangement, and all the details are to be committed to him?

Mr. FORNEY. Unless Congress shall hereafter determine differently. We require a report annually, and of course Congress will retain the power in its own hands.

Mr. PAYSON. And the gentleman from Alabama thinks that a proper discretion to be confided to any one man?

Mr. FORNEY. I think it is a proper discretion to confide to him. But to whom is it confided now? You have a commission of three persons; and I would rather have it in the hands of a man like General Casey than in the hands of any commission. We know he can be trusted. We have had experience of his capacity. Whom do you propose to give it to? A commission? You have done that already, and what is the result?

We want the House to understand that that building has cost us over a million dollars already. We gave $585,000 for the site, and for the building we have appropriated $500,000.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. FORNEY. I understood that we were to commence over again, and that I should have an hour.

Mr. PAYSON. I ask unanimous consent that the gentleman from Alabama [Mr. FORNEY] may be allowed to proceed without limit.

The SPEAKER *pro tempore*. The gentleman from Alabama had fifteen minutes of the hour remaining from Monday. Is there objection to the request that he be permitted to proceed without limit? The Chair hears none.

Mr. MCCREARY. I would like the gentleman from Alabama to explain to the House how much work has been done already. It is impossible for us to get in there and see for ourselves.

Mr. FORNEY. I do not know. But we have spent over $1,000,000.

Several MEMBERS. We have a hole in the ground.

Mr. MCCREARY. Has the foundation been finished?

Mr. FORNEY. I do not think it has. We gave them $500,000. Payments have been made on rolls and vouchers of $195,349.56; payment of other expenses $304,000. Now here are liabilities now existing of $298,142, on miscellaneous accounts about $1,500, a balance remaining available of $5,007.76. This is in addition to the $585,000 for the site. One million dollars has gone somewhere. Now, I think it is time to make a change, and we have brought in Colonel Casey. He does not get any pay and he does not seek this job. He is a conscript. We direct him to do this thing. He is the right man, and you need have no fear about his doing it well. In one building that would have cost $15,000,000 for construction if the construction had been allowed to go on under the Secretary and some architects, Colonel Casey was placed in charge and it only cost about $10,000,000. In this case it would be the same. He has the right, if it is to become a monstrosity, to change it, and he knows how to do so, because he is learned, skilled, and in every way fit for the position.

Now, here is the report of the Library Committee. I want the gentleman from Illinois to learn from it what books the proposed building would hold.

Mr. PAYSON. What report is that?

Mr. FORNEY. I do not know. It is a House report, first session Forty-eighth Congress, on the Congressional Library building.

Mr. PAYSON. Is that the Singleton report?

Mr. FORNEY. I read this from the report:

> The proposed building, as stated, will contain 3,000,000 volumes with suitable economy of storage. It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms and entire exterior structure. The chief element of cost is in the iron alcoves of the interior, and in a building so extensive these may be finished in successive years, as wanted for the increase of books. The most carefully guarded estimates of cost contemplate an expenditure of $500,000 the first year, about $1,000,000 the second, and $800,000 the third, which will complete the building for occupancy in all its parts sufficient for shelving 1,000,000 books.

Mr. PAYSON. That refers to this plan.

Mr. FORNEY. That refers to this plan. So, then, Mr. Speaker, the proposition of the conferees on the part of the House at the present time is to ask you to give $500,000 to continue the work on the Library building, and at the end of four or five years we will have a Library similar to the one you see in front of you, 460 feet long by 300 feet in width, and it will hold all the books necessary for the next twenty or thirty years.

Now I wish to reserve the remainder of my time and yield to gentlemen in their own time.

Mr. PAYSON. Why have the Senate and the conferees on the part of the House agreed to abandon this original plan for the construction of the entire building? What information have they received which causes them to recommend the repeal of the law as to the entire plan? I would be glad to have the gentleman state that.

Mr. FORNEY. We understand that the completion of this plan would cost some $14,000,000. We did not think the country required that at this time and we proposed to cut it down to about $4,000,000. This is the only way we could get out of it, and the best way. So we took Colonel Casey, a man whom we can trust—because it seems that everybody can not be trusted—and in that way we get a magnificent building at a cost of $4,000,000, depending upon what material Congress may direct Colonel Casey to construct it of—granite or marble.

I wish to call the gentleman's attention to our proposition, which repeals the law so that there can be no trouble hereafter about this other plan. We cut that off entirely, and confine ourselves simply to a building to be known as the "West Front." Here is the proposition:

> And so much of said act entitled "An act authorizing the construction of a building for the accommodation of the Congressional Library," approved April 15, 1886, as authorizes the construction of a building for the accommodation of the Congressional Library and as provides for plans for the same, excepting only so much of said building as is shown by the sketch termed "Plan No. 1," on file in the office of the Librarian of Congress, be, and the same is hereby, repealed.

So that if the proposition of the conferees be adopted, we shall have but one building, which will be known as the "West Front," 460 feet long and 300 feet through the center, furnishing sufficient space to contain all the books that the country will need in the next fifteen, twenty, or thirty years.

Mr. CANNON. Mr. Speaker, necessary absence after to-day causes me to occupy a few minutes now in calling attention to the appropriations that have been made at this session of Congress. For the first time in my life I believe, as my remarks deal largely with figures, I have reduced much of what I have to say to writing, and, with the permission of the House, I will now proceed to read it.

Mr. Speaker, the work of the first session of the Fiftieth Congress is almost completed. At least, we have long passed the ordinary time of adjournment. I avail myself of the present opportunity to present a statement for the consideration of the House of the regular annual estimates for the service of the Government for the fiscal year 1889, and the appropriations therefor. I also submit a comparison of the regular annual estimates for four years under Republican administration (Mr. Arthur's), and for the four years under Democratic administration (Mr. Cleveland's), afterwards submitting facts touching the increase of offices under this Administration, and the increase of salaries, with such other facts as may bear upon the present fiscal condition of the Government, and that may be of interest to the House to consider. I will proceed in order:

REGULAR ANNUAL ESTIMATES.

The regular annual estimates for the fiscal years 1886, 1887, 1888, and 1889 amount to	$1,052,442,148.17
For the years 1882, 1883, 1884, and 1885 they aggregated	939,122,356.14
Increase for four years under Cleveland's administration	113,319,791.23

I insert a table showing these estimates by years:

Regular annual estimates.

	Estimates.
1889	$268,453,728.68
1888	259,206,768.16
1887	268,220,849.98
1886	256,560,801.35
Total	1,052,442,148.17
1885	215,082,346.32
1884	270,003,235.21
1883	257,001,290.48
1882	197,035,484.83
Total	939,122,356.94
Increase of estimates for 1886 to 1889, inclusive, over estimates for 1882 to 1885, inclusive	113,319,791.23

The law requires the Secretary of the Treasury to forward to each Congress on the first Monday of December estimates made by the different Departments of the Government for their support for the coming fiscal year. As the Executive directs the expenditures of all moneys appropriated for the service of the Government, and in the main appoints the agents for its expenditure and disbursement, the law presumes that he should have complete knowledge as to the necessities of the service in every branch of the Government; and the very object of submitting estimates is to inform Congress, which grants the money from the Treasury for the public service, what the necessities of that service are. The Republican party held power continuously from 1861 to 1885. It will be noted that during its last four years of power the estimates submitted to Congress asking appropriations of money for the public service were, in round numbers, $113,000,000 less than was asked and estimated for by Mr. Cleveland's administration. When the estimates are received, as gentlemen are aware, they are printed and referred to the appropriate committees by the House for consideration, and reported with favorable or unfavorable recommendation to the respective Houses for consideration and action. In this way the estimates submitted by the administration ripen into appropriations of money for the public service.

REGULAR ANNUAL APPROPRIATIONS.

The regular annual appropriations, including deficiencies and miscellaneous, for the years 1885, 1887, 1888, and 1889 amount to	$1,039,558,444.42
And for the years 1882, 1883, 1884, and 1885 to	943,173,130.63
Increase under four years of Cleveland's administration over four years of Arthur's administration	96,385,313.79

I call attention to the fact that the regular annual appropriations for

the last four years under Cleveland exceed those under Arthur by over $96,000,000; and I insert in my remarks a table showing the appropriations for these years, respectively, and a comparison between the same.

Table comparing by bills the regular annual appropriations, including deficiency and miscellaneous appropriations for the four fiscal years 1882 *to* 1885, *inclusive, with those for the four fiscal years* 1886 *to* 1889, *inclusive.*

Title.	1889.	1888.	1887.	1886.
Agricultural	$1,716,010.00	$1,028,730.00	$654,715.00	$585,790.00
Army	24,471,300.00	23,724,718.69	23,753,057.21	24,014,052.50
Diplomatic and consular	1,428,465.00	1,429,942.44	1,364,065.00	1,242,925.00
District of Columbia	5,046,410.32	4,284,590.66	3,721,050.99	3,622,683.20
Fortification	3,972,000.00	.....	.....	725,000.00
Indian	8,260,129.13	5,226,897.66	5,546,262.84	5,762,512.70
Legislative, etc	20,668,058.07	20,646,143.67	20,654,346.37	21,376,708.70
Military Academy	315,043.81	419,936.93	297,805.00	310,021.64
Navy	19,943,389.95	25,767,348.19	12,989,907.20	15,070,837.95
Pension	81,758,700.00	83,152,500.00	76,075,200.00	60,000,000.00
Post-Office	60,860,233.74	55,694,650.15	54,365,863.25	53,700,990.00
River and harbor	22,397,616.90	.....	14,473,900.00	.....
Sundry civil	26,245,454.82	22,386,540.96	22,662,310.58	26,079,257.49
Total	277,082,811.74	243,761,999.35	236,558,483.44	212,490,779.18
Deficiencies	14,685,249.20	.....	13,866,719.62	4,926,855.80
	*4,227,518.32			
Total	295,998,579.26	243,761,999.35	250,425,203.06	217,417,634.98
Miscellaneous	8,975,977.89	4,811,991.49	13,489,410.19	2,177,648.20
	†2,500,000.00			
Grand total	307,474,557.15	248,573,990.84	263,914,613.25	219,595,283.18

Title.	1885.	1884.	1883.	1882.
Agricultural	$480,190.00	$405,640.00	$427,280.00	$335,500.00
Army	24,454,450.00	24,681,250.00	27,258,000.00	26,687,800.00
Diplomatic and consular	1,219,390.00	1,296,755.00	1,256,655.00	1,192,435.00
District of Columbia	3,559,835.54	3,507,247.96	3,498,846.58	3,378,617.44
Fortification	700,000.00	670,000.00	375,000.00	575,000.00
Indian	5,859,402.91	5,358,655.91	5,229,374.01	4,587,866.80
Legislative, etc	21,393,141.85	20,454,246.22	20,038,000.65	17,678,508.99
Military Academy	314,563.50	318,657.50	335,557.04	322,435.37
Navy	14,980,472.59	15,894,434.23	14,819,976.80	14,566,037.55
Pension	20,810,000.00	86,575,000.00	100,000,000.00	68,282,306.68
Post-Office	49,040,400.00	44,489,520.00	44,643,900.00	40,957,432.00
River and harbor	13,949,200.00	.....	18,738,875.00	11,441,300.00
Sundry civil	22,299,434.30	23,679,575.44	25,589,358.06	21,984,194.12
Total	179,060,480.69	227,330,982.26	262,210,823.14	211,989,433.95
Deficiencies	7,057,509.00	2,749,941.49	25,689,951.10	5,092,138.92
Total	186,117,989.69	230,080,923.75	287,900,774.24	217,081,572.87
Miscellaneous	9,592,598.40	1,912,723.88	9,413,614.16	1,072,933.64
Grand total	195,710,588.09	231,993,647.63	297,314,388.40	218,154,506.51

Total appropriations for four years 1886 to 1889, inclusive	$1,039,558,444.42
Total appropriations for four years 1882 to 1885, inclusive	943,173,130.63
	96,385,313.79

* Approximated on the basis of $1,000,000 increase over amount of general deficiency, as passed by the House.

† This amount ($2,500,000) covers various bills pending for miscellaneous objects, and which will probably become laws.

The regular annual appropriations made at this session of Congress for the fiscal year 1889, as will be seen from the above table, amount to $307,474,557.15. A part of the service of the Government is provided for by permanent appropriation. Among these items permanently provided for is the interest on the public debt, the sinking fund, the customs service, etc. The estimate of expenditures for these purposes can be closely approximated and are fixed by the Secretary of the Treasury for 1889 at $115,640,793.90, making the grand total of regular annual and permanent appropriations for the fiscal year 1889 $423,115,356.05.

The estimated revenue for the fiscal year 1889, as submitted by the Administration, from all sources—customs, internal revenue, public lands, etc.—amounts to $440,563,734.32, which will leave a balance of surplus revenue in the Treasury, after paying the above appropriations for the coming year, of $17,448,378.27.

I am satisfied that this estimate of revenues is quite liberal for the coming year, and will be under, rather than over, that amount at the close of the year.

The attempt at legislation changing the revenue laws has attracted the attention of the country, and the uncertainty as to what is to be the action of Congress, as well as to what will be the policy of the incoming administration, to be chosen in November next, necessarily affects business throughout the country and will be felt in the revenues of the Government.

Mr. Speaker, it is but fair that I should call attention to the fact that the President gave a pocket veto last year to the river and harbor bill, thereby suspending many meritorious works connected with the public improvements throughout the country, which was followed by loss to the Government in the wear and destruction of partially completed work. All this, as deemed by Congress, called for a larger appropriation for the improvement of rivers and harbors, this year amounting to over $22,000,000, than is ordinarily made. These appropriations for the year 1889 are much larger than any made since the close of the period of extraordinary war expenses. The appropriations for 1889 over 1888 are $58,900,566.31. The increase over 1884 is $75,480,909.52.

But, Mr. Speaker, this is not all. I call attention to the fact that to complete the new ships authorized since the commencement of Cleveland's administration, and the monitors, will cost, in addition to the appropriations heretofore and this year made, in round numbers, $18,000,000, while the armament of these ships, in addition to the appropriations made, will cost $9,000,000. We have also passed at this session of Congress a fortification bill providing for the purchase of guns and mortars at a cost, in addition to appropriations made, of $6,000,000, making a grand total of expenditures authorized and to be appropriated for in the coming fiscal years of $33,000,000.

The estimates as to the cost of ships and armament are made by the appropriate bureaus of the Navy Department. With this enormous expenditure authorized and made necessary by the enactment of law, and the work entered upon or to be entered upon during this fiscal year, it is plain to all that the appropriations in the immediate future for the public service will probably be increased rather than decreased.

I call especial attention to the fact that the increase of appropriations for 1889 over those for 1888 amounts to $58,900,566.31. The increase of appropriations for 1889 over those of 1884 amounts to $75,480,909.52. Many of the items of appropriation no doubt are proper. Perhaps I may say most of the appropriations are proper. But when we recollect that in the canvass of 1884 the Democratic rallying cry was that the public service was honeycombed with corruption and extravagance, and that a change should be had in the conduct of public affairs so that an era of economy might be restored to the country—I say in the light of all that, this increase of appropriations over those made under Republican administration is significant. One of two things is true, either the Republican administration was wonderfully economical—we all recollect that it was efficient—or Mr. Cleveland's administration is wonderfully extravagant. The truth is, both statements are true.

POSTAL SERVICE.

The increase of appropriations for the postal service has been most extraordinary. The appropriations for the postal service for the year 1889 are, in round numbers, nearly $61,000,000, while the average appropriations for the four years under Arthur's administration were less than $45,000,000 per annum, an increase under this present Administration for the year 1889 of $16,000,000 over that period.

I know that the country is growing and that there is necessarily a large increase in this branch of the public service, but the truth is that under Republican administration the estimates submitted by the administration for the postal service were not met by full appropriation. On the contrary it was the uniform practice of Congress to appropriate a much less sum than was asked for, while under Mr. Cleveland's administration, under the lead of the Post-Office Committee of the House, with my excellent friend Mr. BLOUNT at its head, the full estimates submitted by the Department have been given, and in one instance at least, as I am told, the suggestion went from the committee to the Administration that its estimates for the appropriations were not large enough, and an increased estimate was forwarded for the consideration of Congress and that estimate was appropriated for.

I do not complain at all of the proper expenses of the Government for this and other Departments, but I do state that the service of the Post-Office Department, as now administered and as it has been administered under this Administration, is far below, in efficiency and promptness, the service under Republican administration. I need not instance wherein this service has fallen off, but state the fact, and its truth will be recognized by almost every citizen throughout the country, because all come in contact with this service.

ORDINARY EXPENDITURES.

The ordinary expenditures of the Government for the years 1886, 1887, and 1888, excluding postal service and sinking fund, were	$778,340,119.60
Add the ordinary expenses of the postal service for the same three years	159,360,597.65
Total	937,700,717.25
While the ordinary expenditures of the Government for the years 1883, 1884, and 1885, except for the postal service and sinking fund, amounted to	769,761,316.98
Add postal service	140,553,739.91
Total	910,315,056.89
Increase of three years, 1886, 1887, and 1888, over three years of 1883, 1884, and 1885	27,385,650.36

Mr. Speaker, it may be of interest to members to have a statement of the total ordinary expenditures of the Government for the year 1888, including the sinking fund and from postal receipts. I therefore insert the same in my remarks:

Total ordinary expenditures, 1888, as reported by the Treasury, for fiscal year	$267,924,801.13
Sinking fund	43,732,550.00
Expenditures from postal receipts	52,898,322.90
Total	364,555,674.03

NOTE.—The amount stated as expended from postal receipts is the sum total of those receipts as ascertained for first three quarters of the year and approximated for the last quarter on basis of prior quarters.

INCREASE OF OFFICERS.

In the campaign of 1884 much was said upon the stump by the supporters of Mr. Cleveland about the army of unnecessary and over-paid officials fastened like barnacles upon the public Treasury, and the necessity for whose removal justified the election of Mr. Cleveland. In the light of this statement and the pledges of the Democratic party, I call attention to the new offices created by legislation since Mr. Cleveland was inaugurated. I hold in my hand a statement of the Clerk of the House of Representatives and Secretary of the Senate, made under the act of 1836; and from that statement and from an examination of the laws passed at this session it appears that there has been an increase of 799 new offices under this Administration; that the aggregate annual pay of 675 of these is $762,216.50, while 124 of them receive per diem pay estimated at an aggregate of $100,000 per annum. This statement does not include an army of additional employés provided for under his administration in the navy-yards, in public buildings, in the customs service, and the postal service.

I will attach to these remarks a statement in detail touching this increase of officers and increase of salaries, of which I will speak presently, as an appendix. Twenty-five of these new officials are to be found in the Agricultural Department, 45 in the office of the Secretary of the Interior, 35 in the General Land Office, and 100 in the Patent Office.

In the fluctuations of the service of the Government, in fairness I should state there has been some decrease in offices, but of slight consequence in comparison with the increases.

INCREASE OF SALARIES.

From this same official statement it appears that under Mr. Cleveland's administration the salaries of 350 officials have been increased, at an annual cost of $52,431.90. And after careful examination of this document and of the laws passed, I find that the number of salaries reduced under this Administration is 0, and the annual saving by reduction of salaries, 0.

Mr. Speaker, where, oh where is my honorable and honored friend from Indiana, Judge HOLMAN? Why is his harp hanging on the willow? Why are the economists on the other side silent? What has become of the startling statements that vexed the ear but four short years ago, that salaries of public officials were extravagant and extortionate, and should be reduced if the Democratic party came into its kingdom?

I note a few of the increases of salaries: In the Agricultural Department, a botanist, who received $1,800 a year during all the past, is now increased to $2,000; a microscopist, from $1,800 to $2,000; an assistant entomologist, from $1,400 to $1,800; and the Commissioner of Agriculture himself has an increase of $500 thrust into his unwilling pocket, making his salary $5,000 per annum.

I do not object to paying proper salaries; but are the loins of these Democratic office-holders thicker than were the loins of their Republican predecessors? Are they more competent? Are they more vigilant? Do they perform better service for the Government? I am willing to let the public answer these questions.

CLEVELAND'S RECORD ON THE SURPLUS AND FINANCE.

Mr. Speaker, I will present the facts connected with and covering the fiscal policy of this Administration, and when presented I will ask the members of the House and others to draw the proper conclusions from the facts I shall present. For after all, actions of men and public officials speak louder than words. Professions of economy and otherwise can be made by any one. But "it is not every one that sayeth, Lord, Lord, shall enter into the kingdom."

Mr. Cleveland, on the 25th of February, 1885, before he was inaugurated as President, wrote a letter to Hon. A. J. Warner, then a member of the House, in which, at considerable length, he argued the necessity, which he claimed to be immediate and imperative, of instant legislation authorizing the suspension of the coinage of silver. If Congress failed to give that legislation and give it at once, he predicted bankruptcy and destruction to the business interests of the country. I know of no public paper, not excepting his last annual message to Congress, that was so positive in its statements and direct in its conclusions as his letter to General Warner. Congress refused the legislation, and has refused it since. And the country still survives.

Further than this, Mr. Cleveland, in his first annual message to Congress, December, 1886, strongly recommended legislation authorizing the discontinuance of the coinage of silver. More than that, he appointed Mr. Manning as his Secretary of the Treasury; and Mr. Manning, in his first report, at great length sought to convince the judgment of Congress and of the country that it was absolutely necessary to enact legislation authorizing the suspension of silver coinage and the retirement of United States Treasury notes, commonly called greenbacks. In addition to all this, it is in the recollection of gentlemen that the President's chosen friend and representative, Manton Marble, was sent to Europe to discuss the problem of bimetalism, and a little later on Congress was deluged with the result of his observations and a strong recommendation for the suspension of silver coinage.

In all this Mr. Cleveland had proved himself to be in harmony with and active for the interests of those citizens of the United States who mostly center in and congregate about Wall street; who have fixed incomes, large blocks of wealth, and are interested in having the purchasing power of their money appreciated.

THE SURPLUS.

From the time of Cleveland's inauguration to the present, in almost all of his messages and public utterances to Congress and otherwise, he has discoursed upon the subject of the surplus in the Treasury. The surplus has been his care by day and his burden by night.

I desire to examine the facts touching the surplus in the Treasury, its accumulation, and the reasons therefor. It had always been the policy of the Republican party to use the surplus revenues in the payment of the interest-bearing indebtedness of the United States. So thoroughly did President Arthur carry out this policy that on the 4th day of March, 1885, when Cleveland was inaugurated, as shown by the finance report of 1885, pages 12 and 13, the net cash balance (surplus) in the Treasury was only $8,764,590.11.

I here insert in these remarks a statement of the net cash balance, or surplus, in the Treasury on the last day of each month from July 31, 1885, to August 31, 1888, inclusive, as follows:

Net cash (surplus in Treasury) on dates stated, as shown by public debt statements.

March 4, 1885, commencement of Cleveland's administration. (Finance Report, 1885, pages xii, xiii)	$8,764,590.11
July 31, 1885	44,052,929.35
August 31, 1885	49,716,572.69
September 30, 1885	63,903,106.30
October 31, 1885	66,818,292.38
November 30, 1885	61,930,595.34
December 31, 1885	71,018,872.23
January 31, 1886	79,689,862.24
February 28, 1886	72,298,202.92
March 31, 1886	76,381,099.54
April 30, 1886	77,030,999.35
May 31, 1886	76,142,611.33
June 30, 1886	75,191,109.95
July 31, 1886	80,206,325.98
August 31, 1886	76,527,561.24
September 30, 1886	67,896,321.01
October 31, 1886	52,783,199.98
November 30, 1886	40,093,556.22
December 31, 1886	42,196,632.77
January 31, 1887	27,780,050.87
February 28, 1887	19,148,975.45
March 31, 1887	21,859,983.51
April 30, 1887	34,886,038.20
May 31, 1887	23,951,692.44
June 30, 1887	40,853,369.28
July 31, 1887	45,698,594.15
August 31, 1887	44,760,908.86
September 30, 1887	45,269,665.15
October 31, 1887	56,758,704.83
November 30, 1887	55,258,701.19
December 31, 1887	69,842,879.11
January 31, 1888	85,230,746.09
February 29, 1888	92,987,796.82
March 31, 1888	104,573,930.34
April 30, 1888	110,244,969.60
May 31, 1888	94,706,617.08
June 30, 1888	103,220,464.71
August 31, 1888	107,673,320.92

From the above it will be seen that by July 31, 1885, the surplus had increased from $8,000,000, in round numbers, on the 4th of March, 1885, to $44,000,000, in round numbers. Month by month it steadily increased, until the 31st day of December, 1885, it had amounted up to $71,000,000, and on the 31st day of July, 1886, to $80,000,000.

There were outstanding, payable at the option of the Government, when Grover Cleveland was inaugurated, $194,000,000 of 3 per cent. interest-bearing bonds. Instead of paying these bonds with the surplus in the Treasury, the President allowed the surplus to accumulate until in July, 1886, the House and Senate united in passing an act directing that when the surplus or net cash balance in the Treasury exceeded $20,000,000 the President of the United States should call and pay not less than $10,000,000 of 3 per cent. bonds per month. Mr. Manning, then Secretary of the Treasury, insisted that in addition to the $100,000,000 in specie held for the redemption of greenbacks there should be a working balance of $20,000,000 in the surplus fund. Congress agreed with him, and so passed the act. This was near the close of the first session of the last Congress, the Forty-ninth. The act went to the President for his approval; and setting a precedent which he has followed in many instances since, he held it for ten days, as he might under the Constitution, knowing that Congress would adjourn before that time. In other words, he gave it a pocket veto. And the surplus remained in the Treasury, and the bondholder still continued to draw his interest on his bond.

However, the Congressional elections were approaching in November, 1886, and this action upon the part of the President aroused so much indignation throughout the country that, for the purpose of affecting the elections, as I charge and believe, and perhaps also in compliance with a positive public opinion, he proceeded to call and pay the 3 per cent. bonds in installments. If he had used the surplus in the Treasury to call and pay the 3 per cent. bonds they would all have been paid in October, 1886, and the most of them long prior to that time. And the truth is, they were not called and paid in full until July, 1887. If this idle money in the Treasury had been promptly paid upon 3 per cent. interest-bearing bonds the people would have

saved $4,000,000, in round numbers, of interest that had to be paid on account of the action, or rather the non-action, of the President.

On the 31st day of August, 1887, with the 3 per cent. bonds all paid, the surplus had again mounted up to $44,000,000. There were two policies open to the President to pursue. One was to purchase 4½ per cent. interest-bearing bonds, due the 1st of September, 1891, of which there were then outstanding $244,000,000, and of which there is now outstanding $220,000,000; or the bonds bearing 4 per cent. interest, due on the 1st of July, 1907, of which there are outstanding over $700,000,000; or the bonds bearing 6 per cent. interest, due in 1895 and 1896, of which there were then and are now outstanding $64,000,000. The interest-bearing 4½ per cent. bonds due in September, 1891, were worth, on the 1st day of September, 1887, 8½ per cent. premium. It cost to buy a $100 bond on the 1st of September, 1887, $108.50. It will cost to pay a $100 bond on the 1st of September, 1891, $100. In the mean time four years' interest at 4½ per cent. will have been paid, amounting to $18; total, $118. The purchase of these bonds with the surplus on the 1st of September, 1887, would have saved to the pockets of the people $9.50 on every $100 bond.

The other policy open to the President was to pile up the surplus revenues in the Treasury. He chose the latter policy. But as the money lay idle in the Treasury withdrawn from circulation, as a part of that policy he chose to deposit in the national banks, about two hundred and fifty in number, $60,000,000 of this surplus, without interest. Ever since the organization of the national banks the President has been authorized to use such banks as the necessities of the Government required, as public depositories. But always before this Administration they were only used as national depositories when the necessities of the Government demanded that they should be so used. The law provides that, as security for the Government deposit, the bank shall deposit with the Secretary of the Treasury United States bonds, and under the practice and regulation of Republican administrations the average deposit was $80 of money to $100 of bond security. Mr. Cleveland's administration, to make it easy for the banks and get the money back into circulation, increased the deposit of money upon the bond security filed by the banks to $100 and $110 for every $100 bond deposited. In the very nature of things this increased the value of the bond; because it gave them another and more valuable use than they had before. These banks were loaded up with Government deposits through the Western National Bank of New York, which was organized and conducted by Mr. Cleveland's late Secretary of the Treasury, Mr. Manning, and his late Treasurer of the United States, Mr. Jordan, the latter of whom still conducts that bank.

Mr. Speaker, I find myself inquiring, why the President adopted the policy of accumulating this large surplus in the Treasury when he could have saved to the people over $8,000,000 by purchasing the 4½ per cent. bonds. Let facts answer the inquiry.

The President devoted the whole of his annual message at the beginning of this Congress, in December last, to the discussion of revenue legislation, practically recommending a revision of the tariff from the standpoint of revenue only, and urged the absolute necessity therefor arising from the existence of the large surplus in the Treasury which he himself had with so much pains artificially accumulated. In this message, anticipating that he would be criticised for not purchasing the 4½ per cent. interest-bearing bonds, he professed to doubt his authority to do so for the reason that the legislation was enacted upon an appropriation bill, forgetting or not knowing that over half of all the legislation resting upon the Federal statute-books was enacted upon appropriation bills; forgetting, too, as it seems to me, that the provision under which he draws his salary of $50,000 a year was enacted upon an appropriation bill. I read the law of 1881 so that the House and the country can again see whether there was doubt, legitimate doubt, touching its efficacy and permanent force. It is as follows:

That the Secretary of the Treasury may, at any time, apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds, provided that the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be redeemed and canceled.

It was so clearly the judgment of Congress that these bonds should be purchased with the surplus deposited in the national banks and in the Treasury, that on the 29th day of February of this year the House of Representatives, so far as it could, by its passage through the House, re-enacted the law of 1881. It went to the Senate. The Senate amended the House bill by providing for an increased coinage of silver, and sent it back to the House for its approval. The President, still retaining his dislike, amounting to almost hatred, for silver coinage, made haste to procure non-action upon the Senate amendment by the House; and to let himself down from the false position he had placed himself in by his message, and if possible relieve himself from adverse criticism for his failure to purchase interest-bearing bonds of the Government, through his friends in the House secured the passage of a resolution declaring, as the sense of that body, that the law of 1881 gave him the authority to purchase bonds with the surplus. This declaratory resolution was passed on the 16th of April last. Since that time the President has purchased $18,000,000 of 4 per cent. bonds and $8,000,000 of 4½ per cent. bonds; and that is all. In the mean time the surplus in the Treasury increased until, on the 31st day of August last, it amounted to $107,000,000.

The $220,000,000 of bonds of the United States due in September, 1891, three years from now, can be bought to-day at 6½ per cent. premium. Why does not the President buy them? Of this $107,000,000 surplus $20,000,000, as claimed by the Treasury Department, should be held for a working balance, leaving the surplus that could be devoted to the purchase of bonds at $87,000,000. If applied to the purchase of $80,000,000 of 4½ percents the account would stand as follows:

If these bonds are not purchased, but run to maturity, it will cost to pay $80,000,000, the principal, 1st of September, 1891, $80,000,000; with three years' interest added, $10,800,000; making total $90,800,000. If purchased to-day, with the surplus, at 6½ per cent. premium, it will cost to pay for the same, $85,200,000, thus saving by the purchase thereof $5,600,000.

This would place the money now idle in the Treasury and deposited in the national banks in circulation among the people. What objection, what valid objection, to the purchase of these bonds can be made by the President or any one else? It is true, if the money were so expended it would effectually dispose of the surplus in the Treasury, and the revenues for the coming year would but slightly exceed the expenditures under the appropriations we have made during this Congress for the public service. It is true, too, that if this policy were pursued there would be no surplus with which to alarm the country. The artificial foundation which the President has built up to stand upon while he demands a revision of the tariff laws from the free-trade standpoint, would be swept away. It would then be out of his power to satisfy the free-trade sentiment in the South by harping about the surplus and the necessity for its reduction. It would seriously inconvenience the pet national banks of the Administration who now enjoy the $60,000,000 of deposits without interest. It would disgust the great importing interest of New York, that has its head and pocket in Europe and one of its hands in New York ready to gather profit by the increased importation of foreign goods and the levying of commissions on the sale thereof in the United States.

Mr. Speaker, I say again there is but one correct course to pursue. Call in that portion of the surplus deposited with the national banks. That will relieve, in round numbers, $60,000,000 of bonds held for its security, and we will thus lower the price of the bonds that the Administration should purchase under the law.

Mr. Speaker, in conclusion let me say I have hurriedly stated some facts concerning the fiscal policy of the Government under this Administration. When fully understood throughout the length and breadth of the country by the masses of the people they will correctly determine the reason why the President adopted such a policy.

Let me give my opinion now. The President came into power under a declaration in favor of one term, pointing out with great clearness the danger to the Republic from a second term, reflecting the sentiment expressed in the last clause of the fifth resolution of the national Democratic platform of 1872, which says: "It is imperatively required that no President shall be a candidate for re-election." No sooner was he elected, however, and inaugurated, than he began to pave the way for a renomination and, as he hoped, a re-election to the Presidency. The solid South, in favor of a tariff for revenue only, and New York, New Jersey, and Connecticut, or their equivalent, would not only dictate his nomination, but, as he hoped, insure his election. And I am justified in saying, from the facts above detailed, that his fiscal policy was deliberately entered upon to satisfy the South, force a revision of the tariff from the standpoint of revenue only, and at the same time to secure the influence of the great wealth concentrated in our commercial metropolis of New York, including the importing interests of the country.

Mr. Garfield, in addressing the House at one time touching the appropriations for the support of the Government and the raising of the necessary revenue to pay the same, said:

A very wise man said many years ago concerning the finances of a European kingdom that if one of their annual budgets alone should survive the next deluge, if it were the only fragment left after dry land appeared, from that annual budget alone could be read and reconstructed the entire history of the nation.

I indorse the correctness of this statement, and assert that from the budgets covering the appropriations and the fiscal policy of this Administration, from the President's message to this Congress, from the President's policy in piling up the surplus in the Treasury instead of paying the bonds, and later purchasing the bonds, and from his recommendations from time to time touching the fiscal relations of the Government, that he deliberately conspired to weld the solid South together with Wall street, and upon the structure thus erected climb into a second term as President of the United States.

A word in conclusion. I do not believe that the revenues can be safely reduced, with the appropriations for 1889 staring us in the face, to the amount of $75,000,000, or $50,000,000, or even $30,000,000 per annum. If the Republican party comes into power, I have no doubt that with its experience, the intelligence of the people composing it, and their devotion to the country, it will be enabled to administer the affairs of the Government with greater economy and greater efficiency

and that we can materially reduce the expenditures of the Government. Yet at least in one direction we would have to increase the expenditures of the Government under the pledges made in our platform and to carry out the real desire of the party. We are pledged to the enactment of laws giving just pensions to the soldiers of the late war. And as one member of that party, while I am in public life representing the people I will not be content until the soldiers of the late war are placed at least in as favorable a condition as to pensions by the laws of the country which they preserved as the soldiers of the Mexican war. In my opinion the tariff can not be successfully revised with safety to our industrial interests and to labor until it is revised by that party under whose policy the industries of the country have been diversified, and while I believe the friends of protection can and will amend our revenue laws as wisdom shall dictate, yet it is true according to present appropriations and expenditures there can not be any great reduction of revenues without causing a deficiency. I thank the House for its attention.

APPENDIX.

New offices created during the Forty-ninth and Fiftieth Congresses.

FORTY-NINTH CONGRESS, FIRST SESSION.

Title.	No.	Compensation per annum.
MISCELLANEOUS.		
Congressional Library Commission, persons actually employed January 21, 1888:		
Secretary	1	$1,800.00
Accountant and clerk	1	1,500.00
Disbursing agent	1	2,500.00
Architect	1	5,000.00
Messenger	1	720.00
Assistant architect	1	3,000.00
Computer	1	1,500.00
Civil engineer and expert, at $6 per day each	2	
Expert and chief draughtsman, at $7 per day each	2	
Draughtsman, at $5 per day each	3	
Draughtsman, at $4 per day	1	
Draughtsman, at $2 per day	1	
Draughtsman, at $150 per month	1	
Clerk, at $120 per month	1	
Messenger, at $60 per month	1	
Messenger, at $2 per day	1	
Sculptor, at $5 per day	1	
Foreman, at $4 per day	1	
Time-keeper and clerk, at $90 per month	1	
Weigher, at $75 per month	1	
Carpenters, at $3 per day each	2	
Watchmen, at $60 per month each	7	
Laborers, at $1.50 per day	8	
Registers and receivers for two additional land districts in Nebraska and one in Colorado, at $500 each and fees	6	18,000.00
AGRICULTURAL DEPARTMENT.		
Assistant fireman	1	500.00
Pomologist	1	2,000.00
Assistant microscopist	1	1,000.00
Assistant entomologist or clerk	1	1,600.00
Do	1	1,400.00
Chief of forestry division	1	2,000.00
CONSULAR SERVICE.		
Consul at Ningpo, China	1	3,000.00
Clerks to consulates, at $480 each	2	960.00
DISTRICT OF COLUMBIA.		
Clerk	1	1,200.00
Do	1	1,000.00
Watchman	1	365.00
Female keeper of workhouse	1	300.00
Do	1	180.00
Teacher workhouse	1	300.00
Policemen, at $900 each	10	9,000.00
Drivers of patrol wagons, at $360 each	2	720.00
Laborer	1	400.00
Janitors of school buildings, at $500 each	3	1,500.00
MONTANA TERRITORY.		
Additional associate justice	1	3,000.00
UNITED STATES SENATE.		
Messenger	1	1,440.00
CIVIL SERVICE COMMISSION.		
Clerk	1	1,600.00
Clerks, at $900 each	2	1,800.00
STATE DEPARTMENT.		
Telegraph operator	1	1,200.00
TREASURY DEPARTMENT.		
Secretary's office:		
Assistant messengers	3	2,160.00
Fireman	1	660.00
Coal passer	1	500.00
Charwomen, at $240 each	5	1,200.00
Laborers, at $500 each	4	2,000.00
Clerks, $1,400 each	2	2,800.00
Clerk	1	1,000.00

New offices created during the Forty-ninth and Fiftieth Congresses—Continued.

FORTY-NINTH CONGRESS, FIRST SESSION—continued.

Title.	No.	Compensation per annum.
TREASURY DEPARTMENT—continued.		
Secretary's office—continued:		
Clerks, at $900 each	2	$1,800.00
Messenger	1	840.00
Laborers, at $660 each	2	1,320.00
Laborer	1	550.00
Office First Comptroller:		
Clerks, at $1,600 each	2	3,200.00
Clerk	1	1,400.00
Skilled laborer	1	840.00
Second Auditor's Office:		
Messenger	1	840.00
Treasurer's office:		
Vault clerk	1	2,500.00
Clerk	1	1,800.00
Custodian	1	2,400.00
Distributor of stock	1	1,200.00
Messenger	1	840.00
Pressmen, at $1,200 each	2	2,400.00
Separators, at $660 each	3	1,980.00
Subcustodians, at $1,600 each	2	3,200.00
Folders, at $660 each	3	1,980.00
Subtreasury, Philadelphia:		
Watchmen, at $720 each	2	1,440.00
WAR DEPARTMENT.		
Laborer	1	660.00
Charwomen, at $240 each	4	960.00
Watchmen in public reservations, at $660 each	2	1,320.00
NAVY DEPARTMENT.		
Carpenter	1	900.00
Watchman	1	720.00
Assistant draughtsman	1	1,600.00
INTERIOR DEPARTMENT.		
Secretary's Office:		
Members board pension appeals, at $2,000	6	12,000.00
Special inspectors public land service, at $2,500 each	2	5,000.00
Clerk	1	1,600.00
Clerks, at $1,200 each	3	3,600.00
Telephone operator	1	660.00
Charwomen, at $240 each	4	960.00
General Land Office:		
Law examiners, at $2,000 each	2	4,000.00
Clerk	1	1,000.00
Copyists, at $900 each	6	5,400.00
Patent Office:		
Examiners, at $2,400 each	4	9,600.00
Examiners, at $1,800 each	4	7,200.00
Examiners, at $1,600 each	8	12,800.00
Examiners, at $1,400 each	11	15,400.00
Examiners, at $1,200 each	15	18,000.00
Skilled laborers, at $720 each	30	21,600.00
Messenger boys, at $360 each	15	5,400.00
Bureau of Labor:		
Clerks, at $1,800 each	2	3,600.00
Clerks, at $1,00 each	2	3,200.00
Clerks, at $1,400 each	2	2,800.00
Clerks, at $1,200 each	4	4,800.00
Clerks, at $1,000 each	2	2,000.00
Copyists, at $900 each	2	1,800.00
Copy-holders, at $720 each	2	1,440.00
Assistant messenger	1	720.00
Do	1	600.00
Watchman	1	720.00
Skilled laborer	1	600.00
Charwomen, at $240 each	2	480.00
Special agents, at $1,400 each	18	25,200.00
POST-OFFICE DEPARTMENT.		
Clerk	1	1,600.00
Do	1	1,400.00
Watchmen, at $720 each	4	2,880.00
Laborers, at $660 each	3	1,980.00
Charwomen, at $240 each	3	720.00
STATE OF ALABAMA.		
Additional district judge	1	3,500.00

FORTY-NINTH CONGRESS, SECOND SESSION.

MISCELLANEOUS.		
Additional United States circuit judge	1	$6,000.00
Additional land office in Wyoming Territory, register and receiver, at $500 each, and fees	2	6,000.00
INTERSTATE COMMERCE COMMISSION.		
Commissioners, at $7,500	5	37,500.00
Secretary	1	3,500.00
NEW MEXICO TERRITORY.		
Additional associate justice	1	3,000.00

New offices created during the Forty-ninth and Fiftieth Congresses—Continued.

FORTY-NINTH CONGRESS, SECOND SESSION—continued.

Title.	No.	Compensation per annum.
DIPLOMATIC AND CONSULAR SERVICE.		
Secretary of legation and consul-general at Corea	1	$1,500.00
Consuls, at $2,500 each	4	10,000.00
Consuls, at $2,000 each	9	18,000.00
Consuls, at $1,500 each	9	13,500.00
AGRICULTURAL DEPARTMENT.		
Draughtsman	1	2,000.00
Assistants in folding-room, at $600 each	2	1,200.00
Clerk	1	660.00
Watchmen, at $720 each	2	1,440.00
Botanical clerk	1	840.00
Chief of section	1	2,000.00
Assistant	1	1,400.00
Clerk	1	1,000.00
Ornithologist	1	2,500.00
Assistant ornithologist	1	1,600.00
Assistant	1	1,500.00
Clerk	1	1,200.00
Do	1	660.00
Do	1	600.00
DISTRICT OF COLUMBIA.		
Janitors, school buildings, at $500 each	2	1,000.00
Policemen, at $900 each	10	9,000.00
Drivers of patrol wagons, at $360 each	2	720.00
NAVY DEPARTMENT.		
Under a general provision contained in the naval appropriation act authority is given to employ and pay from appropriations for increase of the Navy, without limit as to number or compensation, draughtsmen, clerks, and other employés. On April 7, 1888, as shown by the report on the legislative appropriation bill of this session, there were employed under this authority ninety persons at compensation ranging from $1.50 to $5.50 per day	90	.....
HOUSE OF REPRESENTATIVES.		
Assistant file clerk	1	900.00
CIVIL-SERVICE COMMISSION.		
Clerk	1	1,000.00
TREASURY DEPARTMENT.		
Charwomen, at $240 each	10	2,400.00
Second Auditor's Office:		
Clerks, at $1,300 each	2	3,600.00
Clerks, at $1,600 each	2	3,200.00
Charwomen, at $240 each	2	480.00
Sixth Auditor's Office:		
Assorter of money orders	1	720.00
Laborer	1	660.00
Treasurer's Office:		
Pressmen, at $1,200 each	2	2,400.00
Separators, at $660 each	7	4,620.00
Feeders, at $660 each	6	3,960.00
Clerk in subtreasury at New Orleans	1	1,200.00
WAR DEPARTMENT.		
Clerk to retired General of the Army	1	1,600.00
INTERIOR DEPARTMENT.		
Additional members board pension appeals, at $2,000 each	3	6,000.00
Clerks, at $1,400 each	2	2,800.00
Clerks, at $1,200 each	3	3,600.00
Clerks, at $1,000 each	4	4,000.00
Copyists, at $900 each	2	1,800.00
Assistant messengers, at $720 each	2	1,440.00
Laborers, at $660 each	2	1,320.00
Law clerks, at $2,000 each	3	6,000.00
Clerks, at $2,000 each	2	4,000.00
COURT OF CLAIMS.		
Clerks, at $1,200 each	2	2,400.00
Total, Forty-ninth Congress	520	490,115.00

FIFTIETH CONGRESS, FIRST SESSION.

Title.	No.	Compensation per annum.
HOUSE OF REPRESENTATIVES.		
Clerk to the Speaker	1	$1,600.00
Clerks, at $1,200 each	2	2,400.00
Clerks, at $1,000 each	4	4,000.00
Clerks, at $800 each	2	1,600.00
Clerk, to continue Digest of Claims	1	2,000.00
Committee clerks, at $6 per day each during the session	8	5,804.00
SENATE.		
Clerks to committees, at $2,220 each	2	4,440.00
Messenger	1	1,800.00

New offices created during the Forty-ninth and Fiftieth Congresses—Continued.

FIFTIETH CONGRESS, FIRST SESSION—continued.

Title.	No.	Compensation per annum.
SENATE—continued.		
Messenger	1	$1,440.00
Carpenters, at $960 each	2	1,920.00
Page, at $2.50 per day during the session	1	302.50
Conductor of elevator	1	1,200.00
Machinist	1	1,000.00
Laborer	1	720.00
STATE DEPARTMENT.		
Clerk	1	1,400.00
Assistant messenger	1	720.00
TREASURY DEPARTMENT.		
Second Auditor's Office:		
Fireman	1	720.00
Third Auditor's Office:		
Laborer	1	660.00
INDEPENDENT TREASURY.		
Boston, clerk	1	1,000.00
Chicago, clerk	1	1,500.00
Do	1	1,200.00
New Orleans, paying teller	1	2,000.00
New Orleans, clerk	1	1,200.00
St. Louis, clerk	1	1,000.00
WAR DEPARTMENT.		
Surgeon-General's Office:		
Engineer	1	1,400.00
Assistant enginer	1	900.00
Firemen, at $720 each	2	1,440.00
Clerk to retired General	1	1,600.00
STATE, WAR, AND NAVY BUILDING.		
Assistant engineers, at $1,000 each	2	2,000.00
Watchmen, at $720 each	10	7,200.00
Plumber	1	900.00
Painter	1	900.00
Skilled laborers, at $720 each	2	1,440.00
Firemen, at $720 each	7	5,040.00
Conductors of elevators, at $720 each	4	2,880.00
Laborers, at $660 each	3	1,980.00
Charwomen, at $240 each	26	6,240.00
NAVY DEPARTMENT.		
Computer, Naval Observatory	1	1,200.00
Assistant draughtsman	1	1,400.00
Clerk	1	1,200.00
Copyist	1	900.00
Clerk	1	1,800.00
Clerks, at $1,200 each	4	4,800.00
Clerk for naval records	1	1,200.00
Copyists, at $720 each	3	2,160.00
INTERIOR DEPARTMENT.		
Secretary's Office:		
Carpenters, at $900 each	2	1,800.00
Law clerks, at $2,000 each	3	6,000.00
General Land Office:		
Principal examiners, at $2,000 each	10	20,000.00
Clerk	1	1,830.00
Clerks, at $1,600 each	4	6,400.00
Clerks, at $1,400 each	3	4,200.00
Clerks, at $1,200 each	2	2,400.00
Clerks, at $1,000 each	5	5,000.00
Assistant messenger	1	720.00
Indian Office:		
Clerks, at $1,200 each	3	3,600.00
Patent Office:		
Principal examiners, at $2,400 each	2	4,800.00
Clerks, at $1,200 each	10	12,000.00
Draughtsman	1	1,000.00
POST-OFFICE DEPARTMENT.		
Office Postmaster-General:		
Assistant messenger	1	720.00
Office First Assistant Postmaster-General:		
Clerk	1	1,400.00
Clerks, at $1,200 each	3	3,600.00
Office Third Assistant Postmaster-General:		
Clerk	1	1,000.00
Dead Letter Office:		
Clerks, at $900 each	3	2,700.00
Money-Order Office:		
Clerks, at $1,200 each	2	2,400.00
Office of Mail Depredations:		
Clerk	1	1,000.00
Topographer's office:		
Charwoman	1	240.00
DEPARTMENT OF JUSTICE.		
Clerk	1	1,400.00
Clerk	1	1,200.00
Charwomen, at $240 each	2	480.00
TERRITORIES.		
Utah, associate judge	1	3,000.00

New offices created during the Forty-ninth and Fiftieth Congresses—Continued.

FIFTIETH CONGRESS, FIRST SESSION—continued.

Title.	No.	Compensation per annum.
DEPARTMENT OF LABOR.		
Disbursing clerk	1	$1,800.00
Clerks, at $1,800 each	2	3,600.00
Clerks, at $1,600 each	3	4,800.00
Clerks, at $1,400 each	4	5,600.00
Clerks, at $1,200 each	4	4,800.00
Clerks, at $1,000 each	3	3,000.00
Messenger	1	840.90
Watchmen, at $720 each	2	1,440.00
Special agents, at $1,600 each	2	3,200.00
DISTRICT OF COLUMBIA.		
Collector's office:		
Clerks, at $1,200 each	2	2,400.00
Metropolitan police:		
Lieutenant	1	1,320.00
Sergeants, at $1,140 each	2	2,280.00
Privates, at $900 each	30	27,000.00
Station-keepers, at $720 each	2	1,440.00
Laborer	1	480.00
Patrol-wagon driver	1	360.00
Fire Department:		
Foremen, at $1,000 each	2	2,000.00
Engineer	1	1,000.00
Fireman	1	840.00
Hostler	1	840.00
Privates, at $800 each	6	4,800.00
Watchman	1	600.00
Telegraph and telephone service:		
Expert repairman	1	$960.00
Public schools:		
Janitors, at $500 each	6	3,000.00
Janitors, at $250 each	5	750.00
Janitors, at $165 each	9	1,485.00
AGRICULTURAL DEPARTMENT.		
Clerk to disbursing officer	1	1,400.00
Assistant botanist	1	1,400.00
Clerk pomological division	1	1,000.00
DIPLOMATIC AND CONSULAR SERVICE.		
Secretaries of legation to Argentine Republic and Venezuela, at $1,500 each	2	3,000.00
Commercial agent at Boma, in the Lower Congo Basin	1	4,000.00
Consular clerks at Toronto and Brussels, at $800 each	2	1,600.00
Grand total	799	762,216.50

NOTE.—One hundred and twenty-four of the new offices above referred to include thirty-four under the Congressional Library Commission and ninety under the Navy Department who are paid per diem compensation, the aggregate of which, being indefinite, is not included in the above sum total of $762,216.50.

Salaries increased during the Forty-ninth and Fiftieth Congresses.

FORTY-NINTH CONGRESS, FIRST SESSION.

Title.	No.	Increase per annum.
FOREIGN SERVICE.		
Consul at Friendly and Navigator's Islands, from $1,500 to $2,000	1	$500.00
Consul-general at Halifax, Nova Scotia, from $3,000 to $3,500	1	500.00
SENATE.		
Committee clerk, from session to annual pay	1	1,230.00
Secretary to Vice-President, from $2,102.40 to $2,220	1	117.60
HOUSE OF REPRESENTATIVES.		
Committee clerks, from session to annual pay	2	2,020.00
Page, from session to annual pay	1	487.50
INTERIOR DEPARTMENT.		
Indian Office:		
Assistant Commissioner of Indian Affairs, at $3,000, in lieu of chief clerk, at $2,000	1	1,000.00
General Land Office:		
Law clerks, from $2,000 to $2,200 each	2	400.00
AGRICULTURAL DEPARTMENT.		
Botanist, from $1,800 to $2,000	1	200.00
Microscopist, from $1,800 to $2,000	1	200.00
Assistant entomologist, from $1,400 to $1,800	1	400.00
DISTRICT OF COLUMBIA.		
Law clerk, from $960 to $1,000	1	40.00
Assistant attorney, from $960 to $1,100	1	140.00
Firemen, fire department, from $800 to $840	7	280.00
Tillermen, fire department, from $800 to $840	2	80.00
Hostlers, from $800 to $840	9	360.00
Privates, fire department, from $780 to $800	60	1,200.00
Veterinary surgeon, from $300 to $400	1	100.00
Janitor, school building, from $800 to $1,100	1	300.00
Janitor, school building, from $600 to $900	1	300.00
Clerk, from $1,200 to $1,400	1	200.00

Salaries increased during the Forty-ninth and Fiftieth Congresses—Continued.

FORTY-NINTH CONGRESS, FIRST SESSION—continued.

Title.	No.	Increase per annum.
LIBRARY OF CONGRESS.		
Assistants, from $480 to $600	2	$240.00
TREASURY DEPARTMENT.		
Inspector of electric-light plants at $1,900 in lieu of a clerk at $1,600	1	300.00
Charwomen, from $180 to $240	85	5,100.00
Additional to bookkeepers, $100 each	2	200.00
Chief of warrant division, from $2,750 to $3,000	1	250.00
WAR DEPARTMENT.		
Charwomen, from $180 to $240	2	120.00
STATE, WAR, AND NAVY BUILDING.		
Charwomen, from $180 to $240	54	3,240.00
POST-OFFICE DEPARTMENT.		
Superintendent free delivery, from $2,100 to $2,500	1	400.00
Charwomen, from $180 to $240	19	1,140.00
DEPARTMENT OF JUSTICE.		
Engineer, from $1,000 to $1,200	1	200.00
Charwomen, from $180 to $240	5	300.00

FORTY-NINTH CONGRESS, SECOND SESSION.

FOREIGN SERVICE.		
Interpreter to legation in Turkey, from $2,500 to $3,000	1	$500.00
Consul at Antwerp, from $2,500 to $3,000	1	500.00
Consular clerk, from $1,000 to $1,200	1	200.00
SENATE.		
Clerk to committee at annual instead of session pay	1	1,230.00
Assistant clerk to committee, from $1,600 to $1,800	1	200.00
Assistant doorkeeper, from $1,600 to $1,800	1	200.00
Superintendent document-room, from $2,592 to $3,000	1	408.00
Page in document-room, from $720 to $900	1	180.00
HOUSE OF REPRESENTATIVES.		
Private secretary to Speaker, from $1,800 to $2,102.40	1	302.40
Clerk to Speaker's table, from $1,600 to $2,102.40	1	502.40
Clerks, from $3,000 to $3,600 each	4	2,400.00
Disbursing clerk, from $2,250 to $2,500	1	250.00
Committee clerk, from $2,500 to $3,000	1	500.00
Assistant committee clerk, from $1,200 to $1,600	1	400.00
WEST POINT MILITARY ACADEMY.		
Clerk to disbursing officer, from $1,200 to $1,500	1	300.00
Clerk to adjutant, from $1,200 to $1,500	1	300.00
DISTRICT OF COLUMBIA.		
Assistant attorney, from $1,100 to $1,200	1	100.00
Law clerk, from $1,000 to $1,200	1	200.00
Janitor school building, from $500 to $700	1	200.00
Laborers, from $420 to $480	8	480.00
TREASURY DEPARTMENT.		
Clerk to the Secretary of the Treasury, from $2,000 to $2,400	1	400.00
POST-OFFICE DEPARTMENT.		
Superintendent free delivery, from $2,500 to $3,000	1	500.00

FIFTIETH CONGRESS, FIRST SESSION.

HOUSE OF REPRESENTATIVES.		
Assistant librarians, from $1,440 to $1,800 each	2	$720.00
Electrician, from $1,150 to $1,250	1	100.00
Annual instead of session clerk to the Committee on Elections	1	1,280.00
SENATE.		
Annual instead of session clerk to committee	1	1,494.00
Assistant in document-room, from $900 to $1,200	1	300.00
LIBRARY OF CONGRESS.		
Assistant, from $960 to $1,400	1	440.00
TREASURY DEPARTMENT.		
First Comptroller's Office:		
Clerks, from $1,600 to $1,800	2	400.00
Clerks, from $900 to $1,200	3	900.00

Salaries increased during the Forty-ninth and Fiftieth Congresses—Continued.

FIFTIETH CONGRESS, FIRST SESSION—continued.

Title.	No.	Increase perannum.
TREASURY DEPARTMENT—continued.		
Bureau of Navigation:		
Clerk, acting deputy commissioner, from $1,800 to $2,000		$200.00
Mint Bureau:		
Clerk, from $900 to $1,200	1	300.00
Examiner, from $2,300 to $2,500	1	200.00
Computer, from $2,200 to $2,500	1	300.00
WAR DEPARTMENT.		
Judge-Advocate-General's Office:		
Chief Clerk, from $1,800 to $2,000	1	200.00
Office Architect of the Capitol:		
Watchmen, from $720 to $840 each	7	840.00
POST-OFFICE DEPARTMENT.		
Dead-Letter Office:		
Superintendent, from $2,250 to $2,500	1	250.00
Money-Order Office:		
Firemen, from $720 to $1,000	1	280.00
DEPARTMENT OF JUSTICE.		
Telegraph operator, from $1,000 to $1,200	1	$200.00
DEPARTMENT OF LABOR.		
Commissioner, from $3,000 to $5,000	1	2,000.00
Chief Clerk, from $2,000 to $2,500	1	500.00
Special agents, from $1,400 to $1,600	4	800.00
DEPARTMENT OF AGRICULTURE.		
Commissioner, from $4,500 to $5,000	1	500.00
Chief of accounts division, from $1,800 to $2,000	1	200.00
Librarian, from $1,400 to $1,800	1	400.00
Fireman, from $720 to $900	1	280.00
Superintendent folding-room, from $1,200 to $1,400	1	200.00
Assistant microscopist, from $1,000 to $1,200	1	200.00
Assistant chemist, from $1,600 to $1,800	1	200.00
Assistant chemist, from $1,400 to $1,600	1	200.00
Superintendent garden and grounds, from $2,250 to $2,500	1	250.00
Chief of seed division, from $1,800 to $2,000	1	200.00
DISTRICT OF COLUMBIA.		
Inspector of plumbing, from $1,800 to $2,000	1	200.00
Superintendent of police, from $2,600 to $2,700	1	100.00
DIPLOMATIC AND CONSULAR SERVICE.		
Minister resident and consul-general in Corea, from $5,000 to $7,500	1	2,500.00
Minister resident at Uruguay and Paraguay, from $5,000 to $7,500	1	2,500.00
Consul at Prague, from $2,000 to $3,000	1	1,000.00
Total	350	52,431.90

The following interruptions occurred in the course of Mr. CANNON'S speech:

Mr. BUTTERWORTH. Then, if I understand my friend, not only will there be no surplus, but there really will be a deficiency if these appropriations are made.

Mr. CANNON. Yes, sir. I will discuss that further on. But I will say to my friend at this point that these appropriations for the year 1889 are within $17,000,000 of the estimated revenues, and the estimates are certainly high enough. Gentlemen may say that these appropriations will not all be expended in 1889; but I took occasion yesterday to examine the records for a number of years back, and I found that, taking one year with another, the expenditures have usually been substantially equal to the appropriations. It is true that all the exact sums which we appropriate this year may not be paid out, but other money will go out of the Treasury in consequence of works heretofore provided for by law.

I hope I shall now have the undivided attention of the gentleman from Indiana [Mr. HOLMAN], as I approach ground which I shall tread with hesitating steps, because of the pain which I will necessarily inflict upon the economists of this House who have built up their reputations by a quarter of a century of faithful watching, and are now doomed to have them all blasted in the twinkling of an eye. [Laughter.] I refer to the increase in the number of offices under this Administration.

Mr. TAULBEE. Mr. Speaker, would it disturb the gentleman if I should ask him a question?

Mr. CANNON. If the gentleman has something upon his mind which he desires to get off I will give him an opportunity to do so, and will put it in at the end of my manuscript. [Laughter.]

Mr. TAULBEE. I will not break into the gentleman's manuscript now. I would like to ask the gentleman a question at this point.

Mr. CANNON. I will hear the gentleman's question and answer it at the end of my remarks.

Mr. TAULBEE. I would like very much to have it appear in the RECORD in connection with the statement which the gentleman has just made. I am quite sure the gentleman does not intend to be unfair.

Mr. CANNON. I have my remarks in manuscript, and if the gentleman wants to shine in the RECORD in connection with myself, he can do so at the end of my remarks.

Mr. TAULBEE. I believe the gentleman has stated——

Mr. CANNON. A question, if you please.

Mr. TAULBEE. My question will appear presently. The gentleman read from his manuscript that over seven hundred new offices had been created. Now, I want to know whether he wishes to be understood that there have been more than seven hundred offices created in addition to the temporary force assigned to the Agricultural Bureau and the Pension Bureau from year to year?

Mr. CANNON. I meant to say just this: that by the official documents prepared annually under authority of law every year since 1836 by the Clerk of the House and the Secretary of the Senate, whose duty it is made by law to prepare a statement of the new offices created, it does appear that these seven hundred and ninety-nine new offices of which I have spoken have been created since Grover Cleveland was inaugurated. That is what I say, and that is all I meant to say.

Mr. TAULBEE. Let me understand the gentleman. Is that in addition to the temporary force that was assigned during the year prior to the advent of this Administration—for instance, to the Agricultural Bureau, and the seed department, and the special examiners in the Pension Office?

Mr. CANNON. Oh, certainly. I am speaking now from the official documents of the last Congress, and from a careful examination of the laws passed by this Congress. For the gentleman's satisfaction I will append to my remarks a statement in detail touching the increase in the offices and of salaries.

Upon that resolution, being an expression of opinion by such eminent financiers as the chairman of the Committee on Ways and Means, all the gentlemen from Missouri, and the balance of us, the President agreed to commence buying Government bonds.

Mr. BLAND. Did the gentleman from Illinois [Mr. CANNON] vote for that resolution?

Mr. CANNON. Oh, yes. Why, my friend, when you elect a President who has not sufficient knowledge of public affairs, or sufficient ability, to construe the laws, or sufficient patriotism to administer the laws, and who, for wise or unwise purposes, for pure or impure purposes, halts in their execution, or declines to execute them until I pass my opinion, I will pass that opinion every time, because it is the best I can do under the circumstances. [Applause on the Republican side.]

And, Mr. Speaker, although the President has failed to do this for months and for years past, and although he has outraged good sense and good judgment for months and for years past by that failure, even now, if he would come in to-morrow and buy eighty millions of those bonds, take the money out of the national banks and save that $80,000,000 of interest to the people, it would be worth more to him than ten thousand retaliation messages. I do not think that "burnt brandy" will save him, so far as the next election is concerned. [Laughter.] But if he wants to do some good electioneering, the course I have suggested is the best that he can adopt. That is what President Harrison is going to do shortly after the 4th of March next. [Laughter and applause on the Republican side.]

[Mr. BURNES withholds his remarks for revision. See APPENDIX.]

Mr. BURNES. I do not see my colleague on the committee, the gentleman from Alabama [Mr. FORNEY], present, but in his behalf I now ask unanimous consent that further debate be limited to one hour upon the pending proposition, and fifteen minutes more which the gentleman from Arizona [Mr. SMITH] desires to occupy.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri?

Mr. PAYSON. I object.

Mr. BURNES. What time will suit the gentleman from Illinois?

Mr. PAYSON. I can not tell. If I may make a single suggestion, it seems to me that after the gentleman from Missouri [Mr. BURNES] and my colleague from Illinois [Mr. CANNON] have consumed the greater part of a legislative day in discussing a matter with which this audience has no more concern than it has with the question of which animal first entered the ark, the suggestion comes with rather a bad grace from that quarter that only one hour shall be devoted to the discussion of a proposition which confessedly involves the expenditure of fourteen or fifteen millions of the public money.

Mr. BLOUNT. I ask unanimous consent that the gentleman from Illinois [Mr. PAYSON] may proceed for one hour if he so desires.

Mr. PAYSON. I thank the gentleman.

Mr. KELLEY. In connection with that request, I would like to have permission to make a brief response to the hour speech of the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Mr. Speaker, I think that the discussion had better

go on in the regular way. We understand well enough that there is not a quorum present, and no matter what conclusion may be arrived at, whenever any proposition is presented to which there is earnest opposition nothing will be done but raising the point of no quorum, a call of the roll, and probably a call of the House. The debate upon this Library proposition, if I may venture to say so, will not be entirely uninteresting. At all events, it will be more profitable than an empty roll-call, and I therefore suggest that the debate had better go on in the regular way. The gentleman from Pennsylvania [Mr. KELLEY] feels a deep interest in this discussion, not only in the subject-matter of the debate, but also in some of the gentlemen connected with it. Whether anything will be said which will require a reply from him I do not know.

Mr. FORNEY. I suggest that the gentleman from Illinois [Mr. PAYSON] proceed in his own hour.

Mr. PAYSON. Very well. Mr. Speaker, at the outset I wish to say to the House, though perhaps it is not necessary, that I shall endeavor to confine myself to the pending subject-matter, in a parliamentary sense, which is the adoption of the report of a committee of conference with reference to the further construction of the public Library building; it being conceded, as I understand, that of the different amendments, including this, which have been submitted to the conference there is only one about which there will be any discussion here, namely, the proposition with reference to the continuation of the construction of the building for additional accommodations for the Congressional Library as proposed.

I said to the House on Friday last, when I had the honor to receive its attention for a time, that, the bill being called up as it was without a moment's notice, I had not at hand the figures and records to verify accurately the statements which I then made or proposed to make as to dates, as to amounts, and as to details of the history connected with the erection of this building so far as it has progressed. And I regret that the duty seems to devolve upon me at the outset, in opposition to the views which have been presented by the gentleman from Alabama [Mr. FORNEY] as chairman of the committee of conference, to take upon myself the burden of going somewhat into the details of the situation and in opposition to the committee. But I promised on Friday last that I would be ready on Monday, or as soon thereafter as I could get the floor, to state in a more methodical way and with greater accuracy some facts bearing on this question to which I then alluded.

The conference report now being considered is as follows:

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For continuing the construction for the building for the Library of Congress, and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary for the prosecution of the work, and shall specially order to carry into effect the appropriation of money made for the construction of the said Library building, and to be paid from such appropriation for the construction of the western front of the building and reading-room, and the book repositories connected therewith, as shown by sketch termed 'Plan No. 1' on file in the office of the Librarian of Congress, $500,000. This appropriation and all appropriations hereafter made, and all sums available from appropriations heretofore made for this purpose shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and so much of the first section as provides for a commission, together with the eighth section of the act entitled 'An act authorizing the construction of a building for the accommodation of the Congressional Library,' approved April 15, 1886, are hereby repealed, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, who shall annually report to Congress at the commencement of each session a detailed statement of all the proceedings under the provisions of this act, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library except such as is contemplated on the sketch or 'Plan No. 1' herein referred to, and all contracts for work or materials outside of the space covered by said plan are hereby rescinded. And all loss or damage occasioned thereby or arising under said contracts, together with the value of the plan of said Library building submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress by John L. Smithmeyer in the Italian renaissance style of architecture, may be adjusted and determined by the Secretary of the Interior, to be paid out of the sums heretofore or hereby appropriated. All sketches, plans, and computations heretofore made under the commission created by the act of April 15, 1886, or hereafter made respecting said Library building, or any part of the same, shall be the property of the United States.

"And so much of said act entitled 'An act authorizing the construction of a building for the accommodation of the Congressional Library,' approved April 15, 1886, as authorizes the construction of a building for the accommodation of the Congressional Library and as provides for plans for the same, excepting only so much of said building as is shown by the sketch termed 'Plan No. 1,' on file in the office of the Librarian of Congress, be, and the same is hereby, repealed."

And the Senate agree to the same.

Now, Mr. Speaker, I am opposed to the proposed action in detail and as a whole.

The current newspapers condemn the delay caused by the action of the House, and it seems to be understood by them and by some members here that Congress in 1886, when it passed the bill authorizing the erection of this building, had full discussion and accurate information on which it acted, and therefore we are bound to continue as they began.

Others insist that Congress acted inconsiderately and without due prudence; that its steps were hasty—without due care.

All this is erroneous. Both positions are wrong, as I shall fully show.

The fact is, Mr. Speaker, that Congress did act with care and caution; that its acts were deliberate and prudent. But the trouble was Congress and its committees were all wofully, if not wilfully, deceived, and by those who had charge of the plan for the building we adopted. This I charge and will prove before I am through to-day.

I asserted on Friday last that Congress did not act without securing proper information, as it believed, and that the information it had, secured by its committees, where it expected and had a right to expect substantially accurate information, was wholly deceptive, totally misleading, and I charged then that the architect, Mr. Smithmeyer, was the person wholly responsible therefor; that the only fault to be found with the committee, if any is, is that they depended upon the statements of this man. I shall speak plainly as to him, but I wish to be understood that in what I say I have no personal feeling as to him as an individual. I should say the same as to any one in his place who has acted as he has. I do not know him. I never saw him till Saturday last, when I by accident happened to see him in a committee-room. Nor would I know him now should he pass me.

Mr. Speaker, it has been assumed, indeed alleged, on prior days, when this matter was up in the House, that the element of cost as to this building was not seriously considered, and that the principal question that Congress concerned itself about was the building, as a piece of architecture, to be grand, imposing, worthy the nation that was erecting it, and of the purpose to which it was to be dedicated, the housing of one of the great libraries of the world, and its adaptability to that end, and that the item of expense was in some way, if not overlooked, at least not specially noticed or cared for; and at all events, whatever was said or done by members of Congress as to that, the cost of the building, Mr. Smithmeyer was in no way responsible, for his opinion as to that was never asked or given by him; that he made no estimate of its cost and of course furnished none.

This, his friends, the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Indiana [Mr. STEELE], have earnestly asserted.

I read from the debate on September 1 in the House on that question:

Mr. HOLMAN. Let me say to the gentleman from Illinois [Mr. PAYSON] that I would gladly see the whole scheme abandoned, but the reduced building which is proposed would not be an architectural abortion in the opinion of architects and those who understand such matters and are necessarily more familiar with them than most of us are. That partial building with a sloping down of the banks, it is said, would be a very respectable structure. I know nothing about architecture. That is the idea of men who understand this matter, as architects, much better than most of us do here.

I wish to add a word, and will then yield the floor to the gentleman from Wisconsin, who is a member of the committee to inquire into the Library building.

The one question is whether you will save by this proposition to expend the balance appropriated on the foundation for the reduced plan. The amount under the control of the commission is not large. It is the balance of the $500,000 already appropriated. Under the House proposition suspending the work and inviting new plans you will have plan No. 1, which is now in progress, and plan No. 2, the original plan which was before us when the House voted for the bill, and then we will have beside very valuable matter, that is, full information on the whole subject. As to the balance of the $ 00,000——

Mr. PAYSON. That was used in putting in the foundations.

Mr. MAISH. I wish to ask the gentleman a question before he takes his seat.

Mr. HOLMAN. Certainly.

Mr. MAISH. The question has already been asked, but the gentleman has not answered it. It is in reference to Mr. Smithmeyer, the honorable and worthy architect, a gentleman of high reputation. I want to ask if it is true as a matter of fact, as was alleged by the gentleman from Illinois, that Mr. Smithmeyer, the architect, submitted an estimate that the entire structure would cost only $2,500,000? I think that was the amount stated.

Mr. HOLMAN. I ought to answer that question, and yet I do not wish to do so without the testimony before me, and yet the testimony upon that point is neither satisfactory nor complete. Mr. Smithmeyer states emphatically, states under oath, that he made no definite estimate. There is a paper which he submitted, perhaps to the Senate committee, which had the matter in charge for a long time, for it was, as gentlemen know, a Senate measure, in which there was at least a partial estimate; but I am not able to state, either on the authority of General Singleton or any other person, Mr. Smithmeyer knew the terms of General Singleton's report or was cognizant of the preparation of the report, or that he made specific estimates of the cost of the building. The matter is singularly obscure.

Mr. KELLEY. I have always understood exactly to the contrary.

Mr. HOLMAN. I have of course no personal knowledge on the subject, but I understand that this gentleman is a competent architect.

Mr. PAYSON. Will the gentleman from Indiana permit me to read an extract from the report of General Singleton's committee?

Mr. HOLMAN. Certainly.

Mr. PAYSON. Coupling it with the statement that this is a report on a bill providing additional accommodations for the Library; and it will be remembered that Mr. Smithmeyer was on the committee and was in constant communication with the members of the House engaged in that service.

Mr. STEELE. Was a member of what committee?

Mr. PAYSON. A commission which was appointed to look into the question of the enlargement of the Capitol for this purpose; and he was in daily communication with the members of the House who were charged with the work during several Congresses while they were engaged in that duty.

This report goes on to state:

"The proposed building, as stated, will contain 3,000,000 volumes, with suitable economy of storage. It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms, and the entire exterior structure. The chief element of cost is in the iron alcoves of the interior; and in a building so extensive these may be finished in successive years as wanted for the increase of books. The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 the first year, about $1,000,000 the second, and $800,000 the third, which will complete the building for occupancy in all its parts sufficient for shelving 1,000,000 books and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year. When it is

considered that the copyright fees paid into the Treasury amount to over $20,000 a year, while the pecuniary value of copyright publications received annually is very much greater than this, the expenditure will appear moderate in comparison with the great resulting benefits and the national importance of the work."

That makes the total cost of the building, with the exception of the additional shelving required, about $2,323,000.

Mr. STEELE. But Mr. Smithmeyer did not make any such report as that.

Mr. FARQUHAR. And it was not a report on plan No. 2 either.

Mr. HOLMAN. There is no question that some one estimated the cost of the whole structure at $3,000,000. I now yield to the gentleman from Wisconsin [Mr. CASWELL].

Again—

Mr. PAYSON. Of course not; but I ask the gentleman from Pennsylvania to remember that the point of contention is whether the House did what it did understandingly.

Mr. KELLEY. No, sir; I understood the gentleman to be contending that Mr. Smithmeyer was responsible for this extension of the work according to the whole plan.

Mr. PAYSON. My friend does not seem yet to apprehend the point of contention.

Mr. KELLEY. Yes, I do. You insist that while Mr. Smithmeyer proposed to put up a building which should be complete in itself and yet should constitute a part of a great building susceptible of enlargement so as to cover the whole ground purchased by the Government, he said the building would house 3,000,000 volumes and would cost only about $3,600,000. Mr. Smithmeyer never said that the building would cost $3,600,000, or any other precise sum.

Mr. PAYSON. But the chairman of the Library Committee, at that time Mr. Singleton, said that he said so. In a speech, a copy of which I now hold in my hand, Mr. Singleton stated that this estimate was made by Mr. Smithmeyer, the architect; and upon that statement the House voted. The same statement was made repeatedly in the Senate. And Mr. Smithmeyer was in the galleries and about these corridors; he visited members at their houses, as I happen to know, and he never disputed from that time until now what Mr. Singleton said he had stated. Mr. Singleton would go to anybody else for information; and the picture of the building, as designed by Mr. Smithmeyer, stood in this Hall for weeks in front of the Reporters' desk. The statements made at that time by General Singleton were never contradicted by anybody.

I have said, in a general way, Mr. Speaker, that the project of erecting a building for this purpose is not new or recent, it has been pending for years, was a prominent matter when I came to Congress; a necessity for some provision for the large stock of books we had was conceded. The condition of the Library in its inadequate and indeed inconvenient quarters the pressing need of additional facilities was appreciated. A half million books were crowded into a space insufficient for one half that amount. All kinds of literary productions, books, pamphlets, music, newspapers, periodicals, works of art, etc., miscellaneously piled on the floors and benches, all appealed, mutely, for accommodation, and so for years, various attempts were made to secure relief.

These resulted, sir, in the selection by the joint committee of Congress of three architects of recognized skill and attainments to examine and report to the committee fully as to the expediency of enlarging the Capitol for the purpose of securing additional room for the Library, or for a separate building if they should agree that the Capitol could not properly be enlarged.

Their report can be found in Senate Report 753, third session Forty-sixth Congress.

For the point now being presented, and which I beg the House to keep in mind, that is, that the element of cost was always hand-in-hand with any change or proposed building, these gentlemen reported that no enlargement of the Capitol was practicable in an architectural sense; that the cost of any such enlargement would range from $4,200,000 to $4,500,000, and all agreed that a separate building should be provided, and each submitted a plan, Mr. Smithmeyer among them, and to each of which I will allude later, but call especial attention to the fact that while Mr. Smithmeyer did not append to his separate report then an estimate of the cost of his structure in terms, he quoted approvingly from the American Architect of date April 19, 1879, that for less than the estimated cost of an extension of the Capitol—$4,000,000—an infinitely superior building could be built, and at the end of his report avers the same thing in about the same words.

Finally, Mr. Speaker, Mr. Smithmeyer's plan was adopted by the passage of the act of 1886 as the best, and the question of its cost was constantly pressed and stated, not only by Mr. Singleton, chairman, and by members of the House committee, but by Senator MORRILL, chairman of the Senate committee, and Mr. Smithmeyer was quoted by all as the authority for the statement.

Mr. Singleton said in the committee report:

Any enlargement of the Capitol which would accommodate the Library even as it stands, with room to arrange it, would cost much more than a separate building, because it must necessarily be constructed in the same costly style, with carved Corinthian architecture. Mr. Walter, the former Architect of the Capitol, estimated the cost of an extension of the west front at $4,500,000. The present Architect, Mr. Clark, estimates it to cost $4,200,000, while the plan of a building adopted by the committee is to cost only $2,323,600.

* * * * * * *

The proposed building, as stated, will contain 3,000,000 volumes with suitable economy of storage. It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms, and the entire exterior structure. The chief element of cost is in the iron alcoves of the interior, and in a building so extensive these may be finished in successive years, as wanted for the increase of books.

The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 the first year, about $1,000,000 the second, and $800,000 the third, which will complete the building for occupancy in all its parts sufficient for shelving 1,000,000 books and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year. When it is considered that the copyright fees paid into the Treasury amount to over $20,000 a year, while the pecuniary value of copyright publications received annually is very much greater than this, the expenditure will appear moderate in comparison with the great resulting benefits and the national importance of the work.

He said to the House in his speech on the bill and report when the bill was passed:

Sixthly. If economy is to be our watchword, a separate building must be erected. Any extension of the Capitol heretofore proposed, affording adequate accommodations for the Library, even for twenty years, would involve an expenditure, according to the opinion of Mr. Walter, the former Architect of the Capitol, of $4,500,000, and according to the present Architect, Edward Clark, of $4,200,000, while the estimate for the building proposed by the committee, made by J. L. Smithmeyer, who drew the plan, will cost $2,323,600, making a difference in favor of the Government, according to Walter's estimate, of $2,176,400, or a saving of nearly one-half, and according to Clark's estimate a difference of $1,876,400.

Further along in the same speech Mr. Singleton used this language:

The appropriations asked for—

Showing what the bill contemplated, and that the amount proposed in the bill was for the erection of a building and was entirely outside and independent of the $600,000 appropriated for the purchase of the site—

The appropriations asked for will be $500,000 to begin the work, $1,000,000 at the next session to continue it, and $823,600 at the succeeding session to complete it. This, of course, does not embrace the purchase of the site. It is confidently believed that these sums will finish the building so far as needed at present and for many years to come; and no further outlay need be made by the Government, utilizing, as before stated, the fees from the copyright system to put in shelving, etc., to meet the growing wants of the Library.

Bear in mind, sir, that Mr. Singleton says that the estimates were "most carefully guarded" and "made by Mr. J. L. Smithmeyer, who drew the plans," etc.

Senator MORRILL said to the Senate, first in his report made at the same date that the reports of Clark, Esty, and Smithmeyer were made to the Forty-sixth Congress:

Tenth. It should be noticed that in the selection of a plan for the Library building, the difference in the estimate of the cost of the one selected and any others, would cover the entire cost of the site east of the Capitol. The question of economy, has, therefore, had due consideration, and need not be farther pushed.

JUSTIN S. MORRILL.

The Clark plan was to cost $4,924,343; the Esty plan $3,885,000, and the plan selected, Smithmeyer's, Mr. MORRILL said, was enough less than either to pay for the proposed site east of the Capitol, then estimated at a half million dollars, thus making the cost of the Smithmeyer building about $3,300,000, as I have charged, he, Smithmeyer, always to claim before we adopted his plan.

Again, Senator MORRILL said in his speech in the Senate on the bill, and I read only so much as relates to the question of cost:

This bill has the approval of the special committee and will not involve a larger expenditure than is rigidly required for an appropriate building, nor more than will harmonize with the views of the most careful and prudent legislators.

No question of submitting the building to the discretion of one, three, or five persons as to its cost. The cost had been ascertained and would commend itself to prudent, careful legislators.

Here is his language:

The estimate of the architect, for the building, constructed with limestone or sandstone, with three hundred alcoves, or sufficient for 800,000 or 1,000,000 volumes, with the heating and ventilating apparatus, elevators, and other fixtures, is $2,323,600. When fully completed there will be seven hundred additional alcoves, which will cost $700,000 more; and the entire completion of the whole interior, including the basement, will require a further sum of $239,000. This is a carefully revised estimate.

Is there any suggestion about its being an "approximate" estimate of the cost? No, sir; a carefully revised estimate, down to an odd hundred dollars, in the aggregate millions—

And shows that the building may be put into a condition of readiness to be occupied with very large accommodations at an expense already mentioned, and when it shall be hereafter completely finished, with a capacity to hold over 3,000,000 books, with facilities for even largely increasing even this vast stock when absolutely necessary, in addition to all of its other extensive and important accommodations, its ultimate cost will be $3,262,600.

Its ultimate cost, Mr. Speaker, its total cost, finished and complete, on the "estimate of the architect," was to be $3,262,600.

I am keeping in mind that the architect has said, and solemnly taken his oath, that he was not responsible for these figures; that he did not furnish them; that he did not know where Mr. Singleton obtained the information on which his report was based, etc.; in fact, that he has, in general and in detail, denied all responsibility for these figures and estimates. I am keeping this in mind, and intend to disprove it all—all that he has said, and fix the responsibility upon him for the error into which Congress was led in adopting the reports of Senator MORRILL and Mr. Singleton, and that Congress was deceived, innocently so far as its members were concerned, but by these estimates, which I shall prove upon this architect fully and completely before I close.

Now, Mr. Speaker, I said on last Friday that the House of Representatives was informed by the present architect of this building, Mr. Smithmeyer, that its cost when entirely completed would not exceed the sum of $3,262,600. It was stated by the gentleman from Penn-

sylvania [Mr. KELLEY], as I have read to the House, and with the earnestness and vehemence for which he is noted, because of his sincerity in what he says, that no such estimate was ever made by Mr. Smithmeyer. The gentleman from Pennsylvania stated to the House that his relations with that gentleman were of the most confidential character; that he had known him for years; that he had become interested in the construction of this building and its architecture from the fact that he had early been connected with library enterprises in his own city; and, if I recollect the statement correctly, he said that he and Mr. Smithmeyer had sat at the same table at a hotel in this city for some seven or eight years past. The gentleman from Pennsylvania in saying what he did on that occasion assumed to speak as the mouthpiece for that gentleman; and he said (as I have read to you) that he had always understood that no estimate was made by Mr. Smithmeyer with reference to the cost of this building.

The fact is, Mr. Speaker, that in 1884, two years before this bill was passed, and while the identical plan now displayed before the House at the Reporters' desk was being examined by members, Mr. Smithmeyer prepared and submitted to a member of Congress over his signature a pamphlet containing a detailed description of that building, its style of architecture, the uses to which the rooms were to be put, the manner in which the alcoves on which books were to rest should be constructed, their location and material, its system of ventilation in great detail, elevators and heating appliances, and all that sort of thing; and he supplemented that statement with a paragraph in which these figures were given: that to complete this entire edifice in its interior with shelving enough on the inside to accommodate 1,000,000 to 1,500,000 volumes would cost $2,323,600; that the additional shelving which would be required to run through a period of seventy-five to one hundred years, and complete the entire two upper stories of the building would be, as he estimated, $700,000; that this could be extended over a period of about fifty years, and that the money received for copyrights would pay this expense; that to finish the basement and subbasement or cellar and everything complete would require $239,000 more, so that the cost of the entire edifice fully completed, entirely so, would be $3,262,600.

Mr. BLOUNT. Will the gentleman state whether that estimate was ever printed?

Mr. PAYSON. I am coming to that. If gentlemen will not anticipate me, my statement will be complete, I think.

The statement to which I have referred was in manuscript; and it was furnished to a member of this House—who I do not now know. But on the 3d of April, 1884, my colleague [Mr. ADAMS] introduced a resolution, which I read from the CONGRESSIONAL RECORD:

Mr. ADAMS, of Illinois. I ask unanimous consent to offer for immediate consideration the resolution which I send to the desk.
The Clerk read as follows:
"*Resolved*, That the Committee on the Library be directed to cause to be printed for the information of members of the House 500 copies of a description of the plans for a new Congressional Library building, referred to in Senate bill 1139, and which was made a special order for April 3."
Mr. HOLMAN. What will be the probable expense of this printing?
Mr. ADAMS, of Illinois. I have seen these papers, and they cover five or six pages of printed matter. I think the cost will be but trifling.
There being no objection, the resolution was considered and adopted.

Then the usual motion to reconsider was laid on the table.

Those 500 copies were printed. The paper was entitled "Description of the plans for a new building for the Congressional Library; ordered to be printed for the information of the House, April 3, 1884." And that paper, as I have said, contained the information the substance of which I have given, and which was over the signature of Mr. Smithmeyer. Those documents have all become lost; I know of the existence of only a single copy; and indeed I do not know that that is now in existence. But since this matter was debated on the 1st day of September, and since the earnest statements and denials were made by the gentleman from Pennsylvania and the statement of the gentleman from Indiana [Mr. STEELE] and some others on this floor, a copy of that paper happened to be found; and it went into the hands of the chairman of the special committee appointed to investigate this Library business, the gentleman from Indiana [Mr. HOLMAN], and was in the room of the Committee on Public Lands. It was there for the purpose of reference in the examination of gentlemen with regard to it. Mr. Smithmeyer was partially examined with reference to that paper. Strangely enough, it has now disappeared—perhaps I ought not to say mysteriously; but it is a singular circumstance that of all the papers in that room which were there when that examination was going on, the one which is of so vital importance in connection with the matter this House is now considering—the paper which is believed to be the only copy now in existence, and the preparation and existence of which have been so solemnly denied by its author—should have disappeared and nobody know anything about it. Diligent search for it was made by the clerk of the committee, by the gentleman from Indiana [Mr. HOLMAN], and others, as I am informed by them, and as I happen to know, having taken part in the search myself. That paper could not be found. It was a printed copy—printed under the resolution of my colleague [Mr. ADAMS].

Mr. BLOUNT. Are there no copies in the document-room?

Mr. PAYSON. There are no copies in the document-room. There are no copies in the Printing Office. The original manuscript has been searched for for two days and it can not be found, though the records of the Printing Office show it was received and the edition printed and delivered. The file-room has been searched from top to bottom. Nothing remains, after the most careful search by gentlemen interested in getting at the bottom of this matter, except the recollection of the gentleman from Indiana [Mr. HOLMAN], and the gentleman from Wisconsin [Mr. CASWELL], whom I do not now see in his seat, and myself; and also except on Saturday last Pelz, who is the partner of Mr. Smithmeyer, and who drew all these plans, who, in fact, has done the brain work for this entire business ——

A MEMBER. Who is that?

Mr. PAYSON. Mr. Pelz, who does all the work and has drawn all the plans, who is the associate and partner of Mr. Smithmeyer, this man who is the brains of this architect's office, was examined before the committee of which Mr. HOLMAN is chairman with reference to his knowledge of it. I see the gentleman rises, and I will yield to him.

Mr. HOLMAN. Reference is made to that pamphlet and quotations are made from it in the testimony to which the gentleman is now referring.

Mr. PAYSON. Yes; I will state that Mr. Smithmeyer was examined in reference to it, and after the examination of Mr. Smithmeyer the paper was laid on the table in the room of the committee under the control of the gentleman from Indiana [Mr. HOLMAN]. I cited from Mr. Smithmeyer's statement made long before that that he had never made any statement or that he had never made any estimate in reference to the cost of this building and never was asked to. Now, as to that statement I present the testimony taken before the committee of which the gentleman from Indiana [Mr. HOLMAN] is chairman on Saturday last. It is as follows.

A MEMBER. Have it printed.

Mr. PAYSON. Perhaps I had better. Or I will ask the Clerk to read it. No, it will be better for me to read that part which relates to the pending matter and omit the rest.

STATEMENT OF PAUL J. PELZ.

WASHINGTON, D. C., *September* 15, 1888.

Paul J. Pelz sworn and examined.

By Mr. HOLMAN:

Q. Please state your full name and your official relations to the new Library building.

A. My name is Paul J. Pelz; I am employed on the new Library building as assistant architect.

Q. How long have you held that position?

A. Since November 8, 1886.

Q. You hold you appointment from the Library Commission?

A. I have no letter of appointment from the commission. I was appointed by Mr. Smithmeyer.

Q. But your appointment was recognized by the commission?

A. Yes, sir.

Q. Will you state what was the plan first entered upon in making the first contracts and in digging the cellar for the structure?

A. The plan for the contracts for the excavation, trenches, drainage, etc., were based upon the entire building, as they show.

Q. When was the plan of the structure changed so as to proceed on the idea of a more contracted building; was it before or after Mr. Vilas became Secretary of the Interior?

A. It was after Secretary Vilas had entered upon his duties as chairman of the commission.

Q. You have seen the two plans called Nos. 1 and 2.

A. Yes, sir.

Q. Please state when, if you remember, was plan No. 2 for the whole building accepted by the commission as the plan upon which the structure should be built?

A. I do not know; but I understood plan No. 2 was the plan until Secretary Vilas came in, when some estimates were taken on both plans, for when the estimate showed in the opinion of the commission that plan No. 2 would embrace too much, Secretary Vilas, I believe, advocated taking estimates upon both. The stone-work estimates for the cellar were taken upon both plans. Very likely the Secretary had formed an idea that they were not to proceed with the whole building then.

Q. How long after he came in was it that the first plan was abandoned and the reduced plan was adopted?

A. The date of this plan here shows it as signed March 5, 1888.

Q. You may state whether since that time the whole work has been confined to plan No. 1.

A. Yes, sir; so far as my knowledge goes.

Q. What have been your special duties in connection with this structure?

A. That of preparing designs.

Q. You may state whether or not you have supervised that entire work?

A. No, sir; I have not.

Q. Who has?

A. During what period?

Q. From the time of your appointment.

A. Officially speaking, Mr. Smithmeyer was at the head of the establishment, but it was my special duty to design the plans for the elevations, sections, perspectives, and everything that belongs to the duties of an architect.

Q. How long have you been engaged in the business or profession of an architect?

A. I entered into my profession in 1859. I studied in New York with Mr. Lienau for seven years and have been engaged in that profession ever since. I was engaged in the Light-House Board for about eighteen years; fifteen years in charge of the office as assistant civil engineer.

Q. Please state whether before the commencement of the work—before the passage of the act by Congress authorizing the construction of a new Library building—you yourself made any estimate of the probable cost of the structure on the plan entered upon now known as No. 2?

A. I never made any estimate, but assisted in getting out quantities for Mr. Smithmeyer. I got out the quantities and he fixed the prices and procured the estimates.

Q. Did you reach any conclusion yourself as to what the entire structure, as originally proposed, would cost?

A. Approximately I had an idea of what it would cost.

Q. Did you ever make any statement on the subject?

A. No, sir.

Q. What is your judgment as to the probable cost of the building according to the plan originally entered upon?

A. I formed an idea at the time that it would cost in the neighborhood of $6,000,000, but I never made any figures that I would subscribe my name to as an architect. It was simply an idea I had formed.

Q. Your duties have been confined to supervising the plans?

A. Yes, sir; and preparing them. I have been in charge of the designing.

Q. How many persons have you employed under you?

A. I believe there are eighteen altogether, men and boys.

Q. General Singleton, in making his report to the House of Representatives on the 26th day of January, 1886, makes the following statement: "The most carefully guarded estimates of cost contemplated an expenditure of only $500,000 the first year, about one million the second, and $800,000 the third, which will complete the building for occupancy in all its parts sufficient for the shelving of 1,000,000 books, and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate cost of which will not exceed $700,000, or an average of less than $14,000 a year." Have you any knowledge yourself as to the source of his information upon which that report was predicated, or as to the estimates made?

A. I believe this statement was based upon information given by Mr. Smithmeyer.

Q. You made no statement upon the subject yourself?

A. No, sir; I never appeared before any committee. This is the first time I ever appeared before a committee.

Q. You made a statement in reference to quantities, etc.

A. I prepared them.

Q. Was that with the view of making an estimate of the cost of the building?

A. Yes, sir.

Q. Do you know whether any estimates were based on those quantities?

A. I think Mr. Smithmeyer used those quantities in making up his estimates. I carried on considerable correspondence with a friend in the iron business to ascertain the cost of alcoves, and I computed the amount of stone, brick, and iron, the roof surface, etc., but I did not fix the prices. Mr. Smithmeyer collected that information from mechanics engaged in the different kinds of business and made up his estimates. The computation of quantities has nothing to do with the estimates. I used a draughtsman we had at the time. I was only partly engaged in making up the quantities.

Q. What length of time ought to be occupied in the construction of a building upon plan No. 1 now in progress?

A. If the building was properly pushed, no delay in money, I think that between four and five years would build it.

Q. You spoke of the estimates. I would be glad if you would state whether you have seen a pamphlet purporting to have been printed by order of the House, the concluding paragraph of which contains an approximate estimate of the cost of that building.

A. I have seen that pamphlet. It is a pamphlet of Mr. Smithmeyer's, and gives a description of the new Library building, and contains a passage relating to the estimates.

Q. Do you know to whom that was furnished; whether to the House committee or the Senate committee, or to the Joint Committee on the Library?

A. I do not know; I think its object was to furnish information to members of Congress, or something of that kind. I think it was a description of the Library building.

Q. Do you know whether or not it was printed?

A. Yes, sir; it was printed.

By Mr. PAYSON:

Q. As a public document?

A. Well, it had all the ear-marks of a public document.

Now, Mr. Speaker, I call upon the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Wisconsin [Mr. CASWELL], who are the only gentlemen who have seen that paper, so far as I know, whether the statement of figures is not the exact statement which was given by Senator MORRILL in the Senate and Mr. Singleton in this body.

Mr. HOLMAN. The gentleman no doubt is aware that the concluding paragraph of the pamphlet is given in the testimony.

Mr. PAYSON. It is in Mr. Smithmeyer's testimony. I have it here.

Mr. HOLMAN. I would much prefer to have that quoted.

Mr. PAYSON. I beg the gentleman's pardon. I will do that. I have just received this testimony from the gentleman's clerk this morning.

Mr. RYAN. Is that Mr. Smithmeyer's testimony?

Mr. PAYSON. It is, and I will read from it:

Now, will you please state, colonel, whether that statement—

The one I have alluded to as made in the Senate by Mr. MORRILL and in the House by Mr. Singleton—

was filed by you with the committee and printed by order of the House, and whether that is or is not, as far as you are informed, the basis upon which General Singleton made his statement in the report and in the House?

A. I can not tell whether Mr. Singleton made his statement on this or what he made it on. As you are aware, Mr. Singleton told you that we did not know each other until about two weeks after the bill was passed. I never knew Mr. Singleton until two or three weeks after the bill was passed.

Q. Did you give any other data he had before him except that report which was printed the 2d of April, 1884?

A. I never had a word of conversation with the gentleman until the bill had passed Congress. What he had to guide him I do not know.

Mr. HOLMAN. I call my friend's attention to the fact that the date of the adoption of the partial plan is upon the paper; it is March 5 of this year.

Mr. PAYSON. Yes, my friend from Indiana calls my attention to the fact that the date is indorsed upon the plan, March 5, 1888, the present year. These transactions were years ago, in 1884 and 1886.

Mr. HOOKER. Let me ask the gentleman from Illinois this question, whether that is only a part of the original plan; I refer to the paper before him—a part and only a part of the original plan?

Mr. PAYSON. It is; it is only a portion of the entire structure; the west front and the central tower only; the other three sides and the interior galleries, which in the plan was all the space devoted to Library purposes, the storing of books is entirely omitted now and abandoned.

Mr. KELLEY. The date to which reference is made is the date of that particular drawing, but there was a similar plan known as plan No. 1, years ago, embodying the other, and made on a different scale.

Mr. PAYSON. The gentleman is entirely mistaken. Plan No. 1, the plan now being considered, was never thought of till March of this year. This I will fully prove by the testimony taken before the Committee on Appropriations, that the plans and the only plans under consideration when the estimates were made contemplated the erection of the entire building, and that the plan No. 1, for constructing the west front of the building with the rotunda, as exhibited in this drawing, was never suggested or talked of until March 5 of this year, and had nothing under the sun to do with the estimates and figures of which I have been talking.

Mr. RYAN. The committee's report show that fully.

Mr. PAYSON. Why, of course, as my friend from Kansas informs me that the reports of the Committee on Appropriations show that; he is on the committee and knows this.

Mr. FORNEY. Do I understand the gentleman to say that the plan No. 1 was not thought of until here the other day, or a few days ago?

Mr. PAYSON. Not at all, what I said was that this plan No. 1 was not thought of until March of this year. After Mr. Secretary Vilas became a member of the commission.

Mr. FORNEY. If the gentleman will look at the testimony of Mr. Smithmeyer he will find that it was shown in 1880.

Mr. PAYSON. I know what Mr. Smithmeyer says, but I do not want to confound two different things now. I am talking of what the estimates are based upon, and that I propose to show to the satisfaction of this House.

Mr. DAVIS. Will the gentleman allow me one question just here?

Mr. PAYSON. With pleasure,

Mr. DAVIS. This is a recent plan, or a section of the original plan?

Mr. PAYSON. Yes, sir; it is merely a section of the original plan; only a part of the building as originally contemplated.

But coming back, here is the concluding paragraph of the pamphlet over Mr. Smithmeyer's signature:

The approximate estimate of the cost of building this structure, made from the drawings on hand at this date, *i. e.*, the plan adopted by the committee in the Italian renaissance style of architecture, in stone and iron, will be $3,262,000. The cost of building such portions of the inside finished for occupation as will accommodate 1,000,000 of books will be $2,323,600.

Mr. HOLMAN. These are the figures that were given by General Singleton in his speech.

Mr. PAYSON. The identical figures.

To resume, Mr. Speaker, I have under my hand the speech made by Senator MORRILL in the Senate, the chairman of the committee at that end of the Capitol, Mr. Singleton being the chairman of the House committee, in reference to the bill which was passed, and in order to show that the question of cost of this building was regarded as material and essential, and was considered, I desire to again call the attention of the House to the extracts I have already read from Senator MORRILL'S speech. Mr. MORRILL says:

The estimate of the architect for the building, with 300 alcoves, sufficient for 800,000 or 1,000,000 volumes, heating and ventilating apparatus, elevators, and other fixtures is $2,323,600. Seven hundred more alcoves, and the entire completion of the interior, including the basement, $239,000. This is a carefully revised estimate; * * * the ultimate cost will be $3,262,000.

Is there any question, I repeat, about this being an approximate estimate, or about approximating the cost upon so many cubic feet in the building or any other ground?

The precise amount is given as stated in Mr. Smithmeyer's pamphlet, and in the same language, and that is corroborated in the sworn testimony of Mr. Pelz, the partner of Mr. Smithmeyer, who estimated all the quantities, knows of the correspondence with iron dealers and iron manufacturers for the alcoves, etc., to procure prices etc., to complete the estimates, who knows and testifies that these estimates were made by him and Smithmeyer for the use of Congress and printed over the signature of Smithmeyer. Every member of Congress, Mr. Speaker, knows that that testimony would send any man to the gallows on an indictment for murder if that was the question to be proven and upon which his guilt or innocence depended. Let me be understood. I have no personal feelings in the matter beyond that involved in every matter of important legislation, for, as I have said, I do not know Mr. Smithmeyer. I had never seen him until on Saturday last when I happened to go into the room investigating what is known as the Kelley resolution in regard to the alleged connection of Mr. STAHLNECKER, of New York, with some of the contracts for the building; but I have a suspicion; I know as well as I know my own existence that the House was deceived, and deceived by his action and his paper, in voting for the bill, and I do not propose to stand here as the representative of a hundred and sixty thousand constituents, tax-payers of this country and see $14,000,000 or $15,000,000 expended in an enterprise that not one of this House who was a member of the Forty-ninth Congress would have voted for had the facts that we know to-day been known then, and I venture to assert that there is not a member present who will not agree with me that this plan would have received no sanction had it been understood that it

was to involve such an expenditure. No one would have voted for it; it would not have been reported from the committee.

Mr. WHITE, of Indiana. What object do you think Mr. Smithmeyer had in view?

Mr. PAYSON. Mr. Speaker, a man who is here in Congress and has been in active business life for years asks me what object an architect could have in view in having his plans selected out of twenty-eight others, involving an expenditure of millions of dollars, and he appointed at a liberal salary of five or six thousand dollars a year, with a pay-roll, as contemplated, which might be supposed to amount to thirty or forty thousand dollars under him as architect and have that under his supervision. If the statements of these facts are not an answer to the gentleman's question, then it is idle for me to endeavor to answer him. [Applause.]

It was to secure what he succeeded in securing, the adoption of his plan; and believing that if the plan was adopted, and if this site for the building in front of the Capitol was secured at the expense of half a million dollars, and the foundations, extending over the whole area, covering 3.9 acres, were commenced with him as the architect, the Government would be committed to this work; he knew the fact as well as he knew the truth of revealed religion that this Congress would regard itself committed to the project and it would go on. And yet gentlemen will stand here, as the gentleman from Alabama is standing now, and insist that a substantial portion of this plan shall go on and go on when they must know that if that is done the balance of this structure will have to be erected.

Mr. RICHARDSON. I do not wish to interrupt the gentleman, but I would like to ask him a question there.

Mr. PAYSON. Nothing will interrupt me when discussing a question of public importance.

Mr. RICHARDSON. What answer did Mr. Smithmeyer make as to the amount he estimated it would require to construct this building when before the committee of which Mr. HOLMAN is chairman?

Mr. PAYSON. He confessed that he did not remember anything about it. He thought he rather did it *pro bono publico*—for the general good. Now, gentlemen may believe that, but I do not.

Mr. RICHARDSON. He does not deny the authenticity of the pamphlet that was issued by him?

Mr. PAYSON. He did before it was discovered and presented to him; then he admitted its authenticity.

Mr. WHITE, of Indiana. This Congress could have guarded itself by getting bidders on this building and finding out what it would cost.

Mr. PAYSON. In answer to the gentleman, and in speaking to the point that I am trying to make, I will say that Congress relied upon the integrity, good faith, and judgment of this architect. He came in and stated to us that the building will cost completed so much money, and we took his word for it; foolishly, I concede now. Unsuspectingly and confidingly we did this. I hope I will be able to make the gentleman from Indiana understand that if an architect comes to me and says "I can erect a building for you for $3,000,000," and I give him $6,000 a year for superintending that building, then some other architects and other people come to me and say "You can get no such building without an expenditure of from twelve to fifteen million dollars," and I ask him about it, and he does not say anything as to what it would cost, and when he finally says that it will cost three or four millions of dollars to build less than a quarter of the building, I think that man is in one of two positions. He either wilfully deceived me in the start, or else he is an ignoramus, who, in the language of the gentleman from Pennsylvania [Mr. KELLEY], ought not to be permitted to build a stable.

Mr. WHITE, of Indiana. I think you deceived yourselves. He did not agree to erect that building. He simply agreed to furnish the plan. [Laughter.]

Mr. PAYSON. Mr. Speaker, I abandon the attempt to enlighten the gentleman from Indiana [Mr. WHITE]. He is clearly beyond my reach. [Laughter.]

Recurring, Mr. Speaker, to the report made by Senator VOORHEES in the Forty-sixth Congress, and to the estimates made by Clark, Esty & Walker as to the cost of enlarging the Capitol, and to Smithmeyer's plan and statements, it is perfectly clear that he, the architect, was informing the committee and Congress as to cost of the structure he was proposing. He had the same general plan as now, except the style was Gothic and more florid in its ornamentation. He omitted to give any estimate of the amount, but made this statement, to which I ask special attention: "However, the cost of the most expensive one of these designs [he submitted two] may be safely estimated to be less than that of a wing added to the Capitol of the same dimensions."

The highest of the estimates which had been made for these added wings of the Capitol was $4,500,000, and, without going into the details of an estimate, Mr. Smithmeyer said that either one of his two plans would cost less than the wings that were proposed to be added to the Capitol building. Now, supplement that with the evidence of Mr. Pelz, that he did make the estimate upon Pelz's computation of quantities of material, and made it for that purpose, to inform Congress, giving a detailed description of that building, which included elevators, ventilating and heating apparatus, water-closets, and everything of that character required to make it a complete building, and which was printed upon the motion of my colleague from Illinois [Mr. ADAMS], showing that the entire cost of the structure would be $3,262,600, it makes a case that can not be swept away by the assertion of anybody, however friendly to this architect or however intimately associated with him, that he does not believe this man would intentionally deceive this House. It is not necessary for us to determine here whether he would intentionally deceive the House or not.

It is enough for this House to be put in a position to determine whether or not the Congress acted with knowledge of the real situation when it adopted that plan.

Again, when this matter was being considered the question of cost was before the committee, as is shown by some of their proceedings. Members of that committee had had experience of what Congress had done with regard to other public buildings. Bear in mind that in all the speeches made in both Chambers with reference to the construction of this building, the question of prudent and economical expenditure of the public money was being constantly debated; and, as I have said, the committee had before them the experience of Congress as to other public buildings in this city. I have here a table showing the cost of our public buildings. This Capitol, constructed as it was, has cost, according to the authorities, about $15,000,000. The Treasury building, with two hundred rooms, many of them elaborately decorated, cost a trifle in excess of $6,000,000. The Interior Department, with one hundred and ninety-five rooms, cost less than $3,000,000. The Post-Office Department cost $1,700,000; and the State, War, and Navy Department somewhere about $10,000,000.

Mr. ROGERS. I desire to ask my friend whether we have any estimate now as to the cost of either of the wings proposed to be constructed, or of the whole building as proposed to be constructed, from any other source than Mr. Smithmeyer?

Mr. PAYSON. None whatever; and none from him now, only a passive acquiescence in the general estimate that this wing and tower will cost probably four millions, and the whole structure, as stated by the gentleman from Alabama, about fourteen millions; the lowest I have heard is ten to twelve millions.

Mr. ROGERS. It follows, therefore, that the committee are proceeding upon estimates submitted by the man who originally estimated that the whole building would cost only something over three millions.

Mr. PAYSON. Precisely; and the statement which he assents to with reference to the cost even of this wing is in the most general terms—"from three to four millions." The exact cost he can not tell; nobody knows. Mr. Speaker, on another point. Has it been observed that in this conference report a discretion is to be confided to an officer in the War Department, the Chief of Engineers (at present General Casey), the like of which has never been given by any legislation in connection with the erection of any public building? Who can tell what this building ought to be constructed of? The committee do not inform this House. There are gentlemen who believe that for an enduring fire-proof structure brick is the best material. Others believe that granite is best; others believe that limestone is the best material. Still others believe that a marble edifice, with all the florid ornamentation which the stonecutter's art can supply, is none too good.

Who is to determine this? I ask the gentleman from Alabama, whose constituents have to bear their share in paying this expense, have we the right to be heard and say to something with reference to this matter? The gentleman from Alabama says this matter may all be safely confided to General Casey. Why? Because he has shown himself to be a competent man as an executive to be placed in charge of the expenditure of a large amount of public money, as was demonstrated by his conduct in the control of the erection of the north and west wings of the State, War, and Navy Department building. Let me suggest to the gentleman from Alabama and to members about me to whom this appeal may have been made with a certain force, that General Casey's duties in that regard were purely administrative; there was nothing confided to his judgment or discretion as to plan or material. The plan of that building had been settled and agreed upon. Its east front, with which the west front was to be identical in structure, had already been erected; the south front, which was the exact counterpart of what the north front was to be, had already been constructed. All that was needed, when General Casey was put in charge of that work, was to see that rigid economy was practiced in the expenditure of the public money in following specific plans—nothing else. He had nothing to do with the architectural plan, because Mr. Mullett's plan was the plan followed; and, as I have said, the west front was to be erected as an exact counterpart of the east front, and the north front as an exact counterpart of the south front. It is no discredit to General Casey to say that he is not an architect. It is no discourtesy to him to say that, though he is an honest man and has expended the public money with rigid integrity, I, for one, do not believe that I should place in his hands a discretion to determine not only the material out of which this building shall be erected, not only its style of architecture, but its interior arrangements for holding and storing books, with reference to their safety and the convenience of the patrons of the Library.

Let it be remembered, Mr. Speaker—and I may as well allude to it at this point—that the interior arrangement of a great library building

is a matter of no small concern. You can not take a room like this Hall and say, because you have so many cubic feet of space and so many feet of wall surface, therefore it is an appropriate place in which to store books with a view to their preservation and convenient use. The judgment of the librarians of this country does not concede that Mr. Smithmeyer's plan is the best for this purpose. Without allowing myself to be diverted from the point I am making, and to which I intend to cling, but only in illustration of the fact that this discretion ought not to be confided to any one who does not know anything about the subjects in question, I assert now, and I have the proof in my hand, that this plan of Mr. Smithmeyer for the interior arrangements of this Library building has been unanimously condemned by conventions of the librarians of the United States that have passed upon it.

Two such conventions I remember, and I think there were three. This plan has never had a single vote from a librarian in any one of these conventions, the statement of the gentleman from Pennsylvania, or rather the inference from his statement, as made the other day, to the contrary notwithstanding. That gentleman spoke in terms not of the highest respect of a librarian somewhat known in my part of the Union, Mr. Poole, of Chicago. What I am now saying is not in defense of Mr. Poole, nor in condemnation of Mr. Smithmeyer's plan for the interior of this Library. I am simply emphasizing the point that an unskilled, unaccustomed mind ought not to be entrusted with full power and discretion in the details of the construction of the interior of a library building in which are to be housed and cared for a million volumes, and perhaps in my lifetime, if I live the allotted term of man, 3,000,000 volumes. The point I am making as against the proposition of the gentleman from Alabama and this committee, to confide all this discretion to the Chief of Engineers—General Casey to-day, but in case of his death somebody else promoted to his place, somebody inexperienced in these matters—is the fact that this plan, although now approved by Mr. Spofford, our present Librarian, has been, as I have said, condemned unanimously by two conventions of the librarians of this country, and has never received in any one of those conventions a single approving vote. Yet upon the statement made by the gentleman from Alabama, because General Casey is an honest man, which nobody questions, and he has never done more than his duty, we are asked to confide to him the details of this entire business.

The gentleman from Alabama when on the floor stated, in answer to a question of myself, that the Chief of Engineers, who will be in charge of this building, could change the plan of the structure if he desired to do so; could cut it down or expand it; could determine what materials should be used, what should be the style of ornamentation, and all that sort of thing. Mr. Speaker, what part has Congress in all this business? What is the use of having a Congress in reference to any of these matters?

Mr. FORNEY. The law of 1886——

Mr. PAYSON. I remember the first section of the act of 1886.

Mr. FORNEY. The law of 1886 conferred upon a commission composed of the Secretary of the Interior, the Architect of the Capitol Extension, and the Librarian of Congress the same power which this proposition contemplates giving to General Casey.

Mr. PAYSON. Precisely; but if the gentleman will read that act further he will find that it restricts the commission to the plan which had been presented by Mr. Smithmeyer and adopted by Congress. No changes were to be permitted in that plan which would add anything to the cost or interfere with its general outline. If the gentleman will refer to the act he will find that I do not misquote it.

Mr. FORNEY. Allow me to correct the gentleman. This commission had the right to make changes. It is provided in the act that they should follow the plan "submitted, with such modifications as may be found necessary or advantageous without materially increasing the cost of the building."

Mr. PAYSON. Certainly.

Mr. FORNEY. Now, General Casey will have the same authority that this commission has had. We have got to confer authority on some one.

Mr. PAYSON. But before conferring power on any one should not Congress determine what ought to be done? Who shall determine it? We are now trying to determine it so that this matter shall not be left to the Chief of Engineers, with no restriction whatever except his own judgment, no restriction as to details or cost or anything else.

Mr. FORNEY. He is required every year to make report to us. We can tell him from year to year what we want done. We have him under our entire control. He belongs to us and is governed by us.

Mr. PAYSON. He does not "belong to us" any more than Mr. Smithmeyer belonged to us at a salary of $6,000 a year. And what have we now? We have a hole in the ground, at an expense of something over $400,000, outside of the cost of the land. And confessedly, Mr. Speaker, the action of this man in connection with this building has driven both Houses of Congress to repeal the act of 1886. When we passed that law we believed we were going to have a building similar to the representation in front of us. We were wearied here by vivid descriptions of its beauty, of how it would attract the attention of the people who would come here from abroad. We turned out of their homes a number of persons whose residences were upon the land selected for a site; we paid them $580,000 to get the ground. We commenced an excavation, 350 feet by 459 feet. We have the trenches dug and a good deal of the grouting in, when suddenly this thing comes to a halt. Why is the work stopped? Why is not the work going on as contemplated in 1886? It is because we stand before the people of this country confessing that we have been deceived by somebody, whether intentionally or not it is idle and unprofitable now to discuss, but we have been so far deceived by somebody that the work has got to stop. And, Mr. Speaker, this conference report is a formal confession that we have been so deceived, both Houses, so that the plan of the whole building must be abandoned and the act repealed.

Mr. FORNEY. What do you propose to do? That is what I want to hear.

Mr. PAYSON. I will tell the gentleman what I propose to do, and tell him gladly and quickly, for it is an easy answer, and ought to satisfy him.

Mr. ROGERS. Allow me a question. What safeguards are there in this conference report against a repetition within six months of the same thing which has already happened?

Mr. PAYSON. No such safeguard is provided. When the gentleman from Alabama asks me what it is proposed to do I answer him from his own mouth, from his own pen, in the language of the bill that he stood up here to report, and for which I voted—

That the Committees on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of building not to exceed $3,000,000; and the sum of $10,000 is hereby appropriated to be expended under the direction of the above-named committees, to pay for the said designs and general specifications. The said committees shall jointly report to Congress its action in the premises on or before the 20th day of December, 1888. That the work now in progress on the building for the Library of Congress shall be suspended and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved. That the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congrss, be and the same is hereby, transferred to the care and custody of the Interior Department, the expenses of such care and custody shall be paid out of any money already appropriated for the construction of the building for the Library of Congress.

That is the proposal that came from the committee, for which we all voted before the bill went to the Senate on this conference, the proposal that the gentleman was instructed by the Hou se to stand by, by a decided vote, and which he abandoned for the proposal now before us. It was a proposal that he himself favored.

That is what I would do and think a majority of the House would do.

But I would add this provision: that these committees when appointed should be deemed privileged and should have power to report their bill for consideration at any time. This will prevent delay and insure early action.

Mr. FORNEY. Bear in mind the Senate has disagreed and this is a compromise.

Mr. PAYSON. Let me say to the gentleman from Alabama that the Senate is only one-half of the legislative department of this Government. I wish it distinctly understood that when I am standing here for the Ninth district of the State of Illinois I am not under the wing of either Senator from that State. There are other gentlemen who are in the same way of thinking; that the gentleman from Alabama knows, and that I know. If the House sets itself resolutely against this enormous outrage, no money will be voted for it, for the purse-strings of the country are still in our control, thanks to God and the fathers of the Constitution. [Applause.]

That is the proposition I intend to submit to the House. Why is it we shall go on smoking a poor cigar to the end because we have begun on the small end? [Laughter.] This is an "Early York" of the worst character. We have bitten off the end of it only. [Renewed laughter.] We have squandered forty or fifty thousand dollars in a foundation. What is there in that? It is as nothing. The whisky tax collected in Peoria, in Illinois, in two days will pay that. But what I wish done, and I submit to the gentleman from Alabama that he and his coadjutors and colleagues on the Committee on Appropriations stand with us, is to have this provision inserted and to let the House of Representatives stand by that. Who is going to be harmed by it? Suppose there is a delay for a few months in the progress of this public Library? Who is going to be injured by it? Nobody expects the project for a Library building will stop, but we ought to have men of high character as architects to look at it. I hope the gentleman from Alabama and his associates will stand by our rights until we can look into this matter and determine for ourselves and our constituents what the building shall be.

Let me be understood in reference to this matter, Mr. Speaker, and I wish to be understood emphatically. I am not opposed, when we have decided upon the erection of a public building, to make liberal appropriation for that purpose. When I look about me and see a building like the Interior Department—although I am not an architect I hope

I have an average amount of common sense and can fully appreciate the fitness as well as the beauty of a public building—I admire it. Such ought to be the character of our public structures. Devoid of mere meretricious ornamentation, manifesting only the carver's skill, that Interior Department building stands out as a thing of beauty in its severe simplicity and plainness, but in imposing beauty. I have heard from time to time the State, War, and Navy building commended as the most beautiful in the city; but the Interior Department building in its modest simplicity and noble outlines will do for me and the people I represent.

Mr. FORNEY. What did it cost?

Mr. PAYSON. Less than three millions, and it has one hundred and ninety-seven finished and highly-decorated rooms. [Applause.]

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. ROGERS. If the gentleman wishes more time I will yield to him.

Mr. PAYSON. I would be glad to be indulged a little further.

Mr. ROGERS. I yield for that purpose.

Mr. PAYSON. I thank the gentleman for his kindness.

I was saying, Mr. Speaker, when interrupted, that I was in favor of a Library building, and so I am. I am in favor of such a building as the greatness and the grandeur and the power of this country will warrant and typical of our people, and such we can afford; and I favor the appropriation of necessary sums of money for that purpose; but I want it understood from one, at least, that the amount of expenditures upon any building of a public character ought not to be the amount of money in the Treasury upon which an architect or a designer may draw for the purpose of erecting a memorial building to himself and in honor of his own name.

We all know the ambition, laudable, no doubt, amongst architects and builders, particularly those connected with the public buildings, to see some grand edifice erected under their control to stand far superior in its proportions, cost, and grandeur to anything that has been done by any predecessor or rival in the same line, whether it be erected by public or private enterprise. So strong is this influence in the minds of some men that I have been told of instances, without mentioning names, in comparatively recent years, where architects of the Treasury have necessarily been removed because of the prevalence of that influence, controlling in their own minds, that every building they erected was to be better, more costly, and grander in its proportions than those erected by others previously employed in the same capacity. We all know that these tendencies to extravagance exist.

It may be a laudable ambition for the architect, but we are to determine what is to be done with the money of the people. We are entrusted with the control of the public funds, and for myself I would greatly prefer, as more in accordance with the simplicity of our form of government, for a great public structure a building to be like the Interior Department, rather than one whose outside is covered with pinnacles and carvings like the State, War, and Navy Department building. I think there is no comparison between them. But I would be perfectly willing to vote, and vote to-day, for a building involving an expenditure of $4,000,000 for the purpose of building a proper structure for this purpose, although I think the amount is largely more than is necessary.

I have taken occasion to look into the cost of some of the public buildings throughout the world, and especially the one which was alluded to by my distinguished friend, the gentleman from Pennsylvania, who is always eloquent, the British Museum, but who does not remember its cost. As we sat here and listened to his vivid description of that museum, with which the library is connected, I felt myself somewhat ashamed as a granger coming from an agricultural constituency, reared up amongst farmers and laboring men exclusively, coming from that walk in life myself—and I felt that perhaps I was guilty of a niggardly action in that I was not willing that the extravagant plan of Mr. Smithmeyer or some other gigantic expenditure should be adopted to erect a public Library building in this country which might fittingly compare with the British Museum.

But since the gentleman has made his speech I have looked into the matter in regard to the British Museum somewhat in detail. It is more than merely a public library. True, the library is connected with it and forms a portion of it, but in connection with the library is a vast repository of art, antiquities, and there are numerous rooms filled with all curiosities which the most laborious searcher after knowledge could not exhaust; strange things from strange lands; room after room filled with art treasures; a vast collection of works of art and illustrations of archæology, the results of the researches of scholars for many years in the rich fields of ancient lands; a perfect polytechnic school, where the student can spend months and months and then not have half exhausted them, nor would half be told him. Amidst them all is the London library, with its magnificent reading-room. I do not wonder that the distinguished gentleman from Pennsylvania felt inclined to worship the grandeur of the structure he so graphically portrayed. But wait. What did it cost? I find that the great reading-room and its attachments of the British library cost £160,000, or about $800,000. This has been the expense of that immense reading-room, with all its alcoves connected with it, about which my friend from Pennsylvania was awe-stricken as he saw it; and the entire cost of the museum proper in every department and of all the buildings that it has connected with it from first to last, from turret to foundation stone, during the one hundred and ten years of its existence, cost £1,300,000, or about $6,500,000 for the entire edifice, all the buildings complete—less than one-half the cost of this building if the plan suggested here is pursued. I now feel, then, that we are generous, more than generous, in this business when we provide three and a half or four millions of dollars here. That sum (and I do not speak as an architect, but I have conversed with persons and prominent architects about this) will erect an edifice that the country might well regard with honest pride.

We must bear in mind that not a great deal of money is to be expended on the inside of the building outside of the alcoves and shelves. It is not like any of those buildings, like the War Department, or the Navy, or the Interior Department, where there are immense fire-proof rooms beautifully decorated inside. Outside of the central structure to be used as a reading-room, and which will be expensive for its interior adornment, the cost of the building will be mainly on the outside, on the exterior walls.

I am in favor, Mr. Speaker, I repeat, of appropriating for a public library, but before doing so I want to see the plans on which we are to operate, and to know what we are doing. We have been told that we are amply protected because we are to have an Army officer in charge of this building, and that we can depend upon its construction and the limit of its cost. But we should not forget that a gentleman connected with the Army was also connected with the construction of the Pension building in this city, in Judiciary Square, about which I will utter no further comment than to recite a remark which was attributed to the late General Sheridan, that the only fault he had to find with it was that it was fire-proof. [Laughter.]

It is a fair model, in its exterior, of a grain elevator in Chicago. One such edifice is enough for the Republic. If the Army is satisfied, I am, with that example; the sample does not suit. Nor do I want anything more of this architect. He has manifested toward Congress the same feeling of regard that is attributed to a distinguished railroad magnate in New York toward the public. [Laughter and applause.]

I see I need not repeat the language!

What do they care for Congress, if on any pretense they secure the contract?

We were fed from the spoon of promise, but tasted only disappointment as the result.

And if this thing had gone on, it would have been a standing monument to the folly of gentlemen who when their eyes are open will permit it to proceed. For one, I will not.

Mr. Speaker, I spoke about the cost of the British Museum building. Now I would like to call attention to other libraries to which the gentleman [Mr. KELLEY] alluded, among them the great library in Munich, which is the second or third largest in the world. I had occasion to see how their books were housed, and what care and attention were given to the matter there, and how much wealth the governments of the Old World who have these fine buildings and these grand structures, as was said, expended on them. I find that library contains 980,000 volumes of books, with all the accompaniment of maps and all that sort of thing, with works of art distributed here and there. The cost of that entire structure, sufficient for that immense library, which has received such favorable comment from scholars the world over, was £83,000—$415,000. That was all the money expended upon that magnificent building, as shown by authority furnished me by Mr. Spofford, our eminent librarian. And the great library at St. Petersburgh, containing 1,500,000 volumes, with all the accompanying manuscripts, which will bear about the same proportion in other countries as they do here, cost less than $1,500,000.

It is sufficient for all Russia, and yet we are to be impliedly charged here with a niggardly disposition in the attempt to control the expenditure of the public money, because we do not approve and vote for a building costing anywhere from twelve to fifteen million dollars. The gentleman from Alabama [Mr. FORNEY] said that fourteen millions was the estimated cost of this building, if I got his figures correctly.

Mr. FORNEY. Somewhere between ten and fourteen millions.

Mr. PAYSON. And a matter of $4,000,000 amounts to nothing! You can see, Mr. Speaker, how glibly we talk about millions. Now here is a little margin of four millions from ten to fourteen millions! Four million dollars to be furnished by the tax-payers of this country, when every dollar that is raised by taxation has the sweat of some laborer's brow upon it and has felt the touch of the toil-hardened hand that produced it. It is to cost from ten to fourteen millions, a margin of something like four millions!

Mr. KELLEY. Five cents per head of the present population of the United States.

Mr. PAYSON. Five cents per head of the present population, and to a man with a family of six that means six loaves of bread. It may be that there is some force in dealing in pennies in argument, but every 5 cents that comes out of the laborer takes from him the price of a loaf of bread. [Applause.]

And, Mr. Speaker, 1 cent a head for the sixty millions of people, if devoted to extravagant and improper appropriations, is just $600,000 of wasteful extravagance that will not receive my vote or approval.

I thank the gentleman for his sneering allusion to cents—pennies. It shows the necessity for guarded, careful, prudent legislation in all these matters.

Care as to small matters begets prudence in greater affairs.

In the great appropriation bills that we pass we speak with such lightness on the addition of millions to them as would startle the average business man. Just think of putting up one building, one edifice, about which we say that it is to cost ten or fourteen million dollars! Mr. Speaker, if we proceed as now proposed, it means completing this whole structure as proposed by the original plan. This appears by the testimony of Mr. Green. He says the commencement of this structure, plan No. 1, means the continuation of the whole of it. The partner of the architect, whose name appears on this paper [Mr. Pelz], was before the committee which sits in the room of the Committee on Public Lands, and he said it was the height of absurdity to erect this portion of the building unless it was ultimately intended to build the rest of it. He said it would present the appearance of a jail. I think that was his illustration; that this building, looked upon except in a direct front view from this Capitol, would look like a jail. Other gentlemen testified before the committee, and I regret that their testimony has been mislaid. One of them, an architect, Mr. Green, of whom I have spoken, says that from every point of view that you would approach this building, except from its direct front, it would "present the view of a row of city buildings looked at from a back street." That is his simile, and a very accurate one. Just stop and think of it—from any point of vantage you choose to view it, it would be plain exterior walls having no windows, and would just look "like a row of city buildings looked at from a back street." That is the building we are asked to erect.

The gentleman from Alabama, let me say in passing here, called the attention of the House to what he thought were some mistakes of mine as to this reduced structure, and read from the RECORD.

Here is what I said:

We have a proposition to construct a building which, in the observations I made the other day, I pronounced an architectural monstrosity; and if there is any way of emphasizing that language, I would be glad to do so. Here [exhibiting a diagram] is what is proposed—to erect a part of the building as shown by that long line, 459 feet long, 60 feet in width across there [illustrating] at its widest place at the corner, and only 44 feet wide most of the distance; and then there is to be this central tower. Here is the building that this committee proposes to construct for the accommodation of our public Library, as a piece of architecture in reference to which you and I are expected to feel proud that we had something to do with it; and this is to cost not exceeding $4,000,000.

Mr. FORNEY. I read below that.

Mr. PAYSON. I said, and adhere to the statement, "Here is a building 490 feet long, there [illustrating] is the width of it, 44 feet, and it is to be 70 feet high." This plan, Mr. Chairman, contemplates a square tower there [indicating] which is 60 feet square in exterior dimensions. There is a corridor, or a gallery, or a curtain, or whatever architects call it, of which the interior dimensions are 38 feet, and its length is a little over 100 feet. Thirty-eight feet is only about 8 feet wider than the corridor that we walk through as we go over to the Senate. There, then, is a room over 100 feet long and only 8 feet wider than that corridor. These on each side, two of them. I am told by the architect that it is 70 feet high, which is the height of this building. Seventy feet high, 38 feet in interior dimensions, and 1,000 miles long! [Laughter.]

Then comes this structure here [indicating], the central structure which the gentleman from Alabama [Mr. FORNEY] says is so roomy. If you look at the elevation and the plans connected with it, you will see that every foot of it is to be taken up with staircases and corridors and wash-basins, and all that sort of thing. Not a place for a book contemplated. Pass over to the other side and you find it is the same. The interior dimensions are 38 feet and the thickness of the walls brings the exterior dimensions up to 44 feet, the width which I stated.

And here let me call the attention of the gentleman from Alabama [Mr. FORNEY] to one thing which seems to have been entirely overlooked. In the testimony taken by the Senate committee it is stated that there is no room for any books and no intention to put a volume in any of that space. The only provision for books that is made in this plan is in the reading-room, which was not contemplated at the outset to be used as a library, but, as its name indicates, was to be a central tower for a reading-room 100 feet in diameter; and yet within the entire area of this building, 459 feet long, and this immense central structure, there is no space except what Mr. Spofford, the Librarian, says he will need for his maps, for his copyright registers, for the performance of the administrative duties of his office, for the bindery which it is intended to establish in connection with the Library, and for the staircases. No provision for books at all. Mark that.

Is that the kind of a Library building that we should be asked to build? The scheme originally contemplated the storage of books in, and only in, that portion of the building which this conference report repeals. Do I make myself understood upon that point? Here [indicating] is where the books are to be stored. Here is the central tower, which is to be a reading-room, one story high, with a gallery above from which admiring Americans can look down upon those who are filling their minds with lore below. [Laughter.] There is no provision for books in any part of this building as shown by the plan except the part which this conference report repeals! More than that, Mr. Spofford is on record as saying that the building when erected will be crowded to its utmost capacity within fifteen years even by utilizing all the wall space. As there may be some question about that later, I think I had better turn to his testimony. It is found on page 137 of the testimony taken by the Senate committee. I read:

Q. According to this plan, what will all this part of the building be used for?
A. Here is the Library reading-room and here are the alcoves around it. They will be filled to the utmost capacity with the existing library and the growth for the coming fifteen years.

Mr. BAKER, of New York. Does he mean the whole building?

Mr. PAYSON. Everything that is proposed in this plan that I hold in my hand. As to that Mr. Spofford testifies that it will be crowded to its utmost capacity within fifteen years. Now, what are we building for? For this year or the next year? We have been told here confidently of the duty that devolves upon us when we take into account the greatness and the grandeur of our country as it is now, and we have been urged to remember that it has a future, and that we are building not only for ourselves but for generations to come. That was the excuse; that was the apology for this immense pile when it was first proposed in 1886. Now we are told that the fragment represented by plan No. 1 is sufficient for the purposes of the Library; and yet the Librarian of Congress testifies that if erected it will be crowded to its utmost capacity within fifteen years.

I said I would refer to the evidence to show that the main structure and these two wings were not arranged for the storing of a single book. Upon that point I quote Mr. Smithmeyer. He was interrogated by Senator BECK:

Q. How long is the third story? You thought the back of the third story should have books?
A. Well, I think so.
Q. There is not any book repository in the west front, so far as I can see.
A. Well, you can put them there.

Certainly, "you can put them there."

Think of it! A building designed to meet all the requirements of a great national library for fifty or one hundred years to come, and when it is proposed to reduce the structure so as to meet immediate necessities and yet adapt it to convenient occupation by the Library, and when this gentleman is asked as an architect skilled in the business, as a public servant with a salary as great as yours or mine—when he is asked to explain how it is that his plan does not provide any place for books, he answers, "Well, you can put them there!" Why, Mr. Speaker, they could be put in this room. We could put up shelves and book-cases against a portion of these walls and utilize them. This is simply a part of the general slip-shod way in which we are asked to deal with this subject.

More than that, Mr. Speaker, I said I would refer to the testimony to show that it was in contemplation to complete the construction of this entire building, no matter what its cost might be, if we once committed ourselves to this part of it. To that task I now address myself. On page 136 of the testimony of Mr. Green, the superintendent of the building, he testifies as follows:

Q. Do you know something about what buildings cost?

Here is what he says:

This rotunda is in keeping with the whole plan of the building, to accommodate a great many more books than these little repositories would hold. You see all these are book magazines for generations yet to come—

This is no fifteen-year business with him—

For the accommodation of books in greater quantities than these which come in, in magazines, etc.

So I say that to carry out that plan with a view to an ultimate completion of the whole building and to an extent of ornamentation and finish which would be in keeping with it—

The whole building—

Three millions of dollars would be too much of a limitation to make on this building.

This shows what is intended to be done, and the testimony of others in this book is in the same direction. I now recur to the testimony of Mr. Pelz, the author of this plan——

Mr. KELLEY. Oh, no.

Mr. PAYSON. I say it advisedly. I say that this plan and this drawing are emanations from the brain of Mr. Pelz; he is entitled to the credit, not Mr. Smithmeyer, as I am informed by Mr. Pelz and others who know the circumstances.

Mr. KELLEY. It is a mistake.

Mr. PAYSON. Possibly, but I am otherwise advised. Now recurring to what Mr. Pelz says, and at any rate he is the assistant of the architect, he has been a partner of Mr. Smithmeyer for years. He says it would be an outrage upon architectural taste to erect that structure unless Congress intended to go on and erect the remainder of it. It did not require any architect to tell me that. My convictions on that point were as strong before I heard that statement as they are now. It is idle, it is childish, it is the depth of puerility for anybody to say that this structure represented here, this part of the whole plan [illustrating], is one which, "while not very ornate, would not be unsatisfactory to the citizens of the country," as Mr. Spofford says in his testimony here. It would be, of course, a botch, and, briefly summarized, my objections to the proposed building are these.

1. It is part only of a building, all the exterior of which is necessary to be pleasing in effect; this is now conceded.

2. The cost of this plan is now estimated as high as that of the completed buildings of Clark and Esty.

3. It will not suffice for the needs of the library for but a few years, even if all the wall space should be utilized, as there is only little room arranged for book space, as clearly appears from this sketch.

4. The rooms on this plan are all, except the reading-room and the immediate galleries, arranged for and with reference to the whole general structure, and could not properly or profitably be used as library rooms.

See these pavilions at the corners and these long galleries connecting the corner pavilions with the central building, narrow, only 38 feet in interior width and pierced full of windows, they could not, should not be used for book storage. In short, all this plan was designed for other uses than book storage, and hence is not adapted to that purpose.

Now, let me put the matter in this way—and I invite the attention of the chairman of the conference committee to this proposition: In this conference report you propose to repeal the statute except so far as the plan is represented on this blue paper [illustrating]. If this conference report is adopted, the law stands as if it had never existed, and the present plan is presented to us without reference to any probability—and the gentleman assents to what I say—without reference to any probability of the erection of the balance of the structure.

Mr. FORNEY. Whether the balance shall be constructed is a question for posterity to determine. Those who come after us twenty-five or thirty years hence can settle that question for themselves. We are not bound to erect the balance of the building; but if they wish to do so, they can.

Mr. PAYSON. I do not ask what we are "bound" to do, but what is in contemplation here? If any architect should come before this body, and as an original proposition submit this plan, this part of the whole structure, to us as that of a building suitable in point of architecture for this Congress to approve—a building suitable for the storage of the books now in the Congressional Library—he would be branded as an idiot by every man here, and by nobody sooner than by the distinguished gentleman from Alabama, and therefore this partial plan should not be proceeded with.

Mr. CHEADLE. Of what kind of material is this building to be?

Mr. PAYSON. Nobody knows; nothing is specified. That is one of the many matters to be confided to the discretion of the gentleman who for the time being shall occupy the position of Chief of Engineers under the War Department. To-day that officer is General Casey; to-morrow he may be somebody else, who may be promoted to the position. Everything connected with this building, the architectural style, the internal arrangement, the material, the cost, etc., will, unless we shall now adopt some limitation, be confided to the discretion of that officer under this conference report.

Mr. Speaker, it is proper that this House when called upon to act should act upon information which is at least *prima facie* reliable. The plan of every building, so far as I know, which has been constructed by the General Government has been submitted to Congress for its approval. I had hoped when I ceased my opposition to the Library bill in the Forty-ninth Congress that we were entering upon the construction of a public building as to which no breath of scandal or improper criticism should ever arise. I never believed that we should be within a year and a half from the time we voted for the erection of that building met face to face with a proposition that we should suspend its construction, repeal the law under which it was begun, and make a change in its entire plan, that change brought about, as is confessed by the chairman of the conference committee, because Congress was utterly deceived by somebody, the architect, as I believe from the evidence before me, because of his denial under oath before the distinguished gentleman from Indiana [Mr. HOLMAN] of any responsibility for this estimate, now followed by a confession that it was made and circulated over his signature by Mr. Smithmeyer, supplemented again by the statement of his partner who made the estimates on which those figures were submitted—because we have been deceived, and by him. Silence is inexcusable when truth ought to be spoken.

On the 1st day of September, in this House, the distinguished gentleman from Pennsylvania, as spokesman for his friend, Mr. Smithmeyer, asserted that none of these estimates were ever made by the authority of Mr. Smithmeyer. That statement has been printed in the RECORD; the debate has been copied into the public press; everybody knew what the charge was; the daily papers of this city have been discussing it in issue after issue; and Mr. Smithmeyer's mouth is closed. No word came from him admitting what he has done, or saying that he was mistaken about it, voluntarily. Only after the paper was found and he called as a witness would he admit anything.

It would have been honorable for him voluntarily to have done it. His duty to this Congress, his duty as a public servant drawing public money as compensation for his time in this business, demanded he should be speedy and not tardy in coming forward and correcting these mistakes out of which this action, now most shameful, I regret to say, arises, in which we are compelled to take part, to retrace our steps, to call a halt, and ascertain from somebody, because we can not from him, what this building will cost, or what some building will cost which is necessary for the purpose to preserve and protect what I hope will be the grandest collection of the literature of the world.

I wish that time to come. It can not come too speedily. I will vote liberally for that; but whatever I do will be done in performance of public duty, with some degree of right, of prudence in the care of money, that would be done if I had the Treasury of the United States as my individual property and expending the money as my own. At least that degree of prudence will be exercised by me, and I hope by other members of the House.

Now, Mr. Speaker, let this House vote down this conference report. No one is harmed by it. We are agreed on everything else to do when that time shall come. I will offer the substance of what I read to the House, which is the proposition we sent to the Senate, and with the privilege on the part of the committee to report at any time. [Applause.] I thank the House for its kind attention.

Mr. ROGERS. I will now yield to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker, we have a magnificent Library, not comparable in extent to some of the great libraries of Europe, but the foundation of one of the finest and greatest Libraries of the world. We have a librarian in Mr. Spofford who is said by those competent to speak on the subject to be unequaled among librarians. Yet we have access to but a comparatively small part of our Library. While it is theoretically open to the whole people of the country and of the world, it is not practically open to any of us. I ask why this deplorable condition of things exists? Because there is not accommodation for the books we own, and with the best possible system for the preservation and delivery of books it is often impossible for the attendants to find a book or a set of the volumes of a book.

It was, I think, Lord Palmerston who defined "dirt as matter out of place," and if anybody will go through the crowded alcoves and corridors of our Library he will see costly works of art which come under Lord Palmerston's definition of dirt, and they are not in place simply because Congress has not provided accommodation for them. It is not that we are or have been too poor to provide ample accommodation for them, together with future accretions under the copyright law. The pending question is, do we want a Library building that will relieve this engorgement and afford facilities for the use of books which we have, which will enable our distinguished Librarian to systematize our engravings, charts, and maps, and to assign proper positions to the annually accumulating books to be received as donations as well as under the copyright law, and purchases made with the annual appropriation Congress makes, to give ready access to the two bodies of the national law-makers, to the judges of the United States and other courts, to the executive officers of the Government and others—current contributions to knowledge?

That is the question before the House. The gentleman from Illinois seems to have lost sight of it in his eager denunciations of my friend, John L. Smithmeyer, whose plan for a Library building was adopted by the Forty-ninth Congress. And in passing to the consideration of this question I may, in view of the manner of the gentleman from Illinois, under whose architectural wisdom and experience that of John L. Smithmeyer has been extinguished, tell the House something of Mr. Smithmeyer's professional history. It began while a mere lad in Vienna. Before he came to manhood the revolution of 1848 occurred, and he found himself a fugitive patriot in a strange land. He gained his living as he could, while he devoted himself to the passion of his life, architecture. With what measure of success? I point you to yonder drawing as evidence of his competency; and I recall to the memory of the older members of the House the noble drawing that stood where it does for one session after another. The interior of the building has not been modified, but the exterior was Gothic, and to my eyes more beautiful in its Gothic elegance, of which style there are no illustrations in the architecture of the capital city more beautiful, than any I ever saw in foreign countries.

He has been a practitioner, and a successful one, of his profession in this country for over a quarter of a century, and is one of the oldest members of the American Institute of Architects. He is a fellow of that national institute. He is president of the Association of Architects of the city of Washington. He is president of the Association of Technics, composed of civil and topographical engineers, etc.; and I have never heard, in all the wild slanders which now flood the corridors of the Capitol, and of every hotel in and about Washington, an authentic case of his failure to satisfactorily execute one of accepted designs. Indeed, the only fault I have heard found with him by builders has been his excessive rigidity in demanding that the material adopted shall be adequate for the contemplated work and in so testing materials submitted by contractors as to insure to the builders such materials as were advertised for and agreed to be paid for. He has practiced his profession for nineteen years in the city of Washington, and strangely enough, according to the allegations of the gentleman from Illinois [Mr. PAYSON], for three of these years he was without architectural training or skill, as Mr. Pelz, to whom he ascribes the brains and skill of the firm, has been in copartnership with him for but about sixteen of the nineteen years.

The relations between them are these: Mr. Pelz is one of the best draughtsmen in the country, while Mr. Smithmeyer is the designing architect. He was for nine years, while Mr. Smithmeyer was working out his plans for the Library building, employed as a draughtsman by the Light Board.

How Mr. Smithmeyer's skill as an architect, and especially in connection with library structures, is estimated, I ask the House to learn from the highest authority on building and architecture known to the American people, and if the Clerk will please read what I send to the desk it will, I think, hear satisfactory testimony upon this point.

The Clerk read as follows:

[From the American Architect and Building News, January 5, 1884.]

Mr. J. L. Smithmeyer, architect of the intended building for the Congressional library, has published a little pamphlet containing an account of the various competitions for the design of the building, as well as a review of the paper of Mr. William F. Poole, of Chicago, upon the construction of library buildings, which excited so much comment in and out of the profession some years ago. Mr. Smithmeyer's criticism of this paper is well considered, and is certainly effective in many points, showing conclusively that Mr. Poole's model plan is anything but an economical one, either in first cost or in the expense of administration, while it fails in its provision of light. For small libraries there are probably advantages in Mr. Poole's arrangement, but for the peculiar requirements of lights for the Congressional Library building, it would be, as we have before suggested, quite unsuitable.

In speaking of his investigations into the necessary conditions of library construction, Mr. Smithmeyer makes the remark which should be remembered by all young architects that the first consideration in such buildings should be light, and, second, heat and ventilation, and the third security against fire and dampness. All other points, important as they may be, must be regarded as subordinate to these. It is gratifying to have some of the observations of one who is competent to make them in a form to be useful to the profession, and we are only sorry that Mr. Smithmeyer should not have made his book larger. If, as seems likely, his design for the new building should be speedily carried out, we hope that he will collect the special knowledge which he has acquired or may acquire during its progress in a permanent work for the benefit of his fellow-architects.

Mr. KELLEY. In view of the manner in which his name and his attainments, as well as his labors and his personal character, have been treated by the gentleman from Illinois [Mr. PAYSON], it is something, Mr. Speaker, to know that the highest authority among architects and builders themselves should record its regard for the man and its appreciation of his ability to instruct his professional brethren of this country, while expressing the hope that he would embody his views and experience in a book, instead of contenting himself with the dimensions of this modest little pamphlet of but 31 pages.

I said the other day that I was proud of my acquaintance with Mr. Smithmeyer, and I repeat the assertion. A more shrinking, modest, diffident man I never knew. The author of eleven plans, all of which were submitted to Congress in competition with forty odd competitors from all parts of the world, the controversy lingering through seven Congresses, or more than fourteen years, this modest man, who is talked about as "boring for the job," came to know but few members of either House, and did not even become acquainted with Colonel Singleton, chairman of the Committee on the Congressional Library, who championed his plan, until nearly a fortnight after the bill for the construction of the building on his plan had become a law.

I do not know but what my friend from Mississippi [Mr. HOOKER] might have heard Colonel Singleton make the statement as he made it to me and as I have heard its having been made to others.

Mr. HOOKER. I have not had any conversation with Colonel Singleton on the matter.

Mr. KELLEY. As an illustrative incident let me state that on the day on which the bill passed the House, so little of a lobbyist was he that he did not know it was proposed to be called up, his office being near my hotel, before dining I went to it and found him at his work and saluted him with a tender of my congratulations. "Congratulations on what?" said he. "Why, on the passage of the Library bill by the House." Grasping my hand his exclamation was, "Judge KELLEY, is my long anxiety ended? Do you tell me the truth in saying the bill has passed?" This was not characteristic of a borer for personal advancement or of a lobbyist about the halls of Congress. Thus it is that I have had the fullest opportunity of studying this man's character, the combined manner and gentleness of which have bound me to him in grateful friendship. I do not disavow it. I speak of him here under the influence of grateful friendship.

The gentleman from Illinois spoke of this terrible outrage which he said would involve an ultimate expenditure of twelve or fifteen million dollars. Sir, it is an outrage that is to be begun with about $4,000,000, and which expenditure we are assured by the chairman of the conference committee, quoting Librarian Spofford's statement, will answer the exigencies of the country for at least fifteen years. It involves in the providing of housing for our growing library the awful outrage of 4 cents a head upon sixty millions of people, and it is said our present population is 63,000,000. By the time sixty, seventy-five, or one hundred years shall have passed, when the requirements of the National Library may demand the completion of that building, our population will probably be 300,000,000 of people and the final payments will be less than 2 cents per capita of those distant generations. The gentleman replied as though I spoke of an annual tax of 5 cents.

All know taxation is annual and recurring. Like death, it is one of the two things we are certain to meet. But this is a single appropriation for an enduring object. As it is expended it will raise above the ground the edifice of which we behold the external plan before us in its completed form of the distant future. It is an appropriation for all time, and I can not see the kind of outrage there would be in appropriating 4 cents per capita for a building that is to answer for the intellectual wants of the country for a period of from fifteen to twenty-five years.

In this connection the gentleman classes himself with the grangers and claims to speak for them. I do not believe that the grangers would complain of spending 4 cents per head to make it sure that when they visit the National Library they may see the wonders of art embodied in its magnificent volumes. One book there, to which I have called the attention of a great many farmers and their families, is a book on humming-birds, the most magnificent thing of the kind I have ever seen or read of. None of the great ornithologists have produced a book like it; not Audubon's nor even Wilson's ornithology, wonderful as each is in its letter-press and its illustrations, excels or, in my judgment, equals the volume on humming-birds to which I refer. There are six hundred and forty-three varieties, if my memory serves me right, and each one is illustrated, with the food on which that species feeds, and on each is thus marked the temperature in which it is found. I do not believe that the grangers will object to a contribution of 4 cents every twenty-five years during a century for the purpose of securing to their sons and daughters and to their old wives when they come to the capital ready access to such treasures of art and literature. It belittles the farmers of our country to intimate that they groan in spirit at the thought of such an expenditure, and regard it as a grand outrage upon them. The question is, I repeat, shall we house these books and protect them against dampness, and against fire, and give them adequate protection from dangerous conditions under the supervision of librarians?

I see the Speaker is about to rap me down. I understood that I was to speak in my own time; that the gentleman from Arkansas [Mr. ROGERS] yielded to me for that purpose.

Mr. ROGERS. I yielded to you in my time, but I reserved my time.

Mr. KELLEY. To this question Mr. Smithmeyer is but an incident. He is not involved other than incidentally in the Senate amendment now under consideration. By that amendment the work is to be put under the charge of General Casey, and unless that experienced officer shall find in Mr. Smithmeyer the most capable person for the work he will be at perfect liberty to put some one else in charge of it.

A pay-roll set down at from thirty-five to forty thousand dollars a year under Mr. Smithmeyer was spoken of by the gentleman from Illinois. When did Mr. Smithmeyer have a pay-roll? He has never been permitted to employ anybody but technical assistants, draughtsmen, and the like. He has heretofore been held up here for criticism as to the number of carts and horses and laborers he employed, while his power to employ has been confined, as I have said, to draughtsmen and other technical assistants, under the supervision and with approval of the commission.

This statement can not be gainsaid. He has, unhappily, incurred the displeasure of powerful men by insisting upon the delivery of such goods and adequate materials as had been contracted for, and if his practice in this respect shall be departed from the day may come when the nation will lament and deprecate the popular hatred which drove a pure and capable man from the line of his duty. I read to-day, as probably most of you gentlemen did, that the new vault—the silver vault—of the Treasury Department had been so badly constructed in its foundations and substructure that yesterday 4 inches of water was found to have flowed in and was drowning out the silver.

We do not want a Library building with leaky or shaky foundations, from the saturated base of which vapors shall ascend to deface and destroy the contents and the bindings of rare and precious volumes. Nothing is more detrimental to books than to be over damp earth from which they may absorb ascending vapors. Nor are there many more effective means of distributing the germs of disease than keeping popular libraries in damp vaults, or over them, so that the diseases of succeeding seasons shall be imparted to books, which, when carried into the warm rooms of our households and exposed to heat, will develop and diffuse those germs.

Mr. Speaker, I would gladly detain the House longer, but I have been in the Capitol since before 10 o'clock this morning, during all of which time my mind has been engaged. I feel, too, that I have probably said enough to induce this House to stand by the report of the committee of conference and appropriate $500,000 to be expended under the ablest of the engineers of the Army, a man who has proven himself competent to the grandest works and capable of administering large sums of money with great economy. I was asked, within a few minutes of taking the floor, whether an engineer was always an architect. I reply that architecture and engineering are twin branches of science. In proof of this I point to the fact that it was an Army engineer, General Montgomery C. Meigs, who planned the building in which we now are, and also the other wing of this Capitol, and reduced the scale of expenditures, as Brigadier-General Casey did in connection with the Army and Navy building. Also to the fact that it was the same Army engineer, General Meigs, who reared that dome of iron and made it

firm without removing the roof which meanwhile sheltered the Capitol.

This afternoon while the debate was going on I heard a sneer at the Pension Office. Ignorant laymen may sneer at that building, yet it is modeled after one of the most famous buildings of a great Grecian architect, but expanded and enlarged, and it is to-day an unequaled structure for the purposes for which it was constructed, which require a great number of rooms with ample light and means of ventilation.

When Fanny Kemble first came to this country she wrote of the United States Bank building as "a beautiful little copy of the Parthenon." A "little" copy, twenty feet longer and proportionately wider and higher than the Parthenon! It stands to-day as the United States custom-house at Philadelphia, a monument of the classic taste and architectural ability of an engineer who had quitted the Army and been the civil engineer of the Baltimore and Ohio Railroad, William Strickland. I could go on giving instances, but it is unnecessary. I ask this House to confide to a man of that type $500,000, with instructions to examine the foundations of this building as far as they have gone, to see that the money applied to its further construction is used economically, as was the money he expended on the War, State, and Navy Department building, and at the same time to hasten a section of this building to such completion as will give Congress access to the rich treasures of its own Library. [Applause.]

Mr. HOLMAN subsequently obtained unanimous consent to have printed in the RECORD the following statement by the Architect of the Capitol:

WASHINGTON, D. C., *September* 12, 1888.

SIR: As relates to the sworn statement of Mr. J. L. Smithmeyer, architect of the Congressional Library building, which was read in the House of Representatives on the 4th instant, I desire to make the following statement, which I wish to be considered as a part of my testimony in the case.

What I said, or intended to say, in regard to the bricks which were obtained from the buildings which were torn down by direction of the commission, and which were disposed of and taken from the grounds, in order to make room for the new materials to be used, is as follows: A large number of bricks and broken bricks, or bats, were thus obtained, which were either sold or, as in the case of some of the broken bricks, hauled to the dumping-ground. This was done in compliance with the request of the architect. I did not concur in such disposal of these brick, as I was, and still am, of the opinion that all this material could have been used advantageously in the construction of the building—the brick in the walls, and the "bats" for interior concrete—that is for the cellar floor and filling up the other floors, and for various purposes in connection with the work.

I have no knowledge of the amount received from the sale of the brick, as the secretary of the commission had that matter in charge, with directions to make returns to the Secretary of the Interior, the officer named by law to disburse the money appropriated for this building, and consequently to receive moneys obtained from sales and for rents.

As to the grading referred to by the architect, I will say that after the old buildings on the Library square were torn down the commission began grading the grounds and clearing the débris from the sites of the old buildings. The grading was begun on the assumption that the Library grounds should be graded in a manner to suit the grade of the Capitol grounds, so that the roads and walks of the latter would connect and run into the former grounds. It was supposed so far as I was concerned that the two grounds would form, when completed, a harmonious whole.

After Mr. Smithmeyer became connected with the work, he protested against this manner of grading and at once proceeded to grade as can be seen at present, that is, to set the building on a mound at its western front. Mr. Olmsted, landscape architect, made a plan for the treatment of the Library grounds (which I furnish herewith), looking to the grading of the same in a manner corresponding to those of the Capitol, and showing how the building might be placed on the reservation without shutting out the whole view of the Capitol building from Pennsylvania avenue, the main approach from Capitol Hill.

Much if not the greater portion of the expense for this grading was incurred after the architect took charge, and under his direction, as may be seen from the following letter from Mr. John T. Morgan, foreman:

"OFFICE OF THE COMMISSION FOR THE CONSTRUCTION
"OF THE CONGRESSIONAL LIBRARY BUILDING,
"No. 145 EAST CAPITOL STREET,
"*Washington, D. C., September* 12, 1888.

"DEAR SIR: In reference to the grading done by days' labor on the site of the Congressional Library Building, in grading and cutting down the grounds outside of the building line, I have the honor to state that after the work was temporarily suspended, on February 21, 1887, it was again resumed in March, 1887, and continued until the end of the year, under the direction of the architect.

"A great deal of the cutting down of the ground above referred to, the larger part of it, was done after February, as the following statement from the books of the office, made up from my reports of daily labor, will show:

	Cost.
March, 1887	$1,401.00
May, 1887	158.75
June, 1887	854.64
July, 1887	842.44
August, 1887	697.64
September, 1887	564.25
October, 1887	849.98
November, 1887	153.67
December, 1887	58.50
A total of	5,580.87

"This does not include the cost of filling up and making the terraces and other similar work, and was only for the cutting down of the grounds to grade.

"Very respectfully,

"JOHN T. MORGAN, *Foreman.*

"Mr. EDWARD CLARK,
"*Architect of the Capitol and Commissioner of*
"*Congressional Library Building.*"

I had no agency in procuring for the use of the contractor the cement-mixing plant. This was loaned to the contractor under certain conditions, as may be seen from the following extract of the minutes of the commission:

[Extract from the minutes of proceedings of the Congressional Library Commission.]

"SATURDAY, *November* 12, 1887.

* * * * * * *

"It was decided to loan Mr. E. E. Barnes certain material and tools obtained from the superintendent of the State, War, and Navy Department building, to be used by Mr. Barnes in the execution of his contract for laying of concrete foundation, with the understanding that an account should be kept of the wear and tear of such tools, and that while Mr. Barnes should be credited with any sum he might expend in the repair of such tools, he should also pay for any damage to the same."

* * * * * * *

I am, very respectfully,

EDWARD CLARK,
Architect United States Capitol,
Commissioner for the construction of the Congressional Library Building.

Hon. WILLIAM S. HOLMAN,
Chairman of the Committee to Investigate the Construction of the new Library Building, House of Representatives.

Mr. FORNEY. Mr. Speaker, it is very desirable that we should dispose of this bill as soon as possible, and I now ask unanimous consent that the debate be limited to one hour to-morrow, the time to be equally divided.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendments of the House to the bill (S. 1988) granting a pension to H. R. Blackiston.

The message further announced that the Senate requested the House to return to the Senate the bill (H. R. 925) for the relief of Matthew W. Berryman; and the bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown part of an alley in square 120 in the city of Washington, on certain conditions.

SENATE BILLS RETURNED.

The SPEAKER *pro tempore* laid before the House a request from the Senate for the return to the Senate of the bill (S. 3193) directing the commissioners of the District of Columbia to convey to Samuel Brown a part of an alley in square 120 in the city of Washington, on certain conditions; and also for the return of the bill (H. R. 925) for the relief of Matthew W. Berryman.

The SPEAKER *pro tempore*. If there be no objection these requests will be complied with.

There was no objection, and it was so ordered.

PRINTING OF TESTIMONY.

Mr. RICHARDSON, from the Committee on Printing, reported back favorably the following resolution:

Resolved, That the testimony taken by the Select Committee to Investigate the Construction of the New Library Building be printed.

Mr. RICHARDSON. The estimated cost is $435.

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and joint resolution of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 124) granting a pension to Henry F. Kaiser;

A bill (S. 186) to amend section 1225, Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc.;

A bill (S. 576) for the relief of Semon Bache & Co.;

A bill (S. 1988) granting a pension to Henry Blakiston;

A bill (S. 2713) granting a pension to Pierre Bottineau;

A bill (S. 2938) granting a pension to James McDonald;

A bill (S. 2951) granting a pension to Mrs. Mary Morrison Elliott;

A bill (S. 3130) granting a pension to Patrick Welsh;

A bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers;

A bill (H. R. 5092) for the relief of Charles L. Bradwell;

A bill (H. R. 11336) supplementary to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882;

A bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lake Superior, Lakes Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River;

A bill (H. R. 10931) to donate and transfer to the State of Louisiana for quarantine purposes certain lands on the Mississippi River belonging to the United States, subject to reversion to the United States in the event of their non-usage for quarantine purposes, and requiring the proper department of the United States Government to execute the necessary transfer to the State of Louisiana on the condition aforesaid; and

Joint resolution (H. Res. 223) declaring the meaning of a clause in the river and harbor act of August 11, 1888.

ST. CLAIR FLATS CANAL.

Mr. CATCHINGS, from the Committee on Rivers and Harbors, by unanimous consent, reported back with a favorable recommendation a bill (H. R. 11446) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884.

Mr. CATCHINGS. I ask unanimous consent for the present consideration of that bill.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Mississippi that this bill be now considered?

Mr. DINGLEY. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That section 7 of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, be, and the same is hereby, amended, so that the same shall read as follows:

"SEC. 7. That it shall be the duty of the Secretary of War to prescribe such rules and regulations in respect to the use and administration of the Des Moines Rapids Canal, the St. Mary's Falls Canal, the Louisville and Portland Canal, and the St. Clair Flats Ship-Canal as in his judgment the public necessity may require, which rules and regulations shall be posted in some conspicuous place for the information of the public; any person knowingly and willfully violating such rules and regulations shall be liable to a fine not exceeding $500, or imprisonment not exceeding six months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed."

SEC. 2. That this act shall take effect immediately.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

There was no objection.

Mr. McMILLIN. Let us have the report read. We want to understand the object of this legislation.

Mr. CATCHINGS. I can explain it in a moment. The effect of the bill is simply to extend to the St. Clair Flats Canal the provisions of the act of 1884, which now apply to the Louisville and Portland Canal, the Des Moines Rapids Canal, and the Sault Ste. Marie Canal. By this legislation the Secretary of War will be enabled to prescribe proper rules and regulations governing the passage through that canal of ships navigating the lakes. He now makes such regulations with reference to the other canals I have named.

Mr. McMILLIN. What evil is sought to be remedied by this legislation?

Mr. CATCHINGS. The Secretary of War has now no power to make these regulations with reference to the St. Clair Flats Canal; and the necessity of such regulations has been shown by the fact that there has recently been in that canal an absolute blockade.

Mr. SPRINGER. I do not know whether I correctly understood the reading of the bill; but if I did, it provides for the indictment of persons who may violate these regulations of the Department.

Mr. CATCHINGS. The bill does not embrace any new legislation beyond extending to the St. Clair Flats Canal the act of 1884, which now applies to the other three canals I have named.

Mr. SPRINGER. Can we authorize the Secretary of War to prescribe rules and regulations the violation of which will be punishable in this way?

Mr. CATCHINGS. I hope we shall not go into a discussion of any question of that kind.

Mr. FARQUHAR. I will state to the gentleman from Illinois that in the act of 1884 the St. Clair Flats Canal was inadvertently omitted. This bill simply amends that act so that the Secretary of War may prescribe rules and regulations with reference to this canal, as he now does with regard to the others. In this way the passage of the craft up and down will be regulated by rules of the Department, and the liability to a blockade will be averted. [Cries of "Vote!" "Vote!"]

Mr. KILGORE. What objection is there to the reading of the report?

Mr. CATCHINGS. I have none; but I have already stated its substance.

Mr. KILGORE. I believe it is a good idea to have the report read.

Mr. CATCHINGS. If there is time before the hour of adjournment, let it be read.

Mr. HOLMAN. I ask unanimous consent that the session be extended five minutes.

Mr. SPRINGER and Mr. McMILLIN. Or until this bill is disposed of.

The SPEAKER *pro tempore*. Is there objection to extending the session five minutes?

Mr. McMILLIN. I do not object, with the understanding that the session is extended only for the completion of action on the pending bill.

The SPEAKER *pro tempore*. Is there objection to extending the session for five minutes, subject to the condition stated by the gentleman from Tennessee [Mr. McMILLIN]? The Chair hears none.

The report was read, as follows:

The proposed bill seeks to amend section 7 of the act named by including in the rules and regulations provided therein for the proper care and management of Des Moines Rapids Canal, St. Mary's Falls Canal, and Louisville and Portland Canal, the St. Clair Flats Ship Canal. The late blockade of lake craft in the St. Clair Canal, on account of lack of proper regulations for the passage of vessels through the same, makes it imperative that Congress shall empower the Secretary of War to place said canal under the same rules and regulations as obtain over the other canals named in said section, not only to thus secure speedy and safe passage of our lake craft, but to save our marine from great pecuniary loss.

Your committee recommend the adoption of the measure, and urge its speedy consideration and passage by the House.

Mr. WILSON, of Minnesota. From what committee does this bill come?

Mr. CATCHINGS. From the Committee on Rivers and Harbors. It is approved by the Chief of Engineers, the Secretary of War, and the President.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CATCHINGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. FARQUHAR. I ask unanimous consent to have printed in the RECORD several communications relating to the subject of the bill just passed, including the orders of the President of the United States to General Poe in regard to the removal of the recent obstructions in the St. Clair Flats Canal.

There being no objection, leave was granted.

The following are the documents:

DETROIT, MICH., *September* 6, 1888.

To the PRESIDENT:

The commerce of the lakes and the entire Northern and Northwestern frontier is in hourly danger of a permanent blockade at the St. Clair Flats, Canada.

The power intrusted to General Poe is entirely inadequate to enforce the needed regulations for the safety of commerce and the protection of the Government works.

Please issue the necessary order to General Poe to use all means necessary for protection of the canal and safety of the commerce passing through the same.

James A. Millen; Jesse H. Farwell; W. B. Morley; A. A. Parker; J. W. Westcott; Eber Ward; John Pudgeon; John Pudgeon, jr.; H. P. Lilibridge, vice-president Cleveland Vessel Owners' Association; R. P. Fitzgerald, president Milwaukee Vessel Owners' Association; Thos. Adams; E. M. Peck, president N. W. T. Co.

EXECUTIVE MANSION, *Washington, September* 6, 1888.

Gen. THOMAS L. CASEY,
Chief of Engineers:

The accompanying telegram requires immediate attention, and I hope the most prompt measures will be taken to remove the obstructions to commerce referred to. If it is possible to give any additional powers to General Poe, and it is necessary, they should be given at once.

GROVER CLEVELAND.

WAR DEPARTMENT, *September* 7, 1888.

To Colonel LAMONT:

Colonel Poe was directed by telegraph to take prompt measures to remove obstructions. Was authorized to hire or purchase in open market all necessary plant and do work by day's labor.

CLINTON B. SEARS,
Captain Engineers, in Charge of Office.

HEADQUARTERS OF LAKE CARRIERS' ASSOCIATION,
Buffalo, September 15, 1888.

DEAR SIR: The commerce of the lakes has been recently seriously obstructed at the St. Clair Flats Ship Canal, causing embarrassment, disarrangement of business, and serious financial loss, all of which is liable to be repeated at any moment in consequence of the unfit condition of the canal to satisfy the demands upon it and accommodate the traffic. The President has directed the engineer-in-charge to make temporary repairs to meet the present emergency, but this is not sufficient.

We find that under the laws the control of the canal is not in the hands of a proper Government official, and the danger of navigating the canal is greatly enhanced by the lack of proper regulations, with power to enforce them, for controlling and directing the movements of vessels. The act approved July 5, 1884, makes it the duty of the Secretary of War to prescribe rules and regulations for the Des Moines Rapids Canal, the St. Mary's Falls Canal, and the Louisville and Portland Canal, and why the St. Clair Flats Ship Canal was omitted no one seems to be able to explain. As it is absolutely necessary that this omission should be remedied, and immediately, we have prepared an amendment to the act above referred to, with the object of bringing the St. Clair Flats Ship Canal under the operations of the act, and inclose it herewith, with the request that you will at once introduce it in the House and urge its immediate passage.

We understand that it is very late in the session and that new legislation will not at this time be looked upon with much favor, but this is a very simple matter, and the passage of the amendment is an absolute necessity. The control of the St. Clair Flats Canal should be in the hands of General Poe, the engineer in charge of the public works in that vicinity, who could prescribe rules for the navigation of the canal which would avert a repetition of the late disastrous obstructions there, caused by the grounding of overloaded vessels.

I shall be glad to learn from you that you have introduced the bill and that there is a prospect of its being pushed through.

Yours, very truly,

S. D. CALDWELL, *President.*

Hon. JOHN M. FARQUHAR,
Washington, D. C.

LEAVE TO PRINT.

Mr. HOLMAN. I ask leave to have printed in the RECORD a letter from the Architect of the Capitol touching the subject under discussion to-day.

There being no objection, leave was granted. [The document will be found in a previous part of the RECORD.]

WITHDRAWAL OF PAPERS.

Mr. ADAMS, by unanimous consent, obtained leave to withdraw

from the files of the House, without leaving copies, papers in the case of J. W. Chickering.

LEAVE OF ABSENCE.

Mr. FORD, by unanimous consent, obtained indefinite leave of absence, on account of important business.

The hour of 5 o'clock having arrived, the House, in accordance with its standing order, adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLAND (by request): A bill (H. R. 11456) to pay Philip Henkel for property unlawfully confiscated and destroyed—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 11457) for the relief of Mrs. Mary Gentry—to the Committee on War Claims.

By Mr. McCREARY: A bill (H. R. 11458) for the relief of S. P. Martin—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 11459) granting a pension to Erasmus W. Jones—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. FORD: Petition of W. H. Hoffman and others, citizens of Michigan, for legislation to prohibit the shipment of liquors to heathen nations—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LODGE: Petitions of Abby Morton Dias and 119 others, citizens of the United States; of T. W. Caldwell and 35 others, citizens of Bourbon County, Kansas; of Clara Patterson and 33 others, citizens of Crawford County, Kansas, and of Mary Chace Tolman and 16 others, citizens of Barnstable County, Massachusetts, to remunerate Anna Ella Carroll for services during the late war—to the Committee on War Claims.

By Mr. PUGSLEY: Petition of J. P. Mathews, for the passage of a special pension bill—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of Robert F. Bell, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of Ann M. C. McNicholas, of Dickson County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

SENATE.

WEDNESDAY, *September* 19, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. PASCO presented the petition of Mrs. Mary E. Boyd, of Palatka, Fla., widow of Robert T. Boyd, praying for the payment of a claim against the United States in behalf of the successors in interest of the late firm of Boyd & Monroe, and the heirs of the partners of that firm, on account of the seizure of the schooner Richard Law; which was referred to the Committee on Claims.

Mr. FAULKNER presented the petition of Jonathan W. Thatcher, of Berkeley County, West Virginia, praying Congress to refer his claim to the Court of Claims for adjudication; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 968) granting a pension to H. S. Sayre, reported it without amendment, and submitted a report thereon.

Mr. EDMUNDS. I am instructed by the Committee on Foreign Relations, to which was referred the joint resolution (S. R. 71) providing for the ascertainment and report by the Secretary of State of the claim of the legal representatives of Walter H. Stevens, deceased, to report the same adversely, with a recommendation that it be indefinitely postponed. We have not drawn up a written report, but I can state the grounds upon which the committee proceeded in two minutes.

In the first place, the claim, if it ever had any existence, arose before the time of the Mexican Claims Commission, and it should have been presented to that commission, it being a claim against the Republic of Mexico. There is no ground to impute to the authorities of the United States any failure of their duty in respect of the presentation of the claim or the non-presentation of it to that commission.

In the second place, the committee are satisfied that the claim never had any rightful foundation in the beginning, it being, as we believe, a fraudulent transfer by a French quartermaster, just as the French were being expelled from Vera Cruz in Mexico, to the original claimant, of a quantity of coal that was French public property, and was immediately seized by the Republic of Mexico, as it ought to have been, as the property of the expelled enemy.

We, therefore, think there is no merit in the proposition, and that it ought to be indefinitely postponed.

The report was agreed to, and the joint resolution indefinitely postponed.

Mr. PALMER, from the Committee on Commerce, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 341) for the relief of John Farley; and

A bill (S. 729) for the relief of J. A. Henry and others.

Mr. CHANDLER, from the Select Committee on Indian Traders, to whom was referred the bill (S. 3522) regulating the purchase of timber from Indians, reported it with an amendment.

CHINESE IMMIGRATION.

Mr. EDMUNDS. I am instructed by the Committee on Foreign Relations to report an order, for which I ask immediate consideration.

The PRESIDENT *pro tempore*. It will be read by the Secretary.

The Chief Clerk read as follows:

Ordered, That the President of the Senate be directed to withhold the transmission to the House of Representatives of the act (House bill 11336) entitled "An act to prohibit the coming of Chinese laborers to the United States" until the further direction of the Senate.

Mr. TELLER. I object to the present consideration of that order.

The PRESIDENT *pro tempore*. It will lie over under the rules.

Mr. STEWART. I should like to have the resolution again read.

The PRESIDENT *pro tempore*. It will be again read.

The Chief Clerk read the order.

Mr. VEST. I should like to make an inquiry. What would be the effect of non-action on the part of the Senate as to that resolution? Will the Chinese restriction bill remain here until the resolution is taken up and acted upon, or will the officers of the Senate in the discharge of their routine duties be compelled or required to take the bill to the other House?

We have had a little experience on that subject lately, not directly in the line of action between the two Houses, but with the commissioners of the District of Columbia. Whilst a resolution was pending here forbidding them to put up certain overhead electric wires, they proceeded to put them up without any regard to our resolution or without any regard to our non-action, if I may so express it.

I should like to know what the officers of this body will do if the resolution lies here for one day or five days? In other words, does the offering of the resolution suspend the action of the officers of the Senate in transmitting the action of the Senate upon the bill to the other House?

Mr. TELLER. If I may say a word on this remarkable resolution, it seems to me that if the Senate should pass it it would be a very singular thing to request the President of the Senate to withhold a bill.

The PRESIDENT *pro tempore*. The Senator misapprehends the tenor of the resolution. It will be again read for the information of the Senate.

Mr. TELLER. I tried to listen to it, but I could not tell just what it meant.

The PRESIDENT *pro tempore*. Senators will resume their seats and refrain from audible conversation. The resolution will be again read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Objection having been made, the resolution lies over under the rules.

Mr. TELLER. I will say that I object to that. I did not understand on the first reading exactly what the import was; but as it is to delay the bill in reaching the President, I object.

KENTUCKY RIVER BRIDGES.

Mr. VEST. I am instructed by the Committee on Commerce to report with amendments the bill (S. 3471) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company. The Senator from Kentucky [Mr. BLACKBURN], who introduced the bill, was called home last night and compelled to leave the city. He requested me to ask the Senate to consider the bill and pass it, as the company who are building their road had built it up to the vicinity of the Kentucky River and are anxious for the passage of the bill through both Houses, so as not to be delayed in the work. It is just an ordinary bridge bill, and I ask the consideration of it now by the Senate.

Mr. SHERMAN. I should like to have the bill read.

The PRESIDENT *pro tempore*. The bill will be read at length for information if there be no objection.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT *pro tempore*. The amendments reported from the Committee on Commerce will be stated in their order.

The first amendment was, in section 3, line 9, before the word "built," to insert "commenced or;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was to add at the end of section 3:

And any changes required by the Secretary of War, or the entire removal of said bridge or bridges after completion, if required, shall be at the expense of the company owning said bridges.

The amendment was agreed to.

The next amendment was, to add, at the end of section 4:

And if said bridge or bridges shall be built for the passage over the same of vehicles and the transit of animals, and for foot passengers, the rates of toll therefor shall be approved by the Secretary of War before any toll can be collected.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM THOMPSON.

Mr. ALLISON. I ask the unanimous consent of the Senate to reconsider the vote by which the bill (H. R. 166) for the relief of William Thompson was indefinitely postponed. On the 12th day of April the bill was reported back adversely from the Committee on Military Affairs and indefinitely postponed. I have some additional papers and testimony that I wish to submit to the Senate. I ask unanimous consent that the vote postponing the bill may be reconsidered, and that it may be recommitted to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The period within which that motion could properly be made having elapsed, the Senator from Iowa asks unanimous consent that the vote by which the bill was indefinitely postponed may be reconsidered, and the bill referred to the Committee on Military Affairs, with the papers that he submits to the Senate. It is so ordered, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 11446) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the following bills:

A bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions; and

A bill (H. R. 925) for the relief of Matthew W. Berryman.

BILLS INTRODUCED.

Mr. BLAIR introduced a bill (S. 3569) granting a pension to Sarah G. Hall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3570) granting a persion to Sarah D. Lewis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3571) for the relief of James Harvey Dennis; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAULKNER introduced a bill (S. 3572) to pay the stenographers for reporting the several trials of the case of Hallet Kilbourn *vs.* John G. Thompson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

YELLOW-FEVER SUFFERERS.

Mr. EDMUNDS. I offer a joint resolution and ask for its present consideration.

The PRESIDENT *pro tempore*. The joint resolution will be read the first time at length for information.

The joint resolution (S. R. 110) in aid of the sufferers from yellow fever was read at length, as follows:

Resolved, etc., That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President of the United States in the relief of the suffering caused by yellow fever now prevailing in the State of Florida.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the joint resolution may be read the second time and considered.

Mr. EDMUNDS. If I may be permitted by unanimous consent to make a single statement, I should be glad to do so.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. EDMUNDS. It is obvious from the public reports, about which there can be no doubt, that this most dangerous and fatal plague is rapidly extending, not only in the stricken State of Florida, but into adjacent States, and that a vast amount of suffering is being caused thereby, which under present appropriations for the restraint and quarantine of the disease can not be aided by any money of the United States.

I think, therefore, while the citizens of the United States from their private means are contributing as liberally as they can everywhere in aid of these stricken people, that the whole people of the United States, out of its Treasury, for humanity and for the public good in still further trying to repress the spread of it, ought to make a contribution out of the Treasury of the United States to aid not only the sick but those who are driven from their homes, and to help up those communities in this dreadful distress.

It is not within the competence of the Legislature of the State of Florida to meet and provide for it now under such conditions, and I know of no better use to which a proper amount of public money can be put than to make this contribution, to be expended under the direction of the President immediately, to help in every way we can.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was read the second time by its title, and considered as in Committee of the Whole.

Mr. BROWN. I beg leave to ask the Senator from Vermont why he proposes to confine the appropriation to the State of Florida while the disease is spreading into other States?

Mr. EDMUNDS. I do not. I only speak of it as a disease existing there; but it is in aid of all sufferers, wherever they may be.

Mr. BROWN. I misunderstood it, then.

Mr. EDMUNDS. I only speak of the present locality of the disease, as in Florida, but the relief will apply to every sufferer, whether in Georgia, or North Carolina, or in the city of Washington, or wherever it is thought proper to expend the money.

Mr. BROWN. I probably did not understand the joint resolution.

Mr. EDMUNDS. I have no objection to making it perfectly safe. Perhaps it is better to say "or elsewhere in the United States" after "Florida," so as to make it perfectly sure.

Mr. BROWN. That will make it all right.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the joint resolution the words "or elsewhere in the United States;" so as to read:

In the relief of the suffering caused by the yellow fever now prevailing in the State of Florida or elsewhere in the United States.

Mr. BROWN. That makes it all right.

The amendment was agreed to.

Mr. CALL. Mr. President, I am very much gratified that this joint resolution has been presented, and I hope that it will pass without any dissent in this body.

I do not propose to enter into any discussion of it further than to say that here is a disease of almost unprecedented malignity, entirely new in that portion of the State of Florida where it now is, and that the indications are that it is rapidly spreading or will spread throughout the country.

Mr. PASCO. Mr. President, I simply desire to say that I concur entirely with what has been said by my colleague. I wish to express my gratification that the joint resolution has been brought in. I trust it will pass by the unanimous vote of the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO DEFICIENCY BILL.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

INVESTIGATIONS BY FINANCE COMMITTEE.

Mr. HARRIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance have authority to employ a stenographer and such other clerical assistance as may be necessary in connection with matters referred to that committee for investigation, such expenses to be paid out of the contingent fund of the Senate.

RELATIONS WITH GREAT BRITAIN AND CANADA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered by the Senator from Ohio [Mr. SHERMAN] on the 17th instant, coming over from yesterday, which will be stated.

The CHIEF CLERK. A resolution by Mr. SHERMAN directing the Committee on Finance to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada.

Mr. MORGAN. On an agreement with the Senator from Ohio, that resolution will go over until to-morrow. I have some private engagements this morning.

The PRESIDENT *pro tempore*. The resolution will be presented by the Chair to-morrow as current business, if there be no objection. It is so ordered.

PRESIDENT'S ANNUAL MESSAGE.

Mr. JONES, of Arkansas. I ask the consent of the Senate to call up the resolution to refer the President's message for the purpose of making some remarks.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Arkansas asks unanimous consent that the Senate proceed to the consideration of a resolution which will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection, the resolution is before the Senate, and the Senator from Arkansas will proceed.

Mr. JONES, of Arkansas. Mr. President, being now satisfied by speeches made in the Senate within the last day or two by leading Republican members that there is very great uncertainty as to when the Mills bill will be reported back to this body, I have determined to change my original purpose to wait for the debate upon that bill, and have concluded to submit at this time some general remarks upon the question of tariff taxation, not attempting, of course, in the absence of the bill to discuss details, and for this urpose I ask the indulgence of the Senate.

The national revenues are excessive. Nobody denies that the collection of millions of dollars annually into the Treasury of the United States more than is needed, more than can be used by the Government, and every dollar of which is needed in the ordinary channels of business in the country, is little if any short of a crime. So much was the President impressed by the necessity of some relief from this evil that he devoted his last annual message to a discussion of it and urged upon Congress the necessity for prompt action. Commenting upon the present system and estimating the probable surplus at the beginning of the present fiscal year at $140,000,000, he said:

The public Treasury, which should only exist as a conduit, conveying the people's tribute to its legitimate objects of expenditure, has become a hoarding place for money needlessly withdrawn from trade and the people's use, thus crippling our national energies, suspending our country's development, preventing investment in productive enterprise, threatening financial disturbance, and inviting schemes of public plunder.

The House of Representatives almost two months since passed a bill intended to remedy this evil, but, as is now evident, that bill will not become a law; in fact it requires no power of prophecy to say that nothing will be done at this session of Congress to remedy this wrong. Both political parties desire the surplus reduced, but they differ widely as to the reasons for it and consequently as to the method of reduction, and so strong is the feeling in each party against the methods proposed and the purposes intended by the other that no compromise is probable and no reduction is likely to be accomplished.

In the opinion of the Republican party the surplus—the mere accumulation of money in the Treasury—is the only evil in this situation, and any means which will prevent this accumulation or dissipate it after it is accomplished seems in the opinion of that party to meet all the requirements of the situation. On the other hand, the Democratic party not only consider the surplus an evil of itself, but they consider it also the accompaniment, the shadow merely, of a graver one, excessive taxation.

Our national revenues are derived mainly from two sources—internal taxes and a part of the tariff taxes. The internal taxes are simple and direct; the tariff, complex and not readily understood. Every cent collected under the one goes into the Treasury, while much the larger part of that which is collected under the other does not.

For every dollar of revenue remitted under the one there will be exactly the same amount of tax reduction and no more, while for every dollar of revenue remitted under the other there will be a largely greater reduction of taxation.

The Republican party are agreed in desiring the reduction of the surplus with the least possible reduction of taxes, one part of them for this reason favoring a reduction by the removal of internal taxes, while another part absolutely advocate a reduction of revenue by increasing taxation.

The Democratic party, on the other hand, believing that there is no constitutional power in Congress to lay taxes except to raise revenue, would decrease the surplus by the largest possible reduction of taxation necessary to bring about the result.

Great and threatening as are the evils of this mere accumulation of money in the Treasury, the taxes from part of which it grows are a much graver one; while that class of taxes which, bearing heavily upon all, does not contribute one cent to the revenue or to the surplus is the most indefensible and inexcusable of the entire lot.

The issue is distinct; one party desires to be rid of the surplus only, and is willing to do this even by increasing the burden of taxation, while the other insists that the surplus shall be removed by removing the unnecessary taxation upon which it rests.

It will be well for us to remember in this discussion that when we have failed to agree here we must appeal to the great body of American people to determine this question, and that they must at last decide between us. The plain, practical, common sense of the masses must at last determine this great problem, and we had best consider the lights in which it will appear to them. The principles upon which the whole question rests are easily understood.

Our people are slow to make important changes in matters of public policy. As our fathers expressed it in the Declaration of Independence—

All experience hath shown that mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed.

This conservatism is perhaps more strongly marked in our race than in any other on the face of the earth, and it has been held by many wise men to be the great hope and security for the future. Always willing to endure the ills they have rather than fly to others they know not of, so long as there can be any doubt of the propriety of a change, our people are "slow to wrath" and there need be even now no fear of any hasty, passionate, or inconsiderate action; but if it is thought that the people will never act, that because they appear to hesitate they will always submit to wrong, let me say that they only intend to be sure that they are right and then they will go ahead. Remember that for years complaints came up from all quarters that the railroad managers were guilty of great injustice to the masses of the people in the management of their roads; that they were building up one individual or town at the expense of another; that they were making and unmaking fortunes by their favoritism or prejudice; and were charging unreasonable rates for services, etc., yet the people, so unwilling were they to act hastily, hesitated long. The matter was discussed in newspapers, upon the hustings, and in Congress, but at last, in God's own good time, action came and all the money, influence, employés, and power of the railroads could not prevent the enactment of the interstate-commerce law. That law has come to stay; it will be improved as time and experience shows its defects, but it will live, and henceforth the railroads are subject to the law.

The present problem of reform of taxation by the National Government is a greater question than that, more far-reaching in its effects and more important in its consequences. It has been widely considered and the people are slowly but surely working out a solution of this also. Attempt after attempt has been made, but not until this session has a bill passed the House of Representatives. This is an important step and clearly indicates that the people are coming to a conclusion, for there is no surer representative of public opinion than this great body coming directly from, in full sympathy with, and frequently elected by the people.

To clearly appreciate the opposite purposes of the two parties in the present contest, and to fully and plainly understand the consequences and effects of the plan proposed by each, it may be well to attempt to state in plain and simple language the principles involved, and to consider them in so practical a way that they will be clearly comprehended and fully understood by those who are most interested and who must finally decide this controversy—the "plain common people."

THE RIGHT AND POWER OF TAXATION.

"The power to tax is the power to destroy." It is an attribute of sovereignty, and as such should always be exercised with the greatest care and circumspection, for a wrong committed in the exercise of this high function is practically without a remedy. Honest and patriotic men, in view of this solemn responsibility, will not act in any doubtful case in the exercise of this power against the interest of the general public except under circumstances of the greatest emergency.

No good citizen will hesitate for one moment to contribute his fair share toward the support of the Government. We are a law-abiding and a law-respecting people, and no American wishes to be freed from his proper share of the public burdens. In truth, in times of peril the people have shown a willingness to come to the relief of the Government without stopping to consider the question of obligation, as has been shown in every such instance in the nation's life; but while they are thus willing to do all "that may become a man," they are not willing to submit to injustice under any form nor on any pretense. The people are willing to pay any just and necessary tax—certainly no unnecessary tax ought to be now collected, and no unjust tax ought ever to be, under any circumstances.

Any tax, even for the best and most commendable purposes, if improperly or unfairly levied and collected, is wrong, but levied and collected for an improper or unauthorized purpose it is an injury to the public, an injury to the state, of the very greatest character, amounting to a crime. The proper purpose of taxation is to raise money for public uses, and excludes any idea of private benefit or gain. A tax levied for any other purpose is despotic and tyrannical. In this free country where we are glad to claim that all men are "born equal," and where all admit that the laws ought to bear equally upon all men, the taxes should be levied and collected from the property of the country in equal and uniform proportions.

As the real value of property depends upon its productive capacity I confess frankly that I would prefer, if possible, to see the revenues of our country collected from the incomes derived from the wealth, the accumulated property of the people, but as it has seemed difficult to accomplish this, the plan adopted by most States seems reasonably fair in its practical operation. These as a rule lay and collect taxes upon the property of their citizens ad valorem. By this means a citizen with $10,000 worth of property pays ten times as much tax as one with $1,000 worth. This is fair, gives satisfaction, and commends itself to all just men and all lovers of liberty and equality. If this system is objectionable at all, it is in that it bears equally upon all in proportion to property without regard to the circumstances or condition of the owner.

THE HOME.

The very foundation of our civilization is the family, the home; "it is the grandest of all institutions," and is "the chief school of human virtue." In the language of President Cleveland—

The strength, the perpetuity, and the destiny of the nation rest upon our homes, established by the law of God, guarded by parental care, regulated by parental authority, and sanctified by parental love.

It is, then, the wisest statesmanship to build up and guard the homes of our people by wise laws and jealous care. Whatever is for the good of this great institution should be carefully nurtured, and anything in our laws inimical to its welfare and development ought to be abolished. Every dollar of the proceeds of daily labor which goes to the simple support of the home ought to be freed from the burdens of taxation. We exempt from taxation institutions of learning and churches on account of the close connection of these with our advancement and well-being, and the home for similar reasons ought to be also exempt, at least to the extent of the necessaries of life, for "a home is no home unless it contains food and fire for the mind as well as for the body."

It is with this idea, that the mere subsistence of the family ought not to be taxed, that many of our States exempt from taxation a few hundred dollars and collect their revenue from that which is owned beyond and in excess of that amount. This is wise, humane, and statesmanlike, especially in this country where the laws should be so framed as to bear least upon the members of society who are struggling with adverse circumstances, and should rest mainly upon those who are in affluence. This is precisely the principle that underlies our free-school system. In that the property of every one is made to contribute to the education of all, the child of him who pays the most receiving no more benefit therefrom than the child of him who pays none.

Thus the policy of the States is seen to be to relieve from the exactions of taxation the absolute necessaries for the home, the family, and after this that all property, all accumulated capital shall be taxed in uniform proportions for the support of the Government and for the education of the young.

In our national finances this beneficent purpose is entirely wanting, and in its room we find what appears to be a determination that taxes for national purposes shall not be laid upon the wealth of the country at all, but upon the poverty and necessities of the people instead, the great burden of the support of the National Government being laid upon the homes, and not upon the property of the people. It would seem that those who conceived and organized the system had framed it upon the idea that—

To him that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath.

There is no assessment of property for Federal taxation, there is no account taken by the Federal Government of the fact that one man owns a million of dollars' worth of property, while his neighbor lives by his daily labor, when contributions from each are required for the support of the Government. No beneficent exemptions in favor of the family and the home find their place in the national statute-books, but on the contrary, as if the home and the family were institutions to be taxed out of existence, the burdens of taxation are nicely arranged and adroitly adjusted to bear directly upon them, and with a weight increasing as the scale of poverty increases; it is a tax upon consumption, a tax upon liberty, a tax upon poverty, but not a tax upon property.

The rule is that the lower-priced and cheaper imports must pay a higher rate of taxation than the more costly goods of the same kind—$100 worth of diamonds is taxed $10, while $10 worth of castor-oil is taxed $18. The poor man who consumes of necessity articles of clothing which are protected pays in proportion to his consumption—each article pays its share; clothing, hats, and shoes he must have, and when he buys them he pays the tax; if his income is $500 a year and all of it is spent for these things, he pays just as much toward the support of the Government as he whose income is $100,000 a year if his family consumes only as much as the other. This is so plain that there can be no misunderstanding it, and it does not require a professor of political economy to know that this is an outrage, that there is no equality in it; and the great tribunal before whom this question is soon to be appealed for trial will readily see and promptly condemn this wrong.

PURPOSES OF FEDERAL TAXATION.

Having considered to some extent the unjust methods of laying and collecting our national taxes, I propose now to consider for a few minutes the graver evil of the purposes for which they are collected. In presenting my views upon this question I shall attempt to illustrate what I mean, by instances here and there, so that "he who runs may read" my meaning.

Whenever a tariff tax is laid upon any article, from that moment any man, citizen or foreigner, bringing such an article into this country must pay this tax at the custom-house of the port in which the article is landed. From this one of two results is inevitable, either the article will not be brought in, or if it is imported it must cost the consumer just that much more than he otherwise would have to pay for it.

If there is no importation of the article the Government will derive no revenue from the tax, because there is none to collect; but if the article is imported the Government will derive revenue in exact proportion to the importations. If, now, an American manufacturer, seeing that by reason of this increased price the manufacture of the article in this country will be profitable, enters into the business, he will sell his product at the market price, *i. e.*, the foreign price with the tariff added. The increase in this price is caused by the tax, but when the domestic product is sold the manufacturer collects the increase, the tax, and not the Government. If the manufacturer sells ten times as much of the article as is imported, the result is clear that he in his increased prices collects ten times as much tax as the Government does.

In such a case we have the price to consumers increased upon domestic and foreign goods; the consumer pays the tax in every purchase, but the Government only collects upon the imported articles, while the manufacturers collect upon the domestic product. It is clear in the illustration above that the tax is making the manufacturer rich; but there is no difficulty in also seeing clearly that the consumers are taxed into poverty at just the same rate, and the community as a whole of which they form a part are neither poorer nor richer thereby.

When the Government needs revenue for public purposes it is doubtless wise to lay and collect such taxes, due care being had that the tax is not so high as to prevent importations and thereby defeat the purpose of raising revenue. This being done there can be no harm to any one in any citizen taking advantage of this state of things to begin manufacturing; there would in such a case be an increase of price resulting from this tax which would be protection to him, incidental to a revenue tax.

But when the Government, not needing the revenue, deliberately lays a tariff tax upon an article so high as to prevent importation, so as to defeat the collection of any revenue, and to serve only to increase the cost to the customer, and to raise the prices received by the manufacturer, then, while the pretense is that the object is to raise revenue for the Government, its real purpose is manifestly to lay a tax on all consumers to be collected by the manufacturers.

This is illustrated in the case of cotton bagging. As I had occasion to state to the Senate when I presented a resolution directing the Committee on Finance to investigate the combination of cotton-bagging manufacturers, there are used in the United States 50,000,000 yards of this article yearly. There is a tariff tax of 3 cents per yard upon it, and as a result not a yard is imported. That the manufacturers get the full benefit of this 3 cents per yard is shown by the statement of one of them that a slight advance in price produced importations, showing that at a figure slightly above our usual market price, foreign manufacturers could ship their products to us, realizing, of course, for themselves 3 cents per yard less than our market price.

Thus it will be seen clearly that these American manufacturers, under the operation of this law, collect out of the cotton-growers the sum of $1,500,000 per year, while the Government does not get a nickel and the surplus is not increased one cent. Can the plain, common people be misled into believing that this is just and constitutional taxation? The Constitution authorizes the Government to lay and collect taxes, not lay taxes that a class of favored private citizens may collect. Here, then, is a tax which clearly ought to be abolished, yet the surplus would not be affected thereby to the extent of a single dollar.

If any doubt existed in the mind of any man as to whether this tax was too high the recent dishonest swindling combination of manufacturers to raise the price has removed it, and I take it that no man will be so lost to every sense of justice as to be willing to allow this infamous proceeding to be longer continued or repeated hereafter. For such taxation in our form of Government there can certainly be no excuse or palliation.

In the language of the President—

When we consider that the theory of our institutions guaranties to every citizen the full enjoyment of all the fruits of his industry and enterprise with only such deductions as may be his share toward a careful and economical maintenance of the Government which protects him, it is plain that the exaction of more than this is an indefensible extortion and a culpable betrayal of American fairness and justice.

Yet the fact remains that while our tariff taxes are so laid as to bring into the national Treasury about $200,000,000 per annum they take from the people for the benefit of the protected industries many times this vast sum. This legislating by indirect and unfair means against the masses and in favor of the industries is so arranged as to come like a "thief in the night," and it is next to impossible to tell accurately how much is abstracted, but enough is known to know that it aggregates perhaps a thousand millions of dollars each year. It has been so estimated again and again by skilled and competent men after the most careful examination. This is protection, pure and simple, and this is what the Republican party solemnly declare shall not be abandoned.

INFANT INDUSTRIES.

The pretenses under which this system of naked robbery is defended are various, inconsistent, and unphilosophical.

When it was just beginning, the purpose was alleged to be to protect "infant industries." The understanding was that this was to continue but a limited time, and the quantum of protection was quite moderate indeed, being from 5 to 15 per cent. prior to the beginning of the pres-

ent century; but as time has passed and the infants have grown and waxed fat, instead of being willing to stand alone, they have grown strong enough to defy for years all efforts to reduce their share of "pap," until now, in this year of our Lord 1888, at the end of a century of national life the convention of a great party has boldly declared that—

We favor the entire repeal of internal taxes rather than the surrender of any part of our protective system.

And upon this declaration in favor of free whisky rather than cheaper clothing and necessaries, the venerable and able leader of protectionists exclaimed in his place in the House of Representatives:

Now Lord lettest thou thy servant depart in peace, for mine eyes have seen the salvation of the Republican party.

This exclamation on his part is not to be wondered at, for he had long since turned his back on this false pretense and had said twenty years ago that he would—

protect every feeble or infant branch of industry and quicken those that are robust.

The Republican party now boldly declares that "the protective system must be maintained." All pretenses that it is for a temporary purpose or for infant industries is at last laid aside, and the American people are put upon notice that their slavery is to be, not temporary as at first promised, but eternal.

I thank the Republican party for throwing off the disguise and avowing their real purpose. The Democratic party on the other hand declares that it—

Indorses the efforts of our Democratic representatives in Congress to secure a reduction of excessive taxation.

And thus the issue is joined.

The Democratic House of Representatives have reported and passed and sent to us for our sanction a bill providing for a moderate reduction of taxation, a reduction of the present average tax of 47 per cent. to about 42 per cent. To this the Republican party will not agree, but will either adhere to the declarations of the Chicago convention and boldly advocate high-priced necessaries and low-priced whisky, or else, driven by the public sentiment of an outraged people, they will pretend to abandon this doctrine and offer some reduction of tariff taxation which will relieve the people as little as possible; while "keeping the word of promise to the ear will break it to the hope;" which will remove those taxes only which are collected by the Government, and will allow those more oppressive and unjust which are collected by the manufacturers to remain.

THE INTEREST OF LABOR.

This pretense of protecting infant industries having been practically outgrown, and a century of protection having demonstrated that the infancy of these protected industries is to be eternal, the protectionists found it necessary to present the pretense that labor has in some way an interest in this, and they at once declare themselves "devoted to the protection of American labor and industries." That they are devoted to the protection of the industries—to the manufacturers—needs no proof; their conduct demonstrates that. But their conduct just as conclusively proves that they are not devoted to the interests of American labor. The truth is "they are blindly wedded to the corporate powers of the country and have no proper regard for the interests of labor."

That the manufacturers reap a rich harvest from protection is self-evident, but that the laborers receive any benefit from it is as certainly untrue. Every citizen knows that the supply and demand, the regular market price, will regulate the price of labor. As has been well said, when there are two laborers and one employer the employer will fix the price of labor, but when there is one laborer and two employers the laborer will make the price. Those who have put themselves to the trouble to notice have seen reductions in wages immediately upon the increase of the tariff too often to be misled by any pretense that the object of the tariff is to protect labor. The protectionists themselves demonstrate the dishonesty of this pretense.

The claim is that American labor can not compete with the poorer fed and poorer paid labor of Europe, and yet, while they have covered our statute-books with laws to keep out the products of the labor of foreigners, have lined the coasts with custom-houses and covered the seas with ships to prevent the importation of the products of labor, they have not made an effort to prevent the importation of the very labor itself against the products of which the laws are passed, and they rejoice that "men were on the free-list," and consider them "the most valuable commodity we can import," while their candidate for President "can not easily let go of the old idea that ours is the free home of all comers."

The fabric is protected versus the foreign fabric, but there is no protection to the laborer against the foreign laborer. The very men are brought into this country to drive Americans out of the protected industries because these foreigners will work cheaper than Americans, as the investigations of the House committee recently in session in New York show, wages having been reduced 60 per cent. in some instances, while protection has been kept up all the time; and yet the plain people of this country are asked to continue this tax upon themselves to enable these pets of unjust laws to pay high wages to American labor.

The Senator from Ohio [Mr. SHERMAN], the foremost man of his party in ability, statesmanship, and experience, has, during this session, said that the leading question at issue is—

The duty of Congress to protect the industries of this country from undue competition with the labor of Europe.

I invite special and critical attention to this declaration. He who made it weighs his words and speaks with deliberation and care. It will be seen that if this is the real purpose of the party to which he belongs that it is not to protect American labor. The candid, open, refreshing avowal seems to be made in this declaration that the object of the Republican party is to protect industries against undue competition with the labor of Europe. It is industries and not the labor in them that is to be protected. This declaration is a charming confession of the truth of what I have been trying to demonstrate—that all this pretense of solicitude for American labor is mere acting to catch votes, while the real purpose is to enable the manufacturers to sell their products to American consumers at advanced prices while they employ the cheapest labor the world affords.

The commissioner of labor of New York only last year reported officially (I quote his own words):

In many large industrial establishments there is not a single American at work. This is the sworn testimony of several of the largest manufacturers in the State. Of course, the presence of so large a number of foreign-born workers can not but have an injurious effect upon the trades in which they have practically secured a monopoly—for that monopoly means the exclusion of American labor.

And just here it may not be amiss to note that while the rapacity of these people leads them to sow the wind, that the natural consequence of their own conduct will be to reap the whirlwind, for this same report also has the statement of a manufacturer, as follows:

So far as my observation goes in regard to strikes the most unreasonable and hot-headed are foreigners, many of them not naturalized citizens and who care little or nothing for our institutions.

Their greed may yet be their ruin. They should remember that the laws of God are eternal and always work out just results, and He has said that—

He that oppresseth the poor to increase his riches and he that giveth to the rich shall come to want.

Upon this subject Mr. Powderly, a leading representative of labor, recently used the following language:

Nine million seven hundred thousand immigrants have landed since 1860—more than the combined population of New York and Pennsylvania, and as much as the total population of Arizona, Arkansas, California, Colorado, Connecticut, Dakota, Delaware, Florida, Idaho, Kansas, Louisiana, Maine, Maryland, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, Oregon, Rhode Island, Utah, Washington Territory, West Virginia, and Wyoming. The population which came previous to 1860 was civilized; that which comes to-day is, in a great proportion, semi-barbarous.

So long as this tide of unrestricted immigration is permitted to sweep in they will take no steps to reform conditions at home. We must check it at once, or, instead of Americanizing those who come, they will Europeanize us.

These proofs of the falsity of the pretense that labor is protected by the tariff "against the pauper labor of Europe" are not needed to convince the masses, as their experience teaches them that the protected industries will get all they can by protection and pay just as little as possible for labor.

The tariff was enormously increased during the war. This was done to raise revenue, as the Government required extraordinary sums in the emergencies of the period. It was distinctly understood at the time that these extraordinary rates of taxation should continue only so long as the emergency continued, and the promise of reduction has been repeated a thousand times since by the leading men of the Republican party. But those who are reaping the lion's share of the profits of this system, having become accustomed to the vast advantages they derive from it and being now the absolute masters of the Republican party, will not consent to any reduction, but insist instead that the system shall become perpetual.

One of the ablest advocates of this system recently, in the course of an argument intended to persuade us that all that we have of prosperity comes from protection, uses the following language:

What country can show such a trade as ours, such commerce, such immense transportation lines, such a volume of exchanges, and such marvelous production from the raw material to the finished product? Its balance-sheet is without a parallel in the world's history, richest in agriculture, greatest in its domestic trade and traffic, and leading in manufactures any nation in Europe. Why abandon a policy which can point to such achievements and whose trophies are to be seen on every hand? The internal commerce of the United States is greater than the entire foreign commerce of Great Britain, France, Germany, Russia, Holland, Belgium, and Austria-Hungary. Why, a single railroad system in this country (that of the Pennsylvania Railroad Company) carries more tonnage and traffic in a single year than all the merchant ships of Great Britain. The whole of Europe has not built as many miles of railroad as this country has during some recent years, and in 1880 the whole known world did not lay as many miles of track as were laid across this country. Great Britain's foreign commerce equals about one-sixth of our domestic commerce. Can we do better under any other fiscal policy? We say not. Wise statesmanship commands us, therefore, to let well enough alone.

Another distinguished protectionist in an open letter to the President of the United States and to the Speaker of the House of Representatives, which he thought of sufficient importance to be printed in pamphlet form and laid upon all our tables, uses the following language:

The period since the war—1865-'87—has witnessed strikes, lockouts, the organization of labor, offensive and defensive, to an extent never before known in this country, and to-day shows a feeling of widespread discontent among the

masses of the people, and the avowal on the part of not a few, of a desire to overthrow the present organization of society. It winds up with the execution of several men and the sentence of imprisonment for life of others for consequences growing out of these feelings, these avowals, all unmistakable indications of bad government.

Here certainly is a case calling for thoughtful, rational investigation, for something of a far higher order than either passion, partisanship, or mere political expediency. Here are involved the lives, the fortunes, the morals, the happiness of 60,000,000 of people—as great, as absorbing an issue as ever mankind has been forced to face.

Here seems to be a marvelous difference in the statement of the condition of the country by two of the most pronounced advocates of the present system of national taxation, yet the facts stated by each are substantially true. How can these apparently conflicting conditions exist at the same time?

A little reflection will plainly show us how. It is because under the unequal operation of unjust laws one sows and another reaps; it is because our laws do not permit each man to have and enjoy the results of his own labor. A few have arrogated to themselves by shrewd manipulation of the laws the right to absorb and do absorb the result of the labor of the many, to the extent of depriving them of a comfortable support. For centuries the great drawback to the general elevation and advancement of our race has been the unjust and unequal division of the products of labor between laborers and capitalists. The share of capital has been unduly great and that of labor unreasonably small. Money has been regarded as of more value relatively than men. This has been a natural outgrowth of the social condition of the English people at the dawn of our civilization. In the early times the masses of our own race were owned by the landlords and sold by them like cattle. When we read in the old laws that—

Na bondman may buy or purches his libertie with his awin proper gudes or geir, because all the cattell and gudes of all bondmen are understand to be in power and dominion of the maister; Swa that without consent of his maister he may not redeme himself out of bondage with his awin proper denires or money,

and that these miserable people were at the absolute disposal of the lord and were transferable by deed, sale, or conveyance from one owner to another, and that they were actually a regular article of commerce, it is easy to understand that the favored classes, having been always accustomed to this state of things, should be firmly fixed in the belief that the poor people had no rights except such as their masters chose to grant them. The natural consequence of this was, when by slow and painful processes the people became free from this bondage, being without property and almost without rights, when wages came to be paid them for their labor, that their old masters would pay them the smallest possible compensation for what they had been accustomed to have without pay.

We can readily see that in such a state of society in fixing the wages of the laborer little attention was given to what the product of his labor might be, and the fact that it brought great returns to the lord was considered as largely a "private affair," a thing with which the public was supposed to have "no particular business." These ideas still prevail to a great extent, though they have been shaken by the intelligent and just demands of organized labor in our time. Still, in the great mass of our business affairs there is not yet any fair division between labor and capital.

We have progressed so far towards freedom, towards a belief that every man ought to own and enjoy the products of his own labor, that we are shocked now to read that only a century ago a farm laborer received but a shilling for a day's labor, while a bushel of wheat was worth 12 shillings and an acre of land rented by the year at 60 shillings. Such a state of things as this could not now of course exist for a moment. The scarcity of land and the abundance of labor, together with the prevailing ideas of the rights of capitalist and labor, brought its inevitable result.

The overflow of dense populations into the new world of fertile and abundant lands gave birth to the idea in the course of time, amongst those who grew up accustomed to the boundless extent and resources of this great continent, that "all men are created equal," and at last the world was startled by the declaration made by "a nation born in a day" that this was "a self-evident truth."

The absolute truth of this declaration has, however, never yet been fully accepted and acted upon, even by our own people. While we read these words on every Fourth of July and declare our faith in them, like many a believer in the cause of Christ, we do not come fully up to our declaration of faith. In the course of time, however, this will be done, and when it is, it will be admitted that manhood is above money. That the right of the laborer to the full product of his labor is fully as sacred as is the right of the capitalist to a reasonable compensation for the use of his capital. The division will then be fair and there will be no enormous and unreasonable fortunes made in a year by capitalists, while laborers are without the ordinary comforts of life.

The oppressions of the poor which resulted from the power of the favored classes in the early times has been of course much affected by the increasing intelligence of the masses and the slowly acquired right of suffrage—and now in our country so universal is the right of suffrage that the old system of unjust distribution can only be maintained by deceiving those who have the power by their ballots to right their wrongs.

They have been deceived in the past and it is being attempted now, and will be continued until the intelligence of the masses shall see through and dissipate false pretenses. I am rejoiced to know that there has never been such a spirit of inquiry abroad in the land as now. Public attention being once arrested and directed to these inequalities, their correction is inevitable. The power of public opinion backed by a clear and intelligent understanding is in this country irresistible.

Let us see for a moment how the products of labor in some of our industries are distributed. A manufacturing establishment is worthless without muscle and brain. It would seem that in the distribution of profits in such an establishment the relative value of money and men could be easily ascertained and that each should have the fair products of his contribution to success. There should be a fair co-operation between labor and capital. If the reports made by the manufacturers themselves to the census bureau in 1880 are to be believed there is now no fairness in this distribution. Let us examine a few tables.

In cotton manufacturing there were, according to the tables in the census reports in 1880, employed—

Capital in mills, etc	$208,280,346.00
Operatives	172,544
Wages paid	$42,040,510.00
Value of material used	102,206,347.00
The value of product was	192,090,110.00

This gives as the average of wages paid the operatives in this industry $243.65 per year. Let us see about how valuable, relatively, the manufacturers consider their capital and the men they employ. Deduct the total amount paid for materials used, $102,206,347, and also the amount paid for wages, $42,040,510, from the value of the product, and we have left $47,843,233, the net profit in one year upon an investment of $208,280,346.

We have been told in glittering generalities about "the brotherhood of man," the "dignity of labor," and the great importance of the American workingman. Any amount of eloquence, pathos, and gush has been expended upon him here and elsewhere, and in many instances, with the fervor and spirit of him who thanked God that he was not as other men, those of us who come here from the South have been taunted with the fact that slavery once existed in our section of the Union.

Sometimes people talk for effect, but of course no man here would obscure hard facts by eloquence and glamour. As, however, this is a practical age, I want to see how much of the sympathy which goes out from these good people to labor generally finds its way to the laborers at their own doors, and how much of this fine talk is for "campaign purposes merely," and how much is, like some of our cheap novels, "founded on a fact."

By a simple calculation, which any school-boy can make, the above figures show that the mill-owners, after having all that they have spent in the current year for wages and for material used returned to them, then take as much for every sum of $1,075.28 invested as they pay for a year's work to an operative. The operative works the year through for $243.65, and the manufacturer takes for his profit $243.65 each year for every $1,075.28 invested in his mill. In other words, in his opinion the cash value of a man who feeds and clothes himself and works faithfully is $1,075.28.

I have often been told that slave labor could not compete with free labor, and have heard that the reason for it was that it cost too much; I had always supposed that this cost of slave labor came from the wastefulness and bad management and want of thrift which I have been told characterized slaveholders; but I never for an instant, until I made this calculation, supposed that it was because a slave had a greater cash value than an American freeman. I had always believed that the same man was worth twice as much to society and to his employers as a freeman as he was to his master as a slave; and never until these figures removed the scales from my eyes did I know that a freeman, intelligent, industrious, skilled, and educated, was worth less in money than an ignorant, unlettered, untutored slave; but thus it is written by the hard task-masters of our American cotton mills.

The owner of a slave had him to feed and clothe and to insure his life or incur the risk of his loss before he could receive any profit from the investment. The intelligent workingman in the cotton mill is not fed nor clothed nor insured by the mill-owner, but he has all that to do for himself. His food and clothing is the "raw material" consumed by him in making out a year's labor; no deduction is made to him for this, while all the "raw material" used by his employer is first returned to him before this calculation begins. Make any reasonable allowance for "materials" to the laborer and you demonstrate that about all he gets is his daily bread for his life work, or, in other words, that he is practically a slave.

But to follow this idea up a little, I examined the table for woolen manufactures, and found that there were employed in capital and labor for different items as follows:

Capital invested	$36,095,564.00
Hands	86,504
Wages and salaries paid	$25,836,392.00
Value of materials used	100,845,611.00
Products (whole value)	160,606,721.00
Average wages per hand	298.77
Amount invested in plant to produce same amount, after deducting wages and material	846.95

Here, then, we have the owners of the woolen mills insisting that the

sum of $846.95 is of equal value to one of their men in whose welfare we are assured they feel such a deep and abiding interest. They are willing, in the liberality of their great hearts, to give to one of their laborers after he has fed and clothed himself and his family, provided he keeps well and does good and faithful work, just the same amount that they take for the use of $846.95 capital invested in this "industry" which must be protected against the cheap products of Europe.

The census reports also show that there are invested and employed in Bessemer and open-hearth steel manufactures as follows:

Capital	$20,975,999.00
Hands	10,895
Wages paid	$4,930,349.00
Value of materials used	36,826,928.00
Products	55,805,210.00
Average wages paid in this industry per hand	452.53

Deduct wages and materials from gross products as before and we find $14,047,933 as the net product per annum on the investment of $20,975,999. After repaying total amounts paid for material and wages, this yields to the manufacturer $452.53 net profit upon every amount of $675.66 invested.

Yet when there is a proposition to reduce the tariff on steel rails the laborers are notified, by the report on the Mills bill of the minority of the Committee on Ways and Means, that any cut comes upon them, as follows:

If the majority desire to insure the handing over of our steel-rail market to our English rivals, the proposed duty of $11 will accomplish this purpose, unless the workingmen who are employed in producing the raw material and finished products of our steel-rail works are willing to accept still lower wages than they are now receiving, and the railroad companies which transport the raw materials are willing to greatly reduce their freight rates. Have the majority any assurance that the workingmen and the railroad companies are willing to accept these conditions?

Think of it! For every $675.66 invested these people are pocketing clear as much as they pay their laborers gross, and yet their friends defiantly announce that they will remit none of this "pound of flesh," but that any reduction in their tariff will be taken out of the wages of their laborers! And the laborers are told that all this is in their interest.

So we find that the gentlemen who own these great "industries" consider the amount of $675.66 as the proper equivalent of a man—his actual cash value. Looking at these figures who would doubt that the purpose of this system of taxation is to "protect industries," and who would, in the face of this record, pretend that the laborer has any interest in it?

But why is it that a cotton manufacturer does not demand as much upon his investment as the woolen manufacturer or as the Bessemer-steel manufacturer?

Invested in cotton manufacturing it requires $1,075.28 to yield the manufacturer net the gross amount his operative gets for a year's labor, which is only $243.65, while $846.95 invested in woolen manufactures pays the owner as much as a laborer receives in that industry, while $675.66 invested in Bessemer-steel manufactures yields as much net as is paid a laborer gross—$452.53. It would only take $692.09 of the capital of the woolen mills to yield $243.65, the wages of the cotton-mill operatives, while $345.72 would yield to the Bessemer-steel man as much as the cotton manufacturer pays his operatives. So, $345.72 of stock in a Bessemer-steel works will produce just as much net, year by year, as the labor of an operative will gross in a cotton mill; yet we are told, and asked to believe, that this protection to industries is a matter of interest to the laborers. That "it is the labor as well as the industries that are protected," and that these laborers have a fair share of the products of their own labor.

I will call attention to one more fact in connection with this. The average tariff on cotton goods is 40.17 per cent.; on woolens is 67.21 per cent.; and upon steel rails is 84.33 per cent. In a cotton mill with 40 per cent. protection a man is worth $1,075.25; in a woolen mill with 67 per cent. he is worth $846.95; and in Bessemer steel rails with 84 per cent. he is worth $675.66. As the tariff goes up the value of the man goes down!

Mr. President, the wrongs of African slavery have been often and pathetically told; the marring effect of that great curse upon the progress and development of our country has been argued with great force and ingenuity; the inhumanity of the system has stirred the deepest feelings at the North and doubtless amongst these very people; but the time never was when any slaveholder would have insulted a slave by considering him for one moment worth only the miserable, paltry sum of $675.66! But such is the estimate put upon the free laborer now by these task-masters, whose grinding extortions render insignificant, by comparison, the barbarity of the Egyptians, who "made the children of Israel to serve with rigor and made their lives bitter with hard bondage," which called down upon that wicked and selfish people the vengeance of an offended God.

This unjust distribution, this belittling of labor and magnifying capital, has aroused the attention of the laborers themselves, and they are trying to compel a readjustment. In a great speech made in the House of Representatives some years ago, Mr. Hewitt, now the mayor of the city of New York, himself a manufacturer, but one of the type of men capable of looking above and beyond any mere selfish and personal interest, gave an account of his personal observation of steps taken by an organization in England to correct an evil of this character. I quote from his speech as follows:

In a strike I witnessed on the Brighton Railway, in England, I had an interview with one of the chief officers of the great Association of Amalgamated Engineers. I asked him what was the limit of the wages which they expected to get from the railway. He said "There is no limit; we intend to have all the net earnings of these railways except a fair remuneration for the capital actually invested and fair salaries for those who administer them; and the only question with us is how to find out what the amount is, and we intend to have it."

That great association contained as its members all the engineers of Great Britain, numbering many thousand. It has a great fund in its treasury of nearly a million of dollars, and it has had as much as a million and a half dollars at one time.

It selects one concern at a time and puts the men there upon a strike until their demands have been acceded to. The hours of labor have been cut down by this process to fifty-five hours per week and the wages of labor have been largely increased, for no man can say them "nay" within the limits of right and justice which they strive to observe. With this example other trades have organized, and these trades have confederated together and now constitute a great congress. They met in 1881 when I was in London, and the figures of that time are the latest that I happen to have.

There were 157 delegates in that congress, representing a constituency of 463,899 members. They met then to consider what could be done to raise the average condition of the British workmen. Their deliberations were conducted with a calmness, with a courage, with an intelligence that would do honor to this House or to any other deliberating body in the world. They did not seek to attack capital. They have learned that capital is their best friend, but they intend to make it their servant, and they can make it their servant.

There is a steady increase in the growth and influence of this great organization, but what concerns me here is to define the significance of such organization. The labor of Great Britain to-day is practically pooled for the purpose of securing out of the products of industry the full portion which ought to be allotted to labor after paying the current rate of interest upon capital and a proper remuneration for management. This result they have been able to accomplish. The rate of wages has steadily tended upward in Great Britain, and although much time has been lost in disputes ending in strikes, the result of the organization has been to introduce arbitration between the master and men, so that strikes are becoming the exception rather than the rule in trade disputes.

In these arbitrations the master and the workmen meet upon equal terms. The result is a better understanding of each other's rights, interests, and duties, and out of which is slowly growing, through the agency of co-operation, the association of the workmen with the owners in ownership and management of the property. That process is only at its beginning; but, thank God, the day is at hand and will surely come, in my time I hope, when workmen themselves will be the owners of all the machinery upon which they expend their daily toil and shall themselves have whatever profits the God of nature intended them to have as the fruit of their labor. That process in England will precede its possibility in this country, but it will be then as a great example.

In this country it can not begin until protection is broken down. I repeat that protection is in the nature of artificial friction, causing so large a deduction from the earnings of labor as to prevent the accumulation of capital in the hands of workmen. Hence I have changed my views. I have changed my views because I am a Democrat who believes that the welfare of the people is to be considered before the welfare of any single interest or of any single man.

Labor is organizing in this country, too—organizing, as I firmly believe, not to do any wrong to any man or interest, but for the purpose of enforcing their rights and to secure for themselves a fair share of the profits of the industries that they make prosperous. In this struggle from my heart I wish them God-speed. I believe that not only their interest but the interest of all mankind is involved; in their success the future freedom, happiness, and progress of man are assured; with their failure—but I will not consider that; they will not fail; their contest may be obstinately resisted, it may take years to accomplish their emancipation, but the truth is mighty and it will prevail.

The aggregate of wealth made here, produced here, would be here still in just as large quantities as now if it had been differently distributed, and I believe that the country would be much more prosperous if of all this wealth those who produced it now owned it instead of its being, as it is, collected into comparatively few hands.

The glorious state of things of which Mr. MCKINLEY speaks in the extract quoted above is the result of the labor, industry, and economy of the American people; the calamities of which Mr. Baird speaks come from the fact that the law takes unjustly and in insidious ways this product of the labor of the masses and transfers it to the hands of people who did not earn it.

If the hundreds of millions of dollars which are thus taken annually from the masses could be retained by them, who can estimate the difference in the condition of those who earn day by day their daily bread? Falling like the gentle dew of heaven upon all, its effect would be to relieve many a burden, save many a mortgaged home, educate many a boy and girl, and improve the condition of the masses everywhere. The effect of this in a series of years would be an absolute revolution in the social advancement and well-being of those upon whose well-being the future not only of this country but of human liberty in all the future absolutely depends. The conservatism of the people will not always lead them to submit to these outrages so thinly veiled, and it will not always do to try to satisfy the demand of the poor for lightened burdens by telling them of the prosperity of the rich, made so by robbing them, nor of the prosperity of the country as a whole.

SELFISHNESS APPEALED TO.

The laborers in protected industries are urged to vote for a continuance of these wrongs upon the plea that they are benefited thereby. There doubtless is a class of persons who are so selfish and unfair as to be willing that the masses may be robbed if only they can be thereby benefited, but I am persuaded that this is not a large class. The American citizen as a rule demands fair play, not only for himself but for all others as well; he is unwilling to see any injustice done. He believes that justice to each is the best interest of all, and that "the

injury of one is the concern of all," and when the real nature of this unjust taxation is fully understood the mass of the laborers themselves will repudiate it and scorn to receive as theirs the result of the labor of other men, even if it should appear that labor gets some share of the profits of protection. And when they learn, as they will, that they are being used simply as a convenience in the robbing of others, and that they get no part of it, they will rise in their wrath and indignantly overthrow the system.

A LOSING BUSINESS.

Recently, in a debate in the House, a member of that body, himself a strong advocate of protection and one who can not be suspected of stating the case against his own side too strongly, said:

It has been time and again proven here, and we assert positively and acknowledge that the protectionists are not any more the friend of the laboring men by reason of being employers than other men are, and that they will get their employés to work as cheap as free-traders will get theirs; that it is not a matter of love but it is a matter of square business, it is a matter of dollars and cents. We only claim that by protection we make a demand for labor, and that makes a demand for higher wages.

This argument will not bear investigation. When protection is necessary it must be admitted that without protection the proposed business would not be profitable; in other words, would be a losing business. The effect, then, is that the law is invoked to compel the country at large to contribute to those who engage in a losing business, enough not only to make up all losses, but also to make the investment pay them what they call a reasonable profit, after paying interest, insurance, expenses, etc.

It requires no argument to satisfy practical men that a losing business does not pay, and it does not make the case any better to have forced contributions taken from the public at large to indemnify the owners for losses, because then the loss falls upon the community instead of upon those who own the business. There is a loss to the community as a whole as the result of this sort of financiering, and if it is prosecuted far enough the result would be the bankruptcy of the entire country. The more there is of such losing business the worse for the country at large.

We have all heard of the pedlar who, trying to convince his country customer that he sold goods for less than they cost him, explained it, by saying he sold so many goods that he could afford it. But the people are few in this country who believe that prosperity results from either conducting a losing business or from taxing themselves.

LABOR COST.

The truth is our difficulty in manufacturing in competition with the world is not one of labor cost. Americans "used not aforetime" to confess themselves inferior to anybody; they are not now. Investigation has shown that owing to the better work, the superior skill, and machinery in this country that the labor cost of the product of American labor is often less than the labor cost to English or other foreign producers. But if this is true our manufacturers can not produce goods as cheaply as their English rivals, for the reason that they are handicapped by the tariff.

It was stated to a committee of Congress that the machinery of a mill which cost $300,000 in this country could be had by an Englishman for $200,000. The tariff was the cause of this difference. Then when a tariff is paid upon all the material used in such a mill, it is clear that with the same labor cost Americans can not produce as cheaply as an Englishman, consequently Americans are driven out of the markets of the world, the English being able to manufacture goods and sell them at a profit at prices that Americans can not produce them. The only market open to Americans for the product of protected industries is our own home market, and this they confess by their actions that they keep only because the law compels the American people to pay higher prices for their goods than any other people on earth will pay.

If the American manufacturer had the right to buy his machinery as cheaply as his English rival and could procure his material on as favorable terms, I have faith enough in the thrift, energy, and intelligence of our people to believe that they can "hold their own" against the world, and that without any reduction of wages. I believe that our manufacturing interests would, under such a system, spring forward at a rate that would startle the world; and without asking any advantages of anybody, without skulking behind this Chinese wall, protection, that our manufactures, on account of superior skill of our workingmen, could and would pay higher wages, and hold our own markets and also those of the world against all competitors, and that our people would then have their goods on as favorable terms as others.

DRAWBACKS.

This mode of taxing our own manufacturers, so as to render them unable to contend for a share of the foreign trade, is so manifestly suicidal that to avoid in some degree the effect of our own folly we have adopted our system of drawbacks, under which, when a manufacturer imports certain materials to be manufactured and then reshipped abroad for foreign consumption, the tariff tax paid by him on the importation shall be refunded to him upon reshipment after manufacture. The design of this, of course, is to enable our manufacturers to compete for foreign markets by giving them their raw materials free whenever they manufacture for foreign consumption; but the outrage of the system is that the very same article, manufactured by the same man, when intended for American consumption, is taxed, discriminated against, so that the foreigner under this system is by American law deliberately provided with American products at lower rates than Americans can have them.

Under this system we have in the last three years remitted upon articles intended for foreign consumption the amount of $23,336,030.89, while if these same goods had been kept here for American consumers not one cent of this great sum would have been remitted, and still the people are expected to believe that we are only protecting our poor, discriminating in their favor against foreigners. Having tried this in a few articles, such as sugar, tin-plate, etc., this plan of discriminating against our own people and in favor of foreigners so captivates the protectionists that one of their champions, the Senator from New Hampshire [Mr. BLAIR], on the 16th of December, 1886, presented the following resolution to the Senate:

Resolved, That the Committee on Finance be directed to inquire into the subject, and if in their opinion it be for the public interest to prepare and report to the Senate a bill providing for the payment of a rebate upon all imported materials which are incorporated with domestic materials, or which may be converted into other articles without incorporation with domestic materials and exported to foreign countries for sale, thereby providing for the extension of our foreign trade by placing the domestic producers and manufacturers upon a fair basis of competition with foreign producers and manufacturers in foreign markets without reducing the price of American labor or in any wise interfering with the existing prices of labor or production in the home market.

In presenting his reasons for the adoption of this resolution Mr. BLAIR said:

It has seemed to me for a long time that upon this line there could be legislation which, while not interfering with the control of our own markets for our own manufacturer and producer, would yet give the opportunity of a great extension of our foreign trade, and that, too, without disturbing the laws under which our domestic prosperity has been built up, and by the preservation of which alone can that industry and prosperity be retained.

In other words, Mr. BLAIR wants absolute free trade when we are to manufacture for foreigners, but when Americans are to be supplied he wishes the taxes piled up, "heaping Ossa upon Pelion." He wishes goods manufactured here and sold to all the pauper laborers of the world at low prices while the American consumer is to pay the old high rates.

This seems to be a very cunning device. The foreign consumers not living under our laws, we can not compel them to buy from our manufacturers; hence it is necessary that our manufacturers must be relieved from the tariff for enough to enable them to make their goods and sell them as cheaply as foreigners. This enables them to enter into competition with the pauper labor of Europe successfully, but Mr. BLAIR and our protectionists are very careful that the American laborer shall not be permitted to buy these American products as cheaply as these favored foreigners do.

I confess that until I saw this resolution introduced by a leading advocate of protection I did not believe that any human being could be found on this continent who would openly advocate adopting a general plan by which Americans were to manufacture cheaply for the benefit of foreign pauper laborers, while in direct and plain terms it would be proposed to exclude by name the American consumers from all participation in its benefits.

It is clear that the professions of the protectionists of interests in the welfare of American labor are only a ruse to keep laborers quiet while the industries are cared for; while they profess a desire to protect our labor against the competition of pauper labor I did not look for so open an avowal of a desire on the part of our protectionists to benefit this same pauper labor at the expense of our own. Yet this is the legitimate and natural outcome of the restrictive principles of protection, and this will be the inevitable result of a continuation of the present system.

American consumers are assured that they suffer no wrong under this system of protection because it is alleged that the tax is not paid by the consumer, but that it is paid by the foreigner, who is only thereby compelled to pay for the privilege of coming into our markets.

The protectionists do not explain that if the price of the imported article is not raised to the consumers by the tariff just how it is that it furnishes any protection to the manufacturer, how it is, if the price is not raised by the tax, that there can be any increase in wages to the American laborer by reason of the tariff.

The keen interest of the manufacturers, the papers they publish, the documents they scatter broadcast over the country, the "fat" that is "fried" out of them for every national campaign, all show that they have, or imagine they have, a real live interest in the tariff. The assertions so often made that even a very slight reduction of our unreasonably high tax will close up this or that business all speak in tones that can not be mistaken that they believe they are getting a real important pecuniary advantage under this system such as can come only from an increased price. Why is a bill reducing the average tariff on protected articles from 47 to 42 per cent. resisted so vigorously by protected interests if prices are not kept up by it?

Protectionists are forced to admit that absolute free trade amongst the States has been productive of great good, and all rejoice that this internal commerce is the greatest on the globe. If any good comes of restricting trade with the world by the United States, why would not the same reasons demonstrate that New York or Pennsylvania or

Georgia would be in a like manner benefited by protection of their own citizens against the people of all other States? If these arguments are good, why is it not necessary to protect the white farmer of Ohio or the white mill laborer of Massachusetts against the poor and ignorant negro laborer of Mississippi and Louisiana? Yet here in this country we have the spectacle of educated intelligent labor in the Northern States entering without complaint and without injury into competition with the unlettered, unskilled, yes, pauper negro labor of the South.

These people live in cabins, wear coarse clothes, are accustomed to the plainest food, are unlettered and untaught, and so far undeveloped as to create doubts in many minds whether they can be developed to a high degree; yet with this competition (which was, too, at one time greatly feared) this intelligent labor competes successfully and has not been in any sense injured. All this shows the power of superior skill and brains.

If this freedom to trade with whomsoever they chose has been beneficial in such a degree amongst the States might it not be well to have the right to trade with other countries, hampered only so far as is necessary to raise revenue?

Centuries ago there was almost no trade amongst the nations of the earth, and what little there was was slow, difficult, and dangerous. What a protectionist's paradise, when there was practically no commerce amongst the nations of the earth; yet who wishes the old order of things restored? If this theory of protection, of restriction, and embarrassment of trade, for after all that is just what it means, is the true idea, then all facilities of commerce are a mistake or worse. The cheap and quick transit across the ocean, the communication by steam and lightning is a great misfortune. It is astonishing that anybody in this age should advocate a doctrine which leads to such a conclusion, yet such is the result of protection. It would turn back the wheels of progress; would clip the wings of the lightning; would undo all that the marvelous advance of this age has done and leave us unknown to the world.

Another proof of the falsity of their claim that the purpose of protection is to raise wages is the fact, which no one will deny, that no higher wages are paid in protected than in unprotected industries.

HOW FARMERS ARE AFFECTED.

But suppose, for the sake of argument, that the laborers in the protected industries do get the benefit of this tax, why should the 15,892,099 workers who are not engaged in protected industries be taxed to make high wages for those who are, being fewer in number than 1,000,000 people?

The laborers in protected industries are assured that while the masses are taxed they get the benefit of it, that it raises their wages. At the same time the farmers are assured that the real purpose of protection is to build up a market for their products, and in an argument to farmers years ago Mr. KELLEY said:

> I find that whenever our duties have been low immigration has fallen off, and whenever our duties have been high the volume of immigration has increased. This seems to be a fixed law.

This was perhaps not the kind of argument to use to convince the laborers in protected industries that the sole purpose of protection was to protect them against competition with pauper labor of Europe, for this would plainly show that whenever protection is high and the manufacturers are reaping great harvests the European laborers are brought over in greatest numbers to take the place of high-priced American labor; but it was good to show to farmers that more consumers of farm products are by this means brought into this country, with the purpose of making them believe that this would insure them a "magnificent market."

The logic of events always exposes a false position. If this increase of population was to insure high prices for farm products, why is wheat now worth only one-third of what it was twenty years ago? We have had high protection all the time just for the purpose of making wheat high, if protectionist argument to wheat-growers are true; yet wheat has declined greatly. Mr. President, the farmers who make the wheat of this country know that the price of their product is fixed by the markets of the world. They know that if the manufacturer who supplies his laborers can buy his wheat or his flour cheaper in Europe than here he will do so; so the price of his wheat here in the United States is fixed by the price in Europe. He thus comes without any sort of protection in open and direct competition with the real pauper labor of India and the serf labor of Russia. That argument will not serve to deceive the practical men of this time.

The cotton-grower knows well enough that the price of his crop is fixed by the Liverpool price. He knows that this brings him in direct and personal competition, not with English and European labor, but with that of Egypt and Brazil, and it will be long before you make him believe that while he is thus forced into open competition with the lowest and poorest paid labor on the globe, that he and his little ones ought to be taxed to save others of his fellow-citizens from an equally open competition with intelligent European labor.

The cotton-grower is compelled to find a market for his cotton in England, but he is not allowed to buy his cotton goods of the man who buys his cotton, but is compelled to come back to this side of the ocean to buy of an American manufacturer—all this because the Englishman will sell his goods to the cotton-grower too cheap, in the opinion of the American protected manufacturer.

The farmers of this country are an honorable class. They eat their bread in the sweat of their faces all the days of their lives; they furnish us nine-tenths of all our great exports; they supply the food for the millions of this great continent; they supply cotton to clothe the world. In times of danger by millions they are ready to present their bosoms like a stone wall in opposition to any foe; they are the foundation, support, defense, and hope of this country. From their ranks comes almost every man who towers above his fellows. The President of thirty or forty years from now is somewhere on a farm. Your future generals and statesmen are now in that nursery of great men. Why should this great class of honored citizens be discriminated against, be made hewers of wood and drawers of water to their brethren? This will not always be so. The spirit and the numbers are with them, and their modesty and conservatism will not always prevent an assertion by force of their superior numbers and the justice, fairness, and righteousness of their cause, of their rights to equality under the law. Great as are the manufacturing industries in this country, all-important as the protectionists assure us they are, the census of 1880 shows that the capital invested in them and in farming was as follows:

Manufacturing	$2,790,223,506
Farming	12,104,081,440

While from the same authority we find that of persons employed in each there were—

Manufacturing	2,738,930
Farming	7,670,493

From which it seems that there are employed almost five times as much capital in farming as in manufacturing and three times as many people. Yet the gross product was:

Manufacturing	$5,369,667,706
Farming	2,212,540,929

The average product of a laborer in manufacturing is $1,960.49, while the average product of a laborer in farming is $288.44.

Yet we are gravely told that farmers must be taxed, not only now but for all time, to benefit this other class.

Living apart from each other, constantly employed in mind and body in the struggle for a living, the farmers have been slow to note the effects of combination amongst others; but the lesson has at last been forced upon them, and they too are moving; with the same high purpose which Mr. Hewitt imputes to the English workingmen, they intend to observe the "limits of right and justice," but conscious that they are the great interest of this country, that they have more men, more money, and more homes involved in this great controversy than any other class, they are learning their power and their rights and are preparing to assert them. There is now a greater spirit of inquiry, a more earnest seeking for light and the truth amongst this great body of men than has ever been seen before. They are perhaps the most conservative class of all our citizens. They will think well and calmly before they strike. They will do no injustice to anybody, but they will understand their rights, and will demand them.

Of course the cohesive power of public plunder will hold the protectionists together. They are a drilled, disciplined, and thoroughly organized army, compact and active, and have unlimited money at their disposal. The stakes they play for are immense. They know that to succeed they must mislead all the voters they can into joining with them. Their great enemy is the Democratic party; they fear nothing but this. It has for years denounced their wrongs and has steadily demanded reform. It has grown in power and strength and influence in each contest. It has shown itself to be the party of the people and liberty, until now it is almost within reach of the power to accomplish the great purposes for which it has struggled so long, and with a leader who has shown himself wise, able, and patriotic, and an unselfish man of the people.

The protectionists know that without dissensions and division amongst the Democrats they can no longer resist the reduction of unjust taxation, hence their unlimited campaign fund will be used without stint or scruple in misleading, deceiving, and dividing them if possible; shrewd, able, unscrupulous men will not be wanting to urge cunningly devised complaints against that party; wrongs, real or fancied, will be paraded and exaggerated with the purpose of dividing and thereby weakening those who ought now to act together; hired candidates will appear everywhere howling "down with the Mills gang;" hireling, venal newspapers will be enlisted and paid for everywhere to foment discord amongst those who are being plundered for the purpose of dividing the only party that can bring relief and continuing for "yet a little while" this system of iniquity.

Despots and tyrants in past ages were able to maintain their control over their people only by divisions amongst them, fomented by the hireling minions of power. The hydra-headed monster which is now absorbing the entire wealth produced by this nation must, if it retains its grasp upon the country, resort to these tactics. It is clearly in the minority; force will not serve its purpose now; fraud and deception, the corrupting power of money, are the only means left by which it can hope to control the majority.

These means are being unscrupulously resorted to at this moment,

and will be used for all they are worth every day and hour until this struggle is over.

The carefully sown seeds of discord are beginning to bear fruit on every hand. Every enthusiast is encouraged to believe that this is the auspicious moment to press his hobby to a successful issue and save mankind. When was it ever the case until now that there were seven candidates for the Presidency of the United States? Such efforts at tricks and schemes in politics as are being made at this moment were never before known. Only a few days ago the dispatches announced that in my State there would be in the present Presidential election a fusion between the Republican and Union Labor parties. The purpose of this is manifest, but it will fail.

There is in Arkansas, as well as in other States, an organization of farmers known as the Wheel. It is not a political organization in any sense, but is simply an association of farmers, intended to secure co-operation among themselves for the purpose of bringing about the well-being and advancement of the great mass of people who engage in that business. It is intended to promote investigation and a better understanding of the moral, social, economic, as well as political forces affecting their interests. A strong effort is being made to divert this organization from its real purposes to serve the personal ends of artful demagogues. Certain political pariahs, blatant, self-seeking demagogues, have sought to "have" this organization as the devil sought to have Peter, but they will not succeed.

In a recent interview in a Western paper of wide circulation the candidate for Vice-President on the Union Labor ticket is reported to have said:

> The Union Labor party afforded the Wheelers the means of accomplishing their ends in politics. I may say that there is not a prominent Union Labor party man in Arkansas who is not a Wheeler. That will show you how close the relationship between the two is.

The fact "that there is not a prominent Union Labor party man in Arkansas who is not a Wheeler," and the other fact, carefully left out of view by this aspirant for the Vice-Presidency, that not one Wheeler in a hundred is a member of the Union Labor party, shows the whole case very distinctly. The "prominent" Union Labor party men have gotten into the Wheel to play the part that the serpent did in Eden. They have hoped that the Wheel afforded them the means of accomplishing their ends in politics, and they have gone about doing their master's bidding to the best of their ability.

By false promises, by perversions of records they hope to lead earnest men into the support, either directly or indirectly, of a party and principles which they detest. Four-fifths of the intelligent people of Arkansas are to-day in thorough accord with the President in his great struggle for the rights of our outraged and plundered farmers. They are, whether Wheelers or not, earnestly devoted to the cause of Democracy and the great principles it has always taught. If by any means this great mass of people could be induced to throw the vote of their State away in this struggle it might be the salvation of the present system of robbery. What would the great protected interest not give for such a result?

If by insidious and devious methods the willing and pliant tools of protection can so far divide and mislead the voters of this great stronghold of freedom, as to prostitute this great agricultural organization to the purposes of protection, they will have deserved well of their masters, and will be amply rewarded.

But I know the people of Arkansas too well to have any, the slightest, fear of their success. Cunningly devised, adroitly managed, and unscrupulously followed up, this scheme will fail of its purpose, and the authors of it will be covered with the confusion and shame that the contempt of all good men will shower upon them as the reward of their unholy attempt to betray the cause of liberty. The Democrats of Arkansas, those who believe in the eternal principles of that great party, whether farmers or not, whether Wheelers or not, will be found recording their votes in November as they have always done, in favor of the great party of the people and its nominees.

Some good men will doubtless be led astray by these minions of protection—the very elect are sometimes deceived—but their purpose in fomenting discord amongst Democrats will be plainly seen in time to avoid all danger. I believe as Mr. Lincoln is quoted as saying:

> You may deceive part of the people all the time, and all of the people part of the time; but no party can deceive all of the people all the time.

The hope of this country is in the honesty, sincerity, and good sense of the masses; all of them will not be led astray, and honesty and good government will prevail.

In the language of a great editor I believe—

> That humanity is advancing, and that there is progress in human life and human affairs, and that as sure as God lives the future will be greater and better than the present or the past.

Believing this, I have no doubt that unjust and unequal laws must go, and that in this country people will not only be created equal but that they will yet live equals, under the equal operation of just and impartial laws.

Mr. STEWART. Mr. President——

Mr. PALMER. I ask the Senator from Nevada to give way for two or three minutes.

The PRESIDING OFFICER (Mr. CHACE in the chair). Does the Senator from Nevada yield to the Senator from Michigan?

Mr. STEWART. If it involves no discussion, I will yield.

Mr. PALMER. If it does I will withdraw the bill I wish to call up.

Mr. STEWART. Very well.

ST. CLAIR FLATS SHIP-CANAL.

Mr. PALMER. I ask the Senate to proceed to the consideration of the bill (H. R. 11446) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884.

The bill was read twice, and by unanimous consent considered as in Committee of the Whole.

Mr. PALMER. The object of the bill is to include the St. Clair Flats Canal in the list of canals which are under the supervision of the War Department. By some inadvertence in the river and harbor act of 1884 it was omitted. In that act the Des Moines Rapids Canal, the St. Mary's Falls Canal, and the Louisville and Portland Canal were included. The object of the bill is merely to amend section 7 of the act of 1884 in that respect.

The bill has the approbation of all the members of the Committee on Commerce of the Senate whom I could find, with the exception of the Senator from Texas [Mr. COKE]. I would have approached him if it had not been for the discourtesy of talking in front of the Senator from Arkansas [Mr. JONES], who was making a speech. The Senator from Maine [Mr. FRYE], the Senator from Oregon [Mr. DOLPH], the Senator from Missouri [Mr. VEST], and myself, all approve of the measure.

Mr. PLATT. May I ask a question?

Mr. STEWART. If Senators are going to discuss the bill I must insist on proceeding with my remarks.

Mr. PALMER. There will be no discussion of it.

Mr. PLATT. I am not going to discuss it. I wish to ask if the bill in any way touches the question of the disputed jurisdiction of the St. Clair Flats Canal.

Mr. PALMER. Not at all. It merely puts it under Government supervision. The action is so necessary that I think the Senate will not object to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its amendments to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, disagreed to by the Senate, agreed to the conference asked by the Senate, and had appointed Mr. CRISP, Mr. ANDERSON of Iowa, and Mr. O'NEILL of Pennsylvania the managers at the conference on the part of the House.

PRESIDENT'S ANNUAL MESSAGE.

The PRESIDING OFFICER. The Senate resumes the consideration of the resolution submitted by the Senator from Ohio [Mr. SHERMAN] to refer the President's annual message to the Committee on Finance, on which the Senator from Nevada [Mr. STEWART] has the floor.

Mr. STEWART. I propose to discuss the tariff, money, and politics, and shall begin with a brief review of the origin of the American system for the protection of home industry.

Commercial and industrial independence absorbed the attention of the colonies for generations before political independence was considered. The various devices adopted by Great Britain to depress the industries of the early American colonies for the benefit of the mother country attest the genius, brutality, and selfishness of the British Government in her efforts to hold the colonies in a state of poverty and dependence. She denied them the privilege of trading with any foreign country, and the whole force of the British navy was used as a guard to prevent foreign intercourse with America.

The laws enacted by Great Britain to prevent manufactures in the several colonies and trade between the colonies are monuments of cruelty, stupidity, folly, and despotism. The people were not allowed to use a boat, or a ship, or a carriage, or a pack-horse, to carry wool, or any manufacture of wool, from one colony to another; they could not land wool from an island in a harbor or convey it across a river. No British soldier stationed in America was allowed to buy more than 40 shillings' worth of woolens in the colonies. Many families were destitute of the English Bible, and yet they were not allowed to print it in America. The country was the home of the beaver, and to prevent the colonists from manufacturing their own hats no man could be a hatter or a journeyman hatter unless he had served seven years' apprenticeship. No American hat could be sent from one colony to another or loaded on a horse or cart for conveyance. America abounded in the best quality of iron ore, wood, and coal, but slitting mills, steel furnaces, and plating forges were prohibited. These are specimens of the laws of Great Britain which forced the colonies into revolt.

Mr. Bancroft, in his history of the United States, gives many pages of the common talk among the colonists, showing their condition and the oppression of Great Britain. For the purposes of illustration I quote the following:

> "It is plain," said even the calmest, "Englishmen do not regard Americans as members of the same family, brothers and equals, but as subordinates, bound to submit to oppression at their pleasure." "A bill was even prepared," thus men warned each other against new dangers, "that authorized quartering Brit-

ish soldiers upon American private families." "And is not our property seized," they further exclaimed, "by men who cry, 'Give, give,' and never say, 'Enough,' and thrown into a prerogative court to be forfeited without a jury?"

"There is not silver enough in the colonies to pay for the stamps," computed patriot financiers, "and the trade by which we could get more is prohibited." "And yet," declared the eager merchants of New York, "we have a natural right to every freedom of trade of the English." "To tax us and bind our commerce and restrain manufactures," reasoned even the most patient, "is to bid us make brick without straw." "The Northern colonies will be absolutely restricted from using any articles of clothing of their own fabric," predicted one colony to another. And men laughed as they added, "Catching a mouse within His Majesty's colonies with a trap of our own making will be deemed, in the ministerial cant, an infamous, atrocious, and nefarious crime." "A colonist," murmured a Boston man who had dipped into Grenville's pamphlet, "a colonist can not make a horseshoe or a hob-nail but some iron-monger of Britain shall bawl that he is robbed by the 'American republican.'" "Yes, they are even stupid enough," it was said in the town of Providence, "to judge it criminal for us to become our own manufacturers."

"We will eat no lamb," promised the multitude, seeking to retaliate; "we will wear no mourning at funerals." "We will none of us import British goods," said the traders in the towns. The inhabitants of North Carolina set up looms for weaving their own clothes and South Carolina was ready to follow the example. "The people," wrote Lieutenant-Governor Sharpe, of Maryland, "will go on upon manufactures." "We will have home-spun markets of linens and woolens," passed from mouth to mouth, till it found its way across the Atlantic and alarmed the king in council; "the ladies of the first fortune shall set the example of wearing home-spun;" "it will be accounted a virtue in them to wear a garment of their own spinning." "A little attention to manufactures will make us ample amends for the distresses of the present day, and render us a great, rich, and happy people."

Volumes of sentiments of this character might be collected showing how keenly the colonies suffered from the tyranny of Great Britain, which deprived them of the natural rights of trade and manufacture. The separate protests of the colonies were found unavailing; every petition was met by the enactment of more rigorous and cruel laws. Many efforts were made among the colonies to unite in a demand for the redress of their common grievances.

These efforts finally resulted, in 1765, in a convention or congress, which met in the city of New York. The subject of discussion was how to obtain redress from the mother country and the repeal of obnoxious laws. Otis, of Massachusetts, was instructed to support not only colonial liberties but chartered rights; Johnson, of Connecticut, pleaded chartered rights from the Crown; Robert Livingston, of New York, placed the rights of the colonists on broader grounds than the narrow limits of chartered rights. He contended that all the rights and privileges of Englishmen belonged to the colonists as a common heritage, and warned his associates to avoid the danger of technical quibbles growing out of the construction of particular charters. Gadsden, of South Carolina, was the inspiration of the assembly. He declared that they must stand on the broad and common ground of those natural rights that all feel and know belong to them as men and as descendants of Englishmen. Continuing, he said:

I wish the charters may not ensnare us at last by drawing different colonies to act differently in this great cause. Whenever that is the case, all will be over with the whole. There ought to be no New England man, no New Yorker, known on the continent, but all of us Americans.

His views prevailed and America was united, although a perfect union was not formed until after years of struggle and a most bloody and exhausting war, yet the sentiment remained and grew that "all of us are Americans," until it finally culminated in the Constitution of the United States. The discussion of grievances and the union of the colonies occupied the attention of the people until the immortal Declaration of Independence was proclaimed on the 4th of July, 1776. The seven years of war that followed impressed upon the colonies a realizing sense of the terrible privations and sufferings which befall a people who are compelled to endure the hardships and trials of war without manufactures, and who are forced to improvise not only the instruments and munitions of war, but the means of clothing, feeding, and transporting armies while the war is raging and danger is imminent.

During the war no protective tariff was necessary; all American ports were blockaded. An industrial crisis came with the close of the war. The Confederation had no power to impose duties on imports or deal with national questions. Some of the States passed tariff laws and started manufactures, but there was no uniformity of action or freedom of intercourse between them. Great Britain pursued her accustomed policy to destroy the manufactures of other countries and glutted the markets of the States with her cheap manufactures without regard to temporary loss. The advice which Lord Brougham gave after the war of 1812, in a speech in Parliament, was anticipated and acted upon in 1784. He said:

It is well worth while to incur a loss upon the first exportation, in order by the glut to stifle in the cradle the rising manufactures in the United States which the war had forced into existence contrary to the natural course of things.

During the first seven years after the war of the Revolution the balance of trade against the States was over $50,000,000, which was at that time more than $15 for each inhabitant. The condition of the Confederation became desperate and the people of the several States, actuated by a common impulse, formed associations to encourage home manufacturing. The ladies in Connecticut and North Carolina formed associations pledging themselves to retrenchment in their domestic expenses and to give encouragement to home manufactures. Numerous citizens of Richmond, Va., formed a similar association and passed the following resolutions:

Resolved, That we will be at all times ready, by every encouragement in our power, to promote any well-founded scheme of trade and manufacture to which the circumstances of this State are adapted and the profits of which shall arise and center with her own citizens.

Resolved, That the present circumstances of this State are adapted to the manufacture of the coarser woolens, cottons, linens, cordage, leather, and iron, and the production of salted pork and beef, of butter, cheese, soap, tallow, and candles.

Resolved, therefore, That we will use the utmost of our exertions to promote agriculture in general, and more particularly those parts of it which tend most to the encouragement of our manufactures and to the diminution of our foreign importations.

The Association of Massachusetts expressed its views in the following manner:

Whereas the excessive use of articles of foreign growth and manufacture has been attended with the most pernicious consequences by exhausting our circulating medium and by diffusing a taste for extravagance; and

Whereas it is of the utmost importance to encourage industry, frugality, and our own manufactures, to recover a circulating medium, to restore public credit, to facilitate the payment of public and private debts, and thereby to promote the welfare and happiness of our country:

With a view to these salutary and important purposes, we, the subscribers, do hereby enter into a solemn agreement and association to refrain from and, as far as in our power, to prevent, the excessive use and consumption of articles of foreign manufacture, especially articles of luxury and extravagance; and that we will exert our best endeavors for the promotion of industry and our own manufactures.

The people of Pennsylvania were thoroughly aroused. The inhabitants of Germantown adopted the following resolution:

We will individually exert our utmost influence for the promotion of industry and our own manufactures, and will refrain from, and, as far as in our power, prevent, the excessive use of foreign articles of luxury.

The Society of Pennsylvania for the Encouragement of Manufactures and Useful Arts declared:

The United States, having assumed the station of an independent Government, require new resources to support their rank and influence, both abroad and at home. Our distance from the nations of Europe; our possessing within ourselves the materials of the useful arts and articles of consumption and commerce; the profusion of wood and water, those powerful and necessary agents in all arts and manufactures, the variety of natural productions with which this extensive country abounds, and the number of people in our towns and most ancient settlements whose education has qualified them for employments of this nature all concur to point out the necessity of promoting and establishing manufactures among ourselves.

At a meeting of the State University of Pennsylvania, over which the governor presided, it was declared—

That an extravagant and wasteful use of foreign manufactures has been too just a charge against the people of the United States since the close of the war. They have been so cheap, and so easily obtained on credit, that the consumption of them has been absolutely wanton. * * * It behooves us to consider our untimely passion for European luxuries as a malignant and alarming symptom, threatening convulsions and dissolution to the political body. Let us hasten, then, to apply the most efficient remedies ere the disease becomes inveterate, lest unhappily we should find it incurable.

Other States passed similar resolutions. The voice of the press was in harmony with the sentiments of the people, but there was no power in the Confederation, as I before stated, to remedy these evils. A more perfect union was required, and when the States met in constitutional convention they gave the General Government express power to deal with the whole subject of commercial intercourse between the States and with foreign governments, and expressly conferred upon Congress the power to lay duties on imports. This is the language of the Constitution:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

The power granted is complete and comprehensive. Taxes, duties, imposts, and excises may be laid and collected, not only "to pay debts and provide for the common defense," but also to provide for the "general welfare of the United States." No doubt was expressed by the framers of the Constitution or their contemporaries that the power to impose duties for the protection of manufactures was granted by the Constitution. The contemporaneous discussions show that such protection was universally regarded as necessary for the general welfare.

Immediately upon the assembling of the First Congress, in 1789, petitions were presented by the people of the several States urging the passage of laws for the protection of home industries. The tradesmen, mechanics, and citizens of Baltimore presenting the following:

The happy period having now arrived when the United States are placed in a new situation, when the adoption of the General Government gives one sovereign legislature the sole and exclusive power of laying duties upon imports, your petitioners rejoice at the prospect this affords them, that America, freed from the commercial shackles which have so long bound her, will see and pursue her true interest, becoming independent in fact as well as in name; and they confidently hope that the encouragement and protection of American manufactures will claim the earliest attention of the supreme Legislature of the nation, as it is a universally acknowledged truth that the United States contain within their limits resources amply sufficient to enable them to become a great manufacturing country, and only want the patriotism and support of a wise, energetic government.

Similar petitions were presented from New York, Massachusetts, and other States.

The immortal Washington knew as well as any man could know the grievances that forced the colonies to separate from the mother country, the embarrassments under which the Confederation labored for the want of power to protect home industries and maintain financial and industrial independence, and also the purposes of the Constitution and the intent and meaning of the language used. In his first annual message, in 1790, he used the following language:

The advancement of agriculture, commerce, and manufactures by all proper

means will not, I trust, need recommendation; but I can not forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad as to the exertions of skill in producing them at home.

In his second message, in discussing the rivalry of nations, he said:

I recommend it to your serious reflections how far and in what mode it may be expedient to guard against embarrassments from these contingencies by such encouragement to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us at the very moments most interesting to both of these objects. Our fisheries and the transportation of our own produce offer us abundant means for guarding ourselves against evil.

In pursuance of the understanding and expectation of the people of the several States, among the first acts which were passed by the first Congress was an act to levy duties on imports, to raise revenue, and to protect home industry. It was entitled: "An act laying a duty on goods, wares, and merchandises imported into the United States." It was recommended and approved by President Washington, and its preamble is in the following significant language:

Whereas it is necessary for the support of the Government, the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandises imported.

Mr. Madison, who, as a member of the Constitutional convention contributed more than any other individual in the formation of the Constitution, took a leading part in the discussion of this bill in the House of Representatives. A few extracts from his remarks will be instructive. In speaking of the general purposes of the bill, he said:

The Union, by the establishment of a more effective government, having recovered from a state of imbecility that heretofore prevented a performance of its duty, ought, in its first act, to revive those principles of honor and honesty that have too long lain dormant.

Mr. Fitzimons, of Pennsylvania, offered an additional proposition or amendment, and remarked:

I have prepared myself with an additional number, which I wish subjoined to those already mentioned in the motion on your table; among these are some calculated to encourage the productions of our country and protect our infant manufactures.

In discussing this proposition Mr. Madison said:

Duties laid on imported articles may have an effect which comes within the idea of national prudence. It may happen that materials for manufactures may grow up without any encouragement for that purpose. It has been the case in some of the States, but in others regulations have been provided and have succeeded in producing some establishments which ought not to be allowed to perish from the alteration which has taken place. It would be cruel to neglect them and direct their industry to other channels, for it is not possible for the hand of man to shift from one employment to another without being injured by the change. There may be some manufactures which, being once formed, can advance toward perfection without any adventitious aid, while others, for want of the fostering hand of Government, will be unable to go on at all.

In giving his assent to Mr. Fitzimons' amendment he said:

I have no objection to the committee's accepting the proposition offered by the gentleman from Pennsylvania. * * * I think some of the propositions may be productive of revenue and some may protect our domestic manufactures, etc.

In the course of the debate Mr. Bland, of Virginia, said:

There are mines in Virginia capable of supplying the whole United States, and if some restraint were laid on the importation of foreign coal these mines might be worked to advantage.

Mr. Madison, continuing the debate, said:

The people adopted the new Constitution, I believe, under a universal expectation that we should collect higher duties; we must do this if we mean to avoid direct taxation, which was always means of revenue in particular States. * * * Let us review the policy of Great Britain toward us. Has she ever shown any disposition to enter into reciprocal regulations? Has she not by a temporary policy plainly declared that until we are able and willing to do justice to ourselves she will shut us out of her ports and make us tributary to her?

Washington, in his last message, said:

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuation of their efforts in every way which shall appear eligible.

And after his retirement from office, in a communication to the people, he said:

Ought our country to remain in such cases dependent on foreign supply, precarious because liable to be interrupted? If the necessary article should in this mode cost more in time of peace, will not the security and independence thence arising form an ample consideration?

At this time Washington was not only familiar, as I have already shown, with the grievances of the people before the war, their privations and necessities during the war, their embarrassments after the war, and before the tariff he had approved went into effect, and with the fact that during the seven years previous to that event the balance of trade was more than $50,000,000 against the States, but he also knew another important and material fact, showing the practical operation and effect of the new tariff. During the seven years from 1795 to 1801, both inclusive, after the new tariff went into effect, the balance of trade, instead of being against the United States, was in its favor more than $31,000,000, and the people were enjoying a degree of prosperity, progress, and contentment never before known on the American continent.

The principle of protection was maintained without compromise or opposition from any source of the slightest importance until after the election of Andrew Jackson in 1828. John Adams approved the principle in all his messages. Jefferson, the father and founder of the Democratic party, was a strong advocate of protection for home industry. In 1806, when it became evident that there would be a surplus in the Treasury, Mr. Jefferson, in his annual message, said:

The question, therefore, now comes forward, to what other objects shall these surpluses be appropriated and the whole surplus of import, after the discharge of the public debt and during these intervals when the purposes of war shall not call for them? Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use the suppression in due season will doubtless be right; but the great mass of the articles on which impost is laid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers.

The contrast between the method proposed by Mr. Jefferson and that of the present Executive to dispose of the surplus revenue is significant. Mr. Jefferson preferred to use the surplus revenue for education and internal improvements rather than to reduce or repeal the tariff, and disturb or destroy home industry. Mr. Cleveland's plan is to retain the internal-revenue war tax as an excuse for free trade and the destruction of American manufactures. Mr. Cleveland claims to be a Jeffersonian Democrat.

Mr. Madison, after he became President, maintained the same views with regard to a protective tariff which he had entertained as a member of the constitutional convention and of the House of Representatives. In his annual message of 1815, immediately after the war with Great Britain, he said:

But there is no subject that can enter with greater force and merit into the deliberations of Congress than the consideration of the means to preserve and promote the manufactures which have sprung into existence and attained an unparalleled maturity throughout the United States during the period of European wars. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

In pursuance of this recommendation a bill was presented to increase the duties on imports. John Randolph, of Virginia, delivered one of his characteristic philippics against the whole system of protection, while Mr. Calhoun defended it in a most forcible argument. He said:

Neither agriculture, manufactures, nor commerce, taken separately, is the cause of wealth; it flows from the three combined and can not exist without each. The wealth of any single nation or any individual, it is true, may not immediately depend on the three, but such wealth always presupposes their existence. He viewed the words in the most enlarged sense. Without commerce industry would have no stimulus, without manufactures it would be without the means of production, and without agriculture neither of the others can subsist. When separated entirely and permanently they perish.

Protection never had a better friend than Mr. Monroe. In his inaugural address he declared the principles upon which he acted during his entire administration. He said:

Our manufacturers will require the systematic and fostering aid of the Government. Possessing, as we do, all the raw materials, the fruit of our own toil and industry, we ought not to depend in the degree we have done on supplies from other countries. While we are thus dependent the sudden event of war, unsought and unexpected, can not fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case instead of exhausting, as it may do in foreign hands, would be felt advantageously to agriculture and every branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets.

In the last year of his administration (1824) another act was passed giving additional protection to home manufactures.

The candidates for the Presidency in 1824 were John Quincy Adams, Andrew Jackson, Henry Clay, and William H. Crawford. Adams was Secretary of State under Monroe and Crawford was Secretary of the Treasury, and both were advocates of Monroe's policy of protection and of the act of 1824. Andrew Jackson, another illustrious Democrat who had been a protectionist during all his public life, supported Monroe's policy of protection and voted for the act of 1824. Clay was at this time Speaker of the House of Representatives, and also supported and voted for that law, as he previously had voted for and supported the tariff of 1816. None of the candidates had a majority of the electoral votes, and the election was thrown into the House, where, by a combination between Clay and Adams, the latter was elected.

After the Presidential election of 1828, in the last session of Congress of John Quincy Adams' administration, in obedience to public sentiment and on the recommendation of the President, an act was passed further increasing the duties on imports. This set at rest all question as to the views of Mr. Adams in regard to the principle of protection. Before the election, however, and during the campaign, it was contended that Mr. Adams, who was a candidate for re-election against General Jackson, not having recommended further protection during his term of office previous to the election, was not as good a protectionist as Jackson, who had been a consistent protectionist from the time of the administration of Washington. In addition to this, Jackson, on the 28th of February, 1828, in response to a resolution of the senate of Indiana requesting him to give a full explanation of his views on the tariff issue, addressed a letter to J. B. Ray, governor of Indiana, reviewing his own record on the question of protection, and declaring most unequivocally that he was in favor of protecting home manufactures.

President Jackson in his first message to Congress, in December, 1829, discussed at length the question of the protection of home industry, and among other things he said:

The agricultural interest of our country is so connected with every other, and

so superior in importance to them all, that it is scarcely necessary to invite to it your special attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of Government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which can not come in competition with our own productions are the first that should engage the attention of Congress in the modification of the tariff. Of these tea and coffee are the most prominent; they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties will be felt as a common benefit, but like all other legislation connected with commerce, to be efficacious, and not injurious, it should be gradual and certain

No more definite declaration of the principles of protective tariff could well be enunciated. The duties on articles that could be produced in this country were to be maintained, and any reduction which the state of the revenue would permit was to be made on articles that could not be produced in this country, and consequently did not come in competition with American productions. The surplus in the Treasury at the time of the delivery of this message was $5,000,000, and it was estimated that it would be about $4,000,000 on the 1st of January, 1830. Jackson, like Jefferson and Monroe, found a surplus in the Treasury with which he was called upon to deal at the commencement of his administration. He did not recommend a reduction of that surplus by reducing the duties on protected articles, but recommended the disposal of it by distributing it among the States according to population. He said:

To avoid these evils [meaning the evils of a surplus] it appears to me that the most safe, just, and federal disposition which could be made of this surplus revenue, would be its apportionment among the several States, according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it.

Some years afterwards he stated that his opinion had changed with regard to the necessity of amending the Constitution. But that is immaterial. The only materiality in the suggestion is that General Jackson would reduce the surplus by any other means that could be devised rather than destroy our manufactures. In his second annual message he said:

The power to impose duties on imports originally belonged to the several States. The right to adjust these duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to the inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and consequently, if it is not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of the people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case; this indispensable power thus surrendered by the States must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The effect of the tariff of 1828 on the industries of the country was marvelous. General Jackson, in his annual message of December, 1831, had occasion to congratulate the country on the growth of manufactures, agriculture, and commerce. The excess of the revenues over the expenditures for the preceding year had been over $13,000,000, and the prosperity of the country was unparalleled.

Up to this time the United States had been regarded by statesmen as one common country. Its industrial, financial, and commercial independence was regarded by all statesmen as the object to be promoted by national legislation. In the mean time a disturbing element was developed. It was ascertained that the new and fertile lands of the South, by slave labor, could produce cotton cheaper than any other country in the world. The people of South Carolina abandoned the traditions of the fathers of the Republic and the principles upon which the nation had been founded for the common good of all. They were beguiled by the free-trade arguments of Great Britain and induced to believe that their interests demanded as free intercourse with the British Empire as South Carolina enjoyed with her sister States.

The discussions between Hayne and Webster presented a new issue between the cotton planters of the South and the manufacturers of the North, the same issue which is to-day under consideration. Although King Cotton now has no slaves, and although there is now greater necessity for protecting manufactures in the South than in the North, still the war for the destruction of Northern manufacturers for the benefit of England is raging as fiercely to-day as when it first begun. The arguments of Mr. Cleveland are borrowed from Hayne and McDuffie. I call particular attention to the language of Mr. McDuffie, of South Carolina, in the House of Representatives in 1832, when a bill was under consideration amending the tariff act of 1828, which was the last tariff act passed before the fatal compromise of 1833, to which I shall hereafter call attention. Mr. McDuffie said:

It is against domestic and not foreign industry that the manufacturers call for protection. But why is it that they need this very high and extravagant protection? It is because foreign manufactures are purchased with the productions of the Southern States, and because these are produced by slave labor, which is four times as cheap in the operations of agriculture as the white labor of the Northern States. This is the true and only cause why the manufacturers require the Government to interpose its powerful arm to keep down competition. It is, when properly considered, the greatest of all absurdities to suppose that it is against the English manufactures that this protection is demanded. This is a mere flimsy disguise to cover the fraud and conceal the outrage perpetrated against the planters. I confidently believe that the contributions exacted from the planting States of this Union by the action of this disguised and irresponsible despotism of confederated interests is in no degree less oppressive and disastrous than the exactions levied by the most insatiable of the Roman emperors from the conquered and dependent provinces of the empire. I mean not to cast any especial reproach upon the manufacturing confederacy, which constitutes the existing majority in this country. I speak nothing but the plain truths of philosophy when I say that on such a question as that which we are now considering they can not in the nature of things have any more sense or moral responsibility than an infuriated mob. And it is worthy of special remark here that the despotism of an irresponsible majority never existed in any country in a form so dangerous and so difficult to be resisted as it does at this moment in this Confederacy.

I call the attention of the laborers of this country to the frank admission of Mr. McDuffie, that the slave labor of the South was four times as cheap as the free labor of the North, and that therefore the planters of the South required no protective tariff against the underpaid labor of Europe, and also to his fierce denunciation against the American system and the government of the fathers, because they fostered and protected free labor from ruinous competition with the servile labor of foreign lands. He did not pretend that the system of government which he advocated was applicable to the whole country or any section of it, except where cotton was produced with slave labor. There, and there only, where slave labor was four times as cheap as free labor, no necessity existed for a protective tariff, and he boldly declared that the cotton planters would not submit to the payment of duties on imports, however beneficial it might be to the great majority of the people of the United States. His policy was predicated upon the cheap labor of African slaves, and the foundation of it was removed with the abolition of slavery. He never pretended that free trade was beneficial to free labor; he was opposed to free labor and to any legislation that would benefit it. He was more honest in the expression of his sentiment than the emissaries of the Cobden Club, who advocate free trade under the false pretense of increasing the wages of labor in this country by depriving the laborers of employment.

Jackson remained firm, and the act of July 14, 1832, continuing the protective policy was passed. He was re-elected in 1832 without the aid of South Carolina. A cotton rebellion was then inaugurated with the avowed purpose of obtaining free commercial intercourse with Great Britain for the benefit of cotton-planters, and in November, 1832, the celebrated nullification ordinance of South Carolina was adopted. The sole ground of complaint of South Carolina, and for which she passed the ordinance, was because of the policy of the United States of protecting home manufactures, which had been established by the Constitution, and had been maintained by patriotic statesmen for more than forty years.

The language of the ordinance is as follows:

1. That the tariff law of 1828, and the amendment of the same of 1832 are null and void, and no law, nor binding upon this State, its officers, or citizens.

2. No duties enjoined by that law or its amendment shall be paid or permitted to be paid in the State of South Carolina after the 1st day of February, 1833.

3. In no case involving the validity of the expected nullifying act of the Legislature shall an appeal to the Supreme Court of the United States be permitted. No copy of proceedings shall be allowed to be taken for that purpose. Any attempt to appeal to the Supreme Court "may be dealt with as for a contempt of the court" from which the appeal is taken.

4. Every office-holder of the State, whether in the civil or military service, and every person hereafter assuming an office, and every juror, shall take an oath to obey this ordinance, and all acts of the Legislature in accordance therewith or suggested thereby.

5. If the Government of the United States shall attempt to enforce the tariff laws now existing by means of its Army or Navy, by closing the ports of the State, or preventing the egress or ingress of vessels, or shall in any way harass or obstruct the foreign commerce of the State, then South Carolina will no longer consider herself a member of the Federal Union. "The people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent States may of right do."

Although the firm action of General Jackson prevented the final consummation of the secession of South Carolina at the time, an humiliating compromise was made, whereby the industries of the nation were embarrassed, the finances deranged, the credit destroyed, and universal bankruptcy and misery throughout the country produced.

Great injustice has been done to the memories of Jackson, Clay, and other great statesmen who submitted to this compromise, by assuming that it expressed their real views upon the American system of protection, and by quoting them as favoring free trade. This is refuted by their long and patriotic services in support of measures for the protection of home industry. The only motive on their part for consenting to this legislation was a patriotic desire to preserve the country from anarchy and disunion by conciliating the cotton-planters by concessions to a policy which they knew was at war with the industrial interests of the whole country. These concessions, it was well known, would be injurious to the best interests of the country, but they were made to avoid the disruption of the Union, but were not accepted in the spirit of generosity and conciliation in which they were made. South Carolina never forgave General Jackson for forcing her to remain in the Union.

Mr. Clay was the author of this compromise measure. It is known as the tariff act of 1833. It provided that, from and after the 31st day

of December, 1833, in all cases where duties are imposed on foreign imports by the act of the 14th of July, 1832, or by any other act, which shall exceed 20 per cent. of the value thereof, one-tenth part of such excess shall be deducted; from and after the 31st day of December, 1835, 1837, and 1839, respectively, a further deduction of one-tenth of said excess shall be made; and from and after the 31st day of December, 1841, a further reduction of one-half of the remainder of such excess; and from and after the 31st day of December, 1842, the residue of such excess shall be deducted.

As these reductions took place from time to time foreign imports increased and home manufacturing decayed. England availed herself of this opportunity to glut our markets, destroy our manufactures, and involve the people in debt. From that time forth it was unnecessary to discuss what disposition should be made of the surplus, because there was none.

Van Buren was elected to succeed Jackson in 1836, and during his term he was compelled from time to time to issue Treasury notes to obtain money to carry on the Government. The influx of foreign manufactures was such as to withdraw from the country its circulating medium in payment of foreign debts and in the purchase of foreign goods, and in 1837 bankruptcy prevailed throughout the United States. The crisis of 1837 will be memorable as one of the greatest calamities that has ever befallen this country. The causes that produced it were simple, direct, and certain—reduction of the tariff, destruction of home manufactures, glut of foreign goods, and loss of circulating medium.

The restoration of the tariff was the issue of 1840, as the preservation of the tariff is the issue of 1888. Van Buren, whose administration had been ruined by the operation of the compromise tariff of 1833, ran against General Harrison, who was opposed to that compromise and in favor of protection. General Harrison was elected by an overwhelming majority. He found the condition of the Treasury such, and the credit of the nation so far impaired, that he was compelled to convene Congress in extra session in June, 1841, to provide means to carry on the Government; but before the meeting of Congress he died. John Tyler, the Vice-President, succeeded to the Presidency.

The Presidential contest in 1840 between Martin Van Buren, of New York, and William Henry Harrison, of Ohio, was made on the issue of protection for free labor in the United States, or free trade for slave labor on the cotton plantations of the South. The Presidential contest of 1888 is between Grover Cleveland, of New York, and Benjamin Harrison, of Indiana, and the issue is between the free labor of every section of the United States and the underpaid labor of Europe. Slavery in the United States is dead and eliminated from the contest, although its ghost stalks abroad and gives comfort to the enemies of free labor. History repeats itself, and the election of Harrison in 1888 will be a repetition of the victory for protection achieved in 1840.

Tyler undertook to reverse the verdict of the people and to sustain the free-trade compromise act of 1833. He vetoed two bills passed by Congress to restore the tariff and revive the industries of the country, and eight other bills during his term of office, and merited and received the just condemnation of John Quincy Adams, Henry Clay, and other leading patriotic statesmen for his usurpation of the legislative power of Congress. The bad precedent set by Tyler is bearing, and will continue to bear, bitter fruit containing the seeds of monarchy. But finally the condition of the country became so desperate, and the popular demand so strong, that Tyler was forced to sign the tariff bill of 1842, which was a bill not only for revenue, but for protection. The beneficial results of this legislation were manifest on every hand. Trade revived, manufactures increased, confidence was restored, the Treasury was replenished, and the people were relieved for a time from dependence upon foreign markets.

The election of 1844 was a contest between Mr. Polk and Mr. Clay. Although the tariff was an issue in that contest, it was subordinated by other issues which diverted the attention of the people and secured the success of Mr. Polk. The Democratic party claimed the northwest territory to 54° 40′, and the motto was "Fifty-four forty or fight." It was also in favor of the annexation of Texas. These issues were popular. The American people have always been in favor of the acquisition of new territory. President Polk compromised with Great Britain and surrendered to her all north of the parallel of 49°. The annexation of Texas involved war with Mexico. The acquisitions of territory, including Texas and California, brought about by this war, were of immense value to the United States, and if Mr. Polk had secured a fair settlement of our Northern boundary, and had refrained from making war on Northern industries by a reduction of the tariff, his administration would have been as illustrious as any of his predecessors. His Secretary of the Treasury, Robert J. Walker, was a politician of the South Carolina school, and an advocate of free trade. Under his auspices the tariff act of 1846 was passed. It largely reduced the duties on imports and changed many specific duties into ad valorem duties. The evil effects upon the business of the country of the tariff of 1846 were somewhat mitigated by the Mexican war, which, while it involved the country in debt, furnished a market for the people and created activity in business, and after the close of the war a new element of prosperity came into existence.

The discovery of gold in California changed the condition of things everywhere, revived business, increased imports, and provided the money to pay for them. Railroad building and the importation of iron largely increased the revenue, and enabled the Government to obtain sufficient money for ordinary expenses without largely increasing its debt.

The tariff of 1846 lasted for eleven years, when the cotton States asked for a further reduction. Under Buchanan's administration, in 1857, a further reduction was made, and, notwithstanding the flow of gold continued and the energy of the people was unabated, this last reduction gave Great Britain another opportunity to glut the markets and exhaust the circulating medium of the United States, whereby the celebrated crisis of 1857 was brought upon the country. Cotton was King, and the Northern industries were prostrated by the edicts of His Majesty.

In the mean time Great Britain had not been idle in her efforts to make the people of the United States tributary to her wealth and prosperity. She liberated her slaves in the West India Islands in 1833 and commenced the agitation of the abolition of slavery amongst the people of the North, while she cultivated intimate social and commercial relations with the South. By these means she was able to array the two sections against each other, her purpose being the destruction of not only the political but the industrial independence of both. The war that she intrigued to produce came. It found the United States with an empty Treasury, without credit, and the South without manufactures, relying on Great Britain to supply her with arms and munitions of war. The North had manufactories and mechanics, railroads, and all other means necessary to supply, equip, and transport armies. The conflict shook the continent; the South failed from exhaustion, largely produced by her want of manufactures; the North was victorious and the Union was saved, and the supposed reason for a different policy for the two sections removed. Slavery, which had excluded manufactures from the South, was abolished. The real interests of the North and the South were made the same. Free labor, both North and South, thereafter demanded protection from foreign competition. Cheap men and cheap labor no longer existed in any State of the Union by force of law.

In 1861, after the South had seceded, the loyal States adopted a tariff to protect home manufactures and encourage home production, which tariff, with some reductions, still remains, and under its benign influence, notwithstanding the destruction of war, the wealth of the nation has been increased in twenty-seven years from sixteen thousand million dollars to about sixty-five thousand million dollars.

The prosperity of the United States during that period is without a parallel. The depression of the last few years does not result from the tariff. On the contrary, the existing stagnation in business is caused by an insufficient supply of the circulating medium, and a repetition of the financial disasters of 1837 and 1857 has only been averted by a tariff which preserved the large balance of trade in favor of the United States until the renewal of the agitation of free trade by the message of President Cleveland.

The passage of the Mills bill in the present stringency of the money market would be followed by a glut of foreign manufactures and the withdrawal of our meager supply of money to pay for increased importation; home industry would be destroyed, millions thrown out of employment, and bankruptcy and ruin would be inevitable. The President's message and the passage of the Mills bill through the House are bearing fruit. We are already buying more than we sell in foreign markets. Money is leaving the country to pay balances. The prudence of business men withholds the means of creating new manufactures or enlarging existing establishments. The fear of a glut in the markets by cheap importations has checked production, reduced the number of laborers, and increased the army of the unemployed. The bare fear of the passage of the Mills bill and the contraction of the currency by shipping gold to Europe to pay for increased importations has brought us to the brink of financial ruin.

In order to show the real cause of the depression which now prevails, and to answer the argument which falsely ascribes it to the tariff, it is necessary to examine briefly the question of money. I will first point out the injurious effects upon commerce, agriculture, and production by the contraction resulting from the manipulations of interested parties to demonetize silver, after which I will compare the one-crop agricultural countries with the countries having a multiplicity of industries and a high state of manufactures, and I will also call attention to the new industries that are springing up in the South, and the ruin that will result in that section if the free-trade policy of President Cleveland shall prevail after the system of raising cotton by slave labor for the benefit of England, which produced the free-trade party in America, has been abolished. I shall also expose the absurdity of acquiring foreign markets by the destruction of our own, and show that there are no foreign markets to be acquired.

FINANCE.

Financial independence is equally as necessary to the prosperity of a nation as industrial independence. Neither can exist without the other. Products can not be interchanged or business enterprises conducted without money. The price of property, including services, is the amount of money for which it can be exchanged. The value of money is gov-

erned by the same law of supply and demand that fixes the price of property. A deficient supply of money is called contraction. An over abundance is called expansion. The more stringent the contraction the more property will be required in exchange for a given amount of money. The greater the expansion of the circulating medium the larger the amount of money which can be acquired with a given quantity of property. From which it follows that the value of money depends upon the volume of the circulation and not upon the material of which money is made.

Gold and silver were selected in the early ages of civilization as money metals. They have always determined the price of property and the value of obligations for the payment of money, including issues of paper circulation redeemable in coin. The quantity of gold and silver in existence in the commercial world has consequently determined the price of all other things. Property and services have been forced to correspond in price to the volume of these metals. It is a significant fact that civilization itself has advanced, remained stationary, or receded, in response to the increase or failing supply of the precious metals.

While Rome augmented her stores of gold and silver from the treasures of conquered nations and from the toil in the mines of the vanquished armies she enslaved, she advanced in power, wealth, and dominion until her circulating medium in gold and silver, at the time of the zenith of her glory, is variously estimated at from two thousand to three thousand millions of dollars. When she ceased to acquire the precious metals her ruin commenced.

During the fifteen hundred years which followed the reign of Augustus this vast accumulation of gold and silver gradually disappeared by wear and loss, by war, and by accident on land and sea, until, in the year 1500, less than $150,000,000 remained in the commercial world. The price of property and labor during all this dreary period, called the *Dark Ages*, declined as the volume of the circulating medium was contracted, until the laborers of Europe were feudal slaves.

The flow of gold from Mexico and South America, commencing with the fifteenth century, in three hundred years replenished the exhausted circulating medium of the civilized world and increased it to near the same amount which existed in the Roman Empire at the beginning of the Christian era. Civilization revived with this new supply of the precious metals and advanced without embarrassment so long as the supply continued.

The Spanish-American wars retarded mining in the early part of the present century and its depressing effects were immediately felt throughout the civilized world. Notwithstanding the enormous impetus which civilization had received during the preceding three hundred years from a continued supply of the precious metals, the diminution of that supply produced stagnation, low prices of labor and of commodities throughout Europe and America from about 1810 to 1850, when the gold discoveries in California and Australia furnished new life-blood to commerce, business, and enterprise, and advanced the prosperity of the world in the twenty-five years from 1849 to 1875 more than it had advanced in any period of one hundred years which had preceded it.

At the end of the year 1875 a conspiracy, which commenced in Germany in 1871, to discard one of the precious metals, for the purpose of enhancing the obligation of contracts by contracting the world's money, was so far consummated that silver was excluded from every mint in the United States and Europe and discarded as a money metal exchangeable for coin at any fixed standard. Since 1875 the civilized world has been contending against the relentless pressure of contraction. From 1810 to 1850 the price of property and of labor decreased with the shrinking supply of the precious metals, and at the latter date it reached a lower point than it touched at any time within the previous century. From 1850 to 1875 the annual product of gold and silver averaged nearly $200,000,000 and the price of property and of services increased more than 30 per cent. More wealth was produced and more of the comforts of life were enjoyed during that period than during the whole century that preceded it.

From 1875 to the present time gold alone has been treated by Europe and America as a money metal, and although the aggregate supply of the two metals has increased rather than diminished, the annual supply of gold has been but little more than one-half of the annual product of the two metals combined for the twenty-five years preceding the exclusion of silver from the mints of Europe and America, which has reduced the supply of money metals nearly one-half and inflicted upon the world the withering blight of violent contraction. Notwithstanding the accumulations of gold and silver furnished by the new discoveries, and notwithstanding the various devices by which paper circulation has been maintained, the contraction occasioned by the rejection of silver has already checked the progress of the civilized world and reduced the price of property more than 33 per cent., which is now as low, if not lower, than it was in 1850.

The act of 1878, which requires the purchase and coinage of not more than four million nor less than two million dollars' worth of silver bullion per month, has saved the United States from utter bankruptcy by adding to the circulating medium more than $300,000,000.

The great financial question of the hour is the restoration of silver to its place as money, and the revival of business and the renewal of prosperity by a generous supply of the circulating medium, which would be afforded by the joint annual production of two hundred millions of gold and silver.

The Republican party and its nominee for President are pledged by the platform adopted at the Chicago convention to favor the use of both gold and silver as money, treating neither as a commodity of depreciated value, and although the great mass of the Democratic party are in favor of the free coinage of silver, that party was restrained from an expression of its honest views upon this vital question on account of the unfortunate position its candidate for President occupies with regard to it.

President Cleveland, by the use of the enormous power of his great office, has during his short administration depressed the price of silver more than 17 per cent. His exertions to prevent its use as money in any form have been vigorous and persistent. Before his inauguration he addressed a letter to the Democratic members of the Forty-eighth Congress urging the repeal of all laws providing for the coinage of silver, and assumed that the bonds of the United States were payable in gold alone, notwithstanding that the statutes under which every debt of the United States was contracted provided that it might be paid in coin of either gold or silver.

In July, 1885, the President, through his authorized agent, George Walker, consul-general to Paris, informed the Latin Union Monetary Conference assembled in that city that there was a growing sentiment in the United States in favor of the repeal of the Bland act, and that the Administration would do all in its power to secure its repeal. In his annual messages to Congress in 1885 and 1886 he urgently advised the repeal of all laws providing for silver coinage, and predicted ruin and disaster if this were not done. In 1885 and 1887 he sent commissioners to Europe, who entertained views on this subject in harmony with his own, to junket about in that country at the expense of the United States and inculcate theories adverse to the free use of silver as money, namely, Manton Marble in 1885 and Edward Atkinson in 1887, both abundantly competent to misrepresent the United States on the vital question of the free coinage of silver. When the Senate, in April last, amended the House bill authorizing the purchase of United States bonds by requiring the purchase and coinage of sufficient silver to take the place of the national-bank notes retired, and thus stop further contraction, the bill, through the alleged influence of the Administration, when it was returned to the House, was smothered in the Democratic Committee of Ways and Means, from whence it will never emerge.

The opposition of President Cleveland to the use of silver as money is so intense that he refuses to allow the Secretary of the Treasury to purchase and coin more than $2,000,000 worth of silver per month, although the surplus in the Treasury and the stringency of the money market indicate that the contingency exists contemplated by Congress, when it is the duty of the Secretary of the Treasury to purchase and coin $4,000,000 worth of silver per month. The President advocates the purchase of bonds at 27 per cent. premium, and the destruction of our manufactures by free trade to reduce the surplus, rather than relieve the stringency of the money market by exercising the discretion conferred upon him by Congress to coin more silver.

Whatever may be the views of the Democratic party or the sufferings of the people in consequence of contraction, Mr. Cleveland will never sign a bill for the free coinage of silver to afford them relief. He does not regard it as a calamity that the prices of wheat and cotton, the staple farm products of this country for export, have fallen so low that there is no profit in their production. He makes no account of the fact that silver has the same purchasing power in India and other Asiatic countries that it ever possessed, and that 412½ grains of silver will purchase the same amount of wheat or cotton to-day in all countries retaining the silver standard as it would before that metal was excluded from our mints, and that the prices of wheat and cotton have declined and must decline in the markets of Europe and America in exact accordance with the fall of the price of silver.

The fact that silver can be bought in this country at 30 per cent. discount and exchanged in India at par is immaterial to the President. It makes no difference to him that the wheat bought in India with silver costs the importer in European markets 30 per cent. less than wheat bought in America with gold, and that therefore India wheat is fast supplanting wheat from America, and that importers of wheat from America are forced to sell in the Liverpool market at prices fixed by India wheat. In proof of this assertion I will print in the appendix to my remarks tables showing that the purchasing power of silver bullion has not decreased in India or any other country which maintains the silver standard, while the price of that metal has declined in this country over 30 per cent. since its exclusion from the mints, and the prices of wheat and cotton in the United States have kept pace in their decline with every fall in silver. (See Exhibits A, B, C, D, and E.)

It is useless for the Democratic party to point to their votes in Congress in favor of remonetizing silver while they indorse the administration and advocate the election of a President whose avowed policy on all financial questions is in accordance with the views of the most avaricious Shylock, who, without remorse, would enslave mankind to enhance the value of his bonds and increase the burdens of his debtors.

MANUFACTURES.

While financial independence and commercial success can only be maintained by an ample and permanent supply of money, the state of manufactures always indicates the prosperity enjoyed by the people. This proposition is verified by comparing the condition of manufacturing countries with that of purely agricultural countries at any period of history which may be selected. Such comparison will in every case, without an exception, prove the truth of my proposition. A few examples will illustrate this.

During the eighteen years that Ireland had an independent parliament (from 1782 to 1800) her manufactures developed enormously under laws protecting her home industries. At the time of the union with England, in 1800, there were employed in manufacturing in Ireland about 250,000 people. Her manufactures are now nearly all destroyed, except the flax industry in the north of Ireland, which the English Government has not suppressed. The magnitude of the manufactures of Ireland when 250,000 people were employed in industrial pursuits will be appreciated by an example of three American States. Illinois, Indiana, and New Jersey, in 1880, contained a population of 6,187,288, which was about the same as that of Ireland at the time of its union with England. The number of persons employed in manufacturing in the three States named in the year 1880, was 240,266, not quite equal to the number employed in Ireland in manufacturing at the time in question. The value of manufactured products in these three States was $817,046,420, which was over $200,000,000 more than the products of all the manufactures of the sixteen Southern States. The manufacturing industries of Ireland were destroyed by English laws. After the union England required Ireland to receive free of duty English manufactured commodities, and by glutting her markets destroyed her manufactures, according to the advice of Lord Brougham, to which I have already alluded.

Many apt illustrations might be given showing the effect of manufacturing in our own country upon the growth, prosperity, wealth, and development of those sections of the United States where the energies of the people have been directed to multifarious industries, as compared with those other sections where the industries of the people have been mainly confined to the pursuit of farming. The products of manufactures in the State of Ohio in 1880 amounted to $348,305,390, while the value of the products of all the manufactures of the late Confederate States, namely, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, was, in the same year, only $240,544,295. The area of farms in the late Confederate States was at the same date 197,554,865 acres, of the aggregate value of $1,229,958,624, while the entire area of farms in Ohio was only 24,529,226 acres, and the aggregate value thereof was $1,127,497,353, only $102,461,271, less than the value of all the farms in the late Confederate States; an acre of farm land in Ohio being equal in value to about eight in the late Confederate States.

The area of farms in Indiana and Kentucky were about equal, the former containing 20,656,259 acres and the latter 21,941,974 acres, while the products of manufactures in Indiana were about double in value of those of Kentucky, the former being $148,600,411 and the latter $75,483,311. The value of the land in Indiana, following the value of the products of manufactures, was more than double that of Kentucky, the former being $635,236,111; and the latter $299,298,631; an acre in Indiana being worth more than two acres of farm land in Kentucky, and an acre in the former being worth more than $31 while an acre in the latter was only worth about $14.

If we were to compare the great manufacturing States of Pennsylvania, New York, New Jersey, and New England with the South the contrast would be more apparent. For example, the products of manufactures in the State of Massachusetts in the year 1880 was $631,511,484, while the products of all the manufactures of the sixteen Southern States was in the same year only $631,401,105. The number of acres of farms in the State of Massachusetts was, in 1880, 3,359,079, and was of the value of $146,197,415, while 22,639,644 acres of farms in the State of North Carolina were valued at only $135,793,602; an acre in Massachusetts being worth about $48 while an acre in North Carolina was worth only about $6.

The value of the products of the manufactures of North Carolina in 1880 was only $20,084,237. The value of manufactured products of New York and New Jersey in 1880 was $1,335,013,932, being more than double the value of the products of manufactures of the sixteen Southern States; and the estimated value of real and personal property of New York and New Jersey was $9,052,000,000, while the total estimated value of the real and personal property of the sixteen Southern States was only $8,569,000,000. Take the States of California and Texas, which are about equal in age, for another comparison. Texas in 1880 had 36,303,454 acres of farms, while California had only 16,593,742 acres. The value of the products of the manufactures of California in 1880 was $116,227,973, against $20,719,928 for Texas. The value of the farms in California was $262,051,282, while those of Texas were valued at only $170,468,886; an acre of land in California being worth about $19 and an acre in Texas about $4.

THE NEW SOUTH.

The foregoing comparisons between the agricultural States of the South and the manufacturing States of the North are made from the census of 1880. Since that time a new South has sprung into existence, which exhibits a growth of varied industries which can not fail in the near future to rival the Northern States. I found it impossible to gather statistics as to the value of the products of manufactures in the Southern States since 1880, but the various publications in the South furnish very accurate data of the new capital employed in the South in manufactures, and also the number of new factories established during the years 1886, 1887, and the first six months of 1888.

In 1880 Alabama had only $9,668,008 invested in manufactures, and on June 30, 1888, she had $62,922,000 invested in manufacturing establishments. Arkansas in 1880 had $2,953,130 as against $22,216,000 invested in manufactures on June 30, 1888. Florida increased her investments in manufactures from $3,210,680 in 1880 to $6,996,680 on June 30, 1888, and between the same periods Georgia increased her investments from $20,672,410 to $40,464,510; Kentucky, from $45,813,039 to $99,010,039; Louisiana, from $11,462,468 to $21,116,668; Maryland, from $58,742,384 to $76,355,909; Mississippi, from $4,727,600 to $10,328,640; North Carolina, from $13,045,639 to $18,617,890; South Carolina, from $11,205,894 to $16,748,720; Tennessee, from $20,092,845 to $60,886,500; Texas, from $9,245,561 to $34,540,600; Virginia, from $26,968,990 to $41,854,000, and West Virginia, from $13,883,390 to $22,950,500. The total investments in manufactures of the States above named was in 1880 $261,822,138, while on June 30, 1888, it had reached $535,018,656, an increase in eight and one-half years of 104.6 per cent. The greater part of this increase has been made in the last thirty months.

The following table will show the number and kinds of factories established in the fourteen States above named during the last thirty months:

Kinds of factories.	1886	1887.	1888.*
Agricultural implements	11	25	6
Brick works	53	169	95
Canning factories	13	83	170
Carriage and wagon factories	16	44	36
Cotton compresses	13	36	20
Cotton-mills	9	77	45
Cotton-seed oil mills	4	18	15
Electric-light companies	34	82	80
Flour-mills	92	135	72
Furniture factories	23	55	33
Gas-works	24	35	18
Ice factories	50	96	33
Iron furnaces	28	29	6
Lumber, saw-mills, etc	448	726	450
Machine-shops and foundries	68	103	72
Mining and quarrying companies	174	562	260
Natural-gas companies	21	53	.....
Stove foundries	8	4	4
Water-works	42	88	53
Miscellaneous enterprises	441	1,010	555
Total	1,575	3,430	2,023

* First six months of.

The foregoing table shows that the number of factories established in 1887 was nearly 100 per cent. greater than the number in 1886, and the number established in the first six months of 1888 shows that there will be a corresponding increase for the year 1888 over the year 1887 with the latter year over 1886. The articles to be manufactured by these establishments are such as would be forced in competition with foreign commodities under free trade, and these establishments would be easily destroyed by the glut from Great Britain which would follow a reduction of the tariff.

I am indebted to Mr. MCKINLEY for the following table, compiled from his recent Georgia speech, also showing the growth of the New South:

Items.	1880.	1888.
Cotton mills	179	300
Miles of railroad	19,435	36,737
Tons of pig-iron	397,301	929,436
Tons of coal mined	6,049,471	16,476,785
Bales of cotton	5,755,350	6,800,000
Bushels of grain	431,074,630	626,235,000
Value of live-stock	$391,312,254	$573,695,550
Value of farm products	571,098,454	744,066,460
Value of cotton goods	21,000,000	43,000,000

This new development of manufactures in the South is a glorious promise for that section if the American system of protection can be maintained. It is hardly necessary to call the attention of the country to the superior advantages of the South for the development of her manufactures. Excluding a narrow strip of country bordering on the Atlantic Ocean and the Gulf, peculiarly adapted to the production of rice, sugar, and cotton, the balance of that vast region south of Mason and Dixon's line has a climate as well suited to promote the health, vigor, activity, and intelligence of white as well as black laborers as that of any section of the United States; its soil abounds in every prod-

uct of the temperate zone, and particularly such articles as are used in the manufacture of textile fabrics, including hemp, flax, jute, wool; and over a large extent of this area cotton is also produced; and besides, all the great cotton-fields of America, if not included within, lie adjoining and form parts of the great States of the South. Wood, coal, iron, and every mineral necessary for use in the manufacture of iron and steel abound in unlimited quantities. Water power for the use of manufactories exists on every hand, and the climate is such as to render its use available throughout the year, in winter as well as in summer. In short, nature has done everything for the South that she has done for the most favored land, and this new birth of industry indicates a disposition of the people to discard dependence upon any other section of this country, or any foreign land, and join in a noble rivalry with the East and the great and growing West in the development of the vast resources of our common country, and in the development of the intellectual faculties of the people by making the whole country a school, so to speak, of technology, in which every youth shall be taught some useful employment.

Already the names of the growing centers of industrial development in the South are familiar throughout the land. South Pittsburg, in Tennessee, bids fair to rival its namesake in the great State of Pennsylvania, and the day is not far distant when Birmingham, in Alabama, will be as well known throughout the world as the Birmingham of old England. Anniston, Talladega, and Tuscaloosa, in Alabama; Atlanta, Augusta, Columbus, and Rome, in Georgia; Chattanooga and Lawrenceburgh, in Tennessee; Burlington and Charlotte, in North Carolina, and Little Rock, in Arkansas, exhibit the same thrift, enterprise, activity, and prosperity that is witnessed in the most thriving manufacturing towns in the North. Skilled artisans and mechanics are already flocking to these centers of industry. Both Northern and local capital find profitable investments, and industries of every kind are multiplying and developing in these and many other places in the growing South. Nothing but unwise legislation can prevent the development of the resources or mar the prosperity of the South.

THE NECESSITY OF MARKETS.

The fact that manufactures can not be maintained without markets seems self-evident; but strange as it may appear this truth is generally ignored by the advocates of free trade. The efforts of Great Britain to secure markets for her manufactures show what importance she attaches to them; the skill of her diplomats, the power of her army and navy, and the resources of her treasury have been exhausted by the use of strategy, force, and money to protect the markets of her own country and to secure the markets of foreign countries for her manufactured commodities. She holds in her despotic grasp Ireland, India, Egypt, and more than fifty other countries, for the sole purpose of compelling their inhabitants to purchase her wares. Her cruel exactions from her American colonies, and her vindictive war to retain them as tributaries to her industrial resources, I have already mentioned.

Her utter lack of all sense of moral obligation in pursuit of foreign markets is illustrated by her encouragement of slavery in the South and of the abolition of slavery in the North, by her acknowledgment of the belligerent rights of the South while she maintained friendly diplomatic relations with the North, by her building armed cruisers to run the blockade and carry on contraband trade with the South while she retained all the advantages afforded by the markets of the North for military supplies and munitions of war, and by the ruin and demoralization she has produced in China, in forcing that unwarlike people to make a market for her opium, and also by corrupting the minds and warping the judgment of the youth of America by awarding prizes to students of our colleges and universities for writing essays in favor of the surrender of our markets to English manufacturers.

The influence of the Cobden Club in institutions of learning, which are the pride of America, such as Harvard, Yale, Williams, and others, is most unfortunate. It is strange that the educators of this country fail to realize that there may be some sinister motive in the contributions of the aristocracy of England for the education of American youth. The influence of the Cobden Club is also felt in the public press, where hundreds of editors, who have been taught at the seats of learning of both England and the United States the arguments of the Cobden Club in favor of free trade, are daily flooding the country with arguments to show that the prosperity of this country would be enhanced by surrendering our markets to England. The character of these arguments is well illustrated by a short extract from the last report of the Cobden Club, published in London, showing its membership, operations, and purposes. It is as follows:

Your committee have never despaired of the ultimate adoption of free trade by the commercial nations of the world, in accordance with the aspirations of Richard Cobden. They do not forget what has been forcibly explained by Mr. Medley and others, that the adoption of a free-trade policy by great productive nations like America would probably put a severe strain upon our power to compete with all comers in neutral markets; and they have in their publications emphasized the point that Great Britain enjoys "the lion's share of the world's trade" to a large extent, because the nation which has free imports while other nations impose a tariff enjoys the best half of the free-trade loaf. But the Cobden Club puts faith in free trade as a principle of universal application for the benefit of mankind, and therefore your committee rejoice to see that the Government of the United States, by the very inconvenient excess of its tariff revenue, is being driven irresistibly to the reduction of its tariff. A considerable reduction of American tariffs would have the effect of educating the people of the States in the true principles of international exchange.

Competition with "all comers in neutral markets" is good; it would be better, however, if the report had continued and stated where such "neutral markets" exist for the products of the United States.

THE UNITED STATES EXCLUDED FROM FOREIGN MARKETS BY FOREIGN TARIFFS.

An examination of the tariffs of England and her various colonies, together with the protection she extends to her steam-ship lines by subsidies amounting to near $4,000,000 per annum, and the credit facilities her banking institutions afford to exporters of her manufactures, will show with what care and ingenuity she has guarded against the possibility of any product of the United States entering her dominions which she can obtain elsewhere; and an examination of the tariff laws of all other organized governments will also show that all American products are shut out from every foreign market in the world, except such products of the United States as can not be obtained from any other source.

I will print in the appendix to my speech tables showing the tariffs of England and her colonies, and also the tariffs of other nations. (See Exhibits F, G, and H.) I challenge any free-trader to examine these tables and point out where there is a foreign market in any country for the products of the United States, which that country can produce in sufficient quantities or obtain elsewhere, or where the United States could obtain any additional foreign markets for her products if she extended free trade to all the world.

The following brief statements of the main features of some of the foreign tariffs will illustrate how other countries protect their markets:

On cotton gloves France levies a duty of $88.44 per 100 pounds. The importation of tobacco on private account is prohibited, and only a few privileged importers are allowed 22 pounds per annum for their personal use. Cigars and cigarettes are taxed $315.15 per 100 pounds; smoking, snuff, and chewing tobacco, $131.32 per 100 pounds. The importation of tobacco, raw or cured in the leaf, is absolutely prohibited, and the importation of pork is virtually prohibited. Woolen goods are taxed from 40 to 110 per cent.

The German tariff regulations as to pork are virtually prohibitory. In 1872 the German Empire inaugurated the system of protection. In that year the imports amounted to $824,432,000 and the exports to $593,096,000, while in 1886, under the influence of her protective tariff, her exports rose to $726,225,000 and her imports fell to $700,902,000. In seven years Germany has increased her tariff on foreign wheat. In 1879 the duty was 6⅔ cents per bushel; in 1881, 20 cents per bushel; and in 1887, it was increased to 33⅓ cents per bushel.

The tariff of Russia is virtually prohibitory. Plain woolen goods pay a duty of 79 cents per pound, and if colored 30 per cent. is added. The duties on cotton goods vary from 40 to 120 per cent. On American tobacco Russia levies duties of from 250 to 680 per cent., and on American wines from 80 to 125 per cent.

Spain collects on cotton goods from 30 to 70 per cent., and on woolen goods from 20 to 66 per cent. A duty of $16 per ton is levied on iron and steel rails, and $38 per ton on iron nails.

A duty of 120 per cent. is levied on American clocks by Italy. On cotton and woolen goods the duty is from 30 to 70 per cent.

Mexico taxes unbleached cotton cloth 150 to 175 per cent., and bleached cloth from 150 to 200 per cent. Common cotton covers for umbrellas pay a duty of $1 per pound, while they are not worth 26 cents per pound. Her duty on iron nails is over 100 per cent.; on tobacco from 100 to 300 per cent. The duties on woolen goods are virtually prohibitory.

Brazil lays a duty of from 45 to 125 per cent. on tobacco, besides a special duty of 40 and 60 per cent., making the duty 145 to 225 per cent. On cotton and woolen goods her tariff is almost prohibitory.

Argentine Republic levies a general duty of 25 per cent.; but on wheat she exacts from 80 to 100 per cent. The duty on American clocks is from 100 to 200 per cent.

Our tobacco has to pay a duty of 150 per cent. and our cigars 300 per cent. in Chili. The duty on American clocks is 80 per cent., and some of our boots and shoes are taxed at from 75 to 125 per cent.

Peru charges a duty of 70 per cent. on spirits, 40 per cent. on cotton and woolen goods, and 70 per cent. on cigars.

The duties of Venezuela on cotton and woolen goods are almost prohibitory.

I desire to call especial attention to a few items in the tariffs of Great Britain and her provinces. The import duties collected in England in 1887 amounted to $101,564,430 (see Exhibit I), which was $2.73 for every man, woman, and child in Great Britain and Ireland, while the duties collected in the United States during the same year amounted to about $217,000,000, which was $3.46 per capita, estimating the population at 62,000,000. Although the duties collected in the United States exceed those of Great Britain per capita, yet the various devices adopted by Great Britain furnish her manufacturers far more protection from competition with foreign countries than the manufacturers of the United States enjoy. The reason why duties in England do not amount to as much per capita as duties in the United States is not because England practices free trade (which she urges us to adopt), but because the principles of protection are fully complied with by the duties she levies.

She can not collect duties on articles of food which are not produced in sufficient quantities at home without injury to her manufactures by

increasing the price of living so as to deprive her of the power of cheap production, even with starvation wages. Her situation as to food for her people is similar to that of the United States with regard to tea and coffee. We produce no tea or coffee, and therefore admit them free of duty.

Great Britain does not levy a duty on manufactured commodities because the advantages she furnishes to her manufacturers in ample and stable markets throughout the world, and in large subsidies to steamships, etc., enable them to manufacture cheaper than any other people, and consequently they are freed from competition from abroad.

On articles imported from the United States which are not indispensable to enable her to manufacture cheaply she levies enormous duties. From tobacco alone, principally imported from the United States, she collected in 1887 $47,374,440 of duty, and the duty so collected per pound was 775 per cent. of the cost of that commodity in this country. She also collected during the same year from rum, brandy, and other spirits, mostly imported from the United States, $21,235,845.

The duties collected in the various colonies of Great Britain, except India, are enormous. India is held under the military control of Great Britain and its business is conducted by the East India Council in London. Its people are practically the slaves of Great Britain, but little foreign intercourse is tolerated, and therefore only $6,165,000 was collected from duties in India in 1887. India is held by Great Britain for two purposes: first, to furnish an exclusive market for the wares and products of Great Britain, and, second, to contribute to the support of that government.

I have already stated that the duties per capita collected in England amounted to $2.73 in 1887, and that the duties per capita amounted to $3.46 in the United States. The following were the duties per capita collected in 1887 in the various colonies of Great Britain, with the exception of India:

Malta, $4.50; Ascension Islands, $6.35; Lagos, $2.55; Bermudas, $7.95; Falkland Islands, $9.74; British Guiana, $3.85; British Honduras, $5.09; Newfoundland, $4.85; Jamaica, $2.60; Trinidad, $7.40; Barbadoes, $3.04; Canada, $4.35; Cape of Good Hope, $4.13; Mauritius, $3.22; Natal, $1.92; Fiji, $1.16; New South Wales, $9.48; New Zealand, $10.90; Queensland, $14.15; South Australia, $15.01; Tasmania, $16.49; Victoria, $10.66; Western Australia, $20. (See tabulated statement giving population and duties collected, Exhibit J.)

The false pretenses of the Cobden Club are rebuked by their own countrymen in the following extract from the Financial Reform Almanac for 1887, page 161, in this impressive language:

> It thus becomes clear that the free-trade sermons so constantly preached to foreign nations and to her colonies by Great Britain are all spoiled by the practice not agreeing with the precept. It is the old case of "Don't do as I do, but do as I tell you," and every people under the sun must realize our hypocrisy in posing as a free-trade nation while taxing their products.

The duties imposed by Canada are mainly directed against the products of the United States. On agricultural machinery the duty is 35 per cent., while on all other machinery it is from 10 to 25 per cent. The machines exported from the United States to Canada are principally agricultural. Petroleum imported from this country pays 100 per cent. duty, while other oils imported from elsewhere pay only from 10 to 25 per cent. duty. On anthracite coal from the United States Canada charges 56 cents a ton duty, while the United States imposes no duty on that article imported from Canada. The United States imposes no duty on tea and coffee, and to prevent our merchants from importing those articles and selling them in Canadian markets Canada imposes a duty of 10 per cent. when imported from the United States, admitting them free from all other sources. This duty was levied by Canada after the establishment of an American steam-ship line to China. Whisky and spirits of all kinds pay a duty of from $1.33 to $2.02 per gallon. The people of several of the States of the West are anxious for cheap lumber, and it has been suggested that the repeal of the duty of $2 a thousand feet on lumber might give them some relief. This is a mistake, as shown in the case of logs for lumber imported from Canada. The United States imposes no duty on logs, but Canada, finding that they will bear a duty and still compete successfully with logs cut in the United States, imposes an export duty of $1.01 per thousand feet on logs.

The famous Joggins raft, which attracted so much attention on its passage from Canada to New York, contained 3,000,000 feet of lumber, upon which Canada collected a duty of $3,030, but it was admitted free of duty into the United States. If the United States should repeal the duty on lumber, can there be any doubt that Canada would collect an export duty, and that the only party who would be benefited by such repeal would be the Government of the Dominion of Canada instead of the Government of the United States?

Canada has still another method of collecting a tax on timber which she might resort to in lieu of an export duty in case lumber were put on the free-list, so that an additional burden or tax could be put upon it in Canada and still compete with lumber cut in the United States. Nearly all the lumber in Canada is on land belonging to the Dominion. She now charges for the privilege of cutting it $5 per square mile and a royalty of 5 per cent. on all sales of lumber so cut. This is regulated by the Canadian Parliament, and if we put lumber on the free-list it would be easy to increase the royalty to an equivalent amount of our tariff reduction. There is no way of getting cheaper lumber from Canada by any legislation on the part of the United States. If we remove the duty, Canada will replace it by an export duty or a royalty.

The United States made a mistake when it removed the duty from coffee. Since coffee was admitted free into the United States Brazil has collected an average export duty annually of $8,900,000 from coffee imported into the United States, which duty was levied by Brazil immediately after the abolition of the duty on coffee by the United States.

The proposition to abolish the duty on salt is another mistake. No benefit would be afforded to the consumer by such legislation. The foreign salt imported into this country comes principally from Turks Island, a colony of Great Britain and one of the group of the West India Islands. An export duty of 10 per cent. on salt from that island is now exacted. If we admit it free, as a matter of course that export duty would be correspondingly increased and Great Britian would get the benefit instead of the United States.

About fifteen years ago we repealed the duty on logwood. Immediately thereafter Jamaica, also a colony of Great Britain, and from which we obtain our logwood, imposed an export duty of 12½ cents per hundred-weight.

The following significant item from New Zealand, another colony of Great Britain, appeared in the New York Herald of July 17 last:

> A new tariff bill has been proposed by the New Zealand Government which will considerably diminish the large free-list now in existence there and increase small ad valorem duties. The class of goods affected principally are such as can be exported from the United States, and includes dried, salted, or pickled fish, olives, oysters, provisions, vegetables, wooden-ware, leather goods, patent medicines, earthenware, dry goods, machinery, cotton and woolen goods, boilers, ironware, and manufactured carriages and wagons.

These examples are sufficient to indicate the policy of Great Britain and her colonies of not only excluding the products of the United States from their markets, but also of taxing by export duties articles admitted free into the United States to the full extent that the trade will bear. The more the various tariffs of the world are examined, and particularly of Great Britain, the more clearly it will appear that there is no free trade, and that there is not likely to be, in any foreign country for the United States. The markets of the United States are the best in the world; our people produce more, consume more, and enjoy more of the comforts of life than any other people on earth. The natural resources of this country in variety and extent equal, if they do not surpass, the whole continent of Europe. The Cobden Club was formed to aid England to acquire the markets of this country. The United States is the fat goose that the English fox is seeking to devour and all other nations endeavoring to pluck.

The legislation of Austria since the reduction of our tariff by the act of 1883 is a fair sample of the conduct of foreign nations. She has increased the duty on cotton cloths, unbleached, from 7 to 10 per cent.; on bleached cloth, 11½ per cent.; on woolen goods, 16½ per cent.; on barley, 200 per cent.; on Indian corn, 100 per cent.; on wheat, 100 per cent.; on flour, 150 per cent.; on clocks and clock-works, 100 per cent., and on manufactured India-rubber goods, 50 per cent.

PROTECTION BY SUBSIDIES TO VESSELS.

In the act for the protection of home industries, passed by the First Congress, in 1789, to which I have already alluded, our merchant marine was also protected. On goods imported in American vessels 10 per cent. less duty was levied and collected than on like goods imported in foreign vessels. The result was an enormous increase in our carrying trade with foreign nations. American tonnage engaged in foreign trade in 1789, when the act was passed, was 127,329 tons, and in 1807 it had increased to 848,306 tons.

This discrimination between American and foreign vessels continued as to all the world until 1815, when a treaty was made with Great Britain agreeing to charge no discriminating duties or tonnage against English vessels coming into our ports if England would charge none against American vessels entering her ports. This discriminating duty as to other nations was repealed from time to time by fifty different acts between 1816 and 1846. Among the last abolished were those on Spanish vessels. We could always build wooden ships cheaper than England, and from the treaty of 1815 to the year 1851 the carrying trade was continued in wooden bottoms, and we were enabled to compete with her for the carrying trade of the world on about equal terms, and we succeeded in securing our full share of that trade. Steam-ships commenced to take the place of sailing vessels in 1840.

It was not expressly stipulated in the treaty of 1815 between the United States and England that neither country should grant subsidies to their vessels, but it is difficult to understand why the granting of subsidies is not an evasion of the treaty. What difference does it make to a vessel whether the Goverment remits a portion of its revenue in the way of duties, which would be charged and collected if the goods were imported in foreign bottoms, and thereby give an American ship an advantage over an English ship engaged in the same business, or paying to the ship-owner an equivalent amount of money from the Treasury which had been collected from duties, under the pretense of paying for carrying the mails, but, in fact, to give the American ship-owner an advantage over his foreign competitor?

The Cunard Line in 1840 received a subsidy of $291,960 a year from Great Britain for a monthly line of steamers between Liverpool, Halifax, and Boston, which was increased in 1849 to $437,940. The United States soon after subsidized the Collins Line. England immediately granted a subsidy to the Cunard Line of $705,570 between Liverpool and New York. On June 14, 1858, an act was passed by Congress for-

bidding the Postmaster-General from making a contract for carrying ocean mails for more than two years, or to involve a higher rate of expense than the amount collected on the sea and land postage. This destroyed the Collins Line and the Havre and Bremen American lines. Mr. Cobden, the father of the cardinal principles of modern democracy, in examining a witness before a Parliamentary committee with regard to contracts for subsidies in 1859, asked the following question, which the witness answered in the affirmative:

You are aware that it (the Collins Line) ceased because the American Government withdrew the subsidy?

Mr. Wilson, another free-trader, during the same examination asked the following question:

Mr. Cunard's contract is £191,000, is it not?
A. Yes; £191,400.
Q. Three hundred and twenty thousand pounds is the amount which is now paid by this country and the colony for the trans-Atlantic postage, including the Galway Line?
A. Yes.
Q. And in the face of these increasing subsidies the American Government has altogether relinquished the practice of subsidizing their vessels, and their vessels, of course, have been driven off the passage?

The astonishment expressed in these questions at the folly of the American Government by these English free-traders is significant. In 1851 England commenced building steel ships. The cotton tariffs of 1833 and 1846 had rendered it impossible to manufacture steel in the United States. As these steel ships supplanted wooden ships it was impossible for the United States ship-builders longer to compete with Great Britain in the building of ships. England, however, continued to increase her subsidies for the purpose of driving our ships off the ocean, and finally, when the war broke out, she sent her armed cruisers, which destroyed our wooden ships and ended the contest. She was then enabled to decrease her subsidies somewhat, but every time the United States has made an effort to increase her carrying trade by subsidies, as in the case of the China line in 1870, Great Britain has increased her subsidies and put on competing lines. The following table will show the annual subsidies paid to steam-ships by Great Britain from 1848 to 1882, both inclusive:

Year.	Bounty or subsidy paid British ships by British Government.	Year.	Bounty or subsidy paid British ships by British Government.
1848	$3,250,000	1866	$4,227,018
1849	3,180,000	1867	4,079,996
1850	5,313,985	1868	4,047,586
1851	5,330,000	1869	5,481,690
1852	5,510,635	1870	6,107,761
1853	5,865,400	1871	6,070,741
1854	5,950,559	1872	5,693,500
1855	5,741,633	1873	5,665,296
1856	5,713,560	1874	5,697,346
1857	5,133,485	1875	4,860,000
1858	4,679,415	1876	4,420,271
1859	4,740,190	1877	3,976,580
1860	4,349,760	1878	3,914,990
1861	4,703,285	1879	3,768,230
1862	4,105,353	1880	3,873,130
1863	4,188,275	1881	3,601,350
1864	4,503,050	1882	3,538,835
1865	3,981,995		

Since 1882 these annual subsidies have been somewhat increased, averaging about $3,800,000. France and Germany have also adopted the policy of subsidizing their steam-ship lines, while the United States has returned to the policy inaugurated by Mr. Cobb, Secretary of the Treasury in 1858, of making money on our letter postage through the mails carried on American vessels. By means of these subsidies England increased her shipping to 5,500,000 tons, valued at one thousand millions of dollars; employed two hundred and forty thousand men in the construction and repair of ships and two hundred and twenty thousand more in sailing them, and added to her national earnings $350,000,000 a year, while the United States got cheap postage by sending her mails on American ships for 2 cents per letter if she could find such a ship afloat, otherwise by paying foreign ship-owners for carrying our mails. The present Administration is keenly alive on this subject, as on all others, to the interest of Great Britain, and bitterly opposes a dollar in subsidy to American vessels, but kindly advises the people of the United States to cultivate foreign intercourse and find foreign markets.

NO NEW POLICY WANTED.

I would not have the United States enter upon any new or untried policy. I would have it return to the policy for which the colonies separated from the mother country, for which the patriotic soldiers of the Revolution fought, and which was incorporated in the Constitution and carried into effect during the administrations of Washington and his successors in the early and better days of the Republic. That policy included not only political but financial, commercial, and industrial independence. Financial independence was secured by the free coinage of both gold and silver. Commercial independence was maintained by charging less duties on goods imported in American ships than on goods imported in foreign bottoms, thereby discriminating in favor of American vessels. If treaty obligations would be violated by such discrimination, I would use the methods of avoiding those obligations which Great Britain, France, and Germany have adopted by applying a part of the customs revenues in subsidizing steam-ship lines to South American ports and every other part of the world which would buy our products.

Industrial independence was encouraged by laws for the protection of manufactures. I would so extend those laws as to give to the laboring people of this country the entire market of the United States for every product of both farm and factory which can be produced in our own country, and I would secure to them the permanent and exclusive right to supply such markets, and thereby give confidence to capital invested in manufactures. The laborers of this country, with the fixed market for their productions which our great and growing country would afford, would be more independent than any other people on earth. The vast amount of manufacturing necessary to supply such a market would cheapen production and increase the price of labor. Experience has taught us that the more a people manufacture the cheaper they can produce. The people of this country would have the best market in the world, and in time might be able to send their surplus products abroad, where none now go. This was the policy of the fathers of the Republic, and to it I would return.

POLITICS.

There are 401 votes in the electoral college; 153 of these are in the sixteen Southern States, which compose the solid South; 197 of them are in those Northern States in which there is no city where European influence is predominant; 51 of them are in New York, New Jersey, and Connecticut, which added to the vote of the solid South make 204 votes, which is a majority of the electoral college. The 51 votes in the three States last named are expected to be carried for the Democratic party by the overwhelming majority which will be given in New York and Brooklyn and their suburbs in New Jersey and Connecticut. If the President and his associates succeed in this scheme it will be interesting to inquire by what influence it is to be accomplished, and whether such influence is American or foreign, and who is to receive the benefits from the victory. During the twelve months ending June 30, 1888, foreign imports into the city of New York amounted to $470,426,774, while the total imports into all the ports of the United States was only $723,865,146, and during the same period the exports from New York City to foreign countries was $310,627,476, while the total exports of the United States from all the ports was only $695,971,619, showing a balance of trade against the United States during the fiscal year ending June 30, 1888, of $27,890,527, which was increased on July 31 to $43,210,538. I do not give these figures in this connection for the purpose of showing the balance of trade, but to show the vast amount of trade which centers in New York and its surroundings.

The persons engaged in this trade must be very numerous and have command of vast capital. They are either agents of foreign merchants or foreign manufacturers. They are called "consignees," "brokers," "merchants," and "importers." Their enormous business gives them vast control of merchants, bankers, tradesmen, newspapers, and, in short, over all the people living or doing business in New York City and its surroundings. The value of the products of the manufacturers of the United States in 1880 was more than five thousand millions of dollars, and undoubtedly the value of such products during the past year was more than seven thousand millions of dollars. Nearly all of this vast product was consumed by American markets. The increase of foreign productions which would find a market in the United States under free trade can hardly be overestimated. If two or three thousand millions of dollars could be added to our imports by admitting foreign manufactures free of duty the business and profits in New York of these "consignees," "brokers," "agents of foreign merchants," "agents of foreign manufacturers," and "importers" would be enormously increased.

New York is the center of another interest equally powerful and important, which would be subserved by the election of Mr. Cleveland. He is a single gold standard contractionist. The people of the United States owe vast sums of money to England and other European countries for money borrowed for the construction of railroads and other enterprises. Most of the agents of these foreign creditors reside in the city of New York. The bonds and other evidences of indebtedness which they hold as agents for European capitalists have already been enhanced more than 33⅓ per cent. by the contraction of the currency resulting from the demonetization of silver.

The capital stock of the national banks of the United States amounts to the enormous sum of about $578,000,000. New York City controls the policy of the national banks and directs it in harmony with the schemes of the bankers, money-lenders, and bondholders of Europe. I do not intend to reflect on the patriotism of American bankers. They do not differ from the members of any other trust or combination organized to benefit themselves and draw money from the people. I simply desire to say that when the interests of bondholders and money-lenders are involved it is as natural for a banker to defend them as it is for a member of the sugar trust, the oil trust, the whisky trust, the cotton-bagging trust, or of any other trust, to defend the principles of

the institution or organization which he represents and from which he derives large profits.

The good money of the banker means bad times for the community. No money is good in his estimation unless it is scarce and dear. The dearer the money the sounder the currency in the estimation of the banker. The more wheat or cotton it requires to procure a given quantity of money the more precious and desirable to the banker the money becomes. Quoting the opinion of bankers where their interests are involved to influence legislation is as absurd as it would be to rely on the arguments of the Cobden Club as to the benefits of free trade to the manufacturers of the United States. It is natural for the National Bank Association to advocate the repeal of the Bland act and contraction to the gold standard, because it will make money dearer and property cheaper. In other words, it will produce good money and bad times.

The National Bank Association also controls the indebtedness of the United States, the value of which they have largely increased, and desire further to increase, by contraction to the gold standard. The South and the West, by the demonetization of silver, are sorely depressed, both by the low price of wheat and cotton and other farm products, which are governed in foreign markets, as I have already shown, by the price of silver, and also by contraction of the currency which has involved them in debt and compelled them to mortgage their farms. This vast moneyed interest centered in the city of New York, and cooperating with the foreign influence which I have already described, threatens both the industrial and financial independence of the United States, and if not successfully resisted will destroy our manufactures, ruin our farmers, and render the United States dependent upon Great Britain.

It is easy to see why foreign manufacturers and foreign importers and all persons engaged in foreign trade should support Mr. Cleveland, because he is in favor of free trade. And it is also easy to see why the agents of bondholders, both foreign and domestic, and money-loaners and dealers in money should support Mr. Cleveland, because he is in favor of the gold standard and contraction, which will increase their wealth. But it is difficult to comprehend how any patriotic person who desires the prosperity of the United States can join in that support, and particularly how the South and the West, which are developing manufactures and desire good prices for their farm products, can support a candidate for the Presidency who would destroy their manufactures by free trade, and who is laboring to enhance the obligations of contracts, to increase the burden of debts, and reduce the price of all the productions of the United States by the demonetization of silver.

It is incomprehensible that anybody should believe that Mr. Cleveland was sincere when he suggested in his message that free trade and the surrender of our markets to foreign competition would enable the people of the United States to supply foreign markets and increase home production when he knew, or ought to have known, that the people of the United States were shut out from every foreign market by exorbitant foreign tariffs, by vast steam-ship subsidies to foreign vessels, and every device possible to exclude the products of this country from foreign lands; when he knew, or ought to have known, that it is necessary for the life and existence of manufacturing establishments that they shall have a secure and permanent market to justify investments and insure steady production, and that all other countries in the world have ample tariffs to secure their markets for their own establishments to enable them to manufacture cheaply and send their surplus abroad, and that it would be the extreme of folly and madness for the United States to surrender its markets to foreign countries without the possibility of reciprocal favors. The statesman who will compel the people of the United States to compete with the underpaid labor of Europe operating behind breastworks of protection is either incompetent or wicked.

In view of the depression of business in consequence of contraction, how could the President contemplate a reduction of the tariff in the present stringency of the money market which must be followed by a glut of foreign commodities, the closing down of our manufactures, and the withdrawal of our circulating medium in payment for foreign goods? Is it possible that he considered the inevitable consequence of his advice and the ruin and disaster which followed the free-trade tariffs of 1833 and 1857, which stand out as warnings to the American people against the commission of similar blunders? The necessity of the situation must have been pressing to have induced the President to have preferred the bankruptcy of his country to some more patriotic method of securing his re-election. How any representative of the people and particularly from the South or the West, can desire destruction of their new and growing manufactures, the contraction of the currency by the withdrawal of our circulating medium for the purchase of foreign goods, and its further contraction by the repeal of all laws for the coinage of silver and the continual decline in the price of wheat and cotton, is incomprehensible.

I appeal to every voter in the United States who is in favor of honest money and a steady and constant supply of the circulating medium, who is in favor of home production, who is in favor of employment for labor and wages sufficient to save the wage-workers of the United States from want and dependence, to avoid all entangling alliances with agents of foreign manufacturers and the representatives of money syndicates, money-loaners, and bondholders, and join in a patriotic effort to secure such legislation as shall protect the rights of labor, afford an honest measure of the obligations of contracts, and establish for the United States financial and industrial, as well as political, independence.

APPENDIX.

EXHIBIT A.—WHEAT.

Comparative table showing the decline in the price of wheat in the United States and its stability in India since the demonetization of silver in 1873.

Years.	Price of silver per ounce, showing its decline since its demonetization.	Price of wheat per bushel in the United States, showing its decline corresponding with the decline of silver.	Price of wheat per bushel in India, showing its stability notwithstanding the decline of silver.
1874	$1.2929	$1.42	$1.06
1875	1.27	1.12	1.12½
1876	1.26	1.24	.86¾
1877	1.14	1.16	.85½
1878	1.18	1.33	1.05⅝
1879	1.13	1.06	1.14½
1880	1.11	1.24	1.30
1881	1.13	1.11	1.09⅞
1882	1.10	1.18	1.08⅜
1883	1.10	1.12	1.08⅜
1884	1.09	1.06	1.06
1885	1.0875	.86	1.02⅜

EXHIBIT B.—COTTON.

Comparative table showing the decline in the price of cotton in the United States and its stability in India since the demonetization of silver in 1873.

Years.	Price of silver per ounce, showing its decline since its demonetization.	Price of cotton per pound in the United States, showing its decline corresponding with the decline of silver.	Price of cotton per pound in India, showing its stability notwithstanding the decline of silver.
		Cents.	*Cents.*
1874	$1.2929	15½	11⅜
1875	1.27	15	11⅛
1876	1.26	13	11
1877	1.14	12	11½
1878	1.18	11	11⅜
1879	1.13	10	12
1880	1.11	11½	12½
1881	1.13	11	11⅜
1882	1.10	11½	11½
1883	1.10	11	10½
1884	1.09	10½	11½
1885	1.0875	10⅜	11

EXHIBIT C.—MEXICO.

Table showing that while Mexico maintains the silver standard the average prices of the following leading productions of that country have remained stable.

Years.	Lead, per pound.	Wool, per pound.	Cocoa, per pound.	Rubber, per pound.	Coffee, per pound.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1873	4⅜	9	16	40	19⅞
1874	5	8½	14½	41½	20
1875	4 82/100	9½	13	40	21
1876	5	10½	11½	37½	18½
1877	5½	8⅝	12	31	18⅜
1878	5½	9	12	38⅜	17½
1879	5	8⅜	12	39	16⅜
1880	5	11½	12	44½	16½
1881	4½	9½	11½	52½	12⅜
1882	4⅜	9⅜	12	50⅜	10⅜
1883	5	9½	12½	51½	10½
1884	4⅜	8⅜	12	49	11½
1885	4½	8	16	45	10
1886	4½	8	18	39½	9
1887	4½	8	18	45	12½
Average	4 1/12	8½	13½	40 31/100	14

EXHIBIT D.—RUSSIA.

Table showing that while Russia maintains the silver standard, the average prices of the following leading productions of that country have remained stable.

Years.	Wheat, per bushel.	Corn, per bushel.	Wool, per pound.	Linseed, per bushel.	Butter, per pound.
		Cents.	*Cents.*		*Cents.*
1873	$1.49	84⅝	23½	$1.47	19
1874	1.35	91⅜	23⅜	1.38	19
1875	1.28	54	19⅞	1.32½	19½
1876	1.34	57	20⅜	1.36⅛	20
1877	1.47½	67	34	1.63	17½
1878	1.45	51½	22½	1.64	18½
1879	1.66½	62⅜	23⅞	1.72½	19
1880	1.61⅜	81⅞	17⅜	1.67	16½
1881	1.59½	51⅞	21⅞	1.50	18⅜
1882	1.42	95⅜	19	1.38	18 1/10
1883	1.30	85½	15½	1.43½	21⅜
1884	1.24⅛	90⅜	13	96⅛	23
1885	1.03½	74⅛	14⅜	1.24	15½
1886	1.01	76	14⅜	1.10	16
1887	1.02	75	14⅛	1.12	16
Average	1.40½	73	17⅛	1.43	18 88/100

EXHIBIT E.—HOLLAND.

Table showing that while Holland has for years maintained the silver standard, having only of late years returned to bimetalism, the average prices of the following leading productions of that country have remained stable.

Years.	Wool, per pound.	Flax, per pound.	Tallow, per pound.	Butter, per pound.	Cheese, per pound.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1873	22	13	9⅜	15	6½
1874	21⅝	13½	9⅛	14⅝	6½
1875	22	14¼	10	14⅝	6⅜
1876	19	18⅞	11	14½	7⅜
1877	18½	13½	9½	14⅜	6⅜
1878	16	13⅜	9¼	14⅜	6⅜
1879	19	13⅜	9	14⅜	6½
1880	18	13½	9½	14½	6⅜
1881	20⅞	13½	9¼	14⅜	6½
1882	20½	13½	9⅜	15½	6½
1883	21½	13	9⅜	14½	5⅜
1884	21¾	12⅜	9½	14⅜	6⅜
1885	21⅛	13⅜	9¼	14⅜	6⅜
1886	21⅜	13	9⅜	14⅛	6⅜
1887	21½	13⅛	9	14⅜	6⅜
Average	20¼	13⅜	9⅛	14⅛	6⅜

EXHIBIT F.—*Duties on imports levied by Great Britain and Ireland and the colonies of Great Britain.*

Tobacco:
Unmanufactured, containing 10 pounds or more of moisture in every 100 pounds weight thereof, 87½ cents per pound.
Containing less than 10 pounds of moisture in every 100 pounds, 95 cents per pound.
Manufactured cigars, $1.37½ per pound.
Cavendish or negro-head, $1.20 per pound.
Snuff containing more than 13 pounds of moisture in every 100 pounds weight thereof, $1.02 per pound.
Not containing more than 13 pounds of moisture, $1.20 per pound.
Other manufactured tobacco, $1.08 per pound.
Tea, 12 cents per pound.
Coffee:
Raw, $3.50 per cwt.
Kiln-dried, roasted, and ground, 4 cents per pound.
Chicory:
Roasted, ground, and mixed, 4 cents per pound.
Raw, $3.25 per cwt.
Cocoa or chocolate, 4 cents per pound.
Spirits, brandy, rum, Geneva, etc., $2.58 per gallon.
Liqueurs, cordials, or other preparations containing spirits in bottles, $3.50 per gallon.
Perfumed spirits, $4.12½ per gallon.
Chloroform, 75 cents per pound.
Chloral hydrate, 31 cents per pound.
Collodion, $5.86 per gallon.
Ether, $6.11 per gallon.
Ethyl, iodide of, $3.25 per gallon.
Naphtha, purified, $2.58 per gallon.
Wine, from 25 to 62½ cents per gallon as to strength.
Currants, figs, raisins, plums, $1.75 per cwt.
Cards, playing, per dozen packs, 94 cents.
Beer and ale, from $6.35 to $7.48 per gallon as to strength.
Total duties collected last year by Great Britain (as per Exhibit I) $101,564,430.

Colonies.	Tobacco.		
	Raw.	Manufactured.	Cigars.
Labuan		7½ cts. per lb.	15 cts. per lb.
Falkland Islands	48⅝ cts. per lb.	75 cts. per lb.	$1.25 per lb.
St. Helena	12 cts. per lb.	24 cts. per lb.	24 cts. per lb.
Gambia	48⅝ cts. per lb.	75 cts. per lb.	75 cts. per lb.
New South Wales	24½ cts. per lb.	48⅝ cts. per lb.	$1.25 per lb.
Ceylon	4 cts. per lb.	8 cts. per lb.	22½ cts. per lb.
Mauritius	35 cts. per lb.	43 cts. per lb.	47 cts. per lb.
Victoria	24½ cts. per lb.	75 cts. per lb.	$1.50 per lb.
South Australia	24½ cts. per lb.	50 cts. per lb.	$1.25 per lb.
West Australia	24½ cts. per lb.	75 cts. per lb.	$1.25 per lb.
Tasmania		75 cts. per lb.	$1.25 per lb.

EXHIBIT F.—*Duties on imports, etc.*—Continued.

Colonies.	Tobacco.		
	Raw.	Manufactured.	Cigars.
New Zealand		88 cts. per lb.	$1.50 per lb.
Queensland		63 cts. per lb.	$1.25 per lb.
Fiji Islands	24½ cts. per lb.	75 cts. per lb.	$1.25 per lb.
Natal	9 cts. per lb.	37 cts. per lb.	$1 per lb.
Cape of Good Hope	18 cts. per lb.	37 cts. per lb.	$7.30 per 1,000 and 10 p. ct.
Lagos	4 cts. per lb.	12 cts. per lb.	$1.25 per 1,000.
Gold Coast	12 cts. per lb.	24 cts. per lb.	75 cts. per lb.
Canada		20 cts. and 12½ p. ct. per lb.	63 cts. and 20 p. ct. per lb.
Newfoundland	10½ cts. per lb.	14 cts. per lb.	$5.50 cts. per 1,000 and 5 p. ct.
Bermuda		4 cts. per lb.	$4.86⅔ per 1,000.
Honduras	5 cts. per lb.	10 cts. per lb.	$5.80 cts. per 1,000.
British Guiana	25 cts. per lb.	35 cts. per lb.	78 cts. per lb.
Bahamas	3 cts. per lb.	7 cts. per lb.	$2 per 1,000 and 15 p. ct.
Turk's Islands	1 ct. per lb.	2 cts. per lb.	$2.43 cts. per 1,000.
Jamaica	12 cts. per lb.	24½ cts. per lb.	$1.25 cts. per lb.
St. Lucia	21 cts. per lb.	42 cts. per lb.	75 cts. per lb.
St. Vincent	12 cts. per lb.	24½ cts. per lb.	75 cts. per lb.
Barbadoes	24½ cts. per lb.	37 cts. per lb.	$1.25 per lb.
Grenada		24½ cts. per lb.	50 cts. and $1 per lb.
Tobago	14 cts. per lb.	24½ cts. per lb.	25 p. ct. ad val.
St. Christopher	5 cts. per lb.	9½ cts. per lb.	
Nevis	5 cts. per lb.	9½ cts. per lb.	
Antigua		8 cts. per lb.	$1.25 cts. per lb. and 10 per ct.
Montserrat	12 cts. per lb.	20 cts. per lb.	16 cts. per lb.
Dominica	6 cts. per lb.	20 p. ct. ad val.	20 p. ct. ad val.
Trinidad	18 cts. per lb.	24½ cts. per lb.	50 cts. per lb.

Colonies.	Spirits.	Wines (bottled, double duty).
India	5 p. ct. ad val	$1.92 p. gal.
Labuan	$1.56 p. gal.	$5.10 p. gal.
Falkland Islands	$2.50 p. gal.	50 cts. p. gal.
St. Helena	$2.50 p. gal.	62½ cts. p. gal.
Sierra Leone	50 cts. p. gal.	12½ to 37½ cts. p. gal.
Gambia	50 cts. p. gal.	18¾ to 24½ cts. p. gal.
Gibraltar	97 cts. p. gal.	7 cts. p. gal.
Malta	62½ cts. p. gal	31 cts. p. gal.
New South Wales	$3 p. gal	$1.25 p. gal.
Ceylon	$1.40 p. gal.	23 to 34 cts. p. gal.
Mauritius	$2.09 p. gal.	16½ cts. p. gal.
Victoria	$2.50 p. gal.	$1.50 p. gal.
South Australia	$3 p. gal.	$1.25 to $4.86⅔ p. gal.
West Australia	$3.50 p. gal.	$1 to $3 p. gal.
Tasmania	$3 p. gal.	$1 to $3 p. gal.
New Zealand	$3.50 p. gal.	$1 to $3 p. gal.
Queensland	$2.50 p. gal.	$1.50 to $3 p. gal.
Fiji	$3 p. gal.	50 cts. to $1 p. gal.
Natal	$1.56 p. gal.	50 cts. to $1 p. gal.
Cape of Good Hope	$2.06 p. gal.	98 cts. to $2.16 p. gal.
Lagos	12 to 24 cts. p. gal	25 to 50 cts. p. gal.
Gold Coast	$1.25 p. gal.	12 to 50 cts. p. gal.
Canada	$1.32½ to $3 p. gal	24 cts. and 30 p. ct. to 69 cts. and 30 p. ct.
Do	$1.90 to $2.10 p. gal	$3.12½ and 30 p. ct.
Newfoundland	$1.04 to $1.67½ p. gal	30 cts. to $1.87½ and 12½ p. ct.
Bermuda	$1 and 20 p. ct. p. gal.	20 p. ct. ad val.
Honduras	$2 p. gal.	24½ cts. to $1 p. gal.
Guiana	$2.08 p. gal.	36 cts. to $2.10 p. gal.
Bahamas	75 cts. to $2.25 p. gal.	50 cts. p. gal. and 20 p. ct.
Turk's Islands	75 cts. to $1 p. gal.	24½ cts. p. gal. and 10 p. ct.
Jamaica	$2.50 p. gal.	62½ cts. p. gal.
St. Lucia	$1.50 to $1.75 p. gal	20 p. ct. ad val.
St. Vincent	87½ cts. to $1.50 p. gal.	25 p. ct. ad val.
Barbadoes	$1 to $1.50 p. gal.	18 cts. p. gal.
Grenada	$1.25 p. gal.	50 cts. p. gal.
Tobago	$1.75 p. gal.	50 cts. p. gal.
Virgin Islands	25 to 37½ cts. p. gal.	37½ c. p. gal.
St. Christopher	25 cts. to $1 p. gal.	
Antigua	75 cts. to $1.04 p. gal.	
Montserrat	75 cts. to $1 p. gal.	
Dominica	50 cts. to $1 p. gal.	20 p. ct. ad val.
Trinidad	$2 per gal.	10 to 62½ cts. p. gal.

Colonies.	Wheat.	Flour.	Corn.
Ceylon	13 cts. p. bush.	22½ cts. p. cwt.	13 cts. p. bush.
Mauritius	14½ cts. p. bush.	19⅜ cts. p. cwt.	14½ cts. p. bush.
Victoria	50 cts. p. 100 lbs.	50 cts. p. 100 lbs	25 cts. p. 100 lbs.
South Australia	8 cts. p. bush.	25 cts. p. 100 lbs	8 cts. p. bush.
West Australia	8 cts. p. bush.	25 cts. p. 100 lbs	8 cts. p. bush.
Tasmania	20 cts. p. 100 lbs.	25 cts. p. 100 lbs	20 cts. p. 100 lbs.
New Zealand	18 cts. p. 100 lbs.	25 cts. p. 100 lbs	18 cts. p. 100 lbs.
Queensland	12 cts. p. bush.	Free	12 cts. p. bush.
Natal	4 cts. p. bag.	4 cts. p. bag.	4 cts. p. bag.
Cape of Good Hope	16 cts. p. 100 lbs.	62½ cts. p. 100 lbs	1 cts. p. 100 lbs.
Lagos	4 p. ct. ad val	4 p. ct. ad val.	4 p. ct. ad val.
Canada	15 cts. p. bush.	52 cts. p. 112 lbs.	7½ cts. p. bush.
Guiana	5 cts. p. bush.	$1.04 p. 112 lbs.	5 cts. p. bush.
Bahamas	6 cts. p. bush.	$1.25 p. 112 lbs.	6 cts. p. bush.
Turk's Island	4 cts. p. bush.	95 cts. p. bbl	4 cts. p. bush.
Jamaica	18 cts. p. bush.	$2 p. bbl.	8 cts. p. bush.
St. Lucia	12 cts. p. bush.	$1.04 p. bbl.	12 cts. p. bush.
St. Vincent	6 cts. p. bush.	$1 p. bbl.	6 cts. p. bush.

EXHIBIT F.—*Duties on imports, etc.*—Continued.

Colonies.	Wheat.	Flour.	Corn.
Barbadoes	12 cts. p. 100 lbs.	$1.04 p. bbl.	12 cts. p. 100 lbs.
Grenada	12 cts. p. bush.	$1 p. bbl.	12 cts. p. bush.
Tobago	10 cts. p. bush.	$1.25 p. bbl.	10 cts. p. bush.
Virgin Islands	12 cts. p. bush.	$1.25 p. bbl.	12 cts. p. bush.
St. Christopher	6 cts. p. bush.	$1.04 p. bbl.	6 cts. p. bush.
Nevis	6 cts. p. bush.	$1.04 p. bbl.	6 cts. p. bush.
Antigua	6 cts. p. bush.	$1.25 p. bbl.	6 cts. p. bush.
Montserrat	8 cts. p. bush.	50 cts. p. bbl.	8 cts. p. bush.
Dominica	8 cts. p. bush.	$1.04 p. bbl.	8 cts. p. bush.
Trinidad	10 cts. p. bush.	83 cts. p. bbl.	10 cts. p. bush.

Colonies.	Ham and bacon.	Salt beef and pork.	Petroleum.	Butter.
	Per cwt.			*Per cwt.*
New South Wales	$4.50		12½ cts. p. gal.	
Ceylon	1.35		5 p. ct. ad val	$1.37
Mauritius	1.07			1.07
Victoria	4.50		12½ cts. p. gal.	4.50
South Australia	4.50		6 cts. p. gal.	4.50
West Australia	6.80	10 p. ct.		4.50
Tasmania	4.50	42 cts. p. cwt.	10 p. ct. ad val	4.50
New Zealand	4.50			
Queensland	4.50			4.56
Fiji	4.54			4.56
Cape Good Hope	1.37	$1.37 p. cwt.		1.37
Canada	2.27	1.13 p. cwt.	7 cts. p. gal.	4.50
Newfoundland	2.02	.60 p. cwt.	4 cts. p. gal.	1.13
Guiana	2.27	3.04 p. bbl	15 cts. p. gal.	2.27
Bahamas	1.64	1.64 p. cwt.	15 cts. p. gal.	4.50
Turk's Island	1.13	1.13 p. cwt.	8 cts p. gal.	2.27
Jamaica	4.54	3.65 p. bbl.	11 cts. p. gal.	4.54
St. Lucia	4.50	1.80 p. cwt.	5 cts. p. gal.	4.50
St. Vincent	2.27	3.04 p. bbl.	2 cts. p. gal.	2.27
Barbadoes	1.35	1.35 p. cwt.	5 cts. p. gal.	2.04
Grenada	1.35	1.35 p. cwt.	18 cts. p. gal.	2.27
Tobago	4.54	2.10 p. cwt.	12 cts. p. gal.	4.54
Virgin Islands	.56	.56 p. cwt.	15 cts. p. gal.	.56
St. Christopher	1.13	1.13 p. cwt.	15 cts. p. gal.	2.27
Nevis	1.13	1.13 p. cwt.	15 cts. p. gal.	2.27

EXHIBIT G.

Export duties collected by the colonies of Great Britain.

INDIA.

An export duty of 11 cents per 100 pounds is collected on rice, amounting on an average for the past seven years to $3,432,820.48, of which at least two millions have been paid by the United States, while the whole duty collected on rice in the United States in 1887 was only $971,454.89, half of which was collected on rice from China.

CANADA.

Canada charges export duties of $1.01 per 1,000 feet on pine and spruce logs, and $1.04 per cord of 128 cubic feet on shingle bolts, while logs are admitted free of duty into the United States. Canada also charges $5 per square mile on timber land and a royalty of 5 per cent. on all sales of timber cut, as stumpage.

GAMBIA.

Ground nuts, $1.62 per ton.

CEYLON.

Duties on elephants, $91.20 each; plumbago, 11 cents per cwt.; 3 cents per cwt. on tea, coffee, and cocoa, and 12½ cents on rice; 4½ cents per cwt. on Peruvian bark.

VICTORIA.

On scrap-iron, $14.59 per ton.

SOUTH AUSTRALIA.

Twenty-four cents per ounce on gold.

WESTERN AUSTRALIA.

One dollar and twenty-one cents per cwt. on sandal wood; $19.46 per ton on pearl shells, and $4.86 per ton on other shells.

NEW ZEALAND.

Forty-eight cents per ounce on gold.

QUEENSLAND.

Forty-eight cents per 100 feet on cedar logs per inch thickness, and 48 cents per 100 feet on same logs per 4-inch thickness.

FIJI.

Twenty-four dollars and thirty-three cents per cwt. on sandal-wood, and 2½ per cent. on silver coin.

BAHAMAS.

Forty-eight and a half cents per cwt. on guano.

TURK'S ISLAND.

Ten per cent. on salt.

JAMAICA.

Twelve and a quarter cents on logwood per cwt.; while the United States admits the same free of duty.

ST. VINCENT.

Eighteen cents per cwt. on arrowroot; 16 cents per cwt. on cotton and cocoa; 64 cents per puncheon of 52 gallons on spirits of all kinds.

GRENADA.

Thirty-two cents per 160 pounds of cocoa; $1 per puncheon of rum; 54 cents per cwt. on spices.

VIRGIN ISLANDS.

Two dollars on every bull, cow, and ox; $1 on each calf; $1.50 on each horse, mule, ass, and foal; 75 cents on each sheep and lamb; 37 cents on each goat and kid; 24 cents on each pig and hog; 12 cents on each sucking pig; and 4 cents on each pound of butter.

On salt, 6 cents per barrel; 4 cents per barrel on charcoal and lime; 54 cents per cwt. on coffee; 26 cents per cwt. on cotton, yams, and sweet potatoes; and 18 cents per cord on fire-wood.

ST. CHRISTOPHER.

On salt, 5 per cent.; 50 cents on each puncheon of rum.

NEVIS.

Seventy-seven cents per puncheon of rum; 15 cents per bushel of charcoal.

DOMINICA.

Sevety-five cents on each head of cattle; on cocoa and coffee 12 cents per cwt.; 12 cents per gallon on essential oils; 2 cents per gallon on strong lime-juice; on Manioc farine 6 cents per bushel; 75 cents on each puncheon of rum; on starch and arrowroot, 12 cents per cwt.

MONTSERRAT.

Twenty-four cents on each goat; $2 on each horse, mule, and horned cattle; 24 cents on each pig and sheep; on lime-juice $1.37 per 120 gallons; and 4 cents per barrel on tamarinds.

TRINIDAD.

Eighteen cents per ton on raw asphalt and 35 cents per ton on boiled asphalt; 75 cents per 240 gallons of crude petroleum and 92 cents per 240 gallons of refined petroleum. On cocoa and coffee, 22½ cents per cwt.; and $1 per 100 gallons of rum.

SIERRA LEONE.

One dollar and twenty-one cents per cwt. on cocoanuts; 48½ cents per cwt. on gum copal; 4 cents per cwt. on benny-seed, palm-kernels, and decorticated ground-nuts; 4 cents on each hide, and 2 cents per gallon on palm-oil.

EXPORT DUTIES OF SUGAR AND MOLASSES.

Jamaica, $1.39 per hogshead on sugar.
St. Lucia, 8 cents per 100 pounds on sugar.
St. Vincent, 24 cents per puncheon of 90 gallons molasses.
Grenada, $1 per 100 gallons molasses and 50 cents per 1,000 pounds of sugar.
St. Christopher, $2.05 per hogshead on sugar.
Nevis, $2.31 per hogshead on sugar.
Antigua, $1.21 per hogshead, 81 cents per tierce, and 15 cents per barrel on sugar.
Montserrat, 74 cents per hogshead on sugar.
Dominica, 60 cents on 100 gallons molasses, $1 on 100 gallons sirup.
Trinidad, 74 cents on 1,000 pounds of sugar or $1.48 per hogshead.
Mauritius, 9 cents on sugar per cwt.
During the fiscal year ending June 30, 1887, we imported from the above-mentioned countries 435,642,831 pounds of sugar on which we have paid over $1,000,000 in export duties to these countries.

EXHIBIT H.—*Tariffs of foreign countries.*

AUSTRIA.

Cotton wadding, per cwt., $1.20.
Cotton yarns, single, from $1.44 to $3.84 per cwt.; double, from $1.92 to $3.88 per cwt.
The duty on spool-cotton has been raised lately 19 per cent., and is now $8.40 per cwt., wooden spools and all packages included.
Cotton manufactured as cloth, unbleached, has been 7 per cent., and is now $8.16 per cwt.; bleached raised 11½ per cent., and is now $10.80; dyed raised 10 per cent., and pays a duty of $13.20; woven, in various colors, raised 16½ per cent., paying now a duty of $16.80 per cwt.
Wool, tablets, hat-felts, etc., $1.67 per cwt.
Woolen yarns, from $1.49 to $2.23 per cwt.
Woolen carpets, $7.42 per cwt.
Woolen woven goods, from $9.28 to $14.84 per cwt.
Light woolen and woven goods, $18.55 per cwt.
Shawls and like textures, $27.83 per cwt.
Breadstuffs: Barley duty was raised 200 per cent., and is now paying 18 cents per cwt.
Indian corn raised 100 per cent., now paying a duty of 12 cents per cwt.
Wheat was raised 200 per cent., now paying 36 cents per cwt.
Flour was raised 150 per cent., now paying 90 cents per cwt.
Clocks and clock-works were raised 100 per cent., now paying $24 per cwt., including packages, which pay as much as the clocks.
Manufactured India-rubber goods have been raised 50 per cent., now paying $7.20 per cwt.
Rails: Iron, $13,20 per ton.

FRANCE.

Cotton wadding, 88 cents per 100 pounds gross.
Cotton fabrics, unbleached, from $5.43 to $8.75 per 100 pounds.
Cotton fabrics, unbleached, weighing from 14 to 24 pounds to each 109 yards square, from $8.32 to $21.89 per 100 pounds, increasing the duty with increase of fineness of texture up to $67.45 per 100 pounds net.
Cotton gloves pay $88.44 per 100 pounds net.
Cotton curtains pay $78.79 per 100 pounds net.
Unbleached muslin cotton, $31.52 per 100 pounds net.
Bleached muslin cotton, $36.24 per 100 pounds net.
Cotton wicks, $6.48 per 100 pounds net.
Ribbons and trimmings, cotton mixed with silk, $32.57 per 100 pounds net.
Cotton yarn, single, unbleached, from $1.62 to $32.57 per 100 pounds net, according to fineness of the thread; if bleached, from $1.86 to $37.45 per 100 pounds.
Cotton yarn, unbleached, twisted, from $2.10 to $42.34 per 100 pounds net; if bleached, $2.42 to $48.69 per 100 pounds.
Tobacco on Government account only allowed to be imported. The French Government has the monopoly of the tobacco trade.
Tobacco on private account prohibited.
Manufactured tobacco for the personal use of the importer up to the amount of 22 pounds per year, and subject to prohibition against offering for sale and under reserve of the administration granting permission, namely:
Cigars and cigarettes, $315.15 per 100 pounds net.
Smoking, snuff, and chewing tobacco, $131.32 per 100 pounds net.
Other manufactured tobacco prohibited.
Wool, single thread, from $1.93 to $19.30 per 100 pounds; bleached, combed, etc., from $5.98 to $23.93 per 100 pounds.
Woolen yarn, pure, for weaving, from $7.72 to $31.07 per 100 pounds net; if twisted and colored, as high as $41.88 per 100 pounds net.
Woolen cloth, from $23.93 to $40.72 per 100 pounds net.
Woolen carpets, from $23.93 to $35.90 per 100 pounds net.
Woolen gloves, $125.45 per 100 pounds net.
Woolen ribbons, $47.86 per 100 pounds net.
Woolen tapestry, $119.66 per 100 pounds net.
Woolen shawls, $76.62 per 100 pounds net.
Woolen carpets mixed with cotton, same duty as pure woolen carpets.
Woolen trimmings, fringes, $193 per 100 pounds net.

GERMANY.

Manufactures of cotton, unbleached, $9 per 100 pounds.
Manufactures of cotton, bleached, $10.85 per 100 pounds.
Cotton curtain stuffs, $24.75 per 100 pounds.
Cotton laces, $38.20 per 100 pounds.
Tobacco-leaf, unmanufactured, $9 per 100 pounds.
Tobacco, cigars, and cigarettes, $28 per 100 pounds.
Tobacco, all other kinds, $18 per 100 pounds.
Wool, combed, 22 cents per 100 pounds.

Wool rugs, $18.20 per 100 pounds.
Wool shawls, $49.20 per 100 pounds.
Wool laces, trimmings, etc. $32.60 per 100 pounds.
India rubber goods, $9.80 per 100 pounds.
Iron rails, $5.80 per ton.

RUSSIA.

Agricultural implements, $1.05 per 100 pounds.
Blacking, $5.40 per 100 pounds.
Brass manufactures, $9 per 100 pounds.
Brooms, $6.50 per 100 pounds.
Cars, horse, $130 each.
Cars, 2-horse, $165 each.
Clocks, tower, $16.30 each.
Clocks, alarm, in brass cases, $9 per 100 pounds.
Cotton, raw, 99 cents per 100 pounds.
Cotton, partly prepared to be used in spinning, $1.30 per 100 pounds; if dyed, $3.20 per 100 pounds.
Cottons:
  Yarn, unbleached, $7.50 per 100 pounds.
  Yarn, bleached, $9.86 per 100 pounds.
  Yarn, sewing and knitting, $12.50 per 100 pounds.
  Lamp-wicks, $10.50 per 100 pounds.
  Drills of all kinds, 42 cents per pound.
  Bed-ticking, 14 cents per pound.
  Oil-cloth, 10 cents per pound.
  Handkerchiefs, 11 cents per pound.
Woolen blankets, 36 cents per pound.
Woolen stuffs, plain, 79 cents per pound.
Woolen stuffs, if printed or colored, 79 cents per pound and 30 per cent. added.
Woolen scarfs, handkerchiefs, plaids, 22 cents per pound.
Woolen shawls, bunting, $2.72 per pound.
Woolen galloon, braid, knitted goods, 46 cents per pound.
Cotton tissues, bleached and dyed, 26 cents per pound to $1.04 per pound as to fineness of quality; if printed, from 46 cents to $1.10 per pound as to quality.
Cotton:
  Velvets, plush, and plush ribbons 42 cents per pound.
  Galloon, braid, etc., 34 cents per pound.
  Laces, 26 cents per pound.
Clothing, ready made, woolen and mixed with cotton, $1.30 per pound.
Ladies' dresses of cloth, $1.75 per pound.
Other feminine attire, woolen and mixed goods, $1.97 per pound.
Women's hats and other head-dresses, $6.50 per pound.
Buttons, from 14 cents to 46 cents per pound, as to quality of material, those at 46 cents woolen.
India-rubber boots and shoes, $26 per 100 pounds.
Tools used in the arts, trades, factories, mills, and works of all kinds, $2.10 per 100 pounds.
Portable engines, tenders, fire-engines, $2.25 per cwt.
Scythes, knives, spades, rakes, etc., 36 cents per 100 pounds.
Cutlery, scissors, knives, and knife-blades, $32 per 100 pounds.
Wire:
  Steel or iron, $2.50 per 100 pounds.
  Copper, brass, etc., $3.75 per 100 pounds.
  Manufactures of, $5.75 per 100 pounds.
Tobacco:
  Leaf, $35 per 100 pounds.
  Smoking, snuff, etc., 87½ cents per pound.
Wines, 27 cents per bottle.
Wines, sparkling, 87½ cents per bottle.
Hides, dressed:
  Calf skin, etc., $20.28 per 100 pounds.
  Ox, cow, horse, etc., $14.50 per 100 pounds.

SPAIN.

Cotton:
  Spun and twisted, 7½ cents per pound.
  Spun and twisted, colored, 9 cents per pound.
  Spun and twisted, three or more threads, 14 cents per pound.
  Woven textiles, from 16 cents to 28 cents per pound.
  Woven textiles, printed, 35 cents per pound.
  Laces, 62 cents per pound.
  Knitted fabrics, undershirts and drawers, 19 cents per pound.
  Socks, gloves, etc., 13 cents per pound.
Wool:
  Worsted, spun and twisted, 10 cents per pound.
  Worsted, spun and twisted, dyed, 18 cents per pound.
  Carpets, from 8 to 11 cents per pound.
  Blankets, 19 cents per pound.
  Hosiery, 35 cents per pound.
  Cloths, from 44 cents to 80 cents per pound.
  All other textiles, 48 cents per pound.
Leather:
  Tanned, 45 cents per pound.
  Gloves, $3 per pound.
Wool hats and caps, 19 cents each.
Iron and steel rails, $16 per ton.
Iron wire, $16 per ton.
Iron wire in nails and screws, $38 per ton.
Iron pipes, $26 per ton.
Knives, pen and carving, 9 cents per pound.
Scissors, 20 cents per pound.

ITALY.

Clocks, 96½ cents each.
Cotton:
  Wadding, 52 cents per 100 pounds.
  Thread, untwisted and unbleached, from $1.60 to $7.20 per 100 pounds.
  Thread, twisted and unbleached, from $2 to $9.68 per 100 pounds.
  Warps, single and unbleached, from $1.80 to $7.20 per 100 pounds.
  Warps, single and dyed, from $4.30 to $8.85 per 100 pounds.
  Warps, twisted, dyed, from $6 to $11.50 per 100 pounds.
  Warps, twisted and unbleached, $2.35 to $9.40 per 100 pounds.
  Cloths, tissues, etc., unbleached, from $4.90 to $8.87½ per 100 pounds.
  Cloths, tissues, etc., bleached, from $6.85 to $10.50 per 100 pounds; if colored, from $8 to $11.50 per 100 pounds.
  Clothes, printed, from $12.15 per 100 pounds to $16.75.
  Gauze and muslin, from $21.80 to $43.50 per 100 pounds.
  Galloons and laces, from $8.25 to $26.50 per 100 pounds.
India-rubber boots and shoes, $2.80 per 100 pounds.
Wool:
  Yarn, untwisted, $4.35; if dyed, $6.56 per 100 pounds.
  Yarn, twisted, $5.25; if dyed, $7.87½ per 100 pounds.
Woolen:
  Textures from, $12.25 to $14.95 per 100 pounds.
  Textures, embroidered, $35.20 per 100 pounds.
  Knitted goods, $18.75 per 100 pounds
  Carpets, $9.65 per 100 pounds.

MEXICO.

Cotton, manufactured:
  Scarfs and handkerchiefs, 81 cents per pound; if embroidered, 95 cents per pound.
  Canvas, 29 cents per pound.
  Clothing, ready-made, $1.14 per pound.
  Collars, cuffs, etc., $1.60 per pound.
  Corsets, etc., 86 cents per pound.
  Cloth, unbleached, per square yard, 9⅛ cents.
  Cloth, mottled, dyed, or stamped, 13½ cents per square yard.
  Cloth, bleached, 18 cents per square yard.
  Blankets, coverlets, 31 cents per square yard.
  Covers for umbrellas, etc., $1 per pound.
  Curtains, 17 cents per square yard.
  Dress goods, 86 cents per pound.
  Fringes, galloons, etc., $1.14 per pound.
  Gloves, $1.70 per pound.
  Handkerchiefs, 7½ cents per square yard.
  Laces, $3.04 per pound.
  Shawls, 55 cents per square yard.
  Shawls with fringes, $1.10 per pound.
  Socks, stockings, and underwear, 80 cents per pound.
  Thread, 74 cents per pound.
  Yarn, white, 32 cents per pound; colored, 50 cents per pound.
Hides, tanned, 70 cents per pound.
India foot-wear, 23 cents per pound gross weight.
Iron:
  Cots, etc., 11½ cents per pound.
  Nails and brads, 6 cents per pound gross weight.
  Needles, 16 cents to 43 cents per pound gross weight.
  Scissors, from 9 cents to 43 cents per pound gross weight.
  Manufactures of wire, 15 cents per pound gross weight.
Manufactures of copper and brass, 60 cents per pound gross weight.
Leather:
  Boots of cowhide, $1.50 per pair.
  Boots of calfskin, $2.50 per pair.
  Gaiters, 90 cents per pair.
  Gloves of all kinds $4.75 per pound.
  Saddles, 90 cents per pound.
  Slippers, 19 cents per pound.
  Uppers for gaiters, $1.50 per pound.
Tobacco:
  Chewing, 31 cents per pound.
  Fine-cut chewing, 50 cents per pound.
  In the leaf, 60 cents per pound.
  Cigars, $2.50 per pound.
  Cigarettes, 60 cents per pound.
  Smoking, 60 cents per pound.
Wool, manufactures:
  Scarfs, 97 cents per pound; if mixed, $1.60 per pound.
  Carpets, 54 cents per square yard; rugs, 85 cents per square yard.
  Carpets, Brussels, $1.22 per square yard.
  Clothing, ready-made, $2.10 per pound.
  Coverlets and counterpanes, $1.29 per square yard.
  Cravats, $1.25 per pound.
  Drawers, shirts, etc., 82 cents per pound.
  Dress patterns, 95 cents per pound; if mixed goods, $1.45 per pound.
  Fringes, galloons, tape, cord, etc., $1.22 per pound.
  Garters, suspenders, etc., 49 cents per pound.
  Gloves of all kinds, $1.74 per pound.
  Laces, etc., $3.20 per pound.
  Muslins, $2.50 per pound.
  Shawls, from $1.50 to $2.20 per pound.
  Tassels, 45 cents per pound.
  Goods cut in dress patterns, $1.45 per pound.

BRAZIL.

Cotton manufactures:
  Muslin, coarse, 15 cents per pound.
  Muslin, if embroidered, from 95 cents per pound to $1.90 per pound.
  Muslin, in cuts for dresses, $1.14 per pound.
  Shawls, handkerchiefs, etc., 23 cents per pound.
  Lace, 30 per cent. ad valorem.
  Girts, 12 cents each.
  Quilts, 11 cents per pound.
  Cords, plaits, etc., from 15 cents to 95 cents per pound.
  Corsets, 50 cents each.
  Knit work, smooth, plain, $1.33 cents per pound.
  Velvet and bombazines, 28½ cents per pound.
  Caps of knit work, 57 cents per pound.
  Linings, 19 cents per pound.
  Satinets, 28½ cents per pound.
  Galloons, ribbons, and fringes, 47½ cents per pound.
  Cravats, 25 cents per dozen.
  Sheets, spreads, pillow-cases, towels, 30 per cent. ad valorem.
  Gloves, common, 29 cents per dozen; other kinds, 75 cents per dozen.
  Saddle blankets, 9½ cents per pound.
  Socks and stockings, 50 cents per dozen pairs.
  Socks and stockings, long, $1 per dozen pairs.
  Oil cloths, 9½ cents per pound.
  Cloth, smooth or twilled, 8 cents per pound.
  Cloth, bleached, 11 cents per pound.
  Table-cloths 23 cents and 30 per cent. ad valorem.
  Knit skirts, 42 cents per dozen.
  Knit skirts, fancy, from 84 cents to $3.57 per dozen.
  Drawers, knit, from 84 cents to $1.50 per dozen.
  Collars, 38 cents per dozen.
  Suspenders, 49½ cents per pound.
  Window-shades, 42 cents each.
Leather:
  Boots, high, from $1.68 to $2.52 per pair.
  Shoes, from 25 to 67 cents per pair.
  Gloves, from $1.26 to $2.01 per dozen.
  For shoemakers' use, from 34 to 45 cents per pound.
Tobacco:
  Cigars, $1.26 per hundred.
  Cigarettes, 38 cents per pound.
  Chewing, 11 cents per pound.
  Snuff, 34 cents per pound.
  All other, 68 cents per pound.

NOTE.—On tobacco there is a special duty of 40 per cent. in addition to those given above and to the regular additional tax of 60 per cent.

Clocks, alarm or others, metal, 42 cents each.
Brooms, $1 per dozen.
Brushes of straw for clothes, $1 per dozen.

Wool:
Thread for weaving, 2½ cents per pound.
Loose for embroidery, 19 cents per pound.
Wooden chairs, 25 cents each.
Wooden chairs, cane seats, $1 each.
Wooden chairs, rocking, $1.26 each.
Wooden beds for one person, $3.36 each.
Wooden beds for two persons, $5.04 each.
Wooden spoons, 28½ cents to 95 cents per pound.

ARGENTINE REPUBLIC.

All foreign merchandise shall pay a duty of 25 per cent. on its value, except the following articles:
Tobacco of all kinds, 55 per cent.
Perfumery, cigars, and snuff, 50 per cent.
Ready-made clothing, hats, caps, shoes, saddles, harness, carriages, matches, furniture, 45 per cent.
Wheat, 75 cents per 100 pounds, or 45 cents per bushel.
Starch, 2 cents per pound.
Flour and corn-meal, 1½ cents per pound.
Alcohol, in bottles, 25 cents per bottle.
Liquors, in bottles, 25 cents per bottle.
Playing cards, $10 per gross.
Spades, 25 per cent.
Axes and hatchets, 25 per cent.
Brass manufactures, 45 per cent.
Corn, $1.08 per bushel.
Clocks, from 50 cents to $3 each.
Cotton manufactures, 25 per cent.
Woolen manufactures, 25 per cent.

CHILI.

Brooms, 88½ cents per dozen.
Clothes brushes, 75 cents per dozen.
American watches, 75 cents each to $1.80 each.
American clocks, 45 cents each.
Cotton sheetings, prints, etc., 25 per cent.
Goat skins, $1 per dozen.
Leather:
Boots and shoes, $16.80 per dozen.
Sailors', $10.50 per dozen.
Women's boots and shoes, from $5.60 to $18.20 per dozen.
Children's boots and shoes, from $3.50 to $12.60 per dozen.
Tobacco, 150 per cent. for leaf.
Tobacco, cigars, 300 per cent.
Wooden buckets, 75 cents per dozen.
Wooden buckets, oak, $1.25 per dozen.
Woolen manufactures:
Carpetings, 35 per cent.
Clothing, ready-made, 35 per cent.
Skirts, underwear, 35 per cent.
Fringes, 35 per cent.
Gloves, 35 per cent.
Hats, 35 per cent.
Blankets, 25 per cent.
Bunting, 25 per cent.
Baize, 35 per cent.
Cloth, 35 per cent.
Ribbons, 25 per cent.
Felt, 25 per cent.
Stockings, 25 per cent.
Flannel, 25 per cent.
Boots and shoes, 35 per cent.
American lamps, 35 per cent.
Iron spades, 15 per cent.
Horse cars, 35 per cent.
Flax drills, sheeting, 35 per cent.

ECUADOR.

Clocks, 11 cents per pound.
Cotton, manufactured, 11 cents per pound.
Flax, manufactured, 11 cents per pound.
Leather, manufactured, 11 cents per pound.
Woolen goods, 22 cents per pound.

NICARAGUA.

Button, bone, 30 cents per pound.
Cotton:
Canvas, 2½ cents per pound.
Wicks, 9 cents per pound.
Denims, 15 cents per pound.
Blankets, towels, rugs, 18 cents per pound.
Ribbons of all kinds, 24 cents per pound.
Ginghams, 18 cents per pound.
Sateens, 30 cents per pound.
Hose, 30 cents per pound.
Prints, 24 cents per pound.
Lawns, 36 cents per pound.
Handkerchiefs, collars, cuffs, etc., 42 cents per pound.
Fringes, 72 cents per pound.
Laces, edgings, 90 cents per pound.
Woolen manufactures:
Alpaca, merino, gloves, hose, 60 cents per pound.
Broadcloth, serges, flannels, 75 cents per pound.
Carpets, curtains, 42 cents per pound.
Blankets, rugs, pouches, 24 cents per pound.
Homespun, 42 cents per pound.
Thread, hats, 72 cents per pound.
Tape, ribbon, and braid, 75 cents per pound.
Fringes, laces, etc., $1.20 per pound.

PERU.

Cotton manufactures, 40 per cent.
Lamps, 45 per cent.
Leather manufactures, 45 per cent.
Paper, 45 per cent.
Soap, 70 per cent.
Spirits, 70 per cent.
Starch, 40 per cent.
Tobacco, leaf, 70 per cent; cigars, etc., 70 per cent.
Woolen manufactures, 40 per cent.

UNITED STATES OF COLOMBIA.

Cotton manufactures:
Unbleached cloths, 18 cents per pound.
Bleached, 24 cents per pound.
Cotton manufactures—continued:
Drills, etc., 29 cents per pound.
Coverlets, 31 cents per pound.
Handkerchiefs, 38½ cents per pound.
Socks and other textiles, 42½ cents per pound.
Thread, 19½ cents per pound; colored, 28½ cents per pound.
Wool:
Blankets, 23½ cents per pound.
Thread, 28½ cents per pound.
Carpets, 33½ cents per pound.
Baize, serges, etc., 44 cents per pound.
All other, 60 cents per pound.
India-rubber foot-wear, 37½ cents per pound.
Boots and shoes, 48 cents per pound.

URUGUAY.

Cotton:
Manufactures, 30 per cent.
Gowns, 47 per cent.
Stockings, 30 per cent.
Cloth, 50 per cent.
Collars, 47 per cent.
Leather boots and shoes, 47 per cent.
Iron manufactures, 20 and 30 per cent.

VENEZUELA.

Brass:
Manufactures, $6.63 per 100 pounds.
Buttons, buckles, $22.11 per 100 pounds.
Clocks, $22.11 per 100 pounds.
Cotton manufactures:
Sails, 88 cents per 100 pounds.
Cordage, $2.21 per 100 pounds.
Canvas, duck, mats, twine, $6.63 per 100 pounds.
Cloth, unbleached, $11.05 per 100 pounds.
Drills, blankets, thread, $22.11 per 100 pounds.
Undershirts, knit-goods, etc., $44.22 per 100 pounds.
Clothing, ready-made, $88.46 per 100 pounds.
Leather:
Gloves, $88.46 per 100 pounds.
Boots and shoes, $176.93 per 100 pounds.
Woolen manufactures:
Blankets, $11.05 per 100 pounds.
Counterpanes, etc., $22.11 per 100 pounds.
Braid, trimmings, etc., $44.22 per 100 pounds.
Curtains, shirts, shawls, table-cloths, undershirts, $88.46 per 100 pounds.
Clothing of all kinds, ready-made, $176.93 per 100 pounds.

EXHIBIT I.—*Import duties collected by Great Britain in* 1887.

Great Britain levied and collected during the past year, 1887, the following duties on imports:

Tobacco	$47,347,440	Currants	$1,557,565
Tea	22,574,530	Coffee	972,120
Rum	9,927,400	Raisins	829,895
Brandy	6,762,235	Other articles	1,398,785
Other spirits	4,546,210		
Wine	5,648,150	Total	101,564,430

EXHIBIT J.—*Custom duties collected by Great Britain and her colonies in* 1886–'87.

Great Britain and colonies.	Population.	Duties collected.	Per capita.
Great Britain and Ireland	37,091,564	$101,564,430	$2.73
Malta	159,231	714,340	4.50
Ascension Islands	5,280	33,400	6.35
Lagos	87,165	222,135	2.55
Bermudas	15,177	119,750	7.95
Falkland Islands	1,800	17,590	9.74
British Guiana	270,042	1,350,210	3.85
British Honduras	27,452	136,805	5.09
Newfoundland	197,335	948,680	4.85
Jamaica	585,582	1,430,000	2.60
Trinidad	178,270	1,317,740	7.40
Barbadoes	173,522	516,055	3.04
Canada	4,450,000	19,373,551	4.35
Cape of Good Hope	1,252,347	1,031,947	4.13
Mauritius	361,404	1,162,547	3.22
Natal	442,697	850,400	1.92
Fiji	126,010	146,760	1.16
New South Wales	1,001,996	9,492,875	9.48
New Zealand	589,386	6,428,820	10.90
Queensland	342,614	4,837,450	14.15
South Australia	312,758	4,685,000	15.01
Tasmania	137,211	2,259,380	16.49
Victoria	1,003,043	10,661,805	10.66
Western Australia	39,584	797,605	20.00

DEPARTMENT OF AGRICULTURE.

Mr. PLUMB. Owing to the late hour of the day and the thin condition of the Senate, I prefer that the vote on the amendment to the bill creating the Agricultural Department should be taken to-morrow.

The PRESIDENT *pro tempore*. The Chair will first lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the Department of Agriculture.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Tennessee [Mr. HARRIS] to lay upon the table the amendment of the Committee on Agriculture and Forestry proposing to strike out section 5.

Mr. PLUMB. I ask unanimous consent that to-morrow at 2 o'clock the vote shall be taken upon the amendment, and immediately thereafter upon the bill, without further debate.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unan-

imous consent that the vote upon the motion of the Senator from Tennessee to lay upon the table the amendment of the committee proposing to strike out section 5 shall be taken at 2 o'clock to-morrow, and that subsequent proceedings upon the bill shall be had without debate. Is there objection?

Mr. HARRIS. I suggest to the Senator from Kansas that there are one or two Senators, I think, who desire to submit some remarks upon the merits of the bill. Perhaps it would be best to confine the request to taking the vote upon laying the amendment upon the table or the final disposition of the amendment.

Mr. PLUMB. I will modify my request in accordance with that suggestion.

Mr. GEORGE. Let it be confined to the vote on laying the amendment on the table. I shall object otherwise.

The PRESIDENT *pro tempore*. The Chair has been notified by two Senators of an intention to speak upon the pending proposition in the bill. They are not present. The request as modified is that the vote upon the motion of the Senator from Tennessee be taken at 2 o'clock to-morrow.

Mr. HARRIS. Is it proper that I should state to the Senator from Kansas that I have already consented, upon the appeal of at least one Senator who desires to address himself particularly to the merits of this amendment, that I would not insist upon my motion to lay on the table, so as to cut him off from the privilege of debating it? I am exceedingly anxious to come to a vote upon it, but I can not arbitrarily insist upon the motion when appealed to by a Senator who desires to discuss the merits of the amendment proposed to be laid upon the table.

The PRESIDENT *pro tempore*. The Chair then understands the request for unanimous consent to be withdrawn.

Mr. PLUMB. I do not withdraw it. I will prefer the request to the Senate. If it is not desired to have the bill disposed of in that way, I shall not prefer any other request, and will let the bill take its chances in the *mêlée* hereafter, as far as I am concerned.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. If the Senator from South Carolina will pardon the Chair one moment, the question would recur on the motion of the Senator from Tennessee to lay the amendment on the table.

Mr. PLUMB. I make my request. I say I do not modify the request. I prefer the request to vote to-morrow at 2 o'clock, and leave it with the Senate.

Mr. BUTLER. I was going to suggest to the Senator from Kansas that he say 4 o'clock to-morrow. That would give everybody an opportunity to be heard who desires to be heard. Let us get a vote at 4 o'clock to-morrow.

Mr. HARRIS. Say 4 o'clock, and let the bill be open to debate until that hour, and take the question then upon the amendment and the bill.

Mr. BUTLER. I make that suggestion to the Senator from Kansas.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. MITCHELL] has given notice of a desire to speak to-morrow at the close of the morning business.

Mr. BUTLER. He can speak after 4 o'clock, I should think.

Mr. MITCHELL. I do not prefer to speak after 4 o'clock. If I can not commence before 4 o'clock, I shall not commence at all to-morrow.

Mr. HARRIS. Would it be convenient to the Senator to postpone his notice until the day after to-morrow?

Mr. MITCHELL. I have very strong reasons why I should like to go on to-morrow, if consistent with the convenience of the Senate.

Mr. PLUMB. If there is to be no further debate except that suggested by the Senator from Tennessee, we ought to dispose of the bill within half an hour. A vote on the motion to lay on the table is practically a vote on the amendment. If that motion should be voted down, of course the vote on the amendment will go without anything except the ordinary *viva voce* division. As far as I know there are no other amendments to be proposed, and I do not see why the bill can not be disposed of to-morrow; but if it is not convenient to the Senate, I am willing to ask that it be postponed until the middle of next week and see if we can get a vote on it then.

Mr. BUTLER. I hope that will not be done. We ought certainly to get a vote within three hours after we meet to-morrow. I ask the Senator from Oregon if it would be convenient to him to speak after 3 o'clock to-morrow?

Mr. MITCHELL. I stated to the Senator from Kansas on my left, in answer to a request made by him to myself as to whether I would give way in case I got the floor to-morrow morning for a vote, that certainly I would, but——

Mr. PLUMB. I withdraw the request.

Mr. MITCHELL. I should like very much for certain reasons to go on in the morning, but I am willing to give way if a vote can be taken at any reasonable time on this other question.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Tennessee to lay upon the table the proposed amendment of the committee to strike out section 5 of the bill.

Mr. CHANDLER. I ask the Senator from Tennessee to be kind enough to withdraw the motion to lay upon the table so that I may submit a few remarks on the pending amendment.

Mr. HARRIS. Of course, if the Senator from New Hampshire desires to debate the merits of the amendment, I shall not cut him off by insisting on my motion. I suggest to the Senator if he proposes to discuss the merits of the bill that he can do so as well after the vote has been taken upon my motion as before.

Mr. CHANDLER. I propose to speak to the merits of the amendment.

Mr. HARRIS. I withdraw the motion in order that the Senator may be heard.

The PRESIDENT *pro tempore*. The motion to lay on the table is withdrawn. The question recurs on the amendment proposed by the committee.

Mr. VEST. Does the Senator from New Hampshire propose to proceed now?

Mr. CHANDLER. I would as soon proceed to-morrow, or I can go on now if there is no other business. I intend to speak but a little while.

Mr. VEST. I wanted to ask the Senate to pass a bridge bill, about which there is an exigency existing. I want to get it through now.

Mr. CHANDLER. Very well.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the unfinished business may be informally laid aside.

Mr. VEST. I wish to call up Order of Business 2024, House bill 9619. It will lead to no debate and will only take a few moments.

MISSOURI RIVER BRIDGE.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 7, before the word "point," to strike out "a;" and in line 8, after the word "assigns," to strike out the words:

Within 1 mile north of the mouth of the Kansas River, in the county of Wyandotte, in the State of Kansas, and 1 mile south and east of the mouth of the Kansas River, in the county of Wyandotte, in the State of Kansas, and in the county of Jackson, in the State of Missouri, to the county of Clay, in the State of Missouri, as shall best promote the public convenience and welfare and the necessities of business and commerce.

And in lieu thereof to insert:

In Jackson County, Missouri, within 1 mile north and 1 mile south and east of the mouth of Kansas River, Kansas.

So as to make the clause read:

That the Missouri River and Land Improvement and Construction Company, a corporation organized under the laws of the State of Kansas, or its assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at such point as may be hereafter selected by said corporation, or its assigns, in Jackson County, Missouri, within 1 mile north and 1 mile south and east of the mouth of Kansas River, Kansas.

The amendment was agreed to.

The next amendment was, in section 1, line 25, after the word "receiving," to insert "such;" so as to read:

And also to construct accessory works to secure the best practicable channelway for navigation and confine the flow of the water to a permanent channel at such point; and also to lay on and over said bridge a railway track or tracks for the more perfect connection of any railroads that are or shall be constructed to said Missouri River at or opposite said point; and said corporation may construct and maintain ways for wagons, carriages, horses, or other animals, and for foot passengers, charging and receiving such reasonable toll therefor as may be approved from time to time by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 6, line 3, before the word "obstructions" to strike out "material and substantial;" so as to make the section read:

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act so as to prevent or remove all obstructions to the navigation of said river by the construction of said bridge and its accessory works; and the expenses of altering said bridge or removing such obstructions shall be at the expense of the owners of or persons controlling such bridge.

The amendment was agreed to.

Mr. WILSON, of Iowa. I desire to call attention to the provision in section 3 with reference to the description of the court. The court is described as "the circuit court of the United States of the State of Kansas or State of Missouri." There is no such court.

Mr. VEST. That is a typographical error; it ought to read "circuit court of the United States for the district of Kansas or for the district of Missouri."

Mr. WILSON, of Iowa. I move that amendment.

The PRESIDENT *pro tempore*. The Secretary will state the proposed amendment.

The SECRETARY. In section 3, line 17, after "United States," it is proposed to strike out the words "of the State," and insert "for the district;" and in line 18, after the words "Kansas or," to strike out "State" and insert "for the district;" so as to read:

And should any change be made in the plan of the bridge or said accessory works, during the progress of work thereon, such change shall be subject likewise to the approval of the Secretary of War, and be made at the expense of the company making the same; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said Missouri River, caused or alleged to be caused by said bridge, the case may be brought in the

circuit court of the United States for the district of Kansas or for the district of Missouri in which any portion of said obstruction or bridge may be located.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Missouri to line 3 of section 7, and suggests that the word "within" should be inserted before the word "one;" so as to read: "be not commenced within one year."

Mr. VEST. That is also a mistake of the printer.

The PRESIDENT *pro tempore*. The clerks will insert the word "within" before the word "one."

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. COKE, and Mr. SAWYER were appointed.

POST-OFFICE AT ST. PAUL, MINN.

Mr. DAVIS. I desire to call up Senate bill No. 1574, and ask unanimous consent for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1574) for the erection of a post-office building at St. Paul, Minn.

The bill was reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, in section 1, line 14, after the words "sum of," to strike out "one million two hundred" and insert "seven hundred and fifty;" so as to read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to accept, as a donation from the city of St. Paul, in the State of Minnesota, a suitable lot of land, and cause to be erected thereon a commodious and substantial building, with fire-proof vaults therein, for the accommodation of the United States post-office in that city. The plans, specifications, and full estimates for said building shall be previously made by the Supervising Architect of the Treasury Department and approved according to law, and shall not exceed, for the building complete, including heating and ventilating apparatus, elevators, and approaches, the sum of $750,000.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the words "sum of," to strike out "one million two hundred" and insert "seven hundred and fifty;" so as to make the section read:

That the sum of $750,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

POTTAWATOMIES OF MICHIGAN AND INDIANA.

Mr. DANIEL. I beg leave to ask the Senate to take up Senate bill 2176, for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. This bill having been read at length in Committee of the Whole upon a previous occasion, it is now before the Senate as in Committee of the Whole and open to amendment. One amendment has been agreed to.

Mr. COCKRELL. Let the bill be read as amended.

The PRESIDENT *pro tempore*. The bill will be read as amended.

The Secretary read the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN RESERVATIONS.

Mr. SABIN. I ask that the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 4, after the word "Company," to insert:

Commencing at Duluth and running by the most practicable route to a point at or near Grand Rapids, on Mississippi River.

So as to read:

That there is hereby granted to the Duluth and Winnipeg Railway Company, commencing at Duluth and running by the most practicable route to a point at or near Grand Rapids, on Mississippi River, a corporation organized and existing under the laws of the State of Minnesota, and its assigns.

The amendment was agreed to.

The next amendment was, in section 2, to strike out the following words:

That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such right of way, and provide the time and manner for the payment thereof; and also to ascertain and fix the amount to be paid to individual members of the tribe for damages sustained by them by reason of the construction of said road.

And in lieu thereof to insert:

That before said railway shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of Minnesota, enacted for the settlement of like controversies in such cases. The amount of damages resulting to the Fond du Lac tribe of Indians in their tribal capacity by reason of the construction of said railway through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

The amendment was agreed to.

Mr. DOLPH. I offer the following amendment to be inserted just before the last section, the sections to be renumbered by the Secretary to correspond:

SEC. —. That there be, and is hereby, granted to the Oregon Railway and Navigation Company, a corporation organized and existing under the laws of the State of Oregon, for the purposes of station buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, and other railroad purposes, and for the purpose of access to and egress from said station, the following-described tracts of land, being a portion of the Indian reservation in the State of Oregon known as the Umatilla reservation, namely: Commencing at a point 1,038½ feet north of the southeast corner of section 4, township 3 north, range 34 east, Willamette meridian, and on the east line of section 4; thence north 57 degrees west 250.3 feet to a point 314.8 feet from the main track of the Oregon Railway and Navigation Company's railroad; thence north 33 degrees east 1,050 feet in a line parallel with the main track of said railroad at this point; thence south 57 degrees east 414.8 feet; thence south 33 degrees west 1,050 feet; thence north 57 degrees west 100 feet to the center of the main track of said railroad; thence north 57 degrees west 64½ feet to the place of beginning, containing 10 acres. Also a strip of land 62.2 feet wide on each side of a line commencing at a point on the northwest side of said 10-acre tract, 100 feet from its northwest corner, and running thence north 10 degrees and 24 minutes west 700 feet to the center of Wild Horse Creek.

SEC.—. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such tracts of land and to provide the time and manner of the payment thereof, and until the compensation aforesaid has been fixed and paid no right of any kind shall vest in said railway company.

SEC. —. That said railway company shall accept this grant upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. —. The preceding three sections shall not take effect until the consent of said Indians to the provisions thereof shall have been obtained; which consent shall be expressed in writing, signed by a majority of the male adults on said reservation and by a majority of their chiefs in council assembled for that purpose, and shall be filed with the Secretary of the Interior.

Mr. DAWES. I ask the Senator from Oregon to state to the Senate, so that it may go upon the record, just the scope of this amendment.

Mr. DOLPH. The Oregon Railroad and Navigation Company has constructed a road from Pendleton to Centreville across the Umatilla Indian reservation. The town of Adams is located near the reservation and on the line of the road between two tracts of land which were secured to the company by agreement with the Indians for depot purposes.

It is found necessary for the convenience of the public that there should be an additional station on the reservation near the town of Adams. The Secretary of the Interior is of the opinion that when the right of way was acquired of the Indians by agreement, as was provided for in the treaty with the Indians, the right of the company to acquire lands was exhausted, and it now requires legislation to authorize the company to secure the additional lands needed. The object of this amendment is simply to authorize the company to purchase lands to the extent of 12 acres for station purposes.

Mr. DAWES. Is there anything contained in the amendment except what was in the bill reported by the Indian Committee on that subject?

Mr. DOLPH. No; it is the bill reported by the Indian Committee, except that the last section of the bill reported by the committee, which provided that Congress might alter and amend the act at any time, is not in the amendment, because it is in the original bill to which this amendment is offered, and will come in at the close of the entire enactment.

Mr. DAWES. That is the way I understood it, but I proposed to have it so stated upon the record.

Mr. DOLPH. The amendment has been favorably reported by the Committee on Indian Affairs as a separate bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. MITCHELL. I move to amend the bill by adding a new section, to read as follows:

SEC. —. That the act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March 3, 1885, be, and the same is hereby, amended by repealing so much

thereof as limits the total quantity of the diminished reservation proposed to 120,000 acres, and the Secretary of the Interior shall set apart such further quantity of land of the existing Umatilla reservation, in addition to the 120,000 acres thereof required by said act to be selected, designated, and reserved for the uses and purposes of said Indians, as therein provided, as shall enable him to fix, define, and establish the metes and bounds of said reserved tract in a satisfactory manner, and to include therein such portions as he may deem advisable of certain lands in the eastern part of the reservation, which the Indians desire shall be reserved for them; and the said Secretary is authorized by order to establish such diminished reservation accordingly; and in all other respects said act shall continue and remain in force.

Mr. DAWES. I desire that the Senate shall put on record a statement of the character of this proposition.

Mr. MITCHELL. This amendment is taken from a bill introduced by myself some weeks ago and referred to the Committee on Indian Affairs and reported favorably by the Senator from Massachusetts, who is chairman of that committee. It is recommended by the Secretary of the Interior in a letter which I hold in my hand, but I will not have it read unless some Senator desires to hear it.

Mr. DAWES. Some five or six years ago, by a special act, there was an undertaking to set out in severalty a portion of the Umatilla reservation and offer for sale the rest of it. A commission was appointed for that purpose which was ineffectual. They were unable to make an agreement with the Indians. At the head of that commission was the late Senator from Oregon, Mr. Grover. Another commission was appointed with a like result. The Secretary of the Interior has recommended a new survey of the land so as to make the measure more acceptable to the Indians. That is the scope of this proposition which was reported by the committee as a bill and is now offered as an amendment to the pending bill.

Mr. DOLPH. If the Senator from Massachusetts will permit me a moment, I think the provision of the law was that after allotting lands in severalty to the Indians there should be reserved a tract of land for pasturage purposes. An amount was named, 120,000 acres. The Secretary of the Interior is of opinion that there should be a larger tract reserved for the use of the Indians in common and that there should not be as much sold as was provided for in the original act.

Mr. DAWES. The dissatisfaction of the Indians grew out of the character and perhaps the quality of the land that was reserved under the old survey.

Mr. DOLPH. This authorizes the Secretary of the Interior to reserve a greater quantity.

Mr. COCKRELL. Let the amendment be read again.

Mr. DAWES. I think it is in the interest of the Indians.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Secretary read the amendment.

Mr. COCKRELL. I should like to know why it is that this amendment is to go on a bill which is simply for the purpose of granting the right of way through an Indian reservation?

Mr. MITCHELL. I will state to the Senator from Missouri——

Mr. COCKRELL. I have got two or three bills that I want to put on if this is an omnibus bill.

Mr. MITCHELL. There has been great delay in executing the law providing for the allotment of the land of the Umatilla Indian reservation to the Indians in severalty.

Mr. COCKRELL. So there has been in passing the bills that I want to put on.

Mr. MITCHELL. The Secretary of the Interior has written a letter stating the importance of early legislation so as to enable him to go on and finish what he is engaged in doing, and unless we get it in one of the House bills, as the Senator from Missouri will readily see, we are not likely to get the legislation during this session.

Mr. COCKRELL. Is this specific amendment, now offered by the Senator from Oregon, recommended by the Secretary of the Interior?

Mr. MITCHELL. It was prepared in the office of the Secretary of the Interior and sent to me with an accompanying letter, which is now on my desk.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. Let the title be amended.

The title was amended so as to read: "A bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, and for other purposes."

Mr. DAWES. I move that a committee of conference be asked for on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SABIN, Mr. DANIEL, and Mr. DOLPH were appointed.

FORFEITURE OF MICHIGAN RAILROAD GRANT.

Mr. PLUMB. I move that the Senate proceed to the consideration of Senate bill 858, Order of Business 2172, the regular order of business being laid aside temporarily for that purpose.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the unfinished business be informally laid aside, and that the Senate proceed to the consideration of the bill named by him.

Mr. BLAIR. I ask the Senator from Kansas to allow me the courtesy of making an inquiry of the Senator from Missouri, and that is if it is convenient to him to proceed this evening to the consideration of the Army nurses bill?

Mr. COCKRELL. I prefer not. I have not got the report that I expected, and I am expecting it every day. I will write again for it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, after "subject-matter," in line 9, to strike out "which are uncertified lands within the limits of the grant, together with all the lands, certified or uncertified;" after the word "Ontonagon," in line 13, to insert "including lands within indemnity limits;" in line 17, after the words "subject to," to strike out "sale and;" and in the same line, after the word "settlement," to insert "only;" so as to make the bill read:

Be it enacted, etc., That all the lands granted to the State of Michigan for the use and benefit of any railroad company or companies, whatever their corporate name, to aid in building and completing a railroad from Marquette to Ontonagon, in said State, by an act of Congress approved June 3, 1856, and by any and all acts of Congress amendatory or supplementary thereto that relate to the same subject-matter, which lie opposite the uncompleted portion of said road, extending from L'Anse to Ontonagon, including lands within indemnity limits, are hereby declared, by reason of the breach of the conditions upon which the grant was made, forfeited; and that all of said lands be restored to the public domain and made subject to settlement only under existing laws of the United States.

Mr. PLUMB. I move to amend by inserting, after the word "settlement," in line 17, the words "and entry;" so as to read:

And that all of said lands be restored to the public domain and made subject to settlement and entry only under existing laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT KALAMAZOO, MICH.

Mr. STOCKBRIDGE. I ask the Senate to proceed to the consideration of Order of Business 2157, being Senate bill 3431.

By unanimous consent, the bill (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CITADEL ACADEMY AT CHARLESTON.

Mr. HAMPTON. I ask unanimous consent to call up Senate bill 3486, Order of Business 2165.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3486) for the relief of the State of South Carolina.

Mr. FRYE. I desire to inquire of the Senator from South Carolina if this is a unanimous report of the Committee on Military Affairs.

Mr. HAMPTON. I think it is a unanimous report. I will explain to the Senator that a joint resolution was reported by the Military Committee, referring to the Secretary of War the question as to the proper amount of rent to be paid. He referred it to the Quartermaster-General, who fixed this rent at only one-half the amount that the State had asked. The Secretary of War has sent in his report, saying that the Quartermaster-General has fixed the amount and that he approved it.

Mr. PLUMB. What is the purpose of this bill?

Mr. HAMPTON. To pay the rent of the Citadel Academy.

Mr. PLUMB. That item has been put on the deficiency bill by the Committee on Appropriations, if the Senator will observe that bill, and that therefore obviates the necessity of passing this bill.

Mr. HAMPTON. I do not care to press it, then.

Mr. PLUMB. The Senator from Illinois [Mr. FARWELL], who is a member of the committee, will recollect the case, and so will the Senator from Missouri [Mr. COCKRELL].

Mr. HAMPTON. Very well.

The PRESIDENT *pro tempore*. What disposition shall be made of the bill?

Mr. HAMPTON. I propose that it lie on the table.

The PRESIDENT *pro tempore*. Shall it be returned to the Calendar?

Mr. HAMPTON. Yes, let it retain its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will resume its place on the Calendar.

AGREEMENT WITH FORT HALL AND LEMHI INDIANS.

Mr. DAWES. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1465, Senate bill 2992.

There being no objection, the Senate, as in Committee of the Whole,

resumed the consideration of the bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannacks, and Sheepeaters of the Fort Hall and Lemhi reservations in Idaho, May 14, 1880, and for other purposes.

Mr. DAWES. The Senator from Alabama [Mr. MORGAN] submitted an amendment as a substitute for this bill which meets the approval of the committee, and I ask that that may be read instead of the original bill. I believe the original bill has been read heretofore.

The PRESIDENT *pro tempore*. The amendment will be stated.

The amendment was to strike out the preamble and the bill, and in lieu thereof to insert:

Whereas certain chiefs of Shoshone, Bannack, and Sheepeater tribes of Indians have agreed and submitted to the Secretary of the Interior an agreement for the sale of a portion of their lands in the Territory of Idaho, their settlement upon lands in severalty, and for other purposes: Therefore,

Be it enacted, etc., That said agreement be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is assented to by a duly-certified majority of the adult male Indians of the Shoshone and Bannack tribes occupying or interested in the lands of the Fort Hall reservation, in conformity with the eleventh article of the treaty with the Shoshones and Bannacks of July 3, 1868, (fifteenth Statutes at Large, page 670), and in words and figures as follows, namely:

First. The chiefs and head men of the Shoshones, Bannacks, and Sheepeaters of the Lemhi agency hereby agree to surrender their reservation at Lemhi, and to remove and settle upon the Fort Hall reservation in Idaho, and to take up lands in severalty of that reservation as hereinafter provided.

Second. The chiefs and head men of the Shoshones and Bannacks of Fort Hall hereby agree to the settlement of the Lemhi Indians upon the Fort Hall reservation in Idaho, and they agree to cede to the United States the following territory, namely: Beginning where the north line of township 9 south intersects with the eastern line of their reservation; thence west with the extension of said line to the Port Neuf River; thence down and with the Port Neuf River to where said township line crosses the same; thence west with said line to Marsh Creek; thence up Marsh Creek to where the north line of township No. 10 south intersects with the same; thence west with said line to the western boundary of said reservation; thence south and with the boundaries of said reservation to the beginning, including also such quantity of the north side of Port Neuf River as H. O. Harkness may be entitled to under existing law, the same to be conformed to the public surveys, so as to include the improvements of said Harkness.

Third. In view of the cessions contained in the above articles the United States agrees to pay to the Lemhi Indians the sum of $4,000 per annum for twenty years and to the Fort Hall Indians the sum of $6,000 per annum for twenty years, the same to be in addition to any sums to which the above-named Indians are now entitled by treaty, and all provisions of existing treaties, so far as they relate to funds, to remain in full force and effect.

Fourth. Allotments in severalty of the remaining lands on the Fort Hall reservation shall be made as follows:

To each head of family not more than one-quarter of a section, with an additional quantity of grazing land, not exceeding one-quarter of a section.

To each single person over eighteen years and each other person under eighteen years now living, or may be born prior to said allotments, not more than one-eighth, with an additional quantity of grazing land, not exceeding one-eighth of a section; all allotments to be made with the advice of the agent of the said Indians, or such other person as the Secretary of the Interior may designate for that purpose, upon the selections of the Indians, heads of families selecting for their minor children, and the agent making allotments for each orphan child.

Fifth. The Government of the United States shall cause the lands of the Fort Hall reservation above named to be properly surveyed and divided among the said Indians in severalty and in the proportions hereinbefore mentioned, and shall issue patents to them respectively therefor so soon as the necessary laws are passed by Congress. The title to be acquired thereto by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee, or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction, which shall be incorporated in the patent.

Done at the city of Washington this 14th day of May, A. D. 1880.

TEN DOY, his x mark.
TESEDEMIT, his x mark.
GROUSE PETE, his x mark.
JACK GIBSON, his x mark.
TI HEE, his x mark.
CAPTAIN JIM, his x mark.
JACK TEN DOY, his x mark.

Witnesses:
J. F. STOCK.
JOS. T. BENDER.
A. F. GENTES.
CHARLES RAINEY, *Acting Interpreter.*
JOHN A. WRIGHT, *United States Indian Agent.*

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed a sufficient quantity of land on the Fort Hall reservation to secure the settlement in severalty to said Indians as provided in said agreement. Upon the completion of said survey he shall cause allotments of land to be made to each and all of said Indians in quantity and character as set forth in the agreement above mentioned; and upon the approval of said allotments by the Secretary of the Interior, he shall cause patents to issue to each and every allottee for the lands so allotted, with the conditions, restrictions, and limitations mentioned therein as are provided in the agreement.

SEC. 3. That for the purpose of carrying the provisions of this act into effect the following sums, or so much thereof as may be necessary, be, and the same is hereby, set aside, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, as follows:

For the expense of the survey of the land as provided in section second of this act, $12,000.

For the first of twenty installments as provided in said agreement, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct: For the Lemhi Indians, $4,000, and for the Fort Hall Indians, $6,000.

For the expense of removing the Lemhi Indians to the Fort Hall reservation, $5,000.

SEC. 4. That this act, so far as the Lemhi Indians are concerned, shall take effect only when the President of the United States shall have presented to him satisfactory evidence that the agreement herein set forth has been accepted by the majority of all the adult male members of the Shoshone, Bannack, and Sheepeater tribes occupying the Lemhi reservation, and shall have signified his approval thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

WILLIAM BROWN.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *September* 18, 1888.

Ordered, That the Clerk be directed to return to the Senate, in compliance with its request, the bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120, in the city of Washington, on certain conditions.

The PRESIDENT *pro tempore*. The bill being returned pursuant to the request of the Senate upon the motion of the Senator from West Virginia [Mr. FAULKNER], the votes by which the bill was passed and by which it was ordered to a third reading will be reconsidered and the bill referred to the Committee on the District of Columbia.

Mr. COCKRELL. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 20, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September* 19, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER *pro tempore* laid before the House a communication from the assistant clerk of the Court of Claims, transmitting copies of the orders of the court and findings of fact in the following cases, namely: John C. Jones *vs.* The United States, James G. Spencer *vs.* The United States, Nora Walsh *vs.* The United States, and Jacob Richards *vs.* The United States.

REFERENCE OF SENATE BILLS.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1078) for the relief of Florida Kennerly; which was read a first and second time.

Mr. STONE, of Kentucky. I ask for the reading of that bill.

The bill was read at length.

Mr. STONE, of Kentucky. I now ask unanimous consent for its present consideration.

Mr. HOLMAN. With the statement of facts, which do not appear on the face of it.

Mr. STONE, of Kentucky. This is for the payment of the sum of $126 due to Mrs. Kennerly here, and has been passed by the Senate and favorably reported from the War Claims Committee of the House. A reference to the Committee on War Claims will simply bring it back in its present shape.

Mr. HOLMAN. What is the character of the claim?

Mr. STONE, of Kentucky. There is no doubt of the justice of the claim.

Mr. FORNEY. Regular order.

Mr. HOLMAN. Let this bill go through.

Mr. FORNEY. I call up the conference report on the sundry civil bill. It will take only an hour, and then gentlemen can have an opportunity to dispose of such matters as this.

Mr. STONE, of Kentucky. I ask unanimous consent, then, that this bill be allowed to remain on the Speaker's table.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. FORNEY. I call up the conference report, but pending that I ask unanimous consent that gentlemen having reports from committees may be permitted to file them with the Clerk.

There was no objection.

REPORTS FILED.

The following reports were filed by being handed in at the Clerk's desk:

JOHN W. HART.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported the bill (H. R. 11460) for the relief of John W. Hart; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SQUIRE WALTER.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10448) granting a pension to Squire Walter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMANUEL P. STEED.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10253) granting a pension to Emanuel P. Steed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. G. ANDERSON.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back the bill (H. R. 7922) for the relief of W. G. Anderson; which was laid on the table.

He also, in the nature of a substitute for the foregoing, reported a bill (H. R. 11461) for the relief of W. G. Anderson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM T. MAYNARD.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 6765) for the relief of William T. Maynard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM S. THATCHER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 6765) for the relief of William S. Thatcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPT. MICHAEL PIGGOTT.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7633) granting a pension to Capt. Michael Piggott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANTHONY SHAFER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3512) granting a pension to Anthony Shafer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES S. HARDEN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11378) granting a pension to James S. Harden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. BARRETT.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3570) granting an increase of pension to John W. Barrett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (S. 3266) granting a pension to Mrs. Adelaide H. Woodall; and

A bill (H. R. 5507) granting a pension to Julia G. Morse.

ELLEN G. KING.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9107) granting a pension to Ellen G. King; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. FORNEY. Under the order of the House adopted on yesterday, one hour remains for debate to be equally divided. The gentleman from Arkansas [Mr. ROGERS] I presume will control the time in opposition to the report with the understanding that Mr. SMITH, of Arizona, is to have fifteen minutes. I yield now to the gentleman from Pennsylvania [Mr. JACKSON] ten minutes of the time allotted to me.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TARSNEY, indefinitely, on account of important business.

To Mr. NICHOLS, for two weeks, on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER *pro tempore*. The gentleman from Alabama calls up the conference report which he has indicated. The gentleman from Pennsylvania [Mr. JACKSON] is recognized for ten minutes.

Mr. JACKSON. Mr. Speaker, the gentleman from Alabama [Mr. FORNEY] in calling up this report for consideration, stated that the appropriation to continue work on the new Library building was the only part of it to which objection was made in the House. I consider it a matter of great public importance that a reasonable amount of money shall be appropriated by Congress at this session for that purpose.

The sum proposed of $500,000 is certainly not too large, and the plan of placing its expenditure and the entire charge of constructing the building in the hands of the Chief of Engineers of the Army meets my hearty approval.

A library at the seat of Government, worthy of our nation, is so desirable, and the immediate urgent need of a building suitable for its accommodation so apparent, that I did not expect it would be necessary to consume time in discussing the general proposition. The debate, however, to which we have listened makes it plain that there are members here who feel no great interest in such a library. Some, I trust the number is not large, are wholly opposed to it, whilst others have so little friendship for it that they are willing to risk the entire defeat of the project in tedious, profitless discussion of opinions about details if it shall enable them to renew their professions of economy.

Under these circumstances I consider it proper to urge upon Congress the duty of making this appropriation, and to state some of the many reasons that can be given why we should make liberal provision for a national library.

Mr. Speaker, the collection of books in the Capitol known as the Library of Congress was commenced by authority of Congress in the year 1800. It was destroyed with the Capitol in 1814 by the British army. After this it was replenished by the purchase of the library of ex-President Jefferson, and additions annually made by appropriations made by Congress for the purpose. In 1851 it contained 55,000 volumes, but by an accidental fire in that year all were destroyed except 20,000 volumes. Congress at once made an appropriation of $75,000 to replenish the loss and has since made annual appropriations for the same purpose. In 1865 it contained 92,450 volumes; in 1881, 390,000 volumes, and it has now reached the magnificent size of 590,000 volumes, besides 180,000 pamphlets.

The collection is rich and valuable, and has grown far beyond the capacity of all the rooms in the Capitol that could be appropriated to its use. Vast quantities of books are stored in piles, inaccessible to readers, whilst maps, charts, and pamphlets that could not be replaced if lost are exposed to destruction for want of even safe storage rooms. The rooms used are unfit for the purpose, are disconnected, some on the main floor and others in the basement.

It is safe to say that no such valuable library in the world is so poorly housed and cared for as this one. In addition to this, the scant room furnished is taken at the great inconvenience of Congress, which has use for it all for legislative purposes.

For many years the need of a separate building to accommodate this growing Library has pressed itself upon Congress. Committees of both House and Senate, at different times, have given full and careful consideration to the subject. There were differences of opinion as to whether the building should be made an addition to the Capitol or built separate. Then the question of location of a separate building was the source of a long contention.

Finally, some two years since, in the Forty-ninth Congress, all conflicting opinions were so far united that the law was enacted which fixed the location on ground east of the Capitol, adopted a plan for the building, and appropriated money to purchase the land and commence the work of construction.

The matter seemed to be finally settled, and from all parts of the country came congratulations on the prospect of our having at no very distant date a library worthy of the name.

Since then the ground has been purchased, excavations made, and the foundations of the building commenced.

Mr. Speaker, I stop now to inquire what objection is made to this appropriation to continue this desirable work. Has it been discovered that the location is not a good one? Not at all. It is evidently a wise one. Is the general plan of the building unsuited for the purpose? Not by any means. With scarce a dissenting voice it is conceded to be an admirable design, uniting beauty with strength and utility. What, then, again I ask, is the objection? Judging by the long debate to which we have listened there is but one avowed objection, and it is a most remarkable one. It is this: The building will cost when finished more than certain members of Congress supposed it would when they voted in the Forty-ninth Congress to authorize its

erection. It is not even claimed that the building is too large for the future uses of the Library or that there is any useless expenditure as to plan or material.

These objections, Mr. Speaker, we have been surprised to hear coming from gentlemen who allege they are in favor of a suitable building for our great Library. If they are sincere in their statements their objections have less substance than any I have ever heard offered to a great public work. I can scarcely refrain from expressing the opinion that there is somewhere concealed in these trifling objections a design to defeat the erection of a Library building.

The arguments to support these trivial objections are only applicable to the side of those who are opposed to the whole project. The best that can be said of them is that they are contests over matters of detail that are usually confided to subordinate officers of the Government. As to the complaint made against the architect that members of the Forty-ninth Congress did not know that this building would cost near as much as it is now apparent that it will and that he is responsible for their mistakes, I have but little to say.

There is not much evidence if any of statements of cost being submitted to Congress by the architect, and there is at least room for honest belief that the estimates referred to in the Forty-ninth Congress were for only a portion of the building. One thing the records of that Congress do disclose, namely, that gentlemen then opposing the whole measure made the same charges of probable great cost against the plan of the architect that are made now. These charges of extravagance were used then to defeat the bill and failed; they are now renewed for the purpose of stopping work on the building.

If it be true that some gentlemen now on this floor who were members of the Forty-ninth Congress voted for the Library bill because they did not know how much it would cost, I can not see how they can gain much credit by the statement. We had the plans before us in that Congress; a very little investigation would have satisfied any one that the building would, when entirely finished, cost more than two or even three million dollars, as some now allege they expected it to cost. We ought to build a building worth two or three times that amount, and how gentlemen were expecting to get a building for one-third of its value it would be difficult to explain.

With all the light I have been able to obtain on the subject, I regard my vote in favor of the passage of the original bill in the Forty-ninth Congress with great satisfaction. I consider it a great honor to have had the opportunity to aid in the passage of that bill by my vote, for the very reason that I think it provided for the erection of a suitable building for the Library—one none too large, but of a size sufficient to accommodate the growing requirements of the Library for many years to come.

If any gentlemen were induced to support the original measure by want of knowledge of the cost, I ask to be allowed to suggest to them that it would be good policy to say nothing about that now and enjoy the full credit of having supported a most worthy measure.

Mr. Speaker, I have already stated that the proposed plan of this building is conceded to be suitable for the purpose of the Library. I understand that Mr. Spofford, the most eminent librarian in the country, gives it his hearty approval. Other gentlemen competent to judge, who have examined it, are well satisfied with it. I am not unmindful that some criticisms have been made upon it, but so far as I have observed these criticisms can be traced to either jealous or aspiring architects or their immediate friends. This is nothing more than might be expected. No one would say that it is unusual.

I feel confident we can go on with this building with the full assurance that it will well answer the purpose for which it is designed. The discussion has been so entirely taken up with collateral matters and questions of detail in architecture that we are perhaps in danger of losing sight of the main question.

I consider the main question to be what is necessary, and what is the best plan to hasten the construction of the building. On minor matters I am ready to yield to the judgment of others if necessary to secure agreement.

It is a subject of regret with me that my friend from Illinois [Mr. PAYSON], who is, as we all know, so zealous, earnest, able, and conscientious in everything he advocates, has allowed himself to be carried away from the main question. He has made a very plausible address on what I consider the contest between the different architects, and which I think is an issue that should not have been raised at all. Of course in that issue it is to be expected that he will take the side of the architect who lives in his own Prairie State. It is at most but a difference of opinion, and, I may add, a question that but few members of Congress are competent to pass upon. He devoted himself so faithfully to this question that he has not given any of the very liberal time that has been accorded to him to urging upon Congress its great duty of providing for the prompt construction of the Library building, this being, in fact, the real and main question.

But I still more regret that he seems to have felt himself compelled in the line of argument he undertook, in order to support his position, to belittle the objects, purposes, and designs of the Library. He utterly opposes the construction of the whole building, and then attempts to ridicule the appearance that a part of the building will make, comments on the cost, and says all this is to be expended to "cover some books."

When pressed on the proposition that money will not likely be wasted, that is expended under charge of the Chief of Engineers, he is compelled to admit it, but adds, "This is not a question of honest expenditure." If he is in favor of a building for a Library I should like to know what more can properly be in it than to see that money for the purpose is expended by competent men honestly.

In the last position which he assumed on yesterday he undertook to compare the wisdom of the construction of this building on the plan proposed with the library in a little province of Europe, the library at Munich in Bavaria. He certainly does not suppose that the people of the United States, and the Government of the United States of America, are to model their institutions, their improvements, and their public buildings upon the buidings of a small country composed, I believe, of less than 5,000,000 people, whose whole annual revenue does not exceed some $20,000,000 or $30,000,000.

That is not a model on which the people of the United States ought to shape their institutions, and I should regret very much, sir, if we allowed ourselves to be so far drawn from the main question here that we could not do justice to our own country and to ourselves, but would allow the subject to be obscured by such arguments as that. It is not sufficient that gentlemen say they do not intend to defeat the Library; that must be the effect of these attacks if a sufficient number persist in them. We all know who have looked into this matter and examined the records on the question, so as to become familiar with its beginnings and growth, that it took a great many years to formulate a plan upon which the Senate and the House could agree at all in regard to the construction of this building; that its consideration was repeatedly set aside and delayed by other matters; that whilst it is a most worthy project it had no particular locality or interest to press it.

To reopen the question now means indefinite delay and would leave it harder to settle than at the first. It means to pull down and destroy all that has been accomplished. It is always easy to obstruct legislation. At this late day in the present session every one knows that it is the very easiest thing to stop, delay, or even prevent legislation. There is not much credit to be gained in doing it. Any man can pull down. It is one of the easiest things in the world to destroy, but it requires a great mind to create, to build up, to encourage, and originate plans that shall make better and happier his fellow-men.

Mr. Speaker, I would be better pleased if we had before us a proposition for the construction of the entire building according to the original plans. But as the committee have concluded for the present to proceed with a part of the building which can be erected by itself, and which it is believed will be sufficient for the immediate use of the Library, I am satisfied to do this.

Whilst agreeing to the present proposition, I think it would be still better to proceed with the whole building, and that it shows wisdom in the architect when he planned a building the size of this one. It would not be very many years until the Library would need it all, and it would be considered a proper investment of money and a wise measure in the end.

Let me call the attention of the House to the rapid rate at which the Library has grown. Recollect it has done this without suitable room and when there has been little to encourage parties to make donations. In 1851, after the fire, there were but 20,000 volumes in the Library; in 1865 the number had risen to 92,450; in 1881 it had reached 390,000, and in 1888 it has reached 590,0000 volumes, besides 180,000 pamphlets. This has gone on notwithstanding it has been known for years and years that we had not sufficient room to house them. Every gentleman who has given the subject attention knows that the most important means by which libraries are increased is by gifts and donations.

To secure these you must first provide adequate and suitable room. Then you may expect liberal gifts and additions year by year, such as have been made by Dr. Joseph M. Toner and others. It would be reasonable and proper to plan and erect a building now with a size and capacity at least two or three times larger than the present Library requires. The British Museum was erected in 1823 for a library of 200,000 volumes. It has now grown to 600,000. To accommodate the increase additions have been from time to time built, so that it is badly planned and very defective in light and ventilation.

The general history of library buildings shows that they have nearly always been found too small. I have never heard of one that proved to be too large.

Mr. Speaker, I would call the attention of the House to the fact that the Government buildings in this city, and, I believe, generally over the country, have been complained of always as being on two small a scale. There is not to-day a single Department of the Government that is adequately provided with room, unless it is the Pension bureau. And so much are the others crowded that there are numerous propositions to transfer other business to that building.

Those buildings that have been planned within the last thirty or forty years are wholly inadequate to-day for the business of the Government. You know very well that there is not a single department

of the Government but is seeking additional room to properly transact the public business. This year we are paying thousands and thousands of dollars rent within the city of Washington for buildings for the use of the Government. If to-day the Library building was completed, and only one-half required for use of the Library, the Government could to a great advantage use the other half for other purposes and save rent it is now paying. We could well use part of that Library building for years until it could be gradually absorbed by the increase of the Library, as it certainly would.

Our forefathers, far-seeing and wise as they were in laying the foundations of the Government, never anticipated fully the great and glorious future that was before them. No ordinary man consulting the history of other nations could have anticipated such marvelous growth as ours has had. Indeed, we who are now in active life can scarcely comprehend it when we look backward and try to study its causes.

When the corner-stone of this Capitol was laid, September 18, 1793, the Congress consisted of thirty Senators and one hundred and five Representatives. Each of the Representatives in the House had a constituency of 33,900 people.

To-day Congress is composed of seventy-six Senators and three hundred and twenty-five Representatives. Each of these Representatives had by the apportionment a constituency of 151,912 people. This was based on the census of 50,155,783 taken in 1880. But our population is to-day estimated at 62,000,000, so that each one of the three hundred and twenty-five members of Congress represents on this floor 190,000 people.

I have not time or I would reply to some of the arguments used by the gentleman from Illinois [Mr. PAYSON] why we ought not to complete this building. He spoke of the cost of the British Museum. He tells you that the aggregate cost was nine millions; but the gentleman knows very well, for he shows that he has examined the statistics, that the British Museum would not be a model for us to-day; that it is altogether different from what it was intended to be in the beginning, and that it was wholly inadequate for the purposes which it is now used for; that it is a piece of patchwork, increased by additions from time to time like a Pennsylvania farmer's barn built in the olden time; these additions having been added to as required, and that it would not be a suitable pattern for us at this time at all. In fact, as I before mentioned, we ought to learn by their experience to build a large building at once.

Mr. PAYSON. Will the gentleman permit me to interrupt him there?

Mr. JACKSON. Certainly.

Mr. PAYSON. I simply alluded to the cost, as the gentleman's colleague [Mr. KELLEY] had stated to the House that he was surprised that there should be on the part of any member of this House a disposition to curtail the expenses; and he told of what he had seen abroad of these great buildings which were put up in Europe as patterns for us, and I came to the same conclusion as the gentleman now addressing the House, that Mr. KELLEY was mistaken about their being any criterion for us to go by, and the distinguished gentleman coincides with me. And the fact that they had erected buildings costing from five to six millions is no reason why we should erect a building costing fifteen to twenty millions to produce the same results.

Mr. JACKSON. The gentleman from Illinois [Mr. PAYSON] now gives a very different conclusion to his illustration than I supposed at the time he intended us to draw. When he referred to the eloquent and masterly description of the interior arrangements of the British Museum given us by Judge KELLEY, and then told us that this grand and gorgeous institution only cost seven or eight million dollars, and feelingly spoke of what plain people in Illinois where he lived would be satisfied with, I supposed he meant that for the Congress of the United States to spend seven or eight million dollars on a library would be reckless extravagance.

I trust the gentleman may conclude to explain all he has said on the same plan. Now, if it be true that the British Museum is not good enough for us, we ought not to hear any more on the subject of the present Library building being extravagant. I am free to say that I think we ought to build a better building than the British Museum.

It seems, then, that the principal objection of the gentleman from Illinois [Mr. PAYSON] to making this appropriation is the general one to which I at first referred, namely, that in the original adoption of the plan the House was deceived and did not know what it was getting. I undertake to say, sir, that it does not make any difference now whether the House was deceived in regard to the plan or not. The question now is, is this a reasonable and proper plan, one which we ought to carry out? If we settle this in the affirmative, as I think we should, the matter is ended. All further debate is superfluous.

The gentleman from Illinois said yesterday that he would not vote any money for any public building the plan for which he did not understand or did have an opportunity to carefully examine and consider. Why, sir, that is a very remarkable statement. Every year we vote large sums of money to be spent under the direction of others without attempting to consider the plans of expenditure in detail. It is not within the province of Congress to do such work, and I am surprised that this body should undertake to examine and pass upon details of this character. There are matters which can be passed upon intelligently only by those who are especially skilled in the science and art that is involved.

This very session Congress voted over twenty millions of money to be expended upon our rivers and harbors and similar public improvements, but in all the discussion on the subject I did not hear the gentleman from Illinois, nor any other member, speak of prescribing the details of the plans of those improvements. The details of all such expenditures are left to the Engineer Department of the Government. Every session Congress votes millions of money to build Government buildings and the plans, materials, and contracts are all subject to the approval of officers of the Government. We intrust all these things, and properly so, to men we believe to be honest and capable, men who are specially trained in that direction.

In my judgment we are wasting our time in discussing the details of this building. As I said before, it is not within the province of Congress to consider such matters. Having determined that we ought to have a Library building suitable for the greatest nation on earth, a nation that prides itself on a government founded on the general intelligence of its people, we ought to go on and provide liberally for the work, place it in what we consider proper hands, and then trust to the honesty, skill, and ability of those men to expend the money wisely. We will never succeed in building a suitable building any other way.

Let it be remembered that this is not a library for the city of Washington alone, although its free use should be one of the attractions of this growing and now beautiful city of more than a quarter of a million of people.

It is and should be the distinctive library of the nation. The best furnished, best equipped, and largest in the United States. It ought in its buildings and surroundings to be a model that the cities of the country so far as necessary might copy.

We owe it to the nation and to ourselves to make liberal appropriations for this purpose. It is unfortunate that the work had not been commenced sooner. The intelligence, virtue, and character of a nation has always been estimated by its care of books and archives. None of the other great reading nations of the earth are to-day as deficient in a great national library as we are. This is justly a reproach to us.

We should have the greatest library in the world. With fair treatment of the subject by Congress we soon can have. We should recollect that we are building for a nation that will soon be a hundred million of people; that our present form of government can not long exist without general education and intelligence among the people. This Library should be a national repository, the great collection of the literature of the people of the United States. More than this, it should be enriched by the treasures of all lands and of all generations of civilized men. It is to-day worthy of the best building proposed for it, but with that building a few years will more than double it. It is a library for all the people of the United States, and it should be such a collection and have such a safe and convenient building for its accommodation that it would be inquired for by visitors when they come here next after the Capitol itself.

Under our laws the copyright fees paid to the Library amount to $20,000 yearly, and copies of books deposited for preservation and in pursuance of law are worth $25,000 more each year. These are additional reasons why we should make a liberal appropriation.

If there be any one who thinks we can temporarily suspend work on this building and omit the appropriation for this session and provide for it again without danger to the whole project, I fear he is greatly mistaken.

If the appropriation to continue the work fails this session, that fact will be used as a reason for omitting it next session. In the succeeding Congress objecting economists will find increasing reasons for delay, and there is but little doubt that the hopes of having erected a suitable building for the Library will be deferred for many years. This would be a great national loss. The only safe plan is to agree to the conference report and make an appropriation now, which I most sincerely hope will be done.

Mr. WHITE, of Indiana. Mr. Speaker, there are only two main points involved in this question. One is whether we shall go on with this building or not, and the other is whether we shall disgrace the architect who has designed the building. These, I say, are the two main points for the consideration of the House; and in the little time allotted to me I will devote myself to those points exclusively.

In the first place, sir, is there any good reason why we should hesitate to go on with this building? We have already commenced it, we have accepted the plans, and the work is in progress. If any one will take the trouble to go over to the ground that has been purchased for the erection of this building, he will see the great excavations that have been made there for the main foundation and the central walls; he will see the filling up that has been done with the finest kind of Portland cement. The trenches are filled with this cement 6 feet deep and 3 or 4 or 5 feet thick. Then if he will look around the yard he will see the great blocks of granite ready to be placed on that foundation, provided Congress will say, "Go on with the work." But we are asked to hesitate about con-

tinuing this work. Sir, this is not the time to hesitate. If such hesitation would have been proper at any time, it would have been at the beginning, and not now, in the middle of the work. Half a million dollars at least has already been expended on the building, and now, when we have come to a point where we ought to go on and complete it, we are asked to stop, upon the ground that we were deceived as to the extent or the cost of the work. That is the main argument of the gentlemen who are antagonizing this project. Deceived by whom? What object has this architect in deceiving Congress? Can any man give a satisfactory answer to that question? Certainly not.

The architect was simply instructed to draw a plan for a Library building, and he did it in competition with twenty or twenty-five others, and his plan was selected. When he furnished his plan he did not agree that he would construct the building. That was left to Congress. Suppose a client should consult an attorney, and the attorney should advise him to go into a suit, because he believed the case was a good one, and suppose that after the litigation had been prolonged for years at great expense the client should finally lose the suit, what would you think of him if he should go around denouncing his attorney as a rogue and a scoundrel upon the ground that he had deceived him into beginning the lawsuit? This is just the position of the architect.

There is no deception about it. An attorney simply tells his client that he thinks he has a good case and that he will win the case for him if he can, and, to the credit of the attorneys, members of the grandest profession under the sun, that is their highest aim in life. They do not deceive the parties who employ them. They are, as a rule, high-minded men, and so the architects as a class are high-minded scientific men who have no object in deceiving those who employ them. I know an instance of a building that is going on now for which the architect made an estimate of $12,000, but in the face of that estimate the man for whom the building is constructing let the contract for $17,000. There is an increase of five thousand on an estimate of twelve thousand, a difference not much greater in proportion than that which is charged against the architect here.

Architects are not, as a rule, familiar with the business of building. They are not contractors; they do not know how to manage labor; they do not always know the price of the materials that go into a building. They simply make an estimate and then it is for the party who undertakes to construct the building to protect himself against the architect's estimate if it is wrong. Will any one say that this House had not an opportunity to do that in this case? Is there a member on this floor who will say that this House, or the committee in charge of this building, had not full opportunity to protect themselves against any mistake which this architect may have made, if he did make any mistake? Could they not have advertised for bids, and would there not have been a hundred builders from all over this land looking at their plans and specifications and bidding upon the work and upon every part of it from the cellar to the turret?

In that way we could have found out exactly what it would cost to construct the building, and then if we found it would cost too much we might have hesitated. But, sir, as I have already said, it is too late to hesitate now; it is almost a scandal to find this great Congress hesitating upon the paltry sum of a few million dollars for a great work of this kind. Furthermore, sir, there has been nothing brought out in this whole debate to show that this architect really made an incorrect estimate. Gentlemen charge that he made an estimate lower than his present one, but that is in dispute, and I say there has been no proof produced here to show that whatever estimate he did make is wrong, or would be wrong if the builders of the country were permitted to bid upon it. It is quite possible that if this plan which is now before us was put into the market, so to speak, to be bid upon by the builders of this country to-day, the result would show that the work could be done for five millions. We have no assurance that it could not.

It is true that members here say that it will cost from twelve to fifteen millions, but how do they know that? Where do they get the evidence of it? Do they get it from their talk? There is no evidence except talk. It is probably true that some disappointed architects, not having this job thrown into their hands, and their friends not having the contracts to furnish the material, may have interfered in this matter; and I believe that is where the trouble is. What is it proposed to do? To stop the erection of a great public building at the behest of these gentlemen; and at the same time the attempt is made to degrade and disgrace a man against whose character there is absolutely no charge which can be plausibly sustained. If there were any evidence here to show this man guilty of malfeasance, to show that he had been in any way corrupt, I would say he ought to be removed. But on the contrary there is nothing whatever to impeach his character. He is charged with having deceived this Congress, which is a very trifling way of getting out of our responsibility.

I assure this House (and I am in earnest—I will be bound by my statement) that, taking that plan there (I do not know what the estimate is), I will give my bond to find a builder who will construct that building in keeping with that plan of the architect for $7,000,000, and I should make a million dollars by the undertaking. These people should stop their talk about this building costing twelve to fifteen million dollars. Without leaving the Eastern coast, I will find a builder who will construct that building from top to bottom for $7,000,000. This attempted scare about the great expense of the present plan ought to be stopped. We do not want any of this pretended economy. It is not economy; it is parsimony. Economy is a virtue, and is a proper thing to exercise, but parsimony is not. It is looked upon with contempt as a vice. A parsimonious person is never admired or respected. Neither is a parsimonious government.

It is our duty in a matter of this kind to consider what is right. This question has been considered for years. It is no hasty step that Congress has taken. This matter has been under consideration for fifteen years; and now when the building is under way we have these fault-finders, who, under pretense of economy, insist that we must stop the work on this building. Why should you stop it? Suppose you do stop it; suppose, as now proposed, you advertise again for bids; suppose you advertise to the world that you want bids for a new building. Architects come down here in great numbers with their plans, which they submit. Your committee agrees on a certain plan. The architect says the building on that plan will cost $5,000,000. You adopt that plan, and the work begins anew. You discard entirely the old plan and go to work on this new one. Six months after the work has progressed under this new plan some other architect or some disappointed contractors make the statement the building will cost you $10,000,000 or $15,000,000. You then stop the work and consider the question of recommencing it upon a new plan. Where are you? Just where you commenced. You will have to advertise for new plans, get another architect. In this way the work may be delayed indefinitely, and incalculable expense entailed on the Government and no assurance of ever getting a building.

[Here the hammer fell.]

Mr. ROGERS. I yield to the gentleman from Indiana [Mr. HOLMAN] five minutes, and more if he desires it.

Mr. HOLMAN. Mr. Speaker, in a few days my colleague from the Fort Wayne district [Mr. WHITE], who has just spoken, will, I hope, be able to meet his constituents and talk over matters with them. He will take with him to Fort Wayne, I have no doubt, a copy of the speech delivered yesterday by my distinguished friend from Illinois [Mr. CANNON], and will read to his constituents that gentleman's arraignment of Congress for excessive appropriations of the public money. When my friend looks his constituents in the face and calls attention to that exhibit I want him to add to that speech the following language he has just used, which will be a suitable commentary upon it: "It is disgraceful for the Congress of this great nation to cavil over the paltry sum of a few million dollars;" and let him add that it was in this spirit the Senate of the United States, my colleague himself, and his political associates, as a rule, ran up those excessive appropriations to which my friend from Illinois referred on yesterday. I trust my colleague will not forget this. If he should forget to call the attention of his constituents to the spirit which has inspired this appropriation of excessive millions, I certainly would be justified in calling their attention to the spirit in which he himself has voted for the appropriation of the public money, voting for the largest sums, the largest number of officers, and the largest salaries, during the period that he has honored this House with his presence.

Mr. Speaker, I regret that the committee appointed by this House some months ago to inquire into the construction of this Library building has not been able up to this time to submit its report, with the testimony taken, to the House. The absence of a member of the committee—the only member who found it convenient to attend its meetings, except myself, the gentleman from Wisconsin [Mr. CASWELL]—has prevented that report from being submitted. I wish to state in a word what that report will be, in substance, when presented.

The committee will report that the whole history of the period demonstrates the fact that Congress passed the act of 1886, authorizing the construction of this Library building, with a distinct understanding that a proper and careful estimate had been made, and that the building to be erected, the plan of which was then exhibited to the House, as it is to-day, would cost, when completed in all its parts, $3,262,600; that the House acted on that information; that the estimate was before the House not only by two successive reports of the Committee on the Congressional Library, but also in the elaborate speech made by the able and distinguished gentleman, then a Representative from the State of Mississippi, General Singleton, who was chairman of that committee—a gentleman of the highest standing, and who was himself undoubtedly deceived by the estimates which had been made; that as soon as that bill had passed and proper steps had been taken to begin the work, the commission, under the supervision of which the building was to be erected, entered upon the construction of the entire building, and that while the work is only fairly commenced it is now known that the building will cost at the lowest estimate $7,000,000, and in all human likelihood nearer $15,000,000 than $7,000,000.

As soon as General Vilas, as Secretary of the Interior, became the presiding officer of that commission he suspended the work upon the gigantic plan which was then in progress, and believing the commission possessed the power under the act of 1886 to modify the plan, a plan was adopted to construct only a fragment of the building, and the cost even of that is estimated at $4,000,000; but that effort will fail, as

all such efforts fail, because where a part is entered upon it will be absolutely certain Congress will find it necessary, having spent millions on the work, to go on and finish it in its entirety—the most gigantic structure, in cost at least, this Government has ever entered upon, not excepting even the National Capitol.

If the report of the committee was before the House it would recommend the work be suspended, that the House owes it to itself and to its sense of honorable legislation to suspend the work until the facts can be more carefully considered, and then further on we can begin the erection of a structure on the foundation already secured, and on a plan the cost of which shall be known in advance. I think, Mr. Speaker, the original proposition of the House Committee on Appropriations was the correct one, to suspend the work where it is and place the property under the charge of the Secretary of the Interior, advertise for new proposals for the structure to be erected, and it appropriated $10,000 for that purpose. When Congress meets in December next it will then, for the first time in the history of this long controversy, be able to legislate intelligently on this subject. I trust that line of policy will be adopted, and the House having proper regard for the integrity of our legislation will not hesitate to suspend this work, and will not carry out a law now known to be the result at least of misunderstanding and misrepresentation whether excusable or not. The enormous sum involved, if nothing more, demands this. I have said all I desire to say on the subject. The able speech of the gentleman from Illinois [Mr. PAYSON] has exhausted the subject. I ask the House to non-concur in the conference report, and to instruct the conferees on the part of the House to insist on the proposition adopted by the House, suspending this work until Congress, fully informed, can safely legislate on the subject.

[Here the hammer fell.]

Mr. ROGERS. How many minutes have I remaining?

The SPEAKER *pro tempore*. The gentleman has seven minutes remaining.

Mr. ROGERS. I will yield five minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I remember distinctly the feeling with which I supported the Library bill two years ago. I think many gentlemen voted for that bill almost under protest. My protest, my hesitation about the bill, was due to a doubt I had whether the plan adopted for the building was a good one. Other gentlemen who supported the bill had some objections either to the plan of the building or to the commission which was to have charge of it. Yet we voted for it, and I, for one, am not sorry that we did so.

Why did we support the bill in spite of some objections we had to some of its provisions? The reason was undoubtedly this: We wanted a national library worthy of this great and enlightened nation. We thought this was the only chance to get it. We found that there were many gentlemen in Congress, some of them of national reputation and great influence, who we thought were opposed to the project of having a national library at all. In view of that fact we voted for that bill in spite of our doubts as to some of its provisions for fear that if the bill failed we should not only not get such a library as the American people ought to have, but we should not get a national library at all.

I remember distinctly that the gentleman from Indiana [Mr. HOLMAN], who has just addressed the House, was in favor of a small library to be located in the Capitol. He wanted a Congressional library in the strict and original sense of the term. It was to contain only such books as would aid Senators and Members of Congress in the discharge of their Congressional duties. He proposed that all the books now in the Library of Congress not required for that purpose should be given away to some municipality which was willing to take charge of them and make them the basis of a circulating library.

Mr. HOLMAN. My plan was a Congressional Library and a District Library, the surplus books not required by the Congressional Library to be deposited in the latter.

Mr. ADAMS. Very well. It was the impression that many gentlemen in the House were like the gentleman from Indiana, opposed to a national library, properly so called, which induced many of us to vote for that bill as the best thing we could do. I know I voted for it under that impression, although I had some doubts as to the wisdom of adopting the plan of the building which was then before us.

Now, what is the proper thing to do? I am as anxious to see a proper building started as I was two years ago. The considerations which prevailed on me then to vote for the bill regardless of objections or doubts as to some of its provisions no longer exist. It is no longer a matter of doubt that a building suitable for a national library for this great Republic will be favored by a majority of the members of this House. The site is already purchased and I believe will not be changed.

The passage of the bill and the discussion that has taken place make it certain that if a reasonable plan is presented a majority of this House will favor its adoption. Now, what is the quickest way to reach the result? We can not do it by the mere adoption of this conference report. We shall need large appropriations year after year for several years. Will Congress appropriate liberally for this purpose when suspicion has been cast, justly or unjustly, on the plan proposed two years ago? I do not believe it. If we go on under this plan upon which some suspicion has been cast, Congress will appropriate in a niggardly way and with hesitation. If we wait three months and allow full investigation to be made and other plans to be presented, we shall lose no time whatever. Whether the present plan prevails or some other plan prevails, I am convinced that we shall make real progress by means of this short delay. At the end of five years we shall find ourselves nearer to the completion of such a Library building as we ought to have than if we adopt the conference report.

I am in favor of refusing to adopt the conference report because I am in favor of having a national library in the best and most beautiful library building in the world, whether it cost $3,000,000 or $10,000,000, and because I believe that at the end of five years we shall find that we have made more real progress in that direction than if we follow this line on which suspicion, just or unjust, has been cast.

I do not believe that a proper building will cost $10,000,000. I was struck by the figures presented by my colleague [Mr. PAYSON] in regard to the cost of the British Museum and other great library buildings abroad. I was surprised that they cost so little. Whatever a suitable building honestly and thoroughly built may cost, I am willing to vote for, for the sake of having a national library in the United States such as the people of this country desire and ought to have.

[Here the hammer fell.]

Mr. ROGERS. I now yield five minutes to the gentleman from Iowa [Mr. KERR].

Mr. KERR. Mr. Speaker, I am not disposed to question the line of policy adopted by a former Congress as to the construction of a Congressional Library building. I will assume that question has been already settled; and I think we ought to assume that another question has been also settled, that is, that the cost of whatever building may be erected shall not exceed the sum of three or four millions of dollars.

The estimates made to a former Congress in regard to the cost of the building certainly did not exceed the sum that I have named; and the action of Congress was doubtless influenced by that estimate. The most correct figures that I have been able to obtain indicate that between three and four millions of dollars was understood to be the total cost. We have already expended in regard to that matter, as I understand, the sum of $500,000 for a site.

Mr. HOLMAN. Five hundred and eighty-five thousand dollars for the site.

Mr. KERR. Five hundred and eighty-five thousand dollars, the gentleman reminds me; and about $400,000 for excavation and foundations.

Mr. HOLMAN. Five hundred and eighty-five thousand dollars for the site, and nearly $500,000 up to this time for work.

Mr. KERR. Five hundred thousand dollars for the excavations and foundations.

Mr. HOLMAN. The expenditures up to the present time, including the existing contracts, cover nearly $500,000.

Mr. KERR. So I understood. Now, it seems that the sums already expended, with the exception of the foundations, have been properly expended in the line understood to be adopted by the House; but I do not think the foundations are laid in accordance with what was the understanding of the country, and especially of the House, when the building was begun. I do not think the plan proposed, at the cost now indicated, was what the House understood it was to be when the building was started. It was not the understanding of the House that this nation was about to expend in the erection of the Congressional Library building from ten to sixteen millions of dollars. And I think the architect who furnished the plans, and who published a circular stating to the House that the building could be erected for less than $3,000,000, deceived the country and the House to the extent of $13,000,000. I would not, therefore, expend one dollar—one other dollar—in the erection of that building under his supervision.

I think we owe it to the people, we owe it to the tax-payers of this country to see to it that the men who make estimates for our public buildings shall be required to tell the truth in regard to the sums of money that are to be expended in the consummation of the plans they propose; and I think when the estimates they make deceive the country to the extent of ten millions of dollars, where an appropriation was originally only proposed for three millions of dollars, they should not expect, and certainly we should not undertake to grant them, a dollar more to be expended under their control in the construction of the building. It does not add any weight, in my mind, that men whom we all honor and admire stand on the floor of the House and say that these architects are their friends; that they were distinguished men from foreign countries and patriots thirty years ago. The question is whether they have faithfully, as architects, made recommendations in regard to the building intrusted to their charge that we could rely upon and say to our constituents, "You are to expend, you who pay the taxes, the sum named in this estimate, which is the sum we contemplated expending when the original appropriation was made." If that is not done, if we are not sure that is to be the cost, then we ought to stop the building just where it is. I do not believe in going on with the work under such circumstances. Let us find out where we stand. There can be no great harm in waiting for a few months. The winter will be on us

in a month or six weeks, so that this work would necessarily be stopped for a time, and no harm can accrue from stopping it now. The whole matter can then be settled by competent architects and experts in whom we have confidence before any great delay will occur in the construction of the building.

I therefore favor the proposition to pause and find out where we are and understand what we are doing before another appropriation is made.

[Here the hammer fell.]

Mr. ROGERS. I now yield five minutes to the gentleman from Alabama [Mr. COBB].

Mr. COBB. I do not desire to occupy the floor at this time.

Mr. ROGERS. Mr. Speaker, the object which prompted me in the beginning to seek the floor to submit certain observations in regard to this conference report has been in a great measure removed by the able presentation of the subject in the speech of the distinguished gentleman from Illinois [Mr. PAYSON]. I will, however, present two or three additional points which suggest themselves to me now, and to which I desire to invite the attention of the House.

As an original proposition, how many members of the present Congress, or how many of the last Congress, would have voted for the construction of a public library at a cost of $15,000,000? I have not fully investigated the subject, but I have heard no expressions, except from one source, that indicated more than one gentleman on this floor would have voted for that proposition. Secondly, as an original proposition, how many gentlemen now in this Congress would vote for the building now proposed to be constructed, which has been designated as a ten-pin alley by the gentleman from Illinois [Mr. PAYSON]? I undertake to say that if it were to come up as an original proposition for the building to be constructed on that plan for a library for the people of this country it would be ridiculed and hooted out of this body. It would not have received respectful consideration. What, then, is the conclusion, and the logical and inevitable conclusion? It is that if we proceed with the erection of the west wing of the Library, ultimately this entire building, as was intended by the original Smithmeyer plans, shall be constructed.

That is the proposition. So that it makes no difference what this report says; it makes no difference what this committee of conference may say; it makes no difference who draughted this report which has been read. It leads to the ultimate question of the expenditure of ten or fifteen millions to construct this Library building on the original Smithmeyer plan It is not contended, so far as I can ascertain, that anybody except Mr. Smithmeyer has offered to this House any opinions even approximating the cost of this building. Nobody has attempted to deny—or, if so, it is demonstrated beyond all controversy and beyond all reasonable doubt—that there has been a miscalculation made upon his part of from seven to ten million dollars on the cost of this building on the original plan. And will the Congress of the United States, the representatives of the people, with these facts staring them in the face and confronting them, proceed with the construction of a building of this kind, based upon an estimate which has been demonstrated to be so far at variance with the real facts, and upon that estimate alone? I take it that the statement of the proposition is all the argument that could be required against it. And if for any reasons that could be assigned you would not construct this west wing as an original proposition, what reason can be assigned for the construction of it now?

I have been unable in the scope of my inquiries to find any more than two reasons. One is that we have sunk a large amount of money in that excavation—say, $40,000; I do not know how much more in foundations, grouting, and things of that sort. Is it possible that having embarked in a scheme to construct a library upon estimates so false as to be at variance from seven to fifteen millions of dollars, and having ascertained that fact after we have spent forty or fifty thousand dollars in it, we should go forward on this plan and spend $15,000,000 ultimately in the construction of the building? It does seem to me that the mere statement of that fact is all the argument required on that point. That reason does not justify it. In the second place, it is said that the Government will be sued by Mr. Smithmeyer for these plans; and it is very true the courts are open to him to bring his suit. But, Mr. Speaker, the Congress of the United States, after a full and thorough investigation of this subject, will be enabled to deal with any judgment that Mr. Smithmeyer may recover in this matter. It will be enabled to do him justice and enabled to do the people whom we have the honor to represent justice when we come to pay him for any judgment he may recover.

And in this connection I submit this question: In view of this investigation and in view of the statement of facts made by the gentleman from Indiana [Mr. HOLMAN] as to what the report must be from the investigation already made, in view of the argument and the conceded and demonstrated facts shown here by the gentleman from Illinois [Mr. PAYSON] yesterday, is it wise even to submit to a non-judicial investigation the ascertainment and payment of his claims or equities in this controversy without having it reported back to Congress? Yet that is one of the propositions embraced in the conference report now under consideration. I submit, therefore, Mr. Speaker, that the construction of the west wing of this building as determined upon by the conference report is not the real proposition presented here. The proposition presented is the construction, at a cost unknown and unestimated for, except by Mr. Smithmeyer, of the original building which he first said would cost three millions, but which, I understand, he now admits must cost at least ten millions, and, it is said, even as much as $15,000,000.

That is the proposition, and it is the only proposition. That is the proposition that is to be read between the lines of this conference report, and the question presents itself now, as it did in the Forty-eighth Congress: Are we willing to construct in the District of Columbia, for a public library, a building that shall cost more than the Capitol of the nation? I think, Mr. Speaker, that the statement of that proposition—and it is the real proposition presented—is all the argument that can be required. Can we defend it before our constituencies?

But, again, what guaranty have we in this conference report that if we shall surrender the future management and construction of this building to the War Department we shall not have a repetition of the same thing?

In putting this question I put it upon the broad assumption of the perfect integrity, of the great ability, of the architectural capacity, of everything that is complimentary to the present head of that Department. But, as was said upon yesterday, in a day he may be under the sod, his hands may be folded across his breast, and his eyes closed, and another may take his place. That other may be his equal in every regard, or may be infinitely his inferior. So when we intrust to the Department this building, without estimate, without plan, with the power to alter, with the power to do everything that the commission had originally power to do, what guaranty have we that when Congress shall assemble on the 4th of next December we shall not have upon our hands the same white elephant that we have to-day? I insist, therefore, that it is the part of wisdom, the part of business sense, the part of representatives of the people who are charged with the proper and correct appropriation of the public money, that before we take another step in the direction of the construction of this building we shall know what we are going to build, we shall have reliable and just estimates as to the cost of what is to be built, so that the Congress of the United States, when it is called upon to assume that responsibility which belongs to it, can demonstrate to the country, what it is now unable to demonstrate, that it has taken all proper precautions and thrown all proper safeguards around the expenditure of public money.

It was said by the gentleman from Pennsylvania [Mr. JACKSON] that this was a contest between architects. That may be true in his mind, but it is absolutely untrue in mine. I do not know Mr. Smithmeyer. I do not know any other of the architects that have had connection with this building. With me it is solely a practical business question which presents itself, a question which would present itself to the mind of every member of this body if he were engaged in the construction of a building for his own use, to be paid for from his own bank account. From this point, and this point alone, I view it. It was the pleasure of the gentleman from Pennsylvania [Mr. KELLEY] in his place yesterday to express his friendship and his gratitude toward the distinguished gentleman who has been engaged on that work. Mr. Speaker, the most unwise, the most unsafe standpoint from which any legislator can view a business proposition involving the expenditure of ten, twelve, or fifteen millions of public money is the standpoint of strong personal friendship and profound gratitude.

We can not consider business propositions from that standpoint; and even the gentleman from Pennsylvania, the long personal friend of this architect, and who, as he says, is under the obligation of gratitude to him, is unable on this floor to meet the facts as developed by this investigation, which, as said by the gentleman from Illinois, and as I repeat, unless they can be overturned, would be sufficient to warrant the verdict of a petit jury—facts which demonstrate this architect's incapacity or his bad faith toward the Congress of the United States. The highest principle of equity and good conscience required this man to speak when he ascertained that Congress was laboring under a misapprehension which had grown out of his estimates. If he stood by in that hour and remained silent when good conscience required that he should speak, every principle of common justice and equity denies him the right to be heard now, when he seeks to speak.

Therefore, Mr. Speaker, in view of what has been developed in the progress of this investigation (I have personally made no examination so far as the facts are concerned) it would be the height of absurdity, it would be the extreme of injustice toward the people of the United States, if we did not now temporarily suspend the work on this building until we can get plans and estimates, and determine approximately the cost of construction, so that we may then go forward in the discharge of public duty with such reasonable light as will enable us to do justice to ourselves and those whom we represent.

Mr. Speaker, I reserve the rest of my time.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. FORNEY. Mr. Speaker, there was an understanding that the gentleman from Arizona [Mr. SMITH] should have fifteen minutes.

The SPEAKER *pro tempore*. Outside of the hour?

Mr. FORNEY. Yes, sir. He will now occupy those fifteen minutes.

[Mr. SMITH, of Arizona, withholds his remarks for revision. See APPENDIX.]

Mr. FORNEY. I yield five minutes to the gentleman from New York [Mr. FARQUHAR].

Mr. FARQUHAR. Mr. Speaker, as a member of the Forty-ninth Congress, and as one who paid some attention to the pending matter when it was then discussed, permit me to say that I am sorry to find in this debate some remarks which seem to cast doubt on the fidelity of General Singleton, the chairman of the Library Committee, as well as upon the good sense of the two-thirds of the members of that Congress who voted for the passage of the bill.

My recollection of that debate, which began on the 24th day of March, 1886, and finished on April 5, is that there were two main features discussed; and in the debate the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Tennessee [Mr. MCMILLIN] and others made the chief contention that there was a "job" involved in the amount of money appropriated for the purchase of the site. It was contended at that time (while $550,000 was named as the sum to be paid for that purpose) that no one could tell, considering the valuable buildings to be torn down, whether or not in the end it would not amount to a million of dollars or over. Well, time has proved, sir, that it did not cost more than the estimate at that time made by the Library Committee.

The other feature of the debate was as to whether the Library should be an extension of the present Capitol building or an entirely new structure; the contention being on the part of members of this House that the present Library was not fire-proof. It was also contended that it would be marring the present architectural beauty of the Capitol to add the new building to it.

Now, I wish to refer simply to General Singleton's position, because I believe it is due to an absent member that he should be placed right on this question, and to show that not one member of the Forty-ninth Congress was hoodwinked as to the action proposed to be taken on the cost of the building.

Mr. MCMILLIN. Will the gentleman permit me to interrupt him a moment?

Mr. FARQUHAR. Yes, sir.

Mr. MCMILLIN. It never was intimated on this floor at any time that this building was to cost $10,000,000. If it had been, I do not believe, with all the job that was in it, that it would ever have gone through.

Mr. FARQUHAR. In response to the gentleman from Tennessee let me quote the closing remarks of the gentleman from Texas [Mr. REAGAN], who gave as much care and attention to the subject as any member of the House. He used this language:

> This bill makes an appropriation, but it is only for the purchase of the site or possibly for the purchase of a part of the site and for the beginning of the building, without any statement in the bill as to what the Library building is to cost. We have had estimates all the way from two millions and a half to eighteen million dollars for the construction of the Congressional Library.

[Applause.]

Mr. MCMILLIN. There was no estimate.

Mr. FARQUHAR. And not one word was said in opposition to that statement. Let me state to the gentleman from Tennessee that I was looking at the record of this debate, because my recollection ran back to it, and that the gentleman himself said on the floor of the House that while they named $2,000,000 as the sum, no man in the world knew whether it was going to cost six, eight, or ten millions.

Mr. MCMILLIN. I said then, as I say now, that it was an enormous job; and that the amount was not properly stated by those in charge of the bill. But it never was intimated that this building was going to cost anything like $8,000,000.

Mr. FARQUHAR. I have just read the statement of Mr. REAGAN, and now I wish to read from General Singleton's own speech when this matter was presented to the House in the Forty-ninth Congress. He says:

> The appropriations asked for will be $500,000 to begin the work, $1,000,000 at the next session to continue it, and $823,600 at the succeeding session to complete it. This, of course, does not embrace the purchase of the site. It is confidently believed that these sums will finish the building so far as needed at present and for many years to come.

[Applause.]

And I pretend to say that no man, independent of the pamphlet or otherwise, can prove but what in the Forty-ninth Congress we voted blindly of the ultimate cost, or voted the exact amount that was believed to be necessary to complete the building. In view of the statements made I am satisfied that the exact amount was not known, and I think any man who will look at the debates will be satisfied of the fact. I think, therefore, the Library Committee ought to be freed from any taint of suspicion, or Mr. Smithmeyer either, in having hoodwinked any member of the House in regard to this question of cost.

Mr. PAYSON. I hope the gentleman from Alabama [Mr. FORNEY] will yield me a single minute that I may ask a question of the gentleman from New York [Mr. FARQUHAR].

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. FORNEY. I would like to have this letter read. I will say, Mr. Speaker, I made a statement yesterday that the building under Plan No. 1 would hold a million and a half volumes. Since that time Mr. Pelz, one of the architects, has made an estimate. He says that instead of holding a million and a half volumes it will hold 1,778,592 volumes, when that building is completed under Plan No. 1 which is now before the House; and it will be sufficient for thirty-four years to come. I ask that the Clerk read the letter.

The Clerk read as follows:

OFFICE OF THE ARCHITECT OF THE CONGRESSIONAL LIBRARY BUILDING,
Washington, D. C., September 19, 1888.

DEAR SIR: In my verbal statement to Hon. LEWIS E. PAYSON, of Illinois, regarding the amount of space in the reduced plan of the Library building, designated as Plan No. 1, I had made no detailed computation, as I was uninformed of the actual uses to which the various spaces in the reduced plan would be applied.

I had supposed that the original design for a large gallery for the exhibition of works of the graphic arts belonging to the Library would be preserved, and that the corner pavilions would be applied, not to the storage of books, but to the copyright records and other uses.

I now find that your design upon which you based your testimony before the Senate Committee on Appropriations contemplated the devotion of all the space in Plan No. 1 to the uses of a library proper, except the large rooms immediately adjoining the rotunda, which are fitted for the copyright business and for reading-rooms for Senators and Representatives, the art gallery also being postponed in the reduced design.

Upon a careful computation now made I find that the actual accommodation for books in Plan No. 1 will be as follows:

	Volumes.
Interior of reading-room	260,000
Four book repositories connected with rotunda	388,592
Two corner pavilions	350,000
Two curtains or corridors connecting pavilions with main Library	780,000
Total	1,778,592

On the basis suggested by you of 600,000 volumes for the existing Library, and fifteen years' growth at the rate of 36,000 volumes per annum, you will have a total of 1,140,000 volumes at the end of fifteen years, giving room in Plan No. 1 for the storage of 668,592 volumes more than the computed increase.

Yours, very respectfully,

PAUL J. PELZ.

Hon. A. R. SPOFFORD,
Librarian of Congress.

The SPEAKER *pro tempore*. The time for debate has expired.

REGULATION OF COMMERCE.

The SPEAKER *pro tempore*. The Chair will announce as conferees on the part of the House on the disagreeing votes of the two Houses on the House amendments to the Senate bill 2851, to amend an act entitled "An act to regulate commerce," approved February 4, 1887, the gentleman from Georgia, Mr. CRISP, the gentleman from Iowa, Mr. ANDERSON, and the gentleman from Pennsylvania, Mr. O'NEILL.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question now is on agreeing to the conference report on the sundry civil appropriation bill.

The question was put, and the Speaker *pro tempore* announced that the "noes" seemed to have it.

Mr. FORNEY. I ask for a division.

The House divided; and there were—ayes 45, noes 48.

Mr. FORNEY. I ask for tellers.

Mr. BLOUNT. Mr. Speaker, let us have the yeas and nays.

Mr. PAYSON. I hope my friend from Georgia will withdraw the call for the yeas and nays.

Mr. BLOUNT. I will for the present withdraw the call for the yeas and nays.

Tellers were ordered.

Pending the count,

Mr. BLOUNT said: I ask for the yeas and nays. I think it is for the interest of this House to have a yea-and-nay vote.

The SPEAKER *pro tempore*. The Chair will announce the result of the vote as reported by the tellers. The ayes are 63, the noes 65.

Mr. BLOUNT. I renew my request for the yeas and nays.

Mr. FORNEY. I hope the yeas and nays will not be ordered.

Mr. DINGLEY. I would suggest to the gentleman from Georgia that if the yeas and nays be ordered it will disclose the want of a quorum and prevent any business being transacted.

Mr. BLOUNT. That would not be hurtful.

The question was put on ordering the yeas and nays, and the Speaker *pro tempore* announced that twenty-one gentlemen had arisen in support of that demand, not a sufficient number.

The other side was demanded.

The SPEAKER *pro tempore* (after a count). Seventy-five gentlemen have arisen, and the yeas and nays are ordered.

Mr. BURROWS. Let us have tellers on ordering the yeas and nays.

Tellers were ordered, and the Speaker *pro tempore* appointed the gentleman from Michigan [Mr. BURROWS] and the gentleman from Georgia [Mr. BLOUNT].

The SPEAKER *pro tempore*. The tellers report—ayes 22, noes 17; and the yeas and nays are ordered.

The question was taken; and there were—yeas 68, nays 77, not voting 179; as follows:

YEAS—68.

Allen, Miss.	Forney,	Laird,	Robertson,
Arnold,	French,	Lind,	Rowell,
Atkinson,	Funston,	Lyman,	Russell, Conn.
Baker, N. Y.	Gay,	McComas,	Ryan,
Baker, Ill.	Grout,	McCormick,	Sawyer,
Bayne,	Hermann,	McKenna,	Scull,
Bound,	Hiestand,	Milliken,	Seney,
Browne, Ind.	Hires,	Morrill,	Seymour,
Bunnell,	Hitt,	Morrow,	Taulbee,
Burrows,	Hooker,	Nelson,	Taylor, E. B., Ohio
Cannon,	Hopkins, N. Y.	Nutting,	Thompson, Cal.
Caruth,	Hovey,	O'Neill, Mo.	Vandever,
Catchings,	Hudd,	Osborne,	Warner,
Crouse,	Jackson,	Owen,	White, Ind.
Dingley,	Kelley,	Patton,	Whitthorne,
Dougherty,	Kennedy,	Perkins,	Wickham,
Farquhar,	Lagan,	Post,	Yoder.

NAYS—77.

Abbott,	Cummings,	Laffoon,	Richardson,
Adams,	Dockery,	La Follette,	Rogers,
Anderson, Iowa	Elliott,	Landes,	Rowland,
Anderson, Miss.	Flood,	Lane,	Sayers,
Bankhead,	Fuller,	Lanham,	Sowden,
Barnes,	Gibson,	Lawler,	Spinola,
Bland,	Grimes,	Mansur,	Springer,
Bliss,	Hall,	Martin,	Stewart, Ga.
Blount,	Hare,	McClammy,	Stockdale,
Burnes,	Haugen,	McCreary,	Stone, Ky.
Campbell, F., N. Y.	Heard,	McMillin,	Stone, Mo.
Carlton,	Henderson, N. C.	Merriman,	Struble,
Cheadle,	Herbert,	Moffitt,	Turner, Ga.
Clark,	Holman,	Moore,	Wheeler,
Clements,	Holmes,	Oates,	Williams,
Cobb,	Hopkins, Va.	Payson,	Wilson, Minn.
Conger,	Hutton,	Peel,	Wilson, W. Va.
Cothran,	Johnston, N. C.	Penington,	
Crisp,	Kerr,	Phelan,	
Culberson,	Kilgore,	Plumb,	

NOT VOTING—179.

Allen, Mass.	Dalzell,	Kean,	Romeis,
Allen, Mich.	Dargan,	Ketcham,	Russell, Mass.
Anderson, Ill.	Darlington,	Laidlaw,	Rusk,
Anderson, Kans.	Davenport,	Latham,	Scott,
Bacon,	Davidson, Ala.	Lee,	Shaw,
Barry,	Davidson, Fla.	Lehlbach,	Sherman,
Belden,	Davis,	Lodge,	Shively,
Belmont,	De Lano,	Long,	Simmons,
Biggs,	Dibble,	Lynch,	Smith,
Bingham,	Dorsey,	Macdonald,	Snyder,
Blanchard,	Dunham,	Maffett,	Spooner,
Boothman,	Dunn,	Mahoney,	Stahlnecker,
Boutelle,	Enloe,	Maish,	Steele,
Bowden,	Ermentrout,	Mason,	Stephenson,
Bowen,	Felton,	Matson,	Stewart, Tex.
Breckinridge, Ark.	Finley,	McAdoo,	Stewart, Vt.
Breckinridge, Ky.	Fisher,	McCullogh,	Symes,
Brewer,	Fitch,	McKinley,	Tarsney,
Brower,	Foran,	McKinney,	Taylor, J. D., Ohio
Browne, T. H. B., Va.	Ford,	McRae,	Thomas, Ky.
Brown, Ohio	Gaines,	McShane,	Thomas, Ill.
Brown, J. R., Va.	Gallinger,	Mills,	Thomas, Wis.
Brumm,	Gear,	Montgomery,	Thompson, Ohio
Bryce,	Gest,	Morgan,	Tillman,
Buchanan,	Glass,	Morse,	Tracey,
Buckalew,	Glover,	Neal,	Townshend,
Burnett,	Goff,	Newton,	Turner, Kans.
Butler,	Granger,	Nichols,	Vance,
Butterworth,	Greenman,	Norwood,	Wade,
Bynum,	Grosvenor,	O'Donnell,	Walker,
Campbell, Ohio	Guenther,	O'Ferrall,	Washington,
Campbell, T. J., N. Y.	Harmer,	O'Neall, Ind.	Weaver,
Candler,	Hatch,	O'Neill, Pa.	Weber,
Caswell,	Hayden,	Outhwaite,	West,
Chipman,	Hayes,	Parker,	White, N. Y.
Clardy,	Hemphill,	Perry,	Whiting, Mich.
Cockran,	Henderson, Iowa	Peters,	Whiting, Mass.
Cogswell,	Henderson, Ill.	Phelps,	Wilber,
Collins,	Hogg,	Pidcock,	Wilkins,
Compton,	Hopkins, Ill.	Pugsley,	Wilkinson,
Cooper,	Houk,	Randall,	Wise,
Cowles,	Howard,	Rayner,	Woodburn,
Cox,	Hunter,	Reed,	Yardley,
Crain,	Johnston, Ind.	Rice,	Yost.
Cutcheon,	Jones,	Rockwell,	

On motion of Mr. NELSON, the reading of the names of members voting was dispensed with.

Mr. DALZELL. Mr. Speaker, I voted ay under a misapprehension. I find that I am paired, and I therefore withdraw my vote.

The following-named members were announced as paired on all political questions until further notice:

Mr. WILKINS with Mr. LONG.
Mr. RANDALL with Mr. LODGE.
Mr. SCOTT with Mr. GROSVENOR.
Mr. WILSON, of West Virginia, with Mr. MCCOMAS.
Mr. HATCH with Mr. STEWART, of Vermont.
Mr. OUTHWAITE with Mr. MCKINLEY.
Mr. COMPTON with Mr. GOFF.
Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. JONES with Mr. BOWDEN.
Mr. WALKER with Mr. ROMEIS.
Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.
Mr. BRICE with Mr. GAINES.
Mr. NEAL with Mr. HAYDEN.
Mr. TIMOTHY J. CAMPBELL with Mr. WEST.
Mr. SPINOLA with Mr. THOMAS, of Wisconsin.
Mr. BOUTELLE with Mr. WISE.
Mr. TILLMAN with Mr. FINLEY.
Mr. CANDLER with Mr. BREWER.
Mr. FISHER with Mr. LEHLBACH.
Mr. BYNUM with Mr. STEELE.
Mr. GREENMAN with Mr. SHERMAN.
Mr. RUSK with Mr. O'DONNELL.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. SNYDER with Mr. YOST.
Mr. FORD with Mr. GUENTHER.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. CLARDY with Mr. WADE.
Mr. PERRY with Mr. SPOONER.
Mr. O'FERRALL with Mr. MASON.
Mr. BIGGS with Mr. MORROW.
Mr. BELMONT with Mr. DAVENPORT.
Mr. GRANGER with Mr. ROCKWELL.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. TURNER, of Georgia, with Mr. REED.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. DARLINGTON with Mr. MOORE.
Mr. PIDCOCK with Mr. PHELPS.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. MCKINNEY with Mr. BOOTHMAN.
Mr. ANDERSON, of Mississippi, with Mr. PETERS.
Mr. LYNCH with Mr. YARDLEY, until further notice.
Mr. BACON with Mr. CASWELL, until further notice.
Mr. MCADOO with Mr. BRUMM, until further notice.
Mr. MAHONEY with Mr. BROWN, of Ohio, until further notice.
Mr. MCSHANE with Mr. LAIRD, until further notice.
Mr. BURNETT with Mr. JOHNSTON, of Indiana, until further notice.
Mr. SHIVELY with Mr. OWEN, until further notice.
Mr. BRECKINRIDGE, of Arkansas, with Mr. BINGHAM, until further notice.
Mr. LATHAM with Mr. GEST, until further notice.
Mr. GLASS with Mr. KETCHAM, until further notice.
Mr. WASHINGTON with Mr. WEBER, until further notice.
Mr. MILLS with Mr. JOSEPH D. TAYLOR, until further notice.
Mr. NEWTON with Mr. FELTON, until further notice.
Mr. SIMMONS with Mr. BUNNELL, until further notice.
Mr. COWLES with Mr. THOMPSON, of Ohio, until further notice.
Mr. DIBBLE with Mr. BELDEN, until further notice.
Mr. GLOVER with Mr. COOPER, until further notice.
Mr. NORWOOD with Mr. PARKER, until further notice.
Mr. RAYNER with Mr. DE LANO, until further notice.
Mr. DUNN with Mr. DORSEY, until further notice.
Mr. MERRIMAN with Mr. STEPHENSON, until further notice.
Mr. WILKINSON with Mr. DALZELL, until further notice.
Mr. ERMENTROUT with Mr. GALLINGER, until further notice.

The following-named members were announced as paired for this day:

Mr. RICE with Mr. HARMER.
Mr. ENLOE with Mr. NICHOLS.
Mr. TOWNSHEND with Mr. HENDERSON, of Iowa.

Mr. JOHNSTON, of North Carolina. The gentleman from South Carolina [Mr. DARGAN] is detained at his room by illness.

Mr. LEHLBACH. Mr. Speaker, I voted not understanding that I was paired. I withdraw my vote.

Mr. TURNER, of Georgia. Mr. Speaker, although paired with the gentleman from Maine [Mr. REED], I have voted in order to make a quorum.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BUTTERWORTH was granted indefinite leave of absence, on account of important engagements.

The SPEAKER *pro tempore*. Upon this question the yeas are 67 and the nays are 77. No quorum has voted.

Mr. MCMILLIN. Mr. Speaker, there being no quorum present, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 2 o'clock and 25 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUTLER: Petition of the son of Sarah L. McFarland, of

Washington County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CATCHINGS: Petition of John Bianchi, administrator of Nicholas Sanguinetta, of Warren County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. DAVIS: Papers in case of the widow of Capt. William M. Blye, for relief—to the Committee on Invalid Pensions.

By Mr. DINGLEY: Petition of Alden Chase and 25 others, citizens of North Woodstock, and of the Androscoggin County Grange, of Maine, in favor of pure food—to the Committee on Agriculture.

By Mr. GAY: Petition of Emarante W. Gaule, of Lafourche Parish, Louisiana, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOGG: Petition of George McKendree, administrator of America Holderby, of Cabell County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of Andrew J. McNabb, of Rutherford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTSON: Petition of Charles Sidney Lobdell, of West Baton Rouge Parish, Louisiana, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of Mrs. Sue Milhouse, of Giles County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *September* 20, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FRYE. I present resolutions in the nature of a petition from citizens of Bath, Me., which read as follows:

Whereas that fearful scourge and dreaded disease, yellow fever, has again attacked a portion of our land, and rendered large, populous, and thriving cities and towns helpless; and

Whereas the pestilence bids fair to spread to other sections of our country, with sorrow, pain, and death following in its wake: Therefore,

Resolved, That the citizens of Bath, in mass meeting assembled, believing that private aid will fail to fully meet the exigency, are earnestly of the opinion that the strong arm of the National Government should be promptly extended to the relief of a suffering people.

Resolved, That we most respectfully urge our Senators and Representatives in Congress to use their best efforts in securing a generous appropriation by the National Government that may be expended under wise and prudent direction in alleviating the suffering of our fellow-citizens of the South.

J. W. WAKEFIELD, *Chairman*.
CHAS. F. HOLBROOK, *Secretary*.

I move the reference of the resolutions to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of the Yearly Meeting of Friends of the State of Iowa, praying for the passage of the joint resolution providing for the submission to the several States of an amendment to the Constitution of the United States prohibiting the manufacture, sale, etc., of all alcoholic beverages in the United States; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 6619) for the relief of Eliza A. Cutler Jones, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 7843) granting to Citrous Water Company right of way across Papago Indian reservation in Maricopa County, Arizona, reported it with amendments.

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report favorably, without amendment, the bill (S. 3557) to ratify and confirm certain agreements with the Upper and Middle bands of Spokane Indians, the Cœur d'Alene Indians, the Lower Pend d'Oreille or Calispel Indians, and the confederated bands of Flathead, Pend d'Oreille, and Kootenay Indians, in Washington, Idaho, and Montana Territories, and for other purposes.

Mr. President, I have had occasion to ask many indulgences of the Senate in regard to bills from the Committee on Indian Affairs, but this bill comes to the Senate under peculiar circumstances, and I should like to state what it is and ask further indulgence that it may be put on its passage now.

The PRESIDENT *pro tempore*. The Chair will receive formal morning business, if there be no objection, and recognize the Senator later.

Mr. DAWES. Very well.

Mr. JONES, of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas, to report it with certain amendments in the preamble. I ask leave of the Senate to present a report in writing on the bill at a subsequent time.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. The report in writing will be received hereafter.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 3225) for the relief of David Morrow, reported adversely thereon; and the bill was postponed indefinitely.

Mr. STOCKBRIDGE, from the Committee on Indian Affairs, to whom was referred the bill (S. 1830) for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1881) to amend an act entitled "An act for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin," approved February 6, 1871, reported it with amendments, and submitted a report thereon.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (H. R. 11101) to include Sapelo Sound, Sapelo River, and Sapelo Island, in the Brunswick collection district in the State of Georgia, reported it without amendment.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3104) granting an increase of pension to Albert H. Smith, reported it with amendments, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Printing, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 2661) to amend the act approved March 1, 1887, concerning the pay of hospital stewards, United States Army, reported it with an amendment, and submitted a report thereon.

Mr. DANIEL, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Commerce, to whom was referred an amendment submitted by Mr. CALL on the 17th instant, intended to be proposed to the general deficiency appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, reported it with amendments.

Mr. BUTLER, from the Committee on Naval Affairs, reported a bill (S. 3573) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations, near Pensacola, in the State of Florida; which was read twice by its title.

CIRCUIT COURT POWERS.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the bill (S. 3234) to abolish circuit court powers of certain district courts of the United States, and for other purposes, together with an amendment proposed by the House of Representatives, to report the same back with a recommendation that the Senate disagree to the amendment of the House, and request a conference thereon.

The PRESIDENT *pro tempore*. If there be no objection, the motion of the Senator from Vermont, reported from the Committee on the Judiciary, will be regarded as agreed to, and the managers of the conference will be appointed by the Chair if there be no objection.

The PRESIDENT *pro tempore* appointed Mr. EDMUNDS, Mr. WILSON of Iowa, and Mr. VEST as the conferees on the part of the Senate.

MRS. ADELINE COUZINS.

Mr. DAVIS. I desire to call up at this time the bill (S. 2356) to provide a pension for Mrs. Adeline Couzins, for the purpose of moving to concur in the amendment of the House of Representatives.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the amendment of the House of Representatives to the bill, which will be stated.

The CHIEF CLERK. In line 3, before the word "dollars," strike out the word "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Adeline Couzins, at the rate of $30 per month.

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 3574) for the relief of the Potomac Steam-boat Company; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3575) for the relief of the Norfolk County Ferry Committee; which was read twice by its title, and referred to the Committee on Claims.

CALIFORNIA CLAIMS.

Mr. DOLPH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a statement of the allowances heretofore admitted by the several accounting officers of the Treasury in behalf of the State of California, and certified in settlement No. 3249 of 1888, on account of reimbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities, act June 27, 1882.

PURCHASE OF SEEDS.

Mr. HAWLEY. I present the petition of D. Landreth & Sons, of Philadelphia; J. M. Thorburn & Co., of New York City; Crosman Brothers, of Rochester, N. Y., and eight other firms and individuals of the American Seedsmen's Protective League, praying that a committee be appointed to ascertain and report the facts concerning the purchase of seed by the seeds division of the Department of Agriculture.

I offer also a resolution, to be, with the petition and sundry papers, referred to the Committee on Agriculture and Forestry.

The resolution was read, as follows:

Resolved, That the Committee on Agriculture is instructed to inquire and report concerning the purchase of seeds for distribution by the seeds division of the Department of Agriculture, and for that purpose it shall have power to send for persons and papers and administer oaths. The expenses of said inquiry shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

Mr. BUTLER. I should be very glad, if the Senator from Connecticut would have no objection, that the scope of the resolution might be enlarged a little, and that the committee be also instructed to report as to the advisability of abolishing the purchase of seeds by the Department of Agriculture.

Mr. HAWLEY. That is a very serious business, as gentlemen will find if they undertake it. I prefer that the investigation shall be confined to this matter, and that so great a change in the Agricultural Department shall be left for independent consideration.

The PRESIDENT *pro tempore*. The resolution, under the rules, will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; and the petition will be referred to the Committee on Agriculture and Forestry.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore*. If there be no further resolutions, concurrent or other, the Chair lays before the Senate an order coming over from yesterday, which will be read.

The Chief Clerk read the order reported from the Committee on Foreign Relations September 19, 1888, by Mr. EDMUNDS, as follows:

Ordered, That the President of the Senate be directed to withhold the transmission to the House of Representatives of the act (House bill 11336) entitled "An act to prohibit the coming of Chinese laborers to the United States" until the further direction of the Senate.

Mr. DAWES. I ask unanimous consent that that may be laid aside for a moment, that I may ask for the consideration of the bill I reported this morning.

Mr. EDMUNDS. If the Senator will pardon me, I will state that I understand the Chinese restriction bill has left the possession of the Senate in due course and has gone to the House of Representatives. The resolution of the Committee on Foreign Relations reported yesterday is, therefore, no longer applicable, and for aught I see we must leave the bill to take the fate there or elsewhere which I think it deserves. This resolution, therefore, may be laid upon the table.

Mr. TELLER. We do not hear in these back seats what the Senator says.

Mr. EDMUNDS. I was saying that, for the reasons I stated, as the bill has gone out of the possession of the Senate, the resolution reported yesterday is not applicable to the present state of the case, and therefore, so far as I am concerned, it may lie on the table.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will lie on the table.

RELATIONS WITH GREAT BRITAIN AND CANADA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate, under the order of the Senate yesterday, the resolution submitted by the Senator from Ohio [Mr. SHERMAN], on the 17th instant, directing the Committee on Finance to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada.

Mr. PLUMB. I understand that an understanding has been had between those who are interested in the resolution and its discussion that it shall lie over for the time being.

Mr. MORGAN. Until Monday.

Mr. PLUMB. Until Monday.

The PRESIDENT *pro tempore*. Shall it then be called up as current business under the call for resolutions or go to the Calendar?

Mr. MORGAN. Let it be called up then as current business.

The PRESIDENT *pro tempore*. If that be the understanding, that order will be made.

REMOVAL OF INDIANS.

Mr. DAWES. I ask unanimous consent that the bill I reported this morning from the Committee on Indian Affairs may be considered at this time. I will state to the Senate, if it is desired, the reason why I ask action now.

Mr. MITCHELL. I wish to inquire if it will take any time.

Mr. DAWES. No longer than to read the bill, I am confident. If it should, of course I would not press its consideration now.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 3557) to ratify and confirm certain agreements with the Upper and Middle bands of Spokane Indians, the Cœur d'Alene Indians, the Lower Pend d'Oreille or Calispel Indians, and the confederated bands of Flathead, Pend d'Oreille, and Kootenay Indians, in Washington, Idaho, and Montana Territories, and for other purposes.

Mr. DAWES. The purpose of the bill is to provide for the immediate relief of these Indians. The Department of the Interior has information that they are in a very destitute and starving condition at this moment. The bill provides for their removal to the Cœur d'Alene and Colville reservations, where they will be abundantly well taken care of. The agreements made for that purpose were made two years ago, but have failed to be brought to the consideration of Congress for ratification until now.

A special messenger, an exceedingly intelligent Catholic priest, has been sent here on purpose to bring to the attention of the Department the destitute condition of these Indians at this moment. The Department sent him to the committee this morning. The bill has been reported unanimously. To pass it will take no longer time than to read it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

The CHIEF CLERK. Order of Business 1995, a bill (S. 3348) for the relief of George K. Otis.

Mr. MITCHELL. Mr. President——

Mr. PLUMB. I ask the Senator from Oregon to yield to me for a moment. If he is to speak according to the previous notice given, I desire to say that at the conclusion of his remarks I shall ask the Senate to continue the consideration of the bill creating the Department of Agriculture, with the hope and expectation that it will be disposed of before adjournment and in fact very soon after the consideration of it is resumed.

PRESIDENT'S ANNUAL MESSAGE.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the resolution offered by the Senator from Ohio [Mr. SHERMAN] referring the President's annual message to the Committee on Finance.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection, the resolution is before the Senate, and the Senator from Oregon will proceed.

Mr. MITCHELL. However widely the people of this country and the two great political parties may differ on some financial and political problems, there are certain propositions upon which in a great measure all are agreed. For instance, it is agreed on all sides by all political parties that such tariff and other revenue legislation should be enacted by Congress, as speedily as may be consistent with the importance of the subject, as will tend, first, to the reduction of our revenues and of the surplus in the Treasury; and second, that will remove existing inequalities in the tariff, and by the reduction of internal-revenue taxes reduce and equalize the burdens of taxation so far as possible. Furthermore, all must concede that constitutionally the Senate of the United States could have no jurisdiction of this subject, could make no legislative suggestion whatever by any bill, nor report any measure relating to it, until the House of Representatives had first taken the initiative by passing a bill and sending it to the Senate. This is, as we all know, fundamental, as clause 1, section 7, Article I, of the Constitution provides that—

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

All bills providing for a reduction or reform of the tariff are revenue bills. The two Houses of Congress as at present organized are divided politically, the Senate being Republican in majority, the House, Democratic. The present Congress convened on the first Monday of December last, now nearly ten months ago. Notwithstanding the fact that the President of the United States had on the second day of the present session, by an annual message in which no reference was made to

any other subject, called attention to this question, making such recommendations as he deemed wise, and which, by the way, were directly in the line of the doctrines and theories of a tariff for revenue only, which is but another designation of free trade, not until July 24 last, a period of seven and one-half months after the convening of Congress, did the House of Representatives present the Senate with a revenue bill.

Then, although the dog-days were upon us, although we had been in continuous session for nearly two-thirds of the entire year, although a great Presidential election is being waged and to be fought out before the American people and determined in the next three months, and in which it was expected by constituencies Senators and Members would give a helping hand in the shape of campaign work—although all these circumstances so patent to all would have more than justified the majority of this Senate in postponing even in committee a consideration of this important subject until the beginning of the next session, three months hence, it was determined by the Republican majority to waive all these objections, weighty as they are, and in the interest of good government meet and in so far as possible proceed with the investigation of this great question here and now before an adjournment shall take place; and in pursuance of this determination the subcommittee of the Finance Committee of the Senate have held sessions continued almost uninterruptedly by day and by night sessions with open doors, where not only Senators and Representatives of all political parties, but also the representatives of all the great industries and occupations of the country could be heard—where the laboring man and the artisan, as well as the manufacturer, the wool and cotton grower, the lumberman, the miner, the agriculturist, the fruit-grower, the ship-builder, the hop-producer, and the importer as well, had full opportunity to be heard. Those hearings are still progressing as rapidly as possible, and it is expected that at no distant day the full Committee on Finance will be ready to present, as they constitutionally may, an amendment in the shape of a substitute to what is known as the Mills or House bill. This House bill and the Senate substitute when reported, as we are already advised by that committee, will be each complete in and of itself and independent of the other.

The one—the House bill—following in the main the recommendations of the President, is a measure based in the main, except as to certain Southern products, upon the theory of a tariff for revenue only, or in other words, free trade pure and simple, clean cut and absolute, in so far as the principle upon which it is based is concerned, and absolutely in so far as very many of the great industries of this country are involved, and which in that bill are placed upon the free-list. It is free trade also professedly as to every article upon which a duty is exacted, inasmuch as it is publicly insisted by the friends of the measure that no duty, except just so much as may be necessary to raise sufficient revenue to meet the ordinary expenses of the Government, should be exacted. While this is the theory of the Mills or House bill, it is however a noticeable fact that the principle of protection is applied in the House bill as to duties on certain importations, mainly, however, as it will be seen, to those that come in competition with the productions of the Southern States, and for this reason I should not be surprised to hear it defended by some Senators who are not yet ready to swallow the doctrine of free trade, as a bill based on the principle of protection. The House bill, therefore, may very properly be regarded as a bill in the interest of the importer, a bill in opposition to American labor and American industries, a bill in the interest of free trade, and one which secures the hearty and enthusiastic approval, not only of every professed free-trader in the United States, but also of every free-trader and every free-trade journal throughout the domain of the British Empire.

On the other hand, the proposed Senate substitute will, we are assured, be one based from beginning to end, every schedule and every line, on the American doctrine of protection to American labor and American industries. While this substitute, if enacted into law, will, we are assured, reduce the annual revenues of the Government very materially, perhaps from $50,000,000 to $60,000,000, and will thus tend materially and rapidly to all necessary reduction of the surplus now in the Treasury, the amount of which has been fearfully misrepresented as we shall see later; while it will remove opportunities for frauds by false classifications and undervaluations, and reduce and equalize all irregularities in existing tariff laws; while it will largely reduce internal revenue taxes, it at the same time will do no injustice to any of the great industries of the country; it will nowhere bear down on either the laboring man, the agriculturist, the miner, or the manufacturer; it will strike at no struggling industry, either great or small; it will protect alike the interest of the producer and consumer, and give to each and all encouragement, support, and cause for future hope.

The Senate and the country therefore, to use a borrowed term, are to-day confronted with a question more important still, a question of more vital interest to the people of this country, a question that more nearly, and seriously, and vitally affects the general welfare and the present and future prosperity of the American people than can possibly in any possible event the condition of the national finances which the President in his annual message stated confronted Congress at the threshold of their legislative duties in December last. And that question is, as will be and as is virtually now, fully and fairly presented in the issue joined by these two bills—the House or Mills bill and the Senate substitute to be soon reported, and the general character of which all now fully understand—whether or not the Congress of the United States shall abandon the American doctrine of protection to American labor and American industries—a doctrine that nearly every government on earth except England has recognized, or is rapidly coming to recognize as the correct one, a doctrine which England herself practiced for hundreds of years, until she became so great and strong and powerful that she could compete successfully with all or any of the nations of the earth.

The great question is, shall we now abandon this theory and practice and adopt the free-trade policy of not only our greatest rival but our greatest and most formidable enemy? The question is, shall we turn our laboring men, our artisans, our producers, our manufacturers, our agriculturists, over to the tender mercies of a competition that lives and thrives and flourishes on the pauper labor of Europe, Asia, Africa, South America, and the islands of the seas? In other words, shall the Cobden Club of England and other free-traders of that country, dead and alive, dictate our policy, or shall we legislate in the interest of our *own* people without dictation from any foreign power or any foreign people? This is the great issue of the hour. This is the issue that must be fought out and determined, not alone by the American Congress, but by the people, the twelve million of voters of these United States of America at the approaching election in November next.

The question is not any longer what party is or is not in favor of readjustment. That is a dead issue, because it is favored by all parties. It is no longer a question which party is or is not in favor of reducing the surplus. That is obsolete for the same reason. The question is not now who is or who is not in favor of reducing taxation. This we all favor. The great financial problem, however, the overshadowing issue of the hour, is, *how* shall all this be done? Shall we accept the Mills bill and thus abandon the great fundamental doctrine of protection, a doctrine admitted, advocated, and urged by George Washington, Ben Franklin, Alexander Hamilton, Thomas Jefferson, James Madison, James Monroe, Andrew Jackson, Henry Clay, Daniel Webster, and others of our illustrious men, or shall we reject the Mills or House bill and by the adoption of a Senate substitute, such as has been indicated, adhere to a policy approved and supported by these great founders, builders, and defenders of the Republic, and under which it has bounded forward in the grand race of nations with such marvelous rapidity that in the great contest it has outstripped them all?

Under ordinary circumstances, Mr. President, I should have remained silent while the subject of the revision of the tariff was under consideration leaving the discussion to those whose experience and financial education as well as position on the Committee on Finance more thoroughly equip them for such duty. In view, however, of the very emphatic free-trade policy urged upon Congress by the President, and of the substantial adoption of that policy by the national House of Representatives, and of the *absolutely blighting effect* of such a policy, were it adopted, upon nearly every important industry of the Pacific coast, no Senator or Representative rom that section of our common country can, in justice to himself or his constituency, remain silent when this subject is under consideration. To remain mute at such a time would be to trifle with duty; to dodge responsibility would be cowardice; to fail to protest would be little less than criminal.

It is to be regretted, Mr. President, that in a great nation such as ours, first in wealth and in the greatness and grandeur of its institutions and the elevated plane of its public thought and political action, if not in population, there can not come to the assembled Congress from the pen of the Chief Executive recommendations upon this as upon all subjects, which, though in other respects might be subject to criticism, might be so essentially American in their nature, so pregnant with the vitalizing influences of American thought and American policy, and so distinctly opposed to all that is *un*-American or in any degree in sympathy with the thought or policy or interests of foreign powers, or in any respect in antagonism to our own, as to have commanded, without distinction of party, the co-operation of the American Congress.

To expect that much, however, is perhaps more than can with any reason be hoped for in a country divided into two great political parties, each struggling for the mastery, especially when the head of the administration is the nominee of his party for re-election, and hence we are divided here, and as we can not agree, the great controversy resolves itself into a gigantic inquiry, a great national, political *inquirendo* before the American people as the jury, as to whether the policy upon the subject of the tariff recommended by the President in his annual message and adopted by the national House of Representatives is one founded in justice to and in the interest of American labor, American industries, American development, and American progress, or whether it is not, upon the contrary, one calculated to depress and degrade labor, reduce wages, repress development, hinder progress, discourage enterprise, dwarf individual effort, paralyze capital, discourage friends at home, and encourage enemies abroad; and, in a word, a policy that will benumb the energies and arrest the development and progress of our nation.

This, Mr. President, is the vital question which the Fiftieth Congress is called upon to determine. And in this connection, it may be premised, it is once more, and more clearly than ever before, defined the old conflict which has so often in the past engaged the attention of

the American people, the conflict between the doctrines of free trade and the principle of protection to American industries in all their varied forms and American labor. Upon one proposition we can all agree, and that is that the great object in the administration of any government is, or at least should be, especially in a republican government, to bring the greatest possible good to the greatest number. We must all agree, furthermore, that whatever policy will bring the greatest strength to our national energies, that will more thoroughly infuse vitality into the great arterial ducts of the nation, that will more effectively animate the country's industries and promote their development, and thus equip our nation and our people for vigorous, prolonged, and successful effort in the great contest for supremacy among the nations of the earth, is the policy that should receive the approbation of each and every American citizen; and whenever a policy the reverse of this is proposed to the people of this country for their adoption, and it is sought to ingraft it upon national legislation, whether that course is suggested by a President elected to his high position by our votes or in spite of them, it should be met with our stern, resolute, united, and vigorous opposition. And it is a fact, moreover, that the great masses of the people of this country never have been in the past, and will not now be, slow to comprehend the effect upon their individual interests, and upon the general welfare, of any suggested legislation; and if it is deemed to be of a nature hostile to their interests, they will not hesitate to oppose it by their voice and votes, even although in so doing they may come in conflict with the views, policies, and recommendations of the head of an administration who succeeded to power in part by their influence and their votes.

Party ties are strong, I admit, but there are ties of national and individual interests that are stronger still. Great party leaders may, for the sake of sustaining the standard-bearer of their party, suffer their party ties to lead them unwilling captives in one direction, while their better judgments are all the while pointing in the opposite direction not only as the *proper*, but also the more *politic*, course; but the great *masses of the people*—the individual, intellectual, patriotic voters of this great country—never have been and never will be led into an indorsement by their votes of any policy which their educated judgments disapprove.

The history of the past furnishes many instances of the verification of this statement and of the operations and effects of combination in the interest of individual and national interests and by which administrations have been ruthlessly and sometimes mercilessly hurled from power. Thomas Jefferson was not by the American people elected to the Presidency so much on any distinctive principles or policy of his own, as by a combination of those interests and opinions which were opposed to the administration of Mr. Adams and to the measures of his administration, chief among which were the alien and sedition laws.

The administration of Martin Van Buren went down in the election of General Harrison, not so much because of any distinctive policy on the part of either personally, but rather by a combination of those in favor of a more rigid economy, of a protective tariff, and by those favoring the rights and interests of the soldiers of the war of 1812. So, also, in the case of Mr. Polk. The Democratic party had in the campaign of 1844 inscribed upon their banners in Pennsylvania and other manufacturing States, "Polk, Dallas, and the tariff of 1842;" in Pennsylvania it was "Polk, Dallas, Shunk, and the tariff of '42," and when power was reached they violated their pledges and enacted the free-trade tariff of 1846, and the result was that hundreds and thousands of the men who had voted to elevate Mr. Polk to the Presidency combined with the Whigs and hurled him from power by the election of Zachary Taylor. But in turn, four years afterwards, a great portion of the Whigs, becoming dissatisfied with the administration of Mr. Tyler, who succeeded General Harrison by death of the latter, and who apostatized, combined with the Democratic party, and the result was the dethronement of the Whig party by the election of Franklin Pierce. And so it is, and so it ever has been, and so it always will be, that by the power of combination of intelligent, patriotic men, personally and politically opposed to each other on many questions, the equilibrium of things has been maintained, fundamental errors have been arrested, the general welfare has been promoted, and the interests of the nation and of the people for the time-being have been advanced.

This idea which I have thus briefly hinted at was illustrated most beautifully more than a quarter of a century ago by one of the purest as well as one of the ablest of our now departed statesmen, when he said:

> The battle which perhaps decided the fate of most of Europe was won by the force of allied powers, and the chaplet that decked the brow of the world's mightiest hero was torn away by the power of combination. The tyranny and despotism of the mother country was overcome and destroyed by the flowing and fusion of French and American blood. Without this power of combination the sun of England might have set at Waterloo, and the reverberation of the last feeble echo of liberty might have been heard upon the hills of Yorktown. Side by side in these great struggles were commingled the voices of soldiers speaking different languages, the blood of patriots of different nations struggling for the attainment of one common end—the disenthrallment of millions then and yet unborn.

Possibly, Mr. President, that combination of dissatisfied Republicans with the Democratic party in 1884 may have in a certain sense and in a certain direction been productive of some temporary good to the country, although it must be confessed it is difficult to define at this time just in what respect, except it be the more perfect unification of the Republican party to-day. But now for the first time in the history of the present Administration a great fundamental proposition has been submitted for the consideration of the American Congress and American people. This recommendation of the President of the United States is entitled to respectful consideration; the views expressed in the last annual message of the President must not be brushed aside without examination, or with no more than a mere perfunctory investigation, as unworthy of careful consideration; upon the contrary, they must be met and considered fully, carefully, intelligently, from every conceivable standpoint and from all their different bearings, and if upon examination found to be reasonable, proper, and just, in harmony with the best interests of the Government and the people, then they should receive the cordial, hearty indorsement of every Senator upon this floor, whatever our political views have been or may be, and also by the great masses of the people of this country; but if, on the other hand, they are, after this careful investigation, found to be fallacious, un-American, and opposed to the true interests of our country and our people, then there should be no hesitation in resisting them to the extent of our power, irrespective of the question as to how we may have voted heretofore.

And speaking in part for the constituency west of the Rocky Mountains, and more especially for the people of the State of Oregon and the adjacent Territories, I submit through this instrumentality to them—Democrats, Republicans, and Prohibitionists alike—whether it is not a fact that the suggestions and recommendations of the President, and which have been practically adopted by the national House of Representatives in what is known as the Mills tariff measure, now here under consideration, is not absolutely destructive of almost every industrial interest on the Pacific coast; that whatever may be its effect elsewhere, that there its effect on the wool, the lumber, the wheat, the barley, the fruits, the lead, and nearly every other industry that can be named, is absolutely paralyzing and destructive in every sense of the term. And if this is so, if in this we are not mistaken, if the adoption of the free-trade doctrines recommended by the President and incorporated in the Mills bill, only with such modifications as to give protection to certain great industries of the South, such as rice, sugar, etc., will, in our judgments as a people, tend to prostrate our industries, discourage agriculture, prohibit mining, paralyze our business energies, destroy our independence, and place us on a level with European and Asiatic prices, and drive us, especially our laboring classes, in direct competition, not only with the pauper labor of European countries, but with that of Australia, China, South America, and the islands of the sea, then I assume that, no matter how we may have voted in 1884, no matter what we may have been denominated then—whether Republicans, Democrats, Prohibitionists, or Mugwumps—we will *now*, in defense of our interests, assert our personal and political independence and protest individually and collectively against the adoption of such a policy—a policy that will close our mines, will lay waste our orchards of figs, and grapes, and prunes; that will destroy our herds; that will close our mills; that will shut down our collieries; that will destroy our every industry; that will paralyze labor: that will reduce wages; that will roll backward the wheels of our prosperity, and reduce us to a state of vassalage dependent upon the will of foreign powers. However we may have voted in 1884, we will not submit to a policy that undermines our prosperity, that compels us to enter the unequal race and unjust competition with the cheaply-paid labor and the cheaply-wrought productions of foreign countries.

I shall assume, as it seems to me the facts justify, that the President is an advocate of the doctrines of free trade; that he is, therefore, opposed to the policy of protection to American industries and American labor through the medium of the levying of custom duties on foreign imports. Or, in other words, if revenue sufficient to meet the requirements of the Government can be collected without any resulting protection whatever to any of our industries or to American labor, then he favors that policy to the adoption of one that will give this protection. He certainly recommends that wool, lumber, lead, vegetables, brick, and some over one hundred other articles, be placed on the free-list, and these are the great industries in which the people whom I in part represent are so vitally interested. To place these articles on the free-list would be to virtually destroy these industries. The States and Territories of the Pacific coast are yet a new country; all their industries are yet in their infancy and only partially developed. The most strenuous advocates of free trade that have ever lived admit that the application of the doctrine of free trade to either a *new* country, or an *old* country with its *industries undeveloped*, would be ruinous. The great English free-trader, G. Smythe, the co-operator with Sir Robert Peel, in his scheme of free trade in England, in an address at Canterbury in 1847 said:

> I can not quit this subject of free trade without expressing my opinion on its abstract principle. I by no means hold that the principle of free trade is absolutely true or that it is of universal application. If I were an American, the citizen of a young country, I should be a protectionist; if I were a Frenchman, the citizen of an old country with its industries undeveloped, I should equally be a protectionist.

Here, then, we have the testimony of one of the ablest and most earnest English advocates of the doctrine of free trade publicly admitting that its application, either to a young country like the United

States or an old country like France with its industries undeveloped, would be ruinous.

In arriving at a correct conclusion as to the intentions of the leaders of the Democratic party we must consider the character of the bill as originally reported from the Committee on Ways and Means of the House of Representatives and before the various concessions and surrenders that were subsequently found necessary to be made in order to obtain enough votes to secure its passage were indulged in. An examination of that bill will show that nearly two hundred articles on which duties more or less are now collected, were placed by that bill on the free-list. On the bill as it passed the House there are about one hundred and fifty articles, and upon which it is asserted the aggregate duties now collected amount to $19,773,599.34. But it is a noticeable fact, as stated in the minority report of the committee, that "more than one-third of the free-list is made up from the products of the farm, the forest, and the mine." It is a further noticeable fact that considerably over one-fourth of the whole proposed reduction resulting from those additions to the free-list arises from the one article of wool—the revenues derived from wool during the last fiscal year being $5,899,816.63, the next largest item being tin-plates, $5,706,433.89.

WILL THE HOUSE BILL REDUCE THE SURPLUS?

True, the Mills bill as it passed the House placed upon the free-list articles which during the last fiscal year contributed revenues to the amount of $19,773,599.34, and it is also true that internal-revenue taxes will by that bill be reduced, it is claimed, to the extent of about $24,000,000, making as a starting point to be either increased or diminished by either a reduction or increase of revenues in the further modifications of duties contained in the bill about $43,000,000. But after this point is reached you enter at once on the domain of prophecy and uncertainty, or rather whatever of certainty there is in reference to the matter points directly and emphatically in the light of past history, where largely reduced duties have resulted in largely increased importations and consequently largely increased revenues, to an absolute increase, rather than diminution, of the surplus.

And while Mr. MILLS claims that the bill will save $30,000,000 more in the reduction of duties on other articles, to any one conversant with the history of the reduction of duties in its effect in increasing importations rather than reducing them, and thus increasing rather than reducing the revenue, the prediction must seem wild in the extreme, and unsupported by either past history, reason, or common sense. It is, therefore, a matter of very serious doubt whether the duties received under the Mills or House bill, were it now a law, would not by reason of vastly increased importations be equal to the amount collected under existing law, in which event there would by that means be no reduction in the surplus whatever.

FREE TRADE IN WOOL.

It is my purpose to discuss, in so far as I may be able in the limited time in which it may seem reasonable to detain the Senate in one speech, after nearly ten months of continuous session, the effect on some of the great industries of our country of the application of the free-trade doctrines tendered by the Mills or House bill. And I will first attract attention to the subject of wool. The House bill places wool on the free-list. The effect of such action, were it adopted would, in my judgment, and I believe it is susceptible of demonstration, be to destroy that industry in the United States.

THE EFFECT OF THE REDUCTION OF TARIFF ON WOOL BY THE ACT OF 1883.

The great increase of importations in foreign wools and the consequent disastrous effects upon the interests of the wool-growers of this country even by the small reduction of duties on wool made in the tariff of March 3, 1883, will be seen by a comparison of importations in the three years subsequent to the passage of that act with the importations for the three years preceding its passage. I submit the following table of statistics computed from official statistics of the Treasury Department by the Philadelphia Wool Merchants' Association:

Imports for three years previous and three years subsequent to the reduction in the tariff of March 3, 1883.

[Compiled from official statistics of the Treasury Department by the Philadelphia Wool Merchants' Association.]

Articles.	Rates of duties.	1881.	1882.	1883.	Total.
WORSTED CLOTHS.					
Except such as are composed in part of wool—		*Pounds.*	*Pounds.*	*Pounds.*	
Valued at not exceeding 40 cents per pound	20c. p. lb. and 35 p. ct.	50,162	156,472	41,146	
Valued at over 40 cents and not exceeding 60 cents	30c. p. lb. and 35 p. ct.	42,076	85,672	124,096	
Valued at over 60 cents and not exceeding 80 cents	40c. p. lb. and 35 p. ct.	119,286	114,928	374,543	
Valued at over 80 cents per pound	50c. p. lb. and 35 p. ct.	969,875	423,195	438,775	
Total		1,180,399	780,267	978,560	2,939,226
Amount of duties collected on cloths					$2,456,548.03
YARNS.					
Valued at not exceeding 40 cents per pound	20c. p. lb. and 35 p. ct.	3,644	321	2,406	
Valued at over 40 cents and not exceeding 60 cents	30c. p. lb. and 35 p. ct.	3,741	1,288	1,958	
Valued at over 60 cents and not exceeding 80 cents	40c. p. lb. and 35 p. ct.	6,832	16,503	87,467	
Valued at over 80 cents per pound	50c. p. lb. and 35 p. ct.	462,565	346,591	326,468	
Total		476,782	364,703	418,299	1,259,784
Amount of duties collected on yarns					$1,101,818.39
KNIT GOODS.					
Hosiery, shirts, drawers, and other knit goods—					
Valued at not over 40 cents per pound	20c. p. lb. and 35 p. ct.			7	
Valued at above 40 cents and not exceeding 60 cents	30c. p. lb. and 35 p. ct.	49	1	48	
Valued at above 60 cents and not exceeding 80 cents	40c. p. lb. and 35 p. ct.	30	345	65	
Valued at over 80 cents per pound	50c. p. lb. and 35 p. ct.	461,688	446,978	396,589	
Total		461,767	450,324	396,709	1,318,807
Amount of duties collected					$1,722,483.68
Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes	50c. p. lb. and 40 p. ct.	56,556	55,638	218,714	330,908
Amount of duties collected					$502,103.45
RAW WOOLS.					
Class No. 1—Clothing wools	10c. p. lb. and 11 p. ct. / 12c. p. lb. and 10 p. ct.	20,609,707	13,489,923	11,546,530	45,646,160
Amount of duties collected					$5,737,712.76
Class No. 2—Combing wools	10c. p. lb. and 10 p. ct. / 10c. p. lb. and 11 p. ct.	4,421,490	2,318,671	1,373,113	8,113,274
Amount of duties collected					$1,065,814.12
Class No. 3—Carpet wools	3c. p. lb. / 6c. p. lb.	42,385,769	47,208,175	40,130,322	129,724,266
Amount of duties collected					$5,086,569.72
Rags, shoddy, mungo, waste, and flocks	12c. p. lb., less 10 p. ct.	543,116	917,621	971,401	2,432,138
Amount of duties collected					$291,857.37

Articles.	Rates of duties.	1884.	1885.	1886.	Total.
WORSTED CLOTHS.					
Except such as are composed in part of wool—		*Pounds.*	*Pounds.*	*Pounds.*	
Valued at not exceeding 30 cents	10c. p. lb. and 35 p. ct.	40,358	60,888	105,674	
Valued at over 30 cents and not exceeding 40 cents	12c. p. lb. and 35 p. ct.	34,017	35,445	144,846	
Valued at over 40 cents and not exceeding 60 cents	18c. p. lb. and 35 p. ct.	577,519	937,164	2,057,736	
Valued at over 60 cents and not exceeding 80 cents	24c. p. lb. and 35 p. ct.	777,327	1,407,051	2,795,244	
Valued at over 80 cents	35c. p. lb. and 40 p. ct.	1,234,677	1,274,736	1,483,811	
Total		2,663,898	3,715,284	6,587,311	12,966,493
Amount of duties collected on cloths					$7,367,411.65
Increase in revenue					$4,910,863.62

Imports for three years previous and three years subsequent to the reduction in the tariff of March 3, 1883—Continued.

Articles.	Rates of duties.	1884.	1885.	1886.	Total.
YARNS.		*Pounds.*	*Pounds.*	*Pounds.*	
Valued at not exceeding 30 cents per pound	10c. p. lb. and 35 p. ct...	8,897	11,166	102,260	
Valued at over 30 cents and not exceeding 40 cents	12c. p. lb. and 35 p. ct...	232,546	72,200	1,258,466	
Valued at over 40 cents and not exceeding 60 cents	18c. p. lb. and 35 p. ct...	194,762	164,538	1,353,836	
Valued at over 60 cents and not exceeding 80 cents	24c. p. lb. and 35 p. ct...	679,430	430,251	1,196,202	
Valued at over 80 cents per pound	35c. p. lb. and 40 p. ct...	324,426	218,278	180,020	
Total		1,440,061	896,433	4,090,784	6,427,278
Amount of duties collected on yarns					$2,759,381.89
Increase in revenue					$1,657,563.50
KNIT GOODS.					
And all goods made on knitting frames—					
Valued at not exceeding 30 cents per pound	10c. p. lb. and 35 p. ct..	3,021	236	626	
Valued at over 30 cents and not exceeding 40 cents	12c. p. lb. and 35 p. ct..	51	33	97	
Valued at over 40 cents and not exceeding 60 cents	18c. p. lb. and 35 p. ct..	3,688	7,178	24,338	
Valued at over 60 cents and not exceeding 80 cents	24c. p. lb. and 35 p. ct..	87,340	75,112	57,442	
Valued at over 80 cents per pound	35c. p. lb. and 35 p. ct..	997,007	1,084,963	1,092,348	
Total		1,091,107	1,167,522	1,174,851	3,433,480
Amount of duties collected					$3,617,364.71
Increase in revenue					$1,894,881.03
Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel, and goods of similar description or used for like purposes	45c. p. lb. and 40 p. ct...	942,788	903,272	561,545	2,407,605
Amount of duties collected					$2,401,930.61
Increase in revenue					$1,899,827.16
RAW WOOLS.					
Class No. 1—Clothing wools	10c. p. lb / 12c. p. lb	20,703,843	13,472,432	23,321,758	57,498,033
Amount of duties collected					$5,905,430.42
Increase in revenue					$167,717.66
Class No. 2—Combing wools	10c. p. lb / 12c. p. lb	4,474,395	3,891,914	4,872,739	13,239,048
Amount of duties collected					$1,337,340.02
Increase in revenue					$271,525.90
Class No. 3—Carpet wools	2½c. p. lb. / 5c. p. lb.	62,525,692	50,782,306	79,716,051	193,024,049
Amount of duties collected					$5,570,459.69
Increase in revenue					$483,889.97
Rags, shoddy, mungo, waste, and flocks	10c. p. lb.	1,225,360	789,040	2,696,517	4,710,917
Amount of duties collected					$471,091.80
Increase in revenue					$179,234.43
Total increase in revenue on these six articles in three years					$11,465,503.27

From this it will be noticed that the effect of that reduction in the tariff on wool and woolen goods was, first, to vastly increase foreign importations; and secondly, an increase of the revenue in the three years subsequent to the date when duties were thus lowered, of $11,465,503.27 over the duties collected for the three years prior to the reduction in duty.

While for the three years preceding March 3, 1883, the total number of pounds of worsted cloths imported were but 2,939,226, the importation of worsted cloths for the three years subsequent to the taking effect of the act of March 3, 1885, reached the enormous sum of 12,966,493 pounds, and upon which there was an increase of revenue in duties collected over that raised on the importations of the three prior years of $4,910,863.62.

While but 1,259,784 pounds of woolen yarns were imported in the years 1881, 1882, and 1883, there came in under the reduced tariff of March 3, 1883, in the three years of 1884, 1885, and 1886, 6,427,278 pounds, or over 500 per cent. of an increase, and upon these importations there was an increase in the revenue for the three years over that of the three prior years of $1,657,563.50.

On knit goods we find a similar result. The total number of pounds of knit goods imported during the three years preceding the date when the tariff of March 3, 1883, went into effect was 1,318,807 pounds, while for the three subsequent years the importations increased over 250 per cent., and reached a total of 3,433,480 pounds, and the revenue on knit goods was for the latter period increased from $1,722,483.68 to $3,617,364.71, being an increase for this period of $1,894,881.03.

In the matter of clothes, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and childrens' apparel and goods of similar description or used for like purpose, but 330,908 pounds were imported during the three years preceding the date when the tariff of March 3, 1883, went into operation, whereas for the three years following, the importations of this class of goods advanced over 700 per cent. and reached the enormous sum of 2,407,605 pounds, while there was an increase of revenue on this class of goods of nearly 500 per cent., the total revenue for the three prior years being only $502,103.45, and for the three latter $2,401,930.61. But what was the result in reference to raw wools? It is equally emphatic and significant in the lesson it teaches. Of class No. 1, or clothing wools, the importations for the last three years of the higher rates of tariff duties (the tariff of March 3, 1867), were 45,646,160 pounds, on which a revenue of $5,737,712.96 was collected, while for the three succeeding years the importations were 57,498,033 pounds, on which was collected a revenue of $5,905,430.42, or an increase of importations of 11,851,873 pounds and in revenue of $167,717.66. On class No. 2, or combing wools, the importations for the three prior years were 8,113,274 pounds, with a revenue of $1,065,814.12, while for the three succeeding years the importations were 13,239,048 pounds, upon which was collected duties to the amount of $1,337,340.02, or an increase in pounds of 5,125,774, and in revenue collected of $271,525.90. On class No. 3, or carpet wools, a like lesson is taught, as the importations for the three years preceding the reduction in tariff rates by the act of 1883 were 129,724,266 pounds, bringing a total revenue of $5,086,569.72, while there came in under the reduced rates the three succeeding years 193,024,049 pounds, with a revenue of $5,570,459.69, or an increase in importations of 63,299,783 pounds and an increase in revenue of $483,889.97.

On woolen rags, shoddy, mungo, waste, and flux the comparison stands thus: Two million four hundred and thirty-two thousand one hundred and thirty-eight pounds imported during the three years of high rates, with a revenue of $291,857.37, while during the next three years following 4,710,917 pounds were imported, on which a revenue of $471,091.80 was realized, or an increase for this period of 2,278,779 pounds in our importations and of $179,234.47 in our revenue; or, in other words, or to state the case in a different form, under the higher rate of tariff on wools and woolen goods (that of 1867) in existence prior to the date when the act of March 3, 1883, went into effect, our imports for three years reached only 191,764,463 pounds, on which was collected a revenue of $17,964,907.52, while during the three subsequent years, or the first three years of the operation of the lower tariff of 1883, our importations reached the enormous figure of 293,706,903 pounds, or an increase over the importations of the three preceding years of 101,942,340 pounds, or more than 150 per cent., and on which a revenue of $29,430,410.79 was collected, or an increase in the latter period of three years over the former period of same length of time of $11,465,503.27.

But coming down still later in considering the ill effects on this great industry of the reduction of the tariff on wool by the act of 1883, we find that in the year 1887, ending June 30 of that year, our importations of wool from foreign countries amounted in value to over $18,000,000, upon which we swell the surplus in the Treasury by collecting duties to the amount of $6,390,055.

But the effect of the reduction of the tariff on wool by the act of

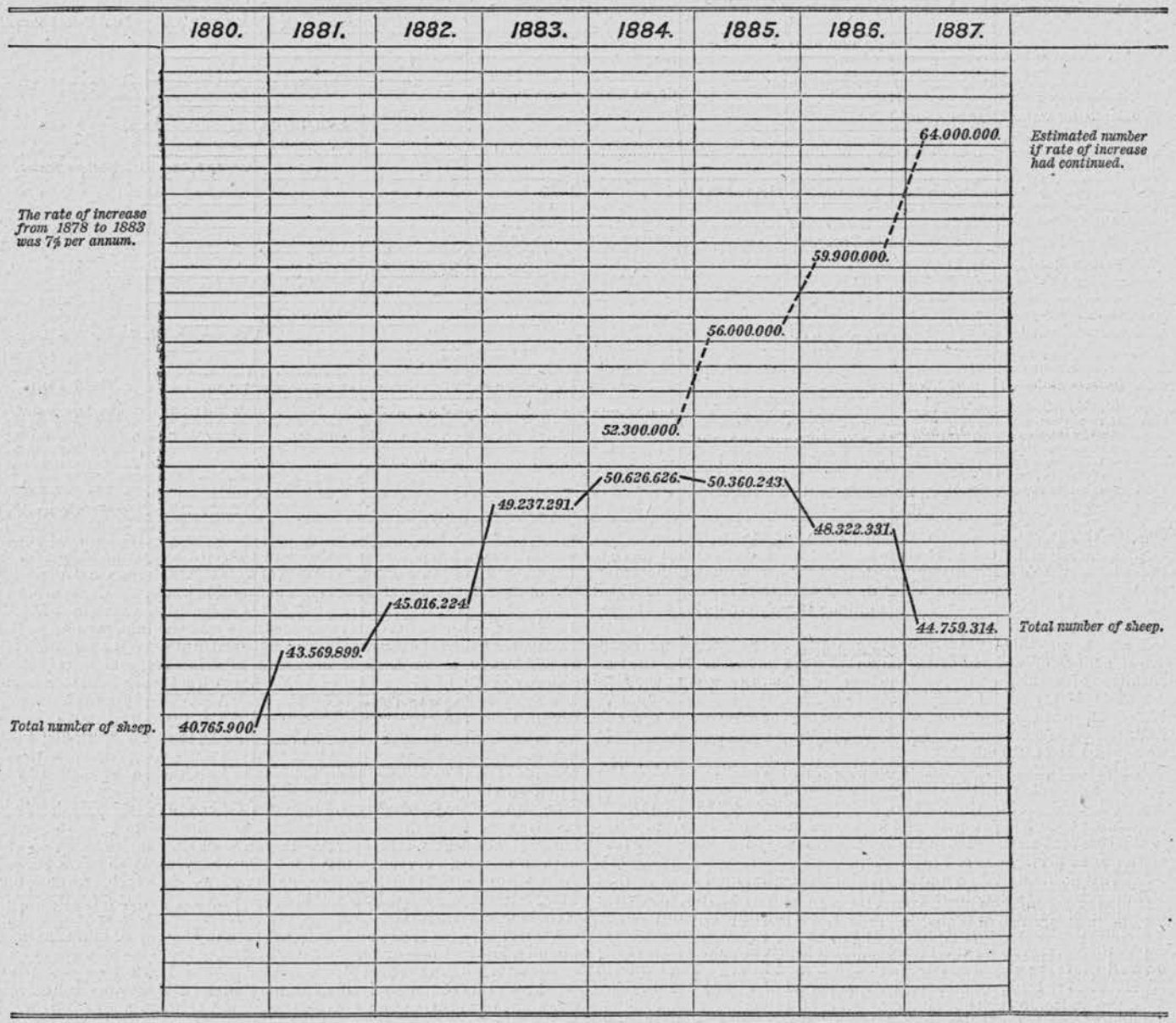
March 3, 1883, was not only a large increase in imports of wool and woolen goods, and a large increase in the revenue, as has just been shown, but its tendency to the absolute destruction to a certain and indeed a very alarming extent of the sheep industry of this country is clearly manifest by the decrease in the number of sheep and of course in the yield of wool.

We have in this country to-day over 5,500,000 less sheep than we had when the act of 1883 went into operation. Then there were in the United States, according to these statistics, 50,360,243 head of sheep, while to-day there are but 44,759,314.

Had our sheep industry in the United States in the matter of the number of sheep increased since July 1, 1883, when the wool tariff of that year went into operation, in the same ratio it did during the increase under the former protective tariff of 1867, there would be to-day in the United States 64,000,000 head of sheep, instead of but 44,759,314, in that event a gain to the country of 19,240,686 head of sheep. These facts are fully illustrated in the following interesting table, recently published by the Philadelphia Wool Merchants' Association, and which I will incorporate in my remarks:

[Published by Philadelphia Wool Merchants' Association.]

Table showing the number of sheep in the United States, with estimate of probable number if rate of increase had continued.



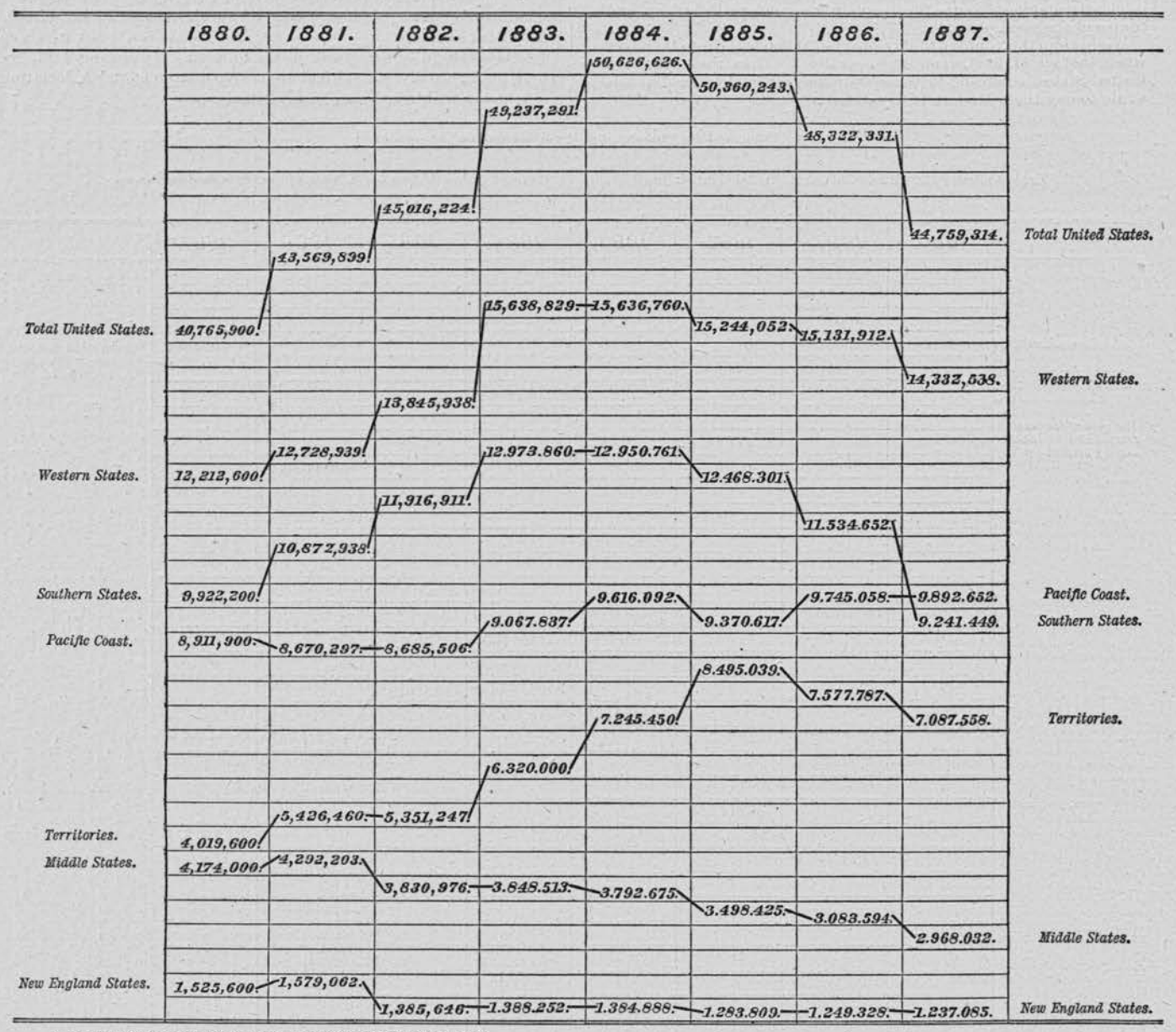
The reduction in tariff on wool went into effect July 1, 1883.

Another table is given in which its effect on groups of States and the Territories is shown, as follows: Western States, Southern States, Pacific Coast States, Middle States, New England States, and the Territories. While it shows that the number of sheep in the Pacific States as a group did not decrease, the number in 1887 being 276,560 more than the number in 1884—the number in 1884 being 9,616,092, and in 1887, 9,892,652—yet the proportion of increase over that of the immediately preceding years was most materially lessened, as the increase alone in 1884 over that of 1880 was 704,192, while in every other one of these groups, including that of the Territories, the decline in number of sheep after 1884, when the tariff of 1883 had come to have full effect on this industry, was marked and uniform, as will be seen from the following table, prepared by the same association, and which I make a part of my remarks.

Notwithstanding all the superior facilities for sheep-raising in Oregon, California, and Washington Territory, the ruinous effect in this section, while not so marked as in other groups of States, is made clearly apparent, while in the groups of Territories it will be seen there were in 1887 only 7,087,558 head of sheep as against 8,495,039 in 1885, a decrease it will be seen in two years of 1,407,481.

[Published by Philadelphia Wool Merchants' Association.]

Table showing the number of sheep in each group of States, 1880–1887.



The reduction in tariff on wool went into effect July 1, 1883.

As further showing the effect on its price that would necessarily follow the placing of wool on the free-list, attention is attracted to the following table, showing a comparison of the scoured value and the value in the grease of competing grades of American and foreign wools on the basis of the scoured value in London in December, 1887. This table was prepared by Justice, Bateman & Co., 122 South Front street, Philadelphia. That the table may be intelligent to all and fully comprehended, I repeat the explanation by its author as follows:

The first column of figures on the left contains the average price for each grade of American wool at this date (January 2, 1888) in Philadelphia, New York, and Boston.

The second column contains the percentage of shrinkage in scouring the various grades of American wool, and the third column shows the scoured cost of the same to the manufacturer here. The fourth column the free-trade price for each grade of American wool, or in other words, it shows the price which would have to be accepted for domestic wool on the basis of the present values in London if the duties were taken off. The fifth column shows the decline, in cents, per pound in fleeces, which must occur to domestic wool to reduce it to the free-trade level. This column also shows the actual amount of protection, in cents, per pound, which the different qualities of domestic wool now have.

The list of foreign wools on the right-hand side of the paper enumerates some of the qualities which compete with domestic wools named on the same line on the left-hand side. The first column of figures to the right of the foreign list is the foreign price in cents in London. The last column on the extreme right shows how much decline would have to take place in the value of domestic scoured wool to reduce it to the London basis of value to-day.

This last, or ninth column, is also the difference in cents per pound between the scoured cost of American wool and the scoured cost of the corresponding grade of foreign wool in London, and is the actual amount of protection which the American wool-grower now gets on scoured wool when it is imported in the unwashed condition.

The following is the table referred to, and the key or explanation to which has just been given:

[See table next page.]

This table comprises a comparison of prices and shows conclusively to the intelligent student how it is that "protection protects" the wool-grower, and how without adequate protection the American wool-growers would be driven from their business. It will be observed from this table the Philadelphia price in 1887 of Eastern Oregon and Washington Territory X fine and above heavy was in the grease 16 cents per pound; if there had been no duty this wool must have sold at 10½ cents per pound in order to compete with similar wool from Buenos Ayres. A scoured pound of the Oregon wool was then worth, it will be seen, 55 cents; a scoured pound of the Buenos Ayres wool, if there had been no tariff, could have been sold, as shown by this circular, for 36 cents. In other words, the Oregon and Washington Territory wool-grower got 19 cents per pound more for his scoured wool by reason of the tariff, or that much more than he would have obtained had wool been on the free-list.

FIGURES FOR WOOL-GROWERS TO STUDY, SUGGESTED BY THE PRESIDENT'S MESSAGE.

Comparison of the scoured value and the value in the grease of competing grades of American and foreign wools on the basis of the scoured value in London, December, 1887.

[Prepared by Justice, Bateman & Co.]

Class of wool.	Average market price in Philadelphia, December, 1887, under tariff act of 1883 (present price).	Per cent. of shrinkage.	Scoured cost.	Prices for wool in the United States on the basis of scoured wools of competing grades in London, December 1887 (free-trade price).	Decline per pound in fleeces in Philadelphia necessary to reach the level of prices current in London, December, 1887.	Foreign wools which compete with wools grown in United States.	Foreign price, December, 1887.	Per cent. of shrinkage.	Foreign scoured cost, December, 1887.	Existing difference between cost of American and foreign scoured wools of competing grades in December, 1887.
WASHED COMBING.	Cts.		Cts.	Cts.	Cts.		Cts.		Cts.	Cts.
Ohio and Pennsylvania fine delaine, X, XX, and above	35	50	70	24½	10½	Australian	23	53	49	21
Ohio and Pennsylvania medium combing, ⅜ to ½ blood	37	40	61	27½	9½	Australian cross-bred.	28	40	46	15
Ohio and Pennsylvania ¼ blood, combing	37	23	48	20	17	Irish super hogs	22	16	26	22
Ohio and Pennsylvania braid	34	20	42	20	14	Irish wethers	21	17	25	17
Canada combing	35	17	42	21	11	Canada comb	24	17	29	13
WASHED CLOTHING.										
Ohio and Pennsylvania XX and above, choice	32	51	65	18½	13½	Montevideo primo	16	58	38	27
Ohio and Pennsylvania XX and above, average	30	53	63	18	12	do	16	58	38	25
Ohio and Pennsylvania X	30	50	60	18	12	Montevideo secundo	16	56	36	24
Ohio and Pennsylvania medium, ⅜ to ½ blood	37	40	61	27½	9½	Australian cross-bred.	28	40	46	15
Ohio and Pennsylvania coarse, ¼ blood	37	23	48	20	17	Irish super hogs	22	16	26	22
Michigan and New York fine delaine	32	53	68	18	14	Montevideo primo	16	58	38	30
Michigan and New York X and above	28	53	59	18	10	do	16	58	38	21
Michigan and New York medium, ⅜ to ½ blood	36	40	60	27½	8½	Australian cross-bred.	28	40	46	14
Michigan and New York coarse, ¼ blood	36	22	46	20	16	Irish super hogs	22	16	26	20
Choice tub-washed	42	14	49	27	15	Down tegs	24	22	31	18
Average tub-washed	39	17	47	26	13	do	24	22	31	16
UNWASHED COMBING.										
Fine unwashed delaine X, XX, and above	23	65	65	17	6	Australian	23	53	49	16
Medium unwashed combing, ⅜ to ½ blood	29	52	60	22	7	Australian cross-bred.	28	40	46	14
Coarse combing unwashed, ¼ blood	27	44	48	14½	12½	Irish super hogs	22	16	26	22
Braid unwashed combing	24	43	42	14	10	Irish wethers	21	17	25	17
UNWASHED CLOTHING.										
Fine unmerchantable, XX and above, Ohio	24	63	65	14	10	Montevideo primo	16	58	38	27
Fine unmerchantable, X and above, Michigan	22	65	63	13½	8½	do	16	58	38	25
Find unwashed clothing, XX and above, choice	23	64	64	13½	9½	do	16	58	38	26
Fine unwashed, X and above, average	21	65	60	13	7½	do	16	58	38	22
Medium unwashed clothing, ⅜ to ½ blood, choice	29	52	60	22	7	Australian cross-bred.	28	40	46	14
Medium unwashed clothing, ⅜ to ½ blood, average	28	54	60	21½	6½	do	28	40	46	14
Coarse unwashed clothing, ¼ blood, choice	28	42	48	15	13	Irish super hogs	22	16	26	22
Coarse unwashed clothing, ¼ blood, average	27	44	48	14½	12½	do	22	16	26	22
Common and burry unwashed	20	50	40	13	7	do	22	16	26	14
TERRITORIAL.										
Kansas and Nebraska fine unwashed, X and above	17	69	55	12½	4½	Montevideo poor	13	68	40	15
Kansas and Nebraska medium unwashed	20	60	50	14½	5½	Montevideo secundo	16	56	36	14
Kansas and Nebraska coarse unwashed, ¼ blood	21	53	45	10¾	10½	Bagdad best	19½	16	23	22
Kansas and Nebraska carpet	15	50	30	11	4	East India	20	10	22	8
Eastern Oregon and Washington Territory, fine, X and above, choice	18	67	55	11¾	6¼	Buenos Ayres	12	67	36	19
Eastern Oregon and Washington Territory, fine, X and above, heavy	16	71	55	10½	5½	do	12	67	36	19
Eastern Oregon and Washington Territory, fine medium and ½ blood, choice	18	65	52	12½	5½	Montevideo secundo	16	56	36	16
Eastern Oregon and Washington Territory, fine medium and ½ blood, heavy	16	69	52	11	5	do	16	56	36	16
Eastern Oregon and Washington Territory, coarse, ½ blood	20	55	45	10½	9¾	Bagdad best	19½	16	23	22
Valley Oregon fine X and above	22	60	55	13½	8½	Cape	10½	69	34	21
Valley Oregon medium, ⅜ and ½ blood	25	50	50	17	8	New Zealand cross-bred.	15	55	34	16
Valley Oregon coarse, ¼ blood	25	45	45	14	11	East India good	21	10	25¼	19¼
Valley Oregon, No. 3 common	22	40	37	12	10	do	18	10	20	17
Texas fine, 12-months, choice	20	64	55	14½	5½	Montevideo poor	13	68	40	15
Texas fine, short	14	70	47	12	2	do	13	68	40	7
Texas medium, 12-months, choice	22	56	50	15	7	New Zealand cross-bred.	15	55	34	16
Texas medium, heavy	16	68	50	11½	4½	Montevideo secundo	16	56	36	14
Texas medium, fall clip, short, choice	17	64	47	13	4	do	16	56	36	11
Texas medium, fall clip, short, heavy	14	70	47	11	3	do	16	56	36	11
Texas carpet	15	50	30	11	4	East India	20	10	22	8
Wyoming and Idaho fine, choice	18	67	55	12½	5½	Montevideo poor	12	68	38	17
Wyoming and Idaho heavy, fine	16	71	55	10½	5½	Buenos Ayres	12	67	33	19
Wyoming and Idaho medium, ⅜ to ½ blood, choice	20	60	50	13	7	Montevideo secundo	15	56	34	16
Wyoming and Idaho medium, heavy	17	66	50	11½	5½	do	15	56	34	16
Wyoming and Idaho coarse, ¼ blood	21	53	45	10¾	10½	Bagdad best	19½	16	23	22
Utah and Nevada fine, choice	18	67	55	11¾	6½	Buenos Ayres	12	67	36	19
Utah and Nevada fine, heavy	15	73	55	11½	3½	Montevideo poor	13	68	40	15
Utah and Nevada medium, choice	20	60	50	14½	5½	Montevideo secundo	16	56	36	14
Utah and Nevada medium, heavy	16	67	48½	11	5	do	16	56	36	12½
Utah and Nevada coarse, ¼ blood	20	54	44	10½	9¾	Bagdad	18	18	22	22
Utah and Nevada carpet wool	15	50	30	10	5	East India	18	10	20	10
Montana choice medium ⅜	24	56	55	16	8	Montevideo secundo	16	56	36	19
Montana average medium ⅜	22	60	55	14½	7½	do	16	56	36	19
Montana choice fine medium ½ blood and X	21	63	57	13½	7½	do	16	56	36	21
Montana average fine medium ½ blood and X	19	67	57	12	7	do	16	56	36	21
Montana fine XX choice	21	65	60	14	7	Montevideo poor	13	68	40	20
Montana fine XX heavy	18	69	58	12½	5½	do	13	68	40	18
Montana coarse ½ blood	22	56	50	11	11	East India	21	10	25	25
Colorado, New Mexican, and Arizona choice fine XX	17	69	55	12½	4½	Montevideo poor	13	68	40	15
Colorado, New Mexican, and Arizona fine XX heavy	13	76	55	11	2	Montevideo inferior	15	68	47	8
Colorado, New Mexican, and Arizona fine medium ½ blood and X choice.	18	65	52	12½	5½	Montevideo secundo	16	56	36	16
Colorado, New Mexican, and Arizona fine medium ½ blood and X heavy.	16	69	52	11	5	do	16	56	36	16
Colorado, New Mexican, and Arizona medium ⅜ choice	19	62	50	13¾	5½	do	16	56	36	14
Colorado, New Mexican, and Arizona medium ⅜ heavy	16	68	50	11½	4½	do	16	56	36	14
Colorado, New Mexican, and Arizona coarse or ¼ blood	20	56	45	10¾	9¾	Bagdad best	19½	16	23	22

I recently received a communication from a very intelligent constituent of mine, a Democrat residing at Long Tom, Lane County, Oregon, in which he propounds to me certain interrogatories touching the subject of the tariff on wool, and I take this occasion to answer them publicly.

The first inquiry is:

How are wool-growers protected by the tariff?

This general question, it seems to me, has already been answered in what has just been said.

My correspondent next remarks:

Wool under 32 cents per pound, when imported, has to pay 10 cents per pound specific and 11 per cent. ad valorem duty; or on wool at 16 cents per pound the duty would be a little more than 11½ cents per pound; on wool rated at 23 cents per pound it would be nearly 12½ cents duty. This is a very complex style of tax and hard for the sheepman to understand.

This, to a certain extent, may be true, and, as a rule, had I my way all ad valorem duties would be abolished and specific duties only would be imposed, although in the matter of wool, if we are to have an ad valorem duty, then it should be accompanied also by a specific duty, as will be shown later on. Many frauds on the law would, in my judgment, be avoided by having a simple and specific duty. Still the law as it stands, and it has been correctly quoted by my correspondent, is not difficult to understand. The average intelligence of those engaged in this great industry, which has been regarded so worthy and honorable since the days of our Saviour, when, as we are told, "shepherds watched their flocks by night," must not be underestimated. The sheep-owners of this country understand the law thoroughly and its operation and effect. The officers charged with the duty of executing the law understand it, and my correspondent, it is quite apparent from the general intelligence exhibited in his letter, understands it. There is a reason for the complex or double system, part specific, part ad valorem. If an ad valorem duty alone were charged it would open the door to immense frauds. The specific duty is higher on more valuable wool and lower on cheaper wool, because the finer grades require greater protection to encourage their production.

Again, my correspondent calls on me to answer this conundrum:

If our wools sell for 23 cents per pound, and the tariff adds 12½ cents of that price to us, its real price without the tariff would be 10½ cents, would it not? and at 15 cents per pound, the price we received in 1886, the real value of our wool was 3½ cents per pound, if figures do not lie and if I know the meaning thereof. Now, sir, if you can explain these discrepancies I will be obliged to you.

In the first place, my correspondent, as is the President in his last annual message on this subject, is in error in assuming that the value of wool is always, at all times, and under all circumstances, ascertained and fixed by deducting the amount of the tariff from the selling price. Suppose, for instance, the tariff were $1 a pound, wool would not be increased in price $1 per pound, as we all know. Such a tariff being prohibitory, would simply shut out all importations; but our price would be fixed by the relative value of wool as compared with other products of the farm.

A tariff of even 20 cents per pound on wool would be just as protective, no more, no less, as would be a tariff of $1 a pound, because either would shut out the foreign wool and give the American wool-grower the exclusive American market. While this is true, while it is certain that the value of wool is not always measured by taking the selling price and deducting therefrom the amount of duties imposed, yet it is true that a tariff gives to the American producer an advantage over the foreign producer in this—if the foreign producer can raise wool and ship it to Boston and sell it for 10 cents a pound and there is no tariff, then the American producer must sell for 10 cents or go out of the business. This, it seems to me, is plain to every one. But if the foreigner is met at the custom-house with a duty of 10 cents on his foreign product, then he must sell his wool for 20 cents per pound in order to get 10 cents for himself—10 cents going to the United States through the custom-house; and thus it is the American wool-grower will get 20 cents for his wool and thus have an advantage of 10 cents per pound over the foreigner. South American merino wool can be raised at Buenos Ayres for 6 or 7 cents a pound, and the country is so vast and pasturage so plentiful and cheap and the wages of herders so low that without a tariff our people can not raise wool in free-trade competition with them. It is simply out of the question, and to me it seems absurd to insist that they can.

President Cleveland in his recent letter of acceptance reiterates in these words this statement, which is substantially the declaration contained in his last annual message:

I suppose that it is needless to explain that all these duties and assessments are added to the price of the articles upon which they are levied, and thus become a tax upon all those who buy these articles for use and consumption.

I suppose, too, it is well understood that the effect of this tariff taxation is not limited to the consumers of imported articles, but that the duties imposed upon such articles permit a corresponding increase in price to be laid upon domestic productions of the same kind, which increase, paid by all our people as consumers of home productions and entering every American home, constitutes a form of taxation as certain and as inevitable as though the amount was annually paid into the hand of the tax-gatherer.

From this proposition I most emphatically dissent. It does not follow that because a duty of 10 per cent., or 20 per cent., or any other amount is levied on any foreign product, this amount is necessarily added to the price of the article to be paid by the consumer; much less that the effect of such tariff laid on the foreign product is to increase correspondingly to the amount of duty the price on the domestic or home product of the same kind. Possibly where the article imported is not produced at all in this country there may be some reason for concluding that the tariff duty imposed is added to the price that is paid by the consumer, as in that case there is no competition, nothing whatever to regulate the price; but where the imported product is one produced here, and there is competition between the home and the imported product, then it does not follow that the amount of duty imposed is added to the price to be paid by the consumer, even for the imported product, much less has a tariff duty levied in such a case the effect of adding an equal tax on the like home product to be paid by the consumer.

But suppose the President is right in his position; then it follows, absolutely, logically, and necessarily, and there is no escape from it, that for every cent of tariff that is imposed on each pound of imported wool, then the domestic product is increasad in price to the wool-grower to just that amount; if the tariff on wool is 10 or 12 cents a pound, then clearly, under the President's reasoning, the price of wool would under all circumstances be just 10 or 12 cents per pound higher than it would be otherwise. And so with wheat. There is under existing law a duty of 20 cents a bushel on all imported wheat. So, according to the President's theory, there is just 20 cents added to the price of every bushel of domestic wheat raised and sold in the United States, and the producer of wheat is just that much better off by reason of the tariff, according to the President's theory, although the man who is purchaser and the consumer of wheat would in such a case be compelled to pay 20 cents per pound more for his wheat than he would in the absence of a tariff on wheat. And so it would be all through the list on every domestic article where the foreign article of the same kind is subject to a tariff.

But the President is wrong. The philosophy of a protective policy does not operate in this manner; while its effect is highly beneficial to the home producer, while it upholds prices both of labor and product, its operation is not on the scale or regulated in the manner indicated by the President; but the effect to be produced by an import duty is controlled and regulated by a variety of circumstances and economic conditions as indicated by me in the answer given to the interrogations of my constituent.

But another great historical fact in connection with the constant decline in the price of cheap clothing, since the enactment of the tariff of 1867 is worthy of note. Clothing can be purchased to-day in any of our great Eastern cities, Philadelphia, New York, Boston, for about one-half its cost twenty-five years ago; and not only is this a fact, but actually cheaper by from 10 to 20 per cent. than the same kind and quality of goods can be purchased in Liverpool or London. While therefore under the operation of our protective tariff the past twenty-one years our flocks of sheep have vastly increased in numbers, our wool and mutton have improved in quality and price, clothing has become materially cheapened. But since the Democratic party insists on placing wool on the free-list, and the House of Representatives has passed a bill to that effect, what has been the effect on the Pacific coast? Simply this: The price of wool has dropped from 25 cents to an average of 8 to 12, while the price of clothing is in no wise cheapened.

Already have the wool-growers in the West suffered immensely on account of the proposed repeal of the tariff on wool. Wool is selling to-day in Michigan, we are told, for from 15 to 17 cents per pound, a reduction of 10 or 12 cents per pound from last year. The highest price paid for wool in the interior of Eastern Oregon and Washington Territory this year until very recently was 12 cents per pound, while much, it is said, has been sold as low as 8 cents per pound. Recently since it has become known that the Republican Senate will maintain present rates on wool and perhaps advance the rates somewhat, wool in Oregon is selling from 13 to 15 cents per pound.

Again, our wool product is to-day less by 33,700,000 pounds than it was under the tariff of 1867, or when the act of 1883 went into force; then it was little if any more than 300,000,000 pounds; now, according to the best statistics, it is only about 265,000,000 pounds. These are the figures of reliable statisticians—although I am aware the wool merchants' figures differ materially, some placing the present product as high as 333,000,000 pounds. This is not all nor yet the worst effects by any means of the reduction in the tariff on wool by the act of March 3, 1883. A further ruinous effect of this reduction was in bearing down the price of wool in the United States; a decline in the price of wool immediately followed of over 5 cents per pound, and the sheep-owners of the United States suffered the first year of this reduction a loss of between fifteen and sixteen million dollars.

THE BENEFICIAL EFFECTS OF THE WOOL TARIFF OF 1867.

How different and beneficial was the effect of the tariff of March 2, 1867! Under the stimulating influence of the protection afforded by that tariff the number of sheep in the United States rapidly increased, the yield of wool increased, and the quality was improved. In 1850 there were in the United States but 21,723,220 head of sheep, yielding only 52,516,959 pounds of wool. In the ensuing ten years but small protection was given to this industry and the increase in the number of sheep and in the yield of wool was comparatively small, as in 1860 there

were only 22,471,275 head of sheep, or an increase in ten years of only 748,055 or about 3½ per cent., while the yield of wool in 1860 was but 60,264,913 pounds, an increase in ten years without adequate protection of only 7,747,954 pounds. The decade from 1860 to 1870 had in it three years of protection under the act of March 2, 1867, and the result was an increase in that decade in the number of sheep of 6,606,675, or an increase of 27 per cent.; while the yield advanced during the same period from 60,264,913 pounds to 100,102,387 pounds, while in the next ten years, from 1870 to 1880, during the whole of which time the tariff of March 2, 1867, was in operation, the increase in the number of sheep was 12,287,949, or 44 per cent.; in the four succeeding years, from 1880 to 1884, when the tariff of 1867 was modified by that of 1883 going into operation, the increase in the number of sheep in the United States was 9,594,703, making a total of 50,360,243, since which time under the less protective duties under the act of 1883 there has been a decline in the industry, and the number of sheep has been reduced as has also the yield of wool. The statistics are taken mainly, but found to be entirely correct by comparison with others, from an address delivered by Hon. William A. Lawrence, of Ohio, November 11, 1887, before the Farmers' National Congress at Chicago, and they are authentic.

True it is a Republican Senate consented to the reduction in the tariff on wool made by the act of March 3, 1883, not, however, because of any belief that such a policy as to wool was the correct one, but simply because the clause in the tariff bill of that year making this reduction was part and parcel of a general act which contained many other provisions whereby the revenue could be reduced and yet do no injustice to the industry taxed. No one believes for a moment that the majority of this Senate, then more evenly divided politically, would have voted a reduction of the tariff on wool had it been presented as a separate and independent proposition. The alternative was presented of either voting this modification in the wool tariff or refusing to vote a reduction of taxes on a variety of imports upon which the duties were admittedly too high, the removal of which would not only do no injustice to the industries taxed but effect a large decrease in the surplus. And what seems most remarkable, if not indeed somewhat amusing and indeed ludicrous, is the fact that the Democracy, especially of the Pacific coast, denounced this reduction of the tariff on wool as an unjust discrimination against a great industry, declaring it to have been the result of the recommendations of a Republican commission appointed by a Republican President, and yet we are to-day greeted with the sublime spectacle of a Democratic President demanding not merely that the tariff of 1883 be retained, not merely that a further reduction in the tariff on wool be arranged, but that wool be placed on the free-list; a Democratic House of Representatives seconds that demand by an almost solid party vote, and Democratic leaders throughout the country—not by any means all of them, I am gratified to say—are crying out at the top of their voices: "Great is Allah! Give us free wool!"

As a forcible illustration of what has just been stated and of the humiliating subserviency to the behests of party leaders, I desire to attract attention to a plank in the State platform of the Democratic party of the State of California of 1886, and on which two of the present members of the national House of Representatives of that State were elected. It read as follows:

The present tariff on wool, prepared by a Republican commission appointed by a Republican President, is an unjust discrimination against a great industry, and we denounce the same and demand the restoration of the tariff of 1867.

The recent vote elsewhere on the Mills bill indicates pretty strongly that the Democratic representation in the national House of Representatives from the State of California have changed their minds if they ever indorsed their own platform on that subject, otherwise their votes have been cast contrary to their convictions.

THE MAGNITUDE OF THE INDUSTRY ASSAILED.

And what is the extent in value and importance of the wool industry in the United States thus assailed by the President and by the Mills or House bill? Only five of the great agricultural industries of the country exceed it in value. These are corn, hay, wheat, cotton, and oats, in the order named, wool coming sixth. It is estimated there are in the United States 1,020,728 owners of flocks of sheep. Of these over 700,000 are engaged almost exclusively in the business of sheep-raising as an industry. These give employment continually on an average to more than half a million of men. The value of the wool crop last year was $75,000,000. But not only so. Mutton is a choice and cheap food. About 15,000,000 mutton sheep are sold annually in the United States for home consumption and export. These, while furnishing an excellent and cheap food to the consumer—the laborer, the mechanic, and others—bring to the producer or sheep-raiser annually an average of at least $3 per head, or an aggregate in coin of about $45,000,000, thus making the annual aggregate value of the wool and mutton crop of the United States over $120,000,000.

A writer of ability and accuracy, Mr. Washington Belt, of New York, in a recent article on this subject, foots up the damage that will ensue in the destruction of values by placing wool on the free-list in this wise:

These 700,000 farmers engaged in the wool industry will average to own at least 160 acres of land each, making a total of 112,000,000 acres; devoting the more desirable parts of their farms to the raising of grain and hay, and selecting the poor, rough, and hilly portions for the pasturage of their sheep, thus putting to profitable use their entire farms. If you remove the duty on wool, and so make the growing of it an unprofitable business, it would render almost valueless the portions of their farms devoted to sheep-raising, and would thereby decrease the average price of the whole farm at least $2.50 per acre, making a loss from this source alone of $280,000,000. Sheep would also decrease in value 50 cents per head, making another shrinkage of $25,000,000. Wool would decline from 7 to 8 cents per pound at least from the average price of the last fifteen years, adding another loss of $25,000,000, and the farmers would be so impoverished by the low prices obtained for their wool that out of actual necessity they would be compelled to reduce the wages of 500,000 persons employed to assist in the growing of their flocks to the extent of at least 15 cents per day, or about $50 per year, making a still further loss of $25,000,000 from this source alone.

This writer concludes with the following very pertinent remarks:

Now, for the sake of reducing our revenue between five and six million dollars we must virtually impoverish this vast number of persons engaged in this industry, and those dependent on them as employés and their families, and those dependent on this industry, numbering one-fifteenth of the entire population of the United States, as a majority of these flock-masters, as well as their employed help, are heads of families, and so force this large body of people to follow a business that will yield no profit, and compel them to raise wool in competition with all the poor and poverty-stricken nations of the earth, where land and labor are fully one-half less than in this country; and in doing this we inflict upon this most honorable and respected American industry the following losses, namely:

Shrinking in value of land	$280,000,000
Shrinking in value of labor	25,000,000
Shrinking in value of flocks	25,000,000
Shrinking in value of wools	25,000,000
Total loss to the wool industry	355,000,000

The fallacy of the argument advanced by the promoters and defenders of the Mills bill proposition to place wool on the free-list is made manifest by the very contradictory reasons given in favor of it and the diversity of prediction as to the effect the placing of wool on the free-list will have on its price. For instance, it is asserted confidently by the President and by Mr. MILLS and others that the effect of placing wool on the free-list—and, in fact, this is given as the main, if not the sole reason for placing it there—will be to reduce the price of wool and thus cheapen, as they claim, the cost of clothing to the people. But while this is so, in the great debate recently held elsewhere, Representative SPRINGER, one of the leading Democrats of the national House of Representatives, and other leading advocates of the Mills bills, declared, and supported their declaration by various arguments, that the effect of free wool would be to advance the price of wool for manufacturing purposes. Surely both of these propositions can not be true, and, in fact, neither is absolutely true. It is true, however, as stated by the President and Mr. MILLS, that the effect of placing wool on the free-list will be to reduce the price of wool to the wool-grower, but it is not true, as it is believed, that the effect of such reduction will be to cheapen manufactured woolen clothing.

THE SHEEP INDUSTRY IN OREGON.

The sheep industry in Oregon is in its infancy. Prior to 1867 there were less than 150,000 sheep all in the State of Oregon. In 1860 there were but 86,052, and in 1850 only 15,382. Stimulated, however, by the protection afforded by the tariff of March 2, 1867, this industry made gigantic strides until checked in a great measure by the reduction made in tariff by the act of 1883. For instance, there were less than 150,000 head of sheep in 1867; the number in the next three years had increased to 318,123; in 1880 the number reached 1,083,182, while in the next three years, to 1883, the number more than doubled, reaching the limit of 2,403,157. Then, under the depressing influence of the tariff of 1883, there was in the next three years, down to 1886, an average annual increase of only about 18,000 head, as the statistics show the number in 1886 to have been but 2,469,533, while in 1887, according to the reported statistics, which by the best judges are estimated as being too low by 20 per cent., the number was 2,593,029.

It may be safely stated, therefore, that there are now in the State of Oregon in round numbers about three million head of sheep. These represent a capital of not less than $6,500,000, irrespective of capital invested in outfits, teams, horses, etc., for each flock, besides necessary land and improvements. It is but safe to estimate that these give constant employment to at least three men for every one thousand head of sheep, thus giving employment to about nine thousand men as herders and shepherds, not including shearers, etc. And this is the character of the wool industry alone in the State I in part represent here, which the President of the United States, and the present candidate of the Democratic party for re-election, would strike down and forever destroy by placing wool on the free-list. To this industry perhaps more than that of any other, and, indeed, I might perhaps with propriety say, as much as all others combined, is our State to-day indebted for the marvelous development and the rapid settlement of its eastern section.

For many of these statistics and comparisons I am indebted to Col. Thos. S. Lang, of the Dalles Oregon, who is thoroughly informed on the subject.

Prior to the act of March 2, 1867, the destruction of the wool industry of this country was threatened by the rapidly increasing flocks in Australia, the Argentine Republic, and other foreign countries. Then our wool production was but 168,000,000 pounds annually, while that of South America and the African colonies alone reached over 300,000,000 pounds. Then it was the American Congress, becoming alarmed at the peril to which this great American industry was being subjected, sought by wise legislation contained in the act of March 2, 1867, to stay

the flow of foreign importation and give protection and encouragement to the wool-growers of the United States by an increase of duties on foreign importations of wool, and what was the result? Our yield of wool generally rapidly increased in the succeeding sixteen years, as follows:

	Pounds.
1867	168,000,000
1870	182,000,000
1875	195,000,000
1880	240,000,000
1883	300,000,000

And not only so, but the average price of wool under this tariff during the years it was in force was 47 cents per pound, New York and Boston prices, notwithstanding the immense increase in the number of pounds in this country. It must be further borne in mind that the wool-growers of the United States did not obtain the full legitimate benefits of the act of 1867 for some three years after its passage, from the fact that importers, anticipating an increase in duties, flooded the country with foreign wool and woolen goods under the low-rate tariff of 1864. Another reason operating against the wool industry about that time was the fact that our markets were glutted with the immense amount of army clothing thrown on the markets in the first few years succeeding the close of the war. But all the beneficial effects of the act of 1867 were, as I have already stated, checked by the act of 1883, as will be further conclusively shown by two significant facts: First, that since 1883 our yield of wool has decreased from 300,000,000 pounds to 265,000,000 pounds, although, according to McCarthy, statistician, the product reached high-water mark in 1885, when it reached 308,000,000 pounds, while the average price of wool at New York and Boston has decreased from 47 cents per pound, the average price from 1867 to 1883, to 33 cents per pound, the average price since 1883 to the present time—a falling off, as will be seen, of 14 cents on each pound of wool. These rates are those of Ohio washed fleece.

If a reduction, therefore, in the duty on wools from 2½ to 3 cents per pound by removing the ad valorem duties, as was done by the act of 1883, has been followed by such disastrous effects, what may we expect in the shape of calamity and absolute destruction to this great industry which now contributes annually to the wealth of the country over $75,000,000—I make no mention of flocks valued at $90,000,000 more—if all duties are removed and wool, as is proposed by the pending House bill, be placed on the free-list? The result in such an event is not difficult of divination. England, free-trade England, has herself furnished ample evidence of the effects of free trade on the wool industry in her own country. Less than eighteen years ago England produced over 250,000,000 pounds of wool, while to-day, under the baneful influence of free trade, her product is less than 100,000,000 pounds.

WOOL AS RAW MATERIAL.

Those who speak of wool as the raw material should remember it costs money, first for sheep, for pasturage, for salt, for herders, for shepherds, for doctoring, and for general care. The average expense of keeping a sheep in Eastern Oregon is about 5 cents a month or 60 cents a year, while at present rates each sheep will perhaps net him from 65 to 70 cents, which leaves the owner under existing duties from 5 to 10 cents a head on which to pay interest on money invested and support his family; and in this estimate no account is taken of the risks of destruction from dogs, wild beasts, winter storms, and sheep epidemics. It costs about 10 cents a head, as I understand, for shearing, or over 1½ cents per pound. For hauling it to a point of shipment it costs from one-half to 2 cents a pound, depending on location. Another high tax must be added to the Eastern Oregon shipper or the purchaser of wool to get it to Chicago; and yet wool is said to be the raw material.

FREE TRADE IN LUMBER.

The Mills or House bill places lumber on the free-list, and it is asserted by the advocates of that measure that if this is done the cost to the consumer will be reduced. But is this so? If the placing of lumber on the free-list would in no wise tend to crush out the manufacturer of lumber in this country, if our mill-owners could afford in such a case to compete with the cheaply obtained timber and cheaply manufactured lumber of the Canadian provinces, and could keep up their annual product to its present figures, then it is reasonable to suppose that the price of lumber to the consumer would be materially reduced, although in such event the profits to the producer would of necessity be materially lessened.

But is it not a fact that if an open, free market is given by us to the lumbermen of our northern neighbors they will have such an advantage over the mill-men of this country, and especially those of the Pacific coast, that the first and ruinous effect will be to cripple and finally close American mills, thus driving the millions of capital now invested in that great industry into other avenues that will warrant better returns; and in the next place, will it not inevitably follow that, having a market all to themselves, our British neighbors along our northern boundaries engaged in the lumbering business will at once advance the price even beyond what it is now, so that in the end the last condition will be worse than the first and the price of lumber to the consumer, instead of being reduced, will be higher than it is at present?

It is a conceded fact that everything necessary to produce lumber in British Columbia and throughout Canada is at least 25 per cent. cheaper than in the United States. The Crown lands, covered with magnificent forests, are leased to mill-owners for long terms at merely nominal rentals; Chinese labor is employed almost exclusively in the mills of British Columbia, and the wages for this character of labor is now being reduced still lower than heretofore, since thousands of Chinese laborers are arriving every month over the subsidized line of British steamers running between Vancouver, the western terminus of the Canadian Pacific, and the British port of Hong-Kong, in China. Again, freights from British Columbia to California are as low, and perhaps lower than, from most ports in Oregon and on Puget Sound, while by reason of the necessarily higher freight rates from Alaska (by reason of its distance away) the British mills would, in case of free trade, have a monopoly as against Alaskan lumber.

Again, the Canadian lumber mills, which line the whole Canadian border, being located so much nearer the markets of the Eastern States than are the mills of the pine-producing regions of the United States, have here again a most decided advantage in the matter of freights, amounting at present to more than one-half the present duty on lumber. If, therefore, lumber were made free, the effect would unquestionably be to give the Canadians control of the markets of the Eastern States, and thus keep out the products of our lumber regions from our home markets.

A continuing duty, therefore, equal to that imposed by existing law, and which will doubtless be recognized by the Senate substitute for the Mills or House bill, is absolutely essential, in order that Western pine lumber may be able to reach Eastern markets, and to the end that the lumber industries of Oregon, California, and Washington Territory may not be crushed out by the mills of British Columbia.

But aside from the fact that free lumber would tend to crush out the mill-owners and lumbermen of this country, without any resulting benefit to the consumer, if not, indeed, a positive injury by an increase in its price—that price, moreover, going into foreign lands instead of our own people's pockets—there are other interests of great magnitude, as we all know, depending on the maintenance of this great industry. *Three hundred million dollars* in capital and over 1,000,000 men are engaged in this business in the United States. Thirty million dollars annually go into the pockets of the farmers of the United States for supplies for men and animals engaged in the lumber industry of the United States. On the Pacific coast, for instance, the lumber industry is the largest and most important manufacturing interest of that region of country; the capital invested is enormous, and more than in any other manufacturing interest. There are in Oregon, California, and Washington Territory nearly 200 saw-mills, employing over 35,000 men, while a fleet of more than 200 vessels, with crews numbering in the aggregate 8,000 men, are constantly engaged in freighting lumber, mostly coastwise.

Some idea may be formed of the magnitude of the lumber interests of the great Pacific Northwest by an examination of the following table, showing the lumber exports, board measure, to foreign countries in the year 1886 from the port of Puget Sound:

Destination.	No.	Feet.	Destination.	No.	Feet.
Sydney	32	25,082,342	Hong-Kong	2	1,210,000
Melbourne	27	19,053,426	Antofogasta	2	1,127,000
Hawaiian Islands	26	14,244,111	Iquique	2	1,266,716
Valparaiso	24	14,990,372	Rio de Janeiro	1	868,365
Mexico	9	4,720,232	Mollendo	1	473,109
Buenos Ayres	6	4,818,111	London	1	551,493
Brisbane	5	2,404,562	Broken Bay	1	814,000
Shanghai	5	2,794,460	Montevideo	1	837,817
Callao	4	2,402,666	Adelaide	1	607,305
Fiji	4	1,204,494	Coquimbo	1	423,862
Townsville	3	2,192,558			
New Caledonia	3	1,075,250	Total		103,102,241

In addition to the above, three cargoes of lumber, aggregating 2,576,432 feet, were shipped to Boston; 289 spars, equal to 300,000 feet, to New York, and 323 spars, equal to 200,000 feet, to Bath, Me., all shipped the same year; while in the State of Oregon the sawing capacity of the mills in operation in 1886, according to the latest official statistics in the Department of Agriculture, amounted to over 500,000,000 feet, board measure.

The chief of the division of forestry in his latest annual report, in speaking of the lumber trade of Oregon, says:

> Already the lumber traffic between Oregon and the southern markets of San Francisco, Mexico, and South America has reached large proportions, and shipments are made even to China and Australia. The rapidly diminishing supply of pine in the district embracing Michigan, Wisconsin, and Minnesota, together with the increased railroad facilities, have recently led to the sale of Oregon lumber in the Eastern markets. This inland trade began in 1885, and shipments were made last year (1886) at the rate of 5,000,000 feet a month, the lumber going as far as Denver, Omaha, and Chicago, most of it in the form of timber. Much of it was used for railroad and bridge construction.

It requires no argument, therefore, to make it perfectly clear to all that upon the success of such an industry depend for their existence numerous other, although less important, yet in themselves very im-

portant industries not only to those engaged in them and to the men they employ, but to the community at large, and all of which combined are engaged on the Pacific coast in the great work of the development of our many resources. To weaken, therefore, or strike down the former by bringing it into a ruinous competition with British mills is simply to lay a heavy hand on many other important industries dependent for their existence on this larger and still more important one. The effect would be to reduce wages, throw men out of employment, bring stagnation on our shipping interests, paralyze trade, benumb the prosperity, retard the development, and check the progress of our coast.

The protection of our magnificent forests against the destroying agency of incendiary and accidental fires is worthy the serious attention of the General Government, but the protection of these grand forests as against legitimate industry and the necessities of domestic and foreign commerce may not thus early in our history be urged with propriety as a reason for abolishing the duty on lumber. It is alleged upon what seems to be reliable data that not one hundredth part of the forest lands of Oregon, California, and Washington Territory have yet been touched, while in the great timber districts of Alaska the sound of the millman's ax has never yet been heard. Moreover, it is true that the Douglas spruce, or red fir, as it is locally called; Lawson's cypress, or cedar, pine, hemlock, and other coniferous trees of the Pacific coast are reproducing in their nature, and where but a few years since these forests have been hewed down there are to-day magnificent young forests coming forward rapidly in their stead.

This same report, in speaking of the destruction by great forest fires in Oregon and Washington Territory and of the rapid reproduction of the Oregon forests, says:

> The forests of Washington Territory have been subject to very destructive fires. The mountains are often invisible for weeks if not for months together, on account of the enveloping smoke of the consuming forests. Owing to the moist atmosphere, however, which pervades the western portion of the Territory, a young growth rapidly springs up to replace the trees which are burned, and thus the forest character of the region is preserved, as it is not and can not be in the drier regions east of the mountains.

In speaking further in reference to this matter in regard to the Oregon forests, the report says:

> Forest fires have been even more prevalent and destructive in Oregon than in the neighboring Territory, 132,320 acres having been reported as burned in 1880. The forests, however, reproduce themselves here as they do there and for the same reason, and with a little care this Pacific coast region might be preserved as a source of wealth more continuous and valuable than the mines, which are so highly estimated, while the worth of the forests is so generally overlooked.

In considering this question, moreover, it must not be forgotten that Canada is the largest exporter of timber of any country in the world. Her exports last year were 160,028,850 cubic feet, being 18,418,895 cubic feet more than that exported by Russia, the next largest exporter of timber in the world, and 46,062,830 cubic feet more than that exported by Sweden, which stands third on the list of exporters of this product; she exports 53,954,480 cubic feet more than the United States, the fourth on the list; she exports within a fraction of three times as much as Norway and Germany, the fifth and sixth, respectively, on the list of exporters of timber; four times more than Finland, the seventh in importance as an exporter of timber, and over three hundred times as much as Italy, the eighth and only remaining country that sends out exports of this character—and these in the case of Italy are limited to oak staves. The world's greatest competitor, then, as an exporter of wood and wood products, stretches her timber-decked forests the entire length of our northern frontier from sea to sea, only separated from us by an artificial boundary line.

It is to the United States, moreover, Canada and her several provinces look for their best market for their timber and lumber. Of the 300,000,000 feet of Canada spruce exported last year, 170,000,000 feet of the amount found a market in the United States, while only 130,000,000 feet went to Great Britain. This should not be so. The United States with her vast forests and her mill capacity, estimated at 200,000,000 feet board measure daily, and *not* Canada, should be not only the largest manufacturer and our people the largest home consumers of these wood products, but also the largest timber and timber products exporter in the world; and yet her unmanufactured timber export trade in 1887 was but 114,074,370 cubic feet, while Canada exported 168,028,850 cubic feet. Of the 275,451,000 cubic feet of hewn and sawn wood, exclusively of staves and furniture wood valued at $6,555,733, imported into Great Britain in the year 1887, the United States furnished but 6.7 per cent., while Canada furnished 21.5 per cent., Germany 4.4, Russia 22.3, Norway and Sweden 36.8, and all other countries 8.3 per cent.

Canada to-day, according to the recent report of the United States Department of Agriculture (annual report of Division of Forestry for 1887, B. E. Fernow, chief of division), sends 45.7 of her total export of raw material to the United States, while 46 per cent. goes to Great Britain. But not only so. In our trade with Canada of wood and its manufactures and of forest products for the year 1887, in reference to which there are exchanges between the two countries, Canada has in all respects a most decided advantage. The term "reciprocity" can in no sense be properly applied to this trade between the two countries. While our imports from Canada of these products amounted in value to $9,790,892, our exports to that country of like articles were only worth $2,607,438, leaving a balance of trade against us in respect of these exchanges of $7,183,454. Of lumber and timber that are dutiable we sent Canada these products in the year 1887 to the value only of the mere bagatelle of $95,616, while Canada sent into our market the same year like products to the value of $7,630,431. The following statement from the official document just quoted will show the articles exchanged and their respective values:

Comparative statement of imports and exports of wood and its manufactures and forest products between Canada and the United States in the year 1887.

Articles.	Imports.		Exports.	
	Total.	From United States.	To United States.	Total.
Logs and round unmanufactured timber	$336,886	$335,179	$341,083	$346,638
Fire-wood	3,921	3,921	311,715	311,931
Lumber and timber (duty free)	521,131	520,862	570,610	624,167
Lumber and timber (dutiable)	95,025	95,616	7,630,431	18,574,956
Tan-bark	2,860	2,860	235,787	235,787
Tan-bark extract	10,744	10,529	58	136,077
Other forest products	96,614	94,990	290,675	392,257
Carriages	348,459	317,252	14,477	18,540
Musical instruments	472,025	379,745	14,205	207,339
Other manufactures of wood	1,082,214	846,484	401,851	573,212
Totals	2,973,879	2,607,438	9,790,892	21,420,904
Per cent		87.7	45.7	

It is true, taking our total export and import trade in wood and wood products, with all the wood-producing countries of the world with which we have exchanges, the balance for the year 1887 is largely in our favor, as our total imports of these products for that year was, in cubic feet, 87,796,860, and in value $13,341,609, while the total of our exports for the same year was, in cubic feet, 120,749,725, and in value $28,842,881, making a balance in cubic feet in our favor of 32,952,865 and in value of $15,501,272.

It may be a matter of public interest to know the precise articles and amount and value of each product that constitute these exchanges respectively, and also those articles of our imports of these productions on which duty is paid, and they will appear from the following tables for the two years, respectively, of 1886 and 1887:

Exports of wood and wood products, 1886–'87.

Articles.	1886.		1887.	
	Cubic feet.	Value.	Cubic feet.	Value.
Fire-wood	261,408	$8,568	160,600	$4,975
Boards, deals, and planks	36,155,464	6,620,911	35,396,666	6,531,144
Joists and scantling	898,143	151,119	717,250	126,284
Hoops and hoop-poles, etc	2,804,850	224,385	2,673,150	213,852
Laths	295,895	48,377	221,008	32,940
Palings, pickets, and bed-slats	150,645	19,544	109,680	13,853
Shingles	581,996	103,049	541,016	101,282
Shooks, box	604,498	174,723	547,016	136,754
Shooks, other	3,295,041	1,198,444	2,815,515	938,505
Staves and headings	30,451,500	2,030,097	30,089,325	2,005,955
All other lumber	9,792,500	1,175,099	10,036,600	1,204,392
Timber, sawed	16,112,000	2,092,557	13,967,410	1,976,750
Timber, hewed	5,037,612	829,019	4,260,639	697,915
Logs and other timber	15,732,100	1,258,575	13,015,975	1,041,278
Total unmanufactured	122,173,652	15,934,467	114,551,850	15,065,879
Manufactures of—				
Doors, sash, and blinds*	356,007	267,005	364,437	273,328
Moldings, trimmings, etc	139,913	104,935	152,080	114,061
Hogsheads and barrels, empty	663,277	497,458	609,333	456,992
Household furniture	2,829,083	2,121,812	2,638,327	1,978,745
Woodenware	441,647	331,235	434,648	325,986
All other manufactures	1,848,531	1,386,398	1,973,257	1,479,943
Total	6,278,458	4,708,843	6,172,082	4,629,055
Naval stores:				
Rosin		1,963,091		2,301,636
Tar		36,208		39,772
Turpentine and pitch		32,999		29,270
Spirits of turpentine		2,811,777		3,489,985
Total naval stores and spirits of turpentine		4,844,075		5,860,663
Bark and tanning extracts		283,086		239,700
Sumac		13		
Matches	27,401	82,204	25,793	77,379
Agricultural implements		2,367,258		2,138,398
Sewing-machines	103,388	2,584,717		
Musical instruments		871,446		831,837
Miscellaneous	130,789	6,188,724	25,793	3,287,314
Total	128,582,899	31,676,109	120,749,725	28,842,881

* Until 1884 the exports of doors, sash, blinds, moldings, etc., are included by the Bureau of Statistics in "all other manufactures," and can not be given separately. For the same reason the exports of some other articles can not be given separately for every year.

Imports of wood and wood products, 1880–'87.

Articles.	1886.		1887.	
	Cubic feet.	Value.	Cubic feet.	Value.
FREE OF DUTY.				
Wood, unmanufactured, not elsewhere specified:				
Fire-wood	16,910,400	$349,134	16,464,288	$327,349
Logs and round timber	5,748,000	459,843	7,338,400	587,073
Railroad ties	7,265,685	377,443	8,424,833	484,945
Shingles and stave-bolts	5,374,280	134,357	5,254,800	131,370
Ship timber	156,076	39,019	181,988	45,497
Ship planking	56,571	18,857	98,094	32,698
Hop-poles	100,000	12,511	26,224	3,278
Wood pulp		5,897		7,381
Charcoal		36,849		47,353
Hemlock bark		236,198		272,956
DUTIABLE.				
Wood, unmanufactured, not elsewhere specified	206,616	25,827	142,896	17,862
Timber	20,231	2,221	9,967	1,025
Lumber:				
Boards, planks, deals, etc	39,933,981	5,639,813	40,297,865	5,825,320
Clapboards	1,303,413	59,389	1,397,450	58,953
Hubs, posts, lasts, and rough blocks	337,161	60,615	260,867	46,956
Laths	2,457,216	198,756	3,051,728	241,077
Pickets and palings	406,080	61,318	388,800	32,907
Shingles	1,107,414	171,523	1,254,176	185,611
Shooks and packing boxes	421,796	105,449	463,996	115,999
Staves	1,002,716	269,961	1,129,258	304,031
Bark extracts, chiefly hemlock		9,273		51
Sumac		564,276		466,378
Cork and cork bark, manufactured		176,679		209,532
Walking sticks		9,079		8,101
Matches	11,396	34,187	8,486	25,458
Manufactures:				
Casks and barrels	1,367,690	1,224	1,602,744	1,780
Cabinet ware and furniture		308,191		387,234
Osiers and willows, peeled and dried		15,164		18,516
Osier and willow baskets		238,380		312,179
All other manufactures		462,809		482,349
FREE OF DUTY.				
Cabinet woods:				
Box		72,403		35,202
Cedar		520,184		263,825
Ebony		69,043		51,211
Granadilla		2,807		1,685
Lancewood		16,910		23,975
Lignum-vitæ		42,362		66,513
Mahogany		479,861		653,473
Rose		46,957		62,308
Sandal		2,598		1,339
Satin		12,641		9,528
All other cabinet woods		219,585		252,084
Cork wood or bark, unmanufactured		891,392		1,239,247
Total	84,186,712	12,461,985	87,796,860	13,341,609

While, therefore, the general balance is in our favor, should there be such balances of trade against us in respect of our exchanges with Canada, when our forests are comparatively unlimited, and when we have milling establishments in which are invested hundreds of millions of dollars, with a capacity of turning out 200,000,000 feet board measure of lumber daily?

As showing the number and capacity of the saw-mills and shingle-mills of this country, attention is attracted to the following table found in the annual report for 1887 of the division of forestry, Agricultural Department. This table may or may not be entirely accurate, but probably is not very much out of the way:

[S. indicates saw-mills and Sh. shingle-mills.]

States.	Mill.	Daily capacity.	
		Lowest.	Highest.
		Feet.	*Feet.*
Maine	S.	1,630,000	3,080,000
Do	Sh.	1,181,000	1,830,000
New Hampshire	S.	1,001,000	1,885,000
Do	Sh.	96,000	180,000
Massachusetts	S.	212,000	370,000
Do	Sh.	17,000	30,000
Connecticut	S.	17,000	30,000
New York	S.	4,007,000	7,250,000
Do	Sh.	1,086,000	1,760,000
Pennsylvania	S.	10,139,000	1,865,000
Do	Sh.	1,081,000	1,995,000
New Jersey	S.	97,000	190,000
Do	Sh.	5,000	10,000
Delaware	S.	66,000	120,000
Maryland	S.	452,000	840,000
Do	Sh.	5,000	10,000
Virginia	S.	3,260,000	6,310,000
Do	Sh.	126,000	240,000
North Carolina	S.	859,000	1,690,000
Do	Sh.	99,000	170,000
South Carolina	S.	367,000	715,000
Do	Sh.	30,000	60,000
Georgia	S.	1,868,000	3,535,000
Do	Sh.	164,000	300,000
Florida	S.	1,670,000	3,055,000
Do	Sh.	444,000	780,000
Alabama	S.	2,413,000	4,525,000
Do	Sh.	257,000	490,000
Mississippi	S.	1,241,000	2,285,000
Do	Sh.	55,000	110,000
Louisiana	S.	1,057,000	1,985,000
Do	Sh.	412,000	670,000
Texas	S.	2,421,000	4,555,000
Do	Sh.	1,000,000	1,600,000
Michigan	S.	23,789,000	40,370,000
Do	Sh.	12,742,000	20,045,000
Wisconsin	S.	10,260,000	17,830,000
Do	Sh.	2,000,000	3,525,000
Minnesota	S.	5,132,000	7,780,000
Do	Sh.	799,000	1,350,000
Ohio	S.	5,048,000	9,660,000
Do	Sh.	69,000	130,000
Indiana	S.	3,775,000	7,430,000
Do	Sh.	108,000	200,000
Illinois	S.	1,659,000	2,895,000
West Virginia	S.	795,000	1,545,000
Do	Sh.	12,000	20,000
Kentucky	S.	2,036,000	3,905,000
Do	Sh.	153,000	270,000
Tennessee	S.	3,260,000	6,310,000
Do	Sh.	126,000	240,000
Arkansas	S.	3,066,000	5,735,000
Do	Sh.	583,000	1,000,000
Missouri	S.	1,523,000	2,855,000
Do	Sh.	85,000	170,000
Iowa	S.	2,060,000	2,945,000
Do	Sh.	550,000	825,000
Dakota	S.	5,000	10,000
Kansas	S.	65,000	130,000
Montana	S.	199,000	365,000
Do	Sh.	22,000	40,000
Idaho	S.	51,000	90,000
Do	Sh.	12,000	20,000
Nevada	S.	87,000	170,000
Do	Sh.	25,000	50,000
Utah	S.	79,000	155,000
Do	Sh.	35,000	70,000
California	S.	524,000	915,000
Oregon	S.	1,346,000	2,380,000
Do	Sh.	105,000	210,000
Washington	S.	2,470,000	3,885,000
Do	Sh.	426,000	77,000

Approximate total daily mill capacity of the United States:
Lowest.....feet B. M... 123,936,000
Highest.....do 200,815,000

Again, the value of all imports from Canada into the United States for the year 1887 of wood and wood products, both dutiable and free, was $13,341,609. Besides, it is a fact that Canada protects herself by tariff legislation by imposing higher import duties than those imposed by the United States on forest products. She has an import duty of 25 per cent. ad valorem, which is on a general average about 10 per cent. higher than our present duty, as it is on an average only about 15 per cent. when reduced to ad valorem. But not only so, instead of giving us free lumber from her extensive forests, she has put an export duty on her products, not confining it by any means to such articles as are subject to duty under our laws, but including also logs, shingles, and stave-bolts, which are by us admitted free of duty.

If, therefore, Mr. President, I could be convinced that free lumber would not have the effect I have indicated of destroying, not only our great lumber industry, upon which a million laboring men depend for their daily bread, and the other many important industries depending on this, and would bring cheaper lumber to the consumer, or if I believed, as many honestly do believe, that the farmers of the land, the tillers of the soil, the producers of wheat, and corn, and barley, and vegetables, and fruits, and butter, and cheese, were to be benefited by placing lumber on the free-list, then I would hail with joy the day of free trade in lumber, and would gladly co-operate with those who formulated and passed the House bill; but conscientiously holding to the views I have just indicated, I must, in what I conceive to be the true interests, not merely of the manufacturer and consumer of lumber, but of the farmer and laboring man as well—believing the maintenance of these great industries tends directly to foster and build up a great diversity of other important industries, and thus to create home markets for the surplus products of the farmer, a ready and convenient market for the merchant, and home employment at good wages for the artisan and the common laborer as well—protest at present and until

the conditions shall seem to me to be changed against free trade in lumber. And holding to these views I am gratified in the assurance that the Senate substitute for the House bill will take direct issue with the latter on the lumber question, and the existing duties on lumber will be retained.

As bearing upon this general subject I submit the following communication, received by me in December last; also a copy of the petition referred to:

SAN FRANCISCO, CAL., *December* 6, 1887.

SIR: By to-day's mail is forwarded to your address a petition asking that the present tariff on lumber remain unchanged; and by authority of the many signers to it, we are authorized to further address you on the subject.

The signers earnestly request that you will not allow yourselves to be deceived by representations made by owners of timber lands in Canada, in order to belittle the magnitude of the interests at stake.

We have in California, Washington Territory, and Oregon one hundred and ninety saw-mills, employing 35,000 men, without counting the crews of over two hundred vessels engaged in freighting lumber. Are not these men, who are contented in the receipt of good wages, interested in the protection of the industry to which they owe their livelihood? Are not the farmers who furnish the supplies for all these men and mills also interested in the protection of this industry?

If lumber is placed on the free-list, it will at once and most unfavorably affect the prosperity of this coast, and by just so much increase that of British Columbia, where timber lands are given to mills at the rate of 20 cents per acre, and which are now more accessible to water, and where labor is cheaper, owing to the large employment of Chinese.

In fact, many of our mill-men would in such case at once move their "plant" across the border to avail themselves of better facilities of manufacture.

The duty now imposed on lumber is low indeed in comparison with that which protects iron, woolen goods, and other manufuctured articles, and its repeal is asked by no class or interest on this coast.

The argument for abrogation of the duty, because only a certain part of our people are directly protected, is entirely applicable to any other industry asking the protection of a tariff.

A protective tariff is demanded as a whole because it protects so many industries that all combined include, as it were, the nation itself.

One thing is certain, if the duty on lumber is taken off all citizens in the trade on this coast, employers and employés, will demand in justice that the duty on iron, cordage, sugar, and other things making up the cost of lumber be also repealed in order that, if the lumber interest is to be placed in full and open competition with mills in Canada, the conditions of cost and manufacture may also be equalized.

In conclusion, a statesman, looking beyond the mere interests of the hour, would shape our policy and legislation so as to give us a continuous shore-line from Mexico to Behring's Straits, and thus connect our immense outlying territory of Alaska with the rest of the Republic.

You can judge if such a policy would be furthered by throwing open to British Columbia our home markets, without asking her people to bear any of our burden of tariff or taxation.

The sentiment and desire of annexation to the United States, known to exist and to be on the increase in that province, would quickly disappear, and with reason, were we to pursue this latter course.

Yours, truly,

A. D. MOORE,
W. J. ADAMS,
Committee.

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

[Copy of a petition, the original of which has been sent to the Pacific coast Congressional delegation, Washington, D. C.]

To the honorable the Senators, Representatives, and Delegates to the Congress of the United States from the Pacific States and Territories:

The signers hereto are citizens of the State of California engaged in the manufacture of lumber in said State, the State of Oregon, and Washington Territory (an industry that, having experienced the vicissitudes inseparable from pioneer operations, is now becoming the most important on this coast), and viewing with extreme apprehension the current efforts made in other sections to abrogate the existing "tariff" on lumber, beg most earnestly to solicit your votes, your influence, and your every action to oppose any disturbance of the present import duty on said commodity. In support of such solicitation the following presentation of reasons for the maintenance of such duty, so far as the Pacific coast section is concerned, is most respectfully made; reasons so manifest and weighty as to remove the entire question from the domain of party politics, and this appeal is made regardless of the party affiliations of your petitioners.

First. In proportion to population the State of California has yearly added more to the customs revenues of the General Government than any State in the Union, New York alone excepted; its manufactures have been few, and since its settlement and continuing until the present time it has been a large consumer of the protected products of the older States. and now, when its own infant industries are struggling to their feet, it demands for them, as a right, the same fostering care at the hands of the Government that has brought those of other sections to full growth.

Second. The forest growths of this State, Oregon, and Washington Territory, the smallest fraction of which has only been touched by the ax, offer to generations to come the fullest supply of their most lavish needs of lumber and without the supplement of the extensive virgin tracts of Alaska. There is not, and can not be, any justification on the score of scarcity or monopoly in offering to adjacent British Columbia the trade this coast is abundantly able to supply.

Prices of this product have been for years, and are now, low, compared with those ruling in other parts of the United States, and despite the higher cost of labor here must remain low by reason of local competition.

The recent phenomenal growth of this coast has stimulated additional investments in the manufacture of lumber, and consequently increased competition, and with such further lowering of margin of profit that any attempt at meeting the foreign product of cheap labor would be futile.

Third. Vigorous, manly labor is required for and stimulated by the prosecution of the lumber industry; mechanical trades find employment in the construction and repair of its "plants;" the needs for transportation of this product on land stirs to progress that great "civilizer," the railroad, and by sea bids fair to save to our country the fast dying industry of ship-building, once its pride, and restore to it on this timbered coast the lost "American merchant marine."

Admit to our State free of duty the lumber of British Columbia, produced by "Chinese labor," from exhaustless forests donated to its mills by a willing Government, and all these industries will be throttled to their death; hosts of laboring men from mills and woods will be idle; skilled trades will lack employment; our ships will rot at decaying wharves, for the carrying trade of the principal product that now keeps our flag afloat will inevitably be by foreign bottoms if the production of their cargoes be in foreign hands; vast milling plants will be made valueless, and the capacity of our forest growths to add to the national wealth dwindle into insignificance.

Fourth. The timber lands of this coast, both red-wood and pine, are reproductive, and like those of Norway, when denuded, are soon recovered with a new and rapid growth of the parent species; this power itself were a sufficient heritage for posterity, did the fear of obliteration of standing supply within the limits of following generations have any force; but with practically inexhaustible present and prospective forest wealth, is it meet that a Government deemed paternal should ignore its existence and give to alien lands and alien labor the trade its own people might and should derive from such possessions? Better would it be for this nation's good and gain that the alleged lumberless denizens of the fractional fringe of its northern border should appease their cravings from the vast timber tracts of the south and southwest for a brief time, or until the infant lumber industries of this coast attain a fuller growth, and by decreased cost of production and increased means of transportion with coincident reduction of "rates" be able to lay at their doors at seductive prices the superior products of this unlimited lumber region.

Finally, from a sectional standpoint, in the interests of the capital invested in the lumber business of the Pacific Slope, the large number of workmen engaged therein in woods and mills, on sea and land, the collateral industries dependent thereupon, and stimulated by its continuance, and from a national one, that this great item of our country's possessions may continue to augment her wealth in resources, we therefore most respectfully beg of you that your every effort will be used to the end that no change shall be made in the existing duty on manufactured lumber.

And your memorialists will ever pray.

Renton, Holmes & Co., San Francisco; Moore & Smith, San Francisco; Hanson & Co., San Francisco; Preston & McKinnon, San Francisco; Arcata Mill and Lumber Company, Arcata, Humboldt County, California; E. M. Herrick, San Francisco; W. J. Adams, San Francisco; F. P. & J. A. Hooper, San Francisco; Colusa Lumber Company, A. W. Jackson, president, Colusa County, California; Excelsior Redwood Company, C. A. Hooper, president, Eureka, Humboldt County, California; Pacific Pine Lumber Company, E. M. Herrick, president, Warner Craig, secretary, San Francisco; Russ Lumber and Mill Company, by C. A. Hooper, president, San Diego, Cal.; Pacific Lumber Company, by E. L. Allen, secretary, Humboldt County, California; Shoal Water Bay Mill Company, Shoal Water Bay, Wash.; J. Knowland, San Francisco; Washington Mill Company, Hadlock, Wash.; Washington Mill Company, Seabeck, Wash.; San Pedro Lumber Company, San Pedro, Cal.; Port Blakely Mill Company, by C. J. Holmes, president, Port Blakely, Wash.; Port Discovery Mill, Washington Territory; Port Costa Lumber Company, Contra, Costa County, California; C. A. Hooper & Co., San Francisco; Wyman Murphy, by E. L. Allen, agent, San Francisco; Hanford Lumber Company, by A. D. Moore, president, California; Starbird & Goldstone, San Francisco; Elk River Mill and Lumber Company, Bucksport, Humboldt County, California; Santa Barbara Lumber Company, Santa Barbara, Cal.; Tocoma Mill Company, by G. W. Watson, secretary, Tacoma, Wash.; C. L. Dingley & Co., San Francisco; Central California Lumber Company, by J. F. Keimaly, president, San Francisco; Port Madison Mills, Port Madison, Wash.; Fort Bragg Redwood Company, by J. C. Higgins, secretary, San Francisco; S. E. Slade & Co., San Francisco; Chandler, Henderson & Co., Riverside Mill, Humboldt County, California; G. F. Smith & Co., San Francisco; Gardner Mill Company, Gardner City, Oregon; Northwestern Lumber Company, Gray's Harbor, Wash.; Casper Lumber Company, per F. A. Wilkins, secretary, Casper, Cal.; George W. Chandler, 15 Market street, San Francisco; S. W. Blinn Lumber Company, by C. A. Hooper, president, Arizona, N. Mex.; J. G. Jackson, San Francisco; Minor, Kirk & Co., per T. H. Minor, proprietor Warren Creek Mill, Humboldt, Cal.; Charles Nelson, 18 Market street, San Francisco; T. H. Minor, 18 Market street, San Francisco; KcKay & Co., proprietors Occidental Mill, by J. J. Loggis, Eureka, Humboldt County; Sierra Lumber Company, by Peter Dean, president, Red Bluff and Chico, Cal.; Simpson Brothers & Co., 48 Market street, San Francisco; Isaac Minor, per T. H. Minor, proprietor Glendale Mill, Humboldt County, California; Sacramento Lumber Company, C. A. Hooper, president, Sacramento, Cal.; Puget Mill Company, by C. F. A. Talbot, president, Port Gamble, Port Ludlow, and Utsalady, Wash.; Pope & Talbot, San Francisco; Navarro Mill Company, by R. G. Byxbee, manager, San Francisco; E. B. Dean & Co., mills, Coose Bay, Oregon; Southern Oregon Company and Oregon Improvement Company, by John L. Howard, manager; Seattle, Wash., and Empire City, Oregon; Pollard & Dodge, San Francisco, Cal.; Eel River Valley Lumber Company, by Pollard & Dodge, Humboldt County, California; Gualala Mill Company, by C. L. Dingley, vice-president; Jason Springer & Co., Butte County, California; Chas. F. Doe & Co., San Francisco, Cal.; Hobbs, Wall & Co., San Francisco and Crescent City, Cal.; S. H. Harmon & Co., E. N Harmon, secretary, San Francisco; J. M. Weatherwax, by S. H. Harmon & Co., agents, mills at Aberdeen, Gray's Harbor, Wash.; Little and Knowles Lumber Company, per W. C. Little, president, San Francisco; Del Norte Commercial Co mpany, per Little & Knowles Lumber Company, agents Smith River, Del Norte County, California.

LEAD.

The House or Mills bill, while it does not place lead on the free-list, does that which is equivalent in so far as striking a deadly blow at the silver and lead mining industry of this country. The present rates of duty under existing law and the rates proposed by the Mills bill and the difference between the two will be seen and appreciated by the following table:

Lead.	Present rates of duty.	Rates of duty by Mills bill.
Molten and old refuse lead run into blocks and bars, and old scrap lead fit only to be manufactured	2 cts. per lb.	1¼ cts. per lb.
Ore and dross	1½ cts. per lb.	¾ cts. per lb.
Pigs and bars	2 cts. per lb.	1½ cts. per lb.
Sheets, pipes, and shot	3 cts. per lb.	2½ cts. per lb.
Manufactures not specially enumerated or provided for	45 per cent.	40 per cent.

It requires no argument to convince the intelligent that such a policy would strike an almost fatal blow to the silver and lead mining industries of this country, and this in the great Pacific Northwest is one that adds much of the life-blood that goes to swell the business arteries and promote general prosperity in that region. Without adverting to the enormous silver and lead industries of Colorado, Utah, Montana, Dakota, Wyoming, and other silver and lead producing sections lying along the base of either side of the Rocky Mountains, and of the millions of capital invested therein, and of the employment at fair wages this great industry gives to thousands of the laboring people of this country, men and women, it may be said the silver and lead mining industry in the Pacific Northwest—Oregon, Idaho, and Washington—is, although of immense importance prospectively, comparatively in its infancy.

Millions of dollars have been recently invested in that section of our country in prospecting and developing mines, in bringing in and placing machinery, and a new mining era is about to dawn upon our country in that direction that will develop untold millions of wealth in the near future, if the industry is not strangled or obstructed by legislations, not only from that industry alone, but from various others that will be fostered by it. The greater portion of the mines in the far West are what are known as low-grade silver-lead mines. So long, therefore, as the price of lead is not brought lower than it now is by importation from England, Germany, Spain, Mexico, the Central American states, and other lead-producing countries, lead and silver mining, and they go together, can be carried on with a fair profit and with magnificent results in the general development of the country and in the promotion and advancement of the material interests of the whole people. Flood this country, however, with the cheaply-produced lead of foreign countries, and a staggering blow, one from which it may not hope soon to recover, is struck at the great silver and lead mining industries of this country, especially in the Pacific Northwest, where transportation rates are exceedingly high. Now why should this be done? As a means of reducing the revenue and bringing down the surplus it amounts to nothing. Even according to the estimate of the Mills bill the reduction in duties on lead proposed by that bill would only reduce the revenue to the amount of $6,000 annually. As a matter of fact, however, this proposed reduction in the duties on lead would unquestionably increase the revenues, as it would vastly increase the importations.

Our importations of lead in 1887 were less than one-twelfth in pounds than in 1870. In the latter year the importations were 85,897,720 pounds, while in 1887 the importations of lead upon which duty was paid were only 12,016,694 pounds. The price of lead has been reduced nearly $2 per 100 pounds, the price in 1870 being $6.30 and last year only $4.50 per 100 pounds, so there is no room for complaint on the part of the consumer. Reduce the present duty as proposed by the Mills bill so as to enable the foreign importer to bring in his lead at a profit, and we may expect as a natural result there will be a vast increase in the importations. In that event this industry, which has in the past fifteen years increased over 400 per cent.—the value of the lead production in 1872 being only about $3,000,000, while in 1887 it was $14,463,000, estimated at $90 per short ton—would cease to expand and would at once retrograde.

This industry has been, and will continue to be, if not throttled by applying to it the doctrine of free trade, or a tariff for revenue only, which is the same thing in substance and effect, one of the most powerful and influential agencies extant in developing the vast areas of the almost inaccessible portions of our public domain, and in tapping and penetrating the mountains of the Pacific Northwest with shafts and tunnels from which flow streams of wealth which increase the business of transportation to the common carrier, furnish a ready and inviting home market for the surplus products of the farmer, which presents favorable facilities for the employment of labor at fair wages, while trade and commerce generally are stimulated, new and varied industries called into existence in every city, town, and hamlet, and the prosperity of the people generally promoted.

The truth is, there should be no importations of lead permitted into this country. The tariff should, in my judgment, be a prohibitory one. The average wages paid lead miners in Spain are less that 50 cents a day, those in England and Germany do not average 40 cents a day, while those of the United States average about eight times the latter amount, or from $3 to $3.50 per day, while the freight rates from Europe to New York are only about one-fifth on an average of the transportation rates from Colorado, Montana, Utah, Idaho, Washington Territory, and Oregon to the same point. Although there has been a large annual increase in this country and will be in the future in the consumption of lead, the increase in our production in the past few years justifies the statement that with reasonable protection we will not only be able to supply our home demand for lead and its products, including the chemical products from lead, such as white lead, carbonate of lead, oxide of lead (litharge), red lead, orange mineral, sugar of lead, nitrole of lead, etc., but should become an exporter to foreign countries to a large extent.

Fifty years ago there were not 2,000 tons of lead produced in the United States. Sixteen years ago our product was only 25,800 tons. In the eight years succeeding 1872 the increase in our lead productions nearly quadrupled. In 1872 it was 25,800 tons; in 1880 it reached 97,800 tons, while in 1886 it was 135,000 tons, and in 1887 160,700 tons. In 1887 the home consumption of lead was about 164,000 tons, a fraction perhaps, or only about 3,300 tons, less than our total product for the same year. If this industry, therefore, is not affected by this proposed adverse legislation as set out in the House bill, there is no reason why the United States should not only be able to meet the home demand at fair and reasonable rates to the consumer, and in fact at largely reduced rates over those prevailing a few years since, but, like our wheat and cotton growers, supply a portion of the demand from non-lead-producing countries.

The Senate substitute for the Mills bill will, I am confident, not only *not* reduce the tariff on lead below the rates prevailing under existing law, but it will correct an evil and gross injustice caused by a ruling of the Treasury Department to the effect that imported silver-lead ore if it is more valuable in silver than in lead shall come in free—this notwithstanding the fact that all lead ore is by existing law made dutiable. Under this construction of the law, the soundness of which may be seriously doubted, thousands of tons of lead are coming in annually from Mexico and other lead-producing countries free of duty. This practice will be longer impossible under such a substitute as it is believed will be reported by our Committee on Finance should it become a law.

Mr. David T. Day, chief of mining statistics and technology, in his summary of report for 1887, in speaking with reference to this matter says:

> The heavy increase of "desilverized" lead from 114,829 short tons in 1886 to 135,552 in 1887 was probably due to the importation of Mexican lead-silver ores. The large product of non-argentiferous lead of 25,148 short tons is due chiefly to the development of the St. Jo district in Missouri. The production of white lead and the silver oxides from pig-lead increased to a total of about 75,000 short tons.

This statistician in speaking of our present lead production, that of the year 1887, says:

> The production of lead was 160,700 short tons, valued at $14,463,000, at $90 per short ton.

Hon. B. Goldsmith, late chairman of the Democratic State central committee of the State of Oregon, correctly and intelligently voiced the sentiment of the people of the Pacific Northwest, irrespective of party, in opposition to the proposition of the Mills bill to reduce the tariff on lead, in a speech made by him last spring before the Portland (Oregon) Board of Trade, and while he was still chairman of the Democratic committee, in which he is reported as follows:

> Mr. B. Goldsmith said that foreign countries should not be allowed to drive American lead from the markets of the world. The main lead producing countries of Europe are Spain, England, and Germany. The duty is 2 cents per pound. The price of lead in New York is about 4½ cents per pound. Lead miners in Europe earn on an averave 40 cents a day. The freight from Europe to New York is $3 to $5 a ton. Lead miners in America earn $3 to $3.50 per day. Freight on base bullion and lead from Idaho, Montana, and Colorado is $15 to $18 a ton. It would be destruction to the mining interests of the North Pacific coast if the duty on lead is repealed. Such an act would close three-fourths of the mines now operated. It would throw out of employment thousands of men directly engaged in the mining industry and thousands indirectly interested.
>
> Mr. Goldsmith moved that a committee of three be appointed to investigate the question and report to the board a memorial to Congress asking that the duty on lead be not repealed.

General Kapus, a prominent German citizen of Portland, and at present an elector on the Republican Presidential ticket in Oregon, is at the same meeting reported as follows:

> Mr. William Kapus heartily favored the motion. He was a protectionist. He wanted not only to protect the mining industries of the country, but the great lumber and the wool interests of the State. The free-traders were making an especial fight on wool. Mr. Kapus moved an amendment to include wool and lumber in the investigation by the committee.
>
> The motion as amended prevailed, and Messrs. Goldsmith, Kapus, and Cameron were appointed as such committee.

THE FARMER.

It is customary in free-trade circles to proclaim that the farmer—the grower of wheat, oats, barley, and other cereals, the producer of cattle, horses, hogs, dairy products, hops, vegetables, sheep, and especialy the producer of wheat—is injured by a protective tariff; or, in other words, that while existing laws extend protection to the manufacturer, no such protection is guarantied the farmer. It is a common thing to declaim that the interests of the farmer and the consumer are sacrificed to those of the manufacturer, and that the interests of the former are subordinated to those of the latter. Never was a more stupendous fallacy uttered. On the direct contrary, it may be asserted without fear of successful contradiction that no class of people in this country, all things considered, are any more interested in the maintenance of the protective principle, as applied in the United States, than are the farmers.

This is capable of absolute demonstration; the history of the past in this country attests the fact. All will agree that whatever tends to increase home demand or a home market for wheat or any other farm product tends directly to benefit the farmer. If our population and home industries were suddenly doubled the home consumption of wheat would necessarily be largely increased, if not doubled; the establishment of a great variety of industries, giving employment to millions of men, tends directly to increase the home market and to induce better prices; and while the employé may be compelled to pay an in-

creased price for a barrel of flour, he is by reason of steady and profitable employment at good wages better able to purchase a barrel of flour for himself at a fair price to the farmer and producer than in the absence of manufactures and other industrial enterprises, and consequently lack of employment, or if employed, at low wages, he would be to purchase a single bag, though flour could be had at cheaper rates.

John C. Calhoun, in the early days of the Republic and before he became a convert to the heresy of free trade, in a speech then made by him, correctly stated the question as to the effect on the farmer in securing him a good market and a ready and cheap supply of those articles he is compelled to purchase by a policy that would foster our manufacturing industry. He said:

> When our manufactures are grown to a certain proportion, as they will under the fostering care of the Government, the farmer will find a ready market for his surplus produce, and what is of equal consequence a certain and cheap supply for all his wants.

This sentence from the lips of John C. Calhoun is a perfect answer in and of itself to the charge so often and glibly repeated to the effect that the farmer is not benefited by the policy of protection. Calhoun saw the cotton and cotton fabrics of South Carolina brought into ruinous competition with those of India, where 4 pence bought a pound of cotton, and the weaver's wages did not exceed 4 pence a day; and hence it was that he while a member of the national House of Representatives boldly and ably advocated a protective tariff on imported cotton and cotton fabrics equal to 75 per cent. of the cost of production at that time in India. But did time warrant, arguments both innumerable and convincing might be produced.

But the farmers of this country are not only interested in creating and building up a home market for their wheat and other products; they are also interested in keeping out of this country, out of that home market, so far as possible, the cheaply produced agricultural products of foreign countries which, under free trade, would to a very large extent flood this country in ruinous competition with our farm products. In that respect the interests of the farmer are, under our present tariff laws, in the main, and by the Senate substitute, will, I have no doubt, be still more, carefully guarded and protected. And notwithstanding the present duties imposed on foreign agricultural products, there were of these brought into the United States last year to the extent in value of nearly $150,000,000; of this amount were breadstuffs, including wheat, flour, rye, oats, and barley—10,355,594 bushels of the latter—to the aggregate value of $6,640,228; fruits—and the most of which we can raise here in abundance—including figs, to the value of $500,000; lemons, to the value of $3,835,147; oranges, to the value of $2,408,140, and prunes to the value of $2,999,645, making an aggregate in value of fruits imported of $15,840,827; hops, to the value of $3,404,000; animals, including sheep, to the value of $1,187,847; horses to the value of $3,464,303, and cattle to the value of $1,085,000, aggregating in value $5,737,150; raw wool of the value of $16,424,479; vegetables, including beans, pease, potatoes, pickles, and other articles, of the value of $7,333,749; dairy products, butter, cheese, and milk, of the value of $1,806,239; flax, hemp, jute, and sisal grass, of the value of $12,312 833. Suppose there had been no duties on any of these products; can any one doubt that the importations, instead of being but $149,254,784, would have reached many times that amount, and all of which would have come in direct competition in our home markets with the produce of the farm?

The Mills bill proposes to place most of these on the free-list, and it must not be forgotten that most of these agricultural products thus placed on the free-list by the House bill are produced in abundance and very cheaply just across our northern boundary line, at our very door, in the Canadian provinces. Even under existing duties Canada sent into the United States in 1887, and sold in our markets in competition with our farm products, Canadian agricultural products of the aggregate value of about $18,000,000. Included in that list we find in the reports of the Bureau of Statistics 10,331,895 bushels of barley, of the value of $6,170,660; 59,653 head of cattle, of the value of $1,086,645; 25,525 head of horses, of the value of $3,430,594; 450,175 head of sheep, of the value of $1,215,437; 13,682,914 dozens of eggs, valued at $1,930,844; 1,228,406 bushels of potatoes, valued at $339,163; and 1,610,123 pounds of wool, of the value of $357,142.

Nor is the farmer in any portion of the United States more interested in the protective policy than are those residing in the Pacific States and Territories. It is to the protective policy we must look for the establishment and building up of manufacturing industries in that section of the country. Who does not know that every factory in whatever industry erected in Oregon, or California, or Washington, or Idaho is a direct benefit to the farmer? Suppose the magnificent water-power of Oregon, Washington, and Idaho were utilized to its full capacity; suppose ten thousand wheels were set in motion in the utilization by mechanical processes in working up in manufactures our home products of wood, iron, lead, wool, fruits, and other products, converting our timber into every variety of farm implements, our iron mines into bars of iron and steel and foundry products of every description, our wool into blankets, clothing, and hosiery, and other articles into the manufacture of which wool enters, our fruits into brandies and wines and jellies, our hides into leather, our flax into linen and bags and rope. In that event would not only the interest of every farmer in that section, but every laboring man, artisan, merchant, and every other class be immensely benefited? Would not the consumer, moreover, be benefited in being able to secure all these necessaries of life free from the tremendous tax he is now compelled to pay on each and all of these in the shape of transportation charges across the continent? And would not such a state of things retain among our own people millions of dollars that are annually sent from the Pacific coast to the East and Europe to pay for those articles of home use, every one of which should be manufactured at home? And it is toward such a consummation a protective policy, with an economic force that is invincible and grand, directly tends, while to open our doors by the key to free trade which England places in our hands would tend directly and with an irresistible force in a directly opposite direction and toward the prevention of such a consummation. The farmers of this country can not depend with any degree of certainty on a foreign market for their wheat.

The great increase in the production of wheat in India and Russia, especially the former, where the labor of the Indian farmer's ryots can be had at from 6 to 10 cents a head, and wheat can be put down in London and Liverpool at a clear profit at from 65 to 70 cents a bushel, is gradually crowding out American wheat from European markets. While for the year ending June 30, 1887, our total exports of wheat were but 101,971,949 bushels, India alone for the year ending March 31, 1887—substantially the same period—exported 41,558,250 bushels of wheat, while Russia during the twelve months ending July 1, 1888, exported 113,000,000 bushels, or 9,000,000 bushels more than she ever exported in any one year before, which was in 1878, when her exports were 104,000,000. In occasional years like the present perhaps, where there has been a great falling off of crops in other wheat-growing countries, there may be a liberal demand abroad and at fair prices for our surplus wheat, but this all must agree is exceptional, accidental, and not stable, and consequently it is to the building up of a great diversity of industrial pursuits at home, thus reducing in a measure the number of our farmers, multiplying the various industries of the country, and extending them into every State and Territory of the Union, and thus creating a permanent home demand for our surplus wheat, that our farmers must direct their attention.

The present advance in the price of wheat in this country is purely the result of accidental, unusual, and abnormal conditions in the Old World, such as grasshoppers in Algiers and storms and other climatic causes in Great Britain, France, Germany, Austria, and Hungary. France, generally a large exporter of wheat, will, it is said, be an importer the present year of from 80,000,000 to 100,000,000 bushels. But while the failure in these European countries will bring down this year the aggregate foreign product, thus giving us temporarily better prices for our American wheat, it must not be forgotten that the acreage, number of bushels, and quality of wheat are all vastly increased even this year in both Russia and India. The increase in Russia over that of 1887 is estimated at nearly 50,000,000 bushels, and in India about 23,000,000 bushels over that of last year.

Mr. EDMUNDS. With the permission of my friend from Oregon, I move that the Senate proceed to the consideration of executive business for a short time. I shall move to open the doors again.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1078) for the relief of Florida Kennerly.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; insisted upon its amendments to the one hundred and nineteenth amendment of the Senate; still further insisted upon its disagreement to the amendments of the Senate numbered 105, 106, 107, 110, 118, 121, 127, 128, 221, 222, 223, 233, 234, 236, 238, 239, 240, 242, 243, 244, 248, 254, 255, 256, and 257; and asked a futher conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FORNEY, Mr. BURNES, and Mr. RYAN managers at the conference on the part of the House.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business; and after fifty-three minutes spent therein the doors were reopened.

PURCHASE OF SEEDS.

Mr. BUTLER submitted the following resolution; which was referred to the Committee on Agriculture and Forestry:

> *Resolved*, That the Committee on Agriculture and Forestry be, and hereby is, instructed to inquire and report upon the advisability of suspending the purchase by the Commissioner of Agriculture of seed for distribution by members of Congress and Senators.

JAMES ALBERT BONSACK.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. MITCHELL] is entitled to the floor.

Mr. MITCHELL. I yield to the Senator from Virginia [Mr. DANIEL].

Mr. DANIEL. By the consent of the Senator from Oregon, I ask the Senate to take up the bill (H. R. 593) for the relief of James Albert Bonsack.

Mr. COCKRELL. I object to that. I want to be heard about twenty-four hours on that bill when it comes up. I have some statistics and data that I think will consume at least that much of the time of the Senate.

Mr. DANIEL. Of course I withdraw the request.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Oregon to yield to me.

Mr. MITCHELL. I yield to the Senator from Iowa.

Mr. ALLISON. I ask the Chair to lay before the Senate the action of the House of Representatives on the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives; which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *September* 20, 1888.

Resolved, That the House non-concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

Resolved, That the House insists upon its amendments to the one hundred and nineteenth amendment of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, and still further insists upon its disagreement to the amendments of the Senate to said bill numbered as follows: 105, 106, 107, 110, 118, 121, 127, 128, 221, 222, 223, 233, 234, 236, 238, 239, 240, 242, 243, 244, 248, 254, 255, 256, and 257, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. FORNEY, Mr. BURNES, and Mr. RYAN be the managers of the further conference on the part of the House.

Mr. ALLISON. I move that the Senate still further insist upon its prior action, and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. MITCHELL. I yield to the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I wish to give notice that on Monday morning, immediately at the conclusion of the formal morning business, I shall move that the Senate proceed to the consideration of Senate bill 3504, Order of Business 2189, being a bill to restore certain of the lands granted to the Northern Pacific Railroad Company to settlement. I shall ask the Senate then to indulge me in the time necessary to make some remarks upon the bill, and upon the general subject of land grants, land-grant forfeitures, and the land system of the country generally.

The PRESIDENT *pro tempore*. Upon what day?

Mr. PLUMB. On Monday.

The PRESIDENT *pro tempore*. At what hour?

Mr. PLUMB. Immediately at the conclusion of the morning business.

Mr. DOLPH. I should like to suggest, in regard to the bill just referred to by the Senator from Kansas, that if there is no other business before the Senate more important he modify his notice so as to take up the bill for consideration.

Mr. PLUMB. That is what I said. I should move that the Senate proceed to the consideration of the bill, and I shall ask the Senate then to indulge me while I make some remarks, my purpose being that the bill, so far as I have any control over the action of the Senate, shall be pressed to its passage.

THE LOUISIANA ELECTION.

Mr. CHANDLER. I desire to give notice that on Tuesday next I shall ask the Senate to take up the resolution for the investigation of the Louisiana election, and if no Senator at that time desires to speak on the same, I shall ask unanimous consent that an hour may be fixed for taking the vote upon its passage.

PRESIDENT'S ANNUAL MESSAGE.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the resolution submitted by the Senator from Ohio [Mr. SHERMAN] to refer the President's annual message to the Committee on Finance, on which the Senator from Oregon [Mr. MITCHELL] has the floor.

TRUSTS.

Mr. MITCHELL. But advocacy of a protective tariff on lumber, or wool, or wheat, or fruit, or hops, or lead, or vegetables, or barley, or oats, or any other of our great industries, must not be confounded or in any manner construed into an advocacy of trusts. The protective principle prudently and properly applied to any industry, so far from giving aid and comfort to those engaged in promoting or perpetuating trusts, has precisely the contrary effect. The fewer associations of persons or combinations of capital there are engaged in any great industry, the easier it is, as must be apparent to all, to create a trust in respect of such industry, and thus control the market and increase the price of the article produced to be paid by the consumer.

If there were but three or four persons or firms or corporations engaged in manufacturing lumber in the United States, how easy a matter would it be for them to create a trust and run up the price of lumber to an extortionate figure, and so with iron, coal, petroleum, lead, cordwood, grain, or any other great industry. Now, the effect of a protective tariff, as conclusively shown in all the past history of this and other protective countries, is not only to lead to a great diversity of industrial pursuits, to a multiplication of business industries, but also to a great diversity of capital, or rather the investment by a great number of capitalists in the same industry, while the effect of free trade is to crush out all small concerns, compel capital to flee to other pursuits not affected by competition from abroad that free trade invites, thus leaving but few engaged in the business, who in turn will readily enter into great trust combinations not only with themselves, but with the importer of the same product, and thus practice an imposition on the consumer.

A protective tariff, therefore, is the friend of the people as against trusts and every other kind of monopoly. Trusts, moreover, in my judgment, so far from receiving encouragement in legislation, should be held in check, and their acts subordinated to the true interests of the people to the full extent to which Congress may constitutionally go in the premises; further than this will receive the advocacy of none. And in this connection I must not be understood as implying that the Congress has not the constitutional power to control these enormous combinations of capital in the interest of the people, especially and particularly where they affect interstate-commerce or enter into it, because I believe it has. I can not believe that the legislative power of a great nation, whose fundamental law was ordained by the people of the United States for the great purpose, among others, of promoting the general welfare, and which by the express authority of that fundamental charter is endowed with *plenary* power, not only to "establish justice," and "promote the general welfare," but also "to regulate commerce with foreign nations and among the several States," is in any respect deficient in power to enact such legislation as will protect the *sixty-four million* of its people against an injurious conspiracy and combination of the other *one million* of our population to rob them. So much for trusts.

THE SURPLUS.

It may be conceded that an abnormal surplus in the United States Treasury is in some respects fraught with danger as tending to improvident legislation in the matter of appropriations. But after all a plethoric purse is better than an empty one; a full, or even overflowing treasury is, if an evil at all, a lesser one than a depleted one. An expected annual surplus of $55,000,000, and I shall endeavor to show later on that we are quite as likely to have an annual deficiency as an annual surplus, is not so objectionable, it seems to me, in any possible point of view as an expected annual deficiency of like amount. Especially must this be so in a great Government like ours, the annual ordinary expenses of which, and not including "permanent appropriations," reaches the enormous sum of $306,000,000, and including "permanent appropriations," $421,000,000, and that is the estimate of the honorable chairman of the Committee on Appropriations of this body for the ensuing fiscal year; and the sum total of which only falls about $19,000,000 short of the estimated revenues for the same fiscal year.

That estimate, let it be borne in mind, is $440,000,000. It must not be forgotten, moreover, that the appropriations for the present fiscal year, if they reach $306,392,296, as estimated by the chairman of the Appropriations Committee of the Senate, then they will exceed appropriations made for the same purpose the last fiscal year by nearly $58,000,000, while the sum total of appropriations for the last four years of Republican administration is less by $95,000,000 than that appropriated for the four years of President Cleveland's administration. But not only so; were the nation free from debt, were the taxpayers of the country released from the payment of millions annually in the shape of interest on outstanding bonds, or if in debt largely as we are, were there no means of stopping this immense annual interest and thus reducing this enormous debt, then there would be more elements of real danger in the constant alarm that is being sounded over an overburdened Treasury. But this, as we all know, is not so.

We are a debtor nation to the tune of $1,200,000,000, upon which the tax-payers of this country are paying into the pockets of the bondholders annually interest to the amount of $46,000,000, to say nothing of the millions of non-interest-bearing debt. Suppose it is true, as alleged by one official of the Treasury Department, that there is now a surplus of $106,000,000, or, as averred by another, of $130,000,000, in the United States Treasury and the Government is in debt over *ten* times that amount, as it is, how can it be properly said we have more money than we know what to do with or that there is dangerous surplus? Would it not be infinitely better to do as an individual would be expected to do under like circumstances; that is, pay our debts, discharge our obligations, and stop the payment of nearly one-half a hundred million of dollars of interest annually? But not only so. Although thus heavily bowed down by national indebtedness, the result of a war into whose consuming flames fell sacrificial offerings not only of life

and property but of the choicest jewels of love, affection, kindred ties, and hallowed associations that ever clustered around the human heart or beatified the human soul, and whose value can never be measured—notwithstanding all this, there is, as we all know, conferred upon the Secretary of the Treasury by existing law the present, ever-continuing, never-ceasing power to call in, purchase, and pay for out of this surplus any part of this debt, thus not only releasing the country from debt, the tax-payer from the payment of interest, but thus distributing the surplus in the Treasury back to its original source among the people.

WHY NOT ESTABLISH COAST DEFENSES, RECONSTRUCT OUR NAVY, REHABILITATE OUR MERCHANT MARINE, AND IMPROVE OUR RIVERS AND HARBORS?

But aside from all this, if the vaults of our national Treasury are full to overflow, as alleged, if they are suffering from a plethora that indicates danger, are not there subjects of national development and national defense to which a portion at least of the present excess in the Treasury and of the alleged expected annual surplus of over $50,000,000 could be properly and legitimately applied, and which could in no sense be regarded as speculative or in any degree improvident, and which would tend to strengthen, advance, elevate, and adorn our nationality and promote our prosperity; that would develop our country's resources, increase its commercial prestige and power; that would augment our national importance, and add vigor, energy, vitality, and power to our national existence, and impress upon the governmental mind of the nations of the earth the real greatness, invincibility, grandeur, and power, not only of our country territorially and commercially considered, but as a nation, quickened with the inspirations of patriotism, imbued with the spirit of progress, and guided and impelled onward and upward by the genius of a civilization transcendent in character, second to none, but superior to all the governments of earth upon which the stars ever shone, of either ancient or mordern times?

It is universally conceded that our coasts are, on sea and lake and sound and gulf, comparatively unfortified, and in a shamefully defenseless condition. It is not denied that even New York City, the great metropolis of the nation, with its untold millions of property, could, and in all probability would, in the event of war, with any, even a third-rate, naval power, be placed under contribution and its inhabitants forced to the alternative of the payment of millions of tribute or having a still greater number of millions of dollars' worth of its property sacrificed, to say nothing of human life. And so with Chicago on the Lakes, with New Orleans on the Gulf, with San Francisco on the bay—so with every city, town, and hamlet on the Pacific coast and on the adjacent and communicating waters of the Pacific Ocean.

Indeed I am impressed with the belief that possibly the best thing for the future of this nation and for the approaching millions now emerging from the "gray dawn of coming years," and who shall soon fill our places in the succeeding generations, would be, that the mailed hand of an unfriendly naval power should to-day, or to-morrow, or within the coming year be laid upon the princely palaces, the towering steeples, the myriad money receptacles, and, if you please, the ten thousand happy homes of the greatest city on the continent, and that her people should be brought to a realizing sense of our insecurity. The bombardment or the placing under contribution by a hostile fleet of the chief city of America in the closing years of the *nineteenth* century may be necessary to avert a still greater national catastrophe and national humiliation, and result in the preservation not only of that great city, but of many other great cities and untold millions of the nation's wealth in the beginning of the *twentieth* century. The misfortunes of the near future may be necessary to dispel the drowsiness, arrest the attention, and provoke wise, immediate, energetic action upon the part of the people and the people's representatives, and thus facilitate the preservation of the general welfare and contribute to the general defense.

Why, then, let us inquire in the name of an intelligent patriotism worthy of the men whose present duty it is to dictate the policy, shape the legislation, and direct the destiny of this great nation, should we hesitate now in times of peace and of a full Treasury to take immediate, energetic, progressive steps in the direction of the fortification of this country, and the establishment of such a system of coast defenses as will bring to the people of the cities, towns, and hamlets that lie upon our now unprotected coasts a sense of security, that will inspire confidence in our people at home and demand respect abroad? Why not properly apply a portion of this surplus in building our Navy, in re-establishing our merchant marine, in the construction of armored ships, and in the manufacture of modern guns; in placing our country generally in a condition of proper defense? Why not improve our great rivers and harbors, open up the magnificent water ways of our country, cleanse and place in condition for practical use our great transportation routes to the seaboard, make room for the ships of commerce, establish means of successful competition with the railways of the country by making free and uninterrupted the great natural highways of the land? Why not while making all necessary and proper reduction in the revenue, while equalizing our system of taxation, while correcting evils (and there are many) in the existing revenue laws of the country—why not, while doing all these things, move also in the directions I have just intimated in an intelligent, statesmanlike, patriotic manner; and in this way properly, wisely, but not improvidently, foolishly, wastefully, or extravagantly, utilize at least large portions of the surplus in national development and defense, and thus give employment also to hundreds and thousands of laboring men and women throughout the land? Why not do this rather than attempt a reduction of the surplus by standing in with English free-traders, with European and Asiatic free labor, adopting English theories and English practices, and conforming to English desires and English interests, by placing so many of the great products of our country upon the free-list, as has been done by the Mills or House bill; thus striking a deadly blow at American industries and American labor and dragging down the wage-rates of this country to the level of the ruinously degrading prices received by Belgian, German, English, Chinese, and other European and Asiatic laborers.

But in view of the appropriations already made at this session of Congress, and of others likely to be made, and considerable amounts of which are for the purposes and to be applied in the direction just suggested, and of the further significant fact of the largely increased amount of the ordinary annual expenditures of the Government over those of former years, the great fact is beginning to dawn upon the country and can not be overlooked or obscured by the President and his party that the surplus now in the Treasury is not likely to increase much in the near future. Indeed, all the present indications point most decidedly in the other direction, namely, to a deficiency. The statement recently made in the Senate by the chairman of the Committee on Appropriations, and which was not denied by any one on that committee, as I remember, was to the effect, as I stated a moment ago, that the total appropriations for the current fiscal year, not including what are known as "permanent appropriations," would amount to $306,000,000, and including "permanent appropriations," they would amount to $420,000,000, and that the estimated revenue for the present fiscal year would be $440,000,000, or only about $19,000,000 more than the expenditures.

Now, if this be so, and there can be no reasonable doubt of it, except, perhaps, in this, that the appropriations may exceed the estimate made by the chairman of the committee, what would be the result of the surplus provided, first, that the Mills or House bill should become a law, and second, provided, furthermore, it would, if it became a law, have the effect its authors and friends claimed for it of reducing the revenue $70,000,000 annually? Simply this, that instead of a surplus of revenue over expenditures for the present fiscal year of even $19,000,000, as there would be under the laws as they now stand, there would be a deficiency of $51,000,000. While again, if the Mills bill, as originally reported to the House by Mr. MILLS from the Committee on Ways and Means had been enacted into law without amendment and the Secretary of the Treasury made no mistake in his estimate that it would reduce the annual revenue $78,176,054.02, so far from their being a surplus then there would be a deficiency for the present fiscal year of more than $59,000,000.

BALANCE OF TRADE NOW AGAINST US.

Again, the balance of trade is now against us. Never, Mr. President, were the times less propitious for launching upon the country a species of tariff legislation that will tend to increase our tariff importations than now. A critical survey of our import and export trade for the past fiscal year will clearly indicate that a condition confronts us in the shape of not only largely increased and abnormal importations, but also of a balance of trade largely against us, that is as potent, or should be at least, in justifying alarm as is the alleged enormous surplus in the Treasury. Never but once before in the history of this country has the value of importations been so great in the aggregate as the year just closed. The year 1882 is the only exception, and without any exception were the imports the largest in volume, low prices being taken into account, that ever entered our ports in a single year.

And here again the question of undervaluations is not considered; and it must be remembered that it was recently stated upon this floor by the honorable chairman of the Committee on Finance, than whom no Senator is more thoroughly conversant with the subject, that if the report of the Subcommittee on Finance on undervaluations, of which the honorable Senators ALLISON and BECK are members, was correct, as he had no doubt it was, to the large extent our imports are undervalued, that the amount of the balance of trade against us in the last fiscal year would be actually $100,000,000. But not only so. The balance of trade is largely against us, and increasing now in amount at the rate of $4,000,000 per month, a condition that has not confronted us since the years 1873–'74. The past year the balance against us was nearly $40,000,000. Our importations of merchandise, gold and silver coin and bullion included, amount to $785,217,799, while our exports were but $742,368,822, the exact deficiency being $40,848,977.

To this enormous amount were the consumers of this country compelled to go down into their pockets and hand out solid gold coin the past fiscal year to those foreigners who are taking possession of our markets; and in this alarming condition of affairs in reference to our exterior trade are we to legislate still further in the interest of the foreign manufacturer and importer by placing upon the free-list foreign products on which duties are now collected to the amount of about $20,000,000 annually, and in addition reduce duties on a great variety of other products, which will necessarily swell importations? If we are to do

this, then we may confidently look forward to a deficiency in our foreign account and balance against us of over $100,000,000 the present fiscal year, even though the evils of undervaluation may be corrected. Our policy in the interest of a home market, home manufacturers, home producers, home labor, and our home consumers as well, should be the very reverse of this. Our trade for the fiscal year ending June 30, 1887, showed a balance of $10,703,155 in our favor; our exports of merchandise alone for that year were $703,022,907, while our importations of merchandise were $692,319,768, or $31,545,378 less than for the last fiscal year. It may be interesting to inquire how this enormous aggregate of imports of merchandise alone the past year, not including gold or silver coin or bullion, amounting to $723,865,146 was apportioned. The report of the Bureau of Statistics of the Treasury Department shows it to have been as follows:

Breadstuffs, mostly barley	$8,755,773
Chemicals, drugs, etc	13,337,943
Cotton manufactures	28,917,660
Earthen and china ware	6,410,612
Flax, hemp, jute, and manufactures of	41,287,248
Fruits and nuts	14,714,142
Glass and glassware	7,851,528
Iron and steel, and manufactures of	48,992,022
Leather, and manufactures of	11,965,125
Silk manufactures	33,350,928
Sugar, molasses, and confectionery	69,494,409
Tobacco and manufactures of	14,303,117
Vegetables, principally beans and potatoes	7,365,233
Wines	7,335,749
Wood, and manufactures of	10,524,839
Wool	15,887,217
Manufactures of wool	47,724,852
Total	723,865,146

The past political history of this country teaches us that it is not entirely safe to become alarmed at a full Treasury, and through fright or any other reason seek, without careful consideration, to cut down revenue or distribute the surplus. Fifty years ago the Government became alarmed at what was supposed to be a rapidly-increasing surplus, and Congress, on the recommendation of President Jackson, distributed it among the States, but scarcely had the act become operative until the tide of our foreign trade set in against us. Our annual surplus was succeeded by an annual deficiency, and Congress was compelled to repeal the act providing for distribution among the States. In 1857 a similar alarm of an increasing and dangerous surplus was sounded throughout the country. President James Buchanan, in his inaugural address of March 4 of that year, said: "Our present condition is without a parallel in history. No nation has ever before been embarrassed from too large a surplus in its Treasury." And yet, as history tells us, and as was suggested by Senator SHERMAN the other day, who was then a member of the lower House of Congress, in less than a year there was not money enough in the Treasury to pay the salaries of members of Congress, and a law was passed providing for the issue of Treasury notes for this purpose. Notwithstanding this declaration of President Buchanan in his inaugural address, in his very first message, in the following December, he referred to the fact that the revenues of the Government had been greatly reduced and the appropriations largely increased, and concluded by saying:

> Under these circumstances a loan may be required before the close of our present session.

And a loan was necessary and was authorized by Congress of $20,000,000, in addition to the issue of $20,000,000 of Treasury notes. And Buchanan, in his second annual message, December 6, 1858, refers to the fact in these words:

> To supply the deficiency Congress, by the act of December 23, 1857, authorized the issuance of $20,000,000 of Treasury notes, and this proving inadequate they authorized, by the act of June 14, 1858, a loan of $20,000,000, to be applied to the payment of appropriations made by law.

The tariff had been remodeled in 1857, in the interest of the South and of free trade, and from that date the business prosperity of the country had gone from bad to worse—the crash came; the step of industry faltered, the progressive mind of the nation wavered, the great vanguard in the grand march of American progress hesitated, the industrial life of the nation became inert and spiritless, and Mr. Buchanan, when December, 1860, came, was compelled, as he stood hesitating and nerveless in the shadow of a great rebellion, beside a Treasury he had helped to wreck, to declare, and he did in his last annual message make this declaration:

> It is now quite apparent that the financial necessities of the Government will require a modification of the tariff during your present session for the purpose of increasing the revenue.

WILL THE MILLS BILL REDUCE THE SURPLUS?

One great purpose ostensibly of the authors and defenders of the Mills or House bill is a reduction of the revenue. To the alleged rapidly increasing surplus in the Treasury the eyes of the people of this country are by these authors and defenders of the Mills bill directed as the dangerous rock upon which the best interests of the Government are to be stranded. Assuming for the present that this is so; that there is a large and rapidly increasing surplus as alleged, and that therefore this danger is imminent; that the note of warning is well founded, is it a fact that the House bill, if enacted into law, would to any appreciable extent or at all accomplish this purpose? Who can certainly tell; who has in all this great debate in either House ventured to predict, and at the same time supported that prediction by either statement of fact or argument, that in any certain measure justifies the prophecy? For one, after somewhat careful study of the effect heretofore of a reduction of duties in largely stimulating importations and increasing the revenue, and a comparison of such tariff reduction bills with the House bill, I am forced to the conclusion that were the Mills bill, so called, to become a law as it passed the House our national revenue from customs dues would not be reduced a single dollar, but, on the contrary, would in all human probability be increased.

A large reduction would result from the articles this bill places on the free-list and which are now under existing law not included in that list.

But who does not know that on an infinite variety of importations mentioned in that bill and not included in the free-list, and on which large reductions of duties are made, there would at once be an enormous increase of importations, and as a consequence the revenues realized therefrom annually, although the rates proposed are reduced below those fixed by existing law, would on those lower rates of tariff be largely in excess of those now collected on the same articles?

It is an axiom in political economy applicable in determining the effect of a high or low tariff respectively on manufactured articles, to which all must assent, that the moment the tariff reaches a point where it no longer performs the function of protection, then the effect is to increase the revenue and not reduce it. And the whole theory of a tariff for revenue only as contradistinguished from a protective tariff proceeds on the assumption that the tariff imposed shall only be impressed on those articles which do not come in competition with our own productions, and in reference to which, therefore, there can not possibly be even the slightest incidental protection. And the reason is that the underlying idea of a tariff for revenue only is that the rate in all cases shall be the very lowest that will realize to the Government the largest amount of revenue. To accomplish this, therefore, it is manifest that the aim of the contestant for the principle of a tariff for revenue only will invariably seek to impose his customs tax on such articles as do not come in competition with our products, and will avoid, so far as in his power, levying any tariff whatever on any article which does come in contact with our products.

WAR TAXES.

It is said, and with much force, that war taxes should not be continued in times of peace. But what was the war tax and what has been done by the Republican party since the close of the war for its abolition? The internal-revenue tax and not the customs tax is the extraordinary war tax, and so recognized, or should be at least, by all. But, Mr. President, war taxes, neither internal revenue nor customs, have been continued in times of peace. The assumption that they have is not well founded. The amount of internal-revenue taxes collected annually now is not one-third of the aggregate collected at the close of the war. In 1867 $309,000,000 were collected, and this after a reduction of over $100,000,000 had been made by the Republican party by the acts of July 13, 1866, and March 2, 1867.

The following, taken from the very able and elaborate minority report on the Mills bill, submitted to the House of Representatives the present session by Representative WILLIAM MCKINLEY, Jr., will show what has been done by the Republican party in the way of reducing war taxes. I quote from that report:

> Of internal taxes the following have been the reduction made by the party now in the minority since the conclusion of the war:

By the acts of July 13, 1866, and March 2, 1867	$103,331,199
By the acts of March 31, 1868, and February 3, 1868	54,802,579
By the act of July 14, 1870	55,315,321
By the act of December 21, 1871	14,430,862
By the act of June 6, 1872	15,897,618
By the act of March 3, 1883	40,677,682
Total	284,421,260

This we present as the result of Republican legislation from July 13, 1866, down to and including March 3, 1883.

The Republican party was in control of the House of Representatives from the first-named date to March 4, 1875. During that period it will be observed that taxation was reduced and revenue diminished in the aggregate sum of $284,421,260. On the 4th of March, 1875, the control of the House passed to the Democratic party and remained with it until the 4th day of March, 1881, a period of six years. During these years the internal revenue was reduced $6,3 8,935. On the 4th day of March, 1881, the Republican party was reinvested with control of the House of Representatives, holding it for two years, during which time it reduced taxation and the revenues from customs sources in the estimated sum of $20,855,799, and upon internal revenue $40,677,682, a grand total of $61,432,481.

Since the 4th day of March, 1883, the House of Representatives has been dominated by the present majority party, a period of five years, and no taxes have been reduced and no curtailment of the revenues has taken place, although warned of a threatened surplus not only by the present Administration, but by the preceding one of President Arthur. It will be observed that from 1866 to 1888, a period of twenty-two years, the control of the House of Representatives has been equally divided between the two political parties, each having eleven years.

During the eleven years of Republican control the revenues were reduced (estimated)	$362,504,569
During the eleven years of Democratic control the revenues were reduced	6,368,935
Difference in favor of the present minority party in the House of	356,135,634

But not only so, the Republican party while in power did in July, 1870, May, 1872, June, 1872, and March, 1883, remodel the custom du-

ties, and by these several acts of tariff reduction reduced the revenue from that source, taking the estimates made officially when these several acts were passed, to the amount of $78,083,409. I quote from the minority report of Representative MCKINLEY in support of these assertions, as follows:

It is a striking fact that all of the reductions of taxation which have occurred since the conclusion of the war, with the exception of the trifling ones made by the acts of March 1, 1879, and of May 28, 1880, aggregating a little over $6,000,000, were accomplished while the party now in the minority was in the majority and in control of legislation.

A brief summary of what has been done in this regard will be both suggestive and instructive.

By the act of July 14, 1870, the reduction of the revenue from custom duties was:

Free-list	$2,403,000
Estimated reduction from dutiable list	23,651,748
Total	26,054,748

By the act of May 1, 1872, tea and coffee were placed upon the free-list, making a reduction of 15,893,847

By the act of June 6, 1872, tariff duties were further reduced, and the reduction by the—

Free-list	$3,345,724
Estimated reduction from the dutiable list	11,933,191
Total	15,278,915

By the act of March 3, 1883, from tariff—

Free-list	$1,365,999
Estimated reduction from dutiable list	19,489,800
Total	20,855,799

The foregoing estimates were made when the several bills were passed.

When, therefore, the Republican party while in power in the national House of Representatives eleven of the twenty-two years since the close of the war reduced taxation, customs, and internal revenue to the estimated amount of $362,504,569, it can not with propriety be said that the Republican party has not reduced taxation or that the war taxes still prevail. Especially can not our Democratic friends urge this as an offense or dereliction on our part when they, having the control of the House of Representatives for one-half the period since the war, including the past five and one-half years, have during that whole period only reduced taxation in the aggregate the sum of $6,368,935, and have sent no revenue bill or tariff-reform measure of any kind to the Senate the past five years until the Mills abortion—infinitely more objectionable and dangerous in its free-trade tendency than was ever the horizontal-reduction bill of Mr. Morrison—came over here less than two months ago.

But the Republican party has not only thus reduced taxation, but while doing it has grappled with one of the largest public debts of either ancient or modern times—the result of the war of the rebellion—and reduced it from $2,756,000,000 in 1866 to considerably less than one-half the amount, or about $1,375,000,000, in 1885, and thus reduced the annual interest over $60,000,000, in addition to this reduction of nearly $1,400,000,000 on the principal.

DOES THE MILLS BILL MEAN FREE TRADE?

Frantic efforts are being made by the friends of the House bill, especially since the result of the elections in Oregon, Vermont, and Maine are known, to convince the people that the Mills bill does not mean free trade; and yet we find all pronounced free-trade advocates, not only in England but in the United States, welcoming it with hosannas as the beginning of the end of their fondest aspiration upon this subject. We find them not only proclaiming in favor of the Mills or House bill, but asserting that the administration of President Cleveland has from its inception done great work for the cause of free trade. Professor Perry, of Williams College, known as one of the great free-trade leaders, if not, indeed, the chief of such in the Democratic party, a year since said:

Secretary Manning has done for free trade in the United States the past year more effective work than any other man in the country. Postmaster-General Vilas is an outspoken and undoubted friend of a free commerce. President Cleveland will go as fast and as far toward that goal as the people and Congress will permit him.

As has been repeatedly shown by speeches here and elsewhere recently, all the great free-trade journals of England welcome the views and recommendations of the present Administration as a long and vigorous step in the direction of free trade. I will not weary by repeating, but will attract attention to a few of the more recent utterances of some of these leading journals on this subject.

The London Times but recently said:

The political contest now being waged in the United States is one between English free trade and the continental system of protection.

The Liverpool Mercury, in discussing the President's views on the tariff as enunciated in his message, says:

If all this does not tend in the direction of free trade we do not know the effect of plain language. President Cleveland favors the unfettered influx of necessaries and raw materials; he would abolish the duties on articles which are simply taxed for the sake of the protective system; he would eliminate from the list everything which does not compete with American industry, and he would depend for his customs revenue mainly upon luxuries. He will find free trade all over the world acclaiming him for so enlightening a policy.

After quoting still further from the President's opinion, the Mercury says:

That he is at heart a free-trader is perfectly obvious, however cautiously he has dealt with his subject. The only agriculturist who profits by the tariff, he says, is the wool-grower, and then he points out that the wool-grower does not profit much, since he loses as a consumer, and, it may be added, every consumer of the wool loses also by the artificial price. We are so satisfied with the address as a plea for free trade that we commend it as a study to the reactionaries who are endeavoring to raise a fair trade agitation in England. It may not please them, but it will give comfort to Mr. John Bright and liberals in general.

The London Chronicle, no longer since than in its issue of September 11 instant, said:

The exclusion of the fisheries question from the letter of acceptance of President Cleveland is strong testimony as to the purely factious character of the rejection of the treaty. It is utterly impossible to doubt that the re-election of President Cleveland would mean the eventual revival and ratification of the treaty. It is immaterial to discuss what President Cleveland's crusade should be called. He may give it any name he likes as long as we know it is in fact a crusade of free trade.

What does Sir Charles Tupper, the Canadian commissioner who had such prominent part in the formation of the now deceased fisheries treaty, and who was knighted for his services in that connection, have to say in reference to the Mills bill? Hear him:

I am very sanguine that this bill (the Mills bill) will pass during the present session. Modified it may be, but I am inclined to think that the amendments will be still more in the interests of Canada than as the bill stands to-day. If this is the case, I think we may congratulate ourselves upon securing the free admission of our lumber, upon which we paid during last year no less than $1,315,450. On copper ore, made free by the Mills bill, we paid $96,945. On salt $21,992 duty was paid. This is rendered free by the Mills bill.

The Sheffield Independent, an English free-trade journal, recently said:

It (the Mills bill) is viewed by all parties alike as the first decisive and certain step in the direction of free trade. We do not anticipate the victory of absolute free trade in a country which has been so long held captive by rigid protectionists in one year or in two or even in a dozen years, but every year will bring its final triumph nearer. * * * The success of the Democrats at the Presidential election would necessitate their bringing in another tariff-reform measure upon far more advanced lines in the direction of the abolition or reduction of duties than Mr. MILLS's present bill, and that it would thus accelerate the ultimate success of free trade in the States.

The London Iron and Coal Trade's Review in its issue of July 27, ultimo, says:

The Mills bill was successfully carried through the House of Representatives on Saturday by a majority of 164 votes against 149, nearly every member of the House being present and recording his vote. The subject of tariff reform has now been made a party question, the Democrats, of whom President Cleveland is the recognized chief, identifying themselves with those favoring reform, while the Republicans fiercely oppose the change, but want to saddle the country with even more rigorous charges. Our readers will remember with what a storm of indignation from the Republicans President Cleveland's speech on the question of tariffs was greeted at the beginning of the session; but it is evident, from the events of the past few weeks, that the progress towards free trade in the United States has been much greater than was generally expected.

It may be well to note that the Mills bill has not yet become law; some people, especially those connected with the tin-plate trade, talk and write as if it were finally placed upon the statute-book of the United States, and for them it would be well if it were, for under it tin-plates—the duty on which now contributes $5,700,000 to the revenue—will be admitted free, despite the incessant labors of the iron manufacturers to obtain an increase rather than an abolition of the duty. However much the manufacturing interests may deny it, the fact is patent that great progress has been made on the road toward absolute free-trade, and particularly has this been the case since the date of the delivery of the President's message. Our iron and steel manufacturers look with very much interest on the movement which is now going on "on the other side," for trade there so intimately influences our own.

But why, in the light of the past history of the Democratic party, of its solemn declarations in national convention assembled, and in face of the real character of the Mills bill, should the leaders of that party now attempt to hoodwink and deceive the people of this country by the claim that they are not a free-trade party, and by the assertion that the Mills bill is not a bill based upon the doctrines of and which leads directly on to free trade? What did the Democratic party say in its national convention in 1876, twelve years ago? They said:

Resolved, That we demand that all custom-house taxation shall be for revenue only.

Four years later they declared in national convention, first, that—

The system of direct taxation known as internal revenue is a war tax.

And yet to-day, twenty-three years after the close of the war, and, with slight exception, we find that party opposing the abolition of the internal-revenue taxes which they in 1880 denounced as war taxes. But further, in 1880 the Democratic party in national convention proclaimed in favor of a tariff for revenue only. So that for the past thirty-two years—while at times, as in 1872, when they nominated and had as their candidate the most pronounced protectionist that ever trod the soil of America, on a platform suggesting that inasmuch as there are in this country—

irreconcilable differences of opinion with regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people in their Congressional districts and to the decision of Congress thereon, free from Executive interference or dictation—

they sought to evade the issue—the constant tendency of the Democratic party on this great and economic question of the tariff has been in accordance with its solemn declaration made in its national convention in Cincinnati in 1856, when it adopted this resolution:

Resolved, That the time has come for the people of the United States to declare themselves in favor of progressive free trade throughout the world.

That was the open, bold, heroic declaration of the Democratic party of this country in national convention thirty-two years ago, and that is their real sentiment to-day.

The friends of the Mills bill, moreover, assert that one of the great features of that bill is to relieve the consumer of burdensome taxes on the necessaries of life. Let us see how this is. The Mills bill maintains in the main the tariff on sugar, an article of universal consump-

tion by rich and poor alike. The removal of the whole tax on sugar would remove a tax of 96 cents annually from the sugar of each man, woman, and child in the United States, and which gives protection merely to a local industry in Louisiana and a few other States, and instead places wool on the free-list, saving duties to something less than $6,000,000 annually, about 8 or 9 cents per capita, and with it breaks down an industry in which nearly every State and Territory in the Union is vitally interested. The Senator from Massachusetts [Mr. DAWES] brought out this point very forcibly in his speech on the President's message, made December 13 last, when he said:

We are told in his report—

Referring to the report of the Secretary of the Treasury—

that it is not worth while to reduce the receipts by removing $51,000,000 of duties from sugar because that is only 90 cents to each individual, and he turns from that to the removal of $5,000,000 of duties upon raw wool, which is only 8 cents to each individual, and to the removal of the duty upon ready-made clothing that would relieve the people of only 2 cents per capita. If it be any reason why we should retain the duty on sugar that it is only 90 cents per capita, is it any reason that we should remove the duty on raw wool that it is only 8 cents per capita, or upon ready-made clothing which is only 2 cents per capita? The grand climax is reached in the single sentence printed in capitals: "Untax the clothing of sixty millions of people." And the people are to be relieved just 2 cents each in the clothes they wear while they are still to pay 90 cents each for the sugar on their table, and, if the scheme works well, in addition "2 cents a pound tax on coffee and half as much on tea."

THE MILLS BILL A SECTIONAL MEASURE.

But another feature of the House bill stands out prominent and can not fail to attract universal attention, and that is its sectional aspect. In so far as the protective principle is recognized at all in the House bill, it is applied almost exclusively to foreign products of the same character produced by the Southern States. The States of the solid South, those States that are always, even in advance of the joining of national issues or the naming of national candidates, ready to deliver 153 electoral votes. This is why the tariff rate, except a mere fraction, is not removed from sugar. This is why rice is protected as it is by the House bill by a duty of over 100 per cent. on cleaned and 59.60 per cent. on uncleaned rice, while the wool industry of Ohio and other Mississippi Valley States and of the Pacific States and Territories, the iron and lumber, and lead and fruit, and provisions and vegetables, and other products of the Northern States are assailed *en masse*, many of them being placed on the free-list. The bill proposes *free trade* for the North and *protection* for the South. But why not, when six of the eight Democrats composing the majority of the Ways and Means Committee of the House of Representatives, who framed the bill, namely, Mr. MILLS of Texas, Mr. MCMILLAN of Tennessee, Mr. BRECKINRIDGE of Kentucky, Mr. BRECKINRIDGE of Arkansas, Mr. TURNER of Georgia, and Mr. WILSON of West Virginia, are from the Southern States?

WAGES.

As European countries are not only our great competitors in the markets of the world outside the limits of our country, but also with our producers and manufacturers in a multitude of products in our home markets, it becomes pertinent, therefore, to inquire as to the wages paid in these European free-trade countries and to institute a comparison between such wages and those paid in the United States. It is important to know how persons in different occupations as well as those who are common laborers fare respectively in these different countries in the matter of wages.

The following table, from a recent report of the Commissioner of Labor Statistics, will, in a measure, not only give the prices in different countries, including the price of wages in the United States, but present in convenient form the comparison and lesson taught by each:

REPORT OF THE COMMISSIONER OF LABOR STATISTICS.

[Comparative wages—Europe and United States.]

Occupations.	England and Wales.	Germany.	France.	Belgium.	Austria.	United States.
BUILDING TRADES.						
Bricklayers	$7.56	$4.21	$5.74	$4.56	$3.55	$21.00
Masons	7.68	4.07	5.33	5.22	3.73	21.00
Plasterers	7.80	4.43	6.34	4.66	4.01	21.50
Carpenters	7.66	4.11	6.20	4.07	5.10	15.00
Hod-carriers	4.94	2.92	3.13	3.22	2.60	.....
OTHER TRADES.						
Blacksmiths	7.37	4.00	5.81	5.38	3.18	13.30
Cabinet-makers	7.68	4.25	6.14	5.66	4.40	18.00
Cigar-makers	6.07	3.63	4.69	6.28	3.00	.....
Coopers	7.50	3.97	5.58	5.17	3.64	13.25
Jewelers	8.76	5.21	6.24	6.84	3.80	.....
Laborers	4.70	3.11	3.93	3.77	3.00	8.00
Millwrights	6.97	4.18	6.74	5.00	3.10	.....
Potters	5.20	3.60	4.78	4.86	3.17	18.30
Printers	7.17	.....	6.64	5.94	3.85	13.40
Teachers in public schools	12.00 / 7.70	.....	7.00	7.74	8.47	.....
Saddle and harness makers	6.63	3.69	5.70	5.51	3.80	.....
Shoemakers	.....	2.95	2.90	.....	.....	.....
Telegraph operators	7.65	5.11	6.92	6.35	6.75	.....
Tinsmiths	6.56	3.55	5.46	4.40	3.70	10.00
Machinists	.....	4.60	.....	.....	.....	18.00
Painters	.....	4.82	.....	.....	.....	.....
Farm laborers	4.02	3.06	3.10	2.72	3.50	9.00

This table shows what free trade has done and is doing for the laboring man in Europe, and how he fares under the protective system in the United States. It will be seen from this that men employed in the building trades in the United States get on an average nearly three times as much as in England and Wales; over four times as much on an average as in Germany, France, Belgium, and Austria; while those engaged in other trades, including day laborers, receive about double on an average those received in England, and over three times as much on an average as do similar tradesmen and laborers in Germany, France, Austria, and Belgium.

The following table shows the difference in wages in a list of fifty-seven different occupations between those paid in England and in the United States:

Occupation.	England.	United States.
Book-binders	$6.00	$15.00 to $18.00
Brush-makers	6.00	15.00 to 20.00
Boiler-makers	7.75	16.50
Brick-makers	3.54	11.86
Bricklayers	8.00	21.00
Blacksmiths	6.00	13.30
Butchers	6.00	12.00
Bakers	6.25	12.75
Blast-furnace keepers	10.00	18.00
Blast-furnace fillers	7.50	14.00
Bolt-makers	6.50	16.50
Bolt-cutters	3.00	10.00
Coal-miners	5.88	10.00
Cotton-mill hands	4.60	6.72
Carpenters	7.50	15.00
Coopers	6.00	13.25
Carriage-makers	6.75	13.00 to 25.00
Cutlery	6.00	12.00 to 20.00
Chemicals	$4.00 to 6.00	13.00 to 16.00
Clock-makers	7.00	18.00
Cabinet-makers	7.00	18.00
Farm hands	3.00	7.50 to 9.00
Glass-blowers	6.00 to 9.00	25.00 to 30.00
Glass (partly skilled)	6.00 to 7.00	12.00 to 15.00
Glass (unskilled)	2.00 to 4.00	7.00 to 10.00
Glove-makers (girls)	2.50	6.00 to 9.00
Glove-makers (men)	4.50	10.00 to 30.00
Hatters	6.00	12.00 to 24.00
Iron-ore miners	5.50	12.00
Iron molders	7.50	15.00
Iron, per ton (finished)	2.00 to 3.00	5.31 to 8.71
Heaters and rollers	10.00 to 12.00	20.00 to 30.00
Instrument-makers	7.00	18.00 to 20.00
Laborers	4.10	8.00
Longshoremen	8.00	15.00
Linen thread (men)	5.00	7.50
Linen thread (women)	2.35	5.22
Machinists	8.50	18.00
Masons	8.00	21.00
Printers (1,000 ems)	.20	.40
Printers, week hands	6.65	13.40
Pattern-makers	7.50	18.00
Painters	7.50	15.00
Plumbers	8.00	18.00
Plasterers	7.50	21.00
Potters	8.67	18.30
Polishers	7.00	18.00
Paper-makers	5.20	12.00 to 24.00
Puddlers, per week	8.00 to 10.00	18.00 to 20.00
Quarrymen	6.00	12.00 to 15.00
Ropemakers	5.25	9.00 to 12.00
Railway engineers	10.00	21.00
Railway firemen	5.00	12.00
Shipbuilding –		
Boiler-makers	7.00	14.00
Machinists	7.00	14.15
Coppersmiths	6.50	16.50
Platers	8.00	18.00
Drillers	6.00	12.00
Riveters	8.00	17.40
Riggers	5.50	11.00
Pattern-makers	8.00	24.00
Salt-makers	6.00	9.00 to 10.50
Silk (men)	5.00	10.00
Silk (women)	2.50	6.00
Scarf-makers	1.50 to 2.25	6.00 to 9.00
Servants (month)	5.00	15.00
Stationary engineers	7.50	15.00 to 18.00
Soap-makers	5.00	10.50
Tinners	5.00	8.00 to 10.00
Teamsters	5.25	12.00 to 15.00
Upholsterers	8.00	18.00
Watchmakers	8.00	18.00
Wire-drawers	11.00	22.00

The following table gives the wages paid respectively for work in Glasgow, Scotland, and in Philadelphia, Pa., to those engaged in shipbuilding and allied branches of labor:

Occupation and allied branches of labor.	Per week in Glasgow.	Per week in Philadelphia.
Foremen (men)	$10.00	$30.00
Platers (men)	7.50	18.00
Fitters (men)	7.50	15.00
Fitters' slippers	5.00	9.00

Occupations and allied branches of labor.	Per week in Glasgow.	Per week in Philadelphia.
Drillers	$6.00	$10.50
Hole cutters	5.00	9.00
Riveters	5.00	12.00
Angle-iron smith	5.00	14.00
Ship-smiths	5.00	18.00
Ship-smiths' boys	2.50	4.00
Ship-smiths' strikers	4.50	9.00
Forgemen	4.50	9.00
Holders-up	4.25	9.00
Helpers (boys)	2.50	4.00
Calkers and chippers	7.50	12.00
Ship carpenters	7.75	18.00
Joiners	$7.25	$15.00
Joiners' laborers	4 25	6.25
Riggers	4.80	11.00
Riggers' laborers	4.25	9.50
Painters	5.00	15.00
Engineers	5.75	12.00
Laborers	4.10	6.75
Heelers (boys)	2.00	4.00

It is asserted by high authority that for work done by the week in all classes of work American wages are as nearly as possible double those paid in Great Britain. And, Mr. President, as was so pertinently stated by Senator TELLER in his speech some time since—

If it is not true that the American laborer gets better pay, gets better compensation for his labor than any other laborer in the world, why is it that since 1860 there have come to this country 9,129,945 foreigners? Why have they come? Why have they sought this region if it is not to better their condition? They are laboring people. They do not flee entirely from bad government, and they do not come, as it is frequently said here and elsewhere, to get our cheap lands. Why should more than 700,000 Canadians, with cheap lands in Canada, come to the United States? They do not come for that purpose at all. Where do they go when they come? They go to the manufacturing States and to the manufacturing cities, where labor is compensated, where it is well paid. I have before me the census reports showing where they go. Of the 6,679,943 foreigners in the United States in 1880, how many were found in the State of Alabama? Nine thousand seven hundred and thirty-four. In Arkansas only 10,350. Does anybody say that Arkansas and Alabama do not present an attractive field for the agriculturist? Texas only had of this great number of people a comparatively few, 114,616 only. Examination of the report will further show that Boston had 114,000 of them; that Massachusetts, without any agricultural grounds for them, had 443,491; that Baltimore had 56,136; that St. Louis had 105,013, and New York had 478,694.

I beg further to incorporate in my remarks the following table showing the amount paid per month to workmen in plate-glass manufactories, respectively, in England, France, Germany, Belgium, and the United States:

Statement showing the amount paid per month to workmen in plate-glass manufactories.

Department.	France, Germany, and Belgium.	England.	United States.
Casting department:			
Founders	$45.00	$50.60	$100.00
Skimmers and teamers	30.00	39.20	80.00
Casters	18.00	27.00	40.00
Kiln firers	19.00	27.00	45.00
Producer firers	22.00	28.00	50.00
Grinding department:			
No. 1 grade	27.00	33.80	75.00
No. 2 grade	20.00	29.20	65.00
No. 3 grade	16.00	23.60	50.00
Boys	4.00	5.10	25.00
Smoothing department:			
No. 1 grade	27.00	33.80	70.00
No. 2 grade	20.00	29.20	60.00
No. 3 grade	10.00	23.60	50.00
Boys	4.00	6.80	18.00
Polishing department:			
No. 1 grade	32.00	39.20	80.00
No. 2 grade	25.00	31.40	60.00
Boys	4.00	10.80	25.00
Cutting room:			
Chief	26.00	39.20	100.00
Assistants	24.00	33.80	75.00
Blockers	14.00	23.60	32.00
Packers	13.00	27.00	50.00
Emery washer	24.00	45.00	80.00
Crocus burner	24.00	33.80	75.00
Laborers	11.00	19.60	30.00
Bricklayers	39.00	39.60	100.00
Carpenters	37.00	39.60	65.00

It may be well for the laborers of the United States to take a glance at the wages paid in these different European countries as above indicated, and especially would I attract attention to wages paid in Norway, a free-trade country, and because it is a free-trade country does not engage in manufacturing, but looks to outside countries for its manufactured goods. How do the wages of the laboring man there compare with those paid in the United States? The census of 1880 shows the average yearly wages of the common laborer in the United States to be $345, or $1.11 for each and every working day in the year, while the Norwegian in his native country, on an average, gets only $22 per year, or an average of 7 cents for each working day in the year, or one-fifteenth as much as does the Norwegian who leaves his native land and comes to the United States to reside.

THE SAVING-BANKS.

But not only so. The moneys deposited in the saving-banks of any country truly represent the thrift and general prosperity of the laboring classes in that country. The larger proportion of the deposits in saving-banks is the surplus wages—the savings of the laboring-classes. Now, compare these deposits in the saving-banks of the United States with those in European free-trade countries, and the argument furnished by such comparison can not be otherwise than convincing. The figures are absolutely conclusive. These figures and comparisons are not by any means new, and although their presentation is somewhat stale, the lesson they teach is none the less convincing, and their frequent repetition is therefore fully justified. For instance, the aggregate of the wage-workers' savings now in saving-banks in England, Scotland, Wales, and Ireland is but $182,000,000, while the amount of wage-workers' savings in the saving-banks in the six New England States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and including the State of New York, in all seven out of the thirty-eight States that compose our Union of States, is $715,000,000, or nearly four times as much as in the four countries of England, Scotland, Wales, and Ireland, and yet the population of these is over 38,000,000, while that of the New England States and New York is considerably less than one-third that number, or only about 11,000,000.

DESTRUCTION OF IRELAND'S INDUSTRIES BY FREE TRADE.

Not unfrequently and more than once during this debate are we cited by the opponents of the protective system to what is alleged was the prosperity of Ireland during the closing years of the last century and to what is alleged to have been a reign of free trade. In this declaration, the premises being false, the conclusion is illogical, insignificant, and of no force. That there was a degree of prosperity in Ireland during those years is not denied, but that it was due to free trade, as these terms are understood to-day, is absolutely false. Not only this; but the free trade for which Ireland contended, and which was in a measure wrested from England by Grattan and the Irish volunteers in 1775 and 1776, and from that to 1782, was a free trade of an entirely different character than the free trade of the Smiths, the Cobdens, and their followers in England and in other countries, and the origin of which may be traced to Adam Smith, whose first publication was subsequent to the time that concessions were wrested from the English Parliament by Grattan and his Irish patriot followers under the command of the Earl of Charlemont.

The iron hand of despotic power had prior to that Irish revolt been placed by England upon the export trade of Ireland. The Irish people had been prohibited from sending Irish exports not alone to England, which might have been defensible as a proper means of protecting her own industries, but to France, the American colonies, and other countries. Commercial intercourse on any basis directly with any foreign power was denied her and her people, and it was against these acts of English tyranny that the Irish patriots, under the lead of Grattan and supported by 85,000 volunteers, protested.

It was to rend asunder these English fetters that bound Ireland commercially hand and foot, and by which an absolute and unyielding embargo was laid by England upon their export trade, not alone with England, but with all other countries, that the great patriot Grattan and his Irish soldiery invoked what was then by them denominated free trade—a free trade, however, in no sense or in any particular quality similar in principle to the free trade of the present day. Ireland demanded the right to sell her surplus of wheat, wool, potatoes, laces, linens, blankets, and other products wherever she could find a market, unless, indeed, prohibited by the country or the government of the country in which she sought that market. This right England denied her, Ireland insisting that this inhibition on her exports by any country, save and except that one to which she desired to send her exports, was the denial of the right of free trade, to which she believed herself justly entitled. In this revolt the concessions demanded by Ireland were, under the extreme pressure of foreign wars and other circumstances, reluctantly granted by England, and coupled with the removal of these arbitrary restrictions on their export trade, the doctrine of protection was by the Irish Parliament ingrafted on its legislation.

The tariff enacted by the independent Irish Parliament of 1783 was distinctively a high protective tariff. It was one of the first great measures of legislation placed upon the Irish statute-book after England had recognized the independence of the Irish Parliament; and when, later on, in 1799, union was again proposed by Mr. Pitt, based on the theories of free trade, the Irish Parliament protesting, asseverated in its addrsss to the Crown that union on such a basis would subject Irish manufactures and Irish industry to the ruinous fate of English competition, and the result would be that the great industrial interests of Ireland through free trade with England would not only be jeopardized, but absolutely ruined. And when, overpowered and forced into objectionable and hopeless union, the lament of the Irish people

and of the Irish nation was echoed throughout the world by the illustrious Grattan in these disheartening but truthful words:

All the policy—

Said he—

of nursing our growing fabrics, and thereby of improving the industry of our country, employing her children and expending her wealth upon her own labor, is now abandoned, and the language of the Union is, "Buy where you can, and as cheap as you can."

And it was under this economy inaugurated by the independent Irish Parliament in 1783 by the enactment of a protective tariff that Irish industries, which had for years been lacking in vitality, were for a time resuscitated and revived. But the day of her resurrected prosperity was of short duration. England was no longer involved in war with her American colonies or with other nations. The Irish volunteers had been disbanded and England again assumes an aggressive and oppressive policy toward Ireland. Her Parliament is destroyed; the union and the supremacy of the English Parliament are re-established. Inhibitions and restrictions on her exports are reaffirmed, and although an effort is made to resist the proffered yoke, it is unsuccessful; while to all these there is added the blighting influence of the doctrine of free trade as practiced by England for the past forty years and under which Ireland's industries have been paralyzed, her manufactures destroyed, her hopes blasted, free speech throttled, and her people, brave, intelligent, patriotic as they are, are made dependent, not only for bread, but in many instances for life itself, upon the will of English landlords.

No, the prosperity of Ireland from 1782 to 1800, so far from being due to free trade, was due, first, to the fact that during these eighteen years her Parliament was independent. The statute which had been in existence since the tenth year of Henry VII, and which asserted the supremacy of the English Parliament over that of Ireland, had been wiped out; and second, because during seventeen of these eighteen years—from 1783 to 1800—when the Union was re-established and the Parliaments consolidated, the people of Ireland had a highly protective tariff enacted by their own independent Parliament.

England, although for centuries the advocate of protection, has, during the reign of Queen Victoria, urged and advocated the policy of free trade. Looking to the early and final destruction of all the manufacturing industries of Ireland, she was careful to stipulate in the articles of union of 1800, not only for a rapid approach toward free trade, but that at the expiration of twenty years *there should be absolute free trade between England and Ireland*. This was the ringing of the death-knell of the prosperity of Ireland. It was the sounding of the death-rattle in the throat of Ireland's industries, and upon which her wage-workers depended for bread. It was the sad requiem that signalized not only the decay but the absolute destruction of that principle of *vis vitæ* upon which the very existence of the prosperity and material development of Ireland depended. It was the sad note of warning that predicted the coming of wretchedness, and misery, and suffering, and actual famine to the people of Ireland. It was a policy the inevitable result of which was *first*, famine; *second*, evictions, and *third*, the scattering of dismayed and discouraged emigrants in vastly increased and increasing numbers to other lands, and by means of all which the land of Erin, the home of the Irish patriot, the land made historic, not alone by the patience and patriotism of its people, but by oppressions to which its brave, whole-souled, generous people have been subjected, has become a desolation. Hear what an Englishman testifies on this subject. The statistician, Mulhall, in his publication entitled "Fifty Years of Material Progress," in referring to Ireland, says:

The present reign has been the most disastrous [to Ireland] since that of Elizabeth, as the following statistics show:

Died of famine	1,225,000
Persons evicted	3,668,000
Number of emigrants	4,186,000
Number evicted from 1849 to 1851	1,841,000
Number evicted from 1852 to 1860	770,000
Number evicted from 1861 to 1870	320,000
Number evicted from 1871 to 1886	728,000

The number of persons evicted is equal to 75 per cent. of the actual population. No country in Europe or elsewhere has suffered such wholesale extermination.

What a sad but truthful recital of Ireland's woes! From being an exporter of manufactured goods under a protective tariff to the value annually of $17,500,000, a large proportion of which was, as stated by Mr. O'Connell in a speech in 1844, paid to Irish laborers and artisans, and which moneys in turn were distributed among the farmers and merchants, it was by the application of the policy of free trade, forced upon her by the mandatory power of Great Britain, reduced to a non-manufacturing, non-producing, and famine-stricken country. Mr. O'Connell, the Irish patriot and statesman, in referring to this subject in a speech delivered by him in 1844, used the following language:

How does the case stand at present? You all know too well. When we exported £3,500,000 of manufactured goods, you are aware that a very large proportion of that amount consisted of wages paid to the laborers and artisans employed, and that money was again expended with the farmer and the shopkeeper, and thus went on increasing comfort and prosperity throughout the whole country. But, alas! what is the case now? Wretchedness and misery prevail where wealth and happiness once had their abode.

John F. Scanlon in his work "Why Ireland is poor"—

And I am now quoting from an able editorial in a recent issue of the San Francisco Chronicle—

gives a graphic description of the unhappy result. He says that before union there were fully 200,000 persons employed in factories in Ireland; in 1850 there were only 24,725. His assertion is corroborated by extended details and careful tables derived from excellent authorities. From one of these we cull the following figures to show how disastrously the industries of Ireland were affected:

	Number of employés before union.	Number of employés 1831, after union.
Limerick, one branch of trade	15,000	None.
Cork, glovemakers	3,000	500
Cork, shoemakers	300	100
Youghal	7 tanneries.	None.
Youghal, wool-combers	200	12
Dublin, all trades	30,000	10,000
Dublin, prosperous weavers	5,000	100
Dublin, stocking-making	600	None.
Drogheda, stocking-making	2,000	600
Kilkenny, one parish	4,000	98
All Ireland, working at cotton	30,000	500
All Ireland, working at cotton yarn	20,000	3,000
Dublin, silk-workers	15,000	441
Balbriggan, calico	2,500	226

No, Mr. President, the silk factories of Dublin no longer echo with the sound of the shuttle. The halls of her factories no longer resound to the tread of her 15,000 silk operatives or that of her 30,000 operatives of all trades. Limerick sighs for the prosperity that gladdened the hearts of her factory employés when her lace productions brought plentiful returns from all the markets of the world. Kilkenny, by reason of having British free trade imposed upon her, no longer covers the people of surrounding nations with her woolen blankets. Her factories are now as silent as the grave. Her cotton manufactures, which gave employment to 15,000 operatives, have been destroyed, as have the factories at Rathdrum, and Balbriggan, and Bandon, and Carrick-on-Suir.

Will the Irish-Americans of this country, the descendants of a people oppressed by military violence through long centuries—a period of over four hundred years—men who revere with ancestral pride the illustrious names of the Thorntons, the Barrys, the Carrolls, the Sullivans, the Emmets, the Careys, and the O'Connors, and of hosts of other patriots whose names are immortal, can *they*, looking back to and remembering these oppressions upon the part of England, remembering the great famine that desolated their numbers by the thousand, and the great procuring cause of which, more than all other causes combined, was the destruction of Ireland's industries by England—will *they*, remembering all these things, be found to-day speaking or voting in favor of enlarging and perpetuating British influence, British policies, British aggressions, and British demands, in this free Republic?

ENGLAND'S SUPREMACY DEPENDS ON THE DESTRUCTION OF THE MANUFACTURES OF THE WORLD.

Who can doubt the attitude of England in the great political contest now pending in the United States? Is there, can there be any doubt as to the direction her sympathy takes? Who, in the face of the overwhelming testimony to the contrary, can do otherwise than believe that she as a nation; that her leading public men, members of the Cobden Club, advocates of the doctrine of free trade throughout the world, regard the present step taken by President Cleveland and the Democratic House of Representatives as one leading directly and rapidly on to their favorite policy of free trade? Who, in the light of the testimony of the great cloud of witnesses that surrounds us, can fail to comprehend or hesitate to believe that England regards the permanent existence of her supremacy as depending on the breaking down or seriously crippling of American manufactures and American industries? It was the English historian Hume who said:

If England would maintain her supremacy, she must throttle the manufactures of the world in their cradles.

But hand in hand with England's efforts to destroy our industries and degrade our wage-workers by reducing wages in this country to the standard of that paid in England, goes continually on an effort not to increase the wages of the wage-workers in England, but to reduce still lower the price of wages in that country. The recent English Parliament report, among other similar expressions in other forms, contains the following:

In order to give capital a fair remuneration *the price of labor must be kept down.*

Mr. Labouchere, editor of the London Truth, and member of Parliament, said within the last six months:

Were I an American I should be a protectionist, but protection means high wages, and England can not pay higher wages and keep her control of the markets of the world.

THE NATION'S PROGRESS UNDER THE PROTECTIVE SYSTEM.

Had our nation decreased in wealth, had there been a failure to make such advancement as the increase of population and progress in the arts of civilization and material development would seem to demand, then there would perhaps be more reason for such a bold, aggressive, and deadly attack on the protective policy as has been made by the present Administration. But such is not the case. On the contrary the mighty strides which this nation has made in national wealth in the past twenty-eight years, notwithstanding the fearful amount of property destroyed by the war, stands without a parallel in the history of nations in either ancient or modern times, and challenges the admiration of the world.

Since 1860, although the one-half of the aggregate wealth of the United States was in the four succeeding years swallowed up and absolutely annihilated in the vortex of civil war, our national wealth has nearly quadrupled. Deducting our losses in war, it was in 1887 more than seven and a half times greater than in 1860. In 1860 it was less in value than $16,000,000,000; in 1887 it was more than $60,000,000,000, and stands first in the list in point of wealth among the nations of the earth. Compare this with haughty England with her boasted and conceded power and influence among the nations. Her national wealth in 1860 was rated at $30,000,000,000, nearly double our then national wealth, while to-day $42,000,000,000 is all she can boast of against our $60,000,000,000. The value of our manufactured products annually has nearly quadrupled since 1860. Then they were about $2,000,000,000 annually. Now they are about $7,000,000,000 in value annually.

The value of farms had more than trebled between the breaking out of the war and the census of 1880. At the beginning of the war their value was about $3,000,000,000, while in 1880 it was over $10,000,000,000, and to-day is much more.

Twenty-five years ago, had the total wealth of the United States been divided equally among our population, each person would have had but about $400, while to-day, notwithstanding the marvelous increase of population from 32,000,000 in 1860 to over 62,000,000 in 1887, if our wealth were equally divided, each man, woman, and child throughout the Republic, of every color, caste, and condition, would have more than $1,000. Our $60,000,000,000 of wealth to-day is increasing at the rate of $875,000,000 each year, or within a fraction of the aggregate annual increase of wealth of Great Britain, France, and Germany.

Their annual increase in the aggregate reaches about $900,000,000, divided as follows: France, $375,000,000; Great Britain, $325,000,000; and Germany, $200,000,000. And when it is remembered that the population of Great Britain, France, and Germany is in the aggregate about double that of the United States the comparison presented above of our annual increase in wealth as compared with the three countries named illustrates more forcibly still the enormous rapidity of the accumulation of our nation's wealth and the tremendous increase per capita over that of European nations.

Mr. Mulhall, the most eminent statistician of the world, in his recent "Balance Sheet of the World," says:

> It would be impossible to find in history a parallel to the progress of the United States in the last ten years. Every day that the sun rises upon the American people it sees an addition of two and a half million dollars to the accumulation of wealth in the Republic, which is equal to one-third of the daily accumulation of all mankind outside of the United States.

This is the statement, moreover, of an Englishman and a member of the royal society of London.

The value of our annual industries to-day is over 22 per cent. greater than that of the United Kingdom of Great Britain and Ireland, the sum of the latter being but $9,200,000,000, while that of the United States is $11,405,000,000.

And all this wonderful development, increase of prosperity, and multiplication of wealth have occurred during a time when the protective principle to a greater or less extent was applied in the matter of collecting revenue on foreign imports. And during no part of this time was the doctrine for a tariff for revenue only, which is but another name for the doctrine of free trade, in force in the United States.

That this remarkable advancement of the United States in material wealth is largely due to our protective system was recently affirmed by Prince Bismarck in a speech before the Reichstag, wherein he urged the necessity on the part of the German Empire of imitating the tariff system of the United States. In that speech he said:

> The success of the United States in material development is the most illustrious of modern times. The American nation has not only successfully borne and suppressed the most gigantic and expensive war of all history, but immediately afterward disbanded its army, found work for all its soldiers and marines, paid off most of its debt, given labor and homes to all the unemployed of Europe as fast as they could arrive within the territory, and still by a system of taxation so indirect as not to be perceived, much less felt. Because it is my deliberate judgment that the prosperity of America is mainly due to its system of protective laws, I urge that Germany has now reached that point where it is necessary to imitate the tariff system of the United States.

CONCLUSION.

Protection, Mr. President, and high tariff are not convertible terms. They are not synonyms in signification. A tariff which will intervene to prevent the products of cheap foreign labor from crushing out or materially crippling home industries, whether it be a low or a high tariff, is protection in its plainest and yet most comprehensive American sense. A tariff, whether high or low, that would simply increase the profits of the capitalist with no corresponding benefits to the wage-worker or the consumer in the shape of higher wages for the former and more favorable conditions for the latter, is *not* protection in the American sense of that term; upon the contrary, such a system would be legalized robbery.

No party in Christendom favors such a policy. I will not say that capital, always more or less avaricious, oftentimes unreasonable, and generally conscienceless, is in its demands for protection always considerate of the rights and interests of either the bread-winner or the consumer; and the manufacturer, looking solely to his own individual temporary interest, may, it is true, at times become a protectionist and again a free-trader, he may demand a high duty to cut off foreign competition, or if this be denied him, in turn be found insisting on free raw material, to the end that his expenses may be curtailed and his profits multiplied, irrespective of the effect on labor or the interests of the consumer. To conform to such a demand, which is by no means general with the manufacturer, but only sporadic, and where *self* predominates over the general good, is *not* protection in its proper American sense.

It is not the protection of the Republican party or its platform. It is only that system of tariff duties that contributes in just, reasonable, and fair proportions, all conditions and interests being considered, to the protection of both *capital* and *labor*, of both *producer* and *consumer*, and which guards all these important interests and classes, and those dependent for their existence on their prosperity impartially against the encroachments of foreign capital and cheap foreign labor, that can rightfully be termed protection. It is only *such* a system that the Republican party, following in the line of the opinions and advocacy of such illustrious men as Washington, Jefferson, Madison, Monroe, Jackson, Clay, Webster, Lincoln, Grant, and a host of others, "whose names were not born to die," advocates and approves.

It is that system which, while it tends to protect American capital against the ruinous competition of cheap foreign products, to the end that it may realize fair and reasonable returns for investments made, at the same time surrounds labor, struggling in the shadow of adversity, with its protective arms, shielding and guarding it from unjust assaults, from the unreasonable and unfair competition of cheap European and Asiatic serf and criminal labor, to the end that the American wage-worker may receive a fair remuneration for his toil. It is that system that will tend to increase the *home* market for the farmer for his products of wheat and corn and oats and barley and vegetables and fruits, and that will relieve him from being to any extent, if possible, a *dependent* on the *foreign markets* of the world; that will tend to build up a wide diversity of industrial pursuits in this country; that will open innumerable avenues for both capital and labor; that will shut out from American competition the convict labor of other lands; a system that recognizes not only the right but the duty of the people of the United States to protect themselves against the products of foreign countries whenever in our judgment the real interests of American industries and American labor demand it; to the end that a diversity of industrial pursuits may be stimulated, new, varied, and important avenues of labor developed, the home market for the farmer and manufacturer increased; that the daily toiler in the mill, the factory, the field, the mine, and in the streets of the crowded city; in the fertile valleys, and underneath our mountains, rich in both base and precious metals, and thus aid in leading us as a people and nation upward and onward in the grand march of human progress, material development, and advanced civilization, and towards the commercial supremacy of this great nation, and the elevation of all its people of every class and condition. That is what is meant by the doctrine of protection as contradistinguished from that of free trade, and these are some of the beneficent results which are expected from it.

This is the great fundamental idea we expect confidently to find enunciated in the Senate substitute for the House bill; while the House bill is a most significant and dangerous step in the direction of that system of free trade which can only result in bringing us into ruinous competition with all the cheap products of every nation under the sun, which will destroy our home market, reduce wages, paralyze capital, call a halt to industrial enterprise and material prosperity, and reduce us as a nation and a people to the condition of *dependents* on foreign countries and capitalists; that, in a word, in so far as our domestic interests and domestic trade and internal and external commerce are concerned, constitutes us a servile dependent on the will of an English suzerain.

DEPARTMENT OF AGRICULTURE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the Department of Agriculture, the pending question being on the amendment reported by the Committee on Agriculture and Forestry to strike out section 5.

Mr. CHANDLER. Mr. President, while I am willing to vote for the bill to create a Department of Agriculture, I am not certain that it will prove a wise step. It is not sure that the interests of agriculture will be promoted by making the head of the Department of Agriculture a Cabinet minister. I can not quite conceive why those interests can not be as well subserved as the Department of Agriculture is now constituted under the Commissioner of Agriculture, as they will be after making the Commissioner a member of the President's Cabinet.

The present members of the President's Cabinet are at the head of political departments of the Government. They are all political; they are all in some way connected with and essential to the political government of the country. But agriculture is in no sense an essential of political government. The fostering of agriculture is not a necessary part of government. Therefore, for reasons to which I shall advert a little later, I am not inclined to believe that there is as much wisdom in the creation of the Department of Agriculture as is claimed by the friends of the measure. Nevertheless, as the agriculturists of the country profess to believe that the change will be on the whole helpful to agriculture, I am willing to give my vote for the bill to create the

department and to make its head a member of the President's Cabinet.

But I do not wish in this connection and at this time to vote to transfer the Weather Bureau from the War Department to this newly created Department of Agriculture, and I hope that the friends of this new department who wish to see it now established will refrain from pressing this bill of transfer, this seizure of the Weather Bureau of the War Department, this ruthless tearing up by the roots of the Weather Bureau, and transferring it to this department which is yet to come into existence.

I hope that the advocates of the change will wait until the new department is organized and in operation, until the Secretary of the Department of Agriculture has taken his seat at the Cabinet table and begun to advise the President of the United States concerning the business of the political Departments of the Government, and until it is found that this first change works well, so that there shall be no occasion to recede from the action taken and to remove the Secretary of the Department of Agriculture from the President's Cabinet as suddenly as he was placed there. I trust, I say, that Senators will refrain from pressing this transfer of the Weather Bureau until the doubtful experiment of making the Commissioner of Agriculture a Cabinet minister, which they are about to try, has proved successful.

There have been some prior investigations of the Signal Service Bureau of the War Department, and those investigations have not, as it seems to me, developed the necessity or the propriety of the proposed transfer of the Weather Bureau from the War Department to an agricultural department.

I have in my hand a very bulky volume. It is the testimony taken and the reports made by a commission of somewhat extensive jurisdiction, which took a large amount of evidence, and having taken it felt obliged to make and did make reports to Congress. The commission has no short name. I have found it difficult to describe the volume so as to secure a copy of it from the Senate Library, owing to the fact that there is no short name to be given to the commission or to the report. I think a simple, brief name ought to be found for the book, because it is really a document which embodies many important facts, and although its conclusions have not met full fruition nor been embodied in law, yet I wish to say nothing in derogation of the investigation.

Testimony before the joint commission to consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, with a view to secure greater efficiency and economy of administration of the public service in said bureaus, authorized by the sundry civil act approved July 7, 1884, and continued by the sundry civil act approved March 3, 1885.

The reports are made to the Forty-ninth Congress, first session: House of Representatives Report No. 2740.

This commission, in pursuance of the authority given, made a full and exhaustive inquiry into the management of the Signal Service and made lengthy reports. Now, I am unable to find that there is a suggestion anywhere in those reports that the Signal Service, or rather the Weather Bureau of the Signal Service, could be wisely transferred to the Department of Agriculture, or that a department of agriculture should be created for the purpose of having in connection with its establishment the Weather Bureau transferred to such a department. There is no suggestion in the report or in the testimony, I believe—if I am incorrect the Senator who has charge of the bill will please correct me—that to the Commissioner of Agriculture should be committed the Weather Signal Service of the country.

There were two reports made by the commission, and I will read from one of them. It is signed on page 54 by Senators ALLISON and HALE, and by Representative Lowry, and there is an addendum by Representative Wait, of Connecticut, who concurs in the report, except that part relating to the Signal Service, on which subject he states that he agrees with Messrs. MORGAN and HERBERT in their report, which follows. The first branch of the committee say of the Weather Bureau on page 19:

If the question was a new one, and whether a civilian bureau, with a civil head, should be organized, or whether it should be attached to the military establishment, as now, it is probable that the commission would recommend a civil bureau. But that is not the question. We are authorized to consider this question "with a view to secure greater efficiency and economy of administration of the public service in said bureau," etc. The present organization has been in existence for fourteen years, and is efficient for the work assigned to it, and unless its force is greatly cut down it is not apparent how it can be made more efficient by the present substitution of a wholly civilian force for that now employed; and if the force is excessive, it is as easily cut down under the present organization as under a new one.

That is the whole sum and substance of the report on the Weather Bureau of this subdivision of the commission. Senator MORGAN and Mr. HERBERT, of the House, in their report discuss the extravagances of the Signal Service and recommend some economies, and conclude by reporting a bill entitled "A bill to establish a Weather Bureau in the War Department, and for other purposes," which has five sections, the effect of which apparently is to organize a civil corps in the War Department for the management, under military officials, of the Weather Bureau. But nowhere, as I stated in the beginning, is there a suggestion, coming either from the majority or the minority, from either one branch or the other branch of the commission which had made this investigation, that it would be expedient to transfer the Weather Bureau from the War Department to the Commissioner of Agriculture or to the Department of Agriculture or anywhere else; and so far as I can learn there is no report on file anywhere that recommends such a transfer. If there is any such report I should like to examine it. I ask the Senators who advocate this transfer whether they can place their hands upon a well considered argument in favor of the transfer which they now propose? If they can not, I point them to the fact that this commission, which made this full and exhaustive inquiry and report to Congress, concluded without either recommending or suggesting any such transfer; and I say it seems to me that before Congress undertakes to make it there should at least be the report of a committee giving the reasons why it should be made. On the other hand, we do have the report of the Senate Committee on Agriculture, almost unanimously opposing the change and saying the time has not come for the transfer of the Weather Bureau from the War Department to some other Department.

There has been no reason given in this debate, so far as I have listened to it, sufficiently weighty to require the change to be made. The Weather Bureau is not entirely for the benefit of agriculture. It is partly for the benefit of the military establishment. Its functions have been performed by the Signal-Service Corps of the Army as a part of the necessary work of that corps. I take it that there is no army under the whole heavens having a signal corps, which is not charged either in form or in fact with the duty of ascertaining the condition of the weather and making predictions concerning the weather for the benefit of military movements. And are we, whenever it becomes necessary for military purposes to know what the weather is, whenever it becomes necessary for military purposes to have predictions made concerning the weather, are we——

Mr. PLUMB. Will the Senator allow me?

Mr. CHANDLER. In one moment, when I state the proposition. Are we to have the Army of the United States enter into communication with the Secretary of the Department of Agriculture for the purpose of finding out what the weather is in order that military movements may be directed accordingly? I now yield to the Senator from Kansas.

Mr. PLUMB. Will the Senator please advise me or tell the Senate in what respect information of the state of the weather is to be of value in military movements? I have known of armies in all sorts of conditions and places and circumstances, but I have never yet known one to be taken in out of the wet. [Laughter.]

Mr. CHANDLER. The Senator from Kansas is a gentleman of extraordinary knowledge and acuteness. I certainly credit him as possessing such; and he can not mean to have the Senate understand that information of the condition of the weather, actual and prospective, is of no importance to the movements of an army. I think we have heard that not only battles in military warfare, but battles on election day have been won or lost, according to the condition of the weather.

I have just received a communication from General Greely, which contains, perhaps, an answer to the inquiry of the Senator from Kansas. General Greely says:

The allied fleet before Sebastopol in 1856 was almost totally destroyed by a violent storm which swept unannounced across the Mediterranean and Black Seas.

I think the Senator from Kansas will agree that if the allied fleets had been aware of this prospective storm it would have been of some use in a military sense.

In these days the advance of the storm would have been heralded and enormous loss of men and supplies, which brought so much suffering upon the allied armies, would have been avoided. In our own war—

The Senator having asked me a question, I hope he will listen—

to quote no further, the advance of Burnside upon Fredericksburg was initiated at the commencement of a three days' storm, which paralyzed the efforts of the Army of the Potomac and sent it back to its camp demoralized more by the elements than it would have been by a pitched battle.

I believe I have answered the Senator from Kansas; and now, as I see he is about taking the floor again, I will ask him whether he thinks it would have been a natural performance of the function of government for General Burnside to have telegraphed to Washington asking the Secretary of War to consult with the Commissioner of Agriculture as to what the weather was likely to be about the time when his army was to advance?

Mr. PLUMB. It would be owing to what the Army was going to do. If it was going to raise a crop of potatoes, I should have thought it a good thing.

Mr. CHANDLER. Is that the best answer the Senator can make?

Mr. PLUMB. I regard that whole performance as entirely puerile. The Senator says the actual condition of the weather is necessary to be known. How is a man to know there is rain until he gets into the rain and feels the drops on his back? As to the prospective condition of the weather, I suppose that under the kid-glove and plug-hat idea of warfare, of course no man should go out into a combat when there was liable to be a precipitation of moisture.

If this theory of General Greely is to be developed to its final conclusion our warfare will be all carried on in Newport, and in very large tents, and things of that kind. I can not conceive that a modern soldier, according to that idea, would ever go out in an apparel that would be damaged by either dust or rain. It opens up a new idea of

warfare to me, I confess. There certainly will not be any bloodshed in that time. It will be as inoffensive as a woman's quilting bee, and I suppose, probably, instead of having guns and so on to carry it on, it would be better to turn it over to a Quaker meeting. I confess, really, that I am a little bit surprised at the suggestions about the millennium being so near at hand, which I have been rather hoping would not come in my time, for fear that I should not be ready for it. [Laughter.] But if, as is now suggested, we are to have a condition of warfare in which the element of this question of rainfall is to be taken into account, so that armies can move, and all these other questions that concern the convenience and comfort of the soldiers and so on, it will certainly be a millennial condition of things in which that will be seriously taken into account, and, as the Senator from South Carolina [Mr. BUTLER] suggests, they will cease firing whenever it commences to rain.

Mr. CHANDLER. The Senator from Kansas is always as breezy as one of the cyclones upon the prairies of his State, and is never at a loss for an argument based upon ridicule, or, as I may say, a ridiculous argument. The Senator resorts to ridicule because he is unable to maintain the proposition that a knowledge of the weather, present and prospective, is not essential to military operations. If it is not essential to military operations, I am unable to see how it is of great importance to agriculture. I think that if a farmer wants to know whether it is likely to rain or not, or whether heats or frosts are to be expected, it is also important to a general in command of an army to know what the weather is and what the weather is to be, and if this transfer is made we must leave the Army without this information, without weather examinations and weather prognostications, or be obliged to duplicate the service, or else to put the General of the Army into the absurd attitude which I have depicted of calling upon the Commissioner of Agriculture to find out what the weather is going to be.

I submit that it is a great deal better to let the Signal Service Corps of the Army find out what they need to know about the weather by their own investigations made at the different military posts—and there are not only military posts upon the plains and along the frontier, but in every one of our large cities and upon our whole coast—to let them find it out by their own machinery and not make this important branch of the military service an adjunct of the Department of Agriculture.

Moreover, Mr. President, I believe that the larger part of the benefit derived from the Weather Bureau is to the commerce of the country, to our commercial interests, to the shipping which enters and goes out from our ports. Unquestionably there has been a large benefit of that kind. Shipwrecks have been avoided, great losses of life and of property have been prevented by the prognostications of the Weather Bureau of the War Department, and I think that when we consider the millions of our shipping engaged in our coastwise traffic and the millions of foreign shipping that enter our ports, it must be concluded that it would be the height of folly to impair the benefits which have been and are to be derived by this shipping from the notices of the Government Weather Bureau by doing anything that will diminish the efficiency of that service; and yet it is proposed by the advocates of this transfer that the secretary of agriculture shall issue storm signals to our shipping along our coast and that this whole exhibition of weather bulletins and weather and storm signals, in which our country has taken the lead of all the maritime nations of the world, shall be put in charge of the Department of Agriculture.

Mr. President, nothing that I can conceive of in administration is any more absurd than this proposition when it is reduced to its last analysis; and yet it is said because the Senate of the United States has once foolishly adopted the proposition and now the House of Representatives has still more foolishly done it, while no committee that ever investigated the subject has ever reported the reasons in favor of it, that at one blow we should not only create a department of agriculture and send the secretary of the department of agriculture to sit around the Cabinet table, but that we shall put him in charge of the Weather Bureau of the War Department, of that Weather Bureau which is of so much importance to the ships and commerce of the country.

Mr. President, if the Weather Bureau has been extravagantly managed, if the Signal Service has not been wisely or economically conducted, then I trust that Congress has wisdom enough, has investigating and deciding capacity enough, to reform the service and make it what it ought to be; but I stand upon the proposition of the commission which I have read, that any reform which it is expedient to make can be as well and as wisely accomplished with the bureau where it now is as it can be after any transfer of it to any other department of the Government.

But, Mr. President, it is my individual preference and judgment that this weather service should remain permanently as a part of the duties of the Army of the United States. It is my belief that the weather service of the country can not be so well performed in any other way as it can in connection with the Army and when under the control of the officers of the Army.

I have no jealousy of the Army and Navy of our Republic. It is true that the Army and the Navy are the only aristocracy that we have in this country, but they are an aristocracy that is necessary for the efficiency of the Army and the Navy, and for the good of the nation. We can have no Army and no Navy that is valuable unless we maintain, as a nucleus, at least, of a large force, a regular Army and Navy composed of military men highly educated, appointed for life, and placed at the proper time upon the retired-list, and this aristocracy of the Army and Navy has no fears for me.

I believe that we should cherish and protect our Army and Navy and that we should not be continually sneering and decrying them in time of peace. I think a regular Army and Navy that served this country as bravely, as faithfully, and as successfully as our Army and Navy did during the late rebellion, are entitled to the kindest and most charitable judgment, are entitled to the warmest and most earnest support of every American citizen; and I very much regretted the other day to hear the criticisms made by the Senator from Maryland [Mr. GORMAN], whom I do not now see in his seat, upon the Ordnance officers of the Army. I believe that the Ordnance Corps, like every other corps of the Army, is abundantly competent for its business, and that its members, who are patriotic as well as skillful, are eminently fitted to do the ordnance work of the Army and of the Government of the United States. I also believe that the Engineer Corps of the Army, which the Senator from Kansas has so sneeringly and sarcastically criticised upon this floor, is an able body of men, well qualified for the business which is committed to them; and I regret that any Senator in the discharge of his duty feels called upon to utter such slurs upon so useful and competent a corps as have been hurled against the Engineer officers by the Senator from Kansas.

The officers of the Army and Navy of the United States are cultured men. They are educated men. They have received their education at splendid governmental institutions of learning, maintained at large expense, and which no American citizen is willing to blot out of existence. The young men of the nation go to these schools, the best young men the country can furnish, and they are highly educated. They are taught the science of modern warfare; for war is a science, and is becoming more and more a matter of precision and accuracy, a matter of scientific knowledge and training.

Mr. President, why do we educate at West Point and at Annapolis these men and give them life commissions, saying that we will employ them as long as they are able to work for their country, and will, when they are disabled by age or otherwise, place them upon a retired-list and support them and their families as long as life shall last, if it is not solely because we wish to avail ourselves to the fullest extent of their learning and of their scientific ability and attainments in the service of the Government of the United States? Then, as we have this great body of public servants, the officers of the Army and the Navy of this Republic, why should we not utilize them in every business that requires this high education, that requires this scientific knowledge, whether it be wholly a work of war or whether it be an honorable and dignified work of peace?

Mr. President, I believe most thoroughly in utilizing the Army and Navy in the works of peace. I believe in making the largest possible use of both these great cultivated, scientific bodies of men in all the arts of peace for which their education, their culture, and their experience have fitted them. I early came to this conclusion with reference to the Navy of the United States. In 1882 I had the honor to urge that there should be transferred to the Navy Department the Light-House Service, the Coast Survey, the Revenue Marine, the Life-Saving Service, and the Marine-Hospital Service. The work of these different branches of the Government was conducted and is now conducted mainly by naval officers. I believed and still believe that they should do that work under the Navy Department, to which these branches of service more properly belong than they do to the overloaded Treasury Department, by which they are now supervised.

Later, in 1883, I attempted to answer the argument which is so freely made against the employment of military men in works of peace. I ask the indulgence of the Senate while I read the statement which I made on the subject, and which is expressed better than I can newly state the ideas. I read from page 40 of the report of the Navy Department for 1883:

> One general argument has been presented against the transfer, in the form of an objection to employing military officers in civil duties. This is wholly out of place when applied to the army or navy of a popular government in a law-abiding community. In a despotism, where a standing army is maintained without the consent of the people and may be used for the repression of liberty, it would be wise to resist the extension of military employment to civil labors, even though the saving of expense should partly balance the evils resulting from an increase of despotic control. But in the United States the Army and Navy are the creation of the popular will. They are organized and supported only because the people deem them necessary for national existence and safety, and they can be disbanded at the pleasure of the people. They are equally with all other officials under the direction of a civil administration. They can therefore be wisely and safely employed in any work that will not impair their efficiency or discipline, and where their employment would save money that would otherwise be paid to maintain an unnecessary civil establishment. They should by all means be so employed when the service will not only relieve and benefit the people, but will add to the professional experience and to the fitness for war duties of the officers and men. Their exclusion can only be justified on the theory that to render them harmless they must be rendered inefficient; a theory which, if carried out, would result in the immediate abolition of the service.
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> The argument in favor of the full use of the Navy in all appropriate labors of peace becomes stronger as the nation seems more unlikely to engage in actual warfare. Our international policy tends to peace with all the world; our conflicts will be infrequent; and therefore more than all other nations we should utilize our officers, seamen, and ships in the nautical works which peace times require. Such are their appropriate sphere, not for their private benefit, but

for the greater good of the Government to which they desire to give the fullest possible service.

But the question might naturally be asked, if the Army and Navy are utilized in these works of peace will there not be difficulty when war breaks out? That question was asked me before this commission with the long name, whose report I have here, and I beg to read the reply which I made, on page 73 of the testimony:

Q. You have stated that you would favor the utilization of the *personnel* of the Navy and War Departments for the discharge of those functions connected with the arts of peace in time of peace, but I desire to inquire now what your views would be touching the utilization of these officials to discharge these functions of the Departments in time of war.

A. When a war should happen to be upon us, it might be necessary to make special provision by legislation, somewhat changing the manner of conducting the Government. But now it is evident that our Army and Navy will rust out and become worthless if we do not find peaceable employment for them. When our civil war broke out we suddenly had to enlarge this great governmental machine, and we adopted makeshifts. I think that many of these subjects were placed under the Treasury Department, because the other Departments were overloaded, and I think that any anomalies that were created during the period of war ought to be corrected now. And I maintain that the Army and Navy of the Republic should be utilized in every proper work of peace, for two reasons: You will save money, and you will keep the Army and Navy from rusting out. These views are to be found distinctly stated in my report for 1883.

Therefore I say about the Army now what I said about the Navy then. Let us utilize this great body of skillful men in every work of peace to which they are adapted, which it is dignified and honorable for them to perform, and let us allow this not great although important work of taking observations concerning the weather, of promulgating those observations, and of making weather prognostications, whether for the benefit of the Army or of the shipping of this and other countries, or of the farmers and agriculturists of the country, to remain with the Army of the United States.

The Senator from Kansas knows that the work of the Engineer Corps of the Army upon rivers and harbors has no necessary relation to warfare. The whole river and harbor appropriation might be expended under a corps of civil engineers without one Army officer connected with the work. I believe the Senator from Kansas has intimated, if he has not directly stated, that he would be in favor of taking the expenditures upon our rivers and harbors entirely away from the Engineer Department of the Army and placing them in the hands of a civilian corps. The Senator nods assent; and I take occasion most completely and emphatically to differ with him, and to say that I believe this appropriate and most important work should be left right where it is, in the control of the engineer officers of the Army of the United States, whom we educate at West Point for work of this kind, and who are doing it more efficiently than it could be done by a corps of civil engineers.

Whether it is creditable to civil administration or not, it is an undeniable fact that there are fewer defalcations, fewer corruptions, fewer misappropriations of the public money in work conducted by the officers of the regular Army and Navy than there are when similar work is conducted by civil officers of the Government, and on this one ground alone, that of the greater security of the public money, it is wiser to utilize these officers, holding life positions of infinite value to them, in all kinds of service for the Government, which they may appropriately perform much better, than it is to double the expense of doing the work by committing it to civilian employés, while allowing your Army and your Navy to rust out only because jealousy, forsooth, of the Army and Navy of our Republic comes in to take from them work which they are so admirably educated and fitted to perform.

Returning, Mr. President, to the question of the wisdom of creating a Department of Agriculture, I desire to restate briefly my doubt upon that point, which I however waive in deference to the wishes, as represented by gentlemen in whom I have confidence, of the agriculturists of the country. My doubt is whether it is wise to add to the Cabinet ministers of the President one official whose labors have no relation whatever to the political conduct of the Government.

Mr. PLUMB. Will the Senator make that distinction a little plainer? When he says "political" of course he does not mean in a party sense.

Mr. CHANDLER. I suppose that the Senator did not rise to ask me that question; did he?

Mr. PLUMB. Yes, I did. Do you mean it in a party sense?

Mr. CHANDLER. I know the difference between "political" and "partisan," and I supposed the Senator did.

Mr. PLUMB. Then if I understand the Senator now, he means that the members of the Cabinet are simply the party agents of the President to discuss the questions relating to party and not of course those relating to the country in the larger sense of the term.

Mr. CHANDLER. I never said anything of that kind. I do not think any other Senator understood me to say that; and I do not think the Senator from Kansas did.

Mr. PLUMB. Then the Senator declines to make any explanation as to his meaning. I desired to predicate on that——

Mr. CHANDLER. I had barely entered on the subject when the Senator from Kansas rose and asked me to make my meaning a little plainer. Now, if the Senator will contain himself I shall go on and do it.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. PLUMB. The Senator will try to contain himself. It is hard to do it, but still he will do it.

Mr. CHANDLER. I do not understand that the Senator asked me any question. I do not understand that it is asking a question, when a Senator enters upon a subject that is being discussed and says that he proposes to make his ideas clear, for another Senator to get up and ask that Senator to be a little more distinct.

Mr. PLUMB. I wish the Senator——

Mr. CHANDLER. Of course I recognize the right of the Senator, after I get through, to say that I have been very muddy, and that I have not explained the point at all; and I certainly would be glad to have him ask me any question that he wishes to ask, but not rise to ask me to speak more distinctly or plainly than I am doing when I begin a statement on a point. Now, if the Senator has any question to ask me I shall be very happy to hear it.

Mr. PLUMB. I wanted to know, when the Senator speaks of politics under the Administration as applicable to the other Cabinet ministers, whether he means party politics in the ordinary sense of the distribution of patronage, or whether he means in a larger sense; and if he means in a larger sense, in what way does he impute politics of that kind to the presence of the Attorney-General in the Cabinet, for instance?

Mr. CHANDLER. I am going to explain it to the Senator, if he will have patience. He knows I did not mean partisan members of the Cabinet. He knows I did not mean, when I spoke of the connection of the Secretary of State or the Attorney-General with the Cabinet, that they were to be partisans while the Commissioner or Secretary of Agriculture would be a non-partisan. The Senator knows I did not mean that. I think he does, at any rate.

While giving the testimony from which I have been reading I was called upon to state to the commission with the long name my views as to various suggested transfers from one Department of the Government to another, and especially with reference to a suggestion that there should be a department of science created, into which should be gathered all the Government officials engaged in doing scientific work; that we should have one department of that kind; and in that connection, also, it was directly suggested that there might be a department of public works. I conceded that there might be well enough, if Congress saw fit to create it, a department of public works; but I did not conceive that it was in accordance with our frame of government or with any legitimate method of carrying on the Government to have a department of science. I will read from my statement on that point, which I think ought to satisfy the Senator from Kansas as to my meaning, and I believe will do so if he is in his usually intelligent and receptive mental condition. I said:

My view is that all scientific work or art work which the Government of the United States has been engaged in, which is necessary or convenient for carrying on the Government, should be conducted within and under the direction of that Department which needs the scientific assistance, or the assistance of art, and that it would be a most anomalous proceeding to erect as a governmental department a department of science or of art. It would be very extraordinary to undertake to search the various political departments of the Government to see wherein any one of them avails itself of art processes or those of applied science, and in every such case to take that subject out from the political department and turn it over to a department the head of which should be only a scientist.

It would be unjustifiable, I should say, to thus set the scientists to grasping government. If the Government chooses, as it may properly, within certain limits, to go beyond the use of science and art in the actual conduct of governmental affairs and undertake to foster science, or art, or agriculture, or anything else not absolutely essential to government, then, as to these subjects so being fostered, my idea is that each should be placed under that department with which it has the most natural relation, and that you should not extend the powers of government to the fostering of either science, or art, or agriculture, or education, by establishing them as separate departments of the Government.

Q. Political departments?

A. Political departments.

I do not suppose that it ever occurred to any member of that commission, certainly it did not occur to the person whom they were interrogating, that the word "political" in that connection meant "partisan." It was reserved for the Senator from Kansas, when a Senator spoke of the seven present Cabinet ministers as engaged in the political work of carrying on the Government of the United States, and stated that a Department of Agriculture would not have any relation to the political conduct of the Government, to charge that it was meant that the seven existing members were to be partisans, members of one party only, and that the chief of the new department was to be non-partisan. I proceeded further:

The Constitution does not contemplate anything of that kind. It recognizes but three branches of the Government, the executive, legislative, and judicial. It does not recognize a scientific branch. It places the whole executive work upon the President. To aid him the Departments are established, and the heads of the Departments represent him, for although many duties are by statute specifically imposed upon the different Secretaries, yet after all they are placed upon them, so to speak, not in their own right, but as the representatives of the President of the United States. Those Executive Departments which the Constitution contemplates are political departments.

And now, if the Senator from Kansas will give me his attention, I notice that I defined what political departments are:

Departments that are actually necessary to the government of the country. The nation has foreign relations, so it has a State Department; it must have money, so it has a Treasury Department; it is liable to go to war, and so it has a War Department and a Navy Department; it must proceed according to law and enforce law, and so it has an Attorney-General.

I ask the Senator from Kansas and the Senator from South Carolina, who I am anxious shall also get my point, to note that an Attorney-General is in my judgment an essential part of the Government, and the work which he does is political work—not partisan work, but political work:

It must proceed according to law and enforce law, and so it has an Attorney-General.

But it is not equally necessary that it should have a Department of Agriculture.

It owns the public lands, and has the Indians on its hands, and so it needs an Interior Department; it chooses to make the mails of the United States a part of the Government, and so choosing it must have its Post-Office Department. All these functions are necessary to carry on the Government, but no particular scientific or art process is necessary in any one of them, or if it is, it is the appropriate duty of the Department which is aided thereby to take the subject under its charge.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. CHANDLER. I do.

Mr. PLATT. I rose for the purpose of asking the Senator from New Hampshire if he would yield to a motion for adjournment, but first I desire to obtain an order from the Senate.

I ask that an order be made that the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, may be printed with the amendments which have been adopted by the House of Representatives numbered in order. I ask that the usual number of copies may be printed. There is a call for it.

The PRESIDENT *pro tempore*. The order to print will be entered, if there be no objection.

Mr. PLATT. Now, with the permission of the Senator from New Hampshire, I move that the Senate adjourn.

Mr. PLUMB. I wish before that is done to see if there can not be some agreement made about taking the vote. I ask unanimous consent that the consideration of the bill may be resumed at the conclusion of the morning business to-morrow, that the vote be taken either on the amendment or on the motion to lay the amendment on the table if it be renewed, at 2 o'clock, and that the succeeding votes necessary for the determination of the pleasure of the Senate in regard to the bill may be taken without intervening debate.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the consideration of the bill may be resumed to-morrow morning at the close of the routine morning business; that the vote on the amendment, or the motion to lay it upon the table, may be taken at 2 o'clock; and that the subsequent proceedings in the consideration of the bill, including its passage, may be had without debate.

Mr. WILSON, of Iowa. I do not know how much time the Senator from New Hampshire will occupy in concluding his remarks.

Mr. PLUMB. I will change the time to 3 o'clock, so that there shall be no doubt about there being ample time. I shall not want to say anything myself at all.

Mr. HARRIS. If consent is given I shall not renew the motion to lay on the table, but leave the whole question open for debate until the hour comes for taking the vote.

The PRESIDENT *pro tempore*. The Chair supposes the understanding to be that if debate shall be concluded earlier than 3 o'clock the vote may then be taken.

Mr. HARRIS. Necessarily?

Mr. PLUMB. Yes.

The PRESIDENT *pro tempore*. And that the subsequent proceedings shall be had without debate.

Mr. HAWLEY. Mr. President, a single suggestion. I have no remarks of any length to make upon the bill, for I have said what I desired to say; but if the motion the Senator from Tennessee proposes to make should not dispose of the subject, and we are still to have that provision in the bill after his motion has been acted upon, it will be open to amendment. I think that the proposition to transfer the Signal Service, if it is to remain in the bill, should be amended, and it may be necessary to say a few words in explaining an amendment.

Mr. PLUMB. Then I suggest that there shall be the usual debate under Rule VIII.

Mr. HAWLEY. Five minutes.

Mr. PLUMB. The limitation of Rule VIII.

Mr. BUTLER, and others. That is right.

The PRESIDENT *pro tempore*. The Chair will then restate the proposed agreement, that there may be no misunderstanding. It is proposed that at 3 o'clock to-morrow, or earlier, the vote shall be taken upon the amendment of the committee, or upon the motion to lay the amendment on the table, and that the subsequent proceedings, including the vote upon the passage of the bill, are to be had under Rule VIII. Is there objection? The Chair hears none.

Mr. CHANDLER. I wish to inquire how much time that is likely to leave for debate prior to 3 o'clock?

Mr. HARRIS. All the time after the close of the routine business.

The PRESIDENT *pro tempore*. All the time after the conclusion of the routine morning business.

Mr. CHANDLER. I should dislike very much to conclude my remarks and not leave time for the Senator from Kansas.

Mr. PLUMB. I do not wish to say anything at all.

Mr. CHANDLER. I do not want to cut him off.

Mr. PLUMB. I will say to the Senator that he can have all the time, if he sees fit, from the conclusion of the morning business until 3 o'clock.

Mr. CHANDLER. If the Senator does not appreciate my courtesy of course I do not press the suggestion, but I was really anxious that he should not be cut off.

Mr. PLUMB. I had stated before that I did not desire to say anything on the subject.

Mr. PLATT. I move that the Senate adjourn.

The motion was agreed to; and at (5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 21, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate September 20, 1888.

APPOINTMENTS IN THE NAVY.

Naval constructors.

To be naval constructors in the Navy subject to examination, namely:
John F. Hanscom, of Massachusetts;
John B. Hoover, of Pennsylvania;
Joseph Feaster, of Pennsylvania;
Richard Gatewood, of Virginia; and
Francis T. Bowles, of Massachusetts.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 13, 1888.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. Amos Beckwith, assistant commissary-general, to be assistant commissary-general with the rank of colonel.

Maj. Michael R. Morgan, commissary of subsistence, to be assistant commissary-general with the rank of lieutenant-colonel.

Capt. Samuel T. Cushing, commissary of subsistence, to be commissary of subsistence with the rank of major.

Inspector-General's Department.

Lieut. Col. Robert P. Hughes, inspector-general, to be inspector-general with the rank of colonel.

Maj. George H. Burton, inspector-general, to be inspector-general with the rank of lieutenant-colonel.

WITHDRAWAL.

Executive nomination withdrawn by the President of the United States September 18, 1888.

UNITED STATES MARSHAL.

John Fitzpatrick, to be marshal of the United States for the eastern district of Louisiana, delivered to the Senate September 13, 1888.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September* 20, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BURNES. I rise to call up the conference report on the sundry civil appropriation bill.

Mr. HERMANN and others addressed the Chair.

Mr. BURNES. I can not yield at this time. We can dispose of this conference report, I think, in five minutes, and then go on with other business.

The SPEAKER *pro tempore*. The question is on agreeing to the report of the committee of conference. On this question the yeas and nays were ordered, and the question being taken no quorum voted.

Mr. HOLMAN. I move that the order for the yeas and nays be rescinded.

The SPEAKER *pro tempore*. If there be no objection, that order will be rescinded. The Chair hears none. The question is now on agreeing to the report of the committee of conference.

The question being taken, the report was not agreed to; there being—ayes 30, noes 47.

Mr. PAYSON. Mr. Speaker——

Mr. BURNES. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURNES. Is it necessary that I should now ask for a further conference?

The SPEAKER *pro tempore*. The Chair presumes a motion that the House further insist on its disagreement, and that a further conference with the Senate be requested would be in order.

Mr. BURNES. I make that motion.

Mr. PAYSON. Before that question is put I desire to offer a resolution in connection with the pending matter.

The SPEAKER *pro tempore*. Does the gentleman from Missouri [Mr. BURNES] move that the House insist on its disagreement?

Mr. BURNES. I make that motion.

The SPEAKER *pro tempore*. The gentleman from Missouri moves that the House insist on its disagreement and ask a further conference, to which motion, as the Chair understands, the gentleman from Illinois [Mr. PAYSON] moves an amendment in the nature of instructions.

Mr. PAYSON. Yes, sir.

The SPEAKER *pro tempore*. The Clerk will read the proposition of the gentleman from Illinois.

The Clerk read as follows:

Resolved, That the House insist upon its disagreement to the Senate amendment to the sundry civil appropriation bill No. 110, in regard to the Library of Congress, and that the House request a further conference on the said bill, and it is hereby declared to be the judgment of this House that the following course should be followed: That the Committee on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications and estimates of cost for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of building not to exceed $4,000,000, and the sum of $10,000 is hereby appropriated, to be expended under the direction of the above-named committees, to pay for the said designs and general specifications and estimates of cost. The said committees shall jointly report to Congress its action in the premises on or before the 20th day of December, 1888, and the said committees shall have the right to report at any time, and their reports on this subject shall be regarded as privileged and to be considered as such; that the work now in progress on the building for the Library of Congress shall be suspended and the commission authorized by act Congress approved April 15, 1886, be, and the same is hereby, dissolved; that the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the buildings for said Library of Congress, be, and the same is hereby, transferred to the care and custody of the Interior Department. The expenses of such care and custody shall be paid out of any money already appropriated.

Mr. PAYSON. Mr. Speaker, I desire to say that with the exception of the provision that the reports of these two committees shall be privileged and entitled at any time to consideration, and the further provision that the maximum cost of the building shall not exceed $4,000,000 (instead of $3,000,000, as stated in the original proposition to the House), this measure is precisely the same as that which the House adopted in the first instance and sent to the Senate. It is taken from the print of the sundry civil bill as it passed the House. This is all I care to say.

Mr. ROGERS and Mr. BURNES addressed the Chair.

Mr. PAYSON. I will yield——

Mr. ROGERS. I would like to ask one question. Do I understand——

Mr. FARQUHAR. I rise to parliamentary inquiry. There being a privileged motion of the gentleman from Missouri [Mr. BURNES], to which an amendment is offered by the gentleman from Illinois, is this question debatable for an hour by any one moving an amendment?

Mr. PAYSON. Why not?

Mr. FARQUHAR. I merely wish to know.

The SPEAKER *pro tempore*. The matter is open for consideration, the previous question having been ordered.

Mr. PAYSON. If any question of order is made, I shall be glad to be heard.

The SPEAKER *pro tempore*. The Chair does not understand that any question of order is raised.

Mr. ROGERS. There was considerable disorder while this resolution of the gentleman from Illinois was being read; and as I am not familiar with the provision as passed by the House in the sundry civil bill, I desire to put one or two questions to my friend from Illinois for information. First, is it understood that under the proposed instruction just read the entire disbursement of these funds is to be made by the Interior Department?

Mr. PAYSON. The only proposition in this resolution with reference to disbursement of funds is such as is necessary to secure proper care for such property as will be confided to the Interior Department during the suspension of the work.

Mr. ROGERS. Then it does not revive in any sense the original statute?

Mr. PAYSON. Oh, not at all.

Mr. ROGERS. Does it repeal it?

Mr. PAYSON. It dissolves the commission. Such property of the Government as is on hand connected with this work (being the real estate, some tools, and other property) is to be confided to the charge of the Interior Department; and for such expenses as may be incident to the care of this property, and for this alone, the Interior Department is allowed to make disbursement.

Mr. ROGERS. Everything else then——

Mr. PAYSON. Everything else is suspended until the next session of Congress.

Mr. REED. And the building of the Library is postponed for another ten years.

Mr. PAYSON. The gentleman from Maine has not been in attendance, or he would know the proposed reports of this committee are privileged and entitled to consideration as soon as made.

Mr. REED. The gentleman from Illinois knows perfectly well what the effect will be. The gentleman has been an opponent of the Library building from the beginning.

Mr. PAYSON. He has been. The gentleman from Maine will remember that before the committee had no privilege, and having the opposition of Mr. RANDALL, who was in a position on the other side of the House to defeat consideration, it was defeated. I wish to say to the gentleman from Maine I am not now opposed to the Library. I am in favor of the Library building and in favor of an appropriation for it.

Mr. REED. The gentleman from Illinois has been part and parcel of the resistance to the Library building which cost over ten years. I leave the inference to the House.

Mr. PAYSON. I have the majority of the House with me and I hope it will continue so.

Mr. FARQUHAR rose.

The SPEAKER *pro tempore*. Does the gentleman yield?

Mr. PAYSON. I do, but only for a question.

Mr. FARQUHAR. I wish to ask the gentleman this question. Suppose this amendment which is proposed by the gentleman should pass, then in what condition would that leave any pending contracts? Does it cancel them at the cost to the United States?

Mr. PAYSON. Exactly.

Mr. FARQUHAR. It does.

Mr. PAYSON. If the committee should report against allowing the building to go on, it would leave the Government liable for damages for non-fulfillment of outstanding contracts. But I wish to say to the gentleman from New York, as I understand the report of the committee, there are only outstanding contracts for cement work and such work as is being performed in connection with the foundation of the west wing. Those are the only contracts so far as I understand, and no contract has been let for any portion of the superstructure or any work connected with it. I reserve the remainder of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of bills and joint resolution of the following titles; in which concurrence was requested:

A bill (S. 2176) for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana;

A bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State;

A bill (S. 343) for the erection of a public building at the city of Kalamazoo, Mich.;

A bill (S. 1574) for the erection of a post-office building at St. Paul, Minn.;

A bill (S. 3471) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company;

A bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannacks, and Sheepeaters of the Fort Hall and Lemhi reservation, in Idaho, May 14, 1880, and for other purposes; and

Joint resolution (S. R. 110) in aid of the sufferers from yellow fever.

It further announced the passage of the bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the Kansas River, with amendments, and with the request for a conference on the disagreeing votes of the two Houses, and that the Senate had appointed Mr. VEST, Mr. COKE, and Mr. SAWYER as conferees on its part.

It further announced the passage of the bill (H. R. 10112) granting to the Duluth and Winnipeg Railroad Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, with amendments, and with the request for a conference on the disagreeing votes of the two Houses, and that the Senate had appointed as the conferees on its part Mr. SABIN, Mr. DANIEL, and Mr. DOLPH.

It further announced the passage of the bill (H. R. 11446) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors," approved July 5, 1884.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER *pro tempore*. The House resumes consideration of the conference report.

Mr. REED. I have just come in and do not understand the situation. Is there an opportunity for a point of order?

The SPEAKER *pro tempore*. It is too late. The House is considering the proposition.

Mr. REED. And it has been discussed?

The SPEAKER *pro tempore*. The House is in process of considering it now.

Does the gentleman from Illinois yield the floor?

Mr. PAYSON. Before insisting on my right to the floor I desire to hear from the gentleman from Missouri.

Mr. BURNES. Have I the floor?

The SPEAKER *pro tempore*. The Chair does not understand the gentleman from Illinois as having yet yielded the floor.

Sometime subsequently,

Mr. PAYSON said: I will withdraw the resolution after a conference I have had with the gentleman from Missouri.

Mr. BURNES. Then I insist on my motion that the House nonconcur in the amendments of the Senate and agree to a further conference.

The motion was agreed to.

Mr. BURNES moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* announced as managers on the part of the House at said conference Mr. FORNEY, Mr. BURNES, and Mr. RYAN.

I. L. CAIN.

The SPEAKER *pro tempore* laid before the House the bill (S. 97) for the relief of I. L. Cain; which was read a first and second time, and referred to the Committee on War Claims.

MRS. FLORIDA KENNERLY.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1078) for the relief of Florida Kennerly.

Mr. STONE, of Kentucky. I ask for the present consideration of that bill, which was read on yesterday morning.

Mr. SPRINGER. Let the bill be again read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to pay to Mrs. Florida Kennerly, out of any money in the Treasury not otherwise appropriated, $126.60.

There being no objection, the bill was considered, ordered to a third reading; and being read the third time, was passed.

Mr. STONE, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, the bill (H. R. 5142) of the same title will be laid upon the table.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LAWLER, indefinitely, on account of sickness in his family.

To Mr. STEPHENSON, for two weeks, on account of important business.

To Mr. SAWYER, for ten days, on account of important business.

To Mr. BROWER, indefinitely, on account of important business.

To Mr. SHERMAN, indefinitely, on account of important business.

To Mr. ELLIOTT, indefinitely, on account of important business.

WILLIAM F. C. NINDEMANN.

Mr. FARQUHAR. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury of the United States be, and they are hereby, authorized and required to readjust the accounts of William F. C. Nindemann, formerly a seaman in the Navy of the United States, serving on board the Arctic exploring steamer Jeannette, and to pay to him, out of any money in the Treasury not otherwise appropriated, the difference between the pay of a seaman and the pay of a carpenter in the Navy from the 29th day of June, 1879, to the 1st day of June, 1883.

Mr. MCMILLIN. Reserving the right to object, I ask that the report in this case be read.

The report of the Committee on Claims was read at length.

Mr. MCMILLIN. What is the length of time for which this difference in pay is asked?

Mr. FARQUHAR. A little over three years. The difference between the two is only a few dollars in point of fact, and under the agreement with Lieutenant De Long he is entitled to the pay because he performed the duties.

Mr. MCMILLIN. I do not think that with the light before me now—although I will try to examine and give my consent to the request of the gentleman from New York if I think it quite proper to do so—but with the lights before me I do not see the propriety of giving him this additional pay for three or four years when the expedition itself did not last so long.

Mr. FARQUHAR. I will state to the gentleman from Tennessee that originally when Mr. Nindemann joined this expedition he joined it with the assurance that he should have the position of a boatswain of the vessel, and by reason of the fact that he had much experience in Arctic expeditions as one of the crew of former expeditions, and Mr. Nindemann performed the duties of a carpenter and as watch-officer, as the log-book of Captain De Long shows. There were other arrangements made by which an appointee of Mr. Bennett secured the position, which arrangements, of course, De Long knew nothing of; but Nindemann being an active, competent man, a good seaman, and a carpenter, was placed on duty as such and was so borne on the rolls according to De Long's report. Afterwards when the vessel was abandoned and sunk in the Arctic Ocean, Nindemann led the retreat into Siberia and through Siberia, and was largely instrumental in saving the lives of the survivors. There is another point which does not appear in the report, that there has been a considerable impairment of his health on account of the rigors of that retreat. The claimant is a most worthy man, and as the matter involves but a few dollars I hope there will be no objection.

Mr. MCMILLIN. I will look into it and give it a careful examination. It does not impress me favorably at present; but I will examine it and make a statement to the House later on. I demand the regular order.

Mr. FARQUHAR. Do I understand that this is still subject to be called up at any time?

The SPEAKER *pro tempore*. The gentleman from Tennessee has objected at present.

PUBLIC LANDS.

Mr. HOLMAN. I am instructed by the Committee on Public Lands to report back to the House the bill (H. R. 11297) to suspend all laws touching the disposal of public lands except the homestead law, and for other purposes, with an amendment, which I desire to be submitted.

The bill is as follows:

Be it enacted, etc., That the public lands of the United States shall be disposed of only under and according to the provisions of the homestead laws, except section 2301 of the Revised Statutes, until the pending legislation affecting such lands shall be disposed of or the present Congress shall adjourn: *Provided*, That any isolated or disconnected tracts or parcels of the public domain less than 160 acres may be ordered sold at private or public sale for not less than $1.25 per acre by the Commissioner of the General Land Office, when in his judgment it would be proper to do so.

SEC. 2. That during the pendency of the measures now before Congress in relation to the forfeiture of certain lands heretofore granted by Congress to railroad corporations and thereafter no act done or performed by any such corporation shall in any wise enlarge the right or claim of any such corporation to any lands covered by any such grant, or diminish any right now existing in the United States to declare the forfeiture thereof. This provision shall not be construed to in any wise affect or diminish or waive any right now existing in behalf of the United States to declare the forfeiture of any of the lands embraced in such grant.

The Clerk read from the report, as follows:

It is proposed to strike out all after the enacting clause and insert the following:

That all laws providing for the disposal of the public lands, except the homestead law and the laws in relation to mineral lands, and the laws touching the selection of public lands by States for educational or other purposes, shall be suspended until the pending legislation affecting the public lands shall be disposed of, or the present Congress shall adjourn.

Provided, however, That section 2301 of the Revised Statutes of the laws in relation to the entry of coal lands shall also be suspended during the period named.

And in the last line of section 2 of the bill, after the word "in," insert "any;" so as to make the section read:

SEC. 2. That during the pendency of the measures now before Congress in relation to the forfeiture of certain lands heretofore granted by Congress to railroad corporations and thereafter, no act done or performed by any such corporation shall in anywise enlarge the right or claim of any such corporation to any lands covered by any such grant, or diminish any right now existing in the United States to declare the forfeiture thereof. This provision shall not be construed to in anywise affect or diminish or waive any right now existing in behalf of the United States to declare the forfeiture of any of the lands embraced in any such grant.

Mr. DINGLEY. Reserving all rights on the point of order, I desire to ask how this bill comes in here?

Mr. HOLMAN. It is a privileged report, and comes in as such under the rules of the House. I submitted the matter to the Speaker of the House a few day ago, and it was found that it was within the rule.

Mr. RYAN. What laws are suspended by this bill?

Mr. HOLMAN. The timber-land laws, the right of private entry of the lands, the timber-culture laws, and the desert-land law. I wish to say in regard to the desert-land law that the operation of the bill is unimportant in view of the action already taken, if the Senate should not modify the provision now pending in the sundry civil appropriation bill.

Mr. ROGERS. I would like to ask the gentleman from Indiana a question.

Mr. RYAN. The provisions in the sundry civil bill only apply to certain kinds of land.

Mr. HOLMAN. That is true.

Mr. RYAN. It is limited particularly to such lands as may be irrigated from certain reservoirs and ditches; but this, as I understand the gentleman, suspends the law as regards all land.

Mr. HOLMAN. Yes. It applies to all lands that were desert lands in the first instance, and this only applies to such lands as are capable of being made agricultural lands.

Mr. ROGERS. There are two questions I desire to ask the gentleman from Indiana. The first is this: Whether or not the bill in any way affects the commutation feature of the homestead law?

Mr. HOLMAN. It suspends that entirely for the time being; during the time it covers.

Mr. ROGERS. What is the period covered?

Mr. HOLMAN. The present Congress or until pending bills shall be acted upon.

Mr. ROGERS. During this Congress?

Mr. HOLMAN. During the present Congress or until House bills before the Senate shall be acted upon.

Mr. ROGERS. I ask whether I understand the amendment was also reported from the Committee on Public Lands.

Mr. HOLMAN. Yes, sir. I would like to make a statement here that there are two House bills pending before the Senate. The first section applies to the bill we passed. The bill passed provided that all agricultural lands shall be reserved for the benefit of actual settlers. That bill seeks to protect the coal lands. It seeks to protect from monopoly also the water lands. It is thought by those who have examined this subject that it is of the highest importance that there should be retained as part of the public domain lands that may by irrigation be adapted to agriculture and that they may be retained for actual settlers. In regard to the desert lands it may be said that under the present law these lands may be entered in sections of 640 acres. A great deal of the land reported as desert land is in fact agricultural land, as is well known; especially if you go North.

The present law throws no safeguards around these entries. Any person, no matter where he lives, may enter a section of desert lands; and in a recent case tried before the Commissioner of the Land Office it was found that lands to the extent of fifty or sixty thousand acres had been entered through a single movement by persons residing in New Jersey and New York, having no relation to the Territory of Wyoming where the lands are situated. The Commissioner of the Land Office found that these lands were entered for the benefit of a particular organized body and not for the benefit of the particular entryman; and inasmuch as these desert lands when they shall be reclaimed (and many of them have been reclaimed) prove to be the most valuable land we have, it would seem to be a very proper thing to suspend the law authorizing these entries at least so long as the 4th of March or until the general law has been passed.

The bill which has passed the House and which is now pending in the Senate, but which perhaps will not be acted upon during the present session, approaches as near as may be to the homestead law. It provides that no person shall enter these lands unless he be a resident of the State or Territory where the lands are situated, and it requires a payment of only 25 cents per acre as a guaranty of good faith in making the entry. It approaches as near as possible to the homestead law, but it allows entry to the extent of 320 acres instead of 160 acres as provided in the homestead law. So much as to the first section. The bill, however, leaves the homestead law in full operation and also the mining laws. They will remain in any event. It also leaves in force the existing laws in regard to the selection of lands by the States for educational and other purposes. But as to all the other land laws, the timber-land law, the pre-emption law, the timber-culture law, the right of private entry after the land has been offered at $1.25, it suspends them all until the further action of Congress.

Mr. RYAN. Is there any saving clause as to entries already made under those laws?

Mr. HOLMAN. They are not affected.

Mr. RYAN. But they would be affected unless there is some saving clause in the bill. If you suspend all those other laws, of course entries made under them can not be perfected.

Mr. HOLMAN. The gentleman's criticism is perhaps proper. My impression was that the language used was "laws authorizing the entry of," but I see that the gentleman is right and that there ought to be a proviso added that no provision of this act shall affect the right to carry into final effect any entries heretofore made.

Mr. PERKINS. I said that it ought to apply not only to lands heretofore entered, but should also provide that this bill shall not be construed to interfere with existing rights under the existing laws.

Mr. HOLMAN. That is right.

Mr. PERKINS. For instance, where settlers have gone upon the public domain and have secured rights but have not perfected them.

Mr. HOLMAN. I think that all rights already secured under the public-land laws should be preserved.

Mr. SMITH, of Arizona. I would like to ask the chairman of the Committee on Public Lands to explain what would be the effect of this bill on the entry of lands of a region that is all "desert" lands.

Mr. HOLMAN. The effect would be that only entries under the homestead law would be made.

Mr. SMITH, of Arizona. But supposing a man has to go 40 miles for a drink of water in the morning, how is he going to live on his land as the homestead law requires? [Laughter.]

Mr. HOLMAN. I take it for granted that there will not be many bona fide homestead entries on such lands. Besides, this bill does not interfere with the mining land laws at all.

Now, Mr. Speaker, I wish to call the attention of the House to the effect of the second section, which I think is the most important section of the bill.

RENOMINATION OF MR. KELLEY.

Mr. KELLEY. Mr. Speaker, will the gentleman pardon me for a moment to have a short personal telegram read. I make this request not so much as a matter of vanity, as to give notice to certain gentlemen who are looking forward to the occupancy by another of my seat here. [Laughter.]

Mr. HOLMAN. I yield to the gentleman.

The telegram was read, as follows:

PHILADELPHIA, PA., *September* 19, 1888.

Hon. WILLIAM D. KELLEY, *Member of Congress:*

At noon you were unanimously renominated with the grandest hurrah. The convention say they will return you to Congress while you have breath left in your body. They will certainly do so. Now prepare for 1892.

[Laughter and applause.]

Mr. KELLEY. The man who is traveling toward this seat had better hold his horses for the present. [Renewed laughter.]

Mr. STOCKDALE. Does the gentleman from Pennsylvania vouch for the veracity of the author of that telegram? [Laughter.]

Mr. KELLEY. Oh, yes.

SUSPENSION OF PUBLIC-LAND LAWS.

Mr. HOLMAN. Now, Mr. Speaker, I will ask the attention of the House to the provisions of the second section of the bill, and in order that they may be clearly understood by the House, I ask that that section be again read.

Mr. PERKINS. Mr. Speaker, I wish to make a suggestion before that is done. As I understand, the gentleman from Maine [Mr. DINGLEY] made a point of order against this bill, and the gentleman who made the point of order and those who are interested in it do not desire to have it understood from this debate going on that the point of order is waived.

Mr. HOLMAN. Of course not.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Maine to reserve the point of order.

Mr. HOLMAN. I now ask that the second section be read, and I ask gentlemen to give it their close attention.

The Clerk read the section, as follows:

SEC. 2. That during the pendency of the measures now before Congress in relation to the forfeiture of certain lands heretofore granted by Congress to railroad corporations, and thereafter, no act done or performed by any such corporation shall in any wise enlarge the right or claim of any such corporation to any lands covered by any such grant, or diminish any right now existing in the United States to declare the forfeiture thereof. This provision shall not be construed to in anywise affect or diminish or waive any right now existing in behalf of the United States to declare the forfeiture of any of the lands embraced in such grant.

Mr. VANDEVER. I desire to ask the gentleman from Indiana whether this bill comes before the House as a report from the committee?

Mr. HOLMAN. Yes, sir; it is the report of the Committee on Public Lands.

Mr. HENDERSON, of Illinois. I suggest to the gentleman from Indiana that this substitute ought to be printed.

Mr. HOLMAN. The bill was printed long ago.

Mr. HENDERSON, of Illinois. But not the substitute.

Mr. HOLMAN. The bill was reported to the House and printed weeks ago.

Mr. DORSEY. On the 28th of August, I believe.

Mr. DINGLEY. Has the substitute been printed?

Mr. HOLMAN. There is a substitute for the first section; and I will state that, if any objection be made to that section, if any gentleman is opposed to that section and thinks we ought not to try to reserve for public settlement the remaining lands, I will, as I am aware there is no quorum present, consent to withdraw that section.

Mr. VANDEVER. The objectionable feature of the first section is that it gives the Commissioner of the Land Office the authority at his discretion to sell the land at private sale.

Mr. HOLMAN. That paragraph is not in this amendment, although it is in the original proposition.

Mr. DORSEY. I shall have to object to the consideration of the first section. I have no objection to the consideration of the second section; but in regard to the first, I give notice now that I object to it, and shall use all means in my power to defeat it.

Mr. HOLMAN. Mr. Speaker, the principle involved in the substitute is exactly the same as that involved in the original proposition, except that the substitute continues in operation the mineral-land law and the laws which confer upon States the right to make selections of lands for educational and other purposes under various laws already in existence. That is the only difference between the two propositions.

Mr. BAKER, of New York. How will this affect land which may be acquired by the Government through the extinguishment of Indian titles—in the Indian Territory, for instance?

Mr. HOLMAN. It affects all those lands which have been restored to the public domain.

Mr. BAKER, of New York. But how as to lands that may hereafter be restored?

Mr. HOLMAN. In the mean time this only operates until the 4th of March next.

I wish to explain further that the first section suspends for the time being the right to enter coal lands; and I will state the reason for this suspension. The House has already passed a resolution on this subject. It has been found that when coal land is discovered in our Western country it is regarded of such value that instantly organized movements are set on foot to appropriate it. In Wyoming, where there is

a very considerable body of coal land, 2,000 acres have already been entered. That is said to be the finest coal bed in the whole West. It is claimed that it has a depth of 125 feet. An attempt has been made to take up all that land by entries of persons living in the city of New York. Those entries have been held in suspense for a number of years, but now patents to the extent of some 2,000 acres have been issued, leaving perhaps in that whole body ten or twelve thousand acres which are yet to be entered, or in regard to which the entries are questionable—where it is believed they are not bona fide. Under the authority of the House the Committee on Public Lands has made some inquiry into that subject. We had before us a witness who made a long detail of the facts in regard to a combination formed in New York for the purpose of entering the whole of that great body of coal lands in the Territory of Wyoming. It is for this reason we present this proposition to suspend for the time being the mineral-land law. As gentlemen will remember, the House passed some time ago a bill to reserve those lands from monopoly—to retain over them in some degree the control of the Government.

I should add further, as perhaps the strongest argument in favor of the passage of this bill, that during the past winter and spring it was found that the public lands in the five land States of the South were being entered upon with startling rapidity. Gentlemen from three of those States asked Congress to pass a resolution suspending, as to those States, the operation of the laws authorizing the entry of those lands, except the homestead law. That was done. Immediately the speculators turned their attention toward the other two States, in consequence of which a joint resolution was introduced in the Senate amending the first resolution so that it would apply to all of the five land States of the South, suspending during the present Congress or until this legislation shall be perfected the right of entry on the lands in those States except under the homestead law. Gentlemen can see the effect of this. The large field of speculation in the Southern States being thus closed, the attention of the land speculators is directed toward the lands in the West and Northwest. Perhaps no stronger argument in favor of the passage of this bill can be presented than that those five States of the South have thought it prudent that their lands should be thus reserved for actual settlers. The eyes of the land speculators have for this reason been turned to the West, especially to your timber lands there. Gentlemen must remember that in the present state of the law timber lands in the Pacific States and Territories may be entered at $2.25 an acre; and we are informed that recently a land syndicate in Scotland, through their agent in California—in Humboldt County, I believe—entered 49,000 acres of that land, the entrymen receiving for the services they rendered sometimes $50 and sometimes $100. The persons who carried on the transaction for the Scotch syndicate, making the contracts in their behalf, are to receive several dollars an acre for the land, though, as the Commissioner of the General Land Office tells me, large portions of that Humboldt County land are worth from $100 to $200 an acre.

I think in view of this statement gentlemen will see it is not a serious matter to anybody while it will be beneficial to thousands of people that these laws be suspended until Congress shall act on this general bill which has been carefully considered.

As to the second section, the House is aware there is an irreconcilable difference between the House and the Senate as to the forfeiture of land grants. The Senate insists on forfeiting only such lands as remain where no road has been constructed up to this time. That leaves about 5,000,000 acres of land. Some of it is valuable, but I can say a large part of it will not justify the construction of a road—that is, it is not of sufficient value to construct a road. Still it will be something, and of course those lands could be saved.

The House insists by its action, almost by a unanimous vote, only 4 negative votes I believe, and the principle is a correct one, that all lands not earned in conformity with law shall be declared forfeited. The House seems to have taken this position, that when you make a grant of public lands to a corporation you have the right to hold them to a strict accountability to the terms of the grant, and when they do not observe the law the lands shall be forfeited. The substitute for the Senate bill covers nearly 55,000,000 acres of land.

That is the state of the case. The Senate insist on their proposition and the House conferees insist on their proposition.

I submit this provision, that matters be suspended where they are for the time-being until that difference between the House and the Senate can be reconciled if possible. The suspension continues only until that general legislation is accomplished or until the present Congress adjourns on the 4th day of March next. It suspends the matter merely. It declares nothing done by railroad corporations hereafter shall change the status of matters; that the rights of the Government shall be hereafter what they are now, and shall continue in the same condition until the 4th of March next.

Mr. HENDERSON, of Illinois. I should like to ask the gentleman from Indiana a single question.

Mr. HOLMAN. Certainly.

Mr. HENDERSON, of Illinois. My question is, whether the gentleman knows action on this bill will not interfere with the rights of persons who have made settlements upon the public lands of the United States under the law as it now exists?

Mr. HOLMAN. As a matter of fact they will be affected beneficially, as my friend will see, because it leaves the matters between the Government and the railroads as they are.

Mr. HENDERSON, of Illinois. I do not refer to railroad lands, but does it leave settlers upon the public lands under the present laws to go on and perfect their titles?

Mr. HOLMAN. If the first section of the bill is subject to criticism on that score, let it be amended.

Mr. HENDERSON, of Illinois. I have no objection if it does not interfere with the rights of the settlers to go on and perfect their titles.

Mr. HOLMAN. I am willing there shall be added this provision, that nothing contained in this act shall interfere with the rights of persons who enter public lands to perfect their titles.

Mr. HERMANN. That will not embrace those who have made filings?

Mr. HOLMAN. Formulate that amendment and I will accept it.

Mr. HERMANN. Save and except all rights already accrued. That will embrace those persons to whom I have referred.

Mr. HOLMAN. I will move, then, to add "subject to all rights heretofore accrued."

Mr. HENDERSON, of Illinois. Acquired.

Mr. HOLMAN. Yes, "subject to all rights heretofore acquired."

Mr. HENDERSON, of Illinois. I suggest further whether it is not entirely competent for us to make some provision by which these foreign syndicates shall not be permitted to enter upon the public lands?

Mr. HOLMAN. That is the law now. It was the law of last Congress.

Mr. HENDERSON, of Illinois. When were these entries made?

Mr. HOLMAN. Four or five years ago. Under the present law no further alien entries of public lands can be made.

Now, sir, I should be glad, if there is no objection, that the point of order suggested by the gentleman from Maine may be at once disposed of. While I still wish to retain the floor for a moment, I hope my friend from Maine will present his point of order.

Mr. DINGLEY. The point of order, Mr. Speaker, was directed against the substitute for the first section, which it seems to me is not within the rule giving to this committee the right to report at any time; and if not within the rule it can not be offered as an amendment to a privileged report by the committee. As I understand, the rule provides that the Committee on the Public Lands shall be permitted to report at any time—

Bills for the forfeiture of land grants to railroad and other corporations; bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers.

It seems to me that the substitute proposed is neither of these; and hence under the rulings of Mr. Speaker CARLISLE it can not be proposed as an amendment to a privileged bill. If the amendment is not privileged, of course it can not be offered or reported by the committee as a matter of privilege.

I wish to say while on this point that I am not certain I have any objection to this amendment itself, if it could be properly considered by the House and examined into. It seems to me that an amendment of this character which is so broad in its scope should not be considered without being printed and opportunity being given for an examination. Here is a measure which suspends all entries of public lands for a year——

Mr. HOLMAN. Oh no; only until the 4th of March.

Mr. DINGLEY. Well, until the 4th of March; and presenting as it does a matter of so much importance, it should at least be printed, so that members may have an opportunity of studying its effect and examining carefully what may result from its adoption. The point of order I make is that this is not within the rule, however, permitting this committee to report at any time, not being either one of the three features committed to the Public Lands Committee, and on which said committee is privileged under the rules to report at any time.

Mr. HOLMAN. My friend makes the point of order, then, upon the substitute alone?

Mr. DINGLEY. Yes, sir; entirely upon the substitute.

Mr. HOLMAN. Does my friend think the original section is better than the substitute?

Mr. DINGLEY. I do not undertake to compare them. I do not speak of that. And I suggest that I would be entirely willing to withdraw the point of order if this could be printed and allowed to lie over for a day or so, so that the House could examine into its effect. It seems to me that to bring in a sweeping measure and pass it, as proposed here, without much consideration, is entirely wrong. What its effect may be I am unable to say at this time. I think the House should examine it; and if it can be laid over until to-morrow I am willing to withdraw the point of order.

Mr. HOLMAN. I think that is a very reasonable and proper request, and I therefore ask unanimous consent that this matter may be recommitted to the committee and go over until to-morrow morning, with the understanding that it is to be printed in the RECORD.

Mr. DINGLEY. Then I withdraw the point of order.

Mr. HOLMAN. I now ask unanimous consent that this may be printed in the RECORD and go over until to-morrow, to come up immediately after the reading of the Journal.

The SPEAKER *pro tempore*. The gentleman asks that it be printed.

Mr. HOLMAN. I mean that the substitute be printed.

Mr. STONE, of Kentucky. I will suggest that to-morrow is private bill day, and that this ought to go over until Saturday.

Mr. McRAE. This is a privileged matter and can be called up at any time.

Mr. HOLMAN. Then I ask unanimous consent that the substitute be printed and that the report be recommitted to the Committee on the Public Lands, so as to retain its privileged character, to be called up to-morrow or the next day.

There was no objection, and it was so ordered.

[The substitute is printed in the preceding part of to-day's RECORD.]

THE CHINESE BILL.

Mr. MORROW. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MORROW. I send to the desk a resolution which I ask to have read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES.

Whereas the House of Representatives did, on the 3d day of September, 1888, pass the bill H. R. 11336, entitled "A supplement to an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved the 6th day of May 1882," which said bill was on the same day reported to the Senate;

That it appears from the RECORD that said bill passed the Senate on the 17th day of September, 1888, and on the 18th day of September, 1888, was reported to this House by Mr. KILGORE, from the Committee on Enrolled Bills, as truly enrolled, whereupon the said bill was duly signed by the Speaker *pro tempore* of the House;

That thereafter and on the same day the said bill was reported to the Senate as having been so signed by the Speaker *pro tempore* of the House, whereupon it was duly signed by the President *pro tempore* of the Senate;

That the said bill having then passed both Houses, and having been duly enrolled and signed by the presiding officers of both Houses, was ready for transmittal to the President of the United States for his approval;

That it further appears that said bill was delivered to the Committee on Enrolled Bills of the House on the 19th of September, 1888, and is now in the possession of the acting chairman of said committee, Mr. KILGORE, for such transmittal to the President;

That it is reported in the Washington Post of this morning that said bill is being withheld from the President by said Committee on Enrolled Bills; that such action of the committee is without authority of law: Therefore,

Be it resolved by the House of Representatives of the United States, That said Committee on Enrolled Bills be directed to transmit said bill to the President of the United States forthwith and without further delay.

Mr. MORROW. This resolution is founded in part upon an article in the Washington Post of this morning, which I send to the desk and ask to have read.

Mr. McMILLIN. How does this matter come before the House?

The SPEAKER *pro tempore*. The gentleman from California states that he rises to a question of privilege.

Mr. McMILLIN. I reserve the point of order as to this being a matter of privilege.

Mr. MORROW. I ask the Clerk to read the article from the Washington Post which I send to the desk.

The Clerk read as follows:

THE CHINESE BILL AGAIN—A NEW POINT OF PARLIAMENTARY LAW RAISED YESTERDAY—AN EFFORT TO RECALL THE BILL—A PROBABILITY THAT IT MAY BE SUCCESSFUL—THE LIBRARY APPROPRIATION FURTHER DISCUSSED—OTHER CONGRESSIONAL NEWS.

Ordinary people thought that when the Chinese exclusion bill was passed it was passed, but that was a mistake. Senator BLAIR's motion to reconsider held it back for another week. The disposition of Senator BLAIR's motion was regarded, even by parliamentarians, as the removal of the last bond that tied the bill to Congress and kept it back from the President. But those who thought so were only tyros in parliamentary law. Senator EDMUNDS showed the world yesterday that Congress had still a hold on the bill when he reported from the Committee on Foreign Relations the following order:

"*Ordered*, That the President of the Senate be directed to withhold the transmission to the House of Representatives of the act (House bill) to prohibit the coming of Chinese laborers to the United States until the further direction of the Senate."

He asked for its immediate consideration, but Mr. TELLER objected, and the order went over till to-day.

What will happen to-day depends on circumstances. Possibly Senator EDMUNDS's order may prevail, but it can not do so without the consent and co-operation of several officers of House and Senate, because, as a matter of fact, the bill has already passed out of the Senate's possession. It had already passed out of the Senate's possession when Senator EDMUNDS reported his order. Having passed out of the Senate's possession, it is out of the Senate's jurisdiction, and only by courtesy can Senator EDMUNDS's order become effective. At 12.45 yesterday Mr. Otis, clerk of the Senate Committee on Enrolled Bills, delivered the bill in question, duly signed, to Representative KILGORE, the acting chairman of the House Committee on Enrolled Bills. Such is the course always pursued in regard to bills which originate in the House. Senator INGALLS's signature as Presiding Officer of the Senate was appended to the bill at 5 o'clock on Tuesday, the Speaker of the House's signature having already been put to it.

Whatever Senator EDMUNDS or the entire Senate might do, Representative KILGORE, in his capacity as acting chairman of the House Committee on Enrolled Bills, might send the parchment to the President at any time. He might have sent it to the White House yesterday, for the Senate has no authority over him. The House might enjoin him, as Senator EDMUNDS is seeking to enjoin his committee, but with regard to him the Senate is powerless. However, Mr. KILGORE is going to be accommodating. He will hold back the bill until the Senate acts on Mr. EDMUNDS's motion, and if the Senate wants to have the bill back he will give it to them—that is to say, unless the House should in the mean time step in and order him to deliver the bill to the President instead of returning it to the Senate. The House has certainly that power if the Senate has the power which Senator EDMUNDS's order assumes. The opinion seems to prevail that this Chinese exclusion bill should not become a law in the face of the fact that it flies in the face of the treaty now pending between the United States and China, and which, according to the latest advices of the State Department, transmitted to the Senate on Tuesday, seems in a fair way to ratification. The bill to carry the treaty into effect was approved by the President a week ago.

Mr. MORROW. The resolution, as indicated, is founded in part upon the statement contained in that article, that the acting chairman of the Committee on Enrolled Bills of the House is withholding this bill from the President, notwithstanding it has passed through all the various stages of legislation and is now ready for delivery to the Executive for his signature.

Mr. McMILLIN. I wish to know how this resolution gets before the House.

The SPEAKER *pro tempore*. It came up as a question of privilege.

Mr. McMILLIN. I reserve all points of order.

The SPEAKER *pro tempore*. Does the gentleman make the point of order?

Mr. McMILLIN. I reserve all points of order. I will now make this point of order, that the resolution and statement accompanying it offered by the gentleman from California, which have been read from the Clerk's desk, do not constitute a question of privilege. There is no allegation of delay that is undue, unreasonable, or that is unusual; and as a matter of fact the delay in reference to bills is frequently much greater than it has been on this one. No wrong is imputed to the committee or to the gentleman from Texas. It does not present a question of privilege, and as such can not come before the House.

The foundations for the charge are rather against the Senate than the House, as the principal delay in passing the bill has been there. The rules provide no time within which a bill shall be transmitted from the Committee on Enrolled Bills to the executive department of the Government, nor is there a law that has been infringed that requires this action to be taken within a specified time.

Mr. MORROW. In reply to the gentleman——

Mr. HERBERT. Mr. Speaker, let me state an additional ground of objection besides the point of order made by the gentleman from Tennessee [Mr. MCMILLIN]. Even if this is a matter of privilege, the statements here are simply *ex parte* statements of a newspaper. There is no way to verify what is said. The newspaper itself simply gives it as a matter of current rumor. There is no way of vouching for these statements upon which the House is expected to act, and this statement itself, as the gentleman from Tennessee says, simply goes on to state, but does not show, that there has been any unreasonable delay. My additional point, however, is that there are no facts presented as a question of privilege to the House out of which any question of privilege could arise.

Mr. MORROW. In reply to both the gentleman from Tennessee [Mr. MCMILLIN] and the gentleman from Alabama [Mr. HERBERT], who have addressed the House on the point of order, I desire to say that this resolution is presented under Rule IX of the rules of the House of Representatives, which provides:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

Now, Mr. Speaker, this bill (H. R. 11336) was introduced in the House on Monday, September 3, by Mr. SCOTT, of Pennsylvania. It passed the House on that day. The privilege of introducing it was obtained by unanimous consent. There was no objection made to the bill, and it passed after only a few minutes' debate. On the same day the bill was delivered to the Senate. I have referred to pages 9043 and 9044 of the CONGRESSIONAL RECORD concerning the introduction of the bill in the House. On page 9064 I find that the bill on that day was delivered to the Senate. This is the record: Bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

The next record we have of this bill is on page 9215 of the RECORD, from which we learn that the bill passed the Senate on September 7 on a vote of yeas 37, noes 3; but a motion to reconsider was at once interposed. The next we find of this bill is on page 9527, where the motion to reconsider was voted upon, resulting in ayes 20, noes 21.

The bill was thereupon reported to the House, and Mr. KILGORE, from the Committee on Enrolled Bills, on September 18, "reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker *pro tempore* signed the same;" and in the list is to be found the bill (H. R. 11336) a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882, delivered to the Senate by Mr. Towles.

On the same day we find this bill was reported to the Senate as having been enrolled and ready for the signature of the President, and it appears that the President did sign the bill.

Mr. DINGLEY. The President of the Senate.

Mr. MORROW. Yes, the President *pro tempore* of the Senate. We find on September 18 it was signed. It then had the signature of the Speaker *pro tempore* of the House and the President *pro tempore* of the Senate. All that was necessary after that bill had been thus signed was for the Committee on Enrolled Bills to return it to the House for transmittal to the President of the United States.

Now, the only information contained in the preamble of this resolution that is not contained in the record of the House and Senate proceedings is the statement that the bill is withheld by the acting chairman of the Committee on Enrolled Bills. As to that I can say that I spoke to the acting chairman of that committee yesterday, and he in-

formed me that he had that bill; I applied to him to-day, and he informed me he still has the bill.

Now, Mr. Speaker, I think, so far as the point of order is concerned, that with reference to the evidence upon which the facts are presented it may be found in the official record of the proceedings of the House, and I claim that upon the facts therein contained the resolution is sufficiently founded. If the bill has gone to the President, that fact can be stated by the Committee on Enrolled Bills, and that will dispose of this resolution.

With reference to the delay, or with reference to the fact that this may be a violation of the rules of the House, it makes no difference whether the bill is withheld one day or three months. If it is withheld at all that constitutes an offense against this House, because if the committee have a right to withhold it for any time they have a right to withhold it indefinitely, and the action of the House may thus be defeated by one of its committees.

The presumption must of course be that the officers of this House perform their duties according to law faithfully and promptly. Therefore if this bill was delivered to the Committee on Enrolled Bills the day before yesterday, signed by all the officers required by law to sign it, and was duly enrolled and signed and ready for delivery to the President of the United States, I submit that the rules of law and the rules of this House have been violated, because the rules require—not perhaps the express language of any rule, but our unwritten rules require that bills shall be delivered promptly to the President after they shall have gone through the various steps of action by Congress that I have indicated.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman please turn to the rule of law which in his judgment has been violated? Will he have it read at the Clerk's desk so that we may know its provisions?

Mr. MORROW. There is no written rule upon the subject as I understand, no written rule requiring the committee to transmit bills to the President at any given time; but I submit to the gentleman from Kentucky, who is an exceedingly good lawyer, that one of the rules of law, and one of the presumptions of law is that an officer charged with a duty will perform that duty faithfully and promptly; and with reference to the delivery to the President of the United States of a bill which has been passed by both Houses of Congress, one of the most important presumptions of duty that can exist is that that delivery will be made promptly.

Mr. BRECKINRIDGE, of Kentucky. My question was simply for information. If this is a question of privilege for the reason that some rule of the House has been violated or because there has been a dereliction of duty under some law, then I ask the gentleman to have that law or rule read for the information of myself and other members of the House so that we may know what its terms are.

Mr. MORROW. Rule IX provides that questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings——

Mr. BRECKINRIDGE, of Kentucky. That, however, is not a rule; it is merely a description of what a question of privilege is. As I understand the gentleman from California [Mr. MORROW], he thinks there has been a rule violated by some one, either the Committee on Enrolled Bills or its chairman. It seems clear, however, that the chairman does not violate a rule by failing to do something which it is the duty of his committee to do; and if there is any violation it is by the committee. However, I understood the gentleman from California to say that there was some rule or some law which had been violated in this case, and I simply asked that he should have read for the information of the House the rule of law which in his judgment has been violated.

Mr. MORROW. I understood the gentleman's question. As I have said, there is no written rule requiring that the Committee on Enrolled Bills shall deliver a bill to the President within any specified time, but——

Mr. MCMILLIN. The gentleman admits that he knows of no rule that has been violated.

Mr. MORROW. No written rule.

Mr. MCMILLIN. Now, what law has been violated?

Mr. MORROW. The law which requires the prompt and orderly proceeding of the House for its own protection.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman be kind enough to have that law sent to the Clerk's desk to be read for the information of the House?

Mr. MORROW. Of course, if the gentleman from Kentucky insists that every proceeding in this House shall be tested by a written rule, there will be many cases where we shall be unable to bring an offense against the integrity of our proceedings within any specific rule, although it may be such an offense as will not only impede but destroy the prompt and orderly proceeding of the House.

Mr. BRECKINRIDGE, of Kentucky. I take for granted that the gentleman from California has examined this question carefully before undertaking to arraign at the bar of the House and of public opinion one of his colleagues on this floor in his official capacity, and my point was to get the gentleman to furnish the House the information which he presumably has himself as to the rule of the House or the rule of law which in his judgment has been violated.

Mr. MORROW. The resolution recites the proceedings in this House from the introduction of the bill down to the present time. From that recital it appears that a bill which has passed both Houses of Congress and has been signed by the proper officers of both Houses, has not been sent to the President of the United States. Now, I say if a committee of this House may withhold a bill at all, it may withhold it for three months, or indefinitely.

Mr. MCMILLIN. Will my friend from California permit me to ask (for when he undertakes to smirch any of his fellow-members on this floor he ought at least to have law on his side) that he point out the rule or the law which fixes any particular time within which bills which have been signed by the presiding officers of the two Houses shall be transmitted to the President?

Mr. MORROW. I have told the gentleman already that there is no written rule or law; but there is the unwritten law which governs the parliamentary proceedings of a body of this character.

Mr. MCMILLIN. The gentleman admits, then, that there has been no violation of any rule or any law; that the trouble is in his mind, and the foundation for it has not existed twenty-four hours. That is the fact which I wanted to get before the House; and upon that I am ready to rest the case.

Mr. OATES. The resolution itself states that the bill did not come into the possession of the chairman of the Committee on Enrolled Bills until yesterday.

Mr. MCMILLIN. The statement made by the gentleman himself shows that this bill has not been for twenty-four hours in the custody of any one whose duty he claims it was to carry it to the White House. I have never seen such precipitancy, such anxiety to do something, as the gentleman exhibits, and so little foundation for such great complaint.

Mr. MORROW. Well, I desire to say that, representing a constituency interested in this question, I have the right on this floor to insist that the bills which pass this House shall receive proper consideration and proceed in a prompt and orderly way through the various stages until submitted to the President for his sanction.

Mr. MCMILLIN. The gentleman is exercising now a right to arraign a fellow-member—for home consumption. That is all there is in it.

A MEMBER. What is the arraignment?

Mr. MCMILLIN. You pretend to arraign him for a violation of the rules of the House, and yet admit that no rule has been violated; you pretend to arraign him for a violation of law, and admit that no law has been violated. While doing this, you say that you represent your constituency; and we must assume that you are simply talking for home consumption. [Applause.]

Mr. ROWELL. Was this bill introduced "for home consumption?"

Mr. MCMILLIN. I was here co-operating in the effort to impose proper restrictions on Chinese immigration long before the gentleman from California [Mr. MORROW] or the gentleman from Illinois [Mr. ROWELL] was thought of as a member of Congress. [Applause.]

Mr. MCKENNA. Why were you in such a hurry the other day to pass this bill, and why are you not in a hurry to-day to have it transmitted to the President? [Applause on the Republican side.] Why hasten the passage of the bill, and then delay sending it to the President? Is that "for home consumption?"

Mr. MCMILLIN. I will state to my friend from California that I have at all times been "in a hurry" to try to put proper restrictions on the immigration of the Chinese——

Mr. MCKENNA. Keep it up, old fellow. [Laughter.]

Mr. MCMILLIN. But there is no power on earth, not even the loved ones left behind, that can cause me to do any such act as this toward a colleague "for home consumption."

Mr. MCKENNA. You will be one of "the loved ones left behind" next November. [Laughter.]

Mr. MCMILLIN. Ah, my friend, I am willing to leave that to my constituents.

Mr. BAKER, of New York. I desire to raise the question——

The SPEAKER *pro tempore*. The Chair would like to hear from gentlemen on the point of order.

Mr. MCMILLIN. Well, as I made the point of order, I will state this fact in support of it——

The SPEAKER *pro tempore*. The gentleman from Tennessee has the floor on the point of order.

Mr. MORROW. I had not surrendered the floor. I desire now to yield some time to the gentleman from New York [Mr. BAKER]. How much time does he desire?

Mr. BAKER, of New York. Five minutes.

Mr. MORROW. I yield five minutes to the gentleman from New York.

Mr. BAKER, of New York. With regard to the question raised by the gentleman from Tennessee——

Mr. MCMILLIN. I did not desire to cut off the gentleman from California; but I submit that when he is addressing the Chair on a

question of this character—a point of order—he can not yield his time to anybody. The Chair controls debate on those questions.

Mr. MORROW. We are discussing the point of order.

Mr. MCMILLIN. Well, on the point of order you have no time to yield.

The SPEAKER *pro tempore*. The Chair has control of the time on a point of order.

Mr. MCMILLIN. The gentleman is "off" on his points of order, as on his other questions, all along the line.

Mr. Speaker, sufficient has been disclosed by the gentleman's confession to show every officer of this House guiltless of any impropriety in this matter. He admits substantially—and I submit this as pertinent to the point of order—that no question of privilege has been presented here. He admits that no law has been violated, that no rule has been transgressed, that this bill was not ready for transmission until within the last twenty-four hours; and I submit that to undertake the smirching of officers and the questioning of men's motives upon such a state of facts is an unheard-of proceeding. I resist any temptation to characterize the motive which may be the foundation of it.

The SPEAKER *pro tempore*. The Chair now recognizes the gentleman from California on the point of order.

Mr. MORROW. I had desired to yield some time to the gentleman from New York [Mr. BAKER].

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from New York.

Mr. BAKER, of New York. Mr. Speaker, the gentleman from Tennessee made the point of order that no rule or law has been violated in withholding this bill; that there is no rule or law requiring its transmission. I desire to call his attention and the attention of the House to the provision contained in section 7 of Article I of the Constitution, where it is provided that every bill after it has passed both Houses shall be submitted to the President for his approval or disapproval. In the contemplation of that provision of the Constitution, a bill, when it has passed both Houses, should be immediately transmitted to the President.

Mr. SPINOLA. Is that the language of the Constitution?

Mr. BAKER, of New York. That is the substance of it.

Mr. WARNER. Allow me to suggest to my friend from New York whether in construing statutes we do not frequently take into consideration the urgent necessity of the measure——

Mr. BAKER, of New York. Most assuredly.

Mr. WARNER. And therefore, in regard to acts of Congress, it is reasonable to infer that in accordance with the Constitution they should be immediately transmitted to the President.

Mr. BAKER, of New York. Certainly.

Mr. MCMILLIN. Does any law so provide?

Mr. WARNER. Pardon me a moment further. Taking the circumstances connected with the action of this law-making body in regard to the passage of this bill, its introduction by a gentleman not a member of the Committee on Foreign Affairs, and its passage by unanimous consent, without consideration by that committee, is there not implied some great necessity for the immediate passage of this bill? Now, why should gentlemen object to a proposition which looks to its speedy transmission to the President?

Mr. BAKER, of New York. I desire simply to suggest that on this matter the Constitution ought to have some weight——

Mr. MCKENNA. I wish to be heard on the point of order.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from New York [Mr. BAKER] does not object, I would like to ask him a question, as he seems to have examined this matter. Has there been in the parliamentary history of this House any rule or law as to the mode in which bills should be presented to the President in pursuance of the constitutional requirement? I take it for granted the gentleman from California, in the absence of some provision of that kind, would not bring in a resolution like this.

Mr. BAKER, of New York. I presume the Constitution should have some weight.

Mr. BRECKINRIDGE, of Kentucky. I am not disposed to take advantage of the point of order to discuss the political issue which my friend from Missouri [Mr. WARNER] has undertaken to inject into this debate.

Mr. WARNER. If the gentleman from Kentucky will pardon me, I suggest that we tie this bill and the retaliation bill together——

Mr. BRECKINRIDGE, of Kentucky. That suggestion is not relevant—I will not use the legal word "impertinent," but it is not relevant to this discussion. The question which I desire to put to the gentleman from California and the gentleman from New York is whether there has ever been any legislative declaration by rule or law as to the mode in which the constitutional provision regarding the presentation of bills to the President should be executed. If so, what has it been?

Mr. BAKER, of New York. The Constitution is explicit; and I submit that in conformity with it this bill should be transmitted to the President immediately. The Constitution is explicit in its direction.

Mr. CRISP. The gentleman is mistaken when he says that the Constitution is explicit or uses the words "immediately transmitted."

Mr. BAKER, of New York. But that is a fair inference.

Mr. MCKENNA was recognized.

Mr. CRISP. Ah! but that is not what the gentleman said. The gentleman undertook to quote the Constitution.

Mr. BAKER, of New York. It does not say that he shall transmit it next week or in ten days. It says——

Mr. CRISP. But the gentleman when he undertakes to quote the Constitution of his country should do it properly.

Mr. MCKENNA. Mr. Speaker, who has the floor?

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from California.

Mr. MCKENNA. I shall assume, then, for the purpose of argument, that it is the duty of the Committee on Enrolled Bills to transmit a bill to the President when it is in a condition to be transmitted, and whether it must be done instantly or in one hour or in two days is not a question for the Speaker to determine as a question of privilege. As soon as it is ready for transmission it is the duty of the Committee on Enrolled Bills to transmit it; and whether it has been done within a reasonable time by that committee or whether it has been retained an unreasonable time in its hands is not for the Speaker to decide, although that is a question possibly for the House to consider in determining whether it will pass this resolution or not. The basis of this resolution is founded in the newspaper charge which alleges that the committee has been derelict in its duty. I do not say that it has been. This is not the time to say that, if ever. But that is the allegation; and on the face of it it involves a charge against a committee of the House, in which the House is interested, and it presents a question, therefore, of the highest privilege for the immediate consideration of the House, namely, the action of its own committee.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit me to ask him this question? Why does the gentleman assume that it is the duty of the Committee on Enrolled Bills to deliver bills to the President? Since that is the foundation of the gentleman's argument, why does he assume it?

Mr. MCKENNA. Whose duty is it, then?

Mr. BRECKINRIDGE, of Kentucky. I am not answering questions. I am suggesting questions for the gentleman to answer.

Mr. PAYSON. I can answer the gentleman's question.

Mr. MCKENNA. Mr. Speaker, I will yield to the gentleman to answer.

Mr. BRECKINRIDGE, of Kentucky. Why do you assume that it is the duty of the Committee on Enrolled Bills?

Mr. MCKENNA. I will give the gentleman from Kentucky an answer if he will permit me.

Mr. BRECKINRIDGE, of Kentucky. That is what I want.

Mr. MCKENNA. I will say it looks to me—only characterizing it as my own opinion, and not characterizing the action or opinion of anybody else—it looks to me like trifling with the subject to say here that after the Senate and the House have passed a bill and provision is made that it shall be transmitted to the President to sign, that it is not the duty of the committee having charge of this matter to see that it is promptly so transmitted.

Mr. BRECKINRIDGE, of Kentucky. But that does not answer the question. I know that we have a Committee on Enrolled Bills. I agree with the gentleman that it is a duty which somebody ought to perform. Now, why does the gentleman say that it is the duty of the Committee on Enrolled Bills?

Mr. PAYSON. Mr. Speaker, I will answer for the gentleman from California. The answer is because it is the universal custom of the House, and has been such from time immemorial, from the time whereof the memory of man runneth not to the contrary.

Mr. BRECKINRIDGE, of Kentucky. Is that a correct statement?

Mr. PAYSON. It is a correct statement, and the only exception is when, in individual cases some member may feel a personal interest in an individual bill, and by the courtesy of the Committee on Enrolled Bills he may be intrusted with it and take it himself to the President for his signature. But it has been the invariable custom, it is the common law of the House in the transmission of bills to the President of the United States, and the only exception is as I have indicated.

Mr. BRECKINRIDGE, of Kentucky. Has the gentleman ever served as a member of the Committee on Enrolled Bills, since he volunteers this opinion?

Mr. MCKENNA. Now, Mr. Speaker——

Mr. PAYSON. The gentleman from Kentucky wants information. Let us give it to him. The bill is detained, without doubt, because the President of the United States wants more than the constitutional ten days. The unwarranted delay and tardiness now on the other side is a fitting sequel to the haste attending the presentation of the bill. This is a continuation of the performance begun by the gentleman from Pennsylvania [Mr. SCOTT] to attempt in a demagogical way to make some capital for himself and his party. Everybody knows it. Now let the country and the House know just what it is and why it is. It is a "performance" from first to last, and let the House and the country understand it. [Applause on the Republican side.]

Mr. MCKENNA. I believe I have the floor.

The SPEAKER *pro tempore*. The gentleman from Illinois is out of order.

Mr. PAYSON. Then I beg pardon of the House for it. [Laughter.]

Mr. SPRINGER. I hope the gentleman from California will not interrupt my colleague, who does not speak often.

Mr. McKENNA. I believe I have the floor.

Mr. BRECKINRIDGE, of Kentucky. The gentleman yielded the floor to the gentleman from Illinois——

Mr. McKENNA. Now, Mr. Speaker——

Mr. BRECKINRIDGE, of Kentucky. Let me suggest——

The SPEAKER *pro tempore*. The gentleman from California is entitled to the floor.

Mr. BRECKINRIDGE, of Kentucky. I am addressing a suggestion to the gentleman from California.

Mr. McKENNA. Very well.

Mr. BRECKINRIDGE, of Kentucky. And it hardly seems to me it was due courtesy on the part of the gentleman from California to permit the gentleman from Illinois, in answer to a question I put to the gentleman from California, to be offensive and discourteous.

Mr. McKENNA. I will say to the gentleman from Kentucky that I am not responsible for anything the gentleman from Illinois said.

Mr. PAYSON. No, sir; the "gentleman from Illinois" is responsible for himself.

Mr. McKENNA. If the gentleman from Kentucky desires a portion of my time to reply I will gladly yield it to him.

Mr. BRECKINRIDGE, of Kentucky. I wish to put on record the statement that the interruption of the gentleman from Illinois was wholly voluntary; that in using the word "demagogical" he was undoubtedly both gratuitous and false, and that the discourteous and offensive manner of the gentleman, in his appeal to the galleries, was absolutely uncalled for and was evidence that he himself was guilty of what he was charging upon an absent member of the House—that is, guilty of an evident piece of miserable demagogy. [Laughter and applause.]

Mr. ROWELL. The gentleman from Tennessee was the first one to talk about demagoging in this case.

Mr. BRECKINRIDGE, of Kentucky. Another eruption from Illinois. [Laughter.]

Mr. McMILLIN. I did not hear what the gentleman said.

Mr. ROWELL. I say the gentleman from Tennessee was the first man who accused gentlemen on this side of acting in a demagogic manner.

The SPEAKER *pro tempore*. The gentleman from California has the floor.

Mr. McKENNA. I am trying to retain the floor, but I can not. [Laughter.]

Now, Mr. Speaker, in insisting upon this resolution and in arguing against this point of order it is no part of my purpose to cast a single reflection upon any gentleman; but still, Mr. Speaker, when it is stated in the public press, and not denied, that a bill is being held for other purposes besides proper legislative purposes, I think we have a right to take cognizance of it.

Mr. TIMOTHY J. CAMPBELL. Senator EDMUNDS has been the cause of all this trouble. [Laughter.]

Mr. McKENNA. In fairness to the chairman of the Committee on Enrolled Bills I should say that my colleague [Mr. MORROW] and myself went to him this morning and told him that Senator EDMUNDS had withdrawn his resolution, or it had been put upon the table, and Mr. MORROW asked him to transmit the bill to the President of the United States, and he said he would do his duty in that regard. [Applause on the Democratic side.] That may or may not be an evasive answer. Lest it might be an evasive answer, and to prevent its being an evasive answer, we have introduced this resolution; and I submit to you, Mr. Speaker——

Mr. McMILLIN. After he had told you he would do his duty! When it had been signed.

Mr. McKENNA. I expected you to ask that question, and you know it is very easy to say "I will do my duty;" which looks as if it were going to be executed, and yet it may not be done.

Mr. McMILLIN. That is a nice implication on a member of this House! Our method in my State is to do duty within the time that duty requires.

Mr. McKENNA. Without being as familiar with the amenities between gentlemen in Tennessee as I am in California, I will say if the gentleman will come out there we will give him as good evidence of nice and delicate sentiment as ever he came across in his life. We think we have the right to have this bill transmitted; that it ought not to be held here after it is ready to be transmitted to the President. We think it does present a question of privilege, and of the highest privilege; and as to the fact of the length of time, to repeat myself, that is a question of fact for the consideration of the House.

Mr. McMILLIN. Will my friend from California extend the courtesy of allowing me to make an explanation?

Mr. McKENNA. Yes, sir; if you have any explanation to make.

Mr. McMILLIN. I desire to say that I have found my friend from California uniformly courteous, and if, in the heat of debate, I have said anything that implied differently I would be sorry for it.

Mr. McKENNA. I accept the apology.

Mr. McMILLIN. What I want to ask the gentleman is, in view of the fact that this is in a certain measure a criticism of an officer of the House and one of its members, whether he does not know the fact that yesterday afternoon we had a roll-call when there was no quorum, and that members here would hardly feel it to be their duty to leave during that call? They would be compelled to remain here or leave the House without a quorum.

Mr. MORROW. We adjourned at half past 2.

Mr. McKENNA. I do not think this has anything to do with the fact there was no quorum. Mr. Speaker, I certainly think it is the duty of the committee to transmit the bill, and in view of the fact that Congress may adjourn at any moment, I think as this House passed this bill, as the gentleman from Kentucky [Mr. BRECKINRIDGE] implies, in good faith, and not for demagogic reasons, it is the duty of the committee to transmit it to the President so that he will have time enough to sign it and it may become law, or of sending it back with his reasons for not doing so.

Mr. CRISP. Mr. Speaker, I would like your attention for a few moments, because this is a question of some importance as a matter of practice. This is a resolution to instruct the Committee on Enrolled Bills to present a particular bill to the President.

The gentlemen say that it is the duty of that committee to present to the President bills which have passed and been duly enrolled and signed by the presiding officers of the respective Houses, and that therefore this resolution instructing that committee so to do is a privileged resolution. The gentleman from California who presents this resolution does not charge that the Committee on Enrolled Bills have failed in the discharge of their duty. He quotes from a newspaper something as being "reported." The paper gives no one as authority for the statement, as I caught it from the hurried reading, but adds that it was in the power of Mr. KILGORE, on that committee, to hold this bill for some time.

Now, Mr. Speaker, it can not be conceived to be a matter of privilege to instruct any committee of the House under such circumstances to do any act. I do not wish to be understood as saying that it is not within the power of the House to instruct them, but it is not a matter of privilege. If they are to be instructed in the matter, it must be done upon the statement of some member of the House that the committee have failed to do what they ought to do.

Mr. MORROW. Will the gentleman permit a question?

Mr. CRISP. Certainly.

Mr. MORROW. If it should appear upon investigation, or from any proper report of a member of this House, that a bill was being retained unreasonably, would not that be such a case as would come under that provision of Rule IX which relates to the integrity of the proceedings of the House?

Mr. CRISP. I am not prepared to say that it would come under that rule; but I am prepared to say that it would be in the power of the House to order the bill to be transmitted to the President either by the Committee on Enrolled Bills or the Clerk.

Mr. REED. Why not as a question of privilege?

Mr. CRISP. Because it is not defined as one of the questions of privilege.

Mr. REED. Is it not a part of the integrity of the proceedings of the House? Does it not concern the honor and the dignity of the House?

Mr. CRISP. Clearly not, I think, unless, as I have said, some gentleman should state in his place here that the proper and ordinary course of proceeding had been violated.

Mr. REED. That is addressed not to the question of privilege, but to the question of how the House shall act upon it. Whether the evidence is sufficient is one thing; whether this is a question of privilege is another.

Mr. CRISP. Mr. Speaker, if you accept the statement of the gentleman from Maine, it follows that on every occasion when the Speaker lays before the House an enrolled bill and signs it, it shall then be in order for a member to rise on the floor and move that the bill be at once transmitted to the President. Would that be the ordinary course of business in the House? Is it any violation of privilege to avoid that rule when, in fact, in the whole history of the Government it has never been done? For, so far as I know, there has never been an example of that sort.

Mr. REED. There has never before been a blunder such as this.

Mr. CRISP. Why, Mr. Speaker, coming to the merits of the question, perhaps the gentleman from Maine does not know that this bill only reached the gentleman from Texas [Mr. KILGORE] on yesterday. I assume that the gentleman from Maine did not know that fact, or he would not have been guilty of the injustice of making the statement that has just fallen from him.

Mr. REED. Oh, I did not refer to that blunder. I referred to the blunder of introducing the bill and running it through here. [Laughter on the Republican side.]

Mr. CRISP. I beg the gentleman's pardon.

Mr. REED. But you have made so many blunders over there that I do not wonder you were in doubt as to which one I referred to. [Laughter.]

Mr. CRISP. I shall not wander off into that question at this time. But, Mr. Speaker, no member rises here and says that the Committee on Enrolled Bills have failed to do what they ought to have done. No member rises and says, by his own statement of fact, or even as a matter of rumor, that they have failed to do anything which they ought to have done. And yet, sir, a new practice is proposed to be introduced here for the first time. Within less than twenty-four hours after the receipt of a bill by the Committee on Enrolled Bills this resolution is introduced, and the framer of the resolution, seeking to make a question of privilege, quotes his "whereases" from a newspaper article, and does not take the personal responsibility of making the statement himself.

Mr. MORROW. Let me correct the gentleman. The statement in the "whereas" is taken from the record of the official proceedings of the two Houses. In my remarks I had read an article from the Washington Post, but that is not contained in the "whereas."

Mr. CRISP. Further, Mr. Speaker, to show the impropriety of this course, the gentleman recites in his resolution the action of the Senate. Whether he does that for the purpose of condemning his Republican friends who delayed the bill in the Senate I do not know; but, however that may be, he recites the proceedings of the Senate which show that the bill only came to the House Committee on Enrolled Bills yesterday. Now, if it is to be understood that this is a question of privilege, then the rule will be established that whenever the presiding officer lays before the House a bill as duly enrolled, and signs it, any gentleman may rise upon the floor and, as a matter of privilege, immediately move that that bill be transmitted to the President.

That is the ruling which you are asked to make. I submit, Mr. Speaker, that there is nothing in this case to even suggest the propriety of such a ruling, as there is nothing in the rules to authorize any proceeding of this sort. My idea is that whenever a member rises and states on his own responsibility that the orderly course of the transmission of bills from this House to the President of the United States has been interrupted or has not been carried out, then he has the right to ask an order of the House that the usual course be observed. But he must state or show in some satisfactory way that the orderly rule or custom of the House is not being observed. In this case nothing whatever of that sort appears, and I think it would be both inconvenient and improper to hold, under the circumstances, that this resolution was a privileged one.

Mr. HERBERT. Mr. Speaker, a point of order made upon a resolution like this is in the nature of a demurrer to the legal sufficiency of the resolution. Unless that resolution states in an orderly legal manner facts out of which a question of privilege necessarily arises, then the Chair must sustain the point made against it. Now, what are these statements? The resolution goes on to aver under a whereas several occurrences, and then says this bill came into the possession of the chairman of the Committee on Enrolled Bills yesterday. If now it had gone further and said, "Whereas the chairman has failed, does fail, and refuses to carry that bill to the President," that would have been an allegation which would perhaps have raised a question of privilege. But the resolution does not state at all that the chairman of the committee has refused to carry the bill to the President or that he fails in any duty whatever. It simply states that it is reported in the Washington Post that he does not intend to do it. As a lawyer, Mr. Speaker, I submit to you the question whether such an allegation is good in law. It is an averment not that a fact exists, but that a newspaper reports that it exists. The resolution does not even aver that the newspaper states it is true. The averment is simply that the newspaper gives it as a report. Now, it is very certain that in order to make this a question of privilege the resolution ought to charge in plain language a willful failure of duty. If there were such an allegation, this would be a question of privilege; but the resolution simply avers that there is a report in a newspaper or somewhere else that Mr. KILGORE fails or refuses to perform his duty, and that is no sufficient allegation at all.

Mr. REED. There is a statement made by a member that he has not performed his duty.

Mr. HERBERT. When we come to statements made by a member we take them to be true; but I submit that no imputation against the gentleman from Texas [Mr. KILGORE] can arise——

Mr. REED. This is not a question of "imputation;" it is a question of having the business done.

Mr. HERBERT. It is a question of having the business done in a manner affecting the integrity of the proceedings. Now, as I understood the gentleman from California [Mr. MORROW], he simply said that on yesterday morning he asked the gentleman from Texas——

A MEMBER. This morning.

Mr. MORROW. No; yesterday morning I asked him, and he told me he would send the bill to the President yesterday. The House adjourned at half past two, which, it would seem, gave him the opportunity to send it, but it was not sent. I asked him this morning about it and he told me——

Mr. HERBERT. That he still had it.

Mr. MORROW. That he still had the bill.

Mr. HERBERT. That is the way I understood the statement of the gentleman from California.

Mr. REED. There seems to be something more than rumor.

Mr. BOUTELLE. Do you argue that the bill has gone to the President, notwithstanding that statement?

Mr. HERBERT. No. Now let me come to the question. Does the statement of the gentleman from California which he makes on the floor when taken in connection with the resolution constitute this a question of privilege? I say clearly not. In the first place, the resolution must be judged by itself. It can not be supplemented by an oral statement. The resolution of itself, as I have shown, raises no question of privilege. What the gentleman from California says, even if incorporated in it, could not help the case. The gentleman from California says, and that is all he does say, that the gentleman from Texas has had the bill in his possession for twenty-four hours. It is perfectly clear that no inference of any intent against the dignity or safety of this House or the integrity of its proceedings can be drawn from this. Now, I wish to go a step farther. That completely disposes of the question of privilege so far as the resolution is concerned. We will suppose that, complying with what seems to be or may be a wish on the part of the Senate, the chairman of the Committee on Enrolled Bills has retained in his possession for one, two, three, or four days or any other reasonable time a bill to see what action the Senate would take on it.

Mr. BOUTELLE. Has not the bill been already passed by the Senate?

Mr. HERBERT. Yes; it has been already passed by the Senate.

Mr. RYAN. Is it within the jurisdiction of the Senate?

Mr. HERBERT. If the gentleman will let me state my point I will proceed to do so.

Mr. BOUTELLE. Certainly; I will not interrupt him if he does not wish it.

Mr. HERBERT. I understand that Senator EDMUNDS, one of the best lawyers in either branch of Congress, as well informed in reference to the rules pertaining to the conduct of business of both Houses as any other gentleman, has introduced a resolution——

Mr. REED. He has had that resolution laid on the table and proposes to take no further proceedings.

Mr. HERBERT. I do not know about that.

Mr. REED. That is the trouble.

Mr. BOUTELLE. It has passed beyond the jurisdiction of the Senate.

Mr. HERBERT. Was that done to-day?

Mr. ROGERS. In the last hour and a half.

Mr. HERBERT. In the last hour and a half, or that is while we have been discussing this question. Suppose Senator EDMUNDS introduced a resolution——

Mr. BOUTELLE. What was the resolution?

Mr. HERBERT. I understand the effect of the resolution was that Congress should retain the bill in its possession.

Mr. BOUTELLE. It makes a difference to know exactly what that resolution is as bearing on your remarks. I do not think you understand what it is.

Mr. SPINOLA. Here is the resolution.

Mr. HERBERT. I will yield to the gentleman from New York so he may read it.

Mr. SPINOLA. I will read the resolution adopted in the Senate on motion of Senator EDMUNDS. It is as follows:

Ordered, That the President of the Senate be directed to withhold the transmission to the House of Representatives of the act (House bill 11336) entitled "An act to prohibit the coming of Chinese laborers to the United States" until the further direction of the Senate.

Mr. REED. Yes.

Mr. SPINOLA. That was laid over.

Mr. REED. That is a direction to the officers of the Senate, and not a direction to the chairman of the Committee on Enrolled Bills of the House.

Mr. SPINOLA. That was the direction.

Mr. HERBERT. I do not yield further. Without undertaking to say what they were, Senator EDMUNDS took steps to arrest that bill in Congress.

Mr. REED. Not here, but in the Senate——

Mr. HERBERT. To prevent it going to the President. Now, sir, if to await the result of such a proceeding, inaugurated in the Senate by a distinguished member of that body, the chairman of the Committee on Enrolled Bills should delay a reasonable time to see whether or not the House would respond to the action of the Senate, would it be anything more than simply a courteous act? He certainly would not be guilty of an intentional violation of the law by so doing. He would not, by conduct of that sort, furnish ground for a resolution which proceeds upon the idea that he is guilty of gross misconduct—that is it—that by his misconduct he is striking a blow at the integrity of the proceedings of the House.

Mr. MILLIKEN rose.

Mr. HERBERT. I do not yield.

Now, Mr. Speaker, this is not a question of privilege unless something has been done or is being done which strikes at the integrity of the House. Would any member on the facts before the House, upon

the statement in the resolution, this bill being in his hands only for twenty-four hours, would the gentleman from California say that the gentleman from Texas disregarded his duty to the extent of violating the integrity of the proceedings of this House? Would any gentleman dare to do it?

When he framed the resolution the gentleman from California had that in his mind, but when he came to putting it down on paper he hesitated and dared not so state. He simply said in the resolution that a newspaper had published such a report. Whether the report was true or not, the writer of the resolution would not take the responsibility of averring even in an unsworn resolution. That is all there is in that. And then twenty-four hours in the hands of the committee! That is a short time. What is the average? Since this matter has been under consideration, I am informed that two hundred cases have been examined, and that the average time a bill is kept by the committee is three days and over. If so, is not this resolution just a little premature?

Mr. BOUTELLE. Why does the gentleman state that there is no allegation except a "newspaper statement" that this bill has not been properly forwarded, when the gentleman from California states that on two occasions the chairman of the committee told him it had not been carried to the President—two interviews twenty-four hours apart?

Mr. HERBERT. Now, Mr. Speaker, to continue——

Mr. BOUTELLE. Have you any reason to believe that the President has come here and got the bill himself?

Mr. HERBERT. None in the world.

Mr. BOUTELLE. Do you think he ought to have come for that purpose?

Mr. HERBERT. No. And, Mr. Speaker, that is the kind of question the gentleman from Maine has interrupted me to ask!

Mr. BOUTELLE. And to which I would like to have an answer.

Mr. HOLMES. Will the gentleman from Alabama state what is the rule in regard to the transmission of bills to the President after the signatures of the presiding officers of both Houses have been appended?

Mr. HERBERT. Of course the rule is that rule of law which always prevails in the House, and in every other body everywhere the common law prevails, that where no time is mentioned it must be a reasonable time. But it is utterly unreasonable for gentlemen, when a bill has been in the hands of the chairman of the Committee on Enrolled Bills only twenty-four hours, to complain of delay in its transmission when the precedents show at least three days to be the time ordinarily occupied in transmitting a bill.

Mr. HOLMES. Does not the gentleman from Alabama know that it is the custom of the Committee on Enrolled Bills to transmit bills to the President on the same day they come into the hands of the members of the committee?

Mr. HERBERT. No, I do not know anything of the kind. On the contrary, I have been informed, and I believe the information to be true, that the average is three days.

Mr. HOLMES. That is not the rule. I have been a member of the Committee on Enrolled Bills and know the facts and the custom. It has been customary to send them to the President on the same day.

Mr. PAYSON. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Illinois on the point of order, and is then ready to rule.

Mr. PAYSON. I shall endeavor to confine myself directly to the point of order against the resolution, which I believe to be a privileged resolution. I believe the gentleman from California had a right to present the resolution, and I think the decision on the point of order ought to be against it.

When this matter was first presented, I had some doubts on the question, but upon five minutes' reflection I have come to what I believe to be the correct conclusion—certainly it is the settled conclusion in my own mind, whether the Speaker agrees with me or not—that this is a privileged matter.

First, I concede that there is no written rule of this House that is being violated by the conduct of the Committee on Enrolled Bills with reference to this matter. I agree that there has never been since I began a course of service in public life any rule in express terms requiring the Committee on Enrolled Bills to go individually as an errand boy between the House and the President to convey bills for his signature. But what member does not know that, all through the history of the jurisprudence in this and in every other country, there are certain presumptions that always attach to the acts of public officers? I know that there are certain axioms at the basis of official action that are as binding and effective upon public officers in the performance of duty as though contained in express terms in statutes or constitutions. Among them is this: That whenever a duty is imposed upon a public officer the obligation rests upon him to perform it within a reasonable time and with due diligence, and that to be determined by the importance of the duty devolved upon him by law. The instances are not infrequent; they are found in the pages of nearly every report of decided cases in every State of the Union, and without exception, that officers have been held liable upon their official bonds for failure to perform a duty wherein no time is fixed, because it was not performed within a reasonable time.

Now, sir, does any presumption attach when the Constitution of the United States requires that every act of Congress when passed shall be transmitted to the President of the United States for his signature? There is unquestionably a presumption attaching that this duty is to be performed within a reasonable time. Does any responsibility rest with the party upon whom that duty devolves? Upon whom does it devolve? That duty devolves, by the common law of the House, upon the Committee on Enrolled Bills. It has ever been so, and it is so to-day, and by the uniform rule and practice of the House and the constant custom of the House nobody has the right to the possession of a bill after it receives the indorsement of the President of the Senate and the Speaker *pro tempore* of the House, as now organized, except the Committee on Enrolled Bills or some member of the House to whom the Committee on Enrolled Bills may by courtesy see proper to intrust the duty of transmission to the President.

The whole course of conducting and the whole control of all bills under our rules goes to that committee. There are seven members of it. Now, then, what is their duty? Here is a bill as submitted to it, and the question is whether or not the chairman is going to do his duty within a reasonable time. Here is a bill that upon its face affects the relations between this nation and the most populous nation on the globe. This is a question of intercourse between ourselves and them. I do not refer to this as bearing upon the point of order, but as being of sufficient importance to justify its being presented here by a prominent gentleman upon the other side without notice to anybody representing the section of country directly affected. It was passed without an opportunity of inspecting its provisions scarcely, and sent to the Senate only a short time after it was introduced here. There it was passed, and comes back to this body as the body in which it originated, and is a matured bill so far as the legislative branch of the Government is concerned. It has been signed by the executive of the other branch, has received the approval of the Speaker *pro tempore*, and it is now in the orderly course of business covered by that provision of our rules where the expression is used "the integrity of its proceedings." It would go in the regular way to the chairman of the Committee on Enrolled Bills yesterday morning.

Mr. MCMILLIN. Will the gentleman permit me to ask him a question?

Mr. PAYSON. Yes; I will permit you to ask a question simply.

Mr. MCMILLIN. I ask the gentleman if it is not a fact, or if it is not a part of the custom, that the Committee on Enrolled Bills retain these bills for three days or about that time?

Mr. PAYSON. I will come to that. I beg the gentleman will not anticipate me; and I hope if the gentleman desires to ask me a question he will honor me with his attention. I said a few moments ago on the question of what was a reasonable time for the performance of any duty on the part of a public officer would depend upon the character of the business he was called upon to transact and its importance, and all that sort of thing.

Now I am coming to the question. What may be a reasonable time within which the chairman of the Committee on Enrolled Bills and its members may be permitted to retain a bill providing for the issuing of a dog-tax for the District of Columbia or may be involved in the payment of $8.27 excess of customs duties is another matter. The Committee on Enrolled Bills may be warranted in retaining bills of that trifling character for a day or two days when they might not to be justified, Mr. Speaker, in retaining a bill which affects the relations of 60,000,000 of people here and 300,000,000 of people across the sea.

What may be a reasonable allowance to the gentlemen on that committee in one case clearly would not be in another. Every bill passed by Congress is an expression of legislative will. We are here representing in a legislative capacity the judgment of 60,000,000 people, and when this Chinese-restriction bill was passed it evinced upon paper and crystallized into law the judgment of the people of this country in so far as it could what was our will and determination; and it was the duty of the Committee on Enrolled Bills to see to it that a bill of that magnitude and of that character should go into the hands of the Executive at the earliest possible moment. Now, I call the attention of gentlemen to the fact that we adjourned yesterday at 2 o'clock, as the RECORD shows, after which presumably the members of that committee would have had ample time to perform other duties. The business of the House of Representatives detained not one of its members after 2 o'clock from the performance of their duty with reference to this bill, and yet it is still in the hands of one of the gentlemen composing that committee. Now, what is the condition? Gentlemen representing the Pacific coast on this floor, being desirous that the bill should become law and desiring that the President should have the power of approval or disapproval, go to the gentleman having charge of it and ask him what is its condition. It went to that committee yesterday, and it is detained there; and to-day these gentlemen, Mr. MORROW and Mr. MCKENNA, go and make the same inquiry of the gentleman from Texas [Mr. KILGORE]. What reply do they get from him? Simply the lofty announcement that he will perform his duty. Now let us stop and think a minute. Are the interests of both Houses of Congress and the expressed will of sixty millions of people to depend on the discretion and judgment of the gentleman from Texas as to

when or how he shall perform his duty? That is the first question, and it stands *in limine* upon the threshold of this proposition. What discretion has he about it? It is his business to do this duty at the earliest practicable moment, but he allows two days to lapse (because to-day is practically gone), and he still sits here in his seat.

Now, these facts are brought to the official notice of this body, for I assert a proposition which I think nobody on the other side will deny when I say that the official statement made by the two gentlemen from California in their official capacity is of equal weight in this House as if it had been reduced to writing and read from the Clerk's desk. These two gentlemen aver to this House that for two successive days they have endeavored to get this bill to the President, and that the only reason it has not gone there is that the gentleman from Texas [Mr. KILGORE], in his judgment and in the exercise of his discretion as to how he shall perform his public duty, prefers to retain it in his desk in his committee-room. If that does not present a question of privilege nothing can. What is the integrity of the proceedings of this body? It is the orderly conduct of the public business here and its transaction in such a way that not only shall the acts of the House not be rendered nugatory, but that they shall proceed in an orderly, practical, and reasonably speedy manner.

There is nothing in this resolution reflecting on the Committee on Enrolled Bills. The recital of facts is taken from the records of this House and supplemented by the official statement of both the gentlemen from California as to the position assumed by the gentleman from Texas. The question is presented: If the gentleman from Texas chooses to retain a bill to-day, why may he not choose to retain it to-morrow and the next day? Why may he not retain it for four or five days yet to come, or much longer? Possibly there is no violation of any express provision of the technical rules of the House, but the question is presented by this resolution: Has the House of Representatives the right to instruct its committees to do their duty and to do it promptly? That is all there is about it. Does anybody deny that it is the duty of the Committee on Enrolled Bills to take this bill to the President? Nobody denies that. Have they had an opportunity to take it there? Nobody denies that they have. The House was in session only a short time yesterday afternoon, and some member of the committee could have taken the bill to the President yesterday, or if not yesterday it could have been done to-day. This duty is unperformed. It ought to be performed, and this resolution simply instructs the committee that the will of the House must be enforced even against the exercise of the discretion of the gentleman from Texas as to when this bill shall reach the President of the United States. If that is not a privileged question, it seems to me to be idle to undertake to assume that anything is a privileged question. The case seems perfectly clear. The duty is unperformed and the House is not advised that it ever will be performed unless the gentleman from Texas shall, in the exercise of his discretion, determine that the time has come for him to take a carriage and go to the White House with this bill. It seems to me that the question is a question of privilege and that this resolution ought to prevail.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, it seems to me that this is a question not so much about the pending bill as about the general business of the House, and when the discussion was opened this morning, I in good faith asked the gentleman from California [Mr. MORROW], who had introduced the resolution, whether there was any written rule of law governing this matter. He frankly answered that there was none that he knew of. I then asked his colleague, equally in good faith, without any disposition to take part in any partisan debate upon the merits of the bill, whether there had ever been any written rule as to the mode of executing the constitutional provision. I knew there had been joint rules between the Senate and the House in former days at different times, and that those joint rules were not now in existence, but I thought it possible that there had been at some time in the nearly one hundred years of our constitutional history some written mode agreed upon for the execution of this constitutional provision. I do not know yet whether there has been or not. It seems that there is a different practice in the Senate from that in the House. The Senate, as I am informed, sends its bills to the President by its Secretary, one of its ministerial officers. The custom of the House is and has been for some years—how many I do not know—that the members of the Committee on Enrolled Bills, indifferently, take the bills to the President for his signature. Sometimes, I am informed, this is done by the chairman of the committee, and sometimes by the other members; there has been no uniform custom about it, and the committee as an official body does not habitually meet and in organized form as a committee go over the bills and then take them to the President.

Mr. Speaker, it is the duty of the Committee on Enrolled Bills to present these bills to the President or it is not. If it is their duty to do it, then it is the duty of the committee, not of the chairman, and it must be done as the official act of the committee. Therefore, if that be true, this resolution, when you reduce it to its plain English meaning, is simply to discharge the Committee on Enrolled Bills from the performance of this duty. That committee stands in no higher relation to this House than do our other committees. It is simply an organ of the House, exactly like the Committee on Private Claims, or like the Committee on Elections, or any other committee. It is the duty of those committees to act upon the matters referred to them within a proper and reasonable time; but who ever claimed that it was a question of privilege for any member to rise here and offer a resolution to discharge a committee from the consideration of a measure and to bring that measure back to the House. That is done by unanimous consent or on suspension day? The Committee on Enrolled Bills, acting as a committee, is charged with certain duties. Assuming that the presentation of bills to the President is one of the duties of the committee, the gentleman from California [Mr. MORROW] moves that the committee be discharged from the performance of that duty, and that the gentleman from Texas [Mr. KILGORE] by name be required to perform it.

Mr. MORROW. The gentleman is quite incorrect in that statement. The resolution simply requires that the Committee on Enrolled Bills shall transmit this bill to the President. The name of the gentleman from Texas [Mr. KILGORE] is not mentioned.

Mr. BRECKINRIDGE, of Kentucky. Upon what ground is it a question of privilege to move that the committee be discharged from doing this duty in a certain way and be ordered to do it in another given way and at a given time?

Mr. MORROW. There are two propositions involved. The first is that this resolution is privileged under the rule as to the integrity of the proceedings of the House and the integrity of its proceedings authorizes a member to introduce a resolution ordering that a certain thing shall be done; but the question of privilege does not necessarily extend to the execution of the order of the House. The House having considered the matter under a question of privilege, executes its order without regard to the question of privilege.

Mr. BRECKINRIDGE, of Kentucky. This relates, the gentleman says, to the dignity and integrity of the proceedings of the House.

Mr. MORROW. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. And my point is, that this question does not come under that head any more than a motion for the discharge of any committee from the consideration of any bill that may be before that committee. It is not a question of privilege for the gentleman from California or any other gentleman to rise in his place here and move that a committee, as for instance the Committee on Elections, a committee having the highest privilege, be discharged from the further consideration of a matter which may have been referred to it.

Mr. MORROW. If the gentleman will pardon me, I will state one more, for I do not think he desires to misconstrue my remarks——

The SPEAKER *pro tempore*. If the gentleman from Kentucky is through with his remarks, the Chair is ready to rule on this question.

Mr. BRECKINRIDGE, of Kentucky. If the Chair is ready to decide the question, I will only say, in conclusion, as I think I ought to say, that, so far as I am concerned, I have not voluntarily or of my own motion entered into any dispute about the merits of this bill, nor did I intend to participate in any partisan debate. What I have done that may be so construed it seemed impossible for me to avoid under the circumstances.

Mr. MORROW. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair is ready to rule.

Mr. SPRINGER. Will the Chair pardon me one moment. I do not wish to speak to the question of order. I only desire to submit to the Chair, as preliminary to a decision, this remark—that the question whether this matter presents a question of privilege is one of fact, that fact depending upon the conduct of the gentleman from Texas [Mr. KILGORE]. If he is in default, if he is not performing his duty, then it is our privilege to instruct him. If he is performing his duty, then this matter does not raise any question of privilege. I think that before this question is decided we ought to hear from the gentleman from Texas as to what his course on this subject has been or what the course of the committee has been.

The SPEAKER *pro tempore* (Mr. COX). In the opinion of the Chair this resolution does not present a question of privilege. If the resolution were properly before the House, being a resolution directing the Committee on Enrolled Bills to transmit a certain bill to the President of the United States forthwith, the House could no doubt adopt the resolution. But the point raised here is whether, as this resolution now reaches the House, it is a question of privilege. The point involved relates to the presentation of bills to the President after they are signed by the Speaker of the House and the President of the Senate. In the absence of any law on the subject or any rule governing the House in respect to this matter, reference has been made to the Constitution, which provides in section 7 of Article I that—

> Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States.

No time is fixed within which this presentation shall be made; there is no limit; the provision does not say "forthwith" or "immediately." The question presented therefore is not so much a question of law or constitutional interpretation as a question of practice. The custom has grown up within the knowledge of the Chair—it is an old custom—for the Committee on Enrolled Bills to carry these bills to the President. We do not do as the Senate does. According to the practice of the House the chairman of the Committee on Enrolled Bills, either by

direction of his committee or by reason of his function as chairman, takes these bills to the President. Within what time? There is no rule or law operating upon him in this respect.

In this resolution there is no reflection made upon this committee, none whatever. The only allegation in the resolution is based upon a statement taken from the Washington Post "that said bill is being withheld from the President by said Committee on Enrolled Bills; that such action of the committee is without authority of law." That is the statement of a newspaper; it is a part of the *allegata;* there is no proof of it. There is no statement of anything reflecting on the committee; no allegation of any impropriety; nothing involving the integrity of the committee or the integrity of the House in any sense of the word "integrity."

Is this a question of privilege under those circumstances? What is a question of privilege? It is that which involves the safety, the dignity, or integrity of the House or its members or of its proceedings. This does not in any way involve the safety or dignity of the House, and according to the statement of the gentleman submitting the proposition it does not involve the integrity of the gentleman from Texas or of the committee.

Has there been in this case unusual delay? The actual lapse of time appears to have been one day. The Chair has made inquiry into this matter, and finds, according to the report of the Clerk, that the time within which bills passed by the Senate and House and signed by their respective presiding officers reach the President varies from one to ten days, the average being three days. *Non constat* that the President may be out of town, or that there may be some other impediment. Possibly this Committee on Enrolled Bills is obliged to compare this bill in accordance with its function in these cases.

So that, neither in the statement of the resolution nor the statement of members on the floor, is there any imputation upon the Committee on Enrolled Bills. Hence the Chair decides that this is not a question of privilege. If the resolution should properly come before the House it would no doubt be entertained; and the House could direct, according to its own judgment, the action which the Committee on Enrolled Bills should take in reference to this bill. If this matter should come up on a subsequent day, when there had been an unreasonable delay in transmitting the bill to the President, the Chair is not prepared to say what he might do in the premises, for lapse of time might raise some inference upon which to predicate a question of privilege.

The Chair sustains the point of order. If the gentleman from California [Mr. MORROW] will take an appeal from this decision, the Chair would like to submit the question to the House.

Mr. MORROW. In view of the statement of the Chair that this resolution might be adopted if it should come before the House in a proper way, I ask unanimous consent that the resolution be taken up for present consideration.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that this resolution be now considered.

Mr. MCMILLIN. I call for the regular order. I do not desire that there shall be any reflection upon officers of the House when there has been no dereliction.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

Mr. MCMILLIN. I demanded the regular order.

Mr. REED. What will be the proper form to bring this matter before this House?

Mr. ROGERS. "Sufficient unto the day is the evil thereof."

The SPEAKER *pro tempore*. The Chair will not decide that now.

Mr. REED. I ask it in consequence of the Chair intimating the House would pass it if it came properly before it.

The SPEAKER *pro tempore*. The Chair will not decide that now. By Monday——

Mr. REED. The Chair decided the question of privilege. The question now is how you shall bring it before the House. This is an important matter. How is it possible for us to prevent the gentleman from Texas, or any other similarly situated, from having an arrangement with an executive officer who may desire to receive a bill somewhat later than he would receive it in the natural course?

The SPEAKER *pro tempore*. The Chair will not anticipate those questions. [Laughter.]

Mr. REED. Oh, the Chair will not anticipate them! [Laughter.]

The SPEAKER *pro tempore*. No. [Renewed laughter.]

Mr. BRECKINRIDGE, of Kentucky. I move that the House do now adjourn.

The House divided; and there were—ayes 49, noes 48.

Mr. STEWART, of Georgia. Tellers.

Tellers were ordered.

Mr. BAKER, of New York. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 58, nays 90, not voting 176; as follows:

YEAS—58.

Abbott,	Barnes,	Campbell, T. J., N. Y.	Compton,
Allen, Miss.	Blount,	Carlton,	Cothran,
Anderson, Ill.	Breckinridge, Ky.	Clements,	Cox,
Bankhead,	Burnes,	Cobb,	Crisp,
Culberson,	Hooker,	Morgan,	Sayers,
Dargan,	Hudd,	Oates,	Seney,
Dougherty,	Hutton,	O'Neall, Ind.	Shaw,
Foran,	Kilgore,	Peel,	Spinola,
French,	Laffoon,	Penington,	Stewart, Ga.
Gay,	Landes,	Phelan,	Thompson, Cal.
Grimes,	Lane,	Richardson,	Turner, Ga.
Hare,	Lanham,	Robertson,	Vandever,
Heard,	Maish,	Rogers,	Whitthorne.
Herbert,	Mansur,	Rowell,	
Hiestand,	McMillin,	Rusk,	

NAYS—90.

Adams,	Haugen,	McCreary,	Sowden,
Allen, Mich.	Henderson, N. C.	McKenna,	Springer,
Anderson, Iowa	Henderson, Ill.	McKinney,	Stahlnecker,
Anderson, Miss.	Hermann,	McRae,	Stockdale,
Atkinson,	Hires,	Merriman,	Stone, Ky.
Baker, N. Y.	Hitt,	Milliken,	Taulbee,
Baker, Ill.	Holman,	Moffitt,	Taylor, J. D., Ohio
Bayne,	Holmes,	Morrill,	Thompson, Ohio
Bound,	Hopkins, Va.	Nelson,	Tracey,
Boutelle,	Hopkins, N. Y.	Nutting,	Townshend,
Browne, Ind.	Hunter,	O'Neill, Pa.	Turner, Kans.
Buckalew,	Jackson,	Osborne,	Vance,
Bunnell,	Johnston, N. C.	Patton,	Wade,
Butler,	Kennedy,	Payson,	Warner,
Caruth,	Kerr,	Perkins,	Weaver,
Cheadle,	La Follette,	Plumb,	Wheeler,
Conger,	Lehlbach,	Post,	White, Ind.
Dalzell,	Lind,	Rice,	Whiting, Mich.
Davis,	Lyman,	Rowland,	Wickham,
Dingley,	Macdonald,	Russell, Conn.	Williams,
Fuller,	Martin,	Ryan,	Wilson, Minn.
Grout,	McClammy,	Seymour,	
Harmer,	McCormick,	Smith,	

NOT VOTING—176.

Allen, Mass.	Cummings,	Houk,	Pidcock,
Anderson, Kans.	Cutcheon,	Hovey,	Pugsley,
Arnold,	Darlington,	Howard,	Randall,
Bacon,	Davenport,	Johnston, Ind.	Rayner,
Barry,	Davidson, Ala.	Jones,	Reed,
Belden,	Davidson, Fla.	Kean,	Rockwell,
Belmont,	De Lano,	Kelley,	Romeis,
Biggs,	Dibble,	Ketcham,	Russell, Mass.
Bingham,	Dockery,	Lagan,	Sawyer,
Blanchard,	Dorsey,	Laidlaw,	Scott,
Bland,	Dunham,	Laird,	Scull,
Bliss,	Dunn,	Latham,	Sherman,
Boothman,	Elliott,	Lawler,	Shively,
Bowden,	Enloe,	Lee,	Simmons,
Bowen,	Ermentrout,	Lodge,	Snyder,
Breckinridge, Ark.	Farquhar,	Long,	Spooner,
Brewer,	Felton,	Lynch,	Steele,
Brower,	Finley,	Maffett,	Stephenson,
Browne, T. H. B., Va.	Fisher,	Mahoney,	Stewart, Tex.
Brown, Ohio	Fitch,	Mason,	Stewart, Vt.
Brown, J. R., Va.	Flood,	Matson,	Stone, Mo.
Brumm,	Ford,	McAdoo,	Struble,
Bryce,	Forney,	McComas,	Symes,
Buchanan,	Funston,	McCullogh,	Tarsney,
Burnett,	Gaines,	McKinley,	Taylor, E. B., Ohio
Burrows,	Gallinger,	McShane,	Thomas, Ky.
Butterworth,	Gear,	Mills,	Thomas, Ill.
Bynum,	Gest,	Montgomery,	Thomas, Wis.
Campbell, F., N. Y.	Gibson,	Moore,	Tillman,
Campbell, Ohio	Glass,	Morrow,	Walker,
Candler,	Glover,	Morse,	Washington,
Cannon,	Goff,	Neal,	Weber,
Caswell,	Granger,	Newton,	West,
Catchings,	Greenman,	Nichols,	White, N. Y.
Chipman,	Grosvenor,	Norwood,	Whiting, Mass.
Clardy,	Guenther,	O'Donnell,	Wilber,
Clark,	Hall,	O'Ferrall,	Wilkins,
Cockran,	Hatch,	O'Neill, Mo.	Wilkinson,
Cogswell,	Hayden,	Outhwaite,	Wilson, W. Va.
Collins,	Hayes,	Owen,	Wise,
Cooper,	Hemphill,	Parker,	Woodburn,
Cowles,	Henderson, Iowa	Perry,	Yardley,
Crain,	Hogg,	Peters,	Yoder,
Crouse,	Hopkins, Ill.	Phelps,	Yost.

So the motion was disagreed to.

During the roll call,

Mr. DAVIDSON, of Alabama, said: I move my colleague, General FORNEY, who is not well, be granted leave of absence.

There was no objection, and it was ordered accordingly.

The following-named members were announced as paired on all political questions until further notice:

Mr. WILKINS with Mr. LONG.

Mr. RANDALL with Mr. LODGE.

Mr. SCOTT with Mr. GROSVENOR.

Mr. WILSON, of West Virginia, with Mr. MCCOMAS.

Mr. HATCH with Mr. STEWART, of Vermont.

Mr. OUTHWAITE with Mr. MCKINLEY.

Mr. COMPTON with Mr. GOFF.

Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. JONES with Mr. BOWDEN.

Mr. WALKER with Mr. ROMEIS.

Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.

Mr. BRYCE with Mr. GAINES.

Mr. NEAL with Mr. HAYDEN.

Mr. TIMOTHY J. CAMPBELL with Mr. WEST.

Mr. SPINOLA with Mr. THOMAS, of Wisconsin.

Mr. BOUTELLE with Mr. WISE.

Mr. TILLMAN with Mr. FINLEY.

Mr. CANDLER with Mr. BREWER.
Mr. COX with Mr. CANNON.
Mr. BLAND with Mr. BUTTERWORTH.
Mr. ANDERSON, of Mississippi, with Mr. PETERS.
Mr. BRECKINRIDGE, of Arkansas, with Mr. BROWNE, of Indiana.
Mr. ELLIOTT with Mr. BINGHAM.
Mr. BYNUM with Mr. STEELE.
Mr. GREENMAN with Mr. SHERMAN.
Mr. RUSK with Mr. O'DONNELL.
Mr. DAVIDSON, of Alabama, with Mr. PATTON.
Mr. SNYDER with Mr. YOST.
Mr. FORD with Mr. GUENTHER.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. CLARDY with Mr. WADE.
Mr. PERRY with Mr. SPOONER.
Mr. O'FERRALL with Mr. MASON.
Mr. BIGGS with Mr. MORROW.
Mr. BELMONT with Mr. DAVENPORT.
Mr. GRANGER with Mr. ROCKWELL.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. DARLINGTON with Mr. MOORE.
Mr. PIDCOCK with Mr. PHELPS.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. LYNCH with Mr. YARDLEY.
Mr. BACON with Mr. CASWELL.
Mr. MCADOO with Mr. BRUMM.
Mr. MAHONEY with Mr. BROWN, of Ohio.
Mr. MCSHANE with Mr. LAIRD.
Mr. BURNETT with Mr. JOHNSTON, of Indiana.
Mr. SHIVELY with Mr. OWEN.
Mr. LATHAM with Mr. GEST.
Mr. GLASS with Mr. KETCHAM.
Mr. WASHINGTON with Mr. WEBER.
Mr. MILLS with Mr. JOSEPH D. TAYLOR.
Mr. NEWTON with Mr. FELTON.
Mr. SIMMONS with Mr. BUNNELL.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. DIBBLE with Mr. BELDEN.
Mr. GLOVER with Mr. COOPER.
Mr. NORWOOD with Mr. PARKER.
Mr. RAYNER with Mr. DE LANO.
Mr. DUNN with Mr. DORSEY.
Mr. MERRIMAN with Mr. STEPHENSON.
Mr. WILKINSON with Mr. NICHOLS.
Mr. ERMENTROUT with Mr. GALLINGER.

The following-named members were announced as paired for this day:

Mr. CRAIN with Mr. KELLEY.
Mr. ENLOE with Mr. HENDERSON, of Iowa.
Mr. LAWLER with Mr. STRUBLE.
Mr. STAHLNECKER with Mr. SAWYER.

Mr. BAKER, of New York. I ask unanimous consent to consider this bill, a Senate bill.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. Will the Chair be kind enough to announce the result of the vote just taken again?

The SPEAKER *pro tempore*. On the motion to adjourn the yeas were 58 and the nays were 90, no quorum having voted.

Mr. SPRINGER. While it does not require a quorum on a motion to adjourn, yet when a call of the roll on a motion to adjourn discloses the fact that no quorum is present, it is the duty of the Chair to take cognizance of the fact; and there is then left nothing to be done except a motion for a call of the House.

Mr. PAYSON. That is not the rule, except where a vote has been taken by yeas and nays.

Mr. SPRINGER. As in the present case. The vote here has disclosed the fact that no quorum is present; it has also shown that a majority is against adjournment. Now, under the rule there is but one motion in order, to wit, a call of the House. I move a call of the House.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOOKER. The motion to adjourn, whether determined by a yea-and-nay vote or otherwise, does not require a quorum. Therefore the proposition of the gentleman from Illinois is not correct in a parliamentary point. I venture to assert that this is the first time the point has been made.

The SPEAKER *pro tempore*. The Chair will cause the rule to be read.

Mr. HOOKER. I desire to call the attention of the Chair to another fact, that there are a large number of pairs which have not been read, and probably many gentlemen are paired who have not voted. You can not disclose the absence of a quorum unless it be determined whether these gentlemen who are paired are or are not present.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk read as follows:

When the vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair, under the Constitution, to take notice of that fact, and the House thereby becomes constitutionally disabled to do further business except that business which the Constitution authorizes the House to do when a quorum is not present, namely, to adjourn or order a call of the House.

The SPEAKER *pro tempore*. It will be seen that there is no limitation on the rule if the call of the roll develops the want of a quorum. The motion of the gentleman from Illinois is in order; and the question is, Will the House order a call of the House?

The question was taken; and on a division there were—ayes 11, noes 63.

Mr. SPRINGER. I ask the yeas and nays on that.

Mr. HOOKER. Pending the demand, I move that we do now adjourn.

The question was taken; and on a division there were—ayes 93, noes 25.

Mr. SOWDEN. I demand the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to; and accordingly (at 3 o'clock and 15 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ADAMS: A bill (H. R. 11462) to authorize the appointment of Thomas P. Mulcahy to the rank of second lieutenant—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 11463) to reimburse Hiram A. Doty for property taken by Government officials in Roane County, West Virginia, in 1861—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 11464) granting an increase of pension to James Dunn—to the Committee on Pensions.

By Mr. J. R. WHITING: A bill (H. R. 11465) granting a pension to Russel L. Doane—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 11466) granting a pension to Mary A. Selbach—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Joint resolution (H. Res. 224) providing for the payment of the claim of John H. Hamlin—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Mrs. J. A. Sorrell, widow of E. F. Sorrell, of Alcorn County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. ATKINSON: Petition of citizens of Pennsylvania, for the passage of House bill 10320—to the Committee on Agriculture.

By Mr. COBB: Petition of members of the Farmers' Alliance of Elmore County, Alabama, in favor of pure food and pure lard—to the Committee on Agriculture.

By Mr. FRENCH: Petition of Richard Davis and 17 others, of Middletown, Conn., in favor of pure lard—to the Committee on Agriculture.

By Mr. HALL: Petition of J. D. Heath and 36 others, citizens of Townville, Pa., in favor of House bill No. 10320—to the Committee on Agriculture.

By Mr. HIRES: Petition of citizens of Vineland, N. J., in favor of pure food—to the Committee on Agriculture.

By Mr. LAWLER: Petition of clerks in the Chicago post-office, for the passage of House bill No. 5664—to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Petition of the trustees of the Presbyterian congregation of Lovettsville, Va., for relief—to the Committee on War Claims.

By Mr. MCCOMAS: Petition of William Jennings and of Eli Wade, heir of Henry Wade and administrator of John H. Wade, of Washington County, Maryland, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Memorial relating to trusts—to the Committee on Ways and Means.

By Mr. SHIVELY: Petition of Local Assembly No. 1028, Knights of Labor, of Elkhart, Ind., to have the report of the Pacific Railway Commission printed—to the Committee on Printing.

By Mr. WILLIAMS: Petition of Mrs. L. K. Miller and 300 citizens of Indiana, for legislation to prohibit the shipment of intoxicating liquors to heathen nations—to the Select Committee on the Alcoholic Liquor Traffic.

SENATE.

FRIDAY, *September* 21, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

AFFAIRS IN UTAH.

Mr. EDMUNDS. I present the memorial of Mrs. Angie F. Newman on behalf of loyalists of Utah Territory, whom she represents, addressed to the Senate and House of Representatives, on the subject of polygamy in Utah and the government and effect of the hierarchy which she believes to exist there, controlling all the social and political forces of the Territory, and adverse to its admission as a State.

This memorial is principally not argument or oratory, but is a statement with extracts from the hierarchy's laws and regulations concerning marriage, and so on, which are verified, and the document is therefore of much value for public information.

I move that it be printed and referred to the Committee on Territories, as it bears on the political aspirations of that hierarchy to be admitted as a State, and I believe for the first time in my career here I feel justified in asking also that it be printed in the RECORD.

The PRESIDENT *pro tempore*. The memorial will be printed as a document and printed in the RECORD, if there be no objection, and referred to the Committee on Territories.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the Fiftieth Congress:

GENTLEMEN: As the legal representative of the loyal element of Utah Territory, I have the honor herewith to submit for your consideration the following transcript of official documents and speeches of the leaders of the Mormon Church, as reported by Mormon authorities. These are but types of facts endlessly cumulative, touching the following points in the speech made in the House of Representatives August 25, 1888, by Hon. JOHN T. CAINE, of Utah:

"First. There is no longer a possibility of objecting to Mormons on account of polygamy. That is a dead issue. It has ceased to exist. Less than 1 per cent. of the population of Utah to-day have been polygamous.

"Second. I declare that it is utterly false that the Mormons attach a meaning to the words bigamy and polygamy different from their common acceptation, etc.

"Third. There is not an almshouse or the necessity for one in any settlement where my people alone are found.

"Fourth. I denounce as an infamous slander that it (the constitutional convention) was an attempt to gain admission to the Union under false colors, and upon false pretenses.

"Fifth. Several times the people of Utah have presented in form their application for admission to the Union.

"Sixth. The Legislative Assembly has enacted a marriage law, etc.

"Seventh. The men who insist, for a purpose, that the Mormon people are in favor of a union of church and state know better.

"Eighth. Why should this people be suspected of such crimes as perjury?

"Ninth. 'The non-sectarian school-system, the opening of the mines,' the 'amnesty' proposition, the general 'morality' (?) and 'sobriety' (?) of my people."

In reply to No. 1. The indisputable statistics given by Hon. F. T. DUBOIS, of Idaho, that more than one-half per cent. have been convicted of these crimes, that the number of indictments out is larger than the number of convictions, that not one-twentieth of those who are in polygamy have been convicted, I would emphasize by the following personal observations: On the second Sunday in March, 1888, I visited the penitentiary in Salt Lake City and addressed a great host of polygamous brethren. These men are mostly incarcerated for a term of six months, and therefore many such groups have come and gone since the famous Rudger Clausen case of which JOHN T. CAINE had the temerity to declare before the committee, "it was the last of which he had knowledge."

I found in one cell, 10 by 13½, without floor, six women, three of whom had babes under six months of age, who were incarcerated for "contempt of court" in refusing to acknowledge the paternity of their children. When I plead with them to answer the court and be released they said, "If we do, there are many wives and children to suffer the loss of a father." One of these, a sweet-faced girl, the alleged wife of Bishop ——, had in her arms a babe three months old. A few weeks later this babe was very ill with measles. The Salt Lake Tribune of April 4, 1888, has the following touching the case:

"The woman wrote to her plural husband asking advice as to what she ought to do, whether testify or not. He replied as 'her bishop,' declining his permission. Marshal Dyer sent to the husband-bishop the following dispatch on Monday:

"'Your child in the penitentiary is dangerously sick. If you have one spark of humanity left in your soul you will provide a doctor and better care for it than we can give.

"'FRANK H. DYER, *United States Marshal.*'

"To this no reply was sent. The case, then, is summed up this way: A woman defies the law, and persists in that defiance; while lawfully held to answer for her contempt, her baby takes sick; she writes her husband for permission to testify, which he refuses; the father is notified of the illness of his child, and refuses even to reply to that notice."

Soon after the child died in the penitentiary.

In another cell was a girl sixteen years of age, the wife of her own father. Her two-months' old babe had a divided upper lip and no roof to its mouth; and yet polygamy is a lost art.

I have taken the testimony of one missionary in Utah who in the year 1887 visited in four hundred polygamous families in a town of five thousand inhabitants.

Judge C. C. Goodwin, editor of the Salt Lake Tribune, than whom no man has more accurate knowledge of existing facts, says in an editorial August 28, 1888:

"Again Mr. CAINE reports, and this time to the House of Representatives, that 'it has been proven in judicial proceedings that the Mormon church no longer gives permission for plural marriages.' No one knows better than Mr. CAINE that no such thing has been proven. He further knows that plural marriages are still being regularly celebrated; that the fact is known to hundreds and thousands of people, and that from the head of the church, the only power that is recognized by the Mormon masses, no sign has been made of any determination to relinquish or even to suspend the operations of that tenet of the Mormon faith which the teachers hold to be one of the sacraments ordained of God."

The local column of the Tribune August 26 has the following:

"According to a speech delivered by Delegate CAINE in the United States House of Representatives yesterday polygamy is a dead issue in Utah. This is rather a bold statement to make in the face of the fact that polygamous marriages are constantly taking place all over the Territory in settlements that are exclusively Mormon. And then doesn't Delegate CAINE know that within two years past the mayor of one of the principal cities in Utah took unto himself a plural wife?"

Another editorial runs thus:

How persistently he (CAINE) sticks to the fraud that the non-Mormons took the bits in their teeth and ran away with the polygamists when they framed that bogus constitution. A conclave of priests resolving that an article of faith which they have all subscribed to and all believe in is a misdemeanor which they will punish if the Government will but trust them with absolute power! Does Mr. CAINE believe that the American Congress is composed of idiots? Does he imagine that any one who ever read a Mormon book does not know that he would have cut off his right arm before he subscribed to that constitution, except that he had first received instructions to do so from his polygamous chiefs? With servant girls daily leaving the houses in which they have been employed, frankly acknowledging they are going to Logan to enter into polygamy, Mr. CAINE assures a Washington newspaper man that it has been proved here that no more permits for such marriages are being given.

At the conference April 10, 1888, Rudger Clausen (of —— supreme court notoriety) gives emphasis to the "dead issue" thus:

"It fell to my lot to go to prison in the year 1884, and for three years and one month I was confined within prison walls for daring to believe in the truth of heaven and having obeyed the principles of celestial marriage, which is from God. And during these three years and one month I saw some three hundred of my brethren come in that prison for listening and obeying what they felt would give them the highest exaltation. And some two hundred and twenty served out their terms of imprisonment, while I was there, and were set at liberty again. I feel first rate myself. I feel that the laws which God has given us are true. I have greater faith in the work of God to-day than I had three years ago, and my faith will increase.

"It is marvelous how patiently those men who were imprisoned for conscience' sake stood the imprisonment they did with willingness, rather than renounce the wives and children which God had blessed them with. And though by a simple answer to the proposition 'to live within the laws' some could have been released, they feel they would rather remain even unto death. They would rather die than renounce that which the Lord has given them. One brother, especially, received a letter, which, if he should but sign and say he would live within the law, he was offered his liberty, and though he was sentenced to three and one-half years he put the letter in his pocket, and I presume it is there yet. I feel like honoring the law of God. We will not make promises we can not keep."

The Mormon report of the conference of October 13, 1887, speaks thus of the opening session:

"There were many conspicuous vacancies, and the seats once filled by reverenced men that were now empty gave rise to many curious thoughts in the minds of those present. President Taylor dead and at rest; Apostles George Q. Cannon and Joseph F. Smith, who occupied seats beside him, are exiled; President Wilford Woodruff also kept away because of cruel and unjust laws; Apostles Erastus Snow, Moses Thatcher, F. M. Liman, Brigham Young, and George Teasdale, for the same reasons could not be present."

(This is surrender of the system, surely.)

In the report of the speech of President Angus Cannon occurs the following:

"Mothers are driven in hiding from the ungodly (marshals) bearing children in the everlasting covenant, fathers are banished from homes, others are in prison, and some pursue a course that makes them tools to the ungodly, circulating false reports (serving as witnesses) that drag their fellow brothers and sisters into trouble. I have often thought what would be the fate of those who take part in testifying against their brethren and sisters. Children die whose mothers are driven into hiding; * * * many of our wives and children can not be acknowledged before the law. Jesus kept the station assigned him. He made no compromise to give up any principle which he held. The imprisonment and exile of men, because of the hatred and inhumanity of their fellows, and the suffering and want and death consequent upon this exiling of fathers, will raise up before the guilty an awful form and convict those who perpetrated them of crimes I would not that my worst enemy should be guilty."

With the leaders of the church in voluntary exile, or on the "underground," with men daily going to the penitentiary, not for violation of law (?) but (to use the language of the Mormon press) "for living with their wives," "for committing adultery with their wives," with horsemen stationed at the outposts of the settlement (as I am assured by the marshals, and of which I have been personal witness) to fly with the speed of the wind to notify polygamists of the approach of the marshals, that the polygamists may rush to their hiding places. Surely the "dry bones" of this "dead" thing of the valley make a good deal of rattling!

In reply to No. 2 I summon the Deseret News, official organ of the Mormon Church, May 20, 1886, as evidence:

"Polygamy in the ordinary and Asiatic sense of the term never was and is not now a tenet of the Latter-Day Saints. That which Joseph and Hiram Smith denounced, and for preaching which without authority, an elder was cut off the church in Nauvoo, was altogether different to the order of celestial marriage, including a plurality of wives. The errors which those ladies who signed the affidavits declared were not known to them as doctrines of the church, were not, are not, and never will be, part of the creed of the Church of Latter-Day Saints. (The affidavits alluded to are public denials that polygamy was a doctrine of the church. Affidavits signed by women styling themselves 'married females,' the wives of Joseph Smith.)

"Joseph and Hiram were consistent in their action against the false doctrine of polygamy, advocated by men who did not comprehend the purity of celestial marriage. It has frequently been asserted by the enemies of the church that President John Taylor, when in France, publicly denied that the church entertained the doctrine of plural marriage." (It has been established by unquestioned authority that at the time of this denial John Taylor was the husband of ten wives.) "Directly he denied nothing—indirectly he disputed the assertion that polygamy was a part of the creed of the church. The doctrine of celestial marriage, including the plurality of wives, was revealed to Joseph Smith, the prophet, from the same source as the other revelations, and they stand or fall together. That Joseph practiced what he taught, and was himself the husband of several wives in the holy order of celestial marriage has been thoroughly authenticated. The world may not receive the glorious doctrine of eternal matrimony by which husbands and wives are made one and forever, nor the principle of plural marriage, which is an essential part of that doctrine, but those who have come out of the darkness into the light will see the beauty and divinity of that comprehensive relation."

No. 3, "almshouses:" I have personally visited the large and well-appointed poor-house of Salt Lake County, filled with Mormon inmates and officials. For the past twelve years I have annually passed weeks or months in the Territory. I know not what may be the Mormon standard of "necessity." Measured by any known American standard the average house in the settlements is an almshouse *per se*. Polygamous families live largely in houses of one or at best two rooms, under conditions at which thought revolts.

Many applicants at the home established by Congressional appropriation represent a poverty without parallel. There are comfortable, even luxurious, homes among the Mormon people. There is corporate enterprise and individual wealth; but it is in priesthood circles, is based on church income and salaries, and is maintained at the expense of the rank and file. The tithing fund, the temple

fund, the immigration fund, the defense fund, the Congressional fund, collected by tax levied by priesthood from the people, exhaust the limited resources of the masses. Labor is largely paid in orders on the tithing yard, which is in itself a great market house, whose supplies are the tithing contributions.

No. 4, "admission:" On file in the Senate document-room is the petition of 1872 of 400 women of Utah Territory, "praying that the protection of the General Government may not be withdrawn from them by the admission of that Territory as a State." That the Territorial government from that hour to the present has extended additional protection to women is not susceptible of proof.

Hear the petitioners:

"*To the Senators and Representatives of the United States of America in Congress assembled:*

"We, your petitioners, appeal to you in the name of justice and humanity not to withdraw your protection from us. Our sole dependence is upon you.

"For more than twenty years Utah, although a Territory of the United States, and as such nominally under the jurisdiction of Congress, has been in reality governed altogether by the Mormon priesthood. No more bloody despotism has disgraced the earth in modern times.

"Brigham Young, in the self-appointed character of God's vice-regent, has held the lives, liberty, and property of the people in his hands. Disobedience to him has been accounted a crime not to be atoned for except by blood. Nothing that the people possessed could be called their own except by his will. Not only were they required to pay into the church treasury one-tenth of all their property, but they were liable at any time to be ordered to give up their homes to the prophet, and this order none dared disobey.

"Many of your petitioners have been robbed thus in years past. Women who, by the labor of their own hands, have earned the shelter of a roof for themselves and their little ones, have been deprived of that shelter by Brigham Young's command. The bread has been taken from the little children's mouths to swell the revenues of the church and enable its rulers to add house to house and field to field. But these robberies are a little thing compared with other enormities perpetrated by despotic rulers of this people in the name of their religion. During all the years that their will have been law in Utah no man's life, no woman's honor, has been safe, if either stood in their way. Never in this world will the history of their dark and bloody deeds be fully written, for the victim and witness of many a tragedy are hidden together in the grave.

"We know it has been urged that polygamy, the curse and blight of the homes of Utah, is hastening to its death, and that even if the people do not agree to relinquish it, it will shortly fall by an attack of natural and social forces consequent upon being brought in contact with the Christian civilization of the nineteenth century. But do the facts which are constantly transpiring support this assertion?

"But the continuance of polygamy is not the only ground upon which your petitioners deprecate the admission of Utah in the Union. There are other crimes and other tyrannies that will most assuredly be perpetuated and greatly intensified by the admission of Utah into the Union and the consequent accession of power to the Mormon priesthood. We have been told repeatedly through the columns of the Deseret News, the official organ of the Mormon Church, that in the event of Utah becoming a State if we do not choose to be ruled by the majority we can leave; the railroad is open.

"We adjure you, in the names of the mothers who bore you, of the wives you love, of the sisters whose honor is dear to you, not to turn a deaf ear to the cry of those who seek protection from a tyranny of a system that, throughout its whole existence, has sought only to crush and degrade womanhood. Thousands of women within the Territory of Utah are to-day in a condition of abject slavery. Many of them would proclaim their wrongs to the world if they dared. We appeal to you not to take any step that will cut off all hope of their deliverance.

"Will not the Representatives of this great nation listen to our appeal?"

Of these petitioners twenty-five had been members of the Mormon Church from five to fifteen years, fifty-two from fifteen to twenty-five years, and fifteen from twenty-five to thirty-five years. The writer has personal acquaintance with some of these petitioners, who have stated to her that when the fact of the petition was known in the church, they were given the alternative to proclaim that their signatures were fraudulently obtained or suffer the penalties the Church knew so well how to inflict. That any additional protection, legislative or otherwise, has been extended to women in this interim of years is not susceptible of proof. Since the death of the great dictator there is more oxygen in the air. This is all. That even the apparent guaranty of allegiance set forth in the constitution of the Territorial convention is a deception is proven by the following from the Deseret News, August 2, 1887, official organ of the Mormon Church.

"That polygamy has been declared 'incompatible with a republican form of government' must be known to every reader of the leading papers of the United States. It is for that reason that the admisson of Utah into the Union as a State has been opposed in Congress and in the papers. * * * But we wish it to be understood that neither the 'Deseret News nor the constitutional convention has affirmed that polygamy is incompatible with a republican or any other form of government.' It is stated in the Constitution that it is so 'considered,' and * * * the voting people of Utah, who are monogamists in practice, declare that it shall be deemed a misdemeanor and punished with certain penalties. * * * We have never admitted in all the controversy of years on this question that polygamy was 'incompatible with a republican form of government. The conceit was not ours.' * * *

Fifth. Mr. CAINE says: "The people in 1849 formulated a constitution and declared in their 'bill of rights' among other things"—but fails to quote the opening sentence of that constitution (bill of rights)—"'We, the people, do ordain and establish a free and independent government by the name of the State of Deseret.'"

Sixth. (Marriage law). The Utah Legislature since the organization of the Territory has been solidly Mormon—largely polygamous—until the Edmunds law, which declared the polygamist ineligible to office. During these years no marriage law against incest, adultery, or any sexual crime whatsoever (save rape) was ever put upon the statute-books. Is there no significance in the fact that in thirty-eight years of Mormon dominion no marriage law was enacted until after the constitutional convention?

Have any arrests been made under the Territorial law in the seven months since its passage?

Seventh. (Church and state.) "Know better?" Yes, they do. The ecclesiastical polity of the Mormon Church abrogates state and recognizes only church government. The accompanying extracts, from official statements of Brigham Young, John Taylor, and Wilford Woodruff, the three consecutive presidents of the Mormon Church; from the Congressional Delegate, George Q. Cannon; from C. H. Penrose, editor of the Deseret News, the official exponent of the Mormon Church; from Orson and Parley Pratt, the great theologians of the Mormon Church, are offered in evidence. These utterances can be multiplied *ad libitum*.

Quotations from John Taylor, late president of the Mormon Church, 1882:

"American citizens: We shall contend for our liberties, rights, and immunities, guarantied to us by the Constitution, and no matter what action may be taken by inimical legislation, we shall contend inch for inch for our freedom and rights. The internal fires of revolution are already smoldering in this nation, and they need but a spark to set them in a flame. Of all bodies in the world Congress can ill afford to recklessly trample upon human freedom and to rend and destroy that great palladium of human rights, the Constitution of the United States. We will stand by our covenants, and the Constitution will bear us out in it. Among other things that instrument says that 'Congress shall make no law impairing the validity of contracts.' You have contracted to be united with your wives in time and in eternity, and it would not do for us to break a constitutional law. Others may do it, but we can not.

Again:

"What are we offered by you in your proposed legislation? First, confiscation of property; our lands, houses, and vineyards legislated away by men who have no property—carpet-baggers, pettifoggers, adventurers, and robbers, for you offer by your bills a premium for fraud and robbery. The first robs us of our property and leaves us the privilege, though despoiled, of retaining our honor. We have been robbed before; this we could stand again. Now for the second, the great privilege which you offer by obedience. Loss of honor and self-respect, the renunciation of God and our religion, the prostitution of our wives and children to a level with your civilization, to be cursed with your debauchery, to be forced to countenance infanticide in our midst, and have your professional artists advertise their dens of murder among us, to swarm as you do with pimps and harlots and their paramours; to have gambling, drunkenness, whoredom, and all the pestiferous effects of debauchery; to be involved in debt, and crime forced upon us; to despise ourselves; to be despised by our wives, children, and friends, and to be despised and cursed of God in time and in eternity. This you offer us and your religion to boot. We have and prefer purity, honor, and a clear conscience. Our motto to-day is as it ever has been and I hope ever will be, 'The kingdom of God or nothing.'"

At the funeral obsequies of President Taylor, "Champion of Liberty," August 1, 1887, George Q. Cannon says:

"President Taylor has been killed by the cruelty of officials who have in this Territory misrepresented the Government of the United States. His blood stains the clothes of men who with insensate hate have offered rewards for his arrest and have hounded him to the grave. History will yet call their deeds by their right names, but One greater than the combined voices of all historians will yet pronounce their dreadful sentence. John Taylor had not broken any law."

It will be remembered that John Taylor went to the underground to avoid arrest for polygamy and there died. His exile was voluntary, and had he chosen to return and live with one wife he would have had no fear of arrest.

Extracts from sermon by Charles H. Penrose, editor Deseret News, official organ of the Mormon Church, delivered in the Tabernacle July 26, 1884, and published in the News:

"I have been pleased in listening to the remarks of Brother CAINE (Hon. J. T. CAINE), who has just returned from Washington. Glad to hear that his desire, in common with ours, is to build up the kingdom of God in the earth and to contend for the rights which belong to us as American citizens.

"The establishment of God's kingdom and government on the earth will be fulfilled. This Church of Jesus Christ of Latter-Day Saints, to which we belong, is established by the Almighty for the express purpose of the accomplishment of His great work. The time has come for the building up of the Latter-Day kingdom.

"Every law the United States may pass with the intent to disintegrate this work, to divide this people, to crush this power that exists in the midst of the Latter-Day Saints will only tend to consolidate them and to make their determination more persistent.

"In regard to that feature of our faith against which laws have been passed in Congress, framed to prevent our carrying out the commandments of God in regard to our family relations (a right we claim under the Constitution of the United States), we believe marriage to be an estate with which Congress has no right to interfere. We consider that we have a perfect right under the Constitution of our country to believe what seems right to us and then to carry it out. As has been said by Brother CAINE this evening, in passing certain enactments which infringe upon our religious liberties, the Congress of the United States is doing something that will come back upon the very individuals who have been trying to enact these laws.

"We believe that good men may obtain more wives than one. May have them sealed by the same command to be their wives in the eternal world. If Abraham were on the earth to-day, they would put him in the penitentiary. If Jacob were here with his four wives, they would put him in jail. Looking upon this as an establishment of our religion, we claim the right to the free exercise thereof before God and man.

"When, therefore, our constitutional privileges are trampled upon, we feel like resisting. We intend to contend for our rights inch by inch. In this we are as firm as the everlasting hills, that are not moved by the blasts of winter or the heat of summer. Every nation and people and institution and society that fights against Zion shall become like the dream of a night vision. It shall pass away. * * *

"This kingdom (of Latter-Day Saints) will break in pieces all other governments, and it will stand forever, for God Almighty has decreed it.

"WILFORD WOODRUFF,
"*Present head of the Church, July* 29, 1884."

Discourse by President George Q. Cannon, delivered in the Tabernacle, Salt Lake City, August 31, 1884:

"We have been taught to believe that the time will come when constitutional government will be overthrown upon this land and that it will be the province of the Latter-Day Saints to uphold those principles which God inspired the founders of this Government to embody in the Constitution, and it seems to be fast approaching. Every settlement in this valley has been founded under the direction of men who hold the holy priesthood of the Son of God. * * * God designs that this people, called Latter-Day Saints, shall be a kingdom of priests and beings. The struggle that is now going on is to destroy the influence of the priesthood. Our effort is to have the Latter-Day Saints throughout all these valleys be obedient to the priesthood."

"The kingdom of God is an order of government established by divine authority; it is the only legal government that can exist in any part of the universe; all other governments are illegal and unauthorized, and again, any people attempting to govern themselves by laws of their own making, or by officers of their own appointing, are in direct rebellion against the kingdom of God."—*Orson Pratt.*

"Our ecclesiastical government is the government of Heaven, and incorporates all governments on earth; it is the fountain, the mainspring, the source of all light and power and government that ever did or can exist; it circumscribes the governments of this world."—*Brigham Young.*

"A system shall be developed by which there shall be one spirit, one doctrine, one order of priesthood, worship, power, government to lead, direct, control, and say what religion they shall adopt, including every department of government sufficient for all the affairs of state, both internal and external, and that would contribute to their enlightenment, environment, defense, exaltation, and their relations with all the world. * * * Hence the gathering of the saints, the organization of the Kingdom of God, religiously and politically. * * * We need not look to any other place where we may find this kingdom than among the saints right here, where they compose the majority, where there is no other larger government, where they are hemmed in with mountains and can establish peace and a kingdom and a government and a law. 'Well,' says one, 'you are a republican government, how does that chime in

with the word kingdom?' It matters not as to the outward name, whether it takes the name of republic or kingdom, or this, that, or the other. It is not the name that does the business."—*Parley Pratt.*

The most casual reader will not fail to see in the following the Presidential summons to organized resistance to national law:

[Secret circular issued to the Mormon Church by the first presidency, May 5, 1885. John Taylor. George Q. Cannon.]

DEFENSE FUND.

"Attempts are now being made to destroy our rights under the Constitution. An attack has been made upon our religion. At the beginning of these attacks upon us we formed a defense fund, it being the intention to use it for the defense of all who might be assailed on religious grounds. Counsel has been given to the church in Idaho and Arizona to form in each of these Territories a similar defense fund, as it is equally necessary the Saints in Idaho and Arizona should make common cause in defending themselves whenever they may be attacked, in violation of the Constitution. Of course the funds will be handled by the committees.

"It is of the utmost importance to us as a people that these cases should be contested before the courts. We do not think it advisable that brethren go into court and plead guilty. Every case should be defended with all the zeal and energy possible. Let us contend for our rights inch by inch and not yield a particle to the demands of those who are assailing us."

[Conference Epistle, October 6, 1885. John Taylor, George Q. Cannon.]

"Forty years ago the Lord revealed to His Church the principle of celestial marriage. The idea of marrying more wives than one was naturally abhorrent. But the command of God was upon them; in consequence no soul dared disobey. Damnation was the awful penalty affixed to a refusal to obey these laws. It never entered into their minds to suppose Congress would enact a law which would present the alternative of being consigned to the penitentiary if they obeyed a law of God which would deliver them from damnation."

[Extract Woman's Exponent. JOHN T. CAINE'S letter to President Cleveland.]

"By courtesy of Hon. JOHN T. CAINE we are favored with a copy of the following letter, which he presented to President Cleveland on the date mentioned:

"'WASHINGTON, D. C., *December* 10, 1885.

"'SIR: I have the honor to transmit herewith the result of the inquiry made by the council of Salt Lake City (Mormon) touching the unfounded representations made to you by the governor of the Territory of Utah and other Federal officials. * * * Controlling, as these officials do, an intemperate and violently partisan newspaper, and through it the Associated Press dispatches sent from Salt Lake City, they have been able to give wide circulation to their deliberately manufactured falsehoods. * * * I respectfully submit, Mr. President, that the men who have so grossly deceived you in this matter (sending troops to Utah) are unworthy of your confidence and unfit to represent the Federal Government.'"

[Conference Epistle, April 9, 1886. John Taylor, George Q. Cannon.]

"We are inconsiderately asked to rend our family relations and throw away our ideas of human freedom, political equality, and the rights of man, and 'to become like them.' Be like them, for what? Like them in sapping the foundations of human liberty; like them in violating our constitutional oaths; like them in covenanting with wives and children till death parts them, and no more but a dead blank? What does it mean to be like them? It means that *E pluribus unum* is a fiction; it means that we tamper with and violate that grand palladium of human liberty, the Constitution of the United States, and substitute expediency, anarchy, fanaticism, intolerance, and religious bigotry for those glorious fundamental principles of liberty, equality, brotherhood, human freedom, and the rights of man. It means judicial corruption, perverted justice, missionary judges, class rulings, and minority representation. It means judicial tyranny and oppression; the introduction of spies and spotters; of packed juries and intolerance; of prisons, chains, and terrorism; and introduces cruelty, oppression, and despotism in the place of liberty, equality, and brotherhood. We can not do it.

"We do not ask freedom as a favor—we demand it as a right. The Edmunds law was begotten by prejudice, conceived in ignorance, and brought forth in hate."

In the Territorial Legislature of 1886, pending the discussion of "the open venire" jury system to which the writer listened, one member said:

"We want juries who will not be brow-beaten or commanded by the judge to bring a verdict not in accordance with evidence."

Another:

"The spirit of inspiration in the Constitution of the United States proclaims we are equals, and yet we are not tried by our peers. Christ suffered by His enemies. Socrates drank the hemlock administered by his enemies. The just have suffered at the hands of the unjust for all ages. We are bound to-day by the chains of oppression. We must put a stop to the grinding of this mill of injustice. This is the spirit of the inquisition of France. If we allow this thing to go on, we will be bound so tight we can not even struggle. It is not to be expected that Congress shall select our jurors for this Territory. As long as God lets me live I will never sustain such legislation. Know this, any man in this Government is free to choose his own faith. I have chosen mine, and I will stand by it if I am guillotined. If I have not liberty I might as well be dead."

Another:

"The Edmunds law is an unjust law, and it will be so until it is buried. That we have lived under it is proof of our loyalty. We are not here in this Territory under the laws of the United States, but under Territorial law. I know full well the inherent cussedness of the Edmunds bill. I dare not assist in putting this yoke of bondage upon the necks of our people."

[Epistle of first presidency, October 6, 1886.]

"The brethren who are now lingering in prison for declining to repudiate their wives. It is well known that every one of them would have escaped the penalties of the law if they would but promise to obey the law in the future as construed by the courts. It would have been easy to make the promise and avoid imprisonment. They would not make a promise which they did not intend to keep.

"Filled with anger at their non-success at the last session our opponents are preparing for the onslaught at the coming session of Congress, and we are threatened with vengeance of the most dreadful description. * * * But those who fight against us will share the fate of all who have ever fought against us. * * * We have seen generation after generation of our opposers pass one after another into cold oblivion. They have strutted their brief hour upon the stage. But they have passed away, and the memory of their deeds only lives in our historical archives. * * * And woe to the people or the nation that fights against Zion! for, as we have often had occasion to say, God will fight against them, His wrath will be poured out upon them.

"JOHN TAYLOR,
"GEORGE Q. CANNON."

January 15, 1887, the Woman's Exponent, in an article on the "Situation of Utah," contains the following reference to the death of Senator Logan:

"When Senator Logan was here with the Grand Army of the Republic he said in his speech, if we do not like the treatment we are getting we might emigrate. Kind, very kind! But he has gone first. I should not be surprised if more of the wolves were stopped in their mad career. Has the whole nation got hydrophobia?"

At the conference of April 6, 1888, Bishop Whitney read the following from Wilford Woodruff (president of the church, now in exile because of his plural relations):

"Epistle to the officers and members of the Church of Jesus Christ of Latter-Day Saints in general conference assembled:

"The present is an extraordinary time which appears to require more help and strength from the Lord than usual. There need be no fears indulged in concerning the effect of the Edmunds-Tucker law if the Latter-Day Saints will only be true to the covenants they have made with their God and strictly carry out the principles which he has told us must govern us in the building up of His Zion. If, however, we forget our covenants, and depart from and disregard the teachings which he has given us, then be assured, Latter-Day Saints, our position is full of peril to us."

The Deseret News, of September 4, 1886, publishes the following:

"Open letter to the Federal judges of Utah, the prosecuting attorney, and all others who are engaged in the present crusade against the 'Mormon' people:

"It is nearly two years since persecutions were actively commenced under the Edmunds law in this and the adjoining Territories, during which time the presidency of the church, several of the twelve apostles, presidents of States, and many of less prominence have been indicted. A large proportion of these have already been tried and convicted, some having served out their terms of imprisonment and are again at liberty. But what change has been wrought in the faith of the Latter-Day Saints in regard to the principle of plural marriage, persecuted as they have been of late ostensibly on this account, but really for political reasons? We answer, none whatever, except to increase their faith therein. I speak advisedly; for in my associations with the people in various parts of this Territory, as well as in the Territories adjacent. It may be that in the near future the Latter-Day Saints may not only be tolerated but protected in their religious rights by legislative enactments. And when we are left free to govern ourselves, to make and execute our own local laws—a right guaranteed by the Constitution of our country—we will place such safeguards around the people that they shall not be subject to the encroachments that are being made upon our liberties to-day."

On the 6th of March, 1886, I had the honor to attend the mass-meeting in Salt Lake City, when two thousand women gathered from all parts of the Territory to memorialize Congress against the execution of national law touching the "divine order" of marriage. For four mortal hours I listened to utterances, the character of which may be inferred from the following protest from my pen. An extract from the Tribune's editorial comment thereon follows:

"PROTEST OF A LOYAL WOMAN—THE OUTRAGEOUS SPEECHES AT THE THEATER.

"*Editor Tribune:*

"Mrs Hannah T. King, in her speech to-day in the theater, says: '*I can not* refrain from asking, Am I in America?'

"Myself a New Englander by birth and education, reared in the atmosphere of loyalty, my own heart puts forth to-day the question, 'Am I in America?'

"I have traveled all over this fair land; I have sat in the councils of the women of the nation; I have participated in the discussions of the various organizations of women, both State and national; in benevolent, reformatory, in political action; and I have to-day heard for the first time treasonable utterances from the lips of my own sex; for the first time a defiance of the laws which shelter womanhood. And I desire to state in your columns, as a representative of the loyal women of the States, that there is not a spot on this continent, outside of Utah, where the seditious sentiments expressed in the theater to-day could have a hearing or receive a single personal indorsement from any woman of any race, color, or previous condition of servitude. Any woman in the States who should so insult the representatives of this great Republic would invite a fate more speedy and none the less terrible than that of J. Wilkes Booth.

As a Christian wife and mother, I, in behalf of the Christian homes of this Republic, repudiate the oft-repeated charge of the speakers in the theater that the lasciviousness of the age is due to monogamous or Christian marriage.

The "30,000" demi-monde of New York mentioned to-day are such in defiance of the laws of Christian homes over whose threshold they can not pass.

And be it known to the women of this Territory that nowhere in the States did woman ever sink to such depths of dishonor as to stand before a public audience and vindicate their illicit alliances, much less declare they were entered into and perpetuated by direct command of God.

Again, there is not to be gathered out of the vilest slums of our cities, from the most abandoned classes, an audience who would listen to such monstrous blasphemy. I speak whereof I know, and my woman's soul hurls back the insinuation of dishonor in Christian domestic life.

I agree with Dr. Eliss Shipp. "It is no longer a virtue to be silent," and there are women in this nation whose "indignant protest" may now be felt in Congress with a potency and in a line unfelt before. It may yet appear that the women of this Territory are "building the gallows to hang themselves." Building it with their own hands (since they declare themselves free from priestly authority), building it faster than they know.

The blessed Stars and Stripes which hung in mocking irony above the heads of disloyal women, to-day are crimson with the blood of sons of loyal mothers. The stars have been set in that field of blue through tears and toil and prayer to the God of battles, to the Christian's God (not Mormon god), to the God of Christian homes.

Homes are the rock on which this Republic is built. Homes where one woman reigns as queen sitting upon a throne whose honor knows neither compromise nor division. And I, in whose veins flow the blood of the Pilgrim Fathers, "protest" against the unfurling of that flag above any people, over any home, where priestly edicts and the law of lust dominate.

Treason is not to find shelter under the flag, and whatever of sympathy or protection the women of Utah expect from this Government is disclaimed in their present hostile attitude. They cut the cords which bind them to the world's heart when they thus blaspheme the nation's God, repudiate the nation's sovereignty and the Christian home.

Liberty protected by law is the only liberty under the flag.

Yours,

ANGIE F. NEWMAN.

DAILY TRIBUNE, *Salt Lake, March* 9.

A TRUE WOMAN'S PROTEST.

[Daily Tribune editorial, Salt Lake, March 10.]

That was a stinging card from Mrs. Angie F. Newman published in yesterday's Tribune. It ought to be printed side by side with the proceedings in the theater on Saturday, and Mormon women ought to read both just to see how they stand in the estimation of civilization. Mormon men and women should read the terse closing sentence of her communication, try to grasp its meaning, and then, if possible, to estimate how far out upon the sea of uncertainty they have already drifted. "Liberty protected by law is the only liberty under the

flag." That liberty which, regardless of government, makes every man the judge of what laws he shall obey, is merely license, and does not belong to civilization.

Has such a spectacle ever been witnessed since the foundation of this Government as that of polygamous women memorializing Congress against the execution of national law? It may be expedient to ask, has "veneration for American institutians" ever led any other class of law-breakers in America to memorialize Congress touching the execution of law against themselves?

The memorial thus presented made reckless charges against the Federal officers. It was my privilege to place in the hands of President Cleveland, for the use of the President and the National Congress, a copy of an affidavit which was filed by the clerk of the court, in which the deputies each declare those statements are without foundation in truth; also a personal letter from Marshal Ireland, in which he states that he has personally visited and spent weeks in the localities where the testimony submitted in the "memorial" was taken. He finds the charge of "outrages" is entirely unwarranted, and the editors who published the statements in the Southern Utonian have been arrested for criminal libel and held to answer in the district court of the third judicial district. Later—plead guilty in the courts.

Resistance to law, "as construed by the courts," is openly taught. Thus they refuse to recognize the courts as the judicial arm of the law, or the Federal judges as interpreters of the law. The "Edmunds law they designate as the Edmunds-Tucker infamy." The "highest veneration" of Mr. CAINE for the institutions of his country is vouched for in the Penrose sermon. That of his adherents is vouched for in the Penrose sermon. That of his adherents is emphasized in the "Exponent" articles from Elder Bowring and the "City of Refuge."

THE WOMAN'S EXPONENT—WOMEN CAN DO MUCH IN THE PRESENT EMERGENCY.

[By a wife in exile.]

CITY OF REFUGE.

In answer to the question, "What can women do in the present emergency?" I pen the following ideas to prove the unity of thought that exists among the Latter-Day Saints on the present situation of affairs, afflicting us as a people, particularly that class who have entered into celestial marriage.

Women of Israel, a crisis has come in our lives. With a knowledge that God had revealed the law of celestial marriage, * * * many of us took upon ourselves the sacred obligations of plural wives with the full understanding that we could henceforth bear the proud distinction of honorable wives, not concubines, not bond-women, not women of any inferior position in the marriage covenant, for the same ceremony that binds the first wife binds also the plural, and each is under exactly the same obligations. The children of each in the sight of God and angels, who bear witness of the marriage tie, are honorable.

Chief-Justice Zane may openly and maliciously insult the thousands of noble and pure women and innocent children in this community whose stations I have thus defined, but that does not alter facts. * * * Patient waiting brings its own reward, but in the mean time we will not sit idly down and allow might to triumph over right without an earnest protest and a brave struggle.

We will fearlessly assert our rights as defenders of that glorious document which guaranties to all the right of conscience and the free exercise thereof, with "life, liberty, and the pursuit of happiness," and we will maintain our true positions by virtue of conscience and birth.

The nation may cry "Unclean! "Unclean!" but until its statistics show a better state of morality under monogamic sway we will answer back, "First cast the beam out of thine own eye." "Let those who are without guilt cast the first stone." While the agonized wail from thousands and thousands of God's fair daughters, degraded and debauched by man's consuming lust, reaches up to heaven from the soil of America, is not the nation's boasted gallantry, ay humanity, to women a burning sarcasm, a stink in the nostrils of Jehovah? Congress may pass laws to imprison the virtuous brotherhood of the Latter-Day Saints. * * * It may compel us, under penalty of fine and imprisonment, to give evidence that would make us worse than widows, and our children worse than orphans. But shall we fear man who can at most only destroy the frail body in which are sown the seeds of death, and which must, sooner or later, molder in the dust?

The time has come when our husbands must entirely, both in theory and practice, take from our heads the glorious crown of wifehood, put us away, disown us, or be humiliated to a prison cell, wear the prison garb (recently enforced, it would seem, in the Utah penitentiary for the especial humiliation of the Edmunds law victims), and be placed on equal footing with men guilty of the deepest-dyed crimes.

Now, the question with us is, Shall we agree to these measures; shall we assist in any way or even urge our husbands in working out their eternal condemnation by breaking the covenants mutually made in sacred places, buying their liberty at the price of honor, and thus robbing ourselves of the cherished distinction of wives? Or shall we say to them, Stand firm for conscience' sake; yield not to the unlawful, unreasonable requiremeuts of bigoted, tyrannical lawmakers who seek to bind man's heaven-born right of conscience in all matters between himself and his Creator? Accept rather a prison or exile, as some of us women have proven that we can do willingly rather than betray you. * * *

(This writer evidently understands the law of the land. Her exile is voluntary. Her defiance is willful. The sentiment is in full harmony with the constant utterances of "the organ of the Lord" which publishes it.)

January 15, 1887.—The Woman's Exponent publishes the following articles (abbreviated) from an elder in Israel. (Surely we are a loyal people.)

SHALL WE BE LIKE THEM?

[By Elder H. E. Bowring.]

"Why can't they be like the rest of us?" This remark was made by Grover Cleveland, President of the United States of America, in reference to the church of Jesus Christ of Latter-Day Saints in Utah, and was no doubt elicited by the thought that if that people could be induced to give up their faith in the revelations of the Almighty (which the President and the majority of mankind do not recognize), it would save the Government and himself much trouble and expense, and the people vexatious prosecutions, imprisonment, and much suffering. There is no doubt that the President was honest in the thought that it would be for the benefit of those alluded to; but let us consider the question, and see what we would be like.

Would it benefit us to be like their corrupt politicians, pettifogging lawyers, and time-serving priests? Shall we conform to the practices and vices that appear inseparable with the boasted civilization of the present age, and be like "the rest of them" in their licentiousness, debauchery, and drunkenness, their swindlings, robberies, and defalcations? Shall we adopt their dreadful practices of infanticide, fœticide, and abortion; their assignations, seductions, and adulteries, their murders, suicides, and pollutions? Shall we imitate them in what is admitted by themselves to be a social evil, and have our beautiful cities infested with thousands of prostitutes, bringing disease, death, and perdition to our once happy homes, corrupting our chaste, virtuous, and lovely sons and daughters, and instead of a comparative heaven, bring a very pandemonium of evils into our midst? Shall we repudiate our wives whom we have covenanted to love and cherish, not only for time, but for eternity? Shall we turn them out and trust them to the tender mercies of a cold-hearted and cruel world, and have them branded with the name of harlot, and consign them to a life of sham? Shall we allow our much loved and cherished sons and daughters to be branded with the name of bastard? Shall we disobey the commands of God, and ally ourselves with the world, the flesh, and the devil? Our answer is no, no, no! A thousand times no!

Now, in the celestial order of marriage, to which, evidently, the President was alluding, who is injured? Who complains? Who murmurs? Have the parties who of their own free will and choice have entered into the covenant of eternal companionship asked for protection from the courts of the Federal Government? * * * Who, then, shall we imitate? Shall we not strive to be like the ancient worthies, who, through faith, subdued kingdoms, wrought righteousness, obtained promises, stopped the mouths of lions, quenched the violence of fire, escaped the edge of the sword, waxed valiant in fight, and put to flight the armies of the aliens? Like them, and like those noble saints of latter days, when persecuted, imprisoned, or tormented, we will not accept deliverance at the expense of our honor and integrity to our covenants, knowing that we will obtain a better resurrection and an exaltation in the kingdom of our God. We will rather follow in the footsteps of Abraham, Isaac, and Jacob; of Moses, Elkanah, and Hannah; of ancient apostles and prophets; also those of our own day. We will imitate the example of those noble women of Utah, who recently met in convention at the Salt Lake City Theater, where thousands of our wives and mothers, sisters and daughters, young and old, protested against the prosecutions and persecutions of their husbands and fathers for their faith in and obedience to the commandments of the Almighty. Their resolutions and protestations were echoed and indorsed by their sisters in every city, town, and hamlet of the Latter-Day Saints. In the words of our immortal poetess: "Our hearts are fixed; we know in whom we trust." We will follow their noble examples; our faith is as firm as the everlasting hills, as unchangeable as the immutable laws of Jehovah.

Eighth. "Why should this people be suspected of perjury?" In evidence the Deseret News editorially declared: "The Mormons use no other Bible than the regular orthodox book commonly known as the King James translation of the Holy Scriptures." I have in my possession the Joseph Smith revision of the King James version of the Holy Scriptures. The preface states, "This work is given to the Mormon Church of Jesus Christ of Latter-Day Saints and to the public in pursuance of the direct command of God;" and charges "the great and abominable church (the Christian church) have taken away plain and precious things from the book."

By most adroit interpolations the special tenets of the Mormon Church are "restored" by Joseph Smith.

This blasphemous translation is the Holy Scriptures in use by the Mormon Church (the Book of Mormon is another publication entirely).

When the Federal courts demanded in evidence the church records of marriage, the leaders of the church took oaths that no such records were kept. The following excerpt I have myself copied from the Celestial Marriage Laws of the Mormon Church.

"When the day set apart for the ceremony has arrived, the bridegroom and his wife, and also the bride, together with their relatives and guests, assemble at the appointed place. The scribe then proceeds to take the names and ages and native towns, countries, counties, or stakes of the parties to be married, which he carefully enters on the record. The president who is prophet, seer, and revelator over the whole church throughout the world, calls upon the bridegroom and his wife to arise, which they do, fronting the president. The wife stands on the left hand of her husband. The bride stands at her left. The president puts the question: 'Are you willing to give this woman to your husband, to be his lawful and wedded wife for time and all eternity? If you are you will manifest it by putting her right hand in the right hand of your husband.' This done, the usual form of ceremony is performed between the husband and the bride. The scribe then enters on the general record the date and place of marriage, together with names of witnesses."

The ordinance incorporating the Church of Latter-Day Saints reads:

"SEC. 4. *And be it further ordained*, That said church shall keep in every organized branch or stake a registry of marriages; free for inspection of all members." * * *

Mr. CAINE exalts the "non-sectarian school system."

After the American standard there is no public school system in Utah. The inadequate legislative appropriation thereto is supplemented by tuition. The school buildings are principally ells to ward meeting-houses, or the church itself. The special qualification of a teacher is his or her status in the church. The average grade of scholarship does not approximate the American average of forty years ago. The average mentality is strangely marked by the law of heredity. I am told by those who have had large experience, it seems impossible to carry the pupils beyond the crudest elementary knowledge. The brain capacity seems to exhaust itself at given points. They have had an ancestry of illiterates for three or four generations, and mental limitations are the sequence. The following from the Salt Lake Tribune is but a link in the chain of evidence:

"The Federal court-room was crowded to its utmost capacity last evening by an intelligent audience of ladies and gentlemen, who came to hear the able argument and arraignment of Mormonism by J. D. Stoddard, who had accepted the challenge made by the first presidency of the Mormon Church at the Coalville conference in October, 1886, which was 'The wicked and absurd construction of the Edmunds law and improper and unprecedented administration, prompted by malice and approved by Satan, and intended to crush out a system of religion which can not be overcome by truth, reason, and the agencies of civilized humanity.'

"THE NON-SECTARIAN SCHOOLS.

"It was asserted by the speaker that in a competitive examination for a position in a public school in this Territory the only requirement was, not a knowledge of the branches of education, but a prejudiced mind that would i still into the minds of his pupils the same fanaticism and superstition in which the instructor believed. He read a certificate that was awarded him after passing an examination as to his religious status, and not as to his education, and based his success in obtaining the certificate on the fact that he had been baptized a few months before and was a member in good standing in the church."

That Mr. Stoddard was born and reared in the Mormon faith and knew whereof he spoke will appear from the following:

"My father entered into a contract with a man's wife and two daughters in England that if he would furnish the money to pay their fares to Utah the two daughters would marry him in polygamy on their arrival here. They deceived the husband and father in England and before he could overtake them they had sailed from Liverpool. My father married the two girls and they are living with him yet."

The Book of Mormon has been the standard reader. Within the last year the Gentiles have gained control of some of the ward schools in Salt Lake City, which has caused general alarm to the extent that although in the several theological academies of the church Mormon theology is a distinctive feature of the curriculum, yet at the last session of the conference, September 1, 1888, the church declared in favor of exclusive sectarian education and organized a church Territorial board of education, as per resolution:

"*Resolved*, That we sustain Angus M. Cannon, W. B. Dougall, John Nicholson, Elias Morris, James Watson, Francis Cope, and W. A. Rossiter as members of the board of education for this State, to act in harmony with the Territorial board of education appointed at the last general conference of the church."

The following brief quotations from the conference speeches will afford glimpses of the sentiment on the subject:

"Those who are not of us are becoming numerous and wealthy in our midst, and they are obtaining control of our schools. If we remain passive and allow those who are not of us to gain control of the education of our youth we shall have occasion to mourn." (Elder C. F. Wilcox.)

"Among religionists in the East a unanimous opinion exists to the effect that the only hope of reaching the Mormons is through their children. This is no secret. They propose to entrap our children. We must therefore establish schools where our youth can be taught by and made Latter-Day Saints." (Elder Talmadge.)

"Our academy will be open Monday next. This is a church school. If we have any regard for our children, we should see that they be educated in the glorious principles of the Gospel. We know how we are surrounded, and that the enemy uses every influence to check our work and draw away our children." (Elder Watson.)

"I hope to see the day when adequate facilities of this nature will be within the reach of the poor, and when the children of the people of God will not only be able to graduate as ripe scholars, but also as full-grown Latter-Day Saints. There is an imperative obligation upon us as a community to see that a generation of Saints are reared unto the Lord, but we can take care of the future." (Nicholson—News Editor.)

"The authorities of the church have taken steps to have institutions of learning established throughout Zion. This is a very important work." (F. T. Richards.)

"At this conference we have voted in favor of establishing educational institutions of a character adapted to the proper training of the children of the Latter-Day Saints, and it is doubtless a good thing that we have been placed in a position that has made this course necessary." (W. T. Richards.)

The "opening of the mines," which Mr. CAINE imputes to the Mormon people, was a Gentile enterprise attended with Mormon legislative restriction, official proscription, and anathema, even to the extent of excommunication from the church of men who had the audacity to advocate mining interests in current literature.

Mr. CAINE says further, "No amnesty has been granted to classes." "Classes" is the saving clause in that declaration. There is but one class subject to pardon, namely, the guilty.

It is a matter of public record that one of the first official acts of Governor West was—in conjunction with the Federal officers—to make a proposition to all the polygamists in the penitentiary to unite in a petition to the President for general amnesty for the whole body of offenders, on condition of agreement to obey the law in the future. Every man of them, including the great apostle Lorenzo Snow, refused release on such terms. Every man convicted under the Edmunds law has offered him, before sentence is pronounced, the alternative of a pledge to obey the laws in the future or be sent to the penitentiary. The penitentiary is the almost universal choice.

Bishop Sharp, one of the most able men in the church, had the honor to pledge fealty to the Government. In consequence he was set at liberty by the courts, but deposed from his bishopric by the church. Thus, loyalty to national law is held as disloyalty to the church, and cost the official head of a distinguished leader in the church. Mr. CAINE does not "consider it necessary to the safety of the nation and the perpetuity of American institutions that men over seventy years of age should be imprisoned for unlawful cohabitation." The safety of the nation is the standard of the American home. It is the home that law environs, not the betrayer. Age is no defense. What of the "safety" of the young girl, the usual victim of the seventies?

The "morality" (?) and "sobriety" (?) of the Mormon people are amply attested to by their own leaders. Brigham Young, in 1856, said in a Tabernacle sermon:

"I have many a time in this stand dared the world to produce as mean devils as we can; we can beat them at anything. We have the greatest and smoothest liars in the world, the cunningest and most adroit thieves, and any other shade of character you can mention. We can pick out elders in Israel right here who can beat the world at gambling, who can handle the cards, cut and shuffle them with the smoothest rogue on the face of God's foot-stool. I can produce elders here who can shave their smartest shavers and take their money from them. We can beat the world at any game."

How much this standard has been elevated in the interim of years may be seen in the following quotations from the speech of Angus Cannon, brother of George Q., at the conference, Salt Lake City, October 13, 1887, reported in Mormon papers:

"You will find seventies, you will find high priests and elders erecting houses, renting them to men bartering away fire water, that inflames men's blood, corrupts their minds, degrades their beings and makes them slaves, and other sins and a snare to other virtues. Not only do they rent houses for such purposes, but they build houses and rent them for the most infamous uses. They take the revenue coming from such a source and then pay tithes from it. When the records are exhibited revealing the degradations to which they consented to force God's daughters and the evils that strewed the paths they trod, how they can stand before that God. Not only this, but you will find men clothed upon with the priesthood disposing of these very intoxicants; and if you ask them why they follow such pursuits, they will answer: 'Because we must have bread.' Brethren holding the priesthood have deserted principle, brought trouble and affliction upon their fellow-men by vacating the lands they possessed, and letting them go into the hands of their enemies. Misery and suffering have resulted, blood been shed, and men made cripples through neglect to observe the principles of equity and justice. The saints were the sons and daughters of God."

It is in no wise a pleasant duty to have given even these glimpses of Mormon fealty. The Mormon Church has furnished brave men and heroic women—men and women of high character and high endeavor. Only such have been able to resist the gravitation abyssward, which is the law of the system. But the leaders who have gone chasmward unfortunately have their hands upon the lower end of the incline down which the masses are moving. Nor do they lessen the angle of descent. Therefore, in behalf of the loyal people of Utah who were not represented in the constitutional convention and who "seek protection" from the Federal Government, we ask, gentlemen, your careful consideration:

First. Of this official record of a people who, under the guise of love for the American flag, are seeking a statehood at your hands.

We ask, second, that on that emblem whose crimson bars have been made indelible only by the blood of heroes you will see that to its field of blue no star of dishonor is set.

Respectfully submitted.

MRS. ANGIE F. NEWMAN,
In behalf of the Loyalists of Utah Territory.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails, to report the same back, together with sundry papers and correspondence that have been sent to the committee by the Postmaster-General, with the request that the committee be discharged, and that the bill, with the accompanying papers, be referred to the Committee on Post-Offices and Post-Roads. Although this is a crimes bill, and would properly, if it were entirely by itself, go to the Committee on the Judiciary, we thought, inasmuch as the Post-Office Committee have usually taken charge of the post-office criminal legislation, it would be better for them to have it than for us to endeavor on one single bill to go into this branch of the matter.

The PRESIDENT *pro tempore*. If there be no objection, the Committee on the Judiciary will be discharged from the further consideration of the bill, and it will be referred, with the accompanying papers, to the Committee on Post-Offices and Post-Roads. The Chair hears none, and it is so ordered.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9371) granting a pension to Betsey Williams, widow of William R. Williams, private Company C, Eighth Regiment Michigan Volunteers;

A bill (H. R. 5740) granting a pension to Anson Ward;

A bill (H. R. 10274) granting a pension to Joseph W. Filler; and

A bill (H. R. 11332) granting a pension to Eliza S. Glass.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 10881) granting a pension to Nancy J. Cotner, reported it with an amendment, and submitted a report thereon.

WILLIAM R. DEAN.

Mr. DAVIS. I desire to call up the bill (S. 2862) for the relief of William M. Dean for action on the amendments of the House of Representatives.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendments of the House of Representatives to the bill referred to by the Senator from Minnesota, which will be stated.

The CHIEF CLERK. In line 3, strike out "William M. Dean" and insert "William R. Dean;" in line 5, before the word "dollars," strike out "seventy-two" and insert "fifty;" and amend the title so as to read: "An act granting a pension to William R. Dean;" so as to make the bill read:

An act granting a pension to William R. Dean.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William R. Dean, late a member of Company G, Fifteenth Regiment Massachusetts Volunteers, and pay him a pension of $50 per month, in lieu of the pension he is now receiving.

Mr. DAVIS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

BILLS INTRODUCED.

Mr. STEWART introduced a bill (S. 3576) regulating the presentation of bills and resolutions to the President; which was read twice by its title.

Mr. STEWART. I think the bill should be referred to the Committee on Privileges and Elections.

Mr. SHERMAN. It should go to the Committee on Rules, properly.

The PRESIDENT *pro tempore*. The Chair thinks the proper reference would be to the Committee on Rules.

Mr. STEWART. I have no objection, though I think, as it relates to the privileges of the two bodies, it should be referred to the Committee on Privileges and Elections.

Mr. HARRIS. Let the title be read again.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The bill was read, as follows:

Be it enacted, etc., That whenever a bill or resolution requiring the signature of the President shall have passed both Houses of Congress and been enrolled and signed by the Speaker of the House of Representatives and the President of the Senate, it shall be the duty of the Speaker of the House of Representatives, when the bill or resolution originated in that body, and of the President of the Senate, when the bill or resolution originated in the Senate, to cause such bill or resolution to be forthwith presented to the President of the United States in person, and a report of the fact to be made to the House in which the bill or resolution originated, and the date of such presentation.

Mr. SHERMAN. The Constitution provides that each House shall govern its own proceedings, and as a matter of course we can not interfere with the enrollment of bills in the other House and their presentation to the President. It is only within the power of the Senate so far as Senate bills are concerned. So far as House bills are concerned, we have no power by law to regulate their mode of managing and delivering their bills. Therefore this is a matter proper for the Committee on Rules, and no doubt they will provide, if there is any necessity for it, for the prompt sending of bills backward and forward between the two Houses or to the President of the United States. Each body must regulate that matter for itself.

Mr. STEWART. I differ with the Senator on that point. I think that Congress, after a bill has passed, has the right to have it presented to the President, and it is for the two Houses to see that the bill is presented. The Constitution provides that a bill shall be presented before it becomes a law, and it may be necessary to have a law passed for the purpose of securing such a presentation. The Senate rule provides that a bill shall be presented forthwith to the President. I shall offer

also a resolution when that order is reached, and then I should like to make a few remarks referring to the rules, which may meet the whole case.

The PRESIDENT *pro tempore*. As casting some light on this subject the Chair will have the clause of Rule XXV, referring to the subject, read.

The Chief Clerk read as follows:

RULE XXV.

* * * * * * *

A Committee on Enrolled Bills, to consist of three Senators, which shall have power to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

Mr. STEWART. I was about to remark on that rule, which I have here, and some other rules connected with the same subject, upon the presentation of a resolution which I have to offer, which, I think, is a legitimate way of reaching this subject. I think, however, there should be a law passed on the subject.

The PRESIDENT *pro tempore*. This debate can proceed only by unanimous consent, the bill having been read twice. Is there objection?

Mr. SHERMAN. Let it go over until to-morrow. Wherever there is any debate at all, that is itself an objection.

Mr. STEWART. Is there objection to the bill being referred to the committee?

Mr. SHERMAN. Oh, no.

Mr. STEWART. Let it go to the Committee on Rules.

Mr. HARRIS. Does the Senator from Nevada object to the bill being referred to the Committee on Rules?

Mr. STEWART. No; I desire it to go to any committee to which the Senate seems disposed to send it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Rules.

Mr. CHANDLER introduced a bill (S. 3577) to carry into effect the provisions relating to colonization of the twelfth section of the act of June 7, 1862, entitled "An act for the collection of direct taxes in the insurrectionary districts of the United States, and for other purposes;" which was read twice by its title.

Mr. CHANDLER. I move that the bill be referred to the Committee on Commerce.

Mr. SHERMAN. I think it should go to the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair thinks that, under the precedents, it would go to the Committee on Finance.

Mr. CHANDLER. It would naturally go to the Committee on Finance, according to the title, but for the fact that it has reference to a provision in the original direct-tax law appropriating a certain portion of the proceeds of the sales of land acquired under the direct-tax law to the aid of African colonization. The bill which I offer proposes that some portion of the money shall be applied to making a contract with a projected steam-ship company, which intends to put on a line of steamers between New York and Monrovia, Liberia. In that aspect of the case it seems to me that the Committee on Commerce would be the most appropriate committee to give the subject consideration.

The PRESIDENT *pro tempore*. The bill will be so referred if there be no objection.

Mr. CHANDLER. Does the chairman of the Committee on Finance prefer otherwise?

Mr. SHERMAN. No; that is satisfactory.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

Mr. COLQUITT introduced a bill (S. 3578) to perfect the military record of James T. Hughes; which was read twice by its title, and referred to the Committee on Military Affairs.

PRESENTATION OF BILLS TO THE PRESIDENT.

Mr. STEWART submitted the following resolution; which was read:

Whereas it is alleged in the public press and elsewhere that the presentation of bills to the President of the United States which have passed both Houses of Congress, been duly enrolled and signed by the Speaker of the House of Representatives and the President of the Senate, is frequently delayed for several days, and sometimes for weeks, by the Committee on Enrolled Bills of the House: Therefore,

Resolved, That the Senate, as a branch of the legislative department of the Government, do call the attention of the House of Representatives to said alleged delays on the part of its Committee on Enrolled Bills in presenting bills to the President of the United States which have been duly enrolled and signed by the Speaker of the House of Representatives and the President of the Senate, and respectfully ask the House to require its officers to present such bills to the President without unnecessary delay.

Mr. EDMUNDS. Let that go over.

Mr. HARRIS. Let that resolution go over and be printed.

Mr. STEWART. I ask unanimous consent to make an explanation.

Mr. EDMUNDS. If it is only a word, that is all right; but it was agreed yesterday that immediately after the routine business was through the Agricultural Department bill should come up, and we ought to have all the time there is before the hour of voting to discuss that.

Mr. TELLER. Let it go over, and make the explanation to-morrow.

Mr. EDMUNDS. The resolution will go over and come up to-morrow in regular course.

Mr. STEWART. After we get through with the agricultural bill, I shall ask leave to make an explanation of the resolution. I think it is a matter of very grave importance, and I think it will appear to be of very grave importance.

The PRESIDENT *pro tempore*. The resolution, under objection, lies over until to-morrow, and will be printed.

ADJOURNMENT TO MONDAY.

Mr. MANDERSON. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

DEPARTMENT OF AGRICULTURE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the department of agriculture, the pending question being on the amendment reported by the Committee on Agriculture and Forestry to strike out section 5.

Mr. CHANDLER. Mr. President, I called the attention of the Senate on yesterday to the fact that all the existing Cabinet ministers were at the head of political departments of the Government, and that the creation of a department of agriculture with a Cabinet minister at its head would be the introduction into the Cabinet for the first time of the head of a department in no sense political in its character. I meant to indicate by the word "political" a department necessary to the conduct of a modern civilized government. It is not often that I expect to be able to explain to the Senate, at the request of a Senator, my meaning by reading from the dictionary. I find that there is no mistake about the meaning of the word "political." According to Webster's Dictionary it means:

Furnished with fixed or regular system or administration of government.

Pertaining to public policy or politics; relating to state affairs; concerned in national measures especially, pertaining to a state in distinction from a city or municipality.

Derived from office or connection with government; public; as, political character.

Of course all are familiar with the use of the word in connection with political economy.

The distinction is perfectly clear and plain, and it will be a new departure in our conduct of the Government to create this department of agriculture. It will be the introduction into the political administration of the Government of a Cabinet minister who does not perform either by himself or his subordinates any necessary function of government. There will be at the Cabinet table a secretary of the department of agriculture, and upon questions of a public character, concerning the administration of foreign affairs, involving war or peace, or affecting any of the existing Departments of the Government, submitted by the President for the advice of the members of his Cabinet, there will be this eighth member from the department of agriculture, expressing his opinion, giving his advice, exercising whatever influence may be attributed to the head of any one of the Departments.

The natural result of this will be that the other industries of the country will ask a similar representation. Agriculture is perhaps our greatest interest; it is probably the interest which occupies more of our people than any other, and the agriculturists of the country, I am satisfied, believe that the interests of agriculture are to be promoted by the measure for which we are to vote; but it is the stepping-stone to the representation in the administration of the other industries of the country. Can it be otherwise? The result is inevitable.

The outcome will be, if this department is created, the change at no very distant date of its name and the enlargement of its functions, so that instead of being the department of agriculture it will become the department of national industries. I shall vote for the bill with the expectation that we shall, as the result of its passage, have a department of national industries.

That department should take charge of all the industries which the Government of the United States may be induced in the exercise of its ample powers to care for and foster. It should have charge of all subjects relating to commerce, including ships and the revival of our mercantile marine. This subject has already been deemed of such importance that there is already in the Treasury Department a Commissioner of Commerce, and his bureau should be transferred to this new department. Our railroads and telegraphs are great national industries which have not been taken possession of by the Government in this country as in some countries, and those industries need the supervision and to some extent the care and protection of the National Government, and this subject will naturally find a place in this new department. Mines and mining, manufactures, forestry, the production of food-fishes, education, labor, and labor statistics (each of which three now has a Commissioner), immigration, the census, and generally all statistics concerning our national industries, should, if this department is created, be transferred thereto.

At some time I suppose this Government will, like all other civilized and cultivated governments, systematically extend its assistance

and patronage to art, and whenever this shall be the case the department of national industries will have within it an art bureau; and I trust that we may then have some standard of art, that we may have art critics or art censors or art committees which will supervise purchases of works of art for the National Government. If such supervisors had existed hitherto when the Government has been purchasing works of art, it might have saved us from some of the purchases of abortions of art in the way of painting and so-called sculpture for which the money of the Government has been expended.

With this idea in view, asking the Senate to contemplate the result which is sure to follow, I shall vote, as I said yesterday, in favor of the establishment of this Department of Agriculture. I believe, as a personal opinion, that it would be better to defer its creation until the time has arrived for the creation of a department of national industries; but if it is to be pressed at this time I shall vote for it, feeling that it will result in the establishment, to be represented in the Cabinet of the United States, of a department of national industries, which will extend the supervision and fostering care of the United States to all branches of industry within our great and growing country.

Mr. BLAIR. Mr. President, having been upon the Committee on Agriculture and Forestry some little time, I wish to say in reply to some of the suggestions of my colleague that the bill has at times been in the form of a bill for the establishment of a department of industries, but difficulties have arisen. The agricultural people of the country have almost universally been opposed to the establishment, at least at present, of a department which would take in the other great interests, having a feeling that they would be submerged and lost sight of and fail to receive that specific attention which they feel that the great interest of agriculture demands.

So the bill has come in these later days to assume its present form. What may be the result after it has demonstrated its usefulness in regard to the accretion to it of the other great interests of the country, of course no one can precisely foresee; but I think that no bill will be likely to receive at the present time the support of the general labor interests of the country, or of the agricultural interests either, if the whole were combined at present in one.

Mr. CALL obtained the floor.

Mr. CHANDLER. I should like to ask my colleague whether the agriculturists of the country do not see that the moment a secretary of agriculture takes his seat at the Cabinet board the other industries of the country will be jealous and will demand equal or similar recognition; and would it not be wise to meet that question now by substituting a department of industries for a department solely of agriculture?

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida [Mr. CALL] yield to the Senator from New Hampshire [Mr. BLAIR]?

Mr. BLAIR. I was not aware that the Senator from Florida had the floor. I addressed the Chair before the Senator rose.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Florida after the Senator from New Hampshire [Mr. BLAIR] had taken his seat.

Mr. BLAIR. I ask the Senator to yield to me one moment just to reply to the last suggestion of my colleague. I was not aware that I was trespassing.

Mr. CALL. Certainly.

Mr. BLAIR. I am not aware that the farmers of the country are careful upon that subject. They want their own department. They are not particular whether others are recognized or not; but they desire a distinctive department on account of the danger which they apprehend of their being lost sight of among the more dominating and active interests of manufactures—mining and the like. They do not wish to be lost sight of by reason of the greater activity and intensity with which these other interests press attention upon themselves. For that reason the bill has in the last Congress and this embraced nothing, so far as I know, except a department of agriculture proper. There are, of course, many logical reasons to suppose that the result which my colleague suggests will follow.

Mr. CALL. Mr. President, it chanced a few days since, when the bill was before the Senate, on the question of agreeing to the committee's amendment to strike out the fifth section, that I made a few remarks upon the subject. I stated on that occasion that I did not think there was a single mile of military telegraph in this country. In reply to that I received a very polite note from the Chief Signal Officer, General Greely, and I think it is but just to him that before the debate is concluded I should put it in the RECORD, and the extract from the report to which he refers. The note is as follows:

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, September 19, 1888.

MY DEAR SENATOR CALL: I have been informed, perhaps incorrectly, that you made the statement in the Senate to the effect that there were no military telegraph lines connected with this service. As I had letters from you regarding the employment of men in the construction and operation of Government lines I inferred that you were thoroughly familiar with the subject. This service has under its control 2,475 miles of strictly military telegraph lines used for military purposes. I am sure you must have been misinformed on this matter by some one of that class who think they can reorganize a great bureau without a knowledge of its details. You will see that military telegraph lines are treated on page 31 and seacoast lines on page 32 of the inclosed copy of my last annual report.

Sincerely yours,

A. W. GREELY,
Chief Signal Officer.

Hon. WILKINSON CALL,
United States Senate.

The citation from the report is as follows:

There were in operation at the beginning of the year 2,475 miles of military telegraph lines, and at the close of the year 2,022 miles, showing a net decrease of 453 miles. On the recommendation of the Chief Signal Officer, as being no longer necessary, 456 miles of line were abandoned and sold at public auction, and the proceeds turned into the Treasury. The only additional new line constructed during the year was a short extension of 3 miles, rendered necessary to connect Fort Robinson with a new railroad telegraph office at Crawford, Nebr. There is now under construction, out of old material collected from abandoned lines, a connection between Fort Du Chesne and Price Station, Utah, a distance of 87 miles. This work is being done by the labor of troops and without expense to this service. Whenever a section of Government line has been abandoned and sold at public auction, it has been the rule to sell it on condition that if the purchaser maintains it as a working telegraph line the United States may have the right of transmitting its business over such line at Government rates.

It may be added that the Chief Signal Officer has followed the policy of abandoning and selling the military telegraph lines whenever the advance of railways or the extension of the general telegraph system affords the Government an opportunity of reaching military stations over a private wire. It is obvious that no private corporation would transfer messages by a circuitous route, and the maintenance of these duplicate lines would entail a considerable expense upon the Government without any corresponding benefit therefrom.

The important services which these lines have rendered to the Army at large, while obvious to the General of the Army and division and department commanders, have hardly been insisted upon in past reports. Department commanders, almost without exception, have emphasized the importance, and in some cases the military necessity, of these lines. Every exertion is now being made to put them in the most efficient working order. The abandonment of a considerable portion of the lines enables the Chief Signal Officer to considerably reduce his estimates for this branch of the service without in any way interfering with its future efficiency.

I thought it just to the Chief Signal Officer to give his statement upon this subject and to correct the statement I made to that extent. I affirm that there was no military telegraph line, because a military telegraph line must be a line that is used chiefly for military purposes, and for a military purpose there must be a military necessity. In that point of view, in the present condition of this country, without hostilities anywhere, it may properly be affirmed that there is not a mile of telegraph line now maintained and operated necessarily for military purposes. There can be no military purpose requiring the maintenance of a line of telegraph in the condition that this country now is, when there can be no military necessity for it, and even if here and there military telegraph lines have been established and are still operated in the convenience of the military service, it is only occasional and here and there, and in nearly all the lines operated by the War Department the business done for the Weather Bureau is probably ninety-nine hundredths of the whole. It is therefore not correct to describe that as a military telegraph because it is operated by the military, when the business done is not military nor in any way connected with military objects, but is altogether civil and connected with civil purposes.

When I made that observation I had not supposed that there was any one who would conceive that observations regarding the weather were a military purpose, and that a telegraph line maintained for the purpose of communicating weather observations could be regarded as maintained for a military purpose; nor did I consider that if it was built and operated by troops it would make it a military purpose or a military necessity. On the contrary, the report of the Signal Service shows conclusively that I was substantially right in the statement I made, that there is not and can not be a telegraphic line in this country now in a time of peace operated for military purposes. Says this report, on page 30:

The work of the telegraph division has involved the receipt of over a million and a half of cipher weather reports and the receipt or transmission from the central office of seventy-five thousand service telegrams. The efficiency of this division is an important matter to this bureau, and the proper and satisfactory transactions of the division, as during the past year, can only be obtained and maintained by the presence of careful and experienced men of long service.

There is the service that this military telegraph line has rendered, the sending of these weather observations, and unless the argument of the Senator from New Hampshire is a correct one, that a weather observation is a necessary part of the military service in time of peace as a means of offense or defense, this service can have no connection with the military branch of the Government. But if it were true that these telegraph lines have a connection with the Military or War Department, it does not make it military—a means of communication, an avenue of transportation. Because it may be made useful in time of war it does not become an arm or branch of the military service. Why was the Engineer Corps put in charge of the public works of the country? It was because at that time civil engineering was comparatively unknown and the whole science of engineering was made use of exclusively for military purposes. Therefore you can not assume because a thing has a possible military use, that it is in consequence of that a part, and properly a part, of the military service, of the military organization of the country.

The propriety and wisdom of this amendment depend entirely upon the proposition whether it is wiser to have a civilian as the head of the

civil departments of the Government or to have a military head of the civil departments; whether the clerks of the departments should be enlisted men under military control and subject to military subordination, trial, and punishment. Those who insist on retaining this bureau in the Department must maintain the affirmative of these propositions, otherwise they admit the argument to be against them.

What has surprised me in this debate has been the number of persons in the Senate who are prepared to subordinate the civil department of the Government to the military, to make a military republic of this. There can be no argument whatever for it, except the one of mere temporary expediency, the idea that an organization already made had better not be disturbed, which was made two years ago, and which seems to be continued to be made whenever there is an effort to subordinate the strictly civil attachments of a military organization to the civil department of the Government. Every year for the past five or six years there has been an attempt to place the civil service of the Government under the control of the civil departments, and every year, as I have observed, it has been opposed, and successfully opposed.

I feel very little interest in the question whether the Signal Service Bureau be under the Agricultural Department, or the Treasury, or the Interior, or the Secretary of War; any of them may manage it with efficiency.

I should be very glad to see the present distinguished head of the Signal Service retained and retained for life, because I think a man who has adventured his life and has acquired scientific skill in lines outside of his profession, as General Greely has done, has a right to public respect and to preference in all employment for which he is equally capable with others; but the serious part of this proposition is the disposition on the part of Senators to forget that this is a Government in which the civil departments of the Government are supreme and the military is subordinate. It is a Government not for military purposes, but for the objects of peace; not for offensive war, but for defensive war, and its great object is to advance the welfare of the great body of the people, not through military organizations, but through the arts of peace and their development. It is a Government in which the civil power is supreme and the military subordinate, and thereby limited and confined to military purposes.

If the argument used by the Senator from New Hampshire [Mr. CHANDLER] yesterday be true as he has stated it, then the only hope of this country is in a government of classes, and that class a military class gradually absorbing all the Executive Departments of the Government. It is for that reason that I, having no very great interest in this subject, could not conceive why there should be an objection to making this Signal Service a part of the civil Executive Departments of the Government, why it should not be put either in the Agricultural or in the Treasury or in the Interior Department, why we should have enlisted men for telegraph operators and for clerks and sergeants and brigadier-generals and lieutenants commanding a company of men operating the telegraph lines, which, as this report itself shows, have practically no other duty to perform but the duty which relates to the observations of the weather and of their being reported for the benefit of commerce and agriculture, and whomsoever they may benefit.

That is the only point I have made in the matter, and while giving to General Greely, for whom I have very great respect from all I have heard of him, having very little personal acquaintance with him, great respect for his heroism, for his devotion to the interests of science, and for the hardships which he has had the courage to endure, I still think the fact was as I stated it, that there is not now in this country any telegraph line, or a very small proportion of them, if any, which is required to be maintained for military purposes and in the necessary interests of the military service separate from the Weather Bureau.

Mr. WILSON, of Iowa. Mr. President, the Senator from Kansas [Mr. PLUMB], who has charge of this bill, in his remarks the other day took occasion to criticise the letter of the Acting Chief Signal Officer, which had been communicated to one or more members of the Senate in favor of the pending amendment, and stated that the argument of that letter lost its force for the reason that it was written in self-interest, and that the author of it was arguing for the purpose of remaining away from his proper military command, and that he was of the class of officers who never return to duty with their companies if they can avoid it.

Mr. President, the remarks of the Senator from Kansas were entirely unjust toward that officer and without foundation to support them. He does not know Lieutenant Dunwoody as well as I do. I have known him since his boyhood. He went as cadet to the Military Academy at West Point in 1862 upon my nomination. I have watched his course with interest from that day down to the present. His career in the Military Academy was a creditable one; his graduation was one of honor, and in every particular he has been a faithful officer since, competent and skillful. He has not resorted to the influences referred to by the Senator from Kansas the other day in order to retain his place in Washington. It was not necessary that he should do so. His efficiency has kept him here. When, in 1882, an effort was made to have him returned to his battery, the Chief Signal Officer protested against it, and in an indorsement which he filed with the Adjutant-General he remarked as follows:

> Lieutenant Dunwoody is one of the three only officers now available for the indispensable work of weather indications who is thoroughly instructed in that duty. He is also in most important matters in this bureau my most valued and chief reliance and advisor, and his services can not be spared here without such great detriment to the service as to greatly outweigh any and all other considerations. I therefore most earnestly request that this application be not granted. With the loss of this officer I would feel that a large element of the work of the Signal Service Bureau was actually neutralized.

That was the opinion of his chief in 1882. Then there was an examination made by the joint commission which investigated the scientific bureaus of the Government a few years ago, and in that report I find the following paragraph:

> To make these weather indications and others within the scope of this bureau requires skill and education in the science of meteorology and experience in the practical application of the science to the conditions found each day, so that a reasonable appropriation should be made for such skilled civilians now in the employ of the bureau as may be necessary in order that their knowledge may be utilized in the practical work required. The commission also believe that the Army officers, notably Lieutenant Dunwoody, as also Captain Storey and Lieutenants Craig and Greely, have been of very great service in the past, and that their knowledge and experience should be utilized in the future, as to them is largely due the credit of building up the service to its present condition of usefulness.

Now, I suggest, Mr. President, that when such commendations as these I have read come from the chief of the bureau and from a joint commission whose definite duty was to ascertain the condition and efficiency of the various branches of the public service embraced within the resolution of its establishment—when these are given, it is a little out of place to make such assaults upon such an officer as Lieutenant Dunwoody as was made by the Senator from Kansas the other day. As I have remarked, I have known him from his boyhood. He is a conscientious, faithful, efficient officer, and because of those qualities he has been kept in his place here, as he deserved to be.

One word more with reference to this amendment. I represent in part one of the leading agricultural States in the Union. I have had no demands made upon me from that great agricultural community to support a proposition to transfer the Signal Service to the proposed Department of Agriculture. This is not because the farmers of Iowa do not give attention to their interests. They are not only numerous, but they are intelligent and practical, and if they had discovered that their interests would be promoted by this transfer, undoubtedly I should have heard from some of them, for there has been no little agitation in the public press and otherwise in respect of this proposed change. I have had no call upon me to give support to this section of the bill, and I do not desire to occupy the attention of the Senate longer, knowing the general wish to reach a vote upon this subject. I will content myself with saying that as one of the Senators representing one of the leading agricultural States of the Union, I shall vote in favor of the amendment and against this transfer.

Mr. PALMER. Mr. President, I should like to say a word by way of supplementing what the Senator from Iowa has just stated in regard to the letter which the Senator from Mississippi [Mr. GEORGE] received from Lieutenant Dunwoody. I would say that it was not sent unsolicited. I sent to the Signal Service Office to hear if we could get a little information on this subject. It struck me that we were dealing with a very grave question involving great public interests, and we should proceed cautiously. I found that the Senator from Mississippi had preceded me and solicited the same information, and in that way the letter was written. I think that Lieutenant Dunwoody could have done nothing else in the matter than to respond to our request by sending us information on the subject; and I think if the party that drew the bill—I have forgotten now by whom it was introduced—had consulted with him before introducing it, section 5 would have been left out. I think possibly the phraseology might have been changed so as to have given us the transfer in a proper manner, and there would have been no discussion over this section.

In regard to what the Senator from New Hampshire [Mr. CHANDLER] states as to the impropriety of establishing the new department, I would say that I believe it is the wish of the farmers generally throughout the country that this department should be made an executive department. They feel that it would dignify their occupation. I know in other countries there are ministers of agriculture as part of the cabinet, and this great interest, representing half, or nearly half, of those in the enumerated employments according to the census, I think is entitled to recognition in this way. If hereafter it shall appear that trade and transportation, professional and personal services, manufactures and mining require a department, they possibly will be accommodated, or else they can be ingrafted upon the Department of Agriculture, and the title of it changed to make it a department of agriculture and industry.

I hope that the bill will pass, and I hope that section 5 will be stricken out in accordance with the report of the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. PLUMB. I think that probably some Senator may be absent, relying on the unanimous consent of yesterday for an assurance that the vote will not be taken until 3 o'clock.

The PRESIDENT *pro tempore*. The understanding was that it should be taken earlier if the debate was concluded.

Mr. PLUMB. Earlier, by unanimous consent.

Mr. REAGAN. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield?

Mr. PLUMB. Yes, sir.

Mr. REAGAN. The Senate seems to be now considering an amendment proposed by the Committee on Agriculture to strike out the section transferring the Signal Service. I do not care to speak on the pending amendment; but if the Senate is not now going to act on the bill, I will ask if it be in order to offer a substitute for the pending bill, and I will state to the Senate that it is the same substitute which I offered for the bill creating a department of labor, and I would like to have the amendment read.

The PRESIDENT *pro tempore*. It will be in order to have the amendment read for information, but the Chair can not recognize the Senator to offer it now under the agreement of the Senate.

Mr. REAGAN. I am not apprised what the agreement of the Senate was.

The PRESIDENT *pro tempore*. The agreement of the Senate was that the vote should be taken on the pending amendment, which is that offered by the committee to strike out section 5, at 3 o'clock or earlier, if unanimous consent could be obtained, and the debate was concluded, and that amendments submitted after that time should be considered under Rule VIII.

Mr. REAGAN. I have no disposition to interfere with any arrangement adopted by the Senate. I desired to submit my amendment now, in order that Senators may be considering it.

The PRESIDENT *pro tempore*. The Chair supposes that the proposed amendment may be read for information by unanimous consent.

Mr. REAGAN. I then ask unanimous consent that the amendment may be read.

The PRESIDENT *pro tempore*. Is there objection?

Mr. PLUMB. I shall object to any amendment being offered now until we can dispose of the pending question.

The PRESIDENT *pro tempore*. It is merely to be read for information.

Mr. PLUMB. I will state to the Senator that if he desires to address the Senate it is in order for him to do so now, and there will be plenty of time between now and the hour fixed for the execution of the order of the Senate when the vote is to be taken.

The PRESIDENT *pro tempore*. The Chair stated that the proposed amendment could be read for information, if the Senator from Kansas had no objection.

Mr. PLUMB. I have no objection.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

SEC. —. That there shall be in the department of industries a division of agriculture, and to superintend said division a commissioner of agriculture, who shall be a practical agriculturist, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to receive a salary of $5,000 per annum.

SEC. —. That for the purpose of collecting and disseminating all important and useful information concerning agriculture, and also concerning such scientific matters and industrial pursuits as relate to the interests of agriculture, the secretary of industries shall organize the following bureaus in the division of agriculture, namely:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry; and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories, and shall report such practical information as shall tend to increase the profits of the farmer respecting the various methods; the crops most profitable in the several sections; the preferable varieties of seeds, vines, plants, and fruits; fertilizers; implements; buildings, and similar matters.

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

Third. The bureau of lands, the chief of which shall investigate and report upon the resources or capabilities of the public or other lands for farming, stock-raising, timber, manufacturing, mining, or other industrial uses. And all powers and duties vested in the commission now known as the Geological Survey, together with all clerks, employés, and agents, and all instruments, records, books, papers, etc., are hereby transferred to the department of industries. And the secretary of industries shall institute such investigations and collect and report such information, facts, and statistics relative to the mines and mining of the United States, and facilities for their ventilation and general operation, as may be deemed of value and importance.

SEC. —. That in addition to the duties imposed by chapter 10, Title VII, of the Revised Statutes, the secretary of industries shall cause to be collected and report the agricultural statistics of the United States; and, in addition, all important information or statistics relating to industrial education and agricultural colleges; to markets and prices; to modes and cost of transporting agricultural products and live-stock to their final market; to the demand, supply, and prices in foreign markets; to the location, number, and products of manufacturing establishments of whatever sort, their sources of raw material, methods, markets, cost of transportation, and prices; to such commercial or other conditions as may affect the market value of farm products or the interests of the industrial classes of the United States. And the secretary is hereby authorized to establish such divisions in this bureau, and to make such monthly or other reports, as he shall deem most effective for the prompt dissemination of such reliable information respecting crops and domestic and foreign markets as will be of service to the farmers, miners, mechanics, laborers, or other industrialists of the United States.

SEC. —. That there shall be in the department of industries a division of labor, which shall be under the superintendence of the Commissioner of Labor; and the Bureau of Labor, as provided for in chapter 127 of the acts of the Forty-eighth Congress, with its officers and duties, shall be transferred from the Department of the Interior to the department of industries.

SEC. —. That there shall be in the department of industries a division of commerce, and to superintend said division a commissioner of commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $5,000 per annum.

SEC. —. That all divisions and subdivisions, bureaus or parts thereof, heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10 of Title VII of the Revised Statutes, relating to the Bureau of Statistics, which shall hereafter be known as the Bureau of External Commerce; Title XLVIII, relating to commerce and navigation; Title XLIX, relating to the regulation of vessels in foreign commerce; Title L, relating to the regulation of vessels in domestic commerce; Title LII, relating to the regulation of steam-vessels; Title LVI, relating to the Coast Survey; Title LV, relating to lights and buoys; sections 4801, 4802, 4803, 4804, 4805, and 4806 of chapter 1, Title LIX, relating to hospital relief for seamen, and chapter 265 of the acts of the Forty-fifth Congress, second session, relating to the Life-Saving Service, or by virtue of any law amendatory of said several provisions or regulations in pursuance thereof, shall from and after the passage of this act be parts of the division of commerce in the department of industries, and the secretary of industries shall establish in said division of commerce a bureau of internal commerce, to be organized and governed as other bureaus in said division.

SEC. —. That all duties devolving upon the Secretary of the Treasury by virtue of the several provisions mentioned in the preceding section shall, from and after the passage of this act, be performed by the secretary of industries. The authority conferred and the duties imposed by said several provisions upon the Register of the Treasury shall, from and after the passage of this act, be exercised and discharged by the commissioner of commerce. All bonds authorized by any of the provisions aforesaid to be made payable to the Register of the Treasury shall, from and after the passage of this act, be made payable to the commissioner of commerce.

SEC. —. That section 158, Title IV, of the Revised Statutes, is hereby amended by adding at the end thereof the words: "Eighth. The department of industries."

SEC. —. That this act shall not be construed to interfere with the present organization of the various departments, divisions, subdivisions, and bureaus embraced herein, except with reference to the transfer thereof to the department of industries, subject to the general provisions of law relating to regulations in the various Departments of the Government and appointments to office therein.

SEC. —. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. REAGAN. Mr. President——

Mr. HALE. My attention was diverted from the reading of the amendment of the Senator from Texas. Does it include the Geological Survey?

Mr. REAGAN. I believe it does.

Mr. HALE. I think it should be included.

Mr. REAGAN. I am not sure as to that, but I believe it is.

Mr. President, I do not feel strong enough to discuss this subject to any extent, but I will submit a few remarks for the purpose of calling the attention of Senators to it. I believe that an additional executive department is proper and necessary. Instead of making that department a department of agriculture alone, I think the best interests of the country require that the new department should embrace commerce as well as agriculture, both internal and foreign commerce; and as it should be made to cover that subject, it was deemed advisable in the amendment to suggest that it be styled a department of industries.

The agricultural and commercial interests of the country are its two great interests. Other governments have seen proper to establish departments embracing one or both of these great interests. It seems to me that they are so paramount that they ought to have the supervision and direction of a first-class man, as much so as any of the other departments of the Government.

The duties of the Secretary of the Treasury are very onerous, as all persons familiar with the operations of the Government understand. They are made so, not only by the duties that legitimately devolve on the Secretary of the Treasury, but by the fact that a number of bureaus have been added to the Treasury Department, seemingly because it was not known where else to put them. I need not enumerate them. They are specified in the amendment which I have offered. The duties of the Secretary of the Treasury with reference to the financial interests of the country alone are sufficient to occupy the full time of the best of intellects.

The preparation of this amendment is the work of a year or two occasionally, after conference with the various Departments whose jurisdiction is to be affected by the measure if it becomes a law. This work was mainly done by the Senator from West Virginia [Mr. KENNA] some years ago in the House of Representatives. He and myself worked together with a view to try to secure the establishment of a department of industry, embracing agriculture and commerce, as provided for in this amendment.

It will be seen that the amendment specifies the various bureaus in the Treasury Department and in the Interior Department which are to be transferred to this new department. It specifies some new bureaus and defines the duties which are to be devolved on them, and enlarges the duties of some of the additional bureaus, so as to cover as completely as it was thought we could do the necessities of the country with respect to these two great interests.

All I desire to do now is to invoke the attention of Senators to the amendment, so that, if they feel disposed to do so—it will appear in the RECORD in the morning, having been read at the desk—they can see the amendment and see what it means, and verify, if they desire to do so, the provisions of it by reference to the statutes and by reference to the various departments affected.

The interests of agriculture and of commerce are inseparable; they are equally important to each other and to the country. Neither of them can be neglected without injury to the best interests of the country, and the promotion of the welfare of either is the promotion of the welfare of the other. Successful agriculture gives us larger exports, more active business, and more extended commerce. Successful commerce rewards agricultural labor by furnishing markets and transportation for the articles created by agriculture.

It seems to me that it will be a mistake to pass a bill on this subject

which omits either, and I am not inclined to think that either the Senate or the country would sanction the creation of two new executive departments at this time; I think one executive department, to be denominated the department of industries, will be sufficient, embracing a commissioner of agriculture, who shall be a practical agriculturist, with a salary of $5,000, which would secure a first-class man for that position, and a commissioner of commerce, with a like salary of $5,000, which would secure a first-class man for the head of that division, and then the various bureaus which are specified by the amendment would show exactly what is necessary to be done.

It will be seen by reading the committee's bill which has been reported for a department of agriculture, that it falls far short of indicating the full extent to which it is necessary such a bill should go, and I invite a comparison between the provisions of the two bills, in order that we may see what it is our duty to do and what the best interests of the country require that we should do in acting upon this subject.

Mr. PLUMB. Mr. President, I did not desire to detain the Senate at all and would not now except for the period of time to elapse before the vote is taken unless the order is changed; but I will say to the Senator from Texas [Mr. REAGAN] that, while I am familiar with the general scope of his proposed amendment and there is very much in it to which I could subscribe, it is so radical a change of the existing order of things that I do not think it will be worth while to impede the passage of that which is, I think, entirely obvious, which has been long considered, and which now is in a fair way to go through if it is not impeded by the adoption of amendments bringing up new subjects.

I do not at all believe with the Senator from New Hampshire [Mr. CHANDLER] that the Cabinet of the President as now constituted covers the entire scope of proper administration, such as may be properly assembled around the President's table and brought directly into his consultations. I think the Senator's distinction between what he calls political office and the functions of a Commissioner of Agriculture or of a secretary of agriculture, if we bestow upon him that title, is entirely without merit. All the officials of this Government exist for the purpose of carrying out existing law primarily. None of them, except the President himself, are expected by law to do anything else except incidentally to communicate to Congress the things which come within the purview of their administration. But practically what they are for is to carry out the statutes relating to their respective duties. Wherever, therefore, we provide a duty, we provide an officer to perform that duty, and give the proper character of the duty, its extent, and its general relation to the welfare of the American people, and it is entirely competent and proper in every respect that the person who performs this duty should be drawn into as close association as possible with the Chief Executive. If it is more important that a suit should be brought and defended in the name of the United States than that consideration should be given to that occupation which underlies all other industries and all other occupations, and is more essential than all of them put together, then I am entirely lacking in an appreciation of the situation.

The first Napoleon in the plenitude of his power gave great personal attention to the development of the agricultural interests of France. All statesmen of all ages have done the same thing, and it is a question now, and the only question, whether this interest is of sufficient importance in itself, with reference to the other interests which have been depicted, to warrant the Congress of the United States in practically requiring the President to take into his councils, with a view to such recommendation as he may make to Congress, the person who presides over the Department of Agriculture, and to whom are committed the interests of that great calling, so far as they can be promoted or as they are related to the administration of the affairs of this country, and it is not a matter about which it is proper to draw fine distinctions.

As I said the other day, these gentlemen are assembled by the President not only to advise him in regard to matters occurring in their respective departments, but to advise him or to be consulted by him in regard to all things that concern the people of the United States, so far as they are embraced within the purview of the general executive functions, and in adding to that number the person who represents this great interest we are taking, I think, a step in the right direction. It may be desirable, it may be necessary that there shall be added other officials of the same kind. We have now a Department of Labor. Experience with that department may prove after a time that it is desirable to make the person who presides over that department also a secretary. It is only a question of the importance of the duties to be performed actually and relatively; and while I can appreciate to some extent the feeling which the Senator from New Hampshire [Mr. CHANDLER] has derived no doubt from his experience in the Cabinet of President Arthur, that when you have got a good thing it is well to have it at pretty close quarters and distributed among a very few persons, to make the crowd as small and therefore as select as possible, yet that idea is opposed to the republican theory of government.

We want a larger foundation, and I can conceive that the presence of the proper person as secretary of agriculture, who has given his attention to this great interest, who has made a study of the resources of the country in that line, who has seen the bearing which the existing condition of things has upon the welfare of the people engaged in agriculture, and all the other people—that the presence of such an officer in the Cabinet councils of the President of the United States might be a thousand-fold more significant for good than the presence of the Secretary of the Navy or the Secretary of War.

In fact, in time of peace there is no reason why the Secretary of War, as such, or the Secretary of the Navy, as such, should be a member of the Cabinet. The duties are merely nominal; they are never performed by other than civilians; and if there were no purpose beyond that of giving the President information in regard to what was going on in those Departments, I venture to say he would not have them there at all. It is because he has chosen to place at the head of these Departments persons with whom he wishes to consult in regard to matters generally, whose advice he wants in matters not connected with the building of ships, or the cut of the uniform of the cadets or officers, or something of that trivial character, but because in that larger sphere in which he himself moves in the performance of duties committed to him by the Constitution and by law he wants the advice of such persons, he wants their counsel, and they might as well for any practical purpose be called the secretaries of the exterior as to be called the Secretary of the Interior or the Secretary of War or the Secretary of the Navy. They are simply councilors of the President.

It is perfectly plain to be seen that the opposition to the transfer of the Weather Service Bureau is designed to keep the Department of Agriculture in its present unsatisfactory condition, lacking in dignity, lacking in power, lacking in breadth of operation and purpose, and that what is assumed now to be a temporary opposition to this transfer is a permanent one. Since the manifestation of interest on this subject by some staff officers of the Government, I do not believe it will ever be made, because I have never known a controversy between the staff of the Army and Navy and Congress to result otherwise than in the victory of the staff. I have been here long enough to know that when the staff sets out to say that a thing shall not be done by Congress, it never is done.

I was not entirely prepared to hear the Senator from New Hampshire say that the only way you can get on with the administration of this service is to have officers of the Army in control of it, but I hear that every day of my life. That is the whole theory upon which they proceed, that they are of the elect, and when once they get into a good place they are to stay there; it does not make any difference what the public interest calls for. I do not seek to depreciate them as men, or to say that they are not honorable persons, but what I do say is that when one of them gets located in Washington once, the one thing that he fears more than war or famine or pestilence is to return to his command.

The Senator from Massachusetts [Mr. DAWES] suggests that there is a great deal of human nature in that, and it is applicable in other places as well as to members of the Army and Navy. That I admit. I am speaking now of that unequal contest which has been going on ever since I have been here, which arises in different ways, and which manifests itself at different periods, and in which Congress is always at a disadvantage, and so these staff officers having made up their minds that the Signal Service Bureau shall not be transferred, I am constrained to say that I believe they will prevail. I am only glad they did not make up their minds that there should be no Department of Agriculture, for they would have had their way about that, too, of course.

The fact that it is that and nothing else practically is shown by what I consider the trifling character of the arguments against it. The Senator from New Hampshire, fresh from his contact with these people, called the attention of the Senate in blood-curdling tones yesterday to the idea as proposed by this bill that a record of a storm which affected a ship at sea or along our coast anywhere should be by means of a bulletin issued by the Agricultural Department, and it did seem to me when I heard that as though the foundations of the Constitution itself were tumbling down. That only shows the regard in which the Agricultural Department is held by the staff officers of the Army of the United States and the ease with which they can get their ideas repeated upon this floor. The idea that the Department of Agriculture, presided over by somebody equal in personal dignity and ability and character to any one who has ever presided over either the War or the Navy Department, selected as the President's councilor, engaged in looking after the interests of that which concerns directly or indirectly all the people of the United States—the idea that the Agricultural Department representing the agricultural interest should have to do with the transmission of the intelligence of storms which concerns shipping, although they may well concern the people who raise the crops, is something to affright those who believe in the existing order of things and who are specially concerned about their soft places!

And so the Senator from New Hampshire, looking forward to that millennial period when our Army shall go out with white clothes and stove-pipe hats, conjured up the terrible consequences of their getting a weather report from the Agricultural Bureau which would enable them to save their fine clothes from being spoiled! But the Senator from New Hampshire once presided with grace, if not with efficiency, over the Navy Department. This record of storms at sea and along the coast is of consequence to the ships. I suppose, and the men who go

down to the sea in them; and yet I suppose he would not object or have any hesitancy in taking his record of approaching storms for the purpose of enabling the Tallapoosa to put in or put out, as the case might be, from the War Department; but I think on the whole that some of those who might want an excuse for not fighting a battle and not moving troops might be willing to take the report of the weather, present and prospective, from the Agricultural Department.

However, this but thinly veils what is at the bottom of this whole thing, and that is that there shall be no Agricultural Department. The Senate, when the bill was before it, and on the very report the Senator from New Hampshire discussed yesterday, in a preceding Congress, said that it was proper and desirable, and in fact necessary to the useful control of the Signal Service Bureau that the weather service of it should be transferred to the Agricultural Department, and by a vote of 37 to 15 put the amendment on making that transfer. It went back to the House, and because the House undertook to put that amendment on the bill it did not pass at that Congress. It led to some controversy over there, and so the House wanted to look at it and the bill failed. This time when the House took up this bill they said in substance "We will accommodate ourselves to the Senate's desire in this matter, and we will provide in the same language in which the Senate provided in the former bill for the transfer of the weather branch of the Signal Service Bureau to the Agricultural Department."

It comes over to the Senate, and the Senate now proposes to change its mind and to strike it off and send the bill back, and thus to inaugurate and promote a little game of battle-dore and shuttle-cock, by which the purpose of this bill shall be defeated. That is entirely legitimate; it is parliamentary, and it will very likely accomplish its purpose. So I think that I can congratulate the Senator from New Hampshire in advance that his determination that there shall be no Agricultural Department created, because the idea of it is, as he thinks, a monstrosity, totally unwarranted by the Constitution and by the natural and proper order of things, will be carried out. I hope that in due time he will be candid enough to put his opposition on the true ground and vote against the bill, in order that it may be known who is and who is not in favor of the creation of this department.

Mr. SAULSBURY. Mr. President, I believe the immediate question is upon the transfer of the Signal Service Bureau to the Agricultural Department. I have heard no arguments sufficient to satisfy me that that transfer will at all improve the service. If the service can be improved by a transfer I shall certainly be willing to consent to it; but I have heard no one say in this debate that the service will be at all improved by the transfer proposed. If that is true, then I can see no reason why we should take this Signal Service Bureau and put it in the Agricultural Department.

It occurs to me, however, that the present arrangement is the best for that service, because it is under military rule. Parties are sent out to the different sections of the country, and any dereliction of duty is subject to be inquired into more vigorously and energetically than would be the case under a civil department. In my opinion, therefore, this service can be rendered more efficient by the discipline required and the strict observance of duty which must be rendered than it can be by a transfer to the Agricultural Department, which is a civil department and which has not the same means of enforcing its orders upon the employés.

In reference to making the Agricultural Bureau a Department and the head of it a Cabinet officer, if I were satisfied that that would improve the agricultural interests of the country, I would certainly vote for it. There is no greater interest in the country than the agricultural interest, and no interest, in my opinion, that has been as much neglected as the agricultural; but I do not know that it would improve the advantages of this bureau by making the head of that office a Cabinet officer. I suppose if he went to a Cabinet meeting and sat down and discussed the agricultural interests at all, he could derive but very little assistance from the President and the Secretary of State and the Secretary of the Interior. If he wanted to inquire about the character of fertilizers, I do not know that they could give him any information on the subject. I am very certain they could not make any suggestions to him by which the improvement of the soil would be advanced, and I can not see, therefore, that his being a member of the President's Cabinet would promote the interests of agriculture in the least. If I could believe it would I would gladly see him around the council table of the President. I do not know of any good that will arise to the agricultural interests of the country by making the Commissioner of Agriculture a Cabinet officer.

Mr. BLAIR. May I ask the Senator a question?

Mr. SAULSBURY. Certainly.

Mr. BLAIR. Is there not a little chance that it may do the President and his other councilors good to receive the assistance of a man who is specially conversant with the agricultural interests of the country? It may not do them much good, but it has been the idea of the friends of this bill that such an officer thus instructed might do some good and improve this Government.

Mr. SAULSBURY. I believe it is written in the Book that "in the multitude of counselors there is safety," but I am not certain but what there is such a thing as the possibility of having too much counsel for the President, and I have heard it said in reference to some President that he sometimes took counsel of other people than those immediately around him, and I am not sure that all Presidents would not sometimes advance the interests of the country if they would do a little more of that thing.

Mr. BLAIR. I presume the Senator has never heard of that until within the last two or three years. I do not know that I ever heard of it before.

Mr. SAULSBURY. There are none so deaf as those who will not hear. [Laughter.] I have no very strong objection to the Commissioner of Agriculture being made a Cabinet officer, but I can not for my life see any advantage it is going to be to the agricultural interests.

I would gladly see anything adopted that would advance the interests of the agriculturists of this country. There is no class of men today who labor more assiduously and have less remuneration for the service they perform. If there is any man in this country who is entirely dependent upon other people it is the farmer. He scarcely raises an article but what he has to ask somebody what he will give for it, and when he goes to buy anything he has to ask what the seller will take for it.

If, therefore, this bill could promote in any way the interests of the farmer—advance the price of his products in any way—I should favor it. Perhaps if we were to get a man around the council board representing them he might insist that the protective-tariff system of this country was operating disadvantageously to the farmer by shutting him off from the market he ought to have and by depressing the price of his products. He might perhaps in that direction be of some service. But I do not know that his counsel would be taken, especially if certain parties in this country should come into power in the executive department.

I shall vote against the transfer of the Signal Service Bureau to the Agricultural Department because I do not believe it will improve that service. On the contrary, I am fearful and apprehensive that it would militate against that service, and therefore I shall vote against it.

Mr. CALL. Will the Senator from Delaware allow me to ask him a question?

Mr. SAULSBURY. Certainly.

Mr. CALL. I understand the Senator from Delaware to say that he is opposed to the transfer of this service to the civil department of the Government on the ground that its employés will be held to a more rigid and severe responsibility under military control by court-martial and otherwise?

Mr. SAULSBURY. I meant to say that they are under rules which hold them to a more strict accountability than the employés in the civil service.

Mr. CALL. The Senator then would favor the strict rule of the military service as to the employés of the Government in the Signal Service?

Mr. SAULSBURY. I believe if we have that service we ought to have such a system of administration as will secure the most efficient service that we can have from the persons employed therein.

Mr. CALL. That is the military. Now I wish to ask the Senator if that is not equally true of all the clerks in the Treasury Department, in the War Department, and all the other Departments of the Government; and if upon his own proposition he is an advocate of having them all enlisted men, subject to trial by court-martial, and excluding from the position of Secretary of the Navy and the War Department and the Treasury Department and the Interior Department, which by our established policy have been required to be civilians, from all these places?

Mr. SAULSBURY. The Senator certainly knows that there is a very great difference between the service of persons employed in the Signal Service and those employed in the Departments. There are men out on the mountain tops, on Mount Washington and other high peaks, away from the supervision of the men to whom they are responsible, whereas in all the Departments of the Government the clerks to whom the Senator refers are under the immediate supervision of the head of the Department or some person in charge of one of the bureaus of the Department. It is a very different service, entirely different.

Mr. CALL. I should like to ask the Senator from Delaware another question. I should like to ask him if for the one man who is upon the peaks of Mount Washington, or any mountain peak, or any other isolated place, there are not a hundred men in this service who are employed in places where there is commerce and population, and in all other respects like the employés of the other Departments of the Government? Where there is one in an isolated place there are perhaps a hundred, or in that proportion, in Washington City and in other places where commerce is carried on and the ordinary civil conditions exist.

Mr. HALE. Mr. President, I should say that if we were starting out to establish a weather bureau as a part of the administration of the Government, with no knowledge or experience as to its being conducted in the War Department, we should probably create it as a civilian department. But the situation is not that by any means.

Some years ago, as a member of a commission which examined into the workings of the semi-scientific branches of the Government, the surveys and the Signal Service, I gave much attention to this subject, in

common with other Senators upon that commission. The question whether or not we should recommend the transfer of this important work to any other Department of the Government than the War Department, which now administers it, came before us, and we were not able to arrive at that conclusion. In a long investigation as to the workings of this service, in which we summoned its chief and dozens, and perhaps scores, of its subordinate officers, we were led to see certain great advantages in this service arising from the military conduct of it. It is not intrinsically a military branch of the Government. That I grant; but it is a service, though civilian in its nature, that requires certain things, a certain discipline, which result rather from a military organization than a civilian one. The work and the results of the Weather Bureau are military in their immediate operations, so far as speed, swiftness, definiteness, and immediate results go. It will not do for the work of this bureau to be delayed and postponed and go through the red tape that characterizes all civilian departments, which results in delay as to conclusions.

It is as important that all the results gained from observation of winds and rains and weather currents throughout the United States should be brought to one conclusion unerringly and swiftly to be of any service, as that the orders of a commander-in-chief on a battle-field shall be at once delivered; and the commission that investigated this subject were impressed with this feature of its work, and this feature has been constantly insisted upon, advanced, and, I think, improved under the present management. I give General Greely great credit for having given his days and nights to the work of this bureau, and having made it as efficient as perhaps it is possible for man to make it. The discipline, I know, is hard, arduous, and exacting, and it ought to be. General Greely has the instincts of a military man, and he knows that every observer, every subordinate, wherever he may be situated, whether it is upon the shore by the sea or off in the far mountains or on the plains or on the hill-tops, shall be at his place at the moment and make his returns with military precision, exactness, and promptness, and, if he does not, that subordinate of his is at once dealt with in the military fashion, and a better man is put in his place.

I doubt whether you can make the work of a bureau of the sort I have so imperfectly delineated efficient, accurate, prompt, and swift in dispatch, unless you have that discipline. I was impressed in the examination we made on this subject three or four years ago with this view, although my natural predilections went in favor of making it a civilian service.

For these reasons I can not see my way clear to vote for the transfer.

I am glad to see the officers of these military establishments of the Government, wherever we can do it, put to important civilian work. There is not any too much for the Army or Navy to do in time of peace that we may begrudge their entrance into any civilian avocation. We may pay them and ought to pay them, and we educate them at the public expense. We turn out an accomplished set of men in both branches, with an education higher and better in some fields, in some lines of scholarship, than any institution in the country that is not maintained by the Government. These men stand equipped for the work of the country. Wherever that can be done by officers of the Army and the Navy it is done with profit to the country; it is done with saving to the Treasury; it is done with benefit to the people. The work that the Engineer Corps does in the examination and surveys with reference to river and harbor improvements and the expenditure of money thereon is better done, I presume, than it could be done by any other set of men.

The work that is done upon the light-houses all along our shores is of an admirable kind, and has kept that branch of the service from the objections and the scandals that have arisen in some other branches of the Government. I always bid them welcome when they enter into that field of duty.

Take the Navy. The work that it does upon the coast survey is valuable, and gives employment to its officers that prevents their life from rusting. If I had a bright boy of my own that was to enter into the military or naval service of the Government I should look forward to his life being a comparatively useless and sterile life but for this civilian or semi-civilian vocation into which he might be launched.

For a young officer entering the service now or in the last twenty-five years, having had no participation in the great military strife that his elders joined in, living under the shadow of the recollection, the observation of other men, with nothing to do, there would be little to invite a bright lad into either of these branches of the military service; but if you can put them to surveying, if you can put them to river and harbor work, to light-house work, to coast-survey work, not to engross, not to monopolize, but to add and supplement, you are doing a good thing both for the officer and for the country.

Take the surveys that are made of ocean regions all over the habitable globe by the naval officers. That is not naval work. It has nothing more to do with the fighting of a battle-ship than would be the erecting of stately mansions or of palaces or of public buildings; and yet it is a valuable and important work, and the naval officers do it better than anybody else. Here in this field there has been trained from the Army a set of men who have a wonderful expertness in their work; they have been devoted to it for years. They are, some of them, enthusiasts upon it. Change all this, subvert this structure, raise in its place a civilian bureau, and it will be attended, of course, with friction, of course with damage immediately, that perhaps can not be cured in a long time.

For all these reasons, which to me are strong, my original predilections in favor of transferring this bureau to a civilian branch of the Government have passed away. I believe it will be better policy, better legislation to keep it where it is.

Mr. CALL. Mr. President, this debate is now placed upon its true ground. The retention of the Signal Service in the War Department is advocated upon the idea that a separate class of men, educated at the public expense, shall be assigned to the civil departments of the Government, that the area of official employment for them, holding their offices for life, supported by the labor of the great body of the people, shall be enlarged, and that they shall have a monopoly of public place and of the high official positions of the Government, that this line of employment shall be extended instead of being limited, as it is required to be by the institutions of this country and the principles on which government is founded. The proposition is that only men educated at the public expense at West Point shall be employed in high official place, and that they shall hold office for life, and those who serve the public in inferior places shall be under them and be subject to martial law and military discipline; we shall have brigadier-generals and captains and sergeants of clerks engaged in the military but bloodless business of observing the weather and reporting whether it is wet or dry, cold or warm.

I wish to put on record my dissent from these propositions. I do not believe that the men educated at West Point or at the Naval Academy are the superiors of the boys who are educated with no contribution from the public. I do not believe that the proposition can be sustained that in any department of scientific research or practical ability they are above the people who are employed in civil life. I am aware that there is a greater efficiency in some respects and a greater despotism, and one very unfriendly to the perpetuation of republican government, in the existence of a large military class performing the civil functions of government, but where there is efficiency there is a lack of superior talent and knowledge, and where there is greater efficiency it is accompanied by a greater despotism and by habits of life and opinions and action which are unfriendly to the government of the people.

It is subjection of one man to another's obedience that gives efficiency; it is the movement of a body of men at the will of one man under the severe penalties of martial law that makes the greater efficiency, and it is the want of the broader and deeper culture of civil life which makes the deficiency in ability and scientific and general knowledge of the military as compared with the civilian class of people.

Suppose we take a look at the desertions from the Army of the United States and see what the people think who are placed under the lawless despotism of military rule. Suppose we look at the compensation these people receive, with the exception of this favored branch of the Signal Service, and see at how great a distance they are from the great mass of the people in the compensation for their labor which they receive. This will instruct us that this method of military government is not one agreeable to the American people. The habit of absolute subjection, which gives greater efficiency; the apprehension of a court-martial, in which none but a privileged and separate class shall sit in judgment on inferiors, and the absolute immunity of these judges from responsibility is not a kind of government to be extended further than the absolute necessities of the public service require, and that it should not be extended beyond the military service strictly considered.

I am entirely indifferent as to what executive department of this Government shall control the Signal Service, devoted as it is alone to observations upon the weather, and which can have no possible connection with the War Department or with the military service, for the idea can not be maintained that a weather observation can be made the basis of any military campaign or any strategic operation; its uncertainties are too great; the necessities of military life are absolute in time of war, and wait not upon either time or tide; but it is the opinion that seems to be growing in the Senate of indifference to the extension of military rule and military methods over the civil departments, and placing the people of the country under court-martial and martial law and removing them from the responsibilities and obligations of civil life that needs to be checked by the representatives of the people. The public opinion of this country, in my opinion, does not approve the extension of military rule over the people.

The PRESIDING OFFICER (Mr. BERRY in the chair). Will the Senate agree to the amendment reported by the Committee on Agriculture and Forestry?

Mr. PALMER. I should like to ask the Senator from Kansas if it is his pleasure that the vote shall be taken now?

Mr. PLUMB. I should be very glad to have it taken now.

Mr. PALMER. I see no objection to that. I should like first, however, to read a telegram handed to me by the senior Senator from Minnesota [Mr. SABIN], which is as follows:

NORTH FIELD DEPOT, MINN., *September* 17, 1888.

Senator D. M. SABIN,
1213 *Connecticut avenue:*

It is the desire of the meteorological committee of the St. Paul Chamber of

Commerce that the United States Signal Service be not transferred from the War Department.

WILLIAIM M. PAYNE.

I do not wish to make any remarks, but I wish the Chair would state what the status of the bill is and what the effect of the vote will be, so that Senators may vote intelligently upon the subject.

The PRESIDING OFFICER. The bill is a House bill. The fifth section of the bill, as the Chair understands, transfers the weather branch of the Signal Service Bureau to the proposed new department of agriculture. The Senate Committee on Agriculture and Forestry recommend that the section making the transfer be stricken out. The effect of the amendment, if adopted, will be to leave the Signal Service where it now is. Senators in the affirmative will say ay——

Mr. PALMER. I beg pardon.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Committee on Agriculture and Forestry to strike out the fifth section of the bill. If the amendment is adopted, it will leave the Signal Service where it now is.

Mr. HALE. Let me see if I understand this. The fifth section transfers the weather branch of the Signal Service to the Agricultural Department. The amendment of the committee is to strike out that section.

The PRESIDING OFFICER. The amendment proposed by the committee is to strike out section 5. If the fifth section remains, the transfer is made; if stricken out, it is not.

Mr. PALMER. A vote in the affirmative on this amendment means to strike out the fifth section and leave the Signal Service Bureau in the War Department.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SABIN. Before the vote is taken upon this motion, by way of explanation of the vote I shall give, I desire to say a single word.

My sympathies are entirely with the bill as it is, but there seems to have arisen doubt in the minds of Senators who have paid much attention to this question as to the advisability of making the transfer at this time, and it is believed by many that the fifth section of the bill is crude and that the Weather Bureau will be injured by an immediate transfer. I hope at an early day that a bill will be perfected which will look to the transfer of the Signal Service Bureau to the Agricultural Department, which, I think, will be of great benefit and add dignity to that Department, and I hope such a bill will receive the carefull attention of the proper committee.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from New Jersey [Mr. MCPHERSON]. If present, my colleague I presume would vote "yea."

Mr. DAWES (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] is paired with the Senator from Arkansas now occupying the chair [Mr. BERRY]. If my colleague were here he would vote "yea," and the Senator from Arkansas would vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. SABIN (when his name was called). I am paired generally with the Senator from West Virginia [Mr. KENNA]. On this question I feel at liberty to vote, and I vote "yea."

Mr. WILSON, of Iowa (when his name was called). I have a general pair with the Senator from Maryland [Mr. WILSON], who is now absent, but before he left the Chamber he informed me that I might vote as I pleased on this amendment. I therefore vote "yea."

The roll-call was concluded.

Mr. HARRIS. I have a standing pair with the Senator from Vermont [Mr. MORRILL]. I transfer the pair to the Senator from Indiana [Mr. VOORHEES], who is absent, and record my vote "nay." I announce, however, while on the floor, that the Senator from Kentucky [Mr. BECK] is paired with the Senator from Maine [Mr. HALE]. I do not know how the gentleman from Kentucky would vote on this question if present. He is detained from the Senate Chamber by illness.

Mr. HALE (after having voted in the affirmative). I have a general pair with the Senator from Kentucky [Mr. BECK]. I was proposing to transfer that to my colleague [Mr. FRYE], who is absent. I have voted, but I learn from the Senator from Connecticut [Mr. PLATT] that my colleague is paired with the Senator from Maryland [Mr. GORMAN]. If that is so, I withdraw my vote.

The PRESIDING OFFICER. The Senator from Maine withdraws his vote.

Mr. TELLER. I have a pair with the Senator from Louisiana [Mr. GIBSON], who is kept away from the Senate by illness. I am informed that he would "yea," if present. Therefore I vote "yea."

Mr. PLATT. I wish to say that the Senator from Maine [Mr. FRYE], being compelled to go away from the Senate, wished me to state that he was paired with the Senator from Maryland [Mr. GORMAN], and that if present he would vote for the amendment, but he did not know how the Senator from Maryland would vote.

Mr. SPOONER. I am paired generally with the Senator from Mississippi [Mr. WALTHALL], but consider myself at liberty to vote on this question. I vote "nay."

Mr. DOLPH. The junior Senator from Nebraska [Mr. PADDOCK] is necessarily detained from the Senate, and before leaving he requested me to announce that he is paired with the junior Senator from Louisiana [Mr. EUSTIS]. I should say that I neglected to make that statement when the roll was called on the Chinese bill.

Mr. MANDERSON. I made the statement at that time.

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN]. I do not perceive him now in his seat, and I suppose he has not voted; but, as I do not regard the position as precluding my voting, I will vote "yea."

Mr. PASCO. I am requested to give notice that the Senator from New Jersey [Mr. MCPHERSON] is paired with the Senator from Rhode Island [Mr. ALDRICH]. The Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY].

The result was announced—yeas 33, nays 9; as follows:

YEAS—33.

Bate,	Davis,	Hawley,	Saulsbury,
Blair,	Dawes,	Jones of Arkansas,	Sherman,
Bowen,	Dolph,	Mitchell,	Stewart,
Cameron,	Edmunds,	Palmer,	Stockbridge,
Chace,	Evarts,	Pasco,	Teller,
Chandler,	Farwell,	Payne,	Wilson of Iowa.
Cockrell,	George,	Platt,	
Colquitt,	Gray,	Pugh,	
Daniel,	Hampton,	Sabin,	

NAYS—9.

Brown,	Coke,	Plumb,	Turpie,
Butler,	Harris,	Spooner,	Vance.
Call,			

ABSENT—34.

Aldrich,	Frye,	Kenna,	Riddleberger,
Allison,	Gibson,	McPherson,	Sawyer,
Beck,	Gorman,	Manderson,	Stanford,
Berry,	Hale,	Morgan,	Vest,
Blackburn,	Hearst,	Morrill,	Voorhees,
Blodgett,	Hiscock,	Paddock,	Walthall,
Cullom,	Hoar,	Quay,	Wilson of Md.
Eustis,	Ingalls,	Ransom,	
Faulkner,	Jones of Nevada,	Reagan,	

So the amendment was agreed to.

Mr. CALL. Before the vote is taken upon the bill, I desire to put in the RECORD an extract from the report of the Secretary of War for 1887. On page 33 the Secretary of War says in regard to the Signal Service Bureau:

Both the tendency of legislation and the demands of the Weather Bureau have led the Signal Service further and further away from military duties to scientific and meteorological observations and labors, which grow and extend with each year. Even if this semi-military organization should continue, it is obvious that it must be devoted eventually to meteorological and kindred scientific studies alone. In view of this prospect, the Army has ceased to place reliance on the Signal Corps, but provides for its own instruction in military signaling. It is taught at West Point, at the schools of instruction, and at all Army posts. In 1885 General Hazen recommended a more military organization of his bureau by adding a colonel and lieutenant-colonel, a major, and eight captains, and in the report of that year the recommendation was disapproved by the Secretary of War, as follows:

"The duties in which the corps is now engaged are civil and not military. It performs no military service; its only exercise that is military in its character is the art of military signaling, which, owing to the pressure of meteorological duties, has been neglected in the past, though it is proposed to press the study more vigorously in the future. Nor is this study as pursued in the corps important to the Army, which receives, through its own officers, all the necessary instruction. It is evident that the studies and labors of the Signal Service in the scientific field upon which it has entered will more and more absorb and engross its energies, and it must ultimately become a purely civil organization. It would therefore be unwise, with this prospect before us, to provide for its permanent attachment to the Army, and to give to it the unbending organization and discipline of a military body. It must depend upon the efforts of men who are engaged in technical study, and any officer who takes part in its work must be valuable for his studious and scientific labor, rather than for his military ability and his soldierly qualities."

I only desired to have it go upon the record that this bureau is retained in the Army against the recommendation and the opinion of those in control of military affairs.

Mr. REAGAN. I was not present when the vote was taken upon the amendment. I am paired with the Senator from Wisconsin [Mr. SAWYER], and could not have voted. If I had been present I should have stated, as I state now, that I should vote against the amendment and in favor of the transfer of this bureau.

Mr. GEORGE. In order to correct the phraseology of the bill, I move, in section 1, line 3, after the word "agriculture," to strike out the words "established at the seat of Government of the United States;" and in line 5, after the word "department," to strike out "to be known as the Department of Agriculture;" so as to read:

That the Department of Agriculture shall be an Executive Department, under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. PLUMB. I have no objection to that amendment.

The amendment was agreed to.

Mr. REAGAN. At the proper time I desire to offer a substitute for the bill. Is it now in order?

The PRESIDING OFFICER. Amendments are in order.

Mr. REAGAN. I will offer, then, the substitute which I had read this morning.

The PRESIDING OFFICER. The amendment has been read. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. REAGAN].

Mr. REAGAN. I will state—and I call the attention of Senators who did not hear the amendment read—that the object of the substitute is to provide for a department of industries, which shall embrace both commerce and agriculture, instead of a department of agriculture alone. The amendment is, I think, very well matured. It provides for the transfer of the various bureaus connected with the Treasury Department and the Interior Department that may properly go to this department of industries. It enlarges the powers of the Department of Labor and it enlarges the duties of the bureaus in relation to commerce.

The amendment has been carefully prepared, after consultation with the Departments of the Government that are affected by it. It makes specific provisions for the transfer of the several bureaus from the Treasury Department and the Interior Department to this department.

I shall only occupy the attention of the Senate far enough to repeat that agriculture and commerce go together and must prosper or be in adversity together. Neither can prosper without the aid of the other. They are the two great material interests of this country; and it seems to me that provision ought to be made for both of them to have a more thorough and an abler supervision than is now provided for.

While I say this I desire to say that I favor the creation of an additional executive department, but I do not think that the country or that the Senate is prepared to agree now upon two additional executive departments. I believe the best interests of the country will be subserved by adopting the amendment.

Mr. COKE. Mr. President, the substitute offered by my colleague is, in my judgment, a better bill than the House bill before us; but there is no earthly chance to pass it, while I believe we can and will pass the House bill. The House bill, while not embracing all I desire in such a bill, is still a good beginning. The great subject of agriculture which it is wholly devoted to and thoroughly covers and embraces may hereafter by amendment be added to, and the other subjects embraced in my colleague's substitute become in that way incorporated in the law. I vote for the pending bill as a beginning, to be advanced and improved hereafter.

Mr. PALMER. I do not wish to be regarded as wanting in deference to the junior Senator from Texas, but I think that if we proceed to discuss the amendment it will take another two or three weeks. Therefore I move to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GEORGE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PALMER, Mr. SABIN, and Mr. GEORGE were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 320) for the relief of John D. Adams; and

A bill (S. 3471) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company.

The message also announced that the House had passed the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River.

ENROLLED BILL SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. 11446) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on river and harbors, and for other purposes," approved July 5, 1884; and they were thereupon signed by the President *pro tempore*.

CONSIDERATION OF PENSION BILLS.

Mr. DAVIS. I move that the Senate proceed to the consideration of pension cases on the Calendar favorably reported and unobjected to.

The motion was agreed to.

Mr. ALLISON. I ask the Senator from Minnesota to yield to me that I may submit the conference report on the sundry civil appropriation bill.

Mr. DAVIS. Very well.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10540) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 108, 107, 118, 222, 223, 233, 236, 238, 239, 243, 244, 248, 254, 255, 256, and 257.

That the House recede from its disagreement to the amendment of the Senate numbered 240; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to Senate amendment numbered 119, and agree to the same with an amendment as follows: Add at the end of the matter proposed to be inserted by House amendment numbered 4 the following:

"*Provided*, That the President may, at any time in his discretion, by proclamation open any portion or all of the lands reserved by this provision to settlement under the homestead laws."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum named insert "$502,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Add, after the word "industrial," the words "and primary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"Catalogue of the Congressional Library: To enable the Librarian of Congress to continue the work upon the catalogue of the Congressional Library, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,067,000;" and the Senate agree to the same.

Upon amendment numbered 110 the committee of conference has been unable to agree.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

JAS. N. BURNES,
THOS. RYAN,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the conference report.

Mr. STEWART. Mr. President, I desire to inquire of the chairman of the Committee on Appropriations what disposition has been made of the amendment of the Senate prohibiting the use of any money appropriated by this bill to prosecute miners for cutting timber in the mining regions for mining and domestic purposes.

Mr. ALLISON. The Senate conferees yielded that amendment.

Mr. STEWART. The reply of the Commissioner of the General Land Office to the resolution of the Senate calling for information on that subject having been received, I had reason to hope that the committee would sustain the Senate amendment, inasmuch as the reply of the Commissioner furnishes no justification whatever for his opposition to the amendment. On the contrary, it abundantly proves the necessity and propriety of withholding from him money to squander on spies, informers, special counsel, and other favorites for the purpose of harassing the people of my State.

There are contained in the sundry civil appropriation bill now under consideration the following items, which enable the Land Department to maintain an army of spies and leeches, who infest the States and Territories where public lands are situated, with power to levy blackmail on the rich, who will buy their peace, and annoy and oppress poor settlers, namely:

To meet the expenses of protecting timber on the public lands, $75,000.

For the protection of public lands from illegal or fraudulent appropriation, $100,000.

For expenses of hearings held by order of the General Land Office to determine whether alleged fraudulent entries are of that character, or have been made in compliance with law, $30,000.

For salaries and expenses of agents employed in adjusting claims for swamp lands and for indemnity for swamp lands, $20,000.

And it is provided that of the $100,000 nominally appropriated for surveys, $20,000 shall be used for various investigations, aggregating $245,000, which is mainly used for the support of a detective bureau, which has no place in our form of Government.

I was well aware that a bureau with such an enormous sum of Government money to use at discretion must necessarily be very powerful and influential in securing appropriations. Unjust and illegal prosecutions having been commenced, and others threatened against the miners of my State for cutting wood in the mining regions for mining and domestic purposes, I sought to avert the evil by the following amendment:

That no part of the money appropriated by this act shall be used in the investigation of any case, or the prosecution of any person in the mining region of the United States, for cutting, for mining, or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value.

The CONGRESSIONAL RECORD of August 1, page 7776, shows that my amendment was offered by me to follow immediately after the item appropriating $75,000 to protect timber, as is shown by the following entry in the RECORD:

The SECRETARY. On page 57, after the word "dollars," in line 22, it is proposed to insert, etc.,

reciting the amendment I offered. By the print of the sundry civil bill of July 17, then under consideration, it will be seen that the word "dollars" in line 22 was the last word of the paragraph providing for an appropriation for the protection of public timber. By a mistake of the Clerk the amendment was inserted after the word "dollars" in line 19 of the same page, which was the last word of the paragraph appropriating $10,000 for expenses in depositing public moneys. This clerical mistake was the occasion of the following remarks by a Democratic member of the Committee on Appropriations, made elsewhere:

The amendment of the Senate is placed upon the House bill, and is now urged upon us by the Senate conferees with full knowledge that its principal, if not only, object is to effect the dismissal of various suits of law instituted and to be instituted by the law officers of the Government against six or seven of the great mining corporations of Nevada for timber cut on public lands of the United States and converted to their own use, amounting to the handsome sum of $10,000,000. This being the issue, let us consider it in its nakedness and view it in all its deformity.

The House bill as sent to the Senate contained the following provision:

"For expenses of depositing public moneys received from the disposal of public lands, $10,000."

This was the innocent and harmless little provision upon which the Senate draughted its rider, without kinship or parliamentary connection, and obnoxious to the rules of the Senate, as well as of this House, prohibiting legislation on appropriation bills.

Upon that provision, relating only to the transportation of certain public moneys of the United States, the Senate amendment now under consideration is before you, and was before us in conference, as follows:

"No part of the money appropriated by this act"—

Not this provision, mark you, but no part of the money appropriated by this entire bill—

"shall be used in the investigation of any case"—

Observe, Mr. Speaker, the audacious proposition, that investigation must cease, and in every case, too—

"or in the prosecution of any person in the mining regions of the United States, for cutting for mining or domestic purposes dwarf or scrub timber unfit to be sawed or hewed into timber of commercial value."

I have called the attention of the Senate to this matter to refute the charge that I was attempting to do anything by indirection, and to show that it was not my fault that the amendment was not inserted in its right place. The following extract from the remarks I made when I offered the amendment will show that I informed the Senate of the exact object for which it was offered:

I offer this for the reason that some question has arisen in the last year with regard to which there is a difference of opinion. I think it would be well to guard this appropriation—it is a large one, $75,000—so that all parties may be advised and so that no misunderstanding shall occur and no oppression be practiced. There were a few arrests made in Nevada during the last year, but the court discharged the men, and I understand that there has been some other investigation. I do not apprehend any convictions, because it has been sanctioned so thoroughly for years. But still, in making a large appropriation like $75,000 for this purpose, it might as well be so fixed that there can be no misunderstanding about it. (RECORD, page 7777.)

Before I proceed to show the conspiracy to absorb the public money and annoy innocent citizens of Nevada, which originated with a Democratic district attorney in my State and has been indorsed by a Department of this Government, and by a Democratic House of Representatives, I desire to state how differently the miners were treated by the Republican party. I am sorry that the right of my people to live in the mining regions and cut fire-wood for mining and domestic purposes according to law has been made a party question, and that the exigencies of the Democratic party are such as to make it necessary for its success to harass miners for doing that which the law authorizes.

From 1849 until 1866 there was no law of Congress which authorized mining or the cutting of timber on the public lands for mining purposes. Under the letter of the statute it was a trespass either to mine or to cut timber for that purpose, but the Supreme Court of the United States declared that it would recognize the fact that the people of the mining regions had possessory rights which the law would protect, the statutes to the contrary notwithstanding; that eighteen years of non-action by the Government, during which time a great community, consisting of near 1,000,000 people, had been allowed to occupy the public lands for mining purposes, had conferred upon them something more than the character of trespassers; that they were settlers in good faith, whose rights would be protected.

In March, 1865, the United States district attorney for Nevada and the receiver of the land office commenced to investigate and prosecute miners for cutting timber for use of the mines on the Comstock.

There was then no law under which timber land could be purchased. The State had just been admitted into the Union, but there was no legislation of Congress authorizing either mining or cutting timber for mining purposes. In the technical sense of the term nearly every inhabitant of the State was a trespasser. I called on the Commissioner of the General Land Office and explained to him the situation. He said no recent instructions had been given and that he had no authority to revoke the existing instructions or to change the law, and that the district attorney and local land officer had authority to institute the prosecutions and that he had no power to prevent them from doing so, although he regarded it as a great hardship on the people of Nevada. I then called on the Secretary of the Interior, Mr. Browning, and received substantially the same reply which I had received from the Commissioner. I then called on President Lincoln and explained the situation to him. After a moment's reflection he asked me if I could give him the names of two gentlemen in Nevada in whom I had confidence. I gave him the names of Robert M. Clarke for district attorney and David L. Gregg for receiver. He appointed them at once, and the prosecutions ceased.

During the following session a law was passed allowing the State of Nevada to sell the 500,000 acres which were granted to her for internal improvements and devote the money to the cause of education. The people of the Comstock Lode thereafter purchased timber land from the State on the eastern slope of the Sierra Nevada Mountains, and have ever since refrained from cutting timber on the public lands, and no prosecutions have ever been attempted by the Government officers in my State, as I recollect, until the appointment of Mr. Haydon, the present United States district attorney for Nevada.

In 1878, prosecutions having been instituted in various Territories in the mining regions for cutting timber for mining and domestic purposes, the following law was passed by Congress:

Be it enacted, etc., That all citizens of the United States, bona fide residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being upon the public lands, said lands being mineral and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which said citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

This act was based upon the following report of the Senate Committee on Public Lands, which concisely states the reason and the necessity for a law prohibiting the prosecution of miners for cutting timber on the public lands for mining and domestic purposes:

The committee have carefully considered the subject of timber and timberlands and, after mature deliberation with the view of devising the best methods of preserving, cultivating, and disposing of the same, have come to the conclusion that a distinction should be made between such trees as grow upon the mountains in the mineral districts and the forests of pine, oak, and other timber that grow in the more level portions of the country.

While the lumber of the latter is a regular and important article of commerce and is constantly being cut and transported in large quantities to ready markets, the character of the former renders the timber unfit for commercial purposes. Even were this otherwise, it is usually found in such inaccessible places as to preclude its transportation to market. Consequently it is used by the prospector, the miner, and other members of mining communities for domestic and other practical purposes incidental to the development of mineral districts. The committee do not believe that it would be wise policy on the part of the Government to seek to profit directly by the sale of this kind of timber nor to tax the pioneer by compelling him to purchase it. Except as a source of revenue, by sale to the settler, it never can be of any value to the Government. Should the experiment be tried of requiring payment for it, it would be found that the cost of keeping agents for its sale and officers to prevent or punish infractions of the law at remote and widely-separated settlements would largely consume all sums received for this timber by the Government.

Thus, while it is practically of but little value to the Government, it is essential to the settler and indispensable to his occupation and development of the mineral lands. It has been the custom of Congress to encourage the exploration and development of the mineral regions of the United States; and in this connection it should be borne in mind that it is mainly to the indomitable energy, hardihood, and daring of the pioneer that we are indebted for the discovery and development of the rich gold and silver districts of the country. What would be the condition of this country to-day had it not been for our product of gold and silver during the last quarter of a century? The $100,000,000 annually added by the United States to the world's stock of bullion will amply pay for the use of the scattering timber found in those localities. Instead of imposing this timber as a tax upon this important branch of industry the committee are of opinion that, under the restrictions provided in this bill and on grounds of equity and public policy, the Government should allow its free use by the actual settler for the purposes alluded to herein.

In 1866 Congress, by express statute, authorized the occupation and use of these mineral lands, as follows:

"*Be it enacted, etc.*, That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs and rules of miners in the several mining districts, so far as the same may not conflict with the laws of the United States."

This is an express grant by the Government to the people who occupy this portion of the public domain. There was no law by which settlers could purchase either the timber necessary for such occupation or the land upon which that timber is found. It is a well-settled principle applied to grants that the grant carries with it all the incidents necessary to enable the grantee to make the grant available. It is absolutely necessary for settlers to have timber for domestic use in order to enable them to occupy these mineral lands. It would have been a mockery to make this grant without including such use of timber. It can not be said that it was ever intended the occupants should pay for this timber, since no provision has ever been made for its sale or purchase. The Government is more than paid for its value by the increased wealth added by mining operations to the grand total of taxable property.

This law made it lawful to cut timber for mining and domestic purposes in every part of the State of Nevada, the whole State being in the mining region. The timber in Nevada east of the Sierra Nevada Mountains consists of a scrubby growth of nut pine, juniper, and mountain mahogany. This timber—if such a scrubby growth, which is only fit for fire-wood, can be called timber—is found at an elevation above 5,000 feet and generally in the rough and often almost inaccessible mountains. It is scattered, very difficult to get, and exceedingly expensive, wood in the mining camps ranging from $8 to $24 a cord and

coal from 25 to 30 cents per bushel. As difficult as it is to obtain this wood, it is all the people have, and without it no mining could be done.

It will be observed that the act of 1878 expressly authorizes the cutting of this wood for mining and domestic purposes. The Commissioner of the General Land Office, however, attempted to repeal this law, so far as Nevada was concerned, by a regulation prohibiting the cutting of timber under 8 inches in diameter. As nearly all of the timber in Nevada is less than that size, the instruction, if enforced, will abrogate the law. Soon after Mr. Haydon was appointed district attorney he addressed a communication to the Secretary of the Interior and the Commissioner of the General Land Office, a part of which the Commissioner has graciously permitted the Senate to see, in compliance with the resolution adopted on August 27, calling for information in regard to this matter. The letter is as follows:

EXHIBIT D.

RENO, NEV., *April* 28, 1887.

DEAR SIRS: As the subject of this communication falls within scope of your circular of date May 7, 1886, to registers and receivers of United States land office and special agent of General Land Office, issued by honorable Commissioner and approved by honorable Secretary, and is of importance to the Department as well as to the General Land Office, I trust will prove a sufficient excuse for making this communication a joint one. As you are doubtless aware, I have been appointed recently as attorney for United States of district of Nevada. Complaints have been made to United States Marshal Thomas E. Kelly, of this district, and to myself, as district attorney, within a few days past that for years past, and still continuing, hundreds of men—mostly Italians, maybe thousands of them—have been systematically engaged in cutting off into cordwood or burning into charcoal thousands of acres of timber on land belonging to the Government without even the pretense of pre-empting it or buying it from either State or United States. In the region about Eureka, in this State alone, there have probably been several hundred square miles of land covered with a growth of nut-pine timber from 8 to 10 inches in diameter to 30, and from 8 or 10 feet to 30 feet in height, and with cedar considerably less in diameter and height, have been swept bare, and probably 1,000,000 or 2,000,000 cords of wood have thus been taken off of public land and mostly consisting of mineral land without any color or pretense of right to the same, all, too, for purposes of commerce, not by miners for their mines or for improvements on the land. In a district of mineral land 30 to 40 miles away from Eureka and outside of the mining district that embraces Eureka on or near the Eureka and Palisade Railroad, at or near what is called Pine Station, Alpha, Antelope mining district, Cedar Station, etc., there are boss Italians or leaders among their countrymen who have grown quite rich on these peculations, or rather wholesale robberies of the timber on the public lands.

That railroad is constantly engaged in carrying and in buying and selling this wood at Eureka and other points, all directly contrary to the act of June 3, 1878, referred to by you in your circular above referred to, and contrary also to section 4 of act of same date, providing for sale of timber land in Nevada, etc. (pages 89 and 90, 20 Statutes at Large). C. Boltiere has now 500 cords cut, Gabriel Zonola, at Alpha, over 1,000 cords, and eight or ten other leading men have considerable amounts. The Eureka and Palisade Narrow-gauge Railroad is engaged in hauling it in their cars every day. This wood spoken of, four-fifths of it, is not over 5 inches in diameter, and scarce one tree out of fifty is over 8 inches in diameter. The fact is all that land was culled and cut over once, taking all trees of any size, and now they are cutting it over a second time and sweeping every young tree and bush over 2 or 3 inches in diameter.

These men have all been notified by men owning mines right among this timber to desist from cutting it; told if they would leave what was standing and haul off only that already cut they would not be complained of. The railroad company aforesaid has been notified to desist hauling the wood thus cut, but the parties thus complaining have been treated with contempt.

This information I have from a mining man, the president and superintendent of several mines in the immediate vicinity of this timber land. His motive, of course, is to preserve the timber for the lawful purposes provided for by the acts above referred to, namely, for purchase and for mining and domestic purposes, etc., as permitted by the act. He is verified in his statements by the observation of the marshal, Thomas E. Kelly, who has been very recently, namely, within ten days or so last past, through this country. In fact, the same state of facts of my own knowledge will be found to exist in the vicinity of Austin, White Pine, Belmont, Pioche, and every other large mining camp in this State and throughout all the mountainous timbered regions of California where examples have not been made.

I have no doubt that many thousand cords of wood could now be found and seized in various parts of this State, cut off of mineral land reserved from sale and public land not sold. I have no doubt this state of affairs will continue unless examples are made. I have no doubt large recoveries could be made and large seizures made from persons taken red-handed in the act. I have no doubt the former register and receiver of the Eureka land office must have known, or shut his eyes and ears to keep from knowing, about this wholesale robbery of the timber of the United States cut in the eastern part of the State. There is but little timber of any kind near Carson, east of California State line, except what was fairly purchased or at least pre-empted or purchased by men who appeared to have fairly pre-empted or purchased such timber bona fide.

These complaints have only come to my ears since I have been officiating as United States district attorney, yet I feel they are true, or far less than the truth, and that any honest, capable investigation will demonstrate the entire truth of all that has been said. The General Land Office has been promising in one or two cases I know of to send out a special agent to investigate land irregularities in this State.

To develop the amount of these timber spoliations, to punish the offender, to recoup what can be done, would require a smart, quick, active agent, with largely-developed detective faculties, to go around in these several mining districts and ascertain approximately what amount of timber or wood has been stolen, who stole it, what witnesses can prove it, then like a thunderbolt make or have made his arrest, and seizures of wood and timber remaining, and inaugurate suits to recover values from all solvent persons and corporations.

* * * * * * *

Would do all in our individual power to prosecute, convict, and punish these bold robbers of the public domain, but without the direction and assistance of the proper department, its influence, direction, and means at our back, we can do but little and might be blamed for that, both by the Government on account of the expense incurred and the citizens and communities affected.

So, gentlemen, we most respectfully refer these matters to you. If you think these people ought to be prosecuted for laying waste the small amount of not very high or very thick timber in this State, and that acts of Congress should be enforced, then send a special agent or appoint one here (to the manner born) to investigate these charges, to marshal the evidence, array the witnesses. I can put him on track in some cases, refer him to persons and their residences that will take warm interest in giving him all the information and assistance in their power.

If you do not think that course advisable, please inform me of your views and wishes in the premises.

I have the honor to be, your obedient servant,

THOS. HAYDON,
United States District Attorney for Nevada.

Hon L. Q. C. LAMAR,
Secretary of the Interior, and
Hon. WM. A. J. SPARKS,
Commissioner General Land Office.

If the portion of this letter which is suppressed was worse than that which we have, it is perhaps well for public decency that the Senator from Vermont [Mr. EDMUNDS] modified my resolution and left it to the Commissioner to give the Senate such scraps of information as he thought proper. The eager ferocity of this letter is one of its principal characteristics. It is a pity that the fact that this patriotic district attorney holds an office the emoluments of which depend upon fees, and the fees upon the amount of litigation which can be stirred up must be taken into consideration in estimating his motives. His idea of pouncing down on every woodchopper like a thunderbolt and seizing his wood is a sad commentary either upon his knowledge of law or his moral perception. He appears to have a special spite against the Italians, and tells us that—

C. Boltiere has now 500 cords cut; Gabriel Zonola, at Alpha, over 1,000 cords, and eight or ten other leading men have considerable amounts.

He says further that—

I have no doubt that many thousand cords of wood could now be found and seized in various parts of this State, cut off of mineral lands reserved from sale and public land not sold.

He wants—

A smart, quick, active agent, with largely developed detective faculties, to go around in these several mining districts and ascertain approximately what amount of timber or wood has been stolen, who stole it, what witnesses can prove it, and then, like a thunderbolt, make, or have made, arrests and seizure of wood and timber remaining and inaugurate suits to recover value from all solvent persons and corporations.

In pursuance of this policy Mr. Haydon had a number of Italians arrested for cutting wood near Battle Mountain, Nevada, and taken before Judge Sabin, of the United States district court for Nevada. After full hearing the judge discharged the defendants and gave a correct interpretation to the law of 1878. This I find in another communication from Mr. Haydon, dated April 18, 1888, which is as follows:

EXHIBIT H.

RENO, NEV., *April* 18, 1888.

SIR: As required under section 2 of instructions to district attorneys, etc., of your office, that a United States attorney should report any information of importance that he in any manner may become possessed of, I desire to say that last fall among many other miners at Bullion mining district, near Battle Mountain, Lander County, Nevada, made complaint under oath that one J. C. Latta, Joaquin Estrada, Jesus Maria Eucinas, Hillano Meza, Refino Mamfo, and Serafino Crimnia were cutting and causing to be cut, for sale and commerce alone to whomsoever would buy, the timber and other trees and undergrowth on the public land in Bullion mining district, and were severally packing and hauling such wood and timber chiefly to the Pittsburgh mines and to dealers in wood and others, some to the railroads, etc.

Other complaints were made by parties at Pine Station, near Eureka, others at Elko, etc. I knew this was the case all over the country wherever there were mines. I once drew the attention of the Secretary of the Interior and Commissioner of the General Land Office and your office to this state of facts in the line of asking that a special agent might be appointed for this State to prevent the wholesale spoliation of the few timbered spots in the State.

The fact is that they were sweeping the land clear of the undergrowth under 8 inches in diameter and leaving the brush and foliage to spread fires and consume the small undergrowth left.

I laid these complaints before Hon. G. M. Sabin, and he, after consideration, gave me leave to file and I filed informations against the six men above named, who had made a business for years, had them arrested and their trial set for the 2d of April, instant. Meantime the local papers in the State took up the matter, and claimed it would kill out all mining, stop all such enterprises, etc.

I arraigned these parties in the information of cutting such timbers not as miners, agriculturists, builders, or for their own domestic use or as agents of others, etc., who were of such classes, but for cutting and removing the wood purely for sale, commerce, and speculation, also of cutting trees under 8 inches in diameter, and leaving the brush to spread forest fires.

At the time of trial I proved the cutting and selling without previous contract or agency to the Pittsburgh Mining Company, proved generally such cutting under 8 inches in diameter and leaving all the brush to spread forest fires—first, as to Refino Mamfo; second, more definitely as to Serafino Crimnia; and to my astonishment and complete nonplusage the district judge directed the jury to acquit, holding that as long as the wood and timber was not exported out of the State or sold therein to railroad companies, that all other cutting and sale was warranted by chapters 150 and 151, 20 Statutes at Large, pages 88, 89-91; that the provisions of the rules and regulations of the Secretary of the Interior made in the spring of 1886, which took effect June 1, 1886, in so far as they forbid other than the felling or removing of such timber in Nevada except for building, agricultural, mining, or other domestic purposes by such classes of persons and their agents, were *obiter* restrictions by the Secretary of the Interior that he had no power or authority to make, granted to him by section 1 of chapter 150, above cited. Under such ruling I discontinued the other four cases.

Now, this agitation has created quite a flutter of excitement all over the State in mining communities, particularly about Eureka, where the country has been divested of timber for an area of over 30 miles from it in every direction, with scarcely a dollar paid to the Government for either land or timber.

Now, this is all premised of what I am about to inform you, which is all in a nut-shell.

A leading attorney and ex-district judge of Eureka informs me that $4,000,000 could be recovered against the Richmond and Eureka Consolidated Mining Companies alone for wood and coal unlawfully obtained by them from the mineral and other public lands of the United States, surveyed and unsurveyed.

That the mooting of this question caused by the prosecutions above referred to has thoroughly alarmed these companies, and many private individuals also, to that extent that they have sent George W. Baker to Washington City with offers to settle with the Government for their trespasses on its lands.

If Judge Sabin's decision is law (which I have vigorously protested against)

these parties have nothing to settle for, as the wood was not exported from the State, but was used for mining and other domestic purposes, and he holds that every purpose in the State is a domestic purpose except selling wood to the railroad, which is inhibited by the statute.

The rules and regulations I refer to are those signed by Commissioner Sparks and approved by Secretary of the Interior Lamar, and are published in decisions of the Secretary of the Interior for 1886 (page 659 I think, or as I remember).

Now, I would like your advice on this subject—whether if persons cut no trees under 8 inches in diameter and burn the brush or dispose of it so as to prevent the spread of forest fires can they strip the whole public land, mineral and non-mineral, of timber and wood over 8 inches purely for sale and commerce if they do not export the wood and timber from the State and do not sell it to railroad companies or owners? This is the logical sequence of Judge Sabin's ruling.

I put this case to him: A man named Walmsley has fifteen or twenty Chinamen hired to cut wood for him at what is called Nut Pine, about 18 miles southwesterly from Carson City, which he intends to float down Carson River to Dayton, there to sell; and he decided if he cut no trees under 8 inches in diameter, and took care of the brush so as to prevent the spread of forest fires, then he was not liable to any penalty unless he sells it to a railroad company.

I do not think that is the law, but that in this State a miner, farmer, builder, and citizen of the United States, or bona fide resident of this State, for his or her domestic purposes can take the timber or trees over 8 inches in diameter, taking care of the brush by his own act or that of his personal agent, for the uses of the above classes of business and persons and not otherwise; and I want to put the Treasury on notice that Mr. G. W. Baker's mission is to settle for millions by paying, if anything, mills on the dollars of which the Government is defrauded.

Very respectfully,

THOS. E. HAYDON,
Attorney of the United States for Nevada.

SOLICITOR OF THE TREASURY OF THE UNITED STATES.

It will be observed that the Department was informed by this letter that the district court of Nevada had decided that cutting timber for mining and domestic purposes and for sale to mining companies was authorized by the act of 1878. I call particular attention to the following portion of the letter above quoted:

At the time of trial I proved the cutting and selling, without previous contract or agency, to the Pittsburgh Mining Company, proved generally such cutting under 8 inches in diameter and leaving all the brush to spread forest fires—first, as to Refino Mamfo; second, more definitely as to Serafino Crimnia; and to my astonishment and complete nonplusage the district judge directed the jury to acquit, holding that as long as the wood and timber was not exported out of the State or sold therein to railroad companies, all other cutting and sale was warranted by chapter 150 and 151, 20 Statutes at Large, pages 88, 89–91; that the provisions of the rules and regulations of the Secretary of the Interior made in the spring of 1886, which took effect June 1, 1886, in so far as they forbid other than the felling or removing of such timber in Nevada except for building, agricultural, mining, or other domestic purposes by such classes of persons and their agents, were *obiter* restrictions by the Secretary of the Interior that he had no power or authority to make, granted to him by section 1 of chapter 150, above cited. Under such ruling I discontinued the other four cases.

A decision of this character would have ordinarily caused an executive officer to stop and inquire before he inaugurated a general system of litigation very expensive to the United States and vexatious and ruinous to the miners; but, strange to say, its only effect upon the Commissioner was to order more prosecutions and spend more of Government money contrary to law, and not only that, but to rush into the public prints to abuse a Senator for offering an amendment to save needless waste of the public money and protect his constituents from vexatious prosecutions.

The suits instituted by Mr. Haydon caused some anxiety, and the attorney for the defendants in these cases, Mr. MacMillan, wrote me for the instructions of the Department with regard to the cutting of timber and the rulings under the act of 1878. I addressed a communication to the Commissioner of the General Land Office requesting him to forward copies of these papers to Mr. MacMillan, if he had them, for distribution. I supposed I had a right to do this either as Senator or citizen, but it seems not; on the contrary, the Commissioner has transmitted my request to the Senate in answer to its resolution of inquiry as one of his reasons for instituting these prosecutions. My letter is as follows:

EXHIBIT G.

UNITED STATES SENATE, *Washington, D. C., April 3*, 1888.

SIR: If you have copies of all decisions, instructions, and regulations of your office for distribution relating to the act of June 3, 1878, in regard to timber cutting on the public domain for mining and domestic purposes, I would be much obliged if you send copies to Hon. J. H. MacMillan, attorney-at-law, Winnemucca, Nev.

Yours, respectfully,

WM. M. STEWART.

Hon. S. M. STOCKSLAGER,
Commissioner of the General Land Office.

The foregoing document, which is marked "Exhibit G," appears to have been regarded by the Commissioner as an intrusion upon his royal prerogatives.

> Upon what meat doth this our Cæsar feed,
> That he is grown so great?

But the fairness, decency, and judicial impartiality of this great man is more forcibly illustrated in what follows than in what has preceded. The prosecutions of the Italians, to which I have already alluded, called attention to the possibility of suits against all persons who had cut fire-wood in Nevada, and created considerable anxiety in my State, and was the occasion of the call of Mr. MacMillan and others for the laws and rulings of the Department, etc. Among others who had bought timber to be used in the mines were W. C. Price and G. W. Peltier, who conducted several mining companies at Tuscarora, Nev., a mining camp about 50 miles north of the town of Elko, on the Central Pacific Railroad. These gentlemen, having been the responsible agents of several mining corporations, were anxious to have the business of those corporations settled before the mines were exhausted, and preferred to pay for what wood they had purchased rather than be annoyed by lawsuits after the mining companies had gone out of existence. They made a statement from their books as to the amount of wood used by the several mining companies under their charge, and offered to pay 50 cents a cord for it to the Government.

Mr. G. W. Baker and Mr. J. W. Dorsey came to Washington as the agents of Messrs. Price and Peltier. They showed me their statement and told me the object of their visit. I told them that the law authorized the cutting of this timber to be used for mining and domestic purposes, and that they did not owe the Government a cent. They said that they were perfectly aware of that, but that they had rather pay 50 cents a cord for the wood, which was the highest price paid for stumpage on private land in the State, than to be sued. I indorsed their application and my indorsement is transmitted to the Senate in answer to its resolution and for the purpose of showing that the amendment which I offered ought not to be adopted. My indorsement is as follows:

WASHINGTON, D. C., *April* 27, 1888.

I, WILLIAM M. STEWART, Senator of the United States from the State of Nevada, do hereby certify that I am personally acquainted with G. W. Baker and J. W. Dorsey, the attorneys representing the parties herein named, and also with George W. Peltier and W. C. Price, comprising the firm of G. W. Peltier & Co., and also with the mining corporations mentioned in this proposition of settlement and the mining claims and mining operations carried on by each of them respectively in the Tuscarora mining district, county of Elko and State of Nevada.

That I have visited Tuscarora and am familiar with the character of the wood and fuel consumed by said mining companies, and am satisfied that the representations herein contained are candid and truthful and fully and fairly present the volume and value of the wood and timber consumed by each of said companies respectively; and further, that the scattered and scrubby pine and cedar which is gathered in the region within a radius of more than 40 miles about Tuscarora never has been regarded as timber within the prohibition of the statutes. These scattered and scrubby bushes would never be used for any purpose if any other timber existed in that region, and besides there would be no necessity for using it if mines had not been discovered.

There would be very little of this scrubby stuff gathered from the crags of the mountains, where it grows, if only ordinary firewood was required; but it is necessary to have some hard wood to roast ores. The principal fuel, however, at Tuscarora, and which is consumed by the mining companies in carrying forward their operations, is sage-brush, which is gathered from the surrounding country. Under these circumstances I think that the offer of a compromise made is extremely liberal and should be accepted by the Government without hesitation, particularly in this case, where it would be extremely doubtful whether the Government would be able to make proof the cutting of any wood (because it is a misnomer to call this scrubby stuff timber) or to establish any violation of the timber laws upon the part of any of the parties to this offer if they had put themselves upon the defensive and denied the commission of such trespass. Their frank admission and offer of settlement should insure for them fair treatment and prompt response on the part of the United States.

WM. M. STEWART.

The foregoing indorsement was read in the House and prefaced by the following statement:

One of the pending prosecutions is for the recovery of $126,880.94. The defendants made overtures for a compromise, and finally submitted an offer to pay $3,000 for a release and acquittance. Three thousand dollars for $126,880.94 of Government property! The offer was of course rejected by the faithful representative of our Government, but not until such offer had received the following eminent indorsement, which I send to the desk to be read.

The Commissioner of the General Land Office states in his reply to the Senate resolution that—

This office has recommended no suits in Nevada except against the two powerful and wealthy corporations (meaning the Eureka and Richmond Mining Companies) referred to in my letter to Mr. BURNES.

The Commissioner has also given us the information which he has in regard to the matter of the compromise with Messrs. Price and Peltier on account of the wood cut by them, and which compromise I indorsed, and for which he has taken occasion to represent, or have represented, that I indorsed a compromise for $3,000 of a claim of $126,880.94. The following is the report of Special Agent George D. Temple on that subject:

EXHIBIT N.

BLACKFOOT, IDAHO, *July* 26, 1888.

SIR: By same mail with this I forward reports in duplicate of timber trespass by the following-named mining companies whose mines are located at Tuscarora, Nev., namely, Navajo, Grand Prize, North Belle Isle, Nevada Queen, Commonwealth, and Independence, having been detailed to such duty by your letter "P" of May 25 last.

The total value of timber, logging, cord-wood, and charcoal involved in such trespass, as ascertained, is $126,880.94. This amount appears small when the number of companies concerned and the length of time covered by the reports is considered, but an explanation is found on reference to their books, which shows that no one of the mines has been operated continuously, that through dealers at Elko and Tuscarora large quantities of mining timber and logging were obtained from mills on the Truckee River on the eastern slope of the Sierra Nevada range, and that for at least ten years past immense quantities of sage-brush have been used for fuel.

Hundreds of thousands of dollars have been paid out for sage-brush alone. At this time there are estimated to be 20,000 cords of sage-brush valued at $60,000 at the mills of the Navajo and Grand Prize mines. Wood is now used for the purpose of roasting ore only.

In the proposition for settlement made by these companies under date of April 27, 1888, they claim a deduction of 25 per cent. on account of timber alleged to have been cut on State lands. I can not believe them entitled to such deduction. The timber in question, from the best information I could get, came from the crests and cañons of the mountains (the only places where it grows in Nevada), having, in large part, to be transported therefrom to the wagon-road below, upon the backs of mules and asses.

These lands being, as I suppose, unsurveyed, are not in condition to be and are not desirable as State selections.

In the course of my investigation every facility was afforded me by the per-

sons in charge of the offices of the companies named, and I saw no disposition to evade a full showing of their timber transactions.

Very respectfully,

GEO. D. TEMPLE,
Special Timber Agent.

COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.

It will be observed that these mining companies furnished the special agent their books and gave him every facility in their power to make the investigation. He could not have investigated the matter in the field in five years, if at all. It would have been utterly impossible for him to ascertain the amount of wood consumed by these companies if they had not furnished it. The companies estimated that one-fourth of the wood they purchased had been cut on private land, and offered to pay for the other three-fourths. The agent reasons, for he had no means of knowing, that they probably got more than three-fourths of the wood from the public land. He says that this wood, timber, etc., was worth just $126,880.94. He does not tell us how he arrived at this conclusion; whether he estimated the value of the wood where it grew in the cañons and cliffs of the mountains and before it was cut, or after it was packed on mules and asses to where it could be reached by wagons, or after it was hauled to the mines, or whether he arrived at this conclusion by estimating the amount of bullion produced from the mines by the use of the wood. Here again the Commissioner is willing to make the impression that a Senator attempted to defraud the Government by recommending a compromise of a claim of $126,880.94 for the paltry sum of $3,000, and either fails or declines to give any authority for his statements.

This is not all. He makes this insinuation after he had been informed by the district attorney that the district court of the United States had decided that the cutting of timber on the public lands in the mining region to be used in reducing ores was lawful and proper, and he had been particularly advised by that official that the mining companies proposing to compromise were not liable under the rulings of the court. The following is from the letter of District Attorney Haydon of April 18, 1888, which I have already quoted:

That the mooting of this question caused by the prosecutions above referred to has thoroughly alarmed these companies, and many private individuals also, to that extent that they have sent George W. Baker to Washington City with offers to settle with the Government for their trespasses on its lands.

If Judge Sabin's decision is law (which I have vigorously protested against) these parties have nothing to settle for, as the wood was not exported from the State, but was used for mining and other domestic purposes, and he holds that every purpose in the State is a domestic purpose except selling wood to the railroad, which is inhibited by the statute.

It is true that the resolution of the Senate simply called for information which, in the opinion of the Secretary of the Interior, "ought not to be withheld for purposes of justice." What purposes of justice could be subserved by withholding from the Senate information showing how the special agent arrived at the exact sum of $126,880.94 as the value of the timber cut by Price and others is difficult to comprehend. If he had no information, the charge was gratuitous and ought never to have been made. If he has the information, the withholding of it shows that his ideas of justice and propriety are hardly in accord with decency and fair play. An official slander so poorly supported is a disgrace to the Land Department.

The reports of Special Agent Temple as to the timber cut by the Eureka and Richmond Companies are equally meager, and bear on their faces that they are manufactured and hearsay. Temple could not have gathered the alleged information by a personal examination in twenty years. He evidently was stuffed by somebody to make up a sensational report as a justification for lawsuits. It is not pretended that the timber used by these companies was transported out of the State or that they dealt in it as a matter of commerce; on the contrary, it is admitted that it was used in mining operations in reducing the galena ores which that camp produces, and without it no mining could have been done in that part of the State. It is conceded that the companies have done with the wood just what the court decided they might do, and just what the statute declared they might do.

The gratuitous attack of the Commissioner on Mr. Probert, the manager of the Richmond Mining Company, because he is an Englishman, is equally reprehensible with the attack of the district attorney on the Italians who cut the wood. The Richmond Company is a Nevada corporation, not an English corporation. The fact that a larger portion of the stock is owned by Englishmen does not depriye it of the right to work mines in Nevada. The Richmond and Eureka Companies have paid for their coal and wood very large sums of money to thousands of poor men who have gathered it from the cliffs and cañons of the mountains and sold it to these companies for mining purposes. The value of the wood that they have cut was created by the companies themselves. If the mines had not been worked, the wood would have had no value. How this special agent ascertained that the Government had been robbed of $10,000,000 by these two companies does not appear. He either failed to give the Commissioner the facts upon which he based his estimate, or the Secretary of the Interior thought it would be injurious to the public service to inform the Senate of the facts.

The coolness with which the Department asks for hundreds of thousands of dollars for spies and prosecutions, while it declines to inform the Senate of the basis of its calculations, is worthy of remark. It seems to me we have a right to know what was the value of this timber for other purposes than the use to which it was put in working the Eureka mines, and whether it would have had any value whatever if the mines had not been discovered, and why he proposes to prosecute these companies for doing what the statute declares they may do, and what the United States court has decided they may properly do, and whether his proposed prosecutions are simply for the purpose of making fees for district attorneys and other officers, and for furnishing excuses for squandering money on special agents.

I do not ask the Senate to refuse to adopt the conference report with any expectation of eliminating from the sundry civil appropriation bill the enormous corruption fund appropriated for the use of the Commissioner of the General Land Office, or for the purpose of adopting my amendment, because I am well aware that the decree has gone forth and that the Democratic party is committed to the prosecution of the miners of my State, notwithstanding the statute and the decision of the district court, and that the star-chamber must be maintained, the titles of the people of the West must remain subject to the whims and caprices of a secret tribunal, whose agents are legion and whose purposes are the acquisition of money, no matter how, whether from the Government or from persons who can afford to purchase immunity.

I am determined, however, that my people shall know from what party this blow has come. It is impossible to conceal from them the motives which have prompted it. It is a great hardship that is inflicted upon my State. It is true the Commissioner says he has authorized only two suits to be brought, while we are informed by a speech made elsewhere that the people of Tuscarora are also to be prosecuted, and that suits against the companies who offered to compromise is a part of the programme. We are told by the district attorney that Austin, White Pine, Belmont, Pioche, and every other large mining camp in Nevada and throughout all the mountainous timbered regions of California are in the same situation and subject to the same prosecution that is proposed for the people of Eureka.

The people of Nevada will not be deceived; they know very well that if these prosecutions can be sustained against the Eureka and Richmond Companies they can be sustained against every miner who has cut a stick of wood to cook his beans or to timber his tunnel; and whether these actions can be maintained or not, every citizen knows that he is liable under this Administration to be dragged from his home and prosecuted, however innocent, and left in Carson, hundreds of miles from his home, to find his way back at his own expense and as best he can. They have the example of the Italian wood-choppers, who were arrested, tried, and acquitted last winter, and they know the trouble and expense the Government of the United States has power to inflict upon honest citizens.

There is no use in the Commissioner attempting to avoid the responsibility by saying that he is only going to prosecute "powerful and wealthy corporations" and let others go free. There are no "powerful and wealthy corporations" in Nevada. The mining companies have no property when the mines are exhausted. During the life and prosperity of the mines they pay out at least 95 per cent. of their product in supplies and labor, and many of them pay out large sums and get nothing. But these mining companies are the life of the country. All the people are dependent upon them. The effect upon the country by destroying these companies by prosecutions is well stated in the following dispatch from Eureka, which is signed by the leading and responsible men of that town, including both Democrats and Republicans.

EUREKA, NEV., *August* 31, 1888.

Hon. WILLIAM M. STEWART,
United States Senator, Washington, D. C.:

To stop cutting scrubby timber on the public mineral lands for our mining companies would ruin this community. The companies would not suffer materially, as they can shut down and await the result of the litigation without material loss, but hundreds of poor men, many of them with families, are dependent upon the companies for their daily bread. They would be thrown out of employment without the possibility of obtaining it in any other business here, and universal distress and destitution would follow amongst them, and general financial distress amongst our business men. Can there not be an open investigation by responsible parties before any action is taken?

M. D. FOLEY.
BAKER & WINES.
CASSIDY & SKILLMAN.
C. C. WALLACE.
A. L. FITZGERALD.
R. SADLER & CO.
THOS. WREN.
A. E. CHENEY.
D. A. HALL.
WM. O. MILLS.
REMINGTON, JOHNSON & CO.

To show that I am not drawing any fancy sketch of the evils growing out of the cherished policy of the Commissioner of the General Land Office and the Democratic House of Representatives, I call attention to the forcible and graphic letter of Hon. Thomas Wren, ex-Congressman from Nevada, a lawyer of eminence and resident of Eureka, published in the Eureka Sentinel on September 1. I do not do this because I expect to influence the Commissioner of the General Land Office to desist from his wicked work, but because I desire to discharge my whole

duty in informing the country of the plans and purposes of the Democratic party in its treatment of Nevada. The letter is as follows:

THE TIMBER QUESTION.—WHAT WILL RESULT IN THE EVENT OF THE SUITS BEING COMMENCED.

EUREKA, *August* 30, 1888.

EDITOR SENTINEL: It appears from the CONGRESSIONAL RECORD of the 22d instant that upon the recommendation of the Commissioner of the Land Office that suits have been ordered against the Eureka Consolidated and Richmond Companies for wood cut upon the public mineral lands by parties engaged in the business and sold to those companies to enable them to mine and reduce ores.

Senator STEWART, when informed of the arrest of parties for cutting wood on public mineral land for mining purposes in the central part of the State, offered an amendment to the sundry civil appropriation bill, then pending in the Senate, providing that no part of the appropriation made by that bill should be used for the prosecution of any person for cutting for mining and domestic purposes "dwarfed or scrubby timber unfit to be sawed into lumber of commercial value" on the public lands. This amendment was proposed in the Senate, but was not concurred in by the House of Representatives. In order to prevent the House from adopting the amendment the Commissioner of the Land Office wrote a letter to JAMES W. BURNES, a member of the House, attacking the mining companies and STEWART violently.

On the 20th instant the New York Herald contained an editorial based upon the letter of the Commissioner, also violently attacking Senator STEWART. On the 22d instant the Senator, speaking to a question of personal privilege, vindicated himself from the charges made by the Commissioner and denounced the statements made by him as untrue, not holding the Commissioner responsible, however, for the false statements, but his informers, and so the matters stood at last advices. Now, if the Senate should recede from Senator STEWART'S amendment the suits will undoubtedly be commenced at once. In that event all smelting and mining operations must immediately cease in Eureka district. There is no timber in Central and Eastern Nevada, except the scrubby pine, cedar, and mahogany growing upon the public mineral land. The public mineral land is reserved from sale and is not surveyed, except in cases where mine owners have had surveys made for the purpose of procuring patents, and could not be sold except as mining ground if they were surveyed, and there is no way in which the title to any considerable portion of these timber lands can be acquired from the Government.

Under the law, as construed by the Commissioner, it will be his duty not only to commence the contemplated suits, but to seize all wood now cut upon the public mineral lands and prevent all persons from cutting for these companies in the future. The mining companies can only in part procure the necessary fuel elsewhere to carry on their smelting and mining purposes. Our citizens will realize at once the extent of the disaster impending over them. The ruin wrought by our great fires will be as nothing compared to it. Hundreds of our citizens are dependent for their daily bread, directly or indirectly, upon the operations of our great mining companies. Stop their operations, and what are all of these poor people to do? Many of them have not even the means to seek employment elsewhere; and where are they to go to get it? The construction of the law by the Commissioner applies to all other parts of the State, and the conditions are the same throughout Middle and Eastern Nevada; Austin, Taylor, and all of the other mining camps in the middle and eastern part of the State are equally unfortunate with ourselves, except, perhaps, that there has been no one found in their midst as despicable as the lying wretches who have brought this trouble upon us by their misrepresentations.

We may repose full faith that Senators STEWART and JONES and Representative WOODBURN will do all they can for the best interests of the State; but it is difficult, as I found while in Congress, to make Eastern Representatives understand the real state of affairs in the mining regions of the Pacific States and Territories, and while we hope for the best, let us prepare for the worst.

Yours,

THOMAS WREN.

I can not refrain from reading to the Senate a letter from Mr. Probert, the superintendent of the Richmond Mining Company, who is so gratuitously denounced by the Commissioner of the General Land Office in his attempt to change the issue from the real crime against law and decency, which he himself has committed, to an attack on a gentleman who has committed no other offense than having been born in England. If this letter does not sufficiently rebuke the Commissioner for his unwarranted attack upon a private gentleman words are inadequate to reach his opaque and dormant conscience. This is Mr. Probert's letter:

306 LEAVENWORTH STREET, SAN FRANCISCO, *September* 3, 1888.

DEAR SIR: A copy of the CONGRESSIONAL RECORD, containing a report of your able defense of the mining interests of the people of Nevada as regards their right to cut timber under the law of 1878, has just been forwarded to me by Mr. Wren, and I can not but write a line to thank you in the name of my company, as well as in my own, for your vigorous denunciation of the secret service system of the Government lately put in operation against the mining companies there.

"Alien" though I am, I have never abused the hospitality of the United States by breaking its laws, and I hardly think I deserve to be branded as a timber thief, but it seems that the bare word of the secret informer, who hopes to profit by making the accusation against me, is sufficient for the Land Commissioner, who proceeds forthwith to set the law in motion, and who on the same authority falsely credits me with the (to him) invidious distinction of being a British nobleman and connected with a distinguished noble family of the highest rank—the name of which it is an outrage to drag into publicity merely to excite prejudice against my unfortunate company.

I wonder that a gentleman occupying the high position of Land Commissioner of the United States could be so easily imposed upon or allow himself to repeat in public such questionable information.

It is to be hoped that the Secretary of the Interior will see fit to order an impartial investigation before acting on the recommendation of the Land Commissioner to prosecute the two Eureka companies, who have done nothing more than avail themselves of the only possible means of obtaining fuel to smelt the ores from which the Government have derived such large revenues in the shape of taxes during the last twenty years, and against which no protest was ever entered till now * * *

Yours, truly,

EDWARD PROBERT.

Hon. WILLIAM M. STEWART.

The editor of the Salt Lake City Tribune, Judge Goodwin, is not only one of the ablest writers in the United States, but he is a good lawyer and a pioneer of California and Nevada. He lived for several years at Eureka, and was engaged in mining there at an early day. He has a personal knowledge of the whole subject of these prosecutions. In the issues of the Tribune of September 7 and 9 he has given his views at length, and for fear that the Commissioner will not have an opportunity to read them I will insert them in my remarks. They are as follows:

IDIOTS AND ROBBERS.

If there is anything intended toward the West by the present Administration, except persecution, we should be glad to hear some friends of the powers that rule point it out. On August 18th Senator STEWART, of Nevada, as an amendment to the bill which proposed to appropriate $350,000 per annum to keep spies in the desert and prosecute poor settlers, proposed the following:

"That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber unfit to be sawed or hewed into lumber of commercial value."

At once the correspondent of the New York Herald, posted by Commissioner Stockslager, telegraphed to his paper that the Stewart amendment was offered in behalf of two great corporations, the Eureka and Richmond companies, of Eureka, Nev. The Herald also treated the matter editorially as either a wrong on Senator STEWART on the part of Stockslager, or that STEWART had been grossly deceiving his fellow Senators in the interest of rich corporations. Naturally STEWART did not wait long before making a showing. He at once took the floor on a question of privilege; explained the infamy of the persecutions that are being heaped upon the men of the desert through the agencies of salaried spies, read extracts from a dozen Nevada papers, Republican and Democratic, from distinguished men, Republicans and Democrats, and showed that the use of the scraggy timber in the hills of Nevada was a necessity of civilization there, and after all Senator BECK came to Stockslager's support, read a letter from him declaring that the Stewart amendment was purely in the interest of rich corporations, and commending the action of the House in defeating the amendment.

Senator STEWART denounced the letter as a tissue of falsehoods founded on the report of spies, and with great force showed the infamy of the business of prosecuting poor settlers in the desert on a false construction of the law, which never contemplated any such prosecutions and under which the people pursued their business in peace for twenty years.

Of course in this longitude it is not necessary to expatiate much upon that policy which on the part of the Government seeks to recover from the men of the desert for having cut and used the scrubby juniper and pine trees on the barren mountains. To show how little the men in authority know of what they are doing it will only be necessary to state that Stockslager laid particular stress on the fact that these men had actually cut the mahogany timber and burned it as wood or into charcoal. It is a pity that a mountain mahogany tree can not be dug up by the roots and sent to him. He would see at a glance how infamously his spies have been imposing upon him, and how utterly contemptible and mean are the prosecutions which Sparks set on foot and which he is continuing. It is a mighty pity that all those sensitive gentlemen, whose fathers cut and burned the beautiful timber of the East, can not be forced to camp for a single month in Nevada and be compelled to provide the fuel for their cook from the native timber of the State. It is simply a shame for those educated asses—and their educations are not sufficient to excite any envy—to sit there in Washington and, without the slightest knowledge of what they are really doing, set forces in action which can have but two results. One is to supply fees to broken-down tramps who want to make a living out of the party which they disgrace; the other is to harass, annoy, and put to cruel expense the men who are building signal stations to civilization on the desert. If the men of the West can find one act of the party in power performed since the inauguration of President Cleveland that has not been apparently controlled by utter ignorance or a disposition to harass and oppress them, we should be glad to see the exception pointed out.—September 7.

MORE OF THE TIMBER FRAUDS.

The dispatches inform us that the Acting Secretary of the Interior is still intent upon making a point against the two mining companies of Eastern Nevada that have made it possible for the past eighteen years for a population of several thousand people to maintain themselves and make a fair livelihood. His spies inform him that for a circuit of 35 miles around Eureka these companies have denuded the country of timber, and the proposition is to make them reimburse the Government for the amount taken, which he estimates at several millions of dollars. One would think that some Congressman would analyze the figures of these spies and show their absurdity. The Eureka Company began to use a little charcoal in 1870; the Richmond two years later. They have not since averaged two furnaces apiece.

If four furnaces have in seventeen years denuded 850,000 acres of land of timber, or 50,000 acres annually, what kind of timber must it have been? A furnace consumes from 900 to 1,200 bushels of coal, which is equal to from 15 to 20 cords of wood. Four furnaces would average probably 75 cords per day, or 22,500 cords per annum. If it requires 50,000 acres of land to supply 22,500 cords of wood, what kind of timber land must it be? Then during the past ten years half the fuel has been coke from England. The whole business is contemptible beyond expression. It is founded in ignorance, behind which is a petit-larceny and partisan motive. As we noticed yesterday, the Stewart amendment was defeated in the House; but last Saturday it was called up again on motion of Mr. WOODBURN, of Nevada, that the House recede from its disagreement to the Senate amendment. WOODBURN supported his motion by a very able speech, showing the utter fraud of the whole proposed measure, and presented a protest signed by some of the first men of Eastern Nevada. WOODBURN handled the matter in splendid form. BLAND, of Missouri, interposed a fool amendment, which WOODBURN also exposed, and then gave way to Mr. DUBOIS, who got out of a sick bed to speak on the subject.

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SYMES, of Colorado, and others participated in the debate and then the motion to recede from the disagreement to the Senate amendment was stolidly voted down. It will result merely in putting poor men to a world of trouble and expense, and every suit will finally be beaten. No judge in the West would permit a suit of the kind to go to a judgment. Some broken-down politicians will get petty-larceny sinecures for spying out supposed cases; there will be a blow about the vigilance of the Government in prosecuting offenders, and then the whole business will fall flat.—September 9.

I desire to call attention to another very important and intelligent witness, Mr. Osborne, the editor and proprietor of the Los Angeles Express, an able and influential daily paper, published in the city of Los Angeles, Cal. Mr. Osborne is also a pioneer of Nevada and California east of the Sierra Nevada Mountains, and is thoroughly conversant with the facts whereof he speaks. His views are expressed in the following editorial in the Express of August 30, to which I call particular attention:

TIMBER FOR MINERS.

Senator STEWART, of Nevada, has made a gallant fight in the Senate in behalf of the people of his State, and of those of Colorado and the Territories as well,

on the bill authorizing them to remove timber from the public domain for mining and domestic purposes. In this righteous struggle he has been bitterly opposed by the Commissioner of the General Land Office, who, in an interview with a correspondent of the New York Herald, charged the Senator with attempting to shield timber thieves from just punishment. To those who have lived in the mining regions of this State east of the Sierra, and in Nevada and Colorado, the situation is perfectly understood. Such timber as exists in those arid regions consists principally of scrubby pine, of no commercial value whatever. It is absolutely necessary to the people there for fuel and for timbering in mines, and scattered as it is, and usually at considerable distances from the points where mines are worked and where the sparse populations center, it ought to be free to the poor people who undergo the hardship of cutting or grubbing it, and packing it frequently from the summits of precipitous mountains on burros to the points where it is used.

There has been great uncertainty as to what the rights of people in the mining regions actually were with respect to timber, owing to contrary decisions by successive Secretaries of the Interior and Commissioners of the General Land Office. Secretary Teller, who was a resident of Colorado and thoroughly understood the situation, rendered decisions that were exceedingly favorable to the mining sections, under which it would be impossible to convict any one of wrongdoing in cutting and removing timber for any kind of use in a mining region. His successors have interpreted the laws differently, however. Commissioner Sparks went into office with a preconceived idea that everybody west of the Missouri River was endeavoring to rob the Government in connection with the public lands, and set to work a system of espionage by means of "special agents," better suited to an absolute monarchy than to the United States. Thousands of honest, hard-working, and well-intentioned settlers all over the West and of the Pacific coast have been hounded and harassed by these special agents, and the poor wood-choppers in the mining regions have been particularly badly used. In this matter Commissioner Stockslager appears to be following in the footsteps of Commissioner Sparks. Neither of these men were probably ever in a mining camp in their lives, or have traveled in the region over which they exercise so great control. Senator STEWART in his spirited fight, in which he is ably seconded by Senator JONES, has the backing of everybody on the Pacific coast who has any practical knowledge of the question involved.

The foregoing extracts furnish abundant evidence that so far as the prosecution of any mining company is concerned there is no reason or excuse for such proceeding. At Eureka and other places where the mines consist of galena ore there is no possible way of working them except by the use of the scrubby timber in the vicinity for smelting purposes. If the Eureka and Richmond Companies are restrained from the use of wood for that purpose thousands of people will be thrown out of employment and left without the means of a livelihood, and that section of the country must be abandoned. The animus of this prosecution is clearly indicated by the fierce persecution advocated by the district attorney against the rulings of the court, and by the foolish, extravagant, and absurd exaggerations of Special Agent Temple, upon which the Commissioner pretends to predicate his action. It is not true that there is a conflict between the smelters and the miners. In the regions where smelting is pursued there can be no mining without smelting, and consequently their interests are identical. But the disingenuousness of the Commissioner's reply to the Senate resolution is made manifest by the last paragraph of that reply. He says:

The amendment, if agreed to, can hardly fail, as I stated in my letter to Mr. BURNES, to operate with great injustice and hardship to the large class of honest, thrifty, and hard-working settlers who must have the timber upon the mineral lands, however worthless for "lumber of commercial value," saved to them for their individual, mining, and other domestic necessities. It will not be confined in its operations simply to the "scrubby and dwarf" timber of the mining regions, but will extend to the forests of valuable timber, and will operate as a license to cut for sale in the general market the timber demanded for mining or domestic purposes, whereby it becomes an article of traffic and commerce; which, as has always been held by this Department, the law neither authorizes nor intends.

Why will not my amendment be confined in its operations to scrubby and dwarfed timber of the mining region, and why will it authorize, or tend to authorize, the destruction of forests of valuable timber or operate as a license to cut for sale in the general market the timber demanded for mining or domestic purposes? Is it possible that the Commissioner had read my amendment and observed its contents, or was he ignorant of the intent or meaning of that amendment, or did he attempt to deceive the Senate by a false statement of its tenor and effect? The language of my amendment is as follows:

That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber, unfit to be sawed or hewed into lumber of commercal value.

In what way would this amendment prevent the Commissioner of the General Land Office from protecting our forests or from prosecuting trespassers upon timber upon the public lands? My amendment simply prevents the prosecuting for cutting scrubby timber which can not be manufactured into commercial lumber in the mining regions of the United States to be used for mining and domestic purposes. And when it is declared by the Democratic House of Representatives that my amendment would prevent the prosecution of the Eureka and Richmond Mining Companies, or any other corporation, for cutting or using timber, and would prevent the Government from recovering from those companies $10,000,000, or any other sum whatever, they admit that those companies have neither cut nor used timber of any commercial value as lumber, nor have they used it outside of the mining regions, nor that they have used it for any other purpose except for mining and domestic purposes.

The Commissioner is careful to disclaim any present intention to prosecute miners for cutting scrubby timber in the mining regions for mining and domestic purposes. On the contrary, he argues that such cutting and use are legitimate and proper. Why, then, did he, a subordinate in the Interior Department, for the first time in the history of the Government, attack a Senator in the newspapers for offering an amendment in the Senate, the correctness of which neither he nor any one else can gainsay or question? If the Commissioner did not desire and intend to prosecute the citizens of my State in the mining regions "for cutting, for mining or domestic purposes, dwarfed or scrubby timber, unfit to be sawed or hewed into lumber of commercial value," why did he misrepresent the scope and meaning of my amendment in his letter to Mr. BURNES, and contend that I was attempting to shield railroad corporations or other great corporations, and to cheat the Government out of vast sums of money? The Commissioner either intends to prosecute, and is prosecuting suits against persons "in the mining regions of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber, unfit to be sawed or hewed into lumber of commercial value," or my amendment does not affect his operations in any manner whatever, and his attack on me and my amendment is gratuitous without the slightest shadow of reason or decency.

It seems to me that the orderly conduct of business between the Senate and the Departments, and decency and propriety between gentlemen, should have restrained Mr. Stockslager from falsely representing that my amendment had any tendency whatever to prevent him from protecting timber on the public lands. On the contrary, no man is more anxious for the protection of our forests than I am. I hardly think the Commissioner of the General Land Office is as watchful as he might be in that respect. There may be places in the United States where timber spoliations are not restrained, and it is barely possible that the Commissioner is raising this outcry against the people of Nevada to cover real delinquencies of himself and his subordinates in other sections of the country where our forests are being despoiled by monopolies and rich corporations. I desire to call the attention of the Senate in this connection to the following significant editorial in the Inter-Mountain of August 30, published at Butte, Mont.:

TIMBER SPOLIATION.

In the New York Herald of the 22d we find a Washington dispatch explanatory of Senator STEWART's position as to Government timber lands. In the Senate Mr. STEWART had moved that no part of any item of $300,000 for the prevention of timber spoliation should be used in the investigation of any case, or the prosecution of any person, in the mining region for cutting (for mining or domestic purposes) scrub timber unfit to be sawed into lumber. The Herald dispatch says: "Mr. STEWART proceeded to explain the matter and to defend his own action. The whole Western country, he said, was infested by innumerable spies who made their investigations and their reports secretly. Those who were really guilty of timber depredations had time to buy their peace, and did buy their peace; but the innocent settlers were persecuted. He regarded appropriations for such persecutions abominable. He had not (in his amendment) attacked the principle, but he had sought to protect the people of Nevada from special persecution. The miners had been permitted for the last forty years to cut scrub timber, which was not regarded as timber to be protected by law. He read correspondence between himself and Mr. MacMilian, of Winnemucca, and Mr. Cassidy, of Eureka, commending his action."

The point in the above explanation is that some of the spies sent out here by the Government are zealous in the persecution of poor men, but are quite willing to overlook the wholesale spoliation of forest lands by wealthy corporations for purely speculative purposes. It is fair to presume that Senator STEWART knows what he is talking about. There is solid foundation for his statements and the Inter Mountain desires to add its testimony to their entire correctness. The extent to which the Western and Northwestern public lands are being denuded of timber is little appreciated in Washington. Nor is it understood there to what extent the facts are suppressed by the very men sent out here by the Government to keep the Interior Department informed.

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If the employés of the Government would do their duty, there would be no occasion for Senators to rise in their seats and demand justice for their constituents. The timber interests of this country demand immediate and intelligent action.

The public lands should all be surveyed so that land-grant railroad companies and their allies shall not be allowed to speculate in timber which does not belong to them, and when any person or corporation is found cutting timber from Government land without authority of law and for purely speculative purposes, measures should be enforced to reimburse the Government. This can only be accomplished by the appointment of competent and trustworthy agents, supported by capable public prosecutors. The Inter Mountain believes that timber for mining, domestic, and agricultural purposes should be freely allowed to the people for their own use, but it opposes and will continue to oppose the idea that monopolies shall be tolerated which, having plenty of timber of their own, ravage the forests, promiscuously helping themselves to timber belonging to the Government, and fixing thereon, in collusion with the railroads, fancy prices which they compel the people to pay. Yet that is exactly the condition of things which has been allowed to spring up under the loose administration of President Cleveland. And for the information of Senator STEWART and other champions of the people, the Inter Mountain proposes to demonstrate the exact truth of the assertion.

I know nothing personally of the matters alluded to in the foregoing editorial, but it is fair to presume that an officer who would violate every rule of propriety and attack a Senator for doing his duty in this body, for the purpose of misrepresenting him and attempt to acquire a reputation for zeal in the public service, has something in his official record which he desires to conceal, and for that purpose raises the cry of "stop thief."

I shall on a future occasion expose some of the enormities of the secret-service division in the Land Department, which now holds the destinies of millions of people at its capricious will. Two hundred and forty-five thousand dollars per annum, with numerous deficiency appropriations added, to conduct a secret tribunal in the Land Department to pass upon the rights of settlers in the West is an anomaly in our form of Government.

In the very nature of things such an administration of justice must

be corrupt and its rulings and proceedings must be cruel and unjust. We are in the habit of referring to the ancient Star Chamber and the Spanish Inquisition as the most oppressive of all human institutions. Their proceedings were no more secret than the secret-service division of the General Land Office. The only difference between the administration of justice between the Star Chamber and the Inquisition and our Land Department is that the former were composed of the leading men of the times, who claimed to act conscientiously for the government of the people, and their proceedings, though secret, cruel, and unjust, were aimed for the professed purpose of securing good government, while the secret-service division of the General Land Office is equally secret with either of the tribunals mentioned, no man being allowed to know the charges upon which the title to his homestead is being tried, or by whom they are made, has not the excuse of aiming at high governmental objects, but is engaged all along the line in pursuit of gain, either in the shape of large appropriations from the public Treasury or other and more reprehensible means.

No party or his attorney is allowed to enter the precincts of the secret-service division of the Land Department and learn whether or not a trial is there taking place involving the right to his home in the West, and we are coolly informed that the people of the West have forfeited the right to a public trial based upon charges and to be confronted by the witnesses of their adversaries. Not only this, but a United States Senator, whose character is attacked in the public press by the head and representative of this secret tribune, is not allowed to see the papers upon which the charges are based, and the head of that secret tribunal sends in response to the inquiry of the Senate only such evidence as his inquisitorial majesty sees proper to make public, and in that same communication boldly and defiantly again misrepresents the facts and renews the attack.

If a Senator of the United States is subject to slander and misrepresentation from a subordinate in a department for discharging his duty here, what must be the condition of the thousands and tens of thousands of pioneer settlers in the West whose rights are daily tried and disposed of on the *ex parte* evidence furnished by spies and informers at the expense of the United States?

I shall continue to protest against this extraordinary, wicked, and secret tribunal. I have abundant information of particular instances of abuse of trust of the agents of this secret-service division, which I shall from time to time lay before the Senate and the country for the purpose of eradicating, if possible, from the Land Department this secret institution of oppression and fraud.

Mr. COCKRELL. Mr. President, from the wanton attack made by the Senator from Nevada [Mr. STEWART] upon the Commissioner of the General Land Office, one would suppose that the Commissioner had sent an army of detectives and spies into that State and that they had been oppressing and arresting all the citizens of the country. If there has been an agent of the General Land Office sent into the State of Nevada under this Administration, the Senator from Nevada had him taken there and is responsible for it.

Let us look at the cold, naked facts in this case about which the Senator has been making so much noise. I hold in my hand the law of June 3, 1878, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," which reads as follows:

An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public lands for mining and domestic purposes.

Be it enacted, etc., That all citizens of the United States and other persons, bona fide residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove for building, agricultural, mining, or other domestic purposes any timber or other trees growing or being on the public lands, said lands being mineral and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

SEC. 2. That it shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding $500, and to which may be added imprisonment for any term not exceeding six months.

Approved June 3, 1878.

It will be observed that that law excluded from its privileges all railroad corporations. I hold in my hand the rules and regulations prescribed by the Secretary of the Interior for the protection of timber under that law. They are signed by "J. A. Williamson, Commissioner of the General Land Office," and are dated August 16, 1878, and approved by Hon. Carl Schurz, Secretary of the Interior.

RULES AND REGULATIONS PRESCRIBED BY THE SECRETARY OF THE INTERIOR FOR THE PROTECTION OF TIMBER, ETC.

Rules and regulations prescribed by the Secretary of the Interior for the protection of the timber and of the undergrowth growing upon mineral lands of the United States, not subject to entry under existing laws of the United States, except for mineral entry, in the States of Colorado and Nevada, or in the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and in all other mineral districts of the United States, in compliance with the provisions of an act approved June 3, 1878, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes."

With a view to and the intention of preserving the young timber and undergrowth upon the mineral lands of the United States, and to the end that the mountain sides may not be left denuded and barren of the timber and undergrowth necessary to prevent the precipitation of the rainfall and melting snows in floods upon the fertile arable lands in the valleys below, thus destroying the agricultural and pasturage interests of the mineral and mountainous portions of the country, I do hereby make and cause to be promulgated, by virtue of the power vested in me by the act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories (excepting Washington Territory) to fell and remove timber on the public domain for mining and domestic purposes," the following rules and regulations:

1. Section 2461, Revised Statutes, is still in force in all the States and Territories named in the bill, and its provisions may be enforced, as heretofore, against persons trespassing upon any other than lands which are in fact mineral, or have been withdrawn as such; and in all cases where trespasses are committed upon the timber upon public lands which are not mineral, the trespassers will be prosecuted under said section.

2. It shall be unlawful for any person to cut or remove, or cause to be cut or removed, from any of the mineral lands of the United States any timber or undergrowth of any kind whatsoever less than 8 inches in diameter, and any person so offending shall be liable to be fined, in compliance with the provisions of the third section of said act, in any sum not exceeding $500, and to which may be added imprisonment for any term not exceeding six months.

3. It shall be the duty of the register and receiver of each and every local land office in whose district any mineral land may be situated to ascertain by personal observation, or by sending persons to examine the same from time to time, whether any timber is being cut or used upon any such lands except for the purpose of building, or for agricultural, mining, or other domestic purposes, or whether any timber is cut in violation of these rules and regulations within their respective land districts; and if they shall ascertain that there is any such violation they shall immediately report the same to this office, giving in detail the facts, designating the location of the land, and if surveyed giving description by legal subdivisions, giving the names and residences of persons who have violated the provisions of the act above referred to, or the rules and regulations prescribed thereunder, and also the names and residences of witnesses by whom the facts of such violation can be proven.

4. All necessary expenses incurred by registers and receivers for traveling and other necessary expenses in making personal examination, or for the payment of the services and expenses of persons employed to make such examinations, will be paid and allowed to such registers and receivers in making up their next quarterly accounts after such expenses shall have been incurred.

Very respectfully,

J. A. WILLIAMSON, *Commissioner.*

DEPARTMENT OF THE INTERIOR, *August* 16, 1878.

The foregoing is hereby approved.

C. SCHURZ, *Secretary.*

On June 1, 1883, a circular of instructions to timber agents was issued from the General Land Office, certain paragraphs of which form Exhibit R, accompanying the letter of the Secretary of the Interior in this matter, which circular is as follows:

EXHIBIT R.

INSTRUCTIONS TO SPECIAL TIMBER AGENTS.

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OBJECT OF PROTECTING TIMBER UPON GOVERNMENT LAND.

3. The object of the Government in endeavoring to prevent the waste and destruction of public timber is, primarily, to preserve it for the wants of future generations, having, of course, due regard for the requirements of the present. The result of the destruction of forests in permitting a more rapid melting of the snows in spring than would occur in the same region if well sheltered, and in decreasing the capacity of the soil to retain moisture after rains, in both cases increasing the liability to sudden and devastating floods, not only in the denuded sections, but sometimes hundreds of miles distant; also, the well-established climatic influence of such destruction in diminishing the annual rainfall, to the serious detriment of regions already subject to frequent droughts, are other reasons which render the preservation of the public timber a matter of vital importance not only to the agricultural but to many other extensive interests.

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44. Special timber agents should remember that it is not the purpose of the law nor of the regulations of this Department to prohibit the use of so much of the public timber as may be actually needed by bona fide settlers for agricultural and domestic purposes, but to prevent its being made an article of speculation for the pecuniary gain of a few individuals to the detriment of the many, or from being wantonly wasted or destroyed. When an agent understands this, and convinces the people in the district to which he is assigned that such is the case, he will find no difficulty in securing their active support and co-operation.

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50. It is not the object of the Government to persecute poor wood-choppers or cutters who are employed or induced to fell or remove the timber for others who are to reap the profits therefrom, but to punish the principals therein or the parties to be directly benefited in the case, they being the more guilty parties.

51. Care should be taken to ascertain whether the alleged trespasser has any right or authority to take such timber as specified under heads of "Homestead or pre-emption entry," "Right of railroad companies, etc.," and "Mineral lands," pages 6 to 11.

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53. Having all the facts in your possession you should (see section 3, circular of May 27, 1885) at once fill out a form of report (in duplicate) and transmit the same to this office, being particular to state the facts in full under each head, and in accordance with instructions given under the head of "Manner of making reports of timber trespass." You should call upon the trespasser in every instance where practicable and request him to state his side of the case under oath.

This whole system of special agents of the Land Department originated about 1878 or 1879, and has been in operation under every administration and every Secretary of the Interior since. The Commissioner of the General Land Office inherited the system from a former administration. I have read the regulations prohibiting the cutting or felling of any timber less than 8 inches in diameter.

Mr. STEWART. What is the date of the regulations?

Mr. COCKRELL. The date is August 16, 1878.

The PRESIDENT *pro tempore*. The Chair desires to state that the rules expressly prohibit the interruption of Senators in debate without their consent first obtained by addressing the Chair. The Chair will insist upon the observance of that rule.

Mr. COCKRELL. I am quoting from the document which the Senator held in his hand.

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. COCKRELL. Certainly, but I am quoting from Senate Executive Document No. 259, Fiftieth Congress, first session, which the Senator had furnished to the Senate under his resolution. I am quoting from the same document that the Senator from Nevada used except the part that he did not quote. Another circular from the General Land Office on this subject is as follows:

[Circular.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 5, 1886.

By virtue of the power vested in the Secretary of the Interior by the first section of the act of June 3, 1878, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," the following rules and regulations are hereby prescribed:

1. The act applies only to the States of Colorado and Nevada, and to the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, and Montana, and other mineral districts of the United States not specially provided for.

2. The land from which timber is felled or removed under the provisions of the act must be known to be of a strictly mineral character and that it is "not subject to entry under existing laws of the United States, except for mineral entry."

3. No person not a citizen or bona fide resident of a State, Territory, or other mineral district, provided for in said act, is permitted to fell or remove timber from mineral lands therein. And no person, firm, or corporation felling or removing timber under this act shall sell or dispose of the same, or the lumber manufactured therefrom, to any other than citizens and bona fide residents of the State or Territory where such timber is cut, nor for any other purpose than for the legitimate use of said purchaser for the purposes mentioned in said act.

4. Every owner or manager of a saw-mill, or other person felling or removing timber under the provisions of this act shall keep a record of all timber so cut or removed, stating time when cut, names of parties cutting the same or in charge of the work, and describing the land from whence cut by legal subdivisions if surveyed, and as near as practicable if not surveyed, with a statement of the evidence upon which it is claimed that the land is mineral in character, and stating also the kind and quantity of lumber manufactured therefrom, together with the names of parties to whom any such timber or lumber is sold, dates of sale, and the purpose for which sold, and shall not sell or dispose of such timber, or lumber made from such timber, without taking from the purchaser a written agreement that the same shall not be used except for building, agricultural, mining, or other domestic purposes within the State or Territory; and every such purchaser shall further be required to file with said owner or manager a certificate, under oath, that he purchases such timber or lumber exclusively for his own use and for the purposes aforesaid.

5. The books, files, and records of all mill-men or other persons so cutting, removing, and selling such timber or lumber, required to be kept as above mentioned, shall at all times be subject to the inspection of the officers and agents of this Department.

6. Timber felled or removed shall be strictly limited to building, agricultural, mining, and other domestic purposes, within the State or Territory where it grew.

All cutting of such timber for use outside of the State or Territory where the same is cut, and all removals thereof outside of the State or Territory where it is cut are forbidden.

7. No person will be permitted to fell or remove any growing trees of any kind whatsoever less than 8 inches in diameter.

8. Persons felling or removing timber from public mineral lands of the United States must utilize all of each tree cut that can be profitably used, and must cut and remove the tops and brush, or dispose of the same in such manner as to prevent the spread of forest fires. The act under which these rules and regulations were prescribed provides as follows:

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined any sum not exceeding $500 and to which may be added imprisonment for any term not exceeding six months.

9. These rules and regulations shall take effect September 1, 1886, and all existing rules and regulations heretofore prescribed under said act, inconsistent herewith, are hereby revoked.

WM. A. J. SPARKS, *Commissioner.*

Approved August 5, 1886.

L. Q. C. LAMAR, *Secretary.*

I have here the letter of the Commissioner of the General Land Office to the Secretary of the Interior giving information in reply to the resolution of the Senator from Nevada, which says:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 3, 1888.

SIR: I have received by reference from the Assistant Secretary for report, etc., Senate resolution of August 27, 1888, directing the forwarding of copies of all papers, "except such as in your opinion ought to be withheld for purposes of justice," upon which were based the statements in my letter of the 18th ultimo, to Hon. JAMES N. BURNES, of the House of Representatives, with regard to the following amendment to the sundry civil appropriation bill:

"That no part of the money appropriated by this act shall be used in the investigation of any case or the prosecution of any person in the mining region of the United States for cutting, for mining or domestic purposes, dwarfed or scrubby timber, unfit to be sawed or hewed into lumber of commercial value."

* * * * * * * *

Inasmuch as it may be inferred and believed from the debate had in the Senate in offering and adopting the resolution calling for the inclosed papers that this office opposes the amendment therein referred to, in order to maintain a policy which it is alleged this Department attempts, namely, "a general prosecution now proposed against all the miners who cut timber on the public lands for firewood," and as it is claimed that the amendment is necessary and was offered in order to save the people of Nevada, and of all other mining regions, from such special persecution by the Government as occurred in the case of some Italians in Nevada against whom criminal proceedings were instituted last January for cutting fire-wood in the high mountains of a certain mining region—which case was spoken of as my "first proceeding" in the history of this matter touching the amendment—I deem it proper to state that the proceedings against these Italians were had without the knowledge or recommendation of this office, and were not based upon any investigation or information furnished by an agent of this office. Futhermore, this office does not permit, so far as its action can extend to prevent it, any interference with wood-choppers hired by miners or other persons to cut for fuel for their own consumption, for mining or other domestic purposes, such timber or trees as the law allows to be cut upon the public lands mineral in character. (See extract herewith from Instructions to Special Timber Agents, Exhibit R.)

My action in the premises, indicated in the letter to Hon. JAMES N. BURNES, upon which the Senate resolution is based, was not directed against the wood-choppers and miners and the body of settlers in general, but against the large monopolizing mining corporations only, whose interests are mainly those of self-aggrandizement, and frequently composed, as they are known to be, of aliens holding few interests in common with those of our own citizens. These large mining corporations, for the smelting and reduction of the ore, consume through the charcoal-burners every vestige of timber, which, though "scrubby and dwarf," is about the only fire-wood the country affords, and is required for the individual necessities of the miner and settler. Its guarded use is therefore rendered all the more essential to the welfare and comfort of the settlers and the general community; essential also to the preservation of such small degree of moisture and fertility as the soil may possess, and to averting the damaging results to the country which follow the laying bare of mountain and hill sides.

This office has recommended no suits in Nevada except against the two powerful and wealthy corporations referred to in my letter to Mr. BURNES. The report of the special agent, and not of any possible informer hoping for moiety, as intimated, was the basis of those proceedings. That agent was not sent to Nevada until some time in May last. Until then there had been no special agent in Nevada for several years. There is therefore no ground upon which any of the citizens in that State can characterize and complain of the special agents as "spies." The ordering of a special agent to Nevada in May last grew out of the fact that in advance of any investigation of facts in the case there had been presented to me in person, by the attorneys of George W. Peltier & Co., the Navajo and five other mining companies in that State, a statement and offer of compromise, indorsed and approved by Hon. W. M. STEWART (copy herewith, marked Exhibit I), in the matter of the cutting of certain timber by the said mining companies. No action therein could properly be taken by this office without having first investigated and thereby informed itself of the facts in the case. These parties were so informed, and they thereupon requested that an agent be sent at as early a day as possible (copy of letter herewith, marked Exhibit I). It was upon this Special Agent Temple was sent to Nevada, and he has made no investigations except of these and other corporations who use the timber for smelting purposes.

It has long been held that the law does not contemplate that charcoal-burners or others shall be allowed to sweep the entire country of the timber thereon. It provides that only such timber and undergrowth as is growing upon mineral lands may be cut, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection thereof, etc. The Department has therefore prescribed that no trees less than 8 inches in diameter may be cut for mining or other domestic purposes. (See copy herewith of circular dated August 15, 1878, approved by Secretary Schurz August 16, 1878; copy of circular approved by Secretary Teller June 1, 1883, paragraphs 3, 44, 50, 51, 53; and of circular approved by Secretary Lamar August 5, 1886, all included in Exhibit S.)

It has seemed to this Department to be an erroneous construction put upon the act of June 3, 1878, by mining corporations, whereby they claim as lawful the wholesale cutting and stripping the face of the country of every vestige of timber, no matter how small and young, so long as it is for mining purposes.

In the report from this office, dated October 3, 1887, requested and concurred in by the Department (see copy of Acting Secretary's letter dated October 11, 1887, Exhibit Q), upon the petition of A. C. Dake *et al.*, Colorado, asking for a change of the rules and regulations prescribed under the act of June 3, 1878, and approved by the Secretary of the Interior August 5, 1886, it was stated as follows:

"From the records of this office it appears that the use of charcoal is detrimental to the mining interests, in that the charcoal-burners take everything large and small, and the miners allege that by so doing mining operations are materially retarded, since, except in operations of the largest scale in clearly-developed mines, like those of the Richmond Mining Company and the Eureka Consolidated Mining Company, the use of timber for mining purposes is necessarily slow, while for charcoal the rapidity of its use is only limited by the size of the kilns and the number of men employed, who have only to fell and cut up the trees.

"There appears in fact to be an open issue on this point between the mining and the smelting interests; the smelters maintaining that they must have charcoal or raise the price of smelting; the miners objecting to the unlimited consumption of public timber by the burners, but being in a sense at the mercy of the smelters, who represent a skilled industry, they are not prepared to stand the threatened rise in the price of smelting. Not only does it appear that smelting is a distinct industry from mining, but it is further shown that the smelters are not themselves directly engaged in charcoal burning, but purchase the charcoal from those who make a business of burning it and placing it upon the market as an article of 'traffic.' Official statements received from several of the States and Territories affirm 'that the use of charcoal is not absolutely necessary in smelting ores,' and 'that it is only a question of short time before wood and charcoal for smelting purposes will give way entirely to coke and coal.'

The amendment, if agreed to, can hardly fail, as I stated in my letter to Mr. BURNES, to operate with great injustice and hardship to the large class of honest, thrifty, and hard-working settlers, who must have the timber upon the mineral lands, however worthless for "lumber of commercial value," saved to them for their individual, mining, and other domestic necessities. It will not be confined in its operations simply to the "scrubby and dwarf" timber of the mining regions, but will extend to the forests of valuable timber, and will operate as a license to cut for sale in the general market the timber demanded for mining or domestic purposes, whereby it becomes an article of traffic and commerce; which, as has always been held by this Department, the law neither authorizes nor intends.

Returned herewith is the Senate resolution.

Very respectfully,

S. M. STOCKSLAGER, *Commissioner.*

Hon. WM. F. VILAS,
Secretary of the Interior.

There had not been a solitary special agent of the General Land Office sent into the State of Nevada. On September 18, 1886, according to this report, the surveyor-general of Nevada, Mr. C. S. Preble, a distinguished Republican, appointed under a former administration, sent to the Commissioner of the General Land Office this letter, marked "Exhibit A," in Senate Executive Document 259, already referred to;

it is one of the parts of that document that were not quoted by the Senator from Nevada:

EXHIBIT A.

CARSON CITY, NEV., *September* 18, 1886.

SIR: The inclosed came to this office to-day, and I take the liberty of forwarding it to you.

Respectfully,

C. S. PREBLE,
Surveyor-General State of Nevada.

WM. A. J. SPARKS,
Commissioner General Land Office, Washington, D. C.

What was the "inclosed?" It is as follows:

AURORA, ESMERALDA COUNTY, NEVADA, *September* 13, 1886.

TIMBER AGENT:

If you would come out to Hawthorn, Nev.—I live in Coreyville and Aurora—I will put you on track of timber cut on Government land. I am a miner and prospector and well acquainted with the country.

Yours, respectfully,

LEW C. FINNEY.

P. S.—I sent to Colonel Deaney three years ago; he found everything as I told him.

So it seems there had been an agent out there under a former administration, some three years before 1886. The man continues:

I send you small piece from the Walker Lake Bulletin, published in Hawthorn, in this county. It is 12 miles from Hawthorn to Corey. I will be there. This is private.

L. FINNEY.

Slip inclosed reads:

The Government timber agent might put in some time profitably around Aurora and Bodie.

The following letters form part of Senate Executive Document 259, Fiftieth Congress, first session, from which document the Senator from Nevada has read in part:

EXHIBIT B.

WHITE ROCK, ELKO COUNTY, NEVADA, *October* 2, 1886.

DEAR SIR: One Perry Gosset is making a practice of cutting timber on non-mineral lands for sale and barter, at present on the Bull Run Mountains, where the feeders of the Owhyhee River rise, and it is the opinion of this community that it should be stopped. This man has made a practice of it for the last few years, at present filling a contract for two thousand posts for cattle-men.

Respectfully,

CHAS. H. WALL.

To the COMMISSIONER.

EXHIBIT C.

WINNEMUCCA, *February* 7, 1887.

DEAR SIR: I wish to refer you to an order made taking effect on the 1st of May last, referring to an act of June 3, 1878, relative to felling timber in Colorado, Nevada, etc., restricting parties non-citizens, and cutting for commerce and merchandising was strictly forbidden. Law-abiding citizens in this locality regarded the order, while about forty to fifty Italians, many of them non-citizens, disregarded the order and sneer at it, and are making money of the timber they cut and destroy. The boss Italians work the new-comers in the mountains as peons, at low wages, as they can not talk our language, and by keeping them in that way they can not learn to contract, and the bosses make money by keeping this pinnage, and also monopolize the country as they claim locations and drive individual citizens off their pretended claims. I would suggest that this order is carried into effect—as it is a good one—or be countermanded, so that a good law-abiding is not intimidated fear he might get entangled with the Government.

Most respectfully yours,

J. F. ABEL.

The honorable SECRETARY.

P. S.—A deputy marshal can get all the information desired by calling at this place (Winnemucca, Nev.).

EXHIBIT D.

RENO, NEV., *April* 28, 1887.

DEAR SIRS: As the subject of this communication falls within scope of your circular of date May 7, 1886, to registers and receivers of United States land office and special agent of General Land Office, issued by honorable Commissioner and approved by honorable Secretary, and is of importance to the Department as well as to the General Land Office, I trust will prove a sufficient excuse for making this communication a joint one. As you are doubtless aware I have been appointed recently as attorney for United States of district of Nevada. Complaints have been made to United States Marshal Thomas E. Kelly, of this district, and to myself, as district attorney, within a few days past that for years past, and still continuing, hundreds of men—mostly Italians, maybe thousands of them—have been systematically engaged in cutting off into cordwood or burning into charcoal thousands of acres of timber on land belonging to the Government without even the pretense of pre-empting it or buying it from either State or United States.

In the region about Eureka, in this State alone, there have probably been several hundred square miles of land covered with a growth of nut-pine timber from 8 to 10 inches in diameter to 30, and from 8 or 10 feet to 30 feet in height, and with cedar considerably less in diameter and height, have been swept bare, and probably 1,000,000 or 2,000,000 cords of wood have thus been taken off of public land, and mostly consisting of mineral land, without any color or pretense of right to the same, all, too, for purposes of commerce, not by miners for their mines or for improvements on the land. In a district of mineral land 30 to 40 miles away from Eureka and outside of the mining district that embraces Eureka, on or near the Eureka and Palisade Railroad, at or near what is called Pine Station, Alpha, Antelope mining district, Cedar Station, etc., there are boss Italians or leaders among their countrymen who have grown quite rich on these peculations, or rather wholesale robberies of the timber on the public lands.

That railroad is constantly engaged in carrying and in buying and selling this wood at Eureka and other points, all directly contrary to the act of June 3, 1878, referred to by you in your circular above referred to, and contrary also to section 4 of act of same date, providing for sale of timber land in Nevada, etc. (pages 89 and 90, 20 Statutes at Large). C. Boltiere has now 500 cords cut, Gabriel Zonola, at Alpha, over 1,000 cords, and eight or ten other leading men have considerable amounts. The Eureka and Palisade Narrow-gauge Railroad is engaged in hauling it in their cars every day. This wood spoken of, four-fifths of it, is not over 5 inches in diameter, and scarce one tree out of fifty is over 8 inches in diameter. The fact is all that land was culled and cut over once, taking all trees of any size, and now they are cutting it over a second time and sweeping every young tree and bush over 2 or 3 inches in diameter.

These men have all been notified by men owning mines right among this timber to desist from cutting it; told if they would leave what was standing and haul off only that already cut they would not be complained of. The railroad company aforesaid has been notified to desist hauling the wood thus cut, but the parties thus complaining have been treated with contempt.

This information I have from a mining man, the president and superintendent of several mines in the immediate vicinity of this timber land. His motive, of course, is to preserve the timber for the lawful purposes provided for by the acts above referred to, namely, for purchase and for mining and domestic purposes, etc., as permitted by the act. He is verified in his statements by the observation of the marshal, Thomas E. Kelly, who has been very recently, namely, within ten days or so last past, through this country. In fact the same state of facts of my own knowledge will be found to exist in the vicinity of Austin, White Pine, Belmont, Pioche, and every other large mining camp in this State and throughout all the mountainous timbered regions of California where examples have not been made.

* * * * * * *

So, gentlemen, we most respectfully refer these matters to you. If you think these people ought to be prosecuted for laying waste the small amount of not very high or very thick timber in this State, and that acts of Congress should be enforced, then send a special agent or appoint one here (to the manner born) to investigate these charges, to marshal the evidence, array the witnesses. I can put him on track in some cases, refer him to persons and their residences that will take warm interest in giving him all the information and assistance in their power.

If you do not think that course advisable, please inform me of your views and wishes in the premises.

I have the honor to be, your obedient servant,

THOS. HAYDON,
United States District Attorney for Nevada.

Hon. L. Q. C. LAMAR,
Secretary of the Interior, and

Hon. WM. A. J. SPARKS,
Commissioner General Land Office.

The last letter shows that many depredations were being committed in that region. There is another letter from Mr. Haydon, dated July 27, 1887, addressed to the Solicitor of the Treasury, calling attention to the depredations, etc. It is as follows:

EXHIBIT E.

RENO, NEV., *July* 27, 1887.

SIR: Some two months or more since I wrote a long letter conjointly to the honorable Secretary of the Interior and the Commissioner of the General Land Office, informing them of a wholesale despoliation of timber on the public lands of one mineral district in this State, much of which was of timber less than 8 inches in diameter, for firewood, for sale and as a matter of commerce to inhabitants of Eureka out of said mining district where cut, to the amount of several thousand cords. Told them the same practice was common to all the mining towns and camps in this State; requested them to appoint a special agent of the Land Office to look into and investigate the matter, prepare the evidence, and bring the guilty parties to justice.

I was induced to write a joint letter because the Commissioner had issued a circular to the register and receiver of the land offices in the State, calling upon them to investigate such cases, etc.

Without entering into particulars it is notorious in this State that a wholesale robbery of the public lands here of their timber is indulged in in every mining section of the State wherever cutting, hauling, and transporting such wood will pay a profit to the individual without regard to the rights of the Government and the protests of individuals interested in the mining districts where such timber is found. I have had complaints from three different, widely separated mining districts of such trespasses.

Railroads make a business of carrying such wood and selling it, even against the notification and protests of miners in such districts.

The honorable Commissioner of the General Land Office and Secretary of the Interior have not even had the courtesy to notice my communication.

I read an injunction to communicate such matters to you, in my search for the duties of my office, and therefore this.

Very respectfully,

THOS. HAYDON,
United States District Attorney for Nevada.

Hon. A. MCCUE,
Solicitor of Treasury of United States, Washington, D. C.

All this had taken place, and not an agent had been sent there. These complaints had been made by citizens and by officials of Nevada—complaints of lawless depredations on the public domain and the cutting of timber in direct violation of law and in direct violation of the orders of the Secretary of the Interior and the Commissioner of the General Land Office as to the diameter of the timber.

The next thing that comes in is a letter from Mr. G. R. A. Browne and Joseph M. Jones, dated Candelaria, Esmeralda County, August 30, 1887:

EXHIBIT F.

CANDELARIA, ESMERALDA COUNTY, NEVADA, *August* 30, 1887.

DEAR SIR: Believing, as we do, the current reports published from time to time in the public press of the country to the effect that the chief officials of the Land Department at Washington are doing their whole duty, under the laws and with the facts before them, by their untiring efforts to put a stop to the present and heretofore popular system of defrauding the General Government of its public lands and the valuable timber on the public domain by false and fraudulent entries and the various other ways and means known only to the initiated, and as far as possible by bringing to the bar of public justice such offenders, we are therefore greatly strengthened in our self-conceived duty, as manifested by forwarding this communication, and at the same time resting under a sanguine belief that should it receive your credence and the indorsement of your Department it must ultimately, and perhaps at a very early day, lead to desirable results by breaking up and bringing to justice and merited punishment the leading spirits at least of one of the most gigantic, open, and at the same time insolent associations of land and timber thieves ever known west of the Rocky Mountains.

It is a fact well known to many persons residing in this particular and comparatively isolated part of the State of Nevada that there is now and for more than five years last past has been an association or secret organization composed of wealthy and influential men residing and doing business in this State, who, aside from their legitimate callings, have heretofore and now do make a busi-

ness of surreptitiously appropriating to their own uses and profit the valuable timber on Government lands situated more particularly in this Esmeralda County.

The said lands are in all cases mineral lands, but their present and prospective value lies chiefly in its abundant timber tracts, which, however, are fast disappearing by and under the vandal system of this particular syndicate.

During the last few years and up to April last they had cut over and thus denuded many square miles and thousands of acres of such public woodland the timber of which has been chiefly manufactured on the ground into cord-wood, and thus sold and delivered, and again resold and delivered to consumers at an immense profit all around. The chief beneficiaries of this enterprise are mainly leading lights of a certain railroad system in this State, one of whose lines passes through the country and timber tracts referred to, and whose aggregate profits are on the whole almost beyond credence.

In the mean time, should you deem this communication worthy of consideration and attention, we can assure you that by proper and discreet investigation your Department will find a rich and fertile field of fraud against the Government in which to delve and explore.

In conclusion, and for all further facts and particulars and of names of persons and witnesses in connection with the subject-matter hereof, we confidently and cheerfully introduce and refer you to our worthy fellow-citizen, Hon. A. C. Turner, who is now and for six of the last ten years has been a justice of the peace in and for said county of Esmeralda. Any communication addressed to A. G. Turner at Candelaria, Nev., will receive prompt attention.

We remain, very respectfully,

G. R. A. BROWNE.
JOSEPH M. JONES.

Hon. WILLIAM A. J. SPARKS,
United States Land Commissioner, Washington, D. C.

These complaints were made to the Department and yet no agent was sent there. What comes in next? On the 3d of April, 1888, the Senator from Nevada, in a letter, requested the Commissioner of the General Land Office to send to J. H. MacMillan, attorney-at-law, of Winnemucca, Nev., all decisions, instructions, and regulations relating to the cutting of timber. The letter is as follows:

EXHIBIT G.

UNITED STATES SENATE, *Washington, D. C., April 3*, 1888.

SIR: If you have copies of all decisions, instructions, and regulations of your office for distribution relating to the act of June 3, 1878, in regard to timber cutting on the public domain for mining and domestic purposes, I would be much obliged if you send copies to Hon. J. H. MacMillan, attorney-at-law, Winnemucca, Nev.

Yours, respectfully,

WM. M. STEWART.

Hon. S. M. STOCKSLAGER,
Commissioner of the General Land Office.

Then comes this letter from the district attorney in Nevada:

EXHIBIT H.

RENO, NEV., *April* 18, 1888.

SIR: As required under section 2 of instructions to district attorneys, etc., of your office, that a United States attorney should report any information of importance that he in any manner may become possessed of, I desire to say that last fall among many other miners at Bullion mining district, near Battle Mountain, Lander County, Nevada, made complaint under oath that one J. C. Latta, Joaquin Estrada, Jesus Maria Eucinas, Hillano Meza, Refino Mamfo, and Serafino Crimnia were cutting and causing to be cut for sale and commerce alone to whomsoever would buy the timber and other trees and undergrowth on the public land in Bullion mining district, and were severally packing and hauling such wood and timber chiefly to the Pittsburgh mines and to dealers in wood and others, some to the railroads, etc.

Other complaints were made by parties at Pine Station, near Eureka, others at Elko, etc. I knew this was the case all over the country wherever there were mines. I once drew the attention of the Secretary of the Interior and Commissioner of the General Land Office and your office to this state of facts in the line of asking that a special agent might be appointed for this State to prevent the wholesale spoliation of the few timbered spots in the State.

The fact is that they were sweeping the land clear of the undergrowth under 8 inches in diameter and leaving the brush and foliage to spread fires and consume the small undergrowth left.

I laid these complaints before Hon. G. M. Sabin, and he, after consideration, gave me leave to file and I filed informations against the six men above named who had made a business for years, had them arrested and their trial set for 2d of April, instant. Meantime the local papers in the State took up the matter and claimed it would kill out all mining, stop all such enterprises, etc.

That the mooting of this question caused by the prosecutions above referred to has thoroughly alarmed these companies, and many private individuals also, to that extent that they have sent George W. Baker to Washington City with offers to settle with the Government for their trespasses on its lands.

* * * * * * *

Now, I would like your advice on this subject—whether if persons cut no trees under 8 inches in diameter and burn the brush or dispose of it so as to prevent the spread of forest fires can they strip the whole public land, mineral and non-mineral, of timber and wood over 8 inches purely for sale and commerce if they do not export the wood and timber from the State and do not sell it to railroad companies or owners? This is the logical sequence of Judge Sabin's ruling.

I put this case to him: A man named Walmsley has fifteen or twenty Chinamen hired to cut wood for him at what is called Nut Pine, about 18 miles southwesterly from Carson City, which he intends to float down Carson River to Dayton, there to sell; and he decided if he cut no trees under 8 inches in diameter, and took care of the brush so as to prevent the spread of forest fires, then he was not liable to any penalty unless he sells it to a railroad company.

I do not think that is the law, but that in this State a miner, farmer, builder, and citizen of the United States, or bona fide resident of this State, for his or her domestic purposes can take the timber or trees over 8 inches in diameter, taking care of the brush by his own act or that of his personal agent, for the uses of the above classes of business and persons and not otherwise; and I want to put the Treasury on notice that Mr. G. W. Baker's mission is to settle for millions by paying, if anything, mills on the dollars of which the Government is defrauded.

Very respectfully,

THOS. E. HAYDON,
Attorney of the United States for Nevada.

SOLICITOR OF THE TREASURY OF THE UNITED STATES.

On the 27th of April, 1888, there was presented to the Commissioner of the General Land Office a letter signed on behalf of George W. Peltier & Co. and a number of corporations by George W. Baker and J. W. Dorsey, their agents and attorneys, addressed to the Commissioner of the General Land Office, which states that these gentlemen had cut wood upon the public domain, etc., and gave a statement of what they supposed they were liable for and offered a compromise.

The letter is as follows:

EXHIBIT I.

SIR: In accordance with what you deem the proper course to pursue in the matter of timber depredations committed by Mr. G. W. Peltier *et al.*, in Tuscarora, Elko County, Nevada, and for which a settlement or compromise has been solicited with this Department, we beg leave to state that we have filed with the honorable Assistant Commissioner a statement of the facts in the case as originally submitted to you. We desire at the earliest moment practicable that a special agent be sent to investigate the trespasses herein complained of, and in their behalf would state at any time after the 15th instant the manager of the corporations mentioned will be in Tuscarora and will furnish to such agent all the data in their possession, such as books, vouchers, etc., in order to facilitate his labors.

Very respectfully, yours,

G. W. BAKER,
J. W. DORSEY,
Attorneys for Petitioner.

Hon. COMMISSIONER GENERAL LAND OFFICE.

WASHINGTON, D. C., *April* 27, 1888.

SIR: George W. Peltier & Co., a copartnership composed of W. C. Price and George W. Peltier, doing business in Tuscarora, Elko County, State of Nevada, the Navajo Mining Company, the North Belle Isle Mining Comany, the Grand Prize Mining Company, the Nevada Queen Mining Company, the Commonwealth Mining Company, and the Independence Mining Company, each of which said mining companies is a corporation duly organized and existing under and by virtue of the laws of the State of California, having its office and principal place of business in the city and county of San Francisco, in said State, and having its mining property and plants in the Tuscarora mining district in the county of Elko aforesaid, do, by and through the undersigned, the attorneys and agents of each and every of said corporations and said firm of George W. Peltier & Co., respectfully represent and certify as follows, to wit:

That during the years commencing January 1, 1882, and continuing down to and including January 1, 1888, the said Gerge W. Peltier & Co., and said mining corporations above named, have been engaged in the business of mining, extracting, and reducing ores in said county to a greater of less extent in, from, and upon the mines and mining properties of said corporations; and the said George W. Peltier & Co. have been engaged, among other things, in furnishing mining supplies and material to said corporations in conducting their mining operations; and the said W. C. Price, who is a member of said firm, is now and during the active operations of said corporations has been the superintendent and managing agent of each.

That during each of said years, beginning with the said date, January 1, 1882, one or more of said corporations have been actively engaged in mining and extracting gold and silver bearing ores, and in reducing the same by what is known as the milling process. That in prosecuting such mining and milling operations a considerable quantity of fuel and timber has been consumed by said corporations, a portion of which has been transported from the Sierra Nevada Mountain range by rail and wagons, a distance of nearly 700 miles, and a part has been taken from the public lands of the United States, by and for the parties hereto, the extent and amount of which portion will more fully appear by reference to the itemized statement hereto annexed, marked Exhibit A, and hereby made a part hereof.

That as near as can now be ascertained the said last-referred-to timber and fuel was taken from and in the vicinity of Beaver Creek, Jack Creek, Rock Creek, Columbia and Independence Mountain ranges, each of the same being a part of the great Humboldt Mountain range, and taken from an area embraced within a radius of 40 miles from the town of Tuscarora, in said Elko County, which town is located in section —, township — north, range — east, M. D. B. M.

That said timber was cut and removed from said section by and for said mining companies and said George W. Peltier & Co. under the following extenuating circumstances, namely: That the State of Nevada is chiefly valuable for its mineral resources; and that portion of the State adjacent to and surrounding the mining plant and properties, and from which the wood herein referred to and particularly shown by the annexed statement was taken, is not adapted to the pursuit of agriculture or any other industrial pursuit.

That from the earliest settlement of Nevada Territory to the present time the pursuit of mining has been the dominant and in many localities the only industry engaged in by her citizens, and nearly every mountain range in the State has been prospected for the precious metal, as the hundreds of mining districts and the villages and hamlets on her mountain sides abundantly testify.

That in every mining town and district in Nevada, since the organization of the State government, and long prior thereto, it has been the universal custom of its citizens to go upon the public domain, surveyed and unsurveyed, for the purpose of procuring such wood, timber, and fuel as its rugged, barren, and desolate mountain ranges afforded, and therewith to satisfy their necessities and prosecute their mining industries.

The numberless mining locations in the State have for more than twenty years been operated by their respective owners by fuel and timber, so far as the same could be procured, from the adjacent territory, without molestation or hinderance on the part of the Government.

And it has been during all of these years generally understood and believed by the miners and those engaged in mining pursuits, and the belief is still prevalent, that the scrubby, bastard, stunted, and isolated trees found among the rocks and crags and along the streams of the mountains of Nevada, are not included and were not intended to be embraced by the laws relative to the protection and preservation of American forests. This belief was generated by the decisions of our State courts, local and supreme, in adjudging title in the prior appropriator or first possessor of such so-called wood claims or ranches as were from time to time the subject of litigation, and strengthened by the long silent acquiescence of the Federal Government and the universal custom of the citizens of said State.

The understanding that wood might be taken from all public lands within the boundaries of said State, save from the forests along the great Sierra Nevada timber belt, for mining and domestic purposes was fully entertained by the various managers and agents of said corporations, and by the members of said firm of George W. Peltier & Co., until after the publication of the ruling of the honorable Commissioner of the General Land Office in the matter of a certain petition or application of one A. C. Dake, of Colorado. That it was owing solely to the belief upon the part of the parties to this statement of their right to go upon the public domain and procure the timber necessary for their mining and milling purposes, rather than a desire or intention to evade the law or to defraud the Government of the United States out of its property or possessions, that induced the trespasses herein stated and explained.

That immediately upon ascertaining that the greater portion of the wood con-

sumed by said corporations in prosecuting their several mining and milling operations had been obtained by and through trespasses upon the public lands of the Government, and without any complaint from the agents of the Government or any suit pending or threatened, but actuated solely by a sense of justice and a desire to make reparation for such unintentional trespasses, the parties hereto instructed their attorneys, Messrs. George W. Baker and J. W. Dorsey, to proceed without delay to Washington City, and offer to the agents of the Government a fair and reasonable payment and make full and final settlement for all such trespasses committed by said parties and each and every of them.

That said parties have no sufficient knowledge of the whereabouts of the lands from which the wood used by them was obtained to describe the same with more particularity than as hereinbefore set forth, and owing to the fact that many of the persons who cut and hauled such wood have left the country and there is no source from which to obtain any reliable and authentic information upon the subject, it will be impossible to ever accurately describe such lands. The wood was cut in part from the unsurveyed public land and in part from the surveyed lands of the State of Nevada, ceded to it by the United States, and it is impossible to accurately ascertain in what relative proportions the same was taken from Government and State lands; this can only be approximated, and from all sources of information within the power of the parties to ascertain it is estimated that about 75 per cent. was taken from lands now owned by the United States. The stumpage usually demanded by local owners of wood claims and ranches in the vicinity of where this wood was taken is 50 cents per cord, which is a liberal price, and at that figure every cord of wood obtained by the parties hereto has been at a cost of from $10 to $16 per cord, depending largely upon the season of the year, distance hauled, price of labor, etc.

The timber in the localities from which this was taken would average from 3 to 8 cords per acre, 5 cords being a fair average, and an area of about 1,200 acres were cut; at $2.50 per acre the value of the timber taken would be $3,000, and this valuation is greater than could ever be obtained by the Government by any other disposition of the property trespassed upon. Reducing all of the timber cut to cord-wood, and the tables hereto attached show that 6,435 cords were cut; at 50 cents per cord stumpage, its value is $3,217.50 But a portion of this wood was cut upon State lands, and therefore should not be considered or taken into account in making this settlement.

However, in view of the difficulty of arriving at the proportion cut from the State lands and for the purpose of avoiding future litigation or controversy, and to the end that a speedy, full, and final settlement and compromise may be had, said parties, through their undersigned agents and attorneys, hereby offer to pay to the United States for said timber, and in full satisfaction thereof and for complete release from any civil or criminal liability therein, the sum of $3,000; said payment to be made in such a manner as this Department may direct, within ten days from the date of notification of the acceptance of this offer; and in consideration of such payment and the circumstances hereinbefore set forth, it is respectfully asked that each of the parties hereto be severally relieved from all liability in the premises.

GEO. W. PELTIER & CO.,
NAVAJO MINING COMPANY,
NORTH BELLE ISLE MINING COMPANY,
GRAND PRIZE MINING COMPANY,
NEVADA QUEEN MINING COMPANY,
COMMONWEALTH MINING COMPANY, and
INDEPENDENCE MINING COMPANY,
By G. W. BAKER and J. W. DORSEY,
Their Agents and Attorneys.

Hon. COMMISSIONER GENERAL LAND OFFICE.

EXHIBIT A.

Name of mine.	Year.	Mining timber.	Lagging timber.	Cords of wood.	Charcoal.
		Feet.	*Feet.*	*Feet.*	*Bushels.*
Navajo mine	1882	6,600	38,400	775	3,800
Do	1883	14,150	41,850	825	4,200
Do	1884	4,471	5,900	140	1,400
Do	1885	7,000	.....	1,200	1,100
Do	1886	.....	.....	.....	2,700
Do	1887	.....	.....	.....	1,300
Total	.....	32,221	86,150	2,940	14,500

Reducing all of the foregoing wood and timber and charcoal to cord-wood upon the basis of 150 running feet of mining timber, 300 feet of lagging, and 40 bushels of charcoal to the cord, and we have the total number of cords aggregating 3,804, which is the entire number of cords of wood, timber lagging, and charcoal consumed by the Navajo Mining Company from the 1st day of January, 1882, up to the 1st day of January, 1888.

Name of mine.	Date.	Timber.	Cord-wood.	Charcoal.
		Feet.		*Bushels.*
Grand Prize	1887	2,609	900	525

The foregoing timber and charcoal reduced to cord-wood at the rate of 150 running feet of timber and 40 bushels of charcoal to the cord makes the total number of cords of wood 1,017 consumed by the Grand Prize Mining Company during the period embraced in the proposition of settlement.

Name of mine.	Date.	Timber.	Lagging.	Cord-wood.	Charcoal.
		Feet.	*Feet.*		*Bushels.*
North Belle Isle	1883	850	2,900	.....	.....
Do	1886	6,000	.....	.....	.....
Do	1887	21,000	.....	1,075	2,100
Total	.....	27,850	2,900	1,075	2,100

The foregoing timber, lagging, and charcoal reduced to cord-wood at the rate of 150 running feet of timber, 300 running feet of lagging, and 40 bushels of charcoal to the cord makes a grand total of 1,329 cords of wood consumed by the North Belle Isle Mining Company during the entire period embraced in the proposition of settlement.

Name of mine.	Date.	Timber.	Cord-wood.	Charcoal.
		Feet.		*Bushels.*
Nevada Queen	1885	2,800	.....	.....
Do	1887	7,500	43	850
Total	.....	10,300	43	850

The foregoing timber and charcoal reduced to cord-wood at the rate of 150 running feet of timber and 40 bushels of charcoal to the cord makes the total number of cords 134 consumed by the Nevada Queen Mining Company during the period embraced in this proposition of settlement.

Name of mine.	Date.	Timber.	Charcoal.
		Feet.	*Bushels.*
Commonwealth	1887	8,200	200

Reduced to cord-wood measure at 150 running feet of timber, 40 bushels of charcoal to the cord, we have 60 cords of wood consumed by the Commonwealth Mining Company during the period embraced in this proposition of settlement.

Name of mine.	Date.	Timber.	Lagging.	Charcoal.
		Feet.	*Feet.*	*Bushels.*
Independence	1882	.....	.....	1,200
Do	1883	3,500	1,100	1,200
Do	1884	950	.....	.....
Total	.....	4,450	1,100	3,300

The foregoing timber, lagging, and charcoal reduced to cord-wood at the rate of 150 running feet of timber, 300 feet of lagging, and 40 bushels of charcoal to the cord, and we have the total number of 91 cords consumed by the Independent Mining Company during the period embraced in this proposition of settlement.

The distinguished Senator from Nevada accompanied that application with a very strong letter, dated Washington, D. C., April 27, 1888, indorsing these gentlemen and their application for a compromise, in these words:

WASHINGTON, D. C., *April* 27, 1888.

I, WILLIAM M. STEWART, Senator of the United States from the State of Nevada, do hereby certify that I am personally acquainted with G. W. Baker and J. W. Dorsey, the attorneys representing the parties herein named, and also with George W. Peltier and W. C. Price, comprising the firm of G. W. Peltier & Co., and also with the mining corporations mentioned in this proposition of settlement and the mining claims and mining operations carried on by each of them respectively in the Tuscarora mining district, county of Elko and State of Nevada.

That I have visited Tuscarora and am familiar with the character of the wood and fuel consumed by said mining companies, and am satisfied that the representations herein contained are candid and truthful and fully and fairly present the volume and value of the wood and timber consumed by each of said companies respectively; and further, that the scattered and scrubby pine and cedar which is gathered in the region within a radius of more than 40 miles about Tuscarora never has been regarded as timber within the prohibition of the statutes. These scattered and scrubby bushes would never be used for any purpose if any other timber existed in that region, and besides there would be no necessity for using it if mines had not been discovered.

There would be very little of this scrubby stuff gathered from the crags of the mountains, where it grows, if only ordinary fire-wood was required; but it is necessary to have some hard wood to roast ores. The principal fuel, however, at Tuscarora, and which is consumed by the mining companies in carrying forward their operations, is sage-brush, which is gathered from the surrounding country. Under these circumstances I think that the offer of a compromise made is extremely liberal, and should be accepted by the Government without hesitation, particularly in this case, where it would be extremely doubtful whether the Government would be able to make proof of the cutting of any wood (because it is a misnomer to call this scrubby stuff timber) or to establish any violation of the timber laws upon the part of any of the parties to this offer, if they had put themselves upon the defensive and denied the commission of such trespass. Their frank admission and offer of settlement should insure for them fair treatment and prompt response on the part of the United States.

WM. M. STEWART.

Here are these guilty parties themselves voluntarily offering to come in and make a compromise, and they get in under the ægis and protection of the Senator from Nevada. He escorts them into the General Land Office, and asks that their application may be considered for a compromise. They make their own statement. Now, how could the Commissioner of the General Land Office act upon that proposed compromise of the Senator and his constituents without having some more information than was given in that simple application? There was the question. How was the Commissioner of the General Land Office to ascertain the facts? These same gentlemen knew how he ought to ascertain the facts, and how he could ascertain the facts in regard to their own statements. The Senator from Nevada escorted them into the Land Office under his special Senatorial protection. What did they ask the Commissioner of the General Land Office to do?

The Senator himself through his constituents demanded that a special agent should be sent there. The special agent was sent, as the

Senator from Nevada wanted and as his constituents demanded. Mr. Temple was selected. In Exhibit J is found the letter of the Commissioner of the General Land Office, dated May 25, 1888, addressed to Mr. Temple, giving him his instructions.

EXHIBIT J.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 25, 1888.

SIR: Inclosed is a copy of a communication, dated the 18th ultimo, addressed by the United States attorney for Nevada, Thomas C. Haydon, to the Solicitor of the Treasury and referred to this office, concerning certain public timber trespass matter in Nevada; also copy of statement respecting timber trespass committed by G. W. Peltier & Co. *et al.*, with offer of compromise therefor, dated the 27th ultimo, and filed in this office by Messrs. G. W. Baker and J. W. Dorsey, agents and attorneys for the trespassers, namely: George W. Peltier & Co., of Tuscarora, Elko County, said State; the Navajo Mining Company, North Belle Isle Mining Company, Grand Prize Mining Company, Nevada Queen Mining Company, Commonwealth Mining Company, and Independence Mining Company, all of which mining companies have their office in San Francisco and their mining property in the Tuscarora mining district, Elko County.

They state that they have been procuring their mining timber since January, 1882, from the public lands in certain described portions of Nevada, and estimate the amount at 6,435 cords of wood. They offer to pay the Government the sum of $3,000 in full satisfaction thereof, and for a complete release from any civil or criminal liability therein. Their statement and offer is indorsed by Hon. WILLIAM M. STEWART. United States Attorney Haydon refers to the matter in his letter by stating that the offer "is to settle for millions by paying, if anything, mills on the dollars of which the Government is defrauded."

Before taking any action on the offer this office must be fully informed of all the actual facts in the cases, obtained by a careful and thorough examination.

Relying on your efficiency and ability, and your courage and integrity, it is deemed advisable to intrust to you the work of investigating so important a case as this seems to be. You are therefore directed to so arrange the work you now have in hand as to admit of your leaving it for a time, and to proceed to Reno, Nev., for the purpose of consulting with the United States attorney in regard to the trespass committed by Peltier & Co., and the said mining companies, and also by the Richmond and Eureka Consolidated Mining Companies, referred to by the United States attorney in his letter above noted, and in regard to the best course to pursue in the work of examination. You will then make a full, careful, and searching investigation of all the facts in every case of trespass upon the public timber committed by the said parties respectively, and fully report thereon, making each case the subject of separate report to this office. Be particular to have your reports full and complete on all essential points.

The local officers in the land districts embraced in your field of duty in Idaho, and United States Attorney Hawley, should be informed of your address while in Nevada in order that they may be able to communicate with you whenever necessary relative to any hearings or timber-trespass suits pending.

Respectfully,

S. M. STOCKSLAGER,
Commissioner.

GEO. D. TEMPLE,
Special Timber Agent, Blackfoot, Idaho.

The gentleman proceeds to make his examination and then forwards his reports. He has a regular form containing questions, and his reports give answers to those questions. Those reports and some of the remaining exhibits in Senate Executive Document 259, of this session, are as follows:

EXHIBIT K.

REPORT OF TIMBER TRESPASS.

Name of trespasser: Eureka Consolidated Mining Company of San Francisco, Cal., incorporated under the laws of California, with principal office at San Francisco, Cal., but operating mines at Eureka, Nev.; superintendent, Henry Donnelly.

Land trespassed upon: The unsurveyed public lands of the United States, mineral in character, including hills, mountain ranges, and cañons within a radius of 35 miles from the town of Eureka, in Eureka County, State of Nevada.

Character of land: Mountainous, mineral; formerly timbered; now bare. Never susceptible of cultivation.

Date or dates upon which trespass was committed: At different dates between July 1, 1878, and July 1, 1888.

Kind of trespass—cutting or removing, or both: Both. Also the purchase from others with knowledge of trespass.

Kind of timber: Cedar, pine, and mahogany.

Number of each kind of trees cut: Not ascertained, but many million, trees being small.

Quantity of timber or lumber cut: Seven million one hundred and four thousand six hundred and sixty-two bushels charcoal, at 30 bushels to the cord, equal to 236,822 cords of wood, also cord-wood to the number of 236,822 cords in addition to that burned into charcoal.

Location of timber or lumber: Nearly all consumed. Procured for and used in reduction and smelting of ore.

Values: Value of charcoal at reduction works 25 cents per bushel, $1,776,165. Value of cord-wood at reduction works at $8 per cord, $1,894,576. Total value coal and wood, $3,670,741.

Where timber was to be delivered: At the furnace in Eureka, Nev.

Agent's testimony: In a trip of about 20 miles through the district referred to I observed the complete denudation of the hills and mountain sides, even to the removal of the stumps of the trees, also many locations of charcoal burning or pits.

Was the trespass willful? Yes.

Have any legal proceedings been instituted? Not to my knowledge.

Are the parties to the trespass financially responsible? They are.

Action recommended by agent: Suit for value of material at point of delivery or receipt at the works of the company.

Remarks: I noticed in cord-wood not consumed or hauled, that everything was cut from 3 inches in diameter to the largest.

GEO. D. TEMPLE,
Special Timber Agent.

EUREKA, NEV., *July* 10, 1888.

EXHIBIT L.

REPORT OF TIMBER TRESPASS.

Name of trespasser: The Richmond Mining Company of Nevada, organized under the laws of Nevada; principal place of business, Eureka, Nev. R. K. Morrison, superintendent, Eureka, Nev.

Land trespassed upon: The unsurveyed land of the United States, mineral in character, including hills, mountain ranges, and cañons, within a radius of 35 miles from the town of Eureka, County of Nevada, State of Nevada.

Character of land: Mineral, mountainous, formerly timbered, now bare. Never susceptible of cultivation.

Date or dates upon which trespass was committed: Continuously between January 1, 1873, and January 1, 1885, and since.

Kind of trespass—cutting or removing or both: Both. Also by purchase from others with knowledge of trespass.

Kind of timber: Cedar, pine, and mahogany.

Number of each kind of trees cut: Not ascertained, but millions, trees being small.

Quantity of timber or lumber cut: Twenty-one million six hundred thousand bushels charcoal, equal to 720,000 cords of wood, at 30 bushels to the cord; 86,400 cords of wood used as fuel at furnace and refinery; 25,920 cords of wood used as fuel at mine.

Location of timber or lumber: Nearly all consumed. Procured for and used in the reduction, smelting, and refining of ore and at the mine of the company.

Values: Value of charcoal at delivery, at 25 cents per bushel, $5,400,000. Value of wood used for furnace and refinery, at $8 per cord, $691,200. Value of wood used at mine, at $6 per cord, $155,520. Total value charcoal and wood, $6,246,720.

Agent's testimony: In a trip of about 20 miles through a part of the district referred to I observed the complete denudation of the mountains, even to the removal of the stumps of trees, the consequent increased dryness of the region, and failure of streams. Locations of charcoal burnings were frequently seen.

Was the trespass willful? Yes.

Have any legal proceedings been instituted? Not to my knowledge.

Are the parties to the trespass financially responsible? They are.

Action recommended by agent: Suit for value of the material at place of delivery or receipt at the company's works. During several years past R. Probert, of Eureka, Nev., has conducted the refinery herein referred to for his own account, using a process patented by himself, and has made use of the fuel reported on in common with the Richmond Company.

Remarks: This cutting was done without regard to size of trees, everything from 3 inches in diameter upward having been taken.

GEO. D. TEMPLE,
Special Timber Agent.

EUREKA, NEV., *July* 11, 1888.

I am informed that the property known as the Richmond mine and referred to in my report of this date attached hereto, is in fact the property of the Richmond Mining Company, Limited, of London, England, and that the few persons who are citizen shareholders are also employés of the company to whom a few shares have been assigned to give the organization a semblance of legality here.

GEO. D. TEMPLE,
Special Timber Agent.

EUREKA, NEV., *July* 11, 1888.

EXHIBIT M.

BLACKFOOT, IDAHO, *July* 23, 1888.

SIR: Referring to my report of timber trespass by the Richmond Mining Company of Eureka, Nev., forwarded to you under date of 11th instant, I desire to correct the name R. Probert where it occurs in said report. It is erroneously given as above written, and should read Edward Probert, as I learned definitely before leaving Eureka.

Very respectfully,

GEO. D. TEMPLE,
Special Timber Agent.

COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.

EXHIBIT N.

BLACKFOOT, IDAHO, *July* 26, 1888.

SIR: By same mail with this I forward reports in duplicate of timber trespass by the following-named mining companies whose mines are located at Tuscarora, Nev., namely, Navajo, Grand Prize, North Belle Isle, Nevada Queen, Commonwealth, and Independence, having been detailed to such duty by your letter "P" of May 25 last.

The total value of timber, lagging, cord-wood, and charcoal involved in such trespass, as ascertained, is $126,880.94. This amount appears small when the number of companies concerned and the length of time covered by the reports is considered, but an explanation is found on reference to their books, which shows that no one of the mines has been operated continuously, that through dealers at Elko and Tuscarora large quantities of mining timber and lagging were obtained from mills on the Truckee River on the eastern slope of the Sierra Nevada range, and that for at least ten years past immense quantities of sage-brush have been used for fuel.

Hundreds of thousands of dollars have been paid out for sage-brush alone. At this time there are estimated to be 20,000 cords of sage-brush valued at $60,000 at the mills of the Navajo and Grand Prize mines. Wood is now used for the purpose of roasting ore only.

In the proposition for settlement made by these companies under date of April 27, 1888, they claim a deduction of 25 per cent. on account of timber alleged to have been cut on State lands. I can not believe them entitled to such deduction. The timber in question, from the best information I could get, came from the crests and cañons of the mountains (the only places where it grows in Nevada) having, in large part, to be transported therefrom to the wagon-road below, upon the backs of mules and asses.

These lands being, as I suppose, unsurveyed, are not in condition to be and are not desirable as State selections.

In the course of my investigation every facility was afforded me by the persons in charge of the offices of the companies named, and I saw no disposition to evade a full showing of their timber transactions.

Very respectfully,

GEO. D. TEMPLE,
Special Timber Agent.

COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.

EXHIBIT O.

DEPARTMENT OF JUSTICE, *Washington, August* 8, 1888.

SIR: I have the honor to inform you that the United States attorney for Nevada has been instructed to bring criminal suit against R. K. Morrison and Edward Probert, for timber trespass, and civil suit against the Richmond Mining Company, as requested in your letter of the 4th instant, if after investigation such course is justifiable and for the public good.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

THE SECRETARY OF THE INTERIOR.

EXHIBIT P.

DEPARTMENT OF JUSTICE, *Washington, August* 10, 1888.

SIR: I have the honor to inform you that the United States attorney for Nevada has been instructed to bring criminal suit against Henry Donnelly, superintendent of the Eureka Consolidated Mining Company, for timber trespass, and civil suit against the company, as requested in your letter of the 6th instant, if after investigation such course is justifiable and for the public good.

Very respectfully,

G. A. JENKS,
Acting Attorney-General.

The SECRETARY OF THE INTERIOR.

The Senator from Nevada charges that this agent had no means of knowing anything about quantity or anything else. Why, Mr. President, he took the figures from the books of the Senator's constituents. It is the Senator's own constituents that make the showing here, and at his solicitation. He forced them into it. He took them into the General Land Office and he presented them there. He demanded that a special agent should be sent out to investigate the matter. The special agent went out there, and in peace and in harmony the investigation was made. He took his record from the books of the company. Yet the Senator comes here and abuses the Commissioner of the General Land Office, and speaks about the "spy system," and "a system of espionage," when it was perfectly public. The agent went out there at his instance. The agent was known. He went into the company's houses and into their business places and examined the matter. He was shown their books and took his data from them. Then he made his report. And for this the Commissioner of the General Land Office is to be denounced! The Senator is the originator of the whole thing. The Senator is responsible for it, and if he has caused the people to be put into trouble by special agents being sent there he must answer for it.

All this information was sent here at the instance of the Senator. He called for it. It was sent here in Executive Document No. 259.

I have given the facts in this case. I have no recollection of the letter of the Commissioner to Colonel BURNES, of the House of Representatives. I am only speaking of what the Senator from Nevada brought to the Senate in response to his own resolution, and there is no ground whatever for censuring the Commissioner of the General Land Office. He has simply done his plain duty.

Mr. STEWART. Mr. President, the Senator from Missouri [Mr. COCKRELL] appears to be an enthusiastic friend of the Commissioner of the General Land Office, but he has not made a very good case for him. He has made almost as vindictive a case as the Commissioner himself made.

The simple fact in this case is that an impecunious district attorney, appointed by the Democratic party in my State, wrote a letter a year ago last March advising the Commissioner of the General Land Office to sue the miners at Pioche, White Pine, Belmont, Austin, and other camps and seize their wood and timber. He did arrest a lot of Italians and wrote very severe letters about them, and said some of them had 500 cords of wood and others 1,000 cords, etc., and advised that it be seized; that special agents and sharp detectives be sent to pounce upon them. He arrested these men and brought them before the United States district court at Carson. The court decided that they had done just what they might do and decided that the regulations that they could cut no timber under 8 inches in diameter did not apply. Under the law they had a right to cut it, and they were discharged. Still the district attorney continued to write and to urge these prosecutions.

Two gentlemen who had charge of mining companies at Tuscarora, as the mines were being worked out, feared that they might be sued personally, after the mines were exhausted, by a Democratic administration. They would rather come here and pay four times as much as the wood was worth, although they knew they were not liable, than be harassed by trumped-up and blackmail suits, which were advised by the Democratic district attorney. I advised them not to go to the Commissioner. They said they did not want to be sued, and preferred to pay 50 cents a cord, which was the highest price paid in that country for stumpage on private land.

I went to this great Commissioner of the General Land Office and told him that these people were willing to pay for this wood, and that what they offered was very liberal; that they wanted to buy their peace that way, and I advised him to take it. He said that he could not make any compromise; that he had to send out a special agent. They went back and showed their books to the special agent, and he did not find their books incorrect at all as to the amount. Everything had been shown by them, although he thought they made an estimate of too large an amount cut on private land. They thought they had cut about one-fourth. Then, without giving any basis for an estimate at all, he reports here that they have cut one hundred and twenty-six odd thousand dollars' worth of timber, and I am charged with swindling the Government by recommending a compromise for $3,000!

I recommended the compromise to the Commissioner because these gentlemen wanted to buy their peace, and if their offer had been accepted the Government would have gained $3,000, while now it will not get a cent. The only parties who will be benefited by these proceedings will be feed officers, special counsel, special agents, and spies.

The plundering expedition of the special agent to Eureka was on the instruction of the Commissioner, not at the request of the citizens of that place; nor did I invite him to go there or anywhere else to fabricate false reports. My suggestion was that he should verify the statement of Messrs. Baker and Dorsey as to the amount of wood cut for the Tuscarora mines. He was compelled to report that their statements were true, but could not refrain from a false and scandalous statement as to the value of the wood. Because the special agent had access to the books at Tuscarora the Senator from Missouri asserts that his ten-million-dollar canard was obtained from the books of the Eureka companies. The special agent never saw those books, and either invented the story himself or borrowed it second hand from some accomplice in the conspiracy.

He did not see the books at all at Eureka. He was stuffed by somebody there who gave him this imaginary information, and he sent it here, and then I am charged with attempting to rob the Government out of $10,000,000. To have collected the information he furnished the Commissioner as to the amount of timber cut during a period of twenty years over a region of country 30 miles in extent in every direction from the mines was an impossibility, no matter how long he was in Eureka. But after a few days in Eureka he estimates the entire amount of wood cut by the Eureka companies down to the last cent.

This same Commissioner was informed by this same district attorney, when these men came here to compromise, that according to the decisions of the court they had nothing to compromise, as the court had decided they had a right to cut the timber. I also informed the Commissioner when I went to the Department that there was nothing to compromise, and showed him that the parties had violated no law. I had not seen the decision then referred to by the district attorney, but the Commissioner had the information then from the district attorney, which he did not disclose to me.

The Commissioner knew very well I was right, and that the parties were not liable, yet he refused to accept their compromise and release them from his leeches, but insisted that he must send a special agent to verify their statements. Knowing that their statements were true, and supposing that the Commissioner was acting in good faith, they willingly acquiesced in his proposition to send a special agent, and when the agent came they showed him their books and were repaid for their trouble by a false and absurd estimate of the value of the wood and denounced by the Commissioner for their offer of compromise, and were unconsciously the innocent instruments which enabled the Commissioner to manufacture a slander against a Senator for discharging his duty in the Senate.

The simple fact that I offered an amendment to prevent this enormous corruption fund, given to a Democratic Commissioner of the General Land Office by the Democratic Appropriations Committee of the House, being used to prosecute miners for cutting wood in the mining region for mining purposes, as the law allows, was Mr. Stockslager's excuse for all this misrepresentation and newspaper abuse.

Nobody denies that my amendment was perfectly legal. I was denounced by him in the New York Herald as having attempted to shield great corporations, wealthy corporations that were destroying timber on the public land. My amendment had no such effect and he knew it. He talks about these corporations being rich. They are not rich. The Eureka corporations are worth very little. The mines are pretty nearly worked out. They can hardly pay expenses, and if the miners were prosecuted they would stop; but if they can go on they may work there years and years and help the people very much.

These corporations are situated just as all the miners in the State are. The district attorney named nearly every town in the State and advised the prosecution of the miners in each, and there is just as much ground for one as another. The Commissioner reports to the Senate a simple request from me to send the laws and regulations on this timber question to Mr. MacMillan as a reason why these suits should be prosecuted. He makes a great handle, too, of my recommending an offer of compromise.

His action is in violation of every principle of decency. Does not every lawyer know that a compromise is not a thing to make a basis of a prosecution; that if men will go and ask to buy their peace, to be saved from being harassed by litigation it is no offense? But this Commissioner not only makes it an offense against them, he not only sends a man out there who takes their books and makes a statement that he can not sustain for the purpose of making buncombe in the newspapers, but is writing letters to the committees here to prevent my amendment being agreed to.

He does not pretend that he wants to prosecute miners for cutting scrub timber for mining purposes. On the contrary, he undertakes to deny it, and in denying it he admits that my amendment was right. While admitting it is right, he reiterates the charge that I prevent him from protecting the timber on the public lands.

That is the kind of a Commissioner you have, and the Senator from Missouri defends him. He defends him in an attack on a Senator; he defends him in falsifying my amendment; he defends him for making an attack in the newspapers on me, and attacking me on a false accu-

sation. You may defend him and my people shall know who defended him. The people of Nevada will remember for long days this unnecessary and wicked persecution for doing what the law allowed them to do.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference.

Mr. SHERMAN. If the report is not too long, I should like to have it read.

Mr. ALLISON. Does the Senator from Ohio desire that the entire report shall be again read?

Mr. SHERMAN. I refer to the item relating to the Library building. A brief statement will answer. A statement by the Senator from Iowa would be better perhaps than the reading of the report.

Mr. ALLISON. This report is an agreement with reference to all the disagreeing votes of the two Houses except the single question of the Library building. The Senator is aware of the situation as to the Library building?

Mr. SHERMAN. Yes; I understand there are two propositions in regard to the Library building.

Mr. ALLISON. There are two propositions in regard to the Library building.

Mr. SHERMAN. The case stands as I supposed. I have stood by the Committee on Appropriations all the way through, and will yet if they insist upon continuing this controversy; but as the House of Representatives makes one proposition, to which the Senate, I believe, will never agree, as that is to break up the contracts and start anew in erecting a Library building, and the Senate has made a proposition which the House does not seem to agree to, having had the subject fairly debated twice, and after a full expression of opinion on a fair vote the House having dissented from the proposition of the Senate, in my judgment the only way in such a case, where the two Houses can not agree upon an amendment to an appropriation bill, is to drop the whole subject, leaving it until the next session.

There is no justice in keeping up this controversy, keeping men for a long period of time out of the money which is appropriated by this bill, merely because the two Houses can not agree in regard to a Library building. I believe that if the subject is left until next winter probably there will be a better chance for an agreement. Certainly now to bandy messages back and forth seems to be a useless thing. It is nearly three months after the 1st of July, when the fiscal year began, and it is time that this appropriation bill should pass, because there are a great many interested in it besides those who are engaged in erecting the Library building. The Library building will not be constructed, I suppose, for about ten or fifteen years, and it does not make much difference whether the appropriation is made now or three or six months hence.

Therefore, if in order, I will move that the Senate insist upon its disagreement to the House proposition and recede from its own amendment.

Mr. HALE. That does not help us out. It leaves the House provision stand.

Mr. SHERMAN. But the House would probably recede. That is the only way to get at it.

The PRESIDENT *pro tempore*. Will the Senator from Iowa state for the information of the Chair the attitude of the amendment about which the disagreement arises?

Mr. ALLISON. I will state that the amendment which is disagreed to is amendment 110, which is an amendment to strike out the text of the bill and insert other words.

It will be remembered that the Library building is being constructed under a separate and distinct statute authorizing its construction, providing for the character of the building in general terms by a recitation of a plan which is on file in the office of the Librarian of Congress, and providing for a commission consisting of the Architect of the Capitol, the Secretary of the Interior, and the Librarian of Congress, who were to prosecute this work. That is a statute. In this bill it is proposed by the House of Representatives that the statute shall practically be suspended.

The PRESIDENT *pro tempore*. Is that the original provision of the bill?

Mr. ALLISON. It is the original provision, the text of the bill. I think it might be well for the Secretary to read the original text, the House provision, in order that the Senators may be refreshed in their memories as respects what the House proposes.

The PRESIDENT *pro tempore*. If the Senator from Iowa has the print, will he please send it to the desk?

Mr. ALLISON. I have the print, and I will read it. The House provision is as follows:

That the Committee on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of building not to exceed $3,000,000; and the sum of $10,000 is hereby appropriated, to be expended under the direction of the above-named committees, to pay for the said designs and general specifications. The said committees shall jointly report to Congress its action in the premises on or before the 20th day of December, 1888. That the work now in progress on the building for the Library of Congress shall be suspended and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved. That the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congress, be, and the same is hereby, transferred to the care and custody of the Interior Department. The expenses of such care and custody shall be paid out of any money already appropriated for the construction of the building for the Library of Congress.

Mr. DAVIS. That is the original provision.

Mr. ALLISON. This is the original provision as it came to us from the other House.

As the Committee on Appropriations construe this original provision, further progress upon the Library building must depend upon the report hereafter of a joint committee of the two Houses, and all unexpended sums of former appropriations, of course, remain in abeyance. In other words, it is an absolute stoppage of the work.

The Committee on Appropriations recommended that these words be stricken out of the bill, and proposed a long amendment in the nature of a substitute, which provides for the transfer of the entire erection of the building to the Chief of Engineers of the United States Army, giving him authority to make contracts and to go on with the construction of the building, and we proposed to appropriate $1,000,000 for this purpose. Our provision also dispensed with what is known as the Library Commission.

Mr. DAWES. The committee did not propose to proceed with the construction of the whole building.

Mr. ALLISON. Not the whole building as originally designed, but a part of the building called "Plan No. 1," which is a building sufficient to supply the Library for fifteen or twenty years, as was stated by one of the architects, a building sufficient to contain, I believe—I do not speak accurately, as I speak from memory—1,760,000 volumes, or a capacity that would last this Government undoubtedly for fifteen or twenty years, and possibly thirty; I believe nearer thirty than fifteen. We proposed that only this part of the building, or the building which we designate in our amendment as "Plan No. 1," should be proceeded with, and that every expenditure with reference to any other plan or with reference to any other building should be absolutely stopped.

That is the Senate amendment in substance. It provided that we should go on and construct a building on the site already purchased which would accommodate the purposes of the Library for fifteen or twenty years at least.

I will state our motive in recommending this amendment to the Senate. In the first place, by constructing the building designated on "Plan No. 1," there would be very little loss in the work already commenced, as the work already commenced only includes the foundation for the entire building. The foundation being of concrete would undoubtedly remain there, so that at any future time, thirty or forty years from now, if Congress should find it necessary to enlarge the building, that could be done.

That was the situation as the amendment went from the Senate. It was disagreed to by the House of Representatives after some debate, and with a number of other amendments remitted to a conference committee.

The conferees on the part of the Senate and on the part of the House modified the Senate amendment so as to make it absolutely clear that no part of the building should be erected except the part which was contemplated in the Senate amendment. It made it absolutely clear also that the law of April 15, 1886, so far as it authorized the construction of a larger building, should be repealed. The House conferees also agreed with us that the building should be under the absolute control of the Chief of Engineers of the Army.

Mr. EDMUNDS. That is, its construction.

Mr. ALLISON. Its construction, in lieu of the commission provided for by the act of April 15, 1886.

The House conferees insisted that the language we employed in our amendment was not sufficiently clear and explicit to place the architectural construction or design of the building under the control of the Chief of Engineers; in other words, that there was an implication in it that the architect of the building, Mr. Smithmeyer, might be retained and continued, and that the Chief of Engineers of the Army, under the phraseology which we had employed, would be compelled to retain Mr. Smithmeyer. We said that it was our purpose to leave that question absolutely under the control of the Chief of Engineers in charge of the construction; that if he found it wise for any purpose, either now or in the future, to dispense with any of the architects who were now employed upon the building, the responsibility under the direction of Congress should be in his hands.

The House conferees thereupon agreed to the Senate amendment, reducing the appropriation from $1,000,000 to $500,000.

The conference report under the laws governing the two bodies was first made in the House of Representatives. Of course the report included a great many other amendments, but the contest in the House, as Senators very well know, turned entirely upon this Library amendment. That conference report was disagreed to by the House of Rep-

resentatives, and then a further conference was held, which has made this report. Now, we are confronted by the House conferees, who say that they are unable to make us any proposition except what is contained in the original text of the House bill. We undertook in the further conference, which was ordered yesterday, to see whether there was some line of compromise whereby we could agree upon an amendment that would allow the continued construction of the Library building. They said that under the instructions they had received by the vote of the House they felt compelled to insist upon the House provision, and that alone. The Senate conferees said then, as this is a controverted question and as nearly three months of the present fiscal year have passed away, the bill involving, as it does, a great many Departments of the Government as respects their expenditures, why not remit this whole question—as the Senator from Ohio now proposes—to the next session of Congress? Of course that would leave the Library building without an appropriation.

Mr. EDMUNDS. How much unexpended money is there of the former appropriation?

Mr. ALLISON. There is a very small sum actually unexpended, not covered by contract; about $12,000.

Mr. SHERMAN. There are a good many contracts.

Mr. ALLISON. There are large contracts. Of course we did not make that proposition, because we had no authority to make it from the Senate. I do not think any conferee on the part of the Senate was in favor of it, but it was a suggestion. The House conferees stated to us that they would not agree to do that thing; they did not believe the House would agree to it.

Then a suggestion was made that perhaps a limitation upon the cost of the building might be satisfactory to the House, but that was not thought proper.

So we are now confronted with the question whether we shall agree on this bill to a proposition which remits to the future the further consideration as to whether we shall have a Library building, and if we are to have a Library building, what it shall be.

The House provision requires a report by the 20th of December, and it also requires that five eminent architects shall be summoned, who shall each furnish a new and distinct plan for a building. It is perfectly well known that no architect can between now and that time furnish a new plan for such a building.

It seemed to the conferees on the part of the Senate that the proposition of the House of Representatives, so far as we could gather it, involved an entire suspension of this work until another Congress shall convene, or certainly for a year and a half or two years.

That is the situation of this bill. I desire very much to have an expression of the Senate upon the point, and I will say to the Senator from Ohio that inasmuch as it is one amendment, it is impossible for us in any way to modify it except through another conference report.

Mr. SHERMAN. I think myself when a conference report is made and pending the Senate might either instruct their committee of conference or themselves propose a modification of their own amendment; but to avoid any question about that I shall move to instruct our conferees.

I will submit first the ordinary motion to insist upon the disagreeing vote, and then I shall move the following instructions: That if the conferees of the two Houses can not agree, the Senate conferees shall propose that the text of the House bill on the point in dispute be stricken out and that the amendment of the Senate be stricken out of the bill, leaving the whole provision about the Library building to stand until the next session.

The PRESIDENT *pro tempore*. As the Chair understands the attitude of this question, the amendment of the Senate is to strike out and insert, and must be dealt with as one question. Therefore the instructions proposed by the Senator from Ohio, the Chair thinks, would not be now in order, because if the Senate recedes from its amendment that leaves the proposition in the bill as it came from the House of Representatives.

Mr. SHERMAN. I propose that the Senate shall insist upon its amendment and instruct the conferees as I stated. I do not think there is any question about the power to do it. If we insist upon our amendment to strike out, that leaves the whole matter open, and then we add instructions. As a matter of course, either House can instruct its committees of conference as it can instruct any other committee at any time.

Mr. HALE. The trouble with the suggestion of the Senator from Ohio is that it would not help us out of the difficulty in the least. Setting aside the Senate amendment entirely, if we had originally struck out the House proposition and inserted nothing whatever in lieu of it, the same conflict would have been precipitated that we are now engaged in. That conflict does not arise from the substitution of the Senate amendment for the House proposition; but it arises from the fact that the Senate will not agree to the original proposition of the House of Representatives. The original proposition of the House tears down the entire Library project so far as we have engaged in it. It throws it all open again loosely. It provides for the committees of the two Houses beginning *de novo*, inviting propositions from five different architects, who shall mature plans. Whenever the time comes, which will be in the remote future, that the committees can agree upon the one man whom they select and his plans there will be a combination of the friends of all the other four architects, and we shall go over the same conflicts, the same strifes, about getting a plan that we have already been over.

The Senate, so far as the conferees can judge from the debates and attitude of the Senate upon this question generally, is opposed to that and is in favor of doing something to go on with the Library project that shall give us a suitable Library building for the accommodation of our great and growing Library. The conferees on the part of the House do not object so much to the terms of our amendment, but they want to insist upon their provision, which throws the whole thing open.

Mr. SHERMAN. If the Senator will allow me, the conferees on the part of the two Houses disagree as to the terms of this bill in regard to the Library building. In case of a disagreement which is final and conclusive, as I suppose both sides presented their view of the case strongly, there is but one rule under which a legislative body can act on appropriation bills, and that is where there is a disputed item to drop it entirely. I have no doubt the House will agree to that. I assume that the House will.

Mr. HALE. No, the Senator is wrong.

Mr. SHERMAN. Then if the House would take the responsibility of defeating this bill because we will not agree to their project about the Library building, the sooner it is known the better.

Mr. HALE. The Senator's rule applies where either House puts in a distinctly new matter upon some new subject. Undoubtedly either House then insisting on that positive action must yield to the opposite branch which says it can not agree to the positive action. But here the House finds itself confronted with a condition of things that everybody says ought to be cured upon a great public work that we have entered upon. The House claims, and with force, that it has not projected upon the consideration of the Senate a new subject-matter that we can refuse to do anything about, but is dealing with a condition that everybody says ought to be dealt with, and it has put in a proposition which does deal with the subject-matter. Now, it is so radical, so revolutionary, that the Senate can not, and, as it appears not only in discussion now, but heretofore, ever agree to it, and we are brought to the question simply whether the conferees shall agree upon some proposition containing some portion of the spirit of the House provision, which takes the whole thing away from the present control and conduct, that has been very offensive to the House, but yet that has in it some of the features of the Senate amendment.

I may say that I am not wholly without hope, even expectation, that we can agree upon some amendment which will embody the fundamental view that each House is in favor of—the House, that the whole charge shall be taken away from the present management, and the Senate, that there shall be no unreasonable delay in the construction and finishing of this great work. These are the two great fundamental ideas that to my view lie at the bottom of the action of each House.

To repeat, the House of Representatives says that the whole charge and conduct shall be taken away and put somewhere else. We can agree to that. The Senate says, Let us have no great delay, no indefinite postponement of this great enterprise, but build it under somebody's hands. I believe the other House will agree to that, and that we shall get a proposition finally that will settle this whole question if allowed a little more scope.

Mr. EDMUNDS. Mr. President, may I ask what is the pending question?

The PRESIDENT *pro tempore*. The pending question is on agreeing to the report of the committee of conference.

Mr. EDMUNDS. So far as it reports an agreement?

The PRESIDENT *pro tempore*. The question is on agreeing to the conference report.

Mr. EDMUNDS. That question I should like to have the Chair put.

The PRESIDENT *pro tempore*. The Chair thinks it would simplify the matter if that should first be done, leaving the Senate then to consider the disputed point.

Mr. EDMUNDS. Precisely; that is what I was about to suggest.

The PRESIDENT *pro tempore*. The Chair will therefore submit the question, Will the Senate concur in the report of the committee of conference?

The report was concurred in.

Mr. EDMUNDS. Now the pending question is on the Library amendment.

The PRESIDENT *pro tempore*. The pending question is on the item on which the conferees have not agreed.

Mr. EDMUNDS. That is what we call the Library amendment. Now, I make this motion, which I believe to be in order: that the Senate insist on its amendment respecting the Library building, and that the Senate conferees be instructed to agree to an amendment to the Senate amendment, providing, in lieu of the provisions of the bill, that all proceedings and expenditures in the Library building matter be suspended until the end of the next session of Congress.

That leaves the matter with no new law about it, but holding on just where we are until the two Houses at the next session can make another provision. If they do not, then the law will stand just as it is after the 4th of March next if nobody makes an appropriation. That will enable the conferees of the two Houses, I should hope, to come to the terms of stating that we will postpone this controversy, leaving everything just as it stands now until the first Monday in December.

The PRESIDENT *pro tempore*. The proposition submitted by the Senator from Ohio is first in order.

Mr. SHERMAN. Let that be read.

Mr. EDMUNDS. I thought the Chair held that that was not in order, or I should not have offered mine.

The PRESIDENT *pro tempore*. At that time the Chair held it was not in order, but if the Senator from Ohio insists upon it now, it is first in order.

Mr. EDMUNDS. Then, of course, I do not make my motion until the proposition of the Senator from Ohio is disposed of.

The PRESIDENT *pro tempore*. The Secretary will read the proposed instructions of the Senator from Ohio.

The Secretary read as follows:

That if the conferees of the two Houses can not agree, they shall propose that the text of the House bill disagreed to by the Senate be stricken out of the bill.

Mr. SHERMAN. That leaves the whole matter open.

Mr. ALLISON. I think the suggestion made by the Senator from Ohio is better than the suggestion made by the Senator from Vermont, if we desire to go on with the Library building. If I understand the suggestion of the Senator from Vermont, it is that all proceedings be suspended until the end of the next session. The effect of that would be, of course, to suspend all work that is now being done under existing contract, the existing contracts being now for the furnishing of the stone which is to be the foundation of the Library building.

Mr. SHERMAN. How much of it?

Mr. ALLISON. I think the whole of it.

Mr. SHERMAN. That is the very point on which I want to meet the other House.

Mr. ALLISON. I do not think even the House of Representatives proposes to do that. There is a contract entered into by the commission for the erection of the basement story of the building by Plan No. 1, which involves the quarrying and delivering of the stone. That stone is being delivered. I went the other evening, with a view to see something about this matter, to the grounds of the Library building, and I found there a very large amount of stone delivered under this contract. I do not think it would be a wise thing to suspend that contract.

Mr. EDMUNDS. May I ask the Senator what is to be done with the enormous amount of stone that is to be got for the whole contemplated building?

Mr. ALLISON. The stone that is contracted for is for the building as proposed by the conferees of the two Houses.

Mr. EDMUNDS. I misunderstood the Senator. I understood him to say that the contract for the stone embraced the stone for the whole vast structure.

Mr. ALLISON. No; it does not.

Mr. EDMUNDS. That is another thing.

Mr. ALLISON. I wish to say, if the Senator will indulge me one moment, that when Mr. Vilas came in as Secretary of the Interior he overhauled this whole matter of the Library building, and after consultation with his associates it was agreed that for the time-being the construction should be confined to what is called "Plan No. 1," and therefore all the contracts made for stone have been made with reference to that plan.

Mr. EDMUNDS. "Plan No. 1" I understand then to mean merely the structure that both committees are willing to go on with?

Mr. ALLISON. They are, except that the other House——

Mr. EDMUNDS. I am speaking of the committees. It means the small part of the structure that is supposed to be sufficient for present purposes.

Mr. ALLISON. Both Houses are willing to go on with that. It is the construction of the west front, so called, and the construction of the rotunda and the library spaces around.

Mr. EDMUNDS. Then may I ask if the contract made for stone goes beyond the appropriations already made?

Mr. ALLISON. It does not, but I think it comes within $12,000 of the existing appropriations. Unless there are additional appropriations made at this session, of course the stone will remain on the ground without being put in its place.

Mr. EDMUNDS. Then all that is contracted for, all the present obligations of the Government, if there are obligations, are applicable to the structure which is what is called the west front and what is to be the present building?

Mr. ALLISON. The present building.

Mr. EDMUNDS. Whether there is any other building or not; so that there would be no useless waste of money for accumulating material that would not be wanted for the modest structure that is proposed?

Mr. ALLISON. Not at all.

Mr. EDMUNDS. Then the proposition of the Senator from Ohio is best.

The PRESIDENT *pro tempore*. Does the Senator from Vermont propose to amend the proposition?

Mr. EDMUNDS. No, sir; I think the proposition of the Senator from Ohio is correct.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio, which will be again read.

The Secretary read as follows:

That the conferees on the part of the Senate be instructed that if the conferees of the two Houses can not agree, they should propose that the text of the House bill disagreed to by the Senate be stricken out of the bill.

Mr. HALE. So that if the Senate and House conferees can agree, that is not cut off by the motion. ["No!"] I see no objection to the motion.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. HUDD, and Mr. NELSON the managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution for the printing of 5,000 copies of the report, with evidence, lately made by the Committee on Manufactures of the House in relation to the sugar trust and Standard Oil trust, in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill (S. 3224) to abolish circuit-court powers of certain district courts of the United States, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROGERS, Mr. HENDERSON of North Carolina, and Mr. FULLER the managers of the conference on the part of the House.

FORFEITURE OF MICHIGAN RAILROAD GRANT.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State; which were read.

Mr. EDMUNDS. The bill with the amendments ought to go to a committee.

The PRESIDENT *pro tempore*. The amendments, with the bill, will be referred to the Committee on Public Lands.

SUGAR AND STANDARD OIL TRUST REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed, for the use of the House and Senate, 5,000 copies of the report, with evidence, lately made by the Committee on Manufactures of the House in relation to the sugar trust and Standard Oil trust, 3,000 copies for the use of the House and 1,500 copies for the use of the Senate.

JAMES HARVEY DENNIS.

Mr. SPOONER, from the Committee on Claims, submitted the following resolution:

Resolved, That the bill (S. 3571) entitled "A bill for the relief of James Harvey Dennis," now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act approved March 3, 1883, and an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim, including the loyalty of the claimant and all other facts contemplated by the provisions of said act, the papers relating to said matter having already been transmitted to said court under resolution adopted September 18, 1888, referring to said court another bill upon the same subject.

The PRESIDENT *pro tempore*. The resolution of transmission will be agreed to, if there be no objection.

Mr. EDMUNDS. It ought to go on the Calendar; but I do not object.

Mr. SPOONER. I do not understand the Senator from Vermont to object to the consideration of the resolution.

Mr. EDMUNDS. No, sir.

The PRESIDENT *pro tempore*. Such resolutions have been passed *nem. con.* usually when presented. The resolution is agreed to.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, September 24, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September* 21, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE MISSOURI RIVER.

The SPEAKER *pro tempore* laid before the House the amendments of the Senate to the bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River.

Mr. WARNER. Mr. Speaker, I ask unanimous consent that the amendments of the Senate, which are merely formal, be concurred in.

There being no objection, the amendments were concurred in.

DULUTH AND WINNIPEG RAILWAY COMPANY.

The SPEAKER *pro tempore* also laid before the House the amendments of the Senate to the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to non-concur in the Senate amendments and agree to the conference asked by the Senate on this bill.

There was no objection, and it was so ordered.

BRIDGES ACROSS THE KENTUCKY RIVER.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3471) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company; which was read a first and second time.

Mr. CARUTH. I ask the present consideration of that bill. A similar bill has been favorably reported, and is on the Calendar, from the Committee on Commerce of the House.

The SPEAKER *pro tempore*. The bill will be read subject to the right of objection.

The bill was read at length.

There being no objection, the bill was considered; the question being on its third reading,

Mr. RICHARDSON. What is the name of the corporation authorized to construct these bridges?

Mr. CARUTH. The Louisville Southern Railroad.

Mr. RICHARDSON. Why not the Louisville, Nashville and Southern Railroad?

Mr. CARUTH. This is not the same line. This is a competing, or rather a connecting line with the Cincinnati Southern road, known as the Louisville Southern.

Mr. RICHARDSON. I thought you systematically left Nashville out of the name.

Mr. CARUTH. Oh, no.

The bill was read the third time, and passed.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN D. ADAMS.

The SPEAKER *pro tempore* also laid before the House the bill (S. 320) for the relief of John D. Adams.

Mr. ROGERS. There is a House bill on the Calendar which is a facsimile of this bill. This is a Senate bill, and I ask unanimous consent for its consideration at this time.

Mr. HOLMAN. What is the title of the bill?

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

A bill (S. 320) for the relief of John D. Adams.

Be it enacted, etc., That the sum of $3,705.36 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay John D. Adams, a contractor, for transporting the United States mails in the State of Arkansas prior and up to the 1st day of June, A. D. 1861.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, the House bill will be laid upon the table.

There was no objection, and it was so ordered.

RELIEF OF YELLOW-FEVER SUFFERERS.

The SPEAKER *pro tempore* also laid before the House the joint resolution (S. R. 110) in aid of the sufferers from yellow fever.

Mr. DOUGHERTY. I ask to have that read.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the sum of $100,000, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President of the United States in the relief of suffering caused by yellow fever now prevailing in the State of Florida and elsewhere in the United States.

Mr. DOUGHERTY. I ask unanimous consent to consider that resolution now.

Mr. KILGORE. I object.

The SPEAKER *pro tempore*. Objection is made.

The resolution was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

POST-OFFICE BUILDING AT ST. PAUL, MINN.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1574) for the erection of a post-office building at St. Paul, Minn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

POTTAWATOMIE INDIANS.

The SPEAKER *pro tempore* also laid before the House the bill (S. 2176) for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana.

Mr. ALLEN, of Michigan. In the absence of the gentleman from Indiana [Mr. SHIVELY], who is chairman of the subcommittee to whom this bill was referred, I ask for its present consideration. This is a bill which has been passed by the Senate without opposition, and after a full conference with and by the advice of the Commissioner of Indian Affairs. It is simply to ascertain whether any money is due certain Pottawatomie Indians in Northern Indiana and Southern Michigan for money they claim was due them; and this bill proposes to send this bill to the Court of Claims. It will not cost the Government anything unless it shall appear that the Government owes them, in which case Congress will be called upon to pay them what is due. I hope there may be no objection to the present consideration of the bill.

Mr. MCMILLIN. Let the bill be read.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask if there be objection.

The bill was read at length for information.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill now?

Mr. MCMILLIN. I desire to ask whether this bill has been reported upon by the House committee?

Mr. ALLEN, of Michigan. Yes, sir; the gentleman from Indiana [Mr. SHIVELY], who is not here, had charge of the matter in the Committee on Indian Affairs. I was associated with him on that committee. The only point in the whole matter is this: These Indians, who are civilized and enlightened Indians, living upon their farms, claim that the Government paid certain Indians who were not entitled to the money paid them, and they simply ask for a rectification of the mistake if there be one.

Mr. MCMILLIN. I would suggest that the gentleman have the report made by the House committee read.

Mr. ALLEN, of Michigan. I have not a copy of that report here.

Mr. MCMILLIN. Let it go over, then, and the bill lie on the Speaker's table.

Mr. ALLEN, of Michigan. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ALLEN, of Michigan. Can the bill lie on the Speaker's table without prejudice?

Mr. MCMILLIN. I would suggest to the gentleman from Michigan to take that course.

Mr. ALLEN, of Michigan. I ask that the bill lie on the Speaker's table for the present without prejudice.

There was no objection.

RATIFICATION OF AGREEMENT WITH INDIANS.

The SPEAKER *pro tempore* laid before the House the bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannacks, and Sheepeaters of the Fort Hall and Lemhi reservation, in Idaho, May 14, 1880, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FORFEITURE OF RAILROAD LANDS IN MICHIGAN.

The SPEAKER *pro tempore* laid before the House the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

Mr. HOLMAN. I did not notice the title of the bill, and I ask that the bill be read, and then that the House will devote a moment to its consideration.

The bill was read, as follows:

Be it enacted, etc., That all the lands granted to the State of Michigan for the use and benefit of any railroad company or companies, whatever their corporate name, to aid in building and completing a railroad from Marquette to Ontonagon, in said State, by an act of Congress approved June 3, 1856, and by any and all acts of Congress amendatory or supplementary thereto that relate to the same subject-matter, which are uncertified lands within the limits of the grant, together with all the lands, certified or uncertified, which lie opposite the uncompleted portion of said road, extending from L'Anse to Ontonagon, are hereby declared, by reason of the breach of the conditions upon which the grant was made, forfeited; and that all of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. The bill has not been referred to the Committee on Public Lands; but that committee has had a meeting this morning, and considered the bill. The road mentioned is covered by the general bill which the House passed some months ago, and which is still under consideration in the Senate; but there seems to be propriety in passing this measure at once with an amendment which will be submitted by the gentleman from Illinois [Mr. PAYSON]. I therefore submit the following amendments, which have been agreed to by the Committee on Public Lands.

The Clerk read as follows:

In lines 11 and 12, strike out the words "which lie opposite the uncompleted portion of said road;" and in lines 17 and 18, strike out "existing laws of the United States," and insert "homestead law, except section 2301 of the Revised Statutes shall not apply;" and add the following sections:

"SEC. 2. That all settlers upon any lands forfeited by this act are hereby permitted and authorized to acquire title to not exceeding 160 acres in each case as a homestead, under and pursuant to the laws relating thereto; and in making the final proof of such homestead, the settler shall be allowed for the time he has already resided upon and cultivated the same.

"SEC. 3. That no lands declared forfeited to the United States by this act shall inure to the benefit of any corporation to which lands may have been transferred or granted under any act of Congress; nor shall this act be construed to enlarge the area of land covered by any such grant or to waive or release in any way any right of the United States to have lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant."

Mr. HOLMAN. Mr. Speaker, I wish to say in behalf of these amendments that they are all in harmony with the provisions of the general bill which passed the House some months ago and is now in the Senate.

The amendments were agreed to.

Mr. HOLMAN. I now yield to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. I offer an amendment which I send to the desk.

The Clerk read the amendment, as follows:

Insert after the word "Ontonagon," in line 10, the words "and also all lands granted to the State of Michigan under the act of Congress approved June 3, 1856, to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, and acts amendatory thereof and supplemental thereto."

The amendment was agreed to.

Mr. ALLEN, of Michigan. Mr. Speaker, I do not see any of my colleagues in their places this morning, although I have no doubt that they are attending to their duties, and therefore, although these lands are a good way from my district, I will ask the gentleman from Indiana one or two questions. I will ask the gentleman first, what has been the history of this bill in the Senate? Has there been any opposition there?

Mr. HOLMAN. I am not aware that there has been any opposition.

Mr. ALLEN, of Michigan. Why might not you just as well put the fee of these lands in the State of Michigan, instead of returning them to the United States?

Mr. HOLMAN. That would be contrary to our policy.

Mr. ALLEN, of Michigan. We can use the land to good advantage, and we will not give it to the railroad companies.

Mr. HOLMAN. That would be contrary to our entire policy of late years. We are not now making any grants of public lands.

Mr. ALLEN, of Michigan. But why not in this case make a new departure and let the State of Michigan manage these lands? We will agree that no railroad company shall have them.

Mr. HOLMAN. That would be an entirely new departure, and we are not traveling in that direction. We are not giving any lands away now, or confirming any old grants.

Mr. ALLEN, of Michigan. If my friend can assure me that persons who have taken up homesteads on these lands shall be protected at every point, I do not know that I shall have any objection to the bill.

Mr. HOLMAN. The last section, which we have added out of abundant caution, is expressly for that purpose. It ought to have been on the bill as it came to us. It is intended expressly to protect the rights of actual settlers upon the lands, and in fact it even goes beyond protecting the actual settlers.

Mr. MCRAE. It allows them for the time they have occupied the lands already.

Mr. ALLEN, of Michigan. Then I see no objection to the bill. By the way, Mr. Speaker, I see that I was mistaken in stating that none of my colleagues were present. I observe that my colleague from the upper peninsula [Mr. SEYMOUR] is in his seat.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "To forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State, and for other purposes."

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT UNTIL MONDAY.

Mr. MCMILLIN. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. GALLINGER, indefinitely, on account of important business.

To Mr. BURROWS, indefinitely.

To Mr. FORNEY, for the remainder of the day, on account of sickness.

To Mr. BLAND, indefinitely.

To Mr. ANDERSON, of Illinois.

To Mr. HOWARD, indefinitely, on account of illness in his family.

To Mr. BLANCHARD, indefinitely, on account of illness.

To Mr. ROWELL, on account of important business.

To Mr. HENDERSON, of Iowa, for twelve days from Monday, September 24.

To Mr. STONE, of Missouri, indefinitely, on account of important business.

To Mr. BAYNE, from Monday, September 24, to September 28.

To Mr. DALZELL, for ten days, on account of business.

To Mr. SEYMOUR, from Monday, September 24, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BUNNELL, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Capt. Bartlett Hines, of the Revolutionary war.

DISALLOWED POSTMASTERS' CLAIMS IN VIRGINIA.

Mr. ANDERSON, of Illinois. I rise to present a privileged report.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 11, 1888.

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives a tabulated statement of the disallowed postmasters' claims presented from the State of Virginia under the act of March 3, 1883, exhibiting all such claims as by an actual computation of commissions prescribed by the act of 1854 and entered upon claim jackets show that the paid salaries are 10 per cent. or more less than such commissions. Such tabulated statement to show in such case, first, the name of the post-office; second, the name of the applicant; third, the period of service covered by the computation of commissions; fourth, the amount of the computed commissions; fifth, the amount of paid salary for the same term of service; sixth, the actual amount of commissions in excess of the paid salary.

The Committee on the Post-Office and Post-Roads, to which was referred the resolution introduced by Mr. GAINES, submit the following report:

On June 11, 1888, this committee reported back a similar resolution in reference to claims from the State of Kentucky, with the recommendation that the resolution lie on the table. This action was subsequently approved by the House. The committee, adhering to their former action, report back this resolution and recommend that it lie on the table.

Mr. ANDERSON, of Illinois. Inasmuch as this matter has been debated heretofore, I move the previous question on the adoption of the report.

The previous question was ordered.

The question being taken on the adoption of the report, it was agreed to; there being—ayes 60, noes 2.

Mr. ANDERSON, of Illinois, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BAKER, of New York. I desire to ask unanimous consent for the consideration of a bill——

Mr. ABBOTT. Regular order.

REPORT ON SUGAR TRUST, ETC.

Mr. RICHARDSON. I rise to make a privileged report from the Committee on Printing.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *August* 20, 1888.

Mr. ADAMS submitted the following resolution; which was referred to the Committee on Printing:

"*Resolved by the House of Representatives of the United States of America (the Senate concurring therein)*, That there be printed for the use of the House and Senate 5,000 copies of the report (with evidence) lately made by the Committee on Manufactures of the House in relation to the sugar trust and the Standard Oil trust, 3,000 copies for the use of the House and 2,000 for the use of the Senate."

The committee have considered the House concurrent resolution to print 5,000 copies of the report (with the evidence) lately made by the Committee on Manufactures of the House of Representatives in relation to the sugar trust and the Standard Oil trust, and report the same back with the recommendation that it pass. The estimated cost of printing and binding the same is $3,113.85.

Mr. RICHARDSON. I move to amend the resolution by striking out the words "two thousand" and inserting "fifteen hundred." The effect of this amendment is to give the Senate, according to usage, one-half the number of the copies printed for the use of the House.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPPRESSION OF "TRUSTS."

Mr. CRAIN. I desire unanimous consent to introduce a resolution for reference, and ask that it be referred to the Committee on the Judiciary, with authority to report back for consideration at any time.

The SPEAKER *pro tempore*. The Chair will put the question to

the House. The gentleman from Texas asks leave to introduce a resolution for reference to the Committee on the Judiciary, with leave to report it back at any time.

Mr. DINGLEY. Let it be read.

The SPEAKER *pro tempore*. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary is hereby authorized to report to the House at any time a bill providing by legal and judicial proceedings for the suppression and prevention of "trusts," and is further authorized to call up said bill for consideration at any time, subject only to the consideration of resolutions or bills for raising revenue and of general appropriation bills.

Mr. CRAIN. Now, Mr. Speaker——

Mr. DINGLEY. I reserve the right to object.

Mr. CRAIN. I move to refer this resolution to the Committee on the Judiciary for the simple reason that practically there is now in existence no Committee on Rules. Three members of that committee are absent from the city; and I am informed on reliable authority that none of those three gentlemen will return during the present session of Congress. There are pending in the Committee on Ways and Means twelve bills (which have been introduced since the 27th of August) for the suppression and prevention of "trusts." There are pending five bills of this character in the Committee on the Judiciary. This resolution does not contemplate on its face the introduction of any bill by the Judiciary Committee which will affect tariff legislation, because it provides that the substance of the bill which the committee may report shall be based upon proceedings which will be legal and judicial. Both political parties have in their national platforms denounced these combinations or conspiracies called "trusts."

The President of the United States has declared the opposition of the Administration and the party which he represents to these conspiracies, and as the Committee on Ways and Means—in saying this I intend no disrespect to that committee or to any individual member of it—is unable, confessedly unable, from the fact that it does not do it, to present to the House for consideration a bill on this question, or to report upon any measure which has been introduced and referred to that committee, having for its object the suppression of "trusts," and as that is the only committee which can deal with this question that has right of way upon the floor of this House, I think it due to the people of this country that the House of Representatives, without respect to party differences, should authorize the Committee on the Judiciary, which has intrusted to it under the rules the consideration of all questions affecting judicial proceedings, to report back at as early a day as practicable a bill which will have for its purpose the suppression and prevention of these conspiracies.

It is for these reasons, Mr. Speaker, I move the reference of this resolution to the Committee on the Judiciary.

Mr. DINGLEY. Do I understand the gentleman desires simply to refer the bill, or does he accompany it with a request for unanimous consent that the committee have leave to report it back at any time?

Mr. CRAIN. Yes, with the privilege to report it back at any time.

Mr. DINGLEY. That can not be a motion, but requires unanimous consent.

Mr. CRAIN. I had unanimous consent to introduce it, and I now ask that by unanimous consent the committee have leave to report it back at any time.

Mr. DINGLEY. It was introduced simply for reference.

The SPEAKER *pro tempore*. Is there objection to the reference?

Mr. HOPKINS, of New York. I object.

FORFEITURE OF RAILROAD GRANTS.

Mr. HOLMAN. I rise now, Mr. Speaker, for the purpose of reporting back from the Committee on Public Lands the bill (H. R. 11297) to suspend all laws touching the disposal of public lands except the homestead law, and for other purposes.

As reported originally the bill contained two sections, one proposing to suspend certain land laws and the other providing that no act hereafter done or performed by any railroad corporation should enlarge or increase the rights of the corporation in any grant of land heretofore made by Congress. Now, inasmuch as there is some objection to the first section of the bill, I move to strike it out and to submit the second section as the entire bill, which I consider the more important provision. I ask the Clerk to read that second section.

The Clerk read as follows:

SEC. 2. That during the pendency of the measures now before Congress in relation to the forfeiture of certain lands heretofore granted by Congress to railroad corporations and thereafter, no act done or performed by any such corporation shall in any wise enlarge the right or claim of any such corporation to any lands covered by any such grant, or diminish any right now existing in the United States to declare the forfeiture thereof. This provision shall not be construed to in any wise affect or diminish or waive any right now existing in behalf of the United States to declare the forfeiture of any of the lands embraced in any such grant.

Mr. HOLMAN. The effect of the motion is to strike out the first section of the bill, leaving only the second section just read pending.

Mr. WARNER. I reserve all points of order.

Mr. HOLMAN. I would ask my friend from Missouri that whatever point of order he has to present it now. The bill was before the House yesterday. The condition of the matter is just this: The Senate passed a bill declaring the forfeiture of something over 4,000,000 acres of land heretofore granted to railroad corporations. The House amended that by declaring the forfeiture of about 55,000,000 acres. The difference in principle between the House and the Senate proposition is that while the Senate proposes to declare the forfeiture only of lands lying coterminous with railroads not now constructed, the House proposes, on the other hand, to forfeit all lands not earned by these railroad corporations in conformity with the law making the grant.

The conferees of the two Houses on this question of difference are not able to agree, at least they have not agreed up to this time, and I apprehend no agreement will be reached during the present session of Congress, the difference involving 50,000,000 acres. Therefore it is proposed in view of that condition of things that until an agreement is reached or this Congress shall adjourn matters shall remain in *statu quo*, and that no act of any railroad land-grant corporation shall increase its rights in the land granted. It is a precautionary measure, designed to prevent the possibility of any such corporation acquiring additional rights by reason of the non-action of Congress.

Mr. WARNER. It refers to railroad grants only.

Mr. HOLMAN. It operates on the House and Senate measures now pending in conference on these land grants and leaves matters as they are now, not permitting anything hereafter done to impair the rights of the United States to declare the forfeiture of the grants. I move to strike out the first section of the bill as reported, leaving the second section of the bill to remain as the entire bill.

Mr. WARNER. With that explanation, I withdraw my objection.

Mr. HOLMAN. I move to strike out the first section.

The motion was agreed to.

Mr. HOLMAN. The second section now becomes the bill.

The SPEAKER *pro tempore*. It does.

Mr. HOLMAN. On that I demand the previous question.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. This bill is now confined to grants of lands to railroad corporations and the title should be amended. I move to amend the title so it will read: "A bill in relation to grants of land to aid in the construction of railroads."

The amendment was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the title was amended; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the amendments of the House to the bill (S. 2356) to grant a pension to Mrs. Adeline Couzins.

Also, that the Senate agreed to the amendments of the House to the bill (S. 2862) granting a pension to William M. Dean.

Also, that the Senate disagreed to the amendments of the House to the bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes, asked a conference with the House thereon, and had appointed Mr. EDMUNDS, Mr. WILSON of Iowa, and Mr. VEST managers at the conference on the part of the Senate.

Also, that the Senate insisted on its disagreement to the amendment of the House to the amendment of the Senate numbered 119 to the bill making appropriations for the sundry civil expenses of the Government, and still further insists on its amendments to said bill disagreed to by the House; agreed to the conference asked thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL managers on the part of the Senate.

The message further announced that the Senate had passed the bill (S. 3557) to ratify and confirm certain agreements with the Upper and Middle bands of Spokane Indians, the lower Pend d'Oreille or Calispel Indians, and the confederated bands of Flatheads, Pend d'Oreille, and Kootenay Indians in Washington, Idaho, and Montana Territories, and for other purposes; in which the concurrence of the House was requested.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same, namely:

A bill (H. R. 11446) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works in rivers and harbors, and for other purposes," approved July 5, 1884.

APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* announced the appointment of Mr. PEEL, Mr. HUDD, and Mr. NELSON as managers on the part of the House at

the conference on the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota.

CIRCUIT-COURT POWERS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the bill (S. 3234) just sent over from the Senate, with regard to the abolition of certain circuit-court powers, be taken from the Speaker's table, and that the House agree to the conference asked by the Senate on the disagreeing votes thereon.

There was no objection.

The SPEAKER *pro tempore*. The Chair will appoint the conferees later in the day.

EXPLANATION OF A VOTE.

Mr. ANDERSON, of Mississippi. Mr. Speaker, I find that on the vote taken on the sundry civil bill I am recorded as voting in the negative, and also as being paired with the gentleman from Kansas [Mr. PETERS] on all political questions. I intended to extend the pair also to that bill, and voted inadvertently. I desire to recall the vote, as far as I may, as this action will not in anywise affect the result of the vote upon the bill.

The SPEAKER *pro tempore*. If there be no ojection, the gentleman's vote will be withdrawn.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. LANHAM. I move to dispense with the morning hour for the call of committees.

The motion was agreed to.

Mr. LANHAM. I ask unanimous consent in this connection that gentlemen having reports to make from committees may be permitted to file them with the Clerk.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

J. L. CAIN AND OTHERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (S. 97) for the relief of J. L. Cain and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUPPLIES, ETC., DURING INDIAN HOSTILITIES.

Mr. HERMANN, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (S. 2542) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH FISHER.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 514) granting a pension to Joseph Fisher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL L. REESE.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7928) granting a pension to Samuel L. Reese; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BAKER SAINE.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2707) granting a pension to Baker Saine; which was referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

THOMAS S. LIVERS.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7219) granting a pension to Thomas J. Livers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC H. WHEAT.

Mr. STONE, of Kentucky, from the Committee on Claims, reported back favorably the bill (H. R. 148) for the relief of Isaac H. Wheat; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. YODER also, from the Committee on Invalid Pensions, reported back adversely the following bills; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2712) granting a pension to John Jacob Frey; and

A bill (H. R. 4853) granting a pension to Jacob Newman.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the House resolve itself into Committee of the Whole House for the purpose of considering business on the Private Calendar; and pending that motion, I ask unanimous consent that in the consideration of this business on the Calendar to-day the same order be pursued that was observed on Friday last, namely, that the roll be called, and that each member when his name is reached in alphabetical order may be permitted to call up one bill for consideration, commencing with the roll where we left off on Friday last, and, if there be no objection, that such bill be taken up for consideration.

Mr. PERKINS. I would suggest to the gentleman that we proceed as we did on last Friday; that is to say, that no bill shall be considered where five members or more object to its consideration.

Mr. LANHAM. I will modify my request, then, so as to proceed in that order.

Mr. O'NEILL, of Pennsylvania. Before that is done I wish to submit a parliamentary inquiry for information.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Pennsylvania.

Mr. O'NEILL, of Pennsylvania. Many weeks ago there were reported from the Committee of the Whole a number of increase pension bills upon which the previous question has been ordered in the House, and I have asked the Speaker of the House on several occasions whether on Friday, being private bill day, these bills are not properly in order. I think he invariably answered that they were in order. In other words, sixteen or seventeen of these bills are on the special Calendar, involving increased pension cases to so many desolate widows of naval officers and officers of the Army, whose necessities in many cases require legislation, and all of these bills, or nearly all of them, have already passed the Senate. I ask if it will not be in order now to take up that Calendar and proceed with these bills and finish them? It can not take very long.

Mr. LANHAM. I hope the gentleman will not insist upon that, but let us proceed with the Calendar in the regular order as on last Friday.

Mr. O'NEILL, of Pennsylvania. But on last Friday the order was that we could not call up special pension cases.

Mr. LANHAM. We have Friday evening for that special business.

The SPEAKER *pro tempore*. The motion of the gentleman from Pennsylvania would be in order after the committee rose.

The gentleman from Texas now moves that the House resolve itself into Committee of the Whole House on the Private Calendar, pending which he asks that the same order obtain to-day as on last Friday. Is there objection?

Mr. WARNER. Mr. Speaker, only this: Some of us who are unfortunately at the other end of the roll-call would like a little different arrangement, and I ask if the gentleman would not modify his request to commence at the other end.

Mr. HOLMAN. How would that affect those in the middle? [Laughter.]

Mr. WARNER. I never object to any reasonable request, but I think in all fairness the gentleman ought to commence at the other end to-day.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas, as indicated?

There was no objection.

Mr. LANHAM. Regular order.

Mr. MCMILLIN. I was absent last Friday, and I will ask the gentleman from Texas [Mr. LANHAM] what was the order under which bills were called up?

Mr. LANHAM. The order was that the roll should be called in alphabetical order, and when each gentleman's name was reached he could call up one bill for consideration, when if not exceeding five members did object it would be considered, and if more than five should object it should not be considered. We want now to carry out that course.

Mr. HOLMAN. I wish to make a suggestion which will require a little forbearance on the part of some gentlemen, but I hope it will be allowed. I have no interest in the question whatever. But I notice that nearly all the big bills are in the front and they are reached readily. Their friends are always active and get before the committee, while small matters, involving little sums for soldiers for the loss of horses and the like, are low down on the Calendar.

Mr. LANHAM. Five objections will prevent the consideration of a bill. The bills are not called in their order on the Calendar, but may be called up as the members' names interested in them are reached on the call of the roll.

Mr. HOLMAN. Why would it not be fair and proper to agree that no bill involving an appropriation of $1,000 or more shall be called up for consideration?

Several MEMBERS. Oh, no! [And cries of "Regular order!"]

Mr. HOLMAN. Then you will never get any legislation for the small claimants, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair hears no objection to the proposition of the gentleman from Texas [Mr. LANHAM], and the

question now is on the House resolving itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

DISTRICT COURTS OF THE UNITED STATES.

The SPEAKER *pro tempore*. Before the House goes into Committee of the Whole the Chair will announce as conferees on the bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes, the gentleman from Arkansas [Mr. ROGERS], the gentleman from North Carolina [Mr. HENDERSON], and the gentleman from Iowa [Mr. FULLER].

ORDER OF BUSINESS.

The House accordingly resolved itself into Committee of the Whole, Mr. HERBERT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the Private Calendar.

HENRY H. EPPING.

Mr. CARLTON (when his name was reached). I call up for consideration the bill (H. R. 5094) for the relief of Henry H. Epping and Alexander M. Brannan, administrators of S. H. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry H. Epping and Alexander M. Brannan, administrators of S. H. Hill, deceased, of Muscogee County, Georgia, the sum of $1,212.50, in full compensation for rent and occupation of buildings in Columbus, Muscogee County, Georgia, by the United States military authorities during the year 1865.

Mr. HOLMAN. Let the report be read.

The report (by Mr. PENINGTON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 5094) for the relief of Henry H. Epping and Alexander M. Brannan, administrators of S. H. Hill, deceased, having carefully considered the same, submit the following report:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Forty-ninth Congress, which report is hereto annexed and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

The Committee on War Claims, to whom was referred the petition for the relief of S. H. Hill, of Columbus, Ga., having considered the same, report:

That the claim is for rent of buildings for military purposes for different periods included between April 16 and December 1, 1865, amounting to $1,212.50, for which vouchers are given. These buildings were located in Columbus, Ga. The vouchers were presented to the Third Auditor for settlement, by whom they were rejected, for the reason, as assigned, that as "Georgia was a State in rebellion during the late war, payment of the same is prohibited by the act of Congress of February 21, 1867."

Two of the vouchers are in due form, unconditional, and are indorsed by the proper officers as follows:

"The within account will be paid on presentation at the office of chief quartermaster at Augusta, Ga."

The remaining two are signed by the same officer as the former, J. B. Winslow, captain and assistant quartermaster, but are not approved by the colonel commanding.

The signatures of these two officers are certified to as genuine by the Third Auditor, and the omission of approval in the last two is merely a defect in form, and they are evidences of a contract equally with the two which are perfect in form.

The act of February 21, 1867, is declaratory of the act of July 4, 1864. Neither of these acts is intended to affect contracts made by the proper officers or agents of the Government. These vouchers are undoubted evidences of a contract. The parties were competent to contract, a consideration has been given by the petitioner, and the Government should undoubtedly pay the vouchers.

The committee report the accompanying bill appropriating the sum of $1,212.50 in full payment of said vouchers, and recommend that it do pass.

Mr. HOLMAN. I wish to call the attention of the House to the fact that this is a claim under the act of 1867, which is amendatory of the act of July 4, 1864, and payment is expressly prohibited by law. The reason of the prohibition was that at the time the law was enacted the Army was occupying vast regions of country in villages, towns, and cities. It did not seem proper that in a state of war the Government should be paying rent for property occupied in the various localities where the Army was situated, and it was not thought we ought to enter upon the payment of that kind of claims. The voucher proves nothing except the occupation of the premises. It does not prove any authority on the part of the officers to make a contract.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. HOLMAN. I object.

The CHAIRMAN. Is there any other objection to the consideration of the bill?

Mr. BLOUNT. I hope my colleague will have an opportunity to reply to the observations of the gentleman from Indiana [Mr. HOLMAN].

Mr. GRIMES. This is a bill to pay the administrators of Mr. Hill, who during his lifetime lived in my town, for the rent of property belonging to him which was occupied by the military in 1865. It was simply a question of contract between them. The military were there after the war had closed. They wanted to rent buildings for the purpose of accommodating the military, and entered into this contract, agreeing to give so much rent for the use of the property. The proper officers gave vouchers, and it was on account of this rent that this claim arose. It has been reported in several Congresses, and upon it the committee has never failed to make a favorable report. I remember in the Forty-ninth Congress it was reported unanimously, and in this Congress the committee report unanimously in its favor. The claim was for the occupation of a building from April, 1865, to December, 1865. It is a mere matter of contract. The Government agreed through its officers to pay it to the party owning the building, and it ought to be paid. These are the plain facts in the case, undisputed before in Congress; and if any gentleman on the floor wants to ask me any question about the facts, if it is within my information I will take pleasure in answering him.

Mr. HOLMAN. His having received these vouchers does not amount to anything, as an act expressly prohibits the payment.

Mr. BLOUNT. What statute does that?

Mr. HOLMAN. The act of 1867, which is amendatory of the act of July 4, 1864.

Mr. BLOUNT. Does my friend mean to say that Congress provided that where Army officers made contracts for the occupation of property in the Southern States for Government use, and occupied the property for such purposes, those contracts should not be carried out and the parties paid?

Mr. HOLMAN. That had to be the substance of the law, or these vouchers would have been paid.

Mr. BLOUNT. Not at all. An appropriation of money was required to pay them. I know that such claims were paid in my own town, and I do not know of any place where they were not paid, nor do I know of any principle upon which they should be refused payment.

Mr. HOLMAN. Those claims are charges upon the Quartermaster's Department——

Mr. BLOUNT. I would like to ask my friend if he thinks it proper that the Government of the United States, by its officers, should make contracts for the renting of buildings in the city of Columbus from April until December, and should then refuse to pay the rent? I do not care now what the statute is; suppose it is as my friend states; yet if the Army had the use of this property for legitimate purposes from April to December, does my friend think it right that the Government should repudiate the contract made by its officers and refuse to pay the rent?

Mr. HOLMAN. Does my friend propose to provide by law that the vast amount of houses and other property in all the cities and towns in the Southern section of the country which may have been occupied by the Army shall be paid for?

Mr. BLOUNT. Not at all.

Mr. LANHAM. Mr. Chairman, I rise to a point of order. I wish to inquire whether this bill is regularly before the committee for consideration.

The CHAIRMAN. That question is still pending.

Mr. LANHAM. Then I insist that the question should be submitted whether there is objection to the consideration of the bill.

Mr. BLOUNT. I concede that; but the gentleman from Indiana [Mr. HOLMAN] went on to make a speech, and I was replying to him.

Mr. HOLMAN. I ask unanimous consent to ask my friend from Georgia [Mr. BLOUNT] a question.

Mr. LANHAM. Mr. Chairman, if gentlemen desire to object to the consideration of a bill, it is better that they should do it *in limine*, in order that we may proceed with the business.

The CHAIRMAN. This debate has been going on by unanimous consent.

Mr. HOLMAN. I ask unanimous consent to put a question to my friend from Georgia [Mr. BLOUNT].

Mr. LANHAM. I object to any further discussion, unless the question is first put whether there is objection to the consideration of this bill.

The CHAIRMAN. Is there objection to the present consideration of this bill? [After a pause.] Only one gentleman objects, and the bill is before the committee for consideration.

Mr. HOLMAN. Now I will ask the gentleman from Georgia [Mr. BLOUNT] my question. He states that this claim accrued after the termination of the war. Will the gentleman tell us what was the decision of the Supreme Court as to the time when the war terminated?

Mr. BLOUNT. I do not recollect the exact period, but my impression is that it was in 1866.

Mr. HOLMAN. And this transaction occurred in the year 1865. Now, the act of Congress ought to be repealed, or else Congress should pay some attention to it. The act of 1867 prohibits the payment of this class of claims, and the Bowman act expressly prohibits the Court of Claims from considering them.

Mr. BLOUNT. The Committee on War Claims say in their report on this bill:

The act of February 21, 1867, is declaratory of the act of July 4, 1864. Neither of these acts are intended to affect contracts made by the proper officers or agents of the Government. These vouchers are undoubted evidences of a contract.

Now, Mr. Chairman, the actual fact is that there had to be some place for quartermaster's stores, and the contract was made for the rent of these buildings for that purpose, and it was after the war had closed.

Mr. HOLMAN. No, the war had not closed.

Mr. BLOUNT. Now, my friend is making a technical point as to

when the war closed; but where, after the cessation of hostilities, the officers of the Government were allowed to make contracts, and did make contracts, with citizens for the use of buildings for Government purposes and occupied those buildings, I imagine that there is not a gentleman in this House who would wish to have the Government refuse to pay the rent.

Mr. HOLMAN. I for one can not vote for the payment of this class of claims until Congress reconsiders its former action. We have already by two distinct statutes provided against the payment of such claims, the act of 1867 and the act of 1882, known as the Bowman act, and the latter even prohibits the Court of Claims from considering such claims.

Mr. DINGLEY. Will the gentleman from Indiana state the ground upon which those acts prohibit the consideration of these claims?

Mr. HOLMAN. Upon the ground that the region of country occupied by the Army was so extensive that if every subordinate officer was permitted to enter into contracts which would be obligatory on the Government for the rent of property, demands would be presented which would be unreasonable and unjust, considering the existence of the state of war. Now, I concede that there is one class of these claims that have always been recognized, although very few of them have occurred, and I never knew of one which came before Congress, because they were paid on presentation. I refer to claims for the rent of property where the contract had been approved by the Quartermaster-General.

Mr. BLOUNT. Which was done in this case.

Mr. HOLMAN. Claims of that class were entitled to payment, and all such contracts had been fulfilled by the Government.

Mr. DINGLEY. Did this claim arise before the war closed?

Mr. HOLMAN. It arose in the period from April to December, 1865. Gentlemen say that I am technical in claiming that the war had not closed at that time. As a matter of fact a great portion of the Army was still occupying the fields which it had previously overrun, and the war terminated, according to the understanding that we all have, after that time, in the year 1866. Although flagrant war had terminated at the period when this renting commenced, yet the actual cessation of hostilities, the declaration of peace (if such a declaration was necessary), did not take place until a later day, and the act of 1867 does apply to this class of claims.

Mr. BLOUNT. A portion of the Army was located in my town. They rented buildings there after the cessation of hostilities and bought provisions and supplies, and there never was any question about the payment, unless in one or two instances, where there was a lack of funds. This case, I apprehend, is exactly similar, and I see no reason why the claim should not be paid. The war had entirely closed; and, as appears from this report, this building was occupied from April to December, 1865, when the Government was paying for everything of this sort all over the South.

The question being taken, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY T. DUNCAN.

Mr. CARUTH. I call up for consideration the bill (H. R. 325) for the relief of Mrs. Mary T. Duncan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to Blanton Duncan, trustee of Mrs. Mary T. Duncan, of Louisville, Ky., the sum of $11,130.35, for the use and occupation of her property and damage thereto during the war, and for moneys covered in the Treasury of the United States from rents of property belonging to the said Mrs. Duncan which were seized and held by the United States Government.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. HOLMAN. Let the report be read.

The report of the Committee on War Claims (by Mr. PENINGTON) was read, as follows:

During the war property of Mrs. Mary T. Duncan, of Louisville, Ky., was seized by the military authorities, and used as headquarters, in 1863 and 1864. It was taken under the belief that it was the property of her husband, who had gone South in 1861 and engaged in the rebellion, but who at the time of seizure was not so engaged and had not been for many months. The property seized was in trust for the sole and separate use of the wife and children, deeded in 1855, long anterior to the war. The trustee was resident in France, and certified to be a loyal man by the quartermaster, Captain Fitch, who reported facts to the Quartermaster-General. The quartermaster, on discovery that it was trust property, proposed to pay rent, but was ordered not to do so by the Quartermaster-General, as there was no security that the money might not be used in aid of the rebellion. Subsequently an act of Congress was passed prohibiting payment of money due for use of property by the Government where the owners were alleged to be disloyal.

A subordinate officer, Major Swords, had reported one of the *cestui que trust* as disloyal for going South to join her husband, but no other evidence was ever furnished of her disloyalty, or that of the trustee or of the other *cestui que trust*, two infants of nine and five. With this report the Quartermaster-General could not make settlement of the claim.

On January 19, 1864, while her property was thus occupied, the claimant was given a passport from President Lincoln to go by United States flag of truce from Richmond via Fortress Monroe to Kentucky with her family, and thence to Europe, to join the trustee, who was her father-in-law; and she did so go, under the protection of that passport (first to Kentucky), and remained in Europe afterwards until May, 1865, when she returned with her family under a passport from the United States embassador in London, fully recognizing her as a citizen of the United States.

The proof is furnished that private citizens desired and offered to rent the property, and that is the basis of value as to the rent due—$1,733.33. Proof is furnished of an actual outlay of $2,150 in repairing the damages done while in occupancy by the Government.

The committee are of the opinion that upon all principles of equity and right the *cestui que trust* are entitled to compensation for the use and consequent damages. As an American citizen, guilty of no wrong, she and her children are entitled to the just compensation guaranteed under the Constitution of the United States.

In 1863, while the claimant's husband was residing in the South, but not engaged in rebellion or making war upon the United States, a seizure was made of other property held in trust in Kentucky—an undivided interest in an estate which is now owned by the claimant under a partition deed for her sole and separate use. Under proceedings in the United States district court this property was ordered confiscated while the *cestui que trust* was in Europe with her husband, who had joined her there in May, 1864, and remained until 1866, in no manner connected with the war. The property was not sold, but the rents were collected. The large expenses of costs, etc., were paid, and in 1865, after the surrender of all the forces in rebellion, $5,747.02 were paid into the United States Treasury.

In 1866 the claimant's husband received a special pardon from the President and applied for restoration. The court holding that Congress should restore it, and no adjudication by the Supreme Court being possible for several years, a joint resolution of Congress was passed in April, 1869, by the Forty-first Congress in the name of the claimant's husband, in the last week of the session, ordering restoration. It failed to become an act by the President not signing it. (The Senate of the Fortieth Congress had passed it without a division and the Judiciary Committee of the House unanimously favored it.)

Subsequently the circuit court of the United States opened the case and remanded it to the district court, where the claimant's husband was allowed to file his pardon, and the property was surrendered. But the money, having been covered into the Treasury, can only be returned by an act of Congress. It is an exceptional case. If the money had remained in court, it would have been restored by order of court. Under the general amnesty act all proceeds of confiscated property remaining in court after payment of costs were returned to the various owners.

The committee is of the opinion that equity would place all cases alike, and that this fund covered into the Treasury after the ending of the war should be treated as if it had remained in court.

After the war was ended other property of the *cestui que trust* in Columbia, S. C., purchased for her by her father and father-in-law in 1855 and from other resources of her own, as shown by affidavits of Tally, Atkinson & De Saussere, was seized by the general in command, General Ralph Ely, as abandoned property. This seizure was made in October, 1865, and while Mrs. Duncan was actually in occupancy of the premises. It was used as military headquarters for about a year, and was finally surrendered to her by order of General Howard in 1866, to whom the proof as to ownership was made that she was gone to Europe under President Lincoln's passport, and returned as a United States citizen, taking all the test oaths prescribed at that time, and that she had been home six months prior to this seizure. The property was worth over $30,000, residence and furniture. The damages to it were large, but only compensation for its use by the Government is asked at the small amount of $1,500.

The committee is of opinion that the claimant is entitled to this compensation.

The cause of non-application for relief until this late date is that the claimant and her family were absent, under medical advice, from the United States in 1870, 1871, 1873, and 1874.

It is therefore the opinion of the committee that a bill should be reported directing the payment by the Quartermaster-General's Department of $5,383.33 for use and occupation of property, and the repayment from the Treasury Department of $5,747.02, the amount of rents placed therein on July 8, 1865, and other dates.

Mr. HOLMAN. The reading of this report has not fully answered a question I desired to put—whether the payment provided in this bill is entirely for rent?

Mr. CARUTH. I think it is. That is all there is involved in this claim, except $2,150. The report states:

The proof is furnished that private citizens desired and offered to rent the property, and that is the basis of value as to the rent due, $1,733.33. Proof is furnished of an actual outlay of $2,150 in repairing the damages done while in occupancy by the Government.

Mr. HOLMAN. Is that claim for damages covered in this bill?

Mr. CARUTH. I think not.

Mr. HOLMAN. Then the whole claim as now allowed is for rent?

Mr. CARUTH. Yes; for the actual use and occupation of the property of this woman and her two children, one five years old and the other nine.

Mr. HOLMAN. The husband of this claimant, I believe, was in the Confederate service?

Mr. CARUTH. Yes, sir.

There being no objection, the Committee of the Whole House proceeded to the consideration of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY GUMBERTS, SR.

Mr. CHEADLE. I ask for the consideration of the bill (H. R. 4658) for the relief of Henry Gumberts, sr.

The bill was read, as follows:

Be it enacted, etc., That the said Henry Gumberts, sr., be, and he is hereby, permitted and authorized to maintain his action in the Court of Claims of the United States, for taxes alleged to have been illegally collected from him by the United States collector at Evansville, Ind., for the year between May 1, 1875, and May 1, 1876, any statute of limitation of the United States to the contrary notwithstanding.

There being no objection, the committee proceeded to the consideration of the bill.

The report of the Committee on Claims (by Mr. LAIDLAW) was as follows:

It appears from a letter of the Commissioner of Internal Revenue, dated April 3, 1884, addressed to the Hon. John J. Kleiner, a former member of this House, that on the 1st of May, 1875, the firm of Hedderick & Gumberts, of Evansville, Ind., paid the special taxes as rectifiers and wholesale and retail liquor dealers, amounting to $325, for the year from May 1 1875, to May 1.

1876; and that in August, 1875, Mr. Hedderick retired from the firm, and the same kind of business was continued by Mr. Gumberts at the same place, for which the special tax had been paid. That Mr. Gumberts was required to pay $243.75, and did pay that sum, as special tax for the same business, at the same place, for the remainder of the year, that is, from August, 1875, to May 1, 1876.

The Treasury Department held this to be the law, that upon the retirement of a partner the remaining member or members of the firm must pay the tax over again; but the United States Supreme Court, in the case of the United States *vs.* Adam Glab, afterwards decided that the remaining members of the firm were not required to pay such a tax over again for any part of the time paid for by the firm.

After this decision the Commissioner of Internal Revenue issued a circular calling attention to the decision of the Supreme Court, and thereafter no such taxes were collected in cases covered by this decision. It is therefore plain that the tax of $243.75 was illegally collected from the claimant in August, 1875, and the Commissioner of Internal Revenue admits this in his letter. He says:

"According to this construction of the statute [meaning the decision of the court] the $243.75 was illegally exacted, and it might have been refunded but for the statute of limitations."

There is another item of alleged illegal tax of $306, paid by the claimant in February, 1879, being the special tax as rectifier, with penalty and interest on the same. The penalty and interest, amounting to $106, was refunded to the claimant by the internal-revenue office cr by the Government, leaving $200 in dispute, and as to that there seems to be no question about it, as the Commissioner of Internal Revenue, in the letter above referred to, in speaking of this $200 tax, says:

"It is true, however, that the ruling of this office for nearly ten years prior to the time when Gumbert's case arose exempted liquor-dealers from the special tax as rectifiers where the acts done were simply those done in his case."

An application to repay this latter tax of $200 must have been made within one year to the Government.

So it is admitted by the Commissioner in his letter mentioned above that the tax of $243.75 and the tax of $200 were each collected illegally, making in all $443.75, so that there is no question of law or fact for the Court of Claims to determine if the short statute of limitations is to be waived.

And the committee are of the opinion that, under all the circumstances of the case, the said sum of $443.75 should be paid to the claimant, and they therefore recommend the following amendment or substitute: Strike out all after the enacting clause, and insert in place thereof:

"That the Secretary of the Treasury be, and he hereby is, directed to pay to Henry Gumberts, sr., the sum of $443.75, from any money in the Treasury not otherwise appropriated, for internal-revenue taxes illegally collected from said Gumberts."

And the committee recommend that the bill as so amended do pass.

The amendment reported by the Committee on Claims was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he hereby is, directed to pay to Henry Gumberts, sr., the sum of $443.75, from any money in the Treasury not otherwise appropriated, for internal-revenue taxes illegally collected from said Gumberts."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES F. CAMPBELL.

Mr. CHIPMAN. I call up the bill (H. R. 10100) for the relief of Charles F. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and required to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $500 to Charles F. Campbell, late of Company F, Ninth Michigan Cavalry, for compensation for services as scout during the late war.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

The report of the Committee on War Claims (by Mr. LAWLER) was read, as follows:

This is a claim for services rendered as a scout during the late war. Claim stated at $500.

Claimant was a private in Company F, Ninth Regiment Michigan Volunteer Cavalry. In November, 1864, he was detailed as a scout and served in that capacity until November 5, 1865.

The officers of his regiment and company testify that he rendered the service and has not been paid for it.

Your committee are of opinion that the claimant should be paid, and report back the bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEGAL REPRESENTATIVES OF ELIZA M. FERRIS.

Mr. CLARK. I call up the bill (H. R. 1152) for the relief of the legal representatives of Eliza M. Ferris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of the proper appropriation for the payment of invalid pensions, to Reuben D. Smart, administrator of Eliza M. Ferris, deceased, the sum of money to which she would have been entitled by pension certificate 220860, and which was not issued until four days after her death.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

The report of the Committee on Claims (by Mr. MCCULLOGH) was as follows:

The claim has heretofore been considered in the Senate (S. 2427) and favorably reported on (S. Report 1176), and also in the Forty-ninth Congress, first session (H. Report 3033), and these reports being substantially the same are adopted as the report of your committee, and they further recommend that the bill do pass.

[House Report No. 3033, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 2427) for the relief of the legal representatives of Eliza M. Ferris, have examined the same, and adopt the Senate report (No. 1176) as the report of your committee, and recommend that the bill do pass.

The Committee on Pensions, to whom was referred the bill (S. 2427) for the relief of the legal representatives of Eliza M. Ferris, have examined the same, and report:

That Eliza M. Ferris was the dependent mother of Henry Ferris, who was a private, Company F, Thirteenth Regiment Michigan Volunteers; that she made application for a pension, which was favorably decided, and a pension certificate, numbered 220860, granting her a pension to date from the 24th day of September, 1862, at the rate of $8 a month, was issued to her on the 18th day of March, 1886; that she died four days before the issuance of the certificate; that the said Eliza M. Ferris, at the time of her death, resided at Mishicot, in the county of Manitowoc, and State of Wisconsin; that for many years previous she was dependent upon persons with whom she lived, and upon the town of Mishicot, for her sole support; that she contracted to pay for such support, conditioned upon the allowance of her pension; that prior to her death she made a will directing the payment of the several sums representing her accrued indebtedness; that the will of the said Eliza M. Ferris has been probated in the probate court of Manitowoc County, and that Reuben D. Smart has been appointed by said court to administer the estate of the said deceased; that he has entered into bonds for the faithful discharge of his trust, with good and sufficient sureties, in the sum of $5,000, all of which is shown by the official papers accompanying this report. It is further shown to the satisfaction of the committee that the accounts for the maintenance of the said Eliza M. Ferris have been presented to the court and allowed.

It is known to the committee that this dependent mother was a very aged woman, being about ninety years old at the time of her death; that for the last seven years she was almost entirely helpless, and during the last two years she was confined to her bed, requiring the constant attendance of a nurse; that she had no relatives to whom she could appeal for aid; that she was entirely dependent upon strangers; and that it was her constant hope that her pension would be allowed in order that she might give to each a portion, and thus, as far as she could, recompense them for the care and comforts she had received. She had lost three sons in the Army, and she felt so confident that justice, long delayed, would ultimately be done her by the Pension Office that she might pledge, in advance of its allowance, this her only resource for reimbursing those who had given her house, food, sympathy, and care.

As a conclusion to this report it may be added that the Senator who introduced the bill, who made this report, has personal knowledge of the facts, and can vouch for the integrity of the administrator and the responsibility of his bondsmen.

The bill is reported favorably with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BAPTIST CHURCH OF CARTERSVILLE, GA.

Mr. CLEMENTS. I ask for the consideration of the bill (H. R. 3471) for the relief of the First Baptist Church of Cartersville, Ga.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to John J. Howard, David W. K. Peacock, J. G. M. Mautgaussy, James H. Gilreath, and Marcellus L. Pritchett, deacons of said church, or their successors in office, in trust for the use and benefit of the First Baptist Church of Cartersville, Ga., the sum of $5,000, in full for all the damages claimed by said last-named church, or any person hereto ore or hereafter claiming or to claim to represent said church, for brick and all other building materials taken and used during the war between the States, of 1861 to 1865, by and under the military authority of the United States; and the acceptance of such sum by said deacons shall be a bar to any claim for any and all such property taken, or damages.

Mr. HOLMAN. I call attention to the fact that this is a claim for damages.

The CHAIRMAN. Does the gentleman object to the consideration of the bill?

Mr. HOLMAN. No, sir.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

The report of the Committee on War Claims (by Mr. PENINGTON) was as follows:

The proof filed in support of the bill shows that in the year 1864, while the Army of the United States were in possession of said town of Cartersville, that the Baptist Church building was torn down by them, and the brick and lumber of said church building was used by said United States soldiers in building for themselves quarters, and in building chimneys to their tents. The brick and lumber taken and used by the Army was valued at the time at $5,000.

When buildings are torn down, if the materials are taken to erect other buildings for the use of the Army, such materials thereby become supplies, and their value, as materials for the purpose for which they are used, is paid to the owner. It is a very inadequate compensation to him. But this rule, which allows only for the materials as supplies, and nothing for damage to the building from which they are obtained, has been acted upon uniformly for many years, and is regarded as an established usage not to be departed from.

Your committee therefore report back the bill and recommend its passage.

Mr. CLEMENTS. I move to amend the bill by striking out in the sixth line "Mautgaussy" and inserting "Montgomery."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

J. G. FELL AND OTHERS.

Mr. COBB. I ask for the consideration of the bill (H. R. 9383) for the relief of J. G. Fell, Edward Hoopes, and George Burnham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay J. G. Fell, Edward Hoopes, and George Burnham, trustees of the Walnut Grove Mining Company, out of any annuity or installment money due the Apache and Hualapai Indian tribes, the sum of $77,000, on account of depredations committed by the Apache and Hualapai tribes in Arizona Territory, which shall be in full of all claims against the Government on account of said depredations.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. LANHAM. Mr. Chairman, I am in sympathy with these claims for the payment of Indian depredations; but there has been passed by the House at this session a general bill providing a tribunal to investi-

gate and adjudicate these claims. Pending that general bill for the relief of all claimants of this class, I do not think it proper for us to take up individual claims of this sort.

Mr. PERKINS. I wish to suggest for the benefit of my friend from Texas [Mr. LANHAM] that, as I am informed by Senator MORGAN, a member of the Committee on Indian Affairs of the Senate, the general bill to which the gentleman refers has not been considered by the Senate committee, and there is no probability of its being considered by the Senate at this session.

Mr. LANHAM. It may pass, however, at the next session, and for us to commence passing individual claims is simply making "fish of one and flesh of another," because it is impossible for us to give relief to all these claimants in this way. I think therefore we had better await the passage of that general bill.

Mr. PERKINS. My friend from Texas will remember that the Committee on Indian Depredation Claims has considered only a few of these bills; there are only a few on the Calendar. I do not see why claims of this sort which have been reported favorably should not receive consideration at the hands of Congress as well as other claims. This particular bill has been considered and reported favorably by the Committee on Indian Depredation Claims; it has been repeatedly considered by the Committee on Indian Affairs; and as there is no probability of the general bill being considered at this session of Congress, it seems to me it is unfair to refuse consideration to claims of this character which have been favorably reported. I do not think this bill will consume any time.

Mr. LANHAM. As I have already stated, I am in favor of the payment of all meritorious claims of this sort, but we ought to proceed on some system, with the view of doing justice to all claimants. A number of these claims are pending before the Committee on Indian Depredation Claims, only a few having been reported, as the gentleman says. The very object of the passage of the general bill was that there might be opportunity for the investigation of all these claims. Under the circumstances I feel constrained to object to the consideration of the bill.

Mr. PERKINS. I trust my friend will not object under the circumstances. The committee having considered the matter, it seems to me the House with propriety should go on with it. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded, which is in the nature of objection.

ORDER OF BUSINESS.

Mr. COBB. I propose to call up another bill.

The CHAIRMAN. The gentleman from Alabama is only entitled to call up one bill, as the Chair understands the order under which the committee is acting.

Mr. LANHAM. Gentlemen should elect what bill they will call up, and when they fail to get that bill considered we should then proceed to the next one.

Mr. COBB. I understand that under the order I have the right to call up another bill.

The CHAIRMAN. If there be no objection, the gentleman will be allowed to call up another bill.

Mr. COBB. The last day we had private bills under consideration under the rule then adopted I understood when a member failed to get one bill considered he had the right to call up another. I understand it was done frequently and repeatedly.

Mr. WARNER. I do not so understand the rule. I do not propose to object in this case, but hereafter I must insist upon the enforcement of the rule.

The CHAIRMAN. Let the rule which was adopted this morning be read. [After a pause.] If there be no objection, the gentleman from Alabama will proceed to call up another bill.

Mr. DINGLEY. Is it to be understood that hereafter these gentlemen will have the right to call up more than one bill?

The CHAIRMAN. The Chair did not so understand, but by unanimous consent the gentleman was allowed to call up another case.

Mr. DAVIS. I will not object to this case, but hereafter I give notice I will insist on the committee proceeding according to the order of the House.

C. A. WILLIAMS AND OTHERS.

Mr. COBB called up the bill (S. 2411) for the relief of C. A. Williams and others.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy inquire into the loss and damage caused to C. A. Williams & Co., owners of the schooners Roswell King and Era, by reason of the rescue and support of the crew of the schooner Isabella, shipwrecked in the Arctic seas in the year 1884, and that there be paid, out of any money in the Treasury not otherwise appropriated, the amount so found, not exceeding $13,506.33, to C. A. Williams & Co., on the certificate of the Secretary of the Navy.

The report (by Mr. MCCULLOGH) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 2411) for the relief of C. A. Williams and others, have considered the same, and respectfully report:

This bill has in view the same relief contemplated by the bill (H. R. 86) upon which your committee made a favorable report (Report H. R. 1284), except that this bill refers the claim to the Secretary of the Navy for settlement instead of appropriating the money directly, and also limits the amount to be allowed to a sum $3,929.61 less than the said House bill proposed to allow.

Your committee recommend that the House bill (H. R. 86) do now lie on the table and that this bill (S. 2411) do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT M'NUTT.

Mr. CONGER called up the bill (H. R. 157) correcting the military history of Robert McNutt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be authorized and directed to so correct the military history of Robert McNutt, late an assistant surgeon in the Thirty-eighth Regiment of Iowa Volunteers, as to relieve him from the sentence of a court-martial, dated September 18, 1864: *Provided*, That such correction shall give him no claim for pay or allowance except the right to a pension, to be established according to the provisions and limitations of the pension laws.

The report (by Mr. GEAR) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 157) correcting the military history of Robert McNutt, having given the same very careful consideration, beg leave to report:

That Robert McNutt was mustered into the service of the United States as assistant surgeon of the Thirty-eighth Regiment Iowa Volunteers on November 4, 1862; that he served faithfully and efficiently as such officer until dismissed the service by sentence of court-martial under date of September 18, 1864.

We also find that he was ordered to appear before a military commission on February 25, 1864, to be examined as to his qualifications. He did so appear, and after due examination the commission report that—

"Assistant Surgeon McNutt possesses capacity and qualifications for the proper discharge of his duties as surgeon; and that his conduct in that capacity has been correct and proper and his services efficient."

We find also that he was dismissed the service of the United States by sentence of court-martial of date September 18, 1864, as recited above.

Judge-Advocate-General Holt, in reviewing the testimony, says:

"The sentence of dismissal was well supported by the proof, but the record bears evidence of some acrimony on both sides."

While the sentence of the court-martial was not set aside, yet the United States authorities did remove the disability resting upon Surgeon McNutt to re-enter the service, as is proven by the following letters:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, January* 26, 1865.

"SIR: I am instructed to inform you that the disability resulting from your dismissal, by sentence of general court-martial, promulgated in General Orders No. 132, September 18, 1864, headquarters Department of the Gulf, has been removed by letter of this date to his excellency the governor of Iowa.

"You are therefore authorized to re-enter the service as a commissioned officer, provided you are recommissioned.

"I am, sir, very respectfully, your obedient servant,
"THOMAS M. VINCENT,
"*Assistant Adjutant-General.*

"ROBERT MCNUTT,
"*Late Assistant Surgeon Thirty-eighth Iowa Volunteers, New Orleans, La.*"

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, January* 26, 1865.

"SIR: By direction of the Secretary of War, the disability resulting from the dismissal of Robert McNutt (formerly an assistant surgeon in the Thirty-eighth Regiment Iowa Volunteer Infantry) by sentence of general court-martial, promulgated in General Orders No. 132, September 18, 1864, Headquarters Department of the Gulf, is hereby removed, and he may be recommissioned, should your excellency so desire.

"Very respectfully, your obedient servant,
"THOMAS M. VINCENT,
"*Assistant Adjutant-General.*

"His excellency the GOVERNOR OF IOWA, *Davenport.*"

Your committee are satisfied that the charges against Surgeon McNutt were trivial, and the sentence of the court-martial has done serious injustice to a meritorious officer. This view of the case is supported by the fact that over twenty of his brother officers testify under oath to the conscientious, faithful, and efficient services of Surgeon McNutt.

They therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH JONES.

Mr. COTHRAN called up the bill (S. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to place the name of John Jones on the muster-rolls of Company B, Second North Carolina Mounted Infantry, and that he be mustered from the 12th day of October, 1863.

The report (by Mr. BROWER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry, reports as follows:

This is a bill to have the name of John Jones placed on the muster-rolls of Company B, Second North Carolina Mounted Infantry, and that he be mustered from the 12th day of October, 1863.

The facts in the case are, that said John Jones volunteered on or about the 12th day of October, 1863, at Greenville, Tenn., in Company H, afterwards Company B, Second North Carolina Mounted Infantry; that he drew arms, clothing, and rations, and did service with said company up to January 14, 1864; and that he died at Cumberland Gap of disease contracted in the line of duty. But for some reason his name does not appear on the muster-rolls of said regiment. These facts are sustained by credible testimony.

Your committee therefore report back the bill and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM F. C. NINDEMANN.

Mr. COX called up the bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury of the United States be, and they are hereby, authorized and directed to readjust the accounts of William F. C. Nindemann, formerly a seaman in the Navy of the United States, serving on board the Arctic exploring steamer Jeannette, and to pay to him, out of any money in the Treasury not otherwise appropriated, the difference between the pay of a seaman and the pay of a carpenter in the Navy from the 26th day of June, 1879, to the 1st day of June, 1883.

The report (by Mr. TIMOTHY J. CAMPBELL) was read, as follows:

The Committee on Claims, having considered House bill No. 7801, beg leave to report the same to the House favorably, calling attention to the following facts:

The bill directs the proper accounting officers of the United States Treasury to pay to William F. C. Nindemann, out of money not otherwise appropriated, the difference between the pay of a seaman and the pay of a carpenter in the Navy, from the 29th day of June, 1879, to the first day of June, 1883.

Your committee find that said Nindemann, on the 21st day of June, 1879, enlisted as a seaman for service on board the Arctic exploring steamer Jeannette (commanded by the late Lieut. George W. De Long, United States Navy), at Vallejo, Cal., under a verbal agreement with Lieutenant De Long that he should have the place and pay of a boatswain of the vessel, the claimant having had large experience in the Arctic regions as one of the crew of the Polaris and Tigris. But an appointee of Mr. James Gordon Bennett also enlisted as a seaman, secured the position, while Nindemann performed the duties of a carpenter and of a watch officer, as the log-book of the ill-fated Jeannette shows.

Nindemann served in these capacities until the 13th of June, 1881, when the vessel was abandoned and sank in the Arctic Ocean. From that time until the 29th of October, 1881, he continued to perform his duties faithfully in all respects.

Mr. George W. Melville, Chief of the Bureau of Steam Engineering of the Navy Department, one of the survivors of the Jeannette expedition, says, in a letter dated March 8, 1888, and addressed to your committee, about Nindemann's services:

"During the whole of the cruise he did duty as a carpenter, as well as keeping a watch while the ship was under way on her passage from San Francisco until we were frozen in the ice of the Arctic Ocean. That he did good and faithful service at the time the ship was badly injured and in danger of sinking. He and the chief carpenter worked night and day in water up to their knees building a bulkhead to keep the water confined to the forward part of the ship, and was commended by his commanding officer in a special report to the Secretary of the Navy for this special duty.

"During the whole of the cruise of the Jeannette, after her loss, on the retreat to the coast of Siberia, and during the search for the dead in the Lena Delta he was a zealous servant of the Government and did his duty to the utmost."

In view of these facts your committee is of the opinion that said Nindemann is entitled, if to nothing else, at least to the lawful pay pertaining to the position held by him during his service.

Your committee therefore recommend respectfully the passage of this bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LAURA E. MADDOX.

Mr. CRAIN called up the bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor of Joseph Maddox, deceased.

The bill was read, as follows:

Be it enacted, etc., That all matters in relation to the agreement of Joseph H. Maddox and his associates, made with the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, for the delivery of tobacco and other property under the permit, safeguard, and orders of the President of the United States, are hereby referred to the accounting officers of the Treasury Department for determination upon the evidence taken and now on file in the office of the clerk of the United States Court of Claims and the War Department, and any other competent evidence; and the accounting officers of the Treasury are hereby authorized, empowered, and directed to adjust, settle, and pay to the said Laura E. Maddox, executrix, and said Robert Morrison, executor of the said Joseph H. Maddox, now deceased, out of any money in the Treasury not otherwise appropriated, the amount found to be due him in his own right as well as assignee, on account of the loss and damage sustained by the said Maddox and his associates by the seizures by the military forces of the United States of the tobacco purchased by them or him under their said agreement, and which was actually taken and seized by the United States, by or under the orders of a military officer or officers of the United States, which said amount shall not exceed the value of the tobacco at the time it was taken: *Provided*, That no recovery shall be had for the tobacco destroyed by fire in the city of Richmond.

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor of Joseph H. Maddox, deceased, report as follows:

Your committee adopt the report made by Senate Committee on Claims of the present Congress, and report back the bill and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M. WILLBUR.

Mr. TIMOTHY J. CAMPBELL. Mr. Chairman, I would like to inquire if we are still calling the roll in the letter C. I was not present when my name was called, but I have a very important bill that I would like to ask consideration of.

The CHAIRMAN. The name of the gentleman has been passed, and could only now be recurred to by unanimous consent.

Mr. TIMOTHY J. CAMPBELL. Then I ask unanimous consent to be permitted to call up a bill.

There was no objection.

Mr. TIMOTHY J. CAMPBELL. I ask consideration of the bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States and to pay said Willbur such sum of money as may be found due him thereon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to James M. Willbur such sum as may be found due him for excess in weight of material and superficial measurement in illuminated tiling, frames, and supports thereof, placed by him in, on, and around the New York post-office and court-house building, in excess of the weight of that which was contracted for at the contract prices for said material as stipulated with and paid to Bartlett, Robbins & Co. in their contract with the United States for illuminated tiling for said building, together with any increased and extra expense or cost incurred by said Willbur resulting from any changes made in the weight and character of said tiling from that which was specified in the contract of said Willbur with Bartlett, Robbins & Co.

SEC. 2. That the Secretary of the Treasury may make said settlement upon the report of such excess of weight and superficial measurement, said report being furnished, by the direction of the Secretary of the Treasury and Senate committee, by the experts, Solomon J. Fague and Archibald Given, of date April 21, 1886, to the Senate committee and on file with the Senate Committee on Claims; but if not satisfied with the report of such experts, the Secretary of the Treasury shall, within thirty days from the passage of this act, cause a reweighing of said material to be made by two sworn experts, one to be appointed by him and one by claimant; and a third to be appointed by the two first appointed, in case they shall not agree; and he shall then pay to said Willbur the difference of excess in weight and superficial measurement as found by said experts between the illuminated tiling and frames and supports thereof furnished by said Willbur and that originally contracted for between said Willbur and Bartlett, Robbins & Co. at the contract prices agreed upon for such work and material with and paid to said Bartlett, Robbins & Co. by the United States; and the same shall be taken and accepted by said Willbur in full and final settlement of his claims against the United States on said account.

SEC. 3. That the sum of $52,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry out and execute the provisions of this act.

Mr. KILGORE. I do not understand what the amount appropriated here is for. Is this sum to be paid the claimant?

Mr. TIMOTHY J. CAMPBELL. In reply to the gentleman from Texas let me say that this does not specify what amount is due. It permits the Secretary of the Treasury to make a thorough examination, and what he finds is properly due as the amount the claimant should receive for goods sold and delivered and material furnished for the new post-office in New York, that he may be permitted to settle the claim on that basis.

Mr. KILGORE. I understand this is a claim for extra pay.

Mr. TIMOTHY J. CAMPBELL. No, sir; I will say to the gentleman that it is for extra work done and demanded by the architect; and when this contractor came to be paid it was found that there was no money in the Treasury. He was told that the only remedy was to come to Congress and secure an enabling act to authorize the Secretary to audit and settle the claim.

Mr. KILGORE. Who is to ascertain the amount to be paid?

Mr. TIMOTHY J. CAMPBELL. Why, the Secretary of the Treasury; and he will of course appoint experts to examine the matter. The bill has already passed the Senate unanimously.

Mr. BUCKALEW. Let us have the reading of the report.

Mr. KILGORE. My understanding is that this is a claim for about $52,000.

Mr. TIMOTHY J. CAMPBELL. Oh, no; there is nothing of the kind. That can not be possible. For the information of the gentleman from Texas, I will state that this has already passed the Senate of the United States unanimously, and also the House bill is favorably reported from the Committee on Claims.

Mr. KILGORE. I understand that this bill appropriates about $52,000 to carry out the purpose of it.

Mr. TIMOTHY J. CAMPBELL. In case he is entitled to that amount found by the experts to be due him on account of this work and for goods delivered to the United States, he will be paid that amount; but if it is found that nothing is due him it is within the power of the Secretary of the Treasury to cut the amount down to nothing. He may cut it down to $10.

Mr. KILGORE. I withhold my objection until I hear the report read.

Mr. TIMOTHY J. CAMPBELL. My colleague, Mr. COX, introduced this bill and he understands the case thoroughly, and he can, no doubt, state what there is of it much better than the report.

Mr. KILGORE. I did not call for the reading of the report.

Mr. COX. If the report is read there will be no other business done to-day. It is a very lengthy report and rather unartificially drawn. It is simply a transcript of the reports made from time to time by different committees in favor of the bill through a series of years past, and the report is not drawn by a skillful man in such matters.

Mr. KILGORE. The gentleman from Pennsylvania demanded the reading of the report.

Mr. COX. I think my friend from Pennsylvania will not insist upon that when I make a brief statement.

This man, who undertook this contract, was bankrupted by the action of the Government. He was compelled to furnish illuminated tiling beyond the contract, and he became bankrupted and could not get his bill through for the amount that was due him. All he asks now is that the account may be stated at the Treasury and whatever is found to be due him may be paid.

Mr. KILGORE. But the bill fixes the amount at $52,000, and, as I understand it, would authorize the Treasury to pay that amount.

Mr. COX. Very well; if that is due him——

Mr. KILGORE. If you will amend the bill to say whatever amount may be found due.

Mr. COX. I will readily agree to that. This man certainly ought to have something from the Government of the United States, and I thank the gentleman for the suggestion. I will then ask to strike out in the bill the amount fixed and insert "whatever amount may be found due by the accounting officers of the Treasury."

Mr. BUCKALEW. I withdraw the demand for the reading of the report.

Mr. COX. I find on an examination of the bill that it already provides an appropriation of whatever sum may be necessary, so it does not need the amendment suggested by the gentleman from Texas.

There being no objection, the bill was considered and ordered to be laid aside to be reported to the House with a favorable recommendation.

CATHOLIC CHURCH, DALTON, GA.

Mr. CRISP. I ask consideration of the bill (H. R. 6560) for the relief of the trustees of the Catholic church at Dalton, Ga.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and required to pay to the trustees of the Catholic church at Dalton, Ga., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to reimburse them for the loss of their church building, which was used by the Federal Army in 1864 and 1865 as a small-pox hospital, and afterward burned by orders of commanding Federal officers to prevent the spread of small-pox contagion.

Mr. HOLMAN. Let the report in that case be printed in the RECORD.

The report (by Mr. STONE, of Kentucky) is as follows:

The Committee on War Claims, to whom was referred the petition of the trustees of the Catholic church at Dalton, Ga., submit the following report:

That the trustees of the Catholic church at Dalton, Ga., ask an appropriation of $5,000 to reimburse them for the loss of their church building, which was used by the Federal Army in 1864 and 1865 as a small-pox hospital, and afterwards burned by the orders of the commander of the post to prevent the spread of small-pox.

It appears from the proof submitted that in 1864 the officer in command of the United States troops at the post of Dalton took and used for a hospital the said church; afterwards the church was used solely for those suffering from small-pox; that after the disappearance of the small-pox there were great fears by citizens of Dalton, as well as the Federal soldiers, that the contagion would again spread unless said church was destroyed; that with this fear a committee of citizens called upon General Judah, commander of the Federal Army at Dalton, and urged him to adopt some decisive measure to prevent the spread of the contagion. General Judah informed the committee that the only certain way to prevent the spread of the contagion was to burn the edifice, and he issued an order to that effect; and the church was burned that day.

Your committee are of the opinion that the Government should reimburse the trustees of this church for their loss, and report herewith a bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD BRADEN AND JOB W. ANGUS.

Mr. CULBERSON. I ask consideration of the bill (S. 145) for the relief of Edward Braden and Job W. Angus.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,006.17 to Edward Braden and Job W. Angus, that sum being found equitably due by the Court of Claims from the United States to said Braden and Angus in the construction of quartermaster depot buildings at San Antonio, Tex., under contract of June 7, 1876, made between said Braden and Angus and the Quartermaster-General.

Mr. SAYERS. I will simply state that this matter has been referred to the Court of Claims, and the bill passed by the Senate is based upon the findings of that court. It has been due for more than twelve years.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AMERICAN GROCER ASSOCIATION, NEW YORK.

Mr. CUMMINGS. I ask consideration of the bill (H. R. 5248) for the relief of the American Grocer Association of the city of New York.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to pay, upon the order of the Postmaster-General, to the American Grocer Association of the city of New York, the sum of $486, or so much thereof as may be found equitably due, for postage erroneously paid by said association.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIG OLIVE FRANCES.

Mr. BOUTELLE. Mr. Chairman, I was unavoidably absent when my name was called at last Friday's session, and I now ask unanimous consent for the consideration of the bill (H. R. 820) for the relief of the owners and officers of the brig Olive Frances, and others on board said brig.

Mr. MCMILLIN. Let the bill be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the claims of the owners and officers of the brig Olive Frances, of Machias Port, Me., and others on board said brig, for damages and losses sustained by reason of collision of the United States gun-boat Winooski with said brig, on July 30, A. D. 1886, be, and the same are hereby, referred for examination and adjudication to the district court of the United States for the district of Maine.

SEC. 2. That said parties, or such of them as shall choose to join therein, may at any time within twelve months from the final passage of this act file in said court a petition, which thereafter may be amended, at the discretion of the court, in the same way that other pleadings in said court are amendable, which petition shall set forth all the material facts upon which the said parties jointly or severally rely in support of their said claims; and the court shall thereupon order such notice to be given to the United States or to its representatives, and such further proceedings to be had as to answers or other pleadings in said case as it shall deem proper.

SEC. 3. That in regard to the trial or hearing of said cause, the same rules and modes of proceedings as to evidence, mode of trial, liability for damage, and measurement of damages, and otherwise, including the right of appeal, shall apply as in other causes of admiralty between individual owners of colliding vessels, and shall also be determined upon such legal or equitable principles as shall be applicable thereto.

SEC. 4. That said claims shall not be barred by any statute of limitations; and should it on the said trial or final hearing be determined that anything is due to the said parties, the said court shall render judgment therefor against the United States for the amount so found to be due to them, jointly or severally, and certify the same to the Secretary of the Treasury of the United States for payment; and the sum necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. MCMILLIN. I ask for the reading of the report in this case, retaining the right to object.

The CHAIRMAN. The first question is: Is there objection to the request of the gentleman from Maine?

Mr. MCMILLIN. Let us have the report reserving the right. I want to see the reasons for the bill before I waive the right of objection.

The report (by Mr. LANHAM) was read, as follows:

The Committee on Claims have considered the bill (H. R. 820) for the relief of the owners and officers of the brig Olive Frances, etc., and recommend that the bill do pass, with the following amendments:

Strike out all of section 3 of the bill; strike out all of section 4 after the word "severally," in line 6, and insert the words "with right of appeal as in other cases."

A favorable report on this claim was made in the Forty-ninth Congress by the Committee on Claims, and so much of said report as is applicable is appended hereto for the information of the House.

[House Report No. 1158, Forty-ninth Congress, first session.]

This bill provides for the reference to the district court of the United States for the district of Maine, for examination and adjudication, the claims of the owners and officers of the brig Olive Frances, of Machiasport, Me., and others on board said brig, for damages and losses sustained by reason of collision of the United States gunboat Winooski with said brig on July 30, 1866.

The Committee on Claims of the House of Representatives of the Forty-fifth Congress, third session (Report No. 21), reported a bill to refer these claims to the Court of Claims. The report contains a statement of the circumstances under which the brig Olive Frances was disabled, and, for the information of the House, is hereto appended, marked Appendix A.

A bill similar in its provisions was favorably reported from the Committee on Claims of the Forty-sixth Congress, second session (Report No. 915). The last-mentioned committee use the following language, which we adopt:

"Your committee are of the opinion that under the circumstances of this case the claimants should have the same rights to recover from the United States and to prove their claim that they would have had if the United States had been a private corporation or an individual.

"There is no reason in justice or equity why the United States should be under a greater or less obligation than an individual would be under similar circumstances, and all such cases of collision between vessels, owned by individuals or private corporations, are heard and determined in the United States courts of admiralty under the rules applicable to proceedings in admiralty.

"A claim of this kind involves many, and perhaps disputed, questions of fact depending upon admiralty law; as, for example, whether the parties were both negligent; whether the claimants in the display of lights and otherwise complied with the law and used due diligence; what is the measure of damages and the amount thereof, etc.; and it seems to the committee that all the various questions appertaining to this case can best be decided in a court of admiralty, where the evidence may be taken and the witnesses cross-examined, and the Government can be represented by its law officers, and other proceedings shall be had as in cases in admiralty between individuals."

APPENDIX A.

The Committee on Claims, to whom was referred the bill (H. R. 2517) for the relief of the owners of the brig Olive Frances, having had the same under consideration, respectfully report that from the evidence presented they find the following facts:

The brig Olive Frances was built at East Machias, in the State of Maine, in the year 1864. Her registered tonnage was 330.61 tons.

On the 24th of July, 1866, this brig, under charge of Capt. Frederick A. Small, of Machiasport, master, sailed from Boston, Mass., in ballast, for Little Glace Bay, Cape Breton, under charter to carry coal from thence to Bath, Me. Said brig was well manned, tackled, and appareled for said voyage, and proceeded on the same without interruption, until Monday morning, July 30, at about fifteen minutes before 1 o'clock a. m., when the said brig was run down by the United States gunboat Winooski, and said brig almost immediately filled and capsized, and became a total loss. Said gunboat lay by said brig till daylight, and fastened to and endeavored to tow her into some port, but, after parting several large hawsers, the brig keeled over further, and, finding it impossible to tow her, she was abandoned at sea.

At the time of the collision a very thick fog prevailed. Said brig had the lights burning then required by law, namely, a green light on the starboard side and a red light on the port side, with inboard screens, with a lookout properly stationed and on duty at the time, who sounded a gong every two or three minutes, and there was also a fog-horn, which was frequently sounded. The wind was about southwest. The brig was braced sharp up on the wind, and was heading about south by east, and was about 40 miles from Sambro light on the Nova Scotia coast. There was a moderate breeze, and the brig was under light sail and making about 3 knots an hour. The Winooski came up under the lee of said brig and struck her on the port side, abreast of the fore rigging. The Winooski was heading about west by south.

The bow of the Winooski cut into the deck of the brig about two planks in depth and then backed out. Captain Small, of the brig, called out to the gunboat, "You have not cut us down to the water's edge," and received reply from the gunboat, "We have a prow extending out 6 feet from our bow under water, which has gone through you." This proved to be true, as the brig immediately filled with water.

It appears that when the gunboat discovered the brig, she reversed her wheels, but not in season to avoid the collision.

The brig filled so rapidly and capsized that nothing of consequence was saved; and the officers and crew lost nearly all their personal effects. The evidence

does not show at what speed the gunboat was running at the time she discovered the brig, but at midnight the log showed a rate of seven knots per hour, and the collision occured forty-five minutes later, and from its effects we infer there had been no change.

Your committee are satisfied there was no fault or negligence on the part of the brig that contributed to the collision. In the absence of fault on the part of the sailing vessel, the presumption, *prima facie*, is that the steamer is answerable, and so it has been ruled by the Supreme Court. (Steamer Oregon *vs.* Rocca *et al.*, 18 How., 570; Pope *et al. vs.* R. B. Forbes, 1 Cliff., 338.) Steamers having more power and speed than sailing vessels, and being more immediately subject to control, greater caution and vigilance are expected of those in charge of them to avoid collision. (Baker *vs.* City of New York, 1 Cliff., 75; Pope *vs.* Forbes, 1 Cliff., 371.)

In the opinion of the committee the principal and primary fault of the Winooski was in running at too great speed in such a fog. She was on the coast of Nova Scotia, within 40 miles of Sambro light, in the track of commerce; and with a fog so dense that a light could not be seen more than a ship's length, is evidence to your committee that her rate of speed was too great, and that it was through her fault the collision occurred.

The question is of such character and importance that your committee are of opinion that the facts should be examined in a court where the Government may be represented, and therefore report back the bill with a substitute referring the claim to the Court of Claims, and recommend that the same do pass.

Mr. MCMILLIN. I desire to know of the gentleman from Maine whether he is willing to accept an amendment providing that this case shall go to the Court of Claims, with the right of appeal, instead of to the court he designates.

Mr. LANHAM. I think the gentleman from Maine ought to accept that.

Mr. MCMILLIN. This is a proceeding taking the matter out of the regular channel; and for one I must say, from the report containing the statement of facts that affect the Government's liability, there are no circumstances which in my judgment would justify a change from the regular channel.

Mr. BOUTELLE. Mr. Chairman, this bill simply provides an opportunity for the owner of the vessel, which was sunk by a United States gunboat, to bring action against the United States.

Mr. MCMILLIN. When was this bill first introduced in Congress?

Mr. BOUTELLE. It was introduced years ago and reported to three or four Congresses favorably.

Mr. MCMILLIN. It has been twenty-odd years since the cause of action arose.

Mr. BOUTELLE. This report which I hold in my hand shows that the bill has been favorably reported in three Congresses; but for one reason or other it has not passed both Houses at any one Congress.

Mr. MCMILLIN. When was it first introduced?

Mr. BOUTELLE. It was presented immediately after the occurrence as I understand, and it has been delayed time and again from the inability to get it through both Houses in one Congress. It was reported upon favorably by the Committee on Claims of the last Congress and is reported unanimously by the Committee on Claims of this Congress. The whole purport of the bill is to permit this case to be tried in the United States district court on the ground that it involves admiralty questions which can be better disposed of by such court than by the Court of Claims. It contains questions of the rules of the sea and the tracks of vessels on the ocean which can be better dealt with in an admiralty court.

Mr. TURNER, of Georgia. Has there ever been an adverse report on the case?

Mr. BOUTELLE. There has never been an adverse report, and I would state that this bill was drawn after consultation between the parties and Supreme Court Justice Clifford, now deceased, who made some suggestion as to the manner in which it should be drawn.

Mr. MCMILLIN. I will state to my friend that there was no liability against the Government in this instance.

The CHAIRMAN. The Chair understands that this debate is proceeding by unanimous consent, and the bill is still subject to objection.

Mr. TURNER, of Georgia. I would ask whether there is anything in this bill which makes the Government distinctly liable for the neglect of one of its officers? Does it submit to the court the question of the liability of the Government under existing law, or does it create liability by the Government?

Mr. BOUTELLE. I will state that this bill provides that the case shall be taken to the district court of the United States just as a suit would be taken between the owners of this vessel and any corporation, and makes the Government subject to the verdict of a jury in a United States court.

Mr. LANHAM. It is to simply go to the court that they may have it tried there, subject to the right of appeal.

Mr. TURNER, of Georgia. The gentleman is aware that the Government is not liable for the negligence of its officers.

Mr. BOUTELLE. The committee this year have inserted an amendment providing it shall be subject to appeal, so that the fact of the liability of the Government shall be controlled by the rules and precedents of the courts of the United States entirely.

Mr. PERKINS. If there is any defense on the part of the Government it seems to me that the defense is a great deal more likely to be interposed in a court of admiralty than in the Court of Claims.

Mr. MCMILLIN. It is not likely that the parties would go to a court where they are more liable to be defeated. The reason why they would go to that court is——

Mr. BOUTELLE. The object in asking that the case be sent to the district court is not with any view to a more favorable verdict, but because that court hears admiralty questions, and also because it would be a great convenience to these poor people who live in that region.

Mr. WILSON, of Minnesota. The gist of this action is the liability of the Government for the neglect of one of its officers, is it not?

Mr. BOUTELLE. That is the question.

Mr. MCMILLIN. The committee is adjudicating the question of contributory negligence, or rather that there was no negligence on the part of the sailing vessel.

Mr. BOUTELLE. Oh, no.

Mr. WILSON, of Minnesota. I ask whether the whole gist of this action is not an attempt to make the Government liable for the negligence of one of its officers,

Mr. BOUTELLE. It is to refer the case to the district court under the laws as they stand, and under the precedents and rulings of the courts of the United States to ascertain whether there is any liability at all.

Mr. WILSON, of Minnesota. I can not concede that there is any occasion that we should establish such precedents.

Mr. DOUGHERTY. As a member of the committee——

Mr. STRUBLE. I demand the regular order.

Mr. BOUTELLE. I trust the gentleman will withdraw the demand for the regular order in order that the gentleman from Florida [Mr. DOUGHERTY] may be able to make a statement.

Mr. STRUBLE. I did not demand the regular order in opposition to the bill, but in order that we may proceed.

Mr. DOUGHERTY. As far as I understood, as an individual member of the committee, the object of this bill is to determine by a court competent to try such questions under the law which applies to such questions, whether or not the reckless running down of vessels of a corporation or of individuals places any liability upon the Government to pay for these vessels. That is the object of the bill.

Mr. MCMILLIN. As the committee adjudicates upon no controversy I want to make this statement in view of the statement of the gentleman from Texas [Mr. LANHAM]. The committee have prejudged; for they say:

Your committee are satisfied there was no fault or negligence on the part of the brig that contributed to the collision.

Mr. LANHAM. That would have no effect, however, on the judgment of the court. That is a mere expression of opinion by the committee as to the facts upon which they predicate the right of the claimants to go into court at all, but it would be no legal or competent evidence before the court. It is simply the opinion of the committee as to the facts.

Mr. DOUGHERTY. If there had been any negligence on the part of the vessel, my judgment is that the committee would have denied the claim *in toto* but all the proof went to show that the negligence was wholly on the part of the United States vessel.

Several MEMBERS. Regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

Mr. WILSON, of Minnesota. I object.

Mr. BOUTELLE. Mr. Chairman, does it not require five objections to prevent the consideration of a bill?

The CHAIRMAN. The Chair understands that the gentleman from Maine [Mr. BOUTELLE] first asks leave to be allowed to call up a bill out of order because he was not in here when his name was called, and one objection is sufficient to defeat that request.

Mr. BOUTELLE. Mr. Chairman, I think there is a misunderstanding about this. I understand the gentleman from Minnesota to desire simply to object to the bill under the rule; I do not understand that he desires to object to my having the privilege of the rule.

The CHAIRMAN. The gentleman from Maine asks leave to be allowed to call up a bill under the rule as if his name had not been passed. One objection is sufficient to defeat that request. Is there objection?

Mr. WILSON, of Minnesota. If I have power to object, I will object to this bill or to any bill which goes upon the theory that the Government is liable for the negligence of its officers.

The CHAIRMAN. Objection is made. The next name will be called.

DANIEL T. HEDGES.

Mr. DALZELL. I call up the bill (H. R. 167) for the relief of Daniel T. Hedges and Edward D. Spalding, executors of Charles E. Hedges, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay to Daniel T. Hedges and Edward B. Spalding, executors of Charles E. Hedges, deceased, the sum of $11,329, being the value of provisions found by the Court of Claims to have been furnished by him to the Yankton Sioux Indians in the winter of 1866 and 1867, by authority of the Indian agent, to prevent the actual starvation of said Indians.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. MCMILLIN. Let us hear the report.

The report (by Mr. ALLEN, of Michigan) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 167) for the relief of Daniel T. Hedges and Edward B. Spalding, executors of Charles E. Hedges, deceased, having had the same under consideration, report as follows:

The claim which this bill proposes to pay was referred to the Court of Claims by the Committee on Claims of the Forty-eighth Congress for a finding of facts under the act of March 3, 1883, commonly called the "Bowman act." That court has found the facts as follows:

"[Court of Claims. Congressional Case No. 130. Daniel T. Hedges and Edward B. Spalding, executors of Charles E. Hedges *vs.* The United States.]

"FINDINGS OF FACT.

"The claim in the above-entitled suit having been transmitted to this court by the Committee on Claims of the House of Representatives, on the —— day of January, 1887, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the —— day of April, 1887, the court, upon the proofs and evidence, and after hearing William B. King, esq., of counsel for the claimant, and F. P. Dewees, esq., of counsel for the defendants, finds the following facts:

"I.

"Daniel T. Hedges and Edward B. Spalding are executors of Charles E. Hedges, deceased, who was in the year 1866 and 1867 a licensed trader at the Yankton Sioux Indian Agency, in the Territory of Dakota.

"II.

"From November, 1866, until May, 1867, there were no provisions at said agency for the subsistence of the Indians, belonging either to the United States or to said Indians. The corn planted by the Indians in the spring of 1866 was a failure in consequence of the destruction of the same by the grasshoppers. The distribution made to the Indians some time in the summer previous was by the 1st day of November exhausted, so at that time the Indians were without provisions or the means of purchasing the same.

"III.

"On the 1st day of November aforesaid P. H. Conger was, as he had been for some time previous, the Indian agent at said place, and had in his hands as such between $1,000 and $2,000, a sum very inadequate to the wants and necessity of said Indians. In order to relieve the hardship of the situation the said agent requested said deceased to furnish said Indians provisions, consisting of flour, coffee, sugar, and bacon. Some time after the 1st day of November, and during the winter of 1866 and 1867, the said agent visited the city of Washington in order to confer with the Government in relation to the condition of said tribe. Upon the faith of and request so made by said agent, the deceased, between the 1st day of November, 1866, and May 10, 1867, furnished said Indians flour, coffee, sugar, and bacon amounting to the sum of $11,329. The said agent continued absent at Washington the most of said winter, and the provisions were furnished during his absence, as they had been before his departure and after his return.

"IV.

"Up to the winter of 1866 the United States had not furnished regular supplies or provisions to the Yankton Sioux Indians; they had to rely upon the small balance which was left of their annuities, after having purchased their clothing, and upon what they could raise upon the agency lands by farming, for subsistence. In the years 1866 and 1867 they were in very destitute circumstances. There were about 2,500 dependent upon the money in the hands of the agent for support. At the time the agent left said agency to confer with the authorities at Washington as to the condition of said Indians the deceased was assured by said agent that if he would advance provisions for said Indians during his absence he (the agent) would use his official influence to induce the Government to pay decedent. The supplies furnished by Charles E. Hedges were necessary to the support of the Indians, and without such supplies they would have died of starvation. The money mentioned as being in the hands of the agent as aforesaid was exhausted by him for the support of the Indians before he left for Washington. The said provisions were issued to the head-men of the bands and distributed by the head-men among the Indians. It does not appear that the deceased or his administrators have received any pay for said provisions, either from the Government or from any other source."

As it appears from these findings that the claim is for provisions furnished the Indians at the request of the Indian agent in order to prevent actual starvation, the committee think that the claim should be paid.

The Yankton Sioux Indians are now in receipt of an annuity of $25,000 per annum under the provisions of Article IV of the treaty of April 19, 1858 (11 Statutes at Large, page 744). As this claim is for subsistence actually furnished to the Indians, and used by them under pressing necessity, it would seem proper that their annuities should be charged with the amount thereof. The committee therefore report the following amendment:

"*Provided*, That the above amount shall be charged to and deducted from the annuity account of the said Indians."

And recommend that the bill so amended do pass.

Mr. MCMILLIN. I wish to ask the gentleman what amount of annuity is required for the support of these Indians at the present time?

Mr. HOLMAN. They get $25,000 a year.

Mr. MCMILLIN. What proportion of that is necessary for their support?

Mr. STRUBLE. I am not advised as to that.

Mr. MCMILLIN. You do not know whether we are starving the living to pay the dead or not?

Mr. STRUBLE. No; I do not understand that we are, though, or the committee would not have recommended the passage of the bill. I know that Mr. ALLEN, of the committee, examined the case very carefully.

Mr. MCMILLIN. When was this claim first presented to Congress?

Mr. STRUBLE. My first acquaintance with it was in the Forty-eighth Congress.

Mr. MCMILLIN. You do not know how many years the claim was permitted to rest before application was made to Congress?

Mr. STRUBLE. I do not, but I understand from the parties who are the attorneys for the administrators that they have been diligently at work seeking to recover the amount from the Government.

Mr. MCMILLIN. How is it that these Indians were permitted to go in a starving condition during a good part of two years while Congress was actually in session?

Mr. STRUBLE. Up to about the time when this claim arose they had not been granted anything, but they were then granted an annuity.

Mr. MCMILLIN. The report shows that under the treaty of 1858 they were granted an annuity of $25,000 a year.

Mr. STRUBLE. I think the report shows that no provision was made for the support of these Indians up to about this time, and it goes on to show that the corn crop which they had been raising was destroyed by grasshoppers.

Mr. MCMILLIN. It says that, but it also says that this annuity of $25,000 is given to them under the treaty of 1858.

Mr. STRUBLE. I do not know when that annuity began to be paid. It might have been provided for by that treaty, and yet it might not have been paid until a later time. I have not consulted the law.

Mr. MCMILLIN. It is very strange that these parties were permitted to go on to furnish, and did furnish, this large amount of supplies, when there was an existing treaty under which these Indians were allowed $25,000 a year.

Mr. STRUBLE. The report shows that upon the failure of the crop there was in the hands of the agent from $1,000 to $2,000, that that sum was exhausted by the 1st of November of that year, and that the Indians were entirely without provisions; that the agent went to Washington to get relief for the Indians, and that he arranged with this trader that, if he would undertake to supply them with food, he would have him paid. With that understanding, the trader went on and supplied food and saved the lives of these Indians, for, as the report shows, they would have starved if he had not intervened.

The CHAIRMAN. Does the gentleman from Tennessee object?

Mr. MCMILLIN. I do not. While I am not entirely satisfied as to the merits of the claim, I do not feel like objecting.

Mr. SPINOLA. I wish to inquire the amount of the claim.

Mr. MCMILLIN. Eleven thousand-odd dollars.

Mr. SPINOLA. Covering half a year's allowance of these Indians?

Mr. MCMILLIN. Yes; the claim is to be deducted from the amount of the annuity payable to them. That is the reason I asked whether it was proposed to starve the living in order to pay the dead.

Mr. SPINOLA. I shall object——

Mr. STRUBLE. Before the question is put whether the bill is objected to, I would like the Committee of the Whole to hear the gentleman from Michigan [Mr. ALLEN] who reported the bill.

The CHAIRMAN. This debate is proceeding by unanimous consent, subject to objection.

Mr. ALLEN, of Michigan. This food was furnished to these Indians before the advent of railroads in that part of the country, and when transportation was very expensive. The amount is large because of the cost of the food—much larger than the same amount of food would cost now. I examined carefully the items upon which this bill is based——

Mr. MCMILLIN. The gentleman will allow me to ask when this bill was first presented to Congress. The claim seems to have originated twenty-odd years ago.

Mr. ALLEN, of Michigan. Without data, which I have not now before me, I can not say when the claim was first presented to Congress. I know that at the time the bill was referred to me by the committee for examination I was very much surprised at the amount of the charge made for supplies; but I investigated the matter carefully, comparing as nearly as I could the prices charged with the prices of such articles in that part of the country at the time when the claim originated, and I found that the charges were reasonable, because the cost of transportation was very heavy, making the expenses of getting supplies to that part of the country much greater than at present—two or three times as much. I was myself very much prejudiced against this claim until I very thoroughly examined the case. I am now satisfied of two things: First, that these supplies were furnished to the Indians on the promise of some one——

Mr. STRUBLE. The Indian agent.

Mr. ALLEN, of Michigan. That they should be paid for. The person furnishing the supplies did not wait to get a formal order or approval from the Government, but went ahead and supplied these Indians with food enough for their immediate wants. I am satisfied that such were the facts in regard to the origination of the claim. I am satisfied, in the second place, that this claim has never been paid. Hence I deem it just that the Government should now pay this money to the representatives of the person who furnished these supplies. Of course the amount will eventually come out of the funds of the Indians, as it should.

Mr. BUCKALEW. I desire to say——

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BUCKALEW] rise to object?

Mr. BUCKALEW. I understand the bill is up for consideration.

The CHAIRMAN. The bill is still open to objection. The Chair will now put the question, Is there objection to the consideration of the bill?

Mr. BUCKALEW. I do not object to the consideration of the bill, but I desire to make a remark on the merits.

The CHAIRMAN. The Chair hears no objection.

Mr. SPINOLA. I reserve the right to object until the gentleman from Pennsylvania has been heard.

Mr. BUCKALEW. Mr. Chairman, I wish to make a remark which applies to a class of bills of which this becomes one by reason of the amendment reported by the committee. In its original form this bill proposed simply that the Government of the United States pay to the individual claimant the amount of this claim. The committee, by the proposed amendment, has changed the bill substantially into an appropriation of Indian funds, there being reserved by treaty, as I understand, to this tribe an annual payment of twenty or twenty-five thousand dollars. Now, the committee, by the amendment, proposes virtually to appropriate for the payment of a claim more than twenty years old moneys secured to this tribe by treaty; and this is to be done without any hearing of the tribe to be affected by the bill, or of any agent or other person representing them. I submit that in all cases where Indian moneys secured by treaty between the United States and any Indian tribe are to be appropriated the tribe, or an agent of the tribe, should be heard either by the Court of Claims or whatever tribunal may determine the question of payment. Otherwise what may happen? Very probably a dispute between the Government of the United States and the Indian tribe as to alleged misappropriation of their moneys in a case where they have not been heard, and where they might upon a proper hearing show cause against such payment. I submit, therefore, that this bill ought not to pass in the shape in which the committee has reported it. No bill of this character should be passed without making provision for granting a hearing to the tribe whose money is to be appropriated, or some representative of the tribe.

Mr. STONE, of Kentucky. I call for the regular order. Let the question be taken whether there is objection.

The CHAIRMAN. Are there five objections to the consideration of this bill? [A pause.] A sufficient number of members have arisen, and the bill is not before the Committee of the Whole for consideration.

Mr. STRUBLE. If consent be given for the consideration of this bill I will move an amendment that this money be paid in two annual installments, so as to obviate the objection that we are taking too much at once from the annuity of these Indians. Upon this statement, I would like to have the bill considered.

The CHAIRMAN. Objection by a sufficient number of members has been made.

ORDER OF BUSINESS.

Mr. BOUTELLE. The gentleman from Minnesota [Mr. WILSON] informs me that he misunderstood the effect of his objection made a few moments ago to the consideration of the bill I desired to call up. He did not intend to deprive me of the privilege of calling up the bill subject to five objections.

Mr. WILSON, of Minnesota. I did not wish to take advantage of the fact that the gentleman was absent when his name was reached and made the call out of the regular order. I did, however, object to the bill.

Mr. BOUTELLE. I would like the privilege of calling up the bill under the same condition which has applied to other members; that is, subject to five objections. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is called for; and unless the call be withdrawn, the Clerk will call the next name on the roll.

MRS. LOUISA H. HASELL.

Mr. DARGAN called up the bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell.

The bill was read, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated from the Treasury of the United States the sum of $350, in full compensation for the use by the United States Army of the house and other buildings in Summerville, S. C., belonging to Mrs. Louisa H. Hasell, during the years 1865 and 1866, in full satisfaction for any damage to said property arising from or incident to the occupation of the same by the said Army; and the Secretary of the Treasury is hereby directed to pay that sum to Mrs. Louisa H. Hasell or her legal representatives.

Mr. HOLMAN. Let the report be read.

The report (by Mr. MANSUR) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell, have had the same under consideration, and report that a similar bill and for the same amount was introduced into the Forty-ninth Congress, and on April 6 a favorable report was made thereon, and your committee, being satisfied with the same, adopt it as their own, which report is as follows:

"The bill proposes to pay Mrs. Hasell $350 in full compensation for the use, by the United States Army, of her house and other buildings in Summerville, S. C., in the years 1865-'66, and for all damages to said property incident to said occupancy.

From the papers accompanying it appears that the property consisted of a dwelling of six rooms, a wooden building for servants, and stable. These buildings were in good order and habitable when they were taken possession of by Colonel Beecher, United States Volunteers, and used as a small-pox hospital, from the 6th day of July, 1865, to May 6, 1866. Petitioner was paid $50, or at the rate of $5 per month, for this use, there being no contract at the time possession was taken.

"The kitchen and stable were almost if not quite destroyed, and the property otherwise very much injured. Those dying of small-pox were buried in and upon the lot, and since the surrender petitioner has been unable to rent or use the premises. The testimony is abundant that, for the use of the premises and the damages sustained, petitioner would be entitled to as much and probably more than she claims.

"These facts are shown by several affidavits of parties cognizant of the circumstances, and all of the correspondence of the Army officers to whom the claim was referred, and they are fully corroborated in the report of a board of Army officers especially detailed to examine this claim, said report concluding as follows:

"'First. That the property was occupied by the Government as a small-pox hospital from July 6, 1865, to May 6, 1866, a period of ten months, and that $50 in currency was paid, at the rate of $5 per month, as rent for the same.

"'Second. That the amount of damages sustained is all and probably more than set forth in the accompanying affidavits (which was $350, as now claimed).

"'Therefore the board do recommend that the sum claimed ($350) be awarded and paid to the said Louisa H. Hasell.'

"This report was returned by the acting assistant adjutant-general (Louis V. Caziarc) to the chief quartermaster, approved, and payment was suspended until Congress should remove restrictions on the payment of claims which arose in States lately in rebellion.

"It also appears that the rent of this property was the only income of the petitioner, who has herself and two daughters to support.

"And it may be added that the matter was at one time referred to Surg. W. H. Eldridge, United States Army, who reported that the house, after its use as a hospital, was not habitable, and ought to be burned to prevent small-pox contagion; and also that the chief quartermaster of the department found the recommendation of the board to be reasonable and approved the same.

"We have in these facts a strong case of actual and uncompensated injury. A stronger one could hardly be made. When we consider the unquestioned and undeniable hardship of the case, that it was occupied for awhile and injured somewhat after the proclamation declaring the insurrection at an end in South Carolina, as also the strong indorsement of the justice of the claim by the Army officers, and, after looking at the facts, we conclude to report the bill back, and recommend its passage."

Mr. HOLMAN. I do not intend to object to the passage of this bill, which on some accounts is a very meritorious case. In view, however, of the large number of bills passed through the committee for paying rent for occupation of property I desire to call attention to the act of 1867, prohibiting payment of any of that class of claims. The Clerk will find it at the foot of the page. It prohibits the payment of claims which accrued before the period was reached when the Supreme Court decided the war had terminated. I ask that it be read.

The Clerk read as follows:

An act to declare the sense of an act entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the Army of the United States."

Be it enacted, etc., That the provisions of chapter 240 of the acts of the Thirty-eighth Congress, first session, approved July 4, 1864, shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished or the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the Southern rebellion, in a State or part of a State declared in insurrection by the proclamation of the President of the United States, dated July 1, 1862, or in a State which, by an ordinance of secession, attempted to withdraw from the United States Government: *Provided*, That nothing herein contained shall repeal or modify the effect of any act or joint resolution extending the provisions of the said act of July 4, 1864, to the loyal citizens of the State of Tennessee or of the State of West Virginia, or any county therein.

Mr. HOLMAN. It will be observed that we are paying claims the payment of which has been expressly prohibited by this act. They are considered and reported as though they were valid claims against the United States, although they have been expressly prohibited by law and should not be paid. When we come to general legislation, that has been the uniform rule adopted; but as I have already stated, we have passed claim after claim of this character through the committee.

Mr. ALLEN, of Michigan. Do I understand the gentleman from Indiana to say that the act which he had read forbids the payment of this class of claims?

Mr. HOLMAN. It prohibits the payment of such claims. Congress can repeal the act at any time if it is in favor of these claims; but general legislation up to this time has declared they shall not be paid. Yet every Friday such claims are reported and passed through this House.

Mr. ALLEN, of Michigan. Let the gentleman object to this one and I will object to the next one.

Mr. HOLMAN. I find myself so entirely alone I have quit the business.

Mr. KERR. If these claims are to be allowed, the rule should be made general.

The CHAIRMAN. Does the gentleman object?

Mr. KERR. I do.

The CHAIRMAN. Those who object will rise. [After a pause.] Five members not objecting, the bill is before the committee for consideration.

Mr. KERR. I object to the bill.

The CHAIRMAN. The question will be submitted to the committee.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAPT. RODERICK M'INTOSH.

Mr. DAVIS called up the bill (H. R. 393) to provide for the payment of the claim of Capt. Roderick McIntosh.

The bill was read, as follows:

Be it enacted, etc., That there be appropriated and paid out of the Treasury of the United States, from moneys not otherwise appropriated, the sum of $166.96, in addition to the sum of $180 heretofore paid, to Capt. Roderick McIntosh, master of the schooner Bucephalus, for services in rescuing, transporting, and subsisting the officers and crew of the schooner Astoria, of Bucksport, Me., in July, 1885.

The report (by Mr. KERR) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 393) for the relief of Roderick McIntosh, submit the following facts, stated in the report on this claim by the committee of the Forty-ninth Congress:

Capt. Roderick McIntosh, the claimant, master, and owner of the schooner Bucephalus, of Provincetown, while engaged in fishing on the Grand Banks of Newfoundland, rescued, on the 8th of July, 1885, the master and crew (in all nine persons) of the schooner Astoria, of Bucksport, Me. The rescued crew were taken from three small boats, in which they had left their sinking vessel.

After receiving them on board his vessel, Captain McIntosh remained on the fishing banks until July 16, when, ascertaining that his supply of provisions and water were being exhausted, he sailed for the port of St. John's, Newfoundland, where he arrived July 20, 1885, and gave the rescued men into the charge of the American consul at that port and immediately returned to the fishing grounds, which he reached July 24, 1885. From these causes his voyage was prolonged fifteen days, and he encountered a severe storm, which damaged his vessel and compelled him to enter a provincial port and repair damages at considerable expense, and which would have been avoided but for the delay. He, however, makes no claim for compensation on account of these losses.

The amount of said claim in detail is as follows:

To board of nine persons (crew of Astoria) from July 8 to July 20, 1885, at 50 cents per diem each		$54.00
Thirteen men (crew of Bucephalus) eight days, 50 cents per diem each, from July 16, date of leaving banks, to July 24, date of returning thereto		52.00
Eight days' wages paid twelve men (Bucephalus crew), July 16 to July 24, 1885, at $16.67 per diem		133.36
Eight days' wages of master of Bucephalus, at $4 per diem		32.00
Eight days' hire of Bucephalus, at $8 per diem		64.00
		335.36
To port charges paid at St. John's:		
To fresh water	$3.30	
Harbor dues	2.00	
Pilotage	6.00	
		11.30
		346.66
Amount paid by Government		180.00
Balance of claim		166.66

Your committee are of the opinion that the charges are reasonable, and that the balance of the claim beyond the amount received from the Government should be paid.

Your committee recommend that the bill be amended by striking out the word "ninety-six," in the fifth line, and inserting the word "sixty-six;" and, when so amended, that the same do pass.

The amendment of the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BRIG OLIVE FRANCES.

Mr. DINGLEY. I call up the bill (H. R. 820) for the relief of the owners and officers of the brig Olive Frances and others on board said brig. It is the same bill my colleague asked to be taken up some time ago out of order and failed. The bill and report have both been read.

Mr. DAVIS. Then I move that the reading of the bill and report be dispensed with.

Mr. ROGERS. Were they read to-day?

Mr. DINGLEY. They were.

Mr. SPINOLA. I object.

Mr. LANHAM. I hope there will be no objection to dispensing with the reading of the bill and report, as they have already been read during the day.

Mr. SPINOLA. I object to the consideration of the bill.

The CHAIRMAN. The Chair hears no objection, and the reading of the bill and report will be dispensed with.

Mr. DINGLEY. This is a case of a collision between a Government vessel and a private vessel. The bill refers it for examination and adjudication to a court of admiralty.

I wish to say that there have been numerous cases of collision at sea between Government vessels and private vessels, where the Government being at fault, and shown to be at fault, has paid the damages in the same way that private citizens are required to do. It seems to me, therefore, in view of cases already determined of this character, that such a question as this should be referred to a court acquainted with the admiralty rules and practice, to adjudicate the question as to whether or not anything should be paid for the damage done to this vessel.

Mr. LANHAM. I demand the regular order.

The CHAIRMAN. The only question before the committee is whether or not there is objection to the consideration of this bill.

Five members objecting, the bill was not considered.

DAVID L. BRAINARD AND OTHERS.

Mr. DORSEY. Mr. Chairman, I ask consideration of the bill (S. 937) for the relief of David L. Brainard and others.

The bill was read, as follows:

Be it enacted, etc., That there be paid from money in the Treasury not otherwise appropriated the sum of $703.75, this sum to be in lieu of commutations of fuel and quarters and extra-duty pay, as follows: Commutation for fuel from July 1, 1881, to June 30, 1884 (thirty-six months), at $9 per month, $324; commutation for quarters from July 1, 1881, to June 30, 1882 (twelve months), at $21 per month, $252; extra-duty pay from July 1, 1883, to June 30, 1884, at 35 cents per diem, $127.75, and to be paid to each of the following persons, namely: David L. Brainard, Julius R. Frederick, Henry Biederbick, Francis Long, Maurice Connell, David Linn, Joseph Elison, Nicholas Salor, William A. Ellis, Charles B. Henry, William Whistler, Jacob Bender, Roderick R. Schneider, David C. Ralston, Hampden S. Gardner, Edward Israel, Winfield S. Jewell, George W. Rice, and William H. Cross, of the United States Army, who were on duty with Lieut. A. W. Greely in the Arctic regions from July 1, 1881, to June 30, 1884: *Provided, however*, That if any of the aforesaid nineteen persons shall have died prior to June 30, 1884, the allowances herein for commutation of fuel, extra-duty pay, and quarters shall be computed at the rates stated to the death of such persons, respectively; and in such case the amounts found due shall be paid to the widow of the deceased, if any survive; and if none, to the children, if any; and if none, then to the next of kin of such person lawfully entitled.

Mr. McMILLIN. Let us have the report read, subject to the right of objection.

The report (by Mr. ROBERTSON) was read, as follows:

The Committee on Military Affairs, to whom was referred Senate bill 937, for the relief of David L. Brainard and others, beg leave to report the same favorably, with the recommendation that it do pass.

Mr. McMILLIN. That report shows absolutely nothing concerning the claim, and I shall object to the passage of the bill on such a statement as that.

Mr. DORSEY. Will the gentleman allow me a word of explanation?

Mr. McMILLIN. Certainly.

The CHAIRMAN. The first question is, is there objection to the present consideration of the bill?

There was no objection.

Mr. DORSEY. I have sent for the report on the House bill, which gives full information as to the case, and I ask that that be read. I am expecting it every moment.

Mr. McMILLIN. I have no objection to that.

I do not think, though, that a bill of this kind ought to go through without some statement or explanation.

The CHAIRMAN. The question is on laying this bill aside.

Mr. McMILLIN. I understood that leave was given to have the report read.

The CHAIRMAN. The report was read, the Chair submitted the question, and no objection was made to the consideration of the bill.

Mr. McMILLIN. I had indicated my intention to object, but the gentleman from Nebraska asked that it be withheld so as to have the report on the House bill read, which he had sent for.

The CHAIRMAN. If there be any misunderstanding, the Chair will cause the report to be read. It can only be done, however, by unanimous consent. Is there objection?

There was no objection.

The report (by Mr. ROBERTSON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3192) for the relief of David L. Brainard and others, respectfully report the same favorably with the following amendment: Strike out all after the words "and if none," in line 34, and insert in lieu thereof the words "then to the heirs or legal representatives of deceased," and as so amended that the bill do pass. For fuller information the following is appended hereto—

[Extracts from the report of the Committee on Claims, Forty-ninth Congress.]

This bill provides for the payment to each of nineteen enlisted men, who accompanied Lieutenant Greely on the Lady Franklin Bay Expedition in 1881-'84, of the sum of $703.75, in lieu of commutations of fuel and quarters, and for extra-duty pay, in each case.

The facts connected with this expedition are yet fresh in the public mind, and need not be here rehearsed at length. A brief statement of the origin and purposes of the expedition, and the equities upon which this bill rests, are all that is deemed necessary.

The expedition was purely in the interest of science, and was set on foot and carried out under the direction of the Government of the United States. The sundry civil appropriation bill approved March 3, 1881, contained an appropriation of $25,000 to be expended for—

"Observation and exploration in the Arctic Seas; for continuing the work of scientific observation and exploration on or near the shores of Lady Franklin Bay, and for transportation of men and supplies to said location and return."

It was proposed to take a party of men to a point on the shore of Lady Franklin Bay, erect quarters for them, and leave them there for a time to carry out the purposes of the clause just cited. Relief was to be sent as needed. It was known that the service would be one of hardship and danger. The gloom and loneliness of the Arctic winter, with all its deprivation of comfort, were to be encountered. Should the ice not break up and allow the relieving vessels to ascend Smith's Sound, Kane Basin, and Kennedy Channel, starvation would be imminent. For this service the best men were needed. General Orders No. 35, dated April 12, 1881, hereto annexed, were issued. Subsequently, and before the departure of the expedition, and after the men had been selected, another and a special order, purporting to be authorized directly by the President of the United States, was issued. It was in the following words:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, May* 24, 1881.

"SIR: I am directed to inform you that the President authorizes, under the provisions of section 3648, Revised Statutes, the advance to each officer ordered to duty at Lady Franklin Bay of one year's pay and allowances, and to each enlisted man of four months' pay and allowances. He also directs that pay and allowances for the entire force accruing subsequent to the allowance herein authorized be paid at maturity on the presentation of properly signed and indorsed vouchers.

"I am, sir, very respectfully, your obedient servant,
"CHAUNCEY McKEEVER,
"*Assistant-Adjutant-General in Charge.*

"The CHIEF SIGNAL OFFICER."

It will be noticed that while General Orders No. 35 discriminated against certain allowances, this special order does not. That the men understood this latter order to authorize these allowances is clear. It was the later order—it purported to be, and doubtless was—directly authorized by the President of the United States, and only granted to these men what their fellows who remained behind, amid the comforts of civilization, would receive.

Under this belief they departed on their expedition. The winter was passed at Fort Conger, on Lady Franklin Bay. The summer came, but no relief appeared. The work of exploration and scientific observation went on. Another winter amid the snow and ice passed slowly away; now, surely relief would come. The stores were low, and another winter at Fort Conger meant all the horrors of starvation. But no peril swerved these indomitable men from their

duty. Ere the long winter darkness was ended, and while yet the temperature was below a point at which it seems possible for human life to endure, Lieutenant Greely had his parties out engaged in scientific work. The spring passed, the summer was nearly gone, and still no signs of relief, and August 9, 1883, the party started southward. So well had the work of the expedition been done that Lieutenant Greely was enabled to say:

"We had experienced two years of unequaled cold and darkness; nine months (less twelve days) had been marked by the total absence of the sun, during which the mean temperature had been —31.4° (—35.2° C.). The amount of work done was equally extraordinary. The sun had shone four hundred and fifty-three days, and on two hundred and sixty-two days from one to three sledge parties had been in the field on journeys entailing from two to sixty days' absence and 3,000 miles of travel.

"Our explorations covered 3½° of latitude and 45° of longitude, one-eighth of the way around the globe above the eightieth parallel. To the northward a latitude never before attained on land or sea had been reached, and for the first time in three centuries England yielded to another nation the honors of the 'farthest north.' The end of Greenland, so many times seen or supposed to have been, was extended at least 40 miles northward and over a hundred miles of new shore, never before traveled by the foot of man, added to its coast line."

Kennedy Channel was full of ice, and the journey southward was one of peril and privation. Cape Sabine was reached, but to the utter disappointment of the party no relief vessel was there, and no provisions left for the struggling expeditionists. The Proteus was at the bottom, and the Yantic, even as the heroic band were struggling southward, had sailed out of Smith Sound, carrying with it the much-needed stores. No criticism is here intended upon the officers of the Yantic. It is not the province of this committee to investigate or report upon that matter. We only state the fact that because of the failure of this relief the party were detained with very scanty stores another year in the Arctic regions. Of the horrors of that year no mere words can express an adequate conception. Sergeant Brainard, speaking in his journal of some dry biscuit, says:

"When this bread, thoroughly rotten and covered with a green mold, was thrown on the ground, the half-famished men sprang to it as wild animals would."

Lieutenant Lockwood, in his diary, writes:

"One of the annoyances of this life is the difficulty we have in trying to cheat the stomach and make our dole of food seem more than it really is. It is pitiful the value one puts on a miserable little piece of hard, coarse ship-bread."

Yet in the face of this Lieutenant Lockwood says:

"If our fate is the worst, I do not think we shall disgrace the names of Americans and of soldiers."

Lower ran the stores, weaker and weaker became the party, one by one they succumbed to their fate, and far from home and kindred, amid the wild desolation of Arctic rocks and ice, died as heroes die. June 22, 1884, the survivors, more dead than alive, were rescued by the crew of the Thetis. Some were too far gone to recover; others, after months of illness, have partialty recovered. One, at least, still lies in hospital, disabled and poor. The Government cared for the bodies of the dead with all proper honor and at the public expense. How has it cared for the living? Let Lieutenant Greely, in the closing words of his "Three Years of Arctic Service," answer:

"It is inevitable in most great undertakings that the subordinates should be relegated to secondary places, but I can not believe that our great nation, which spent money so lavishly to save these men, will allow their heroic endurance and manly virtues to pass unrewarded. Lieutenant Lockwood and the Esquimaux Christiansen have unhappily passed away, but Sergeant Brainard, who strove with them successfully to gain for the country the honors of the farthest north, yet remains, after eight years of stainless and extraordinary service, in the ranks a sergeant. His manhood, courage, and self-sacrifice, displayed on the Polar Sea and at Sabine, would have gained him a commission at once in any other service of the world.

"No man of the party has received promotion, except such temporary advancement as my personal urging could secure. Two men, with broken health, have adventured their private fortunes, and one, a most self-sacrificing, soldierly, temperate, and loyal man, lies, as these lines are penned, helpless in a city hospital, aided by private charity, his pension not even awarded. Even the meager allowances originally promised for Arctic service have not been fully paid, and the widows of the dead are generally as yet unrecognized."

Upon the return of the party to the United States, the Government, in settling the accounts of the enlisted men, refused all commutation for fuel. It paid commutation for quarters from June 30, 1882, and refused it for the period preceding that date; and it paid extra-duty pay up to July 14, 1883, and refused it for the period subsequent to that date.

Since these hardships were endured many a young man, reared in an opulent home, with influential friends at hand, having seen no harder service than the drills at West Point, has donned the lieutenant's shoulder-straps, while Brainard, the sole survivor of those who stood in May, 1882, farther north than the foot of man had ever before trodden—the man who during that fearful spring and summer of 1884, by his indefatigable exertions in providing food for his famishing comrades, undoubtedly saved the lives of the survivors, still wears his sergeant's chevrons.

The indorsements of Lieutenant Greely and General Hazen on the petition filed in this case, also an extract from that petition, are hereto appended.

APPENDIX.

[General Orders No. 35.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 12, 1881.

The following order, received from the War Department, is published for the information of the Army:

In order to carry into execution the act approved May 1, 1880, and so much of the act approved March 3, 1881, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes," as provides for "observation and exploration in the Arctic seas; for continuing the work of scientific observation and exploration on or near the shores of Lady Franklin Bay, and for transportation of men and supplies to said location and return, $25,000," it is ordered:

1. First Lieut. A. W. Greely, Fifth United States Cavalry, acting signal officer, having volunteered for the expedition, shall take command of the expeditionary force now organizing under said act to establish a station north of the eighty-first degree of north latitude, at or near Lady Franklin Bay, for the purpose of scientific observation.

2. Lieutenant Greely shall have authority to contract for and purchase, within the limits of the appropriation, the supplies and transportation deemed needful for the expedition; and the appropriation for this purpose made by the act approved March 3, 1881, shall be drawn from the Treasury and disbursed, upon proper vouchers, by the regular disbursing officer of the Signal Service, under the direction of the Chief Signal Officer.

3. The force to be employed in the expedition shall consist of two other officers, who may volunteer their services; twenty-one enlisted men, who may volunteer from the Army or be specially enlisted for the purpose; and one contract surgeon. The latter to be contracted with at such time as he may be able to join the party.

4. The commander of the expedition is authorized to hire a steam-sealer or whaler to transport the party from St. John's to Lady Franklin Bay for a fixed sum per month, under a formal contract that shall release the United States from any and all responsibility or claim for damages in case the steamer is injured, lost, or destroyed. The said contract shall include the services and subsistence of the crew of the vessel, and shall require that the said crew shall consist of one captain, two mates, one steward, two engineers, two firemen, and seven seamen—not less than fifteen in all. Such steam-sealer or whaler shall not be hired until it has been inspected by an officer, to be detailed by the Secretary of the Navy for that purpose, and found by him fit for the intended service.

5. The expeditionary force shall be assembled at Washington, D. C., not later than May 15, and St. John's not later than June 15, 1881.

6. During their absence on this duty Lieutenant Greely and the other officers of the Army accompanying the expedition will retain station at Washington, D. C. The enlisted men who may volunteer or be especially enlisted for this duty shall receive the pay and commutation allowances (except commutation for quarters and fuel) that accrue to men detached for duty in Washington, D. C.

7. The several bureaus of the War Department will furnish, on requisitions approved by the Secretary of War, the necessary subsistence, clothing, camp and garrison equipage, transportation to St. John's, Newfoundland, and return, medicines, books, instruments, hospital stores, arms, and ammunition. The subsistence stores to be furnished as above directed are for sale, not for issue, to the officers and men of the expeditionary force.

By command of General Sherman:

R. C. DRUM, *Adjutant-General.*

WAR DEPARTMENT, *Washington, D. C., February* 13, 1886.

Respectfully forwarded to the chairman of the Committee on Claims, House of Representatives, through the War Department. Extra-duty pay was promised the men of the Lady Franklin Bay expedition by General Orders 35, War Department, Adjutant-General's Office, April 12, 1881; and, as stated herein, a discrimination was made by the War Department against the enlisted men in the matter of other commutation. I then pointed out to the honorable the Secretary of War that Sergeant F. Meyer, who served with the Polaris expedition (1871–'73), received such commutation; but, despite my urgent request, some technical point caused the discrimination against these men. Congress, in later years, specifically granted commutation of quarters in similar cases.

The appropriation for the Army was at no charge for fuel and quarters of these men, and for the last year at Cape Sabine they were destitute of both. I am certain that a clear understanding of this claim would insure these men receiving from Congress the amounts asked as being their just dues, not as a concession for the sufferings of some and death of others. Mr. Biederbick (and presumably the others) needs the money. He has been long ill from his long service, and for two or more months was in a New York hospital, which generously defrayed his expenses from its endowment fund. I cannot too strongly urge this justice.

A. W. GREELY,
First Lieutenant Fifth Cavalry, United States Army.
Late Commanding Lady Franklin Bay Expedition.

WAR DEPARTMENT, OFFICE OF CHIEF SIGNAL OFFICER,
February 16, 1886.

I hereby concur in and indorse all that Lieutenant Greely has said of this case. This claim is just and ought to be provided for, and I hope will be without delay.

W. B. HAZEN, *Chief Signal Officer.*

[Extract from affidavit of D. L. Brainard and Henry Biederbick.]

That while in service there they expected to receive full allowances according to law for fuel, quarters, and extra-duty pay, and were entitled to have the same commuted to them in money, as provided by the statutes and regulations in pursuance thereof, upon their return from the icy North, after long, arduous, and perilous service of years, during which time they endured unceasing hardships and many lost their lives in the performance of their duties; by some technical construction of the law they are refused their allowances, although all allowances to which officers are eligible were granted to the officers serving on the said expedition.

That the members of the United States Signal Corps stationed in this city during that period received the allowances which the affiants ask. That if men serving amidst the comforts of civilization received their allowances, so much the more should they in their remoteness and solitude. That, moreover, two men of the Point Barrow expedition, under command of Lieutenant Ray, who remained in the Arctic one year less than the affiants, received these allowances by special act of Congress approved. That also Sergt. F. Meyer, Signal Corps, on duty with the Polaris expedition, 1871–'72, received in full similar allowances and commutation. The affiants are poor, and have earned their money. They appeal to Congress for a speedy settlement of their just claims.

Before the conclusion of the reading of the report,

Mr. FARQUHAR said: I ask unanimous consent that the further reading of the report be dispensed with, as the case has been clearly stated.

There was no objection.

There being no objection, the bill was considered and laid aside to be reported to the House with the recommendation that it do pass.

The bill H. R. 3192, of the same title, was ordered to be reported to the House with the recommendation that it be laid on the table.

A. P. SWINEFORD.

Mr. DOUGHERTY. I desire to call up for present consideration the bill (H. R. 6012) for the relief of A. P. Swineford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. P. Swineford, governor of Alaska, out of any money in the Treasury not otherwise appropriated, the sum of $611.38, amount of salary from July 1 to September 13, 1885.

Mr. HOLMAN. Let the report in that case be read.

The report (by Mr. DOUGHERTY) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6012) for the relief of A. P. Swineford, having considered the same, beg leave to report as follows:

A bill identical with this was reported favorably from the Committee on Claims in Forty-ninth Congress, second session. The report states all the facts, and this committee adopts that report and recommends the passage of the bill.

The report is as follows:

[House Report No. 3993, Forty-ninth Congress, second session.]

The beneficiary of the accompanying bill, A. P. Swineford, governor of Alaska,

was appointed to the position he holds in June, 1885, and on the 18th of that month took the proper oath of office at the city of Washington before the chief justice of the supreme court of the District of Columbia. For a short time thereafter he was detained in Washington upon official business preparatory to assuming the duties of his office and in making the necessary preparations for the journey to Sitka, the seat of government. While thus engaged, and in view of suggestions as to his right to salary before actually reaching the seat of government, he applied to the Secretary of the Interior for a formal leave of absence from June 17, in response to which he was officially informed by letter of July 11, 1885, that he was expected to reach his post of duty at the earliest possible date, but that until that time the fact of his not having formally assumed the duties of his office at Sitka would not be considered against his salary, which would be allowed from and including June 18, 1885, the date of his official oath.

He finished his official and personal preparations at the earliest possible date, and started for Alaska via the Northern Pacific Railroad and steamer from Port Townsend, Puget Sound. He had made careful inquiries at the Post-Office Department to ascertain the day upon which he could leave Port Townsend upon this steamer, and was informed by officials of that Department that she left, on mail schedule time, on the 14th day of August. Governor Swineford, acting upon this information, reached Portland August 12, and there learned that the steamer had sailed from Port Townsend on the 11th, three days ahead of time. He, however, immediately proceeded to Victoria, British Columbia, and endeavored to find other means of transportation. He reported his detention to the Interior Department both by telegram and letter, and, failing to secure any other transportation, was obliged to wait for the next mail steamer from Port Townsend, which he took, reaching his destination, Sitka, September 15, 1885, whence he immediately reported his arrival and the assumption of the duties of his office.

It appears beyond question that Governor Swineford used the utmost diligence in endeavoring to reach Sitka at the earliest moment after his appointment; that the delay referred to was occasioned solely by necessary official preparation and the failure of the steamer to follow her schedule time, and that he was acting during all of the time under the official assurance that his compensation would run from the 18th of June, 1885.

Your committee are entirely satisfied that under the circumstances his salary for this period should be paid. The accompanying bill covers salary for the period named, except from the 18th day of June to the 1st day of July, for which time he was paid by the Treasury Department before any question on the subject arose.

Copies of official correspondence with the Interior Department, covering the question, are hereto attached, together with a letter of the First Comptroller, sustaining the justice of the claim and recommending its allowance.

Your committee, accordingly, favorably report the accompanying bill, and recommend its passage.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., June 11, 1886.

SIR: In adjusting the accounts of A. P. Swineford, governor of the Territory of Alaska, I have been compelled to disallow his pay from July 1 to September 14, 1885, because he had not complied with the law by commencing his duties within the Territory, but claimed pay for the time by reason of the fact that the Secretary of the Interior had granted him leave of absence.

The act of May 1, 1876 (19 Stat., 43), has this provision: "And hereafter payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath and shall enter upon the duties of such office in such Territory;" and although the act organizing the Territory of Alaska authorizes the governor of the Territory to take the oath before any circuit or district judge, it does not dispense with his going to the Territory to commence his duties before he can receive his pay; but it does provide, that "the laws of the United States, not locally inapplicable to said Territory, and not inconsistent with the provisions of this act, are hereby extended thereto" (act of May 17, 1884; 23 Stat., 27).

I regard the former act as applying to all officers of Territories, whether organized or unorganized. Under existing law I could not allow compensation in this case; but Congress can, in its discretion, grant the relief which is asked by the governor, and the facts of the case seem to me to render it proper.

Very respectfully,

M. J. DURHAM, *Comptroller.*

Hon. SAMUEL J. RANDALL, M. C.,
Chairman of the Committee on Appropriations,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, February 1, 1887.

SIR: In response to your letter of the 26th ultimo, requesting to be furnished a copy of any letter in this Department granting leave of absence to Governor A. P. Swineford, of Alaska, from July 1 to September 13, 1885, I have to inform you that there is no such letter of record in this Department; but there are inclosed herewith copies of all correspondence relative to Governor Swineford's absence during the year 1885.

Very respectfully,

H. L. MULDROW, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 11, 1885.

SIR: Acknowledging the receipt of your application of this date for a leave of absence from June 17 ultimo, when your predecessor received notice of his suspension from office, until August 15 proximo, when you say you expect to reach Alaska, I have to inform you that the Department expects you to arrive at your post of duty at the earliest date possible, until which time the fact of your not having formally assumed the duties of your office in Sitka will not be considered against your salary, which will be allowed from and including June 18 ultimo.

Please report the date of your arrival in Sitka.

Very respectfully,

H. L. MULDROW, *Acting Secretary.*

Hon. ALFRED P. SWINEFORD,
Governor of Alaska,
Washington, D. C.

PORT TOWNSEND, WASH., *August* 19, 1885.
(Via Seattle, August 20, 1885.)

To the SECRETARY OF THE INTERIOR,
Washington:

Detained at Victoria on account of wrong information given me at Post-Office Department. Can't charter steamer except at exorbitant price. Coast Survey steamer Hassler at Victoria unemployed on account dense smoke. If consistent, please secure telegraphic order proper authority to Captain Snow to take me to Sitka, otherwise can't get there for nearly one month. Please answer to Victoria, care American consul.

A. P. SWINEFORD, *Governor of Alaska.*

VICTORIA, B. C., *August* 20, 1885.

SIR: I made bold to wire you yesterday the fact that I was detained here on account of wrong information given me at the Post-Office Department as to the date the mail steamer would sail from Port Townsend for Alaska ports. Acting on such information, which I had every reason to consider perfectly reliable, I made my calculations to be at Port Townsend on the 13th, so as to take the steamer the following day, which I had been told was her day for sailing as per her mail schedule. Arriving at Portland on the 12th I was informed, in answer to a telegram sent to the collector at Port Townsend, that the steamer had sailed on the 11th. I then came on here in the hope of catching a stray steamer or vessel that would carry me to my destination, and finding none, and being unable to charter any safe transportation at a price within my ability to pay, and finding the Hassler unemployed on account of the dense smoke from forest fires, which rendered it impossible for her to continue the work in which she had been engaged, I ventured to telegraph you as I did.

I write this simply in justice to myself, and to assure you that I have made every possible effort to reach my post of duty in compliance with your order to that effect; that I have failed through no fault or negligence of my own, but by reason of the mail steamer anticipating her time by three days, as stated. Of course, I scarcely expect a favorable reply to my telegram asking for transportation; but be assured I will make every possible effort to get to Sitka in advance of the next trip of the mail steamer, and report to you from my post of duty, which I am exceedingly anxious to reach without unnecessary delay.

Hoping this explanation will suffice to exonerate me from all blame in the premises, I am, sir,

Very respectfully, your obedient servant,

A. P. SWINEFORD, *Governor of Alaska.*

Hon. L. Q. C. LAMAR,
Secretary of the Interior, Washington, D. C.

DISTRICT OF ALASKA, EXECUTIVE OFFICE,
Sitka, September 15, 1885.

SIR: I have the honor to report that I arrived here this morning and immediately entered upon the discharge of my duties as governor of the district.

* * * * * * * *

Very respectfully, your obedient servant,

A. P. SWINEFORD, *Governor of Alaska.*

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

Mr. HOLMAN. I would like to inquire how long Governor Swineford remained after he got there?

Mr. DOUGHERTY. In Alaska?

Mr. HOLMAN. Yes.

Mr. DOUGHERTY. I can not answer.

Mr. HOLMAN. About a week?

Mr. DOUGHERTY. I do not know how long and can not say. I think he got there in September——

Mr. HOLMAN. And came back in October or November.

Mr. DOUGHERTY. No; I think he came in December, and then on official business.

Mr. HOLMAN. I think he was on the floor as early as the first week in December.

Mr. DOUGHERTY. I do not think it makes any difference. When he came back he came on official business.

Mr. HOLMAN. I shall not object to the bill, but this office is a mere sinecure.

Mr. DOUGHERTY. That is not the governor's fault.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE O. DONNELL.

Mr. DUBOIS. I ask the present consideration of the bill (H. R. 3453) for the relief of George O. Donnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to George O. Donnell the sum of $470.23, out of any money in the Treasury not otherwise appropriated, said sum being the bounty and back pay due said Donnell as a United States veteran volunteer of the war of the rebellion.

Mr. COBB. Let the report be read.

The report (by Mr. CROUSE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3453) for the relief of George O. Donnell, submit the following report:

George O. Donnell, now a resident of Norwich, Conn., in needy circumstances and greatly impaired health, was enlisted in Company A, Second New York Heavy Artillery, in September, 1861, and served with that command for about two years and six months. He then re-enlisted as a veteran for three years in the same organization.

In September, 1864, Donnell, while in active service with his artillery in front of Petersburgh, Va., was attacked with chronic diarrhea. He was sent to City Point and thence to Mount Pleasant Hospital, Washington, D. C., from which hospital he was furloughed and sent home to Norwich, Conn. At the expiration of the furlough Donnell's attending home physician applied for an extension of furlough, which was granted. Three or four times afterwards his furlough was extended, and finally two accredited physicians made oath to his physical unfitness for service and sent same to the hospital authorities at Washington with his application for discharge; but the war being virtually ended the application was not acted upon, and Donnell, being at no time from the expiration of his last furlough up to September 29, 1865, the date of muster-out of his command, able to travel and rejoin his artillery, was not mustered out and did not receive a discharge at the time of mustering out of his command.

According to the terms of Donnell's re-enlistment he was to receive $402 as veteran bounty, to be paid in installments. There was paid him $162, leaving $240 still due him at the close of the war and at the time of the mustering-out of his artillery. He neither received any pay for service from the time of his first furlough; and so, as was found by the proper accounting officers of the Treasury and is of record and evidence, Donnell, at the time of the mustering-out of the artillery, of which he had all the time continued an honorable member, though on sick furlough and unfit for active duty during the latter months of its service, was entitled, on September 29, 1865, to bounty and pay amounting to $470.23.

Donnell continued in feeble health, much of the time bed-ridden, during the years immediately following the war, and his condition, as well as his ignorance of the proper methods of procedure, delayed any action looking to the

obtaining of an honorable discharge and the bounty and pay due him for some years. In 1878, however, Donnell received an honorable discharge, and on October 8, 1878, applied in proper form for bounty pay. The application was disallowed on the ground that the records in the Paymaster-General's Office showed that George O. Donnell, Company A, Second New York Heavy Artillery, had received all pay and bounty due on January 17, 1866, at the subtreasury in New York City, in check No. 5538, drawn by James B. Sheridan, assistant paymaster-general, for $470.23, to George O. Donnell or bearer.

Donnell claims that the payment of this sum was fraudulently obtained by some person forging his signature and falsely impersonating him. Affidavits are in evidence that at and about the time of the payment (January 17, 1876), as shown by the Treasury records, to George O. Donnell of wages and bounty, the real Donnell was in North Oxford, Mass. It is further in evidence that Assistant Paymaster-General Sheridan, in giving check No. 5538 for $70.23 to George Donnell or bearer, marked the payment upon his discharge. As this was some twelve years before the real Donnell received his discharge papers, it would seem evident that not only was Donnell impersonated, but also were his discharge papers forged. There is also in evidence that the officials of the Treasury Department sought to discover the impersonator of Donnell, but while at least one person was implicated in the alleged fraud, positive evidence for conviction could not be obtained.

The reliability of Donnell's own statements are vouched for by prominent citizens of Connecticut and Massachusetts, and the direct evidence submitted in the case, and all the circumstances surrounding it, lead the committee unanimously to believe that Donnell has been deprived of bounty and pay by the fraudulent representations of an impersonator, and therefore recommend the passage of this special act, as there can be no relief for the claimant through the Departments of War or the Treasury on account of the records there made by this fraud.

There being no objection, the bill was considered and laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

The name of Mr. DUNN was called.

Mr. PEEL. My colleague, Mr. DUNN, is absent because of the death of his child the other day; and I ask unanimous consent that he may not lose his place in the call. I ask that his name be passed over without prejudice.

There was no objection.

The name of Mr. ELLIOTT was called.

Mr. COTHRAN. My colleague is absent, and I ask that his name also may be passed over without prejudice.

Mr. O'NEILL, of Missouri. For what reason?

Mr. HEARD. I dislike to appear discourteous; but still I conceive it to be my duty to object, for the reason that we, who are lower down on the roll, if this course is to be continued, and absent members are to be allowed the privilege when they return of having their names called, our names will not be reached at all. I do not think it exactly fair, and in the interest of common justice I must object.

The CHAIRMAN. Objection is made, and the Clerk will report the next name.

MARGARET POLAND.

Mr. FULLER. I ask consideration of the bill (H. R. 3880) for the relief of Margaret Poland.

The bill was read for information.

Mr. HOLMAN. Let the report be read.

The report was read at length.

Mr. COBB. This report conclusively shows that this is a case of pure spoliation by private soldiers during hostilities, for which the Government is in nowise responsible; and I object.

The CHAIRMAN. Is there objection? [After a count.] More than five gentlemen have objected, and the bill will not be considered.

ALFRED BREUER.

Mr. FARQUHAR. In my absence some few minutes ago from the House my name was passed. I desire consideration of a bill which carries with it no appropriation.

Mr. HOOKER. That is going back on the call.

The CHAIRMAN. That can not be done without unanimous consent.

Mr. MAISH. Let the bill be read.

Mr. FARQUHAR. I was called out of the House five minutes ago and two names have been called since mine; that is all.

Mr. MAISH. Very well. I do not object.

Mr. McMILLIN. Let the bill be read.

Mr. FARQUHAR. The bill I ask consideration of is the bill (H. R. 2688) for the relief of Alfred Breuer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized and directed to remove from the records the charge of desertion against Alfred Breuer, late of the United States Marine Corps; and thereupon the said Alfred Breuer shall be restored to all rights and privileges as fully as if said charge of desertion had never existed.

Mr. McMILLIN. Let the report be read.

The report (by Mr. BOUTELLE) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 2688) for the relief of Alfred Breuer, submit the following report:

Alfred Breuer affirms that he was born in Breslau, Germany, July 3, 1848; that he came alone to this country, landing in New York City in May, 1863; that shortly afterwards, on the 25th of May, 1863, he was induced to enlist as a private in the Thirtieth Independent Battery of New York Light Artillery for the term of three years, being then less than fifteen years of age; that he served with his command until it was mustered out, being at one time seriously injured, and treated for said injury at a hospital in Alexandria, and was honorably discharged at New York City, June 23, 1865, after more than two years of service in the Union Army.

He further declares that in the same year, a few months later, he then being only seventeen years of age, he was persuaded to enlist in the United States Marine Corps, upon representation that on account of his youth and previous service in the Army he would be kept on duty at the Brooklyn navy-yard; that after about two months he was ordered on board a man-of-war, and remembering his rough passage on the ocean his fear of the sea induced him to desert, without realizing the serious consequences of his act.

The evidence shows that he did enlist as stated, May 25, 1863, in the New York Battery, and that he was honorably discharged June 23, 1865, at New York City.

The records of the Navy Department show that he was enlisted in the Marine Corps October 13, 1865, at New York, for four years, and that he deserted on the 25th of November of that year from the Marine barracks, Brooklyn.

In corroboration of his youth at the time of his desertion he has filed with the committee a passport issued to him December 21, 1878, describing him as then thirty-one years of age; and he has also furnished photographs of himself, taken at the time, which clearly demonstrate his minority, while as clearly establishing his identity.

He declares—and there is no contradiction—that he was enlisted without his knowledge or consent by men who took advantage of his ignorance and his forlorn condition on arrival as an immigrant at New York, defrauding him of bounty, and taking from him everything that he had brought from home.

From the facts submitted the committee are satisfied that said Breuer was a minor when enlisted in the Marine Corps, and that his account of his desertion is correct. His excellent character is attested by citizens of the highest standing in Buffalo, N. Y., where he has married and brought up a family, and the recommendation for his relief is signed by prominent officers of the Grand Army of the Republic of the State of New York.

Believing that the story of the experiences of this friendless boy is substantially true, the committee are of the opinion that his service of more than two years in the war before he was seventeen years old amply justifies a liberal consideration of the circumstances attending his subsequent offense, and they therefore recommend the passage of the bill H. R. 2688.

NAVY DEPARTMENT, *Washington, April* 11, 1888.

SIR: Referring to the bill (H. R. 2688) "for the relief of Alfred Breuer," and to this Department's letter of the 23d ultimo in reply to your request for "such information as may be in the possession of the Navy Department touching the record of the said Alfred Breuer, together with such opinion as the Department may desire to express as to the expediency of reporting said bill;" referring also to certain evidence subsequently submitted to the Department and which is alleged to have a material bearing upon the merits of Breuer's application, I have to state that the only information relating to this case of which the Department was possessed at the date of its reply to the request above mentioned was that contained in the official record relating to Breuer's enlistment in, and desertion from, the Marine Corps, by which it appears that he enlisted in said corps October 13, 1865, for the period of four years; that he was then eighteen years of age; that his former occupation was that of "soldier;" that he deserted from the Marine barracks, Brooklyn, N. Y., November 25, 1865, and that he is still a deserter at large.

The evidence subsequently brought to the notice of the Department is contained in various testimonials, both public and private, including Breuer's honorable discharge from the Army in February, 1865. From the evidence thus presented it appears that Breuer is a German by birth and came to the United States in May, 1863; that he was then under fifteen years of age; that he enlisted in the Army for a period of three years from May 25, 1863, and was honorable discharged when the command with which he served was mustered out, at the city of New York, in June, 1865, and that he was still under age when, in October of that year, he enlisted in the Marine Corps. There is, however, no evidence tending to bring into question the correctness of the official record or to show that Breuer was not properly marked as a deserter, and, on the evidence submitted, the Department would have no power to remove the mark of desertion.

The private testimonials in Breuer's behalf are from citizens of high standing, who, it appears, are well acquainted with his history and who speak of him in terms going to show that his personal record since the war is, in every respect, unexceptionable. Under these circumstances, and in view of Breuer's extreme youth at the date of his first enlistment, his honorable discharge from the Army after serving until the close of the war, and his re-enlistment, while still a minor, in the Marine Corps, it would seem that in taking action upon his application for the relief proposed by said bill the facts appearing in the evidence and testimonials above referred to are worthy of consideration.

The papers which were formally submitted by Hon. J. M. FARQUHAR for the inspection of the Department are herewith returned.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. C. A. BOUTELLE,
Committee on Naval Affairs, House of Representatives.

Mr. TOWNSHEND. I do not object, and I do not intend to object, to the passage of this bill, but I want to call attention to the fact that the Committee on Military Affairs reported last winter a bill covering every case where an honorable discharge ought to be granted. That bill was sent to the Senate and is pending there, and I hope it will not be long before the measure will be acted upon.

Mr. BOUTELLE. This is a bill relating to a charge of desertion from the Marine Corps.

Mr. TOWNSHEND. I think the bill we passed covers the whole service.

Mr. BOUTELLE. We had a bill passed by the Naval Committee which covers cases relating to the Navy; but this is a special case.

Mr. TOWNSHEND. I merely wanted to call attention to the fact that we have passed a bill having this object in view. I do not object.

Mr. COBB. I object.

The CHAIRMAN. Are there five gentlemen objecting? [After a pause.] There are not.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMPSON M'KINLEY.

Mr. FUNSTON. I ask consideration of the bill (H. R. 2267) to pay Thompson McKinley $375 for service voucher issued to him during the late war by Capt. George W. Harrison, assistant quartermaster, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the sum of $375 be, and the same is hereby, appropriated, out of any funds in the Treasury of the United States not otherwise ap-

propriated, for the payment of a certain service voucher given by Capt. George W. Harrison, assistant quartermaster, to Thompson McKinley, late a private in Capt. John Key's Company A, Ringgold Cavalry, Pennsylvania Volunteers, for extra expenses incurred by him while on duty as quartermasters agent at Romney, Va., during the late war.

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2267) to pay Thompson McKinley $375 for service voucher issued to him during the late war by Capt. George W. Harrison, assistant quartermaster, United States Army, make the following report:

Your committee find that the following service voucher was given to the said Thompson McKinley on March 31, 1862, to wit:

"The United States to Thompson McKinley, Dr.

"For services rendered as agent for assistant quartermaster United States Army, at Camp Keys, Romney, Va., and Cumberland, Md., from November 1, 1861, to March 31, 1862, being five months, at $75 per month, $375.

"I certify that the above account is correct and just, and that the services were rendered as stated, and were necessary for the public service.

"GEO. W. HARRISON,
"*Captain and Assistant Quartermaster.*"

The voucher is made in duplicate and indorsed as follows:

"Approved, and ordered to be paid.

"B. F. KELLEY, *Brigadier-General.*"

The voucher has never been paid. The facts in relation to the transaction are as follows: During the occupation of Romney, Va., in the winter of 1861-'62 by the United States Army, said Thompson McKinley was taken from his regiment, Ringgold's Cavalry, Pennsylvania Volunteers, and placed on detached duty as quartermaster's agent at that post; the assistant quartermaster was Capt. George W. Harrison, under whose directions claimant was acting. He served in that capacity for the time stated and received the said voucher, which was approved by the then commanding general, Brig. Gen. B. F. Kelley.

There is no question as to the justice of the claim so far as the value of the services are concerned.

The voucher has never been paid. Claimant mislaid the voucher, and for a long time it was not found by him. When presented to the Quartermaster-General the same was rejected by him on the ground that the claimant was an enlisted man and was not for that reason entitled to the same.

Your committee find by reference to the Army regulations that private soldiers are permitted to receive extra compensation for extra service, and your committee are of opinion that the quartermaster under whom he served and the general in command at the time are the best judges of the value of the services rendered, and that as neither the service nor the value of the same is disputed, the same should be paid.

Your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCIEN GOYAUX.

Mr. GAY. I ask consideration of the bill (S. 1582) for the relief of the estate of Lucien Goyaux.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the representatives of Lucien Goyaux the sum of $1,545, out of any money in the Treasury not otherwise appropriated; the same being for hospital stores, vehicles, harness, and saddlery taken from said Lucien Goyaux, deceased, at Baton Rouge, La., for the use of the United States Army, during the war of 1861.

Mr. HOLMAN. I ask that the report be read.

The report (by Mr. WILKINSON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (S. 1582) for the relief of the estate of Lucien Goyaux, report as follows:

The committee find the facts of this case fully and accurately stated in Senate report from the Committee on Claims of the present Congress, which report is hereto annexed and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[Senate Report No. 1366, Fiftieth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1582) for the relief of the estate of Lucien Goyaux, have had the same under consideration and respectfully report:

The committee adopt the report submitted through Senator CAMERON at the Forty-eighth Congress, which was as follows:

"In August, 1862, Lucien Goyaux resided at Baton Rouge, La., and was engaged in the business of manufacturing and selling saddles, harness, and other goods usually kept in establishments of that kind. Col. Halbert E. Paine, colonel of the Fourth Wisconsin Infantry, was at the time in command at Baton Rouge. Soon after the battle of August 5, 1862, at Baton Rouge, Col. Halbert E. Paine, by Special Order No. 5, 1862, directed Maj. Frederick Frye, of the Ninth Connecticut Infantry, to collect horses and equipments to mount patrols detailed from the different regiments, and to take possession of such property as was necessary for that purpose and for the supplying of ambulances and transportation teams.

"Under and in pursuance of said order, Major Frye, on the 12th of August, 1862, took possession of Mr. Goyaux's store and his stock of saddles, harness, etc., contained therein.

"On the 6th of October, 1862, a board of survey, constituted under Special Order No. 45 of the Department of the Government of the Gulf, consisting of Col. H. E. Paine, Fourth Wisconsin Volunteers; Lieut. Col. O. W. Lull, Eighth New Hampshire Volunteers, and Capt. William Roy, Twenty-first Indiana Volunteers, was appointed by order of General T. W. Sherman, and directed to assemble at Camp Parapet on Thursday, October 6, 1862, at 10 o'clock a. m., to take proof, appraise, and report upon the stock of harness, etc., belonging to L. Goyaux, alleged to have been taken for the use of the forces of the United States by order of the commanding officer. This board assembled pursuant to the order, and on the 4th of January, 1863, reported to the commanding general that they had attended to the duty assigned them, and had taken all the testimony offered by the claimant, Goyaux, as well as the testimony produced upon the part of the United States, and that it appeared from such testimony that Goyaux was the owner of the stock of goods, and that he was loyal to the United States, and they recommended the payment of $1,845, the value of the goods taken and used by the Army. This allowance was approved by Brig. Gen. T. W. Sherman, commanding.

"Subsequently, on the 6th of March, 1863, the matter was again investigated by a court of inquiry under Special Order No. 6. This court recommended that the claimant should be paid the sum of $1,545.

"The following are the items allowed the claimant by the two boards:

11 sets of harness	$350
30 saddles	400
72 bridles, girths, and surcingles	150
150 whips	100
Saddlery hardware	150
13 saddle-bags	50
51 collars	75
1 wagon	60
1 dray	60
3 bales of moss, taken and used for hospital purposes	50
Total	1,545

"In 1863 Goyaux presented his claim to the War Department for payment. It was investigated, and on the 23d of September, 1863, Chauncey Smith, the Solicitor of the War Department, made a decision thereon. He states as follows:

"'Upon the claim of Lucien Goyaux, I have the honor to report that in my opinion the loyalty of the claimant is fully established, and that he is justly entitled to a part, if not the whole, of the claim, but there is no appropriation out of which he can be paid by the Department.'

"Goyaux died November 20, 1871. He was a native of France, and it appears that his widow and children did not know that he had ever become a citizen of the United States. The widow and children of Goyaux caused the claim to be presented to the French and American Claims Commission, but upon investigation it was discovered that Goyauz had become a naturalized citizen of the United States in 1857, and consequently, he being an American citizen, the French and American Claims Commission could not adjudicate the claim.

"The claim was cognizable before the Southern Claims Commission, but Goyaux died a few months after this commission was established, and it is satisfactorily shown that his legal representatives had no knowledge whatever that the claim could be considered by the Southern Claims Commission until long after that commission expired by limitation of law.

"The original claimant, Goyaux, was diligent in asserting his claim.

"We are satisfied that the property hereinbefore described was taken pursuant to the order of Colonel Paine, the commanding officer; that it was adapted to the use of the Army, and that it was actually used by the Army. We are also satisfied that it was of the value of $1,545.

"We therefore report back said bill and recommend that it do pass."

Mr. HOLMAN (before the conclusion of the reading of the report). The substance of this case is fully presented, and I believe it is a clear case.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. GAY. I ask that bill H. R. 3716, which is a fac-simile of this bill, be reported to the House with the recommendation that it lie on the table.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the committee do now rise.

Mr. WARNER. Will the gentleman from Texas yield for a little while in order that I may ask consideration of a bill involving the payment of $247 to a very poor fellow?

Mr. LANHAM. I will withdraw my motion for that purpose.

WILLIAM WHITEHOUSE.

Mr. WARNER. Then I ask consideration of the bill (H. R. 2598) for the relief of William Whitehouse.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay William Whitehouse, of Jackson County, Missouri, the sum of $247.50, out of any money in the Treasury not otherwise appropriated, in full payment for two sets of blacksmith's tools taken in 1863 by the United States Army from the shop of said Whitehouse, in the county of Jackson, Missouri.

The report (by Mr. THOMAS, of Wisconsin) is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2598) for the relief of William Whitehouse, have examined the same, and report:

That claimant resides in Jackson County, Missouri; and that in 1863 United States troops, under the command of Col. Walter King, took possession of claimant's blacksmith shop, and used the tools, coal, and iron, and removed them to their camp. The proof shows that claimant never recovered said tools, nor was he ever paid for them. Their value is stated at $247.50.

Your committee report back the bill and recommend its passage.

The bill was ordered to be reported to the House with the recommendation that it do pass.

ISAAC H. WHEAT.

Mr. HOLMAN. I desire to ask a favor of the House. Inasmuch as I will not be able to be here on next Friday, I ask to call up for consideration and have passed a bill involving $200.

Mr. HEARD. I will yield to that if the rule be extended a little further. I have been here every Friday and I also desire to call up a bill.

Mr. HOLMAN. Do not crowd me out.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana [Mr. HOLMAN]?

The Chair hears none.

Mr. HOLMAN. Then I call up for consideration the bill (H. R. 148) for the relief of Isaac H. Wheat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Isaac H. Wheat, of Jefferson County, Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $200, for one horse belonging to him, and which was taken from him by the military forces under General Hobson, in July, 1863, and applied to the use of the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH DIEHL.

Mr. HEARD. I desire to ask consideration of a bill that will not take five minutes, and would now ask that the report be read. It contains only 20 lines, and I am satisfied there will be no objection.

There was no objection.

The bill was read, as follows:

A bill (H. R. 861) for the relief of Joseph Diehl.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Diehl, of Moniteau County, Missouri, the sum of $250, to be taken and accepted in full of all demands he may have on or against the United States for corn furnished to the Army during the late war.

The report (by Mr. STOCKDALE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 861) for the relief of Joseph Diehl, report as follows:

The facts out of which this bill for relief arises will be found stated in House Report No. 2330 of the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 2330, Forty-ninth Congress, first session.]

This is a claim for $1,200, the alleged value of corn said to have been taken and used by United States troops during the war. It was twice carefully investigated by agents of the Quartermaster's Department, and rejected mainly because the claimant was not a citizen of the United States. The committee think that ought not to bar him, inasmuch as he served during a portion of the war as an officer in the United States Army.

Another ground for rejecting the claim was that it was not proved to the entire satisfaction of the Department that the corn taken was worth the amount claimed. The agents of the Quartermaster's Department, however, found that 1,000 bushels of corn were taken from him by the military authorities for the use of the troops, and that it was worth the sum of $250.

The committee herewith report a bill for the payment of that amount, and recommend that the same do pass.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH C. COLE.

Mr. MACDONALD. I wish to call up a bill and desire to say for the information of the House that it is a bill providing for the payment of a quarterly pension check. I ask that the Committee on Claims be discharged from the further consideration of the bill. The chairman assents to that course and that the bill should pass, as it is impossible to get a quorum of the committee together.

Mr. MORGAN. I object.

The CHAIRMAN. Is there further objection?

Mr. MORGAN. I withdraw my objection.

There was no further objection.

The bill was read, as follows:

A bill (H. R. 10659) for the relief of Elizabeth C. Cole.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Elizabeth C. Cole, dependent mother of William D. Cole, late private in Company I, Ninth Regiment of Minnesota Volunteer Infantry, and now deceased, the sum of $72, as, and that being, the amount of pension which had accrued to said William D. Cole, deceased, at the time of his death, by virtue of pension certificate numbered No. 93444, for which said sum of $72 a check was issued, but did not reach said William D. Cole before he died.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET KENNEDY.

Mr. HIESTAND. I call up the bill (S. 307) for the relief of Margaret Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Quartermaster-General be, and he is hereby, authorized and directed to ascertain and state the value of all timber, fences, and fruit trees on the farm of John Kennedy, deceased, situate in the District of Columbia, upon which Fort Sedgewick was erected, taken and used for fire-wood by the Army of the United States, and also the value of all timber sold by the Government which had been taken from said farm and used in the construction of said fort. And the amount so stated shall be paid, out of any money in the Treasury not otherwise appropriated, to Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased.

The amendment reported by the Committee on War Claims was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret Kennedy the sum of $3,000, out of any moneys in the Treasury not otherwise appropriated, which said sum shall be in full satisfaction for all claims against the Government for and on account of the damages sustained by the said Kennedy by reason of the cutting and using the timber, fencing, and fruit trees from her land by the Government."

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. HENDERSON, of Illinois. Before that question is put I desire to hear the report read.

The report of the Committee on War Claims (by Mr. LAWLER) was read, as follows:

In March, 1853, John Kennedy, the deceased husband of the claimant in this case, purchased a farm containing over 26 acres, situate in the District of Columbia, for $1,605, and moved upon it with his family during the same year. He was a loyal citizen of the United States, and for about twenty-five years was employed as a stone-cutter on several public buildings of the Government, including the Capitol. With the money accumulated from his earnings he was enabled to purchase said farm. Margaret Kennedy, who is now asking for relief, is the widow and sole executrix of John Kennedy, aged about sixty-four years, and the mother of ten children. The claim has never been acted on by either House.

It appears by the papers on file that in the years 1862–'63 the military forces of the United States took possession of this land and constructed thereon the fortification known as Fort Sedgwick. The property consisted of over 26 acres, as before stated, on which stood about 12 acres of oak, chestnut, pine, and other timber, and two hundred fruit-bearing trees of apple, peach, pear, and cherry, and was inclosed by a post-and-rail fence. By the construction of the fort and digging of trenches, sewers, and rifle-pits, about 20 acres of the land was practically destroyed. A part of the standing timber was used in building the fort, and the remainder, together with the fruit trees and the fence, was used by the troops for fire-wood. It is also shown that afterwards the timber was torn from the fort and sold to one Lacy by the Government.

The occupation of and injury to the farm of the claimant, and the erection of a fort thereon, were the unavoidable results of military operations in the face of the enemy, and for which no compensation can be made. Wood used for fuel by the Army, whether forest timber, fruit trees, or fences, may be classed under the head of quartermaster stores, and the claimant having been a loyal citizen is entitled to compensation therefor. The timber which was cut from the farm and used in the construction of the fort was the property of the owner of the farm after the war was over and the fort abandoned. If the Government sold or disposed of such timber, the claimant is entitled to compensation for the value thereof.

Your committee report herewith an amendment in the nature of a substitute for the bill referred to them, and recommend its passage.

Mr. HENDERSON, of Illinois. I observed toward the close of the report this language:

If the Government sold or disposed of such timber, the claimant is entitled to compensation for the value thereof.

I assent to that proposition, if it is proved that the property was taken.

Mr. STONE, of Kentucky. I think that is the true situation.

Mr. HENDERSON, of Illinois. This bill ought not to pass without proper consideration.

The CHAIRMAN. Does the gentleman object?

Mr. HENDERSON, of Illinois. I object, unless some explanation be made.

Mr. LANHAM. There is not time now for discussion on this bill. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HERBERT reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 1078) for the relief of Florida Kennerly;

A bill (S. 2356) to provide a pension for Mrs. Adeline Couzins; and

A bill (S. 3539) to amend an act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State.

ORDER OF BUSINESS.

Mr. LANHAM. I call for the regular order, and ask that the bills just reported favorably from the Committee of the Whole House may be put on their passage.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5094) for the relief of Henry H. Epping and Alexander N. Brannan, administrators of S. H. Hill;

A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;

A bill (H. R. 10100) for the relief of Charles F. Campbell;

A bill (H. R. 1152) for the relief of the legal representatives of Eliza M. Ferris;

A bill (H. R. 157) correcting the military history of Robert McNutt;

A bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry;

A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy;

A bill (H. R. 6560) for the relief of the trustees of the Catholic Church at Dalton, Ga.;

A bill (H. R. 5248) for the relief of the American Grocer Association of the city of New York;

A bill (H. R. 2875) for the relief of Louisa H. Hasell;

A bill (H. R. 6012) for the relief of A. P. Swineford;

A bill (H. R. 3453) for the relief of George O. Donnell;

A bill (H. R. 2688) for the relief of Alfred Breuer;

A bill (H. R. 2267) to pay Thompson McKinley $375 for service voucher issued to him during the late war by Capt. George W. Harrison, assistant quartermaster United States Army;

A bill (H. R. 2598) for the relief of William Whitehouse;

A bill (H. R. 148) for the relief of Isaac H. Wheat;

A bill (H. R. 861) for the relief of Joseph Diehl; and
A bill (H. R. 10659) for the relief of Elizabeth C. Cole.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4658) for the relief of Henry Gumberts, sr.;
A bill (H. R. 3471) for the relief of the First Baptist Church of Cartersville, Ga.; and
A bill (H. R. 393) to provide for the payment of the claim of Capt. Robert McIntosh.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 2411) for the relief of C. A. Williams and others;
A bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor, of Joseph H. Maddox, deceased;
A bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States and to pay said Willbur such sum of money as may be found due him thereon;
A bill (S. 145) for the relief of Edward Braden and Job W. Angus;
A bill (S. 937) for the relief of David L. Brainard and others; and
A bill (S. 1582) for the relief of the estate of Lucien Goyaux.

The bill (H. R. 3192) for the relief of David L. Brainard and others, and the bill (H. R. 3716) for the relief of the estate of Lucien Goyaux, were laid on the table, Senate bills of similar titles and substance having been passed.

Mr. LANHAM. I move to reconsider the votes by which these various bills, reported from the Committee of the Whole House, have been passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. O'NEILL, of Pennsylvania. I send to the desk the bill (S. 2346) granting increase of pension to Jennie Hart Mullany. I ask that this bill be now taken up and passed. I believe it was understood that when we had acted on these other bills I should be permitted to present this bill for consideration. It will take but a moment.

The bill was read.

Mr. HOLMAN. Let the report be read.

Mr. ABBOTT. I call for the regular order.

The SPEAKER *pro tempore*. The Clerk will read from the Calendar the title of the bill which is now in order.

The Clerk read as follows:

A bill (H. R. 4257) for the relief of Hannah J. Jones, executrix.

Mr. HOLMAN. I move that the House now take its recess.

Mr. WEAVER. I hope the gentleman will withhold that motion.

Mr. HOLMAN. Very well; I withdraw it.

Mr. PEEL. I ask unanimous consent that House Report No. 3210 be reprinted, with some appendices.

Mr. ABBOTT. I demand the regular order and insist on it.

Mr. BRECKINRIDGE, of Kentucky. I rise to a question which I think is a question of privilege, and I wish to submit whether it is such. I send to the Clerk's desk a motion to amend the rules of the House.

Mr. KERR. Mr. Speaker, I also wish to introduce a motion to amend the rules.

Mr. ABBOTT. I renew the motion to take a recess until 8 o'clock this evening.

The SPEAKER *pro tempore*. That motion takes precedence.

The motion was agreed to—ayes 20, noes 15.

The SPEAKER *pro tempore*. Before announcing the recess, the Chair will designate the gentleman from Illinois [Mr. TOWNSHEND] to preside as Speaker *pro tempore* at the session of the House this evening.

The House then (at 4 o'clock and 50 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

The House was called to order by Mr. TOWNSHEND as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. CHIPMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

The SPEAKER *pro tempore*. The gentleman will please withhold that motion for a moment in order that the House may receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GILFRY, one of its clerks, informed the House that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, further insisted on its amendment numbered 110 to said bill disagreed to by the House of Representatives, asked a further conference on the disagreeing votes of the two Houses, and had appointed as managers of the conference on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. COCKRELL.

ORDER OF BUSINESS.

Mr. CHIPMAN. I ask unanimous consent that the order of proceeding this evening be the same that was observed on last Friday evening and at previous Friday evening sessions, and that the call of the roll be resumed at the point where it ended last Friday evening.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. Does the gentleman move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order?

Mr. CHIPMAN. Yes, sir, I make that motion.

Mr. YODER. Mr. Speaker, before the motion is put I ask the gentleman to give way for a moment in order that I may call up an unfinished bill and have it considered, if I can get unanimous consent.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I shall have to balance that request by making a similar one. There was a bill of mine left unfinished when the House took a recess at 5 o'clock this afternoon, and I have come up this evening for the express purpose of endeavoring to get it disposed of.

The SPEAKER *pro tempore*. Is it a pension bill?

Mr. O'NEILL, of Pennsylvania. It is a pension bill—an increase-of-pension bill. I may as well state that frankly.

The SPEAKER *pro tempore*. Is there objection to the requests of the gentleman from Ohio and the gentleman from Pennsylvania?

Mr. CHEADLE. I object.

Mr. O'NEILL, of Pennsylvania. Even if the gentleman objects to mine, I beg him not to object to the bill of the gentleman from Ohio [Mr. YODER], which probably is not an increase-of-pension bill. I am used to having my bills of this character objected to, so it does not come so hard on me. [Laughter.]

Mr. YODER. I want to say to the gentleman from Indiana that this is a bill which I have called up at three different evening sessions and have lost my place every time on account of it. It has been considered by the committee and is now in the House, and I believe that my friend [Mr. CHEADLE] will consent that I may now call it up for consideration.

Mr. CHEADLE. I stated to the gentleman from Ohio that in case his bill was called up, and also another one which I understood was to be called up this evening, I would not object to either of them, nor shall I; but at the same time I think these special bills had better wait till the committee rises.

Mr. YODER. I will say to my friend from Indiana that I have waited in that way twice, and my bill has not been reached because there has not been time after the rising of the committee. I am going away, and this will be my last opportunity of getting this bill disposed of. I ask my friend as a matter of courtesy to let it be considered now, and I will take it as a great favor if he will not object.

Mr. CHEADLE. The gentleman from Ohio knows full well the other bill that I have referred to. The gentleman who was to call it up [Mr. MCKINNEY] is now in the House, and I understood that both of these bills were to be called up.

The SPEAKER *pro tempore*. Is the Chair to understand that the gentleman from Indiana objects to the request of the gentleman from Ohio?

Mr. CHEADLE. I must object unless the other bill is called up also. The gentleman from New Hampshire [Mr. MCKINNEY] is to call it up, as I understand.

The SPEAKER *pro tempore*. Objection is made, and the pending question is on the motion of the gentleman from Michigan [Mr. CHIPMAN] that the House resolve itself into Committee of the Whole for the consideration of pension bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARUTH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills under the special order.

Mr. TOWNSHEND. At the last Friday evening session when my name was called I was unfortunately absent, and I now ask unanimous consent that the bill which I intended to call up had I been present at that time may be considered before the regular call of the roll is proceeded with. It is a bill for the relief of the widow of a soldier.

Mr. MORRILL. I think we had better have the regular order.

The CHAIRMAN. The gentleman from Kansas demands the regular order.

Mr. MORRILL. We went through with the whole roll up to the point where the call stopped.

Mr. TOWNSHEND. I know; but I was not present when my name was called.

Mr. MORRILL. Well, if we yield in this case we shall have to yield in others, and I think I must insist on the regular order.

Mr. TOWNSHEND. I do not think the gentleman will object to my request when I make a brief statement. At the call of the roll last Friday night I was absent from the city. This is a bill for the relief of a widow lady. It has been favorably reported from the committee, and if the demand for the regular order is now insisted upon the bill will probably not be reached this session, because I do not expect to be present at next Friday evening's session.

Mr. MORRILL. Well, I will not object to it, because I wish to do everything I can for the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. TOWNSHEND]?

There was no objection.

Mr. TOWNSHEND. I call up bill (H. R. 724) for the relief of Louisa McLain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa McLain, dependent mother of John S. McLain, as stated in application numbered 260142 in the Pension Office.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 724) granting a pension to Louisa McLain, dependent mother of John S. McLain, have carefully examined the same, and beg leave to submit the following report:

That the soldier enlisted June 25, 1861, was mustered into rank July 9, 1861, and was discharged July 14, 1862. The cause of his discharge was chronic diarrhea.

Dr. L. Burdick testifies as follows:

"I treated John S. McLain about the 1st of March, 1863; I treated him eight days for chronic diarrhea, which disease he contracted while in the Army; his bowels were badly ulcerated. At the time he had a cough and a bad cold, which brought on pneumonia and its complications and caused his death."

Dr. Steven D. Ensmynger testifies:

"That he has been a practitioner of medicine in Gallatin County, Illinois, for thirty years, and has known George C. McLain, husband of the claimant, for twenty-five years; that he made a special examination of his right arm, shoulder, and right foot; that his right arm has been wasted away by a carbuncle and abscess; that three bones of his right foot have been cut in two with an ax, and that he has been for a long time incapable of performing manual labor."

Other affidavits filed in this case offer strong evidence that the claimant was largely dependent upon her son for her support.

Your committee therefore conclude from the evidence that the claimant is entitled to a pension, and respectfully recommend the passage of this bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. KEAN. I ask unanimous consent to be permitted, like the gentleman from Illinois [Mr. TOWNSHEND], to call up a bill.

Mr. CARLTON. I object.

SARAH A. WOODERIDGE.

Mr. BOOTHMAN called up the bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Woodbridge, widow of Anson L. Brewer, major and paymaster United States Army, her pension having been suspended by reason of her remarriage.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge, having considered the same, report as follows:

We adopt and make part hereof the report of the Senate committee, and recommend the passage of the bill.

The Senate report is as follows:

[Senate Report No. 2091, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3276) granting a pension to Sarah A. Woodbridge, widow of Anson L. Brewer, late major and paymaster in United States Army, have examined the same, and report:

The object of this bill is to restore the claimant to the pension-roll. She was formerly a pensioner of the United States on account of the death of her husband above named, who lost his life in a steam-boat explosion on the Mississippi the 3d of March, 1866, while traveling in the line of his duty as paymaster. Her son, Robert F. Brewer, was killed at the same time while in the line of duty in the same service. Another son, Capt. Charles Brewer, was killed in battle at Dallas, Ga., on the 28th day of March, 1864.

Shortly after the war the claimant remarried one Dr. Timothy Woodbridge, whereupon her pension ceased. This case was once before considered by this committee and was reported adversely, upon the ground that the facts alleged in support of her restoration to the pension-roll were not verified. The report was adopted by the Senate, and the bill indefinitely postponed July 24, 1888; but since that time the claimant has filed for the consideration of said committee a new application and new evidence, all verified under oath, stating the facts of her present condition.

The action of the Senate above spoken of has been reconsidered and the bill has been again referred to this committee.

From the affidavits of J. H. Wallace and Thomas W. Sanderson, as well as from her own sworn application, it appears that the second husband of the claimant, the said Dr. Woodbridge, is about seventy-eight years old, quite infirm, and almost blind, has no means of supporting his said wife, the claimant, and has contributed nothing toward her support for the last four years, and has, in fact, abandoned her.

The claimant herself is quite old and infirm; for the last two years she has been unable to do anything toward her own support and maintenance; is consequently dependent to some extent upon the aid of others.

Her condition is not likely to improve, rather apt to become worse. Her income from her little property inherited from her mother is not sufficient to afford her a maintenance.

The committee, therefore, under these circumstances, recommend her restoration to the roll and the passage of the bill herewith reported for that purpose.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MADISON M. MEREDITH.

Mr. BOUND called up the bill (S. 1591) granting an increase of pension to Madison M. Meredith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Madison M. Meredith, late captain of Company D, One hundred and third Regiment Pennsylvania Volunteers, and pay him a pension of $20 per month, in lieu of the amount he is now receiving.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1591) granting an increase of pension to Madison M. Meredith, have had the same under consideration and beg leave to report:

Claimant was mustered in November 13, 1861, as first lieutenant of Company D, One hundred and third Pennsylvania Volunteer Infantry, commissioned as captain April 10, 1862, and honorably discharged for disability July 12, 1862.

He filed his declaration March 8, 1882, alleging that before Yorktown, Va., about March or April, 1862, he contracted chronic diarrhea and rheumatism and fistula.

He was granted a pension, to date from March 8, 1882, at $8.50 per month, with rank of first lieutenant, for chronic rheumatism.

Upon application of claimant his rating was corrected and his pension increased to $10, as of the rank of captain. The claim for pension for fistula was rejected, the Pension Office deciding that claimant had not conclusively proven the existence of the disability since the war.

The papers on file in the Bureau of Pensions make the following exhibit:

First, that claimant was strong and healthy before his enlistment.

Second, that claimant contracted hemorrhoids or fistula while in the service and line of duty. The certificate of the regimental surgeon, upon which claimant was discharged July 12, 1862, was as follows: "I certify that I have carefully examined the above-mentioned officer, and find him suffering with chronic rheumatism and hemorrhoids, and that he is unable to perform the duties required of him, and has been since the 10th of May, 1862, and in my opinion ever will be."

Third, that claimant was still suffering from fistula May 6, 1885, when examined by the medical examining board. The board reports: "There is a blind internal fistula (internal opening 1 inch from anal margin) on right side, which applicant thinks resulted from diarrhea."

This board, as a result of this examination, rated claimant one-half of total for rheumatism and one-half of total for fistula.

Claimant was unable to conclusively prove the continuance of fistula from the date of the regimental surgeon's certificate (upon which claimant was discharged) until the medical board's examination, May 6, 1885, chiefly owing to the death of the physician who attended him after his discharge. But from all the evidence in the case your committee are of the opinion that the disability now existing is a continuation of that contracted in the spring of 1862, and that this bill simply gives the claimant the total pension to which he was entitled under the finding of the board of medical examiners, and under the evidence on file in the Bureau of Pensions. They therefore report the bill with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JAMES R. DURHAM.

Mr. JOHN R. BROWN called up the bill (S. 2675) granting an increase of pension to Lieut. James R. Durham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $30 per month, subject to the provisions and limitations of the pension laws, the name of James R. Durham, late first lieutenant Company E, Twelfth Regiment West Virginia Infantry Volunteers, this act to take effect from its passage, and the pension hereby granted to be in lieu of that which he is now receiving.

The report (by Mr. LANE) was read, as follows:

The committee beg leave to report that they have considered this case and adopt the report of the Senate committee made in this case as the report of this committee, and recommend that the bill do pass.

[Senate Report No. 1420, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2675) granting a pension to Lieut. James R. Durham, have had the same under consideration and respectfully report:

The claimant was mustered into service as second lieutenant of Company E, Twelfth Regiment West Virginia Infantry, on August 20, 1862; he was commissioned as first lieutenant on the 9th of July, 1863, to rank from the 7th of March, 1863; he was wounded at the battle of Winchester, Va., on the 14th of June, 1863; mustered out of the service June 16, 1865; applied for a pension July 22, 1865, for a gunshot wound in the right hand; was pensioned December 2, 1865, at $15 per month, and on June 6, 1866, was given the pension of his rank, $17 per month, which he now receives. He has made several applications for an increase of pension, but in each instance the claim has been rejected on the ground that "there is not total disability of the hand, and that is all the law contemplates." He has always been rated for said wound as totally disabled by every examining board, otherwise he could not have drawn a pension of $17 per month. He now asks that he be pensioned at the same rate as is allowed by law for the loss of a hand, to wit, $30 per month.

The committee have personally examined the wound of the claimant, and find that the ball entered the back of the right hand, passing through the bones and muscles of the wrist, and coming out on the inside of the arm, taking off the third finger. The committee find that by reason of the said wound it is impossible for the claimant to work the wrist or to close the thumb or three fingers of the wounded hand; that the claimant is unable to hold a pen, knife, or fork by reason of the wound in the right hand; that on a careful examination they can see no use that the claimant can make of said hand for any purpose.

The question therefore presented to the committee is not whether, technically, the Pension Bureau is not right in denying to the claimant a pension for the loss of a hand, but whether the claimant has not brought himself clearly within the spirit of the law which gives a pension of $30 a month for the loss of a hand. After a personal examination, the committee are of opinion that the

claimant should be granted a pension at the rate of $30 per month, as they are satisfied it is equivalent to the total loss of the use of his right hand.

Senate bill 2675 is therefore reported favorably, with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

IRENE RUCKER SHERIDAN.

Mr. BINGHAM. Mr. Chairman, I came in immediately after the call of my name; I ask to be allowed to call up a bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BINGHAM. I call up for consideration the bill (H. R. 11113) granting a pension to Irene Rucker Sheridan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Irene Rucker Sheridan, widow of the late Philip H. Sheridan, General of the United States Army, and to pay her a pension, from the passage of this act, at the rate of $5,000 per annum.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11113) granting a pension to Irene Rucker Sheridan, submit the following report:

The military history of General Philip H. Sheridan is so familiar to the people of the United States that any recital of it by your committee is entirely unnecessary. His name is a household word throughout the land.

Your committee recommend the passage of the bill, with an amendment striking out the words "five thousand" in lines 8 and 9 and inserting "thirty-five hundred."

The CHAIRMAN. Is there objection?

Mr. KILGORE. Yes, I make objection.

Mr. CHEADLE. I object.

The CHAIRMAN. The question will be submitted to the committee as to whether the bill shall be laid aside to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 26, noes 5.

Mr. CHEADLE. No quorum has voted.

Mr. CHIPMAN. I hope that bill will be passed over to-night. It will only spoil the evening, as there are sure to be one or two objections to it.

Mr. CHEADLE. I shall insist on the point of no quorum. I stated the other evening that I was perfectly willing for this bill to be considered, provided it should be taken over into a full House and reasonable time given for debate.

Mr. O'NEILL, of Pennsylvania. Why, you can not get a full House during this session.

Mr. CHEADLE. I shall oppose all action by this House in violation of the law of the land. [Cries of "Regular order!"]

Mr. O'NEILL, of Pennsylvania. The gentleman should allow some arrangement to be made by which these bills can be acted upon and disposed of.

Mr. CHEADLE. I object.

Mr. MORRILL. I ask that this bill be passed over for the present, to be considered on the third Wednesday in December next.

Mr. BINGHAM. Oh, no; let it be considered to-morrow.

Mr. CHEADLE. I object to its going over.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] and the gentleman from Indiana [Mr. CHEADLE] will take their positions as tellers.

Mr. BINGHAM. Will the gentleman accede to this proposition?

Mr. CHEADLE. What is it?

Mr. BINGHAM. That the previous question be considered as ordered, and that fifteen minutes be allowed on each side for debate.

Mr. CHEADLE. I will not consent to it. I will object to the consideration of this bill and every other bill that tramples under foot the fundamental principle of our law. [Cries of "Regular order!"]

Mr. BINGHAM. No speech. [Cries of "Regular order!"]

Mr. CHEADLE. I will object. I will not withdraw the point of no quorum. Settle the question here and now. [Cries of "Regular order!" and great confusion.]

Mr. BINGHAM. I am willing to reach an agreement with the gentleman from Indiana if I can.

Mr. CHEADLE. You can not reach any other agreement with me than the one I submitted the other evening when this bill was called up twice in the same evening session. [Cries of "Regular order!"]

Mr. BINGHAM. What was that?

Mr. CHEADLE. That it go over to a full House.

Mr. BINGHAM. I do not object to that.

Mr. CHEADLE. And a reasonable time be given for debate.

Mr. BINGHAM. That I concede.

Mr. CHEADLE. Not less than six hours.

Mr. BINGHAM. Heaven and earth! [Laughter and applause.]

Mr. CHEADLE. No, sir; not less than six hours of debate. [Cries of "Regular order!"]

Mr. TOWNSHEND. I ask the gentleman from Indiana to consent that this shall go over to a full House, and that he will designate a day during this session when the bill shall be acted on. [Cries of "Regular order!"]

Mr. CHEADLE. No, sir, I will name no day during this session. [Cries of "Regular order!"] I want to say to those men who are rushing into the arena here in this House to obtain large pensions for the select few, that the whole session has passed over without giving a moment's consideration to take out of the almshouses over 40,000 of my comrades. [Cries of "Regular order!"] No day can be given to them for their bills. [Cries of "Regular order!" and confusion.] I stand here [cries of "Regular order!"] and will make the point of no quorum. Whenever they attempt to violate those fundamental principles I shall not consent to it. They shall not do it, so far as I am concerned, except by a constitutional quorum of the House. [Cries of "Regular order!"] I can neither be frightened nor deterred from my purpose. [Great confusion.]

Mr. TOWNSHEND. Mr. Chairman, the bill under consideration grants a pension to the widow of one of the most enterprising and greatest commanders of the Union Army during the late war. I do most earnestly beg him to allow this bill to be considered and disposed of to-night, that the widow and children of that great Union soldier may have just and liberal allowance from the Government he did so much to save, in order that they may be saved from poverty and want. In view of the valuable services rendered by General Sheridan, I beg that no member of this House will oppose any obstruction to the passage of this bill.

Mr. BINGHAM. I am desirous of reaching a conclusion with the gentleman who antagonizes this legislation, and I will make no speech in submitting my proposition.

The CHAIRMAN. But the regular order is demanded.

Mr. BINGHAM. That is the consideration of this bill.

Mr. CHEADLE. The regular order is the point that no quorum has voted.

The CHAIRMAN. The regular order is a division on the vote by tellers. Will the gentleman from Pennsylvania act as one of the tellers?

Mr. BINGHAM. I will withdraw the bill and let it resume its place on the Calendar.

Mr. CHEADLE. I object to its withdrawal.

Mr. HUNTER. Regular order.

Mr. BINGHAM. I will withdraw the bill, and let the call go on.

Mr. CHEADLE. I object. The gentleman has no right to withdraw it when the committee is dividing.

Mr. FARQUHAR. You can not object; he has the right to withdraw it.

The CHAIRMAN. The bill has been read, is before the House for its action, and the committee is dividing upon the question.

Mr. TOWNSHEND. In the interest of the widows and orphans of the maimed and disabled soldiers, who are to-night hoping for some action on their bills, I trust my friend from Indiana will withdraw his objection to this bill, or else permit the gentleman from Pennsylvania to withdraw the bill.

The CHAIRMAN. But the gentleman from Indiana declines to withdraw the objection.

Mr. CHEADLE. Regular order.

Mr. BINGHAM. The gentleman has no right to object to the withdrawal of the bill.

The CHAIRMAN. Does the gentleman from Indiana insist on his objection?

Mr. CHEADLE. I do insist on it, and demand the regular order.

Mr. TOWNSHEND. Then the gentleman stands in the way of every other bill on the Calendar.

Mr. O'NEILL, of Missouri. I move that the bill in regard to the widow of General Sheridan be laid aside, not to lose its place on the Calendar. That motion is in order.

The CHAIRMAN. The House is now dividing, and no motion is in order pending the division, except by unanimous consent.

Mr. CHEADLE. Unanimous consent will not be given.

Mr. MORRILL. But the motion of the gentleman from Missouri is in order.

Mr. CRAIN. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. TOWNSHEND having taken the chair as Speaker *pro tempore*, Mr. STONE, of Missouri, reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

BILLS PASSED.

The bill (H. R. 724) for the relief of Louisa McLain, reported from the Committee of the Whole without amendment, was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Senate bills of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading, and being read the third time were passed, namely:

A bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge;

A bill (S. 1591) granting an increase of pension to Madison M. Meredith; and

A bill (S. 2675) granting an increase of pension to Lieut. James R. Durham.

The SPEAKER *pro tempore*. Without objection, the motion to reconsider the several votes just taken will be considered as having been made and laid on the table.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the House resolve itself into Committee of the Whole House to further consider the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARUTH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of business under the special order. The Clerk will call the roll in the order heretofore agreed upon.

The name of Mr. BROWNE, of Indiana, was called.

Mr. CHEADLE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHEADLE. The Committee of the Whole had under consideration when it rose a bill upon which a vote had been taken, and a point of order that no quorum was present was made and insisted upon. On motion the committee then rose, pending action on that bill. I want to know what is the status of the bill? What has been done with it?

Mr. BINGHAM. I withdrew that bill and asked that it might retain its place on the Calendar.

Mr. CHEADLE. To which request I had objected and did not withdraw the objection.

Mr. FARQUHAR. I rise to a parliamentary inquiry. I would like to know by what authority any one in Committee of the Whole or in the House can be deprived of the right to withdraw a proposition before the previous question is ordered upon it?

The CHAIRMAN. The present occupant of the chair understood that the bill presented by the gentleman from Pennsylvania [Mr. BINGHAM] had been withdrawn. Pending a vote upon that it was withdrawn and the committee rose. A motion was then made by the gentleman from Michigan that the House resolve itself into Committee of the Whole for the consideration of the special order, which was adopted. The Chair directed the Clerk to call the next name on the roll, which the Clerk did. Under Rule XVI, clause 2, a motion may be withdrawn at any time before a decision or amendment.

The Clerk will continue the call.

MILTON WALLEN.

Mr. BUNNELL. I ask the present consideration of the bill (H. R. 10032) granting a pension to Milton Wallen.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Milton Wallen, of Clinton County, Kentucky, who was a member of Captain Brooks's company of Kentucky State troops, and grant him a pension at the rate given other soldiers similarly disabled.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10032) granting a pension to Milton Wallen, have examined the same, and make the following report:

It appears from the evidence before your committee that claimant was, in July, 1861, duly enrolled as a private in Capt. J. W. Brooks's company of Kentucky Home Guards, in Clinton County, Kentucky. That while serving in that capacity said organization had an engagement with the Confederate forces at Rowena, Russell County, Kentucky, in May, 1862, in which he was captured and taken to a rebel prison. That while standing at the window of his prison in Richmond, Va., he was, on the 5th day of July, 1862, shot at by one of the guards and wounded in his right arm, which necessitated amputation of that limb near the shoulder. That soon after this operation was performed he was exchanged and sent to Annapolis, Md., where he remained under treatment in general hospital until December, 1862, when he was sent to his home in Clinton County, Kentucky, where he has since resided.

Claimant makes a statement under oath, which is made part of this report, and is as follows:

"STATE OF KENTUCKY, *County of Clinton, ss:*

"On this 12th day of July, 1888, personally appeared before me, a deputy clerk of the Clinton County court, Milton Wallen, personally known to me and whom I believe to be responsible and entitled to credit, and who upon oath states that his age is sixty-seven years; that his residence is in said county and State—post-office address, Cumberland City; that in July, 1861, he was enrolled in Capt. J. W. S. Brooks's company of Kentucky Home Guards, which was subsequently furnished with arms and ammunition by the United States Government, and acted in concert with regular organized forces of the United States; that while serving as a member of said organization he was captured at Rowena, Russell County, Kentucky, on or about the — day of May, 1862, by Confederate troops, and taken as a prisonor of war to Atlanta, Ga., where he remained a short while, and thence to Richmond, Va., where he was put in a prison, which he believes was called "Castle Thunder;" that on or about the 5th day of July of the same year, while standing at a window of his prison, he was shot at and wounded in the right arm by a party to him unknown, but supposed it was done by one of the guards of the prison; that his arm in consequence was amputated or cut off about midway between the elbow and shoulder joints; that in a few days after this occurrence he was exchanged, and sent to Annapolis, Md., where he remained under treatment for his wound in a Government hospital until some time in December, 1862, when he was sent to his home; that since his return he has resided in the counties of Russell and Clinton, State of Kentucky. * * *

"MILTON WALLEN.

"Witness:
"L. E. BOWLEN."

The affidavits of John C. Guffey, a gentleman of high standing and a resident of Cumberland City, Clinton County, Kentucky, who was a member of claimant's company, is also furnished and is as follows:

"Also personally appeared John C. Guffey, aged fifty-four years, personally known to me to be a resident of said county and State, and who, after being duly sworn, deposes and states that he has known the said Milton Wallen for at least thirty years; that he has personal knowledge of the fact that he was a member of said company, as he (affiant) was a member thereof and knows that the said Wallen's right arm was all right, so far as he could see, prior to his capture; that he has no interest in any claim that the said Wallen may have in consequence of the loss of his arm, and that his post-office address is Cumberland City, in said county and State.

"JOHN C. GUFFEY.

"Subscribed and sworn to before me on the day and date above mentioned by said affiants, and I certify that they were made acquainted with the contents of their respective affidavits before signing.

"Witness my hand and seal of office this 12th day of July, 1888.

"[SEAL.] C. B. PARRIGIN, *Clerk*,
"By THOMAS RIDLER, *Deputy Clerk*."

In view of the foregoing, your committee believe this to be a meritorious claim, and report back the bill with a favorable recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES W. GEDDES.

Mr. CARLTON. I ask consideration of the bill (H. R. 9791) for the relief of Charles W. Geddes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to include the name of Charles W. Geddes, late assistant engineer United States Navy, among those who served in the Mexican war, and to issue to said Charles W. Geddes, under the provisions and limitations of law, a land-warrant for his services as assistant engineer on the United States steamer General Taylor during the war.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9791) granting a land-warrant to Charles W. Geddes for his services during the Mexican war, have considered the same and report as *follows:*

The claimant was an officer in the Navy from 1847 to 1855. He was warranted as third assistant engineer November 15, 1847; as second assistant engineer January 11, 1849; as first assistant engineer to rank from February 26, 1851.

Shortly after his first appointment he was ordered on board the United States steamer General Taylor, then stationed at Pensacola, Fla., to which vessel he was attached for a period of seven months, while it was employed in transporting seamen, etc., from New Orleans, where they were enlisted, to Pensacola, to serve on board vessels composing the Gulf Squadron, then co-operating with the land forces in the war with Mexico.

The Secretary of the Navy states that the General Taylor is not considered by the Navy Department as having been engaged in the prosecution of the war with Mexico at the time claimant served thereon.

The claimant applied to the Pension Bureau, under the act of March 3, 1855 (sections 2425 and 2426, Revised Statutes), for the allowance of a land-warrant, but his claim was rejected upon the opinion of the Secretary of the Navy already referred to, that the General Taylor had not served in that war.

The action of rejection was affirmed by the Secretary of the Interior, on appeal.

The fourth clause of section 2426, Revised Statutes, includes as beneficiaries—

"Wagon-masters and teamsters who have been employed under the direction of competent authority in time of war, in the transportation of military stores and supplies."

It seems but just that officers who were transporting recruits should be placed at least on an equality with civil employés employed in transporting supplies.

The Treasury Department has allowed Mr. Geddes three months' extra pay under the act of February 19, 1879 (United States Statutes at Large, volume 20, page 316), and thereby recognized him as engaged in the prosecution of the war.

Your committee are of the opinion that the bill should pass.

The CHAIRMAN (Mr. STONE, of Missouri). The Chair is under the impression that this bill does not come within the special order.

Mr. CARLTON. The bill was referred to the Committee on Pensions and was reported by that committee, of which I am a member.

The CHAIRMAN. The Chair will ask the Clerk to read the special order under which the House is acting.

The Clerk read as follows:

Resolved, That, until further ordered, on each Friday at 5 o'clock p. m. the House shall take a recess until 7.30 p. m., and after the 15th day of April next until 8 p. m., at which evening sessions bills on the Private Calendar granting pensions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills on the Private Calendar reported from the Committee on the Judiciary removing political disabilities, shall be considered, and no other business shall be transacted at such evening sessions, and the House shall adjourn on each of said evenings not later than 10.30 p. m.

The CHAIRMAN. That is the special order, and the only business to be transacted in the Friday evening sessions as provided for are bills relating to pensions and the removal of political disabilities. This bill, though reported from the Committee on Pensions, is in the nature of a claim, and proposes to place the name of Charles W. Geddes "among those who served in the Mexican war," to quote the language of the bill, and to grant him a land warrant.

Mr. CARLTON. If the Chair will permit me, I desire to make a brief statement concerning this case. This claim is brought here by reason of the fact that this party applied to the Pension Office, and owing to some slight technicality in the way the Commissioner of Pensions could not grant the claim, and this bill was introduced. I think the reading of the report will settle the case.

The CHAIRMAN. The Chair is under the impression that this is not in order under the special order, and so decides.

CARTER W. TILLER.

Mr. CARUTH. I ask consideration of the bill (H. R. 3681) granting a pension to Carter W. Tiller.

The bill was read.

Mr. CARUTH. The report is quite lengthy, Mr. Chairman, and I think if I were permitted to make a brief statement it would save the

Clerk and the House would understand the merits of the case just as well or better.

Mr. KILGORE. I am inclined to insist on the reading of the report. If the rule be relaxed in one case it will be urged that it should be relaxed in others.

The CHAIRMAN. The Chair is informed that this bill has been reported to the House from the Committee of the Whole already.

Mr. CARUTH. That is what I understand. We are now considering business by unanimous consent, are we not?

The CHAIRMAN. But the House is in Committee of the Whole.

Mr. CARUTH. I understand we are in Committee of the Whole.

The CHAIRMAN. This bill has been considered by the Committee of the Whole and is unfinished business in the House.

Mr. CARUTH. Then I want it reported back to the House with the recommendation that it do pass.

The CHAIRMAN. It has already been reported to the House.

Mr. CARUTH. Well, then, when the committee rises I shall ask the House to consider the bill.

MARGARET M. MILLER.

Mr. CHEADLE. I ask consideration of the bill (S. 1500) granting a pension to Margaret M. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret M. Miller, of Elgin, Ill., a volunteer army nurse during the war of the rebellion, and pay her during life a pension at the rate of $25 per month from and after the passage of this act.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1150, beg leave to report that they have considered said case and adopt the report of the Senate in this case as their report, and recommend that said bill do pass.

[Senate Report No. 967, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1500) granting a pension to Margaret M. Miller, have carefully examined the same, and report:

The facts bearing upon the right of the claimant, Margaret M. Miller, to be pensioned as a volunteer army nurse during the war of the rebellion have been carefully examined by the committee, who are of the opinion that, under the precedents which Congress has made in the granting of pensions to ladies who volunteered and devoted themselves to the laborious duty of nursing the sick and wounded of the Army during the war, the right of this claimant is clearly made out for such relief by the exhibits hereto appended (see exhibits marked A to H), which exhibits present all of the facts upon which the right of the claimant rests for a pension.

Your committee therefore report Senate bill No. 1500 favorably and recommend that it do pass.

EXHIBIT A.

ELGIN, ILL., *December*, 1887.

To the honorable Committee on Pensions, United States Senate:

I, Margaret M. Miller, as your petitioner, submit the following statement, and ask your generous consideration of it, with the evidence submitted:

I responded to the call of Governor Morton, of Indiana, for helpers in hospital work, the need of the same being at that time very great in the Western armies, February 28, 1863, as a volunteer nurse from Indiana, I being then a resident of Goshen, Ind.

I was assigned to Adams' Black Hospital, Memphis, Tenn., where I served continuously until May 17, 1865; my services no longer required, the sick sent home, and war about over, hospital closed.

"I submit herewith my appointment, vouchers, letter of recommendation received then from Dr. Study, the last surgeon in charge there, with other proofs of service, showing the value and character of the same, and ask full consideration.

I deemed it a privilege to work for the poor sick soldiers, and I have thought I would never apply for pension or pay for services then rendered, as the length of time which has elapsed can prove to you, but circumstances alter cases. I am now over sixty years old, I have no home of my own, and have an invalid friend depending on me; because of this need of the relief, I now ask I may be allowed a pension as a volunteer army nurse, at $25 per month during the remainder of my life, believing, as I do, that my country can now afford, from its surplus millions, to remember both women and men who served her faithfully at a time of peril which none can forget.

With great respect, gentlemen, very truly, yours,

MARGARET M. MILLER,
Late Volunteer Army Nurse.

EXHIBIT B.

OFFICE OF CHICAGO SANITARY COMMISSION,
February 17, 1863.

Miss Margaret Miller has been this day appointed nurse in the military hospitals of the Western Department, by authority delegated to Mrs. A. H. Hoge and Mrs. D. B. Livermore by Miss D. L. Dix, general superintendent of nurses in the military hospitals in the United States.

For D. L. DIX,
MRS. A. H. HOGE,
MRS. D. B. LIVERMORE,
Chicago Sanitary Commission.

Miss Margaret Miller has been detailed to service in the general hospitals at Memphis, Tenn.

N. B.—If the place of service is changed a new certificate will be issued.

EXHIBIT C.

ADAMS GENERAL HOSPITAL,
Memphis, Tenn., May 31, 1865.

Miss Maggie Miller, the bearer of this, has been connected with this hospital for more than two years, during which time she has performed her duties in the most satisfactory manner.

Miss Miller I regard as a lady in every sense of the word, and therefore cheerfully recommend her to the consideration of any whom it may concern should she make application for employmeat again in the capacity of nurse.

J. M. STUDY,
Surgeon in Charge.

EXHIBIT D.

BOURBON, IND., *December* 24, 1887.

This is to certify that I, Samuel France, of Bourbon, Marshall County, and State of Indiana, have known Margaret Miller, formerly of Goshen, Ind., but now of Elgin, Ill., and that her moral standing is above suspicion; and further, that her patriotism and love of her country and Government were so strong that during the struggle for the suppression of the Southern rebellion she volunteered her services and went to the front as a nurse in the hospitals, where day after day and night after night she might be found taking care of suffering soldiers; weary and tired though she may have been, yet she was always ready and willing to encourage and cheer up the suffering and despondent and soothe the pillow of the dying soldier.

Month after month and year after year she devoted her services to her country from the last of February, 1863, to the best of my knowledge and belief, until May 27, 1865.

And I further certify that I have no pecuniary interest in any claim she has, or may have, against the Government of the United States.

SAMUEL FRANCE,
Late Surgeon of the One hundredth Indiana Volunteer Infantry.

STATE OF INDIANA, *County of Marshall, ss:*

Before me, Jesse D. Chaplin, a notary public in and for Marshall County, State of Indiana, on this 24th day of December, 1887, came Samuel France, to me well known, and having signed, was by me sworn to the above and foregoing affidavit, the same being in the handwriting of said Samuel France, the affiant. I have no interest whatever in the matter in relation to which this affidavit is made, and a certificate of my official character has been filed in the Pension Office at Washington City, D. C.

Witness my hand and notarial seal this 24th day of December, 1887.

[SEAL.] JESSE D. CHAPLIN,
Notary Public.

EXHIBIT E.

STATE OF INDIANA, *Warren County, ss:*

Before me, Merrill Moores, a notary public in and for said county, duly commissioned and qualified to administer oaths, personally appeared George O. Jobes and, under oath, made the following statement, to wit: I reside at No. 417 Indiana avenue, Indianapolis, in the county and State above named, and have resided there for about twelve years past, and previously thereto I resided in Randolph County in the same State. I am a physician, and until my removal to this city was engaged in the practice of medicine.

By appointment of Governor O. P. Morton, I served as State military agent for the State of Indiana from August, 1862, until August, 1865, and as such was in charge of the local office at Memphis, Tenn., from March, 1863, until the close of my term of service.

Part of my duties as State military agent were to receive nurses sent out by the State, procure their assignment to duty, supervise their services, and in all proper ways to promote their efficiency and personal welfare.

In the discharge of these duties I became acquainted with Margaret M. Miller, then a resident of Goshen, Ind., but now of Elgin, Ill., whom I found already on duty as a nurse at Adams Hospital, and who remained there until its close in May, 1865. During all this time I visited the Adams Hospital frequently, and I know that I express the opinion of all who knew her, from superintendent down, when I say that she was one of the most useful nurses in the hospital.

GEO. O. JOBES.

Subscribed and sworn to before me this 3d day of January, 1888. Witness my hand and notarial seal.

[SEAL.] MERRILL MOORES.

EXHIBIT F.

[Salem Bank, established 1854.]

GOSHEN, IND., *December* 29, 1887.

To the Committee on Pensions, Washington, D. C.,
United States Senate, or whom else it may concern:

I take pleasure in stating that before, during the war of the rebellion, and for years thereafter Miss Margaret Miller resided in Goshen, Ind., where also I was then and am now a resident. That I know quite well that she, with two other ladies of this place, patriotically responded to the call for female nurses to attend to and minister to the sick and wounded soldiers. She and those other ladies went from our town to the hospitals near the front in February, 1863, and were on duty as nurses until some time in May, 1865, except Miss Powell, one of the three, who, I think, died in Memphis in said service.

No soldier who shouldered a gun, performed long marches, endured heat, thirst, rain, and marched into the face of battle did for the country a more patriotic or valorous service than did these three ladies of our town, of whom Miss Margarent Miller, now of Elgin, Ill., was one; and she deserves a pension. If the law does not reach far enough to include her claim, it should do so.

I further certify that I am in no way related by blood or affinity to said Miss Miller, and have no interest in her claim, other than to show her meritorious claim.

I further state, Miss Miller during all the many years of her residence in Goshen established and maintained an unblemished life of virtue, her good name being known and acknowledged by all persons of our town. In support of all these statements, I refer to General Milo S. Hascall, Col. M. B. Hascall, of Forty-eighth Indiana, William A. Thomas, banker, and Mrs. W. A. Thomas, Dr. M. M. Latta, Capt. Hawks, Dr. Jackson, Rev. H. Vannuys, D. D., and others, for the verity of the statements herein made.

Respectfully,

JNO. W. IRWIN.

EXHIBIT G.

ELGIN, ILL., *December* 20, 1887.

To the honorable Committee on Pensions, United States Senate:

I, David C. Scofield, of this city, do submit the following statement, namely: Miss Margaret M. Miller, who served as army nurse in the hospitals of Memphis, Tenn., and after the war and until 1875 as teacher among the freedmen, when, in failing health, she retired for rest, and who since that time has resided in this city, filling important stations in the moral and religious life, till now, in failing health and without a home of her own, and having passed the age of sixty, very reasonably asks a pension at your hands during her natural life of not less than $25 per month.

Very respectfully, yours,

DAVID C. SCOFIELD.

EXHIBIT H.

ELGIN, KANE COUNTY, ILLINOIS, *December* 30, 1887.

To the honorable Committee on Pensions, United States Senate:

This is to certify that I have been acquainted with Miss M. M. Miller for the past twelve years, and take pleasure in recommending her as a worthy Chris-

tian lady, in every way deserving. She has no means of support aside from her earnings, and is in delicate health, having never been strong and robust since my acquaintance with her.

Very respectfully,

S. K. WHITFORD, M. D.,
36 *Dundee avenue, Elgin, Ill.*

Mr. FELTON. I desire to ask for information if this bill does not carry a pension of $25 a month to a nurse; and I would like some gentleman to inform me what the rate is for a soldier or a soldier's widow.

Mr. CONGER and others. Twelve dollars a month.

Mr. FELTON. I wanted the information, that is all, and I have nothing further to say.

Mr. CHIPMAN. Regular order.

Mr. CHEADLE. I desire to make a brief statement in reference to this case. I am informed by the Committee on Invalid Pensions that they grant pensions to nurses varying from $25 to $12, according to the amount of service performed and the amount of pay the party received from the Government. This is one of the most meritorious cases, and I hope it will be allowed.

Mr. FELTON. I desire to say that I do not want to obstruct the passage of the bill. I only wanted to get the information I asked for so that we might see on what principle we were acting.

Mr. THOMPSON, of Ohio. The rule of the Committee on Invalid Pensions is this: Where a nurse served and received pay and is disabled we grant a pension of $12 a month. Where a nurse served without pay, as many of them did, and became disabled in the service we have allowed $25 per month. That has been the rule of the committee.

Mr. KILGORE. I want to make a suggestion on this bill.

The CHAIRMAN. The gentleman from Texas will be recognized.

Mr. KILGORE. I did not catch the reading of the bill exactly, but my recollection is that it provides a pension for this woman for her natural life. That is not the rule that has heretofore been adopted, and if she should remarry the effect of the bill would be to continue her pension for life.

Mr. FELTON. She may be worse off if she gets married.

Mr. MACDONALD. It depends upon whom she marries.

Mr. KILGORE. If the gentleman will strike out the words "during life," I will not oppose the bill. I will move that as an amendment.

Mr. CHEADLE. I will state that this lady is almost seventy years of age, and there is not any likelihood of her marrying again.

Mr. KILGORE. I never heard of them being too old to get married. [Laughter.]

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

LEAVE TO PRINT.

Mr. OWEN. I have some remarks on the pension question which I would like to have printed in the RECORD without taking up the time of the House.

The CHAIRMAN. If there be no objection, the request of the gentleman from Indiana [Mr. OWEN] will be granted.

There was no objection.

Mr. THOMPSON, of Ohio. I desire to make the same request.

The CHAIRMAN. If there be no objection, the request of the gentleman will be granted.

There was no objection.

MRS. CATHERINE BARBERICK.

Mr. CARLTON. Mr. Chairman, as the bill which I called up has been ruled out by the Chair, I now ask unanimous consent to call up in its stead the bill (H. R. 9252) granting a pension to Mrs. Catherine Baberick.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Mrs. Catherine Baberick, of Watertown, Minn., mother of William Baberick, late of Company E, Fifth Regiment Minnesota Volunteer Infantry (and upon whom she was dependent for support), on the pension-roll, subject to the rules and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9252) granting a pension to Mrs. Catherine Barberick, of Watertown, Minn., having had the same under consideration, submit the following report:

Catherine Barberick is the mother of Killian Barberick, who enlisted February 19, 1862, and died August 2, 1864, of small-pox. Her claim has been rejected by the Pension Bureau on the ground that the fatal disease originated while on veteran furlough.

It appears that the command was furloughed for thirty days, July 2, 1864, because of its re-enlistment as veterans. From the testimony taken by special examiner it is shown that the soldier died of the disease and at the date above given, after an illness of about ten days. This being true, there can hardly be any question as to the correctness of the department in rejecting the mother's claim under the law.

The pension laws do provide pensions for disability incurred while on veteran furlough, but only for such disabilities as were incurred while with the organization. Thus a soldier on veteran furlough is not in pensionable service the moment his command arrives at the place designated as its rendezvous at the expiration of the furlough.

These furloughs were granted as a special inducement to those who had faithfully served two years and whose service the Government desired so much for a longer period than that originally contracted for.

The soldier in question had served more than two years of his original enlistment, went home, and while in the enjoyment of his veteran furlough became exposed to small-pox and died on the very day the same had expired.

There is no question whatever as to claimant's dependence upon the soldier and her needy condition at this time.

The Government, for purposes heretofore stated, having granted furloughs to those who had seen long field service, and by subsequent action having recognized the same, in part, at least, as of pensionable service, your committee are of the opinion that any disability incurred during the entire period of such veteran furlough should be pensionable, unless the same is shown to be due to gross carelessness or improper conduct on the part of the furloughed soldier. Such is not shown in this case, and the committee, being fully satisfied of the dependence of this aged claimant, therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "Baberick" wherever the same may appear in the bill and the title thereof, and inserting therein instead the word "Barberick."

The amendments recommended by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN SWEENEY.

Mr. CHIPMAN. I call up the bill (H. R. 10947) for the relief of John Sweeney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place the name of John Sweeney, late a seaman in the United States Navy, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10947) for the relief of John Sweeney, having examined the same, submit the following report:

John Sweeney was one of four brothers who enlisted in February, 1862, in the Navy and served on the Mississippi and in the Gulf. He remained in service until July, 1864. On April 14, 1886, he was examined by a board of pension examiners at Toledo, Ohio, in which he claimed that about the last of June or beginning of July, 1862, he was injured by falling through a temporary bridge constructed by the Union forces when he was ashore near Vicksburg on picket duty. He claimed the injury was not considered serious at the time, but that about a year later his leg (the right one) broke open back of the place of the injury (the shin) and continued to break out and heal alternately for several months, when it healed. From that time to this he has suffered a great deal of pain, and the limb is very weak, so as to interfere with his work. He is falling into old age: his means of livelihood is manual labor, and what, when he was younger, was a slight inconvenience, is now a serious impediment to his exertions.

The board find that the tibia of right leg was injured; they find the scars of the abscesses occasioned by the breaking out, and that he is disabled by the wound. The claim was rejected for want of testimony; but Sweeney shows that he has made search and that he can not find a single man or officer who served with him on the Wm. Bacon, the mortar-boat he was attached to at the time of the injury. This is not surprising, as the number of men was small, and, being sailors, they are scattered, if, indeed, many of them are alive.

Sweeney is a man of the best reputation, and only seeks this relief because, in his declining years, his injuries begin to assert themselves with greater vigor and to incapacitate him to a greater extent.

We recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY E. SAWYER.

Mr. CLARK. I call up the bill (H. R. 9776) for the relief of Nancy E. Sawyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy E. Sawyer, widow of the late James F. Sawyer, late of Company K, Twenty-first Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9776) for the relief of Nancy E. Sawyer, have had the same under consideration, and beg leave to submit the following report:

Nancy E. Sawyer is the widow of James F. Sawyer, who served as private of Company K, Twenty-first Regiment Wisconsin Volunteers, from March 28, 1864, until July 18, 1865. He received a gunshot wound of neck in action near Savannah, Ga., January 24, 1865. The wound was 3½ inches below the base of the skull, causing severe stiffness of neck and pain in spine, shoulders, arms, and top of head. Soldier applied for pension on account of this wound, but his claim was rejected upon a very superficial examination by a single surgeon, who failed to discover any disability. Subsequently another examination by a board of surgeons was ordered, but the soldier became unable to travel and soon thereafter died.

The widow's claim has been rejected on the ground that the fatal disease is not shown to be a result of the military service.

There are on file in the case a number of affidavits of neighbors and fellow-workmen, showing beyond any reasonable doubt that the wound of neck was of a more serious character than it appeared to the examining surgeon. From their statements it appears that by reason of the disability from the same, soldier was employed at the lightest work; that he constantly complained of the wound, and that he gradually failed in health, until about a year prior to his death he was compelled to abandon work entirely.

Rev. O. W. Babcock testifies to an intimate acquaintance with Sawyer from 1876 to 1880; that during that period his attacks of illness became more frequent year by year, and more severe with each succeeding attack, producing severe pain in his head and neck and down his back, and numbness of the extremities.

Dr. Jonathan Gibbs, late assistant surgeon Forty-ninth Wisconsin Volunteers, testifies that he knew the soldier before his enlistment; was then a strong, healthy man; was much broken down in health at discharge in consequence of a gunshot wound of neck. Soldier suffered very much pain in the locality of the wound, which gradually increased in severity until he became entirely incapacitated for the performance of any manual labor, and at last was confined to his bed and died of enervation and a low form of fever and general prostration, which condition was, in affiant's opinion, induced by the slow but certain influence of the wound of neck.

Dr. R. L. Cook, late surgeon Eleventh Maine Volunteers, testifies that he became acquainted with the soldier in 1869, and was his medical adviser from

that time until his death. That during this entire period soldier was a sufferer from the effects of a gunshot wound of neck; that his sufferings increased from year to year until the constant and severe pain in locality of wound prevented sleep, impaired the nervous system, followed by indigestion, loss of strength, feeble circulation of blood, and finally a typhoid condition, at which time he was obliged to lie in bed on his right side, any other position producing intense pain in head and neck. This constant lying in one position in a short time produced hypostatic hyperæmia, all the tissues of the right side being much congested, particularly the right lung, which condition occurred about sixteen hours before death. The remote and also the immediate cause of the soldier's death was, in affiant's opinion, the wound of neck received in the service of the United States.

Had the soldier had the advantage of a more thorough medical examination the widow undoubtedly could have established her claim upon the evidence on file.

In the opinion of your committee the evidence clearly connects the soldier's death cause with his service, and therefore report favorably on the accompanying bill, and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MICAH FRENCH.

Mr. CONGER. I call up the bill (H. R. 4737) granting a pension to Micah French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, at the rate of $50 a month, the name of Micah French, formerly a private in Capt. S. Clark's company, New York Militia, of the war of 1812; the pension hereby granted to be in lieu of all other pensions.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4737) granting an increase of pension to Micah French, have considered the same and report as follows:

Micah French was a soldier for sixty days in Captain Clark's company, New York Militia, war of 1812. He is in receipt of a pension of $8 per month as a survivor thereof and by reason of a bullet wound of arm received in the battle of Queenstown, Canada, and still carries the ball in his arm. He is ninety-five years of age, in poor circumstances financially, lame, and nearly blind.

In similar cases your committee have reported favorably bills granting increases to $30 per month.

They are of the opinion that relief should be granted in this case to render more comfortable the last years of the old veteran's life, and therefore report the bill with the recommendation that it do pass, amended, however, by striking out the word "fifty," in line 4, and inserting in lieu thereof the word "thirty."

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH R. BLEECKER.

Mr. CRAIN. I call up the bill (H. R. 6339) for increase of pension to Mrs. Sarah R. Bleecker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Sarah R. Bleecker, widow of John V. B. Bleecker, deceased, late a paymaster in the United States Navy, at the rate of $50 per month, in lieu of the amount now received by law.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6339) for increase of pension to Mrs. Sarah R. Bleecker, have had the same under consideration, and beg leave to report as follows:

The petitioner is the widow of John V. B. Bleecker, late paymaster in the Navy.

The following is an abstract of his services, commissioned purser in Navy January 16, 1847:

"March 13, 1847.—To the steamer Union.
"May 25, 1847.—Detached and settle accounts.
"July 16, 1847.—To the Relief.
"August 11, 1848.—Detached and settle accounts.
"July 7, 1849.—To the Vandalia.
"October 12, 1852.—Detached and settle accounts.
"June 25, 1853.—To the Decatur.
"September 21, 1853.—Transferred to the Dale.
"January 17, 1856.—Detached from Dale and settle accounts.
"April 1, 1856.—To receiving-ship at Boston.
"April 30, 1858.—Detached and to the Maced nian, 15th May.
"July 14, 1860.—Detached and settle acconnts.
"September 1, 1860.—To the navy yard, Portsmouth, N. H.
"August 8, 1863.—Detached October 1 and wait orders.
"October 3, 1863.—To the East Gulf squadron, as fleet paymaster.
"May 20, 1864.—Detached and wait orders.
"June 8, 1864.—To Mississippi squadron, as purchasing paymaster.
"Died at New York, November 8, 1864.
"Total sea service, nine years, ten months, twenty days.
"Total shore duty, five years, four months."

He was at the request of Admiral D. D. Porter, commanding the Mississippi squadron, ordered to duty as purchasing paymaster of that squadron June 8, 1864, and entered upon that duty at Mound City about July 1, 1864. When he received these orders he was just recovering from a severe attack of illness, incurred by long and arduous service as fleet paymaster in the Gulf squadron. He did not ask for leave, but carried out orders. He remained on duty at Mound City, Ill., until the last of October the same year. At that time he was so ill with typhoid fever that he was sent to his home in New York City, where he died on the 8th of November, 1864, three days after, of the disease last mentioned.

His entire record from his entry into the naval service in 1847 is the best.

His widow is poor and old, sixty years, with a large family dependent upon her for a living. She had for a time a position as clerk in one of the Government Departments, but by reason of failing health and increasing years she was, several years ago, compelled to resign.

The letters of many distinguished officers who knew and served with Commander Bleecker, recommending the increase asked for, are in the hands of the committee. These officers all testify to the high character of the officer, the great and arduous services he rendered, the destitute condition of the widow and family, and, also, of the worth and good character of the whole family.

In view of the above stated facts and also the precedents set by this committee, it is recommended, that as a matter of simple justice, the bill do pass.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. CHEADLE. I object.

Mr. CRAIN. I trust the gentleman will withhold his objection and let this bill be reported to the House as other bills of a similar character have been reported.

Mr. CHEADLE. I am perfectly willing that it may be laid aside to be reported to the House with the understanding that the previous question shall be ordered and that the bill shall be voted upon in a full House after thirty minutes' debate—fifteen minutes on each side.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Indiana?

There was no objection, and it was so ordered.

MRS. LOUISE M. HUMPHREY.

Mr. FARQUHAR. I call up the bill (H. R. 11333) granting a pension to Mrs. Louisa Humphrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Louisa M. Humphrey on the pension-roll of the United States, she being the widow of the late Col. George Humphrey, of the Eighty-eighth Indiana Volunteers, and who was formerly a lieutenant in the Mexican war, and that she be allowed the same rate of pension her husband was drawing at his death, namely, $30 per month, and that it date back to the time of the soldier's death, which was in 1886.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11333) granting a pension to Mrs. Louise Humphrey, have had the same under consideration, and submit the following report:

The claimant is the widow of Col. George Humphrey, who was a soldier in the Mexican war, and also served with distinction in the war of 1861–'65. At the battle of Stone River he received a gunshot wound of right shoulder, for which at the time of his death he was receiving a pension. The wound continued to cause him a great deal of trouble until some eight years afterwards, in 1871, the ball, which it was found was still in his shoulder, was removed. At the time of its removal two ounces of sero-purulent pus escaped from the cavity which contained the ball. About the 9th of June, 1886, while ascending a stairway, he made a misstep and fell upon the landing, sustaining a simple fracture. It was properly attended to, but owing to the debilitated condition of his system blood poisoning set in, from the effects of which he died August 4, 1886.

The widow made application for pension, alleging that the death of her husband was directly traceable to the gunshot wound received in the Army at the battle of Stone River. The claim was rejected on the ground that the soldier's death from accidental fracture of right leg, followed by pyæmia, can not be considered a result in any way of the wound for which he was pensioned or be otherwise charged to his service.

Dr. J. L. Gregg, late surgeon of the Eighty-eighth Indiana Volunteers, testifies—

"That he made an incision in the back of said George Humphrey and removed therefrom a round leaden ball of probably an ounce in weight, which was found in an abscess containing about 2 ounces of unhealthy pus. He also states that he is of the opinion that the gunshot wound and the inflammatory suppuration and disease of bone caused thereby resulted in the production of a chronic form of blood poisoning, depression of vitality, nervous debility, and impairment of recuperative powers to such an extent that his power of recovering from injuries not ordinarily of a dangerous character was seriously impaired, and that his chances for recovering from the effects of acute diseases or severe injuries, though not in themselves ordinarily dangerous to life, were very greatly impaired."

Dr. W. H. Myers, an eminent physician of Fort Wayne, after giving a full history of the case, says:

"I believe that the pathological lesions existing at the time of death were clearly traceable to the broken-down condition of the general health, and notably of the nervous system, due to the gunshot wound received long anteriorly. I believe that the accidental fall occurred owing to the partial paresis of the upper extremity and muscular atrophy of the fractured limb, for when the muscles of a part waste all its other tissues, nerves, vessels, and bones suffer ultimately from impaired blood supply."

Mr. E. E. Clark, special examiner, who made a special examination of the case, in closing his report says:

"From the evidence I am of the opinion that the theory of Dr. Myers in regard to this case is correct and that the claim should be admitted. Two physicians who were personally acquainted with the deceased soldier and who administered professionally to him after he received the gunshot wound and the injury that resulted in his death testify that it is their professional opinion that his death resulted from the gunshot wound."

It is a mere matter of professional opinion, and as the physicians who attended him had opportunities of obtaining correct information that the medical referee had not, the committee believe the claimant ought to have the benefit of the doubt, and we therefore submit a favorable report and recommend the passage of the bill with the following amendments: Wherever the name "Louisa" occurs, strike out and insert "Louise M." so that the name will read "Mrs. Louise M. Humphrey;" also strike out, in line 7, all after the word "volunteers" and insert "subject to the provisions and limitations of the pension laws."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES MONOHAN.

Mr. FELTON. I call up the bill (H. R. 5919) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of James Monohan, minor child of Richard Monahan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers, and to pay said child, or to his guardian, the remaining pension that he would have received had his name not been stricken from the roll.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5919) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan deceased, submit the following report;

James Monohan is the son of Richard Monohan, who enlisted in Company A,

One hundred and eighty-sixth Pennsylvania Volunteers, January 16, 1864; was discharged August 15, 1865, and died June 12, 1871.

Pension was allowed this claimant, but his name was dropped from the rolls on the ground that the death cause of the soldier was not due to his service. We quote the following evidence in reference to that point:

Dr. Pfeiffer, late assistant surgeon One hundred and eighty-sixth Regiment, testifies:

"The soldier was attended by him at various times during the latter part of 1864 for rheumatism, intermittent fever, and incipient consumption. It is supposed that camp and guard duty had a severe effect on his somewhat weak constitution and finally developed consumption, of which he died."

D. Bossler, late lieutenant Company A, testifies—

"About March, 1864, at Camp Provost, Philadelphia, the soldier, from exposure on guard duty in stormy weather, contracted a fever and other diseases, and was unfitted for active duty. He also had cold and inflammation of the eyes. About January, 1865, he was relieved from duty and detailed as regimental tailor by reason of his weak and broken-down constitution."

Dr. Robert Burns testifies—

"He saw the soldier two or three times in May, 1871, in a very reduced state and beyond the reach of medical improvement; also at his house, June 1, 1871, visited him three times until his death. Disease was pulmonary consumption, induced by lingering illness contracted in service; that he died June 12, 1871, of said disease. While under his treatment he was in a hopeless state, suffering from destroying oppressions and unable to take any nourishment; that while he was in the Army he had intermittent fever, followed by pneumonia, from which time his constitution was broken down. He was well acquainted with soldier for twenty years prior to death and saw him often after his discharge, and soldier never regained his former health. His physical powers seemed to be broken up. Notwithstanding this he continued to work to keep a home for his child and a sister. He was a temperate and worthy man, and the benevolence of the Government would be well bestowed on his son. He saw soldier occasionally from the date of his discharge to date of death, and during all of the time he was in a sure decline with consumption of the lungs. He had a cough and expectoration, and gradual loss of flesh and strength from discharge to death."

Your committee have examined this case with great care, and have been unable to see why the name of James Monohan was dropped from the pension-roll. In their opinion the father, Richard Monohan, died of disease contracted in the service. The evidence seems to them entirely satisfactory as to this point, and they therefore recommend with unanimity and very heartily the passage of the bill.

There being no objection, the bill was laid aside to be reported with the recommendation that it do pass.

EMELIA MUMM.

Mr. FORAN. I call up the bill (H. R. 10494) granting a pension to Emelia Mumm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emelia Mumm, widow of Nicholas Mumm, late a private in Company G, Fifteenth New York Heavy Artillery, and pay her a pension at the rate of $12 per month from the 12th day of December, 1881.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10494) granting a pension to Emelia Mumm, submit the following report:

The claimant in this case is the widow of Nicholas Mumm, late of Company G, Fifteenth New York Artillery. Her first husband was shot in the rifle-pits at Petersburgh in 1864, and as his widow she drew a pension for about one and one-half years, when she married Nicholas Mumm, who died in 1881 of rheumatism and disease of the heart. Her application for pension as his widow was rejected on the ground of "no record" and want of evidence of incurrence.

There is an abundance of evidence proving that after two years of service he came out of the Army badly disabled by rheumatism and heart disease; that he continued in this condition until his death, at no time being able to perform one-fourth of the labor of an able-bodied man.

Your committee are forced to the conclusion that the death of the soldier was the result of his military service, but aside from that, and making the case still stronger, is the fact that her first husband was killed in action. The remarriage of the widow saved the Government the pension she would otherwise have been entitled to, and it seems but simple justice to again place on the pension-roll the widow of these two soldiers, one of whom fell in action, and the other doubtless lost his life from disabilities contracted in the service.

Your committee recommend the passage of the bill, with an amendment striking out all after the word "Artillery," in line 7.

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

P. F. JONTE.

Mr. FULLER. I call up the bill (H. R. 10073) granting a pension to P. F. Jonte.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of P. F. Jonte, late a member of Company A, Sixtieth Regiment Ohio Volunteers, of Knoxville, Iowa, and pay him a pension, subject to the provisions and limitations of the pension laws, from and after the passage of this act.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10073) granting a pension to P. F. Jonte, have had the same under consideration, and beg leave to submit the following report:

Peter F. Jonte first enlisted for one year September 30, 1861, in Company A, Sixtieth Regiment Ohio Volunteers, and was discharged therefrom November 10, 1862. He again entered the service in Company D, Fourth Battalion Ohio Cavalry, for six months on August 1, 1863, and was finally mustered out March 4, 1864.

His claim for pension has been rejected by the Pension Bureau on the ground that there is no record of the alleged disabilities, chronic diarrhea, piles, and disease of skin, and claimant has declared his inability to furnish medical evidence of treatment therefor during service or at discharge.

Capt. J. L. Hill testifies that claimant was taken sick with camp diarrhea about May or June, 1862, and was sent home on furlough.

Addison H. Maddox, comrade and messmate, also testifies that Jonte was attacked with diarrhea in May, 1862, and subsequently with typhoid fever, resulting in piles and debility.

There is also on file a letter written by the claimant from the hospital at New Creek Station, Va., to a neighbor, under date of June 14, 1862, in which he states that he suffers from diarrhea and is too sick to write much.

Dr. B. D. Granger testifies that his records show treatment of claimant June 28, July 1 and 6, 1862, but the nature of the disease for which treated is not now known to affiant. This refers to treatment while home on furlough from hospital.

Claimant did not employ a physician for some years after his discharge, but used different kinds of patent medicines. Frequent changes of residence and almost continuous travel as agent for sewing-machines, pumps, etc., during the greater part of the time since discharge, make it difficult for him to procure evidence satisfactory to the Department as to the extent of the disability from alleged causes during that period.

Dr. J. C. Tribbet, under date of July 21, 1884, testifies that he has treated Jonte for the last five or six years for piles and erythema.

Medical examinations show the existence of piles and disease of skin.

After careful examination of all the evidence in the case, your committee are of opinion that the origin of chronic diarrhea and piles in the service is clearly established, and that pension therefor should be allowed. The existence of disease of skin is not shown soon enough after the service to connect it with the same, and therefore no recommendation is made regarding this disability.

The committee return the bill and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN B. ROSS.

Mr. FUNSTON. I call up the bill (S. 2720) granting a pension to John B. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations ot the pension laws, the name of John B. Ross, late of Company F, Thirteenth Regiment Kansas Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2720) granting a pension to John B. Ross, submit the following report:

The report of the Senate Committee on Pensions sets forth fully the facts in this case and is adopted, with the recommendation that the bill pass.

[Senate Report No. 1279, Fiftieth Congress, first session.]

The claimant under this bill, John B. Ross, enlisted in Company F, Thirteenth Regiment of Kansas Volunteers, August 22, 1862, and was discharged March 23, 1863, his service covering a period of seven months. On November 23, 1876, he made application for a pension, alleging that he contracted a spinal affection in the fall of 1862, caused by exposure and hard marching from Fort Scott, Kans., to Cane Hill, Ark.

He was discharged on a surgeon's certificate of disability, in which it is stated he is incapable of performing the duties of a soldier because of "spinal disease of long standing, existing previous to his enlistment. He was unable to walk upright, and has done no duty since the middle of November, 1862. He is entirely unfit for the service in my opinion." (Signed) "W. H. Grimes, surgeon."

In support of this claim he presents the following testimony as to prior soundness:

Dr. Charles Williamson (filed December 27, 1881): That he has known the claimant for twenty years; was his family physician, and supposed him to be a sound man prior to his enlisment; had never given him any treatment up to that time.

J. O. Peebler was well acquainted with claimant since 1855; * * * knew him when he enlisted; he was a healthy man; never heard that he was unsound in any way; if he had been so affiant would have known it, for he saw him often.

S. J. Duncan and B. F. Sanders corroborate the above fully, having an acquaintance of twenty-four years.

Maj. C. A. Woodworth, comrade, "knew claimant three years before his enlistment, and that he was an able-bodied man."

Capt. P. H. McNamara, of Company K, Thirteenth Kansas, same as above, with an acquaintance of six years with claimant prior to enlistment, and he was then a sound, able-bodied man.

J. J. Locker and D. E. Merwin have known claimant since 1859. Prior to his enlistment he was not affected with any spinal disease. They were intimate with him and his family and would have certainly known if claimant had any disease.

That as to condition during service, Major Woodworth swears that claimant was sick in the regimental hospital and other places during the fall of 1862, and was discharged for disability.

Capt. P. H. McNamara swears that claimant contracted a fever at Cane Hill, Arkansas, in October or November, 1862, which resulted in an affection of the head and spine; he was finally discharged on surgeon's certificate of disability. Has personal knowledge; was present with command.

Surgeon Grimes, who gave the certificate of disability, is reported on the books as dead.

Since discharged, Dr. Williamson swears that he has treated claimant at different times "for rheumatism of the lumbar muscles. * * * A portion of the time he was compelled to use a cane in walking. Has not treated him in thirteen years."

J. J. Locker and D. E. Merwin swear that they have known the claimant since 1859; that he has been affected with spinal disease ever since his return from the Army; * * * he has been greatly disabled for manual labor.

Dr. J. C. Birdsell swears he has known claimant nineteen years; during first eight years of his acquaintance saw him almost every day, and claimant constantly complained of spinal affection, which he said he contracted in the Army; affiant has not treated claimant, but knows, from observation, he has been complaining of spinal trouble all the time.

T. J. C. Duncan has known claimant for twenty-six years; lived within 300 yards of him for eight years immediately after his discharge; saw him brought home from the Army; he was not able to sit up; saw him almost every day; the trouble was in his back; has worked for claimant, but never knew him to do a day's work since his discharge; has seen him only about once a year for five or six years; he seems most of the time disabled from work.

John Ramsay and Gregory Ashe have known claimant for twenty-six years; lived near him and met him, on an average, three times a week until five years ago (1878); they have never known him to be able to perform any manual labor since his discharge.

Daniel Chaney and L. B. Keifer, March, 1883, swear they have known claimant for four or five years. He has been so lame in his back he could hardly walk at times; has been unable to do any labor for weeks together.

Dr. E. H. Cowgill has known claimant four years; his family physician. He suffers almost continual spinal trouble, at times greatly aggravated, and rendering him entirely unfit to labor at all.

Dr. Freeman Thompson has known claimant for three years. "Has treated him since August, 1881, for partial paralysis of right side, specially the right foot, which is the result of spinal anemia. He is in that condition he can not do any hard labor, and his right side troubles him more or less all the time. He

is liable to be taken with paralysis of this side at any time, so as to entirely disable him."

The credibility and reliability of all the foregoing affiants clearly established.

The first examiner rates the disability at one-half from 1863 to 1883. The reviewer concludes that, "if claimant could prove his alleged disability due to the service, he would be entitled to about one-fourth pension since discharge."

The examining surgeon at Ottawa, Kans., rates him at one-half total, but recommends an examination by a board of examining surgeons, and accordingly he was examined by the board at Topeka, Kans., who rate him at one-fourth total.

The Pension Office, however, on November 22, 1877, rejects the claim on the ground "that the record shows that the alleged disease of spine existed prior to enlistment."

The case was reopened in 1881, and new testimony was filed tending to show that the claimant was sound at and prior to his entering the Army, and the origin of his disease in the service.

The claim was specially examined in the field during the years 1883 and 1884, and Special Examiner George W. McKean, under date of November 23, 1883, concludes "that the claimant did not contract the alleged disability in the service, but was so affected prior to his enlistment, and recommends further examination."

In the testimony taken by Mr. McKean is that of the claimant, in which the claimant admits that two or three years prior to his enlistment he "had a spell of lung fever;" also in 1855 he got overheated, which affected him so that he was not able to stand anything for several years; also in the same year, 1855, he strained his back (a stitch) "by trying to roll or pry out a very heavy log," from which he was laid up for two or three days, and that it hurt him off and on for two or three years. * * * The claimant seems to be an honest and truthful man, and he bears a good reputation where he resides.

Mr. C. W. Akey, special examiner, under date of January 9, 1884, is of the opinion the claim should be rejected, for the reason that the claimant stated that prior to his enlistment he had been overheated (probably sunstroke) which, in his opinion (Akey's), would be likely to produce spinal or cerebral trouble, and that he admits he hurt his back in 1855, and he is also of the opinion that the testimony of Dr. Charles Williamson corroborates the certificate of disability on which he was discharged from the Army.

Dr. Williamson, in his statement before the special examiner, swears that he "never prescribed for claimant prior to his enlistment, but remembers when he enlisted it was a query what he would do in the service. He was regarded as a lazy man who did but little work, but believes claimant never claimed to be a sound man and was not surprised to hear he was home out of the service. * * * Does not know whether claimant contracted any disease while in the service or not, and was surprised when he heard he had applied for a pension."

The examiner concludes: "The claim should be rejected without further examination."

E. F. Rogers, special examiner, under date of March 10, 1884, concludes the claim has no merit, because some of the witnesses swear positively that "he did complain of his back before enlisting;" and the claim was accordingly again rejected, or, in the language of the Commissioner, "the former action of rejection was adhered to May 1, 1884."

From this action an appeal was taken April 8, 1885, to the honorable Secretary of the Interior, who sustained the Commissioner of Pensions and dismissed the appeal. The Secretary says:

"The evidence relied on by the appellant to overturn said certificate of disability is of a negative character, and merely shows, if anything, that the disability of appellant had been first brought to the attention of the witnesses during his military service, and is wholly incompetent to rebut the statements of the record or to independently establish origin in the service, when considered in connection with the adverse testimony above mentioned."

Your committee feel compelled to differ with the conclusions of the Commissioner of Pensions and the honorable Secretary who reviewed the case. They regard the testimony as to prior soundness, submitted by the claimant, as positive and conclusive, and in the most material allegations unshaken by anything developed by the special examiners, with the possible exception of the testimony of Dr. Charles Williamson, which in a certain sense seems irreconcilable.

The witnesses who testify to the prior soundness of the claimant are all vouched for as being reliable men in their respective communities, and the claimant himself has impressed himself upon the mind of the special examiner as a truthful man.

Your committee are of the opinion that this is a case where creditable neighbors and physicians are much better judges to the extent of the disability than any examining surgeon, who only sees the claimant a few minutes, can possibly be. They therefore feel that this is a proper case for Congressional approval, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIJAH W. PENNY.

Mr. GIFFORD. I call up the bill (H. R. 2261) to increase the pension of Elijah W. Penny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elijah W. Penny, late lieutenant-colonel of the One hundred and thirtieth Regiment of Indiana Volunteers, in lieu of the pension which he now receives, to the sum of $12 per month for wound in side, and such additional amount per month as he may now, or may hereafter, be allowed by law for the loss of an arm near the shoulder, said increase to take effect from the passage of this act.

The report (by Mr. MORRILL) was read, as follows:

The claimant in this case is receiving a pension of $12 per month for loss of arm near the shoulder and a severe gunshot wound of the side. This act was passed before the general law was enacted giving a pension of $45 for the loss of arm at or near the shoulder. The rate having been fixed at $42, the Pension Office has no power to increase it. The Pension Office rate the wound in the side at $12 per month. Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA GIDDINGS.

Mr. GROUT. I ask for the consideration of the bill (H. R. 4101) granting a pension to Martha Giddings, formerly Martha Priest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to put upon the pension-roll the name of Martha Giddings, formerly Martha Priest, widow of Nathaniel Priest, of Company H, Fourteenth Vermont Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

Claimant was the widow of Nathaniel Priest, private in Company H, Fourteenth Vermont Volunteers. Soldier served during the war and died very shortly after his return from diseases contracted in the service. His widow was pensioned, which pension she continued to draw until the date of her re-marriage. This marriage was brought about by false representations, was an unfortunate one in every respect, and entailed upon claimant much suffering and hardship. Procuring a divorce she made application to the Pension Office for restoration to the rolls, which was denied, accompanied by the suggestion from the Commissioner of Pensions that relief could only come through the passage of a special act.

It appears in evidence that the claimant is in very delicate health and destitute circumstances, and inasmuch as the soldier directly sacrificed his life in the service of his country your committee are of opinion that it is proper for Congress to grant the desired relief, and accordingly report the bill back with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM E. TAYLOR.

Mr. HALL. I call up the bill (S. 2836) granting a pension to William E. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William E. Taylor, of Missouri, late a member of Company B, Sixtieth Missouri Enrolled Militia.

The report (by Mr. WALKER) was read, as follows:

The facts in the case are fully set forth in the report of the Senate Committee on Pensions, which this committee adopt as their own, and likewise recommend the passage of the bill.

The report is as follows:

"The claimant filed his declaration May 2, 1881, stating that he was a private in Company B, Sixtieth Missouri Militia Cavalry, and that while in the service and in the line of duty at the battle of Leesville, Mo., he incurred an injury to his eyesight by reason of the tube blowing out of his gun, causing partial blindness. The claim was rejected June 19, 1884, on the ground that the 'enrolled militia was a State organization, and disabilities incurred therein are not pensionable under existing law.'

"The evidence filed in the Pension Bureau, both as to the fact and of the disability existing as claimed in the affidavit of the claimant, and as to its incurrence in the manner set forth by the claimant, fully sustain the affidavit of the claimant. In addition to this evidence the claimant has filed with the committee testimony sustaining the claim set out in his application.

"The only objection that could be urged against granting this pension is the technical one suggested by the Pension Bureau. It has, however, been the uniform policy of Congress to place the soldiers who served in the enrolled militia of a State upon the same footing with soldiers of the same State regularly enlisted in the service of the United States who incurred disabilities in defending the Union during the war of the rebellion. Any other rule would be unjust and inequitable and would draw a distinction between men performing the same service and having the same object in view and who frequently accomplished as much good in promoting the cause of the Union. In harmony, therefore, with the numerous precedents set by Congress, the facts in this case having been fully proven, the committee is of the opinion that the claimant is entitled to a pension."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH HOLMES.

Mr. HENDERSON, of Illinois. I ask for the consideration of the bill (H. R. 9388) to increase the pension of Joseph Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll the name of Joseph Holmes, of Company E, Third Regiment Vermont Volunteers, at the rate of $50 per month, in lieu of the pension he is now receiving.

The report (by Mr. GALLINGER) was read, as follows:

Claimant received a bullet wound in the head at the battle of Cold Harbor, Va., June 3, 1864, which fractured the skull. Epilepsy and partial paralysis resulted, producing a condition of almost complete physical wreck. In the hope of relief Dr. Henry Janes, of Waterbury, Vt., a distinguished army surgeon, performed the operation of trepanning in January, 1866, removing a triangular piece of bone from the skull. The operation resulted in almost complete relief, so far as the epileptic attacks were concerned, and for a time soldier's health was greatly improved. Of late years, however, he has been rapidly failing, until now he is unable to do manual labor, being partially paralyzed and unable to talk with distinctness or to transact business. A mass of both medical and lay testimony has been filed with your committee on this point, and it is indisputable that the disabilities are entirely due to the wound received in the service.

Soldier is now receiving $30 per month, and the Pension Office declines to increase it to $50, the next highest rate, on the ground that he does not constantly require the assistance of another person. There is some testimony on file to the effect that he is so completely wrecked, both physically and mentally, as to require constant attendance, but it is probable that a small portion of the time he is able to care for himself. The case is certainly one of exceptional merit, and claimant is clearly entitled to a higher rate of pension than he is now receiving.

Your committee recommend that the bill be amended by striking out the word "fifty," in line 6, and substituting therefor the word "forty-five," and that as amended the bill do pass.

The amendment recommended by the committee in the last paragraph of the report was read, and adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RACHEL A. SINKINSON.

Mr. HIRES. I call up the bill (S. 1101) granting a pension to Rachel A. Sinkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rachel A. Sinkinson, widow of Robert Sinkinson, late a private in Company K, Eighty-eighth Regiment of Pennsylvania Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Pensions, United States Senate, have submitted the following report:

"The claimant's husband served in Company K, Eighty-eighth Pennsylvania Volunteers, from September 25, 1861, to July 15, 1862, when he was discharged for disability. In 1863 he applied for a pension, alleging chronic rheumatism and general debility. His claim was finally allowed at the rate of $4 per month from date of discharge to date of death, and the sum paid to his widow. After the soldier's death the claimant applied for a widow's pension, but the claim was rejected on the ground that the soldier died of cancer of the stomach, which complaint could not be traced to his military service, and she therefore appeals to Congress for a special act in her behalf.

"The evidence shows that from the time of the soldier's discharge for disability until his death he was unable to work at his trade of molder, or even to do lighter work, and that his wife was compelled to provide for the family by taking in sewing. Although cancer of the stomach was pronounced the immediate cause of death, the physician testified that in addition to this complaint he found him suffering from a severe case of chronic diarrhea, contracted in the service. The soldier was also treated in the hospital for typhoid fever during service, and spent several months in the hospital after his discharge. The soldier's health was good before enlisting, but he was returned to his family a physical wreck, and remained so until he died.

"It may, therefore, be rationally inferred that the soldier's disability and death were in some measure due to his service, and the committee therefore recommend that the bill be passed."

Your committee have carefully examined the files of the Pension Office, and find the facts as set forth in the foregoing report.

Cancer is necessarily of too obscure origin to connect it with the military service under the strict terms of the general pension laws in any case. Therefore, Congress must come to the relief in this class of cases, if there is a reasonable presumption of its connection with one or more diseases shown to have been contracted in the service. In the case under consideration it is clearly shown that the soldier was broken down in health, at discharge, from the effects of typhoid fever, rheumatism, and diarrhea, and that he grew worse until November 26, 1871, when he died of cancer of stomach.

This condition seems to warrant the presumption that the fatal disease originated in the service, and therefore your committee report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN WALLACE.

Mr. HOPKINS, of New York. I ask for the consideration of the bill (H. R. 9759) granting a pension to John Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Wallace, father of Robert Wallace, deceased, late of Company C, Ninety-third Regiment of New York Infantry Volunteers.

The report (by Mr. SAWYER) was read, as follows:

John Wallace is the father of Robert Wallace, who was killed in the battle of the Wilderness while serving in Compnny C, Ninety-third Regiment New York Volunteers. Another son of the claimant contracted disease while in the Army, and died of the same after discharge.

The father's claim has been rejected on the ground of non-dependence upon the son at time of the latter's death in the service.

It is admitted by the claimant that at date of the son's death, and for some years thereafter, he was able-bodied and supported himself and family (the mother of the soldier having died in 1858, out of the proceeds of a farm) of which he was the owner and labor performed for his neighbors. The farm in question consisted of 312 acres of mountain land, which was purchased some years before the war at $1 per acre, and which was finally paid for by the contributions of the son and the back pay and bounty received by the claimant after the son's death.

The sons, before their enlistment, helped to improve the place, and it was principally through their efforts in that direction that the father was enabled to realize sufficient by its cultivation for the maintenance of the family.

Since 1876 claimant has been an invalid, and, at the age of seventy-six years, is no longer able to gain a subsistence by manual labor. Deprived of the assistance of his sons, the expenses of carrying on the place increased, and although as industrious as advancing age and disability would permit, the homestead became incumbered more and more, until, in 1879, it passed out of claimant's possession. The amount received therefor was about $1,100, nearly all of which went to satisfy the creditors.

While the claim was properly rejected by the Pension Office because of claimant's ability to maintain himself by manual labor, yet his advanced age and present needy condition would seem sufficient ground for favorable action on the part of Congress, and therefore your committee return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE TAYLOR.

Mr. HUNTER. I call up the bill (H. R. 9176) granting a pension to Charlotte Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Charlotte Taylor, widow of Thomas P. Taylor, late a private of Company C, Twelfth Regiment Kentucky Volunteer Infantry, at the rate of $12 per month.

The report (by Mr. HUNTER) was read, as follows:

In the following letter of the Adjutant-General of the Army will be found the military record of claimant's husband:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, April* 18, 1884.

"Thomas P. Taylor, a private of Company C, Twelfth Regiment of Kentucky Volunteer Infantry, was enrolled on the 3d day of October, 1861, at Camp Hoskins, Kentucky, for three years, and is reported on muster-roll from enrollment to December 31, 1861, present; January and February, 1862, present, with remark, 'was absent, sick, rejoined company;' March and April, 1862, present; May and June, 1862, absent, sick; same to August 31, 1862. Roll to December 31, 1862, four months' muster, present; January and February, 1863, absent, sick. Company muster-out roll dated February 3, 1865, reports him discharged by order of Colonel Munday, March 16, 1863, on surgeon's certificate of disability."

Claimant filed an application for pension on the 11th day of February, 1884, and alleged in her declaration that the soldier died on the 7th day of April, 1871, of disease contracted in the line of duty and in the military service of the United States; but the claim was rejected on the 13th day of October, 1884, on the grounds that the soldier's death was caused by the fall from his horse in 1871, and not shown to have been the result of any disease or injury contracted while in the United States service.

It is shown by the proof on file in this case that the soldier was unfit for any kind of active manual labor from discharge to the day of his death; that he was subject to frequent attacks of dizziness, with a sensation of fullness in the chest, in the Army and since his discharge; that he could not endure exposure to the sun's rays or follow any pursuit requiring much physical exertion. It was this condition of the system which compelled him to accept a contract to carry the mail on horseback between Albany and Columbia, Ky., and while on a trip on this route, on the 7th day of April, 1871, near Creelsborough, he was seized with one of she paroxysms of dizziness referred to, and fell from his horse, dying soon thereafter.

There is abundant proof to show that the soldier was a sound, healthy man at enlistment; that he contracted the disease in the service; that he was discharged on surgeon's certificate of disability in consequence; that he always suffered from this disease from discharge; that he was of sober habits, and died from the effects of a paroxysm resulting from his military service.

Your committee are of the opinion that this is a meritorious claim, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. ELLIS.

Mr. JOSEPH. I ask for the consideration of the bill (H. R. 10694) granting a pension to John W. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Ellis, of Sierra County, New Mexico, late an Indian scout, in the service of the United States Government in the Territory of New Mexico.

The report (by Mr. HUNTER) was read, as follows:

The proposed beneficiary served in Company K, Fifth Regiment United States Infantry, from October 25, 1858, to October 25, 1863, during which period he participated in the campaign against the Navajo Indians, and also in the civil war. Upon the recommendations of his officers he received a commission in the First New Mexico Volunteers, and served until the close of the war. Subsequently he was employed as clerk in the quartermaster's department at Forts Bascom, Craig, and McRae, N. Mex. While thus employed at the latter post it became necessary to send troops after a band of Mountain Apaches, which was devastating the country around. Captain Gilmore, commanding the post, placed claimant in charge of seventy men of the Thirty-eighth United States Colored Troops and seventy Mexican spies in pursuit of the Indians. This selection was made because of Ellis's familiarity with the country and knowledge of Indian fighting.

He succeeded in getting on their trail, and on the morning of the fourth day overtook them and opened up the fight at a distance of only 50 yards. At the first fire by the Indians Ellis was wounded, one shot passing through his stomach, about 2 inches on left side of navel, the other entering on right side of windpipe, passing downward and lodging in left shoulder. For these wounds he was treated by Acting Assistant Surgeon William B. Lyon, as shown by the affidavits on file with your committee.

As the law makes no provisions for pensions to civil employés of the Government, no application has been filed in the Pension Office. Congress, however, has in similar cases granted relief, and as the case under consideration is one of particular merit, by reason of long and meritorious service prior to the incurrence of the above-described wounds, your committee unhesitatingly report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE H. JOHNSON.

Mr. KEAN. I ask for the consideration of the bill (S. 2887) granting a pension to George H. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George H. Johnson, late a seaman in the United States Navy.

The report (by Mr. PIDCOCK) was read, as follows:

The facts in the case are fully set forth in the report of the Senate Committee on Pensions, as follows:

"This applicant enlisted in the United States Navy September 7, 1864, and served until August 2, 1865. He alleges that about July, 1865, at Galveston, Tex., he contracted rheumatism from exposure and hardships incident to the service. The claim was rejected on the ground that there was no record evidence of claimant's having contracted the disease in question in the service.

"Allen Goble, who knew claimant intimately long before enlistment, and who served with him upon the United States steam-ship Portsmouth, testifies that before claimant shipped he was a sound man, free from all disease, but that when he saw him soon after his discharge he was severely suffering from rheumatism, and that he has been unable to work much of the time since, and only able to walk about by the use of crutches.

"James E. Dorsett, who shipped at the same time with claimant, at Brooklyn, N. Y., corroborates Goble's testimony as to claimant's soundness at enlistment, and swears that during their voyage to Galveston, where they were transferred on board the Cayuga, they were exposed to the wet; that Johnson was taken sick with rheumatism from such exposure and was treated for the same, and that he, affiant, did part of Johnson's duty, like going aloft, as far as possible; that afterward, when he, affiant, was promoted to ship's yeoman, Johnson used to spend part of his time in affiant's room, and was treated by the assistant surgeon by order of the surgeon; that he has seen Johnson frequently since discharge, and that he has gradually gotten worse and worse, until he is now totally disabled from his rheumatism.

"Dr. Robert Laird testifies that he began treating claimant directly after his discharge for rheumatism; that from 1865 to 1870 he was unable to gain a livelihood one-half of the time on that account; that the disease has gradually encroached upon his strength, until now he is unable to walk without crutches and is incapacitated for work the greater portion of the time. He also testifies that claimant was, before entering the service, a 'hale and hearty' man.

"William Curtis, who has always lived a neighbor to Johnson, testifies that he was before enlistment a perfectly healthy and rugged man, but that when he came home again he was afflicted with rheumatism, which disease gradually became worse, until now he is a 'complete cripple.'

"This case was appealed to the Secretary of the Interior, but that official affirmed the action of the Commissioner of Pensions in rejecting the case.

"There is no adverse evidence whatever in this case, and the mere absence of record evidence is all that prevents it from being technically perfect. Your committee recommend the passage of the bill."

The bill is returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY SOMMERS.

Mr. KELLEY. I call up the bill (H. R. 2839) granting a pension to Henry Sommers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase to $30 per month the pension of Henry Sommers, late of Company H, Fifth Regiment United States Artillery, for loss of left arm, incurred while an employé of the Quartermaster's Department, under Col. A. J. Donaldson, United States Army.

The report (by Mr. LYNCH) was read, as follows:

This claimant was discharged from the Army on surgeon's certificate of disability June 10, 1862.

It appears from the evidence that, though disabled from active service, he was employed as yard-master in the quartermaster's department at Camp Bradford, Maryland, October 19, 1863, and that a considerable amount of valuable property, consisting of horses, mules, stores, wagons, etc., was under his charge. Adjoining this camp, and separated from it by a board fence, was a "straggler's camp," composed of stragglers picked up along the line of march of the Army. These men had been in the habit of taking the horses out and riding them.

"At this particular time [as he states], between 5 and 6 o'clock, October 19, 1863, I was entirely alone in the quartermaster's camp, and I saw a party of six soldiers from the 'stragglers' camp' come over into the quartermaster's camp. I went to them and told them that they had repeatedly taken the horses out of camp and ridden them, and if I caught any of them trying that again I would have them arrested and turned over to the provost guard. Whereupon one of the men got in my rear and hit me on the head with some hard substance, and as I fell another of them shot me with a pistol, the ball taking effect in my left arm, below the elbow. After eleven days my arm was amputated above the elbow, and in about fourteen months the arm was again amputated, and it is not and never has been well since. I am constantly troubled with a rheumatic pain in the stump of the amputated arm."

James Gallagher testifies to the facts as stated by the claimant.

An honored member of this House, Mr. KELLEY, has informed your committee that he has known this soldier for forty years, and that during all that time he has maintained the highest character for integrity, and also that he is personally cognizant of the facts as stated above. So that there remains no doubt in the minds of your committee as to the entire truth of the claimant's statements.

This badly disabled soldier has hitherto been able to maintain himself comfortably, and has therefore not applied for help from the Government in the protection of whose property he received his injury. Of late years, however, he finds that he is no longer able to support himself and is reluctantly compelled to ask for the pension granted to other soldiers suffering from the same disability.

While he was employed in the Quartermaster's Department, and was not at the time enrolled in the service, yet he had served as a soldier until discharged for disability, which, however, did not prevent him from faithfully performing the duty assigned him by an officer in the United States Army, under whose orders he was acting when he received the injury.

Believing that this claim is an eminently meritorious one, your committee report favorably, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMMANUEL P. STEED.

Mr. KILGORE. I call up the bill (H. R. 10253) granting a pension to Emmanuel P. Steed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Emmanuel P. Steed, late of Company F, of the First Regiment of West Virginia Cavalry Volunteers, and pay him such pension as his disabilities may entitle him to, from and after the 12th day of October, anno Domini 1867.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10253) granting a pension to Emmanuel P. Steed, having considered the same, submit the following report:

Emmanuel P. Steed seeks restoration to the pension-rolls, from which he was dropped October 12, 1867, for the alleged reason that the disability for which he was pensioned originated before his enlistment.

The files in this case are voluminous, and give the testimony of comrades, officers, and neighbors. When he originally applied for pension, in 1865, he filed the affidavits of men who saw him hurt. The circumstances were then fresh in their memories, their testimony pointed, and these comrades, neighbors, and officers do not withdraw any of their original statements made soon after the occurrences they testified to.

The evidence upon which he was dropped from the pension-rolls does not come from persons who were present at his injury, and the applicant testifies to having had money troubles with some one or more of them. Steed's neighbors, some of them his comrades, testify they knew him before the war; that they were boys together, went swimming, played ball, ran races, and indulged in the active pastimes of young men together up to the time of his enlistment. They testify to seeing him naked when swimming, to having slept with him, and know that he had no rupture or defect, that he was active and healthy, that they heard no complaint from him nor saw any sign of rupture or other trouble on or about him prior to his enlistment. One who employed him as mail carrier from 1859 to enlistment, and who often slept and went swimming with him, ran races, played ball, and wrestled with him, testifies strongly to his thorough soundness up to his enlistment

His captain swears that in an engagement with the enemy at Blooming Gap, W. Va., February 14, 1862, while charging, Steed's horse fell upon him, "causing a very severe rupture and obliging his removal in an ambulance, and unfitting him for service." He further swears that applicant—

"Was a good soldier, ever ready to do his duty. I have known him to do duty when I knew he was suffering from the rupture caused by that fall. Our surgeon, Dr. Capehart, said he was ruptured for life. I think if ever a soldier was entitled to pension he surely is."

The applicant's second lieutenant, on June 21, 1865, certifies as an officer that—

"While in the line of duty said Emmanuel P. Steed was thrown from his horse during an engagement at Blooming Gap, W. Va., on the 14th day of February, 1862, and it is my belief that he then received the injuries for which he was discharged, namely, rupture."

On April 7, 1866, Dr. Capehart, the surgeon of Steed's regiment, swears that on said 14th of February, 1862, Steed was brought to him immediately after said action at Blooming Gap for treatment, and that applicant—

"Whilst in discharge of his duties in an engagement with the enemy at or near Blooming Gap, W. Va., on or about February 14, 1862, did receive an injury resulting in inguinal hernia, and that he was brought to me after the close of said action suffering from the ordinary symptoms of said injury. I reduced the hernia and applied a truss, which he continued to wear until he was discharged from the service of the United States in consequnce of this disability, February 9, 1863."

It would seem to your committee that the testimony in the case was absolutely conclusive, and that nothing short of the strongest evidence of fraud, corruption, and collusion could set it aside. It is proper to add here that the records of the War Department state that—

"Steed enlisted August 28, 1861; discharged February 9, 1863, on a certificate of disability because of scrotal hernia; a bad case. This disability has existed since the 14th of February, 1862, occasioned by an injury received by the falling of his horse while in action."

It is hard to understand how this record and testimony came to be set aside and the pensioner dropped from the rolls. From the files it appears that in October, 1867, unsigned statements of three persons were sent to the Pension Office asserting, first, that applicant said that he could get discharged from the service because of rupture. Another purported to say that Steed said before enlistment that he could do no kind of lifting or laborious work because of rupture. The third, to the purport that Steed, before enlistment, frequently complained of rupture. These statements caused a suspension of pension in 1867 in the face of the evidence before shown by your committee and the testimony of Steed's enlisting officer, that he saw Steed examined naked at enlistment, and that he was sound and healthy.

Steed made repeated efforts for reinstatement, but all his efforts were refused, and not until in 1885, upon an appeal from the last of a series of rejections, was a special examination accorded, and nearly twenty years after his suspension, upon the testimony of unfriendly witnesses, he was dropped from the rolls, some of the witnesses being men with whom he had had litigations. One witness was only forty years old, so that he would have been but sixteen years of age at the time of the occurrences concerning which he testified. This testimony runs from 1885 to 1887, and the examiner in his report says that "old witnesses in the case had left that vicinity."

Your committee are of opinion that the suspension of applicant's pension in 1867 was inconsiderate; that its final rejection is not supported by the testimony or warranted by the record or official certificates in the case. He was unquestionably injured in that battle charge, as has been shown, and was properly pensioned therefor. The man showed honorable service, a clear record, prior examination, and approval of his physical fitness at enlistment; his officers and comrades testify to his injury in battle, the surgeon so certifies, and the Government admits the injury in battle, and we see no reason why he should have been dropped from the rolls.

We therefore recommend the passage of the bill.

Mr. MORRILL. I move to strike out the words "from and after the 12th day of October, A. D. 1867."

Mr. KILGORE. This is called up at the request of a friend of mine, and under an agreement the amendment should be made.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANTHONY SHAFER.

Mr. LAFFOON called up the bill (H. R. 3512) granting a pension to Anthony Shafer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anthony Shafer, of Liberty, Adams County, Illinois, late private of Company D, One hundred and first Regiment Pennsylvania Volunteer Infantry, subject to the provisions of law.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3512) granting a pension to Anthony Shafer, submit the following report:

This soldier enlisted October 9, 1861, for three years, and was discharged April 1, 1863, for disability.

The report of the Surgeon-General shows that the soldier was discharged from the service April 1, 1863, on account of "loss of hearing." The certificate of disability upon which he was discharged contains the following statements:

"Said soldier is rendered unfit for service on account of deafness and other disability.

"ALEXANDER COMPHER, *Captain.*

"Loss of hearing; partial loss of hearing existed prior to enlistment, and disease greatly aggravated since enlistment.

"D. C. RUSH, *Surgeon.*"

This statement of the surgeon that there existed partial deafness prior to enlistment furnished the basis of rejection. In looking over the evidence in this case two affidavits and a lengthy statement of this same surgeon, Dr. D. C. Rush, are found, in which he states that there was no noticeable hardness of hearing until after the battle of Fair Oaks, Va., and after he had treated him for malarial fever. From that time on his deafness increased until his discharge. In addition to the statement of his captain, his first lieutenant, D. F. Bugle, states that he considered him perfectly sound at enlistment. There are other affidavits to the same effect.

The soldier is quite deaf now and broken down physically, and the committee think that he should be pensioned, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

IRENE RUCKER SHERIDAN.

Mr. BINGHAM. I was recognized in the early part of the evening to call up the bill (H. R. 11113) granting a pension to Irene Rucker Sheridan, but in view of the fact it seems impossible to secure any consideration of the bill in committee——

The CHAIRMAN. The gentleman had better wait until we get into the House, where the agreement which he indicates will have to be made.

Mr. BINGHAM. Very well, I will wait until we get into the House, when I hope we will reach some agreement in the matter.

PHEBE M'LAUGHLIN.

Mr. LANDES called up the bill (S. 2711) restoring Phebe McLaughlin to the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Phebe McLaughlin, widow of James McLaughlin, late soldier in Company D, Seventy-eighth Regiment of Ohio Volunteers.

The report (by Mr. YODER) was read, as follows:

Your committee concur in Senate Report No. 1477, and adopt said report as their own and recommend the passage of said bill.

[Senate Report No. 1477, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2711) for the restoration of Phœbe McLaughlin, widow of James McLaughlin, jr., to the pension-rolls, have had the same under consideration, and respectfully report:

The husband of the claimant was a sergeant in Company D, Seventy-eighth Ohio Volunteer Infantry. He enlisted December 19, 1861, and was discharged July 11, 1865. Filed his application for a pension January 12, 1871. Died November 3, 1871, before the application was acted upon.

The claimant filed her application February 5, 1872, and the same was allowed January 23, 1873. Her name was dropped from the pension-rolls in 1879, on the ground that "the soldier's death was not due to his military service." The claimant immediately made application for restoration, and her claim was finally rejected June 18, 1885.

It appears from the record in this case that intimations were received by the Pension Bureau that the claimant was not entitled to a pension, and upon these suggestions being filed, a special examiner, Mr. Mills, was sent to the vicinity of her home, and upon the evidence taken by him her name was dropped from the rolls. After her application for restoration was filed another examiner, Mr. J. F. Vinal, was sent to Ohio on November 6, 1883, to examine into the case, and in his analysis of the case he uses this expression, referring to the evidence taken by Special Examiner Mills and that taken by himself: "A very different class of witnesses have been found from those on whose testimony the name was dropped from the rolls." The bureau, not being satisfied with the evidence forwarded by him, on August 12, 1884, sent another special examiner, Mr. E. H. La Force, to investigate the case, who, in the conclusion of his report, uses this language:

"From the evidence taken heretofore by Special Examiners Mills and Vinal, I am of the opinion that this claim is of doubtful merit. I would recommend further examination at Zanesville, Ohio."

In accordance with this recommendation, on April 6, 1885, Special Examiner Vinal was sent to Ohio, and in concluding his report to the Pension Bureau he says: "Recommendation, restoration to the pension-rolls." This recommendation is approved by R. A. Durnan, supervising examiner, Columbus, Ohio, district.

Notwithstanding this recommendation and the voluminous testimony taken to sustain the claimant's right to restoration, on the 18th of June, 1885, the action taken by the bureau in 1879, dropping the name of the claimant from the pension-rolls, was affirmed.

Your committee is absolutely at a loss to understand, after an analysis of the testimony and the careful, painstaking report of Special Examiner Vinal, upon what theory the action of the Pension Bureau refusing to the claimant a restoration to the pension-rolls is based. If there was a doubt as to her right, the benefit of that doubt should certainly have been given to her; but under the evidence in the case, taking into consideration the report as to the credibility of the witnesses, the committee is satisfied that there rests no doubt of the right of the claimant to a pension as the widow of James McLaughlin.

Senate bill 2711 is therefore reported favorably, with the recommendation that it do pass, after amending the same, in line 7, by striking out all after the word "volunteers."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. TOWNSHEND having resumed the chair as Speaker *pro tempore*, Mr. CARUTH reported that the Committee of the Whole House had, according to order, had under consideration the special order, and had directed him to report to the House sundry bills with various recommendations.

CARTER W. TILLER.

Mr. CARUTH. I called up in committee a bill which it turned out was in the House, and I now ask unanimous consent to have that bill taken up and put upon its passage. It is the bill (H. R. 3681) granting a pension to Carter W. Tiller.

The SPEAKER *pro tempore*. The Chair hears no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Carter W. Tiller, dependent father of G. W. Tiller, late a private in Company A, Twenty-eighth Kentucky Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3681) granting a pension to Carter W. Tiller, have carefully considered the same, and respectfully report:

A similar bill passed the Forty-ninth Congress, but was vetoed. Since then proof has accumulated which in the opinion of your committee removes the objections urged by the President.

Your committee do not doubt that Carter W. Tiller was greatly dependent upon his son, George W. Tiller, who was a Union soldier, contracted disease whilst in the service of his country, and died whilst a prisoner of war. Your committee report the bill favorably and recommend its passage.

For the information of the House, your committee append hereto the report of the Committee on Invalid Pensions of the Forty-ninth Congress on the veto message of the President:

[House Report No. 3200, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 4002) granting a pension to Carter W. Tiller, having considered the same, submit the following report, accompanied by said bill, and House report thereon (No. 682), and said message:

There are but two points of objection to the bill raised by the veto message of the President, to wit: First, that of capture and subsequent death of soldier being due to and resulting from his military service in line of duty, and, secondly, that of dependence of the claimant, Carter W. Tiller, on the soldier for support.

The first objection is based on the charge of desertion in the military history of the soldier; the second objection is based on the ability of claimant to provide a competent support, and contributions of soldier to support of his father prior to enlistment or during his military service.

On the first ground of objection the committee find the following state of facts:

On the muster-rolls of Company A, Twenty-eighth Regiment Kentucky Volunteers, for the months of September and October, 1863, dated October 31, 1863, and signed by William E. Benson as captain of said company, the following entry, namely, "Deserted September 20, 1863."

The report of Adjutant-General shows company and regiment stationed at Stevenson, Ala., during September, October, and November, 1863.

Report of Adjutant-General, United States Army, copy of which is hereto attached, shows that soldier died at Andersonville, Ga., while a prisoner of war, on 21st day of July, 1864.

Affidavits of William E. Benson, late captain of Company A, Twenty-eighth Regiment Kentucky Volunteers; J. A. Weatherford, late second lieutenant of same company and regiment; John Martin, late captain Company D, Twenty-eighth Regiment Kentucky Volunteers, and B. H. Bottger, late civil employé of same regiment, copies of which are hereto attached, show the fact and circumstances of capture of soldier.

Whilst the date of the capture is not given the detail and fact are clearly set forth in such a manner as to leave in the mind of the committee no shadow of doubt that the soldier was captured while in line of duty on the 20th day of September, 1863, or soon thereafter, and that he was held as a prisoner of war until July 21, 1864, when he was committed to the hospital at Andersonville, Ga., where he died, as shown by the records of the prison hospital.

The charge of desertion was doubtless entered on the muster-roll of the company because the captain at the time of making the roll had no official information as to the capture of the said soldier. He subsequently testifies that he had "not a personal knowledge of the capture, but was so informed at the time by reliable persons, and has no doubt of the capture and death of said soldier:" and "that said Tiller was sent out on some duty, when he was captured, but he does not now know what duty."

The Commissioner of Pensions seems to have arrived at this conclusion, as the application of the claimant for pension was rejected solely on the ground that claimant was not dependent on soldier for support. The decision is here given, and is as follows:

"Rejected on the ground that claimant was not dependent upon the soldier, as he has supported himself by the income from his occupation since prior to the soldier's death."

On the question of dependence of claimant upon soldier, attention is called to affidavits of Capt. William E. Benson, Lieut. J. A. Weatherford, Capt. John Martin, affidavits of claimant, Dr. J. C. Metcalfe, the official certificate of J. A. Krack, city assessor of Louisville, Ky., and the written statement of Hon. A. S. Willis, a member of the Forty-ninth Congress from Kentucky, copies of which are hereto attached.

Your committee also submit herewith letters from Acting Adjutant-General United States Army, dated June 28, 1886, and July 1, 1886, respectively. Latter is addressed to Hon. W. P. TAULBEE, a member of the committee.

Your committee recommend the passage of the bill, the President's veto to the contrary notwithstanding.

[House Executive Document No. 288, Forty-ninth Congress, first session.]

Message from the President of the United States, returning, without his approval, House bill No. 4002, entitled "An act to grant a pension to Carter W. Tiller."

To the House of Representatives:

I return without my approval House bill No. 4002, entitled "An act granting a pension to Carter W. Tiller."

The records of the War Department show that George W. Tiller, the son of the claimant, enlisted in a Kentucky regiment on the 8th day of October, 1861, and that he deserted on the 20th day of September, 1863; that he was captured by the Confederates afterwards, but the time and circumstances are not given. On the 21st day of July, 1864, he was admitted to the Andersonville hospital, and died the same day of scorbutis.

The father filed his claim for a pension in 1877, alleging his dependence upon the deceased soldier. It is probably true that the son while in the Army sent money to the claimant, though he appears to have been employed as a policeman in the city of Louisville ever since his son's death, at a fair salary.

The claim thus made was rejected by the Pension Bureau on the ground that the claimant was not dependent upon his son.

I am entirely satisfied of the correctness of this determination, and if the records presented to me are reliable, I think the fact which appears therefrom, that the death of the soldier occurred ten months after desertion, and had no apparent relation to any service in the Union Army, is conclusive against the claim now made.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

[House Report No. 682, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4002) granting a pension to Carter W. Tiller, having carefully considered same, submit the following report:

George W. Tiller enlisted as private in Company A, Twenty-eighth Kentucky Volunteer Infantry, October 8, 1861; was captured while in line of duty near Bridgeport, Ala.; was confined at Andersonville, Ga., where he died July 21, 1864. He was sound at enlistment and capture, and is shown by records of War Department to have died of diarrhea. He never was married. His mother died in February, 1864. The claimant and beneficiary of this bill is his father, who filed claim for pension as dependent father December 31, 1877, which was rejected August 19, 1879, "on the ground that claimant was not dependent on the soldier, as he has supported himself by the income from his occupation since prior to the soldier's death."

Claimant is shown by the record to have been a very poor man ever since prior to the enlistment of his son, and never at any time since his son's enlistment to have owned more than $250 in property or other thing; that he was dependent on his son for support at enlistment, and that his said son did contribute to his father's support prior to enlistment and during his service in the Army. The father is also shown to have been a cripple and unable to perform manual labor since 1864, and is now more than sixty-five years old and in very destitute circumstances, and would doubtless have been driven to seeking aid from charity but for the fact that on account of his high character as a man and the esteem in which he was held by the city authorities of Louisville, Ky., he was given a position on the police force of that city, by which he has been able to make for himself a bare support. He is now old and badly afflicted, and your committee think it is the duty of Congress to place his name on the pension-roll.

Your committee therefore recommend the passage of the bill.

[H. R. 4002, in the House of Representatives, January 18, 1886.]

A bill granting a pension to Carter W. Tiller.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Carter W. Tiller, dependent father of G. W. Tiller, late a private in Company A, Twenty-eighth Kentucky Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 31, 1878.

SIR: I have the honor to acknowledge the receipt from your office of application for pension No. 234784, and to return it herewith, with such information as is furnished by the files of this office. It appears from the rolls on file in this office that George W. Tiller was enrolled on the 8th day of October, 1861, at Louisville, Ky., in Company A, Twenty-eighth Regiment of Kentucky Volunteers, to serve three years, or during the war, and mustered into service as a private on the 10th day of October, 1861, at Louisville, Ky., in Company A, Twenty-eighth Regiment Kentucky Volunteers, to serve three years or during the war. On the muster-roll of Company A of that regiment, to August 31, 1863. He is reported present, September and October, 1863. Private deserted September 20, 1863. Name not borne on subsequent rolls to April 30, 1865; May and June, 1865. Dropped as a deserter on muster and pay rolls of October, 1863. Received official notice of his dying in prison at Andersonville, Ga., July 21, 1864. Muster-out roll of company makes similar report.

Prisoner of war records show George W. Tillar or Tiller, said company and regiment, admitted to hospital at Andersonville, Ga., July 21, 1864, and died same day of "diarrhea;" capture not given. This report is accepted as referring to George W. Tillar, Company A, Twenty-eighth Kentucky Volunteers.

I am, sir, very respectfully, your obedient servant,

S. W. BENJAMIN,
Assistant Adjutant-General.

The COMMISSIONER OF PENSIONS,
Washington, D. C.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., March 23, 1878.

SIR: I have the honor to acknowledge the receipt from your office of application for pension No. 234784, and to return it herewith, with such information as is furnished by the files of this office.

It appears from the rolls on file in this office that George W. Tiller was private in Company A, Twenty-eighth Regiment of Kentucky Volunteers. On the muster-roll of Company A of that regiment for the months of September and October, 1863, he is reported "Private. Deserted September 20, 1863." Regimental return for September, 1863, same report at Stevenson, Ala. (the station of the company). No evidence of company or regiment being in action on or about September 20, 1863, nor of command in whi h regiment served during that month. "This man was captured near Bridgeport, Ala., date and circumstances under which captured not stated; was admitted to rebel hospital at Andersonville, Ga., July 21, 1864, and died same day of scorbutis."

I am, sir, very respectfully, your obedient servant,

S. W. BENJAMIN,
Assistant Adjutant-General.

The COMMISSIONER OF PENSIONS,
Washington, D. C.

STATE OF KENTUCKY, *County of Jefferson, ss:*

William E. Benson, a resident of the county and State aforesaid, being duly sworn according to law, upon his oath declares that he is the identical W. E. Benson who was a captain of Company A, Twenty-eighth Regiment Kentucky Infantry Volunteers, and that George W. Tiller was a private of the aforesaid organization, and that on or about the 1st day of December, 1863, the said George W. Tiller, while in the line and discharge of duty, was captured by Wheeler's rebel cavalry, at Whiteside Station, Tennessee, and died in prison at Andersonville, Ga. Affiant has not a personal knowledge of the capture, but was so informed at the time by reliable persons, and has no doubt of the fact of the capture and death of said soldier. There is no commissioned officer who can testify from personal knowledge of the capture of said George W. Tiller, as no commissioned officer was with him at the time. Affiant was sent with his company to guard a wagon-train from Stevenson, Ala., to Point Rock, near Huntsville, Ala., and it was during his absence that George W. Tiller was captured. Said Tiller was left in camp and did not accompany him to Point Rock. He was legally excused from going, but he can not now remember the cause of his remaining behind.

Affiant has a knowledge that George W. Tiller sent money to his father twice by Lieut. John A. Weatherford, of said Company A, Twenty-eighth Regiment Kentucky Volunteers, and he was a dutiful son to his father and a good soldier. Affiant learned when he came back from Point Rock that said Tiller was sent out on some duty when he was captured, but he does not now know what duty.

Affiant has no interest in the matter.

WILLIAM E. BENSON.

Subscribed and sworn to before me this 26th day of June, 1879, and I certify that the party whose name appears signed to the foregoing affidavit is the person he represents himself to be, and a good and credible witness, and that the contents of the foregoing affidavit were duly read and fully made known to affiant before making oath to the same, and that I have no interest in this matter.

WM. E. LORAN,
Clerk Jefferson County Court.

STATE OF KENTUCKY, *County of Jefferson, ss:*

On this 27th day of December, 1877, before me, Ch. M. Thurston, clerk of the county court within and for the county and State aforesaid, personally came and appeared John A. Weatherford, aged forty-eight years, a resident of the city of Louisville, in the State of Kentucky, who, being by me duly sworn according to law, on oath declares that he was formerly second lieutenant of Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry; that he was well and intimately acquainted with Carter W. Tiller, father of George W. Tiller, deceased, late private Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry. That said George W. Tiller was captured near Stevenson, Ala., and died while a prisoner of war at Andersonville prison, Georgia, on or about July 21, 1864. That said George W. Tiller was in the habit of sending the most of his pay home to his father, Carter W. Tiller, while he was in service. He sent twice by this affiant, $50 each time, and probably oftener, but he sent home to his father by this affiant as much as $100. Said George W. Tiller was a very dutiful son, and did all he could toward the support of his father, Carter W. Tiller.

The mother of said George W. Tiller, deceased; namely, Mrs. Sophronia Tiller, is dead. She died in February, 1864, in Louisville, Ky., and this affiant was one of the pall-bearers at her funeral; that said Carter W. Tiller is a very poor man; did not own any real estate or other property on which he could derive an income at the date of his son's death, or at any time since up to the present time. Said Carter W. Tiller is now about sixty years old. This affiant has no interest in the claim of said Carter W. Tiller for a pension.

J. A. WEATHERFORD,
Late Second Lieutenant Company A, Twenty-eighth Regiment Volunteers.

Sworn to and subscribed before me this 27th day of December, in the year 1877, and I hereby certify that the affiant is a respectable and credible person and resides as stated; that I have no interest in this matter.

I further certify that the foregoing affidavit was read over, fully explained to, and understood by the affiant before the signing and execution thereof, and also that the affiant is the identical party represented as making the affidavit.

CH. M. THURSTON,
Clerk Jefferson County Court.

CITY OF LOUISVILLE, ASSESSOR'S OFFICE,
Louisville, Ky., December 27, 1877.

This is to certify that Mr. C. W. Tiller is listed on the books of this office for the following property for the various years, to wit:

1863. Improvement S. Wal., Flo., and Prest. (value)	$200
1864. Improvement S. Wal., Flo., and Prest. (value)	150
1865. Improvement S. Wal., Flo., and Prest. (value)	200
1866. Improvement S. Wal., Flo., and Prest. (value)	250
1867. Improvement S. Wal., Flo., and Prest. (value)	250

For the years 1868 to 1877, inclusive, I find no assessment against the said C. W. Tiller.

J. A. KRACK, *City Assessor.*

STATE OF KENTUCKY, *County of Jefferson, ss:*

On this 14th day of March, 1878, before me, Ch. H. Thurston, a county court clerk within and for the county and State aforesaid, personally came and appeared B. H. Bottger, aged 35 years, a resident of the city of Louisville, in the State of Kentucky, who, being by me duly sworn according to law, on oath declares that he was with the post baker at Stevenson, Ala., with wagon train and sutler's wagon; he was in company with George W. Tiller (now deceased), private Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry, and when they arrived at Whiteside's Station, Tenn., on the Chattanooga Railroad, they were both captured by Wheeler's rebel cavalry; 10 barrels of flour were left at Whiteside's Station, and he (affiant) and said George W. Tiller were left at Whiteside's Station, Tenn., to guard said flour until the wagons came back to take it (said flour).

The wagons were overloaded and the flour was left, for the reason that the wagons had to lighten up. Wheeler's cavalry captured both this affiant and George W. Tiller; affiant and Tiller were taken first to General Longstreet's headquarters, and from there, via Atlanta, Ga., on to Richmond; said George W. Tiller was taken to Libby prison, Richmond, Va., and this affiant to Castle Thunder, Richmond, Va.; affiant has no interest in the claim of Carter W. Tiller, father of said George W. Tiller, deceased, for pension.

R. H. BOTTGER.

Sworn to, etc., and certificate of credibility of witness by

CH. M. THURSTON,
Clerk Jefferson County Court.

STATE OF KENTUCKY, *County of Jefferson, ss:*

On this 28th day of June, 1879, before me, William E. Loran, clerk county court within and for the county and State aforesaid, personally came and appeared Dr. J. C. Metcalf, aged fifty-four years, a resident of the city of Louisville, in the State of Kentucky, who, being by me duly sworn according to law, on oath declares that his post-office address is southeast corner Preston and Market, Louisville, Ky., county of Jefferson, and he has no interest in this claim; that he was the family physician of Carter W. Tiller, father of George W. Tiller, deceased, late private Company A, Twenty-eighth Regiment Kentucky Volunteers, for twenty years, commencing about the year 1851 and ending about 1871; that said Carter W. Tiller was shot through the left arm near the shoulder, and said shot passed entirely through his body; said shot was received by him in 1864, or fifteen years ago; said wound has always (since he received it) been a source of great disability to him, said Teller; he is also generally debilitated; he has been disqualified from doing manual labor by reason of said wound from 1864 to the present time; said Carter W. Tiller was a plasterer by occupation, and he has been a member of the police force of the city of Louisville, Ky., for the past twenty years; his average wages or earnings have been, from 1863 to the present time, as much as $60 per month.

The present wages of a policeman in this city is $1.75 per day. Affiant knows that Sophronia Tiller, mother of the deceased soldier, is dead; she died in Louisville, Ky., as much as fifteen years ago, but this affiant can not fix the exact date, although he was the family physician at the time she died; affiant knows that George W. Tiller, the deceased soldier, was never married. He knew George W. Tiller from his infancy and knew he was the child of Carter W. Tiller and Sophronia Tiller; that said Carter W. Tiller has had no means of support other than pay for services as a policeman from 1863 to the present time. He has no property or anything from which he can derive an income. He lives in a rented house, for which he pays a rent of $10 per month.

J. C. METCALFE, M. D.

Sworn to and subscribed before me this 28th day of June, 1879, and I hereby certify that affiant is a respectable and credible person and worthy of full faith and credit.

WM. E. LORAN,
Clerk Jefferson County Court.

[Single affidavit.]

STATE OF KENTUCKY, *County of Jefferson, ss:*

On the 27th day of December, A. D. 1877, before me, Ch. M. Thurston, clerk of the county court within and for the county and State aforesaid, personally came and appeared Carter W. Tiller, aged sixty years, a resident of the city of Louisville, in the State of Kentucky, who, being duly sworn according to law, on oath declares that he is the father of George W. Tiller, deceased, late private Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry, and is the claimant for pension by reason of his said son's services and death while in service from starvation while in Andersonville, Ga., prison. He, affiant, was to a great extent dependent on his said son, who was a very smart, intelligent boy. That while his said son was in the Army he sent him all his pay with the exception of a little for personal use. The property mentioned in the certificate of Assessor Krack was a small old frame, three-room house, built on leased ground, and he sold said house in 1867 for $150; said house is all the property he had at the time of his son's death. He never had any income in his life from any source. His occupation has been that of a policeman in the city of Louisville, Ky.

CARTER W. TILLER.

Sworn to and subscribed before me this 27th day of December, in the year 1877, and I hereby certify that the affiant is a respectable and creditable person,

and resides as stated; that I believe his statements are correct and worthy of full faith and credit; that I have no interest in this matter. I further certify that the foregoing affidavit was read over, fully explained to, and understood by the affiant before the signing and execution thereof, and also that the affiant is the identical party represented as making the affidavit.

C. M. THURSTON,
Clerk Jefferson County Court.

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., June 28, 1886.

DEAR SIR: Responding to your inquiry of this day in regard to Carter W. Tiller, whose bill for pension has recently passed the House, I desire to say that I have been personally acquainted with Mr. Tiller for twenty years. He is recognized by our citizens generally as a man of probity, good demeanor, industrious, and worthy in every respect. He was for many years on the police force of Louisville, Ky., acting as a detective, and, although quite aged, was retained there because of his valuable services in the past. As far as I know, and I think I am competent to speak advisedly of the fact, his reputation is beyond reproach both as a man and an officer. The municipal administration at Louisville was changed on January 1, 1885, and immediately thereafter Mr. Tiller's services were dispensed with. Since that time my information (which I deem perfectly reliable) is that he has had no occupation whatever, but has been supported by benevolent organizations of the city.

Very truly, yours,

ALBERT S. WILLIS.

Hon. WILLIAM P. TAULBEE,
House of Representatives.

ADJUTANT-GENERAL'S OFFICE, WAR DEPARTMENT,
June 28, 1886.

In the case of George W. Tiller, a private in Company A, Twenty-eighth Kentucky Volunteers, pension claim 234784, records of prisoners of war furnish no additional information other than that shown in report to honorable Commissioner of Pensions, dated March 23, 1878.

In the case of B. H. Bottger, citizen, affiant in said case, prisoner-of-war records show B. Botcher, citizen of Prussia, B. H. Botcher, baker, field hospital, Reserve Corps, or in Major-General Granger's Corps, captured at Whiteside Station, Tenn., September 25, 1863; committed to Castle Thunder, Richmond, Va., October 10, 1863, by Captain Alexander; discharged by General Winder, Order No. 61; delivered to Major Turner March 11, 1864, to be treated as a prisoner of war; confined in Confederate States military prison, Richmond, Va., March 11, 1864; again committed to Castle Thunder, date not given, and discharged September 5, 1864, to be treated as a prisoner of war; confined in Confederate States prison same day, and paroled at Vienna, Va., September 24, 1864.

Said records also show the following members of the Twenty-eighth Kentucky Volunteers captured at or near Stevenson, Ala., on or about September 20, 1863, namely:

Frederick Boyer, Company E, Twenty-eighth Kentucky Volunteers, captured at Stevenson, Ala., October 10, 1863; confined at Richmond, Va., November 7, 1863; paroled at City Point, Va., March 7, 1864.

Also show:

Michael Mahan, Company H, Twenty-eighth Kentucky Volunteers, captured at Cowan's Station, Tenn., October 9, 1863; confined at Richmond, Va., November 7, 1863; paroled at City Point, Va., March 15, 1864.

John W. B. Shirley, Company E, Twenty-eighth Kentucky Infantry, captured at Stevenson, Ala., October 10, 1863; confined at Richmond, Va., November 7, 1863; sent to Andersonville, Ga., March 23, 1864, where he was admitted to hospital May 10, 1864, and died June 14, 1864.

Patrick Gallagher, Company H, Twenty-eighth Kentucky Volunteers, was captured at Cowan Station, Tenn., October 9, 1863; confined at Richmond, Va., November 7, 1863; admitted to Hospital No. 21, Richmond, Va., November 25, 1863, and died there December 29, 1863.

The company roll for September and October, 1863, reports George W. Tiller, Company A, Twenty-eighth Kentucky Volunteers, deserted September 20, 1863

J. C. KELTON,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 1, 1886.

SIR: In reply to your verbal inquiry, I have the honor to inform you that the records of this office show that Frederick Boyer, private Company E, Twenty-eighth Kentucky Infantry, is reported on company muster-roll dated Victoria, Tex., December 14, 1865, with remark:

* * * "Deserted January 23, 1863, Clarksville, Tenn.; returned September 28, 1863; restored to duty, date of order unknown; deserted October 9, 1863; returned April 7, 1864; restored to duty by Special Orders No. 199, Headquarters Second Division Fourth Army Corps; deserted December 9, 1864, at Nashville, Tenn.; returned January 7, 1865; tried by general court-martial; sentenced to be dishonorably discharged from service with loss of all pay and allowances, and confined in military prison during war. Discharged by General Orders No. 8, Military Department Tennessee. Stoppages due United States for one Spencer rifle and accouterments complete, $35.50."

John W. B. Shirley, private same company, is reported on company muster-out roll, dated Huntsville, Ala., January 26, 1865; "deserted October 6, 1863; not apprehended. Was captured at Stevenson, Ala., October 10, 1863; confined in rebel prison at Richmond, Va., November 7, 1863; sent to Andersonville, Ga., March 7, 1864; admitted to prison hospital at Andersonville, Ga., May 10, 1864, where he died June 14, 1864, of diarrhea."

Patrick Gallaher, Company H, Twenty-eighth Kentucky Infantry, is reported on roll for September and October, 1863, dated at Stevenson, Ala., October 31, 1863; "captured by the enemy at Tunnel Hill, near Cowan Station, Tenn., October 9." Records of events on said roll show "company in action at Tunnel Hill October 9, 1863, and compelled to retreat to Cowan Station."

Company muster-out roll, dated Nashville, Tenn., May 4, 1865, reports him "died at Richmond, Va., December 24, 1863."

I am, very respectfully, your obedient servant,

THOMAS WARD,
Assistant Adjutant-General.

Hon. W. P. TAULBEE,
House of Representatives, Washington, D. C.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole without amendments, were severally considered, ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 10032) granting a pension to Milton Wallen;
A bill (H. R. 10947) for the relief of John Sweeney;
A bill (H. R. 9776) for the relief of Nancy E. Sawyer;
A bill (H. R. 5919) to restore to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased;
A bill (H. R. 10073) granting a pension to P. F. Jonte;
A bill (H. R. 2261) to increase the pension of Elijah W. Penny;
A bill (H. R. 4101) granting a pension to Martha Giddings, formerly Martha Priest;
A bill (H. R. 9759) granting a pension to John Wallace;
A bill (H. R. 9176) granting a pension to Charlotte Taylor;
A bill (H. R. 10694) granting a pension to John W. Ellis;
A bill (H. R. 2839) granting a pension to Henry Summers; and
A bill (H. R. 9512) granting a bill to Anthony Shafer.

Mr. FELTON. I ask unanimous consent to substitute for the Monohan bill, No. 5919, the Senate bill, which is the same in form.

The SPEAKER *pro tempore*. The Chair is informed that the Senate bill is not on the Calendar.

House bills of the following titles, reported from the Committee of the Whole with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 4737) granting a pension to Micah French;
A bill (H. R. 10494) granting a pension to Emilia Mumm;
A bill (H. R. 9388) to increase the pension of Joseph Holmes;
A bill (H. R. 10253) granting a pension to Emanuel P. Steed;
A bill (H. R. 9252) granting a pension to Mrs. Catherine Barberick; and
A bill (H. R. 11333) granting a pension to Mrs. Louisa Humphrey;

The titles of the two latter being amended to conform.

MRS. SARAH R. BLEECKER.

The bill (H. R. 6339) for increase of pension to Mrs. Sarah R. Bleecker, reported to the House with the recommendation that the previous question be ordered upon it, and that thirty minutes debate be allowed thereon, was considered and the recommendation of the Committee of the Whole adopted.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole without amendments, were severally considered, ordered to a third reading, and being read the third time, were passed, namely:

A bill (S. 2720) granting a pension to John B. Ross;
A bill (S. 2836) granting a pension to William E. Taylor;
A bill (S. 1101) granting a pension to Rachael A. Sinkinson;
A bill (S. 2887) granting a pension to George H. Johnson; and
A bill (S. 2711) restoring Phœbe McLaughlin to the pension-roll.

The bill, S. 1500, reported from the Committee of the Whole with an amendment, was considered, the amendment concurred in, and the bill as amended ordered to a third reading, and being read the third time, was passed.

Mr. MORRILL moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, it seems that a quorum will be demanded on the consideration of the bill (H. R. 11113) granting a pension to Mrs. General Sheridan. I would therefore move, or submit the request, that immediately after the reading of the Journal on Thursday, December 6, next, the previous question be considered as ordered on the bill, and that the House then proceed to the consideration of the bill granting this pension.

Mr. KERR. With this amendment——

Mr. BINGHAM. Subject to the right of amendment at the time.

Mr. CHEADLE. And two and a half hours' debate allowed to the opponents of the bill.

Mr. BINGHAM. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection?

Mr. KILGORE. I object.

Mr. BINGHAM. Will not the gentleman allow us to go into the House with a quorum to consider the bill?

Mr. KILGORE. Not to-night.

Mr. BINGHAM. Does the gentleman understand that I ask that this resolution be adopted fixing December 6 for the consideration of the bill, when I assume that there will be a quorum present?

Mr. KILGORE. I understand exactly the proposition.

Mr. MACDONALD. It occurs to me that this suggestion or motion of the gentleman from Pennsylvania is premature, because the effect will be to put this bill beyond the control of the House to act upon it before we adjourn at this session.

Mr. BINGHAM. You can not get a quorum at this session.

Mr. MACDONALD. You have no right to assume that.

Mr. MAISH. Regular order.

Mr. MACDONALD. I am in favor of the passage of the bill, and

several other gentlemen here are, but the gentleman from New York [Mr. TIMOTHY J. CAMPBELL], who introduced this bill or another of the same kind, is not present, and we have no right to put it beyond the control of the House. For this reason I am opposed to making such an order.

Mr. MAISH. I demand the regular order.

LAURA L. WALLEN.

Mr. MCKENNA. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 5593) granting an increase of pension to Laura L. Wallen, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension to Laura L. Wallen, widow of Henry D. Wallen, late colonel of the Second Infantry, United States Army, to the sum of $50 per month.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELEANOR B. GOODFELLOW.

Mr. MACDONALD. I ask the present consideration of the bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eleanor B. Goodfellow, widow of Henry Goodfellow, late major and judge-advocate-general, United States Army, and pay her at the rate of $50 per month, in lieu of that which she is now receiving.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, which was ordered to a third reading, and being read the third time, was passed.

SAMUEL J. WRIGHT.

Mr. MOFFITT. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 10647) granting a pension to Samuel J. Wright and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Wright, father of Darwin Wright, deceased, late of Company A, Second Regiment of New York Cavalry Volunteers.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BETSEY A. MOWER.

Mr. YODER. I ask that the bill (S. 2838) granting an increase of pension to Betsy A. Mower be put on its passage.

Mr. MORRILL. This bill has been reported to the House by the Committee of the Whole and the report printed in the RECORD.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. YODER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JENNIE HART MULLANY.

Mr. O'NEILL, of Pennsylvania. I ask present consideration of the bill (S. 2346) granting an increase of pension to Jennie Hart Mullany.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jennie Hart Mullany, widow of J. R. Madison Mullany, late rear-admiral in the United States Navy, and pay her at the rate of $50 in lieu of that which she is now receiving.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL LANE.

Mr. MAISH. I ask consideration of the bill (S. 120) granting a pension to Samuel Lane.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none.

Mr. CARLTON. I call the attention of the Speaker to the fact that the hour at which the House under the rule has to adjourn has arrived, and I shall object to any other business being transacted.

The SPEAKER *pro tempore*. The hour of 10.30 having arrived, the House stands adjourned until Monday, September 24, at 12 m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 11467) for the relief of William E. Byrd—to the Committee on War Claims.

Also, a bill (H. R. 11468) granting a pension to William Bean—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 11469) for the relief of Roger N. Willet—to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 11470) granting a pension to George F. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11471) granting a pension to Joseph H. Welty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11472) granting a pension to George W. Bagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11473) granting a pension to Mary F. Machlan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11474) granting a pension to J. O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11475) for the relief of John Kane—to the Committee on War Claims.

By Mr. HOLMAN: A bill (H. R. 11476) granting a pension to Nancy Barden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11477) granting a pension to Hester A. Bonnell—to the Committee on Invalid Pensions.

By Mr. HOVEY: A bill (H. R. 11478) for the relief of Bennett J. Crowder—to the Committee on Invalid Pensions.

By Mr. LAGAN: A bill (H. R. 11479) for the relief of Robley D. Evans and Richard M. Green—to the Committee on Patents.

By Mr. POST: A bill (H. R. 11480) granting a pension to Andrew Friend—to the Committee on Invalid Pensions.

By Mr. ROWELL: A bill (H. R. 11481) for the relief of Philip S. Post—to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 11482) granting a pension to Mrs. Susan A. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to Susan Ruth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11484) granting a pension to William Thomas Goodson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11485) granting a pension to Louisa Glass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11486) granting a pension to Amanda L. Wisner—to the Committee on Pensions.

Also, a bill (H. R. 11487) granting an increase of pension to Bennett S. Shaug—to the Committee on Pensions.

Also, a bill (H. R. 11488) granting an increase of pension to Thomas Adams—to the Committee on Pensions.

Also, a bill (H. R. 11489) for the relief of Lymon E. Stanley—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. E. P. ALLEN: Petition of Harriet L. Whitacre, administratrix of William Root, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. PERKINS: Resolutions of Pleasant Valley Grange, No. 1416, of Cowley County, Kansas, asking for the passage of the bill to prevent the adulteration of food products—to the Committee on Agriculture.

By Mr. RICE: Resolution of the Chamber of Commerce of St. Paul, Minn., in favor of combining the third and fourth class postal matter under a uniform rate of 1 cent for each 2 ounces or fraction thereof—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *September* 24, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 20th instant, a statement of the amount found due the State of California by the accounting officers of the Treasury Department under the act of June 27, 1882.

The PRESIDENT *pro tempore*. If there be no objection, this communication, with the accompanying papers, will be referred to the Committee on Appropriations. Shall the accompanying papers be printed?

Mr. HALE. I think the papers had better be referred without printing.

The PRESIDENT *pro tempore*. They will be referred without printing, if there be no objection.

Mr. HALE. The bill should be taken up at once.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury recommending an appropriation for the payment of messengers for conveying the votes of Presidential electors under section 144 of the Revised Statutes of the United States; which, with the accompanying papers, was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. DAWES. I present a petition praying for the retirement of General William F. Smith with the rank of major-general, signed by a large number of soldiers, some of whom served under him, and all of whom state that they are acquainted with his remarkable record. This petition is headed by General Charles Devens, a brigadier-general in the late war, afterwards Attorney-General of the United States, and now a judge of the supreme court of Massachusetts, and by others, all of whom have a most honorable record in the late war.

I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. MANDERSON presented a memorial numerously signed by citizens, farmers of Cass County, Nebraska, remonstrating against the passage of the so-called Mills tariff bill for the reason that it discriminates against farming and other American industries; which was referred to the Committee on Finance.

Mr. PLUMB presented the petition of the L. E. King Post, No. 105, Department of Kansas, Grand Army of the Republic, Augusta, Kans., praying for the passage of certain pension legislation; which was referred to the Committee on Pensions.

HOMESTEAD ENTRIES.

Mr. BERRY. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 3559) to amend section 2304 of the Revised Statutes of the United States, to allow honorably discharged soldiers and sailors of the late war who have abandoned or relinquished their homestead entries before the expiration of the six months allowed by section 2304 of the Revised Statutes to make another entry, to report it with an amendment in the nature of a substitute, and I am instructed by the committee, in view of the importance of the matter, to ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The amendment will be read at length for information, if there be no objection.

The Secretary read the amendment reported by the Committee on Public Lands, which was to strike out all after the enacting clause and insert:

That any person who has not heretofore perfected title to a tract of land which he has made filing upon under the pre-emption law or entry of under the homestead law, may make a homestead entry of not exceeding one quarter section of public land subject to such entry, such previous filing or entry to the contrary notwithstanding; but this right shall not apply to persons who perfect title to lands under the pre-emption or homestead laws already initiated.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Public Lands.

Mr. DOLPH. Let it be read again.

The PRESIDENT *pro tempore*. It will be again read.

The amendment was read.

Mr. DOLPH. The bill comes from the Committee on Public Lands.

The PRESIDENT *pro tempore*. It was reported from that committee this morning.

Mr. PLUMB. If the Senator will permit me, I will state that that is precisely the provision contained in the general land bill we have reported several times.

Mr. DOLPH. I simply desired to have the amendment read for information, as I came in after the bill had been called up.

Mr. PLUMB. It is based upon the bill introduced by the Senator from Nebraska [Mr. MANDERSON], which was limited to persons who had rendered honorable service and been honorably discharged from the Union Army; but the committee concluded to adhere to its former action and provide that where a person had made a filing or entry of homestead which he had not pursued to the point of completion, and which the law required in detail, he might now make a homestead entry.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill to amend section 2304 of the Revised Statutes of the United States, to allow persons who have abandoned or relinquished their homestead entries to make another entry."

INSTRUCTIONS TO JURIES.

Mr. WILSON, of Iowa. I am instructed by the Committee on the Judiciary to report favorably with an amendment the bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases. I ask that the bill may be considered at this time.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent for the present consideration of the bill reported by him.

Mr. WILSON, of Iowa. The amendment is to strike out all after the enacting clause and insert a substitute.

The PRESIDENT *pro tempore*. The proposed substitute will be read for information.

The Secretary read the amendment, which was to strike out all after the enacting clause and insert:

That in all States wherein by the laws thereof judges of courts of record are required to reduce charges and instructions to juries to writing, judges of the district and circuit courts of the United States shall conform to such practice, and such written instructions shall be taken by the jury on their retirement, returned with their verdict, and retained with the files and be a part of the record in each case.

Mr. STEWART. I think that should lie over.

Mr. WILSON, of Iowa. I will state that the amendment reported by the Judiciary Committee is simply the bill on this subject as it was passed by the Senate. The House of Representatives has sent us a bill in somewhat different terms, and we propose to amend that House bill by striking out all after the enacting clause and inserting the bill which has already been passed by the Senate. As reported, it has the unanimous recommendation of the Committee on the Judiciary.

Mr. STEWART. I desire to suggest to the Senator that it seems to me it would be well to disembarrass the courts to this extent——

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Nevada that debate is not in order if the bill is to go over. Does the Senator insist on his objection?

Mr. WILSON, of Iowa. I hope the bill may be proceeded with.

Mr. STEWART. If the Senator will allow me to make my suggestion perhaps he will consent to have it go over. I desire to make an amendment to the bill providing that the courts may have their charge taken down, if they desire, by a shorthand reporter, because in the rapidity of the business in the circuit courts the judges would be very much embarrassed if the charge had to be written out beforehand. Very many of the judges are in the habit of stating the charges from the bench, and it would accomplish the purpose by having them taken down by a shorthand reporter, and it would facilitate business very much.

Mr. JONES, of Arkansas. I should like unanimous consent to make a suggestion to the Senator from Nevada.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill this morning reported from the Committee on the Judiciary?

Mr. JONES, of Arkansas. I was going to ask——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. TELLER. I should like to hear the bill read.

The PRESIDENT *pro tempore*. The amendment will be again read for information.

The Secretary read the amendment.

Mr. TELLER. I object to that measure. I know what bill it is. I propose to antagonize that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 148) for the relief of Isaac H. Wheat;

A bill (H. R. 157) correcting the military history of Robert McNutt;

A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;

A bill (H. R. 393) to provide for the payment of the claim of Capt. Roderick McIntosh;

A bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry;

A bill (H. R. 724) for the relief of Louisa McLain;

A bill (H. R. 861) for the relief of Joseph Diehl;

A bill (H. R. 1152) for the relief of the legal representatives of Eliza M. Ferris;

A bill (H. R. 2261) to increase the pension of Elijah W. Penny;

A bill (H. R. 2267) to pay Thompson McKinley $375 for service voucher issued to him during the late war by Capt. George W. Harrison, assistant quartermaster United States Army;

A bill (H. R. 2598) for the relief of William Whitehouse;

A bill (H. R. 2688) for the relief of Alfred Breuer;

A bill (H. R. 2839) granting a pension to Henry Sommers;

A bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell;

A bill (H. R. 3453) for the relief of George O. Donnell;

A bill (H. R. 3471) for the relief of the First Baptist Church of Cartersville, Ga.;

A bill (H. R. 3681) granting a pension to Carter W. Tiller;
A bill (H. R. 4101) granting a pension to Martha Giddings, formerly Martha Priest;
A bill (H. R. 4658) for the relief of Henry Gumberts, sr.;
A bill (H. R. 4737) granting a pension to Micah French;
A bill (H. R. 5094) for the relief of Henry H. Epping and Alexander N. Brannan, administrators of S. H. Hill;
A bill (H. R. 5248) for the relief of the American Grocer Association of the city of New York;
A bill (H. R. 5593) granting an increase of pension to Laura L. Wallen;
A bill (H. R. 5919) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased;
A bill (H. R. 6012) for the relief of A. P. Swineford;
A bill (H. R. 6560) for the relief of the trustees of the Catholic Church at Dalton, Ga.;
A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy;
A bill (H. R. 9176) granting a pension to Charlotte Taylor;
A bill (H. R. 9252) granting a pension to Mrs. Catherine Barberick, of Watertown;
A bill (H. R. 9388) to increase the pension of Joseph Holmes;
A bill (H. R. 3512) granting a pension to Anthony Shafer;
A bill (H. R. 9759) granting a pension to John Wallace;
A bill (H. R. 9776) for the relief of Nancy E. Sawyer;
A bill (H. R. 10032) granting a pension to Milton Wallen;
A bill (H. R. 10073) granting a pension to P. F. Jonte;
A bill (H. R. 10100) for the relief of Charles F. Campbell;
A bill (H. R. 10253) granting a pension to Emmanuel P. Steed;
A bill (H. R. 10494) granting a pension to Emilia Mumm;
A bill (H. R. 10647) granting a pension to Samuel J. Wright;
A bill (H. R. 10659) for the relief of Elizabeth C. Cole;
A bill (H. R. 10694) granting a pension to John W. Ellis;
A bill (H. R. 10947) for the relief of John Sweeney;
A bill (H. R. 11139) to authorize the building of a bridge or bridges across the Mississippi River at La Crosse, Wis.;
A bill (H. R. 11297) in relation to grants of lands to aid in the construction of railroads;
A bill (H. R. 11333) granting a pension to Mrs. Louise M. Humphrey; and
Joint resolution (H. Res. 225) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

The message also announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

A bill (S. 1500) granting a pension to Margaret M. Miller; and
A bill (S. 2346) granting increase of pension to Jennie Hart Mullany.

The message further announced that the House had passed the following bills:

A bill (S. 145) for the relief of Edward Braden and Job W. Angus;
A bill (S. 937) for the relief of David L. Brainard and others;
A bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States and to pay said Willbur such sum of money as may be found due him thereon;
A bill (S. 1101) granting a pension to Rachael A. Sinkinson;
A bill (S. 1582) for the relief of the estate of Lucien Goyaux;
A bill (S. 1591) granting an increase of pension to Madison M. Meredith;
A bill (S. 1668) for the relief of A. M. Woodruff;
A bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow;
A bill (S. 2201) for the relief of Laura E. Maddox, widow, and executrix, and Robert Morrison, executor of Joseph H. Maddox, deceased;
A bill (S. 2411) for the relief of C. A. Williams and others;
A bill (S. 2675) granting an increase of pension to Lieut. James R. Durham;
A bill (S. 2711) restoring Phœbe McLaughlin to the pension-roll;
A bill (S. 2720) granting a pension to John B. Ross;
A bill (S. 2836) granting a pension to William E. Taylor;
A bill (S. 2838) granting an increase of pension to Betsy A. Mower;
A bill (S. 2887) granting a pension to George H. Johnson;
A bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts; and
A bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1078) for the relief of Florida Kennerly;
A bill (S. 2356) to provide a pension for Mrs. Adeline Couzins; and
A bill (S. 3539) to amend an act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State.

BILLS INTRODUCED.

Mr. STEWART introduced a bill (S. 3579) to prohibit the immigration of Chinese laborers, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. PLUMB (by request) introduced a bill (S. 3580) offering a reward of $100,000 to any person or persons whatsoever who shall discover the cause, remedy, and treatment of yellow fever; which was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. CALL introduced a bill (S. 3581) to establish a scientific bureau in the city of Jacksonville, Fla., to gather facts in relation to yellow fever, its origin and spread, and the best means of suppressing and preventing it; which was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. CALL. I present to accompany the bill a telegram which I have just received from J. J. Daniel, president of the board of health of Jacksonville, Fla., a very distinguished lawyer and citizen of that State, requesting the establishment of a commission for the purpose of ascertaining the facts in relation to yellow fever and its prevalence in the United States. I move the reference of the paper to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. HARRIS. In connection with the same subject I send a telegram to the Secretary's desk in order that it may accompany the bill in its reference, and which I desire to have read.

The telegram was read, and referred to the Committee on Epidemic Diseases, as follows:

MEMPHIS, TENN., *September* 22, 1888.

Hon. ISHAM G. HARRIS,
Member United States Senate,
13 *First street, northeast, Washington:*

The prevalence of yellow fever in Florida and its presence at Decatur, Ala., and at Jackson, Miss., is due to unrestricted intercourse between Cuba and Florida during the past two years, and demonstrates the necessity of a rigid and perfect system of seaboard quarantine for future protection of health, life, and commerce; we therefore urgently request the re-establishment of the National Board of Health, or of some similar health organization, and its full equipment with power and means to carry out the desired object in connection with State and local boards of health.

DAVID PARK HADDEN, *President Taxing District.*
G. B. THORNTON, *President Board of Health.*
J. M. KEATING, *Editor Memphis Appeal.*
L. B. SUGGS, *President Cotton Exchange.*
J. A. MARTIN, *President Merchants' Exchange.*
BROTHER MANELIAN, *President Christian Brothers' College.*

Mr. CHANDLER introduced a bill (S. 3582) to authorize the sale of timber on certain lands reserved for the use of the Chippewa bands of Indians in the States of Wisconsin and Minnesota; which was read twice by its title, and referred to the Select Committee on Indian Traders.

He also introduced a bill (S. 3583) regulating the allotment of lands in severalty to Indians; which was read twice by its title, and referred to the Select Committee on Indian Traders.

Mr. BATE introduced a bill (S. 3584) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers; which was read twice by its title, and referred to the Committee on Commerce.

LOUISIANA ELECTION INVESTIGATION.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections while engaged by direction of the Senate in the inquiry into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, shall be, and is hereby, authorized as a full committee, or through any subcommittee appointed by the chairman, to send for persons and papers; to sit during the sessions of the Senate; to employ a clerk, stenographer, or stenographers, and one or more messengers, and to take testimony at any places which it may deem it expedient to visit; and the necessary expenses of such investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

RELATIONS WITH GREAT BRITAIN AND CANADA.

The PRESIDENT *pro tempore.* The Chair lays before the Senate a resolution coming over from a former day.

The resolution submitted by Mr. SHERMAN September 17, 1888, was read, as follows:

Resolved, That the Committee on Foreign Relations be directed to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada, with such measures as are expedient to promote friendly commercial and political intercourse between these countries and the United States, and for that purpose have leave to sit during the recess of Congress.

The PRESIDENT *pro tempore.* On a former day it was agreed that this resolution should retain its place in the order of current morning business.

Mr. CULLOM. I ask that it be laid aside temporarily, retaining its place.

The PRESIDENT *pro tempore.* The Senator from Alabama [Mr. MORGAN] would be entitled to speak on the resolution this morning.

Mr. PLUMB. The Senator from Alabama, who wants to speak upon the resolution, left the Chamber this morning with the understanding that the resolution should go over until to-morrow, retaining its place, so as to come up then at the conclusion of the morning business, as it came up this morning.

The PRESIDENT *pro tempore*. The resolution will then retain its place and be presented in the order of current morning business to-morrow.

PRESENTATION OF BILLS TO THE PRESIDENT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted by the Senator from Nevada [Mr. STEWART] on the 21st instant, which comes over under objection.

The Secretary read the resolution, as follows:

Whereas it is alleged in the public press and elsewhere that the presentation of bills to the President of the United States which have passed both Houses of Congress, been duly enrolled and signed by the Speaker of the House of Representatives and the President of the Senate, is frequently delayed for several days, and sometimes for weeks, by the Committee on Enrolled Bills of the House: Therefore,

Resolved, That the Senate, as a branch of the legislative department of the Government, do call the attention of the House of Representatives to said alleged delays on the part of its Committee on Enrolled Bills in presenting bills to the President of the United States which have been duly enrolled and signed by the Speaker of the House of Representatives and the President of the Senate, and respectfully ask the House to require its officers to present such bills to the President without unnecessary delay.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. STEWART. I desire the resolution to be referred to the Committee on Rules, and I beg leave to point out to that committee the authorities, which may be of some convenience to it.

So far as the Senate is concerned, the twenty-fifth rule provides that when a bill has been signed by the Speaker of the House of Representatives and by the President of the Senate, it shall be forthwith transmitted to the President of the United States.

The House of Representatives has no direct rule as to the time when a bill shall be transmitted. The forty-fourth rule of the House, however, adopts Jefferson's Manual in all matters not provided for in the special rules, as will be found in the House Manual, page 264.

Jefferson's Manual makes it an infringement of the rules of Parliament to withhold a bill from the king, and it also makes it the duty of the Committee on Enrolled Bills to present bills to the President. Senate Manual, page 180.

When a bill is sent by one House to the other and is there delayed it is parliamentary to send a messenger to the other House calling the attention of that body to the omission. Senate Manual, page 261.

When there is unreasonable delay it is in order for one House to send to the other a complaint calling attention to the fact. This rule will be found in Senate Manual, page 214.

I simply call attention to these matters. I hope the Committee on Rules will examine into the question and see if there has been unreasonable delay on the part of the other House in sending bills to the President, and suggest the proper mode to that body or request it to furnish a remedy.

The Senate is interested as much as the House of Representatives in having a bill, after it has passed the two Houses, presented to the President within a reasonable time. My suggestions have no reference to any particular bill now, but in order that there may be no misunderstanding hereafter as to the proper time to present bills, I think this matter ought to be investigated.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Rules.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the House still further insisted upon its disagreement to the one hundred and tenth amendment of the Senate to the bill, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORNEY, Mr. BURNES, and Mr. RYAN the managers of the further conference on the part of the House.

LIEUT. STARKEY R. POWELL.

Mr. CULLOM. I ask leave to call up House bill 10068, which is a private bill, and one to which I think there will be no objection.

Mr. HALE. I do not wish to interfere with the request made by the Senator from Illinois, because I understand his matter will take but little time. After that is disposed of I desire to call up the general deficiency appropriation bill, and I hope it may be passed in a short time. I shall make that motion, with the leave of the Chair, at the end of the bill suggested by the Senator from Illinois.

The PRESIDENT *pro tempore*. The Senator from Illinois asks for the present consideration of the bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of Black Hawk war.

By unanimous consent the bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of Black Hawk war, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Starkey R. Powell, late lieutenant in Capt. William B. Smith's company of the Third Regiment Illinois Mounted Volunteers in the Black Hawk war, at $30 a month.

Mr. CULLOM. I only desire to say that this gentleman is a very old man, and the universal sentiment is that the bill ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARINE-HOSPITAL SERVICE.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Oregon [Mr. DOLPH] to a message from the House of Representatives. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 1786) to regulate appointments in the Marine-Hospital Service of the United States.

Mr. DOLPH. The House amendment is an important one, I think, and as the bill was reported from the Committee on Commerce, I move that the amendment be referred to that committee.

Mr. COCKRELL. Let the bill be printed as passed by the House.

The PRESIDENT *pro tempore*. The bill will be printed as passed, and referred with the amendment of the House to the Committee on Commerce.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. HALE. Mr. President——

Mr. PLUMB. Let the bill be taken up and then I will yield.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

Mr. HALE. As I gave notice a few minutes ago, I proposed to call up the general deficiency appropriation bill at the present time, but I learn that the Senator from Kansas gave notice and desires to submit some remarks on the bill called up by him, not with the intention, as I understand, of continuing its consideration beyond his remarks.

Mr. PLUMB. As far as I am concerned, of course, it would naturally give way anyhow to the time necessary to allow the deficiency appropriation bill to get through, although I did purpose, and so stated, that when the bill was called up I should ask the Senate to proceed at its earliest convenience to its passage. But, of course, the appropriation bill will have the right of way, and there will be no trouble about that.

Mr. HALE. Then I give notice that at the close of the remarks of the Senator from Kansas I shall move to take up the deficiency appropriation bill.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Maine at the conclusion of the remarks of the Senator from Kansas.

Mr. BROWN. Will the Senator from Kansas yield to me to have passed a bill six lines long, which will not take two minutes?

Mr. PLUMB. I yield to the Senator from Georgia.

BRUNSWICK COLLECTION DISTRICT.

Mr. BROWN. I ask the Senate to proceed to the consideration of the bill (H. R. 11101) to include Sapelo Sound, Sapelo River, and Sapelo Island in the Brunswick collection district, in the State of Georgia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BROWN. I will simply state that the Secretary of the Treasury has been consulted and has no objection to the passage of the bill; and it is a House bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BROWN. I am very much obliged to the Senator from Kansas.

NORTHERN PACIFIC RAILROAD LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. PLUMB. Mr. President, the two great political parties in this country present upon all economic, political, and administrative affairs a radical conflict of systems; and in no direction are the lines of controversy more sharply drawn than in the methods and objects of legislative and executive action relative to the public lands. The Democratic party has at all times sought the benefit of the few as against the many. Possessing the cheapest labor in the world in the section of country from which it has mainly drawn its support, it has never sought by the subdivision of landed interests or by the maintenance through advanced methods of cultivation of soil already reclaimed to foster a population of industrious middle classes. On the contrary, by the aban-

donment of plantations as soon as they were worked out, the necessity was created for such a public-land system as would constantly provide new areas for easy occupation and as would naturally maintain a landed oligarchy.

In striking contrast, the Republican party came into existence with the land policy, which it has ever since maintained, of "Land for the landless, homes for the homeless." It has at all times sought to subdivide the public domain amongst and for the benefit of actual settlers. It has zealously guarded, preserved, and improved the areas once conquered by cultivation; it has in regular progression pushed onward its ever-advancing fringe of small agricultural homes; and it has thus developed and fostered empires of citizens enjoying an honest and prosperous equality before the law.

It is, therefore, but natural that when the Democratic party succeeded to power in 1885, after twenty-four years of enforced retirement, it should at once attack the Republican administration of the public lands. It was to be expected that its leaders should seek to break down the system which had in the previous quarter century so signally multiplied, developed, and strengthened the North. As it went out of power in 1861 with a veto of the homestead law, it came into power in 1885 with the purpose and the necessity of repudiating its beneficent results. And no better way to accomplish that result occurred than to discredit those results by loud cries of fraud, and by alleging that its administration for the benefit of actual settlers had really been in the interest of great monopolies.

Accordingly, Mr. Cleveland's administration came into power with the assertion that the public-land laws had been administered by the Republican party in deference to the interests of land-grabbers and monopolists. The policy of reform was, therefore, to be initiated. The poor settlers of the country were to be protected from speculators; and railroad companies and similar monopolies were to be restricted to such rights as would accrue to them under a rigid construction of the statutes. Furthermore, the Land Bureau was to be put upon a strictly business basis, and by correct methods of administration its expenditures were to be reduced, and arrears of work were to be put up to substantially an even date. In a speech made by Vice-President Hendricks before the Bay State Club in Boston on the 26th of June, 1885, four months after Mr. Cleveland took the oath of office, he illustrated the reform which was to be brought about by the result alleged to have been attained by himself when Commissioner of the General Land Office under President Pierce.

> Its surveys were then extending beyond the Missouri, beyond the mountains, along the valleys of California, and the settlers were going out from the old Bay State and from Maine and finding their homes on the lands that were then being surveyed. When I took charge of that office, with one hundred and eighty clerks, I found the business four years behind. The patents which ought to have gone to the people living upon the lands were four years behind date. I said at once, "This will not do; the man who has purchased the land of the Government has a right at an early date to his patent, so that he may sell it; so that he may obtain his rights, whatever they may be." I said at once, "There must be reform in this office." My ambition was connected with the reform. I could not well afford to take that appointment and go out of that office without having brought the work up to date; so I did commence the work of reform seriously and very earnestly, and very soon I became acquainted with all the clerks of the office. I knew the clerks that would be able to help with the work that was to be carried through, and very soon those that limped or were unwilling or indifferent did step out. [Applause.]
>
> The "hickory broom" of Jackson that represented Democratic reform was the sentiment and emblem of the reform that I sought to bring about, and in the stead of the men who had to step out there came in young and earnest fellows who were willing to do the work, so that by one general order I required that the work done at each desk should be 25 per cent. more than it had been before. These men came in and took their share readily and cheerfully and cordially, and when I left that office nearly four years afterwards it was only four months behind in the delivery of the patents to the men who had bought the land. [Applause.] From four years it came down to four months, and that was as close as it was practicable to bring the work. That I thought was reform.
>
> I am not personally very much acquainted with the bureau officers employed by the Secretaries at Washington. I know some of them in the Interior Department. I know the Commissioner of the Land Office. I know the Commissioner of Indian Affairs. I know by reputation the excellent gentleman who is in the Office of Patents. I believe they, by their own judgment and force, will bring about civil-service reform in their departments. [Applause.] I think I am safe in saying that I know they have already taken steps in that direction; that the people will not be sold out by them. [Applause.]
>
> This is my own history of civil-service reform. It may be of no account, but it is mine. [Applause.] And that administration, whenever and wherever it may be, that will fill all the bureaus in Washington City with capable men at the head, and tell them that the work devolves on them and holds them responsible, will bring about certain and prompt reform. I think we are going through all right.

As the first step in the inauguration of this reform policy Mr. Commissioner Sparks was sworn into office on the 26th of March and took his seat March 27, 1885. In precisely six working days he assumed to have so mastered the theory of the public-land system, and to have got the details of its practical administration so well in hand, as to warrant him in issuing the following sweeping order:

> DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
> *Washington, April 3, 1885.*
>
> *Order:*
>
> Final action in this office upon all entries of the public lands, except private cash entries and such scrip locations as are not dependent upon acts of settlement and cultivation, is suspended in the following localities, namely:
>
> All west of the first guide meridian west in Kansas; all west of range 17 in Nebraska; the whole of Colorado, except lands in the late Ute reservation; all of Dakota, Idaho, Utah, Washington, New Mexico, Montana, Wyoming, and Nevada, and that portion of Minnesota north of the indemnity limits of the Northern Pacific Railroad and east of the indemnity limits of St. Paul, Minneapolis and Manitoba Railroad.
>
> In addition, final action in this office will be suspended upon all timber entries under the act of June 3, 1878; also upon all cases of desert-land entries.
>
> WM. A. J. SPARKS, *Commissioner.*

Two remarkable facts will appear upon the face of this order. Whilst it pretendedly was aimed at the suspension of fraud by suspending the laws under which frauds were possible, it—

1. Draws a clear distinction in favor of speculators and scrip-owners and against actual settlers. The laws suspended affected all "entries of public lands, except private cash entries, and such scrip locations as are not dependent upon acts of settlement and cultivation." The preemption, homestead, and other settlement statutes were taken by the throat and the perfection of titles thereunder was absolutely inhibited, whilst private entries (cash purchases without limit as to quantity and without requirement of settlement) and all character of scrip or warrant speculation requiring no acts of settlement or cultivation, were left wholly undisturbed. The immediate effect was to give a larger enhanced value to all such outstanding scrip in the hands of a land ring, what are known as "additional homesteads" alone rising at once from eight or nine dollars per acre to between twenty and thirty dollars per acre. Probably three or four men held the greater proportion of all such outstanding scrip and realized large fortunes from the immediate effect of this order.

2. The order assumed the lines of suspected fraud under the settlement laws of Congress to be geographical and political. The fraudulent line was drawn at the line of the States "recently in rebellion." Whilst all lands in the Southern States were by law subject to sale at private entry and continued to be so disposed of, their disposition not being prohibited or otherwise affected by the Commissioner's order, the lands in the Northwest were not so subject, and could only be located with the prospect of obtaining title, after the issuance of the foregoing order, by means of land scrip at largely enhanced prices, until (as under the order recited) the Administration was convinced that every Northern man who wanted to settle on the public domain was not a thief and a swindler. The theory of the order was that the great body of settlement entries in the Western country were fraudulent. So that, taking a given point as a center in very many land districts, there would not in its opinion be an honest settler within the range of thirty or forty townships. And their idea of correcting the alleged evil was not by adopting better administrative methods for the future, but by simply stopping everything that had been done in the past.

At first Sparks thought of asking the President to order the closing of the district land offices in the Western States and Territories, and then the Democratic policy diverted into the idea of recommending to Congress a suspension of the public-land system for a continued period of years, until finally it was determined to dispense with the assistance of either the President or of Congress, and by the mere order of Sparks to close up the business: after it had passed through all the ordeals required by statute, and had reached a point where by direction of law patents should issue, all cases were then to be thrown into a drag net and subjected to a system of suspension. This system condemned in a wholesale way the settlers of the Republican States and Territories in the Northwest as a band of thieves and perjurers. It advertised to the world the official opinion of the Administration that the settlers of that country, made up very largely of sailors and soldiers who fought the battles of the late war on both sides, and who are supposed to represent the real strength of the Government, were, in fact, an army of tramps and outlaws. It represented the mass of the people in that section of the country who were engaged in agriculture upon public lands as devoting, in combination with their friends, the balance of their lives to the business of swindling the Government. All entrymen there under the settlement laws were presumed to be rascals, and were required to overcome that presumption of guilt.

The legislation of the Republican party had furnished ample facilities for preventing the perpetration of fraud, if proper administrative methods were adopted. Settlers were required to give in a newspaper designated by the Government notice for thirty days of their intention at a fixed time and place to make their proof and entry, stating therein the description of their lands and the names of their witnesses. They were, by law, restricted to the use of those witnesses. Then the act of May 14, 1880, rewarded any citizen who would prove at the hearing the noncompliance with law by the entryman by giving to such informer a preference right to enter the tract of land in question. So that the Government not only had all the time between the original filing and the final proof to investigate the case, but it was distinctly put upon its inquiry as to the credibility of the named witnesses and to the real facts of the case by the publication which it authorized and controlled. In addition thereto an inducement as valuable as the claim itself was extended to any citizen who would come forward and prove its fraudulent character. Thus every man in the vicinage was made an interested party on the side of the law. If, however, no one appeared against him, and his proofs were satisfactory to the register and receiver, the settler received a final certificate, whereupon the act of Congress said that he "shall be entitled to patent," but inasmuch as the General Land Office has always been more or less behind the current date in its work, a consider-

able period would necessarily elapse before the patent would issue. False swearing was made punishable as perjury, and numerous decisions of the Supreme Court sustain the power of the United States to set aside these settlement patents in *ex parte* cases on proving fraud. Considering, then, the long period during which the claim was subjected to the crucial test of the entire neighborhood, of the register and receiver, of the vast army of clerks under the direction of the Commissioner, and of all the other tests with which the judgment or caprice of the executive office had burdened the settler, the Government was furnished with ample opportunity to determine, under the legislation of the Republican party, whether or not a settler was entitled to his patent at the date when the case was reached in its regular order. But under the order of the present Administration the policy was not preventive, but was pretendedly curative. Nothing was done until the entries were allowed and had been reached substantially for action.

The real trouble then commenced for the unfortunate victim of national generosity. An army of Land Office detectives were to thenceforward look down his chimney and to peer through his windows in search of suspected fraud. And these detectives were in turn to be subjected to a species of watching and counter detection. This system speedily demonstrated that settlers who were willing and able to respond to pecuniary demands of such agents thereby secured favorable reports upon their entries. Those unable to meet such demands and to whom a ten-dollar bill meant food for their families were dragged again and again hundreds of miles to the local land office with their witnesses to prove over and over again their compliance with law. The thousands of such flagrant outrages are illustrated by the plaintive story of John Stevenson. After making full proof and payment he was compelled, under attack by a special agent, to again and again attend renewed hearings to contest the effort to destroy his entry. Being again required to respond by a third hearing upon demand of the Commissioner, he appealed for relief to the Secretary. The Secretary's decision recites the claimant's conceded story of his wrongs in the following language:

> It is urged by the claimant that the order for a hearing will work injury to him; that his land lies about 100 miles from the local office, and that a great part of said distance is over broken and unsettled country, either entirely without roads or with roads in an almost impassable condition, thus rendering the trip extremely difficult, laborious, and expensive; that at the instance of the Government he has already made three trips to the local offices with his witnesses, at each time being to great expense; that he is a poor man, a farm laborer by occupation, and unable to bear the expense of a rehearing, because the former hearing and continuances have exhausted his means; that some of his witnesses, by whom he can establish the legality and validity of his claim, have moved away and their whereabouts are now unknown to him; that the Government had a whole year to prepare for the former trial, had two continuances in order to get its witnesses there, and was represented at said hearing by several special agents, and should, therefore, be estopped from prosecuting the case further, and that the theory upon which the case is prosecuted, to wit, the existence of a fraudulent conspiracy between claimant and the aforesaid corporation, has no foundation in fact.

Yet, conceding the truth of his statement, the Secretary sanctioned Sparks's unjust requirement of a renewed hearing. (See sixth "Land Decisions," page 39.)

Somewhere between fifty and one hundred thousand cases were thus taken hold of by this order of April 3, 1885, and nearly that same number of entries were annually added to the volume of suspension. This followed because the means adopted for acting upon entries were so far inferior to the means for sale.

The execution of the public land system, past, present, and future, for nearly the entire Western part of the United States, was suspended upon general suspicion. A drag-net was thrown over almost the entire Western country for the purpose of ascertaining by a vast system of secret espionage whether or not some entries had not been consummated upon false proofs. Obviously this required for its projected application to so many States and Territories an army of special agents. With the limited number authorized, or liable to be authorized, by Congressional appropriation, many years of inquiry would be required to thus examine in the field the hundreds of thousands of entries which were in terms suspended by this order.

During the fiscal year ending June 30, 1886, forty-two special agents were employed by the Interior Department in the field to investigate these suspended entries. The average period of service of each was seven months four and one-quarter days, being equivalent to the employment of twenty-five agents for the whole year. In the General Land Office Report for 1886 (page 453) it appears that, during the year aforesaid, the number of cases referred to these special agents for investigation was 4,017, and the number of cases investigated and reported upon by them was 3,073. It will be readily seen that with such wholesale suspension of from fifty to one hundred thousand old settlement entries, and with nearly 50,000 entries per year to be similarly suspended for investigation and report, whilst, on the other hand, the means available for such inspection and report acts upon only about 3,000 per annum, the system must necessarily result in a terrible accumulation of suspended entries. In this progressive country the ownership of property never remains dormant; and the necessary effect of the foregoing policy was to arrest all real estate transactions, whether by way of sale or mortgage and which were predicated upon public lands titles. No conveyancer would pass a title unless complete upon the record, and this order of suspension indefinitely withheld the foundation of that record.

The practical result of these investigations has been to determine a very minor percentage of fraud, probably not equaling more than 1 per cent. of the entries examined. For illustration: A board to examine these suspended land entries was appointed, consisting of the Assistant Commissioner, the chief clerk, and a law clerk. Presumably the first series of cases passed by them received their most careful attention, and quite naturally they took up cases in Dakota and Nebraska, where the matter of fraudulent entries was largely alleged to exist. Yet, according to the first report of this board as found in the National Republican of December 23, 1885, in 216 final homestead entries in those two States, the result of all the investigation by special agents and of examination by the aforesaid board was to recommend 126 cases for approval for patent, 53 to be held for further evidence, 35 for further investigation by special agents, and only 2 for rejection. In 35 pre-emption cases reported upon at the same time, in the Aberdeen district, Dakota, 1 was recommended for patent, 8 for rejection, and 26 for special investigation in the field.

For the fiscal year ending June 30, 1887, the number of special agents employed had been increased to 58, and the number of entries disposed of under their report is stated in the annual report of the General Land Office (on page 51) to have equaled 2,312 entries. For the year ending June 30, 1884, under the Republican administration, only 30 special agents were employed, who reported upon 3,563 entries. So that by a change of administration the number of special agents has been increased from 30 to 58, with an increase of annual expenditure of at lest $50,000, but with an actual diminution in the volume of results accomplished through their investigations.

Most of the labor performed, both by the special agents and by the board of review, or other cumberous machinery adopted in the General Land Office, has been in the direction of minor and purely technical defects. In the proof of settlers, non-essentials have been magnified into questions of actualities; failures to comply with unimportant regulations of the Land Department have been treated as a gross violation of the essential requirements of statutes. Thousands of cases have been suspended from patent because, whilst the requirement of publication of their intention to prove up on a given day was at one time held by the General Land Office to require an insertion four times in a weekly newspaper, a subsequent order required five publications, and a still subsequent one required six. And yet these failures to comply with a subsequent change of executive construction have swept all such entries into the mass of alleged fraudulent cases which the vigilance of a Democratic administration has prevented from ripening into patents.

Changes in directions to registers and receivers concerning details of proof required of the entryman were not only made without notice, but were made to take effect before the receipt of the directions at the local land office. In one case a direction of this character was not received at the land-offices in Kansas until nearly a month after it had taken effect, and all the entries made during the intervening period had to be made over again, involving the settlers of a single county in that State in an extra expense of over $10,000, totally unnecessary, effecting nothing whatever in results, except to put a burden upon men already poor and who were entitled to be protected instead of being robbed.

Although the Supreme Court in Meyers *vs.* Croft (13 Wall., page 391) distinctly ruled that it was lawful for settlers to sell their lands after entry, and before the issue of a patent, and although it had been the immemorial executive practice to recognize both mortgages and sales subsequent to such date, yet by the instructions to special agents, dated October 24, 1885, and emanating from the Commissioner of the General Land Office, it was held that any conveyance, whether by mortgage or otherwise, of lands embraced in duly entered unpatented homestead or pre-emption entries, passed no legal title or claim whatsoever; and that a transferee or mortgagee of such claims would not be recognized in any manner as having any right, interest, or claim in such land.

This ruling interposed a tremendous obstacle to the consummation of entries by bona fide settlers. The great proportion of them are poor, and are obliged to raise money both to make their improvements and to pay their purchase-money. Their land is usually the only basis of security they have to give for such advantages. When the power to use the same for such purposes was thus taken away, they were stranded beyond possibility of help. This ruling also made non-salable lands purchased bona fide after entry, and under it entries were set aside where the original entryman had made sale based upon a certificate of entry issued by the local land officers, and which certificate is, as it always has been, by the laws of all the public-land States and Territories, evidence of title as high and complete as that of a patent; and after its issue the land described in it became taxable as private property. The Commissioner's order treated all these things as of no account, and the entries were often summarily set aside and new settlers invited to go upon the land, of course in time to be ejected, losing all time and improvement spent thereon, every dollar of their losses being due to the illegal and arbitrary act of the Commissioner.

Then, too, in the machinery of the General Land Office, and in the office of the Secretary of the Interior, such a division of responsibility

was inaugurated and such a duplication of labor was created as to become the really oppressive occasion of additional delay. The General Land Office took the form of various boards, such as the board to examine suspended entries, the board of review, and the contest board. The board of review, for illustration, was created by detailing clerks from other divisions of the General Land Office to act on it. So that if, previous to its organization, four hundred clerks had been engaged in one way or another in the examination of entries and determining upon compliance with the requirements of law, then after the organization of this board three hundred clerks would continue as before and one hundred would go over all their work again, by way of review.

In effect this would be attempting to pass 4 inches of water through an inch pipe. The result has, therefore, been that this board has pending before it over twenty-six thousand cases. Entries which under Republican administration would have been patented two years ago have just been reached for consideration by this board; and in the same ratio of backward progression, any entry which under the Republican administration would have been patented to-day will not, under this administration, be patented for four years to come. Instead of having four hundred examine the entry papers, and after approval sending them to patent, the present administration has two hundred clerks first examine them, and thereupon the other two hundred examine them over again, the only discernable motive being to correct the work of the first and incompetent set of clerks. Thus the same amount of work is put on one-half the number of clerks previously employed, and is thereafter submitted to the other half to be considered anew. The work is thus doubled, while the force is diminished one-half.

The same delay and obstruction occurs in the work of the so-called contest board to which are submitted for decision all contested cases from the public-land and pre-emption divisions. This board has on its files to-day enough cases to thoroughly employ its present force for two years or more without any other cases being sent to it. The contests now pending before that board aggregate 2,000 cases, and they are being disposed of by a force of six clerks. That force is now examining cases which were received in the General Land Office in 1886, and are just about holding their own against the number of new contests received by it. As each case necessarily involves two parties, and often several claimants, it is fair to presume that from four to five thousand litigants are before the General Land Office, and must be kept there for at least two years before the possibility of securing decision of their contest in any form by the Commissioner. And after decision by the Commissioner appeals lie to the Secretary, where delay of years more will necessarily occur.

As a result of the above system of administrative methods, the ability to complete the land contracts of the Government by issue of patents has been very materially diminished. This will appear from the following tables taken from the report of the General Land Office:

1884.		1885.	
Appropriation	$450,000	Appropriation	$507,350
Force in office	294	Force in office	376
Acreage disposed of	27,531,000	Acreage disposed of	20,995,000
Number of entries	51,740	Number of entries	44,186
Patents issued	51,337	Patents issued	71,131

As the Democratic administration did not take charge of the General Land Office until April, 1885, and as all issuance of patents was thereupon suspended, the foregoing figures represent in substance the work of the last two years of the Republican administration in the Land Department. Now compare these with the result of the next two years of the Democratic administration:

1886.		1887.	
Appropriation	$511,350	Appropriation	$517,675
Force in office	378	Force in office	377
Acreage disposed of	22,124,000	Acreage disposed of	25,111,000
Number of entries	40,886	Number of entries	52,751
Patents issued	19,885	Patents issued	24,558

Showing a diminution of over 64 per cent. in number of patents issued during the first two years of Cleveland's administration as compared with the last two years of Republican administration.

To the foregoing figures may be added the further statement that on the 28th of January, 1888, there were pending in division "H" alone, of the General Land Office, 9,295 contested cases. Of this number over 2,000 cases were known as "docketed cases," that is, cases in which trials have been had and testimony taken. Of this class of cases only from 125 to 150 had been disposed of since the contest division was established in June, 1887.

Similar ratios of decrease in work accomplished in the General Land Office under the present Administration are shown in the reports of other divisions.

For example, the report of the surveying division shows that from 1883 to 1885 there were 471 surveying contracts examined, but only 144 from 1885 to 1887, and that from 1883 to 1885 the number of plats examined was 3,809, but from 1885 to 1887 there were but 431 such examinations made.

School indemnity selections were approved in 1883 to 1885 for 236,130.43 acres, but in 1885 to 1887 only 95,358.25 acres were approved.

Of miscellaneous claims settled in the Private Land Claims Division, there were in 1883 to 1885, 1,882, and in 1885 to 1887, 1,065.

In the division of public lands the postings on the tract-books during four years were as follows:

1883–'84	327,186	1885–'86	325,914
1884–'85	398,993	1886–'87	340,117
Total	726,179	Total	666,031

Being 60,148, or nearly 10 per cent. less in the first two years of present Administration than in the last two years of previous Administration, although forty additional clerks have been employed.

In the same division the cases examined and approved were as follows:

1883–'84	60,276	1885–'86	40,772
1884–'85	70,656	1886–'87	24,475
Total	130,932	Total	65,247

Being 50 per cent. less work during the first two years of the present Administration than in the last two years of the previous Administration.

The same condition of affairs exists in the office of the Secretary of the Interior. February, 1885, was the last month of the Republican administration under Mr. Teller. His force, consisting of only six law clerks, was then working upon appeal land cases which had been forwarded from the Commissioner in October, 1884, and there were then pending in round numbers not more than 500 cases. There are now seventeen law examiners in the office of the Secretary of the Interior, and there are pending about 2,000 appeal cases. They are now working upon cases which came up from the Commissioner of the General Land Office in August, 1887, and they are disposing of not more than 150 cases per month at a fair estimate. So that with a largely increased force the work is now eighteen or twenty months in arrears. The Republican administration went out of power with the work up to within three months of the current date; and with largely increased facilities the Democratic administration has in three years run the work in arrears fourteen months, and on the urgent recommendation of the Secretary of the Interior there were added ten law clerks by the sundry civil bill of this year.

It will now require about five years on a fair average, from the time of the initiation of a land contest before the local office, and with the utmost expedition, to secure a final decision from the Secretary of the Interior. The injurious effect of this delay will not be appreciated until it is known that often both contestants are living upon and improving the land which is the subject of controversy. The one against whom decision is rendered loses not only his years of time but all improvements; while during these years of time the opportunity of getting as good a tract of land from the Government has diminished, and, after having paid taxes and helped to create the appliances of civilization for the benefit of his family, himself, and the country, he is obliged not only to surrender all he has created, but, if he would enter a tract of public land, go to a remote frontier, older, weaker in purse, and begin anew his contest with the forces of nature. Prompt decision of contest cases would operate to largely prevent these consequences, and is required by every consideration of obligation and public policy.

It is to be further observed that as the original order of suspension was directed primarily against the West and Northwestern States, so the administration of the Department in the matter of work successfully accomplished has been proportionately in favor of the Southern States. Examination of the records will show that contested cases therein have been specially advanced and disposed of with rapidity, and that a large proportion of the patents issued have been for lands located in that portion of the country.

RAILROAD LAND GRANTS.

As a foil to this persecution of settlers, this incompetence of administration, this truckling to scrip monopolies, the Administration has talked loud, long, and maliciously about Republican land grants to railroad companies and about the restoration to the public domain by its action of such lands since March, 1885.

Let us consider these things in their order. The acts of March 30, 1822, and of March 2, 1827, to aid in the construction of a canal from the Illinois River to the southern bend of Lake Michigan, was the pioneer legislation granting public lands for works of internal improvements; and from then until 1850 the aggregate of such donations to canals, wagon-roads, and river improvements equaled 5,000,000 acres. So that not only was this principle of land-grant legislation not a Republican invention, but, furthermore, the pioneer act in aid of railroads was the distinctive and prominent feature of a Democratic administration. That was the act of September 20, 1850, which, under the disguise of a grant nominally to the respective States, gave to the Illinois Central Railroad Company 2,595,053 acres of rich prairie land along a line where settlements had created an imperative demand for railroad facilities, and where the road paid a large profit from its immense traffic, independent of the land grant, as rapidly as constructed. The same act gave to the Mobile and Ohio River Railroad Company in Mississippi 1,004,640 acres, and to the same company in Alabama 404,800 acres, this road connecting the border towns and rich plantations of the two States with the city of Mobile. Upon the passage of this act Senator Foote, of Mississippi, said: "I understand the lands to be

sold nearly along the whole line, as far as the State of Mississippi is concerned." Speaking of Illinois, Senator Douglas said: "The road runs through several fine towns, such as Bloomington, for instance, and for 5 or 6 miles around the towns the land is all taken up and cultivated." These statements were made to show that the lands in place were so taken up that indemnity provisions would be necessary to satisfy the grant.

Then came the acts of June 10, 1852, and February 9, 1853, giving to the Hannibal and St. Joseph Railroad Company, of Missouri, on the line of overland travel across the State, 781,944 acres; to the Southwestern Railroad Company, of Missouri, 1,161,235; to the Cairo and Fulton Railroad Company, of Missouri, 219,262; to the same company in Arkansas, 1,160,067 acres; to the Little Rock and Fort Smith Railroad Company, in Arkansas, 550,525 acres, and to the Memphis and Little Rock Railroad Company, in Arkansas, 438,646.89 acres. (Land Office Report, 1865.)

In consistent keeping with Democratic hostility to the distribution of public lands to actual cultivators and inhabitants of the soil, and in consonance with the Democratic policy of favoring corporations and monopolies, President Buchanan vetoed the first homestead law passed by Congress, but approved all grants made to railroads. Under his administration, and the guardianship over the public lands of Thomas A. Hendricks, who was then Commissioner of the General Land Office, the following grants for railroads were made in 1856 and 1857:

IN IOWA.

[Act of May 15, 1856, 11 U. S. Stats., page 9.]

From Burlington to the Missouri River.
From Davenport to Council Bluffs.
From Lyons City to the Missouri River.
From Dubuque to the Missouri River, with branch to Tête des Nortes.
This grant was for the benefit of the following railroad corporations:
1. Burlington and Missouri River Railroad Company.
2. Chicago, Rock Island and Pacific Railroad Company.
3. Cedar Rapids and Missouri River Railroad Company.
4. Dubuque and Sioux City Railroad Company.
5. Iowa Falls and Sioux City Railroad Company.

IN FLORIDA.

[Act of May 17, 1856, 11 U. S. Stats., page 15.]

From Jacksonville to Pensacola.
From Amelia Island to Tampa Bay, with branch to Cedar Key.
From Pensacola to Alabama State line.
This grant was for the benefit of the following companies:
1. Florida Railroad Company.
2. Florida and Alabama Railroad Company.
3. Pensacola and Georgia Railroad Company.
4. Florida, Atlantic and Gulf Central Railroad Company.

IN ALABAMA.

[Acts May 17, 1856, June 3, 1856, and March 3, 1857, 11 U. S. Stats., pages 15, 17, 195.]

From Montgomery to Florida State line.
From Gunter's Landing to Gadsden.
From Gadsden to connect with Tennessee and Georgia Railroads.
And to the following roads:
Memphis and Charleston.
Girard and Mobile.
Northeastern and Southwestern.
Coosa and Alabama.
Alabama Central.
Savannah and Albany.
These grants were for the benefit of the following companies as since consolidated:
1. Alabama and Florida Railroad Company.
2. Selma, Rome and Dalton Railroad Company.
3. Coosa and Tennessee Railroad Company.
4. Mobile and Girard Railroad Company.
5. Alabama and Chattanooga Railroad Company.
6. North and South Alabama Railroad Company.

IN LOUISIANA.

[Act June 3, 1856, 11 U. S. Stats., page 18.]

From Texas State line to Vicksburg.
From New Orleans to Texas State line.
From New Orleans to the Mississippi State line.
These grants were for the benefit of the following companies:
1. North Louisiana and Texas Railroad Company.
2. New Orleans, Opelousas and Texas Railroad Company.

IN MISSISSIPPI.

[Act August 11, 1856, 11 U. S. Stats., page 30.]

From Jackson to Alabama State line.
From Tuscaloosa to the Mobile Railroad in Mississippi.
From Brandon to Gulf of Mexico.
These grants were for the benefit of the following companies:
1. Vicksburg and Meridian Railroad Company.
2. Gulf and Ship Island Railroad Company.

IN MICHIGAN,

[Act June 3, 1856, 11 U. S. Stats., page 21.]

From Little Bay de Noquet to Marquette and Ontonagon.
From Marquette and Ontonagon to Wisconsin State line.
From Amboy and Grand Rapids to Traverse Bay.
From Grand Haven and Pere Marquette to Flint and Port Huron.
These grants were for the benefit of the following companies:
1. Port Huron and Lake Michigan Railroad Company.
2. Jackson, Lansing and Saginaw Railroad Company.
3. Grand Rapids and Indiana Railroad Company.
4. Flint and Pere Marquette Railroad Company.
5. Marquette, Houghton and Ontonagon Railroad Company.
6. Marquette and Wisconsin State Line Railroad Company.
7. Ontonagon and Wisconsin State Line Railroad Company.

IN MINNESOTA.

[Act March 3, 1857, 11 U. S. Stats., page 195.]

From Stillwater to Red River, with branch.
From St. Paul to mouth of Big Sioux River, with branch.
From Winona to St. Peter and Big Sioux River.
From La Crescent up Root River Valley.
This grant was for the benefit of the following companies:
1. St. Paul and Pacific Railroad Company, main line.
2. St. Paul and Pacific Railroad Company, Manitoba Division.
3. St. Paul and Pacific Railroad Company, Brainerd Branch.
4. Minnesota Central Railroad Company.
5. Winona and St. Peter Railroad Company.
6. St. Paul and Sioux City Railroad Company.
7. Southern Minnesota Railroad Company.

IN WISCONSIN.

[Act June 3, 1856, 11 U. S. Stats., page 20.]

From Madison or Columbus to St. Croix, Lake Superior, and Bayfield.
From Fond du Lac to northern State line.
These grants were for the benefit of the following companies:
1. West Wisconsin Railroad Company.
2. Wisconsin Railroad Farm-Mortgage Land Company.
3. St. Croix and Lake Superior Railroad Company.
4. Bayfield Branch Railroad Company.
5. Chicago and Northwestern Railroad Company.

Summary of land grants to railroads made by Democratic Congresses from 1850 to 1857.

Arkansas	3	Michigan	7
Alabama	7	Minnesota	7
Florida	4	Mississippi	3
Illinois	1	Missouri	3
Iowa	5	Wisconsin	5
Louisiana	2		
Total			47

Aggregating 30,470,920.25 acres.

RAILROAD WITHDRAWALS.

The act making the grants for the Illinois Central and Mobile and Ohio roads was approved September 20, 1850. Upon its passage in the Senate Mr. Jefferson Davis, of Mississippi, moved an amendment, that the lateral limits of the grant should be fixed at 15 miles, remarking in substance that that was the distance which a loaded team could habitually travel in a day, and hence would be the requisite limit to exclude adverse settlements. This declaration was the more important, as the grant to the canal in 1822 and 1827 had appropriated the alternate sections not proposed to be granted to the railroad. But immediately upon its passage, and without waiting for its approval by the President, the distinguished statesmen of that period who had combined their efforts to spoliate the public lands for the benefit of wealthy coadjutors and influential constituents in the construction of roads for which no national aid was necessary, united in a request to the President to at once withdraw from sale and settlement every alternate section of public land for 25 miles in width on each side of the lines of the respective roads. The following is a copy of this modest request, from the files of the General Land Office:

To the President of the United States:

The undersigned, Senators and Members of the House of Representatives, would respectfully state that an act has passed both Houses of Congress "granting the right of way and making a grant of land to the States of Illinois, Mississippi, and Alabama in aid of the construction of a railroad from Chicago to Mobile," by which there is granted to said States the right of way through the public lands and every alternate section within 6 miles of the line of said railroad, and to supply any deficiency arising from the previous sale, or other cause, of any portion of the lands within 6 miles, the said States are authorized to select other lands within 15 miles of said road on either side to an amount equal to said width of 6 miles; also providing that said alternate sections within 6 miles retained by the United States shall be advanced in price to the sum of $2.50 per acre. A copy of said bill is sent herewith.

In order to prevent the entry of said lands for the purpose of speculation by individuals before the route shall have been definitely located and the United States and said States be in some measure deprived of the advantages designed to be conferred on both parties by the passage of said bill, the undersigned respectfully request that the sales of that portion of the public lands be suspended for the period of six months, or until the lands shall have been located lying within the distance of 25 miles on each side of a line designated in the accom-

panying statement, in order to furnish time to make the necessary surveys and selections of said land.

Dated at Washington, September 18, 1850.

WILLIAM R. KING.
JEFFN. DAVIS.
H. S. FOOTE.
JNO. BELL.
H. L. TURNEY.
H. CLAY.
S. A. DOUGLAS.
JAS. SHIELDS.
J. A. McCLERNARD.
W. A. RICHARDSON.
THOS. L. HARRIS.
WM. H. BISSELL.
T. R. YOUNG.

The withdrawal of lands was promptly made as requested, within both granted and indemnity limits, upon problematical routes, before the railroad lands had been surveyed, before any right whatever to a withdrawal of lands had been acquired under the act, and before the legal rights of settlement and entry by citizens of the United States on any portion of the lands had been impaired by the legitimate operations of the act. This withdrawal, arbitrarily and without color of authority, excluded legal settlements and entries over an area covering 10,000,000 acres of land to prematurely secure a grant of 4,000,000 acres.

It moreover laid the foundation, established the policy, and set the precedent for railroad indemnity withdrawals, which continued uninterrupted through the successive Democratic administrations and became the inheritance of the Republican succession to the Government and the administrative authority binding upon Republican officials.

It will be observed that the request to the President to withdraw lands for the benefit of the Illinois Central grant was "in order to prevent the entry of said lands for the purpose of speculation by individuals." Under the settlement laws then in force only a single quarter section could be entered by one person. This was the "speculation" to be guarded against. Millions of acres for a railroad company was an honest, useful disposal of the public lands, to make sure of which the honest settler was not only to be cut out of his right of entry of a single quarter section, but the withdrawal was made for 25 miles in width on each side of the line, although the extreme width of both granted and indemnity limits was only 15 miles. No person desiring to secure a home upon the public lands was to be permitted to get any benefit whatever from the building of the road; at least not until the company and its friends had been sated.

The railroad indemnity withdrawals made by Democratic policy and Democratic officials previous to 1861 amounted to upwards of 75,000,000 acres in the eleven States of Arkansas, Alabama, Florida, Illinois, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, and Wisconsin. But Democratic administrations did more than this and worse than this. They withdrew public lands from market for the benefit of railroad companies not only before the acts were signed, but before the acts were passed, and they made blanket withdrawals covering great areas of country in anticipation of acts that never were passed.

These withdrawals were made, as stated in the Executive orders, "on the representation and at the solicitation of members of both Houses of Congress," then in overwhelming control by the Democratic party.

In 1853 and 1854 upwards of 30,000,000 acres were withdrawn in solid bodies where no grants had been made. (Land Office Report for 1854, page 6.)

Of other withdrawals made before the granting acts were passed, or before they received the signature of the President, the following are among those reported by the Democratic Commissioner of the General Land Office, Mr. Sparks (Senate Executive Document No. 170, first session, Forty-ninth Congress):

In anticipation of a grant to the State of Iowa to aid in the construction of four railroads in that State, Commissioner Hendricks, on May 10, 1856, issued telegraphic instructions to the registers and receivers for the six land districts in said State, withdrawing from sale or location all lands south of the line between townships 91 and 92, comprising about two-thirds of the entire State. The act making the grant did not receive the signature of the President until May 15, 1856.

During the year 1856, in anticipation of railroad grants to the States of Louisiana, Michigan, Wisconsin, and Mississippi, the Commissioner of the General Land Office issued telegraphic instructions to the local officers of twenty land districts in said States, suspending from sale and location large bodies of land, as follows:

State.	Order of suspension.	Date of grant.
Louisiana	May 31, 1856	June 3, 1856
Michigan	May 30, 1856	June 3, 1856
Wisconsin	May 29, 1856	June 3, 1856
Mississippi	Aug. 9, 1856	Aug. 11, 1856

The lands thus withdrawn in anticipation of proposed grants amounted to at least 50,000,000 acres, exclusive of lands previously appropriated.

During the same year railroad grants were made to the States of Florida and Alabama, and in 1857 grants for several roads were made to the Territory of Minnesota. Long before any of the roads provided for in said grants had been located, and consequently before any right to any particular lands under the grants had vested in the States, the Commissioner of the General Land Office issued directions to the local officers of nineteen land districts in said States and Territories suspending the sale and location of all lands within what was supposed would be the limits of the several grants, amounting to more than 28,000,000 acres, exclusive of lands previously appropriated, as follows:

State.	Date of grant.	Order of suspension.
Florida	May 17, 1856	May 17, 1856 May 23, 1856 June 9, 1856 July 8, 1856 Sept. 6, 1856
Alabama	May 17, 1856	May 17, 1856
Do	June 3, 1856	June 19, 1856
Minnesota	Mar. 3, 1857	Mar. 7, 1857

Representations having been made that pre-emption claims for speculative purposes were being placed upon the lands within the limits of the withdrawals in the States of Wisconsin, Michigan, Alabama, and Florida, the local officers in said States were, on December 16, 1856, February 2, February 13, and April 29, 1857, respectively, directed by the Commissioner of the General Land Office to refuse to receive any pre-emption claims based on settlements initiated after the receipt by them of said orders on large bodies of lands in their districts. These suspensions from pre-emption were prior to the location of the several roads in whose interest they were made, and consequently prior to the attachment of any right under the grant to any particular lands. This inhibition against the right of pre-emption affected more than 40,000,000 acres of public land.

As a sample of the orders see the following:

GENERAL LAND OFFICE, *May* 5, 1856.

REGISTER and RECEIVER, *Sioux City, Iowa:*

By my telegraph dispatch of the 10th instant you were directed to suspend from sale or location all the lands in your district situated south of the line dividing townships 91 and 92 until further orders.

The object of this withdrawal was to protect from sale the lands granted to the State of Iowa for four railroads, running from the Mississippi River to the Missouri, by a bill which has just passed both House of Congress.

Said bill, having this day been approved by the President, has become a law, and you will continue to withhold the lands from sale or location until otherwise directed.

It is designed to adjust these several grants with as little delay as practicable, in order that lands remaining to the United States may be returned to market.

I am, very respectfully, your obedient servant,

THOS. A. HENDRICKS,
Commissioner.

(Precisely similar letters, same date, sent to the register and receiver at Council Bluffs, Fort Dodge, Fort Des Moines, Dubuque, and Chariton.)

GENERAL LAND OFFICE, *June* 12, 1856.

REGISTER and RECEIVER, *Mineral Point, Wis.:*

By my telegraphic dispatch of the 29th ultimo you were requested to suspend from sale or location until further notice all the lands in your districts. The object of this withdrawal was to protect the lands from sale granted to the State for railroad purposes by a bill which has passed both Houses of Congress, which having been approved by the President on the 3d instant and thus become a law, I have to request that you will continue the reservation until otherwise directed.

The governor has this day been advised and requested to furnish in advance sketch maps of the route of the roads, with a view to releasing as many of the lands as can be safely returned without interfering with the public limits of selection, and also for the maps of actual final location, on the receipt of which letter a further reduction may be made.

Acknowledge the receipt of these instructions by mail, giving the date of their reception at your office.

I am, very respectfully, your obedient servant,

THOS. A. HENDRICKS,
Commissioner.

(A copy of same and same date sent to register and receiver at Stephens Point, La Crosse, Menasha, Superior, and Hudson, Wis.)

GENERAL LAND OFFICE, *June* 13, 1856.

REGISTER and RECEIVER, *Duncan, Mich.:*

By my telegraphic dispatch of the 30th ultimo you were requested to suspend from sale and location until further orders the following-described lands in your district, to wit:

All the lands in your district in the southern peninsula between range 1 west and 14 west, and south of township 36; also in the northern peninsula all the lands north of township 39 and west of range 19 west.

The object of this withdrawal was to protect from sale the lands falling within the probable limits of the grant to the State of Michigan for certain railroads, by a bill just passed both Houses of Congress, which having been approved by the President on the 3d instant, and published in yesterday's Union, has this day become a law.

I have therefore to request that you continue the reservation of these lands as heretofore ordered until otherwise directed.

Acknowledge the receipt of these instructions by mail, giving the date of their reception at your office.

I am, very respectfully, your obedient servant,

THOS. A. HENDRICKS,
Commissioner.

GENERAL LAND OFFICE, *April* 9, 1857.

REGISTER and RECEIVER, *Red Wing, Minn. Ter.:*

By telegraphic dispatch of the 7th ultimo, you were required to suspend from sale or location, until further orders, all the lands in the following-named townships, to wit:

North of the base line and west of the fifth principal meridian, townships 111 of ranges 15, 16, and 17 west; townships 111, 112, 113, 115, of ranges 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 west; townships 111, 112 north, of ranges 28, 29, 30, 31 west.

The object of the above suspension or withdrawal is to protect from ordinary sale and location, so far as they can be described by townships, all the offered lands falling within the probable line of routes under the grant to the Territory of Minnesota by the act of Congress approved March 3, 1857, to aid in the construction of certain railroads in that Territory, and I have to request that you

will continue the aforesaid withdrawal from sale or location until otherwise directed.

Acknowledge the receipt of this by mail.

I am, very respectfully, your obedient servant,

JOS. S. WILSON,
Acting Commissioner.

(Similar letters, same date, sent to register and receiver at Minneapolis, Sauk Rapids, Stillwater, and Chatfield, Minn. Ter., and register and receiver at Faribault.)

[Extract from annual report of Commissioner of General Land Office for 1854.]

At the instance of many members of Congress and others, about 31,000,000 of acres in several of the landed States have been withdrawn from market in anticipation of grants for railroad and other internal improvements; as such grants were not made, it was deemed expedient to restore these masses of lands to market, especially in view of the passage of the bill graduating the price of the public lands, and this has been done, except where the reservation was for a fixed period or grants have already been made.

The withdrawals in Iowa covered nearly two-thirds of the entire State and were made by the then Commissioner of the General Land Office, Mr. Hendricks, and the urgency was so great that not only were they made ten days before the final approval of the granting act, but they were made by telegraph. The effect of them was not only to prevent settlement so long as they remained in force, but they also prevented the consummation of entries already begun by settlement and filing. These withdrawals were enforced for many years, impeding settlement, and benefiting the railroad companies to the disadvantage of actual settlers.

Similar action was taken by Mr. Hendricks and his predecessor in the case of grants in Florida, Alabama, Louisiana, and Minnesota, nearly always in advance of the passage of the bills making the grants, and always before definite location. In several of the orders the perfection of pre-emption entries already begun, based upon actual settlement, was prohibited. It was the railroad company, and not the settler, in which the Democratic party was then interested, and such preference has continued to the present time.

The official statement of facts confirming all that I have said in this connection is found in Senate Document 170, Forty-ninth Congress, being the response of Mr. Sparks, then Commissioner of the General Land Office, to a resolution of the Senate.

The total amount of lands withdrawn by Democratic administration previous to 1861, for the benefit of railroad companies, is shown by the Commissioner's report to be as follows:

	Acres.
1853–'54. Withdrawals for grants that were never made	31,000,000
1856. Two-thirds of the State of Iowa in anticipation of railroad grants	23,000,000
1855. Anticipatory withdrawals in Louisiana, Michigan, Wisconsin, and Mississippi	50,000,000
1856–'57. Anticipatory withdrawals in Florida, Alabama, and Minnesota	28,000,000
Total	132,000,000

These anticipatory withdrawals were exclusive of the final withdrawals on lines of definite location, which may or may not have included, but were not restricted to, the same lands, and which were:

FOR FORTY-SEVEN RAILROADS PREVIOUS TO 1831.

	Acres.
Granted lands	30,000,000
Indemnity lands (1½ times more)	45,000,000
Total Democratic withdrawals prior to 1861	207,000,000

Or more than the entire volume of all the grants made for railroads both before and after 1861.

In 1856 the volume of railroad land grants in Alabama, Florida, Michigan, and Wisconsin aggregated 9,660,395 acres, as follows (Land Office Report, 1865):

	Acres.		Acres.
Florida Railroad	281,984	Flint and Pere Marquette	513,000
Florida and Alabama	165,688	Marquette, Houghton and Ontonagon	552,515
Florida, Atlantic and Gulf Central	37,583	Grand Rapids and Indiana	855,000
Pensacola and Georgia	1,275,212	Chicago, St. Paul and Minneapolis	805,816
Alabama and Florida	394,420	Wisconsin Railroad Farm Mortgage Land Company	40,049
Selma, Rome and Dalton	460,700	St. Croix and Lake Superior	843,000
Coosa and Tennessee	68,000	Branch to Bayfield	565,000
Mobile and Girard	505,000	Chicago and Northwestern	550,000
Alabama and Chattanooga	460,000	Total	9,660,395
South and North Alabama	440,000		
Coosa and Chattanooga	60,000		
Port Huron and Lake Michigan	37,428		
Jackson, Lansing and Saginaw	750,000		

To secure favorite railroad companies in these four States in premature, unearned, and unacquired possession of grants amounting to 9,660,395 acres, Mr. Hendricks, by an arbitrary and unlawful order, prohibited pre-emption entries over an area embracing 40,000,000 acres. (Senate Executive Document No. 170, first session Forty-ninth Congress. See also orders of withdrawal already cited.)

These are pregnant instances of the paternal care with which Democratic administrations favored land-grant railroad companies against public rights and interests and of the supreme domination that railroad companies exercised over Democratic administrations of the General Land Office and Department of the Interior in the early days of the railroad land-grant system. Invented by Democratic legislation, that system grew and expanded under the fostering care of Democratic officials, which appear to have hesitated at no step and to have refused no demand required by corporate assurance or inspired by corporate greed.

Not only did these administrations lock up an aggregate of lands rivaling the superficial areas of all the thirteen original States of the Union for the benefit of the forty-seven Democratic railroad land grants of the ante-bellum period, but they hastened to convey to railroad companies the legal title to great quantities of public lands embraced within granted and indemnity limits before any road had been constructed and far in advance of the progress of construction, and in many instances where no road was ever built.

These Democratic railroad granting acts gave in each case outright 120 sections, or 76,800 acres to each road, before a dollar had been spent by the companies or a stroke of work done. The title absolutely vested to 76,800 acres in each railroad company receiving the grant, whether any road was ever built or not, and the law provided that as fast as each section of 20 miles of road should be built another 120 sections of land might be sold by the grantee company, and so on, the law giving the land 20 miles in advance of construction continually. This was to provide means at public expense for building the roads for the companies, without requiring the companies to put their own money into construction. But the Democratic administration was worse than the Democratic statute. These administrations, conspicuously the administration of Commissioner Hendricks, certified almost at once the greater portion of the lands all along the lines of the roads without regard to the limitation of 120 sections for each 20 miles, and before any road had been constructed or completed.

Indemnity lands were also conveyed in bulk, in the same way, without evidence of right to receive indemnity, without even an assertion of losses on which an indemnity right could be based, and before it was known whether any losses had occurred, and before any right to indemnity had been acquired. (See Land Office Reports 1885–'87).

The ascertainment of quantities was upon an equally erroneous basis. The practice was to multiply the alleged length of the located line as if upon a plane surface by the full area of the number of sections granted, and after conveying the vacant lands in place, to then convey in bulk a sufficient amount of indemnity lands to cover all deficiencies. The true rule has been repeatedly determined by the courts to be that the grant must be taken according to the actual acreage upon the ground, and indemnity should be allowed only for the reasons and to the extent authorized by the terms of each grant. The difference between the two systems of adjustment would equal from 20 to 25 per cent.

In many other cases the original companies sold out their franchise to construct and operate railroads, retaining the land grant as a consideration for the sale. The roads have been built by said successors without aid of the subsidy, whilst the lands are frequently at this date held by the original corporation, as several States by their Democratic Legislatures conferred these land grants upon said original parties, with the condition of exemption from taxation until sold, and great hardships have thereby been occasioned. Several instances of this now exist in Minnesota. Lands are to-day exempt from the ordinary State burdens because held by the original grantees, who sold out their franchise, but retained the lands without themselves building a foot of road.

The Democratic care that "speculating" settlers should not get lands within 15 miles of a proposed railroad was well supplemented by the action of that party upon the homestead bill. In the last hours of the Thirty-fifth Congress, in the Senate, the House bill to secure homesteads to actual settlers was set aside by the Democratic majority in order to take up the bill for the purchase of Cuba. Mr. Seward stated the issue in the following words:

One, the homestead bill, is a question of homes, of lands, for the landless freemen of the United States. The Cuba bill is a question of slaves for the slaveholders of the United States.

In the Thirty-sixth Congress the same bill again passed the House, receiving the vote of every Republican, and having cast against it the vote of every Southern member (including three gentlemen now members of this body and one who has recently been appointed to the Supreme bench). In the Senate the bill was amended so as to be less completely a homestead measure by, among other changes, requiring a payment of 25 cents per acre by the homesteader at the time of making his final entry. In this shape it was opposed by every Southern Democrat. Mr. Buchanan promptly vetoed the bill, partly on the ground that Congress had no constitutional authority to give away the public lands (he had already signed bills giving to railroads more than 30,000,000 acres of those very lands) and partly because "it may introduce among us those social theories which have proved so disastrous in other countries." The next Congress being Republican, the bill was again passed and Mr. Lincoln signed it, not being afflicted with the

constitutional and other objections which had induced its veto by Mr. Buchanan.

DIFFERENCE IN GRANTS BEFORE AND AFTER 1861.

Great stress is often laid upon the fact that the earlier grants were made to States while the Pacific Railroad grants were made to corporations.

The distinction is illusory. All the grants were made for the benefit of railroad companies, and railroad companies obtained the lands in every instance. The State was a mere naked trustee, without use or benefit, and bound to transfer the lands on demand of the corporations.

A difference that might be advantageously drawn in favor of grants to corporations directly, instead of through State mediums, is that corporations created by Congress can be controlled by Congress and the public donation better guarded than can be done when the corporations are protected by State charters, and the Congressional control for all purposes excluded. This is the practical fact, although the reason for making trans-continental grants to corporations was, chiefly, that the roads passed generally through Territories instead of States, and the undertaking was national in scope and not limited to State boundaries.

Deceptive charges are also made against the Republican party founded upon a contrast, at the present time, between the amount of lands embraced in grants made prior to 1861, and the amount granted after that date. Such charges ignore the vast differences between the enterprises undertaken at the different periods, and the total difference in the conditions of locality and construction.

The earlier grants were made in settled States, embracing towns, cities, and villages, where interstate communication was already established, where a demand for railroad facilities already existed, and where the means of construction were at hand. There was no need for most, if any, of these grants. The roads could have been built without them, as far as, and further than, they were constructed prior to 1861, and as a rule it may be confidently asserted that none were built then or thereafter until construction was profitable without the aid of any land grant.

In numerous instances, as, for example, the Cedar Rapids and other roads in Iowa, the Southwestern and other roads in Missouri, the Alabama roads, the Arkansas roads, the Florida roads, the Louisiana roads, and largely throughout the entire list of distinctive Democratic grants, considerable portions of lands were sold by the original companies as soon as certified, and the roads wholly, or in great part, were left to be completed, if at all, by some succeeding corporation that had little if any benefit from the grant.

These early grants thus fell into two divisions—first, those that, like the Illinois Central, were for roads that paid from the start and needed no Federal assistance; and, second, those that were not constructed until they would pay without the grant, and in these cases the lands were very generally, if not always, sold and the proceeds appropriated by original State transferees who built but few miles, or none at all, of the roads for which the grants were ostensibly made.

The grants of the later period were for roads in wild, unsettled country, where construction was an untried and hazardous experiment, and where the necessity for trans-continental communication was of infinite national importance. The inauguration of the Pacific Railroads was a potential factor in saving the Pacific States and Territories from European invasion and from the wiles of the Confederacy during the late war.

As a financial proposition the saving to the Government in the transportation of troops and supplies for its border and Indian service exceeded the subsidies granted, while in a still larger economic sense the opening of the vast solitude between the Missouri River and the coast range of the Pacific Slope to civilization and improvement outweighed beyond comparison the then present or ever prospective value of the Federal donation.

The Supreme Court of the United States, construing the Pacific Railroad acts (91 U. S., 79), thus refers to the causes which led to the Pacific Railroad grants:

> In construing an act of Congress we are not at liberty to recur to the views of individual members in debate nor to consider the motives which influenced them to vote for or against its passage. The act itself speaks the will of Congress, and this is to be ascertained from the language used; but the courts, in construing a statute, may with propriety revert to the history of the times when it was passed, and this is frequently necessary in order to ascertain the reason as well as the meaning of particular provisions in it.
>
> Many of the provisions in the original act of 1862 are outside of the usual course of legislative action and can not be construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and, owing to the complications with England, the country had become alarmed for the safety of our Pacific possessions. The loss of them was feared should the complications result in open rupture; but even if this fear were groundless it was quite apparent that we were unable to furnish that degree of protection to the people occupying them which every government owes to its citizens. It is true the threatened danger was happily averted, but wisdom points out the necessity of making suitable provision for the future.
>
> This could be done in no better way than by the construction of a railroad across the continent. Such a road would bind together the widely separated parts of our common country and furnish a cheap and expeditious mode for the transportation of troops and supplies. If it did nothing more than afford the required protection to the Pacific States, it was fit that the Government, in the performance of an imperative duty, could not justly withhold the aid necessary to build it, and so strong and pervading was the opinion that it is by no means certain that the people would not have justified Congress if it had departed from the then settled policy of the country regarding works of internal improvements and charged the Government itself with the direct execution of the enterprise.
>
> This enterprise was viewed as a national undertaking, for national purposes, and the public mind was directed to the end in view rather than to the particular means of securing it. Although this road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier.
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> There was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method of transportation of the mails and supplies for the Army and the Indians.
>
> It was in the presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable. Although a free people, when resolved upon a course of action, can accomplish great results, the scheme of building a railroad 2,000 miles in length over deserts, across mountains, and through a country inhabited by Indians jealous of all intrusion upon their rights was universally regarded at the time as a bold and hazardous undertaking.

The pertinent distinction between the Pacific grants and the earlier State grants is that good cause existed for the former, and that every acre so granted has returned its value by the thousand-fold, while no good reason existed for the early State grants and no national benefit has ever been derived from them.

Again, the distinction which marks State and Congressional supervision and illustrates the difference between Republican and Democratic administration is exhibited in the manner by which grantees were placed in possession of granted lands under the two systems.

As already shown, the Democratic administrations of the executive department of the Government approved lands to the States largely in advance of construction, leaving the Government to bear the loss of a failure to build the roads.

Under grants to corporations, administered by Republican officials, not an acre of land has ever been conveyed to a single one of these corporations until fully earned by construction, and this is equally true of State grants made since 1861.

The total amount of land certified or patented to or for railroad companies up to June 30, 1887, was as follows:

To States for railroad corporations	36,582,573.53
To corporations direct	13,163,141.74
Total	49,745,715.27

The grant for the Pacific roads was urged and supported by State Legislatures, the press, and by public men all over the country, without distinction of party. The support of the Democratic party was pledged to the measure by the Democratic national convention at Cincinnati in June, 1856; by the Douglas wing at Charleston and Baltimore in June, 1860, and by the Breckinridge wing at Charleston and Baltimore in June, 1860. (Public Domain, pages 266, 267.)

Legislative measures to this end had been urged from 1850, and various bills were at different times introduced, considered, and favorably reported upon by Congressional committees prior to 1861. The first proposition for a money subsidy to construct these roads was made in a bill reported to the Senate in 1858, under the administration of James Buchanan. (*Ib.*, 266.)

As early as 1845 Senator Douglas had proposed a land grant of alternate sections for 40 miles in width on each side of a line from the Missouri River to the Pacific Ocean, and a grant to the States of Ohio, Indiana, Illinois, and Iowa to connect Lake Erie with the Pacific line at the Missouri River. (*Ib.*, 265.)

The Pacific corporation grants were non-partisan when made. They received the votes of leading Democrats in both Houses of Congress, and afterwards received the steady support of leading Democratic Senators and Representatives, including such names as William R. Morrison, of Illinois; James Brooks and Fernando Wood, of New York; Daniel W. Voorhees, of Indiana, and the late Vice-President Hendricks.

The vote in the Senate on the passage of the Union and Central Pacific Railroad act of 1862 included such Democrats as Cowan, Davis, Kennedy, Latham, McDougal, Nesmith, Rice, Stark, Willey, and Wilson, of Missouri, in favor of the bill. There were only five votes against the bill, namely, Howe, King, and Wilkinson, Republicans, and Pearce and Wright, Democrats.

Of the Democrats who voted for the bill in the House were Allen, Biddle, Brown, Clements, Corning, Delaplaine, Edgerton, Haight, Hall, Leary, Menzies, Noell, Perry, Price, Rollins, of Missouri; Steele, Ward, and Webster; while of Republicans against it were Babbitt, Baker, Blair, Brown, Buffinton, Chamberlin, Cobb, F. A. Conkling, Diven, Dunn, Harregon, Kellogg, Lovejoy, of Illinois; McKnight, Justin S. Morrill, Morris, Pike, A. G. Porter, of Indiana; Shanks, Sheffield, Thomas, Wadsworth, Walton, A. S. White, and Woodruff.

The act of 1864, extending and enlarging the privileges of the grant, was vigorously supported by leading Democrats, among them Baldwin, Brooks, of New York; Coffroth, English, of Connecticut; Kalbfleisch, of New York; Julian, of Indiana; Knox, of Missouri; Morrison of Illinois; Myers, Odell, of New York; Ross, of Indiana; J. B. Steele, W. G. Steele, and Sweat.

The Northern Pacific Railroad bill, passed May 31, 1864, was sup-

ported and voted for by the following Democrats in the House of Representatives: Allen, of Illinois; Baldwin, of Missouri; Boyd, Coffroth; Eden, of Illinois; Eldridge, of Wisconsin; Heall, King, Knapp, Lazier, McAllister, Nelson, Noble, Odell, Pruyn, J. B. Steele, W. G. Steele, Sweat; Voorhees, of Indiana, and Ward.

Of Republicans who voted against the bill were Messrs. Alley, of Massachusetts; Baxter, Eckley, Elliott, R. E. Fenton, Hulburt, Ingersoll, Littlejohn, Morrill, Orth, Pike, Pomeroy, Schenck, Scofield; Spalding, of Ohio; Tracey, E. B. Washburne, Wardsworth, and Wilson, of Iowa.

In the Senate the bill passed without opposition, receiving the support of the Democrats in that body, including Mr. Hendricks, who spoke in its behalf.

The Atlantic and Pacific grant passed the same way. There was not a vote against it in the Senate; in the House many leading Democrats supported it, and some leading Republicans opposed it.

The Texas and Pacific grant was passed by the Senate without a division, not a Democrat voting against it. In the House it received the support and votes of Archer, Axtell, Beck, of Kentucky; Bethune, Booker, Buck, Connor, Corker, Dockery, Dox, Duke, Hambleton, Hamill, Hamilton, Heflin, Johnson, Jones, Manning, McKenzie, John Morrissey, Mungen, Meyers, W. W. Caine, Schumaker, Shober, J. S. Smith, Strader, Swann, Trimble, of Kentucky; Wallace, Wilson, and Young, all Democrats.

SWAMP LAND GRANTS.

But, Mr. President, Democratic prodigality never began nor ended with grants to railroads.

The swamp land grant by the acts of 1849 and 1850, and the extension of these acts by the acts of 1855 and 1857, mark the most unique and extensive scheme for exhausting the public domain that distinguishes both Democratic legislation and Democratic administration.

The ostensible purpose of the grant was to enable the several States to construct the necessary levees and drains to reclaim the swamp and overflowed lands within their limits. That it was at once used for the purpose of sweeping into collusive private possession, through State medium, vast bodies of the public domain, with no intention of carrying out its professed objects, is evidenced by the alacrity with which selections were made, irrespective of the non-swampy or agricultural character of lands claimed, and the further fact that neither then nor since has any other object than land possession been achieved under the operations of the act.

The Commissioner of the General Land Office, in his report for 1887, says:

Many of the States transferred their claims to the counties, and the proceeds have been used for the construction of roads, bridges, public buildings, and almost every purpose other than that intended by Congress. Other States have disposed of the lands in large quantities for a small consideration, or granted them to railroad and other corporations. But a small proportion of the proceeds has been applied to the reclamation of the land, and the purposes of the grant have generally been ignored and defeated.

All this has made the grant a prolific source of fraud and corruption. Personal interest has prompted the grantees of the States to exert all possible means to swell their claims, and their plans have been made largely successful by the aid of a loose administration of the laws.

Agents undertake the prosecution of the claims upon commissions, amounting in some cases to 50 per cent. of the proceeds, and, invested with authority to represent the State, make selections of land or file claims for indemnity, which they insist is due the State, and manage to enlist the Representatives of the State in support of their demands. They have thus succeeded in carrying their selections through and obtained patents, or money indemnity, for many tracts of land which are as valuable for agricultural purposes, or for timber or minerals, as any in the United States, upon the alleged ground that the same are rendered unfit for cultivation by reason of their swampy character or liability to overflow.

In 1886 he said:

Most of the States having the original grant under the acts of 1849 and 1850 made selections in the early years following the acts of all lands then claimed as swamp, including lands not swamp, to such a degree that Congress was called upon to confirm the selections as made, and in 1857 an act was passed for this purpose. Notwithstanding the exhaustive selections originally made, and the confirmation of selections that ought never to have been made, some of the States have since 1860 largely increased their original claims, and additional claims are still being presented.

There is little or no evidence to show that the lands conveyed to the States under this grant have ever been appropriated to the purposes for which the grant was made. The contemplated levees do not appear to have been constructed from the avails of the granted lands; the lands do not appear to have been reclaimed as a result of the grant; but the purposes of the grant would seem, generally at least, to have been totally defeated.

In some instances the lands have been sold in bulk for a trifling consideration; some of the States have given the grant to railroad corporations; in other cases the lands are sold to speculative purchasers in advance of selection; in still other cases contracts are entered into, as I am informed, by which the parties making the selections and securing the approval of lists are understood to receive a perceatage as high, in some instances, as 50 per cent. of all that can be obtained from the United States, either in land or cash indemnity. The transferees, or advance purchasers, as the case may be, or the contracting agents, or their attorneys, armed with the authority of the State, appear before this office and Department in the character of State agents, make selections in the name of the State, insist upon their approval as the dues of the State, and array the influence of State representations in support of the demands of what has thus become corporate and private speculation. It is through such means, and not by the States themselves as sovereign commonwealths, that the additional and exaggerated claims have been presented under the swamp-land grant. It is not surprising that swamp-land and swamp-land indemnity claims have been greatly augmented when the incitement of corporate and personal interest has been made a factor in the instrumentalities of swamp selection and the preferment of indemnity claims.

The latter arise under the acts of 1855 and 1857, which give to the States the value at Government price of lands embraced in the swamp-land grant of 1850, which, after that date and prior to 1857, were sold by the United States. It would be presumed that the amount of swamp and overflowed lands unfit for cultivation in 1850 sold by the United States and purchased by individuals between 1850 and 1857, at a period when settlers and purchasers had their choice of the best lands in most of the States, would be very small; but claims for cash indemnity, based upon the alleged swampy character of lands pre-empted and otherwise purchased from the United States between 1850 and 1857, have already been allowed to the amount of nearly $1,400,000, and land indemnity has further been allowed to the amount of 572,000 acres; and such claims at the present time are more freely presented and more importunately urged than at any previous period. Efforts have also been made to induce Congress to extend the indemnity provisions so as to allow indemnity for lands sold by the Government between 1857 and the present date.

Indemnity is now claimed for numerous tracts of land which were sold as agricultural between the years 1850 and 1857, the "State agents" alleging recent discovery that the lands were swamp in 1850. These claims threaten substantially the mass of agricultural land sold by the United States between those dates. If foundation existed for such claims to any great extent, it must be supposed that the settlers of that day chose swamp lands instead of arable lands for farming purposes; that the early pioneers, who went to the border line of civilization to make homes upon public lands, deliberately selected and purchased swamp and overflowed land, "rendered thereby unfit for cultivation," in preference to good agricultural land, which was then abundant, and which they could have taken at the same price.

When the swamp-land act was passed in 1850, the then Commissioner of the General Land Office, in response to a resolution of the Senate, known as the Corwin resolution, reported that the amount of the proposed grant was "a fixed and ascertained amount," and would equal about 5,000,000 acres. That statement is repeated in the General Land Office report for 1886. Previous to 1861 upwards of 57,000,000 acres had been selected and claimed, chiefly prior to 1857, and so generally had these selections embraced well-known dry and cultivable lands that the beneficiaries of the grant obtained the passage of an act in that year making a wholesale confirmation of the illegal and fraudulent selections. The total amount of swamp claims filed up to July 1, 1887, was 77,407,273 acres, equivalent to the combined area of the States of New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, and Delaware, although the provisions of the grant apply only to fifteen public-land States admitted into the Union prior to 1860.

The following table from official reports shows the present surveyed areas of the swamp-land States, the amount of land selected and claimed under the grant, and the amount thus far actually approved:

Name of State.	Surveyed area.	Selected.	Approved.
	Acres.	*Acres.*	*Acres.*
Alabama	33,462,115	514,642.47	414,310.31
Arkansas	33,410,065	8,655,210.10	7,657,196.67
California	71,983,476	1,879,527.18	1,746,501.06
Florida	30,704,578	19,571,558.14	16,269,095.63
Illinois	35,465,093	3,980,204.51	1,493,638.25
Indiana	21,637,760	1,367,727.70	1,264,988.33
Iowa	35,228,800	4,567,959.33	931,513.85
Louisiana	27,067,762	11,760,653.83	8,958,365.86
Michigan	36,128,640	7,293,159.28	5,728,842.91
Minnesota	42,152,674	4,378,757.74	3,051,194.56
Mississippi	30,179,840	3,602,963.30	3,325,031.23
Missouri	41,835,931	4,801,183.34	4,495,794.91
Ohio	25,581,976	116,766.28	25,660.71
Arizona	39,704,639	349,836.19	129,325.67
Total		77,407,273.16	58,820,368.16

From the foregoing it is seen that one-fourth of the entire area of Arkansas has been selected and claimed under the grant of swamp and overflowed lands "rendered thereby unfit for cultivation;" that one-half of the entire area of the State of Florida, and two-thirds of the surveyed lands in the State, including, as developed by official investigations, some of the best and driest lands of the State, have been appropriated under this act, with 7,000,000 acres of unsurveyed lands, embracing the chief swampy areas, still to be heard from; that every tenth acre of the prairie State of Illinois and one-eighth of the swampless State of Iowa are so claimed; that nearly one-half of the State of Louisiana has been seized under cover of the swamp-land grant; that one-fifth of Michigan, one-ninth of Mississippi, one-ninth of Missouri, and one-eighth of Wisconsin have become the prizes of this piratical act, and the Commissioner of the General Land Office states that there is no cessation in the continued presentation of those claims.

It is apparent that swamp claims will not end so long as the United States holds any public lands in swamp-grant States, and the agents for claimants under the States can purchase or procure the *pro forma* affidavits upon which good agricultural lands are swept into the maelstrom of swamp-land grants, while the rapacity with which cash and scrip indemnity is claimed for alleged swamp lands sold or disposed of by the United States need not be expected to be satisfied until the value of all the lands disposed of by the Government during the period in which the indemnity provision operates or may be extended shall have been taken from the Treasury under contracts with agents and attorneys receiving in some cases as high as 50 per cent. of the plunder for their services in "securing the allowance of indemnity claims." (See Land Office Reports 1886, 1887.)

The total amount of land thus far patented or certified under this grant, as shown by the foregoing table, is 58,820,368 acres, a quantity larger by 10,000,000 acres than all the public land of the United States that has yet been patented or certified to States and corporations for railroad purposes.

Previous to 1861 the amount of land embraced in swamp-land selections in the five public-land States of Alabama, Arkansas, Florida, Louisiana, and Mississippi, and mainly confirmed to these States under the act of 1857, was 35,311,548.07 acres, as follows (Land Office Report 1861):

	Acres.		Acres.
Alabama	479,514.44	Louisiana	11,318,317.95
Arkansas	8,652,432.93	Mississippi	3,070,645.29
Florida	11,790,637.46		
Total			35,311,548.07

Here were 35,000,000 acres added in a lump to the slave plantations of the South under one act, passed as a Southern Democratic measure ostensibly for public purposes and appropriately administered by Democratic officials as an ingenious and gigantic scheme of public land spoliation, with the sanction and validation of a Democratic Congress through its confirmatory acts. We have the evidence of the late Democratic Commissioner of the General Land Office that swamp-land selections, as a class, embrace the most desirable agricultural lands, including the "entire body of lands in the vicinity of rivers and creeks," notoriously the choicest farming lands of the country (Land Office Report, 1886). We have also his testimony, if it were needed, to supplement the common stock of general information, that the lands obtained under cover of the swamp-land grant have generally been disposed of by the direct beneficiaries of the Government "in large quantities for a small consideration." (Land Office Report, 1887).

OTHER DEMOCRATIC DISPOSALS OF PUBLIC LANDS IN THE SOUTH.

The States of Alabama, Arkansas, Florida, Louisiana, and Mississippi contain a combined area of 160,000,000 acres, as follows:

	Acres.		Acres.
Alabama	32,462,080	Louisiana	26,461,440
Arkansas	33,406,720	Mississippi	30,179,840
Florida	37,931,520		
Total			160,441,600

Prior to 1861 public lands had been disposed of in these States, approximately, in round numbers, as follows:

	Acres.
Cash sales, including public and private sales, sales under the graduation act, sales of Indian lands and sales by pre-emption, etc.	45,000,000
Swamp-land grant	35,000,000
Railroad grants	11,000,000
Military bounty land-warrant locations	5,000,000
Private and miscellaneous grants and claims	5,000,000
School grants	4,500,000
Private extinction of permanent Indian reserves	3,000,000
Internal-improvement grants	2,500,000
Total	111,000,000

Of the 111,000,000 acres of public land disposed of by the Government in the five Southern public-land States prior to the war over 50,000,000 acres were embraced in the swamp, railroad, and other State grants; 20,000,000 acres in Indian lands, mostly obtained in large bodies at small cost; 25,000,000 acres were sold under the graduation acts at prices ranging chiefly from 12½ cents to 50 cents per acre, and the remainder was embraced in miscellaneous donations and in cash sales at minimum Government rates.

In this manner the demand for new lands to replace those worn out by slave labor was met at the expense of the public domain.

DEMOCRATIC DISPOSAL OF PUBLIC LANDS BY MEANS OF FRAUDULENT PRIVATE LAND CLAIMS.

If time permitted, I should be glad to devote a few moments to the results of Democratic administration in the matter of private land claims in Louisiana, Florida, Missouri, and California. I can only say, what the record fully proves, that special and irresponsible tribunals were created, the functions of which appear practically to have been to foist upon the United States the confirmation of all manner of private claims to the public domain. No machinery was provided and no appropriation made for the adequate defense of the United States. Claimants alone were heard, and unless some adverse private claimant appeared in any case there was little or no resistance to demands of any character. The United States was a fat goose to be plucked by all comers, and the chief service of Government officials under this system seems to have been to apportion the spoils. The Louisiana, Missouri, and Florida claims were confirmed in bulk by Democratic Congresses upon the reports of such commissions, and public lands were passed to private claimants by leagues in extent with less consideration and debate than evoked by appropriations for the pay of an additional clerk, messenger, or laborer in the Executive Departments.

The results of Democratic private land claim legislation are conspicuously apparent in the wholesale confirmations made in 1858 and 1860 of vastly exaggerated grant claims in New Mexico. The laws of Mexico authorized grants of not exceeding 4 square leagues (about 17,000 acres) for town settlements or pueblos; 1 sitio, or fractional part thereof (a sitio being about 4,400 acres), for individual grants, and not exceeding 11 square leagues (about 44,000 acres), for colonization grants. The great majority of claims rest upon sitio and fractional grants, many of them for only sufficient land to plant a few fanegas of wheat, and yet, by two acts of Congress, passed December 22, 1858, and June 21, 1860, no less than 55 grant claims were loosely confirmed, in general phrase, which, upon settlement according to the confirmation, were found to embrace a total of 8,202,110 acres.

A table of the grants and areas embraced in these confirmations appears in the Land Office Report for 1885, from which it is seen that the act of December 22, 1858, confirmed twenty-two town and pueblo claims, ostensibly for the benefit of the inhabitants, aggregating 1,060,375 acres, and including the pueblo of Acoma, confirmed for 95,791.66 acres, or more than five times the quantity ever granted to pueblos by Mexican authority; the pueblo of San Felipe, confirmed for 34,766.86 acres, or twice its legal quantity; the pueblo of Santo Domingo confirmed for 74,743.11, or four times its granted area; the pueblo of Isleta confirmed for 110,080.31 acres, or six times its normal quantity; the town of Tome, confirmed for 121,594.53 acres, or seven times more than granted; the town of Casa Colorado, confirmed for 131,779.87 acres, or nearly eight times more than allowed by the laws of Mexico; the town of Chilili, confirmed for 41,481 acres, or two and a half times more than the town limitation, and the town of Belen, confirmed for 194,663.75 acres, a quantity more than eleven times greater than the lawful area of such grants.

The act of June 21, 1860, comprised thirty-three individual claims designated merely by their numbers "as reported by the (Democratic) surveyor-general," and aggregating 7,141,734.19 acres in this single act, without mention in the act of the names of grantees, or any exhibition of the quantity of land so confirmed. The House Private Land Claims Committee on April 2, 1860, in recommending the confirmation of those claims, stated that the "area of but five of them is either stated or estimated. Whether the other claims embrace a less or a greater amount is not and can not be known from the documentary evidence of title forwarded by the surveyor-general. The grant in each case refers to some stream, hill, mountain top, valley, or other natural object for boundary." (See House Report 321, pages 180, 182.)

This broadcast confirmation embraced the notorious "Maxwell" land-grant of 1,714,764 acres, conveniently veiled in the act of confirmation as claim number "fifteen;" the "Sangre de Christo" grant in New Mexico and Colorado, designated in the act simply as claim number "four," but embracing in reality, as subsequently discovered, over a millon acres; the claim of Preston Beck, jr., confirmed simply as number "one," but being actually for 318,699.72 acres; the Tierra Amarilla, confirmed as number "three," 594,515.55 acres; and the claims confirmed as "numbered from twenty to thirty-eight," both inclusive, "as reported" by the aforesaid Democratic surveyor-general, including the "Las Vegas" claim, so confirmed for 496,446.96 acres, and its duplicate under an alleged grant of the same land, so confirmed for 496,446.96 acres more; the "Cañon de San Diego," 116,286.19 acres; the town Anton Chico, 378,537 acres, which became the property of an individual as a result of this confirmation; the "Mora" grant, embracing 827,621.01 acres as blindly confirmed; the "Armendaris" grant, 447,535.18 acres, and other smaller claims with areas ranging below 100,000 acres.

Yet every one of these grants were limited and restricted under Mexican laws to an area which at most could not exceed 44,000 acres to a claimant, and it is very doubtful if many of them were of the class entitled to even that area.

The Republican administrations of the Government, succeeding to the legacy of these confirmed claims and to the ministerial duty of recording their results, vainly attempted to interpose checks upon the fruition of the schemes which had crystallized into "vested rights" by virtue of Democratic legislation.

Secretary Cox in 1869 sought to limit the final survey of the Maxwell grant to 22 square leagues, or about 97,000 acres, but the Supreme Court of the United States in 1876 construing the act of June 21, 1860, in the Tameling case, held that "the confirmation being absolute and unconditional, without any limitation as to quantity, must be regarded as effectual and operative for the entire tract as reported by the surveyor-general."

It had already been settled by the court "that such an act passes the title of the United States as effectually as if it contained in terms a grant *de novo*." This decision necessarily governed the patenting of the Maxwell grant, for which Republican officials have been ignorantly condemned.

The last act in confirmation of such claims by the Democratic Congress which expired March 4, 1861, was the act of March 1, 1861, confirming claim number "43" in the report of the surveyor-general, this being the "Ortiz Mine" grant, so called, embracing, as confirmed, 69,458.33 acres of mineral land.

It is well known that the Mexican Government never granted mineral lands, and the present Democratic surveyor-general of New Mexico, in his report for 1887, speaking of the needless confirmation of this claim, says:

> In the case of the Ortiz Mine claim I think no grant was ever made. It was invented by the surveyor-general, and made legal by the hasty act of Congress confirming it.

And again, referring to the wanton and shameful surrender of public lands to the rapacity of monopolists, he says:

> I have already referred to the Ortiz Mine grant, in which Congress was induced to unite with the surveyor-general in squandering upon private parties

over 69,000 acres of exceedingly valuable mineral land which the Mexican Government never granted.

FALSE DEMOCRATIC CLAIMS AS TO RESTORATION OF LANDS TO THE PUBLIC DOMAIN.

In view of these facts it is not surprising that the present Administration should seek to divert attention from the past record of its party by a pretended exhibit of virtue in the matter of restoring forfeitable granted lands to the public domain and in such superior administration as would prevent frauds under the settlement laws.

For this purpose the Commissioner of the General Land Office has recently put forth an official statement, which has been printed in circular form at the public expense and for general distribution, and which is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 12, 1888.

Statement showing the quantity of land actually restored to the public domain, and of land recommended for recovery by the action of the General Land Office and Secretary of the Interior, from March 4, 1885, to May 12, 1888.

	Acreage.	Total acreage restored.
Lands actually restored to the public domain.		
	Acres.	*Acres.*
Lands in granted railroad limits restored	2,108,417.33	
Forfeitures of railroad grants under acts of Congress	28,253,347.00	
Railroad indemnity lands restored	21,323,600.00	
Private land claims—withdrawn lands restored	576,000.00	
Entries under pre-emption, homestead, timber culture, desert, mineral, and timber land laws canceled in regular course of examination and proceedings in General Land Office for abandonment, illegality, and other causes	27,460,608.74	
Invalid State selections (internal improvements and swamp)	968,747.52	
Total actually restored to the public domain and opened to entry and settlement		80,690,720.59
Recovery of lands recommended.		
Lands within railroad grants recommended for recovery:		
Recovery of land recommended and pending for review of Secretary	12,300.00	
Recovery of land recommended and pending on appeal before the Secretary	1,500,000.00	
Suits recommended for the recovery of land	818,687.18	
Railroad forfeitures under bills now before Congress	*54,323,996.00	
Private land claims:		
Recommendations to Congress to reject claims heretofore favorably reported	4,732,480.15	
Resurveys ordered reducing area of claims	629,500.00	
Suits recommended to vacate patents	635,255.00	
Lands forfeited in Oregon and recommended for recovery under grants for military wagon-roads	2,368,320.00	
Total recommended for recovery		65,020,538.33
Grand total actually restored to the public domain and recommended for recovery		145,711,258.92

*Under the bill which recently passed the Senate the quantity of land forfeited will equal 5,627,436 acres, but the aggregate quantity forfeited under the bills of the two Houses, if adopted, will equal 54,323,996 acres, as above.

The above statement has been compiled from the official records of the General Land Office.

S. M. STOCKSLAGER, *Commissioner.*

A brief analysis of the foregoing "statement" is sufficient to expose its utter falsity.

In the Land Office Report for 1887 (page 113) the items are given which make up the aggregate of 2,108,417.33 acres, classified in this statement as "lands in granted railroad limits restored." These items are as follows:

Lands in granted railroad limits restored.

Name of road.	Location.	Acres.	Remarks.
Southern Pacific	California, within forfeited limits of Texas and Pacific Railroad	550,000.00	Commissioner's decision April 4, 1885; affirmed by Secretary of the Interior November 2, 1885.
Atlantic and Pacific, from San Buenaventura to San Francisco, Cal.	California	1,500,000.00	Commissioner's decision July 13, 1886; affirmed by the Secretary of the Interior March 23, 1886.
Northern Pacific	Washington Territory.	32,400.00	Commissioner's decision September 13, 1886; affirmed by Secretary of the Interior October 18, 1886.
Sioux City and St. Paul.	Iowa	26,017.33	Commissioner's recommendation February 17, 1887; affirmed by Secretary of the Interior September 12, 1887.
Total		2,108,417.33	

Now let us see precisely what lands were actually restored to the public domain in the cases and by the decisions and action above referred to, and how much and to whom the credit, if any, should be given.

1. The Southern Pacific and Texas and Pacific roads had a joint grant within conflicting limits where the former road crossed the route of the latter, both grants having been made on the same day and by the same act of Congress (16 Stats., 573). The rule of the Department and of the courts in such a case is that each road takes a moiety.

Congress, by act approved February 28, 1885, before Mr. Cleveland took office, forfeited the Texas Pacific land grant. Commissioner Sparks construed the act as forfeiting so much of the earned lands of the Southern Pacific Railway Company as lay within the common limits. This is not the law, but even if it is the credit belongs to Congress and a Republican administration.

The next item which goes to make up the list of alleged restored lands is 1,500,000 acres on the projected line of the Atlantic and Pacific road in California, between San Buenaventura and San Francisco.

The Commissioner held that the act of Congress did not make a grant for that portion of the line. This was an inheritance, not a discovery, the circuit court of California having previously so held, and the lands were moreover embraced in pending forfeiture proceedings before Congress which had been commenced under the prior (Republican) administration, and which were consummated a few months after the departmental decisions were made.

The third item going to make up this total of "restored" lands is the claim that 32,400 acres in Washington Territory were "saved" by adhering to a former ruling of the Department made under Republican administration. No lands were, however, saved in this instance, for what the railroad company lost by rectification of line on one side it gained on the other.

The last item of alleged "restoration of lands in railroad granted limits" is the claim of the recovery of 26,017.33 acres which were surrendered by the State of Iowa. As the proceedings to this end were begun under the administration of Secretary Teller and Mr. McFarland, and merely completed in due course under the present Administration, there is no original virtue in this claim.

The 2,108,417.33 acres claimed to have been restored to the public domain from railroad granted limits under this Administration is therefore in truth and in fact reduced to a very intangible minimum.

The second claim of "lands actually restored to the public domain" is placed under the head of Congressional forfeitures, footing up to the asserted aggregate of 28,253,347 acres.

On September 8, 1887, Commissioner Sparks reported (Land Office Report, 1887, page 113) that the total of Congressional forfeitures since March 4, 1885, was 6,849,760 acres, being the lands of the Atlantic and Pacific Railroad Company forfeited by act approved July 6, 1886. No act of forfeiture has been passed by Congress since the date of that report, yet Mr. Stockslager, in his official campaign document, asserts that Congressional forfeitures since March 4, 1885, amount to 28,253,347 acres, or 21,403,587 acres more than reported by Mr. Sparks for the same period of time. Where does this difference of more than 21,000,000 acres come from? Not from acts of Congress, for, as already stated, no forfeiture acts have since been passed. Has Mr. Stockslager gathered up all the legislative acts passed under Republican administrations previous to March 4, 1885, and feloniously appropriated them to the credit of the present Administration? It would seem that this is precisely what he has done, since the aggregate of the forfeitures previous to March 4, 1885, amount to 21,358,720 acres, or substantially the increase made by Mr. Stockslager over his predecessor's statement.

The only other alternative is to suppose a deliberate falsification of the official estimates reported by Commissioner Sparks.

Now let us see exactly what has been done under Republican and under Democratic administrations in the matter of the forfeiture of railroad land grants.

The first forfeiture act was passed July 14, 1870, declaring the forfeiture of the grant of 1856 for the New Orleans, Opelousas and Great Western Railroad in Louisiana, covering a nominal area of 967,840 acres.

By bill of June 15, 1874, the Stockton and Copperopolis Railroad grant in California, embracing 320,000 acres, was declared forfeited; and the Placerville and Sacramento Valley Railroad grant in California, embracing 200,000 acres, was declared forfeited by the act of April 15, 1874. The act of July 24, 1876, declared a forfeiture of lands granted to the State of Kansas for the Leavenworth, Lawrence and Galveston Railroad Company, the original grant being estimated at 260,000 acres.

The next railroad forfeitures under Republican administration were those of the Forty-eighth Congress, preceding the present Administration, and embraced the forfeiture of the Oregon Central Railroad grant (act January 31, 1885), 810,880 acres, the forfeiture of the Texas and Pacific Railroad grant (act February 28, 1885), 18,500,000 acres, and the forfeiture of the Iron Mountain Railroad grant in Missouri (act June 28, 1884), 300,000 acres.

Legislation, in accordance with the recommendation of President Arthur, proposing the forfeiture of the Atlantic and Pacific Railroad grant, embracing a nominal area of 23,871,360 acres, but an estimated actual area of about 6,000,000 acres, was first introduced, and in both Houses of Congress, in 1884. Each House passed a bill, but on account

of differences upon details no agreement was finally reached. But in the Forty-ninth Congress the bills were reintroduced in the House, as before, by Representative PAYSON, of Illinois, a Republican, and the result was a final passage of the bill July 6, 1886.

The one original forfeiture act of Democratic inspiration, passed under the present Administration, is an act of forfeiture only in name, it being an act passed February 8, 1887, which confirmed to the New Orleans and Pacific Railroad Company (a land and not a railroad company) of Louisiana, successor to the land grant for the New Orleans, Baton Rouge and Vicksburg Railroad, about 1,000,000 acres of good public land. This confirmation was urged and carried through upon the recommendation of the Democratic Secretary of the Interior. It settled a long and troublesome controversy. The gain, however, was to a knot of private speculators, and not to the Government.

The act of July 10, 1886, introduced into the House by Mr. PAYSON, for the forfeiture of the grants of seven small roads in the Southern States, operated only to remove a cloud from the title to the lands originally covered by the grants; but as no road had ever been built, and the lands had long since been disposed of by the Government, there was practically no restoration of lands as a consequence of its passage.

It is a fact worthy of mention that during the twelve years of Democratic control of the House of Representatives no bill forfeiting railroad grants introduced by a Democrat ever passed that body, all such having been introduced and pressed to passage by Republicans, and all, since 1881, being the work of Representative PAYSON, of Illinois. All bills forfeiting railroad grants have had Republican initiative and been passed as the result of Republican interest and endeavor.

RECAPITULATION OF RAILROAD LAND-GRANT FORFEITURES.

Forfeited under Republican administrations.

Date.	Name of road.	State.	Estimated area restored to the public domain.
			Acres.
1870.....	New Orleans, Opelousas and Great Western Railroad.	Louisiana.....	967,840
1874.....	Placerville and Sacramento Valley Railroad.	California.....	200,000
1874.....	Stockton and Copperopolis Railroad.	.....do.....	320,000
1876.....	Leavenworth, Lawrence and Galveston Railroad.	Kansas.....	260,000
1884.....	Iron Mountain Railroad.....	Missouri.....	300,000
Jan., 1885...	Oregon Central Railroad.....	Oregon.....	810,880
Feb., 1885...	Texas and Pacific Railroad.....	Territories and California.	18,500,000
Total forfeited under Republican administrations.....			21,358,720

Forfeitures commenced under Republican administrations and completed under Democratic administrations.

Date.	Name of road.	State.	Acres restored.
1886.....	Atlantic and Pacific Railroad..	Territories and California..	6,709,760

Forfeited under Democratic administration.

1887.—New Orleans, Baton Rouge and Vicksburg Railroad. No lands actually restored under this act.

NOTE.—This was an act of confirmation by which the claim under the railroad grant of about 1,000,000 acres was confirmed. A nominal forfeiture was declared of a portion of the lands within railroad limits east of the Mississippi River, aggregating 140,000 acres, but as none of these lands belonged to the United States there was no restoration of them to the United States.

1886.—Tuscaloosa and Mobile Railroad, Mobile and New Orleans Railroad, Elyton and Beards Bluff Railroad, Memphis and Charleston Railroad, Savannah and Albany Railroad, New Orleans and State Railroad, Iron Mountain Railroad, of Arkansas. These forfeitures were nominal; no lands restored; no road ever having been built and the lands having been sold by the Government. The bill was introduced and pressed to passage by Mr. PAYSON.

The account current stands as follows:

Railroad forfeitures under Republican administrations.....	7
Acres restored under Republican administrations.....	21,358,720
Forfeitures commenced under Republican and completed under Democratic administration	1
Acres restored under forfeitures commenced under Republican and completed under Democratic administration	6,709,760
Total forfeitures.....	8
Total acres restored.....	28,068,480
Forfeitures wholly under Democratic administration.....	1
Acres restored.....	None.

But during the period covered by the term of the present Democratic Administration the Republican Senate has vainly endeavored to secure the passage of an act forfeiting the unearned lands of the Northern Pacific Railroad in Oregon and Washington Territory, being the lands on the unconstructed Columbia River line, and the lands on the then unconstructed branch line through the center of Washington Territory, aggregating 9,000,000 acres, and also of the unearned lands within the limits of these Democratic railroad land grants in Michigan.

The Democratic House steadily refused to adopt the Senate proposition on the pretext of desiring a forfeiture along constructed as well as unconstructed portions of the road, and thus defeated the passage of any act of forfeiture until the company has now completed its branch line and placed the lands on that line beyond the reach of Congressional action. These lands, embracing the great coal-fields of Washington Territory and three and one-half million acres of desirable agricultural and timber lands, might have been saved to the Government by an acquiescence in the Senate proposition of forfeiture, but the Democratic majority of the House would not assent to it, and thus defeated forever the forfeiture proposed and urged by the Republican minority in Congress.

Let me emphasize this further. There was no open contention, at least, that the unearned lands of the Northern Pacific Railroad Company should not be forfeited. Public sentiment demanded it, and there was no suggestion even that Congress had not ample legal power for the purpose. The Senate, as I have said, passed a bill for the accomplishment of this purpose, and to cover the apparent reluctance of the House to forfeit unearned lands unless it at the same time forfeited those earned by construction after the date named in the granting act included a proviso that the forfeiture of the unearned lands should not be taken as confirming the right of the company to the lands it claimed as having been earned, or as limiting the right of Congress to forfeit them if it should thereafter see fit to do so. The Senate practically said to the House: "Let us join hands in doing that which everybody (except the railroad company, of course) professes to wish to have done, and which we have undoubted power to do, leaving the exercise of what is at best a doubtful power as to earned lands to come up in a separate bill and as a separate proposition, which you can send to us at any time. The status of the earned lands can not meanwhile change, while that of the unearned is changing every day by reason of the construction of more road, whereby the company creates at least a claim of right to them."

But the House declined the proposition. No bill was passed. The company took advantage of the delay, built its branch line from Wallula to Tacoma before Congress again assembled, and thus "earned" and became entitled under the decision of the Supreme Court to 3,500,000 acres of valuable lands which would have been saved if the House had acceded to the Senate proposition.

There is evidence that this experience is to be repeated in the present Congress. The Senate has passed a bill forfeiting all unearned lands heretofore granted to States or corporations for railroad purposes, saving the right to make further forfeiture, as in the bill passed in the last Congress, making a thorough and final clean-up of land grants made under both Democratic and Republican administrations. This bill will forfeit at least 5,000,000 acres of the Northern Pacific grant, besides considerable quantities of land in Michigan, Wisconsin, and California. The House has amended the bill so as to forfeit earned lands as before, and the subject is now in conference.

The Supreme Court has over and over decided that earned lands are not subject to forfeiture. To pass a bill forfeiting them would not only be illegal and without useful result, but it would be an invitation to settlers to go upon the lands thus claimed to be forfeited, subject them to the loss of money and time, which would inevitably come when the purchaser from the railroad company finally prevailed, and leave the Government subject to a just claim for the damage which had resulted from the disaster to which the settler had been invited by legislation. The non-action of the House in the last Congress has already cost the Government the loss of 3,500,000 acres of land, as before stated. Continued non-action will produce similar results. It is proper to inquire if this is the intention. It is quite certain, at all events, if this non-action is long persisted in, there will be no forfeitable lands left among those granted, whether by the Democratic grants of 1856 or the Republican ones of 1864. It is sufficiently evident that, up to date, Democratic ascendency has not brought any legislative forfeitures of railroad land grants. That party has simply confirmed 1,000,000 acres to a Southern railroad and refused to forfeit 9,000,000 acres of the Northern Pacific grant, and perhaps half as much more in other grants above mentioned.

The next item in the "campaign list" of Commissioner Stockslager is "railroad indemnity lands restored, 21,323,600 acres." Indemnity limits, established either by law or executive order, are areas within which railroad companies might select lands to make up for losses within granted limits. As has heretofore been shown, it was the practice of Democratic administrations to withdraw lands in bulk, cutting off all settlement and other entries until the railroad company had obtained full satisfaction of its claim. This finally drifted into a withdrawal of a small area adjoining the grant on each side. As soon as the grant was satisfied, the indemnity lands remaining were all restored to market. This was the performance of a merely administrative duty, as simple as the issue of a patent to a settler in due course. In this way a number of grants had been finally settled under Republican administrations, the indemnity lands restored and the account closed. But unless the Land Office was corrupt or negligent, even if the indem-

nity lands were not formally restored, they could never go to the railroad company beyond its legal rights, but remained the property of the Government in a state of reservation, so that the formal opening of them to settlement, which is what is meant by the word "restoration," did not necessarily "restore" anything to the Government which it did not already have.

Even if the term "restoration" had anything but this Pickwickian meaning, yet the results claimed by Mr. Stockslager are conspicuously fallacious and untrue. He obtains his aggregate of lands "restored" by classing as lands taken from the railroads and subjected to general settlement all odd sections within the withdrawn limits. Whereas a very large portion thereof (about 50 per cent.) were either disposed by the United States prior to the railroad grants or from natural causes are deficient upon the ground. In other words, these acres did not exist for the order to operate upon. And of the remaining moiety, the railroad companies are shown in the official pamphlet published by Secretary Lamar, and entitled "Railroad Indemnity Withdrawals," to have exhibited a shortage of over 20,000,000 acres, and to have either selected years ago all of said remaining moiety in satisfaction of that shortage, or were allowed additional time to complete selections before pretended restorations should become operative. The matter is, however, conclusively disposed of by the fact that by the express terms of said alleged orders of "restoration" all applications of settlers to enter the lands embraced therein were to be "held subject to the claim of the company, of which claim the applicant must be distinctly informed, and memoranda thereof entered upon his papers." So that the avowed purpose of the pretended orders of "restoration" was not to open a road to the acquisition of settlement titles to lands so recovered to the Government as to be subject to clear disposal, but rather to invite settlers to an interminable lawsuit with powerful corporations whose claim to the lands is declared in the invitation to be paramount.

Early in the Forty-ninth Congress it became evident that there was a "play" going on between Commissioner Sparks, of the General Land Office, and his superior, the Secretary of the Interior, whereby the ordinary processes of adjustment of land grants were being impeded and the interests of the railroads subserved. One of the favorite measures of the Commissioner, and which he heralded in his annual reports for 1885 and 1886, as comprehending a "recovery" to the public domain of 10,000,000 acres of public land, was what he styled a "rectification of the lateral limits of railroad land grants."

He asserted that a greater quantity of land had been included in the withdrawals than were embraced in the grants, which alleged excess he estimated as averaging 500 acres per mile. In his report for 1885 he said:

> The total length of constructed and unconstructed land-grant road for which withdrawals have been made exceeds 20,000 miles. At an average rate of 500 acres per mile, the aggregate area of overdrawn lands will amount to 10,000,000 acres, which vast amount has hitherto been treated as the absolute property of the corporations, but is in fact public land of the United States, recoverable to the public domain.

Here was a splendid promise of land saving well calculated to impress the country with the conviction that the Land Department was in safe hands under the Administration.

The decision which the Commissioner rendered in pursuance of his theory was, of course, appealed to the Secretary by the railroad company which was thereby threatened with loss. Meanwhile all adjustments of land grants were suspended, settlers were complaining that they were prevented from going upon lands unnecessarily held for indemnity, and a grave suspicion arose that in some way a game of battledore and shuttlecock was going on between the Commissioner and Secretary which meant profit to the railroads and loss to the public. To meet this condition of things Mr. ANDERSON, of Kansas, a Republican, introduced into the House a bill requiring the Secretary of the Interior to proceed forthwith in the adjustment of unadjusted land grants, and providing means whereby lands which had been or should be improperly conveyed to or for the benefit of railroad companies might be recovered. This bill finally became a law March 3, 1887. Although only requiring in the matter of land-grant adjustment what the law already authorized, and what had already been practiced by former administrations, it seems to have been the means of accelerating the work of the Interior Department somewhat, for within a week after its passage the Secretary decided the case so long before him on appeal from the Commissioner heretofore referred to, involving rectification of withdrawal limits. The Commissioner was, of course, overruled, it being neither the first nor the last decision by the Secretary which gave to railroads their entire claim upon public lands. The adjustment provided by the act did not, however, proceed with very great rapidity, for it was not until the August following that any order was issued revoking indemnity withdrawals with a view to final accounting. Meanwhile the railroad companies had had ample notice of the proposed action and had selected every possible acre of land within indemnity limits.

The whole of this claim of "railroad indemnity lands restored," so far as it relates to action initiated by the Department or to any of the steps taken or things done by this Administration, is void of foundation. A law of Congress became necessary to compel the Interior Department to proceed promptly to adjust land grants and restore unearned lands to the public domain so that they could be taken by actual settlers; it was passed, was hesitatingly obeyed, has not yet been wholly complied with, and the railroads were shown every possible favor under it. The fact is that the dilatory action of the Department, coupled with the favor shown the railroads in the matter of selections, enabled the companies to select practically all the lands within indemnity as well as within granted limits, and it is doubtful if even so much as 1,000,000 acres of land were actually restored even nominally as the result of departmental action. But whatever of good followed the passage of the law is due, not to the Administration, but to Congress and to the initiative and work of Republicans in that body.

The next item is that of 576,000 acres, claimed to have been restored from withdrawal on account of a private land claim in New Mexico. This is known as the "Nolan grant," which was settled some years since by Congress, and the release of the lands from withdrawal was a mere ministerial duty following the legislative act, to be performed whenever the question of their disposition rose. The actual restoration was, therefore, effected by prior legislation, and not, as the public would be led to believe, by the executive acts of the present Administration, even if it had the power to usurp legislative functions.

The next item of claimed "restoration of lands to the public domain" exhibits an assumption of public ignorance which may be proper as applied to the Democratic party.

This is the statement that 27,460,608 acres of land have been "actually restored" from the cancellation of "entries under pre-emption, homestead, timber-culture, desert, mineral, and timber-land laws, canceled in the regular course of examination and proceedings in the General Land Office for abandonment, illegality, and other causes."

The gross misrepresentation in this paragraph does not consist alone in the guess-work of aggregate amount, which, being incapable of verification, may, for the same reason, be thought to be incapable of authentic rebuttal, and therefore safe from exposure, but consists, first, in the assertion that such cancellations are a consequence of the "regular course of examination and proceedings in the General Land Office," which implies official scrutiny and the exercise of judgment and discretion in official action; and, second, in asserting that the result of such cancellations is a "restoration" of this great body of public lands to public entry.

It is well known that the major part, certainly not less than 90 per cent., probably more nearly 99 per cent., of all the cancellations recorded in the General Land Office for the past eight years are cancellations on "voluntary relinquishment."

Usually this means that the entryman has sold his improvements to an intending settler who enters upon the land at once, and it therefore never goes even formally "back to the public domain." No one but the purchaser gets the benefit of the cancellation of the entry, and therefore there was no, and could be no, actual restoration to the public domain. But suppose that the entryman abandoned without sale to a succeeding settler; the land became again subject to entry without any affirmative action of the Land Office, which might just as well claim the credit for the early and latter rain which falls upon the lands of the Government as well as those upon those of the settler, as to claim that it had "restored" lands to which the title was already in the Government, and which, having been delivered into the possession of a settler, he had of his own volition abandoned.

Whether, therefore, the volume of cancellations or relinquishment amounts to 27,000 acres or 27,000,000 acres in a given period adds nothing to the efficiency or merit of the conduct of the Land Office and nothing to net results of administrative action.

It is rather an evidence of the extent to which the present Administration has discouraged and extinguished settlement claims.

A certain but comparatively small proportion of entries are always and necessarily canceled "in the regular course of examination and proceedings in the General Land Office for abandonment, illegality, and other causes," chiefly as the result of individual contests; but these seldom imply a "restoration" to the public domain. They imply simply that of two claimants to a tract of land one is adjudged to have a better right, and the entry of the losing party is canceled, usually, however, saving his right to make another entry elsewhere.

The annual report of the Commissioner of the General Land Office for 1887 lets the cat out of the bag completely as to the false pretense of these alleged restorations. He says:

> Under the timber-culture laws relinquishments of entries and the making of entries for the purpose of selling relinquishments is a business of great magnitude and an unqualified abuse of the privilege of the laws. The same tracts of land are entered and relinquished over and over again. Generally in each case a new entry is filed simultaneously with the presentation of a relinquishment of the former; and the process goes on indefinitely. Meanwhile the lands are held from settlement and remain uninhabited, unimproved, and uncultivated.

The comment upon this subject made in a recent issue of the New York Tribune is too good to be lost and makes the exposure complete:

> The Commissioner then cites a number of examples from the official records. In one case the same 160 acres in Nebraska had been "entered" six times and "relinquished and canceled" five times in the last eight years, four of the entries and three of the relinquishments having been filed under the present Administration. In another case, in Dakota, 160 acres had been "entered" and "relinquished and canceled" five times. It appears that the ingenious but not ingenuous Democratic mathematicians have taken these and thousands of cases and counted each of them as many times as they were "relinquished and

canceled" according to the record. In this way the same 160 acres would figure as 800 acres if five cancellations had been recorded, and the two specific cases cited would yield an aggregate of 1,600 acres to be credited to the "reform Administration." Could anything be more false or misleading than a "statement" based on such calculations?

Given a sufficient number of "cancellations" for a multiplier, and the same quarter section would yield Stockslager's total of 27,460,608 acres. Now, everybody knows that "General" Sparks was a more energetic, fearless, and industrious "reformer" than Stockslager, but Sparks declared officially that between the 1st day of April, 1885, and the 30th of June, 1887, 2,197 entries only were canceled, embracing 351,520 acres. If Stockslager's "statement" were true, he would have investigated, examined, reviewed, adjudged, and canceled about 169,000 entries in the short period covered by his own incumbency, which began only about eleven months ago. Sparks assaulted Congress frequently and violently for an increase of force upon the plea that his clerks had disposed of the stupendous number of 1,559 cases, representing in the neighborhood of 249,440 acres—probably less—in one year; hence it follows either that the present accomplished and versatile Commissioner had, with the same force, canceled somewhere near 169,000 entries, or as many in eleven months as Sparks, by his own showing, could not have succeeded in doing in a less period than one hundred and eight years.

Upon Stockslager's "statement" and other equally trustworthy data supplied by him was based the land plank in the St. Louis platform.

Can a cause be otherwise than unjust which requires to be bolstered by such palpable falsehoods as this claim to virtue and devotion to public duty on account of this alleged "restoration" of 27,460,608.74 acres of land to the public domain?

The next item in this catalogue of Democratic virtues is the claim to having saved to the public domain "invalid State selections" (internal improvement and swamp) 968,747.52 acres. So far as the rejected school selections are concerned, there can be no possible saving. If a State makes a selection of school lands which is disapproved for any reason, it makes another. The net result to the public domain is exactly in acres what it would have been if the first selection had been approved. As to swamp lands selected and claimed by the various States to whom such lands were granted, it has for years been the policy to reject all such as were for lands in the prior possession of settlers and to such as settlers had located upon before the State selections were approved. In following the precedent set by Republican administrations of the General Land Office the Commissioner has done well. He might have gone further and made expiation for the original Democratic fraud in the passage of the swamp-land acts. What he now claims credit for is for ordinary diligence in seeing that the Government is not defrauded. In most cases, however, the Land Office will grant to the State indemnity for lands taken by settlers, so that the Government is not likely to gain in any event.

These items comprise the 80,690,720.59 acres which, it is alleged in this remarkable circular, have been "actually restored to the public domain and opened to entry and settlement." This claim is wholly false, as the foregoing analysis from official data abundantly proves. It is not only false, but fraudulent, as it was put forth with intent to deceive.

Under the head of "Recovery of lands recommended," in this Democratic bulletin, appear various recommendations made by Commissioner Sparks, which never went beyond the pigeon-holes of the Secretary's office, except, as in many cases, to be overruled by him, together with the quantity of lands embraced in various "buncombe" bills introduced in Congress every year, but which have never reached the dignity of practical legislative propositions, and the credit sought to be derived from such "recommendations" to restore 65,020,538.33 acres is a windy exhibit of impudent pretense.

The first item of 12,300 acres is not of sufficient moment to be examined. The second item of 1,500,000 acres is of lands claimed for the benefit of a railroad extending from Portland, Oregon, to Tacoma. The Commissioner of the General Land Office decided against the company. The Secretary reversed him and the company gets the land, and this reversal occurred before Stockslager's circular was issued. The "suits commenced for the recovery of land" have only been recommended by the Commissioner and not extensively concurred in by the Secretary. The ultimate authority in the Department has not yet passed upon these applications, and if he should approve and order suits he would only be obeying the direction of the land-grant adjustment act of 1887, heretofore referred to. But the great claim is on account of "railroad forfeiture bills before Congress," the assumption being that these bills have been "recommended." Recommended by whom? By the President? His only recommendation on this subject was contained in his message of December, 1886, in which he said, referring to the outstanding unearned land grants made to aid in building railroads:

A faithful application of the undiminished proceeds of the grants to the construction and perfecting of their roads, an honest discharge of their obligation, and entire justice to all the people in the enjoyment of their rights on these highways of travel is all the public asks, and it will be content with no less.

It will be observed that Mr. Cleveland does not want earned lands forfeited at all, and only wants unearned lands turned over to somebody who will complete the railroads. Has the Secretary of the Interior recommended these forfeitures? Not at all. Who, then, did do the recommending which cuts so large a figure in Mr. Stockslager's circular? Why, the late Commissioner of the General Land Office, put out under circumstances of special indignity. The Administration has actually crawled under his skirts in order to hide its own delinquencies and to claim virtue on the public-land question. Two-thirds of these lands have been earned by the construction of road, and so, according to the Supreme Court, are non-forfeitable. But if the Department thinks these lands should be restored to the public domain, why does it not restore them? The first section of the land grant adjustment act of 1887 is as follows:

That the Secretary of the Interior be, and is hereby, authorized and directed to immediately adjust, in accordance with the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads and heretofore unadjusted.

Under this section it is the duty of the Secretary to immediately adjust all outstanding land grants, giving to the roads what he thinks them legally entitled to under the decisions of the Supreme Court, and restoring the remainder to the public domain. If the companies think they ought to have more than the Secretary gives them their redress is in the courts, where this question must finally be tried. Action by Congress is not at all needed, but the Secretary of the Interior, under the stress of a pending political campaign, permits to go out this claim based on the recommendations to him of a disgraced and deposed subordinate, while he is himself responsible, if the recommendations are based upon law and justice, for carrying them into effect, and has the means at hand for that purpose. If Congress were to declare a forfeiture in compliance with these discredited recommendations the companies affected would take their claim to the courts, and undoubtedly prevail. If the Secretary decided against them they would do the same thing. Therefore, the Secretary does not act, but he is willing to have this claim to superior virtue go out to the country on behalf of his administration.

The "recommendations" are of a piece with the non-action of the last House of Representatives, calculated, if not designed, to prevent forfeitures, and thus actually in the interests of the railroad companies.

This latter theory finds ample support in the affirmative action taken by the Interior Department in the conveyance of lands earned after the date named in the granting act. All the acts making grants of land to aid in the construction of railroads named a time within which the roads should be completed, and provided that if they were not completed by the date named the lands granted should revert to the Government. The House of Representatives, under Democratic leadership and controlled by a Democratic majority, claims that no lands can be earned after the date of reversion named in the granting act, and so that no matter how much road may thereafter be constructed, it is always within the legal power of Congress to forfeit all lands opposite such portions of road as were completed out of time.

This is the theory the House proceeded upon in refusing to forfeit unearned lands unless the Senate would join it in forfeiting lands opposite portions of road completed out of time. This is the theory upon which the "recommendations" of Mr. Sparks were made and which are now paraded by Mr. Stockslager as evidence of Democratic virtue, and the echo comes from every Democratic speech in the country, the Secretary of the Interior himself taking up the refrain. On the other hand, the Supreme Court has decided that all road built before forfeiture, even if after the date named in the granting act, carries with it the right to lands opposite thereto. The Senate, yielding to the decision of the court as the supreme law of the land, declines to attempt what it knows can not legally be done, but asks the House to join it in doing the only legal and practical thing, that is, to forfeit lands opposite uncompleted portions of road. The House declines, nothing is done, the companies go on constructing road and thus putting millions of additional acres beyond the reach of forfeiture.

Meanwhile the Democratic Administration and the Democratic party denounce the Senate and the Republican party, and parade their own virtuous opposition to railroads involved in the proposition that lands can not be earned by the completion of road after the date named in the granting act. That this has for its design the prevention of the forfeiture of any lands, and thereby allowing the railroad companies to earn all remaining lands by the completion of their roads, is shown by the action of the Democratic Interior Department, which during the very period of time in which this controversy was going on between the House and Senate has conveyed hundreds of thousands of acres of land to various railroad companies, all of which were earned, if at all, out of time. Nearly 400,000 acres were so conveyed last year to a single railroad corporation, the Chicago, St. Paul, Minneapolis and Omaha Railroad Company.

This is a Democratic land grant, having been made June 3, 1856, to aid the company in building a road from St. Croix River to Bayfield, Wis. The time fixed for the completion of the road was May 5, 1869. None of the road was built prior to that date nor for many years thereafter, and it was not completed until 1883, fourteen years after the time named for that purpose in the granting act. Last year the company made application for lands on account of the completion of its road. The Commissioner of the General Land Office decided against them, but he was overruled by the Secretary of the Interior, who, after a hearing, in which the present Democratic candidate for the Vice-Presidency eloquently argued the case in behalf of the railroad company, decided in an elaborate opinion that the company, having completed its line before the exercise by Congress of its right of forfeiture, notwithstanding all the work of such completion was done after the date named in the granting act for such completion, was as fully en-

titled to all the lands embraced within the limits of the grant as though the road had been completed in time.

This was the decision of Mr. Cleveland's first Secretary of the Interior, and his first appointee to the Supreme bench, but the responsibility was not that alone nor chiefly of Mr. Lamar, for the decision he rendered was dictated or at least concurred in by the determination of a Cabinet meeting, at which, of course, the President presided. This was also followed by the issuance of patents bearing the President's signature. The decision of the Secretary was a denial of the position of the Democratic House and an affirmance of that of the Senate. Thus it will be seen that a Democratic President has perpetrated what a Democratic House denominates "robbery of the public domain for the benefit of a railroad company." And yet the Administration is seeking retention in power on the false pretense that it is engaged in "recovering" lands instead of conveying them to railroad companies, and is availing itself of the falsehoods of the Stockslager circular as a means to that end.

The Secretary followed his decision in the foregoing case to its logical conclusion, and on the application of the Wisconsin Central Railroad Company also conveyed to that corporation several hundred thousand acres of land on account of road built out of time.

If legislative non-action continues much longer the Democratic Interior Department co-operating with the railroad companies will have removed all occasion for the forfeiture of railroad land grants by absorbing all that remains.

It may be mentioned, in passing, that the quarrel between the Secretary of the Interior and Sparks about the first-mentioned grant occasioned the removal of the latter. Sparks was determined to delay the certification of lands so they could not go to patent until after Congress had assembled, when he intended to secure the introduction of a resolution into the House which would stop the whole proceeding.

The Secretary heard of this, and put sufficient force at work in order to have the certification completed before the assembling of Congress, so that no impediment should be put in the way of the acquisition of this great body of land by the railroad company. But meanwhile Sparks was dismissed, and while the patents did not actually issue until after Congress met, the backbone of opposition to "railroad robbery of the public lands" had been broken by Sparks's deposition, and the leading Democratic members of the House who had been associated in the public prints with the project of a resolution to stop the issue of patents seemed to find discretion the better part of valor, and the subject was allowed to drop; but the howl about "Democratic land reform" seems to continue louder than ever, perhaps with intent to conceal from public notice the action of the Democratic Administration.

The narrative of performance under the head of "private land claims" is of the same pretentious character. Congress has been recommended to reject certain private land claims. While a confirmation by Congress is legal and effective, a rejection by Congress of a private land claim would not be conclusive or even detrimental to the final allowance of the claim by its courts where its validity must finally be determined. As I have heretofore shown, such of the private land claims as have been confirmed were so done by Congress under Democratic rule. Since that time Congress has practically confirmed no private land grants, and none, not even the best and most satisfactorily proven, could be got through in that way, even with the favorable recommendation of the Commissioner. In due time Congress will create a tribunal to confirm or reject all such claims as may be outstanding, according as they may be shown to be good or bad. The "recommendation" of the Commissioner is, therefore, superfluous, to say the least.

Concerning the last item in the Commissioner's circular, that of "lands forfeited in Oregon and recommended for recovery under grants for military wagon-roads, 2,368,320 acres," it is only necessary to say that early in the last Congress the Senate passed a bill directing suit to be brought to set aside the certification made to the State of Oregon for these lands. The title having passed from the United States can only be vacated and the land restored to the Government by the judgment of a court of competent jurisdiction. The House did not act on the Senate bill, and it fell with the close of Congress. At the present session the Senate has again passed the same bill, but up to date it has not received action in the House. After the passage of the foregoing bill the second time in the Senate the President sent to Congress a message recommending the forfeiture of the same lands, apparently having overlooked the action of the Senate. His recommendation is somewhat belated at the best, but the necessity for something on which to base a claim that this is a reform administration perhaps warrants the unscrupulous use made of it.

There is not a material statement contained in Mr. Stockslager's circular which is not false in fact.

Something, of course, had to be done to make performance apparently equal promise. Great things had been declared as certain to result in the way of land reform if only the Democracy were brought into power. It is not in evidence that the President has or had any sympathy with the kind of land reform the Democratic party talked so much about before the election. Quite the contrary, as his message hereinbefore quoted and his subsequent actions show. But all the clamor made could not be permitted to go for naught and acknowledged to have been without basis. So Mr. Sparks was appointed Commissioner of the General Land Office, a person who knew nothing whatever about the public-land system and had no special qualifications for the discharge of the legitimate duties of the place. But he was suspicious, querulous; a man who could, on paper at least, make mountains out of mole-hills, and who possessed one especial qualification for the performance of what was expected of him—he thoroughly hated the Republican party and all its works.

As might have been expected, Mr. Sparks first voided his malice on the settlers of the West and Northwest, in whose acquisition of a quarter-section each of the public land he saw evidence of fraud, and all of whom he treated, so far as in his power, as thieves. Nothing in the history of the Government has been more outrageous than the persecution of frontier settlers under Mr. Sparks's administration. It has been claimed for him that he was sincere, but misguided; but how he could have been sincere while venting his spleen on settlers, and at the same time winking at the acquisition by speculators of millions of acres of valuable lands in the South, I leave to those who defend him to determine. He could not have been more sectional and discriminated more largely in favor of the South if he had been Jeff Davis himself. He made furious onslaught on the swamp-land act and its administration, but his illustrations were all drawn from comparatively infinitesimal fraud which he claimed to have found in Oregon, Minnesota, and Iowa, ignoring completely the immense frauds which he well knew to exist in Florida, Arkansas, and the other Southern swamp-land States. It may be said in his favor that he made many decisions against railroad companies affecting their rights to lands; but they were promptly appealed from and as promptly revoked by the Secretary of the Interior. He filled the newspapers with accounts of what he was doing in the way of reclaiming public lands from railroad companies, and the Administration claimed and got the credit. It also saved its bacon with the companies through the action of the Secretary, and the companies and the Administration took good care that the newspapers should not be filled with accounts of the Secretary's action in their favor.

The Secretary represented the President; what he did was the act of the President, and therefore final. The arrangement between Sparks and the President was therefore practically what Frederick the Great said existed between him and his subjects. "They say what they please; I do what I please." No exception was taken to Sparks's claims in the newspapers concerning lands "restored to the public domain," nor to his oppression of the helpless settlers. They were chiefly in the Territories and in Republican States; they were isolated, poor, and could make no noise loud enough to be heard in the national arena, while the railroad companies could contribute, as they already had, to campaign expenses and control significant votes in the doubtful States. And thus the sham contest went on between Commissioner and Secretary; but the latter finally became weary at the necessity for so much overruling, and the former, becoming nettled at the impatient expressions of the Secretary, took issue with him concerning the effect of a decision by which he had been overruled in his efforts to "restore" about 400,000 acres of land to the public domain claimed by the St. Croix and Lake Superior Railroad Company, heretofore referred to. This was too much for the Secretary. The settlers were nothing, but when the sacred "rights" of a railroad company to public lands were touched, not formally but in earnest, it was too much, and Sparks's head rolled in the basket without a moment's delay. And thus ended Sparks; but the false pretenses of the Administration did not die with him, for the "recommendations" which he made, and which were either overruled or pigeon-holed, are made the basis of claim to reform in the administration of the public-land system. Paraphrasing a declaration made in the Chicago convention which first nominated Mr. Cleveland, they "love Sparks for the recommendations he made."

During the delivery of Mr. PLUMB's speech as given above,

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the special order, which is the bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868."

Mr. STEWART. I ask that that may be temporarily laid aside until the Senator from Kansas concludes.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent of the Senate that the special order be laid aside. Is there objection? The Chair hears none; and it is so ordered. The Senator from Kansas will proceed.

Mr. PLUMB concluded his speech as already given.

Mr. HALE. Mr. President——

Mr. BERRY. Will the Senator from Maine yield to me that I may give a notice?

Mr. HALE. I yield to the Senator from Arkansas.

Mr. BERRY. I wish to state that the speech of the Senator from Kansas [Mr. PLUMB] contains statements that I had not expected him to make in regard to the public lands of the country. I prefer, how-

ever, to see the speech in print before replying, and I give notice that at an early day I propose to address the Senate upon the same subject, and in reply to the remarks made by the Senator from Kansas.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

The motion was agreed to.

AWARDS UNDER MEXICAN TREATY.

Mr. MORGAN. The special order set for to-day is Senate bill 994, relative to the case of the Weil claim against Mexico.

The PRESIDENT *pro tempore*. That has been laid before the Senate.

Mr. MORGAN. I desire to say that I had an agreement with the Senator from Indiana [Mr. VOORHEES], who is absent from the Senate and has been for some days, that I would not call up that bill in his absence, and I ask the unanimous consent of the Senate that it may be made a special order for this day week.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the special order laid before the Senate at 2 o'clock may be made the special order for this day week at 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

RELATIONS WITH GREAT BRITAIN AND CANADA.

Mr. MORGAN. The Senator from Kansas [Mr. PLUMB] desired to make his remarks this morning upon a bill relating to the public lands, and I yielded to him in the morning hour when I had the right to the floor upon the resolution of the Senator from Ohio [Mr. SHERMAN]. I respectfully ask the Senate to allow that resolution to be called up in the morning hour to-morrow at the conclusion of the routine business.

The PRESIDENT *pro tempore*. That order has been already made. The resolution will be called up in the current morning business to-morrow.

MONUMENT OF BURGOYNE'S SURRENDER.

Mr. EVARTS. Will the Senator from Maine yield to me?

Mr. HALE. For what purpose?

Mr. EVARTS. I ask the Senator to yield for a moment. If it shall take time, of course I will not press the bill I wish to call up.

Mr. HALE. I yield for a moment.

Mr. EVARTS. I ask the Senate to proceed to the consideration of the bill (S. 3460) to appropriate $10,000 for the completion of the monument commemorating the surrender of Burgoyne at Saratoga.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDENT *pro tempore*. The reading of the bill will proceed, and, if there be no objection, the amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the text of the bill.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "State Department," on page 1, line 8, after the words "salaries foreign ministers," to strike out:

To pay J. R. Young, late minister to China, salary from July 1 to September 4, 1885, $2,152.17.

And to insert:

To pay amounts found due by the accounting officers on account of salaries of ministers, being a deficiency for the fiscal year 1886, $5,661.04.

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to insert:

Salaries, chargés d'affaires *ad interim*: To pay amounts found due by the accounting officers on account of salaries of chargés d'affaires *ad interim* and diplomatic officers abroad, being a deficiency for the fiscal year 1887, $2,053.29.

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to insert:

Salaries, consular officers not citizens: To pay amounts found due by the accounting officers on account of salaries of consular officers not citizens, being a deficiency for the fiscal year 1886, $2,597.22.

To pay amounts found due by the accounting officers on account of salaries of consular officers not citizens, being a deficiency for the fiscal year 1887, $2,867.40.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert:

Contingent expenses United States consulates: To pay amounts found due by the accounting officers on account of contingent expenses of United States consulates, being a deficiency for the fiscal year 1886, $519.44.

The amendment was agreed to.

The next amendment was, at the top of page 6, to insert:

Salaries, consular service: To pay amounts found due by the accounting officers of the Treasury on account of salaries, consular service, being a deficiency for the fiscal year 1887, $650.

To pay amounts found due by the accounting officers on account of salaries, consular service, being a deficiency for the fiscal year 1886, $2,522.53.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert:

Allowance for clerks at consulates: To reimburse Robert J. Stevens, United States consul at Victoria, British Columbia, for amount paid for clerk hire at that consulate from May 1, 1884, to March 31, 1886, $400.

To reimburse B. F. Bonham, United States consul-general at Calcutta, India, for transit pay for twenty days' unavoidable detention at San Francisco by sickness, on his way from his home at Salem, Oregon, to his post of duty at Calcutta, in December, 1885, $271.74.

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the word "claims," to strike out "$500" and insert "$1,426.89;" so as to make the clause read:

French spoliation claims: For procuring additional evidence relative to the French spoliation claims, $1,426.89.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

Expenses of international monetary conferences: To pay S. Dana Horton for additional services as delegate of the United States to the international monetary conference of 1878, and secretary to the commission in and about the preparation of the document of said conference, known as Senate Executive Document No. 58, Forty-fifth Congress, third session, and for additional services as delegate and secretary to the monetary conference of 1881, in and about the preparation of reports of said conference, and for services in said year relating to the proposed monetary conference of 1882, $10,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

GOVERNMENT IN THE TERRITORIES.

Territory of Dakota: For salaries of two additional associate justices of the supreme court of said Territory provided for by the act approved August 9, 1888, from date of qualification in office at the rate of $3,000 each per year, being for the service of the fiscal year 1889, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 8, after line 3, to insert:

Territory of New Mexico: For salary of the additional associate justice of the supreme court of said Territory, provided for by the act approved February 28, 1887, from date of qualification in office to June 30, 1887, $841.67.

The amendment was agreed to.

The next amendment was, on page 8, under the heading "Miscellaneous Treasury," after line 11, to strike out:

Relief of William Caldwell: To reimburse William Caldwell as custodian of the custom-house at Cincinnati, Ohio, the amount of a certified check, drawn by Sol. P. Kineon in his favor on the Fidelity National Bank of Cincinnati, which failed before the presentation of said check for payment, as a guaranty for the faithful performance by Kineon of his contracts for furnishing coal to the Government: *Provided*, That any dividends that have been or may be declared on this account shall be covered into the Treasury, $1,811.

The amendment was agreed to.

The next amendment was at the top of page 9, to insert:

Punishment for violation of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, being a deficiency for the fiscal year 1887, $2,500.

The amendment was agreed to.

The next amendment was, on page 9, after line 21, to insert:

Court-house and post-office at Louisville, Ky.: For continuation of building, fiscal year 1889, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 10, to insert:

Court-house, post-office, etc., at Waco, Tex.: To pay the amount found due by the accounting officers of the Treasury to John Moore, contractor, for extra labor and materials supplied and expenses incurred in connection with his contract of August 21, 1886, for the construction of a court-house, post-office, etc., at Waco, Tex., $2,873.88.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to insert:

Payment of judgment to E. W. McLean: For payment of judgment rendered against the collector of customs at San Francisco, Cal., in the circuit court of the United States for the northern district of California, at the suit (No. 4158) of E. W. McLean, brought for the recovery of damages for the alleged wrongful seizure and sale of certain opium which they attempted to export without first paying duty thereon, as required by Department's instructions, together with interest and costs of suit, $3,372.

The amendment was agreed to.

The next amendment was, on page 13, after line 9, to insert:

LIGHT-STATIONS.

Castle Hill light-station, Rhode Island: That the appropriation made for the establishment and completion of a light-house and fog-signal at Castle Hill, entrance to Newport Harbor, Rhode Island, by the acts of August 4, 1886, and March 30, 1888, are hereby made available without condition for the purchase of a suitable site at the entrance of said harbor, and for the erection and completion of the light-house and fog-signal.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to insert:

Reimbursement of keepers of light-stations for personal losses: To reimburse the keepers of light-stations at Matagorda, Tex., and Sabine Pass, La., for personal losses incurred by them during the storms of August and October, 1886, $582.75.

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert:

Relief of Maj. Jared A. Smith, United States Army: To enable the proper accounting officers of the Treasury to settle the accounts of Maj. Jared A. Smith, United States Army, late engineer of the fifth and sixth light-house districts, for Mosquito Inlet light-station, Florida, third quarter of 1884, authority is hereby granted for the allowance of the sum of $235.25, being the balance of a payment made by him under authority of the Secretary of the Treasury for expenses incurred in connection with the transportation and interment of the remains of Maj. O. E. Babcock, United States Army, formerly engineer of said districts, and burial of the remains of L. P. Luckey, his clerk, who were drowned while attempting to land on the coast of Florida for the purpose of inspecting the work of constructing the light-house at Mosquito Inlet, Florida.

The amendment was agreed to.

The next amendment was, on page 14, under the head of "District of Columbia," to strike out the clause from line 18 to line 25, inclusive, as follows:

For the redemption of one certificate of indebtedness issued by authority of section 7 of the act of the Legislative Assembly, approved June 26, 1873, dated July 1, 1873, of the denomination of $50, with interest at the rate of 8 per cent. per annum, numbered 1371, payable July 1, 1874, $110.

The amendment was agreed to.

The next amendment was, on page 16, after line 17, to insert:

The average annual salary of teachers in the public schools of the District of Columbia provided for in "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes," approved July 18, 1888, shall be not to exceed $673.60.

The amendment was agreed to.

The next amendment was, on page 32, after line 13, to insert:

Employment of special counsel: To enable the commissioners of the District of Columbia to employ and pay special counsel to represent the District of Columbia in the case of Samuel Strong, authorized to be submitted to an arbitration board of three persons to be appointed by the President of the United States under the joint resolution of Congress approved July 10, 1888, $2,500, or so much thereof as may be necessary; one half of said sum to be paid from the revenues of the District of Columbia and the other half from any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 23, after line 13, to insert:

Increase of water supply, Washington, D. C.: The time fixed for completing the Washington aqueduct tunnel, namely, November 1, 1888, as provided in the act entitled "An act to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes," approved March 30, 1888, is hereby extended to June 30, 1889, and all work upon said aqueduct shall be finished by said date, and the Washington aqueduct tunnel shall then be completed.

The amendment was agreed to.

The next amendment was, on page 24, under the head of "War Department," after line 21, to insert:

Telegraph to connect the Capitol with the Departments and Government Printing Office: To pay the Standard Underground Cable Company, of Pittsburgh, Pa., for underground electric cables laid in the city of Washington, District of Columbia, in October, 1883, connecting the Capitol, Executive Mansion, State, War, and Navy Departments, and other Government offices, under terms of permit of War Department, dated October 3, 1883, approved October 9, 1883, by H. G. Wright, Chief of Engineers, $15,138.84.

The amendment was agreed to.

The next amendment was, on page 25, after line 8, to insert:

Manufacture of arms at national armories: To enable the Secretary of War to pay Paul Butler royalty on 69,628 hook attachments or stacking swivels, at 8 cents each, as per judgment of the Court of Claims, dated June 4, 1888 (numbered 14889), these being the number manufactured by the Government and attached to arms from April 12, 1886, to June 30, 1888, $5,570.24.

The amendment was agreed to.

The next amendment was, on page 25, line 25, under the head-line of "Pay of the Army," before the word "thousand," to strike out "five" and insert "six;" so as to make the clause read:

For mileage to officers, when authorized by law, to be disbursed under limitations prescribed for the appropriations for mileage to officers by the Army appropriation act approved February 9, 1887, $6,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Maine to line 8, on page 26, and inquires whether the word "for" should not be left out after the word "company?"

Mr. HALE. Yes, I suppose so. The word "for" should be stricken out. I move that amendment.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Engineer's Department," on page 27, after line 6, to insert:

To reimburse and pay the Hartford and New York Transportation Company for labor and money expended in removing, in an emergency, obstructions and dredging the Connecticut River in 1886, under the same rules and inspections as the work on said river had been conducted by the United States engineer officers in charge, $2,606.80.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Quartermaster's Department," on page 27, after line 21, to insert:

That the proper accounting officers of the Treasury Department are hereby authorized and directed to credit and allow to Lieut. Col. R. N. Batchelder, deputy quartermaster-general, the voucher for $850 for horses purchased for the use of the War Department on May 15, 1885, and the voucher for $500 for a similar purchase made March 22, 1886, and to charge the same, respectively, to the appropriations for contingencies of the Army for the years 1885 and 1886.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

Rent, etc., Citadel Academy, South Carolina: To pay the amount reported as due by the Secretary of War in pursuance of the joint resolution approved August 14, 1888, to the State of South Carolina for rent of the Citadel Academy at Charleston, S. C., from August 20, 1887, to February 2, 1882, including the sum equitably due to the said State for the loss by fire of the west wing of said building while in the occupation of the United States, $77,250: *Provided*, That this sum shall be accepted in full payment of all claims for rent, wear and tear, and injury to the property by fire, or from any other cause whatever due to the said occupancy by the United States.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Maine to lines 14 and 15 in the amendment on page 28, where it reads "from August 20, 1887, to February 2, 1882."

Mr. HALE. That is the language of the amendment reported?

The PRESIDENT *pro tempore*. It must be incorrect.

Mr. HALE. The first date should be 1867.

The PRESIDENT *pro tempore*. What amendment does the Senator suggest?

Mr. HALE. Let that date be "1867" instead of "1887."

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated,

The SECRETARY. In line 13, after "August 20," it is proposed to strike out "1887" and insert "1867."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 29, under the head of "Navy Department," after line 7, to insert:

Contingent expenses, Navy Department: To pay to John Wanamaker for stationery furnished the Navy Department and offices for the fiscal year 1887, $219.58.

The amendment was agree to.

The next amendment was, on page 29, after line 12, to insert:

To reimburse the appropriations "Ordnance and ordnance stores, Bureau of Ordnance, 1886," $36, and "Contingent, Bureau of Ordnance, 1886," $3, for amounts erroneously paid therefrom, $39.

The amendment was agreed to.

The next amendment was, on page 29, after line 17, to insert:

To reimburse the following appropriations for amounts erroneously paid therefrom:
Construction and repair, Bureau Construction and Repair, 1886, $12.50.
Contingent, Bureau Equipment and Recruiting, 1886, $9.50.
Contingent, Bureau of Navigation, 1886, $3; in all, $25.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to insert:

Contingent and miscellaneous expenses Hydrographic Office: To reimburse Pay Director T. H. Looker, United States Navy, for amounts paid the Chesapeake and Potomac Telephone Company for exchange rental for the branch Hydrographic Office, Washington, D. C., from the appropriation "Pay, miscellaneous, 1887," the accounting officers claiming that these expenditures should have been paid from the appropriation for legislative, executive, and judicial expenses for the fiscal year ending June 30, 1887, $23.33.

The amendment was agreed to.

The next amendment was, on page 30, after line 14, to insert:

NAVAL ESTABLISHMENT.

Pay-miscellaneous: To pay amounts found due by the accounting officers for actual expenses while traveling under orders, $787.12.

To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1887, $14.

For amount paid by Pay Director A. W. Russell, United States Navy, to Matthew Wilson, for painting portrait of ex-Secretary Chandler, on bills approved by Hon. William C. Whitney, Secretary of the Navy, being for the service of the fiscal year 1886, $331.50.

The amendment was agreed to.

The next amendment was, on page 31, after line 3, to insert:

Contingent, Navy: For amount paid by Pay Director Thomas H. Looker, United States Navy, to E. F. Andrews, for painting portraits of ex-Secretaries of the Navy Borie and Woodbury, on bills approved by Hon. William E. Chandler, Secretary of the Navy, February 28, 1885, being for the service of the fiscal year 1885, $500.

The amendment was agreed to.

The next amendment was, under the head of "Marine Corps," on page 31, line 14, after the word "clothing," to strike out "eight hundred and forty-three dollars and fifty-four" and insert "two thousand nine hundred and thirty-eight dollars and twenty-eight;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of undrawn clothing, $2,938.28.

The amendment was agreed to.

The next amendment was, on page 32, after line 10, to insert:

Provisions: To pay amounts found due by the accounting officers on account of advertising, $79.83.

The amendment was agreed to.

The next amendment was, on page 32, after line 13, to insert:

Clothing: To pay amounts found due by the accounting officers on account of advertising, $79.83.

The amendment was agreed to.

The next amendment was, on page 32, after line 16, to insert:

Fuel: To pay amounts found due by the accounting officers on account of advertising, $79.82.

The amendment was agreed to.

The next amendment was, on page 32, after line 19, to insert:

Contingent: To pay amounts found due by the accounting officers on account of advertising, $79.84.

The amendment was agreed to.

The next amendment was, on page 32, after line 22, to insert:

Transportation and recruiting: To pay amounts found due by the accounting officers on account of advertising, $43.50.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Navigation," on page 33, after line 5, to insert:

Naval War College, Bureau of Navigation: To pay the following unpaid bills on account of expenses of the Naval War College for the fiscal year 1887, namely: Warren Ward & Co., for furniture, $90; H. P. Williams & Co., for mattresses, $18; Phillip F. Conroy, for plumbing, $6.54; Phillip F. Conroy, for plumbing, $9.40; W. K. Covell, for grate to range, $1.75; W. K. Covell, for brick for range, $2.50; G. B. Reynolds, for coal, $65.70; G. B. Reynolds, for coal, $32.85; Old Colony Steam-boat Company, freight, $7.46; in all, $234.20.

The amendment was agreed to.

The next amendment was, on page 33, after line 20, to insert:

Compass-testing houses, Bureau of Navigation: To pay bill of T. B. Cross, jr., for doors, sash, etc., furnished for the compass-testing houses, Bureau of Navigation, being for the service of the fiscal year 1887, $32.89.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Ordnance," on page 34, after line 7, to insert:

To supply a deficiency in the appropriation for the contingent service of the Bureau of Ordnance, $3,000

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Provisions and Clothing," on page 34, after line 19, to insert:

To pay amounts found due by the accounting officers on account of advertising, $155.86.

The amendment was agreed to.

The next amendment was, under the head of "Navy, Miscellaneous," on page 35, after line 7, to insert:

Naval wharf, Key West, Fla.: To relieve Pay-Inspector Thomas T. Caswell, United States Navy, of the checkage against his account for fourth quarter 1883, for the sum of $798.57, paid to A. P. Boller & Co., from appropriation "contingent yards and docks, 1884," in adjusting settlement of claim arising under their contract dated December 19, 1881, for building an iron wharf at United States naval station, Key West, Fla., said amount having been disallowed by the Fourth Auditor and Second Comptroller, $798.57.

The amendment was agreed to.

The next amendment was, on page 35, after line 20, to insert:

Relief of Pay-Inspector John H. Stevenson: For amount paid by Pay-Inspector John H. Stevenson, being an expenditure incurred in entertaining public officials on board the United States flag-ship Tennessee during the exposition at New Orleans in February, 1885, while said vessel was at that port, $400.

The amendment was agreed to.

The next amendment was, on page 37, after line 14, to insert:

Wharfage, United States monitor Terror: To pay William Cramp & Sons for wharfage and for care and protection of the United States monitor Terror, in accordance with letters of the Secretary of the Navy to said firm dated November 23, 1883, and February 19, 1885, $3,352.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 37, after line 22, to strike out:

To enable the Secretary of the Interior to pay to the following employés in the Patent Office the sums severally due them, being the difference between the amounts received by them and the salaries appropriated by law, for the positions to which they had been appointed or promoted without taking the oath of office prior to November, 1886, namely: W. L. Aughinbaugh, $145.50; L. B. Wynne, $99.40; Jay F. Bancroft, $15.20; T. J. Hudson, $45.65; James R. Rogers, $15.20; Edward B. Moore, $33.20; W. A. Cowles, $33.10; Granville Lewis, $33.20; A. R. Townshend, $15.25; J. McRoberts, $16.80; Samuel T. Fisher, $16.80; S. W. Bunyea, $16.80; I. N. Townsend, $16.80; T. J. Hogan, $8.15; A. P. Smith, $16.80; M. D. Wires, $16.80; John W. Frost, $16.80; Anne L. Somerville, $1.95; W. W. Townsend, $50.60; M. R. Sullivan, $16.80; Amelia Tyler, $16.95; W. H. Chadsey, $10.80; Marie Van Leer, $8.40; Bunyan Olive, $16.90; John I. Brown, $16.80; Lewis Thompson, $16.80; C. F. Randall, $51; F. P. McLean, $34.60; O. K. Gaantnar, $33.60; Robert P. Haines, $28; H. E. Baker, $33.50; Sarah J. Noyes, $33.50; George R. Blodgett, $65; B. N. Morris, $24.20; P. E. Clark, $16.50; J. C. Dowell, $65; F. C. Skinner, $24.10; W. B. Greeley, $16.50; Thomas G. Steward, $16.40; Charles H. Richardson, $27.95; George A. Nixon, $24.20; C. M. Catlin, $33.60; J. Q. Rice, $65; A. P. Greely, $28; L. D. Wilson, $33.50; T. R. Tylre, $33.50; in all, $1,404.95.

The amendment was agreed to.

The next amendment was, on page 40, after line 2, to insert:

For payment to the heirs of the late Richard Joseph, for services as disbursing clerk of the Census Office, $2,000.

Mr. HALE. In that amendment the word "heirs" should be struck out and the words "legal representatives" inserted; so as to read:

For payment to the legal representatives of the late Richard Joseph, for services as disbursing clerk of the Census Office, $2,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Public Land Service," on page 41, line 7, after the words "two thousand," to strike out "two hundred and seventy-six" and insert "seven hundred and forty-nine;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of expenses of depositing public moneys, being a deficiency for the fiscal year 1887, $2,749.72.

The amendment was agreed to.

The next amendment was, on page 41, after the word, "reservations," at the end of line 14, to strike out "seven hundred and thirty-two" and insert "nine hundred and seven;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of preservation of abandoned military reservations, $907.69.

The amendment was agreed to.

The next amendment was, under the head of "Indian Affairs," on page 41, after line 22, to insert:

Chickasaw Nation: For reimbursement of the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by Article IV of the treaty with the Chickasaws, dated June 22, 1852 (less payment of $56,021.49 to assignee of W. M. Gwin), $84,862.68.

For reimbursement of the Chickasaw incompetent fund for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by Article IV of the treaty with the Chickasaws, dated June 22, 1852, $99,280.41.

The appropriation hereby made shall be a permanent and continuing appropriation, not subject to lapse or to be covered into the Treasury; and said sums shall be paid, from time to time, upon requisitions signed by the Chickasaw governor, national secretary, national treasurer, and auditor of public accounts; and the sum hereby appropriated shall be received in full satisfaction of all claims against the United States under Article IV of said treaty.

Mr. DAWES. I wish to call the attention of the Senator from Maine to the last clause in the amendment:

And the sums hereby appropriated shall be received in full satisfaction of all claims against the United States under Article IV of said treaty.

I do not want to disturb the report of the Committee on Appropriations, especially as I am a member of it myself, but this clause seems to me to be in direct violation of a treaty that we made with the Chickasaws.

The Chickasaws claimed that the United States had illegally diverted from their funds portions of their trust money in the custody of the United States. The United States made a treaty with them in which they agreed to refer that matter to the Secretary of the Interior as an arbitrator, and stipulated that the award of the Secretary of the Interior should be final between the United States and the Chickasaw Nation.

That award is provided for in this amendment with the exception of an item of $56,021.49 to the assignee of W. M. Gwin. That item was awarded by the Secretary of the Interior under the treaty, which bound both parties to it as final. It is proposed by this amendment to strike that item out and then to insert a provision that if the Chickasaws take the rest they must take it in full satisfaction.

I will state the character of that item and then state what seems to me to be a fairer proposition than the one reported by the committee. The item is for attorney fees paid to William M. Gwin upon a contract he made with the Indians, with the approval of the Interior Department, which contract had been declared valid by a court. William M. Gwin was employed by the Chickasaws to investigate and search out the illegal appropriation of the trust funds of the Chickasaw Nation, and it was upon an agreement that he should have this sum of money, which the United States approved of.

William M. Gwin found out that between $200,000 and $300,000 of the trust funds of the Chickasaw Nation had been illegally diverted by the United States to its own use. The United States now agrees to pay that, but takes out of the trust fund the fee of William M. Gwin for bringing home to the United States its action in regard to this trust fund that was in its custody. It charges the expense of making itself restore the trust fund over to the *cestui que trust*.

The Secretary of the Interior in his award finds that the United States should make that fee good. The Committee on Appropriations object to that, and have stricken that out. Therefore, if the amendment in this form is adopted, we agree to be bound by the award of the Secretary of the Interior in part, but not in whole, and force the Chickasaw Nation to release all claim for anything more. I do not think that is right.

While there may be doubt enough about the propriety of having the United States make good the fund in this particular, and asking the Secretary of the Interior to reconsider that item, it is not fair, when we bound ourselves to stand by the award of the Secretary of the Interior, for us to go back on it. Therefore I suggest to the Senator from Maine that he permit the amendment to be modified by striking out the words:

And the sums hereby appropriated shall be received in full satisfaction of all claims against the United States under article 4, of said treaty.

And inserting:

Provided, That said payment to the assignee of William M. Gwin be referred to the Secretary of the Interior for reconsideration.

That leaves it undisposed of, but does not bind the Chickasaw Nation to take a less sum than the award.

Mr. HALE. I am inclined to think that it would be better to strike out the whole provision. This is an Old Settler, and we have never been able to get the other House to agree to it. The committee believed that it would not be able to get the other House to agree to it unless this attorney fee is stricken out.

Mr. Gwin, by a contract with the authorities of the nation, like a good many contracts of that kind, I suppose, took the case "on shares," and it was agreed that he should have a certain percentage of the

amount recovered. That has been paid, and they want us to pay them for their attorney fees. The other House will never consent to that, and quite likely will not consent to any part of the clause. I am willing that all of the item shall be stricken out if this issue is to be raised on the attorney fee, which will kill it, rather than to lumber the bill with items which I am entirely convinced that we shall never get through.

The PRESIDENT *pro tempore*. The question before the Senate is on agreeing to the amendment proposed by the Committee on Appropriations. Does the Senator from Massachusetts propose to amend the amendment?

Mr. DAWES. Of course the Senator from Maine will do as he thinks is his duty. I will say that this was a treaty made as long ago as 1852, and the claim was submitted a long time ago by the United States on the one side and the Chickasaw Nation on the other, in conformity with that treaty, to the judgment of the Secretary of the Interior, and he made the award. We bound ourselves to consider it final. We have not been able, it is true, to get the award carried out just like the award made on the Choctaw case, which ultimately the Supreme Court of the United States decided, holding that an award made forty years ago was an absolute conclusive judgment against the United States. The Choctaws had been appealing to Congress for twenty-five years, and at last a judgment of the Supreme Court had to be rendered upon that award.

It may be that the House of Representatives will not listen to this claim; but we ought not to assume that, and my friend ought not to say that if I talk as I do about this clause he will strike the whole of it out.

Mr. HALE. I shall not strike it out, but the other House will.

Mr. DAWES. I wish the Senator would let the appeal be made to the sense of right and justice and obligation of the House of Representatives before he yields to it. I submit that it is not right to say to these Indians, "You shall not have a dollar of the award unless you bind yourselves to give up $52,000 of it." All I ask is that the case be recommitted to the Secretary of the Interior for further consideration. I do not move the amendment if the Senator insists that he will have the whole provision stricken out.

Mr. HALE. No, I do not say that.

Mr. DAWES. I can not resist that.

Mr. HALE. I have not said I should have it stricken out. I have only pointed out to the Senator, who I know is seeking to do what he thinks is right, the additional danger that will come to the whole appropriation if the clause is changed as he proposes. I do not agree with him about it, but if he thinks it is wise to amend it, I do not object.

Mr. DAWES. When this matter was under consideration, of all the items that made up the award it struck me that the rules of equity upon which we bound ourselves to submit it to the Secretary of the Interior were as clear as anything could be, that the expense of restoring illegal appropriations of a trust fund by a trustee should not be paid out of the trust fund itself, but should be paid by the trustee.

Mr. HALE. We propose simply to restore these misappropriations exactly as they were misappropriated. The tribe made a contract with an attorney, who took the case, I suppose, on shares; and in addition to restoring the misappropriations they want us now to restore to them what they paid the attorney under that trade. I do not take the same view that the Senator from Massachusetts does. I do not think that is the most equitable part of it. I think the rest is equitable and that is not; and I am not in favor of paying that particular item, as we have ascertained heretofore that the conferees of the other House are not in favor of paying it, but I will take the instruction of the Senate and do the best I can with it.

Mr. DAWES. I move to strike out the words I have indicated and to insert the words I send to the desk.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In the committee's amendment, page 42, line 18, it is proposed to strike out the words:

> And the sums hereby appropriated shall be received in full satisfaction of all claims against the United States under article 4 of said treaty.

And to insert:

> *Provided*, That said payment to the assignee of W. M. Gwin be referred to the Secretary of the Interior for reconsideration.

Mr. DOLPH. The Senator from Massachusetts will allow me to ask who was the attorney who made the agreement?

Mr. DAWES. William M. Gwin.

Mr. DOLPH. The former Senator from California?

Mr. DAWES. Yes.

Mr. DOLPH. When was the agreement supposed to be made?

Mr. DAWES. It was made forty years ago, when he was a practicing attorney in Mississippi, long before he won those great honors on the Pacific coast.

Mr. DOLPH. He was a Senator from California until he went into the rebellion.

Mr. DAWES. It was long before he went to the Pacific coast. I am confident that a good deal of the opposition to this item springs from prejudice against William M. Gwin that has grown up in the country, whether wise or unwise.

Mr. DOLPH. These services, then, were rendered before 1850, before he was a Senator of the United States?

Mr. DAWES. They were rendered while he was a private citizen. He was an attorney at that time. The matter was submitted to the Secretary of the Interior, as all contracts with Indians had to be, and it was approved in advance. Then it went into the courts and the United States courts decided upon the legality of it. It is the legal fee, therefore, of the attorney of the *cestui que trust* seeking to get the illegal appropriation of trust-funds by the trustee restored. The Secretary of the Interior, to whom we submitted the claim and bound ourselves to abide by his award, awards that the United States should pay that.

Mr. HALE. Supposing the tribe would agree to pay their attorney the whole amount, would the Senator believe we ought to appropriate twice for it?

Mr. DAWES. When I agree to abide by the award of my own Secretary of the Interior I would not back out of it.

Mr. HALE. There was no agreement to abide by the award. The matter was referred to the Secretary of the Interior, as a great many things are, and they afterwards come before Congress, which has to appropriate the money.

Mr. DAWES. There was a binding covenant in the treaty of 1852 that the award of the Secretary of the Interior upon this item should be final between the United States and the Chickasaw Nation.

Mr. DOLPH. What Secretary of the Interior made the award?

Mr. HALE. Secretary McClelland.

Mr. DOLPH. What was the amount of the fee?

Mr. HALE. Fifty-six thousand and twenty-one dollars and forty-nine cents. It was a share.

Mr. DAWES. It was an agreement that Mr. Gwin should have a certain sum.

Mr. DOLPH. What share of the amount was it?

Mr. HALE. I think at least 25 per cent., perhaps 30 per cent.

Mr. CALL. Mr. President, the Senator from Massachusetts [Mr. DAWES] made allusion to the prejudice which had grown up in the country against William M. Gwin, and suggested that the opposition to this claim might perhaps have in some way been derived from that prejudice. I think it due to ex-Senator Gwin—he having died and gone to another world—to say that there was perhaps no man in the United States who possessed a higher quality of character than Mr. Gwin. He was a friend of my forefathers and an associate and particular favorite of General Jackson. He was noted for all the elements of the highest manhood and the most distinguished virtues.

There was perhaps no man in the world who with a higher order of courage united a greater tenderness and kindness towards all humanity. He was a man of vigorous intellect, engaged in many adventures among the Indians and in foreign lands. He crossed the Isthmus, I think, some twenty times in the early days of California history and adventure. He was always prominent in everything that attracted the American mind; and in this matter, which was one of his early engagements, there is nothing whatever to cast any kind of reflection upon him.

He made a contract, as it appears from the Senate and House reports upon the subject, with these Indians to hold the Government of the United States responsible for the abuse, not by him of their confidence, but for the misuse of their money by agents of the United States who had been employed in the removal of these Indians and in the disbursement of the money which the United States had agreed to pay them. According to the custom of those days, he made a contract with them that he should be paid a certain proportion of this money, which was adjudicated by the Department and allowed to him.

These Indians claimed that they were the wards of the Government of the United States, and that the contract originally made between them and an agent, an officer of the United States Army, who was sent to remove them and pay their expenses, was abused, and the trust which had been reposed in the United States in their favor and for them was not executed by the United States and by its officers, but that a large amount of money claimed to have been expended for them was fraudulently expended, and that for that money the United States were properly accountable. They also claimed that for the fee for the lawyer or agent who was to prosecute their claim the United States were justly responsible, because it was the fault of the United States. It was trust-money, and having been misused, as the Government conceded it had been, and as the court decided it had been, the Indians claimed that the Government should pay the expense of the litigation.

That is the ground upon which this claim rests, and I think at the proper time, while it may not be expedient now to force this matter upon the committee, it is a very strong ground. It is that the Government of the United States is responsible for the costs of the litigation which its default, its negligence, has imposed upon its *cestui que trust*.

Mr. DAWES. I did not say anything in disparagement of Mr. Gwin.

Mr. CALL. Not at all. I do not impute that to the Senator.

Mr. DAWES. I could not understand why this particular item, more than the others, should be objected to. Therefore it was that I

threw out that suggestion in reply to the Senator from Oregon. At first it was supposed that this was a fee earned by him while he was a United States official, but the decision of the court and the opinion of the Secretary of the Interior showed very clearly that there was no fault to be found with this contract. The only question is, when the agent of a trustee fraudulently diverts a fund and the *cestui que trust* is obliged to employ counsel to get it back, and you submit it as a question of equity to a tribunal, whether the trust fund shall not be made good for that item, and the tribunal decides that you ought to pay it, whether you shall do it. The question before us now is whether we ought to pay it after that.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts [Mr. DAWES] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

JENNIE HART MULLANY.

Mr. DAVIS. I desire to call up Senate bill 2346.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2346) granting an increase of pension to Jennie Hart Mullany, which was, in line 7, after the word "dollars," to insert "per month."

Mr. DAVIS. I move that the Senate concur in the amendment.

The amendment was concurred in.

MARGARET M. MILLER.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1500) granting a pension to Margaret M. Miller, which was, in line 5, to strike out the words "during life."

Mr. DAVIS. I move to concur in that amendment.

The amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10873) making an appropriation for the Girls' Reform School of the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 42, after line 20, to insert:

Western Miami Indians: For the payment of Thomas F. Richardville for services and expenses as delegate representing the Western Miami Indians at Washington, $1,000, to be paid out of the appropriation provided for said Indians in the sundry civil appropriation act for the fiscal year 1889, and to be deducted from the amount to be paid said Indians thereunder.

The amendment was agreed to.

The next amendment was, on page 43, after line 2, to insert:

Kaskasia, Wea, Peoria, and Piankeshaw Indians: For the payment to John Wadsworth for services and expenses as delegate representing the Kaskaskia, Wea, Peoria, and Piankeshaw Indians in Washington, $1,000, to be paid out of the appropriation provided for said Indians in the sundry civil appropriation act for the fiscal year 1889, and to be deducted from the amount to be paid said Indians thereunder.

The amendment was agreed to.

The next amendment was, on page 43, after line 10, to insert:

Eastern band of Cherokee Indians of North Carolina: For payment to W. B. Ferguson and Frederick C. Fisher, of Waynesville, N. C., for services rendered as attorneys for the eastern band of Cherokee Indians of North Carolina, from October, 1883, to November 1, 1887, $600 each, $1,200.

The amendment was agreed to.

The next amendment was, on page 43, after line 17, to insert:

Support of Blackfeet, Bloods, and Piegans: For amount due to George T. Newman for beef cattle furnished the Blackfeet Indians, at the request of the agent for said Indians, on account of their starving condition, being a deficiency for the fiscal year 1885 and prior years, $935.37.

The amendment was agreed to.

The next amendment was, under the head of the "Post-Office Department," on page 45, to strike out lines 18 to 22 in the following words:

To enable the Postmaster-General to pay the Assistant Attorney-General of the Post-Office Department for services rendered in the preparation of a new edition of the postal laws and regulations under the act of March 30, 1886, $1,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 16, to insert:

To pay Thomas L. Hoffman, late postmaster at Fairfield, Iowa, amount paid by him for the United States for rent of the post-office at Fairfield, Iowa, in accordance with the terms of a lease of said premises held by the United States, and in pursuance of the instructions of the Post-Office Department, $625.

The amendment was agreed to.

The next amendment was, on page 46, after line 22, to insert:

To pay Thomas F. Gerls, late postmaster at Pontiac, Mich., amount paid by him for rent of the post-office at Pontiac, Mich., in accordance with the terms of a lease of said premises held by the United States, fiscal year 1886, $400.

The amendment was agreed to.

The next amendment was, under the head of "Department of Agriculture," on page 47, after line 7, to insert:

To pay amount due Joseph Paul for paving with asphalt the roadways in the Agricultural grounds, by contract with the Agricultural Department, for the fiscal year 1885, $711.

The amendment was agreed to.

The next amendment was, on page 48, after line 9, to insert:

Experiments in the manufacture of sugar from sorghum and sugar cane: To pay unsettled accounts against the Department for experiments for the fiscal years 1887 and 1888, $8,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 48, after line 16, to insert:

Contingent expenses Department of Justice, horses and wagons: To reimburse James M. Ewing, late disbursing clerk, Department of Justice, the amount of voucher No. 18, third quarter of 1884, for livery of horses for April, May, and June, 1883, improperly paid from the appropriation for "Contingent expenses Department of Justice: Miscellaneous items, 1883," and disallowed by the accounting officers, the said amount having been repaid to the Treasury by James M. Ewing, $200.

The amendment was agreed to.

The next amendment was, on page 49, after line 2, to insert:

Repairs to court-house, Washington, D. C.: To reimburse James M. Ewing, late disbursing clerk, Department of Justice, amount paid by him for repairs to court-house, Washington, D. C., being for the service of the fiscal year 1883, $6.72.

The amendment was agreed to.

The next amendment was, on page 49, line 23, after the words "district attorneys," to strike out "$25,000" and insert "$37,367.41;" so as to make the clause read:

Fees of district attorneys: For payment of regular official fees provided by law for official services of United States district attorneys, $37,367.41.

The amendment was agreed to.

The next amendment was, on page 50, line 4, after the date "1887," to strike out "$41,928.08" and insert $42,526.28;" so as to make the clause read:

For payment of regular official fees provided by law for official services of United States district attorneys, being a deficiency for the fiscal year 1887, $42,526.28.

The amendment was agreed to.

The next amendment was, on page 50, to strike out the clause from line 7 to line 11, inclusive, as follows:

To enable the Attorney-General to pay Joseph Campbell, of Phœnix, Ariz., for assisting in prosecution of certain fifteen Apache Indians charged with murder before the United States court at Phœnix, Ariz., $1,500.

The amendment was agreed to.

The next amendment was, on page 51, line 3, after the word "commissioners," to strike out "$50,000" and insert "$52,498.72;" so as to make the clause read:

Fees of commissioners: For fees of United States commissioners and justices of the peace acting as such commissioners, $52,498.72.

The amendment was agreed to.

The next amendment was, on page 51, after the date "1887," at the end of line 7, to strike out "$18,051.62" and insert "$19,757.35;" so as to make the clause read:

For fees of United States commissioners and justices of the peace acting as such commissioners, being a deficiency for the fiscal year 1887, $19,757.35.

The amendment was agreed to.

The next amendment was, on page 51, after line 21, to insert:

Pay of district attorneys and assistants: To provide for the payment of claims enumerated on pages 2 and 3 of Senate Executive Document No. 266, Fiftieth Congress, first session, as follows, namely: For payment of United States district attorneys for unofficial services for fiscal year 1886, $350; for fiscal year 1887, $4,005; for fiscal year 1888, $3,675.80; in all, $8,030.80.

The amendment was agreed to.

The next amendment was, on page 52, after line 7, to insert:

For payment of special assistant district attorneys, fiscal year 1886, $3,484.07; for fiscal year 1887, $3,027.75; for fiscal year 1888, $475; in all, $8,986.82.

The amendment was agreed to.

The next amendment was, on page 52, to strike out the clause from line 20 to line 24, inclusive, as follows:

For expenses of Territorial courts in Utah, being a deficiency for the fiscal year 1887, on account of supplying and caring for the penitentiary, $8,734.26.

And insert in lieu thereof:

For expenses of Territorial courts in Utah, including $8,734.26 for supplying and caring for the penitentiary, being a deficiency for the fiscal year 1887, $10,016.81.

The amendment was agreed to.

The next amendment was, on page 53, after line 23, to insert:

Industrial Christian Home Association of Utah Territory: To further aid the Industrial Christian Home Association of Utah Territory, under its articles of

incorporation, in the establishment and maintenance of an industrial and educational institution in Salt Lake City for the benefit of the dependent women and children of Utah and Idaho Territories who desire to sever their allegiance to the Mormon Church, $75,000; and for contingent expenses of the association, $5,000; in all, $80,000.

The money hereby appropriated shall be disbursed by the treasurer of said association, who shall give such bonds for the faithful performance of his duties as may be deemed requisite by the Secretary of the Interior. All accounts of expenditures under this appropriation shall be audited by the Utah Commission, which shall hereafter act as the board of control for said institution, and shall make an annual report to Congress covering the work of said institution and its expenditures.

The amendment was agreed to.

The next amendment was, on page 55, after line 19, to strike out the following clause:

Refund to David Day: To refund to David Day so much of the fine of $225 imposed upon him by the United States court for the southern district of Mississippi at its November term, 1886, from which he was relieved by a pardon granted by the President, March 16, 1887, $125.

The amendment was agreed to.

The next amendment was, under the head of "Public Printing," on page 56, at the end of the clause appropriating $6,300 "for payment to the printers regularly employed on the CONGRESSIONAL RECORD not exceeding $90 each for time unemployed during the present session, to be paid to such printers in proportion to the whole time actually employed in connection with the RECORD during the session," to insert:

Provided, That for the purposes of allowing the benefits herein contained to be extended to compositors of the RECORD appointed by the foreman, distinguished from the regular appointees by a star (*) affixed to their names on the roll, they shall be considered as printers regularly employed on the RECORD.

The amendment was agreed to.

The next amendment was, on page 56, after line 15, to insert:

To pay 15 per cent. in addition to the amount paid for day labor to the employés of the Government Printing Office, such as compositors, pressmen, stereotypers, laborers, press-feeders, RECORD folders, counters, engineers, machinists, firemen; and proof-readers, revisers, copy-holders, make-up, and imposer of the bill force, who were and are exclusively employed on the night forces of the Government Printing Office, but exclusive of compositors on the RECORD, during the first session of the Fiftieth Congress, $10,000, or as much thereof as may be necessary: *Provided*, That in estimating the said 15 per cent. credit shall be given to the Government for whatever has been paid or is now being paid the said employés above the rates for day work.

The amendment was agreed to.

The next amendment was, on page 57, after line 4, to insert:

To enable the Public Printer to comply with the law granting fifteen days' annual leave to the employés of the Government Printing Office, $18,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 7, to insert:

SENATE.

For compensation of officers, clerks, messengers, and others in the service of the Senate, for the fiscal year 1889, $46,921.20.

The amendment was agreed to.

The next amendment was, on page 57, after line 12, to insert:

For materials for folding for the fiscal year 1889, $14,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 14, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, for the fiscal year 1887, $638.50.

The amendment was agreed to.

The next amendment was, on page 57, after line 18, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, for the fiscal year 1888, $4,500.67.

The amendment was agreed to.

The next amendment was, on page 57, after line 22, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, for the fiscal year 1889, $12,000.

The amendment was agreed to.

The next amendment was, at the top of page 58, to insert:

For fuel, oil, cotton-waste, and advertising for the heating apparatus, exclusive of labor, for the fiscal year 1888, $879.59.

Mr. HALE. In line 2 of that amendment, after the word "apparatus," I move to strike out "exclusive of labor."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, after line 4, to insert:

For furniture and repairs of furniture for the fiscal year 1888, $3,953.60.

The amendment was agreed to.

The next amendment was, on page 58, after line 7, to insert:

For expenses of maintaining and equipping horses and mail-wagons for carrying the mails for the fiscal year 1888, $1,804.80.

The amendment was agreed to.

The next amendment was, on page 58, after line 11, to insert:

For miscellaneous items, exclusive of labor, for the fiscal year 1888, $450.87.

The amendment was agreed to.

The next amendment was, on page 58, after line 14, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, for the fiscal year 1889, $10,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 21, to insert:

To pay George N. Stranahan for services as conductor of the new Senate elevator from April 1 to June 30, 1888, $300.

The amendment was agreed to.

The next amendment was, after line 24, on page 58, to insert:

To pay Frank E. Waterman for nine day's services, from December 5 to December 13, 1887, inclusive, as clerk to Senator C. J. FAULKNER, $54.

The amendment was agreed to.

The next amendment was, on page 59, after line 3, to insert:

To pay Jules Guthridge for seven days' services, from December 5th to December 11th, 1887, inclusive, as clerk to Senator GEORGE HEARST, $42.

The amendment was agreed to.

The next amendment was, on page 59, after line 7, to insert:

To pay George H. Boyd, assistant in Senate document-room, for services rendered July 11 and 12, 1888, $6.52.

The amendment was agreed to.

The next amendment was, on page 59, after line 10, to insert:

That hereafter the statement of all appropriations made during each session of Congress, including new offices created and the salaries of each and salaries of the offices which are increased and the amounts of such increase authorized by the act of July 4, 1836, shall be prepared under the direction of the Committees on Appropriations of the Senate and House of Representatives, and said statement shall hereafter show also the offices the salaries of which are reduced or omitted and the amount of such reduction, and shall also contain a chronological history of the regular appropriation bills passed during the session for which it is prepared; and to complete this work for the present session the sum of $1,200 is hereby appropriated, to be paid to the persons designated by the chairmen of said committees to do said work.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," on page 61, after line 21, to strike out the following clause:

To reimburse the five Official Reporters of the proceedings and debates of the House of Representatives for moneys paid by them so far during the present session for clerical hire and extra clerical services, $1,000 each, $5,000; $1,000 of which shall be paid to the widow of the late J. K. Edwards, he having been one of the said five Official Reporters as herein provided for.

The amendment was agreed to.

The next amendment was, on page 65, after line 6, to insert:

To pay Alexander Vangeuder as extra compensation for services rendered as assistant clerk to the Committee on Invalid Pensions during the second session of the Forty-ninth and the first session of the Fiftieth Congresses, $500.

The amendment was agreed to.

The next amendment was, on page 65, after line 20, to insert:

Library of Congress: To enable the accounting officers of the Treasury Department to settle the account of the disbursing agent of the Library of Congress for balances of foreign postage due Edward G. Allen, of London, for fiscal years 1884, 1885, and 1887, $19.30, to be paid out of fund for increase of Library, 1886.

The amendment was agreed to.

The next amendment was, under the head of "Judgments Court of Claims," on page 74, line 15, to strike out the name of "Bower" and insert "Bowyer;" so as to read:

John M. Bowyer, $960.55.

The amendment was agreed to.

The next amendment was, on page 76, after line 8, to insert:

Francis E. Greene, $545.20.

The amendment was agreed to.

The next amendment was, on page 76, to strike out lines 12 and 13, as follows:

Martin E. Hall, $316.71.

The amendment was agreed to.

The next amendment was, on page 80, after line 16, to insert:

Sarah M. Burge, administrator of Young Burge, deceased, $576.99.

The amendment was agreed to.

Mr. GEORGE. Is it in order to offer an amendment to the bill at that point?

The PRESIDENT *pro tempore*. It is customary to proceed first with the amendments of the Committee on Appropriations, and then the bill will be open to amendments offered by Senators.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 81, line 5, after the words "three hundred," to strike out "forty-five thousand seven hundred and twelve dollars and fifty-eight," and insert "forty-six thousand five hundred and eighteen dollars and six;" so as to make the clause read:

To pay difference of interest between 5 per cent. as provided by section 1090, Revised Statutes, and 6 per cent. under the act of March 3, 1885 (18 Statutes, page 481), on part of a judgment of the Court of Claims in favor of Albert Grant, withheld under the act of March 3, 1885, but afterwards paid; the United States not having prevailed in the suits wherein demands were made against said Albert Grant, $291.38 cents; in all, $346,518.06: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, in section 3, under the head of "War Department—claims allowed by the Third Auditor and Second Comptroller," on page 93, to strike out the clause from line 3 to line 7, inclusive, as follows:

For reimbursing Kentucky for expenses incurred in suppressing the rebellion, being the amount certified to be due by the Secretary of the Treasury under letter of August 16, 1888, $38,861.18.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 5. That for the payment of a portion of the claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1886 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Documents Nos. 255 and 269, Fiftieth Congress, first session, there is appropriated, as follows:

CLAIMS ALLOWED BY FIRST COMPTROLLER.

State Department:

Foreign intercourse: For contingent expenses, foreign missions, 1886 and prior years, $283.23.

For salaries, consular service, 1886 and prior years, $14.10.

For contingent expenses, United States consulates, 1886 and prior years, $71.83.

For expenses of prisons for American convicts, 1886 and prior years, $184.62.

For pay of consular officers for services to American vessels and seamen prior to July 1, 1886, $14.

Treasury Department:

For salaries, office of the Secretary of the Treasury, 1886 and prior years, $64.17.

For drawback on stills exported (act March 1, 1879), $180.

Interior Department:

For Geological Survey, 1886 and prior years, $20.04.

For salaries and commissions of registers and receivers, 1886 and prior years, $211.82.

For contingent expenses of land offices, 1886 and prior years, $17.33.

For expenses of depositing public moneys, 1886 and prior years, $281.98.

For protecting public lands, 1886 and prior years, $22.20.

For expenses of hearings in land entries, 1886 and prior years, $27.41.

For surveying the public lands, 1886 and prior years, $4,548.28.

For 5, 3, and 2 per cent. fund to States, prior to July 1, 1886, $29,676.24.

Department of Justice:

For fees and expenses of marshals, United States courts, 1886 and prior years, $369.57.

For fees of clerks, United States courts, 1886 and prior years, $604.50.

For fees of commissioners, United States courts, 1886 and prior years, $90.20.

For fees of witnesses, United States courts, 1886 and prior years, $4,119.53.

For support of prisoners, United States courts, 1886 and prior years, $251.23.

For miscellaneous expenses, United States courts, 1886 and prior years, $121.81.

For expenses of Territorial courts in Utah, 1886 and prior years, $9,085.84.

CLAIMS ALLOWED BY THE FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

For expenses of collecting the revenue from customs, 1886 and prior years, $13,237.07.

For Marine-Hospital Service, prior to July 1, 1886, except claims numbered 32107 and 22109, $525.

For expenses of revenue-cutter service, 1886 and prior years, except claims numbered 22106 and 22108, $18.

For furniture and repairs of same for public buildings, 1886 and prior years, $201.

For debentures and other charges, prior to July 1, 1886, 5 cents.

For repairs and incidental expenses of light-houses, 1886 and prior years, $28.50.

For supplies of light-houses, 1886 and prior years, $28.50.

For Light-House Establishment, 1861, $538.78.

WAR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For pay of two and three year volunteers, 1871 and prior years, $61,909.20.

For bounty to volunteers and their widows and legal heirs, 1871 and prior years, $48,811.72.

For bounty, act of July 28, 1866, 1880 and prior years, $8,700.

For pay, etc., of the Army, 1886 and prior years, $2,628.24.

Pay, etc., of the Army, 1887, $532.35.

Pay, etc., of the Army, 1888, $120.75.

For contingencies of the Army, 1886 and prior years, $485.90.

For draft and substitute fund, 1871 and prior years, $3.72.

For medical and hospital department, 1886 and prior years, $1.60.

For ordnance, ordnance stores, and supplies, 1886 and prior years, $17.

For preventing and suppressing Indian hostilities, 1871 and prior years, $101.29.

INTERIOR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For fulfilling treaty with Nez Percés, $30.09.

For support of Indian children at schools in States, 1886 and prior years, $25.30.

For support of Yakamas and other Indians, 1886 and prior years, $19.78.

WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

For subsistence of the Army, 1886 and prior years, $84.45.

For regular supplies, Quartermaster's Department, 1886 and prior years, $464.70.

For incidental expenses, Quartermaster's Department, 1886 and prior years, $5,552.63.

For transportation of the Army and its supplies, 1886 and prior years, $5,205.

For 50 per cent. of arrears of Army transportation due certain land-grant railroads, 1886 and prior years, $65.42.

For barracks and quarters, 1886 and prior years, $263.

For clothing and camp and garrison equipage, 1886 and prior years, $78.40.

For horses for cavalry and artillery, 1886 and prior years, $716.

For engineer depot at Willets Point, N. Y., 1886 and prior years, $3.44.

For refunding to States (Kentucky) expenses incurred in raising volunteers (act July 27, 1861), $2,019.51.

For reimbursing the State of Kentucky for expenses in suppressing the rebellion (acts June 8, 1872, and March 3, 1881), $36,841.67.

For horses and other property lost in the military service prior to July 1, 1886, $21,277.25.

For commutation of rations to prisoners of war in rebel States and to soldiers on furlough prior to July 1, 1886, $3,136.25.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, 1871 and prior years, $2,978.53.

For Rogue River Indian war, prior to July 1, 1886, $286.99.

NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, prior to July 1, 1886, $369,463.64.

For pay of the Navy, prior to July 1, 1886, for the payment of claims set forth in Senate Executive Document No. 269, Fiftieth Congress, first session, $4,157.81.

For pay, miscellaneous, 1886 and prior years, $176.70.

For contingent, Navy, 1886 and prior years, $60.

For contingent, Marine Corps, 1886 and prior years, $1.40.

For provisions, Navy, Bureau of Provisions and Clothing, 1886 and prior years, $11,801.31.

For provisions, Navy, Bureau of Provisions and Clothing, 1886 and prior years, for the payment of the claim set forth in Senate Executive Document, No. 269, Fiftieth Congress, first session, $288.

For indemnity for lost clothing, prior to July 1, 1886, $120.

For enlistment bounties to seamen, prior to July 1, 1886, $981.45.

For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* United States, $1,222.89.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 6. That for the payment of the claims certified to be due by the Auditor of the Treasury for the Post-Office Department under the act approved March 3, 1883, or under appropriations the balance of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, being for the service of the fiscal year 1886 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 252, Fiftieth Congress, first session, there is appropriated as follows:

For compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenue, 1886 and prior years, $70,038.42.

For deficiency in postal revenue, 1886 and prior years, $1,831.20.

Mr. HALE. In line 10 of the proposed section 6, "252" ought to be "253;" so as to read:

As fully set forth in Senate Executive Document No. 253, Fiftieth Congress, first session.

I move to so amend it.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. HALE. On page 13, after line 9, I move to insert:

ELECTORAL MESSENGERS.

For the payment of the messengers of the respective States for conveying to the seat of Government the votes of the electors of said States and for President and Vice-President of the United States at the rate of 25 cents for every mile of the estimated distance by the most usual road traveled from the place of meeting of the electors to the seat of Government of the United States, computed for one distance only, for the service of fiscal year, $9,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. HALE. On page 27 I move to strike out the clause from line 15 to line 21, inclusive.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The SECRETARY. It is proposed to strike out the clause on page 27 from line 15 to line 27, inclusive, as follows:

For payment on account of Army transportation, 1882 and prior years, as certified to Congress as due, by the accounting officers of the Treasury, in House Executive Document No. 19, Fiftieth Congress, first session, namely: To the Hoboken Land Improvement Company of New Jersey, $15,800.

The amendment was agreed to.

Mr. HALE. On page 29, line 17, after the word "therefrom," the words "in all" should be inserted. I move that amendment.

The amendment was agreed to.

Mr. HALE. On page 41, line 7, the committee amendment should be disagreed to.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 41, line 7, after the words "two thousand," the Senate has stricken out "two hundred and seventy-six" and inserted "seven hundred and forty-nine;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of expenses of depositing public moneys, being a deficiency for the fiscal year 1887, $2,749.72.

The PRESIDENT *pro tempore*. By unanimous consent the vote by which this amendment was agreed to will be reconsidered, and the amendment will be regarded as disagreed to. The Chair hears no objection.

Mr. HALE. On page 45, lines 7 and 8, I move to strike out "forty-one thousand seven hundred and ninety-eight" and insert instead thereof "forty-two thousand two hundred and seventy-one."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 45, line 7, after the words "two hundred and," it is proposed to strike out "forty-one thousand seven hundred and ninety-eight" and insert "forty-two thousand two hundred and seventy-one;" so as to make the clause read:

For compensation to clerks in post-offices, being a deficiency on account of the fiscal year 1887, $242,271.21.

The amendment was agreed to.

Mr. HALE. On page 49, after line 13, I move to insert:

For the payment of the widow of the late Chief-Justice Morrison R. Waite, this sum, being equal to the balance of his salary for one year, $8,745.

The amendment was agreed to.

Mr. HALE. On page 57, line 7, after the words "Printing Office," I move to insert the words "for the fiscal years 1887 and 1888;" in the same line, before "thousand," to strike out the word "eighteen" and insert the word "twenty-five;" and at the end of the clause to add:

And the Public Printer is hereby directed to pay forthwith all persons for services covered by deficiencies for said years.

The amendment was agreed to.

Mr. MANDERSON. I ask the Secretary to read, commencing on line 5, so as to show the context.

The PRESIDENT *pro tempore*. The Secretary will read as requested, beginning in line 5.

The Secretary read as follows:

To enable the Public Printer to comply with the law granting fifteen days' annual leave to the employés of the Government Printing Office for the fiscal years 1887 and 1888, $25,000; and the Public Printer is hereby directed to pay forthwith all persons for services covered by deficiencies for said years.

Mr. HALE. I have no further amendments from the Committee on Appropriations, but the Senator from Missouri [Mr. COCKRELL] has an amendment to offer from the committee.

Mr. COCKRELL. On page 53, I move to strike out lines 21, 22, and 23, in the following words:

And for support of prisoners, United States courts, balance for the fiscal year ended June 30, 1887, $25,000.

And to insert:

For support of United States prisoners, including necessary clothing and medical aid, and transportation from place of conviction, being for the service of the fiscal year, 1887, $25,000.

The amendment was agreed to.

Mr. PLUMB. I am instructed by the Committee on Public Lands to offer an amendment to come in at the close of the bill.

The PRESIDENT *pro tempore*. Are there further amendments to be proposed by the Committee on Appropriations?

Mr. HALE. We are through with the committee amendments.

The PRESIDENT *pro tempore*. The Senator from Kansas proposes to amend the bill. The amendment will be stated.

The SECRETARY. It is proposed to add as an additional section:

SEC. 7. That all the laws of the United States now in force respecting crimes and offenses be, and they are hereby, extended to and declared to be in force in the unorganized Territory bounded on the north by the States of Kansas and Colorado, on the west by the Territory of New Mexico, on the south by the State of Texas, and the east by the one hundredth degree of longitude west of Greenwich, for all the purposes of enforcing the laws of the United States in respect of crimes and offenses, and is annexed to and made a part of the district of Kansas, and the courts and officers of the said district connected with the administration of justice are hereby invested with all the powers and jurisdiction now by law existing in the said courts and officers in respect of crimes and offenses committed within the said district. The foregoing provision shall not be held or construed to abolish or in any wise impair any jurisdiction now existing in or possessed by any court of the United States respecting any crimes or offenses heretofore committed within the aforesaid Public Land Strip. And the circuit court of the United States for the said district of Kansas is hereby invested with jurisdiction to hear, try, and determine all civil cases arising in the above-described public land district, or in respect of the inhabitants thereof in the same manner, under the same limitations, and with the same effect that the supreme court of the Territory of New Mexico has within the Territory of New Mexico in respect of cases or persons arising or residing therein, and all the laws of the United States are hereby extended over said Public Land Strip, and for the purposes of the privileges and benefits of the land laws said Public Land Strip is hereby attached to the southwestern land district of Kansas, and the Secretary of the Interior is authorized to cause the subdivisional lines of townships in said Public Land Strip to be surveyed under current appropriations for the surveying service: *Provided*, That the public lands in said strip shall be subject to entry only by actual settlers under the homestead laws, excluding the commutation provided by section 2301 of the Revised Statutes.

Mr. PLUMB. I was instructed by the Committee on Public Lands to offer this amendment to cover an emergency which exists in regard to the strip known as No Man's Land. By some oversight that strip has not been included in any judicial district of the United States, and, while there are 6,000 or 7,000, or, perhaps, even 10,000, people on that strip, they have no means of protecting their rights to life or property, and no means of acquiring title to the lands on which they have settled.

A year ago last winter the Senate passed a bill which the House finally concurred in, which went to the President a couple of days before the adjournment of the session in March, but the President did not sign it. That bill is in substantially the terms of this amendment which I have proposed. During this session the Senate has passed two bills with reference to this subject, one to accomplish what is proposed by this amendment, and another to attach the strip permanently to the State of Kansas. The other House has acted upon neither.

This arrangement is a temporary one. I have little doubt myself that in due course of time this Public Land Strip will be incorporated in whatever Territory may be formed out of the Indian Territory, but in the mean time it is a Botany Bay for all that section of country. About two months ago some six or seven people were killed at one time in that Territory. The dispatches say that some sixteen or seventeen others have been killed since that time. Lawless characters from the whole country around go into that strip and prey upon the adjoining portions of Texas, New Mexico, Colorado, and Kansas.

Mr. CULLOM. Does the amendment propose to extend the jurisdiction of the courts?

Mr. PLUMB. It proposes to extend the jurisdiction of the United States courts, and it provides for the survey of the land. It provides that these people may make entries under the homestead law in the adjacent district of Kansas. That will not be inconvenient to them, because all the business can be done by mail, and before the time when these entries are required to be made, as they can only be made in five years, undoubtedly Congress will act in such a way as to make some permanent disposition of this territory.

Mr. CULLOM. All I desire to say is that this Congress certainly ought not to adjourn without doing something to protect those people.

Mr. PLUMB. This amendment, of course, is out of order as much as anything can possibly be; but I very much hope that in view of the circumstances of the case and the very great emergency no point of order will be made upon the amendment. It meets with the unanimous concurrence of the Public Lands Committee. The subject has been presented to the Committee on Appropriations, and no member of that committee, I think, will make a point of order. This appears to be the only possible chance of obtaining any legislation which will protect the lives or the property of the people who are living on that strip, or the lives or the property of the people who live adjacent thereto, and who are being preyed upon by lawless characters who make their headquarters on that strip.

The PRESIDENT *pro tempore*. If there be no objection to the reception of the amendment, the question is on agreeing to the same.

The amendment was agreed to.

Mr. GEORGE. On page 80, after line 19, I move to insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Mattie S. Whitney, as administratrix of the estate of Franklin S. Whitney, deceased, the sum of $22,224, in full satisfaction of her claim against the United States for supplies furnished to the Army and Navy of the United States, the same being the amount found to be due her by the Court of Claims.

I wish to state that a bill making this appropriation passed the Senate at this session, and then the item was put upon the urgent deficiency appropriation bill, and was lost there. It is a very meritorious claim, which the Senator from North Carolina [Mr. VANCE] can explain more fully than I can.

Mr. HALE. I do not like to raise the point of order upon this claim, because I know its underlying merit, but there are many others of the same class, it being one of the Bowman act claims, which do not of course come under the rules which allow judgments of the Court of Claims to go on this bill. The committee has been very strict in all of those items and has kept them off the bill because they go to another committee and are reported in another bill.

If the deficiency bill is made the medium of passing one of these claims, of course there will be no end. I know one Senator already who has claims amounting to one hundred and odd thousand dollars that he will move if this is allowed to go on. Under these conditions, while I regret it very much, I am constrained to make the point of order on the amendment.

Mr. VANCE. I hope the Senator from Maine will withdraw his objection.

The PRESIDENT *pro tempore*. The point of order is not debatable, but the Chair will hear the Senator from North Carolina by unanimous consent.

Mr. VANCE. I was speaking in the nature of an appeal to the Senator from Maine.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from North Carolina.

Mr. VANCE. I do not think that the adoption of this amendment will involve any of the consequences suggested by the Senator from Maine. This is a case adjudicated by the Court of Claims under the Bowman act, and it is within the spirit of the law to be treated as a judgment equitably.

A bill has passed the Senate embodying the payment of this claim in accordance with the decision of the Court of Claims. In addition to that the Senate adopted this amendment to the urgent deficiency bill, but it was disagreed to in the committee of conference. So I think it stands on a different footing entirely from the great mass of claims which have merely been adjudicated under the Bowman act and have not met the approbation of the Senate on two occasions, as has been done in this case. It is a very meritorious claim, and I hope the Senator will withdraw his objection and his point of order.

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Tennessee can proceed by unanimous consent.

Mr. HARRIS. Very briefly. Of course I know nothing as to the merit of the claim presented by the Senator from North Carolina. I think that the finding of the Court of Claims in respect to all matters investigated by it makes a strong *prima facie* case as to every material fact going to the allowance of the claim. I certainly shall not object to the Senate's adopting this amendment; but it is fair that I give notice to the Senator from Maine and the Senate that there are two or three hundred Tennessee claimants, involving pretty large amounts in the aggregate, and if the Senate adopts the rule of putting these findings or these claims in respect to which the Court of Claims has made findings upon the deficiency bill I shall expect it to extend to me the same courtesy that it is extending to the Senator from North Carolina, and I shall unquestionably ask the Senate to do so.

The PRESIDENT *pro tempore*. The Chair holds that the point of order is well taken, and that the proposed amendment can not be received. Does the Senator from Mississippi desire to appeal from the ruling of the Chair?

Mr. GEORGE. No, sir. I suppose the decision is correct in point of strictness. I just hoped that nobody would make the point of order.

Mr. HISCOCK. I move to insert on page 80, after line 19:

The New York Central and Hudson River Railroad Company, $144,092.92.

The PRESIDENT *pro tempore*. To avoid mistake, will the Senator from New York send the proposed amendment to the desk?

Mr. HISCOCK. There is a second amendment which will follow it, which will be necessary to correct the sum total.

The PRESIDENT *pro tempore*. That can be done by the clerks. The amendment will be stated.

The SECRETARY. On page 80, after the word "cents," in line 19, it is proposed to insert:

The New York Central and Hudson River Railroad Company, $144,092.92.

The PRESIDENT *pro tempore*. Is there objection to the reception of this amendment?

Mr. HALE. I wish to ask the Senator from New York whether this is one of those matters regularly estimated for by the Secretary of the Treasury.

Mr. HISCOCK. It is. I have in my hand the following communication from the Secretary of the Treasury:

TREASURY DEPARTMENT, *September* 3, 1888.

SIR: In reply to the resolution of the Senate of the 28th ultimo—"That the Secretary of the Treasury be directed to transmit to the Senate * * * a list of judgments of the Court of Claims requiring an appropriation at the present session, not already transmitted to Congress"—I have the honor to transmit herewith a judgment in favor of the New York Central and Hudson River Railroad Company for $144,092.92, rendered during the present term of said court, but not heretofore presented to Congress because an appeal has been pending in the case. The appeal having been withdrawn by the Attorney-General on the 9th of August, 1888, the claim is now forwarded for appropriation.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

The PRESIDENT *pro tempore United States Senate.*

Judgment of the Court of Claims.

No.	Claimant.	Date.	Amount.	When presented for payment.	When payable if not appealed.
14624	The New York Central and Hudson R. R. Co.	1888. May 14	$144,092.92	1888. May 19	1888. Aug. 12

Mr. HALE. It is a judgment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. HISCOCK].

The amendment was agreed to.

Mr. HALE. The total will be changed.

The PRESIDENT *pro tempore*. The total will be changed to correspond with the increase made by the amendment.

Mr. CHANDLER. On page 10, after line 8, I move to insert:

Public building at Concord, N. H.: For fitting-up the attic story, for curbing, for approaches, and for incidental expenses necessary to finish the building, $6,594.

Mr. HALE. Is that estimated for by the Department?

Mr. CHANDLER. I have the estimate of the Department in my hand, and also the recommendation of the Committee on Public Buildings and Grounds that this amendment be inserted.

The amendment was agreed to.

Mr. CALL. On page 11, after line 12, I move to insert:

For the payment to Samuel H. Robinson for services rendered in connection with the sanitary improvement of the Treasury Department building in a proper sanitary condition by improved plumbing and sewerage, $595.

Mr. HALE. Let me ask the Senator from Florida if that estimate was sent down from the Department?

Mr. CALL. It is contained in the Book of Estimates and recommended by the Secretary of the Treasury.

The amendment was agreed to.

Mr. DOLPH. I offer the following amendment to be inserted on page 29, at the end of line 6:

Reimbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities, act June 27, 1882, $11,723.64.

Mr. HALE. Is that the item for which the papers came in this morning?

Mr. DOLPH. That is the item. The account has been audited and allowed to the State of California since the last report. A similar sum has been paid to Texas, Kansas, and some other States, but nothing has been paid to California, and this is the amount audited.

The amendment was agreed to.

Mr. CALL. On page 54, after line 18, I move to insert:

For one year's salary to the widow of Lafayette E. Dancy, an employé of the Internal Revenue Bureau, who remained in the discharge of duty in the public service at Jacksonville, Fla., and died of yellow fever, leaving a widow and children without means.

I have here a letter from the Commissioner of Internal Revenue, inclosing a letter from the collector at Jacksonville, Fla., stating the circumstances. The letters are as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, September 21, 1888.

SIR: I inclose herewith a copy of letter from Collector Whitfield Walker, district of Florida, dated August 28, 1888, in regard to Deputy Collector L. E. Dancy. Before this letter reached here (August 31) the death of Mr. Dancy was announced by telegram. Mr. Dancy was chief deputy to Collector Walker, at a salary of $1,400 per annum, and an allowance of $125 for his traveling expenses. He was a faithful, zealous officer, and of high standing in the service, and the circumstances under which he performed his duties at the last during the epidemic of yellow fever rendered them singularly meritorious.

Respectfully yours,

JOS. S. MILLER,
Commissioner.

Hon. WILKINSON CALL,
United States Senator.

UNITED STATES INTERNAL REVENUE COLLECTOR'S OFFICE,
District of Florida, August 28, 1888.

SIR: Owing to the prevalence of yellow fever here, our deputy, H. W. Wightman, left for the North, being afraid of the disease; this leaves in this office only our chief deputy, L. E. Dancy, and myself. In the present outlook it is improbable that it would be prudent for Mr. Wightman to return before the 15th of November; in view of these conditions Chief Deputy Dancy will be obliged to do Mr. Wightman's work as well as his own, and thus be on double duty, as it would be exceedingly difficult to supply Mr. Wightman's place even temporarily. Mr. Dancy is a healthy, robust young man, is a native Floridian, has passed through two epidemics, is not at all nervous, or apprehensive of the slightest danger from the present epidemic; he has sent his wife and children to a safe retreat in the piney woods, has fixed up a sleeping room in this office, is exceedingly prudent; he is perfectly willing and physically able to do Mr. Wightman's work (which will add at least four to six hours to each day's labor), provided he shall receive the compensation allowed Mr. Wightman in addition to his present pay as chief deputy during Mr. Wightman's absence.

As I am familiar with all the circumstances as stated, I respectfully request and urgently recommend that Mr. Dancy be allowed the additional pay as suggested above. Our city is in a deplorable condition, on account of the unprecedentedly foolish panic that has seized thousands of our people. It is estimated that 5,000 have fled to the North and to the mountains of Georgia, North Carolina, and Virginia. Business here seriously injured. Our health and city authorities are making gallant fight to suppress it or hold in check until frost relieves, which rarely visits us before last October or 1st November. The only business that is running smoothly is the internal revenue of this district. My own health was never better. I reside in Riverside, a high bluff on the St. John's River, one and half miles from the city; considered one of the most healthful spots of earth perhaps in the United States. No fever has occurred in this beautiful suburb, nor is it likely that there will be any. I have thought it proper to close the office—and have so advertised—at 3 o'clock p. m., and open at 10 o'clock a. m. each day. I then go in my buggy (I will not risk going in the street cars) to my home and remain until 9:30 o'clock next morning; then come to my office. In this way I am at my post of duty, entirely undismayed at my surroundings. If I fall I will fall with my face to the foe, with colors flying.

I trust in God and fear no evil.

Very respectfully, your obedient servant,

WHITFIELD WALKER,
Collector.

Hon. JOSEPH S. MILLER,
Commissioner, Washington, D. C.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was agreed to.

Mr. GORMAN. On page 59, after line 10, in the Senate items, I move to insert:

To pay W. B. Clarke for extra services as laborer from March 4, 1886, until March 4, 1888, $280.

The amendment was agreed to.

Mr. CALL. I move to amend the bill by inserting, on page 55, after line 19:

For the purchase of a steam-launch, the vessel to be under the control of the collector of customs at Key West, Fla., or of the chief inspector of customs appointed by the Secretary of the Treasury, who shall report to the collector at Key West, except when otherwise directed by the Secretary, to enforce the quarantine laws against infectious and contagious disease and to prevent smuggling and other violation of laws of the United States on the coast of Florida and the Gulf of Mexico, $20,000, or so much thereof as may be necessary.

I submit to the Senator in charge of the bill the following letter, which I have just received from the Secretary of the Treasury:

TREASURY DEPARTMENT, *September* 21, 1888.

SIR: In reply to your letter of the 19th instant, inclosing an amendment to the general deficiency bill providing $20,000 for a steam-vessel at Key West, I have the honor to state that the reports of the collector of customs at that port—a copy of which was sent to the chairman of the Senate Committee on Appropriations July 30, 1888—shows that two vessels are needed for service on the Florida coast. The Department has urged the appropriation of $55,000 for the larger of these vessels, by letter to the Speaker of the House of Representatives, February 20, 1888. Since that time the need of more protection to the Florida coast than is now afforded by the one revenue steamer cruising there has become manifestly apparent, and, in the absence of the appropriation then asked, the adoption of your proposed amendment is recommended, with this change: Strike out all in lines 1, 2, 3, and in line 4 before the word "except," and insert in lieu thereof as follows: "To enable the Secretary of the Treasury to purchase or construct a steam revenue vessel, to be stationed at Key West, Fla."

The amendment submitted is herewith returned, altered as suggested.

Respectfully, yours,

HUGH S. THOMPSON,
Acting Secretary.

Hon. WILKINSON CALL, *United States Senate.*

I suggest to the Senator from Maine that in the present condition of the importation of yellow fever from Havana in smuggling on the coast of Florida, the adoption of this amendment is very urgently necessary. The disease now prevailing and threatening almost the entire country is said upon the evidence obtained by the Surgeon-General of the Marine-Hospital Service to have been introduced by smugglers upon the coast of Florida. There is no means by which this smuggling can be successfully prevented except by having one or more vessels upon the largely extended coast of Florida, the vessels drawing only a light

draught of water and capable of pursuing these people into the bays and recesses of the coast.

Mr. HALE. If I believed that the building or buying of this vessel was essential in the present condition of Florida, I might consent to waive the point of order; but I do not believe it is, and I am constrained to make the point of order that not only it is not a deficiency, but it is not regularly estimated for.

Mr. CALL. I do not understand the Senator from Maine. Does he raise the point of order?

Mr. HALE. Yes, I raise the point of order.

Mr. CALL. I ask upon what point does the Senator hold that the amendment is not in order?

Mr. HALE. First, it is not a deficiency. Secondly, I do not understand that it is regularly estimated for.

Mr. CALL. Oh, yes; in the Book of Estimates. It is estimated for here in this recommendation of the Secretary of the Treasury. The rule, I believe, does not require anything about its being on a deficiency bill or any other bill but a general appropriation bill. It is estimated for by the Department in the Book of Estimates, referred to in this communication, and it is again estimated for and recommended here.

Mr. HALE. Will the Senator point out where it is found in the Book of Estimates?

Mr. CALL. The letter of the Secretary of the Treasury states that he has estimated for it and presented it to the House of Representatives and to the Senate as late as July last.

Mr. HALE. There may be some recommendation, but I do not understand that there is an estimate.

Mr. CALL. And here is his letter, in specific terms recommending again this particular amendment and the appropriation for it.

The PRESIDENT *pro tempore*. Does the Senator from Maine insist on his point of order?

Mr. HALE. I do.

The PRESIDENT *pro tempore*. The letter which the Senator from Florida sends to the desk contains merely the opinion of the Treasury Department upon the merits of the appropriation which had been submitted by the Senator from Florida. It is not, in the technical sense of the term, an estimate. The Chair thinks that under the rules the amendment, if objected to, is not admissible.

Mr. CALL. I submit to the Chair whether the statement in the Secretary's letter referring to his previous estimate of $55,000 does not bring the amendment within the rule.

The PRESIDENT *pro tempore*. He refers in his letter to a previous letter written to the Speaker of the House of Representatives, dwelling upon the importance and advisability of the appropriation; but the Chair understands an "estimate" to have a technical meaning. It must be an amount specifically set forth in the annual book sent down from the Department to the two Houses of Congress for the guidance of the committees of the two Houses.

Mr. CALL. I very respectfully ask the Chair if the rule uses the term "the Book of Estimates," or whether it says "recommended by the head of a Department." My recollection is that the language of the rule is "recommended by the head of a Department."

The PRESIDENT *pro tempore*. "Or proposed in pursuance of an estimate of the head of some one of the Departments," is the language of Rule XVI. It has always been held that that had a technical signification and meant that it must be forwarded, as the estimates are sent annually by the heads of the Departments, to the committees of Congress stating the items for which appropriations are desired.

Mr. CALL. I understand the Chair, then, to rule that nothing but an annual estimate by the head of a Department would be in order.

The PRESIDENT *pro tempore*. Not that.

Mr. CALL. I ask the Senator from Maine to withdraw the point of order. The amendment clearly comes within the spirit of the rule according to the ruling of the Chair. The objection is merely in the letter, and I do not think it is even in the letter of the rule.

The PRESIDENT *pro tempore*. If the Senator desires, the Chair will submit the question to the Senate for its decision.

Mr. CALL. I have no doubt the Senate would decide it in favor of the Chair; but I appeal to the Senator from Maine, in a case so manifestly within the spirit of the rule and of such urgent necessity, where a contagious disease has been, and is being, and may be introduced every day, threatening the whole country and creating panic and alarm, when the Secretary of the Treasury states that specific fact and recommends this appropriation. Upon the ruling of the Chair that the item must be in the Book of Estimates, I call the attention of the Chair to the fact that the estimates come only once a year, for it is not practicable to estimate but once a year in that way——

The PRESIDENT *pro tempore*. The Chair did not hold that the item must be contained in the Book of Estimates. The estimate might be sent down by the head of the Department at any time. But the amendment is not within the rule. It appears from the letter that the Senator from Florida sent a copy of the amendment to the Secretary of the Treasury, and it is his response to a request of the Senator from Florida for his opinion as to the merits of the amendment.

Mr. CALL. I sent it as a member of the Committee on Appropriations at the suggestion of the chairman of the committee, I will say to the Senator from Maine, and if the chairman were here he would not raise the objection, because it was by his direction that I sent it to the Department, he stating that my transmission of it would answer the same purpose as if it were sent by himself.

Mr. HALE. If the Senator from Florida has followed the direction of the chairman of the committee in this regard, I will not make the point of order.

The PRESIDENT *pro tempore*. The point of order is withdrawn. The question recurs on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. PLUMB. I offer, by request of a Senator who is absent, the following amendment:

For payment on account of Army transportation, 1882 and prior years, as certified to Congress as due by the accounting officers of the Treasury in House Executive Document No. 19, Fiftieth Congress, first session, as follows:

To the Baltimore and Ohio Railroad Company, $32,788.48; to the Hoboken Land Improvement Company, of New Jersey, $15,800; in all, $48,588.48.

For payment on account of barracks and quarters, 1881 and prior years, to L. A. Von Hoffman and William A. Mertens (trading as R. Von Hoffman & Co.) and William H. Newman, $18,430.56, certified to Congress as due by the accounting officers of the Treasury in House Executive Document No. 19, Fiftieth Congress, first session.

Mr. HALE. Are these items regularly estimated for?

Mr. PLUMB. These items are regularly estimated for, and are contained in one of the documents from which the committee of the House have taken certain things, leaving out these among others. I do not care anything about these items, but I have presented the amendment at the request of a Senator who was obliged to go away, for the purpose of bringing up this question. There are certain deficiencies which are perhaps unavoidable. While I think myself that executive officers do not exercise as much care as they ought to prevent deficiencies, and do not fairly discharge themselves of the obligations of the statute, at the same time, when one of them within the apparent purview of his authority does incur an obligation to an individual for supplies or for services and that comes here under the sanction of the Secretary of the Treasury in the regular estimates, I think it is an outrage, to speak very slightly about it, that it is not appropriated for. What happens is this: The Secretary sends down his estimates; the House committee goes to work and picks out various items from these estimates. Whether that is a selection by judgment, or whether it is by caprice, or whether it is by favoritism, I will not say; but I do say that when that estimate comes down, *prima facie* at least, every single item in it is entitled to the same respect and to the same treatment that every other item is entitled to; but what happens? These are not appropriated for, they are dropped, hung up; they get into the class of what are called claims. The next thing we know they pass into the hands of attorneys; special bills are introduced for their payment, and so on, and we have all that claim business before another committee, whereby the innocent persons who dealt with the Government on the theory that the Secretary of the Navy, or the Secretary of War, or the commissioners of the District of Columbia, or whoever else had charge of the particular class of expenditures, had authority to do what he did, and the Government got the benefit of the service, and the man is obliged to wait for indefinite years, and pay probably 50 or 75 per cent. of the claim to an attorney to dog the heels of Congress in order to get it through.

What I say is that we ought to take these claims as they come and pay them to the innocent people who are entitled to our consideration, who have given apparently value to the Government, or else we ought to reject the whole of them. I say we ought not to reject them for this reason: While I believe, as I said, that there is a good deal of looseness in the Executive Departments about incurring expenditures, it ought not to be charged to the people who deal with the Departments.

The Secretary of the Navy goes to a man and says, "I want a thousand tons of ice." That man can not say to the Secretary, "I want to see your authority under the statute. Show me your authority to buy ice. Let me see your bank account and see if you have not expended all the money appropriated for this purpose." He is bound to presume that the Secretary is justly exercising authority conferred on him by law, and that the money is at hand to pay, or the authority for the payment; and it is a great wrong to punish the claimant for what, at the best, is an improvident act of the executive officer of the Government who has charge of the particular business which may result in the expenditure.

I should be glad to move and shall move, unless for something that I do not now understand, the insertion in this bill of every single one of these items that have been estimated for by the Secretary of the Treasury.

Mr. CHANDLER. I desire to ask the Senator from Kansas who has just spoken whether his attention has been called as a member of the Committee on Appropriations to an estimate of deficiencies for the service of the District of Columbia, which is Executive Document No. 252 of the present session? I ask whether he has seen that?

Mr. PLUMB. I have seen it.

Mr. CHANDLER. Amounting to $3,010.75, mainly for bills of tradesmen around this city, no one of them large, but many in num-

ber, and they are regularly estimated for as deficiencies; and yet the committee have not felt at liberty or have not deemed it wise to insert them. I should like to ask the Senator who has just spoken whether he thinks there was a single one of these tradesmen who was bound to find out when the orders were given him whether or not there was an appropriation adequate to the performance of the contracts that were made with him by the District commissioners?

Mr. PLUMB. I do not. On the contrary, I think every one of them was entitled to presume that the commissioners, in ordering these supplies, were acting within the limit of their authority, were authorized to buy, and had the money to pay. In regard to many of them I can see how these little odds and ends of deficiencies will occur where we make, as we do very often, scant appropriations. Where purchases are going on through different agencies, we can not always be sure that what is outstanding and necessary apparently will come within the appropriations, and with the best of motives the commissioners may sometimes miss it. But getting away from all that and admitting that the commissioners are culpable, that culpability does not rest on the persons who have furnished the supplies, and they ought to be paid.

We have got plenty of money, or we assume that we have, in the Treasury of the United States to pay our debts, and it is not proper to require men who have furnished supplies to the Government to wait in this way. I speak of claims of this obviously proper kind. I am not speaking of that kind which properly go into the class of claims unadjusted, service claims, and things of that kind, or where they have arisen under some emergency or have not been entirely within the limit of what was covered by the law; but I am speaking of this class for which we make appropriations and where the appropriations do not hold out and yet officers who spend the appropriations go on and incur these expenditures. I say in those cases the man who furnishes the supplies should not be held responsible.

I observe that here is an estimate for "supplemental deficiencies." I think the Treasury Department has been rather careless about these things. It has been sending them here from the time the regular estimates came to the present, and it seems to have grown out of a misunderstanding as to what was needed, a lack of appreciation of the situation, somewhat perhaps from incompetency, but whatever it is that does not touch the merits of the case. I find in the estimates coming down here on the 21st of June from the Treasury Department that a number of them have been omitted, some put in by the House and some left out.

I do not know whether the House exercised any kind of discretion or not, or whether it was mere favoritism; but what I do say is that apparently every single one of them stands upon the same footing, every one of them apparently represents something for which the Government has had value at the expense of private individuals; and for the Government to keep the property, and keep the value of the service, and then not pay for it, when it is of a kind that expenditures were authorized for and the Secretary has only exceeded the limit somewhat, seems to me to assume the proportions of a very serious wrong, and one which Congress ought not to be guilty of.

I shall move *seriatim* or in bulk everything which has been omitted from this bill and that is in this Book of Estimates before me, in order to test the sense of the Senate upon this performance.

Mr. REAGAN. I wish to inquire how many of these items there are?

Mr. PLUMB. I should think about thirty or forty, judging from what I see hastily.

Mr. REAGAN. Are they all deficiencies?

Mr. PLUMB. All deficiencies, and they come down in the regular estimates of deficiencies sent us by the Secretary of the Treasury.

Mr. REAGAN. All I wish to say is that it seems to me that deficiencies are being constantly created in this way and that there ought to be some investigation. We ought not to be indiscriminately allowing deficiencies without inquiring why they are made, and some committee ought to investigate the matter. We have laws which should control the Departments and should prevent deficiencies from being made, except under extraordinary circumstances.

It seems that the Government goes on utterly disregarding the legislation in relation to the creation of deficiencies. I am under the belief that it is the duty of some committee to investigate the reasons why these deficiencies are made. I shall oppose their being incorporated into the present appropriation bill until the matter can be looked into by a committee and the facts presented to the Senate, and if additional legislation is necessary to prevent the reckless creation of deficiencies on every subject and in all the Departments, that legislation ought to be had.

Mr. PLUMB. What the Senator from Texas says is entirely proper from an original standpoint; but the Senator will bear in mind that some of these have been appropriated for. There has been some caprice or some favoritism in picking out various items from these estimates of deficiencies and putting them in the bill. I am perfectly willing, if the Senate is of that mind, to strike out everything contained in these estimates and let them all go. I am sure that no investigation has been applied to one that has not been applied to all, and there is no lack of investigation in regard to the great bulk of those that have been inserted as items in the bill.

Mr. REAGAN. If the committee has not examined them, I think the suggestion of the Senator is one that ought to be adopted. If there has not been an investigation of like items we had better strike them all out and let some committee investigate them.

Mr. HARRIS. Let me ask the Senator from Kansas if it is not true that in respect to every item of these deficiencies they have been recommended by the head of the Department in which the deficiency occurs?

Mr. PLUMB. They have.

Mr. HARRIS. And in addition to that they have gone to the Secretary of the Treasury and been recommended by that official?

Mr. PLUMB. They have.

Mr. HARRIS. Then they have passed these two ordeals of investigation, and I beg to suggest to my friend from Texas that it seems to me a gross injustice and wrong to the citizen, who has trusted upon the supposed authority of the Department with which he dealt, has rendered service, or has furnished material presuming that the Department had the authority, to refuse or delay payment. I do not think our remedy is to withhold from him money that is due him and that he ought to have. Let us deal with the Departments if they have been derelict, but not through the channel of withholding from the citizen the money that he has earned and the money that he is entitled to.

Mr. REAGAN. I venture to say that there has not been one deficiency in ten created where the parties to whom the money is payable did not know at the start that the deficiency was created.

But that is not the main point I propose to make. There ought to be provision, if existing law will not answer the purpose, that officers creating deficiencies unnecessarily should be subject to indictment or should be made individually responsible in the first instance to pay the demands against the Government. When we look at our deficiency bills and then look over the legislation of Congress intended to prevent them, it seems as if there was an utter disregard of the legislation of Congress on this subject, and it has been so for years.

Of course I do not wish to see persons who have in good faith furnished supplies deprived of pay for them, but I do not wish to see the Senate take a course to indicate that it will accept without question all deficiencies created. I want it to take that course which will show that it means to question the propriety of these deficiencies and hold somebody responsible for making them.

Mr. PLUMB. I will just call attention to some of these items to show how innocent the parties themselves must be. For instance, on the first page of these items I find:

Salaries, consular officers not citizens: To pay amounts found due by the accounting officers on account of salaries of consular officers not citizens, being a deficiency for the fiscal year 1887, $2,713.56.

These consular officers are authorized by the Secretary of State to incur certain expenses, which they do incur, and they exceed the amount appropriated for that purpose in gross. How can they tell anything about it? They do not know anything about the state of the appropriation. They are under the orders of their chief, the Secretary of State; they are in the performance of duties imposed by law, and they incur expenses at various points around the verge of the habitable globe. Their accounts come here, and very likely many of them do not get in, or do not get adjusted in the Treasury Department until after the appropriations have lapsed. As to many of them, they are in excess in connection with other expenditures that constitute an excess of the appropriations made. If there is anybody to blame for that, it is the Secretary of State.

I do not mean to say now for the purpose of what I am about to observe that he is responsible, but what I do say is that for this widely scattered service of the Republic to be thus made the bearer of the burden of all this complaint is wrong. If we are to have some new plan, let us have it; but as long as we go along with the old plan, let us carry it out decently and in order and with due regard to the rights of those people who are helpless in all these respects and who must incur these expenses, render this service, and take their chances of getting pay.

Then going over a little further I find, for instance:

Salaries, office of depositary at Tucson: For depositary, in addition to his pay as postmaster, $700, being the difference between the amount of salary per annum of this officer, $1,500, under the act of May 18, 1872, creating the office, and the amount appropriated for the fiscal year ending June 30, 1880.

What has happened there undoubtedly is that that account has not been adjusted until after the money appropriated for it has lapsed into the Treasury. The officer is not responsible and perhaps the Secretary is not responsible. The system is perhaps responsible that that account was not adjusted in time to enable the officer to receive the money out of the appropriation for the year in which the service was rendered.

I turn over and find under the head of "Public Schools, District of Columbia:"

Repairs and improvements to school buildings and grounds: Lumber, cement, paint, glass, etc., $137.51.

We appropriate each year a sum varying from $15,000 to $25,000 for repairs of school buildings in the District of Columbia. What contractor is there who knows the expenses he will incur or that are incurred by him under the direction of the commissioners in connection with all the other expenditures over and in excess of the gross amount that we appropriate? How can he tell anything about it? And here I find $137.51 representing money actually paid out for cement, lumber, paint, and glass, and yet we stick upon this point of authority and say, "We will not pay it."

There is such a thing as withholding more than is meet, but it tends to poverty, and that is just this withholding exactly. We ought to pay these debts, and then if we do not think that our executive officers are doing the right thing let us hail them under the statute. They are subject to indictment in some of these cases, I have no doubt, but at all events, whomever we punish, let it be the people who make the expenditures and not the innocent victims of the assumed authority of these executive officers.

Further on I find in this same lot:

Buildings and grounds, public schools, District of Columbia: Building on lot adjoining Sumner school building: To pay Frank Baldwin for excavating, grading, concreting, and building extra foundation, not included in contract, being for the service of the fiscal year 1888, $973.06.

Mr. Frank Baldwin may or may not be able to carry this sum indefinitely, but I will say, without knowing anything about it, that that money was fairly earned, and that to withhold it from him is of very great damage to him and of no use to us, because we have got the money in the Treasury.

So all the way through I find small items of deficiencies of different kinds, ranging from $3.53 up to $1,000 or $1,500, a large number of which I know must be inevitable, and I do not suggest this by way of complaint against the officers making the expenditure, but whether they do or not, it is not fair to make these people a vicarious sacrifice.

I am willing, so far as I am concerned, if that meets the view of the Senate, to leave them all out and let it be understood once for all that we will never pay any more deficiencies until we have subjected all these expenses to scrutiny, and so on. But even then, what will that result in? Suppose we do that, it will result then, according to the logic of the Senator from Texas, in refusing to pay these expenses if we do not think that the Secretaries of the Navy and Treasury and State, etc., should not have made the expenditures. That does not help the people who have innocently rendered the service or put out the money on account of the Government.

What I say is, that the punishment ought to fall on the proper persons and not on these innocent people. If we are going to pick out somebody, let us pick out somebody of our size. The idea of picking out somebody to whom we owe $137.51 for lumber, cement, paint, glass, etc., and subjecting him to the loss of waiting does not seem to me a fair thing to do.

Mr. HALE. Has the Senator offered an amendment?

Mr. PLUMB. I have offered one amendment.

Mr. HALE. I will offer an amendment to that of the same sort, so that they will go together. It is offered as an amendment to the amendment of the Senator from Kansas.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is propased to add to the amendment:

For transportation of the Army and its supplies: To pay the Pennsylvania Railroad Company and other claimants enumerated in Schedule C, House Executive Document No. 210, pages 23 and 24, Forty-ninth Congress, first session, the sums severally reported therein, and amounting to the sum of $97,704.57; said sums having heretofore been reported by the Secretary of the Treasury as audited claims, in accordance with the provisions of section 4 of the act of June 14, 1878, and enumerated in House Executive Documents Nos. 55 and 153, Forty-eighth Congress, first session, under "Transportation of the Army and its supplies."

Mr. HALE. I do not know that we shall be able to get the House conferees to agree to any of these items, but they ought all to go in together and be subject to a fair settlement in conference.

Mr. PLUMB. They ought all to go together.

Mr. HALE. Yes, sir.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Kansas contains one item that has already been stricken out or disagreed to on the motion of the Senator from Maine.

Mr. PLUMB. I will amend by striking out the Hoboken Land Company item.

Mr. HALE. No; I think that had better go in as an amendment, so that all will be together.

Mr. PLUMB. Very well.

The PRESIDENT *pro tempore*. Then the vote by which that was stricken from the bill should be reconsidered.

Mr. HALE. I prefer that it should go in as an amendment with the others.

The PRESIDENT *pro tempore*. Then it can only properly be offered when the bill is reported to the Senate unless the vote be reconsidered.

Mr. HALE. It can be done by unanimous consent.

The PRESIDENT *pro tempore*. By unanimous consent it may be done. Is there objection? The Chair hears none.

The amendment to the amendment was agreed to.

Mr. MITCHELL. I inquire of the Senator from Maine, who has charge of the bill, whether or not there is now in this bill, as it came from the House or as it is reported from the Senate Committee on Appropriations, an appropriation for the list of claims allowed by accounting officers contained in House Executive Document 377, Fiftieth Congress, first session, being "a supplemental list of claims allowed by accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund?"

Mr. HALE. That was one of the documents the committee had put into the bill with the exception of some large items, the old controversies that we have had so many times and with but one result touching the items in relation to the aided railroads.

Mr. MITCHELL. I should like to inquire whether the items on page 19 of that document, Executive Document 377, relating to claims that have been allowed by the accounting officers of the Treasury Department for barracks and quarters have been included or not.

Mr. HALE. They are all in.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas having been amended on the motion of the Senator from Maine, the question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. PLUMB. I wish to offer as an amendment everything that is in this estimate marked with the word "omitted" opposite, except those items for the pay of transportation on the Pacific railroads.

Mr. HALE. Will the Senator put that in form, so that when the bill shall pass and go into conference we shall have it distinctly before us?

The PRESIDENT *pro tempore*. The Secretary will read the items.

Mr. PLUMB. He will find opposite the items in pencil the word "omitted." They are all those now omitted.

Mr. HALE. Some of those are already in the bill.

The PRESIDENT *pro tempore*. This printed page contains so many marks and alterations that perhaps the Senator from Kansas had better indicate the special items he desires added to the bill.

Mr. PLUMB. I will indicate them and read them. I first move to insert.

Contingent expenses, foreign missions, 1885 and prior years, $233.33: To enable the accounting officers, without the payment of any money from the Treasury, to allow and credit the accounts of F. H. Titus, late acting United States consul at Guatemala, the sum of $532.25 for compensation while in charge of the legation of the United States in Central America, under the direction of the Secretary of State, from August 16, 1881, to December 21, 1881; from April 18, 1882, to June 30, 1882; and from July 1, 1882, to July 18, 1882; and to allow and credit the accounts of H. C. Hall, United States minister to Central America, the sum of $233.33 paid under the direction of the Secretary of State to said F. H. Titus for like service during the fiscal year 1884, and disallowed by the accounting officers on the ground that Mr. Titus was not authorized to perform diplomatic functions, $765.58.

Mr. COCKRELL. I trust that the Senator from Maine can get a fresh copy of that document that is not all marked over.

Mr. PLUMB. The trouble is I can not tell what is in it without making a lengthy comparison.

Mr. COCKRELL. The Senator can take a fresh copy and write opposite each item that he wants inserted the word "omitted."

Mr. CHANDLER. I ask the Senator to yield to me a moment.

Mr. PLUMB. Very well.

Mr. CHANDLER. By direction of the Committee on Naval Affairs I offer the following amendment, to come in after line 17, page 92:

That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to loan any scientific instruments in the possession of any of the bureaus under his charge, and not in use, to persons taking observations, or making investigations in connection with, or for the use of, the Signal Service, under such regulations as he may prescribe, taking such security for the safe-keeping and return of such instruments on demand as he may deem necessary.

The PRESIDENT *pro tempore*. Is there objection to the reception of this amendment? If there be no objection, the question is on agreeing to it.

The amendment was agreed to.

Mr. CHANDLER. I desire to offer another amendment, to come in on page 30, after line 19.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 30, after line 19, it is proposed to insert:

That the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of the cadet-engineer graduates who are affected by the act of July 9, 1888, fixing their status in accordance with the decision of the Supreme Court of the United States, and to allow them the difference between the pay they have already received as cadets and that of assistant engineers from July 1, 1883, to July 1, 1884, respectively; and a sum sufficient to pay the amount found due is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HALE. That is based on a judgment of the Supreme Court?

Mr. CHANDLER. That is to carry out the decision of the Supreme Court in reference to these cadet engineers, and I have a letter from the Fourth Auditor of the Treasury which states that it is necessary.

The amendment was agreed to.

Mr. STEWART. I offer an amendment to come in after line 10, on page 59.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 59, after line 10, it is proposed to insert:

To enable the Secretary of the Senate to pay to the widow of the late James T. Farley, late a Senator from the State of California, deceased, the sum of $1,

248.80, being the amount of one mileage from his home to the seat of Government and return.

The amendment was agreed to.

Mr. CALL. I ask unanimous consent to change the place in the bill in which my amendment relating to the steamer to be stationed at Key West, Fla., was inserted, so as to make it come in on page 13, after line 9.

The PRESIDENT *pro tempore*. It will be inserted on page 13, after line 9, if there be no objection.

Mr. CALL. I suggest a change of the language in the words suggested by the Secretary of the Treasury, which the Secretary will read, being a mere informal and immaterial change.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is proposed to make the amendment read:

To enable the Secretary of the Treasury to purchase or construct a steam revenue vessel, to be stationed at Key West, Fla., except when otherwise directed by the Secretary of the Treasury, etc.

The PRESIDENT *pro tempore*. The amendment will stand as last reported, by unanimous consent.

Mr. HALE. On page 101 I move the correction of a single word, which is a misprint, at the end of line 14. It should read "numbered 22107," instead of "numbered 32107." It is to identify a claim by the right number.

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment, to insert on page 19, after line 12:

For salaries and contingent expenses, streets, public schools, buildings for schools, courts, miscellaneous expenses, health department, judgments, and water department, $3,010.75, as per estimates submitted by the Secretary of the Treasury, August 28, 1888, Senate Executive Document No. 252.

The amendment was agreed to.

Mr. MITCHELL. I offer the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 43, after line 17, it is proposed to insert:

To Bartholomew Coffey, for services of farmer in charge of the Umatilla agency, in Oregon, from August 6 to 26, 1886, both days inclusive, at the rate of $1,200 per annum, $68.47, and covered by the order of the Secretary of the Interior of July 7, 1887.

The amendment was agreed to.

Mr. PLUMB. I now move as amendments the items in the estimate before referred to which are marked with a black stroke, being all, I think, except those relating to the pay of the Pacific railroads, which have not been inserted by the House. I do not see any reason, in looking over them, why they should be treated in any different way from those which have been included.

I do not know anything about any of the claims, but I only desire that the Senate shall pursue one rule or the other. Either treat the recommendations of the Secretaries in regard to matters which involve the service rendered and expense incurred by private individuals as entitled to be paid on the recommendation of the Secretaries or strike them all out, and adopt some plan which shall prevent the recurrence of these expenses hereafter, or which will give them some authority, when they are estimated for here, which will enable them to be appropriated for without any delay.

The PRESIDENT *pro tempore*. Will the Senator indicate the point in the bill at which these items shall come in?

Mr. PLUMB. The first ones should come in under the State Department.

The PRESIDENT *pro tempore*. The appropriations for the State Department begin on page 1 of the bill.

Mr. PLUMB. They will go along with the items in regard to the State Department, in whatever part of the bill they appear.

The PRESIDENT *pro tempore*. The items concerning the State Department end on page 5.

Mr. PLUMB. All those relating to the State Department should come in at the end of line 2 on page 5.

The PRESIDENT *pro tempore*. The amendments will be stated.

The SECRETARY. At the end of line 2, on page 5, it is proposed to insert:

Foreign intercourse:

Salaries of consular officers not citizens: To pay the balance of compensation due A. B. Keün, vice-consul-general at Teheran, while in charge of the consulate-general of the United States at that place, from June 10, 1886, to November 21, 1886, being deficiencies on account of the fiscal years 1886 and 1887, as follows: For the fiscal year 1886, $230.77; for the fiscal year 1887, $1,565.24.

The PRESIDENT *pro tempore*. The question is on this amendment.

The amendment was agreed to.

The SECRETARY. On page 13, after line 9, it is proposed to add:

Salaries, office of depositary at Tucson: For depositary, in addition to his pay as postmaster, $700, being the difference between the amount of salary per annum of this officer, $1,500, under the act of May 8, 1872, creating the office, and the amount appropriated for the fiscal year ending June 30, 1880, $700.

The amendment was agreed to.

The Secretary continued the reading of Mr. PLUMB'S amendment, as follows:

Wages and contingent expenses, assay office at Boisé City: To reimburse Henry F. Wild, assayer in charge, for amount paid to Kelly & Krebs for subscription to Idaho Statesman, one year from December, 1885, $12; to reimburse same for amount paid to P. H. Lannan for Daily Tribune from November, 1885, $12; to pay Milton Kelly, publisher of Idaho Statesman, for advertising for supplies at Boisé City, May, 1886, $12.

The amendment was agreed to.

The Secretary read the next amendment of Mr. PLUMB, as follows:

Contingent expenses, Territory of Washington: To reimburse Eugene Semple, governor of Washington Territory, amount expended by him, as per vouchers submitted, on account of contingent expenses of Territory of Washington for the fiscal year 1887, $64.

The amendment was agreed to.

The Secretary read the next amendment of Mr. PLUMB, as follows:

Fish hatchery, Duluth, Minn: For the completion of the fish hatchery on Lake Superior, near Duluth, Minn., including its equipment, water supply, and the construction at the station of ponds for the cultivation of trout, $4,000.

The amendment was agreed to.

The Secretary continued the reading of Mr. PLUMB'S amendment as follows:

Salaries and traveling expenses of agents at seal-fisheries in Alaska: To pay Thomas F. Ryan, late assistant agent at the seal-fisheries in Alaska, the amount due him for traveling expenses necessarily incurred in May, 1885, said amount being in excess of the sum appropriated for the traveling expenses of the agency which he filled, and a deficiency for the fiscal year 1885, $266.10.

The amendment was agreed to.

The Secretary continued the reading of Mr. PLUMB'S amendment, as follows:

Refund to Iselin, Neeser & Co.: To repay to Messrs. Iselin, Neeser & Co., amount of excessive interest collected in error by the United States district attorney at New York, in the settlement (without suit) of a claim against said firm for duties on merchandise imported by them; the amount having been covered into the Treasury, $30.96.

The amendment was agreed to.

The SECRETARY. On page 20, between lines 12 and 13, under the head of "Public schools," it is proposed to add:

Buildings and grounds, Public Schools, District of Columbia: Building on lot adjoining Sumner school building: To pay Frank Baldwin for excavating, grading, concreting, and building extra foundation, not included in contract, being for the service of the fiscal year 1888, $973.06.

The amendment was agreed to.

Mr. HALE. I move to reconsider the vote by which the Senate adopted the amendment offered by the Senator from Maryland [Mr. GORMAN] in reference to W. B. Clarke. That is a case where extra compensation is provided for, and the committee are against all extra compensation. The committee considered this case with the others and rejected it; and there are a good many others of something like the same kind, and I do not think fish should be made of one and flesh of the others.

The PRESIDENT *pro tempore*. The amendment adopted on motion of the Senator from Maryland [Mr. GORMAN] will be read.

The SECRETARY. On page 59, after line 10, the Senate, as in Committee of the Whole, inserted:

To pay W. B. Clarke for special services as laborer from March 4, 1886, to March 4, 1888, $280.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. HALE] moves to reconsider the vote by which the Senate agreed to this amendment.

Mr. GORMAN. I trust the Senator from Maine will not press the motion to reconsider. It is a very small appropriation to compensate one of the bright young officers of this body, who has not only discharged the ordinary duties of messenger, but has also qualified himself as a typewriter and made himself very useful to a committee, and it is really only to equalize his salary with that paid others. Therefore I trust the amendment will not be reconsidered.

Mr. HALE. I know the force of what the Senator says. My attention was called away by the Senator from Nevada at the time the amendment was offered, and I had not the chance of making the point of order on it, but it is extra pay for one of the officers about the body here, for doing work outside, technically, of the place he is employed in. There are many such cases, and the committee believed that it was its duty to set its face against all of them. The truth is that the employés about this body are better paid now than any other set of men in the service of the Government. If you compare the work done by a laborer, or a messenger, or a clerk about the Senate with that of the men and women who are employed in the Departments through the entire year, the comparison is all in favor of the ease and pay of our own employés, and I have always felt and feel now that the Senate ought not to start out in this race.

We are continually importuned here to put up the pay of the employés of the Senate. I do not pass a day while these appropriation bills are being considered that somebody or other in the employ of the Senate does not ask to have his pay advanced. Every Senator wants his clerk to be advanced or the man who stands at the door of his committee to be advanced. I have a man at this time in my own committee-room who expects that I shall favor such a measure for him; but I am against it. As this is a precedent, I do not believe in setting it, and I hope the Senate will reconsider the vote by which it was done.

Mr. DAWES. I should be very glad to vote for the amendment suggested by the Senator from Maryland, for the man at the door of

the Committee on Indian Affairs has only the pay of a skilled laborer, and yet he has performed all the duties of a messenger in all the capacity of a messenger in the Senate since the 1st day of January. I brought that fact to the attention of the Committee on Appropriations, and I was met by the statement that there were very many such cases that could not be considered. I then stated to the committee that if that was their rule I should not ask them to make an exception in favor of the man at the door of my committee-room, and therefore I did not press it, and I did not put it in such form that it would be in order to offer it now.

It would be manifest injustice to several, I know, situated in precisely this way, if one should go on the bill and the others should be omitted. I think the man at the door of the room of the Committee on Indian Affairs is entitled justly to the pay of a messenger, for the duties of a messenger have been exacted of him, and I know that at another committee-room close by mine is another situated precisely in the same way.

Mr. HALE. There are a dozen such cases. I have one in my own committee.

Mr. DAWES. I should be glad if they were all put in, but since the amendment of the Senator from Maryland was adopted my attention has been called to the fact that I sit still here and see a most worthy man left out in the cold, while the Senator from Maryland has been more successful.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment.

The amendment was rejected.

Mr. TELLER. I offer an amendment, to come in on page 55, after line 19, which I will send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. On page 55, after line 19, it is proposed to insert:

Two hundred and seventy-six thousand six hundred and nineteen dollars and seventy-five cents to the Chinese minister at this capital, who shall accept the same on behalf of his Government as full indemnity for all losses and injuries sustained by Chinese subjects, as aforesaid, and shall distribute the said money among the said sufferers and their relatives.

Mr. TELLER. I know of course that the amendment is out of order if any member of the Senate sees fit to raise the question, but as this is the last appropriation bill, as I understand, at this session, it seems to me that the committee should allow this to go in, and then if they determine that it is not a proper thing, of course there will be no objection to striking it out. It was thought proper by the State Department to make this arrangement with the Chinese minister when the treaty of which so much has been said was negotiated, and I find in the correspondence submitted by the State Department with the treaty that there has been considerable correspondence on this subject heretofore. I want to read what the Chinese minister, Chang Yen Hoon said:

Referring to the cases of outrages committed upon the Chinese in the United States in the past years, you kindly gave me repeated assurances, in person, that indemnities would be awarded and the cases settled within a certain time, which I, in my dispatches, more than once communicated to the foreign office; but, nevertheless, they still remain unsettled. Consequently I find myself placed in a rather delicate position, which it seems hard for me to extricate myself from.

Mr. HALE. Let me ask the Senator whether this is regularly estimated for by the State Department, which has it in charge? If so, of course it is not subject to the point of order. If not, then clearly there are reasons why the State Department, that has the matter in charge, has not presented it.

Mr. TELLER. The State Department did present it in the treaty. There is provision for it made in the treaty. As the treaty has now failed, there should be some provision for making this payment which the Chinese minister avers we have promised to pay. I have no doubt that is so. I ask the Senator to allow the amendment to go in and then the committee can look at it, and if they do not think it ought to be in they can strike it out. No harm can be done by putting it in now.

The PRESIDENT *pro tempore*. The amendment as offered by the Senator from Colorado will need some change in order to enable it to be properly inserted.

Mr. TELLER. I will look at it and have the necessary change made.

The PRESIDENT *pro tempore*. If there be no objection to the reception of the amendment, the Chair will put the question on agreeing to it.

The amendment was agreed to.

Mr. PALMER. I offer an amendment, after the word "fog-signal," on page 13, line 19, to insert:

That a fog-signal be established at Beaver Island, Lake Michigan, at a cost not to exceed $5,500.

That a fog-signal be established at Mackinac Point, Straits of Mackinac, at a cost not to exceed $5,500.

That a light-house be established at White Shoals, or at Simmons Reaf, Lake Michigan, as the Light-House Board may determine, at a cost not to exceed $60,000.

That a fog-signal be established at Twin River Point, Lake Michigan, at a cost not exceeding $5,500.

That a fog-whistle be established on the breakwater at Chicago, Ill., at a cost not exceeding $5,200.

That a steam fog-signal be established at Manistee Light-Station, Lake Michigan, at a cost not exceeding $5,500.

That range-lights be established in the channel of Detroit River, Michigan, between Fighting Island and Lime Kiln Crossing, at a cost not exceeding $7,000.

That a fog-whistle be established on the breakwater at Cleveland, Ohio, at a cost not exceeding $5,200.

That a fog-signal be established at La Pointe (Point Chequamegon), entrance to Ashland Harbor, Lake Superior, at a cost not exceeding $5,500.

That a fog-signal be established at Point Iroquois, Lake Superior, at a cost not exceeding $5,500.

That a fog-signal be established at Cheboygan Point light station, Lake Huron, at a cost not exceeding $5,500.

That a fog-signal be established at Presque Isle, Lake Huron, at a cost not exceeding $5,500.

That range-lights and stakes be established at Lake St. Clair, from Grosse Point to the entrance of Detroit River, at a cost not to exceed $3,000.

That range-lights be established at Russel Island to St. Clair Flats Canal, Lake St. Clair, at a cost not exceeding $1,500.

That a fog-whistle be established at Two Harbors, Lake Superior, at a cost not exceeding $5,500.

That a light be established at Devil's Island, Apostle Group, Lake Superior, at a cost not exceeding $15,000.

That range-lights be established at Duluth Harbor, at a cost not to exceed $3,284.12.

And the sum of $149,684.12, or so much thereof as may be required, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes of this act.

Mr. HALE. To save time, as these items are all of the same sort, I will ask the Senator if there is any law that has already passed authorizing the erection of these signals and lights?

Mr. PALMER. A bill has passed both Houses authorizing the establishment of these signals and lights.

Mr. HALE. Has it been signed by the President?

Mr. PALMER. That I can not tell.

Mr. HALE. I make the point of order.

Mr. PALMER. I do not know whether the bill has been or not. If the Senator from Maine can assure me that it has not, I think the point of order may be well taken.

Mr. HALE. It is rather incumbent on the Senator to show that it has.

Mr. PALMER. How does the Chair decide?

The PRESIDENT *pro tempore*. The Chair would like to hear the point of order stated again.

Mr. HALE. I asked the Senator if there was any law for the establishment of these fog-signals, and he states in reply that the bill has passed the House and Senate, but he does not know whether it has been signed by the President, and he raises the point that I ought to show that it has not been. The burden is upon the Senator to show that it is a law.

Mr. PALMER. Inferentially I think I can show that.

The PRESIDENT *pro tempore*. The Chair will be ready to decide upon any question when the evidence is presented.

Mr. PALMER. I do not think that any veto has been issued upon this bill. I think undoubtedly it has become a law, or I should have known of it from looking over the RECORD. I should have remarked that the bill passed more than ten days ago.

Mr. COCKRELL. I ask the Senator if all these bills have been passed by the other House?

Mr. PALMER. Yes, sir; they were passed by the other House first and came over here.

Mr. COCKRELL. They are certainly not deficiencies.

Mr. PALMER. The only reason why I ask to have these items put upon this bill is because they are works that can be completed this winter, and they are very essential, and the people upon the lakes where they are located are very urgent to have them provided for. If I had not supposed in a conversation I had with the chairman of the Committee on Appropriations that this would have been accepted by the committee, I probably should have gotten an amendment through upon the House bill making the appropriation.

Mr. HALE. With whom does the Senator say he had a conversation?

Mr. PALMER. With the chairman of the committee.

Mr. HALE. Not with me.

Mr. PALMER. No, sir; but I understood from the chairman that there would be no difficulty if the bills had passed both Houses. Otherwise I should have provided for it in some other way.

Mr. CULLOM. While there are a number of those light-houses they do not aggregate a very great amount of money, and I am sure they are very important. Certainly the fog-signals ought to be established in the interest of commerce upon the lakes. Lest there might be a slip and a failure to get them established by the separate acts which have been passed, I hope that the Senator from Maine will not object to the reception of the amendment.

Mr. HALE. Does the Senator think that a deficiency appropriation bill which has a clearly recognized scope is a proper bill to put on new public buildings that are not already authorized by law? I have had some experience in regard to appropriation bills in the Senate and in the House, and I have never known the deficiency bill to be loaded with appropriations of this kind. If you can put on a batch of appropriations for new fog-signals, you can for new light-houses, for new public buildings, and for every service of the Government. I am desirous of keeping the deficiency bill down to what it has always been kept.

I should be glad, if this were a proper item, or if the Senator had got it in in time, to put it in the bill where it properly belongs, but it is my duty to make the point of order.

Mr. PALMER. Will the Senator tell me what he means by "the proper time?"

Mr. HALE. The Senator knows that all the bills upon which light-houses, public buildings, fog-signals, and all things of that kind are put have already passed. I do not know why the Senator did not get his amendment in before. He has had the same chance that everybody else has had.

Mr. PALMER. Does the Senator mean in this bill?

Mr. HALE. Not in this bill, of course, but another bill.

Mr. PALMER. I can give a very proper solution to that. This matter came over from the other House too late for the sundry civil bill; therefore it did not go on that. An appropriation would have been made upon this bill if the same treatment had not been given to several other bills which have met with an abrupt rebuff by the conferees on the part of the House, who refused to concur in the amendments of the Senate on some point of order. Otherwise I should not have troubled the Senate with trying to fix this as an amendment to the deficiency bill.

Mr. HALE. Does the Senator think it is a deficiency?

Mr. PALMER. It is a very great deficiency—a deficiency that has been long felt.

Mr. HALE. It is a deficiency in the Senator's reasoning; that is very evident.

Mr. PALMER. If the Senator did not regard himself as the Cerberus, the watch-dog of this bill, and if he did not fear that large amounts in irrelevant amendments would be appended to the bill, I have no doubt that his knowledge of the facts in the case would induce him to permit this to be put in as an amendment without his opposition.

Mr. HALE. That is pretty nearly true. The Senator has it about right.

Mr. PALMER. The Senator who has the bill in charge concedes that point. I should like to know (and it has annoyed and bothered me somewhat), if it was not for just such cases as this, why should that language be used in the title of the bill "and for other purposes." This is certainly for another purpose.

Mr. HALE. That refers to deficiencies for other years.

Mr. PALMER. I think if it related to deficiencies for other years it would have said, "and for deficiencies for other years." In my opinion that language was put there for just such an exigency as this.

The Senator from Maine is perfectly right in fighting off amendments, but still under the circumstances, in an extreme case like this, it seems to me it should meet the favor of the Senator and it should be permitted to go on the bill, particularly when it is now a law and no appropriation has been made.

Mr. COCKRELL. I was going to ask the Senator if he would yield to a motion to adjourn and finish his speech to-morrow?

The PRESIDENT *pro tempore*. The Chair will first pass upon the question of order.

Mr. HALE. I think we can get through with the bill to-night.

The PRESIDENT *pro tempore*. The rule provides that no amendment that is not germane or relevant to the subject-matter contained in the bill shall be received. This bill is entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes." The Chair supposes that that provision of the rule is intended to exclude from the different appropriation bills amendments which are not connected with the subject-matter thereof; in other words, that upon the Indian appropriation bill this amendment would not be in order. The Chair therefore holds that the point raised by the Senator from Maine is well taken, and will decline to receive the amendment unless otherwise instructed by the Senate.

Mr. PALMER. While I have the highest regard for the opinion of the Chair, and ordinarily would not dissent from it, I think that I should like to appeal from that decision.

The PRESIDENT *pro tempore*. The Chair will entertain the appeal. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Is the Senate ready for the question? [Putting the question.] The ayes appear to have it.

Mr. PALMER. I withdraw the appeal.

The PRESIDENT *pro tempore*. The ayes have it.

Mr. TELLER. I ask leave to modify the amendment that I offered. As it reads now the payment would be made to the Chinese minister. I wish to strike out "minister" and insert "Government;" so as to read that the payment shall be made to the Chinese Government. I suppose there will be no objection to it.

Mr. COCKRELL and others. That is right.

The PRESIDENT *pro tempore*. That modification will be made by unanimous consent.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Unless a separate vote is desired in the Senate on any amendments made as in Committee of the Whole, the question will be taken on concurring in the amendments in gross.

Mr. CHANDLER. I ask that the amendment on page 27 relating to the Hoboken Land Improvement Company of New Jersey, $15,800, may be reserved. I ask that a vote may be taken separately in the Senate upon that amendment.

The PRESIDENT *pro tempore*. If there be no other amendment reserved, shall the amendments made as in Committee of the Whole be concurred in in the Senate?

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question recurs on the amendment reserved by the Senator from New Hampshire, which will be read by the Secretary. The Chair understands that the Senator desires to reserve one item in the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. CHANDLER. No, the amendment striking out the same clause on page 27.

Mr. PLUMB. That has been reinserted.

The PRESIDENT *pro tempore*. That clause has been reinserted in the amendment of the Senator from Kansas.

Mr. HALE. That suits everybody except the Senator from New Hampshire.

Mr. CHANDLER. I understand exactly what has taken place.

The PRESIDENT *pro tempore*. The Chair asked the Senator from New Hampshire if he desired to reserve a vote on that item in the amendment offered by the Senator from Kansas.

Mr. CHANDLER. I do not, but on striking out the clause on page 27.

The PRESIDENT *pro tempore*. The Secretary will read the amendment reserved by the Senator from New Hampshire.

The SECRETARY. The Senate, as in Committee of the Whole, struck out the following clause beginning on line 15, page 27:

For payment on account of Army transportation, 1882 and prior years, as certified to Congress as due, by the accounting officers of the Treasury, in House Executive Document No. 19, Fiftieth Congress, first session, namely: To the Hoboken Land Improvement Company of New Jersey, $15,800.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CHANDLER. This item is for an audited claim that has been audited a great many years. It is a claim that was inserted in one deficiency bill by the Senate at this session, but was stricken out on the report of the conference committee. The Senate conferees did not insist upon it and it went out. The claimants have been to the House of Representatives, presented this claim, and it was inserted by the other House in this bill, and I am unable to see any logic or any justice to these claimants in now striking it out of the bill in the Senate for the purpose of inserting it again in some other connection and with other claims.

These claimants have used due diligence; they have gone where they should have gone, and they have had this just claim inserted in the bill. Why should they not have the benefit of their diligence? Why should not this item be allowed to stand, and if there are other claims exactly like it why should they not be added by the Senate instead of striking this claim out and putting it in somewhere else in some other connection?

Mr. HALE. I want to say——

Mr. CHANDLER. It may be, if the Senator will wait until I get through, that there is some force and some justice in this treatment of the claim, but it does not occur to me that there is any; and in justice to the claimants, who have been a long time without their money and who have had this claim once passed upon already at this session by the Senate, I am compelled to make objection to striking out this clause.

Mr. HALE. I will give the reason in a minute, because I know the Senate wants to adjourn.

This amendment was put on a former bill by the Senate with other amendments just as good. The House rejected them all, and we could not force them to agree to them. In making up this bill they have done what they sometimes do and what the Senate is impatient at their doing; they have selected this one claim out from others, making fish of one and flesh of another, and have refused to put the others in.

I do not believe in doing that. The course that the Senate has taken up to this time, and that the Senator from New Hampshire wants to change now, is to strike this out from the bill where the House put it and place it with the other good claims, and then we can go to the House with the same claims for the others that we have for this item. But if you do what the Senator from New Hampshire desires, you agree to this item that the House put in, having picked it out from the others, and they will say, "We shall pay no attention to the others," which are just as good. It gives them the opportunity of getting in what they choose to put in, and does not give us any fair opportunity.

Under the amendment offered by the Senator from Kansas this item is included with the others that are just as good, and the Senate has a fair chance with the House conferees. I hope the Senate will sustain that position. I shall not say another word because I know it is late, and I desire to have the bill go through. I am willing to take a vote now.

Mr. CHANDLER. This claim is not due to the House of Repre-

sentatives; it is due to these claimants; and when they have procured the allowance of their claim correctly through the House committee and through the House, why can they not be entitled to the benefit of it? It seems to me that it is child's play to undertake to crucify these claimants simply to make up an issue with the House of Representatives.

Mr. HALE. Let us have a vote, Mr. President.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. Mr. President——

Mr. COCKRELL. I suggest to the Senator from Maine that he ask for a conference on the disagreeing votes of the two Houses on this bill.

Mr. HARRIS. I yield to the Senator from Maine for that purpose.

Mr. COCKRELL (to Mr. HALE). Ask for a conference on the deficiency bill.

Mr. HALE. That course has not been customary on appropriation bills. I think I shall not do that.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, September 25, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *September* 24, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of Friday, the 21st, was read and approved.

EXPLANATION.

Mr. ANDERSON, of Mississippi. I desire to correct the RECORD. In an explanation made by myself on last Friday I wished to state then, and I state now, that on the vote taken on the sundry civil appropriation bill on Wednesday, and on the yea-and-nay vote taken on Thursday, I am recorded as voting in the negative and as being paired with Mr. PETERS, of Kansas, on all political questions. At the time of voting I had forgotten the pair, having made it several days previous. I now wish unanimous consent to recall the vote, and set myself right on record.

There was no objection, and it was so ordered.

A. M. WOODRUFF.

The SPEAKER laid before the House the bill (S. 1668) for the relief of A. M. Woodruff.

Mr. ROGERS. That is a Senate bill. There is a House bill which is an exact fac-simile of that, for the payment of a similar amount, and I would ask the House to consider the Senate bill at this time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. M. Woodruff, of Pulaski County, Arkansas, out of any money in the Treasury not otherwise appropriated, the sum of $933.33, for wood sold by him for fuel for the Fifty-fourth Regiment of United States Infantry, colored, during the years A. D. 1865 and 1866, and for which proper vouchers were issued and delivered to him, the said A. M. Woodruff.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. DINGLEY. Let the report be read.

The SPEAKER. The Clerk will read the report, subject to objection.

Mr. ROGERS. I send up the Senate report, as the House report is very brief.

The Senate report (by Mr. JONES, of Arkansas) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 1668) for the relief of A. M. Woodruff, having considered the same submit the following report:

This claim is based upon a voucher, of which the following is a copy:

(No. 22.)

[The United States to A. M. Woodruff, Dr.]

September 30, 1866, for amount wood used by Fifty-fourth United States Colored Infantry during the last eleven (11) months of 1865, say 533½ cords, at $1 per cord	$533.33
For amount of wood used by same regiment during the first six (6) months of 1866, say 400 cords, at $1 per cord	400.00
Total	933.33

Little Rock, Ark.

I certify that the above account is correct and just; that the wood was furnished as stated, and that it was necessary for the public service, there being none furnished by the quartermaster's department during said time.

SAMUEL P. PEARSON,
Regimental Quartermaster Fifty-fourth United States Colored Infantry.

Approved.

CHAS. FAIR,
Lieut. Col. Commanding Fifty-fourth United States Colored Infantry, Brevet Colonel United States Volunteers.

[Indorsed.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 6, 1867.

The claim having originated in the State of Arkansas the claimant can be afforded no relief by the Quartermaster-General under the law of July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims."

M. C. MEIGS,
Quartermaster-General.

Official copy.
Little Rock, March 25, 1867.

L. HEINE,
Brevet Lieutenant-Colonel and Acting Quartermaster.

This voucher was submitted to the Quartermaster-General for his opinion, to which he replied as follows:

"WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, D. C., May* 4, 1888.

"SIR: Your communication of the 25th ultimo, inclosing a certified account in duplicate in favor of A. M. Woodruff, of Pulaski County, Arkansas, for 933½ cords of wood, at $1 per cord, said to have been used by the Fifty-fourth United States Colored Infantry at Little Rock, Ark., between the 1st day of February, 1865, and June 30, 1866, and inclosing Senate bill 1668 for the relief of said Woodruff, etc., has been received.

"The claim in question appears to have been presented to this office in 1867, and was returned to the assistant quartermaster-general at St. Louis, Mo., in March, 1869. It having originated in a State declared to be in insurrection, the Quartermaster-General had no jurisdiction in the case under the provisions of the act of July 4, 1864.

"This office has no means of judging of the correctness of the claim beyond the fact of the account being certified by an officer of the regiment for which, it is alleged, the fuel was supplied, and approved by the lieutenant-colonel thereof. The signatures of those officers appear to be genuine, and the quantity of fuel charged for is not in excess of the regulation allowance for the period named, and the price charged is reasonable. The certifying officer, however, has not accounted for the property as having been received from Mr. Woodruff.

"But believing that, in this case, due credit should attach to the official certificate of the officers named, the Quartermaster-General is of the opinion that the claim should receive favorable recommendation.

"The account and bill above referred to are herewith respectfully returned.

"Very respectfully, your obedient servant,

"S. B. HOLABIRD,
"*Quartermaster-General United States Army.*

"Hon. J. K. JONES,
"*United States Senate.*"

It appearing to the committee that the voucher is regular in all respects and unpaid, they recommend the passage of the bill without amendment.

The SPEAKER. Is there objection to the consideration of this bill? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the House bill, 10885, of the same title will be laid upon the table.

There was no objection, and it was so ordered.

POTTAWATOMIE INDIANS.

The SPEAKER also laid before the House the bill (S. 2176) for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AGREEMENTS WITH INDIANS.

The SPEAKER also laid before the House the bill (S. 3557) to ratify and confirm certain agreements with the upper and middle bands of Spokane Indians, the lower Pend d'Oreille or Calispel Indians, and the confederated bands of Flathead, Pend d'Oreille, and Kootenay Indians in Washington, Idaho, and Montana Territories, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

The SPEAKER also laid before the House the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the department of agriculture, with amendments of the Senate thereto; which were referred to the Committee on Agriculture.

JENNIE HART MULLANY.

The SPEAKER. Senate bill No. 2346, granting a pension to Jennie Hart Mullany, was passed by the House on last Friday, and, by an oversight, an amendment proposed by the committee to insert the words "per month" was omitted. The gentleman from Pennsylvania [Mr. O'NEILL] asks unanimous consent that the votes by which the bill was ordered to a third reading and passed, be reconsidered, the amendment inserted, and the bill again passed. Is there objection?

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOVEY, indefinitely, on account of important business.

To Mr. MACDONALD, indefinitely, on account of ill health.

To Mr. HATCH, indefinitely, on account of the death of his brother.

To Mr. MATSON, indefinitely, on account of important business.

To Mr. MERRIMAN, indefinitely, on account of important business.

To Mr. O'NEALL, of Indiana, indefinitely, on account of important business.

To Mr. CONGER, for ten days from the 24th instant, on account of important business.

To Mr. VANCE, indefinitely, on account of important business.

To Mr. TAULBEE, for one week, on account of important business.

To Mr. FARQUHAR, for one week, on account of important business.

To Mr. JOHN R. BROWN, for ten days, on account of important business.

To Mr. BAKER, of Illinois, indefinitely, on account of important business.

To Mr. HOPKINS, of Virginia, for five days.

To Mr. ARNOLD, indefinitely, on account of important business.

To Mr. THOMPSON, of Ohio, indefinitely, on account of important business.

To Mr. MCCORMICK, indefinitely, on account of sickness.

To Mr. WADE, indefinitely, on account of sickness in his family.

To Mr. CHIPMAN, for two weeks.

To Mr. LANDES, indefinitely, on account of important business.

BRIDGES ACROSS THE MISSISSIPPI AT LA CROSSE.

Mr. THOMAS, of Wisconsin. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 11139) to authorize the building of a bridge or bridges across the Mississippi River at La Crosse, Wis., which has been reported from the Committee on Commerce with amendments.

The bill was read in part.

Mr. THOMAS, of Wisconsin. Mr. Speaker, this is a long bill, and I ask unanimous consent that the further reading of it be dispensed with. It has been recommended by the Secretary of War, and is favorably reported by the Committee on Commerce.

Mr. PAYSON. Does it contain the usual provisions of bridge bills?

Mr. THOMAS, of Wisconsin. It contains the usual provisions.

The amendments recommended by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Wisconsin, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ABBOTT. I call for the regular order.

The SPEAKER. The regular order is demanded. This being Monday, the regular order is the call of States and Territories for the introduction of bills and resolutions.

CAMPS FOR YELLOW-FEVER REFUGEES.

Mr. WHEELER introduced a bill (H. R. 11501) to establish camps for yellow-fever refugees, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRANSMISSION OF BILLS TO THE PRESIDENT.

Mr. MORROW introduced the following joint resolution (H. Res. 225); which was read a first and second time, referred to the Committee on Rules, and ordered to be printed:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a bill or resolution requiring the signature of the President shall have passed both Houses and been enrolled and signed by the Speaker of the House of Representatives and the President of the Senate, it shall be the duty of the Speaker of the House of Representatives when the bill or resolution originated in that body, and of the President of the Senate, when the bill or resolution originated in the Senate, to cause such bill or resolution to be forthwith presented to the President of the United States in person, and a report of the fact to be made to the House in which the bill or resolution originated, and the date of such presentation.

PENSIONS FOR LOSS OF LIMBS.

Mr. MATSON introduced a bill (H. R. 11502) to increase the pensions of those who have lost limbs or the use of them; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSMISSION OF BILLS TO THE PRESIDENT.

Mr. BRECKINRIDGE, of Kentucky, presented the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules of the House be amended by adding thereto the following additional rule:

"After a bill which originated in the House shall have passed both Houses it shall be duly enrolled on parchment by the Clerk of the House and shall be examined by the Committee on Enrolled Bills, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses of Congress, and shall, after correcting any errors that may be discovered in the enrolled bill, make report forthwith to the House; and after it has been signed by the Speaker of the House of Representatives and by the President of the Senate it shall be forthwith presented by the Clerk of the House to the President of the United States for his approbation (it being first indorsed on the back of the roll that the bill had originated in the House, which indorsement shall be signed by the Clerk), and shall be entered on the Journal of the House; and the time when the bill is presented to the President shall be reported by the Clerk and entered on the Journal.

"All orders, resolutions, and votes which are to be presented to the President for his approbation and which originate in the House shall also in the same manner be previously enrolled, examined, and signed, and shall be presented in the same manner as provided in the case of bills."

JOINT RULES OF THE HOUSE AND THE SENATE.

Mr. BRECKINRIDGE, of Kentucky, also presented the following; which was read, and referred to the Committee on Rules:

Resolved by the House of Representatives, That the Senate be requested to unite with the House in the adoption of a joint rule for the orderly procedure of such public business as requires joint action between the Houses, and that the Speaker be directed to appoint a committee of five Representatives to act with any committee the Senate may appoint.

EMPLOYMENT OF ALIENS ON PUBLIC WORKS.

Mr. CHIPMAN introduced a bill (H. R. 11503) to prevent aliens who have not declared their intention to become citizens, and do not reside in the United States, from being employed as contractors or laborers on public works; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

COLONIZATION.

Mr. THOMPSON, of Ohio (by request), introduced a bill (H. R. 11504) to carry into effect the provisions relating to colonization, of the twelfth section of the act of June 7, 1862, entitled "An act for the collection of direct taxes in the insurrectionary districts of the United States, and for other purposes;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PURCHASE OF FORT BROWN, TEXAS.

Mr. CRAIN introduced a resolution authorizing the Committee on Military Affairs to have printed in connection with its report upon the resolution in regard to the purchase of Fort Brown, Texas, certain papers and affidavits attached to this resolution, and made a part hereof; which was referred to the Committee on Military Affairs.

Mr. CRAIN. I ask unanimous consent that this resolution, with the accompanying papers, be printed in the RECORD.

There being no objection, it was ordered accordingly.

The documents are as follows:

[In the House of Representatives, Fiftieth Congress.]

A resolution to authorize the Committee on Military Affairs to have printed in connection with its report upon the resolution in regard to the purchase of the site of Fort Brown, Texas, certain papers and affidavits.

Resolved, That the Committee on Military Affairs is herby authorized to have printed as a supplement to its report upon the resolution concerning the appropriation for the purchase of Fort Brown, Texas, certain papers and affidavits of reputable citizens, both Republican and Democratic in political faith, residing in Brownsville, Tex., which accompany this resolution and are made a part hereof, and which are attached hereto and marked Exhibit "A," and which said affidavits refute the false charges made by one Charles J. Murphy against the people of Brownsville, in the State of Texas, in his testimony given before the Subcommittee on Military Affairs in the Fort Brown investigation.

BROWNSVILLE, TEX., *August* 8, 1888.

DEAR SIR: In compliance with resolution passed at public meeting, the proceedings of which form part of the inclosed record, I have the honor to transmit to you for delivery to Hon. W. H. CRAIN, M. C. for this district, the accompanying papers.

You will please inform me when you have placed them in Mr. CRAIN's hands, in order that I may make the same known to the people of Brownsville, who are deeply interested in this matter.

Very respectfully, your obedient servant,

JULES LUCADOU, *Secretary*.

Hon. THOMAS CARSON,
Mayor of Brownsville (now sojourning at Washington, D. C.).

PUBLIC MEETING AT THE COURT-HOUSE, 19TH INSTANT, TO CONSIDER THE TESTIMONY OF SPUD MURPHY AND ONE HENRY DOUGLAS, GIVEN BEFORE A COMMITTEE OF CONGRESS, REGARDING THIS SECTION.

Whereas this section of the country has been grossly misrepresented and wronged in a report recently made by a subcommittee of the House Committee on Military Affairs at Washington, said report appearing to have been based on the evidence of one Charles J. Murphy, commonly known as Spud Murphy, claiming to be a merchant from this city, and one Henry Douglas; and said report as published appears calculated to do great and undeserved injury to the people of this section; and for the purpose of correcti g the bad impression created abroad by said report, the citizens of Brownsville are requested to meet at the court-house on Friday, the 19th instant, at 7 o'clock p. m., to take such action as may be deemed advisable to set this community right in the premises and vindicate its good name.

By request of citizens.

E. C. FORTO, *County Judge*.

BROWNSVILLE, TEX., *July* 17, 1888.

INDIGNATION MEETING.

Pursuant to a call of the Hon. Emilio C. Forto, county judge of Cameron County, Texas, the citizens and good people of this county assembled in mass at the court-house in the city of Brownsville, on Thursday, the 19th day of July, 1888, for the purpose of expressing their indignation at the outrageous and maligning testimony given by one Charles J. Murphy, better known as "Spud," and one Henry Douglas, before the subcommittee on Military Affairs, at Washington, D. C., touching the Fort Brown matter.

The Hon. Emilio C. Forto, county judge, called the meeting to order, and in a few and appropriate remarks stated to the meeting that at the earnest and repeated solicitations of our best citizens and merchants he had made the call for this meeting.

Nominations for chairman being in order, Mr. Benjamin Kowalski moved that Mr. G. M. Raphael be made chairman of this meeting, which, being duly seconded, Mr. Raphael was elected chairman of the meeting.

On motion of Col. W. H. Mason, duly seconded, Jules Lucadou was elected secretary of the meeting.

Hon. E. C. Forto explained to Mexican citizens present the object of the meeting in the Spanish language.

Chairman G. M. Raphael announced to the meeting that he corroborated all the statements expressed by Hon. E. C. Forto, believing them to be true, and he emphatically denied ever signing Spud Murphy's recommendation knowingly.

Louis Kowalski, clerk of the district court of Cameron County, Texas, offered in evidence four certified copies of indictments for four separate and distinct felonies committed in this county and found by the grand juries against Charles J. Murphy.

Adolphus Glaevecke, county clerk of Cameron County, Texas, took the floor, and declared that Charles J. Murphy, alias "Spud," is a crank and a scoundrel; that if his name appears signed to Murphy's recommendation it must have been obtained under false representations.

Louis Cowen, esq., addressed the meeting in appropriate terms, sketching part of Charles J. Murphy's character, denouncing him as an impostor and that he, Murphy, had robbed money belonging to the Catholic church of this city, that his signature which appears upon Murphy's recommendation must certainly be a forgery, as he would never have recommended a man without character such as Murphy for any place.

Francisco Yturria took the floor and remarked that he had been in business in this city ever since 1853, that he never knew Charles J. Murphy as a merchant in this community, that Murphy has always borne a bad reputation in this vicinity, and that he was discharged from the office of inspector of hides and animals for this county for official misconduct.

Hon. E. C. Forto took the floor and stated that Charles J. Murphy, alias "Spud," was a common beggar in this community, and lived for many years from the charity of the people and by swindling and defrauding the persons who were simple enough to trust him.

John J. Smith, superintendent of the national cemetery at Fort Brown, Tex., for many years a resident of this country, stated that he knew Charles J. Murphy; that he had left this community as an adventurer, and that his (Murphy's) statements before the subcommittee at Washington, D. C., were false and untrue; that this soil is of the highest fertility and is capable of producing as good crops as any other place in these United States; and suggests that a true statement in regard to the condition of affairs and productiveness of the soil in this locality be submitted to the Government.

On motion of the Hon. E. C. Forto, duly seconded, it was moved that a committee be appointed for the purpose of draughting suitable resolutions and taking testimony and statements, with a view of presenting same to our Representatives and Congressmen at Washington, D. C.; whereupon the following gentlemen were appointed, to wit:

William Kelly, Francisco Yturria, Alexander Werbisbi, Robert Dalzell, H. M. Field, E. H. Goodrich, George Watson.

On motion of Hon. J. J. Cocke, collector of customs for the district of Brazos de Santiago, duly seconded, Chairman G. M. Raphael and Secretary Jules Lucadou were added as members of the above committee.

Louis Kowalski, clerk of the district court of Cameron County, Texas, offered his services in his official capacity, to take affidavits before the committee, which offer was thankfully accepted by the chair.

On motion of Hon. J. J. Cocke, collector of customs for this district, duly seconded, the meeting was adjourned until Thursday evening the 26th instant.

G. M. RAPHAEL,
Chairman.

Attest:
JULES LUCADOU, *Secretary.*

—

Adjourned indignation meeting convened at the court-house on Saturday the 4th day of August, 1888, at 3 o'clock p. m.

The meeting was called to order by Mr. William Kelly, who stated that Mr. G. M. Raphael, the regular chairman, was unable to attend the meeting.

On motion of Benjamin Kowalski, esq., duly seconded and carried, Mr. William Kelly was elected chairman *pro tempore.*

The committee heretofore appointed to take testimony presented affidavits, which were read to the meeting.

Mr. Louis Cowen moved that the testimony taken by the committee be forwarded to our representatives in Washington, whereupon Hon. E. C. Forto offered the following resolution, which was unanimously adopted by the meeting, to wit:

"*Resolved*, That the testimony procured by the committee and now here presented to this meeting, be transmitted to the Hon. W. H. CRAIN, member of Congress for this district, with the request that he submit the same to both Houses of Congress, and particularly to the members of the Military Committee of the House, in order that the good name of this community may be vindicated; and

"*Resolved further*, That as most of the persons composing this meeting and its committee and those who have testified, are well known to Mr. CRAIN, he is hereby requested to make known their characters and standing to all whom it may concern."

On motion by Hon. E. C. Forto, duly seconded, the meeting was adjourned *sine die.*

WILLIAM KELLY,
Chairman.

Attest:
JULES LUCADOU, *Secretary.*

THE STATE OF TEXAS, *County of Cameron:*

I, E. H. Goodrich, certify on oath that I have known Charles J. Murphy (commonly known here as "Spud" Murphy) since the year 1866; that during said period and until he left Brownsville I never knew him to have had any standing, political, social, or otherwise, and at no time was he known here as a leader of any political party. He made pretense of being a Republican, was always encouraging revolts among the members of the Republican party, and succeeding in procuring credentials, either forged or executed by a few soreheads, he obtained money and deadhead passage to attend conventions from Democrats, who no doubt aided him in order to create dissension, which he generally succeeded in doing, and by his persistency, and in order to preserve harmony, the regular delegates occasionally allowed him to take part in the councils of the party. I have resided continuously in Brownsville since March, 1866; shortly after my arrival here I became acquainted with Murphy at a Republican meeting; have observed his political career closely, and as chairman of the Republican county committee for twenty years past up to 1888, have never known him to abide by the action of any legitimate gathering of Republicans; to the contrary he always carried on a sideshow of his own, and I have been informed and verily believe that notwithstanding his professions he was invariably voted at the polls by the Democrats who maintained him.

I have never known him to engage in any mercantile business, his principal aim and pursuit was a fat office; a man of broils, as the police records of the city will show, of low tastes, and no social standing even with the parties whom he herded with, and if he was ostracized by the people of this section by reason of his political preferences, as he alleges, he is the first and only one I have heard claim that political faith influenced our citizens in social or commercial intercourse; the ostracism of over 1,200 Republican voters at the last general election in a county polling under 3,000 votes would seem to any intelligent being the height of absurdity.

I disclaim ever having signed the recommendation dated March 19, 1875, alleged by Murphy to have been signed by me and others; if my signature is appended to that instrument it was obtained without my knowledge of what I was signing, as I would not recommend a man of his character for any office, knowing him for the past twenty years as a villifier of character, a broiler, deadbeat, and a fraud; a man too lazy to work, had he bared his arms to till the soil (which he alleges "would not support a goat") as many better men have done before him, he would not have existed for several years before his blessed departure from this section upon the charity extended by the good people he now vilifies; I would not believe him under oath.

E. H. GOODRICH.

Sworn to and subscribed before me this 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared H. M. Field, who, being duly sworn, upon oath deposes and says: I am forty-six years of age and am by profession a civil engineer. I came to this section of the country in 1865. Have been county surveyor of Cameron County, Texas, from 1868 to 1878, inclusive, and am quite familiar with the richness, fertility, and productiveness of the soil of this county.

Have been connected with farming enterprises in this section for the last twenty years. I own a piece of land within the city limits of the city of Brownsville, Tex., and I know by my deeds to the same that it has been under cultivation ever since 1842, and for the last twenty-three years I know of my own knowledge that from one to two crops have been annually raised upon the same. Last year (1887) I sowed eight acres of this land in "Johnson grass," and cut three crops of hay off during the year. I can not state the number of pounds, because I did not weigh the hay. This year (1888), upon this same land, I have cut two crops of this hay and have now the third crop ready and ripe to cut; the first crop I sold to the contractors for the Government at Fort Brown, and delivered, as shown by the quartermaster's scales, 29,950 pounds of cured hay for the first crop above referred, and I lost, besides, by rain, about 1 ton; the second crop I have cut and stacked, but have not delivered the hay yet. I will commence cutting the third crop on the 6th instant. This spring I opened a road 20 feet wide and about 1,200 feet long across my hay-field, thereby reducing the acreage. This spring I planted on my land 6 acres of millet, which produced about 15 tons of cured hay. I also planted 10 barrels of potatoes (5 barrels being of the class called "Peerless" and 5 of the class called "Early Rose"), from which I have sold a little over 100 barrels and have kept 15 barrels of the same for seed; none of this land has ever been manured and does not require manuring. My land, being all upland, is not of as good a quality as the lands embraced in the Fort Brown military reservation, the greater portion of which are river-bottom lands, therefore of a far superior grade.

In 1866 I was stationed as an officer of the Army at Fort Brown, Company I, of the First Artillery, had a garden at the post at that time, upon which were raised the finest vegetables I ever saw, and most of the years since I have seen the post gardens, and all class of vegetables are grown in them most luxuriantly.

In 1865 and 1866 I was detailed and placed on duty as acting assistant engineer of the district of the Rio Grande, and part of my duty at the time was to clear the grounds preparatory to the building of the Fort Brown post and to make plans and estimates for building the same, under the instructions of General George W. Getty, who was district commander at the time. After my leaving the service in 1868 I was again employed by the Quartermaster Department during the construction and finishing of the said post; part of my occupation then was to grade the grounds and put them under proper drainage; I removed in so doing several date palms and the remains of the brick tanks used for irrigation, these being the remains of an old Mexican garden cultivated prior to the occupation of the post by our troops in 1846.

In 1882 Lieut. Thomas M. Wenie had charge of the post garden of Fort Brown; he sent me some of the vegetables which had been grown on the garden under his charge, among which there was a head of cabbage weighing 25 pounds, a beet weighing 12 pounds, and a sweet potato that weighed 6 pounds; these vegetables had each a label attached to them bearing their respective weights; these seemed to me to be exaggerated, and to convince myself, I weighed them and found them to weigh the pounds above set forth.

H. M. FIELD.

Sworn to and subscribed before me this 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared H. C. Hune, justice peace, precinct No. 3, of Cameron County, Texas, who being duly sworn, upon oath deposes and says: I am seventy years of age; am by profession a tailor; have been justice of the peace for precinct No. 3, of Cameron County, Texas, for the past four years.

I came to this section of the country in 1846 as a private in the army of General Taylor, and served through the Mexican war in Company K, Fourth Artillery; have served through the war of the rebellion in the Union ranks in Company M, First Artillery, and have been a Republican all my life.

In 1846, when General Taylor took possession of the lands known from that time to the present date as the Fort Brown reservation, said lands were under a high state of cultivation, and had been for a great number of years prior thereto; all around the lake or lagoon embraced in the reservation there was a magnificent orchard, containing all class of fruit trees which grow in this latitude, showing by their size and productiveness that they had been planted many years prior to our advent to this frontier. The remainder of the lands were used as corn and cotton fields and vegetable gardens.

During my life as a soldier I have been stationed at a great many posts, both in Texas and other States, and can truthfully say that Fort Brown is one of the finest posts I ever was in.

I was acquainted with Charles J. Murphy (commonly known here as "Spud Murphy") for several years, and always knew him to be a dead beat. When he was about to leave for Washington, I made for him a full suit of clothes and charged him $10 for it. When I went to endeavor to collect the money due me, he then told me that he had no money to pay me with, but said that he was to obtain money in Washington, and would faithfully remit me the amount as soon as he got there, but to this day he has never kept his word, and the debt is still due and owing, nor has he ever written to me in regard to the same. He once wrote me a letter from Washington, wherein he requested me to address him as "Colonel Murphy," which letter or request I never deigned to notice, as I would not stoop to aid him in his frauds. I knew Murphy to be a dishonest man and consider nothing too low for him to do, and would not certainly believe him under oath. I have seen in the report of the Subcommittee on Military Affairs a petition in which my name appears as indorsing the said C. J. Murphy, and do say that I have no recollection of ever having signed the same; that if my signature appears on any petition, claimed to be in favor of said Murphy, that it is either not genuine or was obtained under false representations.

I knew Henry Douglas when he enlisted in my company at Point Isabel, Tex., in 1850. He never served through the Mexican war; he enlisted after the war; was here only a very short time. Douglas can not competently testify as to the post here, because during the short time he was here no buildings had been erected at the post; it was merely a camp around the fort. In regard to his testimony as to men being hung to the beams of the slaughtering-houses, I never saw such things done here. I believe that when Mr. Douglas imagined he witnessed such acts, he must have been suffering from a nightmare, caused by a too hearty supper accompanied by over copious libations, and took the wild ramblings of his diseased brain for a reality and a fact.

HENRY C. HUNE.

Sworn to and subscribed before me this 1st day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared George H. Watson, who being duly sworn, upon oath deposes and says: I was a laborer and messenger at Fort Brown during the time Maj. W. A. Wainwright was stationed at the post as quatermaster. I have been employed as messenger at the custom house in the city of Brownsville, Tex., since the 18th day of February, 1872, and am still employed as such.

I have known Charles J. Murphy (commonly known here as "Spud" Murphy) since the year 1867. That during said period and until he left Brownsville, I never knew him to have had any standing, political, social, or otherwise, and at no time was he known here as a leader of any political party. He made pretenses of being a Republican, was always encouraging revolts among the members of the Republican party, and succeeded in procuring credentials either forged or executed by a few discontented men. By his persistency and in order to preserve harmony, he was occasionally allowed to take part in the councils of the Republican party. I have resided continuously in Brownsville since 1867. Shortly after my arrival here I became acquainted with Murphy, and have observed his political career closely; and have never known him to abide by the action of any legitimate gathering of Republicans. To the contrary, he always carried on a side show of his own.

I have never known him to engage in any mercantile business. His principal aim and pursuit was a fat office, a man of low tastes and no social standing even with the parties he herded with; and if he was ostracized by the people of this section by reason of his political preferences as he alleges, he is the first and only one I have heard claim that political faith influenced our citizens in social or commercial intercourse, the ostracism of over 1,200 Republican voters at the last general election in a county polling under 3,000 voters would seem to an intelligent being the height of absurdity. Knowing him for the past twenty years as a vilifier of character, a broiler, dead beat, and a fraud, a man too lazy to work, had he bared his arms to till the soil (which he alleges would not "support a goat"), as many better men have done before him, he would not have existed for several years before his blessed departure from this section upon the charity extended by the good people he now vilifies.

In looking over the report of the "Subcommittee on Military Affairs," I find a petition on page 143 of said report indorsing Charles J. Murphy, and to my surprise I see the names of Elijah Guidon and Chance Polite, as having signed said petition. I know of my own knowledge that neither Guidon nor Polite were able to write; they were uneducated men. I would not believe Murphy under oath.

GEO. H. WATSON.

Sworn to and subscribed before me this the 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared H. E. Woodhouse, who, being duly sworn, upon oath deposes and says: I am sixty years of age; came to this section of country as supercargo of the schooner Isbon, from New York, and landed at Brazos de Santiago, Texas, on the 30th day of November, 1847; was a merchant during all these years, and sold the first lot of goods that went out of Brownsville.

I knew Charles J. Murphy, and know that he went to Washington on a part of $200 (money) that Tomas Zamora had given to Higinio Salinas (a man who is slightly deranged), his brother-in-law, to pay over to me on a running account that said Zamora owed me, and the said Murphy prevailed upon the said Salinas to give him (Murphy) the money, and that he would attend to his (Salinas's) claim in Washington. Murphy obtained the money, I think, about April, 1882, and these facts came to my knowledge through Tomas Zamora subsequently, about July, when Zamora came to town and told me he had sent me money by Salinas which he, Salinas, did not pay over to me, but had used it, giving a part thereof to Murphy to pay his expenses to Washington.

I would further state that I have never signed my name, knowingly, to Murphy's petition, which appears on page 143 of the "Report of the Subcommittee on Military Affairs," and that if my signature alleged to be attached to the said petition is genuine it must have been signed to some other paper and for another person, as near as my recollection will serve me. I believe it was signed to a petition for Mr. Edward Downey and not for Charles J. Murphy. I knew Murphy and regarded him as a person without respectability or good standing in this community.

I am not aware that Charles J. Murphy was ever a merchant, either in this country or in any other, and am at a loss to know in what class of merchandise he was dealing in while in this community.

H. E. WOODHOUSE.

Sworn to and subscribed before me this the 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared George Brulay, who, being duly sworn, upon oath deposes and says: I am forty-nine years of age; I started the Rio Grande Sugar plantation, situated 9 miles below the city of Brownsville, in 1876, and am the owner thereof. Since 1876 I have never failed to raise from 280,000 to 300,000 pounds of sugar yearly. I also raise various other crops, but make no mention of these because my chief pursuit is sugar raising. When I say 280,000 to 300,000 pounds of sugar, above referred to as the annual product of my plantation, compares favorably and has the market value of the kind known as "white clarified sugar." My crop of 1887 produced over 400,000 pounds of sugar. At no time since starting my plantation have I had over 180 acres under cane cultivation. My land is inferior to that of the Fort Brown reservation.

GEO. BRULAY.

Sworn to and subscribed before me this 3d day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared Louis Cowen, who, being duly sworn, upon oath deposes and says, that he has resided almost continuously from 1855 to date in the city of Brownsville, Tex.; that from 1863 to 1867 he followed the occupation of merchant, doing business for himself, and from 1871 with the firm of Bloomberg & Raphael, part of the time as agent and part of the time as partner, to date; has known Charles J. Murphy through the latter's employment in the internal-revenue collector's office; have seen in the report of the Subcommittee on Military Affairs touching the Fort Brown military reservation, on page 143 of said report, a petition in which my name appears as indorsing the said C. J. Murphy as a "friend and Republican." I have no recollection of ever having signed such a petition. I have never considered the said Murphy as a friend and never was allied with the Republican party, either prior to or during my residence in Brownsville; that if my signature appears on any petition claimed to be in favor of said Murphy, that it is either not genuine or was obtained by fraudulent means.

L. COWEN.

Sworn to and subscribed before me this 30th day of July, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared G. M. Raphael, who, being duly sworn, upon oath deposes and says: That he has resided almost continuously from September, 1866, to date, in the city of Brownsville, Tex. That his occupation is that of merchant—from 1868 to 1872 of the firm of Alexander & Co., and since then of Bloomberg & Raphael. Has known Charles J. Murphy, through the latter's employment in the internal-revenue collector's office. Have seen in the report of the Subcommittee on Military Affairs touching the Fort Brown military reservation, on page 143 of said report, a petition in which my name appears as indorsing the said C. J. Murphy as a "friend and Republican." I have no recollection of ever having signed such a petition. I have never considered the said Murphy as a friend, and never was allied with the Republican party, either prior to or during my residence in Brownsville. That if my signature appears on any petition claimed to be in favor of said Murphy, that it is either not genuine, or was obtained by fraudulent means.

G. M. RAPHAEL.

Sworn to and subscribed before me this the 28th day of July, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared Louis Wise, who, being duly sworn, upon oath deposes and says: I know Charles J. Murphy, and I am surprised to see why any gentleman will take notice of him. Knowing the fellow as I do, since twenty-two years, and acquainted with his actions during that time, I beg leave to state that I would not believe the fellow under oath, nor would I trust him with the value of anything.

LOUIS WISE.

Sworn to and subscribed before me this the 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared L. A. Rousset, who, being duly sworn, upon oath deposes and says: That he has resided in the city of Brownsville, Tex., for full twenty years, and is well acquainted with the people and residents of Cameron County; that his name appears on page 143 of the "Testimony taken by the Committee on Military Affairs, House of Representatives, at Washington, D. C.," as having signed a petition for one Capt. Charles J. Murphy, purporting that I am a Republican and friend of his, which I deny having ever signed. I am not a friend of Charles J. Murphy nor am I a Republican, but am a foreigner, a Frenchman by birth, and have never declared my intention to become a citizen of the United States, and denounce my alleged signature to said petition as a forgery and a fraud.

L. A. ROUSSET.

Sworn to and subscribed before me this the 26th day of July, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared James A. Browne, who, being duly sworn, upon oath deposes and says: I am collector of taxes for State and county taxes of Cameron County, Texas, and have controlled said office for the past ten years. I have under my personal control the tax-rolls of this county since 1873. I know Charles J. Murphy, and at no time has he ever paid any taxes, licenses, or contribution of any character whatever, and do further say that at no time did Murphy ever own any property of whatever character in this county. I considered Murphy as a tramp; he was never admitted in society and was considered a blatant, ignorant Irishman.

JAS. A. BROWNE.

Sworn to and subscribed before me this the 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared Adolphus Glaevecke, clerk of the county court of Cameron County, Texas, who, being duly sworn, upon oath, deposes and says: I am seventy years of age and have been county clerk of this county for the past fourteen years. I came to this section of the country in January, 1836. In May, 1836, the famous order of the Mexican General Ampudia, after his arrival from the defeat at San Jacinto, Tex., it being Order No. 1, to the effect that whoever was caught 9 miles north of the Rio Grande would be considered a Texas spy and be put in the ranks of the army. The country was then swarming with cattle and horse stock, and notwithstanding General Ampudia's order there was no lack of fine, fat beeves within the 9-mile zone up to May, 1846, when General Taylor broke the order.

In the fall of 1836, Mr. Stryker, myself, and others, started to plant and cultivate cotton, which resulted in a general cleaning of lands on both sides of the Rio Grande from its mouth up to Reynosa, and Messrs. Constantine Tarnava, Emil Manautou, and Charles Stillman advanced the money and furnished the seed to the planters on both sides of the river to carry out this enterprise. In 1837 Mr. Stryker built a cotton-gin on the Villa Nueva Island, so did Messrs. Heim and Wagner opposite Mr. Stryker's, on this side of the lake. The crop of 1837 was so heavy that it became necessary to build more gins, whereupon, in 1838, Messrs. Tarnava and Manautou built two large gins in Matamoras, Mexico; Mr. Alvino Lopez built one 25 miles above Matamoras, and Mr. Dwythe Smith built another at Reynosa, Mexico. All these gins had plenty to do up to the year 1847, when the cotton enterprise fell through, caused by the war between the United States and Mexico and a terrible drought, which commenced in August, 1846, and ended in April, 1847.

This cotton was raised on the river lands of the same kind, quality, and description of those embraced in the Fort Brown reservation, which before its occupation by General Taylor was known as one of the most fruitful labors on the river.

In 1842 this section was afflicted with a terrible drought, which did not, however, injure but merely delayed our crops on the river lands. Thousands of cattle were lost coming into our water-ponds from 12 to 20 miles above our famous 9-mile zone, to bog and die at the ponds; but the drought did not affect our crops and herds inside the zone, as the same were handled and the latter driven daily to good watering places on the river, and grass never failed.

I became acquainted with Charles J. Murphy in July, 1865. From the intercourse I had with him I put him down as a tramp, a beggar, and a drone on his own party, despised by every decent Republican, and associating solely with negroes, from whom he obtained some few quarters by writing letters for them at the rate of 25 cents each.

I find on the criminal docket of the county court of Cameron County, Texas, a case styled as follows:

"No. 16. The State of Texas *vs.* Charles J. Murphy. Falsely personating an officer. Filed August 18, 1876."

This was a case where he procured himself a horse and went out into the country representing himself to the ignorant people as an inspector of weights and measures, and blackmailed numbers of poor people for alleged shortness in their measures and weights. He kept up these fraudulent doings until reported to the county judge, who, after having him brought into town, reprimanded and fired him out of his (the judge's) office in my presence. The case against him was finally dismissed from the docket, on the 7th day of January, 1877, for the want of prosecution, due solely to the fact of the inability of getting the witnesses in from distant parts of the county.

I further know that the said "Spud" (the name by which Charles J. Murphy was commonly known), being angry with Col. John L. Haynes, collector of customs for the district of Brazos de Santiago, for denying him a place in the office, even refusing him the situation of janitor, he, the said Spud, voted about 20 negro votes for us (Democrats) just to spite Colonel Haynes, and especially E. H. Goodrich, special deputy collector.

During all the time Murphy lived at Brownsville he was simply an adventurer living by his wits; never had any reputable employment, except for a short time, in the internal-revenue collector's office; never was a merchant or in any business here, and derived a precarious living at lunch-counters and among negroes, for whom he acted as letter-writer. He never owned a house, simply renting some rooms in the suburbs of this city, and taking particular care never to pay the rents due to his landlords; never had a regular boarding-place in the town; was regarded simply as a dead-beat and blackmailer, and was always treated as such.

I have resided in this county for fifty-two years, most of the time a farmer and stock-raiser, and came of farming people. I have never seen better agricultural lands in this country or in Europe than those of the valley of the Rio Grande, from Hidalgo County to its mouth. Two crops of corn a year are nothing unusual to be raised on the lands about Brownsville. Corn, sugar, beans, and potatoes are raised in abundance (at this moment corn is selling for 20 cents per bushel). The lands in the Fort Brown reservation are as fruitful as the rest. There is no difference in their quality.

During the years 1864, 1865, 1866, and 1867 very little crops were raised; labor had become disorganized on account of the wars in both Mexico and our country; the laboring people were nearly all in one or other of the four armies operating in this section—the Federal and Confederate in Texas, the Imperial and Liberal in Mexico. The handling of cotton exported at Bagdad was more lucrative than agricultural pursuits, and hence the lands lay idle in those years. This accounts for the testimony given by Major Wainwright and others who were here only during this period.

ADOLPHUS GLAEVECKE.

Sworn to and subscribed before me this 23d day of July, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA, *Western District of Texas:*

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared William Kelly, of Brownsville, Tex., who, being duly sworn, deposes and says: I am forty-eight years of age, and have resided in Cameron County since 1865, an in Brownsville since 1870. I am a steam-boat owner, and have been engaged in the transportation of merchandise on the Rio Grande since 1866. I am familiar with the character of the lands on both sides of the river. The lands which comprise the military reservation of Fort Brown are of precisely the same character as those on either side of them for a distance of 60 miles to the westward and 20 miles to the eastward, where the salt lands of the coast adjoin. I regard the lands of the Rio Grande Valley as among the most fruitful agricultural lands in the world.

Cultivated lands have borne crops continuously, to my knowledge, for 20 years, and by reputation for 30 or more years previously, without a pound of artificial manure or fertilizer having been applied to them. Sugar, the most exhaustive of crops, has been raised for twenty years continuously on the same land without any artificial fertilizer. Two crops of corn are commonly raised each year from the same lands except in years of drought, which come irregularly, and average one year in five. Corn is selling in the market here to-day for 20 to 25 cents per bushel, and we are now shipping our surplus corn to Galveston by steamer.

During the years 1866 to 1869 agricultural pursuits were practically abandoned on this frontier in consequence of the disorganization of labor arising from the wars of intervention (Maximillian) in Mexico, and of the rebillion in this country.

I know Charles J. Murphy. He was distinctly a person of the "political bummer" class, without regular employment or means of livelihood except when occasionally holding some petty office bestowed on him for political services. I knew him from 1866 until he left here. During that period he was not engaged in any business except the occasional office holding before mentioned. He never owned any property in this county, never was a tax-payer or house-holder; was simply a disreputable political "hanger-on," living by his wits, and frequently before the courts charged with various criminal offenses. It is within my knowledge that in 1868, on the occasion of a Catholic Church fair, he was intrusted with the selling of tickets and made away with the proceeds.

WILLIAM KELLY.

Sworn to and subscribed before me this the 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner Western District of Texas.

THE STATE OF TEXAS, *County of Cameron:*

Before me, Louis Kowalski, clerk of the district court of Cameron County, Texas, personally appeared Jules Lucadou, who, being duly sworn, upon oath deposes and says: I was born in Brownsville, Cameron County, Texas, and am thirty-six years of age. Have been deputy clerk of the district court of Cameron County, Texas, for the past eight years; was appointed in July, 1885, by the late Hon. E. B. Turner, a commissioner of the circuit court of the United States for the western district of Texas. Have taught schools in different school communities of this county for a number of years. I am perfectly familiar with the country all over this county, and do say that the richness, fertility, and productiveness of this soil can not be excelled, notwithstanding testimony to the contrary. Our lands are of such a superior quality that they have never been and do not require manuring. Certain cereals—I know this to be a fact—do not thrive well here, due solely to the fact that the soil is altogether too rich for them. Cotton, corn, sugar, beans, etc., are raised here in abundance, and two crops from the same land are almost annually raised.

From 1857 to 1863 my father cultivated a vegetable garden within rifle range of Fort Brown. This garden produced all classes of esculent vegetables, from the commonest to the finest, namely: Asparagus, artichokes, egg-plants, tomatoes of all kinds from the size of a cherry to that of an apple, pease, celery, spinach, sorrel, rutabagas, cauliflowers, brussels-sprouts, raddish, squashes, parsnips, cabbages, string-beans, potatoes, sweet potatoes, melons, muskmelons, watermelons, in fact all varieties of vegetables. My father abandoned the cultivation of his garden on account of the war.

I am acquainted with Charles J. Murphy, and was present at one of his swindling operations. It happened about the middle of June, 1878. He went to the house of Mr. Antonio Valdez, a farmer at the Rusias ranche, in Cameron County, Texas, and introduced himself as an "inspector of weights and measures," and demanded for inspection Valdez's scales and measures, and after pretending to do some tinkering to the scales and simulating that he figured out the cubic capacity of the measures, which I believe he was unable to do, he declared them to be in accordance to law, and extorted from Mr. Valdez $2.37. I came to Brownsville some time afterwards, and learned that Murphy had been indicted for perpetrating extortions of the same nature upon various parties in this county, and that he had never been appointed to the office he pretended to hold.

On the 25th day of August, 1880, Charles J. Murphy, as a lawyer, defended his first, last, and only case in the district court of this county. His client was a man named Juan Rosas, who stood charged with the theft of a cow. I was foreman of the jury sworn to try the case. During the progress of the trial his ignorance of law made him the laughing-stock of the district attorney, jury, and spectators. He had the impudence to endeavor to give to the jury the law by which the jury should be governed in finding their verdict. The court thereupon severely reprimanded him and informed him that it was the prerogative of the judge presiding at a trial to give the law to a jury, and not that of the lawyers engaged in the case. The questions he propounded to the witnesses examined rather tended to help the prosecution than to favor the defense. He finally succeeded in lodging his client in the State penitentiary at Huntsville for a term of two years.

Charles J. Murphy never had any political or social standing in this community, and I never heard of him as being a leader in politics in this county. I would not believe Charles J. Murphy under oath, if it was to his interest to testify to an untruth.

JULES LUCADOU.

Sworn to and subscribed before me this 4th day of August, A. D. 1888.
[SEAL.] LOUIS KOWALSKI,
Clerk District Court, Cameron County, Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared Benjamin Kowalski, who, being duly sworn, upon oath deposes and says: I am thirty-three years of age; have resided in Brownsville since February, 1868. I am now postmaster at this place; was also clerk and assistant postmaster in the post-office at Brownsville from 1869 to 1877; have also held other Government positions. I know Charles J. Murphy (commonly called "Spud"). My positions and standing in this community brought me in contact with all classes of people, and I know that Murphy never did have any standing in this community; politically, have known him to be always in conflict with his own party, as he called himself a Republican. I was also secretary of the leading social clubs and societies in this city, and know positively that Murphy never did have any "social" standing; he was not ostracized, as no lady or gentleman would associate with him; his character and habits was enough to condemn him, and he was always considered as a crank, a dead-beat, and a tramp. I was also forage master at Fort Brown, Texas, under Maj. T. J. Eckerson, United States Army (now on the retired-list). I know and saw vegetables grown in the Fort Brown gardens cultivated by the troops stationed there for their use; they had little or no trouble to grow all they desired; in fact, they always had a superabundance of vegetables, so much so that they gave it away. The parade grounds are now and always were covered with fine grass. I have often heard officers United States Army remark that Fort Brown, Texas, was the finest post that they were ever stationed at—and no doubt it is.

BENJ. KOWALSKI.

Sworn to and subscribed before me this the 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE UNITED STATES OF AMERICA,
Western District of Texas:

Before me, Jules Lucadou, a commissioner of the circuit court of the United States for the western district of Texas, at Brownsville, personally appeared William P. Guirey, who, being duly sworn, upon oath deposes and says: I am managing editor of the Brownsville Daily Cosmopolitan and Weekly Times. I have edited and owned the Cosmopolitan since 1879. I know Charles J. Murphy well as a flannel-mouthed Irish shyster, who when here lived by his wits; never had any visible means of support or credit; a man whom I never would have trusted with a nickel I ever wanted to see again; one whom I would not believe on oath, and whose paltriest statements even in the course of ordinary conversation could not be relied on as having the flimsiest basis of truth. According to my recollection some time in 1880 the Republican party here held a convention and appointed Col. John L. Haynes, then collector of customs, among others, delegate to the State convention at Austin. As the Cosmopolitan was an independent paper they sent the proceedings around to us and we published them. Couple of days afterwards Murphy turned up at the office with the alleged proceedings of an opposition convention, signed by himself as secretary, and appointing himself as delegate to the convention. We as newspaper men had heard nothing of any such meeting; told Murphy if he wanted the proceedings published he had to pay for them. After considerable talk, for he was a terrible bore, and could talk by the hour, to get rid of him, agreed to publish it for $4. He told us to begin setting it up, that he would go and get the money. My partner at that time, Mr. H. St. Clair, told him "Not much, Mr. Murphy; if you want that to go in you have got to put up the money before one type is laid alongside of another; you have to get it here mighty quick or it won't go in today." Murphy went off, and after some time returned with the cash, and the proceedings were published. Murphy took a copy of the paper to Austin and bulldozed the convention into dividing the representation of Cameron County between Colonel Haynes and himself, much to the disgust of the local Republicans.

WM. P. GUIREY.

Sworn to and subscribed before me this the 4th day of August, A. D. 1888.
[SEAL.] JULES LUCADOU,
United States Commissioner, Western District of Texas.

THE STATE OF TEXAS, *Cameron County:*

In the district court of the twenty-fifth judicial district, in and for the county of Cameron, August term, A. D. 1878.

In the name and by the authority of the State of Texas:

The grand jurors for the aforesaid county of Cameron, in said State, duly elected, tried, impaneled, sworn, and charged to inquire in and for the body of the aforesaid county and State, on their oaths do find and present that one Charles J. Murphy, on or about the 1st day of June, 1878, in the county of Cameron and State of Texas, by then and there threatening to do a certain illegal act then and there injurious to the character, person, and property of one Teodoro Rios, that is to say by then and there threatening him, the said Teodoro Rios, with fine and imprisonment if he, the said Teodoro Rios, did not then and there pay over and deliver to him, the said Charles J. Murphy, the sum of $2.50 for the inspection of the following weights and measures, to wit: a certain of balance-scales, a certain 1-pound weight, a certain Mexican measure called and commonly known as a one-half "almud" measure; also, a certain Mexican measure called and commonly known as a one-quarter "almud," and also one certain large tin cup, the said weights and measures then and there being the property of the said Teodoro Rios and in his possession, and which weights and measures he, the said Charles J. Murphy, then and there threateningly demanded for inspection, and which he then and there inspected; he, the said Charles J. Murphy, then and there unlawfully, willfully, feloniously, and fraudulently did induce the said Teodoro Rios, so aforesaid threatened, to pay over and deliver to him, the said Charles J. Murphy, the sum of $2.25 coin money of the value of $2.20 of the current coin money of the country, the property of him, the said Teodoro Rios, with the intent then and there to appropriate to the own use and benefit of him, the said Charles J. Murphy, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State.

B. O. HICKS,
Foreman of Grand Jury.

A true copy of the original on file. I certify.
[SEAL.]
LOUIS KOWALSKI,
Clerk District Court, Cameron County, Texas.

THE STATE OF TEXAS, *Cameron County:*

In the district court of the twenty-fifth judicial district, in and for the county of Cameron, August term, A. D. 1878. In the name and by the authority of the State of Texas.

The grand jurors for the aforesaid county of Cameron, in said State, duly elected, tried, impaneled, sworn, and charged to inquire in and for the body of the aforesaid county and State, on their oaths do find and present, that one Charles J. Murphy, on or about the 1st day of June, 1878, in the county of Cameron and State of Texas, did then and there unlawfully and feloniously, falsely pretend and fraudulently represnt unto one Justo Rodriguez, that he, the said Charles J. Murphy, was then and there legally authorized to inspect weights and measures and to demand and receive therefor certain fees of inspection, whereas in truth and in fact, he, the said Charles J. Murphy, was not then and there legally authorized to inspect weights and measures nor to demand nor to receive therefor certain fees or any fees whatsoever of inspection, which fact he, the said Charles J. Murphy, then and there well knew to be true. By means of which said false pretenses and fraudulent representations, to wit, "that he, the said Charles J. Murphy, was then and there legally authorized to inspect weights and measures and to demand and receive therefor certain fees of inspection," then and there unlawfully, feloniously, fraudulently, and knowingly made to him, the said Justo Rodriguez, he, the said Charles J. Murphy, did then and there unlawfully, feloniously, fraudulently, and knowingly obtain and acquire from the said Justo Rodriguez the sum of 87½ cents coin money, of the value of 87½ cents of the current coin money of the country, as a fee for the inspection of a certain Mexican measure, called and commonly known as an "almud" measure, the said 87½ cents then and there being the property of him, the said Justo Rodriguez, with the intent then and there on the part of him, the said Charles J. Murphy, to cheat, wrong, swindle, and defraud, and with the intent to appropriate the said 87½ cents to the use and benefit of him, the said Charles J. Murphy, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State.

B. O. HICKS,
Foreman of Grand Jury.

A true copy of the original on file. I certify.
[SEAL.]
LOUIS KOWALSKI,
Clerk District Court, Cameron County, Texas.

THE STATE OF TEXAS, *Cameron County:*

In the district court of the fifteenth judicial district in and for the county of Cameron, December term, A. D. 1871.

In the name and by the authority of the State of Texas:

The grand jurors for the aforesaid county of Cameron, in said State, elected, tried, impaneled, and sworn to inquire in and for the body of the aforesaid county and State, on their oath do find and present that at the spring term, A. D. 1867, of the honorable the district court of the twelfth judicial district of the State of Texas, in and for the county of Cameron, Hon. Edward Dougherty being then and there the judge of the said court and Edward Tilghman, clerk, and Robert B. Foster, deputy clerk of the same, and on the 1st day of April of the said year 1867, one James L. Edwards, R. W. Robinson, and C. N. Thompson were in due form of law tried upon a certain indictment then and there depending against them for having on the 6th day of March, 1867, in the county aforesaid, feloniously seized, taken, and carried away two horses, the property of the United States of America; and that at the said trial, so then and there had as aforesaid, one Charles J. Murphy, clerk, late of said county, appeared as a juror upon the said trial, and was duly sworn, and took his oath before the said Hon. Edward Dougherty, judge as aforesaid, the said oath being then and there administered in open court by Robert B. Foster, deputy clerk as aforesaid, to speak the truth of, upon, and concerning his, the said Charles J. Murphy's qualifications to sit as a juror in the trial of the said felony then and there preferred against the said James L. Edwards, R. W. Robinson, and C. N. Thompson (he, the said Robert B. Foster, deputy clerk as aforesaid, having sufficient and competent power and authority to administer an oath then and there to the said Charles J. Murphy in that behalf); whereupon it then and there became a material inquiry on the trial of the said Charles J. Murphy as to his qualifications as a juror, whether he, the said Charles J. Murphy, was a qualified elector under the constitution and laws of the State of Texas and of the United States of America, and a householder in the said county of Cameron, or freeholder in the said State; and that the said Charles J. Murphy, being so sworn as aforesaid as required by law, wickedly contriving and intending to cause them, the said James L. Edwards, R. W. Robinson, and C. N. Thompson, unjustly and illegally to be convicted of the said felony, did then and there willfully and deliberately, knowingly, falsely, corruptly, and wickedly say, depose, and give in evidence before the said court, in open session thereof, and in presence of the said Hon. Edward Dougherty, judge, and Robert B. Foster, deputy clerk thereof as aforesaid, that he, the said Charles J. Murphy, was then and there a qualified elector under the constitution and laws (meaning the constitution and laws of the State of Texas and of the United States of America), and a householder in the said county of Cameron; whereas, in truth and in fact, he, the said Charles J. Murphy, was not then and there a qualified elector under the constitution and laws aforesaid, nor a householder in the said county, nor was he then and there a natural-born or naturalized citizen of the United States of America nor of the State of Texas, as he, the said Charles J. Murphy, then and there well knew; and so the jurors aforesaid, upon their oath aforesaid, do say that the said Charles J. Murphy, at the said spring term of the year 1867 of the said district court of the twelfth judicial district in and for the county of Cameron, and on the 1st day of April of the year aforesaid, before the said Hon. Edward Dougherty, judge, and Robert B. Foster, deputy clerk thereof (the said clerk, under the direction of the said judge, having then and there competent power and authority to administer the said oath to the said Charles J. Murphy), did, in manner and form aforesaid, commit deliberate, willful, and corrupt perjury, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State.

W. NEALE,
Foreman of Grand Jury.

A true copy of the original on file. I certify.
[SEAL.]
LOUIS KOWALSKI,
Clerk District Court, Cameron County, Texas.

THE STATE OF TEXAS, *County of Cameron:*

District court, A. D. 1871, fifteenth judicial district.

Be it remembered that on this 11th day of December, A. D. 1871, there was begun and holden a term of the district court in and for the county of Cameron, in the fifteenth judicial district, State of Texas, at the court-house in the city of Brownsville, said day being the first day of the term appointed by law for the holding of said court in said county, to wit, fifth Monday after the first Monday in November, as per act of the Legislature entitled "An act to amend an act entitled 'An act prescribing the time of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," approved April 17, 1871.

Present: Hon. William H. Russel, judge; F. E. Macmanus, esq., district attorney; William Scanlan, esq., sheriff; R. B. Foster, esq., clerk.

The court was opened by the sheriff by proclamation, when on Thursday, the 4th day of January, A. D. 1872, the same being a regular day of the term, among others the following proceedings were had, to wit:

1005. The State of Texas *vs.* Charles J. Murphy.

On this day the plea of the statute of limitation filed by defendant, coming on to be heard, and after argument by counsel, because the law appears to be with the defendant, it was ordered that said plea be sustained, and that this case be dismissed.

THE STATE OF TEXAS, *County of Cameron:*

I, Louis Kowalski, clerk of the district court of Cameron County, Texas, do hereby certify that the foregoing is a full, true, and correct copy of the order of court dismissing cause No. 1005, wherein "The State of Texas" is plaintiff and "Charles J. Murphy" is defendant, entered on the 4th day of January, A. D. 1872, as the same appears of record on the minutes of the said district court in Book "C," page 628.

To certify which, I hereunto set my hand and impress the seal of court at office in Brownsville this the 19th day of July, A. D. 1888.

[SEAL.]
LOUIS KOWALSKI,
Clerk District Court, Cameron County, Texas.

STATE OF TEXAS, *County of Cameron:*

In the district court of the fifteenth judicial district, in and for the county of Cameron, March term A. D. 1872.

In the name and by the authority of the State of Texas:

The grand jurors for the county of Cameron, in said State, elected, tried, impaneled and sworn to inquire in and for the body of the county of Cameron, State aforesaid, on their oaths do find and present that one Charles J. Murphy, inspector of hides and animals in and for the inspection district of Cameron County, late of said county, on the 12th day of March, A. D. 1872, at the city of Brownsville, in the county aforesaid, it being then and there the duty of the said Charles J. Murphy as such inspector of hides and animals aforesaid to faithfully examine and inspect all hides and animals known to and reported to him as sold, leaving, or going out of the county for sale or shipment, and to keep a record, in which he shall record a true and correct statement of the brands and marks of such hides and animals, and the name or names of the vender or venders and the purchaser or purchasers thereof, and to return a certified copy of the same to the clerk of the district court of the said county at the end of each month; and not to permit any unbranded hide or animal upon which the brand or mark can not be ascertained, or any hide upon which the brand has been branded after being skinned from the carcass, to be taken or shipped out of the county, did then and there, willfully, wrongfully, fraudulently, and in disregard of the duties of his said office, neglect and fail to inspect five hundred and fifty-nine salt hides then and there shipped for Brazos de Santiago, and from the said Brazos de Santiago, in the county aforesaid, reshipped out of the said county, for New Orleans, La., and that the said Charles J. Murphy did then and there willfully and fraudulently permit the said salt hides to be taken and shipped out of the county aforesaid without being then and there inspected by him, the said Charles J. Murphy, or his deputies, and that the said Charles J. Murphy did then and there willfully and fraudulently fail to keep a record containing a true and correct statement of the brands and marks of the said five hundred and fifty-nine salt beef hides, and the names of the venders and purchasers of the same, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State.

HENRY HAUPT,
Foreman of Grand Jury.

A true copy of the original on file. I certify.
[SEAL.]
LOUIS KOWALSKI,
Clerk District Court, Cameron County, Texas.

SUPPRESSION OF "TRUSTS."

Mr. CRAIN introduced a resolution, the title of which was read, as follows:

Resolution authorizing the Committee on the Judiciary to report to the House at any time a bill defining "trusts," and providing for their suppression and prevention.

Mr. CRAIN. I ask that this resolution may be referred to the Committee on the Judiciary, with authority to report at any time.

The SPEAKER. The gentleman asks unanimous consent——

Mr. DINGLEY. I make the point of order that the request for unanimous consent can not be made at this time.

The SPEAKER. The gentleman from Maine makes a point of order, and the request can not be entertained.

Mr. CRAIN. I now move the reference of the resolution to the Committee on the Judiciary, with authority to report at any time.

The SPEAKER. The motion to refer is in order; but the latter part of the motion is not in order, because it proposes a change of the rules of the House.

Mr. CRAIN. I desire to ask, by way of parliamentary inquiry, when it will be proper for me to make a motion of that character.

The SPEAKER. It is never proper except by unanimous consent, or by introducing during the call of the States a resolution which would go to the committee to be reported back. The proposition to give a committee the right to report at any time is a proposition to change the rules of the House and must take the usual course.

Mr. CRAIN. But there is no Committee on Rules to which to refer a resolution of this character. I mean, practically there is now no committee.

The SPEAKER. The Chair understands the gentleman. There is no quorum of the committee in the city. The gentleman moves to refer this resolution to the Committee on the Judiciary. If there be no objection, it will take that course.

Mr. CRAIN. I would like to know in what manner——

The SPEAKER. The Chair has stated the only manner known to the Chair by which a committee can be authorized to report at any time: First, by unanimous consent of the House; second, by introducing a resolution in the regular way, giving such authority to the committee, and having it referred, reported back, and adopted by the House. There is no other way in which a rule of the House can be changed.

Mr. CRAIN. Then I withdraw the resolution.

The SPEAKER. The resolution is withdrawn.

Mr. CRAIN. I shall ask unanimous consent, as soon as the call of States is through, to present the resolution again in a modified form.

LAS VEGAS GRANT, NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 11505) to authorize and require the Secretary of the Interior to cause a patent to issue to the town of Las Vegas for the lands known as the Las Vegas grant, situated in the county of San Miguel, Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CONTINUATION OF APPROPRIATIONS FOR SUPPORT OF GOVERNMENT.

The call of States having been concluded,

Mr. FORNEY said: I am directed by the Committee on Appropriations to report the joint resolution which I send to the desk, and ask its passage at this time.

Mr. ROGERS. Let it be read subject to objection.

The Clerk read as follows:

Joint resolution to continue the provisions of existing law providing temporarily for the expenditures of the Government.

Resolved by the Senate and House of Representatives, etc., That the provisions of joint resolutions approved June 30, 1888, July 31, 1888, September 1, 1888, and September 15, 1888, providing temporarily for the expenditures of the Government be, and the same are hereby, extended and continued in full force and effect to and including the 10th day of October, 1888.

Mr. FORNEY. I wish to say, Mr. Speaker, that the resolution of this character heretofore passed will expire to-morrow, hence it becomes necessary that this resolution should be passed to-day.

The joint resolution (H. Res. 226) was read a first and second time.

The SPEAKER. If there be no objection, the resolution will be considered in the House as in committee.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORNEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BURNES. Mr. Speaker, I desire to submit a report from a committee of conference, which I ask to have read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10540) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 106, 107, 118, 222, 223, 233, 236, 238, 239, 243, 244, 248, 254, 255, 256, and 257.

That the House recede from its disagreement to the amendment of the Senate numbered 240; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to Senate amendment numbered 119, and agree to the same with an amendment as follows: Add at the end of the matter proposed to be inserted by House amendment numbered 4 the following:

"*Provided*, That the President may, at any time in his discretion, by proclamation open any portion or all of the lands reserved by this provision to settlement under the homestead laws."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum named insert "$502,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: Add, after the word "industrial," the words "and primary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"Catalogue of the Congressional Library: To enable the Librarian of Congress to continue the work upon the catalogue of the Congressional Library, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,067,000;" and the Senate agree to the same.

Upon amendment numbered 110 the committee of conference has been unable to agree.

JAS. N. BURNES,
THOS. RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The managers on the part of the House submit the following statement:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill (H. R. 10540) making appropriations for the sundry civil expenses of the Government for the fiscal year 1889 submit the following written statement in explanation of the effect of the action agreed upon by the conference committee:

With the exception of Senate amendment numbered 110, the conference committee report the same action upon all of the amendments of the Senate that was agreed upon and submitted in the last report considered by the House touching the said amendments.

On amendment numbered 110, relating to the construction of the Congressional Library building, the committee of conference have been unable to agree.

JAS. N. BURNES,
THOS. RYAN,
Managers on the part of the House.

Mr. BURNES. I move the adoption of the report.

Mr. ADAMS. I would like to ask the gentleman from Missouri whether the amendments referred to there, on which, as he says, the report is the same as that formerly submitted to the House, were considered by the House at all, with the exception of the amendment disagreed to, namely, amendment No. 110? Was there any discussion of the others?

Mr. BURNES. I think there was no objection to any of the amendments.

Mr. ADAMS. But was there discussion—were they considered?

Mr. RYAN. In reference to some there was discussion; in reference to others there was acquiesence without discussion.

Mr. ADAMS. Let me ask in reference to the addition of the word "primary" before "industrial"—if that refers to education in Alaska?

Mr. BURNES. Yes, sir.

Mr. SAYERS. I would like to be permitted to occupy the floor for a short time, with the consent of the gentleman from Missouri.

Mr. BURNES. Certainly.

[Mr. SAYERS withholds his remarks for revision. See APPENDIX.]

Mr. PAYSON. I hope the gentleman will do it in a manner that will enable us to ask some questions. My colleague showed that it cost more to run this Government under the present Administration than under the last one, and my colleague gave the names and dates, the figures of the salaries paid; and if that is inaccurate I would be glad to have it shown.

Mr. HOLMAN. The amount of increase for pensions alone——

Mr. PAYSON. I am not talking about that.

Mr. HOLMAN. I am. The amount is nearly $38,000,000; and taking out that item, the reduction would be over $27,000,000 as between the two Administrations.

Mr. PAYSON. If the gentleman is not prepared to question the accuracy of the figures of my colleague [Mr. CANNON], he can not give me the information I desire.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The gentleman from Texas [Mr. SAYERS] desires unanimous consent to extend his remarks in the RECORD. The Chair hears no objection.

Mr. HERBERT. I will state to the gentleman from Illinois that I am prepared to question——

The SPEAKER *pro tempore*. The gentleman from Missouri, as the Chair understands, has demanded the previous question.

Mr. HERBERT. I ask the gentleman to yield me a few minutes. I understood I was recognized.

Mr. BURNES. I yield five minutes.

[Mr. HERBERT withholds his remarks for revision. See APPENDIX.]

Mr. WHEELER. Mr. Speaker, I desire to submit some remarks on the question with regard to the Congressional Library; but I understand from the gentleman in charge of this bill that there will be an

opportunity for further discussion on that subject when the bill again comes up.

Mr. BURNES. I suggest to my friend from Alabama [Mr. WHEELER] that the Library question will not be settled by the adoption of this report; and when an affirmative or definite proposition comes in, the gentleman will have an opportunity of presenting his views.

Mr. ROGERS. That question is not affected by this report in any way, as I understand.

Mr. RYAN. No; on that question there is still a disagreement.

The SPEAKER *pro tempore*. The gentleman from Missouri demands the previous question on the adoption of the conference report.

The previous question was ordered; and under the operation thereof, the report was adopted.

Mr. BURNES. I now move that the House insist on its disagreement to the amendment of the Senate numbered 110, and agree to the conference asked for.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as managers of the conference on the part of the House Mr. FORNEY, Mr. BURNES, and Mr. RYAN.

DUTY ON JUTE BAGGING.

Mr. CLEMENTS, by unanimous consent, presented the following memorial of the Farmers' Alliance, in Georgia, for the removal of the duty on jute bagging; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD:

THE BAGGING "TRUST."

JOHN H. DENT ALLIANCE, No. 440,
Cave Spring, Ga., September 1, 1888.

Whereas in the midst of the difficulties which present themselves at this season of the year, when our farmers are on the lookout for the best means of protecting the proceeds of their crops, the special trouble to find something to clothe our cotton is prominent and demands our first attention. We wish to put it upon the market in a decent condition, and are willing to pay a fair price for wrapping material; but just at this point we are met with the unreasonable price put upon bagging by trust companies. Extortion upon the farmer seems now to be systematized, and plans forming to get hold on the hard earnings of field labor the order of the day; and

Whereas systems like those having to be met with systems, it is high time the agricultural men of this country should speak and act together. We must raise an opposing force to protect ourselves. If in one step we fail, we must try another: Therefore, be it unanimously

Resolved, That we request our Representatives in Congress to use their influence to the utmost to remove the duty on imported jute bagging as early as it is possible for it to be done.

Further resolved, That in this we earnestly ask the co-operation of the County Alliance of Floyd County and all good citizens of this State.

W. D. MCCOLLUM,
JOHN H. DENT,
E. R. KING,
Committee.

PREVENTION OF YELLOW FEVER.

Mr. DINGLEY, by unanimous consent, presented the memorial of citizens of Bath, Me., asking Congress to make appropriation to relieve the yellow-fever sufferers and prevent the spread of yellow fever; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD.

The memorial is as follows:

At a meeting of the citizens of the city of Bath, Me., held September 20, 1888, the following resolutions were adopted:

"*Resolved*, That the public interests require that the Government of the United States should take prompt measures to relieve the sufferers from yellow fever in the South, and to prevent the spread of the disease.

"*Resolved*, That our Senators and Representatives be requested to favor an appropriation by Congress for the purposes indicated in the foregoing resolution."

TRUSTS.

Mr. CRAIN, by unanimous consent, presented a resolution authorizing the Committee on the Judiciary to report to the House at any time a bill defining trusts, and providing for their suppression and prevention; which was referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SAYERS. I call for the regular order.

ALFONSO ROBERTS.

Mr. PAYSON. I ask the gentleman to withdraw the request for the regular order in order that I may obtain unanimous consent to report a bill from the Committee on Public Lands and ask for its immediate consideration. It involves the title to the farm of a poor man in Colorado. The bill is recommended by the Secretary of the Interior and by the Commissioner of the General Land Office, and is unanimously reported by the Committee on Public Lands. The title to the man's farm depends upon the passage of the bill.

Mr. SAYERS. I withdraw the demand for the regular order for the present.

Mr. PAYSON. I now report back from the Committee on Public Lands the Senate bill to which I have referred (S. 3125), restoring the right of pre-emption to Alfonso Roberts, and I ask that it be put upon its passage.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That Alfonso Roberts be, and he is hereby, authorized to pre-empt the land in Colorado for which he filed a claim in 1884, on making the proofs required by the provisions of the pre-emption law.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SAYERS. I now call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for. This being Monday, the regular order is the consideration of business called up by the Committee on the District of Columbia if they claim that privilege.

ADULTERATED FOOD OR DRUGS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia, which has been reported by the committee with amendments.

Mr. ROGERS. Mr. Speaker, I make the point of order that that bill ought to be considered in Committee of the Whole, as it involves the creation of a new office and fixes a new salary.

The SPEAKER *pro tempore*. The gentleman from Arkansas makes the point that the bill called up by the gentleman from South Carolina ought to be considered in Committee of the Whole, upon the ground that it creates a new office with a new salary. The Chair will ask the gentleman from South Carolina whether he admits that the bill does create a new office and does make a charge upon the Treasury.

Mr. HEMPHILL. I am willing that the bill shall be considered in the House as in Committee of the Whole.

Mr. ROGERS. I have no objection to that. It will then be open to amendment under the rule.

The Clerk read the first section of the bill, as follows:

Be it enacted, etc., That no person within the District of Columbia shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder any article of food or drugs with any ingredient or material so as to render the article injurious to health, with the intent that the same may be sold in the said District, and no person shall sell any such article so mixed, colored, stained, or powdered. Any person violating this section shall be guilty of a misdemeanor, and for each offense be fined not exceeding $200 for the first offense, and for each subsequent offense not exceeding $300, or imprisonment not exceeding one year, or both, in the discretion of the court.

The SPEAKER *pro tempore*. The Clerk will report the amendment proposed by the committee to this section.

The Clerk read as follows:

In line 7, after the word "health," insert the words "or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance."

In line 12 strike out the word "or" and insert after the word "powdered" the words "or manufactured."

The amendments were agreed to.

Mr. HEMPHILL. Mr. Speaker, this bill was reported by the gentleman from Pennsylvania [Mr. ATKINSON], and I now yield the floor to him.

Mr. ATKINSON. The purpose of the bill, I presume, is well understood by all gentlemen who have listened to the reading of its title, and unless some one desires to propose an amendment I shall move that the bill be ordered to a third reading.

Mr. ROGERS. Mr. Speaker, I desire to consider this bill under the rules, section by section, for the purpose of amendment, and I now offer an amendment to the first section.

The amendment was read, as follows:

Insert, after the word "sell," in line 11, the words "in the District of Columbia."

Mr. ATKINSON. I wish to call the gentleman's attention to the fact that the bill is carefully limited to the District of Columbia. The very first line provides "that no person within the District of Columbia" shall do such and such things. Therefore, while there is no objection to this amendment, it is hardly necessary. The caption of the bill also limits its operation very carefully to the District of Columbia.

Mr. ROGERS. I knew that was the intention of the committee, and the purpose of my amendment was to make the limitation specific. The first section relates to the "mixing" of these articles. The second relates to the selling, and in order to place the matter beyond all controversy I think the words which I have suggested ought to be inserted.

Mr. ATKINSON. I will accept the amendment.

The Clerk read as follows:

SEC. 2. That no person shall, within the District of Columbia, except for the purpose of compounding as hereinafter described, mix, color, stain, or powder, or order, or permit any other person to mix, color, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in the said District of Columbia, and no person shall sell any such drug so mixed, colored, stained, or powdered under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

Section 4 was read, as follows:

SEC. 4. That no person shall sell any article of food or drug which is not of the nature, substance, and quality of the article demanded by any purchaser,

and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined not exceeding $50, and for each subsequent offense not exceeding $100, or imprisonment not exceeding six months, or both, in the discretion of the court: *Provided*, That an offense shall not be deemed to have been committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

Third. Where the food or drug is compounded as authorized by this act.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Mr. ROGERS. I offer the same amendment; after the word "sell," in line 4, to insert "in the District of Columbia."

Mr. ATKINSON. There is no objection to the amendment.

The amendment was adopted.

SEC. 5. That no person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser. Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars: *Provided*, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended, fraudulently, to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label, distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

Mr. ROGERS. I offer the same amendment here also; after the word "sell," in the first line, to insert the words "in the District of Columbia."

The amendment was adopted.

Mr. ROGERS. I now move to strike out the last word for the purpose of asking a question, as I do not understand the meaning of the first paragraph of this section. I would like to ask the gentleman in charge of the bill to explain what it does mean, where it provides "that no person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser."

Mr. ATKINSON. It means this: There are many articles of food that are compounded articles, especially so in the retail markets of a great city, and this provision is intended to secure the purity of such compounded articles, and that they shall be made up of the ingredients of which they purport to be made. The same is true of drugs. Many of these in common use are compounded of different ingredients, and they are represented to be this particular thing, compounded perhaps of ingredients and in proportions named in the pharmacopœia. They are official, if you please.

Mr. ROGERS. My friend does not answer the question as to the meaning of this provision in the first part of this section:

That no person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.

What does that mean? That the purchaser shall demand such and such an article, and that what he demands shall be put into the compound?

Mr. ATKINSON. No, sir; it means, as I understand it, that the article the purchaser asks for shall be in accordance with the usual requirements of the article. For instance, if he wanted some medicinal preparation known by a popular name, that the ingredients of which it is composed shall be as they are generally understood. That is all I see in this section. That these compounded articles shall be in accordance with the demand of the purchaser; that is to say, that he shall receive the article prepared in accordance with the ordinary and usual method of preparing such a compound article, and that the compound article or drug shall not be fabricated of some other ingredients or adulterated. The object is simply to secure purity in food and drugs.

Mr. ROGERS. I have heard the explanation of the gentleman from Pennsylvania, but it does not at all satisfy my mind. I really do not know what they mean by this provision. Do you mean to say that you can prohibit a man from selling his merchandise unless he puts it up in conformity to the demand of the purchaser? If it does not mean that, I do not see what it does mean.

Mr. ATKINSON. I do not so understand it. I think I can safely say to the gentleman that it can not be so construed; and certainly it can do no harm in its present form to say that any purchaser who demands a compound article shall be entitled to what he asks for, and that he shall have legal redress against a man who will sell him under such circumstances a fraudulent, adulterated, or different article.

That is all I understand there is of it. I do not see that it can do any harm to any honest vender to have this section enacted into law. The whole purpose is to secure purity, I repeat, in food and drugs, and honesty in commercial transactions relating to them.

Mr. ROGERS. I will withdraw the *pro forma* amendment, although I do not see the necessity for this provision.

Section 6 was read, as follows:

SEC. 6. That no person shall, with the intent that the same may be sold in its altered state without notice, subtract from any article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding $100.

Mr. ROGERS. I desire to amend that by inserting, after the word "shall," in the fourth line, the words "in the District of Columbia."

Mr. ATKINSON. There is no objection to the amendment.

Section 7 was read:

SEC. 7. That in any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to reply upon any exception or provision contained in this act, it shall be incumbent upon him to prove the same.

Mr. ROGERS. I take it that there is a typographical error in this section; and that the word "reply," in the third line, should be "rely."

Mr. ATKINSON. Yes, sir.

The SPEAKER *pro tempore*. Without objection, the correction will be made.

There was no objection, and it was so ordered.

Mr. WARNER. I have not paid attention to this measure so far, but would like to ask the purpose of the bill. Is its purpose to change the rule of common law as to evidence, and to make the defense different in these cases from that in others? Or is it simply declaratory of the common law? If so, it is useless, and if your purpose is to change the rule of the common law, that seems to me to be entering upon a very dangerous field. I have not looked at the provisions of the bill, but it seems, as far as I have heard it read, to be rather a strange production. I ask the gentleman in charge of it whether the purpose is to change the rule of evidence in these cases and make it different in this class of offenses from that obtaining in others?

Mr. ATKINSON. It is to this extent a change, that the defense is allowed in the bill to show absence of knowledge of fraud; that a man may show that he could not with reasonable diligence have obtained knowledge of the fraudulent character of the product he sells, and that he did not know of its fraudulent nature. That is the defense authorized by the bill; and this section, 7, provides that the defense shall be shown affirmatively. In other words, under this bill it is only necessary to show that a man has sold an adulterated or fraudulent article of food or drugs in order to convict him. That makes out a *prima facie* case, and the burden of proof is placed upon the defendant to show that he did not know the article was adulterated or fraudulent, or that with reasonable diligence he could not acquire that knowledge. It does not change the common-law rule; but we specify what shall be the defense in the bill.

I do not know that the section is very material, and perhaps the common-law rule of evidence would cover it. But this is a Senate bill, and we are making an effort now to pass it in the House precisely as it came from the Senate.

Mr. WARNER. I do not care to press the objection, but it seems to me to be a strange provision. I shall not press the objection.

Mr. ROGERS. I move to strike out the last word, in order to see if I can get some information. I would ask the gentleman from Pennsylvania to point out to me, for I have not at this time discovered, where there is any exception in the bill. There are some provisos in the fourth section.

Mr. ATKINSON. I call the attention of the gentleman from Arkansas to the third section:

That no person shall be liable to be convicted under either of the two last foregoing sections of this act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained, or powdered, as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

Mr. ROGERS. That gets at the knowledge of the party in the commission of the act, but it is not an exception. There is a technical meaning to the word "exception" and to the word "proviso." I do not see any exception that you have in the bill; therefore I do not see anything to which that section refers.

Mr. ATKINSON. The exception the gentleman refers to will be found in the fourth section.

Mr. ROGERS. Those are provisos, not exceptions.

Mr. ATKINSON. Well, probably the bill was not constructed in accordance with the strict rules the gentleman would invoke in its interpretation. But it seems to me that the words "exception" or "provision," or either of these two words, refer especially to this proviso in the fourth section.

Mr. ROGERS. That is what I mean. They use the words "exception or provision," which ought to be "proviso." If that were the case, the section would be intelligent. As it is, the word "exception" refers to nothing, and the word "provision" serves only to confuse.

Mr. ATKINSON. Well, I have not given the bill enough attention to now demonstrate whether the word "exception" is necessary or not.

Mr. WARNER. I would say without special opposition to this bill that I apprehend, as the gentleman from Pennsylvania states, that this measure has not received a very careful consideration at the hands of the committee. There is a great cry against adulterated food; and of course it is a popular matter to condemn everything of that kind. And anything in the shape of a bill that punishes people for selling or attempting to sell goods that are adulterated immediately meets with the approbation of the House. I think this measure generally is in the right direction; but I think it is following a good deal in the line of the

legislation that we had at the last House, and which I think we would not pass at this time. Instead of a bill coming in here, Mr. Speaker, confessedly not carefully considered on so important a question as this, I think it should be carefully considered by the committee. It is placing in the hands of informers or prosecutors the power to annoy business men who are attempting to conduct their business honestly. I think we ought to guard these men against what may turn out to be malicious and trifling prosecutions; and therefore measures of this kind should receive the utmost care at the hands of the committee. Every word should be weighed, to protect business; instead of which you are protecting the stomachs of some people who seem to be very fastidious upon this subject.

Mr. ATKINSON. If there has been anything said by me during the consideration of this bill that led the gentleman from Missouri to believe that it was not carefully considered in committee, I am very sorry, indeed, that such an erroneous impression should have been made upon his mind.

Mr. WARNER. I understood the gentleman to state in reply to the gentleman from Arkansas just a moment ago that this measure had not been carefully considered.

Mr. ATKINSON. That applied to the verbiage of the bill to which he took exception.

Mr. WARNER. The verbiage of the bill is what gives it its force.

Mr. ATKINSON. We did carefully consider the purposes of this bill, and we were especially cautious that no honest dealer either in food or drugs in the District of Columbia should be harmed by its provisions. We were also solicitous that no honest purchaser either of food or drugs should be duped by dishonest dealers. That is the aim and purpose of this bill, and it was carefully considered so far as the purposes of the bill were concerned. The criticism of the gentleman from Arkansas was purely a verbal one, and probably he will admit that it is at least slightly technical; but we insist that the bill is carefully and properly drawn; that it was not drawn by reason of any pressure that was brought upon us, nor because we were misled by any hue and cry against adulteration. It was reported because it was believed that it was necessary for the preservation of the health of the people of the District that some legislation should be enacted to prevent the sale of adulterated food and drugs.

Mr. ROGERS. I trust that my friend from Pennsylvania will not suppose for a moment that I am unfriendly to the object and purpose of the bill. I am not. As far as we may go wisely in the regulation of matters of this character, I am willing to go. But the observations of my friend from Missouri, who has had a good deal to do with the prosecution of crimes, are eminently pertinent at this point in this bill. I avail myself of the present opportunity to make an observation, that I want to invite the attention of the House to in connection with this provision, an observation in relation to the operation of what is known as the oleomargarine law, because the same policy and the same principles are involved in this that were involved in that law. I knew in my own State of a case of this kind.

In the State of Kansas, which produces a great deal of butter, a very excellent firm in one of the Southwestern towns were engaged in the manufacture of it, and sent an agent to my town who, by way of introducing their butter to our market, sold six packages of it to a commission man. The commission man was also a retail merchant. He used one package of the butter, and the other five packages were sold to other retail merchants in the city. After the larger portion of it had been used, the internal-revenue agent became satisfied in his own mind—and I have no hesitancy in saying that he is a man of the very highest character, a man who stands as well socially, morally, and intellectually as any man in the city—he became satisfied, I say, that this so-called butter was not really butter, but was oleomargarine. The result was the interference in the business of six different citizens for that sale, and the seizure of the butter, for it turned out to be butter.

The local chemist, the best that could be had, pronounced it oleomargarine. The matter was contested by the parties, and the agent from Kansas came down to where he had made the sale, in order that if he had committed any offense against the law he might be within the jurisdiction of the courts. Here, then, were six different prosecutions about to be set on foot. The Government declined to prosecute him. The matter was brought to the internal-revenue department here, and after a full examination by the departmental chemist, the alleged oleomargarine was proved to be pure butter.

Now, I give this illustration not by way of antagonizing this bill, because in what we propose to do here we are clearly within the Constitution. We are legislating for the District of Columbia, and in the District of Columbia we have a constitutional right to exercise all the powers which a State Legislature may properly exercise within the State; and, the power existing, the duty also exists to protect the public from anything that may prove injurious or fraudulent. But while we are bound to do that we are bound also upon the highest principles to so frame our laws that they may be administered in such a manner as not to do injustice to the citizen. A most important principle in a free government is that we shall not enact laws that will induce or permit detectives to pry into the private affairs of citizens any further than may be found absolutely necessary for the protection of society.

These principles always guide me when I come to look at any measure that is to operate on the citizen in the transaction of his private business, and they have induced me to give some consideration to this bill and to apply whatever knowledge I may have of the law to perfecting, to some extent, what I conceive to be an imperfect bill. So far as I have been enabled to examine the bill I am not prepared to say that the words to which my inquiry relates are open to any serious objection, because if there is no exception in the bill to which they can apply they are harmless. On the other hand it may be that there is an exception somewhere in the bill, and in order to ascertain that fact I have applied to the gentleman from Pennsylvania [Mr. ATKINSON] in charge of the bill. If there is any such exception, then by referring to that exception, whatever it may be, we can tell whether or not this would be a proper provision, but unless I can be pointed to some exception I take it that the words should be stricken from the bill as surplusage, and in order to raise that question I move now to strike out the words "any exception or" in lines 3 and 4.

Mr. ATKINSON. I wish to call the attention of the gentleman from Arkansas to the fact that his amendment (to which I make no special objection) may possibly deprive a defendant of a defense he might otherwise have. This language which the gentleman proposes to strike out was inserted for the benefit of the accused, not for the benefit of the prosecutor.

I wish to say further that I do not impute to the gentleman from Arkansas any hostility to this bill. It is brought here for consideration, and is subject to any fair criticism. If the gentleman is disposed to examine the bill carefully, as I observe he is doing, I certainly have no objection; and if the amendments he proposes can properly be made, I am not here to resist them. All that the Committee on the District of Columbia desire to secure by the passage of this bill is the health of the people of this District and the prevention of frauds upon them.

Mr. WARNER. Would it vitiate the bill if section 7 were struck out, leaving this matter to be governed by the rules of the common law applicable to such cases?

Mr. ROGERS. I wish to ask my friend from Pennsylvania to permit this section to be passed over, with leave to return to it. This question having been sprung upon me, I am not entirely clear in my mind as to the difference between a proviso and an exception. I am aware there is a difference; and upon that difference depends the character of the indictment. In other words, I recollect that in case either of a proviso or an exception (I am not prepared to say which) it is necessary to negative in the indictment the proviso or the exception. If this section be passed over for the present, I will endeavor to ascertain the precise distinction on that point.

Mr. ATKINSON. I have no objection at all to the gentleman's request, but I wish to call his attention to the fact that under section 7 the accused will have the right to take advantage in his defense of any exception or any proviso. For the reason suggested, there might perhaps be some difficulty in drawing an indictment under some of those sections.

Mr. WARNER. I wish to call the attention of the gentleman from Pennsylvania to the fact that section 7 does not give the defendant any power to rely upon any proviso or any exception. It simply says that if he wishes to rely on any proviso or exception he may and must plead it; but it does not say that such plea shall constitute a defense.

I submit in all candor to the gentleman from Pennsylvania that we ought not to adopt any provision undertaking to change a time-honored principle, one that has come down to us from "time whereof the memory of man runneth not to the contrary," that every man is presumed innocent of an offense until his guilt has been established. If the purpose of this bill is to shift the onus and raise a presumption of guilt which would not otherwise arise, then we are in danger of doing more harm by infringement upon the rights of the citizen than we can do good by any attempted protection in regard to the sale of adulterated food.

I entirely concur in the principle upon which this bill proceeds, that the citizen has the right to receive from the merchant or dealer that which is bargained for; and if there is sold to the customer anything else than that which he calls for, it is a fraud upon him, and ought to be punished. But I submit that section 7 does not strengthen the essential features of the bill, while it may have the effect of changing a principle of law which ought not to be departed from. Certainly we should not attempt in a bill of this kind to change a rule of law which is sanctioned by the wisdom of ages. If such change is not proposed, and the bill is designed to be simply declaratory of the common law, then certainly the provision of this section is mere waste paper. I move, therefore, to strike out section 7.

The question being taken on the motion of Mr. WARNER to strike out section 7, it was rejected—ayes 7, noes 8.

Mr. ROGERS. I ask that this section be passed over, by unanimous consent, to be recurred to hereafter.

Mr. ATKINSON. I have no objection if the gentleman desires to examine the section further.

The SPEAKER *pro tempore*. In the absence of objection, section 7 will be passed over informally.

The following sections were read:

SEC. 8. That if the defendant in any prosecution under this act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

SEC. 9. That any person who shall forge, or shall alter knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section 8 of this act, shall be guilty of a misdemeanor and be punishable, on conviction, by imprisonment for a term not exceeding one year with hard labor.

SEC. 10. That every person who shall willfully apply to any article of food or a drug a certificate or warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold shall be guilty of a misdemeanor, and on conviction be fined not to exceed $100.

SEC. 11. That the commissioners of the District of Columbia shall appoint a person, who shall be removable at the pleasure of the commissioners, possessing competent knowledge, skill, and experience, as analyst of all articles of food or drugs sold within the District of Columbia, who shall receive a salary to be fixed by the commissioners not exceeding $3,000 per annum: *Provided*, That the salary authorized by this section shall include any salary or compensation now paid to the analyst appointed by said commissioners: *And provided further*, That no person shall be appointed as such analyst who shall be engaged, directly or indirectly, in any trade or business connected with the sale of food or drugs.

Mr. ROGERS. I have been trying to prepare an amendment to this section. In order to state the purpose I am seeking, I move *pro forma* to strike out the last word.

The gentleman from Pennsylvania is of course aware of the fact that the Commissioner of Internal Revenue has as much jurisdiction over the District of Columbia and the Territories as over the several States. The amendment I desire to frame seeks to avoid the creation of a new office and the payment of a new salary by remitting the enforcement of this act to the Commissioner of Internal Revenue.

Mr. ATKINSON. That suggestion brings us to the question of the propriety or impropriety of creating a new office or new offices. I assume it as a rule that there can be no objection to the creation of a necessary office, while perhaps the burden of proving the necessity for a new office rests upon those who ask its creation.

I presume the objection of the gentleman grows out of the fact that a few days ago in this House a list was presented of the number of new offices created during the Forty-ninth and Fiftieth Congresses. But, Mr. Speaker, I am one of those who believe that if these officers were needed for the proper transaction of the public business it was entirely right and proper to create the offices and appoint men to fill them. If they were necessary offices, then they should have been created. The only force that I see in that list of officers presented by Mr. CANNON, of Illinois, in the House a few days ago is this, that it is a reply to the allegations made in the last campaign that the Republican party had increased the number of offices improperly, and that the number of office-holders was excessive. It indicates only that the management by the Republican party of the affairs of this nation was an economical and not an extravagant or imprudent management; that they did not employ unnecessary officers, and that seven hundred and ninety-nine more offices are needed to properly discharge the duties of Government now than the Republicans were authorized by law to employ.

But this amendment proposed by the gentleman from Arkansas is objectionable, because it will tend to confusion. There is no reason why the Commissioner of Internal Revenue should undertake to manage any of the affairs of the District of Columbia. His is a national office. We are now engaged in purely local legislation. The analyst to whom these cases may be referred will probably have much of his time occupied in the performance of the duties of his office. He will be called upon to testify in court in every case where a prosecution is instituted under this act; his whole time will be taken up by the duties imposed by this bill; and if so, I take it that it is little odds whether the analyst is appointed by the commissioners of the District of Columbia and paid out of the funds of the District, or whether he is appointed by the Commissioner of Internal Revenue and paid out of the funds of the General Government.

The time of an officer will be occupied in the performance of these duties anyhow, and we are sitting here now as the legislature for the District of Columbia only. If this bill passes in its present form one-half of the salary of this official will be paid out of the taxes assessed against the District of Columbia. If the amendment of the gentleman from Arkansas is adopted, the entire salary of this officer will be paid out of the moneys of the United States.

I believe that the gentleman from Arkansas should reconsider his purpose and allow this officer to be an officer of the District of Columbia and not of the National Government. The people of the District of Columbia are the only ones who are to be benefited by his services; and that being the case, the gentleman should not insist, I think, that an officer performing these duties should be paid exclusively out of the funds of the United States where the people of the District of Columbia are the beneficiaries and the sole beneficiaries of his labors. I hope that the nightmare of additional officers will not so impress itself upon his mind as to induce him to insist on the adoption of such an amendment as this.

Mr. ROGERS. Mr. Speaker, I send to the desk an amendment which I desire to offer in lieu of section 8. I withdraw the formal amendment and move to strike out the eighth section and incorporate this.

The Clerk read as follows:

Strike out section 8 and insert:

"That the enforcement of this act shall be under the control of the Commissioner of Internal Revenue, under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Mr. ROGERS. Mr. Speaker, my friend from Pennsylvania misinterprets my action and motives altogether. The speech made the other day, to which he alludes, by the gentleman from Illinois in relation to the creation of new officers and a non-reduction of the number already in existence when the present Administration took control of the Government did not have the slightest weight with or effect upon me. I am opposed in principle to the creation of new offices that are not necessary. This, in my judgment, is not necessary.

It is said that to strike out this provision of the bill will disturb the harmony of the system which has been adopted in this District, and that the duties which are assigned to this officer by the bill are confided now to the District government. Mr. Speaker, it should be remembered that the internal-revenue laws which are applied to the States apply also to the District of Columbia, and are under the control of the Commissioner of Internal Revenue to be carried into execution here just as they are in all the States and Territories. They apply here just as everywhere else; and the same in regard to the oleomargarine law, which applies not only to all of the States and Territories of the Union, but applies with equal effect to the District of Columbia, and is also under the auspices of the Department of the Interior. The Commissioner of Internal Revenue has control of the enforcement of the laws, so that instead of destroying the harmony of the system it simply places the execution of this law in strict harmony with all of the other internal-revenue laws, which apply to the tax upon whisky, beer, tobacco, and manufacture and sale of oleomargarine and other provisions of that character.

Now, it is not possible, sir, in policing the District with reference to pure food or products for the people, that it will be found necessary to have another analytical chemist. They have them now employed by the Government in the Department of Agriculture and in the Treasury. Why therefore create another position with an official salary of $3,000 a year when we have in the Departments already persons who are entirely capable of dealing with the questions presented? By all means we should not create another office when we do not need it; neither should we permit any political advantage or any political injury to another party to enter into the question which influences our action. It is a matter purely of sound policy; and the expenditure of $3,000 a year to pay for the services of another analytical chemist is certainly unwise and uncalled for when we already have officials who can perform whatever duty may be assigned them.

Now let this matter go to the Treasury Department. They are accustomed to deal with the subject. They have their rules and regulations with reference to oleomargarine, tobacco, and whisky; and we have nothing in the world to do but to extend the power and make the necessary changes to enable them also to cover food products and then you will have a perfect system under the Internal Revenue Commissioner. But if you do it this way you are creating a new bureau for the administration of the law in the District of Columbia. I insist that the amendment I have offered is in the line of economy and of good government to the District of Columbia.

Mr. ATKINSON. I am as adverse to creating new offices as the gentleman from Arkansas, and I wish to call his attention to the verbiage of his amendment if he will permit me to do so.

Mr. ROGERS. Certainly; I drew it hastily.

Mr. ATKINSON. His amendment reads that "the enforcement of this act shall be under the control of the Commissioner," etc. I ask whether the amendment does not refer to the analysis that is to be made in the enforcement of the act. I will suggest to the gentleman that instead of the word "enforcement" he should say that the analysis provided for or analyses provided by this act shall be under the control of the Commissioner of Internal Revenue.

Mr ROGERS. My friend is correct in his suggestion. I accept the modification of the amendment.

The Clerk read the amendment as modified, as follows:

That the analyses provided for under this act shall be under the control of the Commissioner of Internal Revenue under such rules and regulations as may be prescribed by the Secretary of the Treasury.

The amendment as modified was agreed to.

Mr. ROGERS. I moved awhile ago to strike out section 8. It should have been section 11.

The SPEAKER *pro tempore*. That will be done.

The Clerk read as follows:

SEC. 12. That any purchaser of an article of food or of a drug in the said District shall be entitled to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis, and any health officer, inspector of nuisances, or any food inspector may procure any sample of food or drug, and if he suspects the same to have been sold to him contrary to any provision of this act, he shall submit the same to be analyzed by the analyst of the said District, and such analyst shall, with all convenient speed,

analyze the same and give a certificate to such officer, wherein he shall specify the result of the analysis.

Mr. ROGERS. My attention was called away for a moment and I notice in line 9 of section 12 that a change should be made so as to make it conform to the other section.

Mr. ATKINSON. It should conform to your amendment and should be changed.

Mr. ROGERS. If the gentleman will give me a moment I shall try and offer an amendment so as to make it conform to the previous amendment.

Mr. ATKINSON. I should suggest in line 8 to strike out the words "by the analyst of said District;" so that it will read:

He shall submit the same to be analyzed by the Internal Revenue Department.

Mr. ROGERS. Very well; that will be sufficient. I move to insert, in line 8, the following: "to the Commissioner of Internal Revenue to be analyzed;" so that it will read as follows:

And if he suspects the same to have been sold to him contrary to any provision of this act he shall submit the same to the Commissioner of Internal Revenue to be analyzed.

And then strike out, after the word "analyzed," in line 8, beginning with the word "by," down to and including "with," in line 9, and insert, in lieu thereof, before the word "all," the words "who shall with."

Mr. ATKINSON. I have no objection to the amendment. An additional amendment, I take it, should be introduced in line 10. I ask the gentleman if he has prepared an amendment for that line?

Mr. ROGERS. I move to strike out "analyze," in line 10, and insert "any such analysis."

Mr. ATKINSON. You would also strike out the words "the same," and insert the words "cause such analysis to be made."

The amendment was agreed to.

The Clerk read as follows:

SEC. 13. That if any officer mentioned in section 12 of this act shall apply to purchase any article of food or any drug exposed to sale or on sale by retail on any premises or in any shop or store, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such person shall be guilty of a misdemeanor and fined for such offense not exceeding $50.

SEC. 14. That the term "food," as used in this act, shall include every article used for food or drink by man other than drugs and water. The term "drug," as used in this act, shall include all medicines for internal or external use.

SEC. 15. That nothing in this act shall be construed as modifying or repealing the provisions of chapter 840 of the acts of the first session of the Forty-ninth Congress, entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 6, 1886.

SEC. 16. That the analyst appointed under the provisions of this act may, with the approval of the commissioners of the District, from time to time declare certain articles or preparations to be exempt from the provisions of this act; and it shall be the duty of the commissioners of the District to prepare and publish from time to time a list of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with this section.

Mr. ROGERS. I desire to amend that section; but it will take me a moment to prepare the amendment. I move to strike out all after the word "that" in line 1, section 16, down to and including the word "District" in line 3; and to insert in lieu thereof the words "the Commissioner of Internal Revenue may from time to time," etc.; so that it will read:

SEC. 16. That the Commissioner of Internal Revenue may from time to time declare certain articles and preparations to be exempt from the provisions of this act, etc.

The amendment was agreed to.

Mr. ROGERS. I think there should be an amendment on the following page, in line 4, after the word "act."

Mr. ATKINSON. I think it is complete now. You substitute the commissioners for the analyst.

Mr. ROGERS. I was simply going to propose to require the Commissioner of Internal Revenue to notify officially the District commissioners of a list of such articles, and let them publish the list if they desired.

Mr. ATKINSON. The act contemplates that there shall be joint action by the analyst and the commissioners. Now, as it is amended it will require joint action by the Commissioner of Internal Revenue and the commissioners of the District, and I see no impropriety in leaving it just as it is, so that they may consult together, if they please, without having a mandate go down from the Commissioner of Internal Revenue to the District commissioners.

Mr. ROGERS. I was about to propose a provision requiring the Commissioner of Internal Revenue to notify the District commissioners of his action with reference to any such article or articles, so that they might do as they pleased about it; but I will not press the proposition.

Mr. ATKINSON. I have no objection to it.

Mr. ROGERS. I will not offer it.

The SPEAKER *pro tempore*. The Chair understood that the gentleman from Arkansas [Mr. ROGERS] proposed to return to section 7.

Mr. ROGERS. Yes, sir.

Mr. ATKINSON. That section, I believe, was stricken out by the action of the House.

Mr. ROGERS. It was not, but it should have been. I really think the whole section ought to go out; but if it does not go out of course it ought to be amended.

Mr. ATKINSON. The only question is whether it is declaratory of the common law or whether it establishes some new rule of evidence. I do not believe that it establishes any new rule. It imposes upon the defendant the obligation of proving an affirmative; that is, his want of knowledge. I do not believe it should be stricken out. It seems to be in harmony with the other provisions of the bill. It has met the approval of the Senate of the United States as well as of the Committee on the District of Columbia, and I think it ought to stand.

Mr. ROGERS. There is no such thing in this entire act as an exception. There are several provisos, and evidently section 7 relates to the provisos in section 4, or else it does not relate to anything. Now, I call the attention of my friend from Pennsylvania to that which was not exactly clear in my mind when I was upon this point before. I read from Dwarris on Statutes:

An exception in the statute must be negatived in pleading, but a proviso need not.

Now, I take it that if the gentleman desires to make this section of the bill effective at all, he should strike out in the fourth section the words "any exception or," and then should convert the word "provision" into the word "proviso."

Mr. ATKINSON. I prefer striking out the word "exception" in the seventh section. If the language is deemed objectionable, or if it is likely to lead to confusion in pleading, or if it imposes a duty on the prosecuting officer which should not be imposed upon him, then I propose to strike out "any exception or" in the third line of section 7. I will make that motion, if that is satisfactory to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. It is, except that my own judgment is that the word "provision" should be changed to "proviso," because "proviso" has a technical meaning. That amendment will perfect the section. Whether the section is a wise one or not, I am not prepared to say at this time.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ATKINSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSOCIATION FOR WORKS OF MERCY.

Mr. HEMPHILL. I desire to call up the bill (S. 3168) regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes. I yield the floor to my colleague on the committee, the gentleman from Vermont [Mr. GROUT].

The bill was read, as follows:

Be it enacted, etc., That the Association for Works of Mercy, a charitable corporation in the District of Columbia, is hereby authorized and empowered to receive and have the custody and control of, and to suitably maintain, teach, employ, and discipline girls under the age of eighteen years, resident in the District of Columbia, until they attain the age of eighteen years. The right to the custody and control of any such girl shall be obtained in the manner following:

First. By a written instrument executed by the father of such girl, giving such custody and control to said association and renouncing parental rights.

Second. If the father be not living, or is unknown, or not resident in the District of Columbia, by a written instrument executed by the mother of such girl, giving such custody and control to said association and renouncing parental rights.

Third. By a written instrument executed by the guardian of the person of such girl, giving such custody and control to said association and renouncing the rights of guardianship.

Fourth. If there be no father or mother or guardian of such girl living or known, resident in the District of Columbia, by an instrument in writing execute by such girl, surrendering herself to the custody, control, and maintenance of said association.

Fifth. No such instrument shall be effectual in law until it shall be approved by the judge of the orphans' court of the District of Columbia by an indorsement of such approval thereon signed by such judge.

SEC. 2. That when any girl under the age of eighteen years shall be duly convicted of any offense punishable by fine or imprisonment for a term less than two years before any court in the District of Columbia, if shall appear to the satisfaction of the court that such girl is a suitable subject for the custody of said association, the court may, instead of imposing such fine or imprisonment, and with the assent of said association, cause such girl to be committed to the custody and control of said association, there to remain until she shall attain the age of eighteen years, or be otherwise discharged in due course of law.

SEC. 3. That a girl, duly received into the institution of the said association, shall be kept there, disciplined, instructed, employed, and governed under the direction of said association until she is either reformed and discharged or has attained the age of eighteen years; but the association shall have the right to discharge and return to the parents, guardian, or protector, any girl who, in its judgment, ought, for any cause, to be removed from the institution, and in such case the association shall enter upon its minutes the reasons for her discharge; and in case such girl was received under the order of any criminal court, a copy of the minute of such reasons shall be forthwith transmitted to the court under whose order she was received.

SEC. 4. That the orphans' court of the District of Columbia shall have power to appoint the said association the guardian of the person of any girl under the age of eighteen years, in the same manner and with the same effect that it now has power to appoint guardians of the person of female infants. And such guardianship shall continue until such girl shall attain the age of eighteen years, unless the orphans' court shall discharge the same or otherwise direct.

Mr. GROUT. Mr. Speaker, this, as will be seen, is a Senate bill; and it has come to the House at so late a day that the Committee on

the District of Columbia, to which it was referred, has not, for want of a quorum, been able to report it back. At one meeting of the committee the bill was under consideration, was quite fully examined, and no opposition whatever was developed; on the contrary, it met the warm approval of those members who were present. It was not disposed of simply because no quorum was present; there was no other reason.

In view of these facts, and of the manifest good purpose of the bill, I have been authorized by all the members of the committee who are present this morning (and their number is only one short of a quorum) to ask that the committee be discharged from the further consideration of the bill, and that it be put on its passage at this time without a formal report.

The SPEAKER *pro tempore*. Unanimous consent is asked that the Committee on the District of Columbia be discharged from the further consideration of this bill, and that it be now considered in the House. [A pause.] The Chair hears no objection, and it is so ordered.

The House proceeded to the consideration of the bill.

The SPEAKER *pro tempore*. The Chair desires to call the attention of the gentleman from Vermont to two clerical errors in the bill.

Mr. GROUT (having examined the bill). I move to amend the bill by changing "execute," in line 24 of section 1, to "executed;" and also by inserting "it" after the word "if" in line 4 of section 2. These verbal amendments are obviously necessary.

The SPEAKER *pro tempore*. In the absence of objection, the amendments will be agreed to.

The bill as amended was ordered to a third reading.

Mr. TRACEY. I would like to hear the bill read; I have not yet heard it.

The SPEAKER *pro tempore*. The bill will be again read. Any member has the right upon the third reading of the bill to demand that it be read in full.

The bill was again read.

Mr. TRACEY. I would like to know whether any protest from citizens of the District against the passage of this bill has been received.

Mr. GROUT. None whatever, so far as I am aware. The committee has certainly heard of none.

The bill was passed.

Mr. GROUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GIRLS' REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 10873) making an appropriation for the Girls' Reform School of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of the Girls' Reform School of the District of Columbia, a corporation incorporated by act of Congress of.

The amendment reported by the committee was read, as follows:

At the end of the bill add "July 9, 1888."

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from South Carolina to the fact that this bill is in Committee of the Whole.

Mr. HEMPHILL. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

There being no objection, it was ordered accordingly.

The amendment reported by the Committee on the District of Columbia was agreed to.

Mr. HEMPHILL. I offer the following additional amendment:

Add to the bill the following:
"One-half of said sum to be paid from the United States Treasury and the other half from the revenues of the District."

Mr. HOLMAN. I was just going to ask why such a provision had not been inserted.

The amendment was agreed to.

Mr. BURNES. I desire to ask why this appropriation did not take the usual course, why it was not incorporated in the bill making appropriations for the expenses of the District of Columbia?

Mr. HEMPHILL. The bill establishing this institution was passed by the House without any appropriation, the expectation being that the Committee on Appropriations, in presenting their bill for expenses of the District, would include an appropriation for this institution. But the measure did not get through in time to have the appropriation put on that bill, and this is the only way in which an appropriation can now be made for it.

Mr. BURNES. It is very difficult for us to determine, when the matter is presented in this way, whether the amount proposed to be appropriated is in harmony with the contributions which are made by the Government to other eleemosynary institutions of the city. It may be that the amount is not too large and that it is not too small. I suppose the gentleman has investigated the matter and can make a comparison between this appropriation and appropriations for similar institutions.

Mr. HEMPHILL. Mr. Speaker, I am not informed as to that. There is a reform school for boys in this District, but there was no place to which girls could be sent, nor could they in any other way be managed except as out-and-out convicts in penitentiaries and jails. The bill passed by the House undertook to institute a reform school for girls. This is simply to make an appropriation to acquire property and start the institution. It is impossible for the Committee on the District of Columbia to go into any comparative statement as between this appropriation and the appropriations heretofore made for eleemosynary institutions, because this is the first appropriation for this institution. The object is, first, to acquire property and start the institution. It puts it on a different basis from the institutions already in existence.

I would say, Mr. Speaker, that this amount is approved by the commissioners as a reasonable and fair appropriation for this purpose.

Mr. McCOMAS. I wish to say to the gentleman from South Carolina in charge of the bill I have made sufficient investigation of this subject to know the need of such an institution in the District of Columbia. Judges of courts, where females have been held for minor offenses, have sentenced them to jail, where they may be much injured and not reformed. But this bill does not designate whether this appropriation is for the purchase of a site or for a building or for outfitting the institution. From the language used it is impossible to tell. The act of incorporation is some sanction on the part of Congress, but it seems to me the appropriation should be for a site or building, and we should use some other language than the general phrase "for the benefit of."

Mr. HEMPHILL. Yes.

Mr. McCOMAS. Instead of "for the benefit of," it should be for the site or the building or both, or as a contribution to carry out the purpose intended, as it is a bad policy in these charities to give money indefinitely. Not that I am not in favor of this institution, because my investigation as one of the members of the Committee on Appropriations has satisfied me there is necessity for the establishment of such an institution. But the language "for the benefit of" is too vague. There is no supervisory power. It should be for site and building, and the private charities in the District ought to fit up the building. When these ladies say this institution is so much needed they will surely try to keep up the institution after the site has been purchased and the building erected. I ask the gentleman to accept the amendment, instead of "for the benefit of," to insert "for site and building."

Mr. HEMPHILL. Yes, sir; I think that is not out of the way.

Mr. McCOMAS. Then I move the amendment.

Mr. HEMPHILL. I move to strike out "for the benefit of," in the fifth line, and insert "for the purchase of a suitable site and for a building for the Girls' Reform School of the District of Columbia."

The amendment was read.

Mr. HEMPHILL. I will put the amendment in a different way. I move this as an additional section.

The Clerk read as follows:

SEC. 2. That the sum herein appropriated shall be used for the purchase of a site and for the erection of a suitable building for the Girls' Reform School in the District of Columbia.

The amendment was agreed to.

Mr. HEMPHILL. I think the amendment, Mr. Speaker, ought to have been worded in this way: "That the sum appropriated, or so much thereof as may be necessary," so that if there be any money over after erecting the building it should go to the support of the institution. I ask unanimous consent to insert those words. For instance, if they can purchase a site and put up the building for $25,000, they should be allowed to use the balance to run the institution.

Mr. McCOMAS. I think the amendment is right as it was adopted, and that the appropriation should go for the site and building. It will be bad policy to come every year to the Committee on Appropriations. I would not add those words. It seems to me it would spoil the purpose of the bill. As it requires unanimous consent, I think I will object.

Mr. HEARD. I suggest this whole amount should not be expended unless it is necessary.

Mr. McCOMAS. But the gentleman will bear in mind that this is September, and Congress again meets in December, if it ever adjourns.

Mr. HEARD. But the position the gentleman takes would necessitate the expenditure of the whole amount of this money.

Mr. McCOMAS. Oh, no; only such as is necessary for the building and site.

Mr. HEARD. That is just what the gentleman from South Carolina proposes; and any other provision, such as that suggested by the gentleman from Maryland, would cover any unexpended balance back into the Treasury and not make it available, as he suggests.

Mr. HEMPHILL. I ask the insertion of the words "or so much thereof as may be necessary."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEMPHILL. Mr. Speaker, the Committee on the District of Columbia will not further claim this day.

LIFE-SAVING STATION, ATLANTIC COAST.

Mr. TARSNEY. I desire to submit a privileged report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

T. H. B. BROWNE,
T. E. TARSNEY,
Managers on the part of the House.

JOHN P. JONES,
WILLIAM P. FRYE,
Managers on the part of the Senate.

The managers on the part of the House submit the following statement:

The House of Representatives passed on July 17 Senate bill 1856, "An act to establish a life-saving station on the Atlantic coast, between Indian River Inlet, Delaware, and Ocean City, Md.," amending it so as to limit the cost of the station to $5,000.

The Senate disagreed to this amendment and requested a conference, during which the House conferees agreed to recede from their amendment, as it was shown to them that the station might not be completed within the limit fixed by the House amendment, but at any event could cost but little more than $5,000.

T. E. TARSNEY,
T. H. B. BROWNE,
Managers on the part of the House.

Mr. TARSNEY. I will state that this is a Senate bill passed by the House with an amendment limiting the cost of the structure to $5,000. It was made to appear to the House conferees that because of peculiar circumstances surrounding this structure it might possibly cost a little more than that sum. The average cost of the life-saving stations is about $4,500 each, and the opinion of the House conferees is that this will not cost much if any more than $5,000.

The report of the conference committee was adopted.

Mr. TARSNEY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TARSNEY. I submit another privileged report.

Mr. KILGORE. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Texas moves that the House do now adjourn.

Mr. TARSNEY. I hope the gentleman will withdraw that for a moment.

Mr. KILGORE. Is that a privileged report? If so I withdraw the demand.

ESTABLISHMENT OF LIFE-SAVING STATIONS.

Mr. TARSNEY. I submit a privileged report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Add, at the end of said amendment the following:

"One at or near Walles Sands, New Hampshire; one at or near Plum Island, Massachusetts; one at or near Lynnhaven Inlet, Virginia; two between Ocracoke Inlet and Cape Lookout, North Carolina, at such point as the General Superintendent of the Life-Saving Service may recommend; one at or near Ashtabula, Ohio; one at or near Marquette, Mich.; one between the Ocean House, south of the entrance of the harbor of San Francisco, and Point St. Peter, California, at such point as the General Superintendent of the Life-Saving Service may recommend."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

T. E. TARSNEY,
T. H. B. BROWNE,
Managers on the part of the House.

THOMAS W. PALMER,
JOSEPH N. DOLPH,
Managers on the part of the Senate.

The managers on the part of the House submitted the following statement; which, on motion of Mr. TARSNEY, was ordered to be printed in the RECORD, without being read:

STATEMENT OF THE HOUSE CONFEREES.

H. R. 1923, "A bill providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.," was passed by the House on May 9, 1888.

When the bill was considered by the Senate it was amended by adding other life-saving stations in various parts of the country to the one proposed.

Amendment numbered 1 provided for several life-saving stations in Oregon, which were contained in House bill 8151, "A bill for the establishment of life-saving stations," reported favorably by the House committee, and recommended by the General Superintendent of the Life-Saving Service. Your committee therefore see no objection to agreeing to this amendment, and have added to it the other life-saving stations, the establishment of which was contemplated by House bill 8151. The Senate conferees agreed to this amendment.

Your committee disagreed to amendment numbered 2 of the Senate, as the provisions of that amendment are contained in a separate bill, Senate 1856, which provides for the establishment of a life-saving station on the Atlantic coast.

Your committee agreed to the amendment of the Senate numbered 3, as that amendment merely changes the title of the bill so as to make it conform to its new provisions.

All the life-saving stations provided for in the bill as amended and agreed upon by the conferees were recommended favorably by the Superintendent of the Life-Saving Service, and by the House Committee on Commerce.

T. E. TARSNEY,
TH. H. B. BROWNE,
Managers on the part of the House.

The conference report was adopted.

Mr. TARSNEY moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. W. JACOBS.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to discharge the Committee on Claims from the further consideration of the bill (H. R. 10895) for the relief of J. W. Jacobs, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. W. Jacobs, of Sigourney, Iowa, late sheriff of Keokuk County, Iowa, the sum of $341.55, in full payment for his services, fees, and moneys expended by him in the apprehension of certain persons concerned in the burglary of the post-office at Webster, Iowa, in the year 1882; and to enable the Secretary to comply with the provisions of this act the said sum of $341.55 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. TURNER, of Georgia. Let me ask the gentleman from Iowa if the case made out by that bill is not covered by the general law?

Mr. WEAVER. No, sir.

Mr. TURNER, of Georgia. Will the gentleman explain the bill?

Mr. WEAVER. The bill is of this nature. The post-office at this place was burglarized and Jacobs was appointed by the Federal court, or rather by the marshal, to make the apprehension. He arrested the thieves, and what was done with them is all certified to by Judge Love, and the accounts have been passed upon and sent to the House by the Secretary of the Treasury. They have passed the scrutiny of the First Comptroller.

Mr. CULBERSON. Let us have the report read.

Mr. WEAVER. There is no report. These are the facts and it has all been approved by the Federal judge and by the First Comptroller. This is to allow compensation for the apprehension of the thieves.

Mr. HOLMAN. What is the amount?

Mr. WEAVER. Three hundred and forty-one dollars and odd cents.

Mr. TURNER, of Georgia. I would like to have the opinion of the chairman of the Committee on the Judiciary as to the propriety of this action.

Mr. CULBERSON. I do not understand the purpose of this bill.

Mr. WEAVER. Does not the gentleman from Texas understand the provisions of this bill?

Mr. CULBERSON. That is the very reason I asked for the reading of the report.

Mr. WEAVER. There is no report. I have asked that the committee be discharged from the consideration of this bill, and that it be considered at this time. The post-office at Webster, county of Keokuk, Iowa, was entered by some thieves and money and other property in the post-office stolen. J. W. Jacobs was at that time sheriff of Keokuk County. He arrested the thieves, brought them before the Federal court, where they were tried, convicted, and sentenced to the penitentiary.

Mr. EZRA B. TAYLOR. Has any committee reported this bill?

Mr. WEAVER. No; no committee has reported it, but the Secretary of the Treasury has certified to the correctness of the bill, and also the Federal district judge who tried the criminals.

Mr. EZRA B. TAYLOR. As I do not recognize the Secretary of the Treasury as a part of the legislative department, I object.

ORDER OF BUSINESS.

Mr. TURNER, of Georgia, and Mr. KILGORE. I move that the House do now adjourn.

Mr. McCOMAS. I ask the gentleman to withdraw that motion until I can offer a resolution for reference. [Cries of "Regular order!"]

The question was put on the motion to adjourn, and the Speaker *pro tempore* announced that the "ayes" seemed to have it.

Mr. HOLMAN. Division.

The House again divided; and there were—ayes 19, noes 28.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The regular order is demanded, and unless it is withdrawn——

Mr. McCOMAS. Can I ask unanimous consent to offer a resolution at this time?

The SPEAKER *pro tempore*. Not when the regular order is demanded.

Mr. BROWNE, of Indiana. I have risen for the purpose of asking a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWNE, of Indiana. I rose for the purpose of suggesting that the vote disclosed the absence of a quorum.

The SPEAKER *pro tempore*. A quorum is not required on a motion to adjourn.

Mr. BROWNE, of Indiana. I desire to call the attention of the Chair to the fact that a former Speaker held, on a motion to adjourn, that when it was disclosed that there was an absence of a quorum it was the duty of the House to order a call of the House.

The SPEAKER *pro tempore*. It is not necessary that there shall be a quorum on a motion to adjourn.

Mr. HOLMAN. Mr. Speaker, I rise to make a privileged report.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] states that he rises to a privileged report.

Mr. HOLMAN. I withdraw it in order that the gentleman from Maryland may introduce his resolution.

Mr. MCCOMAS. I want to have it referred; that is all.

The SPEAKER *pro tempore*. The Chair has not recognized the gentleman for that purpose. If the gentleman from Indiana [Mr. HOLMAN] withdraws his privileged report, the Chair will then recognize the gentleman from Illinois [Mr. HITT], who has desired to be recognized.

EXTENSION OF LAND LAWS.

Mr. HOLMAN. I am instructed by the Committee on Public Lands to report back to the House the bill S. 1080, being a bill to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

I will state, Mr. Speaker, that while this bill contemplates an extension of the laws of the United States over the "Public Land Strip" and the organization of that Public Land Strip into a land district so as to permit a survey of the land of that Public Strip, and to enable the homesteaders there to make entry upon their lands and extending the laws of the United States over it, this matter as to the entry of the lands by the settler is of so much importance that I have felt authorized to say that if the bill were taken up and considered at the present time and modified so that it would simply provide for the organization of a land district in the Land Strip, so that the ten or fifteen thousand people there on those lands might obtain the right to make their entries and secure their homes, I would waive the other provisions of the bill. The people are appealing to Congress, as all gentlemen know, for at least this relief, and I hope this at least will be done, so that they may be enabled to secure their homes. I therefore ask that the bill be considered. If any gentleman desires to so amend the bill as to confine it to the purpose which I have suggested, I will, so far as I am concerned, acquiesce in such an amendment.

The SPEAKER *pro tempore*. The gentleman has not sent up his report.

Mr. WEAVER. I desire to be heard.

Mr. HOLMAN. I will yield to the gentleman for a moment.

Mr. WEAVER. I want to say this in reply. It is useless for the gentleman to press that bill, because it will require a quorum to pass it. This is really a rival project to the Oklahoma bill.

Mr. HOLMAN. This is purely a temporary measure, except so far as it enables these people to secure their homes under the homestead law.

Mr. WEAVER. I know what it is. It is temporary, but it is a rival project to the Oklahoma bill, and it is designed to disembowel the Oklahoma proposition. It is a measure which is far-reaching in its consequences and which has been denounced at a recent meeting by the people now inhabiting that territory, who declare in favor of the Oklahoma bill and in opposition to this. They do not want any such measure as this. I am in communication with them, and I give the gentleman notice now that it will require a quorum to pass this bill.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I am for the Oklahoma bill, but I do not see why we should be obliged to wait until we have a quorum in the House in order to consider legislation, because I do not suppose there will be a quorum here again during the remainder of this session. At all events, Mr. Speaker, we are not in any hurry to get away. [Laughter.] The weather has been very pleasant here. I have never spent a pleasanter summer in Washington than this one, and I rather like it. [Laughter.]

A MEMBER. You have been at home a good deal of the time.

Mr. O'NEILL, of Pennsylvania. Well, I have been home occasionally at the end of the week, but it is so pleasant here that I think the session might as well be prolonged. Of course I do not expect that we shall have a quorum again this session, but those men who are away are losing a great deal of fine weather. [Laughter.]

Mr. WARNER. We tried to act upon the gentleman's plan with reference to the Oklahoma bill, but those who were in favor of this measure called a quorum on that. If we could have passed that bill it would have given the people all the relief that this proposes, and much more.

Mr. O'NEILL, of Pennsylvania. Well, I do not believe in calling a quorum. I believe the fewer of us there are here the better progress we can make in business, because there are fewer objections. [Laughter.]

Mr. HOLMAN. I desire to say a word in reply to the gentleman from Missouri. I think it is a duty which Congress owes to the settlers on the Public Land Strip, to our own people who have gone there and settled, to give them some kind of temporary government. I think they are entitled to it. I never contemplated this measure as one in antagonism to the bill for the organization of the Territory of Oklahoma. My friend misapprehends me if he thinks I am opposed to that measure, although with proper safeguards I desired to amend it in several respects. I am in favor of the homestead principle being applied as strictly as possible to all lands that may come under Government control.

Mr. WARNER. Will the gentleman yield for a question?

Mr. HOLMAN. I think I first brought this subject, acquiring the western half of the Indian Territory, before the House in a report which I made as chairman of a committee appointed to inquire into Indian matters. In that report it was suggested that a Territory should be organized out of that western section, and I favor that policy; and because gentlemen desired to offer amendments to the Oklahoma bill, that fact does not justify the suggesting that they were trying to antagonize that bill with another. Now, if concessions can not be made for the sake of allowing these people to have some kind of government to protect them and punish the robberies and murders that have become so common in that region—if we can not give them that, let us at least permit them to secure their homes; and I trust my friend from Missouri will see the obligation which rests upon Congress to protect our own people there, and to legislate for them to that extent at least. Give these people, these pioneers, this measure of relief; it will not interfere with Oklahoma.

Mr. WARNER. Mr. Speaker, I did as sincerely hope that the gentleman from Indiana would have seen the justice of the Oklahoma bill, or of some measure of that kind, rather than have joined in the obstructions that were thrown in the way of the passage of that bill.

Mr. HOLMAN. On the contrary, if my friend will permit me, I have never cast a single obstructive vote in connection with that measure, as the public record will show, although I have strenuously insisted on amending the bill.

Mr. WARNER. I think the public record may so show. I remember distinctly that the last time I was upon the floor when the Oklahoma bill was the matter under consideration, and a motion was made to adjourn, the gentleman from Indiana [Mr. HOLMAN] voted for the adjournment and came to where the tellers, the gentleman from Illinois and myself, were standing. The motion to adjourn was carried by a *viva voce* vote, and I called the attention of the gentleman from Indiana at the time to the fact that he had voted for it. The yeas and nays were demanded, and it is true that the gentleman does not appear in the RECORD as voting for the adjournment, because on the call for the yeas and nays he voted against it. Therefore the gentleman can safely appeal to the RECORD.

Mr. HOLMAN. I simply differ with my friend as to the statement of fact.

Mr. WARNER. The gentleman from Illinois was present; it was a public matter on the floor.

Mr. HOLMAN. The gentleman will pardon me; that is purely a personal matter; this is a great public measure——

Mr. WARNER. The gentleman will excuse me. I was simply responding to his appeal to the record. Mr. Speaker, new legislators—those who are just getting their wings as statesmen—do not fully understand how to make up a record.

Mr. HOLMAN. I think you have made a very good one. [Laughter and applause.]

Mr. WARNER. I hope so. As I was saying, new members on this floor are foolish enough——

Mr. HOLMAN rose.

Mr. WARNER. The gentleman will pardon me, as I have the floor. New members are foolish enough to vote the same way when their names are called and the votes go into the RECORD, as when they simply stand up and are counted by the Speaker——

Mr. HOLMAN again rose.

Mr. WARNER. The gentleman must excuse me. I hope he will not be uneasy. I said then publicly to the gentleman, as I say now, that gentlemen who were fighting the Oklahoma measure, while pretending to be the friends of that bill—men who were slaying it in the house apparently of its friends—would, before election day, repent and see the error of their ways. I think the gentleman from Indiana is now upon the stool of repentance.

Mr. HOLMAN. When was that lecture delivered?

Mr. WARNER. It was delivered publicly here; and I repeat it now, for fear the gentleman may have forgotten it.

Mr. HOLMAN. I have not heard the lecture before.

Mr. WARNER. The gentleman is very solicitous about the poor people upon the Public Land Strip——

Mr. HOLMAN. Have I not been pressing that bill all the time?

Mr. WARNER. The gentleman must excuse me, and permit me to have my say. We have tried in season, and, as the gentleman has thought, out of season, to give relief to the people residing upon this strip. The bill as finally offered extended the Territorial government

only over the Public Land Strip. The first ground on which gentlemen objected to the Oklahoma bill was that the proposed Territorial government extended over a portion of the Indian Territory; they avowed this as the reason of their opposition. When we said, "We will modify the measure so that the Territorial government shall extend only over the Public Land Strip," they then raised the cry, "We must extend this Territorial government further." The bill was opposed in every way—by the call of no quorum, and by amendments.

The gentleman from Indiana, as I remember, delivered a lecture here—a very admirable speech—upon the subject of the homestead. He urged that the safety of our Government rests not upon our fortifications, not upon our ships on the high seas, but upon the shoulders of the individual landholders of the country. "From scenes like this," he said, "our grandeur must spring." When we heard that lecture on the beauty of the homestead law we almost thought, "Here is the veritable author of the Cotter's Saturday night." The gentleman advocated a proposition, involving as the gentleman from Illinois [Mr. PAYSON], I believe, said, merely a bagatelle—a matter of no consideration at all. But he was willing to put that into the Oklahoma bill; and I submit to the friends of that measure throughout the country whether he was not seeking to kill the bill by his kindness?

Mr. HOLMAN. The gentleman has no right to say that.

Mr. WARNER. I do not assert it; I simply submit the question.

Mr. HOLMAN. The gentleman has no right to say it, because——

Mr. WARNER. I have a right to submit the question to the country whether such was the case. I do not charge the gentleman with that; I certainly would not do so——

Mr. HOLMAN. No, because——

Mr. WARNER. I simply submit the question to the country.

Mr. HOLMAN. That speech of mine was in harmony with my whole record ever since I have been in public life.

Mr. WARNER. No doubt it was in harmony with the gentleman's record; but I have a right to submit to the country the question as to the gentleman's purpose in the proposition he advocated.

Mr. HOLMAN. Is the gentleman opposed to this bill?

Mr. WARNER. Certainly I am at this time.

Mr. WEAVER. So am I.

Mr. WARNER. In opposing the bill, I do not act under cover. I say to the gentleman that this bill can not be passed at this session by the enemies of Oklahoma. I do not fight under cover in this matter.

Mr. HOLMAN. All I have to say, as it is very manifest there is no quorum——

Mr. WARNER. The gentleman will pardon me.

Mr. HOLMAN. My friend has spoken very well——

Mr. WARNER. I thank the gentleman for the compliment.

Mr. HOLMAN. He has spoken well; he always does.

Mr. WARNER. But I wish to go further and say a word with respect to the patriotism of gentlemen, their love for the old soldiers of this country. I have never paraded before this House my devotion to the soldier, and never will. I believe that the men who fought for this country deserve well of it. I believe they are entitled to more than they have received. But my friend, the experienced statesman from Indiana, was one of the gentlemen who favored the giving of all this land to the old soldiers who may go and settle upon it. That amendment the gentleman has never proposed to place on any public land bill that he has brought into this House; he does not now embrace it in the measure with reference to the Public Land Strip. It was another attempt to kill the Oklahoma bill with the "soothing sirup" manufactured by the gentleman from Indiana.

Mr. HOLMAN. I do not think the gentleman should say that. I see present the gentleman from Iowa [Mr. ANDERSON], who offered that proposition; and I believe he offered it in perfect good faith. I have adopted a rule which my friend from Missouri would do well to adhere to, especially in view of the exalted position he holds before the country——

Mr. WARNER. Oh, I wish the gentleman——

Mr. HOLMAN. I recommend the gentleman to adopt the principle to which I have adhered—never to cast a vote against the interests of the Union soldier under any circumstances. The country owes them too much to justify that.

Mr. WARNER. I am not through with my remarks.

Mr. HOLMAN. That amendment having been offered I voted for it, and my friend from Missouri voted against it.

Mr. WARNER. Yes, sir, I voted against it. I did so before the country, knowing that I was voting in the interest of the soldier or any other man who might wish to go there and establish a homestead. I was not voting for the measure because it was put as a knapsack upon the back of every Union soldier and labeled "patriotism," because I knew the soldiers of the country were against it; but, sir, if I thought they were not against it, and I believed it was wrong in principle, then, standing here representing the American people, I would have voted against it if every soldier had asked me to vote for it.

Mr. HOLMAN. I do not think my friend is justified in arraigning gentlemen who have served with honor and distinction on this floor.

Mr. WARNER. I am referring to the gentleman from Indiana.

Mr. HOLMAN. The gentleman has no right to arraign them for bad faith in their legislative action upon this floor. I do not think the gentleman is justified in that. These gentlemen have feelings as well as the gentleman himself. They favor that measure as well as he does.

Mr. WARNER. They had the right to vote as they chose.

Mr. HOLMAN. The gentleman from Iowa [Mr. ANDERSON] and the gentleman from Illinois [Mr. PAYSON] both are arraigned by the gentleman from Missouri, one for his amendment securing this land for the homes of our people under the homestead laws, and the other for his amendment for the benefit of the Union soldiers; these gentlemen, I say, are arraigned by the gentleman from Missouri as not acting in good faith, but offering their amendments for the purpose of defeating the Oklahoma bill. Now the gentleman from Missouri is not authorized to make that statement. He is not authorized to impute to me any opposition to this measure except that which grew out of a desire to amend the measure and place proper safeguards around this land for the benefit of actual settlers. When he comes to think this matter over he will not make these charges imputing want of good faith.

I think neither proposition submitted to the House, neither the one dedicating this land for homesteads nor the one permitting the Union soldiers to have proper advantages can be charged as being brought forward to defeat the measure to which the gentleman has referred. I will yield now to the gentleman from Iowa [Mr. ANDERSON].

Mr. WARNER. I have the floor.

Mr. HOLMAN. No, I have the floor, and only yielded to the gentleman from Missouri. I want the report accompanying the bill to be read.

Mr. WARNER. The gentleman can not take me off the floor.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The title of the bill will be read.

The Clerk read as follows:

A bill (S. 1080) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

Mr. HOLMAN. I will now yield to the gentleman from Iowa, and I hope without objection he will be heard.

Mr. SOWDEN. I call for the regular order.

Mr. ANDERSON, of Iowa. I should like to know by what authority the gentleman from Missouri——

Mr. PAYSON. What is the parliamentary condition of this matter? Is the bill open to consideration?

The SPEAKER *pro tempore*. The bill has been reported by the gentleman from Indiana [Mr. HOLMAN] upon the statement that it was privileged. The Chair has not examined to see whether it is or not.

Mr. PAYSON. No point of order has been made against it.

The SPEAKER *pro tempore*. The gentleman from Indiana, by unanimous consent, has yielded to the gentleman from Iowa [Mr. ANDERSON].

Mr. PAYSON. Is it in the nature of debate upon the bill?

Mr. ANDERSON, of Iowa. No, sir; it is an answer to a libel. [Laughter.]

Mr. PAYSON. Does the gentleman move his amendment in the nature of a substitute for this bill?

The SPEAKER *pro tempore*. The bill has been reported by the gentleman from Indiana [Mr. HOLMAN].

Mr. ANDERSON, of Iowa. The gentleman from Indiana has yielded the floor to me to answer a libel, to reply to an unauthorized reference by the gentleman from Missouri [Mr. WARNER] to a series of efforts which he alleges to have been made on the part of different members to defeat the passage of the Oklahoma bill. Not satisfied with making these assertions, he has seen fit to go out of his way and attack an amendment I offered as one of that series of obstructive measures. Now, I want to say to the gentleman from Missouri that I never offered any proposition in more earnestness and sincerity of purpose than the one I offered as an amendment to the Oklahoma bill proposing to grant to the Union soldiers 160 acres of land each without price and without expense.

If the men on this floor who are so ready to characterize others as demagogues had stood by that amendment and been real friends to the Union soldiers and done what they ought to have done, the ex-Union soldiers would have received from this Government what the soldiers of every other war have been granted in the way of public lands, and that meritorious and practical amendment of mine would have been adopted and made part and parcel of the Oklahoma bill. It would have been a great improvement to that bill, and notwithstanding the gentleman's record as a soldier, and notwithstanding the high position he now holds by virtue of his record as a Union soldier, I undertake to say he does not speak for the soldiers of the country when he says they do not want that amendment to the Oklahoma bill.

Gentlemen are flippant to arraign men for alleged obstructionary measures offered to a bill with a view to its improvement and to make it as unobjectionable as possible. Why do gentlemen say amendments, good in themselves, are designed to kill the bill?

I want to say to the gentleman that I was in favor of the bill, though

perhaps not so specially interested as the gentleman from Kansas City, but I have been from the beginning and am now in good faith for the passage of the Oklahoma bill. But I do not arraign any man as introducing measures to obstruct the passage of the bill, but where gentlemen seem to go out of the way to put me in a false light by classifying an amendment I offered in good faith and whose merit has never been refuted, as a measure intended to be obstructive in its nature, I feel it my duty to repel it on the spot. If the gentleman disclaims involving me, his language is unfortunate, and I regret it, as I have great regard for the gentleman from Missouri.

Mr. HOLMAN. Now, Mr. Speaker, I ask the reading of the report.

Mr. WARNER. Allow me to have a few moments.

Mr. HOLMAN. Let us have the report read.

Mr. WARNER. I shall not consume more than five or six minutes. Say ten.

Mr. HOLMAN. Very well.

Mr. WARNER. Mr. Speaker, it is unnecessary for gentlemen to work themselves into a passion. Certain it is that the gentleman from Iowa knows as well as any one that I was not attempting to reflect upon him. The gentleman from Indiana and myself were having a friendly little tilt without any feeling in the matter whatever. I was referring to the attitude of the gentleman from Indiana in this matter, and was alluding to the present measure as another evidence of his attempt to kill the Oklahoma bill by excessive kindness; and I submit the question now to the friends of Oklahoma in this House, and to its friends throughout the country, to say whether I was correct or not.

I did not use the word "demagogue," which the gentleman is swift to imply. I am not here speaking for any soldier directly. When I stand on this floor I speak not as a man who arrogates to himself that right, for I do not arrogate to myself something that does not belong to me. Gentlemen refer to "exalted position," but I certainly did not bring that question into this debate. I stand here as a Representative of my district, of my people; and when I speak in my representative capacity I speak for my people, for myself, and for no one else. I say now I am willing to submit to the friends of Oklahoma on this floor, I am willing to submit to the friends of that bill throughout this country, whether that amendment, whether so intended or not, if it had been adopted, would not have been the death blow to the bill in this House on its final passage.

The same proposition I am willing to submit in reference to the homestead amendment of the gentleman, and neither the gentleman from Indiana nor any one else, not even my distinguished friend from Iowa, can go further than I will go legitimately, and I do not think that they are going illegitimately in this matter; but no one will go farther in the direction of homesteads for actual settlers or land for the landless soldiers of the Union than myself. I am willing to follow wherever their plumes may lead in that direction, and I will go as far as the farthest; but, Mr. Speaker, I am not in favor of piling on amendments to a bill of this kind, which will accomplish the destruction of a measure which is intended to benefit the landless people of the country and the soldiers of the country.

What I have said was said without feeling. The gentleman, I repeat, has used the word "demagogue." I apprehend that he did not intend to apply it to any one. It is familiar with some gentlemen, and is used quite flippantly. What relevancy it has here I do not know. This was simply a matter of discussion between the gentleman from Indiana and myself, and the gentleman from Iowa was not brought into it at all.

I thank the House.

ORDER OF BUSINESS.

Mr. RICHARDSON. I move that the House do now adjourn.

Mr. HOLMAN. I ask for the reading of the report.

The SPEAKER *pro tempore*. The gentleman from Tennessee moves that the House do now adjourn.

Mr. HOLMAN. I hope the gentleman will not press that now.

Mr. RICHARDSON. I withdraw the motion.

Mr. WEAVER. I renew it, but withhold it to receive a message which I understand is waiting from the President.

MESSAGE FROM THE PRESIDENT.

A message from the President, in writing, was delivered to the House by Mr. PRUDEN, one of his secretaries.

The message also announced the approval of bills of the following titles, namely:

An act (H. R. 1661) for the erection of an appraisers' warehouse in the city of New York, and for other purposes;

An act (H. R. 1761) for the relief of the First National Bank of Portland, Oregon, for money advanced the Oregon Iron Works, the contractor in building the United States revenue-cutter Thomas Corwin, and for other purposes;

Joint resolution (H. Res. 221) to continue the provisions of a joint resolution entitled a "Joint resolution to continue the provisions of a joint resolution entitled a 'Joint resolution to provide temporarily for the expenditures of the Government.'"

An act (H. R. 1073) for the relief of the Roman Catholic church of St. Peter and St. Paul, Chattanooga, Tenn.;

An act (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes;

An act (H. R. 10998) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

An act (H. R. 2601) for the relief of the Baptist Female College of Lexington, Mo.;

An act (H. R. 988) for the relief of Joseph R. White;

An act (H. R. 10856) for a pension for Eliza N. Aiken;

An act (H. R. 7708) to increase the pension of Annie Gibson Yates;

An act (H. R. 109) to refund to Dr. F. O. St. Clair $976.80 duties on a monument to the memory of Francis J. Townshend, late United States Navy;

An act (H. R. 649) for the relief of A. C. Bradford; and

An act (H. R. 5670) for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens.

VETO MESSAGE—CERTIFICATION OF LANDS, KANSAS.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read, and on motion of Mr. HOLMAN was referred to the Committee on the Public Lands, and ordered to be printed:

To the House of Representatives:

I am unable to give my assent to a joint House resolution numbered 14, and entitled "Joint resolution to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts," and I therefore return the same with a statement of my objections thereto.

By an act of Congress passed July 2, 1862, certain public lands were granted to such of the several States as should provide colleges for the benefit of agriculture and the mechanic arts.

Under the terms of this act the State of Kansas was entitled to 90,000 acres of land, subject, however, to the provisions of said statute, which declared that when lands which had been raised to double the minimum price, in consequence of railroad grants, should be selected by a State, such lands should be computed at the maximum price and the number of acres proportionately diminished.

Of the lands selected by the State of Kansas, and which have been certified, 7,682.92 acres were within certain limits of a railroad grant, and had therefore been raised to the double minimum in price, so that the number of acres mentioned and thus situated really stood for double that number of acres in filling the grant to which the State of Kansas was entitled.

It is now claimed that after the selection of these lands the route of said railroad was abandoned and another one selected, and that in consequence thereof such lands included within its first location were reduced to the minimum price and restored to public market at that rate. It is supposed upon these allegations that justice and equity require that an additional grant should now be made to the State of Kansas from the public lands equal to the number of acres selected within the limits of the first railroad location.

But an examination discloses that the joint resolution is predicated upon an entire misunderstanding of the facts.

The lands heretofore mentioned as amounting to more than 7,000 acres, selected by the State of Kansas, and charged at double that amount, because their price had been raised to the double minimum in consequence of their being within a railroad location, have all, except 320 acres, remained either in the new or old railroad location up to the present time, and if now vacant would be held by the Government at the double minimum price.

It seems clear to me that the State of Kansas has been granted all the public land to which it can lay any legal or equitable claim under the law of 1862.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 24, 1888.

RIGHT OF WAY THROUGH INDIAN RESERVATION IN MINNESOTA.

Mr. NELSON. I ask leave to make a conference report.

Mr. HOLMAN. This is a privileged matter now pending.

The SPEAKER *pro tempore*. In the judgment of the Chair a conference report is a matter of the highest privilege.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the word "twenty," in line 28 of said amendment, section 4; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same.

S. W. PEEL,
THOMAS R. HUDD,
KNUTE NELSON,
Managers on the part of the House.
J. W. DANIEL,
J. M. DOLPH,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

STATEMENT OF THE EFFECT OF THE AMENDMENTS CONCURRED IN.

First amendment: The effect of this amendment is to make the termini of the proposed railroad more definite and certain than in the original bill.

Second amendment: The effect of this amendment is to provide that in case the railroad company fails to agree with the individual occupants as to compensation for their respective holdings, that then such compensation shall be ascertained and paid in the same manner as is provided for the adjustment of

like controversies under the laws of Minnesota, and that in respect to tribal compensation the Secretary of the Interior shall determine the same.

Third amendment: The effect of this is to authorize the Oregon Railway and Navigation Company to acquire by purchase from the Indians on the Umatilla reservation and by their consent 10 acres of ground for station purposes and 2 acres for a road and approach to the same for the purpose of accommodating the village of Dawson, just 2 miles from the proposed station. The compensation to be paid the Indians is to be determined by the Secretary of the Interior. The amendment to this amendment is simply to correct the description—the 2-acre tract.

The fourth amendment is to empower the Secretary of the Interior to set apart for the Umatilla Indians on their reservation a quantity of land in addition to that now authorized by existing law for a general reservation in order that the boundaries of this reservation may be better arranged for the benefit of the Indians.

The fifth amendment is simply to correct the numbering of the sections.

And the sixth amendment is merely to amend the title by adding the words, "and for other purposes."

Dated September 24, 1888.

S. W. PEEL,
THOS. R. HUDD,
KNUTE NELSON,
House Conferees.

Mr. NELSON. Unless somebody desires to ask questions I am unwilling to take any time. I will, however, make a brief statement in addition to the statement which has been made in the report. The original bill provided for a right of way for the Duluth and Winnipeg Railroad through a small reservation about 25 or 30 miles west of Duluth called Umatilla reservation. It is about 2 or 3 miles across it. This bill passed the House and was amended in the Senate. The first amendment is for the purpose of making the termini of the road more definite, fixing Duluth as one and Grand Rapids, the headwaters of the Mississippi, as the other. The second amendment was to this effect: It provides that in case the railroad company is unable to agree with the individual Indians on that reservation as to the damages, or compensation for those damages, it shall be ascertained in the same manner as we ascertained them under the laws of Minnesota—by commissioners and condemnation—and that in addition to that the tribal damages, as distinguished from individual damages, shall be fixed by the Secretary of the Interior.

Now the Senate amends the bill by making provision for the Oregon Navigation and Railroad Company to acquire for a station 10 acres of land, and for the road 2 acres of land, in the Umatilla reservation. It seems that already it is within 2 miles of the boundary of the reservation, and right across the boundary is the little village of Dawson. They want a station accessible to them. This bill proposes to allow the company to buy from the Indians, with their consent, 10 acres for the station ground and 2 acres for the road. The last material amendment authorizes the President or the Secretary of the Interior to enlarge the boundaries of the Umatilla reservation, and that is explained by a letter of the Secretary of the Interior, which I hold in my hand, but which is quite lengthy. Now, I desire to say nothing more. The other two amendments are merely formal, and unless some gentleman desires to ask questions I will move the previous question on the adoption of the report.

The previous question was ordered, and under the operation thereof the report of the committee of conference was adopted.

Mr. NELSON moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BLAIR EDUCATIONAL BILL.

Mr. McCOMAS. Mr. Speaker, I was absent during the call of the States and Territories for the introduction of bills, and I only ask to present this resolution in order that it may be referred to a committee.

Mr. McMILLIN. I object.

Mr. McCOMAS. For reference only.

Mr. McMILLIN. And I object.

Mr. McCOMAS. Why do you object?

Mr. McMILLIN. Because I choose.

Mr. McCOMAS. It is to ask a day to be fixed for the consideration of the Blair bill.

Mr. McMILLIN. I have objected.

Mr. McCOMAS. Do you object to the fixing of a day for the consideration of the Blair bill?

Mr. McMILLIN. I have addressed myself to the Speaker.

The SPEAKER *pro tempore*. The gentleman from Maryland asked unanimous consent to introduce a resolution. Objection has been made.

Mr. McCOMAS. Can I have it read? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Objection has been made and the regular order demanded. The Clerk will report the bill reported by the gentleman from Indiana [Mr. HOLMAN].

EXTENSION OF LAND LAWS.

The Clerk read as follows:

A bill (S. 1080) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

Be it enacted, etc., That the laws of the United States, except those providing for pre-emption, timber-culture, and desert-land entries of the public lands, are hereby extended over the unorganized territory south of the State of Kansas and Colorado, and between the Indian Territory and the Territory of New Mexico, and north of Texas, known as the Public Land Strip; and that for the purpose of the execution of said laws all that portion of the State of Kansas lying south of the sixth standard parallel south, and west of the line between ranges 30 and 31 west of the sixth principal meridian, and the tract of unorganized territory known as the Public Land Strip as aforesaid, be, and are hereby, constituted a new and separate land district, to be called the Cimarron land district; and the subdivisional lines of townships in said Public Land Strip may be surveyed under current appropriations for the surveying service, the work to be done under the direction and supervision of the Secretary of the Interior, and said Public Land Strip is hereby attached to the judicial district of Kansas. Until the establishment of civil government in said Territory, lands therein may be entered for town-site purposes, for the several use and benefit of the occupants of town sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section 2387 of the Revised Statutes, as near as may be; and when such entries shall have been made, the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section 2387 of the Revised Statutes, whereby the same result would be reached as though the entry had been made by a county judge, and the disposal of the lots in such town site, and the proceeds of the sale thereof, had been prescribed by the legislative authority of a State or Territory: *Provided*, That no more than 320 acres shall be embraced in one town-site entry.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint a register and receiver of public moneys for the land district hereinbefore created; and said officers shall reside in the place where said land office is located, and shall have the same powers and shall discharge similar duties and receive the same fees and emoluments as other officers discharging like duties in the other land offices in the State of Kansas.

Mr. HOLMAN. Now, I ask that the amendments proposed by the committee be read. It is the amendments that bring the bill within the rule.

Mr. WEAVER. I move that the House do now adjourn.

The SPEAKER *pro tempore*. If there be no objection, the Chair will lay before the House a message from the President.

Mr. WEAVER. I will yield for that purpose.

Mr. HOLMAN. I ask for the reading of the amendments proposed to this bill.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. WEAVER] has moved that the House do now adjourn.

Mr. WEAVER. I yield for the message.

The SPEAKER *pro tempore*. But the gentleman from Indiana [Mr. HOLMAN] does not yield.

Mr. HOLMAN. I insist upon the regular order. I ask to have the amendments read.

Mr. WEAVER. I will withdraw my motion in order to let the message be read.

The SPEAKER *pro tempore*. If there be no objection, the message will be read.

Mr. ANDERSON, of Kansas. I object.

Mr. HOLMAN. I ask that the amendments proposed to this bill be now read by the Clerk.

The Clerk read as follows:

Strike out the following words in section 1 of said bill: In lines numbered from 8 to 12, all after the word "strip" to and including the word "meridian" in the twelfth line. Insert the word "said" before "tract" in the twelfth line. Strike out the words "be" and "are" in the thirteenth line, and insert the word "is." Add after the word "Kansas," in the nineteenth line of said section, the words "until Congress shall otherwise provide." Add after the word "entry," in the thirty-sixth line of the bill, the words "unless otherwise directed by the Secretary of the Interior under existing laws." Add to the first section the following proviso: "*Provided, however*, That the said lands, except as to town sites, shall be disposed of only under the provisions of the homestead law, except section 2301 thereof."

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. Would it be proper to ask for the reading of the first proposed amendment again? There was so much confusion it was not heard distinctly.

The amendment was again read.

Mr. PAYSON. That strikes out Kansas.

Mr. HOLMAN. Yes; it strikes out Kansas. Now, Mr. Speaker, I ask for the reading of the report, which will explain the effect of the amendments.

The report was read, as follows:

The Committee on the Public Lands, to whom was referred Senate bill No. 1080, being an act to extend the laws of the United States over certain unorganized territory south of the State of Kansas, report the same back with the recommendation that it do pass with the following amendments (above stated). The effect of the amendments will be to organize the Public Land Strip into a land district without adding thereto any portion of the State of Kansas, the President to designate the location of the land office; and it is left to the discretion of the Secretary of the Interior to extend the limit of town sites within the Public Land Strip beyond 160 acres of land, but within the limits prescribed by the general laws in relation to town sites; and it leaves the Public Land Strip attached to the judicial district of Kansas until Congress shall otherwise provide. The important and leading change proposed by the amendments is to confine the land district proposed to be organized to the limits of the Public Land Strip. The committee recommend the adoption of these amendments, and that the bill be passed as proposed to be amended.

Mr. WEAVER. Now, Mr. Speaker, that simply amounts to a proposition to organize town sites down there, and it can not pass here without a quorum. I move that the House do now adjourn.

The motion was agreed to—ayes 30, noes 18; and the House accordingly (at 4 o'clock and 10 minutes p. m.) adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DORSEY: A bill (H. R. 11490) for the relief of John Stibley—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 11491) granting a pension to J. M. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11492) for the relief of Mary E. Hottenstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11493) to authorize the construction of a toll-bridge across the Missouri River at the foot of Kansas or Minnesota avenue, in Kansas City, Kans., in Wyandotte County, in the State of Kansas, to the county of Clay, in the State of Missouri—to the Committee on Commerce.

By Mr. HARE: A bill (H. R. 11494) for the relief of Fielding Burns—to the Select Committee on Indian Depredations Claims.

By Mr. HITT: A bill (H. R. 11495) for the relief of George H. Owen—to the Committee on Foreign Affairs.

By Mr. MAISH: A bill (H. R. 11496) to incorporate the National Electric Company—to the Committee on the District of Columbia.

By Mr. POST: A bill (H. R. 11497) granting a pension to William H. McKinley—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 11498) granting a pension to John McFadden—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11499) to pension Robert Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11500) to pension Charles Pegg—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of heirs of Donald Street, of James Conn, of William H. Kelton, and of J. M. D. Miller, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. CLEMENTS: Petition of Matilda J. Smith, widow of H. J. Smith, of Whitfield County, Georgia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. LIND: Petition of St. Paul (Minn.) Chamber of Commerce, praying for the establishment of a uniform rate of 8 cents per pound for third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SYMES: Petition in favor of House bill 11027 for pure lard, also in favor of House bill 10320 in favor of pure lard, from Denver, Colo.—to the Committee on Agriculture.

By Mr. WHEELER: Petition of heirs of Sarah Price, of Chattooga County, Georgia, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of Mary A. Mitchell, of Giles County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition of George M. Penrods and others, citizens of Miami County, Ohio, for increase of pension to Charles Pegg—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *September* 25, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 724) for the relief of Louisa McLain;

A bill (H. R. 1152) for the relief of the legal representatives of Eliza M. Ferris;

A bill (H. R. 2261) to increase the pension of Elijah W. Penny;

A bill (H. R. 2839) granting a pension to Henry Sommers;

A bill (H. R. 3512) granting a pension to Anthony Shafer;

A bill (H. R. 3681) granting a pension to Carter W. Tiller;

A bill (H. R. 4101) granting a pension to Martha Giddings, formerly Martha Priest;

A bill (H. R. 4737) granting a pension to Micah French;

A bill (H. R. 5593) granting an increase of pension to Laura L. Wallen;

A bill (H. R. 5919) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased;

A bill (H. R. 9176) granting a pension to Charlotte Taylor;

A bill (H. R. 9252) granting a pension to Mrs. Catherine Barberick, of Watertown;

A bill (H. R. 9383) to increase the pension of Joseph Holmes;

A bill (H. R. 9759) granting a pension to John Wallace;

A bill (H. R. 9776) for the relief of Nancy E. Sawyer;

A bill (H. R. 10032) granting a pension to Milton Wallen;

A bill (H. R. 10073) granting a pension to P. F. Jonte;

A bill (H. R. 10253) granting a pension to Emmanuel P. Steed;

A bill (H. R. 10494) granting a pension to Emilia Mumm;

A bill (H. R. 10647) granting a pension to Samuel J. Wright;

A bill (H. R. 10659) for the relief of Elizabeth C. Cole;

A bill (H. R. 10694) granting a pension to John W. Ellis;

A bill (H. R. 10947) for the relief of John Sweeney; and

A bill (H. R. 11333) granting a pension to Mrs. Louise M. Humphrey.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 148) for the relief of Isaac H. Wheat;

A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;

A bill (H. R. 393) to provide for the payment of the claim of Capt. Roderick McIntosh;

A bill (H. R. 861) for the relief of Joseph Diehl;

A bill (H. R. 2598) for the relief of William Whitehouse;

A bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell;

A bill (H. R. 3471) for the relief of the First Baptist Church of Cartersville, Ga.;

A bill (H. R. 5094) for the relief of Henry H. Epping and Alexander N. Brannan, administrators of S. H. Hill;

A bill (H. R. 6012) for the relief of A. P. Swineford; and

A bill (H. R. 6560) for the relief of the trustees of the Catholic Church at Dalton, Ga.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 157) correcting the military history of Robert McNutt;

A bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry;

A bill (H. R. 2267) to pay Thompson McKinley $375 for service-voucher issued to him during the late war by Capt. George W. Harrison, assistant quartermaster United States Army;

A bill (H. R. 3453) for the relief of George O. Donnell; and

A bill (H. R. 10100) for the relief of Charles F. Campbell.

The following bills were read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 2688) for the relief of Alfred Breuer; and

A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy.

The bill (H. R. 4658) for the relief of Henry Gumperts, sr., was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 5248) for the relief of the American Grocer Association of the City of New York was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 11297) in relation to grants of lands to aid in the construction of railroads was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 11139) to authorize the building of a bridge or bridges across the Mississippi River at La Crosse, Wis., was read twice by its title, and referred to the Committee on Commerce.

The following bill and joint resolution were read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 10873) making an appropriation for the Girls' Reform School of the District of Columbia; and

Joint resolution (H. Res. 225) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

INQUESTS UNDER NATIONAL AUTHORITY.

Mr. GEORGE. I desire to give notice that to-morrow morning at the close of the formal morning business I shall ask the indulgence of the Senate to call up the bill (S. 1516) to provide for inquests under national authority, with a view of submitting some observations upon it.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of John F. Armstrong Council, No. 130, Junior Order United American Mechanics, of Philadelphia, Pa., praying for the passage of Senate bill 553, concerning foreign immigration; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. 6591) for the relief of S. Dillinger & Sons, reported it without amendment.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9663) granting a pension to Jesse Spencer;

A bill (H. R. 11317) granting a pension to Fredericka Liesegang;

A bill (H. R. 10433) for the relief of Leaman L. Bowers;

A bill (H. R. 11362) for the relief of William R. Rodgers; and

A bill (H. R. 7305) granting a pension to Aaron R. Gilkison.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3561) granting a pension to Edwin W. Warner, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill

(H. R. 9776) for the relief of Nancy E. Sawyer, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 206) granting a pension to William H. Starr;

A bill (H. R. 2061) granting an increase of pension to Francis De Freitas;

A bill (H. R. 8613) granting a pension to Ann Bryan;

A bill (H. R. 10908) granting a pension to Mrs. Almira J. Towner; and

A bill (H. R. 9310) granting a pension to Capt. William J. Duley.

He also, from the same committee, to whom was referred the bill (H. R. 9385) for the relief of Christian Kimzie, reported it with amendments, and submitted a report thereon.

COAST AND GEODETIC SURVEY REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably a concurrent resolution to print 5,000 additional copies of the report of the Superintendent of the United States Coast and Geodetic Survey, and I ask for its present consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the report of the Superintendent of the United States Coast and Geodetic Survey, with the usual necessary progress sketches and illustrations showing the progress made in said survey during the year ending June 30, 1887, 1,000 copies of which shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by said Superintendent.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. MANDERSON. I am also directed by the Committee on Printing to report back favorably without amendment a concurrent resolution to print 38,000 copies of the report of the Commissioner of Education for 1887–'88. I ask for its present consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1887–'88 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 20,000 copies for distribution by the Commissioner.

TOWNSHIP MAPS.

Mr. MANDERSON. I am also directed by the Committee on Printing to report favorably without amendment the bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office. I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the Secretary of the Interior, through the Commissioner of Public Lands, be, and he is hereby, authorized to sell the photolithographic township plats or maps of the States and Territories now remaining on hand in that Department to citizens of the United States at the following prices: Authenticated copies, 50 cents per copy; unauthenticated copies, 25 cents per copy; the proceeds of said sales to be covered into the Treasury of the United States by the Secretary of the Interior.

Mr. EDMUNDS. Ought there not to be a reservation of some part of these maps for the future use of the Department?

Mr. MANDERSON. I think that would be within the discretion of the Secretary of the Interior.

Mr. EDMUNDS. This seems to be a provision for selling them all.

Mr. MANDERSON. There are some six or seven hundred thousand of them. I do not apprehend there will be such a demand as to deprive the Interior Department entirely of copies.

Mr. EDMUNDS. That may be, but we ought not to make a law in that way.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MANDERSON. This is a House bill, and therefore I should prefer, unless there be strong reasons why it should be changed, that it should not be amended, as the bill is in the form recommended by the Interior Department.

Mr. EDMUNDS. I do not think it is right, in point of frame or principle, to provide for selling everything that the Secretary of the Interior has on hand, as this does in terms; but as the Senator having it in charge is familiar with the business and thinks there is no danger, I shall not oppose it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3168) regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation in the State of Minnesota; and

A bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3585) for the relief of Viancey Taggard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3586) to incorporate the National Electric Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAMERON introduced a bill (S. 3587) granting a pension to Henry Feltch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3588) granting a pension to Ellen B. Farr; which was read twice by its title, and referred to the Committee on Pensions.

MRS. FANNIE PEARSON.

Mr. DAVIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the "miscellaneous items of the contingent fund of the Senate," to Mrs. Fannie Pearson, widow of Granville L. Pearson, deceased, late a session laborer of the Senate, the sum of $360, being an amount equal to six months' salary at the rate per annum allowed by law to the laborer aforesaid; said sum to be considered as including funeral expenses and all other allowances.

PROGRESS OF INDUSTRIAL ART.

Mr. TELLER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed, for the use of Congress, 10,000 additional copies of the work known as "Progress of Industrial Art," of which 3,500 shall be for the use of the Senate and 6,500 for the House of Representatives.

ASSOCIATION FOR WORKS OF MERCY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 3168) regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes; which will be stated.

The SECRETARY. On page 1, line 23, strike out the word "execute" and insert "executed," and on page 2, line 5, after the word "if," insert "it."

Mr. EDMUNDS. That is to correct an error in the engrossing or copying of the bill here or as reported, to merely make the grammar correct. I move that the Senate concur in the House amendments.

The motion was agreed to.

FOND DU LAC INDIAN RESERVATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the action of the House of Representatives on the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, which will be read:

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *September* 24, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota.

Mr. DOLPH. I submit the report on the part of the Senate conferees on the bill.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Strike out the word "twenty," in line 28 of said amendment, section 4; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same.

JNO. W. DANIEL,
J. M. DOLPH,
Managers on the part of the Senate.

S. W. PEEL,
THOMAS R. HUDD,
KNUTE NELSON,
Managers on the part of the House.

Mr. DAWES. Will the Senator explain what that striking out of "twenty" means?

Mr. DOLPH. It is merely to correct an error in the direction of a line, and to authorize the Oregon Railway and Navigation Company to purchase depot grounds. It is merely to correct an error in the description of the line of the road.

Mr. DAWES. It does not affect anything else?

Mr. DOLPH. Not at all. It is to correct a mistake which was made in the Land Office in copying the description.

Mr. DAWES. With that exception, then, the bill is as it went from the Senate?

Mr. DOLPH. Yes; the Senate amendments are concurred in.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

LIFE-SAVING STATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the action of the House of Representatives on the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

The resolution of the House was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *September* 24, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

The PRESIDENT *pro tempore*. The Chair calls the attention of the senior Senator from Nevada [Mr. JONES] to the action of the House.

Mr. JONES, of Nevada. I have not the report of the Senate conferees with me.

Mr. EDMUNDS. The matter had better be laid aside.

The PRESIDENT *pro tempore*. The matter will be laid aside temporarily.

Mr. PALMER. I ask the Chair to lay before the Senate the resolution of the House of Representatives concerning House bill 1923.

The resolution of the House of Representatives was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *September* 24, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Add, at the end of said amendment, the words:

"One at or near Walles Sands, New Hampshire; one at or near Plum Island, Massachusetts; one at or near Lynnhaven Inlet, Virginia; two between Ocracoke Inlet and Cape Lookout, North Carolina, at such points as the General Superintendent of the Life-Saving Service may recommend; one at or near Ashtabula, Ohio; one at or near Marquette, Mich.; one between the Ocean House, south of the entrance to the harbor of San Francisco, and Point San Pedro, California, at such point as the General Superintendent of the Life-Saving Service may recommend."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

T. W. PALMER,
J. N. DOLPH,
Managers on the part of the Senate.
T. E. TARSNEY,
T. H. BAYLY BROWNE,
Managers on the part of the House.

Mr. EDMUNDS. I should like to ask the Senator from Michigan if all these additional topics were in the original bill or the amendments pending between the two Houses? I see there are four or five apparently entirely new places that were not in discussion between the two Houses when the bill went to the conference.

Mr. PALMER. I am not positive whether they were or not. I think that they were. At least they were all approved by the subcommittee of the Committee on Commerce having light-houses in charge and agreed to by the House of Representatives.

Mr. EDMUNDS. I think that the report is apparently quite outside of order in respect of the capacity of conferees, but as it is on a subject which we can all readily enough understand in regard to these locations, for one I shall waive any point of order. I only refer to it now so that it shall not be drawn into a precedent for similar proceedings in the future.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

THE LOUISIANA ELECTION.

Mr. CHANDLER. I gave notice that I should ask the Senate to take up to-day the resolution relating to the recent election in the State of Louisiana. Instead of asking the Senate to take up the resolution at this time, I give notice that I shall ask that it may be taken up on Thursday during the morning hour.

TREATY WITH CHINA.

Mr. STEWART. I offer the following resolution, and ask for its present consideration:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to inform the Senate what information he has received since September 7, 1888, with regard to the action of the Chinese Government upon the recent treaty with the Emperor of China.

Mr. EDMUNDS. I think that resolution had better be considered in executive session for a reason that I will state in executive session. I ask, therefore, that it be laid aside.

Mr. STEWART. I have no objection.

The PRESIDENT *pro tempore*. The resolution will lie on the table for subsequent consideration.

Mr. EDMUNDS. If the consideration of morning business is through, I wish to move a short executive session.

The PRESIDENT *pro tempore*. Morning business is not yet concluded.

Mr. EDMUNDS. Very well.

RELATIONS WITH GREAT BRITAIN AND CANADA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over by agreement in the order of current business from yesterday, which will be stated.

The SECRETARY. A resolution directing the Committee on Foreign Relations to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada.

Mr. MORGAN. Mr. President——

Mr. EDMUNDS. I wish to move a short executive session before the Senator from Alabama goes on, if he will allow me.

Mr. SHERMAN. Does the Senator want to address the Senate?

Mr. MORGAN. I desire to address the Senate, but I yield to the Senator from Vermont.

Mr. EDMUNDS. Pending that, I move that the Senate proceed to the consideration of executive business. It is desirable that there should be a short executive session.

HEIRS OF COL. W. R. M'KEE.

Mr. BLACKBURN. Will the Senator from Vermont yield to me for just one moment? I simply want to ask the consent of the Senate to consider at this time the bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.," reported from the Committee on Public Lands by the Senator from Kansas [Mr. PLUMB]. It is simply to correct the issue of land certificates under the act of 1853 made to the orphan children of Colonel McKee, of Kentucky. The Commissioner of the General Land Office has written a letter on the subject. The House bill has been reported by the Committee on Public Lands of the Senate without amendment. It simply proposes to correct the issue of certificates, one of which was issued by a false and improper name. The bill is merely amendatory, of course. It extends no rights or privileges, except that the certificates which have been outstanding for nearly thirty years may be made available to these infant heirs.

Mr. EDMUNDS. I should like to look at the bill a moment.

Mr. BLACKBURN. I will hand the Senator a copy of the bill. If he will permit me, I will state that Colonel McKee was in command of a regiment of infantry, and was killed in command of it on the field of Buena Vista. In 1853 an act was passed allowing 160 acres of land to each of his minor children. He had but three children. One was a daughter. She married and left three infant heirs. Of the two sons, one is now a major in the regular Army of this country, Maj. George McKee; and the other was Lieut. Hugh McKee, who was killed in storming the works on the Isle of Corea. Hugh's name it was intended to change. He was an infant at the time of his father's death, and his mother named him for his father, and the land office issued the certificate in the name of William R. McKee, but the purpose was never executed, and he died a lieutenant in the Navy under his original baptismal name of Hugh McKee, and he died without heirs. He gave his certificate to his mother, who has died since this bill has been on the Calendar, and she gave it to one of the infant children of her dead daughter.

All that the bill proposes to do is to authorize the Commissioner of the General Land Office, in accordance with his own letter sent to the House of Representatives, to issue the certificates in the correct name, so that the children may have the benefit of them.

Mr. EDMUNDS. I should like to just look at the House report.

Mr. BLACKBURN. I will hand it to the Senator. Here it is.

Mr. EDMUNDS. If the Senator will pardon me and allow us to have a short executive session, while we are going through with a little business that ought to be done, I shall look at it before the doors are reopened.

Mr. BLACKBURN. I will do that. There is the report of the House committee.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive businesss.

After fourteen minutes spent in executive session the doors were reopened.

RELATIONS WITH GREAT BRITAIN AND CANADA.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the resolution which will be read.

The Secretary read the resolution submitted by Mr. SHERMAN September 17, 1888, as follows:

Resolved, That the Committee on Foreign Relations be directed to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada, with such measures as are expedient to promote friendly commercial and political intercourse between these countries and the United States, and for that purpose have leave to sit during the recess of Congress.

Mr. MORGAN. Mr. President, I would not again call up the subject of the resolution offered by the Senator from Ohio after so much debate upon this topic, and in advance of the action of the Committee on Foreign Relations on the House bill to enlarge the powers of the President of the United States under the retaliatory law of March 3, 1887, if I could feel satisfied that the action of the committee would be favorable to the passage of that measure.

The time seems to be near at hand when the congestion which the Mills tariff bill, as it is called, has produced in the Senate is to be relieved, and we are to have the privilege of a glance at a substitute for that measure, and then probably an adjournment.

Some debate on that measure will be had, if such a thing is to be permitted, and that will crowd out of consideration all other general legislation except to complete the appropriation bills.

It is now an obvious fact that delay in the settlement of the disputed questions about the fisheries and the transit of commerce through the lakes is a distinctive policy of the Republican party.

The settlement is not really desired by that party until they can get the credit of making the arrangement, if it is desired in any event. The best way to prevent a settlement is to defeat all measures looking to a settlement.

When the President negotiated the treaty of last February, its defeat was resolved upon by the Republican party before its merits had been discussed in the Senate.

The merits of the fishing rights claimed for our fishermen would be discussed, for no one had the power to prevent that, but no amendment of the treaty was to be permitted whereby the treaty could possibly be improved, and no delay in its rejection was to be tolerated. Such urgency was voted in considering the treaty that the Senate, which has loitered much in business both before and since the treaty was up for debate, changed the rules of that body so as to meet at the hour of 11 o'clock every day, one hour sooner than the rules prescribe. A motion to postpone action until December on the treaty, so that we could find a clearer atmosphere for the consideration of great international questions than is found in the field of a fierce political campaign, and when we could properly estimate the value of the *modus vivendi* provided in the protocol of that treaty, was voted down.

Motions to amend the treaty made by Democrats to meet objections stated in debate by Republicans were voted down, and the treaty was rejected, not upon its merits, as the Senator from Ohio alleges, but because the Republicans, having the majority in the Senate, refused to put into it the features that would give it merits in their eyes.

It is, therefore, a conclusion that can not be shaken by argument, that the Republican party in the Senate have resolved, if they can help it, that none other than a Republican administration should have the settlement of the questions that are now open between the people of the United States and those of Canada.

The Senator from Massachusetts [Mr. HOAR] early in this controversy and in the course of the debate upon the treaty offered the following resolution, which I will read:

Resolved, That a committee of seven Senators be appointed by the Chair whose duty it shall be to report upon the relations of commerce and business existing between the United States and the dependencies of Great Britain in North America, including the effect upon the commerce and carrying trade of the United States of the Canadian system of railways and canals now existing and in contemplation, and the prospect of the displacement of any existing industries of the United States by industries established there; also whether the obligations of existing treaties and of international law are and have been observed by the said dependencies toward the people of the United States, and the number, amount, and character of the existing claims against Great Britain by reason of the violation of such obligations toward the people of the United States in said dependencies.

Said committee shall have power to send for persons and papers, to administer oaths, to employ a clerk, messenger, and stenographer, and to sit anywhere in the United States during the session and during the recess of Congress.

Any subcommittee by them appointed may exercise the same powers as the full committee.

This resolution looked to the future, and covered every inquiry about our relations with Canada that is really possible.

It is a distinct step towards the assumption of power by the Senate to shape the negotiations with foreign powers which until now has been conceded to the President of the United States.

What I said a week since about the recent tendency of the Senate to usurp the powers and functions of the President and the dangers of such an aggressive spirit finds full support in the purposes and scope of this resolution.

The Senator from Illinois [Mr. CULLOM] then grew anxious over the question whether we were not intruders on British soil when we made the canal in the St. Clair Flats. That was a question which seemed to be entirely at rest, and seemed to be covered really by prescription, if it were not covered by the actual line of the boundary dividing us from the Canadian possessions of Great Britain.

Mr. CULLOM. Would it interrupt the Senator if I should make a remark?

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. CULLOM. So far as I was concerned it was a mere inquiry. I rise now, as I was absent during the last week, to state that I introduced the resolution of inquiry as to what our rights were in the Detroit River and St. Clair Flats, and I am not aware whether that resolution has been answered by the Department or not. I did not express any opinion of my own.

Mr. MORGAN. I did not speak of the opinions of the Senator, but of his anxiety to have the President determine a moot question, which it seems had been at rest for a good many years—I do not know how many; perhaps thirty or forty years—as to what was the actual boundary in the vicinity of the St. Clair Flats.

Now, the Senator from Ohio has sudden fears that the solution of the Canadian questions will postpone the annexation of the Dominion to the United States, and he demands the delay or defeat of the President's request for additional powers over the question of the fisheries and customs, because it might mar his plan of annexation that has grown up like Jonah's gourd in a night. The Senator saw at once that the President had mastered these questions, and he thought to eclipse the President's plan with one far more magnificent and infinitely distant as to the hope of its consummation.

His carefully prepared speech was evidently designed to state a policy which would relieve the Republican party from an embarrassing position.

This new policy required an entire change of front on the fisheries question, and a very decided disavowal of the heroic treatment, through retaliatory legislation, which has been so earnestly advocated of late by the Republican party.

There are also other prominent reasons for disclaiming at once and decidedly the line of diplomatic interference in the affairs of foreign countries which in Great Britain is called "jingoism."

In the brief time that Mr. Garfield was in office we had many of these pragmatical interferences in the affairs of other states, notably in the internal policies of Peru, Chili, Bolivia, Guatemala, and Mexico, besides many declarations of the State Department that indicated a very vigorous treatment of questions of international character, that were not intended so much to influence matters that were then of a practical nature or advantage to us as to formulate a policy that would make us aggressive in every matter where we might possibly in the future have material interests at stake.

There is a certain attractiveness in the self-assertion of a nation that is growing stronger with every day that passes that makes such a course popular with earnest politicians; but there is a recoil in such a policy that is severe upon those whose industries must support a government which causes them to question its wisdom. The distinguished Secretary of State under Mr. Garfield seems to have so much power in shaping and controlling the course of the Republican party that the country appears to have no doubt that he will have equal control in shaping the policy of the administration in the Cabinet if that party should carry the Presidential election in November.

We have had other examples in this country, notably those of Mr. Clay and Mr. Webster, where men of great influence in the political parties with which they acted continued to control their destinies after they had been defeated in their aspirations for the Presidency.

The death of Mr. Garfield disappointed the hopes of Mr. Blaine in relation to the foreign policy he initiated with so much of zeal, dash, and enterprise, and with so little of the caution and prudence that is required in our diplomatic dealings with other countries, and saved the country from very unwise and dangerous involvements. Then Mr. Blaine's defeat for the Presidency would have given a less ardent politician to understand that the American people rely more wisely upon their increasing growth in population, wealth, knowledge, and moral power for their just influence among other nations than upon their self-assertion, their display of the resources of war, or their declamatory announcement of their determination to claim everything and concede nothing that has the appearance of being supported by plausible argumentation.

The Senator from Ohio evidently looks forward with anxious solicitude to the possible reappearance of this excessive zeal and reckless enterprise in our Department of State in the event of the election of Mr. Harrison, and desires to give warning now that this impassioned diplomacy will be resisted by very strong men in the Republican party.

He seems from his remarks, to which I am endeavoring to reply, to

consider jingoism and heroic treatment and all appearance of panic as entirely out of place in our diplomatic or other relations with Great Britain, and refers to the treaty of 1871 as a full settlement of all the questions of a practical nature, except the fisheries, then open between the United States and Great Britain. As to the fisheries question, he evidently understands that the arrangement in the treaty of 1871 was a part of a general settlement which was intended to be final, although those clauses were made determinable on notice.

The Senator from Ohio has also a strong reason for his desire to modify his course and that of his party in the Senate, so that the door to diplomatic effort to settle the fisheries questions shall remain open, instead of being shut, as was attempted to be done in the report of the Committee on Foreign Relations, against the earnest protest of the minority of that committee.

I will read again, that there may be no doubt about what that committee insisted was the attitude of the United States on this subject of treating further with Great Britain on the fisheries question.

The committee, after having considered the whole case, after having summed up all the facts upon which they chose to base their report, after having argued those facts in a very earnest way, after having reproached the President with severe criticisms, and after having intimated against him certain occult threats of future severity in dealing with him if he did not submit his will to that of the Senate of the United States, proceed to say:

In view of the plain history of these transactions and of the matters hereinbefore stated, it does not seem to the committee that the existing matters of difficulty are subjects for treaty negotiation; and such appears to have been the opinion of the Senate by its action and by the remarks of many of its members of both political parties and by the action of the House of Representatives upon and in the passage of the act of March 3, 1887, and its approval by the President.

So that there can remain no doubt that the chairman of that committee, the Senator from Ohio, concurring with his colleagues of the Republican party, intended to make a statement in this report conclusive in its nature, based upon facts and argumentation, that "in view of the plain history of these transactions" the subjects of difficulty between the United States and Great Britain relating to the fisheries question are no longer open for treaty negotiation.

It is insisted in these parts of the report that self-respect, the solemn declarations of Congress, and the dictates of wisdom all united to compel the President to resort to retaliation rather than to diplomacy, and that the retaliation should relate to the securing, by compulsion, of commercial privileges to our fishermen, which it is clearly stated in that report are not in any way provided for in the treaty of 1818.

Added to these strong statements are criticisms of Senators who voted for the retaliatory law of March 3, 1887, and who are charged with having abandoned the ground then taken to follow the President in his attempt to settle these disputes by a treaty.

This strong avowal by the committee of which the Senator from Ohio is chairman, that the time for negotiation had passed, that the fisheries were no longer a fit subject for negotiation, and that legislative retaliation was the only remedy for violations of the treaty of 1818, and the only means of securing reciprocity of commercial intercourse for our fishermen in Canada, was followed and reiterated by every Republican Senator who spoke on the question so far as I recall the debate.

No room is left for question that, when the vote was taken and the treaty was rejected, retaliation was all the means that was left open to the President for securing our rights under the treaty of 1818 and the new commercial privileges we claim for our fishermen in Canadian ports.

No such censures were ever before uttered against a President where he had any discretion to choose his line of action; no censures of a President were ever made with more bitter invective or in words more scathing and defamatory; no expressions of contempt were ever more intense and few threats made against a President (certainly none by a committee of the Senate) than were employed by Senators who engaged in the debate to denounce and belittle Mr. Cleveland because he had not issued his proclamation, under the act of March 3, 1887, to cut off commercial intercourse between Canada and the United States.

It is not going too far to say that the rejection of the treaty, after refusing to amend it to suit the views of the Senate, whatever they were, and after refusing to postpone its consideration until December, was to compel the President to resort to the retaliation prescribed in the act of March 3, 1887, or, failing in that, to tacitly confess that he would do nothing to redress our grievances or to prevent a recurrence of them in respect of our fishing rights.

On the rejection of the treaty, absolutely and without leaving a ray of hope that any further effort at negotiation would be received by the Senate with the least favor, or even with toleration, the President at once prepared to deliver the blow that Congress had empowered him to inflict upon the commerce of Canada whenever, in his discretion, he thought it best to strike.

He had often declared in terms that were stronger and more specific than any that Congress had employed officially, the wrongs and injustice done to our fishermen in violation of our interpretation of the treaties of 1871 and 1818. His attention to the complaints of our fishermen had been earnest and practical, and in the employment of counsel to defend them in the Canadian courts and in many other ways he had shown a stronger determination to protect and defend them than had been shown by any of his predecessors in office. So that his sincerity can not be questioned in his earnest purpose to resort to the next means in reach to exact from Great Britain a more just and liberal treatment of our fishermen.

In looking over the field he saw that a remedy was easily in reach that would have the strongest influence upon the people of Canada to compel them to the course that all admit on this side the border line is due to us under the treaty of 1818, and to induce them to extend to our fishermen the privileges of trade and the liberty of commercial intercourse that we accord in our ports to their fishermen.

The President saw the plain and open fact, about which little had been said in the Senate, that Canada was compelled to reach the Atlantic seaports and the ports in Canada from the seaboard for six months in the year through and over the territory of the United States. He saw that this transit was worth far more to Canada than the navigation of the St. Lawrence River.

The flow of the St. Lawrence to the far northeast carries the shipping out to the sea in a long circuit that is practically blockaded by ice for half the year. The outlet to the sea from all the central and western parts of the Dominion is through our New York and New England ports. The railroad lines that are practicable for the connection of the seaports of New Brunswick and Nova Scotia with the St. Lawrence River cross a high range of hills that are excessively bleak in winter and covered for long periods with a great depth of snow. The Intercolonial road makes this connection, but its great length and the severity of the winters along the line render it inadequate, no matter how much it may be enlarged, for the needs of Canadian commerce.

It appears that as much as one-third of the value of the Canadian Pacific Railroad depends upon its outlet to the New England seaboard, which is about 200 miles the shorter line and as much as two days saving in time between Vancouver and Liverpool.

The privilege of passing goods across our territory without paying duties is really indispensable to the commercial prosperity of Canada. Its value in money is really worth as much or more to Canada than the exclusive use of all her inshore fisheries. This privilege will grow more and more important to Canada every year that passes. Her fisheries will lose their value, to a marked degree, from the competition now setting in with our Alaskan fisheries, while her agricultural and mineral productions and the lumber trade from the vast region north and west of the Lakes will increase beyond all present estimates and must have an outlet to the Atlantic through our ports if they are to compete with like productions of the United States in trans-Atlantic markets.

The commercial prosperity of Canada, in competition with the United States, depends upon the continuance of this reciprocal right of transshipping goods free of duty across our country to the Atlantic seaboard to an extent that renders this privilege indispensable to Canada.

The reverse side of this statement is barren of advantage to the United States. We have nothing to ship through Canada to the United States from places outside of the Dominion except fish, and this meager privilege has been denied to us under the treaty of 1871.

The duties on $60,000,000 of commerce passing free through our country would, under the average of our tariff, be not less than $20,000,000 annually, or one-third the market value of the goods, while Canadian duties on what we would bring through that country would not equal $200,000 annually.

The Senator from Ohio is eloquent in his remarks upon the want of reciprocity in the treaty that the Senate has just rejected, but he has only praises for the treaty of 1871, concluded by his own party, which provided for a reciprocity of $200,000 in our favor annually and of $20,000,000 in favor of Canada every year since 1873. In that time our Treasury has lost $300,000,000 under this article of the treaty of Washington, and our people have had a chance to save $3,000,000, which is far more than they have saved in duties on fish imported through Canada to the United States.

Why this arrangement was ever made is the most astonishing puzzle in our commercial history. Only two reasons for its support can be given, as it appears to me: First, that it diverted freights from the St. Lawrence River to the New England railroads. This is of some advantage to our people, but it is confined to a few people and to three or four lines of railway, the profits accruing to which are paid in much the largest share to the British and Canadian people whose money built them. This profit, however, would be reduced but to a small extent if this article of the treaty were abrogated, since for one-half the year these railroads would do almost the entire transportation for the Canadian people through commerce now being immensely increased by the trade furnished by the British lines of Pacific steamers and by the trade from the interior of Canada over the Canadian Pacific Railway.

The second reason for this arrangement, and possibly the strongest, is that the invitation thus held out to Canada to ship her productions to foreign markets would keep them out of competition with us in our own markets.

The $20,000,000 of annual increase of our tariff revenues above our

present enormous surplus would furnish an additional argument for a general reduction of our duties and a large increase of the free-list that would seriously affect the plans of the consolidated phalanx of high-tax advocates in this country.

So we find the railroad barons and the high-tax barons rushing to the assault upon the President for suggesting that Canadian goods should pay duties when they pass through the United States. Mr. Blaine ceases to "jingo" and the Senator from Ohio makes his *congé* to Great Britain when protection comes in sight.

The railroads of New England come in for the advantage of the united support of both these distinguished gentlemen. They find no difficulty in yielding $20,000,000 of revenue to Canada annually on her imports and exports, when the carriage of the goods, duty free, adds a few millions to the income of the railroads leading from our New England seaboard to Canada.

The President with a sagacity that never fails him saw that the safest, cheapest, best method of retaliation upon Canada, and the best way to save our own people from the losses incident to any other form of retaliation, was to again resume the collection of customs duties on goods imported from and into Canada just as we collect such duties on goods coming from Mexico and all other countries.

It is more than probable that no human being in the United States engaged in any ordinary vocation will lose a cent from this collection of taxes on goods in transit through this country. Indeed, it is far from being certain that the railroads will lose anything by the resumption of the collection of these duties. The most direct effect and one of the most important that will flow from this restoration of our former policy of collecting duties on Canadian commerce will be to transfer a large trade, which Canada now conducts with Great Britain and other foreign countries, to our own merchants and manufacturers.

Canadians can not afford to pay their own tariff duties and ours in addition on imported or exported merchandise; they can not afford to import during the summer all their supplies for summer and winter, and they can not supply themselves at such expense as they would incur in the loss of constant access to the markets. The money required to carry stocks of supplies and other goods for a year at a time would be a great embarrassment to Canadian merchants, and would place them at the mercy of all foreign markets. The result would be that they would be compelled to supply the immediate wants of commerce by purchases in the markets of the United States.

The transportation for these goods would soon pay the railroads of New England all that they would lose by a return to our former policy, and the trade of our Western railroads, merchants, and manufacturers would be steadily and largely increased.

Canada fails to perceive, in a practical way, and in the actual experience of her people, the geographical barriers which interrupt their foreign trade. Their statesmen see this matter and realize its importance, but the people, always trustful of a government that is liberal and just to them, imagine that they are indebted to British diplomacy and power for advantages that are vital to them, which they in fact owe to our forbearance, or, rather, to the selfishness of favored localities that have been petted and fostered by our Government until they, like the Canadians, believe that we are compelled to shape the whole revenue system of the United States to provide for their peculiar advantage.

The President in his recent message has taken a broad and sincere view of this great question, and points out with unanswerable force and clearness how a restoration of the former duties on Canadian commerce would answer the double purpose of causing the Canadians to concede proper commercial and other privileges to our fishermen, also to restore to the United States some of the revenues that were formerly taken away by the treaty of Washington of 1871.

This, Mr. President, would be the first great practical advance to that commercial union with Canada that will lead to our ultimate political association with the Dominion.

Neither the President nor any other fair-minded American citizen regards the action of the Canadian authorities in denying to our fishermen the right to ship their fish in bond free of duty to the United States as being due to a feeling of hostility towards our country. They evidently take a business view of this subject, and hold that we never had the right to make such shipments under their construction of the treaty of 1818. And it was in that attitude that the President of the United States found this question when he was driven away from his duty and constitutional authority, in which the Senate shares, to make a negotiation with Great Britain, and was forced by the vote of the Senate to resort to some plan of retaliation against Canada.

The Senate refusing to treat with Great Britain on any basis that it was willing to suggest, or in any terms that it was willing to state, retaliation for our wrongs was the only remedy left open to him.

Now, can there be a doubt in the mind of any man whose memory is capable of carrying facts for six months at a time that the attitude of the United States toward Great Britain and Canada on the determination of this treaty of February last by the rejection of it by the Senate, was that our rights were not abandoned, our grievances were not condoned, our sensibilities were not in any respect relieved from affront, but that we intended to have redress from Great Britain and Canada for this long accumulation of abuses of the treaty of 1818, and that such redress must now come through retaliation upon Canadian commerce?

That was the serious attitude of this question before the world, and in the debates upon the treaty in this Chamber no doubt whatever was left that it was the intention of the Senate of the United States to corral the President and to compel him to execute the act of 1887, not according to his discretion which was given him under that law, but according to the commands of the Senate of the United States; not of Congress, but of the Senate.

That was an embarrassing situation, one that had to be met. The President was thus thrown upon the retaliatory law of March 3, 1887, as apparently the only means which remained to him of executing what was declared in the debates on the treaty to be the will of Congress, in the event that he found that wrong and injustice had been done to our fishermen through the conduct of the Canadian people. This was the Republican declaration at that time, only a few days since, but it is far from being the declaration to which the Senator from Ohio now adheres.

That subject, in all its bearings, then came before him for examination and for action. It will be admitted by any man who will read the act of March 3, 1887, carefully, that it conferred upon the President of the United States a very broad and almost irresponsible discretion. More than that, it was an act the violation of which was just as easy in the direction of its execution as in the direction of omitting to execute it. So strong was the feeling on the part of the persons who had insisted upon the passage of this law, that the President should be forced to execute it according to their selfish wishes, that they essayed as the representatives of a fishing association at Gloucester, in Massachusetts, very early after the enactment of this law, to indicate to the President of the United States what should be his line of action in the enforcement of the law. They argued and strongly insisted that, inasmuch as the law related to the redress of grievances on account of the fisheries, the exclusion of fish from the United States should be absolute, and that should be the boundary and limit of the retaliation that he was to institute in the execution of that law.

They set up their alleged losses of money in the competition with Canadian fisheries as the thing that was to be compensated in the enforcement of a law that was demanded for the protection of the honor of the nation.

There are some other interests in this country that are very largely concerned in the exclusion of competing commodities from Canada. I can mention some. The lumber interest of this country is largely concerned in the exclusion of lumber brought from Canada into the United States even under our existing tariff. There are other interests which would be very materially fostered if a prohibitory declaration or ukase were issued by the President of the United States to prevent absolutely the importation of those commodities into this country from Canada. The growers of barley and of wool in the United States, to say nothing of the owners of petroleum wells and those who have a demand for iron-ore, particularly the qualities that produce steel, would find themselves very considerably benefited, notwithstanding the rates of the present tariff, by a law or a proclamation that would prohibit absolutely the introduction of those articles into this country. Such exclusion would give them a larger control of what is called the home market which, it is said, belongs almost exclusively to the manufacturers of this land.

So the President, upon a question of the mere pecuniary advantage that his proclamation might work in behalf of certain people of the United States, could not justly confine himself, as was demanded by the Gloucester fishermen, to the prohibition of the introduction of fish into this country, but it would be equally his duty in that view of the subject to spread the prohibitions of his proclamation so as to exclude from the United States at least those articles which were in competition with what we produce in our own country. He took a very much broader view of this question. He did not hesitate to reply, as he does not hesitate to reply upon any question, to the demand that was thus made upon him, in terms which were befitting to the magnitude of the subject, the gravity of the situation, and what he conceived to be, and what I believe to be, his duty as the Chief Executive of this nation. He said in reply to the letter of the president of the American Fisheries Union, on the 7th of April, 1887:

EXECUTIVE MANSION, *Washington, D. C., April* 7, 1887.

GENTLEMEN: I have received your letter lately addressed to me, and have given full consideration to the expression of the views and wishes therein contained in relation to the existing differences between the Government of Great Britain and the United States growing out of the refusal to award to our citizens engaged in fishing enterprises the privileges to which they are entitled either under treaty stipulations or the guaranties of international comity and neighborly concession. I sincerely trust the apprehension you express of unjust and unfriendly treatment of American fishermen lawfully found in Canadian waters will not be realized; but if such apprehension should prove to be well founded, I earnestly hope that no fault or inconsiderate action of any of our citizens will in the least weaken the just position of our Government, or deprive us of the universal sympathy and support to which we should be entitled.

The action of this Administration since June, 1885, when the fishery articles of the treaty of 1871 were terminated under the notification which had two years before been given by our Government, has been fully disclosed by the correspondence between the representatives and the appropriate departments of the respective Governments, with which I am apprised by your letter you are entirely familiar. An examination of this correspondence has doubtless satisfied

you that in no case have the rights or privileges of American fishermen been overlooked or neglected, but that, on the contrary, they have been sedulously insisted upon and cared for by every means within the control of the executive branch of the Government.

The act of Congress approved March 3, 1887, authorizing a course of retaliation, through executive action, in the event of a continuance on the part of the British-American authorities of unfriendly conduct and treaty violations affecting American fishermen, has devolved upon the President of the United States exceedingly grave and solemn responsibilities, comprehending highly important consequences to our national character and dignity, and involving extremely valuable commercial intercourse between the British possessions in North America and the people of the United States.

I understand the main purpose of your letter is to suggest that, in case recourse to the retaliatory measures authorized by this act should be invited by unjust treatment of our fishermen in the future, the object of such retaliation might be fully accomplished by "prohibiting Canadian-caught fish from entry into the ports of the United States."

This is a quotation from the letter addressed to the President.

The existing controversy is one in which two nations are the parties concerned. The retaliation contemplated by the act of Congress is to be enforced, not to protect solely any particular interest, however meritorious or valuable, but to maintain the national honor and thus protect all our people. In this view the violation of American fishery rights and unjust or unfriendly acts towards a portion of our citizens engaged in this business is but the occasion for action, and constitutes a national affront which gives birth to or may justify retaliation. This measure once resorted to, its effectiveness and value may well depend upon the thoroughness and extent of its application; and in the performance of international duties, the enforcement of international rights, and the protection of our citizens this Government and the people of the United States must act as a unit, all intent upon attaining the best result of retaliation upon the basis of a maintenance of national honor and duty.

The nation seeking by any means to maintain its honor, dignity, and integrity is engaged in protecting the rights of the people; and if in such efforts particular interest are injured and special advantages forfeited, these things should be patriotically borne for the public good. An immense volume of population, manufactures, and agricultural productions, and the marine tonnage and railways to which these have given activity, all largely the result of intercourse between the United States and British America, and the natural growth of a full half century of good neighborhood and friendly communication, form an aggregate of material wealth and incidental relation of most impressive magnitude. I fully appreciate these things, and am not unmindful of the great number of our people who are concerned in such vast and diversified interests.

In the performance of the serious duty which Congress has imposed upon me, and in the exercise, upon just occasion, of the power conferred under the act referred to, I shall deem myself bound to inflict no unnecessary damage or injury upon any portion of our people; but I shall nevertheless be unflinchingly guided by a sense of what the self-respect and dignity of the nation demand. In the maintenance of these, and in the support of the honor of the Government, beneath which every citizen may repose in safety, no sacrifice of personal or private interests shall be considered as against the general welfare.

Yours, very truly,

GROVER CLEVELAND.

GEORGE STEELE,
President American Fishery Union, and others,
Gloucester, Mass.

I have read this entire letter because I could not take up a section or clause of it and read it with justice to the President of the United States. The whole of it is full of pith and substance, and it contains a direct statement of what the President conceived to be the proper breadth of the field to be covered in the exercise of the retaliatory power intrusted to his discretion by the Congress of the United States in the act of March 3, 1887. Whatever may have been the intention of the real authors of that act, it was not the purpose of those who supported it at large that it should merely furnish an opportunity for the benefiting of a particular industry in the United States, a speculative opportunity for a few men to make money out of, but it was intended as a broad vindication of the national honor and that in its enforcement there should be a broad exercise of national duty. So the President regarded it; so he informed the gentlemen who claimed that he should retaliate alone in reference to the very narrow ground of prohibiting fish alone, as early as April 7, 1887.

After that declaration on the part of the President of his willingness to proceed with any measure of retaliation that might be found necessary, the question recurs, why did he not proceed at once? Why did he not proceed to lock up commercial intercourse between the United States and Canada as early as April, 1887, when he wrote this letter? It was but a very short time after that when the Government of Great Britain signified its desire to enter into negotiation about this matter, and many of those who voted for this retaliatory act of March 3, 1887, did so merely because they believed that it would stimulate Great Britain to activity in her diplomatic effort to settle this controversy upon a just basis. I believe that it had that effect, not that I believe Great Britain was intimidated by anything that we did, for that was neither our purpose nor was it a rational view to take of the subject; but Great Britain saw that this country was in earnest about this matter and up to that time there was no division between Republican and Democrat in regard to the causes which led to our action or the manner in which that action should be executed and fulfilled.

Never before did any Congress, or any President evince so decided a purpose to bring these disputes to a just and final settlement.

Great Britain seemed to be equally in earnest, and the best hopes for amicable arrangement seemed to inspire the action of both governments.

The British Government became active in its demonstration of a wish and purpose to negotiate about this matter. Was there a man in the United States who at that time, March 3, 1887, would have dared to rise upon the floor of this Senate as a Senator and to have announced that it was the purpose of the Senate of the United States and of the House of Representatives in voting for that bill to cut off absolutely all negotiation with Great Britain on the subject of the fisheries and to force the controversy into a fight *à l'outrance?* I assume with confidence that there was no man in the United States who had the recklessness to have taken a position of that kind on this subject. We conveniently, as I have often remarked before, referred this matter of retaliation to the discretion of the President. We turned our responsibility over to him and yoked it upon his shoulders, and then, instead of trusting him as an honest and honorable citizen and a sworn officer of the United States Government to obey and observe the Constitution and the laws, instead of giving to him the credit of his action, as he deserved to have in view of all the history of this transaction, we turned around immediately and commenced to impeach him in the most severe and defamatory way because he did not see proper to execute this act in the manner in which it was prescribed to him by this association called the American Fisheries Union.

They claimed the exclusion of Canadian fish from our markets. Some of them being Democrats, the Republicans eagerly joined in their demand for the exclusion of fish and nothing else.

In all the debate that has been had upon this question in this body not one single Senator has ever yet intimated that the President of the United States, in the exercise of the power of retaliation, ought to have taken into consideratien any other subject than fish. No Senator can point to a word or line in that debate which intimated an opinion by any Republican that the President of the United States should, in the execution of that law, have prohibited the introduction of barley, of coal, of petroleum, of iron ore, of lumber, of cattle, of wool, or any product of Canada except fish. So I assume, without the slightest apprehension that I am doing any person an injustice, that the demand of the Republican party upon the President of the United States for the execution of the act of March 3, 1887, was confined to the prohibition of the introduction of fish into the United States.

The fact that this act was broad enough to cover all goods coming from Canada does not alter the demand so persistently made that the exclusion should relate only to fish.

Now, sir, that is an unseemly position for the Republican party to take if they have any respect for their own history; for do we not know and does not the world know that both by act of Congress in 1872, and by the treaty of 1871, and by the subsequent act of Congress of 1883 the Republican party in the United States enacted that fish for immediate consumption, fresh fish coming into the United States, should come free of duty? And do we not know that under the processes of freezing fish which are of modern practice more than two-thirds of the actual value of the importation of that commodity into the United States is free of duty under the construction of that act of Congress? All fish of every description was made free of duty under the treaty of 1871, which I suppose no one will deny was a Republican treaty in every particular. What did that party demand? What did they expect from the President of the United States? Simply this, that they having enacted a law to let in fresh fish free of duty, the President of the United States in the enforcement of the retaliatory law of March 3, 1887, should prohibit their introduction and thereby give the bounty of the entire market in the United States into the hands of the fishermen of New England.

Now contrast that narrow ground of private speculation, personal gain, and local advantage with the broad and statesmanlike utterances of the President of the United States as to the basis of his policy, which he stated in the letter to Mr. Steele, which I have just read, and you will see at once which of these parties is entitled to the consideration and respect of the American people for enforcing the laws of this country in a proper, just, statesmanlike, and national way. You will see one party contending for the advantages to accrue to few men as a mere private speculation, a local benefit, and the other insisting that the controversy with Great Britain upon the subject of the breach of the treaty of 1818 is a national matter and it must be dealt with in a national way by a national executive.

So when the President of the United States came to look about to see in what manner he should exercise the only alternative left to him by the action of the Senate in the rejection of this treaty, he at once discovered, or rather at once laid before the Senate of the United States, that which he had previously seen, and to which he makes distinct reference in his letter of April 7, 1887, to Mr. George Steele, that there was a way of reaching Canada on this question which would injure no citizen of the United States; a way that would inform Canada of her dependence upon our forbearance and our neighborly conduct for the prosperity of her commerce; a way to inform Canada that He who had constructed the geography of this continent had put barriers in the winter time in the way of her intercourse with foreign countries that Canada could only overcome by some arrangement through which she could reach speedily and safely the seaports of New England and New York.

Canada seems to undervalue the commercial power thus lodged in our hands, and we seem to regard it as a matter too insignificant for consideration; and yet this is by far the most important fact in the entire situation.

Nothing can be stated that more deeply concerns the future of Canada as the neighbor of this great Republic than the frozen barrier to her commerce that is interposed every winter.

Up to the time of the treaty of 1871, excluding the time of the reci-

procity treaty of 1854, customs duties were laid upon goods imported from Canada into the United States, and duties were laid upon goods that Canada might see proper to import through our ports into her own ports crossing our territory. That was an advantage to us and a disadvantage to Canada, which both countries perfectly understood and fully appreciated. When we came to the celebrated treaty of 1871, which the Senator from Ohio seems to regard as a final settlement of all difficulties between us, by far the most important concession that we made to Canada and to Great Britain in that treaty was couched in the twenty-ninth article, wherein we provided that all of their commerce crossing the United States and going to foreign countries, or coming from foreign countries and crossing the United States going to Canada, should pass through our territory under bond and free of duty. This concession was not limited to Canadian productions or to importations made by Canadian merchants. It included and still includes all that Great Britain may choose to send to Asia or South America through Canada. We can not deny to British exports or imports transit through our territory under bond and free of duty if Canada chooses to class them as Canadian commerce.

There we opened wide the gateways of commerce for Canada and gave to her advantages to the value of a great many millions of dollars annually. We contributed to her prosperity more than any decree of Great Britain or, I had almost said, any decree of fate could have contributed. We unlocked for her the frozen barrier of the St. Lawrence during six months of the year by permitting her commerce to go and come free across our own territory to the New England and New York seaboard. Let some man state some treaty arrangement, some act of great statesmanship, some broad act of legislation which could by any possibility, in favor of Canada, approach in value the equivalent of this great concession which we made to her in the treaty of 1871. I do not believe it possible for one country to grant to another a greater boon than this.

More than $60,000,000 of commerce annually passes through the United States without the payment of one cent of duty, a commerce that is bound to pass through the United States for more than half of each year, or else Canada, like a man who in conducting a business is compelled to suspend his labors entirely for six months in the year, must be terribly crippled in h r business of every sort. Canada is absolutely at our mercy in respect of her commerce during six months in the year. We conceded to her every dollar of duty that we have charged her upon this commerce up to 1873, when we put the treaty of 1871 into execution by an act of Congress. We conceded to her duties that would have amounted in the Treasury of the United States to $20,000,000 annually at the very lowest calculation, duties that since the act of 1873 would have amounted in the Treasury of the United States, as I have said, to $300,000,000. We made the concession to her, and there it stands, if it stands at all, under the twenty-ninth article of the treaty of 1871.

What did we get in return for that? We got duty free on the articles that we import from places beyond the Dominion of Canada through her territories into the United States. What are they? Nothing in the world comes through that line to us as commerce except the fish caught in the seas adjacent to Canadian territory. I have stated in the previous part of my remarks that that sum was probably $200,000 per year. That is a mere estimate, but I should be greatly surprised if it should exceed $50,000 a year. That is what we got in return from Canada for a concession of $20,000,000 a year of duties on goods that she is compelled to export and import.

I need not dwell any longer upon this subject. I merely propose to draw the outline of this picture and let the American mind fill it up, as it will be very certain to do.

The President of the United States found this concession to Canada in practical operation on the 30th of June, 1885. When he came to enforce the laws of the United States in respect of retaliation he saw that, instead of proceeding so as to cut down the trade and traffic of every private citizen in the land, whether in selling his merchandise, agricultural productions, manufactures, lumber, or what not; and instead of antagonizing the private interest of private citizens against the power of the Government of Canada, so as to throw upon the shoulders of the weak, the poor, and the helpless the burdens that would follow the cutting off intercourse with Canada, which must be very heavy, he preferred to take the burden upon the shoulders of the Government and return to the ground that we occupied before 1873. The President preferred to go back to that system of legislation which our fathers established, and which nobody before 1873 had found a reason for abandoning. He preferred to restore our tariff duties upon goods imported from Canada into the United States, and put Canada upon a footing with Cuba or Mexico or all other countries.

The President is clearly in the right. If we reinstate the law as it stood before 1873, Canada, feeling the weight and burden of an act, not of injustice or of national discrimination, feeling the effect of the withdrawal of our generosity to her, will see at once that it would become her to be just, if not generous and liberal, towards the people of the United States in respect to their fishing rights in the ports of Canada and in the adjacent seas under the treaty of 1818. In the twenty-ninth article of the treaty of 1871 we gave to Canada enough to have induced her to consent to all our rights in the fisheries as they existed in 1783.

What clearer proposition could be stated to an intelligent and a patriotic mind than that? But the President of the United States did not by any means have to reach these conclusions by riding down treaties or asking for the repeal of statutes. But Congress, in its neglect of the rights and interests of the people and of its solemn duties, had permitted the statute laws of the United States to go into that shape and condition where it became necessary in order even to guide the Executive in the performance of his oath to see that the laws are faithfully executed that it should come to his relief and place upon the statute-book some enactments indicative of the public policy of the United States on this grave and important subject. The law enacted in 1873, which put the treaty of 1871 into force, had expired by its own express limitation on the 5th July, 1885, that being the date of the termination of Articles XVIII to XXV and Article XXX of the treaty of 1871.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Senator from Alabama will suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. DOLPH. I ask that the pending order be laid aside informally that the Senator from Alabama may conclude his remarks.

The PRESIDING OFFICER. If there is no objection, the pending order will be informally laid aside.

Mr. MORGAN. I am very much obliged to the Senator from Oregon for his courtesy. I prefer to conclude my remarks this morning, as I have some engagements out of the Senate for to-morrow which will prevent my attendance.

The President of the United States found the law in a condition, as I will observe again, where it was necessary that Congress should act in order to give to the executive head of the Government a guide to go by in its further execution. We find that up to 1873, under the laws of the United States, Canada paid duties upon her goods like all other countries. We find that in 1873 that requirement upon Canada was suspended. It was suspended in a way, however, which required that after the act of suspension had expired it should be re-enacted before the President of the United States could put it in force. Now, how was that? I will read a part of the act of 1873 so as to make my remarks upon this subject entirely intelligible. Section 2866 of the Revised Statutes provides that—

> From the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May 8, 1871, as contained in Articles XVIII to XXV, inclusive, and Article XXX of said treaty, and so long as said articles remain in force, according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may, from time to time, prescribe.

Another act of Congress, the revenue act, contains a similar provision, but seems to enlarge the scope of the act of March 1, 1873, so as to provide for the exemption from duties of Canadian commerce passing from Canada to our seaboard and to foreign countries.

That was the state of the law as the President of the United States found it at the date of his message to Congress recently delivered to us. What did it provide? That, in express terms, the act permitting goods imported into Canada to come free through the United States should expire by its own limitation whenever Articles XVIII to XXV and Article XXX of the treaty of 1871—the treaty of Washington—should be terminated.

Did Congress have the right to impose that restriction upon the operation of the treaty of 1871? The answer to that question is that Congress has the right at any time to repeal the treaty of 1871. In this country, as I have had occasion before to observe during the long debate upon the subject of the treaty, the Congress of the United States is the dominant power and represents the true sovereignty of the people of the United States whenever it chooses to exercise its will in the form of legislation, and no treaty can stand for a moment in the way of Congress thus commissioned to execute the will of the people.

So the Congress of the United States gave its assent to the operation of Article XXIX of the treaty of 1871, which exempted Canadian commerce passing through our country from the payment of duty. But for how long a time? Only for the period of time, says Congress, during which Articles XVIII to XXV and Article XXX shall be in force. In 1885, after two years' notice, we terminated Articles XVIII to XXV and Article XXX by an express act of Congress. There of course arose the condition upon which the act exempting Canadian products from duties ceased longer to have any operation. That stands in the nature of a repealing statute. During the time, at least, of the operation of Articles XVIII to XXV and Article XXX, through the effect given

to them by Congress, the statute virtually repealed the laws which required the collection of revenues from Canadian produce imported into or carried through the United States.

But our law, as declared in the statutes, is that the repeal of a repealing statute does not revive the original act unless by express command. When this statute expired by its own limitation its repealing effect upon antecedent laws requiring the collection of duties on Canadian commerce ceased to have full operation, and it became necessary for the Congress of the United States to re-enact these laws so far as Canada is concerned if we chose to extend the term of Article XXIX and to reimpose these duties upon goods coming from Canada or passing through the United States into Canada, if we preferred not to extend that term of Article XXIX of that treaty. It became the duty of the Congress of the United States to re-establish the revenue laws and the duties of the revenue officers before the President could execute the laws by collecting those revenues.

Now, sir, we will put the treaty of 1818 out of view. We will put every quarrel with the Canadian Government out of view for the moment. When we find that the act of 1873 has expired by its own limitation, what is the plain and palpable duty of Congress? It is, if public policy so demands, that we should reinstate and continue the force and effect of Article XXIX of the treaty; or if public policy is the other way, that we should refuse to do this, and we should order our custom-house officers to collect the duties upon Canadian commerce as they are collected upon goods from all other countries coming into the United States.

With every other consideration out of view, it was the plain duty of the President of the United States to call attention to the condition of the law upon the question of duties on imports coming from Canada, so that Congress might take such action as it should be advised was proper, either to renew and extend that law or else to allow it to remain dead, and in its place to substitute the revenue laws of the United States.

It so turned out, however, that we could make a double use of this opportunity, and instead of the President recommending that Congress would renew for another period of ten years the exemption of Canadian products from the payment of duties, he recommends that the duties should be reinstated, and that the tariff laws of the United States should operate generally upon Canadian commerce just as they do upon commerce brought from Germany or France. That is the whole proposition. That simple proposition, of which such good use can be made, so just in itself, relieving this country from any improper and unjust discrimination in respect of Canadian commerce, it is suggested by the President shall be restored to the statute-book as it stood before 1873, the date of the act from which I have just read.

What will be the effect of it? It will be, as I have observed, to inform Canada that hereafter she can not have access to the Atlantic Ocean through our railways and through our ports, or from the Atlantic Ocean through our ports and railways to her own ports for her commerce, unless she stops at the borders and pays the same duty to our custom-house that the people of Germany, the people of France, and the people of Great Britain have to pay on goods entered for consumption. That is the whole subject included in this branch of the President's message.

When the Canadians are informed that that is the situation upon which we have resolved, then they will discern that there is not merely a relation of blood and kindred between us, but that the Almighty in the configuration of the physical geography of this continent has put the commercial prosperity of the Dominion of Canada so far dependent upon the will of the people of the United States as that their best interests now and hereafter must depend either upon our benevolence and their good neighborship, or else it must depend upon some identification of material interests between us and them.

If there is any one thing that would lead to the realization of the hopes so well expressed by the Senator from Ohio [Mr. SHERMAN], and in which every American citizen North and South equally coincides, if anything would advance the era when this people of a common origin and a common blood should unite themselves under the beneficent system of government that we have in the United States, it would be a resort to a policy which would inform the Canadians that their material interests as well as their affections and their sympathies are bound up very intimately with the people of the United States.

If I were to forecast the period of time when Canada might be admitted as an integral part of the Government of the United States, of course, with her own consent, I would say it would be at that period of time when Canada had determined in her own councils that her best interests led her into close and valuable commercial union with us; and that period of time will arrive after she has seen that her whole commercial prosperity is dependent upon the legislation of the Congress of the United States far more than upon the legislation of the Parliament of Great Britain.

I believe that this one stroke of masterly policy suggested by the President of the United States will have more to do with the coming of Canada within reach of our political affiliation than any other act that could be stated, for it brings before the eyes of the Canadian people the great practical fact that their material interests are so bound up with us that a common government is a necessity for all alike. A zolverein would soon lead to this result, and I would welcome such an arrangement if I could see how it could be made practicable and equal in its operations through the action of two independent governments.

The Canadian Government for some reason that can not be characterized as one influenced by very sound policy thought it necessary under the twenty-ninth article of the treaty of Washington to prohibit our fishermen from shipping their catch of fish from the cod banks, the mackerel fisheries, and the halibut fisheries of the northeastern waters across Canadian territory, under bond and free of duty—a mere bagatelle, something that was of no account, so far as the money in it was concerned, to Canada or to us. Nevertheless, it was a right guarantied to us under the treaty of 1871, as has been often asserted. Why Canada should have been so purblind as to refuse the admission of our fares of fish under bond to pass free of duty across her territory is beyond the imagination, I think, of any right-thinking man. Still it has been done, and I suppose it will continue to be done.

In that respect, according to the interpretation that we put upon the treaty of 1871, she violates it. If Mr. Cleveland had taken advantage of its violation, he would have been justified in saying that Canada has violated the twenty-ninth article of the treaty of 1871, and we retort upon her by declaring its abrogation.

The argument made by the Senator from Mississippi [Mr. GEORGE] upon another phase of this question deserves the closest attention of constitutional lawyers and publicists, for he has established to a demonstration upon technical reasoning that the twenty-ninth article of that treaty, not containing a period for its own termination, was referred by the treaty to that period which covered the continued existence of Articles XVIII to XXV and Article XXX. He also argued that when Articles XVIII to XXV and Article XXX were abrogated, or when they were terminated, to use the correct word, by the act of the Congress of the United States the period had ended, and the only period had ended which was fixed in the treaty as the limit of the life of the twenty-ninth article of the treaty.

I am willing to concede that that is technical argumentation. I am willing to concede that the current of American and British opinion is the other way. Nevertheless, when we submit that article of the treaty to the judgment of a tribunal that must pass in strict judgment upon constitutional questions, I apprehend that the argument of the Senator from Mississippi will be found very hard to answer.

But the President does not take either of these grounds. He merely says to the Congress of the United States that in his opinion we will not find the twenty-ninth article of the treaty or any act of Congress heretofore existing in our way when we desire to reimpose duties upon Canadian commerce. Sir, that is true beyond all dispute. The House of Representatives, which has the right to originate all bills relating to revenue and taxation—the House, without which the Senate can not begin to act upon a revenue question, when it came to consider the revenue propositions that were involved in the treaty of 1871, measured its consent first to the existence and then to the continuance of the provision made in Article XXIX of the treaty by its own view of public policy.

The House of Representatives had a perfect right to introduce a bill and pass it, with the consent of the Senate and the concurrence of the President, which would have limited the operation of that treaty to one year if they had seen proper to do it, and it was the course of wisdom to place strict guards of limitation upon the operation of a treaty that was so entirely one-sided as that. The House perfectly understood that we were yielding up to Canada out of the revenues of the United States $20,000,000 a year upon her exports and imports through our country, and that Canada was probably not yielding to us as much as $200,000 a year in her revenues upon the importations of fish through her territory into our country. The House saw that this was an unilateral affair, that the weight and burden of the concession was all upon the people of the United States, and none of it upon Canada; and, seeing that, they wisely and prudently said, "We connect together this right of the fisheries and all the privileges that our fishermen are to enjoy under the treaty of 1871 and the concession of $20,000,000 a year in the way of revenues that we are making to Canada; we unite them in our action so that the one may stand in some respects as being reciprocal to the other. Thus uniting them, thus considering the question, thus measuring the policy upon which we are inclined to act, we absolutely limit this act of March 1, 1873, so that it shall continue," in these words:

So long as the said articles remain in force.

What articles? The articles named here, Articles XVIII to XXV, and Article XXX of the treaty of 1871. Did the House of Representatives and the Congress of the United States have the right to give their consent to the operation of this treaty during that limited period of time?

If Congress had that right—and there is no disputing it—that is all that it did; that is the right it has exercised. The President has said to the Congress of the United States that we will not find this act in our way, because, according to the limitations that Congress placed in it, it has expired; it has ceased; it is *functus officio;* but he found it in his way as President of the United States, because having passed this

repealing act, Congress must reinstate this, or provide some other law for his guidance before he can proceed.

So, whether Canada has been kind or unkind to us, just or unjust to us; whether we have overstated or understated our rights in respect to the fisheries in our dealings and in our diplomatic correspondence with Great Britain, it makes no difference; the laws of the United States are in this lame condition and they need rectification. It is a duty we owe to our country as well in respect of the collection of the revenues due to the Government as in respect of the relations we hold to Canada that this legislation should be attended to and arranged.

Because the President asks for this legislation the Committee on Foreign Relations of the United States Senate quickly changes its policy and declines to become active in respect of Canadian interference with the treaty of 1818.

I will not follow the Senator from Ohio through all the mazes of his argumentation, in which I think the Senator, after he gets his mind a little cool from the influence of this passionate political campaign that is now raging through the United States, will find that he has done the President of the United States great injustice in the statement of the President's position.

Turning to the other branch of this inquiry, there is but one thing to be said about it, and that relates to the discrimination in the tariff charges on ships, property, and passengers passing through the great lacustrine system divided between the United States and Canada by invisible lines drawn through the water. We have divided the lakes and the rivers that connect them by invisible lines drawn through the middle of the stream, a very inconvenient and difficult sort of boundary line to maintain and to respect.

When we were negotiating the treaty of 1871 the Government of Great Britain took the ground the provinces of Canada have so much of autonomy, so much of local self-government, so much of freedom and of independence, that they had not the power under the empire to compel her to open her canals to the transmission of goods and passengers and ships free of charges, in fact that Great Britain had no such power over them. Whatever is done in this particular by the provinces of Canada must be done by the consent of their local legislatures. We on the other hand said to Great Britain that we were much in the same condition, or precisely in the same condition.

There are some canals here, like the Erie Canal, passing entirely through the State of New York and owned by that State, leading from the Great Lakes out to the seaboard. There are some other canals shorter than this which are within the States and belong to the States or to the people of the States. The United States have no power to compel any one of these States to make any concession in regard to these canals. So both powers are in the same situation. What could they do? They both agreed in this treaty that they would use their best endeavors to persuade the respective local governments that they should not discriminate between American and British or colonial commerce in the rates charged for the passage of ships and traffic through these canals. That was as far as they could go. There the powers of diplomacy and treaty making ended; there they found a barrier which terminated their powers, and the two governments contented themselves with an assurance to each other that they would recommend, the one to its colonies and the other to the States, such arrangements as should result in an equable and just schedule of charges upon commerce and passengers and ships going through. That was the situation.

It was further provided, however, in the treaty that in the event that either of them, any State or any colony, should not comply with this mutual agreement then the other Government could proceed to legislate in its own way as if that article were abrogated.

The Senator from Maine [Mr. HALE], who has long been very familiar with these questions, when he was debating the treaty before the Senate announced his disagreement with the President of the United States and with the policy which he had adopted, because the President had not treated with Great Britain about this canal question. With the treaty before that honorable Senator, showing plainly and palpably the reasons why Great Britain could not do it, and why the United States could not do it, neither having any control of States or of colonies, the Senator complained that the President of the United States had not opened negotiations with Great Britain for a treaty on this subject.

The Senator from Ohio recognizes the situation. He knows that neither of these Governments can advance a hair's breadth farther than it has already gone in the arrangement of a treaty regarding the subject of fares upon the canals and the passage of ships and passengers and commerce through them. Then what remains to be done? There has been discrimination, there has been wrong, there has been that concealment about the discrimination and wrong that stamps it as in the nature of an overreaching act. What is to be done? No power can act but Congress, and the Senator knows it.

The President of the United States comes here and asks us to act. The Senator from Ohio holds up the utopian scheme, blazoned with the brightest hopes that ever challenged human admiration, of the ultimate admission of Canada into the Union as the all-healing balm for these troubles. He will not introduce a bill here to assist the President of the United States; he will not vote for a bill now before his committee to help the President of the United States to correct these and other evils; but when he is asked to consider a measure in the committee and to bring it into this body and vote for it so as to give justice to American shippers through Canadian canals, of which they are deprived by Canadian artifices secretly perpetrated, the Senator from Ohio opens his all-embracing arms and proposes to take in Canada clear up to the north pole.

That is the answer to the President's proposition. The first answer is made by the Senator from Ohio: "I will not give you, Mr. President, the power to reinstate the taxes through the consent of Congress, upon Canadian commerce. On that subject, I will change my whole programme."

The Senator, in the course of his remarks, mentioned an amendment that he said he intended to offer, or did offer in the committee. What was it? An amendment to strike out the fifteenth section, or so much of it as related to any reciprocity of trade between the United States and Canada.

Why did the Senator make that motion? Why did he advocate it? Upon a doctrine that he is as thoroughly grounded in as he is in the great history that he has wrought for his country in this and in the other House of Congress. What is that? He has been the uniform champion of the doctrine that there shall be no arrangement of customs duties between the United States and any foreign country by treaty, taking the high ground that only the House of Representatives has the constitutional right to originate a measure of that kind, and that the Senate can not originate a measure that relates to revenue. And yet when the President of the United States sends his message to this body and asks the Senator from Ohio to reinstate a law that was upon the statute-books until 1873, whereby we could collect revenues from Canada, he says, "No, I prefer to treat with them, and that is the object of my resolution, for the taking all of Canada into our possession, and then we shall not fear any discrimination in duties; we shall not need any regulation of commerce between the two countries."

Mr. President, following up the Senator's traditional ground upon this question in the Senate, oftentimes expressed and never abandoned until this occasion, we find that he would be compelled by his action to concede to the President of the United States the restoration of the duties upon Canadian commerce, but instead of doing that he withholds the power from the President and censures him for asking for it. He says that his motives are merely to get up a political clamor.

Why, sir, if Mr. Harrison is elected President of the United States, I confidently expect that on the very first day of the next Congress measures will come in from the Republican party to reinstate the duties on Canadian commerce, and treaty propositions will be offered between the United States and Great Britain containing concessions broader than any that Mr. Bayard ever made to the Canadian people and advantages far less to us than those that he achieved by his treaty, and everything will work as smoothly as a toboggan, and as rapidly. It will be down-hill from the beginning and no obstruction.

Now, Mr. President, let us deal fairly and squarely and candidly with this question. The President of the United States has sought to retaliate upon the Canadian Government and the British Government for wrongs done under the treaty of 1818, and he has stated them time and again and made demands for reparation. The Republican party from time to time have announced the existence of these wrongs, though I recall not one single demand, except that of the Sunday fishing in the Bay of Fundy made by the Senator from New York [Mr. EVARTS] when he was Secretary of State, ever made by a Republican President upon the Government of Great Britain for a single wrong that had been done to us during the last seventy years. There is not a Senator on this floor who can rise in his place and state from the records of the history of this country a single specific demand made in regard to a single American ship that was ever made by a Republican administration in this country under the treaty—not one.

Instead of making demands for wrongs, they have paid almost unlimited sums for peace and for the passing over of these questions in silence. When Mr. Cleveland came in, he opposed his powers with a bold front against the aggressions and demands of the British Government. He made a demand for compensation to every ship that had been unlawfully seized, for every article of property that had been improperly dealt with, and for every fisherman whose rights had been transgressed by the conduct of the Canadian authorities.

Not only did he that, but he went into negotiation with the British people for the purpose of seeing if an adjustment of their rights could be made, and then, as I remarked the other day, instead of withholding this treaty, postponing the subject, dallying with it until the heat and burden of this great political campaign had passed away, when it could not become an element of political exploiting by either of the great parties of the country—instead of doing that, he came boldly forward with his treaty and laid it before a Republican Senate and asked their concurrence in it when he knew it took two-thirds of that body to concur.

Allow me to remark again—for I like to remark upon it—there is no act of political statesmanship that ever characterized the conduct of a President of the United States that has in it more of honest, sincere

manhood and moral heroism than that act of the President of the United States. He wants open discussion of everything. He wants the people of the United States to see and to feel that they are right. He resorts to no concealment. When he has a proposition to submit to the Congress of the United States he comes boldly forward with it, no paltering, no double dealing, no hiding away of his opinions, but he puts the subject before the people and the Congress in such a direct and sincere and manly form as that no man who reads it can misunderstand it.

So he comes to the Congress of the United States and asks in his message that we shall give him this power not merely to retaliate upon Canada for wrongs she has done us, but to convince her that she must not do these things any more. He asks Congress to put the revenues of our country in respect of Canada upon the same footing that they are in respect of Mexico or any other foreign state, and also to relieve him from an embarrassment which every lawyer must see that he can not escape from as long as the law remains in its present imperfect and confused form. That is what he asks of us, a plain, simple thing. The question is whether we will grant it. I do not believe that Congress will grant it, notwithstanding the almost solid vote of the House. There is no intention on the part of the majority in the Senate to grant it. There will not be any action taken upon it according to present appearances.

It will be but a few days now, as we are informed, until the report comes in on the tariff, and that will wedge everything else out, and after we have stood here and implored the postponement of action upon this treaty until December, so that the people of the United States might have a chance of having actual experience and actual observation of its benefits under the equivalent operation of the *modus vivendi* in the protocol; after refusing to postpone it, when the President asks for a power from this Congress which would be available, they say to him, "No, do not reinstate duties upon Canadian commerce; you will hurt the railroads of the country if you do that; you will hurt the corporations; go and make proclamation of non-intercourse where the burden will fall not upon the great corporations of the country, but upon the individual laborers who are engaged in manufactures, in mining, the timber and lumber industries, and in agriculture." Instead of making the yoke to fit the necks of the corporations, who are the instigators of all this trouble, they want the President, by his proclamation of non-intercourse, to put yokes upon the necks of the working people of the land.

The next outbreak of sympathetic eloquence we shall hear when the tariff comes in from the committee will be "what trusted and sympathetic friends of the poor and the laboring people are the Senator from Ohio and his friends on this floor," who are now so careful of the railroad companies.

The President of the United States knows how to discriminate in the measures he recommends so as to save the people whom he loves from unnecessary burdens falling upon the individual man. If burdens must come and be borne, let them be borne at least in a fair share by those who have amassed great accumulations of capital and who enjoy enormous corporate privileges and franchises at the hands of the Government.

But the moment we undertake to strike a blow for the honor and welfare of the country which may reach a railroad corporation, then we find the great Senators on this floor and the great politicians of the Republican party rallying to shelter the railroad corporations against a fair share of the burdens, and demanding of the President of the United States that he should pass them by and let the burdens of retaliation fall upon the necks of the laboring people of the land.

That is the situation, and right there, Mr. President, I leave it.

Mr. DOLPH. Mr. President, I had not intended to occupy the attention of the Senate on the fisheries question or on the question of our relations with Canada again this session, and should not have done so except for the extraordinary speech which has just fallen from the lips of the Senator from Alabama [Mr. MORGAN]; and even now I shall be very brief.

The Senate has constituted two committees to inquire into our commercial and other relations with Canada and to report to the Senate thereon. The treaty recently before the Senate has been rejected. The President still declines to enforce the provisions of the act of March 3, 1887, commonly known as the retaliation act. His attempt to divert attention from his refusal to do so, and from the conspicuous failure of his attempt at negotiation with Great Britain has proved futile, and I am quite satisfied with the situation. Our friends on the other side of the Chamber do not appear to be satisfied.

In March, 1887, they presented a united front in favor of the position that a treaty was not necessary, that negotiation was not desirable, that retaliation was the true remedy for the aggressions of the Canadian provinces upon our fishermen and fishing vessels. Suddenly they changed front. They became the defenders of the Administration; they sang the praises of the treaty which had been negotiated and which was recently rejected by the Senate, but there was always an interlude of a proposition to postpone the consideration of the treaty until after the November election; just as if a treaty which would be desirable after the 6th of November would not be a good thing before the election. Now, after the treaty is rejected and the President still refuses to exercise the powers for retaliation placed in his hands by Congress, they turn around and complain of the Republican majority of the Senate because we do not precipitately grant the President's request for further power to retaliate upon the Canadian provinces.

From the advocates of the British side of this fisheries controversy they become now the most radical advocates of retaliation. They can not state the British aggressions upon American fishermen and the wrongs of Canada against the United States too strongly. Witnessing the facility with which they change positions on this question, one is ready to exclaim:

O consistency, thou art a jewel!

Mr. President, I regard the message of the President of the United States of the 29th ultimo, relating to legislation concerning intercourse with Canada, as a most extraordinary document. To be properly understood it must be considered in connection with certain facts relating to the controversy between the United States and Great Britain concerning the fishery rights of our citizens in British waters under the treaty of 1818 and our claim to reciprocal commercial privileges in Canadian waters.

These controversies, as I stated on a former occasion, may be stated to be first in regard to the delimitation of the common waters within which American citizens have a right to fish under the treaty of 1818 from the waters in which we renounced the right to fish under the renunciatory clause of that treaty on certain coasts of the British provinces; and second, as to the laws which have been passed by the Canadian provinces to regulate the exercise by American fishermen and American fishing vessels of their rights to fish in Canadian waters and their right to enter certain bays and harbors for the purpose of shelter and repair and for obtaining wood and water.

The controversy in regard to the delimitation of the common from the restricted waters turned on the question of the meaning of the words "bays and harbors" as used in the renunciatory clause of the treaty of 1818, and that of course could only be settled finally by agreement or by arbitration. The claims of citizens of the United States against the British Government for the unlawful seizure and confiscation of their vessels for alleged violation of provincial laws could only be determined by agreement or arbitration with the British Government; but the question of delimitation was not an important or a pressing question from the fact that neither Great Britain nor the provinces, with one or two exceptions, had ever undertaken to enforce the headland theory, and the question of the claims of our citizens against Great Britain was not of great urgency. Such claims lose nothing by lapse of time and will remain demands against the British Government until they are finally determined and settled.

The important question of the controversy was the question of our commercial relations with the Canadian provinces, the question of reciprocal commercial privileges to our vessels, including our fishing vessels, in Canadian waters, and the interests and the dignity of the United States demanded, inasmuch as this question of commercial privileges did not depend upon treaty but upon the laws of the two countries, I say the interest and the dignity of the United States demanded that there should be denied to Canadian vessels in our ports the privileges which were denied to our commercial vessels, including fishing vessels, in the ports of Canada.

The Congress of the United States by the act of March 3, 1887, conferred upon the President of the United States power to deny to the vessels of the Canadian and other British provinces of North America the privileges in the ports of the United States which were denied to American vessels in the ports of the Canadian provinces, and it further conferred upon him power to retaliate upon the Canadian provinces for the unlawful, unjust, and brutal treatment of our fishermen in Canadian waters, and for the denial or abridgment of the rights of our citizens under the treaty of 1818 or under international law in Canadian waters.

The President did not enforce that act, which I will show presently contained ample power of retaliation. What did he do? He negotiated a treaty by which the United States surrendered in large part their claim upon the question of delimitation, their contention as to what were bays and harbors within the meaning of the renunciatory clause of the treaty of 1818, by which no provision was made for the presentation or determination of the claims of American citizens for wrongs inflicted upon them by the provinces or by Great Britain, for the unlawful seizure and confiscation of their vessels; and by which the United States surrendered, or would have surrendered if the treaty had been ratified, our claim to reciprocal commercial privileges in Canadian waters, and agreed that if our fishermen were to receive even partial commercial privileges such privileges should be purchased by the surrender of duties to the amount of about $1,000,000 a year.

And, sir, when that treaty was before the Senate and under discussion, as I have said before, appeals were made from the other side of the Chamber for the postponement of the treaty, a motion was made by a member of the other side for the postponement of the consideration of the treaty until December next, and the Republican side of the Chamber were threatened that if the treaty was not ratified the President would enforce the act of March 3, 1887, and in such a manner as to in-

jure the business and destroy the industries of the American people and bring bankruptcy upon the country. Such threats were used in order to endeavor to secure the ratification of the treaty.

Well, sir, that treaty, which was a shameful surrender of American rights, was rejected, as it should have been. The President was left free to execute the act of March 3, 1887, free to retaliate upon Republican Senators for the rejection of the treaty; but he chose to bluster instead of to act. He declined to exercise the power which had been placed in his hands; he refused to accept the measure of retaliation which had been established by law. He undertook to instruct Congress upon the question. He demanded power to do what? To prevent the transportation in bond of goods brought from Canada into the United States for the purpose of being shipped abroad and goods imported from abroad and brought into the United States for the purpose of being taken into Canada—a power the exercise of which would hurt American transportation companies alone; a power which would tend to destroy American interests, and which it is very doubtful if it would harm Canada at all, because if transportation were diverted from American transportation lines it would be transferred to Canadian lines, and would build up Canadian transportation companies and cause the construction of new lines of railroad, and in the end, as is claimed by leading men in Canada, would be a benefit to the Canadian provinces.

The exercise, as I will show in a moment, of the power which was placed in the President's hands under the act of March 3, 1887, would have injured Canada. Was that the reason the President did not exercise it? The power asked for would injure American interests, and it is doubtful if it would injure Canada in the long run. Is that the reason the President desires the power? If I am correct in regard to the effect of the exercise of this power it would seem to be the desire to retaliate upon the people of the United States rather than those of Canada. Why, sir, if the President had exercised the power which was placed in his hands to deny to Canadian vessels entry into our ports, it would not have been thirty days until our fishing vessels would have been granted full commercial privileges in the Canadian provinces.

If the President had denied the importation into the United States of fresh fish or salt fish or lumber, it would not have been thirty days until the Canadian provinces would have been casting about to see how they could amend their laws to give our fishermen all the privileges we have ever contended that they should have under the treaty of 1818.

Sir, I deny that the act of March 3, 1887, does not contain complete power for retaliation, and power to retaliate on Canada in such manner as to harm Canada and be harmless to ourselves. Let us see what that act provides. It provides, first—

That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are then or lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports or places; or—

Second—

whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or—

Third—

whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect—

First—

to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and—

Second—

also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

Here there is conferred upon the President of the United States ample authority to prevent the entry into any port of the United States of any vessel belonging to the British provinces, and authority, as I said before, to prevent the importation of fish, either fresh or salt, or any other product of Canada. The Senator from Alabama insists that it requires legislation to enable the President to prevent the importation into the United States of products of Canada intended to be transported abroad, produce simply passing through the territory of the United States. The language of this act is broad enough to authorize the President to prevent any production of Canada from coming into the United States either for consumption in the United States or for transportation to a foreign country.

The Senator says, and the President declares in his message, that the twenty-ninth article of the treaty of 1871 has ceased to be in force. In my opinion that article is still in force. I believe the Canadian authorities are right in regard to that, and it will be in force until two years' notice has been given by the United States, under the authority of Congress, to terminate it, unless this act of March 3, 1887, shall be held to be an abrogation of that article of the treaty. Certainly if that article is not in force, as the President declares, then there is nothing in the way of this act, and the President has ample power under the provisions of this act to prevent the importation into the United States of any production whatever of Canada.

But if it should be held that the act of March 3, 1887, must be construed in connection with the twenty-ninth article of the treaty of 1871, and that it was not the intention of Congress to abrogate that article, and the article is still in force, then it is a treaty obligation, and unless we are willing to violate the treaty it requires a notice to the British Government to terminate it.

The Senator from Alabama [Mr. MORGAN] dwelt upon the immense amount of foreign merchandise that is transported in bond across the territory of the United States and into Canada free of duty, and of Canadian products that are transported in bond across our territory intended for exportation, and he talks about the duties which we lose by that transportation. I did not suppose there was a man in the United States, capable of understanding a plain statute and knowing the circumstances, who believed that this transportation of merchandise in bond across the territory of the United States affects our revenue from duties at all. If duties were collected on merchandise to be imported into the United States intended for Canada or on merchandise brought into the United States from Canada intended for exportation, it would not be transported across the territory of the United States. The products of Canada would seek other routes to the sea, and her importations would be through her own ports. It is not an arrangement affecting the revenue at all; it is a mere matter of the convenience of the two countries.

While the Senator magnifies the amount and character of transportation in bond, so far as it is claimed to be beneficial to Canada, he belittles the question of transportation in bond of American products across Canadian territory. I will inform the Senator that there is a large amount of products of the Pacific coast that is now transported by the Canadian Pacific through Canadian territory and brought again into the United States. I understand there is a large amount of American products also brought over the Grand Trunk Railroad of Canada, products of the Western States that are shipped through to New York. Probably there is quite as much of transportation of American products in bond through the Canadian provinces—I do not speak after an examination of the question, but from my observation—as there is of transportation in bond through the United States of the products of Canada or merchandise imported intended for Canada.

I have shown, as I believe, that the President has ample authority, if disposed to retaliate on Canada, to do so in such a manner as to hurt Canada and not to injure the United States; that he is not confined by the Republican party, as was claimed by the Senator from Alabama, to retaliation by forbidding the importation of fish. Nothing that the Senate has done or that Congress has done limits his powers; and outside of Congress it is certain the Republican party can not control the President of the United States in the exercise of his powers under this act. He is not confined to the prohibition of the admission into the United States of fresh fish or of salt fish, but may prohibit the entry of wheat, or barley, or lumber, or any other Canadian product.

While he refuses to exercise the power conferred upon him, when he has, as I believe, deliberately refused to execute such power, and wisely determined not to carry out the threats which were made freely on this floor as to what would be done if the treaty was rejected, I for one am not willing to place in his hands a further power which, if exercised, would probably only hurt American interests without harming Canada.

The bill offered by the Senator from Alabama and which has been referred to by him contains a section relating to the question of tolls upon Canadian vessels on the canals of the United States. I have examined the correspondence which was submitted by the President in answer to the resolution of the Senator from Massachusetts [Mr. HOAR] calling for the correspondence upon the subject. I do not find anything in that correspondence that makes action by Congress so urgent that we can not wait until after the committee appointed to examine our relations with Canada shall have had time to investigate the subject and report.

Mr. SHERMAN. I hope the resolution will now be referred.

The PRESIDENT *pro tempore*. The question recurs, by unanimous consent, on the motion to refer the resolution.

Mr. GEORGE. I had some thought of making some remarks on the resolution.

Mr. SHERMAN. There are several Senators who wish to discuss the subject-matter of the resolution. If the Senator from Mississippi will allow it to be now referred to the Committee on Foreign Relations, it will no doubt be reported back one way or the other without delay.

Mr. GEORGE. It will be reported back very soon?

Mr. SHERMAN. Very soon, one way or the other; I can not say which way; and then the Senator will have an opportunity to speak upon it. I should like to have it referred so that it may be considered to-morrow, if possible.

Mr. GEORGE. With that understanding I consent to the reference.

The PRESIDENT *pro tempore*. The resolution will then be referred to the Committee on Foreign Relations.

Mr. CULLOM. I desire simply to state that I expect to say something on the resolution myself; but if the Senator from Ohio expects soon to get it back into the Senate from the committee, I shall defer my remarks.

Mr. SHERMAN. It will be reported one way or the other very soon.

EXTENSION OF APPROPRIATIONS.

Mr. ALLISON. I report back from the Committee on Appropriations the joint resolution (H. Res. 225) to continue the provisions of existing laws temporarily for the expenditures of the Government. I ask unanimous consent that the joint resolution may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. PLATT. When will the time run out by the present extension?

Mr. ALLISON. October 10.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF ADULTERATED FOOD IN THE DISTRICT OF COLUMBIA.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia; which were read, as follows:

In line 5, after the word "health," insert "or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance."

In line 6, after the word "sell," insert "in the District of Columbia."

In line 7, after the word "stained," strike out "or."

In line 7, after the word "powdered," insert "or manufactured."

Page 2, line 3, after the word "sell," insert "in the District of Columbia."

Page 2, line 25, after the word "sell," insert "in the District of Columbia."

Page 3, line 7, after the word "shall," insert "in the District of Columbia."

Page 3, line 18, strike out the words "any exception or provision" and insert "proviso."

Page 4, line 14, strike out all after "Sec. 11" down to and including the word "drugs," in line 26, and insert: "That the analysis provided for in this act shall be under the control of the Commissioner of Internal Revenue, under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Page 5, line 4, after the word "same," insert "to the Commissioner of Internal Revenue."

Page 5, line 4, strike out all after the word "analyzed" down to and including the word "with," in line 6, and insert "who shall with."

Page 5, line 6, strike out the words "analyze the same" and insert "cause such analysis to be made."

Page 5, line 30, strike out all after the word "That" down to and including the word "District," page 6, line 2, and insert "the Commissioner of Internal Revenue may."

Mr. FAULKNER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

CONSIDERATION OF PENSION BILLS.

Mr. DAVIS. I move that the Senate proceed to the consideration of private pension cases on the Calendar favorably reported.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the unfinished business, being the Northern Pacific Railroad forfeiture bill, may be informally laid aside, and that the Senate proceed to the consideration of the private pension bills on the Calendar favorably reported to which there is no objection. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. PADDOCK. I ask the indulgence of my colleague upon the Committee on Pensions to call up a House bill which is of local concern, but quite important, and which ought to have been passed some time ago.

Mr. DAVIS. I am willing to waive the pension cases for a few moments.

Mr. PADDOCK. I do not think it will take more than three minutes to pass the bill.

Mr. DAVIS. I have no objection if it can be done without prejudicing the pension cases.

OLD CAMP SHERIDAN RESERVATION.

Mr. PADDOCK. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation.

The PRESIDENT *pro tempore*. Unanimous consent having been given for the consideration of private pension bills on the Calendar, the Senator from Nebraska asks unanimous consent that this order may be informally laid aside to enable him to call for the consideration of the bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY NEWTON.

The PRESIDENT *pro tempore*. The first private pension bill on the Calendar will be stated.

The SECRETARY. A bill (H. R. 9227) for the relief of Mary Newton.

Mr. COCKRELL. I object to that bill. Let it go to the other Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar under Rule IX.

ELIZABETH EVANS.

The bill (H. R. 2120) granting a pension to Elizabeth Evans was considered as in Committee of the Whole. It proposes to place the name of Elizabeth Evans, dependent sister of William Ayers, late a private in Company F, Thirty-seventh Regiment of Indiana Volunteers, on the pension-roll at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL ANDERSON.

The bill (H. R. 10017) granting a pension to Samuel Anderson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Anderson, late a private of Company E, Fifth Regiment Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRENE RUCKER SHERIDAN.

The bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Irene Rucker Sheridan, widow of Philip H. Sheridan, late General of the Army of the United States, and pay her at the rate of $3,500 per year during her natural life, from and after the 5th day of August, 1888.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Having been read three times, shall the bill pass?

Mr. BERRY. Mr. President, I do not desire to discuss the bill, nor do I care to call for the yeas and nays. I wish to state, however, that I am opposed to the bill, and I shall vote "no" upon its passage.

The bill was passed.

GEORGE RHODY.

The bill (H. R. 2139) granting a pension to George Rhody was considered as in Committee of the Whole. It proposes to increase the pension of George Rhody, late a private in Company K, Thirty-sixth Regiment Indiana Volunteers, to $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. TANNER.

The bill (H. R. 10705) granting a pension to Mary L. Tanner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary L. Tanner, widow of Alanson G. Tanner, late of Company K, One-hundredth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. THOMPSON.

The bill (S. 3428) granting a pension to Mary C. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 12, after the word "pension," to strike out "of ——— dollars a month" and insert "corresponding with the grade of captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Thompson, widow of the late Dr. Fillmore Thompson, of Hot Springs, Ark., who was chief guide to the expedition of General Frederick Steele, during the spring of the year 1864, undertaken for the purpose of co-operating with General Banks, and who lost his life by reason of exposure in said service, and to pay her a pension corresponding with the grade of captain.

Mr. COCKRELL. I should like to have some information about that case.

The PRESIDENT *pro tempore*. The bill was reported by the Senator from Wisconsin [Mr. SAWYER].

Mr. PLATT. When I was upon the Pensions Committee I made an unfavorable report in that case. As I remember it, Dr. Fillmore Thompson was a Union man at Hot Springs, Ark., and was engaged by General Steele to lead the expedition which attempted to make a union with General Banks. On that expedition, by reason of exposure, Dr. Thompson was taken sick, and soon after his return to Hot Springs died. There was no question upon the papers but that he lost his life in consequence of his services as guide to that expedition; but at that time we had not been in the habit of pensioning even scouts. The committee had not reported any bill pensioning a scout, but had reported uniformly against them at that time.

The report in behalf of the committee, as I recollect it, stated that this was a very meritorious case, and that it was only because the committee had not reported favorably upon such cases that it was reported against at that time.

At the present session Mrs. Thompson, the widow, came to me with my former report and spoke of the hard straits to which she was reduced; that she had lost not only her husband's life, but his property, by reason of his death at that time; and that she was utterly without means to support herself, and with some persons dependent upon her, as I remember.

I then made inquiries as to the course of the committee and of the Senate since that time. I found that the rule of the committee at the time when I was upon it had been reversed by the Senate, so that now cases of scouts who were wounded in the service were reported favorably upon and pensioned by the Senate; and also that in the case of widows of scouts who had lost their lives while engaged in their duties the Senate had been in the habit of granting pensions to such persons.

I said to her, therefore, that I thought the Senate ought to reverse its action in this case, and I introduced a bill in her behalf which was referred to the committee and has been reported favorably.

Mr. COCKRELL. There is but one point I wanted to inquire about. I am aware of what has been done here in regard to pensioning scouts; but the last clause of the amendment proposes to place Mrs. Thompson upon the pension-roll and give her a pension as the widow of a captain. I have never known the Senate to pension a scout in the position of a captain.

Mr. PLATT. Congress places a scout in a great deal better position than a captain very often, because a captain if totally disabled gets $20 a month, while a scout very often under the provisions of special acts gets a pension which a captain could not get. But I think, with my view of the somewhat distinguished character of the gentleman who was her husband, the amount which the committee put in the amendment is very modest.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANN REID.

The next bill on the Calendar was the bill (H. R. 10954) for the relief of Mary Ann Reid.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. COCKRELL. I object to the bill. Let it go on the other Calendar.

The PRESIDENT *pro tempore*. The bill will go over to the Calendar under Rule IX.

THOMAS SHACKELFORD.

The bill (H. R. 9719) for the relief of Thomas Shackelford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Shackelford, late of the Eleventh United States Infantry of the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. CARR.

The bill (H. R. 4102) granting a pension to Mary A. Carr was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Carr, widow of Jeremiah Carr, late a private in the Third Battery Light Artillery Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID O. SANBORN.

The bill (S. 3456) granting a pension to David O. Sanborn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "pension-roll," to strike out "at the rate of $24 a month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place the name of David O. Sanborn, of Silver Lake, Carroll County, New Hampshire, late of Company I, First Regiment of United States Infantry, upon the pension-roll, subject to the regulations of the Pension Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNIBAL KIMBALL.

The bill (H. R. 10245) granting an increase of pension to Hannibal Kimball was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hannibal Kimball, a soldier of the war 1812, at $30 per month, in lieu of the amount now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. DULCENA NOEL.

The bill (H. R. 9341) granting a pension to Mrs. Dulcena Noel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Dulcena Noel, as the dependent mother of William T. Noel, late a private in Company G, Seventeenth Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET QUINTON.

The bill (H. R. 10122) granting a pension to Margaret Quinton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Quinton, an Army nurse during the late war of the rebellion, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES P. VERNON.

The bill (H. R. 7912) for the relief of Frances P. Vernon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frances P. Vernon, widow of Richard B. Vernon, late of Company M, Sixth Regiment Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. W. LEIGHT.

The bill (H. R. 2716) granting a pension to J. W. Leight was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jonathan W. Leight, late hospital steward of the Sixty-seventh Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. QUICK.

The bill (H. R. 10738) to increase the pension of George C. Quick was considered as in Committee of the Whole. It proposes to increase from $16 to $30 per month the pension of George C. Quick, late a private in Captain Miller's company of Illinois Mounted Rangers, in the war with the Indians commonly called the Black Hawk war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD PORTER.

The bill (H. R. 10241) increasing the pension of Richard Porter was considered as in Committee of the Whole. It proposes to pay to Richard Porter, late a private in Company B, One hundred and ninth Regiment United States Colored Troops, a monthly pension of $40, instead of $4, the amount now paid, he being totally blind.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY MITCHELL YOUNGBLOOD.

The bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Mitchell Youngblood, who served in Capt. Richard Sloan's company, First Regiment Drafted Georgia Militia, Indian war, 1836, under the name of Michael Youngblood, at $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. COVEY.

The bill (H. R. 6309) for the relief of Mary A. Covey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Covey, widow of Henry G. Covey, late a private of Company A, Sixtieth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN FRANKLIN.

The bill (H. R. 5193) granting an increase of pension to Benjamin Franklin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin Franklin, late of Company H, Second Regiment of Minnesota Cavalry, at $100 per month, in lieu of the pension of $72 per month heretofore granted, and which he is now receiving for loss of both legs and both arms.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSALIE O'SULLIVAN.

The bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan was considered as in Committee of the Whole. It proposes to pay to Rosalie O'Sullivan, widow of Eugene O'Sullivan, who was a soldier in Company A, Fourth Kentucky Infantry, during the Mexican war, in addition to the pension now received by her, $2 per month for each of her two minor children by the soldier, until each child shall arrive at the age of sixteen years, when the additional payments shall cease and determine.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS REDMOND.

The bill (S. 704) granting a pension to Thomas Redmond, late private Company K, Fourth United States Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to read:

Be it enacted, etc., That by reason of the applicant, Thomas Redmoud, while on duty as teamster in the employ of the Quartermaster's Department and *en route* transporting military supplies from Snake River Depot to Harney Depot (later Fort Colville, Wyo.), Colville, Wyo., in November, 1859, having incurred severe and permanent physical injury by freezing his feet, necessitating the amputation of all the toes of both feet, he is hereby granted a pension of $30 a month; and the Commissioner of Pensions is hereby directed to place his name on the pension-roll at that rate.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN E. LATTURE.

The bill (H. R. 11030) granting a pension to Susan E. Latture was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan E. Latture, widow of Jacob Latture, late a private of Company D, Fifth Tennessee Volunteers, Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINOR CHILDREN OF LIEUT. G. R. M'GUIRE.

The bill (H. R. 4038) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire, was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the minor children of George R. McGuire, late a lieutenant of Company I, Thirteenth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. PFEIFFER.

The bill (H. R. 4039) granting a pension to Mary A. Pfeiffer was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, after the name "Charles L. Pfeiffer," to insert "late of Company E, One hundred and eighty-eighth Regiment Pennsylvania Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Pfeiffer, widow of Charles L. Pfeiffer, late of Company E, One hundred and eighty-eighth Regiment Pennsylvania Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY ROSE.

The bill (H. R. 10007) for the relief of Henry Rose was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Rose, late private in Capt. William S. L. Deering's company, Maj. William Lauderdale's battalion, Tennessee Troops, in the Florida war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON RYAN.

The bill (H. R. 10629) granting a pension to Washington Ryan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Washington Ryan, who was a private soldier in Captain Netherland's company of Tennessee Volunteers in the Florida Indian war of 1836, at $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TEMPY M. JOHNSTON.

The bill (H. R. 9169) granting a pension to Tempy M. Johnston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Tempy M. Johnston, widow of John Johnston, late sergeant Company B, Eleventh Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS RAINS.

The bill (H. R. 1085) granting a pension to Thomas Rains was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Rains, late captain Company B, Fifth Tennessee Mounted Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANSOM RILEY.

The bill (H. R. 9182) granting a pension to Ransom Riley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ransom Riley, late private of Company G, Fifth Regiment Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH WELSH.

The bill (H. R. 9975) granting a pension to Joseph Welsh was considered as in Committee of the Whole. It proposes to pay a pension of $25 a month to Joseph Welsh, of York, Pa., father of Albertus Welsh, J. Franklin Welsh, and Howard H. Welsh, all of whom are now deceased, soldiers in the Union Army in the war of the rebellion, on whom Joseph Welsh was dependent for support during the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIGHILL H. PATTEN.

The bill (H. R. 10672) granting a pension to Mighill H. Patten was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mighill H. Patten, late of Captain Huxford's company, First Regiment Maine State Militia, and now a resident of Waterford, Minn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY VANBUSKIRK.

The bill (H. R. 11029) for the relief of Mary Vanbuskirk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Vanbuskirk, widow of John E. Vanbuskirk, private in Company G, First Regiment United States Artillery, Florida war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH LINCOLN YOUNG.

The bill (H. R. 2474) granting a pension to Joseph Lincoln Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Lincoln Young, son of Joseph Young, late a private of Company H, Seventeenth Regiment Maine Volunteers, at $18 per month, payable to his legally constituted guardian.

Mr. COCKRELL. I should like to hear the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR September 4, 1888:

The Committee on Pensions, to whom was referred the bill (H. R. 2474) granting a pension to Joseph Lincoln Young, have examined the same, and report: The facts in this claim are correctly stated in the appended House report, which is herewith adopted, and the passage of the bill recommended.

HOUSE REPORT.

The beneficiary named in the bill is the child of Joseph Young, who died August 21, 1864, at Andersonville prison, while a private of Company H, Seventeenth Maine Volunteers, to which command he was transferred from Company H, Third Maine Volunteers.

His widow drew pension until her death, January 20, 1868, whereupon his minor children were placed upon the pension-roll, and continued to receive pension until November 6, 1878, on which date the youngest, Joseph Lincoln, became sixteen years of age.

It appears from the evidence before your committee that Joseph Lincoln Young is incapable of taking care of himself by reason of a mild type of insanity, and that he is dependent upon others for support. The probate court of Essex County, Mass., has declared him insane, and appointed a guardian.

Congress having on many occasions liberally responded to the requests for relief in this class of cases, your committee feel warranted in returning the accompanying bill with the recommendation that it do pass, amended, however, by striking out all after the word "private," in line 7, and inserting therein instead the words "of Company H, Seventeenth Regiment Maine Volunteers, at the rate of $18 per month, payable to his legally constituted guardian."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC HURD.

The bill (H. R. 9935) to increase the pension of Isaac Hurd was considered as in Committee of the Whole. It proposes to increase the pension of Isaac Hurd, a veteran of the war of 1812, Vermont Militia, from $8 per month, the amount now allowed him, to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA N. ABBEY.

The bill (S. 3429) granting a pension to Maria N. Abbey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria N. Abbey, a volunteer nurse during the late war, and to pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABIGAIL FARLEY.

The bill (S. 3457) granting a pension to Abigail Farley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abigail Farley, mother of Alfred L. Boyer, late of Company I, Seventeenth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA ANN WILBER.

The bill (H. R. 8200) granting a pension to Lydia Ann Wilber was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia Ann Wilber, sister of John M. Wilber, who was a soldier in Company A of the Seventy-seventh Regiment of Illinois Infantry Volunteers, in the war of the rebellion, and was killed in battle May 22, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL WILLBORG.

The bill (H. R. 2073) granting an increase of pension to Daniel Willborg was considered as in Committee of the Whole. It proposes to increase the pension of Daniel Willborg, late of Company C, Forty-third Illinois Volunteers, from $4 to $16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELEANOR D. HEATH.

The bill (H. R. 7457) granting a pension to Eleanor D. Heath was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Eleanor D. Heath, mother of Lewis Heath, late private Company H, One hundred and fourth Regiment Ohio Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANNA GEYER.

The bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustav W. Geyer, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Johanna Geyer, widow of Gustav W. Geyer, late a private in Company H, One hundred and eighty-seventh New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FAIRBANKS.

The bill (H. R. 10103) granting a pension to William Fairbanks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Fairbanks, late a private in Company A, Fifteenth Regiment New York State Engineers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VICTORIA MAY.

The bill (H. R. 10944) granting a pension to Victoria May was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Victoria May, widow of Paul May, late a private of Company K, Second Regiment of Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POWELL'S BATTALION, MISSOURI MOUNTED VOLUNTEERS.

The bill (S. 3513) granting pensions to Powell's Battalion of Missouri Mounted Volunteers was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of all of the surviving officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, raised under the act of Congress of May 19, 1846, for services in the Army of the United States, in the establishment of military posts, and for services on the frontier during the war with Mexico; and to pension the surviving widows of such officers and enlisted men.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES HAHNEMAN.

The bill (H. R. 11021) to increase the pension of Charles Hahneman was considered as in Committee of the Whole. It proposes to increase the pension of Charles Hahneman, late a private in Company C, Forty-first New York Volunteers, and to pay him $45 per month, in lieu of the pension now paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. HAMILTON.

The bill (S. 3387) granting a pension to Charles S. Hamilton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Hamilton, late a major-general in the Army of the United States, and pay him a pension at the rate of $100 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARLINGTON M. HARRINGTON.

The bill (H. R. 3152) for the relief of Arlington M. Harrington was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Arlington M. Harrington, late a private in Company B, Sixteenth Regiment Kentucky Volunteer Infantry, in Mexican war, at $12 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP THOMAS.

The bill (H. R. 10210) to increase the pension of Philip Thomas was considered as in Committee of the Whole. It proposes to increase the pension of Philip Thomas, late a private of Company D, Seventy-first Regiment of Indiana Volunteers, for injury to right knee and heart disease.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE ROBINSON.

The bill (H. R. 9148) to grant a pension to Jane Robinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane Robinson, dependent widow of Harai Robinson, late a colonel in the First Louisiana Cavalry, United States Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ROBESON.

The bill (H. R. 6201) granting a pension to John Robeson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Robeson, late of Company H, Sixty-eighth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY WOODWORTH.

The bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth, was considered as in Committee of the Whole. It proposes to place on the pension-roll the nameof Mrs. Mary Woodworth, widow of Ebenezer F. Woodworth, late of Company L, Second Regiment Michigan Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DAUPER.

The bill (H. R. 10342) granting a pension to John Dauper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Dauper, late of Company I, Eighteenth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. LATHAM.

The bill (H. R. 10563) granting a pension to William S. Latham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William S. Latham, late a private of Company E, Eighty-seventh Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL NEIKIRK.

The bill (H. R. 7185) granting a pension to Samuel Neikirk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Neikerk, of Republic, Seneca County, Ohio, late a private in Company K, One hundred and first Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. VAN BUSKIRK.

The bill (H. R. 10824) granting a pension to Mary A. Van Buskirk was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mary A. Van Buskirk, widow of Charles F. Van Buskirk, late of Company F, Fourth Regiment of Missouri State Militia Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD WATERS.

The bill (H. R. 201) granting a pension to Edward Waters was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward Waters, late a private in Company K, Ninety-third New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA SPANGLER.

The bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Matilda Spangler, widow of John E. Spangler, deceased, late a private in Michigan Battery, Captain Lamphier, commanding.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH F. HAWKINS.

The bill (H. R. 508) granting a pension to Sarah F. Hawkins was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Sarah F. Hawkins, widow of Martin J. Hawkins, late of Company A, Thirty-third Regiment Ohio Volunteer Infantry, at $24 per month, in lieu of the pension now paid to her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GERMAN.

The bill (H. R. 3504) for the relief of John German was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John German, father of Philip German, deceased, formerly of Company G, Twenty-fourth Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY WAGOR.

The bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucy Wagor, of Hillsdale, Mich., mother of Martin Wagor, second lieutenant Company F, First Regiment Michigan Sharpshooters.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. MASON.

The bill (H. R. 10121) granting a pension to Sarah A. Mason was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Mason, widow of John Mason, late private of Company D, Forty-ninth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HOOPER.

The bill (H. R. 10504) granting a pension to Mary Hooper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Hooper, widow of the late Isaac Hooper, lieutenant Company I, Eighty-fourth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS H. HALL.

The bill (H. R. 10224) granting a pension to Elias H. Hall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elias H. Hall, late a private in Company F, Seventy-third Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHADRACK W. BROWN.

The bill (H. R. 8993) for the relief of Shadrack W. Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Shadrack W. Brown, late of Company D, One hundred and seventy-sixth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVESTER STEARNS.

The bill (H. R. 7516) to increase the pension of Sylvester Stearns was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, before the word "dollars," in line 7, to strike out "thirty-six" and insert "fifty;" and in the same line, after the word "month," to add "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to increase the pension of Sylvester Stearns, of Fostoria, Ohio, late a member of Company K, Forty-ninth Regiment Ohio Volunteer Infantry, to $50 per month, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NELSON J. CROOK.

The bill (H. R. 3801) granting a pension to Nelson J. Crook was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nelson J. Crook, late a member of Company D, of the Third Missouri Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILLIP KOPPLIN.

The bill (H. R. 2566) for the relief of Phillip Kopplin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phillip Kopplin, late a private in Company A, First Regiment Missouri Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN KELLEY.

The bill (H. R. 4820) granting a pension to Ellen Kelley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Kelley, widow of John Kelley, late a private in Company F, of the Ninetieth Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET GRAY.

The bill (H. R. 11057) granting a pension to Margaret Gray was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Gray, mother of Wilson S. Gray, deceased, late of Company G, Eleventh Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. POWERS.

The bill (S. 3479) granting a pension to Sarah J. Powers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah J. Powers, widow of Norman Powers, late of Company E, Twenty-ninth Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID GRAY PURMAN.

The bill (S. 2374) for the relief of David Gray Purman was considered as in Committee of the Whole. It proposes to increase the pension of Maj. David Gray Purman, of the Forty-first Regiment of Wisconsin Volunteer Infantry, who was second lieutenant of Company I, Sixteenth Regiment of Volunteer Infantry, at the date of his disability, to $30 per month for wounds received in the line of duty at the battle of Shiloh, on the 6th of April, 1862.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIANA ROITSCH.

The bill (S. 3502) granting a pension to Juliana Roitsch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Juliana Roitsch, widow of Ernst Roitsch, late a private in Company C, Ninth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINERVA GRIFFITH.

The bill (S. 3477) granting a pension to Minerva Griffith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Minerva Griffith, widow of James Griffith, late a private in Company B, Third Regiment Wisconsin Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. D. HAWORTH.

The bill (S. 3435) granting a pension to J. D. Haworth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. D. Haworth, late a member of Company H, Thirty-third Regiment of Iowa Volunteer Infantry, who was transferred on account of disability to Company H, Twenty-first Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD JOBES.

The bill (H. R. 8748) to increase the pension of Richard Jobes was considered as in Committee of the Whole. It proposes to increase the pension of Richard Jobes, late of Company D, Sixteenth Regiment of Connecticut Volunteers, to $36 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRUMAN A. MORTON.

The bill (S. 1598) granting to Truman A. Morton a pension of $24 a month since the date of his discharge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "month," to strike out "from the date of his discharge, and to continue such pension;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed, through the Commissioner of Pensions, to pay to Truman A. Morton, late of Company E, New York Cavalry, a pension of $24 a month, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to Truman A. Morton a pension of $24 a month."

CAROLINE M. M'DOUGAL.

The bill (S. 3397) granting a pension to Caroline M. McDougal was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline M. McDougal, widow of the late Admiral David P. McDougal, United States Navy, at $100 per month, on account of her total blindness and the necessity of constant personal attendance and assistance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES JUNOT.

The bill (H. R. 10687) granting a pension to Charles Junot was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Junot, of Louisville, Ky., who served in the Florida war under the name of Tom Jones.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. BAIR.

The bill (H. R. 9862) granting a pension to Benjamin F. Bair was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Bair, late corporal Company I, Seventy-third Indiana Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTER GAVEN.

The bill (H. R. 11005) granting a pension to Ester Gaven was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ester Gaven, widow of Bernard Gaven, late a member of Company D, Seventy-first Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER LINER.

The bill (H. R. 9106) granting a pension to Peter Liner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter Liner, late a member of Company D, Seventh Regiment Regular United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HECKLER.

The bill (H. R. 11222) granting a pension to Elizabeth Heckler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Heckler, widow of the late Francis Heckler, of the Thirty-ninth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE L. GARRETT.

The bill (H. R. 3908) increasing the pension of Jesse L. Garrett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse L. Garrett, formerly of the United States Marine Corps, at $25 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE MULLIGAN.

The bill (H. R. 10173) granting a pension to Catharine Mulligan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Mulligan, mother of Patrick Mulligan, late a private of Company M, Fourteenth New York Heavy Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to third rea ding, read the third time, and passed.

MRS. SUSAN V. WILCOX.

The bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan V. Wilcox, mother of Martin V. Wilcox, deceased, late private Company A, One hundred and twenty-eighth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNY BUELL.

The bill (H. R. 10159) granting a pension to Jenny Buell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jenny Buell, widow of Henry C. Buell, late a private in Company B, Fourteenth Regiment New York State Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN BATES.

The bill (H. R. 9370) granting a pension to Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARABELLA DAVIS.

The bill (H. R. 8553) granting a pension to Arabella Davis was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Arabella Davis, widow of Lieut. David Davis, late quartermaster of the Forty-fifth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE E. KNOBLE.

The bill (H. R. 10708) granting a pension to Jane E. Knoble was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane E. Knoble, widow of Samuel Knoble, late a private in the Eighty-first Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY R. NYE.

The bill (H. R. 6409) for the relief of Perry R. Nye was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Perry R. Nye, late of Company E, Tenth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL ROGERS.

The bill (H. R. 10171) granting a pension to Rachel Rogers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Rogers, dependent mother of Jeremiah T. Rogers, late sergeant of Company H, Fifty-fourth Regiment of Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. M'QUEEN.

The bill (H. R. 11243) granting a pension to Mary E. McQueen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. McQueen, an imbecile daughter of Anthony McQueen, late a private of Company D, Thirty-first Regiment of Wisconsin Volunteers, and to pay to her duly appointed guardian a pension of $18 per month.

Mr. COCKRELL. I ask that the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER September 13, 1888:

The Committee on Pensions, to whom was referred the bill (H. R. 11243) granting a pension to Mary E. McQueen, have examined the same, and report:

The report on which this bill was passed by the House is approved, and is as follows:

"The proposed beneficiary is the daughter of Anthony McQueen, jr., who served as private in Company D, Thirty-first Regiment Wisconsin Volunteers, from August 14, 1862, to June 20, 1865, and died April 14, 1869, from chronic diarrhea contracted in service. His widow, Ellen McQueen, was a pensioner and is now dead, as appears from the certificate of the United States pension agent at Des Moines, Iowa. The soldier left surviving him six children under sixteen years of age, all of whom are now over pensionable age, and consequently no one is now drawing any pension on account of his death.

"Mary E. McQueen is about thirty years of age and is an imbecile, utterly incapable of self-support, as shown by medical and lay testimony before your

committee. She has no means of support, being dependent upon relatives who have a hard struggle to provide for themselves.

"The liberal policy of Congress towards the dependent relatives of deceased soldiers not provided for under the general pension laws suggests the propriety of relief in this case."

The bill is reported favorably with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER O. WATSON.

The bill (H. R. 200) granting a pension to Walter O. Watson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Walter O. Watson, late a private in Company D, Fourteenth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. GEORGE T. RUSSELL.

The bill (H. R. 2788) granting a pension to Lieut. George T. Russell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George T. Russell, late a first lieutenant by brevet in the Seventeenth Regiment Massachusetts Volunteers, and later of the Eighty-seventh Company, Veteran Reserve Corps, from which he was discharged by resignation at Cairo, Ill., November 18, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATIRA YOUNG.

The bill (H. R. 5174) granting a pension to Statira Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Statira Young, widow of Joseph Young, Company D, Twelfth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE TEEGARDIN.

The bill (H. R. 10827) for the relief of Catharine Teegardin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Teegardin, widow of the late Peter Teegardin, who was a member of Company D, One hundred and eighteenth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. NOYES.

The bill (H. R. 2471) granting a pension to Anna M. Noyes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna M. Noyes, widow of Benjamin F. Noyes, late captain of Company D, Forty-eighth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SOPHIA VOGELSANG.

The bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sophia Vogelsang, widow of Dietrick Vogelsang, late a private in Company A, First Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. EATON.

The bill (H. R. 2472) granting a pension to Lydia A. Eaton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia A. Eaton, widow of William G. Eaton, late of Company A, Thirty-third Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. R. S. HORTON.

The bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-roll was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to call the attention of the chairman of the Committee on Pensions to this bill. It reads:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered and directed to replace or restore Mrs. R. S. Horton, widow of Capt. William H. Seaton, late of Company D, Twenty-sixth Ohio Volunteers, upon the pension-rolls.

The only question is whether it does not give her pay back from the time she was dropped from the roll on account of her marriage.

Mr. DAVIS. Let the bill be passed over for the present.

Mr. COCKRELL. It is evidently not the intention of the committee that she should be paid for arrears while she was the wife of Mr. Horton.

Mr. DAVIS. Let the bill be passed over and I will examine it.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

CYRUS MILLINS.

The bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cyrus Millins, of Ogden Centre, Mich., late a private of Company B, Fourth Michigan Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SMITH BODKINS.

The bill (H. R. 6022) granting a pension to Smith Bodkins was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $40 per month, the name of Smith Bodkins, late a private in Company E, Twenty-fifth Ohio Volunteer Infantry, who is now blind.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY P. MYERS.

The bill (S. 3540) granting a pension to Mary P. Myers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary P. Myers, widow of David Myers, late a private in Captain Whitmore's company, Colonel Goodwin's regiment of mounted volunteers, in the Florida war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WATSON.

The bill (S. 3462) granting a pension to John Watson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Watson, late private Capt. John Chapman's company, Santa Fé Regiment New Mexico Volunteers, Mexican war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED T. M'KINSEY.

The bill (S. 3453) granting an increase of pension to Alfred T. McKinsey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alfred T. McKinsey, late of Company G, Twenty-seventh Regiment Illinois Volunteer Infantry, at $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES PATTERSON.

The bill (S. 2623) granting an increase of pension to James Patterson was considered as in Committee of the Whole. It proposes to pay to James Patterson, late a private in Company E, Third Missouri State Militia Cavalry, a pension of $25 a month, in lieu of that which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN PARKINSON.

The bill (S. 3492) granting a pension to John Parkinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to add the words "and to pay him a pension at the rate of $30 a month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Parkinson, late a private in Company G, Third Regiment United States Infantry, and to pay him a pension at the rate of $30 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. COMBS.

The bill (S. 2363) for the relief of John W. Combs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "rate of," to strike out "seventy-two" and insert "twenty-two," and in line 7, after the word "dollars," to insert "and fifty cents;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John W. Combs, late a private Company D, Third Regiment West Virginia Volunteers, at the rate of $22.50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. S. SAYRE.

The bill (H. R. 968) granting a pension to H. S. Sayre was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of H. S. Sayre, late captain of an independent company of scouts of the State of West Virginia, who served in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT H. SMITH.

The bill (S. 3104) granting an increase of pension to Albert H. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the words "increased to," to insert "$15 per month," and in line 8, after the word "at," to insert "$15;" so as to make the bill read:

Be it enacted, etc., That the pension of Albert H. Smith, Company K, Ninth Illinois Volunteers, be, and the same is hereby, increased to $15 per month, and the Secretary of the Interior is hereby authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the general pension laws, the name of the said Albert H. Smith at $15 per month, the said sum to be in lieu of any pension heretofore granted to said Smith.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY WILLIAMS.

The bill (H. R. 9371) granting a pension to Betsey Williams, widow of William R. Williams, private Company C, Eighth Regiment Michigan Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Betsey Williams, widow of William R. Williams, late private Company C, Eighth Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSON WARD.

The bill (H. R. 5740) granting a pension to Anson Ward was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anson Ward, of Rockford, Ill., late private Company K, Seventy-fourth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. FILLER.

The bill (H. R. 10274) granting a pension to Joseph W. Filler was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Joseph W. Filler, lieutenant-colonel, late of Company C, Eleventh Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA S. GLASS.

The bill (H. R. 11332) granting a pension to Eliza S. Glass was considered as in Committee of the Whole. It proposes to place the name of Mrs. Eliza S. Glass on the pension-roll, she being the widow of Randall S. Glass, a late soldier in Company G, One hundred and twenty-eighth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY J. COTNER.

The bill (H. R. 10881) granting a pension to Nancy J. Cotner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out "E" and insert "C;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Nancy J. Cotner, dependent sister of Thomas Cotner, late private Company C, Thirteenth Regiment Indiana Volunteers, at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. That concludes the pension cases on the Calendar. There are two bills——

Mr. DOLPH. Will the Senator from Missouri yield to me for a moment?

Mr. COCKRELL. Certainly.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I ask that the unfinished business be laid before the Senate in order that I may have an order made which will get it out of the way.

The PRESIDENT *pro tempore*. The Chair will see that the unfinished business is laid before the Senate prior to adjournment.

Mr. DOLPH. The junior Senator from Arkansas [Mr. BERRY] desires to submit some remarks on Monday, and when the bill is before the Senate again I shall ask the Senate to postpone its consideration until Monday next.

The PRESIDENT *pro tempore*. That can be done now by unanimous consent.

Mr. DOLPH. Let it be done at this time, and then the bill will be out of the way for the rest of the week.

The PRESIDENT *pro tempore*. The Senator from Oregon refers to the unfinished business, the bill relating to the Northern Pacific Railroad lands?

Mr. DOLPH. I refer to that bill.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The SECRETARY. A bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the further consideration of the unfinished business be postponed until Monday—at 2 o'clock?

Mr. DOLPH. Immediately after the morning business.

The PRESIDENT *pro tempore*. The Senator from Oregon asks that the further consideration of the unfinished business be postponed until Monday next immediately after the morning business. Is there objection? The Chair hears none, and it is so ordered.

REGISTERED-MAIL LOCKS.

Mr. PLATT. I rise to a question of privilege. I entered a motion, or desired to enter a motion, to reconsider the bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor. The bill was not in the possession of the Senate, but was recalled from the other House, and is now with the Senate. I do not desire to enter the motion, or if it has been entered I desire to withdraw it and allow the bill to stand as passed.

The PRESIDENT *pro tempore*. The motion to reconsider has been entered, and, leave of the Senate being given, it will be withdrawn. What action does the Senator desire on the bill?

Mr. PLATT. I suppose that leaves the bill passed.

The PRESIDENT *pro tempore*. The bill stands passed.

RAILROADS IN INDIAN TERRITORY.

Mr. COCKRELL. There are two House bills which have been reported favorably and are upon the Calendar, and it is a matter of interest to a great many parties that they should be passed. They are House bills No. 7186 and No. 6612, granting the right of way to certain railroads through the Indian Territory. They have been reported favorably by the Committee on Indian Affairs, and there can be no objection to them.

I ask the Senate to proceed to the consideration of the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 9, line 6, before the word "crossings," to strike out "high-road" and insert "highway;" so as to make the section read:

SEC. 9. That said railway company shall build at least 100 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

The amendment was agreed to.

The next amendment was, in section 10, after the word "act," in line 10, to strike out the following proviso:

And provided further, That the purchase by said railway company of material and fuel to be used in the construction and operation of said road from any of the civilized tribes of Indians through whose possessions the road may pass, and the temporary occupancy of such possessions as may be necessary to secure such material and fuel, shall not be deemed a violation of this act.

The amendment was agreed to.

The next amendment was, in section 12, line 2, after the word "act," to strike out "Sec. 13. That," and insert the word "and;" so as to read:

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate insist on its amendments to this bill, and ask a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. STOCKBRIDGE, and Mr. JONES of Arkansas were appointed.

Mr. COCKRELL. Now I ask for the consideration of Order of Business 2252, which is a bill of the same kind.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, at the end of section 1, line 65, to strike out "granted" and insert "provided for;" so as to read:

Also an extension of said branch line from such point of intersection, or from some other station or point on said railway as now constructed, southeastwardly, by the most practicable route through the lands of the Choctaw Nation, to a point on Red River, in Red River County, of said nation, with the right to construct, use, and maintain such tracks, turn-outs, and sidings in connection with all or any of said railways as said company may deem to its interest to construct upon the right of way and depot grounds hereby provided for.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the right of way of 200 feet in width through said Indian Territory is hereby granted for each of said two railways, and for said branch railway and the extension thereof hereinbefore named, to the said St. Louis and San Francisco Railway Company, and a strip of land 200 feet in width, with a length of 3,000 feet in addition to the right of way, is hereby granted for stations on each of said lines for every 10 miles of road, no portion of which shall be sold or leased by the company, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided always*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be so used said portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

And in lieu thereof to insert:

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

The amendment was agreed to.

The next amendment was, in section 3, line 10, after the word "referees," to strike out "to be appointed by the President," and insert "one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company;" so as to read:

In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company.

The amendment was agreed to.

The next amendment was, in section 9, line 6, after the word "all," to insert "fences, roads, and;" in the same line after the word "crossing" to insert "and necessary bridges;" in line 7, before the word "highways," to insert the words "roads and;" in the same line, after the word "highways," to strike out "may" and insert "do now or may hereafter;" so as to make the section read:

SEC. 9. That said railway company shall build at least 100 miles of said railways in said Territory within two years after the passage of this act, or this grant shall be forfeited as to the portion or portions not built; that said railway company shall construct and maintain continually all fences, road, and highway crossings and necessary bridges over said railways wherever said roads and highways do now or may hereafter cross any of said railways, or may be by the proper authorities laid out across the same.

The amendment was agreed to.

The next amendment was to strike out section 12, in the following words:

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

And in lieu thereof to insert:

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. COCKRELL. I move that the Senate insist on its amendments to this bill, and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. STOCKBRIDGE, and Mr. JONES, of Arkansas, were appointed.

ADDITIONAL LAND DISTRICT IN COLORADO.

Mr. TELLER. I ask the Senate to take up Senate bill No. 3124, Order of Business 2269.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3124) creating three additional land offices in the State of Colorado.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

P. H. WINSTON.

Mr. VANCE. I ask the Senate to take up Order of Business 2163, being House bill 4239.

The PRESIDENT *pro tempore*. Will the Senator indicate the title of the bill?

Mr. VANCE. It is the bill (H. R. 4239) for the relief of P. H. Winston.

The PRESIDENT *pro tempore*. A Senate bill on the same subject has passed the House of Representatives, the Chair thinks.

Mr. VANCE. The bills were introduced simultaneously, and when the Senate bill got to the House of Representatives they passed the bill which was originally introduced into the House. It came over here and was referred to the same committee, and the House bill is reported. The Senate bill is in the House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4239) for the relief of P. H. Winston.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. VANCE subsequently said: I am informed since the passage of the bill (H. R. 4239) for the relief of P. H. Winston that the Senate bill has passed the House and has been sent to the President. If that be so, I move to reconsider the vote by which the Senate passed the House bill.

The PRESIDENT *pro tempore*. By unanimous consent, the vote by which the bill was passed and ordered to a third reading will be reconsidered, and the bill will resume its place on the Calendar to await further action.

Mr. HARRIS. Would it not be better for the Senator just to enter a motion to reconsider and then ascertain the status of the bill?

The PRESIDENT *pro tempore*. That can be done; but the information appears to be direct that the bill has passed both Houses and is now in the hands of the Executive for approval, in which event it might be as well to dispose of this bill by indefinite postponement.

Mr. HARRIS. Of course, if the information is certain, that is the proper course.

Mr. VANCE. I reckon there is no doubt about it.

The PRESIDENT *pro tempore*. If there be no objection, the House bill will be indefinitely postponed, the votes passing the bill and ordering it to a third reading being first reconsidered.

PETROLEUM AS FUEL ON STEAMERS.

Mr. DOLPH. I ask unanimous consent of the Senate to take up Order of Business 2113, being Senate bill 3427.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3427) to amend section 4474 of the Revised Statutes of the United States.

The bill was reported from the Committee on Commerce with an amendment, in line 6, after the word "however," to strike out:

That the permit of the Secretary of the Treasury shall not be required to use petroleum as fuel on steamers not carrying passengers.

And in lieu thereof to insert:

That the Secretary of the Treasury may permit the use of petroleum as fuel on steamers not carrying passengers without the certificate of the supervising inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of the Treasury in his judgment shall provide. For a violation of any of the conditions imposed by the Secretary of the Treasury a penalty of $500 shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

So as to make the bill read:

Be it enacted, etc., That section 4474 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following: "*Provided, however*, That the Secretary of the Treasury may permit the use of petroleum as fuel on steamers not carrying passengers, without the certificate of the supervising inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of the Treasury in his judgment shall provide. For a violation of any of the conditions imposed by the Secretary of the Treasury a penalty of $500 shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LINE-CARRYING PROJECTILES.

Mr. CHANDLER. I move to take up Senate bill 2182.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2182) to amend sections 4488 and

4489 of the Revised Statutes requiring life-saving appliances on steamers.

The bill was reported from the Committee on Commerce with an amendment, after the word "projectiles," at the end of the bill, to add "and the means of propelling them;" so as to make the bill read:

Be it enacted, etc., That sections 4488 and 4489 of the Revised Statutes shall be amended by inserting after the words "life preservers," wherever they occur, the words "line-carrying projectiles, and the means of propelling them."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER W. BALDWIN.

Mr. STEWART. I move that the Senate proceed to the consideration of Order of Business 2162, being Senate bill 3438.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3438) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin, as United States district judge for the district of Nevada. It directs the Secretary of the Treasury to refund to the estate of Alexander W. Baldwin, late United States district judge for the district of Nevada, the sum of $624.59, being the internal-revenue tax illegally collected on his salary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LINCOLN LAND DISTRICT IN NEW MEXICO.

Mr. COCKRELL. I ask that Senate bill 3390, Order of Business 2004, a bill to create the Lincoln land district in the Territory of New Mexico, reported by the Senator from Kansas [Mr. PLUMB] from the Committee on Public Lands, be considered. It is a very short bill.

By unanimous consent, the bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OZIAS MORGAN'S SURETIES.

Mr. HAWLEY. I ask for the consideration of Calendar No. 2112, Senate bill 1839.

By unanimous consent, the bill (S. 1839) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, which was, in line 10, after the word "seventy," to insert the words "and their heirs and legal representatives be;" so as to make the bill read:

Be it enacted, etc., That Daniel C. Rodman, Ossian B. Hart, Charles Slazer, Calvin L. Robinson, Ozias Buddington, and Joseph R. Richard, sureties upon the bond of Ozias Morgan, given as security for the faithful performance by said Ozias Morgan of his duties as receiver of public moneys and disbursing agent of the United States land office at Tallahassee, Fla., from 1866 to 1870, and their heirs and legal representatives, be, and they are hereby, released and discharged of and from all and every obligation and liability whatsoever on account of said bond.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy;

A bill (H. R. 4353) to provide a temporary home for certain persons discharged from the United States Navy;

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy;

Joint resolution (H. Res. 112) requesting the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules of the Washington convention of November 12, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and Colorado Rivers; and

Joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2862) granting a pension to William R. Dean; and

A bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River.

RIGHT OF WAY ACROSS PAPAGO INDIAN RESERVATION.

Mr. DAWES. I ask the Senate to consider Order of Business 2332, being House bill 7843.

By unanimous consent, the bill (H. R. 7843) granting to Citrous Water Company right of way across Papago Indian reservation in Maricopa County, Arizona, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, which was, in line 10, after the word "Arizona," to strike out the words:

Provided, That all persons residing along said right of way shall have equal rights to water-supply at reasonable compensation.

And to insert in lieu thereof:

For the sole purpose of constructing a ditch or canal, to be used in conveying water across said reservation for use in irrigating lands and supplying water to owners of land below: *Provided*, That so long as said reservation shall continue for the use and occupation of said Indians, said Indians shall, free of cost, be supplied with water from said ditch or canal in such quantity and under such regulations as shall be prescribed by the Secretary of the Interior, and that reasonable compensation only, subject at all times to the control of Congress, shall be charged to those supplied with water for use upon land held under the United States: *Provided further.*

So as to make the section read:

That the Citrous Water Company, a corporation organized under the laws of the State of California, and transacting business in the Territory of Arizona, is hereby granted the right of way, 100 feet in width, across, through, and out of township south 5, range west 5, Gila and Salt River base and meridian, the said described land being a part of the Papago Indian reservation in Maricopa County, Arizona, for the sole purpose of constructing a ditch or canal, to be used in conveying water across said reservation for use in irrigating lands and supplying water to owners of land below: *Provided*, That so long as said reservation shall continue for the use and occupation of said Indians, said Indians shall, free of cost, be supplied with water from said ditch or canal in such quantity and under such regulations as shall be prescribed by the Secretary of the Interior, and that reasonable compensation only, subject at all times to the control of Congress, shall be charged to those supplied with water for use upon land held under the United States: *Provided further*, That said right of way herein granted shall not be mortgaged, sold, transferred, or assigned except for the purposes of construction: *And provided further*, That unless said canal for which this right of way is granted be completed within two years after the approval of this act the provisions of this act shall be null and void.

The amendment was agreed to.

The next amendment was to add as a new section:

SEC. 2. This act, and all rights acquired under the same, shall be subject at all times to modification, revocation, amendment, or repeal by Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. JONES of Arkansas, and Mr. STOCKBRIDGE were appointed.

HEIRS OF JOHN H. NEWMAN.

Mr. GEORGE. I ask consent to call up Order of Business 2095, being House bill 834.

By unanimous consent, the bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased, was considered as in Committee of the Whole.

The preamble recites that it appears of record that at its December term, 1874, the Court of Claims in the case of John H. Newman *vs.* The United States, numbered 3162, rendered a judgment in favor of Newman for the proceeds of 50 bales of cotton, valued at $177.55 per bale, when, under the proof, the court adjudged that the claimant was entitled to the proceeds of 230 bales. The bill therefore proposes to direct the Secretary of the Treasury to pay to the legal representatives of John H. Newman, deceased, late of the county of Warren, Mississippi, $32,679.20, balance due on account of captured cotton, as shown by the opinion of the court in rendering the judgment, the amount to be paid out of the proceeds of captured and abandoned property now in the Treasury.

Mr. PLATT. Is there a report with that bill?

Mr. GEORGE. Yes, sir.

The PRESIDENT *pro tempore*. The report will be read if the Senator from Connecticut desires to have it read.

Mr. PLATT. I want some statement explaining the case. I understood from the reading of the bill that there was a judgment of a court, and that this was to pay something more than the judgment of the court. I may have misunderstood the reading of the bill. I should like to hear some explanation of the case.

Mr. JONES, of Arkansas. I examined this case and can explain to the Senator the facts.

This claimant, Newman, placed in the hands of an attorney in this city a claim for 250 bales of cotton; gave him a power of attorney to present the claim and prosecute it in the courts and collect the money. In presenting the claim he made it for 50 bales of cotton. It was not

ascertained at the time that there was an error in the original application until the two years' time within which the tribunal had a right to act had elapsed. When the error was discovered, a motion was made to amend the original petition by making it 250 bales instead of 50, but the court held that the two years within which it had a right to act had expired, and it would be in the nature of a new action to allow the claim to be amended so as to make it 250 bales; but the finding was that the taking of the 250 bales was proved, every item in the case necessary to be proven was proved, and the judgment rendered was that the proof being made for 250 bales of cotton, the judgment should have been rendered for that amount but for the fact that the claim had been presented for 50 bales, and the finding of the court must be confined thereto. The proof was not for 250 bales, but for 234 bales of cotton, I think, and this bill is to pay the balance of the amount found by the court to be due to this claimant, but which was by error of his counsel omitted to be claimed in the original complaint.

That is the whole case and those are the facts in the case.

Mr. PLATT. Is the finding of the court attached to the report of the committee?

Mr. JONES, of Arkansas. I think so.

Mr. PLATT. I do not want to object to the consideration of the bill, but I should like to examine the claim.

The PRESIDENT *pro tempore*. Does the Senator desire to have the report read?

Mr. JONES, of Arkansas. I suggest that the Senator let the bill pass and he can move a reconsideration if he is not satisfied on examination that it is correct. There will be no objection to that.

Mr. PLATT. I do not quite like to pass a $32,000 claim in a thin Senate of twenty members or so without any examination whatever. I ask for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. JONES, of Arkansas, August 14, 1888:

The Committee on Claims, to whom was referred the bill (H. R. 834) for the relief of the heirs of John H. Newman, have considered the same and report as follows:

The Committee on War Claims of the House of Representatives, to whom this bill was referred, made a report which is substantially embraced in the following extracts, which this committee adopts as its own report:

"Your committee have before them the record in this case from the files of the Court of Claims. The claimant there, John H. Newman, now dead, gave his power of attorney to B. D. Whitney 'to sue for, demand, collect, and receipt for the proceeds of 250 bales of cotton taken from him by authorities of the United States, and the proceeds of which have been turned over to the Treasury Department.' Under this power Whitney brought suit by his attorneys under the act of March 12, 1863, entitled 'An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts of the United States,' but by some oversight in the petition filed he asked for only 50 bales instead of 250 bales, and dated the taking July, 1864, instead of June, 1863.

* * * * * * *

"Commissioner Eben Eveleth made the following report, which we take from a certified copy of 'Consolidated copy of the reports of Commissioner Eveleth, filed May 24, 1875,' page 11:

"'John H. Newman *vs.* The United States. No. 3162.

"'This action was brought to recover the proceeds of 50 bales of cotton, alleged to have been taken from the plantation of the claimant, in Warren County, in the State of Mississippi, some time in the month of July, 1864, and sold by the officers of the Treasury Department.

"'The proof shows that the plaintiff's plantation was situated in the county above mentioned, near Bovina, and 12 or 14 miles from the city of Vicksburg.

"'That in June, 1863, the claimant had on his plantation about 100 bales of cotton, in bales, and about 45 bales in lint and seed cotton. He had also transported from his plantation 100 bales of cotton, for safety, to the plantation of one Kidd, on the eastern bank of the Big Black River. The 100 bales of cotton on his plantation and the lot on the Kidd plantation were taken by Captain Schenck, an officer of the Quartermaster's Department on duty at the headquarters of General Osterhaus, then located at the railroad bridge at the Big Black River, in said county, and near the plaintiff's plantation; said cotton was hauled to said headquarters.

"'The evidence shows that afterwards some of this cotton was put on the cars and "started towards Vicksburg;" some of it was hauled in wagons towards Vicksburg, and some of it was taken to the fortifications near the headquarters of General Osterhaus.

"'The cotton in lint and seed was taken to a neighboring gin by an agent of the Treasury, where it was ginned and baled. From thence it was transported to Vicksburg by the Treasury agent.

"'I find from the evidence that 245 bales of the claimant's cotton went into the Vicksburg cotton, and that he should be charged one-fourth for ginning and bailing 45 bales, or 11 bales, leaving 234 bales to the credit of the claimant.

"'But inasmuch as he has claimed only 50 bales in his petition, he can be allowed out of the fund only for 50 bales. And therefore the claimant is entitled to judgment for the value of 50 bales of cotton, at the average rate per bale, payable out of the first fund—50 bales of cotton, at $177.55½ per bale, $8,877.50.

"'On May 24, 1875, the court made the following order: "And it is further ordered that the engrossed and consolidated copy of the reports of the commissioner, as amended by this order filed herewith, stand as the findings of fact of the court."'

"This made the finding of Commissioner Eveleth the finding of the court, and the Supreme Court of the United States has held in the 'intermingled cotton cases' (92 U. S. Reports, p. 651), where the Court of Claims had adopted the finding of the commissioner, 'that the judgments as rendered are the result of the deliberation of the court, and not that of the commissioner alone.'

* * * * * * *

"The money which claimant asks is not the property of the United States, but a trust fund held for him. The United States occupies a strictly fiduciary relation to claimant, and never intended to divest him of his property, but by taking it constituted itself claimant's trustee (13 Wallace, p. 128), and from this trust fund the bill provides that he shall be paid.

"There is, in the judgment of this committee, neither law, reason, justice, nor policy in withholding this money claimed from its rightful owner, and we therefore urge the passage of the bill herewith reported, with an amendment as follows:

"In line 8 strike out the following words, 'said judgment,' and insert in lieu thereof 'the opinion of the court in rendering said judgment.'"

In addition to the matter set out in the foregoing report, your committee respectfully submit the following:

It appears from the record of this case in the Court of Claims, which record your committee have carefully examined, that when the attorney for the claimant became aware of the fact that he had made a mistake in the original petition he filed a motion to correct the same by claiming the number of bales which his client had in the first instance authorized him to sue for. A copy of the record of the court containing the motion and a similar motion in other cases is filed as a part of this report.

In view of the fact that the court affirmed the report of the commissioner, wherein it was found that the claimant was entitled under the proof to the proceeds of 234 bales, it appears at first sight a matter of surprise that the application of the claimant for leave to amend his petition was overruled. On examination of a case decided by the court about two months prior to this motion, being the case of Thomas Kidd, guardian, etc., the theory of the law which governed the court in this case is set out. The court held that an application to amend the petition so as to claim an additional number of bales of cotton was in the nature of a new demand; that the act of March 12, 1863, known as the abandoned and captured property act, which authorizes the bringing of suits of this character "at any time within two years after the suppression of the rebellion," was a statute of jurisdiction rather than of limitation. The following is taken from the opinion of the court delivered by the chief-justice:

"Every statute of limitation acts upon existing causes of action by prescribing a period of time within which they must be prosecuted by a suit at law and barring their prosecution after that time.

"No such statute is involved in this case, for the simple and conclusive reason that, until the passage of the act of March 12, 1863, no person whose property in the rebel States was captured by military forces of the United States or seized by the agents of the Treasury Department had, or could possibly have had, any semblance of a right to sue the United States in this or any other court for the recovery of the proceeds of the sale of such property.

"It is this act alone that conferred the right. Of course it conferred it upon those only who are designated in the act, and they can exercise the right only in such manner, at such place, and within such time as the act prescribes. Who is so designated? 'Any person claiming to have been the owner of any such abandoned or captured property.' How is the claim to be asserted? By claimant's preferring in this court his claim to the proceeds of such property. When may he prefer his claim? 'At any time within two years after the suppression of the rebellion.'" (Kidd *vs.* The United States, 8 Court of Claims, 264.)

It was held, therefore, that while the report of the commissioner, based on the evidence, showed that the claimant would have been entitled to the proceeds of 234 bales had he claimed that amount in his original petition, that the two years within which suits of this character could be brought having expired he could not avail himself of the right by amending his petition. A careful examination of the evidence submitted by the claimant before the Court of Claims leaves no reasonable doubt as to the fact that the cotton was actually taken by the authorized forces of the United States. This taking raises a presumption that it was sold and the proceeds paid into the Treasury, for the Supreme Court of the United States, in affirming a number of cases of like character with that of this claimant, decided at the same term of the court and upon precisely the same character of evidence that Newman submitted in support of his claim for 245 bales, held as follows:

"The Court of Claims found as a fact that the cotton of each of these several plaintiffs contributed to and formed a part of this mass so intermingled and sold. This finding was not based upon evidence specifically tracing the property of each claimant, but upon the assumption that under the circumstances attending these collections all cotton started from the place of capture, on the way to Vicksburg or Natchez, in a manner that would naturally carry it into the mass, must be presumed to have gone there, unless it was shown to have been lost or shipped to some other point." (Raymond *vs.* United States, sundry cotton cases, 92 U. S. Rep., 651.)

Your committee are therefore of the opinion that the bill ought to pass, and it is so recommended.

WASHINGTON, *Monday, February* 3, 1873.

The court met according to adjournment.

Present, Charles D. Drake, chief-justice; Edward G. Loring, Charles C. Nott, and Samuel Milligan, judges.

Thomas Kidd, guardian of William Bell, *vs.* The United States.

The chief-justice read the opinion of the court and the motion to file amended petition was refused.

WASHINGTON, *Thursday, April* 24, 1873.

The court met according to adjournment.

Present, Charles D. Drake, chief-justice; Edward G. Loring, Charles C. Nott, and Samuel Milligan, judges.

John H. Newman *vs.* The United States. 3162.—Thomas Kidd, executor of Matthew A. Bolls, *vs.* The United States. 3182.

Messrs. Bartley and Casey filed motions asking leave to file amended petitions in these cases.

WASHINGTON, *Monday, May* 26, 1873.

The court met according to adjournment.

Present, Charles D. Drake, chief-justice; Charles C. Nott and Samuel Milligan, judges.

John H. Newman *vs.* The United States. 3162.

The motion filed April 24, 1873, to amend petition by increasing the number of bales sued for, and by changing the time assigned as the date of seizure of the cotton from July, 1864, to June, 1863, was denied as to the increase of the number of bales and allowed as to the change of date.

I hereby certify that the foregoing is a true copy of the original records of the court.

In testimony whereof I have hereunto set my hand and affixed the seal of the court this 11th day of July, 1888.

ARCHIBALD HOPKINS,
Chief Clerk Court of Claims.

Mr. PLATT. Is there any explanation or reason why since 1875 up to the present time nothing has been done to recover this claim?

Mr. JONES, of Arkansas. My impression is that this matter has been constantly presented to both Houses of Congress all the time since. While I do not remember distinctly about those facts—it has been some time since I have examined the case—my impression is that it has passed each House, or passed the House of Representatives once or twice. I am not positive, however, about that, and I do not undertake to make that statement.

Mr. PLATT. Or is there any reason why the attorney who had au-

thority to sue for 250 bales of cotton taken, which manifestly was not the exact amount, only sued for 50 bales.

Mr. JONES, of Arkansas. It was an error, a mere oversight, a mere mistake, a clerical mistake in bringing the suit for 50 bales instead of 250 bales of cotton. The power of attorney given to the attorney in the first instance was to bring suit for 250 bales of cotton. They proved 234 bales, and not 250, and that resulted, as I understand, from the fact that part of this cotton was in seed and the exact amount was not known to the claimant at the time he authorized his agent here to bring suit in the first instance. The claimant in this case, as I understand, was quite an old man, and died within a year or two after the close of the war, and some years elapsed after this suit was brought before his widow, who was old and poor, as I understand, and knew nothing about the facts in the case, learned what the facts were, and it was in a comparatively recent year that she ascertained what the truth was in the case, and presented her petition asking for relief.

Mr. PLATT. It does not appear, I believe, when the power of attorney was given nor when suit was brought.

Mr. JONES, of Arkansas. The law authorizing these suits was in existence but two years. The power of attorney was given within that time, and the suit was brought within that time. The motion to amend made by the attorney himself, to make the complaint for 250 instead of for 50 bales of cotton, was not made within the two years, and was overruled by the court because it was not made within the two years for which that statute remained in force.

Mr. PLATT. In some way the case seems to have been pending in the Court of Claims for ten years before final decision.

Mr. JONES, of Arkansas. Not at all; the decision was rendered within a reasonable length of time. It was nowhere in the neighborhood of ten years. I do not recollect the date.

Mr. PLATT. The report says:

On May 24, 1875, the court made the following order: "And it is further ordered that the engrossed and consolidated copy of the reports of the commissioner, as amended by this order filed herewith stand as the findings of fact of the court."

Mr. JONES, of Arkansas. I do not remember the date on which the judgment was rendered.

Mr. PLATT. The report says:

Commissioner Eben Eveleth made the following report, which we take from a certified copy of "Consolidated copy of the reports of Commissioner Eveleth, filed May 24, 1875," page 11:

Mr. President, I do not know but that this claim is all right, but it illustrates what induced me to make some inquiry into it, and that is, that after a day which has tired Senators with the variety of business it is quite the habit to take up just at 5 o'clock, or just a few minutes before the time when we should naturally adjourn, not only large claims, but this kind of claims. While I do not know but that upon examination I should find that this claim was one that ought to be passed, I am not willing to vote for it now, and I shall ask for a division upon it if a vote is to be pressed now.

It appears certainly by the report that this claim is outlawed, that the statute of limitations runs against it. It seems to me that, in such a claim at least, we ought to have the clearest proof as to the reason why the mistake was made by the attorney, if that is the ground upon which it is put, and why it was not discovered, and everything which appeals to the equity side of the Senate to remove the bar of the statute of limitations. As I said, perhaps on a fuller examination it will appear that this claim is all right, but I am not ready to vote for it now.

Mr. JONES, of Arkansas. For myself, as to the intimation or the imputation conveyed in the language of the Senator from Connecticut, saying that it is quite the habit to call up claims of this kind at a late hour, at 5 o'clock in the afternoon, I desire distinctly to repudiate it. So far as I am concerned I claim to be as honest in the discharge of my duties here as any other Senator. I did not call this case up, although I should not have hesitated to have done so at this hour or any other. It has gone through a committee of this Senate composed, at least in part, of gentlemen who are as reputable perhaps as the gentleman who criticises the motive in calling up the bill at this hour.

This bill has been thoroughly examined by that committee. Every solitary member of the committee was thoroughly satisfied that the claim ought to pass, and it has passed the committee unanimously and has been reported to this body, and has been on the Calendar for quite a while. It seems to me that this ought at least to make out *prima facie* that the bill is entitled to some sort of consideration.

I have no objection to every Senator being fully satisfied of the justice of every claim that passes here. I have no sympathy, so far as I am concerned, with the large mass of claims of this nature that come up here, and I am, I think, perhaps in many instances inclined to be too rigid as to the proof that should be required; but when the proof has been carefully examined by the committee on more occasions than one, and every member of it is entirely satisfied, so far as I am concerned I have no sort of fear that any imputation of any disreputable motive in bringing up a claim of this kind at this hour will lie against me or against any other honorable member of this body.

The investigations which are made by the Court of Claims in this class of cases require a great deal of time. Commissioners are sent by the court down to the places where these claims all originate. This case was connected with a large number of claims which came up from Mississippi, involving immense amounts of cotton that were shipped and sold by the Government of the United States, and that belonged to the owners of the cotton and never belonged to the Government. When the Court of Claims was acting under the authority conferred upon it by Congress, and sent officers to the ground for the purpose of making these investigations, and the matter was reported back, and that court has solemnly decided that this party was entitled to 234 bales of cotton, and that decision of the court was read at the Secretary's desk, I did not suppose it was necessary to recite every solitary fact that came to the consideration of the court to establish that.

When the Supreme Court of the United States had decided that the finding of this court and the report of Commissioner Eveleth, adopted by the Court of Claims as the judgment of the court, was correct, it seemed to me that that decision should be entitled to some respect even from the most distinguished members of this body, and that some sort of consideration would be given to a decision of the Supreme Court of the United States indorsing and ratifying a decision of the Court of Claims.

I have no objection to the Senator taking any length of time he desires to investigate this case.

I have time after time and day after day asked the Senate to take up the Calendar and proceed with it in the morning hour, but it has been objected to by Senator after Senator. There is no chance on the face of this green earth to get up a claim for consideration—to get the consideration of this kind of business—except at a time like this, when nobody has any desire to bring up any matter of general public interest. If the Senator will use his very great influence to induce the Senate to consider the Calendar in regular order, I, for one, will object to the consideration of any claim outside of the hour set apart by the rules of the body for the consideration of claims on the Calendar.

But I submit that when we go on week after week neglecting the business on the Calendar, when we have just and honest demands for consideration at the hands of this body, claims reported unanimously by committees of this body, it certainly does not lie in the mouth of any Senator to impute wrong motives to a man who calls up one of these cases for consideration when the Senate, by its conduct, absolutely refuses to consider claims at a time when they, under the rules, ought to be considered. I am perfectly willing to have a reformation on that subject at any time. I am willing for it to-morrow, and I should be glad to see the Senate persistently refuse to have anything but the Calendar considered after it actually gets through the routine morning business until the expiration of the morning hour every day.

Mr. PLATT. Mr. President, I really had no expectation that I should call down upon my head such a rebuke as the Senator from Arkansas has conceived it to be his duty to administer to me. I certainly had no intention of imputing anything wrong to any Senator, and the very fact that offense is taken so quickly, and, perhaps I might add, so testily, at what I said only emphasizes the intimation which I made that the Senate ought to have adjourned before calling up claims of this character.

Mr. President, it is nevertheless true that when we have had a day like this and the Senate is just about ready to adjourn, it almost always happens that a claim ranging anywhere from thirty to fifty or one hundred or two hundred thousand dollars happens to be called up just about the last moment.

Mr. HARRIS. Will the Senator allow me to ask him if he can not find a very much better reason why that fact is true than the one he intimates it is attributable to?

Mr. PLATT. I do not intimate anything.

Mr. HARRIS. When the regular business of the day has been concluded, if it ever is before the hour of adjourning, there has generally been, I will say always has been, a scramble as between Senators for consideration of one and another of the private bills on the Calendar. It is universal.

Mr. PLATT. I wish distinctly to say again that I am attributing no improper motive to anybody for calling up this bill. Only a few days ago a bill involving two hundred and sixty-nine or two hundred and seventy thousand dollars was called up just in this way at the last moment, a bill which would have passed, in my judgment, if it had been called up at any other hour of the day, and a bill which upon examination I am satisfied ought to pass, but I do not think it is wise to do business exactly in this way.

In regard to this claim, I say it may be all right. I do not wish to cast any reflection upon this claim; but I do say in a claim of this sort, where the statute of limitations has run against it and where we are asked to relieve against that statute of limitations by reason of the fact that an attorney twenty-four years ago neglected to carry out his instructions and made a mistake, we ought to have a full opportunity to examine and see whether the facts and circumstances are such as make it equitable that we should remove the bar of the statute of limitations in this case.

I am very sorry that anything I have said has seemed to imply to any one that there was any impropriety in calling the case up so far as the motive of the person calling it up was concerned.

I want to say one word, and that is this: I know that committees examine cases, that they examine them with care, that they have better opportunities for coming to a correct conclusion upon them than Senators who are not upon the committees; but it would be a very unsafe rule to adopt that every case which is reported favorably by a committee here is to pass because it has been reported favorably by a committee; and it seems to me, with all respect to the Senator from Arkansas, that he is hardly justified in suggesting that other Senators had not a right to take time to examine——

Mr. JONES, of Arkansas. The Senator from Arkansas made no such insinuation or intimation and no such statement. On the contrary, I stated I thought it was proper for every Senator to look into every case until he was satisfied about it. I simply stated that this claim had met the unanimous approval of the committee to show that it was not altogether and absolutely a barefaced fraud.

Mr. PLATT. But the Senator took me to task because I wanted a little time to examine this, and because I happened to say that I thought it was an improper time to call up such a bill.

Mr. JONES, of Arkansas. I beg the Senator's pardon for interrupting him to say that I did not take him to task for any such purpose. I did resent, with some feeling, I admit, the imputation, as I understood it, made by the Senator that there was something or other a little bit disreputable or discreditable in taking a time when the Senate was thin and Senators were out, to call up these bills. It is quite the habit, the Senator said, to call up these things at such times. I understood him to make an imputation, and that I will resent every time.

The PRESIDENT *pro tempore*. The Senator from Connecticut has distinctly disavowed making any such imputation. The Chair thinks, therefore, that it is not in order for the Senator from Arkansas to comment upon it, and there is danger that colloquies of this kind may degenerate into personalities which ought to be avoided.

Mr. JONES, of Arkansas. I was simply attempting to explain what I meant or what I intended to say.

Mr. PLATT. Then it occurs to me, Mr. President, that there is no force in the suggestion of the Senator from Arkansas that claims ought to pass somewhat upon the conclusions of the committee that has examined them. Perhaps the Senator from Arkansas will say that he did not make that suggestion——

Mr. JONES, of Arkansas. I will say it.

Mr. PLATT. That that was not the force of his argument. But if it was not, I can not understand what his argument was. He rehearsed before the Senate the care which the committee had taken to investigate this, their very great opportunities for investigation, and if there was not a suggestion in it that the Senate should take the conclusions of the committee without any very careful or thorough consideration of the case, then I beg his pardon. I so understood him.

Now it is true that we have to rely somewhat upon the conclusions of committees, but there is danger that we may go too far in this respect, that claims may pass here solely because they happen to be recommended by committees. Committees are not infallible. A committee may make a mistake, a committee may act upon insufficient evidence, and, taking this report, the committee seem to have acted without any evidence whatever showing why this attorney failed to carry out his instructions and bring suit for the whole two hundred and fifty bales. That evidence may have been before the committee; it may have been perfectly explained in the committee, but the committee has not deigned to inform the Senate why that was so; and when anybody desires an opportunity to examine the point which it seems to me covers this whole case and is vital to its decision, then we are somewhat taken to task.

For one, Mr. President, I propose to examine the bills which are before the Senate, and I propose to have time to do it if I can get it under the rules of the Senate.

Mr. GEORGE. Mr. President, I suppose, so far as interest is concerned, that I have more interest in this case than anybody else, though I have no personal interest in it. These claimants are a widow and orphans who reside in the State of Mississippi. I called the bill up in the usual way in which bills are called up on evenings of this sort.

I merely desire to say to the Senator from Connecticut that I have no disposition in the world to prevent him from giving this case a full and fair examination. I am satisfied myself that the claim is just. It was so held by the Court of Claims, so held by the committee of the House of Representatives, so held by the House of Representatives, and so held by the committee on the part of the Senate, and I simply desire to say now that if there is any motion I can make which will extend to the Senator the time he desires to examine or look into the matter thoroughly and fully, I shall be glad to make that motion.

Mr. HARRIS. I can suggest a motion, that the Senate do now adjourn.

Mr. GEORGE. Very well, I make that motion.

The PRESIDENT *pro tempore*. Before submitting the motion, the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy;

A bill (H. R. 4353) to provide a temporary home for certain persons discharged from the United States Navy; and

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Foreign Relations:

Joint resolution (H. Res. 112) requesting the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules of the Washington convention of November 12, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and Colorado Rivers; and

Joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Mississippi [Mr. GEORGE] that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, September 26, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate September 25, 1888.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

John G. Parkhurst, of Michigan, to be envoy extraordinary and minister plenipotentiary of the United States to Belgium, *vice* Lambert Tree, nominated for the mission to Russia.

POSTMASTERS.

William R. Kelley, to be postmaster at Fernandina, Nassau County, Florida, *vice* Columbus L. Jack, deceased.

Walter C. Newberry, to be postmaster at Chicago, Cook County, Illinois, *vice* S. Corning Judd, resigned.

Charles H. Tracey, to be postmaster at Anaconda, Deer Lodge County, Territory of Montana, *vice* Benjamin F. Mahany, resigned.

FOR APPOINTMENT IN THE ARMY.

Inspector-General's Department.

Capt. Henry W. Lawton, of the Fourth Cavalry, to be inspector-general with the rank of major, September 17, 1888, *vice* Burton, promoted.

RECEIVER OF PUBLIC MONEYS.

Robert F. Coates, of Wichita, Kans., to be receiver of public moneys at Wichita, Kans., *vice* Samuel L. Gelbrot, resigned.

REGISTER OF THE LAND OFFICE.

John B. Baird, of Atlanta, Ga., to be register of the land office at Seattle, Wash., *vice* John Y. Ostrander, resigned.

CONFIRMATION.

Executive nomination confirmed by the Senate September 25, 1888.

PROMOTION IN THE NAVY.

Chief of Bureau of Equipment and Recruiting.

Capt. Winfield Scott Schley, a resident of Maryland, to be Chief of the Bureau of Equipment and Recruiting in the Department of the Navy, with the relative rank of commodore.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September* 25, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

FORT WALLACE MILITARY RESERVATION, KANSAS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. HOLMAN, to the Committee on the Public Lands, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 8310, entitled "An act to provide for the disposal of the Fort Wallace military reservation in Kansas."

This bill provides that a portion of this reservation which is situated in the State of Kansas shall be set apart for town-site purposes and may be entered by the corporate authorities of the adjoining city of Wallace.

The second section of the bill permits the Union Pacific Railroad Company to purchase within a limited time a certain part of the military reservation, which is particularly described, at the rate of $30 per acre.

I am informed that this privilege might by reason of a faulty description of the lands enable the railroad company to purchase at the price named property in which private parties have interests, acquired under our laws.

It is evident that the description of the land which the railroad company is allowed the option of purchasing should be exact and certain for the interest of all concerned.

Section 4 of the bill grants a certain portion of the military reservation here-

tofore set apart by the military authorities as a cemetery to the city of Wallace for cemetery purposes.

There should, in my opinion, be a provision that no bodies heretofore interred in this ground should be disturbed, and that when the same is no longer used as a cemetery it should revert to the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September* 24, 1888.

SALES FOR OVERDUE TAXES, DISTRICT OF COLUMBIA.

The SPEAKER. The bill (H. R. 10060) prescribing the times for sales, and for notice of sales of property in the District of Columbia for overdue taxes was passed some time ago by both Houses, signed by their presiding officers, and sent to the President, but was afterward recalled by a concurrent resolution of the two Houses. The gentleman from Pennsylvania [Mr. ATKINSON] now asks unanimous consent that the vote by which the House passed the bill may be reconsidered in order that certain amendments changing dates named in the bill may be inserted. The Clerk will read the amendments proposed, after which there will be opportunity for objection.

The Clerk read as follows:

In line 14 of the printed bill strike out "September, 1888," and insert "January, 1889."

After the word "and," in line 15, insert "the first Tuesday in September;" so as to read, "the first Tuesday in September of each year thereafter."

Mr. ATKINSON. The only purpose of these amendments is to make the act of Congress operative. The bill did not reach the President before the time fixed for advertising; and therefore unless the bill be amended no advertising can be done during the present year. The proposition is now to postpone the time for advertisement from the first Tuesday of September of this year till the first Tuesday of January next.

Several MEMBERS. All right.

The SPEAKER. If there be no objection, the votes by which this bill was ordered to be engrossed for a third reading and by which it was passed will be reconsidered; these amendments will be agreed to, and the bill as thus amended will be again passed. The Chair hears no objection; and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITING, of Michigan, indefinitely, on account of important business.

To Mr. JOHNSTON, of North Carolina, for two days, on account of important business.

To Mr. JACKSON, indefinitely, on account of important business.

To Mr. WILSON, of Minnesota, indefinitely, on account of important business.

To Mr. O'NEILL, of Missouri, indefinitely, on account of important business.

REPRINTING OF A REPORT.

The SPEAKER. The gentleman from Arkansas [Mr. PEEL], the chairman of the Committee on Indian Affairs, asks that report No. 3210, made by that committee, be reprinted with certain exhibits which accompanied the original report, but which were not included in the first print. Is there objection? The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2862) granting a pension to William R. Dean; and

A bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River.

PURCHASE OF SWORDS OF GENERAL JAMES SHIELDS.

Mr. MANSUR. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 202) to construe and determine the amount to be paid by the Secretary of War under the following act of Congress, passed at this session, namely, "An act to purchase of the widow and children of the late General James Shields certain swords."

The SPEAKER. The joint resolution will be read.

The Clerk proceeded to read the joint resolution.

Mr. KILGORE (before the reading was concluded). I call for the regular order.

Mr. MANSUR. Let me appeal to my friend from Texas——

The SPEAKER. The regular order is demanded, which is the call of committees for reports.

LIGHT-HOUSE AT POINT ISABEL, TEX.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Tex.; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ROAD THROUGH MILITARY RESERVATION, PLATTSBURGH, N. Y.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the bill (H. R. 11452) to construct a road from the village of Plattsburgh, N. Y., through and along the Government military reservation in said village; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

W. H. CAYCE.

Mr. WHEELER. I am instructed by the Committee on the Public Lands to report back favorably the resolution in the case of Willian H. Cayce, claiming the right of homestead entry to certain lands; which is a privileged matter, and ask that it be printed and recommitted to the Committee on the Public Lands.

There was no objection, and it was so ordered.

POTTAWATOMIE INDIANS, MICHIGAN AND INDIANA.

Mr. ALLEN, of Michigan, from the Committee on the Public Lands, reported back favorably the bill (S. 2176) for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table and the accompanying reports printed, namely:

A bill (H. R. 9698) for the relief of August Cansdell, Company D, Ninth Kansas Volunteers;

A bill (H. R. 6617) granting a pension to Sylvester Sharp;

A bill (H. R. 10716) granting a pension to Charles Bays;

A bill (H. R. 190) granting a pension to Johanna Trew;

A bill (H. R. 10421) for the relief of Eliza Wilson;

A bill (H. R. 10114) to pension John P. Swenson;

A bill (H. R. 10552) granting a pension to Stephen Wilson;

A bill (H. R. 3611) granting a pension to William Lutz;

A bill (H. R. 5224) granting a pension to Jacob Zannuck; and

A bill (H. R. 3823) to rerate the pension of Stephen C. Monroe.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills under the rule begins at thirty minutes past 12 o'clock.

Mr. SCOTT. I would like to ask unanimous consent for the consideration of a little bill here rectifying the record of three men who enlisted during the war, served during the entire war, but who had been sold as substitutes without their knowledge. The bill passed the House by unanimous consent some two months ago and went to the Senate, where there was a technical amendment inserted. It is now on the Speaker's table.

The SPEAKER. Without objection, the amendment will be reported.

Mr. DINGLEY. Do I understand that the demand for the regular order has been withdrawn?

The SPEAKER. It has not.

Mr. DINGLEY. I think there ought to be some uniformity in regard to this matter.

The SPEAKER. The gentleman from Pennsylvania asked the House to give its consent to consider the amendments of the Senate to this bill. The Chair announced what the regular order was, and the gentleman from Texas has demanded the regular order.

Mr. DINGLEY. I have no objection to the request of the gentleman from Pennsylvania myself, but think there should be some regularity; and if the regular order is withdrawn for his benefit other gentlemen on this side ought to have an equal privilege.

The SPEAKER. The demand for the regular order has not been withdrawn.

Mr. DINGLEY. Can this request be entertained if it is not withdrawn?

The SPEAKER. If the gentleman makes the point.

Mr. DINGLEY. I do not make the point myself; I only want some uniformity.

The SPEAKER. Does the gentleman from Texas insist upon the demand for the regular order?

Mr. KILGORE. I do.

Mr. SCOTT. I would ask the gentleman from Texas to withdraw it for a minute. This is a bill that has passed the House, and the amendment of the Senate is informal.

Mr. KILGORE. I will withdraw it for one minute.

The SPEAKER. The gentleman from Maine insists that if the demand is withdrawn, it must not be withdrawn for any particular person.

Mr. KILGORE. Then I insist upon the demand.

The SPEAKER. The Chair has announced the regular order. The present occupant of the chair, not having been present at the last hour for consideration, will ascertain what committee is entitled to the call. The Chair is advised by the Clerk that the last call rested with the Committee on Commerce, that it had occupied one hour, and had a measure under consideration; is that correct?

Mr. CRISP. No, sir; the Committee on Commerce had occupied its two hours.

The SPEAKER. The Chair will then call other committees in their order.

The Committee on Foreign Affairs was called.

INTERNATIONAL GEODETIC ASSOCIATION.

Mr. COTHRAN. I ask the present consideration of the joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

The joint resolution was read, as follows:

Whereas the Government of the United States has been invited by the Imperial German Government to become a party to the International Geodetic Association: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, requested and authorized to accept said invitation, and that he is hereby authorized and requested to appoint a delegate, who shall be an officer of the United States Geodetic and Coast Survey, to attend the next meeting of said International Geodetic Association, but no extra salary or additional compensation shall be paid to such by reason of such attendance.

Mr. COTHRAN. I ask the previous question on the adoption of the resolution.

Mr. McMILLIN. Does the gentleman object to having the report read?

Mr. COTHRAN. Not at all.

The report (by Mr. COTHRAN, without the accompanying papers) was read, as follows:

[To accompany H. Res. 181.]

On the 20th of February, 1888, the President of the United States transmitted to Congress a report from the Secretary of State, relative to an invitation from the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

The object of the association is, by application of the highest order of skill in the use of scientific means, to determine as nearly as possible the exact measurement of the earth.

Apart from the matter of abstract science which the association seeks to promote, it is believed that the practical advantage to be derived from the ascertainment and determination of the location of national, State, and Territorial boundaries, our extensive coast line and the safest approaches thereto, by the most scientific and satisfactory means, thereby settling disputed questions of boundary, and effectually avoiding such in the future, as well as diminishing in great degree the perils of navigation, should induce this Government to take part in an association the invitation to which has doubtless been induced not only on account of its importance among the civilized governments of the world, but also by the excellence of its own work in this important field of scientific investigation.

These reasons might be extended, but the committee deem it unnecessary to do so.

Heartily concurring in the views presented by the honorable the Secretaries of State, Mr. Bayard, and of the Treasury, Mr. Fairchild, and by Mr. F. M. Thorn, the efficient Superintendent of the United States Coast and Geodetic Survey, set forth in the report of the President of the United States, submitted herewith, the committee submit the accompanying joint resolution, to carry out the purposes set forth in this report, and recommend that the same do pass.

Mr. WHITE, of New York. I wish to make this inquiry of the gentleman from South Carolina having this resolution in charge: whether under the usages of the Government the actual expenses of the commissioner appointed would be paid? I find that this provides for the appointment of a member of the Geodetic Survey, but does not provide additional compensation. Now, if he travels long distances, unless the matter of his expense for such travel is provided for in the regulations of the Department, or by existing law, there ought to be some provision embodied in this resolution to reimburse him.

Mr. COTHRAN. The resolution carries no appropriation.

Mr. WHITE, of New York. I understand that; but does it provide for the payment of his traveling expenses?

Mr. HERBERT. I understand it does.

Mr. COTHRAN. Certainly they ought to be paid.

Mr. HERBERT. The gentleman may be very sure that it does provide for it. It would not have come in without some such provision.

Mr. BLOUNT. This only involves, as I understand it, the appointment of a delegate?

Mr. COTHRAN. That is all.

Mr. BLOUNT. It does not involve anything in the matter of surveys, or expenditures for that purpose?

Mr. COTHRAN. No; only the acceptance of the invitation.

Mr. BLOUNT. And our surveys are to be carried on independent of this resolution?

Mr. COTHRAN. They are.

Mr. McMILLIN. Does the gentleman know what expenditure is involved?

Mr. COTHRAN. It involves no other expense than the acceptance of the invitation, and I presume the traveling expenses of the delegate.

Mr. McMILLIN. What nations are now members of this association?

Mr. COTHRAN. All of the European nations; but this invitation comes specially from the German Government.

Mr. HERBERT. I understand the purpose of this resolution is to authorize a representative of the Geodetic Survey to attend the international geodetic congress, and it seems to me, that if we are going on with this geodetic work it would be very well to allow one of the members of the survey to attend, the purpose being in that world's congress to as far as possible harmonize the work of geodesy, which aims to ascertain the shape of the earth. While I have opposed on this floor extravagant expenditures which in my opinion have been made and are still being made for this coast and geodetic survey, it seems to me that if work of this kind is to be carried on at all there can be no possible harm in having a representative from our survey at that congress.

Mr. BLOUNT. Work is being carried on at present in the States and Territories.

Mr. HERBERT. Yes; a very great deal of work is being carried on in some of the States and Territories now by this bureau.

Mr. O'NEILL, of Pennsylvania. I am very glad the gentleman from Alabama [Mr. HERBERT] has expressed some interest in this bureau. I was very much surprised the other day at his remarks and his views upon all these scientific bureaus of the Government, and to-day it gives me pleasure to find him speaking in favor of this resolution. I favor this resolution. I favor the work done in all the scientific bureaus of the Government, and am always ready and willing to vote them appropriations, because I believe those appropriations are being expended by gentlemen of great culture, great intelligence, and great integrity, and not one dollar is lost to the advancement of this Government with all the countries of the world in scientific research. I only desire to congratulate the country that the gentleman from Alabama [Mr. HERBERT] has seen fit to approve of some one thing in connection with these scientific bureaus.

Mr. HERBERT. I accept the gentleman's compliment with all the more humility because I think I may not have deserved it. I am opposed to the Government expending so much money as it does upon science. I believe the best thing the Government could possibly do would be to abolish this geodetic work; but since we do not abolish it, we ought to do it well; and there can be no possible harm, as this bureau exists and is to exist, in having some member of it confer with the members of other associations abroad to harmonize this work.

Mr. O'NEILL, of Pennsylvania. I have always esteemed the gentleman from Alabama highly as a gentleman of culture and education, and at the same time I must say that I think it comes with very poor grace for one who has been educated as he has to express sentiments against the interests of such of these Departments of the Government as are bringing our country to the front in the progress of science and making us felt everywhere throughout the civilized world.

I am very much inclined to take back what I have said; but I think so much of the gentleman, individually, that I think I will let it stand. [Laughter and applause.]

Mr. COTHRAN. I demand the previous question.

Mr. WHITE, of New York. I hope the gentleman will withdraw the demand, so that I may be permitted to make a statement.

Mr. COTHRAN. I will withdraw the demand until I hear the request of the gentleman from New York.

Mr. WHITE, of New York. I believe that there has been a statement generically made, but not specifically, that there is some existing law under which the expenses of the delegate would be paid. Now, there can be no question but that they should be paid, and I ask unanimous consent to offer an amendment.

Mr. McMILLIN. Probably you had better let it go as it is. The making of additional appropriations for that bureau and magnifying its importance would be resisted; and it should be.

Mr. WHITE, of New York. The amendment I desire to offer is to add to the resolution, after the words "no extra salary or additional compensation shall be paid by reason of such attendance," the words "except the actual expenses of the delegate necessarily incurred in attending said meeting of said association, to be audited and paid by the proper officer of the Treasury Department."

Mr. HERBERT. Will the gentleman allow me to interrupt him in order that I may make an explanation? I desire to say that the gentleman may be very certain that the general law authorizes the payment of the expenses of the delegates in this case. All legislation of this kind originates and necessarily must originate in these scientific bureaus; and when this bill was introduced, as a matter of course, if not prepared, it was at least suggested by some one connected with that bureau who had examined that matter. The gentleman may lay it down as a matter of fact that any bureau of this Government having a bill introduced for such a purpose as this would get into it a provision to pay expenses if such should be necessary. I know very well that the representative to the Geographical Congress some years ago had his expenses paid, and of course it is contemplated to pay the expenses of this delegate.

Mr. WHITE, of New York. There is no objection to the amendment.

The SPEAKER. The gentleman from South Carolina [Mr. COTHRAN] has not withdrawn the demand for the previous question. Does he demand the previous question?

Mr. COTHRAN. I do, Mr. Speaker.

The previous question was ordered, and under the operation thereof the resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COTHRAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES AND MEXICAN BOUNDARY.

Mr. HITT. I am instructed by the Committee on Foreign Affairs to call up for consideration the joint resolution (H. Res. 112) requesting the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules of the Washington convention of November 12, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and Colorado Rivers.

The joint resolution was read, as follows:

Resolved, etc., That the President be, and he is hereby, authorized to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules laid down in the convention between the two countries, signed at Washington on the 12th day of November, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and the Colorado Rivers.

Mr. HITT. Mr. Speaker, this joint resolution is to authorize and request the President to negotiate with Mexico for the appointment of an international commission which shall determine all uncertainty and all questions in regard to our boundary where it follows the Rio Grande and Colorado Rivers. This is to be done in accordance with the rules laid down in the Washington convention of November 12, 1884.

The Rio Grande River, flowing between the United States and Mexico, is a wide, shallow stream, with a changing, uncertain channel. By the treaty of Guadalupe Hidalgo, concluded February 2, 1848, after the war with Mexico, the boundary line from the mouth of the Rio Grande was declared to be "up the middle of that river, following the deepest channel where it has more than one." The same words, "up the middle of that river," are repeated in the treaty with Mexico of December 30, 1853.

A survey of the boundary was made under the treaty, and the actual boundary was then what was the middle of the river. Since that time it has shifted its channels so often and so far, in some cases gradually, in others abruptly and by cut-offs, that no man knows accurately where the boundary is to-day. The channel will sometimes move slowly by accretion on one side and erosion on the other. Sometimes the stream will suddenly cut a new channel, abandoning the old ones altogether, and in a single day, by a cut-off, a tract or "banco" of a hundred acres will be found to be on the other side of the river.

These causes have produced uncertainty as to the boundary, and this encourages smuggling, which is always carried on more or less on the border. When a man smuggles from a banco it is almost impossible to catch and convict him. No surveys are made nor official records kept of the time and place of cut-off changes, and no one can tell with accuracy the extent of the cut-off. The bed of the old channel is the boundary, though it may be long since dry. There are sometimes two or three old beds, and it is hard to tell where is the middle of the old bed contemplated by the treaty. At the last term of the United States district court at Brownsville, the most noted smuggling case was lost by the Government for want of that accurate knowledge that would satisfy the court. Some bancos increase by deposit; some wear away till they are entirely swept off.

Questions of ownership and of jurisdiction arose long ago under the treaty of Guadalupe Hidalgo.

In 1856 Attorney-General Cushing discussed the subject with his characteristic learning and ability in an opinion dated November 11, which rests upon and reasserts the long-established principle of Roman law.

Says Mr. Cushing:

When a river is the line of arcifinious boundary between two nations, its natural channel so continues notwithstanding any changes of its course by accretion or decretion of either bank; but if the course be changed abruptly into a new bed by irruption or avulsion, then the [deserted] river-bed becomes the boundary.

In order to remove all doubt from this subject, Secretary Frelinghuysen signed a convention with Señor Romero, minister of Mexico, November 12, 1884, in which was laid down a body of rules which are in accordance with the doctrine of the civil law for determining questions concerning the dividing line, the middle of the channel of the Rio Grande and Rio Colorado—

to avoid difficulties which may arise through the changes of channel to which those rivers are subject through the operation of natural forces.

But no method was there prescribed for applying the rules and the commission proposed in this joint resolution is simply designed to provide for the application of the rules laid down in the convention of 1884, by which the boundary lines between Mexico and this country can be determined and be made practically fixed, known, and useful in the administration of the law. I can not state what, if any, expenditure will be incurred by the passage of the resolution.

Mr. BLOUNT. May I ask the gentleman what is the rule laid down in the convention?

Mr. HITT. The rules are based on the principles of the old civil law. The first two rules laid down were: The dividing line shall forever be that described in the treaty and follow the center of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium, and not by the abandonment of an existing river-bed and the opening of a new one.

Any other change wrought by the force of the current, whether by the cutting of a new bed or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the treaty, shall produce no change in the dividing line as fixed by the surveys of the international boundary commission in 1852; but the line then fixed shall continue to follow the middle of its original channel bed, even though this should "become wholly dry or be obstructed by deposits."

Other rules declared that artificial change of channel should not affect the line, nor should rights of property be disturbed by the channel changes above described.

Mr. ADAMS. Will my colleague tell me whether, according to the rules laid down by that convention, the boundary line is to be fixed, or is to be hereafter a vibrating line varying with the variations in the channel? Is it to be marked out with reference to what the channel was or is at one particular time, or is it to follow the subsequent changes in the channel?

Mr. HITT. The rules which I have just stated declare that the dividing line shall forever be that which is described in the treaty, and follow the center of the normal channel of the rivers——

Mr. ADAMS. As that normal channel shall be from time to time?

Mr. HITT. The rule applicable to changes is clearly prescribed, and that is the rule of the civil law, which is that the boundary is to follow the center of the normal channel notwithstanding any alterations in the banks or in the course of those rivers; provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium, and not by the abandonment of an existing river bed and the opening of a new one.

Mr. ADAMS. One question more. Has not the President the power to appoint this commission without a resolution of Congress?

Mr. HITT. It is deemed by the Department of State better that the authority should be given by Congress, as expense may be incurred and it concerns an international question touching so grave a subject as a boundary even though it be changed ever so little.

This convention of 1884 provided no means for applying the rules I have mentioned to given cases. It declared that the boundary as fixed in 1852 should continue in the middle of the old bed, even when it becomes dry. But who is to determine where is the middle of the old bed? When there are two or three old beds how is it to be decided which was abandoned by the river before 1852, and which since? These bancos with their uncertain boundaries afford retreats for smugglers, thieves, kidnappers, murderers, and every class of criminals, as well as bases of supplies from which to carry on their operations free from interference by either Government. Liquors, tobacco, and all kinds of dutiable merchandise are taken there and smuggled into the United States as opportunity offers. The collector at Brownsville says:

The two inspectors at Santa Maria lately had positive information of 100 gallons of mescal in the Balsa banco ready to be brought over. They watched day and night for it, but could not catch it. While they were on one side the liquor went out on the other, and was consumed at some big Christmas "bailes" (dances) about 15 miles in the country. That is one instance of smuggling known to the officers, who could not prevent it. I could give you a hundred. If these nests could be broken up, smuggling would be greatly reduced. I think the only way to do it is to make a new treaty, defining the boundary between Mexico and the United States.

The Secretary of the Treasury, upon being consulted by the Secretary of State on the question, replied:

In view of the difficulties constantly experienced in enforcing the revenue laws on the Mexican frontier, owing in a great measure to the present uncertainty as to the boundary line between the two countries, I concur in your suggestion for the appointment of an international river commission to apply the rule prescribed by the boundary convention of November 12, 1884.

Our committee has carefully considered this subject and approve the resolution.

I think it is manifest, Mr. Speaker, in view of the collection of the revenue, the prevention of crime, the maintenance of good order on the frontier, and the preservation of international harmony, that these boundary questions should be settled by a commission as soon as possible.

Mr. LANHAM. I ask the gentleman from Illinois [Mr. HITT] to yield to me for a moment.

Mr. HITT. Certainly, I will yield to the gentleman.

Mr. LANHAM. So far as I have been able to examine the joint resolution which the gentleman from Illinois has called up for consideration, it meets my approval, and I think it necessary that something should be done in the line contemplated by it. There is, however, another question, which is to some extent kindred to it, and is of very great importance to the border along the Mexican frontier, and I would like, with the permission of the gentleman, to enlarge the scope of the resolution by an amendment authorizing the President to negotiate also with the Government of Mexico for the abolition of what is known as the Zona Libre, or Free Zone.

Mr. HITT. I must say to the gentleman that the question which he proposes is a very grave and important one, and I am not authorized by the committee to accept such an amendment.

Mr. LANHAM. Then I will ask to have the amendment read for information.

The Clerk read as follows:

And the President is also authorized to negotiate with the Government of Mexico for the abolition of the Zona Libre.

Mr. LANHAM. I desire to offer this amendment; and I would like, with the permission of the gentleman from Illinois [Mr. HITT], to submit a few remarks upon it.

Mr. HITT. I must call the previous question. I can not yield for the amendment, as it relates to an entirely different question from that involved in this resolution.

Mr. O'NEILL, of Missouri. That Zona Libre is a mere custom-house regulation.

Mr. LANHAM. Oh, no; it means a great deal more than that.

Mr. O'NEILL, of Missouri. Mexico establishes the Zona Libre some distance back from the Rio Grande, where it is thought more convenient to have her custom-houses than right along the bank of the river.

Mr. LANHAM. The gentleman does not, I think, fully understand the question.

I hope the gentleman from Illinois will allow me to have read in this connection two brief statements setting forth the importance and necessity of the abolition of this Free Zone.

Mr. HITT. I do not feel justified in delaying our business during this hour. No doubt the gentleman can obtain consent to publish in the RECORD the statements to which he refers.

Mr. LANHAM. Then, with the permission of the House, I will say a few words in explanation of the statements, which I will ask to have printed in the RECORD.

Mr. Speaker, my reasons for offering this amendment are such as I think ought to attract the attention of the House and the efforts of our Government in behalf of the people who live along the Mexican border. It is the duty of the Government to employ all legitimate agencies in behalf of its citizens in every part of the country, as well as to take all necessary steps to prevent any fraudulent practices which may exist in avoiding the just collection of its revenues. Quoting from Senate Executive Document No. 130, first session Fiftieth Congress, I give the following definitions of the Zona Libre:

The Zona Libre is a narrow belt extending along the frontier from the Gulf of Mexico to Tijuana. The principal ports of first entry in it are Matamoros, Mier, Laredo, Piegras Negras, Paso del Norte, and Nogales. The estimated population is about 100,000.

* * * * * * *

The Free Zone shall extend from Matamoros to Tijuana, along the frontier of the Republic in the States of Tamaulipas, Coahuila, Chihuahua, Sonora, and the Territory of Lower California, with respect to length; and as to width, 20 kilometers into the interior from the frontier line.

From the beginning of my service in this House, representing as I do a district a large portion of which is bounded by the Rio Grande River, I have had occasion to give consideration to this subject and to correspond and confer with the Secretary of State upon the matter. The existence of this Free Zone, into which goods and merchandise are imported free of duty, has been a constant source of complaint by my constituents who reside upon the border. In 1884 I received the following protest from numerous and representative citizens of El Paso, Tex.:

EL PASO, TEX., *April* 10, 1884.

Whereas the recent extension of the Zona Libre, or Free Zone, along the northern frontier of Mexico, extending as far west as Nogales, Ariz., opens Paso del Norte, Mexico, immediately opposite El Paso, Tex., to the free importation of all classes of merchandise, unrestricted commerce, and greatly increased opportunities for smuggling, and the utter demoralization of legitimate business; and whereas American merchants and industries will be brought into sharp and unequal competition with foreign merchants and industries wholly unprotected; and whereas values will be decreased and business paralyzed on the American side of the river, while on the Mexican side there will be a corresponding increase in business and values, the stimulation of unlawful commerce, and an organized and extensive system of smuggling far into the interior of the United States on account of the various railways extending in every direction from El Paso, Tex., and into Mexico, by reason of the many and great obstacles presented by the Rio Grande River being done away with, and believing, as we do, that such a state of things on the frontier will not only be prejudicial to our own interests, but to the interests of the country at large, and that it is of vital importance that the extension and establishment of the "Free Zone" be overthrown if possible:

Therefore, we earnestly protest as citizens of the United States against the destruction of our property and commercial interests by the Mexican Government, and believing it is in violation of the late reciprocity treaty, we very respectfully and earnestly ask our Senators and Representatives in Congress to use their utmost efforts with the proper authorities of the United States to arrest this unfriendly and unwise scheme of the Mexican Government; and, failing in this, that they ask for the immediate establishment of a "Free Zone" on our own borders to the same extent as that established by Mexico. We also earnestly beg that such laws as are necessary to put in full force the late reciprocity treaty with Mexico be enacted by Congress at an early day.

At a later date I received and presented to the House and had referred to the Committee on Ways and Means the following petition, signed by many leading merchants and business men of El Paso, which distinctly sets forth their grievances, and, it seems to me, shows such a condition of affairs as to emphasize the necessity for making this subject a matter of international negotiation:

To the Senate and House of Representatives of the United States:

We, the undersigned citizen tax-payers of the United States, herewith most respectfully and urgently represent that the recent extension of the Free Zone by the Mexican Government along the northern frontier of Mexico, opens all the Mexican towns along said border to the importation, through the United States, of all classes of merchandise from foreign countries upon which no duty is paid either to the American or Mexican Governments. Said act creates a rendezvous where merchants from foreign countries can land their free goods, take their time and opportunity to smuggle or sell them to those who will smuggle them into the United States.

A glance at our tariff list will at once prove the great incentive to do this, and that American merchants in the American towns can not pursue a legitimate business with success in competition with those in the Free Zone.

Referring more particularly to the free port of Paso del Norte, Mexico, directly opposite El Paso, Tex., we call attention to the ample opportunity and great ease with which an extensive smuggling business can be carried on, for the reason that all classes of individuals can go there in the street-cars and in other conveyances, or on foot, day or night, purchase any article of wearing-apparel, and wear it over to the American side. As well also can merchandise upon which the greatest duty is imposed be carried over by men, pack-animals and other conveyances at various places up and down the river. The Rio Grande River is fordable the greater part of the time, and there are also bridges and boats in ample supply when the river is not fordable.

Now that railways are operating to and from all the cities of the United States, an extensive amount of smuggling can and will be carried on, and these free goods will find their way throughout our country.

Merchants from Vera Cruz and other foreign cities are now opening large stocks of foreign merchandise in convenient places in Paso del Norte for the purpose of supplying the American trade. They are advertising their advantages in our papers, and are pushing their wares into our country. This fact is fast demoralizing our trade and depreciating our property values.

Even with numerous guards, which would entail largely increased expense to the Government, we do not believe this pernicious practice could be completely and effectually suppressed, so long as the free zone exists.

All other points in Mexico along this free border, where there are railway facilities, are fast becoming harbors for smugglers, and every day's delay works a loss to the commerce of our country and revenues to the Government.

The reasons assigned for this act are admitted by the Mexican people to be that it will build up their border towns and check the growth of the American towns; that it will increase their population along the border and decrease our population, thereby strengthening their border and weakening ours.

Therefore, it can not be possible for the merchants on the American side, as well as the jobbers and manufacturers in our large cities, to compete for the growing trade of Mexico as against the jobbers and manufacturers of Europe. This is a vital question to the jobbers and manufacturers of all the cities of the United States who have been selling goods to the merchants in the American towns on the border, and to the merchants and others in Mexico, because the free goods in the free towns of Mexico, created by the Free Zone act, will prove an effectual barrier between them and the trade of Mexico.

Each day this matter is assuming greater proportions, and the longer it exists the greater the difficulty in overcoming it.

Paso del Norte is made the principal point for carrying on this business, because the many railways centering at El Paso, Tex., furnish quick and ready transportation to all portions of the United States.

The question, as we view it, is whether this act of the Mexican Government is a violation, implied or otherwise, of the existing treaty. If so, we ask our authorities to demand its suppression. If not, is it an act of injustice and unfriendliness by which our general interests are damaged sufficiently to seek at an early day a treaty of reciprocity which would effect its discontinuance and prove of mutual benefit to both countries? By no other means will our manufacturers and merchants be able to secure the large and increasing trade of Mexico. Failing in this, there is no other way for our Government to suppress it except to create a like free territory on the American border, to be continued until such time as the Mexican Government abandon this unjust and unfriendly act towards the general commercial interests of the United States.

Not to trespass further upon the time of the House, I would refer gentlemen who may feel an interest in the subject to the executive document before mentioned, where much valuable and pertinent information can be obtained. I earnestly hope the Government will adopt some methods which will result in a solution of these troubles.

Mr. HITT. I now insist upon the demand for the previous question.

The previous question was ordered, and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HITT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HITT. I now call up for consideration Senate joint resolution No. 59.

The SPEAKER (after examining the resolution). This resolution is on the Private Calendar, and does not come within the class of business which a committee may call up during this hour. If the Committee on Foreign Affairs has no further business to present, the call will proceed.

NAVAL ACADEMY COURSE.

Mr. HERBERT (when the Committee on Naval Affairs was called). I call up for consideration the bill (H. R. 9674) to regulate the course at the Naval Academy.

The bill was read, as follows:

Be it enacted, etc., That the Academic Board of the Naval Academy shall on or before the 30th day of September in each year separate the first class of naval cadets into two divisions, as they may have shown special aptitude for the duties of the respective corps, in the proportion which the aggregate number of vacancies occurring in the preceding fiscal year ending on the 30th day of June in the lowest grades of commissioned officers of the line of the Navy and Marine Corps of the Navy shall bear to the number of vacancies to be supplied from the Academy occurring during the same period in the lowest grade of commissioned officers of the Engineer Corps of the Navy; and the cadets so assigned to the line and Marine Corps division of the first class shall thereafter pursue a course of study arranged to fit them for service in the line of the Navy, and the cadets so assigned to the Engineer Corps division of the first class shall thereafter pursue a separate course of study arranged to fit them for service in the Engineer Corps of the Navy, and the cadets shall thereafter, and until final graduation, take rank by merit with those in the same division, according to the merit marks; and from the final graduates of the line and Marine Corps divisions appointments shall be made hereafter as it shall be necessary to fill vacancies in the lowest grades of commissioned officers of the line of the

Navy and Marine Corps; and the vacancies in the lowest grades of the commissioned officers of the Engineer Corps of the Navy shall be filled in like manner by appointments from the final graduates of the Engineer division: *Provided*, That no greater number of appointments into the said lowest grades of commissioned officers shall be made each year than shall equal the number of vacancies which shall have occurred in the same grades during the fiscal year then current; such appointments to be made from the final graduates of the year, in the order of merit as determined by the Academic Board of the Naval Academy, the assignment to be made by the Secretary of the Navy upon the recommendation of the Academic Board at the conclusion of the fiscal year then current; but nothing herein contained shall reduce the number of appointments of such final graduates below seven in each year to the line of the Navy, and not less than two shall be appointed annually to the Engineer Corps of the Navy, nor less than one annually to the Marine Corps; and if the number of vacancies in the lowest grades aforesaid occurring in any year shall be greater than the number of final graduates of that year, the surplus vacancies shall be filled from the final graduates of following years, as they shall become available.

SEC. 2. That this act shall take effect when the first class shall be divided under its provisions.

Mr. HERBERT (before the reading was concluded). Mr. Speaker, I can explain this bill in less time than it will take to read it.

Mr. BLOUNT. I hope we shall have both the reading of the bill and the explanation.

The Clerk concluded the reading of the bill.

Mr. HERBERT. Mr. Speaker——

Mr. BLOUNT. Let us have the report read.

Mr. HERBERT. I desire to explain this bill briefly, after which gentlemen, if they desire to do so, can oppose it.

The original bill, for which this has been reported as a substitute, provided for an increase in the number of cadets. The committee was opposed to that, and did not report in favor of it. The original bill provided also for shortening the course at the Academy. The committee was opposed to that, and did not report in favor of it. This bill provides simply that at the end of the third year the course shall be divided; and that a proper proportion of the class, those who are to be engineers will after that time take a special, while the others pursue the usual course. That is all there is in the bill.

Mr. BLOUNT. Is this recommended by the Navy Department?

Mr. HERBERT. It is recommended by the Academic Board, by the Secretary of the Navy, and unanimously by the Committee on Naval Affairs.

Mr. MILLIKEN. Does the bill allow the student to choose whether he will take one course or the other?

Mr. HERBERT. That is left to the decision of the board; but the board will, while consulting fitness, of course regard also, as far as may be, the wishes of the cadet.

Mr. O'NEILL, of Pennsylvania. I wish to offer an amendment to come in at the end of the first section.

Mr. HERBERT. I will state to the gentleman that if he insists on the amendment it will defeat the bill.

Mr. McMILLIN. Before the amendment is read I wish to ask my friend from Alabama this question: After the division in the course, will either branch be shortened below what it would be without this legislation?

Mr. HERBERT. No, sir; neither branch will be shortened. The sole effect of the bill is what I have stated.

Mr. McMILLIN. I wanted to make that inquiry, because if the bill had the effect of shortening in any way the course of study, the tendency would be to increase the number of cadets, which I think would be improper.

Mr. HERBERT. I stated expressly that the committee had decided against any such increase.

Mr. McMILLIN. I understood the gentleman's statement in that regard.

Mr. O'NEILL, of Pennsylvania. I move to amend by inserting at the end of the first section the provision which I ask the Clerk to read.

The Clerk read as follows:

That after the 4th day of March, 1889, the minimum age of admission of cadets to the Academy shall be sixteen years, and the maximum age twenty-one years.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I offer this amendment because from my own experience in the appointment of cadets I have been convinced that the present minimum age of admission, fourteen years, is too low, the result being that youths whose minds are too immature to enter advantageously upon the studies of the Academy are sometimes sent there and obliged afterward to leave, which necessitates the making of new appointments. Besides, this amendment will make the age of admission to the Naval Academy almost the same as the age of admission to the Military Academy, where the minimum is seventeen years and the maximum twenty-two years.

I propose by this amendment a minimum of sixteen and a maximum of twenty-one years of age. I think it is better in all respects when a youth graduates from the Naval Academy he should be in age more of a man than when entering at fourteen and graduating at eighteen. Just as at West Point, a youth grows up and develops himself physically, but he does not enter the Army before he is twenty-two years of age, and then he is a man fitted to command men. So those graduating from the Naval Academy when entering the naval service should be fitted to command men, which they are much more likely to do at twenty-one years of age than they are at eighteen years. Entering the Naval Academy at fourteen, he can not, in many instances, grasp or understand exactly what he is preparing himself for; whereas, if the period of entrance be advanced a few years, instead of entering at fourteen he enters at eighteen years of age as a maximum, I believe we will thereby have a better class of officers; and when they do graduate they will be men themselves and fitted to command men. I hope, therefore, the House will adopt the amendment. I have offered it in good faith, because I believe it is carrying out a very excellent idea, not my own entirely, as I have heard others express themselves in the same way, and I am convinced it should be adopted. I offer it to this bill where it is applicable.

Now, I will say, Mr. Speaker, so far as my amendment is concerned that it does not affect the present appointments. It does not take effect until the 5th day of March next. I understand the power to designate by members of Congress does not come until after the 4th day of March next, so that those members who are re-elected to the next Congress will be notified soon after the expiration of this Congress. Hence it does not affect any one to-day, but takes effect in the future, and I believe it will have a good effect upon the naval service to make this change in the age of those who enter the Naval Academy.

Mr. HERBERT. Mr. Speaker, the Naval Committee have considered this question and decided against it. It has not been recommended by the academic board of the Naval Academy, and it has not been recommended by the Secretary of the Navy, and while the matter has been before us many times we have not been able to take a step in that direction, much less to change the age of entrance to the extent of three years.

Mr. BLOUNT. What are the reasons on the part of the Committee on Naval Affairs for that action?

Mr. HERBERT. In the first place, the superintendent of the Naval Academy, Captain Sampson, who has examined the question with a great deal of care, thinks that those who have entered at say fifteen years of age have made a better record than those who have entered at an older age. While he would favor making a change in the age he would not favor such a change as this; that is, from fourteen to sixteen years.

Mr. O'NEILL, of Pennsylvania. I will make it from sixteen to twenty, but my amendment is intended more in reference to the age of entrance at the Naval Academy; that is, not to leave it where it now is at fourteen, but advance it to sixteen.

Mr. HERBERT. I have the floor.

Mr. O'NEILL, of Pennsylvania. I thought you asked me a question.

Mr. HERBERT. No, I do not. The Committee on Naval Affairs have not had an hour during this session of Congress, and there are several important bills still to be called up, and the time is passing away.

Mr. O'NEILL, of Pennsylvania. I have the right to offer an amendment if it be applicable to the pending bill.

Mr. HERBERT. We have considered an amendment like this, but the committee was against it.

Mr. O'NEILL, of Pennsylvania, rose.

Mr. HERBERT. I have the floor and do not yield.

Mr. O'NEILL, of Pennsylvania. I have the right to offer an amendment.

Mr. HERBERT. You have offered it, and I have taken the floor in my own right.

Mr. O'NEILL, of Pennsylvania. The Senate Committee on Naval Affairs have recommended this unanimously.

Mr. HERBERT. I do not yield to the gentleman for any purpose.

Mr. O'NEILL, of Pennsylvania. I presume the Naval Committee of the Senate is as capable of judging in reference to this matter as Captain Sampson or any member of the Committee on Naval Affairs.

Mr. HERBERT. This matter is before the Committee on Naval Affairs, and they will be likely to present the matter to the House when they have come to a conclusion upon it.

Mr. O'NEILL, of Pennsylvania. It has been before the Naval Committee three or four months, and nothing yet has been brought into the House by that committee on the subject.

Mr. HERBERT. I will state, while the committee has considered the question, they have not been able to agree upon it. Nevertheless, they are opposed to an amendment going as far as the one now pending, moved by the gentleman from Pennsylvania. I do not wish to stop to debate that question. We have other bills to bring up, and I hope the few minutes allotted to the committee will not be taken up by this bill.

The question recurred on the amendment of Mr. O'NEILL, of Pennsylvania.

The House divided; and there were—ayes 36, noes 7.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SAVINGS OF SEAMEN.

Mr. HERBERT. I now call up for consideration the bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That any enlisted man or appointed petty officer of the Navy may deposit his savings, in sums not less than $5, with the paymaster upon whose books his account is borne; and he shall be furnished with a deposit-book, in which the said paymaster shall note, over his signature, the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for "pay for the Navy," and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased sailor, and that such deposit be exempt from liability for such sailor's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.

SEC. 2. That for any sums not less than $5 so deposited for the period of six months or longer, the sailor, on his final discharge, shall be paid interest at the rate of 4 per cent. per annum.

SEC. 3. That the system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of the Navy.

Mr. HERBERT. Unless some gentleman desires an explanation of the bill, I shall ask the previous question on its passage.

Mr. SOWDEN. What is the purport of the bill?

Mr. HERBERT. It allows sailors to deposit their savings with the paymaster.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY HOME, DISCHARGED SEAMEN.

Mr. HERBERT. I now call up the bill (H. R. 4353) to provide a temporary home for certain persons discharged from the United States Navy, and ask leave to consider this in the House as in Committee of the Whole.

Mr. SOWDEN. I wish to ask whether this involves an expenditure of money.

Mr. HERBERT. It necessarily involves a small expenditure.

Mr. SOWDEN. What amount?

Mr. HERBERT. Let the bill be read.

Mr. SOWDEN. If it makes an appropriation I object.

Mr. HERBERT. But I ask to have it considered in the House as in Committee of the Whole.

Mr. SOWDEN. If it involves any expenditure of money I object.

Mr. HERBERT. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider bills from the Committee on Naval Affairs.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills reported from the Committee on Naval Affairs.

Mr. HERBERT. I call up the bill H. R. No. 4353, and ask its present consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to permit any person receiving the honorable discharge authorized by section 1429 of the Revised Statutes to elect a home on board of any of the United States receiving-ships, during any portion of the three months granted by law as the limit of time within which to receive the pecuniary benefit of such discharge, the men so choosing a home to be entitled to one ration per day for their keeping while furnished with such home, but not to pay, other than that authorized by section 1573 of the Revised Statutes of the United States upon re-enlistment: *Provided*, That the persons so furnished with a home shall be amenable to such regulations as may be prescribed by the Secretary of the Navy or other competent authority.

Mr. HERBERT. In further answer to the objection of the gentleman from Pennsylvania, I will state that the only expense the bill involves is this: It provides that a sailor who has been discharged from the United States Navy and who may now under the law re-enlist within three months thereafter with continuing pay, instead of being driven during that three months to resort to sailors' boarding-houses, may have the privilege at any time within that period of having his home upon any United States receiving-vessel then in port, and drawing one ration per day.

The Secretary of the Navy has recommended the bill; the Chief of the Bureau of Equipment and Recruiting has recommended it, and it is believed that it will have a good effect upon the sailors by keeping them from the sailors' boarding-houses. The only possible expense, as I have said, will be the rations which will be furnished to the sailor during such part of the three months as he may occupy a home on the vessel.

Mr. SOWDEN. After hearing the statement of the gentleman from Alabama I will withdraw my objection.

Mr. HERBERT. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

APPRENTICES, UNITED STATES NAVY.

Mr. HERBERT. I now call up for present consideration the bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That in order to encourage the enlistment of boys as apprentices in the United States Navy, the Secretary of the Navy is hereby authorized to furnish as a bounty to each of said apprentices after his enlistment, and when first received on board of a training-ship, an outfit of clothing not to exceed in value the sum of $45.

Mr. HERBERT. This bill also involves an appropriation. As gentlemen know, we now have a system of training boys to make sailors of them, and they are taken at from fourteen to seventeen years of age. At the present time the Government furnishes them with their rations and pays them also a small amount at the time of enlistment, which increases as they progress. The suit of clothes that is provided for the boy at enlistment is charged up against him and deducted from these wages. The full equipment, including his clothes, blankets, etc., costs from $35 to $45, which amount, being charged against the meager wages he receives, keeps him in debt for a long time.

Mr. HOLMAN. What compensation do they get?

Mr. HERBERT. I am not prepared to give the exact amount, but I think the pay commences at $8 a month and runs up to $10 or $12, and some of them become petty officers afterwards, when the pay is much larger. But the compensation is very small, and they are kept in debt for a long time. The chief of the Bureau of Equipment and Recruiting recommended the passage of this measure; the Secretary of the Navy also recommended it, and the committee, after carefully considering it, think it will encourage enlistments, and therefore recommend the passage of the bill. There are usually from three hundred to four hundred and fifty or five hundred boys in the training school.

I ask that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. SOWDEN. What will be the expense in each case?

Mr. HERBERT. I have stated that the whole equipment of each one costs from $35 to $45, not exceeding that for each boy.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HERBERT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union having had under consideration House bills 4353 and 10652, had directed him to report the same to the House with the recommendation that they do pass.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole on the state of the Union without amendment, were severally considered, ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 433) to provide temporary homes for certain persons discharged from the United States Navy; and

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy.

Mr. HERBERT moved to reconsider the votes by which the bill were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MAISH. The chairman of the Committee on Military Affairs was absent when the Committee on Military Affairs was called, and I ask unanimous consent that we go back in the call of committees to the Committee on Military Affairs.

The SPEAKER. The gentleman from Pennsylvania states that the chairman of the Committee on Military Affairs was necessarily and temporarily absent from the House when that committee was called, and he asks that the committee shall not lose its place on the Calendar. Is there objection? The Chair hears none, and it is so ordered. The hour for the consideration of bills this morning has expired.

Mr. LANHAM. I ask unanimous consent for the consideration of a resolution which I send up to the Clerk's desk.

The SPEAKER. The regular order has been demanded by the gentleman from Texas [Mr. KILGORE], and unless that be withdrawn——

Mr. LANHAM. I ask that it be withdrawn.

Mr. KILGORE. I will withdraw it in the interest of my colleague.

Mr. NELSON. If it is only withdrawn for that, I object.

The SPEAKER. The regular order is demanded.

Mr. LANHAM. Then I move that the House do now adjourn.

The question was put, and the Speaker was in doubt as to the result.

The House divided; and there were—ayes 56, noes 12.

So the motion was agreed to; and accordingly (at 1 o'clock and 33 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BOUND (by request): A bill (H. R. 11506) granting a pension to Charles E. McFarland—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11507) granting a pension to J. B. Crawford—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 11508) granting a pension to Elijah West—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: A bill (H. R. 11509) granting a pension to Clinton Allen—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Mrs. M. S. Kennon and Irby Bonsall, heirs of John H. Irby, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Petition of citizens of Nebraska, for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DUNHAM: Petition of Richard D. Townsend and 56 others, citizens of Cook County, Illinois, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. MILLIKEN: Petition for a pension for Elijah West—to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: A petition, numerously signed by Union soldiers of the late war, representing that during the war of the rebellion the Government, through Congressional enactments, most solemnly agreed to deal justly with those who became the defenders of the nation; that equal and exact justice demands that every soldier who is entitled to a pension for wounds received or disease contracted in the line of duty should receive such pension from the date of his discharge; that by the repeal of the arrearage clause of the pension law as in force prior to July 1, 1880, an injustice was done to those who had incurred wounds or disease in the service—an injustice uncomplainingly submitted to at the time, being regarded as a temporary measure adopted to enable the Government to maintain specie payments; that the necessity for continuing this injustice has long since ceased; that in view of the affluent condition of the national Treasury the solemn contract-obligation of the Government to those who bore arms under the national flag should now be promptly fulfilled by a re-enactment of the arrears law which was in force prior to July 1, 1880—to the Committee on Invalid Pensions.

By Mr. PEEL: Memorial of Choctaw Nation, to grant the right of way to the Choctaw Coal and Railway Company—to the Committee on Indian Affairs.

By Mr. WASHINGTON: Petition of heirs of Thomas Gale and of heirs of Alexander Carper, of Davidson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

SENATE.

WEDNESDAY, *September* 26, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of E. R. Olderman and 29 others, the petition of S. M. McMillen and 34 others, the petition of Theo. F. Davis and 11 others, and a petition of Knights of Labor Lodge No. 562, officially signed, representing 250 members, all citizens of Washington County, Ohio, praying for certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. WILSON, of Iowa. I present a petition of Garfield Assembly, No. 4762, Knights of Labor, of Dallas, Iowa, numbering 78 members, praying for an amendment to the interstate-commerce law. As the subject referred to in the petition has been acted upon, and is now pending in conference between the two Houses, I move that the petition lie on the table.

The motion was agreed to.

Mr. TELLER presented the petition of Thomas L. Farrell and 59 other citizens of Gunnison County, Colorado, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. REAGAN presented a petition of citizens of Hill County, Texas, and a petition of citizens of Tyler County, Texas, praying for an amendment of the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 3485) restoring the homestead right of Charles Weitfle, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes, reported it with an amendment.

CONNECTICUT AND RHODE ISLAND BOUNDARY.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to report favorably, without amendment, the bill (S. 3098) concerning the settlement of the boundary lines between Connecticut and Rhode Island. I should like to have the bill now considered, if there is no objection. In asking unanimous consent to consider the bill now, I have only to say that it is against my usual course, but this is a mere constitutional ceremony. The two States agreed upon a new demarkation of the line between them, their commissioners have laid it out, and their respective Legislatures have affirmed it, but to be valid under the Constitution it requires the assent of Congress. I therefore venture to ask that the bill may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

FLORIDA PUBLIC LAND INVESTIGATION.

Mr. DOLPH. By direction of the Committee on Public Lands I report back a resolution of the Senate passed on the 18th of April last, directing the Committee on Public Lands or a subcommittee thereof to investigate the facts concerning the alleged illegal and fraudulent conveyance of public lands in the State of Florida. The committee do not recommend any legislation. The report may be printed.

The PRESIDENT *pro tempore*. The report will be printed and the resolution placed on the Calendar.

COMMISSION TO PHILIP C. JOHNSON.

Mr. CHANDLER. I report from the Committee on Naval Affairs favorably, without amendment, the bill (S. 3011) to provide for the issue of the commission of Philip C. Johnson as a rear-admiral in the United States Navy, for which I ask present consideration.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the bill may be now considered.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read for information, subject to objection.

The Secretary read the bill, as follows:

Whereas Philip C. Johnson, after a long, faithful, and creditable service in the United States Navy, became entitled to promotion to the grade of rear-admiral on the 25th day of January, 1887, but died without being commissioned: Therefore,

Be it enacted, etc., That the President be, and he is hereby, authorized and directed to issue the commission of Philip C. Johnson as a rear-admiral in the United States Navy, to be dated January 25, 1887, and to deliver the same to the widow of said Philip C. Johnson.

Mr. EDMUNDS. Was this gentleman ever nominated by the President to the Senate and confirmed?

Mr. CHANDLER. He was not.

Mr. EDMUNDS. Then how can we create an office and fill it by law? Of course it is a mere form, but we can not make a man a rear-admiral by law, I should think, under the Constitution, if he were living. It may be we could if he were dead. I suppose the object is to give him the honor or give his widow the pay to which he would be entitled.

Mr. CHANDLER. It is hardly to give the honor to him, because he is dead, and it would not give anything to the widow. I will state the object of the bill, if the Senate will permit me.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object to it. Let it go on the Calendar. I do not see any necessity for it. If the Senator will show any reason why we should be passing any such legislation as that I will not object to it; but unless there is some substantial reason given I shall object.

Mr. CHANDLER. I will state——

Mr. COCKRELL. Is there a written report?

Mr. CHANDLER. There is no written report. Commodore Johnson became entitled by operation of law under existing statutes to his commission as rear-admiral subject to examination and subject to confirmation by the Senate. He became thus entitled while he was on his death-bed. He died, I think, within a week after that time, leaving a widow and two children. The widow is desirous that she may have this parchment from the Government for her sake and for the sake of her two boys. Mrs. Johnson was a South American woman, and was married by Commodore Johnson during some one of his cruises. She will think very highly of this paper if it is compatible with law and the greatness of the United States to give it to her.

The bill has no effect whatever beyond that. We have given her the highest pension which is allowed by law. She comes to the Secretary of the Navy and to Congress and says, "If there is no objection, if there is no injury to result from giving me this parchment for the benefit of myself and my children, I should like to have you give it." The committee saw no objection to giving it, and I trust that Senators will see none.

Mr. COCKRELL. I object to it emphatically.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the favorable report of the committee.

CRUISE OF THE CORWIN IN 1885.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed, at the Government Printing Office, 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1885, and its accompanying documents and illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 copies for the use of the Treasury Department.

CRUISE OF THE CORWIN IN 1884.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 copies for the use of the Treasury Department.

Mr. MANDERSON. I ask for the present consideration of the resolution. There are two different reports, one for 1884 and one for 1885.

Mr. COCKRELL. The same number of each will be printed?

Mr. MANDERSON. The same number of each.

Mr. COCKRELL. And the same relative proportion of copies between the Senate and the House?

Mr. MANDERSON. Exactly.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolution, the question is on agreeing to the same.

The resolution was agreed to.

ROGERS'S PANAMA CANAL REPORT.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth at the Government Printing Office, and including illustrations and maps, 3,000 copies of the report of Lieut. Charles C. Rogers, United States Navy, on the Panama Canal; of which number 1,000 copies shall be for the use of the House, 500 copies for the use of the Senate, and 1,500 copies to be distributed by the Secretary of the Navy.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 3589) granting a pension to Rachel Haynie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3590) authorizing the Secretary of War to lease to the Pike's Peak Astronomical and Meteorological Society certain lands; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3591) granting an increase of pension to Thomas Summers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3592) granting a pension to William Seams; which was read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 544) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle in the State of Vermont; and

A bill (S. 2616) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia.

The message also announced that the House had passed the joint resolution (S. R. 110) in aid of the sufferers from yellow fever, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the President of the United States having returned to the House of Representatives, in compliance with the request of a concurrent resolution of Congress, the bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes, the House of Representatives had reconsidered and passed the same with additional amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company and for other purposes; and

A bill (H. R. 9674) to regulate the course at the Naval Academy.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor; and it was thereupon signed by the President *pro tempore*.

INQUESTS UNDER NATIONAL AUTHORITY.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar, under Rule VIII, is in order.

Mr. GEORGE. According to previous notice I desire to call up the bill (S. 1516) to provide for inquests under national authority, with a view to submit some remarks thereon.

The PRESIDENT *pro tempore*. If there be no objection, the bill is before the Senate as in Committee of the Whole, and the Senator from Mississippi is entitled to the floor.

Mr. GEORGE. Mr. President, I had hoped that I would have no occasion whilst I had a seat in this body to say anything on the sectional questions which the debates during the present session have brought to the front. It was my fixed purpose when I took my seat here that, whatever else might flow from my public service, I would so guard my conduct that when that service ended it could not be justly imputed to me that by speech or action I had in any degree contributed to sectional bitterness or retarded the return of harmony and mutual confidence between the once hostile States of the Union. In pursuance of this determination I have been silent when I was strongly tempted to speak; I have, when compelled to speak, confined my speech to legitimate and necessary defense. I have not met crimination with recrimination. I have not essayed to point out defects and errors in other sections as a cover or excuse for wrongs charged against my own. I have waited, though I admit with some impatience and chagrin at the long delay, for the coming of that period when whatever was wrong and within the power of Congress to remedy might be discussed in a calm, dispassionate, and non-partisan spirit and when truth and justice would be the sole ends of our deliberations.

I regret I can not say that that time has yet arrived, and yet an occasion has arisen when longer silence on my part would be criminal. Though I feel deeply, I shall speak without anger. I shall speak under a full sense of the great responsibilities that rest on me as an American Senator charged with the high duty of promoting the general welfare of all sections and States, and charged also with the no less high trust of meeting and repelling unjust imputations cast upon the people whose commission I hold as a member of this body.

FUNDAMENTAL PRINCIPLES FORGOTTEN.

Mr. President, we live in an age of tremendous activities. Events of the utmost potency for the weal or woe of humanity crowd on each other with bewildering rapidity. So far as these are the result of the natural evolution of social, economic, and political forces the march is ordinarily without friction, or at least without dangerous convulsions.

Society in its natural and normal development rarely neglects to take steps to secure itself from the introduction of dangerous forces. This safeguard is abandoned when reforms and changes are sudden and the result merely of physical force.

In this rapid march of events, intoxicated with the splendor and magnificence of our achievements, wholly intent on the affairs of the present and its exacting demands, impelled by that spirit which has worked out the wonderful magnificence of the material advancement of our present civilization, we are apt to forget the past, its successes, its failures, its errors, its lessons, whether of glory or of shame. We cast aside the memory of the principles on which our successes are based and deny reverence to the social and political laws on which our institutions are founded.

I do not believe I can better discharge my duty to the Senate and to the country than by recalling some of the events of our history and some of the principles which lie at the foundation of our Government. They will throw more light on the subject under consideration than many are prepared now to concede.

THE FUNDAMENTAL PRINCIPLES NAMED.

If there is anything fundamental in our political system, the very pith and marrow of our free institutions, it is that the people, all of them, of every State, of every locality and section, were adjudged to be capable of self-government; that is, had capacity to govern themselves and were unfitted to be governed by others, incapable from their natures, their history, their traditions, and their inherited instincts, of being made subservient to an external authority not derived from or exercised by their free consent.

It was also fundamental in forming the Constitution that the people of each State were the equals in rights, in powers, and in political capacity of the people of every other State. The Constitution was framed and based on this necessary principle. No one then suggested, no one then believed that the people of any State were incompetent to govern themselves, to manage their own affairs, to exercise all the powers and duties of local self-government as they were reserved to the States or to the people by that instrument.

It was no part of the scheme of the Constitution that there was ignorance and incapacity and want of patriotism in the people of some of the States, which required the fostering care and supervision or the

forcible intervention of the people of the other States or of the United States. None of the States were invited to accept the Constitution on any idea of securing a guardianship from the wiser, purer, and more capable people of the other States. On the contrary, the people of each State which acceded to the Constitution freely granted of their own sovereignty, to a common government, certain powers to be exercised by all for the good of all.

The equal suffrage in the Senate, secured to each State against even a possible amendment of the Constitution, guarantied to each an equal voice in the enactment of every law. All were absolutely equal in the powers reserved, and equal in the exercise of the powers granted. The virtue, intelligence, and conceded capacity of each made the Constitution, and were acknowledged by its framers as essential elements of the new government, and the bases on which it rested.

THE PEOPLE WHO FRAMED THE CONSTITUTION.

The people who framed the General Government, being the people of the several States, were of a race trained in the principles and practice of free institutions. They had been tutored in free government for more than a millennium in the peninsula of Schleswig, in England, and afterwards in the colonies. They had achieved freedom for themselves. They had through long centuries cherished the principles and been accustomed to the practices of free government.

They had, at that time, but recently gained their independence won from their kinsmen in England. In this struggle all had participated, all had contributed their due share. Jealous of local self-government, they carefully defined the powers which they surrendered to the common government. Their subsequent history showed their extreme jealousy against encroachments on local autonomy.

Mr. President, such were the people who made the Constitution and with it, and under it, the Union; and such were the principles in which they laid its foundations.

SECTIONAL DIFFERENCES AND WAR.

Years passed; a difference arose about the slavery of the African race, which had its origin here by the equal fault of both sections. No power was granted by the Constitution to the Federal Government over the subject of slavery except to return fugitives to their masters. But men, consulting their consciences and their convictions of right and wrong for the sources of Federal power, and thereby finding it, thence deduced the duty to interpose. To them the wrong was patent and their duty was clear, and these being established, the power, in their judgment, existed.

I admit that the men entertaining these extreme views were few in number at first; but by incessant agitation, by that earnest and, if you please, unselfish warfare on what they regarded, on what the world regarded as a great wrong on human rights, the personal slavery of one man to another, they produced a sentiment so hostile to that institution, so general, too, in the stronger section of the Union, that it looked to and threatened the ultimate destruction of slavery by the action, direct or indirect, of the Federal Government. This was met in the other section by counter agitation for defensive purposes. The South claimed that slavery existed in nearly all the States when the Constitution was formed; that that instrument contained guaranties for its protection, and that it was solely a local domestic institution and for State action alone. For that reason the South inclined to a very strict construction of the Constitution. For a contrary reason a majority in the North insisted on a more enlarged and liberal construction of its powers, and upon the duty of Federal action against slavery to the full extent of any power which by their construction of the Constitution was found to exist.

The pride of the South, resentment against what the people regarded as an unconstitutional interference with their guarantied rights of local self-government—always a strong sentiment in the Anglo-American people—even caused a great change in the minds of the Southern people as to the rightfulness of slavery. In the beginning it was regarded as an evil, as a misfortune, as something already in existence which had better not be, but which was difficult to get rid of. But smarting under the assaults of the anti-slavery men, in excitement and exasperation this question was re-examined, and it was found, or thought to be found, that slavery was sanctioned in the Bible. The South went to the extent of insisting that slavery was not only not sinful, not an evil, but was an altogether righteous and useful and proper institution for the African race. Whilst these things were going on the Mexican war occurred, resulting in a very large acquisition of territory to the United States, out of which are now formed the Territories of New Mexico, part of Arizona, Utah, the great State of California, the State of Nevada, and a large portion of the State of Colorado. This war, it has been charged, was a war of the South's own seeking to the end of strengthening slavery. I do not admit this to be a historical truth, but it is not necessary for the purposes of the present argument to deny it.

The South had contributed more than its proportionate share of the gallant soldiers and great commanders who had won this magnificent domain, and added it to the common property of the Union.

It was proposed to exclude the Southern people from an equal participation in this property. This was felt by the South as a great wrong, and even an indignity and insult, at the hands of the common government of all. Partisan animosities became more excited, and as the North seemed to become more determined, the South became more exasperated and defiant. At this stage a President was elected on a pledge of opposition to slavery.

I admit, Mr. President, that this election of itself, and considered solely by itself, furnished no just ground for secession, nor did I then, nor do I now, think that election was the cause of it. It furnished the mere occasion for the exercise of a right which the Southern people believed they had, and which they deduced not only from the nature of the Constitution, but also from its interpretation by many of the fathers of the Republic.

Now, Mr. President, I do not wish to be understood as saying here or now, or in any part of this argument, that the South had just cause for secession, or that the interpretation they placed on the Constitution was correct, nor as admitting the contrary. What my own opinions are is well known to those with whom I associate, and can be known by all who have any curiosity on the subject by inquiry at the proper time and place. What I have said on slavery agitation and secession and what I shall say on them and the war which followed, I wish it to be understood as my statement, as my belief, as to the history of these transactions. I express here no judgment on them. At all events, whatever may be the true reason, the South was determined to go out of the Union and to maintain slavery, or dispose of it according to the will and judgment of each State in which it existed. The North was equally determined that the South should remain in the Union and submit to the exercise by the Federal Government of whatever powers it should deem proper to exercise in respect to slavery.

All effort at compromise failed; each side was too much in earnest, too much inflamed with the intensest passions to deliberate with calmness. On the one side was the claim of equality in all things, which was believed to be seriously menaced, and the right to withdraw from the Union for safety, and the claim to judge absolutely of the conditions necessary for safety. On the other side there was a denial of any menace and the assertion of the duty of unlimited submission and of the power to enforce it. Under these circumstances, who made the first attack, who fired the first gun is wholly immaterial; war was certain, as certain as the decrees of fate; and war came. The sound of the first gun at Sumter called a continent to arms. The old thirteen States, who by common sacrifices had won our independence, were divided in the struggle. Virginia, the Carolinas, and Georgia were contesting against Massachusetts, New York, and the others their right to the independence which had been won for each by the joint efforts of all.

Mr. President, I have named Virginia as one of the seceding States. If there was nothing else to give dignity and elevation to the Southern movement in 1861 it would be redeemed from the charge of want of sincerity and a patriotic devotion to duty by the action of that grand and honored State, the mother of the forest-born Demosthenes whose matchless eloquence fired the American heart to resist the tyranny of Great Britain; the mother of Washington and Jefferson, Madison and Monroe and Marshall (I omit all mention of the grand men, her sons, engaged on either side of the civil war), and of a long list of heroes and statesmen who have devoted their lives to the service of their country. She was also the generous donor to her co-States of the magnificent Northwest, out of which five great States have been created—that great State, the pride of the Union, a leader in all that pertained to the common weal, the good of the whole country, without whose unselfish co-operation the Union could not have been formed, she alone of all the States possessing the territory and resources sufficient for an empire and to guaranty safety in isolation.

This grand State, by a necessity which she deplored and through imperial policies against which she as a colony had protested, found herself encumbered with the institution of African slavery—an evil and menace which her great statesmen had vainly endeavored to remove. She saw the evil and the danger, yet she deemed that under the compact of Union it was her business, not the concern of the Union. When war was threatened, she pleaded for peace, for compromise, for settlement consistent with the honor and welfare of all the States and consistent with the Constitution. Finding all her efforts unavailing and war actually flagrant, she cast her lot with her Southern sisters. Her fair fields became the battle-grounds of the war, the camping-grounds of grand armies.

When war ended, grand in her desolation as she had been grand in power and prosperity, dismembered of one-third of her territory, she was subjected to a discipline which unsettled all the forces of society and government, destroyed enterprise, suppressed industry, and to a reconstruction of government which was both a grotesque travesty of political forces and a tragic immolation of all that government was instituted to secure. Then as now, crippled in resources, despoiled of her wealth, unable to meet the inexorable demands of her creditors, she was struggling to preserve private honor and public faith.

There never was in all human history a grander or truer Commonwealth, and none so chastened and devastated for her adherence to her faith and her principles.

THE CIVIL WAR.

But, sir, as I said, war came. It was no petty insurrection, to be

put down by the civil power—by constables, and marshals, and the police—no conflict even between mere organized military forces. It was war—the mighty struggle of peoples and States under regularly-organized governments, claiming and exercising absolute sovereignty up to the common border-line of division. Each within its own lines of power had organized civil government, with all its machinery, executive, legislative, and judicial organisms; making laws, defining rights, enforcing its laws in an orderly and regular way. Beyond this line neither had power to enforce the duties of allegiance, or protect its adherents, or to punish resistance to its authority. It was public war, with all its rights and incidents, including flags of truce, military compacts between commanders, and the exchange of prisoners.

Within the Southern lines the United States treated the inhabitants as enemies, national enemies, subject to all the treatment, as to seizure of their property as prizes of war, usual among civilized nations, and this without reference to the individual sentiments of those who sided with them. This character of national enemies was extended, as in all cases of public war, to all ages and sexes, whether they were actually engaged in resistence or were incapable of it or unwilling to take up arms. With what valor, with what heroism, and with what patriotic devotion to their cause the soldiers of the Union fought, and with what manly and heroic resistence they were met, what dangers they encountered, is attested by the monuments erected to them everywhere, by the beautiful cemeteries all over the land, in which a grateful nation has placed the lifeless forms of those who fell; by the annual decoration of the graves of the dead heroes; by the manifold pensions paid to the survivors who were disabled, and by the glory accorded to all who were engaged in the struggle.

Mr. President, I do not detract from, but add to the heroism and the true glory of the Union soldier when I bear testimony to the courage and patriotism of their Southern antagonists. In this spirit I will say that the necessities of that war brought out in the Southern soldier an endurance, a self-sacrifice, a heroic fortitude, under privations and dangers in camp, on the march, and on the battle-field that have never been surpassed in all the long ages since men learned to kill each other in war.

The South was vanquished. They could not succeed against fate. To her conquerors you vote pensions, you build monuments, you award glory. I do not blame you, nor do I complain. I join you in voting the pensions and in this award of glory, for these brave men fought and triumphed over the bravest and most heroic foe that ever went down before irresistible numbers.

When the end came the South lay prostrate at the feet of the victor. There was no treaty of peace, except the honorable military capitulation which the magnanimous Grant accorded to the heroic Lee. There was no consultation, no conference, even, with the conquered as to terms, no consideration, even, of what was good for them. Whatever pleased the victor was exacted and it was yielded. By the cruel irony of fate the man whose election to the Presidency had been the occasion of secession, and who had shown magnanimity and good feeling toward the Southern people, and who had both the will and the power to give them good terms, was assassinated by a crazy enthusiast, who had never drawn his sword in defense of the South nor cast his fortunes with her.

Desolated by war, ruined by marches and countermarches of opposing armies subsisting on the land; with factories burned, homes and fields destroyed; with the flower of her young men slain in battle or disabled from wounds or disease; without commerce and almost without production, for all able-bodied men had been in the army; without agricultural implements and live-stock; without money and without credit; with her domestic and economic system overturned; with her State governments overthrown; with arrogant and pretentious intermeddling by bureau agents with the relations between her dissimilar and discordant races, the South was left to commence the world anew.

THE FIRST RECONSTRUCTION.

We knew, sir, that slavery was to be abolished, so without murmuring and as soon as the necessary forms could be observed the Southern States ratified the thirteenth amendment; we knew that would be demanded. We also knew that the substantial purpose of the war, though sometimes denied, was to abolish slavery. On this point I quote from the Senator from Connecticut [Mr. HAWLEY] in a speech made in this Chamber on April 7, 1886. He said:

> Against the race prejudice, against the deep incrusted prejudices of centuries, men who hated the face of the negro and who would not have him near them, were led into and plunged into a great war and carried it on for four years, disguise it as you please, the substantial purpose of it all being to make it true that there should not be a slave on this continent.

Having abolished slavery by the ratification of the thirteenth amendment, and also by inserting the same provision in their several State constitutions, the seceding Southern States, at the invitation of the President, and in obedience to the Constitution of the Union, sent Senators and Representatives to Congress. They chose for these places those of their sons who were most distinguished for their conservatism, and those only who had been opposed to secession.

They were refused admission. It was held, in effect, that an "indissoluble union of indestructible States" had been dissolved and the States destroyed. It was held that the old maxim of "taxation without representation is tyranny" did not apply. It was also held that indefeasible and inalienable rights, as we had always proclaimed them, were forfeited; and forfeited, too, upon the same ground that these same rights had been held forfeited in every kingly government from the time of Adam down to the present hour, namely, the apprehended or assumed treason of the people. The great fundamental principle of our free institutions, "that governments derive their just powers from the consent of the governed," embalmed in the Declaration of Independence as a justification for three millions of people, subjects of a monarchy, in their forcible resistance to the pretensions of the British Crown and Parliament, was considered as inapplicable to eleven millions of the same people, citizens of a free Republic, and the descendants and political heirs of the men who had made that declaration and sustained it against the power of the strongest nation on earth.

As yet it had not been determined to do more than free the African slaves. Congress had, as late as July 2, 1864, passed a bill and the President (Mr. Lincoln) on the sixth day thereafter signed a proclamation, both providing for reconstruction on the basis of white citizenship only. But after the death of Mr. Lincoln Congress and the then President quarreled.

I shall not stop to inquire who was in the right—it is sufficient to state that they quarreled. From that quarrel came to the people of the South the greatest misfortune that can befall a free people—that being subject to a dominant and irresistible power, their fortunes and their destinies were subjected wholly to the chances of skillful play of politicians for party and personal advantage, and to the disposal of their ambition, their resentments, and their passions.

THE SECOND AND FINAL RECONSTRUCTION OF THE SOUTH.

A new reconstruction was determined on—the State governments were a second time overthrown. Military rule was established as the precursor and efficient promoter of a still more horrible misrule. The State governments were again reconstructed; and then under them followed those dark years of governmental pillage and official brigandage, of belligerent peace and light-fingered, furtive, peculating war, in which virtue, public or private, was treated as a crime, and personal infamy held to be no bar, but a just claim to high public station.

In the mean time a change came over the minds of the statesmen of the North in reference to African citizenship. The pretext for this change was certain laws passed by the Southern Legislatures when elected on the basis of white citizenship. These laws were harsh indeed—were in the main unnecessary and were never enforced with rigor. Yet the situation was unparalleled, the two races were nearly equal in numbers, and in some States the negroes were in a majority. They were of a servile race, and had been for all the long ages of history, first in their native land and then in this. At the close of the war, in May and June, 1865, when the crops were just planted, many of them, unused to the license of freedom, many more seduced by bad advisers, deserted the uncultivated fields and flocked to the cities and towns to get support from the Freedmen's Bureau.

The result was small crops and a threatened famine and an outlook of still smaller production in the future. So, under these conditions, the Southern whites stumbled. But, Mr. President, they did not stumble willfully or maliciously. For these harsh, unjust, and unnecessary statutes they had prototypes in the legislation of the Northern States in respect to free negroes within their respective borders. I do not mean to say, Mr. President, that because our Northern brethren, not having one colored person among them to one hundred whites, and therefore very remotely affected, if at all, by the presence of a dissimilar race, passed these laws, we of the South were justified in following their example, even in the perilous circumstances by which we were surrounded. I mean only to appeal to their sense of justice and to ask that justice to which we are entitled from having only ignorantly and under circumstances of peril and danger followed their example.

Mr. President, some years ago I made a synopsis of the statutes of most of the Northern States on this subject, which I will not detain the Senate now by reading. I may hereafter bring it to the attention of the Senate as full proof of the statement I have made.

The newly-enfranchised race had never been considered as a part of the American people, of the people who had organized the State governments, who had won their independence and had framed the Constitution of the United States. They were not so treated in the first bond of union between the States—the Articles of Confederation—which regulated the quota of troops to be furnished by each State in the war of the Revolution by the number of white inhabitants, nor by that great charter of free government, the ordinance of 1787, which, though prohibiting slavery within the Northwest Territory, provided for the return of fugitive slaves to their owners. Up to the year 1866 they had been regarded by many, perhaps by a majority, of the whites as entitled to personal freedom, as wrongly enslaved, yet by nearly all they were adjudged as unfit for American citizenship and they were excluded from naturalization.

The people of the United States, in a political sense, were white people only, mainly of the Anglo-Saxon race, to whose genius and aptitude for free government, the outgrowth of an experience of over a thousand years, we owed our free institutions. A majority of the statesmen who joined in the Declaration of Independence, and its immortal author, a ma-

jority of those who framed the Constitution, the great captain and statesman who led the armies of the States in the war for independence and presided over the convention which framed the Constitution, and then over the young and feeble republic in its inauguration, and by his patriotism and wisdom guarded its infancy through the perils of internal contending centripetal and centrifugal forces and foreign complications and enmities, and the great Chief-Justice who, as if by intuition, saw the true meaning of the Constitution and molded its powers to orderly and safe administration, were all slaveholders.

HOMOGENEITY IN RACE AS UNDERSTOOD BY OUR STATESMEN.

Mr. President, in what I have just said I am making no defense of these revolutionary sires and their transactions. To their countrymen, their descendants who, through their genius, their patriotism, their labors, and their sacrifices are now enjoying the blessings of free institutions and constitutional government, I am making no apology for these errors, these mistakes, these short-comings, or whatever else of disrepute we may please to deem them. I am simply repeating history, not making materials for it. In further repeating the events of history (now somewhat obscured) I will state that in the opinion and judgment of the fathers as to the necessity for homogeneity in the people of a free country as the groundwork of success, subsequent statesmen, our own contemporaries—statesmen illustrious for their patriotism, for their philanthropy, for their sincere and earnest and, I may add, effective opposition to African slavery—fully concurred.

The concurrence of Mr. Lincoln, as expressed in the debates with Mr. Douglas in 1858, and partially reproduced in 1882 in the discussion of the Chinese question by the Senator from Colorado [Mr. TELLER] are well known. His later opinion, as expressed in his proclamation dated July 8, 1864, and the opinion of Congress at that time, all to the same effect, I have already alluded to. And coming down later, to the year 1882, only four Congresses ago, the same judgment as to the necessity of homogeneity (the same race) in a people was expressed by the most eminent Republican members of this body, and notably by Senators EDMUNDS, TELLER, and JONES of Nevada. I would be glad to quote from all of them, but I find I must be content with quoting only from the Senator from Vermont [Mr. EDMUNDS].

That Senator in his speech in this body on March 7, 1882, among other things, said:

I do not need to call the attention of Senators to that fundamental principle—

Ay, "fundamental," said that eminent Senator—

of domestic government, that in order to success, that just success which produces happiness to its people, no republic can succeed that has not a homogeneous population.

He proceeded:

That was for so long a time the curse of our Southern States.

It was the want of homogeneity—

that they (the Southern States) thought was mitigated and helped out by the fact that the different races occupied different positions, one dominant, the other servile. It did not accomplish it then, as they will all tell you now, Mr. President; and the one great evil there now is, not that the white man is better than the black man, or the black man better or equal to the white man, but it is that there has not yet been time, if ever there may be, that in the real and best sense of a homogeneous order in a republic these two peoples can assimilate and coalesce so as to make such a domestic State as I have been speaking of.

The Senator from Vermont continued:

All this, Mr. President, is fundamental in the long reaches of historic observation everywhere. My learned friends from Massachusetts may begin with Aristotle and come down to Webster, and they will find that everywhere over that long reach of human experience that the fundamental idea of a prosperous republic must be in the homogeneity of its people.

And in another part of the same speech, in reply to the Senators from Massachusetts, he said:

I doubt whether the people of Massachusetts * * * would desire that immigration of the people of Africa to that great and noble old Commonwealth should be encouraged.

The people of Massachusetts * * * I do not think would be hungry for an irruption of a million of the inhabitants of the continent of Africa, to-day or to-morrow or next year, not because the people of Massachusetts have any hostility to the African; not because they do not desire his development, his growth, his education, every amelioration that may belong to him, but because they believe by instinct or by education that it is not good for the two races to be brought into that kind of contact in that place.

Then, after repeating that he did not believe the people of Massachusetts were "hungering," as he expressed it, for African immigration, he proceeded:

Speaking in part for the people of Vermont, I am sure it is not so with them. It is not based, I repeat, on any hostility toward Africans; it is based upon the belief that nations and races, as they have been constituted by the God of nature and by political and geographical divisions and arrangements, get on better as separate families, with their separate independence and their separate institutions than they do amalgamated together, unless their origin, their race, their tendency, their nature be such that being put together they assimilate and become one perfect homogeneous and prosperous mass.

Nor did either Senator from Massachusetts undertake, so far as I have seen, to deny the statement of the Senator from Vermont as to want of hunger on the part of the people of that State for African immigration. And again, in the same debate, replying to the Senator from Massachusetts [Mr. HOAR], he reiterated the necessity of homogeneity in population as essential to the success of a republic, and he attributed the downfall of the Greek republics to the want of such homogeneity.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. GEORGE. Yes, sir.

Mr. DAWES. Has the Senator any objection to putting in his speech the statement that my colleague [Mr. HOAR] is absent from the Senate?

Mr. GEORGE. None in the world. Is that all?

Now, Mr. President, I hope no man will accuse me of referring to these opinions of eminent Senators with the view of making any charge of inconsistency or bringing on them any reproach whatever. I do it that it may be known that the fundamental principle stated by the Senator from Vermont as essential to a free Government is announced, not as the result of the speculations of mere theorists, but rests on the universal experience "of long reaches of historic observation everywhere," all over the globe, from the days of Aristotle, over two thousand years ago, down to our own era, embracing all of known human history.

If I am required to fortify so eminent an authority, I could point to the fact that the history of the world is written in blood shed in race conflicts. The Old Testament is an everlasting and unimpeachable witness to this great truth. So is the history of Rome. That imperial city gathered under its banners the nations and peoples of the world. Their want of homogeneity first destroyed the republic, and then the empire fell to pieces, the rents being along the lines of race demarkation. Modern Europe teaches the same lesson. In Britain there is the irreconcilable and everlasting conflict between Saxon and Celt. On the Continent the aspiration of many states of the same race to be one nation and their hatred of another race, their neighbors, keep Europe armed with millions of men, to be ready for a conflict ever impending. The history of Southeastern Europe—the Balkan peninsula and Greece and Stamboul—is but a record of race animosities, race contests, race divisions, and wars. Polyglot Austria-Hungary to-day is staggering under the load of a composite nationality based on many different races. And the imperial despotism of Russia, with its 100,000,000 of people, fails to be the predominant nation of the world because of the diversity of the races in her borders.

THE BALLOT GIVEN TO THE NEGRO.

Notwithstanding these facts, Mr. President, it was deemed proper to give to the colored race suffrage and citizenship. At the same time every white man who had ever held civil office of any kind was disfranchised. The two came together, and the negro found himself suddenly in possession of a privilege—a great civic trust—denied to his late master. He had not asked for the ballot. His race nowhere in all the world, at no time in human history, had either aspirations or capacity for self-government. In his native land, in the jungles of the dark continent, he had been and was then a savage and a slave. He had been transplanted to America by force, and had been here a slave. Whatever of advancement he had made from barbarism and brutal superstition had come to him from the tuition of slavery. He had no actual experience in the duties of citizenship. He had no ancestral traditions connected with liberty, no inherited instincts or aptitudes for free government. He was without training, mental or moral, for civic trusts. In slavery he had been in the main docile and patient and even uncomplaining. As a general rule, even when opportunity was offered, he had refused to participate in the war, in which his freedom was at stake and by which it was won. His enfranchisement came to him unasked and cast on him duties and burdens for which he had neither aspirations nor capacity. He had no conception of what he was to do with it. He felt none of the inspirations of liberty. He could only mimic the voice of freedom and ape the methods of those, his leaders, who, in the name of liberty, fraternity, and equality, were driving a noble people to despair and outbreaks by plundering States and reducing millions to penury. He must need be taught. Like a child armed with an infernal machine charged with danger and death, he could not use it without destruction to himself and others. The teaching began. The lessons had no concern with his civic duties and the responsibilities of citizenship. He was taught hatred and distrust of his fellow-citizens of the white race. He was reminded of his former slavery here and made to believe that was a deprivation of a freedom enjoyed by his race in his native land.

His known inferiority, he was taught to believe, was the result of injustice and wrong perpetrated by those among whom he lived. Political co-operation with the whites was denounced as a sin, the wages of which would be a return to slavery. The property owned by the white man, he was taught, was of right his. Not only private theft and trespass on it were encouraged, but its public confiscation by onerous taxation was held out to him as a proper end of political action and of race elevation. Without the power of political organization, and without the slightest conception, even, of what civil government was, or of its functions, the negro fell under the control of political adventurers—strangers with no other interest in the State than to gather from the impoverished people the little that remained to them after the ravages of war. From these he received his induction into political science.

The freedmen were organized into secret leagues. They were forbidden to attend political discussions in which the white race participated. They were ordered not to confer with the whites in any way about that which deeply concerned both races and the good of society,

of which both races were members. They received their ballots in midnight meetings of these leagues, without knowing what names were inscribed on them, and came to the polls in armed processions, crowding away the white race, and remained there a compact and defiant body till the farce of an election was over.

They were taught that to scratch the ballot put into their hands by their leaders and political masters, even to erase the name of a known thief, was a pollution of the heart for which there was no forgiveness and no cleansing in this world nor hereafter. The arson of a public building to conceal the defalcation of corrupt officials was publicly justified and accepted as a proper means of defense to a charge of embezzlement made against a partisan who led them.

In short, sir, the fountains of the great deep of human depravity were broken up and the waters of pollution and race hatred flooded the land. Society was saved from utter dissolution and anarchy only by the conservative forces of the white race, the overthrow of whose influence in affairs had been the end sought by the scheme of reconstruction.

NECESSITY FOR HOMOGENEITY IN A PEOPLE.

This conservative force might in the end have availed to educe order from chaos and to have given some security to society. But, sir, events drifted by accident or were ordained by design to prevent this. It was known then, and it is known now, all history had taught it, that a free government must rest for security and success on a homogeneous people; or, in other words, there must be one people, capable of political association, and with aspirations corresponding. Mr. Lincoln had so expressed it. The fathers of the Republic had laid its foundation on this as an essential truth; for no account had been taken in the formation of the Government of the Indians, large numbers of whom were in our territory, or of the negro except to provide for the return of those escaping from slavery. Such also had been the subsequent practice of the States and the General Government.

And such now is the recognized doctrine to be applied everywhere, save only in the Southern States.

How we acted at a recent date on the subject of Chinese exclusion I shall not discuss. My colleague has told that story; it needs no repetition from me. The fifteenth amendment to the Constitution itself recognizes two races, two peoples, in its prohibition against discrimination on account of race.

RACE DIFFERENCES INTENSIFIED BY FEDERAL ACTION.

But, sir, the white people of Mississippi had to encounter all this danger in its most aggravated form. We had not only the physical difference between the races, which Mr. Lincoln had declared "would forever forbid the two races from living together on terms of social and political equality," but, sir, we had, as I have but faintly depicted, the conditions which (seemingly under the auspices of the National Government and with its sanction, and certainly so believed by the colored race) enforced on the ignorant and unreasoning negro the duty of refusing all political fellowship and co-operation with the Southern white man. We thus had instead of one homogeneous people two distinct races with all the prejudices and mutually repellant conditions of race differences.

But we had even more than this; we had what the ignorant negro believed to be an authoritative fiat from the General Government, his emancipator and friend, his protector and guardian, that he should regard his white fellow-citizens with distrust and antagonism, not to use harsher terms. We had two distinct peoples, the most divergent in race and physical formation of all the human family, locally intermingled, yet, in all else than mere physical contact, as wide asunder as the poles—the one smarting under defeat, irritated by an enforced political association with an inferior race wholly unfit for self-government; the other ignorant, servile, in that they had always, even in their native land, been slaves, with memories of recent wrongs received from the first, and with passions inflamed by their unscrupulous leaders, and, superadded, the duty inculcated of political isolation from the white race and antagonism to it. The result was a mere contest for race supremacy. No question as to what was best for the State was made, no consultation accorded for the common good. The wisest and best of the whites made vain efforts for a better understanding with the colored race. Many, after a short trial, quit in disgust. As it was evident that the negroes were in a majority, a few of the basest and most venal of the whites joined them for plunder. Others, good men, joined the party to which they belonged in the hope that they could mold it for good. In nearly every instance their efforts met with the humiliation of utter failure with the race they joined, and utter loss of character and influence with the other; and they retreated from their position.

THE CONSTITUTIONAL CONVENTION.

An election was held for a constitutional convention, and a large majority of it was composed of characterless adventurers of both races. They spent many months in forming a constitution and drawing their salaries. They took good care to disfranchise enough of the whites to insure their own supremacy for a generation, reserving, however, the power to restore the disfranchised to political rights as a means of purchasing support for their iniquitous measures.

In order to secure proselytes they created an extraordinary and un-American test of eligibility to office—the political opinions and partisan association of the citizen. This was accomplished by excepting from the operation of the sweeping clause of disfranchisement inserted in their constitution "those"—I quote from the constitution as framed—"who aided reconstruction by voting for this convention, or who have continuously advocated this convention, and shall continuously and in good faith advocate the acts of the same." (See section 5, article 7, of the constitution as framed.)

In this way they attempted to establish an espionage over and an inquisition into the sentiments and opinions of citizens, and to control their free action, and to bribe them with a gift of what belonged to them of right, and of that which they could not be justly deprived. They established and maintained a partisan press by immense largesses from the treasury, and by providing for the publication of judicial advertisements only in newspapers that had no circulation and no other existence than such as were derived from fees thus received, and no other aim than to perpetuate misrule and official brigandage through race prejudice.

The constitution was submitted for ratification, and by some means or other—I never could satisfactorily account for it other than as the interposition of Providence—it was defeated.

Under the proclamation of General Grant and an act of Congress a new submission was had with the disfranchising clause I have described stricken out, and the constitution was ratified, and at the same time members of the Legislature, members of Congress, and all State officers were elected.

THE RECONSTRUCTED LEGISLATURE AND TAXATION.

The Legislature met, the new government was inaugurated, and then that era of crime and profligacy so abundantly shadowed forth by the proceedings of the convention set in in earnest. For up to that time the military government was some restraint. So unhappy was our condition that a military despotism was a refuge and protection against the free government which had been instituted over us, in effect free only to plunder and destroy.

Mr. President, it is impossible to give by mere words and figures to any one not personally cognizant of the condition of affairs in Mississippi at that time any adequate idea of the wrong and outrage perpetrated under the forms of law, and of what the people suffered during the six years of this infamous rule.

In the first year the State tax was increased 500 per cent., in the second 400 per cent., in the third 850 per cent., in the fourth 1,250 per cent., in the fifth 1,450 per cent., in the sixth, by a transfer from the State treasury of all the expenses of the courts and the administration of justice to the county treasuries, the increase was only 925 per cent. County levies were increased in the same, and in many instances even a greater ratio. With all this crushing taxation there was a constantly increasing deficit, and the State's indebtedness was increased during that period one hundred-fold to every dollar of debt when the State was turned over into their hands. A considerable portion of the common-school fund provided for in the constitution was diverted from education and wasted in useless and corrupt expenditures. The land scrip donated for an agricultural college was converted into money and every dollar of the money consumed in the same corrupt and wasteful administration. And for all this there was nothing to show in the way of public works except $80,000 donated to a narrow-gauge railroad company.

The salaries of all officers were largely increased. The fees of officials were not only nominally largely increased, but an ingenious and dishonest system of computing them was devised, which increased them still more enormously. The public printing was given to a political organ, and the disbursements on that account were increased more than 900 per cent. over any previous disbursement. In one year I remember, and possibly in others—I have not the figures before me—the expenditures for public printing largely exceeded the amount appropriated for common schools. The taxes collected for common schools were so manipulated that only about 30 per cent. of the amount collected from the people was really devoted to that purpose. Teachers wholly incompetent were hired and used as political agents and emissaries, school-houses were built without reference to the public needs and beyond the ability of the tax-payers, and costly furniture imported, merely to give jobs to political favorites. There was no physical object, there was no mental or moral subject, sacred or profane, which the devilish ingenuity of the rulers did not convert to purposes of plunder.

The few conservative white members of the Legislature from the white counties were utterly powerless to do good. The remainder, consisting almost universally of adventurers and strangers and unlettered negroes, felt no responsibility to the people whose rulers they were. A large part were wholly incompetent to discharge their duties, another large part recognized no duty but to enrich themselves and their friends by public plunder. A successful job was considered the highest achievement of statesmanship. Two hundred thousand acres of State land was voted to a corporation organized by the Legislature and owned and controlled by its leading members, and not one cent was ever paid for it. Three sessions of the Legislature were held in

one year, in order that omitted opportunities for spoliation might be utilized. The effect of all this robbery and plunder is evident.

Six and one-half millions of acres of land, over 10,000 square miles (an area larger than Massachusetts and Rhode Island combined), were forfeited to the State for taxes levied beyond the ability of the owners to pay. This was about one-third of the lands in the State held by private owners. There was a constant and continuing decrease of about $6,000,000 per annum in the valuation of all property.

COUNTY ADMINISTRATION.

The county governments were, if possible, more corrupt and wasteful. The boards of supervisors, having unrestricted power of taxation, were in many instances composed of ignorant negroes who could not read or write. They fell under the control of the sheriffs and clerks of the counties, who used them for their corrupt purposes. Large and illegal allowances were made from the county treasuries, and these allowances were doubled in amount by the issue of county warrants at 50 per cent. discount. The members voted jobs to themselves and to increase the amount of their per diem, the sessions were prolonged beyond all necessity. Ignorant and illiterate negroes were elected sheriffs, with no power to give official bonds and no capacity for the duties of their offices, and arrangements were made with white men to give the bonds and discharge the duties of these offices. Fees and emoluments were provided for both, the real and the elected officers. Clerks were elected who utilized their recently acquired ability to write by forging county warrants and altering public records; and county warrants after they had been paid were stolen by the officials and reissued to be paid again.

THE COURTS WERE IGNORANT AND CORRUPT.

The courts ceased to be temples of justice. In some instances men were licensed as lawyers to be commissioned the next day, or the next week as judges or chancellors. The governor, at one time, in violation of a plain statute refused to send in to the Senate for confirmation the appointments for chancellors whose terms were about to expire, in order that he might keep the appointees selected in vacation under his influence and control. He undertook to dictate a decree to one of these and failed, and he then refused to send in his name for confirmation at the next session of the Senate, and thus removed him from office. In another instance he had made an appointment of a chancellor in vacation who refused bail to one of the governor's favorites charged with the murder of a leading Republican—his successful competitor for sheriff—and he removed him from office. The Legislature then enacted a law to cover the case, providing for another trial on habeas corpus, with the result that the murderer was bailed by the new judge; and leaving the State, was placed in a lucrative Federal office in this city, untried and unpunished, and so remained till removed a little over a year ago.

Justices of the peace in the black counties caught the infection and converted their offices into engines of oppression to both races. The ignorant negroes who elected them were in many instances charged with trivial and technical violations of law, and released only on payment of enormous and illegal fees. I can give no better idea of this degradation than to quote the words uttered by a lawyer of distinction, an eminent citizen, who had been before, and has been since, honored by the trust and confidence of the people of Mississippi. For a manly assertion of the rights of the bar he was threatened with imprisonment. In answer to this he said:

> Send me to jail. The court has power to do it, but its order will not inflict any personal degradation. Our prisons have become the abodes of honest men, whilst wrong and dishonor sit enthroned in our temples of justice.

DESPAIR OF THE WHITES AND THEIR EFFORTS FOR RELIEF.

The white people were in despair. Many of the best citizens left the State. The desire to leave was universal. They resorted to every means in their power to procure redress. They abandoned their party organization in order to secure a better understanding, some sort of friendly co-operation with the colored people. In 1872 they voted for Mr. Greeley, their lifelong opponent, and the lifelong friend of the colored race. In 1873 they voted for Governor Alcorn for chief magistrate of the State. He was then a member of this body, had joined the Republicans in Mississippi in the first instance, as I have always believed, with the hope that he could mold or control them for good. He is a man of wealth, talent, and political experience. He saw the drift of things and in 1873, announced himself as a candidate for governor in opposition to General Ames. He desired reformation, he wanted economy in administration, but though there was discontent and division in the Republican party, he received but few votes outside of the whites who were not Republicans.

He was badly beaten. He found out that he who would lead that party in Mississippi must go with it in all its extremes—be controlled by it instead of controlling it, must partake of its corruptions and share in its excesses. He learned also the further great truth, that in the long run public men must in the main be the outcome and reflect the sentiments, morals, tendencies, and aspirations of the men who elect them.

In the counties the white people voted for conservative Republicans wherever they could find them. In fact, there was no Democratic organization in the State. Every advance made by the great body of the whites was repelled, even spurned by the negroes. Political co-operation was found impossible except on terms of an absolute surrender of all prospects of bettering the condition of affairs.

The State went from bad to worse. The blacks, organized and partly led by a few whites, were in absolute control. Complaints of crushing taxation were met by an avowal of a purpose to load property with such burdens as to make its surrender by the owners necessary and certain.

A convention of the citizens of the State was held at the capital on the day preceding the meeting of the Legislature in January, 1875. Of this convention many Republicans were members, and a respectful petition was drawn up to the Legislature stating the condition of the country and asking for a redress of grievances.

The Legislature treated it with contempt, and the governor was reported to have denounced it as the "howlings of faction."

RACE CONFLICTS AND BLOODSHED.

There was trouble at Vicksburg—bloodshed was threatened. The sheriff was advised to summon the negroes and secure his ends by force. The governor advised this, and said, in answer to a suggestion that blood would be shed, "that the killing of twenty-five or thirty negroes would be good for the party." A conflict actually ensued, in which the whites in repelling the attack of the blacks killed more than the number of martyrs desired by the governor. An act providing for the purchase of Gatling guns and the organization of an army of blacks in time of peace was passed. A negro militia company, fully armed and equipped, with flying banners and martial music and led by a colored desperado, was actually marched 40 miles and back through one of the most populous counties in the State, with no other known object than to irritate by bravado and menace and thus to precipitate a conflict between the races. A conflict thus sought was prevented only by the utmost endeavors of the cool-headed and conservative white men of the county.

The purposed organization of negro troops was intercepted by an injunction issued by the chief-justice of the State (a Republican) restraining the drawing of the needed money from the treasury. The injunction was promptly dissolved at the end of ten days, the earliest allowable period under the law, by the chancellor, who had been appointed to succeed one who had been removed for his independence. This was foreseen, and another injunction was obtained, which could not be dissolved till after the election, and after that the money was no longer needed.

An escape was had from this condition of affairs by the election of 1875. Whatever may be said about that election, it saved the State from anarchy and society from dissolution.

NEGROES NOT VICIOUS, BUT MISLED.

Mr. President, I have endeavored to make the Senate understand something of the condition of affairs in Mississippi resulting from the rule of the colored race organized and led as I have described. I know I can not make you understand it fully as it existed.

Mr. President, I do not mean to be understood as charging that the colored race was wholly vicious, wholly bent upon the mischievous and criminal rule which I have described. Many were misled from ignorance, many were forced against their will and better judgment to join in a crusade against the whites for which they had no heart. Social and religious ostracism was the fate of those who were conservative. Their wives threatened to leave them, they were dealt with in their churches, they were charged with desertion of their color, they were threatened with violence, and in many instances were cruelly beaten. Denied social equality with the whites by an inexorable law, the ineradicable instinct of human nature, as set forth by Mr. Lincoln and then reverberated by him on every stump in Illinois, they were left as outcasts if they persisted in voting with the whites.

AFFAIRS IMPROVED.

I am glad to say that affairs have improved since the whites have been in power. Taxes have been reduced, expenditures have been cut down, better facilities for schools and better schools for both races have been furnished. My colleague's statement on this subject made in his speech a few weeks ago is full, and I adopt it. Most of the pestilent adventurers of both colors who had misled and inflamed the prejudices of the colored race have left the State, some to escape the penitentiary for felonies, some to evade suits for a restoration of the fruits of their peculations, some because they had lost their offices, the only interest they ever had in the State. The colored people have begun to learn that bad government is no benefit to them. They have also learned that a change of party ascendency did not mean their re-enslavement, a falsehood sedulously inculcated during the period I have described. They are also learning industry and frugality.

TWO DISTINCT RACES.

Still, Mr. President, there remain on the soil of Mississippi the two distinct races, made so by God; and made by the events I have described and other causes into two distinct peoples, with the same physical differences alluded to by Mr. Lincoln, and the same want of that homogeneity declared by the Senator from Vermont [Mr. EDMUNDS] to be essential to a successful and permanent republic. One of these peoples are proud of their race and lineage and of their history, with inherited aptitudes and aspirations for free government. The other

the reverse of this, ignorant, credulous, easily led and deceived, the facile and willing victims of whoever would inflame their prejudices or their passions. The latter is in the majority, and if voted as a race, as they were in the years I have alluded to and as seems now to be desired by Senators on this floor, would control the government of the State, and would control it now as they controlled it then.

IS THERE A REMEDY?

Mr. President, in the presence of such a danger the question arises, what is best to do?

This question has been considered with care and patience by the thinking and most conservative white people of Mississippi. No man knows how to solve or answer it. The question of the propriety of negro citizenship is no longer a matter of discussion; it is an accomplished, an irreversible fact. No Southern man thinks that the North will reverse it. We must do with it as best we can. We are educating the negro to remove his incapacity for self-government, if education can do it; but when that is accomplished there still remain the race differences, the race prejudices and antagonisms, as likely, if not more likely, to be increased than to be diminished by education. No man can tell. Whatever of good there is in the education of the negro we are seeking to get; whatever of evil may come from it we agree to risk.

Whether the experiment of negro suffrage will be a success is yet undecided. For one, I am willing, and I believe the white people of Mississippi are willing, not only to give it a fair trial but to contribute in every way to the utmost of our power to its success. The selfishness of human nature, our highest interest, demand this, for we know that however disastrous it may be to us, it will be maintained to the bitter end. Many good men have advised the selection of negroes for such civil places as they are at all competent for, in order that they might be trained for self-government. Co-operation in elections, giving each race its representatives, has been proposed, and in some instances tried with success. A more kindly feeling has grown up in business; some disposition is shown for concert and consultation in political matters. Great progress, it is hoped by some, will come from this course.

THE TWO GREAT OBSTACLES TO SUCCESS.

But there are two great obstacles in the way of success—the one primary; the other the incident and an aggravation of the other. The first is the difference in race, the want of homogeneity in the population. The second, the permanent fixing of the two races into distinct and separate peoples by outside influences and external predominant forces. The two permanently combined are insurmountable. They are combined now. Whether the first alone is an insuperable barrier to success is to be determined by the course of events, if only the presence of the latter can be eliminated. I have already discussed to some extent the former, and introduced the opinions of the great men of our own and of a past generation on this subject.

NO DESPAIR.

Mr. President, I derive no pleasure from a contemplation of these facts. They may furnish subjects of curious and serene speculation for Senators from the Northern section of this Union, but to me and mine they are pregnant with forebodings of disaster and ruin. I have said only "forebodings." I have not said that salvation was impossible in the present constitutional order. I have not allowed myself to look for safety outside of the present constitutional relations between the two races in Mississippi. A change of those relations I know to be impossible. I know, sir, that whatever of harm may come to the people of the South of both races, there will be no change, no relenting. So, sir, I have not allowed myself to relinquish all hope of having in some way and at some time a permanently safe and orderly government in the South with both races, equal in political and civil rights and equally participating in the government, though I confess the prospect for it is gloomy indeed.

I am not prepared to say that this will come; I only say that I will not give up all hope that it will ever come. Despair means anarchy, a dissolution of society and government. We dare not despair. Like the struggling pilgrim in the Slough of Despond we dare not faint or surrender hope, but must strive and press forward to the land of promise, not relaxing the striving and the strain to consider whether the long sought for haven is a reality or an illusion.

THE GROUND FOR HOPE.

But, sir, whatever there is of hope in the future lies in the contrary direction from that in which we are now tending and that recommended by Republican Senators. It can only be realized by a recurrence to another fundamental principle in our system already alluded to—the recognition of the equality of States and the capacities of the people of the several States for self-government and for a discharge of their Federal duties and responsibilities—a full return to the principle and practice of local autonomy. Sir, you must do this or you destroy your system everywhere in the Union. The necessity of homogeneity in the processes and methods of the National Government is just as fundamental, just as essential, as homogeneity in population. You can not have for any long period local autonomy in New England and national imperialism in the States of the South. There is an ever-enduring conflict in the two principles, and they can not have their birth and practice and growth in or under the same constitution. All must be one or the other. The danger is common to all.

THE SECOND OBSTACLE CONSIDERED.

I come now to consider more particularly the second obstacle to successful government in the South, namely, the perpetuation of two distinct peoples out of the two races by external influences and forces constantly operating. Now, Mr. President, want of homogeneity or sameness of race in a population may be *per se* nothing, the consequences which necessarily flow from it constitute the danger. These consequences are want of harmonious co-operation, antagonisms, distrusts, rivalries, contests for race supremacy, diverse aims, and repugnant and mutually repellant aspirations. I have shown, sir, that in the opinion of the most eminent Northern men, these make it impossible to have a prosperous and happy republic. Now, sir, what is the most requisite and exigent demand of wise and patriotic statesmanship in conditions presenting want of homogeneity in a people occupying the same territory and constituting one body of citizenship? The answer is plain: if nothing can be done to diminish, at all events nothing must be done to increase the natural results of race difference.

FEDERAL ACTION INTENSIFIES THE DIFFERENCES.

The action of the Government has been all along exactly the reverse of this. Having forced two races, the most diverse, into a political association of the closest character, distasteful to both, every step since taken has been to perpetuate the two non-assimilable races into two distinct and hostile peoples. Assuming, as you were bound to assume under our present Constitution, that both races separately were capable of self-government, were the proper depositories of high political trusts and civic duties, and that the two combined would constitute a people sufficiently homogeneous, sufficiently one in purpose and aims for the common good, to make a safe and happy and prosperous State, you have constantly treated the one as in helpless infancy requiring Federal guardianship and care, and the other as enemies both of the nation at large and of the State in which they live. You have sown in the minds of the one race the seeds of distrust and bitterness towards the other, and taught them a servile dependence unworthy of freemen on exterior and eccentric forces, hostile, or believed by them to be hostile, to the other race, for the discharge of interior and domestic political trusts. To the other race you have never turned your faces unless with frowns and threatenings. You have exaggerated their faults, magnified their shortcomings, mocked at their calamities, assumed and offensively asserted a pretended superiority over them, and in Congress and in the public press held them up to the contempt and invoked on them the unpitying scorn of mankind.

Mr. President, I have sometimes feared that this course of exciting and intensifying race prejudices would be persisted in for mere party purposes until the conscience of the nation shall be awakened by the sudden bursting of that cloud even now discernible, charged with memories of race contests, with convictions of mutual wrongs endured, and with the mutual desire of revenge overwhelming one portion of our country in a deluge of blood shed in internecine war. I beg, sir, that it may cease. You can not produce love and confidence by abuse and distrust; you can not by statutes and constitutions reverse the will of God, nor annul the decrees of Providence. Now, Mr. President, I have shown the situation in the Southern States, especially in Mississippi. I have shown the danger of and the excitement to conflicts between the two races. It is admitted that these conflicts come. Allusion has been made in this debate to the killing in Copiah and also at Carrollton.

I may be asked if I justify these killings, these outrages. My answer is, they are the inevitable outgrowth of the conditions I have described. My further answer is that the only standard of morals I know of in a Christian country is the Bible, the infallible revelation of the will of God, our Creator. That Book teaches if a man be smitten on the one cheek that he turn the other to the assailant; and if a robber take away one's coat that he give him his cloak also. I understand these and other teachings of that Book to condemn all irregular and illegal violence and all fraud as a redress of wrong-doing, and I accept fully this condemnation as just. But, sir, whilst this is the high standard of right presented by the divine law, and to which all men should strive to attain, what man, what community, has lived up to it? The divine law condemns murder, yet in what community is not the swift slaying of the wretch who violates the purity of woman or destroys the honor of a family condoned, if not applauded? The divine law condemns all deceit and falsehood, yet in what community is not tolerated the deceiving of a murderer and robber whereby his intended victim is saved? The divine law also commands that every human soul "be subject to the higher powers, and there is no power but of God" and "that the powers that be are ordained of God." Yet, sir, what free people have not rebelled and resisted, when they were wronged and oppressed? Let him who is without sin cast the first stone.

SOME ACTS OF THE REPUBLICAN PARTY.

Certainly, sir, the party of the majority of the committee who reported this bill have no right to cast a stone or to impute to any one unrighteousness in political methods. The divine law enjoins the sanctity of oaths, the inviolability of agreements, both public and pri-

vate. Yet, with oaths to support the Constitution fresh upon their lips, they usurped power in violation of that instrument to enact the reconstruction laws and to overturn by force the constitutions and institutions of eleven States; and to make their usurpation sure and effective repealed an ancient and necessary statute authorizing a revision and annulment of their unconstitutional action by the Supreme Court. And in this way they substituted for the Constitution their passions, their own unbridled will, and their greed for power. That the results of this policy have been incorporated in the Constitution as accomplished facts, have become a part of the fundamental law, which all ought to obey, does not detract from the wrong committed in the processes by which these results were achieved.

The divine law condemns fraud and perjury; yet in 1876, rather than release their hold on power, when the people had elected to the Presidency by a majority of over a quarter of a million votes the greatest statesman who had lived in this country since Mr. Jefferson, they decreed fraud and perjury to be unimpeachable muniments of title to the highest office in the Union, called troops to the capital to overawe the people, and seated in the chair of Washington the man whom the people had rejected.

The administration thus installed was true to its birth. It rewarded every fraudulent actor, every perjurer engaged in this conspiracy. It loaded them with public honors and enriched them with the money of the people whose voice they had suppressed and whose wishes they had thwarted. In this profligate school was fostered a plunder of the Treasury by the star-route thieves, the most gigantic ever known in our history.

The same party, emboldened by this success in 1876, proceeded deliberately to win the election of 1880 by the most shameless bribery through money raised by political assessments, by the donation of a part of the public plunder of the star-route conspiracy, and by funds contributed by those who had assurances, if not (as charged by members of the party itself) express contracts, that they should receive or control appointments to the highest places in the land. To such an extent had these flagitious proceedings gone, and for such a great length of time had they not only been condoned but rewarded with success, that the political morality of the country had become so debauched, so tolerant of successful wrong and outrage, that a chief actor in them, one of the star-route conspirators, was complimented for his conduct by a public dinner and openly applauded for his crime by the man who afterwards succeeded to the Presidency by the double title of prearranged bribery and the lucky drawing of the highest prize, so felicitously denominated by the Senator from Vermont [Mr. EDMUNDS] "in the lottery of assassination."

PICTURE DRAWN BY A REPUBLICAN.

But, Mr. President, lest it should be supposed that I have spoken rather from an embittered partisanship than from a true conception of the course of public events, I will present to the Senate and to the country a picture drawn by a master hand and a member of the Republican party.

This picture was drawn twelve years ago, on May 6, 1876, before many of the events I have alluded to had transpired. It was drawn by the Senator from Massachusetts, the author of the bill now under consideration, in these words:

> My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of Senatorial life. But in that brief period I have seen five judges of the high court of the United States driven from office by threats of impeachment for corruption and maladministration; I have heard the taunt from friendliest lips that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption.
>
> I have seen in the State in the Union foremost in power and wealth four judges of her court impeached for corruption and the political administration of her chief city become a disgrace and a by-word throughout the civilized world. I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of the trusted companions of the President. (See CONGRESSIONAL RECORD, second session of Forty-fourth Congress, volume 4, part 7, page 63.)

These brave, manly words of burning eloquence, worthy of the great Cato, who fell in his resistance to the corruptions of Rome and the usurpations of Cæsar, were spoken in the vain effort to induce this body, then sitting as a court of impeachment, to convict a great official of high crimes and misdemeanors. He was acquitted on a technicality, and thus a precedent was made for the acquittal, on another technicality and by the statute of limitations, of another great criminal who, whilst a Senator on this floor, dishonored his high place by selling his influence to carry out a job for the plunder of the Treasury. And if the distinguished Senator from Massachusetts were speaking to-day under the same inspiration of virtuous indignation at great crimes committed by his party he could with equal truth say that he had seen the public service so debased and corrupted that a widespread belief existed that the last administration abused its great trusts by making contracts through which the enormous profit of 20 per cent. per month was given to its favorites, and that the trusted companion and partner of a great chieftain, once President, traded on this conviction with the result of obtaining millions of money.

The great significance of these transactions is not that this great soldier had or had not a guilty participation in them. I acquit him fully of such guilt and of any ground for suspicion of guilt. My point is that the course of events had been such that the shrewdest business men in the greatest commercial city in the Union believed and acted on this belief (by investing millions of money) that he and the administration were capable of engaging and were actually engaged in them. It is a no less significant fact that the national convention of a great party showed such disregard and contempt of public opinion that it nominated in 1884 a man for the highest office under the Constitution whom a large number of its ablest and purest members charged with the gravest and most scandalous maladministration in a high office.

PICTURE DRAWN BY MR. TILDEN.

Mr. President, I ask the indulgence of the Senate for a few moments more on this subject. The great statesman who up to this time has the unparalleled distinction of being the only man elected to the great office of President who was not permitted to discharge its duties (may he also be the last!) in his letter of the 10th of June, 1880, declining the unanimous nomination then about to be tendered by his party for re-election, said:

> Twenty years of continuous maladministration under the demoralizing influences of intestine war, and of bad finance, have infected the whole governmental system of the United States with the cancerous growth of false constructions and corrupt practices. Powerful classes have acquired pecuniary interest in official abuses, and the moral standards of the people have been impaired.

And shrinking, on account of declining physical strength and advancing years from undertaking the work of reform, he said:

> To redress these evils is a work of great difficulty and labor, and can not be accomplished without the most energetic and efficient personal action of the Chief Executive of the Republic.

Mr. President, I take no pleasure, but rather humiliation and shame, from the contemplation of these things; but they are a part of the history of the country, part of the acts of the political party which has arraigned the people of Mississippi for acts done by a few individuals in passion, under great provocation, the result of madness and frenzy caused by conditions created by that party itself, and which would be considered intolerable in any free country. I will not allege that this outcry, now made against offenses committed by an inconsiderable number of men, is all false and hollow; but I trust I may be pardoned for saying that some part of it might be, with great public benefit, directed against greater crimes, greater outrages committed by the most conspicuous men in the country.

MISSISSIPPI CONDEMNED TO ILLITERATE SUFFRAGE BY CONGRESS.

Mr. President, the chairman of the committee which investigated the troubles in Copiah County [Mr. HOAR] asked one, if not more, of the witnesses, in substance, if it would not have been better if the constitution of Mississippi had, whilst depriving no man then possessed of it of the right of suffrage, prescribed an educational qualification for voters. The answer of the witness stated truly that the white people of Mississippi had but little to do with framing that constitution.

Treating that question, as I think it was intended, as suggesting that the admitted evils of ignorant suffrage ought to be corrected by a constitutional amendment, and as insinuating a fault in the white people of Mississippi for their failure to make such amendment, I beg leave to say this in further reply:

In the first place, as stated by the witness, the white people of Mississippi were not consulted in forming that constitution. They had no potential voice in determining what should be its provisions. So far from being able to prevent the extension of suffrage to the illiterate and propertyless negro, they were unable to prevent the convention from inserting a provision disfranchising large numbers of the most intelligent and conservative of their own race, and as I have shown, for more than six years thereafter they had no influence or control whatever in the government. If the object of the question be further to suggest that that exclusion should be adopted now (and as to that I am in doubt), I say that it is hazardous and difficult, if not impossible. The constitution was formed under the reconstruction laws and conferred the right of suffrage on all male citizens twenty-one years old, resident in the State six months and in the county one month. The constitution also prohibited forever the affixing of either a property or educational qualification to suffrage.

With these provisions in the constitution it was submitted to Congress for approval, and in the act passed in February, 1870, admitting the State to representation in Congress as one of the States of the Union, it was declared to be upon a fundamental condition as expressed in these words:

> That the constitution of Mississippi shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote under the constitution herein recognized, except as

a punishment for crimes as are now felonies at common law, * * * provided, that any alteration of said constitution propsective in its effects may be made in regard to the time and place of the residence of the voters.

So, sir, it is seen that the right of the State to representation in Congress, secured to her by the Constitution equally with all the other States, was made dependent upon her retention of illiterate and pauper suffrage. Massachusetts, Connecticut, Rhode Island, condemning as unsafe and dangerous, one of them illiterate suffrage, another pauper suffrage, and the third both pauper and illiterate suffrage, united with the other Northern States in passing an act fixing by its express terms to all eternity on Mississippi both illiterate and pauper suffrage. We are condemned by the action of our accusers to an everlasting heritage of a government based on heterogeneous races and an illiterate suffrage, both of which are deliberately adjudged to be unsafe and dangerous in New England.

Mr. President, it is a significant fact that what is considered as not only harmless, not only as not unrepublican, but even as a necessary means of preserving republican government in those States should be denounced as the greatest of all crimes against liberty and republican government if committed in the South.

DISFRANCHISEMENT IN MASSACHUSETTS.

By the constitution of Massachusetts, paupers, persons under guardianship, persons who have not paid all State and county taxes assessed against them within two years preceding the election are excluded from voting. And by article 20, adopted in 1857, all persons are excluded from voting or holding office who can not read the Constitution in the English language and write their names, except such as are prevented by physical disability from complying with these requisitions, and excepting also those then entitled to vote and those over sixty years of age when the article was adopted. And so strong is the idea that payment of taxes is a necessary qualification for the exercise of political power that representation in the Legislature is apportioned, not according to population, but according to the number of taxable polls in each town.

DISFRANCHISEMENT IN RHODE ISLAND.

By the constitution of Rhode Island no naturalized citizen is allowed to vote unless he be the owner of freehold lands worth at least $134, and, as I shall show hereafter, he must under the surroundings be worth a great deal more. No native-born citizen is allowed to vote unless he pays taxes to the amount of $1. He is allowed to purchase this great privilege if his taxes do not amount to $1 by voluntarily contributing the deficit to the public treasury. And no one, native or foreign, can vote on any proposition to impose a tax or to expend money in any town or city unless he shall, within the preceding year, have paid a tax assessed on property owned by him to the value of $134 at least.

DISFRANCHISEMENT IN CONNECTICUT.

Under an amendment to the constitution of Connecticut, made in 1845, "good character" was a requisite for the privilege of voting. In 1855 there was superadded, as a qualification for suffrage, the "ability to read any article of the constitution or any section of the statutes of the State."

COMMENTS ON DISFRANCHISEMENT.

The people of Massachusetts and Connecticut, the white people of those progressive, enlightened, and prosperous Commonwealths, acting on the most momentous of political subjects, the rightful and safe depository of political power, have deliberately and in the most solemn manner determined, and fixed their determination in their organic law, that no man of any race who can not read the Constitution and laws in the English language can safely be trusted with the right to vote. They have done this, too, in communities the most enlightened and conservative, where there are but few who do not possess this qualification and who, if allowed to vote, would but imperceptibly influence the result. And yet these same States not only concurred in but urged that in Mississippi and the other Southern States the right to vote and hold office should be possessed by ignorant negroes for all time to come, and that the organic law of the State should be framed by them. And they now insist that political power vested in persons who would not be allowed to vote in their borders is not only safe but absolutely beneficial in the South, even where they comprise the majority of the people.

Mr. President, Massachusetts and Connecticut have safe, conservative, progressive, order and property preserving governments. They are peopled by a race which above all others possess the greatest capacity and the fullest aptitude for free government. Responsibility and accountability of public officials are everywhere enforced within their limits. Enjoying these great blessings under constitutions which forbid illiterate and ignorant suffrage as destructive of good government, and having also a homogeneous population, with no race disturbances, no race conflicts, no race antagonisms, they are shocked when they see in other communities, in sister States, the reverse of all this, resulting from an ignorant and servile suffrage, which they, rejecting for themselves as the worst of all political evils, have imposed on other States to degrade and destroy them. And Rhode Island, little only in her territory, great in all things else, is equally shocked when she sees irritation and disorder coming from waste and plunder in State and municipal administration in Mississippi, produced by a class which she has carefully excluded from political power in her own borders, whilst she at the same time concurs in enforcing their absolute supremacy in Mississippi.

Mr. President, it is threatened that for alleged irregular and unlawful action on the part of a few men in the South there shall be a curtailment of our representation in the other House. I shall not discuss now the constitutionality of such action. I will merely state that when opportunity for such discussion shall come it can be shown that such diminution of representation can only constitutionally come through disfranchisement by State action. I refer to the civil rights cases, 109 United States Reports, for support of that position. I now notice that threat, to show only that this disfranchisement of the Southern States comes with an ill grace from New England. I have alluded to the qualification of voters prescribed by Rhode Island. A little inquiry into the facts will show that disfranchisement there is of no small proportions. By the last census the total population of that State was 276,531. Of these 73,993, or nearly one-third, were foreign born. I have not learned exactly the number of male persons twenty-one years old of each class in the State. But taking note of the fact that of the persons engaged in all occupations in the State only 75,404 were native and 41,575 were foreign born, the latter being largely over one-half of the former, we may safely conclude that in proportion to the total number of each class the foreign male adults are greater than that of the natives. So we may safely assume that the foreign male adults are at least one-third of the others. We thus see what a large number of persons must have the freehold qualification of $134 in order to vote.

How difficult it is to have this qualification in Rhode Island is evident when we consider that of all Heaven's blessings land is the scarcest in Rhode Island. Of agricultural improved lands there are 298,486 acres. These are assessed at $25,852,079 or at $86.61 per acre. The census writer estimates this value at only 60 per cent. of the true value, which must make the average price per acre about $150, so that of agricultural lands $134 would not purchase one acre even if a proprietor would, for the average price, disfigure his farm by selling so small a quantity. The average size of farms in Rhode Island is 48 acres. It is fair to presume that a farm of the average lands would not be profitable if of less than one-half this size, say 24 acres. This farm at the average price would cost about $3,500, which would be the smallest amount to be invested in a farm to make it profitable and desirable. What poor men can not have profitably they can not have at all. When we add the necessary live-stock and agricultural implements we will see that no less than $4,000 will be necessary to be invested in the smallest allowable farm of average lands. So that so far as farm lands are concerned we see that it requires a very large sum to enable a poor man or a moderately well-to-do man of foreign birth to be a voter. How few of such are farmers and planters, even including renters and lessees, is seen by table 34, page 844, volume 7 of the census, where the number is stated at 658. Probably not half of these are freeholders. So it is seen how few citizens of foreign birth can vote in Rhode Island as freeholders in agricultural lands.

If we go to the towns and cities we find the prospect still more dismal for the foreign-born citizen. Of this urban population the number in Rhode Island is 235,441 out of a total of 276,531, or about 85 per cent. of the whole. The whole value of real estate as stated in the census is $400,000,000, which after deducting $43,000,000 for agricultural land, would leave $357,000,000 as the value of urban property. This indicates such high values for this property that $134 would not purchase land enough to enable a man with a small family to stand on. We may, I think, Mr. President, conclude that the foreign-born citizens of Rhode Island are practically nearly all disfranchised. If we turn to the native-born citizens, the prospect is also gloomy. By the census of 1880 there were in Rhode Island 76,898 males over twenty-one years of age. Without estimating for any increase, only 42.6 per cent. of males over 21 voted in 1884 for President—the lowest percentage of any State in the Union except Nevada.

The census tables show that the population of Rhode Island increased at the rate of 27.2 per cent. from 1870 to 1880—2.26 per cent. per annum. With a like increase continued in the present decade there would have been 89,000 voters over twenty-one years of age in 1887. Yet only 33,284 voted for Governor in 1887, or about 37 per cent. In 1886 there were cast for members of Congress in that State only 22,326, or about 25 per cent, and in 1882 there were cast only 10,207 votes. Bad as this is for State and national elections, we may expect to find it worse when we come to municipal affairs in appropriations of money, for in these even the native-born citizen must pay taxes on $134 worth of property before he can vote, whilst this restriction does not apply to State and national elections. Within the last year there has been some relaxation of these restrictions, the extent of which I know not.

Let us look at Massachusetts—the model commonwealth—where, judging from what we sometimes hear, we might suppose that it was the principal duty of all good men to persuade all other men to go to the polls and vote just as they pleased and to furnish them the means to do so. Yet in that great, intelligent, and patriotic State where the voters are supposed not only to take an interest in their own political affairs, but are wide awake to assume a much-needed guardianship in

these matters over less fortunate States, we find that by the census of 1880 there were 502,648 males over twenty-one years of age, and that in 1884 only 60.3 per cent. voted for President. And this, too, when there were four tickets in the field, at the head of one of which was a gifted and popular and favorite son of the State, General Butler. Within a small fraction of 200,000 did not vote, very nearly as many as there were all told of voters in Mississippi or in South Carolina or in Louisiana, more than there were voters in Arkansas, three times as many as were voters in Florida.

Only once in the last five decades, namely, from 1860 to 1870, including the war, has the increase of population in Massachusetts been less than 20 per cent. for a decade. From 1870 to 1880 it was 22.3 per cent. At this rate the number of males over twenty-one in Massachusetts would be, in 1884, 539,843, and yet of these only 303,363 voted, leaving 236,480 who either could not vote or would not vote.

By the same method of calculation we find that in Connecticut over 50,000 males over twenty-one years of age did not vote in the Presidential election of 1884, which is nearly 20,000 more than all the voters in the State of Nevada, even if we include 5,622 Chinese and Indians, who are not voters.

Now, Mr. President, I have been unable to ascertain how many of these men, not voting, were prevented by the disfranchising clauses of the constitutions of these States. I have not been able to ascertain how many in Rhode Island did not own the property required, or did not pay the taxes necessary to secure the right to vote; nor how many in Connecticut were adjudged not to be of good character, or incapable of reading the constitution and laws of the State; nor how many in Massachusetts did not pay taxes, or could not read the State constitution and write. Certain it is that these disfranchising clauses exist in these constitutions, and certain it is, also, that the large number of men in these States I have mentioned did not vote at the elections named.

But, sir, in the face of these facts we do not find the Senator from Iowa [Mr. WILSON] or the Senators from Massachusetts or any other Republican Senator making complaint and proposing to reduce the representation from these States in the other House and in the Electoral College. These States have not only not lost by these disfranchisements—as a loss was required by the fourteenth amendment—but it seems they have been carefully rewarded for them by an unconstitutional increase of their representation beyond what they are justly entitled to. Counting all the disfranchised in Massachusetts as entitled to representation we find that that State now has representation in the other House and in the Electoral College for a population greater by 39,849 than she actually has; and Rhode Island for 29,083 more, whilst Mississippi has 68,220 citizens for whom she has no representation at all. Rhode Island has 2 votes in the Senate and 2 in the House and 4 in the Electoral College on a vote cast in 1884 of 32,771, or 1 vote in both Houses and in the College for every 8,193 votes, whilst Mississippi has 1 for every 13,335 votes cast. Nor is Rhode Island alone in the exercise of political power disproportionate to the number of actual voters. The Commonwealth of Vermont furnishes some valuable instruction on this point.

This model commonwealth was not one of the original thirteen States joining in the Declaration of Independence; nor was she one whose sovereignty and independence were acknowledged, at the end of the war by Great Britain. Her territory and sovereignty over it were claimed by New Hampshire, New York, and Massachusetts. Out of this controversy Vermont, though, as the people admitted when they formed their Constitution in 1777, had belonged of right to New Hampshire, managed to secure for herself a separate and independent existence. What influence this accident of hers may have had on her history it is needless to inquire.

True it is, however, that this intelligent and progressive State has never been and is not now behind any of her sister States in devising and advocating measures and policies, which, if only beneficial to herself, she cares little that they are destructive to other States.

As recent as 1882, through one of her Senators, she plead for homogeneity in the people of a State as necessary for a just success in domestic government, and used her great influence and power to exclude the Chinese from all the States as a menace to their happiness and welfare, declaring at the same time her want of hunger for the presence of the African in her own borders. Yet we find Vermont now here ready to immolate Mississippi and the other Southern States because they have not been kept where Vermont helped to place them, and has striven ever since to keep them, under the domination of a race whose presence in her own borders she does not covet, she will not have.

Vermont joins in the cry that black men do not vote freely in the South, and complains that political power is unduly and disproportionately exercised by the white men of the South. Yet we see from some cause or other that the intelligent, prosperous, and patriotic people of that State, whilst thus deeply concerned about the absence from the polls in other States of persons entitled by law to vote, and assuming that such absence can only come from improper means being used to secure it, are themselves not addicted to a very general attendance at elections.

In 1884, out of 95,621 persons qualified to vote, as shown by the census of 1880, only 59,382, or 61.1 per cent., voted; nearly one-half remained away from the polls, notwithstanding two favorite sons of New England were candidates. So that in the electoral college of that year Vermont had 1 vote for 12,797 votes, whilst Mississippi had 1 in that college, for every 13,335, and Virginia 1 for every 23,760, and West Virginia 1 for every 22,026.

Nevada gave for President in 1884 12,797 votes, and has 3 votes in the electoral college, or 1 electoral vote for every 4,266 popular votes cast. Nevada is Republican, casts 3 Republican votes for President, has two Senators—as many as New York—and one Representative; yet, sir, I have heard no complaint that she has undue political power, either in Congress or in the electoral college.

Mr. President, I have detained the Senate longer possibly than I ought to have done, and yet there is much that I have left unsaid that would throw light on the important questions I have discussed. I see now, and I have seen for a long time, that the fortunes, the happiness, the welfare of the people of Mississippi of both races weigh nothing in the scale against the success of a political party. I have endeavored, as fairly as I could, to present such considerations as seemed likely to be weighed by the thoughtful and patriotic men of the whole country.

If the people of the North have determined or shall determine that the South after being subjugated by arms shall remain forever a palsied and withered arm of the Republic, cut off from progress and advancement, condemned to an eternal disturbance by outside and hostile influences operating on an ignorant, credulous, and incapable race, which they themselves reject, it is possible that they may achieve success, but it is probable they may fail. But, however this may be, whatever fate may await us in the future, it is my duty, it is the duty of the white people of the South, to oppose to this determination all the constitutional resistance in our power, and to strive to secure whatever there may be of good in the hard conditions which may be imposed on us.

For myself I declare I have no other aspiration, no other wish than to contribute both in my private and public action all in my power to the progress and welfare of every section and every part of the Union. That I earnestly desire my own State and my own section to partake of this progress and enjoy this welfare is true. I will never surrender the hope that this participation will be accorded by the people of the North so long as the Constitution of our fathers shall be recognized as the supreme law of the land. At all events, sir, the people of Mississippi mean—the white people of Mississippi mean—to carry on the struggle for the preservation of their civilization, for their own safety and welfare, for their just and rightful equality in the rights, privileges, and advantages of that freedom and independence which were won by our fathers for themselves and their posterity forever.

The PRESIDENT *pro tempore*. The bill called up on the motion of the Senator from Mississippi will resume its place on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 1938) to reduce the Fort Lowell military reservation in Arizona; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 2519) to make enlisted men of the Signal Corps responsible for public property; and

Joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburgh.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 225) to continue the provisions of existing law providing temporarily for the expenditures of the Government; and it was thereupon signed by the President *pro tempore*.

HOUSE BILLS REFERRED.

The bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 9674) to regulate the course at the Naval Academy was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 1938) to reduce the Fort Lowell military reservation in Arizona was read twice by its title, and referred to the Committee on Military Affairs.

TAX SALES OF PROPERTY IN THE DISTRICT OF COLUMBIA.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes, upon its return by the President and reconsideration by the House.

The amendments of the House of Representatives were, on page 1, lines 11 and 12, to strike out the words "September, 1888," and insert the words "January, 1889," and on page 1, line 12, after the word "and," to insert the words "the first Tuesday in September."

Mr. HARRIS. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

COL. DANIEL M'CLURE.

Mr. DANIEL. Mr. President——

Mr. HAMPTON. I ask the Senator from Virginia to give way for a moment that I may make a request.

Mr. DANIEL. I yield with pleasure.

Mr. HAMPTON. On the 13th of August I reported from the Committee on Military Affairs the bill (S. 401) for the relief of Col. Daniel McClure. I ask leave to withdraw the original report and substitute another. The committee have directed me to make some alterations in the report. I do not wish to withdraw the bill, but simply to substitute another report.

The PRESIDENT *pro tempore*. The original report submitted will be withdrawn, with the consent of the Senate, and the report now sent to the desk by the Senator from South Carolina will be substituted.

DEFICIENCY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, asked for a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNES, Mr. SAYERS, and Mr. MCCOMAS as managers at the conference on the part of the House.

Mr. HALE. I ask that the action of the House of Representatives on the deficiency bill be laid before the Senate at once.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives, non-concurring in the amendments of the Senate to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

A subsequent message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had appointed Mr. RYAN as one of the managers on the part of the House on the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, in place of Mr. MCCOMAS.

THE PRESIDENT'S ANNUAL MESSAGE.

Mr. DANIEL. Mr. President, I ask leave to submit some remarks upon the reference of the President's message to the Committee on Finance, if there be no objection.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The resolution is before the Senate if there be no objection, and the Senator from Virginia is entitled to the floor.

Mr. DANIEL. Mr. President, the issue now joined between the Democratic party on the one side and the Republican party upon the other is not an issue between free-trade and protection, nor is it an issue against the manufacturing industries of the country.

It is simply an issue propounded by the people through their Democratic spokesmen for the release of a surplus of unneeded money in the Treasury, now amounting to $130,000,000; for the relief of taxpayers from excessive and unneeded taxation; for the removal of incumbrances to manufacturing industry by furnishing cheaper raw materials for manufacture; for the lifting from commerce and navigation of galling restrictions; for the supply to the people of cheaper clothing and cheaper food, and for unbinding the cords that tie the hands of labor. It is an issue in brief for and in behalf of labor in many fields of enterprise, and against monopoly and overtaxation in many branches of oppression.

THE PROTECTIVE TARIFF RATES FIXED BY THE REPUBLICAN PARTY AND UNCHANGED BY THE MILLS BILL.

Here, Mr. President, let me call attention to the long list of articles now protected by tariff rates fixed by the Republican party and left unchanged in the Mills bill. Upon reading them it will be seen at a glance that protection taxes remain unaltered upon a vast mass of imported articles, and that the Mills bill is not drawn upon lines of delimination between protection and free trade, but simply upon the foundation line that taxes must be reduced and that their reduction should fall where the least disturbance of values will be created and where the highest stimulation can be given to the varied industries of the country. I shall print this list as an appendix to my remarks for reference.

A FREE-TRADE TARIFF AN ABSURDITY.

A tariff is a tax. Free trade is trade untaxed; and to speak of a free-trade tariff is to set up a paradox. "Words are made to conceal thoughts," says Talleyrand. The existing tax system bleeds the people, strangles industry, gluts the Treasury, aggrandizes the few, and flays the many, and the Republicans, hard pressed for devices to defend it, find subterfuge in concealing thought under piles of epithet. A Republican Senator [Mr. PLATT, of Connecticut] spoke for two days in answer to his own question: "Is the President of the United States a free-trader?" And after quoting a learned professor for the proposition that he who favors "a tariff for revenue only" is a free-trader, he came to the conclusion and announced to the country the double finding, (1) that President Cleveland is for a tariff for revenue only, and (2) that so being, therefore he is a free-trader. Neither proposition is sustained by the President's message or the Mills bill.

As we must raise, and as we will raise under the Mills bill and under the recommendations of the President's message, over one hundred and fifty millions of revenue by tariff taxation alone to meet Government expenses, the Senator is reduced to the extremity of making out that this vast sum of tariff tax is the same as free trade, albeit that a vast portion of that revenue will be raised by the very protective duties that were fixed by the Republican party, and which remained unchanged in the Mills bill.

The Senator might have obtained a satisfactory answer to his catechism had he looked over his right shoulder and propounded it to the Senator from Ohio, who sat near him.

That Senator [Mr. SHERMAN] would doubtless have answered him in the language which he employed in 1867, when he said:

It is simply an absurdity to talk now about free-trade tariff, and to talk about a protective tariff unnecessary, because the wit of man could not possibly frame a tariff that would produce one hundred and forty millions in gold without amply protecting our domestic industry.

Democracy has attributed to it now a wit beyond the human, and is alleged to have discovered some mysterious plan of identifying this heavy and necessary tariff with free trade. If the response of the Senator from Ohio did not relieve the anxieties that infest the mind of his Connecticut colleague, he might have found comfort in the utterances of the late President Garfield, whom he pictured in his speech as "a true, noble type of the highest Americanism," as one "who well represented the people," and as not a free-trader.

Now let us see what Garfield said to elicit this panegyric:

We have seen—

Said he in the House of Representatives—

We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers by rendering it impossible for our manufacturers to compete with them, while the other extreme school by making it impossible for the foreigner to sell his competing wares in our market would give the people no immediate check upon the prices which our manufacturers might fix for their products. I disagree with both these extremes.

I hold that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign products, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the prices as they please. This is my doctrine of protection. If Congress pursues this line of policy steadily we shall year by year approach more nearly to the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms. I am for a protection which leads to ultimate free trade.

This view of Garfield is statesmanlike; but what a stinging rebuke it is to the Republican platform of the Chicago convention. He was afterwards elected President, the Senator from Connecticut applauding him then, and applauding him still. But now the Republican party, having assumed the position which Garfield so forcibly criticised—the extreme position of "making it impossible for the foreigner to sell his competing wares in our market"—and thereby creating monopoly, the Senator and his party make a right-about wheel, and with praises of the man upon their lips, denounce the policy which he and themselves have alike indorsed.

HENRY CLAY AND GROVER CLEVELAND ON THE SAME PLATFORM.

If not reassured by the words of SHERMAN and Garfield, surely the disquietude of the Connecticut Senator about President Cleveland would have been relieved had he gone to the fountain-head and consulted the history and the teachings of the renowned father of the American system. Henry Clay would have risen up to soothe his excited fancy and drive away his fears. In 1833, when Mr. Clay offered his tariff bill, he said:

There are four modes by which the industry of the country can be protected: First, the absolute prohibition of the rival foreign articles; second, the imposition of duties in such a manner as to have no reference to any object but revenue; third, the raising as much revenue as is wanted for the use of the Government, and no more, but raising it from the protected and not from the unprotected articles; and, fourth, the admission, free of duty, of every article which aided the operations of the manufacturers.

These—

Said Mr. Clay—

are the four modes for protecting our industry; and to those who say that the bill abandons the power of protection I reply that it does not touch the power, and that the fourth mode, so far from being abandoned, is extended and upheld by the bill.

He would, he also said, have preferred the third mode as a general policy, but he recognized that the manufacturing industries could be protected by putting the raw material on the free-list while reducing duties on everything else. All this will be found in the life of Henry Clay by Carl Schurz, volume 2, page 14.

And yet, when Mr. Cleveland recommends the admission free of tariff tax of some of the raw materials that enter into manufactures, in order to enable them to compete successfully with foreign manufacturers who now undersell them right here under their noses by reason of the fact that they can command the raw materials free, and when it is proposed to reduce duties not "on everything else," but upon some of the primary necessities of life, Henry Clay, whose identical plan the President adopts in the most conservative form, is held aloft as the paragon of protective tariff perfection, and Cleveland, his follower, is denounced as a free-trader.

IF THE DEMOCRATIC PLAN IS FREE TRADE, THE PREVIOUS REPUBLICAN PLAN IS THE SAME.

Still stronger evidences that the free-trade cry is a mere scarecrow wherewithal "to fright the souls of fearful adversaries" is found in the fact that the Republican party boasts of its free-trade achievements in the most imposing official document, in which it sounds the alarm that Democracy is for free trade; and that self-same document demonstrates that it has adopted already more of free trade than the Democracy now propose.

In the report of the minority of the Ways and Means Committee of the House against the passage of the Mills bill it is boastfully alleged that the Republican party has reduced taxes to the extent of many millions of dollars, and it is pointed out that this was in part accomplished by the following additions to the free list (see page 30 of Mr. McKINLEY'S report):

REPUBLICAN REDUCTION OF REVENUE FROM TARIFF BY ADDITIONS TO FREE-LIST.

1. By free-list, act of July 14, 1870	$2,403,000
2. By free-list, act of May 1, 1872	15,893,847
3. By free-list, act of June 6, 1872	3,345,724
4. By free-list, act of March 3, 1883	1,365,999
Total free trade established by Republican bills	23,048,470

The Mills bill introduces $22,000,000 of free trade by putting on the free-list articles that now pay that amount of tariff taxes, and the plain question presents itself, if this makes Democracy a free-trade party and Cleveland a free-trade President, what kind of a party did the putting of twenty-three millions of taxed articles on the free-list make of the Republican? By a fair count it seems to me the Republicans would remain just a million dollars ahead on the line of free-trade reduction.

Nor is this all. We are now importing, under the Republican high tariff, some two hundred and thirty millions' worth of articles free of duty; and our tariff revenues amount to some two hundred and seventeen millions. With so large an element of free trade already injected in the tariff, and yet with so large an amount of protective duties remaining, it is beyond conception that the country can be damaged by an enlargement of the free-list to the extent of twenty-two millions—that free-list which was described as "the honest revenue reformer's hope" by Hon. JOHN D. LONG, late Republican governor and now Republican Representative from Massachusetts.

REPUBLICAN INDORSEMENT OF THE CLEVELAND POLICY BEFORE ITS ADVENT.

If its own record does not serve as a panacea to its apprehensions, its leaders should come with healing words to those who now stand aghast about free trade.

Let the free raw material in. Let us make blankets that will drive out the English blankets—

said the Father of the House, WILLIAM D. KELLEY, twenty years ago, speaking for free wool. By what alchemy does that make him a British-hating protectionist, and at the same time how does the like utterance make Grover Cleveland a British-loving free-trader?

President Grant, in his message to Congress in 1874, instances fine wools, dyes, chemicals used as dyes, compounded in medicines, and used in various ways in manufactures, as proper subjects for the free-list, and insists that—

The introduction, free of duty, of such wools as we do not produce would stimulate the manufacture of goods requiring those we do produce, and therefore would be a benefit to home production.

He points out, too, that—

All the corrections in this regard are in the direction of bringing labor and capital in harmony with each other, and of supplying one of the elements of prosperity so much needed.

Henry Wilson, Vice-President with Grant, declared that—

American labor will be best protected by taxing all the necessaries of life lightly, placing the raw materials which enter into our manufactures in the free-list.

Hon. W. A. Wheeler, a little later Republican Vice-President, votes for free coal and free salt.

James A. Garfield advocated free salt, pointing out that salt of our own manufacture was sold in Canada at a dollar a barrel less than it was sold here in the United States where made, and was elected President.

Chester A. Arthur, who was upon the Presidential ticket with him, declared in his letter of acceptance that—

Such changes should be made in the present tariff system as shall relieve every burdened industry, and enable our artisans and manufacturers to compete successfully with those of other lands.

And when he became President he recommended, in 1882—

An enlargement of the free-list so as to include within it the numerous articles which yield inconsiderable revenue, a simplification of the complex and inconsistent schedules of duties upon certain manufactures, particularly those of cotton, iron, and steel, and a substantial reduction of the duties upon those articles, and upon sugar, molasses, silk, wool, and woolen goods.

Hon. Hugh McCulloch, President Arthur's Secretary of the Treasury, makes two recommendations in 1884:

First. That the existing duties upon raw materials which are to be used in manufacture should be removed. This can be done in the interest of our foreign trade.

Second. That the duties upon the articles used or consumed by those who are the least able to bear the burden of taxation should be reduced. This also can be effected without prejudice to our export trade.

Levi P. Morton votes for free salt and is now Vice-Presidential candidate upon the Republican ticket.

Messrs. Logan, ALLISON, HALE, HAWLEY, CULLOM, DAWES, vote for free coal. James G. Blaine advocates it with a solid Maine delegation. Two free-coal leaders, Blaine and Logan, are made to compose the Republican Presidential ticket and receive ovations as protectionists while the Mills bill, which keeps the tariff on coal, is denounced as free trade.

James G. Blaine, of Maine, declared against tariff on any breadstuffs whatsoever—those very breadstuffs which Republicans claim are now taxed for the farmers' benefit; and at the same time denounced the lumber tax, saying:

Now, as to the article of lumber, I again remind the House that there never has been a tax on this article. The gentleman from Ohio may talk of this question as he pleases; but I say that whenever the Western frontiersman undertakes to make for himself a home, to till the soil, to carry on the business of life, he needs lumber for his cabin; he needs lumber for his fence; he needs lumber for his wagon or cart; he needs lumber for his plow; he needs lumber for almost every purpose in his daily life.

This, indeed, was twenty years ago; and Blaine wears a coat of many colors.

This same Blaine the other day, in the Maine campaign, inveighed bitterly against free lumber—forgot the Western frontiersmen—and consigned the wicked Democracy to perdition for hearkening to the plea which he himself had made in their behalf.

It would seem that the first volume of his "Twenty Years in Congress" ought to be marked "Free Lumber," and the second volume "High Tax Lumber;" and at his diversified counter you could then select any kind of timber desired for the building purposes of Republican argument suitable to any clime.

But now, although the index fingers of the Republican chieftains have pointed out the path which Cleveland treads, we hear all along the Republican line that their utterances made them Simon Pure American protectionists, and that the like utterances now constitute Cleveland the champion of British free trade.

Monuments are proposed to the great Republican protectionists; but for uttering these sentiments the cry as to Cleveland is: "To the guillotine."

Well might that Republican Journal, the Chicago Tribune, exclaim:

The last Republican administration anticipated by four years the recommendation just made to Congress by Mr. Cleveland, and laid down the precise doctrine which, coming from a Democratic President, is not expected to excite the abhorrence of Republicans.

The people are taking notice of the Republican turnabout, and Republicans are moving to the support of that party which does not stop with phrases, but seeks practical and beneficent results. At a recent meeting of the Tariff-Reform Club, of Montclair, N. J., a club composed chiefly of former Republicans, an address was issued commending President Cleveland's course and declaring that the Republican party shows—

The insincerity of their promises in 1884, by their new party platform of 1888, which squarely turns its back upon the utterances of the party and its best men for twenty years.

It continues:

The Republican party is now faced to the rear. The great "party of moral ideas," which it was in its early days, now panders to the appetites of men and bids for the support of the vast money power of the monopolies. * * * If you think taxation in itself a blessing and a source of wealth, vote for the nominees of the Republican party. If, being Republicans, you wish to stand with Grant, Garfield, Arthur, Logan, Henry Wilson, Hugh McCulloch, and a host of Republican statesmen, as well as with the Republican Tariff Commission appointed by President Arthur in 1882, vote for Grover Cleveland and tariff reform.

DEMOCRACY AND CLEVELAND NOT FOR FREE TRADE—THEIR POSITIONS—FREE TRADE ABSOLUTELY IRRELEVANT.

But let Mr. Cleveland speak for himself as he is fully capable of doing. He declares in his message that "the issue of free trade is absolutely irrelevant." He says in his letter of acceptance:

We have entered upon no crusade of free trade. The reform we seek to inaugurate is predicated upon the utmost care for established industries and enterprises, a jealous regard for the interests of American labor, and a sincere desire to relieve the country from the injustice and danger of a condition which threatens evil to all the people of the land.

Again he says, showing his keen appreciation of American industries:

We fully appreciate the importance to the country of our domestic industrial enterprises. In the rectification of existing wrongs their maintenance and prosperity should be carefully and in a friendly spirit considered. Even such reliance upon present revenue arrangements as have been invited or encouraged should be fairly and justly regarded.

Confiding in the honest intelligence of the people to judge him rightly, he says also:

The people will hardly be deceived by their abandonment of the field of legislative action to meet in political convention and flippantly declare in their party platform that our conservative and careful effort to relieve the situation is destructive to the American system of protection. Nor will the people be misled by the appeal to prejudice contained in the absurd allegation that we serve the interests of Europe, while they will support the interests of America.

And the profoundly sympathetic interest with which he considers the question of wages and the zealous care which he has for the wage-workers is well displayed in these sentences.

True—

Says he—

True to the undeviating course of the Democratic party we will not neglect the interests of labor and our workingmen. In all efforts to remedy existing evils, we will furnish no excuse for the loss of employment or the reduction of the wage of honest toil. On the contrary, we propose in any adjustment of our revenue laws to concede such encouragement and advantage to the employers of domestic labor as will easily compensate for any difference that may exist between the standard of wages which should be paid to our laboring men and the rate allowed in other countries. We propose, too, by extending the markets for our manufacturers, to promote the steady employment of labor, while by cheapening the cost of the necessaries of life we increase the purchasing power of the workingman's wages and add to the comforts of his home.

Surely no American can justly ask more than the President thus holds out as his plan of operation. His opinions are clearly stated, his sentiments are exalted and patriotic, and his cogent reasoning carries conviction with it.

THE DEMOCRATIC POSITION.

When we look beyond the candidate to the platform upon which he stands we find them in conformity with each other. And gathering from the language for the most part of the two the Democratic doctrines we may summarize and postulate them as standing for—

1. Reduction of excessive taxation on the ground that all unnecessary taxation is unjust taxation.
2. Frugality in public expenses.
3. Encouragement to manufactures by supplying cheaper materials for manufacture.
4. Extending the market for our manufactued goods by enabling our manufacturers to compete successfully with foreign manufactures.
5. Cheapening the cost of the necessaries of life to every workman by lessening the tax upon them, and by lessening the cost of their manufacture.
6. Guarding the wages of workmen by due allowance in the tariff for the difference between the wages of American and foreign labor.

These are the Democratic creeds, and by what are they antagonized?

THE REPUBLICAN PLATFORM—A CHINESE WALL.

The gist of Republican doctrine as now enunciated is contained in a single sentence of the Chicago platform upon which General Harrison was nominated. Therein they declare for—

Such revision of the tariff laws as will check importations of such articles as are produced by our labor, and release from import duties those articles of foreign production (except luxuries) the like of which can not be produced at home.

Even in the Republican party, and even with the most hide-bound of the admirers of the Chinese system of isolation and seclusion from the rest of mankind, this is novel teaching.

Grant, Garfield, and Arthur had taught differently. Wilson and Wheeler had taught differently. These official heads of the Republican party, who spoke with authority, had condemned the present teaching. Blaine, Logan, ALLISON, and the leading men who had held great places and aspired to the first place, never sanctioned this Chinese doctrine. Alexander Hamilton even, the high priest of protection, before whom the incense of panegyric is so often burned upon Republican altars, had taught differently, saying in the Federalist:

There are persons who imagine that import duties can never be extended to an injurious excess. Exorbitant duties on imported articles tend to render other classes of the community tributary in an improper degree to the manufacturing class, to which they give a premature monopoly of the markets.

The Republican party in its prior platforms had at least affected to believe differently.

And in 1884 their platform had declared that—

The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus, not by the vicious and indiscriminate process of horizontal reduction, but by such methods as will relieve the tax-payer without injuring the labor or the great productive interests of the country.

INEVITABLE RESULTS OF THE PROPOSED CHINESE POLICY.

Here was a holding out that the surplus and excessive taxation should be reduced and the tax-payers relieved; and now the proposition is to afford the relief by a higher rate of taxation and by extending that rate to a wider range of articles. Whatever may be produced at any cost here in America is hereafter, if this plan be adopted, to be kept from coming here from abroad by any tax, however high, to the end that importations may be "checked," that competition, the life of trade, may be destroyed and monopoly enthroned.

That "check" means as inevitable result that our farmers and our workmen who sell their products abroad will be unable to exchange them for cheap necessaries of life; the further result that the ships which carry outgoing cargoes shall come back empty bottomed; the further result that the markets of the world and the riches thereof shall be abandoned to English and European supremacy; the further result that the drooping flag of our merchant marine shall disappear from the seas where once under Democratic rule it floated proudly; the further result that our surplus productions of the field and the factory must decay in price and glut our home market; the still further result that labor must lose employment or submit to pauper wages in producing articles that can find no market, and that agriculture must become a fatality of ruin.

This is indeed "a dainty dish to set before a king"—a delicacy for the political board as rare and as costly as the "Chinese bird's nest" with which royal appetites are regaled. And it is notable that just as Democracy is closing the Golden Gate to the Chinese irruption upon the Pacific coast that Republican treaties invited and candidate Harrison defended, the party that loathfully bids adieu to its Chinese friends imports these antiquated Bourbon moss-back creeds. As Democracy is now putting the finishing touch upon an American wall to keep the Chinese out, Republicanism lays the foundation of a Chinese wall to pen America in.

AGRICULTURE, COMMERCE, MANUFACTURES, AND NAVIGATION.

Agriculture, commerce, manufactures, and navigation are the four graces of prosperity that go hand in hand. Amongst the counts in the indictment of the Continental Congress against the British Crown was this sentence of the Declaration of Independence:

"FOR CUTTING OFF OUR TRADE WITH ALL PARTS OF THE WORLD."

Democracy repeats that indictment now, and denounces it against the Republican platform of 1888 and those who stand upon it.

The Republicans propose deliberately, here in the high noon of the nineteenth century, to "cut off our trade with all parts of the world," to the end that a few bloated monopolists may make spoil of American industry and American labor, to the end that they may fry more fat out of the farmer and workingman, and that the Republican party may fry the fat out of the monopolistic manufacturers.

The fathers of the Republic who spoke for the encouragement of manufactures did not speak for them alone, nor for a monopoly in their behalf.

Jefferson fitly styled "agriculture, manufactures, commerce, and navigation" as "the four pillars of our prosperity;" and I propose to show that by the Chinese policy now enunciated by the Republican party, and by that Chinese policy which in a measure already exists, agriculture, commerce, and navigation are struck down, and manufactures also blighted and paralyzed with them. Man can not live unto himself alone. "The sciences," says Lord Bacon, "dwell sociably together," and so dwell all the enterprises of the land and the sea, each one supporting and assisting the other.

AGRICULTURE—ITS GREAT STAKE, ITS LARGE CONTRIBUTIONS TO OUR PROSPERITY, AND ITS SMALL RETURNS.

Let agriculture come first in the order of consideration, as it came first in the order of civilization. And let those who quote Andrew Jackson in their speeches in reference to manufactures ponder a little what he said in his first message as President (1829) upon the subject of agriculture. These are his words:

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of Government.

When, therefore, the Republican party delivers its blow at the pillar of commerce, let it not be forgotten that the pillar of agriculture must fall with it. For no fact in reference to our present situation is more patent to those who have studied it, or is capable of clearer demonstration to those who have not, that when our foreign commerce is shut off by the high tax "check" on importations the farmer's work must perish. Certainly these farmers of ours are entitled to some consideration; but the Republican party does not even honor them by naming them amongst the workingmen of the country, albeit from "early morn to dewy eve" they toil to their uttermost for their scanty returns.

They are the most numerous of all our sons of toil. They constitute 7,670,493 of the 17,392,099 of those engaged in industrial occupations. They are over a third, nearly a half of all. They have a larger stake than the manufacturing class, having $12,104,081,440 invested in agriculture according to the census of 1880; whereas but $2,700,223,500 are invested in manufactures. The percentage of manufactures to the wealth of the whole country accumulated in thirty years is 6.18 per cent.; whereas the percentage of agricultural wealth is 25 per cent. They give more to the support of Government than any other class, and they receive less from it. These farmers of ours produce more than three-fourths of all our exports, while manufacturers do not produce

one-fifth of them; and for the years 1866 and 1887 we have this statement of the exports and imports of agricultural produce:

	1886.	1887.
Value of exports of agricultural products	$483,834,128	$520,820,756
Value of imports of agricultural products	271,821,231	287,542,266
Balance of agricultural exports	212,012,897	233,278,490
Percentage of all our exports	73	74

Amongst these imports, coffee, tea, cocoa, etc., aggregating some $60,000,000 in value, are counted as agricultural products.

Here, then, is presented the momentous consideration that our farmers send to other lands 74 per cent. of all the produce that brings foreign wealth to our shores and that supports the navigation of the oceans that divide us.

Stop this commerce that derives its sustenance from agriculture, and agriculture and commerce will be drowned "full fathom five" together.

Stop this commerce based on agriculture that brings us from abroad two hundred and thirty-three millions of foreign gold, over and above what it brings in exchanges in kind, and the balance of trade turns against us in a deep current, gold goes from us instead of coming to us, our currency will be contracted, money will be dearer, trade will languish, prices go down still more, and national bankruptcy will stare us in the face.

It is rare that countries produce a surplus of agricultural produce. England can not do it; and it is a fact stated and shown by our Commissioner of Agriculture (Report of 1887, page 574) that there is no country in the world which furnishes an agricultural surplus at all comparable with that of the United States, and none with a surplus in such proportion to its production. After furnishing 60,000,000 of people with a profusion of supplies, not less than 10 per cent. of our immense agricultural produce is left over for sale to others; and in this surplus are much larger percentages of some articles.

We export two-thirds of our cotton, one-half of our tobacco, over a fourth of our wheat (27 per cent.), and these, with our pork products, cheese, and beef, constitute nearly all of our agricultural surplus.

We send abroad annually $107,000,000 worth of animal and meat products, $165,000,000 of breadstuffs, $207,000,000 of cotton and cotton-seed oil, $29,000,000 of rice, $7,000,110 of cheese and miscellaneous articles, rounding up the grand aggregate of $520,000,000.

Now, every one knows that the prices of these articles are fixed in the foreign market, and that if we are to be so cut off by "checking" importations, so that the vessels that bear these enormous burdens can bring no returning cargoes, it is wait and farewell to the remnant of agricultural prosperity that remains with us. The value of agricultural land must decline, and with it the value of agricultural produce, the wages of the 7,000,000 agricultural laborers, and also the wages of other laborers who depend upon agricultural wealth to purchase their wares. For a proposition so plain argument seems needless, and the Republican party, unable to answer the logic of fact, proposes to turn off the farmers from its door with the shinplaster promise that in return for the lost markets of the world it will some day or other build up for them a home market. He who is silly enough to accept such a promise might be happy to be paid off in the leaves that withered and fell last autumn.

THE HOME MARKET PROMISED IN THE FUTURE TO THE FARMERS.

This home-market promise has the charm of euphony. It has the aroma of home about it, and wears a smiling face.

No doubt it is an agreeable thought that a home market will be built and rolled up on wheels to every farmer's door; that a plenty of buyers will be paraded in the stalls thereof, and that the Republican party will furnish all of these buyers with rolls of fresh Treasury notes with explicit instructions from campaign headquarters to go in and pay the farmers big prices for all their surplus produce. The traditions of "40 acres and a mule" for the colored brother pale before the gorgeous scheme of the home market that is to be erected, transcending Solomon's temple or the crystal palace in its glory. This home-market plan is as yet a theory, not a condition; and the theory stalks upon the stage like Hamlet's father's ghost, "in such questionable shape that I must speak to it."

In the first place be it remembered that we have the home market of 60,000,000 of people here and now; that the Constitution of our country gave it to us; that there is free trade throughout all its borders; that the Republicans did not give it to us, and can not take it away from us, and that with all of its advantages the farmer has $520,000,000 of the fruits of his labor over and above all that this market can consume. Ten millions of immigrants have come into this market since 1860, and yet the five hundred millions and more of surplus produce has no buyers here. With the home market in full blast, and with ability to reach the foreign market on crutches, through all the impediments of heavy tariff exactions, the farmer finds that he is being protected into poverty with all the rapidity of a galloping consumption.

Twenty years of regimen with daily doses of home-market pills gilded over with so-called protection has brought the farmer to a condition that is not a theory, and that condition is laid bare in the following statement of the report of the Bureau of Statistics, showing the decline in value of the farmer's products. Read, farmer, and ponder:

Prices in three decades of agricultural products.

Articles.	1867.	1877.	1887.
Corn, per bushel	$1.00	$0.58	$0.47
Wheat, do	1.27	1.16	.89
Flour, per barrel	8.84	6.48	4.51
Cotton, per pound	.30	.11	.09
Bacon and hams, do	.12	.10	.07
Lard, do	.14	.10	.07
Pork, salted, do	.13	.09	.06
Beef, salted, do	.12	.07	.05
Butter, do	.24	.20	.15

Prosperity means a surplus of products, and why not give producers the choice of markets?

The fact is, Mr. President, that 60,000,000 of energetic people in the most favored land of the world, operating every manner of improved machinery, can never have a home market for all that they produce. They will always make more than they can consume, and it is out of the overplus that they do not consume that they must find their profit. Hence they must look beyond their own borders for the market. You can not take from them their home market. It belongs to them. You may open to them an additional foreign market. Why not let them have both, and take their choice of the best? Steam and electricity are ready to be their servants, and to deny them their uses in sending their produce to market we but fly in the face of Providence.

It is said, however, that our home market consumes the greater part, say 90 per cent., of our produce, and that this market is more important than the foreign market. Very true, but let it not be forgotten that the consumption at home has always been greater under a low tariff than a high one. It is stated by a careful statistician that—

Under the low tariff of 1846, in the census year 1850, the total cereal production was 867,453,967 bushels, of which we consumed at home 851,502,312 bushels, and exported 15,951,655, or 1.9 per cent. In 1860, under the still lower tariff of 1857, the production was 1,239,039,945 bushels, of which the home market purchased 1,216,084,810 bushels, and 22,965,135 bushels, or 1.8 per cent., were exported. In 1870, under a high protective tariff, the total production was 1,629,027,600 bushels; 1,571,737,179 bushels were consumed in this country, and 57,290,521 bushels, or 3.50 per cent., were sent abroad. From 1850 to 1860 the production of grain increased 45.1 per cent., while the exports increased 43.9 per cent., while under a high tariff law, from 1860 to 1870, production increased 31.4 per cent., while the exports increased 149.50 per cent.

WHAT IS THE PLAN OF THE HOME MARKET?

And here let me press our Republican friends with a question. How, and out of what materials, do you propose to build this greater home market which is to consume $500,000,000 worth of our farmers' surplus? Somebody must build, and out of something it must be builded. It must consist of buyers as builders and of money as materials to build with. These buyers must be here in our own land already, or they must come here from other lands than ours. If they are here already, they can build a bigger market in one locality only by quitting another; and as one vacuum is filled another vacuum is created. If they simply huddle together around farmers' barns and factory doors, our population would in nowise be increased, but only congested. There will be no more mouths to feed, no more backs to clothe, no more buyers to bid, no more money to pay with, no more consumers to consume. The rural districts would be depopulated and the towns overflowed. The fields would flourish in weeds and the towns go to breeding anarchy.

There would still be at best the same surplus production of over five hundred millions, or at worst decreased production, decreased labor, decreased wages, decreased values, and increased poverty. That is the plain result of building the bigger home market out of home folks.

Obviously, then, your home-market theorist proposes, by "checking" the importations of all foreign products that are produceable here, to stimulate the importation of foreigners themselves in proper person. Foreign producers, foreign consumers, and foreign laborers are evidently in this scheme to be brought here as the cheap untaxed raw materials of humanity out of which to construct the home market, and are to be set to work by the Republican party to buy and eat the annual output of $500,000,000 worth of the farmer's productions.

If these foreigners come with capital to sit down with their hands in their laps and pay out their capital to our producers they will do a very curious and unprecedented thing; and certain it is they will not be induced to come by the high prices, so called, that the supposititious and phantom home market that is to be built upon the model of "a castle in Spain" is going to produce according to the theory.

Gentlemen of capital do not come here just to spend it, unless they are mere itinerants like Carnegie and Blaine, who blow their coach horns and their political horns in harmony, and who are bent on having a good time by disbursing their own surplus. And such gentlemen

are not fascinated by high taxes, but generally prefer free-trade England as the theater of their recreations.

INCREASED SURPLUS PRODUCTION NEEDS A WIDER MARKET.

The moment your capitalist of leisure goes to work by investing his money in lands to cultivate or machinery to manufacture, the surplus product increases, unless he has been considerate enough to bring somebody along with him to consume and pay for it; and the moment your surplus increases there is at once demand for a bigger market. The producer and the consumer from abroad not being available for home-market building, there is but one other class of people that you must expect, if there be anything in your theory, to bring here to construct that market out of. He is the artisan and the laborer. Bring him along in crowds then, and the moment he gets here he is a competitor with your home-born artisan or laborer for wages. Wages being regulated by supply and demand, there being more applicants for work, wages go down, and your American workingman is "protected" into a leaner dinner and a thinner coat by his Italian, Bohemian, or Chinese rival who has rushed over here to build up your home market: and a moment later, if both the foreign and American workingman is accommodated by getting employment and drawing wages wherewithall he begins to buy your produce, he himself becomes a producer, your production increases, your surplus production enlarges, and a still wider market is needed.

If 60,000,000 of people to-day produce a surplus of goods to eat and wear, 120,000,000 of people ought to produce twice as much. And with a redoubled surplus of production we would still be standing wistfully looking at the Atlantic or Pacific wave and sighing for somebody to relieve our glutted and overstocked market and give us buyers for our handiwork.

A CONTRAST OF THREE DECADES UNDER DEMOCRATIC AND REPUBLICAN TARIFFS.

The Republican party is always taking the name of home in vain, but its policy has not increased the number of homes or their comforts. The tramp is its advertising agent, the tenement house its castle, the homeless its victims. Under the various tariffs the percentage of tax on the articles taxed has been as follows:

Average rate of duty under tariff of—

	Per cent.
1789	8½
1792	13½
1816	30
1824	37
1828	41
1832	33
1846 to 1861	19
1862	35
1887	47
And under the Mills bill it will be, as estimated	42

The tariff of 1846, the Walker tariff, as it was called, with duties averaging 19 per cent., was declared by Hon. W. B. ALLISON, of Iowa, now chairman of the Committee on Appropriations of the Senate, as "perfect a tariff as any we ever had," and under it the country flourished as never before and never since.

In 1850, 3,599,240 families had 3,362,337 homes; only 235,903 families were without them. In 1860, 5,210,934 had 4,969,692 homes and only 241,242 were without them; in 1870, 7,559,000 and 7,042,833 homes, an increase of over 120 per cent. of the homeless; and in 1880, 9,945,916 had but 8 955,*12 homes, over 100 per cent. increase of the homeless under the high tariff, only 3 per cent. increase of the homeless under the Democratic. These facts tell their own story.

Again, from the census of 1880 we gather also the following facts as to the increase of wealth in three decades:

Percentage of gain—	Under Democratic tariff from 1850 to 1860.	Under Republican tariff from 1860 to 1870.	Under Republican tariff from 1870 to 1880.
In manufactures	89.39	67.80	64.66
In farming lands and personal property	60.66	11.52	36.00

Thus we perceive that under the Democratic tariff manufactures gained 25 per cent. more than in these days of high taxes; and the gain in value of agricultural lands and personal property was 24 per cent. more than the best showing that high tax can make for any ten years' period. And when it is remembered that with the Mills bill passed the average tariff tax on taxed importations will be twice what it was under the Walker tariff, the place where ruin is to come in becomes invisible to the naked eye of common sense.

The farmer can not be deluded into the high-tax notion by the pretense that he shares in the so-called protection. That it is only pretense is transparent, and with trivial exception utterly baseless. For instance, there is a so-called protective tariff of 20 cents a bushel on wheat, 10 cents a bushel on corn, and 4 cents a pound on butter and cheese. But as after supplying our market he has over a hundred million bushels of wheat, about fifty million bushels of corn, $2,000,000 worth of butter, and over $7,000,000 worth of cheese which he sends abroad to sell, he sees the utter absurdity of the idea that he is protected by an import tax on articles with which the home market is overstocked, and readily recognizes the decoy duck fixed for his ensnaring. "In vain is the net spread in sight of any bird."

REPUBLICAN POLICY FATAL TO THE WORKING CLASSES—HOME MARKET TRANSLATED MEANS INTRODUCTION OF FOREIGN LABOR.

The result that has been depicted as the consequence of stopping importations is the result that the Republican party has knowingly encouraged. It is willing to circumscribe the farmers' market and to encourage cheap labor, because it takes its own nutriment from the greedy and remorseless monopolists who "damn the people," are without sympathy with "the common herd," and whose chief aim is to increase the purchasing power and the consequence of money.

It has attached the monopolists to it by faithful adherence to their interests.

It hopes to seduce labor to its standard by honeyed phrases.

Deeds for the benefit of the monopolistic class and promises to the laboring class—these are the hard-money and the soft-money currencies of its political banking operations. Its animus has been displayed by a serie- of measures which it has fathered and cherished, the effect and tendency whereof are unmistakable; but in nothing has it been so heartless and cruel as in importing to our shores the pauper labor of both Europe and Asia to underbid our native and resident workingmen in their wages; and this is the policy which it proposes to continue as long as public forbearance will permit, under the new guise and in the genial address of building up a home market.

CHINESE AND OTHER CHEAP LABOR INTRODUCED BY THE REPUBLICAN PARTY.

The Chinese have been pets of the Republican party, and if that party has slowly and reluctantly yielded to the idea of parting with them it has only been because Democracy has made the issue against them so strong and public opinion has so rallied around it that the Republicans have been forced to yield. But they have fought hard and died hard in defense of their Mongolian friends, and General Harrison acknowledges that he was slow to accept the idea of their exclusion. The Burlingame treaty between the United States and China, negotiated by the Republican party, started the Chinese column toward the United States, and soon thereafter the Chinese Six Companies of California was organized to speculate on the process of dumping upon us the cheap labor of the Asiatic races.

The Chinese are a race incompatible for assimilation with our own. Pagan in religion, unenlightened in the creeds of liberty, degraded in habits, alien in blood, it enters here only to remain an indigestible element. It lives upon what would be regarded as refuse at an American workingman's board. It sends its earnings back to the Flowery Kingdom, to which it preserves allegiance and love; and it works for a pittance upon which the American workingman would starve. Nine or ten dollars a month is looked upon as good compensation for a Chinese mechanic; and crowding together in tenements which generate disease and pollution, they have herded upon our shores with the sole object and with the sole effect of taking the places of our American workingmen.

To do this they were invited by the Republican party; in doing this they have been defended by the Republican party, and no hope of arresting the proceeding would ever have arisen had not Democracy come to the rescue.

LABOR MORTGAGED AND TRAFFIC IN HUMAN FLESH ESTABLISHED BY THE CONTRACT-LABOR BILL.

In 1864, when the workingmen of America, North and South, were carrying muskets and war was flagrant, the Republican party reached out to all quarters of the earth to bring here Chinese and other cheap labor. And while African slavery was as yet not completely abolished, a new variety of human slavery was introduced.

In that year was passed by the Republicans "the contract-labor bill," wherein it was provided as follows:

SEC. 2. *And be it further enacted*, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be establish d by the said commissioner, *whereby emigrants shall pledge the wages of their labor, for a term not exceeding twelve months, to repay the expense of their emigration*, shall be held to be valid in law, and may be enforced in the courts of the United States or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated or on property otherwise acquired, until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States or creating in any way the relation of slavery or servitude. (United States Statutes at Large, volume 15, 1863-'65.)

Thus as African slavery was departing forever out of one door traffic in human flesh was brought in at another, and the pauper immigrant of Europe and Asia entered America a bonded slave.

THE SOLDIER AND THE FREEDMAN DESERTED BY THE REPUBLICAN PARTY.

Excuse is made that it was necessary to fill the places of soldiers in the field with laborers to do their work at home. Be it so; but if so, this occasion ended on April 9, 1865, in one year after the contract-labor bill went into effect. What then? Two millions of soldiers were going back to their homes to seek the employments of civil life and needing

them to support their families, and the emancipated colored race were in utmost need of employment likewise. Did the Republican party repeal the contract-labor bill then to give the defenders and the wards of the nation a fair show? No! no! far from it. They preserved it in full force; at its bidding the pauper bondsmen poured in upon us, and stout and successful resistance met every effort to revoke the unjust and injurious law.

DEMOCRACY COMES TO THE RESCUE.

Not until twenty years after all excuse for its passage had disappeared, not until a Democratic President had been elected and a Democratic House of Representatives was in the Capitol did American labor find a helpful friend. Meantime six million five hundred thousand, nearly seven millions of immigrants, had come. Strikes and broils and anarchy broke the public peace. The tramp, a new character in our civilization, appeared, and in shop and field cheap labor had been installed. But then in February, 1885, a bill to repeal "the contract labor bill" passed the House of Representatives; an aggressive step to repel the invasions of cheap labor was taken, and the ægis of "protection that protects" was lifted over the American laborer by Democratic hands.

DEMOCRACY REPULSES CHEAP FOREIGN LABOR AGAINST REPUBLICAN EFFORTS AND VETOES IN ITS FAVOR.

But not yet was the battle fully won.

From 1869 to the incoming of Cleveland's administration other efforts than those described were made in Congress and out to repulse the introduction of Chinese and other cheap labor.

Allen G. Thurman, of Ohio, opened his batteries upon it in 1870, quoting Buckle's saying that—

Low wages and despotism are inseparable.

Declaring that—

The freer the institutions of a country are the greater will be the tendency to fair wages for labor.

And observing:

The pyramids are striking monuments of the pride and ostentation of kings, but they are more striking evidences of a degraded condition of the laboring class.

Finally, in 1879, a Democratic House of Representatives, with a majority of the Republicans voting against the measure, passed a bill to restrict Chinese immigration; but President Hayes vetoed it, and his party sustained the veto. In 1881 another bill was introduced to restrict Chinese immigration and to exclude them for twenty years. A majority of the Republicans in the House voted against it; but the Democrats passed it.

In the Senate the vote stood:

	Yeas.	Nays.
Democrats	31	None.
Republican	6	28
Independent		1
Total	37	29

REPUBLICAN ENCOMIUMS UPON THE CHINESE WORKMEN.

This exclusion bill was vetoed by President Arthur, who pronounced a high encomium upon the Chinese, saying:

No one can say that the country has not profited by their work. They were largely instrumental in constructing the railways which connected the Atlantic and the Pacific. The States of the Pacific Slope are full of the evidences of their industry.

This veto the Republicans sustained.

GENERAL HARRISON THE FRIEND OF THE CHINESE.

Amongst those Republicans who voted against the exclusion bill and for the veto was Benjamin Harrison, then Senator from Indiana, now Republican candidate for the Presidency of the United States, and the favorite in the race of the Chinese, of all who yearn for Chinese cheap labor, and of all who clamor for a Chinese tariff.

We can not wonder that the Chinese in Philadelphia should raise a Harrison flag, and that wherever they are in the United States their voice and effort should be for him. He has been their faithful ally, voting fourteen times in the United States Senate in the direction of encouraging and sustaining the entry of the Chinese into this country. One of these amendments to the exclusion bill, offered by Senator HOAR, of Massachusetts, was as follows:

This bill shall not apply to any skilled laborer who shall establish that he comes to this country without any contract by which his labor is the property of any person other than himself.

Here was confession that as matters stood the imported contract labor was "the property" of its employers.

Here was effort to let in all "skilled" Chinese laborers, however others might be dealt with.

And here you can put your finger on the names of those who were for pushing out Americans with skilled Chinese and of those who were against it.

This is the vote:

Yeas—Aldrich, Allison, Brown, Conger, Davis of Illinois, Dawes. Edmunds, Frye, Hale, Harrison, Hoar, Ingalls, McDill, McMillin, Mahone, Mitchell, Morrill.

Sixteen Republicans and 1 Democrat.

Nays—Bayard, Beck, Call, Cockrell, Coke, Fair, Farley, George, Groome, Harris, Hampton, Jackson, Jonas, Jones of Nevada, Maxey, Miller of California, Miller of New York, Morgan, Plumb, Pugh, Ransom, Saunders, Slater, Teller, Vance, Vest, Walker.

Twenty-two Democrats and 6 Republicans. (CONGRESSIONAL RECORD, volume 13, part 2, pages 1702 to 1717.)

Here the animus of the Republican party was disclosed, and true to its instincts and its traditional policy, it turned the cold shoulder to American labor, its candidate, General Harrison, cordially supporting its course.

FINAL REPULSE OF THE CHINESE IRRUPTION BY THE DEMOCRACY.

The protests of the good people of the Pacific Slope and of the workingmen in different parts of the country have continued to pour in against Chinese immigration. Filth, disease, crime, and misery have characterized their settlement; debauchery without a name has followed in their footsteps; indignant labor has risen, red-handed, to repel them. In the mines of Nevada and California and in the shops and factories of Eastern and Western cities they have continued to multiply. In various manufactures of boots, shoes, leather, cigars, and clothing, ladies' underwear and shirts, the Chinaman has continued to underbid and drive out the labor of American men and women; but at last the day of reckoning has come.

During the present session of Congress the President of the United States negotiated a treaty with China to prohibit Chinese immigration. The Senate adopted some amendments which the Chinese Government refused to ratify, and the treaty was rejected. But meantime a Democratic House of Representatives passed, and the Senate, coming to its reluctant task "like whining school-boy unwillingly to school," has yielded to the bill which finally dismisses from our shores the worst enemy that ever antagonized the American workingman. Thus was the victory won against the inveterate but finally-suppressed opposition of the Republican party, which now, contemplating the great Democratic achievement, will yet go forth to sing its threadbare song that the Republican party is the friend of American labor and the Democracy its foe!

OTHER CHEAP LABOR THAN THE CHINESE ENCOURAGED BY THE REPUBLICAN PARTY.

While the Asiatic hordes against whom Democracy has just closed the Golden Gate were inundating the land from the East through Republican invitation and encouragement, the pauper labor of Europe has been beckoned to our shores from the opposite direction by its Republican friends.

The lazzaroni of Italy, Hungarians, Bohemians, Poles, Russians, and the like, the refuse of Europe, have been hustled in upon us, coming like misfortune, "not single file but in battalions," crowding out Americans from mines and factories, roads and shops, congregating in the tenement houses of our great cities to breed disease, and now and then startling the law-abiding people by rabid outbreaks of anarchy.

The decent immigrant is ever welcome to America. And her hand has ever been stretched forth to greet him. But the idea of poisoning the streams of our civilization by pouring into them the castaways of Europe is abhorrent to every good citizen, and the idea of encouraging their coming has never found favor save amongst the Republican monopolists, who pose as the peculiar friends of American labor. Under the contract-labor system which has been described—under invitations and solicitations of the monopolists who have grown up on the Republican donations of public lands, and on Republican restrictive tariffs—they have been brought here; and whenever American labor has struggled to better its wages the rod of menace has been held over it and a cargo of imported hirelings marches to the front to rebuke their insubordination to their masters.

I saw the other day an account of a railroad accident which had killed or wounded eleven men working on the track. They were every one Italians with unpronounceable names.

Hungarians and Italians take the place of natives in the ore mines and furnaces of Pennsylvania at rates of wages ranging from 80 to 90 cents a day, and some of these are employed to supply Carnegie's steel works at Braddock. Mr. Carnegie is a private citizen who has the right to make all the money he can in a legitimate way and to do with it as he chooses; but when we see him and his ilk claiming to protect American labor and find that he is pocketing all of the so-called protection, while the laborer at his side is pushed off to make way for an alien and a stranger, we are apt to question the sincerity of his outcries and the soundness of his logic, and we are prepared to sympathize with the following reflections of the Philadelphia Record:

The disparity between the wages of an ore-digger, who gets 90 cents a day, and the profits of Mr. Carnegie, who makes $5,000 a day, staggers the mind. It would take the ore-digger more than fifteen years, working every day—Sundays and week days—to earn as much as one day's profit for Mr. Carnegie. An honest blacksmith or farmer who could save $500 a year, at the end of ten years' labor would find himself possessed of a sum equal to the Carnegie income for twenty-four hours. Mr. Carnegie is a clever fellow; but he is only a fellow-mortal, and there is something monstrously wrong in a tax system that so discriminates between man and man that one shall swim in affluence whilst the other barely lives upon his earnings.

It will be said that the Philadelphia Record is a Democratic paper. Very well; let me read from a Republican paper, the Pittsburgh Dis-

patch, which in a recent issue draws a picture of the Pennsylvania coke region which merits attention. The Dispatch says:

When the Congressional committee comes to Connellsville next month it will find that since the importation of foreign labor was commenced in the coke regions nearly ten thousand poverty-stricken foreigners have been dumped among the hills and mountains of Fayette and Westmoreland Counties. It will find that while thousands of these people have returned across the ocean year after year with little hoardings of American money in their pockets thousands more are sent here to take their places, thus keeping the coke-drawing industry in their possession to the utter exclusion of the American native born. It will find this feature as bad as the Chinese problem was a few years ago, for Hungarians have been actually known to return to points along the Mount Pleasant branch of the Baltimore and Ohio Railroad three times to replenish purses filled on the banks of the Youghiogheny and emptied into the sewers of Austria-Hungary.

The committee will find that importations of Hungarians and Bohemians into the coke regions are still being made. The contract-labor law is being violated every month by somebody.

The committee to which the Dispatch refers is that appointed by the Democratic House of Representatives of which Mr. FORD, of Michigan, is chairman—a committee which is uncovering the evils which threaten and already afflict our workingmen, and which is opening the eyes of the country to the manner of love which the Republican party has displayed for them.

At a meeting before that committee in New York not long since Miss Mary Berg, a shirt-maker employed in the factory of Hermann Steen, was examined. She had just left the factory after a service of six years, and this testimony was given:

"Why did you leave?" asked Mr. FORD.

"Because of the introduction of Poles and Hungarians to a large extent—all men. Formerly 200 girls were employed in the factory and made $7 and $8 a week. They used foot power. Now the machines have steam power, and about 150 Russians and Poles have been put in in place of the girls.

"Q. What do the girls earn now?

"A. They get $5 a week, but the men get less—$4 a week. The last reduction in wages amounted to $2 a week. In 1884, when she first went to work, they got 60 cents for a shirt; now they get only 40 cents. Work they formerly received $3 for they now receive $2 for."

Miss Helen Anker, a maker of rubber and "white goods," testified she worked in a number of factories for the purpose of investigating the condition of the workwomen therein employed, as follows:

"Q. What do you know about prices?

"A. The reduction in prices began about ten years ago, and they have been constantly decreasing ever since. Ten years ago the women earned on an average $10 a week. Last winter an expert workwoman could only earn $5 and the majority of the girls only $4. The girls working in this industry number seven or eight thousand.

"Q. What is the reason of the reduction in the price of labor?

"A. In consequence of contractors taking the work from the factories to their homes and getting it done there.

"Q. Are there men who take large contracts and employ people to perform the work?

"Q. Yes, and they are principally Russians, Hebrews, and Slavs. Formerly those employed in the factories were bright American, German, and Irish girls. The owners of the factories find the contract arrangement more satisfactory. By giving out the work they reduce the rent on a few floors, do away with four or more women as overseers of the work, and the annoyance of having so many people in the building.

"Q. Has not the greater portion of the reduction in wages—60 or 70 per cent.—taken place since these Russian and Polish immigrants have come to this country?

"A. Yes; and previous to that wages were reduced through strikes and so forth.

"Q. With the increase of the importation of this particular form of labor from Poland and Russia did wages correspondingly decline?

"A. Yes; they did.

"Q. What do you know about those working for the contractors?

"A. I have never known a person working for them to earn as much as $4 a week; $3 a week is the average.

"Q. Because of this competition?

"A. Exactly."

Other witnesses corroborated these statements from their personal experience.

Let me read now from the New York Times in a review made by it of the testimony taken before this Ford committee. The Times says:

Last Tuesday night George H. Simmons, special agent of the Treasury Department, was introduced in this city to an Italian labor broker named Luigi Troja as the representative of a railroad company that desired to employ several hundred newly arrived immigrants in the construction of a branch road. He would not take Italians who were already in the city, but must have workmen brought over from Italy and delivered at Castle Garden. Troja and his partner agreed in writing last Friday night to furnish 300 or 400 Italians "at Castle Garden between the 1st of September and the 1st of October next at $1.20 per day of ten hours." The Italian importers were to board the men and furnish them with supplies. Mr. Simmons suggested that he ought to make a little money out of the transaction, and Troja agreed to give him "5 per cent. on each man's account for groceries and provisions for each month, to be deducted by the paymaster at each settlement." As the fictitious company was to pay only $1.20 per day for each man to Troja, it will be seen that the sum received by the workmen after all the deductions had been made would have been small.

This importer of laborers and his partner admitted that they had been in the business for years. They had secured 700 men for one firm of contractors and 1,500 for a railroad company. The workmen procured by them were heavily taxed in various ways for their benefit while employed.

Last year there came to this country more than 43,000 Italians. In the first six months of this year the number of those who came was 35,650. The testimony taken by the committee tends to show that a majority of these immigrants were brought here practically under contract to compete with American laborers at low wages. They are willing to work for low wages, because they require very little to support life. They are content to subsist on the coarsest food, or even on refuse, and to be lodged under conditions which are repulsive to the ordinary American workman. They do not intend to become citizens or to remain here. They propose to send out of the country the money which they can save in a term of three or four years. They are the Chinese of our Eastern States.

So it goes. The Republican party is blatant to defend American labor from the pauper labor of Europe, as if the American laborer would close his eyes to the fact that under its policies, its teachings, and its practices that self-same pauper labor is brought to his place of work, and he ejected to give way for it.

FOREIGN CONTRACT LABOR IN THE FISHERIES, AND CLEVELAND ON GUARD.

Even into the fisheries, so often before us as intensely American institutions, these foreigners are obtruded; but the following letter from the President of the United States, written in April last, abundantly attests that Democracy has its watchful eye upon and its energetic hand stretched forth to protect American labor, and that it does not content itself with mere periods of rhetoric in that behalf:

DEAR SIR: Information has reached the Treasury Department that a large number of foreigners have been brought into Massachusetts under violation of the contract-labor law for the purpose of manning American fishing vessels sent out from the ports of Gloucester, Boston, and Beverly for the purpose of taking fish along the Canadian coast. It seems to me quite certain that such foreigners, aliens, have been brought in by parties in direct violation of the statute covering such cases, and I believe that the importation of such foreigners tends to the displacement of American labor. I am aware that many of these persons have, through the care of the officials, been returned to the country from which they came. I therefore enjoin on you the duty of a prompt investigation of these cases, and request that you confer with the collectors of the ports of Boston and Gloucester that prompt and effective measures be taken. The Department has ordered that special agents be detailed, who will report directly to you, and if you require any further assistance it will be given you upon application.

Yours, truly,

GROVER CLEVELAND,

Hon. O. A. GALVIN,
United States District Attorney, Boston, Mass.

It can not be wondered that under the conditions thus represented strikes, mutterings, outbursts, and discontents have prevailed under the so-called protective system such as were never known before; and it is a noteworthy fact that 74 per cent. of all the strikes that have occurred in the last six years were in the States of Massachusetts, New York, Pennsylvania, Ohio, and Illinois, where protection is alleged to have put in its finest work. In one of these Ohio strikes Allen G. Thurman was made arbiter. He decided that the strikers ought to have 10 per cent. more of wages. The employers submitted, and the next year were so prosperous that they added another 10 per cent. of their own accord.

Thus go Cleveland and Thurman, hand in hand, to protect American labor; and if the American workingmen do not stand by them in their noble efforts they might well say, "We came unto our own and our own received us not."

THE REPUBLICAN PARTY'S ANSWER TO THE ARRAIGNMENT OF ITS POLICY.

The Republicans answer in many specious ways the arraignment of their policy, and repulsed overwhelmingly at every other point they now contend that the high Chinese tariff on imported articles increases the wages of workingmen. Nothing could be more shallow and sophistical than this pretension.

HIGH TAXES ON IMPORTATIONS DO NOT FIX OR INCREASE WAGES.

In a speech made at Springfield, Ill., on June 1, 1887, in the gray dawn of this Presidential contest, Hon. JOHN SHERMAN declared as follows:

There are some things that laws can not do. They can not regulate the price of labor or anything else. This can only be done by the law of supply and demand.

This is tersely and truly said. The rate of wages can not be fixed either directly by the law or indirectly by operation of law. If labor is overabundant it will be cheap; if scarce it will be dear. If it is rude, unlettered, and unskilled it will command a low rate of wages; if it be skillful and energetic it will command a high rate. Quantity and quality, these are things that determine the price of labor just as they determine the prices of commodities upon the market to be hired or sold.

It is plainly shown in many different ways that the tariff tax on imported articles does not fix or increase wages. First, by the fact that wages differ in all sections of the United States, although throughout its territory the same high-tax protective laws are in uniform operation. If they be the scale by which wages are regulated, how is it that they fix different rates in different sections for the same work?

Why is it that average wages in Maine are $257 per annum, in Massachusetts $364, in Connecticut $385, and in Vermont $303?

Why is it that a grinder gets $2.03 a day in Illinois and $1.60 in New York, whereas a machinist gets $2.39 in Illinois and $3.00 in New York, while a molder gets $3.19 in Illinois, $2.00 in Kentucky, and but $1.80 in Pennsylvania, the Eden of protection?

Why is it that a carder of wool for carpetings gets but 88 cents in Massachusetts, and $1.54 in New York; a printer $1.08 in Massachusetts, and $1.72 in New York; a painter $2.11 in Connecticut, and $1.39 in Ohio; a boss of mines $2.88 in Missouri, $2.71 in West Virginia, and $2.25 in Pennsylvania; a blacksmith $1.95 in Virginia, $1.69 in Indiana; a bricklayer $3.60 in Virginia, $2.61 in New York, and $3.03 in Pennsylvania, and so on to the end of the chapter—a chapter of diversities, in which it appears that American wages differ as much in different localities as men differ in the features of their faces. What could more plainly show that protection, which is equal everywhere, is a force that has little if any effect in the matter of wages?

WAGES LOWEST WHERE TARIFF TAXES HIGHEST.

Second, by the fact that wages are higher in free-trade England than

in some highly protected countries, whereas if free trade decreased wages they would be lower.

Germany has a higher protective tariff than the United States, and England has no protective tariff, and yet in Germany wages are lower than either in England or the United States; that is to say, that looking at these great nations—Great Britain, Germany, and the United States—we find the lowest wages under the highest protective tariff.

The commissioner of labor of Maine gives a tabulated statement of the wages per week in certain vocations in England and in Germany which would seem to clinch this argument.

Wages per week.

Occupations.	England.	Germany.
Bricklayers	$7.55	$4.21
Masons	7.68	4.07
Plasterers	6.80	4.43
Carpenters	7.26	4.11
Blacksmiths	7.37	4.00
Cabinet-makers	7.68	4.25
Cigar-makers	6.07	3.58
Coopers	7.50	3.07
Laborers	4.80	3.11
Saddle and harness makers	6.63	3.53
Tinsmiths	5.56	3.45

According to the theory that high tariff makes high wages workmen should get a good deal more in Germany than in England. But according to this table they get almost exactly 77 per cent. more in England than in Germany.

Third, by the fact that American wages are just as high in the unprotected as in the so-called protected industries, if not higher, and more stable. Notably is this the case amongst the worker in free rawhides. They get just double in this country what they get in England, and double what is paid the workers in many protected articles.

By the census of 1880 the number of persons engaged in gainful pursuits was as follows:

Agriculture	7,670,493
Professional and personal service	4,074,238
Manufacturing, mechanical, and mining	3,837,112
Trade and transportation	1,810,256
Total	17,392,099

Of these, those who are suppositiously protected are the following:

Sugar planters	1,400
Laborers employed	14,500
Rice planters (estimated)	1,500
Laborers employed (estimated)	5,000
Wool-growers owning flocks of over 100 head (estimated)	50,000
Manufacturers	52,127
Aggregate capitalists	105,027
Laborers employed in protected industries	1,500,000

Less, all told, than two millions of our people.

The unprotected workers, besides the farmers, have been enumerated as follows:

Architects	3,375
Artists and teachers of art	9,104
Auctioneers	2,331
Barbers and hair-dressers	44,851
Boarding-house keepers	19,058
Clergymen	64,698
Clerks and copyists	25,467
Clerks in hotels	10,916
Dentists	12,314
Domestic servants	1,075,655
Employés of hotels	77,413
Civil engineers	8,261
Hostlers	31,697
Hotel-keepers	32,453
Journalists	12,308
Laborers	1,859,223
Laundresses	121,942
Lawyers	64,137
Livery-stable keepers	14,213
Messengers	13,985
Musicians	30,477
Nurses	13,483
Physicians and surgeons	85,671
Restaurant keepers	13,074
Sextons	2,449
Teachers and scientific persons	22,710
Veterinary surgeons	2,130
Private watchmen	13,384
Whitewashers	3,316
Boatmen and watermen	20,368
Book-keepers in stores	59,790
Canal men	4,238
Clerks in stores	353,444
Commercial travelers	28,158
Clerks in railroad offices	12,331
Clerks in insurance offices	2,830
Clerks in express companies	1,856
Draymen and teamsters	177,586
Employés in warehouses	5,023
Employés of railroad companies	236,058
Peddlers	53,491
Milk men and women	9,242
Newspaper carriers	3,374
Street-railroad employés	11,925
Telegraph employés	22,809
Telephone employés	1,196
Packers	4,176
Pilots	3,770
Porters and laborers	32,192
Sailors	60,070
Salesmen and saleswomen	32,279
Steam-boat men and women	12,305
Stewards and stewardesses	2,285
Tollgate-keepers	2,203
Traders	114,839
Dealers in books and stationery	4,982
Traders in boots and shoes	9,993
Traders in wood and coal	10,871
Traders in cotton and tobacco	22,000
Undertakers	5,113
Weighers and gaugers	3,302
Druggists	27,700
Dealers in real estate	11,253
Dealers in provisions	35,129
Dealers in dry goods	45,821
Dealers in groceries	101,849
Dealers in iron and tin	15,076
Dealers in hides	2,382
Dealers in lumber and marble	12,668
Dealers in newspapers	2,729
Dealers in paints and oils	1,940
Dealers in paper	1,862
Bakers	41,309
Blacksmiths	172,726
Brick and tile makers	36,052
Bridge-builders	2,587
House-builders	10,804
Butchers	76,241
Carpenters and joiners	373,143
Car-makers	4,708
Charcoal and lime burners	5,851
Coopers	49,138
Engineers and firemen	79,628
Engravers	4,577
Fishermen and oystermen	41,352
Brick and stone masons	102,473
Millers	53,440
Miners	234,228
Oil-well laborers	7,340
Painters	128,556
Paper-hangers	5,013
Photographers	9,900
Plasterers	22,083
Printers and stereotypers	72,726
Quarrymen	15,169
Quartz-slaters	4,026
Stave-makers	4,061
Wood-choppers	12,731

Look upon this list, workingmen, and tell me where you come in for your part of the "protection."

WHY AMERICAN WAGES ARE HIGHER THAN THE WAGES IN OTHER COUNTRIES.

The reason why the wages of American workingmen are higher than they are in other lands is not difficult to perceive. The American workingman is a citizen and a suffragan and a sovereign. The European wage-worker is generally a subject. The American workingman has a larger share in public affairs; he is familar with the methods of organized and concentrative action; he lives under free institutions, in a land of boundless opportunities, and he is freer to dictate his own terms of labor. With free schools on all sides he is more intelligent. With the hope of ready preferment according to merit constantly before him he is more energetic. Without heavy standing armies to consume the substance of the people, he has no military class barracked upon him to divide without laboring the rewards of labor.

Under the low tariffs of former years he got higher wages than Europeans; and he will continue to get higher wages whether the tariff question be determined one way or the other.

He is not indebted to Congress or to any political party for the advantages he enjoys. They were not given to him by any Congressional enactment, and they can not be taken away. He is indebted in the first place to the bountiful Providence that has given him a land fair to behold and fruitful to enjoy; and in the second place to the strong intellect, the brave arm, and the independent spirit which are fully able to protect themselves and to work out his salvation.

"America," says Emerson, "is another name for opportunity." The American workingman has the intelligence to improve it; and that is the reason he commands wages more approximate to his merit than can be commanded in other climes.

THE DIFFERENCE BETWEEN AMERICAN AND EUROPEAN WAGES LARGELY NOMINAL AND UNREAL.

At the same time, Mr. President, the difference in American and European wages is not as great as the surface indications would tend to show. The same number of hours of the same quality of labor command in both continents an approximate equality of wages.

This is not a Democratic theory. It is a fact, an actual condition, attested by the highest Republican authority and recorded with the most solemn assurances of its truth.

Two distinguished Republicans, Hon. WILLIAM M. EVARTS, of New York, and Hon. James G. Blaine, of Maine, have in recent years been Secretaries of State. In this capacity they received and examined the consular reports from foreign lands, digested and summed them up, and each of these public officers reached about the same conclusion when seated in the quietude of his office.

Mr. EVARTS, in May, 1879, reported as follows:

The average American workingman performs from one and one-half to twice as much work in a given time as the average European workman.

This is so important a point in connection with our ability to compete with the cheap-labor manufacturers of Europe.

Hon. James G. Blaine, the Secretary of State, reported in 1881, and I read from Document No. 12 of the State Department on the commercial relations of the United States, page 99, where Mr. Blaine says:

Undoubtedly the inequalities in the wages of English and American operatives are more than equalized by the greater efficiency of the latter and their longer hours of labor. If this should prove to be a fact in practice, as it seems to be proven from official statistics, it would be a very important element in the establishment of our ability to compete with England for our share of the cotton-goods trade of the world.

Thus we have it deliberately ascertained and stated that "the inequalities in the wages of English and American operatives are more than equalized by the greater efficiency of the latter and their longer hours of labor." And the question arises, Why is it that the Republican party holds out these gentlemen as worthy of credit who have so ascertained, and yet refuses itself to accept their testimony?

The American workingman is the superior of his foreign rival in skill and endurance and opportunity, and there is where his higher wages come in.

HOW CONSUMERS ARE BURDENED WITH TAXES, AND FOREIGN INSTEAD OF HOME MANUFACTURERS PROTECTED.

It is next claimed that the consumers of imported articles do not pay the high tariff taxes. But the fact that they do is scarce less than self-evident, and none have better shown it than some Republican leaders.

If you import for your own use any product of a foreign clime, be it food to eat or clothes to wear, you are required to pay the tariff tax at the custom-house when you receive it.

If you do not purchase it for your own use, but to sell, you must necessarily add the tax to the cost in the foreign market, and superadd to that the profit charged, or else your trade is a losing business; and at the end of the transaction the man who buys for use pays for all.

John Quincy Adams, chairman of the House Committee on Manufactures, punctured in 1832 the sham idea that any but the consumer pays the tariff tax, and said—

The doctrine that duties on imports seem to cheapen the price of articles on which they are levied seems to conflict with the first dictates of common sense. The duty constitutes part of the price of the whole mass of the article in the market. It is substantially paid upon the articles of domestic manufacture as well as upon that of foreign production. Upon one it is a bounty, upon the other a burden; and the repeal of the tax must operate as an equivalent reduction of the price of the article, whether foreign or domestic.

Republican Senators here can not well dispute what they themselves have said.

Senator SHERMAN has recorded his opinion, saying:

I said it, and I stand by it, that as a general rule the duties paid upon imports operate as a tax upon the consumer.

Senator PLUMB gave his on the 11th of January, 1883, saying:

Who pays these taxes? When the manufacturer * * * comes to the Senate and says, "I can live, or I can make a profit, if a certain duty is imposed," what is he saying? He is simply saying, "If you give me a certain duty you put it in my power to charge over that duty as an additional tax on the farmers of the United States."

And Senator EDMUNDS on January 4, 1883, uttered his, to this effect:

In the main all these taxes come out of the consumer, particularly internal-revenue taxes, perhaps all of them substantially.

General Grant thoroughly understood all this, and appreciated the further fact that the tariff tax operated in many cases as protection to the foreign and not the domestic manufacturer; that it was a kind of kicking protection that, like the gun in Hudibras—

Bore wide, and knocked the marksman over.

And speaking of the articles that enter as materials of manufacture, he said in his message of 1875:

All duty paid upon such articles goes directly to the cost of the article when manufactured, and must be paid for by the consumer. The duties not only come from the consumers at home, but act as a protection to foreign manufacturers of the same completed articles in our own and distant markets.

But now when President Cleveland enunciates similar principles, now that he enforces the teachings of Adams and Grant, and of a long line of distinguished men who came between them, he is plucked out as a free-trader and as an enemy of his country, while "all the gardens of Gul in their prime" yield not roses enough for the garlands with which the brows of his companions in opinion are bound. Yet I fancy the people will see the force of his logic and listen to him when he tells them:

These laws, as their primary and plain effect, raise the price to consumers of all articles imported and subject to duty by precisely the sum paid for such duties. Thus the amount of the duty measures the tax paid by those who purchase for use these imported articles.

THE PRESIDENT'S MESSAGE AND THE MILLS BILL.

The President justly says:

The taxation of luxuries presents no features of hardship; but the necessaries of life used and consumed by all the people, the duty upon which adds to the cost of living in every home, should be greatly cheapened.

Thus he points out the benefits of free raw materials to manufacturer, laborer, producer, and consumer. He further says:

It would not only relieve them (the manufacturers) from the increased cost caused by the tariff on such material, but the manufactured product being thus cheapened, that part of the tariff now laid upon such product, as a compensation to our manufacturers for the present price of raw material, could be accordingly modified. Such reduction, or free importation, would serve beside to largely reduce the revenue. It is not apparent how such a change can have any injurious effect upon our manufacturers. On the contrary, it would appear to give them a better chance in foreign markets with the manufacturers of other countries, who cheapen their wares by free material. Thus our people might have the opportunity of extending their sales beyond the limits of home consumption—saving them from the depression, interruption in business, and loss caused by a glutted domestic market, and affording their employés more certain and steady labor, with resulting quiet and contentment.

It was once said of an English statesman that he had found his adversaries in bathing and had run off with their clothes. If the Republican leaders who used to lead could rise from their graves they might say now with no little truth that Democracy found the present Republican party bathing in the China seas and ran off with their clothes, but I apprehend they would be compelled to add when they found their colleagues in September on the edge of adjournment without accomplishing anything, that they ran off without any clothes; or if they should yet propose a bill, that they had ordered a new suit at Chicago but were reluctant to try it on lest it should turn out to be a second-hand Chinese garment and a misfit.

These are wise words which I have quoted from the President, and now let us see how the Mills bill responds.

THE MILLS BILL, AND ITS AGGREGATE REDUCTION OF TAXES.

The Mills bill, entitled "A bill to reduce taxation and simplify the laws in relation to the collection of the revenue," passed the House July 21, 1888. It has been before us over two months. It is not entirely based upon the lines of the President's recommendation; it does not entirely meet my views; and it might doubtless be said truly that it does not entirely reflect the views of any one individual. It is not, and is not claimed to be, a scientific measure; but it aims at, and if permitted to become a law it would achieve, practical and beneficent results. Its leading characteristics, considered generally, are these:

1. It reduces taxation annually to the extent of $78,000,000.

2. This reduction arises under three heads, that is, a reduction of $25,000,000 of internal taxes on tobacco, a reduction of $31,000,000 by diminution of tariff duties, and a reduction of $22,000,000 by placing on the free-list articles that now yield that amount of tariff taxes.

By its operation $78,000,000 that now are taken without necessity from the people would be left to fulfill the mission of currency, to stimulate business, to promote agriculture, commerce, and manufactures, to purchase in the marts of the world the subsistence and comforts of the people which to that extent they are now denied by a greedy and absorbing treasury.

More than one dollar a head would be in the hand of the people of the United States to perform the offices of money and to supply the wants for which money is needful. A refreshing rain in a dry summer, with crops drying up and man and beast longing for the water-brooks, would fully typify the release of seventy-eight millions of money into the workshops of industry and into the channels of trade.

THE MILLS BILL AS IT AFFECTS THE INTERNAL-REVENUE SYSTEM—THE TOBACCO TAX ABSOLUTELY ABOLISHED.

The Mills bill absolutely abolishes (1) all taxes on manufactured chewing tobacco, (2) all taxes on smoking tobacco, (3) all taxes on snuff, (4) all special taxes upon manufacturers of and dealers in said articles, and (5) all taxes upon wholesale and retail dealers in leaf-tobacco.

These taxes as they now exist, and as they will continue unless the Republican party as here represented will permit their repeal, are as follows:

Tobacco, all kinds, per pound	$0.08
Snuff, or snuff-flour, manufactured of tobacco or any substitute, per pound	.08
Tobacco, manufacturers of	6.00
Tobacco, dealers in manufactured	2.40
Tobacco, dealers in leaf, wholesale	12.00
Tobacco, dealers in leaf, retail, $250, and 30 cents per dollar on sales above $500 a year.	
Tobacco, peddlers, with more than two horses	30.00
Tobacco, peddlers, with two horses	15.00
Tobacco, peddlers, with one horse	7.20
Tobacco, peddlers, on foot, etc	3.60

The only internal taxes in reference to tobacco which are retained are (1) a special tax of $3 annually on manufacturers of cigars, who now pay $6; and (2) a special tax of $1 annually on dealers in tobacco. I cite here the sections of the bill which effect these results:

SEC. 25. That on and after the 1st day of October, 1888, all taxes on manufactured chewing tobacco, smoking tobacco, and snuff, all special taxes upon manufacturers of and dealers in said articles, and all taxes upon wholesale and retail dealers in leaf-tobacco be, and are hereby, repealed: *Provided*, That there shall be allowed a drawback or rebate of the full amount of tax on all original and unbroken factory packages of smoking and manufactured tobacco and snuff held by manufacturers, factors, jobbers, or dealers on said 1st day of October, if claim therefor shall be presented to the Commissioner of Internal Revenue prior to the 1st day of January, 1889, and otherwise. No claim shall be allowed and no drawbacks shall be paid for an amount less than $5, and all sums required to satisfy claims under this act shall be paid out of any money in the Treasury, not otherwise appropriated. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 26. [That on and after the 1st day of October, 1888, manufacturers of cigars shall each pay a special tax of $3 annually, and dealers in tobacco shall each pay a special tax of $1 annually. Every person whose business is to sell or offer for sale cigars, cheroots, or cigarettes shall, on and after the 1st day of October, 1888, be regarded as a dealer in tobacco, and the payment of any other special tax shall not relieve any person who sells cigars, cheroots, or cigarettes from the

payment of this tax: *Provided*, That no manufacturer of cigars, cheroots, or cigarettes shall be required to pay a special tax as a dealer in tobacco, as above defined, for selling his own products at the place of manufacture.]

I rejoice, Mr. President, that this achievement of Democracy can be no longer disputed. The tobacco planters and tobacco dealers of the State whose representative I am have long desired this consummation, and a few have vainly believed that it would come through Republican agencies. It has come now through a Democratic House of Representatives where the Republican party stood in phalanx against it. I fear that it will soon be seen that the Republicans here will kill it, and then go before the people and read their platform adopted at Chicago in June last, wherein they say they are "for repealing the taxes on tobacco." If so, here and now is the place to show it.

I am glad that this promise has come at last. A few years ago, when the Senator from Maryland [Mr. GORMAN] made an effort to get off the tobacco tax, the Republican party, by its Senators here, resisted and defeated his effort, and Hon. JOHN SHERMAN, of Ohio, uttered his party creed when he said:

This tobacco tax, of all others, is the easiest collected, the most certain, increasing constantly from year to year, dependent upon an appetite that will be indulged no matter what may be the tax; a tax that has been more stable than any other. No amount of tax likely to be put upon tobacco will prevent its being chewed and smoked and snuffed. In all other countries where taxation prevails this is a favorite subject of taxation. * * * I say the tax on tobacco does not diminish the price to the farmer who raises it. * * * And I say we are throwing off a tax which, by the judgment of all nations, is the best source of taxation.

This is all changed now, and I am glad of it; and I only hope that the Republicans will not play fast and loose with this promise as they have done so egregiously with their former promises to "reduce the surplus" and their oft-repeated theories for free raw materials.

THE DEMOCRATIC POLICY NOW OUTLINED ALREADY INITIATED AND PARTIALLY PERFECTED BY THE REPUBLICANS.

The Democratic party can not claim originality for the policy inaugurated by Cleveland and the Mills bill. When the President's message was read to us last December, and when the press was teeming with the varied criticisms of public men upon it, I was struck and amused likewise with the animadversion of one Republican Congressman to the effect that there was not an original idea in it. True, there were some original and pungent observations, such as that "we confront a condition, not a theory," and that the discussion of protection and free trade was a mere "bandying of epithets," and that "free trade is absolutely irrelevant." But the Republican critic was right in the remark that it contained no original idea. Neither do I hope to invent an original idea in my remarks, nor have I seen an original idea as yet in any of the observations of the regiment of speakers who have delivered their views.

Napoleon did not have an original idea when he charged the enemy's center at Wagram, but he struck the right blow in an old-fashioned way at the right time, and proved himself master of the art of war in doing it. Cleveland's ideas are not original. They are those broad ideas which have been concurred in by the greatest statesmen of the old Whig party, of the modern Republican party, and of the Democratic party alike. The genius he has displayed is not that of the inventor, but that of the calm, contemplative, courageous statesman who gathers and groups great ideas, and hurls them like a battalion upon the center of opposition.

The Republican party has made a mistake in antagonizing them. It has liberally furnished Democracy with the free raw materials of argument. Why will it not unite with us in the manufacture of measures to enforce it? The grievance that they now suffer under is the fact that they have preached the President's doctrines and have commenced the inauguration of his policy, and, alas, have halted when they should have pressed forward; and that he has come and seized the field and is now advancing the Democratic flag to victory. Why, Mr. President, sixteen years ago the Republicans began what Cleveland is now completing and they retarding—for what reason? The Siamese, it is said, paint their teeth black because, as they allege, the devil has white ones. The Democratic teeth are very white and glistening just at present, and can be seen through their broad smiles, and this is the only reason discoverable why the black polish is being so diligently rubbed upon those of the Republicans. Let us look into this Republican free-trade business.

FREE HIDES.

In 1872, there being then a Republican Congress in both Houses and James G. Blaine being Speaker of the House, the Republican party introduced free trade in hides. Under the Walker tariff of 1846 hides had been taxed 5 per cent., and from 1861 to 1872, 10 per cent. When this great change occurred there was no outcry that the country would be ruined, and when General Grant signed the bill as President he was not denounced as conspiring to blow us up with British free trade.

The effect of free trade in hides for sixteen years has been fully tested. In no respect has the country received any injury from it; in many respects it has received benefits. Cattle have multiplied and increased in value. The number of oxen and other cattle furnishing hides has increased from 16,000,000 head to 34,000,000 head. That is more than doubled. Their value has increased from $321,000,000 to $611,000,000, nearly doubled. Evidently the cattle-owner greatly prospered with free hides.

The tanners who turn the hides into leather have prospered, and the manufacturers of leather into boots and shoes and other articles have prospered, the Treasury has been rid of an unnecessary tax, and the people have been furnished with cheaper articles of necessity. Cheaper harness, cheaper trunks, cheaper boots and shoes for the people, and prosperity to all connected with their production.

A certain Republican Representative in the House told a joke not long since the point of which turned out in the wrong direction. Said he:

I was making a speech to an immense crowd of farmers. I was making about the same sort of a speech that I am making to-day. I happened to refer, as I well remember, to the time when corn sold at 10 cents a bushel. At that point a prominent old farmer in the crowd whom I had known all my life—he was much older than myself, but we had been in the army together and I knew him very well—called out, "Hold on a moment! Under the Democratic tariff of 1846 I hauled 50 bushels of corn right across the river there and put it in Emmet Munday's corn-crib for one pair of boots, the price being $5 for the boots and 10 cents a bushel for the corn." I then said, "Jake"—for down in my country I call people by their first names—"how many people will 50 bushels of corn shoe now under this rascally Republican policy of protection?" "By George! it would shoe a family of a dozen for at least two years." [Laughter and applause.] That is a fair illustration.

I accept this, too, as a fair illustration, but let us see where "the laughter and applause" comes in.

It is the fact that under the Walker tariff of 1846 the hides, such as these boots costing 50 bushels of corn were made of, were subject to a tariff tax of 5 per cent., and that now, when a whole family can get shoes for two years for the old price of one pair of boots, we are operating under the policy of absolute free trade in the hides that make them. Is it wonderful that the farmers would like to have another dose of ruin of the same sort?

How manufacturing has prospered with free hides is testified from all sources. Hon. JOHN E. RUSSELL, of Massachusetts, says of the operation of free trade in hides:

Hides were brought into this country in enormous quantities, and the result was that whereas in 1870 or 1871 we had exported less than 2,000,000 pounds of sole-leather, within two or three years from that time—I will not be exact in statement of time—the exports of sole-leather rose to 11,000,000 pounds, and in 1883 the tanners of this country were shipping abroad 34,000,000 pounds of sole-leather in one year. That is a raw material of the boot and shoe industry, and it is upon that raw material that that great industry, the second of the great industries of Massachusetts, stands to-day, and we want wool put in the same category.

A New England Republican, Hon. J. H. GALLINGER, speaking on the subject, points out how the boot and shoe industry has increased, and how this policy furnishes a market for Southern hides instead of injuring their value. He says:

In the manufacture of boots and shoes the entire country employs $!3,000,000 in capital; over $102,000,000 are expended for material, and from it products are manufactured to the extent of over $166,000,000. Of this industry, felt and known in every home of the nation, and marked in the foot-prints of the legislators from the Southern States, the six New England States employ nearly twenty-five millions of capital, considerably more than one-half of all; they pay $70,000,000 for material, about three-fourths of all, and yield a product of $112,000,000, slightly over two-thirds of the whole, and are the best customer for hides that the South has or will have in all time to come.

A recent writer in the Buffalo Courier says:

Our manufacturers of leather and of boots and shoes are prosperous, and, in spite of the fact that the duties on these articles are comparatively very low, our factories not only control the home market, but also have a large export trade. Our exports of leather, boots, and shoes, and other products of leather in 1887 were over $10,000,000, as against $500,000 of exports of woolen goods. Now, mark you the significance of the fact that in 1887 the importations of hides and other skins, free of duty, amounted to nearly $25,000,000. The prosperity of our leather industries depends in no small degree upon free raw materials. But is there not as good reason for putting a duty on raw hides as there is for retaining the high duties on raw wools? The Department of Agriculture estimated that on January 1, 1887, the value of the cattle of the United States was in round numbers $1,042,000,000, and the value of the sheep only $90,000,000, or but a little more than one-twelfth of the value of the cattle. The value of the raw-hide products of our cattle industries is nearly one-third greater than the value of raw-wool products of our sheep industries. We have free hides, and why should we not have free wool?

How about the wage-earner who works in free raw hides? Has he suffered? By no means. Far from it.

From a table compiled by A. R. Whitney, esq., which has been quoted in the press and by speakers, it appears that the average weekly wages of shoemakers is $6 in England, $12 in the United States. This item is of itself enough to show that the worker in unprotected articles is not dependent for his wages on high tax or tax of any kind; and that conditions as to raw materials being equal he can double the wages of his English competitor.

Honor to whom honor is due; and I give all due honor to our Republican friends who have so successfully initiated that policy of free raw materials which has been so beneficial. In the book of debits and credits let this big item go to the credit side.

FREE HIDES ARE SUPPLEMENTED BY FREE SALT, FREE WOOL, FREE LUMBER, AND FREE TIN-PLATE.

With this demonstrated beneficial effect of putting hides on the free-list before them, the Mills bill has extended the policy to other raw ma-

terials that stand in a similar category, and the leading free-list items are as follows:

Wool, now paying a tax of	$5,899,816.63
Lumber, now paying a tax of	1,039,207.35
Salt, now paying a tax of	676,865.50
Tin-plate, now paying a tax of	5,706,433.89
	13,322,323.37

These reductions are most vigorously assailed; but when the considerations for putting them on the free-list, like free hides, are adduced, it will be found that they are cogent and convincing.

FREE SALT.

Salt is the necessity of nature. The land is filled with it, the sea is seasoned with it, the quick rejoice in it, and the dead are preserved by it. The dumb beasts gather to the salt-licks, and all animated nature seeks it and needs it as they need light, heat, water, and air. It is the prime tonic of existence.

Sixty millions of people, 12,000,000 of horses, 2,000,000 of mules, 14,000,000 of milch-cows, 33,000,000 of other cattle, and 44,000,000 sheep all yearn for salt.

The farmer needs it for his stock, the dairyman for his butter, the meat-packer for his meat, the fisherman for his fish, the housewife for her pickle, the physician for his pharmacy, and everybody for his victuals.

Thomas Jefferson recommended free salt in his message of 1806, and Thomas Benton called the denial of it "impiety against nature." Republican statesmen have joined with Democrats in demanding it, and now Democracy in the Mills bill tenders free salt, and the abolition thereby of more than half a million of taxes which are now paid upon the importation of a million and a half dollars' worth of it—a tax of 33 per cent.

Duties are now remitted upon salt used in curing fish taken by licensed vessels or in curing fish on the shores of the navigable waters of the United States.

Why is it the fisherman has a privilege denied to the farmer, the dairyman, and the meat-packer? Upon what salt do these our fishermen feed, that they have grown so great? Is not this in contravention of the Constitution, that requires duties to be uniform throughout the United States, and why shall not all have free salt?

If free salt be not advantageous, why have the Republicans inflicted it upon our fishermen? If it be advantageous, why have they refused it to our farmers as well?

FREE LUMBER.

As soon as the savage begins civilized ways he wants a house to live in, a lot fenced in, a bedstead to sleep upon, a bench or chair to sit upon, and utensils to work with; and with the timber of the felled forest he makes them. Infancy is rocked in a cradle, old age totters upon a cane, and death reclines in a coffin; and the forest furnishes them.

The hut and the palace, the table, the wagon, the car, the ship, the bridge, the plow, the plane, all these spring from the same source; and the lumber tax fixes upon them—couches in the cradle, climbs into the pulpit, and dies not in the grave.

Free lumber is in the Mills bill, to release over a million of surplus taxes and to give to nature fair play.

Lumber is not an article that responds readily to supply and demand. It is limited in quantity, and he who plants can not live to reap. It is limited in locality, and distant transportation eats up its value as it goes.

It has been pointed out by Republican representatives, as well as Democratic, that the lumber kings have possessed themselves of four-fifths of the white-pine region east of the Rocky Mountains; that Canadian workmen cross the boundary line, take the places of Americans as hired timber-cutters, and carry home their wages; that a few hundred men monopolize the timber possessions; and that by the enforced destruction of our forests agriculture is being injured by changed climatic conditions, and our timber resources are being rapidly despoiled. Already the people of the North and West are seeking by timber-culture acts and arbor days to create or replenish their timber supplies; and if in 1869, when Blaine spoke so warmly in behalf of the frontiersmen, we needed free lumber, how much the more do we need it now!

FREE TIN-PLATE.

There is not a pound of tin-plate manufactured in the United States. There is not a tin mine open in the United States. The people need tin for the roofs over their heads, for the cups and buckets they drink out of, for the plates they eat out of, and for the cans in which they preserve their food. The rich may supply its place from roof and gutter to table and kitchen; but it is the poor man's metal, and the people of this country, without protecting a single miner or manufacturer of tin, pay a needless tax upon its importation of $5,000,700 a year.

An attempt was made in the House of Representatives to increase this tax, it being argued that some day or other somebody or other would find a tin mine and somebody else or other would manufacture tin; and it was urged that the broad doctrine of protection should anticipate the future and hold out its sheltering arms to enfold the infant industry that might possibly be born when the lucky star should arise in the now darkened heavens.

I have seen somewhere an account of a comic drama in which Adam passes across the stage going to Paradise to be created. The high-tariff tin-plate statesmen evidently caught their cue from some such inspiration; but I expect that the plain, common-sense people of the country will hardly be willing to pay over five millions of tax a year for a ticket to the great protection theater while waiting for the curtain to rise and disclose the play which some unborn dramatist is to write and some unborn actor is to play.

In one county in the district from which I come, the county of Botetourt, there are now twenty-three fruit and vegetable canneries. The thrifty people of that county, and indeed now of that entire section, are covering their fields with gardens and orchards, and the tin can is the conveyance that carries their produce to market. Two millions' worth of canned salmon, fourteen millions' worth of canned lard, four millions' worth of canned fruits and meats reach consumers from different parts of the country in the same way.

The tax on tin-plate is 33 per cent. of its cost, and the manufacture of tin cans is a large and growing industry in New York, Chicago, Philadelphia, and Baltimore, the latter city turning out annually 150,000,000 cans. Manufacturers, producers, and consumers have a common interest in free tin-plate, and Democracy tenders it in the Mills bill.

FREE WOOL.

Every human being needs a covering for his head, his body, his feet, his bed, and desires it for his floor. A cheap hat, a cheap suit of clothes, cheap stockings, a cheap blanket, and a cheap carpet will supply them. Cheap shoes have come with free hides to make them out of, and it is a little difficult to see why the freedom that we stand upon should not envelop our frames, cover our heads, and be vouchsafed to us in free wool. Sixty millions of free people stand in need of these necessities, the Northern people amidst the snows more than the Southern people under genial suns.

There are about forty-four millions of sheep and about one million of sheep-owners in the United States. Suppose it were true, which I deny, that a cheap protection to the human back would make cheap wool on the sheep's back, and that some profit would be lost to the one million of sheep-owners to give the gain to sixty millions of wool wearers, would not cheap clothes to the many be better than dear wool to the few?

The venerable and much respected Senator from Vermont [Mr. MORRILL], who I regret has been called from his place, thinks that President Cleveland showed want of sympathy for the owners of small flocks of sheep in advocating free wool. I wonder that it did not occur to him that sympathy for the many who have no flocks and who want clothes was just as Christian a virtue, and more in accordance with the scriptural injunction to "remember the poor."

It is very unlikely that free wool would either diminish the number of sheep in the United States or depreciate the price of wool; for this reason, that the more goods a manufacturer can make and sell the more wool he will want and the cheaper he can sell, and that now the American manufacturer is restricted both in materials and market. A small profit on a large output is more remunerative than a large profit on a small output; and thus the seeming paradox is answered of cheaper clothes with a firm price for wool. The American manufacturer can not now compete with his British rival, because that rival gets free wool from all parts of the world; and he can not. Hence it is that we import forty-four millions worth of woolens a year and pay thereupon twenty-nine millions of tax.

We need annually over 600,000,000 pounds of wool to supply our market, an average of about 10 pounds to the man; and we produce, in round numbers, less than 300,000,000 of pounds, or about 4 pounds to the man. We have got to buy more than we produce, and no good reason can be assigned for taxing the people upon wool in order to force us to pay big prices to foreigners of $5,899,816.63, unless the Republican doctrine of taxing luxuries and not necessaries be interpreted to show that clothes are not included in their bill of fare amongst the necessaries of life.

The cattle from which free raw hides are taken are worth about twelve times as much as the sheep from which wool is taken. Why is the lesser "protected" and the larger left free?

Wool is now taxed an estimated average of about 26 per cent. and woolen goods 68 per cent. If the one million of sheep-owners lose the benefit of a 26 per cent. tariff, let it be remembered that at the same time fifty-nine millions of people who own no sheep will get the benefit of 30 per cent. reduction in the tariff on woolen goods effected by the Mills bill, and that our woolen manufacturers will at the same time be put in a position to compete with foreign manufacturers.

Experience has not shown that the high tariff increases either the number of sheep or the price of our domestic wool. There are half a million less sheep in Pennsylvania to-day under a high tariff on wool than in 1869 with a lower tariff, and a million less in New York. In Michigan under an increased tariff in 1867 sheep reduced in number from four to two millions. Under the existing high tariff the number of sheep decreased four millions from 1886 to 1887.

The labor cost in sheep-raising is less than in almost any industry. The sheep raise themselves in regions where population can not thrive

and on what can neither be sold nor otherwise consumed. No plea for the protection of labor from the pauper labor of Europe can come in to defend the high tax, and it is a sheer attempt to delude and bribe one class of our citizens into a grand "combine" to keep high taxation for class benefit.

The sheep barons who have bought up vast tracts of land in the West and own sheep by tens of thousand may impede this reform. The farmers who own small flocks know full well that even if a trifling loss ensue in the price of wool they will be more than compensated in the cheaper clothes of themselves, their wives, and children, and that one or two cheaper coats or dresses will give them back far more than they can lose.

In my own State, Virginia, we have less than half a million of sheep and more than a million and a half of people, and the importance of the human and the sheep interests can be readily compared.

The experience of England on this question is worthy of notice. It was pointed out by Henry Wilson, of Massachusetts, that under the admission of wool duty free the production of native wool increased 100 per cent., and no one has better explained the philosophy of the subject than another distinguished Republican, Hon. W. B. ALLISON of Iowa. Our Republican neighbors have supplied abundant information and advice on this subject. With them—

Knowledge comes, but wisdom lingers.

But let me quote from Mr. ALLISON, who has said:

I will say with regard to the duty on wool and woolens, that I regard it not as an intentional fraud, but as operating as though it were a fraud upon the great body of the people of the United States. I allude to the woolen tariff, a law the effect of which has been to materially injure the sheep husbandry of this country. In a single county in the State of Iowa, between 1867 and 1869, the number of sheep was reduced from 22,000 to about 18,000 in two years, and what is true of this county is true to a greater or less extent of other counties in Iowa, and during this time the price of wool has been constantly depreciated.

Here he was questioned, as follows:

Mr. LAWRENCE. I should like the gentleman to inform me how a reduction of the duties on wool and woolen goods would inure to the advantage of the wool-grower?

And he answered:

Mr. ALLISON. I will tell the gentleman how, in my judgment, the wool-grower will be benefited. As the law now is, the tariff upon the fine wools of a character not produced in this country is 100 per cent. upon their cost. The tariff upon woolens of the same class is only about 50 per cent., so that the finer woolen goods are imported, and not the coarser fabrics. Before the tariff of 1867 our manufacturers of fine goods mixed foreign fine wools with our domestic product, and were thus able to compete successfully with the foreign manufacturer of similar wools. But being prohibited from importing this class of wools, these fine goods can not now be produced in this country as cheaply as they can be imported. Consequently mills that were formerly engaged in producing these goods have been compelled to abandon business or manufacture the coarser fabrics. If they could afford to manufacture those fine goods they would make a market which we do not now have for our fine wools to be mixed with other fine wools of a different character from abroad. This want of a market, as I understand it, is the reason why our fine wools now command so low a price. There is no demand for them at home, and we can not export them in competition with fine wools grown in other countries.

Thus it is plainly shown that the Democratic scheme is for the universal good.

THE SURPLUS CONTINUES IN THE TREASURY AND EXCESSIVE TAXATION GOES ON.

And now, Mr. President, I shall leave to other persons or to other occasions the further discussion of the manifold phases that the tariff question presents, conscious that I have touched in many respects only the surface of a vast subject whose depths are not easily fathomed. But meanwhile the surplus of one hundred and thirty millions of the people's money remains in the Treasury and excessive taxation goes on. That surplus is the exact measure of the deficit in the people's pockets, and, like the unjust steward in Scripture, the Republican party can only say of it, "We have buried it in a napkin."

The Treasury of the United States is to-day the mausoleum of the people's wealth, and the Republican party is sitting on the coffin-lid, bafiling and rebutting every attempt of Democracy to knock the nails out of the coffin, and to let that wealth rise in resurrection and go forth to discharge indebtedness, enhance prices, employ labor, quicken industry, to fill the sail, turn the mill, enliven the workshop, and speed the plow. The stupendous fact remains with us that annually one-fourth of all our currency, twenty-five cents in every man's dollar, is consumed in Federal taxation.

The shameful spectacle abides that our miners dig out of the earth annually fifty millions of gold and thirty millions of silver, but that toil only brings this precious fruit to the light to witness its seizure by tax-gatherers and its disappearance into the darkness of a Treasury vault, which, like the sea, refuses to give back its dead. No nation in Europe or Asia or Africa could rest easy under such conditions, for the mine beneath it would scatter it to atoms. And that the people of America bear and forbear is only because they are the grandest in the world, with faith that time and patience will work out their redemption, and that Democracy will ere long complete that mission which Providence has assigned and to the fulfillment whereof its leader has led the way.

The people of this country can not be cajoled by Republican boasts that they have heretofore abolished hundreds of millions of war taxes. They are well aware of the character of these taxes, and of the Republican policy in regard to them. They know full well that the vast wealth represented by United States bonds was never taxed at all, and that a Vanderbilt with his sixty millions of bonds never paid as much upon them to support the Government that protected them, and the people burdened to pay them, as the poor man who bought a blanket, a carpenter who bought a handsaw, or a laborer who smoked a pipeful of tobacco.

They saw the Republican party go forward and repeal seventy-two millions of tax on incomes; seven millions of tax on railroads; and vast sums of taxes on corporate receipts, bank deposits, and bank capital, aggregating in all $205,000,000. They have waited patiently for their turn to come; and now when a reduction of seventy-eight millions of unneeded taxes is asked upon internal agricultural products, and upon the necessaries of life, they will not be put off by being told that the Republicans a long time ago took the taxes off of those most able to pay them. All through the year 1888 Democracy has toiled to fulfill its pledges to the people, and to render them trusty service.

Congress assembled in December, 1887, and that it has been in session over nine months, and is still sitting in September, 1888, is a fact that pays silent but impressive tribute to the efforts of the Democratic party, its President, and its leaders to release the surplus, to diminish taxes, and to relieve the people's burdens.

That the Republicans in the House of Representatives, the popular branch of Congress, and the only branch empowered by the Constitution to originate a bill for raising revenue, have utterly failed at this session to propose a bill, is a confession of party failure, of incapacity, and of thriftless, contumacious policy the most conspicuous in our political history.

And that the Republican Senate at this late day is wrestling to formulate a proposition to supply the deficiencies of their party companions is a rebuke to them more withering than any sarcasm that could be put in phrases, and is a joinder in their plea of confession without avoidance, mingled with a tincture of eleventh-hour repentance. The time was when the Republican party was the leader of public opinion. That time is passed. Like an old man to whom it is always afternoon it muses with half-shut eye, tells tales of its agility when it was young, and talks of days that have long since seen their sunsets. To the living it feebly breathes a belated hope which wears the countenance of despair.

With a congested Treasury—with a crushing tax-system—a tax system under which you can hear the very grinding of the people's bones—with a monopoly-ridden public clamoring for reformation, and labor pleading to be unburdened—it propounds to the country a Chinese platform, nominates a Presidential candidate with Chinese proclivities, relegates that candidate to the chimney-corner, recalls a luxuriating tourist, who has been sunning himself in the smiles of an itinerant millionaire, to make speeches in favor of "trusts," and proses through the dog days over a tariff bill which it is afraid to suppress, and is only willing to divulge when there is just time enough left for its hasty burial.

The Greek came into the world and filled it with images of beauty. The Roman came, and there arose before mankind the majesty of law; but the people were the second thought when he blazoned upon the standard of his legions, "*Senatus Populusque Romanus.*"

The Anglo-Norman-Saxon came; he gathered the treasures of art, literature, and law from all lands and ages, and scattered them broadcast over the earth under conquest's crimson wing.

Last and best the American came; liberty was revealed, and law bowed at its footstool.

Democracy writes the name of the people before that of Senate or Assembly. It stands for their liberty now—the liberty of the people to be taxed only to the measure of their will and their need. It writes upon its banner—

Unnecessary taxation is unjust taxation—

and in that sign it will conquer or fall.

APPENDIX.

ARTICLES IN WHICH NO CHANGE IS MADE.

The following list is given in order that there may be no excuse for misapprehension on the part of anybody as to those articles the duty on which remains unchanged under the present law. This list has been prepared with equal care and shows that the rates on a large number of articles are not changed under the proposed bill.

A large number of articles in which no change of rate is made between the present and the proposed tariff.

[n. o. p., *i. e.*, not otherwise provided for.]

Articles.	Tariff tax on each $100 worth under the present law and the Mills bill.
SCHEDULE A.	
Glue	$20.00
Gelatine and all similar preparations	30.00
Fish glue or isinglass	25.00

A large number of articles in which no change of rate is made between the present and the proposed tariff—Continued.

Articles.	Tariff tax on each $100 worth under the present law and the Mills bill.
SCHEDULE A—continued.	
Soap:	
Castile	$20.00
Fancy, perfumed, and all descriptions of toilet	35.20
Sponges	20.00
Sumac:	
Ground	12.46
Extract	20.00
Acid:	
Acetic, acetous, or pyroligneous not exceeding the specific gravity of 1.047	17.73
Citric	23.43
Tartaric	28.39
Camphor, refined	34.11
Cream of tartar	22.85
Dextrine, burnt starch, gum substitute or British gum	31.59
Glucose or grape sugar	20.00
Oil of bay leaves, essential, or bay rum essence or oil	58.97
Soda and potassa, tartrate of Rochelle salt	14.28
Strychnia or strychnine and all salts thereof	30.54
Tartars, partly refined, including less crystals	19.77
Ammonia:	
Anhydrous, liquefied by pressure	20.00
Aqua, or water of	20.00
Muriate of, or sal-ammoniac	10.00
Carbonate of	20.00
Sulphate of	20.00
Asbestos, manufactured	25.00
Cement, Roman, Portland, and all others	20.00
Whiting and Paris white:	
Dry	134.00
Ground in oil or putty	12.04
Prepared chalk, precipitated chalk, French chalk, red chalk, and all other chalk preparations which are not specially enumerated or provided for in this act	20.00
Chromic acid	15.00
Cobalt, oxide of	20.00
Potash, hydriodate, iodide, and iodate of	16.18
Soda ash	23.03
All coal-tar colors or dyes by whatever name known and not specifically enumerated or provided for in this act	35.00
The pigment known as bone black, and ivory drop black, and bone char	25.00
Ocher ochery earths, umber and umber earths, and sienna and sienna earths when ground in oil	10.65
All preparations known as essential oils, expressed oils, distilled oils, rendered oils (except olive oil, salad oil, whale oil, seal oil, and neat's-foot oil) alkalies, alkaloids, and all combinations of any of the foregoing and all chemical compounds and salts, by whatever name known, n. o. p.	25.00
All earths or clays, wrought or manufactured, n. o. p.	24.29
Alcoholic preparations:	
Alcoholic perfumery, including cologne water	63.25
Distilled spirits, containing 50 per cent. of anhydrous alcohol	$64.61
Alcohol, containing 94 per cent. of anhydrous alcohol	171.85
Alcoholic compounds, n. o. p.	61.89
Chloroform	41.67
Collodion, and all compounds of pyroxyline, by whatever name known	5.17
Rolled or in sheets, but not made up into articles	11.43
When in finished or partly finished articles	31.54
Ether, sulphuric	47.50
Hoffman's anodyne	
Iodoform	57.32
Ether, nitrous, spirits of	60.00
Santonine	174.36
Amylic acohol, or fusel oil	10.00
Oil of cognac, or œnanthic ether	533.33
Fruit ethers, oils, or essences	229.40
Oil or essence of rum	400.00
Ethers of all kinds, n. o. p.	61.62
Coloring for brandy	50.00
Preparations:	
All medicinal preparations, known as essences, ethers, extracts, mixtures, spirits, tinctures and medicated wines, of which alcohol is a component part, n. o. p.	207.12
Varnishes of all kinds	40.00
Spirit varnishes	95.30
Opium, prepared for smoking and all other preparations of opium not specially enumerated or provided for in this act	110.92
Opium, aqueous extract of, for medicinal uses, and tincture of, as laudanum and all liquid preparations of opium not specially enumerated or provided for in this act	40.00
SCHEDULE B.—EARTHENWARE AND GLASSWARE.	
Stoneware, above the capacity of ten gallons	20.00
Fire-brick, and roofing and paving tile, n. o. p.	20.00
Roofing slates	25.00
Green and colored glass bottles, vials, demijohns, and carboys covered or uncovered, pickle or preserve jars, and other plain, molded, or pressed green and colored bottled glass, not cut, engraved, or painted, n. o. p.	56.54
If filled, and not otherwise in this act provided for	56.54
Flint and lime glass bottles and vials and other plain, molded, or pressed flint or lime glassware, n. o. p.	40.00
If filled, and not otherwise in this act provided for, said articles shall pay exclusive of contents, in addition to the duty on the articles	40.00
Articles of glass, cut, engraved, painted, colored, printed, stained, silvered, or gilded, not including plate-glass (except German looking-glass plates made of blown glass and silvered)	45.00

A large number of articles in which no change of rate is made between the present and the proposed tariff—Continued.

Articles.	Tariff tax on each $100 worth under the present law and the Mills bill.
SCHEDULE B.—EARTHENWARE AND GLASSWARE—continued.	
All glass bottles and decanters, and other like vessels of glass shall, if filled, pay the same rates of duty in addition to any duty chargeable on the contents, as if not filled, except as in this act otherwise specially provided for.	
Cylinder and crown glass, polished, not exceeding 10x15 inches square	$7.28
Above that and not exceeding 16x24 inches square	16.79
Above that and not exceeding 24x30 inches square	18.90
Above that and not exceeding 24x60 inches square	61.59
Unpolished cylinder, crown, and common window glass not exceeding 10x15 inches square	60.71
Fluted, rolled, or rough plate glass, not exceeding 10x15 inches square	14.16
Above that and not exceeding 16x24 inches square	23.88
Above that and not exceeding 24x30 inches square	27.63
All above that	49.45
Cast polished plate glass, unsilvered, not exceeding 10x15 inches square	17.30
Above that and not exceeding 16x24 inches square	20.15
Above that and not exceeding 24x30 inches square	31.56
Above that and not exceeding 24x60 inches square	78.40
All above that	152.91
Cast polished plate glass, silvered or looking-glass plates, not exceeding 10x15 inches square	10.85
Above that and not exceeding 16x24 inches square	18.44
Above that and not exceeding 24x30 inches square	27.57
But no looking-glass plates or plate glass silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall be liable to pay in addition thereto 30 per cent. ad valorem.	
SCHEDULE C.—METALS.	
Iron ore, including manganiferous iron ore, also the dross or residuum from burnt pyrites	41.16
Sulphur ore, as pyrites or sulphuret of iron in its natural state containing not more than 3½ per cent. of copper	25.04
Provided, That ore containing more than 2 per cent. of copper shall pay in addition thereto 2½ cents per pound for the copper contained therein,	
Spiegel-eisen, wrought and cast scrap iron, and scrap steel	30.34
But nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel that has been in actual use and is fit only to be manufactured.	
Bar iron, rolled or hammered, comprising round iron not less than three-fourths of one inch in diameter, and square iron not less than three-fourths of one inch square	48.16
Provided, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars and more advanced than pig-iron, except castings, shall be rated as iron in bars, and pay a duty accordingly; and none of the above iron shall pay a less rate of duty than 35 per cent. ad valorem.	
Boiler or other iron, sheared or unsheared, skelp iron, sheared or rolled in grooves	31.01
Sheet iron thinner than No. 29 wire gauge	30.00
Sheet iron or steel, galvanized or coated with zinc or spelter, { thinner than 25 wire gauge	{ 78.55 / 41.60
Polished, planished or glanced sheet iron, or sheet steel by whatever name designated	36.09
Provided, That plate or sheet or taggers iron by whatever name designated, other than the polished, planished, or glanced herein provided for, which has been pickled or cleaned by acid or by any other material or process and which is cold rolled, shall pay one-quarter cent per pound more duty than the corresponding gauges of common or black sheet or taggers iron.	
Corrugated or crimped sheet iron or steel	25.00
Hoop, or band or scroll, or other iron, 8 inches or less in width and not thinner than No. 10 wire gauge	39.00
Provided, That all articles not specially enumerated or provided for in this act, whether wholly or partly manufactured, made from sheet, plate, hoop, band, or scroll iron herein provided for, or of which such sheet, plate, band, or scroll iron shall be the material of chief value, shall pay one-fourth of one cent per pound more duty than that imposed on the iron from which they are made or which shall be such material of chief value.	
Cast-iron vessels, plates, stove-plates, and irons, sadirons, tailors' irons, hatters' irons, and castings of iron n. o. p.	80.78
Malleable iron castings not specially enumerated or provided for in this act	25.04
Forgings of iron and steel or forged iron, of whatever shape or in whatever stage of manufacture not specially enumerated or provided for in this act	62.29
Wrought-iron or steel tubes or pipes, other than boiler	20.12
Crosscut-saws	12.86
Mill-pit and drag saws not over 9 inches wide	22.50
Over 9 inches wide (none imported in 1886 or 1887).	
Circular saws	30.00
Steel ingots, cogged ingots, blooms, slabs, by whatever process made, dye-blocks or blanks, billets and bars and tapered or beveled bars, bands, hoops, strips and sheets of all gauges and widths, plates of all thicknesses and widths, steamer cranks and other shafts, wrist or crank pins, connecting-rods and piston-rods, pressed, sheared, or stamped shapes, or blanks of sheet or plate steel or combination of steel and iron punched or not punched, hammer molds or swaged steel, gun molds, not in bars, alloys used as substitutes for steel tools; all descriptions and shapes of drys and loam or iron molded steel castings; all of the above classes of steel not specially provided for in this act, valued at 4 cents a pound or less	45.00
Above 4 cents a pound and not above 7 cents a pound	34.87

A large number of articles in which no change of rate is made between the present and the proposed tariff—Continued.

Articles.	Tariff tax on each $100 worth under the present law and the Mills bill.
SCHEDULE C.—METALS—continued.	
Steel ingots, cogged ingots, blooms, etc.—continued:	
Valued above 7 cents a pound and not above 10 cents per pound	$29.96
Above 10 cents per pound	3½ per pound... 18.30
Provided, That on all iron or steel bars, rods, strips, or steel sheets of whatever shape, and on all iron or steel bars of irregular shape or section, cold rolled, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-fourth of a cent per pound in addition to the rates provided in this act; and on steel circular saw plates there shall be paid 1 cent per pound in addition to the rate provided in this act.	
Iron or steel rivet, screw, nail, and fence wire, rods, round in coils and loops not lighter than No. 5 wire gauge, valued at 3½ cents or less per pound	31.47
Screws, commonly called wood-screws, 2 inches or over in length.	26.17
One inch and less than 2 inches in length	61.17
Over one-half inch and less than 1 inch in length	54.05
One-half inch and less in length	44.59
Iron or steel wire smaller than No. 5 and not smaller than No. 10 wire gauge	26.34
Smaller than No. 10 and not smaller than No. 16 wire gauge	45.04
Smaller than No. 16 and not smaller than No. 26 wire gauge	38.26
Smaller than No. 26 wire gauge	6.80
Provided, That iron or steel wire, covered with cotton, silk, or other material, and wire commonly known as crinoline, corset, and hat wire, shall pay 4 cents per pound in addition to the foregoing rates: *And provided further*, That no article made from iron or steel wire, or of which steel or iron is a component part of chief value, shall pay a less rate of duty than the iron or steel wire from which it is made, wholly or in part: *And provided further*, That iron or steel wire cloths and iron or steel wire nettings, made in meshes of any form, shall pay a duty equal in amount to that imposed on iron or steel wire of the same gauge, and 2 cents a pound in addition thereto. There shall be paid on galvanized iron or steel wire (except fence wire) one-half of 1 cent per pound in addition to the rate imposed on the wire of which it is made. On iron wire rope and iron wire strand, 1 cent per pound in addition to the rates imposed on the wire of which it is made. On steel wire rope and wire strand, 2 cents per pound in addition to the rates imposed on the wire of which it is made.	
The Mills bill adds the following provision:	
Iron and steel wire and iron and steel wire galvanized, and all manufacture of iron and steel wire and of iron and steel wire galvanized, shall pay the duties now provided by law: *Provided*, That no such duty shall be in excess of 60 per cent. ad valorem. Steel not specially enumerated or provided for in this act	45.00
Argentine Albata, or German silver unmanufactured	25.00
All composition metal of which copper is a component material of chief value n. o. p	13.83
All manufactures of copper or of which copper shall be a component of chief value not specially enumerated or provided for in this act	35.00
Brass, in bars or pig, old brass, and clippings from brass or Dutch metal	13.90 / 8.76
Nickel, nickel oxide alloy of any kind in which nickel is the element of chief value	30.73
Bronze powder	15.00
Cutlery, n. o. p	35.00
Dutch or bronze metal in leaf	10.00
Steel plates, engraved, stereotype plates	25.00
Gold leaf	28.17
Muskets, rifles, and other fire-arms, n. o. p	25.00
All sporting breech-loading shotguns, and pistols of all kinds	35.00
Forged shotgun-barrels, rough-bored	10.00
Pen-knives, pocket-knives of all kinds, and razors	50.00
Swords, sword-blades, and side-arms	35.00
Pen-holders' tips and pen-holders or parts thereof	30.00
Pins, solid head or other	30.00
Britannia-ware and plaited and gilt articles and wares of all kinds	35.00
Silver leaf	19.57
SCHEDULE D.—WOOD AND WOODEN-WARES.	
When lumber of any sort is planed or finished in addition to the rates herein provided there shall be levied and paid for each side so planed or finished 50 cents per 1,000 feet, board measure	7.00
And if planed on one side and tongued and grooved, $1 per 1,000 feet, board measure	7.00
And if planed on two sides and tongued and grooved, $1.50 per 1,000 feet, board measure	7.00
The Mills bill adds the following provisions:	
That if any export duty is laid upon the above-mentioned articles or either of them by any country whence imported, all said articles imported from said country shall be subject to duty as now provided by law.	
House and cabinet furniture in piece or rough and not finished	30.00
Casks and barrels, empty, sugar-boxes, shooks and packing-boxes, and packing-box shooks of wood, not specially enumerated or provided for in this act	30.00
SCHEDULE E.—SUGAR.	
The Mills bill adds the following provisions:	
Provided, That if an export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty as provided by law at the date of the passage of this act.	
Sugar candy, not colored	59.29

A large number of articles in which no change of rate is made between the present and the proposed tariff—Continued.

Articles.	Tariff tax on each $100 worth under the present law and the Mills bill.
SCHEDULE F.—TOBACCO.	
Cigars, cigarettes, and cheroots of all kinds, paper cigars and cigarettes, including wrappers	$107.94 / 134.87
Leaf-tobacco, of which 85 per cent. is of the requisite size and of the necessary fineness of texture to be suitable for wrappers and of which more than one hundred leaves are required to weigh a pound, if not stemmed	81.57
If stemmed. None imported in 1887.	
All tobacco in leaf, unmanufactured and not stemmed	71.17
Tobacco stems	113.23
Tobacco, manufactured, of all descriptions, and stemmed tobacco not specially enumerated or provided for in this act	30.00
Snuff or snuff-flour, manufactured of tobacco ground, dry or damp and pickled, scented and otherwise, of all descriptions	150.04
Tobacco, unmanufactured, n. o. p	30.00
SCHEDULE G.—PROVISIONS.	
Animals, live	20.00
Meat, extract of	20.00
Cheese	30.14
Butter and substitutes therefor	24.78
Lard	18.91
Wheat	17.16
Rye and barley	16.80
Barley, pearled, patent, or hulled	4.23
Barley, malt, per bushel of 34 pounds	27.38
Indian corn or maize	17.98
Oats	29.51
Cornmeal	15.98
Oatmeal	12.17
Rye flour	20.00
Wheat flour	19.89
Hay	51.38
Hops	42.64
Milk, preserved or condensed	20.00
Fish:	
Mackerel	23.03
Herrings, pickled or salted	14.32
Salmon, pickled	13.68
Other fish, pickled, in barrels	30.07
Foreign-caught fish, imported otherwise than in barrels or half-barrels, whether fresh, smoked, dried, salted, or pickled, n. o. p	17.94
Anchovies and sardines, packed in oil or otherwise, in tin boxes measuring not more than 5 inches long, 4 inches wide, and 3½ inches deep	26.95
In half boxes measuring not more than 5 inches long, 4 inches wide, and 1½ inches deep	21.76
In quarter boxes measuring not more than 4½ inches long, 3½ inches wide, and 1½ inches deep, 2½ cents each	29.14
When imported in any other form	40.00
Fish preserved in oil, except anchovies and sardines	30.00
Salmon and all other fish, prepared or preserved, and prepared meats of all kinds, n. o. p	25.00
Pickles and sauces of all kinds, n. o. p	35.00
Potatoes, 15 cents per bushel, amounting upon the importation of 1887 to	39.58
Vegetables, prepared or preserved, of all kinds, n. o. p	30.00
Vinegar	36.56
Chocolate	7.67
Fruits:	
Oranges—	
In boxes of capacity not exceeding 2½ cubic feet	22.72
In one-half boxes, capacity not exceeding 1½ cubic feet	20.43
In barrels, capacity not exceeding that of the 196-pound flour barrel	24.28
Lemons—	
In boxes of capacity not exceeding 2½ cubic feet	16.15
In one-half boxes, capacity not exceeding 1½ cubic feet	16.80
In bulk	38.00
Lemons and oranges, in packages, n. o. p	20.00
Limes and grapes	20.00
Fruits preserved in their own juices and fruit juice	20.00
Comfits, sweetmeats, or fruits preserved in sugar, spirits, sirup or molasses, not otherwise specified or provided for in this act, and jellies of all kinds	35.00
Nuts:	
Almonds, shelled	50.58
Filberts and walnuts of all kinds	54.79
Nuts of all kinds, shelled or unshelled, n. o. p	44.38
SCHEDULE H.—LIQUORS.	
Champagnes and all other sparkling wines:	
In bottles containing each not more than 1 quart and more than 1 pint	54.76
Containing not more than 1 pint and more than one-half pint	50.00
Containing one-half pint each or less	51.48
In bottles containing more than 1 quart each in addition to $7 per dozen bottles; $2.25 per gallon excess	71.57
Still wines:	
In casks	29.36
In bottles, $1.60 per case of one dozen bottles, containing each not more than 1 quart and more than 1 pint, or twenty-four bottles containing each not more than 1 pint; and any excess beyond these quantities found in such bottles shall be subject to a duty of 5 cents per pint or fractional part thereof, but no separate duty shall be collected on the bottles.	

A large number of articles in which no change of rate is made between the present and the proposed tariff—Continued.

Articles.	Tariff tax on each $100 worth under the present law and the Mills bill.
SCHEDULE H.—LIQUORS—continued.	
Vermuth, the same duty as on still wines	$77.63
	57.38
Wines, brandy, and other spirituous liquors, imported in bottle, shall be packed in packages containing not less than one dozen bottles in each package, and all such bottles, except as specially enumerated or provided for in this act, shall pay an additional duty of 3 cents for each bottle.	
Brandy and other spirits manufactured or distilled from grain or other materials, and not specially enumerated or provided for in this act, $2 per proof gallon	80.67
On all compounds or preparations of which distilled spirits are component part of chief value, n. o. p., there shall be levied a duty of not less than that imposed upon distilled spirits.	
Cordials, liqueurs, arrack, absinthe, kirschwasser, ratafia, and other similar spirituous beverages or bitters containing spirits, n. o. p., $2 per proof gallon	85.86
Bay-rum or bay-water, whether distilled or compounded, $1 per gallon of first proof, and in proportion, for any greater strength than first proof	156.39
Ale, porter, and beer, in bottles or jugs of glass, stone, or earthenware, 35 cents per gallon	41.53
Otherwise than in bottles or jugs of glass, stone, or earthenware	63.32
Ginger ale, or ginger beer	20.00
But no separate or additional duty shall be collected on bottles or jugs containing the same.	
SCHEDULE I.—COTTON AND COTTON GOODS.	
On stockings, hose, half-hose, shirts, and drawers, and all goods made on knitting machines or frames, composed wholly of cotton, and not herein otherwise provided for	40.00
On stockings, half-hose, shirts, and drawers, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, and composed wholly of cotton	35.00
Cotton cords, braids, gimps, galloons, webbing, goring, suspenders, braces, and all manufactures of cotton, n. o. p., and corsets of whatever material composed	35.00
Cotton laces, embroideries, insertings, trimmings, lace window curtains, cotton and damask, hemmed handkerchiefs, and cotton velvet	40.00
Cuffs, collars, shirts and other manufactures of wearing apparel, made in whole or in part of linen, n. o. p., and hydraulic hose	35.00
Flax or linen laces and insertings, embroideries, or manufactures of linen, if embroidered or tamboured in the loom or otherwise, by machinery or with the needle or other process, n. o. p.	30.00
Seines and seine gilling twine	25.00
SCHEDULE K.—WOOL AND WOOLENS.	
Hemp and jute carpeting, 6 cents per square yard:	
Carpets and carpetings, of wool, flax, or cotton, or parts of either or other material not herein specified	40.00
All other mats not exclusively of vegetable material, rugs, screens, covers, hassocks	40.00
SCHEDULE L.—SILK AND SILK GOODS.	
Silk, partially manufactured from cocoons or from waste silk, and not further advanced or manufactured than carded or combed silk, 50 cents per pound	19.08
Thrown silk in gum, not more advanced than singles, tram, organzine, sewing-silk, twist, floss in the gum, and spun silk, silk threads, or yarns of every description, purified or dyed	30.00
On lastings, mohair cloth, silk twist, or other manufactures of cloth, woven or made in patterns of such size, shape, or form or cut in such manner as to be fit for buttons exclusively	10.00
All goods, wares, and merchandise, n. o. p., made of silk or of which silk is the component material of chief value	50.00
SCHEDULE M.—BOOKS, PAPERS, ETC.	
Books, pamphlets, printed in English, bound or unbound, and all printed matter, n. o. p., engravings, bound or unbound, etchings, illustrated books, maps, and charts	25.00
The Mills bill alters as follows:	
Bibles, books, and pamphlets, printed in other languages than English, and books and pamphlets and all publications of foreign governments, and publications of foreign societies, historical or scientific, printed for gratuitous distribution	Free list.
Blank-books, bound or unbound, and blank-books for press copying	20.00
Paper, manufactures of, or of which paper is a component material, n. o. p	15.00
Sheathing paper	10.00
Paper hangings and paper for screens or fire-boards, paper antiquarian, demy, drawing, elephant, foolscap, imperial, letter, note, and all other paper, n. o. p	25.00
Pulp, dried, for paper-makers' use	10.00
SCHEDULE N.—SUNDRIES.	
Alabaster and spar stationery and ornaments	10.00
Baskets and all other articles composed of grass, osier, palm-leaf, whalebone, or willow, or straw, n. o. p.	30.00

A large number of articles in which no change of rate is made between the present and the proposed tariff—Continued.

Articles.	Tariff tax on each $100 worth under the present law and the Mills bill.
SCHEDULE N.—SUNDRIES—continued.	
Bladders, manufactures of	$25.00
Bone, horn, ivory, or vegetable ivory, all manufactures of, n. o. p.	30.00
Bonnets, hats, and hoods for men, women, and children, composed of chip, grass, palm-leaf, willow, or straw, or any other vegetable substance, hair, whalebone, or other material, n. o. p.	30.00
Bouillons, or cannetille, metal threads, file or gespinst	25.00
Burr-stones, manufactured or bound up into mill-stones	20.00
Buttons and button-molds, n. o. p., not including brass, gilt, or silk buttons	25.00
Candles and tapers of all kinds	20.00
Card-cases, pocket-books, shell boxes, and all similar articles, of whatever material composed and by whatever name known, n. o. p.	35.00
Chronometers, box or ship's, and parts thereof	10.00
Clocks and parts of clocks	30.00
Coach and harness furniture of all kinds, saddlery, coach and harness hardware, silver-plated, brass, brass-plated, or covered, common tinned, burnished or japanned, n. o. p.	35.00
Coal:	
Slack or culm, such as will pass through a half-inch screen	39.86
Bituminous, and shale	24.31
Coke	20.00
Combs of all kinds	30.00
Compositions of glass or paste, when not set	10.00
Coral, cut, manufactured, or set	25.00
Corks and cork-bark, manufactured	25.00
Crayons of all kinds	20.00
Dice, draughts, chessmen, chess-balls, billiard and bagatelle balls, of ivory or bone	50.00
Emery grains and emery, manufactured, ground, pulverized, or refined	24.58
Epaulets, galloons, laces, knots, stars, tassels, and wings, of gold, silver, or other metal	20.00
Fire-crackers of all kinds	100.00
Floor matting and floor mats exclusively of vegetable substances	20.00
Fulminates, fulminating powders, and all like articles, n. o. p.	30.00
Fur, articles made of, n. o. p.	30.00
Gunpowder and all explosive substances used for mining, blasting, artillery or sporting purposes:	
When valued at 20 cents or less per pound	34.13
Valued at 20 cents per pound	8.46
Hair-cloth known as "crinoline cloth," and all other manufactures of hair, n. o. p.	30.00
Hair-cloth known as "hair seating"	24.01
Hair pencils	30.00
Hats, materials for, braids, plaits, flats, willow sheets and squares, used for making or ornamenting hats, bonnets, and hoods, composed of straw, chip, grass, palm-leaf, willow, hair, whalebone, or any vegetable substance or material, n. o. p	20.00
Hatters' furs, not on the skin, and dressed furs on the skin	20.00
India-rubber fabrics, composed wholly or in part of India-rubber, n. o. p.	30.00
Articles composed of India-rubber, n. o. p.	25.00
India-rubber boots and shoes	25.00
Jet, manufactures and imitations of	25.00
Jewelry of all kinds	25.00
Leather, bend or belting leather, and Spanish or other sole leather, and leather, n. o. p.	15.00
Calfskins, tanned, or tanned and dressed, and dressed upper leather of all other kinds, and skins dressed and finished of all kinds, n. o. p., and skins of morocco, finished	20.00
Skins for morocco, tanned, but unfinished	10.00
All manufactures and articles of leather, or of which leather shall be a component part, n. o. p.	30.00
Lime	10.00
Linseed or flaxseed	19.87
But no drawback shall be allowed on oil-cake made from imported seed.	
Musical instruments of all kinds	25.00
Painting in oil or water colors, and statuary, n. o. p.	30.00
Pencils of wood, filled with lead or other material, and pencils of lead	56.18
Pencil leads not in wood	10.00
Pipes, pipe-bowls, and all smokers' articles whatsoever, n. o. p.	70.00
All common pipes of clay	35.00
Plaster of Paris, when ground or calcined	20.00
Playing-cards	100.00
Polishing powders of every description, by whatever name known, including Frankfort black, and Berlin, Chinese, fig, and wash blue	20.00
Precious stones of all kinds	10.00
Scagliola and composition tops for tables, or for other articles of furniture	35.00
Sealing-wax	20.00
Shells, whole or parts of, manufactured, of every description, n. o. p.	25.00
Stones, freestone, granite, sandstone, and all building or monumental stone, hewn, dressed or polished, except marble, n. o. p.	20.00
Teeth, manufactured	20.00
Umbrellas, parasols, and sunshades, frames, and sticks for, finished or unfinished, n. o. p.	30.00
Watches, watch-cases, watch movements, parts of watches, watch glasses, and watch keys, and watch materials, n. o. p.	25.00

Mr. PLATT. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 27, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September* 26, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. A. PRICE, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

GENERAL WILLIAM F. SMITH.

The SPEAKER *pro tempore*. The Chair will lay before the House the bill H. R. 9396 with a Senate amendment, for the relief of General William F. Smith.

Mr. TOWNSHEND. I ask non-concurrence in the Senate amendment, and that a conference be asked.

Mr. ROGERS. A parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROGERS. What is the bill?

The SPEAKER *pro tempore*. The Clerk will again report the title of the bill.

The title of the bill was again reported.

Mr. MCMILLIN. What rank does the bill give?

Mr. TOWNSHEND. It gives him the rank of major; and we will agree upon that.

Mr. MCMILLIN. It is one of those cases where they take a man from private life and promote him.

Mr. HOPKINS, of Illinois. What is the amendment?

The Clerk read the amendment, as follows:

In line 2 strike out "colonel" and insert "major of Engineers."

Mr. HOPKINS, of Illinois. I move to agree to the Senate amendment.

Mr. TOWNSHEND. I will accept the amendment.

Mr. MCMILLIN. If that course is to be taken, I will object to the present consideration.

Mr. TOWNSHEND. It simply reduces the rank.

Mr. MCMILLIN. I understand.

Mr. TOWNSHEND. Then I ask that it go to conference.

The SPEAKER *pro tempore*. Is there objection to the request to non-concur in the Senate amendment, and that a conference be asked?

Mr. CARLTON. I object.

Mr. TOWNSHEND. Then I ask that the bill be retained on the Speaker's table.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FRENCH, for two days, on account of important business.

To Mr. PUGSLEY, indefinitely, on account of important business.

To Mr. STEWART, of Georgia, indefinitely, on account of sickness in his family.

To Mr. ATKINSON, indefinitely, on account of important business.

To Mr. ALLEN, of Michigan, on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FORNEY. I desire to present the report of the committee of conference on the sundry civil bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 110 to the bill (H. R. 10540) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted, insert the following:

"For the building for the Library of Congress as herein provided for, and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary for the work and shall specially order, $500,000. This appropriation, and all appropriations hereafter made, and all sums available from appropriations heretofore made for this purpose, shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and so much of the act entitled 'An act authorizing the construction of a building for the accommodation of the Congressional Library,' approved April 15, 1886, as requires the construction of said building substantially according to the plan submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress by John L. Smithmeyer, and so much of the first section as provides for a commission, together with the eighth section of said act, be, and the same are hereby, repealed, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, who shall annually report to Congress, at the commencement of each session, a detailed statement of all the proceedings under the provisions of this act, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library except such as is herein provided for, and all contracts for work or materials not necessary for the execution of the work contemplated herein are hereby rescinded. And all loss or damage occasioned thereby, or arising under said contracts, together with the value of the plan for a Library building submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress by John L. Smithmeyer in the Italian renaissance style of architecture, may be adjusted and determined by the Secretary of the Interior, to be paid out of the sums heretofore or hereby appropriated: *Provided*, That before any further contracts are let for the construction of said building, general plans for the entire construction thereof shall be prepared by or under the direction of the Chief of Engineers of the Army, which plans shall be subject to the inspection and approval of the Secretary of War and the Secretary of the Interior: *And provided further*, That the total cost of said building shall not exceed $4,000,000 exclusive of appropriations heretofore made."

And the Senate agree to the same.

WM. H. FORNEY,
JAMES N. BURNES,
THOS. RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 110 to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year 1889, in explanation of the action agreed upon and submitted in the accompanying conference report, respectfully state:

That the agreement reached by the conferees is set forth in full in the conference report.

WM. H. FORNEY,
JAS. N. BURNES,
THOS. RYAN,
Managers on the part of the House.

Mr. FORNEY was recognized.

Mr. CHEADLE. Mr. Speaker, I rise for the purpose of making a request in reference to the consideration of this report.

Mr. FORNEY. I yield to the gentleman for that purpose.

Mr. CHEADLE. I ask the gentleman in charge of this report to let its consideration go over until to-morrow morning. I am informed by a friend of the senior Senator from the State of Indiana [Mr. VOORHEES], who is absent from the city, that he will arrive here to-day. From the inception of this whole matter he has been chairman of the committee at the other end of the Capitol that has had it in charge, and has been very much interested in the subject, and he desires to be heard before a final conference report is agreed upon. I understand that if the House now agrees to this report the same report will be made in the Senate, and in view of what I have stated I ask that the consideration of the report be postponed until to-morrow morning after the reading of the Journal.

Mr. FORNEY. The Senate has not agreed to this report. It must be acted upon here first.

Mr. CHEADLE. Of course the Senate as a body has not agreed to it, but the Senate conference committee has.

Mr. ROGERS. I ask the gentleman from Alabama to yield to me for a moment.

Mr. FORNEY. I yield to the gentleman.

Mr. ROGERS. Mr. Speaker, this report is not in print, and it occurs to me that a matter of such grave importance ought to be considered with the report in print before the eyes of members. I have only heard it casually read, but there are serious objections to it, so far as I am concerned, which I would be unable to present with any degree of perspicuity or force without having an opportunity to analyze the report and compare it with the provisions of the statute now in force. Therefore I think that as a matter of justice, as a matter of right, as a matter of intelligent legislation, this report ought to be printed in the RECORD and permitted to lie over for one day, so that members may have an opportunity to examine it. There is no pressure upon us now, and I hope the gentleman from Alabama will consent to let the consideration of the report lie over until to-morrow, having it printed in the RECORD in the mean time.

Mr. FORNEY. I have no objection to its going over until to-morrow, but I trust that we shall get through with this matter some time or other. I know that we are not in a condition now to force it through, so I am willing to consent that it shall go over.

Mr. WHEELER. Mr. Speaker, the sundry civil is one of the most important of our appropriation bills, and I think it is quite time for some member of the House to express his most emphatic disapproval of the action of those who have delayed its passage to this late period of the session. The committee who have had the bill in charge have certainly done their duty, but they have met with hinderances and delays at every step.

I can not concur with the gentlemen who think the postponement of the proposed amendment is at all necessary to its intelligent consideration. The matter has been discussed over and over again for months, and the amendment has been printed in nearly all to-day's papers of this and other cities, and has certainly been read by every one anxious to inform himself upon the subject.

Notwithstanding my conviction that further delay is unnecessary, I shall not object to granting the indulgence requested by the gentleman from Arkansas [Mr. ROGERS]. I shall not, therefore, oppose the suggestion that action be deferred until to-morrow, but I take this opportunity to state that I shall then insist upon the consideration of this question without interruption until it is finally disposed of. I am

not willing that it be carried over from day to day so as to jeopardize the continued prosecution of the work.

Every one who has had anything to do with public works will admit that temporary stoppages or delays consequent upon the failure of Congress to make appropriations is invariably followed by loss. The trained workmen who understand the work are scattered, and the unfinished portion of the work deteriorates.

Congress has started to build a Library, and must eventually push it to completion. No one in the House has yet suggested, or will now suggest, the abandonment of the undertaking, and all practical men will agree that the most economical course to pursue is to finish it with the least avoidable delay.

I believe we paid about $580,000 for the site. We then appropriated $500,000 with which to lay the foundation and commence the erection of the building.

I have examined into the matter, and find that the expenditures up to this time have been as I will read:

EXPENDED.

Clearing grounds, removing buildings, etc.:		
Contracts	$2,717.50	
Labor on rolls	10,567.43	
		$13,284.93
Grading and terracing		8,533.98
Miscellaneous: Labor, laying out lines, testing ground, water-boys, etc		2,984.35
Shops, sheds, fence, etc.:		
Contract for fence	$3,500.00	
Labor, etc., on other buildings	2,051.04	
		5,551.04
Miscellaneous tools and appliances for laborers, etc		3,180.87
Drainage:		
Paid on contract	$8,046.61	
Labor on rolls	2,889.02	
		10,935.63
Water supply		2,368.49
Excavating cellar, contract		10,852.93
Foundation work:		
Trenches, on contract	$4,481.49	
Trenches, labor on rolls	351.49	
	$4,830.98	
Concrete, on contract	28,810.08	
Labor on vouchers, etc	2,142.32	
	30,952.40	
		35,783.38
Stone for cellar and basement:		
On contracts	14,400.00	
Labor on rolls, etc	1,630.29	
		16,030.29
Broken stone		249.51
For terra-cotta pipe, contract		1,068.64
Office and miscellaneous expenditures:		
Advertisements		1,498.01
Salaries in offices:		
Commissioners' office	$9,996.08	
Architect's office	46,088.10	
		56,084,18
Office expenses:		
Stationery, models, etc	3,641.61	
Office furniture, draughtsmen's tools, etc	4,142.34	
Fitting up offices, attendance, fuel, etc	6,651.18	
		14,435.13
Watchmen		5,369.49
Superintendence on outside work		7,155.01
		195,365.86

This leaves the sum of $304,635 still unexpended, but every dollar of this amount is bound up in contracts which are now being executed. These contracts can not be interfered with, and if Congress, by either its action or inaction, should suspend further work, necessitate the discharge of employés, and leave the undertaking or its supervision in doubt or uncertainty, it is very clear these contracts will be freed from needed scrutiny. I am therefore heartily in favor of continuing the work under the vigilant supervision of General Casey, the present able Chief Engineer of the Army.

The country will certainly rest satisfied that, under his direction, every dollar we appropriate will be expended honestly, judiciously, and to the best possible advantage.

I am as zealous for economy as any member of this House, but I think all practical business men will agree that the important question for us to decide is, not what kind of a building we shall erect, but that we shall so prosecute the business as to secure the full equivalent of every dollar we expend; and there can be no equivalent for the losses which must result from even the briefest suspension of the work upon this important and necessary structure.

Mr. BLOUNT. I do not wish to interfere with the remarks of the gentleman from Alabama [Mr. WHEELER]; but I want to ask his colleague [Mr. FORNEY] whether he intends to proceed with the consideration of the report this morning?

Mr. WHEELER. I had about completed what I wanted to say. I will only repeat that I shall to-morrow insist upon having this matter settled without further delay. If we stop work to discuss among ourselves whether we shall have a building limited in its cost to one amount or another, the result will be that we will finally expend the larger sum and discover that we have a building which should have cost less than the smallest sum which has been suggested.

I therefore desire to impress upon the House the importance of making an appropriation sufficient to continue the work uninterruptedly, and, in conclusion, to say that a failure to do this will certainly entail losses which would far exceed any amount we might hope to save by injudicious efforts to limit expenditure, no matter how excellent the intentions of those who advocate such a course.

Mr. FORNEY. I am perfectly willing to go on with the consideration of the report now, and would prefer to do so; but I am willing to be guided by the wishes of the House in the matter.

Mr. ROGERS. I suggest that the report, with the accompanying explanatory statement, be printed in the RECORD, and that the gentleman let the matter go over until to-morrow. I can not tell with certainty from the mere reading of the report whether or not my objections will be so serious as they appear to me now. I want to avoid, if possible, antagonizing the committee, but I can not tell whether I shall be able to do so until I see the report in print. Therefore I trust that we shall not consume any time upon this subject to-day, but that the gentleman in charge of it will consent that the report be printed and that its consideration shall go over for one day, so that we may see whether we can proceed in the manner proposed without running ourselves into another blunder and raising another public scandal in connection with this matter in the next Congress.

The SPEAKER *pro tempore* It is in the power of the gentleman from Alabama [Mr. FORNEY] to call up the report at any time.

Mr. FORNEY. Then I ask that the report be printed in the RECORD, and that its consideration go over until to-morrow.

Mr. HOLMAN. Mr. Speaker, I wish to make a request in connection with this subject. I have not been able to report to the House the conclusions reached by the committee appointed some time ago to investigate this matter of the Library building on account of not having a quorum of the committee present at the Capitol.

I hope that during the day there will be a quorum of the committee here. The report has been ready for some time. I ask unanimous consent that if during to-day the report can be signed by a majority of the committee it may be printed in the RECORD, so that its contents may be before the House to-morrow.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that if the report from the committee charged with the investigation concerning the erection of the Congressional Library shall be ready for presentation during to-day, it be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

FORFEITURE OF NORTHERN PACIFIC LAND GRANT.

Mr. MCRAE. I rise to make a privileged report. I report back from the Committee on Public Lands the bill which I send to the desk, and ask for its immediate consideration.

The bill was read, as follows:

A bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes.

Be it enacted, etc., That all the lands granted to the Northern Pacific Railroad Company by an act approved July 2, A. D. 1864, except such as are adjacent to and coterminous with road constructed prior to July 4, A. D. 1879, with the right of way through the remainder of the route, including all necessary grounds for station buildings, shops, depots, switches, side-tracks, turn-tables, and excepting also all lands included within the limits of any village, town, or city, be, and the same are hereby, declared forfeited and restored to the public domain, because of the failure of said company to perform the conditions on which the grant was made.

SEC. 2. That the forfeiture herein declared shall not extend to lands adjacent to and coterminous with completed road sold by said company prior to January 1, 1888, to bona fide purchasers for value, but the title to such lands are hereby confirmed to such purchasers, their heirs, or assigns, upon condition that all persons claiming the benefit of this section shall, within one year after the passage of this act, make and file before the register and receiver of the proper land office, subject to an appeal to the Commissioner of the General Land Office, proof of the good faith, consideration, date, and extent of his or her purchase; and after hearing such proofs and investigating each case the register and receiver shall determine whether any alleged purchase was in fact made in good faith, for a good and valuable consideration, prior to January 1, 1888, and shall note the finding in each case on the records of the local land office, and shall thereafter certify the same to the Commissioner of the General Land Office.

SEC. 3. That all settlers upon any of the lands forfeited by this act are hereby permitted and authorized to acquire title to not exceeding 160 acres in each case, as a homestead under and pursuant to the laws relating thereto, and in making final proof of such homestead the settler shall be allowed for the time he has already resided upon and cultivated the same.

Mr. MCRAE. Mr. Speaker, I do not desire to detain the House to discuss this bill unless there is some necessity for it. It is a very important measure, and involves more than 30,000,000 acres of land. I am ready to answer any questions that may be asked touching the bill. The principles involved were very thoroughly discussed during the consideration of the general forfeiture bill that passed some time since, and that I hoped would have become a law before this, but it is now apparent that the conferees on the part of the two Houses will not be able to agree on the general bill, and as the Senate appears disposed to consider each grant separately, the Committee on Public Lands think proper to present this measure, involving the forfeiture of the largest grant ever made in the United States, to be considered independent of any other grants. The bill is just to all concerned. It gives the company all the lands earned in the time fixed in the granting act. It protects fully and completely all bona fide purchasers as well as settlers, and simply takes so much of the grant as is now claimed by the company coterminus with unconstructed road or road built out of time. I move the previous question on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HIGHWAY BRIDGE, LAKE CHAMPLAIN, VERMONT.

Mr. GROUT. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of Senate bill No. 544, and that the same be now considered in the House.

The bill was read, as follows:

A bill (S. 544) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont.

Be it enacted, etc., That the proper authorities of the towns of North Hero and Grand Isle, in the county of Grand Isle, in the State of Vermont, be, and they are hereby, authorized to construct, maintain, and use a highway bridge at a suitable point across the channel which lies between the islands of North Hero and South Hero and between the two towns aforesaid.

SEC. 2. That the structure authorized by the preceding section shall be built and located under and subject to such regulations for the security of navigation of such waters as the Secretary of War shall prescribe, and shall be provided with such suitable and convenient draw as the said Secretary shall deem needful for the proper purposes of navigation, of width not less than that of the draw in the bridge between the towns of Alburgh, and North Hero, Vt.; and the maintenance and management of said structure shall be subject to such of the provisions of section 6 of chapter 52 of the acts of the second session of the Forty-seventh Congress as the Secretary of War may, from time to time, deem needful; and the authority to erect and continue said bridge shall be subject to revocation and modification by law whenever the public good shall, in the judgment of the Secretary of War, so require, without any expense or charge to the United States.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. GROUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOURTH COLLECTION DISTRICT OF VIRGINIA.

Mr. DUNN. I ask unanimous consent to take from the House Calendar for present consideration the bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to amend section 2552 of the Revised Statutes, and to change the boundaries of the fourth collection district of Virginia," approved June 15, 1882, be, and the same is hereby, further amended so that it shall read:

"That the district of Newport News shall comprise all the waters and shores from the point forming the south shore of the mouth of the Rappahannock River, along the coast of the Chesapeake Bay, to Back River light-house; thence to a point south of Old Point Comfort midway in the channel of Hampton Roads; thence in a southwesterly direction to Pig Point light-house; thence along the south shore of the James River to a point on the peninsula formed by the James and York Rivers opposite Williamsburgh, and thence across said peninsula to the south bank of the York River, so as to embrace in said district, in addition to the ports heretofore included, Hampton and Newport News; in which Newport News shall be the port of entry, and Yorktown a port of delivery."

SEC. 2. That section 2 of the said act be, and the same is hereby, amended so as to read:

"SEC. 2. The district of Norfolk and Portsmouth to comprise all the waters and shores within the State of Virginia southward of the district of Newport News, as above described, and not included in the districts of Petersburgh and Richmond; in which Norfolk and Portsmouth shall be the sole ports of entry, and Suffolk and Smithfield the ports of delivery."

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I will ask whether there is a report on this bill from the Secretary of the Treasury.

Mr. DUNN. There is. The bill is recommended by the Secretary of the Treasury; it has been passed by the Senate, and reported favorably by the Committee on Commerce of the House. It creates no new office, and provides for the expenditure of no additional money. Its object is simply to facilitate business in this collection district.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, House bill No. 1890, similar in purport to the Senate bill just passed, will lie on the table.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. LEHLBACH. I ask unanimous consent for the present consideration of Senate bill No. 599.

Mr. ABBOTT. I call for the regular order.

Mr. HOLMAN. I rise to a privileged question. At the adjournment of the House on the day before yesterday there was pending a bill of which I hope the title will be read.

The SPEAKER *pro tempore*. The gentleman will suspend a moment while a message from the Senate is received.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate has concurred in the amendments of the House to bills of the following titles:

A bill (S. 1500) granting a pension to Margaret M. Miller; and

A bill (S. 2346) granting increase of pension to Jennie Hart Mullany.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell, of the Black Hawk war;

A bill (H. R. 10934) to authorize the Secretary of the Interior to sell town-site maps or plats remaining on hand in his office;

A bill (H. R. 11101) to include Sapelo Sound, Sapelo River, and Sapelo Island in the Brunswick collection district of the State of Georgia;

A bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor; and

Joint resolution (H. Res. 225) to continue the provisions of existing law providing temporarily for the expenditures of the Government.

The message also announced that the Senate had agreed to the reports of the committees of conference on bills of the following titles:

A bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond Du Lac military reservation in the State of Minnesota; and

A bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3460) to appropriate $10,000 for the completion of the monument commemorating the surrender of Burgoyne at Saratoga; and

A bill (S. 3559) to amend section 2304 of the Revised Statutes of the United States to allow persons who have abandoned or relinquished their homestead entries to make another entry.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER *pro tempore*. The Chair will lay before the House the following appropriation bill, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes.

Mr. BURNES. Mr. Speaker, I ask, by unanimous consent, and hope it will meet with the approval of the judgment of the House, to immediately non-concur in the Senate amendments and request a conference on the disagreeing votes of the two Houses.

Mr. BLOUNT. Let me inquire of the gentleman from Missouri, in the first place, how many of these amendments there are, and in the second place, whether any of them involve large sums of money?

Mr. BURNES. There are two items, I believe, which involve two or three hundred thousand dollars.

Mr. BLOUNT. Are they strictly deficiencies?

Mr. BURNES. I think the conferees can act on them as well as the committee itself, and particularly as it is difficult to get a quorum of the committee.

Mr. McMILLIN. I hope the suggestion of the gentleman from Missouri will be carried out, as it will have the effect to expedite our business.

Mr. DUNN. I shall not object, but rise to ask a question. As I have not had an opportunity to examine the Senate amendments which have just been received by the House, I wish to ask the gentleman from Missouri whether they include an amendment creating a land office in what is known as the Public Land Strip, or No Man's Land?

Mr. BURNES. Yes, I think they do. I understand there is a provision attaching No Man's Land to the State of Kansas.

Mr. DUNN. I wish to say here and now that the friends of the Oklahoma bill understand very well the policy of trying to enforce that provision, both in a separate bill and upon appropriation bills. I want to give notice now that I will not consent to the passage of this bill with such an amendment. It is well understood that the whole purpose and object is to defeat the Oklahoma bill, as well perhaps as to boom a town site in the State of Kansas.

Mr. McMILLIN. I will ask, by unanimous consent, that the amendments of the Senate be printed in the RECORD.

The SPEAKER *pro tempore*. Is there objection?

There was no objection, and it was ordered accordingly.

The Senate amendments are as follows:

1. Strike out "To pay J. R. Young, late minister to China, salary from July 1, to September 4. 1885, $2,152.17" and insert: "To pay amounts found due by the accounting officers on account of salaries of ministers, being a deficiency for the fiscal year 1886, $5,661.04."

2. Insert: "Salaries chargés d'affaires *ad interim:* To pay amounts found due by the accounting officers on account of salaries of chargés d'affaires *ad interim* and diplomatic officers abroad, being a deficiency for the fiscal year 1887, $2,053.29."

3. Insert: "Salaries, consular officers not citizens: To pay amounts found due by the accounting officers on account of salaries of consular officers not citizens, being a deficiency for the fiscal year 1886, $2,597.22."

4. Insert: "To pay amounts found due by the accounting officers on account of salaries of consular officers not citizens, being a deficiency for the fiscal year 1887, $2,867.40."

5. Insert: "To pay the balance of compensation due A. B. Keün, vice-consul-general at Teheran, while in charge of the consulate-general of the United States at that place from June 10, 1886, to November 21, 1886, being deficiencies on account of the fiscal years 1886 and 1887, as follows: For the fiscal year 1886, $230.77; for the fiscal year 1887, $1,565.24."

6. Insert: "Contingent expenses United States consulates: To pay amounts found due by the accounting officers on account of contingent expenses of United States consulates, being a deficiency for the fiscal year 1886, $519.44."

7. Insert: "Salaries, consular service: To pay amounts found due by the accounting officers of the Treasury on account of salaries, consular service, being a deficiency for the fiscal year 1887, $650."

8. Insert: "To pay amounts found due by the accounting officers on account of salaries, consular service, being a deficiency for the fiscal year 1886, $2,522.53."

9. Insert: "Allowance for clerks at consulates: To reimburse Robert J. Stevens, United States consul at Victoria, British Columbia, for amount paid for clerk hire at that consulate from May 1, 1884, to March 31, 1886, $400."

10. Insert: "To reimburse B. F. Bonham, United States consul-general at Calcutta, India, for transit pay for twenty days' unavoidable detention at San Francisco by sickness, on his way from his home at Salem, Oregon, to his post of duty at Calcutta, in December, 1885, $271.74."

11. Strike out "$500" and insert "$1,426.89;" so it will read: "$1,426.89."

12. Insert: "Expenses of international monetary conferences: To pay S. Dana Horton for additional services as delegate of the United States to the international monetary conference of 1878, and secretary to the commission in and about the preparation of the document of said conference known as Senate Executive Document No. 58, Forty-fifth Congress, third session, and for additional services as delegate and secretary to the monetary conference of 1881, in and about the preparation of reports of said conference, and for services in said year relating to the proposed monetary conference of 1882, $10,000."

13. Insert: "Salaries, office of depositary at Tucson: For depositary, in addition to his pay as postmaster, $700, being the difference between the amount of salary per annum of this officer, $1,500, under the act of May 8, 1872, creating the office, and the amount appropriated for the fiscal year ending June 30, 1880, $700."

14. Insert: "Wages and contingent expenses, assay office at Boisé City: To reimburse Henry F. Weld, assayer in charge, for amount paid to Kelly & Krebs for subscription to Idaho Statesman one year from December, 1885, $12.

"To reimburse same for amount paid to P. H. Lannan for Daily Tribune from November, 1885, $12.

"To pay Milton Kelly, publisher of Idaho Statesman, for advertising for supplies at Boisé City, May, 1886, $12."

15. Insert: "Government in the Territories."

16. Insert: "Territory of Dakota: For salaries of two additional associate justices of the supreme court of said Territory, provided for by the act approved August 9, 1888, from date of qualification in office, at the rate of $3,000 each per year, being for the service of the fiscal year 1889, $5,000, or so much thereof as may be necessary."

17. Insert: "Territory of New Mexico: For salary of the additional associate justice of the supreme court of said Territory, provided for by the act approved February 28, 1887, from date of qualification in office to June 30, 1887, $841.67."

18. Strike out: "Relief of William Caldwell: To reimburse William Caldwell, as custodian of the custom-house at Cincinnati, Ohio, the amount of a certified check, drawn by Sol. P. Kineon in his favor on the Fidelity National Bank of Cincinnati, which failed before the presentation of said check, for payment as a guaranty for the faithful performance of Kineon of his contracts for furnishing coal to the Government: *Provided*, That any dividends that have been or may be declared on this account shall be covered into the Treasury, $1,811."

19. Insert: "Punishment for violation of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, being a deficiency for the fiscal year 1887, $2,500."

20. Insert: "Court-house and post-office at Louisville, Ky.: For continuation of building, fiscal year 1889, $10,000."

21. Insert: "Court-house, post-office, etc., at Waco, Tex.: To pay the amount found due by the accounting officers of the Treasury to John Moore, contractor, for extra labor and materials supplied and expenses incurred in connection with his contract of August 21, 1886, for the construction of a court-house, post-office, etc., at Waco, Tex., $2,873.88."

22. Insert: "Public building at Concord, N. H.: For fitting up the attic story; for curbing for approaches, and for other incidentals necessary to finish the building, $6,594."

23. Insert: "Payment of judgment to E. W. McLean: For payment of judgment rendered against the collector of customs at San Francisco, Cal., in the circuit court of the United States for the northern district of California, at the suit (No. 4158) of E. W. McLean, brought for the recovery of damages for the alleged wrongful seizure and sale of certain opium which they attempted to export without first paying duty thereon, as required by Department's instructions, together with interest and costs of suit, $3,372."

24. Insert: "For the payment to Samuel H. Robinson for services rendered in connection with the sanitary improvement of the Treasury Department building, in a proper sanitary condition by improved plumbing, sewerage, $595."

25. Insert: "Electoral messengers: For the payment of the messengers of the respective States for carrying to the seat of Government the votes of the electors of said States for President and Vice-President of the United States at the rate of 25 cents for every mile of the estimated distance by the usual road traveled from the place of meeting of the electors to the seat of Government of the United States, computed for one distance only, for the service of fiscal year 1889, $9,000, or so much thereof as may be necessary."

26. Insert: "To enable the Secretary of the Treasury to purchase or construct a steam revenue vessel to be stationed at Key West, Fla., except when otherwise directed by the Secretary, to enforce the quarantine laws against infectious and contagious disease and to prevent smuggling and any other violation of laws of the United States on the coast of Florida and the Gulf of Mexico, $20,000, or so much thereof as may be necessary."

27. Insert: "Fish hatchery, Duluth, Minn.: For the completion of the fish hatchery on Lake Superior, near Duluth, Minn., including its equipment, water supply and the construction at the station of ponds for the cultivation of trout, $4,000."

28. Insert: "Salaries and traveling expenses of agents at seal-fisheries in Alaska: To pay Thomas F. Ryan, late assistant agent at the seal-fisheries in Ala-ka, the amount due him for traveling expenses necessarily incurred in May, 1885, said amount being in excess of the sum appropriated for the traveling expenses of the agency which he filled, and a deficiency for the fiscal year 1885, $266.10."

29. Insert: "Refund to Iselin, Neeser & Co.: To repay to Messrs. Iselin, Neeser & Co. amount of excessive interest collected in error by the United States district attorney at New York in the settlement (without suit) of a claim against said firm for duties on merchandise imported by them, the amount having been covered into the Treasury, $80.96."

30. Insert: "Light-stations."

31. Insert: "Castle Hill light-station, Rhode Island: That the appropriations made for the establishment and completion of a light-house and fog-signal at Castle Hill, entrance to Newport Harbor, Rhode Island, by the acts of August 4, 1886, and March 30, 1888, are hereby made available without condition for the purchase of a suitable site at the entrance of said harbor, and for the erection and completion of the light-house and fog-signal."

32. Insert: "Reimbursement of keepers of light-stations for personal losses: To reimburse the keepers of light-stations at Matagorda, Tex., and Sabine Pass, La., for personal losses incurred by them during the storms of August and October, 1886, $582.75."

33. Insert: "Relief of Maj. Jared A. Smith, United States Army: To enable the proper accounting officers of the Treasury to settle the accounts of Maj. Jared A. Smith, United States Army, late engineer of the fifth and sixth light-house districts, for Mosquito Inlet light-station, Florida, third quarter of 1884, authority is hereby granted for the allowance of the sum of $235.25, being the balance of a payment made by him under authority of the Secretary of the Treasury for expenses incurred in connection with the transportation and interment of the remains of Maj. O. E. Babcock, United States Army, formerly engineer of said districts, and burial of the remains of L. P. Luckey, his clerk, who were drowned while attempting to land on the coast of Florida for the purpose of inspecting the work of constructing the light-house at Mosquito Inlet, Florida."

34. Insert: "Territorial governments."

35. Insert: "Contingent expenses, Territory of Washington."

36. Insert: "To reimburse Eugene Semple, governor of Washington Territory, amount expended by him, as per vouchers submitted, on account of contingent expenses of Territory of Washington for the fiscal year 1887, $64."

37. Under heading "District of Columbia," strike out: "For the redemption of one certificate of indebtedness issued by authority of section 7 of the act of Legislative Assembly, approved June 25, 1873, dated July 1, 1873, of the denomination of $50, with interest at the rate of 8 per cent. per annum, numbered 1371, payable July 1, 1874, $110."

38. Insert: "The average annual salary of teachers in the public schools of the District of Columbia provided for in 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes,' approved July 18, 1888, shall be not to exceed $673.60."

39. Insert: "To supply deficiencies in the appropriations for the fiscal year 1888, as follows: For salaries and contingent expenses, streets, public schools, buildings for schools, courts, miscellaneous expenses, health department, judgments, and water department, $3,010.75, as per estimates submitted by the Secretary of the Treasury August 28, 1888, Senate Executive Document No. 252."

40. Insert: "Buildings and grounds, public schools, District of Columbia: Buildings on lot adjoining Sumner school building: To pay Frank Baldwin for excavating, grading, concreting, and building extra foundation, not included in contract, being for the service of the fiscal year 1888, $973.0 ."

41. Insert: "Employment of special counsel: To enable the commissioners of the District of Columbia to employ and pay special counsel to represent the District of Columbia in the case of Samuel Strong, authorized to be submitted to an arbitration board of three persons to be appointed by the President of the United States under the joint resolution of Congress approved July 10, 1888, $2,500, or so much thereof as may be necessary: one-half of said sum to be paid from the revenues of the District of Columbia and the other half from any moneys in the Treasury not otherwise appropriated."

42. Insert: "Increase of water supply, Washington, D. C.: The time fixed for completing the Washington Aqueduct tunnel, namely, November 1, 1888, as provided in the act entitled "An act to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes," approved March 30, 1888, is hereby extended to June 30, 1889, and all work upon said aqueduct shall be finished by said date, and the Washington Aqueduct tunnel shall then be completed."

43. Insert: "Telegraph to connect the Capitol with the Departments and Government Printing Office: To pay the Standard Underground Cable Company, of Pittsburgh, Pa., for underground electric cables laid in the city of Washington, D. C., in October, 1883, connecting the Capitol, Executive Mansion, State, War, and Navy Departments, and other Government offices, under terms of permit of War Department, dated October 3, 1883, approved October 9, 1883, by H. G. Wright, Chief of Engineers, $15,138.84."

44. Insert: "Manufacture of arms at national armories: To enable the Secretary of War to pay to Paul Butler royalty on 69,628 hook attachments or stacking swivels, at 8 cents each, as per judgment of the Court of Claims, dated June 4, 1888 (numbered 14889), these being the number manufactured by the Government and attached to arms from April 12, 1886, to June 30, 1888, $5,570.24."

45. Strike out "five" and insert "six;" so it will read: "For mileage to officers, when authorized by law, to be disbursed under the limitations prescribed for the appropriation for mileage to officers by the Army appropriation act approved February 9, 1887, $6,000."

46. Strike out "for," so it will read: "For Signal Service transportation, 1884 and prior years, to pay the claim of the Atchison, Topeka and Santa Fé Railroad Company, $3.01."

47. Insert: "To reimburse and pay the Hartford and New York Transportation Company for labor and money expended in removing, in an emergency, obstructions and dredging the Connecticut River in 1886, under the same rules and inspections as the work on said river had been conducted by the United States engineer officers in charge, $2,606.80."

48. Strike out: "For payment on account of Army transportation, 1882 and prior years, as certified to Congress as due by the accounting officers of the Treasury, in House Executive Document No. 19, Fiftieth Congress, first session, namely, to the Hoboken Land Improvement Company of New Jersey, $15,800."

49. Insert: "For payment on account of Army transportation, 1882 and prior years, as certified to Congress as due by the accounting officers of the Treasury in House Executive Document No. 19, Fiftieth Congress, first session, as follows."

50. Insert: "To the Baltimore and Ohio Railroad Company, $32,788.42; to the Hoboken Land Improvement Company, of New Jersey, $15,800; in all, $48,588.48."

51. Insert: "For payment on account of barracks and quarters, 1881 and prior years, to L. A. Von Hoffman and William A. Mertens (trading as R. Von Hoffman & Co.) and William H. Newman, $18,430.56, certified to Congress as due by the accounting officers of the Treasury in House Executive Document No. 19, Fiftieth Congress, first session."

52. Insert: "For transportation of the Army and its supplies: To pay the Pennsylvania Railroad Company and other claimants enumerated in Schedule

C, House Executive Document No. 210, pages 23 and 24, Forty-ninth Congress, first session, the sums severally reported therein, $97,704.57; said sums having heretofore been reported by the Secretary of the Treasury as audited claims, in accordance with the provisions of section 4 of the act of June 14, 1878, and enumerated in House Executive Documents Nos. 55 and 153, Forty-eighth Congress, first session, under 'Transportation of the Army and its supplies.'"

53. Insert: "That the proper accounting officers of the Treasury Department are hereby authorized and directed to credit and allow to Lieut. Col. R. N. Batchelder, deputy quartermaster-general, the voucher for $850 for horses purchased for the use of the War Department on May 15, 1885, and the voucher for $500 for a similar purchase made March 22, 1886, and to charge the same, respectively, to the appropriations for contingencies of the Army for the years 1885 and 1886."

54. Insert: "Rent, etc., Citadel Academy, South Carolina: To pay the amount reported as due by the Secretary of War in pursuance of the joint resolution approved August 14, 1888, to the State of South Carolina for rent of the Citadel Academy at Charleston, S. C., from August 20, 1867, to February 2, 1882, including the sum equitably due to the said State for the loss by fire of the west wing of said building while in the occupation of the United States, $77,250: *Provided*, That this sum shall be accepted in full payment of all claims for rent, wear and tear, and injury to the property by fire, or from any other cause whatever due to the said occupancy by the United States."

55. Insert: "Reimbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities, act June 27, 1882, $11,723.64."

56. Insert: "Contingent expenses, Navy Department: To pay to John Wanamaker for stationery furnished the Navy Department and offices for the fiscal year 1887, $219.58."

57. Insert: "To reimburse the appropriations 'Ordnance and ordnance stores, Bureau of Ordnance, 1886,' $36, and 'contingent, Bureau of Ordnance, 1886,' $3, for amounts erroneously paid therefrom; in all, $39."

58. Insert: "To reimburse the following appropriations for amounts erroneously paid therefrom:

"Construction and repair, Bureau Construction and Repair, 1886, $12.50."

59. Insert: "Contingent, Bureau Equipment and Recruiting, 18 6, $9.50."

60. Insert: "Contingent, Bureau of Navigation, 1886, $3; in all, $25."

61. Insert: "Contingent and miscellaneous expenses Hydrographic Office: To reimburse Pay-Director T. H. Looker, United States Navy, for amounts paid the Chesapeake and Potomac Telephone Company for exchange rental for the branch Hydrographic Office, Washington, D. C., from the appropriation 'pay, miscellaneous, 1887,' the accounting officers claiming that these expenditures should have been paid from the appropriation for legislative, executive, and judicial expenses for the fiscal year ending June 30, 1887, $23.33."

62. Insert: "Naval establishment."

63. Insert: "Pay, miscellaneous: To pay amounts found due by the accounting officers for actual expenses while traveling under orders, $787.12."

64. Insert: "That the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of the cadet-engineer graduates who are affected by the act of July 9, 1888, fixing their status in accordance with the decision of the Supreme Court of the United States, and to allow them the difference between the pay they have already received as cadets and that of assistant engineers from July 1, 1883, to July 1, 1884, respectively; and a sum sufficient to pay the amount found due is hereby appropriated out of any money in the Treasury not otherwise appropriated."

65. Insert: "To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1887, $14."

66. Insert: "For amount paid by Pay-Director A. W. Russell, United States Navy, to Matthew Wilson, for painting portrait of ex-Secretary Chandler, on bills approved by Hon. William C. Whitney, Secretary of the Navy, being for the service of the fiscal year 1886, $331.50."

67. Insert: "Contingent, Navy: For amount paid by Pay-Director Thomas H. Looker, United States Navy, to E. F. Andrews, for painting portraits of ex-Secretaries of the Navy Borie and Woodbury, on bills approved by Hon. William E. Chandler, Secretary of the Navy, February 28, 1885, being for the service of the fiscal year 1885, $500."

68. Strike out "$843.54" and insert: "To pay amounts found due by the accounting officers on account of undrawn clothing, $2,938.28."

69. Insert: "Provisions: To pay amounts found due by the accounting officers on account of advertising, $79.83."

70. Insert: "Clothing: To pay amounts found due by the accounting officers on account of advertising, $79.83."

71. Insert: "Fuel: To pay amounts found due by the accounting officers on account of advertising, $79.82."

72. Insert: "Contingent: To pay amounts found due by the accounting officers on account of advertising, $79.84."

73. Insert: "Transportation and recruiting: To pay amounts found due by the accounting officers on account of advertising, $43.50."

74. Insert: "Naval War College, Bureau of Navigation: To pay the following unpaid bills on account of expenses of the Naval War College for the fiscal year 1887, namely: Warren Ward & Co., for furniture, $90; H. P. Williams & Co., for mattresses, $18; Phillip F. Conroy, for plumbing, $9.40; Phillip F. Conroy, for plumbing, $6.54; W. K. Covell, for grate to range, $1.75; W. K. Covell, for brick for range, $2.50; G. B. Reynolds, for coal, $65.70; G. B. Reynolds, for coal, $32.85; Old Colony Steam-boat Company, freight, $7.46; in all, $234.25."

75. Insert: "Compass-testing houses, Bureau of Navigation: To pay bill of T. B. Cross, junior, for doors, sash, etc., furnished for the compass-testing houses, Bureau of Navigation, being for the service of the fiscal year 1887, $32.89."

76. Insert: "To supply a deficiency in the appropriation for the contingent service of the Bureau of Ordnance, $3,000."

77. Insert: "To pay amounts found due by the accounting officers on account of advertising, $155.86."

78. Insert: "Naval wharf, Key West, Fla.: To relieve Pay Inspector Thomas T. Caswell, United States Navy, of the checkage against his account for fourth quarter, 1883, of the sum of $798.57, paid to A. P. Boller & Co., from appropriation 'contingent yards and docks, 1884,' in adjusting settlement of claim arising under their contract, dated December 19, 1881, for building an iron wharf at United States naval station, Key West, Fla., said amount having been disallowed by the Fourth Auditor and Second Comptroller, $798.57."

79. Insert: "Relief of Pay Inspector John H. Stevenson: For amount paid by Pay Inspector John H. Stevenson, being an expenditure incurred in entertaining public officials on board the United States flag-ship Tennessee during the exposition at New Orleans in February, 1885, while said vessel was at that port, $400.

80. Insert: "Wharfage, United States monitor Terror: To pay William Cramp & Sons for wharfage and for care and protection of the United States monitor Terror, in accordance with letters of the Secretary of the Navy to said firm dated November 23, 1883, and February 19, 1885, $3,352."

81. Strike out: "To enable the Secretary of the Interior to pay to the following employés in the Patent Office the sums severally due them, being the difference between the amounts received by them and the salaries appropriated by law, for the positions to which they had been appointed or promoted without taking the oath of office prior to November, 1886, namely: W. L. Aughinbaugh, $145.50; L. B. Wynne, $99.40; Jay F. Bancroft, $15.20; T. J. Hudson, $45.65; James R. Rogers, $15.20; Edward B. Moore, $33.20; W. A. Cowles, $33.10; Granville Lewis, $33.20; A. R. Townshend, $15.25; J. McRoberts, $16.80; Samuel T. Fisher, $16.80; S. W. Bunyea, $16.80; I. N. Townsend, $16.80; T. J. Hogan, $8.15; A. P. Smith, $16.80; M. D. Wires, $16.80; John W. Frost, $16.80; Anne L. Somerville, $1.95; W. W. Townsend, $50.60; M. R. Sullivan, $16.80; Amelia Tyler, $16.95; W. H. Chadsey, $10.80; Marie Van Leer, $8.40; Bunyan Olive, $16.90; John I. Brown, $16.80; Lewis Thompson, $16.80; C. F. Randall, $51; F. P. McLean, $34.60; O. K. Gauntnar, $33.60; Robert P. Haines, $28; H. E. Baker, $33.50; Sarah J. Noyes, $33.50; George R. Blodgett, $65; B. N. Morris, $24.20; P. E. Clark, $16.50; J. C. Dowell, $65; F. C. Skinner, $24.10; W. B. Greeley, $16.50; Thomas G. Seward, $16.40; Charles H. Richardson, $27.95; George A. Nixon, $24.20; C. M. Catlin, $33.60; J. Q. Rice, $65; A. P. Greely, $28; L. D. Wilson, $33.50; E. R. Tyler, $33.50; in all, $1,494.95."

82. Insert: "For payment to the legal representatives of the late Richard Joseph, for services as disbursing clerk of the Census Office, $2,000."

83. Strike out "732" and insert "907;" so it will read: "To pay amounts found due by the accounting officers on account of preservation of abandoned military reservations, $907.69."

84. Insert: "Chickasaw Nation: For reimbursement of the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by Article IV of the treaty with the Chickasaws, dated June 22, 1852 (less payment of $56,021.49 to assignee of W. M. Gwin), $84,862.68."

85. Insert: "For reimbursement of the Chickasaw incompetent fund for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by Article IV of the treaty with the Chickasaws, dated June 22, 1852, $99,280.41."

86. Insert: "The appropriation hereby made shall be a permanent and continuing appropriation, not subject to lapse or to be covered into the Treasury; and said sums shall be paid, from time to time, upon requisitions signed by the Chickasaw governor, national secretary, national treasurer, and auditor of public accounts: *Provided*, That said payment to the assignee of W. M. Gwin be referred to the Secretary of the Interior for reconsideration."

87. Insert: "Western Miami Indians: For the payment of Thomas F. Richardville for services and expenses as delegate representing the Western Miami Indians in Washington, $1,000, to be paid out of the appropriation provided for said Indians in the sundry civil appropriation act for the fiscal year 1889, and to be deducted from the amount to be paid said Indians thereunder."

88. Insert: "Kaskaskia, Wea, Peoria, and Piankeshaw Indians: For the payment to John Wadsworth for services and expenses as delegate representing the Kaskaskia, Wea, Peoria, and Piankeshaw Indians in Washington, $1,000, to be paid out of the appropriation provided for said Indians in the sundry civil appropriation act for the fiscal year 1889, and to be deducted from the amount to be paid said Indians thereunder."

89. Insert: "Eastern band of Cherokee Indians of North Carolina: For payment to W. B. Ferguson and Frederick C. Fisher, of Waynesville, N. C., for services rendered as attorneys for the Eastern band of Cherokee Indians of North Carolina from October, 1883, to November 1, 1887, $500 each, $1,200."

90. Insert: "To Bartholomew Cofley, for services of farmer in charge of Umatilla agency, in Oregon, from August 6 to 26, 1886, both days inclusive, at the rate of $1,200 per annum, $68.47, and covered by order of the Secretary of the Interior of July 7, 1887."

91. Insert: "Support of Blackfeet, Bloods, and Piegans: For amount due to George T. Newman for beef-cattle furnished the Blackfeet Indians, at the request of the agent for said Indians, on account of their starving condition, being a deficiency for the fiscal year 1885 and prior years, $935.37."

92. Strike out "41,798" and insert "42,271;" so it will read: "For compensation to clerks in post-offices, being a deficiency on account of the fiscal year 1887, $242,271.21."

93. Strike out: "To enable the Postmaster-General to pay the Assistant Attorney-General of the Post-Office Department for services rendered in the preparation of a new edition of the postal laws and regulations under the act of March 30, 1886, $1,000."

94. Insert: "To pay Thomas L. Hoffman, late postmaster at Fairfield, Iowa, amount paid by him for the United States for rent of the post-office at Fairfield, Iowa, in accordance with the terms of a lease of said premises held by the United States, and in pursuance of the instructions of the Post-Office Department, $625."

95. Insert: "To pay Thomas F. Gerls, late postmaster at Pontiac, Mich., amount paid by him for rent of the post-office at Pontiac, Mich., in accordance with the terms of a lease of said premises held by the United States, fiscal year 1886, $400."

96. Insert: "To pay amount due Joseph Paul for paving with asphalt the roadways in the Agricultural Grounds, by contract with the Agricultural Department, for the fiscal year 1885, $711."

97. Insert: "Experiments in the manufacture of sugar from sorghum and sugar cane: To pay unsettled accounts against the Department for experiments for the fiscal years 1887 and 1888, $8,000, or so much thereof as may be necessary."

98. Insert: "Contingent expenses Department of Justice, horses and wagons: To reimburse James M. Ewing, late disbursing clerk, Department of Justice, the amount of voucher No. 18, third quarter of 1884, for livery of horses for April, May, and June, 1883, improperly paid from the appropriation for 'Contingent expenses Department of Justice: Miscellaneous items, 1883,' and disallowed by the accounting officers, the said amount having been repaid to the Treasury by James M. Ewing, $200."

99. Insert: "Repairs to court-house, Washington, D. C.: To reimburse James M. Ewing, late disbursing clerk, Department of Justice, amount paid by him for repairs to court-house, Washington, D. C., being for the service of the fiscal year 1883, $6.72."

100. Insert: "For the payment to the widow of the late Chief-Justice Morrison R. Waite this sum, being equal to the balance of his salary for one year, $8,745."

101. Strike out "$25,000" and insert "$37,367.41;" so it will read: "Fees of district attorneys: For payment of regular official fees provided by law for official services of United States district attorneys, $37,367.41."

102. Strike out "forty-one thousand nine hundred and twenty-eight dollars and eight" and insert "forty-two thousand five hundred and twenty-six dollars and twenty-eight;" so it will read: "For payment of regular official fees provided by law for official services of United States district attorneys, being a deficiency for the fiscal year 1887, $12,5-6.28."

103. Strike out: "To enable the Attorney-General to pay Joseph Campbell, of Phœnix, Ariz., for assisting in prosecution of certain fifteen Apache Indians charged with murder before the United States court, at Phœnix, Ariz., $1,500."

104. Strike out "$50,000" and insert "$52,498.72;" so it will read: "Fees of commissioners: For fees of United States commissioners and justices of the peace acting as such commissioners, $52,498.72."

105. Strike out "eighteen thousand and fifty-one dollars and sixty-two" and insert "nineteen thousand seven hundred and fifty-seven dollars and thirty-five;" so it will read: "For fees of United States commissioners, and justices of the peace acting as such commissioners, being a deficiency for fiscal year 1887, $19,757.35."

106. Insert: "Pay of district attorneys and assistants: To provide for the payment of the claims enumerated on pages 2 and 3 of Senate Executive Document No. 266, Fiftieth Congress, first session, as follows, namely: For payment of United States district attorneys for unofficial services for fiscal year 1886, $350; for fiscal year 1887, $1,005; for fiscal year 1888, $3,675.80; in all, $3,030.80."

107. Insert: "For payment of special assistant district attorneys, fiscal year

1886, $3,484.07; for fiscal year 1887, $5,027.75; for fiscal year 1888, $475; in all, $8,986.82."

108. Strike out: "For expenses of Territorial courts in Utah, being a deficiency for the fiscal year 1887, on account of supplying and caring for the penitentiary, $8,734.26."

109. Insert: "For expenses of Territorial courts in Utah, including $8,734.26 for supplying and caring for the penitentiary, being a deficiency for the fiscal year 1887, $10,016.81."

110. Strike out: "And for support of prisoners, United States courts, balance for the fiscal year ended June 30, 1887, the sum of $25,000," so it will read: "Support of prisoners: For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, being for the service of the fiscal year 1886, $12,675.64."

111. Insert: "For support of United States prisoners, including necessary clothing and medical aid, and transportation from place of conviction, being for the service of the fiscal year 1887, $25,000."

112. Insert: "Industrial Christian Home Association of Utah Territory: To further aid the Industrial Christian Home Association of Utah Territory under its articles of incorporation in the establishment and maintenance of an industrial and educational institution in Salt Lake City for the benefit of the dependent women and children of Utah and Idaho Territories who desire to sever their allegiance to the Mormon Church, $75,000; and for contingent expenses of the association, $5,000; in all $80,000."

113. Insert: "The money hereby appropriated shall be disbursed by the treasurer of said association, who shall give such bonds for the faithful performance of his duties as may be deemed requisite by the Secretary of the Interior. All accounts of expenditures under this appropriation shall be audited by the Utah Commission, which shall hereafter act as the board of control for said institution, and shall make an annual report to Congress covering the work of said institution and its expenditures."

114. Insert: "For one year's salary to the widow of Lafayette Dancy, an employé of the Internal Revenue Bureau, who remained in the discharge of his duty in the public service at Jacksonville, Fla., and died of yellow fever, leaving a widow and children without means."

115. Insert: "To pay the sum of $276,619.75 to the Chinese Government on behalf of his Government as full indemnity for all losses and injuries sustained by Chinese subjects, as aforesaid."

116. Strike out: "Refund to David Day: To refund to David Day so much of the fine of $225 imposed upon him by the United States court for the southern district of Mississippi at its November term, 1886, from which he was relieved by a pardon granted by the President, March 16, 1887, $125."

117. Insert: "*Provided*, That for the purposes of allowing the benefits herein contained to be extended to compositors of the RECORD appointed by the foreman, distinguished from the regular appointees by a star (*) affixed to their names on the roll, they shall be considered as printers regularly employed on the RECORD."

118. Insert: "To pay 15 per cent. in addition to the amount paid for day labor to the employés of the Government Printing Office, such as compositors, pressmen, stereotypers, laborers, press-feeders, RECORD folders, counters, engineers, machinists, firemen; and proof-readers, revisers, copy-holders, make-up, and imposer of the bill force, who were and are exclusively employed on the night forces of the Government Printing Office, but exclusive of compositors on the RECORD, during the first session of the Fiftieth Congress, $10,000, or so much thereof as may be necessary: *Provided*, That in estimating the said 15 per cent. credit shall be given to the Government for whatever has been paid or is now being paid the said employés above the rates for day work."

119. Insert: "To enable the Public Printer to comply with the law granting fifteen days' annual leave to the employés of the Government Printing Office for the fiscal years 1887 and 1888, $25,000; and the Public Printer is hereby directed to pay forthwith all persons for services covered by deficiencies for said years."

120. Insert: "Senate."

121. Insert: "For compensation of officers, clerks, messengers, and others in the service of the Senate for the fiscal year 1889, $46,921.20."

122. Insert: "For materials for folding for the fiscal year 1889, $14,000."

123. Insert: "For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, for the fiscal year 1887, $638.50."

124. Insert: "For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, for the fiscal year 1888, $4,500.67."

125. Insert: "For folding speeches and pamplets, at a rate not exceeding $1 per thousand, for the fiscal year 1889, $12,000."

126. Insert: "For fuel, oil, cotton-waste, and advertising for the heating apparatus, for the fiscal year 1888, $879.59."

127. Insert: "For furniture and repairs of furniture for the fiscal year 1888, $3,953.60."

128. Insert: "For expenses of maintaining and equipping horses and mail-wagon for carrying the mails for the fiscal year 1888, $1,804.18."

129. Insert: "For miscellaneous items, exclusive of labor, for the fiscal year 1888, $450.87."

130. Insert: "For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, for the fiscal year 1889, $10,000."

131. Insert: "To pay George N. Stranahan for services as conductor of the new Senate elevator from April 1 to June 30, 1888, $300."

132. Insert: "To pay Frank E. Waterman for nine days' services, from December 5 to December 13, 1887, inclusive, as clerk to Senator C. J. Faulkner, $54."

133. Insert: "To pay Jules Guthridge for seven days' services, from December 5 to December 11, 1887, inclusive, as clerk to Senator George Hearst, $42."

134. Insert: "To pay George H. Boyd, assistant in Senate document-room, for services rendered July 11 and 12, 1888, $6.52."

135. Insert: "To enable the Secretary of the Senate to pay to the widow of the late James T. Farley, late a Senator from the State of California, deceased, the sum of $1,248.80, being the amount of one mileage from his home to the seat of government and return."

136. Insert: "That hereafter the statement of all appropriations made during each session of Congress, including new offices created and the salaries of each and salaries of the offices which are increased and the amounts of such increase authorized by the act of July 4, 1836, shall be prepared under the direction of the Committees on Appropriations of the Senate and House of Representatives, and said statement shall hereafter show also the offices the salaries of which are reduced or omitted and the amount of such reduction, and shall also contain a chronological history of the regular appropriation bills passed during the session for which it is prepared; and to complete this work for the present session the sum of $1,200 is hereby appropriated, to be paid to the persons designated by the chairmen of said committees to do said work."

137. Strike out: "To reimburse the five Official Reporters of the proceedings and debates of the House of Representatives for moneys paid by them so far during the present session for clerical hire and extra clerical services, $1,000 each, $5,000; $1,000 of which shall be paid to the widow of the late J. K. Edwards, he having been one of the said five Official Reporters as herein provided for."

138. Insert: "To pay Alexander Vangeuder as extra compensation for services rendered as assistant clerk to the Committee on Invalid Pensions during the second session of the Forty-ninth and the first session of the Fiftieth Congresses, $500."

139. Insert: "Library of Congress: To enable the accounting officers of the Treasury Department to settle the account of the disbursing agent of the Library of Congress for balances of foreign postage due Edward G. Allen, of London, for fiscal years 1884, 1885, and 1887, $19.30, to be paid out of fund for increase of Library, 1886."

140. Strike out "Bower" and insert "Bowyer;" so it will read: "John M. Bowyer, $960.55."

141. Insert: "Francis E. Green, $545.20."

142. Strike out: "Martin E. Hall, $316.71."

143. Insert: "Sarah M. Burge, administrator of Young Burge, deceased, $576.99."

144. Insert: "The New York Central and Hudson River Railroad Company, $144,092.92."

145. Strike out "three hundred and forty-five thousand seven hundred and twelve dollars and fifty-eight" and insert "four hundred and ninety thousand six hundred and ten dollars and ninety-eight;" so it will read: "$490,610.98."

146. Insert: "That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to loan any scientific instruments in the possession of any of the bureaus under his charge, and not in use, to persons taking observations or making investigations in connection with or for the use of the Signal Service, under such regulations as he may prescribe, taking such security for the safe-keeping and return of such instruments on demand as he may deem necessary."

147. Strike out: "For reimbursing Kentucky for expenses incurred in suppressing the rebellion, being the amount certified to be due by the Secretary of the Treasury under letter of August 16, 1888, $38,861.18."

148. Insert: "SEC. 5. That for the payment of a portion of the claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1886 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Documents No. 255 and 269, Fiftieth Congress, first session, there is appropriated, as follows."

149. Insert: "Claims allowed by First Comptroller."

150. Insert: "State Department."

151. Insert: "Foreign intercourse: For contingent expenses, foreign missions, 1886 and prior years, $283.23."

152. Insert: "For salaries, consular service, 1886 and prior years, $14.10."

153. Insert: "For contingent expenses, United States consulates, 1886 and prior years, $71.83."

154. Insert: "For expenses of prisons for American convicts, 1886 and prior years, $184.62."

155. Insert: "For pay of consular officers for services to American vessels and seamen prior to July 1, 1886, $14."

156. Insert: "Treasury Department."

157. Insert: "For salaries, office of Secretary of the Treasury, 1886 and prior years, $64.17."

158. Insert: "For drawback on stills exported (act March 1, 1879), $180."

159. Insert: "Interior Department."

160. Insert: "For Geological Survey, 1886 and prior years, $20.04."

161. Insert: "For salaries and commissions of registers and receivers, 1886 and prior years, $211.82."

162. Insert: "For contingent expenses of land offices, 1886 and prior years, $17.33."

163. Insert: "For expenses of depositing public moneys, 1886 and prior years, $280.98."

164. Insert: "For protecting public lands, 1886 and prior years, $22.20."

165. Insert: "For expenses of hearings in land entries, 1886 and prior years, $27.41."

166. Insert: "For surveying the public lands, 1886 and prior years, $4,548.28."

167. Insert: "For 5, 3, and 2 per cent. fund to States, prior to July 1, 1886, $29,676.24."

168. Insert: "Department of Justice."

169. Insert: "For fees and expenses of marshals, United States courts, 1886 and prior years, $369.57."

170. Insert: "For fees of clerks United States courts, 1886 and prior years, $604.50."

171. Insert: "For fees of commissioners United States courts, 1886 and prior years, $90.20."

172. Insert: "For fees of witnesses United States courts, 1886 and prior years, $4,119.33."

173. Insert: "For support of prisoners United States courts, 1886 and prior years, $251.25."

174. Insert: "For miscellaneous expenses United States courts, 1886 and prior years, $121.81."

175. Insert: "For expenses of Territorial courts in Utah, 1886 and prior years, $9,085.84."

176. Insert: "Claims allowed by the First Auditor and Commissioner of Customs."

177. Insert: "For expenses of collecting the revenue from customs, 1886 and prior years, $13,237.07."

178. Insert: "For Marine-Hospital Service, prior to July 1, 1886, except claims numbered 22107 and 22109, $525."

179. Insert: "For expenses of revenue-cutter service, 1886 and prior years, except claims numbered 22106 and 22108, $18."

180. Insert: "For furniture and repairs of same for public buildings, 1886 and prior years, $291."

181. Insert: "For debentures and other charges, prior to July 1, 1886, 5 cents."

182. Insert: "For repairs and incidental expenses of light-houses, 1886 and prior years, $28.50"

183. Insert: "For supplies of light-houses, 1886 and prior years, $28.50."

184. Insert: "For Light-House Establishment, 1861, $538.78."

185. Insert: "War Department claims allowed by the Second Auditor and Second Comptroller."

186. Insert: "For pay of two and three year volunteers, 1871 and prior years, $61,909.20."

187. Insert: "For bounty to volunteers and their widows and legal heirs, 1871 and prior years, $48,811.72."

188. Insert: "For bounty, act of July 28, 1866, 1880 and prior years, $8,700."

189. Insert: "For pay, etc., of the Army, 1886 and prior years, $2,628.24."

190. Insert: "Pay, etc., of the Army, 1887, $532.35."

191. Insert: "Pay, etc., of the Army, 1888, $120.75."

192. Insert: "For contingencies of the Army, 1886 and prior years, $485.90."

193. Insert: "For draft and substitute fund, 1871 and prior years, $3.72."

194. Insert: "For medical and hospital department, 1886 and prior years, $1.60."

195. Insert: "For ordnance, ordnance stores, and supplies, 1886 and prior years, $17."

196. Insert: "For preventing and suppressing Indian hostilities, 1871 and prior years, $101.29."

197. Insert: "Interior Department claims allowed by the Second Auditor and Second Comptroller."
198. Insert: "For fulfilling treaty with Nez Perces, $30.09."
199. Insert: "For support of Indian children at school in States, 1886 and prior years, $25.30."
200. Insert: "For support of Yakamas and other Indians, 1886 and prior years, $19.78."
201. Insert: "War Department claims allowed by the Third Auditor and Second Comptroller."
202. Insert: "For subsistence of the Army, 1886 and prior years, $84.45."
203. Insert: "For regular supplies, Quartermaster's Department, 1886 and prior years, $464.70."
204. Insert: "For incidental expenses, Quartermaster's Department, 1886 and prior years, $5,552.63."
205. Insert: "For transportation of the Army and its supplies, 1886 and prior years, $5,205."
206. Insert: "For 50 per cent. of arrears of Army transportation due certain land-grant railroads, 1886 and prior years, $65.42."
207. Insert: "For barracks and quarters, 1886 and prior years, $263."
208. Insert: "For clothing and camp and garrison equipage, 1886 and prior years, $78.40."
209. Insert: "For horses for cavalry and artillery, 1886 and prior years, $716."
210. Insert: "For engineer depot at Willets Point, New York, 1886 and prior years, $3.44."
211. Insert: "For refunding to States (Kentucky) expenses incurred in raising volunteers (act July 27, 1861), $2,019.51.'
212. Insert: "For reimbursing the State of Kentucky for expenses in suppressing the rebellion (acts June 8, 1872, and March 3, 1881), $36,841.67."
213. Insert: "For horses and other property lost in the military service prior to July 1, 1886, $21,277.25."
214. Insert: "For commutation of rations to prisoners of war in rebel States and to soldiers on furlough, prior to July 1, 1886, $3,136.25."
215. Insert: "For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, 1871 and prior years, $2,978.53."
216. Insert: "For Rogue River Indian war, prior to July 1, 1886, $286.99."
217 Insert: "Navy Department claims allowed by the Fourth Auditor and Second Comptroller."
218. Insert: "For pay of the Navy, prior to July 1, 1886, $369,463.64."
219. Insert: "For pay of the Navy, prior to July 1, 1886, for the payment of claims set forth in Senate Executive Document No. 269, Fiftieth Congress, first session, $4,157.81."
220. Insert: "For pay, miscellaneous, 1886 and prior years, $186.70."
221. Insert: "For contingent, Navy, 1886 and prior years, $60."
222. Insert: "For contingent, Marine Corps, 1886 and prior years, $1.40."
223. Insert: "For provisions, Navy, Bureau of Provisions and Clothing, 1886 and prior years, $11,801.31."
224. Insert: "For provisions, Navy, Bureau of Provisions and Clothing, 1886 and prior years, for the payment of the claim set forth in Senate Executive Document No. 269, Fiftieth Congress, first session, $288."
225. Insert: "For indemnity for lost clothing, prior to July 1, 1886, $120."
226. Insert: "For enlistment bounties to seamen, prior to July 1, 1886, $981.45."
227. Insert: "For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* United States, $1,222.89."
228. Insert: "SEC. 6. That for the payment of the claims certified to be due by the Auditor of the Treasury for the Post-Office Department under the act approved March 3, 1883, or under appropriations the balance of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, being for the service of the fiscal year 1886 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 253, Fiftieth Congress, first session, there is appropriated as follows."
229. Insert: "For compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenue, 1886 and prior years, $77,038.42."
230. Insert: "For deficiency in postal revenue, 1886 and prior years, $1,831.20."
231. Insert: "SEC. 7. That all the laws of the United States now in force respecting crimes and offenses be, and they are hereby, extended to and declared to be in force in the unorganized territory bounded on the north by the States of Kansas and Colorado, on the west by the Territory of New Mexico, on the south by the State of Texas, and the east by the one hundredth degree of longitude west of Greenwich, for all the purposes of enforcing the laws of the United States in respect of crimes and offenses, and is annexed to and made a part of the district of Kansas, and the courts and officers of the said district connected with the administration of justice are hereby invested with all the powers and jurisdiction now by law existing in the said courts and officers in respect of crimes and offenses committed within the said district. The foregoing provision shall not be held or construed to abolish or in any wise impair any jurisdiction now existing in or possessed by any court of the United States respecting any crimes or offenses heretofore committed within the aforesaid Public Land Strip. And the circuit court of the United States for the said district of Kansas is hereby invested with jurisdiction to hear, try, and determine all civil cases arising in the above-described public land district, or in respect of the inhabitants thereof in the same manner, under the same limitations, and with the same effect that the supreme court of the Territory of New Mexico has within the Territory of New Mexico in respect of cases or persons arising or residing therein, and all the laws of the United States are hereby extended over said Public Land Strip, and for the purposes of the privileges and benefits of the land laws said Public Land Strip is hereby attached to the southwestern land district of Kansas, and the Secretary of the Interior is authorized to cause the subdivisional lines of townships in said Public Land Strip to be surveyed under current appropriations for the surveying service: *Provided*, That the public lands in said Strip shall be subject to entry only by actual settlers under the homestead laws, excluding the commutation provided by section 2301 of the Revised Statutes."

Mr. SPINOLA. I rise for the purpose of making a suggestion, and I reserve the right to object until I can ask a question. I should like to ask the gentleman from Missouri whether it is not customary, on a proposition involving so many items as are included in the amendments of the Senate, to have those amendments printed and let them go over instead of referring them at once to a conference committee to be reported back in gross and then voted upon as a whole. Ought they not go to the Committee of the Whole House on the state of the Union and be there considered one by one? Ought they not to be referred to the Committee on Appropriations and reported back with the recommendations of that committee before we are asked to act on them?

Mr. BLOUNT. I ask the gentleman from New York: Suppose there is no quorum of the Committee on Appropriations?

Mr. SPINOLA. Very well; there is no quorum here in the House; and I will say to my friend from Georgia that if there is no quorum present in the Committee on Appropriations let the Sergeant-at-Arms be ordered to bring in the absentees.

Mr. BLOUNT. The subcommittee always has charge of such a bill.

Mr. BURNES. I wish to say to my friend from New York, as one of the probable conferees on this bill, that I think I understand the wishes and temper of the House in regard to all these amendments. I think I understand the objection the gentleman from New York has to one of these propositions, and I assure him, so far as I am concerned, the matter shall have full and fair consideration. If any gentleman wishes to appeal to the House in reference to any matter, I think I can assure the House it will go to the House for consideration. Therefore the gentleman from New York will see that no possible injury can be done to any member.

Mr. MCMILLIN. I made the motion to print the amendments in the RECORD so that members might have an opportunity to examine them before the committee of conference could make any report upon them.

Mr. BURNES. I move that the amendments be numbered, and that the bill and amendments be printed for the use of the House. That can be done by this evening or to-morrow morning, and every member can have a copy before him. I can assure the gentleman from New York, and all others, that they shall have opportunity for a fair hearing.

The SPEAKER *pro tempore*. Is there objection?

Mr. MANSUR. Mr. Speaker, I desire to add to what was stated by the gentleman from Arkansas [Mr. DUNN], and in view of the fact that my distinguished colleague [Mr. BURNES] will probably be a member of the conference committee, that understanding the amendment (being section 7 of the bill) incorporated by the Senate to be antagonistic to the bill now pending before the House known as the Oklahoma bill, and to prevent him from misunderstanding my action hereafter, I shall for one insist upon the presence of a quorum before that amendment shall be adopted by the House.

Mr. BURNES. All gentlemen will have an opportunity of presenting their views on the bill.

Mr. HOLMAN. I wish to add a word. That so much of the amendment as proposes to attach the Public Land Strip to any portion of the State of Kansas will be as strenuously objected to by myself as by any other member on the floor. If the Land Strip is to be organized into a land district at all it should be a separate district. It contains three and a half millions of acres, and I am confident when the subject is carefully considered the House will not consent to add it to any of the adjacent territory. I shall object to any other arrangement than that I have indicated.

The SPEAKER *pro tempore*. The Chair hears no objection to the request of the gentleman from Missouri.

Mr. BURNES. I have also requested that the bill be printed and the amendments numbered.

The SPEAKER *pro tempore*. The Chair understands that request to have been also granted.

The Chair will appoint as conferees on the part of the House the gentleman from Missouri, Mr. BURNES, the gentleman from Texas, Mr. SAYERS, and the gentleman from Kansas, Mr. RYAN.

Mr. PAYSON. I understood when the request was made that this matter was to lie over until the bill was printed and the amendments numbered, so that they might be considered by the members.

The SPEAKER *pro tempore*. The Chair did not so understand. The request of the gentleman from Missouri was to non-concur in all of the Senate amendments and agree to the conference.

Mr. PAYSON. Of course, then, the House should understand that the question will be presented directly upon the acceptance or rejection of the conference report as an entirety.

Mr. BLOUNT. I hope the gentleman from Missouri will state the request again.

Mr. BURNES. I suppose that has been already settled.

Mr. BLOUNT. It seems not.

Mr. PAYSON. After hearing an explanation from the gentleman from Missouri, I shall not make any objection.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill called up by the gentleman from Indiana.

Mr. BLOUNT. I hope the gentleman will withdraw that, and let us have the morning hour.

Mr. BURNES. I wish to submit a privileged report.

The SPEAKER *pro tempore*. The gentleman from Indiana calls up a privileged report.

Mr. HOLMAN. I will yield to the gentleman from Missouri.

RELIEF FOR YELLOW-FEVER INFECTED DISTRICTS.

Mr. BURNES. I am instructed by the Committee on Appropriations to report back the Senate joint resolution No. 110 with an amendment thereof in the nature of a substitute.

Mr. DOUGHERTY. I will state to the House that the resolution presented by the gentleman from Missouri refers to the yellow-fever

sufferers in the South, and I ask unanimous consent that it be read and considered now.

The SPEAKER *pro tempore*. The amendment in the nature of a substitute reported by the Committee on Appropriations will be read subject to the right of objection.

The Clerk read as follows:

Senate joint resolution 110, in aid of the sufferers from the yellow fever.

Strike out all after the enacting clause and insert: "That the sum of $100,000 be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available, to be expended in the discretion of the President of the United States in aid of State or municipal boards of health, or otherwise, to prevent the introduction of cholera or yellow fever into the United States from foreign countries, or into one State or Territory from another, or in the suppression of or preventing the spread of said diseases, or either of them, in infected districts."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

There was no objection.

The amendment of the Committee on Appropriations was adopted.

The joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DOUGHERTY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

FILING OF REPORTS.

Mr. BLOUNT. I ask unanimous consent that the call of committees for reports be dispensed with, and also that gentlemen be allowed to file their reports with the Clerk.

There was no objection, and it was so ordered.

The following reports were filed by being handed in at the Clerk's desk:

MILES F. WEST.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 1156) for the relief of Miles F. West; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE H. OWEN.

Mr. HITT, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 11495) for the relief of George H. Owen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MORNING HOUR.

The SPEAKER *pro tempore*. The morning hour for the consideration of bills begins at eight minutes before 1 o'clock.

Mr. TOWNSHEND. I believe the Military Committee has the call in this hour.

Mr. BLOUNT. The Naval Committee was called yesterday.

Mr. TOWNSHEND. I think they have concluded their business.

The SPEAKER *pro tempore*. The Chair understands that the Military Committee was passed on the call, but afterwards upon the request of the gentleman from Pennsylvania [Mr. MAISH] they were allowed to occupy the hour.

Mr. BLOUNT. I was not aware of that.

Mr. TOWNSHEND. Mr. Speaker, I wish to submit a parliamentary question before proceeding with the consideration of bills reported from the committee: whether it will be in order to take up for consideration a bill which has passed the House and been amended by the Senate, and is now on the Speaker's table?

The SPEAKER *pro tempore*. The Chair thinks the committee could call up any bill that may have been reported from the committee on a previous day, except private bills.

The Chair is informed, however, that the bill to which the gentleman refers is a private bill, and would not be in order on this call.

Mr. TOWNSHEND. Then I call up the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 9409) for the erection of an academic building and gymnasium at West Point.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman to the fact that this bill is in Committee of the Whole.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole to consider that bill, and others that may be called up by the committee.

ENROLLED JOINT RESOLUTION.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled joint resolution (H. Res. 225) to continue the provisions of existing law providing temporarily for the expenditures of the Government; when the Speaker signed the same.

On motion of Mr. TOWNSHEND, the House resolved itself into Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

NEW BUILDINGS AT WEST POINT.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9409) for the erection of an academic building and gymnasium at West Point.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for public buildings at the Military Academy, West Point, N. Y.:

For the erection of a fire-proof building, on such site of the public grounds at West Point, N. Y., as may be designated by the Secretary of War, to accommodate all the departments of instruction of the Military Academy, to be constructed according to the plans recommended by the Academic Board and approved by the Secretary of War, $490,000: *Provided*, That the building, when completed upon plans and specifications to be previously made and approved by the Secretary of War, on the recommendation of the Academic Board, shall not exceed in cost the sum herein stated.

For the erection of a fire-proof building, on such site of the public grounds at West Point, N. Y., as may be designated by the Secretary of War, to be used as a gymnasium and fencing academy for the cadets of the United States Military Academy, to be constructed according to the plans recommended by the Academic Board and approved by the Secretary of War, $100,000: *Provided*, That the building, when completed upon plans and specifications to be previously made and approved by the Secretary of War, on the recommendation of the Academic Board, shall not exceed in cost the sum herein stated.

Mr. SPINOLA. What is the amount carried by the bill?

Mr. TOWNSHEND. Four hundred and ninety thousand dollars. I ask action on the bill.

Mr. OATES. I would like to hear some explanation of the necessity for this building.

Mr. TOWNSHEND. I will explain the necessity for the building. The report on this matter is quite lengthy, and therefore I will not ask that it be read. I will state, however, that the object of the bill is to erect an academic building and gymnasium at West Point for use in the instruction of the cadets. Having been a visitor at the last examination at West Point, I investigated the condition of the buildings, and can speak on that point from my own knowledge.

I will say to the gentleman from Alabama [Mr. OATES] that upon examination of the buildings I was satisfied that the health, safety, and proper instruction of the cadets at West Point absolutely depend upon the construction of this building. The building now used for that purpose is a very ancient one, which is in a very unhealthy condition. The last Congress appropriated an amount to construct a new building, but upon investigation by the Academic Board it was found that the sum was not large enough to construct such a building as was necessary, and therefore not a dollar of that money has been used. It has been left in the Treasury. Plans and designs have been draughted and submitted to the Secretary of War and the Academic Board and the Board of Visitors; and these have come to but one conclusion, and that is that they are such as ought to be adopted, and that just such a building as is suggested should be constructed. Upon the Board of Visitors were my friend from New York [Mr. BACON], Judge REAGAN, of Texas, and Senator CULLOM, of Illinois. Upon a careful examination we were unanimously of opinion that the building ought to be constructed, not only for the health of the students, but for their proper instruction, and also for their very safety.

Mr. HOLMAN. Will my friend from Illinois state the amount to be appropriated for this building?

Mr. TOWNSHEND. I think the amount of the bill is about half a million dollars for the Academy. That, however, provides for a gymnasium.

Mr. HOLMAN. I would request my friend to let this matter go over; it is so late in the session.

Mr. TOWNSHEND. Of course, if the gentleman from Indiana shall object to the consideration of this bill, he or any other member on this floor has it in his power to prevent its passage; but in my honest judgment if he were on the ground or had examined the condition of things there he would be the first gentleman in this House to demand that we should construct such a building. Of course the gentleman has not been there, and he is not willing to take my testimony, nor the testimony of the gentleman from New York [Mr. BACON], nor the testimony of the officers of the War Department, and if he decides to object to the bill he has the right to do so.

Mr. HOLMAN. I think we ought to let it go over.

Mr. TOWNSHEND. If you let it go over, you are endangering the health and the proper instruction of the boys that you and I and other members are sending to West Point to be instructed.

Mr. HOLMAN. When did this project first spring up?

Mr. TOWNSHEND. They have been asking for it for years; but I believe that it has been denied on account of some sort of narrow-minded views in regard to economy. But, sir, when I went with Judge REAGAN, who is as great an economist as the gentleman from Indiana [Mr. HOLMAN], he was of the opinion that it was an outrage and no one could tolerate such a condition of affairs as existed at West Point, and every one at once signed the report which asks for the passage of this bill. I know the gentleman from Indiana would agree to this matter if he could only go and see for himself the exact condition of affairs.

Mr. HOLMAN. Was that measure passed by the House in the Forty-eighth Congress?

Mr. TOWNSHEND. In the last Congress an appropriation was made, but it was not large enough.

Mr. OATES. Will the gentleman from Illinois answer another question? What he has answered is in regard to the academic building?

Mr. TOWNSHEND. Yes, sir.

Mr. OATES. The appropriation for that is $490,000.

Mr. TOWNSHEND. Yes. I forget the amount for the gymnasium, but I think it is $100,000. The gynasium, as my friend knows, is about as necessary for the proper instruction of the cadets as any other educational feature.

Mr. OATES. I want to know how it happens that $100,000 is necessary to erect a gymnasium for the boys there.

Mr. TOWNSHEND. Well, that question has been thoroughly gone into by the officers of the War Department and by the officers at West Point, and their conclusion is that that is as small a sum as can be wisely used for the purpose. I am not an architect and therefore I can not say anything further about it, except that I believe the gentlemen who have investigated and reported upon the question understand it and are entitled to credit.

Mr. HOLMAN. If this is of such great importance and urgency, how does it happen that it did not go into the general appropriation bill?

Mr. TOWNSHEND. Because notice was not given to the committee until after the bill had been reported and had passed the House.

Mr. HOLMAN. Then the necessity was not so pressing after all.

Mr. BACON. The gentleman from Indiana is mistaken about that.

Mr. TOWNSHEND. I now yield five minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, in the distribution of duties imposed upon the Board of Visitors the examination of public buildings at West Point was assigned to a committee of which I was chairman. The present academic building was constructed, I believe, more than fifty years ago. The basement of it was a cellar which was used for storage purposes, but in the course of time they modified it and it is now used in part for a gymnasium. In the Forty-ninth Congress the insufficiency and insecurity of the present buildings at West Point was brought to the attention of Congress, and an appropriation was made for the reconstruction of the academic building.

Mr. HOLMAN. How much?

Mr. BACON. The amount I do not remember.

Mr. HOLMAN. It was supposed to be sufficient, though?

Mr. BACON. Yes, sir. When that appropriation had been made, the matter was referred to the Academic Board for the purpose of having plans prepared for the changes necessary to be made. The building was then examined, and it was found that the timbers were rotten, that the walls were weak, and that the only way to repair it satisfactorily would be to substantially reconstruct it. Therefore, under the circumstances, the officers in charge at West Point very properly deferred any reconstruction of the building because it could not be done satisfactorily within the appropriation.

Mr. HOLMAN. Well, it is too late in the season to do much in that way now. [Laughter.]

Mr. BACON. No, sir; the building can be taken down and preparations can be made. A plan has been prepared by the Academic Board, without cost, which will furnish adequate provision for the work of the Academy. At the present time the library building is occupied by the professors in the scientific branches of instruction, and their instruments are clustered together in a way which makes it impossible to use them satisfactorily. Some building has got to be constructed, and the one proposed is simply sufficient for the purpose. A gymnasium building in addition to that is necessary for the education of the cadets, for this reason: Everybody who knows anything about the climate there knows that for about five months in the year it is impossible to drill the boys outdoors, or give them the necessary exercise, and the plan proposes a gymnasium which will furnish not only a place for gymnastic exercises, but also a place where the boys can be drilled and given the necessary instruction in the manual of arms and tactical movements at all seasons of the year. In the judgment of all the gentlemen in charge at West Point both these buildings are essential to the successful carrying on of the work of the institution. I am not favoring unnecessarily large expenditures there or anywhere else, but it is simply a question of whether we shall save time by giving this authority now and getting this work under way. During the fall and winter the stone can be gotten out and when the spring comes the actual construction of the buildings can begin. If the matter is deferred until the second session of the Fiftieth Congress, the result will be that no work can be done until after the 1st of July, 1889, and in that way four or five of the best months in the year will be lost.

Mr. SPINOLA was recognized.

Mr. TOWNSHEND. I will say to my colleague on the committee [Mr. SPINOLA] that I think it best under the circumstances to withdraw the bill for the present.

Mr. SPINOLA. Very well.

Mr. TOWNSHEND. Mr. Speaker, I am convinced from the information I have received that there will be opposition to the passage of this bill, and as I do not desire to waste the time allotted to our committee, I will withdraw the bill, as we can bring it up again in December next.

I now yield to my colleague on the committee, the gentleman from South Carolina [Mr. TILLMAN].

APPROACHES TO NATIONAL CEMETERY, SALISBURY, N. C.

Mr. TILLMAN. I call up the bill (H. R. 10187) to provide for grading and paving the approaches to the national cemetery near Salisbury, N. C.

The bill was read.

Mr. TILLMAN. In order to save time, I ask to dispense with the reading of the report, and will state to the House that by instruction of the committee I desire to offer two short amendments.

Mr. KILGORE. Will the gentleman allow me to interrupt him one moment?

Mr. TILLMAN. I would be glad if the gentleman would let me make a brief statement.

Mr. KILGORE. I can save time by saying that I will not consent to the passage of this bill unless there is a quorum present.

Mr. TILLMAN. Then, Mr. Speaker, I withdraw the bill.

BATTLE-FIELD OF GETTYSBURGH.

Mr. TOWNSHEND. I yield to my colleague on the committee, the gentleman from Pennsylvania [Mr. MAISH].

Mr. MAISH. I desire to call up the joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburgh.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That whenever the fence which now incloses Lafayette Square in the city of Washington is removed, the Secretary of War is hereby directed to deliver the same to the Gettysburgh Battle-field Memorial Association, at Gettysburgh, Pa., for the purpose of inclosing points of especial interest on the Gettysburgh battle-field.

Mr. MAISH. Mr. Speaker, in the sundry civil bill about to become a law, provision is made for the removal of the iron fence now inclosing Lafayette Square in this city; and unless otherwise provided, that fence will be sold for old iron. This bill proposes to utilize the fence for the purpose of inclosing points of interest on the battle-field of Gettysburgh.

Mr. ANDERSON, of Kansas. What appropriation does the joint resolution carry?

Mr. MAISH. It makes no appropriation; it simply proposes to utilize in the manner I have stated a fence which would otherwise be sold as old iron. [Cries of "Vote!" "Vote!"]

The joint resolution was laid aside to be reported to the House with the recommendation that it pass.

ARMS, ETC., FOR OREGON MILITIA.

Mr. TOWNSHEND. I now yield to my colleague on the committee, the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. I call up the bill (H. R. 5009) to provide certain arms, ammunition, and equipage to the State of Oregon for the militia thereof.

The bill was read, as follows:

Whereas the militia organizations of the State of Oregon, already perfected now embrace three regiments of infantry, with one unattached battery of light artillery and one troop of cavalry, and these are in urgent need of arms and equipments by reason of the inadequate supply due the State through its regular annual quota provided by law; and

Whereas the population of Oregon, in view of its recent rapid growth, is now double that number required as the basis for representation in Congress, and therefore justly entitled to twice its present annual quota of arms and equipments; and

Whereas Oregon contains within its limits five Indian reservations, aggregating within them about 4,000 Indians, and these reservations are located in widely variant sections of the State, throughout which there is but one United States military post, with but one company of infantry; and that along the 300 miles of unguarded seacoast, as well as frontier of the State, there are many exposed localities which may at any time experience the necessity of home defense against sudden raids; and

Whereas several Territories, including Alaska, are without militia organizations, and their quotas remain uncalled for, and the amounts are annually covered back into the Treasury, instead of being apportioned to those States having a deficiency of arms and equipments: Therefore,

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to cause 1,000 stand of improved Springfield rifles, caliber .45, model 1884; 60 Springfield cadet rifles, caliber .45; 660 shell extractors; 660 screw-drivers; 660 wiping-rods; 132 tumbler punches; 33 spring-vises; 33 arm-chests; 660 bayonet-scabbards; 660 cartridge-boxes; 660 wrist-belts and plates; 2,000 rifle ball-cartridges; 4,000 rifle blank cartridges; 2 Gatling guns, caliber .45; 2 carriages and timbers for Gatling guns (wood); 2 gun-covers; 4 handspikes; 2 sight-cases; 2 oilers; 2 hammers; 2 wrenches, to be forwarded to and placed at the disposal of the governor of the State of Oregon, at Salem, in said State, for distribution among the militia organizations of the State which may be deficient in the material herein provided for, and said property shall be receipted and accounted for the same as that embraced in all requisitions on the regular annual quotas provided for by law; and when the regular quotas annually due said State shall be sufficient to cover the requirements of the militia thereof, and the arms and camp equipage herein provided for shall be no longer necessary for the use of said militia, the same, where practicable, shall be accounted for and returned to the United States.

Mr. HOOKER. Mr. Chairman, I have called up this bill for the accommodation of an absent colleague on the committee, the gentleman from Michigan [Mr. CUTCHEON], and also for the accommodation of the gentleman from Oregon [Mr. HERMANN], to whom I now yield for any explanation he may desire to make.

Mr. HERMANN. I will merely state that this bill has been introduced in pursuance of the request of the State authorities of Oregon.

A requisition was made by that State upon the Secretary of War for arms, ammunition, etc., as specified in the bill; but in response to the application it was stated by the War Department that it would be necessary for Congress to authorize the Department specifically to distribute these arms, etc., to the State of Oregon, subject to the order of the governor thereof. The facts are set forth in the preamble of the bill; and I presume it is not necessary to go into any further explanation. I therefore call for a vote.

The amendments reported by the committee were read, as follows:

On line 21 of the bill, after the word "for," insert "the same;" and on said line strike out the word "all;" and on line 23 strike out all of the bill after the word "sufficient" and insert the following: "therefor the said annual quotas shall be credited to the said State until the advance of arms, ordnance, and stores hereby made shall be offset and balanced by said annual quotas."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ENLISTED MEN OF SIGNAL CORPS.

Mr. TOWNSHEND. I call up the bill (H. R. 9907) to make enlisted men of the Signal Corps responsible for public property.

The bill was read.

Mr. TOWNSHEND. I ask unanimous consent that Senate bill No. 2519 be substituted for the bill just read.

The CHAIRMAN. That can not be done, because the Senate bill referred to is not in the Committee of the Whole, but on the House Calendar.

Mr. TOWNSHEND. I withdraw the bill for the present.

ASSISTANT SECRETARY OF WAR.

Mr. TOWNSHEND. I call up the bill (H. R. 10190) providing for an Assistant Secretary of War.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer to be called the Assistant Secretary of War, whose salary shall be $5,000 per annum, and who shall perform all such duties in the War Department as shall be prescribed by the Secretary of War or as may be required by law, and who shall act as Secretary of War in the absence of that officer.

Mr. TOWNSHEND. I move that this bill be laid aside to be favorably reported to the House.

Mr. KILGORE. I demand the reading of the report.

The CHAIRMAN. The Chair will state that the gentleman from Illinois [Mr. TOWNSHEND] now has the floor, and until his time has expired the report can not be read except with his consent.

Mr. TOWNSHEND. I will say to my friend from Texas [Mr. KILGORE], whom I wish to accommodate, especially on this occasion, that the report on this bill is rather lengthy, and I do not wish to consume the time of the House in having it read if the gentleman is going to persist in objecting to the bill.

The bill needs no explanation. There is now no assistant secretary of war, and when the Secretary is absent he has to detail the head of some bureau—the Adjutant-General, or the Commissary-General, or the Quartermaster-General—to take charge of the Department.

Mr. HOLMAN. What salary is proposed for this officer?

Mr. TOWNSHEND. He is to receive the ordinary salary paid to other assistant secretaries.

Mr. HOLMAN. How much?

Mr. SPINOLA. Five thousand dollars, I believe.

Mr. TOWNSHEND. It is a matter of pressing importance to the business of the Department that this officer should be provided for. There are three Assistant Postmasters-General and two Assistant Secretaries of the Treasury. There is absolute necessity for an assistant secretary of war.

But I do not intend to consume time in pressing this or any other bill, if it is going to lead to debate or contention. If the gentleman from Texas can not see upon the face of the measure its importance and necessity, I will withdraw it, trusting to bring it again to the attention of the House at the next session.

Mr. KILGORE. I could not agree to allow this bill to pass under the present circumstances.

Mr. TOWNSHEND. Then I withdraw the bill.

NATIONAL MILITARY CEMETERY, ALEXANDRIA.

Mr. TOWNSHEND. Mr. Chairman, I ask, by unanimous consent, this bill be allowed to pass. We can not pass bills any other way. How much time is left?

The CHAIRMAN. The gentleman has twenty-two minutes remaining.

Mr. TOWNSHEND. I call up the bill (H. R. 5691) making an appropriation to construct a road and approaches from the city of Alexandria, Va., to the National military cemetery at that city.

The bill was read, as follows:

Be it enacted, etc., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a road and approaches from the city of Alexandria, State of Virginia, to the National military cemetery near that city.

The CHAIRMAN. The amendments proposed by the Committee on Military Affairs will be read.

The Clerk read as follows:

In the sixth line insert the word "gravel" before the word "road," and in the eighth line add after the word "city" the following proviso:

"*Provided*, That a right of way at least 50 feet wide or the full width of Wilkes street, east of Alfred street, in said city of Alexandria, should first be obtained before any money is spent under the appropriation."

Mr. KILGORE. I made a row about a similar bill for North Carolina, and it would not be fair to allow this to go through.

Mr. TOWNSHEND. Would it not be better to give up on North Carolina as well as on this one for Virginia?

Mr. KILGORE. I could not do that to-day.

Mr. TOWNSHEND. I will state that this bill was introduced by General LEE, of Virginia, and as he is not present I can do nothing more than withdraw the bill. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration bills reported from the Committee on Military Affairs, had directed him to report back a bill and joint resolution with the recommendation that they do pass.

BILL AND JOINT RESOLUTION PASSED.

Joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburgh, reported from the Committee of the Whole House on the state of the Union with a favorable recommendation was ordered to a third reading; and it was accordingly read the third time, and passed.

A bill (H. R. 5009) to provide certain arms and ammunition and equipage to the State of Oregon for the militia thereof, reported from the Committee of the Whole House on the state of the Union with a favorable recommendation, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the several votes by which the bill and joint resolution were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT LOWELL MILITARY RESERVATION, ARIZONA.

Mr. TOWNSHEND. I will yield to the gentleman from New York [Mr. SPINOLA] to call up a bill.

Mr. SPINOLA. I ask to call up the bill (H. R. 1938) to reduce the Fort Lowell military reservation in Arizona, and will yield to the gentleman from Arizona [Mr. SMITH].

The bill was read, as follows:

Be it enacted, etc., That the Fort Lowell military reservation, in Pima County, Arizona, as established by the President of the United States, by order of date the 26th of October, 1875, be, and the same is hereby, reduced in dimensions as follows, to wit: Said reservation shall consist of a tract of land 5 miles in length by 4 miles in width, and bounded as follows: Commencing at the northwest corner of said reservation, as now established by Executive order, and running thence east 4 miles, thence south 5 miles, thence west 4 miles, thence north 5 miles to place of beginning.

SEC. 2. That the remainder of said reservation, as established by said Executive order, is hereby restored to the public domain.

The report (by Mr. MAISH) was read, as follows:

Your committee, to whom was referred H. R. 1938, respectfully report an amendment to said bill, as follows: Strike out the word "four," in lines 8, 11, and 12, and insert in lieu thereof the word "five" in each of said lines, and that when so amended, the bill do pass.

Such reduction of that reservation will be of no detriment to the service, as shown by the accompanying letter of the Secretary of War, which is made a part of this report.

WAR DEPARTMENT,
Washington City, March 2, 1888.

SIR: In reply to the request of your committee, dated the 7th ultimo, for the views of the Department upon House bill No. 1938, Fiftieth Congress, first session, to reduce the Fort Lowell military reservation in Arizona, I have the honor to invite attention to the accompanying report upon the subject, dated the 29th ultimo, by the Lieutenant-General of the Army, who states that with the words "four miles," in lines 8, 11, and 12 of section 1, amended to "five miles," the passage of the bill would be of no detriment to the service.

I concur in this opinion of the Lieutenant-General.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. R. W. TOWNSHEND,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. SPINOLA. I yield to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH, of Arizona. That has been recommended by the Secretary of War and by General Sheridan, and I do not see how there can be any objection to it. It will have the effect to give a title to men who settled there before the reservation was created.

Mr. HOLMAN. That land, I understand, is in a valley.

Mr. SMITH, of Arizona. Oh, no; there is a settlement of half a dozen men along a little creek.

Mr. HOLMAN. Ought not homestead entry to apply to those lands?

Mr. SMITH, of Arizona. There is not a foot of that land which I know of that can be brought into cultivation without water.

The amendments of the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPINOLA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESPONSIBILITY FOR PUBLIC PROPERTY.

Mr. TOWNSHEND. I call up from the House Calendar a bill (S. 2519) to make enlisted men of the Signal Corps responsible for public property.

The bill was read, as follows:

Be it enacted, etc., That, from and after the passage of this act, every officer of the Signal Corps, every non-commissioned officer or private of the Signal Corps, and all other officers, agents, or persons, who now have in possession, or may hereafter receive or may be intrusted with any stores or supplies, shall quarterly or more often, if so directed, and in such manner and on such forms as may be prescribed by the Chief Signal Officer, make true and correct returns to the Chief Signal Officer of all Signal Service property and all other supplies and stores of every kind received by or intrusted to them and each of them, or which may, in any manner, come into their and each of their possession or charge. The Chief Signal Officer, subject to the approval of the Secretary of War, is hereby authorized and directed to draw up and enforce in his bureau a system of rules and regulations for the government of the Signal Bureau, and of all persons in said bureau, and for the safe-keeping and preservation of all Signal Service property of every kind, and to direct and prescribe the kind, number, and form of all returns and reports, and to enforce compliance therewith.

Mr. TOWNSHEND. I suppose there will be no objection to the passage of this bill. It simply provides that officers of the Signal Corps shall be responsible for property intrusted to them. As it is now the Chief Signal Officer is held responsible for all property, no matter where it may be. I ask the bill be put upon its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The bill (H. R. 9907) on the same subject will be laid upon the table.

There was no objection, and it was so ordered.

FRESH AIR IN ENGINE-ROOMS OF STEAMERS.

Mr. TOWNSHEND. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has ten minutes.

Mr. TOWNSHEND. I will yield to the gentleman from Texas [Mr. CRAIN] to introduce a bill.

Mr. CRAIN, by unanimous consent, introduced a bill (H. R. 11510) to compel owners of steamers to supply fresh air to the engine-rooms; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House now resolve itself into Committee of the Whole House on the state of the Union to consider bills reported from the Committee on Military Affairs.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

MILITARY RESERVATION, PLATTSBURGH, N. Y.

Mr. TOWNSHEND. I call up for present consideration the bill (H. R. 11252) to construct a road from the village of Plattsburgh, N. Y., through and along the Government military reservation in said village.

The bill was read at length.

Mr. TOWNSHEND. I move that the bill be laid aside——

Mr. KILGORE. I do not think I would be in a condition to agree to that to-day unless there is a quorum present. [Laughter.]

Mr. TOWNSHEND. Of course, if the gentleman insists upon a quorum, although I think it a meritorious bill, and if my friend would examine it he would reach the same conclusion; but I understand the situation, and withdraw the bill.

I yield to the gentleman from Pennsylvania [Mr. MAISH].

NATIONAL CEMETERY, FREDERICKSBURGH, VA.

Mr. MAISH. Mr. Speaker, I beg leave to call up for present consideration the bill (H. R. 1907) to provide for macadamizing the road from the railroad to the national cemetery in the city of Fredericksburgh, Va.

The bill was read at length.

Mr. MAISH. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. KILGORE. Mr. Speaker, I have no objection to having the sense of the House taken upon the motion of the gentleman from Pennsylvania to lay this bill aside with a favorable recommendation.

If everybody votes for it and I against it, I will have to call a quorum. If you want to go that far I have no objection.

Mr. MAISH. The gentleman from Texas will not call a quorum, I understand.

Mr. KILGORE. Oh, yes, I will. [Laughter.]

Mr. STRUBLE. That is quite a difference of opinion.

Mr. MAISH. Then I withdraw the bill.

Mr. KILGORE. All right.

Mr. MAISH. The gentleman says he has no objection to my withdrawing it.

Mr. KILGORE. None whatever.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Chairman, the bills we have marked for consideration to-day are of such a character as perhaps would be objected to by the gentleman from Texas or other gentlemen, who have declared that they do not wish bills of this class to be passed without a quorum. I will therefore move that the committee now rise. It is useless to present bills and have to withdraw them because of the question of no quorum being raised.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having resumed the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having had under consideration sundry bills, had come to no resolution thereon.

BONDS OF DISBURSING AND OTHER OFFICERS.

Mr. TOWNSHEND. Mr. Speaker, I now call up the bill H. R. 8873, with Senate amendment, a bill in relation to bonds of disbursing or other officers, and to monthly payments of the Army.

The Senate amendment was read.

Mr. TOWNSHEND. This bill is one that will probably provoke some considerable discussion, and as there is but little time now remaining of the hour, not enough to consider the bill, I ask unanimous consent that it may go over until the next hour, and that the morning hour of to-day may be considered as having expired.

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. MCMILLIN. I move that the House do now adjourn.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 45, noes 16.

So the motion was agreed to; and accordingly (at 1 o'clock and 53 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HOLMAN: A bill (H. R. 11511) granting a pension to George Pulskamp—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 11512) for the relief of W. M. Rhea—to the Committee on War Claims.

Also, a bill (H. R. 11513) for the relief of William McGriyer—to the Committee on War Claims.

By Mr. J. J. O'NEILL: A bill (H. R. 11514) granting a pension to Fredericka Werheide—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11515) granting a pension to Charles G. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11516) granting a pension to Julius Sauer—to the Committee on Invalid Pensions.

By Mr. O. B. THOMAS: A bill (H. R. 11517) for the relief of William Miller—to the Committee on Military Affairs.

By Mr. ATKINSON: A bill (H. R. 11518) granting a pension to George Chappel—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *September* 27, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

NAMING A PRESIDING OFFICER.

Mr. MANDERSON called the Senate to order and said: The Secretary will read a communication from the President *pro tempore* of the Senate.

The Secretary of the Senate [Mr. ANSON G. MCCOOK] read as follows:

UNITED STATES SENATE, *Washington, D. C., September* 27, 1888.

I name the Senator from Nebraska, Mr. MANDERSON, to perform the duties of the Chair to-day.

JOHN J. INGALLS,
President pro tempore.

Thereupon Mr. MANDERSON took the chair as Presiding Officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

YELLOW-FEVER SUFFERERS.

The PRESIDING OFFICER (Mr. MANDERSON). The Chair lays before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 110) in aid of the sufferers from yellow fever. The amendment of the House of Representatives will be stated.

The SECRETARY. Strike out all after the resolving clause and insert:

That the sum of $100,000 be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to be immediately availa-

ble, to be expended in the discretion of the President of the United States in aid of State or municipal boards of health, or otherwise, to prevent the introduction of cholera or yellow fever into the United States from foreign countries, or into one State or Territory from another, or in the suppression of or preventing the spread of said diseases, or either of them, in infected districts.

Mr. EDMUNDS. I examined the amendment yesterday. I very much fear that it misses the most urgent point where aid is required, and that is the capacity to use any of this money in aid of those who are sick or are in distress and starvation, as the newspapers report to us from day to day so many are. In the hope, therefore, that something better may be done, I move that the Senate non-concur in the amendment, and ask for a conference thereon with the House of Representatives.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate non-concur in the amendment proposed by the House of Representatives and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. EDMUNDS, Mr. ALLISON, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

Mr. BLAIR. I present a memorial of stone-cutters of the United States, remonstrating against the passage of the Mills tariff bill. The remonstrants are practical stone-cutters, and the original signatures of the men are appended. I find them located in Dallas, Tex.; Denver, Colo.; Memphis Junction, Ky.; Hallowell, Augusta, Clark's Island, South Thomaston, St. George, Rockland, Round Point, Long Cove, and Tenant's Harbor, in the State of Maine; Worcester and Milford, Mass.; South Ryegate, Rutland, and several other places in Vermont; Niantic, R. I.; Roxbury, Bridgeport, New London, and other places in the State of Connecticut; a large number of places in the State of New York, in the city of New York and vicinity, Long Island, Brooklyn; many places in the State of Minnesota; Washington, D. C.; Kansas City, Mo.; the city of Topeka, Kans.; Cincinnati, Ohio; Rock Island, Ill.; St. Louis and St. Joseph, in the State of Missouri; Indianapolis, Ind.; Riverdale, Cal.; and many other places. The memorialists, addressing the Senate of the United States, state:

We, the undersigned, respectfully petition your honorable body not to pass the so-called Mills bill without striking the item of "Stones, unmanufactured or undressed, freestone, granite, sandstone, and all building or monumental stone" from the free-list, as we believe the importation of rough stone into this country free of duty will be an injury to us and those who quarry stone in this country and benefit no one but the importers and foreign quarry-owners and quarrymen, who do not contribute to the support of this Government. We will not enter into a long argument on this question, but petition for the right to be heard in protest against this attempt to injure quarrymen and stone-cutters through placing stone on the free-list while marble is dutiable; the same reasons for striking marble from the free-list applying to all other stone.

This interest is very large in my own State, and it is also represented among the memorialists.

The memorial was transmitted to me officially by Joseph B. Dyer, secretary of the Granite-Cutters' National Union of America, in the city of New York. I found the number of signatures too large to conveniently count, but there must be some four or five hundred, and perhaps more.

I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented the petition of Johnston Palmer and 129 other citizens of Indiana County, Pennsylvania; the petition of William J. Work and 67 other citizens of Crawford County, Pennsylvania; and the petition of H. White and 28 other citizens of McKean County, Pennsylvania, praying for the passage of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. PASCO. I present a petition of between five and six hundred citizens of Key West, Fla., very largely interested in the manufacture of cigars, calling the attention of Congress to a deficiency in the revenue laws which operates very disadvantageously to the manufacturers of cigars, owing to the slight difference between duties upon stripped and unstripped tobacco. The facts are fully set forth in the petition, and as it is short I ask leave that it be printed in the RECORD, omitting the names.

The PRESIDING OFFICER. The Senator from Florida presents a petition and asks that it be printed in the RECORD without the names. Is there objection? The Chair hears none, and it is so ordered. The petition will be referred to the Committee on Finance.

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States:

Your petitioners would most respectfully represent that they are citizens of the United States and of the State of Florida, and residents of the city and island of Key West.

That the principal business of the island of Key West is that of the manufacture of cigars, which gives employment to more than one-half of the population, which is over 20,000.

That the number of cigars manufactured on the island of Key West during the past year was 95,000,000, and the greater part of this quantity was made of imported tobacco from the Island of Cuba.

That among the various processes of preparing this tobacco in the factories previous to its being made into cigars is that of stemming the tobacco, or, as it is generally termed in the factories, "stripping" the tobacco, taking the center stem from the leaf, and this work is done here chiefly by women and children, several thousands of whom depend alone on this particular labor for a livelihood.

That by the act of Congress approved March 3, 1883, chapter 121, the duties on tobacco in leaf unmanufactured and not stemmed are 35 cents, and on stemmed tobacco 40 cents per pound.

That the duties on the stemmed tobacco being only 5 cents per pound more than the unstemmed tobacco, the manufacturers are thus enabled to get their tobacco from Cuba already stemmed and at a slight excess in cost over the unstemmed tobacco, and the manufacturers here are availing themselves of this privilege and employing or giving employment to laborers in Cuba.

That the result is that gradually but surely the laborers here who are employed in this special branch of the cigar industry are being discharged and deprived of this mode of obtaining a living, and one-half or more of the laboring population of this island are being driven from their legitimate field of labor by being thus brought into competition with the cheap labor of Cuba.

Wherefore your petitioners humbly pray that the duties on tobacco in leaf unmanufactured and stemmed be increased, or that the act of Congress above mentioned be otherwise amended so as to prevent them from being brought into competition with the aforementioned cheap labor in the island of Cuba.

And your petitioners will ever pray.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3578) to perfect the military record of James T. Hughes, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SABIN introduced a bill (S. 3593) granting a pension to Franklin B. Dorothy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a joint resolution (S. R. 111) relating to yellow fever and epidemic diseases; which was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. MITCHELL introduced a bill (S. 3594) granting a pension to Robert Steward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3595) making an appropriation to aid in the erection of a monument to the members of the First and Second Regiments United States Sharpshooters who fell in the battle of Gettysburgh; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3596) for the relief of the estate of the late James B. Sinclair; which was read twice by its title, and referred to the Committee on Military Affairs.

VIANCEY TAGGART—CHANGE OF REFERENCE.

Mr. SHERMAN. The bill (S. 3585) for the relief of Viancey Taggart was erroneously referred to the Committee on Pensions instead of the Committee on Military Affairs. I move that the former committee be discharged from its further consideration, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

ISAAC DAVENPORT AND OTHERS.

Mr. STEWART. I offer a resolution to correct a mistake in a former reference to the Court of Claims, and I ask for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That the bill (S. 1808) entitled "A bill for the relief of Isaac Davenport and others, citizens of Virginia," referred to the Court of Claims by the Senate on June 13, 1888, together with all the accompanying papers, in pursuance of the provisions of an act approved March 3, 1883, be also referred to said court under the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report to the Senate the facts bearing upon the merits of the claim and all the facts contemplated by the provisions of said acts.

Mr. EDMUNDS. Does that come from a committee? If not, it ought to be referred to the Committee on Claims.

Mr. STEWART. It comes from the Committee on Claims. It is the correction of a mistake in a former reference.

The PRESIDING OFFICER. The Senator from Nevada asks for the present consideration of the resolution.

Mr. STEWART. I will explain it to the Senator from Vermont. The committee ordered the case to be referred under the two acts, and by mistake the resolution simply made the reference under the act of 1883, and it should be under both the act of 1883 and that of 1887. This simply corrects the mistake.

Mr. EDMUNDS. Reserving the right to object for a moment, I wish to say that the ordinary form of these resolutions has been simply to make the reference to the Court of Claims and cite the statutes. I observe that this resolution goes on and proceeds to declare what the court shall do. That may be precisely what the statute requires it to do. If it be, of course it does no harm. If it be not, then it is outside of the statute and of our authority and propriety.

Therefore I ask that the matter may be laid aside in order that I may compare the resolution with the statute and see how it is.

The PRESIDING OFFICER. The resolution will be temporarily laid aside.

Mr. STEWART. I will state that the last part of it is in the usual form.

Mr. EDMUNDS. It may be.

Mr. SPOONER subsequently said: Before the Senator from Vermont [Mr. EDMUNDS] left the Chamber he requested me to say that after having examined the resolution introduced by the Senator from Nevada [Mr. STEWART] he is satisfied with it, and interposes no objection to its passage. Therefore, if there is no objection, I ask that the resolution be passed.

The PRESIDING OFFICER. The objection being withdrawn to the resolution proposed by the Senator from Nevada, the question is upon the adoption of the resolution.

The resolution was agreed to.

IMPORTATION OF CONTAGION OR INFECTION.

Mr. CALL submitted the following resolution; which was read:

Resolved, That the Committee on Epidemic Diseases are hereby instructed to consider and report before the adjournment of this session of Congress, by bill or otherwise, such additional legislation as may be necessary or useful to prevent the importation of contagious or infectious diseases from foreign countries on the coasts or boundaries of the United States, and to prevent and suppress it in the interstate commerce, and from passing from one State to another, and for the subsistence of such persons as may be detained by public authority from places where there is danger of infection or contagion to other States.

Mr. CALL. I ask for the present consideration of the resolution.

Mr. HALE. The chairman of the committee [Mr. HARRIS] is absent at present. The committee referred to in the resolution has other matters touching this same subject which it is now considering. I ask that the resolution be referred to the Committee on Epidemic Diseases.

Mr. CALL. Before any action is taken on the motion of the Senator from Maine, I desire to read the following letter from the mayor of the city of New York addressed to me:

MAYOR'S OFFICE, NEW YORK, *September* 25, 1888.

MY DEAR SENATOR: The inclosed letter seems to contain suggestions worthy of attention. I suppose that legislation would be required to give them effect, although it is possible that under the law as it stands in reference to the National Board of Health, the President would have power to establish a system of national quarantine if he should think the emergency required it. It seems to me that we ought to take the matter in hand now in order to guard against the possible evils of a general outbreak of yellow fever next year. I wish you would consider the subject carefully, and, if you think well of it, introduce some resolutions which would lead to action before Congress adjourns. The subject is one which interests every part of the United States, and particularly the city of New York. As you know, we are subscribing liberally for the relief of the Florida sufferers, and we can well afford to do this as a matter of self-interest as well as of Christian sympathy; but we are powerless, except by our local quarantine, to prevent the spread of contagion. The remedy ought to be applied in the places where the fever exists and on a system so comprehensive as to assure the country that every precaution has been taken to stamp out this disease which produces such havoc in human life and such destruction of property. Asking your early attention to this important subject, I am,

Yours, sincerely,

ABRAM S. HEWITT, *Mayor*.

Hon. WILKINSON CALL,
United States Senate Chamber, Washington, D. C.

The letter to which the mayor of New York refers, and which he incloses to me, is from James M. Van Hook, a citizen of Fort Meade, Polk County, South Florida, and is as follows:

CHARLESTOWN, IND., *September* 22, 1888.

HONORABLE SIR: I am a native of this State. I entered the Union Army, served through the war, and came home broken in health. About seven or eight years ago I moved to Fort Meade, Polk County, South Florida. I love my adopted State and hope to live there until the end.

On the day that yellow fever was discovered in Jacksonville I was in the city on my way north to consult my old family physician and then return to my Southern home. Although the roads are obstructed down there, and there is great danger of taking the disease, I intend to get to my home. I may have to go first to Key West and then come up the road from Punta Gorda to my home. There are thousands of New Yorkers in Florida, and they are deserving of help. The citizens there are from every State of the Union. The old citizens are mostly from the Southern States. I assure you that these people are a unit in their desire to have the Government take charge of the coast (and interior) regulations regarding health, etc. You will find that there is no regular quarantine law in force between Florida and the southern ports, or was not a few weeks ago, and the customs office was merely a formal office. People could leave any of the southern ports and land on our coast and carry death and disease all over the United States without a question being asked them by any one in authority. Your cities will be desolated next summer by fever, cholera, and other diseases if our 1,000 miles of seacoast is not guarded.

A man of ordinary ability, with a little authority, could have checked the fever at Key West. * * * You doubtless remember the messages sent to the Surgeon-General from these places. The fever was kept alive all winter at Plant City. The Surgeon-General did all he could, but he was not allowed to do any real work. Of course we (of Florida) expected Jacksonville to be desolated after the one case appeared there. I can not write the particulars, for it would take up too much of your valuable time. In our locality there will not likely be a fever-killing frost in the next ten years, and if the proper work is not done the fever will get a good start next spring and sweep over the whole country. The whole people of Florida * * * are praying and hoping for help. Those who were in charge have had two years of failure. The State of Florida can no longer hope to conquer the fever, and the other States demand protection. One-fifth of the money already donated by the noble people of New York City, placed in proper hands, would have saved Key West, and all other United States towns—for the fever can be surely trailed from Key West to every fever-stricken point.

Personally I am not afraid of the fever. I think as I am an invalid I would not recover from an attack of it, but I am not afraid, and expect to face it in a few days.

Now, there is only one way to save our country from a horrible season next year. If the work is not done I believe all the cities of the South and many in the North will get used to the terrible cry, "Bring out your dead." The people of Cuba are already entering Florida, and so soon as the "scum" of Europe ascertain the fact that they can enter Florida from Cuba there will be cases of cholera and fever enter this "open back door." (Coasting schooners often pass from Cuba to the Florida coasts without permits.) All vessels should be compelled to touch at Key West if they are bound for Florida, and a first-class quarantine station should be established there.

The only hope we have is that some great and noble citizen will start this work. "You are the man" who can do this. You are known and respected all over the land. You are recognized as a pure man, a leader. Your city is our great city. Your people give their wealth freely. The governors and officers of the cotton States will listen to you. They will not distrust the President and his soldiers if the latter are necessary. The people will hail the United States officers and managers as heavenly ministers. You can accomplish this work, and I know of no one else who can.

The Government I know is now helping, but they are not permitted to control affairs. The whole thing should be in Government hands. It is the only hope. I know that politics can not get mixed up with it. I am a Republican (usually), my neighbors are men of both armies—nearly all are Democrats—and for two years we have been hoping and praying that the United States would take charge. The protection of the Florida coast is no longer a State question; it is now of more importance than the Indian frontier, and the prosperity of the whole nation is at stake. Will you not speak out and save us?

I hope I am not uselessly wasting your time, and I believe I am doing my duty to my country and my State by writing this. I do honestly believe I am only writing that which every citizen of Florida has in his heart.

I am, very respectfully,

JAMES M. VAN HOOK,
A Citizen of Fort Meade, Polk County, South Florida.

In conformity with the request of the mayor of the city of New York, I present the resolution and this letter. I would prefer, as the resolution merely instructs the committee in their discretion to consider the subject and report at this session of Congress, that it should be adopted. There is nothing in it which can be objected to by any member of the committee, as it does not prescribe any form of action or any special method of treating the subject, but simply requires the committee to consider and report during the present session in conformity with the request of the mayor of New York.

The PRESIDING OFFICER. The Senator from Maine moves that the resolution be referred to the Committee on Epidemic Diseases.

Mr. CALL. I hope the Senator will withdraw that motion. I merely ask that action be taken directing the committee to report, and I make the request upon the letter of the mayor of New York as being a matter of immediate and urgent necessity.

Mr. HALE. I made the suggestion because the committee is considering all of these subjects, and I think it is better that it should be unembarrassed by any instructions. The chairman of the committee is not present, and unless the Senator from Florida agrees that the resolution shall be referred to the committee I shall ask that the matter lie over until to-morrow.

Mr. CALL. I shall have to submit to that course, but it seems to me that a reference is very immaterial. There is nothing in the resolution to which the committee can object. It simply requires them to report at this session, and certainly in the face of a request of the mayor of the greatest city in population and in commerce in the United States, simply to take action, not saying what action, but that some efficient action should be taken, with the existence of this epidemic, already threatening to spread over a large portion of the country, there can be no objection to the Senate acting immediately upon the subject.

The PRESIDING OFFICER. Objection being made, the resolution will lie over with the motion to refer it to the Committee on Epidemic Diseases.

RELATIONS WITH GREAT BRITAIN AND CANADA.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report back to the Senate the resolution directing that committee to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada. We report back the resolution without recommendation, with a view that it may be placed upon the Calendar to be the subject of debate in the Senate. It is the desire of the committee to get all the information and all the light upon the subject before its final reference to the committee.

The PRESIDING OFFICER. The Senator from Ohio, from the Committee on Foreign Relations, reports back a resolution which will be read.

The Secretary read the resolution submitted by Mr. SHERMAN September 17, 1888, as follows:

Resolved, That the Committee on Foreign Relations be directed to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada, with such measures as are expedient to promote friendly commercial and political intercourse between these countries and the United States, and for that purpose have leave to sit during the recess of Congress.

The PRESIDING OFFICER. The Senator from Ohio reports the resolution without recommendation, and asks that it be placed on the Calendar. It will be so ordered, unless there be objection.

Mr. BLAIR. I wish to inquire of the Senator from Ohio whether the resolution which he has just reported back and had placed upon the Calendar is likely to be early called up for the consideration of the Senate?

Mr. SHERMAN. I am not authorized to say. The Committee on Foreign Relations conceive the subject to be of very great importance and do not desire to rush to its consideration until they have full information.

Mr. BLAIR. So that if any Senator desires to make remarks on the subject, he can do so immediately?

Mr. SHERMAN. The resolution is on the Calendar and can be called up at any time to make observations upon it. So far as the committee are concerned, I am inclined to think that they would not desire to press a final vote upon any measure on this subject until the next session of Congress, but I am not authorized to say even that.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the one hundred and tenth amendment of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 145) for the relief of Edward Braden and Job W. Angus;

A bill (S. 320) for the relief of John D. Adams;

A bill (S. 937) for the relief of David L. Brainard and others;

A bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as may be found due him thereon;

A bill (S. 1101) granting a pension to Rachel A. Sinkinson;

A bill (S. 1500) granting a pension to Margaret M. Miller;

A bill (S. 1582) for the relief of the estate of Lucien Goyaux;

A bill (S. 1591) granting an increase of pension to Madison M. Meredith;

A bill (S. 1668) for the relief of A. M. Woodruff;

A bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow;

A bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor, of Joseph H. Maddox, deceased;

A bill (S. 2346) granting an increase of pension to Jennie Hart Mullany;

A bill (S. 2411) for the relief of C. A. Williams and others;

A bill (S. 2675) granting an increase of pension to Lieut. James R. Durham;

A bill (S. 2711) restoring Phebe McLaughlin to the pension-roll;

A bill (S. 2720) granting a pension to John B. Ross;

A bill (S. 2836) granting a pension to William E. Taylor;

A bill (S. 2838) granting an increase of pension to Betsey A. Mower;

A bill (S. 2887) granting a pension to George H. Johnson;

A bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts;

A bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge;

A bill (S. 3471) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company;

A bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office;

A bill (H. R. 11101) to include Sapelo Sound, Sapelo River, and Sapelo Island in the Brunswick collection district in the State of Georgia;

A bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., and at other places herein named; and

A bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate the action of the House of Representatives on the sundry civil appropriation bill.

The PRESIDING OFFICER laid before the Senate the resolution of the House; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *September* 27, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the one hundred and tenth amendment of the Senate to the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 110 to the bill (H. R. 10540) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted, insert the following:

"For the building for the Library of Congress as herein provided for, and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary for the work and shall specially order, $500,000. This appropriation and all appropriations hereafter made, and all sums available from appropriations heretofore made for this purpose, shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and so much of the act entitled 'An act authorizing the construction of a building for the accommodation of the Congressional Library,' approved April 15, 1886, as requires the construction of said building substantially according to the plan submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress by John L. Smythmeyer, and so much of the first section as provides for a commission, together with the eighth section of said act, be, and the same are hereby, repealed, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, who shall annually report to Congress, at the commencement of each session, a detailed statement of all the proceedings under the provisions of this act, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library except such as is herein provided for, and all contracts for work or materials not necessary for the execution of the work contemplated herein are hereby rescinded. And all loss or damage occasioned thereby, or arising under said contracts, together with the value of the plan for a Library building submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress by John L. Smithmeyer in the Italian renaissance style of architecture, may be adjusted and determined by the Secretary of the Interior, to be paid out of the sums heretofore or hereby appropriated: *Provided*, That before any further contracts are let for the construction of said building, general plans for the entire construction thereof shall be prepared by or under the direction of the Chief of Engineers of the Army, which plans shall be subject to the inspection and approval of the Secretary of War and the Secretary of the Interior: *And provided further*, That the total cost of said building shall not exceed $4,000,000 exclusive of appropriations heretofore made."

And the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.
WM. H. FORNEY,
JAMES N. BURNES,
THOS. RYAN,
Managers on the part of the House.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the following acts and joint resolution:

An act (S. 186) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc.;

An act (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company;

An act (S. 3447) amendatory of "An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888, and for other purposes;

An act (S. 124) granting a pension to Henry F. Kaiser;

An act (S. 1988) granting a pension to Henry R. Blakiston;

An act (S. 2576) granting a pension to Richard Hudson;

An act (S. 2713) granting a pension to Pierre Bottineau;

An act (S. 2913) granting a pension to Mary Sturgess;

An act (S. 2938) granting a pension to James McDonald;

An act (S. 2951) granting a pension to Mrs. Mary Morrison Elliott;

An act (S. 3130) granting a pension to Patrick Welch;

An act (S. 3186) granting a pension to Christian Winkel;

An act (S. 3236) granting an increase of pension to George A. Washburn, late major, Sixteenth Connecticut Volunteers;

An act (S. 2750) to increase the pension of Samuel A. Tate;

An act (S. 212) for the relief of Patrick H. Winston, jr.;

An act (S. 576) for the relief of Semon Bache & Co.;

An act (S. 1506) for the relief of Addie Bell; and

Joint resolution (S. R. 102) appropriating $200,000 to suppress infection in the interstate commerce of the United States.

THE LOUISIANA ELECTION.

Mr. CHANDLER. I ask unanimous consent to call up the resolution in relation to the Louisiana election.

Mr. GIBSON. I inquire of the Senator from New Hampshire whether he proposes to take a vote on the resolution this morning.

Mr. CHANDLER. My purpose in calling up the resolution is to ascertain whether any Senator desires to make remarks thereon. If so, I propose that debate shall proceed.

Mr. GIBSON. I propose to make a few remarks on the resolution whenever the Senator desires to have a vote on it.

Mr. CHANDLER. After the Senator has concluded his remarks I desire that the Senate shall proceed with the consideration of the resolution until a vote is reached.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution submitted by Mr. CHANDLER July 19, 1888, as follows:

Resolved, That the Committee on Privileges and Elections be instructed to inquire—

1. Into the facts of the recent election in the State of Louisiana held on the 17th day of April, 1888, at which there were chosen State officers and also a Legislature, which has since elected two United States Senators; and especially to ascertain and report whether the 136,746 votes returned for the candidate of the dominant party for governor were actually cast, in view of the fact that at no previous election had the votes for such candidate of such party exceeded 88,794; and also why in the parish of Madison there were returned 3,530 votes for one party and none for the other; in East Feliciana Parish, 2,276 for one party and only 5 for the other; in Morehouse Parish, 1,584 for one party and only 14 for the other; in Ouachita Parish, 2,994 for one party and only 5 for the other; in Sabine Parish, 1,441 for one party and only 2 for the other; in Tensas Parish, 4,627 for one party and only 113 for the other; and why there were similar returns from other parishes; and also to ascertain and report whether or not at said State election there was any violence, intimidation, or fraud which pre-

vented a fair election, and particularly whether or not there were any false canvasses or false returns made by the local election officers or included in the final canvass of the votes. And in case said committee shall find that such illegalities as violence, intimidation, or fraud, false canvasses or false returns prevailed in connection with such election, then said committee shall further inquire—

2. Whether any of the acts or omissions of the officials or other persons responsible for or connected with such illegalities were contrary to the Constitution of the United States or the amendments thereof, or were violations of any of the statutes of the United States, especially the provisions of chapter 7, Title LXX, of the Revised Statutes, punishing crimes against the elective franchise and civil rights of citizens, and, if so, whether any prosecutions have been or ought to be commenced in the United States courts for such offenses.

3. Whether such illegalities are likely to be repeated in connection with the election to be held in said State on the 6th of November next for Representatives in Congress; and if so, whether there is occasion for the alteration by Congress of any of the regulations prescribed by said State for holding elections for such Representatives in Congress.

4. And said committee shall also inquire whether there were in connection with the aforesaid State election illegalities, frauds, false canvasses, and false returns so extensive and systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said election without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and if so, whether said Legislature was actually and duly elected by the people of Louisiana, or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators, and to provide methods for the appointment of electors for President and Vice-President of the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. GIBSON. Mr. President, I am under the impression that the people of this country in all parts of it, whether Republican or Democratic in politics, and especially that the business men of the country, are weary of these unconstitutional and revolutionary methods of investigation that tend only to disturb the relations of the States to the Union, and to excite ill-will and distrust between the sections, and the white people and their former negro slaves in the Southern country. They may serve temporary partisan purposes; they can bear no good fruit.

When I see the thin attendance in the Senate on this occasion, when it was proposed by the Senator from New Hampshire to ask for a vote upon his resolution, I am persuaded that the thoughtful members of the Senate in the Republican party can not, and do not, sympathize with the purposes of the resolutions. I can not but remark upon the lack of interest in these proceedings which twenty years ago engaged the public attention, and constituted the instrumentality by which turmoil, and confusion, and tumult and disorders, and race collisions, were promoted in the South, and governments of misrule and confiscation were upheld, and even justified, by many uninformed people of the North. We have, I hope, passed beyond that epoch.

But what are these resolutions that arraign, if not the sovereign State of Louisiana (for that term appears to have become offensive to some persons in these modern times), certainly the "indestructible State," for the States have been characterized as such by the Supreme Court of the United States. They instruct a standing committee of the Senate, the Committee on Privileges and Elections, to ascertain whether there be a republican form of government in the State of Louisiana; whether the members of the General Assembly were duly elected under the constitution and laws of the State, and whether or not they were competent to elect Senators and to make laws; whether the governor was duly elected; and whether, finally, the people of the State should exercise their constitutional rights to choose Presidential electors, and to have their votes counted in the electoral college.

Resolutions so formidable in their scope, so comprehensive, and so sweeping, and fatal to one of the commonwealths of this Union, should neither be introduced, nor considered, by the Senate, unless supported by a state of facts, certified to the Senate by the most solemn and weighty evidence. But under what circumstances have they been brought to our attention? There has not been from the State of Louisiana a single petition presented to this body from any citizen in that State informing the Senate that he had a grievance of any kind in the wide world that the Senate might redress. There has not been a complaint from any body of the people of that State to the Senate asking for any legislation to protect them in their rights, political or civil.

We know, because the Senate of the United States must take cognizance of public facts, that there is but one government in the State of Louisiana, but one person claiming to be governor, but one body claiming to be the Legislature of the State, but one supreme court in the State. We have before us the constitution and laws of the State, observing and maintaining the Constitution and laws of the United States, and all the rights and privileges of the citizens of the United States and of the State, and radically republican in form. We know that State to-day is in satisfactory relations with the other States and with the Government of the United States in all its branches, the Congress, the executive, and the judiciary.

It is represented in the House of Representatives; it is represented here in the Senate. We know that law and order prevail in the State of Louisiana. We have no knowledge of any tumult, of any insurrection, of any disorders in that State but in the individual instances that occur, more or less, in every community, of misdemeanors and crimes aggravated, perhaps, by the fact that the negroes, who were recently, and from time immemorial the slaves of the white people, have been suddenly made free, and elevated without any education or training, except such as the institution of slavery afforded, to participate in the conduct of the Government; and it can not be disguised that the race problem, sometimes on account of politics, but more frequently without reference to politics, creates friction and difficulties greater than in the States where no such revolution has been wrought, and where the same race problem does not exist under such embarrassing conditions, or in such an intense form. A state of society like this must appeal to every thoughtful man's patience and sense of justice, if not to his generous sympathy.

I do not propose at this time to argue the constitutional questions raised necessarily by these resolutions.

They involve the proposition that under the Constitution of the United States a single Senator may, on his own motion, in the absence of a petition or memorial from a single citizen of the State, when it is known to the Senate that there is but one government in the State, and no insurrection, or tumult, or disorder, challenge the legality of the government of the people of the State and put them on trial to show whether their government is republican in form, a government whose constitution and laws show it to be such, and which is satisfactory to the whole people of the State and is in constitutional and harmonious and satisfactory relations to the Government of the United States.

They involve the proposition that the Senators are not to be chosen by the Legislature of the States as constituted by the people of the States in accordance with their constitution and laws, but that the Senate, in the absence of any protest or complaint from any member of the Legislature, or from any citizen, or of any contest or contestant against the election of the Senators, may put on trial the Legislature itself of the State and usurp its functions "to determine the election, returns, and qualifications of its own members."

They involve the proposition that in advance of a Presidential election this Senate, on the motion of a single Senator, without even a reference to the appropriate committee, shall convert itself into a court or political caucus and institute an inquiry to determine whether one of the States in this Union, without its consent, shall be deprived of its equal suffrage in the Senate and of its right to choose electors to participate in the election of the Chief Magistrate of the country.

These and other propositions not less revolting the Senate is requested, by the Senator from New Hampshire, to indorse as resting upon sound constitutional grounds.

I admit that the States can not place a limit upon the powers of the Federal Government; that they can not either nullify a law or secede from the Union, and that there is no way by which a boundary may be fixed to the Federal power except by appealing to the people against the party that shall attempt usurpation, and by the action of the Government itself, its Congress, its Executive, and its courts.

And I submit to Senators that where this has become the settled construction, that State interposition can not set limits to the central authority, but that the Federal Government must, by its Congress, President, and Supreme Court, and the Constitution, determine the measure to its own jurisdiction, the safety of our institutional and municipal liberties demands that the functions and powers of the Senate should be employed rather to uphold the checks and balances of our complex system, and to curb usurpations, than to respond to the behests of party exigencies to overturn and tread upon all precedents and every principle of constitutional law in the midst of a heated Presidential campaign.

If these resolutions provided that this investigation should be conducted in the parishes where the Senator from New Hampshire alleges irregularities and outrages have been committed, finding his foundation for such charges in anonymous letters and newspaper clippings, and if the character and standing of the persons making these charges could be known to the Senators, and if the persons accused could have a fair hearing, I do not know that I should object seriously to the adoption of the resolution. It is a fundamental principle that every person accused should have the opportunity to know precisely what the charges against him may be, and to be confronted by the witnesses, and that the cause should be submitted to a jury of the vicinage; and in no case, in any country enjoying constitutional liberty, will an indictment be sustained on mere hearsay or anonymous communications; it must be supported by affidavits or sufficient evidence. But here is a proposition that indicts a whole State 1,200 miles away, puts the liberties and institutions of a million and a quarter of people on trial, in violation of every principle of right and justice.

If a committee of the Senate were to visit my State they would not find the people there living in a Utopian condition; they would not find them, possibly, realizing the dreams of Jean Jacques Rousseau, or living in such a commonwealth as the honest old counsellor Gonzalo, in the Tempest, would establish; but they would find an industrious, sober-minded, kind-hearted, generous, and brave people, who in the midst of great disasters and misfortunes have re-established their industries, their schools, their churches, and the supremacy of law, giving protection to life and property. They would find a people not only building up their material fortunes, but also building up institutions of learning, universities and colleges of a high order; they would find the relations between the races peaceable and kind; they might also ascertain that occasional outbreaks occur, owing to diversity of race and condition; but they would find a people like the people of other States of this Union in the North and in the South, except that the difficulties

and responsibilities of adapting our institutions to self-government are greater than in States where sudden and violent changes in the social order have not taken place.

Now, these resolutions propose no such inquiry, but they propose that a committee of this Senate shall be constituted a political court in this city, and that summons shall be sent out to every person in the State of Louisiana who may have a complaint or grievance against his neighbor, or who, feeling that if he can convince this committee that he has made sacrifices or suffered any wrong on account of his political opinions, in the event of the election of Mr. Harrison he may be rewarded in proportion to the gravity of the offense that he should allege has been committed against him. This prosecution will be conducted by pettifogging politicians, some of whom are already in this city cutting and drying the programme in advance for the working of the committee. The offer of a visit to the Federal capital, with all expenses paid, the expectation of forming the personal acquaintance of leading Republican Senators, the hope that their services to the Republican party amid the dreadful condition of society in which they live, according to their own accounts, will be recognized, will induce many a man to sacrifice truth and the friendship of his neighbors in order to merit reward at the hands of political leaders. Every neighborhood scandal, every old feud, every grievance, will be retailed to this committee, and these stories in daily bulletins will be disseminated throughout the North to poison the minds of our fellow-countrymen against their countrymen in the Southern States. Thus the seeds of sectional ill-will and animosity will be sown and a harvest in due time may be gathered. You will not hear by this mode of investigation the substantial people of the State, for they are busy in their homes; they have their farms and private business to look after and their daily round of occupations. At this season the farmers are gathering in their crops; they are taxed to make both ends meet at the close of the year; but the unscrupulous politicians in every neighborhood, who fatten on local disorders that they breed, and are looked upon with contempt as Ishmaelites, and who are without any stake in the community, will hasten to regale this committee with their fictions. It will be simply impossible to induce the best element of citizens, who are, as I said, occupied at this time, to leave their homes and come before a committee in Washington which they believe is organized simply for political purposes. Hence an inquiry like this should have and can have no weight with the country; in fact, it will have no more weight than the anonymous and slanderous letters which the Senator from New Hampshire has read to the Senate, or the clippings from newspapers which assert one thing to-day to attract attention and deny it to-morrow.

But the Senator from New Hampshire did not rest, I am frank to say, his demand for this investigation solely upon anonymous letters and newspaper clippings. He refers to tables showing the vote at the election on the 17th of April, 1888, in Louisiana, and he exhibits to the country the fact that in many of the parishes, a long list of which he publishes, the vote actually cast exceeds the number of persons duly qualified by registration to vote. He cries out "here is evidence of fraud." He next shows that there was a total vote in the State of Louisiana of 188,739, while at the election of 1884 there was a total vote of only 132,296, and at the election of 1876 a vote of 160,964. Upon these statements the Senator insists that his claim for an investigation chiefly rests, because he himself can not expect that the Senate should take any action upon mere anonymous communications and extracts which he has read to the Senate. He himself will admit that this would be trifling with the Senate, as well as with the people of one of the Commonwealths of the American Union, and therefore it is that he bases his demand for investigation chiefly upon an official statement of the vote and registration in the State of Louisiana. Now, let us look at those statements.

I will demonstrate that the Senator has been entirely mistaken in his figures; that his premises rest upon an error of his own; and that therefore the very ground-work upon which he is asking for this inquest falls from under his feet, and this resolution should fall with it. The Senator furnishes us with the official vote on April 17, 1888, but he does not exhibit the official statement of the registration taken in accordance with law ten days before the election. He refers us to the registration of 1884, and other speeches have been made here referring us to the registration of 1880. I append to these remarks an official statement of the registration in 1888 and the official vote at the election in 1888, and it will be seen that the statement of the Senator that the vote exceeded the registration is a mistake.

It does often happen in elections, where persons are careless about qualifying to vote, that they are permitted to vote on affidavits upon being identified, and it is possible that this may have occurred in some places, and, in fact, did occur in Concordia Parish. Now, these tables show that there were registered previous to the election of 1888, 253,557 persons, of whom there were whites 125,407, and colored 128,150. The total vote cast at that election on the 17th of April was 188,739, showing that there were 65,821 persons duly qualified to vote who did not vote. There was no complaint against the registration. I use statements taken from the same sources as the Senator himself draws from, except that my statements, both of the registration and of the vote cast, relate to the election of April 17, 1888, while his statement of registration relates to the previous elections.

This fundamental error must be fatal to the whole argument of the Senator. It is very natural that he should have made such a mistake, because being 1,500 miles away and having probably never put his foot within the State of Louisiana, and his acquaintance being limited in that State, possibly, to the class of pettifogging politicians, it is easily comprehended that he should have been led into just such mistakes by them. Here, then, we have the fact that there were over 65,000 persons qualified by registration to vote who did not vote in the recent election in Louisiana; and the vote cast in the State at the recent election bears the like proportion to the total male population of over twenty-one years of age as exists between that population and the vote in the majority of the States. On the average only about 80 per cent. of persons entitled under the laws to vote usually cast their votes, as will be seen from these figures which I have taken at random from Spofford's Almanac:

PERCENTAGE OF VOTE IN 1884 TO NUMBER OF VOTERS IN 1880.

	Per cent.
Connecticut	71
Illinois	84
Kentucky	73
Maryland	80
Michigan	85
Missouri	81
New Hampshire	80
New York	83
New Jersey	87

In 1884 in Louisiana there were 86,610 persons registered who did not vote; in 1876 there were 46,658 registered voters who did not exercise the franchise. So that I submit there is nothing phenomenal or extraordinary in the vote of the recent election in Louisiana. But the Senator says it is not the total number of votes cast that is surprising, but it is the very large majority that Nicholls received over Warmoth. I freely admit that the majority was large, and that perhaps it would excite suspicion in the minds of persons unacquainted with the state of popular feeling in Louisiana, or with the conditions of the Democratic as well as the Republican party in that State. But these fluctuations of majorities are not confined to the State of Louisiana, and I think that the large majority obtained by Governor Nicholls could be more easily and satisfactorily explained than the phenomenal majorities which have marked the elections in other States of the Union.

Here, for instance, is the State of New York. In 1879 Cornell (Republican) received 418,567 votes, Robinson (Democrat) received 375,799 votes; Cornell's plurality was 42,777 votes; and in 1882, only three years afterward, Cleveland (Democrat) reversed this plurality of 42,777 for the Republican party and was elected by a plurality of 192,854.

Take, again, the State of Massachusetts. In 1879 Long (Republican) was elected by a plurality of 13,602 votes; the very next year his plurality was 53,245, and the year after, General Butler reversed this plurality for the Republican candidate and was himself elected governor by a plurality of 13,949 votes.

Not only are these oscillations of majorities in these two States greater than in the State of Louisiana, but the fluctuations in the total vote, when you consider the political conditions, the steadfast opinions of the people, the thorough organization of the parties, and the facilities for intercommunication, are indeed extraordinary, and more difficult to be accounted for than in a State like Louisiana, where there has been in times past so much race antagonism, so much political commotion, and where for years the working people of the State were subjected to a government composed chiefly of their former slaves, which every year consumed the entire surplus of their earnings and mortgaged, by a public debt, one-fourth of the assessed valuation of their property, while nearly every guaranty for life as well as property was destroyed.

I am sorry to say, but truth compels me to do so, that at that time, while the white people in that State were subjected to such ignorant and degraded tyranny, despoiled of their property and their rights, the demagogues in the Republican party of the North did not extend to them any generous sympathy, nor was any committee sent to inquire into their sufferings and wrongs, which had been proclaimed throughout the whole land. I know that at that time thoughtful and conservative members of the Republican party condemned those spoliating governments just as they condemn these resolutions, the effect of which and the intention of which are to restore such governments to power over the white people and property-owners in a Southern State.

I was speaking of the oscillations of the popular vote in some of the Northern States, and I observe that in the State of Massachusetts there was a change of 68,715 votes from 1879 to 1883, and of 56,079 votes from 1882 to 1883, and of 94,445 votes from 1884 to 1885, whereas in the State of Louisiana there was an increase in the total vote from 1879 to 1888 of only 27,000, and a fluctuation from 1884 to 1888 of 56,000. It appears that there is nothing on the face of the papers more extraordinary in the official statement of the recent election in Louisiana than in the official statements of election in other States. Doubtless Senators from New York and Massachusetts and other States where these oscillations have taken place could very readily explain the causes of them; and I can in a few words relate to the entire satisfaction of the Senate the reasons why such a large vote was cast and such a large majority obtained by Governor Nicholls.

It is always an unpleasant task to discuss persons living in your own State, as was observed by the Senator from Massachussetts [Mr. HOAR]

the other day, when he said he did not think it exactly right for any one to ask him about the standing of particular individuals and particular newspapers in his own State; that he did not think it proper to discuss the personal character and the standing of its citizens.

There had been a wide breach in the Democratic as well as in the Republican party in Louisiana. The two wings of the Democratic party were led by Governor Wiltz, and afterwards by Governor McEnery on the one hand, and by General Ogden and Governor Nicholls on the other; the two wings of the Republican party were led by Governor Warmoth on the one side and Governor Kellogg on the other.

In consequence of the differences between the leaders of the Republican party, and owing to the disrepute which the Republican administrations in the State had fastened upon the party, its organization fell to pieces and it despaired of carrying any State election. Every one felt that the contest to be decided at the recent election in the State was an issue between the two wings of the Democratic party. This was the opinion generally of Republicans as well as Democrats. The canvass between the Democratic wings was inaugurated almost a year in advance of the election. There never was in the State of Louisiana such a warm, protracted campaign, and, if I may be pardoned for saying it, such a forcible appeal to the people of the State. From the middle of August until the middle of January, when the State nominating convention was assembled, the leading men of the State were engaged daily in making speeches, going from parish to parish, and the newspapers of the State were all enlisted on the one side or the other. Indeed, having participated myself in the canvass and being well acquainted with the people of the State, I think I am safe in saying that all there was of political vitality, of political interest in my State was divided between those two wings of the Democratic party. The wing represented by Governor Nicholls gained a great triumph, but no sooner was its supremacy assured by the action of the Democratic convention, than a policy of reconciliation and of healing of differences was adopted.

The wing represented by Governor McEnery was given recognition on the State ticket by the nomination for important places of two gentlemen associated with that wing, and when that great convention dispersed the Democrats who had espoused the cause of McEnery became for the most part the eager champions of Governor Nicholls's election. The Nicholls division of the party has been assailed by the Senator from New Hampshire because it acted with generosity towards the defeated McEnery wing of the party. This is unjust, and I submit to Senators from the North, if it has not happened to them that when one wing of their party was defeated they have sought and generally succeeded, when the convention assembled, in composing all differences by recognizing the factions or divided elements in their own party; they not only do this in their State conventions, but in national conventions. This was notably the case when Garfield and Arthur were nominated.

Returning to the State election—no one supposed that the Republican party would put a candidate in the field, as there was no organization, and no expectation that they would do otherwise than organize for the national contest in 1888. But to the surprise of nearly every one a convention was called and the nomination offered to Governor Warmoth. He hesitated to accept it, but did so at the last moment, believing, I presume, that the differences between the McEnery and Nicholls elements of the Democratic party might be made available. He consented reluctantly to become a candidate, and in a few short weeks before the election made a rapid canvass of the State. I believe he was received everywhere with consideration, because there were many people in the State who had come to believe that some of the most outrageous acts committed during the Warmoth administration were carried over his vetoes and against his influence. During his canvass he declared that if elected he would endeavor to see to it that the intelligent and property-holding classes should control the State, that he would not raise the race issue, and would continue in office the officials whom Governor McEnery had appointed. He also did not hesitate to declare that he was and had been opposed to Federal intervention in affairs of the State, that he disapproved of and discountenanced Governor Kellogg's methods and policy, that Kellogg never was elected Senator of the United States, that he was a "political phenomenon," a man who had held his seat in the Senate without having been elected by any sort of Legislature. Governor Warmoth declared that he had had a breach with President Grant during his administration and that he had thrown up his hat with joy, like all the citizens of the State, when Kellogg's administration was overthrown on the 14th of September, 1874, and that he himself had canvassed the State for the election of Governor John McEnery.

Now, these sentiments were addressed to the white people, who were all thoroughly aroused by the long canvass of which I have spoken. Every one will admit that they did not tend to awaken the hopes of the old Republican leaders, but to alienate Governor Kellogg and his friends, who constituted, perhaps, the majority of the active element in the Republican party. The fact was frequently commented upon that Governor Kellogg, though in the State, took no part in the canvass. Under these circumstances is it extraordinary that Governor Warmoth should have received a small vote and Governor Nicholls a large vote? Nicholls possessed certain attractions for the people of the State, both white and colored, which excited their interest, respect, and sympathy. He had been one of their heroes in the great civil war, and had lost an arm at Winchester, and a leg, when side by side with Stonewall Jackson, at Chancellorsville. He had always exhibited in his official relations great fairness in the execution of the law and the punishment of crime, and much kindness towards the colored people. These considerations are sufficient to account for the large vote indicative of the confidence that the whole people of Louisiana had in this gentleman.

Now, in certain parishes enumerated by the Senator from New Hampshire, parishes on the Mississippi River, where the negroes outnumbered the whites, say as ten to one, it appears that the election went all one way. The conditions of society in those parishes present the race problem in a more intense and difficult form than in other parishes of the State where the whites constitute a majority, or where the two races are more equally divided, and where the white people have always made their permanent homes. In the delta, or riparian parishes, many of the white people formerly, as they do now to some extent, resided in the highlands or in Mississippi with their families. The negroes were concentrated in great numbers on vast cotton plantations where there were but few white people. Consequently they did not come in contact with the white race in any large degree. It was rural and not domestic slavery; hence, the negroes in those parishes were extremely ignorant and wholly unfit for self-government or the government of others, and even under the reconstruction régime they were brought to rely upon their white leaders in the Republican party and voted mainly in accordance with the wishes of those leaders. When that party was overthrown, some of its leaders became Democrats. Nearly all the land-holding Republicans, and specially the settlers in those parishes who had been officers in the Federal Army, became Democrats, or voted with the Democratic party upon local issues, if not on the national ticket. It has been customary in the State and local elections for the white Republicans of this class, that is, the substantial, property-holding Republican and Democratic leaders, to come together and agree upon a ticket, and the negroes for the most part voted for this ticket, parish officers and State officers. I have been told by leading Republicans from those parishes that they could not afford to see their property pass under a government controlled by negroes; in other words, they united with the Democrats in using every resource and every influence against the establishment of local government under the control of the non-property holding and ignorant classes.

Such of the negroes as have become educated have also, I understand, joined the Republican and Democratic leaders in this policy, who feel that they can not live under a negro government; and I expect this would be the feeling of the Senator from New Hampshire, himself, if he lived in one of those parishes where the negroes, owing to the circumstances I have related, are so entirely ignorant and unfit to levy taxes, to enforce law and order, or perform other governmental functions; and yet in those parishes there are some intelligent negroes elected justices of the peace and to other parochial offices. In some cases they have been elected to the State Legislature. I found in the parish of Madison the very general officer who was appointed by General Canby to receive the surrender of the Confederate army to which I had been attached. He was present at the Democratic meeting which I had the honor to address in that parish, and I understood that he and all the ex-Union officers there were supporting the State ticket and the ticket for the Legislature which was elected, and such, I believe, was the case in the parishes above and below Madison on the Mississippi River from the Arkansas line to the mouth of Red River. I myself have old friends in those parishes, who when the Republican party was in power found it necessary to become Republicans in order to protect their property. Some of them had inherited large estates, and they were gentlemen who would adorn any community by their intelligence and their character. They became, I repeat, Republicans in order to save their property, but they did not succeed in preventing ruinous and confiscating taxation. I heard a leading Republican say once that when some one asked what the debt of the parish in which he resided was, he replied that it depended entirely upon the necessities of two or three white Republicans in that parish, who, whenever they were hard pressed, issued enough scrip to satisfy their wants. These parishes are now out of debt; they have expended thousands and thousands of dollars in building levees on the Mississippi River; some of them have a surplus in their treasuries; the white people and colored people are working together satisfactorily; property is improving in value, and schools are rapidly increasing in number. I understand and I believe, for I desire to speak with perfect frankness to the Senate, that there are certain political tricksters in those parishes who have sought, not so much to promote the interests of the Republican party, as to promote their own selfish interest at the expense of the community, and that they have, many of them, rendered themselves odious both to the Republicans and Democrats, and that in some instances these evil-doers have been warned to desist from their bad work.

They hold about the same relation to society there that the anarchists do to the people of Chicago, or any other agitators and peace-disturbers to the communities in which they reside. Some of these men propose to enlist the ignorant negroes under their banners, and to fight, not for the Republican party, but for themselves, at the expense

of the good order and the security of the lives and property of the substantial citizens, Republicans and Democrats alike, and to destroy every educational and religious interest and institution, as well as the peace of society, in order that they may appear in some quarters as zealous Republicans, or as martyrs for principle. In a few instances I understand that such men have been requested to leave the community.

Mr. CHANDLER. May I ask the Senator to what case he refers?

Mr. GIBSON. I am not referring to any particular case. I am speaking generally, and not of a particular case.

Mr. CHANDLER. I understood the Senator to refer to some particular man. What is his name?

Mr. GIBSON. I do not know what the man's name is. I am speaking now of the general condition in regard to these parishes on the river.

Mr. CHANDLER. There were numerous cases of this kind where men were notified to leave?

Mr. GIBSON. I do not know that there were numerous cases.

Mr. CHANDLER. Has the Senator any in mind?

Mr. GIBSON. I have in mind Mr. Holmes, an old Confederate soldier and a gentleman for whom I have always entertained high regard, and whose hospitality I have enjoyed; but I do not think he went to any excess. I had the parishes of Tensas and East Carroll in my mind; I had the parishes enumerated in the Senator's resolutions in my mind.

But this condition of things is confined to a few parishes of the State of Louisiana. I believe that wherever and whenever such conditions prevail men of property and intelligence will combine together to exert all their influence, without respect of party, to prevent the interests of the community from falling under the control of the ignorant and those wholly unfit for exercising the powers of government, and who become the willing dupes of political adventurers or designing communists. We have an example of this state of things on the Pacific coast, where the Chinese, claiming the oldest civilization in the world and representing a race endowed with extraordinary skill and power, have been excluded from our Pacific States, because they were not only different from those communities in race, but their standard of morals was also different, and because they were utterly ignorant of our institutions, and were content, in order to accumulate a competency, to work for wages much lower than our own people could live and prosper on. They were in fact as much alien to the prevailing sentiments and moral qualities of the population of the Pacific coast as if their only training had been found in the institution of slavery itself. The ruthless massacres of the Chinese in Wyoming Territory and Colorado exhibit a phase of race conflicts and indicate the limitations upon the Federal power to afford adequate remedy, as held by Mr. EVARTS himself when Secretary of State. No sooner had these conditions presented themselves, this menace to free institutions been offered, this array of ignorance appeared, than Senators from that coast raised a cry which has resounded throughout the Union, and which has been responded to with alacrity by Senators from all parts of our common country. They have, in effect, invoked the Senate to re-enact the Dred Scott decision, and to take the ground with respect to the Chinese race upon which that famous decision rested in respect to the colored people in this country. They who hold with the Declaration of Independence, that all men are created free and equal, find themselves under an imperious necessity, political and social, of their people to adapt their doctrine to the exclusion of the Chinese race. Now, when these wants and conditions are brought home to Senators from States on the Pacific coast, they ought to appreciate and I believe they do appreciate the embarrassing and almost insurmountable difficulties that the Southern people have to contend against when dealing with the race problem in their midst, when dealing with the negro born in slavery, and who by reason of his historical condition remains for the most part in subordination, a result which nearly always follows when an inferior is placed in juxtaposition with a superior race in the same territory.

These conditions which exist in the South, as they prevailed throughout a portion of the Union in earlier times, were aggravated in the southern section by the fact that they came upon the white people there, not as they did upon the white people in the Northern States by a gradual process of emancipation and a steady readjustment of relations, but they came upon the Southern people at the end of the most destructive war in respect of men and property that any civilized people ever encountered. The settlement of the question in the Southern States has unfortunately been complicated with the contests of the two great political parties of the country, but I think every one who surveys with a calm eye society in the South will admit that, under the circumstances, the preservation of peace, the recognition of civil and political liberty, the guaranties for life and property, the advancement in education and material resources have been wonderful, if not miraculous. I append some data showing the progress in the South generally, and in Louisiana in particular.

I repeat that the state of things which I have described was confined mainly to certain riparian parishes that were enumerated by the Senator from New Hampshire, but in other parishes, where the Republican party was organized and where the same conditions did not prevail as in the riparian parishes alluded to, the vote may not appear any less remarkable to the Senator from New Hampshire. For instance, in the city of New Orleans, where there was not the slightest dispute about the fairness of the election in April last, there were polled 38,966 votes, and out of that number Governor Nicholls received 27,824 and Governor Warmoth 11,142—Nicholls's majority being 16,682. At the previous election, in 1884, there were over 24,000 votes polled, and in 1879, 19,000.

If any one will take the white parishes of the State, that is, the parishes in which the white voters exceed the colored voters, including the city of New Orleans, and then the parishes which are represented in the General Assembly by Republicans, they will find they constitute a majority of the whole Legislature. In many of the parishes the Republicans indorsed the Democratic ticket for the Legislature, and the senators and representatives from those parishes may be added to those I have referred to, and it will be found that they in the aggregate constitute a large majority of the members of the General Assembly who participated in the election of the United States Senators. Moreover, in several instances, Republican contestants were admitted to their seats in the house of representatives, over which a gentleman presides who has become a resident of that State since the close of the war, and is a Northern man by birth.

Now, under these circumstances, the Senator from New Hampshire comes forward with his series of resolutions that no constitutional lawyer in this Senate can approve, but which he hopes may be adopted as part of the political programme. He would have one of the committees of this Senate constituted a sort of political mint in which shall be assayed and coined every calumny, every scandal, and, as I said before, every neighborhood feud, every grievance that any man imagines he has suffered, any grievance that any man may be persuaded he has suffered by pettifogging politicians who will be brought here at the expense of the Government. It is proposed that this currency shall find circulation among the good and philanthropic people of the North, who, when the excitement of the campaign shall have passed away and they have made inquiries into the true facts for themselves, shall find it to be base and fraudulent coinage.

Sir, I would rather resign my seat in this Senate than to become the medium by which such vile accusations are to be conveyed to the Senate, the scavenger by whom all the ill-will of the community is to be gathered up and presented to the Senate, or one of its committees. "I had rather be a dog and bay the moon, than such a Roman." I have here newspaper slips from leading newspapers in Rhode Island, and I saw a few days ago a letter from a distinguished citizen of that State, Mr. George S. Waring, declaring that the recent election in Rhode Island was carried by corrupt use of money, and that votes were sold as if in the public market. I have these papers and others at the service of the gentleman from New Hampshire if he desires to extend his inquiry into the legality or fairness of the recent election in the State of Rhode Island. They make out quite a strong case—stronger, I think, than the Senator has made out with his newspaper extracts and anonymous letters against the people and government of Louisiana. Will he accept them?

I am glad to know that there are Senators in this body who have adopted a different policy from that marked out by the Senator from New Hampshire; there are Senators here on the Republican side who by a broad, liberal, I will say magnanimous policy, have won a place in the hearts of the people I represent here to-day, and whose commission I hold by a unanimous vote, both black and white, of the general assembly of that State; there are Senators here who, instead of offering pains and chains and penalties and insults, holding up the people of a Southern commonwealth to the scorn of the public, have come forward with balm for the wounds of the great civil struggle and who have devised beneficent measures of legislation. I need not go beyond the limits of the State of New Hampshire to find such a man, and in years to come, though the Blair bill may be defeated, there will be found in many a hamlet in my State a warm welcome for the name of the statesman who had the sagacity and courage to bring forward that wise legislation intended to educate and enlighten the people of our country.

But the junior Senator from New Hampshire prefers to follow a different course. Without referring his resolutions to the consideration of the committee, but picking up here and there a scandal of the community from anonymous letters and newspaper clippings, often erroneous, he hopes to constitute a political machine to operate during the Presidential campaign, to catch, like the ear of Dionysius the Tyrant, the slightest whispers of political parasites or schemers, and proceed on such testimony to convict his countrymen, living in a distant State, of crimes and misdemeanors. Thus he would attempt to brand with the "Scarlet Letter" one of the fairest and noblest Commonwealths in this Union.

Sir, if this method of procedure can find justification in the minds of the constitutional lawyers in this Senate, or can bring gratification to the heart of any Senator on this floor, or if the author of these resolutions feels that they will gratify his constituents, or that they may be necessary to the success of his political party, he is welcome to such honor as they may bring him. If such charges, based on such flimsy grounds, were made, and if the indictment were laid against the decency and civilization and good character of my fellow-countrymen in New Hampshire, and had no other foundation than the Senator from New

Hampshire himself offers to the Senate, I should feel impelled by every sense of public duty and public honor, as a Senator and a gentleman, to interpose my arm and my voice in their defense; I should feel that I ought to lift my voice, as I do now, against such revolutionary, violent, heartless, reckless, and unscrupulous charges as have been laid against the generous, industrious, and enlightened people from whom I hold a commission on this floor.

Mr. President, I do not desire to prolong this debate, but I was struck, as the Senator from New Hampshire proceeded, with the inconsistency in which he indulged. In the first place, he appealed to the record, to the official table promulgated by the secretary of state of Louisiana to show that the vote of that State exceeded the registration of the State.

Mr. CHANDLER. If the Senator will allow me, I wish to say that I have never done that.

Mr. GIBSON. I found in looking over the former speech of the Senator from New Hampshire on yesterday that he furnished a table which has gone before the country showing that the vote in certain parishes of the State of Louisiana exceeded the qualified voters in the parish.

Mr. CHANDLER. Now the Senator makes the statement accurately.

Mr. GIBSON. In order to do that he takes the election of 1888 and the registration of 1884.

Mr. CHANDLER. May I ask the Senator right there whether there has been any registration since 1884?

Mr. GIBSON. Certainly.

Mr. CHANDLER. I should be obliged to the Senator if he would put it in the RECORD.

Mr. GIBSON. I will furnish the table.

Mr. CHANDLER. I should be obliged to the Senator if he would, because I have been unable to find any registration since 1884.

Mr. GIBSON. What a commentary is that upon the position the Senator from New Hampshire assumes! He would arraign the people of Louisiana when he himself declares that he is in perfect ignorance of the fact that there is required by law, ten days in advance of every general election in that State, a registration of the citizens in the State in order that they may be qualified to vote. That is a public fact which no one would overlook who desired to investigate and to ascertain how elections are conducted in the State of Louisiana. When, in ignorance of this fact, he displays to the people of the country the registration of 1884 coupled with the vote of 1888, showing thereby that the vote exceeded the registration, that Commonwealth stands here accused and convicted of the very fraud which he alleges against her. Yet the frail and uncertain groundwork of the *prima facie* case upon which this allegation rests is dissipated and disappears the very moment the official facts are presented to the Senate.

Not only that, but I show that in a period of twelve years there was a fluctuation in the total vote of only 27,000 in the State of Louisiana during the last election, whereas in the State of Massachusetts there was within one year a fluctuation in the total vote of 95,000. I submit the circumstances which led to the election of General Butler in Massachusetts to the governorship of that State, the influences that were behind him, the peculiar conditions of society in the State of Massachusetts, a State as much honored by myself and by the people of this country as any one in it, perhaps, except the State of Virginia, as the leading State of the Revolution, and in all the great occurrences which have taken place upon the arena of American politics in this country—a State with fixed institutions, with fixed opinions, whose society has never been subverted or revolutionized by force and war.

But when the Senator is confronted by these fluctuations of the votes in New York and in Massachusetts, and when the offer is made to him to take up these newspaper clippings concerning the election in the State of Rhode Island, he declines the offer. However, he occupies himself as a Senator on this floor by clipping from day to day the newspaper accounts of one occurrence after another in the State of Louisiana. Yet at the outset he declares that the press was muzzled in the State of Louisiana, and that therefore it was impossible from the newspapers of that State to ascertain what the condition of society was in it. So the propositions upon which his *prima facie* case rests—first, the official returns of the registration and the election; and secondly, the fluctuation of the vote in the State of Louisiana; and thirdly, the newspaper clippings, which he declares himself are untrustworthy, as we all know they are—have no foundation in fact.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from Louisiana yield to the Senator from New Hampshire?

Mr. GIBSON. Certainly.

Mr. CHANDLER. If the Senator will allow me, I will state that I have made no such declaration. I said that accounts of these transactions rarely found their way into the local papers, and that in order to ascertain them we must glean them either from the Northern press or the metropolitan press. I did not make the statement——

Mr. GIBSON. The Senator declared in his speech which I had the honor of reading yesterday or the day before that the false countings and killing of voters are seldom found recorded in Democratic newspapers, and never in local newspapers of Louisiana; and yet he has not quoted from a single paper outside of the State of Louisiana to maintain his allegations.

Mr. CHANDLER. I expressly excepted, if the Senator will allow me, the metropolitan journals. He will find the statement in my speech which he says he did me the honor to read.

Mr. GIBSON. The first proposition upon which the Senator proceeds to arraign the State of Louisiana was based upon the registration and the vote in that State. He finds by his own admission that that falls from under his feet. The third proposition rests entirely upon the newspaper clippings.

The Senator says also that the negroes are being disarmed in the State of Louisiana. His information on the subject is as unreliable as it was with respect to the registration and the vote cast in the State. When I go to my old home in the parish of Terre Bonne, where the colored people still live, occupying their homes and cultivating their farms, without even paying rent to me or any taxes, I send over to them and borrow guns when I desire to go hunting. I have no gun in my own house. I know something of the people of Louisiana. I have traveled through nearly every parish in it. I believe I know as many of my fellow-citizens personally as any living man, and I can venture to state from my personal knowledge that the idea that the white people are disarming the colored people is simply absurd. The Senator would be laughed at if he would go in any neighborhood in the State and make such a declaration.

The Senator alludes to some occurrence in which he said my brother was engaged in Terre Bonne Parish. What does that rest on? It rests upon the irresponsible declaration of some private letters written to the Senator by a single man in the parish, of whom I never heard, and I doubt if the man ever lived there. The parish in which I reside went for the Republican party in the last election and Republican members were elected to the Legislature, and my impression is they voted for me; certainly they did not vote against me for the Senate.

So the Senator's arraignment stands upon inadequate premises. He has been carried away by his zeal for his party. He has been carried away by his desire that certain political workers who claim citizenship in Louisiana shall visit Washington and retail to him and to the political managers of the Republican party stirring tales of their grievances and their wrongs—grievances and wrongs that exist in every large and populous community; grievances and wrongs that ought to be punished in my State, and many of which are not punished in my State; grievances and wrongs that exist perhaps in the Senator's own State and in the State of every Senator who has a seat on this floor. We can not remedy all wrongs by legislation. We can not hope to stretch out our arms from the Senate Chamber to give quiet and peace and protection to every individual in this country. We must hope that the desire of self-government, of amendment on the part of the people themselves where these wrongs occur, will lead them to seek redress of them, because the wrong against one man to-day may become a wrong against another man to-morrow.

Mr. EDMUNDS. Would it disturb the Senator or interrupt him if I should ask a question?

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator from Louisiana yield to the Senator from Vermont?

Mr. GIBSON. Certainly.

Mr. EDMUNDS. I should like to ask my friend from Louisiana (for I have tried to understand the point of the debate on both sides, although I have not been in the Senate Chamber all the time) what is the objection to an inquiry by the Senate of the United States to ascertain what the truth is? If there be any considerable number of people in the State of Louisiana or Vermont who are deprived of rights which enter into the composition of the Government of the United States and they appeal for redress, what is the ground and reason why the Senate should not inquire?

I remember, if my friend will permit me for a moment, that in 1879 or 1880, when a political party of which I am not usually a member was in the majority here and had sway, an inquiry was instituted by that majority, and without any opposition on this side, into wrongs concerning the suffrage, etc., I think in Rhode Island and Massachusetts, and there was one allegation touching some wrongs in one county in the State of Vermont. As I remember, all the Senators on this side said, "By all means; make every inquiry; let us develop the truth and see how far the right of rights," as platforms have justly called it, "has been evaded; and then we can consider whether within our competence and scope there is any redress." I should like to understand the precise reason why it is not thought fit that we should find out what the truth really is.

Mr. GIBSON. If the Senator from Vermont had done me the honor to listen to my previous remarks he would have ascertained my objections to this particular resolution and this particular mode of redress and inquiry. There has been no memorial here from any man in the State of Louisiana stating that he had suffered any grievance. There has been no complaint addressed to the Senate of the United States. There is no tumult, no "buck-shot war," no insurrection. It is one government, and all is quiet and peaceable. There are no complaints from disappointed candidates, no memorials from the citizens; but a Senator from a distant State, 1,500 miles away, rises in the Senate and

offers the registration and the vote of the State, which he now confesses he did in error, and reads anonymous letters——

Mr. CHANDLER. I dislike to interrupt the Senator, but I have made no such confession of an error, Mr. President.

Mr. GIBSON. The record will show and does show his own confession of his ignorance of the registration. He reads anonymous letters to the President of the Senate, he reads newspaper slips. On these absurd evidences he alleges that there is a conspiracy in the State against self-government, and he asks that one of the standing committees of the Senate, on this inadequate showing, shall be instructed to make an inquiry to ascertain whether there be a republican form of government in the State of Louisiana; whether there be a Legislature; whether there be a governor; whether there be a supreme court, and whether there be a people in the enjoyment of self-government in that State. He is not willing to refer the resolutions and charges and testimony to the Committee on Privileges and Elections for their consideration and report, but wishes to instruct the committee, whether they approve of the investigation or not, to proceed with it.

I submit to the veteran Senator from Vermont whether, on such a showing and in the midst of a Presidential election, this committee should be instructed now to proceed with such an examination and inquiry, to be conducted, perhaps, against their own sense of propriety and judgment?

Mr. EDMUNDS. May I ask my honorable friend from Louisiana what the Presidential election has to do with it? I confess I do not understand.

Mr. GIBSON. I fear that the Senator is so fertile in questions that I shall exhaust the patience of the Senate if I attempt to answer them one after the other. If the Senator himself can not perceive some relation between this investigation and the Presidential election, when the resolution itself declares that the inquiry is to be made in order to ascertain in advance whether the people of Louisiana ought to be permitted to vote for Presidential electors, I think I may conclude that the Senator is asking his questions without having deigned even to read the resolution itself. One less experienced in public affairs than the Senator from Vermont would find, if he looked into the history of this body, that these investigations, these inquiries, these inquisitions, always accompany a Presidential election. No such resolutions are offered, no such inquiries are instituted by enterprising political Senators except in view of elections for the Presidency in which the fortunes of their party are concerned; and this shall be my brief answer to the Senator from Vermont.

APPENDIX.

Statement of registered voters of the State of Louisiana for the year 1888.

Parishes.	Total registered voters.	Voters of native birth.	Voters of foreign birth.	White voters.	Colored voters.	White voters who write their names.	White voters who make their marks.	Colored voters who write their names.	Colored voters who make their marks.
Acadia	2,308	1,926	382	2,006	302	851	1,155	87	215
Ascension	5,312	5,023	289	1,864	3,448	1,436	428	643	2,805
Assumption	5,643	5,517	126	2,500	3,143	1,668	832	1,086	2,057
Avoyelles	4,946	4,836	110	2,300	2,646	1,579	721	501	2,145
Bienville	2,713	2,699	14	1,731	982	1,671	60	58	924
Bossier	4,625	4,590	35	1,100	3,525	1,075	25	100	3,425
Caddo	6,080	5,603	477	2,152	3,928	1,962	190	456	3,472
Calcasieu	5,034	4,429	605	4,304	730	2,797	1,507	219	511
Caldwell	1,113	1,110	3	591	522	561	30	90	432
Cameron	450	422	28	396	54	212	184	5	49
Catahoula	2,500	2,460	40	1,345	1,155	905	440	155	1,000
Claiborne	5,117	5,104	13	2,512	2,605	2,459	53	201	2,404
Concordia	4,104	4,084	20	676	3,428	670	6	400	3,028
De Soto	2,899	2,878	21	1,154	1,745	1,094	60	57	1,688
East Baton Rouge	7,186	6,844	342	2,762	4,124	2,454	308	797	3,627
East Carroll	3,046	3,004	42	321	2,725	321	.....	377	2,348
East Feliciana	3,054	2,899	155	1,100	1,954*	1,067	33	141	1,813
Franklin	1,244	1,225	19	513	731	422	91	76	655
Grant	1,283	1,276	7	722	561	468	254	147	414
Iberia	5,554	5,318	236	2,344	3,210	1,629	715	520	2,690
Iberville	6,246	6,091	155	1,256	4,990	1,082	174	520	4,470
Jackson	1,249	1,246	3	780	469	669	111	84	385
Jefferson	3,736	3,422	314	1,332	2,404	1,032	300	428	1,976
La Fayette	3,364	2,648	716	2,020	1,544	1,006	1,014	334	1,010
Lafourche	5,531	5,385	146	3,303	2,228	1,719	1,584	420	1,808
Lincoln	2,676	2,665	11	1,757	919	1,476	281	80	839
Livingston	1,247	1,207	40	1,075	172	805	270	32	140
Madison	3,698	3,662	36	330	3,368	319	11	464	2,904
Morehouse	3,162	3,139	23	785	2,377	767	18	53	2,324
Natchitoches	5,294	5,186	108	2,344	2,980	1,439	875	457	2,523
Orleans:									
First ward	3,278	2,543	735	2,698	580	2,450	248	252	328
Second ward	3,910	3,036	874	3,132	778	2,903	229	268	510
Third ward	5,708	4,458	1,250	4,091	1,617	3,769	322	742	875
Fourth ward	2,970	2,272	698	2,219	751	2,075	144	399	352
Fifth ward	3,830	3,001	829	2,969	851	2,591	378	480	381
Sixth ward	2,630	1,985	645	2,157	473	1,654	503	286	207
Seventh ward	4,085	3,370	715	2,835	1,250	2,569	266	712	538
Eighth ward	2,264	1,768	496	1,987	277	1,823	164	122	155
Ninth ward	3,511	2,595	916	2,925	586	2,668	257	175	411
Tenth ward	4,426	3,359	1,067	3,652	774	3,440	212	360	414
Eleventh ward	4,452	3,480	972	3,483	969	3,253	230	462	507
Twelfth ward	2,455	1,998	457	1,927	528	1,791	136	230	298
Thirteenth ward	1,450	1,205	245	1,028	422	952	76	189	233
Fourteenth ward	774	619	155	524	250	480	44	98	152
Fifteenth ward	2,625	2,182	443	1,463	1,162	1,344	119	321	841
Sixteenth ward	827	708	119	327	500	308	19	180	320
Seventeenth ward	779	633	146	486	293	436	50	86	207
Ouachita	3,914	3,842	72	1,044	2,870	938	106	781	2,089
Plaquemines	2,946	2,341	605	1,162	1,784	927	235	413	1,371
Pointe Coupée	4,436	4,231	205	1,327	3,109	1,109	218	402	2,707
Rapides	7,309	5,196	2,113	4,893	2,416	4,240	653	236	2,180
Red River	1,938	1,920	18	690	1,248	580	110	186	1,062
Richland	1,793	1,769	24	644	1,149	571	73	189	960
Sabine	1,972	1,952	20	1,538	434	1,173	365	40	394
St. Bernard	1,829	1,656	173	871	958	462	409	398	560
St. Charles	2,096	2,078	18	242	1,854	199	43	408	1,446
St. Helena	1,509	1,491	18	761	748	684	77	157	591
St. James	5,235	4,450	785	1,835	3,400	1,541	294	374	3,026
St. John the Baptist	2,962	2,947	15	1,011	1,951	884	127	145	1,806
St. Landry	10,947	10,835	112	5,354	5,593	3,745	1,609	1,677	3,916
St. Martin*	3,674	3,630	44	1,476	2,198	.....	.....	.....	.....
St. Mary	7,676	7,413	263	2,227	5,449	1,938	289	695	4,754
St. Tammany	1,859	1,741	118	1,158	701	858	200	254	447
Tangipahoa	2,842	2,737	105	1,727	1,115	1,465	262	243	872
Tensas	5,163	5,091	72	728	4,435	721	7	723	3,712
Terre Bonne	5,311	5,220	91	2,276	3,035	966	1,310	459	2,576
Union	2,965	2,938	27	1,854	1,111	1,594	260	130	981
Vermillion	2,490	2,417	73	1,931	559	820	1,111	107	452
Vernon	952	876	76	829	123	640	189	53	70

*The original registration book having been destroyed by fire, the number of whites and colored who write their names and make their mark can not be given.

Statement of registered voters of the State of Louisiana for the year 1888—Continued.

Parishes.	Total registered voters.	Voters of native birth.	Voters of foreign birth.	White voters.	Colored voters.	White voters who write their names.	White voters who make their marks.	Colored voters who write their names.	Colored voters who make their marks.
Washington	1,215	1,213	2	892	323	619	273	60	263
Webster	2,463	2,423	40	1,146	1,317	1,096	50	68	1,249
West Baton Rouge	2,377	2,270	107	547	1,830	386	161	341	1,589
West Carroll	571	568	3	252	319	202	50	56	263
West Feliciana	3,350	3,225	125	550	2,800	510	40	150	2,650
Winn	1,375	1,369	6	1,194	181	856	338	35	146
Total	253,557	232,949	20,608	125,407	128,150	99,945	23,985	23,010	102,942

STATE OF LOUISIANA, *Office of Secretary of State.*

I, the undersigned, do hereby certify the above to be an accurate report of the whole number of registered voters in the State of Louisiana, the number of native and foreign born, and the number of white and colored voters, respectively, who write their names and the number who make their marks who have registered up to April 7, A. D. 1888, made in compliance with section 43 of act No. 123 of the General Assembly of the State of Louisiana, approved April 10, 1880.

Witness my signature and the seal of the State of Louisiana, at the city of Baton Rouge, this 10th day of May, A. D. 1888.

[SEAL]

OSCAR ARROYO, *Secretary of State.*

Official vote for governor and lieutenant-governor of the State of Louisiana, cast on the 17th day of April, 1888.

Parishes.	For governor.		For lieutenant-governor.	
	Francis T. Nicholls.	Henry C. Warmoth.	James Jeffries.	Andrew Hero, jr.
Acadia	1,688	149	1,704	142
Ascension	2,715	1,334	2,715	1,334
Assumption	1,902	2,159	1,834	2,228
Avoyelles	2,425	1,310	2,429	1,309
Bienville	1,923	37	1,954	35
Bossier	4,213	95	4,206	91
Caddo	4,802	324	4,816	310
Calcasieu	2,294	708	2,333	687
Caldwell	671	276	676	276
Cameron	402	02	393	02
Catahoula	992	885	991	871
Claiborne	2,397	768	2,394	767
Concordia	4,219	145	4,224	145
De Soto	1,865	74	1,875	72
East Baton Rouge	1,984	2,606	1,984	2,607
East Carroll	2,680	285	2,679	285
East Feliciana	2,276	5	2,291	5
Franklin	987	4	988	4
Grant	582	402	586	402
Iberia	1,923	590	1,915	569
Iberville	1,802	2,610	1,809	2,603
Jackson	963	7	965	7
Jefferson	853	1,271	855	1,281
Lafayette	1,708	1,234	1,710	1,236
Lafourche	2,702	1,548	2,725	1,553
Lincoln	1,273	.....	1,280	.....
Livingston	766	191	768	199
Madison	3,530	.....	3,530	.....
Morehouse	1,584	14	1,586	14
Natchitoches	3,373	285	3,372	1,285
Orleans—				
First ward	2,190	508	2,193	494
Second ward	2,490	663	2,491	658
Third ward	2,921	1,514	2,936	1,502
Fourth ward	1,526	738	1,572	696
Fifth ward	1,790	846	1,804	825
Sixth ward	1,566	413	1,553	414
Seventh ward	2,030	1,155	2,033	1,138
Eighth ward	1,487	293	1,491	289
Ninth ward	2,209	594	2,218	586
Tenth ward	2,828	800	2,848	785
Eleventh ward	2,500	949	2,518	933
Twelfth ward	1,404	487	1,408	484
Thirteenth ward	721	351	717	353
Fourteenth ward	393	246	400	243
Fifteenth ward	1,096	926	1,097	924
Sixteenth ward	276	430	278	430
Seventeenth ward	407	229	408	229
Ouachita	2,994	5	2,995	5
Plaquemine	971	1,678	978	1,673
Pointe Coupée	1,945	1,465	1,947	1,465
Rapides	4,678	449	4,679	453
Red River	1,679	78	1,679	78
Richland	1,287	63	1,291	63
Sabine	1,441	2	1,443	.....
St. Bernard	904	396	900	394
St. Charles	172	1,377	172	1,377
St. Helena	846	375	846	375
St. James	898	2,181	899	2,182
St. John the Baptist	593	1,216	591	1,214
St. Landry	3,909	3,278	3,907	3,238
St. Martin	1,624	1,107	1,641	1,093
St. Mary	2,885	1,649	2,882	1,657
St. Tammany	912	615	917	609
Tangipahoa	1,249	629	1,243	630
Tensas	4,627	113	4,627	113
Terre Bonne	1,687	2,033	1,690	2,034
Union	2,369	91	3,377	89
Vermillion	1,687	619	1,678	619
Vernon	947	.....	942	.....
Washington	763	271	761	271
Webster	1,506	325	1,437	314
West Baton Rouge	1,712	454	1,712	454
West Carroll	420	81	426	74
West Feliciana	2,038	377	2,058	377
Winn	1,196	83	1,198	83
Total	137,257	51,471	137,468	51,244

Official vote for governor and lieutenant-governor of the State of Louisiana, cast on the 17th day of April, 1888—Continued.

RECAPITULATION.

Francis T. Nicholls	137,257
Henry C. Warmoth	51,471
Majority for Francis T. Nicholls	85,786
James Jeffries	137,468
Andrew Hero, jr	51,244
Majority for James Jeffries	86,224

J. H. DUGGAN,
AUG. LEVERT,
On the part of the Senate.
EMILE DUPRÉ,
J. R. LAND,
JOHN M. STALLINGS,
On the part of the House of Representatives.

EDUCATION IN LOUISIANA.

	1873.	1874.	1887.
Number of schools	864	1,039	1,985
Number of children enrolled	57,443	74,309	111,828

Detailed statement for 1887.

Number of schools:		
White		1,318
Colored		607
		1,985
Number of pupils enrolled:		
White		64,916
Colored		46,912
		111,828
Average attendance:		
White		45,845
Colored		34,262
		80,107
Number of teachers:		
White		1,724
Colored		685
		2,409

Number of private schools:	
White	349
Colored	31
Total number of pupils in public and private schools	134,677
Receipts of school fund	$611,255.60

Louisiana has now 11 colleges, with 3,040 students.

The Southern University for colored persons, created by constitution of 1879 (article 231) and supported by annual appropriations of $10,000, is in a thriving condition.

1888.

Total registration:	
White	125,407
Colored	128,150
Total	253,557
White voters who can write their names	99,945
Colored voters who can write their names	23,210

1880.

Population, ten years and over	649,070
Can read	297,312
White and colored who can not write	318,380
White who can write	58,000

AGRICULTURE IN LOUISIANA—COTTON PRODUCTION.

Year.	Acres.	Bales.
1879	864,787	508,569
1886	971,843	404,373
1886–'87 (estimated)	.....	550,000

SUGAR.

	Hogsheads.		Hogsheads.
1859	221,840	1870	144,881
1860	228,753	1880	218,314
1866	41,000	1887	350,000

CROP REPORTS OF COMMISSIONER OF AGRICULTURE FOR YEAR 1887.

Crop.	Quantity.	Acres under cultivation.
Cotton.....bales...	406,420	1,002,764
Corn.....bushels...	19,927,323	973,142
Rice (clean).....pounds...	69,930,831	72,686
Sugar cane.....hogsheads...	264,856	197,044
Molasses.....gallons...	16,243,490	
Sweet potatoes.....bushels...	1,805,012	19,460
Irish potatoes.....do.....	256,168	6,719
Oats.....do.....	416,101	41,549

[The New Orleans Times-Democrat.]

THE GREAT SOUTH.

The Times-Democrat presents elsewhere this morning, as it has for five years, a review of the condition of the Southern States to-day and the progress they have made in the past twelve months. When we first told this story but little was known of the wealth and advantages of the South. To-day the whole world recognizes them, and there is scarcely a paper in the North but publishes columns each year about Southern progress and development, while scores of industrial papers have sprung into existence here to chronicle the advance made in each line of mining or manufactures. Moreover, the Southern States no longer "hide their lights under a bushel." They recognize the benefits to accrue to them from making known their wealth, their resources, and their progress. Nearly all of them have statistical bureaus and publish from time to time interesting reports of their condition.

From these and other reports it is an easier matter to-day to give, as we do elsewhere, the progress of the South during the year, and to find how far it has moved forward since 1880.

The doubter who may regard what the papers have had to say about the South as due to a disposition to "boom" things must be convinced by the official figures of the assessments. No one can imagine for a second that these exaggerate the value of property. On the contrary, there is a strong disposition to undervalue it. When, therefore, the assessments show that the wealth of the South is increasing at a rate nearly twice as great as the population, it is evidence of prosperity which none can deny or dispute. The following is the assessment of the several Southern States during the census year and for 1887–'88. The assessments now being made will show a still larger increase.

States.	1887–'88.	1879–'80.
Alabama	$214,925,869	$117,486,181
Arkansas	148,868,206	86,409,364
Florida	84,860,534	29,471,618
Georgia	341,504,921	235,650,530
Kentucky	483,491,690	318,037,875
Louisiana	221,500,000	158,587,495
Mississippi	129,887,254	106,594,708
North Carolina	210,035,453	156,100,202
South Carolina	141,495,056	132,037,986
Tennessee	239,750,000	211,768,538
Texas	650,412,401	304,493,163
Virginia	374,043,338	308,455,135
Total	3,240,774,722	2,164,792,795

In the census report on valuations, the Census Bureau in 1880 estimated that the true value of property of all kinds in the South was much greater than the assessments—57 per cent. greater in Texas and Virginia, 43 per cent. in Georgia—the total being $5,725,000,000 as against an assessment of $2,164,792,795. On this basis the true valuation of the South to-day is $8,570,829,140, showing an increase during the past eight years of $2,845,829,140, with an improvement in the assessment of $1,075,981,927.

The wealth to each inhabitant is:

Assessed wealth per capita, 1880	$148.42
Assessed wealth per capita, 1888	171.11
Actual wealth per capita, 1888	452.43

This improvement has kept on steadily from year to year, as the following figures from the Times-Democrat's reports will show:

1879	$2,164,792,795	1884	$2,887,834,861
1880	2,388,642,420	1885	2,996,514,535
1881	2,473,620,423	1886	3,028,536,879
1882	2,565,903,787	1887	3,064,800,443
1883	2,782,115,803	1888	3,240,774,722

It will be noted that last year's improvement was considerably above the average.

We have elsewhere given so full a review and such ample statistics on this subject that we will but present the following figures, making a comparison between the South to-day and what it was in 1880. Nothing better illustrates the progress made during that period.

	1888.	1880.	Increse.
			Per cent.
Population	18,942,858	14,639,714	29.4
Assessment	$3,240,774,722	$2,164,792,795	49.8
Railroads, miles	35,679	17,808	100.0
Hands employed in factories	440,253	215,245	141.0
Capital	$426,597,000	$179,366,230	143.5
Production	$585,088,103	$315,924,794	85.4
Pig-iron produced, tons	845,920	212,022	397.8
Mineral output	$25,482,600	$3,347,445	760.6
Farm products	$793,098,293	$611,679,048	29.7
Farm animals	44,830,972	20,754,243	55.8
Fruit, value	19,421,380	9,103,113	113.4
Total production of all kinds, agriculture, mining, manufacturing, fisheries, etc	$1,353,342,620	$949,814,720	42.5
Schools	62,038	45,031	37.8
Children attending	2,402,117	1,832,620	36.7
School expenditures	$11,742,702	$6,415,706	83.2

It will be seen that in every respect the South has moved forward more rapidly in wealth than in population; that it produces more and is richer and more prosperous in every way. These statistics draw a better picture than any words can of the advance of the South since 1880.

[The New Orleans Times-Democrat.]

NEW ORLEANS.

These advantages, cheap raw materials, cheap transportation, and the best markets were in th mselves enough to build up manufactures here. Another advantage that might be mentioned is the variety of industries concentrated here which must help each other. The presence of the great foundries of New Orleans, of the saw-mills, will of necessity aid other establishments which may need lumber or machinery of a peculiar kind. In New Orleans they can get everything they want and will not be required to send elsewhere for it.

And, finally, it was discovered that New Orleans possessed an abundance of labor, excellent in character, intelligent, capable, endowed with much of that taste to be found in France, tractable, and free from that unfriendly feeling toward capital which creates a friction in New England and other industrial sections, and which has so injured manufacturing there.

The result of these discoveries has been to bring about a rapid advance in manufactures here, the details of which are given elsewhere. The manufactures of New Orleans have more than doubled in the past eight years, as follows:

Year.	Establishments.	Capital.	Hands.	Wages.	Products.
1888	2,185	$21,677,670	23,865	$8,242,599	$41,508,000
1880	915	8,565,303	8,404	3,717,557	18,808,000
Increase	1,270	13,102,367	15,461	4,525,042	22,700,000

Capital no longer hesitates over these investments and more has found its way into manufacturing industries during the past year than during the entire decade between 1870 and 1880.

Mr. TELLER. I do not rise to discuss the resolution before the Senate nor the conduct of the people of Louisiana, either in this election or any other. I have had some experience of these matters in the way of investigation, and I sympathize very much with what was stated by the Senator from New Hampshire [Mr. BLAIR] the other day when he said it was useless, perhaps, to discuss this question because we were powerless to redress the wrongs that by general admission are perpetrated. What I desire now is to correct a statement made by the Senator from Louisiana [Mr. GIBSON] as to the opinion of Republican Senators in regard to the rights of the Chinese under the Declaration of Independence. I suppose he meant to say that they hold on their side that the Declaration of Independence was not intended to cover any but white men, and did not intend to cover and did not cover Chinese.

Mr. President, for one, I desire to enter my dissent from that doctrine. The Declaration of Independence, in my judgment, covers all mankind, white and black and red, and I do not find anything inconsistent with that declaration in my attitude toward the Chinese.

I do not understand that the Declaration of Independence declares that every man is the social equal of every other man. I do not understand that the Declaration of Independence declares that every man has the same rights that every other man has all over the world. I understand it to mean simply that when the people are grouped in one community under one government every man is equal before the law. That is all it asserted. It did not assert that the Englishman who comes

to America is the equal before the law of the American citizen, nor did it assert that the Chinaman coming here is equal to the American citizen before the law. If that was so, by what right do we say that the foreigner who comes here shall not participate in the affairs of government until he has passed a certain probationary period and his qualifications have been determined by a proper court? The right, entirely consistent with the Declaration of Independence, to say that any man who comes here from another country, not being a citizen of this, comes here subject to just such laws as we make for him, has never been denied that I know of in the history of the Government; and when I vote to say that a Chinaman shall not come here and vote, or that he shall not come here even when he does not vote, I do not run counter to anything in the Declaration of Independence.

We have the same right to say that the white man of Great Britain or France or any other portion of the world shall not come here that we have to say that the Chinaman shall not come here. We say the Chinaman shall not come here because his presence is injurious to the interests of the American people. Whenever the American people believe that the presence of the white man from Great Britain or any other country in the world will be injurious to our people, it will not only be our right but it will be our duty to say that that man shall not come, or if he comes shall not remain.

I have never put my opposition to the admission of the Chinaman upon any other ground than I would put my opposition to the admission of an Englishman or a Frenchman or a German; not upon the color of his skin; not upon the inferiority of his intelligence, which I claim exists; not because he is incapable of taking on the highest civilization that belongs to the Caucasian race; but because his presence here is injurious to the people who are here and who compose this Government and have a right to legislate for themselves in their interests, however injurious that legislation may be to those who are not a part and parcel of this Government; and I adhere to every word that was uttered in the Declaration of Independence in its highest and noblest sense. It means that if a Chinaman is made a fellow-citizen by your consent, you must treat him as you treat your white brother. It means that though the African is dark, thick-lipped, curly haired, and ignorant, if he is your fellow-citizen you must mete out to him the same political rights as you mete out to the most intelligent and the wealthiest white man in your community. That is what the Declaration of Independence means, and that is what, so far as I can, I intend in my legislative career to insist shall be its construction, and that the Government shall be administered upon that theory so far as it is possible.

Mr. CHANDLER. Mr. President, the Senator from Louisiana [Mr. GIBSON] says that the conservative people of this country are weary of these inquiries into the affairs of the Southern States. I do not so understand the temper of the American people. I believe that what they are weary of are the frauds, false countings, and murders of legal voters which are going on in the South in order to make that section solid and enable it to govern the North and the country.

The Senator says that if an inquiry of this kind was suggested in reference to New Hampshire, he would lift his arm and his voice in this Senate to prevent such an investigation. Mr. President, when such evidence is presented to the Senate of the United States of wholesale fraud and of widespread murder resorted to in the State of New Hampshire to prevent the Democrats of that State from voting at any election, the Senator from Louisiana may interpose to prevent an investigation, but there will be no such interposition on the part of either Senator from New Hampshire or any Republican Senator upon this floor.

The Senator likens the Committee on Privileges and Elections, when charged with an investigation of this kind, to the ear of the tyrant Dionysius. The comparison is inapt. Committees of this body are the ears of no tyrant. They are the ears, the eyes, and the limbs of the legislature of a republic, and I trust that the time will never come when the ears of the American Senate will not be open to frauds, outrages, and murders committed anywhere in this country for political reasons. I trust that when the humblest citizen, wronged in property or in personal liberty, comes to the American Senate and asks an investigation a hearing will be accorded to him, the facts ascertained and proclaimed to the American people.

Mr. President, the Senator has carefully refrained from alluding, as have all the Senators who have discussed this general question at this session, to the facts of which complaint is made. They refuse to enter into them. They say there is no constitutional authority to investigate them. They deal in generalities entirely, and they dislike to face and they do not face the specific facts which make this outcry before the American people.

The charge is that these outrages, that these murders of colored people in Louisiana and in other Southern States, are committed for political reasons. They are not murders of mere brutality; they are not isolated in their character, perpetrated in pursuance of no deliberate purpose; they are not, as Democrats are fond of calling them, sporadic in their nature; but they are part of a widespread, deliberate system of politics and political action on the part of the Democratic party, established in order that the control of the Congress and the Presidency of the United States may be wrongfully and criminally transferred from the party to which a free and fair and honest election would give it to another party, which can only obtain that control by such frauds and by such violence as are now exhibited to the whole nation.

I stated when this resolution was before the Senate on a former occasion that these methods of politics which were resorted to in order to secure a return of 136,746 votes and a majority of 84,753 for Nicholls in Louisiana on the 7th of April were a continuing system; that the same species of intimidation, violence, and murder was being continued in the State of Louisiana as a preparation for the election which is to give the electoral votes of the State of Louisiana to Grover Cleveland.

Recent facts justify the assertion which I then made, and disagreeable as I know it is, painful as I know it is, harshly as I know it grates upon the sensitive and patriotic nerves of the Senator from Louisiana to contemplate the fact that in his State to-day black men, Republicans, are being butchered in order that the Presidential electoral vote of that State may be cast for Grover Cleveland, yet I conceive it to be my privilege and my duty to bring these facts to the attention of the American Senate, to the attention of the people of New Hampshire, if the Senator will have it so, and to the attention of the American people, in order that possibly they may be aroused to the enormity of the wrongs that are being perpetrated upon the humble colored voters in this State of Louisiana upon which the Senator has passed such a eulogy.

I find in the New Orleans Daily Picayune of Monday morning, September 17, 1888, the following account:

LOUISIANA—BREAUX BRIDGE—CRIME COMMITTED ON NEGRO WOMEN—THE WHITE PEOPLE IN MASS MEETING DECLARE SUCH PROCEEDINGS SHALL STOP.

BREAUX BRIDGE, LA., ST. MARTIN'S PARISH, *September* 16.

An awful crime was perpetrated in this vicinity Friday night. A gang supposed to be composed of five thus far unknown parties assaulted a negro cabin, and shooting through the walls mortally wounded a black woman, who died a few hours afterwards. From this place they went to another cabin, outraged a black woman, and then whipped a black man.

The negroes have made no affidavits yet. The white population is very much excited over this matter, and held last night an indignation meeting. About three hundred white men were present. Hon. Charles Delhommer made a stirring speech, in which he denounced such parties and such actions in the most virulent language. He was warmly applauded, and resolutions were immediately and unanimously passed that these negroes will be fully protected, so as to enable them to make the proper affidavits declaring all those whom they may have recognized, so that they may be duly arrested, delivered to the courts, and dealt with to the utmost rigor of the law.

The white people are decided that order and peace shall prevail, and that any disturber of them shall be summarily dealt with, whether white or black.

Also the following from the Picayune of the 18th:

CALLING A HALT ON NEGRO OUTRAGES—SAM. POLK CHARGED WITH MURDERING A COLORED WOMAN.

ST. MARTINSVILLE, LA., *September* 17.

An affidavit was to-day made against Sam. Polk, a young man of Breaux Bridge, for the murder of the negro woman who was so brutally killed near Breaux Bridge Friday night. It appears that Polk, who was accompanied by four other men, was well recognized, and he lost his hat, which was brought to the district attorney's to-day. The hat was recognized as belonging to Polk. Polk is said to be the one who outraged the other colored woman, and an affidavit was made against him for that crime also.

Polk has fled, and at this writing has not been arrested, although the officers and citizens of Breaux Bridge went in his pursuit.

There are strong doubts against the other assassins and they will soon be in the hands of justice.

The whipping and bulldozing of negroes is getting to be too frequent, especially by irresponsible parties, who, when banded, are criminally inclined. These outrages will be stopped and at once.

Another account, in the Washington Post, September 17, 1888, is headed:

LOUISIANA OUTRAGES.

NEW ORLEANS, *September* 16.

A Picayune special from Breaux Bridge, La., says that on Friday night five unknown men attacked a negro cabin, and shooting through the walls, killed a colored woman. At another cabin they outraged a colored woman and whipped a colored man.

A mass meeting of three hundred white men was held Saturday night to express indignation at the outrages. Resolutions were adopted pledging protection to the colored people and punishment to the perpetrators of the crime.

I make the prediction, as I did on a previous occasion, that the indignation will end in resolutions. There will be no indictment and no punishment of the perpetrators of these outrages upon these negroes, the object of which is to affect the approaching Presidential election, when the parish of St. Martin is to be converted from a Republican parish into a Democratic parish. In the parish in 1874 there were 1,631 white votes and 1,771 colored votes. The vote returned in 1888 was for Nicholls, 1,107; for Warmoth, 1,624. This is one of the few parishes in which at the last election the Republicans managed to obtain a majority. The decree, however, has gone forth from the Democrats of Louisiana that St. Martin shall not be in the Presidential election a Republican parish, but shall cast a majority for Grover Cleveland.

The Louisiana Standard of September 22 gives the following account of this Breaux Bridge atrocity:

DEMOCRATIC MURDER—AN EPIDEMIC OF ASSASSINATION—ORGANIZED GANGS OF DEMOCRATIC MURDERERS MAKING THE KILLING OF NEGROES A PASTIME—HOW LOUISIANA NEGROES ARE BEING REDUCED TO MEXICAN PEONAGE—ASSASSINATION ITEMS AS TOLD IN DEMOCRATIC SPECIALS—NO POLITICS IN IT, BUT THE MURDERERS ALL GOOD DEMOCRATS.

ST. MARTINSVILLE, LA., *September* 17, 1888.

"News reached here this morning of one of the most cowardly crimes that ever was committed in this parish." Friday night, at about 11 o'clock, in the

vicinity of Breaux Bridge, a gang of four or five parties, some of them so far "unknown, whipped a black man, criminally assaulted one black woman, and killed another."

The particulars gathered from the mother of the dead woman are about as follows:

On Friday night the gang called at the door of the woman's house and knocked, saying it was the sheriff. She opened the door and recognized one of the parties, Sam Polk. She shut the door on them. They then fired through the door several shots, one of them taking effect in the woman's abdomen and she died next morning.

The coroner's inquest revealed "the fact that she bore seven months' twins, one of them having the ball through the head. The man Polk was recognized as having engaged in the three crimes. His hat was also found at the door of the cabin. He was not found when search was made for him.

"The white people are indignant and very much excited. Warrants have been issued against Polk and three other parties suspected to have participated in the crimes. The white people will see that the colored people are protected and justice done."

This is well enough in its way, in its recounting the damnable crime. All that about the white people being so terribly indignant is so much bosh. The parish has been a hell for the negroes for months. Democratic outlaws, called Regulators, have been and are in control of the parish. The killing and outraging of negroes has been their pastime. The planters have been and are helpless to afford their laborers any protection. The laborers are justly getting generally alarmed.

Those who can are showing the disposition to get away. The grinding season is coming on. The cane has to be gathered, and the sugar to be made. A large increase of laborers is wanted. The parish is getting to be known for the Democratic hell that it is. There is the growing fear that the needed laborers can not be had, that those now on hand will get out. All this means ruin. These Democratic murders, again, this epidemic of assassination of helpless negroes are reaching the North, may affect the coming election. There is the seeming desire to call a halt, to hold up until the grinding season and the election shall be well over. That is about the measure of the excitement among the whites. It is all fear and gammon. Nobody will be hurt for murdering negroes.

AND YET ANOTHER ITEM.

ST. MARTINSVILLE, *September* 18, 1888.

"Vilmont Hollier, Decliere Hollier, Detour Hollier, and Numa Boudreaux were arrested last night by Sheriff Gardemal and the citizens of Breaux Bridge, for the murder of the negro woman. Sam Polk is still at large and the officers are in pursuit. Vilmont Hollier is an ex-convict, having been pardoned last year."

This closes the present chapter of Democratic specials; maybe something may be done with that "ex-convict." Something evidently must be done, or that sugar crop goes to the demnition bow-wows—there won't be any laborers in the parish to make it.

That "ex-convict" will do to make an example of. There is nothing like an example, you know. The poor devil, as an "ex-convict," is not to be presumed as having any friends. Clean him out. The negroes will be satisfied that they are to be duly protected.

Bah! Why not go for the Democratic chivalry, the sons of the first families, the organized gangs of "regulators?" These are but the later and the smaller crimes. Why not attack that Democratic damnable verdict "parties unknown," covering the assassins of Freetown?

It is no use, gentlemen. Louisiana is overridden with Democratic assassins. You may not wipe out the facts.

The outside world is coming to understand them. You have your Democratic government, installed by force and fraud. Your authorities are in the hands of those who forcibly and fraudulently put them in power. Your bulldozers and ballot-box stuffers are running the State. They are making the State a Democratic hell by murdering and outraging Republican negroes. Your State is virtually damned, is accursed because of an assassin Democracy. The negroes must look out for themselves. They must get out of the State.

The Washington Post of August 27 has the following:

Race troubles in Louisiana—

This case is one of those which the Senator from Louisiana calls the petty grievances with which the Senate of the United States ought not to be troubled. He would scorn, he says, if any petty grievance of this kind should happen in the State of New Hampshire to unworthily and in an undignified and unpleasant manner bring it before this lofty body, of which he has the honor to be a member—

RACE TROUBLES IN LOUISIANA.

NEW ORLEANS, LA., *August* 26.

A dispatch from St. Martinsville says: "For three or four weeks past wild rumors have been spreading all over the parish that the negroes were arming and that a conflict of races was imminent. These rumors induced whites to organize for protection and safety.

The 1,631 whites of St. Martin are in danger of having the 1,771 colored voters arm themselves and assail and assault, kill and murder these poor, innocent, quiet, well-behaved, and peaceful Democrats of that parish; so for protection and safety they decide as follows:

As a measure of preservation, the whites decided to disarm some of the negroes. The whites left yesterday for the Fifth ward, and completed the work of disarming without any resistance, except in one instance, where the whites were fired upon by two negroes, Albert Harris and his son, who were intrenched in a cabin.

The whites of Louisiana, if they hear that two poor negroes have possession of guns in an humble cabin in which they live, forthwith declare that these two negroes are intrenched in their cabin and that the whites are in danger, and thereupon they organize a posse—if there are two negroes, generally of about one hundred and fifty whites—and they go to the cabin and disarm these terrible negroes!

The negroes fired fifteen or twenty shots, which were returned by the whites. After firing for ten minutes the negroes surrendered. One of them was wounded in the arm. They were escorted out of the parish and warned never to return. The work of disarming was continued in a section of the Fifth ward where trouble was anticipated, but the rumor proved to be unfounded. Two bad characters were ordered to leave the parish within a specified time.

I have not the slightest doubt that they were going to vote the Republican ticket if they had staid there, and according to the modern Louisiana doctrine which the Senator has avowed and attempted to justify upon the floor of this Senate to-day, if a man wants to vote the Republican ticket he is a bad character, is to be notified to leave.

The weapons taken from the negroes were mostly old shotguns. A few rifles were found, but there was nothing showing an aggressive armament, except in the case of Albert Harris—

One of these two negroes—

who had a new Winchester rifle and a good supply of ammunition. All is now quiet.

Undoubtedly all is now quiet, and that kind of quiet will continue until after the 6th of November, when the votes for Grover Cleveland in that parish have been counted and the votes for Benjamin Harrison have not been counted, and then the negroes may have some measure of real rest and peace until the approach of another election.

Here is a telegram from Shreveport, La. This is from the Daily Picayune of September 18; no old bones, or time-worn stories, or rotten timber in any of these extracts from the current Southern newspapers. The Picayune says:

SHREVEPORT—NEGRO MURDERERS SUE FOR A CHANGE OF VENUE—SHREVEPORT'S DELEGATES FOR BLANCHARD.

SHREVEPORT, LA., *September* 17.

The arguments in the case of Henry Brown *et al.* for a change of venue were heard this morning in the district court. A number of witnesses, all summoned by the defendants, testified that a fair trial could not be secured in Shreveport for the accused. The case was continued until to-morrow for further evidence. The accused are held for conspiracy and murder.

They are charged with killing Ed. Scott, a negro, on Saturday night, September 1, while he was at his home in bed. The crime is one of the darkest and most deliberate ever perpetrated in this communtty.

The primary election for delegates to the Congressional convention, fixed to convene on September 28, was very quiet. Less than 100 votes were cast throughout the city. All the delegates elected favor BLANCHARD's return to Congress from this district. He will have no opposition.

Undoubtedly the canvass of Mr. BLANCHARD will be quiet, as quiet as has been his nomination. No opposition has he to fear——

Mr. GIBSON. I do not like to interrupt the Senator——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. CHANDLER. Nothing will give me more pleasure.

Mr. GIBSON. The remark that Mr. BLANCHARD will have no opposition means to his nomination, not to his election.

Mr. CHANDLER. Not to his election. There had better not be any vigorous opposition to his election, unless the negroes of that district want general slaughter among them before the 6th of November.

I do not know upon what ground the Senator from Louisiana says that there will be organized Republican opposition to Mr. BLANCHARD'S election. The last time he was elected there was no opposition, and if affairs are as quiet in his district—"quiet" meaning the quiet that succeeds the killing of prominent and active negro Republicans—there will not be likely to be any opposition to him at the approaching election.

[The Daily Picayune, Tuesday morning, September 18, 1888.]

TWO MORE NEGROES TAKEN OUT AND SHOT TO DEATH.

OPELOUSAS, LA., *September* 17.

Yesterday morning at Ville Platte prairie a crowd of armed men rode to the house of two negroes named Jean Pierre-Salet and Sidairo, and after leading them a short distance riddled them with buckshot, killing both men instantly. This killing is supposed to have been brought about by the incendiary language recently used by these two negroes.

The affair created intense excitement in the neighborhood where it occurred.

Doubtless the incendiary language used by these negroes was something like the incendiary language which the Senator from Wisconsin [Mr. SPOONER] showed the other day was used by the negroes in Texas, of which complaint was made, which was, I believe, that they argued in favor of a protective tariff.

Since this resolution was before the Senate on a previous occasion I have found one or two accounts in other papers of the Freetown affair, which I desire to incorporate in my remarks at the risk of disturbing the sensibilities of the Senator from Louisiana. This is from the Weekly Messenger at St. Martinsville, La.:

A RIOT—E. PAYSON SMITH KILLED AND ANOTHER MAN SLIGHTLY WOUNDED—TWENTY-FIVE NEGROES KILLED.

The news came here yesterday morning of a riot which took place in the parish of Iberia during the evening of Thursday. The particulars we got at the time of going to press are about as follows: It was reported that the negroes were arming and drilling in the section where the riot took place, and Captain Cades, in command of a detachment of his company, went there to quiet and disarm the negroes. The negroes, it appears, were congregated in a cabin, and when Captain Cades informed them of his mission the negroes from within the cabin opened fire on him and his men, killing Mr. E. Payson Smith and slightly wounding another man. Captain Cades then ordered his men to return the fire, and twenty-five negroes fell dead.

The body of Mr. Smith was immediately taken to New Iberia.

At the time we go to press everything is reported quiet.

NEW IBERIA—VERDICT OF THE CORONER'S JURY ON THE NEGROES SLAIN IN THE FREETOWN RIOT.

[From the Louisiana Standard, New Orleans, August 25, 1888.—Correspondence.]

NEW IBERIA, LA., *August* 23.

The coroner's jury reached a verdict yesterday evening in the case of the killing of the ten negroes in the Freetown riot on the 16th instant. Two days were spent in collecting evidence, which resulted in the following verdict:

"We, the jury impaneled to hold an inquest on the body of Tom Simon, deceased, come to the conclusion that he met his death by a gunshot wound inflicted by parties unknown to the jury. From the evidence collected the jury is further led to the conclusion that the following also met their deaths by gunshot wounds inflicted at the same time and place by parties likewise unknown to us: Sam Cahill, Louis Simon, Edw. Simon, Eugene Green, Alex. Valere, Edw. Valere, and others. This at Freetown, parish of Iberia, on the 15th day of August, 1888."

Here is the damning outcome. The verdict of the coroner's jury but smoothed

over a wholesale massacre. It is a palpable, damning lie. Do the members of this jury realize the position in which this verdict places them? Do they realize that they must stand self-convicted as perjurers before God and man? Where is the honor of a community? Where the honesty of a juryman's oath? Where is the honor of Governor Nicholls? "Vengeance is mine, saith the Lord."

I also have in the Picayune an account of this "Iberia riot," as it is called, which I desire to insert in the RECORD. The account of the beginning of the affray here given is that the white people of the section began to feel alarmed about the negroes at Freetown, and this is what they did:

The citizens rode into Freetown and found, as rumored, a large number of armed negroes quartered there. They asked its meaning and the negroes were silent. They then demanded a surrender of their arms, with the promise that when they learned to behave themselves—

I judge that means only that when they learned to submit to the policy that has been outlined here to-day by the Senator from Louisiana of having no ticket in the field except the Democratic ticket—

they would be returned, and that the negroes should at once disperse. The great majority of them accepted the terms of the party and surrendered their arms, which were found without exception to be loaded with ball or buckshot.

The negroes took possession, it appears, of Rev. Mr. Nora's house. Then follows the brutal massacre which was described in the Times-Democrat, published with my remarks the other day:

THE IBERIA RIOT—TWENTY NEGROES AND ONE WHITE MAN SLAIN—GLOWING DETAILS OF THE BATTLE—THE NEGROES BARRICADED IN THE PREACHER'S HOUSE—NONE LEFT ALIVE TO TELL THE STORY—SOME INNOCENT MEN WHO SUFFERED WITH THE GUILTY—THE NAMES OF THE SLAIN—THE FUNERAL OF MR. SMITH IN NEW IBERIA—POLITICS NOT A FACTOR IN THE FIGHT.

NEW IBERIA, LA., *August* 17.

To-day all is quiet again. This morning a large number of men from various sections of the country and neighboring towns were here, but nearly all of them returned to their homes during the forenoon.

This morning the remains of Mr. E. P. Smith were removed to the Episcopal church. He was forty-two years of age and a native of Ohio, and a bachelor. The funeral services were conducted at the church by Rev. C. C. Kramer. The edifice was crowded to a jam, and the yard and walks in front of the church were also crowded. After the regular services at the church the funeral cortege was formed, as follows: The Iberia Guards, the Attakapas Rangers (of which the deceased was a member), the hearse, the Phœnix Bucket Fire Company (of which the deceased was also a member), Iberia Steam Fire Company, No. 1; American Steam Fire Company, No. 2; followed by many friends and acquaintances on foot and in carriages.

A large number of ladies were in attendance, and their floral offerings were profuse and tasty. Palm leaves figured conspicuously among the evergreens.

At the grave Rev. Kramer finished the services, after which followed a salute of three volleys by a detachment of the Iberia Guards. Thus were the last tributes of respect paid to the departed—a noble spirit, a fast friend, a congenial companion.

The trouble of yesterday grew out of a spirit of revenge on the part of the negroes. The better element of this and neighboring parishes had found it impossible to longer tolerate a certain element of idle and immoral characters. This latter class were ordered away from the various sections, and many of them found refuge at Freetown, a small village composed entirely of negro families. There they told their stories to their friends and nursed their growing anger.

On Monday last the report reached this place that the negroes were arming and congregating at Freetown. Their number was estimated at from 500 to 600 strong, mounted. Tuesday they had received re-enforcements sufficient to fully double their numbers, and feeling their strength they assumed a threatening attitude, boldly declaring the refugees should not leave the parish and should not be molested.

On Wednesday their numbers were further increased, and the people of the surrounding country began to feel some alarm lest these negroes, overestimating their strength, should attempt some acts of violence.

On Thursday matters had not improved up to noon. By this time the residents and property-owners of this section began to collect at a point a short distance from Freetown, their object being to disperse these negroes without violence and to send those who did not belong there to their homes and business.

Rev. H. Nora, a colored minister, left Freetown in the morning to attend a conference of ministers at this place, and during his absence his residence was taken possession of by a number of the armed negroes. This house refused to surrender, returning word that they were not to be taken. The whites then sent a second messenger to the house, saying they would give them twenty minutes in which to lay down their weapons. The negroes again refused.

In this house, situated but a short distance from the main road or street, were quartered some twelve or fifteen negroes, among the number their leaders.

A squad of mounted white citizens were some 150 yards from the house, waiting the expiration of the twenty minutes, and before the given time had expired a door of the house was thrown open and a volley fired at them. One horse was wounded.

This was a surprise to all, and immediately the firing became general. The door of the house was again closed, but a constant fire was kept up from windows and doors partly open for quite an interval. Later the fire was carried on by spurts by both sides, lasting in all for nearly an hour and a half.

At this time Mr. Smith broke from his lines and made for the house. His comrades implored him to return, but, deaf to their entreaties, he went on. The house was reached, the door was forced, and he fell. At his side was a comrade who had followed him on his fatal errand; but when Mr. Smith fell his comrade retreated backwards, keeping up a constant fire from a repeating rifle, and escaped unhurt.

At this stage of the fight the negroes became panic-stricken and attempted to flee from the house, and the deadly work was soon brought to a close.

After the fight closed the bodies of eight negroes were found in the house and five others outside.

Others say three or four more were killed. It is thought by some that a few made their escape, while others who were at the scene deny this.

One of the negroes who shot Mr. Smith was named Smith and was recognized among the dead by Mr. Smith's comrade to-day.

Coroner J. Wolf called a jury as follows: Mr. William Lamb, Dr. James A. Lee, Messrs. Zenon, Decuir, Doud, Laughlin, and William R. Burke, and proceeded with them to Freetown to view the remains of the negroes.

They returned this evening and have deferred taking testimony until a later date.

From the above statement of facts it will be clearly seen that politics have played no part; that the negroes brought the trouble on themselves; that they fired the first shot; that they shed the first blood, and that they bore the consequences of their acts.

The negroes who surrendered were not harmed in any way.

FREETOWN—WHERE THE BATTLE WAS FOUGHT—THE FIGHT AND ITS VICTIMS.

LAFAYETTE, LA., *August* 17.

The riot briefly reported from this point at a late hour last night as occurring at Cade's Station really occurred about 6 miles southwest of that point, at Freetown, which is located in the corner of Iberia Parish and only a short distance from St. Martin's, Lafayette, and Vermillion Parishes. This section is more properly located 4 miles southwest of Burk station on the Morgan Road, and about 10 miles from New Iberia.

Freetown is a little town of negroes, but more of a neighborhood, as it covers about 4 square miles, with fifteen families living in small hut-like houses from 100 to 400 yards apart, with small fields attached, from which they are supposed to make a living, and the houses and fields usually belong to the family using them.

About the center of the settlement is a store kept by a negro, a Baptist church, and a school-house. But a few white families live in the range of this neighborhood. There are but few houses there which could be called comfortable negro houses.

It is understood that for some years back considerable foraging and depredations in stealing of cattle, corn, and cotton on the outlying white neighborhood has been carried on, and supposed to have been done by some of those at Freetown. This is said to have been known to be true of Andy Smith and one or two of Tom Simon's sons. Several of these negroes are reported to have been whipped for it, but it was not possible to detect the ringleader, Andy Smith.

It is said that a few days since the regulators of that neighborhood sent him word that they were going to whip him. He immediately drew around him sixteen to eighteen negroes of the neighborhood, all of whom were armed with Winchester rifles, old muskets, and double-barreled shot-guns, numbers of the latter of recent purchase in New Iberia. This was but a few days since. He then sent word to the white people to come on, that he and his friends were ready for them, and, it is said, threatened the lives of four or five white men near by.

Andy Smith, the leader of the blacks in this trouble, has shot two or three white men in the past four years, and is known to be of desperate courage and meanness.

The four or five whites receiving this defiant message believed their lives were in danger, and sent a few messengers to New Iberia and Abbeville, across the line and into La Fayette, to the effect that they would be killed and appealed for help.

In response to this call about 150 to 200 men from these three sections reached Freetown after the dinner hour of yesterday. They found these armed negroes, about eighteen in number, barricaded in a new four-room frame house, built by their paster, Rev. Celeste Noop, who was at the time in New Iberia, holding a protracted meeting among his people. These negroes had sent Noop's wife away and were its sole occupants at the time.

The house was surrounded by the whites, and a half hour's delay occurred in a parley on the part of the whites, who assured Smith and his crowd that it was peace, if it was desired, and not violence, and if the negroes would surrender their arms the whites would take them away for the present, but at a subsequent time, when peace was fully established, they should be returned to their owners, and guarantied no violence to any one of the party.

In the interest of this purpose, the whites secured the services of old man Tom Simmons, father-in-law of Smith, and father of Louis and Edward Simmons, two of the occupants of the house, and also old man Sam Cohit, each of whom besought the barricaded negroes to comply with the request to surrender their arms and prevent any one from being hurt. Surly silence was the only response. The pacifying efforts were ineffectual. The whites were about 20 feet from the house. Payson Smith and Alfred Lasalle, of the whites, approached the house, and as Lasalle opened one of the doors, poor young Smith stuck his head in and was immediately shot down dead by Andy Smith.

This was the first signal for a general firing from inside by the blacks and outside by the whites. The house is new and unceiled and therefore has very thin walls. The doors and windows being closed, the firing was at and through this thin wall. The blacks standing close up the wall fired outside, and before it reached the whites the force of the ball was spent in passing through the wall. The whites at a long range penetrated the walls easier and only had a few feet to reach those on the inside, and hence proved more effectual in killing those for whom they shot. There were, it is estimated, four hundred to five hundred shots fired, and when the battle was over the walls from 4 inches to 5 feet above the floor were riddled with bullet-holes. Several of the negroes during the fight escaped and were shot while running, but most of them fell when they opened battle in the house.

It is understood when the battle was ended there were over twenty guns found in the house.

In addition to the killing of Payson Smith, the white forces suffered a slight wound in the wrist of Mr. Manard, a young creole from New Iberia Station.

In reference to the results on the side of the negroes, it is not absolutely certain, but from two sources it is made up as follows: A prominent gentleman who went to the grounds this morning says that he went into the negro church, when he found there were eight dead negroes who were left there to await the coroner's inquest. These were Sam Cohil, Earnest Grient, Andy Smith, Paul Charles, Louis Simmons, and three others whom the gentleman did not know. He was informed that old man Tom Simon had been killed and carried to his own house. He was also informed that an unknown negro was wounded and died last night, which would make ten killed. He was informed that four others were missing and unaccounted for—whether absent or dead was not known.

There was one wounded, Alex. Lee, a colored school teacher, who called Dr. B. T. Mosely to attend him. This would make a total of fifteen. Dr. Mosely says Lee is seriously wounded in the jaw and throat, and has a flesh wound in the breast. The other information is denied.

From a negro from Freetown, who was to-day at Cade's station: He says that there were originally thirteen dead negroes in the church, but that five were carried away, and that Tom Simmons, the unknown negro who died last night, and the school teacher would make sixteen, and the four missing would make a total of twenty.

In addition to the names of the dead first given the negro informant gives those of Edward Simon, son of old man Tom Simon and brother-in-law of Andy Smith; Edward Vallier, jr., Alex. Vallier, and T. Pochelle.

Violence is always an important fact in reaching intelligent conclusions, but this case is somewhat independent. Beyond the fact that Andy Smith for his general bad character was threatened with a whipping, in retaliation armed himself and friends and defied the white people, and then fired the first shot, in the face of the fact that there were ten whites to one, thus manifesting his daredevil rascality in the last moment of life, as death must have seemed inevitable to him after his killing young Smith.

This information is obtained by a buggy ride of nearly 40 miles to-day through mud and hot sun and a scarcity of intelligence to furnish it.

LAFAYETTE—THE EXCITEMENT IN A NEIGHBORING PARISH.

LAFAYETTE, LA., *August* 17.

Some excitement prevails here to-day consequent of the agitation in Abbeville and the unfortunate affair at Cade Station, in the lower portion of this parish. There is great uneasiness among the negroes, who fear a repetition of violent acts in this quarter. Many of the whites are supplying themselves with

arms and ammunition in case of need, while it is rumored that there is a move to organize a guard for the protection of the town.

This trouble seemingly originated in St. Mary and Vermillion Parishes, and to some extent has spread over this parish, but your correspondent has been unable so far to gather definite information in regard to it. Several parties here, so says Dame Rumor, who have been guilty of miscegenation have been waited upon and ordered to leave. It is safe to say, however, that no bloodshed need be feared at this place, so the sober judgment of our citizens may be relied on to tide over the present uneasy state of affairs.

The farmers must necessarily suffer under this deplorable state of excitement, as the negroes will not leave their homes for fear of being waylaid. Everything is quiet to-night, and the outlook betokens an early subsidence of the regnant perturbation.

Mr. President, I wish to call the special attention of the Senate and of the country to this feature of Democratic Southern policy in the Southern States, which is called the disarming of the negroes. I take it that the right of every citizen to have a gun or a pistol and to keep that gun or pistol in his own possession, in his own house, is the indisputable right of every citizen of the United States. Without a law to the contrary—and I doubt whether any law to the contrary can constitutionally be enacted—every citizen, black or white, North or South, has the right to own a gun and to keep it. It is his property. It is his property for self-defense. It is his property for the defense of his home, his wife, and his children, and it can not be taken from him without the violation of a natural right, and as I believe without the violation of a constitutional right.

Article II of the amendments to the Constitution declares:

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

That article grew out of the original theory of the founders of this Government that a well regulated militia was the sure defense of a State. It was the militiamen organized under that principle who fought the battles of the revolution and won our independence of the mother country, and from that day to this it has been understood to be a natural and a constitutional right on the part of every citizen to keep and to bear arms.

The policy which the Southern white Democrats have adopted is that in order to prevent the negro from exercising his right of suffrage under the fifteenth amendment of the Constitution he shall be deprived of the privilege of keeping arms in his possession. It must be apparent to every thoughtful citizen that this plan, if carried out, will prove to be utterly destructive of the fourteenth and fifteenth amendments of the Constitution, and will bring the black people of the South into absolute subjection to the white people of the South.

Take the State of Louisiana. The proposition of the white Democrats of Louisiana is that every white citizen of that State may have a gun and a revolver, and may keep the same wherever he may be, and especially may keep them within his own home, and that he may use those arms according to his discretion if he does not create a breach of the peace.

The further proposition is that the colored people of Louisiana shall none of them be allowed to keep or bear arms and that the gun or the pistol of every colored man shall be taken from him. Manifestly the millennium of Southern Democrats will have come when this resolution of the Democrats of Louisiana is carried into effect, because we shall then have the whole white population armed each man with a gun, and we shall have the colored people, no one of them with any instrument either of offense or of defense, and all this in defiance of the natural and the constitutional right of the citizen.

Let me tell the Senator from Louisiana that this plan which has been inaugurated by the white Democrats of Louisiana, will not be a success. They may disarm here and there a few of the negroes of Louisiana, they may surround in their little homes or in the cabins of their colored clergymen a few little bands of negroes and take their arms from them, or shoot them down to bloody death because they are Republicans; but they will not succeed in disarming the whole body of the colored population of Louisiana.

The negroes of this country are growing in intelligence; they are gaining in courage on this question, and the colored men of Louisiana will maintain their right to keep and bear arms, in my judgment, in time and in the long run against the whole body of white leaguers, Kuklux ruffians, and all the other vagabonds, gamblers, thieves, thugs, and villains who, according to the Democratic papers of the city of New Orleans, have been organized in the interest of the Democratic party, and especially in the interest of the Senator from Louisiana who has addressed the Senate. The colored men will keep their arms and they will use their arms when they see fit to do so in defense of those rights of American citizens which belong to-day, at the South as well as the North, to every American citizen whatever may be the color of his skin, or whatever may be his politics, whether Democratic or Republican.

Mr. President, I do not intend to go over the ground which I covered the other day nor to follow the Senator from Louisiana at length in the remarks which he has made. He has omitted to refer in detail to any of the particular outrages which were recited by me as affording at least sufficient ground for an investigation. The Senator has undertaken to prove that there is nothing extraordinary or remarkable in the increase of the vote of the Democratic party in Louisiana from 62,540, the vote for Cleveland, from some 80,000, the largest vote that was ever cast, up to 136,746, by asserting that it is not strange that there are fluctuations of votes at different elections, and he has cited fluctuations which have occurred in Northern States.

Mr. President, I grant that mere fluctuations of votes up and down in various elections are not of themselves necessarily proofs of fraud, but I say that if you will find a case like this in Louisiana where for a series of years the largest vote which a political party has ever been able to cast has been 80,000, and where suddenly the vote has leaped from 80,000 up to 136,000, there is afforded a presumption of fraud which would of itself justify an investigation.

If the Senator will point out any parallel case to this monumental fraud in the State of Louisiana which was perpetrated by Governor McEnery and his satellites on the 17th day of April and subsequent to that time during the counting of the vote, I will insist that there should be an investigation of such an election, particularly if it resulted in the creation of a Legislature which has elected two United States Senators to claim seats in this body.

But I did not rest upon the extraordinary character of the vote on the face of the returns. I went on with *prima facie* proofs containing astonishing and remarkable revelations concerning the transactions that occurred in Louisiana on the 17th of April and prior thereto. I called attention to the murder of William Adams, a man who had been a Democrat, a friend of Governor McEnery, but who had seen fit to change his politics and to undertake to distribute in Monroe, La., the home of Governor McEnery, ballots for Warmoth, and who was killed by the infamous Captain Theobalds and his gang of cut-throats who to-day control the parish in which they live. His throat was cut and he was thrown into Bayou De Siard.

The Senator from Louisiana says he scorns in the American Senate to enter upon the consideration of an incident like this. I also called the attention of the Senator to a transaction in which his own brother was engaged, and which was exhibited to the Senate of the United States by the Senator from Kansas [Mr. INGALLS] in a speech which he made here some three months ago, and which was repeated again in full in the newspapers of Louisiana. Not a word does the Senator utter in denial or in defense of that outrage upon the rights of the citizen.

The Senator from Louisiana has stated quite accurately, I think, the political policy of the Democratic party in the State of Louisiana. He says that in certain parishes, which I understand to be the colored parishes, where the colored people being Republicans and desiring to vote the Republican ticket are in an overwhelming majority, the policy of the Democratic party is to induce the Republicans to agree that there shall be only one ticket in the field and that shall be the Democratic ticket. He says that the Republicans of those parishes are becoming willing to assent to such a condition of political action or of political servitude, and that when such an arrangement is made, if anybody undertakes to dissent from it and to organize the Republican party, or to organize an independent party, or to run against the candidates nominated by the combination, it is customary to notify him to leave the parish.

Mr. President, I will take the proposition of the Senator and go before the American people upon the question whether or not there is under such circumstances a republican government. I understand a republican government to be a government elected by the free voters, with an honest count of the votes. I understand a republican government to be one which involves two parties; that republican governments are to be conducted ordinarily with a majority party and a minority party; that both parties are to be free; and that through the workings of parties, with vacillations from one side to the other of political power, the States and the nation go on successfully practicing the republican experiment.

But a government is not a republic unless two parties can safely be organized among the people, unless the members of each of those parties have equal rights in law and in fact. If there is to be but one party, with but one ticket in the field, the Republic is destroyed. That such is to be the rule I understand to be the position of the Democrats of Louisiana, as stated and justified by the Senator from Louisiana upon this floor.

On that issue I believe that the Republicans of this country can safely go to the American people. It is an issue which ought to be proclaimed in all its breadth and in all its fullness to the people of this Republic, the issue whether there shall be a free ballot, whether there shall be candidates on both sides, whether there shall be two parties in this Republic and in every portion of this Republic where citizens choose to organize parties, or whether, as the Senator says, there shall be but one party, and any citizen who undertakes to organize another party and to induce it to put candidates into the field shall be notified that he is a disturber of the public peace and be ordered to quit his home, as the Senator says, and as the facts show, Capt. H. B. Holmes was ordered to do in the case to which allusion has been made.

Mr. President, I do not desire to detain the Senate any longer. I have heard criticism of the fact that there has been statement and discussion of the facts before the investigation has been made. I submit that unless the Senator from Louisiana had been willing that the resolution should pass it would not have been becoming for me to have urged its passage without presenting the *prima facie* evidence which

seemed to me to justify an investigation. I have presented that evidence. I have shown the facts of record, the facts which have been reported to me; the conspiracy on the part of Governor McEnery and his associates to have a majority returned for Nicholls, whatever the vote might be that was actually cast, and I submit now, in closing, that the Senator from Louisiana has himself practically admitted in his speech that there exists in the State of Louisiana no republic, and if no republic, then no Legislature of a republic which could elect him and Mr. White to take seats in this body.

APPENDIX.

ARTICLES FROM THE LOUISIANA STANDARD, T. B. STAMPS, PROPRIETOR, NEW ORLEANS, AUGUST 25, 1888.

If the colored man in this State has a spark of spirit in his body, and desires to be practically free, as is guarantied by the national Constitution, he must leave here and go at once. Go North, East, or West, where you will be treated at least like a human being born according to God's laws.

We hope to publish next week the fact that the negro has started the immigration from this cut-throat slice of the solid South; that he will demonstrate that he means to be free by leaving a State where he is held now as much a slave as ever before the emancipation proclamation of God's great Christian servant, Abraham Lincoln.

On our front page will be found a letter from Mr. L. A. Martinet, the leading colored Democrat of the South and editor of the Progress, in which he scathingly and manfully denounces the Democratic methods and the cold-blooded butchery of negroes and diabolical outrages on Republicans by the Democrats.

MARTINET ON HAND IN CONDEMNATION OF NEGRO BUTCHERY—HE CAN NOT CONDONE DEMOCRATIC METHODS AND DECLINES FURTHER FEALTY WITH THE PARTY OF OPPRESSION.

NEW ORLEANS, LA., *August* 23, 1888.

To the Progress Publishing Company:

GENTLEMEN: When Saturday I read in the morning papers of the massacre of the negroes at Freetown, Iberia Parish, I was shocked and horrified. It was a ruthless and brutal butchery of human beings, without cause, reason, or sense. Moreover, there exists in the parishes surrounding that section a reign of terror and lawlessness that is a shame to civilization. Colored people are unmercifully beaten and whipped for no cause or reason; they can not be out at night after 9 o'clock with safety; their property is forcibly taken from them in broad daylight; and old and respectable residents and families are driven away from their homes, the latter because the husbands happen to be white.

In view of the fact that every act of violence against negroes in the South is charged in the North to the Democratic party, and of all that there is at stake for the Democratic party in the pending national contest, it does seem as if the perpetrators of these unheard-of outrages, who are said to be Democrats, have gone mad.

I called on the governor Monday and yesterday again, with a view of securing some official action for the protection of these injured and outraged people, or for putting a stop to this lawlessness. I explained to him how critical the situation is, but I regret exceedingly to say that he does not think that a case has yet arisen where he has the authority to interfere, and he seems apprehensive that if he does interfere now it might make matters worse.

Well, if the negroes are to be butchered, flogged, and driven from their homes under a Democratic administration, without cause or provocation, and the authorities are not able to speak one word in their behalf for humanity's sake, or in censure or condemnation of the atrocious deeds, then there is no reason that I know of why they should change their politics, and thus try to remove what we believed a bar to relations of amity between their white fellow-citizens and themselves, especially when it is known that even those who have voted the Democratic ticket are not exempt from brutal treatment. Even personal friends of ours of irreproachable character have been molested and driven away. I mention this to illustrate better the deplorable state of affairs—not that we would think our friends more sacred than others. If we favored a Democratic government it was specially for the purpose of assuring protection to our people. This failing, we see no way in which they are benefited by it.

I confess I am not only disappointed, but pained and grieved beyond expression. My faith in Governor Nicholls was such that I never could once believe that such outrages could be committed under his administration without at least immediate rebuke and condemnation. My faith in him is not altogether shaken, and I yet have the hope that he will take some action.

It is all a sad return for our unselfish and disinterested efforts to establish permanent relations of peace and harmony between the races, an end for which I have labored long, endured much vexation, and made great personal sacrifices.

A task that forced itself upon the Progress at the outset was to defend the election of the present State administration against the exaggerated charges of fraud, of rancorous political opponents. That we have not been entirely unsuccessful is shown by the readiness with which our articles have been quoted in the United States Senate and the extensiveness with which they have been reproduced by the Democratic press.

Thoroughly acquainted with the incapacity of the negro voters in their present untutored state to govern, and knowing how easy a prey they are to designing and unprincipled politicians and demagogues, we have labored hard to convince them that it was best for their interests that the people who own the property and possessed the intelligence, as I thought, should rule. Through it all we have been honest and conscientious. We have borne uncomplainingly the ostracism of our people and the odium that, among them, attaches to the colored man who professes himself a Democrat, and we have never asked nor expected personal reward in any shape or manner.

Our sole aim and endeavor has been to promote, in our feeble way, the good and welfare of the whole people. Conscious of having striven to perform what we considered a public duty, of having, in the interest of what we believed to be the cause of good government, labored to enable these people to control the mass of illiterate voters in their midst without a resort to violence or unlawful means, we could rest perfectly satisfied with the little appreciation our efforts have received from those who were to be first benefited by them. But I will not, I can not, condone the shedding of innocent blood.

Knowing the worthlessness of professional negro politicians, and how hurtful they are to their own race, I have been, with your approval, unsparing in denouncing them, going to the length of palliating, if not always justifying, the illegal measures taken to rid the community of them, when no bodily harm or injury was done. But I can not, I will not silently countenance the ruthless butchery and cruel whipping of defenseless and innocent people, the despoiling them of their property, and the running away of others from their homes because they chose to marry or unite according to their individual tastes.

The right of people to marry to suit themselves is the most sacred that I know. It is a divine right, and no one has rightfully the authority to interfere with the contracting parties. I could not say less on this point without, as it were, submitting to the desecration of the cherished memory of my dead parents, and condemning their holy union and marriage, of which I am the product.

No matter what the governor's personal feelings may be concerning these outrages—he has a strong sense of right and justice, and I know he deplores and condemns them in his heart—yet it seems to me that his silence will create on the outside world the false impression that this lawless condition of affairs is not so extensive, widespread, and critical as it really is, which would be wrong; or, worse, it may be taken by the "regulators" as warrant to go on in their nefarious course.

It must be remembered, too, that the Picayune, which may be regarded as the organ of the administration, has unqualifiedly pronounced itself upon the question of miscegenation, encouraging the inhuman crusade against it which is spreading all over the State, and from which spring so many acts of violence.

The Progress has no circulation outside of the State. It is not a factor in the Presidential contest—and there is something more sacred than politics in this matter. A question of humanity is involved. The party that would use the perpetration of such outrages merely for campaign purposes, as a stepping-stone to power, ought not to succeed; and the party that is too weak and pusillanimous to denounce them ought not to be intrusted with power. Also, our efforts to establish and maintain peace and harmony between the races have, it seems to me, not only proved futile, but may be, under the circumstances, considered officious. Therefore, unless the policy of the paper can be so directed as to deal with this lawlessness as it should be dealt with, I beg you to accept my resignation as editor.

Very respectfully,

L. A. MARTINET.

AN EARNEST PROTEST AGAINST THE WHOLESALE SLAUGHTER OF INNOCENT AND INOFFENSIVE COLORED MEN—MEMORIAL MASS MEETING IN GEDDES HALL—ABLE ADDRESS OF REV. E. LYON—MATTERS IN DETAIL.

Wednesday night Geddes Hall was filled by a large assemblage of prominent divines and citizens who assembled to enter their protest against the indiscriminate slaughter of innocent negroes in adjoining parishes. A large number of ladies were present.

The meeting was called to order by Hon. T. B. Stamps, who announced the subject of the meeting and read the following list of officers:

Rev. J. W. Hudson, president; Hon. George D. Geddes, honorary president; vice-presidents, Revs. F. T. Chinn, John Marks, A. E. P. Albert, I. H. Norwood, Graham Bell, C. H. Thompson, D. D.; J. W. Hudson, J. T. Newman, M. D.; Rev. R. Thompson, Messrs. H. C. Nichols, E. Brower, Robert W. B. Gould, Revs. A. S. Jackson, J. L. Burrell, Maj. C. F. Ladd, Hon. D. F. Diaz, Col. James Lewis, Rev. T. P. Jackson, Col. R. B. Baquet, Rev. Hon. George Devezin, Hon. Thomas W. Wickham, Rev. Charles Williams, Rev. M. Dale, Mr. Frank C. Taylor, Rev. Guy Watson, Hon. L. D. Thompson, Rev. C. H. Claiborne, Mr. Paul Alexandria, George Landry, esq., Mr. John B. Williams, Rev. B. Brown, Mr. C. C. Wilson, Mr. J. W. Hilton, Hon. C. F. Brown, G. W. Wilson, esq., Rev. L. W. Oldfield, Rev. W. S. Wilson, Mr. Hope Dennis, J. H. Coker, M. D., Drs. Chris. Graves, Robert J. Estes, Rev. Dick Richard, Mr. W. A. Halston, Mr. J. D. Brooks, Rev. H. Taylor, Mr. H. Dixon, Mr. H. C. Green, Mr. Ramie Hawkins, Rev. R. Frazier, Mr. Thomas Wesley, Mr. B. B. Dixon, jr., Rev. C. Monroe, Mr. H. Powells, Rev. Dave Young, Hon. Henry Demas, E. Duconge, esq., Frank Farrer, Capt. N. D. Bush, Capt. D. D. Wethers, Mr. B. Boguille, Mr. L. J. Joubert, Mr. Walter Cohen, Rev. J. A. Wilson, Mr. Joseph H. Fuller, Mr. Paul Bruce, Capt. Peter Joseph, Capts. Charles Lewis, D. M. Moor, W. M. Moor, Hons. W. S. Posey, Frank Farrell, Messrs. A. L. Chapman, Rev. Henry Davis, Mr. Arthur W. Woods, Mr. Edward Gaudet, Rev. M. C. Camfield, Mr. John Marshall, Mr. Alexander Plique, Capt. William Cobb, Capt. J. W. Edwards, Capt. Taylor McKeethen, Capt. Dand Wilson, C. B. Wilson, James F. Thomas; secretary, Rev. Ernest Lyons; assistants, Paul Green, M. J. Simms, R. C. Cammack.

The meeting was opened by divine services, prayers being offered by Rev. Henderson, pastor of the Central Congregational Church. The following committee was appointed to prepare an address: Revs. Ernest Lyon, A. E. P. Albert, M. C. B. Mason, J. H. Coker, M. D., T. B. Stamps, W. Paul Green, James D. Kennedy, Charles B. Wilson.

The committee retired, and in a few moments submitted the following report:

"*To the people of the United States:*

"We, citizens of New Orleans, as well as of neighboring parishes, from which we have been driven away without warrant or law, assembled in mass meeting at New Orleans, La., on Wednesday, August 22, at Geddes Hall, declare and assert: That a reign of terror exists in many parts of the State; that the laws are suspended and the officers of the government, from the governor down, afford no protection to the lives and property of the people against armed bodies of whites, who shed innocent blood and commit deeds of savagery unsurpassed in the dark ages of mankind.

"For the past twelve years we have been most effectively disfranchised and robbed of our political rights. While denied the privilege in many places of voting for the party and the candidates of our choice, acts of violence have been committed to compel us to vote against the dictates of our conscience for the Democratic party, and Republican ballots cast by us have been counted for the Democratic candidates. The press, the pulpit, the commercial organizations, and executive authority of the State have given both open and silent approval of all these crimes. In addition to these methods, there seems to be a deep laid scheme to reduce the negroes of the State to a condition of abject serfdom and peonage.

"It is being executed by armed bodies of men, styling themselves regulators, all of whom are white, except when a negro is occasionally forced to join them to give color to the pretense that they represent the virtue of their communities in the suppression impartially of vicious and immoral persons. With that pretense as a cloak these lawless bands make night hideous with their unblushing outrages and murders of inoffensive colored citizens. They go out on nightly raids, order peaceable citizens away never to return, whip some, fire into houses of others—endangering the defenseless lives of women and children—and no attempt is even made to indict them. No virtuous element in the State is found among the whites to rise up in their might and sternly repress these outrageous crimes.

"These acts are done in deliberate defiance of the Constitution and laws of the United States, which are so thoroughly nullified that the negroes who bore arms in defense of the Union have no protection or shelter from them within the borders of Louisiana. During the past twelve months our people have suffered from the lawless regulators as never before since the carnival of bloodshed conducted by the Democratic party in 1868, and which prompted the late and lamented General Philip Sheridan, in an official report, to style the whites as banditti. Fully aware of their utter helplessness, unarmed and unable to offer resistance to an overpowering force which varies from a 'band of whites' to 'a sheriff's posse' or the 'militia,' but which in reality is simply the Democratic party assembled with military precision and armed with rifles of the latest improved patents, toilers forbidden to follow occupations of their choice, compelled to desist from the discussing of labor questions, and been whipped and butchered when in a defenseless condition.

"In the instances where negroes have attempted to defend themselves, as at Pattersonville and Thibodaux, they have been traduced in a spirit of savage malignity, the governor of the State, with scarce an observance of the forms of law has hastened his mercenaries or militia to the scene with cannon and rifles ostensibly to preserve the peace, but actually to re-enforce the already too well fortified negro murderers falsely assuming to be lawful posses.

A single volume would scarcely afford sufficient space to enumerate the outrages our people have suffered, and are daily suffering at the hand of their op-

pressors. They are flagrantly deprived of every right guarantied them by the Constitution; in many parts of the State they are free only in name; they can not assemble in peace to indicate and discuss an equitable rate of wages for their labor; they do not feel safe as property-holders and tax-payers: and are permitted to enjoy but very few public conveniences.

"The latest wholesale murder, rivaling the most horrifying brutalities of the Comanches, took place only a few nights ago near Cade Station, in the parish of Iberia, in the negro village of Freetown. This place is owned exclusively by colored people, who were conceded to be industrious and respectable. They were charged with hiding and protecting in their midst some negroes from other parts of the parish whom the regulators wanted to whip. When this news was spread abroad a sheriff, fraudulently installed, with his men, without any warrant or shadow of law, at the hour of midnight invaded that quiet village, attacked a house wherein a number of negroes expecting the assault had gathered for self-defense, and deliberately slaughtered the inmates. No arrests will follow. The civil authorities are in sympathy with and applaud the crime.

"The governor has shown no disposition to afford our people any protection, because of this and other kindred wrongs, and our sad experience leads us to expect no redress from that source.

"The papers daily record lynchings, whippings, and murders of people on various pretenses, such as are not considered sufficient cause for lynch law for whites under the like circumstances, and tidings pour in upon us like a flood, of brutalities the record of which is suppressed from the public print because of the supposed political effect they would have upon the Presidential and Congressional campaigns in the Northern States.

"We have exhausted all means in our power to have our wrongs redressed by those whose sworn duty it is to impartially execute the laws, but all in vain, until now, because of our murdered fellow-citizens, and apprehensive for our own safety, we appeal to the awakened conscience, the sense of justice and sympathy of the civilized world, and of the American people in particular, to assist us with such moral and material support, as to secure the removal of our people, penniless as many of them are under the feudal system under which they live, to the public lands and other places of the Northwest where they can enjoy some security for their persons and property.

"To this end we have organized a bureau of immigration. We have so done under the following resolution:

"*Be it resolved*, That a bureau of immigration be composed of J. H. Coker, M. D., president; Rev. Ernest Lyon, A. B., secretary; W. P. Green, esq., M. J. Simms, assistant secretaries; Rev. C. B. Mason, A. B., treasurer; Rev. A. E. P. Albert, D. D., George D. Geddes, esq., Rev. A. S. Jackson, Hon. T. B. Stamps, D. D. Wethert, esq., Rev. J. L. Burrell, C. B. Wilson, esq. To our people we advise calmness and a strict regard for law and order. If your homes are invaded expect no mercy, for none will be shown, and if doomed to die, then die defending your life and home to the best of your ability. If convinced that you will not be permitted to live where you are in peace and perfect security quietly go away. If you are without other means to travel take to the public roads or through the swamps and walk away.

"Steam-boats and railroads are inventions of recent years; your forefathers dared the bloodhounds, the patrollers, and innumerable obstacles, lived in the woods on roots and berries in making their way to Canadian borders.

"Invoking the guiding favor of Almighty God and the sympathy of mankind, we are your brethren in affliction and the common bond of humanity,

"Rev. ERNEST LYON,
"Rev. A. E. P. ALBERT,
"Rev. J. H. COKER, M. D.,
"Rev. T. B. STAMPS,
"Rev. M. C. B. MASON,
"Rev. W. PAUL GREEN,
"Rev. J. D. KENNEDY,
"Rev. C. B. WILSON,
"*Committee.*"

On motion of Rev. A. S. Jackson, which was duly seconded by Rev. M. C. B. Mason, R. W. B. Gould, and others in appropriate remarks, the address was unanimously adopted by a rising vote.

The following resolutions, offered by Mr. Marshall J. Simms, were adopted:

"*Resolved*, That the immigration bureau be, and they are hereby, requested to open immediate communication with the immigration and kindred organizations in California, Kansas, and the Northwestern States and Territories, and to adopt such other plans as will afford the information and relief for our oppressed people.

"*Resolved*, That every possible method be utilized to inform our people and neighboring States of the terrorism which reigns in the disturbed sections of this State, especially in Iberia, St. Martin, Lafourche, St. Mary, Assumption, Terrebonne, and Vermillion, so that they may be duly warned against endangering their lives and liberty by going to these places."

Stirring addresses were made by Revs. Ernest Lyon, A. S. Jackson, A. E. P. Albert, E. S. Swan, J. D. Kennedy, Miss S. A. E. Locket, Rev. M. C. B. Mason, and others. Meeting then adjourned.

REV. E. LYON'S ADDRESS—THE YOUNG DIVINE HANDLES THE OUTRAGE QUESTION WITH GREAT SKILL.

The following is the able address of Rev. E. Lyon delivered at Geddes Hall:

When will deliverance come? is the question which is being asked by the most concerned of our people.

The diabolical system of wholesale and unprovoked murder of our people in the country parishes continues on the increase. The peaceful and law-abiding colored citizens of the State thought that after "the danger was over" that affairs would assume their usual tranquillity; that after the murder and giving up of negroes, whose only crime seems to be, from facts obtained, the attempts on their part to exercise their liberty within the borders of a free Republic, that innocent and defenseless negroes would be allowed to pursue their daily avocation in peace, in order that they may provide for the necessities of their families. But alas! scarcely a wind blows but what it brings the intelligence of murder and bloodshed—murder and bloodshed confined invariably within the ranks of a certain class of the people, namely, the poor and unsuspecting members of the colored race. In all of these engagements the whites have always succeeded in escaping scot-free. This does not look reasonable. There is foul play somewhere, and the whole world begins to believe it.

For a decade of years the innocent and unsuspecting negroes have been made the victims of a cruel fate. The present year dawned upon us, and found the State rent from center to circumference by perplexing political issues. Issues which by a strange admixture of political circumstance, assumed the semblance of labor troubles. Whatever might have been the real causes of these troubles a bloody massacre was the result. A sham attack was shrewdly instituted by the whites on paper only, with the negroes as aggressors. This was only the pretense for the indiscriminate slaughter of men, women, and children which followed. A mother in Israel, bowed down with many summers, who remained faithfully at home during the war to watch her master's children till the battle was over, was mercilessly shot down with impunity within the very heart of a Christian country.

The intelligent members of the race watched with silence and waited with patience to hear the secular press and pulpits of the State, either in mild or in measured terms, denounce the inhuman ravages upon life and property. But to their disappointment that period has not yet come. Again, we are startled by the sad intelligence of weeping and mourning, of murder and bloodshed at Freetown, a village within the very shade of the capitol of the State. Eleven families in mourning. Eleven wives made widows by a band of white hoodlums claiming to be regulators. This village is largely inhabited by colored people who are industrious and law-abiding. The murder marks one of the bloodiest and most thrilling chapters in the history of crimes.

The offense for which these innocent and helpless people were butchered was the protection they offered to some of the members of the race who were flying from the murderous chase of midnight regulators. Confined within their own premises they determined to give protection to their fellows in distress. There was nothing wrong in this. It would be just what the white people would be too glad to do under like circumstances. But of course such manhood on the part of the negroes is exceedingly offensive to the whites, and they must die. These negroes must be understood were not lawless brawlers or clamorous insurrectionists. They were industrious, peaceful, and law-abiding citizens armed to defend their rights and property at the sacrifice of their own lives. They were murdered. Nothing less could be expected. The odds were against them. But before they welcomed death and shook hands with immortality they evinced to the cowardly whites courage and heroism worthy the race whose image they so nobly bore.

All honor to the brave men, therefore, who so nobly defended themselves at Freetown. May the hands that were swift in shedding their blood receive speedy retribution, and may the soil which drank their blood, as a fitting evidence of nature's displeasure, be barren forever. We ask, are not the laws enacted by the Legislature, composed of competent men, elected by the people, able to protect the State without the interference of regulators? Who are these regulators, and what are they? Are they acting under the official sanction of the governor of the State?

If they are not, why does he allow without his official protest this uncivilized system of affairs which places the whole people in juxtaposition to the Hottentots of the African reservation. The facts as given to the public by the daily journals and telegraph operator who are white men must be taken for what they are worth. What right has the sheriff posse to compel negroes to give up their arms in the defense of their person and property? Would the white people of the State in like position submit to such a glaring piece of injustice perpetrated on themselves?

If the negroes are to be disarmed, should not the regulators be disarmed also? And if their actions are inharmonious to the constitution of the State, they should be apprehended and punishment inflicted. It is time that the better class of our white friends speak out and clear in the defense of right and justice. There is no protection for the negro. If he attempts to protect himself the riot act is read. His arms are demanded. The militia is called out. A sheriff posse is organized and assisted by regulators, who murder the poor and unfortunate negroes with impunity. An investigation into the cause of the Freetown tragedy should be made; a committee should be appointed by the governor, composed of members of both races, charged with this solemn duty. We would advise the most calm, cool, and prudent of our representative men, both in church and in state, to meet and adopt measures whereby to relieve our people in these suffering districts.

They should wait immediately on his excellency the governor and ask him to appoint a committee of investigation, and if this righteous and godly demand is refused the people who are thus abused should be advised to leave those miserable hells upon earth.

In the days of slavery, when they were surrounded by enemies on every hand, with blood-hounds to hunt their tracks, they ventured to flee for refuge, amid perils indescribable. Guided by the Northern star of liberty, they reached the Canadian shores and Northern asylums.

And now, since freedom has come and every man is supposed to be a man, why not seek homes among those people who will accord to them the common rights of humanity?

If they have to leave with no patrimony but a single potato in their pockets, let them take their wives and children by the hand and lead them out of these Sodoms and Gomorrahs. Better die a free man than live a slave.

MEMORIAL MEETING.

Geddes Hall was filled on Wednesday night with representatives of our people, including wives and daughters. The meeting was called for the purpose of taking suitable action on the late murders committed on the unfortunate colored people in Lafourche and other parishes.

The meeting was governed by that calm feeling and deliberation which was warranted by the circumstances and which is so necessary to occasions of like serious import. The memorial address, which we print in another column, shows in unmistakable terms the past and present situation of affairs in Louisiana with reference to the colored people.

This was no political meeting, no body of people gotten together for the purpose of hashing out buncombe for political aspirants, no conclave of "bloody-shirt" shakers gotten up to fire the Northern heart in the interest of campaign capital, but a meeting composed of the ministry and representative men and women, who had no other cause at heart than to seek a remedy and its application in the shape of escape from further murders. The address of Rev. E. Lyon, and the orations of Rev. A. S. Jackson, Rev. A. E. P. Albert, D. D., Rev. M. C. B. Mason, Hon. T. B. Stamps, R. W. B. Gould, James D. Kennedy, and others were splendid efforts, and gave very pointedly the horrible details connected with the late butcheries. The calm reasoning with which they held the ear of the audience will certainly be fruitful.

We are glad to record the fact that in obedience to resolution offered a bureau of immigration was organized, which will take immediate steps in the matter of providing information, etc., regarding homes elsewhere.

A great deal can be said of the possible good effect of this commencement in behalf of the colored people, but lack of space forbids a further dissertation on the Geddes Hall meeting; suffice it to say the ball has been started on a roll and it must be kept rolling until we can place the colored people out of further harm's way. Emigrate at once. Don't wait for another butchery.

The colored man is doing himself and his family a great wrong by remaining in this murder-ridden State any longer. We say to you, emigrate to some other State and risk no longer being slaughtered for being a negro. You are worse enslaved in Louisiana than you ever were before. Leave, and leave at once.

"KEEP ON WITH IT."

We copy a head-line from the Times-Democrat. Certain Northern journals are pleased with the conviction of Dennis Kirby for running away with the keys of a New Orleans ballot-box. The Times-Democrat is happy over the good work. It advises that we "keep on with it."

We echo the sentiment. The Times-Democrat, however, is content with small cases. We would advise attention to the far more important. There is the murder of William Adams, in Monroe, his throat cut from ear to ear, for peddling Republican tickets. No arrests, no investigation. Would the Times-Democrat confine itself to the more trivial matters of stealing ballots?

Well, so be it. Take the case of Madison Parish. A return of 3,500 votes for Nicholls—Warmoth without the single vote. Vote, as actually cast: Nicholls, 588; Warmoth, 2,817—Warmoth with a majority of 2,229; a dead steal, in effect, of 5,734 votes in the single parish. Will the Times-Democrat take the case in hand? Dare it challenge the proofs?

What of the present Democratic hell, again, in the Third district? A white man, killed by whom? Certainly not by the negroes. A dozen negroes shot down like dogs. No politics in it. Where's the fool that don't know better? "Why should the prosecution of these criminals be interrupted or delayed?" We quote the Times-Democrat again. Echo answers, why?

PACK UP AND MOVE.

That is our advice to the negroes in the Louisiana bulidozed parishes. We mean it exactly as we say it. Pack up and move.

There is no other remedy. New Orleans is filling up with refugees. They are flocking in from the several different parishes and localities. They are not of the ignorant, or helpless class. They are generally intelligent, are the owners of their own little homes. They have been driven from home and family at peril of their lives.

They have been so driven because of their intelligence; because of their independence. They are not of the old-time class, to be held as servile dogs. That is why they are driven out. Every negro leader, every negro property-holder, every negro who can read and write, is branded as dangerous, must be got rid of. That is the edict, openly promulgated, and well understood. Take the situation as it is. You may not return as free men. Free men you must live and die. You have no protection under the laws. You have no earthly chance in seeking to protect yourself. There is the one resource. Take it, and at once. Pack up and move.

We want to be heard and heeded in every bulldozed parish and locality.

We say to the negroes, You have the one and only remedy in your hands. You are the only producers. You raise the cotton and the sugar. You are the supporters, in fact, of the men who persecute you. Without your labor they must themselves go to work or starve. Give them the chance. Let them try the working or the starving. Let them have the field. Pack up and move.

We don't advise any general exodus. That would entail possible privation and suffering. Let the remedy be gradually applied. Let the young men and women set the ball in motion. The movement begun makes the certain better chances for those who stay. There is no single, able-bodied negro too ignorant to know that his two hands will certainly make him an honest living.

He knows they will earn it anywhere on the civilized earth. So, too, with the single, able-bodied woman. She is sure of an honest living anywhere. She has but to work for it. Let the young man and woman get out. We say it, and we mean it. Pack up and move.

Stand not upon the order of going, but go. Don't wait upon any growing crops, or promises of pay. Steal out through the cane-breaks if you must. Any way to get out. Don't flock to New Orleans, or to any town. Set your faces toward a free land, a land where an honest life will insure the honest dues of free men and free women. Go to California, to Arizona, or to any like place where there is room. You can work your way there if you will. The will alone is wanted. Pack up and move.

In any other State, North, East, or West, its governor would seek and demand in person a reason for the atrocious butcheries which have occurred in this State in the last two or three weeks. But we suppose the governor of Louisiana knew how the "law was suspended" in his interest and has forgotten that the "danger has passed," or has forgotten his cue and don't know when to say, "Let up now."

There was a time when some people were led to believe that the Republican party got up these negro-killing matches for political effect. What say these people now? Look at the butchery being continued in this wretchedly-governed State and say whether or not the fact is true that the negro is being slaughtered for no other reason than that he is a negro by the Southern banditti, the never-licked and unwhipped Confederate spirit.

LOUISIANA BANDITTI.

The history of the colored people in Louisiana, as in other States of the solid South, has many pages in mourning commemorating the violent deaths they have suffered at the hands of murderous whelps under one pretext or another. For years the colored citizen of the State of Louisiana has contended with barbarous inflictions, the like of which we read in history of ancient eras, when cruel slaughter was rewarded by crown and scepter.

The negro has suffered death or banishment for exercising his rights of citizenship given him by a nation on whose soil poured the blood of millions of loyal soldiers and statesmen that this American Union might be saved, and that all its citizens might be free, as they were created by the Almighty God. These murders of colored people are the outcome of a lurking feeling of resentment of and refusal to accept of the issues of the late rebellion. A spirit akin to the animus engendered in behalf of the Confederacy, which, though subdued on the field of battle, is cowardly resorting to a warfare of extermination under the cover of civil government.

The pen is again taken up to record another chapter of slaughter and butchery on the unfortunate colored people of Louisiana, the latest deeds occurring at Lockport, New Iberia, Freetown, and adjacent localities where the dastardly idea is rampant that the negro is obnoxious, and they must leave, failing to do which he is to die by the assassin's bullet, the midnight marauder's bludgeon. What a horrible state of affairs to record against a government which brags and boasts of that chivalry under which crime is suppressed.

On Saturday, August 11, at night time, a band of white banditti, all mounted, went out the Bayou road from Raceland to Robert Williams's house, surrounded it, and concealing themselves in the cane, called for Williams to come out. Upon coming out, and seeing the state of affairs, attempted to escape, when he was shot from ambuscade, and died the next morning. After this piece of butchery, and the same night, they drove up to another colored man's home, Augustave Antoine, took him off some distance, hung him up to a tree, and riddled his body with bullets, and before doing this they shot and killed his brother Eugene.

Another case in view is that of a mulatto, who became obnoxious for some reason or another only known to the murderers, who was flogged in regular slave style and given notice to leave the hallowed precincts of New Iberia. He, terror-stricken, left for Freetown, to where some of his friends resided, for protection. On learning that he was in Freetown, a leader of the banditti, named Cade, organized an alleged military company for the purpose of slaughtering the colored man's friends, who had collected together in their own defense, and in short order butchered up at least a score of colored people.

We could mention many other instances of like character, but enough is here said, backed by authority, to warrant attention to this deplorable state of affairs.

We say to the colored people that they must leave this State.

The negroes of St. Martin, Iberia, St. Mary, Terre Bonne, Vermillion, Lafourche, Assumption Parishes, can never expect anything else than a continuance of this inhuman warfare, and if they have to walk they owe it to themselves and families to leave these parts, for the planter is powerless to protect you as a workman and the governor of the State is apparently indifferent to this condition. We say to you colored people to emigrate to California, Arizona, anywhere else where God's law is respected and man's inhumanity to man in the light of Louisiana methods is unknown and never expected.

Do not wait longer; you have suffered sufficiently long and if you remain you will certainly imperil your own life. Emigrate and leave this infernal hell-hole on earth.

[Extracts from the Louisiana Standard, New Orleans, September 1, 1888.]

THE GOOD WORK GOES BRAVELY ON.

Killing and outraging negroes is the order of the day. We ask of the Northern journals that they scan well the certain dispatches as seen in our New Orleans dailies. We mean those purporting to recount the troubles with dangerous and unruly negroes. We mean particularly those as just now appearing from certain sections in the parishes of Terrebonne, Iberia, and St. Martin. Let them read and ponder. The very dispatches of themselves are enough to damn the communities from whence they come.

Here are the armed organizations of whites going about as assumed regulators. Their mission is seen as wholly confined to the negroes. They are themselves outside the pale of all law. They represent no authority whatever save that of organized brute force. They constitute, in fact, nothing more nor less than outlaws; are in honesty to be viewed in no other light.

Here are the armed gangs of outlaws, then, riding roughshod over the country at large hunting negroes to the death. The negroes are largely on their own ground; they appear as living in their own little hard-earned homes.

This was particularly the case in Freetown. The little town was invaded by these armed outlaws. There was the pretense of the sheltering of certain refugees in hiding from the outlaws' threats. A dozen, at least, of negroes were brutally murdered. They were shot down as so many dogs in their kennels. It was the cowardly work of a gang of cowardly murderers. A coroner's jury, as cowardly as the murderers, but serves as the murderers' shield. It signs a verdict to the effect that the negroes were killed by parties unknown.

This late hellish work is mainly confined to parishes in the Third Congressional district.

It appears as in effect the beginning of the Democratic Congressional campaign. The three particular parishes are strongly Republican. The latest official registration with returns of the late election may be in order.

Parish.	Registration.		Election returns.	
	White.	Negro.	Nicholls.	Warmoth.
Terre Bonne	2,276	3,035	1,687	2,033
Iberia	2,344	3,210	1,262	1,923
St. Martin	1,476	2,198	1,107	1,624
Total	6,096	8,443	4,056	5,580

The blacks are seen as having the majority vote of 2,347. There is the return of 1,524 majority for the Republican ticket. The voters absent and failing to vote are, for the three parishes, respectively, 1,591, 2,369, and 943, a total of 4,903.

There is here with the free and fair election the large white Republican vote. The 4,903 absentees were unquestionably two-thirds Republican. The three parishes are honestly Republican by fully 3,000 majority.

The bulldozing began previous to election. It was both rampant and fierce on election day. It was by no means confined to the blacks. There were the white Republican leaders coming in for their share. Hon. W. B. Merchant, ex-Republican postmaster in New Orleans, is mentioned for instance by Hon. Senator CHANDLER. Mr. Merchant, as notorious, was outrageously bulldozed; was held a prisoner by an armed body of bulldozers; has since left the State in disgust; is now resident in El Paso, Tex. The election as such was an outrage and a fraud.

The bulldozing broke out afresh immediately following the election in the parish of Terrebonne. Senator INGALLS recounted some of the cases in his famous speech in reply to Senator EUSTIS. An armed band of "regulators" sought to reap their vengeance for being defeated. It appeared, as in evidence, in lead of a brother of Senator GIBSON. The negroes were shot and outraged in every conceivable way. Dozens were driven from their little hard-earned homes in fear of their lives. There are the dozens, so made refugees, in New Orleans to-day.

Terre Bonne, Iberia, and St. Martin are virtually in the hands of the outlaws. They have converted these parishes into a veritable hell.

They are riding rough-shod over the country at large. Their path is marked with blood; is strewn with the bodies of a full score of murdered negroes.

These organizations of murderous outlaws are organizations of Louisiana Democrats. They are in effect shielded by the Democratic authorities. Their murders are glossed over and palliated by the Louisiana Democratic press. They are practically a part of the Democratic political methods, murder and outrage for opinion's sake. And still the good work goes bravely on.

MARTINET'S LETTER.

We recommend to the colored voters of the country to peruse the letter of Mr. L. A. Martinet, editor of the Progress, published last week in this paper. We address ourselves more particularly to the colored voters of the North, because it matters not how the negroes vote in the South, the result is the same—the South is always solid, through fraud and murder, for Democracy—whereas in the North, in several States, they hold the balance of power. The letter presents a mild picture of the fiendish outrages and the condition worse than actual slavery to which our people are subjected in this State, and the colored man who, after reading it, will vote the Democratic ticket is an enemy to his race.

We recommend especially to the colored press, Republican and Democratic, to reproduce this truthful statement from a Democratic source, not with a view of helping one party and injuring the other, but for the sake of humanity and for the purpose of placing the helpless and sorrowful condition of our people in the South before the American people in its true light. It is the more necessary that the colored press should do this as we can not rely upon the Democratic press to publish the truth about the diabolical outrages perpetrated upon our people. All their accounts are colored so as not to incur the regulators' displeasure, and they will publish no impartial statement from any one, colored or white.

There is not a colored man in the State that stood higher in Democratic estimation than Mr. Martinet, yet the Democratic press would not publish his letter, though couched in moderate language; nor would they publish the able and considerate address to the American people on the same subject adopted at the mass-meeting of our people held here last week, and which also appeared in our last Saturday's paper. They even made no mention in their local columns that such a meeting was held, notwithstanding that there were reporters present; and yet it was one of the most notable meetings ever held in this city. All our prominent men and ministers were there and the attendance was exceedingly large. Hence for the dissemination of the truth about those outrages on our people we must rely especially on the negro press.

Now, regarding the political bearing the circulation of such facts will have in the North, it is a matter of secondary consideration with us. As a Republican, we are sincerely and staunchly in favor of Harrison and Morton's election, but we will not use the perpetration of such infernal crimes solely to advance the interests of the party. Our primary object is to make our helpless and pitiable condition known with the view that the humane sentiment of the nation will

devise means to alleviate the wrongs to which we are subjected by the Bourbonism of the South.

But we will be frank in saying that the re-election of Grover Cleveland will be taken by the murderers and destroyers of our people as sanctioning their deeds, and will encourage them to go on in their career of blood and extermination, and they will go on with renewed vigor; whereas the success of the Republican party will show that the healthy public sentiment of the country condemns those outrages, and will throw a damper and act as a check on the perpetrators.

This is no surmising. It is clearly shown by the contrast which the administration of Grover Cleveland and that of President Arthur affords. Compare the two administrations and see for yourselves. Under the quiet and peaceable administration of President Arthur, the rough edges of the war having been smoothed and its wounds almost healed by the long and beneficent Republican rule, angry passions were gradually cooling down and a better condition of affairs was quietly taking place in the South. While here and there at the time of an election some trouble might arise, it was always local and its effect temporary. Republicanism was undoubtedly fast gaining ground; prominent white men were continually proclaiming a change of faith and declaring their adherence to the Republican party, and we confidently looked to a day not far distant when it would be safe for a colored man to be a Democrat and when both parties would be composed of whites and blacks alike.

But the election of Cleveland put a stop to all this. It threw us back into the seventies. It did not cause a reaction in sentiment, but it effectually put a check on its manifestation, and Bourbonism once more became rampant and overbearing. His re-election will give it unlimited sway and will throw us back in the sixties; while the election of Harrison will restore the hopeful condition of things that existed under President Arthur and prepare the country for an era of peace, harmony, and prosperity.

Therefore, we say again, colored men, read Mr. Martinet's letter. His statements can not be contradicted. The Democrats have everywhere proclaimed his integrity and veracity, and they can not to-day impeach his testimony. Read his letter and vote the Republican ticket.

OUR MURDERED DEAD—A REQUIEM FOR OUR MURDERED DEAD.

Let all join in commemorating the victims of the Freetown massacre. Let the roll of the murdered dead be held a lasting roll of honor. Let their names not be forgotten: John Simon, Thomas Simon, Peter Simon, Lewis Simon, Eugene Green, Edward Valere, Alexander Valere, Antoine Michel, Samuel Kokee, Ransom Livingston, jr. They died, as died the veritable martyrs of old. They died for daring to assert their rights as free men.

They were murdered for giving shelter and protection to the outraged and hunted of their race. They gave up their lives in proof of their manhood. They are so many martyrs to Democratic hate. Let them be so held and revered. "Vengeance is mine, saith the Lord; I will repay."

We assert unhesitatingly that the last Louisiana election was simply an outrageous wholesale steal; that men were murdered for distributing Republican tickets; that Republican voters were generally either bulldozed or defrauded of their ballots; that the officials generally were installed through fraud; that the State is run practically by bulldozers and ballot-box stuffers.

We further assert that there exists to-day in certain sections of the State a reign of terror; that the country is overrun by gangs of outlaws known as regulators; that negroes are being hunted as so many animals; that they are being shot down by dozens, murdered in cold blood for daring to presume upon their rights as men; that scores again are being driven from their hard-earned homes, for all of which we challenge the proofs.

We favor emigration in lieu of immigration. We favor, as far as may be, the general emigration of the negroes.

We don't object to the Northern immigrants. They are of those willing to concede the negro his rights. We won't do any lying to induce them to come. We want the negroes to get out. They have no protection under the laws. The late outrageous verdict of a coroner's jury over a dozen murdered negroes at Freetown is abundant proof. We tell them they have no rights the Louisiana bulldozer is bound to respect. They may be murdered and outraged at will. They are certain to be murdered and outraged until reduced to a state of peonage. The only alternative is to pack up and move.

Let the move begin with the young men and women. Let them get out. Let them stand not upon the order, but go.

THE ASSASSINS LIE.

No politics in it; that's the story in connection with the Freetown massacre. Where's the fool who don't know it to be a lie out of whole cloth. The assassins are Democrats. The victims are Republicans. That tells the story. It is the "Old Third." The district is honestly Republican by 8,000 majority. It was carried two years ago by Democratic boodle, and amounted to say $60,000 in cash. The boodle candidate is now out of the race. There are no $60,000 this time in the Democratic bag. The want of it must be made good somehow. There's no other way for it but in killing Republican negroes. That is the one sure way of keeping Republican voters from the polls. The Democratic game has begun. A round dozen or so of negroes have been murdered. It is the beginning of the Third district campaign. That's the meaning of the Freetown massacre.

A CIRCULAR FROM THE BUREAU OF IMMIGRATION.

Fellow-citizens and brethren:

After receiving intelligence through the columns of the daily journals of the terrible outrages and cold-blooded murders of our fellow-citizens at Freetown and other portions of the State, from time to time, without any attempt on the part of the executive authorities to bring the murderers to justice, we felt that patience on our part has ceased to become a virtue, and that the present dangerous crisis to which matters have been allowed to reach in the country demanded immediate action on the part of those located in more favoring districts to adopt measures whereby to relieve those of our fellow-citizens suffering under a reign of terror and brutalism in the disturbed portions of the State.

Being bound by the ties of duty, as well as of those of race affinities, memorial meeting was held to contribute honor to those who died in defense of their lives and property, thus winning for themselves an honorable place among the number of martyrs who poured out their life-blood as a precious libation upon the shrine of liberty.

In accordance with this meeting an immigration bureau was organized, with authority to communicate with kindred organizations in California and New Mexico, in order to remove our suffering brethren to regions equally favored in fertile resources, and among a people who are willing to accord to us the common rights of humanity.

It was therefore agreed at a meeting of the board that before such a step is taken a pioneer be sent to the above-mentioned places, whose duty it shall be to survey the country and make arrangements with the planters of that region so that our people, instead of moving on a wild goose chase, will have something definite and sure before them.

It was also agreed by a series of resolutions, both at this board meeting and at the memorial meeting, that an appeal be made to every church organization, secret society, and benevolent association, and every friend of the race to contribute little or much towards defraying the expenses of such an individual upon so important a mission. The board promises to use care and discretion in the choice of such a man.

In accordance, therefore, with those resolutions, we issue this circular, calling upon you in the name of God and the name of common humanity to come to the help of the Lord against the mighty. We need not say to you that the uncivilized methods of regulators are creeping all over the State, like a cancer creeps all over the human body, and that this now peaceful region may soon be disturbed by the hideous yells and the murderous fires of lawless regulators, and you likewise may be found on your way to some safe region where you and your family can dwell together in peace.

Send contributions to J. H. Coker, M. D., president, or Rev. Ernest Lyon, secretary. Office Geddes Hall, No. 220 Erato street.

All contributions will be acknowledged in the S. W. C. A., the Standard and Pelican.

We are your brethren in distress.

J. H. COKER, *President.*
ERNEST LYON, *Secretary.*
M. J. SIMMS,
PAUL GREEN,
Assistant Secretaries.

Remember Iberia. Let negro laborers give the parish of Iberia a wide berth Let the Democratic bulldozers go to work. Leave them to gather the cane and make the sugar. You can have no protection for your lives. Avoid Iberia as you would avoid a pestilence. Go somewhere else for work. Let those already there get out. Let every one who can, pack up and move.

At Opelousas last week another negro was riddled with bullets by white assasins for the reason that it was thought he had purchased buckshot. The mayor of the city gave them the right of way and a *carte blanche*. And so the cruel work goes on. Colored people, you must emigrate. The respectable white people of this State deplore the condition of affairs, but they are powerless to stop this murdering. It is in order for Mr. Nicholls to petition Congress for more power to carry out the laws of this State.

Boycott Terre Bonne. Let the colored laborers boycott the parish of Terre Bonne. That's the word that with the Irish means the next thing to anathema. It fills the bill. Terre Bonne is overrun with Democratic bulldozers. They are hunting and killing Republican negroes. Don't give them a chance at you. Keep away. Get your work elsewhere. Let the bulldozers make their own sugar. Let those who are there get out. Every man who can, take to the canebreaks, if need be, and get away.

Shun St. Martin. Don't go there for work. Leave the cane and the sugar to the bulldozers. Let them go to work, or starve. They propose to reduce you to the status of the Mexican peons. Let them have the field to themselves. Go to California, to Arizona, anywhere outside of bulldozed Louisiana.

[Extracts from the Louisiana Standard, New Orleans, September 22, 1888.]

WHAT ARE THEY GOING TO DO?

What are they going to do about it? That is the question for our Louisiana negroes to decide. They are citizens and men in the eyes of the law. There is even the special clause in both national and State constitutions pledging them their rights. The law, in so far as they are concerned, is but a cheat and a lie. The national and State constitutions, as applicable to them, amount to naught. There is for the negro absolutely no protection for life or property in Louisiana. He is shot down with as little compunction as is the veriest mangy cur. No one ever hears of his murderer being punished for the crime. He is even hunted down as is the wild beast and shot at sight for no earthly offense but daring to presume upon his lawful rights. He is open to every outrage and contumely; his wife, sisters, and children to every insult and abuse. He has in point of fact not even the protection accorded him in the days when held a slave. He had then his lawful masters at least interested in seeing him free from the abuse of others.

The situation withal is growing worse and worse. The negroes are being gradually cowed into abject submission.

A goodly proportion of Louisiana to-day is for the Louisiana negroes a veritable hell. In the parishes of Terre Bonne, St. Martin, Iberia, and portions of Lafayette, in particular, there exists a reign of terror. All of law is here practically suspended. Gangs of outlaws, known as regulators, are the law unto themselves. Negroes have been wantonly massacred by the wholesale in broad light of day, as evidenced in the shooting down in cold blood of no less than ten in the massacre at Freetown.

Negroes are being hunted as so many wild beasts, are being as mercilessly murdered. Negroes everywhere are being driven from their little, hard-earned homes, are everywhere being wantonly outraged and abused. The infection of lawlessness is spreading, is heard of daily in some new locality.

Governor Nicholls has so far done nothing. He can not plead ignorance of the facts. They are being daily reported in the press. They are matters of common notoriety. His attention, again, has been specially invited, and that, too, by prominent citizens and friends. He was talked to and plead with by Hon. L. A. Martinet.

We have it on good authority, too, that no less a man than Hon. Mr. Breaux, elected with Governor Nicholls as State superintendent of education, has specially interested himself in the matter. We have it that he talked with Governor Nicholls, and plainly enough told him of the terrible massacres, of the outrageous and general lawlessness, of the serious injury it was doing, of the disgrace it was certain to entail, and besought the governor to interfere in behalf of law and order.

Governor Nicholls sits with folded hands while the murders, the whippings, and the outrages against Louisiana negro citizens are being daily carried on. He overlooks both the Constitution of the United States and the constitution of Louisiana.

He appears as giving no heed to enforcement of the laws, as ignoring all obligation as a man, as forgetting his registered oath.

These massacres, these daily murders and outrages, are crying aloud to Heaven. They are being registered beside the oath pledging the law's protection to life and property. Governor Nicholls the while joins in the devotions of the faithful, chanting the anthems ascending before the same High Throne. Is that registered oath to count as nothing? Is there no responsibility for these continued murders? Are these church professions and communions to be measured as sacrilege? Is Francis T. Nicholls to command respect as governor of Louisiana? Is he governor only in name?

PROFOUND IMPRESSION.

By reference to the columns of the Northern and Western press it has been seen that the Geddes Hall address made a profound impression wherever read. Editors who heretofore have received intelligence of Southern crimes with a feeling of incredulity accept the vigorous protest of a large and respectable mass meeting as conclusive evidence of their perpetration.

From the country parishes it is learned that in at least two places the whites, after reading the address, came together and resolved to assure colored laborers that bulldozing should be stopped and they would guaranty protection of life and property. But so great is the mistrust of the people that little reliance is placed upon those pledges.

It has been felt for many months that the colored people of the State should organize in some manner for common defense, precisely as the Irish do, who suffer in many respects under similar conditions of oppression.

The organization of a bureau of emigration is approved in the country parishes as a practical measure of redress; and many inquiries have been made as to means at hand to convey out of the State the hundreds of laborers who are willing to go. A question has arisen in the minds of some whether to go at once or wait until after the crops are gathered; but the good sense of the people tells them that to await the gathering of the crops is largely to defeat the primary object of an exodus of labor, namely, the embarrassment of those planters who aid and direct the marauders against their lives and homes.

It having been demonstrated that the whites are without tender consciences on the Thibodaux and Freetown massacres and other numerous outrages, the idea now is to touch them sorely in their pocket-books and bank accounts by depriving them of sufficient labor to gather their crops. Let this purpose be openly avowed and energetically carried out.

Timid counselors have said that the plan will fail, because other laborers will rush to take the places of those who go. Our advices show that such is not the experience of several planters who are already in distress. They offer high wages, but liberty of citizenship is not being sold by the negroes in the labor or any other market. Besides, if a new lot of negroes desire to undergo experiences of the kind visited upon the departed laborers, a very little will probably satisfy them, while those who enjoy their freedom in Northern States will extend them their sympathy.

A letter has been received from a United States Senator, in which inquiry is made in regard to the operations of the bureau of emigration. When it opens up communication with leading Republicans and capitalists, the way for effective work will be made clear. Let the bureau be sustained by words of cheer and liberal contributions.

[Extract from the Telegraph, Monroe, La., August 18, 1888.]

It would be a mistake to confound the principle of white primaries with that of representation in Democratic conventions.

We do not hesitate to concede that under normal social and political conditions, the Democratic vote is the fairest basis.

But have we normal social and political conditions in the Fifth Congressional district?

On the contrary, are these conditions not emphatically and pre-eminently abnormal?

We have white parishes and we have black parishes, each class widely and notoriously different with respect to these conditions.

The purposes of this discussion do not require that we analyze, reiterate, and enumerate these differences. They are well known and well understood throughout the district.

These two classes of parishes are not dissimilar in one important feature—they all return safe Democratic majorities.

For political purposes they all are Democratic parishes.

[Extract from the Post, Washington, September 20, 1888.]

It is an undoubted fact that in a number of the Southern States the negroes have been practically disfranchised. The honest men of the South admit this. * * *

It is an undeniable fact that in the disfranchisement of the blacks in the South the effect is not confined to local government, but extends to national affairs, and thus becomes a matter of serious interest to the people of all the States. The people of Oregon are as directly interested in the election of Congressmen and Presidential electors in Mississippi as in similar elections in their own States.

If the political complexion of the Federal Government is changed by suppression of the ballot, to just the extent of that change the Federal Government is wrested from its constitutional basis.

We have stated these facts because they are facts, the facts of a very ugly situation viewed from any possible standpoint. If it be true, as we think it is, that black rule is intolerable to the whites of this country, if it be true also that in eliminating that which is locally intolerable the National Government is necessarily vitiated by fraud, what is to be the outcome? It strikes us that this is one of the most serious problems ever presented to the statesmen of the Republic. It ought to be discussed without malice and with a recognition not of a part but of all the facts we have cited. It is a two-sided question, apparently as far from a solution to-day as it was a dozen years ago.

[Mr. GIBSON again addressed the Senate. For his speech complete see page 8981.]

Mr. REAGAN. Mr. President, the Senate is called upon to enter on an investigation of transactions in the State of Louisiana. As I shall vote against the resolution I desire to state a few reasons which will control my vote; and in stating those reasons, without any previous investigation of the subject, but simply acting upon the spur of the occasion, I propose to answer as well as I can the very pertinent inquiry just submitted by the distinguished Senator from Vermont [Mr. EDMUNDS] as to the reason for such action as this.

If it was proposed to investigate the conduct of an election in which members of the House of Representatives were elected, Congress has the necessary jurisdiction. If it was proposed to investigate the conduct of the electors of any State in an election in which electors for President and Vice-President were concerned, Congress has the necessary jurisdiction. If it was proposed to investigate the question as to whether a Senator has been elected by fraud, by violence, by bribery, or other unlawful means, that would be a subject within the jurisdiction of the Senate. Does any Senator know of any other fact that gives jurisdiction to the Senate under the Constitution and laws as interpreted by the decisions of the Supreme Court?

That question I ask Senators. I do not ask for an answer now, but I ask them to take it to themselves, are there any other conditions of fact that authorize the interposition of the jurisdiction of the Senate of the United States for an investigation?

Let us see what the resolution proposes:

Resolved, That the Committee on Privileges and Elections be instructed to inquire (1) into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there were chosen State officers and also a Legislature, which has since elected two United States Senators; and especially to ascertain and report whether the 136,746 votes returned for the candidate of the dominant party for governor were actually cast, in view of the fact that at no previous election had the votes for such candidate of such party exceeded 88,794.

Then, omitting a part of the resolution which speaks of details, about which I am not informed, and about which I do not propose to speak, it proceeds:

And why there were similar returns from other parishes; and also to ascertain and report whether or not at said State election there was any violence, intimidation, or fraud which prevented a fair election, and particularly whether or not there were any false canvasses or false returns made by the local election officers or included in the final canvass of the votes.

Here is a State election for State officers, involving no election of a member of Congress, no election of Presidential electors, and it is proposed for the Senate to investigate that question as to whether it was a fair and honest election. It is true the resolution recites that a Legislature was elected which has since elected two Senators.

The election of that Legislature was the election of State officers, and I submit to the honorable Senator from Vermont, and he will understand what I mean by the submission of the point, that we will hardly go behind the election of members of the Legislature to determine whether United States Senators were lawfully elected by them. If Senators by their acts have done anything that would disqualify them for seats in the Senate, they are amenable for it. If the Legislature acted unlawfully, then it may affect the legality of an election by them; but there is no charge of anything like that. There is no charge that any Senator has in any respect violated the law. There is no charge that the Legislature has in any respect violated any law. Whence, then, the jurisdiction for this resolution?

Mr. EDMUNDS. Will the Senator from Texas allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. EDMUNDS. My friend from Texas refers, and correctly, to the election of members of Congress as illustrating, as it well does, his argument. I should like to ask him whether it is not within the competence of the House of Representatives to go behind the returns of the State officers who manage the elections of members of Congress and find out what the real truth is in respect of the election and the people who voted for a particular member of Congress?

Mr. REAGAN. My answer to that question is the action of the distinguished Senator himself in the great question which involved the election of a President of the United States in 1876, when he said to the United States and the world, "You can not go behind the count."

Mr. EDMUNDS. Then my friend means to say that the House of Representatives for now one hundred years has been wrong in going behind the returns and investigating the truth of the votes of the fundamental mass of mankind in each State, which makes Legislatures as well as members of Congress.

Mr. REAGAN. I shall not go into that subject, a subject that is not involved in this question. The Legislature of Louisiana occupies the same relation to the proposed investigation which the electoral college occupied to the Presidential count in 1876.

Mr. EDMUNDS. Let us see, if my friend will pardon me——

Mr. REAGAN. I have only a short time to speak. I desire to speak to the question before the Senate, and I shall not allow myself to be drawn off into the discussion of collateral and unnecessary issues.

Mr. EDMUNDS. I did not intend to interrupt the Senator without his consent for a single moment, of course.

Mr. REAGAN. Now, we will look further into what the resolution proposes:

And in case said committee shall find that such illegalities as violence, intimidation, or fraud, false canvasses, or false returns prevailed in connection with such election, then said committee shall further inquire—

First the predicate is laid for the inquiry by proposing that the committee shall do what the Senate has no power to do by itself or its committee, to investigate a State election. Then it is to inquire—

whether any of the acts or omissions of the officials or other persons responsible for or connected with such illegalities were contrary to the Constitution of the United States or the amendments thereof, or were violations of any of the statutes of the United States, especially the provisions of chapter 7, Title LXX, of the Revised Statutes, punishing crimes against the elective franchise and civil rights of citizens; and, if so, whether any prosecutions have been or ought to be commenced in the United States courts for such offenses.

The United States courts as well as the State courts of Louisiana have been open where all violations of law might be prosecuted in one or another as the jurisdiction appertained to the one or the other.

This chapter 7, Title LXX of the Revised Statutes, has been, some portions of it, the subject of examination by the Supreme Court of the United States. Some of its provisions have been declared to be unconstitutional, all of them where an attempt has been made by the Federal courts to take jurisdiction for personal offenses within the several States. If the law is violated in an election for a member of Congress or for Presidential elector, or in the election of a Senator by the Legislature, whatever provisions are made with reference to that may be enforced in the Federal courts, but no matters relating to an election of State officers come within its provisions, and no jurisdiction is conferred for their trial in the Federal courts.

I take it no formal solemn inquiry by a committee of the United States Senate is necessary to ascertain that fact. All Senators, I take it, know that fact without a solemn inquiry involving a slander against a State. I will read two or three paragraphs from the syllabus in the

case of the United States vs. Cruikshank, decided at the April term, 1874, by the Supreme Court of the United States:

A charge that the defendants conspired to injure certain persons of African descent, being citizens of the United States, thereby to prevent them from exercising their rights as citizens, such as the right to peaceably assemble, to bear arms, etc., unless accompanied with an averment that the injury was committed by reason of the race, color, or previous condition of servitude of the person conspired against, is not sustainable in the courts of the United States.

I submit that in all the papers that I have heard the Senator from New Hampshire read, it has not been alleged, and whatever may have been the case as to that I submit that these resolutions do not allege that any of these offenses, inferentially alleged to have taken place, were committed to affect a person on account of his race, color, or previous condition, so that ground falls on the face of the resolution. Its averments fail to bring it within the jurisdiction of the Senate. If its averments, though false, brought it within the jurisdiction, possibly the Senate might take jurisdiction; but when its own averments fail to bring it within the jurisdiction of the Senate, surely we are not going to enter upon a solemn inquiry as to a matter over which we have no jurisdiction.

At that point, while I do not intend to deal withthe facts in this case at all, I could not but be struck with the reading of the newspaper clippings by the Senator from New Hampshire this morning. The statements in these papers in each case showed that the blacks were the aggressors, and although the Senator stated that the troubles grew out of politics, none of the papers he read showed that the parties injured were Republicans or that those alleged to have inflicted the injuries were Democrats; and yet we are indebted to that Senator, the country is indebted to that Senator, for interpolating upon these statements his evidence that the people injured were black people and Republicans, and that the aggressors were white people and Democrats. Yet you can not find one word to that effect in a single one of the papers that he read this morning, as far as I recollect. This is upon the testimony of a Senator who, as the Senator from Louisiana has said, lives 1,500 miles from that State and knows nothing of the facts himself; but that testimony, to influence an election, to arouse passions, to stir bitter feelings, is perhaps just as good as if it had been sworn to by some competent witness.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from New Hampshire.

Mr. CHANDLER. Will the Senator allow me to read an account of a murder in Texas that was political?

Mr. REAGAN. If I have made a mistake, I shall be glad to be corrected. Is that one of the papers the Senator read this morning?

Mr. CHANDLER. No, sir; this is a new one from Texas.

Mr. REAGAN. Then I do not yield to that. I am talking about what the Senator read. The Senator will have time after I get through.

Mr. CHANDLER. I withdraw my request.

The PRESIDING OFFICER. The Senator from Texas declines to yield.

Mr. CHANDLER. I will read a case after the Senator gets through where it does show why the murder was committed.

Mr. REAGAN. The Senator has made his speech and I am talking now about what he has presented after his second speech as the grounds for this procedure. I do not know what the Senator has; I do not care what he has. I am dealing with the case on which after two speeches and the resolution he has rested his case before the Senate. I piropose to read further excerpts from the opinion I have just been quoting. Referring to the civil-rights act, the Supreme Court say:

That act was intended to give to the colored race the rights of citizenship, and to protect them, as a race or class, from unfriendly State legislation and from lawless combinations. An injury to a colored person, therefore, is not cognizable by the United States courts under that act unless inflicted by reason of his race, color, or previous condition of servitude. An ordinary crime against a colored person without having that characteristic is cognizable only in the State courts.

I am reading this to sustain the position I have laid down, and I read further a part of the sixth clause of the syllabus:

The fifteenth amendment does not confer upon Congress the power to regulate the right to vote generally, but only to provide against discrimination on account of race, color, or previous condition of servitude.

* * * * * * *

A conspiracy to prevent a colored person from voting is no more a United States offense than a conspiracy to prevent a white person from voting, unless entered into by reason of the voter's race, color, or previous condition of servitude.

If the Senator has something that he proposes to read hereafter to show that there is something in the paper which he has about politics and races, I call his attention and that of the Senate to the fact that he has failed to put it in the resolution, and a demurrer to the testimony would set it aside because he has no basis for its introduction.

Mr. BLAIR. It would not set aside the fact.

Mr. REAGAN. If the Senator will allow me, I am proceeding upon the supposition that Senators understand that the allegations and the proof must agree to and correspond with each other. Perhaps the Senator from New Hampshire—I will not conclude what I might have said.

Mr. BLAIR. Or I would reply.

Mr. REAGAN. I am not talking about that. There is no allegation to admit the proof, as will be seen by reading the resolution, and it is therefore immaterial. I am talking of the resolution which the Senate is asked to pass and not of loose proofs, not of what may come up by a drag-net collection of newspaper slips and anonymous letters over the country.

The object I had in view, Mr. President, was not to enter into a discussion of this question generally, but simply to respond to what I believe to be the very pertinent question which was suggested by the Senator from Vermont, and which had caused me to look into this resolution to see whether we had the power to pass it. There are some other points in it to which perhaps I had better call attention before taking my seat. This is the third clause:

Whether such illegalities are likely to be repeated in connection with the election to be held in said State on the 6th of November next of Representatives in Congress; and, if so, whether there is occasion for the alteration by Congress or any of the regulations prescribed by said State for holding elections for such Representatives in Congress.

This Senate, one of the gravest political bodies on earth, supposed to be distinguished for the maturity of the judgment of its members and for its conservatism and justice, is to enter upon an inquiry to enable it to guess whether the law will be violated in an election to be held next November. If absurdity could go further and do worse I do not know how it would be brought about, that we are to enter upon a solemn investigation for the purpose of enabling the Senate to guess whether the law is to be violated in an election to be held in Louisiana next November.

And if so, whether there is occasion for the alteration by Congress of any of the regulations prescribed by said State for holding elections for such Representatives in Congress.

If we have not sufficient provision to protect the rights of the voters and the rights of the candidates for office, and the peace and good order of society, I suppose we can extend that, and the Senator from New Hampshire, in his zeal in this respect, can surely suggest any additional remedies which may be necessary without a solemn and formal inquiry for the purpose, not of ascertaining the fact as to whether laws are desired, but for the purpose of inflaming the public mind, promoting sectional agitation, and inflicting injustice.

The fourth provision of the resolution is as follows:

And said committee shall also inquire whether there were in connection with the aforesaid State election illegalities, frauds, false canvasses, and false returns, so extensive and systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said election without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means; and, if so, whether said Legislature was actually and duly elected by the people of Louisiana, or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators and to provide methods for the appointment of electors of President and Vice-President of the United States.

This resolution raises a question that it seems to me ought to be thought of and ought to be discussed more than it has been of late years. Our whole system of government is predicated upon the idea of the capacity of the people for self-government. If the people of this country have not the capacity for self-government, then the Republic is a failure and there must be a monarchy, an oligarchy, or an aristocracy to rule it. That is the proposition. I submit that for one hundred years of peace and war the people of this country have proven themselves capable of self-government, and I submit that they are to-day capable of self-government.

Then the powers of government by the constitutions, State and Federal, are distributed between the States and the Federal Government. All the powers necessary are delegated to the Federal Government to enable it to perform all its foreign and Federal relations, and no State can interfere with them. To the States is reserved the vast residuum of power which relates to local controversies, to questions of marriage and divorce, descent and distribution of estates, the enforcement of local contracts, the punishment of local violations of the law—I shall not attempt to enumerate them, nor is it necessary, but all that vast residuum of power remains to the States and is wholly without the jurisdiction of the Federal Government.

Then our system contemplated that our people were capable of self-government to the extent of forming a Federal Government which should control our foreign and our Federal relations; that they were capable of self-government to the extent of forming State governments having the capacity to deal successfully with all those local questions that arise within the States.

This line of distinction has been steadily adhered to by the Supreme Court of the United States, and if the Republic is to exist it must continue to be adhered to. Instances in which it has been broken over by the action of Congress have been arrested and set aside by the Supreme Court of the United States.

The Senator from New Hampshire evidently contemplates that all violations of right are the subjects of Federal jurisdiction. He evidently makes no clear distinction between the powers of the Federal Government and the powers of the State governments in relation to such matters, and there is where this perpetual intermeddling comes

from and comes in—the effort of the people of some of the States to intermeddle in, to interfere with, the local affairs of others for political purposes and to accomplish political ends.

If the States are capable of self-government it is fair to assume that the people of each State will dispose properly of the local questions that arise within it. It is fair to assume that there is no justice in any other State or in Congress attempting to interfere with the legal or constitutional duty of the State to dispose of merely local questions.

Mr. President, I only intended to state very briefly the reason why I should vote against this resolution. Whenever any resolution comes up calling for an investigation within the jurisdiction of Congress, when any Senator thinks that the law has been violated in any respect over which Congress may have authority to act, I shall certainly interpose no objection to the proper investigation, but as far as I can understand I mean to oppose all propositions for investigation which simply means political agitation in violation of the Constitution and of the rights of the States and of the people.

Mr. EDMUNDS. Mr. President, the observations of my friend from Texas [Mr. REAGAN] lead me to occupy four or five minutes in stating very briefly my views about this resolution.

The intermeddling of the Congress of the United States with the local affairs of a State is, of course, very improper. It was thought to be very improper in times, now happily gone by, when that intermeddling took the form of petitions of citizens of some States in the United States addressed to Congress, in favor of proposing to the States amendments to the Constitution which should abolish slavery. The same arguments that my honorable and distinguished friend from Texas now addresses to us were with much greater violence, but with not greater logic, addressed to the Senate and the House of Representatives of the United States against any exertion of the right of petition to change the structure of the Government in its constitutional forms so as to get rid of what many people then believed and many people and, I hope, all now believe was a curse to everybody on this continent, the institution of slavery.

So I am not so greatly agitated at this present moment in respect of the fear of our intermeddling with the affairs of the State of Louisiana or the State of Vermont, whose affairs in the same way, when the Democrats were in a majority in this body were by a resolution of the Senate instructed to be inquired into, and with the urgent appeals on the part of the Senators from that State (they may have been wrong) that that investigation should be made to the uttermost, in order that the Congress of the United States in respect of the elections of the constituents who embrace the other House and this (for they all come from the States and the people, only in different forms) might be found to be pure and true, or unhappily discovered to be false and corrupt. There was no man who ever called himself a Republican and there was not any man then, only eight or nine years ago, who called himself a Democrat in this body, who did not vote for that very thing.

Times have changed. It is inconvenient for some reason, I hope a good one, though I confess I am astonished at it; the light of truth, the light that comes from investigation and inquiry, should not be turned upon that portion of the people of the United States of whom it is said that the control is in the hands of a minority who have usurped power contrary to the forms of State written constitutions; contrary to the spirit of liberty and justice and equal rights that we all believe in, or profess to believe in (and I hope we all do believe in), and it is inconvenient that we should know what the truth is. I can not understand it, sir.

If this resolution of the Senator from New Hampshire, about some parts of which I express no opinion as to their propriety, but if the general tenor of it turns out to be a slander, as the phrase has been, upon the State of Louisiana, the Senator who introduced it, if he suspected it to be a slander, will deserve the reproach of the Senate. If he introduced it in the honest belief that there are wrongs in that State which go to the fundamental composition of the whole of this Government, because Louisiana is a part of it, and affecting the States of the North and the East and the West and the Pacific coast as much as they do Louisiana, for we are all one—if it should turn out even that he was mistaken, I hope that nobody would be more glad and happy than he to find out that the truth was that the State of Louisiana possesses a government that not only in form but in substance is a government of equal rights and fair play, and that every citizen is defended as every citizen of every political party in the State of Vermont is and always has been, of whatever politics, and by the efforts of men of all politics in that dearest of rights, his independence as a citizen, the right to cast his vote unchallenged by anybody, and the right to know that it is honestly counted in the sum that goes up to make the autonomy of the State government.

Who shuns an investigation of that kind? What Democrat in the State of Vermont would not hide his face in shame if any representative of his stood up and objected to an inquiry whether in the State of Vermont the practical power of its automatic arrangement had gathered into the hands of a few, by whatever name you may call them, and that the great majority of the people were denied and suppressed in their rights to be heard as voters, and in their rights to participate as voters in the operations of that State.

As little as I admire the general principles of the Democratic party (they have a right to them; we disagree about public affairs), speaking for the Democrats of the State of Vermont as my constituents, I am bound to say, in justice to them, that I know of no man in that State of the Democratic party who would not denounce me if the case were applied to the State of Vermont if I opposed an inquiry of this kind there.

But my friend from Texas says we have not any power. Well, let us see. If we have not, of course such an inquiry would be futile; very likely the witnesses could not be convicted of perjury; very likely they could not be compelled to attend, and all that; but let us see whether we have any power. The Constitution says, as it regards Senators and Members of Congress, and in the same phrase:

> Each House shall be the judge of the elections, returns, and qualifications of its own members.

How much does that import? How much does it contain? Are we to say, as the Senator from Texas referring to the Electoral Commission did, that neither House has any power to go behind the certificate that comes to it from a State? The governor of the State in each case certifies, in the one case to the Clerk or Speaker as to a Representative in the House of Representatives, and to the President of the Senate as to a Senator, that so and so, in the case of the House, has been elected a member of that body, and that so and so, in the case of a Senator, has been elected a member of this body. If one House possesses the power to make an inquiry which goes behind the seal of the governor it would seem to be very clear by the Constitution that the other House would have it, for the language is the same, and is applied to each and to both in a group, with the same import and the same force.

I think I am safe in saying that in the House of Representatives for one hundred and one years, since it was organized, and since this body was organized, whenever the occasion has arisen by a suggestion, an inquiry, a protest, or whatever, the House has thought it competent, by the consent of all men of all parties, the fathers and the sons of the Republic, from beginning to end, to go to the bottom of that affair and ascertain the real truth of that election. So the certificate of the governor, the reports of the State canvassing boards, the reports of the district canvassing boards, the tally-sheets at the ballot-boxes in each voting precinct are all open to the scrutiny of the truth in order to ascertain what took place. Is there any safety for the liberty of men as voters and citizens if such a body with such powers can not go to the real truth of the affair?

Mr. BUTLER. May I ask the Senator one question just there, not with regard to the resolution, but on the subject he is discussing?

Mr. EDMUNDS. Certainly.

Mr. BUTLER. Does the Senator hold that either House of Congress would have the right to make that investigation of its own motion, in the absence of some protest or the memorial or complaint of somebody in the State?

Mr. EDMUNDS. I most decidedly do, Mr. President. When the day comes that either House of Congress, when the day comes that either house of a State Legislature, or any other representative body in this world in a place that is worthy of the name of a government, can only move for the public security and for the development of truth for the public security when some man who may be in a dungeon or may be dead comes to the front and demands it, then there will be a failure of the government of men by men and for men upon the face of the earth.

We have had a grand-jury system which is, as I think, with great respect to everybody, a fair illustration of the present matter in regard to the particular topic that the Constitution has put in the possession of each of these Houses with regard to its own members. I believe one of the many good things that our English fathers' form of government gave to us—we having discarded most of the evil things—was the grand jury. Who ever heard in any State (unless it may be very recently somewhere) that a grand jury could not inquire into some crime or wrong injurious to the State to which it belonged because some citizen or some witness or some district attorney or some judge had failed to call their attention to it? They might desire to indict the district attorney himself; they might find it to be their highest duty to indict the judge himself; and are they to wait until he shall charge them to inquire into his conduct?

Mr. BUTLER. Then do I understand the Senator to say that the powers of each House of Congress are inquisitorial, as are the powers of a grand jury?

Mr. EDMUNDS. In my humble judgment, with great respect to the many people I see who are wiser than I, in respect of the subjects that the Constitution has confided to them, their power is universal and supreme in regard to inquiry, and there is no safety for liberty and private rights unless you admit the existence of that authority to its fullest extent.

Suppose in the State of Vermont, a State, and that means ever so much, one-fourth of its inhabitants being what are called Democrats, and I only use that term to illustrate my case, because the Democrats of Vermont are just as law-abiding as anybody else and would be just as eager to defend the right of a Republican voter as a Republican would, and so I only take it to illustrate—suppose one-fourth of the citi-

zens of the State of Vermont being Democrats had by one contrivance or another, either by fraud or violence or other forms of usurpation, got possession of all the counting and canvassing officers in that State at the ballot-boxes, all the returning boards, and the possession of the governorship and the Legislature; and suppose the Republicans came in September last and wished to vote for their candidate for governor, and they were either driven away, or, being allowed to deposit their ballots, their ballots were entirely miscounted and counted for the candidate of the one-quarter of the people of the State, and the returns come in fair on their face under the seals of the county officers, gilt-edged, engrossed on parchment, with every form and semblance of the majesty of right-doing, and the three-quarters of the people of the State of Vermont, the possession of the government of that State and all its administrative affairs having fallen into the hands of one-quarter of its people, appeal to Congress for an inquiry into the composition of the government of that State, is it republican in form? So far as its constitution goes it appears to be, and always was. Does that answer the Constitution of the United States? Was that all that our fathers meant when they said that the United States should guaranty to each State a republican form of government? Did they only mean that in its written archives deposited in its state-house there should be the parchment that contained the fair words of liberty, of justice, of equal rights? Was that all? No, Mr. President; far from it. The word "form" in the Constitution of our fathers meant not only form, but structure and substance and exercise.

Whenever, therefore, there is occasion upon just ground to believe (whether it turns out to be right or wrong, and may it always turn out to be wrong) that in any State, Vermont or elsewhere, the minority has got possession of the Government and excludes the majority from participation and control, it is the business of Congress to interfere, whether silence or protest comes from the State thus affected, because it is not only the welfare of the people of that State, but it is the welfare of the people of every State, the welfare of the people of every part of the nation that is involved, and can not be separated from a right and just republican government in form and substance in every State over the continent. The Senators from Vermont make laws for the people of Louisiana. They are Senators of all the people once elected, and therefore there can be no evil spot anywhere in this Union that does not affect the welfare and the safety of every other part of it.

So I say, Mr. President, hoping with all my heart that an inquiry into the state of affairs in Louisiana will vindicate that people and that whole people, not a small part of it, but all of them as a mass from the beliefs and the suspicions, to put it in the mildest phrase, that now exist so broadly, I can not see any ground upon which any Senator should object to an inquiry of this kind.

Mr. CHANDLER. Mr. President, I omitted when speaking before to ask permission of the Senate to insert at the close of my remarks certain accounts of the proceedings in Louisiana to which I have referred. I ask unanimous consent that I may put in the marked passages from the Louisiana Standard of August 25, of September 1, and of September 22, and also an extract from the Monroe Telegraph of August 18, 1888, and an article from the Washington Post of September 20, 1888.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. CHANDLER. The Senator from Texas [Mr. REAGAN] complains there was no averment in the case of the killing of colored people in Louisiana, which I submitted to the Senate, that they were murdered on account of their politics. If the Senator had listened to my remarks he would have understood distinctly that I took the ground that these murders were part of a deliberate system; that whether admitted to be political or not they were in fact such; that these disarmings and assassinations of the Louisiana colored people were for the purpose of creating a state of terror as a preparation for the election in November. The same state of things exists in the State of Texas, and I now submit to the Senator from Texas the account which I send to the desk of a recent murder, since the late debate, in the State of Texas, which clearly appears to have been the killing of a Republican because he was a Republican.

The PRESIDING OFFICER. The article referred to will be read by the Secretary.

The Secretary read as follows:

[New York Daily Tribune, Saturday, September 1, 1888.]

TEXAS—MURDERED FOR BEING A REPUBLICAN—A KUKLUX OUTRAGE PERPETRATED IN TEXAS—HANGED, SHOT, AND MUTILATED.

LONGVIEW, TEX., *August* 31.

About 2 o'clock this afternoon Deputy Sheriff Walter Reynolds returned from his search for the body of Harrison Spencer, the colored politician who was forcibly taken from his home a few nights ago by a masked band of Kuklux. Spencer had deserted the Union-Labor party and announced his intention of supporting the Republican ticket. Reynolds reported that he had found Spencer's body about 3½ miles from his place, on the west bank of Harris Creek. No sooner had the news spread than over one hundred citizens, white and black, started to the scene.

The dead man was found hanging from a limb about 15 feet from the ground with a rope around his neck. His hands were tied behind him, and the cords were drawn so tightly that they cut deeply into his flesh. He was evidently shot before the rope was placed around his neck. There is a bullet-hole just behind the left ear and one in his left side, and he had been brutally mutilated. A movement is on foot to investigate thoroughly this crime. The following circular was issued this afternoon, and two hundred and twenty-five citizens responded to the call contained therein:

"*To all law-abiding citizens:*

"A crime of the most foul nature has just been perpetrated in our midst. Therefore let us come together at 4 o'clock this evening at the court-house and take proper steps, that our citizens and officers may act in unity, that the perpetrators of this crime may be discovered and the law of our land vindicated.

"J. T. SMITH, *County Judge.*
"A. A. KILLINGSWORTH, *Sheriff.*
"E. B. RAGLAND, *County Attorney.*"

Mr. CHANDLER. Mr. President, it is easy to get 130,000 Democratic majority in the State of Texas when such political murders as this are constantly taking place in that State.

The Senator from Texas complains that calling attention to outrages of this sort is an intermeddling with the affairs of a sovereign State. The Senator from Vermont [Mr. EDMUNDS] has well shown how the States of this Union are interwoven together in all their political interests, and how a crime against the suffrage in one State concerns every other State. The Legislature of New Hampshire—the people of New Hampshire have sent me here to call attention to just such outrages as this and to intermeddle to just that extent with the affairs of every State where men are killed solely on account of their politics.

I now ask the Secretary to read the account of additional similar occurrences in the sovereign State of Texas.

The PRESIDING OFFICER. The paper will be read.

The Secretary read as follows:

[New York Tribune, September 9, 1888.]

DRIVEN OUT BY THE DEMOCRATS—NEGRO REPUBLICANS IN FORT BEND COUNTY, TEXAS, EXILED UNDER PAIN OF DEATH.

RICHMOND, TEX., *September* 8.

The white Democrats have triumphed, and the negro Republicans ordered to leave Fort Bend County have gone. About twenty black men were forced out of the county at the muzzle of Winchester rifles. The most prominent exiles are C. M. Ferguson, district clerk; H. G. Lucas and Peter Warren, school teachers. The war grew out of the attempt made on Monday night to assassinate H. H. Frost, a white Democrat. While he was on the way from his store to his house he was waylaid and shot. His wounds were considered fatal, and a pack of bloodhounds was put on the trail to the negro quarter of the town and to the house of John Ervin.

Ervin and his son and a school-teacher, Donavan, were arrested. No attempt was made to lynch them, as it was not certain that they were the guilty men. H. F. Randle, deputy county assessor, was arrested and is still in jail on the charge of being implicated in the shooting of Frost. Randle is a white man. The county assessor, Henry Ferguson, is a negro. On Wednesday morning the following circular was distributed about the stores of Richmond:

"Every white man in town is urgently requested to meet at the court-house at 1 o'clock p. m."

In response to this notice fully 400 men assembled in the court-house. Clem Bassett was elected president. After speeches, the following resolutions were adopted:

"*Resolved*, That in view of the crimes lately committed in our midst, we consider it necessary to the public good that the following persons be warned to leave the county within ten hours from notification: C. M. Ferguson, H. G. Lucas, Peter Warren, J. D. Davis, Tom Taylor, Jack Taylor, and C. M. Williams; that this convention wait as a committee of the whole on such of these persons as can now be found and through our president notify them of these resolutions, and that the others be notified by a copy of these resolutions; that the above-named parties be forever warned from returning to this county.

"*Resolved*, That we believe that the leaders of the Republican party of Fort Bend County are morally responsible for the assassination of J. M. Shamblin and the attempted assassination of H. H. Frost, and we demand of them to bring the guilty parties to justice, and we notify them and we solemnly warn them that the patience of an outraged people has been exhausted, and that if another Democrat in this county is personally harmed we will hold said leaders responsible in their persons for such acts."

A body of four hundred armed Democrats then warned the colored men to move and escorted them out of the county. The negroes were compelled to abandon homes, crops, and family. There was nothing against them but suspicion.

Mr. CHANDLER. The Senator from Texas undertook to make the Senate believe that in all these outrages the negroes are the aggressors. I do not deny but what the Democratic papers, and the Democratic reporters who furnish the reports to the metropolitan press of the South, assert that the negroes are the aggressors; but I undertake to say myself that in no case where an investigation may be made will it turn out that the negroes have been the aggressors. It is not in the nature of things. It is not in accordance with the facts as developed in previous affairs of this kind.

Mr. REAGAN. Will the Senator allow me a word?

Mr. CHANDLER. Certainly.

Mr. REAGAN. The facts about this are that Mr. Shamblin was supposed to be assassinated by a negro who had threatened his life because he was a Democrat. That was the beginning of it. He was called to the door and shot down in his own house.

Mr. CHANDLER. A negro killed a white man in his house, shot him down for being a Democrat?

Mr. REAGAN. Yes, sir.

Mr. CHANDLER. That is ridiculous.

Mr. REAGAN. Let me make my statement. It may be very unwelcome to the Senator——

Mr. CHANDLER. It is not unwelcome if it is true, but it is a ridiculous statement.

Mr. REAGAN. It may be very unwelcome to the Senator to hear that a Democrat was shot down by a Republican.

Mr. CHANDLER. That a negro went to a Democrat in his house and shot him down!

Mr. REAGAN. The man who shot him left a paper on his gate notifying him that he was killed for being a Democrat. Nothing was done about that. That was followed by the shooting of the other person named there. That was then followed, not by killing negroes in return for it, but by telling them that some of them must get away from there.

Mr. BLAIR. I should like to ask the Senator a question if he will permit me.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. REAGAN. I have not the floor.

Mr. BLAIR. Under the general relations between the white and the colored people the fact that the white is the dominant race and that this inquiry among others is on foot, is there any reason to suspect that Democrats placed that same notification upon the door-post in order to create a suspicion at the North that the colored people were engaged in warfare and murder upon the dominant race of the South?

Mr. REAGAN. I must make a Yankee's answer to my friend by inquiring if he thinks it probable that a Democrat agreed to be shot down in order to make capital for the Democratic party?

Mr. BLAIR. I do not know about that. I do not know what the devotion of a Democrat to his party might lead him to do. I have a suspicion that perhaps he would for the sake of carrying the election and securing to his party the plunder of the next four years allow such a thing as this to be done, but I do not think it would be probable of the mass of the Democratic party. I do not understand, however, as the Senator does, or as he has previously said, that anything of the kind he suggests in his last remark is true. I understand him to say that there was a notification pinned upon the gate-post of the house of the white man murdered that he was murdered because he was a Democrat.

Mr. REAGAN. So the statement is made.

Mr. BLAIR. I do not understand that the colored man called the white man into the colored man's cabin and killed him and notified him that he killed him because he was a Democrat. That I do not understand.

Mr. REAGAN. It was a white man who was shot down in his own house, not in a colored man's house.

Mr. BLAIR. Exactly; a notification pinned upon the gate-post of the murdered white man that he was killed because he was a Democrat.

Mr. REAGAN. Yes, sir.

Mr. BLAIR. The question I asked was, there being a cloud over the actual source of that man's death, whether it is not possible that as a means of false explanation to the North, the Democrats invented that notification and pinned that falsehood upon the gate of this murdered man in order that the North might be misled? Does the Senator, in other words, think that a Republican negro entered upon a crusade against the dominant race of the South and killed one of its leaders because he was a Democrat and then posted a notice accordingly?

Mr. REAGAN. The Senator does not understand what took place there. The dominant party there are the negroes. I have heard the suggestion that men who agree with the Senator in politics—I do not mean in character but in politics—in that country stimulated outrages for the purpose of furnishing political capital to Republicans, but I have never heard the suggestion before now that Democrats killed one and came near killing another man in order to make political capital for the Republicans or anybody else.

The Senator's question, in view of what has appeared, is simply absurd. I know that the Senator and his associates in opinion have no sympathy with white men. They may be shot down for their politics and their families deprived of protection and support. That is all right. But if a colored man happens to be shot down, that is terribly wrong. They never propose to investigate where white men are killed. If there were to be a general investigation into fraud and crime, every day I could pick up newspapers and I could bring a peck of them here showing murders and crimes of the deepest dye all over the North. Why not investigate those things?

Mr. CHANDLER. Is there any pretense that they are political murders?

Mr. REAGAN. The gentleman chooses to call everything a political murder.

Mr. BLAIR. I wish merely, as I had a share—a third interest, I think—in this colloquy, to ask the Senator if it would not be well and just on the whole to the public sentiment of these 65,000,000 of people, South and North, for him to introduce a resolution of investigation to find out about this political murder of a Democrat by a negro in the State of Texas?

Mr. REAGAN. If I had no more respect for the Constitution of the United States than my friend from New Hampshire has, I should do it; but as I respect the Constitution I decline.

Mr. BLAIR. I understand the Senator's construction of the Constitution of the United States would leave such things as political murders uninquired into.

Mr. REAGAN. It does not leave them uninquired into, but it leaves the proper authorities to inquire into them.

Mr. BLAIR. That is, nothing can be done under the Constitution of the country to suppress them.

Mr. REAGAN. The Senator does not understand that there are such things as State constitutions and State laws and State courts to deal with local affairs of that kind?

Mr. BLAIR. No, I do not.

Mr. SPOONER. I want to say simply to the Senator from New Hampshire that I think he does not understand the question from the tenor of his last suggestion. I think that if he did he would assume that whenever a white Democrat is killed in the South by a negro the authorities are very prompt and efficient, and also some not in authority, in providing a remedy. It is only in those cases where a negro is killed by a Democrat that no rewards are offered and no attempt is made to apprehend or punish the guilty party.

Mr. REAGAN. That statement is gratuitous on the part of the Senator, and unjust and undeserved by the Southern people. So far as I know, certainly in the State of Texas, the punishment of crime, whether committed against blacks or whites, is as faithfully carried out as it could be in the State the Senator represents here, and such a statement ought not to be made by a Senator on this floor.

Mr. SPOONER. I have only this authority for making the statement as applied to the State of Texas, that in one case three colored men were hanged without any opportunity for trial, without any hearing, hunted as if they were dogs, and no reward was offered locally or by the governor of the State for the apprehension of the men who perpetrated that outrage; no grand jury ever inquired into it in the vicinage; no district attorney undertook to secure the apprehension of the men who did it. I have known of a case where a Democrat was shot down in the same county and a reward, and a large reward, was promptly offered by the governor of the State, and I think, also, locally, for the apprehension of the man who did it. I have that much warrant for the assumption that there is a different rule applied to those who kill Republican negroes from that which is applied to those who kill white Democrats.

Mr. REAGAN. That statement ought to be accompanied by this statement: That the judge of that district was a Republican, the district attorney was a Republican, and the county attorney was a Republican.

I have further to say, if the Senator is anxious to find a parallel, that he can go all over the Northern States and he will find places where men are lynched and no punishment is meted out to the lynchers, no proclamation issued, no reward offered for their apprehension, and apparently no more effort made than there was there to punish those men. We see accounts of them frequently, but it does not disturb the Senators that white men are lynched in Northern States and these lynchers are not punished and no rewards offered for their apprehension.

Mr. SPOONER. I simply want to say in response to that statement that I do not deny, and no man can deny, that in the Northern States there are occasionally lynchings; no man can deny that there are murders; but I have known no instance in my life where a lynching took place in a Northern State without a reward being offered and steps taken to ferret out the offenders and bring them to punishment. That is the difference between the two sections.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire to the left of the Chair [Mr. CHANDLER] is entitled to the floor. Does he yield to his colleague?

Mr. CHANDLER. I yield to my colleague.

Mr. BLAIR. I wish merely to say that if the Senator from Texas will put me in possession of the names and allegations of fact similar to those which he has so frequently stated to the Senate, I will myself take the responsibility, as I can do under my views of the Constitution, of introducing a resolution for the investigation of this case wherein, as I understand him, the proof will develop the fact—and I submit that it is the first one within the whole range of American history—that a colored Republican has murdered a Democratic leader in the State of Texas or any other State from political motives.

As the Senator represents the State where this outrage has been committed, respecting his constitutional scruples, as I must, if he will give me the data so that I can establish the facts, I will offer a resolution of investigation not only conscientiously, but with great alacrity, and I assure him with a perseverance that will probably result in a development of the actual facts.

Mr. REAGAN. I want to state one more fact, if the Senator from New Hampshire will permit me to do so.

Mr. CHANDLER. I yield.

Mr. REAGAN. It has not been long since at Longview, Tex., a colored man declared his intention to vote the Democratic ticket, and he was waited upon about midnight by some other colored men, taken off to the Sabine Swamp, and has never been heard of since. Another colored man was taken off—so the newspapers say—and murdered by other colored men for saying he was going to vote the Democratic ticket.

Mr. CHANDLER. Will the Senator give the names of those people?

Mr. REAGAN. I can not, because I do not remember them. The first occurrence was at Longview and was published in the newspapers. I do not remember even the locality of the other, but the newspapers stated it.

Mr. COKE. I can give the Senator the names.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Texas [Mr. COKE]?

Mr. CHANDLER. I will yield in a moment if the Senator will wait, because I do not desire to prolong this discussion so far as I am concerned.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield further.

Mr. CHANDLER. I congratulate the Senate and the Senators from Texas on the information which those Senators seem to have sought for and obtained since this resolution was last discussed. When it was before the Senate on a previous day the Senator from Texas nearest me [Mr. REAGAN] knew nothing whatever about the Washington County outrage, and had never heard of the assassination of eight negroes under the most atrocious circumstances at Spanish Camp, in Wharton County. But since that time the Senators do not seem to have needed the influence of the educational bill of my colleague [Mr. BLAIR] to arouse them into an inquiry into some of these transactions that are going on daily and hourly in Texas.

Mr. REAGAN. Mr. President——

Mr. CHANDLER. I decline to yield. I am glad that they have begun to investigate the political condition of Texas, where one-quarter of the voters are colored men. One thing is certain, that nothing has taken place in Texas which has led the Democrats of Texas to conclude that it will not be expedient or safe for them to put a State ticket in the field at the coming election. But it has been the result and the intended result—in my judgment—of the outrages that have been committed in that State to induce the Republicans of that State to nominate no State ticket. I will ask the Secretary to read——

Mr. REAGAN. I want——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. CHANDLER. Yes, sir.

Mr. REAGAN. I want to correct a statement which the Senator has made. The Senator puts me in the attitude of saying that I never heard of the affair at Spanish Camp. I never said any such thing. I did see a newspaper account of it very different from what the Senator presented. Now he presents the fact that the Republicans of Texas have not nominated a State ticket, because they are afraid to do so. I read the proceedings of their convention at Fort Worth within a few days, and the members of that convention distinctly repudiate the idea that they are afraid to put a ticket in the field, but as a matter of policy, to secure a combination of the elements of all the parties together, they prefer not to put a separate ticket in the field.

Mr. CHANDLER. I wonder that the Republicans of Texas under the circumstances had the courage even to hold a convention.

Mr. REAGAN. The leading Republican there, and the one who was their candidate for lieutenant-governor at the last election, distinctly repudiated that doctrine.

Mr. CHANDLER. I ask for the reading of the paper I send to the desk.

The Secretary read as follows:

REPUBLICAN TERRORISM IN TEXAS.

[The New York Star, Wednesday, September 12, 1888.]

GALVESTON, *September* 11.

The Republicans of Galveston County in mass-meeting last night adopted resolutions condemning the occurrences in Fort Bend and Washington and appealing to the governor of the State to right matters. Another resolution was adopted, as follows: "That the mob violence of Fort Bend County and the assassination of Joseph Hoffman, of Washington County, admonishes us that similar scenes may be expected to follow the vigorous efforts of our party in counties in which the Republican vote predominates; therefore it is the sense of this convention that the interest of the Republican party will be best served by not nominating a State ticket."

Mr. CHANDLER. I now yield the floor.

Mr. COKE. Mr. President, the statement just made by the Senator from New Hampshire, that the Republicans failed to put out a State ticket because of fear of personal consequences, I denounce here as absolutely and unqualifiedly false, without a particle of foundation. It is a statement made for political effect. The purpose for which it is made is a dishonest and an unfair one. It is a statement not believed by the Senator who makes it himself.

Mr. CHANDLER. I call the Senator to order, and ask that the words which he has uttered be read, and that the Chair may rule whether or not they are parliamentary.

The PRESIDING OFFICER. The Senator from Texas will proceed in order.

Mr. COKE. If I have said anything derogatory to the dignity of the Senate, I withdraw it and apologize to the Senate.

The PRESIDING OFFICER. The Senator will proceed in order.

Mr. CHANDLER. I desire to make a suggestion. I am not very familiar with the rules which govern parliamentary debate, and I do not know how far a Senator is at liberty to go on and say that a statement made by another Senator is unqualifiedly false, or that it is made for dishonest and unworthy purposes. If that be the practice of the Senate, if that be the rule of parliamentary law, I do not object to it. I am just as ready to engage in that kind of debate probably as any Senator on the other side; but it seems to me that the Senate can not afford to indulge in that kind of debate. The more language of that kind that comes from Senators on that side the better it is for Senators on this side.

Mr. DAWES. I understand the rule to be that when a Senator is called to order for unparliamentary language, it is his duty to sit down until the Chair has ruled upon the language taken down at the desk.

The PRESIDING OFFICER. Such is the order of the Senate, and the Senator from Texas will take his seat.

Mr. COKE. I submit, of course, to the orders of the Senate.

The PRESIDING OFFICER. The Chair would hold that the language used by the Senator from Texas was unparliamentary, but he understood that Senator to say that he withdrew the remark and tendered an apology to the Senate for its use.

Mr. COKE. That is what I did say.

The PRESIDING OFFICER. The Senator from Texas will proceed in order.

Mr. COKE. The Senator from New Hampshire seems anxious that somebody on this side of the Chamber should kick him. I refuse to perform the operation. [Laughter in the galleries.]

Mr. CHANDLER. I call the Senator to order, and ask that his words be taken down.

The PRESIDING OFFICER. The Senator from Texas will please resume his seat. The Senator from New Hampshire will please state his question of order.

Mr. CHANDLER. I submit that the language used was unparliamentary.

The PRESIDING OFFICER. The Chair would hold that the language is not warranted by parliamentary law.

Mr. COKE. Then I withdraw the language and apologize to the Senate for having used it.

The PRESIDING OFFICER. The Senator will proceed in order.

Mr. COKE. Mr. President——

The PRESIDING OFFICER. The Senator will suspend one moment. The Chair will ask that the Senate preserve order, and he cautions the occupants of the galleries that marks of approval or disapprobation are forbidden by the rules of the Senate, and if they are persisted in the galleries will be cleared. The Senator from Texas will proceed.

Mr. COKE. The statement of the Senator to which I have just referred, that the Republican party failed to put out a ticket in Texas because they feared the consequences personally to the Republicans, is not true and not correct. I hold in my hand a clipping from the Austin Statesman giving an account of the proceedings in the Republican county convention at Austin, which I ask the Secretary to read.

The PRESIDING OFFICER. The paper will be read.

The Secretary read as follows:

TRAVIS COUNTY REPUBLICANS.

[Special to the Gazette.]

AUSTIN, TEX., *September* 15.

The Travis County Republican convention to-day appointed the following delegates to the State convention at Fort Worth on the 20th instant: J. C. Degress, J. B. Rector, C. A. Newning, D. Friedman, J. M. Holland, R. Platte, J. M. Snyder, J. A. Black, W. E. Easton, J. P. Taylor, J. B. Allen, Tom Helm, W. P. Bacon, W. B. Brush, J. Kerschler, M. Alexander, A. B. Palm, William Nichols, H. Russell, William Alexander, H. J. Oldham, A. Werton, F. Hall, H. Dickerson, and W. C. Rinishes.

The following resolutions were introduced in the Travis County Republican convention to-day:

"Whereas it is a well-known fact that since the Democratic party has been in power in this State the Republicans in a great many counties in the State have been terrorized and proscribed socially and otherwise; hundreds have been murdered, others have been required to leave their homes and again seek homes in other States; thousands of voters have been intimidated, and through fear have remained away from the polls, and thereby failed to exercise the right of suffrage as guarantied to them under the Constitution and laws of this State; and

"Whereas this feeling of proscription exists to a greater or less extent in almost every county in this State; and

"Whereas there has been a Republican convention called to meet at Fort Worth on the 20th day of this month to select a candidate for governor and other State officers against the Democratic nominees for State officers; and,

"Whereas we believe that there are at least 50,000 or 60,000 Republican voters in this State that have not voted the Republican ticket on account of the foregoing reason; and

"Whereas we believe there are thousands of intelligent Democrats or in other organized parties that stand willing or ready to join us in a continued effort to overthrow the old moss-backs, Bourbon, rebel, collar-bound element of the Democratic organization: Therefore,

"*Be it resolved*, That the delegates from this county to the Republican convention at Fort Worth be, and are hereby, instructed to co-operate with other parties and organizations that will best subserve the purposes heretofore mentioned."

The resolutions were voted down by 63 to 16. The point about it is the convention was composed of three-quarters negroes. The resolutions were introduced by a white man named Platte, a city alderman. The sixteen who voted for the resolutions were white men, and the negroes having more honesty than their white friends voted them down. A prominent negro got up and said the resolutions were a lie on the people of Texas. Thus the Republican negroes of Travis County give the lie to HOAR, INGALLS, and other bloody-shirt wearers.

It transpires that the bloody-shirt resolutions introduced in the Travis County Republican convention to-day, but defeated by 63 to 16, were written by a promi-

nent white Republican politician of Austin now in the North, and intended for use against Cleveland and Thurman in the Northern States to fire the Northern heart. He failed.

Mr. COKE. Now, Mr. President, I will state that Judge Rector, who figures in this Republican convention, is the chairman of the Republican State executive committee, and he voted against this resolution and denounced it in a speech on the floor of that convention. I ask that the proceedings of the Cooke County Republican convention also be read. Cooke County is 350 miles from Travis County, where these proceedings were held.

The Secretary read as follows:

COOKE COUNTY REPUBLICANS.

[Special to the Gazette.]

GAINESVILLE, TEX., *September* 18.

The Republican convention of Cooke County met here this afternoon and was called to order by the county chairman. Delegates to the Fort Worth convention were elected, and resolutions indorsing the Chicago platform and favoring the nomination of a straight Republican ticket for all State offices were adopted.

W. B. Johnson, attorney, in a speech, referred to the alleged outrages reported from time to time and said for the most part they were all bosh. He had been in Texas several years and he had never been mistreated on account of his politics.

The chairman said it was reported all through the North that the Republicans of Texas were afraid to put out a ticket. He had been in the State fifteen years. He believed Texas was just as good a State for Republicans as for Democrats. Some of his best friends are Democrats. He had never been abused for being a Republican.

Mr. Harris echoed the sentiments of the chair. He labored under no embarrassment by being a Republican. He believed there are as fair elections in Texas as anywhere. He was in favor of a straight Republican State ticket.

On motion, the convention resolved itself into a Harrison and Morton club, and about fifty members were enrolled. The convention then adjourned till next Thursday.

Mr. COKE. I hold in my hand the platform of the Republican party of Texas, just adopted two or three days ago in convention at Fort Worth. Unless some gentleman on the other side desires it read in full I will not ask that it be done.

Mr. BLAIR. I should be glad to hear it.

Mr. COKE. Very well, I will read it. The portion you would like to hear particularly I intended to read. I send it to the desk to be read.

The Secretary read as follows:

THE PLATFORM—OUTRAGES DENOUNCED.

We, your committee on platform and resolutions, beg leave to report as follows:

We cordially ratify the nomination of that eminent statesman and tried soldier, Benjamin Harrison, for President, and that able financier and philanthropic citizen, Levi P. Morton, for Vice-President, and do hereby pledge them our hearty support.

We hereby declare that we are in thorough accord with the platform promulgated by the late national convention at Chicago, and with the principles of the national Republican party as enunciated, explained, and interpreted in the recent letter of Benjamin Harrison accepting the nomination of the Republican party for President.

We demand such national legislation as will give adequate protection to wool, hides, and all Texas products and industries.

As citizens of this great State, the mutual welfare of which is to us paramount to every partisan consideration, we deplore the existence of these outrages which have been recently committed in Fort Bend and Washington Counties.

We believe that the growth, development, and prosperity of this great State should not be retarded nor imperiled by the lawless acts of certain parties in these counties. We denounce these outrages and demand that their perpetrators be punished according to the law of the land, without regard to party affiliation.

Mr. BLAIR. I ask the Senator if he does not approve of that language in the Republican platform?

Mr. COKE. That plank, of course I do.

Mr. BLAIR. I supposed so.

Mr. COKE. That was the one I intended reading for the Senator's benefit.

Mr. BLAIR. Then in regard to what they say of wool and other things that relate to the general prosperity of Texas? [Laughter.]

Mr. COKE. I have nothing to say about that just now. [Laughter.]

Mr. BLAIR. I supposed so.

Mr. COKE. Let the reading continue.

The Secretary continued the reading, as follows:

In view of the fact that the Republicans of Texas have already placed a full electoral ticket in the field, and the further fact that there is no reasonable probability of electing a State Republican ticket, we hereby express our conviction that it would be unwise and inexpedient under these and other existing circumstances for the Republicans of Texas to place in the field any candidate or candidates for State offices.

Respectfully submitted.

EUGENE MARSHALL, *Chairman.*

A motion to receive the report and discharge the committee was made. This was objected to, and an amendment that the report be received and adopted was put to the house. The result was that the amendment was adopted by a vote of 256 to 130.

A motion thanking the chair and officers and the citizens of Fort Worth was adopted.

Richard Nelson introduced a resolution indorsing the Globe-Democrat as the faithful friend of the colored people of the Southwest. This was also adopted.

On motion of Richard Allen, of Harris, a campaign committee was provided for. De Gress was made the chairman, with power to make up the committee by appointing on it one Republican from each Congressional district.

The convention then adjourned *sine die.*

Mr. COKE. I have had that read for the purpose of nailing the falsehood that has been repeated in the press and in the Senate that the Republican party were afraid to put out a ticket in Texas.

Mr. BLAIR. Will the Senator answer me the question in what way that platform proves that the Republican party were not afraid to put out a ticket?

Mr. COKE. The recital of the platform, the last clause of it:

In view of the fact that the Republicans of Texas have already placed a full electoral ticket in the field, and the further fact that there is no reasonable probability of electing a State Republican ticket, we hereby express our conviction that it would be unwise and inexpedient under these and other existing circumstances for the Republicans of Texas to place in the field any candidate or candidates for State offices.

Mr. BLAIR. Now, I ask the Senator's attention to that clause in view of the fact that there is no reasonable probability of the Republicans electing a State officer; is not that a peculiar form of expression, and how does the Senator account for the fact there stated?

Mr. COKE. If the Senator will allow me to proceed, he will find——

Mr. BLAIR. If the Senator understands my question by a sort of mental process which does not require me to state it, if he takes it naturally, and he sees the point, I certainly shall be very glad to have him answer it.

Mr. COKE. The Republican party of Texas is in a hopeless minority. At this time there are some two or three other political parties in Texas. All of them together may present a respectable appearance and poll a respectable vote. For the purpose of joining fortunes with these the Republican party of Texas simply does not put a ticket in the field, and it is understood that the Republicans are to vote with these other parties I have referred to.

Mr. BLAIR. Will the Senator name those parties?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. COKE. I will yield now.

Mr. BLAIR. I simply wish to ask, does the Senator mean by "these other parties" the Prohibitionists?

Mr. COKE. They are the Prohibitionists and the Union Labor party, the Non-partisan party, and well, several others, the names of which I do not remember now.

Mr. BLAIR. The Prohibitionists being the chief; and is it not probable, then, this combination is made with the Prohibitionists in the hope of dividing the Texas delegation in the Senate and securing the support of the Senator's colleague?

Mr. COKE. The Senator can answer that question to suit himself. [Laughter.] All that I have to say about it is that the statement heretofore made in the Senate, that has been repeated in the Senate, that the Republicans refused to put out a ticket because they were afraid to do it, is not true, and this platform proves it; the proceedings of the Republican convention at Austin prove it; the proceedings of the Republican convention at Gainesville are clear proof of it. Now, Mr. President, I hope since that statement has been nailed to the counter it will be allowed to remain there and will not be taken up and used again in this canvass. It is untrue. The facts show it to be untrue. The Republicans of Texas themselves have denounced it as untrue and certainly it ought to be taken to be untrue.

Mr. President, with reference to the difficulty in Fort Bend County, about which something was said a few minutes ago, I have a statement here in a paper from that county:

REPUBLICANISM VS. ASSASSINATION.

On the night of August 1, 1888, Mr. J. M. Shamblin, a peaceable and most worthy citizen of this county, was cruelly murdered by an unknown assassin while sitting quietly at his home at night, surrounded by his wife and children. On the front gate of Mr. Shamblin's yard was tacked a notice which read as follows, some alterations being made in the punctuation and spelling.

I will ask that this notice be read by the Secretary.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

"I am just from town and full of h—ll in the neck. Mr. Shamblin, you have been holding Democratic meetings with the negroes, and you have said that any negro that don't vote the Democratic ticket is sticking a knife in your child's side. The Republicans have declared that no Democrat shall be allowed to hold any Democratic meeting in any private place among the ignorant race of negroes. It is said that Grandpa Harrison's pants won't fit Benny, but Benny is going to wear them before the end of time. The Republican party is going to hold their heads up if they die hard. We will have no Democrat to mislead the ignorant negro astray. You are the man to lead them astray and cut their throats and suck their blood. I am a Republican, and have no use for a d—n Democrat. This is a lesson to all d—n cut-throat Democrats to hold no more Democratic meetings with the ignorant negro race of people."

This notice was written on a slip of paper torn from a railroad time-book, and corresponded exactly with the missing page of a time-book found in the possession of William Caldwell, a negro, while the writing seemed identical with the writing of Caldwell. This notice was published in nearly every daily paper in the State, besides a large number of weeklies, and the general impression conveyed was that Mr. Shamblin had been assassinated for political reasons, and because he was an influential Democrat.

Mr. COKE. Mr. President, some two or three weeks afterwards Mr. Frost, a very prominent citizen of Fort Bend County, living in the same town with Mr. Shamblin, was going home about 9 o'clock at night, and as he opened his front gate was fired on from ambush and seriously and badly wounded. Mr. Frost was, like Mr. Shamblin, a prominent Democrat and white man. Steps were taken to try to ascertain who the assassin was. The people failed to find who he was, but suspicion rested very strongly upon three or four persons who were negroes, and they were ordered to leave. Shamblin had been mur-

dered in his own house surrounded by his wife and children; Frost had been shot down at his own gate as he was going home at night.

Mark the conservatism of those people when not being entirely satisfied, having strong proof, but not that which amounted to legal evidence, that certain parties were guilty of this assassination, they offered them no violence, but as a measure of defense, as a measure of self-protection, as a measure to preserve the lives of other citizens, simply ordered them to leave; and they did leave. That was a Democratic outrage; but two Democrats—one was murdered in the presence of his wife and children, and an attempt was made to murder the other, and he was grievously wounded when he was going into his own yard at night. That is the Fort Bend occurrence. That is the transaction denounced here by the Senator from New Hampshire as a Democratic outrage. That is all there is about that. No drop of Republican blood has been shed in Fort Bend County; but one Democrat has been brutally butchered and another cripled and maimed for life by the shot of a Republican assassin.

Now, as to Washington County, the Senator from Wisconsin says that three negroes were taken out and hanged. This is true; but he failed to state the whole truth, and it is as reprehensible in morals as in law to fail to state the whole truth as it is to fail to state the truth at all. These three negroes were taken out of jail and hanged. They were taken out by a masked mob; and why were they taken out? They were taken out because they were accessories to the murder of young Bolton, another white man.

Notice the fact, Mr. President, that the assassin's shot has yet struck no Republican. The blood that has been shed has been the blood of white men and of Democrats in Fort Bend County and in Washington County, except the three negroes who were taken out of jail and hanged by a masked mob. These three negroes, as I stated here on a former occasion, for safe-keeping, in view of the violence that was feared against them, were sent to Houston and placed in jail there, and just before court met, and when it was believed that the feeling had subsided, they were sent back for trial to Brenham. Then it was that the jail was broken into and they were taken out and hung. They were hung for that for which men from the earliest history of this country have been hung, and in the way that men have been hung ever since these United States have been a country. It was not right to take them from the jail and hang them. It was not right to do this; I do not justify it; but I do say that the motive which prompted these men to take and hang these negroes was the same motive that has prompted similar performances in every State in this Union. The Senator from Connecticut [Mr. HAWLEY] said that nothing of that sort has ever occurred in Connecticut. I was interrupted to be so informed when this question was before the Senate heretofore, and I excepted Connecticut. I do not believe there is a State in this Union in which mobs have not hung men, and I believe that there are some States every county in which have witnessed similar violations of law.

The effort to make this out political is unworthy of a Senator. There was nothing political about it. The man who fired the shot that killed young Bolton is, I believe, alive now. These negroes were accessories. The feeling engendered by the murder of Bolton prompted the breaking of the jail and the hanging of these negroes, and not any political motive or political purpose.

Another Democratic outrage which is paraded before the country is the killing of Joseph Hoffman. Hoffman was a candidate for a county office on the Democratic ticket. He was a Republican, but the same shot that killed Hoffman also killed Holt, the most active, aggressive, and pushing Democrat in Washington County. Hoffman and Holt were sitting together, and the assassin fired and killed both of them. Hoffman was running on a Democratic ticket, and Holt was one of the leading Democrats of the county; and yet the assassin who killed both of them with one shot is said to have perpetrated a Democratic outrage.

Hoffman is the only man in Texas, so far as the testimony before the Senate goes, who has been struck by a bullet, because there is no proof of any other. While he was a Republican he was running on a mixed ticket, on a Democratic ticket, and the man who was killed with him was one of the most extreme Democrats in the county.

These are the Texas outrages; these are the outrages that have been kept for two or three years to fire the Northern mind for the purpose of gaining votes for the Republican ticket!

Mr. President, I find in the platform which has been read in the hearing of the Senate—

We denounce the outrages in Fort Bend and in Washington Counties.

And the outrages in Fort Bend and in Washington Counties are those that I have recited to you. They speak of no others in this platform. In one hundred and ninety counties in Texas the transactions that I have narrated to you are the only ones they can rake and scrape to assail Texas on. I suppose two and one-half millions of people—people from every country under the sun, not homogeneous people like your people in the Northern and Eastern States, but they are people from everywhere, who have not yet had time to be fused into a homogeneous mass, a condition of society which presents the very best conditions for violence and personal collision, and yet only two counties are found in the State where a mendacious Republican press are willing to frame a charge.

Mr. President, I dislike discussions of this character. I have to be driven into them. I believe there is no statesmanship in them. I believe they are derogatory to the dignity and character of the Senate. I believe they are disgraceful to this body. And yet my State has been attacked, my people have been slandered and traduced, and I speak in their defense only when driven to the wall. If gentlemen have anything legitimate to say against Texas let them say it. But when a great State like that is arraigned before the American people and the American Congress, I submit that charges of graver import than these should be brought against her.

I think, as I remarked awhile ago in answer to a question of my friend on my left, that we have 2,500,000 at least of people in Texas, and I will say about that 2,500,000 people that there are not 2,500,000 people in this Union who are doing more to make this a grand and a glorious country than they are.

We have there, Mr. President, the raw material of wool and of cotton and of hides to keep all the spindles and artisans in the United States who manufacture those materials going for an indefinite time. We have 8,000 miles of railroad, and it is being increased annually at the rate of from 1,000 to 1,500 miles. After feeding our people, we sent out $175,000,000 worth of products to other States and to foreign countries for sale. We are discharging our duty the best we know how, and we think we know as well how as the Senator from Wisconsin and the Senator from New Hampshire. At all events we are attending strictly to our own business, and we challenge any State in the Union to present a better record for social order than the Republican platform of Texas by the clearest implication shows that we have.

I do not care to thrash over old straw. This question was up some ten days or two weeks ago and was discussed. It is brought up again. It seems to be kept on tap to be used on any and all occasions. I have nothing further to say about it than that the allegations made against the people of Washington County, the people of Fort Bend County, and the people of Texas generally, are infamous slanders and falsehoods such as should never have been heard in the American Senate.

Mr. SPOONER Mr. President, I am surprised that the remark I made to the Senator from New Hampshire [Mr. BLAIR] has led the Senator from Texas [Mr. COKE] to repeat, with some variations not altogether creditable to him, I think, the speech which he submitted on another occasion. I did not intend, I assure the Senate, to bring into debate again by the remark I made the Washington County outrages. The Senator from Texas gratuitously informs me that a suppression of the truth is as bad as a falsehood. When I want a teacher in ethics, Mr. President, I shall not go to Texas for one.

The Senator says that this discussion, and I am warranted in supposing that he includes the discussion of kindred topics, is a disgrace to this body. That depends, in my judgment, upon the manner of debate. I know of no subject better befitting the dignity of the United States Senate than the maintenance of constitutional right in the citizen of the United States. I know of no question which dignified Senators can better afford in the discharge of their duty to investigate and to debate than questions affecting the well-being and safety of republican government, and to determine whether there be any place in the United States where the rights of citizenship are denied to men entitled to them. There is nothing in the subject which warrants the animadversion of the Senator from Texas, and so far as my participation in this debate is concerned there has been nothing in it, I submit, which tended to degrade the Senate or which was not in harmony with the dignity which should prevail here. The bandying of epithets about this Chamber is disgraceful, no matter what the subject of debate may chance to be.

I am not to be taunted by the Senator from Texas or any other Senator with half telling the truth. The day when the manners of the negro-driver could frighten men in the United States Senate has gone by and gone by forever. [Applause in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. SPOONER. This is a place for debate, for argument, not for abuse. The assumption that I have prejudice or hatred against the State of Texas, or the people of Texas, or the people of the South, is utterly without foundation. I want to see the South prosperous. I have withheld no vote since I became a member of this body which could by any possibility tend to build up the South, nor shall I do so; but when I am charged by the Senate of the United States with the performance of a duty, when I am bidden to investigate charges against a county in the State of Texas, or in any other State, and in the discharge of that duty I find that the rights of citizenship are denied there, that the law is trampled upon there, and that men in high station wink at it, and that the people of a county applaud it, and not only applaud it but reward it, I should be unworthy a place in this Senate if I did not say so to the Senate, and say so to the people of the United States.

The Senator can not meet this case, his colleagues can not meet kindred cases, by saying that this is for political effect, that it is to arouse the public mind simply for election purposes. I wish it might arouse the public mind to rightly appreciate that there is a community where

Judge Kirk, the man who helped to plan and carry out the infamous outrages upon the franchise in Washington County, Texas, is decorated, is nominated again to preside over the orphans' court, and poor Joe Hoffman, the German-Republican soldier, is shot to death like a dog. If such things do not arouse the indignation of liberty-loving people, then the people of this country have undergone a change, and not a change for the better either.

Mr. President, I spoke with absolute sincerity the other day when I said that the whole debate and the entire subject was disagreeable to me. I wish there were no spot or place under our flag where a citizen can not exercise all the rights of a citizen. I take no pleasure in what I believe to be the fact, that in certain portions of this country those rights are denied and trampled upon for political purposes. It will not do for the Senator in answer to this to turn to us and say "We have so many thousand miles of railroad," "We have so many hides," "We have so many farms." You can not stop the ears of the people of the United States with greenbacks. They will not be deaf to petitions for relief or insensible to outrage and wrong perpetrated upon citizens; and the sooner that is realized in every part of this country the better it will be for us all.

The Senator from Texas the other day—and it showed how hard pushed he was for argument in this matter—when I read a letter from Joe Hoffman, in which he expressed his fear, and stated that he had been threatened, the letter of a brave, true-hearted man, which must touch every sensitive heart, challenged the authenticity of it because it was sent to me from Topeka by Judge Hackworth, and by the way I am told by the President of the Senate that Judge Hackworth is respected in Topeka, Kans., where he has built up a successful business.

Mr. COKE. They do not know him.

Mr. SPOONER. Perhaps not. We shall see.

Mr. COKE. They will find him out.

Mr. SPOONER. We shall see. He can vote there as he pleases, and can live there and can do business and is in no danger of being shot down and in no danger of being driven out. The Senator challenged the authenticity of the letter of Joe Hoffman upon the ground that it came from Hackworth. Mr. President, I have seen letters from Joe Hoffman, one of which came from Texas directed to Washington to a gentleman residing here. The post-mark is the Hempstead and Austin railway post-office, the same one that was upon the envelope containing Joe Hoffman's letter to Mr. Hackworth, which I read in the hearing of the Senate some days since. The matter of post-mark was the great point upon which the distinguished Senator from Texas wanted the Senate and the people of the couatry to ignore what was stated in that letter and to consider it as a fabrication.

I have a letter from a gentleman in Brenham, Tex., before me addressed to me, and it is post-marked in the same way. I have a letter also which did not come directly to me which states how Joe Hoffman died. It says:

He walked up the sidewalk as far as Murphy's, and there he met Jim—

That is, Jim Holt—

and told him that they were after us—

Referring to another, and not to Holt.

The letter states that they had been followed for nearly half an hour, and continues:

Jim, with an oath, said, "Joe, I will protect you; you are in no danger here;" and they both sat down in the front door, one on each side, facing the courthouse, and had not sat there very long before the buckshot came. Joe jumped up and said, "Oh, Lord, what will become of my poor children?" and fell dead in the next door. Jim jumped up and tried to help Joe in the house, not knowing that he was shot, and while doing so he fell in a faint, and the doctor pronounced him also dead.

He did not die immediately, but since then has died. The other day the Senator from Texas repeatedly announced, and based a portion of his argument upon it, that Joe Hoffman was a Democrat. To-day he corrects that blunder—I beg pardon; I will endeavor to be more courteous than the Senator—he corrects that mistake and admits——

Mr. COKE. If the Senator will allow me, I stated that Mr. Hoffman was running on a Democratic ticket, not that he was a Democrat.

Mr. SPOONER. The Senate will remember the colloquy between the Senator from New York [Mr. EVARTS] and the Senator from Texas upon that subject, and I am very certain that my recollection of it is accurate.

Mr. COKE. I will remark that the Senator may possibly be accurate. I never heard of the case at all until I saw it in the newspaper dispatches; but that he was running on the Democratic ticket was certain, and that is what I stated certainly when I spoke the other day.

Mr. SPOONER. The Senator stated repeatedly, I think, that he was a Democrat and that he was running on the Democratic ticket. I stated that he was a Republican and that he was running on a union or mixed ticket, the formation of which was advised by Judge Hackworth, and in opposition to the regular Democratic ticket headed by Judge Kirk, which is the fact as I understand it.

Now, Mr. President, there can be no mistake about the accuracy and foundation of the charges made against the people of Washington County, Texas, as to the election which took place there in 1886, and the Senator from Texas can not successfully combat the facts nor meet the case in the way which it has pleased him to adopt.

I stated the other day to the Senator, and I state it again to the Senate and to the people, that the testimony shows that one ballot-box and the tally-list were forcibly seized by armed men at night, as they were being taken by officials to the county seat, from the custodians of them. I stated, and the testimony clearly shows it, that at one of the polling-places, Flewellyn, armed men, disguised, pushed their way into the room when the ballots were being counted, interrupted the officers in the discharge of that duty, and that one of the raiders was shot; the Senator says murdered. This was Mr. Bolton.

Mr President, every colored man in the room at that poll—and there were three or more, I think—testified to the facts as I state them. Two white Democrats who were present, after some prevarication admitted some of the facts but denied others.

The Senator—and that is his wont in dealing with this transaction—discards as utterly unworthy of credit the testimony of colored Republican witnesses and accepts as God's truth, no matter by how many contradicted or how absurd in itself, or how inconsistent with circumstances, the testimony of one or two white Democrats.

Now, sir, I have before me a letter signed by the United States district attorney of that district, a Democrat appointed by this Administration, Rudolph Kleberg. It is also signed by Thomas H. Franklin, appointed by the Attorney-General as special counsel to assist in the prosecution of these men under indictment in the Federal court for perpetrating these outrages.

The testimony before the committee, not at all overthrown in my judgment, was that the man Bolton was in disguise; that he had on what was called a "slicker," or yellow oil-proof coat; that there was a handkerchief over his face, and I want to call the attention of the Senator from Texas and of the Senate in order to show what I hope no Senator here deems necessary should be shown, that this is not the work of a Republican committee gotten up now on the eve of election simply for partisan purposes, to the report these gentlemen made to the Attorney-General of the United States, dated December 21, 1887, which commences thus:

COCKE, DENMAN & FRANKLIN, ATTORNEYS,
San Antonio, Bexar County, Texas, December 21, 1887.

DEAR SIR: Yours of the 14th instant, requesting a report upon the Washington County election cases in United States district court at Austin, together with copy of letter from Senator COKE therein inclosed, received.

Replying thereto, we beg leave to say:

The indictment upon which a trial was had at the last term of said court at Austin contained the following counts:

First count, charging conspiracy to interfere with the officers of election at Flewellyn precinct, in said Washington County, in the performance of duties required of them by law, at which said election a member of the Federal Congress was voted for and elected.

Second count, charging conspiracy to commit similar offenses at Graball precint.

Third count, charging the robbing of the ballot-box at Graball precinct.

Fourth count, charging general conspiracy to interfere with officers of election at Graball, Flewellyn & Lott's store.

The indictment is not before us and we state its contents from memory.

Motion was made to quash the bill and overruled.

The Government proved the following facts on the trial:

1. That an election was held as charged in the indictment, the candidates for Congress thereat being Hon. R. Q. Mills and —— Rankin.

2. That the election precincts named in the bill were heavily Republican.

3. That there were two local parties in the field at said election, a straight Republican and "People's" or Democratic party.

4. That the Republican ticket was printed on a diamond-shaped ballot.

5. That at the precincts named in the bill the officers of election had decided to count the diamond-shaped ballots, but at other precincts they were declared illegal by the officers of election and not counted. At none of these last-mentioned polling places were the officers of election interfered with in any way.

6. That if all the diamond-shaped ballots cast had been counted, also the votes at Flewellyn, Graball, and Lott's Store, then the straight Republican ticket would have been elected by a large majority.

7. That on the night of the election whilst the officers of election at Graball were counting the votes, the ballots and ballot-box were forcibly taken by armed men, who were masked by having white cloths or handkerchiefs tied over the lower part of their faces.

8. That on the night after the election the ballot-box containing the ballots cast at Lott's Store was forcibly taken from one of the officers of election by masked and armed men while said officer was taking the same to the county seat, as required by law.

9. That on the night of the election armed and masked men undertook to take the ballot-box at Flewellyn, when one of them, subsequently proved to be Dewees Bolton, was shot dead by a negro named Polk Hill, who is now, we are informed, in jail in Milam County, Texas. The defendants contended that when shot Bolton was alone, unarmed, and unmasked; but—

I am asking now the attention of the Senate, not to any statement from Republicans of the Senate or elsewhere, but to this statement by the United States district attorney and his assistant in this case upon the subject of Bolton's visit to the polls and his disguise, etc.—

but this theory, we believe, was thoroughly demolished by the Government, Bolton's own father testifying that when he got to his son's body, shortly after the shooting, he (his son) had on a "slicker," or rain coat, and had a handkerchief knotted around his throat. The weather was dry and mild, and no necessity was shown for the use of such a coat on such a night.

10. That a number of negroes who were present when Bolton was shot were arrested and put in jail the day after the killing, and subsequently three of the number were taken from jail by a mob and hanged.

11. The Government then proceeded to show by evidence that the defendants were some of the conspirators who participated in the alleged conspiracy and the acts done in pursuance thereof. The testimony on this branch of the case was in the main circumstantial. It was shown that they took an active part in the canvass in the interest of the People's ticket; that some of them were candidates for office on that ticket; that some of them were at different voting-places on election day, armed; that some of them had threatened negroes because of their activity in the canvass; that some of them had threatened the life of some of the Government witnesses; that they were seen together leaving Chapell Hill on the night of the election and going in the direction of Graball; that later at night some of them were seen, together with other persons not

identified, and were guided into a short road to Graball; that defendant Kirk left Brenham about 5 o'clock of the evening of election day and rode to Chapell Hill; when next heard of that night he is at Flewellyn about midnight, making inquiry as to how the vote stood; that he called out the presiding election officer and held a brief conversation with him, then rode off, and shortly after the attempt was made to rob the box; that at 12 m. of that day he sent to D. D. Bolton the following telegram from Brenham: "Things here look gloomy; do your work."

Other circumstances tending to identify the defendants were proven, but we do not deem it necessary to here refer to them, but simply state that we believe the facts do show that the defendants on trial participated in the commission of the offenses charged.

The defendants each relied upon an alibi as a defense. None of them testified in their own behalf, but introduced a number of witnesses to establish that defense. In argument counsel for the defense conceded that grave offenses against the law had been shown by the testimony, but contended that the defendants were not the guilty parties. They also contended that the offenses committed were violations of the State and not the Federal statutes. The real issue in the case, however, is simply this: Are the defendants the persons or some of the persons who committed the offenses charged in the bill?

The Government did not undertake to show that these defendants had conspired to rob ballot-boxes, and had robbed ballot-boxes, with the single intent to affect the result of the Congressional election, for the result of their conspiracy and the effect of their acts necessarily affected the Congressional election, regardless of the motive which prompted the conspiracy and directed the acts.

We do not understand the law to be that one can rob a ballot-box in which citizens have cast their ballots for a member of Congress, and destroy the votes cast for such member, and then claim immunity from punishment under the laws of the United States upon the ground that his intent in the robbery and his purpose in such destruction was not to affect the Congressional contest, but to defeat some candidate for constable who had been voted for on the same ballots.

We think the authorities establish the law to be that the Federal statutes were enacted to secure fairness at Congressional elections, and to protect the citizen in the free exercise of his right of suffrage at such an election. We refer to the following adjudications:

Ex parte Yarborough, 110 U. S., 651. *Ex parte* Siebold, 100 U. S., 371–404. United States *vs.* Jackson, 25 Fed. Rep., 548. United States *vs.* McBosdy, 29 Fed. Rep., 897.

The jury trying the case found some of the defendants not guilty on the count charging them with the robbery of the Graball box and disagreed upon all other counts in the bill. None of the defendants have been acquitted on any of the conspiracy counts.

The stenographic report of the trial is in the hands of the clerk of the Federal court at Austin. It is very voluminous and in some respects inaccurate.

These cases have received our careful attention and the facts an impartial consideration by us. We have not allowed the Republicans of Washington County to give any political coloring to the prosecution, nor have we permitted our attachment to the Democratic party to sway us from the full performance of our duty as sworn officers of the Government in the prosecution of the defendants. We have given them a quiet, determined, and impartial prosecution, and believe it was demanded by the offenses committed and the facts connecting them with the commission of same.

Regarding the facts in our possession calmly and impartially, we are convinced that they show the commission of grave offenses against the laws of the Federal Government by the indicted parties; and if such offenses are left unprosecuted and the perpetrators unpunished the right of suffrage in this country can have no protection save that which each citizen may find in his own strong arm.

The stability of this Government depends on the virtue of its citizens, and that virtue can only be carried into the Government through the medium of the ballot-box; and if in one community the right of suffrage of a number of citizens is trampled upon by others, who are permitted by organized society to go "unwhipped of justice," then certainly the lawless element in any community is given full license to dominate over the virtuous, and order will soon resolve itself into chaos.

So believing, we feel that it is our duty to prosecute these cases to a final hearing, and if the defendants are acquitted that the responsibility of such acquittal should rest with a jury of their countrymen.

This being our duty, we must either do it and be true to our oaths as officers of the Government, or not do it and be false to our oaths and false to ourselves.

If the Department of Justice wishes these prosecutions dismissed and shall so direct, we shall follow instructions, informing the court of our directions; but if we are not so directed we shall bring these cases to trial, if possible, and give the defendants a fair hearing and a vigorous prosecution.

Very respectfully, your obedient servant,

RUD. KLEBERG,
United States Attorney.
THOS. H. FRANKLIN,
Special Assistant in Washington County Election Cases.

Hon. A. H. GARLAND,
Attorney-General, Washington, D. C.

Let the Senator give his attention to this report when he asserts the falsity and slanderous character of the allegations that wrong and outrage characterized that election.

Let it be remembered upon this subject that Bolton's own father testified that when he reached him after he was shot he "had on a slicker or rain coat, and had a handkerchief knotted around his throat;" and that District Attorney Kleberg says "that the weather was dry and mild and no necessity was shown for the use of such a coat on such a night."

Whether this was "disguise" or not under the circumstances the Senate and the country can judge. I appeal from the Senator to the testimony and to the United States district attorney and his associate.

What stronger corroboration could there be of the negro officers of that poll than this statement made by the Democratic United States attorney (and the special counsel) to his official superior, Attorney-General Garland?

Now, that was not all. This man Kirk, the county judge of that county, at the time a candidate upon that ticket which was called the People's ticket, was on the witness stand here. He was the ringleader in the conspiracy, the representative of the Democracy in that controversy. He testified that along in the afternoon he heard that in the Republican precincts the vote was going strongly against them. The father of this dead man, Bolton, was a candidate upon the ticket, and Judge Kirk, after evading over and over again questions put to him, squirming and prevaricating like a witness who did not dare to tell the truth, admitted that he had sent to Bolton, the elder, a telegram in the afternoon of election day, saying that things looked gloomy.

I asked him repeatedly, "Did you say, 'Things look gloomy; get in your work, or do your work?'" He could remember, he testified, that he sent a telegram saying "Things look gloomy;" but although the telegram was followed by the death of his friend engaged in "getting in the work," which I believe he bade him to do, he could not remember, he testified, whether he used the words, "Get in" or "do your work," or any words of the kind. On the trial in Austin the telegram was produced, and it read, "Things look gloomy; do your work."

Can any man misunderstand that? What was the "work?" The "work" was that which followed in that county. It was the raid upon the ballot-box at Flewellyn; it was the raid upon the ballot-box a little later at Graball, and not a witness, Democrat or Republican, denied that armed men came to the Graball poll-box and demanded that the count be stopped and that the ballots be delivered to them, as I recollect it; it was the Lott's Store affair also. This was the "work," and it was efficiently done.

Another significant fact is that about 5 o'clock on that afternoon Judge Kirk, who was at Brenham, the county seat, 16 or 17 miles away from these polling-places, hired a horse at the livery stable and rode to three, I think, of the polls where these men a little later "got in their work." Thus it will be seen that there was not only one but three or four instances, as the Senator from Colorado [Mr. TELLER] knows, in Washington County where the polls or ballots and returns were interfered with, and they were all colored Republican precincts, of course.

Mr. TELLER. There were four.

Mr. SPOONER. Beyond any possible question there was not an honest election nor a fair count.

How are these allegations, established as they are, sought to be met? By telling the people the number of thousands of miles of railroad they have in Texas, the number of hides, the number of sheep, the capacity of Texas to set the spindles going all over the United States! Is this sufficient?

Mr. President, the rights of citizenship are higher than the interests of trade. Nothing can be dearer than those. We want the trade of the South; we want increased and ever increasing commerce between the sections, but if it is only to be had upon the condition of indifference to outrage upon the rights of citizenship, and violations long continued and boldly avowed of the Constitution, then sir, the price of such trade and commerce is too high!

In a few days the report of the committee upon this case will have been presented. All the testimony will be laid before the Senate. That it has not been done before is no fault of mine. I assisted in taking the testimony, but I was not chairman of the subcommittee and was charged with no duty in connection with preparing or submitting the report.

I stated on another occasion that I did not consider isolated cases of outrage upon citizens chargeable necessarily to the people of an entire State. The first day that the Senator from Texas who sits at my left [Mr. REAGAN] intervened in this Louisiana debate I so asserted. I reassert it now, with this qualification. The people of a State are not responsible for it unless they approve it and adopt it. They are not chargeable with or responsible for outrages perpetrated unless there be there a public sentiment which sustains those who perpetrate them and which exempts those who perpetrate them from punishment. The same is true, of course, as to a county or city. I regret to say that there was too much of this sentiment in the State of Texas, it appears to me, which tolerated if it did not approve these things done in Washington County.

The testimony of ex-Governor Ireland before the committee was that, although he was informed while yet governor of the State of the fact that these three colored men, who had simply been arrested upon suspicion, who had had no trial, no hearing, no chance for their lives, had been taken out and hanged, he offered no reward for the apprehension of the murderers. The testimony showed that no steps were taken by the officials of the county—and the county attorney elected at that election and the county judge were Democrats—up to the time the last evidence was given before our committee to attempt to ferret out the perpetrators of these outrages or to bring them to justice.

When these men were indicted by a grand jury in the United States court and brought to trial charged with these outrages upon the ballot-box, believed by the Democratic officials who prosecuted them to be guilty, and after one jury had disagreed and another acquitted them, as was probably to be expected, they being defended by eminent volunteer counsel, some of the leading Democrats of Washington County raised a fund, as I am informed, and I think there is some testimony before the committee to that purport, to pay the expenses of the defense. Some of them purchased a gold-headed cane for one of the counsel, and they passed resolutions thanking counsel that they had defended these gentry without asking any fee.

It does not seem to me, however it may seem to the Senator from Texas, as if in this instance the public sentiment of Texas was as

strong and vigorous as it ought to have been in securing punishment to those who so grievously trampled upon the rights of its citizens.

Now, Mr. President, a few words generally upon this subject and I shall be through with it. For introducing the resolution providing for an investigation into the circumstances attending the death of Joseph Hoffman, with especial reference to ascertaining whether he was killed because of the testimony he had given or was expected to give before a Senate committee, I have been charged by numerous Democratic papers North and South with "flaunting the bloody shirt," with being "narrow" and "sectional," and with being a "South hater."

I care nothing for that. That is now to be expected. I venture to say that whenever any one from this time forth in the Senate of the United States gives heed to any man's petition alleging that he has been outraged in his rights of citizenship in any Southern State at a national election and raises his voice for investigation he will be denounced as narrow-minded and sectional and as a flaunter of the bloody shirt. That will deter no man, however, from the discharge of duty.

The Senator from Texas [Mr. COKE] said the other day in substance, "Let us alone; what we want is to be let alone." That was the cry of the South once before. All *we* want is what we are entitled to have, and that is that every man in the United States who is entitled under the Constitution of the United States to vote and to exercise the rights of American citizenship pertaining to the elective franchise, whether he lives in Texas or in Louisiana or in Wisconsin, shall exercise the right undisturbed and undismayed.

Is that asking too much? Bloody shirt, forsooth! We are not talking about the war. I hear nothing said about the war here. This is currrent; this is something that is happening now, which we were charged to investigate, and which the resolution pending before the Senate provides for investigating. "It is a condition which confronts us."

Shall we be deterred from listening to such voices as Joe Hoffman's because these Senators say "You are preventing the return of fraternal feeling?" For myself I say no, Mr. President. The Republican party has accepted the results of the war. The people of the North have accepted the results of the war. The South piled a mountain of debt upon our people and they are cheerfully paying it, and have been for over a score of years. You never hear a grumble or a whimper about its amount, nor a word about its origin.

They filled the land with the graves of our citizens and friends. We walk quietly among them and strew them with flowers, with sorrowing hearts, from which the bitterness is quite gone. That wrong was long ago forgiven, evidenced by due form of law, representing the sentiment of the Northern people.

The Executive Departments and the foreign service contain a great number of those who served against the Union. We do not like it, in large part because of the methods by which the result has been brought about, and we shall prevent an early recurrence of it if we can. But our protest is a peaceful and a quiet one. In it there is nothing of violence. We all rejoice in a restored Union, in a people living under one Constitution. We only insist that that Constitution shall be everywhere obeyed, and the rights which it guaranties everywhere recognized and observed.

The only men I know of in this country who have not accepted the results of the war are our friends from the South. It is not the people of the North. One of the results of the war, whether a wise one or an unwise one, was that the male negro of proper age should have the right to vote. It was given him by the Constitution. The South has to all intents and purposes deprived him of it. It is useless to attempt to deny it. It is vain in reply to it to talk about the purchase of votes in Rhode Island. The Senators from Rhode Island can take care of that charge when they are present. The vote of the Southern Republican has disappeared. The negro has ceased in the last few years to cast his vote and have it counted. His citizenship, new born and highly prized, is barren of fruitage for him, except of bitterness. Where has that ballot gone? Has the negro become a Democrat? Nobody can pretend it. Has he grown weary of the ballot? Who so bold as to claim that? It is not consistent with the characteristics of the race.

The negro, just brought out from bondage into the light of freedom, placed beside his master in respect of legal rights with the great badge of sovereignty, the ballot, in his hand, told by the Constitution that he had a right to walk beside his old master and overseer up to the polls and deposit his vote as a citizen of the United States, was as proud of it as any human being could be of a kingly crown. Has he grown tired of it, as a child wearies of a toy, and cast it aside? Who believes it? No man who stops to think.

What has become of that ballot? Thirteen or more large volumes printed by the Government, filled with testimony taken during a series of years by direction of Congress, of outrage piled upon outrage, massacre piled upon massacre, fraud upon fraud, explain why it is that the colored vote of the South is gone. "There is little violence now," it is said. "The cases are only sporadic; all is quiet, and peace reigns." Peace!

He makes a solitude, and calls it—peace.

Years of intimidation and fraud and wrong have done their work and accomplished their purpose. How long is this to last? The Senator from Mississippi [Mr. WALTHALL]—and I know of no man who has more thoroughly my respect and my admiration for every manly quality—made a speech the other day upon the subject, temperate, dignified, and eloquent; but he who I believe would willingly deny to no man his rights was bound to say, practically—I do not attempt to give his language—that where the negroes are in a majority, and voting would elect their tickets, white or black, the superior race, the white race, will not yield to that result.

That is what we are told, also, by the Senators from Texas and Louisiana. What does it mean in its full significance? This at least: That the Constitution which gives the negro the right to vote is to be nullified, is to go for nothing wherever that vote is such that if cast and counted it would be potential. It means the systematic and avowed continuance of denial, by force where it is necessary, by threats where they will answer, by fraud where that is adequate, of rights given by the Constitution as plainly as the right to trial by jury, or the right to the free and unrestricted worship of God.

I admit it is in some of its aspects a delicate, difficult, and troublous problem. But it is a mistake to suppose that it is a matter of purely local concern which affects simply the people of the South. We of the North have great, almost vital interest in it. Before the war three-fifths only of the negroes entered into the basis of representation. Now, under the new order of things, they are all counted. It was inevitable that the elevation of the negro to the plane of citizenship should bring about a corresponding enlargement in the Southern basis of representation. No man for a moment could suppose that that increase in the basis would ever have been granted except as the natural concomitant of negro suffrage. The Southern States receive, by reason of the change in the basis of representation, born out of the enlarged suffrage, additional representation in the House of Representatives and the electoral college. Without those members the political complexion of the House of Representatives to-day would be different. Without those additional votes in the electoral college the political complexion of the Administration would be different.

To wield the increased power growing out of the enlarged representation, granted solely upon the enlarged suffrage, and to deny the right of suffrage is utterly indefensible from any standpoint, and has relation not simply to the local affairs of the South, but it is a matter of vital consequence to the whole people. Thus it comes about that by reason of systematic denial of constitutional right, by methods which I will not elaborate, for they are familiar to the country, our friends from the South have disproportionate power in the Government, in the Halls of Congress, and in the Electoral College. When the North protests against this inequality it is not a good answer to say that it is a "race issue," and that the white race, whatever comes, will rule. This is simply an assertion of the right of minority rule, and that I charge to be its effect in the Government to-day. We are told that it is to be permanent, at any rate so long as the colored and white Republicans together constitute, where their votes are cast and counted, a majority.

I do not know, sir, how long the people of the North will be willing to tolerate this condition of affairs, but I undertake to say that they will not tolerate it always; that it will bring in time a condition of public sentiment at the North which will solidify the North against the South until this inequality is removed, and that the time will come, however unpopular it may be to-day in some quarters, when one standing in the Senate of the United States, or elsewhere, and protesting against intimidation, fraud, and outrage in the South, which deprives the negro of his vote, and at the same time gives to the South this disproportionate power in the Government, will not be put down in public estimation by denunciation, or by the cry of "bloody shirt," "South hater," or the assertion that it is a matter of purely local concern. I deny that it is a matter of local interest simply whether every man who has a right to vote in Texas for member of Congress is permitted to vote or not. The people of Wisconsin are interested in it. It is not simply a matter of interest to Georgia whether a few people there may elect more members of Congress than the great mass of people in the State from which I come.

This is not simply a matter of justice to the negro; it is a matter of justice to the North; it is a matter of maintaining constitutional equality among the States, and a matter that affects the interests of the whole people, and that goes to the foundation of our system of government. This attempt to extinguish upon the race plea, or any other, the exercise of the right by the colored man or the white Republican, clearly possessed under the Constitution, to vote as he chooses, and to have his vote counted as cast, and returned as counted, is an outrage not simply upon the negro, but it is a crime against the North and against our system of government. If the suffrage be not kept pure and free the blood of our body-politic is poisoned. This condition will bring trouble in the South itself in the not distant future, of a serious kind, not pleasant to contemplate.

Mr. President, this bold proclamation of intention to deny in any section of the country rights conferred by the Constitution is not likely to be of other than deleterious influence in respect for and observance of the law generally. Those who habitually and with impunity disregard, by force and otherwise, rights as sacred as the right to vote are

likely to lose respect for other rights and to hold in diminishing reverence the majesty of the law.

Call this partisan speech, if it be agreeable so to do. Appeal, by way of foil to it, to the desire of our great cities for Southern trade. I prophesy that the time will come, and is not far distant, if it be not already here, when this question of constitutional rights, of fair play and justice, so dear to the people of the United States will be deemed of greater worth and higher importance than any question or consideration of trade between the sections or of politics.

I think the assault which we are now endeavoring to meet upon the industries of the United States and the interests of labor, and upon the industrial independence of this country, to be due largely to this disproportionate power exercised by the South in the affairs of this Government. It is this that brings about the singular fact that the great State of Texas, not distinguished especially for its manufactures certainly, though it may be for its hides and some other things, furnishes to the country a chairman of the committee on Ways and Means, and that so many of his confrères upon that potential committee represent States not distinguished at all for great manufacturing interests, or for the dignified and prosperous labor which pervades the North. The singular fact that gives Arkansas a representative upon that committee and leaves New York without one is marked evidence of the undue power exerted by the South in the Government to-day, because of the extinction of the negro vote.

Mr. President, I did not intend or expect, as I stated at the outset, to be drawn into this debate to-day at all. I had not intended when the resolution should be reported from the committee, providing for an investigation into the circumstances attending the death of Joseph Hoffman, to occupy the time of the Senate in further debate upon the Washington County election of 1886, but I have felt called upon, partly by what the Senator from Texas has deemed it proper for him to say, although I think some of his utterances were discourteous and, so far as I am concerned, gratuitous, and partly because of the manner of his speech, to ask the attention of the Senate for a few moments. My observations have been desultory and have taken more time than I intended. I make no apology for it, however, as I know of no subject more entitled to attention.

Mr. COKE. Mr. President, the facts alleged against Texas are the transactions in Washington and Fort Bend Counties. The Senator from Wisconsin makes no explanation of the Fort Bend County transaction. He bases his entire remarks upon the transactions in Washington County.

Mr. SPOONER. Will the Senator allow me?

Mr. COKE. Certainly.

Mr. SPOONER. I have not investigated the Fort Bend transaction. I have made no argument in the Senate now or at any other time about the Fort Bend transaction. I have simply confined myself to the subject-matter which was committed to me and to other Senators by the Senate.

Mr. COKE. The Senator has confined himself to the Washington County transaction. I call attention again to the fact that the indictment of the State of Texas by the Republican convention at Fort Worth, which adjourned about three days ago, is confined to transactions alleged to have occurred in Fort Bend and Washington Counties. No allegation of any charge is made as to any other county than those two.

For the purpose of showing that the negroes who were hanged were justifiable, and therefore that it was very much more criminal conduct on the part of the mob who hanged them, the Senator has asserted that they were justifiable in killing Bolton, because he says Bolton went to the polls armed and disguised.

Mr. SPOONER. I assume that the Senator would not willingly misrepresent me.

Mr. COKE. I will not.

Mr. SPOONER. I have never admitted for one moment, because I regard the testimony as clear and overwhelming upon the subject, that the three negroes who were hanged had anything whatever to do with the killing of Bolton any more than the Senator from Texas had. I asserted this, and I assert it again, I believe Bolton was killed, as the district attorney says he was, by Polk Hill, who is in jail under indictment. He has been tried once, I think, and the jury disagreed, and he is to be tried again. I justified on a former occasion the killing of Bolton upon my understanding of the testimony that he went there armed to interrupt the count, and to demand the ballot-box and the tally-list. I justify it now.

Mr. COKE. Mr. President, standing here as a Senator of the United States from Texas, I put my assertion as to what that testimony means against the assertion of the Senator from Wisconsin, and I do say that the proof shows conclusively, the weight and bulk and mass of the proof, that Bolton was unarmed; that he was undisguised; that he simply went to the poll as he had a right to do, and was shot down by this negro, Polk Hill, and that other negroes who were there, and three of whom were hung, were accessories to the crime.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. COKE. I did not interrupt the Senator. I will yield to him this time, but not again.

Mr. SPOONER. I do not mean to——

The PRESIDING OFFICER. The Senator from Texas yields.

Mr. SPOONER. The Senator says he puts his statement of the testimony against mine. That of course he has a right to do, and that of course I expected him to do and I am willing he should do. I should like to ask him what he has to say about the testimony of Bolton's father, referred to in the district attorney's communication, and also about the statement of the district attorney and his assistant?

Mr. COKE. I was going to refer to that. With regard to the statement of Bolton's father that young Bolton had a handkerchief tied around his neck, that he had a slicker on, anybody who could manufacture those facts into a circumstance of suspicion against Bolton is certainly of an exceedingly suspicious nature.

Mr. SPOONER. Then I submit the Senator ought to secure the removal of that district attorney as incompetent.

Mr. COKE. The proof is here in this record that the night was cold enough for an overcoat. Two witnesses testified to that. One of them testified that he carried the supper of one of the men who was at the polls to him, and was told to bring his overcoat with him. Another witness swears that when the shooting occurred he was lying on an overcoat asleep.

Nothing is more common in the South than for one of these slickers, as they are called—they are wet-weather overcoats, that is all—to be worn by people. There is nothing more common; and as for Bolton having a handkerchief tied around his neck, it is a very common habit among laboring people to attire themselves in that way. Is it suspicious that a man should have a handkerchief tied around his neck? Is it suspicious that he should have an overcoat on when others found it cold enough for an overcoat that same night? Yet those two facts are adverted to by the Senator from Wisconsin as evidence that Bolton was there armed and disguised.

I assert the fact to be—and because it has to rest on the assertion of either the Senator from Wisconsin or myself is certainly not my fault, because he belongs to the committee which has charge of the testimony, and he should have it on every Senator's desk—I assert the fact to be that the testimony proves conclusively that Bolton was murdered by a negro, and that the negroes hung were most probably accessories to the fact before and after. I do not justify the taking out and hanging of these negroes in Brenham. It ought not to have been done; but it was done by a mob who were moved to do it, not because of any political reason, not to subserve any political purpose, but because Bolton had been murdered in cold blood by this negro, Polk Hill, and the others were along with him.

I say that is the fact. I have here a volume of the testimony, one that I procured from the Senator from Alabama [Mr. PUGH], who is a member of the committee, and it is through his grace alone that I have any of the testimony. I have it here before me, and I shall ask, unless the Senator from Wisconsin will agree that it shall be inserted in my remarks, that the proceedings of the coroner's inquest in regard to the killing of Mr. Bolton be read by the Secretary.

The PRESIDING OFFICER. If there be no objection it will be so ordered. The Chair hears no objection.

The matter referred to is as follows:

PROCEEDINGS OF THE CORONER'S INQUEST IN REGARD TO THE KILLING OF W. D. BOULTON.

COUNTY OF WASHINGTON, *State of Texas:*

An inquest taken the 3d day of November, A. D. 1886, at R. T. Flewellen's residence in said county of Washington, before J. A. Vernon, justice of peace of said county, upon the view of the dead body of W. D. Boulton, by William Ford, J. T. Lots, M. A. McCalip, S. H. Hatfield, John Alexander, S. T. Aubrey, good and lawful jurors of said county, who, being in due form sworn, say that the said W. D. Boulton came to his death at about 11 o'clock p. m. by a shotgun wound in the hands of Poke Hill, and further believe that Chad Felder, William Davis, John Glass, Felix Kinlow, Stewart Jones, and Ande Hays, and Stephen Jackson were accessories to the killing of deceased; and further believe that deceased came to his death by the advice of Ed. Lockett.

J. A. VERNON,
J. P. Precinct No. 1, Washington County, Texas.
W. G. FORD.
S. T. AUBREY.
H. H. HATFIELD.
J. T. LOTT.
J. R. ALEXANDER.
M. A. McCALIP.

[No. 1.—Testimony of William Davis, duly sworn.]

I, William Davis, was sitting near the house of R. T. Flewellen, by a tree, and heard two reports of a shotgun and a noise in the house. Going up to the house, I saw Poke Hill coming out of the door of said house, saying, "I have killed two men and my gun is empty; Davis, give me your gun." There was here five men with shotguns, with the names of John Glass, Felix Kenlow, Poke Hill, Stewart Jones, Ande Hays, all colored men. Stephen Jackson told us, "if we want a gun to go and get mine." This happened on the 2d day of November, 1886.

WM. (his x mark) DAVIS.

[No. 2.—Testimony of Alfred Jones, sworn.]

Mr. Ed. Lockett told me, "It is our duty to guard this box at R. T. Flewellen's place," and through the advice of Mr. Ed Lockett, John Glass, Ande Hays, Felix Kenlow, Poke Hill, and William Davis came here with shotguns. I did not hear of any threats to intimidate any person on the ground on the 2d day of November, 1880.

ALFRED (his x mark) JONES.

[No. 3.—Testimony of A. H. Rogers, duly sworn.]

The first I know of it was at about 11 o'clock p. m., while I was lying on my bed in the room where the election was held. To my best recollection I saw Poke Hill, Ande Hays, and Felix Kenlow and Stewart Jones in the said room, but I did not see any guns in the room. I saw Poke Hill going out several times prior to the shooting, but never after the shooting, on the 2d day of November, 1886.

A. H. ROGERS.

[No. 4.—Testimony of John Glass, duly sworn.]

I saw William Davis, Felix Kenlow, Poke Hill, Stewart Jones, Ande Hays with shotguns on the place of R. T. Flewellen's. The report of the shotgun woke me up, and I did not see anybody after the shooting, which happened about 11 o'clock p. m. on the 2d day of November, 1886.

JOHN (his x mark) GLASS.

[No. 5.—Testimony of Ande Hays, duly sworn.]

I was in the room where the election was held, my gun was sitting on the gallery of the house; when the door south in room opened deceased, after being invited to come in, was shot directly after Poke Hill went out of the north door, his gun being out on the gallery; deceased came in quietly and said nothing about the box and was not disguised. The shooting took place on the 2d day of November, 1886. There was in the room Chad Felder, Felix Kenlow, Poke Hill, and Stewart Jones; I believe that Poke Hill is the man who done the shooting. Gunshot was fired in the north door, deceased killed in the south door. I am satisfied that Poke Hill was the man, as he was standing in the door.

ANDE (his x mark) HAYS.

[No. 6.—Testimony of Dick Robertson, duly sworn.]

I was the presiding officer of the ballot-box on the R. T. Flewellen place on the 2d day of November, 1886. We were counting the votes when the shooting took place. Some one knocked on the door, and after being asked to come in, deceased was let in. The same time the door opened, Poke Hill, who was sitting in the room, got up and went to the opposite door, and a shotgun was fired by a gingercake-colored person. I feel satisfied that a darkey of the description of Poke Hill did the shooting, unless somebody was standing behind the door; he had fully time to pick up a shotgun. The election was going on quietly and I deemed it not necessary to have any guards whatever on the ground. At the time of the shooting there were in the room present Lewis Pennington, Chad Felder, Tom Jones, Felix Kenlaw, and Ande Hays.

J. R. ROBERTSON.

[No. 7.—Testimony of William Cawse.]

I was one of the clerks of election held on the place of R. T. Flewellen. There was in the room at the time of the shooting Felix Kenlaw, Ande Hays, Lewis Pennington, Chad Felder. The same time that the south door opened, Poke Hill left his seat and ran to the north door and opened the same door, and directly a shot was fired and deceased fell to the floor. The election was quiet, and it was not necessary to have any guards.

WM. CAWSE.

[No. 8.—Testimony of Felix Kenlaw, duly sworn.]

I was sitting in the room looking on. Poke Hill was sitting near me, and as soon as somebody knocked on the door Poke Hill, who got up and ran to the opposite door, picked up his shotgun, which was out on the gallery, I saw him, cocked the gun and shot the deceased, and I knew it was Poke Hill who did the shooting. He told me himself that he had killed a man, and laughed when he said it. I was lying under the bed and could see plainly. There was present in the room Ande Hays, Stewart Jones, William Cawse, Poke Hill, and the officers of the election. The shooting took place about 11 or 12 o'clock p. m., in the room of the house of R. T. Flewellen. The election was quiet and orderly.

FELIX (his x mark) KENLAW.

[No. 9.—Testimony of Lewis Pennington, duly sworn.]

I was one of the judges of the election held on the 2d day of November, 1886. The election was going on quietly and orderly. I was busy counting votes when somebody knocked on the door; the same time Poke Hill got up from his seat and ran to the door. I do not know who did the shooting, which took place about 11 o'clock p. m. Outside the officers of the election, there were present in the room Chad Felder, Ande Hays, Felix Kenlaw, and Poke Hill went out the door.

LEWIS (his x mark) PENNINGTON.

[No. 10—Testimony of Tom Jones, duly sworn.]

I was one of the clerks of the election, sitting at the table with my back toward the south door. I saw Poke Hill go to the north door before the south door opened. As soon as the door opened I turned my face, and saw a white man coming in the door with uplifted hands holding a pistol, and as soon as I saw the person I went out of the same door. I know that Poke Hill had a gun on the ground. There was present outside of the officers Chad Felder, Ande Hays, Poke Hill. The shooting took place on the 2d day of November, 1886, in the house of R. T. Flewellen.

T. M. JONES.

[Statement of Lewis Pennington, being re-examined.]

I did not see anybody coming in the door disguised with a pistol in hand. I was sitting close to the fire-place in plain view of the two doors.

LEWIS (his x mark) PENNINGTON.

[No. 11.—Testimony of Ephraim Jones, duly sworn.]

I was taking supper to Jones and along with it a shotgun to guard the polls; then I went out and went to sleep on John Glass's overcoat and I never woke up till I heard two reports of a shotgun. I ran off around the house and made for home. There had shotguns in possession, William Davis, Felix Kenlaw, Poke Hill, Andy Hays, for the protection of the box under the advice of Chad Felder. The election was going on quietly. The shooting was done at about 11 o'clock p. m., in the house of R. T. Flewellen, on the 2d day of November, 1886.

EPHRAIM JONES.

[No. 12.—Testimony of Stephen Jackson, duly sworn.]

I was on the election ground on the 2d day of November, 1888, and Alfred Jones and Poke Hill asked me for a pistol, but I declined it, but let Poke Hill have my shotgun, loaded, to keep the polls guarded. My gun was returned to me, both barrels empty, by Sallie Jones, wife of Oliver Jones.

EPHRAIM (his x mark) JONES.

This is to certify that this is a true and correct statement of the testimony given.

P. KÜHNEL, *Recorder.*

THE STATE OF TEXAS, *County of Washington:*

I, C. F. Herbst, clerk of the district court of Washington County, Texas, do hereby certify that the foregoing is a true and correct copy of the original inquest papers in case of W. D. Bolton, deceased, now on file in said court.

Given under my hand and the seal of said court, at office in Brenham, this 5th day of February, A. D. 1887.

[SEAL.] C. F. HERBST, *Clerk.*

Mr. COKE. If Bolton was murdered, as I honestly believe he was, as I believe the testimony shows he was, while it does not justify these men in taking these negroes out of jail and hanging them, it does remove the deed from the category in which the Senator from Wisconsin has placed it, that of being a cold-blooded, premeditated murder for a political cause. Politics had nothing to do with it. These white men were incited by the brutal murder of Bolton, and they avenged him in this way. Polk Hill, the man who pulled the trigger and fired the gun that killed Bolton, is alive now. He was taken up to the Milam County jail. The three men who were hanged, unfortunately were brought back to Brenham to be tried, and the authorities were mistaken in supposing that the feeling against them had subsided. That is the statement of that transaction.

Here is the platform of the Republican convention which met at Fort Worth three or four days ago, which charges the Fort Bend and the Washington County transactions as all the outrages they have to complain of in Texas, and I have stated the history of these, so that the Senate can see for itself whether they were Democratic outrages.

The fact is patent, it stands out in bold relief, that no Republican was killed until Hoffman was killed, and that with Hoffman was also killed the leading Democrat of Washington County.

No Republican was killed in Fort Bend County, but one Democrat was killed and another was attempted to be killed. Bolton was a white man and a Democrat, and he was murdered in Washington County. Hoffman was running on a ticket that the Democrats were friendly to, and he was sitting with Holt, the leading Democrat in the county, and was killed with Holt by the same shot. That is the whole of it.

With reference to the testimony of the district attorney and the counsel employed by the State, I know both of them well; they are both good men, both honest men, both honorable men; they are like all other lawyers, though. They have identified themselves with this case, and although they had two trials, presided over by a Republican judge and the law charged as strongly as it was possible to charge it against the prisoners, the theory of these gentlemen was reversed; it was denied in the verdict of the jury who acquitted the prisoners. They are not impartial witnesses; they are witnesses whose judgment can not be relied upon, because they have been heated up in the prosecution of the case.

The Senator from Wisconsin makes divers and various charges against the people of the South, and especially against the people of Texas and the people of Washington County upon testimony which he does not exhibit here, upon private letters which he doubtless is not at liberty to exhibit.

Mr. SPOONER. If the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. COKE. Yes, sir.

Mr. SPOONER. What I have said about this matter this afternoon was in reply to a review by the Senator from Texas of the testimony not before the Senate. I did not inaugurate it. I want to say in regard to the letter which the Senator says I am not at liberty to exhibit, that I would exhibit it cheerfully if it were not for the fact that I fear it would cost the writer his life, and the writer fears it also.

Mr. COKE. That is a sample of the way in which the people of my section of country are talked about. I have a letter in which the Senator's name is called in connection with the eviction in the State of Iowa of families of poor helpless women and children, evictions that parallel in atrocity and circumstances of pathos any that have ever occurred in Ireland.

Mr. SPOONER. Mr. President——

Mr. COKE. I decline to be interrupted in the middle of a sentence. I say the Senator's name is mentioned in that letter, but I do not condemn the Senator upon it. I do not condemn the people of Iowa upon it, because men, women, and children were ejected from sections and quarter-sections and subdivisions of land at the suit of a great railroad corporation, land that they had occupied some of them for forty years, so this informant tells me, some of them for twenty years, and he gives an instance of a poor woman who saw everything she had in the world thrown into the road and her home of many years taken from her. She became insane, so this informant states, and now is in a lunatic asylum. He gives the facts.

I do not use such a letter for the purpose of making allegations against the people of Iowa or against the Senator from Wisconsin. I would not do it. He has not hesitated to brand the people whom I have the honor to represent in a way that in my judgment would justify me in using this letter for all it is worth.

There is one thing, Mr. President, the people of the South have never done. They have never warred on women and children. They have never taken at the behest of railroad corporations the homes from women and children and left them in the public road to starve and freeze or take care of themselves. If the Senator desires to make an

issue, let him make it; I will meet him. He will find that there are blows to receive as well as to give. The slanders that have been hurled at the people I represent shall not go unanswered, for they are slanders, come from what source they may.

Mr. SPOONER. Mr. President, we started in to debate the Texas outrages. Very much to my surprise, the result is a debate by the Senator from Texas upon what I suppose may be deemed the Spooner outrages. I do not know to what the Senator from Texas alludes. I want to say, however, in regard to his speech, or that portion of it personal to myself, two things: In the first place, it will not divert the attention of the people of the United States from the outrages perpetrated in Washington County, Texas, upon the ballot. The people will be too discriminating not to see that it is a pettifogging effort to divert the attention of the jury from the trial of the case to something which does not relate to the case.

In the next place I want to say—and I shall endeavor to keep myself entirely within parliamentary bounds, and if I shall succeed in doing that I will succeed where the Senator from Texas, with his greater age and his greater experience, has signally failed several times to-day—that the man outside of this Chamber who states that as counsel or as owner, directly or indirectly, in any way whatever, I was the instrument of turning any man or woman in Iowa or out of Iowa from his or her land or from his or her cabin, whether a quarter-section or a quarter of an acre, is a liar. I say that of any man who makes that charge outside of the Senate.

I suppose the Senator refers to the fact that after I became a member of the Senate I argued a cause in the Supreme Court by printed brief between the Chicago, Milwaukee and St. Paul Railway Company on the one hand and the Sioux City and St. Paul Railway Company on the other. I was employed to argue that cause before I was elected to the Senate or before I ever thought of being a candidate for the Senate. It was not a controversy in which any individual was interested. It was not a controversy in which the United States was interested. It was a controversy simply between two railway corporations as to which was entitled to overlapping lands. I discharged that duty. That ended my connection with that client, and I have never had from that day to this any professional connection with it or any knowledge of its litigation.

Mr. COKE. I desire to ask the Senator——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. COKE. I ask the Senator if it was not charged—I do not say that the Senator was counsel, I say that his name was mentioned in this letter——

Mr. SPOONER. In what?

Mr. COKE. I say the Senator's name was mentioned in the letter to which I have referred, and I ask the Senator if there was not a charge made in the State of Iowa that there was collusion between the two railroad companies, and that this collusion excluded the consideration of questions that it was believed would redound to the interest of settlers on the land? I ask if that charge was not made?

Mr. SPOONER. I do not know anything about what charge was made in the State of Iowa, and I do not know what charge was made in the letter to which the Senator refers. The Senator from Texas is at liberty to use any letter he has in his possession referring to me. I argued that cause in the Supreme Court of the United States and that ended my connection with the business. What has been done since in the way of evictions I know nothing whatever about.

Mr. COKE. I ask the Senator if there were not charges of collusion between the counsel in the case which excluded questions in which the settlers were interested, and if a member of Congress from Iowa did not telegraph to Governor Larrabee to send the attorney-general of that State here to intervene and protect the rights of settlers against the collusion?

Mr. SPOONER. I know nothing about that. I know that a day or two after that cause was argued in the Supreme Court of the United States a falsehood and a slander appeared about my connection with it in relation to my discharge of duty in the Senate. In one of the newspapers published in the city of New York it was charged that I offered on the floor of the Senate and advocated an amendment for a client whom a day or two afterwards I represented in the Supreme Court of the United States. That charge was utterly false. I offered an amendment in the Senate under circumstances which rendered it necessary for me to do it for my opponent in that cause, for a railroad company in whose service I had never been a moment in my life, and I voted against my client and for a bill which the then Senator from Minnesota, Mr. McMillan, representing that interest, fought to the utmost of his ability. Beyond that charge which was made in the newspaper, which was false and unjust in itself, and which was answered——

Mr. COKE. I know nothing about that charge.

Mr. SPOONER. Beyond that I know nothing about the matter to which the Senator refers. If anybody has been evicted in the State of Iowa, I suppose it has been in proceedings in the courts. I know nothing whatever about any such matter. I never had any connection whatever with it.

While I have not been at all personal to the Senator from Texas, my relations with him have been entirely pleasant. I have simply attempted to do my duty in discussing questions which were involved in an investigation made by me in conjunction with other Senators under an order of the Senate; and while I regard his attempt in defense of the State of Texas as of a character to draw me personally into disrepute in the Senate or in the country, as of a character which outside of the Senate I would denominate differently from what I would do here, I want to say to the Senator that he in part, as I have been informed—I will not say it——

Mr. COKE. Say it.

Mr. SPOONER. I have discussed this case upon its merits.

Mr. COKE. Say it.

Mr. SPOONER. I shall not go into personalities of the sort in the Senate.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, October 1, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September* 27, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. A. PRICE, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to amendments of the House to bills of the following titles:

A bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia; and

A bill (S. 3168) regulating admissions to the institution of the Association for Works of Mercy in certain cases, and for other purposes.

The message also announced that the Senate had agreed to the following concurrent resolutions of the House:

A resolution for printing 5,000 copies of the report of Capt. M. A. Healy, of the United States revenue marine, upon the cruise of the revenue-steamer Corwin in the Arctic Ocean in the year 1884;

A resolution for printing 5,000 copies of the report of Capt. M. A. Healy, of the United States revenue marine, upon the cruise of the revenue-steamer Corwin in the Arctic Ocean in the year 1885; and

A resolution for printing 3,000 copies of the report of Lieut. Charles C. Rogers, United States Navy, on the Panama Canal.

The message also announced that the Senate had adopted the following resolutions; in which the concurrence of the House was requested:

A resolution for printing 5,000 additional copies of the report of the Superintendent of the United States Coast and Geodetic Survey for the year ending June 30, 1887; and

A resolution for printing the report of the Commissioner of Education for 1887 and 1888.

The message also announced that the Senate had agreed to the additional amendments of the House to the bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes.

The message also announced that the Senate had non-concurred in the amendment of the House to the joint resolution (S. R. 110) in aid of the sufferers from yellow fever, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. EDMUNDS, Mr. ALLISON, and Mr. COCKRELL.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 4039) granting a pension to Mary A. Pfeiffer;

A bill (H. R. 10881) granting a pension to Nancy J. Cotner.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1839) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan;

A bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes requiring life-saving appliances on steamers;

A bill (S. 3098) concerning the settlement of the boundary lines between Connecticut and Rhode Island;

A bill (S. 3124) creating three additional land offices in the State of Colorado;

A bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico;

A bill (S. 3427) to amend section 4474 of the Revised Statutes of the United States;

A bill (S. 3438) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin, as United States district judge for the district of Nevada;

A bill (S. 704) granting a pension to Thomas Redmond, late private Company K, Fourth United States Infantry;

A bill (S. 1598) granting to Truman A. Morton a pension of $24 a month;
A bill (S. 2363) for the relief of John W. Combs;
A bill (S. 2374) for the relief of David Gray Purman;
A bill (S. 2623) granting an increase of pension to James Patterson;
A bill (S. 3104) granting an increase of pension to Albert H. Smith;
A bill (S. 3387) granting a pension to Charles S. Hamilton;
A bill (S. 3397) granting an increase of pension to Caroline M. McDougal;
A bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan;
A bill (S. 3428) granting a pension to Mary C. Thompson;
A bill (S. 3429) granting a pension to Maria N. Abbey;
A bill (S. 3435) granting a pension to J. C. Haworth;
A bill (S. 3453) granting an increase of pension to Alfred T. McKinsey;
A bill (S. 3456) granting a pension to David O. Sanborn;
A bill (S. 3457) granting a pension to Abigail Farley;
A bill (S. 3462) granting a pension to John Watson;
A bill (S. 3477) granting a pension to Minerva Griffith;
A bill (S. 3479) granting a pension to Sarah J. Powers;
A bill (S. 3492) granting a pension to John Parkinson;
A bill (S. 3502) granting a pension to Juliana Roitsch;
A bill (S. 3513) granting pensions to Powell's Battalion of Missouri Mounted Volunteers; and
A bill (S. 3540) granting a pension to Mary P. Myers.

The message also announced that the Senate had passed without amendment bills of the following titles:
A bill (H. R. 200) granting a pension to Walter O. Watson;
A bill (H. R. 201) granting a pension to Edward Waters;
A bill (H. R. 508) granting a pension to Sarah F. Hawkins;
A bill (H. R. 968) granting a pension to H. S. Sayre;
A bill (H. R. 1085) granting a pension to Thomas Rains;
A bill (H. R. 2073) granting an increase of pension to Daniel Willborg;
A bill (H. R. 2120) granting a pension to Elizabeth Evans;
A bill (H. R. 2139) granting a pension to George Rhody;
A bill (H. R. 2471) granting a pension to Anna M. Noyes;
A bill (H. R. 2472) granting a pension to Lydia A. Eaton;
A bill (H. R. 2474) granting a pension to Joseph Lincoln Young;
A bill (H. R. 2566) for the relief of Phillip Kopplin;
A bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustav W. Geyer;
A bill (H. R. 2716) granting a pension to J. W. Leight;
A bill (H. R. 2788) granting a pension to Lieut. George T. Russell;
A bill (H. R. 3152) for the relief of Arlington M. Harrington;
A bill (H. R. 3504) for the relief of John German;
A bill (H. R. 3801) granting a pension to Nelson J. Crook;
A bill (H. R. 3908) increasing the pension of Jesse L. Garrett;
A bill (H. R. 4038) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire;
A bill (H. R. 4102) granting a pension to Mary A. Carr;
A bill (H. R. 4820) granting a pension to Ellen Kelley;
A bill (H. R. 5174) granting a pension to Statira Young;
A bill (H. R. 5193) granting an increase of pension to Benjamin Franklin;
A bill (H. R. 5740) granting a pension to Anson Ward;
A bill (H. R. 6022) granting a pension to Smith Bodkins;
A bill (H. R. 6201) granting a pension to John Robeson;
A bill (H. R. 6309) for the relief of Mary A. Covey;
A bill (H. R. 6409) for the relief of Perry R. Nye;
A bill (H. R. 7185) granting a pension to Samuel Neikirk;
A bill (H. R. 7410) for the relief of settlers upon Old Camp Sheridan military reservation;
A bill (H. R. 7457) granting a pension to Eleanor D. Heath;
A bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox;
A bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth;
A bill (H. R. 7912) for the relief of Frances P. Vernon;
A bill (H. R. 8200) granting a pension to Lydia Ann Wilber
A bill (H. R. 8553) granting a pension to Arabella Davis;
A bill (H. R. 8748) to increase the pension of Richard Jobes;
A bill (H. R. 8993) for the relief of Shadrack W. Brown;
A bill (H. R. 9106) granting a pension to Peter Liner;
A bill (H. R. 9148) to grant a pension to Jane Robinson;
A bill (H. R. 9169) granting a pension to Tempy M. Johnston;
A bill (H. R. 9182) granting a pension to Ransom Riley;
A bill (H. R. 9341) granting a pension to Mrs. Dulcena Noel;
A bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan;
A bill (H. R. 9370) granting a pension to Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment, Michigan Volunteers;
A bill (H. R. 9371) granting a pension to Betsey Williams, widow of William R. Williams, private Company C, Eighth Regiment Michigan Volunteers;
A bill (H. R. 9719) for the relief of Thomas Shackelford;
A bill (H. R. 9862) granting a pension to Benjamin F. Bair;
A bill (H. R. 9935) to increase the pension of Isaac Hurd;
A bill (H. R. 9975) granting a pension to Joseph Welsh;
A bill (H. R. 10007) for the relief of Henry Rose;
A bill (H. R. 10017) granting a pension to Samuel Anderson;
A bill (H. R. 10103) granting a pension to William Fairbanks;
A bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll;
A bill (H. R. 10121) granting a pension to Sarah A. Mason;
A bill (H. R. 10122) granting a pension to Margaret Quinton;
A bill (H. R. 10159) granting a pension to Jenny Buell;
A bill (H. R. 10171) granting a pension to Rachel Rogers;
A bill (H. R. 10173) granting a pension to Catharine Mulligan;
A bill (H. R. 10210) to increase the pension of Philip Thomas;
A bill (H. R. 10224) granting a pension to Elias H. Hall;
A bill (H. R. 10241) increasing the pension of Richard Porter;
A bill (H. R. 10245) granting an increase of pension to Hannibal Kimball;
A bill (H. R. 10256) to place the name of Lucy Wagor, of Hillsdale, Mich., on the pension-roll;
A bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-roll;
A bill (H. R. 10274) granting a pension to Joseph W. Filler;
A bill (H. R. 10342) granting a pension to John Dauper;
A bill (H. R. 10504) granting a pension to Mary Hooper;
A bill (H. R. 10563) granting a pension to William S. Latham;
A bill (H. R. 10629) granting a pension to Washington Ryan;
A bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang;
A bill (H. R. 10672) granting a pension to Mighill H. Patten;
A bill (H. R. 10687) granting a pension to Charles Junot;
A bill (H. R. 10705) granting a pension to Mary L. Tanner;
A bill (H. R. 10708) granting a pension to Jane E. Knoble;
A bill (H. R. 10738) to increase the pension of George C. Quick;
A bill (H. R. 10824) granting a pension to Mary A. Van Buskirk;
A bill (H. R. 10827) for the relief of Catharine Teegardin;
A bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood;
A bill (H. R. 10944) granting a pension to Victoria May;
A bill (H. R. 11005) granting a pension to Ester Gaven;
A bill (H. R. 11021) to increase the pension of Charles Hahneman;
A bill (H. R. 11029) for the relief of Mary Vanbuskirk;
A bill (H. R. 11030) granting a pension to Susan E. Latture;
A bill (H. R. 11057) granting a pension to Margaret Gray;
A bill (H. R. 11222) granting a pension to Elizabeth Heckler;
A bill (H. R. 11243) granting a pension to Mary E. McQueen; and
A bill (H. R. 11332) granting a pension to Eliza S. Glass.

The message also announced that the Senate had passed with amendments House bills of the following titles; asked a conference with the House on said bills and amendments, and had appointed as conferees on the part of the Senate Mr. DAWES, Mr. JONES, of Arkansas, and Mr. STOCKBRIDGE:

A bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes;
A bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; and
A bill (H. R. 7843) granting to Citrous Water Company right of way across Papago Indian reservation in Maricopa County, Arizona.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

ISAIAH FULLER.

The SPEAKER laid before the House a letter from the Acting Attorney-General, recommending the appropriation of $301.50 in favor of Isaiah Fuller; which was referred to the Committee on Appropriations.

ACCOUNTS OF UNITED STATES ATTORNEYS.

The SPEAKER also laid before the House a letter from the Acting Attorney-General, asking an appropriation to pay certain accounts of United States attorneys; which was referred to the Committee on Appropriations.

RE-ENTRY OF HOMESTEADS.

The SPEAKER laid before the House the bill (S. 3559) to amend section 2304 of the Revised Statutes of the United States, to allow persons who have abandoned or relinquished their homestead entries to make another entry.

Mr. MCRAE. Mr. Speaker, I ask leave to consider that bill now. This measure passed the House substantially in the general bill, and I hope consent will be given to take up the Senate bill and pass it.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

Mr. HOLMAN. Mr. Speaker, to avoid the consumption of time, I ask the gentleman to allow that bill to remain on the table until to-morrow morning, as I wish to look at it in the mean time.

Mr. McRAE. Very well.

The SPEAKER. Without objection the bill will be held for the present.

There was no objection, and it was so ordered.

MONUMENT AT SARATOGA.

The SPEAKER laid before the House Senate bill 3460, appropriating $10,000 for the completion of a monument to commemorate the surrender of Burgoyne at Saratoga; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOOTHMAN, indefinitely, on account of important business.

To Mr. OWEN, for ten days, on account of important business.

To Mr. PENINGTON, for one week, on account of important business.

To Mr. FUNSTON, indefinitely, on account of important business.

To Mr. ENLOE, indefinitely, on account of important business.

To Mr. HOGG, indefinitely, on account of important business.

To Mr. BERRY, for this day, on account of private business.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1591) granting an increase of pension to Madison M. Meredith;

A bill (S. 1101) granting a pension to Rachel A. Sinkinson;

A bill (S. 1582) for the relief of the estate of Lucien Gougan;

A bill (S. 145) for the relief of Edward Braden and Job W. Angus;

A bill (S. 1500) granting a pension to Margaret M. Miller;

A bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Wilbur with the United States, and to pay said Wilbur such sum of money as may be found due him thereon;

A bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor of Joseph H. Maddox, deceased;

A bill (S. 1668) for the relief of A. M. Woodruff;

A bill (S. 3471) to authorize the construction of bridges across the Kentucky River, and its tributaries, by the Louisville Southern Railroad Company;

A bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow;

A bill (S. 2711) restoring Phebe McLaughlin to the pension-roll;

A bill (S. 2720) granting a pension to John B. Ross;

A bill (S. 2836) granting a pension to William E. Taylor;

A bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge;

A bill (S. 3125) restoring the right of pre-emption to Alfonzo Roberts;

A bill (S. 320) for the relief of John D. Adams;

A bill (S. 2887) granting a pension to George H. Johnson;

A bill (S. 2838) granting an increase of pension to Betsy A. Mower;

A bill (S. 2675) granting an increase of pension to Lieut. James R. Durham;

A bill (S. 2411) for the relief of C. A. Williams and others;

A bill (S. 2346) granting increase of pension to Jennie Hart Mullany; and

A bill (S. 937) for the relief of David L. Brainard and others.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BURNES. Mr. Speaker, as a privileged question I call up the conference report on the sundry civil appropriation bill. The report was read yesterday and has been printed. And on that I demand the previous question.

Mr. PLUMB. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PLUMB. I desire to know whether the report is subject to amendment.

The SPEAKER. Conference reports are not subject to amendment.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. BURNES moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONUMENT AT TRENTON, N. J.

Mr. LEHLBACH. I ask unanimous consent to consider the bill (S. 599) in regard to a monumental column to commemorate the battle of Trenton, in the State of New Jersey, and appropriating $30,000, which I send to the Clerk's desk.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read at length for information.

Mr. KILGORE. I demand the regular order.

Mr. STONE, of Kentucky. I ask unanimous consent——

The SPEAKER. The gentleman from Texas has demanded the regular order, which is the call of committees for reports, and that cuts off all requests for unanimous consent, unless the demand for the regular order be withdrawn.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask unanimous consent to dispense with the call of the committees and that members having reports be permitted to file them with the Clerk.

Mr. WHITE, of New York. As the regular order has been demanded, is it in order to dispense with the call of the committees?

The SPEAKER. The Chair will state that it is the custom when the regular order is demanded to proceed with it, and the regular order now is the call of committees for reports. The gentleman from Georgia [Mr. BLOUNT] asks to dispense with that, and that gentlemen may file their reports with the Clerk.

The gentleman asks unanimous consent to dispense with the regular order. Is there objection?

There was no objection, and it was so ordered.

RELIEF OF GAUGERS.

Mr. HENDERSON, of North Carolina, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 11397) for the relief of certain gaugers and other internal-revenue employés who have been assigned to duty and have rendered service before the date of their qualification; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. The hour for the consideration of bills commences at nineteen minutes past 12 o'clock.

BONDS OF DISBURSING OFFICERS, ETC.

Mr. TOWNSHEND. The Military Committee, I believe, would have the right to complete the consideration of bills reported yesterday.

The SPEAKER. The Clerk will report the pending bill.

The Clerk read as follows:

A bill (H. R. 8873) in relation to bonds of disbursing officers and to monthly payments of the Army, with amendments by the Senate.

Mr. TOWNSHEND. I will state that I am authorized by the committee to request non-concurrence in the Senate amendment and ask a conference.

Mr. HOLMAN. What is the amendment?

Mr. TOWNSHEND. It is not an important one, simply a matter of detail.

The SPEAKER. The Chair is advised from the Clerk's desk that this bill is in the hands of the Committee on Military Affairs.

Mr. TOWNSHEND. The Committee on Military Affairs has authorized a report.

The SPEAKER. It can only be considered by unanimous consent. The rule of the House is that this hour is set apart for the consideration of bills reported on a previous day.

Mr. TOWNSHEND. Then I ask to withdraw the bill and surrender the hour. I believe it is not in order to substitute another bill.

The SPEAKER. It is not.

Mr. TOWNSHEND. Then I withdraw the bill.

RAILWAY MAIL SERVICE.

Mr. BLOUNT. I call up House bill No. 4930, relating to the railway mail service, and, for the purpose of saving time, I move that the House resolved itself into Committee of the Whole on the state of the Union for the purpose of considering the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill indicated by the gentleman from Georgia.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General may appoint and assign to duty one general superintendent to superintend the railway mail service, who shall be paid a salary of —— dollars a year; one assistant general superintendent of railway mail service, who shall be paid a salary of $3,500 a year; eleven division superintendents of railway mail service, who shall each be paid a salary of $2,500 a year; one chief clerk of railway mail service, to be employed in the Post-Office Department, who shall be paid $2,000 a year; and as many chief clerks of railway mail service as may be necessary, who shall each receive a salary of $1,500 a year. The general and assistant general superintendent and division superintendents shall also be paid their necessary and actual expenses while traveling on the business of the Department; and chief clerks shall be paid the like expenses, not to exceed $4 per day to each, but the allowance for traveling expenses to any clerk shall not exceed $300 in any fiscal year. The salaries and expenses for such superintendents and clerks shall be paid out of the appropriation for the transportation of the mail on railways.

The amendments proposed by the Committee on the Post-Office and Post-Roads were read, as follows:

In line 5, before the word "dollars," insert the words "four thousand."

In line 7, after the word "thousand," strike out the words "five hundred."

In lines 8, 9, and 10 strike out the words "eleven division superintendents of railway mail service, who shall each be paid a salary of $2,500 a year."

In line 19 strike out "four" and insert "three."

In lines 19, 20, and 21 strike out the words "but the allowance for traveling expenses to any clerk shall not exceed $300 in any fiscal year."

Mr. BLOUNT. Mr. Chairman, there is one branch of the public service whose growth, with the consequent expenditure, is cause, not of complaint, but of congratulation to the whole country. I beg the attention of the committee for a few moments to a statement illustrating this growth. I have here a paper prepared officially by the Post-Office Department making a comparison of this service on the 30th day of June, 1887, with the same service on the 30th day of June, 1879, and I ask attention to the figures.

The number of miles of railroad over which the mails were carried in 1879 was 79,000. On June 30, 1887, the mileage was 131,000. The annual transportation of mails by the railroads in 1879 was 93,000 miles. In 1887 it was 116,000 miles. The miles of service by railway post-office lines in 1879 was 52,000. In 1887 it was 107,000. The number of postal clerks employed in 1879 was 2,609. The number employed on June 30, 1887, was 4,851. The number of pieces of mail-matter handled by railway postal clerks in 1879 was 2,659,000. In 1887 the number was 5,851,000. In other words, the amount of mail-matter handled in this branch of the service in 1887 was twice and a half as great as the amount handled nine years ago.

The expenditures nine years ago were about $33,000,000. To-day they amount to about $61,000,000.

We have this enormous service on our hands. The interest in it is as wide as the country. It touches all our people. It affects all their business relations. The importance of the correct and efficient handling of these mails and the proper management of this fund is of a magnitude scarcely to be overestimated.

This work can not be accomplished without the Government being able to command for positions requiring large intelligence and judgment suitable talent and capacity, and this can only be done by its being able to pay proper compensation. This bill proposes an increase of only $23,000 altogether over the present rates of compensation.

The gentleman from Illinois [Mr. CANNON], referring the other day to the increased cost of the postal service, failed to do justice to this side of the House in respect to that subject, and especially in regard to one item. In the matter of railway mail transportation, the rate of compensation was reduced 10 per cent. by the Forty-fourth Congress, under the lead of the gentleman from Indiana [Mr. HOLMAN]. In the Forty-fifth Congress (or the Forty-sixth, I am not certain which at this moment) I had charge of the bill, and then the compensation was reduced by the amount of 5 per cent., making the entire reduction in the rate of compensation for railway mail service 15 per cent. from the former rates. Taking the total compensation now paid, $17,000,000, it is easy for gentlemen to see that a very large saving has been effected annually under the operation of those laws.

This bill proposes to increase the salary of the general superintendent by the amount of $500. It fixes the salary of an assistant general superintendent at $3,000. It proposes an increase of $600 in the salary of the chief clerk of the railway mail service. It increases the salaries of fifty-four chief clerks $100 each, making $5,400, and it makes an allowance for the traveling expenses of these clerks not exceeding $13,500. These items make a total annual increase of expenditure of about $23,000.

In regard to the proposed increase of salary of the general superintendent, as a matter of course I have no personal knowledge of what salary is sufficient to secure the services of a proper person to discharge the very important duties of that office; but the necessity for this increase has been urged upon the committee time and again in the last Congress and also in this Congress. During the last Congress I know that the Postmaster-General found great difficulty in procuring a proper superintendent, and I know that his success in that respect was due entirely to his personal relations with the gentleman appointed. I know, further, that the superintendent was constantly endeavoring to get away, and that, on the change of administration, notwithstanding urgent solicitations, he found that his private business necessitated his leaving the Department, and continued persistent efforts throughout several months to get relieved from the responsibilities of the office. And I know that the same thing is true of the present superintendent, and that his employment is only temporary. I know, also, the great importance of the office, and I know that the Postmaster-General has been and is exceedingly, keenly, anxious to obtain the highest talent for the head of this enormous service.

That item of increase amounts to only $500. More was recommended, but the committee did not see fit to put it in the bill.

I wish now to call the attention of the House to the salary of assistant superintendent. It seems like a new office, but many years ago, during the Forty-fifth Congress, as the law then stood there were two general superintendents. Congress abolished one of the offices, leaving one remaining. Under the change of law the Postmaster-General detailed a post-office inspector to do the work of assistant general superintendent. His salary was $1,600. His per diem was $5 a day. It was really more than the salary proposed by this bill. It continued up to the administration of the Post-Office Department by Mr. Vilas, who declined to assign an officer to the service. So then within three or four years we have been paying more than the sum indicated for this purpose.

The seeming increase of expenditure does not practically exist. It is better to do directly what you desire to do. Instead of detailing an inspector paid out of another fund and put into this place without law, it is better to understand what the service requires and designate the officer for that purpose.

The importance of this office, sir, is scarcely to be overstated. It does happen oftentimes that the general superintendent of the railway mail service is necessarily taken away from here. It is not long since when the mails were obstructed in the great Northwest, when trains ceased to run by reason of certain strikes, and the Postmaster-General felt it to be his duty to send the best officer there. The result was, by excellent management of this officer the United States mails were carried, although freight and passenger transportation entirely ceased. So we have now in the State of Mississippi almost a suspension of mail carriage. Only two or three days ago, from Cairo to Mobile, no trains were permitted to run through that State. When a train was started from Cairo to New Orleans, it was doubtful whether it would be allowed to run through. Such a situation required the best talent the Government had. The general superintendent withdrawn from this great service, shall we leave it to a clerk? It seems to me a statement of the fact is demonstration of the necessity.

The next item is as to the increase in the salary of the chief clerk of the Post-Office Department. This amounts to the sum of $600. The present and former Postmasters-General have recommended and urged it to be necessary with a view to getting proper talent. It is a small amount and one not to quibble over.

There is an increase in the salary of fifty-four clerks. Postal clerks are graded from $900 to $1,400 in the matter of salary. This item does not relate to those on trains distributing mails generally. By virtue of law there is detailed at headquarters out for different divisions and subdivisions sometimes a chief clerk, whose business it is to look out in reference to the matter of handling the mails, to examine clerks to see whether their conduct is correct, and whether their transaction of the business assigned to them is properly done, and to see that schemes of distribution are changed as new offices and routes are created. It so happens that it is made the duty of these clerks to do this thing with the same salary of the higher class of clerks on the trains, but there is no provision for their expenses. The expense every day traveled is taken out of this salary, and in many places if their full duty is done their expenses nearly absorb their salaries. Is it not clear therefore to this House that such a condition of things ought not to be allowed? It results necessarily in a strong inclination on the part of the clerk to remain at his office with a view of saving this expense. This is not deemed advisable.

There is an increase of $100 of actual salary. Clerks on the trains of the highest class are paid $1,400. This proposes as to fifty-four clerks of the higher class they shall have an increase of $100 each, making $1,500 instead of $1,400, and their traveling expenses.

This is the substance of this matter, amounting only to the sum of $23,000. I have brought it forward because the Department has deemed it of importance to the service, and that service belongs equally to all parts and classes of the country. There are none of us who are not directly interested in it, and I think none but will assent to the proposition that if this service is as large as indicated by the official report there should be no possibility of damages coming to it by refusing a small increase to employés. Gentlemen will observe, in the vast body of employés clamoring from every class of the service for increase of salary, the committee have brought to your attention no bill inviting you to larger expenditure.

Mr. KERR. I would like to ask the gentleman if the increased office rent allowed to postmasters is not really with a view to increase salaries?

Mr. BLOUNT. That is true; and it has been recommended by every Postmaster-General of whom I have any knowledge, belonging to all parties, for many years past; and has been kept off the bills by reason of points of order. It belongs to no administration, and so far as I am concerned I am quite content to admit that there was a purpose in the increase of salaries to remedy certain inequalities as far as practicable. If there was an error in it I am willing to assume whatever share of responsibility comes to me and to my side of the House. I am willing to assume any responsibility looking to the betterment of the service without reference to party views which may be connected with it.

Mr. KERR. Let me ask the gentleman if the increase will not require larger estimates for the next year?

Mr. BLOUNT. Oh, we have provided already four hundred and odd thousand dollars for this current fiscal year. It has been provided already, and by unanimous consent of the House. Not a single gentleman objecting on either side, the legislation was put into the bill authorizing it; so I think the country can assume that it meets the approval of all parties.

Mr. KERR. When was that unanimous consent given?

Mr. BLOUNT. Well, sir, I can not recollect exactly the date. I recollect that it was done, and by reason of it legislation took place by which the bill passed the House and finally became a law. The Jour-

nal will disclose the exact date, if my friend shall have occasion to ascertain hereafter.

Mr. KERR. I ask if it was not early in the session, when few persons had their attention addressed to the subject or thought of it at all?

Mr. BLOUNT. I do not know at what stage people began to think. The attention of the country was called to it by Republican and Democratic Postmasters-General for years past.

If no gentlemen desire further to be heard, I will move that the committee now rise.

Mr. SOWDEN. I wish to be heard.

Mr. BLOUNT. How much time does the gentleman want?

Mr. SOWDEN. I propose to rise in my own right in opposition to the bill.

Mr. BLOUNT. Mr. Speaker, I ask that the general debate be limited on this bill, if I have the floor for that purpose.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. BLOUNT. Unless consent is given I shall move that the committee rise to limit debate.

The CHAIRMAN. Does the gentleman indicate any time?

Mr. SOWDEN. I propose to claim the time to which I am entitled under the rules of the House. I rise in opposition in my own right.

Mr. BLOUNT. Then I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. RICHARDSON reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 4930, had come to no resolution thereon.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union to resume consideration of the bill H. R. 4930; and pending that I move that all general debate on the same be limited to fifteen minutes.

Mr. SOWDEN. I rise to make a parliamentary inquiry. Can the time be limited? Is not a member entitled to one hour under the rules of the House when he rises in opposition?

The SPEAKER *pro tempore*. Under the rules of the House, after general debate has been entered upon it is in the power of the House at any time to limit it.

Mr. SOWDEN. I hope it will not be limited.

Mr. BLOUNT. I have no objection to debating the bill, but there are but two hours within which it can possibly be considered. If the gentleman desires to resort to any and every method to defeat the bill of course he can do so. I will not be responsible.

Mr. SOWDEN. I only want but a short time myself; but I believe that others want to be heard.

Mr. DINGLEY. I desire to suggest that there are several gentlemen on this side who would like about five minutes each, and fifteen minutes would seem scarcely long enough.

Mr. SOWDEN. I will state for the information of the gentleman from Georgia that personally I do not care to occupy more than from three to five minutes.

Mr. BLOUNT. Will the gentleman be content with ten minutes?

Mr. SOWDEN. Certainly, although I may not occupy that much time.

Mr. DINGLEY. I think fifteen minutes will be enough on this side.

Mr. BLOUNT. Then I will ask unanimous consent that the general debate be limited to twenty-five minutes after we go into Committee of the Whole; and if the gentleman from Pennsylvania does not desire so much as ten minutes I will reserve what he does not use for myself. I move, therefore, that the House resolve itself into Committee of the Whole House on the state of the Union, and, pending that, that all general debate on the bill be closed in twenty-five minutes.

The motion to limit debate was agreed to.

Mr. BLOUNT. I wish to ask unanimous consent now, if it may be done, that the hour be extended until this bill is finished. To-morrow will be Friday.

Mr. DINGLEY. We may as well do that, as there is no other business to-day.

Mr. BLOUNT. I hope there will be no objection to the request.

Mr. HOLMAN. Until the gentleman having charge of the sundry civil bill returns——

Mr. BLOUNT. That has been adopted.

Mr. HOLMAN. Well, the deficiency bill. For the moment I desire to interpose an objection.

Mr. BLOUNT. I will state to the gentleman from Indiana that I would have no objection, if it would suit his wishes, that the committee shall rise at any time during the consideration of this bill to enter upon the business he suggests.

Mr. HOLMAN. I hope the agreement will not be made at present.

Mr. BLOUNT. The gentleman objects?

Mr. HOLMAN. I do object to extending the hour for the present.

Mr. BLOUNT. Then I would suggest, if it be agreeable to gentlemen on the otherside of the House, that general debate be closed now, and they will be entitled to five minutes' debate under the rule.

Mr. DINGLEY. That would be entirely agreeable to me.

Mr. BLOUNT. I ask that that be done.

The SPEAKER *pro tempore*. By a vote of the House the debate has been limited to twenty-five minutes. That vote will have to be reconsidered.

Mr. BLOUNT. Then I move to reconsider the vote by which the debate was limited to twenty-five minutes.

The motion was agreed to.

Mr. BLOUNT. Now I ask unanimous consent that the general debate be closed, and that we proceed in committee to discuss the bill under the five-minute rule.

Mr. HOLMAN. I think every gentleman who desires to speak upon a bill of this importance should have the opportunity. There ought to be reasonable time.

Mr. BLOUNT. I move that when the House resolve itself into Committee of the Whole for the consideration of this bill all general debate be limited to five minutes.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. RICHARDSON in the chair.

Mr. SOWDEN. I regret that my friend from Georgia [Mr. BLOUNT] exhibits so much anxiety to press this bill to a vote. It seems to me unfortunate, not only on his part, but on the part of the committee having this bill in charge that its passage should be so earnestly urged at this time, particularly since it would increase the present number of Federal offices and add considerably to the salaries of the officers already employed in this branch of the public service.

It proposes to increase the annual expenditures in the railway mail service $23,000. It increases the salary of the general superintendent $500 per annum. It seems to me that we can add nothing to the fitness and capacity of this very worthy officer by increasing his salary. So far as I know, he is thoroughly competent, and discharges the duties of his office in a most satisfactory manner, and is well paid for his services. There are undoubtedly many good and competent persons who would be glad to have his place at the present salary. If it were contended that in adding to his salary $500 annually we would correspondingly add to his competency and fitness, there might be some excuse for the proposed bill and the contention of the gentleman from Georgia [Mr. BLOUNT]. Unless he can satisfy this House that such is the fact I for one shall certainly vote against it.

Mr. BLOUNT. Will my friend allow me——

Mr. SOWDEN. No; I have only five minutes. This bill also provides for the creation of a new office, namely, an assistant general superintendent of the railway mail service, who is to receive an annual salary of $3,000. The efficiency of this particular branch of the public service has never been questioned, and why the creation of this new office, with this additional expenditure of the public money, I am unable to comprehend, and would be pleased to have the gentleman from Georgia [Mr. BLOUNT] explain it. It is certainly a departure from the obligation of this Administration to the tax-payers of the country. It is pledged to an honest and most frugal administration of the Federal Government.

For more than twenty-five years the party represented by this side of the House denounced the Republican party for keeping in office a large number of unnecessary office-holders at the expense of the people, and promised to correct this evil in the event of their accession to power by abolishing all unnecessary offices and the dismissal of all needless officials. In the face of this obligation we are now asked to do exactly the opposite in the pending measure.

It is also proposed to increase the salary of the chief clerk of this Department $600 per annum. What salary does this officer receive now? Is it not ample? Is there any complaint that it is too low? Are there not hundreds who would be glad to have it at the salary he now receives? Is the service to be correspondingly benefited by the proposed increase of his salary? If not, why this proposition and whence the necessity for it?

Again, it is proposed to increase the salary of fifty-four clerks $5,400 annually, besides allowing them $3 per day for actual traveling expenses.

Mr. BLOUNT. Oh, no.

Mr. SOWDEN. Oh, yes; there are fifty-four chief clerks and the proposition is to increase their salaries $100 each, which makes the sum total $5,400, as stated. Why this proposition? Whence the necessity for it? Do these men complain that they are not well paid? Is the service threatened with their resignation unless this advance is provided for them? I have no doubt but that in the gentleman's district from Georgia, like in mine, there are any number of good Democrats who would gladly accept these clerkships at the present rate of compensation. I would like to know from the gentleman from Georgia [Mr. BLOUNT] what urgent necessity there is for the passage of this bill.

It is estimated that the traveling expenses provided for in this measure will not exceed $13,500 per annum. What assurances have we for this conclusion on the part of the committee presenting the report accompanying the bill? Heretofore these expenses were cheerfully borne by these clerks, whose salaries were deemed ample and satisfactory.

Is this Democratic economy? Are we in a position to add these increased expenditures to the already too large demands upon the public Treasury, and especially since the other side charge that we have increased the public expenditures under this Administration some $90,000,000 above the expenditures of the last Republican administration? This bill proposes to add to the annual expenses $23,000. In my opinion there is no necessity for it, and it comes with ill grace from this side of the House, since we stand pledged to the abolition of all unnecessary offices, the lopping off of all needless expenses, and the most rigid economy in the expenditure of the public moneys.

[Here the hammer fell.]

Mr. HOPKINS, of Illinois. So far as I am concerned I believe we ought to pay an adequate salary for the service, but the bill as presented by the committee it seems to me is imperfect. Under the law as it exists at present the general superintendent has a salary of $3,500 per annum, and his duty is to designate the different chief clerks, prescribe their duties, supervise their conduct, and look after their interests, and so on. In the present bill the committee propose to change that and relieve him of that duty entirely and put it in charge of the Postmaster-General, and still raise his salary $500 per annum.

Mr. BLOUNT. It does not change the duties.

Mr. HOPKINS, of Illinois. Unless there is some good reason given for this by the chairman of the committee who has this bill in charge, all who are in favor of retrenchment and economy should oppose this increase of salary of the superintendent. If the bill proposed to impose on him extra duties which would require a higher order of ability, either executive or otherwise, then of course the salary should be increased accordingly. But if the superintendent is simply to perform the duties which have already been performed by the present superintendent and those who have preceded him, I see no reason just at this stage for increasing his salary $500 per annum.

Now, it would be better to modify this bill so that instead of having the superintendent of the railway mail service appointed by the Postmaster-General he should be appointed by the President and confirmed by the Senate. According to the statement made here this morning by the chairman of the Committee on the Post-Office and Post-Roads, this branch of the public service has increased so much that it has become of gigantic magnitude, and this office is of such a character that the capabilities and qualifications of its incumbent should be passed upon by the Senate of the United States. That is a criticism that I make upon this bill, and which I desire to bring to the attention of the chairman of the committee. If this proposed increase of salary is to be adopted, then I think the bill should be amended so as to have this officer appointed by the President and confirmed by the Senate; but if he is to be shorn of a large proportion of his duties, as is proposed in this bill——

Mr. BLOUNT. That is not proposed here. This bill makes no change in that respect.

Mr. HOPKINS, of Illinois. Well, there is nothing to show that. The law of 1887 prescribes the duties of this officer and fixes his salary at $3,500.

Mr. BLOUNT. This bill does not change the duties at all; but if the gentleman thinks it does, I have no objection to an amendment.

Mr. HOPKINS, of Illinois. Another point is this: there are fifty-four chief clerks, and it is proposed to raise the salary of each of them $100. Under this bill the number of these chief clerks is not limited to fifty-four; there may be as many of them as the Postmaster-General may think necessary. Of course that leaves the matter entirely within the discretion of the Postmaster-General, and if he should be so disposed, political considerations might control the appointment of a number of these officials.

A matter of that kind should be regulated and guarded in the bill itself. This branch of the public service is reduced to such exactness that the chairman of the committee must know to-day how many chief clerks are really necessary, and certainly the superintendent of the railway mail service knows. From the increase of the business between 1879 and 1887, as stated by the chairman of the committee [Mr. BLOUNT] here to-day, the officers of the Department must be well able to judge of the number of these clerks that will be required, and certainly there ought to be some limit prescribed to the appointment of these officials, so that their number shall be increased only as the increase of the business demands.

Again, in regard to this assistant superintendent of railway mail service with a salary of $3,000 a year. The service has gone on thus far without any such officer and without the payment of any such salary, and before this bill is passed I for one would like very much to have the chairman of the committee explain to the House why it is necessary to create this new office, with this large salary——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SOWDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The amendments proposed by the committee must first be considered.

Mr. KERR. I ask to have the committee amendments read.

The Clerk read the first amendment, as follows:

In line 5, before the word "dollars," insert the words "four thousand."

Mr. BLOUNT. Mr. Chairman, I move to strike out the last word for the purpose of replying to some criticisms that have been made here. The gentleman from Pennsylvania [Mr. SOWDEN] says that this is an increase of $23,000 in the way of salaries. I wish to call the attention of the House to this statement, which shows that of the $23,000, $13,500 will be required to pay the traveling expenses of the clerks who are required to go out on the different routes for the purpose of examining the employés, etc.

Mr. SOWDEN. I wish to ask the gentleman whether it is not true that this bill, if it were enacted into law, would increase the annual expenditures $23,000, regardless of the character of the expenditures?

Mr. BLOUNT. I answer, Mr. Chairman, that that is the truth, but I am not going to suppose that the reason and intelligence of this House are so bridled that when they shall find that they are directing these clerks, the highest class of clerks they have, to travel over the country for the purpose of examining the men who are engaged in handling the mails, it will insist that these clerks shall put their hands into their own pockets and pay their traveling expenses.

Mr. MILLIKEN. I wish to ask the gentleman whether those expenses are not paid by the Government now?

Mr. BLOUNT. They are not; and that has been a subject of complaint by administration after administration; but under the rules of this House it was impossible to get consideration of it. You have tied down this House under your rules so that the great Departments of the Government generally can not get before Congress for the purpose of presenting these questions, and when they do come here, instead of the House understanding the real state of the case, instead of their understanding that this difficulty is an old and grievous one, gentlemen express astonishment that this "new" thing has been brought in! I could have kept it back, but I have chosen to bring it in here; and I now submit it to the reason and the judgment of the House.

Mr. MILLIKEN. What are the salaries of those clerks?

Mr. BLOUNT. They are $1,400 a year, and out of that must be paid their traveling expenses; while many of the very men whom they go out to examine are getting salaries of $1,400 a year without any such deduction. The highest class of clerks known to the law have their salaries exhausted in this way, just as you exhausted the salaries of your third-class postmasters by making them rent houses for you, and pay for fuel, and so on.

Mr. JOHNSTON, of North Carolina. Do not those clerks get their railroad transportation free?

Mr. BLOUNT. They have to pay their hotel bills and sleeping-car expenses.

Mr. JOHNSTON, of North Carolina. But their railroad transportation is free, is it not?

Mr. BLOUNT. Their mere railroad transportation is free; but they travel a great deal at night, and if they sleep they have to pay for their berths just as you would have to do, and when they go to a hotel they have to pay their hotel bills.

Mr. JOHNSTON, of North Carolina. Do they not have to do the same thing when located in the city of Washington? Do they not have to pay here their board or hotel bills, etc.?

Mr. BLOUNT. Many of them have families located at some particular point, and there is a very great difference in the cost of living when the men are away from home and obliged to incur traveling expenses. In reference to the large class of inspectors in various Departments of the Government, Congress has never thought it just that the burden of traveling expenses should fall upon them, but they have been allowed a per diem.

Now, Mr. Chairman, with my observations as to fifty-four clerks, I have disposed of $13,500 of the $23,000, leaving less than $10,000 involved in this question of increase of salaries. I want to show now that the amount is still less. The gentleman from Illinois [Mr. HOPKINS] and the gentleman from Pennsylvania [Mr. SOWDEN] have referred to the creation of the office of assistant general superintendent at a salary of $3,000 as an increase to this amount. I beg the attention of those gentlemen to this fact. Under a former administration the practice was (and there is authority of law for it) to detail an inspector for this purpose; and this inspector has been in the habit of traveling from one end of the country to the other, his salary being $1,600 and his per diem $5 per day, making his compensation about $3,400.

Mr. HOPKINS, of Illinois. Will the gentleman allow me to interrupt him a moment?

Mr. BLOUNT. With great pleasure.

Mr. HOPKINS, of Illinois. Will the adoption of the bill now proposed by the committee do away with that office?

Mr. BLOUNT. That is the purpose. If the language of the bill is not sufficiently explicit in that respect, I am perfectly willing it shall be amended.

Mr. HOPKINS, of Illinois. The point I make is that there is nothing in the bill which would do away with that office; and if this bill should become a law this officer could be detailed in the same manner as he has been; so that the passage of the bill would result in an increased expenditure of $3,000 for this new office.

Mr. BLOUNT. There are two answers to the gentleman's suggestion. In the first place, the law allowing this assignment provides for a contingency which, if this bill be passed, will not occur. If we have

an assistant general superintendent of the railway mail service the Department is not likely to be forced to the employment of a postal inspector. There was a time when there were two of these assistant superintendents, and those positions being abolished, the Department, operating under an absolute necessity, began to detail this inspec or under authority of law, at an expense, as I have said, of something like $3,400 a year.

If my friend from Illinois is not satisfied with the language of the bill, I have no objection to an amendment inhibiting the detail of any postal inspector in connection with the office of general superintendent of the railway mail service. So that in reality, as will be seen, this item of $3,000 amounts to scarcely anything at all. So far as concerns the chief clerk, I care very little about that. The main item of expense is the increase of $5,400 for fifty-four clerks, and also the traveling expenses, somewhere in the neighborhood of $13,000.

Mr. SOWDEN. Mr. Chairman, I confess my surprise at the flippant manner in which the gentleman from Georgia [Mr. BLOUNT] speaks of the proposed increased expenditures provided for in this bill. He says that the increased expense by reason of the creation of this new officer, to be known as the assistant general superintendent of the railway mail service, will amount to "only $3,000," and that the total increased expenditure under this bill amounted to "only $23,000."

Mr. BLOUNT. The gentleman is making a very fine speech which he attributes to me, and replies to. I do not think I made that sort of a speech.

Mr. SOWDEN. This is just what the gentleman said, that "only $23,000" was involved in this bill, and "only $3,000" of it by reason of the creation of the new office of assistant general superintendent. Why, sir, $500 here, $3,000 there, $600 here, $5,400 there, and $13,500 here make up the $23,000 total increase provided for in this measure; and if we keep on piling up the amounts in this way it will soon reach "only" $100,000 more. How lightly we are inclined to speak of these vast sums of money! It is a stultification, sir, of the party represented by a majority in this House to even submit a proposition looking to the further increase of the number of offices already provided by law and to add to the long list of office-holders, of which there is already too much complaint.

With more than one hundred thousand Federal officers it would seem, from the proposition before the House, that this vast army is to be still further increased. We have already created too many additional offices, and the time has come when a halt in this direction should be commanded. We can not afford such stultification. Let us rather ascertain what unnecessary offices there are, and, if any, lop them off. Let no proposition emanate from this side of the House to increase them. If the gentleman having this matter in charge can satisfy this House, or a majority of its members, that this proposed increase of salaries and the appointment of an assistant general superintendent of the railway mail service will essentially add to the efficiency of the public service, then there may be some reason for the urging of the passage of this bill.

Here are fifty-four clerks whose salaries it is proposed to increase $100 each per annum, besides their traveling expenses, not to exceed $3 per day. It strikes me that my friend from Georgia [Mr. BLOUNT] would lose his zeal for the passage of this bill if he knew the political complexion of the majority of these officers. I think I may safely venture to remark that out of the fifty-four there are scarcely ten who are of the same political party represented by this side of the House. I believe if he investigated the political character of the parties interested in this measure, outside of the general superintendent, he would find that a large majority of them are politically opposed to the party to which he belongs, and perhaps even the man whose office he is seeking to establish may come from the other side. These suggestions, however, should have no effect whatever upon the merits of this bill if the efficiency of the public service is involved, and if the gentleman championing it can convince the House that its passage would materially improve it.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, I do not know the political complexion of these fifty-four clerks.

Mr. SOWDEN. Neither do I.

Mr. BLOUNT. I do not know what is to be the political views of the gentlemen who may get the offices hereafter when the salaries shall be increased. I do not think, sir, that with a service as important as this the House should resolve itself into a political meeting and get off campaign speeches when the people are expecting wise legislation; and the man who undertakes to trifle with a service of this kind, belonging to this or any other of the great Departments of the Government, will find the people of the country have a higher idea than the mere squabbles around the ballot-box for office.

The gentleman from Pennsylvania [Mr. SOWDEN] undertook to portray the speech I had made and said it was summed in the declaration that it was only $23,000, and this after I had taken occasion to give the reason which had been furnished by the Postmaster-General and by his predecessor, each of whom, by reason of his eminent ability and experience, was entitled to greater consideration than the gentleman from Pennsylvania, who has given no attention or very little to the subject.

The gentleman is astonished to find that I should be willing to increase the expenditures of a service now $61,000,000, by the amount of $23,000, when most of it is to give per diem to clerks. Now, the gentleman from Pennsylvania is not the person, he has not the record in legislation in this House, to assail me as wanting in proper regard for public expenditure. He has served on the Committee on Public Buildings and Grounds, which has cost this Government more in that direction than has been expended by any Congress in the history of the country.

Mr. SOWDEN. The record will not show that or bear out the gentleman's statement.

Mr. BLOUNT. I will take the opportunity to demonstrate the fact at the proper time.

Mr. DINGLEY. And his particular building was not added to the expenditure. [Laughter.]

Mr. BLOUNT. No. The building at Allentown was so important it was absolutely necessary to override the veto of his own President. [Laughter.] If he wants to appeal to partisan views——

Mr. SOWDEN I am not like the gentleman. I do not appeal to partisan views.

Mr. BLOUNT. You made no partisan appeal when you said we were in the presence of a Presidential election, and it would not do.

The CHAIRMAN. The hour for the consideration of bills has expired.

The morning hour having expired for consideration of bills, the committee informally rose; and the Speaker having taken the chair, Mr. RICHARDSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4930) relating to railway mail service, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., and at other places therein named;

A bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell;

A bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office; and

A bill (H. R. 11101) to include Sapelo Sound, Sapelo River, and Sapelo Island in the Brunswick collection district, in the State of Georgia.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House take a recess until 4 o'clock this evening——

Mr. McMILLIN. Pending that I move that the House do now adjourn.

Mr. HOLMAN. I trust my friend will yield to me for a moment.

Mr. McMILLIN. I will hear the gentleman's statement, and withdraw the motion temporarily.

Mr. HOLMAN. My purpose in moving to take a recess until 4 o'clock was with a view that in case the conferees on the general deficiency bill make a report by that time it could be received and ordered to be printed in the RECORD so as to appear to-morrow morning. The same object, however, can be secured if unanimous consent is obtained now that the conclusion reached by the conferees, if they shall reach a conclusion to-day, may be printed in the RECORD of to-morrow morning.

Mr. McMILLIN. I think that is right.

Mr. HOPKINS, of Illinois. Mr. Speaker, there was an understanding, on this side of the House at least, that the bill called up by the gentleman from Georgia should have consideration to-day until it was concluded.

Mr. McMILLIN. No; that is a mistake.

Mr. BLOUNT. There was objection made to that request. The gentleman from Indiana objected.

The SPEAKER. The gentleman from Indiana now asks unanimous consent that if the conferees on the general deficiency bill come to a conclusion to-day the report may be handed in to the Clerk and ordered to be printed in the RECORD of to-morrow morning. Is there objection?

There was no objection, and it was so ordered.

Mr. McMILLIN. I move that the House do now adjourn.

Mr. CHEADLE. I rise to a question of personal privilege.

The SPEAKER. But the motion to adjourn is pending.

Mr. HOPKINS, of Illinois. I hope an adjournment will not be had in the face of such an important bill as that now pending.

Mr. McMILLIN. But that bill is not now pending. It is not before the House, the hour having expired.

The SPEAKER. The Committee on the Post-Office and Post-Roads will have another hour hereafter for the consideration of the bill.

The question being taken on the motion of Mr. McMILLIN, the House divided; and there were—ayes 46, noes 25.

So the motion was agreed to; and accordingly (at 1 o'clock and 27 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. C. H. ALLEN: A bill (H. R. 11519) granting a pension to Mary Ellen Burrill—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 11520) granting a pension to Julius L. Benson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11521) to pension James H. Sirrine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11522) to increase the pension of Thomas Foley—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 11523) for the relief of William A. Brown and Frederick R. Brown, Fred. R. Brown and John R. Brown—to the Committee on the Judiciary.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Patrick Carr, Company I, Thirtieth Massachusetts Volunteers, for relief—to the Committee on Military Affairs.

Also, petition of Mary Ellen Burrill, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. J. M. ALLEN: Petition for reference of sundry war claims to the Court of Claims—to the Committee on War Claims.

By Mr. BRUMM: Petition of John G. Dooley and some 200 others, citizens of Schuykill County, Pennsylvania, in favor of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. FORNEY: Petition of S. D. Warren, of De Kalb County, and of Thomas S. Winn, heir-at-law of Drucilla Winn, of Cherokee County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LANHAM: Petition of William H. Kelton, of Coryell County, Texas, for the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. J. O'NEILL: Petition for the relief of members of the Holland Horse of Missouri—to the Committee on Military Affairs.

By Mr. J. D. STEWART: Petition of Claudius P. Cassin, of Fulton County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. STONE, of Missouri: Petition of William W. Kennedy, of Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Petition relating to the suppression of trusts—to the Committee on Ways and Means.

By Mr. O. B. THOMAS: Papers in the case of William Miller, for relief—to the Committee on Military Affairs.

By Mr. A. C. THOMPSON: Petition of citizens of Jackson County, Ohio, to prevent the adulteration of food—to the Committee on Agriculture.

By Mr. WHITTHORNE: Petition of John D. Caron, for payment of his war claims—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September* 28, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. A. PRICE, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

GENERAL INDEX OF JOURNALS OF CONGRESS.

Mr. CARUTH, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Rules be hereby authorized to reappoint the person recently employed under the resolution of May 22, 1882, at the rate of compensation fixed by the said resolution, to assist in the preparation of a general index of the Journals of Congress under the resolution of June 18,1878, to be paid out of the contingent fund of the House until an appropriation shall be made.

CLAIMS ALLOWED BY ACCOUNTING OFFICERS, ETC.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting schedule of claims allowed by the accounting officers, the balances of which have been exhausted or carried to the surplus fund; which was referred to the Committee on Appropriations.

REFERENCE OF BILLS.

The SPEAKER laid before the House Senate amendments to bills of the House of the following titles; which were referred as follows, namely:

The bill (H. R. 6612) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes—to the Committee on Indian Affairs;

The bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes—to the Committee on Indian Affairs;

The bill (H. R. 7843) granting to the Citrous Water Company the right of way across the Papago Indian reservation in Maricopa County, Arizona—to the Committee on Indian Affairs; and

The bill (H. R. 7516) to increase the pension of Sylvester Stearnes—to the Committee on Invalid Pensions.

MARY F. PFEIFFER.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 4039) granting a pension to Mary F. Pfeiffer.

The SPEAKER. The Chair will state that this is merely a formal amendment of the Senate to insert the name of the company in which the soldier served.

Mr. HENDERSON, of Illinois. I ask the House to concur in the Senate amendment.

The Senate amendment was concurred in.

NANCY J. COTNER.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 10881) granting a pension to Nancy J. Cotner.

The SPEAKER. The Chair will state that in this case the amendment is also merely formal, to strike out "E" and insert "C;" and if there be no objection the amendment will be concurred in.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate agreed to the report of the conference committee on the disagreeing votes of the two Houses on the amendment of the Senate numbered 110 to the sundry civil appropriation bill.

SUFFERERS BY YELLOW FEVER.

The SPEAKER also laid before the House the joint resolution (S. R. 110) in aid of sufferers from yellow fever, with House amendments disagreed to by the Senate.

The SPEAKER. If there be no objection, the House will insist upon its amendment, and agree to the conference asked by the Senate.

There was no objection, and it was so ordered.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House Senate bills; which were severally read twice, and referred as follows, namely:

The bill (S. 3438) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin, as United States district judge for the district of Nevada—to the Committee on Claims.

The bill (S. 1839) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan—to the Committee on Claims.

The bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers—to the Committee on Commerce.

The bill (S. 3427) to amend section 4474 of the Revised Statutes of the United States—to the Committee on Commerce.

The bill (S. 3124) creating three additional land offices in the State of Colorado—to the Committee on the Public Lands.

The SPEAKER also laid before the House the bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico.

Mr. HOLMAN. I ask unanimous consent that this bill, the title of which has just been read, be allowed to remain on the Speaker's table for the present.

The SPEAKER. Without objection that order will be made.

There was no objection.

BOUNDARY LINE, CONNECTICUT AND RHODE ISLAND.

The SPEAKER also laid before the House the bill (S. 3098) concerning the settlement of the boundary line between Connecticut and Rhode Island.

Mr. RUSSELL, of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read.

Mr. HOLMAN. I wish to inquire whether this has been considered by the Committee on Foreign Affairs?

Mr. RUSSELL, of Connecticut. A similar bill was introduced in the House and referred to the Judiciary Committee. A subcommittee have considered it.

Mr. ROGERS. As is well known, Mr. Speaker, it is almost impossible to procure a quorum of any committee now. Something like a week ago this bill was referred to a subcommittee of the Committee on the Judiciary, of which I have the honor to be chairman, and I have personally given it the best consideration I could. I think there is no sort of doubt, if we could get the committee together in order to submit it, it would receive the unanimous indorsement of the committee.

It is to ratify an agreement between the two States named, they having agreed upon the line, and all interests affecting the United States are properly preserved, I think. Under the Constitution, however, the assent of Congress must be given before the agreement between the

States would be valid. This bill looks to giving the assent of Congress to this agreement between the States, and I think there is no objection whatever to it.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. RUSSELL, of Connecticut, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS REFERRED.

The SPEAKER laid before the House bills of the following titles; which were severally read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed:

A bill (S. 704) granting a pension to Thomas Redmond, late private Company K, Fourth United States Infantry;

A bill (S. 1598) granting to Truman A. Morton a pension of $24 a month;

A bill (S. 2363) for the relief of John W. Combs;

A bill (S. 2374) for the relief of David Gray Purman;

A bill (S. 2623) granting an increase of pension to James Patterson;

A bill (S. 3104) granting an increase of pension to Albert H. Smith;

A bill (S. 3387) granting a pension to Charles S. Hamilton;

A bill (S. 3397) granting an increase of pension to Caroline M. McDougal;

A bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan;

A bill (S. 3428) granting a pension to Mary C. Thompson;

A bill (S. 3429) granting a pension to Maria N. Abbey;

A bill (S. 3435) granting a pension to J. C. Haworth;

A bill (S. 3453) granting an increase of pension to Alfred T. McKinsey;

A bill (S. 3456) granting a pension to David O. Sanborn;

A bill (S. 3457) granting a pension to Abigail Farley;

A bill (S. 3462) granting a pension to John Watson;

A bill (S. 3477) granting a pension to Minerva Griffith;

A bill (S. 3479) granting a pension to Sarah J. Powers;

A bill (S. 3492) granting a pension to John Parkinson;

A bill (S. 3502) granting a pension to Juliana Roitsch;

A bill (S. 3513) granting pensions to Powell's Battalion of Missouri Mounted Volunteers; and

A bill (S. 3540) granting a pension to Mary P. Myers.

COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House the following Senate concurrent resolution:

IN THE SENATE OF THE UNITED STATES, *September* 25, 1888.

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 5,000 additional copies of the report of the Superintendent of the United States Coast and Geodetic Survey, with the usual necessary progress sketches and illustrations, showing the progress made in said surveys during the year ending June 30, 1887, 1,000 copies of which shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 for distribution by said Superintendent.

Mr. RICHARDSON. I ask to have that resolution considered now.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RICHARDSON. I move that the House resolution on the same subject lie on the table.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

REPORT OF COMMISSIONER OF EDUCATION.

The SPEAKER also laid before the House the following concurrent resolution; which was referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *September* 25, 1888.

Resolved by the Senate of the United States (the House of Representatives concurring), That of the report of the Commissioner of Education for 1887–'88 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 for distribution by the Commissioner.

CHANGE OF CONFEREE.

The Chair will announce as conferee on the disagreeing votes of the two Houses on the bill (H. R. 8074) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, the gentleman from Arkansas [Mr. PEEL] in lieu of the gentleman from Alabama [Mr. COBB], who desires to leave the city.

YELLOW FEVER.

The SPEAKER. The Chair will appoint as conferees on the part of the House on the disagreeing votes of the two Houses on the joint resolution (S. R. 110) to aid the sufferers from yellow fever, the gentleman from Missouri [Mr. BURNES], the gentleman from Georgia [Mr. CLEMENTS], and the gentleman from Kansas [Mr. RYAN].

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ANDERSON, of Kansas, indefinitely, on account of important business.

To Mr. WHITE, of Indiana, indefinitely, on account of important business; and

To Mr. GROUT, indefinitely, on account of important business.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7410) for the relief of settlers upon Old Camp Sheridan military reservation; and

A bill (H. R. 10060) prescribing the time for sales and for notice of sales of property in the District of Columbia for overdue taxes.

ADJOURNMENT OVER.

Mr. HOOKER was recognized.

Mr. HOOKER. I yield to the gentleman from Kentucky to make a formal motion.

Mr. BRECKINRIDGE, of Kentucky. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. HOLMAN. I hope that will not be done unless the gentleman having charge of the deficiency bill——

Mr. BRECKINRIDGE, of Kentucky. I have already consulted the chairman of the committee having in charge the general deficiency bill, and he informs me that the conference report is to go to the Senate before it can be acted on here, and as the Senate adjourned over from yesterday until Monday, it can not be considered until that day.

Mr. O'NEILL, of Pennsylvania. I move to insert Tuesday instead of Monday.

The amendment was rejected.

The question was put on the motion of Mr. BRECKINRIDGE, of Kentucky, when the Speaker announced that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Kentucky. Division.

The House divided; and there were—ayes 67, noes 25.

So the motion was agreed to.

MATTIE S. WHITNEY.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent that the Committee on War Claims be discharged from the further consideration of Senate bill No. 2185 for the payment of a judgment of the Court of Claims in favor of Mattie S. Whitney, administratrix of Franklin S. Whitney, deceased. I understand that the bill has been reported unanimously from the committee.

The SPEAKER. The bill will be read, subject to the right to object.

Mr. STONE, of Kentucky. It is a Senate bill, and the Committee on War Claims have considered it and reported it favorably.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Mattie S. Whitney, as administratrix of the estate of Franklin S. Whitney, deceased, the sum of $22,224, in full satisfaction of her claim against the United States, for supplies furnished to the Army and Navy of the United States, the same being the amount found to be due her by the Court of Claims.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. HOOKER]?

Mr. HOLMAN. I desire to have the report read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the petition of Mattie S. Whitney, administratrix of Franklin S. Whitney, deceased, asking payment for supplies and stores furnished the United States Army, have had the same under consideration, and finding all the facts set forth in the report made to the Senate, this Congress, by the Committee on Claims of the Senate, adopt the same as their report, and report an original bill to carry out the views of this committee.

[Senate Report No. 414, Fiftieth Congress, first session.]

In the Forty-eighth Congress, at its first session, a bill (S. 1592) was introduced by Mr. MILLER, of New York, entitled "A bill for the relief of Franklin S. Whitney." In the bill the Secretary of the Treasury was authorized and required to pay to Mattie S. Whitney, of New York, as administratrix of the estate of Franklin S. Whitney, deceased, the sum of $70,914.18 with interest from January 1, 1865, and to her individually the sum of $12,875, in full "for supplies furnished to the Army and Navy of the United States."

The bill was referred to the Committee on Claims, and at the next session of the same Congress the committee referred the whole matter to the Court of Claims, in accordance with the provisions of the first section of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, known as "the Bowman act."

The purpose of this reference was to find the facts in the case and report the same for such further action as Congress might see fit to take in the premises.

The papers were accordingly transmitted to the court, and the claimant and the United States were both represented in the presentation of the case. On a preliminary inquiry, on the 20th day of December, 1886, it was found by the courts that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government during the late war. This inquiry was made under section 4 of the said act, and such affirmative finding was necessary to give to the court jurisdiction of the cause.

The case was brought to a hearing on its merits on the 19th and 20th days of December, 1887, with the following results:

The claimant submitted a bill of particulars under thirty-nine items, aggregating in value the sum of $70,914.18.

The court rejected all the items which related to the use and occupation of the real property of Mr. Whitney by any part of the military and naval forces of the United States during the war, and to such losses as resulted from the destruction of property by the Army or Navy, or by the depredations of individuals, such items being expressly excluded from its jurisdiction by the third section of the act of March 3, 1883. These items so excluded amounted to $18,615.25, and left $52,298.93 as the value of the other items, according to the prices fixed by the claimant.

The court found that all the property included in the other items was taken from Mr. Whitney for the use of the Army and Navy, and the only other matter remaining to be determined was the value of the property so taken.

In reaching this determination the court has very largely reduced the values as fixed by the claimant, and the result suggests that the interests of the Government have been most carefully guarded and protected, and that the court has fixed a minimum value upon the articles taken by the Government for the purpose of the prosecution of the war.

The amount thus found is $22,224, and the court, in accordance with the law, transmitted a certified copy of the results reached to this body January 25, 1888. They were printed in Miscellaneous Document No. 41, and referred to this committee, and it is necessary to recommend what further action, if any, should be taken. Without attempting to mark out a general line of action applicable to all cases of this class, the committee will deal with this upon its merits, and make such recommendations as, in their opinion, is proper under the circumstances that now exist.

Congress having selected its own tribunal to ascertain and determine the facts in the case, and that tribunal having acted after examination in open court, at which the Government was represented by its own chosen counsel, we must accept its findings as correct, in the absence of any reason for reviewing them.

The present claimant and her late husband, who were residents of the State of Mississippi during the late war, in the very region which was the scene of active military operations, notwithstanding the excitement and the natural influences which would have drawn them in a different direction, stood by the Union in its hour of peril and danger. Their property was used to carry on the war; houses were torn down to bridge the Big Black; some of their cotton was used to build fortifications, some to make mattresses for hospital purposes; their plantation was used for pasturage, and the growing crops were destroyed; the quartermasters took their horses, mules, wagons, carts, and carriages, their corn and fodder, and every other article that was needed for use in that department; the commissaries took everything that was available for subsistence; the medical department stripped their home of everything that could be used for hospital purposes; and in August, 1863, the family was left in so necessitous a condition that General Grant, who was in command of the department and knew of their circumstances, ordered thirty days' rations to be issued to Mrs. Whitney and another lady similarly situated; and he speaks of them in his order as "having been left destitute by our troops taking nearly everything they had, in their march through Port Gibson."

But under the law the claimant is entitled to no recompense for a large portion of these losses, and the court dismissed them from consideration. It fixed the value of the items which it had jurisdiction over, but had no authority to allow the interest which was claimed and which in amount exceeded the principal.

A just and valid claim then exists, according to the findings of our own court, in favor of this lady, in her capacity as administratrix, to the amount of $22,224, and the Government has delayed its payment for nearly a quarter of a century, and the results reached appear to be supported by the facts of the case and the law applicable thereto.

The purpose of the Bowman act was to do justice to certain classes of creditors and claimants.

It left to Congress the power to determine whether or not the amount found to be due should be paid. But if the findings, unchallenged as they are, mean anything, they settle the amount that is justly due, the amount that should be paid if anything is paid, and no reason appears in the records, nor has any been brought to the attention of the committee, why the result reached should be reopened, either for the benefit of the claimant or the Government.

The only question that remains is whether it is a judicious and wise policy for Congress to pay just and valid claims of this class.

The Bowman act seems to have been framed to facilitate the settlement and payment of such claims. Why ascertain the amount, the meritorious nature of the claim, and the attitude of the claimant towards the Government during the war if it were not the intention, generally, to pay such claims?

But the right to reverse this policy was reserved; the right to deal with exceptional cases was reserved, and Congress has the power to set aside or disregard the findings in any case in furtherance of justice and right. But this appears to be a meritorious case; no facts appear in the record to exclude it from favorable consideration; the claimant has gone to the expense of a trial before the Court of Claims at our own request, and no argument has been presented for a change of the policy of the Government, which has been followed ever since the war in similar cases.

This policy has been that property taken from citizens who stood by the Union, for the purpose of maintaining the Army and Navy and carrying on military and naval operations during the war, should be paid for. It is just and right that it should be. And as the claimant is within the limitation of the law as to diligence, the long delay is not to be attributed to her, and it affords an additional reason why prompt and speedy relief should now be afforded.

We therefore recommend that the findings of the Court of Claims in this case be carried out by the passage of the bill which we herewith submit, and which is in harmony with the conclusion reached by the court.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi that the Committee on War Claims be discharged from the further consideration of this bill and that it be put upon its passage?

Mr. HOLMAN. I do not rise to object to the consideration of the bill, but I shall ask for a vote upon it. The gentleman who drew that report carefully avoided setting forth the findings of the Court of Claims in the language of the court. That is avoided all the way through. The report is argumentative, but it leaves us uninformed as to the exact terms of the finding of the court. It would have been much better, I think, to have set out that finding as it was made by the court. The report speaks about a judgment. Now there was no judgment, and could not be any. There was a simple finding, and it ought to have been set forth in the terms in which it was pronounced by the court. Therefore, while I do not object to the consideration of the bill, I repeat that I shall ask for a vote upon it.

Mr. STONE, of Kentucky. Mr. Speaker, I do not desire to make any response to the gentleman from Indiana except to say that the printed findings of the Court of Claims can easily be had. Heretofore when bills of this kind have been under consideration in the House objection has been made because they were not accompanied by written reports, but simply set forth the findings of the court; and now in this case, when there is a written report but the findings of the Court of Claims happen not to be set forth, that is objected to.

Mr. HOLMAN. I am not objecting to the report. My objection is to the failure to set out the finding in the language of the court.

The SPEAKER. The question is upon ordering this bill to a third reading.

Mr. HOPKINS, of Illinois. If the bill is to be considered now I desire a little time to discuss it.

The SPEAKER. The bill is open to debate.

Mr. HOPKINS, of Illinois. I have before me a digest of the evidence taken by the Southern Claims Commission, from which I find that this claim which is brought in here in the manner indicated by the report just read was submitted to that commission, that an exhaustive hearing was given to the claim, and that evidence was taken as to the loyalty of the party, as to the character of the claimant, and as to the amount claimed against the Government of the United States. When that evidence was taken on the part of the United States as to the loyalty of the claimant and of her deceased husband, full opportunity was given claimant to produce all witnesses he chose to establish his loyalty during the war; and after a full hearing the commission decided against the claim because this Mr. Whitney was disloyal to the Government of the United States, and was in favor of the Confederate government. In order to show the character of the proof that was submitted to the commission, I will read a few sentences from the testimony of William Baker. Now, mark, this William Baker was overseer for Mr. Whitney from January, 1860, until the end of September, 1861, and, at intervals, during the ensuing fall and winter, and he lived and boarded at Whitney's house. I desire to call the attention of gentlemen who are so anxious to reject all claims that are not meritorious to the testimony of this witness. He says:

Mr. Whitney was very anxious for me to join the Confederate army. He seemed to be very jubilant when the Confederate victories were reported. I recollect distinctly about his rejoicing over the Confederate success at Bull Run. He told me he thought it was every man's duty to go into the Confederate army. I had frequent conversations with him up to September, 1861. His general expressions were always in favor of the Confederacy. He was very liberal in contributing and assisting the Confederates, in raising means to give dinners for the companies raised in this county for the war.

That is the evidence of the overseer of Mr. Whitney. The report of the commission says:

The witness went to the war in March, 1862, and returned in July, 1863, and staid about four months. "At this time," witness says, "I visited Mr. Whitney. There was no one with him except his little son and two servants. His wife was absent from home. He seemed to be very despondent at this time, but still expressed himself in favor of the Confederacy."

Now, this is a fair illustration of a number of these claims which have been submitted to the Court of Claims.

Mr. HOLMAN. As I understand the gentleman, this claim was before the Southern Claims Commission?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. HOLMAN. And rejected?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. HOLMAN. That does not appear in the report made to the House.

Mr. HOPKINS, of Illinois. Not at all. The finding of the commission is that—

The claim is disallowed upon the ground that the loyalty of F. S. Whitney is not satisfactorily proved.

After going over the entire evidence of these witnesses who knew Mr. Whitney and knew upon which side his sympathies and influences and actions were, the commission disallowed the claim.

Mr. Speaker, I had occasion a few weeks ago in the discussion of one of these claims to refer to the Court of Claims and the apparently easy manner in which these Southern war claims passed that court. I do not understand what cause could have produced a report of the kind presented to us this morning with the statement that the Court of Claims had found the claimant loyal, whether the fault was in the attorney who had charge of the interests of the Government or whether there was some other reason. Certainly we have here in the report of the commission a compilation of the evidence of witness after witness showing the disloyalty of this man Whitney, and that his claim should not be allowed. If we can rely at all upon the finding of the commission as reported here, this is a thoroughly rotten claim—one which ought not only to be voted down here, but denounced. I am not going to take up time in a discussion of this case, but I say that a claim of this kind ought not to have any standing in this House or before the country.

Mr. HOOKER. Mr. Speaker, I did not introduce this bill, but it has received the unanimous approval of the Committee on War Claims. A full and complete answer to everything that has been said by the gentleman from Illinois [Mr. HOPKINS] is to be found in the fact that the Court of Claims, to whom this case was referred under the Bowman act, went into a preliminary investigation to determine the question whether this person was loyal or not, and they have found he was

loyal. That finding of the court has been presented here, referred to the Committee on War Claims, and reported back to the House.

The question of the claimant's loyalty was a jurisdictional question; the party had to establish his loyalty before he could ask any consideration of his claim from the court. It was a question precedent to the adjudication of his right to the amount of money claimed, and the court find that the claimant was loyal. This is a full answer, Mr. Speaker, to anything which may have been said or done by any specific witness before the Southern Claims Commission. It is very well understood, Mr. Speaker, that the Southern Claims Commission had a method——

Mr. KERR. Has the gentleman in his possession anything showing that any evidence on this question of loyalty was before the court?

Mr. HOOKER. Undoubtedly there must have been evidence on that subject before the court, because this committee reports the fact that the Court of Claims had decided that question of loyalty before going into the investigation of the merits of the claim. If the gentleman had listened to the reading of the report he would have heard that.

Mr. KERR. That is simply a conclusion——

Mr. HOOKER. It is not a conclusion, but a fact.

Mr. KERR. I wish to know whether the court heard witnesses on that point?

Mr. HOOKER. Undoubtedly; otherwise the court could not have passed on the question.

Mr. KERR. I do not know about that.

Mr. HOOKER. Well, I do know. They say they have investigated the question of loyalty; the report so states in express terms. Undoubtedly that question was before the court. Now, with respect to the Southern Claims Commission——

Mr. HOPKINS, of Illinois. The court can examine only such evidence as is submitted to it; and the point I make is that we ought to know something as to the management of this case by the attorney who represented the Government—whether there was a full and fair investigation of this subject of loyalty. The court must base its finding upon the evidence as submitted. The report of this commission, which I hold in my hand, gives the names of witnesses examined before the commission; and it does not appear that the Government submitted the evidence of those witnesses to the court.

Mr. HOOKER. I want to say this, that the investigations by the Southern Claims Commission are well understood to have been often *ex parte* in their proceedings, and that commission frequently sent out its agents to take the depositions of persons where no notice was given to the claimant, and the *ex parte* testimony was set up to militate against the claims of parties. There is no evidence whatever that Mr. Whitney was aware of this testimony on the part of the man Baker, who was examined before the commission. It was done without his knowledge; he had no opportunity of being present to examine and cross-examine him, and hence it should have little weight in determining the question of the claimant's loyalty. Here is, however, the finding of the court duly constituted, composed of five learned judges, who had the matter referred to them under the provisions of the Bowman act, and who, before they could take cognizance of it at all, had to ascertain and determine the question of loyalty, that being a jurisdictional question. They found that the party was loyal; and I will state that there never has been a case presented to Congress which has been more thoroughly, fully, and efficiently investigated than this case.

It will be seen that a large portion of the claim, as shown by the report (that for the occupancy of the lands, the removal of the houses or their destruction, to be used for officers' quarters, barracks, etc.), has been eliminated already from the account. All the objectionable features of the case are eliminated from the claim; and the court find only that the provisions to feed the soldiers of the Army and the Navy of the United States were taken from the party to the amount specified, reducing the whole claim to only about one-fourth of the original amount. It does seem to me, therefore, that we must give some credit to a court and to the findings of a court composed of able, conscientious, and intelligent men, whose duty requires them to investigate the very question which the gentleman from Illinois now raises, and who are sworn to administer the law. This court, composed of men of ability, a legally constituted tribunal, has passed upon the question, and they are not likely to make a report here which is not founded in fact. The case, it seems to me, is so clearly presented in their report that it is not necessary to take up the time of the House longer with it, and I hope we will have a vote.

Mr. HOPKINS, of Illinois. Mr. Speaker, I desire to say, in answer to what has been urged by the gentleman from Mississippi, that this claimant had no day in court, and no opportunity of being present or being represented in court to examine and cross-examine witnesses; that the report shows he had full knowledge of the fact of the commission taking proof on his claim and produced his witnesses to establish his loyalty; and it shows the singular fact that the only person produced to establish that loyalty was his wife, Mrs. Whitney; while the representatives of the Government, when they came to interpose their evidence before the commission, introduced the mother-in-law of Mr. Whitney, whose evidence is set out briefly in the report of the commission, and I will read it.

Mrs. Jane N. Sims, the mother-in-law of Mr. Whitney, was examined, and she says:

I had always supposed and understood that Mr. Whitney favored the Confederacy. All his relatives were upon that side, and it would have seemed unnatural if he had done otherwise.

Mr. Cox, a neighbor who lived about 2 miles from him, stated in his testimony before the commission:

I think he was in favor of the Confederate government, as he notified me in the fall of 1862 or the spring of 1863 to report to Colonel Patterson at Port Gibson for service in the Confederate army. People generally thought he was a Confederate.

Now, the gentleman says there was a fair and full hearing before the Court of Claims. That, Mr. Speaker, is simply a gratuitous statement of the gentleman from Mississippi, because there is no evidence before the House that there was any such hearing, and the very fact that the report fails to make any reference to the Southern Claims Commission having examined and found against it is proof to my mind, and it seems to me must be to every disinterested man, that there was not a full and a fair hearing before the court. Because certainly the court composed of men learned in the law and of such high character could not have found, as the report of the War Claims Committee states, if this evidence had been placed before them. I say, therefore, that there is something wrong in this claim, and that there ought to be an investigation full and clear before it is rushed through the House.

I do not care, however, for the purpose of this question this morning, what may have been the finding of the Court of Claims. It is not binding upon the members of this House. We have the evidence before us that this man was as disloyal as any man who served in the Confederate army; that he sympathized with the Confederate army, and when the Union forces were routed at Bull Run gloried over the Federal defeat. When such evidence as that is before the House no man can say that there is no evidence against the claimant's loyalty, while upon the contrary there is a wealth of proof which should not be ignored and which shows affirmatively the fact that he was a disloyal man and a sympathizer with the enemies of the Union.

Mr. STONE, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. HOPKINS, of Illinois. Certainly.

Mr. STONE, of Kentucky. Will you please indicate the names of the witnesses?

Mr. HOPKINS, of Illinois. Certainly. The names are set out in the report of the commission. William Baker, J. W. Cox, William A. Goodrum, Mrs. Jane N. Sims, Charles W. Whitney, a brother of the deceased; Mrs. F. K. Whitney, a sister-in-law, who says—and I will read her evidence for the delectation of the gentleman from Kentucky.

Mr. STONE, of Kentucky. All right; let us have it.

Mr. HOPKINS, of Illinois. It seems that she lived within 2½ miles of Whitney. She testifies that she met Mrs. Whitney, the claimant, frequently at a sewing society to make clothing for the Confederate soldiers; that she talked in favor of the South and—

aided the soldiers of the Confederacy by contributions and sewing for them.

Further she says:

Whitney was regarded as a Confederate.

Mr. STONE, of Kentucky. Are you through?

Mr. HOPKINS, of Illinois. There are others.

Mr. STONE, of Kentucky. I ask you the character of these people and their standing.

Mr. HOPKINS, of Illinois. Well, I think the character of witnesses ought not to be questioned when we go into the family of the complainant.

Mr. STONE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from New York [Mr. BACON] is recognized.

Mr. BACON. Mr. Chairman, it seems to me that the different findings between this Southern Claims Commission and the Court of Claims in regard to this demand produce such doubt that it would not be proper that this bill should pass at this time unless the passage of it shall call out a vote of at least a quorum of this House and that a majority of such quorum are in favor of it. I desire to say to the gentleman from Mississippi [Mr. HOOKER] that if it comes to that point, I shall feel it my duty to demand that a quorum vote upon this bill before it be permitted to pass.

Mr. STONE, of Kentucky. Of course if that is the intention of the gentleman he can carry it out, but I want to say in answer to the gentleman from Illinois [Mr. HOPKINS] that if Mrs. Whitney's claim is to be voted down upon the idea that she at any time gave relief to Confederate soldiers, you can find many people in the North who were regarded as loyal who gave relief to Confederate soldiers.

Mr. HOPKINS, of Illinois. You are dodging the issue. This is part of the evidence submitted.

Mr. STONE, of Kentucky. I am not dodging the issue. I am going right to it. The gentleman has read the names of persons who have testified to the disloyalty of these people. Now, I want to give

you a little testimony of those who have testified to their loyalty, and their names are not unknown in this country.

I read from them now:

HEADQUARTERS OF THE ARMY OF THE UNITED STATES,
Washington, D. C., August 12, 1873.

MY DEAR FRIEND: I am really glad that you have gone to Rome, and hope you will not regard me as trespassing on your quietude if I occasionally call on you for politeness to friends who insist on seeing Rome before they die.

One such case is now present, a Mrs. M. S. Whitney, formerly of Mississippi, but now in New York. She is an accomplished lady, a widow, formerly owning a vast estate, now somewhat impoverished by the war. She was very patriotic during the war, and the fact is evidenced by General Grant and others, whose armies passed rough-shod over her estate.

Any politeness shown her will, I am sure, be appreciated.

Truly your friend,

W. T. SHERMAN, *General.*

PAUL DAHLGREN, Esq.,
Rome, Italy.

NAVY DEPARTMENT, OFFICE OF DETAIL,
Washington, D. C., August 11, 1865.

I certify that Mrs. Mattie Whitney is a resident of Grand Gulf, Claiborne County, Mississippi, and has resided there during the war. To the best of my knowledge and belief she is a loyal lady.

DAVID C. PORTER,
Rear-Admiral, United States Navy,

NATCHEZ, *September* 21.

I knew F. W. (meaning Mr.) Whitney from his boyhood, and his parents before him. He was from first to last a Union man. He informed me of his sentiments the last time I ever saw him, which was soon after this State seceded. During the war I accidentally saw a list of certain natives of Mississippi who were "proscribed," and to be dealt with or expelled, and his name headed the list in the county of Claiborne.

In haste, yours,

J. F. H. CLAIBORNE.

E. P. WHEELER, Esq.,
Counsellor at law, New York.

In an indorsement of a letter dated Washington, D. C., 1879, to the honorable Secretary of the Treasury of the United States, I find these words:

I hope the Department will thoroughly investigate this claim, and if just, as I think it is, pay it.

H. L. DAWES.

So do I.

J. A. GARFIELD, *Ohio.*

HEADQUARTERS, OFFICE OF THE PROVOST-MARSHAL-GENERAL,
May 6, 1863.

Officers of the United States Army:

You are hereby ordered, as are also all soldiers, to refrain from taking any property, but render any assistance the bearer of this (Mr. Whitney) may need in protecting his property, he being a non-combatant and not subject to the confiscation act.

By command of Maj. Gen. U. S. Grant.

W. S. HILLYER,
Provost-Marshal-General.
JAMES SHERLOCK,
Assistant Provost-Marshal-General.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Vicksburg, Miss., August 23, 1863.

Captain ——, C. S., will issue to Mrs. Whitney and Mrs. Shelby, of Port Gibson, of Mississippi, thirty days' rations, they having been left destitute by our troops taking everything they had in their march through Port Gibson.

By order of Maj. Gen. U. S. Grant.

JOHN A. RAWLINS,
Assistant Adjutant-General.

And so it is shown that the officers of the Government recognized the loyalty of these people.

Mr. HOOKER. And that while war was flagrant.

Mr. STONE, of Kentucky. I care nothing about the case. I was disloyal at that time, and I have no interest in advocating specially the payment of this claim; but after this claim has been referred to the Court of Cairns and the Court of Claims have passed upon it by a set of judges whose Republicanism is so dark that Egyptian darkness would shine by the side of it, after they have acted upon it favorably, after it has been unanimously voted for on a report made by a Republican Senator, and after it comes to this House, I think it comes with exceeding poor grace for a gentleman who is poorly informed on the claim to get up here and denounce it as rotten, thereby impeaching not only the integrity of the court, but impeaching the general officers of the United States Army, impeaching the Senate of the United States, impeaching the committees of the Senate of the United States, and also impeaching the integrity and candor of the committees of this House.

Mr. HOPKINS, of Illinois. The Southern Claims Commission had before it the evidence of General Sherman and of several other generals; but if gentlemen have paid close attention to the statement of General Sherman they have noticed that it is limited to Mrs. Whitney, and the commission state that there is not a word in the evidence of General Sherman with regard to the loyalty of Mr. Whitney. As to the other witnesses referred to by the gentleman from Kentucky it will appear upon an examination of their testimony that their knowledge of these parties was limited to a few months, and that that knowledge came chiefly through Mrs. Whitney. It seems that when the Federal forces occupied a position near the Whitney plantation, Mrs. Whitney, who was a good deal of a diplomat, cultivated friendly relations with them and tried to have the commanding officers believe that she and her husband were loyal. The object of that is of course apparent to everybody; but the evidence which I have submitted, and which is contained in the records of the Southern Claims Commission, is not the evidence of persons whose knowledge was limited to two weeks or two months, is not knowledge obtained from casual conversations with one of these parties at a time when it was to her interest to pretend to be loyal, but is the evidence of the neighbors, friends, and relatives, and of the overseer of Mr. Whitney.

The first witness whose testimony I called the attention of the House to this morning was the overseer, a man who himself served in the Confederate army and who went back and spent some months with Whitney after that, and it shows that during all the early period of the war Whitney was as intensely Confederate as any man who served in the Confederate army. In addition to the witnesses I have already cited, I desire to call attention to the evidence of the Rev. H. M. Booth, whose calling ought to give him consideration with the members of this House, and what adds additional force to his testimony is that he was a brother-in-law of Whitney. If this were a case in court would not his evidence carry more weight, from his long and intimate knowledge of Whitney, than the evidence of General Sherman, or any other general, who simply states that he met Mrs. Whitney on several occasions, and that she seemed to be loyal and patriotic? Ought not his testimony to have more weight with gentlemen here than the testimony of any general whose knowledge of these parties was limited to so short a period of time as General Sherman's was?

Now, what does Mr. Booth say? Remember he was a brother-in-law of Whitney, and was examined at the request of the claimant. He was not a witness brought forward on the part of the Government, but, the commission say, he was called on the part of the claimant. He testified that he lived within a quarter of a mile of Whitney during the war, and that their lands adjoined. He saw Whitney frequently during the war, and he says that Whitney—

was at that time as much Confederate as any man living in the country. I never knew anything to indicate that he was favorable to the Federal Army, neither I nor any one else.

Now, if Whitney had been an outspoken man who was favorable to the Federal cause, would not this witness have known it?

Mr. WHEELER. Does that witness say that no one else knew it?

Mr. HOPKINS, of Illinois. I will read his exact language again: "neither I nor any one else."

Mr. WHEELER. A man who would speak so carelessly in giving his testimony should not be quoted to defeat a claim which is proven to be just by unimpeached and reasonable evidence. How could he know what other people knew or did not know? If I were in the place of the gentleman from Illinois I would take another witness. [Laughter.]

Mr. HOPKINS, of Illinois. That may be the gentleman's manner of determining the character and value of evidence, but if he had had a little more training in court and less upon the "tented field," he would be better capable of judging of the weight of the testimony I am reading. This witness further says:

I regarded him as being in sympathy with the Confederate cause. I never doubted his loyalty to the South. If he had been in favor of the success of the Federal cause, I think I should have known it.

Here is a witness whose farm joined the claimant's, and who was Mr. Whitney's brother-in-law, a witness who was brought before the Southern Claims Commission on behalf of this claim, but who was too honest to perjure himself for the benefit of this claimant, in order to enable her to mulct the United States Government.

Another witness is Mrs. E. W. Booth. She was the sister of Mr. Whitney, and lived within a quarter of a mile of him during the war. She testifies:

I suppose he was in sympathy with the South; his acts and language led me to that conclusion. I have no reason to doubt his loyalty to the Southern Confederacy.

That is the testimony of Mr. Whitney's own sister.

Now, Mr. Speaker, without taking up further time, I say that no claim of this kind will ever pass this House while I am a member without my protest and my vote against it.

Mr. HOOKER. A word in reply to what has fallen from the gentleman from Illinois [Mr. HOPKINS]. It will be observed that in the findings of the Southern Claims Commission they say that the loyalty of the claimant is not fully and satisfactorily established; but it will be remembered that the Court of Claims had to investigate this very question before they could take cognizance of the claim. They did investigate it, and many of the witnesses who have been named here—all of them who were living—were examined before the court, and other evidence was offered of incidents which had occurred during the war and since the war, all showing that Mr. Whitney was a non-competent, that he did not go into the service, that he was not subject to military duty, and that he was loyal to the Government. Now will this House accept the mere inference of the Southern Claims Commission in preference to the solemn judgment of five judges to whom Congress had referred this question? If the gentleman from Illinois [Mr. HOPKINS] is right in the position he takes, we can go behind every finding of the Court of Claims; every judgment of that court will be a nullity if it can be set aside upon such grounds, especially upon the

finding of the Southern Claims Commission, which notoriously took its evidence *ex parte* upon many occasions.

Now, sir, I think this case has been fully discussed; I think the House understands it, and I call for the previous question.

The question was taken on ordering the previous question; and there were—ayes 38, noes 7.

Mr. BACON. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from New York [Mr. BACON] and the gentleman from Mississippi [Mr. HOOKER].

Mr. LANHAM. I hope the gentleman from Mississippi [Mr. HOOKER] will withdraw this bill, because there is no quorum present, and if he insists it will interfere with the remainder of the business for the day.

Mr. HOOKER. I think we can get a quorum; let us try, at any rate.

The House again divided; and the tellers reported—ayes 46, noes 2.

Mr. BACON. No quorum.

Mr. HOOKER. The point of "no quorum" having been made, and the gentleman from New York [Mr. BACON] having advised me that it is his purpose to insist upon it, the point, I do not feel disposed to block the progress of other matters which may be permitted to pass to-day without a quorum. There is no quorum in the city, as I understand; hence I feel disposed, though very reluctantly, to withdraw this bill for the present.

The SPEAKER. The gentleman withdraws his request for the present consideration of the bill.

ALLEGED CORRUPTION IN REGARD TO LIBRARY MATERIALS, ETC.

Mr. RICE submitted a privileged report; which was read, as follows:

Report of special committee appointed to inquire into whether any member of the House has sought to influence or control the action of the architect of the new Library building in the selection, etc., of materials to be used in the construction of said building.

The special committee appointed in pursuance of a resolution of the House of Representatives of the 4th of September, instant, which directed said committee to inquire into and report whether any member of the House, acting for himself or in concert and combination with others, has sought by persuasion, intimidation, or other corrupt and improper means to influence or control the action of Mr. J. L. Smithmeyer, the architect of the new Library building, in the selection, acceptance, or approval of inferior or improper materials to be used in the construction of said building, and the further resolution of the House of Representatives of September 17, directing the said committee to inquire into and report to the House whether any member of the House, acting for himself or others, or in connection with any person acting for or in the interest of others and with the knowledge of any member, or acting for or with the knowledge and in the interest of any company, person, or individual with whom any member of the House is interested or associated in any business, directly or indirectly, has sought by persuasion, intimidation, or any undue or improper influence to direct or control or influence the action of Mr. J. L. Smithmeyer, the architect of said building, in the selection or acceptance, or in procuring to be selected or accepted, material to be used in the construction or in the management or control of said building, beg leave to report that they have had the same under consideration; that charges were placed before the committee against Hon. WILLIAM G. STAHLNECKER, a member of the House of Representatives; that counsel in support of the charges and in opposition thereto appeared before the committee and were heard in conducting the investigation; that the sworn testimony of witnesses was taken, and the same is herewith submitted to the House, together with the charges above mentioned.

The testimony is very full and the examination was given considerable latitude, greater perhaps than the matter at issue would strictly warrant in support of the charges.

The committee is unanimous in the opinion that the evidence does not sustain the charges, and there is no impression upon the mind of any member of it that Mr. STAHLNECKER is not fully exonerated from all charges of any improper attempt by persuasion, intimidation, or other corrupt means to influence or control the action of Mr. J. L. Smithmeyer, the architect of said Library building, in the selection or acceptance of any material to be used in the construction thereof, nor does his action in connection therewith in any way reflect or leave a shadow of suspicion upon his honor, or upon the dignity and honor of the House of Representatives.

They desire also to say, in conclusion, that they are satisfied from the investigation that the distinguished gentleman who offered these resolutions and set on foot this inquiry, was actuated by the most honorable motives, and a sincere desire to vindicate the integrity of the House of Representatives.

They recommend that the report, charges, and testimony be printed for the use of the House.

The SPEAKER. The gentleman from Minnesota [Mr. RICE] asks that this report, with the testimony, be printed and laid over for the future action of the House. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. HENDERSON, of Illinois. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill No. 1940, and that it be now considered. Before the question is submitted, I ask consent to make a statement.

Mr. ABBOTT. Regular order.

Mr. LANHAM. I hope my colleague [Mr. ABBOTT] will not insist on calling the regular order just now. Let there be one recognition on the other side for unanimous consent, and one on this.

Mr. HENDERSON, of Illinois. I hope I may be permitted to make a very brief statement; and then if the gentleman objects——

The SPEAKER. The demand for the regular order is not withdrawn; the Chair has no discretion.

Mr. O'NEILL, of Pennsylvania. I move that we proceed to the consideration of order No. 5 on the Calendar, which provides for taking up certain bills for increase of pensions, which have been passed in the Committee of the Whole, and are now in the House, the previous question having been ordered upon them. I dislike to intrude upon the House so often, but I believe there is great merit in these bills, and the persons concerned in them are in many instances really in need that the bills be promptly passed. I appeal to members who may have felt an interest in these bills, to support me in this proposition. The bills certainly can not occupy much time. The reports, which are full, have been read; the cases are very meritorious; I do not believe the House will hesitate to pass the bills if they are taken up. I ask, Mr. Speaker, that we proceed to the consideration of those bills, and then the gentleman from Texas [Mr. LANHAM] can press his motion to proceed with the Private Calendar. These bills can not come up under the arrangement of alphabetical calls of members. The bills have been pending in the House since April last, and it is only a matter of justice that they should now be taken up and passed.

Mr. LANHAM. That can be called up some other time.

Mr. HOOKER. I believe to-day has been set apart for the call of the roll, so that individual members may be permitted to call up bills in which they feel an interest.

The SPEAKER. There are pending certain motions to reconsider votes by which the House rejected certain pension bills. Those are privileged matters.

Mr. O'NEILL, of Pennsylvania. But I understand that the business which I desire to bring up comes within the line of the regular order of the House at this time. The previous question has been ordered upon these bills.

The SPEAKER. The Chair will state that those pension bills upon which there is no motion to reconsider pending are simply reports from the Committee of the Whole House, and come up in their order when the House proceeds to consider measures of that character; that is to say, after the Committee of the Whole House has risen and made its report. But there are two bills upon which motions to reconsider are pending; and those motions are privileged.

Mr. O'NEILL, of Pennsylvania. I have no disposition to put anything in the way of those bills; but I do insist that the bills to which I have referred are entitled to consideration now; the previous question is operating upon them.

Mr. LANHAM. The gentleman from Pennsylvania has now emphasized his solicitude to have those bills passed; I trust he will permit us to proceed with the regular business.

Mr. O'NEILL, of Pennsylvania. I am not seeking to emphasize simply my own solicitude in this matter. I speak in the interest of those who deserve the attention of Congress.

The SPEAKER. The Chair will state that the only pension bills which can be called up now are those upon which motions to reconsider are pending. The gentleman from Iowa [Mr. STRUBLE], who has charge of one of those—perhaps both—has announced that he has no desire to call them up during the present session. The gentleman from Pennsylvania, however, has the right to call them up if he desires to do so.

Mr. O'NEILL, of Pennsylvania. I do not wish to interfere with any matter of which another gentleman has charge, but I do wish the gentleman from Iowa were here and would call up the bill to increase the pension of Mrs. Burnett; that is certainly a meritorious bill.

Mr. LANHAM. I hope the gentleman will allow us to go along in the usual way. There are gentlemen here who are expecting to call up bills in which they feel an interest.

Mr. O'NEILL, of Pennsylvania. I have bills on the Calendar which I would like to call up when my name shall be reached alphabetically, but I am making this appeal in behalf of the widows of admirals and generals and officers of less rank, whose pensions it is proposed to increase by bills which have been reported from the Committee of the Whole and are now before the House.

The SPEAKER. Does the gentleman call up the motion to reconsider in the case of Mrs. Ward B. Burnett?

Mr. HOOKER. Let us have the regular order.

The SPEAKER. It is the regular order if the gentleman calls it up.

Mr. O'NEILL, of Pennsylvania. I move to postpone it.

The SPEAKER. It has been postponed. It has been passed over at the suggestion of the gentleman from Iowa [Mr. STRUBLE], but the gentleman has the right to call it up if he thinks it is proper to do so.

Mr. DINGLEY. I rise to present a privileged report.

The SPEAKER. The Chair desires to know what the gentleman from Pennsylvania proposes to do.

Mr. O'NEILL, of Pennsylvania. I do not know what may be the idea of the gentleman in charge of the bill of Mrs. Burnett. I should like to see it called up, reconsidered, and passed, and then the House could proceed to the consideration of the other bills.

The SPEAKER. The other bills will come up when the committee rises.

ALLEGED VIOLATION OF NAVIGATION LAWS.

Mr. DINGLEY, from the Committee on Merchant Marine and Fisheries, submitted the following report——

Mr. LANHAM. Let us have the regular order.

The SPEAKER. This is the regular order, and the Clerk will read the privileged report.

The Clerk read as follows:

The Committee on Merchant Marine and Fisheries, to which was referred resolution of inquiry concerning the alleged violation of the navigation laws, report the same back with the recommendation that said resolution be adopted.

"Whereas it is alleged by evidence adduced by the committee of the House of Representatives appointed to investigate immigration that in many instances foreigners are commanding and in some instances owning vessels registered or enrolled as vessels of the United States and engaged in the coastwise trade; and

"Whereas the laws of the United States provide that only vessels registered or enrolled as vessels of the United States shall participate in the coastwise trade, and that no vessel shall be registered or enrolled as a vessel of the United States unless it is wholly owned by citizens of the United States and commanded by a citizen of the United States: Therefore,

"*Resolved*, That the Secretary of the Treasury be requested to inform the House whether the Treasury Department has information of such violation of the laws of the United States, and, if so, what steps have been taken to vacate the register or enrollment of such vessels, and to prosecute persons who have violated our navigation laws."

Mr. DINGLEY. I move the adoption of the resolution.

Mr. OATES. Mr. Speaker, before that vote is taken I wish to say that the committee investigating the subject of immigration obtained some evidence to the effect that vessels have been registered and engaged in the coastwise trade under the command of alien captains, which is not in accordance with law; that evidence is now being published. It shows several cases of vessels registered and commanded by aliens through fraud perpetrated upon the collectors and custom-house officers. I do not know from the evidence obtained by that committee, nor have I heard it before alleged, that there is a registry of any vessel at any of the custom-houses contrary to the law with the knowledge or connivance of the custom-house officials. In a case in Boston there was proof in more cases than one perhaps, certainly in one, wherein they took a cook who was an American citizen, and obtained clearance papers in his name as commander, and before the vessel was out of sight of the custom-house the *de facto* captain, who was an Englishman and an alien, took possession and command, and sent the cook to the galley.

There was also evidence taken by the committee where by fraud practiced upon the naturalization laws through certain persons papers were obtained for aliens in some cases in a few hours, or in a day after they had arrived in New York. They came there for the purpose of obtaining command of some coastwise vessels, and for consideration paid have obtained what purported to be naturalization papers, issued out of Judge Moore's court, of Brooklyn; but the collector, when he was sworn and examined by the committee subsequently, testified that when this allegation was brought to his knowledge he sent a trusted officer to examine the records of that court, and that no such case was found on record, although the man in each case who had command of the vessel had papers showing he was a naturalized citizen.

So there was no evidence taken by that committee which shows clearance has been given to any vessel contrary to law so far as the collector is concerned. When the commander was of foreign birth he had papers of his having been naturalized. There is no evidence, however, of frauds having been perpetrated in that way wherein the customs officers are at fault.

Mr. DINGLEY. I desire simply to say that while the facts are substantially as stated by the gentleman from Alabama, that numerous complaints were made to the Secretary of the Treasury of informalities under our navigation laws, and those complaints have been investigated by the Secretary, and a mass of information obtained which disproves the allegation, which was that our navigation laws have been violated, it is thought best those facts should be laid before the public which will tend to show these allegations have no basis to rest upon. If there is nothing more to be said, I call for the previous question on the adoption of the resolution.

The previous question was ordered, and under the operation thereof the resolution was adopted.

Mr. DINGLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, BROOKLYN.

Mr. CHEADLE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. CHEADLE. On the 17th day of this month I introduced a resolution of inquiry, which was referred to the Committee on Expenditures on Public Buildings. Not having been reported back, in conformity to the rules of the House, I now ask that the committee be discharged from its further consideration, and that the resolution be now considered with a view to submitting an amendment at this time.

The SPEAKER. The Chair will cause the resolution to be read to determine whether it presents a privileged question or not.

The Clerk read as follows:

Whereas it is reported in the public prints that the contract for the construction of the Brooklyn Federal building was awarded, after advertisement, to one Gobel, of Chicago, at his bid of $623,000, and that said Gobel failed to comply with the terms of said contract, and that the Supervising Architect has forfeited his check for $1,000 deposited with his bid, and that the said official has since awarded the contract to Bernard Gallagher, of Brooklyn, at his bid of $860,000; and

Whereas it was reported that said Gobel had undue advantages in the matter of information; that other contractors said that with these advantages they could have reduced their bids: Therefore,

Be it resolved, That the Committee on Expenditures on Public Buildings be directed to inquire into all the facts of the case, and to report to the House whether the Supervising Architect was derelict in his duty in failing to readvertise for proposals, and in awarding the contract at a figure nearly a quarter of a million of dollars more than the lowest offer submitted at the letting.

Mr. CHEADLE. I move that the committee be discharged from the further consideration of the resolution, and that it be adopted with an amendment which I shall propose.

The SPEAKER. This is not a privileged resolution. It is not a resolution calling upon the head of a Department for information, but a mere resolution directing a committee of the House to make a certain inquiry.

Mr. CHEADLE. But I propose to amend it with a view to calling upon the head of a Department for certain information.

The SPEAKER. The Chair must treat it, however, as it is now. It does not in its present form present a privileged question.

Mr. HOOKER. I demand the regular order.

Mr. CHEADLE. It will be a privileged resolution when the amendment is submitted.

The SPEAKER. But the amendment is not now before the House. The motion of the gentleman is to discharge the committee. What the purpose of the gentleman may be hereafter is not a question that can enter into the consideration of the subject. It is not a privileged question to be called up in its present form, and the regular order has been demanded.

Mr. CHEADLE. I do not pretend to say whether or not it presents a question of privilege, but——

Mr. SPINOLA. I demand the regular order.

Mr. CHEADLE. I do not think there will be a solitary objection (when I make a statement as to the facts in connection with this building) to the consideration of the resolution at the present time.

The SPEAKER. But the regular order has been demanded.

Mr. CHEADLE. One moment, Mr. Speaker. Without saying whether or not the Supervising Architect has been derelict in his duty, I want to call the attention of the House to this important fact, that in awarding the contract for the building, instead of its being awarded to the lowest bidder, it was awarded at a sum 35 per cent. greater than the lowest bidder, and was not awarded even to the next lowest bidder. If there is any looseness in the statutes by which an executive officer of the Government is permitted to award a contract for a quarter of a million dollars more than the lowest bid, or any lower bidder, I think it presents such a question as will permit the perpetration of the gravest frauds upon the Government, and is therefore a matter which should receive the prompt and careful attention of Congress.

Mr. SPINOLA. Regular order.

The SPEAKER. If the gentleman has a resolution calling upon the Secretary of the Treasury for information upon the subject, it will be a privileged resolution under the rules of the House. But the resolution to which he refers is simply one calling upon a committee of the House to make an investigation of the matter alleged, and is not privileged.

BUSINESS FROM THE COMMITTEE ON THE POST-OFFICE.

Mr. BLOUNT. I desire, Mr. Speaker, to make a request to the House.

The SPEAKER. But the regular order has been demanded.

Mr. BLOUNT. If it is insisted upon, I will, of course, acquiesce; but I hope I will have the privilege of testing the sense of the House on a proposition I wish to submit.

The SPEAKER. If there be no objection, the gentleman will proceed.

Mr. BLOUNT. I propose to leave the city on Monday, and the House has determined that when it adjourns to-day it will be to meet on Monday next. On yesterday a matter from the Committee on the Post-Office and Post-Roads was being considered in the morning hour. Another hour remains to the committee, and I ask unanimous consent that the hour may be preserved to the committee until my return.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. McCREARY. Mr. Speaker, I ask consent to make a brief statement, with a view to submitting a request. I am compelled to leave here on Tuesday, and I hold in my hand a bill which has been on the Calendar for a long time appropriating only the sum of $130, a most just and equitable bill. I ask unanimous consent that the Committee of the Whole be discharged from its further consideration and that it be put upon its passage.

The SPEAKER. The title of the bill will be read subject to the right of objection, if the demand for the regular order is withdrawn.

Mr. SPINOLA. I withdraw the demand.

The SPEAKER. The Chair understood the gentleman from Mississippi to insist upon the demand.

Mr. HOOKER. I will withdraw it for the present.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Kentucky.

The Clerk read as follows:

A bill (H. R. 9874) for the relief of administrator of Alfred Alcorn.

The bill was read at length.

Mr. HOLMAN. Let the report be read.

The report was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MORGAN. I desire to know what is the regular order.

The SPEAKER. The regular order is the call of committees for reports on bills of a private nature.

Mr. MORGAN. Has any order been made that in the proceedings to-day we will pursue the course adopted on last Friday?

The SPEAKER. The present occupant of the chair does not preside in Committee of the Whole.

Mr. MORGAN. I assume the same course will be pursued, and the gentleman's name will be called in time when we get into committee. Therefore, I object.

Mr. LANHAM. I ask unanimous consent to dispense with the call of committees for reports; and that gentlemen having reports from committees may be permitted to hand them in at the desk.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

MACADAMIZED ROAD TO NATIONAL CEMETERY, WILMINGTON, N. C.

Mr. MAISH, from the Committee on Military Affairs, reported the following bill (H. R. 11524) as a substitute for bill H. R. 4307 to provide for the construction of a macadamized road to the national cemetery near Wilmington, N. C., and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MATTIE S. WHITNEY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (S. 2185) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney as administratrix of Franklin S. Whitney, deceased, heretofore referred to said court; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. W. BOUTWELL.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 2253) for the relief of D. W. Boutwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

B. F. ROBINSON.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 351) for the relief of B. F. Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BOWDEN. Before the regular order is proceeded with I ask unanimous consent to make a brief statement. [Cries of "Regular order!"]

The SPEAKER. The regular order has been demanded.

Mr. BOWDEN. I wish to ask consent to make a statement in reference to a bill which was passed on the day before yesterday.

The SPEAKER. Is the regular order insisted upon?

Mr. LANHAM. I think we had better proceed with the regular order.

Mr. BOWDEN. I desire to lay before the House a statement.

Mr. LANHAM. If it is just a statement, I will yield for a moment.

Mr. ABBOTT. I demand the regular order.

Mr. BOWDEN. On the day before yesterday——

The SPEAKER. The regular order is demanded, and the Chair has no discretion in the matter, but must proceed with the regular order.

Mr. BOWDEN. I trust the gentleman will withdraw the demand.

The SPEAKER. The gentleman from Texas [Mr. ABBOTT] insists on the regular order.

Mr. LANHAM. I move that the House resolve itself into Committee of the Whole House on the Private Calendar, and pending that I desire to submit a request that we pursue the same order as was adopted when the House was in Committee of the Whole on the Private Calendar last Friday, namely, that the roll of members be called in alphabetical order, commencing where we left off, and that each member be recognized to call up a bill for consideration if it be not objected to by five members.

Mr. BOWDEN. I propose to get in my statement, and I object to the request of the gentleman from Texas [Mr. LANHAM].

The SPEAKER. The question, then, is on the motion that the House resolve itself into Committee of the Whole House on the Private Calendar.

Mr. O'NEILL, of Pennsylvania. Prior to putting that motion I will state——

The SPEAKER. The regular order is demanded, and the gentleman from Texas [Mr. ABBOTT] insists on it. [After a pause.] The ayes seem to have it.

Mr. BOWDEN. Division.

The House divided; and there were—ayes 46, noes 6.

Mr. BOWDEN. I make the point of no quorum.

Mr. SOWDEN. I move that the House do now adjourn.

The question was put, and the motion to adjourn was disagreed to.

The SPEAKER. The Chair will appoint the gentleman from Texas [Mr. LANHAM] and the gentleman from Virginia [Mr. BOWDEN] as tellers.

Mr. BUCHANAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. The inquiry I desire to make is whether the order allowing members to call up bills alphabetically was a continuing order or not.

The SPEAKER. The present occupant of the chair was not in the House at the time the order was made. The Chair supposes that it was not a continuing order from the fact that the gentleman from Texas [Mr. LANHAM] asks that it be applied to this day's proceedings.

Mr. BUCHANAN. I would like to ask the gentleman from Texas [Mr. LANHAM] whether the order allowing members to call up bills was a continuing order.

Mr. LANHAM. It applied only to that day, and I have requested that it be made applicable to this day's proceedings.

The SPEAKER. If the motion to go into Committee of the Whole prevails, this request can be made of the Chairman of the Committee of the Whole House.

Mr. LANHAM. In the interest of the disposition of business, I ask unanimous consent that the gentleman from Virginia be allowed one minute.

The SPEAKER. That request has been made and objected to by the gentleman from Texas [Mr. ABBOTT] and not withdrawn, and the gentleman insists upon the regular order.

Mr. LANHAM. Then the gentleman from Virginia [Mr. BOWDEN] insists upon the point of no quorum. There is evidently no quorum in the House, and if it is to be insisted upon, the best thing to do would be to move to adjourn, and I make that motion.

The SPEAKER. The House has just refused to adjourn, and no business has been transacted since.

The tellers proceeded with the count.

Mr. BLOUNT. Mr. Speaker, is it in order to move a recess until 8 o'clock?

The SPEAKER. It is.

Mr. BLOUNT. Then I make that motion.

The question was put, and the Speaker announced that the "noes" seemed to have it.

Mr. BLOUNT. Division.

Mr. BOWDEN. I withdraw the point of no quorum.

Mr. BLOUNT. I withdraw the demand for a division.

The SPEAKER. The "ayes" have it, and the motion of the gentleman from Texas [Mr. LANHAM] to go into Committee of the Whole House on the Private Calendar is agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. RICHARDSON in the chair.

Mr. LANHAM. I ask unanimous consent that the Clerk shall call the roll in alphabetical order, commencing where we left off on Friday last, and that as each gentleman's name is called he may be allowed to call up one bill, not including pension bills, provided that the consideration of it be not objected to by five members.

There was no objection, and the order was made.

Mr. DUNN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUNN. When my name was called on last Friday under this rule I was absent. I understand that my privilege by unanimous consent was reserved at the request of my colleague, Mr. PEEL. I desire to know, therefore, if it is in order for me to call up a bill under that reserved right.

The CHAIRMAN. The Chair is informed that that action was taken when the gentleman's name was reached on Friday last and the gentleman is now recognized for the purpose of asking consideration of a bill.

WILLIAM A. BEVENS.

Mr. DUNN. Then I call up the bill (S. 317) for the relief of William A. Bevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to open and restate the accounts between the United States and William A. Bevans as receiver of public moneys at Batesville, Ark. That in such restatement of said accounts the Secretary shall charge Bevans with all such sums of money as were in his hands at any time as receiver aforesaid, and shall credit him with all such sums as he was compelled by the State of Arkansas or other superior force to surrender, and with such other sums as in equity should be allowed credit for, notwithstanding any previous rejection of such items by the Treasury Department or by any other tribunal.

SEC. 2. That upon such restatement the Secretary of the Treasury is hereby authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to said Bevans any sum of money found due him, not to exceed the sum of $20,000.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MILO M'CRILLIS.

Mr. GEST. I ask consideration of the bill (H. R. 7718) for the relief of Milo McCrillis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Milo McCrillis, late postmaster at Weaver's Corners, Huron County, Ohio, the sum of $75.76, the same being for postage-stamps, postal-cards, and stamped envelopes feloniously taken by burglars from the office of said postmaster March 1, 1883, without any fault or negligence on his part.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. KILGORE. I think the reports ought to be read.

The CHAIRMAN. Does the gentleman now desire the reading of the report?

Mr. KILGORE. I will not make that demand as to this bill; but shall do so from this time forward.

RIGHT OF WAY THROUGH INDIAN RESERVATION.

Mr. LIND. In behalf of Governor GEAR, who is absent to-day, I wish to make a brief statement. Some days ago he obtained recognition to offer a bill granting a right of way, and it was objected to. I now ask unanimous consent to present the bill on behalf of Governor GEAR, who is necessarily absent to-day. It is a very small matter, simply providing for a right of way through an Indian reservation in my district.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. MORGAN. Is there any excuse for it. If there is some overruling necessity I will not object, but if not I will object.

Mr. WILLIAMS and Mr. MORGAN. Regular order.

J. W. PARISH & CO.

Mr. GIFFORD. I call up the bill (H. R. 9718) for the relief of J. W. Parish & Co.

Mr. PEEL. Mr. Speaker, this bill has been unanimously reported from the Committee on War Claims, and as the report is quite long I suggest that the reading of it be dispensed with, and if desired I will make a brief statement of the case.

Mr. KILGORE. I think the report ought to be read.

Mr. PEEL. It is quite long and will occupy a good deal of time, and I can state the substance of it more briefly.

Mr. KILGORE. If I yield in this case, other gentlemen will demand the same privilege, and I think the report had better be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the memorial of Joseph W. Parish, George C. Hadley, and William L. Huse, lately composing the firm of J. W. Parish & Co., of St. Louis, Mo., praying for relief, have had the same under consideration, and beg leave to submit the following report:

This is a claim for the payment for loss sustained by the petitioners, as they allege, on account of the meltage and loss of ice which they had purchased for the Government hospitals in 1864, in pursuance of a written contract made with the medical purveyor at Louisville, Ky., and approved by the Surgeon-General, but which was subsequently changed in an arbitrary way by the Secretary of War.

The facts in the case are as follows:

On the 27th day of November, 1863, the Acting Surgeon-General of the United States, at Washington, through his assistant, C. H. Crane, surgeon, United States Army, directed Surgeon D. L. Magruder, United States Army, medical purveyor at Louisville, Ky., "to advertise for proposals for furnishing ice for all the United States general hospitals at the West (those of the Division of the Mississippi, and of the Department of the Gulf upon the Mississippi and its tributaries), in such quantities as may be required for the use of the sick and wounded during the year 1864." (Exhibit A, attached hereto.)

In pursuance of such directions, Surgeon Magruder advertised for proposals on the 4th day of December, 1863; and on the 7th day of said December informed Acting Surgeon-General Barnes, at Washington, stating in his letter that he had the advertisement "inserted in five newspapers of the principal cities of the West, namely, the Louisville Journal, Cincinnati Gazette, Chicago Tribune, and the Democrat and Union, of St. Louis. (Exhibits B and C.)

J. W. Parish & Co. thereupon and in pursuance of said advertisement filed their bid covering all the points specified, namely, to "furnish ice to all the United States general hospitals at the West (those of the Division of the Mississippi and of the Department of the Gulf upon the Mississippi and its tributaries), in such quantities as might be required for the use of the sick and wounded during the year 1864." This bid, together with other bids thus filed, eleven in all, were forwarded by Surgeon Magruder on the 21st of December, 1863, to the Surgeon-General of the United States at Washington. On the 25th of the same month all bids were returned to him, with the following letter:

SURGEON-GENERAL'S OFFICE,
Washington, D. C., December 25, 1863.

SIR: In reply to your letter of the 21st instant, inclosing proposals for furnishing ice for the ensuing year, etc., I am instructed to return the bids, and to direct you to award the contract as may be deemed by you most advantageous to the service.

These offers are considered fair and reasonable by the Acting Surgeon-General.

Very respectfully, your obedient servant,

C. H. CRANE,
Surgeon, United States Army.

By order of the Acting Surgeon-General.

Surgeon D. L. MAGRUDER, U. S. A.,
Medical Purveyor, Louisville, Ky.

Armed with this full and complete authority, Surgeon Magruder, on the 30th day of December, 1863, entered into a written contract with the memorialists to deliver at various places, including New Orleans, La., and the Department of the Gulf, the necessary amount of ice required at each place for the year 1864, agreeing to pay for the same the various specified amounts set out in said contracts (see Exhibit D).

Parish and his associates state that, immediately upon being notified of the acceptance of their bid, they were directed by Dr. Magruder and Ice Inspector Learned to proceed with the fulfillment of the contract, for the reason that the contract was a large one and the season for obtaining a superior quality of ice would in all probability be of short duration. Accordingly they purchased and hired the requisite steam-boats and barges for the transportation of the ice, and also with their workmen proceeded to the places on the Illinois and Upper Mississippi Rivers where the proper ice could be procured, and cut and placed in temporary ice houses, erected by them for that purpose, a sufficient quantity of ice to supply the entire quantity required by said contract. For New Orleans and Baton Rouge they cut and put up 5,000 tons, that being the quantity estimated by the Medical Department for those points—which ice, so prepared, cost the sum of $2.50 per ton—and for said 5,000 tons the sum of $12,500. They chartered ten or eleven barges, at a cost of from $70 to $80 per day, to fill this contract and transport the ice, the average length of said charters being about five months, and fully one-fourth of said barge stock was furnished for the transportation and delivery of the ice required at New Orleans and Baton Rouge.

The contract which was made and executed, as above set forth, was forwarded to Washington and approved by the Acting Surgeon-General, J. K. Barnes, January 7, 1864 (see Exhibit D), and duplicate delivered to the contractors, was returned to Surgeon Magruder at Louisville. While the contractors were busy in purchasing material, chartering barges and steam-boats, and packing ice, in fulfillment of the said contract, Dr. Magruder was ordered by the Secretary of War to return the papers and contract, approved January 7, 1864, to Washington. Some pretended charge of fraud or dishonest practice in securing the execution of the contract had reached the ears of the Secretary, and was made the occasion for this order. The matter seems to have been placed in the hands of C. A. Dana, then Assistant Secretary of War, for investigation.

On the 27th of January, 1864, Mr. Dana sent a communication to Secretary Stanton, in which he declares that he has not been able to discover any evidence of fraudulent design or dishonest practice in the making of the contract; that Parish & Co. were the ice contractors the previous year, when they had faithfully executed their contract at considerable loss; that it was indispensable that the contractors should be men in respect of whom there could be no fear of failure; that it was more convenient to deal with one contractor than with many; that Parish & Co. were the lowest bidders out of eleven bids, and that, considering the risks involved, the prices were not extravagant. Mr. Dana added: "But the stipulations in the papers executed do not appear sufficiently precise and guarded to secure faithful fulfillment, and I therefore also recommend the execution of new and amended papers for that object." (See Exhibit E.)

In pursuance of this a new form of contract was forwarded to Dr. Magruder, which was similar in all essential respects to the one already executed, differing only in its phraseology and in unimportant verbal changes. But before this latter paper could be signed by your petitioners Dr. Magruder received a telegram from the Secretary of War directing him to erase from the said form of contract, as points of delivery, New Orleans and the Department of the Gulf. The paper, with these erasures, was presented to the petitioners for signature. They had already provided all the ice requisite for fulfilling the contract which they theretofore signed, and which had been approved by the Surgeon-General at Washington. They had also procured the means, at great expense, of transporting the ice to New Orleans and the Gulf Department. To have their deliberate written contract with the Government thus rudely and arbitrarily set aside, and to be prevented from delivering the ice they had purchased and prepared to deliver, was a great hardship and would result in great loss. Therefore they protested; but protestations were of no avail. To fail in delivering the 5,000 tons at New Orleans and other points on the Gulf, under the contract, would bring heavy loss; but to fail on the whole contract, after the investment they had made, they believed to be utter ruin. They were thus compelled, as they supposed, to sign the paper, but did so under protest, and giving notice to Dr. Magruder, as the only representative of the Government present, that they should thereafter insist upon their rights in the premises. And subsequently they did tender the ice for New Orleans and the Gulf to the United States ice inspector, and urged him to accept the same, which he refused to do.

The contractors accordingly proceeded and furnished the ice, as provided in the first contract, to all places other than New Orleans and the Department of the Gulf, and received their pay therefor. But the ice they had purchased for New Orleans, Baton Rouge, and other places on the Gulf melted on their hands and was a total loss. They were also damaged to the extent of $6,000 and upwards by the preparations they had made to deliver said ice, in chartering transportation on the river, and in expenditures in preserving the ice ready to deliver at any time up to the expiration of the year 1864, as by their contract they had agreed. All this clearly appears in the evidence filed with the committee, most of which was taken under commission from the Court of Claims.

Col. J. H. Ferry, assistant quartermaster United States Army, stationed at Louisville, Ky., during the years 1863 and 1864, testifies that he was aware that Parish & Co. had contracted to furnish ice for the Department of the Gulf, and believes that they fully prepared themselves to do so during the month of January, 1864, at great cost, and adds: "From my best knowledge and belief Parish & Co. expended for preparing to fulfill the contract for the Department of the Gulf from $18,000 to $20,000." General Robert Allen, deputy quartermaster-general United States Army, officially indorsed the statement of Colonel Ferry.

In pursuance of the protest made by the claimants, and to recover such losses as they had sustained by reason of the violation of the contract on the part of the United States, as above set forth, they promptly entered suit in the Court of Claims. The court held that the United States violated its contract with the claimants, and intimated that the claimants were largely damaged by such violation, and that they "were unjustly treated by the officers of the Government." But the court applied the strict legal rule of the common law, which is blind to all equity, that the claimants, by executing the second contract, had waived their rights under the first; and, as the contract was entire, the claimants could have refused to perform any part of it after it had been violated by the United States, and by not so refusing waived their right to damages and must be held to have accepted the second for the first contract.

In other words, had the claimants seen fit to have refused to sign the second contract, and thus possibly ruined each of them, they would have been in position to have brought suit against the United States with possible hopes of recovery. But the evidence before the court showed clearly that there was no intention on the part of the claimants to relinquish any of their rights under the first contract. They were forced to act in an emergency without counsel, and did what they supposed would preserve their rights. The proof that they objected to the second contract and protested against signing it, and that they subsequently tendered the ice for New Orleans, etc., is abundant. They gave distinct notice to the officers and agents of the United States intrusted with the matter that they would seek redress for the invasion of their rights, with a distinct avowal that they would not waive them, and their failure in court seems to have been one of the unjust results of applying a harsh technical rule.

The fact that they protested against this action of the Government, that they executed the new contract under a practical duress, that the circumstances of the claimants were such that while to execute the second contract would damage them greatly, still, not to execute it and thereby save to them a market for the great mass of ice they had procured, relying upon the first contract, would be utter ruin, seems to have had no weight in the suit at law, although it develops an irresistible equity.

The Supreme Court on appeal sustained the rule laid down by the lower

court, that the signing of the second contract, although done under protest, was a waiver of their legal claim under the first contract.

These complainants could not have avoided their liability to the Government under the first contract. Had they attempted it, they and their bondsmen would have been brought into court and made to pay all the damages. But the Government, by the right of might alone, tenders the alternative of a change of contract, or something much worse.

From the foregoing statement, which is well sustained by the evidence in the case, your committee reach the conclusion that the prayer of the petitioners for relief is well founded, and we recommend the payment of $18,500 as provided in the accompanying bill.

Mr. PEEL. I ask unanimous consent that the reading of the digest of the case, following the report, be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. HOLMAN. I will not insist on the further reading of this paper, but I shall want a very satisfactory explanation from my friend from Arkansas as to how far this claim is mixed up with one which has heretofore been acted upon by the House. I find that there were two contracts, but it seems that the Court of Claims decided—

that the United States violated its contract with the claimants and intimated that the claimants were largely damaged by such violation, and were unjustly treated by the officers of the Government, but the court applied the strict legal rule of the common law which is blind to all equity——

Mr. OATES. Mr. Chairman, is this bill under consideration?

The CHAIRMAN. The gentleman from Arkansas [Mr. PEEL] asked unanimous consent that the further reading of the report should be dispensed with.

Mr. OATES. I understood that was objected to.

Mr. PEEL. I have the evidence here in my hand which will answer the question of the gentleman from Indiana and which shows that this has nothing to do with the other claim.

Mr. OATES. I rise for the purpose of objecting to the consideration of this bill.

Mr. HOLMAN. That question has not been presented yet.

Mr. OATES. But the gentleman from Indiana seems to be discussing the bill, and that is not in order.

Mr. HOLMAN. I simply waived the further reading of this paper, with the view of having an explanation as to how far this transaction was mixed up with a former one for which we have already passed a bill.

Mr. PEEL. I can answer that in a moment.

The CHAIRMAN. This discussion is proceeding by unanimous consent. Objections to the consideration of the bill have not been called for, and if the gentleman from Alabama [Mr. OATES] makes the point of order, the Chair will submit the question.

Mr. OATES. I do make the point.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. OATES. If the gentleman from Arkansas [Mr. PEEL] thinks he has evidence sufficient to satisfy the House in this case, I will withhold my objection for the present.

Mr. HOLMAN. Now, Mr. Chairman, I wish to put my question to the gentleman from Arkansas. The report states that the Court of Claims—

applied the strict legal rule of the common law, which is blind to all equity—

I do not think that was written by a lawyer—

that the claimants, by executing the second contract, had waived their rights under the first; and, as the contract was entire, the claimants could have refused to perform any part of it after it had been violated by the United States, and by not so refusing waived their right to damages and must be held to have accepted the second for the first contract.

Now, these are some of the provisions that were in the case we have already acted on.

Mr. PEEL. And the gentleman wants to know whether this has any connection with that case?

Mr. HOLMAN. Yes, sir.

Mr. PEEL. I have here a letter from the Department, dated May 27, 1888, only a few months ago, addressed to Senator MITCHELL, who had called for the same information. I will read from that letter in reply to the gentleman's question:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., May 27, 1888.

SIR: I have the honor to acknowledge the receipt of your communication of the 17th instant, inclosing a petition of Joseph W. Parish, George C. Hadley, and William L. Huse, praying relief on account of the loss of 5,000 tons of ice, claimed to have been purchased by them in 1864, under orders from officers of the Medical Department of the Army, and not accepted; also copy of an act approved February 20, 1886, allowing Joseph W. Parish $58,341.85 on account of ice purchased by him for the Medical Department of the Army and not accepted.

In answer to your first question I would say there is no connection whatever between the subject of the present petition and the transactions covered by the act of February 20, 1886. The latter was for ice collected in the early part of 1863, under a contract with Henry Johnson, dated at Washington, March 5, 1863; the former is for providing ice in 1864, under a contract first made with Surg. David L. Magruder, at Louisville, Ky., December 30, 1863, and afterwards amended and altered by authority of the Secretary of War.

So the gentleman will see that this contract was for a different year, with a different firm, and was a different transaction entirely, having nothing in the world to do with the other claim.

Mr. KILGORE. When was it that this transaction occurred?

Mr. PEEL. This contract was made in the fall of 1863 for the performance of the contract in 1864.

Mr. KILGORE. How does it happen that the matter has stood over so long?

Mr. PEEL. It has been before the Department, and before the Court of Claims, and before the Supreme Court, and then before Congress.

Mr. KILGORE. When was it first presented to Congress?

Mr. PEEL. I do not remember the time exactly, but very soon after the Supreme Court passed upon it. There has been no laches on the part of the claimant.

Mr. PAYSON. But the Court of Claims and the Supreme Court both decided against the claimants, I understand.

Mr. PEEL. Upon the ground that they had accepted a new contract, which, under the action of the Secretary of War, they were compelled to accept. They had made a perfect contract with the officers of the Government to furnish ice for all the Western departments, including New Orleans and the Department of the Gulf. The Government officers made the estimates of the quantities necessary for each department.

The estimate was 5,000 tons as the quantity necessary to fill the order for the Department of the Gulf. Then, as the report and evidence show, a few days after the contract had been concluded by the Surgeon-General, these parties were directed by the officers of the Government to proceed at once and procure the ice. They did so. But, as the evidence shows, after they had incurred the liability for this ice, the Secretary of War, for no cause that any one has ever been able to find out, ordered the provision for supplying the Department of the Gulf to be stricken from the contract, and the 5,000 tons which had been estimated by the officers of the Government as necessary for that department were a loss upon the hands of these contractors. According to the contract these parties were to be paid $25 a ton for this ice, delivered in New Orleans, for the Department of the Gulf. That provision was stricken out; and the Government, at the instance of the Secretary of War, refused arbitrarily to accept the ice thus contracted for, the contract for that department being let to another party, a party in Boston, who received $32 a ton for the ice.

This claim is not for the contract price, which would be the basis of payment between man and man. The Supreme Court, in this case, has laid down the rigid rule that these parties can recover only the actual cost of the ice, with expenses of transportation, etc. Under the strict rule laid down by the court these claimants are denied payment for anything except the money they actually paid out. Not a cent is allowed for interest, profit, or anything of that kind.

Mr. OATES. Did not these parties receive all the money that the second contract provided for?

Mr. PEEL. I believe they did.

Mr. OATES. And they now want the difference between that sum and the sum named in the first contract?

Mr. PEEL. No; they want payment for the ice which they were ordered to procure and which they did procure, but which the Government under a military order of Secretary Stanton refused to accept.

Mr. KILGORE. Did they not sell the ice to somebody else?

Mr. PEEL. No; the evidence is full and complete that the ice was a total loss. We have the testimony of officers of the Government—the ice inspectors——

Mr. KILGORE. Why is it that this claim has hung on for twenty-five years? That looks rather singular.

Mr. PEEL. As soon as the war was ended these parties presented the matter to the Surgeon-General; it took some time to get the matter through that Department; then it was referred to the Court of Claims, where it was worked on for several years; then it went to the Supreme Court, and it was there a long time. When the Supreme Court got through with the case, the parties commenced coming to Congress.

Mr. KILGORE. I think the gentleman from Arkansas should be permitted to withdraw his bill.

Mr. PEEL. I do not see any reason why I should do so; for if there was ever any claim that had equity on its side this is such a one. When officers of the Government acting under the authority of their superiors have entered into a written contract with private citizens for the delivery of certain supplies to the Government at certain times for the benefit of the sick and wounded; when that contract has been completed and approved by the Surgeon-General, as shown here; when the contractors, under direction of the officers of the Government, have gone on and procured the supplies, paid out their money, incurred the fullest liability; when under these circumstances the Government, by an arbitrary order, has refused to take the supplies contracted for, and gives the contract to somebody else, I must confess that if there is no equity in a claim for reimbursement I am a stranger to every principle of equity. That is such a case. The evidence is not from the claimants, but from the officers of the Government themselves. It is plain and emphatic. The contract was made, approved, and signed. Among other places, this ice was to be delivered at New Orleans for the Department of the Gulf, the estimate of the officers of the Government being 5,000 tons for that part of the contract. It was late in December when the contract was made, and the time for procuring ice was rapidly passing away. The officers of the Government directed the parties to go and procure the ice. They did so; they tendered it at the

place designated time and again after the arbitrary order of the Secretary of War. An officer of the Government, an inspector who was an expert, testifies——

Mr. HOLMAN. What was the nature of the other claim allowed two years ago?

Mr. PEEL. That was a contract made at St. Louis by the medical department there; and the order was simply suspended.

Mr. PAYSON. I remember the other claim; it was in the Forty-ninth Congress. We made an appropriation of something over $58,000 in behalf of these same parties for ice which, it was claimed, the Government had contracted for and afterwards refused to receive. That claim was paid. Why was not this claim presented with that?

Mr. PEEL. Because, although the firm name was similar, the members of the firm were different. It was not the same firm. Besides this claim was pending before the court when Congress acted on that.

Mr. PAYSON. Can the gentleman refer us to the volume of reports containing the decision of the Supreme Court of this case?

Mr. PEEL. Yes, sir. Let me read from the Senate report; and I ask gentlemen to remember that this claim has in its favor the unanimous report of the committees of both Houses:

There seems to be no doubt as to the sufficiency of proof as to the first item. In a former case before the Supreme Court (10 Otto, 500), where the circumstances were quite similar, it was held that the measure of damages should be what the ice cost the contractors and their expenses in connection therewith made necessary by the breach of contract on the part of the Government.

The rule between individuals would give the contractors the contract price of the ice, which in this case would be largely in excess of the amount now claimed. But the court having fixed the rule where the Government makes the breach, we can only follow it.

It being conceded that the first item is sufficiently proven, attention is directed to the second.

The exact language of the court in Otto, *supra*, is:

"Claimants are entitled to the expenses and losses incident to the preparation to meet the demand of the notice served on them."

Learned, the United States ice inspector, testifies that he ordered the ice, and that it was accordingly procured by the contractors. They paid $2.50 a ton for the 5,000 tons. What else did they do? They bought lumber and built ice-houses for storage, and procured transportation to carry the ice from points in Illinois to New Orleans and other places on the Gulf.

The testimony on this point is as follows, by Mr. Learned:

"That this deponent was engaged in the ice business on the Mississippi River for more than fifteen years previous to the last-named date (1861) and knows the cost and expense of securing ice and making provisions for its transportation, and that from his knowledge of what Parish & Co. did to secure ice and provide transportation for the same to the Department of the Gulf, he verily believes they incurred cost and expenses to the amount of $18,000.

Mr. PAYSON. That doubtless included the other ice they had contracted to deliver there.

Mr. PEEL. No, sir. Listen.

Eighteen thousand dollars more than they would have incurred had they not supposed that they were required by their contract to supply the ice for that department; and deponent further says that all the ice required to enable Parish & Co. to supply ice to said department had been secured and full provision made for its transportation previous to the final order of the War Department prohibiting the ice for the Department of the Gulf.

Mr. PAYSON. That ice was secured under the second contract.

Mr. PEEL. No; under the first contract. The Secretary of War refused to include in the contract the Department of the Gulf after the parties had procured the ice for that department.

Mr. PAYSON. It was on the Upper Mississippi where that ice crop was harvested; am I right about that?

Mr. PEEL. Yes, sir.

Mr. PAYSON. The question I wish to ask is this: Why does the committee of this House report that this ice was tendered in New Orleans and refused there? If the first contract was not executed and the second contract was, if the parties went on and performed their obligations under the second contract, and the ice was housed on the Upper Mississippi, how could it possibly have been tendered in New Orleans under the first contract?

Mr. PEEL. Under the first contract they bought the ice for all points. It was an entirety. The various points were estimated for. This was for 5,000 tons.

Mr. PAYSON. That was under the first contract?

Mr. PEEL. Yes.

Mr. HOLMAN. Under the second one you abrogated that?

Mr. PEEL. Yes; by the Secretary of War.

Mr. PAYSON. This can not be true that they tendered the ice at New Orleans.

Mr. PEEL. They tendered it, but they would not bring it down if it was not to be accepted.

The closing part of the report is as follows:

In addition to these, Mr. Parish states in his deposition that although the firm had on hand about $20,000 worth of barges, yet they purchased others at a cost of $9,000, and chartered ten or eleven more at a further cost of $75 or $80 per day, charters running five months, and that at least one-fourth of this barge stock was necessary to deliver the ice to points on the Gulf. And this does not include the steamers necessary for towing the barges.

It will be seen that Learned and Ferry put the extra expenses made necessary by the breach of the contract on the part of the Government at $18,000, the latter saying from $18,000 to $20,000.

This testimony of two experts, made when all the facts and circumstances were fresh in their memories, should have great weight. It should also be noted that one of these witnesses was a Government officer, selected on account of his peculiar fitness to be an ice inspector.

Taking the testimony of these four witnesses, Learned, Ferry, Huse, and Parish, on the point of "expense incurred," it would seem that the second item in the account is well sustained.

Therefore, in view of all the circumstances, your committee report back the accompanying bill and recommend its passage.

Mr. HOLMAN. Allow me to ask a question.

Mr. PEEL. Certainly.

Mr. HOLMAN. Subsequently, that is subsequent to agreeing to the second contract, subsequent to that they did tender that ice for New Orleans and the Gulf to the United States ice inspector and urged him to accept the same, which, however, he refused to do. If I understand my friend from Arkansas correctly there was not any actual delivery of ice to the United States inspector.

Mr. PEEL. No, they did not have the ice down there and actually make a tender of the ice itself to the United States inspector, because if such had been the case their damages would have been much heavier.

Mr. HOLMAN. What are you putting the 5,000 tons of ice at?

Mr. PEEL. Two dollars and a half, when they were to get $25 under the contract. It is only the actual cost of the ice.

Mr. HOLMAN. It is singular General Dana reports this first contract was so loosely drawn that he required one to be made more definite in its language.

Mr. PEEL. Only in language.

Mr. HOLMAN. It appears that—

Mr. Dana added: "But the stipulations in the papers executed do not appear sufficiently precise and guarded to secure faithful fulfillment, and I therefore also recommend the execution of new and amended papers for that object." (See Exhibit E.)

In pursuance of this a new form of contract was forwarded to Dr. Magruder, which was similar in all essential respects to the one already executed, differing only in its phraseology and in unimportant verbal changes. But before this latter paper could be signed by your petitioners Dr. Magruder received a telegram from the Secretary of War directing him to erase from the said form of contract, as points of delivery, New Orleans and the Department of the Gulf. The paper with these erasures was presented to the petitioners for signature.

Mr. PEEL (showing a paper). Yes, here is where it is erased; he drew his pen across it.

Mr. HOLMAN (reading from report of the committee):

They had already provided all the ice requisite for fulfilling the contract which they had theretofore signed, and which had been approved by the Surgeon-General at Washington. They had also procured the means, at great expense, of transporting the ice to New Orleans and the Gulf Department. To have their deliberate, written contract with the Government thus rudely and arbitrarily set aside, and to be prevented from delivering the ice they had purchased and prepared to deliver, was a great hardship, and would result in great loss. Therefore they protested, but protestations were of no avail. To fail in delivering the 5,000 tons at New Orleans and other points on the Gulf under the contract would bring heavy loss; but to fail on the whole contract, after the investment they had made, they believed to be utter ruin. They were thus compelled, as they supposed, to sign the paper, but did so under protest, and giving notice to Dr. Magruder, as the only representative of the Government present, that they should thereafter insist upon their rights in the premises. And subsequently they did tender the ice for New Orleans and the Gulf to the United States ice inspector, and urged him to accept the same, which he refused to do.

The whole trouble springs out of that second contract.

Mr. PEEL. Yes, and that is the reason why the court did not allow it.

Mr. PAYSON. They were the same gentlemen?

Mr. PEEL. But for different places and different work.

Mr. PAYSON. But they were the same men. I see Hughes figures here as having been connected with both. Although the parties may be different, the gentleman from Arkansas is not prepared to say this is not the same old ice. [Laughter.]

Mr. PEEL. I say emphatically this is not the same ice.

Mr. HOLMAN. They were fulfilling the contracts together.

Mr. PEEL. The contracts were made and approved by the officers of the Government and they were ready to deliver the ice, but when they tendered it it was refused. The question now is whether or not the Government will pay the damages in court or will allow these parties to suffer this loss.

Mr. OATES. Mr. Chairman, this is a very cold subject, and I do not think it is necessary to consider it any further. I call for the question.

The CHAIRMAN. The first question is whether there is objection to the consideration of the bill.

Five members having risen to object, the bill was not considered.

GEORGE CAMPBELL.

Mr. GREENMAN. I call up for consideration the bill (H. R. 6018) for the relief of George Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the record of muster-in of George Campbell, late second lieutenant of Company A, of the One hundred and sixty-ninth Regiment of New York Volunteer Infantry, such muster-in of said Campbell as second lieutenant to bear date of February 23, 1865, when said Campbell took command of said Company A by order of Col. J. A. Colvin, commandant of said One hundred and sixty-ninth Regiment. And said George Campbell shall be, and hereby is, entitled to all pay and allowances or emoluments as if mustered in at such date: *Provided*, That the pay and allowances actually received shall be deducted from the sum to be paid under this act.

Mr. HOLMAN. How much is involved in the bill?

Mr. GREENMAN. The time he served was from the 23d day of February to the 16th day of March, less than one month.

Mr. HOLMAN. At what rank?

Mr. GREENMAN. As second lieutenant.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PRESBYTERIAN CHURCH, MARIETTA, GA.

Mr. GRIMES. I desire to call up for present consideration the bill (H. R. 6189) for the relief of the trustees of the Presbyterian church in Marietta, Ga.

The bill was read, as follows:

Be it enacted, etc., That the sum of $1,478 be appropriated, out of any money in the Treasury not otherwise appropriated, to pay the trustees of the Presbyterian church in Marietta, Ga., for any and all damages done said church by the Federal Army in the year 1864.

Mr. KILGORE. Let the report be read.

The report (by Mr. LAWLER) was read, as follows:

In July, 1864, the officers in command of the United States forces at Marietta took possession of the Presbyterian church at that point and converted it into a hospital for the Army. While the Army occupied it no care was taken to protect the property, nor were repairs put upon it, and when it was turned over to the congregation they found the fencing all gone, the windows, sash, and glass broken, the plastering and lathing stripped from the walls, the flooring, pulpit, and pews carried off. The use, occupation, and material carried off are proved to be worth $1,478 by the oaths of parties who were present at the time, and is fully proven in every particular.

No tribunal has had jurisdiction to settle this claim. In 1865 the trustees of said church applied to General Donaldson, chief quartermaster of the Military Division of the Tennessee, for compensation for use and occupation and for the material taken and used by the Army, and that officer referred the case to Col. C. K. Smith, chief quartermaster Department of Georgia, for report, and the report made by J. M. Marsh, agent for the Quartermaster's Department, fixes the injury to said property at $1,478. In April, 1866, General Donaldson notified the trustees of said church that he had no authority to pay the claim.

Your committee are of opinion that the church should be reimbursed by the Government, and report back the bill and recommend its passage.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Let me call attention first to this fact, that this bill provides for the payment for use, occupation, and damages exclusively, the very things which by the law the officers of the Government were prohibited from doing, by the act of 1867, in express and definite terms, and again, so far as the Court of Claims is concerned, by the provisions of the Bowman act.

I know that several such bills have been pressed heretofore, and gentlemen do not desire to object to the passage of bills which seem to be for the benefit of the Christian religion; but at the same time I want to call the attention of the House to the fact that this claim is for the very purpose which is prohibited by the Bowman act, and also by the law enacted in 1867 amendatory of the act of 1864. By this and by the provisions of the Bowman act the Government has expressly denied any liability in such cases.

Mr. BROWNE, of Indiana. Let me ask my colleague, has Congress at any time allowed claims for the use and occupation of buildings for hospital purposes at the seat of war or within the belligerent territory?

Mr. HOLMAN. I can not point to a case where it has been done, at this moment.

Mr. BROWNE, of Indiana. Has not the prevailing rule in Congress been against the allowance of such claims?

Mr. HOLMAN. Undoubtedly; as I just remarked, the act of 1867, as well as the Bowman act, expressly prohibited it.

Mr. BROWNE, of Indiana. It seems to me that the allowance of this claim would lead to the allowance of every single claim of this character for the use or occupation of property for the Army or any part of it within the belligerent territory at the time of the war.

Mr. HOLMAN. And at the seat of war.

Mr. BROWNE, of Indiana. And would furnish a very dangerous precedent.

Mr. HOLMAN. The language of the Bowman act is "at the seat of war," and this is at the seat of war.

The CHAIRMAN. The Chair will remark that this discussion is going on only by unanimous consent. The first question is, Is there objection to the consideration of the bill?

Five members rose to object.

Mr. CLEMENTS. As gentlemen have been allowed to discuss the merits of this question, I ask unanimous consent to say a word.

The CHAIRMAN. Without objection, the gentleman from Georgia will proceed.

There was no objection.

Mr. CLEMENTS. It is true that the report in this case states that it is for use, occupation, and damages; but from the reading of the report it will be seen that this is not an unusual amount for the actual damage done. I suppose the amount, if any was allowed by the committee for use and occupation, is but slight.

As stated by the report, the lathing was torn down, the plastering destroyed, the furniture torn up and destroyed, and the amount claimed is only $1,478. Of course it was at the seat of war. There is no dispute about that. But I do not think that Congress has heretofore rigidly adopted a rule which would prohibit the payment of similar claims. According to my recollection bills containing the same principle have been paid from time to time. I admit that it is in violation of the general law and the Bowman act, which gives the Court of Claims jurisdiction. As stated by the report in this case, no tribunal has ever been established having jurisdiction to pass upon just such claims; and again I call particular attention of the committee to the fact that the officer in command at this time reported this to the officers of the Quartermaster's Department, who investigated it and reported upon the amount.

Mr. BROWNE, of Indiana. There is no controversy, I suppose, as to the amount of damages done. The objection is as to the principle embodied in the bill itself; and I submit now to the gentleman whether or not we dare go into this domain and make the Government responsible for all damages that may have been done by the armies of the United States in the territory occupied by the belligerent forces during the war. If that is to be the rule we have found a happy remedy for existing conditions and a means to exhaust very speedily the surplus. We would perhaps better continue the "robber tariff" for a few years longer and get more funds before we begin that course.

Mr. CLEMENTS. I will not discuss the "robber tariff" to-day, bu I want to say that I do not think the allowance of a case of this kind would make a precedent of a dangerous character or lead to any very great expenditure. There are not many claims of this character which have not been already passed upon in some way. The claims for church property are the only ones remaining, and it will be remembered that there is no tribunal in which such claims could be adjudicated. The Southern Claims Commission, which was authorized to audit the claims of loyal claimants, has embraced all individual claims, and hence nothing is left except the churches, and no tribunal has been authorized to consider their claims. The whole of the claims of the South, to which the gentleman alluded, have already been passed upon by the Southern Claims Commission and been either allowed or rejected, and it is not likely that any considerable number of claims will be opened up by this, or that it will lead to any very considerable expenditure.

Mr. BROWNE, of Indiana. This whole subject, it seems to me, was discussed, and very thoroughly discussed, in the somewhat celebrated William and Mary College case, and it seems to me, too, that we should either adopt a policy of Congress to provide for these claims or——

Mr. WILLIAMS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. I understood that the Chair called for objections, and five gentlemen objected. I want to know what is now before the House.

The CHAIRMAN. The gentleman from Georgia [Mr. CLEMENTS] asked to be briefly heard, and the gentleman is proceeding by unanimous consent.

Mr. BUCHANAN. I would like to ask the gentleman from Georgia a question.

Mr. MORGAN. Regular order.

The CHAIRMAN. The gentleman from Mississippi demands the regular order, and five gentlemen have objected to the consideration of this bill.

JACOB CRAMER.

Mr. HALL. I ask consideration of the bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, authorized and directed to issue to the heirs of Jacob Cramer a bounty-land warrant for 200 acres of land, for services rendered by said Jacob Cramer as a lieutenant in the Pennsylvania Continental line in the Revolutionary war, the said Jacob Cramer being entitled thereto pursuant to the resolution of the Continental Congress of September 16, 1776, and the provisions of the act of July 27, 1842, extended by the act of February 8, 1854.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill for the relief of Jacob Cramer (H. R. 855), have considered the same, and recommend its passage for the following reasons:

The records of the Interior Department show that Jacob Cramer was a lieutenant of the Pennsylvania Continental line, and as such was entitled to a bounty-land warrant for 200 acres for services in the Revolutionary Army, and that said warrant has never been issued or satisfied.

The CHAIRMAN. Is there objection to the consideration of this bill? The Chair hears none.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. WHITFIELD.

Mr. HARE. I ask consideration of the bill (H. R. 4624) for the relief of the estate of John W. Whitfield.

The bill was read, as follows:

Whereas John W. Whitfield, on March 10, 1857, became one of the two sureties on the bond of W. W. Dennison, as an agent of the Otoe and Missouria Indians of Nebraska, in the sum of $15,000; and

Whereas the said Whitfield, in August, 1857, became a register of the land office in the Delaware land district in Kansas, and as it was claimed by the United States, in March, 1861, that the said Dennison was a defaulter, the Secretary of the Interior, on March 28, 1861, in writing, informed the Commissioner of the General Land Office that "no further payments will therefore be made to Mr. Whitfield from the Treasury whilst the matter of his liability on the official bond of Mr. Dennison remains unadjusted," in consequence of which John Wilson, the attorney of the said Whitfield, in writing, on April 3, 1861, requested the Commissioner of Indian Affairs to cause the affairs of the said Dennison to be examined, "to ascertain the actual amount due by him, that his sureties may take early and prompt measures to recover the amount of any defalcation, if it can be done;" and

Whereas the other surety on said bond has, in the long time that has elapsed, become insolvent, and as the larger part of the moneys due to said Whitfield as register of said land office have been withheld from him by said order of March 28, 1861; and

Whereas the administratrix of his estate has rendered his account, and a settlement thereof has been refused, the full amount due to him has never been ascertained and stated on the books of the Treasury of the United States; and

Whereas the said Whitfield died on October 26, 1879, leaving a widow, Sarah B. Whitfield, and a son, John A. Whitfield, as his heirs at law, and the United States has brought suit against them on the bond of the said W. W. Dennison, as Indian agent aforesaid, in the circuit court of the United States for the western district of Texas, at the November sessions, 1887, numbered 346; and

Whereas the actual indebtedness of the United States to the said Whitfield as late register aforesaid has never been fully stated on the books of the Treasury, and as the heirs at law of the said Whitfield, in the trial of said suit commenced against them to recover the penalty of said bond, can not claim any indebtedness due to said Whitfield as register aforesaid, as a set-off to any claim made against his estate as a surety of said Dennison, and as the sum of $1,162.46 allowed to said Whitfield as register for office rent, etc., on settlement of his account on December 21, 1860, under the act of August 18, 1856, and on that day reported to Congress for appropriation as required by said act, has not yet been appropriated, his account can not be fully and finally settled; and

Whereas justice requires that the heirs at law of the said Whitfield should have a legal settlement of his accounts as register of said land office, and as special register or agent for the sale of certain Indian trust lands, and should have the right to offset the amount due to him as late register, etc., aforesaid against any amount, if any, that may be found to be due to the United States by him as a surety of said Dennison: Therefore,

Be it enacted, etc., That in accordance with the seventh section of the act of August 18, 1856, and the settlement of the account of John W. Whitfield, register of the land office in the Delaware land district in Kansas, under and in accordance with said act, and the report of the Secretary of the Interior to Congress on December 21, 1860, as required by said act, the sum of $1,162.46 be, and the same is hereby, appropriated, which amount shall be placed to the credit of the said John W. Whitfield, deceased, late register, to bear date from December 21, 1860, being the date of settlement and report of said account under said act.

SEC. 2. That Mrs. Sarah B. Whitfield, the widow of the late John W. Whitfield, deceased, who is the administratrix of his estate, be, and she is hereby, authorized and empowered to bring a suit in the circuit court of the United States for the western district of Texas, against the Government of the United States, and for any and all claims, differences, and disputes arising out of the various accounts of the said John W. Whitfield against the United States as a register of the land office in said district, and as a special register or agent for the sales of the western portion of the Delaware and of the Iowa Indian trust lands, under the treaties of May 6 and May 17, 1854; and said court shall hear and determine according to law, and on their merits, all claims, disputes, and differences between the United States and the said John W. Whitfield, late register, etc., in reference to his various accounts, as well under said treaties as under the laws for the sales of public lands and for the location of public lands donated by military bounty land-warrants and for the compensation of registers and receivers, if the court shall determine him to be entitled thereto, with the same effect as if the suit authorized by this act were commenced by one individual against another, and said claims, differences, and disputes shall not be barred by any statute of limitations. It shall be the duty of said court and of the Supreme Court of the United States, to which an appeal may be taken by either party, by a writ of error, to file a written or printed opinion in the case, setting forth the special findings by the jury or the court on the facts alleged in the petition or declaration of the plaintiff, and the conclusions of the court or courts upon all questions of law involved in it, and to render judgment thereon. Should the said court or courts be of the opinion that the said John W. Whitfield, as a register of said land office, is not entitled as compensation for his services to all of the fees paid by the holders of military bounty land-warrants, for whom he located them, then the said court or courts, in the written or printed opinion aforesaid, shall refer to and cite the act of Congress which made said fees accountable to and payable into the Treasury of the United States, either in whole or in part, during the time which the said John W. Whitfield served as a register of said land office, and the decision or opinion of said court or courts in this case shall finally settle the question of law in relation to said fees, and the accounts of registers and receivers who served, at any time between March 22, 1852, and July 1, 1862, if necessary, shall be readjusted to conform to said opinion.

SEC. 3. That the plaintiff in the suit authorized to be brought by the second section of this act shall file a petition, duly verified, with the clerk of the circuit court of the United States for the western district of Texas, in which shall be set forth the full name and residence of the plaintiff, the nature of the claims of the said John W. Whitfield, deceased, as late register and special register aforesaid, with a succinct statement or declaration of the facts upon which the claims are based, the moneys claimed, or the damages sought to be recovered, and praying the said court for a judgment upon the facts and law. The plaintiff shall cause a copy of the petition above referred to to be served upon the district attorney of the United States for said district, and an affidavit of such service shall be filed with said court, and it is hereby made the duty of said United States attorney to appear and defend the interests of the Government in the suit brought under this act, and within thirty days after the service of the aforesaid petition upon him, he shall file a plea, answer, or demurrer, on the part of the Government, and also file a notice of any counter-claim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises. Should the said district attorney neglect or refuse to file the plea, answer, demurrer, or defense above authorized and required, the plaintiff may proceed with the case, and produce the evidence necessary to entitle her to a judgment. No appeal or writ of error in this case shall be taken after sixty days from the time the judgment or decree of said court is entered.

SEC. 4. That the suit now pending in the circuit court of the United States for the western district of Texas, at the November sessions, 1887, No. 346, brought by the United States against Sarah B. Whitfield and John A. Whitfield as the heirs at law of the said John W. Whitfield, who, on March 10, 1857, became a surety on the bond of William W. Dennison, as an Indian agent, shall not be withdrawn, discontinued, nor abandoned without the written request or consent of the said Sarah B. Whitfield and John a Whitfield, filed of record therein, but shall be tried to a final conclusion, without unnecessary delay; but no execution shall be issued on any judgment which the United States may obtain against the estate of the said John W. Whitfield, or against the heirs at law or estate of the said Whitfield in the suit now pending in the circuit court of the United States for the western district of Texas at the November sessions, 1887, No. 346, for the alleged defalcation of said Dennison, until after the trial and final conclusion of the suit against the United States which the said Mrs. Sarah B. Whitfield, administratrix of the estate of the said John W. Whitfield, is authorized, by the second section of this act, to institute against the United States for the services of said Whitfield as register, etc., and not then unless the amount of the judgment that may be obtained against the said John W. Whitfield, as a surety on the bond of said W. W. Dennison, or against the heirs at law of said Whitfield, shall exceed the amount of the judgment, which the said Mrs. Sarah B. Whitfield, administratrix, or her successor may obtain against the United States, for the claims of J. W. Whitfield as late register, etc., in which case execution may issue against the estate of the said John W. Whitfield for the difference between the two judgments above referred to. Upon the final conclusion of these two suits the judgment that may be found in favor of the estate of the said John W. Whitfield in the one case shall be an offset to any judgment that may be found against said estate or against the heirs at law or estate of the said John W. Whitfield in the other; and should said circuit court find that there is a balance due to the estate of the said John W. Whitfield, or to his heirs at law, it shall certify the amount so found to be due as aforesaid to the Secretary of the Treasury of the United States, who shall pay the same to the administratrix or administrator of the estate of the said John W. Whitfield, out of any moneys in the Treasury of the United States not otherwise appropriated.

SEC. 5. That Mrs. Sarah B. Whitfield, administratrix of the estate of the said John W. Whitfield, or her successor, or her or his duly authorized attorney at law, or in fact, upon a written request made to the head of any Bureau or Department having in his possession or under his control any papers, documents, or records connected with either of said cases, shall be furnished by said officers with certified copies thereof, free of any charge therefor; and such certified copies shall have the same force and effect in the trial of said causes as if the original papers, documents, or records had been produced in court; and it shall be the duty of said officers to transmit to the Solicitor of the Treasury a list of the papers, documents, or records furnished as above required.

The report (by Mr. KERR), which was ordered to be printed in the RECORD, is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 4624) for the relief of the estate of the late John W. Whitfield, beg leave to report:

From evidence submitted to the committee John W. Whitfield was a register of the land office in the Delaware land district in Kansas from August, 1857, to June, 1861, and that Daniel Woodson was a receiver of public moneys in said district during said time.

Congress on the 18th of August, 1856, in the seventh section of "An act making appropriations for certain civil expenses of the Government," enacted—

"That in the settlement of the accounts of registers and receivers of the public land offices the Secretary of the Interior be, and he is hereby, authorized to allow, subject to the approval of Congress, such reasonable compensation for additional clerical services and extraordinary expenses incident to such offices as he shall think just and proper, and report to Congress all such cases of allowance at each succeeding Congress, with estimates of the sum or sums required to pay the same." (Statutes at Large, volume 11, page 91.)

On December 21, 1860, Moses Kelly, the Acting Secretary of the Interior, settled the account of John W. Whitfield as register of the land office, and of D. Woodson as receiver of public moneys in said district, for clerical services, office rent, etc., under said act, and allowed them $12,857.92, and on said day he reported said sum to Congress for appropriation, as required by said act of 1856. This sum was made up as follows:

Amount allowed Register Whitfield for clerk-hire	$7,383.00
Amount allowed Receiver Woodson for clerk-hire	3,150.00
Total allowed both officers for clerk-hire	10,533.00
Amount allowed Register Whitfield for office rent, as per voucher No. 3	845.80
Amount allowed Register Whitfield for fuel and light, as per voucher No. 2	316.66
Amount allowed Receiver Woodson for office rent, as per voucher No. 1	845.80
Amount allowed Receiver Woodson for fuel and light, as per voucher No. 4	316.66
Total sum allowed both officers for clerk-hire, rent, etc	12,857.92
Amount appropriated on February 19, 1861, to pay for clerk-hire (12 Stat., 133)	10,533.00
Balance of sum allowed for office rent, fuel, and light, not appropriated	2,321.92

Only $10,533, allowed both officers for clerk-hire, was appropriated by the appropriation act of February 19, 1861 (12 Stats., 133). No appropriation has yet been made to pay the sum of $2,324.92, due to said officers for office rent, etc., as per report of settlement on December 21, 1860; nor does it appear that the Secretary of the Interior reported to any succeeding Congress for appropriation the sum of $2,324.92 remaining due to said officers.

The Acting Secretary of the Interior, in said report of December 21, 1860, in these cases says:

"The register and receiver for the Delaware land district, Kansas, appears to have proceeded in this matter according to the law of August 18, 1856. Their expenses for clerk-hire, office rent, etc., during the three years mentioned, have amounted to $12,857.92, or a little over $4,000 per year, which is regarded as reasonable in view of the unusually large quantity of land sold and located at that office during this period of time."

The late John W. Whitfield, deceased, became a surety on the bond of W. W. Dennison, an Indian agent, in March, 1857, who in March, 1861, was supposed to be a defaulter to the United States; in consequence of which the Secretary of the Interior, on March 28, 1861, instructed the Commissioner of the General Land Office to withhold payment of any moneys due to the said Whitfield as register, etc., "whilst the matter of his liability on the official bond of Mr. Dennison remains unadjusted." In April, 1861, the attorney of the said Whitfield, in writing, requested the Commissioner of Indian Affairs "to ascertain the actual amount due by him (Dennison), that his sureties may take early and prompt measures to recover the amount of any defalcation, if it can be done."

Mrs. Sarah B. Whitfield, widow and administratrix of the estate of the late John W. Whitfield, deceased, made application for the special adjustment of the account of said Whitfield, as late register of the land office in said district, which she was unable to obtain; and that she also requested a settlement of the account of the said W. W. Dennison, as late Indian agent, and that in 1885 she made a proposition of compromise in the case of the said Dennison, which the Solicitor of the Treasury refused to recommend; and that in 1887, more than a quarter of a century after the said Dennison had ceased to be an Indian agent, the Solicitor caused a suit to be instituted against Mrs. Sarah B. Whitfield, widow, and John A. Whitfield, as the heirs at law of the said John W. Whitfield, deceased, on the bond of the said Dennison, as late Indian agent, in the circuit court of the United States for the western district of Texas, at the November sessions, 1887, No. 346.

During the Forty-ninth Congress H. R. bill No. 5470, appropriating $1,162.46 for the relief of the estate of the late John W. Whitfield, deceased, late register, etc., was formally reported by the Committee on Claims, which was not acted on by Congress.

No just and final settlement of the accounts of said Whitfield, as late register, etc., can be made until the sum of $1,162.46, due to him for office rent, etc., is appropriated to be placed to his credit, and as the administratrix of his estate can not institute any suit against the United States under any existing law, and as she can not claim any moneys, long withheld and due to said estate by the United States, as a set-off in the trial of the suit now pending in said circuit court of the United States against the heirs at law of the said Whitfield, deceased, the said circuit court of the United States for said district should be empowered to try both suits and settle the accounts of the said Whitfield, deceased,

as late register, etc., and determine the question whether the said Whitfield, deceased, or his heirs at law, are or are not indebted to the United States.

The committee therefore recommend the passage of the bill (H. R. No. 4624), with the following amendments: In line 6 of section 2 strike out the word "and," after the word "States;" and in line 21 of section 3, after the word "Government," at the end of that line, insert the word "in."

Mr. SAYERS. In asking that the report be read in order that it may be well understood, I desire to make a brief explanation. The report was made by my friend, the gentleman from Iowa [Mr. KERR], and it is briefly this: In 1859 John W. Whitfield was register of the land office in Kansas. In 1857, when W. W. Dennison was Indian agent, and Mr. Whitfield was surety upon the bond of Dennison, Dennison proved a defaulter, and thirty years afterwards suit was instituted against the heirs of Whitfield to recover the amount due upon the bond against them as the surviving wife and heirs of John W. Whitfield.

Now, there is no claim of any defalcation against John W. Whitfield as register of the land office. The object of this bill is simply to authorize the establishment by the court of whatever may be due from the Government to John W. Whitfield as register of the land office, so as to enable his heirs to offset what may be found due him against the suit which has been brought against the heirs upon the bond of Dennison.

Mr. HOLMAN. Will my friend allow me this question?

Mr. SAYERS. Certainly.

Mr. HOLMAN. As I noticed the matter I understand it to be allowed by way of credit to him as entered on land warrants.

Mr. SAYERS. It is not authorized to be a credit. It is to ascertain what he is entitled to.

Mr. HOLMAN. I think so.

Mr. SAYERS. As soon as it was found that Dennison was a defaulter they stopped any settlement with Whitfield as register of the land office. It is not sought that he should be allowed any credit. Suit was brought thirty years after the party was dead.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RAILROAD BRIDGE NEAR ALMA, WIS.

Mr. HAUGEN. I ask consideration of Senate bill 2816, to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.

The bill was read, as follows:

Be it enacted, etc., That the Soo and Southwestern Railway Company, a corporation organized under the laws of the State of Wisconsin, and its successors and assigns, be, and they are hereby, authorized to construct and maintain railway bridge and approaches thereto across the Mississippi River between the States of Wisconsin and Minnesota from the most feasible and accessible point between the city of Alma and the mouth of Beef Slough, in the county of Buffalo, Wisconsin, to and upon the west bank of said river, in the county of Wabasha, in the State of Minnesota: *Provided*, That Congress may at any time prescribe such rules and regulations in regard to toll and otherwise as may be deemed reasonable.

SEC. 2. That said bridge shall be built with a draw, so as not to impede the navigation of said river; said draw shall be a pivot-draw, over the channel of said river usually navigated, near the Wisconsin shore, and giving a clear width of water way of not less than 200 feet on each side of the central or pivot pier of the draw, and in addition to said draw openings shall have one or more fixed channel-spans, each having not less than 350 feet clear channel-way, and every part of the superstructure of said bridge shall give a clear head-room of not less than 10 feet above high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw opening shall, if practicable, be located next or near shore: *Provided, also*, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw openings may be reduced: *Provided, also*, That for every two adjacent openings of 200 feet each, one draw opening of 300 feet may be substituted if the interests of navigation be not injured thereby: *Provided*, That said draw shall always be opened promptly upon reasonable signal, and said corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *And provided further*, That no bridge shall be built under the provisions of this act except there also be built at the time of the erection of the piers proper sheer-booms or other proper protections to safely guide boats, vessels, rafts, and other water craft through said draw-spans and the raft-spans of said bridge.

SEC. 3. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe, and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-lines at extreme high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and said bridge shall not be built until the plan and location thereof are approved by the Secretary of War, but when so approved the work on said bridge and the approaches thereto, and the accessory works, may be commenced and prosecuted to completion: *Provided*, That as nearly as practicable the said bridge shall be at right angles to, and the piers parallel with, the current of said river: *And provided further*, That any change in the mode of construction of said bridge shall be first submitted to the said Secretary for his approval, and when approved the said corporation may then proceed with the construction in accordance with said change: *And provided, also*, That if said bridge when constructed shall, in the opinion of the Secretary of War, be a substantial obstruction to the navigation of said river, the said Secretary shall require said corporation to change the construction thereof, or to remove the same entirely, so as to avoid any serious and substantial obstruction to the navigation of said river at the expense of the owners of said bridge.

SEC. 4. That the bridge hereby authorized shall be a lawful structure, and shall be a post-route upon which no higher charge shall be made for transportation of the mails of the United States and the troops and munitions of war, or for passengers or freight passing over said bridge, than the rate per mile paid to railroads and transportation companies leading to said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States, and the United States shall have the right of way for postal-telegraph purposes across said bridge.

SEC. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 4, in regard to charges for passengers and freight across said bridge, shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said railroad companies for the use of said bridge.

SEC. 6. That this act shall be subject, except as above mentioned, to the limitations and provisions of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any change in such structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

SEC. 8. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the corporation or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained at their own cost and expense in the form of booms, dikes, piers, or other suitable or proper structures for the guiding of rafts, steam-boats, and other water-craft safely through the passage-way, as shall be specified in his order in that behalf; and on failure of the corporation or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States within the jurisdiction of which such bridge or any part thereof is or may be located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

SEC. 9. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year, and completed within three years, from the date thereof.

During the reading,

Mr. LIND said: If this is an ordinary bridge bill I ask unanimous consent to dispense with the further reading.

Mr. HAUGEN. I was about to make the same request. It has been recommended by the War Department. There are two amendments offered by the committee, and I ask that the further reading of the bill be dispensed with.

Mr. NELSON. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The amendments offered by the committee will first be read.

The Clerk read as follows:

In section 1, commencing in line 8, strike out the words "the most feasible and accessible point between the city of Alma and the mouth of Beef Slough, and insert the following:

"A point just north of the Beef Slough cut-off, in section 21, township No. 22 north, of range 13 west, of the fourth principal meridian, above the city of Alma."

Also, in section 9, line 3, strike out the words "one year" and insert "two years."

Also, in the same line, strike out the word "three" and insert "four."

The amendments offered by the committee were agreed to.

Mr. NELSON. I offer the following amendment to come at the end of the bill.

The Clerk read as follows;

That the city of Duluth, a municipal corporation in the State of Minnesota, or its assigns, or any legally incorporated railroad company or companies, which may be associated with it therein, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto over the ship-canal and upon the Government piers of the same through Minnesota Point, being the entrance to the Duluth Harbor from Lake Superior; if upon consideration of a board of engineer officers, to be specially selected for the purpose, a bridge can be built without serious injury to the canal as an entrance to the harbor, and then only upon the plans and at the location recommended by the board and approved by the Secretary of War; said bridge shall be constructed to provide for the passage of railway trains, and further provide for the passage of wagons, street-railway cars, and vehicles of all kinds, for the transit of animals and foot-passengers, for such reasonable rates of tolls as may be approved from time to time by the Secretary of War.

SEC. —. That any bridge built under this act shall be constructed under and subject to such regulations for the security of navigation of said canal as the Secretary of War shall prescribe; and said corporation or corporations shall submit to the Secretary of War for his examination and approval a design and drawings of the bridge and a map of the location of the same, giving the topography of the banks of the said canal, together with all other information, as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any changes be made in the plans of said bridge during the construction, such change shall be subject to the approval of the Secretary of War.

SEC. —. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route upon which also no higher charges shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads and public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way for postal-telegraph and telephone lines across said bridge.

SEC. —. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same, and over the approaches thereto, upon payment of

a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters of issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. —. That the corporations or persons owning, controlling, or operating the bridge authorized by this act shall be in attendance on the same at all hours; shall maintain at their own expense, from sunset to sunrise, and during heavy fogs, lights or other signals on said bridge, as the Light-House Board shall prescribe, and promptly open said draws upon reasonable signals for the passage of boats, vessels, and other water-crafts.

SEC. —. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structures at the expense of the owners thereof whenever Congress shall decide that the public interests require it is also expressly reserved.

SEC. —. That this act shall be null and void if actual construction of a bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

During the reading—

Mr. HAUGEN. It is very evident that the amendment offered is not germane to the bill, and I shall make the point of order on it.

The CHAIRMAN. The gentleman has a right to have it read.

Mr. HAUGEN. I shall object to the amendment as not germane.

The reading of the amendment was concluded.

Mr. NELSON. I ask leave to make a statement.

Mr. HAUGEN. I make the point of order that that amendment is not germane to the bill. You might as well attach every bridge bill that is introduced here to my bill as this particular one. The location is 300 miles away from the place where the bridge provided for in the bill I have called up is to be built.

Mr. NELSON. I desire to say in reference to this matter that the first part of this proposition, the bill called up by the gentleman from Wisconsin, is for a bridge across the Mississippi River, between the State of Wisconsin and the State of Minnesota, while the amendment I have offered is for a bridge across the canal entrance to the inner harbor of Duluth, which is entirely within my State. The city of Duluth has made a canal entrance to the inner harbor and the people desire to have a bridge built there. I have tried all this session to get this bill passed, but the gentleman from Wisconsin [Mr. HAUGEN] has steadily objected, although this bill is for a bridge entirely within the limits of my district. Now, under these circumstances, if the point of order against the amendment is insisted upon and sustained, I shall feel constrained to do what I have never done in any instance before, namely, to call a quorum upon the original bill.

Mr. SOWDEN. I hope the gentleman from Minnesota will not insist on pressing his amendment, because it is contrary to the usual course of proceeding in the House in such matters.

The CHAIRMAN. The Chair thinks the point of order made by the gentleman from Wisconsin is well taken.

Mr. HAUGEN. Mr. Chairman, I desire to say that I do not object to any bill of the gentleman from Minnesota which is not objectionable on general principles. I think the one to which he has referred is objectionable on that ground, because the proposed bridge would interfere with navigation on the lakes. For that reason the bill ought not to pass; and that is why I have objected to it.

The CHAIRMAN. The Chair thinks the point of order is well taken. Is there objection to the consideration of this bill?

Mr. NELSON. I object.

The question was taken, and three members objected.

The CHAIRMAN. Only three gentlemen have objected; not a sufficient number. The bill is before the committee for consideration, and the question is upon laying it aside to be reported to the House with the recommendation that it do pass.

The question was taken; and the Chairman declared that the ayes seemed to have it.

Mr. NELSON. I call for a division.

The committee divided; and there were—ayes 48, noes 2.

Mr. NELSON. No quorum.

The CHAIRMAN. The point of "no quorum" being made, the Chair will appoint to act as tellers the gentleman from Minnesota [Mr. NELSON] and the gentleman from Wisconsin [Mr. HAUGEN].

Mr. LANHAM. Mr. Chairman, if the gentleman from Minnesota is determined to insist upon the point of no quorum, I move that the committee rise.

Mr. PERKINS. Pending the vote, I ask unanimous consent that this bill be laid aside for the present, without losing its place, in order to enable the gentleman from Wisconsin and the gentleman from Minnesota to come to some understanding that will be mutually satisfactory, while in the mean time we can proceed with other business.

Mr. HAUGEN. I am willing to agree to that if I can call the bill up again this afternoon, but I do not want to have it run up against the adjournment hour.

The CHAIRMAN. The gentleman from Kansas [Mr. PERKINS] asks unanimous consent that this bill be laid aside temporarily, not losing its place.

Mr. HAUGEN. I will assent to that provided I can call it up at any time.

Mr. NELSON. I object to the gentleman having the privilege of calling the bill up at any time. I will agree to the request as the gentleman from Kansas [Mr. PERKINS] put it.

Mr. PERKINS. Simply that the bill shall be laid aside temporarily, but that it shall not lose its place upon the Calendar, nor shall the gentleman from Wisconsin lose the privilege which he now has of calling up a bill.

Mr. HAUGEN. I will not consent to that unless I can call it up again this afternoon.

Mr. PERKINS. My suggestion would secure to the gentleman all the privilege he has now, but would not give him any additional privilege.

Mr. HAUGEN. We may as well have it out now.

Mr. LANHAM. I move that the committee do now rise.

Mr. WHEELER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHEELER. When this order of proceeding was adopted by the House it was agreed that no bill should be considered to which five objections were made. The spirit of that agreement was and its object was to avoid taking up bills which would occupy a great deal of time. Now, I insist that the bringing up these bills, which seem likely to consume the entire day, is in violation of the spirit of the order; and unless we can agree upon that, I shall move that the committee rise for the purpose of amending the order, so that we may not have the whole day spent in filibustering over one or two bills.

The CHAIRMAN. The Chair does not think that is a point of order.

Mr. PERKINS. Mr. Chairman, at the request of the gentleman from Wisconsin [Mr. HAUGEN] I desire to state my request again. It is that this bill be temporarily laid aside, with the understanding that it is not to lose its place upon the Calendar, nor is the gentleman from Wisconsin to lose the privilege of this call, but the bill is to be laid aside reserving to him the right to call it up again whenever he can get an opportunity, either this afternoon or at any other time.

The CHAIRMAN. The gentleman from Kansas [Mr. PERKINS] asks unanimous consent that this bill be laid aside, not losing any of its privileges and subject to be called up at any time during this afternoon or later.

There was no objection.

JOHN W. WHITFIELD.

The CHAIRMAN. The Chair will state that the last bill passed, which was called up by the gentleman from Texas [Mr. HARE], contained two formal amendments upon which the Chair failed to put the question. If there be no objection, they will be considered as adopted.

There was no objection, and it was so ordered.

BRIDGE ACROSS THE MISSISSIPPI NEAR ALMA, WIS.

Mr. HAUGEN. Mr. Chairman, I call up my bill again at this time. I can make no sort of agreement with the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. I have made the gentleman a proposition, which I wish to state to the House.

The CHAIRMAN. The Chair will now hear the gentleman from Wisconsin [Mr. HAUGEN].

Mr. HOOKER. Does the gentleman propose to call up his bill again?

Mr. HAUGEN. I do.

Mr. HOOKER. Mr. Chairman, I rise to a point of order. I understand that this is a bill for the purpose of erecting a bridge over some stream. How does that come to be considered a private bill?

The CHAIRMAN. It is on the Private Calendar; all these bridge bills are on the Private Calendar.

Mr. NELSON. I ask leave to make a statement of just a minute.

The CHAIRMAN. Is there objection to permitting the gentleman from Minnesota [Mr. NELSON] to make a brief statement?

Mr. HAUGEN. I withdraw my request for the present.

The CHAIRMAN. The Clerk will proceed with the call of the roll.

MRS. SARAH L. LARIMER.

Mr. HAYES. I call up the bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mrs. Sarah L. Larimer the sum of $5,000, in full for valuable services rendered by her to the Government in the year 1864, by giving important information to Captain Shuman, in command of the United States troops, and others, of the evil designs of hostile Indians, while she was held in captivity by them, the said sum to be paid out of any funds due to said Indians if there be any available for such purpose, and if there be none, then out of any money in the Treasury not otherwise appropriated.

Mr. BACON. I would like to hear the report in this case.

The report of the Select Committee on Indian Depredation Claims (by Mr. WILLIAMS) was read, as follows:

This committee, after a careful examination, made report on H. R. bill No. 777, in which they recommended the payment of $10,000 to Mrs. Sarah L. Larimer for services rendered and property destroyed by the Indians. Said report stated it as being clearly established that she rendered valuable services to the United States troops, preventing great loss of life and destruction of property.

The Senate bill under consideration, for reasons stated in the report accompanying said bill, provided for the payment of $5,000 for services rendered, but does not consider the claim for property destroyed.

The committee, after due consideration, adopt the views expressed by the Senate committee and recommend the passage of the Senate bill, and to their report attach the report of the Senate.

[Senate Report No. 1591, Fiftieth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming, and for loss of property taken by Sioux Indians, respectfully report:

It is abundantly established by the testimony laid before the committee that the claimant, on the 12th day of July, 1864, while traveling from Iola, Kans., with her husband, Lieutenant Larimer, an honorably-discharged soldier, in bad health, en route to the mountains, was, with one of her children, together with Mrs. Fanny Kelly and other immigrants, attacked by a band of Sioux Indians on the usually-traveled road leading across the mountains and in Wyoming Territory. Three of the party were killed and two were wounded. Mrs. Larimer and her child and Mrs. Kelly and her child were taken captives. The Indians destroyed the property of the party, including, it is alleged, a large stock of gold watches and jewelry, chloride of gold and nitrate of silver, clothing, and family jewels, and $3,7 0 in money. Mrs. Larimer, was carried by the Indians a considerable distance—75 miles or more; and at night, within a day or two after her capture, escaped with her child; and on foot, after great hardship and suffering, she reached the camp of Capt. Jacob S. Shuman's command. The affidavits show—but such evidence would not be needed to satisfy one that her condition when she reached the camp was pitiful.

The committee are satisfied from the evidence that the claimant rendered great service to the commands of Captains Shuman and Marshall by information as to the position and purposes of the Indians which she communicated to the military authorities. This is abundantly established by the affidavit of Levi G. Marshall, late major Eleventh Ohio Volunteer Cavalry, and Jacob S. Shuman, who was the captain of the latter regiment, and was stationed with his command at Fort Laramie, Wyo. These affidavits are subjoined to this report.

It is apparent that the information given by Mrs. Larimer was efficient to prevent great loss of life, and was therefore of great value. The bill proposes to pay her $10,000 for this service rendered the Government and for property alleged to have been taken and destroyed by the Indians. Mrs. Kelly, who was captured at the same time and who was held captive for some months and finally ransomed, was paid $10,000 by acts of Congress, $5,000 of it being for information given to the military authorities as to the whereabouts and plans of the Indians, and $5,000 for property taken and destroyed.

In support of the claim of Mrs. Kelly there was presented a statement signed by Spotted Tail, Swift Bear, and other chiefs and warriors of the Sioux Indians, acknowledging the massacre and destruction of the property of the emigrants, and consenting that payment be made out of funds due, or to become due, to the Indians. Five thousand dollars of the appropriation to Mrs. Kelly for information communicated and service thereby rendered to the Government was made payable, it will be observed, out of the Indian funds. The $5,000 for property taken and destroyed by the Indians was appropriated out of the general funds of the Treasury. The acknowledgment of the Indians as to the case of Mrs. Kelly clearly applies to the case of Mrs. Larimer, who was captured at the same time.

The committee think that Mrs. Larimer should be paid for the service rendered to the Government by her. If there is a fund available for that purpose due, or to become due, to the tribe of Indians by whom she was captured, and there is no treaty obligation to prevent it, the committee think the appropriation should be paid out of that fund; otherwise it should be paid out of the general funds of the Treasury.

The committee is not satisfied that the property alleged to have been captured and destroyed by the Indians, for which this bill proposes compensation to Mrs. Larimer, was her property. The affidavits establishing the title to have been in her are unsatisfactory. Facts have come to the knowledge of the committee, independent of the affidavits presented in support of this claim, which tend to show that the property for which she claims was in fact the property of her husband, who is still living but has deserted his wife.

The committee is not willing, in the present state of the proof as to the title of the property, to recommend that an appropriation be made to her therefor.

The committee recommend that the bill be amended by striking out all after the enacting clause, and inserting the following, and that as so amended it do pass.

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mrs. Sarah L. Larimer the sum of $5,000, out of any money in the Treasury not otherwise appropriated, in full for valuable services rendered by her to the Government in the year 1864, by giving important information to Captain Shuman, in command of the United States troops, and others, of the evil designs of hostile Indians, while she was held in captivity by them."

STATE OF ILLINOIS, *County of Clay, ss:*

In the claim of Mrs. Sarah L. Larimer, for Indian depredations, and pay for information furnished United States troops, personally came before me, Levi G. Marshall, of Clay City, county of Clay, State of Illinois, who, being first duly sworn, declares in relation to the aforesaid claim, as follows:

On or about the 13th day of July, 1864, property belonging to the said claimant was taken and destroyed by Indians of the Sioux tribe at or near Box Elder Creek, in Wyoming Territory, under the following circumstances: I was captain of company, Eleventh Regiment Ohio Cavalry Volunteers, and with my command was stationed at Fort Laramie, Wyo., at the time (later being mustered out as major); that on or about the 13th day of July, 1864, I was ordered to move against the Sioux Indians with 200 mounted men; Captain Shuman, being the other captain, was ordered with me; that when 115 miles out and at Deer Creek Station, we were met by Mrs. Sarah L. Larimer, who had been carried off by a band of Sioux Indian warriors, but had escaped in the darkness of night from their camp with her child in her arms, and climbed the hills for a distance of 75 or more miles on foot and alone.

As commanding officer I procured of Mrs. Sarah L. Larimer very valuable information about the movements of the enemy, as well as of their number and arms and how mounted, so that, being forewarned, I was able to avoid the ambushes and surprise that otherwise would have happened, to the death and destruction of my command. A few of my men, acting contrary to orders, fell into one of the ambushes, where their leader, Lieutenant Brown, lost his life. Mrs. Larimer was now destitute, bare of head and foot, all her property, which I understand had amounted to about (can not tell how much), having been taken or destroyed by the Indians when she and her child were carried off by said Indians. Her husband had been a commissioned officer of a Kansas regiment, but was discharged and in poor health, and now had the addition of a severe arrow wound near the groin. I know that all of her property was destroyed by the Indians; I do not now remember as to the value of said property.

I have no interest in said claim and am not concerned in its prosecution.

LEVI G. MARSHALL,
Late Major Eleventh Ohio Volunteer Cavalry.

Sworn to and subscribed before me this day, by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said claim, nor am I concerned in its prosecution.

Witness my hand and official seal this 12th day of March, 1886.

[SEAL.] E. MCGILTON,
Notary Public.

STATE OF MISSOURI, *County of Pettis, ss:*

In the matter of the claim of Mrs. Sarah L. Larimer for Indian depredation, and for information furnished to the United States troops after her escape from the Sioux Indians, by whom she had been captured and her property destroyed, personally came before me B. H. Ingram, clerk of the circuit court of Pettis County, Missouri, Jacob S. Shuman, of Sedalia, in said Pettis County, Missouri, who, being first duly sworn, on his oath states that on the 13th day of July, 1864, this affiant, Jacob S. Shuman, was captain of and in command of Company —— of the Eleventh Ohio Cavalry, and with my command was stationed at Fort Laramie, Wyo., and that on or about that date, having information that the Sioux Indians had made a raid on the emigrant road, captured and destroyed a train of emigrants, and had carried into captivity the said Mrs. Sarah L. Larimer and her little child, I immediately moved against the Indians up Platte River, in a northwesterly direction about 115 miles, to a place called Deer Creek Station. I there learned that the capture of Mrs. Larimer and her child, and the destruction of her property, and the murdering of several persons who were with the train, had taken place on Box Elder Creek, and as I was about to move against the Indians with the force I had, which consisted of my own company and a force under Captain Marshall, the said Sarah L. Larimer came into camp carrying her little child in her arms, she having escaped from the Indians, after having been carried by them about 75 miles, and returned on foot to the emigrant road, where she met my command.

When she came into our camp her condition was most deplorable; her clothes had been nearly all torn off her body; her arms and limbs were lacerated from making her way through the thorns, bushes, and cactus, on her way after her escape, and she and her little child were nearly famished. As soon as she could be resuscitated by nourishment, which was only a very short time, she gave me a detailed account of the position of the Indians, their plans and movements, and designs against my command, and also their numbers and the positions they occupied, and the ambuscades they had prepared; so that by taking proper precaution my command was enabled in a short time to move forward and thwart their designs, not only against the pursuing troops, but against other exposed points and trains that were on the emigrant road.

And I do most positively and solemnly swear that if it had not been for the information received from the said Mrs. Larimer that the command with which I was about to start out at that hour would have been massacred and destroyed; but by acting under her information, dismounting and arming the teamsters, and gathering in all the available and additional forces within immediate reach, and by following the directions given by the said Mrs. Larimer to avoid an ambuscade, I was enabled to obtain the advantage of the Indians and drive them north, not only saving part of my command from being massacred, and saving the lives and property of others, who would certainly have been captured and murdered if it had not been for the valuable information given to me by the said Mrs. Larimer.

I found the information that she gave as to the position and movements of the Indians exactly as she had given it.

And further, from my own scout's personal observation, and from the further fact that when Lieutenant Brown disobeyed orders a few men fell into an ambuscade, described by Mrs. Larimer, and were killed by the Indians. I also learned at that time that the property taken from Mrs. Larimer consisted of a fine collection of pictures, photograph apparatuses, and stock for that kind of business, and wagons and mules, all of which, as near as I can now recollect and estimate, was of the value of over $10,000. I further learned at the time, and afterwards, also, that Mrs. Larimer was a photographer and artist herself, and that the property was hers; and I learned the fact that her husband was with her and was wounded and left for dead by the Indians, but afterwards partially recovered; and that he had been a commissioned officer honorably discharged from the Eighth Kansas Volunteers, which I learned from Mr. Larimer himself, whom I saw, and I saw arrow wounds upon his person. And this affiant further says that the above and main facts that I have stated herein as to the information received from the said Mrs. Sarah L. Larimer as to the position, location, and designs of the Indians came under my direct and personal observation; and that I have not the slightest interest in any claim she may have; but that if she has a claim for property lost and for the information furnished me, I can and do say that it is just and deserving.

Owing to the fact that I am suffering from a severe nervous ailment, I am unable to write this affidavit myself and am compelled to dictate it to a stenographer and have it printed on a type-writer for me.

And this affiant further states that I have read this affidavit over carefully, and had the same read over to me, and that it, the same, is true in substance and in fact. So help me God.

JACOB S. (his x mark) SHUMAN,
Affiant.

Attest:
J. G. LINDSAY,
JOHNSON ORR.

Subscribed and sworn to before me this the 15th day of March, 1886, and I further certify that I have been personally acquainted with the above-named affiant for about fifteen years last past, and know from such acquaintance that he is the identical person he represents himself to be, and I further certify that for several years he has been afflicted with some nervous disease or trouble, thereby incapacitating him of writing his name. I also certify that I am in no way interested in his claim.

[SEAL.] B. H. INGRAM,
Clerk of the Circuit Court of Pettis County, Missouri.

Mr. BUCHANAN. I wish to inquire whether it is proposed that this money be paid out of the Indian fund?

Mr. WILLIAMS. Yes; there is such a provision in the bill.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill, which was laid aside to be reported to the House with a recommendation that it do pass.

The CHAIRMAN. If there be no objection, House bill No. 777, similar in substance to the Senate bill just passed, will be reported to the House with the recommendation that it lie on the table.

There was no objection, and it was ordered accordingly.

REIMBURSEMENT OF STATE OF MISSOURI.

Mr. HEARD. I desire to call up Senate bill No. 473.

The title of the bill was read, as follows:

A bill to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress.

The CHAIRMAN. The bill which the gentleman from Missouri [Mr. HEARD] desires to call up is not a private bill. It is on the House Calendar.

Mr. HEARD. This is a bill for the payment of moneys due to the State of Missouri. I can not see why it is not a private bill.

The CHAIRMAN. It is a general bill; it is on the House Calendar——

Mr. HEARD. Of course I accept the ruling of the Chair, but in my view it is a private bill.

The CHAIRMAN. The gentleman from Missouri——

Mr. HEARD. Having been misled in reference to that bill, I ask, by the indulgence of the committee, to call up another bill, so that I may not lose my right.

The CHAIRMAN. The Chair was about to state that the bill which the gentleman just now desired to call up is on the House Calendar—not in the Committee of the Whole at all; hence it can not be considered here. The gentleman from Missouri, having been misled, requests that he be not deprived of the opportunity to call up another bill.

Mr. HENDERSON, of Illinois. But the gentleman from Missouri called up a bill a week ago to-day.

Mr. HEARD. I apprehend that a great many gentlemen have done the same thing by unanimous consent.

Mr. HENDERSON, of Illinois. But it was done with the understanding that the gentleman should not have a call to-day.

Mr. HEARD. I beg pardon. If there was any such understanding I do not know how it arose; certainly not from any statement of mine. But, Mr. Chairman, I will yield. [Cries of "Regular order!"]

The CHAIRMAN. The present occupant of the chair does not know anything in regard to the agreement which may have been made at a previous sitting of the Committee of the Whole.

Mr. HEARD. Well, Mr. Chairman, I submit the matter to the committee. The gentleman from Indiana [Mr. HOLMAN] and my colleague [Mr. WARNER] did the same thing that I did. Each of those gentlemen called up a bill by unanimous consent.

The CHAIRMAN. The Chair will state——

Mr. HEARD. I decline to occupy the time. I will not cut anybody else out.

Mr. HOLMAN. I think the practice last Friday was to allow a member under these circumstances to have a second call.

Several MEMBERS. Regular order.

HENRY SETZER.

Mr. HENDERSON, of North Carolina. I call up the bill (H. R. 11227) for the relief of Henry Setzer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Henry Setzer, of North Carolina, or to his legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of $386.46, the amount collected from him on or about May 1, 1880, by the collector of internal revenue for the fifth district of North Carolina.

Mr. DINGLEY. Let the report be read.

The report of the Committee on the Judiciary (by Mr. HENDERSON, of North Carolina) was read, as follows:

In May, 1879, Henry Setzer was assessed by the collector of internal revenue, sixth district of North Carolina, in the sum of $354.60 for taxes on spirits produced in November and December, 1877. The same spirits were seized and sold subject to tax. The report of seizure shows that a seizure was made of 502 gallons of brandy January 8, 1878, which was sold March 5, 1878, subject to tax. On July 30, 1879, Mr. Setzer made claim for abatement on the ground that the brandy was forfeited and sold, and the tax paid from the proceeds. This claim was rejected by the Commissioner of Internal Revenue March 18, 1880. Mr. Setzer was thereupon required to pay the assessment, together with penalty, amounting in the aggregate to $386.46, which he did under protest. It has since been decided by the Supreme Court of the United States, October term, 1883 (U. S. *vs.* Ulrici, 111 U. S., 38), that the payment of the tax on the spirits relieves the distiller from any liability to pay it the second time.

The committee recommend the adoption of the bill with the following amendment: Strike out the word "fifth," in line 9, and insert "sixth."

The following letters are made a part of this report:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, August 17, 1888.

SIR: In reply to your verbal inquiries in the case of Henry Setzer, who desires relief from certain taxes assessed against him in 1879, you are advised that it appears from the records of this office that Mr. Setzer was assessed on the May list, 1879, sixth district of North Carolina, $354.60 for taxes on spirits produced in November and December, 1877. This sum is referred to in correspondence with Collector Mott on the subject as tax on spirits which were seized and sold subject to tax.

The report of the seizure shows that a seizure was made of 502 gallons of brandy from Mr. Setzer January 8, 1878, which was sold, March 5, 1878, subject to tax.

On July 30, 1879, Mr. Setzer made claim for abatement of the assessment on the ground that the brandy was forfeited and sold and the tax paid from the proceeds. This claim was rejected March 18, 1880.

It has since been decided by the Supreme Court, October term (U. S. *vs.* Ulrici, 111 U. S., 38; 30 Int. Rev. Rec., 111), that the payment of tax on the spirits relieves the distiller from liability to pay it the second time.

There is now no authority in this office to refund the amount paid if it was certain that it was a second payment. It can only be done by special act of Congress.

Mr. Setzer's letter is returned herewith.

Respectfully, yours,

JOS. S. MILLER, *Commissioner.*

Hon. JOHN S. HENDERSON,
House of Representatives, Washington, D. C.

STATESVILLE, N. C., *June* 22, 1888.

DEAR SIR: During the year 1877 I was a brandy distiller, sixth district, North Carolina, duly registered and bonded, and after having made several hundred gallons of spirits, and while waiting for the gauger to come around and gauge the same, a party of special revenue deputy collectors came to my distillery and seized and carried away all the spirits, which were forfeited and sold; the tax, 90 cents per gallon, was paid to the Government from the proceeds of the sale. Afterwards the gauger came around and asked for my returns, which I made, all the time claiming that the distillery had not been closed and that the seizure was illegal, and no brandy being reported by the gauger I was afterwards assessed for the tax on the amount reported produced, which was the identical spirits seized, and notice given me by Collector Mott of the assessment. I protested against its payment and he allowed me to file a claim for abatement, which was sometime afterwards disallowed, and I paid the tax and penalty, $386.46, the tax being twice paid to the Government on the same spirits.

I have been informed that the Supreme Court of the United States has since decided a case in point with mine, that the tax could not be legally collected but once. I never filed a claim to refund the amount, as I have been informed that such claims must be filed within two years after payment.

I would now respectfully ask that you introduce a special act to refund to me the amount paid.

I inclose a letter from the collector's office giving some information bearing on the subject, and suppose that the report of seizure and sale, also the returns made by me as distiller, and the claim for abatement of the tax can be had by application to the Internal Revenue Office at Washington, D. C.

Very respectfully,

HENRY SETZER.

Hon. JOHN S. HENDERSON, *Washington, D. C.*

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT, NORTH CAROLINA,
Salisbury, June 7, 1887.

SIR: Replying to your letter of May 4, I am sorry to inform you that all of the information I can give you in the case of Henry Setzer is as follows:

On May, 1879, list, page 1, line 9, I find Henry Setzer assessed for a "tax on brandy, November and December, 1877, $354.60. Record 1 shows that this amount, together with penalty, amounting in the aggregate to $386.46, was paid by him on May 1, 1880. There is no evidence in office of claim for abatement having been filed. I have also searched for record of seizure, but have been unable to find the record 44 of that date.

Respectfully,

J. H. McREE.

GEO. H. BROWN, Esq., *Statesville, N. C.*

The amendment reported by the Committee on the Judiciary, to strike out in line 9 the word "fifth" and insert "sixth," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PHINEAS T. RICHARDSON.

Mr. HENDERSON, of Illinois, called up the bill (H. R. 3112) for the relief of Phineas T. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Phineas T. Richardson, the pay and emoluments of a second lieutenant from the 14th day of July, 1863, he having been commissioned by the governor of Illinois as second lieutenant of Company I, Ninety-third Regiment Illinois Volunteer Infantry, and having in good faith served as such for the time mentioned, upon the order of his colonel.

Mr. BRECKINRIDGE, of Kentucky. Let the report be read.

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3112) for the relief of Phineas T. Richardson, report as follows:

The claimant, Phineas T. Richardson, was commissary-sergeant of his regiment, the Ninety-third Illinois Volunteers. On or shortly before the 14th day of July, 1863, he received a commission from the governor of Illinois as second lieutenant of Company I of said regiment, for gallant conduct in the battles of Jackson and Champion Hill, by which commission he was to take rank as such second lieutenant from the 16th day of May, 1863, and it was owing to the irregularities of the mail, while the regiment was in the field, that he did not receive it until about or shortly before the 14th day of July, 1863. The claimant accepted the commission, and applied for and received his discharge as commissary-sergeant, and received his final settlement in accordance with the same.

After the receipt of his commission and his discharge to receive promotion, the War Department issued General Orders No. 182, Adjutant-General's Office, series of 1863, whereby he could not be mustered in on account of said company not having the minimum number of men required. If it had not been for the irregularity of the mails he would have received his commission in due time for muster.

By order of Colonel Putnam, commanding the Ninety-third Illinois Volunteers, Richardson was on the 14th day of July, 1863, put on duty as second lieutenant of Company I of said regiment, and faithfully performed his duties as such officer from that time until the 27th day of September, 1863, inclusive. He received no pay for such services rendered, except that he received pay as commissary-sargeant up to July 29, 1863. An application was made to General Grant to allow Richardson to be mustered in as second lieutenant, on the ground that he resigned to receive promotion and received his commission before the said order of the War Department was issued. General Grant declined to make such an order, but directed that, "as this officer has been discharged in good faith the discharge is approved." This was not received until September 27, 1863, and during all that time, from July 14 to September 27, 1863, he was on duty as lieutenant of Company I under Colonel Putnam's order.

Your committee are of the opinion that the bill should be amended in line 9 of the bill, after the words "sixty-three," where they occur therein, by adding the following: "less the amount paid him as commissary-sergeant between July 14 and July 29, 1863;" and that when so amended the bill should pass.

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. JUDKINS AND WILLIAM T. JUDKINS.

Mr. HERBERT called up the bill (H. R. 10042) for the relief of the estates of James H. Judkins and William T. Judkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of

the United States Army the alleged taking by the United States authorities, for the use of the United States troops during the year 1865, of a quantity of quartermaster's stores alleged to have been the property of James H. Judkins and William T. Judkins, of Montgomery County, Alabama, such investigation to extend to the status of the owners, whether loyal or not, the value of the property taken and used by the Army; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for action in the premises.

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims, to whom were referred the bills (H. R. 2018) for the relief of the estate of James H. Judkins and (H. R. 2019) for the relief of the estate of William T. Judkins, report as follows:

That the claims are for quartermaster's stores alleged to have been taken by the United States Army during the late war from the claimants' plantations in Montgomery County, Alabama.

It seems to your committee that an investigation by the Secretary of War, or under his direction, is a matter of necessity before intelligent action can be had upon these claims; and the history of the alleged taking of the property is susceptible of proof; and while this is true, the committee desire the benefit of such proof.

The committee therefore report herewith a bill conferring power upon the Secretary of War to have the cases investigated through the Quartermaster's Department, and to report the result, with his recommendation thereon, to Congress, for its action in the premises, and recommend its passage.

The committee recommend that the original bills do lie on the table.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET KENNEDY.

Mr. HIESTAND called up the bill (S. 307) for the relief of Margaret Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Quartermaster-General be, and he is hereby, authorized and directed to ascertain and state the value of all timber, fences, and fruit trees on the farm of John Kennedy, deceased, situate in the District of Columbia, upon which Fort Sedgwick was erected, taken and used for firewood by the Army of the United States, and also the value of all timber sold by the Government, which had been taken from said farm and used in the construction of said fort; and the amount so stated shall be paid, out of any money in the Treasury not otherwise appropriated, to Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased.

The amendment of the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret Kennedy the sum of $3,000, out of any moneys in the Treasury not otherwise appropriated, which said sum shall be in full satisfaction for all claims against the Government for and on account of the damages sustained by the said Kennedy by reason of the cutting and using the timber, fencing, and fruit trees from her land by the Government."

Mr. HOLMAN. Let the report of the committee be read.

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (S. 307) for the relief of Margaret Kennedy, report as follows:

In March, 1853, John Kennedy, the deceased husband of the claimant in this case, purchased a farm containing over 26 acres, situated in the District of Columbia, for $1,605, and moved upon it with his family during the same year. He was a loyal citizen of the United States, and for about twenty-five years was employed as a stone-cutter on several public buildings of the Government, including the Capitol. With the money accumulated from his earnings he was enabled to purchase said farm. Margaret Kennedy, who is now asking for relief, is the widow and sole executrix of John Kennedy, aged about sixty-four years, and the mother of ten children. The claim has never been acted on by either House.

It appears by the papers on file that in the years 1862–'63 the military forces of the United States took possession of this land and constructed thereon the fortification known as Fort Sedgwick. The property consisted of over 26 acres, as before stated, on which stood about 12 acres of oak, chestnut, pine, and other timber, and 200 fruit-bearing trees of apple, peach, pear, and cherry, and was inclosed by a post and rail fence. By the construction of the fort and digging of trenches, sewers, and rifle-pits, about 20 acres of the land was practically destroyed. A part of the standing timber was used in building the fort, and the remainder, together with the fruit trees and the fence, was used by the troops for fire-wood. It is also shown that afterwards the timber was torn from the fort and sold to one Lacey by the Government.

The occupation of and injury to the farm of the claimant, and the erection of a fort thereon, were the unavoidable results of military operations in the face of the enemy, and for which no compensation can be made. Wood used for fuel by the Army, whether forest timber, fruit-trees, or fences, may be classed under the head of quartermaster stores, and the claimant having been a loyal citizen is entitled to compensation therefor. The timber which was cut from the farm and used in the construction of the fort was the property of the owner of the farm after the war was over and the fort abandoned. If the Government sold or disposed of such timber the claimant is entitled to compensation for the value thereof.

Your committee report herewith an amendment in the nature of a substitute for the bill referred to them, and recommend its passage.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES MILLINGER.

Mr. HIRES called up the bill (S. 602) for the relief of James Millinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James Millinger, of New Jersey, out of any money in the Treasury not otherwise appropriated, the sum of $19,893.75, for property taken from him for the use of the United States Army at Nashville, Tenn., in the year 1862; the said sum being the amount reported as just and right to the Secretary of War, under an order of General Dana, Quartermaster-General United States Army, appointed to investigate the same; which sum shall be in full of all claims against the United States by said Millinger.

Mr. PAYSON. Let the report of the committee be read.

Mr. BUCHANAN. The report is a lengthy one, and if allowed I will briefly state the facts.

The CHAIRMAN. The gentleman will proceed.

Mr. BUCHANAN. Mr. Chairman, it appears that in 1860 this claimant, James Millinger, was a member of a firm engaged in the construction of a hotel at Nashville, Tenn. When the war broke out that hotel was not finished. Afterwards it was taken possession of, together with all the material placed therein, by the troops under the command of General Negley, of Pittsburgh, Pa. This material was used for the purpose of constructing barracks and hospitals. The Quartermaster-General's Department sent an officer to examine into the matter, and under date of Nashville, January 31, 1867, he reported that this money was due to Mr. Millinger, the remaining partner of the firm.

Mr. HOLMAN. Mr. Chairman, how much money is involved in this claim? Is it not about $19,000?

The CHAIRMAN. The Clerk informs the Chair the amount is about $19,000.

Mr. HOLMAN. I think we had better have the report read.

Mr. JOHNSTON, of Indiana. I am satisfied, Mr. Chairman, this case is a just one, and ought to pass.

Mr. HOLMAN. My recollection is there were two persons engaged in partnership. Am I correct?

Mr. JOHNSTON, of Indiana. I do not recollect.

Mr. HOLMAN. And that one was a loyal man, and the other was not.

Mr. JOHNSTON, of Indiana. No, there is no question of loyalty about it.

Mr. HOLMAN. And that one transferred his claim over to the other?

Mr. JOHNSTON, of Indiana. There may be something in that. They had all the material for doors, windows, etc., in this hotel, and the Government took possession of this property and used it in other buildings in that city for the use of the troops.

Mr. HOLMAN. Does my colleague say that the material alone appropriated by the Government was worth the sum of $19,000?

Mr. JOHNSTON, of Indiana. About that. Whatever my report specifies I will stand by, because I know I gave the matter a very thorough examination. I understand this is a copy of my report, and if so, I am satisfied it is correct. I was myself prejudiced against the claim at the start, and gave it a very searching investigation.

Mr. HOLMAN. I examined the matter myself some years ago, but I am not able to say now what conclusion I reached. But upon the statement of my colleague, who has made a more recent investigation, I will not insist upon the reading of the report.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE H. OWEN.

Mr. HITT. I ask consideration of the bill (H. R. 11495) for the relief of George H. Owen.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, authorized and directed, in the settlement of the accounts of George H. Owen, late consul at Messina, to credit him with the sum of $1,098.63, expended by him for clerk-hire, printing, and postage, under the authority of the Department of State, while in charge of the United States consulate at Messina, and not heretofore allowed in his accounts.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

W. O. HIATT AND OTHERS.

Mr. McCLAMMY (when the name of Mr. HOGG was called). I ask unanimous consent that Mr. HOGG be allowed to retain his place in the call. He was unexpectedly called out of the House on some business, but the bill he desires to present is one of more than usual merit.

The CHAIRMAN. Without objection the gentleman from West Virginia will be allowed to retain his place on the call until he returns.

There was no objection.

Mr. McCLAMMY. I ask now unanimous consent for the consideration of the bill (H. R. 6622) for the relief of W. O. Hiatt, Edward Hughes, and J. W. Powell, session clerks of the Forty-ninth Congress.

The CHAIRMAN. The Chair did not understand the gentleman from North Carolina as desiring to call up a bill for the gentleman from West Virginia.

Mr. McCLAMMY. I make that request, that I may be permitted to call it up.

There being no objection the bill was considered.

It is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to W. O. Hiatt, Edward Hughes, and J. W. Powell, each the sum of $198, this being the amount of money due them, respectively, for their services as session clerks of the Forty-ninth Congress.

SEC. 2. That this act shall take effect from and after its approval.

Mr. McCLAMMY. There is an amendment which should be made to the bill, to strike out "Hiatt" where it occurs in the bill and the title and insert "Wyatt."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE F. ROBERTS.

Mr. HOLMAN. Mr. Chairman, I ask to call up for present consideration the bill (S. 200) for the relief of George F. Roberts, administrator of the estate of William R. Thayer, deceased, surviving partner of the firm of Thayer Brothers. I will state that this bill involves three very considerable amounts of money.

The CHAIRMAN (Mr. ROGERS). The Chair is informed that the bill is on the Speaker's table and not on the Private Calendar.

Mr. HOLMAN. I suppose that by unanimous consent it might be considered now.

Mr. HOOKER. I demand the regular order.

Mr. HOLMAN. If there is to be any delay about it, however, I would not insist; but there is a similar bill in the House, and this might be substituted.

Mr. HOOKER. Is the House bill on this Calendar?

Mr. HOLMAN. It is on the Private Calendar. I ask to take up the Senate bill instead of the House bill.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that when the bill is reported back from the committee it may then be substituted, but it can not now be substituted for the House bill.

Mr. HOLMAN. Then I call up the House bill; and before the reading of the bill I wish to say that while these parties live in my section in Indiana, it is a subject with which I am not acquainted. My colleague [Mr. BROWNE] from the Richmond district is familiar with the facts, and I desire that he may be permitted to make a statement in regard to it.

Mr. BROWNE, of Indiana. I send up a copy of the House bill, and ask to have it read.

The Clerk read as follows:

A bill (H. R. 2127) for the relief of George F. Roberts and others.

Whereas the act of Congress approved June 30, 1864, had been uniformly construed and administered to allow for loss by leakage on distilled spirits while in bonded warehouse; and

Whereas it was the uniform practice, and in accordance with the rules and regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury, to collect internal-revenue taxes upon only so much of the spirits distilled as were actually withdrawn from bonded warehouse; and

Whereas under said act, in a few exceptional cases, taxes were also collected on that portion of such spirits which was lost by leakage while remaining in warehouse: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named persons, or their legal representatives, respectively, as follows: To George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, the sum of $10,790.32; to Silas Q. Howe, surviving partner of William T. Pate & Co., the sum of $19,662.19; to Henry W. Smith, surviving partner of T. and J. W. Gaff & Co., the sum of $14,062.50; the said payments being a refund of taxes exacted and paid on distilled spirits in excess of the quantity withdrawn by them from United States bonded warehouse between July 1, and December 31, 1864.

The committee recommend the following amendment: Insert in line 6, after the word "respectively," "such amounts as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by them as tax on distilled spirits in excess of the quantity withdrawn by them from United States bonded warehouse: *Provided*, That the amount paid to each shall not exceed the sum hereinafter stated, that is to say."

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. BACON. Let us have the report read.

Mr. BROWNE, of Indiana. The report is quite voluminous.

Mr. BACON. It ought to be voluminous. It proposes to release the tax on many thousands of dollars of spirits alleged to have leaked.

Mr. HOOKER. This bill, I think, covers about $60,000, and before any discussion takes place I hope it will be determined whether it will be considered.

Mr. HOLMAN. I trust my colleague may be heard for a minute or two.

Mr. BROWNE, of Indiana. Just two minutes.

Mr. HOOKER. Very well; say two minutes.

Mr. BROWNE, of Indiana. Mr. Chairman, I speak in regard to this case because I happened to have become familiar with the facts while I occupied an official position and was acting as an attorney of the Government. The facts are these: Under the act of Congress of June 30, 1864, the owners of distilled spirits are required to pay a tax upon such as are distilled and sold or withdrawn for sale. In this case the distillers withdrew from the cistern-room and put into the bonded warehouse a certain amount of distilled spirits, and when the distilled spirits were withdrawn for sale they were taxed, not with the amount they withdrew, but with the amount that had been deposited in the warehouse. But the act of Congress to which I have referred provides that they shall be responsible for taxes only on the amount distilled and withdrawn for sale. The collector of internal revenue put a misconstruction on that act and collected this tax in excess of the amount withdrawn, making no allowance whatever for leakage. It has since been decided by Secretary Sherman, Commissioner Raum, Commissioner Rollins, and the entire Treasury Department that it was excessive and should not have been demanded.

Mr. SOWDEN. What became of the balance of the distilled spirits in bond?

Mr. BROWNE, of Indiana. It was all withdrawn and sold, and the tax paid on that which was sold as well as on all that evaporated besides.

Mr. MCMILLIN. Will the gentleman permit me a question?

Mr. BROWNE, of Indiana. Certainly.

Mr. MCMILLIN. My recollection is that there was an enlargement of the amount that was allowed for evaporation a few years ago; and I wish to know whether this bill provides for a return of the tax under the law that then existed or under the law as amended?

Mr. BROWNE, of Indiana. Under the law that then existed. And this bill does not provide for the payment of a dollar unless upon investigation by the Secretary of the Treasury the amount is found due.

Mr. MCMILLIN. It only provides for the return of whatever may have been illegally collected at that time?

Mr. BROWNE, of Indiana. That is the whole of it. The Government of the United States collected from these men money that did not belong to the Government and was not due under any law. It has been decided that it was not due, and all that these claimants ask is that the money be returned to them. Distillers at any time pay a good deal of taxes when they pay according to the law, and a great deal when they pay in excess of what the law demands.

Mr. WASHINGTON. Will the gentleman yield for a question?

Mr. BROWNE, of Indiana. Certainly.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Indiana permit me to ask him a question?

Mr. BROWNE, of Indiana. I have yielded to the gentleman from Tennessee [Mr. WASHINGTON] for a question.

Mr. WASHINGTON. Was this ruling by which this excess was exacted in your district——

Mr. BROWNE, of Indiana. It was not in my district. There is not a distillery in my district.

Mr. WASHINGTON. Well, in that part of Indiana where it was collected. Was that some rule applied to every other distiller, or was it a ruling of the collector?

Mr. BROWNE, of Indiana. It was at the time applied pretty generally; but in innumerable cases the Government has already reimbursed the parties for the payment of this excess, and this case and two or three others are all that remain, the Government having reimbursed the distillers in all other instances.

Mr. BRECKINRIDGE, of Kentucky. The question I desired to ask in order that I may understand the case was how is it that this tax was collected illegally? Was it a judgment of the court or an order of the collector, or in what mode?

Mr. BROWNE, of Indiana. The gentleman remembers doubtless that under the revenue laws the collector of internal revenue was court, judge, and everybody else, and when he made an assessment, if the distiller refused to pay the amount, the collector could seize and sell, and the distiller had not anything left him but to pay or suffer forfeiture, but he could pay under protest.

Mr. BRECKINRIDGE, of Kentucky. And when he paid under protest did he not have the right of action in the courts?

Mr. BROWNE, of Indiana. I thought so; but it seems not.

Mr. BRECKINRIDGE, of Kentucky. Why, was it not so decided, and have there not been a great many of these cases so decided, that the distiller had the right to sue the collector for the amount of the illegal assessment?

Mr. BROWNE, of Indiana. I can not say. I do not remember whether they had the right to sue in this case or not. I only know that they have paid in this instance; and I know that they have laid out of their money for a number of years. I know that the Government makes no question as to the liability, but it has not the power to pay it without authority of Congress.

Mr. BRECKINRIDGE, of Kentucky. A certain amount of whisky goes into a bonded warehouse. Now, the distiller takes out a certain amount or withdraws a certain amount, being simply an amount out of the amount that went in. By the law of evaporation there is a certain legitimate amount that escapes. Is the amount that the party now asks to be reimbursed for the amount that would have legitimately escaped by evaporation, or is it an amount that may have escaped by other means than evaporation?

Mr. BROWNE, of Indiana. No, sir. There is no controversy as to there being any loss except such as may naturally result from evaporation, and, if I remember correctly, it is less than the amount uniformly allowed.

Mr. BRECKINRIDGE, of Kentucky. That was under the act of 1863.

Mr. BROWNE, of Indiana. Of 1864.

Mr. BRECKINRIDGE, of Kentucky. When was it that the law was changed so as to make the distiller pay tax on the amount that went into the bonded warehouse?

Mr. BROWNE, of Indiana. I do not remember.

Mr. BRECKINRIDGE, of Kentucky. There was a law passed that allows a credit for evaporation.

Mr. BROWNE, of Indiana. I do not remember when that was.

Mr. MCMILLIN. The law allowing remission of the taxes upon a certain amount for evaporation, I think, was passed in 1881 or 1882.

Before that time if there was any allowance for evaporation I do not remember it.

Mr. BROWNE, of Indiana. The gentleman must misunderstand the case. We do not pretend, nor do the officers of the Government, in construing the act, pretend that this is an allowance for loss by evaporation. It grows out of a construction of the statute itself. The statute provides that the distiller shall pay upon the amount of the liquors distilled and sold, or distilled and withdrawn for sale. Now, they made the distillers in this case pay, not upon the amount distilled and sold, or distilled and withdrawn for sale, but upon the amount deposited in the warehouse, and the amount deposited in the warehouse is in excess of the amount withdrawn for sale or withdrawn and sold.

Mr. MCMILLIN. The gentleman from Indiana [Mr. BROWNE] and I were here when the bill was passed making the allowance for loss by evaporation. If I remember correctly—and I only state it from memory—prior to that time the distiller was assessed upon the amount he put in bond, and if there was any leakage or evaporation he got no credit for it. If I am correct in that, would not my friend's bill open up a large number of cases for the readjustment of losses by evaporation?

Mr. BROWNE, of Indiana. This bill was unanimously reported by the Committee on Claims of this House and unanimously reported by the Committee on Claims of the Senate; and the bill itself simply provides that this case shall be referred to the Secretary of the Treasury, who shall inquire into it and pay such sum as may be due, not to exceed the sum set forth in the bill itself. I have no interest in the case myself. The claimants are not my constituents; they do not belong to my political party. The way I came to be interested in it is because I happened to be engaged in prosecuting some cases against these parties that turned out so manifestly unjust and to their injury that I have felt a sympathy for them, for they have been literally skinned by the Government out of $60,000.

Mr. BRECKINRIDGE, of Kentucky. The point of difficulty in my mind is this: According to my recollection, under the law that has always been in force since the internal-revenue system was adopted the distiller was charged with all the spirits that went into the bonded warehouse.

Mr. BROWNE, of Indiana. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. And there was a remission of any portion of the tax only upon his showing to the Department some good reason why the whisky was not there. So strict was the rule that even if the warehouse was burned down the distiller was required to pay the tax. Later, under what was known as the Carlisle bill, an allowance was made for evaporation running through three years, but no evaporation larger than that amount was allowed for. Now, it seems that in this case there must have been something more than the mere fact that there was less spirits taken out than was put in, because if that were all the distiller would be responsible for the tax on the spirits put in. There must have been bad cooperage or something of that kind, and what I wanted to get was information as to the fact which made this case exceptional.

Mr. BROWNE, of Indiana. Perhaps I have been unfortunate in my statement, but I have tried to state it.

Mr. BRECKINRIDGE, of Kentucky. I think the gentleman stated with great clearness the fact that there was more whisky put in than was taken out.

Mr. BROWNE, of Indiana. The gentleman from Kentucky is a lawyer; will he allow me to read to him the section of the act of Congress to which I have referred, and then I will ask him to put his own construction upon it. I read section 15 of an act approved June 30, 1864:

> In addition to the duties payable for licenses herein provided, there shall be levied and collected and paid on all spirits that may be distilled and sold, or distilled and removed for consumption or sale, of first proof, on and after the 1st day, etc., $1.50 per gallon.

Now, I ask the gentleman from Kentucky whether he thinks that under a proper construction of that section, the distiller is responsible for the tax on a single gill of liquor except that which is either removed for sale or removed and sold?

Mr. BRECKINRIDGE, of Kentucky. Taking it as an original question, I am not prepared to say what would be the proper construction, but if my recollection is correct, it was construed to mean that the distiller should be charged with all the spirits put into the warehouse.

Mr. BROWNE, of Indiana. I know it was.

Mr. BRECKINRIDGE, of Kentucky. And that he was to show what had become of it. And the question I ask the gentleman is, whether there is anything in this particular case to show affirmatively what became of the difference between the amount of whisky that was withdrawn and the amount there was put in?

Mr. BROWNE, of Indiana. There is no question at all as to the fact that the difference between the two amounts was the result of evaporation. There is no question at all but what the Government did for a time construe the law to be that the distiller was bound for the tax on the whole quantity deposited. There is no question but what the Government subsequently reversed that ruling and collected only upon the amount withdrawn.

Mr. BRECKINRIDGE, of Kentucky. The gentleman is mistaken.

Mr. BROWNE, of Indiana. No, sir; I am not mistaken. I hold in my hand the decisions of the Secretary of the Treasury and of Commissioners Raum and Rollins, and evidence of the fact that the Government did in a number of instances reimburse persons who had been required to pay in excess of the amount withdrawn.

Mr. HOLMAN. I suggest to my colleague that he have read at this point the statement of Commissioner Raum, which is very brief.

Mr. BROWNE, of Indiana. Very well.

The Clerk read as follows:

> Pate & Co., from July 1 to December 31, 1864, deposited in bonded warehouse 4,186 barrels distilled spirits, containing 215,885½ gallons proof spirits; when these packages were removed from warehouse they contained, by actual inspection, only 200,613½ proof gallons. This tax of $1.50 was collected on the full quantity deposited, amounting to $320,828.25. The tax due on the 200,613½ gallons actually found in the packages on withdrawal was $300,920.25, showing an excess of $19,908 collected. In computing the leakage in transit, the sum of $245.81 was computed on the full quantity bonded. I propose to allow the claim for the remainder of the tax appearing to have been paid by these claimants in December, 1864, as set forth, on spirits lost by leakage and evaporation while stored in bonded warehouse, to wit, $1,962.19.
>
> Very respectfully, your obedient servant,
>
> GREEN B. RAUM, *Commissioner.*

Mr. HOLMAN. Now, if my colleague will permit me, I notice that the sum mentioned in this Pate transaction is the sum named in the bill, and I wish he would state, if he knows, how it happens that that money was not paid?

Mr. BROWNE, of Indiana. I do not know, unless it was because the Secretary of the Treasury did not feel that he had the money appropriated for the purpose.

Mr. HOLMAN. I supposed that was the case, but I did not know.

Mr. BROWNE, of Indiana. I yield now to the gentleman from Tennessee [Mr. WHITTHORNE].

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. BACON. I object.

The question was taken, and seven members objected.

The CHAIRMAN. Seven gentlemen have objected, and the bill is not before the committee for consideration at this time.

RICHARD W. MEADE.

Mr. HOLMES. I call up joint resolution (H. Res. 189) to amend and enlarge the provisions of a joint resolution approved July 25, 1866, entitled "A joint resolution to refer the claim of the administrator of Richard W. Meade, deceased, to the Court of Claims."

The CHAIRMAN. Is there objection to the consideration of this joint resolution at this time?

Mr. MCMILLIN. Mr. Chairman, if I recollect this case it involves $375,000, and I think that in the consideration of a measure involving so large an amount of money the report ought to be read. The case was before the Committee on Claims when I was chairman of that committee.

Mr. SOWDEN. I ask for the reading of the report, reserving the right to object.

Mr. HOLMES. The report is quite extended, and the reading of it could not be completed before 5 o'clock, so I ask unanimous consent to make a statement instead.

There was no objection.

Mr. HOLMES. This is a claim which, it is true, as the gentleman from Tennessee [Mr. MCMILLIN] states, involves some $300,000; at least that is the amount which was found due by the Spanish Government to this claimant. Richard W. Meade is the grandfather of General George G. Meade—a distinguished name in the annals of this country, and one to which we certainly can not afford to do injustice with regard to a matter of this character. Prior to 1819 Richard W. Meade, an American citizen, was a resident temporarily in Cadiz, Spain, doing business there. He had claims against the Spanish Government growing out of some fourteen contracts for assistance and supplies furnished during the Napoleonic wars, and for damages on account of two years' imprisonment of himself by the Spanish Government, which was acknowledged to have been wrongful.

After a long series of years, this claim of Mr. Meade was passed upon by the Spanish Government and was allowed. Before its allowance the treaty of 1819 between the United States and Spain was negotiated; and by one clause of that treaty the claims of American citizens then pending against Spain were assumed by the United States. The six months allowed for ratification of the treaty having expired, and the treaty not having been approved by Spain, the matter was relegated to its original status, as was thought by the American commissioner; and after this failure to ratify the treaty the Spanish Government, through a commission, considered the claim of Mr. Meade, and after cutting it down repeatedly and systematically, rendered judgment in his favor for $300,000—much less than he ought to have had. Afterward negotiations were resumed between Spain and the United States and the treaty was ratified. Then it became a question whether this claim was included in that treaty.

The Government of the United States had limited its liability to $5,000,000, and it became a question whether Mr. Meade was entitled to any relief from the hands of our Government, or whether his claim was still operative as against Spain. The American minister had pre-

sented the case with great force to the Spanish Government, but after the claim had been allowed by that Government it became a disputed claim as between the Government of the United States and the Government of Spain. At length the claim was placed before the United States for allowance. The commission appointed to investigate it demanded the original papers upon which Spain had rendered the judgment or allowance. Spain, fearing that the claim would still be made against that Government, refused to give up the original papers, saying that the certificate of allowance ought to be sufficient for this Government, and was all that the Spanish Government would furnish; whereupon the commission appointed by the United States to investigate the claim disallowed it, refused further to recognize it as a claim against this Government, treating it as a claim against Spain which that Government should liquidate. Now Spain refuses to liquidate the claim by reason of a statement made, it is asserted, by the American minister that the Government of the United States was responsible. So that, while this claim is admitted on all hands to be just and proper in every way, having been so declared by Minister Adams, by the Court of Claims, and by the Supreme Court in passing upon the judgment of the Court of Claims——

Mr. LANHAM. Will the gentleman from Iowa [Mr. HOLMES] yield for a motion that the committee rise? It will obviously be impossible to finish the consideration of this bill this afternoon in time to allow the passage in the House of the bills already acted on favorably.

Mr. HOOKER. Let the gentleman from Iowa yield with the understanding that this bill shall go over.

Mr. HOLMES. Very well; if it be understood that this claim holds its place——

The CHAIRMAN. If the gentleman from Texas [Mr. LANHAM] will yield a moment, the gentleman from Minnesota [Mr. LIND] desires to make a request.

Mr. LIND. Being called away from the city, I request that my colleague [Mr. NELSON] may be permitted to call up in my behalf a small bill on next Friday, or as soon as the order of business we have had to-day may be resumed.

There being no objection, leave was granted.

Mr. LANHAM. I now move that the committee rise.

Mr. SOWDEN. If the gentleman from Iowa [Mr. HOLMES] reserves the right to call up this bill on next Friday, I reserve the right to object to it if I should think proper.

The CHAIRMAN. Certainly; no rights will be waived.

Mr. HOLMES. The status of the case will be the same as now.

The CHAIRMAN. The Chair understands that the gentleman from Iowa now yields with the understanding that if this order of business be resumed next Friday his bill will be first considered, no rights being waived.

Mr. WASHINGTON. The right of objection being reserved.

The CHAIRMAN. That is understood.

The motion of Mr. LANHAM, that the committee rise, was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. ROGERS reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

WILLIAM A. BEVENS.

The bill (S. 317) for the relief of William A. Bevens, reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 7718) for the relief of Milo McCrillis;

A bill (H. R. 6018) for the relief of George Campbell; and

A bill (H. R. 11495) for the relief of George H. Owen.

Amendments reported from the Committee of the Whole House on the Private Calendar to House bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4624) for the relief of the estate of John W. Whitfield;

A bill (H. R. 11227) for the relief of Henry Setzer;

A bill (H. R. 3112) for the relief of Phineas T. Richardson;

A bill (H. R. 10042) for the relief of the estate of James H. Judkins and William T. Judkins; and

A bill (H. R. 6662) for the relief of W. O. Wiatt, Edward Hughes, and J. W. Powell, session clerks of the Forty-ninth Congress.

Mr. KILGORE. Can we not have some of the bills read as we go along?

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The gentleman has the right to have the bill read in each case if he desires it.

Mr. KILGORE. I will not insist on the demand for the reading of the bill in each case, but the Committee on Enrolled Bills should have more time to examine the bills.

HEIRS OF JACOB CRAMER.

A bill (H. R. 855) for the relief of the heirs of Jacob Cramer was reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation.

Mr. PAYSON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert after the word "land," in line 5, "said warrant to be locatable only on public land subject to private entry."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. SARAH L. LARIMER.

The bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming, and for the loss of property taken by Sioux Indians, was ordered to a third reading; and it was accordingly read the third time, and passed.

House bill 777, with the same title, was laid on the table.

MARGARET KENNEDY.

The amendment reported from the Committee of the Whole House on the Private Calendar to the bill (S. 307) for the relief of Margaret Kennedy was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES MILLINGER.

The bill (S. 602) for the relief of James Millinger, reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation, was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BUCHANAN, House bill 31 with the same title was laid on the table.

Mr. LANHAM moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS THE TENNESSEE AND CUMBERLAND RIVERS.

On motion of Mr. STONE, of Kentucky, by unanimous consent, the House proceeded to the consideration of the bill (H. R. 10023) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers, reported from the Committee on Commerce with an amendment.

The bill was read, as follows:

Be it enacted, etc., That the Cairo and Tennessee River Railroad Company, organized under act of the General Assembly of the Commonwealth of Kentucky, be, and is hereby, authorized to construct and maintain bridges, and approaches thereto, over the Tennessee River at any point below Aurora, in the State of Kentucky, and the Cumberland River at any point in Trigg County, State of Kentucky, on said river. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridges shall be granted to all telegraph companies; and the United States shall have the right of way over said bridges for postal-telegraph purposes.

SEC. 3. That all railroad companies desiring the use of said bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridges, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 4. That any bridges authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridges, and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the rivers, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridges are approved by the Secretary of War the bridges shall not be built, and should any change be made in the plan of said bridges during the progress of construction such changes shall be subject to the approval of the Secretary of War.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment of the committee was read, as follows:

Add to the bill the following:

"SEC. 6. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within two years and completed within three years from the date thereof."

The amendment was agreed to.

Mr. STONE, of Kentucky. I move in section 1, line 7, to strike out "Aurora" and insert in lieu thereof "south boundary of Calloway County," and in the ninth line, after the word "Kentucky," to strike out the words "on said river," and in lieu thereof to insert "at any point in Monroe or Cumberland Counties, Kentucky, or in Clay County, in Tennessee, on said river."

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WESTERN YEARLY MEETING OF FRIENDS, INDIANA.

Mr. JOHNSTON, of Indiana. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 755) to appropriate $127.50 to reimburse the Indian committee of Western Yearly Meeting of Friends in Indiana for money expended by them in the purchase of Government lands in North Carolina for an Indian training school, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the sum of $127.50, or so much thereof as may be necessary, be, and the same is hereby, appropriated, from the money in the Treasury of the United States not otherwise appropriated, for the purpose of reimbursing the executive committee on Indian affairs of Western Yearly Meeting of Friends in Indiana for money paid by them for the purchase of two lots of land situated in Swain County, in North Carolina, in the town of Cherokee, for the purpose of building thereon Government buildings for a training school home for the education of the children of the Eastern band of Cherokees, the titles to which have been conveyed to and are now held by the United States, and on which said buildings have been erected and are now in use as designed; the said payment to be made by the Secretary of the Interior to B. C. Hobbs, of Bloomingdale, Ind., the representative of said committee, on presentation of proper vouchers and satisfactory evidence of said indebtedness.

The committee recommend the adoption of the following amendment:

Strike out, in the third line, "twenty-seven" and insert "twenty-two."

There being no objection, the bill was considered, the amendment recommended by the committee adopted, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended to conform.

CUMBERLAND PRESBYTERIAN CHURCHES OF CALHOUN AND PULASKI, TENN.

Mr. WHITTHORNE. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 10866) to refer the claims against the United States of the trustees of the Cumberland Presbyterian Churches of Calhoun and Pulaski, Tenn., and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That all the evidence and papers which refer to the claims against the United States of the trustees of the Cumberland Presbyterian Church of Calhoun, Tenn., and of the trustees of the Cumberland Presbyterian Church of Pulaski, Tenn., be, and the same are hereby, referred to the War Department; that the Secretary of War is hereby authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the use and occupation of said churches by the United States Army, and report the length of time and period during which the United States used and occupied said churches, the purposes for which said churches were occupied, the value of the rental during said occupation, and the extent of the pecuniary damage said churches suffered by United States troops during said occupation; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for action in the premises.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to reconsider the several votes taken on the passage of bills this evening, and to lay that motion on the table.

The SPEAKER *pro tempore*. That motion has been made with reference to all of them but the one just preceding that called up by the gentleman from Tennessee. If there be no objection, the order will be also made in that case.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. GIFFORD. I ask unanimous consent to non-concur in the Senate amendments to a House bill the title of which I ask to have read.

Mr. BRECKINRIDGE, of Kentucky. Regular order.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted as follows, on account of important business:

To Mr. HOPKINS, of Virginia.
To Mr. TOWNSHEND.
To Mr. DIBBLE.
To Mr. COTHRAN.
To Mr. DARGAN.
To Mr. HOLMAN.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. SENEY to print remarks in the RECORD on House bill No. 9084, to establish a court of patent appeals.

FORT WALLACE MILITARY RESERVATION.

Mr. TURNER, of Kansas, by unanimous consent, introduced a bill (H. R. 11525) to provide for the disposition of the Fort Wallace military reservation, in Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GIFFORD. The gentleman from Kentucky withdraws his objection to the request I made a few moments since.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House, under its previous order, takes a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. MCMILLIN, who directed the reading of the following communication:

HOUSE OF REPRESENTATIVES, *September 28, 1888.*

SIR: I hereby designate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

JNO. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

Mr. YODER. I move that the House resolve itself into Committee of the Whole for the consideration of pension bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARUTH in the chair.

Mr. MORRILL. I ask unanimous consent that the order of proceeding followed on last Friday be pursued to-night; that the roll be called, beginning where we then left off, and that each member as his name is called be allowed to ask consideration of one bill.

There was no objection, and it was so ordered.

MARTHA V. COLEMAN.

Mr. CHEADLE. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (S. 1264) granting a pension to Martha V. Coleman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Martha V. Coleman, a volunteer nurse in the late war, giving her, for life, the sum of $25 a month from and after the passage of this act.

Mr. KILGORE. I would like to hear the report read in that case.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1264) granting a pension to Martha V. Coleman, respectfully report:

The facts and circumstances of the service of Martha V. Coleman as an Army nurse, her disability contracted therein, and her present necessity are set forth in the Senate report as follows:

"[Senate Report No. 1176, Fiftieth Congress, first session.]

"The claimant, Martha V. Coleman (*nee* Hudson), was matron and nurse in Adams General and Officers' Hospital at Memphis, Tenn., from January 10 to September 5, 1863. She now resides at Forestville, Md., and petitions to be granted a pension of $30 per month, on the ground that, owing to the arduous duties incumbent upon her as matron and nurse in hospitals at Memphis, Tenn., during the war of the rebellion, she contracted typhoid fever, and is suffering from the effects of the same at the present time; that she has children dependent upon her for support and education, and that a pension would relieve her present necessities.

"Dr. Wilbur P. Buck, of Moweaqua, Ill., testifies that he was assistant surgeon of the Eighth Illinois Veteran Volunteer Infantry, and has personal knowledge that claimant rendered valuable service as nurse and matron in the Officers' General Hospital at Memphis, Tenn. The testimony of Dr. Buck is corroborated by J. G. Garland, M. D., acting assistant surgeon, United States Army, 1863-'64; Harley Crocker, late captain Company C, One hundredth Indiana Volunteer Infantry, and Rev. H. L. Vannuys, of Goshen, Ind.

"It appears from the facts in the case that the claim is a meritorious one, and your committee therefore recommend the passage of the bill."

Your committee recommend the passage of the bill, with the following amendments:

Strike out, in lines 5 and 6 of the bill as printed, the words "giving her, for life, the sum of twenty-five," and insert in place thereof the words "and pay her a pension at the rate of twelve."

There being no objection, the bill was considered, the amendment recommended by the committee was adopted, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMMA F. READ.

The name of Mr. LEE was called.

Mr. WASHINGTON. I ask unanimous consent in behalf of General LEE, who is necessarily absent to-night, to call up the bill (H. R. 5408) granting a pension to Emma F. Read.

There being no objection, the bill was considered.

It is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Emma F. Read, the blind daughter of Capt. John Read, of the Falls Church (Va.) Home Guards, upon the United States pension-roll and pay to her a pension at the rate of $50 per month during her lifetime, subject to the provisions and limitations of the general law.

The report (by Mr. YODER) was read, as follows:

Emma F. Reed is the blind daughter of Capt. John Read, of the Falls Church (Va.) Home Guards, and the applicant for pension provided for in this bill. John D. Read, her father, was a volunteer in the Falls Church Home Guards. Under the provisions of a special act of Congress, approved July 4, 1862, his widow applied for a pension and was granted the same by the Interior Department, special act, certificate No. 87458, on the 5th day of December, 1866, and continued to draw pension up to the day of her death, which occurred about January, 1886.

At the time of the death of her father, who was shot by Mosby's guerrillas, he left a widow and three children—one son and two daughters. The son died some years ago, and the daughters left wholly unprovided for (the youngest daughter was injured and has become wholly blind; she requires constant attendance of another person), and both daughters are dependent on public charity for the necessaries of life. These facts are evidenced by affidavits on file, which are made a part of this report. After a careful investigation of the evidence on file, and in consideration of the helpless and total blindness of this daughter of a man who suffered death because of his loyalty to the Government, and while in the service, your committee are clearly of the opinion that this is a meritorious case, and recommend the passage of the bill with an amendment, by striking out in seventh line "fifty" and inserting "eighteen," making it $18 instead of $50.

TOWN OF FALLS CHURCH,
County of Fairfax, State of Virginia, ss:

Personally appeared before me, a notary public in and for the place above named, George B. Ives, a resident and citizen of said place, who, being duly sworn according to law, deposes and says that he has been a citizen and resident in the town of Falls Church for thirty years; that he was a member of the Falls Church (Va.) Home Guard, which was organized by the loyal citizens and furnished arms by the United States Government, for the purpose of defending the place and their property against the forces of the Confederate government; that he personally well knew John Read, who was a member of said organization, and who was taken from his home in the night time by a band of Mosby's men and conveyed some distance farther back into the country, and was there shot and killed by them, and left upon the ground until his body was brought home by his eldest daughter Lotta and her aunt; that the said Reed left a widow, a son, and two daughters surviving him; that the son died some years ago, and the widow died about six months ago; that the said two daughters are left wholly alone, they having no kindred either here or elsewhere on whom they can depend or call upon for support; that their only property consists of an inferior house and small lot of land worth not over $1,000, from which they are wholly unable to gain a maintenance, and have to be helped to a livelihood by charitable friends; that the youngest of said daughters, named Emma F. Read, was injured when a child in one of her eyes by the accidental discharging of a gun, some of the shot from which entered her face and one eye, and that she has since become and is now totally blind; that because of such infirmity she is obliged to require a constant attendant; that because of such attendance upon her, her sister is unable to follow her profession of nurse to the sick, by which she was able to render a support for the family prior to the death of the mother. And the witness further states that the said organization existed and the said Read was killed during the war of the rebellion, and that he has no pecuniary interest in her claim for pension through a special act of Congress.

GEORGE B. IVES.

Sworn to and subscribed before me this 30th day of June, 1886.
[SEAL.] M. E. CHURCH, *Notary Public.*

STATE OF VIRGINIA, *County of Fairfax, ss:*

On this 10th day of July, A. D. 1886, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Levi Parker, aged sixty-nine years, a resident of Falls Church, in the county of Fairfax and State of Virginia, whose post-office address is Falls Church, Fairfax County, Virginia, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case, as follows: That he was a citizen of the town of Falls Church, and lived there during the year; that he has resided there continuously since the year 1844; that he was acquainted with John Read, the father of Emma F. Read; that said Reed was a member of the Falls Church (Va.) Home Guard; that he remembers perfectly well the time when said Reed was captured at his (Reed's) house, was taken therefrom by a band of Mosby's men, who took said Reed some miles farther into the interior of the State and shot him, and left him on the ground dead, where said Read's body remained until brought home to his daughter Lotta and her aunt; that the said home guards were organized by and made up of men (citizens) of the vicinity who were loyal to the Union, and that they were supplied with guns by the United States Government; that said John Read left a widow and three children—one son and two daughters; that the son died some years ago; that the widow died about six months ago; that the daughters are left wholly unprovided for, except a house and small lot of land worth not more than $400; that the youngest daughter, Emma Florence, was injured by the accidental discharge of a shotgun, some of the shot from which entered her eyes and caused her to become wholly blind; that said Emma requires the constant attendance of another person; that for this reason her sister has been forced to give up her profession of sick nurse and attend upon her; that they are unable to provide a comfortable maintenance for themselves, and that they have to be helped by those who they have no claim upon to the necessities of life.

LEVI PARKER,
Mayor town of Falls Church, Va.

STATE OF VIRGINIA, *County of Fairfax, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased, and the words "of the," "they," and "were" added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that the said affiant is personally known to me and that he is a credible person.

[SEAL.] M. E. CHURCH, *Notary Public.*

Mr. CARLTON. Mr. Chairman, I have come to the conclusion that inasmuch as the order under which we are assembled to-night, in the way it has been construed, has no equity in it at all, I shall feel constrained to call for a quorum upon the passage of every bill. I do not wish to be understood as being opposed to pension legislation; but there is another class of bills ruled out under the special order, which if not pension bills are certainly nothing else; and I do not see how members can have any redress to secure the legislation that is necessary in such cases except to object to the bills to be considered here to-night, in order that the House may reframe that order.

Mr. RYAN. What are the other bills to which the gentleman refers?

The CHAIRMAN. The present occupant of the chair will state that he knows of no other bills called up for consideration except pension bills and bills for the removal of political disabilities.

The question is on agreeing to the amendment recommended by the committee.

The amendment was adopted.

The CHAIRMAN. The gentleman from Virginia [Mr. LEE] has proposed an amendment to this bill, which the Clerk will now report.

The Clerk read as follows:

Insert in the seventh line, after the word "pension," " for total blindness."

Mr. MCMILLIN. The amendment of the gentleman from Virginia, which has been read, as I understand it, will put this pension at $72 a month.

The CHAIRMAN. The amendment which has been adopted is the committee amendment.

Mr. MCMILLIN. The pension for total blindness, however, as I understand it, is $72 a month, and the question is whether, if the amendment proposed by the gentleman from Virginia were adopted, that would not increase the pension to $72 a month. I would merely suggest that the blindness sufficiently appears in another part of the bill, and that the amendment proposed will give more pension than was designed.

The CHAIRMAN. The object of the gentleman can be accomplished by rejecting the amendment.

Mr. MCMILLIN. That is true.

Mr. MORRILL. I do not apprehend that there is any danger such as the gentleman suggests. There is no rate of pension now for dependent daughters, however, and unless some rate is fixed the Pension Office could pay her no pension at all.

Mr. MCMILLIN. But, Mr. Chairman, if you adjudicate the question of right to a pension, and then fix the disability as total blindness, under the law you will fix the rate at $72 a month.

The CHAIRMAN. The question is on the adoption of the amendment suggested by the gentleman from Virginia [Mr. LEE].

The amendment was rejected.

The CHAIRMAN. The question now is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. CARLTON. I object.

The question was put; and the Chairman stated that the "ayes" seemed to have it.

Mr. CARLTON. Division.

The House divided; and there were—ayes 21, noes 1.

Mr. CARLTON. I make the point of no quorum.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Georgia [Mr. CARLTON] and the gentleman from Tennessee [Mr. WASHINGTON].

Mr. SPINOLA. It is evident that there is not a quorum here, and as the gentleman says he will raise the question of no quorum on every bill, I move that the committee do now rise for the purpose of moving that the House adjourn.

Mr. O'NEILL, of Pennsylvania. I hope the gentleman from Georgia will withdraw the point of no quorum.

Mr. CARLTON. Mr. Chairman, there are a great many bills here that may be subject to the ruling that they are not in order under the special order, and I say that that order is not an equitable one. I have a claim here where the claimant was awarded a land warrant as a part of his pension as a Mexican soldier. If that is not a pension it is not anything else. It was so declared by the act of March 3, 1855. That bill was referred to the Committee on Pensions. That committee have had it under consideration, and it was reported on by them after they had acted on it.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that no such bill has been called up for consideration at this night's session.

Mr. CARLTON. The point of order was made last Friday night that the bill was not in order under the special order governing Friday evening sessions, which was sustained by the Chair, and I think that the order should be changed.

Mr. SPINOLA. I move that the bill referred to by the gentleman from Georgia [Mr. CARLTON] be taken up as the next bill.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I want to make a suggestion to the gentleman from Georgia. Members who came here to-night, expecting to pass pension bills on this Calendar, are taken by surprise. I think the gentleman should permit us to go on this even-

ing. He has given sufficient notice by stating his purpose to the committee. Members will see it in the RECORD and they will know it by next Friday night, and it may be the means of bringing a quorum here. It is a little hard on those who are here to-night expecting to get bills considered that the gentleman should on this very short notice require us to have a quorum here.

Mr. MAISH. It strikes me, Mr. Chairman, that the position of the gentleman from Georgia [Mr. CARLTON] is by no means an untenable one. I think there is great merit in what he has stated. If the bill which he proposes to present has been decided to be a pension bill I think it is plainly proper that the committee and the House to-night should consider it——

Mr. WASHINGTON. It has not been reached.

Mr. MAISH. And therefore I move that the gentleman from Georgia be allowed to call up that bill for consideration.

Mr. CARLTON. I will state in reply to the gentleman from Tennessee, if the gentleman from Pennsylvania will allow me, why the bill has not been called up to-night. I went to see the Speaker of the House, and also the Chairman of the committee of the proceedings to-night, and I was informed that that bill would not come in under the order. Now, I dislike exceedingly to put myself in the attitude of an objector, but being convinced, as I am in this instance, that that order is not an equitable one, so far as it relates to these claims, I think it is my duty to see that the order is perfected before any further business under that order is proceeded with.

The CHAIRMAN. What is the title of the bill to which the gentleman from Georgia refers?

Mr. MAISH. By what committee is the bill reported?

Mr. MORRILL. By the Committee on Pensions.

Mr. CARLTON. I will withdraw my objection for the present, with the understanding that when this bill under consideration is passed I be allowed to ask unanimous consent to make a statement in regard to the bill to which I have referred.

The CHAIRMAN. The point of no quorum has been withdrawn, and without objection the bill as amended will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection.

JONAS DOERING.

Mr. LYMAN. I ask consideration of the bill (S. 3141) granting an increase of pension to Jonas Doering.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $50 per month, subject to the provisions and limitations of the pension laws, the name of Jonas Doering, late private of Company A, Eighth Battalion Turner Rifles, District of Columbia, in lieu of pension he is now receiving.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3141) granting an increase of pension to Jonas Doering, submit the following report:

It clearly appears from the report of the Senate committee in this case, which is hereto annexed and made a part hereof, that this is a meritorious case, and they therefore recommend that this bill do pass with an amendment striking out the word "fifty," in the third line of the bill, and inserting the word "forty" in place thereof.

[Senate Report No. 1693, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3141) granting an increase of pension to Jonas Doering, have examined the same, and report:

This is a bill to increase the pension of Jonas Doering, late a private in Company A, Eighth Battalion Turner Rifles, District of Columbia, to $50 a month.

The claim is based on the loss of sight of the right eye, and resulting disease of left eye, occasioned by injury received or disease contracted in the Army in 1861 in the line of duty. There is no conflict between the claimant and the Pension Bureau as to the incurrence of the disability. The testimony is ample on this point and also as to its extent. The sight of the right eye was wholly gone in 1861 for any practical use, and the left eye, the sight of which was then impaired, is continuously failing, and in the opinion of skilled oculists he will soon be totally blind.

Dr. Richey, in March, 1884, testifies that the right eye has no visual power—totally blind; and the left eye can read figures No. 15 at 5 inches. On this testimony he was allowed a pension of $8 a month from February, 1881, to March, 1884, and from that time at $24. On appeal a reconsideration was had, and the Commissioner announced that it was believed he was entitled to the latter rating from the time of filing his application.

Four years ago the doctors pronounced him totally disqualified for reliable manual labor. There is apparently no difference of opinion between skilled oculists who have examined the claimant and the medical board to whom the case has been referred by the Pension Bureau; and the conclusion is that he is totally blind in one eye and that the other is so affected that it is of no use to him in the way of his engaging in any employment; that he is so nearly blind as to be helpless; that his helplessness is permanent, and that it exists to such an extent as to entitle him to a pension of $50 a month.

The bill is reported favorably with a recommendation that it do pass.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES W. GEDDES.

Mr. CARLTON. I ask unanimous consent now to make a brief statement in regard to the bill to which I called the attention of the Committee of the Whole a few moments ago.

The CHAIRMAN. The gentleman asks unanimous consent to make a statement. In the absence of objection, the gentleman will proceed.

Mr. CARLTON. This is a bill reported from the Committee on Pensions, awarding to Charles W. Geddes, under the act of March 3, 1855, a land-warrant. The point has been made, not by any member of the committee, but on last Friday night, by the then occupant of the chair, that this bill is not entitled to consideration according to the terms of the order under which the House proceeds at these Friday night sessions; in other words, that the bill does not grant a pension. Now, I respectfully submit that if this is not a pension it is not anything. The claimant was a soldier of the Mexican war, and under the act of March 3, 1855, a land-warrant was made a part of his pension for services rendered in that war. Owing to some slight technicality in the law the Commissioner of Pensions withheld this land-warrant from the claimant, and advised that a bill be introduced in this House and referred to the Committee on Pensions, in order that the claimant might obtain what is equitably his right. With this statement I ask unanimous consent for the consideration of the bill at this time.

The CHAIRMAN. Is there objection to the consideration of the bill to which the gentleman from Georgia [Mr. CARLTON] has called attention?

Mr. KILGORE. I have no disposition to "kick up a row" about the bill of my friend from Georgia, but I am inclined to submit the point of order and let the Chair rule upon it.

Mr. CARLTON. Before the Chair rules I wish to make an additional statement. Perhaps under a very strict construction of the order this bill might possibly be ruled out, but upon an equitable construction of that order there is no doubt in my mind that it should be admitted. If the attention of the House had been called to this question at the time the order was framed, I have no doubt the terms of the order would have excluded all doubt as to the propriety of considering this bill as a pension bill. The point I made in the earlier part of this evening, when I raised my objection, was that this order as it has been construed is not equitable in its operation and ought to be changed.

The CHAIRMAN. The order under which the House is now acting was adopted on the 2d of March, 1888. It reads as follows:

Resolved, That, until further ordered, on each Friday, at 3 o'clock p. m., the House shall take a recess until 7.30 p. m., and after the 15th day of April next until 8 p. m., at which evening sessions bills on the Private Calendar granting pensions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills on the Private Calendar reported from the Committee on the Judiciary removing political disabilities, shall be considered, and no other business shall be transacted at such evening sessions, and the House shall adjourn on each of said evenings not later than 10.30 p. m.

The only question which arises here is whether or not this bill is in the nature of a pension—not whether it is a pension, but whether it is of that nature. The bill, when originally introduced in the House, was referred by order of the Speaker to the Committee on Pensions; and it has been reported back by that committee. The evident object of the resolution just read by the Chair was that business coming from the Pension Committee should be considered at these Friday evening sessions. The Chair therefore rules that the bill of the gentleman from Georgia is in order. [Applause.]

The gentleman from Georgia asks unanimous consent for the consideration of the bill which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9791) for the relief of Charles W. Geddes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to include the name of Charles W. Geddes, late assistant engineer United States Navy, among those who served in the Mexican war, and to issue to said Charles W. Geddes, under the provisions and limitations of law, a land-warrant for his services as assistant engineer on the United States steamer General Taylor during said war.

The CHAIRMAN. The report in this case was read at the last Friday night session. Is there objection to the consideration of the bill?

There being no objection, the committee proceeded to the consideration of the bill, which was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BITTINGER.

Mr. MAISH. I ask to call up the bill (S. 3047) granting an increase of pension to William Bittinger.

The bill was read.

The CHAIRMAN. The Chair is informed by the Clerk that this bill is not on the Calendar, not having yet been reported from the committee.

Mr. MAISH. I supposed it had been reported.

The CHAIRMAN. If the gentleman should find that the bill has been reported and is on the Calendar, it will, of course, be considered. While that fact is being ascertained, the call of the roll will proceed.

Mr. MCMILLIN. I suggest that the gentleman be regarded as retaining his place in the call.

SAMUEL LANE.

Mr. MAISH. I wish to inquire whether the bill which I called up last Friday night is not now to be considered as unfinished business. It had been partially considered when the House adjourned. I refer to the bill (S. 122) granting a pension to Samuel Lane.

The CHAIRMAN. That bill, the Chair understands, was pending in the House, not in the Committee of the Whole.

Mr. MAISH. It was pending in the House at the time of the adjournment.

The CHAIRMAN. The Chair understands that, according to the record, the House had not proceeded to the consideration of the bill; pending the request for unanimous consent the House adjourned.

Mr. MAISH. That being the case, I call up the bill now.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Lane, late of Company G, Fifty-fifth Regiment Pennsylvania Volunteers.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 122) granting a pension to Samuel Lane, have had the same under consideration, and respectfully state that they adopt the Senate report and recommend the passage of the bill.

SENATE REPORT.

That Samuel Lane was enlisted in the Fifty-fifth Pennsylvania Infantry October 8, A. D. 1861, and discharged October 8, A. D. 1864, by reason of expiration of the term of his enlistment. His claim for a pension, sworn to on the 5th June, A. D. 1885, was based upon an alleged injury to the head, sustained from a falling tree near Beaufort, S. C., in 1862, and rheumatism, resultant from the kick of a horse received on his right thigh near the same point in 1863. It was rejected February 25, 1886, upon the ground that the claimant has not been disabled in a pensionable degree by reason of the alleged disabilities since the date of the filing of the claim, the examining board declaring that they discovered no evidence of any injury to head or thigh. At a re-examination made August 25, A. D. 1886, the board report that they find no external evidence of any injury to the head or any fracture of the cranium, though there is impaired hearing, which may be consequent upon injury of the head; no external injury of right thigh, varicose veins upon both thighs, and a curvature of the lower spine, which, in their judgment, may have resulted from the exercise of his trade (that of stone-mason) prior to his entry of the service. This board recommend a special rating for severe deafness of one ear and slight deafness of the other.

Affidavits accompany the claim from Lane's captain, his physician, a number of his comrades, and some of his present neighbors, establishing that he was in sound health at the date of enlistment. That the injuries alleged were actually sustained in the service and in the line of duty, and that he was under medical treatment therefor while present with his regiment. That at his return from the Army he was in feeble health; has since been unfitted for manual labor, suffering from vertigo, accompanied by discharge from the head, as well as from deafness and rheumatism.

Your committee are of the opinion that the claimant, now seventy-six years of age, who was certainly of sound health at the date of his enlistment, and of feeble health at his discharge, and unable since his return from the Army to earn a living by manual labor, is entitled to credit for the alleged disabilities and the benefit of the doubt as to their cause, and accordingly recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET CARROLL.

Mr. MARTIN. I call up the bill (H. R. 9296) granting a pension to Bridget Carroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Bridget Carroll, mother of Patrick Carroll, late a sergeant of Company H, Fourth Regiment United States Artillery.

The report (by Mr. SAWYER) was read, as follows:

Bridget Carroll is the mother of Patrick J. Carroll, who re-enlisted in Battery H, Fourth Regiment United States Artillery, October 21, 1881, after the completion of a previous term of enlistment in the same command. He was accidentally drowned September 12, 1886, by the capsizing of a sail-boat near Fort Warren, Mass., while on pass. The commanding officer of the battery in a letter to the soldier's brother, dated September 13, 1886, says:

"Sergeant Carroll was in a small sail-boat with two other men and the boat was capsized near the shore. One of his comrades tried to save him, but your brother was entangled in the sail and ropes and unable to swim, was dead before relief could reach him. * * * Sergeant Carroll was a good soldier and non-commissioned officer, and his death is deplored by his comrades and his officers."

Having been drowned while off duty, the mother is not entitled to pension under the general laws.

A large number of affidavits have been filed with this committee, from which it appears that the soldier left neither wife nor minor child surviving him; that he aided in the support of his parents; that they never possessed any real or personal property producing any income; that the father of the soldier died in the poor-house a short time before the latter's death, and that the mother at the age of seventy-six years is dependent upon others for support.

Nearly ten years' honorable service of the son clearly entitles the mother under these circumstances to the favorable consideration of Congress.

The bill is therefore returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MAISH. I have been requested to ask consent to call up a bill for the gentleman from Indiana [Mr. MATSON], who, as we all know, is necessarily and unavoidably absent from the House.

The CHAIRMAN. Is there objection to the request?

Mr. SENEY. I object.

Mr. MORRILL. I hope no one will object, under the circumstances. For six years the gentleman from Indiana has been chairman of the Committee on Invalid Pensions, and he has done an immense amount of good for the old soldiers. He is now necessarily absent, attending to his canvass in Indiana. To allow him the privilege of having a bill called up in his absence would be only a tribute of respect which every member of the House ought to be glad to pay to him.

Mr. SENEY. I object. Our method of proceeding is perfectly fair. The men who attend here call up bills.

JOHN V. HENNESSEY.

Mr. MCMILLIN. By request of the gentleman from New Hampshire [Mr. MCKINNEY], though not undertaking to exercise his right—for I do not wish to infringe the rules—I call up the bill (S. 2321) granting a pension to John V. Hennessey. The bill I expected to call up in favor of Pat. Gagherty has not yet been reported, and is not on the Calendar.

The Clerk read as follows:

A bill (S. 2321) granting a pension to John V. Hennessey.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John V. Hennessey, late of Company I, First Massachusetts Heavy Artillery, and Company M, Third Massachusetts Heavy Artillery.

The report (by Mr. GALLINGER) was read, as follows:

The report of the Senate Committee on Pensions sets forth the essential facts in this case, which your committee adopt as a part of their own report:

"SENATE REPORT.

"This claimant enlisted August 23, 1863, in Company I, Eighteenth Massachusetts Heavy Artillery, and was discharged June 17, 1865. His claim in the Pension Office was rejected on the ground that the disease for which application was made—disease of the eyes—was not received in line of duty. The facts in the case are these:

"Hennessey had been granted a pass by his captain to come to Washington, his company being then stationed near Arlington Heights, Virginia. On his return the sentinel at the end of the Long Bridge told him his time had expired, when claimant, looking at his own watch, found that he still had ten minutes remaining, and all the evidence indicates that Hennessey was right as to the matter of time. The sentinel thereupon struck him over the head with a musket, inflicting quite a severe wound. This delayed him necessarily, and when he reached camp he was put under punishment by the hasty and inconsiderate act of some officer. His wound remained undressed for some time, and the weather being cold inflammation set in and it resulted in a serious affection of the eyes. The regimental surgeon treated him for this disease, and he has never recovered from the effect thereof.

"There is no question about the fact of disability, and the only objection raised is that claimant was not in line of duty at the time his disability was incurred. Your committee consider that, inasmuch as claimant, on consulting his watch, really believed that his leave had not expired, he ought not to have imposed upon him the consequence of a brutal abuse of authority which was wholly unwarranted and which he could not prevent. A multitude of letters and petitions from well-known citizens residing in claimant's neighborhood attest that he is a sober and industrious man, that he was a faithful soldier, in fact was of exceptionally good record, and that he is a worthy object of relief."

Your committee will add that an examination of the papers in the Pension Office reveals the fact that the captain and other members of claimant's company swear to the assault, and also to the resultant effects upon the eyes. Repeated medical examinations confirm the view that the assault was the cause of the disability, the last examination having been made by a distinguished oculist, whose report concludes in these words:

"In my opinion the connection between a blow on the occiput and gradually increasing nerve atrophy is fairly to be concluded, and the entire history of the case, with the appearances and symptoms, support the connection."

It will be seen that the only question at issue is as to whether soldier was in line of duty when the assault was committed, and on this point the fact that he was on his way to camp would seem to justify the belief that he was acting in good faith. Even if his furlough had expired a few minutes before he presented himself to the guards, on which point there is no proof whatever, there was no good reason why he should have been brutally assaulted and made to suffer for a quarter of a century. The case is one that appeals strongly to the sense of justice, and the technical objection of which in the Pension Office should not deter Congress from giving the relief asked for in this bill.

Your committee report the bill back favorably and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY K. RICHARDS.

Mr. MERRIMAN. I call up the bill (S. 3306) granting a pension to Mary K. Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary K. Richards, widow of Edwin F. Richards, late captain Company D, Fifty-ninth New York Volunteers.

The report (by Mr. CHIPMAN) was read, as follows:

The Senate report contains all the facts, and is adopted as the report of the House, namely:

The beneficiary under the bill is the widow of the late Capt. Edwin F. Richards, Company D, Fifty-ninth Regiment New York Volunteers, who was wounded by shot in the fore-arm in the battle of Cold Harbor, Va., June 4, 1864, discharged the service November 20, 1864, and pensioned from that date until his death, July 28, 1878. A description of the wound is given in the certificate of a board of examining surgeons, convened in New York City January 3, 1872, as follows:

"Ball entered outer aspect of right fore-arm, middle third, fracturing the ulna, and made exit at inside aspect. There has been an exsection of about 3 inches of the bone, with no reproduction of bone. Hand is not well nourished, and he has but little use of it. He is unable to wash his face with that hand; there is but little strength in it. Disability total and permanent."

Examining Surgeon James Neil, after a like technical description of the wound, states:

"The result is loss of pronation, and suppuration, and the hand is cold, atrophied, and partially paralyzed."

The effect of the wound upon the health of the officer, and its complications with other diseases, resulting in death, are detailed in the affidavits of his attending physicians, Drs. Adams and Bennett, and affirmed by Dr. Addison Ely, an examining surgeon of the Pension Bureau. These follow:

In the matter of the application of Mary K. Richards, widow of Edwin F. Richards, a soldier of the war of the rebellion against the United States.

STATE OF NEW YORK, *County of Putnam:*

Dr. John Q. Adams, of the town of Carmel, in said county, being duly sworn, says: That he is a practicing physician, and has been for the last —— years; that he attended Mr. Edwin F. Richards, late of Company D, Fifty-ninth Regiment United States Volunteer Infantry; that his last illness and death was caused by a shot wound in the fore-arm, received in the battle of Cold Harbor,

Va., June 4, 1864; that the shock following the wound was severe, and from the effects of which his nervous system has never recovered; that the immediate effects of the wound upon the nervous system were excessively great; nervous perturbation, with twitching of the eyelids and partial loss of vision, followed by ptosis or paralysis of the lids, rendering him utterly unable to raise the upper lids; that the discharge from the wound was profuse and long continued, consisting of offensive puss and broken down tissue, causing and bringing on general debility of the whole body and complete nervous exhaustion.

The whole body ceased to be nourished, the nervous symptoms increased, the vision became impaired, the impairment of vision steadily increased, the mind also became impaired, and finally the blindness became total two years and a half ago. During this period he has been unable to leave his bed without assistance, his memory was almost entirely lost, the functions of his body were much impaired, the body was poorly nourished, nervous perturbation was great, interfering with sleep and rendering his mind and temper irritable; the above state of affairs all having been brought about by said shot wound of the forearm. He continued to waste and sink, and died July 28, 1878, from exhaustion, the mode of death being by asthenia; and deponent further says that he has no interest, direct or indirect, in the prosecution of the pension of the said Mary K. Richards.

J. Q. ADAMS, M. D.

Sworn to before me this 15th day of October, 1878.

A. P. HAZEN, *Deputy County Clerk.*

STATE OF CONNECTICUT, *County of Fairfield:*

Ezra P. Bennett, being duly sworn, deposes and says that he is a practicing physician and surgeon, residing in the village of Danbury, of said county and State; that he was well acquainted with the lately deceased (July 28, 1887) Capt. Edwin F. Richards, of the Fifty-ninth Regiment New York Veteran Volunteers, of Putnam County, New York, whose pension certificate was No. 36584; that he was his attending physician more or less for the last two years of his life; that the said Capt. Edwin F. Richards was totally blind for the last two years of his life and nearly blind for a much longer period; that the immediate cause of his blindness was amaurosis, the result of a slow degenerative action or process that had been going on in his physical system from the time when he received the gunshot wound in his right fore-arm in the battle of Cold Harbor, Va. (for which he was pensioned), and of his extreme illness associated with malarial fever in the hospital at Washington; that said diseased action was undoubtedly superinduced and caused by the injury his system received at that time; that his vitality was ever after of a lower grade, developing a chain of morbid actions ending in functional and structural changes of the brain and cerebral nerves, causing blindness and finally death; and that his parents are still alive and are healthy persons.

EZRA P. BENNETT, M. D.,
Attending physician to said Edwin F. Richards.

Subscribed and sworn to before me this 12th day of October, 1878.

DAVID B. BREED,
Clerk of the Superior Court for Fairfield County, Connecticut.

POST-OFFICE, CARMEL, *October* 18, 1878.

STATE OF NEW YORK, *County of Putnam:*

I hereby certify that I carefully examined Edwin F. Richards, captain in Company D, Fifty-ninth Regiment New York Veteran Volunteers, whose pension certificate was No. 36587, on the 29th day of October, 1877, by order from the United States Pension Department; that he was at that time totally blind and helpless, and that said blindness (amaurosis) was undoubtedly the result of the gunshot wound and disease he received while in the military service of the United States; that Dr. E. P. Bennett, of Danbury, Conn., his attending physician, ranks high as a physician and surgeon.

D. ADDISON ELY,
Examining Surgeon.

The record shows no testimony antagonistic to that of these three surgeons. The claim was rejected, however, by the Pension Bureau, "on the ground that cause of death was not due to military service," ignoring, by such decision, all the medical evidence in the case.

Believing that, in the case under consideration, the pathological connection between the pensioned disability and the fatal disease is established by the testimony and that the soldier's death is referable to such pensioned disability through its wasting and debilitating effects upon the nervous and general physical system, thus inviting the specific form of disease of which he died, the committee report favorably upon the bill and recommend it for passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN BUTLER.

Mr. MOFFITT. I call up the bill (S. 1766) granting a pension to Stephen Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Butler, late a private in Company B, Second Nebraska Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions is adopted, and the passage of the bill is recommended.

SENATE REPORT.

Claimant enlisted in Company B, Second Nebraska Volunteer Cavalry, October 14, 1862, and was mustered out with the company September 4, 1863.

The claim was rejected October 15, 1885, on the ground that there is no record of the alleged deafness on file at the War Department, and that claimant is unable to furnish competent evidence to establish origin of deafness in the service and line of duty; that the evidence taken before a special examiner shows almost conclusively that the deafness existed prior to enlistment, and that the negative testimony since filed is not sufficient to outweigh the positive adverse testimony.

In affidavit filed December 1, 1879, claimant states that while on the march from Fort Kearney to Omaha, Nebr., he was exposed to the wet in camping out, and being already in a debilitated condition, he readily took a severe cold, which settled in his head, producing deafness in both ears; that said disability was contracted in the line of his military duty about the latter part of August, 1863; that he was deaf when discharged from the service and has been ever since.

In affidavit executed September 13, 1879, claimant states that he derives no benefit from medical treatment, and that his disability is said to be incurable.

In affidavit executed June 9, 1881, claimant states that he has roaring in his head, which annoys him very much, and that he is more disqualified on account of deafness than he would be with the loss of a leg or an arm.

In affidavit filed August 27, 1881, claimant states that Dr. R. Conkling, of Omaha, Nebr., his regimental surgeon, was the only one who treated him while in the service.

In affidavit filed March 23, 1888, Levi J. Kennard, of Omaha, Nebr., testifies that claimant was free from deafness at the time of his enlistment into the service, and could hear as well as any one. If claimant had been deaf prior to enlistment affiant certainly would have known it, but that claimant is very deaf at the present time. This testimony is corroborated by Jesse T. Davis, of Blair, Nebr.; Thomas Kennard, of Lincoln, Nebr.; Thomas Price and George McKenzie, jr., of Omaha, Nebr.

In affidavit filed March 23, 1888, G. W. Martin, of Beatrice, Nebr., testified that claimant's hearing was good prior to and at the time of his enlistment into the service, and that the persons who have testified to the contrary have done so either under a mistake or have willfully and maliciously sworn to a falsehood. Affiant further states that the said claimant is so deaf that it is difficult to make him hear at all.

In affidavit filed March 30, 1888, Dr. J. R. Conkling, of Washington, D. C., testifies that claimant was not deaf while at Fort Kearney, but was a perfectly sound man.

In affidavit filed March 23, 1888, George McKenzie, of Omaha, Nebr., testifies that claimant is now very deaf, and has been since his discharge from the service, but was free from deafness prior to enlistment.

In affidavit filed March 23, 1888, Lafayette Shipley, of Florence, Nebr., testifies that claimant was free from deafness at the time of his enlistment into the service, and could hear as well as any soldier at the drills during the earlier part of his service; that owing to exposure incident to army life he contracted deafness in the line of duty, which has continued to the present time; that affiant was by claimant's side during the period of his enlistment and has personal knowledge of the facts to which he testifies.

In affidavit filed March 23, 1888, William Blackwood, of Fort Calhoun, Nebr., and Alexander Real, of Blair, Nebr., testify that claimant was free from deafness at the time of his enlistment, and this testimony is corroborated by Chris. Rathmann, of Blair, Nebr.; W. H. B. Stout, of Lincoln, Nebr.; Oliver Bouvier, of De Soto, Nebr.; J. M. Trisler, of Fort Calhoun, Nebr., and Frank Leach, of Florence, Nebr.

In affidavit filed December 1, 1883, W. H. B. Stout, late a second lieutenant of claimant's company, testifies that claimant contracted a violent cold while in the service, which resulted in deafness.

In affidavit filed August 27, 1881, Elias H. Clark, of Blair, Nebr., testifies that claimant has been deaf from the date of his discharge from the service to the present time.

In affidavit filed August 27, 1881, Dr. S. B. Taylor, of Washington County, Nebraska, testifies to continuance of deafness since 1870.

In a petition signed by H. Glasgow, Perry Walker, A. F. Drake, E. T. Joy, H. Allen, C. H. Martin, S. H. Ayres, Israel McLaren, G. C. Ferguson, T. S. Berry, and other citizens of Odell, Nebr., it is stated that claimant is an honest and upright man, who served his country faithfully and well, and is entirely deserving of a pension.

The adverse features in the claim appear in the testimony of John Coulter, of Blair, Nebr.; Lewis Bouvier, of Blair, Nebr.; Almon Brewster, of Kennard, Nebr.; W. G. Cunningham, of Blair, Nebr.; John E. West, of Blair, Nebr.; W. G. Olinger, of Omaha, Nebr.

Claimant was accepted as a sound man at the time of his enlistment, and the records do not show that he was deaf at any time during his term of service. The testimony of his officers and comrades show that he was free from deafness at the time of his enlistment, but that he contracted a cold in the service which resulted in severe deafness, continuing to the present time. The fact that there was no question raised by the Government as to claimant's prior soundness at any time during his term of service should be accepted as evidence that he was sound at the time of enlistment. The abundance of testimony from credible citizens who had personal knowledge that claimant was free from deafness at the time of his enlistment should not be allowed to be contradicted by the adverse statements of persons made before a special examiner of the Bureau of Pensions.

The facts warrant favorable action, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN M. KRUNK.

Mr. HUNTER. I call up the bill (H. R. 10769) granting a pension to John M. Krunk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John M. Krunk, late a private of Company C, Thirty-fifth Regiment of Kentucky Volunteers.

The report (by Mr. HUNTER) was read, as follows:

Claimant enlisted as a private in Company C, Thirty-fifth Kentucky Volunteers, August 12, 1863, and was discharged December 29, 1864. In his declaration for pension filed July 10, 1877, he alleges that during the winter of 1863 and 1864 he was greatly exposed to cold, bad weather on different marches through Kentucky and Virginia, and took deep cold, which settled in his system and produced erysipelas, with which he has been diseased ever since.

The claim was rejected by the Pension Bureau on the ground of no satisfactory evidence connecting either of the alleged causes of disability with the service.

There is abundant evidence to show that the claimant was physically sound and healthy at the time of enlistment, and there is also evidence to substantiate the fact that he has been suffering from disease which he alleges was contracted in the Army and in line of duty. Dr. Keplinger testifies that he knows claimant came home from the service with a deep-seated cold and pneumonia and erysiplas, which confined him to his bed nearly three months, since which time he has not been able to do manual labor enough to support him; that he has since his first attack of sickness treated him for disease of the lungs, and at times he has been confined to the house for seven months at a time. He says he knows one-half day's work so fatigues claimant that he is incapacitated from work for a week or two at a time with pains in his lungs and throat. William S. Mansey testifies that he returned home with claimant, and that he was taken worse the next day and has never been entirely well since.

J. L. Bennett, first lieutenant of claimant's company, testifies that when the command left Smithland, Ky., for Franklin the weather was extremely cold and soldiers were exposed to great hardships; that soon after this, winter of 1864, the health of claimant commenced to fail; that he, Bennett, took him into his tent and kept him from his duty that he might recover his strength; that claimant's health was impaired, and he was feeble until mustered out. Albert Kinney testifies that he was in the same regiment with claimant, and that his health seemed to fail at Lexington from exposure at the barracks. John McLaughlin Rumsey, W. S. Mansey, members of claimant's command, testify substantially to the same state of facts. He received no hospital treatment, as he was mustered out of the service about the time of the incurrence of his disabilities.

The committee believes this to be a meritorious case, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HUGH BRADY.

Mr. MORRILL. I call up the bill (H. R. 7683) granting an increase of pension to Hugh Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Hugh Brady, late of Company I, Eighty-fourth Regiment of Illinois Infantry, to $36 per month, in lieu of the pension now received by him under certificate 62848.

The report (by Mr. MORRILL) was read, as follows:

The beneficiary named in the bill is now a pensioner at the rate of $24 per month, on account of gunshot wound of left hand and breast, piles, and disease of heart, contracted while serving as private in Company I, Eighty-fourth Regiment Illinois Volunteers. This rate was fixed by the Pension Bureau because the combined disabilities are held as equivalent to the disability resulting from the loss of a hand or foot, for which the act of March 3, 1883, provides said rate. By the provisions of the act of August 4, 1886, the rate of pension for loss of a hand or foot was raised to $30 per month, but equivalent disabilities were not increased over the former rate.

Pensioner asks that his pension be increased to $36, the rate now provided by law for loss of leg above the knee, or arm above the elbow, or total disability in either. Such a disability, however, is not shown by the medical certificates. But as the disability, as heretofore stated, is equivalent to the loss of a hand, your committee are of opinion that the pension should be increased to $30 per month, and therefore recommend that the accompanying bill be amended by striking out the words "thirty-six," in line 6, and inserting instead the word "thirty," and, thus amended, ask that it do pass.

The amendment of the committee was read, as follows:

In line 6, strike out "thirty-six" and insert "thirty."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE MOTZ.

Mr. O'NEILL, of Pennsylvania, called up for consideration the bill (S. 654) granting a pension to Caroline Motz:

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, authorized and directed to place on the pension-roll the name of Caroline Motz, widow of the late John Motz, deceased, who was a private in Company K, Ninety-eighth Regiment Pennsylvania Volunteers, for pension at the rate and rank of said John Motz.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 654) granting a pension to Caroline Motz, beg leave to report:

This is an application of Caroline Motz, widow of John Motz, to be placed on the pension-roll, and providing, further, that her pension should commence from the date of the death of her husband, to wit, the 13th day of November, 1867.

John Motz enlisted as a private in Company K, Ninety-eighth Pennsylvania Volunteers, December 22, 1863. Discharged January 3, 1865, for "disability from wounds received in action September 22, 1864." He filed an application for a pension January 16, 1865, which was granted and paid to him up to November 14, 1867.

The application of the widow was rejected by the Pension Bureau on the grounds that "it appears from the records of the health office, Philadelphia, that the cause of death was cholera."

The evidence in the papers go to a great extent to sustain the finding of the Pension Bureau, that death was not the result of wounds or disease received in the service. The certificate of the attending physician alleges the cause of death to have been "cholera morbus." The testimony furnished in behalf of the Government and claimant shows that the physician who was called in during the last illness of the deceased had never seen the patient prior to that time; knew nothing of the fact of his previous wound, and his certificate, under these circumstances, was limited to the immediate cause of his death.

Dr. Emmett Fisher, the physician referred to, states in his affidavit:

"In my judgment the disease was more decidedly fatal in his case than ordinarily, on account of his system being already in some peculiar broken-down condition, concerning the nature of which I was not at the time aware, but which was nevertheless evident in the rapidity of his sinking under the attack."

Dr. W. S. Stewart, assistant surgeon Eighty-third Pennsylvania Volunteers, testified that—

"It was several months before the ball was extricated, and the suppuration which was going on around it during this time resulted in producing blood poison, under the effect of which he was under my care and seemed to have convalesced, when he removed from my neighborhood and afterwards, in a short time, died. His treatment was supporting—iron and quinine, beef-tea, milk-punch, etc."

Dr. Henry S. Wittkamp testifies that—

"He had treated the same John Motz since his discharge from the United States service; that he was suffering of two wounds which he is said to have received in the United States service, one in the left leg and one in the left shoulder; that both wounds were not well healed, broken open and commenced to run, whereby his whole system was weakened; that he died of general debility in November, 1867."

It is in proof that from the time of his being wounded up to the date of his death he was subject to the cramps similar to the ones with which he was affected in his last illness; that he was a well and hearty man prior to his enlistment. Under this testimony the only question presented to the committee is, whether a mere certificate of the physician called in during his last illness, which continued but ten hours, should be taken as controlling against the clearly established fact of his debilitated condition from the date of his wounds, the opinion of his regular physician that his death was, in fact, the result of these wounds, and the expression of opinion of the physician who attended him during his last illness that "the disease was more decidedly fatal than ordinarily on account of his broken-down physical condition."

The committee is of the opinion that the burden of proof in this case is in favor of the right of the widow to a pension, and where a grave doubt exists as to that right it should be solved in favor of a meritorious claimant. The evidence in this case shows this claimant to be now sixty-six years of age, absolutely dependent, and, by reason of her age, necessarily unable to maintain herself by manual labor.

It is not the practice of the committee, however, to allow a pension, under such circumstances, to commence prior to the passage of the bill, as is contemplated by Senate bill 654.

Your committee would therefore recommend that Senate bill 654 be amended by striking out all in lines 8, 9, and 10 after the words "John Motz," and as so amended the bill is reported favorably with the recommendation that it do pass.

During the reading of the report,

Mr. O'NEILL, of Pennsylvania, said: Let the reading of the report be dispensed with.

Mr. KILGORE. No; let it be read.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY KARSTETTER.

Mr. PATTON called up for consideration the bill (H. R. 7877) to place Mary Karstetter on the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That Mary Karstetter, widow of Jacob Karstetter, a soldier in the volunteer service of Pennsylvania, be placed on the pension-roll, and receive an allowance of pension as the widow of a soldier, late a private of Company C, Eighty-seventh Pennsylvania Volunteers.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7877) granting a pension to Mary Karstetter, submit the following report:

Jacob Karstetter, husband of claimant, was in receipt of a pension previous to and at the time of his death of $18 per month for gunshot wound of left hand, received in action. He died August 21, 1874, of gastritis, alleged to be the consequence of broken constitution, the result of exposure and injuries received in the service. His widow's claim for pension was rejected "because death resulted from gastritis and congestion of kidneys, due to unknown causes not medically established."

The evidence all shows that the soldier was over 6 feet in height, and engaged in farming in the mountains of Pennsylvania at the time of his enlistment; that his health was of the most rugged character; that he returned home wounded and broken down in health; that he never recovered, and that he finally died from some disease which, as is claimed by the Pension Department, could not be medically established.

James F. Berry, neighbor, testifies:

"When he came home he was broken down and not able to do manual labor. He complained a good deal after he came home, and was frequently sick and laid up. Saw him often in his last sickness. He was much worn down and very feeble."

F. H. Van Valzah, M. D., testifies:

"From June, 1870, to 1871, saw soldier almost daily. In months of November and December, 1870, I attended him in an attack of pleuro-pneumonia, brought on by exposure and the broken-down condition of his system. The above trouble was in the left side and lung; he always complained of a weakness in this lung, from some injury received in the service. Affiant thinks a horse ran against him in the seven-days' fight, injuring him and leaving an enlargement or tumor in the left side, which, no doubt, has been the starting point of his lung trouble."

Dr. J. A. Houtz testifies:

"Knew Jacob Karstetter from December, 1871, to date of his death. Do not know anything about his condition before enlistment. He never was under affiant's treatment except during his last illness, which lasted about four weeks. His illness was caused by gastritis and congestion of kidneys. Death was caused by gastritis. Although soldier never consulted affiant before his last illness, affiant frequently heard him say he was not the same man physically he had been before he was in the service. He did very little hard labor during the time affiant knew him."

From the evidence of these physicians, who attended soldier during his last and a previous severe illness, it is apparent that his broken-down constitution, the result of exposure and service in the Army, predisposed him to several attacks of sickness, the last of which proved fatal.

Your committee are clearly of the opinion that death can be traced in this case to soldier's service in the Army with very nearly the same degree of certainty (notwithstanding the fact that it can not be medically established) as if it had been the direct result of a gunshot wound. They therefore report favorably, and recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. The name of my colleague, Mr. PERKINS, has been called, but he has gone out of the Hall and will return in a few minutes. I ask, by unanimous consent, his name be passed over with the right to call up a bill when he returns.

There was no objection, and it was ordered accordingly.

DANIEL TANNER.

Mr. POST called up for consideration the bill (H. R. 4649) granting a pension to Daniel Tanner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel Tanner, father of Russel J. Tanner, deceased, late of Company C, One hundred and third Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The committee to whom was referred the bill (H. R. 4649) granting a pension to Daniel Tanner, have had the same under consideration, and beg leave to submit the following report:

That the claimant bases his claim for pension on the ground that his son, Russel J. Tanner, who was his chief support, was killed while in the service of the United States. The claim was refused by the Department on the ground of non-dependence; that the claimant was possessed of sufficient property at the time of the soldier's death to suffice for his support.

Thomas Montgomery being duly sworn, testifies that—

"He is well acquainted with claimant, being his nearest neighbor on the east; that in 1862 he owned 40 acres of land, from which he derived his support with the assistance of his two sons, Russel J. and Henry A. Tanner; that both of his sons enlisted and both died in the service; that claimant was so prostrated by the loss of his sons that he was unable to work his farm and was obliged to sell it; that he purchased town property and lost a considerable portion of it by fire, and that by laboring to his whole ability he is only able to earn a moderate living."

Daniel Burbridge and Thomas J. Burbridge also testify that they were well acquainted with Daniel Tanner; that they know that his son, Russel J. Tanner, was the mainstay in his father's support for five years previous to his enlistment.

Daniel Burbridge further states that he was at work with claimant when he received a sunstroke, and that he has since been unable to labor in the hot sun.

There are other affidavits filed in this case stating that the sons helped to support their father before enlistment, and that they sent money to him while in the service; that the claimant is now seventy-two years old and supports himself principally by gardening and doing odd jobs.

Your committee think the facts in this case show that the claimant was largely dependent on his sons for support, and having lost both his boys while in the service of their country, we think he is justly entitled to a pension, and we therefore respectfully recommend that this bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EPHRAIM NYE.

Mr. RYAN called up for consideration the bill (H. R. 210) granting a pension to Ephraim Nye.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ephraim Nye, late a private in Company A, Second Kansas Volunteer Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 210) granting a pension to Ephraim Nye, submit the following report:

The applicant enlisted in Company A, Second Kansas Cavalry, November 6, 1861, and was discharged June 22, 1865, doing nearly eight months more than three years' service. He filed declaration for pension for piles June 21, 1880. The claim was rejected on the ground of inability to show the continuance of piles from discharge up to 1880. The claim of the origin of piles in the service was established by two or more witnesses, and upon that point the Pension Office seems to have been thoroughly satisfied. Applicant shows that from discharge to 1870 he resided in Coffey County, Kansas, and his physician during those years is dead, as are also several other persons who were neighbors during that period and who knew of his disability.

John Goodyear testifies that he knew the soldier from about 1876 to 1884; that Nye worked for him for several years, and that he suffered from the effects of piles.

Dr. E. B. Allen, in March, 1884, after an examination, says that soldier suffered from external and internal hemorrhoids. Two medical examinations, one made in 1882 and one in 1883, reported that there were external and internal hemorrhoids.

This man has a splendid record as a soldier. His service was long, continuous, and arduous. The record shows that he suffered during the last year of his service from this disability, but, with characteristic energy, continued on duty most of the time. It is true he does not show continuance of the disability during each and every year from discharge to about 1876, because of the death of his family physician, who treated him during that time, and also because of the death of some neighbors who knew of his ailment during those years. But the character of the disease, as shown during the last year of the war, and by his employer and the medical evidence from 1876 on, leads almost irresistibly to the conclusion that the disease was continuous.

This, together with his good, long record as a soldier, as your committee think, justify the granting of the relief asked for by the bill, and therefore recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE WALLEN.

Mr. SCULL called up for consideration the bill (H. R. 9175) granting a pension to George Wallen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Wallen, late a private in Company C, First Regiment of Kentucky Infantry.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9175) granting a pension to George Wallen, have considered the same, and report as follows:

The claimant was a private in Company C, First Kentucky Cavalry, from the 5th day of November, 1861, to December 31, 1864, when honorably discharged. He has filed an application for pension, numbered 184804, which has been rejected by the Pension Office on the ground that the record of service shows that he was a deserter during a portion of the term of service, and the charge had not been removed.

The claimant was absent from his command for a portion of his service, but on account of sickness, and was upon his return restored to duty, served out his term of enlistment, and was honorably discharged from the service.

He makes a claim for deafness contracted in the fall of 1863, in Russell County, Kentucky. He has shown by the testimony of comrades that he contracted a severe cold at said date and place, and that partial deafness followed as a result thereof. This was contracted after his return from absence without leave. Testimony shows that he has been disabled each year since discharge by deafness.

The examining board at Burkesville, Ky., certify that—

"There is partial deafness of both ears. He can be communicated with without artificial aid, but only by loud sounds. This partial deafness, in our opinion, is due to thickening of the drum membranes from former inflammation of internal ears. Rating one-half."

Your committee are of the opinion that the bill should pass, and so recommend.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL M. REESE.

Mr. SENEY called up for consideration the bill (H. R. 7928) granting a pension to Samuel M. Reese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Samuel M. Reese, late private Company B, One hundred and fiftieth Regiment Ohio Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report by (Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7928) granting a pension to Samuel M. Reese, having examined the same, submit the following report:

Samuel M. Reese, a private in Company B, One hundred and fiftieth Regiment Ohio National Guards, enlisted May 5, 1864, and was discharged August 23, 1864. Filed his declaration for pension in the Pension Office February 12, 1875. Alleges in his declaration that on or about June 20, 1864, while on picket duty he was subjected to exposure and compelled to lie on the ground during a rain; took cold that settled in the glands of his neck on the right side, which has resulted in a weakness of the neck and affection of the right ear and right side of his head, causing deafness and more or less pain in the head.

His application was rejected upon the ground that there is no record of the alleged cold settling in glands of neck, causing deafness, and that after a special examination claimant failed to show by satisfactory testimony that said disability originated in the service and in line of duty.

J. C. Buel and J. G. White on August 25, 1876, testify that they were well acquainted with claimant prior to enlistment and knew that his hearing was perfect, and that after his return from the service his health was bad.

W. R. Nevins, late captain of Company B, One hundred and fiftieth Ohio Volunteers, testifies that claimant was a sound man when he enlisted, and while at Fort Bunker Hill, January 20, 1864, in line of duty and in a severe rain-storm took cold, settling in his neck, on the glands of his neck, causing a large swelling at that time, which resulted in affection of the right side of the head and deafness of the right ear. He knew these facts from his own personal knowledge, and that the claimant was a good soldier and of good moral character.

C. F. Dutton, late assistant surgeon of the One hundred and fiftieth Regiment, testifies that he treated claimant while in the service during July and August for the discharge caused by exposure while on duty, resulting in the formation of a severe abscess under the right ear, involving a number of the cervical glands. He was in his company both before and after his return to the regimental hospital for several weeks, and there are numerous affidavits on file to the same effect, and quite a number of affidavits testifying to his prior soundness before entering the service.

There is no doubt of its existence in the service. He has been examined by two boards of examining surgeons as to his present condition, and the disease alleged has been found to exist, and his disabilities have been rated at one-half for abscess of right gland and that caused by chronic inflammation of the middle ear, and total, that caused deafness of right ear. This case has been at different times examined by special examiners, and a large amount of evidence is on file, and after a careful investigation of the same, your committee have come to the conclusion that this is a meritorious case and one entitled to special action by Congress, and unhesitatingly recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MISS SARAH MARY CARROLL.

Mr. SPINOLA called up for consideration the bill (H. R. 2499) increasing the pension of Miss Sarah Mary Carroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Miss Sarah Mary Carroll, late an Army nurse, from $12.50 to $50 a month, to date from and after the passage of this act.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2499) granting an increase of pension to Miss Sarah Mary Carroll, having considered the same, beg leave to report as follows:

The grounds upon which the interposition of Congress is asked in this case are so fully set forth in the petition of the claimant that we submit the same in full for the information of the House:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, Sarah Mary Carroll, of the city and county of New York, New York, respectfully states, *i. e.*:

That in the year 1862, being then a member of the community of the Sisters of Charity of the United States, and a resident of Washington City, D. C., Surg. J. S. Billings, United States Army, now in charge of the Anatomical Museum, Washington, D. C., applied for sisters to nurse the sick and wounded in the Cliffburne General Hospital, Washington, of whom some two or three hundred were Confederate prisoners of war, and the balance United States regular and volunteer soldiers.

He especially requested that the undersigned be appointed to the charge of the corps of nurses, for reasons he explains in his letter accompanying this statement. The application of Dr. Billings was most willingly complied with, and the undersigned at once commenced duty at the said Cliffburne General Hospital, Washington, D. C. There she remained engaged in the duties of principal nurse until assigned to the Eckington General Hospital, near Washington, where she labored, much exposed to the inclemency of the weather, until her health became impaired, and in 1865 she was assigned to duty at the Hotel Dieu, New Orleans, La., in the hope that a milder climate would benefit her health. That she received nurse's pay whilst in the Cliffburne and Eckington General Hospitals, but she applied every cent of it, as well as her rations commutation, to the wants of the sick and wounded patients, for the procuring delicacies, etc., the Sanitary Commission supplies sometimes not being sufficient, and frequently sent the same to distant field-hospitals.

That she even drew on her own patrimony to procure what she thought nice for the sick and wounded; she could easily do so then, for the community gave her support and clothing, which was all she needed.

That the Providence Hospital, Capitol Hill, Washington (then in its infancy), was begun and governed by her, opened in 1861 and conducted until 1865. The Hotel Dieu, New Orleans, La., she managed from 1865 to 1867, and in both of these hospitals she received and cared for, free of charge, many officers whose families were poor and dependent on the patient's pay for support.

(The above three paragraphs are given very reluctantly.)

That she served in the Hotel Dieu, New Orleans, La., during the cholera and yellow-fever epidemics of 1866 and 1867, and although not a military hospital, and the war ended, several officers were therein restored to health and usefulness, both of the Army and Navy. Lieutenant-General P. H. Sheridan's letter testifies to some of the facts.

That she visited and cared for many officers in their quarters who were stationed in New Orleans during those epidemics. That her constitution and health prior to her hospital service during the war were exceptionally good, so much so that she could not believe any amount of fatigue in the care of the sick could break her down, but gradually her health became impaired, hemorrhages of the lungs frequently prostrated her during the latter part of her hospital service in Washington, D. C., and the yellow fever, which she contracted while nursing Capt. Allen Smith, Fourth Cavalry, in New Orleans, reduced her very much. That not being able fully to perform her duties in the community of the Sisters of Charity, she resigned in 1880, and has since supported herself by writing.

That in June, 1887, she was obliged to resign her position as one of Maj. Gen. D. E. Sickles's secretaries, and has expended the little funds (her savings) in remedies for her health, with the hope of being able to resume her duties; but the hope has not been realized. That she is absolutely without any funds, save the $12.50 per month invalid's pension granted by special act 208 of Congress, approved July 26, 1886, and which does not suffice to pay room-rent; she is, therefore, entirely dependent on the kindness of friends in Boston for a home. That her debility is rapidly increasing, and she is now, at the age of fifty-four years, so feeble and ill as to be unable to do any work for her support.

Your petitioner therefore prays that in consideration of the many she has helped and restored to our country's service in the past, if it be right and just, she may be granted an increase of pension, sufficient to keep her from want during the few remaining years which may be left to her. Her present state of physical weakness makes her believe she will not long need it.

SARAH M. CARROLL.

Subscribed and sworn to at Boston, in the county of Suffolk and State of Massachusetts, before me, this 28th day of February, A. D. 1888.

[SEAL.] CHAS. HALL ADAMS,
Notary Public.

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43 WEST FIFTY-FOURTH STREET, NEW YORK, *February* 3, 1886.

During the time that I was in charge of the Medical Bureau of the Army, as Surgeon-General on the active-list, I had occasion repeatedly to observe the devotion to duty of Miss Sarah M. Carroll, then a Sister of Charity, and having charge of the nurses of the Providence Hospital, in the city of Washington. I then regarded Sister Mary Carroll, as she was called, as the best nurse in the service. Not only was she indefatigable in the discharge of her duties, but she was gifted with a degree of intelligence that rendered her doubly valuable.

I am very sure that many of our wounded owe their lives to her fidelity and kindness.

WM. A. HAMMOND,
Surgeon-General United States Army (retired).

ARMY AND MEDICAL MUSEUM, SURGEON-GENERAL'S OFFICE,
Washington, D. C., April 7, 1886.

Having been informed that Miss Sarah M. Carroll is now an applicant to Congress for pension on the ground of services rendered by her as nurse during and immediately after the late war, I take great pleasure in saying that this lady, at that time known as Sister Mary Carroll, rendered extremely valuable service as the chief of the sisters employed as female nurses in Cliffburn general hospital, near this city, under my charge during the spring and summer of 1862. These were the first Catholic sisters employed in the military hospitals in this vicinity, and in requesting their assignment I made special request that Sister Mary Carroll should be sent in charge, being assured of her knowledge, zeal, and loyalty. The result more than confirmed my expectations. Her zeal and devotion to the sick and wounded I have never seen surpassed, and the service which she rendered in assisting in the organization of the hospital and in bringing order out of confusion, which at first prevailed, were so great that it would be difficult to assign to them a suitable pecuniary reward.

JOHN S. BILLINGS,
Surgeon United States Army.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 8, 1886.

I take great pleasure in stating that I have known Miss Carroll for many years. I first met her as a Sister of Charity in New Orleans, La., during the prevalence of the cholera there in 1866. She was then in charge of the Hotel Dieu Hospital, and attended and administered to officers in the hotel and at their houses. I frequently saw her during that year and during the yellow-fever epidemic in 1867. She took care of a number of officers in the Hotel Dieu, among them Capt. Allen Smith, Fourth Cavalry, and Lieut. Col. M. V. Sheridan, while dangerously ill with the fever, and was finally taken down with it herself.

During the war she was a skillful and able nurse in the hospitals about Washington. She nursed Lieutenant-Colonel O'Keefe, dangerously wounded at Five Forks, until his death.

Sister Mary Carroll is a woman of great intelligence and refinement, and devoted her life during the war to the care of officers and soldiers when sick or wounded.

P. H. SHERIDAN,
Lieutenant-General.

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23 FIFTH AVENUE, NEW YORK, *March* 17, 1886.

I have great satisfaction in bearing testimony to the valuable services rendered by Miss Carroll in nursing officers, soldiers, and sailors of the Army and Navy, and prisoners of war in the Washington hospitals, from 1861 to 1865. I can speak of her services from my own observation and from the statements made to me at the time, by many of the officers and men of my command, who were inmates of the hospitals in charge of Sister Mary Carroll, as she was then called.

Although devoted to the cause of the Union, and enjoying the confidence of President Lincoln and Secretary Stanton, she seemed always to devote herself with peculiar tenderness to the care of wounded and sick prisoners of war. Sister Mary was a woman of remarkable aptitude for her vocation. She was gifted with a rare unison of executive ability and feminine gentleness, which enabled her to do much good in providing means for her work, gaining the co-operation of the authorities and of citizens, while her skill and tact as a nurse were acknowledged by the sick and wounded and by the Army and Navy surgeons.

In July and August, 1863, while suffering from a wound received at Gettysburgh, I was attended daily as a nurse by Sister Mary Carroll, in addition to her duties as chief of the Providence Hospital, and I am persuaded that I am equally indebted to the skill of my surgeon, Dr. Thomas Lein, and to Sister Mary Carroll for my recovery.

D. E. SICKLES,
Major-General United States Army (retired).

It is evident that Miss Carroll's services during the war were of a high order. She was one of that good sisterhood who, in war or peace alike, are the aids of suffering humanity. She gave her pay to the sick and wounded under her charge, and to benefit them drew upon her private patrimony. She did all that she could to help her country, and at last surrendered her health. She was obliged to leave the sisterhood because she was unable, by reason of failing powers, to perform the exacting duties their labors of love and charity impose on them. She has since struggled to obtain a livelihood, and now, unable to work, is dependent upon the small sum of $12 per month allowed her by the Government.

We recommend that the bill do pass, with an amendment fixing her pension at $25 instead of $50.

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN LYNN.

Mr. STONE, of Kentucky, called up for consideration the bill (H. R. 308) granting a pension to John Lynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Lynn, late of Company A, Forty-eighth Regiment Kentucky Volunteers.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 308) granting a pension to John Lynn, have considered the same, and submit the following report:

This claimant enlisted July 3, 1863, as a private in Company A, Forty-eighth Kentucky Volunteers, and was discharged December 17, 1864. He made application April 14, 1879, alleging that while in service and line of duty at Elizabethtown, Ky., about June 16, 1864, he was taken sick with inflammatory rheumatism, which has settled in his knees and ankle-joints. The claim was rejected on the ground of rheumatism prior to enlistment, as shown by the evidence adduced upon special examination, including claimant's own admissions. After the claim was rejected a large amount of evidence was filed to remove the ground of rejection, but the Pension Bureau adhered to its decision.

After a careful examination of the evidence, the committee believe that a large preponderance of testimony favors the opinion that claimant was free from inflammatory rheumatism prior to and at the time of his enlistment; five comrades who served in the same company and regiment testify to that fact. These same comrades and others testify as to the incurrence of the disability for which he claims pension in the Army and in line of duty. There is also abundant proof that said disease has continued to disable him to a considerable extent ever since his discharge up to the present time. His family physician for the past seven years says that he is a cripple from the effects of rheumatism. His left leg is perished until it is not more than half as large as the other one, and at times, if he exposes himself to bad weather or takes cold, he has to use a crutch. While there is a bare possibility that the claimant may have had slight attacks of rheumatism prior to enlistment, yet from the evidence the committee believe that his present condition is the result of his Army service, and so believing, submit a favorable report and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH ROSIER.

Mr. TILLMAN called up for consideration the bill (H. R. 9668) granting a pension to Joseph Rosier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph Rosier, a private in Captain Tripp's company, Colonel Brisbane's regiment, South Carolina Volunteers, in the Florida and Seminole war of 1836, on the pension-roll, at the rate of $20 per month from the passage of this act.

The report (by Mr. BARRY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9668) granting a pension to Joseph Rosier, have considered the same and report as follows:

The departmental records show that the claimant served in Captain Fripp's Company of South Carolina Volunteers in the Florida and Seminole war, from February 23, to May 1, 1836, and was honorably discharged at the latter date, at Fort Brooke, East Florida

He is now seventy-nine years of age, is totally blind in both eyes, and is in poor and needy circumstances.

The committee report the bill back to the House with the recommendation that it do pass.

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM S. BRADSHAW.

Mr. TURNER, of Kansas. I call up the bill (S. 3208) granting a pension to William S. Bradshaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of William S. Bradshaw, late first lieutenant of Company C, Sixty-third Regiment Ohio Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions sets forth the facts in this case fully, and is hereby adopted, and passage of the bill recommended.

[Senate Report No. 2032, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3208) granting a pension to William S. Bradshaw, have examined the same, and report:

Claimant was mustered into the service of the United States as a first lieutenant in Company C, Sixty-third Ohio Volunteer Infantry, to date October 28, 1861. There is no account of his service till February 28, 1862, when he is reported present, and so reported to April 30, 1862. He was absent with leave from January 3 to 14, 1862, and present sick from February 3 to June 30, 1862; was discharged from the service June 28, 1862, upon tender of resignation accompanied by surgeon's certificate of disability showing "disease of a chronic pleuritic character contracted prior to his entering the service, from an injury received while shoeing a fractious horse, about four years ago, in consequence of which he was laid up a number of weeks with a severe attack of pleuritis, and has never been able to endure severe labor since that time; that since entering the service active drilling or marching has invariably developed severe pleuritic pains about his chest and underneath his sternum, rendering him totally unfit for duty."

The claim was rejected February 18, 1884, on the ground that the disability for which pension is claimed existed prior to enlistment, as shown by the records of the War Department.

In his application for pension filed September 28, 1883, claimant alleges that he contracted lameness of breast and back at New Madrid, Mo., March, 1862.

In affidavit filed November 13, 1883, claimant states that his disability was incurred by drawing cannon at New Madrid, Mo., about April, 1862.

In affidavit filed November 20, 1885, claimant states that he was a perfectly sound man prior to and at the time of his enlistment into the service of the

United States, and that his disability was incurred under the circumstances as stated above.

In affidavit filed February 16, 1883, claimant states that in the winter of 1858–'59 he received a strain in his breast while shoeing a horse, but that he fully recovered from the effects of said strain prior to entering the service.

In affidavit filed March 15, 1887, claimant states that the United States surgeon who examined him for the service pronounced him a perfectly sound man.

In affidavit filed May 2, 1887, claimant states that on account of his disabilities incurred in the service he is not able to perform more than one-fourth the labor of an able-bodied man.

In affidavit filed October 18, 1887, claimant states that not being familiar with army rules and regulations, to the best of his knowledge and belief he never read the certificate of disability given him by the assistant surgeon, not knowing at the time what the requirements were respecting the phraseology of such certificates; that the injuries received in the line of his military duty have resulted in rheumatism and permanent injury of breast and back, and that in consequence thereof he is not able to earn his living by manual labor.

In affidavit filed November 16, 1883, Ritner Smith, a comrade, testifies that claimant was a perfectly sound and healthy man prior to and at the time of his enlistment into the service of the United States; that while stationed at New Madrid, Mo., about April, 1862, he contracted disease of his chest and back by dragging heavy cannon in line of his military duty.

In affidavit filed February 20, 1884, C. E. Smith, late captain of claimant's company, testifies that between New Madrid and Tiptonville, Mo., claimant incurred injuries of his breast and back by dragging heavy cannon, which disabled him for duty, and was the occasion of his resigning from the service. This testimony is corroborated by the testimony of First Lieut. W. S. Tucker, of Company D, same regiment.

In affidavit filed October 27, 1884, John Rice, S. E. Stout, and E. S. Weldon, all of Meigs County, Ohio, testify that claimant was a perfectly sound man at the time of his enlistment into the service, commanding the highest wages then paid in that county in his line of business.

In affidavit filed November 20, 1885, H. D. Stebbins, of Ellsworth, Kans., testifies substantially as above, and his testimony is corroborated by the testimony of J. V. Wedon, Peter Jeroleman, W. C. Townel, Jacob Adams, and Elemer Pierce.

In affidavit filed November 15, 1887, Wesley S. Tucker, late first lieutenant of Company D, claimant's regiment, testifies that claimant was a sound man prior to the incurrence of injuries of his breast and back at New Madrid, Mo., in the spring of 1862.

In affidavit filed April 24, 1888, Horatio G. White, of Ellsworth, Kans., testifies that claimant was free from injury of breast and back prior to his enlistment into the service, but that since his return home from the war he has been troubled with rheumatism to such an extent as to be compelled to give up his business as a blacksmith.

John F. Baker, Joseph Kahira, George Seitz, M. Maclean, Frank S. Foster, Edward C. Jenkins, G. A. Calbott, T. Hamilton, J. E. W. Johnson, R. S. Lang, and others, of Ellsworth County, Kansas, state that claimant is entirely disabled for manual labor.

In affidavit filed April 23, 1888, Dr. William Reed, of Kanopolis, Kans., testifies that claimant has affection of spine, kidneys, heart, middle lumbar region, and rheumatism, making him wholly disabled for manual labor.

The certificate of disability containing the statement that claimant was injured prior to his enlistment into the service locates the disability in the region of the chest and underneath the sternum, but makes no mention of the alleged injury of back. It is without warrant and manifestly unjust to the claimant to reject his claim on account of injury of back because the surgeon's certificate of disability describes affection of the chest and breast-bone, incurred prior to enlistment. It is easy to separate the counts of his declaration, rejecting the claim on account of injury to breast, and admitting the claim for disability from injury of back, shown to have been incurred in the service and in the line of claimant's military duty.

The facts warrant favorable action, and your committee therefore recommend the passage of the bill with this amendment: In the seventh line, after the word "sixty," strike out the word "fifth," and insert the word "third."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY I. DRAKE.

Mr. VANDEVER. I ask consideration of the bill (H. R. 9173) granting a pension to Mary I. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary I. Drake, widow of Newton E. Drake, late a private in Company E, Fifty-second Regiment of Kentucky Volunteer Mounted Infantry.

The report (by Mr. HUNTER) was read, as follows:

It appears from the records of the War Department that Newton E. Drake, husband of claimant, was enrolled at Scottsville, Allen County, Kentucky, on the 1st day of August, 1861, as a private in Company E, Fifty-second Regiment of Kentucky Mounted Infantry Volunteers, and was mustered into the United States service at the same place on the 16th day of Octobor, 1863, for one year, and was honorably mustered out with his command on the 18th day of January, 1865.

The soldier filed an application for pension on the 23d day of September, 1879, and alleged in his declaration that while in the military service of the United States, and in the line of duty, at Huntsville, Ala., in October, 1864, he contracted rheumatism of both arms and legs. He died a pauper on the 7th day of June, 1881, while the claim was still pending, and was buried at the public expense, leaving his wife in destitute circumstances. His widow continued to prosecute the claim, but it was rejected on the 7th day of September, 1887, "because of the widow's failure, after a reasonable term, to furnish the necessary proof to complete the claim."

Your committee have carefully considered the proof in this case, and believe that claimant died of disease contracted in the service of his country, and that the claim is meritorious. We therefore report back the bill and recommend its passage, with the following amendment: Insert "Mary J. Drake" in title and body of the bill in place of "Mary I. Drake" wherever that name occurs.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS B. WALSH.

Mr. WASHINGTON. I ask consideration of the bill (H. R. 7) granting a pension to Thomas B. Walsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Thomas B. Walsh, late of Company D, Tenth Tennessee Cavalry, upon the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

Claimant enlisted as a private in Company D, Tenth Regiment Tennessee Cavalry, January 1, 1864, and was discharged August 1, 1865. Claims a pension for disability caused by rheumatism contracted while in the service of the United States and in the line of duty. Claim rejected on the ground that there is no record of alleged disability, and claimant is unable to prove by reliable testimony that it was contracted in the service and in line of duty. Claimant states that he was treated for rheumatism, in camp, by Dr. Leonard, assistant surgeon of his regiment, at Johnsonville, Tenn., for about two and a half months, until sent to Nashville for discharge. After his discharge he was treated by Drs. Abel, Slack, May, and Parkerson; that he has not been treated by any physician for the last several years, but has used a medicine recommended by Dr. Parkerson, which always afforded temporary relief. Has performed manual labor about one-fourth of his time since discharged; that he can not find a commissioned officer of regiment to give further testimony than that now on file; that he has written to Dr. Spencer J. Freeman, formerly of his regiment, but fails to get any reply.

Dr. Alexander is dead. Dr. John A. Parkerson, Isaac M. Bigham, and Capt. John A. Davis all testify as to prior soundness of soldier, and that at date of enlistment he was a sound, healthy man, having no disease whatever. Capt. John A. Davis further testifies that soldier complained of rheumatism, located in both hips; saw him placing his hands on his hips as if in pain; that soldier often reported to the surgeon for treatment for said disease, and to make his lot easier he was detailed about the adjutant's tent, where he staid until mustered out. Knows above from personal observation.

Comrades John G. Williams and William H. Wingo testify to the same state of facts.

First Lieut. Lorenzo D. McJunkins testifies that claimant, while in the line of duty at Johnsonville, Tenn., about July, 1865, was affected with rheumatism, and that he relieved him from duty on that account, and he did no more active duty until discharged; that soldier, with his company and regiment, was transferred from New Orleans to Nashville, Tenn., on a steamer. They were eleven days on the passage, exposed to the fogs and mist from the waters. This, with exposure to camp life, brought on rheumatism.

Dr. Abraham Slack testified that he treated soldier for lumbago and rheumatism shortly after his discharge, and again in 1868, 1869, and 1870.

Dr. A. G. Clapton also treated soldier for rheumatism.

Dr. J. P. Rowe testifies as to continuance of rheumatism, and rates soldier as two-thirds disabled. There is an abundance of testimony showing continuance of disability from date of discharge.

Dr. A. J. Paine, examining surgeon, gives soldier a three-fourths rating for disability from rheumatism.

Your committee are of the opinion that soldier contracted the disease from which he now suffers while in the service of the United States and in the line of duty. He is clearly entitled to a pension, and we therefore recommend the passage of the bill,

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES H. PLUMMER.

Mr. WHEELER. I ask consent to consider at this time the bill (S. 2091) granting a pension to Frances H. Plummer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Frances H. Plummer, widow of Brig. Gen. Joseph B. Plummer, United States Army, and to pay her a pension of $100 a month, in lieu of the pension she is now receiving.

The committee recommend the adoption of the following amendment:

Strike out in the eighth line of the printed bill "one hundred" and insert "seventy-five."

The Clerk proceeded to read the report.

Mr. CHEADLE (interrupting the reading). It is not necessary to consume time with the reading of that report, for I will state to the gentleman from Alabama that I will object to the bill because of the amount it carries.

Mr. WHEELER. I should have thought the gentleman would have objected when the bill was read, and not have the time of the committee taken up in reading the report.

Mr. CHEADLE. The gentleman from Alabama knows I have repeatedly stated that I would object to all bills of this character, and I supposed he would have remembered it without taking up the time of the House by calling up the bill and report.

Mr. WHEELER. In view of the objection I withdraw the bill; and ask unanimous consent that my name be passed over for the present, with the right to call up another bill hereafter.

There was no objection, and it was so ordered.

HENRIETTA WALDRON.

Mr. WICKHAM. I ask consideration of the bill (H. R. 7344) granting a pension to Henrietta Waldron.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Waldron, of Wakeman, Huron County, Ohio, at the rate of $12 per month.

The report (by Mr. THOMPSON, of Ohio) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7344) granting a pension to Henrietta Waldron, have examined the same and beg leave to submit the following report:

This seems to be a case of great merit, and one in which the Pension Bureau was prevented only by technical law from issuing the pension.

The applicant made application for pension as widow of Seymour Waldron, late private in Company B, One hundred and twenty-third Regiment Ohio Volunteers. Her application was rejected upon the ground, and only upon the ground, that she had never been legally married to the deceased.

The evidence shows that in 1841 she was married in New York to one Fillmore; that five months after the marriage he abandoned her, and about a year after the marriage was arrested for horse-stealing, convicted, and sentenced to

the Sing Sing State's prison for three years; that shortly afterwards the applicant removed to Ohio, where, in 1845, she was married to Seymour Waldron; that before marrying him she was informed by those in whom she had confidence, and especially by one Elijah Bills, long since deceased, who was a leading man and the legal adviser in her neighborhood, that the conviction and sentence to the penitentiary of her former husband operated as a divorce and left her free to contract a new marriage, and that a license was duly and without question granted to said Waldron and her to marry, and the marriage solemnized by the officer authorized without any question as to her right.

Now, this advice to her that she was released from her former husband by his sentence to the penitentiary, while wrong, was very natural. At that time, and ever since, imprisonment in the penitentiary was and has been a ground of divorce by the laws of Ohio, and her advisers doubtless confounded the ground of divorce with the divorce itself.

The evidence shows that the applicant entered into this second marriage in the utmost good faith; that she has lived and moved in good society, her marriage never having been questioned, ever since; that she lived with the deceased as his wife for a period of forty years, having by him a family of seven children, one of whom was a soldier and lost his life in the service of his country in the war of the rebellion; that during all this period she supposed that she was lawfully married to Waldron, and first learned the contrary when informed by the Pension Bureau.

In the opinion of your committee, under these circumstances, in the forum of conscience and in the sight of God, these two persons were man and wife, and for the purpose of determining the question of the applicant's right to a pension should be so regarded.

The only ground of rejection by the Pension Bureau, as already stated, was the nullity of the marriage.

The evidence to support the claim that the soldier Waldron died of disability incurred in the Army consists, first, of an affidavit of Dr. E. N. Hawley, who attended him in his last illness, and who testifies that the deceased died of chronic diarrhea and rheumatism, the immediate cause being exhaustion, brought on by those diseases.

The postmaster at Wakeman, Ohio, testifies that he knows the cause of the soldier's death to have been chronic diarrhea and rheumatism, and that he was affected by both of these diseases from his discharge, in 1863, to his death.

Dr. E. H. White testifies that he knew the soldier for thirteen years before his enlistment, and was during all that time his family physician, and that the soldier was during that period and at his enlistment remarkably robust and strong, and that he knows that he was free from all diseases and had no rheumatism or diarrhea; that he was called to treat him immediately upon his return from the Army and found him prostrated with rheumatism and chronic diarrhea; that he treated him for a year or more, then removed from the place, to which he returned in 1878, and found him still suffering with the same diseases. He also states in a letter to the Commissioner, written May 10, 1883, that the soldier had constant diarrhea, and that it was the cause of his death. The standing of Dr. White is certified as good by the postmaster.

A. P. Phillips and Henry Hayes both testify that they knew the soldier at his enlistment and from his discharge till his death; that he was sound at his enlistment; that at the time of his discharge he was suffering with rheumatism and diarrhea, with which he was continuously afflicted from his discharge to his death.

This evidence seems to render it almost conclusive that the disability was incurred in the service, since he entered the service sound and came out with chronic diarrhea and rheumatism, which he had continuously till his death, and which caused his death. It should not be forgotten, in justice to the Pension Bureau, that it puts the rejection of the claim alone on the ground of non-marriage.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN B. TIMBERMAN.

Mr. WILLIAMS. I ask consideration of the bill (S. 2606) granting a pension to John B. Timberman.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John B. Timberman, late private in Company G, Thirty-fourth Regiment of Ohio Volunteers.

The report (by Mr. THOMPSON, of Ohio) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2606) granting a pension to John B. Timberman, having considered the same, report as follows:

They adopt and make part hereof the report of the Senate Committee on Pensions, and recommend the passage of the bill.

The Senate report is as follows:

[Senate Report No. 1154, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2606) granting a pension to John B. Timberman, have examined the same, and report:

The applicant was a private in Company G, Thirty-fourth Ohio Volunteers. He entered the service September 9, 1861, and was discharged September 13, 1864. He filed an application July 2, 1880, alleging rheumatism contracted while on the march over the Alleghany Mountains. He claims that in 1867 this complaint resulted in paralysis of the legs from the hips down. His claim was rejected for want of evidence to clearly show the origin of the disease in the service. The examining surgeons gave him a total rating.

A careful review of the evidence convinces the committee that the case is a meritorious one, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

IDA M. HOWELL.

Mr. WOODBURN. I ask consideration of the bill (H. R. 2667) for the relief of Ida M. Howell.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Ida M. Howell, the sister of the late Capt. Judd M. Mott, Sixteenth Michigan Regiment, Company I, and to pay to her the amount of pension which has accrued, commencing from the time of the death of the said Capt. Judd M. Mott, and to the date of the passage of this bill.

The committee recommend the adoption of the following amendments:

Insert in line 5, before the word "sister," the word "dependent," and strike out in the same line the word "captain" and insert "lieutenant-colonel." Also strike out all after "Company I," in the seventh line, and insert "subject to the provisions and limitations of the pension-laws, as if she was the widow instead of the sister of the said Judd M. Mott."

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2667) for the relief of Ida M. Howell, submit the following report:

Ida M. Howell is a sister of Judd M. Mott, deceased, late lieutenant-colonel in Sixteenth Michigan Regiment Volunteers, Company I, in the late war of the rebellion, having entered the service as private and was successively promoted to the captaincy; was in the seven days' battle before Richmond; was captured and subsequently exchanged; re-entered the service and continued in service until June, 1863, when, in a skirmish at Aldie, Va., he was wounded, taken to Armory Square Hospital in Washington, D. C., where he died from the effects of the wounds received. When in hospital he was further promoted to the rank of lieutenant-colonel.

That the said Judd M. Mott and the said Ida M. Howell, his sister, resided in Michigan, and he contributed in a large degree towards her support; that she was at that time and is now in poor circumstances, and was chiefly, if not wholly, depending on the said Judd M. Mott for her support; that the said Ida M. Howell is a widow; is now poor and with little or no means, having herself and a young daughter to support; that the parents of the said Judd M. Mott and said Ida M. Howell died prior to 1876; and that neither the father nor mother nor any member of the family have received any pension by reason of the death of the said Judd M. Mott; that the said Judd M. Mott was unmarried and lived with his sister, the beneficiary under the bill.

The committee recommend that the bill do pass.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MANON VANGORDON.

Mr. YODER. I call up for consideration the bill (S. 330) granting a pension to Manon Vangordon.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Manon Vangordon, brother of Jacob Vangordon, late of Company K, Eighty-fourth Indiana Volunteer Infantry.

The report (by Mr. THOMPSON, of California) is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 330, having considered the same, report it back and recommend its passage, with the following amendment, to wit: Add, after the words "Indiana Volunteer Infantry," where they occur in the bill, the words "and pay him a pension of $18 per month."

Your committee adopt and make part hereof the report of the Senate Committee on Pensions, which is as follows:

[Senate Report No. 62, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 330) granting a pension to Manon Vangordon, have examined the same, and report:

It appears from the papers in this case that Jacob M. Vangordon enlisted September 28, 1862, and served as a private in Company K, Eighty-fourth Regiment Indiana Volunteers, and that while so serving he was killed by a gunshot wound received in the line of duty at or near Atlanta, Ga., in 1864. Manon Vangordon, the sole surviving brother of Jacob, who, except for his age, would be entitled to receive a pension, who is totally blind and helpless and was dependent upon his brother during his lifetime for support, and who is now a subject of charity, applied to the Pension Office for pension, which application was rejected because he was more than sixteen years old when the soldier died. He was forty-five years old in September, 1885, when his claim was presented to the Pension Office.

The record shows Jacob Vangordon to have been a good, true, and brave soldier; that he served about two years, and finally lost his life in the line of duty, and the committee are of the opinion, considering his honorable and useful service and the loss of his life under such circumstances, and the dependent condition of the brother, that the Government can well afford to make an exception in this case.

They therefore recommend the passage of the bill.

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JANE JACKSON.

Mr. McCULLOGH. My name was called this evening before I got here, having been detained on account of the crowds on the street; and I ask leave to take up the bill (H. R. 9178) granting a pension to Jane Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jane Jackson, widow of Nathan Jackson, late a private of Company B, Fifth Regiment of Kentucky Volunteer Cavalry, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9178) granting a pension to Jane Jackson, have considered the same and repor as follows:

The claimant's late husband, Nathan T. Jackson, was a private in Company B, Fifth Kentucky Volunteer Cavalry, and served honorably from the 10th of October, 1861, to the 10th of January, 1863. He was discharged from service on certificate of disability for a severe gunshot wound of the left thigh. By reason of said wound he was a pensioner of the United States until his death, which occurred December 1, 1863. The widow's claim was rejected by the Pension Bureau on the ground that dropsy, which caused the soldier's death, was not the result of the gunshot wound for which he was pensioned.

Considerable testimony of reliable men has been filed in the claim, and additional testimony has been obtained on a special examination by agents of the bureau, and the preponderance of such testimony seems to establish the fatal disease as attributable to the wound of thigh.

Special Examiner Thomes W. Burke, who personally cross-examined many of the witnesses, states in concluding his report:

"From the evidence now in this claim, I am of the opinion it possesses merit, and recommend further examination."

Special Examiner James B. Ricks also states:

"I think it probable there is merit in the claim, and recommend its submission, and if dropsy can be accepted as a *sequela* of gunshot wound, that the claim be admitted."

The examining surgeon in June, 1867, reported as follows:

"The ball passed through the middle third of the left thigh from the outer to the inner side, involving the bone, and injuring the sciatic nerve in its course."

Subsequent biennial examinations show that this severe disability continued, and ex-Surgeon J. A. Flippin, in 1877 and 1879, stated as follows:

"The ball entered posteriorly the upper part of middle third, and passing out 4 inches below on inner side of the thigh, partially dividing the muscles of the posterior part of the thigh."

The testimony is conclusive that the soldier suffered severely from the wound of thigh up to the day of his death, often being forced to leave his work, and during the last three years of his life the wound would inflame and cause a swelling of the limb. He had no physician to attend him, but his neighbors and friends characterize the swelling as a dropsical affection. For the few days next preceding death this so-called dropsical affection extended to both legs and to a portion of the body, and undoubtedly was the immediate cause of death. That it was dropsy, and not the result of blood-poisoning or of a disease of the bone at the seat of the wound is asserted only by non-professional witnesses.

It is established by the certificate of the examining surgeons that the wound involved the bone structure, the sciatic nerve, and the muscles of the left leg; the last illness began with a swelling of that leg; no chronic disease existed which would occasion dropsy, and the only exciting cause was the wound of service.

The claimant is seventy-two years of age and in destitute circumstances. The soldier died in a log hut, without windows or proper ventilation.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANNA LEACH.

Mr. PERKINS. I ask unanimous consent to call up the bill (H. R. 10109) granting a pension to Mrs. Anna Leach. This is an old lady eighty-five years of age, whose son died in the service.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension act, the name of Mrs. Anna Leach, dependent mother of Benjamin F. Leach, late of Company I, First Regiment Iowa Cavalry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10109) granting a pension to Mrs. Anna Leach, have had the same under consideration and submit the following report:

The claimant in this case is the mother of B. F. Leach, late a private of Company I, First Iowa Volunteers, who died in hospital, August 16, 1862, while in service, of typhoid pneumonia.

The claim was rejected in the Pension Office because the claimant could not show, as required by law, that she was dependent on her son at the time of his death. She is now very poor and nearly eighty-five years of age.

Congress has by repeated acts established the rule that present dependence entitles the parents to pension, and your committee therefore report the bill back and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. SPINOLA. I ask unanimous consent that the bill that was called up for Mr. MATSON be now considered.

Mr. YODER. I have that bill, and I hope there will be no objection to its consideration at this time.

Mr. CROUSE. There are only three gentlemen present whose names have not been called, and I think it is only fair that the call should be continued until their names are reached.

Mr. SPINOLA. I withdraw the motion until those gentlemen's names are called.

The CHAIRMAN. The call of the list has been completed.

Mr. YODER. I hope there will be no objection to Mr. MATSON'S bill.

Mr. CROUSE. I think the list should be called until the names of those present who have not been called are reached before unanimous consent is asked.

The CHAIRMAN. Does the Chair understand the gentleman to object?

Mr. CROUSE. Until those gentlemen's names are called I do object.

MARY A. M'COOL.

Mr. CHEADLE (when his name was reached). I ask consideration of the bill (H. R. 8735) granting a pension to Mary A. McCool.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. McCool, mother of John Stanton, late a private in Company I, of the Twenty-fifth Regiment of Indiana Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8735) granting a pension to Mary A. McCool, have had the same under consideration and submit the following report:

The claimant is the mother of John Stanton, who enlisted in July, 1861, as a private in Company I, Twenty-fifth Indiana. He died November 2, 1861, from drinking poisoned water. In 1871 the claimant married William McCool, who, after living with her a few months, deserted her and procured a divorce, leaving her alone and destitute. The claim was rejected "on the ground that claimant remarried in 1871, and did not file her application prior to July 1, 1880; hence there is no period for which pension can be paid."

All the evidence shows that the claimant was dependent on the soldier for support at the time of his enlistment. She was a widow at that time, her husband, the father of the boy, having died in 1848. Up to the time she married McCool she was supported principally by the charity of neighbors and the township trustees. She married McCool, as she alleges, to better her condition and to secure a home, but he deserted her and secured a divorce, and she obtained nothing from him. She is now old and helpless, and, according to the evidence of all who have testified, must go to the poor-house unless the relief asked for be granted. The committee believe this to be a meritorious case, and therefore submit a favorable report and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC ROSHON.

Mr. CROUSE. I ask consideration of the bill (H. R. 6334) for the relief of Isaac Roshon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Isaac Roshon, at the rate of $36 per month, by reason of a gunshot wound to left knee while a member of Company F, Thirteenth Regiment of Ohio Cavalry; that the pension granted by this act shall be in addition to the one he is now receiving for another disability.

Mr. KILGORE. Let the report be read.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6334) for the relief of Isaac Roshon, make the following report:

The claimant, Isaac Roshon, was a private in Company F, Thirteenth Regiment Ohio Cavalry Volunteers. He is now receiving a pension of $13 per month for deafness. His application for pension for another disability, gunshot wound in the left knee, which wound he claims to have received while in service and in line of duty, has been rejected on the ground that claimant fails to meet the requirements of Pension Bureau in furnishing proof of origin.

Claimant makes oath that he received a gunshot wound in left knee while on guard in 1864 and in the line of duty.

His comrade, O. Van Orman, makes oath that he (Van Orman) assisted claimant to the hospital; that he had received a wound in left knee.

Dr. R. C. Downey, regimental surgeon, testifies that to the best of his recollection claimant was, in 1864, shot while on picket duty; that the wound was made under the left knee, cutting in parts the cords of the limb.

The surgeon says further: "I remember dressing the wound; made a record of it at the time, but lost it." He says further that the leg is entirely useless from the wound. It would be better for him to have limb amputated.

Salmon Hudson, examining surgeon, says in his certificate:

"The said I. Roshon received gunshot in left knee, ball passed directly through, severing the semitendinosus muscle followed by anchylosis and enlargement of the knee-joint with an atrophied condition of the limb both above and below the knee-joint, rendering the leg entirely useless, he being unable to walk without the aid of crutches."

The committee recommend that the bill be amended in the manner following, to wit: By striking out after the word "directed," where it occurs in the bill, the words "to place on the pension-roll the name of Isaac Roshon at the rate of $36 per month, by reason of a gunshot wound to left knee, while a member of Company F, Thirteenth Regiment of Ohio Cavalry," and insert in lieu thereof the words "to increase the pension of Isaac Roshon, now on the pension-roll at the rate of $13 per month, to such amount as under the provisions and limitations of the pension laws he may be entitled by reason of a gunshot wound to the left knee, received by him while a member of Company F, Thirteenth Regiment of Ohio Cavalry," and that the bill, when so amended, do pass.

There being no objection, the amendments recommended by the committee were agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. WASHINGTON having taken the chair as Speaker *pro tempore*, Mr. CARUTH reported that the Committee of the Whole House on the Private Calender having had under consideration various bills, had instructed him to report them with sundry recommendations.

The Clerk read as follows:

A bill (H. R. 9791) for the relief of Charles W. Geddes.
A bill (H. R. 9296) granting a pension to Bridget Carroll.

Mr. KILGORE. I will insist that each bill shall be taken up and acted upon separately at least, and that the title shall be read and the bill passed in an orderly and formal manner.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 10769) granting a pension to John M. Krunk;
A bill (H. R. 9296) granting a pension to Bridget Carroll;
A bill (H. R. 9791) for the relief of Charles W. Geddes;
A bill (H. R. 7877) to place Mary Karstetter on the pension-roll;
A bill (H. R. 4649) granting a pension to Daniel Tanner;
A bill (H. R. 210) granting a pension to Ephraim Nye;
A bill (H. R. 9175) granting a pension to George Wallen;
A bill (H. R. 7928) granting a pension to Samuel M. Reese;
A bill (H. R. 308) granting a pension to John Lynn;
A bill (H. R. 7) granting a pension to Thomas B. Walsh;
A bill (H. R. 7344) granting a pension to Henrietta Waldron;
A bill (H. R. 9178) granting a pension to Jane Jackson;
A bill (H. R. 10109) granting a pension to Mrs. Anna Leach; and
A bill (H. R. 8755) granting a pension to Mary A. McCool.

House bills of the following titles, reported from the Committee of

the Whole House with amendments, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7683) granting an increase of pension to Hugh Brady;
A bill (H. R. 5408) granting a pension to Emma F. Read;
A bill (H. R. 2499) increasing the pension of Miss Sarah Mary Carroll;
A bill (H. R. 9668) granting a pension to Joseph Rosier;
A bill (H. R. 2667) for the relief of Ida M. Howell;
A bill (H. R. 6334) for the relief of Isaac Roshon; and
A bill (H. R. 9173) granting a pension to Mary J. Drake.

(The title of the latter bill was amended so as to conform to the bill as passed.)

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 122) granting a pension to Samuel Lane;
A bill (S. 2321) granting a pension to John V. Hennessey;
A bill (S. 3306) granting a pension to Mary K. Richards;
A bill (S. 1766) granting a pension to Stephen Butler;
A bill (S. 654) granting a pension to Caroline Motz;
A bill (S. 3208) granting a pension to William S. Bradshaw; and
A bill (S. 2606) granting a pension to John B. Timberman.

Senate bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments concurred in, ordered to a third reading, read the third time, and passed:

A bill (S. 3141) granting an increase of pension to Jonas Doering;
A bill (S. 1264) granting a pension to Martha V. Coleman; and
A bill (S. 330) granting a pension to Manon Vangordon.

Mr. MORRILL moved to reconsider the several votes by which the bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The hour of 10.30 having arrived, the House stands adjourned until Monday, October 1, 1888, at 12 o'clock m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. C. L. ANDERSON: A bill (H. R. 11526) granting a pension to Sarah McClenachan—to the Committee on Pensions.

By Mr. BRYCE: A bill (H. R. 11527) to establish lights on the western end of Coney Island, New York—to the Committee on Commerce.

By Mr. McRAE: A bill (H. R. 11528) for the relief of Alice E. Robertson—to the Committee on Claims.

By Mr. M. A. SMITH: A bill (H. R. 11529) granting to the Montezuma Canal Company the privilege of constructing a reservoir on certain public lands in Arizona, and for other purposes—to the Committee on the Public Lands.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRUMM: Petition of 13 citizens of the Thirteenth district of Pennsylvania, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BUCHANAN: Petition of Medford Grange, of New Jersey, in behalf of House bill 10320, to prevent the adulteration of food—to the Committee on Agriculture.

By Mr. LEE: Papers in the war claim of Elizabeth D. and Anna S. Frobel—to the Committee on War Claims.

By Mr. LIND: Resolution of the Chamber of Commerce of St. Paul, Minn., thanking the Postmaster-General and the Minnesota delegation in Congress for securing the establishment of the tenth division of railway mail service at that city—to the Committee on the Post-Office and Post-Roads.

By Mr. LODGE: Petition of Mrs. Katie Sprage and 36 others, citizens of Kansas, to remunerate Anna Ella Carroll for services to the Federal Government during the late war—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of Mrs. Elizabeth Hyde, widow of Thomas J. Hyde, and of heirs of Mrs. Susanna Harwell, of Davidson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. HITT: Of T. Oscar Johntson and 57 others, citizens of Oregon, Ill.

SENATE.

MONDAY, *October* 1, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature of the following enrolled bills, which had heretofore been signed by the Speaker of the House of Representatives:

A bill (S. 145) for the relief of Edward Braden and Job W. Angus;
A bill (S. 320) for the relief of John D. Adams;
A bill (S. 937) for the relief of David L. Brainard and others;
A bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as may be found due him thereon;
A bill (S. 1101) granting a pension to Rachel A. Sinkinson;
A bill (S. 1500) granting a pension to Margaret M. Miller;
A bill (S. 1582) for the relief of the estate of Lucien Goyaux;
A bill (S. 1591) granting an increase of pension to Madison M. Meredith;
A bill (S. 1668) for the relief of A. M. Woodruff;
A bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow;
A bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor, of Joseph H. Maddox, deceased;
A bill (S. 2346) granting an increase of pension to Jennie Hart Mullany;
A bill (S. 2411) for the relief of C. A. Williams and others;
A bill (S. 2675) granting an increase of pension to Lieut. James R. Durham;
A bill (S. 2711) restoring Phebe McLaughlin to the pension-roll;
A bill (S. 2720) granting a pension to John B. Ross;
A bill (S. 2836) granting a pension to William E. Taylor;
A bill (S. 2838) granting an increase of pension to Betsey A. Mower;
A bill (S. 2887) granting a pension to George H. Johnson;
A bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts;
A bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge;
A bill (S. 3471) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville Southern Railroad Company;
A bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office;
A bill (H. R. 11101) to include Sapelo Sound, Sapelo River, and Sapelo Island in the Brunswick collection district in the State of Georgia;
A bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., and at other places herein named; and
A bill (H. R. 10068) granting a pension to Lieut. Starkey R. Powell.

BUST OF GARIBALDI.

The PRESIDENT *pro tempore*. The Chair has received from the envoy extraordinary and minister plenipotentiary of the Italian Government a communication requesting the President *pro tempore* to acquaint the Senate with the action of the prime minister of Italy acknowledging with gratitude on behalf of that nation the preamble and resolution of the Senate accepting the bust of Garibaldi presented by Italian residents of Washington.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS. I present the petition of Robert S. Day, residing in Santa Cruz, Cal., praying to be granted relief for losses suffered by his father in the war of 1812 by the confiscation of certain timber and lumber in the province of Quebec. I move the reference of the petition to the Committee on Claims.

The motion was agreed to.

Mr. COCKRELL presented the petition of Mrs. Sarah E. Miller, of Cape Girardeau, Mo., praying for a pension; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of R. B. Reynolds and 35 other citizens of Grand Traverse, Mich., praying for the passage of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10869) to construct a road from Florence, S. C., to the national cemetery adjacent thereto, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1866) for the relief of Enoch Davis, reported it without amendment.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (H. R. 9151) to forfeit certain lands granted to the North-

ern Pacific Railroad Company, and for other purposes, reported it with an amendment.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10073) granting a pension to P. F. Jonte;

A bill (H. R. 724) for the relief of Louisa McLain;

A bill (H. R. 2839) granting a pension to Henry Sommers; and

A bill (H. R. 10494) granting a pension to Emilia Mumm.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 861) for the relief of Joseph Diehl, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. SABIN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7935) for the relief and civilization of the Chippewa Indians in the State of Minnesota, reported it with an amendment.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9759) granting a pension to John Wallace;

A bill (H. R. 3512) granting a pension to Anthony Shafer;

A bill (H. R. 1152) for the relief of the legal representatives of Eliza M. Ferris;

A bill (H. R. 10947) for the relief of John Sweeney;

A bill (H. R. 4737) granting a pension to Micah French; and

A bill (H. R. 10694) granting a pension to John W. Ellis.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2557) for the relief of W. W. Welch; and

A bill (H. R. 8469) for the relief of Michael Pigott.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2291) to extend the time for the redemption of school farms in Beaufort County, South Carolina, reported adversely thereon; and the bill was postponed indefinitely.

REPORT OF COMMISSIONER OF LABOR.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably without amendment the joint resolution (H. Res. 210) authorizing the printing of the third annual report of the Commissioner of Labor, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information, subject to objection.

The joint resolution was read, as follows:

Resolved, That there be printed 39,000 copies, in cloth binding, of the third annual report of the Commissioner of Labor; 26,000 copies for the use of members of the House of Representatives and 13,000 copies for the use of members of the Senate.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary to defray the cost of the publication of said report, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. EDMUNDS. I merely want to ask the chairman of the Committee on Printing whether it is clear, as I suppose it to be, that the appropriation at the end of the clause directing the Public Printer to do this work and appropriating $25,000, or so much as may be necessary to pay for it, is in its expenditure to be limited by the same laws which are now in force regarding the printing of public documents, and the vouchers to undergo the same scrutiny at the Treasury Department. If this were in a general appropriation bill this would be clear enough; but right in connection with the work, directing the Public Printer to do it, and appropriating so much money as may be necessary up to $25,000 for it, led me to make the inquiry. There ought not to be any doubt about it.

Mr. MANDERSON. I think any general law would certainly govern this special matter. I do not see why it would not. It is in the usual form where a bill providing for special printing is self-appropriating. It is the language that has been followed from time immemorial.

The joint resolution was passed.

PUBLIC LAND AND PENSION DECISIONS.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably, with an amendment, the joint resolution (H. Res. 101) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale. I ask for its present consideration.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

Mr. EDMUNDS. Subject to objection.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates, and to bind in full sheep, 1,000 copies each of volumes 1 to 7 of decisions of the Department of the Interior relating to public lands, and of volumes 1 and 2 of decisions of the Department of the Interior relating to pensions, to be sold by the Secretary of the Interior in accordance with the provisions of joint resolution approved March 3, 1887, providing for the sale of public documents: *Provided*, That one copy of such decisions shall be delivered without cost to each member of the present Congress and that such additional number of copies shall be published.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Printing was to add at the end of the joint resolution:

And that there be appropriated $11,000, or so much thereof as may be necessary, out of any money in the United States Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this joint resolution.

Mr. MANDERSON. The amendment makes the joint resolution self-appropriating.

Mr. EDMUNDS. Strike out "United States" before "Treasury." That is not necessary.

Mr. MANDERSON. That is surplusage, I presume. Those words may be stricken out.

The PRESIDENT *pro tempore*. The amendment will be modified as suggested, if there be no objection.

The amendment as modified was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. MANDERSON. I am also directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 43) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions for sale, to report it back adversely, with a recommendation that it be indefinitely postponed it being of the same character as the House joint resolution just passed.

The report was agreed to, and the joint resolution postponed indefinitely.

SMITHSONIAN AND NATIONAL MUSEUM REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a House concurrent resolution for the printing of the report of the Smithsonian Institution and of the National Museum for the years 1886 and 1887, to report it favorably without amendment. I ask for its present consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the report of the Smithsonian Institution and of the National Museum for the years ending June 30, 1886 and 1887, in two octavo volumes for each year, 16,000 extra copies of each, of which 3,000 copies shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

MARINE HOSPITAL SERVICE.

Mr. CULLOM. I am directed by the Committee on Commerce to report back the bill (S. 1786) to regulate appointments in the Marine Hospital Service of the United States, which has been amended by the House of Representatives, with the recommendation that the Senate refuse to concur in the amendment. I ask that the Senate non-concur in the amendment of the House and request a conference.

Mr. EDMUNDS. Let us hear it read for information.

The PRESIDENT *pro tempore*. The bill will be read at length for information, with the amendment of the House of Representatives.

The Secretary read the bill.

The amendment of the House of Representatives was to add to the bill:

Provided further, That nothing herein contained shall apply to the office of Supervising Surgeon-General of Marine-Hospital Service, whose appointment shall be as now regulated by law.

The PRESIDENT *pro tempore*. The Committee on Commerce recommend that the Senate disagree to the amendment and ask for a conference with the House of Representatives on the bill and amendment.

Mr. EDMUNDS. That subject was before the Senate once heretofore and is a good deal involved. It is a complicated subject as the bill and the amendment have it, and I think it ought to be somewhat considered by the Senate on the House amendment before we go into a conference. Therefore I object to its present consideration.

Mr. CULLOM. I simply desire to say that I have no objection to that course. The chairman of the Committee on Commerce, who is absent, is very much interested in the bill, and if there is to be any controversy about it, I should rather it would not be considered until he returns.

The PRESIDENT *pro tempore*. The bill and amendment will be placed on the Calendar with the recommendation of the Committee on Commerce.

AMERICAN GROCER ASSOCIATION.

Mr. SAWYER. I am directed by the Committee on Post-Offices and Post-Roads to report favorably, without amendment, the bill (H. R. 5248) for the relief of the American Grocer Association of the city of New York, and to submit a report thereon. I ask for the present con-

sideration of the bill. The Senate passed a similar bill on the 17th of May, and it went to the other House. By some means they sent here their bill and not ours. If the House bill is passed I shall ask to have the Senate bill recalled.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read at length for information.

Mr. EDMUNDS. Let it be considered subject to objection. I should like to hear the report and see what it is.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the American Grocer Association, of the city of New York, $486, or so much thereof as may be found equitably due, for postage erroneously paid by that association.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report this day submitted, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5248) for the relief of the American Grocer Association of the city of New York, have examined the same, and report:

A bill precisely similar to this was reported by this committee during the present session and passed the Senate.

The report on which the House bill was passed is approved, and is as follows:

"The law of July 12, 1876, for the transmission of matter through the mails, in section 15 provides 'that transient newspapers and magazines, regular publications, designed primarily for advertising purposes, or free circulation, or circulation at nominal rates,' etc., 'shall be transmitted in the mails at the rate of 1 cent for every 2 ounces, and 1 cent for each 2 additional ounces or fractional part thereof.' By the act of Congress approved June 23, 1874, 'newspapers mailed from a known office of publication, issued weekly or oftener, and addressed to regular subscribers, shall be charged 2 cents a pound or fraction thereof.'

"On the 5th day of July, 1877, the Postmaster-General decided that the paper called 'The American Grocer' was not entitled to the lower rates of postage, to wit, 2 cents per pound, upon the ground that it was 'designed primarily for advertising purposes;' and the company were therefore compelled to pay for the month of July and August, 1877, the sum of $648. Upon a rehearing the Postmaster-General determined that his first decision was erroneous, and that said paper should be subject only to the lower rate of postage, to wit, 2 cents per pound. The amount paid by the American Grocer Association was, as has been stated, $648. Under the lower rates it would have been $162. Deducting that sum from $648, it appears that said publishing association paid $486 over and above what the Postmaster-General finally decided they should pay. It being in accordance, therefore, with the final decision of the Postmaster-General that said company overpaid that sum, your committee recommend the passage of the accompanying bill; and it is understood that if the money had not been covered into the Treasury it would have been reimbursed by the Postmaster-General to the said company."

The bill is reported favorably with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SAWYER. I move that the House of Representatives be requested to return to the Senate the bill (S. 577) for the relief of the American Grocer Association of the city of New York.

The motion was agreed to.

FORT WALLACE MILITARY RESERVATION.

Mr. PLUMB. I am instructed by the Committee on Public Lands to report an original bill.

The bill (S. 3597) to provide for the disposal of the Fort Wallace military reservation, in Kansas, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLUMB. Before that order is made I wish to ask unanimous consent that the bill may be considered now. A bill for the accomplishment of the same purpose has already passed both Houses of Congress and been vetoed by the President. The objections of the President were unimportant, to say the least. The bill has been amended in such a way as to cover them. It is important to a thousand or twelve hundred people who are living on this reservation that the bill should become a law as early as possible. Under the circumstances, I venture to ask the Senate to consent that the bill may be considered now.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

Mr. EDMUNDS. I think, as the bill is an original bill, and is not in print in the form in which we now have it, it ought to go on the Calendar and be printed. I shall not object to its being taken up to-morrow.

Mr. PLUMB. I am going away to-day. There has been no amendment which in any way affects the public interest except favorably according to the decision of the President of the United States. The bill has been considered by both Houses; it has been considered by the President himself. As I said, it concerns the homes of about a thousand or twelve hundred people, and it seems to me that under the circumstances if there is to be anything said against it it may as well be said now as at any other time. Those are the circumstances of the case, and they constitute rather an unusual case, I think.

Mr. EDMUNDS. I greatly regret to be obliged to do anything unkind to a thousand people or even to one, but I think the Senate ought to see the bill as reported now originally, it once having been vetoed or something like it, to know precisely what it contains so that we can see it. Some other member of the committee, if the bill be so urgent, can call it up to-morrow.

Mr. PLUMB. The Senator may have the luxury of bringing up this bill himself hereafter, as far as I am concerned, inasmuch as he is more concerned about these people than I am.

Mr. EDMUNDS. I am sufficiently concerned about all the people of the United States to feel it to be not only a right but a duty on an important bill to see it before I am asked to vote upon it; and so this may go on the Calendar.

The PRESIDENT *pro tempore*. Objection to its consideration being made, the bill will be placed on the Calendar.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 3539) to amend an act to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State;

An act (S. 2356) to provide a pension for Mrs. Adeline Couzins; and

An act (S. 1078) for the relief of Florida Kennerly.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 3598) granting a pension to Sarah E. Miller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3599) granting a pension to Melissa D. Tibbitts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3600) for the relief of David Allen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SABIN introduced a bill (S. 3601) granting a pension to William H. Hoyt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3602) for the relief of John F. Malo; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HAWLEY introduced a joint resolution (S. R. 112) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Henry Lecompte, of Switzerland; which was read twice by its title, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7) granting a pension to Thomas B. Walsh;

A bill (H. R. 210) granting a pension to Ephraim Nye;

A bill (H. R. 308) granting a pension to John Lynn;

A bill (H. R. 755) to appropriate $122.50 to reimburse the Indian committee of Western Yearly Meeting of Friends in Indiana for money expended by them in the purchase of Government lands in North Carolina for an Indian training school;

A bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

A bill (H. R. 2499) increasing the pension of Miss Sarah Mary Carroll;

A bill (H. R. 2667) for the relief of Ida M. Howell;

A bill (H. R. 3112) for the relief of Phineas T. Richardson;

A bill (H. R. 4624) for the relief of the estate of John W. Whitfield;

A bill (H. R. 4649) granting a pension to Daniel Tanner;

A bill (H. R. 5009) to provide certain arms, ammunition, and equipage to the State of Oregon for the militia thereof;

A bill (H. R. 5408) granting a pension to Emma F. Read;

A bill (H. R. 6018) for the relief of George Campbell;

A bill (H. R. 6334) for the relief of Isaac Roshon;

A bill (H. R. 6622) for the relief of W. O. Wiatt, Edward Hughes, and J. W. Powell, session clerks of the Forty-ninth Congress;

A bill (H. R. 7344) granting a pension to Henrietta Waldron;

A bill (H. R. 7683) granting increase of pension to Hugh Brady;

A bill (H. R. 7718) for the relief of Milo McCrillis;

A bill (H. R. 7877) to place Mary Karstetter on the pension-roll;

A bill (H. R. 7928) granting a pension to Samuel M. Reese;

A bill (H. R. 8755) granting a pension to Mary A. McCool;

A bill (H. R. 9173) granting a pension to Mary J. Drake;

A bill (H. R. 9175) granting a pension to George Wallen;

A bill (H. R. 9178) granting a pension to Jane Jackson;

A bill (H. R. 9226) granting a pension to Bridget Carroll;

A bill (H. R. 9668) granting a pension to Joseph Rosier;

A bill (H. R. 9791) for the relief of Charles W. Geddes;

A bill (H. R. 10023) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers;

A bill (H. R. 10042) for the relief of the estates of James H. Judkins and William T. Judkins;

A bill (H. R. 10109) granting a pension to Mrs. Anna Leach;

A bill (H. R. 10769) granting a pension to John M. Krunk;

A bill (H. R. 10866) to refer the claims against the United States of the trustees of the Cumberland Presbyterian Churches of Calhoun and Pulaski, Tenn.;

A bill (H. R. 11227) for the relief of Henry Setzer; and
A bill (H. R. 11495) for the relief of George H. Owen.

The message also announced that the House had passed the following bills:

A bill (S. 122) granting a pension to Samuel Lane;
A bill (S. 317) for the relief of William A. Bevens;
A bill (S. 602) for the relief of James Millinger;
A bill (S. 654) granting a pension to Caroline Motz;
A bill (S. 1766) granting a pension to Stephen Butler;
A bill (S. 2321) granting a pension to John V. Hennessey;
A bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming;
A bill (S. 2606) granting a pension to John B. Timberman;
A bill (S. 3098) concerning the settlement of the boundary lines between Connecticut and Rhode Island;
A bill (S. 3208) granting a pension to William S. Bradshaw; and
A bill (S. 3306) granting a pension to Mary K. Richards;

The message further announced that the House had passed the following bills each with an amendment, in which the concurrence of the Senate was requested:

A bill (S. 307) for the relief of Margaret Kennedy;
A bill (S. 330) granting a pension to Manon Vangordon;
A bill (S. 1264) granting a pension to Martha V. Coleman; and
A bill (S. 3141) granting an increase of pension to Jonas Doering.

The message also announced that the House insisted upon its amendment to the joint resolution (S. R. 110) in aid of the sufferers from yellow fever disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNES, Mr. CLEMENTS, and Mr. RYAN managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the following bills of the House:

A bill (H. R. 4039) granting a pension to Mary A. Pfeiffer; and
A bill (H. R. 10881) granting a pension to Nancy J. Cotner.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7410) for the relief of settlers upon Old Camp Sheridan military reservation; and
A bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes.

CHINESE IMMIGRATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Congress:

I have this day approved House bill No. 11336, supplementary to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

It seems to me that some suggestions and recommendations may properly accompany my approval of this bill.

Its object is to more effectually accomplish by legislation the exclusion from this country of Chinese laborers.

The experiment of blending the social habits and mutual race idiosyncracies of the Chinese laboring classes with those of the great body of the people of the United States has been proved by the experience of twenty years, and ever since the Burlingame treaty of 1868, to be in every sense unwise, impolitic, and injurious to both nations. With the lapse of time the necessity for its abandonment has grown in force, until those having in charge the government of the respective countries have resolved to modify and sufficiently abrogate all those features of prior conventional arrangements which permitted the coming of Chinese laborers to the United States.

In modification of prior conventions the treaty of November 17, 1880, was concluded, whereby, in the first article thereof, it was agreed that the United States should at will regulate, limit, or suspend the coming of Chinese laborers to the United States, but not absolutely prohibit it; and under this article an act of Congress approved on May 6, 1882 (see volume 22, page 54, Statutes at Large), and amended July 5, 1884 (volume 23, page 115, Statutes at Large), suspended for ten years the coming of Chinese laborers to the United States, and regulated the going and coming of such Chinese laborers as were at that time in the United States.

It was, however, soon made evident that the mercenary greed of the parties who were trading in the labor of this class of the Chinese population was proving too strong for the just execution of the law, and that the virtual defeat of the object and intent of both law and treaty was being fraudulently accomplished by false pretense and perjury, contrary to the expressed will of both Governments.

To such an extent has the successful violation of the treaty and the laws enacted for its execution progressed that the courts in the Pacific States have been for some time past overwhelmed by the examination of cases of Chinese laborers who are charged with having entered our ports under fraudulent certificates of return or seek to establish by perjury the claim of prior residence.

Such demonstration of the inoperative and inefficient condition of the treaty and law has produced deep-seated and increasing discontent among the people of the United States, and especially with those resident on the Pacific coast. This has induced me to omit no effort to find an effectual remedy for the evils complained of, and to answer the earnest popular demand for the absolute exclusion of Chinese laborers having objects and purposes unlike our own, and wholly disconnected with American citizenship.

Aided by the presence in this country of able and intelligent diplomatic and consular officers of the Chinese Government, and the representations made from time to time by our minister in China under the instructions of the Department of State, the actual condition of public sentiment and the status of affairs in the United States has been fully made known to the Government of China.

The necessity for remedy has been fully appreciated by that Government, and in August, 1886, our minister at Peking received from the Chinese foreign office a communication announcing that China, of her own accord, proposed to establish a system of strict and absolute prohibition of her laborers, under heavy penalties, from coming to the United States, and likewise to prohibit the return to the United States of any Chinese laborer who had at any time gone back to China "in order" (in the words of the communication) "that the Chinese laborers may gradually be reduced in number and causes of danger averted and lives preserved."

This view of the Chinese Government, so completely in harmony with that of the United States, was by my direction speedily formulated in a treaty draught between the two nations, embodying the propositions so presented by the Chinese foreign office.

The deliberations, frequent oral discussions, and correspondence on the general questions that ensued have been fully communicated by me to the Senate at the present session, and, as contained in Senate Executive Document O, parts 1 and 2, and in Senate Executive Document No. 272, may be properly referred to as containing a complete history of the transaction.

It is thus easy to learn how the joint desires and unequivocal mutual understanding of the two Governments were brought into articulated form in the treaty, which, after a mutual exhibition of plenary powers from the respective Governments, was signed and concluded by the plenipotentiaries of the United States and China at this capital on March 12 last.

Being submitted for the advice and consent of the Senate, its confirmation, on the 7th day of May last, was accompanied by two amendments, which that body ingrafted upon it.

On the 12th day of the same month the Chinese minister, who was the plenipotentiary of his Government in the negotiation and the conclusion of the treaty, in a note to the Secretary of State gave his approval to these amendments, "as they did not alter the terms of the treaty," and the amendments were at once telegraphed to China, whither the original treaty had previously been sent immediately after its signature on March 12.

On the 13th day of last month I approved Senate bill No. 3304, "to prohibit the coming of Chinese laborers to the United States." This bill was intended to supplement the treaty, and was approved in the confident anticipation of an early exchange of ratifications of the treaty and its amendments and the proclamation of the same, upon which event the legislation so approved was by its terms to take effect.

No information of any definite action upon the treaty by the Chinese Government was received until the 21st ultimo—the day the bill which I have just approved was presented to me—when a telegram from our minister at Peking to the Secretary of State announced the refusal of the Chinese Government, to exchange ratifications of the treaty, unless further discussion should be had with a view to shorten the period stipulated in the treaty for the exclusion of Chinese laborers, and to change the conditions agreed on, which should entitle any Chinese laborer who might go back to China to return again to the United States.

By a note from the chargé d'affaires *ad interim* of China to the Secretary of State, received on the evening of the 25th ultimo (a copy of which is herewith transmitted, together with the reply thereto), a third amendment is proposed, whereby the certificate, under which any departing Chinese laborer alleging the possession of property in the United States would be enabled to return to this country, should be granted by the Chinese consul instead of the United States collector, as had been provided in the treaty.

The obvious and necessary effect of this last proposition would be practically to place the execution of the treaty beyond the control of the United States.

Article I of the treaty proposed to be so materially altered had, in the course of the negotiations, been settled in acquiescence with the request of the Chinese plenipotentiary and to his expressed satisfaction.

In 1886, as appears in the documents heretofore referred to, the Chinese foreign office had formally proposed to our minister strict exclusion of Chinese laborers from the United States without limitation; and had otherwise and more definitely stated that no term whatever for exclusion was necessary, for the reason that China would of itself take steps to prevent its laborers from coming to the United States.

In the course of the negotiations that followed suggestions from the same quarter led to the insertion in behalf of the United States of a term of "thirty years," and this term, upon the representations of the Chinese plenipotentiary, was reduced to "twenty years," and finally so agreed upon.

Article II was wholly of Chinese origination, and to that alone owes its presence in the treaty.

And it is here pertinent to remark that everywhere in the United States laws for the collection of debts are equally available to all creditors without respect to race, sex, nationality, or place of residence, and equally with the citizens or subjects of the most favored nations and with the citizens of the United States recovery can be had in any court of justice in the United States by a subject of China, whether of the laboring or any other class.

No disability accrues from non-residence of a plaintiff whose claim can be enforced in the usual way by him or his assignee or attorney in our courts of justice.

In this respect it can not be alleged that there exists the slightest discrimination against Chinese subjects, and it is a notable fact that large trading firms and companies and individual merchants and traders of that nation are profitably established at numerous points throughout the Union, in whose hands every claim transmitted by an absent Chinaman of a just and lawful nature could be completely enforced.

The admitted and paramount right and duty of every government to exclude from its borders all elements of foreign population which for any reason retard its prosperity or are detrimental to the moral and physical health of its people, must be regarded as a recognized canon of international law and intercourse. China herself has not dissented from this doctrine, but has, by the expressions to which I have referred, led us confidently to rely upon such action on her part in co-operation with us as would enforce the exclusion of Chinese laborers from our country.

This co-operation has not, however, been accorded us. Thus from the unexpected and disappointing refusal of the Chinese Government to confirm the acts of its authorized agent and to carry into effect an international agreement, the main feature of which was voluntarily presented by that Government for our acceptance, and which had been the subject of long and careful deliberation, an emergency has arisen, in which the Government of the United States is called upon to act in self-defense by the exercise of its legislative power. I can not but regard the expressed demand on the part of China for a re-examination and renewed discussion of the topics so completely covered by mutual treaty stipulations, as an indefinite postponement and practical abandonment of the objects we have in view, to which the Government of China may justly be considered as pledged.

The facts and circumstances which I have narrated lead me, in the performance of what seems to me to be my official duty, to join the Congress in dealing legislatively with the question of the exclusion of Chinese laborers, in lieu of further attempts to adjust it by international agreement.

But while thus exercising our undoubted right in the interests of our people and for the general welfare of our country, justice and fairness seem to require that some provision should be made by act or joint resolution, under which such Chinese laborers as shall actually have embarked on their return to the United States before the passage of the law this day approved, and are now on their way, may be permitted to land provided they have duly and lawfully ob-

tained and shall present certificates heretofore issued permitting them to return in accordance with the provisions of existing law.

Nor should our recourse to legislative measures of exclusion cause us to retire from the offer we have made to indemnify such Chinese subjects as have suffered damage through violence in the remote and comparatively unsettled portions of our country at the hands of lawless men. Therefore I recommend that without acknowledging legal liability therefor, but because it was stipulated in the treaty which has failed to take effect, and in a spirit of humanity befitting our nation, there be appropriated the sum of $276,619.75, payable to the Chinese minister at this capital, on behalf of his Government, as full indemnity for all losses and injuries sustained by Chinese subjects in the manner and under the circumstances mentioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October* 1, 1888.

Mr. SHERMAN. I move that the message of the President be printed and referred to the Committee on Foreign Relations, although I see that the only subject-matter of recommendation for new legislation has been already acted upon in the Senate; that is, a provision has already been made in the deficiency appropriation bill by a very proper appropriation for the payment of damages done to Chinese subjects some time ago. Still I move that the message be printed and referred to the Committee on Foreign Relations.

Mr. HALE. I wish to say in regard to the appropriation by the Senate covering the item referred to in the President's message that that subject is now in controversy in the conference between the two Houses.

Mr. SHERMAN. As a matter of course, the Senate having already acted upon that subject favorably, I suppose, in view of the message of the President, it only awaits the consent of the House conferees to make the appropriation complete. I take it as a matter of course, considering the political organization of the House and the strength of the message of the President, that the consent will not be withheld, if it was in doubt before. I hope, however, there will be no controversy about that, as I think both Houses have passed that appropriation, at least the Senate, once or twice before in the treaty, and made provision for an appropriation for paying damages and injuries done to Chinese subjects in the riots in Wyoming and elsewhere.

Mr. DOLPH. I do not rise to say anything on the question of reference. I think, however, the chairman of the Committee on Foreign Relations is in error in supposing that the only recommendation of the President is the payment of indemnity to China. I understood the message as it was read to recommend immediate legislation by bill or joint resolution to authorize the landing of Chinese laborers who are now on their way from China to the ports of the United States with certificates which have been issued by the United States to land, notwithstanding the bill. In other words, while the President has approved the bill which cuts off entirely the right of Chinese laborers out of the country with certificates to come into the United States again, although they may be on their way to this country, I understand him to recommend immediate legislation by bill or joint resolution to authorize the landing of such Chinese.

I say this merely to correct what I suppose to be a misunderstanding of the message by the chairman of the committee, not expressing any opinion as to the desirability of the legislation.

Mr. STEWART. I should like to suggest to the Committee on Foreign Relations that there are more urgent matters connected with the importation of Chinese than those suggested by the President. I see by the papers and learn from tourists who have been passing over the Canadian Pacific Railroad it is estimated that about a thousand Chinaman a day are coming into New York by the Canadian Pacific with what they claim to be certificates allowing them to enter the United States, but what are presumably manufactured documents. I also see by the papers that a large number of Chinese are entering the United States daily by way of Mexico through El Paso. For that reason I have introduced a bill which seems to me to be urgent. If we are to have the Chinese excluded we must have a law which will protect our borders on the north and the south, or they will continue to come as they have been coming heretofore.

As to those who have started, there can not be a very large number who have started since the legislation has taken place. It has been over a month since the bill passed the House of Representatives, and it was telegraphed to China undoubtedly, and the steam-ship companies understood that the bill was pending. There ought not to be any Chinese on the way now who were not notified, and I do not think that suggestion needs immediate attention at all.

If we should pass a law of the kind suggested by the President no man can estimate the number of Chinese who would come in under it, because they would be somewhere on the way for a year or two before you could get them stopped. We tried that experiment on the previous-residence business. In 1880 a treaty was adopted restricting Chinese immigration. No law was passed until 1882, two years having intervened. The treaty provided that those who went away might return, and the law allowed all to return who had left the country after 1880 and before 1882, when the law was passed, on the ground of previous residence; and they have been coming in every day. Every steamer has been loaded with previous residents ever since, and I suppose if it went on for fifty years there would be a steamer load of previous residents every time a steamer came from China.

I do not believe that it is necessary to open the door to correct any mistake, to allow any to come in who are on the way, because they have had ample notice. They knew last spring the conditions of the treaty that was adopted. That was published, and it excluded them. That was kept back four months and a half before it was acted upon. It has been more than a month since the bill passed the other House which excluded them; and if they have had the temerity to take the chances of coming in I think they may as well take the chances of staying out.

Mr. DOLPH. The more I think of it, the more it strikes me that it is a very remarkable proposition for a bill to be approved by which I understand the President approves the provision of the bill that cuts off, summarily, positively, and conclusively, the entrance of Chinese with certificates, and at the same time to disapprove of it and ask Congress to amend it by immediate act or resolution.

The PRESIDENT *pro tempore*. The message of the President of the United States, with the accompanying documents, will be referred to the Committee on Foreign Relations, and printed.

POLITICAL REMOVALS FROM ARMORIES AND ARSENALS.

Mr. HALE submitted the following resolution:

Whereas it is alleged that an order has been issued from the War Department in form and terms as follows:

"[Confidential.]

"ORDNANCE OFFICE, WAR DEPARTMENT,
"*Washington, D. C., January* 4, 1886.

"*To the commanding officers of the national armories at Springfield, Mass., and Rock Island, Ill., and of the United States arsenals at New York, West Troy, N. Y., and Philadelphia, Pa., Boston, Mass., Benicia, Cal., etc.:*

"SIR: While arsenals and the armories are not intended to be converted into political machines, two political parties in this country are recognized. It is therefore ordered that hereafter in employing and discharging employés of any and all grades, other things being equal and qualifications satisfactory, Democrats will be favored; the object being to divide the force in the different grades gradually between Democrats and Republicans. This rule will apply to women and children as well as to men, and will be strictly enforced.

"Respectfully, your obedient servant,

"S. V. BENÉT,
"*Brigadier-General, Chief of Ordnance, United States Army;*"

And whereas it is further alleged that in pursuance of such order changes and removals of persons employed by the Government in the United States arsenals and armories have been made, and that honorably discharged soldiers of the Union Army and their wives and children have thus been removed: Therefore,

Resolved, That the Secretary of War be, and is hereby, directed to forthwith transmit to the Senate full information as to the order above named, and to state fully what necessities of the Department required that said order should be issued; and to further inform the Senate why an order issued from the Military Department of the Government upon public business was marked "confidential;" and also to report fully all changes that have been made of persons employed in the United States arsenals and armories since said order was issued; and especially to inform the Senate whether at the Rock Island arsenal the wife and children of a former Union soldier have been removed under said order.

Mr. HALE. Mr. President, if there were not some remarkable things connected with this transaction, I should not have brought it before the Senate. It has passed into common acceptation in the public mind that while the present Administration keeps up its claim to administer the Government upon principles of civil-service reform, yet, as everybody knows, the whole administration is being conducted in a partisan and proscriptive fashion. The New York Evening Post, whose editor is one of the ablest and, I am afraid, one of the blindest supporters of the President, declared some months ago that there was not probably in the United States one single sincere believer in civil-service reform who would place any further dependence on the promises and pretenses of the Administration; and the force of incredulity upon this matter could go no further than that expression in the Post.

There are, as the Senate has seen, some remarkable things connected with this transaction. Why is it that in time of peace, upon public business, a circular relating to the administration of public business should be marked "confidential" nobody can tell. I venture to say that in the history of the War Department there is no precedent for this; and to me it has been a wonder that this extreme evidence of proscriptive partisanship should be found in this conservative Department of the Government. I had not believed, and when the matter was first presented to me I expressed immediately my disbelief that there was anything in the rumor.

I had not believed that there would be found in this Department any officer, from the highest to the lowest, who would inaugurate proceedings such as are indicated by this order. There is nothing in the Secretary of War, I may say, or his previous history or record, which would have led me to believe that he would have allowed or permitted or authorized the issuing of a circular like this, not only marked "confidential," as I have stated, showing what its underlying purpose must have been, but also for the first time extending party proscription to women and children.

I do not know in the history of party politics or party contests or party administration of the affairs of the American people, when heretofore the doctrine that "to the victors belong the spoils" has been carried to this extent; and it has remained for the American people in this year 1888 to be treated to this order from this conservative War Department, presided over by a conservative Secretary, who has had nothing whatever in his life or experience heretofore that would lead his friends or the American people to believe that he would allow such a thing.

This order has but one explanation, that is the explanation which has been given in the Department, as we are told, that the pressure by Democrats for more places, for more public plunder, for more appointments was so great that even this conservative Department and this conservative Secretary yielded.

To show that I have not introduced this resolution without justification, without warrant, I ask that the Secretary shall read from what is marked in the paper I send to the desk as the explanation given by General Benét to a gentleman who visited him on the first report that this order had been issued. This is General Benét's explanation:

The Secretary read as follows:

A few days before the date of this circular I was called to the office of the Secretary of War. Mr. Endicott stated to me that he had received many urgent requests from very prominent Democrats—one especially prominent and known throughout the country—to have Republicans employed in the arsenals throughout the country dismissed and Democrats appointed in their places. The Secretary said he did not want to turn the service into a political machine, but that something would have to be done to bring about a different condition of affairs in the Ordnance Department. He said that he would like to have Democrats appointed wherever Republicans were dismissed, and that the filling of positions occupied by women and children should be recognized in the same political degree as those filled by men. I replied to Mr. Endicott that I would fix the matter, and immediately I wrote this circular and sent it to Secretary Endicott for inspection. The Secretary approved of it, and I had manifold copies made and sent to all of the commanders of the arsenals. In three or four instances the commanding officers wrote official or private letters to me—I forget which—stating that they had made careful canvasses of the employés, and they found that the majority of them were Democrats, and that if the object of my circular was to equalize between the two parties the positions, there could be no equalization in favor of the Democratic party. So, you will see, this circular, if the spirit of it as well as the letter was observed, the only effect would be in the employment, and not the discharge of employés.

Mr. HALE. There is one thing shown plainly by this explanation, and that is that under the conduct of affairs formerly, before this Administration came into power, the places in the arsenals and armories were never the subject of political reward or political preferment. I know something about those places. They have been an accepted and fitting refuge largely for old soldiers in the armies of the Union and their sons and daughters, and widows, where women could be engaged in the work that is necessary about such public purposes. Nobody has objected; and I venture to say that in the years elapsing between the close of the war and the 4th day of March, 1885, no question was ever asked as to the politics of any one of these old soldiers or his widow or children in these small positions.

They retired and were cared for in a moderate way at small pay by the Government and were leading very peaceful and obscure lives as beneficiaries of a Government that they had helped to save. If in the land anywhere could be found a deserving class, a class that all men would say should not be molested, it was this class. They were outside of the "filthy pool" of politics; they were far beyond the disturbing current that besets political life and political struggles; and essentially every reasonable man would say that no matter how thorough and complete was the effort to remove Republicans and put in Democrats, these were the people who should be left untouched. And yet, in the face of all this and of the statute which declares expressly, not only in such cases but in all appointments of Union soldiers, that they shall have the preference, this most searching, most pitiless quest of the Democratic party for more places has found more scope.

That it may be seen that I am not in this matter acting without proper authority and advice, I ask the Secretary to read, turning over the paper which I have sent to him, what a gentleman over his own name has written to the Indianapolis Journal as to the operation of this order which, by the way, Mr. President, showing the haste with which this matter was conducted, has been in operation since its date in the year 1886. If the Secretary has the extract I have marked, I ask him to read it to show one only of the operations of this civil-service reform order!

The Secretary read as follows:

My sister, the widow of a wounded officer of volunteers, who served faithfully during the war of the rebellion, had employment for herself and two daughters at one of our large arsenals until about six months ago when they were called before the commanding officer and told that they could not have any more work from the Ordnance Department. When my sister asked the reason he informed her that he had learned that she and her daughters were Republicans. "Are we discharged for that reason only?" she asked. He replied, "It is perhaps improper for me to reply to that question; I can only say that I am complying with confidential instructions received from the Chief of Ordnance."

I only learned of this a few days ago as a result of my sister's application to me for means of subsistence, and on visiting her I found the above state of facts. One of the clerks who is in the office of the officer in charge of the arsenal, being an intimate friend of the family, very kindly gave me a copy of this infamous production.

To what depths of meanness may not a man descend who can thus, deliberately and secretly, persecute women and children?

You may publish the circular and the letter, or take any other steps in the matter that may seem best to you.

J. Q. ELLERY.

Mr. HALE. Mr. President, I can not believe, owing to the kindness of heart and the good purposes which animate the Secretary of War, that he could have known of such a marked instance of political proscription as has been disclosed in the extract that has just been read. There is nothing in my acquaintance with him or in my knowledge of him that would lead me to believe that if he had knowledge of this transaction he would have justified it.

But whether that be so or not it has been done under this order issued from his Department. Whether he regrets it now or apologizes for it now I do not know. Such an instance called to his attention must give him more or less reflection and discomfort. I can see no satisfaction that he can derive from the exposure of such a thing occurring in that Department unless it shall be in the way in which he is welcomed to the ranks of the modern Democracy by a leading New York Democratic newspaper, which, in closing the article upon this transaction, has the following words:

The sound Democratic doctrine is that all the posts under a Federal administration should be held by Democrats. Mr. Endicott is now at the half-way house to this position. Perhaps he has got even further than that, since the Benét order was issued. We welcome Hon. William Crowningshield Endicott on his march to the ranks of the great, happy, and invincible army of spoilsmen.

That is the proclamation to-day, Mr. President.

Mr. COCKRELL. From what paper is the Senator reading?

Mr. HALE. From the New York Sun. That is the real underlying purpose and practice of the present civil-service reform Administration!

Mr. COCKRELL. Mr. President, I understand the Senator from Arkansas [Mr. BERRY] gave notice that he desired to address the Senate to-day, and I will only say a word or two, as I understand this resolution is introduced this morning. Am I correct in that?

The PRESIDENT *pro tempore*. The Senator is correct.

Mr. COCKRELL. I shall then ask that it may lie over until to-morrow morning, when we can discuss it a little more fully than we can now, without infringing on the rights of the Senator from Arkansas.

Mr. CHANDLER. I understood the Senator was through.

Mr. COCKRELL. No; he has not commenced.

Mr. CHANDLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. COCKRELL. I yield.

Mr. CHANDLER. I would like the Senator to withdraw his objection for a few moments. I will not take over three minutes.

Mr. COCKRELL. If there is to be any discussion it will come from this side. I stated why I would not undertake to consume time this morning in replying to the Senator from Maine, and that was that the Senator from Arkansas had given notice that immediately after the conclusion of the morning business to-day he would address the Senate; and now I object to the consideration of this resolution now so as to give an opportunity of talking on it to-morrow morning, and then I will answer fully the Senator from Maine and state for what the Democratic party is responsible and for what it is not and what it ought to have done long ago; but I will not take up the time to do it this morning, for I see that it will lead to discussion and so the Senator from Arkansas will be displaced. So in courtesy to him I object to the present consideration of the resolution.

The PRESIDENT *pro tempore*. The resolution will lie over under the rules.

Mr. CHANDLER. Will the Senator allow me to say a word?

Mr. COCKRELL. No; we are not going to have any discussion at all unless both sides are heard, and your side has been heard already.

Mr. CHANDLER. I should like to address a remark to the Senator from Missouri myself if he will withdraw his objection long enough.

The PRESIDENT *pro tempore*. Objection having been made, the resolution lies over under the rules, and will be printed.

Mr. CHANDLER. That ends it for the present.

IMPORTATION OF CONTAGION AND INFECTION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day.

The Secretary read the following resolution, submitted by Mr. CALL on the 27th ultimo:

Resolved That the Committee on Epidemic Diseases are hereby instructed to consider and report before the adjournment of this session of Congress, by bill or otherwise, such additional legislation as may be necessary or useful to prevent the importation of contagious or infectious disease from foreign countries on the coasts and boundaries of the United States, and to prevent and suppress it in the interstate commerce and from passing from one State to another, and for the subsistence of such persons as may be detained by public authority from places where there is danger of infection or contagion to other States.

Mr. CALL. I should be very glad to have the Senate consider this resolution at the present time; but I am informed by the Senator from Arkansas that he is prepared and desires to address the Senate at this moment, and if it be agreeable to the Senator I would like consent that this resolution may be taken up after the conclusion of his remarks, and that he may proceed now.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that the pending resolution may be informally laid aside to enable the Senator from Arkansas to submit remarks on the unfinished business, to be resumed at the close of the observations of the Senator from Arkansas.

Mr. CHANDLER. What is the pending question?

The PRESIDENT *pro tempore*. The resolution in relation to the importation of contagious or infectious disease from foreign countries on the coasts and boundaries of the United States, etc.

Mr. CHANDLER. I do not like to object to the Senator from Arkansas going on, but I desire to call up the resolution in relation to the Louisiana election, and if there is no one who wishes to speak on it I should like to have it passed.

The PRESIDENT *pro tempore*. By unanimous consent the unfinished business was assigned for consideration this morning at the close of the routine morning business. The title of the bill which is the unfinished business will be stated by the Secretary.

The SECRETARY. A bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

The PRESIDENT *pro tempore*. A resolution offered by the Senator from Florida [Mr. CALL] is in order, and he asks that it may be informally laid aside to enable the Senator from Arkansas to proceed upon the unfinished business, its consideration to be resumed at the close of the remarks of the Senator from Arkansas.

Mr. DOLPH. I feel compelled to object, because the unfinished business by unanimous consent was to be taken up, not only for the purpose of allowing the Senator from Arkansas to submit remarks upon it, but for consideration. If it be set aside by unanimous consent now, then we shall be quite at sea again in regard to that bill.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution offered by the Senator from Florida [Mr. CALL], which is entitled to consideration at this time.

Mr. PALMER. I ask if the close of the routine morning business has been announced?

The PRESIDENT *pro tempore*. It has not. Routine morning business is now under consideration, being a resolution coming over from the previous day lying on the table for consideration this morning. The question recurs on agreeing to the resolution offered by the Senator from Florida.

Mr. CALL. I appeal to the Senators who have objected to the informal postponement of this resolution to withdraw the objection, so as to allow the Senator from Arkansas to proceed with his remarks.

The only object that I shall have in addressing the Senate on my resolution is to present a number of communications which have been received from a gentleman of intelligence whose thoughts have been directed, by the prevailing epidemic and the danger which is threatened in the future to the country, to some method of suppressing and preventing its recurrence. I have a large number of communications which seem to contain within them subjects of great interest and value to the progress of discovery on the subject of the prevention of epidemic and contagious diseases.

My colleague [Mr. PASCO] desires to offer an amendment to the resolution, being the substance, as I understand, of a resolution formerly offered by me, so as to submit some remarks upon it. The subject is one of very great and urgent importance and interest to the people of this country everywhere. In view of that fact and the interest it is exciting in the public mind throughout the United States and the apprehensions that are felt everywhere, unless some very effective and very unusual methods shall be adopted to prevent its recurrence—in view of these facts and the great importance of the subject, I hope Senators will withdraw their objection to allowing this resolution to be fixed for consideration after the remarks made by the Senator from Arkansas, who is prepared to go on, having given notice, and who requests me to give way for him. I therefore renew the application.

Mr. DOLPH. The Senator will permit me to suggest that a week ago to-day the Senator from Kansas [Mr. PLUMB] called up the Senate bill to forfeit the Northern Pacific Railroad unearned lands and made a speech upon it. It was then laid aside. I ascertained that the Senator from Arkansas desired to make some remarks, and in order to give the Senator from Arkansas time to prepare himself with the remarks he desired to submit on the bill I asked unanimous consent that the bill should go over until to-day, immediately after the morning business to come up for consideration, stating distinctly that it was not only for the purpose of remarks being submitted by the Senator from Arkansas, but of having the bill considered. I do not know that any one else desires to speak upon it. It is substantially the same as the general forfeiture bill which was discussed in the Senate and passed, and perhaps we can vote upon it immediately after the Senator from Arkansas closes.

That was ordered by a unanimous agreement. In the mean time, during the past week, a bill came here from the House of Representatives on the same subject, which was reported back from the Senate Committee on Public Lands this morning. I have no desire to interfere with the Senator from Arkansas, though the fact is that on my own motion the bill was laid aside until to-day, so that he might have an opportunity to speak.

Mr. HARRIS. Do I understand the Senator from Oregon to say that on Monday last he asked and obtained unanimous consent that this bill should be taken up for consideration immediately after the routine morning business to-day?

Mr. DOLPH. I did, and for the purpose of accommodating the Senator from Arkansas.

Mr. HARRIS. And unanimous consent was obtained?

Mr. DOLPH. And unanimous consent was given.

Mr. HARRIS. Then it does seem to me that there can be no doubt about the fact that it was the duty of the Chair immediately upon disposing of the routine morning business to lay that bill before the Senate, and then the Senator from Arkansas would certainly have the right to proceed.

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Tennessee that the resolution of the Senator from Florida is morning business, being a resolution coming over for consideration to-day from a previous day when it was offered.

Mr. HARRIS. But the Senator from Florida, I understand, is willing that his resolution shall go over to-day.

The PRESIDENT *pro tempore*. But the Chair asked unanimous consent, at the request of the Senator from Florida, that the resolution might go over until the conclusion of the remarks of the Senator from Arkansas, to be again resumed to-day and not to-morrow, to which the Senator from Oregon [Mr. DOLPH] objected.

Mr. HARRIS. Is there objection to the consideration of the resolution of the Senator from Florida?

The PRESIDENT *pro tempore*. The Senator from Florida himself asked that it might lie over.

Mr. HARRIS. Exactly; but is there objection to its consideration after the remarks of the Senator from Arkansas?

The PRESIDENT *pro tempore*. The Chair understands there is. The Senator from Oregon [Mr. DOLPH] has interposed an objection.

Mr. CALL. Then I will allow the resolution to go over until to-morrow morning.

Mr. BERRY. I will give way to the Senator from Florida [Mr. CALL] and let him deliver his remarks.

Mr. HARRIS. The Senator from Florida consents that his resolution may go over until to-morrow.

The PRESIDENT *pro tempore*. If there be no objection, the resolution offered by the Senator from Florida will retain its place as current morning business to be laid before the Senate by the Chair to-morrow when that order is reached, and the Senate as in Committee of the Whole resumes the consideration of the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. BERRY. Before that is done, I wish to say to the Senator from Florida that if this matter is connected with the yellow fever and it is important that it should be considered this morning, I will very cheerfully give way until to-morrow morning and allow the resolution to be taken up. I do not wish to interfere with a resolution of that character.

Mr. CALL. I do not think its importance is sufficiently urgent to take the Senator off the floor. I appreciate his kindness.

THE LOUISIANA ELECTION.

Mr. CHANDLER. I now ask the indulgence of the Senator from Arkansas [Mr. BERRY] to allow me to give notice that as soon as he concludes his remarks I shall make an effort to bring before the Senate the resolution for the investigation of the Louisiana election.

NORTHERN PACIFIC RAILROAD LANDS.

The PRESIDENT *pro tempore*. The Senator from Arkansas [Mr. BERRY] is entitled to the floor on the bill (S. 3504) restoring to the United States certain lands granted to the Northern Pacific Railroad Company, etc.

Mr. BERRY. Mr. President, the bill now before the Senate proposes to forfeit all that portion of the public lands which were granted by Congress to the Northern Pacific Railroad Company which lie opposite to the uncompleted portions of the railway. It includes the land from Wallula, in Washington Territory, down to Portland, Oregon, and embraces between five and six millions of acres of the public lands which are proposed to be forfeited to the Government of the United States. This same forfeiture was included in a general forfeiture bill which passed the Senate some time ago. A bill forfeiting those public lands also passed the House of Representatives. These two bills are now in conference and include this with other land. The difference between the House and Senate on this question of the forfeiture of the public lands formerly granted for railroads consists in the amount of land that shall be forfeited and restored to the Government. The Democratic House of Representatives by their bill, the general forfeiture bill, proposes to forfeit all the lands granted to the Northern Pacific Railroad which lie between Bismarck and the city of Portland, in Oregon. The Senate bill proposes to forfeit only the lands from Wallula down to Portland. The amount included in the House bill is about 36,000,000 acres; the amount included in the Senate bill is between five and six million acres, there being about 30,000,000 more acres of land forfeited by the House bill than by the Senate bill.

Since those two bills have been before the conference committee my colleague in the House, Mr. MCRAE, introduced and had passed a bill which is now on the Calendar of the Senate, proposing to forfeit all the lands that were granted to the Northern Pacific Railroad between

Bismarck and Portland, being 36,000,000 acres, and some other lands included in the general land bill.

The bill now before us, reported by the Republican majority of the Committee on Public Lands of the Senate, proposes only to forfeit that part from Wallula to Portland. The difference between the two Houses is that the Senate committee hold that Congress has no power to forfeit any lands save and except those that lie opposite the portions of the uncompleted road at the time of the passage of the act of forfeiture. The proposition of the House of Representatives is that as to all the lands opposite which the road was not completed within the time specified in the granting act, at the expiration of that time, it is the duty of Congress to take from the railroad and restore to the public at large. This is the difference between Mr. MCRAE'S bill and the one now pending.

The majority of the Senate committee are in favor of the bill reported by the Senator from Oregon [Mr. DOLPH]. I agree with the Democratic House of Representatives, that it is the duty of Congress not only to forfeit the lands included in this bill but also to forfeit all that portion of the land opposite the road that was not completed within the time specified by the act of Congress.

The Senator from Kansas [Mr. PLUMB] said in his speech the other day that the Supreme Court had repeatedly decided that Congress had no power to make this forfeiture. I assert to-day, and I state to the Senator now, that he can not produce any decision of the Supreme Court of the United States to that effect. It is true that the circuit court in the district of Oregon, with Judge Field presiding, did decide, as stated by the Senator from Kansas; but the precise question as to whether or not Congress has power to forfeit lands where the roads are not completed within the time specified in the granting act has not been before the Supreme Court of the United States, and my information is that there is no decision whatever upon it.

Mr. President, this bill is brought forward by the Senator from Oregon with a great display of a desire to restore to the public domain the public lands of the country. He seems to take pride in finding one case where he can vote to take from railroad corporations lands to which they were not entitled and give them back to the people of the country without injury to the road; but if any Senator or any citizen of the United States imagines that in the passage of this bill he is taking anything that the Northern Pacific Railroad Company attaches any value to, I wish to disabuse his mind at once. The Northern Pacific Railroad Company long since abandoned this portion of the road. They have long since announced their determination not to build it. Another railroad has been built along the line where this was to have been constructed. There is no intention on the part of the Northern Pacific Railroad Company ever to build the road or claim the lands proposed to be forfeited by the Senator from Oregon. They lay no claim whatever to the land; they do not expect it; and when this bill is passed, although the land is forfeited, it does not deprive them of one dollar or one cent to which they attach any importance whatever, because they do not intend to build the road.

The Senator from Oregon some time since in a speech on this question said that the Republican party and he had for a long time past favored the forfeiture of all the lands opposite the uncompleted portions of railroads. Two years ago a bill to forfeit the lands granted to the Northern Pacific Railroad Company was before the Senate, and at that time the Cascade branch was uncompleted and a considerable number of acres, about three millions, of land lay along that line where it was uncompleted and could have been forfeited; yet on the bill reported by the Committee on Public Lands of the Senate the Senator from Oregon in both cases voted to exempt from that forfeiture those lands lying along the uncompleted portion of the Cascade branch of the Northern Pacific Railroad.

I simply refer to this to show that the claim set up by the Senator from Kansas [Mr. PLUMB] that the Republican party has been in favor of forfeiting lands that have been granted to these railroads is unfounded, and that whatever credit is due to any party for the forfeiture of these lands is due solely to the Democratic party.

I will insert without reading, as part of my remarks, a table taken from the speech made by my colleague in the House, Mr. MCRAE, in which these forfeitures are set out, showing the amount restored under the Democratic administration:

Land actually restored to the public domain.	Acreage.
Lands in granted railroad limits restored	2,108,417.38
Railroad indemnity lands restored	21,323,600.00
Private land claims; withdrawn lands restored	576,000.00
Entries under pre-emption, homestead, timber-culture, desert, mineral, and timber land laws canceled in regular course of examination and proceedings in General Land Office for abandonment, illegality, and other causes	27,460,608.74
Invalid State selections, restored to United States	968,747.52
Total actually restored to the public domain and opened to entry and settlement	52,437,373.59

Mr. President, in the elaborate speech made by the Senator from Kansas some days ago his object and purpose seemed to be to try to convince the country that the Republican party was not only the friend of the people and the enemy of railroads, but that it was the enemy of all class legislation of every character. The entire speech contained those two ideas, and he was seeking upon the question of the disposition of the public lands to show that the Republican party had been the friend of the people and not the friend of the railroads.

That Republican leaders and Republican Senators should come forward to defend the acts and policy of Republican administrations whenever and wherever it is possible to make defense is but natural; but that one so familiar with the history of public lands as the Senator from Kansas—and no one in the Senate is more so—should have the boldness to stand in his place and justify such a record as has been made by his party in the disposition of the public domain is to me a great surprise.

The record of that party upon this question from beginning to end shows a disregard of the rights of the people and a subserviency to corporations that has no parallel even in the history of the Republican party, and that party from its nature, character, and principles has been, and is to-day, the friend, the champion, and the sworn ally of every combination, corporation, and trust that has for its object the accumulation of large fortunes by a few individuals at the expense of the mass of the American people.

And yet the Senator from Kansas does not hesitate to declare that—

The Democratic party has at all times sought to benefit the few at the expense of the many.

Mr. President, the Democratic party was organized to protect and defend the poor, the lowly, and the defenseless, and from that day until the present it has always been the champion and the friend of those who are compelled to labor for their daily bread. And the attempt to place the Republican party, with its record of the past twenty-five years upon the question of public lands, upon the ground always occupied by the Democratic party is beyond even the powers of the Senator from Kansas himself.

The cardinal principle of the Republican party—the fundamental doctrine upon which it is based and without which it could not exist—is that it is the duty of the Government to force by law and by the strong hand of power from the consumers of this country a large donation of money to support in luxury and idleness, to which the great mass of the people are strangers, a comparatively few manufacturers, and the effect is to protect organized corporations and trusts, which, by combining with each other, are rapidly becoming stronger than the Government itself, and which, if not checked, will sooner or later dictate the price of the clothing and food for the entire American people. But in no part of the record of the Republican party has it been more clearly shown that it is a friend of the corporations and not the friend of the people, as asserted by the Senator, than in its dealing with the public lands. But before I present the facts and figures of the two parties upon this question of the disposition of the public lands, I wish to answer some observations made by the Senator from Kansas upon some other points.

The late Commissioner of the General Land Office, General Sparks, seems to have especially aroused not only the wrath of the Senator from Kansas, but that of most of the leaders of the Republican party, and they have applied to him every epithet of abuse that our language commands. I will simply say for General Sparks that while it may be true that he does not possess that judicial temper of mind, and did not always command that patience which is so necessary to the proper discharge of public duties, yet he deserves the lasting gratitude of the American people for the bold and fearless manner in which he placed himself between those who sought to illegally appropriate the public lands and honest home seekers. And thousands of homestead settlers of the West will honor his name, and many of them will no doubt love him, for the enemies he has made.

The Senator from Kansas especially and particularly criticised General Sparks for his order of April 3, 1885, suspending entries in the West. The order is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.
Order: *Washington, April 3, 1885.*

Final action in this office upon all entries of the public lands, except private cash entries and such scrip locations as are not dependent upon acts of settlement and cultivation, is suspended in the following locations, namely: All west of the first guide meridian west in Kansas, all west of range 17 in Nebraska, the whole of Colorado, except lands in the late Ute reservation, all of Dakota, Idaho, Utah, Washington, New Mexico, Montana, Wyoming, and Nevada, and that portion of Minnesota north of the indemnity limits of the Northern Pacific Railroad and east of the indemnity limits of the St. Paul, Minneapolis and Manitoba Railroad. In addition, final action in this office will be suspended upon all timber entries under the act of June 3, 1878; also upon all cases of desert-land entries.

WM. A. J. SPARKS, *Commissioner.*

One would infer from the remarks of the Senator from Kansas that this order was without precedent, and that prior to that time no Commissioner had ever issued a general order of suspension. Yet we find Commissioner McFarland, on the 4th day of September, 1884—he being a Republican Commissioner under a Republican administration—issuing the following order:

SEPTEMBER 4, 1884.

Suspend all pre-emption and commuted homestead entries in the Humboldt, Cal., land district.

N. C. MCFARLAND, *Commissioner.*

And in August, 1883, and September, 1884, suspensions were ordered in California, in Oregon, in Washington Territory, and in New Mexico, which orders I here present:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 17, 1884.

SIR: In view of the fact that all timber-land entries in California which have not been examined by a special agent are suspended, awaiting such examination, I deem it best to give you some instructions in regard to your investigations, so that the work can be facilitated and some action can be taken on the entries by this office at as early date as possible.

* * * * * * *

Respectfully,

J. D. SMITH, *Acting Commissioner.*

G. D. ORNER,
Special Agent General Land Office, San Francisco, Cal.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 17, 1884.

SIR: In view of the fact that all timber-land entries in Oregon which have not been examined by a special agent are suspended, awaiting such examination,

* * * * * * *

Respectfully,

J. D. SMITH, *Acting Commissioner.*

JAMES A. MCCORMICK,
Special Agent General Land Office, Roseburg, Oregon.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 17, 1884

SIR: In view of the fact that all timber-land entries in Vancouver, Wash., land district which have not been examined by a special agent are suspended,

* * * * * * *

Respectfully,

J. D. SMITH, *Acting Commissioner.*

S. P. C. STUBBS,
Special Agent General Land Office, Vancouver, Wash.

UNITED STATES LAND OFFICE, *Olympia, Wash., January* 18, 1888.

SIR: I very respectfully request that all the cash entries made upon pre-emption declaratory statements in townships 16, 17, 18, 19, and 20 north, ranges 4, 5, 6, 7, 8, 9, and 10 west of Willamette meridian be suspended and not patented until I have had an opportunity to examine them. Please place all commuted homestead entries in same situation, as possibly fraudulent. The rainy season here at this time necessitates a postponement of the examination until some time later. Will you please notify, if consistent, the local office of your action, as it will enable me to secure testimony.

Very respectfully,

THOS. H. CAVANAUGH, *Special Agent.*

Hon. COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.

Action on within entries and townships may be suspended.

N. C. McF.

[Telegram.]

LAS CRUCES, N. MEX., *August* 13.

COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.:

In my judgment all entries lying along Pecos River should be ordered suspended till examination can be made.

I am satisfied that they need careful investigation.

My address will be Santa Fé. My mail will be forwarded.

EDDY, *Special Agent.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 16, 1883.

SIR: Referring to your telegram of the 13th instant in relation to fraudulent entries along the Pecos River and recommending suspensions until investigations can be made, I have to inform you that the action suggested by you has been taken.

Very respectfully,

L. HARRISON, *Acting Commissioner.*

H. H. EDDY,
Special Agent General Land Office, Santa Fé, N. Mex.

In referring to this order of suspension of General Sparks, the Senator from Kansas endeavors to excite sectional feeling and sectional prejudices by saying, and that, too, right in the face of the order, "that the fraudulent line was drawn at the States recently in rebellion," when but a moment before he had read the order making an exception from said suspension of one-half of the Senator's own State of Kansas. I doubt if it will be pleasant to the Senator's constituents in Eastern Kansas to learn that he confounded them in a speech made in the United States Senate as "falling in line with those recently in rebellion."

Another exception in said order embraces very nearly the eastern half of Nebraska, and still the Senator from Kansas stands on this floor and coolly and deliberately charges in effect that the constituents of the honorable Senators from Nebraska who live east of range 17, in said State, "fall within the line of the States recently in rebellion," and yet neither of the honorable Senators feels himself called upon to refute this imputation against their constituents.

The result of the Senator's statement is to show, also, that all that portion of Minnesota lying south of the indemnity limits of the Northern Pacific Railroad and west of the indemnity limits of the St. Paul, Minneapolis and Manitoba Railroad, comprising about two-thirds of the great State of Minnesota (and which was excepted in said order), "falls within the line of the States recently in rebellion." The Senator had this order before him when he made this statement. Why did he make it? He had just read the order; had often read it before, no doubt. Then why stand upon this floor and charge the citizens of two-thirds of the loyal State of Minnesota as "falling within the line of the States recently in rebellion?" It is making false history. The portion of lands open to entry, and excepted in said order, in the States not recently in rebellion, is estimated to be more than equal, if not double, to the public lands in "the States recently in rebellion," and not included in said order; and yet the honorable Senator endeavors to make a sectional point out of this order. But in order to do so it must be accomplished at the expense of the loyalty of one-half of the citizens of his own constituency, one-half of the citizens of Nebraska, and two-thirds of the citizens of Minnesota.

I insert a statement showing the estimate of acres left open to settlement in the States named after the order of April 3, 1885:

APPROXIMATE ESTIMATE OF ACRES LEFT OPEN TO SETTLEMENT IN THE STATES NAMED AFTER THE ORDER OF APRIL 3, 1885.

Late Ute reservation in Colorado	1,175,040
All lands east of first guide meridian in Kansas	24,525,440
All lands east of range 17 west (included), Nebraska	19,682,799
All lands except lands north of indemnity limits of Northern Pacific Railroad and east of indemnity limits of the St. Paul, Minneapolis and Manitoba Railroad, in Minnesota	37,101,440
	82,434,719
Approximate estimate of acres of public lands in five Southern States—Alabama, Arkansas, Florida, Louisiana, and Mississippi—undisposed of	12,965,424
Excess of lands open to settlement in Colorado, Kansas, Nebraska, and Minnesota over the estimated public lands in Alabama, Arkansas, Florida, Louisiana, and Mississippi, or five and one-third times as much	69,519,295

This statement shows that in those States which were loyal to the Union, and of which I have before spoken, 83,484,719 acres were excepted from said order and left open to settlement, while the lands in the Southern States which were excepted only amounted to 12,965,424 acres, leaving an excess open to settlement in these loyal States of 69,519,295 acres.

To what great stress for political campaign material must the Senator be driven when he makes such reckless charges? He further criticises the order because it did not apply to private cash entry, warrant, and scrip locations. The Senator's experience must teach him that frauds in the acquiring of lands are not apt to be perpetrated in these classes of entries, as they amount to a sale by the Government to the citizen. The only question with them is as to the payment of the money or the genuineness of the warrants. No settlement, residence, cultivation, or improvement is required, as is the case in homestead, pre-emption, desert-land, and other entries.

It is in the pretended compliance with these conditions where the frauds are perpetrated, and it was reported by Republican special agents that these conditions were not being complied with in many cases. In some of the instances the entrymen were mythical, in others they were in the employ of large syndicates endeavoring to secure control of large tracts of land in the Northwest for speculative purposes, controlling water privileges, getting possession of the most valuable timber and coal land under the guise of home-seekers, using their paid hirelings to make the applications and do the swearing. Yet the Senator attempts to torture this order into an effort on the part of a Democratic Administration to discriminate against homestead-seekers and in favor of corporations.

Another inconsistency of the Senator is that he dwells upon this order of the late Commissioner of the General Land Office as evidence of his design and of that of the present Administration, to discriminate against the home seeker and in favor of the railroad. And yet before he closes his speech he charges that ex-Commissioner Sparks was deposed by the President, upon the advice of Secretary Lamar, because he was too greatly in favor of home seekers and too much opposed to railroads. This is blowing hot and cold with the same breath. When it is the Senator's purpose to incite the settlers against the present Administration, he charges that they are not fairly treated when in conflict with railroad interests, and when he discovers that such a charge against Sparks can not be sustained, then he charges that the ex-Commissioner was deposed because he was too favorable to private settlers.

Another charge against the Administration upon which the Senator dwells at great length is that special agents of the Land Office are employed—"spies," he calls them—and one would infer from his remarks that the present system originated under a Democratic organization, when as a matter of fact the system was begun under a Republican administration. The charge of widespread fraud in the acquiring of the public land did not originate with the late Commissioner Sparks. And to prove this I only have to refer to Secretary Teller's report to Congress, 1882, page 20; 1883, pages 30, 31, and 32; report of 1884, pages 14, 15, 16, and 17; also Commissioner McFarland's report of 1882, pages 11 to 13.

The special agent system, so unmercifully denounced by the Senator from Kansas, was found in full-fledged condition, and presided over, I believe, by one of the friends of the Senator from Kansas, when the present Administration took control of the General Land Office, and had been so organized because of the representations made by Secretary Teller and Commissioner McFarland of the widespread frauds that prevailed in the acquisition of the public lands by corporations and speculators and the spoliation of valuable timber growing upon the same. This branch of the special service of the General Land Office as to timber stealing was inaugurated in 1882, and was not a device inaugurated by a Democratic executive department to "harass

and annoy the poor settlers." At the incoming of the present Administration there were already sixty-nine special agents inspecting these entries.

They were appointed by a Republican administration, not only because they were Republicans, but we will charitably suppose, as a matter of course, because they were thought to be men of honor and integrity. And I now refer you to the several reports made by Republican special agents, appointed by a Republican Secretary. These will be found in the annual report of the Commissioner of the General Land Office of 1885, pages 48 to 64. These reports were made by the Senator's political friends—some of whom, no doubt, were appointed upon his recommendation—and I desire to read here a short extract from Commissioner McFarland's report, 1885:

At the outset of my administration I was confronted with overwhelming evidences that the public domain was being made the prey of unscrupulous speculation and the worst forms of land monopoly through systematic frauds carried on and consummated under the public laws. My predecessor had for three years called the attention of Congress to the extent and magnitude of fraudulent appropriation of public land, and, as shown by his general and special reports, had found it necessary to suspend the issue of patents in several States and Territories, either wholly or in certain classes of entries and special districts of this country.

It would, therefore, appear that Commissioner Sparks was not the first Commissioner of the General Land Office to suspend entries in States or Territories wholly or in part. And it was from these agents—appointed by a Republican Commissioner—from whom first came the charge of fraud against the entryman. And because the present Administration credited the former official representation of a Republican Secretary of the Interior, and a Republican Commissioner of the General Land Office, and the reports of Republican special agents, after they had made examinations in the field, and attempted with what means it had at its command to eliminate these fraudulent entries from the genuine ones, and to check such attempts in future, that now the cry is raised by the Senator from Kansas that the whole thing is "a device of this Administration to oppress honest settlers."

Mr. President, it is difficult to reconcile these reckless statements of the Senator from Kansas with the belief that I have always entertained, that the Senator desires to be fair and just.

Having shown the origin of what the Senator from Kansas denominates as the "spy system," having referred to the representations of a Republican Secretary and a Republican Commissioner of the General Land Office, officially made, as the reason for inaugurating the system, having read the official reports of Republican special agents, I now wish to submit and have read a statement compiled from the official records of the General Land Office as to what has been accomplished under the present Administration in the way of correcting fraudulent entries, removing unlawful inclosures of the cattle kings from the people's land, recovering money from wealthy syndicates, and for unlawfully appropriating the people's timber, a record of which any administration may be proud. The statement shows as follows:

Results accomplished in the timber-depredation branch of the special service, General Land Office, since March 4, 1885.

Legal proceedings recommended—	Civil.	Amount involved.	Criminal.
March 4, 1885, to June 30, 1885	41	$215,147.83	61
July 1, 1885, to June 30, 1886	275	5,774,272.84	679
July 1, 1886, to June 30, 1887	222	2,082,236.72	493
July 1, 1887, to June 30, 1888	416	3,795,620.99	*1,419
Total	954	11,867,278.38	2,652

*Seven hundred and sixty-seven of the criminal prosecutions recommended for the last fiscal year were on complaints of individuals.

Amount of judgments recovered:	
March 4, 1885, to June 30, 1885 (estimated)	$30,000.00
July 1, 1885, to June 30, 1886 (from official records)	101,086.44
July 1, 1886, to June 30, 1887 (from official records)	128,642.09
July 1, 1887, to June 30, 1888 (from official records)	128,522.64
Total amount recovered	388,251.17

Civil suits pending June 30, 1888, 461; amount involved, $6,332,812.64. Criminal prosecutions pending, 604.

This is but a short statement, but it shows that something at least has been accomplished by these special agents under Democratic rule, so unmercifully denounced by the Senator from Kansas. The statement shows that legal proceedings have been recommended involving $11,867,278.38. It shows that judgments have already been recovered to the amount of $388,251.17. It shows that proceedings are still pending involving $6,332,812.64. And I wish to call the especial attention of the Senator from Kansas to the following statement:

At the beginning of this Administration there were found of the public domain, inclosed by cattle companies and syndicates, without any authority of law, 7,224,070 acres, of which 1,452,060 acres were in Kansas alone.

Commissioner McFarland had called attention to these trespasses on the public lands, but was powerless, it seemed, to remedy them. (See Land Office Reports 1882, 1883, 1884.) His special agents and local officers were given interests in the syndicates and took no action against them.

President Cleveland promptly took hold of the subject, and by his proclamation of 1885 forever broke up this practice, and I ask to insert the proclamation as part of my remarks.

PROCLAMATION BY THE PRESIDENT.

By the President of the United States of America, a proclamation:

Whereas the public policy demands that the public domain shall be reserved for the occupancy of actual settlers in good faith, and that our people who seek homes upon such domain shall in nowise be prevented by any wrongful interference from the safe and free entry thereon, to which they may be entitled; and

Whereas to secure and maintain this beneficent policy, a statute was passed by the Congress of the United States on the 25th day of February, in the year 1885, which declared to be unlawful all inclosures of any public lands in any State or Territory, to any of which lands included within said inclosure the person, party, association, or corporation making or controlling such inclosure had no claim or color of title, made or acquired in good faith or an asserted right thereto by or under a claim made in good faith, with a view to entry thereof at the proper land office, and which statute also prohibited any person by force, threats, intimidation, or by any fencing or inclosure or other unlawful means preventing or obstructing any person from peaceably entering upon or establishing settlement or residence on any tract of public land, subject to settlement or entry under the public-land laws of the United States, and from preventing or obstructing free passage and transit over or through the public lands; and

Whereas it is by the fifth section of said act provided as follows: That the President is hereby authorized to take such means as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose;" and

Whereas it has been brought to my knowledge that unlawful inclosures, and such as are prohibited by the terms of the aforesaid statute, exist upon the public domain, and that actual legal settlement thereon is prevented and obstructed by such inclosures and force, threats, and intimidation:

Now therefore, I, Grover Cleveland, President of the United States, do hereby order and direct that any and every unlawfull nclosure of the public lands, maintained by any person, association, or corporation, be immediately removed, and I do hereby forbid any person, association, or corporation from preventing or obstructing, by means of such inclosures, or by force, threats, or intimidation, any person entitled thereto from peaceably entering upon and establishing a settlement or residence on any part of such public land which is subject to entry and settlement under the laws of the United States; and I command and require each and every officer of the United States, upon whom the duty is legally devolved, to cause this order to be obeyed, and all the provisions of the act of Congress herein mentioned to be faithfully enforced.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 7th day of August, 1885, and of the Independence of the United States of America the 110th.

[U. S. SEAL.] GROVER CLEVELAND.

By the President:
T. F. BAYARD,
Secretary of State.

	Acres.
At the end of the fiscal year 1888, of the public land there had been removed unlawful inclosures from	4,500,390
There was in process of removal	136,896
Total removed or being removed	4,637,286
Proceedings instituted for removal from 585,566	
Awaiting investigation and action 2,001,218	
	2,586,784
	7,224,070
In Kansas:	
Removals from	1,169,560
Being removed when last inspected	90,500
	1,260,060

This Democratic Administration was mercilessly denounced by the Senator from Kansas for doing that which its Republican predecessors dared not do. It took by the throat these Western cattle syndicates and removed them from the people's land and restored to the homeseekers of the West almost 5,000,000 acres of land, and yet the Senator says that the Democratic party has been the friend of the few rather than the friend of the many!

I further desire to submit the following responses from some of the registers and receivers of the General Land Office, principally in the Senator's own State of Kansas, in response to a circular letter of inquiry addressed to them by Commissioner Stockslager, June 6, 1888. They speak for themselves and need no comment. The information will not alone prove instructive to the Senator from Kansas, but to many others also, and it will be very gratifying to the lovers of honesty, the enemies of fraud, and to the millions of homeless citizens, to learn that the time when, as under past administrations, wealthy syndicates and powerful corporations could and did monopolize little kingdoms of the people's land intended for homes for the homeless is past, and that under the reform Administration of Grover Cleveland it has been checked, and that it, like many other evils that have grown upon our body politic as so many cancers eating at the vitals of the people, will soon be numbered with the things of the dead past. The following is the letter of the Commissioner, and responses:

Under date of June 6, 1888, I addressed to the registers and receivers of the different land offices throughout the Territories and land States the following letter, to wit:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., June 6, 1888.*

"GENTLEMEN: Having commenced the compilation of data and information to be embraced in my next annual report, I desire you to furnish me as soon as practicable all information from your office that in your judgment would be useful knowledge to the public, but especially do I want information upon the following points:

"1. Has the attempt to improperly acquire the public domain, under any of the existing land laws, decreased or increased since your incumbency? And if any change, state causes.

"2. Within your district, under which of the existing laws, by which the pub-

lic domain may be acquired, are the most attempts made to improperly acquire lands, and what, in your judgment, the cause of same?

"3. In what proportion are the speculative attempts to enter lands as compared with those of home-seekers?

"4. Any and all other useful information touching the land interest in your district, to be furnished in a close and concise form on or before the 1st of August next.

"S. M. STOCKSLAGER, *Commissioner.*

"REGISTER and RECEIVER."

My object in calling for this report from the local officers was this: The policy of the present Administration in requiring a full and substantial compliance with the various laws for the disposition of the public lands and in vigorously investigating charges of fraud perpetrated against the Government has been enforced now for over three years. I desired to ascertain from those having charge of the actual work of disposing of the lands and coming into direct contact with the people whether any results have been accomplished by these efforts, which had for their object the repression of the evils and abuses which had grown up under former administrations, and which have been fully treated by my predecessor in his reports.

The result of this call has been astonishing as well as gratifying. Responses have been received from fifty-seven offices, in twelve out of the sixteen public-land States and seven out of the eight Territories, to wit: Alabama, Arkansas, California, Colorado, Kansas, Minnesota, Mississippi, Missouri, Nebraska, Nevada, Oregon, Wisconsin, Dakota, Idaho, Montana, New Mexico, Washington, Wyoming, and Utah.

In response to the first question, forty-six of the reports indicate a decrease of attempts to improperly acquire the public domain, and most of them do this in most emphatic terms. No report of an increase has been received, although five substantially record no decrease, while six are silent on the point. The reports as to the causes of this marked decrease in such illegal attempts are various. A large majority of the reports ascribe the great improvement in such matters to the rigid rulings of the office and the Department, the closer scrutiny exercised by the local officers under official regulations in taking final proofs, and the use of the new forms for taking proof and the cross-examination provided for. A large percentage of the reports gave as one of the most marked causes of improvement the active and efficient services of the special agents of the office.

It is remarkable how these officers, scattered over all parts of the country, agree in the opinion that the timber-culture and pre-emption laws and the commutation feature of the homestead law furnish the readiest means of acquiring public lands improperly, while in the States and Territories where desert-land entries are allowed that provision of the law is also generally condemned. In these particulars the responses of the local officers very signally support and supplement my reports on pending proposed legislation as to the disposal of the public lands heretofore made to Congress and further treated of elsewhere herein. In this connection I call special attention to the report of the register at the Duluth (Minn.) office with regard to threatened frauds under the recent act of February 8, 1887, allotting lands in severalty to non-reservation Indians. I also call special attention to the language of the register at Wichita, Kans., giving his reasons for believing that the homestead law alone should be retained.

The fifty-seven reports mentioned are printed herewith even at the risk of increasing my report to more than its usual length, for the reason that I think they present a remarkable showing and furnish useful information as to the actual workings of the present laws and regulations, and give many suggestions that may be valuable in shaping legislation and official action in the future.

Said reports are as follows:

WICHITA, KANS.

Frank Dale, register of the land office at Wichita, Kans., on July 21, 1888, writes:

"There is now in this district no organized effort upon the part of individuals or corporations to acquire lands from the Government fraudulently. Prior to the change of Administration there were numerous cattle syndicates organized in the southern portion of this State, many of which were in the district, and such syndicates acquired quite large tracts of land. The methods of their illegal work are now well known, and since we have had charge of this office they have ceased in their illegal attempts. The reasons for such cessation are well known here. The final proofs are carefully scrutinized, and if they appear at all suspicious further proof or special examination of the condition of improvements, settlement, residence, etc., is made. But we think the vigorous prosecution upon the part of the Government as instituted under the system of special agents has probably done more to paralyze the syndicates than all the other causes combined.

"In this district thousands of acres of land fraudulently entered during the years 1883, 1884, and 1885 have been restored to the public domain and held for honest settlers.

"The restoration has been accomplished by the hearings instituted by the General Land Office through the special agent and this office. The only objection that is urged against this work that is worthy of consideration is that it disquiets the title to lands in dispute, and in some instances is a hardship against settlers who desire to sell their land or borrow money upon the same. We therefore suggest that the investigation set on foot for the purpose of inquiring into the character of the entries be conducted as speedily as possible. Under the existing laws, to wit, homestead, pre-emption, and timber-culture, the homestead law only should be retained; even the commutation portion of that law should be abrogated. The homestead law requiring five years' residence upon and improvement of the land fulfills the destiny for which it was intended.

"The man who lives for five years upon 160 acres of land usually has the same in such a state of cultivation that he can support himself and family from the proceeds of the farm. They also become attached to the place and have an affectionate regard for their home. They can hardly be induced to sell their land or impair their title by mortgaging the same. Consequently the Government has a cheerful, contented, and self-supporting family, a testimony to the wisdom of the law under which they acquired title to their homes.

"The pre-emption law has long outlived its usefulness. A family settles upon a quarter-section, lives upon the same but a short time, makes final proof, mortgages the land for a few hundred dollars, stays upon the land until its money is exhausted; the interest upon the mortgage falls due, is unable to make payment, sells out for a small premium above the amount named in the mortgage, and the land passes to the mortgagee. As a means of getting a family a home it is a failure.

"The person settling upon the land has not resided on the same long enough to become attached to it; he was compelled to mortgage the land for the purpose of securing money to pay for the same, and had not the land in such a productive condition that he could make a living off of the tract. The rate of interest to new settlers is always usurious. If the pre-emption law is to remain in force it should be amended so that a pre-emptor can not prove up under three years, and he should not be compelled to pay more than one-eighth of the purchase price when final proof is accepted, the remainder of the same due to be paid in installments with a low rate of interest. The timber-culture law should never have been enacted. In nine cases out of ten it is used for speculative purposes, relinquishments are hawked about for sale to the highest bidder, and the cases are very rare where a timber-culture filing is made with the intention of trying to comply with the law. Our records show, in almost all cases, several relinquishments frequently to members of the same family; and, further, that the land is finally entered under the homestead or pre-emption law.

"The writer of this letter settled upon a homestead near this place in 1872 and lived upon the same a number of years. The opportunity for observing the workings of the different laws has been ample, and a firm conclusion reached that all laws except the homestead act should be repealed if we would hold the public domain for those persons who desire to obtain a home.

"From a careful estimate I do not think that 5 per cent. of the lands entered at this office during the past three years have been fraudulently entered."

LARNED, KANS.

Register Henry W. Scott and Receiver H. M. Bickel, of the Larned land office, Kansas, under date of July 27, 1888, report:

"The decrease in attempts to improperly acquire the public domain during the present Administration is almost unprecedented, the principal reasons for which being—

"1. We have had a special agent here in the person of Clarke S. Rowe, who was an indefatigable worker, and the exposures resulting from his investigations have had a wholesome and lasting effect.

"2. The present final proof blanks are far superior to those formerly in use, the forms being a statement of the facts in the case, while the old ones were more of a conclusion of what the law requires. This was particularly true upon the question of residence. The questions in the new forms are so constructed and arranged that bad faith on the part of the claimant is readily discerned from that alone, when final proofs are rejected from this cause. Not more than 5 per cent. of such rejected proofs are appealed from this office, and in the majority of instances the claimant returns to his land, and his next proof shows full compliance with the law.

"3. The fact that notaries public can no longer take final proofs is also an important factor in preventing frauds. While notaries public were taking proofs the competing for this class of business was so great that the officer was often the zealous agent of the claimant, and his worth was measured by his ability to 'get proofs through the local office.' If the law could be so modified that but one officer in each county could be authorized to take final proofs, it would destroy the competitive scramble for this class of business entirely, and instead of an officer being interested in securing favorable action on the proof, he would be more likely to act as an officer, and be just to both the claimant and the Government.

"The most attempts made to improperly acquire the public domain are made under the pre-emption and commutation laws. The principal reason for which results from the fact that the entryman can reside for six months upon the land, the time required by law, and upon proving the same up can secure a loan from Eastern and European capitalists upon his land for a much greater sum than the land will sell for. The money is handled mostly by irresponsible local agents, 90 per cent. of whom have no interest in the matter, except the 2 or 3 per cent. they receive for making such loan. The fruits of these injudicious investments will be reaped when the mortgage becomes due, unless the price of land advances tenfold or more within a few years. Single men and women are induced by these agents to file upon land with the promise of a stipulated sum in the shape of a loan when they have lived upon it the required length of time and have secured their final receipt.

"The claimants in such cases only estimate the amount of money they can earn, calculating the time actually employed in making a satisfactory showing to the register and receiver, whereby they can secure a final receipt from the receiver for their final entry fees. This is particularly true of the Osage trust and diminished reserve Indian lands. We are of the opinion that fully 75 per cent. of these lands are acquired with speculative intent, and the decision of Hon. Acting Secretary Muldrow in the case of the United States *vs.* Woodbury *et al.* (volume 5, Land Decisions, page 303) has contributed largely to this. The six weeks required to publish notice of intention to make final proof is often regarded as the maximum period of occupancy, and it is often vehemently argued that residence upon such land is not necessary. We find that most claimants are not aware that they are not complying with the intent and spirit of the law, but inquiry discloses the real speculator to be some loan agent or other person residing in the little villages near the land.

"In making original entry under the timber-culture law the speculation is also great. Fifty per cent. of timber-culture entries are made with a view to holding them for a few years and then selling the relinquishment at an advance. The General Land Office circular of March 19, 1887, holding that speculation in relinquishments is cause for the disbarment of attorneys has done much towards remedying that evil.

"The extreme and unusual drought last year did much to discourage settlers, and many persons who made settlement in the best of faith have been compelled to abandon their claims, and on this account it has been often difficult to determine whether or not individual cases are meritorious or otherwise. It has been understood to be the policy of the General Land Office in such cases to give the claimant the benefit of the doubt. Agreeable to this policy, our course can best be illustrated by our record of rejected proofs. For the year ending June 30, 1887, we rejected 307 final proofs, but for the year ending June 30, 1888, there were only 124 rejected.

"On account of the drought no reliable data can be given as to the probable percentage of speculative attempts to enter lands as compared with those of home-seekers.

"The policy of the Administration to have none but honest, competent men in the land service has been conspicuously demonstrated in this State by the removal of the register of this office for corruption and general unfitness for the discharge of the duties incumbent upon such an officer. The said removal has done much in Kansas to give the people greater confidence in the honest intentions of the Administration and the resolute will of the Chief Executive to put such intentions into the strictest execution.

"This office has been for years surrounded and the district has been infested with an unsavory alliance of pretended land attorneys and loan agents, who have been practicing their piracies upon the unsuspicious settlers. Their conduct has long since become unbearable, and all attempts to subdue them have proved fruitless until the removal of the register aforesaid. Since that event we have inaugurated a reform in this respect. Three land attorneys at Larned have been disbarred, and one at Medicine Lodge, Kans., all of whom are awaiting appeals."

GARDEN CITY, KANS.

Register C. F. M. Niles and Receiver S. Thanhouser, of Garden City land office, Kansas, under date of June 18, 1888, write:

"The operation of the timber-culture laws in this district is a farce. It is almost impossible to raise trees there without irrigation at great expense. We may safely say that 95 per cent. of the timber-culture entries are speculative. It is a difficult matter to ascertain the good faith of many claimants under the pre-emption laws, and who avail themselves of the privileges of the commutation clause under the homestead laws, because many claimants make proof in the shortest possible time, within six months from date of settlement. If good faith means seeking a home, all of these quick, short-time cash entries are speculative.

"Long residence is the only sensible measure of good faith. The greater the improvements the larger the loan obtainable. Thus a settler may live on a tract only six months, have improvements worth $500, and not be a home-seeker. On the other hand, a settler may have improvements worth only $50, live on a

tract actually and constructively for two years, and be a genuine home-seeker. The cause of fraud and speculation is wholly short residence. In our opinion the law should be either a downright purchase without residence or a residence without purchase, and the former is objectionable for a multitude of reasons. * * * As a matter of fact, fear of contest causes compliance with the law in many cases.

"We would recommend legislation that would make the attendance of witnesses, particularly in United States cases, compulsory. If this were brought about, in conjunction with the reforms of the Department in the matters of the registration of all notices, the accuracy of rulings, and the strict requirements in the matter of services and posting of notices, the improvement would be complete.

"The attempt to improperly acquire the public domain since our incumbency (two and a half to three years ago) has decreased. The primary cause is the efficiency and rigor in the service and the investigations and requirements of this Administration. [Here they refer to facts showing the general evidence of looseness characteristic of the previous administration.] Affairs were wildly chaotic and strongly lethargic. Here, then, is the cause of causes in the decrease of attempts to improperly acquire the public domain. This Administration tightened up the loose strings, enforced existing legislation, issued new forms of final proof blanks that went to the very bottom of the individual settler's compliance with the law, gave this land district a special agent to personally investigate fraud, rendered decisions that peremptorily insisted upon the meaning of the law, and put to flight many would-be fraudulent entrymen. Energy and system aided the reform, and another cause for decrease in fraudulent entries within the time of our incumbency is the rapid settlement of this land district and the consequent enhancement in value of the lands. Settlers have often been obliged to comply with the law because of fear of a contest. Entrymen have often become actual settlers because of the increased value of the land."

SALINA, KANS.

Receiver O. F. Searl, of the Salina land office, Kansas, under date of July 9, 1888, writes:

"Attempts to improperly acquire title (*i. e.*, to procure patent) to public land is much greater under the pre-emption law and the commuted homestead law, while the law under which lands are mostly held for speculative purposes under original entries is the timber-culture act. The reason for this is that under the timber-culture act any person can hold for $14 a greater section of land for one year; in other words, he gets an option for one year on 160 acres of land for $14. For $10 more (the expense of breaking 5 acres) will extend his option for another year, and for less than $20 more he can hold it for the third year; thus, for less than $50 a greater section can be held for three years, and this in sections of country where lands are rapidly increasing in value is a great temptation to many.

"Attempts to improperly acquire the public domain have decreased since our incumbency in September, 1886, especially under the homestead and pre-emption laws, caused to a great extent by the new and improved blanks used in making final proof, and, we think, to some extent, from the greatly increased number of final proofs rejected by this office for non-compliance with the law. The records show an increase of several hundred per cent. of rejected proofs over former years, and very few are appealed from.

"I am of opinion that 75 per cent. of the timber-culture entries are made with a view of getting the increased value of the land, and not with the intention of acquiring title under the law. The records of this office show the timber-culture entries made up to July 1, 1888, number 4,244; that to same date only 315 final certificates have been issued. Up to July 1, 1879, 2,621 entries were made, all of which were eligible by lapse of time to have made final proof on or before July 1, 1887; but the actual number made was 273. During the six months ending December 31, 1878, 226 entries were made, and of these only 28 remain intact on the books, and only 18 have passed to final certificate. A large majority of the entries now of record, on which final proof has not been made, are now in the hands of second to fifth entrymen. These facts force me to the opinion as stated above.

"The matter of hearing in land entries is of much importance and could be made of great service to the Government in preventing fraudulent entries. Prior to July 1, 1886, but one case is of record in this office. Since then about twelve hearings have been ordered and trial had on most of them. In the first cases the special agent succeeded very well in procuring witnesses, as it was not generally known by the people that when summoned by the special agent that they were not compelled to obey. But this soon became known, and to a great extent by information given by defendants through their attorneys, so that it is almost impossible to procure desirable witnesses. It is a very easy matter for defendants to persuade all witnesses whom they do not desire to have testify against them not to appear. The consequence is that the case must be heard with such witnesses as the defendant may choose shall testify against him, and no others. Trials of this kind are farcical, and unless the Department can be granted some compulsory process it is almost useless to continue the trial of cases on report of special agents."

CONCORDIA, KANS.

Register Samuel Demers and Receiver Carnehan, of the Concordia land office, Kansas, under date of June 11, 1888, state:

"Since our incumbency there has been a marked and distinctive improvement in public sentiment, backed and sustained by the settler on the domain, that none of those who have not honestly complied with the requirements of the several laws shall obtain title to any of the lands This talk about casting a cloud on every settler's home is not heard of among the honest settlers. They rather court investigation, and they want the land speculator to go far hence. * * * It is almost impossible to successfully smuggle a final proof through."

WA KEENEY, KANS.

Register W. C. L. Beard and Receiver John Schuyler, of the Wa Keeney land office, Kansas, under date of July 12, 1888, state:

"The attempt to improperly acquire title to land has decreased since our incumbency, for the following reasons:

"The rulings and requirements of the Department have been so modified that it is now possible to force a more strict compliance with the law.

"The public domain in this district is becoming exhausted, and each settler is in a measure driven to comply with the law from fear of others taking advantage of their failure.

"In the past the most attempts to acquire lands improperly were made under the second section, act of June 15, 1880; but as this kind of entries do not frequently occur now, we believe the most attempts are now made in pre-emption entries and in commutation of homestead entries, the great majority of the above being made at the earliest possible moment, the bare residence of six months being really the only definite requirement of law.

"We believe that 75 per cent. of the entries made are speculative, *i. e.*, those made and proved up under the homestead."

LAS CRUCES, N. MEX.

Edmund G. Shields, register of the land office at Las Cruces, N. Mex., on July 23, 1888, writes:

"There has been but little attempt since my incumbency to acquire title through fraud to the public domain.

"I attribute the decrease to the vigilance of the Administration in protecting the public lands from inroads, and the vigorous examinations made necessary of claimants and witnesses when proofs are made. The change has made the would-be perjurer afraid. Again, I must say that many of the cases which are reported as fraudulent, are so simply from the lax manner in which the former administration permitted entries. The system was so loose that by custom to the people generally it became law. Thousands of acres of land have been held under the desert-land act for three years. This was accomplished by making the first payment of 25 cents, which operated as a lease for three years. This office has notified such claimants and restored to the settlers thousands of acres of such entries."

While the reports of the agents employed for the protection of the public lands are made on each separate individual entry examined, yet the fact is that the greater part of the time of the agents has been spent in investigating groups of entries charged to have been made in the interest of companies or of single individuals who were attempting to acquire title to large tracts of the public domain through the agency of their employés.

For instance, in California last year one agent investigated the methods which had been followed in making timber-land entries in the redwood forests of the Humboldt region. By reason of his careful work Commissioner Stockslager, on March 29, 1888, held forty-one of these entries for cancellation, covering the finest timber lands, of the estimated value of $11,000,000 in one district alone.

Here is one of these cases reported by one of these spies, as the Senator from Kansas calls them. This English company—a foreign company—had invested and had combined through their employés to steal from the Government of the United States the finest timber land in the redwood district of California; and yet this Democratic Administration, which the Senator says has been the friend of the few as against the many, through Commissioner Stockslager, in 1888, restored to the public domain and broke up these entries for lands, amounting to $11,000,000.

It was clearly shown that these entries were made by irresponsible parties, who were paid by the "Humboldt Redwood Company" for their services in making the entries, and who conveyed the lands to said company as soon as final certificate had issued. At the same time suits were also recommended by the Commissioner to vacate patents which had issued on one hundred and fifty-one similar entries prior to the discovery of their fraudulent character, all of which were made in the interest of said company, a corporation organized in Scotland for the purpose of securing a monopoly of the redwood forests of California.

Another agent, in the same State, has investigated a large number of pre-emption and commuted homestead entries made upon lands valuable solely for their timber, made for the purpose of transferring them to speculators. He also examined last year a group of timber-land entries covering 12,000 acres in the Visalia and Stockton districts, and found that they had all been transferred to a San Francisco firm, who, it was charged, had induced the entrymen to take up these lands for the benefit of the firm.

So, in Oregon, a group of eleven desert entries, covering 6,000 acres, were investigated, five of them made in the interest of one man and six in the interest of another.

Six pre-emption, homestead, and desert entries on 2,400 acres were found to have been made by the employés of a firm of stockmen for their benefit.

In Washington Territory one agent was employed in conducting trials in seventeen pre-emption and timber-land entries on 2,700 acres, all made in the interest of a firm of Michigan lumbermen, to whom the lands were all transferred immediately after entry. Twenty-one other entries in the same Territory on 3,360 acres, all made for the benefit of a single land-grabber, were investigated.

In New Mexico a single line of investigation involved forty-five entries on about 7,000 acres, extending 15 or 20 miles along the Arroya Tequexquite. These lands were conveyed to a cattle company in pursuance to contracts made with the company before entry. So, in another instance, in the same Territory, forty-one entries covering 6,500 acres were found to have been made in the names of parties who had no existence, and the lands were subsequently conveyed to a cattle company by deeds purporting to be executed by these mythical entrymen. Ninety-one other entries on 14,500 acres were found to have been made for the benefit of another cattle company, the lands lying along the Rio Grande and its tributaries, and controlling the water-right for 15 or 20 miles. So, along the Rio Pecos for 20 or 25 miles were found eighty-six entries on 10,500 acres, on which the entrymen never lived. Shanties were placed on these lands by the cattle company that sought title, for the use of their employés in making proof, and were removed immediately after proof.

The fraudulent entries investigated in New Mexico last year covered only about 82,000 acres of land, but they actually controlled an immense territory by appropriating all the water in their respective localities, thus enabling the cattle kings to effectually shut out settlers who would otherwise take these lands for homes.

This is the kind of work that these spies, who are abused so greatly, have been engaged on in all parts of the country.

In Colorado the finest coal lands in the world have been taken under the homestead law in the name of fictitious persons; 8,000 acres being thus taken by two men. In other parts of Colorado entries were made

for the benefit of cattle men so as to control the streams of water and keep out the so-called "grangers," for whom the cattle barons have a lordly contempt. But thanks to a Democratic Administration, this kind of work has been completely broken up in Colorado, much to the disgust of syndicates and cattle companies, who are loud in their cries of sympathy for the "poor settler;" but this same "poor settler" now has a chance, under the protection of the Administration, to find a spot of 160 acres where he can build his cabin and make a home for his family, which he could not do under Republican administration. Most of this protestation of a loving care for the "honest settler" is inspired by agents of corporations, syndicates, and land-grabbers, whose "occupation is gone."

In the State of Kansas, at the beginning of this Administration, thousands of acres of Government land were fraudulently held by cattle men. But the Senator from Kansas does himself a great injustice and injures that reputation he would seek to maintain for fair and honest dealing when he seeks to convey the impression there are now from 50,000 to 100,000 entries tied up awaiting investigation through special agents. He certainly must know better. On inquiry at the Land Office it is ascertained that there are 13,060 entries in the special service division, a very large proportion of which have already been investigated by the special agents.

Fully one-half the force of special agents is employed in investigating cases of depredation on the public timber.

Yet, Mr. President, in view of these enormous frauds reported to Secretary Teller by a Republican Commissioner, reported by Republican agents, reported by Commissioner McFarland, because this Administration has sought to break up the illegal appropriation of the public land and the public timber of the country and to disperse the cattle companies, who without authority and without law had appropriated them to their own use, General Sparks, the late Commissioner of the General Land Office, is to be denounced by every epithet which the language commands, and the Democratic party is held up to scorn because it has sought to save these lands to the poor settlers and homesteaders of the West.

The letters which I have inserted show not only in the State of Kansas, but in New Mexico, in Washington Territory, and in all the Territories of the West since this Administration came into power, that these fraudulent entries, these illegal combinations to destroy the timber of the United States by corporate companies, some of them foreign and some of them domestic, and by the cattle syndicates which have appropriated more than 5,000,000 acres of land for their own use, have been broken up, and under this Administration there is some hope that the honest settler and home-seeker may have an opportunity to obtain a home upon the public lands of the West.

Having shown that the order of suspension so vigorously attacked by the Senator from Kansas was not sectional and was in the interest of and not to the detriment of the honest settler, and having shown the results accomplished by the special agents under Democratic rule, I wish to refer briefly to the history of the two prominent parties of the country and the connection that they have had with the disposition of the public land.

In the first place, our history shows that every foot of public domain that has ever been acquired by the Government was acquired under Democratic administrations, except alone Alaska. It was the Democratic party that made the Louisiana purchase. It was the Democratic party that acquired the State of Florida. It was the Democratic party that added to our public domain California and the Western Territories. And, as before said, all the public lands which the Government has possessed, save alone those in Alaska, were obtained under Democratic rule.

It is true, Mr. President, that in some instances public lands were granted by the Democratic party to the States, to be used in aid of public improvements. They were not granted directly to corporations, but they were granted to the States in trust for that purpose, thereby enabling the States to attach such terms and conditions as would in some measure protect the people against the greed of the corporations. The wisdom of this policy of granting them to the States rather than directly to the corporations, if they were to be granted at all, is conspicuously shown in the grant made to the State of Illinois for the Central Railroad—one of the grants referred to by the Senator from Kansas as having been made by a Democratic administration. The State was thereby enabled to impose a condition upon the railroad company by which that company is compelled to pay annually 7 per cent. of its gross earnings into the State treasury of Illinois. And I might state in this connection that it was a Whig President, Mr. Fillmore (and not a Democratic President, as stated by the Senator from Kansas), who first established the precedent of withdrawing lands from entry in the interest of railroads. The date of said order of withdrawal is September 9, 1850.

I herewith submit, and will have printed in the RECORD, a statement showing the grants made and the amount of land contained in the grants to the States and corporations prior to 1861 under Democratic rule, and also the grants made and the number of acres of land granted since 1861 to the States and directly to the corporations under Republican rule.

When this table is printed in the RECORD the world can see how much land has been granted to corporations by the Democrats and how much by the Republicans.

All grants made up to this time for military service and education are as follows:

	Acres.
Military services, Revolutionary war	2,165,000
Military services, war of 1812	4,930,192
Military service, war with Mexico, act of 1855	61,028,430
Total for military services	68,123,622
Granted to States and reserved for Territories for school purposes	67,893,919
Universities	1,165,520
Agricultural colleges, act of July 2, 1862	9,600,000
Total for education	136,783,061
Grants made to States prior to March 4, 1861, to aid in constructing railroads and wagon-roads	29,824,032
	165,607,093
GRANTS AFTER MARCH 4, 1861.	
To States to aid in the construction of railroads	19,240,833
To corporations	163,643,944
For wagon-roads	2,781,733
Grand total since March 4, 1861	185,666,733

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads prior and subsequent to March 4, 1861.

[Compiled from the official records of the General Land Office.]

Names of companies.	State.	Mile limits.	Date of granting act.	Estimated area of entire grant.*	Area certified or patented up to June 30, 1888.
Grants to States prior to March 4, 1861.				*Acres.*	*Acres.*
Illinois Central	Illinois	6 and 15	Sept. 20, 1850	2,595,053.00	2,595,053.00
Mobile and Ohio River	Mississippi	do	do	1,004,640.00	737,130.29
Do	Alabama	do	do	230,400.00	419,528.44
Hannibal and St. Joseph	Missouri	do	June 10, 1852	781,944.00	603,186.34
Pacific (Southwest branch)	do	do	do	1,161,235.07	1,161,164.51
Cairo and Fulton	Missouri and Arkansas.	do	Feb. 9, 1853	1,178,411.05	1,178,411.05
Little Rock and Fort Smith	do	do	do	550,584.09	559,534.09
Memphis and Little Rock	do	do	do	438,646.00	127,238.00
Burlington and Missouri River	Iowa	do	May 15, 1856	948,643.66	388,934.08
Mississippi and Missouri [Chicago, Rock Island and Pacific]	do	do	do	1,261,181.00	607,461.68
Iowa Central Air Line [Cedar Rapids and Missouri River]	do	do	do	1,298,739.00	1,032,363.28
Dubuque and Pacific	do	do	do	1,226,163.00	1,155,956.54
Florida, Atlantic and Gulf [Pensacola and Florida]	Florida	do	May 17, 1856	1,568,729.07	1,304,963.70
Florida, now Atlantic, Gulf and West India Transit	do	do	do	290,183.28	290,183.28
Alabama and Florida	do	do	do	165,688.00	165,688.00
Do	Alabama	do	do	419,520.00	394,522.99
Tennessee and Coosa	do	do	June 3, 1856	132,480.00	67,784.96
Coosa and Chattooga	do	do	do	144,000.00	.....
Wills Valley and Northeast and Southwestern (now Alabama and Chattanooga)	do	do	do	897,920.00	649,676.98
Mobile and Girard	do	do	do	840,880.00	504,145.86
Tennessee and Alabama Central [South and North Alabama]	do	do	do	576,000.00	438,905.99
Alabama and Tennessee Rivers [Selma, Rome and Dalton]	do	do	do	481,920.00	457,215.37
Bay de Noquet and Marquette (now Marquette, Houghton and Ontonagon)	Michigan	do	do	128,000.00	128,000.00
Marquette and Ontonagon	do	do	do	331,509.15	262,446.78
Ontonagon State Line (Brulé River)	do	do	do	217,916.95	.....
Marquette and State Line, afterwards known as the Chicago, St. Paul and Fond du Lac [Chicago and Northwestern].	do	do	do	360,000.00	240,000.00

*The figures of this column are approximately correct, being based on the estimates of the annual report of the Commissioner of the General Land Office of 1875.

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads, etc.—Continued.

Names of companies.	State.	Mile limits.	Date of granting act.	Estimated area of entire grant.*	Area certified or patented up to June 30, 1888.
Grants to States prior to March 4, 1861—Continued.				*Acres.*	*Acres.*
Amboy, Lansing and Traverse Bay	Michigan	6 and 15	June 3, 1856	1,052,469.19	743,009.36
Grand Rapids and Indiana	do	do	do	852,960.12	852,960.12
Detroit and Milwaukee	do	do	do	355,420.19	30,998.75
Port Huron and Milwaukee	do	do	do	312,384.00	6,468.68
Flint and Pere Marquette	do	do	do	586,828.72	512,337.03
La Crosse and Milwaukee, afterwards Madison and Portage	Wisconsin			3,550.00	1,115.38
La Crosse and Milwaukee, afterwards Farm Mortgage Land Company	do			230,546.88	228,661.43
La Crosse and Milwaukee, afterwards West Wisconsin	do			297,654.32	296,654.32
St. Croix & Lake Superior, now Chicago, Minneapolis & Omaha:					
Main line	do			495,047.24	495,047.24
Bayfield Branch	do	6 and 15		319,962.89	319,962.89
Chicago, St. Paul and Fond du Lac [Chicago and Northwestern]	do	do	June 3, 1856	565,575.76	545,575.76
Vicksburg, Shreveport and Texas (now Vicksburg, Shreveport and Pacific)	Louisiana	do	do	610,880.00	353,212.68
New Orleans, Opelousas and Great Western	do	do	do	967,840.00	51,4 2.03
Southern [Vicksburg and Meridian]	Mississippi	do	Aug. 11, 1856	404,800.00	198,028.41
Gulf and Ship Island	do	do	do	652,800.00	
Minnesota and Pacific, afterwards St. Paul and Pacific	Minnesota	do	Mar. 3, 1857	749,183.37	750,627.68
Minnesota and Pacific [St. Paul, Minneapolis and Manitoba]	do	do	do	885,000.00	388,223.09
Southern Minnesota & Minnesota Valley [St. Paul & Sioux City]	do	do	do	606,000.00	688,133.11
Minneapolis and Cedar Valley [Minnesota Central]	do	do	do	386,041.80	107,823.97
Winona and St. Peter	do	do	do	846,000.00	1,006,072.39
Southern Minnesota	do	do	do	59,619.45	59,619.45
Total to States prior to March 4, 1861				30,470,920.25	23,105,467.98
Grants to States subsequent to March 4, 1861.					
Leavenworth, Lawrence and Galveston	Kansas	10 and 20	Mar. 3, 1863	800,000.00	69,104.95
Atchison, Topeka and Santa Fé	do	do	do	3,000,000.00	2,934,522.86
Union Pacific, Southern Branch, afterwards the Missouri, Kansas and Texas	do	do	do	1,520,000.00	712,895.18
St. Joseph and Denver City	do	do	July 23, 1866	1,700,000.00	462,573.24
Portage, Winnebago and Lake Superior, Wisconsin Central	Wisconsin	do	May 5, 1864	1,800,000.00	785,190.63
La Crosse and Milwaukee, afterwards West Wisconsin, now Chi- cago, St. Paul, Minneapolis and Omaha.			do	624,843.21	478,321.03
St. Croix and Lake Superior, now Chicago, St. Paul, Minneapolis and Omaha:					
Main line			do	291,799.26	287,644.64
Bayfield Branch			do	144,399.51	142,692.24
Lake Superior and Mississippi, now St. Paul and Duluth	Minnesota	10 and 20	May 5, 1864	920,000.00	828,581.00
Sioux City and St. Paul	Iowa	do	May 12, 1864	524,800.00	381,852.88
McGregor Western	do	do	do	1,536,000.00	324,014.07
Grand Rapids and Indiana	Michigan	do	June 7, 1864	852,960.00	852,960.12
Southern Minnesota and Minnesota Valley	Minnesota	do	May 12, 1864	404,000.00	458,755.41
Bay de Noquet and Marquette [Marquette, Houghton and Ontonagon]	Michigan	do	Mar. 3, 1865		
Marquette and Ontonagon [Marquette, Houghton and Ontonagon]	do	do	do	221,006.10	164,964.52
Peninsula [Chicago & Northwestern]. (*See* Marquette and State line)	Michigan	6, 15, and 20	July 5, 1862 / Mar. 3, 1865	240,000.00	207,130.24
Minnesota and Pacific, afterwards St. Paul and Pacific	Minnesota	20	do	590,000.00	258,815.39
Do	do	do	do	499,455.58	500,418.45
Minneapolis and Cedar Valley [Minnesota Central]	do	do	do	257,361.20	71,882.65
Winona and St. Peter's	do	do	do	564,000.00	670,714.92
Southern Minnesota	do	do	July 4, 1866	735,000.00	454,562.38
Hastings, Minnesota and Red River of the North, now Hastings and Dakota	do	do	do	550,000.00	312,770.77
Total				17,775,624.86	11,360,307.57
Grants to corporations subsequent to March 4, 1861.					
Union Pacific		20	July 1, 1862 / July 2, 1864	12,000,000.00	2,616,258.08
Leavenworth, Pawnee and Western:					
Denver Pacific		do	July 1, 1862	1,000,400.00	164,721.51
Kansas Pacific		do	do	6,000,000.00	963,714.02
Central Pacific and Western		do	July 1, 1861 / July 2, 1864	9,000,000.00	1,040,210.59 / 447,768.03
Hannibal and St. Joseph [Union Pacific, Central Branch]		20	do	781,944.83	218,250.08
Sioux City and Pacific		10	do	60,000.00	41,398.23
Burlington and Missouri River		No limits	July 2, 1864	2,441,600.00	2,373,290.77
Northern Pacific		20, 30, 40, and 50	do	47,000,000.00	1,037,359.21
California and Oregon [Central Pacific]		20 and 30	July 23, 1866	3,500,000.00	1,362,433.61
Oregon and Central [Oregon and California]		do	July 25, 1866	3,500,000.00	322,062.40
Atlantic and Pacific		20, 30, 40, and 50	July 27, 1866	42,000,000.00	959,206.87
Southern Pacific		20, 30, and 50	do	9,520,000.00	1,040,430.03
Oregon Central [Oregon and California] forfeited		20 and 25	May 4, 1870	1,200,000.00	
Southern Pacific, Branch line		20 and 30	Mar. 3, 1871	3,520,000.00	187,719.65
New Orleans, Baton Rouge and Vicksburg		do	do	3,800,000.00	679,287.64
Texas Pacific		20, 30, 40, and 50	do	18,000,000.00	
Stockton and Copperopolis		10 and 20	Mar. 2, 1867	320,000.00	
Total				163,643,944.83	13,454,111.02

Land grants made by Congress in aid of the construction of military wagon-roads prior and subsequent to March 4, 1861.

Route of road.	State.	Mile limits.	Date of granting act.	Estimated area of entire route.*	Area certified or patented up to June 30, 1888.
Grants for wagon-roads prior to March 4, 1861.				*Acres.*	*Acres.*
From the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut reserve.	Ohio		Feb. 28, 1823	49,177.45	49,177.45
From Columbus to Sandusky	do		Mar. 2, 1827	31,596.09	31,596.09
From Lake Michigan, via Indianapolis, to some convenient point on the Ohio River	Indiana	One section per mile.	do	170,580.24	170,580.24
Total grants prior to 1861				251,353.78	251,353.78
Grants for wagon-roads subsequent to March 4, 1861.					
From Fort Wilkins, Copper Harbor, Mich., to Green Bay, Wis	Michigan	3 and 15	Mar. 3, 1863	221,013.36	221,013.36
Do	Wisconsin	do	do	302,930.96	302,930.96
From Saginaw to the Straits of Mackinaw	Michigan		June 20, 1864		
From Grand Rapids to the Straits of Mackinaw	do				

* The figures of this column are approximately correct, being based on the estimate of the annual report of the Commissioner of the General Land Office of 1875.

Land grants made by Congress in aid of the construction of military wagon-roads prior and subsequent to March 4, 1861—Continued.

Route of road.	State.	Mile limits.	Date of granting act.	Estimated area of entire route.*	Area certified or patented up to June 30, 1888.
Grants for wagon-roads subsequent to March 4, 1861—Continued.				*Acres.*	*Acres.*
From Wausau to Lake Superior	Wisconsin		June 25, 1864		
From Eugene City, Oregon, to the eastern boundary of State [Oregon Central military road].	Oregon		July 2, 1864	720,000.00	402,240.67
Do	do		Dec. 26, 1866		
From Corvallis to Yaquina Bay	do	3	July 4, 1866	76,885.98	76,885.98
From Albany, Oregon, to eastern boundary of said State [Williamette Valley and Cascade Mountain].	do		July 5, 1866	548,749.53	548,749.53
From Dalles City to Fort Boisé	do	3 and 10	Feb. 25, 1867	556,800.00	126,910.23
From Coos Bay to Roseburgh	do	3 and 6	May 3, 1869	104,000.01	104,000.01
Total grants subsequent to 1861				2,530,379.84	1,782,730.74
Grand aggregate				2,781,733.62	2,034,084.52

Recapitulation of land grants made by Congress to States and corporations for railroads and wagon-road purposes prior and subsequent to March 4, 1861.

Grants.	Acreage granted.	Acreage certified or patented.
Prior to March 4, 1861.		
TO STATES.		
	Acres.	*Acres.*
Grants for railroad purposes	30,470,920.25	23,105,467.98
Grants for wagon-road purposes	251,353.78	251,353.78
Total	30,722,274.03	23,356,821.76
[No grants to corporations were made by Congress during the above period.]		
Subsequent to March 4, 1861.		
TO STATES.		
Grants for railroad purposes	17,775,624.86	11,360,367.57
Grants for wagon-road purposes	2,530,379.84	1,782,730.74
Total	20,306,004.70	13,143,098.31
TO CORPORATIONS.		
Grants for railroad purposes	163,643,944.83	13,454,111.02
Total	183,949,940.53	26,597,209.33
Excess in acres of grants to States and corporations subsequent to March 4, 1861	153,227,675.50	3,240,387.57

*The figures of this column are approximately correct, being based on the estimate of the annual report of the Commissioner of the General Land Office of 1875.

As will be seen by an examination of this statement, the Republican party has donated to the corporations of the country 185,000,000 acres of public land—an area larger than the great empire State of Texas. Not only did they donate these lands directly to those railroads—without any conditions that would secure the rights of the people and the honest settlers of the country—but they supplemented this gift by issuing bonds to the amount of $64,623,512, bearing 6 per cent. interest. These bonds now amount to $122,482,106.32, which is a debt due the Government of the United States.

I call this a gift, or donation, because the Government is practically without security for its repayment. When the bonds were first issued the Government took a first mortgage on the roads, but afterwards the railroad managers came to a Republican Congress and induced the Republican members of that Congress to pass a bill, which was signed by a Republican President, to release this first mortgage and permit the Government to take a second mortgage, and that second mortgage is to-day almost worthless. A more shameless proceeding and greater outrage upon the rights of the people of the country and more palpable violation of all that is right and just can not be found in the history of this great country than this act which released the security that the Government held, and thereby practically gave these corporations this immense amount of money. Yet in the face of this record, made by his own party, the Senator from Kansas boldly asserts that his party has been the friend of the homeless and the home-seeker and the enemy of corporations and the protector of the people's rights.

When the Republican party released the security which secured this $122,000,000 and took a second mortgage and thereby released the railroad, I presume the Senator from Kansas would call that legislation in the interest of the many as against the few; but I imagine that ordinary citizens will say that the Republican party forgot the many and only remembered the corporations to whom this gift was made.

The Senator from Kansas, in order to excuse or justify his own party, which was in power at the time these grants were made, asserts that "they were non-partisan, and received the votes of both Democrats and Republicans." Even if this were true to the extent that he states it, no one knows better than he that his party was in an overwhelming majority and responsible for this legislation. And yet even in this respect the Senator has not made correct statements in regard to the politics of the parties voting. He states, for instance, that—

The vote in the Senate on the passage of the Union and Central Pacific Railroad act of 1862 included such Democrats as Cowan, Davis, Kennedy, Willey, and others.

Now, Mr. President, my information is that Mr. Cowan was a Senator from Pennsylvania, elected as a Republican, and long before and long after the passage of this act uniformly voted and acted with the Republicans. Mr. Davis, of Kentucky, was an old-time Whig, elected, however, as a Union man during the war, and had at no time prior to the passage of this act acted with the Democratic party. Mr. Kennedy I think was elected as a Union American from Maryland, formerly a Whig, and was never classed as a Democrat. Mr. Willey, a Senator from West Virginia, was then and is yet, as I am informed, a strong and leading Republican, and has at all times acted with the Republican party. And yet the Senator classes them as Democrats voting for the bill.

This statement may be of small moment, and I simply assert it here to show that the Senator from Kansas, usually correct in his statements, has been driven by the exigencies of the situation and the political contest that is now pending to forget his former caution and to make statements which are not justified by the facts or the record.

Mr. President, the Senator can not reverse history. He can not convince the American people that the Republican party is not the intimate friend and protector of these corporations. The Republican party to-day, by its platform, by the utterances of its leaders, has made a different record, and neither the eloquence nor the ingenuity of the Senator from Kansas can change it. Their great leader, the man who dominates the party and dictates their policy, their uncrowned king, hailed in New York on Saturday night as the chief, Mr. Blaine, had scarcely set foot upon his native land, returning from a foreign tour, where he had been the honored guest of a foreigner who had been enabled by our high protective system to force from the sweat and labor

of the masses an immense fortune—I say that Mr. Blaine had scarcely returned when, true to his instincts and to the Republican party, and true to the record he made in connection with the Little Rock and Fort Smith Railway, he, in a speech made in his own State, came to the defense and rescue of combinations of capital called "trusts."

And there the Republican party stands to-day. The feeble efforts of their candidate for the Presidency, and the stronger and more vigorous efforts of the Senator from Kansas, can not make a different record in the face of the utterances of Mr. Blaine, and the Senator's speech, as I believe, will avail nothing. The people know whose is the master mind and who the followers are, and who dictates the policy of the party.

And what party thus allied with these corporations and these trusts can hope to command the confidence, the esteem, or respect of the American people?

Mr. Blaine has said that these trusts are to a large extent private affairs, over which the Government has no control and with which it has nothing to do. The Speaker of the House, Mr. CARLISLE, is reported to have replied to this in a speech recently made to his constituents, in which he said: "When a man enters your stable at night and steals therefrom your horse, it is certainly to a large extent a private affair; or when a man meets you on the highway and demands your life or your money, he regards it also as a private affair; but yet the public at large and the laws of the land do not permit these wrongs to be perpetrated without feeling that the public, too, has an interest in their suppression." And how insignificant and small is the wrong done by the larceny of the horse or robbery of the money as compared with the wrong perpetrated by the combinations. Take, for instance, those who have recently in the matter of cotton-bagging combined and confederated together, thereby increasing the price from 7 cents to 14 cents per yard, robbing the planters and the poor laborers of the South of millions of their hard-earned dollars. And yet Mr. Blaine says that "this is a private affair with which the Government has nothing to do."

I, Mr. President, belong to that party which has always advocated a strict construction of the Constitution, but if there be power under the Constitution, I for one would use it to the utmost extent to crush out by criminal laws these combinations, under what name or by whomsoever inaugurated, whether they be sugar, coal-oil, or steel-rail trusts. But, Mr. President, these trusts are the direct and legitimate offspring of the protective policy advocated and sustained by the Senator from Kansas and the Republican party, and the only security in the future is, as I conceive, to repeal the high-tariff laws under which they are to-day flourishing. And while these laws remain upon the statute-book, advocated and sustained by the Republican party, and with the record of that party that I have shown it has made in the disposition of the public lands of this country, I can not understand how the Senator from Kansas can stand upon the floor of the United States Senate and assert that his party "has always been the friend of the many as against the few."

Mr. President, there are some things so well known, so thoroughly proved, so deeply impressed upon the American mind that no amount of eloquence, no ingenious array of figures, no distortion of the record, no misrepresentation of the facts can change their belief. One of these beliefs is that the Republican party, in the disposition of the public lands of the West, in the manner in which they were granted to railroads at the time they were extended by the Republican party again and again in disregard of the rights of the settlers along the lines, and not only that, but the granting of these millions of money to railroads, the changing of the security, and the releasing of the first mortgage and placing it upon a second mortgage—I say all this has deeply impressed upon the minds of the American people that these acts of the Republican party inflicted a stain on the name of that party which no time can erase.

Another fact that is known to the people of this country and can not be disguised is that in the matter of the forfeiture of the land grants and restoring the land to the public domain the Democratic party, and not the Republican party, has taken the lead, and it has been under the Democratic party that the great mass of these lands has been recovered. I state to-day that every forfeiture bill which has failed to become a law has failed because the Democratic House of Representatives would desire to forfeit more of the grants of public land than the Republican Senate were willing to concede should be forfeited. I assert to-day that the Supreme Court has not decided that the lands embraced in the bill of my colleague, Mr. MCRAE, which came from the other House, are non-forfeitable. It seems to me that good policy would be to pass a law forfeiting the whole amount, and if the courts do, as they unfortunately sometimes have done, find the law in favor of the railroads against the settlers, then we can submit, but until the act is passed making a forfeiture of the entire land there is no way by which this question can be presented.

These are facts that I say the public know, and they can not be changed by argument here.

Another fact impressed upon the American mind is that the character and the principles and the organization of the Republican party tend to build up classes and to bring about class legislation, by which a few are benefited at the expense of the many. This is shown by various acts, by an act of 1869 by which the judges of the Supreme Court of the United States were allowed to retire on full pay after having served for a certain number of years. It is shown by votes given here every day by which Army officers who long ago resigned and engaged in civil pursuits are reinstated and placed on the retired-list for the sole purpose that they may draw money out of the Treasury of the United States. It is shown in the pension legislation, whereby you give the widow of a private soldier $12 a month and yet you vote to the widow of a general $2,000 and $3,500.

Yet the Senator says that his party is in favor of the masses and not the classes, but it is most strongly shown as the cardinal principle that underlies the Republican party in the assertion that you can by Government power, by the strong hand of the law, take from one citizen his property and his money and confer that property and that money upon another citizen, not to be used for public purposes but to be used for his own private purposes. Could there be a worse principle of class legislation embodied and incorporated in the platform of any party than that you can by Government power take from one man his hard-earned dollars, not for the public good, but in order that you may make richer some other citizen engaged in a different pursuit?

I say these acts of the Republican party show, and the votes show it here day by day, that wherever there is an opportunity to vote for any character of class legislation two-thirds and sometimes nine-tenths of the Republican Senators will be found voting for it.

This is the principle in that party that I think makes it especially and peculiarly dangerous to this Republic. I can think of no principle ingrafted upon the body-politic that is worse to the Republic than the idea that one class of citizens is to be supported in idleness and without toil upon the toil and labor of another class of the community. The worst government, I think, at least the worst civilized government in modern times of which I have ever read, was the French Government under Bourbon rule.

There had been fastened upon the kingdom a large number of citizens, titled individuals, men who would not labor, men who believed that it was a disgrace to labor, men who lived in idleness and great luxury. The evils that follow such idleness and luxury followed as certain as fate. They were foisted upon the French Government and their numbers increased, year by year. As the numbers increased the demands increased and the toiling peasants, half clad and half fed, dazzled by the glory and the wealth that they saw around them, dazzled by the victories gained in war, dazzled by the greatness of the kingdom of the Grand Monarque, for years and generations submitted to this class legislation, such as the Republican party is trying to fasten upon this Republic. But, Mr. President, the day of reckoning came, and the vengeance was only in proportion to the wrongs that had been inflicted by this class legislation.

I say to-day I believe that is the worst injury which threatens our Republic. If the people of this country once get to believe that there is a determined effort and purpose to fasten upon us permanently a part of our citizens who toil not but live alone off the toil of the hard-working classes who can scarcely support themselves and their families—if that idea once gets thoroughly aroused in the American mind, then the discontent, the mutterings of which are now scarcely heard, will rise to be a mighty river, and the Republican party, which called into existence and defended and supported such legislation will neither be able to stay its force nor to change the current of its action.

Mr. PLUMB. Mr. President, I have listened somewhat carefully to the remarks of the Senator from Arkansas [Mr. BERRY]. I do not now recall that he disputed any allegation of fact which I made. He carefully avoided any reference to the original Democratic land grants, to the manner in which they were administered, to the large withdrawals of lands for the purposes of enabling the railroad companies to get them, to the exclusion of American settlers from the granted limits, to the frauds under the swamp-land act, to the fraudulent private land claims in New Mexico, and so on; so that really there is not anything to be said in the way of rejoinder. But in response to his general eulogy of the Democratic party upon the land question, and to his general denunciation of the Republican party upon the same question, I shall utter a few words.

I do not care to go into the bagging trust, nor into matters of that kind which are not germane to this question, although I may have something to say on one other matter.

At the elections of 1874 the Democrats secured a majority of the House of Representatives. From the time Congress met, in December, 1875, until the present moment, with the exception of one single Congress in which the Republicans had a majority of 5, the Democrats have had control of the House of Representatives by a large majority. During two years of that time they also had control of the Senate by 10 majority. If the Senator from Arkansas is anxious to ascertain the record of his party, let him examine the records of the House of Representatives during that period of time, and of the Senate during that time, and see whether a single proposition was seriously made by any Democrat or by the Democratic majority in either House to forfeit a single unearned land grant. Not one such effort was made. So this excess of virtue which afflicts the Democratic party is a late acquisition, and it comes in about election time, when it takes the form of an eruption.

Let us see what the House of Representatives has recently done, if

I can utter what I wish to say without transgressing that rule which forbids us to make mention here of the acts of the co-ordinate legislative branch of the Government. It sent to us as an amendment to the bill which the Senate had passed forfeiting unearned land grants, a proposition to forfeit all the lands that had been granted to any railroad company which were not earned—I use that term in its ordinary significance—prior to the time named in the granting act for the completion of the road; and that carries out the theory of the Senator from Arkansas, upon which he acts consistently and I have no doubt conscientiously; but when we come to section 2 of the House bill what do we find? It provides that the forfeiture hereby declared shall not extend to lands adjacent to or coterminous with any portion of any such railroad which is now completed, which was sold by the State or corporation to which any such grant was made, or by the corporation controlling or owning such land prior to January 1, 1888, to bona fide purchasers for good and valuable consideration, "but the title to such lands is hereby confirmed to such purchasers," etc.

There is no reservation in favor of actual settlers, no reservation in favor of small holders, but a wholesale confirmation of all the title that may have passed from any State or from any railroad company to lands which by the first section of the bill it was pretended to forfeit; and as the Senator from Massachusetts [Mr. DAWES] reminds me, in block—the whole thing an absolute giving away of all the case which the Senator from Arkansas has built up with such laborious faithfulness here, not of course nominally in favor of the railroad company, but actually in favor of it, because it cuts off the purchase from the railroad company, no matter how extensive that purchase may have been.

Mr. BERRY. Will the Senator allow me to interrupt him?

Mr. PLUMB. I will.

Mr. BERRY. The bill passed by the House proposes to forfeit 36,000,000 acres, in round numbers, of the Northern Pacific Railroad lands, and the bill proposed to be passed by the Republican Senate forfeits 5,000,000 acres. The proposition of the House bill was that where the road had been completed, along the completed portion of it where the lands have been sold to bona fide purchasers and settlers after they had been certified to the railroad company, then it is not proposed that the Government shall disturb those parties who had that title or those lands along that road. That is the bill as proposed by my colleague in the other House, and which is now on the Calendar. I assert that the provision is not, as the Senator says, in the interest of the railroad. I say the Senator does not propose to forfeit any part of the land from Bismarck to Wallula, containing 30,000,000 acres, and to give it to bona fide purchasers, settlers, or anybody else, but leaves it to the railroad. That is the difference between the two propositions.

Mr. PLUMB. The Senator from Arkansas can repeat his argument as often as he pleases. I am dealing now with the facts as found in the House bill. I say that the House provision does not contain the word "settler" at all; there is no reservation in it in favor of any settler, but there is a wholesale reservation in favor of every person or corporation that had purchased from the railroad company, without any reference to the amount of such purchase. I have not the slightest doubt in the world that under that bill every single acre of that land would be ascertained to have been purchased by somebody prior to the 1st day of January, 1888. Therefore the House assumes in the first section to forfeit the land and in the next section to recognize the sales which the railroad company has made covering the entire grant, and it confirms the grant to that extent, and makes the title absolute without any proposition to recover from the railroad company a single dollar of the money that it may have received on account of lands which it conveyed to which it had no title. That was going with a step on the heels and the toes of the shoe, assuming to be going forward while in reality it is going backward.

But, Mr. President, the House of Representatives is not the Democratic party; it is an infinitesimal portion of it. The President of the United States is the Democratic party for all practical purposes; and he has himself patented within the last six months more than 700,000 acres of land to two railroad companies, lands which were earned years and years out of time. The Senator very conveniently omits to note that important fact as bearing upon the credit of his party on the question of land forfeiture. If the Senator will bear with me while I utter a prophesy, I will prophesy that between the 6th day of November, which I believe is election day, and the day when Congress next assembles, another large lot of lands will be conveyed to another railroad company, which were earned out of time too, and that for the benefit of a railroad company the president of which is one of the largest contributors to the campaign fund of the Democratic party. I put that prophesy on record for what it is worth. We shall see what we shall see before Congress again assembles.

While all this time this has been going on the Senate passed a bill which the Senator himself somewhat reluctantly confesses would have forfeited 3,500,000 acres of land lying on the Northern Pacific route between Wallula and Takoma, valuable coal land, valuable timber land, valuable agricultural land, and yet his party, I say, because he is willing to have it that way, prevented the forfeiture of that 3,500,000 acres of land, and now the railroad has been built opposite to those lands, and their character has been changed, and in my opinion the United States has lost all the opportunity it ever had to forfeit them, and they have become the property of the railroad company.

Mr. BERRY. Does the Senator allude to the Cascade branch?

Mr. PLUMB. I allude to the Cascade branch.

Mr. BERRY. I assert that by Republican votes in the committee, and by Republican votes in the Senate, and over my protest, especially against the able speech made by the Senator from Mississippi [Mr. GEORGE], the Republican bill expressly excepted those lands. As the bill came from the committee, it excepted the lands on the Cascade branch.

Mr. PLUMB. The bill as passed by the Senate of the United States forfeited those lands so far as they were unearned, and the House of Representatives declined to join with the Senate for forfeiting those lands because it said it wanted to go further. When we said to it, "Let us do what we know we can do," it declined to do that unless it could do what everybody knew was illegal.

Mr. BERRY. But the bill came from the committee here in the Senate, and with the united Democratic vote here, I believe, coupled with a few Republicans, over the protest of the Republican committee, the bill was passed forfeiting that land, but the effort was made continuously to except those lands; speeches were made by the Senator from Oregon, and the Senator from Kansas himself voted to except the lands on the Cascade branch.

Mr. PLUMB. The Senator is entirely mistaken in regard to my action upon that question.

Mr. BERRY. The report will show that the bill was reported from the Committee on Public Lands excepting those lands.

Mr. PLUMB. I am talking about the vote of the Senate.

Mr. BERRY. There is not any question about what was shown by the vote of the Committee on Public Lands. The Republicans voted to except from forfeiture the lands on the Cascade branch.

Mr. PLUMB. The Senator charges the Republican Senate with acts because it is Republican. Is he going to take away that credit which is due to it because it is Republican? We have heard a good deal about the question of fences on the public domain. The Senator from Arkansas says that the present President of the United States has done what no preceding President was willing to do upon that question. I do not deny that Mr. Cleveland would obey the law. Just ten days before he took his office Congress passed a law requiring him to act. Up to that time there was no law upon that subject. There is not a single acre of land which, in any sense, can be said to have been recovered to the public domain, because it was public land anyway, and these people were simply exercising the right of pasturage illegally, of course, so far as fencing was concerned. It was entirely proper that the bill should have been passed as it was passed, and the President in putting them off simply carried out the law.

I call the Senator's attention to the fact that powerful men in his party are to-day enjoying leases of coal lands which never have been touched by the President of the United States, and in my judgment they never will be touched. The President has a keen eye for discrimination apparently, and during all this Administration there have been leases of coal lands in the Indian Territory to the corporation of which Mr. Gould is president, who is now said to be supporting the Democratic campaign fund very liberally. While a good deal of merit is made at the tearing down of a few fences for people who are comparatively poor and lacking in influence, a rough hand has never been put upon the men who were getting coal leases from the Cherokees and the Creeks in the Indian Territory, and who control the railroads that run through that section of the country of which the gentleman I named is the master mind.

The Senator speaks of great merit in the Illinois Central Railroad grant in that it was made to the State of Illinois, which was provident enough to insert a provision for the payment of taxes. That is the only one, however, of all the forty-seven land grants made under Democratic administration where that was done. Not a single one except the Illinois Central Railroad Company was ever accompanied by any provision in regard to the payment of taxes. The Illinois Central Railroad Company pays 7 per cent. of its gross earnings to the exclusion of all other taxes. That is the provision in its favor. I do not know a railroad company in the State of Kansas to-day that does not pay a larger proportion of its earnings in the shape of taxes than the Illinois Central Railroad Company does.

By the same token, what will the Senator say about the grants that were made by the State of Minnesota, then under the control of the Democracy? The Democratic Legislature of the State of Minnesota exempted from taxation every acre of land granted in that State to a railroad company so long as the land remained the property of the railroad company; and there are to-day large areas in that State within the limits of the Hastings and Minnesota Railroad, controlled by a gentleman who is high up in the councils of the Democratic party, that never paid a single dollar of tax into the treasury of that State.

It is true that some of the land officers in Kansas and elsewhere have been blowing the horn of this Administration. They have been telling about the great frauds which have ceased since they came into power and about the frauds which have been torn up by them. But

the records of the General Land Office do not show it. It is all in wind, in assertion, without a single fact to back it.

There is not any question that there have been frauds on the public domain. They have been going on all the time, no more now than formerly, no less now than formerly. Republican administrations, with such instrumentalities as were provided by law, were constantly ferreting them out, and they did not make any great outcry about it. They were not claiming any very particular virtue on account of it. They were doing their duty from day to day, and very likely they presumed that that was what they were there for. But this Democratic Administration the moment it came in seemed to doubt its own virtue, and instead of correcting the frauds it went to work to suspend all entries everywhere.

I did not complain of the order of Mr. Sparks, except for the fact that it suspended entries in place of going to work and correcting frauds. I know there were plenty of precedents for that order. Mr. Sparks justified himself by what might be called a defamation of some of his Democratic predecessors. He exhibited in Document 170, which was printed in the Forty-ninth Congress, first session, the orders of Mr. Hendricks and Mr. Wilson, Democratic Commissioners of the General Land Office, who had suspended from pre-emption and other settlement entries for the benefit of railroad companies, so expressed upon the face of the orders, 150,000,000 acres of land. He thought that was a pretty good precedent, and so he said, if they could do that for the benefit of railroad companies I may do as much for the benefit of scrip-holders, and that is what he did. The fact that he assumed that it was for the benefit of the settler was only a pretense. The settler never received any benefit from it, and nobody did get any benefit out of it except the people who drew the fees and the compensation to those in official place and the men whose scrip was increased in value by the process.

The Senator from Arkansas, himself, when he comes to discuss this land question, moves upon a line parallel to that on which the Commissioner of the General Land Office moves. He moves upon the sectional line. He was kind enough to say that I included the eastern half of Kansas, in which there are practically no public lands, among the list of States lately in rebellion. Nothing could have better exhibited the paucity of his argument or the lack of fertility in ideas upon the subject than that statement. Because the Commissioner of the General Land Office did not suspend the operation of the land laws in Illinois, I suppose Illinois might be held to be a State recently in rebellion!

Mr. BERRY. If the Senator will allow me I will state that I quoted from his speech, in which he said that the Commissioner of the General Land Office drew the line of suspension at those States recently in rebellion.

Mr. PLUMB. And that I repeat.

Mr. BERRY. That was the statement. I then showed that the line was drawn through the central part of Kansas, and if drawn at the line of those States in rebellion it would include half the Senator's State. That is what I said.

Mr. PLUMB. The land lying east of that line in Kansas was not public land.

Mr. BERRY. None of it?

Mr. PLUMB. Practically none. There was not at that date a single piece of land which was not entered east of the line the Commissioner drew.

Mr. BERRY. That is not the statement of the Commissioner, which I submitted with my remarks.

Mr. PLUMB. The Senator himself finds justification for the spy system as applied under this Administration by illustrations drawn from Northern States. He has not a word to say about the frauds that were committed in the Southern States. He himself is doing exactly what the Commissioner did. He is arraigning the Northern people. That is what he is doing. It is the same thing we have had for a long time. It is not a new idea at all, Mr. President. It is that hatred of the Northern people and of Northern institutions and of the movement of Northern civilization from the President down, which was no stronger in the Senator from Arkansas than it was in the Commissioner of the General Land Office. When the Commissioner of the General Land Office went to talk about frauds under the swamp-land laws he found two or three hundred thousand acres in the State of Minnesota that were fraudulent, overlooking the eight or ten million acres of land in the State of Arkansas and the twenty million acres in the State of Florida, of which he made no mention.

So I repeat what I said in my original speech, the order of suspension was drawn practically at the line of States lately in rebellion. There was no objection made to the entry of large tracts of land for speculation in those States. The acquisition of those bodies of land was winked at by the Department without complaint.

The Senator was so hard driven for material that he had to say, in substance as he did, that because Mr. Davis, of Kentucky, was a Union man he could not be a Democrat, and made a similar statement in regard to Mr. Kennedy, of Maryland. He said Mr. Davis, of Kentucky, was a Union man, and consequently was not a Democrat, and Mr. Kennedy, of Maryland, was also elected as a Union man, and consequently he could not have been a Democrat. I am willing to accept the definition. I am ready to admit, if the Senator is willing to do it, that the fact that a man was a Union man excluded him from the ranks of the Democratic party, that there was a distinction there with a difference.

But the Senator very carefully overlooked some men whose Democracy I think he will not question. He overlooked the present Senator from the State of Indiana [Mr. VOORHEES], or perhaps he got stuck in the paragraph in which he referred to the names of the Democrats who voted for the Union and Central Pacific Railroad bills, for he overlooked the name of Mr. Hendricks. Certainly those two gentlemen were Democrats. As to whether they were Union men or not, of course the Senator himself can answer.

I say now what I said before, that the passage of those Union and Central Pacific acts was not a partisan measure. I do not know to what branch of Democracy the Senator belonged prior to 1860 or in 1860, but both the Democratic conventions of that year declared in favor of national aid to a line of railroad connecting the Mississippi with the Pacific coast. It was a cardinal tenet of both parties at that time, and the act of Congress which carried into effect that tenet was acquiesced in everywhere, and there was no suggestion that there was anything partisan about it.

I can not follow the Senator into the bagging trust, and so on. He has not seen as much of his party as he will have seen by the time he serves six years longer. He is directly from the wilds of Arkansas, and his horizon has not been as wide, I think, as it should have been.

Let him bear with me while I call his attention to the fact that Mr. August Belmont, the agent on this continent of the Rothschilds, was for twelve years the chairman of the Democratic national committee. When he is talking about the monopoly of manufacturing which he says the law gives to certain people, and about the enormity of the law taking out of one man's pocket in the guise of taxes money which it puts into another's, let him restrain himself while I tell him that the chairman of the national Democratic committee during the last two years has owned more manufacturing stock than any other man in the United States outside of five or six; that he is practically the head of the largest steel-manufacturing concern in the United States, and is the largest manufacturer of iron in all New England—Mr. William H. Barnum.

If I had before me a Directory I could read the statement in which another member of the Democratic national committee, and one who, it is said, more nearly represents the President than anybody else, who was the author of the bill to frighten and scare about the Chinese question, and so on, describes himself as a director of more railroads than any other man in the United States. The present chairman of the executive committee, the man who is running the campaign, is himself a railroad man, pure and simple. The New York Sun, a Democratic newspaper, the other day had a statement of the railroad affiliations of all the leading men of that committee, and it wound up with a very significant statement that it represented more mileage of railroads than any other association of men on this continent, and would undoubtedly give transportation to the White House. I read from the Congressional Directory the following statement in regard to the gentleman to whom I have just referred:

Engaged, in 1850, in the coal and shipping business, owning and running several vessels on the lakes; subsequently became largely interested in the manufacture of iron and the mining of coal, as well as in the construction and operation of railroads, either as president or director of various lines, aggregating over 22,000 miles of completed road, the greatest number of miles of railroad, probably, which any one individual was ever an officer or director of; was a district delegate to the national Democratic convention held in the city of New York in 1868, and a delegate at large from the State of Pennsylvania to the Democratic national convention held in Cincinnati, Ohio, in 1880, and also represented the State of Pennsylvania on the Democratic national committee from 1876 to 1884.

Does the Senator find reflected in the mirror which that statement makes anything of the anti-monopolistic tendencies of the party which he so ably champions? As I said, when the Senator has served another term he will come to know more particularly who it is guides and controls the Democratic party, who it is deposits $60,000,000 of the revenues coming into the Treasury in the national banks, who it is, while denouncing the national banks in the country districts, makes a Secretary of the Treasury out of the president of a national bank and a Treasurer of the United States out of another one.

It is robbery, is it, to take money in the shape of a tariff? The Senator is apt in his words. I have here a copy of a bill which recently passed the House of Representatives and for which the Senator would probably vote *in toto*, voting probably against the erasing of a single line, and what do I find? I find here that on manufactures of woolen goods a duty of 40 per cent. is imposed, while conveniently the duty is taken off the wool which the farmers of Arkansas, I presume, in common with the farmers of other portions of the country produce. I find, too, that the bill actually raises the duty on steel ingots from $8 a ton to $11 a ton. If a duty imposed at the rate of $8 is robbery, what is a duty which raises $3 more by making the tax $11 a ton? The Senator ought to be a little bit nicer in regard to his distinctions. He ought to read the record of his own party in this body, in which he will find that every single member of the Senate on the Democratic side who had an industry in his State has voted either to keep the du-

ties as they were or to increase them under the act of 1883. He will find that the Senator from Missouri [Mr. COCKRELL] voted to increase the duty on zinc. He will find that the senior Senator from New Jersey [Mr. MCPHERSON] voted to increase the duty on glassware and on earthenware. He will find that the Senator from Indiana [Mr. VOORHEES] voted to increase the duty on glassware manufactured in his State. So he will find was the case all the way around; and when he comes to characterize this as a robbery he will find that he will have some settlements to make with members of his own party.

Mr. President, I stand upon every single assertion made in my original speech. I say now, as I said before, that not one single act of forfeiture was passed which originated with the Democrats in either House of Congress. I say that every single one of them was of Republican parentage, and was passed as the result of Republican endeavor; and I say that it is due to the non-action of the last House of Representatives (which could not have been better inspired if it had been directly in the interest of the railroad companies) that three and a half million acres of land have since that time passed out of the entire control of the General Government and have become the property of the railroad companies.

While this declamation is going on here the Democratic Secretary of the Interior is patenting lands to railroad companies earned after the date named in the granting act. He is doing it because he believes that to be the law. He is doing it under the instruction of his chief, in whose behalf the speech of the Senator was made, and for whom he will vote, knowing as he does that the policy of the Administration will be directly adverse to that which he announces here as his policy, and I leave it to his own candor to say which is the Democratic policy, that which he advocates or that which Mr. Cleveland practices.

I say that the Democratic party has never recovered an acre of public land. It has carried on in an administrative way, as it was led to do by Republican administrations, investigations in regard to illegal appropriations of public land. If I am not very much mistaken, in the very case which the Senator mentioned, in which last March Mr. Stockslager set aside certain entries, the order setting aside has been revoked and the entries have been reinstated. It may not be that one; I think it is. I know there is one very important case involving redwood lands in California where the entry was set aside by the Commissioner of the General Land Office. A man, whom I am not permitted to name, but whose connections go near the throne, came here and got that order rescinded, and proceedings have been instituted since to determine whether it should be made again or not.

Mr. President, there are many pertinent facts in connection with this subject which will come out more distinctly the more we discuss this question, which will show the hidden workings of things in the Land Office, how fish is made of one and flesh of another, and how under the cover of recovering lands by oppressing settlers on the frontier large appropriations of land have been allowed to be made by favorite speculators. "The voice is Jacob's voice, but the hands are the hands of Esau."

While we have had all this declamation upon the subject the spoliation of public land has been going on. The promises held out by Democratic administration have not been kept, and while a few little men have had their fences taken down under the mandate of a law passed before Mr. Cleveland came into office, that does not interfere with the approval of leases granted of coal lands on the Cherokee reservation which have gone into the hands of powerful capitalists.

Mr. BERRY. Mr. President, in the face of the assertion made by the Senator from Kansas that no lands have been restored to the public domain by this Administration, I can only state that there is in the remarks I made an official statement showing that it is incorrect. I state that a large number of acres of land, amounting to many millions, have been forfeited and restored to the public domain. Since the Democratic Administration came into power fraudulent entry after fraudulent entry of the public domain has been canceled; and yet when the records of the Land Office are full of it the Senator stands upon the floor of the Senate and says that not one acre has been so restored! I confess that I do not know how to answer such a proposition. I assert that the records show it; they are in speech after speech, and the Senator from Kansas himself must know it to be true.

In regard to Mr. SCOTT and others being Democrats, it was not individual members of the Republican party, except in one instance, that I was discussing, but it was the system which allowed these monopolies. I care not whether it is Mr. SCOTT or any one else, they have grown under Republican rule, and it is the Republican principles and the Republican system by which they are enabled to do it, and it is no justification to say that in some instances they are in politics Democrats.

The Senator says that the forfeiture bills were enacted by Republicans. The fact is that one or two forfeiture bills, and perhaps more than that number, were introduced in the other House by Mr. PAYSON, of Illinois, who is a Republican, but who it is well known was not in accord with the Republican party upon the question of public lands until very recently; and because accidentally the bill that he introduced was taken up by a Democratic committee and passed by a Democratic House the Senator from Kansas insists that therefore it is a Republican measure! It was the Democratic majority that passed the bill, it was a Democratic committee that reported it, and it is wholly immaterial whether it went to the committee from the hands of a Republican or from the hands of a Democrat.

I stated, and I wish to reassert, that these forfeiture bills have failed in every instance because the Democratic House desired to take from the railroads more land and restore it to the public domain than the Republican Senate was willing to concede. That is an assertion the Senator from Kansas has not denied. I wish it to go upon the record that this failure grew out of the fact that the Republican Senate is not willing to pass a law forfeiting so much of the lands granted to the railroad companies as the Democratic House of Representatives insists ought to be forfeited.

Mr. PLUMB. Mr. President, one word. It is a little remarkable that an accident should happen to Mr. PAYSON, a Republican, and no accident should happen to a single Democratic member of the other House. It is a little singular that during fourteen years of Democratic supremacy in the other House not a single Democrat ever rose in his place to offer or promote practically the passage of any such bill.

Mr. BERRY. The record is directly in the face of that statement. A forfeiture bill was introduced by my colleague in the last House of Representatives; and the bill was reported and placed on the Calendar by the order of the committee.

Mr. PLUMB. Not a single forfeiture bill was passed by the House of Representatives until this session of Congress. During the fourteen years the Senator's party has had control of the House of Representatives it has been there dumb. I know that the pretense of the House is that it wanted to do more, and yet when we propose to it to do that about which there can be no possible question, and in regard to lands the character of which may and would be affected by the construction of a railroad, it refuses to do that. The result is—and I desire to call the attention of the country to it—that 3,500,000 acres of land, by reason of the non-action of the House of Representatives, have passed from the people of the United States to the control of a railroad company.

The Senator, I have no doubt, will justify himself and his party associates in continuing that line of action until the Northern Pacific Railroad earns every acre of land along its route, and when it is all through he will say, "We wanted to do more, and because we could not do more we would not do anything;" and the Government will have lost millions of acres of land in that way. It is the pertinent fact that three and a half million acres have been lost to the Government, coupled with the other fact that while the House has been making all this noise about forfeiting Government lands a Democratic Administration has been certifying those same lands to railroad companies.

AWARDS UNDER MEXICAN TREATY.

Mr. MORGAN. Perhaps it would relieve both the Senators to have a little intervention of cooling time in this debate. I wish to ask the consent of the Senate to set a bill that was made a special order for this day, for the Wednesday after the second Monday in December. It is the bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868."

The PRESIDENT *pro tempore*. Having been assigned as a special order for this day, that bill naturally would come up after the unfinished business is disposed of. The Senator from Alabama asks that it may be made a special order for the Wednesday after the second Monday in December next.

Mr. MORGAN. I desire to say that the Senator from Indiana [Mr. VOORHEES] has agreed with me upon that arrangement.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

NORTHERN PACIFIC RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. DOLPH. Mr. President, I do not care to enter into a discussion of the question of railroad land grants or of the power of Congress to forfeit railroad lands. I have on a former occasion discussed the question somewhat at length. I am not physically able to do so to-day, if I were so disposed.

I will only say in regard to the bill which passed the Senate during the Forty-ninth Congress to forfeit the unearned lands of the Northern Pacific Railroad, that it contained the following provision, an amendment offered by the Senator from Kentucky [Mr. BECK] and accepted by myself, in charge of the bill:

> That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them to the said railroad company forfeited for any failure, past or future, of said company to comply with the conditions of the grant.

Therefore there was offered to the House of Representatives a bill which would have forfeited all the unearned lands of the Northern Pacific at that time, including the lands of the Cascade branch. The House, it is true, claimed that a bill should be passed forfeiting a greater

quantity of land, forfeiting all the lands which were earned after the time limited in granting the act for the completion of the road, but they refused to take what was offered them. In the mean time the railroad company earned three million and odd acres of land on the Cascade branch, and all there is left, as has been correctly stated by the Senator from Arkansas, is the land for 214 miles from Wallula to Portland, the uncompleted road of the Northern Pacific.

I understand it to be a rule where the two Houses can not agree that the body insisting on the amendment, which in that case was the House of Representatives, should recede. All agreed as to the power of Congress and the propriety of forfeiting the lands embraced in the Senate bill. The Senate did not believe that Congress had the power, or that it would be honest or just to forfeit more.

Consequently, in addition to the showing which I made at the time before the Senate as to the delay of the House conferees and the loss of the bill, and their neglect to provide a substitute for it, and the efforts which were made to get a conference, I think it is but a just criticism to say that the action of the House of Representatives prevented the forfeiture of lands which might have been forfeited at that time by the provision of the bill, and even without it there was nothing to prevent Congress from passing a bill for a further forfeiture at any time. They had the power. The House could have accepted that bill, and the very next hour could have sent us a bill forfeiting the rest of the lands which they claimed should have been forfeited.

If no Senator desires to discuss the matter further, I move to substitute for the bill under consideration House bill 9151, the bill referred to by the Senator from Arkansas, which has come over from the other House since this bill was last under consideration.

Mr. BERRY. The Senator asks to have it substituted for consideration?

Mr. DOLPH. I ask to have it substituted for consideration, and then I shall offer the amendment reported from the committee thi morning.

Mr. BERRY. I have no objection to substituting the bill. I hope it will be passed after it is substituted.

Mr. DOLPH. I ask unanimous consent to substitute the House bill on the same subject.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the pending bill may be indefinitely postponed, and that the Senate proceed to the consideration of the bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes. If there be no objection, the House bill is before the Senate as in Committee of the Whole, and will be read at length.

The Secretary read the bill.

Mr. DOLPH. I now move to strike out all after the enacting clause and insert what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which appertain to and are coterminous with that part of its line which shall not have been constructed at the date of the passage of this act, be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to the public lands: *Provided*, That this act shall not be construed as forfeiting the right of way or station grounds for any portion of said road granted by said acts and joint resolutions: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

SEC. 2. That in all cases where persons are in possession of any of the lands affected by such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the said Northern Pacific Railroad Company, executed in good faith prior to January 1, 1886, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of $2.50 per acre, at any time within two years from the passage of this act, and on making requisite proofs and payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of said company, or its assignees, are in the possession of, and have made improvements upon, any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands.

SEC. 3. That if it shall be found that any lands heretofore granted to the said Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east, of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved from the United States at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of $2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: *Provided*, That the rights of way and riparian rights heretofore attempted to be conveyed to the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, by deed of conveyance dated August 8, 1886, and which are described as follows: A strip of land 50 feet in width, being 25 feet on each side of the center line of a water-pipe line as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the Legislative Assembly of the State of Oregon approved November 25, 1885, providing the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following described tracts of land: Sections 19 and 31, in township 1 south, of range 6 east; sections 25, 31, 33, and 35, in township 1 south, of range 5 east; sections 3 and 5, in township 2 south, of range 5 east; section 1, in township 2 south, of range 4 east; sections 23, 25, and 35, in township 1 south, of range 4 east, of Willamette meridian, in the State of Oregon, forfeited by this act, are hereby granted and confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore described strip of land, over and across the above-described sections, for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

SEC. 4. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them to the said railroad company forfeited for any failure, past or future, of said company to comply with the conditions of the grant.

Mr. DOLPH. This proposed amendment is the identical bill in every respect reported from the Committee on Public Lands which has just been postponed. It was reported, as I understand it, by the approval and consent of all the members of the committee except the Senator from Arkansas who has just addressed the Senate.

Mr. BERRY. I wish to correct one misstatement. I was in favor of including more land in the bill than is included in it; but if we can not include the other land, I am in favor of forfeiting what is included in the bill. I do not wish the Senator to put me in a position as being opposed to forfeiting any lands.

Mr. DOLPH. I did not intend to do so.

Mr. BERRY. I am in favor of forfeiting all the land proposed to be forfeited in this bill, and in addition to that I am in favor of forfeiting the land provided for in the House bill introduced by my colleague, Mr. MCRAE, the one that is now pending.

Mr. DOLPH. I understand the Senator's position and I have understood it ever since he has been a member of the committee, and therefore in stating that this met the approval of the committee I desire to state also that, as I understand, it had the approval of every member of the committee except the Senator from Arkansas, and it did not have his approval because he desired to make it embrace more land. I understand, however, that the provisions made for settlers meet with his approval and the approval of every member of the committee.

I wish to say further that this bill as reported is identical in its provisions with the general forfeiture bill which passed the Senate. The first section has been changed so as to make it include, instead of all unearned lands of all railroad companies, just the unearned lands of the Northern Pacific Railroad Company. The other provisions for settlers, etc., are the identical provisions of the general forfeiture bill which passed the Senate, and which was discussed here for days, and which also had the approval of all the members of the Committee except the Senator from Arkansas.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon to strike out all after the enacting clause and insert what has been read by the Secretary.

Mr. CALL. I understand the bill offered as an amendment is Senate bill 3504. Am I right?

Mr. DOLPH. Yes, the bill we have just had under consideration.

Mr. CALL. His bill proposes to forfeit all the lands granted to the Northern Pacific Railroad Company which appertain to and are coterminous with that part of its line which shall not have been constructed at the date of the passage of this act; that is to say, it is a bill of confirmation and not of forfeiture, and should be so designated. It is a bill to assume in favor of the Northern Pacific Railroad Company all the favorable constructions that can be made of the grant, that it was a perpetual grant; that its conditions were never required to be complied with; that from now one hundred or two hundred years hence the company may continue to fulfill the conditions of the act, and this vast territory, an empire of the public land, which has been given by the United States, by a pledge of the public faith, to the people for their homes, shall pass to the ownership of a great corporation in defiance of every principle upon which this Government is founded, in violation and in denial of the personal rights of the people of the United States; and that in the midst of all the suffering and all the want and all the hardship that is now penetrating every portion of this country among the people. That which the Government has given to them we are giving away to a few men in the character of corporations, to exercise the powers of an aristocracy, and that in derogation of public right.

Mr. President, for one I shall never vote to grant the lands which the Government has given to the people of this country under any pretenses which are founded upon these supposed decisions of the Supreme Court to one or one hundred men to hold in proprietorship and withhold from the uses of the people.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH]. [Putting the question.] The noes appear to have it.

Mr. DOLPH. Let us have a division.

The Senate proceeded to divide, and the ayes were 14——

Mr. DOLPH. Under the circumstances, if no one desires to discuss the bill further, I ask that unanimous consent be given that the amendment and the bill may be voted upon at 2 o'clock to-morrow, and I shall not press a vote at this time. There is other business which some Senators desire to transact this afternoon.

Mr. SHERMAN. I have no objection to letting the bill go over until to-morrow, but I do not think that in the present condition of the Senate we should undertake to make a unanimous agreement. It is not fair to the majority of the Senate, to say nothing more.

Mr. DOLPH. The bill is already up in pursuance of a unanimous agreement.

Mr. SHERMAN. I know that, but I do not believe in a unanimous agreement made by a small part of the Senate. Let the Senator simply move to lay the bill over until 2 o'clock to-morrow.

Mr. DOLPH. I do not wish to do that. It went over from last Monday by a unanimous agreement to vote upon it to-day. If anybody desires to discuss the bill, that is another thing; let Senators make speeches if they wish. If they do not, I simply suggest that we shall vote without discussion at an hour when we shall probably have a quorum present.

The PRESIDENT *pro tempore*. The Chair did not understand the unanimous agreement to be that the vote should be taken to-day at the close of the debate, but that the bill should come up for discussion.

Mr. DOLPH. Yes, the vote was to be taken to-day, I understand.

Mr. SHERMAN. That is the part I object to. I say the Senate should not now, in the present condition of the Chamber, make an agreement to vote at all, binding in honor. Of course if there was an unquestioned quorum present in the Senate, we might bind our absent colleagues, but for a minority to do so would not be right. I have no objection to letting the bill go over until to-morrow, and if there is a quorum to-morrow I am perfectly willing that a vote shall be taken.

FORT WALLACE MILITARY RESERVATION.

Mr. PLUMB. I ask unanimous consent, pending the decision of this matter, that there be taken up by the Senate the bill which I reported this morning from the Committee on Public Lands, the Senator from Vermont [Mr. EDMUNDS] having withdrawn his objection.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the pending business may be informally laid aside to enable him to move the consideration of the bill (S. 3597) to provide for the disposal of the Fort Wallace military reservation in Kansas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET KENNEDY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 307) for the relief of Margaret Kennedy.

Mr. STEWART. I move that the Senate disagree to the amendment, and ask for a conference thereon with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. SPOONER, and Mr. JONES of Arkansas were appointed.

MARTHA V. COLEMAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1264) granting a pension to Martha V. Coleman, which was, in line 4, to strike out "giving her, for life, the sum of twenty-five," and insert "and pay her a pension at the rate of twelve."

Mr. PADDOCK. I move that the Senate concur in the House amendment.

The motion was agreed to.

NORTHERN PACIFIC RAILROAD LAND GRANT.

Mr. DOLPH. At the suggestion of several Senators near me, I will modify my request and ask that the unfinished business, the Northern Pacific forfeiture bill, go over until after the conclusion of morning business to-morrow morning, without asking that there shall be a unanimous agreement to vote upon the bill at a particular time.

The PRESIDENT *pro tempore*. The pending question being on the motion of the Senator from Oregon to amend the bill by striking out and inserting what was read by the Secretary, if there be no objection the further consideration of the unfinished business will be postponed until to-morrow morning at the close of the routine morning business.

Mr. CALL. I do not consent to that arrangement unless it be understood that the resolution which it was agreed this morning should be taken up to-morrow morning is excepted from it.

Mr. TELLER. Will the Senator from Florida repeat his proposition?

Mr. CALL. The Senator from Oregon has asked unanimous consent that the pending bill be taken up to-morrow morning at the conclusion of the routine business. This morning it was agreed that the resolution submitted by me should come up for consideration to-morrow morning.

The PRESIDENT *pro tempore*. The resolution of the Senator from Florida will come up as morning business to-morrow in the morning hour before this bill can be considered.

Mr. CALL. That is all I desire.

MANON VANGORDON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 330) granting a pension to Manon Vangordon; which was to add to the bill "and pay him a pension of $18 a month."

Mr. PADDOCK. I move that the Senate concur in the House amendment.

The motion was agreed to.

JONAS DOERING.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3141) granting a pension to Jonas Doering; which was, in line 3, before the word "dollars," to strike out "fifty" and insert "forty."

Mr. SAWYER. I move that the Senate concur in the amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 7) granting a pension to Thomas B. Walsh;

A bill (H. R. 210) granting a pension to Ephraim Nye;

A bill (H. R. 308) granting a pension to John Lynn;

A bill (H. R. 855) for the relief of the heirs of Jacob Cramer;

A bill (H. R. 2499) increasing the pension of Miss Sarah Mary Carroll;

A bill (H. R. 2667) for the relief of Ida M. Howell;

A bill (H. R. 4649) granting a pension to Daniel Tanner;

A bill (H. R. 5408) granting a pension to Emma F. Read;

A bill (H. R. 6334) for the relief of Isaac Roshou;

A bill (H. R. 7344) granting a pension to Henrietta Waldron;

A bill (H. R. 7683) granting increase of pension to Hugh Brady;

A bill (H. R. 7877) to place Mary Karstetter on the pension-roll;

A bill (H. R. 7928) granting a pension to Samuel M. Reese;

A bill (H. R. 8755) granting a pension to Mary A. McCool;

A bill (H. R. 9173) granting a pension to Mary J. Drake;

A bill (H. R. 9175) granting a pension to George Wallen;

A bill (H. R. 9178) granting a pension to Jane Jackson;

A bill (H. R. 9296) granting a pension to Bridget Carroll;

A bill (H. R. 9668) granting a pension to Joseph Rosier;

A bill (H. R. 9791) for the relief of Charles W. Geddes;

A bill (H. R. 10109) granting a pension to Mrs. Anna Leach; and

A bill (H. R. 10769) granting a pension to John M. Krunk.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 4624) for the relief of the estate of John W. Whitfield;

A bill (H. R. 6622) for the relief of W. O. Wiatt, Edward Hughes, and J. W. Powell, session clerks of the Forty-ninth Congress;

A bill (H. R. 10042) for the relief of the estates of James H. Judkins and William T. Judkins;

A bill (H. R. 10866) to refer the claims against the United States of the trustees of the Cumberland Presbyterian Churches of Calhoun and Pulaski, Tenn.; and

A bill (H. R. 11495) for the relief of George H. Owen.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3112) for the relief of Phineas T. Richardson;

A bill (H. R. 6018) for the relief of George Campbell; and

A bill (H. R. 5009) to provide certain arms, ammunition, and equipage to the State of Oregon for the militia thereof.

The bill (H. R. 755) to appropriate $122.50 to reimburse the Indian committee of Western Yearly Meeting of Friends in Indiana for money expended by them in the purchase of Government lands in North Carolina for an Indian training-school was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 7718) for the relief of Milo McCrillis was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 10023) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 11227) for the relief of Henry Setzer was read twice by its title, and referred to the Committee on Finance.

WRECK OF STEAMER TALLAPOOSA.

Mr. CHANDLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 869) for the relief of the sufferers by

the wreck of the United States steamer Tallapoosa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment numbered 1 of the House, and agree to the same with the following amendment: Strike out from the original bill the words "one thousand" and insert the words "seven hundred and fifty."

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Page 3, line 26, strike out the words "or in case there be not such, then the parent or parents, and if there be no parents the brothers and sisters;" page 3, line 30, strike out the words "Clarence E. Black, passed assistant surgeon," and at the end of the section add: "*And provided further*, That there shall be paid out of the Treasury of the United States to the legal representatives of Clarence E. Black, passed assistant surgeon, United States Navy (deceased), the sum of $750."

J. D. CAMERON,
WM. E. CHANDLER,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.
T. J. CAMPBELL,
L. F. MCKINNEY,
DANIEL KERR,
Managers on the part of the House.

The report was concurred in.

PENSACOLA AND MEMPHIS RAILROAD.

Mr. CALL. I ask that Senate bill 3573, Order of Business 2340, being a bill to grant a right of way to a railroad now being built through the naval reservation at Pensacola, may be now considered. The bill is recommended by the Secretary of the Navy and by the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that the bill named by him may be now considered.

Mr. CULLOM. Do I understand that the bill comes from the Committee on Naval Affairs?

Mr. CALL. Yes, sir.

Mr. CULLOM. And is unanimously reported favorably?

Mr. CALL. Yes, sir.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3573) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations near Pensacola, in the State of Florida.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES WEITFLE.

Mr. TELLER. I ask consent of the Senate to call up the bill (S. 3485) restoring the homestead right of Charles Weitfle.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TELLER. I move to strike out the preamble.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was disagreed to.

Mr. TELLER. Having stricken out the preamble, the words "the said," in line 3 of the bill ought to be stricken out. It may be done by general consent.

The PRESIDENT *pro tempore*. By unanimous consent that amendment will be considered as agreed to.

DR. JOHN B. READ.

Mr. HAMPTON. I ask unanimous consent to call up Senate bill 3258, Order of Business 2026, a bill for the relief of Dr. John B. Read. I believe it is one of the first bills on the Calendar in order, and as I may be going away I should like to have it disposed of.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The SECRETARY. A bill (S. 3258) for the relief of Dr. John B. Read.

Mr. TELLER. I should like to inquire of the Senator how that happens? There has been one bill passed this session for Dr. Read's relief, and this seems to refer to the same matter.

Mr. HAMPTON. This is a bill that has come from the House of Representatives. There were some amendments that were made in the Senate on the Senate bill. I wish to substitute the House bill for the Senate bill.

Mr. TELLER. I should like to look at it. It is a matter I do not want to object to, but I want to look at the bill.

Mr. CHANDLER. I should like to ask the Senator from South Carolina whether this is not substantially the same bill as the one which passed the Senate, or whether it has been altered in material particulars?

Mr. HAMPTON. I wish to have the House bill passed in the form in which the Senate Committee on Military Affairs proposed to amend the Senate bill. The House passed a bill not conforming to the amendments made in the Senate. We struck out some words in the Senate bill and the House did not strike them out in its bill. I propose now to take up the House bill and amend it in accordance with the bill that was reported by the Senate committee.

Mr. TELLER. There is no objection to that.

The PRESIDENT *pro tempore*. Will the Senator from South Carolina send to the desk the number of the bill he desires considered? The Chair understands that the Senator desires to have a House bill considered.

Mr. HAMPTON. I send the House bill to the desk.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 10633) for the relief of Dr. John B. Read.

The PRESIDENT *pro tempore*. The House bill is before the Committee on Military Affairs and not yet reported.

Mr. HAMPTON. It was reported back. I reported it back with this amendment.

The PRESIDENT *pro tempore*. The House bill does not appear on the Calendar.

Mr. HAMPTON. I thought it had been reported before. I report it now, if I have not already done so.

The PRESIDENT *pro tempore*. The Senator from South Carolina reports from the Committee on Military Affairs favorably with amendments the bill (H. R. 10633) for the relief of Dr. John B. Read, and asks that the same be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. TELLER. The Senator I suppose wants to amend the House bill by substituting the Senate bill for it.

The PRESIDENT *pro tempore*. The House bill will now be read.

Mr. HAMPTON. I move to amend the House bill by making it correspond with the Senate bill.

The PRESIDENT *pro tempore*. The bill will be read at length, and the amendment will then be stated.

The bill was read.

The amendments reported by the Committee on Military Affairs were, in line 7, after the word "furnished," to strike out "by R. P. Parrott;" and in the same line, after "United States," to strike out "during the war of 1861 to 1865;" so as to make the bill read:

Be it enacted, etc., That the sum of $17,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay Dr. John B. Read his compensation as royalty on all rifle projectiles with iron sabots furnished to the United States, said sum of $17,000 to be received by said John B. Read as royalty upon all such projectiles so furnished to the United States, and in full satisfaction of his claim.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAMPTON. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. DAVIS, and Mr. HAMPTON were appointed.

The PRESIDENT *pro tempore*. If there be no objection, the bill (S. 3258) for the relief of Dr. John B. Read will be indefinitely postponed, the House bill on that subject having been passed.

ORDER OF BUSINESS.

Mr. SHERMAN. I desire to submit a privileged motion. I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I hope that the Senator from Ohio will not insist on that motion at this hour. I have a little District bill here that, I am informed by the commissioners, is very important to be passed promptly, to increase slightly the police force of the District.

Mr. SHERMAN. I withdraw the motion until 4 o'clock, but it is important that we should have an executive session to-day.

Mr. HARRIS. I am very anxious to get considered this police bill, if I can get the floor by that time; and if not at that time, I shall beg the Senator to let me have an opportunity to ask the Senate to consider the bill.

IMPORTATION OF CONTAGION OR INFECTION.

Mr. PASCO. I ask leave to offer an amendment to the resolution submitted by my colleague [Mr. CALL] on the 27th of September, and I ask that it may be printed to come up with the resolution to-morrow.

The PRESIDENT *pro tempore*. The proposed amendment will be received and printed.

THE LOUISIANA ELECTION.

Mr. CHANDLER. I now move that the resolution relative to the Louisiana election be taken up, and I shall ask that it be made the order for to-morrow during the morning hour.

The PRESIDENT *pro tempore*. There has been already an order assigned for the morning hour to-morrow.

Mr. CHANDLER. I move that this resolution be taken from the table.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed now to the consideration of the resolu-

tion in relation to the recent election in the State of Louisiana. The question is on that motion. [Putting the question.] The "noes" appear to have it by the sound.

Mr. SHERMAN. I ask unanimous consent that the Senator from New Hampshire have leave to withdraw his motion.

Mr. CHANDLER. I am not certain that I want leave.

A division was called for, and the ayes were 14.

Mr. HARRIS. I appeal to the Senator from New Hampshire not to ask a further division.

Mr. CHANDLER. Well, Mr. President, I stated the object of the motion.

Mr. HARRIS. At some very early day I shall certainly aid the Senator in any way I can to get consideration of the resolution, but at present I hope he will not insist upon a further division on his motion.

Mr. CHANDLER. I appreciate the suggestion of the Senator, but I stated before moving to take up the resolution that I should move to have it postponed until to-morrow.

Mr. HARRIS. So I understood.

Mr. CHANDLER. And I thought, under the circumstances, that the Senate would consent to take up the resolution. If Senators are inclined to vote against it, and there is any objection to taking it up, it seems to me I might as well have a division of the Senate now as at any other time.

Mr. SHERMAN. I do not suppose that to-morrow there will be a single objection. The resolution is now in such a position that the Senator can move at any time to take it up.

Mr. CHANDLER. Then I withdraw the motion to take up the resolution.

The PRESIDENT *pro tempore*. Does the Senator from Ohio renew his motion for an executive session?

Mr. SHERMAN. I said I would do so at 4 o'clock.

Mr. REAGAN. I hope the Senator will not make the motion just yet.

Mr. SHERMAN. Not until 4 o'clock.

JOHN J. CROOKE.

Mr. JONES, of Arkansas. I ask the Senate to take up House bill 2696, which was reported by the Senator from West Virginia [Mr. FAULKNER], who asked me to call it up and have it considered at some convenient time. It was favorably reported by the Committee on Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2696) for the relief of John J. Crooke. It directs the Secretary of the Treasury to pay $1,611.44 to John J. Crooke, for services rendered in imprinting internal-revenue stamps upon tin-foil tobacco-wrappers, from the 1st of July, 1884, to the 7th of October, 1884.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT POLICE FORCE.

Mr. HARRIS. I ask the Senate to proceed at this time to consider Order of Business 2036, being House bill 6677.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 10, after the words "Provided that," to strike out "forty-five" and insert "fifteen;" so as to made the section read:

That the act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, is hereby amended so as to authorize the commissioners of said District to increase said force to eleven lieutenants, thirty sergeants, three hundred and forty-five privates, nineteen station clerks, nine laborers, and the number of mounted men to thirty-five, as they may deem necessary, provided that fifteen of the increase in the number of privates hereby authorized shall be appointed to class 1, and forty-five to class 2 of said force; and a sum sufficient for the compensation for the fiscal year ending June 30, 1889, of the increase force herein authorized, at the rates now paid to like grade and services on said force, and for their equipment, is hereby appropriated.

The amendment was agreed to.

Mr. DAWES. I should like to inquire of the Senator from Tennessee the necessity for this bill after the increase of force provided for in the District appropriation bill?

Mr. HARRIS. That increase was wholly inadequate to the necessities of the case, in the opinion of the commissioners of the District, and the increase asked in this bill simply comes up to their recommendation, giving the credit diminished to the extent of those allowed by the appropriation bill.

Mr. DAWES. It is not in addition to those?

Mr. HARRIS. Not in addition, but it is an increase above what was allowed by the appropriation bill after giving credit by those that were allowed by the appropriation bill.

Mr. DAWES. That is to say, those in the appropriation bill and what this bill as amended will make the number. What came over from the House originally?

Mr. HARRIS. Yes; what the commissioners asked originally.

The next amendment of the Committee on the District of Columbia was to strike out section 2, as follows:

SEC. 2. That the sum of $15,600 is hereby appropriated for the purchase of a lot and the erection and furnishing of a station-house in northeast Washington by the commissioners of the District of Columbia.

The amendment was agreed to.

Mr. CHANDLER. I should like to have the Senator from Tennessee state more explicitly the effect of this bill, the extent to which the number of police officers is enlarged, and by whom the appointments of the new police officers are to be made.

Mr. HARRIS. My recollection is that the commissioners recommended—though I have not looked at their report since this bill was reported by the committee—an increase of one hundred men. The District appropriation bill authorized a slight increase. The increase made by the appropriation bill is deducted from the number of policemen asked by the commissioners, and this bill provides for furnishing the additional number. The policemen will be appointed by the commissioners of the District under existing law.

Mr. CHANDLER. How many, may I ask the Senator, will be the new appointments?

Mr. HARRIS. I do not remember the number provided for by the appropriation bill. Will the Senator from Massachusetts inform me?

Mr. DAWES. I can not give the number.

Mr. HARRIS. I think fifteen were provided for by the appropriation bill. Hence this bill will provide for, if my recollection is right, about eighty-five.

Mr. CHANDLER. Eighty-five new policemen?

Mr. HARRIS. That is my impression.

Mr. CHANDLER. Now, I ask the Senator from Tennessee or the Senator from Massachusetts whether the number allowed by the Committee on Appropriations was not deemed to be a sufficient increase at the present time?

Mr. DAWES. What led me to rise was this. After this bill came over from the House increasing the number to such an extent, the commissioners were before the Committee on Appropriations of the Senate and were heard upon the necessity of an increase, and the Committee on Appropriations of the Senate and the subcommittee of the House agreed upon the number of increase that was fixed in the appropriation bill.

This bill had already passed the House and was here and led to that investigation. It was the opinion of the Committee on Appropriations of the Senate, and of the Senate itself, the House finally concurring in it, that that increase was sufficient. I have no information as to anything that has transpired since then that would lead to a conclusion that it was not sufficient, and therefore I do not interpose; but that was the result of the investigation before the committees of both branches, and both branches passed ultimately upon the increase which is in the appropriation bill after this bill had gone from the House.

Mr. HARRIS. Mr. President, the commissioners of the District of Columbia in their annual report asked for an increase of the police force of the District of Columbia. They know a great deal better than I do what force they need. I deferred in committee and I defer here to their recommendation as to the number of policemen they need to regulate and look after the duties of policemen in the District of Columbia. I am inclined to think that they know better than I, better than the Committee on Appropriations, and better than my friend from New Hampshire, exactly what is necessary to meet the necessities here in respect to that force; and so believing, I favored in committee, as I favor here, the passage of the bill that allows them the amount of force they think they need, my theory being that we ought to give them the men they need and hold them responsible for the good order that a proper police force should enforce in this District.

If, however, the Senate think otherwise, I, of course, have no complaints to make and no discontents to cherish; but I shall follow the recommendations of the District commissioners, two of whom were here to-day endeavoring to impress me with the absolute importance not only of allowing the additional force, but allowing it promptly and at once.

Mr. DAWES. I suggest to the Senator that he had better let this lie over at least until the Senator from Kansas [Mr. PLUMB], who has charge of the District appropriation bill, is here and can more fully explain it.

The remarkable feature of this thing is, that after the commissioners had appeared before both committees and the result was the judgment of those committees, they come here in the absence of the Senator who had charge of that bill and appeal to the District Committee to carry out a view which they failed to impress upon the appropriations committees of both Houses. I have as much confidence in the judgment of these commissioners as, under all the circumstances, I can have. I do not take it——

Mr. HARRIS. Will the Senator from Massachusetts allow me to correct a slight mistake into which I think he has fallen?

Mr. DAWES. What is that?

Mr. HARRIS. He states that the commissioners were before the Committees on Appropriations of the House and Senate, and represented their view, and those committees arrived at a certain conclusion, and that afterwards they appealed to the Committees on the District of Columbia. In that the Senator is slightly mistaken. They had made their report and shown what in their opinion was necessary in this respect long before the Committee on Appropriations of either the House or the Senate considered the matter. They had asked for an increase of about one hundred men, and the House Committee on the District of Columbia (which, if the Senator will pardon me, I think, charged, as it is, with looking to the interests of the people of the District and of the District, is a little more reliable on a question such as that than the Committee on Appropriations) decided to allow the one hundred additional policemen that were needed. After that the Committees of Appropriations of the House and of the Senate agreed upon a slight increase, I think of about fifteen men.

I do not wonder that the House having agreed to give the commissioners an increase of one hundred men would accept the fifteen as the best they could do in the appropriation bill. They would accept fifteen or any number they could get, but the House had declared in favor of allowing the whole hundred, and the Senate Committee on the District of Columbia has also decided that the commissioners need and are entitled to the hundred.

Mr. DAWES. The Senator from Tennessee is mistaken in saying that I was mistaken in my statement. What I stated was that the peculiarity of this case was that after the commissioners had been before the Committees on Appropriations of both Houses and had been heard there, and the judgment of those committees had been passed upon by both Houses, the commissioners come here to-day and seek out the District Committee in the absence of the Senator who had charge of the bill that fixed the number. Now, I will state that on the strength of two things—the first is that I saw them here, and the next is that the Senator from Tennessee says they have been here.

Mr. HARRIS. The Senator might add that when he saw them here, he saw the Senator from Kansas, who was the chairman of the subcommittee of the Committee on Appropriations, in his seat. They did not seek to find that Senator absent, nor did the Senator from Tennessee seek to call up this bill in the absence of the Senator from Kansas or any other Senator.

Mr. DAWES. Then, Mr. President, it is more peculiar than ever that they came here and sought out the Committee on the District of Columbia when they saw the Senator from Kansas in his seat, who had charge of this whole matter and upon whose report both Houses had, after the passage of this bill by the House, fixed upon the number in the appropriation bill. If the Senator from Kansas was in his seat when they came here and sought out another committee, it is more remarkable than I stated before.

Mr. HARRIS. Does the Senator from Massachusetts hold that the Senator from Kansas has charge of District affairs? Is he to be consulted in respect to all legislation in relation to District affairs because the Committee on Appropriations has seen proper to make him the chairman of the subcommittee that sits in judgment on appropriations only? I am aware of the fact that that Committee on Appropriations seeks to grapple with and control every question of legislation in this if not in both Houses, but I do not quite yield to it. I have had the vanity to believe that the District Committee had some little control and some little jurisdiction, and ought to have some little influence in controlling such legislation as may be necessary for the District people.

Mr. DAWES. I did not think any such thing or say any such thing. Least of all should I think of charging upon the Senator from Tennessee when he had already announced that he surrendered his judgment entirely to that of the District commissioners——

Mr. HARRIS. In respect to that matter I do.

Mr. DAWES. Now I have an idea, Mr. President, that the committees of these two Houses and the Houses themselves have a responsibility about this matter, and as they have to make the appropriations it is very proper that they should determine what should be done with the appropriations. I may be mistaken about that, but I am not quite prepared myself, as the Senator from Tennessee is, to surrender my entire judgment to the commissioners of the District of Columbia.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. REAGAN. Before that motion is put I desire permission——

Mr. SHERMAN. If I yield now to the Senator I shall have to yield to others.

The PRESIDENT *pro tempore*. The Senator from Texas desires to give a notice.

Mr. REAGAN. I simply want to give notice that the Committee on Post-Offices and Post-Roads has reported unanimously a bill which increases to some degree the compensation of fourth-class postmasters, and if I can get the floor for the purpose I desire to get it up to-morrow and have the action of the Senate upon it.

Mr. HARRIS. I hope the Senator from Ohio will allow the Senate to dispose of the pending bill in whatever way it may choose to dispose of it.

Mr. SHERMAN. I think it had better lie over until to-morrow if the Senator desires to pass it. It is manifest it can not be passed now in the present condition of the Senate. I therefore insist upon my motion.

Mr. HARRIS. I doubt very much whether there is any opposition to the bill. I doubt whether either the Senator from New Hampshire or the Senator from Massachusetts will oppose the passage of the bill.

Mr. SHERMAN. They indicate that they will, and therefore it had better pass over.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, October 2, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate October 1, 1888.

COMMISSIONER OF INDIAN AFFAIRS.

John H. Oberly, of Illinois, to be Commissioner of Indian Affairs, *vice* John D. C. Atkins, resigned.

SUPERINTENDENT OF INDIAN SCHOOLS.

Samuel H. Albro, of Fredonia, N. Y., to be superintendent of Indian schools, to fill an original vacancy.

ASSAYER.

Van Court Yantes, of Missouri, to be assayer in charge of the United States assay office at St. Louis, Mo., *vice* Frank Nicholson, resigned.

UNITED STATES ATTORNEY.

George S. Duryee, of New Jersey, to be United States attorney for the district of New Jersey, *vice* Samuel F. Bigelow, whose nomination was rejected by the Senate.

UNITED STATES MARSHAL.

James A. Moore, of Nevada, to be marshal of the United States for the district of Nevada, *vice* Thomas E. Kelly, deceased.

JUDGES OF PROBATE.

J. R. Wilkins, to be judge of probate in Beaver County, Territory of Utah, *vice* F. R. Clayton, whose term has expired.

James S. Melville, to be judge of probate in Millard County, Territory of Utah, *vice* T. C. Callister, whose term has expired.

R. W. Cross, to be judge of probate in Weber County, Territory of Utah, *vice* L. W. Shurtleff, whose term has expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 25, 1888.

JUDGES OF PROBATE IN THE TERRITORY OF UTAH.

Thomas Brandon, in the county of Davis.
Pordon Dodds, in the county of Uintah.
John Houston, in the county of Garfield.
John A. Marshall, in the county of Salt Lake.
Francis L. Daggett, in the county of Washington.
Charles Foote, in the county of Juab.
S. V. Frazier, in the county of Rich.
William Goodwin, in the county of Cache.
S. V. Harkness, in the county of Emery.
Charles A. Herman, in the county of Tooele.
Jacob Johnson, in the county of San Pete.
L. B. Kinney, in the county of Sevier.
William G. Stark, in the county of Pi Ute.
Henry Shields, in the county of Summit.
William T. Stewart, in the county of Kane.

TERRITORIAL CHIEF-JUSTICE.

Charles E. Boyle, of Pennsylvania, to be chief-justice of the supreme court of Washington Territory.

PROMOTION IN THE REVENUE SERVICE.

Third Lieut. Augustus Y. Lowe, to be a second lieutenant in the revenue service of the United States.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Lambert Tree, of Illinois, to be envoy extraordinary and minister plenipotentiary of the United States to Russia.

SECRETARIES OF LEGATION.

Charles K. Holliday, of Kansas, to be secretary of legation of the United States to Venezuela.

Howard Martin, of New York, to be secretary of the legation of the United States to China.

Henry L. Vilas, of New York, to be secretary of the legation of the United States, to the Argentine Republic.

Henry R. Whitehouse, of New York, to be secretary of the legation of the United States, to Mexico.

PROMOTIONS IN THE ARMY.

Pay Department.

Maj. William Smith, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, September 6, 1888, *vice* Johnston, retired from active service.

Second Regiment of Artillery.

Second Lieut. George F. Barney, to be first lieutenant, September 3, 1888, *vice* Howard, deceased.

Judge-Advocate-General's Department.

Maj. Herbert P. Curtis, judge-advocate, to be deputy judge-advocate-general with the rank of lieutenant-colonel, September 10, 1888, *vice* Burnham, retired from active service.

APPOINTMENTS IN THE ARMY.

Second Regiment of Artillery.

Additional Second Lieut. William S. Pierce, of the First Artillery, to be second lieutenant, September 3, 1888, *vice* Barney, promoted.

Twenty-fifth Regiment of Infantry.

Additional Second Lieut. Charles G. French, of the Twentieth Infantry, to be second lieutenant, September 1, 1888, *vice* Adams, resigned.

Executive nominations confirmed by the Senate October 1, 1888.

REGISTER OF LAND OFFICE.

John B. Baird to be register of land office, Seattle, Wash.

INSPECTOR-GENERAL.

Capt. Henry W. Lawton, Fourth Cavalry, to be inspector-general with the rank of major.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

John G. Parkhurst, of Michigan, to be envoy extraordinary and minister plenipotentiary of the United States to Belgium.

MISSISSIPPI RIVER COMMISSION.

Professor George Davidson, of California, an assistant in the United States Coast and Geodetic Survey, to be a member of the Mississippi River Commission to represent the United States Coast and Geodetic Survey on said commission.

HOUSE OF REPRESENTATIVES.

MONDAY, *October* 1, 1888.

The House met at 12 o'clock m., and was called to order by Mr. MCCREARY as Speaker *pro tempore*.

The following letter was read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., September 29, 1888.

DEAR SIR: I shall be absent from the city on Monday, and hereby designate Hon. JAMES B. MCCREARY to preside as Speaker *pro tempore* on that day.

Yours, respectfully,

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Prayer was offered by Rev. J. H. CUTHBERT, D.D.

The Journal of the proceedings of Friday last was read and approved.

NAVIGATION OF POTOMAC RIVER.

On motion of Mr. THOMAS H. B. BROWNE, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (H. R. 5697) to provide an ice boat or boats to facilitate the navigation of the Potomac River; and the same was referred to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LIND, indefinitely.

To Mr. BACON, for six days, on account of important business.

To Mr. SCULL, for three days, on account of important business.

To Mr. NORWOOD, indefinitely, on account of sickness in his family.

To Mr. BLOUNT, indefinitely, on account of important business.

To Mr. RUSSELL, of Connecticut, indefinitely, on account of important business.

To Mr. MCCOMAS, indefinitely, on account of important business.

To Mr. HUNTER, indefinitely, on account of important business.

To Mr. THOMAS, of Wisconsin, indefinitely, on account of important business.

To Mr. CROUSE, indefinitely, on account of important business.

To Mr. ANDERSON, of Kansas, indefinitely, on account of important business.

To Mr. COBB, indefinitely, on account of important business.

To Mr. LAIRD, indefinitely, on account of important business.

To Mr. HOLMAN, indefinitely, on account of important business.

To Mr. CRISP, indefinitely, on account of important business.

To Mr. JOHNSTON, of Indiana, indefinitely, on account of important business.

To Mr. HOPKINS, of New York, indefinitely, on account of important business.

To Mr. CARLTON, indefinitely, on account of urgent and important business.

REGULATION OF COMMERCE.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. LAWLER] asks permission to withdraw from the files of the Committee on Commerce the bill (H. R. 11147) to amend an act entitled "An act to regulate commerce," passed February 4, 1887.

There being no objection, leave was granted.

SIBLEY CLAIM.

Mr. OATES. I ask unanimous consent to substitute on the Calendar the Senate bill for the House bill in the case of what is known as the Sibley claim.

Mr. DINGLEY. Are the two bills identical?

Mr. OATES. They are.

The SPEAKER *pro tempore*. In the absence of objection that order will be made. The Chair hears no objection. The gentleman from Alabama [Mr. OATES] will furnish the Senate bill to the Clerk.

There being no objection, Senate bill 518 was placed on the Private Calendar, and House bill 3007 was laid on the table.

Mr. KERR subsequently, during the call of States and Territories, said: Mr. Speaker, in regard to the Sibley matter called up a few moments ago by the gentleman from Alabama [Mr. OATES], I ask unanimous consent to substitute the minority report——

The SPEAKER *pro tempore*. That request can not be entertained at this time.

Mr. KERR. When will it be in order?

The SPEAKER *pro tempore*. The request can be made after the call of States and Territories is concluded.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and resolutions.

CAMPS FOR YELLOW-FEVER REFUGEES.

Mr. WHEELER introduced a bill (H. R. 11530) to establish camps for yellow-fever refugees, and for other purposes; which was read a first and second time.

Mr. WHEELER. This bill is similar to one which I introduced last Monday, and which was referred to the Committee on Military Affairs. As that committee is now without a quorum, I have introduced this bill, and ask that it be referred to the Committee on Expenditures in the Treasury Department.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

The bill was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

CONSIDERATION OF COMMITTEE BUSINESS.

Mr. WHEELER introduced the following resolution:

Resolved, First. That the Speaker set apart a day for the consideration of bills and resolutions for each committee of the House which has not had an entire day allotted to it during the present session.

Second. That the chairmen of those committees desiring the benefit of the provisions of this resolution shall apply in writing to the Speaker of the House for such arrangement.

Third. That upon the day set apart for or assigned to any committee said committee may call up for consideration any bill which said committee has reported to the House.

Mr. WHEELER. I do not think there will be any objection to this resolution, and I ask that it may be considered now.

The SPEAKER *pro tempore*. That request can not be entertained at this time. The resolution will be referred to the Committee on Rules.

COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. WHEELER also introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That Thursday, October 4, and Saturday, October 6, be set apart for the consideration of bills reported from the Committee on Expenditures in the Treasury Department.

QUORUM FOR CONGRESSIONAL LEGISLATION.

Mr. WHEELER also introduced a joint resolution (H. Res. 226) proposing an amendment to the Constitution changing the existing requirements as to the number of members of either House that shall constitute a quorum; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONTAGIOUS DISEASES.

Mr. DOUGHERTY introduced a bill (H. R. 11531) to prevent the introduction of contagious diseases from one State to another, and for the punishment of certain offenses; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INVESTIGATION OF YELLOW FEVER.

Mr. DOUGHERTY also introduced a bill (H. R. 11532) to establish a scientific bureau in the city of Jacksonville, Fla., to gather facts in

relation to yellow fever, its origin and spread, and the best means of suppressing and preventing it; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONTRACT FOR FEDERAL BUILDING, BROOKLYN, N. Y.

Mr. CHEADLE offered the following resolution; which was read, and referred to the Committee on Expenditures on Public Buildings:

Whereas it is reported in the public prints that the contract for the construction of the Brooklyn Federal building was awarded, after advertisement, to one Gobel, of Chicago, at his bid of $623,000, and that said Gobel failed to comply with the terms of said contract, and that the Supervising Architect has forfeited said Gobel's check for $1,000 deposited with his bid, and that said official has since awarded the contract, without readvertising the same, to Bernard Gallagher, of Brooklyn, at his bid of $860,000; and

Whereas it was reported that said Gobel had undue advantages in the matter of information which other contractors said that with these advantages they would have reduced their bids: Therefore be it

Resolved, That the Secretary of the Treasury be requested to inquire into all the facts in the said award of contracts to said Gobel and Gallagher, and the law relating to the letting of contracts for the construction of public buildings, and to report without delay to the House whether there has been any dereliction of duty on the part of any official in failing to readvertise for proposals to build said building and in awarding the contract to said Gallagher upon the first advertisement and at a figure nearly a quarter of a million dollars more than the lowest offer submitted at said first letting.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced the approval of bills and joint resolutions of the following titles:

An act (H. R. 1604) to change the time of the sessions of the circuit and district courts for the western district of Missouri;

Joint resolution (H. Res. 225) to continue the provisions of existing laws providing temporarily for the expenditures of the Government;

An act (H. R. 11446) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884;

An act (H. R. 8751) providing for the erection of sundry light-houses and fog-signals in Lakes Superior, Huron, Erie, and Michigan, and range-lights in Lake St. Clair and Detroit River;

An act (H. R. 5059) to provide for the erection of a public building in the city of Watertown, in the State of New York;

An act (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts;

Joint resolution (H. Res. 223) declaring the meaning of a clause in the river and harbor act of August 11, 1888;

An act (H. R. 1216) for the investigation of the mining-débris question in the State of California;

An act (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes;

An act (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico;

An act (H. R. 10931) to transfer to the State of Louisiana for quarantine purposes the possession of certain lands on the Mississippi River belonging to the United States, and for other purposes;

An act (H. R. 11336), a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882;

An act (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor;

An act (H. R. 8665) to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

TEMPORARY SUPPORT OF COMMON SCHOOLS.

Mr. MCCOMAS offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Tuesday and Wednesday, January 8 and 9, 1889, immediately after the reading of the Journal, be set apart for the consideration of Senate bill 371, to aid in the establishment and temporary support of common schools; this to be a continuing order until two days shall have been occupied.

HARNEY LAND DISTRICT, OREGON.

Mr. HERMANN offered the following resolution; which was read, and referred to the Committee on the Public Lands:

Whereas this Congress, on May 3, 1888, passed an act (Senate bill 555) creating an additional land district in the State of Oregon, embracing an area of nearly 10,000,000 acres of the public domain, and providing for the creation and establishment of a land office and for the appointment of a register and receiver thereof by the President of the United States; and

Whereas the Public Lands Committee of this House represented to Congress in their report on said bill that said district is 150 miles in length east and west and 102 miles north and south, and that many poor settlers therein have no land office nearer than 160 miles, thus imposing upon them great hardships and expense to reach said office to secure their titles to lands or to contest for their rights in the numerous conflicts between the settlers and certain swamp-land owners and syndicates, rendering it imperatively necessary at the earliest practicable moment that an additional land office be established as provided for in said act; and

Whereas said act was approved by the President of the United States, and the same became a law in the month of June last; and

Whereas a long interval of time has elapsed and no further action has been had in executing the provisions of said law, to the great inconvenience and injury of the large number of settlers residing on the public lands within said land district: Therefore be it hereby

Resolved by the House of Representatives, That the President of the United States be, and he is hereby, requested to inform this House what occasion, if any, exists for the delay in the designation and establishment of a public land office in Harney land district, in the State of Oregon, and in the appointment of the necessary officers therefor, as provided by law.

YELLOW-FEVER COMMISSIONERS.

Mr. PHELAN introduced a bill (H. R. 11533) to provide for the appointment of a board of yellow-fever commissioners to investigate the sanitary conditions of foreign infected places and to provide for the co-operation of Spain and Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PREVENTION OF TRUSTS.

Mr. LANHAM offered the following resolution; which was read and referred to the Committee on Rules, and subsequently ordered to be printed in the RECORD:

Resolved, That it is the sense of the House that appropriate legislation for the prevention and suppression of "trusts" is imperatively demanded in behalf of the great body of the American people, and that the remainder of this session, or so much thereof as may be required, should be devoted to the perfection of such legislation, and to this end all other legislative business except general appropriation and tariff bills should be subordinated until the purpose of this resolution be attained.

Mr. ABBOTT introduced a bill (H. R. 11534) for the prevention of trusts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. KILGORE submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Enrolled Bills be authorized to employ one additional clerk during the remainder of the present session of Congress, at not more than $5 a day; said employment to begin from and including the 27th day of September, 1888.

HENRY H. SIBLEY.

Mr. OATES. Mr. Speaker, the request I made a few moments ago I now desire to renew; which is to substitute on the Calendar the Senate bill No. 518 for the House bill No. 3007, for the relief of the legal representatives of Henry H. Sibley, deceased, with the accompanying reports, and to lay the House bill on the table.

The SPEAKER *pro tempore*. Without objection the order requested by the gentleman from Alabama will be made, and the House bill referred to by him will be laid on the table.

There was no objection, and it was so ordered.

CHICAGO POST-OFFICE.

Mr. SOWDEN submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That a subcommittee of three of the Committee on Public Buildings and Grounds be, and is hereby, authorized to proceed to the city of Chicago, Ill., for the purpose of inspecting the post-office building at said place, to ascertain the cost, if any, of its enlargement; and the Clerk of the House of Representatives is hereby directed to pay out of the contingent fund the necessary expense of said inspection to an amount not exceeding $500.

Mr. DINGLEY. Should not that have been referred to the Committee on Public Buildings and Grounds?

The SPEAKER *pro tempore*. The gentleman asked its reference to the Committee on Accounts.

Mr. DINGLEY. Obviously it can not be a privileged resolution, even if reported by the Committee on Accounts.

Mr. SOWDEN. That is the committee which has charge of the expenditures out of the contingent fund, and this resolution has reference to that fund.

Mr. DINGLEY. If the gentleman desires that reference I do not object, but I only call attention to the fact that it will not give it any privilege in reporting the resolution.

ELECTRIC LIGHTS FOR THE HOUSE, ETC.

Mr. SOWDEN also submitted the following resolution; which was read:

Resolved, That the subcommittee on electric lights for the House wing of the Capitol of the Committee on Public Buildings and Grounds be, and is hereby, authorized to sit during the recess of Congress.

Mr. SOWDEN. I ask unanimous consent for the present consideration of that resolution.

Mr. DINGLEY. I reserve the right to object for the purpose of hearing the object in view.

Mr. MCKENNA. I wish to make a parliamentary inquiry. What recess is referred to? When is this to commence?

Mr. BRECKINRIDGE, of Kentucky. Let the resolution be again reported.

The resolution was again read.

Mr. SOWDEN. This was adopted by the Committee on Public Buildings and Grounds, having the matter in charge and investigating the lighting of the Capitol. The committee authorized me for its chairman, he being absent, to present the resolution and ask consent of the House for its adoption. It is not an unusual request.

Mr. OATES. What recess is referred to; during or between the sessions?

Mr. SOWDEN. That depends upon the duration of the present session.

Mr. OATES. I object, if it is an indefinite thing.

Mr. SOWDEN. Then I ask that it be referred to the Committee on Public Buildings and Grounds.

There was no objection, and it was so ordered.

CHINESE EXCLUSION.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States:

To the Congress:

I have this day approved House bill No. 11336, supplementary to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

It seems to me that some suggestions and recommendations may properly accompany my approval of this bill.

Its object is to more effectually accomplish by legislation the exclusion from this country of Chinese laborers.

The experiment of blending the social habits and mutual race idiosyncracies of the Chinese laboring classes with those of the great body of the people of the United States has been proved by the experience of twenty years, and ever since the Burlingame treaty of 1868, to be in every sense unwise, impolitic, and injurious to both nations. With the lapse of time the necessity for its abandonment has grown in force, until those having in charge the government of the respective countries have resolved to modify and sufficiently abrogate all those features of prior conventional arrangements which permitted the coming of Chinese laborers to the United States.

In modification of prior conventions the treaty of November 17, 1880, was concluded, whereby, in the first article thereof, it was agreed that the United States should at will regulate, limit, or suspend the coming of Chinese laborers to the United States, but not absolutely prohibit it; and under this article an act of Congress, approved May 6, 1882 (see volume 22, page 58, Statutes at Large), and amended July 5, 1884 (volume 23, page 115, Statutes at Large), suspended for ten years the coming of Chinese laborers to the United States, and regulated the going and coming of such Chinese laborers as were at that time in the United States.

It was, however, soon made evident that the mercenary greed of the parties who were trading in the labor of this class of the Chinese population was proving too strong for the just execution of the law, and that the virtual defeat of the object and intent of both law and treaty was being fraudulently accomplished by false pretense and perjury, contrary to the expressed will of both Governments.

To such an extent has the successful violation of the treaty and the laws enacted for its execution progressed that the courts in the Pacific States have been for some time past overwhelmed by the examination of cases of Chinese laborers who are charged with having entered our ports under fraudulent certificates of return or seek to establish by perjury the claim of prior residence.

Such demonstration of the inoperative and inefficient condition of the treaty and law has produced deep-seated and increasing discontent among the people of the United States, and especially with those resident on the Pacific coast. This has induced me to omit no effort to find an effectual remedy for the evils complained of, and to answer the earnest popular demand for the absolute exclusion of Chinese laborers having objects and purposes unlike our own, and wholly disconnected with American citizenship.

Aided by the presence in this country of able and intelligent diplomatic and consular officers of the Chinese Government, and the representations made from time to time by our minister in China under the instructions of the Department of State, the actual condition of public sentiment and the status of affairs in the United States has been fully made known to the Government of China.

The necessity for remedy has been fully appreciated by that Government, and in August, 1886, our minister at Peking received from the Chinese foreign office a communication announcing that China, of her own accord, proposed to establish a system of strict and absolute prohibition of her laborers, under heavy penalties, from coming to the United States, and likewise to prohibit the return to the United States of any Chinese laborer who had at any time gone back to China "in order" (in the words of the communication) "that the Chinese laborers may gradually be reduced in number and causes of danger averted and lives preserved."

This view of the Chinese Government, so completely in harmony with that of the United States, was by my direction speedily formulated in a treaty draught between the two nations, embodying the propositions so presented by the Chinese foreign office.

The deliberations, frequent oral discussions, and correspondence on the general questions that ensued have been fully communicated by me to the Senate at the present session, and, as contained in Senate Executive Document O, parts I and 2, and in Senate Executive Document No. 272, may be properly referred to as containing a complete history of the transaction.

It is thus easy to learn how the joint desires and unequivocal mutual understanding of the two Governments were brought into articulated form in the treaty, which, after a mutual exhibition of plenary powers from the respective Governments, was signed and concluded by the plenipotentiaries of the United States and China at this capital on March 12 last.

Being submitted for the advice and consent of the Senate, its confirmation, on the 7th day of May last, was accompanied by two amendments, which that body ingrafted upon it.

On the 12th day of the same month the Chinese minister, who was the plenipotentiary of his Government in the negotiation and the conclusion of the treaty, in a note to the Secretary of State, gave his approval to these amendments, "as they did not alter the terms of the treaty," and the amendments were at once telegraphed to China, whither the original treaty had previously been sent immediately after its signature on March 12.

On the 13th day of last month I approved Senate bill No. 3304 "to prohibit the coming of Chinese laborers to the United States." This bill was intended to supplement the treaty, and was approved in the confident anticipation of an early exchange of ratifications of the treaty and its amendments and the proclamation of the same, upon which event the legislation so approved was by its terms to take effect.

No information of any definite action upon the treaty by the Chinese Government was received until the 21st ultimo—the day the bill which I have just approved was presented to me—when a telegram from our minister at Peking to the Secretary of State announced the refusal of the Chinese Government to exchange ratifications of the treaty unless further discussion should be had with a view to shorten the period stipulated in the treaty for the exclusion of Chinese laborers, and to change the conditions agreed on, which should entitle any Chinese laborer who might go back to China to return again to the United States.

By a note from the chargé d'affaires *ad interim* of China to the Secretary of State, received on the evening of the 25th ultimo (a copy of which is herewith transmitted, together with the reply thereto), a third amendment is proposed, whereby the certificate, under which any departing Chinese laborer alleging the possession of property in the United States would be enabled to return to this country, should be granted by the Chinese consul instead of the United States collector, as had been provided in the treaty.

The obvious and necessary effect of this last proposition would be practically to place the execution of the treaty beyond the control of the United States.

Article I of the treaty proposed to be so materially altered, had, in the course of the negotiations, been settled in acquiescence with the request of the Chinese plenipotentiary, and to his expressed satisfaction.

In 1886, as appears in the documents heretofore referred to, the Chinese foreign office had formally proposed to our minister strict exclusion of Chinese laborers from the United States without limitation; and had otherwise and more definitely stated that no term whatever for exclusion was necessary, for the reason that China would of itself take steps to prevent its laborers from coming to the United States.

In the course of negotiations that followed suggestions from the same quarter led to the insertion in behalf of the United States of a term of "thirty years," and this term, upon the representations of the Chinese plenipotentiary, was reduced to "twenty years," and finally so agreed upon.

Article II was wholly of Chinese origination, and to that alone owes its presence in the treaty.

And it is here pertinent to remark that everywhere in the United States laws for the collection of debts are equally available to all creditors without respect to race, sex, nationality, or place of residence, and equally with the citizens or subjects of the most favored nations and with the citizens of the United States recovery can be had in any court of justice in the United States by a subject of China, whether of the laboring or any other class.

No disability accrues from non-residence of a plaintiff, whose claim can be enforced in the usual way by him or his assignee or attorney in our courts of justice.

In this respect it can not be alleged that there exists the slightest discrimination against Chinese subjects, and it is a notable fact that large trading firms and companies and individual merchants and traders of that nation are profitably established at numerous points throughout the Union, in whose hands every claim transmitted by an absent Chinaman of a just and lawful nature could be completely enforced.

The admitted and paramount right and duty of every government to exclude from its borders all elements of foreign population which for any reason retard its prosperity or are detrimental to the moral and physical health of its people, must be regarded as a recognized canon of international law and intercourse. China herself has not dissented from this doctrine, but has, by the expressions to which I have referred, led us confidently to rely upon such action on her part in co-operation with us as would enforce the exclusion of Chinese laborers from our country.

This co-operation has not, however, been accorded us. Thus from the unexpected and disappointing refusal of the Chinese Government to confirm the acts of its authorized agent and to carry into effect an international agreement, the main feature of which was voluntarily presented by that Government for our acceptance, and which had been the subject of long and careful deliberation, an emergency has arisen in which the Government of the United States is called upon to act in self-defense by the exercise of its legislative power. I can not but regard the expressed demand on the part of China for a re-examination and renewed discussion of the topics so completely covered by mutual treaty stipulations as an indefinite postponement and practical abandonment of the objects we have in view, to which the Government of China may justly be considered as pledged.

The facts and circumstances which I have narrated lead me, in the performance of what seems to me to be my official duty, to join the Congress in dealing legislatively with the question of the exclusion of Chinese laborers, in lieu of further attempts to adjust it by international agreement.

But while thus exercising our undoubted right in the interests of our people and for the general welfare of our country, justice and fairness seem to require that some provision should be made by act or joint resolution, under which such Chinese laborers as shall actually have embarked on their return to the United States before the passage of the law this day approved, and are now on their way, may be permitted to land provided they have duly and lawfully obtained and shall present certificates heretofore issued permitting them to return in accordance with the provisions of existing law.

Nor should our recourse to legislative measures of exclusion cause us to retire from the offer we have made to indemnify such Chinese subjects as have suffered damage through violence in the remote and comparatively unsettled portions of our country at the hands of lawless men. Therefore I recommend that, without acknowledging legal liability therefor, but because it was stipulated in the treaty which has failed to take effect, and in a spirit of humanity befitting our nation, there be appropriated the sum of $276,619.75, payable to the Chinese minister at this capital on behalf of his Government as full indemnity for all losses and injuries sustained by Chinese subjects in the manner and under the circumstances mentioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *October* 1, 1888.

Mr. BRECKINRIDGE, of Kentucky. I move that the message be printed and referred to the Committee on Foreign Affairs.

Mr. EZRA B. TAYLOR. I move to amend by referring it to the Committee on Invalid Pensions.

Mr. HOOKER. I move to lay that motion on the table, if in order.

The SPEAKER *pro tempore*. The question will be first taken on the amendment of the gentleman from Ohio.

The amendment was rejected.

The motion of Mr. BRECKINRIDGE, of Kentucky, was agreed to.

NICARAGUA SHIP-CANAL.

Mr. DUNN. I move to suspend the rules and pass the bill I send to the Clerk's desk.

The SPEAKER *pro tempore*. The bill will be read.

The Clerk read the title of the bill, as follows:

A bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

Mr. WARNER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WARNER. Has the motion of the gentleman from Arkansas been stated by the Chair?

The SPEAKER *pro tempore*. The gentleman will remember that this is the first Monday in the month, and the rules provide to-day for what is known as individual suspensions. The gentleman from Arkansas was recognized and sent up a bill to be read. The Chair directed the Clerk to report the bill sent up by the gentleman.

Mr. WARNER. I was waiting for the Chair to state the motion of the gentleman from Arkansas, and supposed that would be done before the reading of the bill was proceeded with.

My purpose, Mr. Speaker, is this: There is now unfinished business pending which comes over from the last suspension day and which takes precedence of any other business of this character.

Mr. DUNN. I think, if it is the opinion of the Chair that the business referred to by the gentleman from Missouri comes over as unfinished business to-day, the gentleman and I can have an understanding about that which will be satisfactory. If it stands as the unfinished business now, I ask unanimous consent that that unfinished business be passed over without prejudice, to stand as the first order of unfinished business of this class hereafter. The gentleman, I understand, will accept that suggestion.

Mr. HOOKER. I object to any arrangement about disposing of the unfinished business until that question comes before the House in its regular way.

Mr. WARNER. The Speaker of this House on two occasions has decided the status of the Oklahoma bill. First, it was called on committee suspension day, and it came over as unfinished business to the individual suspension day. Then it was a question whether or not it had precedence over other business on that day; and the Speaker held that it had, as unfinished business. Now it comes again to the individual suspension day and occupies that status now. It is the regular order, and the only thing that can be called up at this time under a suspension of the rules. I am aware, Mr. Speaker, that a quorum will be called at this time on the consideration of the Oklahoma bill, and anxious as I am for the passage of that bill, and while I might be justified in standing in the way of all other legislation until it can be considered in this House, I am not disposed to get in the way of measures that can be acted upon by this House, provided the Oklahoma bill shall not lose its place, but shall remain as unfinished business, and upon the next suspension day shall occupy the same position that it occupies to-day; in other words, should a quorum be called upon and the measure which the gentleman from Arkansas now proposes go over to the next suspension day, that the Oklahoma bill should not lose its place as unfinished business.

If that arrangement can be made, I have no desire to prevent the present consideration of the measure proposed by the gentleman from Arkansas; otherwise I shall demand the regular order.

Mr. DUNN. I distinctly agree to that, with the statement that in my opinion it will not violate the rules of this House, nor will it displace that bill as being the pending unfinished business.

Mr. HOOKER. I want it distinctly understood that I object to any agreement of that kind being made, independent of the question contained in the bill of the gentleman from Arkansas. When the Oklahoma matter arises again I want to raise the question that it has already had its day in court, and that it is not the regular order. Both the gentleman from Arkansas [Mr. DUNN] and the gentleman from Missouri [Mr. WARNER] are in favor of that bill, and I do not want to sit here and permit an agreement to be made which will prevent me from making the point of order on the Oklahoma bill.

Mr. DUNN. I am perfectly satisfied that the friends of the Oklahoma bill can rest safely upon the rules of the House for the rights of that measure whenever a quorum shall appear to consider it, and I do not think that it needs unanimous consent to sanction the understanding between myself and the gentleman from Missouri [Mr. WARNER], nor do I think that our understanding will affect the holding of the Chair upon the question; and the gentleman from Mississippi [Mr. HOOKER] can not interpose an objection to the ruling by the Chair on the order of business. That is the province of the Chair, and it does not rest with the House nor with any member of the House on an objection.

Mr. HOOKER. What I rose for, Mr. Speaker, was with the view of stating that I will not sit by and permit an agreement to be made as to what constitutes the order of business or as to whether the Oklahoma bill is the order of business, and whether we will not dispose of that now; but I shall object to any agreement made by these gentlemen so as to give the Oklahoma bill any attitude that it does not occupy; and now I ask the present occupant of the chair as to whether it is the regular order or not?

Mr. WARNER. I presume the present occupant of the chair takes judicial notice, if I might so state, of the rulings of the Speaker of the House. The Speaker of the House has decided the status of the Oklahoma bill without any agreement between the gentleman from Arkansas and myself and against the objection of the gentleman from Mississippi [Mr. HOOKER].

Mr. DUNN. I think so.

Mr. BAKER, of New York. When was that done?

Mr. WARNER. On two occasions. But this is the question, Mr. Speaker. The attitude I do not want to put the Oklahoma bill in by consenting to the consideration of the measure of the gentleman from Arkansas [Mr. DUNN], should that fail of passage, is the attitude of making the Nicaragua bill come over as unfinished business and have preference over the Oklahoma bill at the next suspension day. That is the attitude in which I do not want the bill to get. If the friends of this measure wish to bring it up and let it take its chances I have no objection, and shall not call the regular order with that understanding; but if that understanding can not be had, Mr. Speaker, I shall call for the regular order.

Mr. DUNN. I ask the Chair to state what the operation of the rule will be without any agreement or understanding.

The SPEAKER *pro tempore*. It will be the duty of the Chair, if the unfinished business coming over from the last individual suspension day is asked for, to take up that business, but if the gentleman from Missouri or any other member does not ask for the unfinished business that comes over from the last individual suspension day, the Chair will not feel it to be his duty to call up that business, but will recognize the gentleman from Arkansas.

Mr. DUNN. If it is not called up, is it in any way prejudiced as to its order?

Mr. RYAN. I desire to ask a parliamentary question if it is proper for the Chair to answer it, and the question is this: Suppose a quorum is called on the pending measure, and that should go over as unfinished business because of the want of a quorum, and at the next day proper for the consideration of this class of business the question of priority should come up, which would have priority, the pending question or the Oklahoma bill, which is now pending as unfinished business?

The SPEAKER *pro tempore*. The Chair has an opinion on that subject; but as the present occupant will not be in the chair at that time, he thinks it would be improper for him to decide the question now.

Mr. RYAN. I think the opinion of the Chair at this time would relieve the embarrassment.

Mr. DUNN. I desire to call the attention of gentlemen to the ruling of the Speaker on the last day when such a question arose. There were two orders of unfinished business. One was the bill moved by the gentleman from Illinois [Mr. TOWNSHEND], and the other was the Oklahoma bill. The Chair held in that case, when the question came up, that the bill moved by the gentleman from Illinois [Mr. TOWNSHEND] must be first disposed of; and that is the order in which the bills were considered; that is, the bill of the gentleman from Illinois [Mr. TOWNSHEND] was disposed of, and the other failed for want of a quorum.

The SPEAKER *pro tempore*. The Chair will direct the Clerk to continue the reading of the bill presented by the gentleman from Arkansas [Mr. DUNN].

Mr. RYAN. I have no doubt that the Oklahoma bill would have priority, as it is the first unfinished business in order.

Mr. BAKER, of New York. I would like to ask a question for information.

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. RYAN] has the floor.

Mr. RYAN. The embarrassment that exists in the minds of some of the friends of the Oklahoma bill is this: If we go on to-day accumulating unfinished business of the same class, when that class of business comes up hereafter, will the Oklahoma bill have priority over the other measures?

Mr. BAKER, of New York. I desire to ask a question for information. I would like to know what is the status of the Oklahoma bill?

The SPEAKER *pro tempore*. It was considered on the last individual suspension day, but its consideration was not completed.

Mr. BAKER, of New York. But, Mr. Speaker, the bill that was considered on the last individual suspension day is not the bill that has been reported from the committee. It is an entirely different bill, resembling, of course, the bill which has been reported to the House by the Committee on Territories, but still a different measure.

Mr. RYAN. That has nothing to do with the pending question.

Mr. BAKER, of New York. It is very different in some of its provisions from the bill of the committee.

Mr. RYAN. It does not matter where the bill originated, it is the bill that was pending and is unfinished business.

The SPEAKER *pro tempore*. The Chair does not understand any gentleman to call up the Oklahoma bill. The Chair had already recognized the gentleman from Arkansas, and the Clerk will now report the bill called up by him.

Mr. BAKER, of New York. I certainly have no intention of calling up the Oklahoma bill, either now or at any time.

Mr. HOOKER. In reply to the inquiry of the gentleman from New York [Mr. BAKER] as to the status of the Oklahoma bill, I would respectfully suggest that it is *non est inventus*.

The Clerk proceeded to read the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

Mr. WARNER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WARNER. Would it be in the power of the gentleman from Arkansas [Mr. DUNN] to withdraw that bill at any time before it is seconded?

Mr. HOOKER. Mr. Speaker, I submit that until the gentleman from Arkansas [Mr. DUNN] proposes to do that it would be premature for the Chair to answer the question.

Mr. WARNER. I am asking my question of the Speaker.

The SPEAKER *pro tempore*. The Chair will state that after the bill is seconded it will be the property of the House, but the Chair is of opinion that until it is seconded the gentleman from Arkansas can withdraw the bill. The Clerk will report the bill.

The bill was read, as follows:

An act to incorporate the Maritime Canal Company of Nicaragua.

Whereas to facilitate commercial intercourse by water between the Atlantic

and the Pacific States, as well as with foreign nations, it is deemed desirable for the public interest of the United States that a ship-canal be constructed between the Atlantic and Pacific Oceans on what is known as the Nicaragua route: Therefore,

Be it enacted, etc., That Frederick Billings, Charles P. Daly, Daniel Ammen, Francis A. Stout, Horace L. Hotchkiss, Edward F. Beale, Hiram Hitchcock, C. Ridgley Goodwin, A. C. Cheney, J. F. O'Shaughnessy, H. C. Taylor, J. W. Miller, A. S. Crowninshield, A. G. Menocal, Charles H. Stebbins, T. Harrison Garrett, Jules Aldige, R. A. Lancaster, Alfred E. Mills, Gustav E. Kissell, Horace Fairbanks, George H. Robinson, Alfred B. Darling, Joseph E. McDonald, James Roosevelt, Christian Devries, Frederick F. Thompson, Henry A. Parr, and such other persons as may be associated with them and their successors are hereby constituted and created a body corporate and politic in deed and in law, by the name, style, and title of "The Maritime Canal Company of Nicaragua," for the construction, equipment, management, and operation of a ship-canal from the Atlantic to the Pacific Ocean, either entirely through the territory of the Republic of Nicaragua or through Nicaragua and in part through the territory of the Republic of Costa Rica, with such collateral, connecting, or cross canals as may be necessary to connect therewith, and to exercise such other powers as have been conferred by the Government of Nicaragua by the concession of that Republic to the Nicaragua Canal Association, through Mr. A. G. Menocal, its representative, and dated the 23d day of March, A. D. 1887, and finally approved by the legislative and executive authority of the Republic on the 20th, 23d, and 24th days of April, A. D. 1887, and such powers as the Republic of Costa Rica may confer of the same kind as those named in said concession; and the said Maritime Canal Company of Nicaragua by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity within the United States; may make and have a common seal; and shall have and possess the rights, powers, and privileges usually possessed by similar companies. It may receive, purchase, hold, and convey such real and personal estate, property, and rights of property, or concessionary rights as may be necessary to carry into effect the purposes of this act; may issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and taken to be full-paid stock and not liable to any further calls or assessments; may do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits, and grants contained in any canal concession so made by the Republic of Nicaragua or to be made by the Republic of Costa Rica, as aforesaid; and to aid in the construction of said canal and to carry out the purposes of this act, the said Maritime Canal Company of Nicaragua is hereby authorized to issue its bonds, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise to be a corporation. The principal office of said corporation shall be in the city of New York, and all legal process may be served upon the person who may at the time be in charge of said office or upon the attorney of said company, whose name and address shall be certified by the president of the company, and such certificate shall be filed in the office of the Secretary of State of the United States.

SEC. 2. That the capital stock of said company shall consist of not less than one million shares of $100 each, with the right to increase the capital stock to two million shares of $100 each, upon the vote of two-thirds of the stock of said company at any time outstanding, which shares shall in all respects be deemed personal property and shall be transferable in such manner as the by-laws of said corporation may provide. Five incorporators, who shall be chosen by a majority of the number from those named in this act, shall have power to open books of subscription to the capital stock of said company in the city of New York, and at such other places in the United States, Nicaragua, or elsewhere as they may designate, who shall receive all subscriptions for stock; and no stock shall be transferable except upon the books of the company provided for that purpose. The said incorporators shall give thirty days' notice of the time and place of the opening of said books by publication in one daily newspaper in New York City, and one newspaper in Managua, Nicaragua, and one in San José, Costa Rica, if the said canal should be in part in the territory of that Republic. Sixty days' previous notice shall be given of the payment required, of the time and place of payment by publication in one daily newspaper in the city of New York and in one newspaper in Managua, Nicaragua, and one in San José, Costa Rica, if the said canal should be in part in the territory of that Republic; and in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by him may be sold to the highest bidder for cash, according to the regulations to be made therefor in the by-laws of said company. The directors hereinafter provided for may adopt regulations and by-laws not inconsistent with the provisions of this act.

SEC. 3. That the affairs of the said company shall be managed by a board of directors, fifteen in number, who shall hold their office for three years and until their successors are duly chosen and qualified, and a majority of whom shall be citizens and residents of the United States. At the first election five shall be chosen by the stockholders for one year, five for two years, and five for three years, and at each annual election thereafter five shall be chosen by the stockholders for three years. The said board shall elect from its number a president, who shall be a citizen and resident of the United States, and one or more vice-presidents of the company, who shall hold office for such terms as the by-laws of said board may provide and until their successors are duly elected and shall have qualified.

SEC. 4. That for the management and disposition of the stock, property, estate and effects of the said company the board of directors may make such by-laws, rules, and regulation as may conform to the authority granted in such canal concession or concessions, and not be inconsistent with this act or the laws of the United States or the existing treaty stipulations of the United States with the Government of Nicaragua or of Costa Rica if the said canal should be in part in the territory of that Republic; and may fix the time for election of directors, and in case of vacancy in said board, caused by death, resignation, or otherwise, may fill the same. No person shall be a director who is not a stockholder, and any one ceasing to be a stockholder shall cease to be a director. All meetings of stockholders shall be held at the office of the company in the city of New York, and at least one such meeting shall be held in each year; but failure to elect directors on the day appointed by said by-laws shall not be deemed to dissolve said company, but such election may be holden on any day appointed thereafter by the directors first giving thirty days' notice thereof, in manner aforesaid. The directors, of whom eight, including the president, shall be a quorum, shall have full power touching the election or appointment of all officers of the company, and said officers shall hold office at the will and pleasure of said board.

SEC. 5. Nothing in this act contained shall be deemed or construed to in any wise restrict or impair any right of the United States under any treaty in force with the Republic of Nicaragua.

SEC. 6. That Congress shall at all times have the power to alter, amend, or repeal this act when in its judgment the public good may so require.

Mr. SPINOLA (during the reading of the bill). Mr. Speaker, to save time, and in order that the House may not be led astray as to this bill, I desire now to announce that I shall object to its passage unless there is a quorum present.

Mr. DUNN. I insist on the regular order.

Mr. DINGLEY (after the reading of the bill). Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER *pro tempore*. Does the gentleman from Arkansas [Mr. DUNN] desire to have the amendment read?

Mr. DUNN. Yes, sir.

The amendment offered by Mr. PHELAN was read, as follows:

Add the following to the preamble:

"And whereas the interests of the United States of America and of the North and South American Governments render it necessary that said ship-canal should be under the control and guaranty of the United States Government; and whereas the said canal, when constructed, will form a part of the coast line which the United States would be compelled to defend in case of war," etc.

Insert the following after section 4 of the bill:

"SEC. 5. That the canal to be constructed under this act shall be under the control and protection of the United States, in order that the representatives of all the North and South American peoples may be guarded against any infringement or aggression on the part of foreign nations.

"SEC. 6. That tolls shall be equal upon the same class of tonnage for the vessels of all nations, except as provided in Article LIV of the concession and decrees of the Republic of Nicaragua to the Nicaragua Canal Association of New York.

"SEC. 7. The United States Government binds itself to protect all the rights of the citizens acquired under said concession and decrees, and guaranties the neutrality of the said canal and its operation under the terms of said concession and decrees, subject to the consent and approval, by treaty or otherwise, of the countries through which the said canal may be constructed."

Mr. LAWLER. I demand a second on the motion to suspend the rules.

Mr. DINGLEY. I hope a second will be considered as ordered by unanimous consent.

Mr. SPINOLA. I object.

Mr. DUNN and Mr. LAWLER were appointed tellers.

Mr. SPINOLA. I have no objection to the debate proceeding on this bill if the right to object be reserved.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. LAWLER] has also objected, as the Chair understands.

Mr. DINGLEY. It is obvious that if a division is to be insisted upon on the question of seconding the motion there will not be a quorum.

Mr. OATES. Mr. Speaker, the gentleman from New York [Mr. SPINOLA], who objected to the request that a second be considered as ordered, is willing to withdraw his objection so that a second may be ordered and the debate proceed.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. LAWLER] has also objected.

Mr. LAWLER. I objected to the proposition of the gentleman from Maine [Mr. DINGLEY].

The tellers proceeded to count; and reported—ayes 36.

Mr. LAWLER. Mr. Speaker, at the request of the gentlemen who would like to get information on this bill I am willing to withdraw my objection, so that its consideration may proceed for thirty minutes or an hour——

The SPEAKER *pro tempore*. The gentleman from Illinois withdraws his objection.

Mr. LAWLER. Only so far as debate is concerned.

The SPEAKER *pro tempore*. The objection can not be withdrawn conditionally.

Mr. RYAN. Can we not have debate on this question by unanimous consent for one hour or two hours? I ask unanimous consent that debate may proceed in an informal way for two hours on the pending bill.

The SPEAKER *pro tempore*. The bill is not before the House.

Mr. RYAN. If there is unanimous consent——

The SPEAKER *pro tempore*. The gentleman from Maine asked unanimous consent that a second be considered as ordered, and the gentleman from Illinois objected.

Mr. LAWLER. As I understand that several gentlemen are ready to debate this bill, I will withdraw the demand for a second until the debate is over; then I will renew it.

The SPEAKER *pro tempore*. The gentleman withdraws his objection.

Mr. LAWLER. Until the debate is over.

Mr. DUNN. The gentleman is willing to withdraw the objection, as I understand, temporarily with the purpose of renewing it. I do not want any misunderstanding——

Mr. LAWLER. I then request to withdraw my demand——

The SPEAKER *pro tempore*. The gentleman withdraws his objection.

Mr. LAWLER. With this understanding, that I shall renew it after the debate has proceeded.

The SPEAKER *pro tempore*. The Chair is unable to have any understanding about the matter.

Mr. LAWLER. Very well; I withdraw the objection.

The SPEAKER *pro tempore*. The Chair understands that the gentleman now withdraws his objection. The Chair will again state the request. The gentleman from Maine asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. SPINOLA. I want to reserve the right, if I can do so under the rules, to object to this bill under any circumstances. I am perfectly willing to listen to any discussion upon it, and to hear any statements which may be made in favor of it; but as gentlemen claim that it is principally a New York City matter, I only wish to state that no New York merchant or other New York gentleman has spoken or written to me a single word in favor of the bill; but, on the contrary, I hold in

my hand a communication, signed by a number of the most responsible and distinguished gentlemen of that community, protesting against the measure.

The SPEAKER *pro tempore*. Unanimous consent is asked that a second be considered as ordered.

Mr. SPINOLA. I am willing to hear debate; but at the proper time I shall make my objection.

Mr. DUNN. I desire to ask a parliamentary question. After a second is ordered, will it be within my power to withdraw the bill, if the point of "no quorum" is made upon the question of its passage?

The SPEAKER *pro tempore*. The gentleman will be kind enough to state his proposition again.

Mr. DUNN. I wish to keep perfect good faith with the gentleman from Missouri [Mr. WARNER], and I do not desire to allow this bill in any contingency to become an obstruction in the way of the Oklahoma bill; but consistently with that purpose, I want to exhaust all the possibilities in favor of passing this bill. What I wish to know is this: If a second be ordered and the House should proceed to vote upon the passage of this bill, and the point of "no quorum" should be made, will it then be within my power to withdraw the bill?

The SPEAKER *pro tempore*. The Chair thinks it has been the uniform ruling in the House that after a second has been ordered the bill becomes the property of the House, and can not then be withdrawn except by consent of the House.

Mr. DUNN. Then I desire to ask the gentleman from New York [Mr. SPINOLA] and the gentleman from Illinois [Mr. LAWLER] whether it is their fixed purpose to make the point of "no quorum" against the passage of this bill.

Mr. SPINOLA. I certainly shall do so with my present feelings and impressions.

Mr. DUNN. Does the gentleman expect to undergo a change of feeling?

Mr. SPINOLA. The debate may change my views.

Mr. DUNN. I wish to ask the gentleman from Illinois [Mr. LAWLER] whether it is his fixed purpose to object to this bill or to call a quorum upon its passage.

Mr. LAWLER. I would say yes. I consider it too important a matter to be passed without a quorum to-day.

Mr. DUNN. Then it is my duty to withdraw the bill.

Mr. FARQUHAR. That is the way to do it. Let the responsibility rest where it belongs.

Mr. SPINOLA. I will take whatever responsibility may be attached to me, when I am backed up by such names as those appended to this paper.

PUBLIC BUILDING, SAN FRANCISCO.

Mr. MORROW. I move to suspend the rules and pass the bill (S. 1931) to increase the appropriations for the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.

The bill was read at length.

The SPEAKER *pro tempore*. Is a second demanded?

Mr. KILGORE. I demand a second.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Texas [Mr. KILGORE] and the gentleman from California [Mr. MORROW].

Mr. MORROW. I wish to have an understanding, Mr. Speaker, before proceeding, because I feel it my duty to do with reference to this bill what was done in regard to the other by the gentleman from Arkansas. In other words, I do not intend that the bill shall get in the way of other business on this Calendar, and I desire to know of the gentleman from Texas if it is his purpose to object to the bill.

Mr. KILGORE. Yes, sir.

Mr. MORROW. And I ask the gentleman from Texas if it is his purpose, further, to object to the passage of the bill to the extent of demanding a quorum if a second should be ordered.

Mr. KILGORE. Yes, sir; that is my purpose.

Mr. MORROW. In view of that fact, Mr. Speaker, as of course I am helpless, I will have to withdraw the bill.

ORDER OF BUSINESS.

Mr. DUNN. Mr. Speaker, some days ago I objected to the passage of Senate bill No. 2, which was called up by the gentleman from California [Mr. VANDEVER], a bill providing for the relief of the Mission Indians of California. I have since examined the bill and find I was mistaken in the main ground of my objection, and that with an amendment, which I have prepared and shown to the gentleman from California, being a substitute for section 7, the bill is perfectly satisfactory to me and a very important one to the public interests as well as to the Indians. I desire now to withdraw that objection to the passage of the bill and allow it to be passed with the substitute for the seventh section, which has been agreed to by the gentleman from California.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill and the proposition of the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Kentucky. Does this come up under a suspension of the rules in the regular way?

Mr. DUNN. No, sir; I am asking to withdraw an objection I made a few days ago to the request of the gentleman for unanimous consent.

Mr. RICHARDSON. That I do not understand brings the bill before the House.

The SPEAKER *pro tempore*. It does not.

Mr. DUNN. It simply revives the request for unanimous consent, and I ask to withdraw the objection.

Mr. RICHARDSON. But all the gentleman can do is to withdraw the objection, as I understand it.

The SPEAKER *pro tempore*. That is all. Does the gentleman withdraw his objection?

Mr. DUNN. Yes, sir.

Mr. RICHARDSON. That is all the gentleman can do at present.

PUBLIC BUILDING, FORT WORTH.

Mr. ABBOTT. Mr. Speaker, I move to suspend the rules and put upon its passage the bill (S. 1974) for the erection of a public building at Fort Worth, Tex.

The bill was read at length.

Mr. DINGLEY. Mr. Speaker, before demanding a second, I would like to inquire of the gentleman from Texas [Mr. KILGORE] if he proposes to raise the point of no quorum on this bill?

Mr. KILGORE. I have nothing to do with this bill. [Laughter.] It is not my bill.

The SPEAKER *pro tempore*. Is a second demanded?

Mr. LYMAN. I demand a second.

Mr. LANHAM. I ask unanimous consent that a second be considered as ordered.

Mr. LYMAN. I object.

The SPEAKER *pro tempore*. Objection being made, the Chair will appoint tellers.

Mr. LYMAN and Mr. ABBOTT were appointed tellers.

Mr. KILGORE. I am willing, Mr. Speaker, to compromise on this thing. They say I am obstructing a very important measure here called up by the gentleman from California. I do not know, but I suppose I ought to give up in view of the statements made to me. I refer to the San Francisco bill of the gentleman from California [Mr. MORROW], and I believe, sir, I will abandon the call for a quorum on that bill and withdraw the demand for a second.

Mr. MORROW. I understand, Mr. Speaker, the gentleman is willing now to withdraw the demand——

The SPEAKER *pro tempore*. But another matter is now pending before the House.

Mr. KILGORE. I will not call a quorum or demand a second upon the bill.

Mr. CLEMENTS. I do not think we are likely to do much business to-day, so I move that the House do now adjourn.

Mr. WHEELER. Pending that I rise to make a privileged report.

Mr. VANDEVER. Before that is done I ask unanimous consent to change the reference of a bill.

The SPEAKER *pro tempore*. It can only be done now by consent of the gentleman who moved an adjournment.

Mr. VANDEVER. I ask that the bill S. 3427, referred to the Committee on Commerce, be referred to the Committee on the Revision of the Laws instead.

The SPEAKER *pro tempore*. The first question is on the motion of the gentleman from Georgia, that the House do now adjourn.

The question was taken; and on a division there were—ayes 24, noes 38.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The tellers will resume their places.

Mr. LANHAM. I think the gentleman from Iowa will consent to withdraw his objection.

Mr. MORROW. Mr. Speaker, the understanding is that the gentleman from Texas [Mr. ABBOTT] gives way, and that the bill I called up a few moments ago shall be first taken up and submitted to the House.

The SPEAKER *pro tempore*. Does the gentleman from Texas withdraw the bill?

Mr. ABBOTT. For the present I will withdraw it.

Mr. BRECKINRIDGE, of Kentucky. Does that require unanimous consent?

The SPEAKER *pro tempore*. No action has been taken, and the Chair thinks the gentleman from Texas has the right to withdraw the bill, there having been no vote or action by the House upon it.

PUBLIC BUILDING AT SAN FRANCISCO, CAL.

Mr. MORROW. I now call up the bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices, in San Francisco, Cal.

Mr. ANDERSON, of Mississippi. I demand a second.

The bill was read, as follows:

Be it enacted, etc., That the amount heretofore fixed as a limit of the cost for the purchase of a site for a building for a post-office, court-house, and other offices by the United States Government, in San Francisco, Cal., be, and the same is hereby, increased to $850,000, and that sum is hereby fixed as a limit of cost for the purchase of a site at voluntary sale or by condemnation.

SEC. 2. That the commissioners and officers of the United States Government having charge of the purchase of a site are authorized and required to be governed by the limitation hereby prescribed.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Mississippi [Mr. ANDERSON] and the gentleman from California [Mr. MORROW] as tellers.

The tellers took their places.

Mr. DINGLEY. I ask unanimous consent that the second be considered as ordered.

ADJOURNMENT.

Mr. BRECKINRIDGE, of Kentucky. Pending the call for the second, I move that the House do now adjourn.

Mr. VANDEVER. I ask the gentleman from Kentucky to withdraw that motion until I can ask unanimous consent to have the reference of a bill changed.

Mr. BRECKINRIDGE, of Kentucky. I have no objection to that.

CHANGE OF REFERENCE.

Mr. VANDEVER. I ask that the bill which I send to the Clerk's desk be referred to the Committee on the Revision of the Laws instead of the Committee on Commerce, to which it has been referred.

The Clerk read the title of the bill, as follows:

A bill (S. 3427) to amend section 4474 of the Revised Statutes of the United States.

Mr. OATES. There is a House bill of the same character before that committee, and with the gentleman's permission I will add to his motion a request for unanimous consent that that bill be now considered. I think if the House understood what it was there would be no objection.

The SPEAKER *pro tempore*. That can not be done now, as the gentleman from Kentucky [Mr. BRECKINRIDGE] yielded the floor to the gentleman from California for the purpose of asking a change of reference.

There was no objection; and the change of reference was made as requested.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BLOUNT, indefinitely, on account of important business.

To Mr. DORSEY, indefinitely, commencing October 3, on account of important business.

To Mr. HENDERSON, of Illinois, indefinitely.

To Mr. MCCREARY, indefinitely, commencing October 3, on account of important business.

ORDER OF BUSINESS.

Mr. FORNEY. Pending the motion to adjourn, I ask unanimous consent to consider a bill authorizing the construction of a bridge over Coosa River, in Georgia, to facilitate the shipment of lumber from that State to Louisville, Ky.

Objection was made.

The question was put on the motion to adjourn, and the Speaker *pro tempore* was in doubt as to the result.

The House divided; and there were—ayes 36, noes 33.

Mr. WHEELER. I demand tellers.

The question was put on the ordering of tellers, when the Speaker *pro tempore* announced that twenty-six members had risen, not a sufficient number, and tellers were refused.

Mr. WHEELER. I demand the other side.

The SPEAKER *pro tempore*. The count of the other side is not required on a demand for tellers.

Mr. WHEELER. Then I demand the yeas and nays.

The question was put on ordering the yeas and nays, and the Chair announced that twenty gentlemen had risen in support of the demand.

Mr. ROGERS. Mr. Speaker, I desire to make a parliamentary inquiry, and that is, Why the request that the other side should be counted on a demand for tellers was not in order? The Chair counted one side and did not count the other.

The SPEAKER *pro tempore*. The rules require that one-fifth of a quorum is required on an order for tellers, and one-fifth did not vote. Twenty gentlemen have voted in favor of ordering the yeas and nays, a sufficient number.

Mr. HOOKER. Pending that, I move that the House do now adjourn.

The SPEAKER *pro tempore*. That is the motion before the House.

Mr. BRECKINRIDGE, of Kentucky. I move to reconsider the vote by which the yeas and nays were ordered, as it is evident that there is not a quorum present.

The motion to reconsider was rejected.

The question was taken on the motion to adjourn; and there were—yeas 38, nays 60, not voting 226; as follows:

YEAS—38.

Anderson, Miss.	Hall,	Lagan,	Rice,
Barry,	Hare,	Lawler,	Richardson,
Breckinridge, Ky.	Heard,	Lee,	Seney,
Buckalew,	Henderson, N. C.	Mansur,	Tillman,
Catchings,	Hooker,	Martin,	Turner, Ga.
Clements,	Hudd,	Merriman,	Walker,
Davidson, Fla.	Hutton,	Montgomery,	Whitthorne,
Dunn,	Johnston, N. C.	Neal,	Wise.
Foran,	Kerr,	Perry,	
Grimes,	Kilgore,	Phelan,	

NAYS—60.

Abbott,	Bunnell,	Crouse,	Farquhar,
Baker, N. Y.	Butler,	Cummings,	Felton,
Barnes,	Campbell, T. J., N. Y.	De Lano,	Forney,
Bliss,	Cheadle,	Dingley,	French,
Browne, Ind.	Clark,	Dougherty,	Fuller,
Gest,	Lyman,	Nelson,	Spinola,
Haugen,	McClammy,	Nutting,	Stahlnecker,
Hayes,	McCreary,	Oates,	Stone, Ky.
Hermann,	McKenna,	Osborne,	Taylor, E. B., Ohio
Hires,	Milliken,	Peters,	Thompson, Cal.
Hitt,	Moffitt,	Plumb,	Turner, Kans.
Laffoon,	Moore,	Post,	Vandever,
La Follette,	Morgan,	Rockwell,	Wheeler,
Lanham,	Morrill,	Rogers,	Wickham,
Lehlbach,	Morrow,	Rowland,	Williams.

NOT VOTING—226.

Adams,	Cox,	Jones,	Russell, Mass.
Allen, Mass.	Crain,	Kean,	Rusk,
Allen, Mich.	Crisp,	Kelley,	Ryan,
Allen, Miss.	Culberson,	Kennedy,	Sawyer,
Anderson, Iowa	Cutcheon,	Ketcham,	Sayers,
Anderson, Ill.	Dalzell,	Laidlaw,	Scott,
Anderson, Kans.	Dargan,	Laird,	Scull,
Arnold,	Darlington,	Landes,	Seymour,
Atkinson,	Davenport,	Lane,	Shaw,
Bacon,	Davidson, Ala.	Latham,	Sherman,
Baker, Ill.	Davis,	Lind,	Shively,
Bankhead,	Dibble,	Lodge,	Simmons,
Bayne,	Dockery,	Long,	Smith,
Belden,	Dorsey,	Lynch,	Snyder,
Belmont,	Dunham,	Macdonald,	Sowden,
Biggs,	Elliott,	Maffett,	Spooner,
Bingham,	Enloe,	Mahoney,	Springer,
Blanchard,	Ermentrout,	Maish,	Steele,
Bland,	Finley,	Mason,	Stephenson,
Blount,	Fisher,	Matson,	Stewart, Tex.
Boothman,	Fitch,	McAdoo,	Stewart, Ga.
Bound,	Flood,	McComas,	Stewart, Vt.
Boutelle,	Ford,	McCormick,	Stockdale,
Bowden,	Funston,	McCullogh,	Stone, Mo.
Bowen,	Gaines,	McKinley,	Struble,
Breckinridge, Ark.	Gallinger,	McKinney,	Symes,
Brewer,	Gay,	McMillin,	Tarsney,
Brower,	Gear,	McRae,	Taulbee,
Browne, T. H. B., Va.	Gibson,	McShane,	Taylor, J. D., Ohio
Brown, Ohio	Glass,	Mills,	Thomas, Ky.
Brown, J. R., Va.	Glover,	Morse,	Thomas, Ill.
Brumm,	Goff,	Newton,	Thomas, Wis.
Bryce,	Granger,	Nichols,	Thompson, Ohio
Buchanan,	Greenman,	Norwood,	Tracey,
Burnes,	Grosvenor,	O'Donnell,	Townshend,
Burnett,	Grout,	O'Ferrall,	Vance,
Burrows,	Guenther,	O'Neall, Ind.	Wade,
Butterworth,	Harmer,	O'Neill, Pa.	Warner,
Bynum,	Hatch,	O'Neill, Mo.	Washington,
Campbell, F., N. Y.	Hayden,	Outhwaite,	Weaver,
Campbell, Ohio	Hemphill,	Owen,	Weber,
Candler,	Henderson, Iowa	Parker,	West,
Cannon,	Henderson, Ill.	Patton,	White, Ind.
Carlton,	Herbert,	Payson,	White, N. Y.
Caruth,	Hiestand,	Peel,	Whiting, Mich.
Caswell,	Hogg,	Penington,	Whiting, Mass.
Chipman,	Holman,	Perkins,	Wilber,
Clardy,	Holmes,	Phelps,	Wilkins,
Cobb,	Hopkins, Ill.	Pidcock,	Wilkinson,
Cockran,	Hopkins, Va.	Pugsley,	Wilson, Minn.
Cogswell,	Hopkins, N. Y.	Randall,	Wilson, W. Va.
Collins,	Houk,	Rayner,	Woodburn,
Compton,	Hovey,	Reed,	Yardley,
Conger,	Howard,	Robertson,	Yoder,
Cooper,	Hunter,	Romeis,	Yost.
Cothran,	Jackson,	Rowell,	
Cowles,	Johnston, Ind.	Russell, Conn.	

On motion of Mr. NELSON, by unanimous consent, the reading of the names of members voting and of the names of members paired was dispensed with.

On motion of Mr. HEARD, the list of pairs was ordered to be printed in the RECORD, as follows:

The following-named members were paired until further notice:

Mr. WILKINS with Mr. LONG.

Mr. MATSON with Mr. HOVEY.

Mr. MILLS with Mr. BURROWS.

Mr. COX with Mr. CANNON.

Mr. RANDALL with Mr. LODGE.

Mr. BLAND with Mr. BUTTERWORTH.

Mr. SCOTT with Mr. GROSVENOR.

Mr. WILSON, of West Virginia, with Mr. MCCOMAS.

Mr. HATCH with Mr. STEWART, of Vermont.

Mr. OUTHWAITE with Mr. MCKINLEY.

Mr. COMPTON with Mr. GOFF.

Mr. CAMPBELL, of Ohio, with Mr. KENNEDY.

Mr. SPRINGER with Mr. HENDERSON, of Illinois.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. BRECKINRIDGE, of Kentucky, with Mr. BROWNE, of Indiana.

Mr. ELLIOTT with Mr. BINGHAM.

Mr. JONES with Mr. BOWDEN.

Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.

Mr. BRYCE with Mr. GAINES.

Mr. NEAL with Mr. HAYDEN.

Mr. TIMOTHY J. CAMPBELL with Mr. WEST.

Mr. SPINOLA with Mr. THOMAS, of Wisconsin.

Mr. BOUTELLE with Mr. WISE.

Mr. CANDLER with Mr. BREWER.

Mr. BYNUM with Mr. STEELE.

Mr. GREENMAN with Mr. SHERMAN.

Mr. RUSH with Mr. O'DONNELL.

Mr. DAVIDSON, of Alabama, with Mr. PATTON.

Mr. SNYDER with Mr. YOST.

Mr. FORD with Mr. GUENTHER.
Mr. STEWART, of Texas, with Mr. DUNHAM.
Mr. CLARDY with Mr. WADE.
Mr. O'FERRALL with Mr. MASON.
Mr. BIGGS with Mr. MORROW.
Mr. BELMONT with Mr. DAVENPORT.
Mr. GRANGER with Mr. ROCKWELL.
Mr. BLANCHARD with Mr. THOMAS, of Illinois.
Mr. MORSE with Mr. WHITING, of Massachusetts.
Mr. HOWARD with Mr. HOPKINS, of Illinois.
Mr. CUTCHEON with Mr. TARSNEY.
Mr. DARLINGTON with Mr. MOORE.
Mr. PIDCOCK with Mr. PHELPS.
Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL.
Mr. WHITING, of Michigan, with Mr. HOUK.
Mr. LYNCH with Mr. YARDLEY.
Mr. BACON with Mr. CASWELL.
Mr. MCADOO with Mr. BRUMM.
Mr. MAHONEY with Mr. BROWN, of Ohio.
Mr. MCSHANE with Mr. LAIRD.
Mr. SHIVELY with Mr. OWEN.
Mr. LATHAM with Mr. GEST.
Mr. GLASS with Mr. KETCHAM.
Mr. NEWTON with Mr. FELTON.
Mr. SIMMONS with Mr. BUNNELL.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. DOCKERY with Mr. WARNER.
Mr. DIBBLE with Mr. BELDEN
Mr. GLOVER with Mr. COOPER.
Mr. NORWOOD with Mr. PARKER.
Mr. RAYNER with Mr. DE LANO,
Mr. ERMENTROUT with Mr. GALLINGER.
Mr. WILKINSON with Mr. NICHOLS.
Mr. FISHER with Mr. BROWER.
Mr. MANSUR with Mr. SAWYER.
Mr. VANCE with Mr. MOFFITT.
Mr. LANDES with Mr. MCCORMICK.
Mr. CHIPMAN with Mr. ARNOLD.
Mr. O'NEILL, of Missouri, with Mr. CONGER.
Mr. O'NEAL, of Indiana, with Mr. HENDERSON, of Iowa.
Mr. MACDONALD with Mr. JOHN R. BROWN.
Mr. ANDERSON, of Illinois, with Mr. DALZELL.
Mr. DUNN with Mr. ROWELL.
Mr. LAWLER with Mr. SEYMOUR.
Mr. TAULBEE with Mr. FARQUHAR.
Mr. STONE, of Missouri, with Mr. WILLIAMS.
Mr. CULBERSON with Mr. BAKER, of Illinois.
Mr. BOOTHMAN with Mr. MCKINNEY.
Mr. WILSON, of Minnesota, with Mr. ATKINSON.
Mr. STEWART, of Georgia, with Mr. HARMER.
Mr. ENLOE with Mr. PUGSLEY.
Mr. PENINGTON with Mr. STEPHENSON.
Mr. HOGG with Mr. SCULL.
Mr. DARGAN with Mr. GROUT.
Mr. TOWNSHEND with Mr. SPOONER.
Mr. HOLMAN with Mr. JOHNSTON, of Indiana.
Mr. CARLTON with Mr. FUNSTON.
Mr. COBB with Mr. ANDERSON, of Kansas.
Mr. CRISP with Mr. REED.
Mr. BLOUNT with Mr. WEBER.
Mr. MCMILLIN with Mr. RUSSELL, of Connecticut.

Mr. WASHINGTON and Mr. HIESTAND were announced as paired on all political questions for this day.

Mr. ANDERSON, of Mississippi, and Mr. PETERS were announced as paired on all political questions until further notice, and especially on the Oklahoma bill. Mr. PETERS would vote for the bill and Mr. ANDERSON, of Mississippi, against it.

The result of the vote was then announced as above recorded.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, no quorum having voted, I move a call of the House.

The question was taken; and the motion was not agreed to—ayes 12, noes 36.

Mr. BRECKINRIDGE, of Kentucky. I believe the only thing now in order is an adjournment, and I move that the House do now adjourn.

Mr. BROWNE, of Indiana. Will the gentleman withdraw that motion until I can ask leave of absence for the remainder of the session?

Mr. BRECKINRIDGE, of Kentucky. If that request is now in order, I shall be very glad to accommodate the gentleman.

The SPEAKER *pro tempore*. The rules do not permit the transaction of any business when it is disclosed that no quorum is present.

Mr. BROWNE, of Indiana. Obtaining leave of absence is not business, but getting clear of business. [Laughter.]

The SPEAKER *pro tempore*. No business is in order in the absence of a quorum, except a motion for a call of the House and a motion to adjourn.

The motion of Mr. BRECKINRIDGE, of Kentucky, was agreed to; and accordingly (at 2 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CHEADLE: A bill (H. R. 11535) to correct the military record of Allen L. Ball—to the Committee on Military Affairs.

By Mr. R. H. M. DAVIDSON: A bill (H. R. 11536) for the relief of John Baptiste—to the Committee on War Claims.

By Mr. HOOKER: A bill (H. R. 11537) for the relief of the estate of William H. Sims, deceased—to the Committee on War Claims.

By Mr. MAISH: A bill (H. R. 11538) for the relief of Charles Koch—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 11539) to remove the charge of desertion from the name of Samuel C. Vance—to the Committee on Military Affairs.

By Mr. MCCREARY: A bill (H. R. 11540) for the relief of Sanford D. Van Pitt—to the Committee on Claims.

By Mr. ROGERS: A bill (H. R. 11541) granting a pension to Lorain B. Sykes—to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Petition for passage of laws prohibiting transportation of convict-made goods—to the Committee on Labor.

By Mr. HOOKER: Petition of A. Krape, of Madison County, Mississippi, asking reference of his claim for stores and supplies to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition of S. R. Safley and 55 others, of Warren County, Tennessee, manufacturers of apple brandy, asking that the time be extended in which the tax upon brandy is required to be paid, the regulations and instructions similar to what are now required in the case of whisky and malt liquors—to the Committee on Ways and Means.

By Mr. MAISH: Petition of Charles Kroch, Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, praying for a pension—to the Committee on Invalid Pensions.

By Mr. MCCREARY: Petition of Moritz Klump, praying for the allowance of a claim against the United States—to the Committee on War Claims.

By Mr. MORGAN: Petition of widow of James M. Clark, deceased, late of Tippah County, Mississippi—to the Committee on War Claims.

By Mr. PHELAN: Petition of citizens of Memphis, Tenn., asking for a seaboard quarantine—to the Committee on Appropriations.

By Mr. ROBERTSON: Petition of Dr. Chase A. Hardy, for relief as Mexican veteran—to the Committee on Pension.

By Mr. ROGERS: Petition of citizens of Sebastian County, Arkansas, praying relief of the family of the late John D. Trammel, who was killed while acting deputy United States marshal engaged in the enforcement of internal-revenue laws—to the Committee on Claims.

SENATE.

TUESDAY, *October* 2, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CALL. I ask unanimous consent to present and have referred to the Committee on Fisheries a letter from John Cross, of Liverpool, Fla., in the nature of a petition. This letter is addressed to Congress, praying that body to do something to keep the Cubans out of the waters of Charlotte Harbor, on the coast of Florida. The letter further states that the Cubans build huts on our islands, send away the fish to Cuba, spend no money here, and introduce the yellow fever.

I move the reference of the letter to the Committee on Fisheries.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3538) granting a pension to Mary Saeger; and

A bill (S. 3042) granting a pension to Mrs. Philena T. Carpenter.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10825) granting a pension to Mary Jane Jelly;

A bill (H. R. 9784) granting a pension to Anna Boppell;

A bill (H. R. 4101) granting a pension to Martha Giddings, formerly Martha Priest;

A bill (H. R. 9388) to increase the pension of Joseph Holmes;

A bill (H. R. 5919) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased;

A bill (H. R. 5593) granting an increase of pension to Laura L. Wallen;

A bill (H. R. 5985) to increase the pensions of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardner, and Mrs. Lilla May Pavy to $30 per month;

A bill (H. R. 10911) granting a pension to Ira E. Baldwin; and

A bill (H. R. 10488) granting a pension to Myra Sinclair.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3534) granting a pension to William S. Dean; and

A bill (S. 3555) granting a pension to Albert N. Bradley.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (H. R. 11333) granting a pension to Mrs. Louise M. Humphrey;

A bill (H. R. 4792) to pension J. W. Porter;

A bill (H. R. 10647) granting a pension to Samuel J. Wright;

A bill (S. 3374) granting an increase of pension to Newton J. Shrake; and

A bill (S. 3556) granting a pension to William H. Mays.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 10659) for the relief of Elizabeth C. Cole; and

A bill (H. R. 9252) granting a pension to Mrs. Catherine Barberick, of Watertown.

Mr. VOORHEES, from the Committee on the Library, to whom was referred the bill (S. 3384) to purchase a painting of Abraham Lincoln, reported it without amendment, and submitted a report thereon.

HENRY LECOMTE.

Mr. HAWLEY. I report favorably, without amendment, from the Committee on Military Affairs, the joint resolution (S. R. 112) authoring the Secretary of War to receive, for instruction at the Military Academy at West Point, Henry Lecomte, of Switzerland, and I beg for its immediate consideration.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information, subject to objection.

The Secretary read the joint resolution, as follows:

That the Secretary of War be, and he hereby is, authorized to permit Henry Lecomte, of Switzerland, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Lecomte the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. SHERMAN. I should like to hear an explanation of the joint resolution.

Mr. HAWLEY. I was about to give a word of explanation. This is not at all an unusual thing. We have now, I think, two young gentlemen from foreign countries admitted to the Military Academy. Their expenses are paid.

Mr. SHERMAN. From what country?

Mr. HAWLEY. One of them is from Venezuela, I think, from one of the South American states, at least, and the other is a Japanese. This young gentleman is from Switzerland. The act whose force is suspended in such cases is the one requiring an oath of allegiance to the United States, which is quite common.

The father of this young gentleman, Colonel Lecomte, served honorably in our war, and is now of the highest rank in the Swiss army. He is quite anxious that his son should be educated at our Academy. The Secretary of War sends the resolution here with a copy of the request of the Swiss Government, and asks that it may be passed as early as convenient.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had elected Hon. JAMES B. MCCREARY, a Representative from the State of Kentucky, as Speaker *pro tempore* during the temporary absence of the Speaker.

ENROLLED BILL SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; and it was thereupon signed by the President *pro tempore*.

BILLS INTRODUCED.

Mr. BLAIR introduced a bill (S. 3603) granting increase of pension to Joseph Demash; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3604) granting a pension to Sarah J. Alexander; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3605) granting an increase of pension to William Thompson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 3606) to authorize the building of a bridge or bridges across the Mississippi River at La Crosse, Wis.; which was read twice by its title, and referred to the Committee on Commerce.

OCCUPANCY OF PUBLIC GROUND.

Mr. CHANDLER submitted the following resolution; which was read:

Resolved, That the Committee on the District of Columbia be, and hereby is, instructed to inquire whether or not a private dwelling is being erected in Washington on public land at the intersection of Massachusetts avenue and M street, facing Thomas Circle; and if so, to inquire how much public land is being so occupied, and to ascertain by what legal authority, if any, such erection and occupancy are permitted; said committee to report the facts to the Senate, and also to report a bill, if such is necessary, to prevent any illegal occupancy of public land.

Mr. CHANDLER. I ask for the present consideration of the resolution.

Mr. SPOONER. I suggest to the Senator from New Hampshire whether it would not attain his purpose quite as well and be preliminarily, at least, better for him to address his resolution to the commissioners of the District, instructing them to report whether any building is being constructed on public ground. I do not care anything about the matter, but I make that suggestion.

Mr. SHERMAN. I enter an objection to the consideration of the resolution. It affects a private person. The matter is now in controversy between her and the District commissioners. I therefore object to the present consideration of the resolution.

The PRESIDENT *pro tempore*. The resolution will lie over under the rules until to-morrow.

Mr. SHERMAN. I do not think it ought to be taken up here.

IMPORTATION OF CONTAGION OR INFECTION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day, offered by the Senator from Florida [Mr. CALL], which will be stated.

The SECRETARY. A resolution in relation to the importation of contagious or infectious disease from foreign countries on the coasts or boundaries of the United States, submitted September 27.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed to the resolution by the junior Senator from Florida [Mr. PASCO].

Mr. CALL. Mr. President, I wish, if possible, to obtain some action of the Senate and of the House which may assume the form of law without any delay in reference to the epidemic disease that is now prevailing in the State of Florida and elsewhere in Southern States. It has elicited a number of communications from men of thoughtfulness and scientific attainments which I think ought to be put before the public in some form; and without detaining the Senate for any great length of time, I ask leave to print in the RECORD such parts of these communications as may be important without reading the whole at length.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. CALL. I have a letter from Dr. William Miller, 149 East One hundred and twenty-fifth street, New York, as follows:

NEW YORK, *September* 28, 1888.

DEAR SIR: I take the liberty of transmitting to you a slip from yesterday's Star on the prevention of yellow fever by vaccination.

This note is called out by a resolution offered by you in the Senate appropriating $10,000 for the expenses of the meeting of the Academy of Sciences at Washington, D. C., for investigating the methods for the prevention of yellow fever. For years I have experimented in this direction for the culture of viruses to prevent diseases, and the first who ever vaccinated for hereditary tubercular consumption with success.

I know yellow fever can be prevented or modified with a correctly cultivated animal virus of the disease germ that is safe and harmless. It is now plainly understood it is the multiplying of this poisonous germ in the body and eating up the red part of the blood corpuscles, and shown by Dr. Neal Mitchell, of Jacksonville, Fla., of a case of completely honeycombing the liver. Something ought to be done to prevent this disease, and all I do to stop the progress of the disease is to poison the food or pabulum this little microbe multiplies and feeds upon by vaccination. His career is then cut short. An appropriation for the purpose of testing this method of treatment is of important value.

I am, very respectfully, your obedient servant,

DR. W. MILLER,
149 *East One hundred and twenty-fifth street, New York City.*

Hon. Senator CALL,
Washington, D. C.

Dr. Miller states in an article which he incloses to me, as follows:

WHAT YELLOW FEVER IS—A CORRESPONDENT SUGGESTS INOCULATION AS THE BEST PREVENTIVE.

SEPTEMBER 27, 1888.

To the Editor of the Star:

SIR: In view of the grave consequences resulting from the scourge of yellow fever at Jacksonville, Fla., it seems something ought to be done, more than has been done, to prevent the ravages of this contagion. It is now generally understood by medical men and those who have studied the cause or ætiology of the disease, that it is a poison of the blood, and brought about by the inhalation of a distinct disease germ through the currents of the air, and conveyed by the water, food, and possibly by absorption through the pores of the skin.

Whether these poisonous germs are the carriers of an infection, or fasten upon the internal organs of the body and there multiply and reproduce themselves to

an unlimited extent, and then die and choke up the venous and arterial circulation, are questions yet to be determined. It has been shown that when this germ is taken into the organism by way of inhalation they pass through the stomach with the food into the lower section of the intestinal canal without harm, until they reach the lower region of the colon, where they find an enlodgment and a condition suitable to their propagation, when, within a few hours, they multiply and reproduce themselves to many millions. This is the real beginning or incipient stage of yellow fever, before the absorption of these germs into the circulation, and to clean out this fermentive compact with Epsom salts or castor oil, followed up with finely powdered charcoal, is very effective treatment to stay the progress of the disease.

In contagious or infectious diseases the virulence depends upon the activity of the poison, and to modify this germ for the prevention or mitigation of disease is now an interesting problem in medical science. That such a thing is possible has been proved, or even shown, that vaccination with a correctly cultivated virus will afford protection from so grave a malady as yellow fever. It would then seem incumbent on the medical profession to test the virtues of this prophylactic without regard to explanations whether it compares strictly with pathology or as to the exact mode which these results come about, and save the lives of thousands who have been or may be exposed to this malignant disease.

To prove the value of an antagonistic poison that is safe and harmless, it is now on record of a medical professor who inoculated 1,438 persons exposed to yellow fever with attenuated adders' poison not one of whom died, though seven were attacked with the disease. This is authentic, and other clinical evidence can be given in support of this theory and treatment of yellow fever by vaccination.

On July 28, 1873, the first vaccination was performed in this country for hereditary tubercular consumption with success, and of later date for other diseases, by this method of practice.

Since the discovery of the disease germ and the relation to disease enough has already been proved to satisfy the public mind, and nothing short of actual tests should be given to show the practicability of preventing yellow fever with a modified form of virus that may be used under certain conditions, not so much for a cure, but a preventive, as small-pox is prevented in man.

Though this fact of preventing disease with an antagonistic poison has long been known, the difficulty has heretofore been in the correct and safe method of attenuation.

The day is not far distant when the application of distinct viruses for different diseases will be generally practiced and perhaps better understood. For this purpose a laboratory should be established for the cultivation and distribution of such viruses to all sections of the country, as vaccine is sent for small-pox. It is then possible great good can be done for the benefit of mankind and the cause of medical science.

W. MILLER.

NEW YORK, *September* 24.

KILL THE FEVER WITH FROST—A NOVEL PROPOSITION TO CHECK THE SCOURGE BY ARTIFICIAL REFRIGERATION.

A reporter for the Star had a conversation with a gentleman who has made the situation at Jacksonville a study, and who has had a yellow-fever experience of his own, and the following are some of the ideas advanced: He said that instead of blindly fighting a disease which, ever since its advent, had defied the skill and science of the medical men in every quarter of the earth, people would adopt the only means ever known to kill the disease and stop its ravages, frost, there would be a gleam of sense in their method of procedure.

In place of importuning the rules of the universe for frost, the gentleman's plan is to make that chilly disinfectant as occasion requires, and instead of using the large relief fund now pouring in for burying the dead and ameliorating the condition of the survivors, he would appropriate a sum of money for the purchase of an ice machine, which, with the expenditure of three tons of coal daily, would refrigerate the atmosphere of a space equal to the extent of the largest of our city blocks, and in it place every one who showed the first symptom of the disease or permit any one to enter who feared the approach of the malady.

It is a well-known fact that one of our best appointed hospitals has a "chill room" for the same purpose, and there seems no good reason in the gentleman's mind why it should not be applied on a much larger scale.

Of course I have no such knowledge as enables me to express any opinion upon this subject, but I think it very clear that whatever method may furnish, in the judgment of reasonable men, a probable cure or preventive for this disease, which has already caused the loss of so much life and threatens to extend so much further than it has already extended and has cost so much money to the country, it should be tried, and tried upon a scale that is adequate to develop its truth or its falsity.

I have another letter from Mr. J. B. Read, a physician, I am told, of standing and attainments in Tuscaloosa, Ala. He incloses a communication to me, and in inclosing it makes use of these remarks:

TUSCALOOSA, *September* 28, 1888.

DEAR SIR: Inclosed you will find an article of mine on prevention and cure of yellow fever, which I am sure you will read with interest.

Notwithstanding the lateness of the season, the practical suggestions made may prove of great service to your State, especially in southern portion of it, where killing frosts occur late. Parties desiring an early return to Florida will receive aid and comfort from my article, and the prospect of immunity from future visitations of yellow fever will tend to prevent depreciation of property in your State from the present epidemic. Have the kindness to exhibit my article to your colleague, Mr. PASCO, and to have it published where it will be most likely to reach the southern portion of your State, where frosts are tardy. Key West and Havana may yet be soon relieved.

Very respectfully, yours,

J. B. READ.

Hon. W. CALL, *United States Senate.*

In this article Dr. Read states as follows:

YELLOW FEVER—SOME PRACTICAL SUGGESTIONS FOR ITS PREVENTION AND CURE.

The exigencies of the hour lend interest to any propositions giving reasonable promise of relief. There is good ground for the belief that the expectations which will naturally be excited will not be disappointed.

Some years ago one of my old preceptors, Dr. Warren Stone, of New Orleans, of more than thirty years' experience in the treatment of yellow fever, made the following remarks in one of his public lectures in regard to its nature. They will be read with interest at this juncture, and open the way for the suggestions we propose to make.

"Nothing more definite can be said than that it (yellow fever) is a disease incident to warm climates, and induced by a peculiar poison, totally intangible, and disconnected from any known cause of disease. There is no combination of filth, no combination of circumstances, calculated to deteriorate health and excite typhoid or typhus fevers that have anything to do with the generation of yellow fever. * * * The fever has existed upon high and healthy localities, and proved as virulent there as in low regions. Indeed the disease has always been more virulent in the country, when it once prevails there, than in cities."

These clear and authoritative statements form a solid foundation for the now prevalent opinion that this disease is not simply an aggravated form of malarial fever, but that it stands alone, with a cause as specific as small-pox itself. This conclusion encourages the hope that this specific poison may yet be counteracted by some specific remedy.

That yellow fever is gendered by poisonous germs, multiplying with fearful rapidity in the system of the patient, is generally believed, though the demonstration of the germ is not yet accepted by all physicians. However this may be, it is certain that for more than seventy-five years there has been in New Orleans, throughout all the yellow-fever epidemics by which it has been ravaged, one point in the heart of the city where, despite some unfavorable sanitary conditions, no case of yellow fever has ever occurred. That point is the calaboose, or old city prison. Often crowded to its utmost capacity during epidemics, its inmates always escaped the prevailing infection. Still another locality in New Orleans has for about fifty years enjoyed the same immunity with the city prison.

That locality is the city gas-works, not only the employés of which have uniformly escaped yellow fever, but all the families resident in the immediate vicinity. The gas-works in Mobile have also exerted the same protecting influence. The various chemicals employed in gas-works and the very compound odors engendered might well leave even medical men in doubt as to the true antidote to the prevailing yellow-fever poison. But an examination of the calaboose furnished clearer indications. The attics of this old city prison had long been the abodes of countless bats, the dead bodies of which, with their accumulated droppings, had by their decay produced an annoying stench. The predominating odor of ammonia, however, clearly demonstrated it as the successful antagonist of the germ. Soon after the conclusion of the last epidemic in New Orleans a very interesting article was published in the Times by Mr. J. Livingston, an active member of the Howard Association.

He gave a detailed account of the free application of ordinary aqua ammonia, sometimes mixed with equal parts of spirits of camphor, to the bodies of a large number of patients. This was done at first simply with a view to the powerful and grateful cooling influence produced by the rapid evaporation, favored by the heat of the fever. After his experience in several epidemics he was impressed with the fact that the heat and fever once reduced by the application of the ammonia never returned. He became convinced that ammonia as an 'alkaline gas penetrated the body through the pores of the skin, and as the fever did not return, the conclusion was inevitable that the poison in the system was an acid poison, and that the alkali neutralized it.' Doubtless his conclusion was correct; but he appears to have overlooked the very important fact that the ammoniated atmosphere surrounding patients thus treated was freely inhaled by them, and from the extended and very absorbent surface of the air-cells of the lungs had much more influence in destroying the fever poison in the blood than any action through the skin. We have long been impressed with this view of the case, and some valuable expedients for readily bringing into full play the absorbing power of the lungs and air passages generally having just occurred to us, we hasten to make them public for the benefit of our afflicted towns and cities without waiting the slow course of the medical journals.

The general application of ammonia to the bodies of patients, as has been described, should always be practiced when possible; but often from deficiency of materials and of nurses this plan can not be pursued. In such cases aqua ammonia may be sprinkled upon a cloth or handkerchief and laid upon the breast of the patient. In this way inhalation of the ammonia in sufficient quantities to neutralize the poison may readily be secured without the aid of any apparatus, the ammonia, of course, to be renewed at intervals. This plan will prove of great advantage even when free ammoniated applications have been made to the body.

Our next practical suggestion is that the wards of hospitals and the rooms of private dwellings may readily be placed in the same safe condition against yellow fever as the old calaboose at New Orleans. This can readily be accomplished by allowing the proper amount of ammoniacal gas to escape statedly into the hospitals or dwellings to be protected. The gas may be compressed into copper vessels, properly fitted with small adjustable stop-cocks.

For the protection of unacclimated nurses and visitors the air of all sick-rooms should be ammoniated whenever possible. In this connection it is important to remark that the volatile disinfectants, such as chlorine, carbolic acid, etc., will condense or decompose ammonia, and thus destroy its usefulness. Where ammoniacal gas is employed disinfection should be accomplished by non-volatile agents, as copperas and ordinary lime—not the chloride. After all that has been stated, it is clear there is no plan for personal protection against yellow fever which can be compared to that which can readily be secured by ammonia in some form.

Even travelers fearing infection may carry about with them small bottles of aqua-ammonia, so that a handkerchief may be moistened with it from time to time, and worn in the breast pockets of their coats. A still more convenient mode of securing protection will be to provide a small cloth bag that can be conveniently carried in the vest pocket, and place in it half an ounce, or less, of coarsely pulverized carbonate of ammonia. The warmth of the person will liberate an ample amount of gas for enveloping the chest and reaching the lungs, exerting additional influence by inhalation.

It is needless, perhaps, to remind the ladies that the old-style bottles of smelling-salts may be well revived at this juncture, as they give off ammonia in sufficient quantity to be useful, whether traveling or at home, in infected sections. The various modes of using ammonia for antidoting yellow fever and the readiness and economy with which they may be employed certainly give promise of most beneficial results in all localities infested or threatened by yellow fever, and particularly in extreme southern or tropical sections. Carbonate of ammonia, in 5-grain doses, may be usefully employed internally. But it is the part of discretion not to rely exclusively upon ammonia in the treatment of yellow fever; the use of mustard, of foot-baths, etc., should not be neglected.

No prudent physician will, in any serious form of disease in the South, omit the internal use of mercury in some form, and preferably calomel. Of this useful drug a combination of 20 grains with three of bicarbonate of soda should be be made into five pills, and one given every hour from the outset. Quinine being of very questionable utility in yellow fever, we propose in its stead the use of quassia in solid extract or infusion. It is an admirable tonic, and, having little or no exciting power, may be used without damage when the fever is at its height. We would remind our professional brethren of the high reputation acquired by quassia long ago in relieving the putrid and malignant fevers of Surinam. It is a powerful antiseptic and insecticide, and there is little room to doubt that its first high reputation was due to its power as a destroyer of germs in malignant southern fevers. It certainly deserves resuscitation.

We would enforce all that has been claimed for ammonia by reference to the facts that the old Morgan line of steamers that for so many years was engaged in the transportation of cattle to and from Indianola, Galveston, New Orleans, and Havana never had a case of yellow fever to occur among its officers or crews. The filth of the cattle kept the vessel saturated by ammoniacal odors, which by inhalation preserved the health of all employed in that traffic. Let it be remembered that no amount of ordinary disinfection and care will prevail against yellow fever. The heights of Gibraltar, guarded and cleansed with the utmost care by the skill of British garrisons, has suffered as severely as any

quarter of the globe, with a few exceptions in our own country. Cleanliness is all important, and disinfectants have their use, but ammonia is claimed as an antidote to yellow fever, and the claim is apparently well founded. Ordinary disinfectants may be safely omitted; ammonia never.

J. B. READ, M. D.

TUSCALOOSA, ALA., *September* 26, 1888.

This constitutes the substance of the suggestions of Dr. Read upon this subject, the method of using as a disinfectant and a cure and preventive the spirits of ammonia in different forms for this disease, based upon the ascertained fact, as he claims it to be, of the exemption of certain localities where this chemical existed in natural conditions as the only ascertained cause and preventive.

Dr. Read suggests that this should receive an exhaustive examination, and that some public action should be taken by the Government to test this method of cure and prevention. He alludes to the fact that the commerce of the Southern States, the Gulf States of Alabama and Mississippi and a portion of Georgia, is almost entirely suspended, and that a shot-gun quarantine, dangerous to life and very costly to the different localities, is being maintained throughout the entire extent of the country, causing a loss of millions of dollars.

I am also informed that in New York the transportation of cotton from the States which are supposed to be infected with this disease has been prohibited, and that a very large interruption of the commercial relations of the country has been caused already by the apprehension of its importation into the Northern and Eastern cities.

I have another letter from a man who seems to be a man of some thoughtfulness and with a spirit of inquiry and examination into this subject, a Mr. Knickerbocker, of Lawtey, Fla., I believe a citizen of Illinois, who has recently made his home in that State, which is as follows:

Hon. WILKINSON CALL:

DEAR SIR: In answer to your inquiry of 15th, I am happy to say there is no yellow fever in Bradford County, nor fever of any kind in this section. There is now authentic record that there are but two places in the State where yellow fever is epidemic, Jacksonville and McClenny, except Gainesville, which at date of writing is doubtful. In my previous letter to you I inclosed drawings and description of methods to kill the germs and kill the yellow fever. I have inclosed other drawings and description to more fully explain, if any interest or move is made to practically test the plans proposed. The plan inclosed for disinfecting, by superheated steam to spray bichloride of mercury, or other disinfecting solutions, ought to be published in the papers generally, as it is immediately available in most towns of any size that have steam fire-engines. The streets and sewers can by this plan be thoroughly disinfected immediately.

I intensely feel that this epidemic will injure us as a State more than anything that has befallen us since Florida has been a State, and anything that may possibly lead to a method or plan of stamping out or staying the disease before frosts should be resorted to. It is our duty to do all we possibly can, and I hope the plans proposed may at least suggest some plan to scientific men that will at least save us from another visitation of this dread pestilence.

The following additional explanations apply to the balloon plan of drawing down frosty air from high elevations:

First. Just previous to elevating the balloons, to ascertain whether adverse cross-currents are prevailing, pilot balloons can be sent up. These will show whether guy ropes are needed, or the balloon can be made so the lower parts will act like a common kite, and always hold the balloon at an angle of not over forty-five degrees. This may do away with a serious trouble in practice, and the only serious trouble to be apprehended. The record of the amounts of ice-cold air a fan blower of 48 inches diameter will discharge per horse power per minute is 15,000 cubic feet, which will give a faint idea of the immense amount of frosty air that could be spouted on the ground of the streets and forced through the sewers and infected buildings, etc., by this method.

I think the most serious objections to the proposed plan have been answered. Should any move be made towards trying these plans, I would be very much obliged to be notified of the same.

Most respectfully, yours,

M. KNICKERBOCKER.

LAWTEY, BRADFORD COUNTY, FLORIDA, *September* 23, 1888.

Mr. Knickerbocker incloses drawings of a mechanical contrivance for the purpose of disinfecting by superheated steam in sprays of the bichloride of mercury or other disinfecting solutions by the aid of steam fire-engines in the streets and sewers of cities.

This tendency of the American mind to exhaustive inquiry and examination into every subject that presents any great danger to the country at large is largely among people of limited means, men of enterprise but without money, enthusiasts, perhaps, but still thoughtful men, following the principles of the Baconian system of reasoning, who experiment in facts, who test particular cases, and who reason from an extensive gathering of the observations of reliable persons in relation to the ascertained facts.

This epidemic is becoming more fatal every day in the localities where it exists, and it is only the near approach of frost that will stay its ravages. It is very important, to prevent its recurrence in the coming summer with renewed virulence and vastly extended range, that the subject should be investigated at the present time and without any further delay, when it can be done before the frost shall have exterminated it for the time being.

I also submit the following letter from Dr. Stephen Smith, vice-president of the National Board of Health:

NATIONAL BOARD OF HEALTH,
New York, 374 *Madison avenue*, *September* 25, 1888.

MY DEAR SIR: I notice that you have introduced a bill creating a commission to study yellow fever as it at present exists in Florida, with a view to its prevention. Perhaps it is not known to you that a similar investigation was made by a competent corps of medical men during the prevalence of the epidemic of 1878, in the Mississippi Valley, which led to the creation of the National Board of Health in 1879. One of the first acts of that board was to send a commission of experts, in the knowledge of yellow fever, to Cuba to study the disease at its home, and determine the best methods of dealing with it. The report of that commission was most exhaustive, and will be found at length in the first and second annual reports of the National Board of Health. Based on that report was all of the subsequent work of the board, and had it been sustained, by even meager appropriations, yellow fever never would have gained a footing in this country.

The National Board of Health still exists, having in its membership the ablest sanitarians in this country, two of whom are eminent Southern physicians, who have personally been through the severest yellow-fever epidemics of the Mississippi Valley. And it is a matter of astonishment to the members of that board that in this great crisis of another visitation of the pestilence the board is not summoned by the President to give its advice and aid as in 1879. Instead, the President relies entirely upon one member of that board, namely, the Surgeon-General of the Marine Hospital Service, and thus fails to call into the service two of the most competent physicians in the management of yellow fever perhaps in the world. I refer to Dr. Robert W. Mitchell, of Memphis, and Dr. Stanford E. Chaillée, of New Orleans, members of the board. I think if you will confer with Senator HARRIS and Senator GIBSON you will learn much in regard to the board and its work which you ought to be apprised of in this emergency.

The act creating the board was approved March 3, 1879, and is still in force. The act which gave the board its greater powers was approved June 2, 1879, and expired by limitation at the end of four years. This latter law ought, in my opinion, to be revived, and the National Board of Health again empowered to exercise its functions as the sanitary branch of the Government. It is no wish of the members of the board to obtrude themselves upon the President, who now is alone responsible for the use of the funds appropriated to prevent the spread of the epidemic, but they feel and believe that the special knowledge which the board has of yellow fever and the large experience gained of the value of measures of prevention in 1879-'83 would be of great public service in this epidemic. The national board is the lawful branch of the public health service of the General Government, and as such ought of right to perform the duties belonging to that service.

Excuse the freedom with which I have written, but I do so only from a sense of duty and responsibility as an officer of the board.

Very truly, yours,

STEPHEN SMITH, M. D.,
Vice-President of the National Board of Health.

Hon. WILKINSON CALL, *Senator.*

I am told that it is an ascertained fact that while the frost or a severe degree of cold temporarily suspends the poison or whatever may be the cause of this disease, it reappears under favorable conditions on the first advent of a heated temperature in the next season. Therefore the country where this disease has prevailed is very profoundly impressed with the necessity of an exhaustive examination during the next three or four weeks into the conditions of this disease in the locality where it now is, the methods of its introduction into this country, and all the facts attending it.

I therefore hope that the Senate will take some action. I have almost despaired of the Committee on Epidemic Diseases, in the midst of the engagements which the chairman and some other members of the committee have upon other important subjects, giving to this matter the time and attention which is necessary for its immediate passage; but I hope that the resolution will pass without delay, and I trust that if the Committee on Epidemic Diseases can not give to the subject the time and consideration necessary to formulate and report to the Senate a bill by which this method of inquiry may be had, and that all suggestions from all persons not confined to any particular school of medicine or any class of men, be thoroughly and exhaustively examined.

To that end I have introduced a joint resolution, which I hope will receive the favorable consideration of the committee, requesting the President to convene the Academy of Sciences, which, I understand, is composed of a number of learned men who have habits of research into the different sciences, and are eminent for their attainments in some of them, as a nucleus, and to add to them such eminent scientists as may be found in other portions of the country and in other countries, not confining it to the United States alone, to convene and to establish proper modes of proof, of the gathering of facts while this epidemic still prevails, and to give to the subject the profound thought and attention that it deserves.

We must remember that this matter of epidemic disease has been in the past history of the world a fruitful cause of the destruction of entire peoples, more so than even the great wars that have desolated the world. Professor Proctor, whose lamented death has recently occurred, wrongly attributes, I think, to the prevalence of this scourge, in an article which he had prepared, suggested to him by the prevalence of the yellow fever in the Southern States, collated the facts as stated by the different historians upon this subject, and among others he called to mind the fact that the historian, Gibbon, states it as his opinion, from the best data which could be obtained, that the great plague which desolated the Roman Empire and the Oriental nations during the latter days of the empire destroyed not less than one hundred million people.

The wonderful fatality of this peculiar disease, which Dr. Stone describes as something distinct from all other known diseases and having no relation and no resemblance to them—the wonderful fatality with which at times it prevails in different portions of this country, being transported in the clothing, transported apparently in wood and in substances which would seem to have no natural affinity for it, renders it necessary that the very best intellectual capacity the country and the world affords shall be bestowed upon this subject.

We are now almost in daily communication with the coast of Cuba, with the city of Havana, where this terrible disease is almost constantly existing, and where at particular seasons of the year no foreigner can enter the city from the latitudes which we inhabit without great danger of being subjected to it.

Mr. President, I shall not detain the Senate any further. My object was to present these suggestions and put them in the RECORD from men who have given much thought to this subject, and whose ideas have been communicated to me for the purpose of being placed before some authority capable of dealing with them.

I call attention, before concluding, to the remarkable features of this epidemic in the city of Jacksonville. With a population of probably not more than nine or ten thousand persons who were left there after the advent of the epidemic, out of 30,000 people living there and in the immediate vicinity of this city, there have been, up to this date, I think, very nearly twenty-nine hundred cases, if I read the figures aright, and two hundred and sixty-three deaths out of that number. The city of Jacksonville is a place the natural conditions of which are remarkably healthful. It is a very sandy, open, porous soil, which readily dispo es of whatever may be placed upon the surface that would engender a bad atmosphere. It is rolling ground; it is washed by the tide-waters of the Atlantic Ocean, which make their entrance and their exit there twice in every twenty-four hours.

It is near the coast, where the sea breezes from the open ocean, unaffected by any intervening land, from the coasts of Africa and Europe, entirely open, render it peculiarly salubrious and wonderfully healthy in ordinary times. This disease has by its very great fatality there shown what it would do if it were located in Washington City or in Norfolk, as it has been, or in any great city where sanitary conditions of a proper character are very difficult to preserve, and it actually threatens the whole of this country, threatens it with a probability that can only be met by the most careful and efficient methods and at this present time.

That is the opinion of the most intelligent and best informed physicians who have communicated with me since the first resolution was introduced asking the aid of Congress upon this subject.

Mr. BLAIR. Will the Senator yield for a question?

Mr. CALL. Certainly.

Mr. BLAIR. The Senator alludes to a correspondence with physicians. I understand the difficulty to be that there is a portion of the southern extremity of Florida where the disease has already become seated, which is below the frost line, where we can not rely on freezing to extirpate the fever germs. Is that the point at which the Senator would direct his effort?

Mr. CALL. That is one point in the matter.

Mr. BLAIR. Then, the inquiry I want to put to the Senator is this: whether these physicians suggest any tangible, definite thing to be done?

Mr. CALL. Yes, I have a great number of communications which I desire to place upon the record to go before the country.

Mr. BLAIR. There seems to be a vast amount of communications and a great deal of general talk, while the disease is continuing its ravages and spreading over the country. I thought perhaps the Senator had some proposition to bring this to a focus, to give them some money to do something.

Mr. CALL. I have introduced this resolution asking the President of the United States to convene the Academy of Science.

Mr. BLAIR. What object is there in convening the Academy of Science, I ask the Senator?

Mr. CALL. And such other learned men——

Mr. BLAIR. Learned men have worked for ages and ages on this business and have found out nothing.

Mr. CALL. I do not know of any other method except to convene the best intelligence and the best information that can be had on the subject, and ask of that body to adopt the proper methods of investigation and follow it up in the most earnest and scientific method.

Mr. BLAIR. How would it do to appoint a committee of the Senate and let them summon experts? It seems to me to summon the Academy of Science would be wild work. I never yet knew such an academy that could agree that two and two make four. If the Senator will make a proposition to do something, to spend some money, and find out something by a committee of the Senate or a joint committee of both Houses with authority to go to work and summon people who are supposed to know something—two-thirds of them will know nothing, but some of them will know something—we shall get the advantage of what they have to say, and possibly shall get some information that will enable us to buy coffins, if nothing more.

Mr. HALE. Allow me to suggest that the Committee on Epidemic Diseases, of which the Senator from Tennessee [Mr. HARRIS] is chairman, has taken a great interest in this matter, is now looking into the subject and considering what may best be done, and will no doubt report in the practical direction indicated by the Senator from New Hampshire.

Mr. BLAIR. Would it not be well for them to be armed with some money and some instructions to bring things to a focus, call in the learned men of the Academy of Science and men who do not know so much as they do, out of whom they may get information of some value if they can get it from any source.

Mr. HALE. I never knew a committee intrusted with such works who would not need a liberal supply of money.

Mr. BLAIR. They might be instructed to bring their work to an end before the disease had spread everywhere and the people of the nation had died of the disease, and do the best they can. It seems to me it is a better way than it is to talk so much.

Mr. CALL. It seems to me that the proper action for the two Houses of Congress to take at this time would be to pass the joint resolution which I have introduced and which I was in hopes the Committee on Epidemic Diseases would have considered and reported before this time.

I appreciate the fact of the public engagements which will now occupy the time of Senators and which may have prevented that committee from giving this subject the attention which it deserves. It can not wait. If this investigation is to be had at all, and to be had in the most efficient manner, it must be made within the next three or four weeks while this disease is prevailing with its greatest virulence in the States in the South. Then it will have disappeared, and unless a faithful record shall have been kept, and kept upon a large scale, bringing in the greatest number of cases and the peculiar symptoms and features attending each case and the surroundings and the effect of the different remedies used and experiments made under intelligent direction of all the new suggestions, we can not hope to develop anything new.

This disease has existed for seventy-five years. At times it has desolated the city of Havana and the city of New Orleans and the city of Galveston. It has only occasionally made its appearance upon the coast of Florida, and this year it has come in a shape and with a fatality so widely extended as to threaten in the future very wide areas of country.

The Academy of Science, as I understand, is a corporation of learned men who are devoted to the subject of scientific research, natural research—which Senators are not—who have given their lives to it; such men as Huxley, of England, and some who have not attained equal fame but have approximated it, like the late Mr. Proctor. There are numbers of them, with whose names I am not familiar, in the United States.

Mr. BLAIR. Those are not citizens of the United States. How can the President convene them?

Mr. CALL. He can request their attendance.

Mr. BLAIR. I know a doctor in New Hampshire who will find out more about it than any of them will if you summon him before the committee.

Mr. CALL. I have not the slightest doubt of it.

Mr. BLAIR. I am in favor of exhausting the American doctors before we go abroad.

Mr. CALL. I have no doubt he is a very learned man; learning is not confined to any particular bounds. I acknowledge there are great men in New Hampshire; but there are some elsewhere, and let us have them all, or as many of them as we can conveniently get.

That was the suggestion that occurred to me, that we should have the investigation not only of medical men, but all men of natural research, men of habits, of study, and thought, and experiment. The great trouble of the world has been the want of that continuous scientific practical investigation which Bacon with his wonderful genius indicated so many years ago as the only solid basis of progress and practical information as to natural science and the facts of nature, the order of nature.

If this disease shall evoke and procure that action by the Congress of the United States of an assembly of the great scientists of America—of New Hampshire—of England, of France, of Germany, for the purpose of investigating and determining the true facts which will indicate the character of this disease and the methods of its propagation and prevention, and its cure, it will have accomplished a great good to the world and a great good to ourselves; and I am persuaded from the facts which are exhibited by these scientific men, some physicians and some not physicians, but who have given attention and thought to this subject—I am satisfied something useful will be developed.

Mr. BLAIR. Allow me to ask the Senator one question before he takes his seat. Suppose this convocation should get together and find out absolutely, beyond all peradventure, a remedy for the yellow fever, and in some way its application would interfere with the doctrine of State rights, what would be the Senator's position?

Mr. CALL. We can discuss that when it comes up.

Mr. BLAIR. Now, unless the Senator is willing to start with the understanding that in some way we can override the doctrine of State rights and take this specific, if it be necessary and the only thing to cure the yellow fever, I am opposed to any further expenditure.

Mr. CALL. I should be very sorry to lose the support of my friend, the Senator from New Hampshire, but he must not allow the doctrine of State rights to interfere with his present action. We can consider that when it comes up.

Mr. BLAIR. Not long since the Senator brought up the subject, which was discussed for a long time and we were all ready to help him out, but when it trenched upon the doctrine of State rights he chose the yellow fever. In view of the prospective destruction and death of this nation by reason of this epidemic, if we find the remedy, it may be at a million dollars' expense, I want to know if the Senator is going to interpose the doctrine of State rights and prevent us taking physic and getting well?

Mr. CALL. I have never found any difficulty in the doctrine of State rights interfering with any national purpose which was really a national purpose; but I will not enter into that discussion with my friend. My idea is that the National Government and the States ought to operate together, the one aiding the other, which is the proper interpretation of the spirit of the Constitution. However, we will not discuss that now.

Mr. BLAIR. That seems to be this, that the State of Florida furnishes the disease and we are called upon to furnish the remedy, and in that way to co-operate together. Now, I want to know whether the Senator will interpose the doctrine of State rights to prevent our helping the people in the State of Florida to prevent the spread and the extension of the disease to other portions of the country?

Mr. CALL. The trouble is that the State of Florida does not furnish the disease. The Constitution furnishes the disease in creating the foreign commerce of the country and placing it under the regulation of Congress.

Mr. BLAIR. If that be so, why does not Congress take control of the whole matter? The Senator's theory of State rights is conceded away, even by the Senator himself.

Mr. CALL. I do not think so. My friend is welcome to that opinion if he thinks so. I see no difficulty in Congress taking such action as will secure the best possible results; and my opinion and my desire are that the Committee on Epidemic Diseases, or the Senate without the committee, will at this present time, during this week, pass this resolution, or some resolution similar, providing for an organism of some kind to investigate at the public expense the methods of the prevention and the cure of this disease which may be suggested by learned and practical men all over the country, and that it may be required to commence the investigation immediately here in the city of Washington, and to obtain such facts as it may be possible to obtain at this time for the prevention of this epidemic. That is the hope I have, and with that hope I have brought the subject before the Senate.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The SECRETARY. At the end of the resolution it is proposed to add:

Resolved, That the committee do further inquire into the introduction of yellow fever into the United States during the present year, and ascertain, if possible, by what means and through what avenues, if any, it has been brought into Florida and other States where it has appeared as an epidemic during the present year.

Mr. CHANDLER. Does the Senator from Florida [Mr. PASCO] wish to speak upon this subject?

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. PASCO] offered the amendment which has just been read by the Secretary.

Mr. PASCO. I have a few remarks to make touching the amendment I introduced, before the discussion closes.

I have no objection to this inquiry and investigation proposed and suggested by my colleague into this subject of preventing and curing the yellow fever, and shall favor a full consideration of the resolutions and bills he and others have introduced in the Senate on the subject.

The Committee on Epidemic Diseases and Congress and the country have been liberal to our people. They have contributed freely of their money, publicly and privately, and everything that was possible in the way of immediate and substantial relief seems to have been done in order to arrest the progress of the disease and give relief to our suffering people. But if these investigations are to be made, and if this matter is to be thoroughly inquired into by the Committee on Epidemic Diseases, as I hope it will be, I should like the investigation to commence a little further back and not simply to consider how we shall meet the disease when it comes into the country, how we shall combat it and stop its ravages, but to inquire further as to the best means of keeping it from getting into the country.

There have been several theories with reference to its coming into Florida during the present year. It has been alleged that it was brought in by smugglers dealing upon the coast of Florida. If so, then there should be an examination into that matter, and additional efforts should be made to protect the commerce of the country against an irregular and illegal traffic with countries where this disease annually appears, and the Treasury Department should be supplied with liberal means to prevent its coming through these avenues of an unlawful trade and commerce.

It has been suggested that it has been brought in by the increase of commerce between Florida and the West India seaports. If that is so, that commerce should be guarded by a stricter quarantine, and all proper means should be taken to prevent the introduction of yellow fever into the country by that channel.

It has been suggested, as referred to by the Senator from New Hampshire [Mr. BLAIR], that the disease has been brought into the State in former years and that it has remained there during the winters below the frost-line, ready to break out with fresh vigor when the weather and conditions became favorable in another season. The experience of our people for many years at Key West, which is the lowest point in Florida, where this disease makes its visitations, and the history of the epidemics there would seem to prove that the disease does not subsist in the country during the winter. But if there is any foundation to sustain this theory certainly it is a proper subject for investigation, and it is right and proper that the facts should be known.

In whatever way this disease is brought into the country, in whatever way the present epidemic originated in the localities where it has existed during the present year, if it is possible for the Committee on Epidemic Diseases to ascertain that channel, to discover that avenue, then it would seem to be our duty to cut it off and keep it from again invading the country. It is for this purpose that I have offered the amendment, so that these questions may be examined into in order that if the disease is brought in from foreign countries by smugglers or by any lines of trade and travel to and from foreign countries, that stricter guards may be placed at the ports of entry and along the coast, and that the disease may be kept out of our land in that way. Of course, when it once comes in here we have got to resist it; we have got to find the best and most effective means of checking its ravages, and the money of the Federal Government and of the people of the country has been poured out liberally, almost like water, in order to meet and resist this disease during the present year.

If it is to come here year after year, it is our duty to devise means to endeavor to prevent it and to check its progress. But after it comes, our experience has taught us that our efforts, though extended and generous, accomplish but little in comparison with the vast amount of suffering and evil that comes with it. It will still go on with its ravages, and it will only be after years of experiment and years of investigation that we may perhaps chance to come upon some remedy that will cure the disease. But if we can keep it out of the country, if we can meet it at the threshold, if we can stop it at our gates, and keep it from entering through the channels of trade and commerce and travel something effective will be accomplished.

It is for this purpose I have offered the amendment, that it may go to the committee with the resolution and with the bills that have been referred to the committee from other sources, and that the scope of this examination and this investigation may be widened, and that the committee, if possible, may discover the avenues by which it comes into the country; and then let us take means to shut up those avenues.

Mr. BERRY. Mr. President, as the chairman of the Committee on Epidemic Diseases, the Senator from Tennessee [Mr. HARRIS], is not present, I wish to say that the Committee on Epidemic Diseases have shown a disposition to grant all the money and to grant all the power that may be necessary to crush out this disease; and especially will I say that the Senators on that committee from the Northern and New England States have shown a liberality that is greatly to be commended in regard to their desire and disposition to give all the money to stop this dread disease in the Southern States that they can give, and to grant any power that may be necessary.

Now, in regard to the resolution of the Senator from Florida, if I understand it, it is a proposition to instruct that committee to do a particular thing while that committee is investigating the whole subject. I do not think the resolution ought to pass in that shape, but I think the resolution, with the amendment of the junior Senator from Florida, should go to the Committee on Epidemic Diseases. That committee are now investigating it. They are disposed and anxious to do everything that it is possible to do and do the correct thing, and I think it would not be proper to adopt a resolution instructing them to report a particular character of bill when they are investigating the subject, and are perfectly willing and intend to report the best bill that they can possibly frame.

Mr. CHANDLER. I should like to ask the Senator from Florida who introduced the resolution [Mr. CALL] whether he has any objection to modifying the first part of the resolution so as to instruct the committee to consider the subject-matter of the resolution, but omitting the instruction to report. If so, there is no objection to the passage of the resolution, and there is no objection, as it seems to me, to the adoption of the amendment proposed by the junior Senator from Florida [Mr. PASCO], which is an amendment instructing an investigation. But it does seem to me, especially in view of what the Senator from Arkansas [Mr. BERRY] has said, that after this Committee on Epidemic Diseases, the chairman of which is not here at this time, has shown the disposition it has to give all the money and all the authority that may be needed in the present emergency, and has also been disposed to consider all the many propositions which have been referred to that committee on the motion of the Senator from Florida [Mr. CALL], that it would not be quite wise or right to undertake to limit the committee by affirmative instruction, implying that there is need of the application of some particular stimulant on the part of the Senate to make the committee do that duty in which it has not been derelict, but which I believe it has been very prompt to perform. I hope the Senator will make that modification, and then that the resolution so modified may be adopted. If that modification is not made I shall move that the resolution be referred to the Committee on Epidemic Diseases.

Mr. CALL. The resolution proposes a very simple thing, and it does not require any delay. It proposes to instruct the committee to report at this session of Congress—what? Not any particular bill, but some resolution requiring the investigation at this moment in some shape, by somebody, of the proper and best methods for the suppres-

sion and prevention of this epidemic. I suppose it contained all the ideas that are contained in the amendment of my colleague, but I have accepted that amendment simply as a matter of courtesy. I presume that when the subject of epidemic diseases, their introduction, and their suppression and prevention, is referred to a committee, it carries with it the methods of their introduction as one of the means of prevention as a necessity.

Mr. SPOONER. I wish to ask the Senator if he will yield for a moment to allow the resolution to be read?

Mr. CALL. Certainly I will.

The PRESIDENT *pro tempore*. The question is on the amendment. The resolution and amendment will both be read, if there be no objection.

The Secretary read the resolution and the amendment.

Mr. CALL. Mr. President, there are two ideas connected with this matter. The one is the prevention of this epidemic, whether it be by preventing its introduction into the United States or by sanitary conditions by some methods of affecting the peculiar substance of which it consists. The learned men whose opinions have been communicated here, the notable instance in New Orleans, if true, which seems not to have come before the Committee on Epidemic Diseases, of seventy-five years' experience of exemption, and yet this terrible plague desolated the city of Memphis and the Mississippi Valley, and there seems never to have been an investigation of that fact, if it be a fact, as is alleged here by a man of high character, of learning and experience upon this subject. That would be one method of preventing it.

The use of this peculiar chemical which is found to exist in that locality, if it be true, and this seems to have the authority more or less of the distinguished physician who was a very learned man and a man of great experience on this subject, Dr. Stone, of New Orleans—I know not whether it be true or not, but I know, coming from this authority, it is deserving of investigation, and I know that the Committee on Epidemic Diseases are not the scientific men to make that investigation. I know that men who are acquainted with the specific subject are better capable of making that investigation than are those men who are engaged in political matters, and whose thoughts are constantly occupied with other subjects than those which require special knowledge of a particular condition of things.

Mr. President, that was the reason why I asked this action, not that it would be any reflection upon the Committee on Epidemic Diseases, but imminence of this plague does not await the convenience of the Committee on Epidemic Diseases. A thousand people probably have lost their lives while the Committee on Epidemic Diseases have been considering or not considering what action should be taken. I know they have given attention to it. Here are these bills before them. Of course they are required to examine them and say whether they are correct or not, whether they ought or ought not to be passed; but I think the members of that committee will bear me out in saying that they have not had more than one session of a few minutes or of an hour or two upon the consideration of this great epidemic since it has made its entrance into the United States.

Mr. BERRY. We have had several sessions.

Mr. CALL. How many?

Mr. BERRY. I do not know the number of sessions, but there has been more than one, I am sure.

Mr. CALL. More than one?

Mr. CHANDLER. I should like to ask the Senator a question. I ask whether he has not himself appeared before that committee?

Mr. CALL. I have.

Mr. CHANDLER. And made as full a statement as he desired to make of his views on this subject?

Mr. CALL. I did on the first resolution. Now, I ask the Senator how many other meetings has that committee had pending the prevalence of this epidemic?

Mr. CHANDLER. I do not undertake to say that they have spent as much time in considering the measures before them as the Senator has consumed of the time of the Senate in talking about them, but I think that the action of the committee has had quite as good an effect in suppressing the epidemic as the speeches of the Senator from Florida.

If the Senator will allow me, I say he carries an implication in the remarks he has just made that men have been dying of this disease through the fault of the Committee on Epidemic Diseases. Mr. President, I regret that the Senator should use such language. I pardon the Senator for his extreme zeal in this behalf, but while engaged in discussing this subject at such great length he should not do injustice to others; for he knows that from the beginning to the end of this business, as the Senator from Arkansas has said, the Committee on Epidemic Diseases have shown a disposition to do everything that needs to be done and to give all the time that is necessary to this subject, and I think the Senator should refrain from casting imputations upon the committee, particularly when the chairman of the committee is absent from the Senate.

Now I ask the Senator what fault he has to find with the committee?

Mr. CALL. Mr. President, I have not found any fault with the committee. The Senator from New Hampshire is as fond of fighting a wind-mill as Don Quixote was. He sees things in the air; specters trouble his imagination. I said nothing about the committee. I said the committee have not reported any bill upon this subject, except the appropriation of $200,000 in money to be expended in the city of Jacksonville and elsewhere, and the resolution of the Senator from Vermont [Mr. EDMUNDS]; but as to any bill looking to an investigation of the best means of preventing this epidemic, for curing it, no action has been taken by them. That is no reflection upon the committee.

I know the chairman of that committee has been engaged upon the Finance Committee constantly; he told me so himself. So the suggestions of the Senator from New Hampshire amount to nothing, as they very often do. And I am surprised that the Senator from Arkansas, when I ask the Senate to take action requiring an investigation at this time while it can be had, should construe that into a reflection upon the committee. There has been no consideration, so far as I am advised or have been informed, by any member of preventing or suppressing this disease since the advent of this epidemic in Florida. I did appear before that committee and I did urge the passage of the $200,000 bill, and did urge that it should be so expressed as to authorize and require the destruction of the woolen clothing and other infected articles used by persons who had this disease, and paid for; but the committee refused to approve it, and the result has been that this disease has been conveyed in the clothing of these people throughout the country and is now prevailing in Decatur, according to the very best authority, by the failure to do what I urged in speeches which I made here when that resolution was before the committee. By the opposition of the committee to that provision this disease has been extended into those localities where it has gone.

Mr. BLAIR. Will the Senator allow me to remind him that during the debate upon the resolution or bill as it passed his suggestions were fully considered, and the action of the Senate was based upon the understanding that the bill as passed embraced all the Senator desired? It was left in the discretion of the authorities to buy old clothes, to buy old buildings, and extirpate the disease in any way whatever that they might deem it wise and judicious to employ the money for that purpose. So the Senator's suggestion in that regard falls to the ground. The authorities had power to buy the clothes and stop the infection and spread of the disease, and if anything is necessary that can be said or done by the Government we want to do it and have the end accomplished. I do not think, therefore, that the Senator ought to complain of unwillingness on the part of the Government.

Mr. CALL. I have made no complaint of unwillingness on the part of the Government or the committee, or any one else. I stated the fact——

Mr. BLAIR. But does not the Senator understand, as I stated, that under the existing legislation the clothing can be bought and can be destroyed, if necessary?

Mr. CALL. I understand it is not so construed. I understand the language is the same as in the former bill, and I understand, as I stated then, that the construction put upon it did not authorize the purchase and destruction of infected clothing, bedding, and other things.

Mr. BLAIR. Did it not authorize the destruction of the infected clothing, bedding, and other things, whether the purchase was authorized or not?

Mr. CALL. That was voted down in the Senate upon the motion of the committee. Now, I sought to make that plain. I have been endeavoring to procure such legislation as would authorize some competent authority somewhere to investigate this subject, to summon before them the men who had scientific and other knowledge upon this subject, who had experience, to gather the evidence, to convene the best ability in the world, in the United States and out of it, and to give to the subject the dignity and the importance and the patient investigation which the great extent of danger with which it threatens the country requires. That is all; and in asking that it should be done immediately I did it because I knew that if the Senate does not take some action upon the subject now the opportunity will pass away.

I have introduced this resolution at the request of the men who have volunteered their services and endangered their lives in this work of charity in the city of Jacksonville, who have asked that a record under public authority should be made of all the cases and of the conditions of the epidemic existing there, in order that it might be considered by the scientific intellects of the world, and some theory based upon facts observed and recorded which would relieve the country from the visitations of this plague. That is all.

This resolution does not commit the committee to any form of action. It instructs them to act in some way, to consider and report without delay, and we all know, notwithstanding the remarks of the Senator from Arkansas and the Senator from New Hampshire, that with the interest the country feels in the pending election, with the preoccupation of some, the absence of others from the Senate, and the coming discussions upon financial subjects—we know notwithstanding what has been said that all the probabilities are that unless the Senate pass this resolution and give this instruction this body will adjourn and this subject remain where it is, leaving to chance alone the preservation of the evidence and the facts which are important in investigations upon this subject, and leaving the plague to recur without the advantage of

experiment and proof and investigation of the various remedies, cures, and preventive methods which learned and thoughtful men have suggested.

Mr. HALE. If the motion has not already been made and is not pending, I move that the resolution and amendment be referred to the Committee on Epidemic Diseases.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the resolution and the amendment be referred to the Committee on Epidemic Diseases.

Mr. MORGAN. Mr. President——

Mr. SHERMAN. I hope the Senator from Alabama will allow me to state that the Senator from Tennessee [Mr. HARRIS], the chairman of the Committee on Epidemic Diseases, who naturally takes a great interest in the subject-matter, is, I know, necessarily engaged in public business in connection with the tariff, and therefore can not be here. I wish to make that statement, as his absence might not otherwise be accounted for.

Mr. MORGAN. Mr. President, I am not disposed to delay action on this matter at all, and believing that the Committee on Epidemic Diseases will take every possible step and do all that can be done by Congressional action to arrest and suppress the yellow fever, I shall still vote for the motion of the Senator from Maine to refer this resolution to the committee. I think that that committee has labored as diligently as any committee of this body since it was first organized for the purpose of carrying out the wishes of Congress as far as possible in the suppression of this plague; but my purpose in rising to speak upon this subject is to submit for the consideration of that committee a proposition which has recommended itself to my mind after several years of pretty close observation upon this trouble.

The Southern States are frequently agitated by the appearance of yellow fever, a terrible impediment to commerce and business of every character, aside from the sacrifice of human life that attends the ravages of this disease, and the loss in money is very enormous, and the panic which the people are exposed to is something that is exerutiating. I have observed, having taken part in the debates which occurred at the time this committee was first organized, that there is a sort of periodicity about the appearance of yellow fever in the South, and my observation has been that the periods occur about once in ten years.

Why this is so I am not able to judge, but it is the fact. The first appearance of the yellow fever is usually upon the Southern coast, the coast of the Gulf of Mexico or the South Atlantic; but of late years it is very observable that the cities of New Orleans, of Galveston, and of Mobile, which have heretofore been ravaged by this disease, have practically escaped the infection while other cities in the interior, commencing at Brownsville, Tex., and coming around to Shreveport, La., Memphis, Tenn., and Decatur, Ala., and other interior localities have been very much affected with it. Two or three years ago the yellow fever appeared in Pensacola. I do not now remember exactly whether it was two years or three years ago——

Mr. CALL. Three years.

Mr. MORGAN. Three years ago, and it continued in a certain form during the winter season. I suppose the frost was not strong enough to extirpate it.

It now seems to have found a field at Jacksonville and at other places in Florida, and following the track a good deal that it had ten years ago, only in a reverse direction, it is sweeping around toward Decatur, Ala., and so on. Of course, I am not able to account for these very peculiar visitations of yellow fever, and do not pretend to be able to account for them. I only find a certain state of facts which are repeated on several occasions, which admonish me that the efforts we are to make to prevent the introduction of yellow fever into the United States must be concentrated at the proper time upon the proper locality, the locality where the disease first appears.

Travel between New Orleans, Galveston, Mobile, and the Island of Cuba and the other islands of the Caribbean Sea was formerly slow; now it is very rapid. A man can be affected with the virus of the yellow fever in Cuba, for instance, and come on a very rapid passage across the little divide of waters there, and remain three or four or five days in a Florida town or an Alabama town before the disease develops itself, it being contagious as well as infectious, but particularly dangerous as a contagious disease. After the development occurs in one of these towns about the coast, the conditions of temperature and moisture being favorable to the development and spread of the disease, other persons in the vicinity take it probably from contagion, or perhaps from infection, but they take it, and it commences spreading from man to man, and from neighborhood to neighborhood, and is transported by the railroads from place to place until we find it scattered all over the country.

Men are carried into healthy localities where there is no favorable condition for the spread of the disease, and if they get well that is the end of it; but in other localities where the conditions are favorable to the progress and spread of the disease it goes about through the community and kills a great many. I have known a little piny-woods town 50 miles away from the Alabama River during the prevalence of yellow fever at Mobile to be infected with that disease from the bringing home of the clothing of persons who visited there and died in Mobile and leaving it at the village hotel. A town was absolutely depopulated, some ninety deaths occurring out of a population of 130 or 140, on a high ridge in the piny-wood section of the State, and as healthy a place as a person could select.

I think all this proves that the first place in which the yellow fever is developed anywhere in the United States, at whatever time of the year it may be developed, indicates the locality at which there ought to be a concentrated effort to prevent its spread. By what system of quarantine regulation that is to be done I have no advice to offer, because I do not understand that subject; but what I mean to assert is that the power that we intend to oppose to the spread of yellow fever ought to be concentrated upon the particular place where it first appeared in any given season, and we ought to spend as much money as is necessary to be spent there to have a perfect quarantine and introduce such other hygienic remedies as may be thought advisable.

How is this to be accomplished? It must be done in one of two ways, or perhaps by two means that lie within our reach: First, the Congress of the United States should organize a commission with authority to go to any place in any State where the yellow fever first appears, and there have power to enforce the regulations that may be provided and money to carry out the purposes of the commission, to introduce and enforce such a quarantine and such hygienic measures as would be best adapted to the suppression of the disease in that locality and to prevent its spread.

On that proposition we are met with this difficulty: That the Congress of the United States can not invade the States with its quarantine laws and take from them the jurisdiction and right to govern the health of the people and provide for their security. The city of New York would never submit in the world to have a United States commission go to that great place from the city of Washington, or appointed by the President of the United States, and take charge of all local quarantine and sanitary regulations to prevent yellow fever or small-pox, or any other disease; and we have no power to compel her to surrender this ancient right of sovereignty.

So there is a difficulty that occurs in the administration of the law just in that way. But there are powers that we can exert in regard to the yellow fever in the Southern States to which I think we ought to resort. There are nine States in the South that have been heretofore subject to the ravages of the yellow fever. They are Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, and South Carolina. Now, suppose that each of these States should vote $100,000—if they had to vote the money out of their treasury or borrow, it would make no difference—there would be a fund of $900,000 raised by these separate States.

Let each governor of each State appoint a commission and let that board elect its president; let the commissioners be selected with reference to their probity and their reliability and their skill. Let them take the form of a joint commission and have free access to and the right to use any part of this money, with the accumulations, at any place where the fever may appear in the South. Let them go there and use their very best endeavors, guided by science and skill and experience, to stamp out the appearance of the disease in that locality.

The Congress of the United States, in virtue of its interest in the mails, in interstate commerce, international commerce, and in preserving navigation, would have no difficulty at all in voting a subvention to that commission and placing its money in the charge of these State authorities to be expended under the State laws. The States themselves would naturally conform their legislative provisions so as to make this a success at any place in any of these States where the fever might appear. There is no difficulty about the introduction of it into the city of New York or the city of Philadelphia or the city of Boston. There is very little danger of its spread in the present light that scientific men and experience have shed upon the question of the treatment of the disease. So it is not necessary to enlarge this project further than to include the eight or nine Southern States that are liable to the visitation.

I believe if this were done we should get around the constitutional and other difficulties; that we should have a fund available in the hands of the right kind of men, the right kind of a commission to go to the spot, whether it is Jacksonville or wherever it may be in the South where the fever first appears, and there make use of every effort that is possible to human experience and human wisdom to stamp out this disease.

I have thrown out these observations in this crude form, merely for the purpose of bringing them to the attention of the Committee on Epidemic Diseases. I desire also that the Legislatures of the different States of the South should devote some attention to this matter, as they doubtless will. I think if we can secure by Congressional advice, and Congressional assistance, and Congressional concurrence a uniformity of action among the different States of the South on this subject, we shall have a power to control the introduction of yellow fever which is equivalent to that which has kept it out of Galveston and New Orleans and Charleston for years. It can be kept out; there is no doubt about it. General Butler kept the yellow fever out of New Orleans when he had military possession of that place. Whether he did it by

local hygiene and hygienic treatment or not, I do not know. More likely than not it was in consequence of the blockade enforced against persons from Cuba.

My own opinion is that there is not a native case of yellow fever in the United States. They are all cases which are brought from abroad, in certain cases the fever breaking out and at other times latent and lurking in the system. I do not believe there is a foot of ground in the United States that is native to the yellow fever. It is shown that it is similar to the African fever, and that is found in Africa only in the tropical belt of the coast on the east and west of that continent.

I desired merely to submit these observations in the hope that the Committee on Epidemic Diseases would look into the subject.

Mr. CALL. Mr. President, I had no idea when I introduced this resolution that anything would come of it. I knew it would be referred to the Committee on Epidemic Diseases, and that would be the beginning and the end of it. Still I considered it my duty to do it and to urge it so far as I have any power. This committee has lasted here for years. Terrible epidemics have scourged this country, and yet no effective method has been provided by it for either the investigation or the prevention of the disease. Now, I am not blaming the committee. It is a difficult subject, and it is only when plague and pestilence in their worst forms threaten the country that general attention is directed to this subject. The committee have sought to provide quarantine regulations. They are good; but how can you enforce a quarantine over a country with its 5,000 and 6,000 miles of seacoast? How can you prevent smugglers from coming into the country?

You talk about investigating how this disease was brought into Florida. The Surgeon-General says he has positive evidence that it was brought there by smugglers upon the coast of Florida bringing in fine goods, silks, and articles easily transported, cigars and the rum of Cuba. It has been traced with absolute certainty in other cases to woolen clothing brought from Havana. It was carried recently to Decatur in a bundle of clothes by a man who escaped the disease entirely, but left those clothes behind to give death to the family where he was and to all who came in contact with them in that community. As is stated by Dr. Read, giving the opinion of Dr. Stone, it is one of the most deadly and fatal of all the plagues that have ever affected humanity, having a nature peculiar to itself, as to which but little is known after seventy-five years' experience of its deadly power.

In this condition of things, with nothing but a resolution appropriating $200,000, and the subsequent resolution passed upon the motion of the Senator from Vermont [Mr. EDMUNDS], appropriating an additional $100,000 for the relief of the sufferers from this disease, there has been no action taken, none whatever, looking toward the prevention of it except the bill which provided a penalty for those who escape the quarantine imposed by the Government.

The Senator from Alabama [Mr. MORGAN] talks about the difficulty of enforcing it upon the part of national authority, but the Senator from Tennessee [Mr. HARRIS] and the Committee on Epidemic Diseases have introduced and reported favorably a bill, which has passed the Senate, authorizing the Government of the United States to establish a local quarantine, and even providing penalties to be enforced in the courts of the United States against the citizens of a State who, in the interior of that State, shall have violated the quarantine prescribed by the Federal Government. Why talk about the subject of authority when this action has already been taken by the Senate? I see no difficulty in any case of the national authority co-operating with the States and aiding the State authorities in any and all cases whatsoever, the States consenting and requesting the aid of national authority.

Mr. BLAIR. How would it do for the State of Florida to co-operate and assist the National Government in this business?

Mr. CALL. That would be very good. I do not see any difficulty about it. The States north did co-operate and assist the National Government in the late civil war, co-operated and aided them in their State organizations, provided money and provided troops. There is no difficulty in any case, and that is the Constitution. It is the harmony of National and State power, and this is a figment, an idea in the brain of the Senator, and has no existence in reason and can not be defended in argument by the Senator from New Hampshire.

But I am talking now about the duty that I owe to the people of the country, to my own State, and all the States, not only the nine Southern States, including Maryland and Virginia, that have both had this dreadful plague in its worst forms, this African fever, coming from Asia and Africa and finding a domicile in the West Indies, and from thence being carried to the coast of the United States; and it has been in New York and Philadelphia, and has even been in Quebec with wonderful fatality, as Dr. Stone indicated in his opinion as stated by Dr. Read.

That is the condition, that is the position this question occupies, and that is the relation which the Committee on Epidemic Diseases hold to it. I have no fault to find with them, because I know the Senator from Tennessee, who is chairman of that committee, has been occupied laboriously and incessantly in the Committee on Finance; but there is only one intelligent thing to do. The Senate and the committees of this body are non-progressive, they have not yet arrived at that point of knowledge which the rest of the world has reached. They have not yet learned the value of the Baconian theory of the investigation of the order of nature and of the causes of pestilence.

They have not yet perceived, though a disease may destroy thousands and millions of people, that it is of national concern that it be ascertained by scientific research and by convening the best intellects of the world to consider it carefully. I know that, and it is as difficult to get a progressive idea for the progress of science and the advancement of learning through a committee of this body as it is to wrest the stars from the heavens. But I think it my duty, and I know it should be done, to urge that this investigation should be had, and had not by a committee of Congress, but by learned men engaged in and accustomed to natural research; men like Huxley, men like Proctor, men like some of those we have in our own country whose names are not familiar to me, engaged in this direction of thought and experiment; men like Dr. Read, like these other men whose letters I have read; men some of whom perhaps are low down on the ladder of science, but yet are giving their time and their observations to the discovery of some protection for humanity against this great plague.

Mr. President, there is but one thing to do, and I am well aware that the Senate will not do that. It is to pass this resolution, and, if necessary, create a special committee that will have time to investigate and consider this subject, or, at all events, pass this resolution instructing that committee, not merely to refer it to them, for referring means killing it, to refer it means to say that there shall be no investigation and no action by Congress on the subject. That is all.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The question is on the motion to refer the resolution and amendment to the Committee on Epidemic Diseases.

The motion was agreed to.

LANDS IN DENVER.

Mr. TELLER. I desire to make a conference report on the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes.

Mr. EDMUNDS. It ought not to be read now, as the papers are not here. It should be laid on the table.

The PRESIDENT *pro tempore*. The report will be received, and lie on the table for the present.

SUNDAY OBSERVANCE.

Mr. BLAIR. I submit the following order:

Ordered, That the petitions filed in support of the Sunday rest bill, referred to the Committee on Education and Labor, and for the better observance of the Sabbath by the Post-Office, the Army and Navy Departments, be permitted to be taken from the files of the Senate to be arranged and classified and returned to the Senate.

The Woman's Christian Temperance Union are obtaining a very large number of other petitions. These are disarranged, and they wish to arrange the whole together and have them presented to the Senate. It is a matter of convenience, and I suppose nobody will object to it.

The PRESIDING OFFICER. If there be no objection, the order will be made.

DEFICIENCIES IN APPROPRIATIONS.

Mr. HALE. I present the conference report on the deficiency appropriation bill.

The PRESIDING OFFICER. The report will be received and read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 13, 14, 19, 23, 26, 28, 34, 35, 36, 37, 38, 40, 43, 48, 49, 50, 51, 52, 64, 66, 67, 78, 79, 81, 82, 84, 85, 86, 90, 91, 93, 103, 116, 117, and 137.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 20, 21, 22, 24, 25, 27, 30, 31, 32, 33, 44, 45, 46, 47, 53, 55, 56, 57, 58, 59, 60, 61, 62, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 80, 83, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 101, 102, 104, 105, 106, 108, 109, 110, 111, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, and 229, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment, insert "$6,000;" and the Senate agree to the same

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"To refund to the heirs of C. A. J. Flemister the balance of the proceeds of a sale of certain real estate of said Flemister, covered into the Treasury over and above his indebtedness to the Government, $475."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following: "To enable the commissioners of the District of Columbia to employ counsel in special cases during the fiscal year 1889, $2,500, or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Increase of water supply, Washington, D. C.: That all work heretofore performed upon the Washington aqueduct tunnel, together with the provisions of any contract made for the same or any portion thereof, shall forthwith be fully investigated by a joint select committee of six members, of whom three shall be members of the Senate, to be appointed by the President of the Senate, and three shall be members of the House of Representatives, to be appointed by the Speaker. Said committee shall have authority to employ a clerk and stenographer and such experts as it may deem necessary for the investigation; it may sit during the sessions of Congress or in recess, and shall have full power either in full committee or subcommittee to administer oaths and send for persons and papers and to conduct its investigation either in Washington or in such places as may be deemed necessary; it shall make full report of its proceedings and the conclusions arrived at, with such recommendations as it may deem proper, to Congress on or before January 1, 1889; and for these purposes the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated to be disbursed on vouchers approved by said committee."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "sixty-seven" and insert in lieu thereof the word "sixty-six;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,328.07;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"To provide for the payment of the claims enumerated in Senate Executive Document No. 270, Fiftieth Congress, first session, for fees of district attorneys, as follows, namely: Fiscal year 1886, $320; for fiscal year 1887, $4,744.90; in all, $5,064.90."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment and insert after line 2, page 2, of the bill, the following:

"To pay out of humane consideration, and without reference to the question of liability therefor, the sum of $276,619.75 to the Chinese Government as full indemnity for all losses and injuries sustained by Chinese subjects within the United States at the hands of residents thereof."

And the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"To reimburse the Official Reporter of the Senate for moneys paid for clerical hire during the first session of the Fiftieth Congress, and for extra clerical services and expenses occasioned by the prolongation of the session, $5,000."

And the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"To pay all session employés of the House of Representatives authorized by the 'Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes,' approved March 3, 1887, at the several rates of compensation therein allowed from the 5th day of July, 1888, to the end of the present session of Congress, $45,000."

And the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment, insert the following:

"SEC. 7. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations, the balance of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1886 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Executive Document No. 455, Fiftieth Congress, first session, there is appropriated as follows:

"WAR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

"For pay of two and three year volunteers, 1871 and prior years, $27,708.15.

"For bounty to volunteers and their widows and legal heirs, 1871 and prior years, $20,069.46.

"For bounty, act of July 28, 1866, 1880, and prior years, $4,525.89.

"For pay, etc., of the Army, 1886 and prior years, $369.47.

"For pay, etc., of the Army, 1887, $606.20.

"For pay, etc., of the Army, 1888, $225,75.

"INTERIOR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

"For pay of Indian agents, 1886 and prior years, $206.75.

"WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

"For transportation of the Army and its supplies, 1886 and prior years, $64.81.

"For regular supplies, Quartermaster's Department, 1886 and prior years, $59.25.

"For incidental expenses, Quartermaster's Department, 1886 and prior years, $164.62.

"For clothing and camp and garrison equipage, 1886 and prior years, 88 cents.

"For 50 per cent. of arrears of Army transportation due certain land grant railroads, 1886 and prior years, $5.68.

"For commutation of rations to prisoners of war in rebel States and to soldiers on furlough prior to July 1, 1886, $435.

"For contingencies of fortifications, $49.33.

"For pay, transportation, services, and supplies of Oregon and Washington Volunteers in 1855 and 1856, 1871, and prior years, $23.67.

"For horses and other property lost in the military service prior to July 1, 1886, $5,415.16.

"NAVY DEPARTMENT—CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

"For pay of the Navy prior to July 1, 1886, $18,798.40.

"For pay, Marine Corps, prior to July 1, 1886, $11.40.

"For provisions, Navy, Bureau of Provisions and Clothing, 1886 and prior years, $2,327.93.

"For enlistment bounties to seamen, prior to July 1, 1886, $100.

"For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* United States, $135.50."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 41, 100, 112, 113, 114, and 231.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

JAS. N. BURNES,
JOSEPH D. SAYERS,
THOS. RYAN,
Managers on the part of the House.

Mr. HALE. As a result of repeated conferences, the larger portion of this bill has been disposed of by agreement of the conferees. The items upon which no agreement could be reached are those indicated in the report, five in number.

Number 100 is the Senate amendment appropriating the balance of a year's salary to the widow of the late Chief-Justice. The attitude of the conferees on the part of the House in this matter was taken very squarely. It is claimed that there is no precedent for it; that it is a gratuity, and the conferees representing that body declined to yield. The amendment having passed the Senate unanimously, and been put upon the bill by the report of one of the standing committees, the Senate conferees did not feel prepared to yield.

Number 114 is an amendment offered by the Senator from Florida [Mr. CALL] giving a year's salary to the widow of an employé in the internal-revenue service who died at his post from yellow fever.

Number 231 is the Public Land Strip amendment offered by the Senator from Kansas [Mr. PLUMB], a provision covering what is known as No Man's Land.

Number 41 is a large claim against the District upon which there is no real difference, but the conferees wanted further opportunity to examine it.

Numbers 112 and 113 cover the proposition embodied in the bill in the Senate amendment which is found upon page 61. I ask the Secretary to read for the information of the Senate these amendments.

The Secretary read as follows:

112. Industrial Christian Home Association of Utah Territory: To further aid the Industrial Christian Home Association of Utah Territory, under its articles of incorporation, in the establishment and maintenance of an industrial and educational institution in Salt Lake City for the benefit of the dependent women and children of Utah and Idaho Territories who desire to sever their allegiance to the Mormon Church, $75,000; and for contingent expenses of the association, $5,000; in all, $80,000.

113. The money hereby appropriated shall be disbursed by the treasurer of said association, who shall give such bonds for the faithful performance of his duties as may be deemed requisite by the Secretary of the Interior. All accounts of expenditures under this appropriation shall be audited by the Utah commission, which shall hereafter act as the board of control for said institution, and shall make an annual report to Congress covering the work of said institution and its expenditures.

Mr. HALE. This provision is in the direction of carrying out a policy that has been adopted by Congress in the last two years, and is in aid of an enterprise which Congress has recognized and adopted. The opposition to the Senate amendments which have just been read has its root in the undying hostility of the Mormon Church and its leaders to a movement in Utah which had its origin and was set on foot by the philanthropic women of America who have, in this, been largely represented by the organizations known as "The National Woman's Christian Temperance Union," of which Miss Frances Willard is president, and "The National Womens' Home Missionary Society," of which Mrs. R. B. Hayes is the president.

These organizations alone, in their membership, represent more than three hundred thousand women in the United States.

They are here by their memorials addressed to Congress, and by their intercession, urged in letters and petitions, in the interest of the Senate amendments which have just failed in conference between the committees of the two Houses.

I do not need to give the names of any of these women or of their leaders. They are found and known throughout the United States wherever law and order are upheld; wherever sobriety and temperance and good morals are maintained; wherever is found the home circle and all of its elevating and ennobling influences.

And, Mr. President, whatever lapses there have been on the part of Congress and the Executive in dealing with the monstrous evil of polygamy in Utah and the adjacent Territories of the United States; however delinquent the Government may have been in dealing with that evil, and however much the Mormon hierarchy may have profited by these lapses and delinquencies, no part of the fault for all this can be laid at the door of the women of America. Early and late they have besieged Congress in the interest of the sanctity of the marriage tie, the virtue of woman, the purity of the household, all of which have been assailed and outraged, both heretofore and now, under the laws which govern and the practices which obtain in the Mormon Church.

The matter is so grave that I feel justified in occupying the time of

the Senate for the narration—not, I hope, at great length—of the history of the movement which is represented by the amendments of the Senate to the annual deficiency appropriation bill which have thus far failed to receive the assent of the other branch of Congress.

Previous to the year 1886 the National Woman's Home Missionary Society became interested in the condition of indigent, distressed, and dependent women in Utah, and especially in Salt Lake City, who were seeking to withdraw from polygamous union in the Mormon Church, but who were prevented from so doing by the fact that poverty and want stared them and their children in the face whenever they sought to dissolve their relations with polygamy in the Mormon Church.

The efforts of benevolent women and men in Utah to aid and encourage the women and children who were seeking to escape from polygamy were found to need organized effort, and therefore, under the act of the Utah Legislature of March 13, 1884, there was organized upon the 15th day of March, 1886, at Salt Lake City, Utah Territory, a voluntary association under and bearing the corporate name of "The Industrial Christian Home Association of Utah."

Under the articles of agreement of incorporation the place of business of this association was located at Salt Lake City. It was provided with a board of thirteen directors or trustees, a president, eight vice-presidents, a recording secretary, a corresponding secretary, and a treasurer.

The names of leading business men of respectability and responsibility are found in the list of the board of directors, as well as the names of earnest, philanthropic women.

Elaborate provisions are found in the articles of incorporation, covering in detail provisions regulating the meetings of the incorporators and of the directors, and the manner of doing business.

The objects, pursuits, and business of the association are set out fully in article 5. They are, in short, to found, build, equip, provide for, maintain, and regulate in all necessary and proper ways industrial homes, schools, hospitals, and places of instruction for dependent women and children in Utah; to relieve distress and ameliorate suffering among them, and, generally, to enable such classes, through the industrial pursuits taught by said association, to better maintain for themselves an honest livelihood.

The act of incorporation is formal and explicit, in compliance with the laws, and when organized "The Industrial Christian Home Association of Utah" was ready to engage in its great work.

The applications for relief, from women seeking to escape from polygamous union and representing their own and their children's hard condition, at once became so numerous that the association felt justified in applying to Congress for aid in its work.

Here is a copy of the first memorial which it addressed to the Forty-ninth Congress, setting forth its need for aid and the objects which it sought to accomplish:

To the honorable the Senate and House of Representatives of the Forty-ninth Congress:

We, the undersigned, officers of the Industrial Christian Home Association of Utah Territory, by the authority of the board of trustees of said incorporation, beg leave to present for the consideration of your honorable body the following memorial and petition:

A great philanthropic movement for the relief of the dependent classes of Utah Territory has been in formative operation among civil and ecclesiastical authorities in Utah and the States for the past three years.

On the 15th of March, 1886, a permanent organization was formed in Salt Lake City under the name of the "Industrial Christian Home Association of Utah." The association was incorporated under chapter 45 of the laws of the Territory of Utah of the year 1884.

The officers of the association are Christian women of established character and executive ability.

The board of trustees are gentlemen of known business integrity and financial strength.

The object of the association is the establishment of an educational institution in Salt Lake City, where industrial pursuits shall be taught upon a basis which shall qualify for self-support. The institution will be divided into three distinct departments.

In the first, domestic industries, such as cooking, dress-making, tailoring, cutting and fitting children's clothing, etc., will be taught.

In the second, mechanical industries, including type-writing, telegraphy, stenography, silk-reeling, etc.

In both of these departments competent instructors will be employed.

A bureau of information will be established who shall furnish information as to positions available to graduates in adjacent States.

The graduates in the mechanical department may perform remunerative labor in the institution to the extent of funds for transportation to the positions secured.

Pupils from the domestic department will find immediate employment in the gentile homes of Utah.

The third department will offer temporary shelter to the homeless women and children whose cases are accepted by the board. For this class the bureau may furnish employment in the Territory or adjacent States of such character as the capacity of the individual indicates or opportunity furnishes.

The demand for such an institution is found—

1. In the anomalous social condition of Utah Territory under Mormon régime.

2. In the fact that there is not a single benevolent institution in the Territory for the dependent classes.

Moreover, it is hopeless to expect a Mormon Legislature to appropriate funds to meet a condition of things which the Mormon leaders declare does not exist or to establish an institution which shall contribute towards the disintegration of the Mormon Church.

Hence national obligation is apparent.

The principle is fundamental in a republican government to protect its helpless minorities, especially so when these minorities are women and children.

The question of self-support is basal in the solution of the problem of the disruption of polygamous households.

It is a well-known fact that there are many who would voluntarily abandon polygamous relations if facilities for self-support were provided.

Furthermore, it is futile to legislate against existing relations and make no provision for the terrible exigencies which arise in the execution of law.

Fathers and mothers whose moral nature has survived the wreck of polygamous life will at least hesitate to impose upon their children immediate disaster by either voluntary or enforced obedience to national law.

Therefore it is with confidence in that justice which is the apotheosis of mercy that we, your petitioners, in behalf of those who can not speak for themselves, except by their silent appeal to the nation's God, ask of your honorable body the appropriation of $100,000 to the Industrial Christian Home Association for the construction and equipment of such an institution as is herein specified.

Respectfully submitted.

JEANNETTE H. FERRY, *President,*
Park City, Utah Territory.
MARGARET D. ZANE, *Vice-President,*
Salt Lake City, Utah Territory.
CORNELIA A. PADDOCK, *Secretary,*
Salt Lake City.

GEORGE A. LOWE,
IRA E. LYONS,
HECTOR M. SCOTT,
JAMES M. DARLING,
GEORGE E. ELLIS,
HENRY M. LAWRENCE,
Per ANGIE F. NEWMAN, *Vice-President at Large,*
Trustees, Salt Lake City.

The subject was brought directly before Congress in a hearing before the Senate Committee on Education based upon this memorial, which, with accompanying facts, were presented by Mrs. Angie F. Newman, who represented the Utah association, as is shown by the following resolution of the board of directors:

At a meeting of the board of directors of the "Industrial Christian Home Association of Utah," held upon due notice at the place of business of the corporation, in Salt Lake City and County, Utah Territory, on Monday, the 22d day of March, 1886, a majority of the whole number of directors composing said board being present, it was by the unanimous vote of the meeting, in substance and effect,

Resolved, That Mrs. Angie F. Newman, of Lincoln, Nebr., one of the vice-presidents of this corporation, be, and she is hereby, appointed and authorized to represent this corporation at Washington, D. C., and at other Eastern places, as its aid and assistant in forwarding all matters pertaining to the business of the corporation; and, among other matters, she may take measures to raise by private subscription for corporate purposes, and may for such purposes receive contributions, moneys, and funds, and may solicit and seek, and adopt and carry out measures to secure, in all proper ways, Congressional action and assistance by way of appropriation, or other measures looking to the pecuniary betterment of the affairs or other advancement of the business of the corporation.

Attest:

H. M. SCOTT,
Secretary pro tempore of the Board of Directors.

To show that other important influences outside of the association were aroused to the importance of the movement, I cite the following testimonials:

The foregoing and within is approved by the undersigned, a majority of the board of directors, said corporation having no seal.

EMMA L. MILLER,
President pro tempore.
CLARA A. HUSE.
G. S. ELLIS.
MARTHA M. CAMPBELL.
H. W. LAWRENCE.
MARTHA A. LOCKE.
MARGARET D. ZANE.

The following paper is addressed to the chairman of the Committee on Appropriations of the House of Representatives, but was sent to this committee:

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, March 12, 1886.

SIR: An organization under the general incorporation laws of this Territory has been perfected by Christian women of Utah for the establishment of an industrial home for the helpless and dependent of their own sex and their children at or near the city of Salt Lake.

The trustees of the association are prominent business men of known ability, integrity, and good financial standing, resident of this city. The executive officers are representative Christian women, also residing here. We vouch for their high character and cordially indorse and commend the philanthropic movement they have inaugurated.

It is proposed to establish an institution upon a basis broad enough to meet the exigencies that may arise from the exceptional social conditions of this Territory.

It is contemplated not only to provide homes for the indigent and distressed, but to furnish gratuitous domestic and mechanical instruction which shall qualify those who receive it for self-support.

We believe that such a beneficence, supplemental to the enforcement of the laws for the suppression of polygamy in Utah, will effectively aid in accomplishing the result sought through Congressional legislation.

It may be reasonably hoped that this provision for the maintenance and industrial education of polygamous wives and children will induce the withdrawal of many who are now held through fear of the distress and suffering that would inevitably result to them from such separation.

Considering the undoubted usefulness of an institution of this character in aid of the effort of the Federal Government to eradicate the polygamic evil, we believe that it could properly and should receive financial assistance through liberal appropriations by Congress. We desire, therefore, to second the appeal of the association in this behalf.

Very respectfully,

A. B. CARLTON.
J. R. PETTIGREW.
A. S. PADDOCK.
G. R. GODFREY.

Hon. W. S. HOLMAN,
Chairman Appropriations Committee,
House of Representatives, Washington, D. C.

STATE OF NEBRASKA, EXECUTIVE DEPARTMENT,
Lincoln, April 16, 1886.

To the Congressional delegation of the State of Nebraska:

GENTLEMEN: Mrs. A. F. Newman, of this city, visits Washington for the purpose of securing Government aid in establishing an industrial school at Salt Lake City. I take great pleasure in commending her to your courteous consideration as well as to your kindly offices in the work in which she is engaged.

I remain, respectfully,

JAMES W. DAWES,
Governor of Nebraska.

DENVER, COLO., *April* 6, 1886.

To the Senators and Representatives of Colorado in Washington, D. C.:

I hereby commend to your thoughtful consideration the plans for an industrial home for the destitute women of Utah, presented by the bearer, Mrs. Angie F. Newman, and indorsed by the leading philanthropists of Salt Lake.

Sincerely, yours,

H. W. WARREN,
Bishop of the M. E. Church and in charge of missions in Utah.

SALT LAKE CITY, *April*, 1886.

To whom it may concern:

Mrs. Angie F. Newman being duly elected by the directors of the Woman's Industrial Christian Home Association of Utah as their delegate to secure Congressional aid in behalf of this much-needed institution, I take pleasure in commending her to the confidence of all people as a brilliant speaker, an earnest advocate of reform, and a Christian woman whose heart has borne the burden of the cause of Christ in Utah for years.

S. J. CARROLL,
Pastor of M. E. Church and Editor of Utah Christian Advocate.
J. JAY GARVIN,
President of S. Seminary.

The Woman's Industrial Christian Home Association, in their meeting March 22 to reconsider the election of delegates to Washington in their behalf, decided to send but one delegate in place of the two first chosen.

Mrs. Angie F. Newman was elected the one delegate and a committee was appointed to secure funds for her use and forward the same to her at Washington.

JEANNETTE H. FERRY,
President Woman's Industrial Christian Home Association,
Salt Lake, Utah.

To the House Committee on Appropriations:

The Utah Industrial Home Association is an organization whose purpose is to provide a means of self-support for the dependent classes of this Territory. The society have incorporated under the statutes. They have elected Mrs. A. G. Paddock and Mrs. Angie F. Newman as their representatives to your honorable body to ask for Congressional appropriation of $—— to aid in the purchase of lots and the erection of suitable buildings in which domestic and mechanical industries shall be taught and a shelter afforded to helpless women and children. The object is in every sense praiseworthy. There are many women now members of polygamous families who would renounce their present relations if they had any place of shelter or any means of support assured for themselves and their children. There are many more who have renounced polygamy and Mormonism together, and who have nothing but their hands to ward off starvation. The fact that there is not a single public institution in this Territory for the protection of this numerous class makes imperative such action. The ladies selected to make this appeal are trustworthy. The project has the indorsement of—

CHARLES S. ZANE.
W. H. DICKSON.
E. A. IRELAND.

They embrace the names of eminent clergymen and educators in Salt Lake City, the members of the Utah Commission, the judiciary of the Territory, and other well-known and important officials.

As a result of the appeal and the information laid by Mrs. Newman before Congress the following appropriation was made as a provision in the general deficiency bill of 1886, being the act approved August 4, 1886. This bill was under my charge, and I am glad to say that no opposition to the appropriation then arose.

INDUSTRIAL HOME IN UTAH TERRITORY.

To aid in the establishment of an industrial home in the Territory of Utah, to provide employment and means of self-support for the dependent women who renounce polygamy and the children of such women of tender age in said Territory, with a view to aid in the suppression of polygamy therein, $40,000; said sum to be expended upon requisition of and under the management of a board of control to consist of the governor and justices of the supreme court and the district attorney of said Territory; and said board shall duly and properly expend said sum, or so much thereof as may be necessary, for the purposes herein indicated, and shall, from time to time, report to the President their acts and doings and expenditures hereunder for transmission to Congress.

It will be noticed that in this provision no reference is made to "The Industrial Christian Home Association of Utah" as an organization through which the appropriation made by Congress should be expended. The general object of the appropriation is given as an "aid in the establishment of an industrial home in the Territory of Utah to provide employment and means of self-support for the dependent women who renounce polygamy, and the children of such women of tender age," in said Territory, with a view to aid in the suppression of polygamy; and the whole management and expenditure of the money is left in charge of a board of control consisting of the governor and the judges of the supreme court and district attorney in said Territory.

By this appropriation Congress embarked in the work of aiding dependent women and children seeking to escape from polygamous relations and added the important words that it was done "with a view to aid in the suppression of polygamy in the Territory."

The menace found in these words was sufficient to arouse the hostility of the Mormon leaders, and when the officers and members of the industrial association in Utah sought to have the money expended in such a way as would most clearly accomplish the object stated by Congress they were met and thwarted in every direction. The new governor of the Territory, who acted as chairman of the board of control, largely took the charge of the matter and by his rulings as to the construction of the language of the appropriation prevented the application of its provisions in very many of the cases where relief was applied for.

Under this construction the first wife, in a family where plural marriage existed, was forbidden relief upon the ground that she was not technically renouncing polygamy; and thus she and her children were shut out from the relief provided by Congress.

Other rulings were made which tended to thwart the object of the appropriation, and although the board of control, with the governor at its head, leased a temporary home and opened it for such inmates as, under the rulings of the board, could be admitted, yet the reports of the Industrial Association, which, under all the discouraging circumstances attending the case, kept up its efforts, show the difficulties under which it labored. I give here quotations from the first report of the association, showing the work of the first ten months:

We are nominally at the close of our first year; practically we have to do with the work and results of but ten months, the two months after Congress appropriated the means for establishing the home having been spent in securing and fitting up a building as a temporary shelter for those who should avail themselves of the comfort offered by such. The strong conviction in the minds of those who founded the home that the time had come for organized effort to avert conditions of dependency or guard against deviations from lawful, domestic, and social relations so prevalent in Utah, and bring around the dependent women and children of the Territory such influences as would promote their best and truest interests caused a few brave men and women to make such personal sacrifices and public effort as brought this industrial home into existence one year ago. As these months have passed the importance and magnitude of the undertaking have been more and more apparent. The labor in the effort to lead these strangely deluded women into lives of self-dependency has opened our eyes to much that we little dreamed of when we began the work ten months ago, making us aware of possibilities, yes, probabilities in its future that were beyond our comprehension at the start.

Yet it is with a sense of this great beyond, of the experience we have not had, of the knowledge we have not gained in this work, that we venture to speak of the past and the needs of the future. The past has had its rejoicings as well as sadness, its days of bright sunshine as well as dark storms. There have been eleven polygamous women and twenty-two children helped to better conditions in life by the home and its influence. Two of this number of women were provided for outside of the home roof. The nine who have had a home within its walls are infinitely better able to battle with and provide for their children and themselves in the future than they were when entering the home. During the ten months we have had sixty-three applications for a temporary home—a shelter until work could be obtained. These come under the care of the "employment bureau," yet, more strictly speaking, under the industrial department of the home, as when places were secured for their services they were found incompetent. We have given nine month's schooling to children, the influence of which will last through coming time. To the women we have taught the duties of general housework, with sewing, only so far as the demands of the home and their families' clothing demanded. In this department there has been some improvement, although not such as should have been procured in the time within the home.

A great hinderance to successful work here has been the impossibility for inmates—or any one else—to pass from the cook stove, dish-pan, wash-tub, or scrub-brush one-half day or week to the needle-work and produce even passably good results. The real and lasting foundation to "provide employment and means of self-support" will have been laid only when we so extend our boundaries as to proffer systematic, practical training in various industrial pursuits to those seeking the help of an industrial home; where, too, the moral, mental, and domestic atmosphere shall fortify them against want and temptations, the co-operative industries which are at once the basis of self-development and independence. The inadequacy of our present conditions and house to the needs and expectation of an industrial institution has been fully demonstrated to those who have interested themselves in visiting the home and seeking to know its needs.

That the class of persons admitted at present by act 221, Congress United States of America, is too limited to reach to the fullest extent its intention, namely, "to aid in suppression of polygamy," the following cases, I think, will illustrate: One woman with five children, left destitute, starving, because she refused to submit to the doctrines taught by Utah Mormonism, she not having been in polygamy, but refusing to go into it, is not now a "legal" applicant, therefore refused admittance. An old woman (eighty-two years of age) who "will not think of the horrid thing," is left homeless, moneyless, and friendless, yet, not having been in polygamy, can not be admitted into the home. Third, a young woman, brought to this Territory by a Mormon mother, but who, when she saw and knew the truth of Utah Mormonism, refused to remain in fellowship with it, and was cast off, a physical wreck, made so through the hardships she has had to go through.

Another class is found in that of children of polygamous relations—either minors or beyond that age—whose lives have been made dependent in the truest sense, by their refusal to become a party to plural marriages. This is a class for which the home should be opened, and through which great results for Utah's future good could be realized.

A recapitulation of the condition of the home, its inmates, work, expenses, with "employment and means of self-support" for the ten months, is hereto attached.

Home opened for inmates November 21, 1886, with two employés, one of which was a polygamous woman with three children, making a family of five during December, 1886. January and February, 1887, there entered three women and nine children, a total during first quarter of sixteen polygamous persons.

Number inmates in ten months, 31; number employés in ten months, 3; number clothed, 26; largest number at any one time during the ten months, 22; smallest number at any one time during the eight months, 9; longest time any one family has been in the home, 10 months; shortest time any one family has been in the home, 4 months; largest family, 5; smallest family, 2.

The following figures represent the ages of women: 49, 42, 32, 52, 45, 39, 74, 51, 27, 37, 31; children, 20, 18, 15, 17, 16, 10, 9, 7, 5, 3, 15, 12, 8, 12, 7, 4, 8, 4, 1½ years, and one born in the home during August; total, 31; two having been aided by, but not supported in, the home. Number of children in school during the ten months, 15, 3 of whom were but one term, the remainder during the scholastic year.

Cost of books, tuition, etc., $88.47.

WORK OF HOME.

Articles made in sewing-room (10 months)	415
Articles mended in sewing-room (10 months)	259
Pairs of stockings darned	310
Garments cut and fitted	159
Total pieces of work done in sewing-room	1,143

Largest number of loaves of bread baked during any month	264
Smallest number of loaves of bread baked during any month	57
Number of days of washing and ironing (10 months)	154

All the home work has been done by the inmates under the supervision of the housekeeper. All the sewing has been done by the household, excepting five days' work at a cost of $8.

Total expense for 10 months	$6,550.25
Total expense provisions for 10 months	1,019.65
Total expense average 34	31.56
Total expense for clothing, 10 months	744.55
Total expense average 26 clothed	28.63

Respectfully submitted.

RUTH M. WOOD, *Director.*

I can not, Mr. President, so well state the difficulties under which this most needful work was prosecuted, in fuller detail, as by having read at the Secretary's desk the memorial of "The Industrial Christian Home Association of Utah Territory," addressed to the Senate Committee on Appropriations, during the present session of Congress, which forms the basis of the provision inserted by the committee and adopted by the Senate and now antagonized by the House of Representatives.

It is the same provision which I had read at the beginning of my remarks:

To the honorable the Senate Committee on Appropriations:

GENTLEMEN: The Industrial Christian Home Association of Utah Territory authorize me, as their representative, to ask of the national Congress through your committee—

First. An additional appropriation of $75,000.

Second. An expansion of the law to the status defined in the original memorial of the association to the Senate, namely, "the dependent classes of Utah Territory."

Third. That the law shall specify through whom the funds shall be drawn from the national Treasury.

Fourth. That special provision be made in the law for the "contingent" expenses of the association to the amount of $5,000, for use in the transportation of applicants to the home, to the States on leaving the home, for advertising, and such other expenditures as are necessarily incurred "in the establishment of the home."

That the basis of appeal for such aid may seem valid to your committee, I beg leave to submit the following data, which I have endeavored to limit to such facts as are necessary to a correct judgment as to the failure of the association to execute its original purpose.

On the 6th of August, 1886, $40,000 was granted by Congress to "aid in the establishment of an industrial home" in Utah Territory. As the representative of the association, on the adjournment of Congress I devoted six weeks' time to visiting the institutions of the East to ascertain the cost of mechanical appliances, plans for building, to secure teachers, specialists in the various departments. I went to Utah in October, 1887, to lay these plans before the association, and assist them to proceed at once to the erection of a suitable building. At a joint meeting of the board of control and the association, I was met by the ruling of the chairman of the board of control, Governor West, that the appropriation was made to the board of control, that the work of the association ended when the appropriation was secured.

Under this ruling the chairman of the board of control rented and furnished a temporary home.

Determined to do what was possible under existing conditions, the association met monthly and attempted to win the board of control to the recognition of the provisions of the law for industrial education and to the purchase of property and the erection of buildings. We attempted the impossible. To this date both the spirit and letter of the law and intent of the association have been violated by the board of control, in that neither industrial nor mechanical arts have been taught in the home.

The appeal of the association for funds to furnish such facilities has been denied. The intent of the association is defined in the letter of the law, "to provide means of self-support," not to support the pauper element, which alone has been done.

The better element of Mormon society—those whom it would be of value to lift to the grade of intelligent citizenship—will not accept charity. Yet only charity has been provided.

The association have furthermore been most seriously embarrassed by the ruling of the chairman of the board of control that a law to "aid in the suppression of polygamy" could be applied only to those already in polygamy. Hence only plural wives and their children have been admitted to the home.

The first annual report of the president of the association, made October, 1887, states: "One hundred and fifty-four women and children, within the last nine months, have come for help to the doors of the home. Twenty children have gone out well clothed to the best schools of the city. The number of applicants for the benefit of the home which were not admitted, because not strictly in conformity with the letter of the law relating to admission, although all were victims of the evil of polygamy is, during the named nine months, as follows: Forty-eight, besides these sixty-three women, have applied for a temporary home while seeking employment. Among those, were 'first,' or legal wives abandoned by their husbands for other and younger wives; women and girls unwilling to be coerced into polygamy; girls of polygamous parentage anxious to escape from the influences of Mormonism; women and children who are Mormons and came to Utah unaware that polygamy was an established practice here, and who abhorred its adoption, becoming impoverished and needing the very necessities of life, and thus applied for admission: all these have been rejected, although needy applicants." (See list of rejected cases.)

Under these conditions the association delegated me to go to Washington in February, 1887, and get the law amended so as to define the duties of the board of control and the status of the incorporation.

Senator EDMUNDS draughted the following new bill, which passed the committee, and only failed of becoming a law by the failure of the deficiency appropriation bill (of which it was a part) for want of time in the closing hours of the second session of the Forty-ninth Congress:

"Industrial Christian Home: To aid the Industrial Christian Home Association of Utah in carrying on, under its articles of incorporation, the work of providing employment and means of self-support for the dependent women who shall have renounced polygamy, and their children of tender age, $40,000; and the unexpended balance of the appropriation for aiding in the establishment of an industrial home in the Territory of Utah, contained in the act of Congress approved August 4, 1886, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," shall be deemed a part of this appropriation; and the board of control mentioned in said former appropriation shall audit the expenditures under this appropriation, and report yearly to the Secretary of the Interior."

The early passage at the present session of the amended bill, lost in the Forty-ninth Congress, restores the management of the home to the association.

Immediately upon the passage of the law I went to Utah and remained a month. The association attempted, during that period, to purchase land and prepare for the immediate erection of suitable buildings in which mechanical and industrial pursuits could be taught, for the home is no longer an experiment.

By the non-action of the board of control as to the purchase of property, in this interval of eighteen months, real estate has quadrupled in value in Salt Lake City, and the appropriation is entirely inadequate to the needs of the present hour, $10,000 having been expended in the temporary home, which is, in the language of the committee (see report), "totally inadequate and deficient in room for the successful or otherwise opening and conducting of any one of the departments."

In view of these facts the association authorize me to ask of your honorable body the additional appropriation.

The expansion of the law to the "relief of the dependent women and children of Utah Territory" would most highly conserve the interests of all women who seek the protection of the institution.

The Mormon press has constantly charged that the Christian men and women of the association have been actuated by bitter hatred of the Mormon people, and only desire to get them within the home to execute vengeance.

I have had personal interviews with editors and leaders of the church, and they insist when we appropriate money for those who renounce polygamy we are buying disloyalty at a price. The same end will be subserved by specifying "dependent women and children whose cases shall be accepted by the board," since the gentile population is only a fraction and that fraction not in the list of "dependents."

For the gracious services of your committee, gentlemen, in the past the association returns most grateful thanks, but begs you to believe polygamy is no more a surrendered tenet of faith or practice than it was two years ago. One lady missionary, in a town of 6,000 inhabitants, last year visited in four hundred polygamous families.

On the second Sunday in March I visited the penitentiary in Salt Lake City and addressed a great host of polygamous brethren. These men are mostly incarcerated for a term of six months, and therefore many such groups have come and gone since the famous Rudger Clausen case, of which JOHN T. CAINE had the temerity to declare before the committee "it was the last of which he had knowledge."

I found in one cell, 10 by 13½, without floor, six women, three of whom had babies under six months of age, who were incarcerated for "contempt of court" in refusing to acknowledge the paternity of their children. When I plead with them to answer the court and be released, they said, "If we do, there are many wives and children to suffer the loss of a father."

In another cell were two girls, one fourteen, one sixteen, each married to her own father, both with babes, and yet polygamy is a lost art!

The editor of the Salt Lake Tribune, Judge C. C. Goodwin, than whom no man has more accurate knowledge of existing facts, states in an editorial May 27, 1888: "Quite 25 per cent. of adult Mormons in Utah are in polygamy, and very many of the best informed believe that 33⅓ per cent. are thus involved."

Gentlemen of the committee, as long as helpless women and innocent babes are in this hellish bondage let us as a nation never declare ourselves a free people until we have offered them possible liberty, through a national medium, which is beyond the control of the hierarchy which enslaves them.

Long years of suffering under the most helpless conditions are before thousands such as I have noted. Let us be as willing to liberate them by humane methods as to deliver them by the sword, which may be the sequel if we trifle, and I sometimes think a just God will ask this Christian nation to pay with its own blood the price of its indifference to the death groans of innocence through the last half century. Confidently do we ask, gentlemen of the committee, that you will strengthen our hands by an appropriation, by the expansion of the law, by the appointment of a disbursing agent from the association, if so your judgment concurs, for reasons which Governor West assigns in his report to the President. (See excerpt.)

We ask, furthermore, your careful attention to the accompanying records of the association in evidence of statements rendered, and to the list of accepted and rejected cases, in which lies the argument for the development of this enterprise.

Respectfully submitted.

ANGIE F. NEWMAN,
In behalf of the Association.

A list of some of the rejected cases referred to in the memorial of the association presented by Mrs. Newman is as follows:

REJECTED CASES.

Cases rejected by Governor West on the ruling of the law that only plural wives were included in its provisions:

First case.—Dolly Mitchell, fifty-third child of Bishop Mitchell; daughter of his seventh wife; mother had died; Dolly living in a polygamous family; was twelve years of age; on being rejected was employed as doorkeeper by the matron.

Second case.—Application made by Judge Henderson, Democratic judge of the Federal court, by letter, in substance as follows:

Mrs. David May; five children; Mr. May was employed in the silk factories of Glasgow, Scotland; was induced by missionaries of the Latter Day to come to Zion; arriving in Salt Lake found things at variance with the representations which had been made by the missionaries; was urged to go into polygamy; then resolved to leave the Territory.

The wife secured employment at the Continental Hotel, Salt Lake City; husband started East on foot by the Denver and Rio Grande Railway. The wife's health failed; took her five children and went to Provo for lighter work; found none; applied to the Morman Church for help; was refused; appealed to Judge Henderson, exclaiming: "Must I starve, and my little ones, in this land of liberty?" Judge Henderson attempted to find the Bishop of Provo. The bishop took the underground, lest this woman had given information concerning his plural relations. Judge Henderson then made application to the Industrial Home for the woman and her five children; case rejected by Governor West.

Third case.—Mount Pleasant—Application made by Grace Murphy, Presbyterian school-teacher. Girl fourteen years old whom I wish to get into the Home, and also a younger sister; have kept them both in my home three months. I sent Emma away with the weight of her soul resting upon me, but I could not keep her longer; I still have the sister. The mother of these girls was left an orphan in her infancy; was brought up by the bishop, a polygamist, who made her marry a sixty-year-old polygamist when she was twelve years old. She now has four husbands.

Fourth case.—Springville.—Application made by Hannah Breckinridge. Case: Second wife, sixty-three years of age, helpless in bed; no one to bring her a drink of water. No liberal has dared to help her but me, for they dread the attacks of the Mormons.

I am a widow, living alone with two daughters, and I am seriously threatened for the service I have rendered her. The Mormons have cut down my wood and drawn it away; they have fenced out the public road so I could not go to town to get supplies—all because I have given help to this Mormon woman. I know three or four other Mormon women for whom my heart is weeping. I wish the governor would send a detachment of soldiers to help them away. My home should shelter them. Ask the governor to assist me now and send commissioners to open the road.

This letter was taken to the governor and he declined to have anything to do about it, and rejected the cases.

Fifth case.—Pleasant Grove. Application made by the postmistress. Case: Old lady eighty-three years of age; came to Utah three years ago by request of Mormon relatives; has been abused and persecuted because she would not adopt Mormon practices. She was refused as not a legal applicant, but the old lady came to the home; said she was so unhappy she had to come, and the must take her. She is aunt to Bishop Brown's third wife. The matron wrote to Bishop Brown and asked what should be done with her. Answer by Mrs. Brown: "The bishop is in exile for polygamy. I don't want the old lady returned to me. The late law has thrown me on my own resources with five children. I can not take the burden." The governor said she could not stay over night in the home. The matron kept her five days; and now the Methodist Church are paying her board elsewhere.

To show further, Mr. President, the kind of work done by this institution, and the imperative need of sustaining it and furthering and extending its work, I give here a list of some of the cases admitted to the home, and the circumstances attendant upon them:

ACCEPTED CASES—INDUSTRIAL HOME—UTAH TERRITORY.

First case.—Amelia Chatterton is the daughter of Bishop Mitchell, who was missionary to England in 1854. Mitchell had seven wives and fifty-three children. Amelia was married at fifteen years of age, by command of her father, to Jonathan Chatterton, as his second plural wife. Chatterton was living with his third wife, to whom he had never been married until after the passage of the Edmunds law; he was then married in order to evade arrest for adultery. Amelia, the second wife, was many times whipped by both Chatterton and the first wife. Chatterton struck her in the face so she bore blackened eyes for days. Just before Lossie's birth Chatterton stood over her with a pick-ax and threatened her life.

Second case.—Mrs. Bross, second wife of William Bross. Had eight children, three living; first wife living; brought three children to the home.

Third case.—Mrs. Lorrenson, first wife, lived two months with Lorrenson after he went into plurality, then left with her four children. During the years she lived with Lorrenson she had to wash, beg, herself and her children go barefooted in cold weather, while he paid the most he could earn to the church. When he took his second wife he mortgaged the home to her because the first wife rebelled against his going into polygamy.

After leaving Lorrenson she lived for weeks on one meal a day—herself and children—and often put her three boys to bed crying for food. And then she sobbed all night because another wife had her home.

Fourth case.—Helen Larsen; twenty-four years of age; plural wife. George Q. Cannon performed the marriage ceremony. Mrs. Larsen earned her own living for nine years, and Larsen appropriated to himself a large portion of her earnings. When Mrs. Larsen was sick in bed Larsen left her alone in the house for days.

Fifth case.—Mrs. Neilson; three children; married in the endowment-house by Brigham Young. Can neither read nor write. Never been in a house of more than one room; oldest child fourteen; never been out of the town in which he was born.

Sixth case.—Lizzie Littgon; third wife; was married by Daniel H. Wells in the endowment-house after the passage of the Edmunds bill. Brought three children to the home, one nineteen months old. Lived with Littgon until the second day before she left. Gave birth to two children in celestial marriage before the legal marriage.

Seventh case.—Mary K. Peterson; came to Utah in 1885 from Sweden with a band of one hundred and fifty. Married in plurality January 1, 1886. Second wife entered the home June 6; daughter born in the home August 14. Later was sent to friends in Wisconsin.

Eighth and ninth cases.—Elizabeth Clawson and Anna Bell, both second wives, were assisted with money and sent to friends in Chicago and Denver.

Tenth case.—Mrs. Jennie Hitches; converted to Mormonism in St. Louis in 1883. Came to Utah and was entertained in the homes of President Taylor and Apostle Woodruff; here the only conversation heard was, in substance: "Marry, marry in plural marriage, and become a high priestess." Was taken in plurality by Hudson. He made application for her admittance to the home, and, on being questioned, said he had never married her.

To come now, Mr. President, more closely to the points in controversy between the two Houses, let me state what further the association has been doing.

In the first deficiency bill passed by the present Congress, approved February 1, 1888, Congress made the following provision, intending to meet the difficulties under which the "Industrial Christian Home Association" was laboring in prosecuting its work.

The provision is as follows:

INDUSTRIAL CHRISTIAN HOME.

To aid the Industrial Christian Home Association of Utah in carrying on, under its articles of incorporation, the work of providing employment and means of self-support for the dependent women who shall have renounced polygamy, and their children of tender age, $40,000; and the unexpended balance of the appropriation for aiding in the establishment of an industrial home in the Territory of Utah contained in the act of Congress approved August 4, 1886, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," shall be deemed a part of this appropriation; and the board of control mentioned in said former appropriation shall audit the expenditures under this appropriation and report yearly to the Secretary of the Interior.

It will be noticed, and this is important as bearing upon the present controversy, that by this provision Congress entirely changed the direction of its appropriation, and, in terms, adopted the "Industrial Christian Home Association of Utah" as the agency through which its appropriation should be expended.

The work of the association is recognized as the fundamental movement, and the appropriation of money is made to further that work and that movement.

Under this appropriation the association has gone on and purchased land upon which to erect a permanent building, to be occupied as a home for the persons received into it, has made a contract for the main building three stories in height, at a cost of $18,000, which contract is now being executed, the foundations of the building already, I think, completed, and the whole structure is expected to be finished by the close of the year.

The work is being prosecuted with a dispatch that is characteristic of private enterprise, and of course has no parallel in any work done by the Government.

The money provided in the two acts of Congress already passed, amounting to $40,000, will be nearly expended when the main building is erected, and the additional appropriation sought in the present bill will be needed under the estimates of the architect employed by the association for the purpose of adding another story to the main building and two wings three stories high, all of which will be needed by the association to develop the industrial part of its work.

The balance of the appropriation will be needed for the next year in fitting up the new building, in the employment of a moderate force to conduct the work of the association, and for the expenses of maintaining it.

As soon as the enterprise is fairly entered upon and the scope of its work can be seen the association will make, through the board of control, detailed reports of its work, and will be able to present definite estimates for future expenditures.

It will be noticed that in the present provision, which I have had read, a change is made covering language which will admit to the home all classes of women and children who are desirous of "severing their relations with the Mormon Church."

This particular language is not essential, and, if other important things could be agreed upon, other words could be adopted to cover the needs of the case.

In a late report made by Governor West, chairman of the board of control, the following statement is made:

The board of control unanimously hold that some other and better agency than the board can and ought to be selected as disbursing agent of the fund. The chief-justice and district attorney residing at the capital have their time fully occupied with the duties of their respective offices.

The other judges hold their courts away from here, and are compelled either to absent themselves from and close their courts or fail in attendance at the board meetings. The board of control recommend that the executive committee of the Woman's Christian Industrial Home Association of Utah be constituted a board for the purpose.

In accordance with this association the amendments now before the Senate provide for a new board of control, and the committee has selected the Utah commission as the most suitable organization to be intrusted with this power.

I have thus given, Mr. President, in a most imperfect fashion, as I am aware, the history of this important enterprise upon which the association referred to, sustained in its work by hundreds of thousands of noble American women, has embarked.

I do not pretend to deny that the amount of money required by this appropriation may seem large to some persons; but when the magnitude of the work is considered the amount appropriated is none too large. Indeed, Mr. President, if the sum were double I should be in favor of giving it.

The United States Government has in its charge the inhabitants of the Territory of Utah in some respects as wards of the nation. It appropriates large sums of money annually for the government of the people of that Territory. It pays for its executive, its judicial officers, and its Legislature. It has permitted for years the monstrous evil of polygamy to fasten itself, as the predominating force, upon the social institutions of the Territory, and when to-day Congress is asked to provide money for the relief of the victims of that institution, it can not shirk the responsibility, and is in duty bound to give money and to give freely.

I do not claim or pretend that this institution will in any great degree be self sustaining.

After it shall have been fully established, and its work known throughout the Territories of Utah and Idaho, which are embraced in its provisions, the women and the children who will apply to it for relief and for protection and for aid to enable them in time to become self-supporting will be numerous.

I notify the Senate that unless hostile influences impede and arrest and break up this great work Congress will be called upon from year to year to further appropriate in aid of the association.

For one, I shall not turn back the hand that I have set to this work so long as I remain here or so long as a single woman, now held in polygamous relation, desires to be encouraged and helped in her efforts to escape from that condition.

Mr. President, I have been stating the actual difficulties that have arisen in conference with the gentlemen who represent the House of Representatives, gentlemen of large experience, competent in every way, of the highest character, and our conferences have been conducted in the most amicable manner notwithstanding the differences we have found; and now I want to state what the real point of trouble is.

I do not know that we can agree as to amount. The House believes the proposition covers too much money. I do not believe and the Senate conferees do not believe it. I hope the Senate will insist upon this amount, and I believe it is all needed.

But an attempt is made here—and that is the vital controversy that stands now between the two committees—to take the management of this fund, the disbursement of the moneys appropriated by Congress, and the work that is going on in the erection of this building, away from this institution. The House conferees proposed and offered a proposition to take this away from the institution, to put it into the

control of the Treasury Department, and have this building completed under plans to be devised by that Department, by the Supervising Architect's office, I suppose, and built and completed as a Government work.

Mr. President, that means, first, an indefinite delay. I have adverted to the rapidity with which the work of constructing this building is going on under such influences as surround a private enterprise, and the difference between that and all governmental work in erecting buildings; and I venture to say that if Congress should take away the completion of this building from this institution that has dedicated itself to this noble work, and has but one object in view, the speedy completion of the building—if Congress should take it away from that institution and put it into the Treasury Department, setting aside all the inducements that would be offered for delay, all the attempts of the leaders of the Mormon Church to affect the work of the Department, with an honest purpose under the machinery by which the work is done in that Department, it would be from two to three years before a single person could be admitted into that institution, and I for one, and the Senate conferees, stand on that ground, and will not agree to any such proposition.

It is proper that I should state it, because the Senate wants to know what the real point in controversy is. I should be willing to go to this extent: We furnish the appropriation, as Congress has already done, and the additional appropriations needed, and that this association, with its treasurer under bonds, as is provided here, shall disburse the money and complete the building to be used for this purpose, and that then, upon condition that this association shall go on and do this work and occupy and control the building, the title shall be vested in the Government. That I have no objection to. If the Government is appropriating for it, I have no objection to the title being vested in the Government. But to take away the work now begun by this association and transfer it to any Department of the Government, I do not care what it is, is, in effect, striking a blow in the face of this great enterprise and putting it under the ban of Congress; and every forlorn woman in Utah fluttering in the bars of her cage, seeking to emerge into the light and protection to be given by this institution, may give up at once any hope of anything being done at present.

Therefore it is, Mr. President, that I ask that the Senate in this matter shall agree to the report and insist upon its amendment, in order that a further conference may be had upon this important subject-matter.

The PRESIDENT *pro tempore*. The question is upon agreeing to the report of the committee of conference.

Mr. COCKRELL. Mr. President, it is due, I think, that I should state a fact which may not have appeared in the remarks of the Senator from Maine, and that is that the Mormons, the Mormon Church, the Mormon organization, or whatever else it may be styled, had no influence, directly or indirectly, in any shape, manner, or form, upon the discussion of this question which took place in the committee of conference, in my judgment—not a particle; and I do not believe that any member of the conference committee on the part of the House or on the part of the Senate was influenced by any such consideration.

Mr. HALE. Has the Senator any doubt that the Mormon authorities are bitterly hostile to this whole movement?

Mr. COCKRELL. I do not know whether they are or not. That they may be hostile to it may be true. If they are, I have no information in regard to that, nor have I ever had any information from any Mormon authority, directly or indirectly, that there was any hostility to it. If they have manifested any hostility to the movement, the influence has been exerted upon others than myself. Even their publications, if any such have been made, have not been furnished to me.

As I understood, the principal grounds of difference were as to how this money for the public building should be expended—whether it should be placed in the hands of this corporation, this benevolent institution, this charitable institution, or whether it should be placed in the hands of the Secretary of the Treasury, to be expended by him in completing the building. As I understood, that was the point of disagreement; and, further, I understood that so far as the amount of the appropriation for that building is concerned there would be probably no disagreement; and then so far as the management of the institution, the support of the institution after this building is completed under the Treasury Department, there would probably be very little difference of opinion.

I merely state this as a matter of justice and right in the premises.

Mr. TELLER. I would like to ask the Senator from Missouri what he understands the controversy is in this matter?

Mr. COCKRELL. If the Senator can not understand from what I have stated, and from an hour's speech by the Senator from Maine, I must confess that I despair of enlightening him.

Mr. TELLER. I do not. I confess I have listened with a good deal of attention; but I do not know whether the words which I find here, "who desire to sever their allegiance to the Mormon Church," constitute the objection.

Mr. COCKRELL. That I consider as an objection. Yes, that was made an objection.

Mr. TELLER. That might be amended, I suppose.

Mr. COCKRELL. No doubt of it, and as I understand that was not a ground of absolute difference in the end. I will say to the Senator that that matter could be adjusted as far as that was concerned; but so far as the placing of the money to erect this building is concerned, I understood that there was a direct disagreement. The Senate conferees wanted it in the hands of this institution and the House conferees wanted it in the hands of the Secretary of the Treasury.

Mr. TELLER. Then the question, according to that, is as to who shall control this fund after it is appropriated?

Mr. COCKRELL. As to the building.

Mr. TELLER. As to the building?

Mr. COCKRELL. Yes.

Mr. TELLER. I am in full sympathy with this movement to assist these people in Utah. I can not say that I am in full sympathy with the words of this amendment, and it seems to me that it should be so changed that it would be less objectionable than it may be now to some. I confess that I have such a prejudice, if I may say it, against what I consider the interference with the freedom of religious belief in this country, that I do not care myself about seeing in a statute a provision that says we will enable somebody to leave or go into any church.

I am quite willing and quite anxious to vote for some provision of this kind that shall protect this class of people. Since I have been in public life there have been two very important bills passed with reference to the people of Utah. The last one I thought at the time of its passage, and I think now, trenches upon constitutional grounds. I thought it was harsh, cruel, and wicked, and I so said, and I withheld from it my vote. I complained then, as I had years before when the other bill passed, that we were breaking bonds that were existing between these people not rightfully, but actually, without any provision, without any attention being given to the protection of them when they were broken. For instance, a man has several wives, and each wife has several children. He is maintaining as best he can the relation of father to all these children and husband to these wives, and is enabled to maintain them perhaps in comfort. The moment that relation is broken it may not be possible for him to do this, and if it is, the chances are a thousand to one that he has no inclination to sustain the relation of a protector to those people who have parted with him.

There was every inducement held out to the women to adhere to the man, because there was nothing left for them but poverty and want. Everybody understands that in any country, no matter where, a woman with a few small children is the most dependent and helpless creature in the world. The very necessary care which she must give her children precludes her from earning a living, and we have made no provision whatever for her. Other nations that have dealt with this question, I believe, have always made provision for such a case, but we have made none. We insisted that the relation should be severed; we made it a crime not only for the man, but we made it a crime for the woman, and then we made no possible provision by which the woman could break this connection without meeting starvation and want or something worse.

So I am in favor of this, which I think is the first real—no, I will not say that, because I think the act of 1862 was a proper act; I think the act usually known as the Edmunds act passed later was a proper act, except that it did not go far enough; it ought to have contained some such provision as that; but this is a provision which supplements the other in such a way that I think it will be effective and at the same time merciful and right.

I should much prefer to see those words to which I have referred stricken out.

Mr. HALE. Perhaps the Senator was not present when I was discussing that part of the amendment.

Mr. TELLER. I was not in. I was called out, and did not hear it all.

Mr. HALE. The words to which the Senator refers, "who desire to sever their allegiance to the Mormon Church," were not insisted upon by the Senate conferees; in fact, I may say that other words, which I think are these—

Dependent women and children of Utah and Idaho Territories—

can be agreed upon, and if there is any agreement between the two Houses can be used as the basis instead of the words referred to by the Senator. So there is nothing there that need prevent the Senator giving the amendment his hearty and complete support.

Mr. TELLER. I was about to say that I should vote for the amendment even with these objectionable words in it, but I should prefer not to put them in, because I think the words in a statute of this kind are not good. Still, rather than see this appropriation fail, which, as I said before, I think is a proper step, a right step, and a righteous step, I should vote for it as it is; but if the committee would strike those words out and leave it "the dependent women and children of Utah and Idaho Territories," and leave it to the discretion of this charitable institution, I do not believe there would be any trouble about it. I should be very happy myself to see this amendment adopted, for I believe with the Senator from Maine that this is the true method of proceeding, and one which is in accordance with our ideas of justice and right.

These people, many of them, have formed these connections under circumstances that are quite different from what we usually understand such connections to be formed, and some of them that we do not

appreciate and that make them almost, if not entirely, excusable so far as they are concerned, for they are people who have been brought up to believe that it is a religious duty, and we know very well that people can believe the most absurd things in the world, that men have gone willingly and committed murder, supposing they were doing a very meritorious act in the interest of religion; and so we can not account for the religious fanaticism of any people.

I should be very glad to see this amendment adopted, but I should also be very glad to see the words stricken out which I have suggested.

Mr. CALL. I voted for this appropriation, not only as a member of the Committee on Education and Labor when it was first considered, but also as a member of the Committee on Appropriations and of the Senate. I objected to and would now object to and vote against the legislation of this body persecuting these people because they had certain religious views or views on the subject of religion which were opposed to my own and to those of our people generally. I consider that in all that legislation we not only violated the Constitution, but we violated all the principles of civil liberty upon which our institutions are founded. I have never changed that opinion. I think we went back eighteen hundred years in the progress of the world to the days of barbarism, to use the courts, the civil power of the State, to compel by force a change in the opinions of men upon the subject of faith or of their religion.

The Constitution says we shall take no action whatever, exercise no power of Government respecting the establishment of religion, and yet the language of this bill is plain and direct, offering inducements to leave the Mormon Church. We have forgotten even that we have no power to legislate upon the subject of a man's belief on the subject of religion, whether it be true or untrue, and so in all this legislation in which we have prepared a prejudiced jury, in which we have prepared a prejudiced judge, and selected him for the purpose of trying men of different opinions on the subject of religion from himself, we have violated not only the principles of the Constitution, but we have violated all the institutions upon which our present civilization is founded, and we only need to go a few steps further to introduce the power of the State to punish in direct terms a man for being a Methodist or a Catholic or a Presbyterian, or for holding some different form of faith from that which the dominant party in the State may profess.

But, Mr. President, I approve the principle of the legislation in this appropriation. If the Mormons are to be converted, or any other set of people, it is to be in accordance with the divine religion of Christ, by persuasive methods, and not by the exercise of power. The legislation of this body has done more to perpetuate polygamy and establish it by making martyrs of them than any and all other causes and instrumentalities that could have been brought together.

We live in an age in which the principles of Christian tolerance, the teachings of Christ that the sword is not the power to create opinion, to produce conviction, but it is argument, it is the preaching of the divine word, it is the missionary, and not the power of the sword and the power of the civil law. The law by which these courts are established and vested with unusual powers can not be distinguished from the exercise of the power of the state in creating the Spanish Inquisition as an arm of civil power to compel observance of a particular faith. The two are precisely the same, and no argument can distinguish between the legislation of Congress in respect to the Mormons and the exercise of the civil power of the state in the shape of the Inquisition to suppress another religion or faith, either by delegating it to an ecclesiastical body or exercising it directly.

The constructions of law under which these people have been tried and punished, if correctly reported, are a lasting shame and disgrace to our country and to the administration of the law, and to ourselves for permitting it to continue. I have seen it stated by persons said to be reputable in character and truthful that men and women have been convicted and sentenced for unlawful cohabition upon proof alone that they had contributed to the support of the families, the women and children toward whom they had at some former period of time sustained the polygamous relation, and that in other cases women had been sentenced and imprisoned because they thought it proper to refuse to disclose the name of the man towards whom they had sustained these relations.

But this legislation providing a home for the people who may be convinced that they are pursuing a wrong method of life and a criminal one, of providing a home for the women and children who may be left destitute in consequence of a change of life, met the approval of my judgment. It was in the line of persuasion, in the line of the only possible successful policy, of the policy convincing the moral sentiment which the Almighty has provided as the means of reformation for all men everywhere. It can not be that you can change opinion, thought, by power, by oppression, by persecution, by the sword, by compelling men to believe. This is the method of the stake, the iron boot, the fearful implements of the cruelty and crime of the Dark Ages, and these we adopted in place of the gentle persuasion of the divine Christ.

Mr. President, if the statements of the Senator from Maine are true, it is the severest arraignment of this body that could possibly be made. Can it be that the Senate of the United States and the House of Representatives have sat here and allowed such a condition of things to exist as the instances described by him represent? Is it true that people convinced of the error of their lives and subjected to extreme cruelty have been compelled to remain in that condition for the want of even the ordinary necessaries of life? Is it true that children of twelve years of age are compelled to enter into polygamous and unlawful marriages and the Senate and the Senators from Maine and Vermont have quietly remained here providing no legislation but these denunciations of the Mormon people? If these statements be true, the evidence should be obtained and prompt legislation provided by which that evil should not exist a day longer—the evil of a people honestly desiring to conform to the laws and yet unable to do it because the laws have provided no efficient methods for their protection and their subsistence.

I am not ready to believe these statements. I do not believe that polygamy, however wrongful it is of necessity and in itself, destroys the natural love and affection which the Divine Being has implanted in the human heart, that charity can not exist where it prevails. We derive our religion from a polygamous people. I have been taught to reverence the Scriptures of the Old and New Testament as a divine revelation and the characters they present as the highest types of humanity. And while we believe with the confidence of knowledge that our Christianity is the true and higher civilization and the only true religion, it is not necessary that we should halt and denounce those who differ from us in faith and practice. I do not believe that either amongst the Mormons or any other people surrounded by the influences of modern civilization such cruelties would be permitted.

There are two sides to these statements; the Mormons deny them, their representative denies them in a speech delivered in the House of Representatives. Travelers and men of high standing both in our own and foreign countries profess to have examined carefully into this subject and describe these people as a mild and truthful, industrious and virtuous people, comparing very favorably in many respects with the people of other countries save only in the permission for polygamous life and representing that to be limited in practice. I do not know anything as to the truth of these statements either on the one side or the other, but I am not willing to bear false witness against any one or to condemn without full and fair evidence on both sides.

I have never seen a Mormon except those who have been here before the two Houses of Congress, and it is only just to say that these had the appearance and manner of intelligent, educated, and kindly men. I have never known but one of their faith, and his family life in this community was in all respects like our own, and his charities and personal characteristics such as gave him respectful consideration and regard of excellent persons of our own Christian faith who are themselves of unblemished life and reputation. I am not willing, therefore, that my vote for this appropriation shall be placed upon the ground that these people are destitute of all the moral virtues and all the kindly sympathies of humanity.

I do not believe it. I vote for this appropriation because I wish to provide every possible agency to give full and free influence to the persuasive power of the divine teachings of Christ and furnish the opportunity to all who wish to leave the polygamous life to do so, basing the law to be enforced against the practice of polygamy amongst them as amongst other people in the spirit of fairness and justice, in gentleness and in mercy, and not with the cruelty and violence of either the religious or the political bigot. I have more faith in the persuasive power of the gospel of Christ and the Christian ministry than in all the terms of the law, even when enforced with the thumb-screw and the stake, the dagger of St. Bartholomew's massacre and Coligni's assassin, or all the thousand cruelties which stain the pages of history, and which we are beginning to repeat.

Mr. President, we had better enact some legislation in this direction. We had better ascertain the facts. I am in favor of an appropriation, however large it may be, to provide a home and subsistence and employment for any of these people who may be convinced that their methods of life are improper and unlawful. Opposed as I am to persecution and disgraceful persecution, if I had the power I would remove the judges and the civil officers who have been guilty of crime themselves, if the statements I have read be true, of a distortion of the law by the severity of their punishment of these people. I read an instance in the memorial presented in aid of this very bill of a woman and a child, a woman of eighteen years of age, I think, with an infant of three months, confined in the jail, and that infant dying of measles, because she would not reveal the name of the man with whom she had been led into this improper relation, suffering and dying, the memorial states, and there was no charity, no kindness from the judge or the marshal or any one towards this poor young mother confined there like a common felon, a disgrace to civilization and a disgrace to humanity and to those who have the power to correct it.

But, Mr. President, the question here is whether the public money shall be placed in private hands with no responsibility except by a bond for carrying out these purposes. In the English law it was found necessary to provide a system of visitation even of private foundations of charity. It was found that the abuses which followed these institutions in private hands were so great as to pervert and defeat the purposes of the founder until a power of visitation was exercised by the courts and prescribed by the statutes.

Why, then, should we depart from that course and vest the power of disbursement of this money in the hands of these individuals without any authority on the part of the Treasury officials to supervise or di-

rect it? It seems to me that the answer is clear to those who sincerely desire the conversion of these people, who desire to furnish protection to those who wish to leave, who recognize the power of the Christian religion (which the legislation upon this subject denies) to convert and persuade those people who believe in Christ and Christ's religion and not in the persecutions which this body and the other House have established against these people. Those who believe as I do in Christ's commission "Go ye into all nations and preach the Gospel," and who desire the success of this charity and to protect these people when the power of the Christian faith may convert them, as it will convert them, would have the Government retain its control over the expenditure of this money.

If you choose to give this building or the use of it to this charitable organization, I shall have no objection, and should support a provision of that kind, provided they exercise that charity in the spirit of love and not of denunciation, not of hatred and bitter reproach; provided they remember that the evil of which they complain is not now for the first time known to the civilization of the world, that the Christian religion has been fighting it successfully for eighteen hundred years, not with the sword and the stake, but with the teachings of Christ, and that the religion of Christ alone has reclaimed hundreds of millions of people from the practice of the greater part of the world who have lived in polygamy and with whom it has been an institution—England and those who derive their civilization from her.

Mr. President, there has been too much of political persecution in this matter and too little of Christian faith and Christian practice. Let the Government appropriate its money, let it build this house, let it make ample provision for all who shall be convinced that the Christian system is the true one, and make it ample for the industrial education and subsistence of these people for a reasonable time, that this experiment may be promptly tried, but let it be done by the Government and under the supervision of bonded officers of the Government, and then, if we choose, give the management of this charity to these people whose purposes, I have no reason to doubt, are correct, and those of philanthropy and of good to mankind; but let it be required to be done in the spirit and according to the precepts of the religion of Christ.

Mr. BLAIR. Mr. President, I much fear that if for any reason, good or bad it may be in itself, the Senate should yield the point which their conferees hold to in the pending report, the assured and prolonged delay that will result in the completion of this building, whether upon the present plans or upon such new plans as the public architect may see fit to devise, will result in great advantage to Mormonism, and the American people will think this whole movement to be merely a device to accomplish that delay in the interest of the Mormon Church. I think it unnecessary that Congress should place itself at this time in a position which would be open to that misconstruction.

The scheme now being wrought out was adopted with great deliberation and consideration. This association, charitable to be sure, but under the control of as discreet men and women as any in the country, has been intrusted with the construction of this building. Plans have been made and the process of construction has been entered upon. Money has been expended upon these plans and upon the foundation—how many thousands of dollars I do not know, but some portion of the public money has been expended in the execution of the legislation of previous years.

There does not appear to be any reason why this building should be devised by the public architect, and the money expended under his supervision, which did not exist originally. We are but revising the action of a Congress as intelligent as our own, I take it, with the scheme partially perfected, well-nigh approaching completion, after having been long delayed by reprehensible opposition from the Territory of Utah, stimulated by Mormanism, but, as I believe, carried out very largely by the Government officials themselves; and there are many facts which will come to light if the discussion of this matter is prolonged, which will, perhaps, need explanation in the direction of what I suggest.

It seems to me that if we now arrest the progress of what we have entered upon it will come to be understood as done, and will be in fact something done, in the interest of Mormonism. It is what the Mormons want done at all events, and it is the only way in which they can delay the active and efficient operation of this all-essential means of extirpating their erroneous belief and their still worse practices in this country.

The honorable Senator from Vermont [Mr. EDMUNDS] for years has labored until we have upon the statute-book as efficient legislation operating by force upon the institution of Mormonism as we can possibly devise. At least I assume that if anything more efficient could be devised the Senator from Vermont would have had it brought to the attention of Congress. But in addition to that measure, supplementing it and indispensable in operation with it, the moral means, the intellectual processes which are absolutely indispensable for the extirpation of the powerful and injurious establishment of Mormonism, we find embodied in the institution which is now being considered by the Senate. Shall we arrest the prosecution of this institution and the benefits to be derived from it?

The Senator from Maine has given us some account of the earlier steps connected with the establishment of this institution. From the first time that I ever saw that great woman, Mrs. Newman, and listened to her exposition of the nature of the problem of Mormonism and of the institution which these women had devised and its relation to the problem and its eradication, it seemed to me that it was after all the great means which we must rely upon for success in the end. After the appropriate hearing before the committee to which Congress sent the resolution a report was made which was placed before the Committee on Appropriations. The cause was placed in the hands of the Senator from Vermont and the Senator from Maine, and since then under their care and direction it has proceeded thus far on its beneficent mission.

I entreat the Senate not to abandon this movement at the present time, not to consent to the proposition of the House, which, however plausible it may be on the surface, is, as I think, a direct measure of the Mormon Church to defeat the good that is to be accomplished by the destruction of Mormonism through the beneficent and efficient operation of this institution.

It is worth while for the Senate to adhere to its amendment, if need be, till the commencement of another session of Congress. It is better to lose the deficiency bill than to lose the appropriation for this institution. I hope that the Senate will adhere, and I hope that it will make such modifications as will be satisfactory to the Senator from Colorado, such as will enlarge, if need be, the scope of the operations of the institution, making whatsoever amendments in that direction anybody may see fit to suggest, but still adhering to the present plan of the construction of the building in order that it may be soon completed.

We know when Congress sets out to do anything in the way of public architecture the interminable delays which occur in every instance, the changes of plans, the insufficiency of appropriations, the additional appropriations, the controversies and frauds and difficulties of every description that arise. I believe it would be impossible to erect by public architecture a sanctuary in the city of Washington without there being some public scandal connected with it. When will the Library building be done? Is there any certainty that this building, if undertaken by the public architect and under public supervision, will be completed before the Library building will be done?

There is some necessity for the use of this building greater than the necessity for a building for the storage of our books. These destitute women fleeing as to a city of refuge to this institution need that it should be at once enlarged for their accommodation. Polygamy, I believe, is in no such danger from any other source as it is from the efficient operation of the institution that is now asking a slight additional appropriation.

I do not desire to consume the time of the Senate, but I feel earnestly upon this subject. I know that there are millions of the women of this country and of the men of this country who understand this whole problem and the relation of what we are now considering to its solution, who will feel more deeply any thrust at its progress by Congress than almost any other ill thing that we could do.

Mr. CALL. I ask the Senator from New Hampshire and the Senator from Maine to explain why it is and how it is that the disbursement of this money by this particular association is so important and so necessary to the objects of charity.

Mr. BLAIR. Because it would take some time; it might take five years' more time to complete the building by arresting the present plans and the work that is being done and turning it over to the public architect, who may have friends who want him to give them something to do. Who knows anything about the motive that may be at the bottom of this nonsensical proposal to make the change now, when we have got half through with our plan of action? What occasion is there for it? Is this business in the hands of people who are after money? Is there any fraud among these women and these benevolent gentlemen who are devoting their time without pay to the accomplishment of this great purpose? Is there a suspicion of it? There was time earlier to have suspected it. Are there any developments or any accusations or charges or suspicions which induce the suggestion of this change of plan of operations at this time? There can be no earthly cause for it except the delay desired by the Mormon Church and in the interest of the Mormon Church, possibly in the hope that future complications may arise and the whole institution be frittered away and this great effort, born of the purposes of the angels of heaven, may be defeated in furtherance of the purposes of these devils from hell. I do not see any use in it.

Mr. CALL. Mr. President——

Mr. PADDOCK. Before the Senator commences, I should like to ask him a question. Has it not been quite usual here in the District of Columbia to make appropriations, to make grants or subventions, to organize private charitable associations, which have been expended by the officers of these associations without intervention on the part of the Government, and why is it that my friend in this case desires to make an exception?

Mr. CALL. I do not think that it ever has been the policy of the Government to appropriate large sums of money and put them in the hands of individuals for the purpose of erecting buildings for charity. There have been a few exceptions; but it is not the policy of the Government to put the public money in the hands of private and irresponsible persons to execute any great public work.

Mr. PADDOCK. These are not private persons. This is an incorporated association similar to those to which subventions have been made in the District of Columbia. The cases are exactly parallel.

Mr. HALE. I can furnish the Senate with forty instances where the Government has appropriated moneys to institutions organized and incorporated like this for benevolent and philanthropic purposes, to maintain them, to keep up their establishments, to repair buildings, and to erect their buildings for them. That has been done repeatedly. Before the discussion closes, and before this subject is ended, if any Senator requires it, I will see that the instances are produced.

Mr. CALL. I agree that that has been done; and I have voted for some instances of repairs and for the maintenance of charities. We give an annual appropriation to the Providence Hospital for taking so many patients and taking care of them, and there are various other institutions in the District of Columbia where that is done. But still I insist it is not the custom nor is it a good practice. When it can be avoided the Government should not establish a public work by putting a large sum of money in the hands of a private corporation. It is not the method in which the Government is usually administered.

I wish to ask the Senator from New Hampshire why is there a necessity for any change of plans? The money is disbursed from the Treasury Department. Why can not the same plans go on? Why can not the work progress without a moment's delay? Because you change the hands through which the money is disbursed, that has no connection with changing the plans.

Mr. BLAIR. I was led to make that suggestion because I have been informed that this change is desired to be made in order that the public architect may make a new plan, and that this business may be done by friends of other parties, and not by this institution. I do not care to be more specific unless forced to be.

Mr. CALL. I do not know anything about that. I know but one Mormon, I believe, out of the whole number.

Mr. BLAIR. I did not say anything about the Mormons.

Mr. CALL. I do not know what they desire or what they do not desire, but I wish to suggest that every proposition must have some reasonable conclusion to it; it must relate in some kind or degree to the subject under discussion. If it be true that the transfer of the disbursement of the fund for the construction of this building to the proper officers of the Treasury Department will have the effect of postponing this relief and this protection of the converted Mormons who desire to abandon their method of life, why not modify the provision so as to make some of it applicable to the lease and renting of houses in the present before the construction of this building, so as to afford the relief without interruption and without delay?

This building may be constructed according to the plans of this corporation by law, if you see fit to do so, and yet the money may be disbursed by the proper officers of the Government. I submit that there is nothing in the advancement of this work or its continuance in the highest state of efficiency that is in any manner whatever connected with the fact whether the money shall be disbursed by the officers of the Government or by private individuals. There is no connection between those propositions.

Mr. HALE. I have here a very late instance of partially completed legislation, precisely in the direction which the Senator from Florida declares Congress has not hitherto gone. I ask the Secretary to read what has just come to the Senate from the House of Representatives, a bill making an appropriation for the Girls' Reform School of the District of Columbia.

The PRESIDENT *pro tempore*. The Secretary will read as requested.

The Secretary read as follows:

A bill (H. R. 10873) making an appropriation for the Girls' Reform School of the District of Columbia.

Be it enacted, etc., That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of the Girls' Reform School of the District of Columbia, a corporation incorporated by act of Congress of July 9, 1888.

SEC. 2. That the sum herein appropriated, or so much thereof as may be necessary, shall be used for the purchase of a site and purchase or erection of a suitable building for the Girls' Reform School of the District of Columbia.

Mr. HALE. It would not be possible to furnish an instance more completely in point than this, of a bill just passed by the House of Representatives, a body that objects to the proposition of the Senate upon the bill we have been discussing, and which has just passed a bill for an incorporation like this, for a benevolent purpose like this, appropriating a large sum of money for the specific purpose of buying a lot and erecting a building.

Mr. DAWES. The bill has been referred to the Committee on Appropriations.

Mr. HALE. This proposed act was this morning taken from the desk and referred to the Committee on Appropriations.

There is not any doubt that Congress has done this repeatedly. It never has done it in an instance where there was so much need and cause for action as the present condition in Utah discloses.

Let me say a word on this proposition that the House of Representatives urges to defeat this provision. Without in any way claiming to know what the motives of the conferees are, or laying any imputation upon them in the least, I may say that there can be but one object in diverting the appropriation of money from this association that has already embarked in the work which Congress has committed to it in the construction of this building, and that purpose is delay. It is not claimed that there is any reason why Congress should interpose. It is not claimed that there is any scandal by this association in the expenditure of the money already appropriated. It is not claimed that it is squandering the money. It is not claimed that every stroke of work done under it is not being done in good fashion, and that out of it an economical and suitable building for the purpose is not to be erected. No word of complaint of that sort has been uttered anywhere. Out of the clear sky, because it is not dared or ventured to oppose this appropriation in terms, in order to kill it comes this proposition which has nothing in it but delay. I want the Senate to understand that.

Mr. CALL. As far as I am concerned I have no particular objection to the provision passing in the shape in which the Senator from Maine desires it, but I wish to state that I did not say there was no precedent for such an appropriation of money. I say it is not the custom of the Government. I say it is not a good, wise public policy. It has been done in the District of Columbia, which is under the immediate supervision of Congress. There is some difference between this District and a remote Territory, which has a Territorial government and an autonomy of its own, even though it be subject to the supervising authority of Congress. But be it a precedent or not, except in the case of an established charity it is a bad precedent to appropriate a sum of money and put it in the hands of private individuals for the construction of buildings for a charity. The plan should be prescribed by the Government.

Mr. SAULSBURY. In whom is the title?

Mr. CALL. The title, I understand, is in this corporation; but it is proposed to place the title in the Government if so desired. Be that as it may, it is surely not a wise public policy, without limitations and conditions, to put a large sum of money in the hands of any number of persons or any corporation, however meritorious they may be.

The point in this matter is that the advancement of this work, this charity, the rescuing and protection of these people, the continuance of the charitable purposes of this corporation in its highest possible efficiency, granting all that is said for it, has nothing whatever to do with the disbursement of the money. The mere hands through which this money shall pass are immaterial to the purposes of the charity. If the building is constructed, and constructed with proper speed and diligence, and in a proper style and with proper conveniences, that is what the charity demands. It is not required that the money shall be disbursed by A or B or any one else. The singular part of it is that it is so insisted, not for the efficiency of the charity, but for the disbursement of the money by particular individuals, and the proposition manifestly has no connection whatever with the purposes of the charity. I myself am in favor of the charity, and I have no great objection to the provision passing in this shape.

Mr. PADDOCK. Will the Senator allow me a single word?

Mr. CALL. Certainly.

Mr. PADDOCK. There has not been a single dollar of the funds that have been used for this charity expended by the association. Every dollar of the money appropriated has been received, controlled, and paid out by the board of audit and control, specially designated by law to perform this duty, which is composed of the governor, the judges of the supreme court, and, I think, the marshal and district attorney of the Territory of Utah, all officials appointed by the Federal power and its representatives in Utah in respect to such duties as may be imposed upon them. Moreover, it is proposed by this amendment, this proposition, that the Utah Commission, which is within its jurisdiction as defined and fixed by law the accredited agency of the Federal Government there, shall hereafter have entire supervision of all contracts and all disbursements for and on behalf of this charity, in respect not only to the construction of the building for the use of the association in furtherance of the objects for which it was organized, but also as to whatever may be done afterwards in the conduct and the operations of the same. Certainly very few, if any, of the appropriations of a similar character in this district to which reference has been made have been more carefully guarded as to their expenditure.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. HALE. I move that the Senate insist upon its amendments which have not been disposed of by the conference report.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate insist upon its remaining amendments disagreed to by the House of Representatives.

The motion was agreed to.

Mr. CALL. I desire to ask the Senator from Maine a question. I understood the conference report to retain for further conference the provision for the widow of Lafayette Dancy?

Mr. HALE. That is one of the items still in conference.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes.

The message also announced that the House had agreed to the reports of the committees of conference on the amendments of the House of Representatives to the following bill and joint resolution:

A bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes; and

Joint resolution (S. R. 110) in aid of the sufferers from yellow fever.

The message further announced that the House had passed the bill (S. 3559) to amend section 2304 of the Revised Statutes of the United States to allow persons who have abandoned or relinquished their homestead entries to make another entry, with an amendment; in which the concurrence of the Senate was requested.

The message also announced that the House had passed the bill (H. R. 9874) for the relief of administrator of Alfred Alcorn; in which the concurrence of the Senate was requested.

YELLOW-FEVER SUFFERERS.

Mr. EDMUNDS. I ask the Chair to lay before the Senate the message of the House of Representatives on Senate joint resolution 110.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *October* 2, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution (S. R. 110) in aid of the sufferers from yellow fever.

Mr. EDMUNDS. I submit from the Senate conferees the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the joint resolution of the Senate (S. R. 110) in aid of the sufferers from yellow fever, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendment to the resolution of the Senate, and agree to the same amended as follows:

In lines 5, 6, and 7 strike out the words "in the relief of the suffering caused by yellow fever now prevailing in the State of Florida, or elsewhere in the United States," and insert the words: "whenever, in his opinion, such expenditure will tend to the eradication of the epidemic of yellow fever now prevailing in the United States, or its spread from State to State."

And the Senate agree to the same.

GEO. F. EDMUNDS,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

JAS. N. BURNES,
J. C. CLEMENTS,
THOS. RYAN,
Managers on the part of the House.

Mr. EDMUNDS. It is proper to explain that the representatives of the other House in this conference insisted that the House could not and would not agree to the use of the phrase adopted in the Senate resolution in direct aid of the sufferers from yellow fever, upon the ground, as they supposed and understood, that it was beyond the constitutional authority of Congress to do a thing of that kind, particularly as illustrated and illuminated and set forth in a message of the President of the United States to the last Congress, sending back without his approval a resolution providing for the distribution of seeds in a certain part of the State of Texas which had been suffering from a drought. In order to accommodate the solicitudes of the House of Representatives upon that subject, the conferees agreed to a paraphrase which means precisely the same thing, if the President of the United States possesses the discretion that we all impute to him. So we think we have accomplished the end without wounding the constitutional sensibilities of anybody.

The report was concurred in.

CIRCUIT COURT POWERS.

Mr. EDMUNDS. I ask the Chair to lay before the Senate the message from the House of Representatives concerning Senate bill No. 3234.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *October* 2, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes.

Mr. EDMUNDS. I submit the report on that bill.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same amended to read as follows:

"That there shall be, and is hereby, established a circuit court of the United States in and for the western district of Arkansas, for the northern district of Mississippi, and for the western district of South Carolina, respectively, as the said districts are now constituted by law. And terms of said circuit courts, respectively, shall be held at the times and places now provided by law for the holding of the district courts in said districts, respectively, and terms of the circuit court shall be held also at Helena, in the eastern district of Arkansas, at the same times the district court is now required by law to be held; and also at the times and places in West Virginia where the district court is now provided by law to be held.

"SEC. 2. That said circuit courts, respectively, shall have and exercise, within their respective districts, the same original and appellate jurisdiction as is or may be conferred by law upon the other circuit courts of the United States. And all suits, causes, and proceedings now pending in the said several respective district courts, and also in the district court of the district of West Virginia, and also in the district court of the eastern district of Arkansas, held at Helena, in and concerning which the said district courts exercise circuit court powers, shall be transferred to and belong to the jurisdiction of said circuit courts, respectively, and shall be proceeded with accordingly.

"SEC. 3. That there shall be appointed for each of said circuit courts in this act mentioned, by the circuit court judge of the circuit in which said districts are respectively embraced, a clerk, who shall take the oath and give the bond required by law for clerks of circuit courts, who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by general law. And the marshals of the United States in and for said respective districts shall act as marshals of said circuit courts, and the district attorneys of the United States in and for said respective districts shall discharge the duties of district attorneys in said circuit courts. Hereafter all appointments of clerks of circuit courts of the United States shall be made by the circuit judges of the respective circuits in which such circuit courts are or may be hereafter established; and all provisions of law inconsistent herewith are hereby repealed.

"SEC. 4. That said circuit courts, respectively, shall have power to make such orders and directions as shall be proper for the transfer from said district courts of all cases, proceedings, matters, records, files, and papers as by force of this act should belong to the said circuit courts.

"SEC. 5. That the provisions of the act entitled 'An act to amend sections 533, 556, 571, and 572 of the Revised Statutes of the United States, relating to courts in Arkansas and other States,' approved January 31, 1877, conferring upon the district courts named therein circuit-court powers, and section 571 of the Revised Statutes of the United States as amended by said last-mentioned act, and all provisions of law inconsistent with any of the provisions of this act, be, and the same are hereby, repealed.

"SEC. 6. That hereafter in all cases of conviction of crime the punishment of which provided by law is death, tried before any court of the United States, the final judgment of such court against the respondent shall, upon the application of the respondent, be re-examined, reversed, or affirmed by the Supreme Court of the United States upon a writ of error, under such rules and regulations as said court may prescribe. Every such writ of error shall be allowed as of right and without the requirement of any security for the prosecution of the same or for costs. Upon the allowance of every such writ of error it shall be the duty of the clerk of the court to which the writ of error shall be directed to forthwith transmit to the clerk of the Supreme Court of the United States a certified transcript of the record in such case, and it shall be the duty of the clerk of the Supreme Court of the United States to receive, file, and docket the same. Every such writ of error shall during its pendency operate as a stay of proceedings upon the judgment in respect of which it is sued out. Any such writ of error may be filed and docketed in said Supreme Court at any time in a term held prior to the term named in the citation as well as at the term so named; and all such writs of error shall be advanced to a speedy hearing on motion of either party. When any such judgment shall be either reversed or affirmed the cause shall be remanded to the court from whence it came for further proceedings in accordance with the decision of the Supreme Court, and the court to which such cause is so remanded shall have power to cause such judgment of the Supreme Court to be carried into execution. No such writ of error shall be sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had during the same term or within such time not exceeding sixty days next after the expiration of the term of the court at which the trial shall have been had as the court may for cause allow by order entered of record.

"SEC. 7. This act shall take effect and be in force from and after the 1st day of November, A. D. 1888."

And that the title of said bill be amended to read as follows:

"An act to abolish circuit-court powers of certain district courts of the United States, and to provide for writs of error in capital cases, and for other purposes."

And that the House agree to the same.

GEO. F. EDMUNDS,
JAMES F. WILSON,
Managers on the part of the Senate.

JNO. H. ROGERS,
WM. E. FULLER,
Managers on the part of the House.

The report was concurred in.

HOMESTEAD ENTRIES.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3559) to amend section 2304 of the Revised Statutes of the United States to allow persons who have abandoned or relinquished their homestead entries to make another entry; which was read.

On motion of Mr. DOLPH, it was

Resolved, That the Senate disagree to the said amendments of the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DOLPH, Mr. PADDOCK, and Mr. BERRY.

HOUSE BILL REFERRED.

The bill (H. R. 9874) for the relief of administrator of Alfred Alcorn was read twice by its title, and referred to the Committee on Claims.

LANDS IN DENVER.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *October* 2, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes.

Mr. TELLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows:

In line 9 of said amendment strike out the word "any" and insert in lieu thereof the words "the next nearest."

In line 25 of said amendment, after the word "respects," insert as follows: "saving the rights of any settlers claiming under any of the general land laws of the United States, who may be in possession at the date of the passage of this act."

And the Senate agree to the same.

H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
L. E. PAYSON,
J. McKENNA,
Managers on the part of the House.

The report was concurred in.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of August 17, 1888, a report of the amount of lands of the Puyallup Indian reservation, in Washington Territory, that have never been patented to any of the families or individuals of the Puyallup Indians; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ANDREW J. SMITH.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. HAMPTON. I ask the Senator from Ohio to withhold that motion for a moment while I make a report from the Committee on Military Affairs.

Mr. SHERMAN. Certainly.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2579) authorizing the President to appoint and retire Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers, reported it without amendment.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CULLOM. I ask the Senator from Ohio to withhold his motion for a moment until I can get the bill just reported put on its passage. I think there will be no objection to it.

Mr. SHERMAN. If it does not require debate I will withhold my motion.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the bill just read may be taken up for consideration. It will be read at length, subject to objection.

The bill was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BERRY. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

The Senator from Ohio now moves that the Senate proceed to the consideration of executive business.

Before submitting that motion the Chair lays before the Senate the unfinished business the title of which will be read.

The SECRETARY. A bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

CHINESE IMMIGRATION.

Mr. JONES, of Nevada, submitted the following resolution; which was read:

Resolved, That, in view of the fact that the presence of Chinese laborers on the North American continent is incompatible with the welfare of the laboring masses of the white race, and inconsistent with the progress of modern civilization, and in view of the international difficulties and embarrassments likely to arise from the entrance or attempted entrance of Chinese laborers from contiguous countries into the United States in contravention and defiance of our laws, the President be requested to negotiate treaties with the Government of Her Britannic Majesty and with the Republic of Mexico respectively, which will secure the co-operation of those governments in excluding such laborers from the North American continent and in preventing their entrance into the territory of the United States from the territory of either of such governments or of dependencies thereof.

The PRESIDENT *pro tempore*. Does the Senator from Nevada desire the present consideration of the resolution?

Mr. JONES, of Nevada. I ask that it be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. It will be so referred.

INVESTIGATION BY FINANCE COMMITTEE.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution of the Senator from Tennessee [Mr. HARRIS] of September 19, 1888, to report the same with an amendment in the nature of a substitute.

The PRESIDENT *pro tempore*. The original resolution submitted by the Senator from Tennessee [Mr. HARRIS] will be read.

The Secretary read as follows:

Resolved, That the Committee on Finance have authority to employ a stenographer and such other clerical assistance as may be necessary in connection with matters referred to that committee for investigation, such expenses to be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The amendment reported by the Senator from Nevada to the resolution of the Senator from Tennessee will now be read.

The SECRETARY. It is proposed to strike out all after the word "*Resolved*," and insert:

That the Committee on Finance have authority, in connection with matters referred to that committee for investigation, to summon witnesses, send for persons and papers, administer oaths, and to employ a stenographer and such clerical and other assistance as may be necessary, the expense to be paid out of the contingent fund of the Senate on vouchers duly approved, and that said committee have leave to print the record and results of such investigations and its report and conclusions thereon.

The PRESIDENT *pro tempore*. Does the Senator from Nevada desire that this resolution be now considered?

Mr. JONES, of Nevada. Yes, sir.

Mr. HOAR. I would suggest to the Senator that the Committee on Finance will find it convenient to have the usual addition to that resolution, making any subcommittee of its number a committee of the Senate for the purposes therein indicated; otherwise they can not administer an oath unless the full committee is present.

Mr. SHERMAN. My impression is that that was done soon after the organization of the committee, but there is no harm in doing it again.

Mr. HOAR. But this resolution gives this committee power to send for persons and papers, and to administer oaths, and all that. Now, that can only be done by the full committee under the resolution as it stands.

Mr. SHERMAN. I think a resolution to that effect has already been adopted.

Mr. HOAR. Not on this subject. It is none of my especial business, however.

Mr. HARRIS. If the Senator from Massachusetts will allow me, I will say that the Committee on Finance obtained all the authority necessary in respect to such investigations a good while ago, but subsequent to that time a subject-matter referred by the Senate to the committee for investigation has been referred to a subcommittee, the matter not having been before the committee at the time the previous authority was given, and the resolution that I offered was simply intended to cover such necessary expenses as might be incurred by the subcommittee in investigating the matter that was referred to it. That subcommittee is composed of the Senator from New York [Mr. HISCOCK] and myself.

Mr. HOAR. The Committee to Audit and Control the Contingent Expenses now reports a substitute for the resolution proposed by the Senator from Tennessee.

Mr. HARRIS. I think the suggestion of the Senator from Massachusetts is a good one, that the authority should extend to the subcommittee.

Mr. HOAR. Yes. The substitute does not as it stands extend the authority to the subcommittee.

Mr. HARRIS. I think that is a good suggestion, and I hope the Senator from Nevada will adopt it.

Mr. HOAR. I would suggest to amend the amendment by adding, after the words "the Committee on Finance," the further words "or any subcommittee of their number."

The PRESIDENT *pro tempore*. The report being to amend by striking out and inserting, the Senator from Massachusetts moves to amend the part proposed to be inserted. The proposed amendment will be read by the Secretary.

The SECRETARY. After the word "Finance" in the amendment reported by the committee, it is proposed to insert "or any subcommittee of their number;" so as to read:

That the Committee on Finance, or any subcommittee of their number, have authority in connection with matters referred to that committee for investigation to summon witnesses, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The resolution as amended was agreed to.

CONDITION OF THE CIVIL SERVICE.

Mr. JONES, of Nevada. I am further instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution of the Senator from Maine [Mr. HALE] of July 26, 1888, to report it to the Senate with an amendment.

The PRESIDENT *pro tempore*. The original resolution will be read:

The Secretary read as follows:

Resolved, That the Select Committee to Investigate the operations of the Civil Service be authorized to continue during the recess of Congress the investigations directed by the resolution of this body of March 13, 1888, with all the powers and privileges conferred by said resolution.

The PRESIDENT *pro tempore*. The amendment reported from the committee will now be read.

The SECRETARY. At the end of the resolution it is proposed to add:

And all necessary expenses of such committee shall be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. BLAIR. I would like to ask what investigation is referred to in that resolution?

The PRESIDENT *pro tempore*. The Secretary will read the resolution again.

The resolution was again read.

Mr. BLAIR. I did not want the resolution read. I only asked what the investigation was.

The PRESIDENT *pro tempore*. The Secretary will report the unfinished business.

STEAM-PRESSES IN ENGRAVING BUREAU.

Mr. BLAIR. I would like to inquire of the chairman of the Committee on Finance what progress is being made with the bill coming from the House of Representatives touching the removal of steam printing-presses from the Bureau of Engraving and Printing.

Mr. SHERMAN. That is under examination by a subcommittee, and they are taking testimony constantly. No doubt the investigation has been somewhat delayed by the constant attendance of the members of the committee on the tariff investigation, but a great deal of testimony has been taken pro and con.

Mr. BLAIR. As the Senator is aware, there are reasons why as early a conclusion as possible on that subject-matter should be reached. The subject came to the Senate several months since in the form of a resolution, and now the bill is here and I hope it will be disposed of as soon as possible.

Mr. SHERMAN. That matter was placed in the charge of the Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. The subject referred to by the Senator from New Hampshire is the one that was intended to be covered by the resolution just passed providing for an investigation.

The matter has been referred by the Committee on Finance to a subcommittee composed of the Senator from New York [Mr. HISCOCK] and myself, for investigation. We have heard a large number of witnesses on one side of the question and are intending to hear at the earliest moment possible such other witnesses as we are informed it is desired to bring before us. The investigation is progressing as rapidly as the time and engagements of the Senator from New York and myself can possibly admit of.

Mr. BLAIR. May I ask the Senator whether it may not be hoped that the investigation will be concluded and a report of the bill made to the Senate during the present session?

Mr. HARRIS. I shall not be able to answer the Senator until I ascertain something as to the probable number of witnesses that it is desired we should hear. I do not know how many, nor do I know what length of time it will take to hear them. I can only say that the subcommittee will proceed as rapidly as it can, consistent with the duties that devolve on the members of that committee.

Mr. BLAIR. I hope that it will do so. I think it will be a subject of general regret if that bill should not be acted on at the present session of Congress.

NORTHERN PACIFIC RAILROAD LANDS.

The PRESIDENT *pro tempore*. The Secretary will report the unfinished business.

The SECRETARY. A bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes.

Mr. COCKRELL. Pending that bill, I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 38 minutes p. m.) adjourned until to-morrow, Wednesday, October 3, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate October 2, 1888.

UNITED STATES CONSUL.

James Petigru Lesesne, of South Carolina, to be consul-general of the United States at Melbourne, Australia, *vice* James M. Morgan, resigned.

PROMOTIONS IN THE NAVY.

Medical Inspector Michael Bradley, a resident of Pennsylvania, to be a medical director in the Navy, from the 19th of June, 1888, *vice* Medical Director Edward Shippen, retired.

Surg. Theoron Woolverton, a resident of New York, to be a medical inspector in the Navy, from the 19th of June, 1888, *vice* Medical Inspector M. Bradley, promoted.

Passed Assist. Surg. Howard Wells, a resident of Pennsylvania, to be a surgeon in the Navy, from the 19th of June, 1888, *vice* Surg. T. Woolverton, promoted.

Medical Inspector Adrian Hudson, a resident of the District of Columbia, to be a medical director in the Navy, from the 10th of July, 1888, *vice* Medical Director George Peck, retired (subject to the examinations required by law).

Surg. Charles H. White, a resident of Massachusetts, to be a medical inspector in the Navy, from the 10th of July, 1888, *vice* Medical Inspector A. Hudson, promoted.

Passed Assist. Surg. James H. Gaines, a resident of Maryland, to be a surgeon in the Navy, from the 10th of July, 1888, *vice* Surg. C. H. White, promoted.

Medical Inspector Newton L. Bates, a resident of New York, to be a medical director in the Navy, from the 1st of September, 1888, *vice* Medical Director James Suddards, deceased (subject to the examinations required by law).

Surg. George W. Woods, a resident of California, to be a medical inspector in the Navy, from the 1st of September, 1888, *vice* Medical Inspector N. L. Bates, promoted.

Passed Assist. Surg. Daniel N. Bertolette, a resident of Pennsylvania, to be a surgeon in the Navy, from the 1st of September, 1888, *vice* Surg. G. W. Woods, promoted.

Surg. Frank L. DuBois, a resident of Pennsylvania, to be medical inspector in the Navy, from the 15th September, 1888, *vice* Medical Inspector John C. Spear, retired.

Passed Assist. Surg. Ezra Z. Derr, a resident of Maryland, to be a surgeon in the Navy, from the 15th September, 1888, *vice* Surg. Frank N. DuBois, promoted.

Surg. George H. Cooke, a resident of Pennsylvania, to be a medical inspector in the Navy, from the 15th September, 1888, *vice* Medical Inspector A. C. Rhoades, retired (subject to the examinations required by law).

Passed Assist. Surg. Frank B. Stephenson, a resident of Massachusetts, to be a surgeon in the Navy, from the 15th September, 1888, *vice* Surg. G. H. Cooke, promoted.

Paymaster George A. Lyon, a resident of Pennsylvania, to be a pay inspector in the Navy, from the 15th September, 1888, *vice* Pay Inspector Charles F. Guild, retired (subject to the examinations required by law).

Passed Assistant Paymaster John W. Jordan, a resident of Florida, to be a paymaster in the Navy, from the 19th June, 1888, *vice* Paymaster George R. Watkins, dismissed, and Charles D. Mansfield, retired.

Assistant Paymaster R. T. Mason Ball, a resident of Virginia, to be a passed assistant paymaster in the Navy, from the 19th June, 1888, *vice* Passed Assistant Paymaster William C. McGowan, deceased, and Passed Assistant Paymaster John W. Jordan, promoted.

Lieut. Commander John K. Winn, a resident of Massachusetts, to be a commander in the Navy, from the 31st of March, 1888, *vice* Commander W. S. Schley, promoted.

Lieut. Clifford H. West, a resident of New York, to be a lieutenant-commander in the Navy, from the 31st of March, 1888, *vice* Lieut. Commander J. K. Winn, promoted (subject to the examinations required by law).

Lieut. Frank J. Milligan, junior grade, a resident of Tennessee, to be a lieutenant in the Navy, from the 31st of March, 1888, *vice* Lieut. C. H. West, promoted.

Ensign Philip V. Lansdale, a resident of Maryland, to be a lieutenant, junior grade, in the Navy, from the 31st of March, 1888, *vice* Lieut. F. J. Milligan, junior grade, promoted.

Lieut. John P. Merrell, a resident of Michigan, to be a lieutenant-commander in the Navy, from the 28th of May, 1888, *vice* Lieut. Commander G. M. Totten, deceased.

Lieut. Albon C. Hodgson, junior grade, a resident of Georgia, to be a lieutenant in the Navy, from the 28th of May, 1888, *vice* Lieut. J. P. Merrell, promoted.

Ensign Horace W. Harrison, a resident of the District of Columbia, to be a lieutenant, junior grade, in the Navy, from the 22d of May, 1888, *vice* Lieut. L. W. Piepmeyer, junior grade, deceased.

Ensign William S. Benson, a resident of Georgia, to be a lieutenant, junior grade, in the Navy, from the 28th of May, 1888, *vice* Lieut. A. C. Hodgson, junior grade, promoted (subject to the examinations required by law).

Lieut. James M. Helm, junior grade, a resident of Tennessee, to be a lieutenant in the Navy, from the 1st of June, 1888, *vice* Lieut. Hamilton Perkins, resigned.

Ensign William V. Bronaugh, a resident of Kentucky, to be a lieutenant, junior grade, in the Navy, from the 1st of June, 1888, *vice* Lieut. J. M. Helm, junior grade, promoted.

Lieut. Joseph G. Eaton, a resident of Massachusetts, to be a lieutenant-commander in the Navy, from the 19th of June, 1888, *vice* Lieut. Commander Socrates Hubbard, retired.

Lieut. William G. Cutler, junior grade, a resident of Nevada, to be a lieutenant in the Navy, from the 19th of June, 1888, *vice* Lieut. J. G. Eaton, promoted (subject to the examinations required by law).

Ensign Frank M. Bostwick, a resident of Wisconsin, to be a lieutenant, junior grade, in the Navy, from the 19th of June, 1888, *vice* Lieut. W. G. Cutler, junior grade, promoted (subject to the examination required by law).

Lieut. Cameron Mc.R. Winslow, junior grade, a resident of Massachusetts, to be a lieutenant in the Navy, from the 1st of July, 1888, *vice* Lieut. Emory H. Taunt, resigned.

Ensign Walter M. Constant, a resident of Indiana, to be a lieutenant,

junior grade, in the Navy, from the 1st of July, 1888, *vice* Lieut. C. McR. Winslow, junior grade, promoted.

Lieut. Charles Laird, junior grade, a resident of Ohio, to be a lieutenant in the Navy, from the 28th of September, 1888, *vice* Lieut. Robert H. McLean, resigned.

Ensign James H. Oliver, a resident of Georgia, to be a lieutenant, junior grade, in the Navy, from the 28th of September, 1888, *vice* Lieut. Charles Laird, junior grade, promoted (subject to the examinations required by law).

Passed Assistant Engineer George E. Tower, a resident of New York, to be a chief engineer in the Navy, from the 30th of June, 1887, *vice* Chief Engineer William J. Lamdin, retired (subject to the examinations required by law).

Passed Assistant Engineer Hugh H. Cline, a resident of Maryland, to be a chief engineer in the Navy, from the 2d of December, 1887, *vice* Chief Engineer William S. Stamm, retired (subject to the examinations required by law).

Assistant Engineer Theodore F. Burgdorff, a resident of New Jersey, to be a passed assistant engineer in the Navy, from the 22d of June, 1886, *vice* Passed Assistant Engineers H. L. Harvey and W. B. Boggs, deceased.

Assistant Engineer William R. King, a resident of Maryland, to be a passed assistant engineer in the Navy, from the 17th of March, 1887, *vice* Passed Assistant Engineers F. M. Ashton, deceased, and B. C. Gowing, promoted (subject to the examinations required by law).

Assistant Engineer Frank H. Eldridge, a resident of Ohio, to be a passed assistant engineer in the Navy, from the 30th of June, 1887, *vice* Passed Assistant Engineers A. Kirby and George E. Tower, promoted (subject to the examinations required by law).

Assistant Engineer Charles C. Kleckner, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 30th June, 1887, *vice* Passed Assistant Engineers C. H. Manning and G. S. Gates, retired. [NOTE: The retirement of Passed Assistant Engineers C. H. Manning and G. S. Gates entitled Assistant Engineer George W. Snyder to be promoted, and he was nominated by the President in December, 1884, to fill the vacancy, subject to the examinations required by law. Snyder died before qualifying and the vacancy was held for Assistant Engineer W. O. Chrisman. This officer was unable to appear for his examination on account of illness, and he was finally retired from active service on the 29th June, 1887. Assistant Engineer Kleckner is now entitled to fill the vacancy.]

Assistant Engineer Edgar T. Warburton, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 1st July, 1887, *vice* Passed Assistant Engineers L. W. Wooster, retired, and J. Entwistle, promoted.

Assistant Engineer William B. Dunning, a resident of New York, to be a passed assistant engineer in the Navy, from the 2d December, 1887, *vice* Passed Assistant Engineers N. P. Towne and H. H. Cline, promoted.

Assistant Engineer Robert I. Reid, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 19th June, 1888, *vice* Passed Assistant Engineers T. J. W. Cooper, deceased, and John C. Kafer, retired (subject to the examinations required by law).

HOUSE OF REPRESENTATIVES.

TUESDAY, *October* 2, 1888.

The House met at 12 o'clock m., and was called to order by Hon. JOHN B. CLARK, Clerk of the House, who said: The Clerk is in receipt of a telegram from the Speaker of the House dated Lynchburgh, Va., stating that he missed a railroad connection this morning, and is therefore unable to reach the city in time for the meeting of the House to-day. Under these circumstances it is the duty of the Clerk to call the House to order. The only business now before the House is the election of a Speaker *pro tempore* to preside during the temporary absence of the Speaker.

ELECTION OF SPEAKER PRO TEMPORE.

Mr. TURNER, of Georgia. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Hon. J. B. MCCREARY, a Representative from the State of Kentucky, be, and he is hereby, elected Speaker *pro tempore* during the absence of the Speaker.

The resolution was adopted.

Mr. MCCREARY, on taking the chair as Speaker *pro tempore*, was greeted with applause.

Prayer was offered by Rev. J. H. CUTHBERT, D. D.

The Journal of yesterday's proceedings was read and approved.

NOTIFICATION TO THE SENATE.

Mr. TURNER, of Georgia. I offer the resolution which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the Clerk be directed to notify the Senate that the House has elected Hon. JAMES B. MCCREARY, a Representative from the State of Kentucky, as Speaker *pro tempore* during the absence of the Speaker.

The resolution was adopted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ANDERSON, of Iowa, indefinitely, on account of sickness in his family and important business.

To Mr. BROWNE, of Indiana, for the remainder of the session, on account of ill health.

To Mr. HIRES, indefinitely, on account of important business.

To Mr. LEHLBACH, indefinitely, on account of important business.

To Mr. WILLIAMS, indefinitely, on account of important business.

To Mr. PATTON, indefinitely, on account of important business.

To Mr. HAYES, indefinitely, on account of important business.

To Mr. WISE, indefinitely, on account of important business.

POWERS OF UNITED STATES COURTS.

Mr. ROGERS. I rise to present a privileged report from a committee of conference, which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill of the Senate No. 3234, entitled "A bill to abolish circuit-court powers of certain district courts of the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives and agree to the same amended to read as follows:

"That there shall be, and is hereby, established a circuit court of the United States in and for the western district of Arkansas, for the northern district of Mississippi, and for the western district of South Carolina, respectively, as the said districts are now constituted by law. And terms of said circuit courts, respectively, shall be held at the times and places now provided by law for the holding of the district courts in said districts, respectively. And terms of the circuit court shall be held also at Helena, in the eastern district of Arkansas, at the same times the district court is now required by law to be held; and also at the times and places in West Virginia where the district court is now provided by law to be held.

"SEC. 2. That said circuit courts, respectively, shall have and exercise, within their respective districts, the same original and appellate jurisdiction as is or may be conferred by law upon the other circuit courts of the United States. And all suits, causes, and proceedings now pending in the said several respective district courts, and also in the district court of the district of West Virginia, and also in the district court of the eastern district of Arkansas, held at Helena, in and concerning which the said district courts exercise circuit-court powers, shall be transferred to and belong to the jurisdiction of said circuit courts, respectively, and shall be proceeded with accordingly.

"SEC. 3. That there shall be appointed for each of said circuit courts in this act mentioned, by the circuit court judge of the circuit in which said districts are respectively embraced, a clerk, who shall take the oath and give the bond required by law for clerks of circuit courts, who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by general law. And the marshals of the United States in and for said respective districts shall act as marshals of said circuit courts, and the district attorneys of the United States in and for said respective districts shall discharge the duties of district attorneys in said circuit courts. Hereafter all appointments of clerks of circuit courts of the United States shall be made by the circuit judges of the respective circuits in which such circuit courts are or may be hereafter established; and all provisions of law inconsistent herewith are hereby repealed.

"SEC. 4. That said circuit courts, respectively, shall have power to make such orders and directions as shall be proper for the transfer from said district courts of all causes, proceedings, matters, records, files, and papers as by force of this act should belong to the said circuit courts.

"SEC. 5. That the provisions of the act entitled "An act to amend sections 533, 556, 571, and 572 of the Revised Statutes of the United States relating to courts in Arkansas and other States," approved January 31, 1877, conferring upon the district courts named therein circuit-court powers, and section 571 of the Revised Statutes of the United States as amended by said last-mentioned act, and all provisions of law inconsistent with any of the provisions of this act be, and the same are hereby, repealed.

"SEC. 6. That hereafter in all cases of conviction of crime the punishment of which provided by law is death, tried before any court of the United States, the final judgment of such court against the respondent shall, upon the application of the respondent, be re-examined, reversed, or affirmed by the Supreme Court of the United States upon a writ of error, under such rules and regulations as said court may prescribe. Every such writ of error shall be allowed as of right and without the requirements of any security for the prosecution of the same or for costs. Upon the allowance of every such writ of error, it shall be the duty of the clerk of the court to which the writ of error shall be directed to forthwith transmit to the clerk of the Supreme Court of the United States a certified transcript of the record in such case, and it shall be the duty of the clerk of the Supreme Court of the United States to receive, file, and docket the same. Every such writ of error shall, during its pendency, operate as a stay of proceedings upon the judgment in respect of which it is sued out. Any such writ of error may be filed and docketed in said Supreme Court at any time in a term held prior to the term named in the citation as well as at the term so named; and all such writs of error shall be advanced to a speedy hearing on motion of either party. When any such judgment shall be either reversed or affirmed the cause shall be remanded to the court from whence it came for further proceedings in accordance with the decision of the Supreme Court; and the court to which such cause is so remanded shall have power to cause such judgment of the Supreme Court to be carried into execution. No such writ of error shall be sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had during the same term or within such time, not exceeding sixty days next after the expiration of the term of the court at which the trial shall have been had, as the court may for cause allow by order entered of record.

"SEC. 7. This act shall take effect and be in force from and after the 1st day of November, A. D. 1888."

And that the title of said bill be amended to read as follows: "An act to abolish circuit-court powers of certain district courts of the United States, and to provide for writs of error in capital cases, and for other purposes;" and that the House agree to the same.

JOHN H. ROGERS,
WILLIAM E. FULLER,
Managers on the part of the House.
GEORGE F. EDMUNDS,
JAMES F. WILSON,
Managers on the part of the Senate.

The statement of the House conferees, submitted in accordance with the rule, was read, as follows:

The managers on the part of the House upon the disagreeing votes of the Senate and House on Senate bill 3234, make the following statement of the effect of the report agreed upon by the conference committee.

The effect of the agreement of the conference is to combine the bill of the Senate with the amendment of the House, thus presenting a bill which provides that circuit courts shall be held at Helena, in the eastern district of Arkansas, Fort Smith, in the western district of Arkansas; for the northern district of Mississippi, the western district of South Carolina, the district of West Virginia at Charleston, Clarksburgh, and Wheeling, at all of which places district courts, with circuit court powers, are now held, and at Clarksburgh, where a district court is now held, but which has no circuit court powers, whereby all these courts are put on the same footing with all other courts, and the judicial system in this regard rendered uniform throughout the United States. It also provides for writs of error, in capital cases, to the Supreme Court of the United States, and prescribes the practice in such cases.

A section is added, providing that the act shall go into effect from and after the 1st day of November, A. D. 1888.

JNO. H. ROGERS,
JOHN S. HENDERSON,
WM. E. FULLER.
Managers on the part of the House.

Mr. ROGERS. Mr. Speaker, the conference report is unanimous, although one member of the Senate and one member of the House was not present at the time it was concluded, and could not sign it. If there is any matter requiring an explanation which is not embraced in the statement accompanying the report, which I do not think is the case, I shall be very glad to answer any question which gentlemen may desire to propound. If not, I move the previous question on the adoption of the report.

Mr. DINGLEY. Before that let me ask a question. I understand this is a unanimous report.

Mr. ROGERS. It is, sir.

Mr. DINGLEY. I have no objection.

Mr. ROGERS. It is the unanimous report, although the gentleman from North Carolina [Mr. HENDERSON] and Senator VEST were temporarily absent and did not sign the report; but it is agreed upon by all the conferees, and the statement of fact is signed by all of them.

The previous question was ordered, under the operation of which the report was adopted.

Mr. ROGERS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same, namely:

A bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

AMENDMENT TO LAND LAWS.

The SPEAKER *pro tempore* laid before the House the bill (S. 3559) to amend section 2304 of the Revised Statutes to allow persons who have abandoned or relinquished their homestead entries to make another entry; which was read a first and second time.

Mr. McRAE. Mr. Speaker, I ask unanimous consent to consider that bill now. I will state that this is substantially a part of the general land bill already passed by the House, and there is no objection to it. It has passed the Senate in this form, and I ask that it be taken up and considered now.

The SPEAKER *pro tempore*. The bill will be read, subject to the right of objection.

The bill was read, as follows:

That any person who has not heretofore perfected title to a tract of land which he has made filing upon under the pre-emption law or entry of under the homestead law, may make a homestead entry of not exceeding one quarter-section of public land subject to such entry, such previous filing or entry to the contrary notwithstanding; but this right shall not apply to persons who perfect title to lands under the pre-emption or homestead laws already initiated.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McRAE. For the purpose of an amendment I yield to the gentleman from Kansas [Mr. TURNER], retaining the floor except to permit him to do so. He desires to make an amendment, which was also passed upon by our committee, and seems satisfactory to everybody.

Mr. TURNER, of Kansas. I move the following amendment:

The Clerk read as follows:

Add as section 2 of the bill:

"That whenever it shall be made to appear to a register and receiver of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable by reason of drought, whole or partial destruction of crops, sickness, or other unavoidable casualty to secure a support for himself, herself, or those dependent upon them, then such register and receiver may grant to such settler a leave of absence from the claim upon which they have filed for a period not exceeding one year at any one time; and such settler so granted leave of absence shall forfeit no rights by reason of such absence, provided that the time of such actual absence shall not be deducted from the actual residence required by law.

Mr. TURNER, of Kansas. Mr. Speaker, I desire to say simply to the House, in order that it may understand the purport of this amendment, that Congress has recognized from time to time in the past, by the adoption of similar measures of a temporary character, the necessity for granting leave under such conditions as this amendment prescribes. Several times in the past leave has been granted to the homesteaders upon the frontier to be absent from their claims for a certain length of time on account of drought or other casualties. The trouble, however, with temporary measures is that frequently the dry weather comes upon one section of the frontier, which the House will remember extends from the British possessions to the Gulf, when Congress does not meet until the following December; and when dry weather strikes any portion of the frontier and the crops are necessarily destroyed, the homesteader is compelled to abandon his settlement for the time being in order to secure a living. The object of this amendment, therefore, is to give the registers and receivers of the public land office permission to grant these leaves of absence on account of drought or other casualty to the homesteaders; but it also provides that any such time during which the leave of absence is granted shall not be taken from the time that they are required to live upon the homestead before final proof. I apprehend that there is no objection to the provision. It is a permanent instead of a temporary measure.

Mr. McRAE. I hope the amendment will be adopted.

Mr. DORSEY. I would like to ask the gentleman this question: Does not the bill which has passed the House and is now pending in the Senate, the public-land bill, provide for leave of absence?

Mr. TURNER, of Kansas. In reference to that——

The SPEAKER *pro tempore*. The question is on the adoption of the amendment proposed by the gentleman from Kansas.

The amendment was adopted.

Mr. HERMANN. I offer the following as section 3.

The Clerk read as follows:

That all public lands heretofore designated as double minimum under the homestead and pre-emption laws are hereby reduced to the uniform price of $1.25 per acre.

The amendment was adopted.

Mr. PEEL. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

That from and after the passage of this act any homestead settler who has entered less than one quarter-section of land may enter other and additional land lying contiguous to the original entry, which shall not, with the land first entered and occupied, exceed in the aggregate 160 acres; or if such person so elect he or she may surrender the lands so entered to the United States for cancellation and thereupon be entitled to enter lands under the homestead law the same as if the surrendered entry had not been made; and any person who may make said additional entry, or the new entry after surrender and cancellation, shall be allowed to do so without payment of fees and commissions; and the residence and cultivation of such person upon and of the lands embraced in the original entry shall be considered residence and cultivation for the same length of time upon and of the land entered in his additional or new entry, and shall be deducted from the time of residence and cultivation required by law: *Provided*, That if final proof of settlement and cultivation has been made for the original entry when the additional or new entry is made, then no further proof shall be required and patent shall issue.

Mr. PEEL. I only desire to say that this amendment has been approved by the committee.

Mr. McRAE. This amendment is substantially one section of the general bill. It is just and proper and I hope it will be adopted.

Mr. NELSON. I should like to ask a question of the gentleman from Arkansas [Mr. PEEL], who introduced this amendment, and also of the gentleman who called up the bill [Mr. McRAE], and that is, does this allow an additional homestead to be made of land by the homesteader?

Mr. McRAE. It does not unless contiguous or the other is canceled; it gives those outside of the railroad limits the same privilege as those inside.

Mr. NELSON. Because if it does, it would require an addition to the land-scrip.

Mr. McRAE. It does not allow scrip at all. The substance of the amendment has had the approval of the committee.

The amendment was adopted.

Mr. McRAE. I move the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McRAE. I ask that a conference with the Senate on the amendments be requested.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. DUNN. I think that is scarcely in order at this time. The Senate may agree to these amendments.

Mr. McRAE. I withdraw the request for a conference.

BRIDGE ACROSS COOSA RIVER, ALABAMA.

Mr. FORNEY. I ask unanimous consent to discharge the Committee of the Whole from the consideration of the bill (H. R. 11338) to

authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama, and that it be considered at this time. There are some amendments offered by the Committee on Commerce. I ask the adoption of these amendments.

The SPEAKER *pro tempore*. The Clerk will read the bill, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Anniston and Cincinnati Railroad, a corporation created and existing under the laws of the State of Alabama, having constructed in accordance with the regulations of the Secretary of War a bridge, and approaches thereto, over the Coosa River, at or near Gadsden, in Etowah County, on a direct line from Anniston, in Calhoun County, to Attalla, in Etowah County, in the State of Alabama, said company is hereby authorized to keep and maintain the same. Said bridge shall be maintained so as to provide for the passage of railway trains, and, at the option of the corporation by which it is built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers upon conditions to be agreed upon between said corporation and the county commissioners' court of the said county of Etowah and approved by the Secretary of War.

SEC. 2. That the bridge authorized under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, and shall enjoy the rights and privileges of other post-roads in the United States. That no higher charge shall be made for the transmission over the same of the mail, troops, and munitions of war of the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile for their transmission over the railroad leading to said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge for postal-telegraph purposes; that the said bridge shall, either by draw, span, or otherwise, provide and secure a free and unobstructed passage-way to all water-craft navigating said river at the point aforesaid: *Provided*, That said bridge authorized by this act being constructed as a draw-bridge the draw shall be opened promptly upon reasonable signals for the passage of boats or vessels, and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railway companies, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters in issue between them shall be decided by the Secretary of War upon the hearing of the allegations and proofs of the parties.

SEC. 4. That the bridge authorized under this act having been built and located under and subject to the regulation for the security of navigation of said river, such as the Secretary of War has prescribed; and to secure that object the said company having submitted to the Secretary of War for his examination and approval the design and drawings of the bridge and a map of the location, giving the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, and the said plan and location of the bridge having been approved by the Secretary of War, it is hereby provided that should any change be made in the plan of said bridge such change shall be subject to the approval of the Secretary of War; and if any litigation shall be had in regard to said bridge, the same shall be in the circuit court of the United States in whose territorial jurisdiction said bridge or any part thereof is located.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this act shall be made by the corporation owning or controlling the same at its own expense.

The amendments proposed by the committtee are in section 4, lines 1 and 2: strike out "having been" and insert "shall be;" also, in lines 2 and 3 of the same section, strike out "the regulation" and insert "such regulations;" in line 4, after the word "river," strike out the word "such;" in the same line, strike out the words "has prescribed" and insert "may prescribe;" in lines 5 and 6, strike out the words "having submitted" and insert the words "shall submit;" in line 11, after the word "and" strike out "the" and insert "until;" in line 12, strike out the word "having" and insert "shall have;" in lines 13 and 14, strike out the words "it is hereby provided that should any" and insert "said bridge shall not be built; and if any;" so that the section will read:

SEC. 4. That the bridge authorized under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War may prescribe; and to secure that object the said company shall submit to the Secretary of War for his examination and approval the design and drawings of the bridge and a map of the location, giving the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, and until said plan and location of the bridge shall have been approved by the Secretary of War, said bridge shall not be built; and if any change be made in the plan of said bridge such change shall be subject to the approval of the Secretary of War; and if any litigation shall be had in regard to said bridge, the same shall be in the circuit court of the United States in whose territorial jurisdiction said bridge or any part thereof is located.

It also proposed to add the following as section 6 of the bill:

SEC. 6. That if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this act, and be completed within three years from the same date, the rights and privileges hereby granted shall cease, and this act shall be null and void.

There was no objection to the consideration of the bill.

The SPEAKER *pro tempore*. The question is on the adoption of the amendments proposed by the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa.

The message also announced that the Senate had agreed to the House concurrent resolution to print the report of the Smithsonian Institution and the National Museum for 1886 and 1887.

The message further announced that the Senate had passed with amendments the joint resolution (H. Res. 101) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions for sale.

The message also announced that the Senate had passed the joint resolution (H. Res. 210) authorizing the printing of the report of the Commissioner of Labor.

The message also announced that the Senate had passed bills of the House of the following titles:

A bill (H. R. 2696) for the relief of John J. Crooke; and

A bill (H. R. 5248) for the relief of the American Grocer Association, of the city of New York.

The message further announced that the House be requested to return to the Senate the bill (S. 577) for the relief of the American Grocer Association, of the city of New York.

The message also announced that the Senate had passed, with amendment, the bill (H. R. 10633) for the relief of Dr. John B. Read; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. MANDERSON, Mr. DAVIS, and Mr. HAMPTON as conferees on the part of the Senate.

The message further announced that the Senate non-concurred in the amendments of the House to the bill (S. 307) for the relief of Margaret Kennedy; asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART, Mr. SPOONER, and Mr. JONES as the conferees on the part of the Senate.

The message further announced that the Senate had passed Senate bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 3597) to provide for the disposal of the Fort Wallace military reservation in Kansas;

A bill (S. 3573) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations near Pensacola, in the State of Florida;

A bill (S. 3485) restoring the homestead right of Charles Weitfle; and

Joint resolution (S. R. 112) authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Henry Lecomte, of Switzerland.

The message further announced that the Senate had agreed to the amendments of the House to Senate bills of the following titles:

A bill (S. 330) granting a pension to Manon Vangordon;

A bill (S. 1264) granting a pension to Martha V. Coleman; and

A bill (S. 3141) granting an increase of pension to Jonas Doering.

ALFRED ALCORN.

Mr. ROCKWELL. Mr. Speaker, I ask unanimous consent to call up House bill 9874, for the relief of the administrator of Alfred Alcorn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of Alfred Alcorn, of Lincoln County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $330, for property taken and used by the United States troops during the late war.

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 9874) for the relief of the administrater of Alfred Alcorn, report as follows:

In August, 1862, the Eighth Kentucky Cavalry Volunteers took from the decedent, at or near the town of Hustonville, Lincoln County, Kentucky, three horses, assessed at $110 each.

Claimant filed his claim in the office of the Quartermaster-General, under the act of July 4, 1864. The claim was referred to an agent for examination and report; and on June 28, 1884, the agent reported that the horses were taken from the claimant and turned over to Company C, Eighth Kentucky Cavalry, and recommended that the claimant be paid $330, provided the loyalty of the decedent is established.

The claim was disallowed on May 22, 1885, by the Quartermaster-General, for the reason that he was not satisfied as to the loyalty of the decedent.

Your committee are satisfied that great injustice was done the claimant, and that he was a loyal citizen, and report back the bill and recommend its passage.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROCKWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AID TO SUFFERERS FROM YELLOW FEVER.

Mr. BURNES. Mr. Speaker, I rise to present a privileged report. The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the joint resolution (S. R. 110) entitled "Joint resolution in aid of sufferers from yellow fever," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the resolution of the Senate, and agree to the same amended as follows: In lines 5, 6, and 7, strike out the words "in the relief of the suffering caused by yellow fever now prevailing in the State of Florida or elsewhere in the United States" and insert the words "whenever in his opinion such expenditure will tend to the eradication of the epidemic of yellow fever now prevailing in the United States, or its spread from State to State;" and the Senate agree to the same.

JAMES N. BURNES,
J. C. CLEMENTS,
THOMAS RYAN,
Managers on the part of the House.

GEO. F. EDMUNDS,
WM. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. BURNES. Mr. Speaker——

Mr. KILGORE. I ask the gentleman from Missouri to yield to me for a moment. I am not going to make any fight against this resolution, but I want to submit a point of order. If gentlemen have not chosen to pursue the proper rule to get this report before the House, then of course they must take the consequences, and my point of order goes to that question. It will be remembered that the Senate passed a joint resolution authorizing the President to expend $100,000 for the relief of the yellow-fever sufferers. That resolution came to the House, but it was not considered by the House; on the contrary, the House refused to consider it. Subsequently a resolution entirely different in terms and for an entirely different purpose, appropriating $100,000, did pass the House and was sent to the Senate.

Mr. BURNES. Mr. Speaker, my friend from Texas is in error as to the facts, and probably I had better correct him at this point.

Mr. KILGORE. I would rather the gentleman would wait until I get through.

Mr. BURNES. Perhaps you had better let me make a correct statement of the facts now.

Mr. KILGORE. Let me make my statement and then you can make yours.

Mr. BURNES. All right.

Mr. KILGORE. That resolution, I say, went to the Senate, and the Senate, on motion of Senator EDMUNDS, I believe, refused to concur in the House resolution and asked for a committee of conference.

Now, the point I desire to submit is that that was not an amendment to the Senate resolution. The Senate could, of course, reject the House resolution; but it was not competent for them to appoint a conference committee upon it, because it was not an amendment to the resolution passed by the Senate. It may be contended that it was in the nature of a substitute, but it was for an entirely different purpose from the Senate resolution, and I raise the point of order that it was not properly before a committee of conference, because there was no disagreement between the two Houses upon any proposition.

Mr. BURNES. My friend from Texas is in error simply with regard to his facts. I presume that his point of order would be good if his facts were good. The Senate resolution came over to the House and was referred to the Committee on Appropriations. The Committee on Appropriations, after considering the joint resolution sent here from the Senate, reported a resolution as a substitute which was in the nature of an amendment to the original Senate resolution, and the substitute, or the amendment—because it was nothing but an amendment of the joint resolution sent over here by the Senate—was considered in the House and passed, and was sent back to the Senate as an amendment to the Senate joint resolution. Hence the necessity for the conference.

Mr. ROGERS. Mr. Speaker, I rise to a parliamentary inquiry. Do I understand that the Senate non-concurred in the substitute adopted by the House and asked for a conference?

Mr. BURNES. Yes, sir.

Mr. FARQUHAR. The gentleman from Texas [Mr. KILGORE] also stated that the House refused to consider the Senate resolution. If my memory serves me right, the gentleman from Texas himself was the only objector to its consideration. I merely suggest that objectors ought to have long memories.

Mr. DOUGHERTY. Mr. Speaker, the position of the joint resolution and the circumstances attending its passage through this House have been correctly stated by the gentleman from Missouri [Mr. BURNES]. The gentleman from Texas [Mr. KILGORE] is mistaken in his statement that the resolution was not considered by the House. The Senate joint resolution came into this House and, upon a request made by me for unanimous consent for its consideration, the gentleman from Texas objected; whereupon the joint resolution, under the rule, was referred to the Committee on Appropriations. That committee reported back an amendment in the nature of a substitute. That substitute passed the House and was sent to the Senate. The Senate non-concurred in the amendment, and hence the conference. So that the resolution is now properly before the House, and the question is upon the adoption of the conference report. I desire to take this opportunity——

Mr. BURNES. I suggest to the gentleman from Florida that he wait until the Chair rules upon the point of order.

Mr. DOUGHERTY. Does the gentleman from Texas [Mr. KILGORE] insist upon the point of order?

Mr. KILGORE. Yes, sir.

Mr. DOUGHERTY. Then I will wait for the ruling of the Chair.

Mr. KILGORE. Mr. Speaker, I want to make some observations in reply to what has been said here before the Chair rules upon the point of order. I do not disagree with the gentleman from Missouri [Mr. BURNES] nor with the gentleman from Florida [Mr. DOUGHERTY] as to the facts in this case, but the understanding was that the Senate resolution was objected to because it was not thought to be in conformity to the Constitution of the United States.

The gentleman from Florida [Mr. DOUGHERTY] has stated the facts as I remember them. The matter went to the Committee on Appropriations, and that committee reported an original resolution which was supposed to be in harmony with the Constitution—a resolution completely ignoring the proposition contained in the resolution which came from the Senate.

Now, I wish to submit this view of the question: Suppose this resolution had been considered and defeated in the House, then the resolution which was reported by the Appropriations Committee and which passed the House would have been in order, because it was an entirely different proposition from that which came from the Senate. If the Senate resolution had been defeated, and it had been competent to present the resolution reported by the Committee on Appropriations, and it had been found to be in order, then, I submit, it would not have been in order for the Senate to non-concur in it as an amendment or a substitute and ask for a conference committee. I therefore submit that this matter is not properly before the House.

Mr. WHEELER. Mr. Speaker, I hardly think it necessary to occupy the time of the House in discussing this subject with reference to the understanding as to what transpired when this bill was before the House on a former occasion.

My recollection is very clear that the circumstances have been very accurately stated by the gentleman from Missouri [Mr. BURNES]. That gentleman had charge of the bill, was specially careful to adhere to the rules of the House, and I feel justified in asserting that he does not often make parliamentary mistakes.

I am surprised that any member of this House should attempt to enforce such a point of order at such a time as this, and for the purpose of defeating a bill which I am confident has the approval of the entire country. There can be no doubt that the point of order is not well taken, and should be and will be overruled.

Mr. BURNES. I beg to submit to my friend from Alabama that if he will suspend his remarks upon the merits of the proposition until the point of order shall be settled he shall then have time for discussion.

Mr. WHEELER. I am quite confident the point of order will be overruled, and was afraid I would not have a chance. [Laughter.]

I presumed that after the point of order was settled the gentleman in charge of the resolution would call the previous question, and I desired before that was done to express to the House my views of the great importance of the immediate passage of the measure.

Mr. BURNES. I assure my friend he shall have a chance.

Mr. WHEELER. I shall detain the House but a moment. I wish to disabuse the minds of some gentlemen who appear to regard this measure as solely for the benefit of the locality where yellow fever now exists.

The scope and purpose of the bill is more far-reaching. It is to prevent the spread of this deadly disease. It has for its purpose the protection of the people of New York and Pennsylvania in the East as well as the people of California in the West.

It is to protect the people of all the States, especially including those of the State of Texas.

The sentiment of the country demands immediate action, and I feel confident our constituents will neither countenance nor sanction any further motions of a dilatory character.

I think the resolution should pass by the unanimous vote of the House.

The SPEAKER *pro tempore*. The Chair is of opinion that, even if the point of order could be raised, it comes too late; it should have been raised before the committee of conference was appointed. The committee has been appointed on the part of the House and the Senate, and has made its report. It is now too late to make a point of order upon the report of the committee. Therefore the Chair overrules the point of order. The question is upon agreeing to the report.

Mr. BURNES. Mr. Speaker, I yield such time to my friend from Florida [Mr. DOUGHERTY] as he may desire.

Mr. DOUGHERTY. Mr. Speaker, I merely desire to express to this House the thanks of the people whom I have the honor to represent for the liberal spirit exhibited here by the representatives of the country in amply providing money for combating, as far as possible, the scourge of yellow fever in the State of Florida. Like most of the gentlemen here, I do not know when Congress intends to adjourn——

Mr. WHEELER. After we pass the tariff bill.

Mr. DOUGHERTY. I will, however, consult with the authorities of the Government and ascertain whether or not sufficient money has been appropriated to carry out during a recess of Congress (if there should be such a thing) the intention of the Government in reference to this subject. If the amount of money should not be deemed sufficient, I will, by bill, resolution, or otherwise, bring the matter again before this House. I feel sure that this body is not disposed to be niggardly on this question; that it appreciates the importance of restricting as far as possible the spread of yellow fever and alleviating the sufferings from it, not only in the State of Florida, but in the other sections of the country which are reported to be infected.

I again return thanks, on behalf of the people I have the honor to represent, for the liberality exhibited by Congress in this matter.

Mr. BURNES. I call the previous question on agreeing to the report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. BURNES moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WARNER, for ten days, on account of important business.

To Mr. FORAN, indefinitely.

To Mr. KELLEY, indefinitely, on account of important business.

To Mr. KERR, indefinitely, on account of important business.

CEMETERY LAND IN DENVER, COLO.

Mr. PAYSON. I rise to make a privileged report. I present a conference report upon the bill which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3300) to amend "An act to enable the city of Denver to purchase certain land for cemetery purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows:

In line 9 of said amendment strike out the word "any" and insert in lieu thereof the words "the next nearest."

In line 25 of said amendment, after the word "respects," insert as follows: "Saving the rights of any settlers claiming under any of the general land laws of the United States who may be in possession at the date of the passage of this act."

And the Senate agree to the same.

L. E. PAYSON,
JOSEPH McKENNA,
Managers on the part of the House.
HENRY M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees, submitted in accordance with the rule, was read, as follows:

The effect of the report of the conference committee herein will be:

The first amendment: Strikes out the words "and for such other legitimate and proper purposes," thus limiting the use of the land covered by the section to park purposes if it shall cease to be used as a cemetery.

The second amendment: Perfects method of selecting indemnity lands so they are in harmony with other States.

The third amendment: Merely amends the title.

Mr. PAYSON. I do not care to make any explanation of this matter unless it is called for. The measure has been unanimously recommended by the Committee on Public Lands. I move the adoption of the report.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Illinois make a brief explanation of the object of the original bill?

Mr. PAYSON. It was to correct an error in the grant of about 40 acres by a prior Congress to the city of Denver for cemetery purposes. A misdescription of the land was made, and this is to correct that misdescription. It was provided in the original bill that the land should be used for cemetery or other proper purposes under the city council of Denver. It was thought in the Senate that in the lapse of years and by the growth of the city they might not want it for cemetery purposes, and that it might be disposed of to private individuals. The Senate struck that out and provided in its stead that the land should be used for cemetery or park purposes and for that alone.

Mr. BRECKINRIDGE, of Kentucky. Is there any provision requiring this property to revert to the General Government in case it is not so used—that is, for cemetery or park purposes?

Mr. PAYSON. As I have stated, the original act provided that it should be for cemetery purposes. This bill provides, if not used for that purpose it may be used for park purposes.

Mr. BRECKINRIDGE, of Kentucky. Is there anything in the bill providing for the forfeiture to the Government in case it is used neither for cemetery nor for park purposes?

Mr. PAYSON. Not in terms, but it is restricted to those two uses by the terms of the bill. The original bill provided this land should be used for cemetery purposes, and this is only an amendment of that original act providing it may be used for cemetery or for park purposes.

The conference report was adopted.

Mr. PAYSON moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PAYSON. There is a bill (S. 423) to enable the State of Colorado to select indemnity school lands, which has been referred to the Committee on the Public Lands, and I move that the bill be taken up and laid on the table.

The SPEAKER *pro tempore* (Mr. RICHARDSON in the chair). The usual motion in reference to a Senate bill is that it be indefinitely postponed.

Mr. PAYSON. I will so amend my motion and call up the Senate bill, and move that it be indefinitely postponed.

There was no objection, and it was ordered accordingly.

BRIDGE ACROSS POTEAU RIVER, ARKANSAS.

Mr. ROGERS. I move, by unanimous consent, to call up the bill (H. R. 11107) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Arkansas."

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.," approved June 18, 1808, be amended as follows:

"That the district court of the United States for the western district of Arkansas, or such other court of the United States as may have jurisdiction over the Indian Territory in which said bridge is located, shall have jurisdiction over all controversies arising between the said Fort Smith and Choctaw Bridge Company and the Choctaw tribe of Indians; and said court shall have like jurisdiction without reference to amount in controversy over all controversies arising between the inhabitants of said nation or tribe of Indians and said bridge company; and, also, over all controversies which may arise between the stockholders and the company, and among each other; and the civil jurisdiction is hereby extended within the limits of said Indian nation without distinction of citizenship as to parties so far as the same may be necessary to carry out the provisions of this act."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ROGERS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROGERS. I understood the Clerk to read the date in the bill as 1880.

The SPEAKER *pro tempore*. In the bill it is 1808.

Mr. ROGERS. It should be 1888; and I move to make that amendment.

The amendment was agreed to.

The report (by Mr. CRISP) was read, as follows:

The bill passed at this session authorizing the construction of a bridge across the Poteau River, in the Choctaw Nation, failed to determine what court should have jurisdiction to hear any controversies that might arise between the bridge company and the Choctaw tribe of Indians, between the bridge company and the inhabitants of the Choctaw Nation, and between the stockholders and the bridge company. This bill vests such jurisdiction in the district court of the United States for the western district of Arkansas, or such other court of the United States as may have jurisdiction over the Indian Territory in which such bridge is located.

Your committee recommend the passage of the bill.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTRA MONTH'S PAY TO EMPLOYÉS.

Mr. MILLIKEN. I ask, by unanimous consent, to submit the following joint resolution (H. Res. 228).

The Clerk read as follows:

Joint resolution authorizing the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employés of the Senate and House of Representatives one month's extra pay.

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Senate and the Clerk of the House of Representatives, respectively, are hereby directed to pay to the officers and employés of the Senate and House of Representatives who are now borne on the annual and session rolls of their respective Houses one month's extra pay, at the compensation now paid them by law, and a sum sufficient to pay same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, and which sum shall be immediately available.

The SPEAKER *pro tempore* (Mr. RICHARDSON in the chair). Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears no objection.

Mr. BRECKINRIDGE, of Kentucky. I wish the resolution to be again read.

The resolution was again read.

Mr. BURNES. It seems to me, if it is to pass, this resolution should cover the Capitol police as well as the others. Let us treat all alike. I offer an amendment to embrace the Capitol police.

Mr. MILLIKEN. I will accept that amendment, and would have included it if I had had time.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Maine accepts the amendment of the gentleman from Missouri.

Mr. PAYSON. I do not know whether an amendment can be accepted in that way. But I will ask how much money this resolution carries? I should like some member who knows to tell me.

The SPEAKER *pro tempore*. Is the amendment objected to?

Mr. PAYSON. How many policemen are there and how much will it carry? [After a pause.] No one seems to know.

Now, I wish to submit an observation. I have never voted for one of these resolutions since I have been in Congress, and do not propose to.

Mr. LAWLER. I understand there are thirty-three policemen attached to the Capitol.

Mr. PAYSON. How much salary do they get?

Mr. LAWLER. Seven hundred and fifty dollars, I think, each.

Mr. PAYSON. Why not include the policemen? A number of gentlemen about me have been kept here for a long time, and they, too, would be glad to have their salaries increased in the same way.

Mr. MILLIKEN. Mr. Speaker, I will say in response to my friend from Illinois that the members of Congress of the United States have at least some mileage to pay their way home. This the employés of this body do not get. In the second place, this is a most protracted session, extending already over some ten months. These men have been in attendance here for seventy-three night sessions, and the members of Congress, and not the employés who are to be paid for this service, are responsible for the duration of this session and for the extra work that these men have had imposed upon them.

Now, sir, it has long been a custom, ever since I have been a member of Congress at least, and I do not know how long before, up to the last Congress, to pass a resolution like this to pay an extra month's salary to the employés of the House and Senate, and I believe also to the Capitol police. There are extra reasons now why this should be done the same that I have already suggested. Most of these men have but $1,200 a year, some of them much less; and as I stated before in my remarks, they have been kept here for ten months, have been in attendance here on seventy-three night sessions, and I think it no more than just and equitable that we should pass this resolution in the usual form, such as has been passed by the House in years gone by up to the last Congress.

Mr. PAYSON. Mr. Speaker, I am aware that the position I occupy is one that will not commend itself to a goodly share of the audience about me, particularly those who are designated as the beneficiaries of this gratuity. I have never voted for such a resolution since I have been in public life, and I do not intend to vote for this one. I do not intend, however, to place any obstruction in the way of its passage if it is the sense of the House that it should be adopted; but I do not think it should pass.

There is not a man who will be benefited by it who does not receive a greater salary under the existing law than any one of them could secure in private life or anywhere outside of the public service. The employés of this House, as well as those at the other end of the Capitol, are paid to-day more as a rule than any persons in any of the constituencies of the gentlemen who do me the honor to listen to me in any walk of private life. Besides this, I have not heard of any of these offices going begging because of the insufficiency of salary. On the contrary, when the Republicans were in power in this House it was one of the chief troubles to get rid of applications for employment. The very little boys who sit about me here draw, as I understand it, $2.50, or is it $3, a day?

A MEMBER. Two dollars and a half a day.

Mr. PAYSON. A larger sum than most of the laboring men in my district get, outside of the skilled mechanical trades. Plenty of them all over the country, thousands of able-bodied men, support their families on a salary of from $18 to $20 and $25 a month; and simply because in the performance of a public duty which does not devolve upon them a more protracted attendance than is required of members we are asked to give this gratuity in the shape of one month's extra pay.

The argument that the gentleman from Maine makes has no force in support of this matter, that the duties that these men perform are excessive; because, I repeat, the session does not devolve upon them the necessity for greater attendance upon the House than it does upon the gentlemen who sit around me now, and who are responsible for the legislation of Congress.

Nor is it any argument with me that former Congresses have seen proper to grant such a gratuity. I remember one occasion, if not two, at least, in my own experience when it was not done. It does not meet my approval; it is not right; and there is not a man listening to me now who represents an agricultural or laboring constituency who can go home before his people and justify the vote that he will give in favor of it.

The gentleman from Maine will probably rise in his place and say that he is glad to do it; but I say that it ought not to be done. However, I will content myself with the protest I make here, not wishing to set myself up in opposition to the wishes of the House in this respect. I reserve the remainder of my time, if I shall find occasion to use any portion of it in reply to what may be said.

Mr. LAWLER. Mr. Speaker, permit me to say that it is a notorious fact that our good friend, Judge PAYSON, who has just taken his seat, with other members of Congress, has voted for bills here constantly that carry millions of dollars for the compensation of employés drawing immense salaries as officers of the United States Government.

Mr. PAYSON. Yes, but to carry out existing laws and to pay the salary fixed by law. Not as a gratuity.

Mr. LAWLER. And I do not know whether the Judge ever got up and protested against the payment of any large salary or not to men who have not very much to do. But it is a strange fact that just as soon as a provision is made to pay a little sum to some of the hardest worked men in the Government, he is the first to rise on this floor, and I hope will be the only one, in opposition to it.

I say that this has been a long-protracted session, and you can not draw a comparison, as the gentleman seeks to draw, between the cost of living in a little country town and the cost of living here. These little boys, to whom the gentleman has referred, are brought here. It has been the custom both under Republican and Democratic Houses to bring them here, and they are paid a compensation which is somewhat approximate to the cost of living in the city as compared to the country. They have traveling expenses to pay besides, many of these people; and they have all cheerfully attended all of the sessions of the House night after night and day after day, and have as cheerfully sought to do their duty, notwithstanding the fact that a great deal of extra labor has devolved upon them. It has been the usual custom to give this pay, and I think the House owes it to itself and to its employés to make this provision in their behalf for the two months.

A MEMBER. For one month.

Mr. PAYSON. Well, why not make it for two? There is no use of being small about it.

Mr. LAWLER. But let us recognize the fact that these men have done a great deal of hard extra work. I thought it was for two months. It ought to be. I am sure the Judge's constituency will not kick against a vote in behalf of such a proposition. I do not think the press or the people of this country will find fault with him or any objection to this small pittance. I did not think there would be objection to this little matter, in view of the fact that we are in the habit of paying large salaries to people who do not perform half the labor that is done by these few and faithful servants employed by the House and the Senate in their work here day after day and night after night.

Mr. PAYSON. I still have some time at my disposal, and I desire to yield to the gentleman from Iowa [Mr. KERR] as much time as he may require.

Mr. KERR. Mr. Speaker, I appreciate the services of the employés of this body as much as any one. I think they perform their duties worthily; but I think we ought to establish a definite line of policy in this matter. We should not vote money to any of the employés of the House; and they should not be employed without knowing in advance just what they are to receive. The law fixes their compensation, and they accept and serve in their respective positions knowing exactly what the law says they are to receive. The habit of voting additional amounts, dependent upon the whim of this body, is certainly a very unwise policy, which should be stopped. It should be understood that the pay provided under the law shall be the amount that they shall receive, so that they will not be asking for additional pay.

There is a very strong feeling in the agricultural districts in regard to paying unreasonable salaries. The officers of my county, men equal in talent to the majority of the members of this body, work faithfully twelve hours a day for the sum of $1,200 a year—men equal in ability with the average members of this body. [Laughter.] Men of as good talents as the men employed in this House, and who have as good education as the average of the men employed by this House are receiving for their labor $1.50 a day; and out of that salary they are asked to pay taxes to keep boys of twelve and fourteen years of age employed here at $2.50 a day, and other employés at $1,200 a year, who are not expected to work on an average half of the time.

I wish further to say that the "salary grab" which passed in 1873, or a number of years ago, had more to do with putting the Republican party out of power in the House of Representatives than any other one thing; and while it did not hurt the Democratic members who voted for it, it nearly ruined every Republican who voted for it. These facts ought to be borne in mind. I know that gentlemen who have been here for years and have voted for measures of this kind are expected to vote in the same way now, so that they may keep up an appearance of consistency. But those of us who are new members are not forced to do so and ought not to be hampered by their records. [Laughter and applause.]

Mr. PAYSON. I yield five minutes to the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. Mr. Speaker, I rise for the purpose of asking the author of this resolution what amount of money is involved in his proposition to pay the employés of the House an extra month's salary. I think this information ought to be furnished us before we should be called upon to vote upon a question of this character. It is absolutely necessary in order that we may be enabled to vote intelligently upon this subject.

Mr. MILLIKEN. When I get the floor I will make that statement.

Mr. SOWDEN. I yield the floor now to the gentleman for the purpose of answering my question.

Mr. MILLIKEN. As near as I can estimate the amount will be about $40,000.

Mr. SOWDEN. Forty thousand dollars?

Mr. MILLIKEN. It is stated to me that it will amount to $31,000.

Mr. PAYSON. By one of the pages. We are called upon to vote $31,000, and you get your information from one of the pages?

Mr. MILLIKEN. I believe I have the floor. My information is that it would be $40,000, but it is enough to say to my friend from Illinois, that if he gets correct information I do not know that it matters where he gets it from, and I am not quite certain but that he might get some information which would be of benefit to him from some of the pages. [Laughter.]

Mr. SOWDEN. Then, as I understand, and as nearly as it can be ascertained now, the amount of money involved is about $40,000.

Mr. TIMOTHY J. CAMPBELL. Oh, no.

Mr. SOWDEN. That is exactly what the gentleman has stated, and if that be correct, I call upon every member of this House to pause before he votes for this additional appropriation of $40,000 of the people's money to be given to the employés of this House as a gratuity. The time has come when we must call a halt upon these extravagant and unlawful expenditures. It seems to me, however smilingly it may be looked upon by our employés, who are all gathered in front of us, that we ought to be brave enough to look them squarely in the face, and say to them that they shall be well paid for the work they perform, but that when they ask us to vote them the people's money for time they never served, they are asking a little too much. We ought to be governed in these matters by the same principles that control us in the management of our own personal affairs. We ought to be willing to pay them a full day's wages for a full day's work, but as my friend from Illinois so aptly remarks, we have hard-working people in our own districts who do not receive one-half the wages paid these little boys [pointing to a very small page who happened to pass the speaker at this time, creating great laughter]. These pages get two dollars and a half per day, while the men who work in our ore-mines, stone-quarries, and coal-mines get from ninety cents to a dollar and a dollar and a quarter per day, with which it would seem they must be content, and many of whom have large families dependent upon them for support. Here we are asked to vote $40,000 of the people's money——

Mr. LAWLER. Not $40,000, $31,000.

Mr. SOWDEN. Thirty-one thousand dollars, then; only $9,000 less than $40,000. [Laughter.] Thirty-one thousand dollars for what? I would like to ask these gentlemen who support this resolution how they would like to give away $31,000 of their own money to people who never had earned a penny of it, and to whom they were neither legally nor equitably indebted a single cent.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from Pennsylvania [Mr. SOWDEN] will yield to me I will make a motion to adjourn.

Mr. PAYSON. Mr. Speaker, before that motion is made I desire to say a word, not that I deem it essential for the audience that is around me, but my distinguished friend from Illinois [Mr. LAWLER], who frequently addresses a larger audience than this through the RECORD, having taken occasion to say in reference to myself that he had never known the time when the gentleman from Illinois had voted against any increase of salary to persons who were receiving large amounts of money from the Treasury, I desire to say to him, through the same medium, that there has never been a time since I have been a member of the House of Representatives when I have voted for an increase of salary to any person in any instance where, at the time the increase was asked, the man was performing the same duties that were imposed upon him when he entered upon the office. I have always opposed as earnestly and vigorously as I could all such propositions.

The gentleman says he has been in attendance when many of these questions have arisen. It is only about ten days since there was a proposition made here to increase the efficiency of the medical division of the Pension Office by increases of salaries of gentlemen employed there, aggregating some $23,000 per annum, and if my colleague had been here on that occasion he would now remember that I happened to lead the opposition, and I take some pride in having succeeded in defeating that proposed increase. Then, as to the proposition which has been made here to furnish each member of this House with a clerk at the public expense, while I believe that every member ought to have that assistance, yet I have uniformly voted against it. Why? Because when I was elected a member of Congress I understood what the salary was, I understood that it was $5,000 a year and my mileage, to put in my time, first, for the benefit of the people of my district, and then for the benefit of the people of the whole Union; and I have never voted for an increase of the salary or of any perquisite connected with the office. Although, as I have said, I believe that every member of the House ought to have the assistance of a clerk just as much as the gentlemen at the other end of the Capitol, I have always opposed it, and I oppose it now for the reason I have stated. So, when these employés about me undertook the performance of the duties that devolve upon them, they did it with the knowledge that they were expected to do certain work, and simply because there is a difference of gradation of position in the public estimate there is no less degree of responsibility in the one case than in the other, and no greater obligation upon the part of the Government.

It is perfectly idle for gentlemen to say, as the gentleman from Maine [Mr. MILLIKEN] has said, that because some of these boys come up here to night sessions therefore there ought to be a donation to them of a month's salary. Their duties are not so extremely onerous. I notice these boys around me, and I do not speak with any disrespect of any of them, because I esteem them all, but I see that quite a number of them are hardly old enough to be in boys' clothes yet. Certainly there is no great amount of physical exertion required for the performance of their duties. Two dollars and a half a day seems to me quite sufficient pay for such work, but the law gives them that amount and I want them to have it; but I do insist that the money which comes into the public treasury, every dollar of which has passed through the hard and horny hand of some laboring man in this country, shall be expended strictly according to law and without regard to this feeling of extra charity or extra liberality which seems to influence the gentleman from Maine and those who agree with him.

I notice another thing about propositions of this kind coming in toward the end of the session. I notice that they come in on the individual motion of some member, without having been recommended or considered by any committee of the House. The gentleman from Maine [Mr. MILLIKEN] crowds to the front this morning offering this resolution on behalf of all these employés, and states that he is even willing to include the Capitol police. No committee has considered or examined the proposition. We do not know what amount of money will be required. The gentleman tells us that he gets information from one of the pages that the amount will be $31,000. That may be accurate or it may not. I am not questioning its accuracy or the source whence the statement comes, but whenever a gentleman rises here in his representative capacity and proposes, by vote of a minority of the House, to expend several thousand dollars of the people's money, he certainly ought to be able to state, at least approximately, what the proposition is going to cost. It ought not to be done in this way. Their beneficiaries under this resolution understood precisely how much money they were to receive for their services, and they were all anxious to get the employment, and there will be no resignations by any of them even if this resolution does not pass—none whatever.

If the employés of this House do not like their service or think the salary inadequate, why, sir, to use a familiar expression, there is no string tied around any employé to keep him here if he wishes to leave. Resignations would be accepted and the places promptly filled. It has never been charged that the salaries are inadequate. There is no such pretense; but, on the contrary, the fact, as has been heretofore stated, is that for the services rendered at this Capitol every officer, commencing with the Doorkeeper and going down to the humblest employé, receives 25, 50, or 75 per cent. more compensation than is paid for similar service throughout the country. Take the case in the town in which I live, where there are two national banks. The cashier of one of those banks gets a salary of $1,000 a year, and is willing to stay; another gets $1,200. Both of those cashiers are excellent men. How do those salaries compare with the salaries paid employés in this Capitol?

Mr. DUNN. The gentleman should remember that bank cashiers have great opportunities.

Mr. PAYSON. But the population in my neighborhood has never been reduced up to the present time by any emigration to Canada.

Mr. LAWLER. Will the gentleman yield for a question?

Mr. PAYSON. With pleasure.

Mr. LAWLER. I find that Congress appropriates for the mileage of members of Congress $112,000 a year, while this resolution only carries about $31,000.

Mr. PAYSON. What has that to do with this matter? Does the gentleman insist that the mileage is too large?

Mr. LAWLER. No, that is not the point I make.

Mr. PAYSON. Does the gentleman insist that members ought not to receive as mileage any greater sum than is actually expended by them for travel to and from Washington in connection with the discharge of their official duties? If so, my colleague [Mr. LAWLER], instead of accepting the two hundred and twenty-odd dollars which he now receives annually as mileage, can subtract from that sum the price of passage on a limited train and can cover the rest into the Treasury, if he has any conscientious scruples about the matter. [Laughter.] I have not heard that he has ever done so, and I do not think he ever will.

Mr. LAWLER. The gentleman seems to be making an appeal to the tax-payers of the country in favor of retrenching expenditures; yet it is a notorious fact that while members of Congress receive $5,000 a year they also take from the tax-payers $112,000 as mileage, while this resolution carries only $31,000.

Mr. PAYSON. I will answer the gentleman. I accept the mileage to which the gentleman refers because the law as it existed when I was elected gives it to me; because that amount of money was involved in the contract between the people of the United States and myself. It was a part of the contract that in addition to the salary of $5,000 a year

I should receive mileage at the rate allowed between the little town in which I live and the city of Washington for coming here and returning once a year. If the mileage is too large I will vote for a resolution to cut it down. If the salary paid to members of Congress is deemed too large—I do not believe it is—gentlemen who may think so can vote to cut it down. I hope my colleague understands the distinction. The law existing at the time of our election fixed the salary and allowances of a member of Congress, and the people, when they voted for him and me, understood precisely what was the compensation we were to receive.

Why should we not vote ourselves double the mileage already allowed by law? My colleague and I have had to go to Illinois two or three times for the good of the country during the present summer. [Laughter.] Why should we not vote for a resolution doubling the mileage? Because the statute of the United States has fixed this allowance; and for the further reason (let me be understood) that no member of Congress, if he is a candidate for re-election, dares to vote himself money that is not allowed him by existing law. That is the reason.

Mr. MILLIKEN. The gentleman from Illinois [Mr. PAYSON] assumes it is not honor but fear which keeps members from so voting.

Mr. PAYSON. The gentleman may take whichever horn of the dilemma he chooses. I assert again that no matter how many trips members may make on business or pleasure between this capital and their homes, no member of the House would dare to vote himself additional mileage, because the law fixes our compensation. The law also fixes the compensation of these Congressional employés and of the Capitol police. Why should we vote an extra month's salary to these officers simply because this has been a protracted session? Will any gentleman tell me the logic of it? The gentleman from Maine [Mr. MILLIKEN] is willing to accept the amendment in favor of Capitol police. Now, why should the policemen about the Capitol have an extra month's pay because this Congress has been in session sixty days longer than we expected when we came here last December? These employés are paid by the year. They are all anxious to hold their positions. The salaries are remunerative. The places are considered desirable; and plenty of men would gladly take them at the present salaries. Why, then, should extra compensation be voted? Nobody can state any reason except simply that we have the power to do so; that is all.

But in voting away the people's money, with reference to this as with reference to everything else, I insist (I speak for myself only) that it is my duty to see that legislation here is prudent and careful, such as my constituents would approve. I believe the judgment of my people would be that these salaries are sufficient. If the performance of duty by these employés is not onerous, and no one can assert that it is——

Mr. LAWLER. It has been this session.

Mr. PAYSON. Oh, no; it has not been.

Mr. LAWLER. Yes, it has.

Mr. PAYSON. I do not want any one to tell me that the duties of these gentlemen who sit about these doors opening and shutting them as members and visitors enter or leave, or that the duties of these boys engaged here as pages, are onerous. It is all wind; it is all stuff. [Laughter.] If that is not parliamentary, I withdraw the expression. [Laughter.]

It does not seem so to me. It is not what I called work when I was engaged in making a living by the sweat of my brow and the labor of my arms. I do not regard the work here as laborious.

Mr. MILLIKEN. How long ago was that?

Mr. PAYSON. Up to when I was twenty-one years of age.

But the point I wish to make, and I am not to be diverted from it by pleasantries, is this: Why should we change existing law as to these salaries, which are said to be sufficient for the duties performed and for the labor, which is not laborious or excessive? No gentleman can give any reason except that in past years it has been done in some instances. It is a bad precedent and ought not to be followed, and particularly on the meager information we have of how much will be required to carry out the provisions of the joint resolution if it becomes a law.

I hope it will be voted down.

Mr. MILLIKEN. Mr. Speaker, I have always had great admiration for gentlemen who seem to be loud in announcing their efforts to save the country and to save the Treasury by economizing on the pay of clerks and pages—that is, by saving at some little spigot while they let it run out at the bung. [Laughter.]

I have no interest politically in this joint resolution. There is not a beneficiary in the House under it I have an interest in. I believe they are all on the other side of the House in politics. I have not introduced the resolution because my constituents would look on it in one way or the other, because I had anything for home consumption in my district, or because I hoped to get votes by doing it or not doing it. But, sir, I have done it because it is a just and proper thing to do.

Mr. LAWLER. And you are right, sir.

Mr. MILLIKEN. The gentleman from Illinois has iterated and reiterated and reiterated over and over again one single point which he attempts to make before this House, and that is that these clerks, that these employés, who are to be the beneficiaries under the resolution, knew when they accepted their places what their salaries were to be. I said when up before, Mr. Speaker, that ever since I have been here, and for a good many years before, such a resolution has been passed except at the last Congress, and it has been done so many times it has become a custom, and a custom for so long a time it has almost become a law. And these employés, when they accepted their places, had as much right to believe the custom which has existed so long would be carried out in their cases as that their fees as established by law would be paid to them. So far as that is concerned, therefore, the gentleman's point goes to the wall. As he said, there is nothing but wind in it. [Laughter.] But I will retract that expression, as the gentleman said he would if it were unparliamentary. But, sir, there is nothing in it at all.

Now, Mr. Speaker, it has been done by past Congresses, because it was believed by them to be just and proper, until it has become a precedent established by long usage, and I repeat that these employés had the right to expect under that precedent which was established they would have the same allowance made to them as was made to those who have preceded them.

My friend talks of how cheaply these places might all be filled by somebody up in his district.

Mr. PAYSON. I have not said that at all.

Mr. MILLIKEN. He said for how little we could get others to come here to take these places and receive the pay established by law. You can not fix any man's salary on that theory or on that principle. I can find many gentlemen in this country who would be glad to serve as President of the United States without charging one dollar in the way of salary. They would like the honor of it. Shall we therefore say, because of that fact, the President of the United States shall serve without pay? Shall we say that, because some one would be glad to serve simply because of the honor of the office and charge nothing for salary? I have no doubt my friend has some one in his own district who would be glad to come down here and fill his place on this floor without charging $5,000 a year or any mileage at all.

But shall we on this account abolish the pay of members of Congress? The gentleman would reduce the whole Government service to this point, that no man should fill a Government office unless he had wealth enough to enable him to fill it without charging any salary at all. The question is what is just, what is right in regard to these men.

I have further to say this: The gentleman talks about what a member dares to do and what he does not dare to do. I can say truthfully that I have never yet given a vote in this House under fear of what penalty might be inflicted upon me by my constituency or by anybody else.

I am satisfied to vote here in this House for what I believe to be right, sensible, and just, and then submit to my constituents and take the results.

I now move the previous question on the adoption of the resolution.

Mr. BRECKINRIDGE, of Kentucky. Pending that, I move that the House do now adjourn.

WITHDRAWAL OF PAPERS.

The SPEAKER *pro tempore* (Mr. RICHARDSON). Pending the motion to adjourn, the Chair desires to lay before the House certain requests of members.

By unanimous consent, leave was granted to Mr. STONE, of Kentucky, to withdraw from the files of the House, without leaving copies, papers in the case of Logan N. Dishman.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WICKHAM indefinitely, on account of important business.

YANKTON AND MISSOURI RIVER RAILWAY COMPANY.

Mr. GIFFORD. Mr. Speaker, pending the motion to adjourn, I ask unanimous consent to make a report from the Committee on Indian Affairs.

Mr. BRECKINRIDGE, of Kentucky. I will withdraw the motion for that purpose.

Mr. GIFFORD. I am instructed by the Committee on Indian Affairs to report back the amendments of the Senate to the bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway Company through the Yankton reservation in Dakota, and to ask unanimous consent to non-concur in the Senate amendments, and agree to the conference asked thereon.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Kentucky, that the House do now adjourn.

The question was taken; and on a division there were—ayes 38, noes 27.

Mr. LAWLER. Let us have tellers.

Tellers were refused.

So the motion was agreed to; and accordingly (at 1 o'clock and 55 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. HITT: Joint resolution (H. Res. 227) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Henry Lecomte, of Switzerland—to the Committee on Military Affairs.

By Mr. J. A. ANDERSON: A bill (H. R. 11542) granting a pension to Jeremiah Malcolm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11543) for the relief of William T. Hopkins—to the Committee on Claims.

By Mr. MAISH: A bill (H. R. 11544) for the relief of the Standard Under-ground Cable Company, of Pittsburgh, Pa.—to the Committee on Appropriations.

By Mr. McSHANE: A bill (H. R. 11545) granting a pension to James M. Simeral—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 11546) for the relief of the St. Louis and Mississippi Transportation Company—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. McCOMAS: Petition of Henry T. Deaver, of Frederick County, Maryland, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FORAN: Petition of Local Assembly No. 9353, Knights of Labor, of Cleveland, Ohio, to protect free labor from convict labor—to the Committee on Labor.

By Mr. LANDES: Petition of Eunice J. Smith, of West Salem, Ill., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. MAISH: Petition of Elizabeth Hoffacker, mother of William Hoffacker, for relief—to the Committee on Invalid Pensions.

By Mr. WARNER: Petition of the St. Louis and Mississippi Valley Transportation Company, for relief—to the Committee on Claims.

SENATE.

WEDNESDAY, *October* 3, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HOAR presented the petition of J. Nelson Trask, of Massachusetts, praying for the total repeal of all naturalization laws; which was referred to the Committee on Foreign Relations.

He also presented a petition of 11,088 citizens of Massachusetts, praying for an amendment to the Constitution of the United States which will prohibit the appropriation of public funds for the support of sectarian schools; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association, reported it without amendment.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1959) authorizing the Secretary of War to issue to the governor of the Territory of Montana military stores for the use of the regularly enlisted, organized, and uniformed active militia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3336) authorizing the Secretary of War to issue to the governor of the Territory of Montana military stores for the use of the regularly enlisted, organized, and uniformed active militia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Commerce, to whom was referred the bill (H. R. 10023) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers, reported it with an amendment.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5408) granting a pension to Emma F. Read;

A bill (H. R. 4649) granting a pension to Daniel Tanner;

A bill (H. R. 10109) granting a pension to Mrs. Anna Leach;

A bill (H. R. 7928) granting a pension to Samuel M. Reese;

A bill (H. R. 10769) granting a pension to John M. Krunk; and

A bill (H. R. 8735) granting a pension to Mary A. McCool.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 5349) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. 300) for the relief of the trustees of the First Baptist Church, at Smithland, Ky., reported it without amendment, and submitted a report thereon.

THE REVENUE LAWS.

Mr. ALLISON. The Committee on Finance, to whom was referred the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, have directed me to report it back with an amendment in the nature of a substitute. I ask that the bill may be placed on the Calendar, and I give notice that on Monday morning I shall ask for its consideration.

Mr. SHERMAN. Meanwhile it will be printed in the regular way.

Mr. ALLISON. I shall move to take up the bill on Monday morning for consideration. I also move that 1,000 copies be printed in bill form for the use of the folding-room in addition to the usual number. I think that can be done without reference to the Committee on Printing.

Mr. HARRIS. What number of extra copies does the Senator suggest?

Mr. ALLISON. I ask unanimous consent that 1,000 copies be printed in bill form for the folding-room.

Mr. SHERMAN. There should be copies for the use of the committee.

Mr. HARRIS. One thousand copies in addition to the usual number?

Mr. ALLISON. In addition to the usual number. I think there ought to be perhaps 500 printed also for the use of the Committee on Finance, as there are so many requests made to that committee for the measure agreed on.

The PRESIDENT *pro tempore*. The Chair will submit the motion as the Senator from Iowa presents it.

Mr. ALLISON. I move that 1,000 additional copies be printed for the use of the folding-room of the Senate, and 500 copies for the use of the Finance Committee. I ask unanimous consent that that may be done.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

Mr. ALLISON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 10,000 copies of the bill H. R. No. 9051, as reported to the Senate, be printed in pamphlet form, 9,000 for the use of the Senate, and 1,000 for the use of the Committee on Finance.

Mr. ALLISON. I give notice that to-morrow, or on Friday morning at the farthest, majority and minority reports will be filed to accompany this bill.

The PRESIDENT *pro tempore*. The Chair will have section 3793 of the Revised Statutes read.

The Secretary read as follows:

SEC. 3793. All motions to print extra copies of any bill, report, or other public document, shall be referred to the Committee on Printing of the House in which such motion is made.

The PRESIDENT *pro tempore*. The operation of a rule of the Senate can be waived by unanimous consent, but the direction of a statute can not. The Chair therefore thinks that the order agreeing to the resolution to print extra copies of the bill reported by the Committee on Finance this morning should be reconsidered, and that the resolution should be referred to the Committee on Printing. It is so ordered if there be no objection.

Mr. ALLISON. That relates to the printing of the 1,500 copies of the tariff bill.

The PRESIDENT *pro tempore*. The 1,500 copies.

Mr. ALLISON. Then I move to make the number 2,000, 1,000 for the committee and 1,000 for the Senate.

Mr. EDMUNDS. It can be reported immediately. It is a mere question of accounting at the Treasury.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be agreed to.

Mr. SHERMAN. Before the consideration of the tariff bill passes from the Senate, as I am compelled to leave at 3.40 this afternoon, I should like, with the indulgence of the Senate, to make a few remarks in regard to it. I think it is proper for me to do so, but if it will be more convenient to Senators to go through with the ordinary morning business I shall be very glad to do it then.

Mr. COCKRELL. There is no objection to the Senator proceeding now.

Mr. SHERMAN. I will go on now if it is the pleasure of the Senate.

Mr. HARRIS. The morning business can follow the remarks of the Senator.

Mr. SHERMAN. Mr. President, the grave importance attached, not only by the people of our country, but by the people of all countries with whom we have connection, to the tariff bill which is now presented to the Senate for consideration, perhaps justifies a few remarks to be made by me.

Although at this time the chairman of the Committee on Finance, I have not been able to give to the detailed investigation of this subject the care and attention that I probably ought to have done, but my time has been fully occupied in other duties imposed on me by the Senate. Still, on account of the very grave importance of this bill, which involves the interest of every citizen of the United States, I have kept pace with its examination; I have read it over and over, again and again, so that I am familiar with all the details and provisions of the bill, but the work and labor performed upon this bill has been done by others.

Early, even before the House bill came to us, a subcommittee of the Committee on Finance, composed of seven members, four of them Republicans and three Democrats, were appointed to take charge of this important measure, even before it came here; and they have devoted all their time since then, and especially since the passage of the bill by the other House, to the consideration of this subject. As a matter of course, the Democratic members of the committee being satisfied with the Mills bill did not give the same attention to the matter that the Republican members did, but they attended off and on in the examination of witnesses, and no doubt kept themselves advised as to the progress of the bill. But the bill itself, the substitute as reported, is substantially the work of the Senator from Iowa [Mr. ALLISON], who reports it to-day, the Senator from Rhode Island [Mr. ALDRICH], the Senator from Nevada [Mr. JONES], and the Senator from New York [Mr. HISCOCK]. In making these comments now, I wish to give these Senators not only all the credit for the merits of the bill, but for the manner in which they did the immense labor in preparing the bill. My part was simply that of a looker-on and an advisory member.

The subcommittee quickly came to the conclusion that the bill sent by the other House was not a sufficient bill to answer the purposes demanded, that it was totally inadequate, that it was not a revision of the tariff law. It was only an amendment of the tariff law. It only affected a portion of the paragraphs or schedules of the tariff law. It did not aim to be a revision of the law nor to provide machinery to carry into execution the law, but cut here and there—I was about to say at random—at the various provisions of existing law. When it came to be examined in detail, as Senators will see by the report of the committee, there were many incongruities in the bill, provisions that were totally inconsistent with each other, taxes levied on raw materials at a higher rate than on the finished article, and many other incongruities and uncertainties necessarily involved in the framing of the bill owing to the manner in which it was framed, however honest may have been the intention. These will all be pointed out fully in the report of the committee.

The Republican members, the majority of the committee, felt it necessary to provide for an entire revision of the revenue law. They therefore, as a foundation for that, took the testimony of a great number of witnesses. Over 2,000 printed pages of testimony in the form of statements or representations or petitions will be laid before the Senate to guide their action, to inform them upon the various interests involved in this proposed tariff law. Among this information are some very able and instructive treatises, I may say, upon different branches of the subject-matter.

The bill is thus reported after this examination. If there are defects in the bill they will no doubt be pointed out. As I shall show hereafter, in my judgment there will be but few defects except differences of honest opinion in regard to what duties ought to be levied upon different articles; but so far as the frame-work of the bill is concerned it will be found to be a very perfect bill.

The general merits of this bill as compared with the Mills bill, I shall not go into in detail. I will briefly state that the bill contains all there is left and all that is needed of laws regulating the rates of duty and providing machinery for the collection of both internal and external taxes. Although in a much less mass than one would suppose, it is a substantial compendium of every provision of law made necessary for the collection of either internal-revenue or customs duties, so that it is practically the revenue laws of the United States. It is the only one that I know of that has ever been made, for it not only contains the rates of duty, but the manner in which the duties shall be collected.

With this measure a custom-house officer or any citizen may inform himself of every provision of law which affects the public revenue of the United States derived from these sources, exclusive of the public-land laws.

Not only that, but this bill for the first time provides safeguards against frauds and undervaluations, remedies for which have been sought by committees of the Senate and of the House without respect to party. These have been formulated by a committee composed of members of both parties into a bill early reported to the Senate, which passed the Senate without a division, receiving every vote of the Senate, a bill framed, as I say, by a committee of both parties, who went to New York and examined there the machinery and method of collections, and that has become a part of this codification.

In my judgment that alone and the legislative provisions thus reported will do more to secure a fair and just collection of customs than any other provisions in this bill, or in any bill that has preceded it. It was shown clearly to the committee that extent of undervaluations went, in many cases, to 30, 40, and 50 per cent.; that it was habitual and universal, especially in the larger ports; that custom-house oaths were disregarded without question or inquiry, and that arrangements and combinations were made by which goods were introduced into this country at an undervaluation through commission merchants and by various arrangements. That proposed law has been ingrafted in the bill.

The bill contains a positive, unquestionable reduction of revenues to the extent of about $70,000,000; to state it more clearly, $73,668,000. These are upon a few items, so that there can be no question about it. Upon sugar there is the reduction of one-half, amounting to $27,000,000. There is an entire repeal of the tax on manufactured tobacco, leaving a duty on cigars to a certain extent, making a reduction of duties of $24,370,000. There is a repeal of the internal tax on alcohol used in the arts, which is further estimated to reduce the revenue $7,000,000. I doubt very much whether we can prevent the fraud that will undoubtedly occur in pretending to use alcohol in the arts when it is used for drinking purposes. I have no doubt that the ingenuity of man will evade any provisions of law that can be made upon this subject. But the scheme is a just one, agreed to by all, that there ought to be no tax on alcohol used in ordinary medicines and for manufacturing purposes. Where it is used, sometimes as a lubricator and sometimes as a solvent; sometimes for one purpose and sometimes for another, no one questions the propriety of repealing the tax if it can be done safely; but I doubt very much whether it can be done.

There is also an addition to the free-list of articles heretofore subject to duty which will reduce the revenue $6,428,000; and there are changes of rates of duty, the reduction of duties on other articles, reducing the revenue $8,100,000, making the total of $73,668,000.

This is a positive, certain reduction of taxation. The objection to the Mills bill is that no man can say with any certainty that it is a reduction, except so far as that bill adds articles to the free-list. Every effort heretofore since the close of the war to reduce taxes by reducing duties on imported goods has resulted in an increase of the revenue unless the repeal of the duty made the article duty free. In my judgment, the Mills bill, the main object of which as set out is to reduce the revenue, will in some portions of it, at least in those portions which reduce the duty on imported goods, rather increase the revenues than otherwise.

The substitute bill contains another novel device, and I give the committee great credit for it. It groups all the articles subject to duties on imported goods into fifteen different schedules, properly headed, as the iron or metal schedule, cotton manufactures, and woolen manufactures. There are fifteen different schedules, each of which is separate and distinct. Besides that, it divides the whole into seven hundred and ninety-five paragraphs, each paragraph relating to a single article, thus dissipating the idea which is so common in this country that the tariff affects three thousand or four thousand articles, because seven hundred and ninety-five paragraphs describe every article, not only on the dutiable list, but on the free-list as well, and they are grouped in paragraphs so that they can be referred to, and one can be repealed or modified without changing others. Hitherto the trouble in changing our revenue laws was that any modification made might affect a great many different subjects-matter not intended by the framers of the law. This classification and division will avoid that difficulty.

This bill also enlarges, as I said a moment ago, the free-list by adding certain articles to the free-list, but unlike the Mills bill it only adds those articles which can not be produced in this country, to which our country by reason of climate or otherwise is not adapted. All such articles, therefore, without exception, on the dutiable-list, except some articles of extreme luxury that can not with ordinary care and skill be produced in this country, have been placed on the free-list.

The Mills bill, as it is called, or the House bill, went upon a different principle. It did not regard the principle that is acted upon by the committee of the Senate, but put on the free-list some of the most important articles which come directly into competition with the most valuable American productions. For instance, the Mills bill put wool upon the free-list, so that the wool from all the countries of the world, from the uncivilized plains, I may say, from new countries occupied by savage tribes, the wool grown on native or wild sheep, would be brought into competition with our own people, and thus endanger, as I think, the most important industry of mankind, the one necessary to provide warm clothing for the people.

The Mills bill did select a multitude of articles that can be and ought to be produced in this country and placed them on the free-list, thus compelling our people to a sharp and hard competition with all classes of labor and with all classes of people in foreign countries. But this bill puts nothing on the free-list except it is an article that can not be produced here, and it puts on the free-list every article that can not be produced here by ordinary means and facilities.

Not only that, but this bill is impartial in its dealing with sections. There is no discrimination, and I challenge gentlemen to show any discrimination in rates of duty on account of the sectional locality of the

production. It is true the bill reduces one-half the duty on sugar, which can only be grown in a warm climate; but the present duty on sugar is 83 per cent.—more than double the duty on any other agricultural production except that of rice. The committee in dealing with these two articles, which now yield the enormous revenue from sugar of fifty-odd million dollars, placed them at a higher rate of duty than is levied on any article grown in the North, and left a duty on sugar of 41 per cent., when the duty on wheat is 20 per cent. and on other articles grown in the North from 20 to 30 or 40 per cent. On rice the duty is still left at over 50 per cent. while now it is over 100 per cent.

I challenge Senators again to point to a single item in this bill which discriminates against any industry because it is produced in the South or in the North, or in the East or in the West; while the Mills bill was marked in its discriminations. As is shown by the report, of the duties modified in the Mills bill to the injury of American production $1,200,000,000 of the competing domestic articles were grown in the North, and I believe it was but $60,000,000 that were grown in the South. So that the Mills bill is a wide and general discrimination, as we think, against Northern industries; while this bill avoids that and makes a fair and impartial reduction of revenues and a fair and impartial classification of the revenues.

This bill does increase the duties on several things, and here there will be an honest difference of opinion as to whether the increased duties involve cases of right or not. Probably that will be one of the controversies before the Senate when we come to the details of the bill. But the principle which has always been followed in this increase of duties is that where the tables show that an article which ought to be produced in this country is very largely imported, in such a case it is an evidence that there ought to be increased encouragement given to our own manufacturers in order to diversify our industry and make everything essential to human life in this country, rather than to depend upon foreign nations. That principle has prevailed, so far as I know, in every increase of duties as proposed by this bill.

While the bill lowers the rates of duty on certain woolen and cotton goods, it increases the rates on others. There are two or three proposed increases on cotton goods in the bill that will be the subject of remark, but at the same time they are based upon that distinct rule as a rule.

The cotton industry of this country is growing not only in the North, but in the South. One of the happiest signs of the times is that there were thirty-six cotton mills, according to the statement in the papers, erected within the last year in the South. So far as the cheaper forms of cotton goods are concerned, undoubtedly the cotton manufacture is well established, but in regard to that class which enters more or less as articles of luxury into the consumption of the rich there are still enormous amounts of cotton goods manufactured abroad and brought from foreign countries into this country which ought to be manufactured here. What is the amount of importations of cotton goods?

Mr. ALDRICH. Twenty-nine millions of dollars.

Mr. SHERMAN. Twenty-nine million dollars' worth of cotton goods are brought into this country, every part of which, except probably those of the finer grades, where the great cost is in the skilled labor, can be manufactured in this country. The committee have recommended a slight increase of duty on two or three grades of these goods in order to induce our people to engage in the finer manufacture of cotton goods; and so I might say of woolen goods.

There was another difficulty in the old law and one of the things that required an absolute revision of the tariff. Formerly there was a wide disparity in market value between iron and steel. Steel was worth in many cases three or four times as much as iron. But by recent discoveries made only within the last four or five years the price of steel is no higher than the price of iron. By new processes, familiar to every Senator, which have been adopted not only in this country but in other countries, in many cases steel is cheaper than iron. Therefore it became necessary to entirely revolutionize the whole metal schedule. As a general rule iron and steel would have about the same value, and they are classified together instead of being classified at different and distinct rates. It was the necessity of making this classification that was one of the strongest arguments in favor of the passage of any bill reducing the tariff. This has been done, and I think it has been done satisfactorily even to both sides of the Chamber. I think if Senators will examine the iron schedule they will see that it has been done so justly and fairly, in some cases reducing the duty, in a very few cases increasing it, and classifying it in such a way that I believe it will be satisfactory to the people of the country without respect to party.

There is also a slight increase on wool, and there has been some provision made to prevent frauds in the importation of wools, frauds that are confessed on all hands. Under one pretense or another yarns, noils, waste, worsteds, etc., were classified at a different rate from wool. These were admitted to be evasions of the intent of the law and created inequality and injustice.

There was another reason why it became necessary to have a complete revision of the tariff laws. Most of these decisions have been made during the present Administration, since the passage of the law of 1883, and probably grew out of the uncertain language of that law; but still they had to be corrected.

It was found that instead of some 40,000,000 pounds of wool being imported there were last year imported 114,000,000 pounds of wool, and much of this of high value, imported in the name of carpet wool. The most expensive of all wools, the finer grades of certain wools, were brought in at 2½ cents a pound, and thus defeated the plain intention of the law to give to the farmer a reasonable protection on his product as well as to give the manufacturer a protection on his. This has been changed, and the rate of duty has been added to 1 cent a pound on three grades of wool, leaving the cheaper forms of wool which enter into the manufacture of carpet at 2½ cents a pound.

It is true that nominally one rate, the highest rate, is abolished, but the fact is the law was so construed that there was no wool imported under the high grade, and consequently under the law of 1883 no wool paid 12 cents a pound. When I say "no wool," I mean none but a few thousand pounds, practically none; so that all the wool is to be introduced at the rate of 10 cents per pound, and on those two classes the rate is increased to 11 cents a pound, and I think wisely.

I regret myself that the committee did not go further in this direction. If I did not hope against hope I should hope that the Senate would correct that by giving the farmers 1 cent more, but I fear, with the ideas which prevail on the other side of the Chamber, that it will not be done.

At any rate we have at least recognized in this bill this great important farming interest, so that a man may, from Texas to Maine, have a more careful protection of this great and important agricultural industry. If we did not go further, it is better to take half a loaf than to get no bread.

There was another trouble in the Mills bill growing out of the admitted discriminations against particular items because the article produced was an article of universal use. Take cotton-ties, strap-iron. Why should a distinction be made in favor of cotton-ties simply because cotton-ties had so many friends in Congress? So many people wanted to have cheap cotton-ties that they were not willing to pay upon cotton-ties the same rate of duty that was paid upon hoop-iron or other forms of iron all over the country. That has been corrected by this bill, as it ought to be. No section, no community, and no interest ought to seek to evade its fair share according to the general rule of the taxes levied upon imported goods.

There was a much more difficult problem, however, which the committee had in dealing with the question of tin-plate. There is no question about the power of our people to make cotton-ties at a very low rate, but there was some question as to the power of the American people to make tin-plate. We have no tin in this country in sufficient quantities to enter into the commerce of the country. It had to be obtained mainly from Wales, and the question with this committee, as I understood, which they fairly considered, was whether or not they would put tin-plate upon the same rate of duty that they put sheet-iron. In justice it ought to be a little higher on tin-plate, but as no tin-plate was made in this country, there was some doubt whether the experiment had better be tried until it was absolutely demonstrated that tin-plate could be made in this country. It turns out from the investigation—a fact that I have known a long time, because I saw the process of making tin-plate in England—that the sheet-iron is simply what I would call dipped, a kind of chemical process by which the sheet-iron is charged with about 5 per cent. of tin, coated by a kind of chemical process, and the committee were assured that it could be easily made in this country, and that there were facilities now to make 100,000 tons of tin-plate here.

But still the committee thought that at present they had better leave it where it is now, but would further consider the subject and report a proper amendment. In my judgment the Senate ought to go further and put this industry of tin-plate upon the same footing as any other industry. There are 250,000 tons of this article imported from abroad. We consume, it is said, three-fifths of all that is made in the world, and there is no reason why this important industry, which would give employment to vast capital and a great number of men, should not be started here. There are reductions on other articles, as copper, nickel, and others, and we have established industries, all of which will be more fully shown by the bill.

I wish to say—because I do not in saying it flatter myself at all—that this is a very conservative measure. If anybody is alarmed at its provisions, or expects to see any large increase of duties, or any sudden changes proposed, he will be greatly mistaken. It has been prepared with great care. It embraces protection to every article of domestic industry that by possibility can come into contact or competition with foreign productions. Therefore it is a complete bill.

I am bound to say to both sides of the Chamber that I believe the measure now presented to the Senate is the best revenue bill that was ever introduced into the Congress of the United States. I believe if it was taken up free from the party asperities, free from party feelings and prejudices that necessarily attend a Presidential election, and if it could be considered on its merits with such amendments as might be proposed and debated and considered and adopted, after full investigation, it could be made the most perfect revenue measure ever placed upon the statute-books of the United States. It has received great care and skill, and is subject to the scrutiny of the Senate. When I examined

it, I saw that great care had been taken, but, as a matter of course, suggestions arose and were always fairly considered, and they ought to be here when they are made in the Senate.

If this bill could be considered without respect to the election and its influence on party politics, I have no doubt it would, with very slight changes, be made the basis of a permanent system of revenue, changed only from time to time as the value of articles changed, and would then become something in the nature of a permanent system of revenue.

The issue now is fairly made before the people of the United States. I do not wish to engage in that now. I thought it was necessary for me to make these statements in regard to this bill. The issue is to be tried by the people, a plain, fair, square issue between a tariff for revenue only and a tariff for revenue and protection. It is a question whether the articles necessary for human life in our country shall be made by American labor or by foreign labor, whether the wages of American laborers should depend upon the wages of European laborers or should depend upon the American policy of protecting all forms of labor and production.

BILLS INTRODUCED.

Mr. BLODGETT introduced a bill (S. 3607) for the relief of Harry S. Kellogg; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3608) for the relief of Mary E. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3610) to provide for the issuance of coin certificates to circulate as money; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAWYER (by request) introduced a bill (S. 3611) granting a pension to Anna W. Smith; which was read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11107) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;" and

A bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama.

The message also announced that the House had agreed to the amendments of the Senate to the following bill and joint resolution:

A bill (H. R. 10633) for the relief of John B. Read; and

Joint resolution (H. Res. 101) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions for sale.

The message further announced that the House had passed the bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 122) granting a pension to Samuel Lane;

A bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia;

A bill (S. 317) for the relief of William A. Bevens;

A bill (S. 544) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont;

A bill (S. 602) for the relief of James Millinger;

A bill (S. 654) granting a pension to Caroline Motz;

A bill (S. 1766) granting a pension to Stephen Butler;

A bill (S. 2321) granting a pension to John V. Hennessey;

A bill (S. 2519) to make enlisted men of the Signal Corps responsible for public property;

A bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming;

A bill (S. 2606) granting a pension to John B. Timberman;

A bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia;

A bill (S. 3098) concerning the settlement of the boundary lines between Connecticut and Rhode Island;

A bill (S. 3168) regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes;

A bill (S. 3208) granting a pension to William S. Bradshaw;

A bill (S. 3306) granting a pension to Mary K. Richards;

A bill (H. R. 200) granting a pension to Walter O. Watson;

A bill (H. R. 201) granting a pension to Edward Waters;

A bill (H. R. 508) granting a pension to Sarah F. Hawkins;

A bill (H. R. 968) granting a pension to H. S. Sayre;

A bill (H. R. 1085) granting a pension to Thomas Rains;

A bill (H. R. 2073) granting an increase of pension to Daniel Willborg;

A bill (H. R. 2120) granting a pension to Elizabeth Evans;

A bill (H. R. 2139) granting a pension to George Rhody;

A bill (H. R. 2471) granting a pension to Anna M. Noyes;

A bill (H. R. 2472) granting a pension to Lydia A. Eaton;

A bill (H. R. 2474) granting a pension to Joseph Lincoln Young;

A bill (H. R. 2566) for the relief of Phillip Kopplin;

A bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustav W. Geyer;

A bill (H. R. 2716) granting a pension to J. W. Leight;

A bill (H. R. 2788) granting a pension to Lieut. George T. Russell;

A bill (H. R. 3152) for the relief of Arlington M. Harrington;

A bill (H. R. 3504) for the relief of John German;

A bill (H. R. 3801) granting a pension to Nelson J. Crook;

A bill (H. R. 3908) increasing the pension of Jesse L. Garrett;

A bill (H. R. 4038) granting a pension to Victoria, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire;

A bill (H. R. 4039) granting a pension to Mary A. Pfeiffer;

A bill (H. R. 4102) granting a pension to Mary A. Carr;

A bill (H. R. 4820) granting a pension to Edwin Kelly;

A bill (H. R. 5174) granting a pension to Statira Young;

A bill (H. R. 5193) granting an increase of pension to Benjamin Franklin;

A bill (H. R. 5740) granting a pension to Anson Ward;

A bill (H. R. 6022) granting a pension to Smith Bodkins;

A bill (H. R. 6201) granting a pension to John Robeson;

A bill (H. R. 6309) for the relief of Mary A. Covey;

A bill (H. R. 6409) for the relief of Perry R. Nye;

A bill (H. R. 7185) granting a pension to Samuel Neikirk;

A bill (H. R. 7457) granting a pension to Eleanor D. Heath;

A bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox;

A bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth;

A bill (H. R. 7912) for the relief of Frances P. Vernon;

A bill (H. R. 8200) granting a pension to Lydia Ann Wilber;

A bill (H. R. 8553) granting a pension to Arabella Davis;

A bill (H. R. 8748) to increase the pension of Richard Jobes;

A bill (H. R. 8993) for the relief of Shadrack W. Brown;

A bill (H. R. 9106) granting a pension to Peter Liner;

A bill (H. R. 9148) to grant a pension to Jane Robinson;

A bill (H. R. 9169) granting a pension to Tempy M. Johnston;

A bill (H. R. 9182) granting a pension to Ransom Riley;

A bill (H. R. 9341) granting a pension to Dulcena Noel;

A bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan;

A bill (H. R. 9370) granting a pension to Mrs. Susan Bates;

A bill (H. R. 9371) granting a pension to Betsey Williams;

A bill (H. R. 9719) for the relief of Thomas Shackelford;

A bill (H. R. 9862) granting a pension to Benjamin F. Bair;

A bill (H. R. 9935) to increase the pension of Isaac Hurd;

A bill (H. R. 9975) granting a pension to Joseph Welsh;

A bill (H. R. 10007) for the relief of Henry Rose;

A bill (H. R. 10017) granting a pension to Samuel Anderson;

A bill (H. R. 10103) granting a pension to William Fairbanks;

A bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll;

A bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota;

A bill (H. R. 10121) granting a pension to Sarah A. Mason;

A bill (H. R. 10122) granting a pension to Margaret Quinton;

A bill (H. R. 10159) granting a pension to Jenny Buell;

A bill (H. R. 10171) granting a pension to Rachel Rogers;

A bill (H. R. 10173) granting a pension to Catharine Mulligan;

A bill (H. R. 10210) to increase the pension of Philip Thomas;

A bill (H. R. 10124) granting a pension to Elias H. Hall;

A bill (H. R. 10241) increasing the pension of Richard Porter;

A bill (H. R. 10245) granting an increase of pension to Hannibal Kimball;

A bill (H. R. 10256) to place the name of Lucy Wagor on the pension-roll;

A bill (H. R. 10258) to place the name of Cyrus Millins on the pension-roll;

A bill (H. R. 10274) granting a pension to Joseph W. Filler;

A bill (H. R. 10342) granting a pension to John Dauper;

A bill (H. R. 10504) granting a pension to Mary Hooper;

A bill (H. R. 10563) granting a pension to William S. Latham;

A bill (H. R. 10629) granting a pension to Washington Ryan;

A bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang;

A bill (H. R. 10672) granting a pension to Mighill H. Patten;

A bill (H. R. 10687) granting a pension to Charles Junot;

A bill (H. R. 10705) granting a pension to Mary O. L. Tanner;

A bill (H. R. 10708) granting a pension to Jane E. Knoble;

A bill (H. R. 10738) to increase the pension of George C. Quick;

A bill (H. R. 10824) granting a pension to Mary A. Van Buskirk;

A bill (H. R. 10827) for the relief of Catharine Teegardin;

A bill (H. R. 10881) granting a pension to Nancy G. Cotner;
A bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood;
A bill (H. R. 10944) granting a pension to Victoria May;
A bill (H. R. 11005) granting a pension to Ester Gaven;
A bill (H. R. 11021) to increase the pension of Charles Hahneman;
A bill (H. R. 11029) for the relief of Mary Van Buskirk;
A bill (H. R. 11030) granting a pension to Susan E. Latture;
A bill (H. R. 11057) granting a pension to Margaret Gray;
A bill (H. R. 11222) granting a pension to Elizabeth Heckler;
A bill (H. R. 11243) granting a pension to Mary E. McQueen;
A bill (H. R. 11232) granting a pension to Eliza S. Glass; and
Joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburgh.

PROGRESS OF INDUSTRIAL ART.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably a concurrent resolution, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The concurrent resolution will be read.

The Secretary read as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed, for the use of Congress, 10,000 additional copies of the work known as "Progress of Industrial Art," of which 3,500 shall be for the use of the Senate and 6,500 for the House of Representatives.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. MANDERSON. I move to amend the resolution by striking out the word "Progress" and inserting "Growth," that being the correct title of the work.

The amendment was agreed to.

The resolution as amended was agreed to.

MAP OF THE UNITED STATES.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 104) to print additional copies of the United States map of the edition of 1887, prepared by the Commissioner of Public Lands, to report it without amendment and ask for its present consideration.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to direct the Secretary of the Interior to cause to be printed 7,500 copies of the United States map prepared by the General Land Office of the edition of 1887, at a rate not exceeding $1 each; 2,000 copies of which shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 500 copies for the use of the Commissioner of the General Land Office; and 1,000 copies printed and mounted, to be sold under the direction of the Secretary of the Interior, at $1.25 each.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON ADDITIONAL LIBRARY ACCOMMODATIONS.

Mr. VOORHEES. I offer the following resolution:

Resolved, That the Select Committee on Additional Accommodations for the Library of Congress be, and it is hereby, authorized to sit during the coming recess of Congress, and any necessary expenses shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. VOORHEES. That, I think, has not been the usage heretofore. I do not know what the necessity may be, but I prefer that the committee have power to sit during the recess, however short it may be under the present circumstances. Heretofore resolutions of this character have been acted upon without reference.

The PRESIDENT *pro tempore*. The Chair would state to the Senator from Indiana that the rule required expressly that all resolutions imposing a charge upon the contingent funds of the Senate must be referred to that committee for action.

DR. JOHN B. READ.

Mr. EDMUNDS. I wish to enter a motion to reconsider the vote of the Senate taken day before yesterday—so that I am exactly in time—by which it passed with amendments the bill (H. R. 10633) for the relief of Dr. John B. Read, and I make a motion at the same time that the House of Representatives be requested to return the bill to the Senate. I think we have been acting under a misapprehension about that bill. We ought to look at it.

The PRESIDING OFFICER (Mr. PASCO in the chair). The motion to reconsider the bill will be entered and the order requesting the return of the bill from the House of Representatives will be made, if there be no objection. The Chair hears none, and it is so ordered.

ELECTORAL MESSENGERS.

Mr. HOAR introduced a bill (S. 3609) supplementary to the act approved February 3, 1887, entitled "An act to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice President, and the decision of questions arising thereon;" which was read twice by its title.

Mr. HOAR. It is important to have the bill printed at once, and I desire to make a brief statement in regard to it, which will take but a moment.

The secretary of the Commonwealth of Massachusetts has called my attention to the fact that in the law passed during the last Congress for regulating the proceedings of counting the electoral votes for President and Vice-President, the provision which requires the messengers to bring the certificates of the electors to the President of the Senate before the first Tuesday in January remains unchanged, so that the messengers are required to get the certificates here at a date before the votes are actually cast and the certificates made; and it is necessary to remedy that defect by simply changing "the first Monday in January" to "the fourth Monday in January."

I drew a bill for that purpose and spoke to the Senator from Vermont [Mr. EDMUNDS] about it, who has given great study to that subject, and he has also drawn a bill for the same purpose which I like better than my own. The bill which I introduce, therefore, is his. I thought it would be more convenient for the Senate, and especially for members of the Committee on Privileges and Elections, to introduce the bill and have it put upon the Calendar and printed without being referred, and have it examined by the individual members of the committee and by individual Senators, and if an objection shall be found to it after it has been printed and examined, it will be of course a very simple matter to have it referred to and considered by the committee. If no objection shall be found to it, I will in the course of a few days or a week, perhaps, call it up for passage. I move that the bill be printed and placed on the Calendar without reference.

The PRESIDING OFFICER. It will be so ordered if there be no objection. The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6782) for the relief of James Ballard;
A bill (H. R. 8557) for the relief of Dr. David Bell; and
A bill (H. R. 10098) to refer the claims of Richard H. Parham, administrator of George Gorman, deceased, and Robert S. McDonald to the Court of Claims.

The message further announced that the House had passed the bill (S. 3573) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations near Pensacola, in the State of Florida, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway through the Yankton reservation in Dakota, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. NELSON managers at the conference on the part of the House.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills of the Senate:

A bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; and
A bill (S. 2742) to incorporate the Brightwood Railway Company in the District of Columbia.

POLITICAL REMOVALS FROM ARMORIES AND ARSENALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated by the Secretary.

The SECRETARY. A resolution in relation to political removals from armories and arsenals.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Maine [Mr. HALE] to the resolution that has just been stated by the Secretary.

Mr. HALE. The Senator from Missouri desired that the resolution should go over.

The PRESIDENT *pro tempore*. Shall it now be considered or go over until to-morrow?

Mr. HALE. He asked that it go over on the day it was offered. I do not know whether the Senator desires to make any remarks on the resolution.

Mr. COCKRELL. I understood that my good friend from New Hampshire [Mr. CHANDLER] was exceedingly anxious to make some remarks upon this resolution, and I deferred to him, trusting that he would now deliver them.

Mr. CHANDLER. Mr. President, I took the floor the other day

and I intended to speak a few moments; but the Senator from Missouri objected, and in response to an appeal from me said, "If there is to be discussion it is to come from this side." The Senator will find that remark of his in the RECORD, and therefore in the face of that announcement I defer to him if he desires to go on.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the resolution offered by the Senator from Maine [Mr. HALE]?

Mr. COCKRELL. Mr. President, the Senator from Maine [Mr. HALE] seems to be the especial champion of civil-service reform, and I must confess that he is a model exemplar in that line; and to remind him of his most earnest and pathetic efforts in behalf of and devotion to genuine civil-service reform, I will read a very interesting circular which was issued in 1882. It reads thus:

The Republican Congressional committee, the organ of the Republican party, instructs its executive officers, Chairman Hubbell and Secretary Henderson, to address the usual circular—

Mark you, "the usual circular"—

to the employés of the Executive Government, etc., requesting contributions for campaign purposes.

Here is the circular:

Jay A. Hubbell—

In great big flaming letters—

Jay A. Hubbell, chairman; D. B. Henderson, secretary.
Executive committee: Hon. W. B. Allison, Hon. Eugene Hale—

The same identical individual now in the Senate; the same identical Senator now in the Senate—

Hon. Nelson W. Aldrich, Hon. Frank Hiscock, Hon. George M. Robeson, Hon. William McKinley, jr., Hon. George R. Davis, Hon. Horatio G. Fisher, Hon. Horace F. Page, Hon. W. H. Calkins, Hon. Thomas Ryan, Hon. William D. Washburn, Hon. L. C. Houk, Hon. R. T. Van Horn, Hon. Orlando Hubbs.

HEADQUARTERS OF THE
REPUBLICAN CONGRESSIONAL COMMITTEE, 1882,
520 *Thirteenth Street, Northwest, Washington, D. C., May* 15, 1882.

SIR: This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other, and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose principles or interests are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution which, it is hoped, may not be less than $—. The committee is authorized to state that such voluntary contribution from persons employed in the service of the United States will not be objected to in any official quarter.

The labors of the committee will affect the result of the Presidential election in 1884, as well as the Congressional struggle; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread—

"With dread!"—

upon the possibility of the restoration of the Democratic party to the control of the Government.

Please make prompt and favorable response to this letter by bank check or draft, or postal money-order, payable to the order of Jay A. Hubbell, acting treasurer, post-office lock-box 589, Washington, D. C.

By order of the committee.

D. B. HENDERSON, *Secretary.*

Mr. President, we find that there was a session of the Cabinet of President Arthur on the 25th of July, 1882:

The session of the Cabinet of July 25 was an unusually long one. All the members were present except Secretary of War Lincoln, and the question of partisan contributions was pretty thoroughly canvassed. President Arthur gave his judgment in the matter. He said, in effect:

"No person in any one of the Executive Departments declining to contribute shall, on that account, be subjected to discharge or criticism, and no attempt to injure him, on this ground, will be countenanced or tolerated." These conclusions are in accordance with the views expressed by him in his letter of acceptance of July 15, 1880, in which he says: "I will add that by the acceptance of public office, whether high or low, one does not, in my judgment, escape any of his responsibilities as a citizen, or lose or impair any of his rights as a citizen, and that he should enjoy absolute liberty to think and speak and act in political matters according to his own will and conscience, provided only that he honorably and faithfully discharge all his official duties."

General James A. Garfield is often quoted by the so-called civil-service reformers as opposed to or reprobating political contributions for partisan purposes. The quotation is a characteristic fraud of the bogus reformer. To arbitrary or compulsory assessments General Garfield was no doubt opposed, as are Jay A. Hubbell and D. B. Henderson—as indeed are all Republicans. But the general was too sensible a man, too experienced, practical, and just, to oppose or reprobate voluntary contributions, or requests from responsible organs of the party for contributions, in support of the cause he himself so ably sustained. Were there any doubt in the matter the following letter from General Garfield during the late Presidential election, when he was himself a candidate, would authoritatively settle it:

"MENTOR, OHIO, *August* 23, 1880.

"MY DEAR HUBBELL: Yours of the 19th instant is received. Please say to Brady I hope he will give us all the assistance possible. I think he can help effectively. Please tell me how the Departments are generally doing.

"As ever yours,

"J. A. GARFIELD.

"Hon. JAY A. HUBBELL,
"*Chairman Republican Congressional*
"*Committee, Washington, D. C.*"

Brady was Assistant Postmaster-General, from Muncie, Ind., a constituent of the distinguished Senator from Indiana [Mr. VOORHEES] sitting near me. This refers back to the contest of 1880. Here is another letter from General Garfield at that time, addressed to General Arthur, the nominee for Vice-President:

MENTOR, OHIO, *August* 30, 1880.

DEAR GENERAL: It is clear to me that we are now at the most critical point of the campaign, and the victory will be made certainly possible or seriously imperiled by our management of Indiana during the next fortnight On what I now write I assume we shall carry Maine in September.

If we carry Indiana in October the rest is comparatively easy. We shall make a very serious, perhaps a fatal mistake if we do not throw all our available strength into that State.

* * * * * * *

And this brings me to the chief point. It is indispensably necessary that the means for putting these plans into vigorous execution be furnished at once.

The work has been started and must be supported promptly to insure success.

I have written thus fully because I understand that our friends in New York are in doubt about the wisdom of making much effort for Indiana. I am certain this is erroneous. Success in Indiana will be an immense help to New York and all other close States.

* * * * * * *

Please let me hear the result of your conference with Morton as soon as possible.

Very truly, yours,

J. A. GARFIELD.

Hon. C. A. ARTHUR, *New York.*

It does not say there who "Morton" is, but I suppose there is no question of the fact that he is the author of the next letter I shall read:

NEWPORT, *September* 7, 1880.

DEAR MR. DORSEY: I have just received yours of the 3d instant and have read with great interest your plan of action.

I wrote you on the 1st (on receipt of yours of the 29th), inclosing my check for the amount you asked ($5,000), and now inclose my check for $5,000 additional.

This makes my personal advances $30,000, without having collected a dollar from any one. Several of the gentlemen we asked to serve upon the finance committee declined; others were out of town; so that it has seemed worse than useless to call a meeting before Thursday of this week, when I hope to have a committee of some fifteen (or more) members present.

I go back to-morrow at 1 o'clock, and you may count upon my cordial co-operation. He said Mr. New must stop short unless Mr. Jewell could send him $10,000. I finally gave him a check for $4,000 (to Mr. New's order), and also sent $5,000 more to Senator Blaine, who was in distress.

* * * * * * *

Yours, very truly,

L. P. MORTON.

That is a very familiar name—Levi P. Morton, the nominee of the Republican party for Vice-President of the United States in the contest of 1888. This is a very affectionate letter to "Dear Mr. Dorsey," ex-Senator Dorsey of somewhat "star-route" notoriety. This was a very liberal contribution, and the name of some gentleman, Mr. New, seems to be brought into this letter. I believe he was another distinguished citizen of Indiana, and he must have money for Indiana, and Dorsey had laid out the plan of operations. Here I will read a letter from the private secretary of Mr. Morton:

1880—NEW YORK STATE COMMITTEE,
REPUBLICAN CAMPAIGN, STATE OF NEW YORK
(Fifth Avenue Hotel),
New York, September 30, 1880.

DEAR SIR: Mr. Morton desires me to inform you that he arrived this morning and has had conferences with Senator ALLISON, Mr. Hubbell, and others.

He does not see any prospect for securing any money in time for your use from Mr. Gould—

That is rather a familiar name.

Mr. EDMUNDS. Very, just now.

Mr. COCKRELL. Jay Gould.

Mr. ALLISON. What is the Senator quoting from now?

Mr. COCKRELL. I am quoting from a letter of Mr. W. F. Peddrick, private secretary to one Levi P. Morton.

He does not see any prospect for securing any money in time for your use from Mr. Gould, but as he has a telegram from Senator CAMERON saying that his father goes to Philadelphia to-day, and that he goes to Pittsburgh himself, Mr. Morton feels confident that we shall be able to certainly send you altogether $100,000 (including the $10,000 he sent from Cleveland), and he hopes to increase this amount.

Very truly, yours,

W. F. PEDDRICK,
Private Secretary.

P. S.—Mr. Morton was assured by Mr. Bosler that he would collect and send him $20,000 or $25,000, in which expectation Mr. Bosler has been disappointed.

W. F. P., *P. S.*

Please address care Morton, Bliss & Co., 25 Nassau street, New York.

Here is a letter from General Garfield to "my dear Dorsey:"

MENTOR, OHIO, *October* 14, 1880—

This was after the State election in October, 1880, in Indiana—

MENTOR, OHIO, *October* 14, 1880.

MY DEAR DORSEY: I have waited till the dispatches leave me no longer in doubt of the result in Indiana. I have firmly believed in the effectiveness of our organization and work in that State, and have expected good results, but the crushing defeat that has been inflicted upon the Democracy at all points has far exceeded my expectations. I especially congratulate you on your masterful management of the campaign and the thoroughness with which you have watched all the details and incidents of the fight. Let me counsel you now to take some much needed rest and save yourself for the final struggle soon to come on. We shall need all our powers during the last two weeks of the contest, but just now go to bed and sleep two or three days and when you are sufficiently rested come here and make me a visit, or, better still, come here and sleep. Swaim joins me in kindest regards.

Very truly, yours,

J. A. GARFIELD.

Hon. S. W. DORSEY,
Indianapolis, Ind.

MENTOR, OHIO, *January* 28, 1881.

MY DEAR DORSEY: Yours of the 15th came while I was away. Believe me, I am glad "clear down in my boots" at the fitting and merited compliment you are to receive, and were it not simply impossible we would be there. The disappointment was as great at this end of the line as that when the general had to say "no." I am still hanging in the Senate, as you see. When that is over I will run on East and have a chat with you. What a mess our people made in

Tennessee! You were not there! Will it hurt Gorham? Keep us posted in New York matters.

With kind regards, in which the general joins, I am, very truly, yours,

D. G. SWAIM.

This was January 28, 1881, upon the eve of the magnificent and celebrated dinner that was given in compliment to Hon. S. W. Dorsey for his effective services during the campaign of 1880. Here is something more about that complimentary dinner:

MENTOR, *January* 17, 1881.

DEAR SENATOR: Yours of the 15th instant is received. I am glad to know that you are to be complimented by such gentlemen. I wish it were possible for me to be present, but I can not.

My work is crowding more and more every day, and I fear I shall not be able to go anywhere until I leave for Washington.

Major Swaim is here again after three weeks' absence.

What new phase has the situation in New York assumed since it is found that "three can not become one?"

Very truly, yours,

J. A. GARFIELD.

Hon. S. W. DORSEY, *New York, N. Y.*

Mr. President, I have simply read these papers to refresh the memory of the distinguished Senator from Maine, and to show the depths of degradation to which the civil service of this Government was brought under Republican administration in 1880 and in 1882. It can never sink to a lower depth than it was brought then. It had become so utterly degraded that the Republican party was forced to take up the Pendleton civil-service bill and pass it, and it became a law January 16, 1883. This law has been held up variously; it has been criticised by some; it has been praised by others; it has been misrepresented by nearly all; and the Senator from Maine in his pretense of adherence to the civil-service law is giving it the most dangerous stabs it can be given. His is the stab of a pretended friend.

I hold the law in my hand, and there is not one line nor one word nor one letter in the civil-service law which retains or keeps in office any employé of the Government, high or low. The civil-service law does not guard ejection from office, but singly and solely the entrance to office. The civil-service law has nothing to do with the removal of any officer of the Government, from a Cabinet officer down to a charwoman.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. HOAR. Does not the civil-service law very strongly diminish the temptation to turn out officers for partisan reasons?

Mr. COCKRELL. No doubt about that.

Mr. HOAR. And does it not in that way guard the exit from office?

Mr. COCKRELL. No question about that, and I will show its effects since it has been enforced by a Democratic administration.

Mr. HOAR. Then is it not true that it does guard the exit very much?

Mr. COCKRELL. The law, I say, does not. The law has nothing to do with it. The incidental effect of it is to reduce the number of removals; there is doubt about that; but I am speaking of the law, and I say there is nothing in the civil-service law which attempts to keep in office, to retain in office, to hold in office any officer of the Government from Cabinet minister down to charwoman. What did we say when the President removed a United States district attorney, an officer nominated by the President and confirmed by the Senate? A howl was made that the President was violating the civil-service law. When the Secretary of War removes employés in any branch of the public service, in the Ordnance Department or elsewhere, employés whose position is not affected by the civil-service law, another howl is raised that the President is violating the civil-service law, that the Administration is violating the civil-service law.

Now, I simply desire to make these points prominent that there is nothing in that law which retains or holds in position any officer of the Government, high or low. The law was not made to guard the exit from office; the door of removal is wide open, and is kept so; but the civil-service law guards the entrance to official positions of what class? The civil-service law does not affect any appointment which is to be confirmed by the Senate. The civil-service law does not affect any of the officers whose nomination must be confirmed by the Senate. It includes no United States judges, no Territorial judges, no United States district attorneys, no United States marshals, no United States land officers, no Indian agents, no heads of departments, no heads of bureaus, no chiefs of divisions; and there are other officers who are not affected directly or indirectly by the civil-service law. The civil-service law has no reference to them at all. The civil-service law operates upon employés, almost all of whom are appointed by the heads of departments, or by the heads of bureaus, under the acts of Congress. It applies to those holding departmental positions in the departments in Washington, and in the large custom-houses and post-offices of the United States, and only such of these come within the protection of the civil-service law as to appointment therein after they have been classified by the rules and regulations of the Civil Service Commission, approved by the President, and thereby made subject to that law.

The administration of President Cleveland has enforced the civil-service law, and I say frankly that, in my judgment, in the Departments and in some of the principal offices the supposed spirit of the law has been too strictly adhered to. I hold in my hand the fourth report of the United States Civil Service Commission, which was transmitted to Congress by the President, on January 23, 1888. The President says in the message transmitting it:

Concerning separations from the classified service, the report only informs us of such as have occurred among employés in the public service who had been appointed from eligible lists under civil-service rules. When these rules took effect they did not apply to the persons then in the service, comprising a full complement of employés, who obtained their positions independently of the new law.

When this law took effect in 1883, every office in the gift of the Government was filled by a Republican administration, and ninety-nine out of every hundred of all the employés were Republicans.

Mr. TELLER. If the Senator will allow me to interrupt him I will say that I have heard him make that statement once or twice before, and I have taken occasion to assert from personal experience that he was mistaken, and I can prove it. A very large percentage of the clerks in all the Departments of the Government have been Democrats for many years. I can show the Senator Democrats who have been in, and are in now, that were in when the war began. I can show the Senator more than five times the number that he says were in who were appointed under a Republican administration while I was the head of a Department.

Mr. COCKRELL. I know the Senator from Colorado is sincere in his statement, but he is mistaken. That is all there is about it.

Mr. TELLER. I am not.

Mr. COCKRELL. You can find now scarcely a solitary Republican in office. All became Democrats as soon as it was known that Grover Cleveland was elected, and a premium of $5 was offered in the War Department, where the employés were all Republicans, to find one solitary one who was a Republican after that election.

Mr. TELLER. If the Senator will allow me I will say that I do not make my statement based upon what employés claim that they are now, but upon what they claimed to be when I was in office. I would like to be allowed to say what I have said before.

Mr. COCKRELL. Certainly; I yield to the Senator.

Mr. TELLER. I assert that in making appointments before the civil-service law went into effect I never inquired, when a man was certified to be a soldier, what his politics was, and a Democratic soldier had just as good a show of getting into that Department as a Republican if he was otherwise competent. I never inquired and did not know the politics of a single woman or minor that was ever appointed in my Department while I was Secretary.

I know now, and I knew after they were appointed, that quite a number of those appointed were Democrats, but no inquiry was ever made—and I believe that was true of my predecessors—as to the politics of a woman or a minor or a soldier; and the Senator could, if he would inquire, find that while preference was usually given of course to widows and daughters of soldiers who had served in our Army, there was a very large sprinkling of widows and daughters of men who had served in the Confederate army before this Administration came into power.

Mr. COCKRELL. No question about that, Mr. President.

Mr. TELLER. And were Democrats, or at least they were not Republicans.

Mr. COCKRELL. And there were a large number of distinguished ex-Confederate soldiers who were appointed to positions by the Republican party. Nobody denies that General Grant appointed as his Attorney-General, his confidential legal adviser, General Akerman, a man who had been in the rebel army; and he took the fiery Southerner from South Carolina, Orr, and sent him to represent this great country at the court of Russia; and he took the distinguished guerrilla, called during the war a bushwhacker, Mosby, and sent him to represent the honor, glory, power, and majesty of the United States in the Celestial Empire; and there were hundreds of others who were taken, but they were taken almost exclusively because they acknowledged political allegiance to the Republican party.

Mr. TELLER. Will the Senator allow me to make a further statement?

Mr. COCKRELL. Certainly.

Mr. TELLER. These daughters and widows of Confederate soldiers, who were none of them put in because of their politics, not a single one; they were not put in because they were Democrats; they were not put in because they were Republicans; they were put in because they were worthy women who were capable of discharging the duties imposed on them as clerks, and because of the misfortunes which had compelled them to seek some method of making a living, so few opportunities being open to women; and it was deemed proper that the Government should provide where it could without detriment to itself for these women without reference to their politics.

I repeat again, Mr. President, that so far as my observation goes the selection of women in the public offices in this capital has been without reference to politics at all.

Mr. COCKRELL. I appreciate the liberality and fair-mindedness of the distinguished Senator from Colorado. I acknowledge that he probably more than any other Republican Cabinet officer who has ever served——

Mr. TELLER. I think not.

Mr. COCKRELL. Was liberal and not partisan in the administration of his office. He succeeded shortly—I believe there was one incumbent between them—Carl Schurz, and probably a more liberal rule existed in the Interior Department than in any other. Now, I say frankly that I know the widows of Confederate soldiers were appointed in several instances; there is no doubt about that; but the question was, upon whose indorsement were they appointed? Was it not upon General Mosby's? Was it not upon General Longstreet's? Was it not upon General Wickham's? Was it not upon Mr. Orr's? And was it not upon the recommendation of Republican ex-Confederates who solicited these appointments, and were they not practically Republican appointments just as much as if they had been made upon the solicitation of a Republican who had been in the Union Army?

Mr. TELLER. If the Senator desires that I should answer him I would like to do so at once.

Mr. COCKRELL. Go on.

Mr. TELLER. I would like to say that none of the distinguished gentlemen the Senator has spoken of ever recommended anybody to me.

Mr. COCKRELL. I believe they had all been furnished with positions elsewhere at the time the Senator was Secretary of the Interior.

Mr. TELLER. I do not remember that any ex-Confederate who was a Republican ever recommended anybody to me, although that very likely may have been true. I do remember that many ex-Confederates and Democrats were recommended to me on the score of humanity, not of politics, and that such appeals always found a ready response.

Mr. COCKRELL. No question about that. I am not doubting that. I give the Senator credit for what he did.

Mr. TELLER. I will say, without naming the Senator, that one Senator, not the Senator from Missouri, but another member of this body, put in while I was there at least a dozen people whose politics I never asked about, except to say, jokingly, to him one day, "Of course I suppose all these applicants are Republicans," and they were not confined to women.

I believe myself when the Republican party was in power that a sprinkling, and a considerable sprinkling, of the other political party was no more than fair and right. I never have insisted myself that all the public officials should be of one political faith; but I have insisted, and I believe that now, and I yield that to the party in power, the officials who shape the policy of the Government should be in harmony with the head of the Government; but the clerk who does simply the work that is assigned to him in the way of copying, or matters of that kind, ought not to be selected, in my judgment, because of his political affiliations.

Mr. COCKRELL. We all know that the Senator was kind and liberal, and he acknowledges the principle, which I shall discuss very soon, that all the subordinate positions should not be filled by appointees from one political party.

The civil-service law was approved January 16, 1883, when, as I maintain, nearly all the subordinate offices were in the hands of the Republican party. The President referred to this in the quotation I have read from his message. The President says:

The path of civil-service reform has not at all times been pleasant nor easy. The scope and purpose of the reform have been much misapprehended; and this has not only given rise to strong opposition, but has led to its invocation by its friends to compass objects not in the least related to it. Thus partisans of the patronage system have naturally condemned it. Those who do not understand its meaning either mistrust it or, when disappointed because in its present stage it is not applied to every real or imaginary ill, accuse those charged with its enforcement with faithlessness to civil-service reform. Its importance has frequently been underestimated; and the support of good men has thus been lost by their lack of interest in its success. Besides all these difficulties, those responsible for the administration of the Government and its executive branches have been and still are often annoyed and irritated by the disloyalty to the service and the insolence of employés who remain in place as the beneficiaries and the relics and reminders of the vicious system of appointment which civil-service reform was intended to displace.

Yes, sir; one of the greatest hinderances to the success of true, genuine civil-service reform has been the mutinous conduct of those who were appointed under the spoils system and appointed upon mere political influence as rewards for imaginary service.

And yet—

The President says—

these are but the incidents of an advance movement, which is radical and far-reaching. The people are, notwithstanding, to be congratulated upon the progress which has been made, and upon the firm, practical, and sensible foundation upon which this reform now rests.

I say no man living could have more faithfully and efficiently enforced the civil-service law in its spirit and meaning than has Grover Cleveland, President of the United States.

Now, I want to go a little further. As I said awhile ago, the number of persons who were brought under the operation of the civil-service law depended upon the rules and regulations made by the Departments and submitted to the Civil Service Commission, approved by them, and then approved by the President. The service had to be classified by the heads of Departments, that classification reported to the President and approved by him, and then they could be included within the civil-service law. As I have said, and I want to put particular stress on this fact, the civil-service act became a law on January 16, 1883. When was that law extended to the Departments by the Republican administration? This is a very important point. There are some very strange things connected with the administration of the civil-service law by the Republican party. The Senator from Maine would make the country believe that all that was necessary for the millennial administration of the civil-service law would be the restoration of the Republican party to power. It was passed under a Republican administration, and what did they do?

When did the election occur? In November, 1884, when it was known that Grover Cleveland was elected President of the United States, and scarcely had that fact been settled when the Republican Secretaries under a Republican administration began the extension of the classified civil service. Let us see. I read from the fourth annual report of the Civil Service Commission, on page 107:

On November 19, 1884—

Just on the heels of the election, just after the election—

the Secretary of War revised the classification made by section 163 of the Revised Statutes, by declaring in a "circular order," issued on that day, that the classification for the purposes of the civil-service act in the Department of War included all civilian employés subordinate to the Secretary, except those employed merely as laborers or workmen, messengers and watchmen being considered as so employed. By this "circular order" the classification of the Department of War was revised so that all employés embraced therein would be classed as follows:

Class A, those having an annual compensation exceeding $2,000.
Class B, those having an annual compensation of $2,000.
Class 4, those having an annual compensation of $1,800.
Class 3, those having an annual compensation of $1,600.
Class 2, those having an annual compensation of $1,400.
Class 1, those having an annual compensation of $1,200.
Class C, those having an annual compensation of $1,000.
Class D, those having an annual compensation of $900 and under.

On November 25, 1884—

Five days afterwards—

the commission received from the Secretary of the Navy, in a communication dated November 22, 1884, a revision of the classification of that Department, dated November 1, 1884.

Received on the 25th of November, but dated November 1, 1884. That is remarkable, is it not? Both the Secretary of the Navy and the commission were right here in this city, and yet it took twenty-four days to get notice of this requisition from the Secretary of the Navy to the Civil Service Commission.

In this revision the Secretary gives the number of "clerks and employés in the Department of the Navy and bureaus" classified (subject to examination), classified (exempted from examination), and not classified under the law and the regulations of the United States Civil-Service Commission. The classified as subject to examination and the classified as exempted from examination are as follows:

Subject to examination:
Clerks of class 4, $1,800 per annum.
Clerks of class 3, $1,600 per annum.
Clerks of class 2, $1,400 per annum.
Clerks of class 1, $1,200 per annum.
Clerks of $1,000 per annum.
$900 per annum copyists.
$720 per annum copyists.
Exempted from examination:
Chief clerks, 9; 1 at $2,500 and 8 at $1,800 per annum.
Disbursing clerk, at $2,250.
Stenographers, 2; 1 at $1,400 and 1 at $1,000.
Chief draughtsman, at $2,250.
Draughtsmen, 23, at from $1,000 to $1,800.
Assistant draughtsmen, 2, at $1,400.
Telegraph operator, at $1,000.
Carpenter, at $1,000.
Plate printers, 2; 1 at $1,252 and 1 at $1,560; apprentice, at $600.
Engravers, 10, at from $1,200 to $1,800.
Assistant engravers, 10, at from $1,000 to $1,600.
Assistant astronomers, 3, at from $1,500 to $1,900.
Instrument maker, a $1,500.

The unclassified were 111, including messengers, assistant messengers, messenger boys, janitor, office attendant, watchmen, firemen, skilled laborers, laborers, elevator conductors, and charwomen.

By what authority the Secretary classified certain employés of his Department and then himself exempted them from examination is not stated; but the revision thus made was then accepted, and is now recognized by the commission in making examinations for that Department. Under this classification only 84 places in the Department of the Navy are covered by the civil-service act.

On January 2, 1885—

Only a little over two months before the inauguration of President Cleveland—

On January 2, 1885, the Secretary of the Treasury revised the classification of the officers, clerks, and employés of that Department. This was done by a "circular order" addressed "To whom it may concern."

The "circular order" is printed in the appendix.

The existing classification of those in the Treasury Department under the civil-service act, as heretofore construed and applied in all cases, includes all officers, clerks, and employés with annual salaries fixed by law, except those subject to confirmation by the Senate, and those merely employed as laborers or workmen, messengers and watchmen being considered as so employed.

After making this sweeping declaration, the Secretary arranged the following classes:

Class 4, $1,800 or more, annual salary, fixed by law.
Class 3, $1,600, annual salary, fixed by law.
Class 2, $1,400, annual salary, fixed by law.
Class 1, $1,200, annual salary, fixed by law.
Class B, $1,000, annual salary, fixed by law.
Class A, $900, annual salary, fixed by law.

On February 6, 1885—

Nearly a month preceding the inauguration of President Cleveland—

On February 6, 1885, the Postmaster-General, by "Order No. 83," revised the

classification of the Post-Office Department, by arranging the officers, clerks, and other employés thereof into the following classes:

Class A, those having an annual compensation exceeding $2,000.
Class B, those having an annual compensation of $2,000.
Class 4, those having an annual compensation of $1,800.
Class 3, those having an annual compensation of $1,600.
Class 2, those having an annual compensation of $1,400.
Class 1, those having an annual compensation of $1,200.
Class C, those having an annual compensation of $1,000.
Class D, those having an annual compensation of $900.
Class E, those having an annual compensation of $720.

It was provided by this order that messengers, assistant messengers, watchmen, and laborers should not be included within the classification.

The records of the commission do not show that either the Secretary of State or the Attorney-General has yet revised the classification of his Department; but it appears that on October 6, 1883, the commission requested the Attorney-General to make a statement of the number of officials, including copyists and clerks, and excluding laborers, workmen, and appointments confirmed by the Senate, employed in the Department of Justice. To this request the Attorney-General replied on November 12, 1883, furnishing the information desired. This list of officials included the following: Assistant attorneys, law clerk and examiner of titles, law clerks, chief clerks, disbursing and appointment clerk, pardon clerk, stenographer, fourth-class clerks, third-class clerks, second-class clerks, first-class clerks, copyists, telegraph operator, and engineer.

The commission seems to have accepted this statement of the Attorney-General as a revision of the classification of the Department of Justice.

In a written communication, bearing no date, addressed to the commission, and received November 24, 1884—

Received November 24, 1884, but not dated; it was prepared, doubtless, in anticipation of the emergency which occurred, the election of President Cleveland.

The Commissioner of Agriculture submitted a "list of clerks in the United States Department of Agriculture classified in accordance with the act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883." By this list the employés of the Department of Agriculture were arranged into the following classes:

1. Clerks of class 1, $1,200 per annum.
2. Clerks of class 2, $1,400 per annum.
3. Clerks of class 3, $1,600 per annum.
4. Clerks of class 4, $1,800 per annum.
5. Clerks at $1,000 per annum, each.
6. Clerks at $840 per annum, each.
7. Clerks at $720 per annum, each.
8. Clerk to Bureau of Animal Industry.
9. Disbursing officer.
10. Assistant to disbursing officer.
11. Librarian.
12. Superintendent of folding-room.
13. Employés in the Chemical Bureau.
14. Employés in the laboratory.
15. Employés in the Botanical Bureau.
16. Employés in the Bureau of Entomology.
17. Employés in the museum.
18. Foreman in the grounds.

On December 10, 1884, the President by telephonic message—

The day of retirement from authority was speedily drawing nigh, and business had to be transacted by telephonic communication by the Departments—

On December 10, 1884, the President, by telephonic message, informed the commission of the receipt by him of this classification of the Department of Agriculture, and asked the attention of the commission to the same. In reply the commission, on December 11, informed the President that the classification had been made in pursuance of his views as expressed to the commission in an interview in October, 1884, and which had been communicated to the Commissioner of Agriculture.

On December 16, 1884, the commission received from the President, by his private secretary, a communication dated December 12, in which the information was given that this classification of the Department of Agriculture had been accepted and approved.

Since that date the Department of Agriculture has been regarded and treated by the commission as a department operated upon by the civil-service act and rules.

It will be observed that the classification of the Department of Agriculture is entitled, "List of clerks in the United States Department of Agriculture classified in accordance with the act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883."

Now, Mr. President, we see how long it was after this law was passed before it was put into practical operation, and its provisions were enlarged and extended. What was the object of that? As commonsense, practical men, what was the object of that extension of the civil-service law so as to include numerous employés of the Government just after to the election of 1884 brought within the purview and protection of the civil-service law? It was to retain in office Republican incumbents appointed under the patronage system of public spoils. That must have been the only reason.

The present Executive has had all the rules examined and made to conform, made harmonious, and has extended very largely the operations of the rules and regulations of the Civil Service Commission and the number of persons who are brought within the purview of that law. But it would be supposed from the remarks of the Senator from Maine that the Democratic party had trampled under its feet the civil-service law, had turned out good, competent, and efficient employés to make way for spoilsmen, and had utterly disregarded the civil-service law and regulations. This is the view that is intended to be spread abroad through this country by the resolution of the Senator from Maine, and also by his Senate select committee examining the civil service. He is trying to make the country believe that the Democratic administration under Grover Cleveland has disregarded the civil-service law, has turned out employés without any cause, and at the same time he undertakes to make the country believe that this civil-service law was intended and does hold in position the old employés, and that to discharge them, to dismiss them, to turn them out, to accept their resignations voluntarily or involuntarily, is a violation of the civil-service law. Why, Mr. President, according to his views and his efforts in this behalf it would almost be a violation of the civil-service law for the Democratic administration to acknowledge the death of a Republican incumbent in office and put somebody else in.

Let us analyze this matter and see whether these great violations have occurred or not. I read from the forty-fourth page of the report of the Civil Service Commission:

It will be observed that during the two periods covered by the above table, 547 appointments were made to the classified departmental service, 392 during the twelve months that commenced January 16, 1886, and 155 during the five months and a half that commenced January 16, 1887. During the nearly eighteen months included within the two periods covered by Table 16 only 3 appointments were made to the classified departmental service in the Department of State, 7 in the Department of the Navy, and 6 in the Department of Agriculture. None were made in the Department of Justice. Of the 547 appointments, all but 146 were made in the Department of the Interior and the Treasury—251 in the Interior and 150 in the Treasury.

* * * * * * *

Since July 16, 1883, the date on which the system of making appointments upon examination went into effect, 1,266 appointments have been made in the classified departmental service to places that are not excepted from examination. Of this number, 1,095 have been of men and 171 of women, the proportion of men to women being more than 6 to 1.

* * * * * * *

Of the appointments made during the period covered by this report 20 were claimants of the right of preference in civil appointments accorded to honorably-discharged soldiers and sailors; and this is about the total number of such claimants who, during the period referred to, passed examinations for the classified departmental service.

During the period that commenced July 16, 1883, and ended June 30, 1887, 31 persons, claiming preference in civil appointments under section 1754, Revised Statutes, were appointed to the classified departmental service.

In the appendix hereto will be found tables showing all the appointments made to the classified departmental service during the period that commenced July 16, 1883, and ended June 30, 1887. This table gives the name of each appointee in the order of appointment, with the date of probational appointment, the grade to which appointed, and every change that has occurred since appointment in his relation to the service; and in supplementary tables are given the names of the persons appointed from each State, the number appointed to each Department, the number appointed from each State to each Department from each examination, and the number appointed to each Department from each examination. These tables show the number of appointments made, under the apportionment of the commission, from each State and Territory and the District of Columbia.

They then give the table. There is the list, there is the name of every one, and no question about it. Any Senator can take it and examine it, and if there are any inaccuracies, if there are any mistakes, they can be pointed out, for the whole thing is given here fully and fairly.

The PRESIDING OFFICER (Mr. PASCO in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes.

Mr. HALE. Let that be informally laid aside.

The PRESIDING OFFICER. At the suggestion of the Senator from Maine, if there be no objection, the unfinished business will be informally laid aside and the consideration of the resolution continued.

Mr. COCKRELL. Mr. President, I quote now from page 51 of the report:

The number of appointments to the classified departmental service during each of the periods covered by the several reports of the commission was as follows:

Appointments made to the classified departmental service during the several periods covered by the reports of the commission.

Periods.	Apportioned by the commission.	Not apportioned by the commission.	Total.
July 16, 1883, to January 15, 1884, both inclusive	48	.....	48
January 16, 1884, to January 15, 1885, both inclusive	342	90	432
January 16, 1885, to January 15, 1886, both inclusive	171	68	239
January 16, 1886, to January 15, 1887, both inclusive	367	25	392
January 16, 1887, to June 30, 1887, both inclusive	150	5	155
Total	1,078	188	1,266

Now, mark you, Mr. President, here are the total appointments made by a Republican administration during the first year practically of the application of the civil-service law from January 16, 1884, to January 15, 1885. We have no other basis on which to make comparison than from January to January of each year. I now make the comparison from January 16, 1885, nearly two months under a Republican administration and ten and a half months under a Democratic administration, to January 15, 1886, both inclusive.

The apportionment by the commission was 171, whereas in the year preceding, under a Republican administration, it was 342. The appointments not apportioned by the commission were 68, whereas during the year of Republican administration preceding they were 90. The total was 239. In the first year of Democratic administration under the civil-service law as compared with the first year under the Republican administration, the Republican administration appointed 432 under the civil-service law, while the Democratic administration only appointed 239.

The appointments from January 16, 1886, to January 15, 1887, were 367 (apportioned) and 25 (not apportioned), total 392; January 16, 1887, to June 30, 1887, 150 (apportioned)—there is a period of six months—

and 5 (not apportioned), making a total of 155, so that the total result is 1,266. Take the 48 appointed prior to January, 1884, and it leaves 1,218. Of that number of 1,218, 432 were appointed under a Republican administration for one year, while under the present Administration in two years and a half, or nearly three years, only 786 have been appointed, a much less ratio than under Republican administration; and yet we are told that the Democratic administration is trampling under its feet the civil-service law!

Mr. President, the Democratic administration, coming into power when all the offices comparatively were filled by Republicans, did not in the first year of its administration appoint as many persons under the civil-service law as the Republican administration had the preceding year; and mark you, Mr. President, under the civil-service law wherever there was an appointment there must previously have been a death, resignation, or removal, so that the appointments under the civil-service law represent deaths, resignations, and removals.

I could quote much more extensively from this report of the Civil Service Commission, giving facts and figures about which there can be no controversy. They are statements every one of which can be verified by the record and about which there can be no question at all, and I say that the comparison is decidedly in favor of the administration of Grover Cleveland. But the Republican party is in a strait; it is in an emergency; it is in a trying position; and it must, if possible, make those who are sneeringly stigmatized as the Mugwumps believe that Grover Cleveland has violated the civil-service law; and therefore ever since the beginning of this session the Senator from Maine has been picking, picking, picking at the Administration and attempting to show that the Administration has violated the civil-service law, and therefore is no longer entitled to the confidence and support of the independent voters or what he calls Mugwump Republicans. That is the whole of it.

I have brought before him and before the country a comparison, and shown that under the Republican administration of President Arthur from January 16, 1884, to January 15, 1885, four hundred and thirty-two places under the civil-service law were filled by new appointments, and for every one of these places a vacancy had to be made by death, resignation, or removal; and I have shown that under the Democratic administration of Mr. Cleveland for the first year, from January, 1885, counting that time as under his administration, to January, 1886, only two hundred and thirty-nine such changes were made.

Mr. EDMUNDS. Will the Senator from Missouri allow me to ask a question?

Mr. COCKRELL. Certainly.

Mr. EDMUNDS. I wish to ask my honorable friend from Missouri as a friend of real civil-service reform, what he would think of, I will not say a device, but an arrangement by which inspectors of customs, being in the classified service, were dismissed because they were no longer necessary, and deputy collectors of customs who were not in the classified service were immediately appointed and more to fill their places? While it would not be a violation of the civil-service laws, if I am right in my supposition that the inspectors are within it and deputy collectors are not, I wish to ask the Senator whether it would not be a rather grave abuse of the spirit and intent of that law and open to fair criticism, however improper the conduct of some previous administration had been?

Mr. COCKRELL. I do not believe in any system of mere avoidance. In my judgment the best interest of genuine civil-service reform in the administration of this Government requires that the departmental and subordinate positions shall be filled in somewhat equal proportion by the two great political parties of the country; and I believe that if when this Administration came into power the Republicans, instead of attempting to stigmatize it every time a Republican official was removed or resigned or anything of that kind happened, had said to the country, "It is just, it is fair, it is honest, it is right that one-half of these positions as nearly as practicable shall be in the hands of the Democratic party, and let removals be made until that equalization is brought about," it would have been far better than it is to-day. The Republicans have held on to the offices with a death-like grasp. They have held on to them as if they did not believe anybody else was entitled to fill an office. High officers have been forced to resign, and when they would not resign they have had to be removed. I do not think the precedent has ever occurred under any former administration of any political party. No, Mr. President, every office that has been taken from the grasp of a Republican holding office when this Democratic Administration came into power, has been taken, as it were, by force. Such men did not resign, or very few of them did so, and removals had to be made to place the chief offices in friendly hands to co-operate with the Administration.

Mr. EDMUNDS. The Senator will allow me to say that I do not know whether that is true or not; but upon the principle of the civil-service reform or improvement, whatever you call it, the idea was that the largest part of the officers of the United States being limited for terms of four years, excepting mere clerks, every person in position would be allowed to serve out his term without regard to the question of his religious creed or his political creed, if he behaved himself and did his duty. The consequence would be, as there are four-year terms, that within the existence of a single administration of four years—to say nothing of its repetition if it should be re-elected—every office in the four years' class (which covers the great mass) would have terminated in respect to its particular incumbent by the lapse of time, and the new man, other things being equal, as the famous circular of the War Department says, was to be chosen on account of a different political faith. So, other things being equal, we will put it in its best possible light, following out the principle, if this administration had shown that fairly and truly and naturally—and I make no observation whether it has or not—a Democratic gentleman coming into office as marshal or collector or postmaster or district attorney for Missouri or Vermont or wherever would hold on his four years whether the Administration in its political character changed by the election of General Harrison or not; and then when the time came when his time was out, he of course had no further claim on the office.

But upon the principle of the Benét circular the choice of the new Administration, other things being perfectly equal, would be to find somebody of a different creed to take the place.

How much that would amount to in the end it is not necessary to take up my friend's time to say. But in reference to what he has just now said—if I do not interrupt him too much—which ought to be borne in mind, I think that before any of these high officers, or many of them, so far as I know or believe were asked even to resign, a famous confidential circular was issued by the then Postmaster-General as the chief manager of that part of the affair, inviting everybody who wished to get into office or wished his friends to get into office, or to get out somebody who was in office, to get up proofs of misconduct in the form of affidavits to be sent forward to the proper department as furnishing the ground of making a change. That may be all very well on the face of it; but an affidavit is a public thing. It must be taken before a magistrate, or in a public court of justice, or in a public character certainly, whether it is taken at chambers or in term time. Those affidavits were to be forwarded.

Now, I wish to ask my friend from Missouri, supposing he were a Democratic or Republican, or whatever political creed he had, office-holder, and he was asked to resign on charges of misconduct in office based upon affidavits furnished and sworn to by somebody, whether he would not think it was a fundamental right of his to know who swore to such an affidavit and to show, if he could, that he was innocent of that particular charge, whether he might resign the next day or not, and if the man who signed such an affidavit and swore to it had committed perjury to see to it that he was punished? I know what the answer of my friend would be, for every honorable man must answer it one way.

In a great many cases that have come to the knowledge of the Senate—and how many more there are I do not know—affidavits thus obtained and thus filed were refused to the Senate of the United States called upon to assist in the removal of the man charged, and he was never permitted to know who was the maker of the affidavit or what the precise thing that was stated in the affidavit was. Can that be called civil-service reform?

Mr. COCKRELL. Oh, Mr. President, the letter of the Postmaster-General only referred to a few holders of post-offices. It did not refer to the general body of the offices.

Mr. EDMUNDS. It was a universal scheme.

Mr. COCKRELL. It only referred to the offices under his Department.

Mr. EDMUNDS. It was instantly applied everywhere, as I happen to know personally, to collectors of customs and everybody else.

Mr. COCKRELL. Not at all. It was not a general order. The Postmaster-General had nothing to do with other Departments in any shape, manner, or form; and I say that letter was issued long after the time when the heads of bureaus and the important offices of the country should have been placed in the hands of Democratic officials under a Democratic President.

These things do not break the force of the facts I have given. They have nothing to do with them. There may have been some mismanagement, there may have been some dereliction of duty here and there. These are incidents to fallen humanity. But the Senator from Vermont tries to take particular exception to the customs service, as he says. I want to read about the New York custom-house from page 73 of this report of the Civil Service Commission:

> As stated above, no other amendments of the rules than those specified were made during the period covered by this report, but the regulations governing promotions in the customs service of New York, promulgated by President Cleveland on January 4, 1887, were in effect an important addition to those rules, and led to the amendments, that relate to promotions, of Rules IV, VI, XIX, and XXI, of May 5, 1887.

After quoting many facts in regard to the custom-house there, the Civil Service Commission say:

> Besides, promotion examinations were conducted in an uncertain manner. For these reasons the registers of persons eligible to promotion were not well supplied. Many of the vacancies in the higher grades could not therefore be filled; and persons in the lower grades had to be detailed to do the work of the higher grades, and these persons were compelled to do this work without receiving the compensation attached to those grades. During the investigation made under the commission's order of December 9, 1886, Collector Magone stated that up to that time only three persons had been promoted in regular manner since the passage of the civil-service act in 1883, and that the office of the collector had, in consequence of this condition, come to his hands utterly dis-

organized. The same causes that embarrassed the collector also embarrassed the other officers of the district, and demoralized the service.

And will then certify to the head of the office the names standing at the head of such list not exceeding three. When more than one appointment is to be made the vacancies will be numbered, and the first three names will be certified for the first vacancy, the remaining two and the fourth for the second vacancy, the remaining two and the fifth for the third vacancy, and so on, for the whole number of vacancies; but if, after selecting one of any three certified for appointment, the head of an office shall object to another presentation of either of the remaining names, it shall not be again certified.

I do not know the instance to which the Senator from Vermont refers. I presume it was a matter of necessity for the better administration of the public service, as frequently happens in such cases.

I have made the comparison of the last year of the administration of the Republican party and the first and all subsequent years of the administration of the Democratic party. It shows that, notwithstanding the glaring fact that nearly all the positions were filled by Republican incumbents who had been appointed before the civil-service law took effect, and who were consequently never examined as to their fitness and qualifications, the Republican administration in its last year made more removals and consequently more appointments within the classified civil service than the Democratic administration has in any one year of its existence, almost in any two years of its existence. That is the fact and that is the record.

The Senator from Maine has made much fuss over the order of General Benét, recited in his resolution, which is marked "confidential." By the way, "S. V. Benét, Brigadier-General and Chief of Ordnance, U. S. Army," I believe, is a distinguished Republican, in sympathy with the distinguished Senator from Maine. That has always been my understanding. I have never heard it disputed or questioned. But, Mr. President, the Senator read what purported to be an explanation given by General Benét in regard to this order, and it reads as follows:

A few days before the date of this circular I was called to the office of the Secretary of War. Mr. Endicott stated to me that he had received many urgent requests from very prominent Democrats—one especially prominent and known throughout the country—to have Republicans employed in the arsenals throughout the country dismissed and Democrats appointed in their places. The Secretary said he did not want to turn the service into a political machine, but that something would have to be done to bring about a different condition of affairs in the Ordnance Department. He said that he would like to have Democrats appointed wherever Republicans were dismissed, and that the filling of positions occupied by women and children should be recognized in the same political degree as those filled by men.

Is there any crime in that? Is there any crime in a Democratic administration filling vacancies by the appointment of Democrats, making the appointments to vacancies by giving preference to Democratic women instead of Republican women?

Mr. CHANDLER. May I ask a question.

Mr. COCKRELL. Certainly?

Mr. CHANDLER. I should like to have the Senator explain how he can ascertain the politics of women and children. What is the Democratic method?

Mr. COCKRELL. Who knows the politics of Mrs. Ellen Foster? Does anybody know her politics?

Mr. HALE. She is not in an arsenal.

Mr. COCKRELL. She is the hired champion taken from the Prohibition ranks to draw back Prohibitionists to the Republican party, now canvassing the United States. Has she any politics? Take that other distinguished lady—I have forgotten her name—who is now out in Indiana.

Mr. HALE. Miss Anna Dickinson.

Mr. COCKRELL. I do not believe that is the name.

Mr. TELLER. Mrs. Calvert?

Mr. COCKRELL. That is not the name.

Mr. TELLER. No; she is working for the Democratic ticket.

Mr. COCKRELL. It may be Miss Anna Dickinson, I am not sure; but a very eminent lady who is a woman-suffragist is out there now in the employ of the Republican party championing for the same object, to try to draw over to the Republican party in its desperate condition those men who favor woman suffrage.

Mr. HALE. The women the Senator names are not in office. They are not holding place.

Mr. COCKRELL. Were these women that the Democratic officials were to appoint holding office?

Mr. HALE. They were to displace others.

Mr. COCKRELL. They were to take office, and they were simply to displace Republicans, and I fail to see any crime or any ground of censure or criticism for a Democratic administration to put in the place of a Republican incumbent whose office has become vacant, whether that incumbent was a male or a female Republican, a Democrat to fill it. There is nothing in it; and it is precisely what the Senator from Maine would do if he were the Chief Executive of this country, and he would make every one of his Cabinet officers toe the dead line in that respect.

This is the coloring given to this by a Republican correspondent I suppose:

He said that he would like to have Democrats appointed wherever Republicans were dismissed, and that the filling of positions occupied by women and children should be recognized in the same political degrees as those filled by men. I replied to Mr. Endicott that I would fix the matter, and immediately I wrote this circular and sent it to Secretary Endicott for inspection. The Secretary approved of it, and I had manifold copies made and sent to all of the commanders of the arsenals. In three or four instances the commanding officers wrote official or private letters to me—I forget which—stating that they had made careful canvasses of the employés, and they found that the majority of them were Democrats.

A wonderful discovery! They must have used microscopes in making that discovery. Three or four of them reported that—

they found that the majority of them were Democrats, and that if the object of my circular was to equalize between the two parties the positions, there could be no equalization in favor of the Democratic party.

This was nearly a year after the Democratic Administration had come into power, but it was ample time for nearly every Republican incumbent to become thoroughly converted and regenerated from fallen Republicanism to sanctified Democracy. Oh, yes, Mr. President, I have no doubt that you will find thousands of those in the Government service who in November, 1884, would have sworn to their loyalty and allegiance to the Republican party, who in January, 1886, would have done the same thing to the Democratic party. Let me say to my friends here that you know this. You know it right here in the Departments. Some of the most blatant demagogues that have exercised subordinate positions here in the Departments became the mildest and meekest submissionists to Democratic authority after Cleveland was elected, and they were the ones who attempted to ingratiate themselves into the favor of the Democratic officials in order to retain place and power; and the Senator from Colorado knows some of them, and so do other Senators.

I say that, in my judgment, the very best interests of a true, genuine civil service would have been promoted and subserved if, when this Administration came into power, the rules could have been relaxed until there was an equalization between the Republican and Democratic incumbents in the offices. It was but fair and just and right, and, so far as I am concerned individually, instead of censuring the Administration and the heads of Departments for removing Republican incumbents and supplying their places under the civil-service law, where the door is open to Republicans as well as Democrats and Mugwumps and all classes of people—instead of censuring them for making the few removals they have made, I think the criticism is, if any, that they have not made enough of such removals.

Mr. EDMUNDS. May I ask the Senator a question just there?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. COCKRELL. Yes; but not to make a speech. I will yield if the Senator wants to ask a question. I am nearly through, and I do not want to be detained any longer.

Mr. EDMUNDS. I never make a speech. I think the Senator, perhaps, can inform us, and it will be interesting to know, in respect of the appointments which have been made ostensibly under the civil-service law on competitive examinations, what percentage have been Democrats and what percentage Republicans. I have no doubt the Senator has the means at hand of telling us at once.

Mr. COCKRELL. I have not, except my general knowledge of those matters. I have been watching them with some little interest. My judgment is that during the preceding administration of the Republican Executive, four-fifths if not nine-tenths of the applicants who passed the civil-service examination, and probably more, were Republicans. I think very few Democrats ever applied under the law prior to 1885. I think even after that time, until the provisions of the law became more thoroughly known and understood, and it was found that there was no discrimination actually existing, a large majority of the applicants were still Republicans. I base this statement upon the belief that prevailed among Democrats that notwithstanding they might pass the civil-service examination, by some means or other not known to them, not understanding fully the provisions of the civil-service law and regulations, they would stand very little chance of an appointment, and therefore they did not apply.

I think after it was known that there was no discrimination, and there being a Democratic administration, and probably Democrats thinking that they might have a little better chance under a Democratic administration than under a Republican administration, the number of Democratic applicants increased and multiplied, until now, in all probability, a considerable majority of the applicants for civil-service examinations are Democrats. I think that for probably the first six months or perhaps the first year of the Democratic administration a majority of the appointees under the civil-service law were Republicans. This is my belief from the fact that they were the only ones who could be certified until the time expired for the certification. The names of Republicans were still upon the lists, and they were certified by the Civil Service Commission when a call was made from the Departments for appointees.

Mr. TELLER rose.

Mr. COCKRELL. I yield.

Mr. TELLER. I did not want to interrupt the Senator until he got through with his statement.

Mr. COCKRELL. It will be no interruption.

Mr. TELLER. I wished to ask the Senator if he recollected the testimony of one of the bureau officers that out of 85 appointments 83 of them were Democrats.

Mr. EDMUNDS. Under the civil-service law?

Mr. TELLER. Under the civil-service law. That was, I suppose, in the first year of the Administration.

Mr. COCKRELL. That was the testimony of what officer?

Mr. TELLER. That was in the Pension Office. I am not criticising it. I am simply stating the fact.

Mr. COCKRELL. What officer was it?

Mr. TELLER. The Commissioner of Pensions. There was a statement of that kind which came out in some examination.

Mr. COCKRELL. I hope it was true in that office.

Mr. TELLER. It never was doubted. Nobody doubted it.

Mr. COCKRELL. I hope it was true. There were, I think, 150 who had to be appointed, and the Commissioner of Pensions aimed to divide them, and he did divide them, and from 70 to 80 Democrats were appointed.

Mr. TELLER. Eighty-five were appointed, and, as I recollect, 82 or 83—I am not certain which—Democrats were appointed.

Mr. COCKRELL. I expect that was true. I hope it was.

Mr. TELLER. I should like to ask the Senator, as he has been engaged in examining the service of the Government in the Departments, if he can tell me how, without a plain violation of that law, the appointing power would know whether a man was a Democrat or not until after he was appointed?

Mr. COCKRELL. I must confess that I am perfectly astonished that a former Secretary of the Interior, a distinguished Senator prior to his service as Secretary, and now again on this floor, should ask such a question as that. I think if he will go home and ask any of his children they can explain it to him very easily.

Mr. TELLER. I ask the Senator to explain it. I do not want to go home for that purpose.

Mr. COCKRELL. I said on the floor of the Senate when I was advocating the passage of the civil-service law, that I could go in as Secretary of the Treasury under that civil-service law, and I could turn out every solitary Republican in the Treasury Department, and I could appoint only Democrats, and not violate the civil-service law; and I can do it.

Mr. TELLER. I should like to say, if the Senator will yield to me, after nearly two years of administration under this law, that could not be done without a plain violation of the law. Of course it is possible under the stimulus the Senator mentions that the Democrats, knowing they had a friendly administration, may have come in such numbers to the examining committee that they have got in, but no officer is justified in inquiring or knowing what the politics of the man is who is certified to him.

I never heard during my administration a suggestion from any living person as to the politics of those who were certified. I should myself have regarded it as a great breach of public duty if anybody had come to me and said, "Mr. So-and-so is certified to you, and he is a Republican," or "he is a Democrat." I do not charge that now upon any officer of this Administration. I am bound to give the reason the Senator did, that knowing it is a Democratic Administration the Democrats are all now making a rush to get in, and in that way they get through the civil-service examination, and then of course, the Administration never looking to ascertain their politics, they having gone through the examination and been certified to, they go into office.

Mr. EDMUNDS. My friend is mistaken about that.

Mr. COCKRELL. The innocence of the Senator from Colorado is truly commendable and refreshing.

Mr. EDMUNDS. I think it is, too, in his last statement.

Mr. TELLER. If the Senator from Missouri wants to dispute my last statement, I shall be prepared to hear him do so, and very likely I may give some credence to his objection to that statement.

Mr. COCKRELL. The idea that the Departments can not know anything about whom the appointees are, or anything of the kind!

Mr. TELLER. Oh, I do not say the Departments can not know, but I say the Departments under the law ought not to know, and no officer who properly administers the law will know or allow himself to know.

Mr. COCKRELL. I say frankly for myself that I believe in a genuine practical civil service reform.

Mr. EDMUNDS. Such as we now have. [Laughter.]

Mr. COCKRELL. If I had been at the head of one of the Executive Departments I would have felt it to be my duty to see that the Department was weeded out and cleaned out of all those who had been appointed under the spoils system and were inefficient and inattentive and negligent; and I would have done my best to see that honest, competent, and well-qualified persons, examined by the Civil Service Commission and certified, were appointed to their places; and I would have prayed that ninety-nine out of every one hundred of them might be Democrats until there were as many Democrats in the Department as there were Republicans; and then, when there was an equality, I should have disapproved of any discrimination; and I should have hoped and prayed that thereafter the service might be maintained for all time to come in that proportion.

Mr. HALE rose.

Mr. EDMUNDS. The Senator from Missouri has not answered my question yet, and if I may be pardoned I will ask my friend again the question, because he is familiar with this modern reform.

Mr. COCKRELL. The Senator refers to his question about the number of appointees. I thought I had answered it.

Mr. EDMUNDS. No; only as to one Department, eighty-three to eighty-five, or whatever the number. What proportion in the last four years of new appointments under civil-service examinations out of the three certified have been Democrats and what proportion Republicans?

Mr. COCKRELL. I thought I had answered that.

Mr. EDMUNDS. I did not understand it. Perhaps the Senator did.

Mr. COCKRELL. Of the 432 appointed in the last year of Mr. Arthur's administration, from January 16, 1884, to January 15, 1885, my judgment is that over 400 of them were Republicans. We come to the next year, or the first year under the Democratic Administration, and find there were only 239 appointed. My judgment is that half of them were Republicans. Then we come to the second year of the Democratic administration. From January 16, 1886, to January 15, 1887, inclusive, there were 392 appointed. I should say that three-fourths of them, and probably more, were Democrats. From January 16, 1887, to June 30, 1887, the same proportion, 155. I take this from what I know has occurred in regard to the certification of the eligibles from the various States, and the length of time their names remain on the eligible roll before they have to be examined a second time.

Mr. EDMUNDS. I think three are certified.

Mr. COCKRELL. Four were certified under the Republican administration, but the present Administration has reduced the number to three.

Mr. EDMUNDS. It is reduced now to three?

Mr. COCKRELL. Yes, sir.

Mr. EDMUNDS. Then, if I understand the Senator, under the present Administration, about three-quarters of those selected from the three certified are Democrats.

Mr. COCKRELL. In the last eighteen months I should say from one-half to three-fourths.

Mr. EDMUNDS. Then it would happen either that one Democrat out of the three certified, standing at the foot of the three, was selected, or that two out of three certified were Democrats, and so the selection might fall naturally on the Democratic side; or how did it work out? How did it happen that this difference of selection should have occurred? Was it from the high moral purpose that my friend advocates, of introducing an equality of political opinions among the people who are doing the work of the Government, or was it mere accident of circumstance in some way?

Mr. COCKRELL. I am astonished that the Senator did not catch the answer I made to that. I said that during that time probably from three-fourths to four-fifths of the applicants for examination, and of those who passed the examination and had their names placed upon the list of eligibles for certification, were Democrats. Therefore, necessarily that number of Democrats had to be certified in proportion.

Mr. EDMUNDS. That would of course naturally follow, but how is it, under a civil-service reform administration, that a large and hungry part of the community, of Republicans, as it has been stated already by my friend, should decline to submit to a competitive examination, which they had been submitting to before in order to get into the public service, and that all the persons who applied should be Democrats? I can not understand that.

I think in the State of Vermont, where of course the appointments are very few and much less from the circumstances that I referred to a little while ago, the inspectors of customs were dismissed because they were supposed not to be needed, and their places were immediately supplied by deputy collectors who did not need to be examined at all. Among those who have applied in the State of Vermont I am under the impression (but I am not speaking by the book, as the phrase is) that young persons who felt themselves able and wanted employment, without regard to their politics, would apply and would be examined, and some three at the top of all of course would be certified, if they got up to a certain standard, as they always did. But I have never yet heard—it may be that such a case exists—of anybody employed in the service of the United States in the State of Vermont under the civil-service law since this Administration began who was a Republican. Perhaps their knowledge, school information, etc., have suddenly diminished.

Mr. COCKRELL. At the time the Senator awhile ago asked me the question about the inspectors, I did not catch the exact point he was making. In my judgment the inspectors to whom he refers did not come under the classified civil service. I have not examined carefully, but the inspectors of the internal-revenue service did not, I know, and my judgment is, and I think I am right, that the inspectors in the customs service did not come under the regulations of the civil service.

Mr. EDMUNDS. With great respect to my friend, if he will allow me——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. COCKRELL. Certainly.

Mr. EDMUNDS. I do not believe in interrupting a Senator without his consent and going on before I get it. That is why I waited. With the consent of my friend I will say that I think the Depart-

ment held, overruling the collector of customs for the district of Vermont, that inspectors of customs were within the civil-service provision. Of course it is not within my personal knowledge, for I have not gone through the custom-house to look at the books, but my information is, and I never heard it disputed, that inspectors of customs, being understood by the Department and by the Civil Service Commission and by everybody to be within the civil-service law, and therefore in filling up a vacancy that they must be examined, and the best man out of three selected, were dismissed in large numbers, for that small district, of course the force is not very great, on the ostensible ground that their services were no longer needed for the public service, and that immediately following, I do not mean the very next day, but in substance, their places in numbers and character were supplied by deputy collectors, another name for the identical class of servants and individuals who were called inspectors before, who did not fall within the civil-service rules and were never examined. That may be all right. I only speak of it as a historic fact.

Mr. COCKRELL. I think the Senator is mistaken. I have been quite confident that the customs inspectors and the internal-revenue inspectors did not come within the civil-service law and regulations.

Mr. EDMUNDS. I am not speaking of the internal-revenue inspectors.

Mr. COCKRELL. That is the case, unless the regulations have been extended to include them since the last order of the President. I have not had time to examine the last order of the President, to see to what great length he has extended the law over new classes of individuals; but a large number of new classes of officers have been included within the classification.

I hope every Democratic official, every Democratic Senator and Representative who was applied to by his Democratic constituents for appointment in the various departmental branches of the service did what I did. I sent to them a copy of the Civil Service Commission report, containing the laws and the regulations, and told them to go and stand the civil-service examination, and Missouri being a large State and entitled to her full proportion of appointments would have a fair chance of getting the appointments, and I think Missouri has gotten her fair share.

Mr. EDMUNDS. I think so. We agree to that all around.

Mr. COCKRELL. I hope every other Democrat did the same thing. I find a table here which gives the number of appointments from the various States under the civil-service law from July 16, 1883, to June 30, 1887. I see the distinguished Senator from Vermont has two male and five female appointees. He gives preference to the females. I find that Missouri has thirty-five male appointments and eight of females, making a total of forty-three.

There is the list from all the States; there is no secret about it. It shows the exact number who were appointed in proportion to population without any evasion or attempt at evasion. The appointments for the last eighteen months must necessarily have been of more Democrats than Republicans, because of the large preponderance of Democratic applicants. Prior to March, 1885, and up to about a year after that time, the majority was largely in favor of the Republicans. When this law took effect the Republicans had comparatively all the offices, and it was their administration. As a matter of course, there was a feeling that they would retain the offices under the law, and, therefore, there were not as many Democratic applications for examination as have been made since. This is perfectly plain.

I only regret that more Democrats have not succeeded. I think it would have been far better for the public service, as I have stated frankly and candidly. I think there ought to be a greater equalization than now exists. I think it would be for the interest of all political parties and of every patriot citizen in this land if the subordinate positions were nearly equally divided between the great political parties, and then leave them open to the honest, fair competition of Democrats and Republicans, Republicans and Democrats, under a Democratic or a Republican administration, and let them be selected because of their qualifications and fitness for the position, and let them understand that once being selected under the civil-service law does not give them a life tenure to that office, and that they may be removed, as the law does not guard the exit from office. It leaves that door wide open, justly so and properly so, because then the appointees under the law always have some incentive to the performance of their duties. They know that there is no law to hold them in places which they unworthily fill.

I do not believe in retaining employés in the Government service for life and pensioning them on the Government. I do not believe in a civil pension-list in any shape, manner, or form. I believe that the Government pays its employés a full equivalent for all the service they render to the Government, and that the Government is in no manner in debt to them; that it is under no obligation to them. They voluntarily seek the office; they voluntarily take the office; they voluntarily and gladly take the salary; and when their length of service is completed by being turned out or being disabled, or in any other manner, they have no claim upon the bounty of the Government for pensions or any other kind of remuneration.

Mr. EDMUNDS. If my friend will pardon me——

Mr. COCKRELL. Certainly.

Mr. EDMUNDS. On the philosophical principle he is speaking about, there being no check on the power of removal, which is the present law clearly, and which I think is a great defect if what we call civil service in respect of minor offices and places is really good for anything, suppose I, being the Secretary of the Treasury, have certified to me to-day a list of the three highest persons for three places, and it happens by accident that they are all Democrats. By "accident," I mean by the event of a fair and impartial scrutiny.

Mr. COCKRELL. They may all be Democrats or all Republicans. It is unavoidable.

Mr. EDMUNDS. I am supposing this case to illustrate the philosophy of this thing to my friend and get his opinion about it. Suppose I am a Republican Secretary of the Treasury, and the three people to fill the vacancies that exist, which were made to exist by my removing three Democrats the day before, are Democrats. I find on looking over the list below, who almost came up to the standard, there are three Republicans. I am supposing myself to be a Republican Secretary of the Treasury. I must appoint these three men who are certified. They are Democrats, but they are not the kind I want for that reason merely. I must appoint them. Day after to-morrow I cause my secretary to send them a notice that "your services will be no longer required after the 1st of the month," treating them with perfect fairness. I give them a month's pay. On the 1st of the month they will go out. The next three are my political friends; I do not mean my personal friends, but gentlemen who think there ought to be a protective tariff, or there ought to be this thing or that which is my political opinion.

Then by a mere act of my will and my political prejudice, if you call it that, my political opinion, I get rid, conformably to law, of the three best men on the list of the one hundred who were examined, who happened to be Democrats and not Republicans, and at the end of that month I get three men of my political persuasion. That can go on from day to day, from month to month, without violating any law, because, as the Senator says, the power of the heads of the Departments in the case of these departmental appointments, and if there be any that fall under the President his power to dismiss from office with reason or without reason is absolute and complete.

In the end, in my opinion, if we go on with this business, as I hope we shall, in its true and right way, it will be necessary to correct that evil, just as in every State where the people are sovereigns, and elect and appoint their officers in the municipalities and in the State, the term for which officers hold is a fixed term, and no governor, no judge of a county, no supervisor, no anybody can turn them out until they have a chance to be heard, and are turned out for a cause which is made manifest upon a trial in some way. In my opinion, there is not a State in this Union that would stand any such system as we have now in respect of these minor appointments.

Mr. COCKRELL. I am sorry that the Senator has been led into a mistake in the supposition which he has made. The case he has supposed can not occur under the civil-service law. He supposes that a long list is certified; that three are put at the head of it; that the Secretary of the Treasury, he being the Secretary and a Republican, could find out that the three first from whom the selections had to be made were Democrats, and the three next were Republicans; and therefore he would reject the three Democrats, or appoint them for a month, and then discharge them and select the other three. That is not the law, and that is not the regulation, and that is never done. It never has been done. The Senator is entirely mistaken if he supposes that that kind of lists has ever been sent to the Departments under a Democratic administration.

Mr. EDMUNDS. I think I remember, if my friend will pardon me, one rather notable instance. I think it was in the city of New York, where for some reason (I shall not characterize it, because it may have been a good one or a bad one) the whole list was directed to be certified. That is a mere matter of regulation with the President, who has control of the whole thing. Out of that whole list the surveyor, or whoever the officer was, was authorized to make his choice. So it is merely in the power of the President or the head of Department, be he Republican or Democrat, to get rid of anybody who is in. We all agree to that. Then it is in his power, by his regulations, to so adjust matters that his particular penny will come face up, to use a boyish illustration of our school days.

Mr. COCKRELL. No; the Senator is mistaken entirely. Under the Republican administration, when a vacancy occurred in the Interior Department or in any other Department, the head of the Department notified the Civil Service Commission to certify the names of eligibles for appointment, and the Civil Service Commission certified four names for the place. The Secretary of the Interior could not tell who would be certified. The Secretary of the Interior could not control the certification. They had to be certified in a regular routine around through the States, in accordance with population. The Secretary could not know who were the next four names on the list of eligibles, or from what State they were. All that the Department knew was the four names that were certified to it. The Department does not know, the Civil Service Commission will not let it be known, who are

on the list of eligibles on their books. Therefore the Secretary does not have before him all these names; he has the three and only the three, and there are sent to the Department in a great big beautiful square paper box all the papers showing the examination. There is the grading; there is the classification. The Democratic Administration has reduced the number to three; now there are three names.

Mr. TELLER. I suggest to the Senator that I think they do not send the examination grading except upon the call of the appointing officers.

Mr. COCKRELL. They always call for them, necessarily.

Mr. TELLER. No, I think not.

Mr. COCKRELL. As a rule, I apprehend they do, because the appointing power wants to know the grading in the different branches of the examination in order to determine which one to take.

Mr. TELLER. If the Senator will allow me, I will state that they must certify the highest in that study. Consequently the appointing officer knows he will get no higher grade.

Mr. COCKRELL. I have gone over it all, and I understand it thoroughly. The highest may be the best in one branch of the service and he may be the lowest in another. The grading is given, and the average is given. A man may be in history 100; he may be in mathematics 60; he may be in some other branch only 75; but the average is above the limit of 65, as it used to be; I believe it is 70 or 75 now; it has been increased. However, his average grading is above that. It is this average grading that is sent. It is absolutely necessary for the appointing power to know the grading in order to make an intelligent selection. He might just as well cast heads and tails if he does not have the grading before him. He must know the relative standing in the different studies in order to determine the fitness of the applicant for the particular place. For example, you want a clerk in an auditor's office where there are constant calculations being made from day to day. The work required is a mere matter of calculation. Whom do you want? You want a man who writes a good hand and who is an adept in figures. You have a certification of three names. One man stands 90 in his average, another stands 80, and another one stands 70, supposing that 65 is the minimum of the standard. When you examine these three you find the man whose average is only 70 is better in mathematics and writes a fairer hand than either of the other two. For your purpose he is the man you want, although his grading is 20 below the highest one. Therefore you select him. It is for that purpose that the papers are sent to the head of the Department. You may in another place want simple writing, where there are no great intellectual qualifications called into play. You make your examination and you find that a man who stands very low yet writes a beautiful, legible hand. He is way below, he is only 50, or he may be only 60 in mathematics; but he is very high in writing. You take him because that is the kind of work you want him for. This is absolutely necessary in the selection.

Mr. President, I have detained the Senate much longer than I intended when I rose. I intended simply to show these laws, but I have been gratified at the great interest my Republican friends are taking in this matter, and I am gratified that I have had the opportunity of laying the subject before them in the light that others see it, and in the light that the country sees it. President Cleveland has redeemed and sacredly kept every pledge ever made in regard to the civil service and its administration, and this constant picking here and there by this one and that one is only to divert attention from the great cardinal policy which he has pursued in the matter, and from the great contrast of his administration with the previous Republican administration under the civil-service law.

Think of it, Mr. President. A Republican President, in possession of all the offices, having everything in his own hands, and operating under the civil-service law which he has approved, turns out and discharges 432 Republican incumbents during the last year of his administration, and a Democratic successor coming in and following him displaces only 239 in the first year, only 392 in the second year, and in the second half of the third year only 155.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. COCKRELL. Certainly.

Mr. TELLER. He should bear in mind that about that time there was a very large number of new appointments made by an act of Congress, especially with reference to the pension laws. One hundred and fifty were appointed at one time, which must come out of the number stated. They were new offices.

Mr. COCKRELL. But these were not removals where the vacancies were not filled. These were removals where the appointments were made of those certified under the civil-service law. They were not removals made because the officers were no longer needed. They were removals made and the vacancies filled.

Mr. TELLER. To what year does the Senator refer now?

Mr. COCKRELL. I refer to the period from January, 1884, to January, 1885.

Mr. TELLER. In that year there was a very great number of additional clerks provided for, and they are included in the Senator's statement.

Mr. COCKRELL. Four hundred and thirty-two was the number removed in the last year of the Republican administration.

Mr. TELLER. Those were new appointments.

Mr. COCKRELL. The Senator from Maine makes a great parade about the Secretary of War. I do not know whether the Secretary of War ever gave such instructions or not. This is all hearsay. I have no objection in the world to the passage of the resolution. I hope the Secretary of War will answer it, as he doubtless will, fully and fairly. The complaint is made that he directed General Benét to tell the officers in the various armories and arsenals that on the dismissal of Republicans he wanted Democrats given the preference in appointments. Mr. President, that was right; it was morally right; it was politically right. I see no crime, I see no wrong in turning out a Republican soldier and putting in a Democratic soldier. I see no wrong in a Democratic administration finding twenty Republican soldiers in office in a certain bureau or Department and turning out ten of them and putting in ten Democratic soldiers just as deserving and meritorious. I fail to see any crime in that. I do not understand the law that requires preference to be given to the ex-soldiers of our country to be that preference is to be given to Republican soldiers. The Democratic soldier is just as much entitled to precedence and recognition as the Republican. If Republican soldiers under Republican administrations have been placed in all these positions, it is right and just and the duty of a Democratic administration to displace enough of them to equalize the offices and to give one-half of them to Democratic soldiers.

Mr. BLAIR. May I ask the Senator a question?

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. COCKRELL. Certainly.

Mr. BLAIR. What would the Senator think of the propriety of appointing some of these Democratic soldiers instead of ex-Confederate soldiers?

Mr. COCKRELL. Oh, that has nothing to do with this case.

Mr. BLAIR. I did not know but that it might have something to do with it.

Mr. COCKRELL. The Senator from New Hampshire need not concern himself so much about the ex-Confederates. They will take care of themselves.

Mr. BLAIR. Being in control of the Government, they are likely to do so.

Mr. COCKRELL. They will take care of themselves.

Mr. BLAIR. But it does seem to me that if the Senator is anxious about the men who were soldiers, and Democratic soldiers, it would be well to consider their claims when they come in competition with the appointment of ex-Confederate soldiers. That was simply the suggestion I made.

Mr. COCKRELL. I state again that when the Democratic administration came into power and found in a certain Department twenty Republican soldiers it was the duty of the Democratic administration to turn out ten Republican soldiers and put in ten Democratic soldiers so as to equalize them, and no man has any right to complain of that. It is a matter of justice and fair dealing and right. The preference is given to Union soldiers, soldiers of our country, soldiers who bore the heat and burden of the greatest conflict that was ever waged in this world; and when they are Democrats and Republicans, because the law requires preference to be given to the soldier, is no reason why preference should be given to Republican soldiers alone. The Democrats are entitled to their full recognition and share in these matters.

Even if the Secretary of War directed that circular to be issued and directed that preference should be given to Democrats in the Departments, he simply did what I believe was his duty. There is no apology necessary for it. As a matter of course, the Secretary of War, in my judgment, never directed any confidential circular to be issued. How did that confidential circular get out if there are so many Democrats in these Departments? How do all these things leak out? How do the confidential papers of the Assistant Postmaster-General and other heads of Departments get into the newspaper press of the country if all the employés in the Departments are Democrats? How did this confidential circular find publicity in a Republican newspaper if all the employés in that Department are Democrats?

No, Mr. President, there is no harm in the even distribution of the offices, and it is right and fair and just. It is right and fair and just under the civil-service law, and I have no apologies to make, no excuses to offer for any Democratic official who has tried to equalize the appointments of the subordinates under him between Democrats and Republicans, and who therefore always gives preference to Democrats in the appointments.

Mr. HALE obtained the floor.

Mr. MANDERSON. Will the Senator from Maine yield to me for a moment that I may submit a report from the Committee on Printing?

Mr. HALE. I yield to the Senator from Nebraska.

PRINTING OF REVENUE BILL.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed 2,000 additional copies of the bill (H. R. 9051) "to reduce taxation and simplify the laws in relation to the collection of the revenue," as reported to the Senate; 1,000 for the use of the folding-room of the Senate, and 1,000 copies for the use of the Committee on Finance.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a resolution to print 10,000 copies of House bill 9051, to report it with an amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That 10,000 copies of the bill H. R. No. 9051 as reported to the Senate be printed in pamphlet form; 9,000 for the use of the Senate and 1,000 for the use of the Committee on Finance.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the Committee on Printing was to add to the resolution:

And that the Public Printer insert at the beginning of said bill the following note of explanation:

"The part of the bill stricken out, being the first forty-one sections, is the bill as it passed the House of Representatives. The part following, being new sections, from 1 to 43, inclusive, is the amendment in the nature of a substitute proposed by the Senate Committee on Finance."

The amendment was agreed to.

The resolution as amended was agreed to.

ALIEN MINING CORPORATIONS IN THE TERRITORIES.

Mr. STEWART submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining be instructed to ascertain and report to the Senate at the beginning of the next session of Congress the number of aliens, foreign companies, and corporations owning or working mines in the Territories of the United States, together with the length of time they have been so engaged, the amount of capital invested by them in mining operations, as near as practicable, the amount of dividends paid, and the amount or money expended by them in such mining operations, and what effect the owning and operating of mines by aliens, foreign companies, and corporations has had upon the growth and prosperity of the Territories; and for that purpose the committee, or any subcommittee thereof, may hold its sessions at such times and places as it may deem proper, and employ such clerical assistance as may be necessary. The expenses of such investigation shall be paid out of the contingent fund of the Senate.

REDUCTION OF LETTER POSTAGE.

Mr. MITCHELL. I desire to give notice that on Friday morning, if the Senate is in session on that day, immediately after the morning business, I shall ask the indulgence of the Senate to submit a few remarks in support of the bill I introduced a few days since, being the bill (S. 3558) to reduce letter-postage to 1 cent per ounce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendment to the bill (S. 307) for the relief of Margaret Kennedy, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STONE of Kentucky, Mr. LAWLER, and Mr. BROWER the managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 330) granting a pension to Manon Vangordon;

A bill (S. 1264) granting a pension to Martha V. Coleman;

A bill (S. 3141) granting an increase of pension to Jonas Doering;

A bill (H. R. 2696) for the relief of John J. Crooke;

A bill (H. R. 5248) for the relief of the American Grocer Association;

Joint resolution (H. Res. 210) authorizing the printing of the third annual report of the Commissioner of Labor; and

Joint resolution (S. R. 110) in aid of the sufferers from yellow fever.

POLITICAL REMOVALS FROM ARMORIES AND ARSENALS.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution submitted by the Senator from Maine [Mr. HALE].

Mr. HALE. Mr. President, the Senator from Missouri [Mr. COCKRELL], who is the thick-and-thin defender of the present Administration, and for long months after that Administration came in was almost the only thick-and-thin defender of it on that side of the Chamber, has not been able in two hours of speech to say one single word in defense of this rough order, in which the War Department proclaims its war of extermination on women and children. All that he has said goes wide of that mark, and the reason is that he, with all his ingenuity, is not able to defend the order. When he says that it is simply in the direction of dividing the offices, he does not strike at the brutal force of that order.

I said the other day that the American people had been obliged to wait until this year before a department of the Government was found seeking out women and children in humble places and making them the subject of political proscription. Since then I have been looking at the records to see who are the class of people, the women and children, who are to be reached by the Secretary of War in this confidential order, which was not proclaimed to the public, but was sent out under the stamp of confidence to the officers to enforce.

Those women and children occupy very humble places. These arsenals are scattered from the Pacific to the Atlantic, and all but two or three are in Northern States. The women and children who have found refuge there and who have lived upon the small pay that they gain in these places are largely made up of the representatives of Union soldiers. The work that they do is not important. Here and there in these arsenals is found a woman who, doing some kind of clerical duty, receives as pay perhaps as much as $40 per month; in a few cases, $60 a month. There are none that I can find beyond that sum, but below that are found the poor women who keep the gates, who do the sweeping, who care for the cleanliness and general management inside doors of these public buildings, and receive not more than $20 or $30 per month. Here and there is found a boy, the child of an ex-soldier, who is engaged in the running of errands and carrying of messages, receiving a little pay, a few dollars a week, in order perhaps to eke out the subsistence gained by his mother, who may be there or elsewhere.

It was reserved for this civil-service reform Administration, which came into office upon pledges that the public service should be divorced from politics, and thereby gained votes enough to secure its election, to send out such an order, making this war upon women and children; and if that were not sufficient, the order winds up by declaring, lest some poor woman or boy or girl should escape, that this order "will be strictly enforced."

Nothing can be said in favor of such an order, and yet nobody will be called to account for it. Nobody will be summoned before the Executive and asked in stern fashion why it was that this scandal and shame has been visited not only upon this Administration but upon the American people. Nobody will be removed because of the order. Uneasy as the Administration may be about it, like everything else of this sort that has happened, nobody will be called to account and be punished because of it.

The investigation is likely to show that this is not the only order of the kind that has been issued touching just such cases as this, touching persons in the lower grades of employment in the War Department and perhaps in other Departments. It will be shown quite likely (and I purpose that this investigation shall be extended so that we may get at all the facts) that just such orders as this have been issued elsewhere than in the Ordnance Bureau of the War Department.

The Senator from Missouri has consumed much time in defending the Administration generally. He has declared that the arraignment which has been made by myself and others has been that the President has violated the civil-service act. The civil-service law is the narrowest phase of this subject on which the Administration stands to-day charged before the American people with pretenses that it has not carried out, with hypocrisy in conducting the Administration differently from what it had pledged itself to conduct it.

The number of employés of the Government who come under the classified grades is small compared with the entire official force of the Government. I venture to say that in all the army of office-holders—I use the words that the President himself has used—in the horde of office-holders seeking for partisan favors and desiring to render service to it because of those favors, not one in five of this great army of office-holders is included in the classified grades. They constitute a more limited portion of the patronage of the Administration. In the arraignment I have made here of the Administration heretofore I have never once suggested that the charge was simply that the President had violated the civil-service law. It is much more than that.

The President came into power because of his declarations, not made in a modest way, that Congress had passed a civil-service act and he would endeavor to administer it, but going far beyond and outside of that, and declaring that the public service was a public trust and must be divorced from politics. In the letters that he wrote, in the interviews that he had with civil-service reformers, in his letter of acceptance, in his first and other messages, he iterates and reiterates this declaration, never in any way confining it to the narrow class that is included in the classified grades under the civil-service law.

His assertions in this matter have been read time and time again. I shall not take up much of the time of the Senate upon them, or perhaps not any. Everybody recalls them. They apply not to the classified grades alone, but to all grades of offices in and out of that class. Everybody knows, setting aside and paying no attention to the figures the Senator has given about this narrow class, largely here in Washington, that the great army of office-holders outside, in the different Departments of the Government, have been made the subject of almost a clean sweep in defiance of the declaration of the President that appointments should be made upon merit.

How is it with that great army of officers throughout the country in the Internal-Revenue Department of the Government who are not subject to the classification of the civil-service law? There is hardly a man left who is anything except a Democrat. How is it with the customs service, except in a few of the larger offices, from the collectors down to the tide-waiters and the smaller officers? Every man has been removed. How is it with that larger army under the Post-Office Department, nearly sixty thousand in all? You may search with a microscope, as the Senator from Missouri has said, throughout the country in a post-office that is worth the holding, in his State or mine, or in any other State, and the ruthless sweep has gone on, the Republicans have gone out and the Democrats have come in.

To-day, throughout the country, this army of office-holders thus appointed by the President is doing its political work, fighting its battles and taking charge of its local organizations and leading, being the captains of tens and the captains of hundreds and of thousands in the great political battle.

As the Senator from Massachusetts [Mr. HOAR] has suggested to me, take the offices which are judicial, which ought not to be political, and there has been the same clean sweep in the Territories of the United States.

Let it be understood once for all that I am not complaining of this as a Republican. I am not complaining of this as a civil-service reformer. I have never posed in any way as a civil-service reformer. What I am seeking to do, and what it is legitimate and right to do, is to arraign the Administration for its hypocrisy with regard to these things. Had the President come in and not begun to preach of his superior virtue, had he not begun to set up a standard that no other Presidential candidate or President has ever set up, he would not have been subjected to these strictures; but from the beginning, from the day of his nomination down to the present time, he has been preaching his own superior virtue, and has been claiming that his administration is run better, and more justly, and more fairly, and more upon civil-service rules, than any other Administration. It is because every one of those things has been violated that I have arraigned the Administration.

No Republican complains that he has been turned out of office; but when it has been said that he shall not be turned out, and on some pretense and on some charge which he has never been allowed to see, he has been removed from office and a Democrat put in his place, and in that way he is attacked in his personal character, it may be, he has a right to complain.

It is not surprising to me that this army of office-holders is to-day engaged in fighting the battles of the President. It has excited no wonder. It is nothing more than what has been expected. But what should be kept before the American people constantly, and what a great many of the American people are thinking of a good deal, is that another thing has been promised; that it has been declared that this is a reform administration; that it is proceeding under different rules and under different principles, and that, to use the language of the Senator from Missouri, Grover Cleveland is a true and sincere reformer. If he is, and if the declarations that he has made and the claims that are set up for his Administration are true, somebody ought to be punished under his Administration for violating every single principle that he has advanced as the guide and rule of his Administration. I have waited and I have looked forward and expected to see somebody disciplined. No punishment has been visited upon anybody thus far.

I have here an instance of the present campaign in the State of New York of the kind of circulars that are sent by the Democratic committee to office-holders who have been appointed by the President. I do not believe that we shall hear that anybody has been punished for writing a letter like the following:

> DEAR SIR: You will kindly contribute $25 towards the expense of the Democratic campaign this fall. Remittances should be made to the undersigned on or before October 1, and will be duly acknowledged.
>
> Yours, truly,
>
> S. A. BEARDSLEY, *Chairman.*

It is said that in the same kind of a circular the sum demanded is increased to $40 in the case of railway-postal clerks and from thirty to fifty-five dollars for the clerks in the city office.

A great deal has been said about voluntary contributions. The Senator from Missouri has read an old circular issued by a Republican committee long before the civil-service act became a law, in the days when all parties were engaged in such things. That circular, which I knew something about, was submitted to no less an authority on civil-service reform than Carl Schurz, who approved it, declaring that it simply called for voluntary contributions if anybody sent anything under that notice. But here is something imperative. Here is the declaration that "you will contribute $25 towards the expense of the Democratic campaign."

Every man who receives a circular of that kind from the authorities of the Democratic party knows what it means. It will be seen that if any man holding office, after getting a circular of that kind, refuses or declines or fails to pay, he will be the man who will be disciplined. The committee that sends out this circular will not be disciplined. The national committee, composed partly as it is of members of the House and Senators, will not in any way be disciplined. Why should the head of the Administration, who has himself contributed, as everybody says and nobody denies, $10,000 to the national committee, made up in part of office-holders, discipline others for contributing in reply to a circular of that kind?

Mr. COCKRELL. Mr. President——

The PRESIDENT *pro tempore.* Does the Senator from Maine yield?

Mr. HALE. Certainly.

Mr. COCKRELL. I wish to ask just one question. Where was that circular published, and what is it? I did not catch the name.

Mr. HALE. It is dated 87 Genesee street, Utica, September 19, 1888—two weeks ago.

Mr. COCKRELL. What is the date of the paper?

Mr. HALE. I have not the date of the paper.

Mr. COCKRELL. In what paper was it published?

Mr. HALE. I do not know that, even.

Mr. COCKRELL. What is the date of the letter itself?

Mr. HALE. September 19. It is evidently a genuine document because the date and place are given, 87 Genesee street, Utica, September 19, 1888.

Mr. COCKRELL. By whom is it signed?

Mr. HALE. S. A. Beardsley.

Mr. COCKRELL. To whom is it addressed?

Mr. HALE. It was sent to all the mail-carriers in that city. That is the statement.

Mr. COCKRELL. In the city of Utica?

Mr. HALE. In the city of Utica.

Mr. COCKRELL. It was sent to the letter-carriers?

Mr. HALE. It was sent to the letter-carriers.

Mr. COCKRELL. Who is Mr. Beardsley?

Mr. HALE. That I do not know. He signs his name, and adds "chairman." I never heard of him before.

Mr. COCKRELL. He is chairman of what?

Mr. HALE. I do not know that, even.

Mr. COCKRELL. Is he chairman of the Republican committee up there?

Mr. HALE. It is the Democratic committee.

Mr. COCKRELL. How does the Senator know that?

Mr. HALE. The circular is headed "Democratic county committee-room." I am not identifying these men. Here appears in public print a circular with a date, the location, with the signature. I do not know that any such man as this Beardsley ever lived, but I am quoting from the records as they appear in the public newspapers, where the names and date and everything are given. If the Senator believes that somebody has made this up, he is at liberty to investigate it. I have no doubt that it is true; that any investigation will show it to be true; and not only that, but if anybody cared to rake and haul over the things that are now being done under this civil-service reform Administration in the way of circulars that are being sent around to clerks, both women and men, the applications that are being made in person, showing that the whole army is to be taxed and tithed over and over again, evidence enough would be accumulated to take up the rest of the time of this session of the Senate.

Everybody knows it, Mr. President. I have seen the circulars myself. I have seen the cards that are distributed here in Washington. Some of them have come to Senate employés by the order of the Democratic national committee that has taken an office here and announced it by advertisements in Washington. I have seen those circulars here to-day, sent to Senate employés. There is nothing surprising in it. The surprising thing is that a candid man like the Senator from Missouri dares to get up here and declare that Grover Cleveland is an honest reformer and that the Administration is a better reform administration than any preceding administration has been.

The order that is now the subject of this controversy in the Senate is only a natural emanation from all the things that are going on. The War Department could not stand the pressure, conservative as that Department is, outside largely of political currents, with a Secretary who has not been engaged in active politics either here or in the country or in his own State, as the Senator from Massachusetts knows. He could not stand the pressure.

What is the foundation of the order as shown? Not that it was declared that removals were needed, not that women and children were not performing their duty, but the Secretary told the Chief of the Bureau of Ordnance that the pressure upon him was so great for new Democratic appointments that he had to make this war upon women and children; nothing else would satisfy the Democratic party in its eager search for more places.

That is all there is in this circular. The country should know it; and it has been brought forward only that it may be an additional piece of evidence to show that the pretenses of the Administration are nothing but pretenses; that the whole thing is conducted in the old-fashioned Democratic way, and will be until after the election.

Mr. CHANDLER. Mr. President, when the circular which is the subject-matter of the resolution now before the Senate was shown to me several days ago, I refused to believe that it was genuine, and advised the correspondent of the Indianapolis Journal to call upon General Benét and ask him whether it was genuine or a forgery. It was not until I was informed that General Benét acknowledged the circular and stated the circumstances under which it was issued that I believed it possible that even the partisanship of this Administration had sought out the women and the children at work in the arsenals of the country in order to drive them from their employment.

The Senator from Missouri justifies this order. He does it with vigor and with boldness, and asserts that it is legitimate politics to inquire whether the women engaged in the arsenals are Republicans or Democrats, whether the children engaged in the arsenals of the country are Republicans or Democrats, and to turn them out if the character of Republican can be attributed to them, and to seek out other women and

other children and attach to them the character of Democratic, and then employ them in the places of the women and children who have been ejected.

But it seems to me that this circular is the most discreditable of all the emanations in violation of the civil-service reform professions of the President and of the Democratic party. There have been one hundred years of the Government under this Constitution, and I believe that never before have the politics of female employés or of children in the workshops of the Government been ascertained as a reason either for discharging or employing them.

I supposed when I first realized that this was a genuine circular that it was an unlawful order. I thought that there were laws forbidding the discharge of War Department employés on account of their politics; but I do not find them. If there are such laws I hope that attention may be called to them. But although my search with reference to the Army has not shown me any such statutes, I do find that there are explicit laws in reference to the Navy of the United States. Section 1546 of the Revised Statutes is as follows:

No officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

In section 1544 we further have the rule declared that ought to prevail in the employment of laborers in the several navy-yards:

SEC. 1544. Laborers shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.

These two statutes make the rule which is to govern the Navy Department, and under them a circular of the kind which has been issued by General Benét would be punishable as a violation of law. Yet the Senator from Missouri boldly justifies an order issued by the War Department which if issued as to Navy employés would be a deliberate violation of an express statute!

In view of the law which I have quoted in reference to the Navy Department, it seems impossible to believe that the Secretary of the Navy, who has suddenly discovered that the needs of the public service require a large increase in the number of employés at the Brooklyn navy-yard, intends in making the new employments to pay any attention to the politics of the laborers who may be taken on in pursuance of his recent order. There is a statute of the United States, enacted on the 30th of June, 1876, to be found in volume 19, page 69, of the statutes, as follows:

And no increase of the force at any navy-yard shall be made at any time within sixty days next before any election to take place for President of the United States or member of Congress, except when the Secretary of the Navy shall certify that the needs of the public service make such increase necessary at that time, which certificate shall be immediately published when made.

I find that the Secretary of the Navy has issued a certificate, which has been published in the newspapers of New York, and I will read an extract from the New York Press of Sunday morning, September 30, 1888, which contains the certificate. It is as follows:

THE SECRETARY OF THE NAVY NEEDS MANY LABORERS.

The people of the United States have become accustomed to seeing the laws of the country violated by the Democratic authorities in Washington and the South, but it has remained for Secretary Whitney to show the utter contempt which the Democrats have for the laws of Congress when such laws interfere with the possible success of that party at the polls.

Several years ago the Republican Congress, realizing how powerful a factor patronage was in the determination of a political contest, passed a law prohibiting the employment of new men in the public Departments within sixty days of an election. The law was passed with especial reference to the abuse of the appointing of hundreds of new men in the navy-yards a few days prior to election as a bribe to secure their votes.

Owing to tardiness in the preparation of requisitions, which are made the basis of appropriations, it was found this year that the men could not be employed two months before the election, and for a time the Democratic managers were disconsolate at losing such a powerful lever as the patronage of the navy-yard. Secretary Whitney was appealed to, and the following notice was issued yesterday:

"[Certificate.]

"In compliance with an act of Congress, approved June 30, 1876, I hereby certify that the needs of the public service make it necessary to increase at this time the force of the navy-yard, Brooklyn, N. Y., for the prosecution of the work upon the Yantic, Galena, Miantonomoh, and Terror, and for other necessary purposes.

"W. C. WHITNEY, *Secretary of the Navy.*"

Secretary Whitney's order is, of course, a mere evasion of the provisions of the sixty days' law. The law upon which the order is based has never been utilized before, and was placed upon the statute-books simply to anticipate any possible trouble with foreign nations which would necessitate the rapid fitting out of war vessels.

While the intention and effect of the order was and will be to fill the navy-yard with Democratic voters, the local Democratic gang has already served notice that no one who has been identified with the labor movement need apply. The latest victim to the rapacity of the gang is Daniel Downey, of 75 Duffield street, Brooklyn, who was discharged from the navy-yard a few days ago because of his active participation in the labor movement in Brooklyn last year.

It is said Alderman Divver and all the other ward bosses have been given fifteen tickets each, by which that number of men will obtain employment at the navy-yard.

In the Standard-Union, of Brooklyn, of the 29th of September, 1888, the following statement is made in connection with the dismissal of Daniel Downey, mentioned in the extract from the Press which I have read:

THE GRAND BOUNCE—LOST A PLACE IN THE NAVY-YARD FOR SUPPORTING THE LABOR PARTY—"JACK" FROST'S BOLD HANDIWORK—PATRONAGE-MONGERING AT THE CITY HALL—HINTS FOR MAYOR CHAPIN AND CONTROLLER LIVINGSTON.

Several of the workingmen's unions at the lower end of the city are very much excited over the summary dismissal from the navy-yard last week of a laborer named Daniel Downey. Not that there is anything unusual or exciting about the dismissal of one laborer or a hundred from the yard. Either is a common occurrence enough; but the circumstances surrounding Downey's dismissal were of a peculiarly brutal character and an outrage on associated labor everywhere.

Downey lives in a room on the top floor of 72 Duffield street, and is evidently in a dire state of poverty. Last week, in blissful ignorance of his impending fate, while he was at work in the yard, where he had been fortunate enough to secure a job only a few days before, a sub-boss of Boss Furey suddenly appeared before him.

"Sa-ay, Downey!" came from the apparition.

"Oh, good morning, Mr. Frost! How do you do?" Downey replied with forced cheerfulness.

"Sa-ay, didn't you peddle the United Labor party ticket in the Fifth ward last fall?"

"Well-er, yes, I did; but it was only for my friend Brown."

Then Frost, in harsh tones, passed this sentence on the poverty-stricken laboring man: "Now, look here, Downey, we don't want anybody but Democrats in the yard, and you'll have to get out."

Out Downey was put accordingly. His neighbors said to-day that he was in New York trying to get work. The Brown he referred to was J. Vincent Brown, of Gold street, who was the United Labor party's candidate last year for assembly, fourth district, with a Republican indorsement. He is a member of Mackenzie Post, Grand Army of the Republic, of which George R. Baldwin, of Revenue Collector Black's office, is commander. The Frost who paid him the visit is a character and known as Jack Frost. His full name is John F. Frost, and he holds the position under Comptroller Livingston of chief clerk of the bureau of taxes and assessments at a salary of $1,900 a year. He appears to have a supervisory power over navy-yard patronage, as far as laborers and mechanics are concerned, and undoubtedly bosses the fifth ward and perhaps some of the surrounding districts. What he does relieves Democratic leaders like John McCarty from numerous petty annoyances, and it is always understood that the supreme arbitrator, if any dispute arises, is William A. Furey, the commissioner of jurors. Years ago Frost served his time in the yard as a blacksmith's apprentice under a Republican administration, and is tolerably familiar with the phases of work and of political life within its walls.

There is another disgraceful side to this subject, and one with which frequenters of the city hall are only too familiar. It is one in which every tax-payer of the city, too, has a direct personal interest. Mr. Frost holds a very responsible position under the city government, and by far too much of his time is taken up by navy-yard patronage matters. Sometimes a dozen or a score of men stand for hours in the rotunda of the city hall waiting to get a note from Frost to this or that boss in the yard. It is certainly a violation of the spirit of the civil-service law—this spending of the time, which is the money of the public, in partisan politics. Mayor Chapin frequently brushes against the crowds of men who want to get into the yard as he goes to or returns from his office in the hall. His natural instinct would revolt against the turning of a city government department into a patronage broker's office; but his recent severe castigation by the Democratic general committee seems to have tamed his spirit. And so of Comptroller Livingston. He has a splendid reputation, but he is a candidate for renomination, which he can not get without the consent of the Willoughby street gang whose members are the patrons of Mr. Frost. Is it possible that Walter L. Livingston knowingly permits an office over which he has control to be so degraded? Perhaps, after all, his control of the office is only nominal.

Here we have the charge made by a well known and respectable newspaper that two navy-yard bosses have been created by the Secretary of the Navy, that they control the discharge and employment of men in the Brooklyn navy-yard, and that Mr. Downey and others have been discharged for political reasons. If that is the case, the discharges are in direct defiance of a clear and distinct law of Congress, and if employments are made in this way the employments are made in distinct violation of the act of Congress which I have read, which says that laborers shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency and without regard to other considerations.

The New York Tribune of October 1, 1888, published the following:

THE EMERGENCY ORDER RATHER LATE—NO DOUBT ABOUT THE REAL REASON FOR EXTRA MEN AT THE NAVY-YARD.

"You will observe that Secretary Whitney has issued his emergency order, which, under the law, permits him to increase the force at the navy-yard," said one of the officers there yesterday. He continued: "The Tribune was the first and only Republican paper to call attention to the increase of the force by one hundred and thirty-two men in one day a week ago, and not one of the Democratic papers had the honesty or independence to refer to this clear violation of the law which prohibits an increase of the force within sixty days of an election. That sixty days' limit began on September 7, and the one hundred and thirty-two employés were put on on September 20. But since then there have been men discharged because they were Labor party adherents and good Democrats put on in their places, and others in addition. For instance, on September 21 there were 1,589 workmen of all kinds employed, and on Friday the number was above 1,600, but not until Saturday did the Secretary publish his emergency order. Now, then, is he not liable for a violation of the law before he issued his emergency order? In this Mr. Whitney says that the emergency arises in the fitting out of the Galena, Yantic, Miantonomoh, and Terror. Is there any emergency that requires haste in completing the two big ironclads, the Terror and Miantonomoh? Are we on the eve of war? But he says nothing about the new cruiser Maine, upon which additional men are being employed from day to day. The fact is that when the Secretary was at the navy-yard a few days ago Furey and other politicians impressed upon him the political emergency which could only be relieved by employing more men in the navy-yard."

Upon these statements it is hard to resist the conclusion that the Secretary of the Navy has declared an emergency at the Brooklyn navy-yard at this time and published this certificate in compliance with the statute more for the purpose of having a large force in that navy-yard on the 6th of November, at the time of the Presidential election, than on account of any necessity of fitting out the North Atlantic squadron. It is understood that this squadron is to be ready for sea on the 10th of November. By that time we may infer that there will be necessary more discharges of men from the Brooklyn navy-yard.

It is to be hoped that the Secretary of the Navy will, when he makes such discharges, at least then regard the provisions of the statute, and discharge no man because of his political opinion.

Mr. President, there is not only some reason to fear that the laws in reference to the employment of men in the navy-yards are being disregarded by this Administration, but I think it is very clear that the civil-service law forbidding contributions from one public officer to another public officer is being openly and boldly violated. The statute of the 16th of January, 1883, concerning which the Senator from Missouri has had a great deal to say, contains three sections to which I ask the attention of Democratic Senators, and also Democratic officials, those who are now members of political committees and those who are making contributions to political committees. These sections are 11, 14, and 15 of the act of January 16. The law is found in the statutes of 1882–'83, page 406:

SEC. 11. That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employé of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employé of any Department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employé of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

SEC. 14. That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

SEC. 15. That any person who shall be guilty of violating any provision of the four foregoing sections shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court.

The meaning of this law is very clear. No Senator or Representative can solicit or receive or be in any manner concerned in soliciting or receiving any contribution for political purposes from any officer, clerk, or employé under the Government of the United States. No officer, clerk, or other person in the service of the United States can give a contribution to any Senator or Member of the House of Representatives for the promotion of any political object whatever; and offenses against these two sections are made penal. They are punishable by fine and imprisonment.

I wish now to place upon the records of the Senate a statement of the view taken of this statute by Republican officials and members of Republican committees. I first read the circular to which the Senator from Maine has referred, two copies of which have been handed me to-day, addressed to clerks of the Senate. It must be admitted that in making these solicitations of employés of the United States in violation of law the Democrats who are sending out the circulars are impartial, for they appear to have sent them to Republican and Democratic employés of the Senate alike. I ask the Secretary to read the circular and also the communication of Edward McPherson, secretary of the Republican Congressional committee, published in the Washington Post of September 20.

The Secretary read as follows:

NATIONAL DEMOCRATIC COMMITTEE.

The rooms of the advisory committee and treasurer for the District of Columbia are at 939 F street northwest, second floor.

Maj. Charles S. Jones will be in attendance from 8 a. m. until 11 p. m., and has authority to receipt for all contributions made to him.

Remittances by mail should be addressed to James L. Norris, advisory committee and treasurer, lock drawer 322, Washington, D. C., and will receive prompt acknowledgment.

LETTERS FROM THE PEOPLE—POLITICAL CONTRIBUTIONS.

To the Editor of the Washington Post:

Mr. James L. Norris announces himself in your paper of this date as the "authorized representative in Washington of the national Democratic committee." As such he states that he will be glad to receive contributions of encouragement from Democrats and all citizens and office-holders wishing Democratic success, and the same shall be promptly remitted to the national committee.

So far as this invitation applies to office-holders of the United States it is a transaction forbidden by the laws of the United States. Section 11, civil-service act, January 16, 1883, forbids any officer or employé of the United States from directly or indirectly soliciting or receiving or being in any manner concerned in soliciting or receiving contributions for any political purpose whatever from any other officer or employé of the United States.

Section 14 of the same act prohibits any person in the service of the United States from directly or indirectly giving to another person in the service of the United States any money "to be applied to the promotion of any political object whatever."

Section 15 makes a violation of these provisions a misdemeanor, punishable on conviction by both fine and imprisonment, at the discretion of the court.

What the Democratic national committee can not do by itself it can not lawfully do by another. Upon the national committee as members there are both Senators and Representatives in the Congress of the United States. A gift to the committee is a gift to each member of the committee, and it is clearly within the prohibition of the law, and was so intended.

Undoubtedly officials of the United States have a right to contribute their funds to political purposes, but they can not lawfully do so to committees composed in whole or in part of persons in the service of the United States. The plain object of the act was to break up and forever prohibit all political commerce between classes of United States officials.

Mr. Norris further states in the interview that "Government officials and some others of very high position have given liberally." This may refer to the announced contributions of the President and certain members of his Cabinet. If these officials have made such contributions to the Democratic national committee, it is plain that they have thereby rendered themselves liable to punishment under this act, and public decency requires that this flagrant case shall be considered by the officers of the law in this District. If this law is fit only to be violated, it ought to be repealed. If it is fit to stand upon the statute-book it ought to be faithfully enforced.

EDWARD McPHERSON.

WASHINGTON, *September* 19.

Mr. CHANDLER. I also desire the Secretary to read a subsequent letter of Mr. McPherson, published in the Capital of September 30.

The Secretary read as follows:

ON POLITICAL CONTRIBUTIONS BY UNITED STATES OFFICIALS.

To the Editor:

SIR: Since the passage of the act of 1883 I have in every way discouraged its violation, and any statement to the contrary in your article of the 23d is incorrect.

The Clapp committee of 1884, to which you refer, was the agent of a committee on which there were no office-holders of the United States, and which, therefore, had a right to receive contributions. This year both of the national committees contain United States office-holders, and contributions can not be lawfully made to either by any officials of the United States. Private citizens have, of course, the right to contribute to either. The Republican Congressional committee, of which I have been secretary for many years, has to my certain knowledge not received one cent from any office-holder of the United States since the passage of the act of 1883. Upon the other hand I have uniformly refused such contributions when tendered, as they sometimes were in ignorance of the law.

Your point that Senators and Representatives are not included in the prohibitions of the civil-service act is met by the fact that in the eleventh and fourteenth sections they are specifically brought within them. This is a marked point of difference between the act of 1876 and the act of 1883. The eleventh section of the act of 1883 provides that "no Senator or Representative or Territorial Delegate of the Congress, or Senator or Representative or Delegate elect shall, directly or indirectly, solicit or receive contributions or subscriptions." The fourteenth section prohibits "any officer, clerk, or other person in the service of the United States from giving or handing over to any other officer, clerk, or other person in the service of the United States, or to any Senator, Representative, or Territorial Delegate any money or other valuable thing to be applied to the promotion of any political object whatever." These provisions are very searching and sweeping, and reach every executive, judicial, military, or naval officer. They are more searching than met the views of the Democratic Senators, who wanted to restrict the prohibitions to "executive officers, clerks, and employés of the United States." The act of 1876 did not include Senators or Representatives, but the act of 1883 does distinctly include them.

Personally, I care not whether the President or his Cabinet, or his subordinates give or do not give to the Democratic national committee, except as I care to see the law regarded by those charged with its enforcement.

As for indictments, you appear to have forgotten that it required one conviction to vindicate the act of 1876. That act was sneered at as the act of 1883 is sneered at. General Curtis, of New York, an office-holder of the United States, became, while it was law, the treasurer of a political committee. To that committee another United States office-holder made a payment. General Curtis did not receive the money, and did not personally know of the payment. A subordinate, acting for the treasurer, received the money and gave the receipt. But General Curtis was indicted for the act; and he was convicted, on the ground that the act of his agent was his act, and that the payment was in violation of law. He was fined $1,000. The Supreme Court of the United States on appeal (volume 106, page 371) held the statute to be constitutional, and General Curtis paid the fine. It may require an example like unto this to vindicate in the District of Columbia the act of 1883.

Very respectfully, yours,

EDWARD McPHERSON.

WASHINGTON, *September* 28.

Mr. CHANDLER. Mr. President, in order to ascertain whether or not members of Congress or Government officials are members of the Democratic National Committee, I purchased at Brentano's, in this city, yesterday, "The Campaign Text-Book of the Democratic Party of the United States for the Presidential Election of 1888," which states upon the title page that it is "prepared by direction of the National Democratic Committee." I invested $1 in this publication, largely attracted by the headline on the first page, which identifies it as a Democratic document:

"Public office is a public trust."

On the second page is given the list of the Democratic National Committee, headed:

William H. Barnum, chairman; S. P. Sheerin, secretary; Edward B. Dickinson, assistant secretary and official stenographer; Charles J. Canda, treasurer.

And as members of the committee are the following, who will be recognized as members of the Fiftieth Congress:

Florida, SAMUEL PASCO.
Maryland, A. P. GORMAN.
North Carolina, M. W. RANSOM.
Pennsylvania, WILLIAM L. SCOTT.

On the executive committee, also, are the names of Messrs. PASCO, GORMAN, and SCOTT. Upon the campaign committee there are the names, GORMAN, RANSOM, and SCOTT. And Mr. Canda, the treasurer, in a slip, which is pasted within the book headed "National Democratic Committee, Campaign of 1888, 10 West Twenty-ninth street, New York City, William H. Barnum, chairman, Calvin S. Brice, chairman campaign committee," asks that the person receiving this book will remit to him $1 by mail, which will cover the cost of the same and postage.

Now, Mr. President, if Government officials of any character have been contributing money to this national Democratic committee, I understand they have been violating the statutes to which I have called attention.

Mr. HAWLEY. May I ask the Senator if the Mr. Canda referred to is the United States treasurer at New York?

Mr. CHANDLER. He is the treasurer of the committee.

Mr. HAWLEY. Is he in charge of the subtreasury in New York?

Mr. CHANDLER. That I am not able to say.

Mr. HAWLEY. I think that is the name of the officer who was Treasurer of the United States and is now assistant treasurer at New York.

Mr. CHANDLER. I am not sure as to that.

I have in my hand a slip from the New York Sun of September 25, 1888, which says:

All doubt has been removed, if any has recently existed, that the President contributed $10,000 to the campaign fund by the check being presented for payment. The check was drawn on one of Riggs & Co.'s regular check blanks to the order of Charles J. Canda. It did not specify that Mr. Canda was treasurer of the national Democratic committee, but simply used the name "Charles J. Canda." The $10,000 was written out in words and put in figures. The check was presented to Riggs & Co. for payment last week. It had passed through the Western National Bank of New York, of which Conrad N. Jordan, formerly United States Treasurer, is president, and with which Charles J. Canda is now connected.

Another article from the New York Sun reads as follows:

CAMPAIGN CONTRIBUTIONS.

When President Cleveland gave his magnificent contribution of $10,000 to the funds of the Democratic campaign committee, he was not alone in that work of national beneficence.

At the same time with the President's check the committee received a check for $10,000 from Hon. Thomas F. Bayard; a check of $10,000 from Hon. Charles S. Fairchild; a check for $10,000 from Hon. William C. Whitney; a check for $10,000 from Hon. Don M. Dickinson; in all, from the President and Cabinet, the handsome sum of $50,000. But three members of the Cabinet, Secretary Endicott, Secretary Vilas, and the Pan-Electric Attorney-General gave nothing.

However, to make good every deficiency, Hon. WILLIAM L. SCOTT, of Pennsylvania, gave $20,000; Mr. Sidney T. Fairchild, Secretary Fairchild's father, and Mr. J. J. Hill, the Democratic hustler of Minnesota, gave $10,000 apiece; the Paynes, of Cleveland, gave liberally, and other personal friends of President Cleveland clubbed in, swelling the aggregate contribution to the impressive total of $150,000.

Mr. BLAIR. I should like to ask my colleague a question. I have been out of the Chamber, and I wish to inquire whether he understands that these several contributions are money that these officers had collected in their several Departments or whether they were personal contributions of their own funds?

Mr. CHANDLER. My colleague must ask somebody other than myself where these funds come from. I am only giving current history, and I am not vouching for the truth of the averment that these contributions have been made. But I will say that although it has been published for many days in the newspapers that they have been made there has been no contradiction whatever of the assertion.

I have, however, in a copy of a New York dispatch to the Cincinnati Enquirer, a Democratic paper, what is said to be a true account of President Cleveland's contribution to the Democratic campaign fund, which I will ask the Secretary to read.

The Secretary read as follows:

CLEVELAND'S $10,000 CHECK.—IS THIS THE TRUE STORY OF HIS CONTRIBUTION TO THE DEMOCRATIC CAMPAIGN FUND?

[New York dispatch to Cincinnati Enquirer, Democratic.]

Some hints of facts concerning the alleged contribution by President Cleveland of $10,000 to the Democratic campaign fund came to my ears to-day. It will be remembered that there was great consternation at Democratic national headquarters when the statement was given out that Mr. Cleveland had sent a $10,000 check to its treasurer. Shortly afterward the statement was denied in a semi-official way. At the same time it was announced that Myron H. Bangs had given the committee a check for $10,000. These two announcements are now put together in a curious way. Mr. Bangs was formerly a banker at Fayetteville, where Mr. Cleveland once lived. His bank suspended several years ago, and up to 1884 Mr. Bangs was not able to have contributed 10,000 cents to any campaign fund. He had been a Republican, but, purely from friendship, voted for Mr. Cleveland.

Twenty-five or thirty years ago Mr. Bangs was interested in a profitable Government dredging contract in the Mississippi River. Immediately after Mr. Cleveland went into office Mr. Bangs began to hustle around Washington to get another dredging contract, and through White House influence he was finally awarded the contract for dredging Charleston harbor, out of which he made $160,000 in a single year. Last year he got another profitable contract, and the report is that it was part of the understanding when he secured these fat Government slices that he should put up for President Cleveland in this campaign, and that when his check for $10,000 was received it was understood to be the President's contribution.

Mr. CHANDLER. All the extracts which I have read are from Democratic newspapers. The suggestion thus comes that the President has not made this $10,000 contribution, but that the alleged remittance has been confused with a contribution sent by Mr. Bangs. It does seem that the President ought not to be expected to make any such large contribution, because it is stated in one of the extracts I have had read that Mr. SCOTT and Mr. Brice have each given $20,000, and it certainly would be a large contribution for the Democratic party to expect or to exact from their President when they have men of such wealth as Messrs. SCOTT and Brice possess in charge of their national committee.

I have here a description of the gentlemen who are members of the national campaign committee of the Democratic party, and this, like all the other extracts, is taken from a Democratic newspaper, the Democrat, of Dover, N. H., published by Joshua L. Foster, a life-long Democrat, who, I must, however, confess, is not very well pleased with the present leaders of the Democratic party or with the present Democratic Administration. I ask the Secretary to read the article.

Mr. SAULSBURY. Mr. President, I believe the immediate question is on the resolution offered by the Senator from Maine, which has given rise to a very desultory discussion.

The PRESIDENT *pro tempore*. Does the Senator from Delaware rise to object to the reading of the extract sent to the desk by the Senator from New Hampshire?

Mr. SAULSBURY. No, sir; I thought the Senator from New Hampshire was through.

The PRESIDENT *pro tempore*. The Senator from New Hampshire had asked that an extract be read by the Secretary.

Mr. SAULSBURY. I beg pardon.

The Secretary read as follows:

CORPORATION MONOPOLISTS AT THE HEAD.

If there is one thing on earth that the Democracy of this country have denounced and pledged themselves against, over and over again, times without number and in the most emphatic terms, it is oppressive corporation monopoly. And now, since they have resolved themselves into a Cleveland party, in discussing the tariff question their chief argument is that a protective tariff promotes, builds up, and maintains monopoly, and they paint monopoly and its agents and tools as the most horrid enemies of liberty and the most ferocious and soulless tyrants and oppressors of labor ever known or heard of in this country. This is the talk and chatter of the Clevelandites continually. Now, let us see how their talk and their conduct agree.

The Cleveland canvass this year is to be controlled and managed wholly by corporation monopolists. It is a railroad management exclusively. The four principal figures in their national executive committee are: Calvin Stewart Brice, of Lima, Ohio, and New York City; Arthur Sewall, of Bath, Me.; William L. Scott, of Erie, Pa., and William H. Barnum, of Lime Rock, Conn.

Mr. Barnum is president of the Housatonic, and a director of the Housatonic, the Danbury and Norwalk, the Hartford and Connecticut Western, the Jacksonville, Tampa and Key West, the Richmond and Alleghany, and the West Virginia Central and Pittsburgh—six railroads.

Mr. Sewall is president of the Maine Central, president of the Eastern, president of the Portland, Saco and Portsmouth, president of the Portsmouth, Great Falls and Conway, president of the Chelsea Beach Railway, and director in those companies, besides the Portland and Rochester and the St. John Bridge and Railway Extension Company—seven railroads.

Calvin S. Brice is vice-president of the Lake Erie and Western, vice-president of the East Tennessee, Virginia and Georgia, vice-president of the Memphis and Charleston, vice-president of the Duluth, South Shore and Atlantic, vice-president of the Marquette, Houghton and Ontonagon, and a director of all three companies, and also of the Richmond and Alleghany, the Richmond and West Point Terminal, the Kentucky Central, and the Denver, Utah and Pacific—nine railroads.

WILLIAM L. SCOTT is president of the Erie and Pittsburgh, and a director in the Erie and Pittsburgh, the Sharpsville, the Newcastle and Beaver Valley, the New York, Philadelphia and Norfolk, the Chicago and Northwestern, the Chicago, St. Paul, Minneapolis and Omaha, the Lake Shore and Michigan Southern, the Michigan Central, the Chicago and Canada Southern, the Michigan Midland and Canada, the Toledo, Canada Southern and Detroit, the Richmond and Alleghany, and the Canadian Pacific—thirteen railroads.

ARTHUR P. GORMAN, of Maryland, is a director of the West Virginia Central and Pittsburgh Railroad.

John S. Barbour, of Virginia, is vice-president of the Virginia railroad.

The other members of the campaign committee are Senator RANSOM, of North Carolina, E. M. Phelps, of Illinois, and Miles Ross, of New Jersey, all railroad directors.

These are not all of the members of the Cleveland national committee, but they are the men of the committee to whom has been intrusted the whole and entire control and management of the campaign.

It will be readily seen that it is a corporation monopolistic concern from end to end, and we pity the man who is so green as to suppose they will not look out for their own corporate interests first, last, and all the time. Isn't this Cleveland party, which has not a particle of true Democracy about it, a pretty lot of fellows to be prattling about the abominations of what they call tariff monopoly? Well, we should say so.

Mr. CHANDLER. Certainly if this Democratic editor in New Hampshire is correct in his narrative it is a most undue exaction of this Democratic national committee to call for or to receive a $10,000 contribution from their candidate for President, particularly when he is now an officer of the United States, who if he makes the contribution, giving the money to a national committee composed of members of the Congress of the United States, thereby possibly subjects himself to the penalties of the statute which I have read. It is therefore most devoutly to be hoped that the check about which so much has been said in the newspapers is not the check of the President, but is the check of Mr. Bangs.

Mr. President, I commend to the Senator from Missouri a more careful study of the civil-service-reform statute. He has given a great deal of attention to alleged malfeasances of recent Republican administrations, but I think the existing statute more needs his attention in connection with the acts of Democratic Federal officials. Instead of worrying over the delinquencies of the Republican party in the past, he had better give his attention to the delinquencies of the Democratic party in the present, those which have been called to his attention by the Senator from Maine, and those which I have now placed upon the records of the Senate.

I do not stand here to defend anything which happened during the twenty-four years of Republican administration that can not be justified. I do not intend to try to excuse any act that was Republican misconduct in office, but I simply say that the present issue before the American people is what has been the conduct of this civil-service-reform Administration of the Democratic party which came into power with such loud pretenses that it would reform the Government of the United States.

Mr. President, I wish here again to quote from Democratic authority. Formerly in the Senate of the United States was General Franklin Pierce, of New Hampshire, afterwards President, and in Hawthorne's Life of Pierce there appears a statement, which I wish to read.

Mr. Hawthorne says of General Pierce, in connection with the extra session of 1841:

In the course of this session he made a very powerful speech in favor of Mr. Buchanan's resolution calling on the President to furnish the names of persons

removed from office since the 4th of March, 1841. The Whigs in 1840, as in the subsequent canvass of 1848, had professed a purpose to abolish the system of official removals on account of political opinion, but immediately on coming into power had commenced a proscription infinitely beyond the example of the Democratic party. This course, with an army of office-seekers besieging the Departments, was unquestionably difficult to avoid, and perhaps, on the whole, not desirable to be avoided.

But it was rendered astounding by the sturdy effrontery with which the gentlemen in power denied that their present practice had falsified any of their past professions. A few of the closing paragraphs of Senator Pierce's highly effective speech, being more easily separable than the rest, may here be cited.

One word more and I leave this subject—a painful one to me from the beginning to the end. The Senator from North Carolina, in the course of his remarks the other day, asked, "Do gentlemen expect that their friends are to be retained in office against the will of the nation? Are they so unreasonable as to expect what the circumstances and the necessity of the case forbid?"

Then Senator Pierce said:

What our expectations were is not the question now; but what were your pledges and promises before the people. On a previous occasion, the distinguished Senator from Kentucky made a similar remark: "An ungracious task, but the nation demands it!" Sir, this demand of the nation—this plea of state necessity—let me tell gentlemen, is as old as the history of wrong and oppression. It has been the standing plea, the never-failing resort of despotism.

I also wish to quote from yet another distinguished Democratic President of the United States, Mr. Buchanan, who made a speech on Monday, February 4, 1828, attacking the administration of President Adams, and I beg the Senator from Missouri, who justifies the spoils system of President Cleveland, notwithstanding the pledges and promises by means of which he came into power, to consider Mr. Buchanan's description of the extent to which the possession of power changes men.

Mr. Buchanan said:

The very possession of power has a strong—a natural tendency, to corrupt the heart. The lust of dominion grows with its possession, and the man who in humble life was pure, and innocent, and just, has often been transformed by the long possession of power into a monster. In the Sacred Book, which contains lessons of wisdom for the politician, as well as for the Christian, we find a happy illustration of the corrupting influence of power upon the human heart. When Hazael came to consult Elisha, whether his master, the King of Syria, would recover from a dangerous illness, the prophet, looking through the vista of futurity, saw the crimes of which the messenger who stood before him would be guilty, and he wept. Hazael asked, why weepest my lord? The prophet then recounted to him the murders and the cruelties of which he should be guilty towards the children of Israel. Hazael, in the spirit of virtuous indignation, replied: "Is thy servant a dog that he should do this great thing?" And Elisha answered, the Lord hath shewed me, that thou shalt be king over Syria.

And Mr. Buchanan adds:

This man afterwards became king, by the murder of his master, and was guilty of enormities, the bare recital of which would make us shudder.

I commend to all Democrats when studying the civil-service conduct of the administration of President Cleveland the warning words of Mr. Buchanan.

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (S. 373) for the relief of women enrolled as Army nurses.

Mr. HALE. Let us have the pending resolution disposed of.

Mr. BLAIR. I am willing to let the vote be taken on the resolution.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution offered by the Senator from Maine.

Mr. HALE. I offer an amendment in the form of an additional resolution, which I ask may be read.

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. It is proposed to add the following as an additional resolution:

Resolved, That the Secretary of War is further directed to transmit to the Senate copies of any further orders or circulars relating to the employment of persons in any part of said Department since March 4, 1885, together with copies of all correspondence between the Department and any of its officers or subordinates or any other person relating to the politics of any of its employés.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment.

Mr. HAWLEY. Mr. President, so much has been placed upon record in this matter, taken from letters, public and private, newspapers and public documents, that I wish to add just a few words of testimony.

I beg, by the way, in the first place, to invite the earnest attention of our Democratic friends to the facts disclosed at length with great particularity by the Senator from New Hampshire [Mr. CHANDLER] concerning the President's pecuniary contribution to the campaign.

The civil-service law does not pretend to interfere with contributions made by any civilian to any other civilian. It does not forbid any civilian to ask an office-holder for money, provided he does not go into any navy-yard, arsenal, or other public building or ground to do it. The discriminations of the law are made with very great care. It does forbid with particularity any person holding any office of any description under the United States, any person drawing a salary from the United States, to solicit or receive, in any way, directly or indirectly, from any other such person holding any office or drawing a salary, a subscription or contribution for political objects. It gets at them all by its sweeping clauses. It forbids the one from asking or receiving in any form anything for political purposes from the other. This is the eleventh section.

The fourteenth section forbids any person in the service of the United States to give to any other person in like service, or to any Senator or Member of the House or Territorial Delegate, any money or other valuable thing for any political object whatever.

I do not know the facts in this case, but if it be true, as is alleged by the Democratic papers, that the President of the United States has sent $10,000 to a political committee, upon which committee are prominent and eminent officers of the United States Government, or members of the Senate or House, it is inevitably to be concluded that he has committed an offense punishable by a fine not exceeding $5,000 or imprisonment for not exceeding three years, or both. So the fifteenth section of the act says, and says constitutionally. That precisely was decided in the famous General R. M. Curtis case, which was carried to the Supreme Court, and the constitutionality of the judgment below was affirmed by said court.

Now I ask Senators who believe in the civil-service-reform professions of this Administration to make a feeble endeavor to explain this matter. I say if the President has sent his $10,000 to that committee, unquestionably the other terms of the problem are there. There are United States Senators upon that committee. It may be said that Mr. GORMAN and others who are members of the committee were not aware of this contribution. Neither did Mr. Curtis know that his subordinate received the money in question. Yet he was convicted and he paid his fine of $1,000.

Mr. CHANDLER. The Senator will allow me to suggest that Mr. Curtis never received the money. It was some subordinate who received the money.

Mr. HAWLEY. It was paid in to the committee by a custom-house employé, I think.

Mr. CHANDLER. Mr. Curtis knew nothing of it whatever.

Mr. HAWLEY. And yet he was convicted.

Mr. CHANDLER. Being a member of the political committee, the organization which received the money, he was held to be guilty under this statute.

Mr. HAWLEY. He indirectly received the money for political purposes.

One thing more. I do not ask the Senator from Missouri to accept my judgment that the Democratic party has proved unfaithful to the civil-service law. The judgment of the country is that it is not only unfaithful to that law, but there is nothing that will provoke a louder roar of laughter in a Democratic conference than to pretend that it is. It is only in the Senate that a man makes that pretense without its being received with unbounded ridicule—received either with pity for his credulity or contempt for his audacity.

But the Senator from Missouri need not take my evidence at all upon the matter. I can not give him higher evidence than I am now about to present.

Four years ago a class of honorable and cultivated and able gentlemen attained the title of Mugwumps, otherwise Big Indians. They were among the best men in our party, but they were greatly dissatisfied with a certain nomination, and they supported the Democratic ticket. Many of them being in reality free traders, stay with the Democracy, but some of them assume the title of Independents.

There were no more valuable champions of Mr. Cleveland four years ago than these same gentlemen. They carried, no doubt, a considerable number of Republicans with them. They pledged themselves to the men they brought to accompany them that Mr. Cleveland was devoted heart and soul to this law and would enforce it entire, in letter, spirit, and truth.

This is the famous Christmas-gift letter of Mr. Cleveland to Mr. George William Curtis, and it is printed day by day in many Republican newspapers. I will read it:

I know that they (abuses in the civil service) are deeply rooted, and that the spoils system has been supposed to be intimately related to success in the maintenance of party organization, and I am not sure that all those who profess to be the friends of this reform will stand firmly among its advocates when they find it obstructing their way to patronage and place. But fully appreciating the trust committed to my charge, no such consideration shall cause a relaxation on my part of an earnest effort to enforce this law.

Mr. Curtis called that—

a Christmas gift of the best omen to the American people, a new emancipation proclamation of the freedom of the people from mere partisan enslavement.

In the address of the Independents of July 22, 1884, is this:

His—

Mr. Cleveland's—

personal convictions proved by his official acts, more decisive than any platform declaration, are the guaranty that in its spirit and in its letter the reform would be enforced in the national Administration.

The famous Evening Post, a valuable champion of that party, nominally independent, but with unexampled persistence and I may say ferocity attacking the Republicans and supporting the Democrats—the Evening Post of February 6, 1885, said:

No President since the era of emancipation has had a grander opportunity to be useful in his day and generation, and no one has formed a clearer conception of the duty which he owes to his country.

Presto, change, in two and three years.

The following is from a resolution of the National Civil Service League passed in August, 1887:

The change in the unclassified civil service is so great as to forebode its complete partisan reconstruction by the close of the Administration.

I leave it to Senators generally, of either party, to say whether it is not true that outside of the twelve or fourteen thousand reached by the

civil-service law, there is little or no regard—no regard I ought truthfully to say—paid to any spirit or letter or rule of civil-service reform. I know that in my region of country just as fast as the postal-railway clerks could be changed without absolutely throwing the mails into fatal confusion they were changed, until now about five out of six of them are Democrats. Many experiments were made with unfit men who abandoned the attempt to make themselves postal-railway clerks. Persistent attempts have been made to educate at the expense of the Government enough Democrats to conduct the railway postal service, and similar industry has been employed in various and all other branches outside of the classes strictly covered by the law. Save where that law commands, there is no regard paid to the ideas of the reformers.

The New York Evening Post of May 28, 1888—and this is worth reading—says:

The painful truth is, that we doubt if a single independent voter in this State, of the thousands who supported President Cleveland in 1884, any longer attaches any importance to the utterances of the members of the administration on the subject of civil-service reform, or any longer refuses to believe that the President's promises and professions have been violated or disregarded, on a great scale, with the utmost boldness, in sundry places and in divers manners, and that men like Judge Maynard and Surveyor Beattie have actually been detailed or told off to practice as much civil service abuse as can be readily concealed or disguised when they are found out and exposed.

And I will add that that same Post is to-day, nevertheless, supporting Mr. Cleveland, having frankly owned within six months that there are other subjects of great importance besides civil-service reform. The Post is a determined free-trader.

Harper's Weekly of September 17, 1887, says, referring to office-holders in the Democratic State convention of Pennsylvania:

This defiance (by office-holders in the Pennsylvania Democratic convention), like the notorious conduct of Higgins, Rasin, and Thomas, in Baltimore, if it should pass without notice or reproof from the President—

And, sir, it has never been reproved or rebuked—

could be interpreted but in one way, as showing a want of the very independence and courage, belief in which not only elected the President, but which has given him great public confidence.

I believe that these staunch friends of Governor Cleveland in 1884 are telling the truth about his abandonment of their pet doctrine of civil-service reform, and I believe they are telling the truth as it appears to them when they say that, in their judgment, after all, there are other matters of as much or more consequence, and they will continue to support Cleveland.

CHIPPEWA INDIANS.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. SABIN. I beg the Senator to withhold the motion just a moment while I ask leave to call up Order of Business 2375, being House bill 7935. It is a short bill and I ask its consideration now, as I shall be obliged to leave the city before the Senate meets again.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 7935) for the relief and civilization of the Chippewa Indians in the State of Minnesota.

Mr. SABIN. The bill has been before the Committee on Indian Affairs since last March waiting the adjustment of differences between the committee and the Department, and has been unanimously agreed on and reported. I want to get it into the House of Representatives for a conference, if possible.

Mr. EDMUNDS. If the Senator from Minnesota is obliged to go away to-morrow, I suppose I can hardly object, but it is not a good time of day to pass a bill. I withdraw the motion to adjourn subject to objection to the bill when we hear it read.

The PRESIDENT *pro tempore*. If there be no objection, the bill is before the Senate as in Committee of the Whole, and will be read at length, subject to objection.

Mr. DAWES. I suggest that, instead of reading the original bill, the amendment, which is a substitute for the whole bill, be read.

The PRESIDENT *pro tempore*. That course will be pursued if there be no objection.

The Secretary read the amendment of the Committee on Indian Affairs, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized and directed, within sixty days after the passage of this act, to designate and appoint three commissioners, one of whom shall be a citizen of Minnesota, whose duty it shall be, as soon as practicable after their appointment, to negotiate with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake reservations, and to all and so much of these two reservations as in the judgment of said commission is not required to make and fill the allotments required by this and existing acts, and shall not have been reserved by the commissioners for said purposes, for the purposes and upon the terms hereinafter stated; and such cession and relinquishment shall be deemed sufficient as to each of said several reservations, except as to the Red Lake reservation, if made and assented to in writing by two-thirds of the male adults over eighteen years of age of the band or tribe of Indians occupying and belonging to such reservations; and as to the Red Lake reservation the cession and relinquishment shall be deemed sufficient if made and assented to in like manner by two-thirds of the male adults of all the Chippewa Indians in Minnesota; and provided that all agreements therefor shall be ratified by Congress before taking effect. And for the purpose of ascertaining whether the proper number of Indians yield and give their assent as aforesaid, and for the purpose of making the allotments and payments hereinafter mentioned, the said commissioners shall, while engaged in securing such cession and relinquishment as aforesaid and before completing the same, make an accurate census of each tribe or band, classifying them into male and female adults, and male and female minors; and the minors into those who are orphans and those who are not orphans, giving the exact numbers of each class, and making such census in duplicate lists, one of which shall be filed with the Secretary of the Interior, and the other with the official head of the band or tribe; and the acceptance and approval of such cession and relinquishment by the Secretary of the Interior shall, after said agreements of cession shall have been ratified by Congress, and not before, be deemed full and ample proof of the assent of the Indians, and shall operate as a complete extinguishment of the Indian title without any other or further act or ceremony whatsoever for the purposes and upon the terms in this act provided.

SEC. 2. That the said commissioners shall, before entering upon the discharge of their duties, each give a bond to the United States in the sum of $10,000, with sufficient sureties, to be approved by the Secretary of the Interior, and conditioned for the faithful discharge of their duties under this act; and they shall also each take an oath to support the Constitution of the United States, and to faithfully discharge the duties of their office, which bonds and oaths shall be filed with the Secretary of the Interior. Said commissioners shall be entitled to a compensation of $10 per day for each day actually employed in the discharge of their duties, and for their actual traveling expenses and board, not exceeding $3 per day. Said commissioners shall also be authorized to employ a competent interpreter while engaged in the performance of their duties at a compensation and allowance to be fixed by them, not in excess of that allowed to each of them under this act.

SEC. 3. That as soon as the census has been taken, and the cession and relinquishment has been obtained, approved, and ratified, as specified in section 1 of this act, all of said Chippewa Indians in the State of Minnesota, except those on the Red Lake reservation, shall, under the direction of said commissioners, be removed to and take up their residence on the White Earth reservation, and thereupon there shall, as soon as practicable, under the direction of said commissioners, be allotted lands in severalty to the Red Lake Indians on Red Lake reservation, and to all the other of said Indians on White Earth reservation, in conformity with the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;" and all allotments heretofore made to any of said Indians on the White Earth reservation are hereby ratified and confirmed with the like tenure and condition prescribed for all allotments under this act: *Provided, however*, That the amount heretofore allotted to any Indian on Whith Earth reservation shall be deducted from the amount of allotment to which he or she is entitled under this act: *Provided further*, That any of the Indians residing on any of said reservations may, in his discretion, take his allotment in severalty under this act on the reservation where he lives at the time of the removal herein provided for is effected, instead of being removed to and taking such allotment on White Earth reservation.

SEC. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, it shall be the duty of the Commissioner of the General Land Office to cause the lands so ceded to the United States to be surveyed in the manner provided by law for the survey of public lands, and as soon as practicable after such survey has been made, and the report, field-notes, and plats thereof filed in the General Land Office, and duly approved by the Commissioner thereof, the said Secretary of the Interior, upon notice of the completion of such surveys, shall appoint a sufficient number of competent and experienced examiners, in order that the work may be done within a reasonable time, who shall go upon said lands thus surveyed and personally make a careful, complete, and thorough examination of the same by 40-acre lots, for the purpose of ascertaining on which lots or tracts there is standing or growing pine timber, which tracts on which pine timber is standing or growing for the purposes of this act shall be termed "pine lands," the minutes of such examination to be at the time entered in books provided for that purpose, showing with particularity the amount and quality of all pine timber standing or growing on any lot or tract, the amount of such pine timber to be estimated by feet in the manner usual in estimating such timber, which estimates and reports of all such examinations shall be filed with the Commissioner of the General Land Office as a part of the permanent records thereof, and thereupon that officer shall cause to be made a list of all such pine lands, describing each 40-acre lot or tract thereof separately, and opposite each such description he shall place the actual cash value of the same, according to his best judgment and information, but such valuation shall not be at a rate of less than $3 per thousand feet, and thereupon such lists of lands so appraised shall be transmitted to the Secretary of the Interior for approval, modification, or rejection, as he may deem proper. If the appraisals are rejected as a whole, then the Secretary of the Interior shall substitute a new appraisal and the same or original list as approved or modified shall be filed with the Commissioner of the General Land Office as the appraisal of said lands, and as constituting the minimum price for which said lands may be sold, as hereinafter provided, but in no event shall said pine lands be appraised at a rate of less than $3 per thousand feet. Duplicate lists of said lands as appraised, together with copies of the field-notes, surveys, and minutes of examinations shall be filed and kept in the office of the register of the land office of the district within which said lands may be situated, and copies of said lists with the appraisals shall be furnished to any person desiring the same upon application to the Commissioner of the General Land Office or to the register of said local land office.

The compensation of the examiners so provided for in this section shall be fixed by the Secretary of the Interior, but in no event shall exceed the sum of $6 per day for each person so employed, including all expenses.

All other lands acquired from the said Indians on said reservations other than pine lands are for the purposes of this act termed "agricultural lands."

SEC. 5. That after the survey, examination, and appraisals of said pine lands has been fully completed they shall be proclaimed as in market and offered for sale in the following manner: The Commissioner of the General Land Office shall cause notices to be inserted once in each week for four successive weeks in one newspaper of general circulation published in Minneapolis, St. Paul, Duluth, and Crookston, Minn.; Chicago, Ill.; Milwaukee, Wis.; Detroit, Mich.; Philadelphia and Williamsport, Pa., and Boston, Mass., of the sale of said lands at public auction to the highest bidder for cash at the local land office of the district within which said lands are located, said notice to state the time and place and terms of such sale. At such sale said lands shall be offered in 40-acre parcels, except in case of fractions containing either more or less than 40 acres, which shall be sold entire. In no event shall any parcel be sold for a less sum than its appraised value. The residue of such lands remaining unsold after such public offering shall thereafter be subject to private sale for cash at the appraised value of the same upon application at the local land office.

SEC. 6. That when any of the agricultural lands on said reservation not allotted under this act nor reserved for the future use of said Indians have been surveyed, the Secretary of the Interior shall give thirty days' notice thereof through at least one newspaper published at St. Paul and Crookston, in the State of Minnesota, and, at the expiration of thirty days, the said agricultural lands so surveyed shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law: *Provided*, That each settler under and in accordance with the provisions of said homestead laws shall pay to the United States for the land so taken by him the sum of $1.25 for each and every acre, in five equal annual payments, and shall be entitled to a patent therefor only at the expiration of five years from the date of entry, according to said homestead

laws, and after the full payment of said $1.25 per acre therefor, and due proof of occupancy for said period of five years; and any conveyance of said lands so taken as a homestead, or any contract touching the same, prior to the date of final entry, shall be null and void: *Provided*, That nothing in this act shall be held to authorize the sale or other disposal under its provision of any tract upon which there is a subsisting valid pre-emption or homestead entry, but any such entry shall be proceeded with under the regulations and decisions in force at the date of its allowance, and if found regular and valid patents shall issue thereon: *Provided*, That any person who has not heretofore had the benefit of the homestead or pre-emption law, and who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws may make a second homestead entry under the provisions of this act.

SEC. 7. That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals, in this act provided, be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of 5 per cent. per annum, payable annually for the period of fifty years, after the allotments provided for in this act have been made, and which interest and permanent fund shall be expended for the benefit of said Indians in manner following: One-half of said interest shall, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians; and the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years, the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares: *Provided*, That Congress may, in its discretion, from time to time, during the said period of fifty years, appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding 5 per cent. thereof. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of $90,000 annually, counting from the time when the removal and allotments provided for in this act shall have been made, until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of $3,000,000, less any actual interest that may in the mean time accrue from accumulations of said permanent fund; the payments of such interest to be made yearly in advance, and, in the discretion of the Secretary of the Interior, may, as to three-fourths thereof, during the first five years be expended in procuring live-stock, teams, farming implements, and seed for such of the Indians to the extent of their shares as are fit and desire to engage in farming, but as to the rest, in cash; and whenever said permanent fund shall exceed the sum of $3,000,000 the United States shall be fully reimbursed out of such excess for all the advances of interest made as herein contemplated and other expenses hereunder.

SEC. 8. That the sum of $150,000 is hereby appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to pay for procuring the cession and relinquishment, making the census surveys, appraisals, removal and allotments, and the first annual payment of interest herein contemplated and provided for, which money shall be expended under the direction of the Secretary of the Interior in conformity with the provisions of this act. A detailed statement of which expenses, except the interest aforesaid, shall be reported to Congress when the expenditures shall be completed.

Mr. EDMUNDS. I ask the chairman of the Committee on Indian Affairs to explain this bill. It seems to me to be a very important one.

Mr. DAWES. The Senator from Minnesota [Mr. SABIN] reported it.

Mr. EDMUNDS. I was asking the chairman who I knew had charge of the Indians, the head mugwump, to tell us what he knew about it.

Mr. DAWES. Mr. President, this is quite an elaborate bill. It is an attempt to bring into one enactment plans that have been undertaken in different ways to manage and finally dispose of the Chippewa Indians of Minnesota, one of the greatest bodies of Indians that remain on the continent.

Mr. EDMUNDS. How extensive are these lands?

Mr. DAWES. These Indians occupy at the present time quite a number of reservations in Minnesota. The White Earth reservation is thirty-six townships. The Red Lake reservation is about 3,000,000 acres. The other reservations are one million and odd acres. The Senator from Minnesota [Mr. SABIN] says there are in all 4,010,000 acres.

The greatest value of all these reservations, except the White Earth reservation, is in the pine timber, which has become of immense value. The land upon which this pine timber grows is of scarcely any value to anybody, least of all to Indians.

The idea of the bill originally was to bring these Indians down on to the White Earth reservation, which is in the central part of Minnesota, and contains, as I said, thirty-six townships, which is as fine a tract of land, I suppose, as there is in all Minnesota.

Mr. PLATT. Have the Indians in any way signified their willingness to go there?

Mr. DAWES. That is embodied in the bill. There was an attempt two years ago by a commission authorized by act of Congress and appointed by the Interior Department, to go out and negotiate with all these Indians for this ultimate purpose. They made an agreement with them, all except the Turtle Mountain and another band of Indians, small bands, who held by such a peculiar title that they could not be negotiated with successfully.

The agreement which was brought here was reported to both Houses of Congress for ratification. It did not meet the approval of the Representatives and Senators from Minnesota, nor of either committee for different reasons, the committee of the Senate having objections to it for one reason and the committee of the House for another reason.

In the mean time there sprang up in one or two of these reservations opposition to this agreement which had been entered into. I thought myself it was a good agreement, although it did not cope with the main trouble, the disposition of the pine lands, but as far as it went I thought it was a good agreement. One of the Senators from Minnesota, the Senator not present, the Senator from Alabama [Mr. MORGAN], and myself went there, and we found these reservations in a very demoralized state.

Out of this grew a bill reported to the House of Representatives from the Indian Committee, drawn by a member of that committee from Minnesota, which passed the House of Representatives and was referred to the Committee on Indian Affairs of the Senate; but it did not meet the views of the Indian Committee of the Senate.

They have been trying to devise a measure all along; they have been endeavoring to get some method to dispose of the pine timber upon these reservations for the benefit of the Indians—in other words, to capitalize it—and they have brought into this bill a plan for that purpose, which is the result of consultations with lumbermen of the West who have no interest in this matter, and who could not possibly in any way derive any benefit from the sale of this timber; but their experience in the lumber business and the confidence the committee have in the authors of that part of this bill have led them to adopt it as it has been mapped out by those to whom the committee appealed for their experience. That is a part of this bill which involves probably five or six and it may be ten million dollars' worth of pine timber. If it can be capitalized honestly, it will provide a fund for these Indians probably larger than any fund ever provided for any Indians heretofore.

Mr. EDMUNDS. Where are the Indians to go in case of giving up these lands?

Mr. DAWES. I was going to say that in the meantime this measure provides for the removal of all the Chippewa Indians to the White Earth reservation and to the Red Lake reservation, not being able to bring them all down to the White Earth reservation, and also provides for the allotment to all these Indians of agricultural lands under the severalty law upon these two reservations, and then provides for the sale, for the benefit of the Indians, of the balance of the agricultural lands upon these two reservations which the commission provided for shall deem not necessary for the future use of the Indians. That is the general plan. Then the whole of this plan is to be submitted to all of these Indians for their approval; two-thirds of the Indians upon the White Earth reservation and all the other reservations but the Red Lake to signify their assent to it in writing.

As to the Red Lake reservation, which the Indians of Minnesota claim that all of them have a right to, although that is not admitted by the Indians upon the Red Lake reservation, it is required that there shall be the assent of all the Chippewa Indians to the transfer of that property to the United States for this purpose.

The plan is, first, to transfer the title of all this land to the United States, except so much as is to be allotted, and then the United States are to take it and capitalize it as pine land for the benefit of the Indians. That is the general plan. There is a great deal in it.

I will say, as the Senator from Minnesota reminds me of it, that, after all, these agreements are to be approved by the Secretary of the Interior and proposed to Congress for ratification before they take effect.

Mr. EDMUNDS. That I notice; but we find that these ratifications, the first step being taken, go almost as a matter of course. What I wish to ask is whether these Indians are to be removed from where they are now to these two reservations except by their consent? The Senator used the word "meantime."

Mr. DAWES. They are not to be removed until they consent to this general arrangement, part of which is that they shall go to these reservations.

Mr. EDMUNDS. May I ask further what is the nature of the title which these Indians now have to these lands?

Mr. DAWES. The title to the White Earth reservation is an act of Congress setting apart for the sole use of these Indians thirty-six townships of land. The title to the Red Lake reservation is the old original title of the Indians, the title of occupancy, recognized by Congress and supplemented by treaties in which, without using words of grant, it has been covenanted that they shall forever have the use or forever occupy, free from disturbance by white men, these lands, which is equivalent in point of fact, substantially, to a fee, though not exactly.

Mr. EDMUNDS. Then do I understand my honorable friend from Massachusetts to mean that, according to his observation of acts of Congress and treaties and so on, the title of these Indians is merely a corporate title in the whole body of them as a band or tribe, or whether there is anything in any of these acts of Congress which gives the individual members of these tribes a property right in the land? If the answer is affirmative to the first inquiry, then, of course, it would be competent for Congress to provide that these tribes in their corporate character, by a majority or two-thirds or whatever Congress may think fit, may dispose of them. If, on the other hand, any individual Indian of these tribes on any of these reservations is in the attitude of having a private property right, then it would seem to be somewhat difficult for Congress to say that two-thirds of his neighbors may take it away from him. I should like to know how that is.

Mr. DAWES. The treaties with all these Indians contain a stipulation that any Indian may have an allotment in severalty on these lands and shall have a certificate—they do not call it a patent, but a certifi-

cate—that he has taken an allotment under the treaty. They are treated by the United States as sole owners; but there has been, so far as I know, no allotments actually taken under the treaty.

The White Earth Indians, whose reservation is a beautiful square of thirty-six townships, claim that that was set apart for their sole use, and that they own it, and that, therefore, the United States have no business to bring other Indians on there; and hence it is provided that they, with the others, shall consent to all this arrangement before it shall take effect.

They have, in point of fact, all of them had allotments. They did, in anticipation of the passage of the severalty act, go out voluntarily themselves, under the advice of their agent, and have allotments all over the White Earth reservation, which have never gone through the formalities either of ratification by Congress or of ratification under the severalty act; but they are substantially themselves occupying tracts in severalty. It is a very complicated arrangement; it is very difficult of solution. The Indians there are in a sad state. The Committees on Indian Affairs in the House and in the Senate have labored with this thing very much. Whether this is a wise provision or not will depend upon the future. I would not guaranty that it will work without friction; but in so far as our committee is able to see this is about as wise a solution of the trouble up there as it can recommend.

Mr. PLATT. Mr. President, I should like to ask the chairman of the committee whether this takes the land of the Fond du Lac, the Cœur d'Oreille, the Flambeau, and the Bad River reservations.

Mr. SABIN. They are in another State.

Mr. DAWES. I understand that the reservations named by the Senator from Connecticut are in the State of Wisconsin. I will not assert positively that they are.

Mr. PLATT. Not all.

Mr. DAWES. I have gone on the supposition that they are in the State of Wisconsin.

Mr. PLATT. I think not all of them. I should like to inquire of the Senator from New Hampshire whether any of the following reservations are in the State of Wisconsin: Fond du Lac, Cœur d'Oreille, Flambeau, and Bad River, and whether some of these reservations are not in the State of Minnesota?

Mr. CHANDLER. The Fond du Lac reservation is in the State of Minnesota.

Mr. PLATT. And the others are in Wisconsin?

Mr. CHANDLER. The other three are in Wisconsin.

Mr. DAWES. I have been largely influenced in giving my consent to this bill by the fact that any possible arrangement which may be made has to be reported here for revision and for ratification before it becomes effective.

Mr. PLATT. I should like to make this further inquiry, whether upon all the reservations which I have named there have not been considerable portions of the land already allotted to portions of the Indians?

Mr. DAWES. In the Fond du Lac and the other French names that I can not speak, there has been a curious operation going on for the last six or eight months, which has possibly stimulated the committee to do something.

Under their old treaty, as I stated the other day, the privilege of taking allotments and having certificates of allotments has been exercised. Although the severalty act has been a law for two years, within the last year there has been a process going on in those reservations of alloting land under the treaty rather than under the law, and giving a certificate, because the men who held it under the treaty they thought had the power to sell the pine timber on it; so they were allotted all over that pine region most valuable pine lands which were good for nothing under heaven but for the pine that was on them, and then before the certificates got here to Washington for approval the poor Indian had sold all the pine on his 160 acres, and he had nothing in the world but stumps.

Mr. PLATT. Does the Senator understand that these same Indians, who have received their allotments or certificates and sold their lands, are to be treated just like all the rest of the Indians that are removed to the White Earth reservation and are to get their share of this fund over again?

Mr. DAWES. Well, I am a little stumped by that interrogatory, Mr. President.

Mr. EDMUNDS. It is all stumps. [Laughter.]

Mr. DAWES. I have trusted to the future revision of this contract by Congress.

Mr. HOAR. I should like to ask my colleague whether, considering the unusual importance of this transaction, which, I suppose, is the most important one bearing upon Indian interests we have had for many years here, as I judge from his statement, it would not be well to vest the power of personal responsibility of advising and assenting to it before it is reported to Congress in the President of the United States instead of the Secretary of the Interior? I think if the personal responsibility were upon the President, it would give the transaction a dignity which it would not possess through a Department officer.

As I understand the bill, the scheme which is to be reported by this commission to consist of three persons, one of whom is to be a citizen of Minnesota, is to be approved by the Secretary of the Interior before it is reported to Congress. My question is whether it would not be well, considering the great importance of the affair, to clothe the President of the United States himself with that responsibility in this case? Of course he would have the benefit of the advice of the Secretary of the Interior, but where Congress pursued the unusual course of imposing that duty upon the President in person, the transaction would be pretty sure to receive an unusual scrutiny before it came back to us here.

Mr. DAWES. I think there is force in the suggestion of my colleague. As this bill came from the House of Representatives the agreement for all this disposition, involving so many millions of dollars and so many acres of land, was to take effect upon the approval of the Secretary of the Interior, without any report whatever to Congress.

Mr. HOAR. I will move the amendment I have suggested, if my colleague has no objection.

Mr. DAWES. And it was in order to keep it under the control of Congress that it was modified so as to require the approval of the Secretary of the Interior. I think it will be further improved by requiring the approval of the President instead of the approval of the Secretary of the Interior.

Mr. HOAR. I move that the words "Secretary of the Interior," in line 3 of the first section, on page 11 of the amendment, be stricken out, and the words "President of the United States" inserted.

Mr. DAWES. The Senator from Minnesota has charge of the bill, and I do not consider myself authorized to indicate what would be the voice of the committee. I should rather the Senator from Minnesota would speak. It was only at his request that I have explained it.

Mr. SABIN. The Senator from Massachusetts [Mr. DAWES] being the author of the bill as it stands, I prefer to have him make his explanation. He has disemboweled the original bill and substituted one of his own.

Mr. HOAR. I move to amend the amendment of the committee, in section 1, line 3, on page 11, by striking out the words "Secretary of the Interior" and substituting "President of the United States;" and then, in the same section, in lines 41 and 42, I move to strike out the words "Secretary of the Interior" and substitute "President of the United States."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will be stated.

The SECRETARY. In section 1, line 3, of the amendment, after the words "that the," it is proposed to strike out "Secretary of the Interior" and insert "President of the United States."

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the Senator from Massachusetts will be stated.

The SECRETARY. In section 1 of the amendment, line 41, after the words "relinquishment by the," strike out "Secretary of the Interior" and insert "President of the United States."

The amendment to the amendment was agreed to.

Mr. CALL. I ask the chairman of the Committee on Indian Affairs if this bill is unanimously recommended and adopted by the committee?

Mr. DAWES. The Senator from Minnesota [Mr. SABIN] can answer better than myself. So far as I know, it has received the approval of the Committee on Indian Affairs.

I will say, as the Senator from Minnesota was kind enough to remark that it was my bill, that I drew the bill. I have been trying to make something out of the House bill for a good while, and I have been at work upon this bill, but the Senator from Minnesota has taken charge of the bill, and I believe honestly that it is the best bill that can be made to dispose of this whole matter.

Mr. PLATT. I ought to say perhaps that this bill might have been considered at some meeting of the committee when I was not present; I think so; at any rate I do not remember to have heard of the bill.

Mr. DAWES. The Senator from Connecticut was in Connecticut during the last meeting of the committee, but it has been before the committee several times.

Mr. PLATT. I think it would have struck me, because I know something about the land of some of the Indians, and something of the operations which have been going on up there, but I feel quite delicate about saying anything in relation to the bill, because I am on the committee. Still, if I can have the attention of the chairman for a moment, I want to make a suggestion as to whether this is the best thing that can be done for the civilization and the development of the Indians of that race. I have a very decided feeling myself that the worst thing you can do for a tribe of Indians is to make a great fund for them and pay them the interest upon it, and these Indians up there are now somewhat advanced on the road towards civilization. A good many of them wear citizens' clothes.

Mr. DAWES. Every Indian on the White Earth reservation wears citizens' clothes, except the medicine man, who goes there to see if he can not make a little money out of them.

Mr. PLATT. These Indians have already advanced somewhat towards civilization. My judgment, without thinking a great deal on the subject, is that to make a fund of $10,000,000 for these Indians will be, for the bands on the Fond du Lac reservation and the other reservations I have been talking about, more than $2,000,000.

Mr. SABIN. They are not included in this.

Mr. PLATT. I think they are all included. If they get the worth of the timber this fund will run up to a very considerable sum. It will be more than $5,000,000, I think.

Now, I believe the very worst thing that can be done for these Indians is to sell their land and put the proceeds into a fund and have them paid the interest regularly on that fund for fifty years, and possibly, as the bill provides, 5 per cent. of the principal in an emergency.

Mr. SABIN. Make it 3 per cent., then.

Mr. PLATT. I think the result will be that at the end of fifty years these Indians will not be a particle more advanced toward civilization than they are to-day. The truth is that the hardest Indians in the United States to civilize are the richest ones, and in proportion to the amount of their riches. You can not break up the tribal relation in a rich tribe of Indians with one-half the ease that you can among Indians that have no money. Riches bring a kind of aristocracy among them, and they maintain their manners and their customs and resist every possible attempt to civilize them. You may take their children and send them to school at Carlisle, and when they go back to the tribe they have either to be driven out or to go and adopt the customs and submit themselves to the regulations of the tribe.

Mr. DAWES. I should like to ask the Senator a question. Admit all that to be true, and then admit that this pine timber belongs to these Indians, and I ask the Senator what is he going to do? Is he going to let this timber lie until the solution of this question, or is he going to take this money upon the principle that it is going to hurt its owner and do something else with it? What would he do with it? If he will enlighten me on that subject, he will help me in this business.

Mr. PLATT. I know the difficulties of this problem, I think.

Mr. EDMUNDS. Will my friend from Connecticut yield to me?

Mr. PLATT. I will, if you will permit me to say one other word.

Mr. EDMUNDS. I will.

Mr. PLATT. I say this, Mr. President, as my judgment of a general principle, you are never going to elevate any human being in this world very much or advance him very far along the road to social development unless he has the spending of his own money.

Mr. EDMUNDS. This bill is very important, and the Senate is thin, and as I am not ready at this present moment to vote for it, although I may be when I consider it more, I think I ought to insist on my motion to adjourn; but I will state, as my friend from Minnesota wishes to go away to-morrow, that I will vote, if he wishes it, immediately after the morning business to-morrow morning to take the bill up and we can consider it with a full Senate. And now, subject to the Chair's desire to lay some papers before the Senate, I renew my motion to adjourn.

PENSACOLA AND MEMPHIS RAILROAD.

The PRESIDENT *pro tempore*. Before submitting the motion the Chair will lay before the Senate the amendment of the House of Representatives to the bill (S. 3573) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations near Pensacola, in the State of Florida.

The amendment will be stated.

The SECRETARY. On page 1, line 22, strike out "eighteen" and insert "three."

Mr. CALL. I move that the Senate concur in the House amendment.

Mr. EDMUNDS. What does that amendment mean, Mr. President? I wish to hear it explained.

Mr. CALL. The original bill as passed by the Senate gave to the Pensacola and Memphis Railway Company, a corporation organized under the States of Alabama and Tennessee, which is now building a railroad to Pensacola, the right of way through the naval reservation, or rather the use of 1,800 feet of the water-front for their wharves, subject to its value to be appraised by the Secretary. The House amendment limits it to 300 feet.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 11107) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;" and

A bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River, at Gadsden, in the State of Alabama.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 6782) for the relief of James Ballard; and

A bill (H. R. 8557) for the relief of Dr. David Bell.

The bill (H. R. 10098) to refer the claims of Richard H. Parkam, administrator of George Gorman, deceased, and Robert S. McDonald to the Court of Claims, was read twice by its title, and referred to the Committee on Claims.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The resolutions that were not concluded to-day, if there be no objection, will be considered as in the order of current business for to-morrow morning. The Chair hears no objection. The Chair announces the unfinished business, being the bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes.

Mr. EDMUNDS. Now I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Thursday, October 4, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October* 3, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

PUBLIC-LAND DECISIONS, ETC., INTERIOR DEPARTMENT.

The SPEAKER laid before the House the Senate amendments to the joint resolution (H. Res. 101) providing for the printing of decisions of the Interior Department with regard to public lands and pensions for sale.

Mr. RICHARDSON. I ask unanimous consent to consider the Senate amendments now and concur in them. They are only formal amendments.

The SPEAKER. The amendments will be read, subject to objection.

The amendments were read at length.

Mr. RICHARDSON. It does not require any money eventually, for it goes back into the Treasury. It is simply to sell the decisions.

There being no objection, the amendments were considered, and agreed to.

DR. JOHN B. READ.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 10633) for the relief of Dr. John B. Read.

Mr. FORNEY. Mr. Speaker, I ask unanimous consent to concur in the Senate amendments.

The SPEAKER. The amendments will be read, subject to objection.

The amendments were read at length.

There being no objection, the Senate amendments were considered, and agreed to.

LINCOLN LAND DISTRICT, NEW MEXICO.

The SPEAKER also laid before the House the bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico; which was read a first and second time.

Mr. MCRAE. Mr. Speaker, in behalf of the Delegate from New Mexico, who is temporarily absent, I ask leave to consider that bill now. It has been favorably reported upon by the House committee.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That all that portion of the Territory of New Mexico embraced within the boundaries of the county of Lincoln shall be constituted a separate land district, to be known as the Lincoln land district, the office of which said land district shall be located at the town of Roswell, Territory of New Mexico.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, a register and receiver of the public moneys of the United States for said district; and said officers shall reside in the place where the land office is located, and they shall have the same power and receive the same emoluments as are or may be prescribed by law in relation to other land officers in the Territories of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Before consent is given, I would like to inquire if a similar bill has been reported by the House committee?

Mr. MCRAE. It has.

Mr. DINGLEY. And meets the approval of the Secretary of the Interior?

Mr. MCRAE. It has the approval of the Land Commissioner.

Mr. DINGLEY. I have no objection to its consideration.

There being no objection, the bill was considered, ordered to a third reading; and it was read the third time, and passed.

Mr. MCRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES WEITFLE.

The SPEAKER also laid before the House Senate bill 3485, restoring the homestead right of Charles Weitfle; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARGARET KENNEDY.

The SPEAKER also laid before the House the bill (S. 307) for the relief of Margaret Kennedy, with House amendments disagreed to by the Senate.

The SPEAKER. If there be no objection, the House will insist upon its disagreement and agree to the conference asked. The Chair hears none, and it will be so ordered.

The SPEAKER subsequently announced the appointment of Mr. STONE, of Kentucky, Mr. LAWLER, and Mr. BROWER as conferees on the part of the House.

PENSACOLA AND MEMPHIS RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 3573) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations near Pensacola, in the State of Florida.

Mr. HERBERT. I ask unanimous consent to take up and consider that bill at the present time. The Committee on Naval Affairs have instructed me to report favorably a bill exactly like that excepting one word, and I shall ask that in that respect the bill be amended.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Pensacola and Memphis Railroad Company, a company organized under the laws of the States of Florida, Alabama, and Mississippi, is hereby granted the right of way, 100 feet wide, through the lands belonging to the United States lying near Pensacola, in the State of Florida, known as the naval reservation, be, and hereby is, granted to the Pensacola and Memphis Railroad Company, a corporation organized, etc., to be located to the satisfaction of the Secretary of the Navy, evidenced by his written consent: *Provided*, That the said railroad company, on notification by the Secretary of the Navy, shall, within a reasonable time thereafter, construct, maintain, and operate at its own expense a spur track or tracks to enter into and be located at such place or places within the present limits of the navy-yard inclosure on said reservation as may be designated by the Secretary of the Navy: *And provided further*, That the Secretary of the Navy be, and is hereby, authorized to allow the use by said company, in the accommodation of its general traffic and the maintenance of a coaling station, of so much of the land and water-front of the said reservation lying west of and outside the present navy-yard inclosure as in his judgment will not be required for naval purposes, and as will not be a hinderance to the public defense nor prejudicial to the health of those residing on the Government reservation, and not to exceed in any case 1,800 feet of water-front, which width may extend back along the line of said road not more than 1,000 feet; the value of the use of land to be appraised by a board of naval officers, to be appointed by the Secretary of the Navy: *And provided further*, That said company shall reimburse the residents of said reservation for any damage to their property or tenements caused by the construction, excavation, or operation of said road, such damage in all cases to be fixed by said board: *And provided further*, That the right of way and other privileges granted in this section shall become inoperative and null and void, unless the said railroad company shall complete the construction of and have in use its tracks across said reservation within one year from the date of the passage of this act.

The Secretary of the Navy may at any time when he shall deem it necessary for the public good cause to be removed or destroyed all or any of the structures hereby permitted, without subjecting the Government to damages, and Congress may at any time alter or repeal this act.

And the said company shall not erect or allow the use of any residences on said reservation, nor shall it erect any structures of any kind thereon, except such as the Secretary of the Navy shall approve, and all approvals in this act required shall be in writing.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. HERBERT. Mr. Speaker, I ask to amend that bill, in accordance with instructions from the Committee on Naval Affairs, by striking out, in line 22 of the first section, the words "eighteen hundred," and in lieu thereof inserting the words "three hundred;" so it will read "300 feet."

I will state that the purpose is to give the railroad company a sufficiency of water front, but not to authorize them to monopolize all the front. There is room enough for several other railroads if they desire it.

The amendment was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY LECOMTE.

The SPEAKER also laid before the House joint resolution (S. R. 112) authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Henry Lecomte, of Switzerland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RETURN OF BILL TO SENATE.

The SPEAKER also laid before the House the following request of the Senate:

IN THE SENATE OF THE UNITED STATES, *October* 1, 1888.

Resolved, That the Secretary be requested to ask the House of Representatives to return to the Senate the bill (S. 577) for the relief of the American Grocer Association, of the city of New York.

The SPEAKER. If there be no objection, the request will be complied with and the Clerk will return the bill to the Senate.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. MAISH, indefinitely, on account of important business.

To Mr. FELTON, indefinitely, on account of important and pressing personal business.

To Mr. PAYSON, indefinitely, on account of business.

To Mr. BYNUM, indefinitely, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a concurrent resolution, in which the concurrence of the House was requested, providing for printing for the use of Congress 10,000 additional copies of the work known as "Growth of Industrial Art;" 3,500 copies for the use of the Senate, and 6,500 for the use of the House of Representatives.

The message also announced that the Senate had passed a joint resolution (S. R. 104), in which the concurrence of the House was requested, to print additional copies of the United States map, of the edition of 1887, prepared by the Commissioner of Public Lands.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 9182) granting a pension to Ransom Riley;

A bill (H. R. 9148) granting a pension to Jane Robinson;

A bill (H. R. 9106) granting a pension to Peter Liner;

A bill (H. R. 8993) for the relief of Shadrach W. Brown;

A bill (H. R. 10122) granting a pension to Margaret Quinton;

A bill (H. R. 10121) granting a pension to Sarah A. Mason;

A bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll;

A bill (H. R. 10103) granting a pension to William Fairbanks;

A bill (H. R. 10017) granting a pension to Samuel Anderson;

A bill (H. R. 10504) granting a pension to Mary Hooper;

A bill (H. R. 11332) granting a pension to Eliza S. Glass;

A bill (H. R. 10007) for the relief of Henry Rose;

A bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan;

A bill (H. R. 9169) granting a pension to Tempy M. Johnson;

A bill (H. R. 11029) for the relief of Mary Vanbuskirk;

A bill (H. R. 11021) granting a pension to Charles Hahneman;

A bill (H. R. 11005) granting a pension to Esther Gaven;

A bill (H. R. 10944) granting a pension to Victoria May;

A bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood;

A bill (S. 3141) granting an increase of pension to Jonas Doering;

A bill (S. 1264) granting a pension to Martha V. Coleman;

A bill (S. 330) granting a pension to Manon Vangordon;

A bill (H. R. 10633) for the relief of Dr. John B. Read;

A bill (H. R. 10824) granting a pension to Mary A. Van Buskirk;

A bill (H. R. 2139) granting a pension to George Rhody;

A bill (H. R. 9341) granting a pension to Dulcena Noel;

A bill (H. R. 10245) granting an increase of pension to Hannibal Kimball;

A bill (H, R. 10827) for the relief of Catharine Teegardin;

A bill (H. R. 2120) granting a pension to Elizabeth Evans;

A bill (H. R. 2471) granting a pension to Anna M. Noyes;

A bill (H. R. 2073) granting an increase of pension to Daniel Willborg;

A bill (H. R. 1085) granting a pension to Thomas Rains;

A bill (H. R. 200) granting a pension to Walter O. Watson;

A bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota;

A bill (H. R. 5174) granting a pension to Statira Young;

A bill (H. R. 4102) granting a pension to Mary A. Carr;

A bill (H. R. 11057) granting a pension to Margaret Gray;

A bill (H. R. 4039) granting a pension to Mary A. Pfeiffer;

A bill (H. R. 10881) granting a pension to Nancy G. Cotner;

A bill (H. R. 2472) granting a pension to Lydia A. Eaton;

A bill (H. R. 968) granting a pension to H. S. Sayre;

A bill (H. R. 508) granting a pension to Sarah F. Hawkins;

A bill (H. R. 201) granting a pension to Edward Waters;

A bill (H. R. 4820) granting a pension to Edwin Kelly.

A bill (H. R. 4038) granting a pension to Victoria, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire;

A bill (H. R. 9371) granting a pension to Betsey Williams;

A bill (H. R. 9370) granting a pension to Mrs. Susan Bates;

A bill (H. R. 7185) granting a pension to Samuel Neikirk;

A bill (H. R. 6409) for the relief of Perry R. Nye;

A bill (H. R. 3908) increasing the pension to Jesse L. Garrett;

A bill (H. R. 3801) granting a pension to Nelson G. Crook;

A bill (H. R. 3504) for the relief of John Geeman;
A bill (H. R. 3152) for the relief of Arlington M. Harrison;
A bill (H. R. 2788) granting a pension to Lieut. George T. Russell;
A bill (H. R. 2716) granting a pension to J. W. Leight;
A bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustave W. Geyer;
A bill (H. R. 2566) for the relief of Phillip Kopplin;
A bill (H. R. 2474) granting a pension to Joseph Lincoln Young;
A bill (H. R. 6201) granting a pension to John Robeson;
A bill (H. R. 6022) granting a pension to Smith Bodkins;
A bill (H. R. 5740) granting a pension to Anson Ward;
A bill (H. R. 5193) granting an increase of pension to Benjamin Franklin;
A bill (H. R. 7457) granting a pension to Eleanor D. Heath;
A bill (H. R. 9935) to increase the pension of Isaac Hurd;
A bill (H. R. 9862) granting a pension to Benjamin F. Bair;
A bill (H. R. 9719) for the relief of Thomas Shackelford;
A bill (H. R. 7485) granting a pension to Mrs. V. Wilcox;
A bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth;
A bill (H. R. 7912) for the relief of Frances P. Vernon;
A bill (H. R. 8200) granting a pension to Lydia Ann Wilber;
A bill (H. R. 8553) granting a pension to Arabella Davis;
A bill (H. R. 8748) to increase the pension of Richard Jobes;
A bill (H. R. 11222) granting a pension to Elizabeth Heckler;
A bill (H. R. 11243) granting a pension to Mary E. McQueen;
A bill (H. R. 10738) to increase the pension of George C. Quick;
A bill (H. R. 10708) granting a pension to Jane E. Knoble;
A bill (H. R. 10705) granting a pension to Mary O. L. Tanner;
A bill (H. R. 10687) granting a pension to Charles Junot;
A bill (H. R. 10672) granting a pension to Mighill H. Patten;
A bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang;
A bill (H. R. 10629) granting a pension to Washington Ryan;
A bill (H. R. 10563) granting a pension to William S. Latham;
A bill (H. R. 6309) for the relief of Mary A. Covey;
A bill (H. R. 10210) to increase the pension of Philip Thomas;
A bill (H. R. 10173) granting a pension to Catharine Mulligan;
A bill (H. R. 10171) granting a pension to Rachael Rogers;
A bill (H. R. 11030) granting a pension to Susan E. Latture;
A bill (H. R. 10159) granting a pension to Jenny Buell;
A bill (H. R. 9975) granting a pension to Joseph Welsh;
A bill (H. R. 10342) granting a pension to John Dauper;
A bill (H. R. 10274) granting a pension to Joseph W. Filler;
A bill (H. R. 10258) to place the name of Cyrus Millins on the pension-roll;
A bill (H. R. 10256) to place the name of Lucy Wagor on the pension-roll;
A bill (H. R. 10241) increasing the pension of Richard Porter;
A bill (H. R. 10224) granting a pension to Elias H. Hall;
A bill (H. R. 5248) for the relief of the American Grocer Association;
A bill (H. H. 2696) for the relief of John J. Crooke;
Joint resolution (H. Res. 210) authorizing the printing of the third annual report of the Commissioner of Labor;
Joint resolution (S. R. 110) in aid of the sufferers from yellow fever;
A bill (S. 317) for the relief of William A. Bevens;
A bill (S. 544) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont;
A bill (S. 602) for the relief of James Millinger;
A bill (S. 654) granting a pension to John Motz;
A bill (S. 1766) granting a pension to Stephen Butler;
A bill (S. 2321) granting a pension to John V. Hennessey;
A bill (S. 2519) to make enlisted men of the Signal Corps responsible for public property;
A bill (S. 3168) regulating admission to the institutions of the Association for Works of Mercy in certain cases, and for other purposes;
A bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyoming;
A bill (S. 2606) granting a pension to John B. Timberman;
A bill (S. 3098) concerning the settlement of the boundary lines between Connecticut and Rhode Island;
A bill (S. 3208) granting a pension to William S. Bradshaw;
A bill (S. 3306) granting a pension to Mary K. Richards;
A bill (S. 122) granting a pension to Samuel Lane;
A bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia;
A bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia; and
Joint resolution (S. R. 10) relating to the inclosure of certain points of special interest on the battle-field of Gettysburgh.

RICHARD H. PARHAM, ADMINISTRATOR.

Mr. MORGAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 10098) to refer the claims of Richard H. Parham, administrator of George Gorman, deceased, and Robert S. McDonald to the Court of Claims.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear and determine the claims of Richard H. Parham, administrator of George Gorman, deceased, and of Robert S. McDonald, of Marshall County, Mississippi, for stores and supplies taken and used by the Army of the United States during the late war.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. EZRA B. TAYLOR. I would like to know whether any committee has reported this bill?

Mr. MORGAN. Yes, sir; it has been reported by the Committee on War Claims with a favorable recommendation. The claim involves only nine or ten thousand dollars, and the bill simply provides for a reference of it to the Court of Claims for inquiry and ascertainment of the facts.

The SPEAKER. Is there objection?

Mr. DINGLEY. I desire to reserve the right to object until I hear the report read.

The report (by Mr. CROUSE) was read, as follows:

The Committee on War Claims, to whom was referred the bills (H. R. 825 and 829) for the relief of Richard H. Parham, administrator of George Gorman, deceased, and Robert S. McDonald, report as follows:

It appears from the proof submitted that the Committee on War Claims of the Forty-ninth Congress transmitted these claims to the Court of Claims for a finding of facts under the provisions of the Bowman act. The loyalty has been favorably determined by the court, but the cases were dismissed by that tribunal for want of jurisdiction.

Your committee are of opinion that the court should have jurisdiction so as to pass upon the merits of the claims, and report herewith a bill conferring authority upon the Court of Claims to adjudicate the claims, and recommend its passage.

Mr. DINGLEY. I should like to have the gentleman from Alabama [Mr. MORGAN] explain why these cases were dismissed by the court for want of jurisdiction.

Mr. MORGAN. I do not know exactly, but I think there was some statute intervening. I believe the claim was not presented in time, through some inadvertence on the part of the attorneys employed.

Mr. DINGLEY. Simply a statute of limitation?

Mr. MORGAN. Simply a statute of limitation.

Mr. DINGLEY. Can the gentleman state whether these supplies were furnished by order of the proper officers?

Mr. MORGAN. The supplies were furnished to the Army, but I can not say by whose order. All these questions, however, will be investigated by the court.

Mr. DINGLEY. I understand the gentleman to say that the bill only provides for a reference of the claims to the Court of Claims.

Mr. MORGAN. Simply a reference for the ascertainment of the facts.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DR. DAVID BELL.

Mr. BUTLER. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 8557) for the relief of Dr. David Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money not otherwise appropriated, to pay to Dr. David Bell, of Limestone Cove, Unicoi County, Tennessee, his pay as assistant surgeon of the Thirteenth Tennessee Cavalry, from the 15th day of May, 1864, to the 1st day of January, 1865; he having discharged the duties as such surgeon by the request and direction of the colonel of said regiment and General Gillem, commander of the brigade in which said regiment belonged. His services were required on account of an unusual amount of sickness in said regiment.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. BUTLER]?

Several MEMBERS. Let the report be read.

The report (by Mr. BROWER) was read, as follows:

The Committee on War Claims, to whom was referred House bill 8557, report as follows:

This is a claim for services as assistant surgeon of the Thirteenth Tennessee Cavalry from the 16th of May, 1864, to 1st of June, 1865.

Your committee report back the bill and recommend that it do pass.

Mr. KILGORE. I would like to inquire of the gentleman from Tennessee [Mr. BUTLER] why it is that this claim has never been presented before. Twenty-five years have elapsed since it accrued, and it seems to me it ought to have been presented and disposed of long ago.

Mr. BUTLER. I do not know the reason. The claimant has made efforts here through his Representatives for years, but I suppose he could never get anybody to attend to it. [Laughter.]

Mr. KILGORE. I believe I shall have to object.

Mr. BUTLER. I hope the gentleman will not object until he hears my statement.

Mr. KILGORE. How much money is involved?

Mr. BUTLER. Four or five hundred dollars.

Mr. WHITE, of New York. This is only about six months' pay altogether.

Mr. KILGORE. A little thing may be as far out of the way as a big thing.

Mr. BUTLER. The claimant is an old man and is now on his back with paralysis.

Mr. KILGORE. I will not object.

The SPEAKER. Is there further objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES BALLARD.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 6782) for the relief of James Ballard.

The bill was read, as follows:

Be it enacted, etc., That the Paymaster-General of the Army of the United States, out of any money in his hands for the payment of the Army, is hereby authorized and directed to pay to James Ballard, late of Company —, Third North Carolina Mounted Infantry, an amount equal to the pay and allowances of a —— lieutenant, from the —— day of ——-, 186—, to —— day of ——,186—.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. TURNER, of Georgia. Reserving the right to object, I would like to have the gentleman from North Carolina state the character and amount of the bill.

Mr. JOHNSTON, of North Carolina. The report is very brief and it explains the character of the bill. Let the report be read.

The report (by Mr. BROWER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 6782) for the relief of James Ballard, report as follows:

James Ballard was mustered into service as a private in Company A, Third North Carolina Mounted Infantry Volunteers, June 11, 1864, to serve three years. For some reason he was transferred to Company G, same regiment, and in March and April, 1865, he is reported as second lieutenant, present for duty, "promoted from the ranks per special order dated Headquarters Department of the Cumberland, Nashville, Tenn., March 21, 1865."

Muster-out roll of said company, dated August 8, 1865, reports him second lieutenant, "promoted from private to second lieutenant, February 16, 1865."

Your committee therefore report back the bill and recommend its passage with the following amendments:

In line 6, insert "G" after "Company;" in line 7, insert "second" before "lieutenant;" in line 8, insert "sixteenth" before "day," and "February" after "of," and "five" after "sixty."

In line 9, insert "eighth" before "day," "August" after "of," and "five" after "sixty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

YANKTON AND MISSOURI RIVER RAILWAY COMPANY.

The SPEAKER announced the appointment of Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. NELSON as conferees on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. 7547) granting the right of way to the Yankton and Missouri River Railway Company through the Yankton reservation, in Dakota.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes; also that the Senate further insisted on its amendments numbered 41, 100, 112, 113, 114, and 231 to the said bill, disagreed to by the House of Representatives.

The message also announced that the Senate had agreed to reports of committees of conference on the disagreeing votes of the two Houses on bills and joint resolution of the following titles:

A bill (S. 3234) to abolish circuit-court powers of certain district courts of the United States, and for other purposes;

A bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes; and

Joint resolution (S. R. 110) in aid of sufferers from yellow fever.

The message also announced that the Senate had disagreed to the amendment of the House to the bill (S. 3559) to amend section 2304 of the Revised Statutes of the United States to allow persons who have abandoned or relinquished their homesteads to make another entry, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. DOLPH, Mr. PADDOCK, and Mr. BERRY.

JAMES E. ANDREWS.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8847) to authorize the Secretary of the Treasury to issue certain duplicate bonds to James E. Andrews, in place of certain bonds destroyed by fire, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HAUGEN. I ask leave to make a statement.

The SPEAKER. The gentleman, as the Chair understands, asks leave to make a statement, reserving the right to object.

Mr. HAUGEN. Yes, sir.

The SPEAKER. The Chair hears no objection.

Mr. HAUGEN. Mr. Speaker, during the early part of this session the gentleman from Minnesota [Mr. NELSON], who now calls up this bill, asked unanimous consent for the passage of a bill which, as I considered, affected injuriously my constituents. I exercised my privilege of objecting to that bill. On Friday last I called up a bill which in no wise affected the interests of any constituent of the gentleman from Minnesota; but he saw fit to apply to me the *lex talionis*, and to object to the consideration of that bill, at the same time serving notice upon me that I should pass no bill here until I consented to the passage of the bill of his which I considered injurious to the interests of my district. I shall therefore apply to the gentleman the same rule which he applied to me. I object to the consideration of this bill.

ADDITIONAL CLERK FOR COMMITTEE ON ENROLLED BILLS.

The SPEAKER. The gentleman from Texas [Mr. KILGORE], chairman of the Committee on Enrolled Bills, asks the adoption of a resolution designed to facilitate the work of that committee, all the members of the committee, except himself, being now absent from the city. The Clerk will read the resolution, after which there will be opportunity for objection.

The Clerk read as follows:

Resolved, That the Committee on Enrolled Bills be authorized to employ one additional clerk at the rate of $6 per day, for the remainder of this session of Congress, to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection?

Mr. EZRA B. TAYLOR. I object.

SUFFERERS BY WRECK OF TALLAPOOSA.

Mr. TIMOTHY J. CAMPBELL. I rise to make a privileged report—the report of a committee of conference. I will state that the original copy of the amendments was mislaid or lost; and the Clerk has prepared another copy to conform to the action of the House.

The SPEAKER. The gentleman from New York [Mr. TIMOTHY J. CAMPBELL], who desires to present the report of a committee of conference, states that the original engrossed copy of the House amendments was mislaid, and that the Clerk of the House has made a duplicate copy of those amendments, upon which this report is based. If there be no objection, the House will proceed to act upon the report. The Chair hears no objection.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment numbered 1 of the House, and agree to the same with the following amendment: Strike out from the original bill the words "one thousand" and insert the words "seven hundred and fifty."

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Page 3, line 26, strike out the words "or in case there be not such, then the parent or parents, and if there be no parents the brothers and sisters;" page 3, line 30, strike out the words "Clarence E. Black, passed assistant surgeon," and at the end of the section add: "*And provided further*, That there shall be paid out of the Treasury of the United States to the legal representatives of Clarence E. Black, passed assistant surgeon United States Navy (deceased), the sum of $750."

T. J. CAMPBELL,
L. F. MCKINNEY,
DANIEL KERR,
Managers on the part of the House.

J. D. CAMERON,
WM. E. CHANDLER,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

The report was agreed to.

Mr. TIMOTHY J. CAMPBELL moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that that body requested the return of the bill (H. R. 10633) for the relief of Dr. John B. Read.

BRIGHTWOOD RAILWAY COMPANY.

Mr. HEARD. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment numbered 1, and agree to the same with an amendment as follows: After the words "single or," in line 8, insert "with the approval of the commissioners of the District, a;" so as to read: "And by that name may sue and be sued, implead and be impleaded, with authority to construct and lay down a single or, with the approval of the commissioners of the District, a double track, etc."

That the Senate recede from its disagreement to the amendment of the House numbered 2, inserting, after the words "cents," in line 12, page 2, the words "*Provided*, If electric wires or cables are used, the same shall be placed underground."

That the Senate insist on its disagreement to the amendment of the House numbered 3, and the House recede from the same, the amendment being to insert, after the word "jurisdiction," in line 7, page 6, the words "*Provided*, That the full amount of the capital stock subscribed shall be paid in full in cash before said company shall operate said road."

That the House recede from its disagreement to the amendment numbered 4, inserting, after the word "instruction," in line 16, page 9, the words "*Provided*, That it shall exercise no powers not herein expressly granted."

B. COMPTON,
JOHN T. HEARD,
M. S. BREWER,
Managers on the part of the House.

I. G. HARRIS,
C. B. FARWELL,
JOHN C. SPOONER,
Managers on the part of the Senate.

The SPEAKER *pro tempore*. The Clerk will read the statement of the House conferees, which, under the rules, accompanies the conference report.

The Clerk read as follows:

STATEMENT OF CONFEREES.

Mr. Speaker, the conferees on the part of the House, appointed to confer with the Senate conference committee on the disagreeing votes of the two Houses on the amendments of the House to Senate bill No. 2742 to incorporate the Brightwood Railway Company of the District of Columbia, respectfully submit the following statement relative to said conference, and in explanation of the report herewith presented:

The Senate recedes from its disagreement to amendment numbered 1, and agrees to the amendment with an amendment. The amendment of the House proposed to strike out the word "double," in line 8 of section 1, so as to limit said company to the privilege of building a single track. The amendment to the amendment qualifies the restriction so that with the approval of the District commissioners a double track may be laid.

Amendment numbered 2, the disagreement to which is receded from by the Senate, requires said company, in case it uses electric wires or cables, to place the same under the ground, which the House conferees regarded as important, and successfully urged its adoption.

Amendment numbered 3, from which your conferees recommend that the House recede, was designed to compel the stockholders to pay in full the par value of the entire capital stock authorized to be issued by the company before said company should operate said road. This amendment is not regarded as important, for the reason that said company is not authorized to issue any bonds or other obligations in which the public could become interested, and while the amount of the capital stock authorized to be issued is just what your committee thought necessary, if paid in full, to build said road. Still, if the road can be built for less, we see no reason why any more money should be paid into the treasury of said company than would be necessary to construct the road, which is the only thing in which the outside public is really interested.

Amendment numbered 4, from which your conferees recommend that the House recede, is in the nature of a proviso, which reads as follows: "*Provided*, That it shall exercise no powers not herein expressly granted." This being considered surplusage by your conferees, and it being objected to by the Senate conferees on the ground that the absence from other similar charters of any such language, and its adoption here, might be held by implication to be intended to curtail in an unusual measure the powers and privileges of this company, and your conferees being of the opinion that it is entirely unnecessary to protect the public, they therefore make the recommendation to recede.

The report was adopted.

Mr. HEARD moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. KILGORE. I demand the regular order of business.

Mr. BURNES. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 13, 14, 19, 23, 26, 28, 34, 35, 36, 37, 38, 40, 43, 48, 49, 50, 51, 52, 64, 66, 67, 78, 79, 81, 82, 84, 85, 86, 90, 91, 93, 103, 116, 117, and 137.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 20, 21, 22, 24, 25, 27, 30, 31, 32, 33, 44, 45, 46, 47, 53, 55, 56, 57, 58, 59, 60, 61, 62, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 80, 83, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 101, 102, 104, 105, 106, 108, 109, 110, 111, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, and 229, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,000;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment, insert "6,000;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"To refund to the heirs of C. A. J. Flemister the balance of the proceeds of a sale of certain real estate of said Flemister, covered into the Treasury over and above his indebtedness to the Government, $475."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following: "To enable the commissioners of the District of Columbia to employ counsel in special cases during the fiscal year 1889, $2,500, or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Increase of water supply, Washington, D. C.: That all work heretofore performed upon the Washington Aqueduct tunnel, together with the provisions of any contract made for the same or any portion thereof, shall forthwith be fully investigated by a joint select committee of six members, of whom three shall be members of the Senate, to be appointed by the President of the Senate, and three shall be members of the House of Representatives, to be appointed by the Speaker. Said committee shall have authority to employ a clerk and stenographer and such experts as it may deem necessary for the investigation; it may sit during the sessions of Congress or in recess, and shall have full power either in full committee or subcommittee to administer oaths and send for persons and papers and to conduct its investigation either in Washington or in such places as may be deemed necessary; it shall make full report of its proceedings and the conclusions arrived at, with such recommendations as it may deem proper, to Congress on or before January 1, 1889; and for these purposes the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated to be disbursed on vouchers approved by said committee."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "sixty-seven" and insert in lieu thereof the word "sixty-six;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,328.07;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"To provide for the payment of the claims enumerated in Senate Executive Document No. 270, Fiftieth Congress, first session, for fees of district attorneys, as follows, namely: Fiscal year 1886, $320; for fiscal year 1887, $4,744.90; in all, $5,064.90."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment and insert after line 2, page 2, of the bill, the following:

"To pay out of humane consideration, and without reference to the question of liability therefor, the sum of $276,619.75 to the Chinese Government as full indemnity for all losses and injuries sustained by Chinese subjects within the United States at the hands of residents thereof."

And the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"To reimburse the Official Reporter of the Senate for moneys paid for clerical hire during the first session of the Fiftieth Congress, and for extra clerical services and expenses occasioned by the prolongation of the session, $5,000."

And the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"To pay all session employés of the House of Representatives authorized by the 'Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes,' approved March 3, 1887, at the several rates of compensation therein allowed from the 5th day of July, 1888, to the end of the present session of Congress, $45,000."

And the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: After the matter proposed to be inserted by said amendment insert the following:

"SEC. 7. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations, the balance of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1886 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Executive Document No. 455, Fiftieth Congress, first session, there is appropriated as follows:

"WAR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

"For pay of two and three year volunteers, 1871 and prior years, $27,708.15.

"For bounty to volunteers and their widows and legal heirs, 1871 and prior years, $20,069.46.

"For bounty, act of July 28, 1886, 1880 and prior years, $4,525.89.

"For pay, etc., of the Army, 1886 and prior years, $369.47.

"For pay, etc., of the Army, 1887, $606.20.

"For pay, etc., of the Army, 1888, $225.75.

"INTERIOR DEPARTMENT CLAIMS ALLOWED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

"For pay of Indian agents, 1886 and prior years, $206.75.

"WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

"For transportation of the Army and its supplies, 1886 and prior years, $64.81.

"For regular supplies, Quartermaster's Department, 1886 and prior years, $59.25.

"For incidental expenses, Quartermaster's Department, 1886 and prior years, $164.62.

"For clothing and camp and garrison equipage, 1886 and prior years, 88 cents.

"For 50 per cent. of arrears of Army transportation due certain land-grant railroads, 1886 and prior years, $5.68.

"For commutation of rations to prisoners of war in rebel States and to soldiers on furlough prior to July 1, 1886, $435.

"For contingencies of fortifications, $49.33.

"For pay, transportation, services, and supplies of Oregon and Washington Volunteers in 1855 and 1856, 1871 and prior years, $23.67.

"For horses and other property lost in the military service prior to July 1, 1886, $5,415.16.

"NAVY DEPARTMENT—CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

"For pay of the Navy prior to July 1, 1886, $18,798.40.

"For pay, Marine Corps, prior to July 1, 1886, $11.40.

"For provisions, Navy, Bureau of Provisions and Clothing, 1886 and prior years, $2,327.93.

"For enlistment bounties to seamen, prior to July 1, 1886, $100.

"For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* United States, $135.50."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 41, 100, 112, 113, 114, and 231.

JAS. N. BURNES,
JOSEPH D. SAYERS,
THOS. RYAN,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. McKENNA. I reserve all points of order.

The SPEAKER. Is the reading of the statement on the part of the House conferees demanded?

Mr. BURNES. I move, by unanimous consent, its reading be dispensed with.

Mr. OATES. I should like to have it read.

The statement of the House conferees accompanying the conference report under the rules was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 108 6) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years and other purposes, submit the following written statement in explanation of the effect of the action recommended on said amendments by the conferees in the accompanying report:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9: Appropriates for certain items of deficiencies on account of the diplomatic and consular service, which have been certified by the proper accounting officers of the Treasury Department.

On amendment numbered 10: Strikes out the item of $271.71 proposed to be inserted to reimburse B. T. Bonham, United States consul-general at Calcutta, for transit pay in 1885.

On amendment numbered 11: Increases the amount for procuring additional evidence relative to the French spoliation claims from $500 to $1,000.

On amendment numbered 12: Appropriates $6,000 to pay S. Dana Horton for additional services as delegate to the International Monetary Conference and as delegate and secretary to the Monetary Conference.

On amendment numbered 13: Strikes out proposed appropriation of $700 for depositary in addition to his pay as postmaster at Tucson, Ariz.

On amendment numbered 14: Strikes out proposed appropriation of $36 for wages and contingent expenses in the assay office at Boisé City.

On amendments numbered 15, 16, and 17, which provides for salaries of two additional associate justices of the supreme court of Dakota, and for an additional associate justice of the supreme court of New Mexico.

On amendment numbered 18: Strikes out provision to reimburse William Caldwell as custodian of the custom-house at Cincinnati, Ohio.

On amendment numbered 19: Strikes out proposed appropriation of $2,500 for punishment for violation of internal-revenue laws.

On amendment numbered 20: Appropriates $10,000 for continuation of public building at Louisville, Ky.

On amendment numbered 21: Appropriates $2,873.88 to pay amount found due on account of the public building at Waco, Tex.

On amendment numbered 22: Appropriates $6,594 to complete the public building at Concord, N. H.

On amendment numbered 23: Strikes out proposed appropriation of $3,372 for payment of a judgment rendered against the collector of customs at San Francisco for the recovery of damages for the alleged wrongful seizure and sale of certain opium.

On amendment numbered 24: Appropriates $595 for payment to Samuel H. Robinson for services in connection with the sanitary improvement of the Treasury building.

On amendment numbered 25: Appropriates $9,000 for the payment of electoral messengers.

On amendment numbered 26: Strikes out proposed appropriation of $20,000 for a steam revenue-vessel at Key West, Fla.

On amendment numbered 27: Appropriates $4,000 to complete the fish-hatchery at Duluth.

On amendment numbered 28: Strikes out proposed appropriation of $266.10 for salaries and traveling expenses of agents at seal-fisheries in Alaska.

On amendment numbered 29: Appropriates $80.96 to refund to Iselin, Neeser & Co. amount of excessive interest collected in error by the United States district attorney at New York, and $475 to refund to the heirs of C. A. J. Flemister, the balance of the proceeds of a sale of certain real estate of said Flemister, covered into the Treasury over and above his indebtedness to the Government.

On amendments numbered 30, 31, 32, and 33: Authorizes the purchase of a suitable site out of the appropriations already made for the erection of the light-house and fog-signal at Castle Hill, R. I., appropriates $582.75 to re-imburse the keepers of light station at Mattagorda, Tex., and Sabine Pass, La., for losses incurred by them during storms in 1885; and authorizes the settlement of accounts of expenses incurred in connection with the interment of the remains of Maj. O. E. Babcock and L. P. Lucky, drowned while in the discharge of their duty in connection with the light house service.

On amendments numbered 34, 35, and 36: Strikes out proposed appropriation of $64 to reimburse the governor of Washington Territory on account of contingent expenses.

On amendment numbered 37: Appropriates $110 for the redemption of a certificate of indebtedness issued under authority of the Legislative Assembly of the District of Columbia.

On amendment numbered 38: Strikes out the provision fixing the average annual salaries of teachers in the public schools of the District of Columbia at $673.60 during the fiscal year 1889.

On amendment numbered 39: Appropriates $3,010.75 to supply deficiencies on account of the District of Columbia for 1888 and $2,500 to enable the commissioners of the District to employ counsel in special cases during the fiscal year 1889.

On amendment numbered 40: Strikes out proposed appropriation of $973.06 on account of the school building adjoining the Sumner building, in the District of Columbia.

On amendment numbered 42: Strikes out proposed provision extending the time for completing the Washington aqueduct tunnel from November 1, 1888, to June 30, 1889, and provides for the appointment of a joint select committee of the Senate and the House to investigate the subject of the construction of said tunnel.

On amendment numbered 43: Strikes out the proposed appropriation of $15,-138.84 to pay the Standard Under-ground Cable Company of Pittsburgh, Pa., for under-ground cables laid in the city of Washington.

On amendment numbered 44: Appropriates $5,570.23 for payment of Paul Butler for royalty on hook attachments for arms of the United States.

On amendment numbered 45: Increases the amount for mileage to officers of the Army from $5,000 to $6,000.

On amendment numbered 46: Makes a verbal correction in the text of the bill.

On amendment numbered 47: Appropriates $2,606.80 to reimburse the Hartford and New York Transportation Company for labor and money expended on the Connecticut River in 1886.

On amendments numbered 48, 49, 50, 51, and 52: Appropriates $15,800 for payment to the Hoboken Land Improvement Company, and strikes out proposed appropriations for payment of claims of the Baltimore and Ohio Railroad Company, Von Hoffman & Co., and the Pennsylvania Railroad Company and other claimants enumerated in House Executive Document 210, Forty-ninth Congress, first session.

On amendment numbered 53: Provides for the settlement of accounts incurred in the purchase of horses for the War Department.

On amendment numbered 54: Appropriates $77,250 for payment to State of South Carolina for rent of the Citadel Academy and for losses by fire of the west wing of said building, occupied by the United States.

On amendment numbered 55: Appropriates $11,723.64 to reimburse certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities.

On amendments numbered 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, and 80, relating to the Navy Department, Navy Establishment, and Marine Corps: Appropriates for the payment of certain amounts certified to be found due by the accounting officers of the Treasury; strikes out the provisions for payment for portraits of certain ex-Secretaries of the Navy; to relieve the pay inspector at Key West, Fla., for certain payments erroneously made, and the pay inspector on board the United States flag-ship Tennessee for expenditures incurred in entertaining public officials during the exposition at New Orleans; and strikes out the provision to settle the accounts of cadet-engineer graduates affected by the act of July 9, 1888, fixing their status in accordance with the decision of the Supreme Court of the United States.

On amendment numbered 81: Provides for the payment of certain employés in the Patent Office the sums severally due them for difference between the amounts received and the salaries appropriated by law for the positions to which they had been appointed or promoted without taking the oath of office prior to November, 1886.

On amendment numbered 82: Strikes out proposed appropriation of $2,000 for payment to the legal representatives of the late Richard Joseph, disbursing clerk of the Census Office.

On amendment numbered 83: Appropriates $907.69 to pay amounts found due on account of preservation of abandoned military reservations.

On amendments numbered 84, 85, and 86: Strikes out proposed appropriation of $184,143.09 to reimburse certain funds belonging to the Chickasaw Nation of Indians.

On amendment numbered 87: Authorizes the payment of $1,000 to T. F. Richardville out of the appropriation in the sundry civil bill for the Western Miami Indians.

On amendment numbered 88: Authorizes the payment of $1,000 to John Wadsworth out of an appropriation in the sundry civil bill for the Kaskaskia, Wea, Peoria, and Piankeshaw Indians.

On amendment numbered 89: Makes an appropriation of $1,200 for payment to W. B. Ferguson and Frederick C. Fisher for services rendered the Eastern band of Cherokee Indians.

On amendment numbered 90: Strikes out proposed appropriation of $68.47 for payment to Bartholomew Coffey for services as farmer at the Umatilla Indian agency.

On amendment numbered 91: Strikes out proposed appropriation of $935.37 for payment to George T. Newman for beef-cattle furnished the Blackfeet Indians.

On amendment numbered 92: Increases the appropriation for deficiency on account of clerks in post-offices in 1887, $473.

On amendment numbered 93: Appropriates $1,000 to pay the Assistant Attorney-General of the Post-Office Department for services in preparing the new edition of the Postal Laws and Regulations.

On amendments numbered 94 and 95: Appropriates $1,025 to pay for rent of post-office at Fairfield, Iowa, and Pontiac, Mich.

On amendment numbered 96: Appropriates $711 to pay Joseph Paul for paving roadways in the Agricultural Department grounds.

On amendment numbered 97: Makes an appropriation of $3,000 to pay unsettled accounts for experiments in the manufacture of sugar from sorghum and sugar-cane.

On amendments numbered 98 and 99: Appropriates $206.72 to reimburse the disbursing clerk of the Department of Justice for certain payments made by him on account of the Government.

On amendment numbered 101: Increases the appropriation on account of fees of district attorneys, 1888, $12,367.41.

On amendment numbered 102: Increases the appropriation for deficiency on account of district attorneys, 1887, $598.20.

On amendment numbered 103: Appropriates $1,500 to pay Joseph Campbell for prosecuting certain Apache Indians charged with murder in Arizona.

On amendment numbered 104: Increases appropriation for deficiency on account of United States commissioners, 1888, $2,498.72.

On amendment numbered 105: Increases appropriation for deficiency on account of United States commissioners, 1887, $1,705.73.

On amendment numbered 106: Appropriates $8,030.80 for payment of United States attorneys and assistants on account of the fiscal years 1886, 1887, and 1888.

On amendment numbered 107: Appropriates $14,951.72 for special assistant United States attorneys on account of the fiscal years 1886, 1887, and 1888.

On amendments numbered 108 and 109: Appropriates $10,016.81 for expenses of Territorial courts in Utah during the fiscal year 1887.

On amendments numbered 110 and 111: Appropriates $25,000 for support of United States prisoners, fiscal year 1887.

On amendment numbered 115: Provides for payment, out of humane consideration and without reference to the question of liability, the sum of $276,619.75 to the Chinese Government as full indemnity for all losses and injuries sustained by Chinese subjects within the United States at the hands of residents thereof.

On amendment numbered 116: Appropriates $125 to refund to David Day a portion of a fine remitted by pardon of the President.

On amendment numbered 117: Strikes out provision that the benefits of extra pay to printers on the CONGRESSIONAL RECORD shall be extended to the compositors appointed by the foreman.

On amendment numbered 118: Appropriates $10,000 to pay 15 per cent. additional to employés of the Government Printing Office employed on the night force.

On amendment numbered 119: Appropriates $25,000 to enable the Public Printer to comply with the law granting fifteen days' annual leave to employés of the Government Printing Office for the fiscal years 1887 and 1888.

On amendments numbered 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, and 135: Provide for certain deficiencies on account of expenses of the Senate, and appropriates $5,000 to reimburse the Official Reporter of the Senate for moneys paid for clerical hire during the first session of the Fiftieth Congress, and for extra clerical services and expenses occasioned by the prolongation of the session.

On amendment numbered 136: Provides that hereafter a statement of all appropriations made during each session of Congress, including new offices created, salaries of each, and salaries of offices increased, offices the salaries of which are reduced or omitted, together with a chronological history of the regular appropriation bills, shall be prepared under the direction of the Committees on Appropriations of the Senate and House of Representatives, and appropriates $1,200 for doing the work.

On amendment numbered 137: Restores the provisions proposed to be stricken out by the Senate, to reimburse the five Official Reporters of the debates of the House of Representatives for moneys paid by them during the present session for clerical hire and extra clerical service.

On amendment numbered 138: Appropriates $500 to pay Alexander Van Geuder as extra compensation for services as assistant clerk to the Committee on Invalid Pensions; and $45,000 to meet a deficiency on account of the pay of session employés of the House for the present session of Congress.

On amendment numbered 139: Appropriates $19.30 to pay foreign postage on account of the Library of Congress.

On amendmenst numbered 140, 141, 142, 143, 144, and 145: Corrects an error in the spelling of a name; provides for the payment of the following additional judgments of the Court of Claims, namely: Francis E. Green, $545.20; Sarah M. Burge, $576.99; the New York Central and Hudson River Railroad Company, $144,092.92; and strikes out the provision to pay judgment in favor of Martin E. Hall, for $316.71.

On amendment numbered 146: Authorizes the Secretary of the Navy to loan scientific instruments in possession of the Navy Department to persons taking observations or making investigations for the use of the Signal Service.

On amendment numbered 147: Strikes out proposed appropriation of $38,861.18 to reimburse Kentucky for expenses incurred in suppressing the rebellion, the same being provided for elsewhere in the bill.

On amendments numbered 148 to 230, inclusive: Appropriates for the payment of claims audited by the accounting officers of the Treasury and certified to Congress in Senate Executive Documents Nos. 255 and 269 of the present session, and in House Executive Document No. 455, this session.

The committee of conference have been unable to agree on the following amendments, namely:

On amendment numbered 41: Appropriating $2,500 to enable the commissioners of the District of Columbia to employ and pay special counsel to represent the District in the case of Samuel Strong, authorized to be submitted to an arbitration board under a joint resolution of Congress approved July 10, 1888.

On amendment numbered 100: Appropriating $8,745 to pay to the widow of the late Chief-Justice Morrison R. Waite, being the balance of salary for one year.

On amendments numbered 112 and 113: Appropriating $80,000 to further aid the Industrial Christian Home Association of Utah Territory.

On amendment numbered 114: Appropriating one year's salary to the widow of Lafayette Dancey, an employé of the Internal Revenue Bureau, who died of yellow fever in Florida while in the discharge of his duty in the public service.

On amendment numbered 231: Extending the laws of the United States over the unorganized territory known as "No Man's Land," and authorizing the entry of public lands therein under the homestead laws.

The bill as it passed the House appropriated $3,227,518.32. As it passed the Senate it appropriated $5,165,048.65.

The bill, so far as it has been agreed upon by the conference committee, appropriates $4,933,223.57, being a reduction under the amount as it passed the Senate of $231,825.08.

The items of appropriation involved in the Senate amendments upon which the conference committee have been unable to agree aggregate $91,245.

JAS. N. BURNES,
JOSEPH D. SAYERS,
THOS. RYAN,
Managers on the part of the House.

During the reading,

Mr. SPINOLA said: Is this the proper time to object to an amendment?

The SPEAKER *pro tempore* (Mr. RICHARDSON in the chair). It is not.

Mr. ROGERS. I did not hear read or it escaped my attention what provision has been made in reference to the investigation of the aqueduct construction, or, in other words, what appropriation has been made for that work?

Mr. BURNES. I will take that up the first item.

Mr. HOOKER. I heard something read in reference to No Man's Land, and as this matter is akin to the Oklahoma question, I wish to know whether the committee has given any attention to that matter.

Mr. BURNES. I will refer to it before I get through.

Mr. HOOKER. I do not feel justified in calling up the Oklahoma question during the absence of the gentleman from Illinois [Mr. SPRINGER]. [Laughter.]

Mr. ROGERS. It would annoy the gentleman from Missouri less if I should ask him now to state precisely what was done with the Utah matter.

Mr. BURNES. Mr. Speaker, the amendment numbered 42 is a provision legislative in its character, extending the time provided by law for the completion of the aqueduct to supply water to the city of Washington. Pending the consideration of that amendment in conference, it was suggested that instead of extending the time for the completion of the work we should provide for a thorough, full, and complete investigation of all the facts concerning the entire work done under the War Department by the Corps of Engineers. So the Senate amendment was changed in conference to a provision simply to raise a committee to consist of three Senators and three Members of the House, to be appointed by the respective presiding officers of the two Houses, to make the investigation. The condition in which the work now is, its character, and the conduct of all parties engaged in it we think should be rigidly investigated, including, of course, all the contracts that have been made and reported to Congress by the 1st day of January next.

That is all we have done with regard to the aqueduct.

Mr. ROGERS. No appropriation whatever?

Mr. BURNES. Yes; an appropriation to pay the expense of the investigation—$5,000.

Mr. ROGERS. But nothing further?

Mr. BURNES. Nothing further.

Mr. OATES. I do not understand whether this is to be investigated by a commission or by a committee.

Mr. BURNES. By a joint committee of Congress.

Mr. CHEADLE. Has the work been discontinued?

Mr. BURNES. I think not.

It is a well-known fact, Mr. Speaker, that the Congress of the United States and the department of the Government most interested in the control and management of this work have been fully and duly advised of the fact that the work needed careful executive attention and administration. It is not for me to say nor do I believe there will be found any material cause of complaint against the officials of the War Department—I mean the head of the War Department and the head of the Engineers—unless, indeed, they have been negligent or careless in regard to the administration of the law. But that wrongs unparalleled almost in public works have been allowed to be perpetrated, or perpetrated without observation on the part of those whose duty it is to observe, is beyond question. Therefore this investigation has been provided for. As giving information now that will be of service to the public and perhaps of service to every member on this floor, I will have read and published in the RECORD, as a part of my remarks, not only the facts and figures relating to the appropriations for the work, but all of the facts with reference to its continuance and completion as they have come to the Committee on Appropriations of this House; and I ask the Clerk to read from a report made by the committee on the urgent deficiency bill making the final appropriations.

Before that is read, however, I wish to say that appropriations having been doubled beyond the estimates originally made, and there being still a demand for more money to complete the work, the Appropriations Committee determined to make a finish of it and for that purpose called before the committee all the parties engaged in the work, or nearly all, and consulted them with reference to the estimates which had been submitted for its completion. The estimates were $320,000. After a full examination and cross-examination and re-examination, the last dollar and the last cent that anybody asked for was $355,000 to make the final completion of the work.

Mr. SAYERS. In that connection, my colleague should state that we also had Major Lydecker before us.

Mr. BURNES. Yes, sir; Major Lydecker was before the committee.

Now, with reference to the time, it was provided in the law that this work should be finished by the 1st day of November. I find nothing on record with regard to the fact, and I can only bear personal testimony as to my own recollection, and as we were particular with regard to the final appropriation, so we were particular in giving more time than was demanded by any one in connection with the work, as I recollect. Therefore, to my mind there is no justifiable reason in departing from or for extending the time for the completion.

I ask the Clerk to read from the report of the committee.

The Clerk read as follows:

INCREASED WATER SUPPLY, WASHINGTON CITY.

The bill appropriates $355,000 to complete the work of increasing the water supply of the city of Washington. The estimate submitted in the annual Book of Estimates for 1889 for this object was $320,000, but upon examination it was deemed necessary to increase the amount asked for to the sum which is given, and to place the appropriation in this bill in order that the work, which is now suspended for the lack of funds, may be resumed at the earliest moment practicable. The engineer officer in charge of the work, Major Lydecker, gives positive assurance that the sum recommended, $355,000, will complete this work without further delay, and that there will be no further application to Congress for appropriations.

In this connection it is proper to call attention to the fact that the original estimates for this work have been largely exceeded. The original act authorizing the extension of the water supply, passed July 15, 1882 (vol. 22, Statutes at Large, page 170), appropriated for the work $1,485,279.30. Since that time Congress has made the following additional appropriations:

July 7, 1884	$87,500
March 3, 1885	87,500
March 26, 1886	5,000
August 4, 1886	555,000

Making the aggregate appropriations to date $2,220,279.30, which, added to the sum now asked for and recommended, make a total of $2,575,279.30, or $1,090,000 over and above the amount originally appropriated for the work, and based on estimates of its entire cost.

Something of the history and progress of this work may, with profit, be given here.

The plan of connecting the reservoirs by means of a tunnel aqueduct was the work of Capt. R. L. Hoxie, Corps of Engineers, United States Army, when he was in charge of the water supply and sewerage of the District of Columbia, under Maj. William J. Twining, Engineer Commissioner.

Preliminary plans were presented to Congress in February, 1879; but it was not until July 15, 1882, that an act was passed and approved authorizing the work to be done. Under this act the various parts of the work were provided for separately, according to the estimates submitted, and of the whole amount appropriated to complete the works for "increased water supply, Washington," about $600,000 were allotted for the tunnel aqueduct.

A contract to "complete the tunnel in every respect" was, after public bidding, entered into near the close of the year 1883. In the progress of the work the plans made by Captain Hoxie were found quite immature, and his estimate of cost but little more reliable than a bold guess. For example: The plans contemplated a tunnel without a brick lining; the necessity for such lining was soon apparent. The plans contemplated shafts of given depth; that at the eastern end had to be sunken 43 feet beyond the given depth; that at the western end 47 feet beyond the given depth; that at Foundry Branch 28 feet; that at Rock Creek 16 feet; that at Champlain avenue 24 feet—all below the given depths for such shafts.

In May, 1885, Capt. T. W. Symons succeeded Captain Hoxie as superintending engineer, under Major Lydecker, however, by whom the necessity for the brick lining of the tunnel was clearly recognized. Meanwhile, in addition to the original appropriation of $1,485,279.30, the further sum of $175,000 had been appropriated by acts of July 7, 1884, and March 3, 1885. Perhaps but little of these enormous appropriations remained unexpended when Major Lydecker was placed in charge of the work. He requested Congress to appropriate $395,000 for its completion. Pending an examination of the situation by the subcommittee on the "District appropriation bill" of the first session Forty-ninth Congress, the sum of $5,000 was appropriated to protect and preserve the property or work from injury; and after a thorough examination by such subcommittee and an able report thereon, the further sum of $555,000 was, on August 4, 1886, appropriated, with the confident hope and assurance that no further appropriation would be necessary.

At the present session of Congress your committee was confronted with an estimate—again to complete the work, of course—requiring an additional appropriation of $320,000. After a careful examination of the whole matter, including an examination of Major Lydecker, your committee concluded to appropriate $35,000 more than the estimate, making the further sum of $355,000, in order to be able to say that the most earnest and solemn assurances have been given by Major Lydecker that he can and will finally complete said entire work without any further or additional appropriation, and at an early day. The importance of such early completion to the people residing or sojourning in the city of Washington is apparent to all, and no reasonable doubt of such completion ought to exist.

It must not be understood that the committee has any want of confidence in the integrity or skill of Major Lydecker; on the contrary, it is very evident that he has struggled faithfully against the difficulties of an immature, if not impracticable, plan which descended to him from his predecessor, and for which he is in no way justly chargeable. The result, however, to the Government has been disastrous. A work—this tunnel—originally estimated to cost, say, $600,000, will have cost when the present appropriation is expended, say, $1,400,000. And the entire work for this increased water supply, originally estimated to cost $1,485,279.30, will have cost $2,575,000.

Can no method be devised that will give the same degree of certainty in the cost of public works that attends the construction of works by private enterprise? Would an engineer, architect, or superintendent of a work carried on by private individuals hold his position for a day, or be a second time employed by any one, if he should make such mistakes as we have seen have been made in this matter, to the injury of the General Government and of the people of the District? Remedy must come, if it come at all, through the executive department rather than the legislative. The former has the power to apply it.

Mr. BURNES. Mr. Speaker, I ask the Clerk also to read a part of a supplemental report made by the committee at the same session of Congress on the same subject.

The Clerk read as follows:

In this supplementary report the committee deem it proper to refer to so much of the report already made, accompanying said bill H. R. 6437, as refers to the "increased water supply, Washington City," and to add that at the first session of the Forty-ninth Congress the subcommittee having in charge the District appropriation bill made a thorough investigation of the facts bearing upon the plan and progress of the work of completion of the tunnel for the water supply of Washington, embodying their views in report No. 3109 of that session. The following extract is taken therefrom:

"WATER SUPPLY, WASHINGTON, D. C.

"The amounts recommended under above head are in accordance with the estimates of Executive Document 39, present session. The $160,000 asked for the completion of the reservoir is needed because it has been found necessary to replace much of the bottom of the same with hard clay at places where quicksand or other unsafe conditions were unexpectedly found, and to haul from other sections of the tunnel the stone needed for lining, that excavated nearest the reservoir being soft and crumbling.

"The sum needed to complete the tunnel is explained in same document and the reasons for its appropriation further set forth in the voluminous testimony which accompanies this report. The original estimates contemplated, as a rule, a surface conduit, to connect the existing reservoir with the new one, 4 miles distant. The plan finally adopted was for a siphon tunnel to be sunk under Rock Creek and driven (as was expected) through continuous solid rock. In the construction of the work, however, the rock has not been found continuously solid or homogeneous, and nearly one-half of the tunnel passes or will pass through rock which softens and crumbles on exposure to air and water. This has compelled heavy outlay for lining these portions, and the method pursued has been to insert in the sections of the tunnel which require treatment a brick lining with dry stone packing.

"Capt. R. L. Hoxie, United States Engineers, having submitted to the committee some written strictures on this method of lining, and maintained that a concrete lining would be safer and cheaper, he was given a full hearing before a subcommittee, and the engineers in charge, Maj. G. J. Lydecker and Capt. T. W. Symons, were also examined in defense of their plans. General M. C. Meigs, Col. Thomas L. Casey, Lieut. Col. W. P. Craighill, and Maj. William Ludlow, United States Engineers, were also consulted upon the questions raised.

"The subcommittee investigating the matter, though not convinced that a mistake had been made in the plans adopted for lining the tunnel, but recognizing the difficulty, the novelty, and the importance of these questions and the expediency of submitting them to competent experts, have, in recommending the amount called for by the estimates, provided that the Secretary of War shall forthwith take the advice of the highest engineer board of the Army upon the plans and methods heretofore pursued. One-half of the above sums are chargeable to the District of Columbia."

In neither the report from which the above was taken nor that to which this is supplementary was it intended to point out or determine either the merits or demerits of the plan or plans of the work as adopted, nor was it the purpose or intention of either committee to cast blame upon or award praise to any particular person or persons for the part taken by him or them in either the inception or prosecution of the work. Beyond the errors, whether at the inception or subsequently, which experience has demonstrated, and the inequality of estimates, which appropriations, made and now to be made, have established, the subject need not in this paper be pursued.

The names of Capt. R. L. Hoxie, Maj. William Twining, Capt. T. W. Symons, and Maj. G. J. Lydecker, all of the Corps of Engineers of the United States Army, were mentioned in the reports, and each had more or less to do, at one time or another, with the work under consideration, and yet a more complete investigation than has been given and fuller knowledge of the subject might show circumstances or conditions, having relation to imperfections of the science of their profession or to geological or other mysteries, which neither industry nor skill can ascertain and determine in advance, that would exonerate either one or all of them from censure. The Executive Department in authority or a special committee of Congress may appropriately make such investigation and determine wherein the faults properly lie.

This committee has sought only to make, and now again makes, an earnest protest against the great and growing evil of careless, inaccurate, or unreliable estimates of the cost of public works, upon which Congress is compelled to rely in the authorization of and the appropriations for such works. This evil has grown into an almost universal custom, and in nearly all cases Congress finds, when it is too late, that vast expenditures in excess of estimates are required. This excess is often double the estimates, and not infrequently is followed by the added burden of a suit and judgment in the Court of Claims on a careless contract. The alarming discrepancies between the estimated and actual cost of the works mentioned in the original report afford Congress an excellent opportunity to emphasize its abhorrence and make manifest the necessity of reform.

Mr. BURNES. In addition to what has been presented upon this subject by the committee, I desire to submit two letters just received, one from the Secretary of War and the other from the engineer in charge of the work, Major Lydecker. They are addressed to the chairman of the Committee on Appropriations, and have just been received. These letters will give the House the information in possession of the committee up to date.

The Clerk read as follows:

WAR DEPARTMENT, *Washington City, October 3, 1888.*

SIR: I have the honor to transmit herewith for your information a copy of a report dated the 2d instant, from Maj. G. J. Lydecker, Corps of Engineers, stating that it is now apparent that the Washington aqueduct tunnel can not be completed by November 1, 1888, as required by the urgent deficiency act approved March 30, 1888, making appropriations for the work, and suggesting that some provision may be made which will enable the tunnel to be kept clear of water and the work continued to insure completion as soon as possible, and especially to facilitate the examination of all matters relating to the work on the tunnel and to its management.

Very respectfully,

R. MACFEELY,
Acting Secretary of War.

HON. SAMUEL J. RANDALL,
Chairman of the Committee on Appropriations,
House of Representatives.

OFFICE OF THE WASHINGTON AQUEDUCT,
Washington, D. C., October 2, 1888.

SIR: The urgent deficiency act approved March 30, 1888, appropriated $355,000 for the Washington aqueduct tunnel, and required all the work to be completed by November 1, 1888.

Under date of March 29, 1888, I reported to the Chief of Engineers that it would be absolutely impossible to comply with this provision of law and stated the reasons in full. As soon as the bill became a law operations were resumed and every effort made on my part to force the contractors up to the greatest possible rate of progress, but, as is well known, the work is still far from completion.

As it is now apparent that it can not be completed in the time specified, and as it is probable the accounting officers of the Treasury will decline to audit accounts for work done after that date, I respectfully request that the appropriation committees of the Senate and House of Representatives be informed of this matter, in order that some provision may be made that will enable the tunnel to be kept clear of water, and the work continued, to insure completion as soon as possible, and especially to facilitate a most intelligent and exhaustive examination of all matters relating to work on the tunnel and to its management. Such examination I most earnestly desire, in view of the representations recently made in Congress and in the public press.

In connection with this matter I may properly add that we have heretofore discovered defective work in the tunnel lining, and at once caused it to be made good by the contractors. The rigid examination now in progress has developed some large holes; but such as are already shown up can be made perfectly good at a cost of not more than $5,000, while the sum now due the contractors and withheld to insure proper work is more than ten times that amount. Further, they are under heavy bonds to make good all defective work now known or that may be developed by the examination in progress.

Finally, there need be no delay in the time of completing the work due to any known defects, or such as are likely to be developed.

Very respectfully, your obedient servant,

G. J. LYDECKER,
Major of Engineers.

THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

Mr. BURNES. This, Mr. Speaker, is all I have to submit with regard to the proposition under consideration.

Mr. ROGERS. Pardon me a moment. What amount of money now is at the disposition of the contractors to go on with the work?

Mr. BURNES. I do not know the amount now unexpended, but have not heard from any quarter that there was an insufficiency of money to complete the work.

Mr. ROGERS. There is no stoppage of the work at all?

Mr. BURNES. There is no stoppage of the work unless after the 1st of November a question as to whether payments can be made for work after the time fixed by law for its completion.

Mr. ROGERS. Does not the conference report provide that the time shall be extended from the 1st of November until next June?

Mr. BURNES. No, sir. There is no extension at all. The law now provides that the work shall be completed by the 1st day of No-

vember, 1888, and I do not know, but I presume that these contractors are under bonds with a penalty for its completion by that time.

Mr. ROGERS. Will the gentleman state whether or no Major Lydecker is still in control of this work?

Mr. BURNES. Undoubtedly he is; and perhaps I ought to say that he seems now to be taking some interest in it. [Laughter.]

Mr. DINGLEY. That is a very pleasant announcement.

Mr. ROGERS. I wish to ask the gentleman from Missouri [Mr. BURNES] upon whose testimony it was that the report was made reflecting so severely upon Captain Hoxie? Who were the witnesses?

Mr. BURNES. I will say to my friend from Arkansas that it would be impossible for me to tell now exactly with certainty who the witnesses were, or what were the sources of the information upon which the report was based.

Mr. ROGERS. Was Major Lydecker one of them?

Mr. BURNES. He was before us, and gave his views freely.

Mr. ROGERS. Was he one of the witnesses?

Mr. BURNES. He was before us; but I can not say he was there in the capacity of a witness.

Mr. ROGERS. I hope the committee will now give Captain Hoxie a shot at him. [Laughter.]

Mr. BURNES. Well, I will say that I hope the Government of the United States will so profit by these lessons that no contract for any public work shall be hereafter sublet by the contractor. These contractors have perhaps done no more with reference to this work than to sublet it and profit by the margin between the contract price and that at which it is done by the actual workmen. They took the contract and sublet it for the margins they could make. They have taken the place of the Government, and let the work to the men who are actually doing it; and although it may be said that they are responsible upon their bond, yet, on the other hand, penalties in bonds of this character are most generally valueless. Every sort of claim to defeat a recovery is usually made, and too often with success. If the contractor of a public work were required actually to perform it with his own employés he could not escape responsibility for neglect or fraud, which his system of subletting almost invariably causes. As it is, he makes his gain, the subcontractor is generally the loser, and upon his head the odium is cast, when it rightfully attaches to his principal.

I sympathize with the suggestion of my friend from Arkansas [Mr. ROGERS], and I hope this committee which is to be raised will give Captain Hoxie an opportunity of presenting his side of the case.

Mr. CLEMENTS. Before the gentleman from Missouri leaves this subject I ask him to yield to me to have read from the desk some charges and statements that have been made in the public press in regard to the letting of this contract.

Mr. BURNES. I yield to my colleague on the committee all the time he desires.

Mr. CLEMENTS. I send to the Clerk's desk the matters which I desire to have read.

The Clerk read as follows:

HERE IS MORE RICHNESS—HOW BECKWITH & QUACKENBUSH OBTAINED THEIR CONTRACT—MAJOR LYDECKER'S FRIENDLY REPORT—HOW THEY WERE $83,200 HIGHER THAN THE LOWEST BIDDER, BUT THIS MADE NO DIFFERENCE TO THE MAJOR—WAS IT DUE TO FAMILY INFLUENCE?

When the Congressional inquiry into the construction of the Aqueduct tunnel is made some very interesting facts will be brought to light in regard to the letting of the contract to Beckwith & Quackenbush. In pursuance of an advertisement, bids for the work were opened October 5, 1883. There were, in all, seven bids for the construction of the tunnel, and of these that of J. H. Dewees & Co., of this city, was the lowest, at $464,900, on the amount of work estimated for in the first estimates of the engineers in charge. Next came Eugene Robinson, of Detroit, at $540,903, and Beckwith & Quackenbush were third, at $548,100, or $83,200 more than J. H. Dewees & Co., and $7,197 more than Eugene Robinson. The bids in detail were as follows:

"J. H. Dewees & Co., excavation of tunnel at $6.74 per cubic yard, $431,360; earth excavation in shafts at $6.25 per cubic yard, $9,375; rock excavations at $12.40 per cubic yard, $14,880; brick masonry at $12 per cubic yard, $3,000; concrete masonry at $5 per cubic yard, $3,300; dry packing at $2.50 per cubic yard, $1,000; air shafts complete at $4.75 per linear foot, $1,995. (Total amount of bid, $464,900.)

"Eugene Robinson, excavation of tunnel at $7.78 per cubic yard, $497,920; earth excavation in shafts at $5.60 per cubic yard, $8,400; rock excavation in shafts at $16.24 per cubic yard, $19,488; brick masonry in shafts at $16.70 per cubic yard, $4,175; concrete masonry at $15.75 per cubic yard, $9,075; dry packing at $2.25 per cubic yard, $900; air shafts complete at $2.25 per linear foot, $945. (Total amount of bid, $540,903.)

"Beckwith & Quackenbush, excavation of tunnel at $8 per cubic yard, $512,000; earth excavation in shafts at $6 per cubic yard, $9,000; rock excavation at $10 per cubic yard, $12,000; brick masonry at $18 per cubic yard, $4,500; concrete masonry at $5 per cubic yard, $3,400; dry packing at $2.50 per cubic yard, $1,000; air shafts complete at $15 per linear foot, $6,300. (Total amount of bid, $548,150.)"

The advertisement for bids reserved to the War Department the right to reject any or all bids, but it is not often that a contract is let to a bidder who is over $80,000 in advance of the lowest bidder unless there is some very good reason for rejecting the lower bid. In this case there were two bids below that of Beckwith & Quackenbush, and it will be for the Congressional committee to ascertain why they were thrown out and the work given to the present contractors, under whose subcontracts all the frauds that have been discovered were perpetrated.

Col. J. H. Dewees, of J. H. Dewees & Co., did not allow the contract to go to Beckwith & Quackenbush without a vigorous protest. The bids were opened October 5, 1883, and it was at once apparent that J. H. Dewees & Co. were the lowest, and on October 9 Major Lydecker sent Colonel Dewees a note asking him to call at his office the next day. Colonel Dewees said yesterday to a Post reporter that he called in response to the note, and found Major Lydecker and Lieutenant Hoxie in the office. He had a long conversation with them, in the course of which every item of the bid was gone over, and Colonel Dewees says the two officers argued to convince him that he could not do the work at the amount of his bid. Mr. Dewees, however, was satisfied that he could do it and make money, but the officers seemed very solicitous lest he should lose money. They also told him that the contract required that the bidder should have a plant worth $50,000 with which to prosecute the work. Colonel Dewees acknowledged that he had no plant, but said that he had $50,000 cash with which to buy a first-class plant.

THE FIRST PROTEST.

He soon learned that the Secretary of War was about to award the contract to Beckwith & Quackenbush, and that this award was to be made upon the advice of Major Lydecker, concurred in by General Wright, then Chief of Engineers, though General Wright had cautioned Major Lydecker that he assumed a grave responsibility in not awarding the contract to the lowest bidder. Colonel Dewees, upon receipt of this information, wrote a letter to the Secretary of War, vigorously protesting against the award of the contract to any bidder other than himself. This letter is on file in the office of the Chief of Engineers of the Army. It reads as follows:

"WASHINGTON, D. C., *October* 19, 1883.

"SIR: We are bidders for work on the new water supply works of Washington, D. C., to the amount of $464,900. We made this bid in response to a public advertisement, and we have a right to assume that the object of the advertisement was to secure the lowest responsible bid. Our bid is, as we are informed and believe, $83,200 lower than that of Beckwith & Quackenbush, of New York, and $7,093 less than that of Eugene Robinson, of Detroit. We learned some days since by the public newspapers, and yesterday by information orally communicated to our associate, Louis E. Johnson, by General H. G. Wright, Chief of Engineers of the United States Army, that the contract is about to be awarded to Beckwith & Quackenbush, at their bid of $83,200 higher than ours.

"Against this we protest. It is neither just to us nor to the Government. It favors private parties at the public expense, and for no reason. We are responsible bidders, and are prepared to convince any one of that fact who is willing to see the lowest responsible bidder prevail. We shall not rest under the imputation of having made a bid we could not execute, and shall not forego the profits we are entitled to make by the proposed work without a vigorous protest wherever the same can be heard. With the highest respect to you, we venture to remind you that you are responsible for any acts of your subordinates, and that the engineer department of the District government is in this matter under your control. We ask you to stay the award of the contract to any bidder higher than ourselves, and assure you that our bond will be ready to secure the performance of the contract, to which we are entitled. We will add that neither Major Lydecker nor Lieutenant Hoxie have any right to favor other parties on the pretense that as professional experts they believe we can not profitably do the work under our bid. That is our affair. We have a right to the contract whether we make or lose by it if we give you satisfactory security. Appealing to your sense of justice and to your official obligation to see that the Government is served in preference to private persons,

"We are, very respectfully, your most obedient servants,

"J. H. DEWEES & CO.

"Hon. SECRETARY OF WAR."

In order that Major Lydecker would have no reason to allege that their bond would not be satisfactory, they at the same time addressed him the following note:

"WASHINGTON, *October* 19, 1883.

"SIR: Having reason to believe that we are the lowest bidders upon the bulk of the work upon the Washington Aqueduct, we hereby respectfully notify you that we are prepared to furnish all necessary bonds and money as per our bids and specifications, which you in your wisdom may require.

"Very respectfully,

"J. H. DEWEES & CO.

"Maj. G. J. LYDECKER,
"*Engineer-in-Chief.*"

WAS IT A FAMILY AFFAIR?

Colonel Dewees said yesterday that he never received the desired information from Major Lydecker, but his two letters had the effect of delaying the award of the contract. Soon afterward, however, Major Lydecker's father and a number of New York gentlemen came to Washington and called on President Arthur, and immediately thereafter the contract was let. He then wrote the following letter to the Secretary:

"No. 1701 BOUNDARY STREET, *Washington, D. C., October* 22, 1883.

"SIR: I learn through the daily newspapers of this city that you have awarded the work of construction of a tunnel for increasing the water supply of Washington, D. C., the bids for which were opened October 5, 1883, to Beckwith & Quackenbush, of Mohawk, N. Y., and have assigned as the reason thereof that they are the lowest bidders for said work. I am surprised that you have permitted yourself to fall into so grave an error, inasmuch as from the information that I have obtained, and which I deem reliable, I am satisfied that I and my associates are the lowest bidders by many thousands of dollars, and we are able to respond to the conditions of the letting in all other respects. May I, therefore, ask that you will re-examine such bids and reconsider the action you have taken, and thereupon award the said work to the parties found to be in fact the lowest bidders.

"Very respectfully, yours,

"J. H. DEWEES.
"For J. H. DEWEES & CO.

"P. S.—Will you please advise us of the amount of our bids and the bids of Beckwith & Quackenbush, also of the amount of the bonds required, and the time within which the same is required to be executed.

"J. H. DEWEES & CO.

"To the Hon. SECRETARY OF WAR."

The reply of the Secretary was as follows:

"WAR DEPARTMENT, *Washington City, October* 27, 1883.

"GENTLEMEN: The Department is in receipt of your letter of the 22d instant, in which you assert the claim that you were the lowest bidders for the work of tunnel construction for increasing the water supply of Washington, D. C., the contract for which you understand has been awarded to Messrs. Beckwith & Quackenbush, of Mohawk, N. Y., and request that the subject of the award of such contract be reconsidered, and that you be furnished with certain specified information in regard thereto.

"In reply I beg to inform you that your bid for the work in question was rejected under the provisions of a clause in the advertisement for proposals by which the right was reserved to reject any and all bids or parts of bids, and upon the recommendation of the Engineer officer in charge of the work, concurred in by the Chief of Engineers.

"Although the Secretary of War is under no obligation to explain to private individuals the reasons which governed the rejection of bids, there is no objection to stating that among the reasons which governed the action of the Department in rejecting your bid in this case were the facts that your bond was fatally defective and that you failed to comply in essential particulars with the instructions to bidders.

"Very respectfully,

"ROBERT T. LINCOLN,
"*Secretary of War*

"Messrs. J. H. DEWEES & CO.,
"1701 *Boundary street, Washington, D. C.*"

"According to this letter," said Colonel Dewees, "the contract was not awarded us because our bond was defective, when we stood r ady to give bond for any amount, and had been refused all information as to what bond would be required, and because we had no plant when we stood ready to provide a plant. In fact, Beckwith & Quackenbush were without the plant, and had to buy engines and boilers and machinery before they could begin the work."

MAJOR LYDECKER'S REPORT KEPT SECRET.

Not satisfied with the reasons given for the rejection of their bid, Colonel Dewees again wrote the Secretary of War, requesting a copy of Major Lydecker's report to the Secretary, for the purpose of answering the same in detail on all points, including his own personal experience during the last twenty years on the Pennsylvania Railroad and other important works, and asking the Secretary to suspend judgment until he and his associates had been given an opportunity for a full hearing. This report of Major Lydecker's was never furnished, and no hearing of any kind was ever granted. Colonel Dewees, however, wrote yet another protest to Secretary Lincoln, asking him to reconsider the contract, and received the following reply:

"WAR DEPARTMENT, *Washington City, November* 2, 1883.

"GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 31th ultimo, protesting against the award of a contract for work on the new water-supply works of Washington, D. C., to Beckwith & Quackenbush, and claiming that the contract should be awarded to you for the reason that you were the lowest bidders, and to state in reply that I have re-examined the papers in the case and see no reason, either in them or the statements contained in your communication, to change the views which led me to approve the recommendation of Major Lydecker, the officer in charge of the improvements, and General Wright, the Chief of Engineers.

"Very respectfully,

"ROBERT T. LINCOLN,
"*Secretary of War.*

"Messrs. J. H. DEWEES & Co.,
"1701 *Boundary street, Washington, D. C.*"

Colonel Dewees does not believe that this correspondence gives the real reason for the rejection of his bid. He says that at least one of the firm of Beckwith & Quackenbush is interested in the New York aqueduct contract, in which the father of Major Lydecker also has an interest. Whether there is any other connection between the firm and Mr. Lydecker, sr., Colonel Dewees does not know.

As to his ability to make a fair profit out of the work at the prices at which he offered to do it, Colonel Dewees has no doubt, and he told a Post reporter yesterday that the present contractors must have made between $30,000 and $50,000. Their profits on the brick work alone, he said, must have been enormous. It is paid for at the rate of about $ 0 per thousand, while the average cost of laying brick is about $14 per thousand. The concrete masonry work is done at $15 per cubic yard, using concrete at $1 per barrel, while similar work on the foundation of the Congressional Library is done at $4.80, with cement costing about $2.50 per barrel.

Colonel Dewees is a contractor of long experience and is an engineer by profession. Mr. Eugene Robinson, of Detroit, is a reputable contractor who has constructed some important works, among them being the great tunnel under the lake at Chicago from the crib to the pumping station of the water-works. Since the close of President Arthur's administration the attorney for Beckwith & Quackenbush is said to have been Mr. W. S. Bissel, of Buffalo, N. Y., who was a former law partner of President Cleveland.

WILL THE GOVERNMENT LOSE ANYTHING?

There has been considerable discussion as to whether the Government will lose anything financially by the fraud in the construction of the tunnel. There is some question as to this. Of course the Government recognizes no subcontracts, and in this case will look to no one but Messrs. Beckwith & Quackenbush or their bondsmen to make the work good. If the contractors have sublet the work and have been imposed upon by the subcontractors or their subordinates the Government will still hold them responsible and call upon them to make it good.

Ten per cent. of the price for the work done has been retained by the Government, and will of course cover part of the loss. If, however, the work is all or nearly all defective, it may be beyond the means of the contractors to make it good. In this case the Government would look to their bondsmen, and here another question arises. The bondsmen for Messrs. Beckwith & Quackenbush went on their bond for $200,000 on the original contract, in which the lining of the tunnel was not contemplated. This work was let by a supplemental contract, and the question is whether the bondsmen are liable for the defects in the work under this supplemental contract, which was not contemplated at the time the bonds were signed. General Macfeely, the Acting Secretary of War, thinks that the Government is amply protected. He said in conversation with a Post reporter that he had no doubt about the liability of the bondsmen for all the defective work in the tunnel, whether done under the original or the supplemental contract.

Mr. CLEMENTS. Now, I desire to ask the gentleman from Missouri whether the clause in the bill providing for an investigation authorizes an investigation of the manner of letting the contract as well as of the manner of conducting the work?

Mr. BURNES. It is the opinion of all the conferees that it does.

Mr. RYAN. I desire to ask my colleague on the committee [Mr. BURNES] whether this work is being prosecuted now under the original contract or under a subsequent contract?

Mr. BURNES. In reply to my friend from Kansas [Mr. RYAN] it is proper to state that at some time prior to the appropriation of $355,000 the work had been suspended, and my impression is that that state of suspension had continued for a year or more, and that the contract had been practically forfeited. At all events, I believe there was no obligation upon the part of the Government to resume work under that contract, and in consequence of that it was provided in the law of the urgent deficiency bill that the Secretary of War might let the work of completing the contract to the original contractors or to anybody else at his discretion.

Mr. SAYERS. Was it not also thought that inasmuch as the contractors had their plant already there, they might be able to do the work more cheaply than new contractors?

Mr. BURNES. The old contractors having their tools and their plant, it was deemed probable that they could afford to make a lower bid for the work than anybody else, but we could not do better than give to the Secretary of War the power to receive bids and let the work in his best discretion.

Mr. ROGERS. Does the gentleman mean to say that the original contractors had forfeited their contract?

Mr. BURNES. I have never examined that matter; but that was the understanding on the part of our committee. The contract was at an end at the election of the War Department. At least no other suggestion was made, no other impression existed so far as I know. Consequently we inserted in the bill the provision as stated, authorizing the Secretary of War to let the finishing contract at his discretion——

Mr. ROGERS. Did not the contractors give bonds for the execution of their contract?

Mr. BURNES. I presume so, but have not seen them. If this last contract were let without bond it is to be regretted; but at present I can not say what security the Secretary has reserved.

Mr. ROGERS. Has the committee called for them?

Mr. BURNES. The committee called only for papers bearing upon the work—its progress, character, and cost.

Mr. ROGERS. Will the gentleman state whether or not the inception of this work was prior to his connection with the Appropriations Committee?

Mr. BURNES. Oh, yes; several years before.

Mr. ROGERS. Then the committee, so far as the gentleman is concerned, is not responsible for the original contracts which were entered into?

Mr. BURNES. Not at all. Nor was the committee or any member of it at any time responsible for the original contracts. They were the administrative features of the enterprise.

Mr. ROGERS. How long since this work began?

Mr. BURNES. I think it began in 1878.

Mr. ROGERS. Now, will the gentleman state whether or not the Committee on Appropriations, when they reported the provision authorizing the letting of the second contract, considered the question whether we were thereby releasing the original contractors from the performance of the work?

Mr. BURNES. There was no possible release of those contractors; and I will state to the gentleman that it was submitted to the committee that a percentage of work done and materials furnished was retained by the Government that would be good security and would cover all possible damages. It was also represented to us that these contractors had made a claim (which Major Lydecker, however, refused to recognize) for a very large amount of extra work. But this claim could give the Government no security for probable impending losses, as the justice of the claim is positively denied, and in the present condition of the work, as we understand it, the contractors have no right to any compensation.

Mr. ROGERS. Will the gentleman state whether the amendment embraced in this report is broad enough to authorize an inquiry into the original contract, including the question I have suggested touching the release and the reletting?

Mr. BURNES. The gentleman is so much better qualified than myself to speak as to a legal proposition that in his presence I dislike to express a positive opinion; yet it seems to me the provision reported is sufficient.

Mr. ROGERS. I appreciate the courtesy and the compliments of the gentleman; but I did not hear that part of the conference report read, and am simply seeking information, in the hope that if we go into this investigation (which seems to be foreordained and absolutely necessary) it shall be complete, and that we may fix the responsibility wherever it should properly fall. Perhaps it would be well to have that part of the report again read.

Mr. BURNES. I think it would be.

Mr. WHEELER. Would it not be best to let this matter go over until to-morrow, so that we may in the mean while give it further examination?

Mr. BURNES. Oh, no; not at all.

Mr. ROGERS. I hope the gentleman from Missouri will allow the Clerk to read again that part of this report which relates to the investigation of the aqueduct in Washington City. We desire to hear the precise language.

The Clerk read as follows:

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Increase of water supply, Washington, D. C.: That all work heretofore performed upon the Washington aqueduct tunnel, together with the provisions of any contract made for the same or any portion thereof, shall forthwith be fully investigated by a joint select committee of six members, of whom three shall be members of the Senate, to be appointed by the President of the Senate, and three shall be members of the House of Representatives, to be appointed by the Speaker. Said committee shall have authority to employ a clerk and stenographer and such experts as it may deem necessary for the investigation; it may sit during the session of Congress or in recess, and shall have full power either in full committee or subcommittee to administer oaths and send for persons and papers and to conduct its investigation either in Washington or in such places as may be deemed necessary; it shall make full report of its proceedings and the conclusions arrived at, with such recommendations as it may deem proper, to Congress on or before January 1, 1889; and for these purposes the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed on vouchers approved by said committee."

And the Senate agree to the same.

Mr. ROGERS. I observe that the organization of this committee will be a peculiar one; and it is barely possible that upon the question as to the scope of this investigation the committee might be equally divided. Whether under the terms of the provision just read the com-

mittee would be authorized to go into the question of the letting of these last contracts might be, I think, to some extent a matter of controversy. So far as concerns the work which has been done, I believe the provision is broad enough in its scope; but the gentleman from Missouri, if he will re-examine the verbiage, will see that it speaks of inquiring into the "work heretofore performed," not into the letting of contracts.

Mr. BURNES. It says "any contract."

Mr. ROGERS. The committee is authorized to investigate into the work under any contract heretofore made, but there might perhaps be controversy whether the use of the word "work" would authorize the committee to examine into the method of letting these contracts. To my mind, with the evidence we have now before us, the letting of the contract to the present contractors is a matter which should be very carefully inquired into. There ought to be, it seems to me, very conclusive reasons shown to justify the rejection of the bid of parties who offered to do the work for $80,000 less than the persons to whom the contract was awarded, which seems to have been the case here.

Those reasons, whatever they may have been, do not appear except in this correspondence between Dewees & Co. and the Secretary of War. I think there ought to be a very careful investigation into this matter. It has been talked, perhaps stated in the public press, that this man now in the management of this work, who it seems recommended the letting of this contract, has shown much more interest in the Metropolitan Club of this city, and perhaps in the "lancers" and the "germans" about the city, than in the management of this work; and whenever I find a person educated at the expense of the Government, and charged with the supervision of works involving the expenditure of large amounts of money, who, instead of devoting himself to the discharge of his duties, engages in such pursuits as I have suggested to the neglect of his legitimate duties, and when a contract has been let under the circumstances stated, I desire to know whether any of the money has gone into his expenses at the Metropolitan Club or not. I think the scope of this investigation ought to be broad enough to cover that ground.

Mr. RYAN. The gentleman from Arkansas will permit me to call his attention to the language of the amendment. While I think his criticism is not altogether inappropriate, that is to say, the object might be more clearly expressed than it is, I desire to call his attention to the language of the amendment, and ask whether in his judgment it is not sufficient? It is as follows:

That all work heretofore performed upon the Washington aqueduct tunnel, together with the provisions of any contract made for the same or any portion thereof, shall forthwith be fully investigated by a joint select committee of six members, of whom three shall be members of the Senate, to be appointed by the President of the Senate, and three shall be members of the House of Representatives, to be appointed by the Speaker.

Mr. ROGERS. My criticism is entirely just, that the language of the amendment goes to the performance of the work and provides nothing in regard to the letting of the contracts.

Mr. BURNES. I will say in reply to the gentleman from Arkansas, there is but one mind, as I understand it, in the House and that is that the investigation should be full and complete, and should cover the letting of all contracts, as well as the work done and the character of that work and the conduct of those connected with it, officially or otherwise.

Mr. ROGERS. I do not think the gentleman has observed the full force of the suggestion I make. It is manifest the organization of this committee is unusual. The committee is to be composed of three Senators and three Members, six in all. Suppose the committee should divide equally on the question as to the proper construction of the amendment, who would decide?

Mr. BURNES. I am advised by others better informed than myself in reference to these matters, that this is the usual method in reference to the appointment of joint committees of the two Houses.

Mr. ROGERS. The committee might find itself divided equally, three on one side and three on the other; who then shall decide?

The SPEAKER. The hour of the gentleman from Missouri has expired.

Mr. RYAN. I wish to say to my colleague on the committee, from Missouri, that in my judgment there is considerable force in the suggestion made by the gentleman from Arkansas. If there is any doubt as to the sufficiency of the scope of this amendment, in my judgment the report had better be disagreed to and sent back to the committee for further consideration. It is too important a subject for any doubt whatever to exist in regard to it.

Mr. ROGERS. If I am recognized——

The SPEAKER. The Chair recognizes the gentleman from Arkansas.

Mr. ROGERS. I will yield the floor to the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. I thank my friend from Arkansas, to whom I would say, in answer to his inquiries with regard to the matter, that at the time the last appropriation was reported there was no question raised, no thought and no suspicion of fraud or fraudulent practices either in the War Department or before Congress. Late revelations have come upon us entirely without previous notice or warning. We were prepared for the great expenditures, but we did not anticipate the carelessness and indifference of engineers in charge of the work and by which the frauds reported were made possible.

Mr. ROGERS. But my friend from Missouri will observe that in ordering an investigation upon a matter of such importance as the one here involved, the scope of the authority conferred upon the committee should be so full and complete as to enable an intelligent and faithful report to be submitted to Congress. But I will not take time to repeat the statement I have already made touching the limited scope of the amendment. I think there should be no question as to the language of the amendment. It is now limited merely to the performance of the work under the contract without reference to the letting of the contract. I believe my friend from Missouri would act wisely, and the circumstances would justify him, in allowing the matter to go back to the committee for further consideration as to whether the language of the amendment does cover all that is intended to be covered in the investigation.

Mr. BURNES. I am willing to do that.

Mr. ROGERS. Does the gentleman prefer that I should make the motion or that he should make it?

Mr. RYAN. There are other matters.

Mr. BURNES. I understand we can not have a separate vote on each one of these propositions, but the conferees can get by discussions an understanding of what the wish and will of the House is, which it is our desire to carry out.

Mr. SOWDEN. Will the gentleman yield to me for a question?

Mr. BURNES. Certainly.

Mr. SOWDEN. I understand amendment 107 as modified includes the claim of one of the Bell telephone attorneys, named Grosvenor Lowrey, for $911.20. I should like to know just exactly what the status of the matter is, and the difference between the original amount and the sum agreed upon in the modified agreement.

Mr. BURNES. The amendment to which the gentleman from Pennsylvania alludes was placed upon the bill in conference, on the faith of a paper presented from the Department of Justice, showing certain balances due to certain assistant district attorneys in South Carolina, and perhaps in other States. They were regularly certified by the Department, and we appropriated for them because of that certification.

Mr. SOWDEN. I would like to know whether the sum of $911.20, an alleged deficiency or balance claimed by Grosvenor Lowrey, a special counsel in the Bell telephone cases, is included in the sum of $14,957.72 provided for in this amendment?

Mr. BURNES. Yes, sir. I see in this list furnished from the Department of Justice the following:

Fees of district attorneys of the United States courts, etc.

And among the names that of Grosvenor Lowrey, of Massachusetts, appears for $911.20.

Mr. SOWDEN. Is that included in the $14,957.72?

Mr. BURNES. Yes, sir. That sum was added to the amount of the bill.

Mr. SOWDEN. Does not the gentleman know that there is a protest pending against the payment of this additional allowance to this attorney on the ground that he had charged exorbitantly and extortionately for his services?

Mr. BURNES. I have heard a good deal of criticism upon some attorney for charges for expenses, etc., but I was not aware that this item of $911.20 had relation to that individual, but it is blended with other items, and the gentleman from Pennsylvania may be correct in his statement. I do not know. I never heard of any protest against it. It came to us duly certified by the acting Attorney-General.

Mr. SOWDEN. Does not the gentleman know that this man Lowrey charged at the rate of $15 an hour to study up and acquaint himself with the intricacies of the law involved in the question he was called upon to assist in trying, and that he not only charged that, but charged $100 a day, too, while traveling from New York to Cincinnati and return, and charged while there actually engaged in the service of the Government $500 for his services and $171 more for traveling expenses there and back, not including a board bill of $70, and $100 for each day detained there; and that the Government itself protested against the exorbitancy of the charges, in consequence of which his services in the case were dispensed with? And does not the gentleman know further that the present Acting Attorney-General has protested against the payment of a single cent more in addition to the exorbitant amounts already exacted and paid to this attorney? In view of these facts I would like to know why it is that this sum of $911.20 is included in this amendment or modified agreement on the part of the conference committee, which covers the sum of $14,957.72.

Mr. BURNES. I think if the gentleman will look at the report from the Department of Justice upon which this appropriation is made he will find that it is sent to us by William A. Maury, Acting Attorney-General. But I did not stop to inquire whether Mr. Maury or Mr. Jenks or Mr. Garland signed it. I took it for granted that in the auditing of this $911.20 the Department of Justice had followed the law and that there was no question about what was due. Surely the gentleman from Pennsylvania is mistaken in his statement of the extraordinary amount charged for by the hour. The Department of Justice would not audit such a claim.

Mr. SOWDEN. Allow me to state that this man has already received over $12,000 for services alleged to have been rendered by him; and I understand that his charges were so exorbitant—and this balance still remaining and claimed by him now is a part of the same character of charges—that the Department of Justice itself dispensed with his services. I think under these circumstances the House should never consent to the allowance of this additional claim made by this attorney, and I hope that the report, if it goes back to the conference, will be considered with a view to striking it out. I hope it will be excluded.

Mr. BURNES. I have no objection to giving the matter more thorough consideration. I know nothing of the merits or demerits of the claim.

Mr. SOWDEN. I have examined it very carefully.

Mr. BURNES. I have heard rumors of charges and extra charges and exorbitant charges in this connection, but I know nothing personally of the facts. The Department of Justice audits and certifies the claim or allowance in an official communication, and I trust such a claim as the gentleman describes would not receive such a high indorsement.

Mr. SOWDEN. If the matter goes into conference again I hope the question will be considered; and the suggestion is therefore submitted for that purpose.

Mr. BURNES. I will look into it.

Mr. DUNN. I desire to ask the gentleman from Missouri as to the disposition of the amendment numbered, I think, 231?

Mr. BURNES. We will reach that in a moment.

The next proposition to which I wish to call the attention of the House is the proposition made by the Senate amendment to pay to the widow of Chief-Justice Waite $8,745, being the balance of his salary for one year, in consideration of the eminent services of the late Chief-Justice. I can say that the House conferees had and have all the sympathy for the surviving members of that family that the conferees on the part of the Senate have; and that they share with the conferees on the part of the Senate equally in respect for this great man who is gone. We submitted a proposition to them that they might consult their own Judiciary Committee, and if that committee would say there was any precedent for it in all of the past, we would recommend to the House concurrence in the amendment.

The chairman of the Judiciary Committee came before us and frankly admitted that there was no such precedent; that Ellsworth and Marshall and Taney and Chase all died, leaving families in circumstances needing assistance, and yet that no such proposition as this was ever even submitted to Congress.

Mr. CATCHINGS. Congress had never refused to make such an appropriation, but had not been asked.

Mr. BURNES. No such proposition as this was ever made before to Congress in behalf of any one of the predecessors of Chief-Justice Waite; nor has any proposition been made in behalf of any of the widows or orphans of associate justices, or of the circuit judges or district judges; and I see no reason why a judge even of a lower court than the Supreme Court might not be entitled under our system of government to the same consideration that is given to the Chief-Justice. That is all I care to say. We could not recognize this principle. I would be as much gratified to take money and give it for the help of these worthy people as anybody else; but we feel that it is not within our power, nor in accordance with the limitations placed upon us, as well by the Constitution as by the public sentiment of the country, to use the public money in such a way.

The next proposition is one with regard to an indefinite appropriation of a year's salary to the widow and children of a man in Jacksonville, Fla., an employé of the Government in the collector's office, who died of yellow fever and left a widow and children in destitute circumstances. Again our charity was appealed to with that sentimentality which seems to be the highest law in another body of legislators. We find no justification for such an appropriation, nor for the persistency with which it has been insisted upon elsewhere. The Cassibianca plea is urged in support of this amendment. It is said he stood on the burning deck when all but him had fled. It seems to me too absurd for discussion.

Mr. SENEY. What is the amount?

Mr. BURNES. It is an indefinite amount. It is one year's salary.

Mr. SOWDEN. I desire now, as my friend from Alabama [Mr. OATES] is in his seat, to ask him in reference to the claim of Lowrey of $911 and some cents, whether the Acting Attorney-General did not protest against its payment? I would like the gentleman from Alabama [Mr. OATES] to corroborate my statement on that subject.

Mr. OATES. Mr. Speaker, all I know about the matter is that I had a conversation with Solicitor-General Jenks, who is the Acting Attorney-General in this case, and I know he stated that on account of the amount of the charges this attorney rendered, severed or discontinued the contract that had been made with him. That is all I know about it.

Mr. SOWDEN. That is all I wanted to know; and I thank the gentleman for his courtesy.

Mr. BURNES. Mr. Speaker, I would next call attention to the last amendment to the bill, not, however, the last to be considered. That is the amendment No. 231 in regard to the Public Land Strip. The amendment makes no appropriation, and is an admitted attempt at legislation on an appropriation bill, in the face of the express rules of the Senate and of this House. If we are to recognize the continuance of this pretended right on the part of the Senate to put upon appropriation bills, which must originate in this House, any kind of amendment they please, whether it is relative to an appropriation or to administration, it will not be long until such bills will be loaded with all the legislative propositions pending in that body, because it is a much easier method of legislation than can be had by a fair observance of well-settled principles and policies of legislation. That is one objection to this proposition. Another objection, sir, is that it undertakes to disregard the principle of allowing the people of a community, as far as possible, to govern themselves.

These people in this Public Land Strip have expressly desired to have a Territorial organization; and as a last resort, if that be denied them, they do not desire, as I understand, to have the laws over them administered from the State of Kansas. Kansas is my neighbor, and Kansas people are generally my friends and acquaintances. I do not desire to say that this feeling of the people in that territory against Kansas is right or wrong, but my information is that it is intensely hostile to the proposition to be annexed to Kansas for any purpose. And in the Public Land Strip there is an uneasiness with regard to the disposition of the lands, including town sites. It has been said that there are schemes and plots and counterplots in Kansas, on the border, and elsewhere, that cause that uneasiness. It may be that that feeling of uneasiness is without proper cause, but as it exists and the people have asked for a different jurisdiction over them, I think the amendment should be resisted.

I say this without any disrespect to the State of Kansas, whose laws, I presume, are about as good as the laws of any other State, unless it be Missouri. [Laughter.]

Mr. RYAN. I will say to the gentleman that this proposition does not extend the laws of the State of Kansas over the Public Land Strip at all. It simply extends the laws of the United States for the punishment of public offenses over this strip and attaches it to the Federal judiciary of Kansas for administration.

Mr. BURNES. Of course. But Kansas officials are put over them, and practically to them the secret is the same.

The United States judges of Kansas, in the administration of the laws you place in operation in this Strip, are, in the minds of the people there, a part of Kansas, Kansas laws and institutions. They may be unreasonable, but they want something else. They seek, first, local government; and, secondly, a connection, if local self-government is not attainable, with the State of Colorado.

Mr. PETERS. Mr. Speaker, I am somewhat conversant with the situation, because No Man's Land lies immediately adjacent to my district. So far as the wish of the people upon that Strip is concerned as to whether they shall have a Territorial government or shall be attached to any other portion of the United States, their main object is to get some law. They have no law at present. A change is necessary, not only for the interests of the people on that Strip, but also for the interests of the people of my district and of my State. Doubtless many gentlemen will remember some murders of citizens of Kansas that were committed on this No Man's Land Strip during the past summer. The victims were citizens of my district. There was a controversy in a county bordering upon No Man's Land, a difficulty growing out of a county-seat fight, and one party of men went down into the No Man's Land Strip for the purpose of avoiding a conflict, and another party followed them for the purpose of bringing on a conflict. The result was that these murders were committed, and there was and there is no law to punish them. My own State has made considerable of an investigation in reference to the power to punish the men who have committed these offenses, and I believe it is conceded by the best lawyers who have examined the question that there is no law for the punishment of an offense committed upon this Strip. These murders were committed within 8 miles of the State line, within 8 miles of organized communities, organized counties and townships, and the result of this state of things is that the people of No Man's Land have come to the conclusion that they must have law of some kind or else their property and their lives will be at the mercy of any band of ruffians that may come down there.

Mr. DUNN. Does the gentleman from Kansas [Mr. PETERS] think that if this amendment should be agreed to it would have a retroactive effect and allow grand juries to go into that Territory and indict men for past offenses?

Mr. PETERS. Oh, no; I do not think it could have any such effect as that.

Mr. LANHAM. But it might have a very desirable prospective effect.

Mr. PETERS. Yes. Now, the object of this proposition is to afford the people some temporary relief. I am, as most of the members of this House are, strongly in favor of the Oklahoma bill. I desire the formation of a Territory there. I desire the passage of any legislation that will give those people the protection of the United States laws, if it be only such a measure as this, to afford the people some temporary

relief. The very fact of the extension of the laws of the United States over that strip would have a tendency to check the commission of crimes and would also have the effect to break up the rendezvous of horse-thieves and other criminals that now exists there and can continue to exist in defiance of law. In an hour's ride they can go up into Kansas and steal a horse and get back into this strip, and there is no power beneath the flag to go in there and arrest them.

Mr. DUNN. I suppose that people from Kansas could go down there and steal a horse, too. [Laughter.]

Mr. PETERS. But they do not want to do it.

Mr. RYAN. And if any one should do that, the moment he brought the stolen property into our State he would be arrested and punished.

Mr. PETERS. Yes, if a horse was stolen there our State law would punish the thief, and it gives jurisdiction to punish him in any county into which the property is taken.

Now, the objection is urged that these people in No Man's Land desire to be attached to the State of Colorado. So far as that is concerned, I do not believe the people of Kansas care about it one way or the other.

Mr. RYAN. Not a straw.

Mr. PETERS. They do not care whether the jurisdiction is given to Colorado or to the Territory of New Mexico or to Arkansas, or to any other State. What the people of Kansas desire is that this strip, which is now the rendezvous of horse-thieves, murderers, and scalawags of every class from all over the United States, may be placed under the law so that that nest of thieves may be broken up.

Mr. SPINOLA. Why not bring in a bill for that purpose?

Mr. PETERS. A bill was passed in the Forty-ninth Congress providing for this very relief. It went to the President two days before the close of the session and for some reason or other he did not have time to examine it, or at all events it did not meet Executive approval.

Mr. SOWDEN. Is there not a bill pending now in this Congress for the same purpose?

Mr. PETERS. There is a bill now pending for substantially the same purpose, but there is no possible chance to secure any legislation of that kind at this session unless it be secured on an appropriation bill.

And I may say, in answer to the gentleman from Missouri, that I presume one of the reasons why the Senate put this amendment on the bill was the necessity of some provision of this kind, and the belief that no other relief could now be afforded.

Mr. HOOKER. Is the bill to which the gentleman has referred the one which was reported by the gentleman from Indiana, Mr. HOLMAN?

Mr. PETERS. I allude to that bill.

Mr. SOWDEN. The Oklahoma bill would also give the people this relief.

Mr. PETERS. Yes, sir; either of those bills would give the people of No Man's Land and the citizens of Kansas the relief they desire; but it is apparent that neither of those bills can possibly pass at this session. Upon the Oklahoma bill, as well as upon the bill reported by the gentleman from Indiana [Mr. HOLMAN] the question of "no quorum" has been raised, consequently the only hope for relief is through some measure of this kind attached to an appropriation bill. This, as I have suggested, was undoubtedly the motive which actuated the Senate in placing this provision on the bill.

Mr. SYMES. Does not this provision also extend the land laws of the United States now in force to No Man's Land and attach it to the southwestern land district of Kansas; and would not that result in the acquirement of pre-emption titles to the whole of that Public Land Strip, although the policy of this House, as evidenced in connection with Judge Holman's bill, and particularly in connection with the Oklahoma bill, is that only homesteaders shall acquire title there? Are we not therefore by this provision proceeding to revolutionize a policy in favor of which the House has declared itself?

Mr. PETERS. That is a rather long question.

Mr. SYMES. I knew the gentleman had a long head, which I thought could hold a long question.

Mr. RYAN. Does the gentleman want an answer?

Mr. SYMES. I do.

Mr. RYAN. If my colleague [Mr. PETERS] will allow me, I will say it is true that a part of the amendment does extend the land laws of the United States over that territory and attach it to the southwestern district of Kansas for entry purposes. But I think it proper to state that the Senate conferees intimated to the conferees on the part of the House their perfect willingness to surrender that feature of this amendment.

Mr. SYMES. Is it understood that the conferees on the part of the House desire the Senate to surrender that portion of the amendment?

Mr. RYAN. I think that at least a majority of the House conferees desire them to surrender the whole amendment.

Mr. PETERS. I wish to state in this connection that so far as No Man's Land is concerned I would not favor any provision which would be at all in conflict with the policy of this House as evidenced by the discussions here in connection with the Oklahoma bill and on other occasions. I am opposed to the pre-emption feature; I am opposed to any other policy in this respect than that which has been foreshadowed by the Oklahoma bill. But that is a matter which could be agreed upon in conference. What I am pleading for is simply that this question be permitted to go back to the conference committee, so that this amendment may be changed in such a way as to conform to the policy of the House as expressed upon this subject.

Mr. HERBERT. I wish to inquire whether there is any difference between this provision and the provision on the same subject contained in the bill reported by Judge HOLMAN?

Mr. PETERS. Yes, sir; there is quite a difference.

Mr. HERBERT. I mean do they not agree in respect to the extension of the laws of the United States over the region of country referred to?

Mr. PETERS. The provisions of this amendment do not go as far as the provisions of the Holman bill.

Mr. PERKINS. The Holman bill provided for local government, while this does no such thing. It simply extends the laws of the United States temporarily over the territory and attaches it to Kansas for jurisdictional purposes. That is all there is in this amendment.

Mr. RYAN. All that the Senate conferees insist upon is that the laws of the United States for the punishment of public offenses shall be extended over this territory, and that it shall be attached to Kansas for the purpose of the execution of those laws. The Senate, I presume, would not insist particularly upon this territory being attached to Kansas, but would perhaps be equally willing to attach it to Texas, Colorado, or New Mexico. What the Senate conferees insist upon is that the people in this territory shall have the protection of Federal law with reference to the punishment of crime.

Mr. PETERS. I believe that what the people of No Man's Land desire as a measure of temporary relief is that there shall be some law extended there for the protection of the community; and that is what my people desire. So far as concerns the question of acquiring land there—whether it be acquired under the homestead law or otherwise—I am willing that question should be settled in the future either by the passage of the Oklahoma bill or by some other legislation. What we desire is that the protection of the law shall be extended over this body of land lying immediately adjacent to Kansas; and this, I believe, is what the people of No Man's Land desire. They are more urgent in regard to having some law extended there which will protect their persons and their property, which will punish thieves and murderers, than they are in relation to the acquirement of real estate, in respect to which they believe that the passage of the Oklahoma bill or some similar measure at the next session of Congress will give them proper relief.

I thank the gentleman from Missouri [Mr. BURNES] for his courtesy, and yield him back the floor.

Mr. BURNES. I yield to my colleague [Mr. MANSUR] for ten minutes.

Mr. MANSUR. Mr. Speaker, before proceeding to address the House I will in the first place ask for the reading of what took place in the Senate concerning this matter. It is short.

The Clerk read as follows:

Mr. PLUMB. I was instructed by the Committee on Public Lands to offer this amendment to cover an emergency which exists in regard to the strip known as No Man's Land. By some oversight that strip has not been included in any judicial district of the United States, and, while there are 6,000 or 7,000, or perhaps even 10,000, people on that Strip, they have no means of protecting their rights to life or property, and no means of acquiring title to the lands on which they have settled.

A year ago last winter the Senate passed a bill which the House finally concurred in, which went to the President a couple of days before the adjournment of the session in March, but the President did not sign it. That bill is in substantially the terms of this amendment which I have proposed. During this session the Senate has passed two bills with reference to this subject, one to accomplish what is proposed by this amendment, and another to attach the Strip permanently to the State of Kansas. The other House has acted upon neither.

This arrangement is a temporary one. I have little doubt myself that in due course of time this Public Land Strip will be incorporated in whatever Territory may be formed out of the Indian Territory, but in the mean time it is a Botany Bay for all that section of country. About two months ago some six or seven people were killed at one time in that territory. The dispatches say that some sixteen or seventeen others have been killed since that time. Lawless characters from the whole country around go into that Strip and prey upon the adjoining portions of Texas, New Mexico, Colorado, and Kansas.

Mr. CULLOM. Does the amendment propose to extend the jurisdiction of the courts?

Mr. PLUMB. It proposes to extend the jurisdiction of the United States courts, and it provides for the survey of the land. It provides that these people may make entries under the homestead law in the adjacent district of Kansas. That will not be inconvenient to them, because all the business can be done by mail, and before the time when these entries are required to be made, as they can only be made in five years, undoubtedly Congress will act in such a way as to make some permanent disposition of this territory.

Mr. CULLOM. All I desire to say is that this Congress certainly ought not to adjourn without doing something to protect those people.

Mr. PLUMB. This amendment, of course, is out of order as much as anything can possibly be; but I very much hope that in view of the circumstances of the case and the very great emergency no point of order will be made upon the amendment. It meets with the unanimous concurrence of the Public Lands Committee. The subject has been presented to the Committee on Appropriations, and no member of that committee, I think, will make a point of order. This appears to be the only possible chance of obtaining any legislation which will protect the lives or the property of the people who are living on that Strip, or the lives or the property of the people who live adjacent thereto, and who are being preyed upon by lawless characters who make their headquarters on that Strip.

Mr. MANSUR. Mr. Speaker, the people of the district I represent have a large interest in this matter also. I think I am within the limit when I say there are five hundred men in my district waiting each day for the organization of the Territory of Oklahoma to cast in

their destinies with that new municipality. In addition to that I have seen a petition signed by 3,000 to 4,000 voters in my district in favor of the organization of the Territory of Oklahoma. There are other petitions aggregating over 6,000 or 7,000 signatures praying for that form of organization and government to be extended over this land in connection with the west part of the Indian Territory. And I offer the statement of these facts as a partial explanation of the interest I take in this proposition.

Now, in the Senate, as stated by the gentleman from Kansas [Mr. PETERS], that is the explanation of the position upon which most extraordinary legislation on the part of that body is sought for the purpose of giving law to a portion of our common country which apparently in all past legislation has been ignored. Whatever may have been the condition of affairs there heretofore the condition of affairs now seems to be much better than it was. About September 15 a territorial convention was held in No Man's Land. It assembled after full notification. It was advertised. It met and passed resolutions. They selected again as delegate to represent them before this Congress, as far as he could, O. G. Chase. I have read letters from Mr. Chase respecting this people, and there is no reign of terror in that land.

But let me read the proceedings of that convention. They are as follows:

NO MAN'S LAND—A TERRITORIAL CONVENTION NOMINATES OFFICERS AND ADOPTS STRONG RESOLUTIONS.

BEAVER, NO MAN'S LAND, *September* 17.

Inclosed I send you the platform adopted by the Oklahoma Territorial convention which assembled here last Saturday. The convention had been well advertised, and was a large and enthusiastic gathering of the friends of Territorial government. John Dale, who had been in Washington during the winter helping the Kansas annexation and Cherokee Live-Stock Association in their schemes for town-site, scrip, and other speculations, was present, and in a lengthy speech attempted to capture the true friends to home rule and convert them to his way of doing business, but he failed, and was invited to sit down, and left the room in disgust.

O. G. Chase was nominated as a delegate to the Fifty-first Congress. A full Territorial ticket for the third annual council was also put in the field, and it was generally agreed that nine-tenths of the population prefer to remain as we are rather than yield to the Kansas annexation schemes.

A large number of old soldiers were also present and organized a post of the Grand Army of the Republic on the same day, which brought out scores of army flags and many greetings amid old army friends.

The platform of principles is as follows:

"*Resolved*, That this convention, having been called by notices inserted in each of the newspapers published in this Territory, does hereby heartily indorse the action of our Territorial council in its wisdom in adopting the Colorado laws, as enunciated in council bills Nos. 9 and 10, and that we furthermore indorse our friends in their successful effort in adding section 18 to the Oklahoma bill, authorizing the governor of this new Territory to adopt the Colorado laws for it until the Legislative Assembly shall otherwise provide.

"*Resolved*, That the Territorial party will in the future act as it has done in the past, and constantly insist upon local Territorial government authorized by Congress to secure for our people schools, courts, and a United States land office within our borders, the same as other Territories have.

"*Resolved*, That we earnestly recommend a full, free, and honest vote be had in each precinct in this Territory at the November election for all Territorial, county, and precinct officers, and that returns be made to the council meeting, held in Beaver on the first Wednesday in December, as prescribed in council bills numbers 7 and 10, pages 116 and 128, Territorial Records.

"*Resolved*, That we congratulate ourselves upon the successful establishment of law in No Man's Land, which is respected and obeyed better here than are the laws in States adjacent, and that we implore Congress to lay aside strife, envy, tariff, and political prejudice long enough to give us the long-looked-for and much-coveted aforesaid legislation and backing.

"*Resolved*, That we ask our friends to keep an eye single to the wants and necessities of the 15,000 people who, in the language of Hon. WILLIAM M. SPRINGER, 'have made such laudable efforts to create a republican form of government in No Man's Land.'"

When this question was raised four or five days ago the distinguished chairman of our Committee on the Public Lands, the gentleman from Indiana [Mr. HOLMAN], got up and stated he would oppose this measure. I will read what then took place from the RECORD, page 9863. Here it is:

Mr. HOLMAN. I wish to add a word. That so much of the amendment as proposes to attach the Public Land Strip to any portion of the State of Kansas will be as strenuously objected to by myself as by any other member on the floor. If the Land Strip is to be organized into a land district at all it should be a separate district. It contains three and a half millions of acres, and I am confident when the subject is carefully considered the House will not consent to add it to any of the adjacent territory. I shall object to any other arrangement than that I have indicated.

Mr. PETERS. Will the gentleman allow me to ask him a question?

Mr. MANSUR. Yes, sir.

Mr. PETERS. Would there be any objection if the amendment only extended the laws of the United States so far as crime is concerned over No Man's Land?

Mr. MANSUR. Yes, sir; and I will explain the reason why.

Mr. PETERS. I hope it will be done.

Mr. MANSUR. Yes, sir, I will explain; and I desire first to call the attention of the gentleman to another resolution adopted at the same convention at Beaver:

Resolved, That we congratulate ourselves upon the successful establishment of law in No Man's Land which is respected and obeyed better here than are the laws in States adjacent; and that we implore Congress to lay aside strife, envy, tariff, and political prejudice long enough to give us the long-looked for and much coveted aforesaid legislation and backing.

That is to say they want a Territorial organization of their own, and in that feeling I participate. Now, as I have said, the statements made by the distinguished Senators from Kansas and Illinois, which have been read in the hearing of the House a few moments ago, indicate that they put their action upon the basis of peace and pacification for the people there. But the people themselves deny it. They say it is not on that ground at all, but as this resolution indicates, that they want a separate and distinct organization of their own. And more than that, Mr. Speaker, this Territory if put into this condition, in my judgment, with all the land laws of the United States in force, and authority for the Secretary of the Interior to proceed and survey the lands and make the lands subject to the present laws of the United States, is in direct conflict with the terms and provisions of the bill known as the bill for the organization of the Territory of Oklahoma, and is so considered by the friends of that measure; and therefore as the friends of that bill, and speaking for them, we are prepared to fight this provision to the bitter end. I know I can speak in this regard for the gentleman from Iowa [Mr. STRUBLE] who sits in front of me; the gentleman from Arkansas; the gentleman from Wisconsin, and other distinguished gentlemen who are not now present, and it will certainly take a quorum of this House to pass this measure through it.

Mr. PETERS. I should not support that amendment of the Senate myself, so far as that is concerned; but the suggestion——

Mr. BURNES. After the statement of my colleague, debate is entirely unnecessary, in view of his declaration, and I think the House is perfectly willing to let it go.

Mr. MANSUR. Very well; although I have not concluded what I had to say, I am perfectly willing and content to let the matter go with that understanding.

Mr. BURNES. Of course, I do not desire to prevent my colleague from continuing his remarks if he wishes to proceed further. But debate is unnecessary.

Mr. SYMES. Will the gentleman from Missouri allow a question?

Mr. MANSUR. Certainly.

Mr. SYMES. Do you propose to insist upon the presence of a quorum if the Senate amendment is simply to extend jurisdiction over that territory for the punishment of crimes, and not in any way attaching to it another land district or extending the land jurisdiction over it?

Mr. MANSUR. Yes, sir; in any event. The Oklahoma bill has the right of way, and we have by a poll of the House ascertained that over two hundred members——

Mr. PETERS. As I understand the gentleman from Missouri, then, he proposes to punish the people in my district to make a little capital for another measure pending in Congress.

Mr. DUNN. Let the people of your district stay at home.

Mr. PETERS. They do stay at home. It is not my people who are making this difficulty. It is the outlaws in this No Man's Land who are placed beyond the reach of criminal jurisdiction.

Mr. MANSUR. My position is this: that the Oklahoma bill has the right of way. Now, if we are correct in our information, two-thirds or more of the House are in favor of its passage. Having the right of way at the opening of the next session of Congress, it will have its day, and filibustering in a full House will neither delay its passage nor beat it.

Mr. PETERS. But is it not true that every friend of the Oklahoma measure from the West, and especially from Kansas, in this House would vote for the Oklahoma bill as quickly and readily if this feature or amendment in relation to crime in No Man's Land was put into this bill or into a separate measure?

Mr. MANSUR. No, sir; and I call the attention of the gentleman to the resolution of September 15, passed at this meeting, in which the people there expressly deny that they are willing to be attached to any other public land district.

Mr. PETERS. And I venture to say in response to the gentleman, and I know it is a matter of fact, for I have been amongst them, that the people of No Man's Land are about equally divided on the question, and the convention to which he alludes expressed the convictions of a large minority of the citizens, but not the convictions of a majority of them. They are divided upon this very question now just as they were two years ago, when they sent here two delegates, one in favor of annexation to Kansas and another in favor of the separate organization of the territory.

Mr. MANSUR. But here is the action of an organized convention, in which Mr. Dale, one of the very parties that you refer to, who came here and advocated your own views, was hissed for expressing annexation sentiments. Now, what authority has the gentleman for saying that it was a minority of the people and not a majority of the citizens of that Territory who were represented in that convention?

Mr. PETERS. Because the very same element that met there passed a resolution that sent one of these delegates to Congress. The other convention has not met yet and we have not heard from the other side.

Mr. MANSUR. When were you last there?

Mr. PETERS. Last week.

Mr. HEARD. Will my colleague allow a question?

Mr. MANSUR. Certainly.

Mr. HEARD. I understand the resolution as read by my colleague to be directed to the extension of the land laws over that district.

Mr. MANSUR. We object to that because the people object——

Mr. HEARD. But my colleague does not permit me to finish. He

does not understand me. I say the objection I understand you to read from the resolutions adopted there was against the adoption of the extension of the land laws and not against the jurisdiction of the Federal courts.

Mr. MANSUR. Yes; against the whole thing.

Mr. HEARD. Then my colleague did not read that far; he only read part in response to a question.

Mr. MANSUR. I will read it:

Resolved, That the Territorial party will in the future act as it has done in the past, and constantly insist upon local Territorial government authorized by Congress to secure for our people schools, courts, and a United States land office within our borders, the same as other Territories have.

Mr. HEARD. They insist upon a Territorial organization. I understand that; and I stand with him willing to give that to these people; but what I undertake to say as a friend of Oklahoma is that I do not see how it would militate against that organization if until we get enough members of this body present to pass the bill we should give them now the protection which is proposed by this bill. Therefore I am in favor of giving to them the protection which is guarantied by the institution of some court which will administer the Federal law for the prevention and punishment of crime. I am also in favor of giving them a Territorial form of government at the earliest practicable date.

Mr. MANSUR. Within ninety days we can give to Oklahoma a Territorial organization, so far as the action of the House is concerned, and those blessings which will flow from that form of government are tenfold greater than those which would follow the acceptance of this proposition.

Mr. HEARD. Let us give them both.

Mr. PERKINS. Will my friend yield to me for one question?

The SPEAKER *pro tempore*. The time of the gentleman has expired, and this debate is all proceeding by unanimous consent.

Mr. PERKINS. The question I desire to ask is, if in the opinion of the gentleman from Missouri [Mr. MANSUR] he understands that the people of Oklahoma would not desire the laws of the United States extended over them temporarily pending the consideration of the organization of a Territorial form of government for them?

Mr. MANSUR. My understanding is that with the hope of having the Oklahoma bill passed at an early day in the next session they prefer to let the matter stay as it is. That is the latest information I have.

Mr. BURNES. If my colleague is through I desire to yield ten minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, I may not possibly be able to submit what I desire to state to the House in that length of time, because what I will offer is largely composed of evidence which I desire the House to hear. Now, I agree with the statement made by the gentleman from Kansas [Mr. PETERS] to the effect that it is absolutely necessary that some sort of criminal jurisdiction should be enforced within this tract of country known as "No Man's Land."

Mr. HOOKER. How many people are there on it?

Mr. LANHAM. I do not know. I have seen various estimates about it. I represent a district bordering in part upon this region, and for the last eight or ten months I have received frequent and numerous complaints from a part of my constituency concerning the depredations committed upon them by parties coming down from "No Man's Land" into Texas. Now, I do not care where the jurisdiction may go—whether it is Colorado, Kansas, New Mexico, or anywhere else—but there seems to me to be an absolute and pressing necessity that some political organization should have criminal jurisdiction, at least temporarily, over this region.

Now, let us for a moment see what is this "No Man's Land." In the report of the Secretary of the Interior, submitted at the beginning of this session, I find the following:

PUBLIC-LAND STRIP.

Because of its anomalous condition, this portion of the public domain should receive the prompt attention of Congress. This tract of land is bounded on the east by the Indian Territory, on the north by Kansas and Colorado, on the west by New Mexico, and on the south by Texas. It is a little over 168 miles long from east to west, and a fraction over 34 miles in width from north to south; contains 5,738 square miles, or 3,672,640 acres. Excluded from the boundaries of these States and this Territory, it has always been outside of any political jurisdiction. It is simply a part of the public domain, over which the land laws have not been extended, and within the limits of which no tribunal, civil or criminal, has jurisdiction to protect property or punish crime.

* * * * * * *

The territory should also be placed under some political organization, so that civil and criminal law may be properly administered therein.

I do not think the gentleman from Kansas [Mr. PETERS] has at all exaggerated the conditions of lawlessness which obtain in "No Man's Land" and the country immediately adjacent thereto. As I have stated, for the last several months I have received complaints from my constituents as to the situation there. I hold in my hand a letter addressed by General Henry E. McCullough, the State land agent of Texas, to the governor of Texas, on 5th December last, and by him referred to me. I read from that letter this statement:

I find a strip of land about 30 miles wide extending all along the north end of the Pan Handle, known as the "Neutral Strip," which seems to belong to no country, State or Federal—at least, no government seems to exercise any lawful control over its citizens, or rather inhabitants, and from all I can learn there is a collection of lawless men from all parts of the world on it, and our people complain of their depredations, in this, that some of them come down into the stock ranges in the Pan Handle with their Winchesters, axes, and wagons "hunting," when there is little or no game, camp in out-of-the way-places, and when they start back always have their wagons well loaded with wood, and it is believed that some, if not all, of them have some fresh beef under the wood; and some of these people make a practice of coming down regularly into our border counties and cutting and hauling off the best cedar and other timber that grows on both railway and school lands, and none of our people seem to feel at liberty to interfere with them in any way, and without they are backed by some State authority they will hardly undertake it.

Mr. DUNN. Is it necessary to extend the laws of the United States to the Public Land Strip to prevent the commission of crime in Texas?

Mr. LANHAM. I hope the gentleman will wait until I get through with the evidence that I desire to submit. I send to the Clerk's desk to be read an article found in the Fort Worth Gazette, coming from a correspondent at Mobeetie, Tex., a few days after the date of the letter which I have just read from General McCullough, and which was sent from the same place.

The Clerk read as follows:

SHEOL IN NO MAN'S LAND—THE PUBLIC LAND STRIP OVERRUN WITH THIEVES AND RUSTLERS—MURDERS OF DAILY OCCURRENCE—A GENERAL DEMAND FOR CONGRESS TO PLACE THE PUBLIC LAND STRIP UNDER STATE OR FEDERAL SURVEILLANCE—CATTLE KILLED FOR THEIR HIDES—THE EARLY DAYS OF CALIFORNIA REVIVED—SPECIMEN CASES OF CRIMES.

[Correspondence of the Gazette.]

MOBEETIE, TEX., *December* 12.

A stockman from Hansford County is here to find out what protection, if any, can be invoked from the Federal or State authorities against the aggressions of a band of thieves and rustlers who are operating in the Neutral Strip. The state of affairs existing along the northern border of Texas, as reported by him, is most peculiar and deplorable. Cattle which drift across the line into the Strip are killed for their hides or a choice piece of steak by the rustlers, and their carcasses are strewn thick upon the prairies like those of the buffalo some years ago.

The offenders are well known, but the Strip being absolutely without law and under the jurisdiction of neither the State nor Federal Government, they are insolent and defiant. A few days ago one of them, in response to a warning to cease his misdoings, sent word to the cattlemen that they ought to arrest him if they could. The cattlemen along the border are very much worked up over the situation, and say that unless Congress does something speedily they will be compelled to take the law into their own hands. The only form of a court existing in the Strip is a vigilance committee, which seems utterly powerless to cope with the lawless elements, which, on account of the shelter it offers to criminals, have flocked in there from all quarters. Murders are almost of daily occurrence, and the murderer, if he is a dangerous character and has friends, goes scot free.

The report of a horrible tragedy comes through some stockmen who drove to market through the Strip a short time ago. Five men killed a boy, a sheepherder, who, it seems, was suspected of stealing sheep. They demonstrated to the satisfaction of the vigilance committee that the deed was done in self-defense, and after an acquittal lynched two men and a woman, the father and mother of the boy and a party living with them. A few weeks ago a man who had established a claim and built a dug-out made a trip out of the Strip, and on returning found an occupant in his dug-out who refused to give it up. An altercation ensued, the result of which was that the usurping occupant was killed. His slayer retreated to the dug-out of a friend, and when the vigilance committee came after him was so well intrenched that they had to retreat without him. These are specimen cases of crimes which are of ordinary occurrence.

The reports which reach the press from the Strip are few and meager, and thus the public has been left in the dark as to the actual condition of affairs. Settlers are filling it up very fast, and with the assistance of the Federal authorities they would soon be able to rid it of the rustlers. The law-abiding elements are looking anxiously forward to some action by Congress at its present term. If they should be disappointed there is a strong probability that the early days of California will be revived by concerted action of the law-abiding elements.

Mr. LANHAM. A dispatch published recently in the Dallas News contains this statement:

The governor has letters from the Pan Handle complaining that desperate thieves and robbers from No Man's Land are coming down into the border Texas counties and stealing stock. Owing to their numbers and the sparse population of the Texas counties, they are able to get off with their plunder to market. A company of rangers is asked for to protect the settlers, but at present the governor can not spare a company for that distant service.

Only a few days ago I received a letter from T. J. Fagan, the county attorney of Lipscomb County, Texas, from which I will read the following extracts:

We of this county are bounded on the north by No Man's Land and on the east by the Territory. Depredations of every character are almost of daily occurrence, and the State officers are powerless to prevent them. Only this morning (September 17) a poor man called to see me whose son had been foully shot down and killed in the Strip. Of course I could do nothing for him. * * * Horses and cattle are taken from our citizens daily.

Mr. Speaker, I have produced these statements and letters to emphasize the necessity of having some character of criminal jurisdiction enforced within this Territory. Something must be done. It is manifest to every one who has given any attention to the situation that there is no possibility of passing the Oklahoma bill at this session of Congress. These murders and depredations are of daily occurrence. What objection can there be, then, to giving to these people the relief which they so much need and for which they constantly appeal?

Here is a large territory where the people who inhabit it have neither the restraints nor the protection of any laws, State or Federal. The people themselves of this region, as well as the citizens of adjoining States, need that some authoritative jurisdiction should be asserted—some power ought to be competent to punish the crimes committed in this territory—and there ought to be something done whereby criminal process can reach those offenders who violate the laws in Kansas or Texas and take refuge in this lawless country. Depredations of every character, it seems, are being perpetrated both within and without this neutral strip, and the offenders can bid defiance to any jurisdiction. If these conditions continue the worst of consequences may obtain.

Invasion and retaliation will be the only resources left to those who are being despoiled of their property, and any good people who may reside in this territory will inevitably feel the terrible effects of such a course. A reign of terror will ensue, and the life and property of no man will be safe. In the presence of such an urgent demand for the force and authority of the criminal law it is but a poor answer to a suffering people at this juncture to bid them wait for the organization of the Territory of Oklahoma.

As before stated, it is not material as to where jurisdiction may be lodged—whether in Kansas, Colorado, or Texas; it may not be specially important just now as to the adoption of any particular system of land laws for "No Man's Land." That may be deferred for a future time. But it is of the highest importance that the lives and property of the people should be preserved, spoliation and bloodshed avoided, and the wholesome exercise of the criminal laws enforced; and the sooner this is done the better.

I am not actuated in these remarks by a spirit of antagonism to the Oklahoma bill, but because I am convinced of the necessity for speedy action. The measure proposed may be limited to purposes of temporary relief, and in no way obstruct the future policy of Congress as to the organization of Oklahoma Territory. The committee on conference can abandon that feature of the Senate amendment which treats of the "privileges and benefits of the land laws," and confine its operation alone to the extension of criminal jurisdiction over this Territory as a measure of temporary relief.

Mr. BURNES. I now yield five minutes to the gentleman from Colorado [Mr. SYMES].

Mr. SYMES. Mr. Speaker, it is a very unfortunate thing for many people in that part of the country, as well as for the people at large, that the Oklahoma bill did not become a law at this session of Congress. However, it can not now become a law, and the responsibility for its failure rests with the gentlemen who saw fit to demand a quorum when it was impossible to get one here during the long and tedious course of the present session. I have gone as far as any gentleman in the endeavor to pass that bill, because in all its provisions it is one of the best and most important measures for the people that has come before Congress for years. Nevertheless, sir, I now face the fact that it can not become a law at this session, and we find in this strip of land, 140 miles long and 30-odd miles wide (the peculiar character of which I have described to the House on different occasions during the last three years) a crying necessity for some law.

The people there are without law or order. Murders are committed upon the border of my State of Colorado and upon the border of the State and the district of the gentleman from Kansas [Mr. PETERS], and there is no law to punish the murderers. The question is, what shall be done in the interim between this time and the meeting of the regular session of Congress in December, when we shall have a quorum and when we can pass the Oklahoma bill? Shall murder run riot? Shall horse-stealing continue to be the "business," as some claim it is now, of 10 per cent. of the people in that region, and shall there be no authority to punish that or other crimes? I trust that state of things is not to continue. I would object and demand a quorum before I would allow any amendment to the deficiency bill to go through here which would extend the pre-emption law, or any other land laws, over No Man's Land, as is now proposed by the amendment sent here by the Senate; but the gentleman from Kansas [Mr. RYAN] has explained, and I have understood from other gentlemen concerned in the conference report, that the Senate will not insist upon that.

The question now is simply this: Shall we extend United States Federal court jurisdiction over No Man's Land and attach it to Southwestern Kansas, for the purpose of punishing crime and restoring and preserving order in that territory until the next session of Congress? I will not take the responsibility of opposing such a proposition as that. I advocate and urge upon the House the importance of such a measure. I have received letter after letter on this subject; I have received resolutions on this subject; I am familiar with what has been read here by gentlemen who have preceded me; but I will not weary the House by going over the details. It has become a notorious fact, familiar to all of us, that murder, horse-stealing, and other crimes have come to be the order of the day there, and we ought to extend some court jurisdiction over that region until we meet in the next session of Congress, when the Oklahoma bill can become a law.

Mr. Speaker, in closing, let me repeat what I have previously said upon this floor, that this strip of territory called No Man's Land, with all its lawlessness, is about as free from crime as that portion of the so-called Indian Territory over which we have been trying to extend the Oklahoma bill, carrying with it civil law and government. We have been violating, ever since the treaty with the Indians in 1866, an express provision of that treaty which guarantied our extending court jurisdiction over that benighted country for the protection of the native Indians, the half-breeds, and the white men.

Crimes have been common for years in that part of the Indian Territory known as the Cherokee Strip, the Oklahoma country, and other portions outside of the five civilized tribes. Warrants are issued and the marshal and his posse from the western district of Arkansas go to make arrests. The officers are often resisted, and additional murders committed before the arrests can be effected. The expense to the United States is enormous. This trouble will continue until local government and local courts are organized in that country. It is to be hoped another session of Congress will not pass without such legislation.

Mr. BURNES. I yield ten minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, I have not been able to see any reasons why the laws of the United States should not be extended over this No Man's Land as proposed in the amendment reported by the conference committee. I have heard a great deal about men being very much in love with other people's land and desiring to acquire it, but there seem to be more people in love with this No Man's Land than I have ever heard of as being in love with anybody's land. [Laughter.]

Now, I can not conceive why any one can possibly object to extending over that region the jurisdiction of the laws of the United States for the punishment of crime and the regulation of civil rights. I had hoped that probably there might be a very happy solution of the difficulties arising with regard to No Man's Land (which seems to produce so much trouble) by an equitable division of this territory between the States of Kansas, Colorado, and Texas; and we might give Arkansas a small strip of it if the gentleman from Arkansas [Mr. DUNN] does not object.

Mr. DUNN. Your friends, the Indians, stand between us and that land.

Mr. HOOKER. And I hope they will always so stand.

Mr. SYMES. As the sole Representative from the State of Colorado, I wish to say that we do not desire any portion of No Man's Land. We are generous, and are willing it should be given to the poor people who choose to go West as pioneers.

Mr. HOOKER. Some gentlemen insist that we ought not to extend over this territory the jurisdiction of the laws of the United States for the punishment of crime. Why? Because they want the Territory of Oklahoma established! That is a singular reason for not agreeing to the report of this committee. Because you can not make a Territory of it you object to extending the laws of the United States over this strip of land which now has not the benefit of those laws!

Why, sir, this strip of land would make a very queer looking Territory—a Territory 30 miles wide and 148 miles long! This strip of land is to be organized into a Territory and then into a State; for I take it for granted, if it ever be made a State, it will not include any more land than what is now called No Man's Land. I believe that a better disposition of it would probably be to cut it up and attach it to the coterminous States, extending over it the laws of those States respectively, as well as the laws of the United States. But if that is not agreeable to gentlemen here, there certainly can be no objection to extending over that territory the laws of the United States for the punishment of crime. If there exists there all the crime that is stated, and if the character of the population is such as it is said to be, there should be no objection to extending over that territory the laws of the United States for the punishment of crime as proposed in the report of the conference committee.

But, Mr. Speaker, what sanctity invests No Man's Land, and what reason is there that while you may make an organized Territory of it, you can not extend to it the land laws of the United States—the homestead law and the pre-emption law? Is there any such sanctity attaching to this region that the laws which apply to other lands of the United States should not be applied there? No Man's Land is spoken of as a Territory. It is not a Territory yet; it is nothing; it is no man's land; it is a nonentity; you can not designate it as a Territory. What is there so sacred about this No Man's Land that the land laws of the United States should not be extended over it, or that the instruments of the surveyor can not be put upon it to determine what it is and what are its boundaries? What is there so sacred about it that citizens of the United States should not be permitted to establish homesteads there, when the Government of the United States has surveyed the land? I am not aware that there is anything peculiar about this No Man's Land distinguishing it from other lands of the United States; and I can not understand why the land laws of the United States should not apply there.

I have no objection to the proposition as it comes from this committee; but if it be deemed objectionable, it certainly can not be objectionable simply to extend over this region of country the laws of the United States for the punishment of crime, for the security of life, liberty, and property.

As to the Oklahoma bill, which gentlemen say they are going to pass, it has not passed yet. It may pass at the next session beginning in December, but it must go through other ordeals than this House before it can become the law of the land. It must stand the test of examination in the other branch of the legislative department; and then it must stand the scrutiny of the Chief Executive. So that even when you have a quorum, it does not follow that this measure is to become a law. I will say that I doubt very much the wisdom of passing any measures which are to become laws of this country without the presence of a quorum. If the requirement of the Constitution making a

majority of the whole body necessary for a quorum be wrong, change it; but so long as that provision exists, it is to my mind exceedingly questionable whether any law should go upon the statute-book which has not received the sanction of at least a quorum as now called for by the terms of the Constitution and the organization of this House.

But I can see no objection to the proposition as it comes from the conference committee extending the criminal laws of the United States over this region of country; and I understand that gentlemen on the other side agree with me in this particular. I think that our conferees, if this matter should go back for reconsideration in conference, ought to be instructed to agree to the proposition to extend at least the criminal laws of the United States over this region. For myself, I do not see any particular reason why the land laws of the United States—the homestead, and pre-emption laws—should not apply there, giving preference, if you choose, to persons who have already located land in accordance with those laws.

If there be bona fide settlers to any extent give them that preference if they have a right to it. I see no reason why the land laws of the United States should not apply to this nondescript territory as they do to the defined and surveyed boundaries of other Territories. This is all I desire to say.

Mr. BURNES. I yield now for ten minutes to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. Mr. Speaker, I do not desire to use the whole ten minutes. I am satisfied I have very fixed and stubborn objections to this amendment, because, first, upon the excellent ground upon which the objection was placed by the gentleman from Missouri [Mr. BURNES] in charge of the bill, it comes as an amendment to an appropriation bill when it contains no appropriation, but is legislation pure and simple in violation of the established rules of both Houses. Those of us who have been in Congress long have seen the vicious results of legislation on appropriation bills, and in every case we have heard it justified on the plea of emergency.

This Public Land Strip has been there in the same place it is now ever since 1846; ever since it was wrested from Mexico. The surrounding States have not been terrorized by the inhabitants who live upon it. They must be a wonderfully orderly people for self-government. They have not attracted the attention of the country by the enormity of their crimes.

Mr. SYMES. Will the gentleman allow me there?

Mr. DUNN. No; I can not yield. The complaint made by the gentleman from Kansas [Mr. PETERS] is that a party of Kansas citizens went down there fleeing from the fury of their neighbors, and that their neighbors followed them and killed them. He then says these people go up into Kansas and commit crimes up there. I want to know if the extension of the laws of the United States over the Public Land Strip can give jurisdiction to try people for offenses committed in Kansas and Texas? Now, the laws of the States are ample for this purpose. It is in violation of the wishes of the people who live on this Strip, who are entitled to their own local government.

Mr. PETERS. Will the gentleman allow me to ask him a question?

Mr. DUNN. No, I can not yield. It places them under the jurisdiction of a remote court, some one told me probably 300 miles distant from them. The expense of administering the laws will be extraordinarily great and extraordinarily precarious. People from the Territory will be arrested and dragged this great distance to be tried before a jury of some other vicinage and not that of the offense. It violates the whole spirit and genius of our Government, of local self government, of autonomy for the Territories and for the States. It gives the people about the Kansas land office a chance to make one universal grab of all the lands before the people of the Territory will be apprised of the fact they are in a land district.

We all know, who have been at all intimately connected with the management of the Oklahoma bill, that this scare has all sprung up since that bill came up. If the complaint urged by gentlemen in the surrounding States could be considered as retributive justice pursuing those who have defeated the passage of the Oklahoma bill, then the gentleman from Mississippi [Mr. HOOKER] and his friends would have my profound sympathy. They are vials of wrath laid up for them against the day of judgment.

Mr. HOOKER. Pour them out. [Laughter.]

Mr. DUNN. We all know there is one element greater and stronger and more powerful than all others in defeating the passage of the Oklahoma bill, and that is the great cattle syndicates of Texas who are grazing their cattle upon the Cherokee Strip.

Mr. LANHAM rose.

Mr. DUNN. I do not yield. They are there. They are the enemies of the Oklahoma bill. They do not want the people there. These cattle-grazing contracts and leases are now expiring, and it is all-important to defeat the passage of the Oklahoma bill. I am told the Secretary of the Interior has notified Chief Mayes, of the Cherokee Nation, to make no more contracts or leases, and that if he does they will not be respected, and that those who undertake to lease those lands may expect local government will be organized for that Territory.

Now, Mr. Speaker, I desire to say here, and I mean it all, that no expedient of this kind, after the filibustering experience encountered by the Oklahoma bill, shall go through this House without a quorum to carry it through; and every argument made here in favor of this measure is tenfold stronger for local government for these people living there and on that territory; and I serve notice now upon all who may be interested in this measure that it can not pass until there is a quorum to pass it.

Mr. BURNES. I now yield one minute to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, a few moments ago I made a reply to the gentleman from Missouri [Mr. MANSUR], as I understood his question. In the course of the discussion I understood him to ask me when I had been in my district. I answered "last week." I am now informed that his question was when I had been in No Man's Land. I misunderstood his question, therefore, I desire to make this correction.

Mr. BURNES. I am quite satisfied, Mr. Speaker, that further discussion on this item would be a useless consumption of time in view of the assurances of gentlemen of known character and integrity as to their views upon it, and I will therefore pass from it and call attention to the next provision, which is amendment numbered 41. This is a proposition to appropriate $2,500 to employ a certain counsel in the case of Samuel Strong, I believe, against the District of Columbia. The conferees have not agreed with regard to it, simply because they could not understand exactly what they should do, but probably mainly because of certain public assurances which were given by the conferees to the distinguished gentleman from New York [Mr. SPINOLA.] For the purpose, therefore, of redeeming the promises and assurances made to him, as we had to report a disagreement anyway, we have therefore brought that provision back as a subject of disagreement, although I think, in fact I know, that the conferees on the part of the House and Senate could have agreed upon a proper settlement of the amendment. But, for the purpose of giving the gentleman from New York an opportunity of explaining his position and views upon the subject, it is here on a disagreement, and I yield to him now so much time as he may desire.

Mr. SPINOLA. Mr. Speaker, when this bill was before the House the gentleman from Maryland submitted an amendment, which the Senate has added to the bill. The House, by an overwhelming vote, after a full discussion of the question on its merits, rejected the proposition for two reasons; one based upon the facts of the case, and the other that it was new legislation, and hence it was ruled out.

This is new legislation upon this bill, incorporated by the Senate. The facts of the case are these: Samuel Strong had a claim against the District of Columbia, arising from work performed and material furnished in making certain improvements for the District. The claim was a very large one. Work had been performed by him under contracts, some twelve or thirteen in number, between the District and Mr. Strong, under the provisions of which he was to receive his compensation in the current money of the United States; and it was also provided in the contracts that Mr. Strong should pay the men employed by him in the same kind of money.

Mr. Strong did it, but the District of Columbia never paid him one solitary dollar in the current money of the United States. On the contrary, it forced him to accept in lieu thereof certain certificates issued by the District, against which he protested, but he was compelled to accept them in order to try to relieve his necessities, he having expended all of his own available money in the prosecution of the contracts up to that time. These certificates were hypothecated in the banks of this city, and the commissioners of the District of Columbia pledged their honor as officials and men that when the paper became due for which the certificates were pledged they would take up the paper and redeem the certificates. They never took the paper up. The certificates were sold at 45 and 50 cents on the dollar, and that is the only compensation Mr. Strong ever received for the vast amount of work performed and material furnished.

The case went into the courts, and on four different contests Mr. Strong beat the District every time, never once losing a suit—three times in the courts of law and once before a reference composed of three referees. But each time by some technicality the District, by its representatives, had the findings or verdicts set aside, throwing the case back; and it has been lingering in this way for some fifteen years, until Mr. Strong has reached the age of eighty years. This Congress passed a joint resolution providing for the appointment of three arbitrators to settle the question and to determine what, if anything, was due to him, and if anything, to provide the money to pay him, or if nothing was due him to let the fact be known. The President approved that bill and appointed the arbitrators, and the District, through its attorney, applied to this House for an additional appropriation of $2,500 to defend or protect the District before the arbitrators.

Now, sir, the law as it stands to-day, provides some $10,000 or $12,000 for the support of that branch of the government of the District of Columbia, that is to say, the legal side of it. The district attorney of this city and his assistants are the proper persons to protect the District in all suits of this character. But since the appropriation was made the arbitrators have met and the District was represented by its attorney, and it took a much shorter time than was anticipated. After sitting for five days the court adjourned, both sides being fully heard,

and heard on the side of the District of Columbia by its regular and legally constituted representative, the district attorney for this District.

Therefore there is no use at this present time of including an appropriation in any bill to pay for any extra counsel in connection with that case. It is a subject that certain gentlemen of this city have availed themselves of for the last fourteen or fifteen years, and on which they would apply to Congress for a special appropriation to test the case of Mr. Strong, and, as the figures will show, some thousands of dollars have been spent in that connection. Now, the case is closed for the present with leave to file briefs on both sides with the referee, and there is no longer any necessity for this appropriation.

Mr. RYAN. May I ask whether the award is to be final? If it is final, it terminates the whole question.

Mr. SPINOLA. If anything is coming to him, which is undoubtedly the case, the referees will say what it is to be.

Mr. RYAN. The right of appeal does not exist.

Mr. SPINOLA. No, sir. Therefore I would suggest the propriety of not taking up the time of the House with this, and the conferees on the part of the House should be requested to suggest to the Senate the propriety of striking out this item. It is only a small one, but small ones nevertheless grow larger.

Mr. BURNES. The conferees on the part of the Senate and House, it is due I should say, have been considerably exercised over this matter. This litigation between the District of Columbia and Mr. Strong, or rather by Mr. Strong against the District of Columbia, has been running on here, as alleged, for fifteen years in civil suits, one of which lasted here about three months.

Mr. SPINOLA. For seventy-nine working days.

Mr. BURNES. For seventy-nine working days, as stated by the gentleman from New York. While the case was in that condition and while the counsel for the District of Columbia were confident that they were in the right, as we are advised, a resolution passed through the Senate providing for an extraordinary tribunal for the termination of this lawsuit. The resolution declared that this litigation should be taken out of court, taken away from the right of appeal to the Supreme Court, and committed to arbitrators to be appointed by the President of the United States. This resolution, thus passed through the Senate, was passed in some way through the House.

I doubt if any gentleman present can recollect the circumstances of its passage. Nevertheless it became law. A week or ten days ago the arbitrators were appointed; but before they were appointed the conferees in conference regarded the situation as somewhat grave and serious, and concluded that the attorney who had made this case his special study and who had been in it from the commencement should be retained—what his name is I do not now remember. The District commissioners thought so. We thought so. We thought the best we could do in defense of the rights of the District of Columbia was at least to appropriate a suitable sum to employ the attorney who of all others was best qualified to try the case before the arbitrators. Before we had reached any determination the distinguished gentleman from New York [Mr. SPINOLA] informed us that the arbitrators had met, heard the case, and adjourned, and had directed briefs to be forwarded to them.

Now, that is the situation. The amount involved is generally believed to be a half million dollars. A claim amounting to half a million of dollars that has been in the court for fifteen years is, it is said, thus unceremoniously and speedily disposed of, without the aid and assistance, so far as the District is concerned, of the attorney who knows most about it. Notwithstanding its adjournment and notwithstanding what my friend from New York says, I think that this lawyer ought to be retained, and that he ought to pursue these arbitrators, if necessary, to their homes, either individually or collectively, and get before them the rights of the District of Columbia as against the plaintiff, Mr. Strong.

Mr. ROGERS. Will the gentleman tell me what he means by the arbitrators adjourning?

Mr. BURNES. I have just stated what the gentleman from New York [Mr. SPINOLA] has said on that subject. I know nothing in the world in regard to it except what the gentleman has stated. I understand from the gentleman from New York that these arbitrators, appointed probably a week or ten days ago, have already had a meeting in the city, have had before them some one representing the city and some one representing Mr. Strong; that they have had some sort of hearing and have adjourned, gone to their homes, and requested those having briefs to file to send them to them at their homes.

Mr. ROGERS. A board of arbitration is simply a court, and until the award is made and the board of arbitration is dissolved there is no reason why briefs can not be presented or any other matter pertinent to the matter under arbitration, and the fact that they have adjourned and gone home can not cut the Government out from a hearing.

Mr. BURNES. I think not; and for that reason I suggest that this provision ought to be made. I hope my friend from New York [Mr. SPINOLA] will be perfectly willing, in that spirit of fairness which has always characterized him, to allow this provision to be made for the payment of this lawyer, who is the only one thoroughly acquainted with the case. I trust he will interpose no opposition. If this provision is not made I have information which leads me to believe that the conferees on both sides will agree to report a provision repealing the joint resolution creating this board of arbitration.

Mr. SPINOLA. Mr. Speaker, in order that the gentleman from Missouri and the House may understand the position of this question, I will state that it was no momentary hearing that was had before the arbitrators. It took one day to arrange the manner in which the case should be presented, and, after that was done, two days were allowed to each side. Each side occupied its full two days, and there is no other gentleman in the District of Columbia so well qualified, in my judgment, to handle the case on that side as was the assistant District attorney who appeared there on behalf of the District. He had his full two days, and the other side had their two days, and they have agreed now to submit their briefs to the arbitrators, who will take them up, together with all the evidence and all the law governing the case, and examine them at their homes, and then return here to give their decision. There was no extra counsel called in. There was no extra counsel retained.

The gentleman referred to by my friend from Missouri [Mr. BURNES] (I think Miller is his name) had been retained by the District of Columbia and had drawn annually a certain amount of money for appearing in this case; but whenever he appeared the assistant District attorney appeared also, and was as familiar with the law and the facts in the case as any human being could be with any question of that character; and, in my judgment, no man could have presented the case of the District more ably than did Mr. Davis, the assistant District attorney. Therefore there is no longer any necessity for this item remaining in the bill. If there was any necessity I would withdraw my objection to it. Who is to receive this money if it is appropriated? We shall simply put it in here to be raided upon in the future and probably drawn from the Treasury upon some pretext or other.

The amount is only $2,500, and I have no particular objection to it if the House is willing to let it go in, but I do not see any occasion for it. Mr. Strong was thrown out of court four times. The long trial referred to by the gentleman from Missouri [Mr. BURNES] lasted seventy-nine working days, and then the judge took the case from the jury upon the ground that the contracts were null and void from the fact that there was no appropriation made for their execution at the time they were created. The case was appealed to the court in banc, who unanimously reversed the judgment below. Subsequently there was another trial, extending through three weeks, and the court above set the verdict aside upon the ground that the trial judge was drunk when he charged the jury, notwithstanding the fact that the whole twelve jurors made affidavit that they had never seen him intoxicated upon the bench.

But the object of the whole proceeding was to keep this man out of his money. There was a determination that he should never receive a penny of what was due him, notwithstanding the fact that he had sacrificed his entire fortune in the performance of these contracts and had never drawn a solitary dollar in money from them.

Again, when the three referees heard the case, the hearing occupied eighteen months, and when they rendered a verdict in favor of Mr. Strong, that was set aside upon the ground that they had not allowed the full face value of the certificates of the District of Columbia. Mr. Strong had been forced to take those certificates, and the referees gave the District credit for what the certificates sold for under the hammer, 45 cents on the dollar; but the court set aside the finding upon the ground that the referees should have allowed the full face value of the certificates.

The same thing is required by this arbitration, and by that means this man will lose $100,000. He received about $200,000 in certificates, but he did not realize more than about $45,000 from them. These are the facts. If the Senate think that by any threat on their part to repeal this arbitration they can compel the passage of this amendment, I will say to them now that they will not pass this bill this session unless they have a quorum here. I, for one, have had enough dictation from that end of the Capitol. They have made interpolations into bills here time after time.

Into one bill in reference to guns and fortifications they undertook to graft something which no man here fought with more determination than did my friend from Missouri [Mr. BURNES]. Now, sir, I am perfectly willing that justice shall be done in this matter, and that is all that we have asked for. I have known Mr. Strong from boyhood. He is from my own State. I can recollect him perfectly well for the last fifty years of my life, and a more honest and upright mechanic never trod the earth. He built the wings of this Capitol, and if you can find a better piece of work anywhere on the face of the earth I should like to have it pointed out. No fault was ever found with his work under those contracts; they were approved and accepted at once. He has never had a lawsuit against him in all his long life as a public builder, although he has built some of the finest structures in this country. But in this case there has been a disposition and a determination on the part of the District of Columbia to rob him of what justly belonged to him.

That determination has led to this controversy. When the resolu-

tion was before this body the subject was fully discussed. The gentleman from Illinois [Mr. PAYSON] and I debated it here for an hour and a half, and other gentlemen also took part in the discussion. It was discussed almost as fully as any ordinary bill that has come before the House for action at any time this session when I have been present.

Therefore I do not see any necessity for making this appropriation; yet I shall not oppose it any further. If the committee think proper to put it in, let that be done, and we will take our chance of action on the subject hereafter.

Mr. BURNES. I now desire to call up the amendment making an appropriation for Chinese indemnity.

The SPEAKER. Does the gentleman desire to have the amendment read?

Mr. BURNES. No, sir. I call it up at the instance of the gentleman from California [Mr. MCKENNA]—not that I care to have it considered particularly, but to give him the opportunity to be heard upon it.

Mr. MCKENNA. What does the gentleman mean by saying that he does not care to have the amendment considered?

Mr. BURNES. I mean that the conferees are practically agreed with regard to it; and unless some gentleman desires to show we are in error, and does it, we are likely to adhere to our action.

Mr. MCKENNA. I do not think that this House will concur in that amendment; for with the evidence now before the House I can not conceive why it should do so. The question has not been considered or reported by any committee properly so called of this House. I know of no foundation for the presentation of this provision at this time, except possibly a line or two in the President's recent message on this subject. He says:

Therefore I recommend that, without acknowledging legal liability therefor, but because it was stipulated in the treaty which has failed to take effect, and in a spirit of humanity befitting our nation, there be appropriated the sum of $276,619.75, payable to the Chinese minister at this capital on behalf of his Government as full indemnity for all losses and injuries sustained by Chinese subjects in the manner and under the circumstances mentioned.

Mr. SAYERS. Has not the gentleman some printed evidence of an arbitration of this matter?

Mr. MCKENNA. An arbitration?

Mr. SAYERS. I mean a consideration of the matter by the executive branch of the Government.

Mr. MCKENNA. I have not any evidence——

Mr. SAYERS. Have you not the document in your hand?

Mr. MCKENNA. I really have some doubt to what the gentleman refers; I think there may be some misunderstanding. I have in my hand Executive Document No. 272.

Mr. SAYERS. That is what I mean; there is no misunderstanding between us.

Mr. MCKENNA. This is a statement of claims submitted by the Chinese minister, I suppose, to Mr. Bayard, Secretary of State. It is entirely *ex parte;* it comes entirely from Chinese sources. This matter may have been investigated by Mr. Bayard; as to that I can not speak. It was recommended to be paid in the treaty recently negotiated, and the treaty contained a stipulation that this payment should be in full indemnity of all demands. But, Mr. Speaker, that treaty has been rejected by the Chinese Government, hence the clause providing that this payment shall be in full indemnity for all demands is not obligatory on their part.

It may be said that if we appropriate this money and it be accepted the Chinese Government would accept it upon the terms in which we appropriate it. But there is no necessity yet of appropriating it. In the Forty-ninth Congress, Mr. Speaker, there was a recommendation to pay $147,000 as indemnity for what was called the Rock Springs massacre in Wyoming Territory. It was then declared that there was no legal or moral obligation on the part of this Government to pay that money, and it was also distinctly declared the payment should not become a precedent. In opposition to that measure I took occasion to say in substance that if its passage was a good precedent it ought to be followed, and if a bad precedent it was sure to be followed. Sir, we now have it followed. Was it a good precedent or a bad precedent? The same declaration accompanies this recommendation—that it must not become a precedent; that this payment is made not because we are under any legal obligation to make it, but simply because it is befitting the nation that we should do so. This declaration that it is befitting the nation to pay this money is one of strong appeal to all of us. But, Mr. Speaker, I do not exactly know where we are going to stop. It has been declared to-day on the floor of this House by the gentleman from Kansas [Mr. PETERS] that a group of men went down into No Man's Land, followed by another crowd of men, and that some were killed. Would it be proper for us upon an appropriation bill to make provision for paying the heirs of those persons killed in No Man's Land, over which no court has jurisdiction, and over which this Government declines to extend its criminal statutes?

Where are we to stop? It was said in the last Congress that we should stop with the action then taken. We now find this claim of $276,000 presented in this Congress. Is there to be another such claim in the next Congress?

I think, Mr. Speaker, we ought at least to wait a little while. This Chinese matter is not yet settled. It has advanced far, and I am sure is going to advance further; but there is a great deal yet to be done. The bill known as the "Scott bill" which we passed, which was also passed by the Senate and approved by the President, is no complete settlement of this question. That legislation possibly fails with the act to which it was amendatory, which expires in about four years. Hence, that is but a temporary measure. It may be that further negotiations will be undertaken; and it is certain that further legislation will be enacted, because further legislation is necessary.

Now, Mr. Speaker, as there is no legal obligation on our part to pay this money, as the Chinese Government, without any excuse whatever, according to the message of the President, has refused to ratify a treaty, some clauses of which they proposed themselves, and which, as the President in substance says, they gave us to understand would be satisfactory to them—as this clause of indemnity was embraced in that treaty, and they have voluntarily rejected the treaty, I do not think they have any claim upon us which should induce this Government to make haste to grant this appropriation for the indemnity of Chinamen who are supposed to have suffered in the remoter sections of this country.

I have no desire to obstruct any measure by what are called dilatory tactics, by insisting upon a quorum, as I could do; for, Mr. Speaker, I do not believe in that style of action except in very extreme cases. I assume that members who are now present are fairly representative of the sentiment of this House; and I therefore assume that what commends itself to their judgment would commend itself to the judgment of a full House; that the House and country would be satisfied with their action. Hence I shall submit the question to the House, deficient in numbers as it is, on the statement, and if they choose to pass this appropriation, or rather concur in this amendment, if they have the power to do it, they must take the responsibility of doing it.

Mr. BURNES. The next proposition will extend beyond 5 o'clock, and therefore with a single remark on this Chinese amendment I think I shall move an adjournment. The conferees were not inclined to make this appropriation until the receipt of the President's message, but after the suggestion of the President and the further suggestion on the part of the State Department both sides agreed to the amendment. We would like to have the opinion and the judgment of the House, as I am sure neither side is quite clear or decided whether this appropriation should now be made or not.

It will be remembered in the treaty just rejected by China there was a provision which, while it denied the validity of the claims, contained a proposition to pay them $276,274. The rejection of that treaty by China leaves the subject of this payment a liability denied by suggestion, in the treaty, but appropriated for, notwithstanding the rejection of the treaty. We have agreed to this appropriation. But we ask the judgment of the House. We are desirous of knowing the extent of the objection to this appropriation. I now move the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. T. J. CAMPBELL, of New York: A bill (H. R. 11547) granting an honorable discharge to Charles Dyer—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 11548) granting a pension to Eva M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11549) granting a pension to Stephen P. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11550) granting a pension to Alexander Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11551) granting a pension to Adam Darling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11552) granting a pension to Catherine Ritchey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11553) granting a pension to Amanda A. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11554) granting a pension to Jane M. Cram—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 11555) granting a pension to John B. Wright—to the Committee on Invalid Pensions.

By Mr. MAISH: A bill (H. R. 11556) for the construction of a comprehensive system of under-ground wires for telegraph and telephone service to connect the several Departments and bureaus with the Capitol at Washington City—to the Committee on Appropriations.

By Mr. MCCREARY: A bill (H. R. 11557) granting an increase of pension to James McLaughlin—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 11558) to increase the pension of George A. Demander—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 11559) for the relief of Jesse Williams—to the Select Committee on Indian Depredation Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. HARMER: Petition of citizens of the Fifth district of Pennsylvania, against the admission of Utah with polygamy—to the Committee on the Territories.

By Mr. PERKINS: Evidence in support of the bill granting a pension to George D. Imel, of Kansas—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: Petition of Levi Starn, East Feliciana Parish, Louisiana, for reference of his claim for stores and supplies used by the United States Army during late war to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Mrs. Cassa Simpson, of Lauderdale County, Alabama, for reference of her claim to the Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *October* 4, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of citizens of Apollo, Pa., praying for the repeal of that portion of the internal-revenue law which classes druggists as wholesale liquor dealers; which was referred to the Committee on Finance.

Mr. VANCE presented a memorial of W. L. Lassite and 57 others, citizens of Northampton County, North Carolina, praying for a certain amendment to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. CHANDLER, from the Select Committee on Indian Traders, to whom were referred the following bills, reported them without amendment:

A bill (S. 3582) to authorize the sale of timber on certain lands reserved for the use of the Chippewa bands of Indians in the States of Wisconsin and Minnesota; and

A bill (S. 3583) regulating the allotment of lands in severalty to Indians.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3529) granting a pension to Miss Elizabeth E. Tuttle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6334) for the relief of Isaac Roshon, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry, reported it with an amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9668) granting a pension to Joseph Rosier;

A bill (H. R. 210) granting a pension to Ephraim Nye;

A bill (H. R. 7) granting a pension to Thomas B. Walsh;

A bill (H. R. 308) granting a pension to John Lynn;

A bill (H. R. 9178) granting a pension to Jane Jackson;

A bill (H. R. 7683) granting increase of pension to Hugh Brady; and

A bill (H. R. 9173) granting a pension to Mary J. Drake.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, submitted a report to accompany the bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas, heretofore reported from that committee.

CONDEMNED CANNON AND SMALL-ARMS.

Mr. CAMERON, from the Committee on Naval Affairs, reported a bill (S. 3612) donating condemned cannon and small-arms to Naval Post No. 400, Grand Army of the Republic, Department of Pennsylvania, which was read twice by its title.

Mr. CAMERON. I ask that the bill may be considered at this time.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Secretary read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CULLOM. I thought there were no cannon or anything else of that kind to be given out.

Mr. CAMERON. I have a letter from the Secretary of the Navy on the subject. I ask that the letter be read.

Mr. CULLOM. I tried to get something of the kind through and failed.

The PRESIDENT *pro tempore*. The letter will be read.

The Secretary read as follows:

NAVY DEPARTMENT, *Washington, September* 29, 1888.

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, inclosing a letter and other papers from Mr. John F. Mackie, Secretary of Naval Post No. 400, Grand Army of the Republic, of Philadelphia, in relation to obtaining condemned cannon and small-arms, for the purpose of decorating their hall, and requesting information upon the subject, and, if the object desired can be accomplished by an act of Congress, that a bill to that effect be draughted by the Department.

In reply I have to state that, from time to time, unserviceable cannon and small-arms are deposited at the several naval stations for inspection, and, when condemned as useless for naval purposes, they are, under the provisions of existing law, sold at public auction and the proceeds deposited in the Treasury. The sums so realized are small, and it would seem that the principal advantage to the Government by so disposing of the same is in preventing an accumulation and consequent care of such old material as has been found to be no longer of use in the naval service. I am, therefore, of opinion that the donation of the articles in question, for the purpose stated by Mr. Mackie, might very properly be authorized by Congress.

I transmit herewith, as requested by you, a draught of a bill providing for the donation of the arms mentioned by Mr. Mackie, and return his letter with its inclosures.

Very respectfully,

D. B. HARMONY,
Acting Secretary of the Navy.

Hon. J. D. CAMERON,
United States Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CULLOM. I think I must object to its present consideration.

Mr. CAMERON. Why does the Senator object?

Mr. CULLOM. I want to see whether there can not be a general distribution of such cannon.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3613) for the relief of the Standard Under-ground Cable Company of Pittsburgh, Pa.; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. MANDERSON introduced a bill (S. 3614) granting an increase of pension to William H. Webster; which was read twice by its title, and referred to the Committee on Pensions.

DR. JOHN B. READ.

Mr. EDMUNDS submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the Secretary return to the House of Representatives House enrolled bill No. 10633, entitled "An act for the relief of Dr. John B. Read," with the message that before the delivery of said enrolled bill to the Senate a motion had been made in the Senate, pursuant to its rules, to reconsider the vote of the Senate passing said original bill, and the Senate had ordered that the House of Representatives be requested to return said original bill to the Senate.

Mr. EDMUNDS. I offer a resolution, and ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate, as soon as possible, a copy of his letter and the report of the board provided for by a joint resolution of this present Congress, and transmitted by him to the House of Representatives on the 4th day of June, 1888, on the subject of Dr. John B. Read's claim, together with all orders, correspondence, and papers occurring, made or had on the subject of the said Read's claim after the passage of said joint resolution.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. HAWLEY. I wish to say with regard to this matter what I think the Senator from Vermont knows pretty well, that the papers in the case have been several times called for, and all that we know of can be found, I think, in the files of the Committee on Military Affairs.

Mr. EDMUNDS. I will state that under the joint resolution of June, I think it was, the Secretary of War was directed to report to Congress the findings of the military board that he should organize under that joint resolution, and all the evidence on that subject, to Congress. It appears that a communication of that kind was sent to Congress in the other branch on a date named in a report of a committee; and that communication was never printed. In endeavoring yesterday to find the papers to see what the communication of the Secretary of War was, I was informed that the letter of the Secretary of War sent in pursuant to the joint resolution was in the hands of one of two gentlemen who were named, members of the other House, and that they were both out of town. So what the Secretary of War said upon the subject it was impossible for me to ascertain.

I did find in the committee of my friend from Connecticut what appears to be the report of the board of officers organized by the Secretary of War pursuant to the joint resolution; but I could not find any of the evidence which had been submitted. I thought, therefore, it was better, considering the importance of the principle of this case when we come to consider it—although the amount, I believe, is only $17,000—that we should once for all get into the possession of this body the whole of the proceedings.

Mr. HAWLEY. The report of the board in full is in the files of the Senate Committee on Military Affairs, but undoubtedly there are papers that were submitted in evidence to the Army board which are still in the War Department.

Mr. HAMPTON. The bill was referred to me as a subcommittee of the Committee on Military Affairs. I offered the joint resolution which was passed requesting the Secretary of War to appoint a board of officers to pass upon the claim. The board was appointed and the Military Committee acted upon the report of that board.

My own recollection is that the Secretary of War sent no communication at all to the committee or to Congress. If so, I did not see it. It may have gone to some member of the other House; but we acted upon the report of the board of ordnance appointed by the Secretary of War, and we simply adopted the findings or recommendations of that board. I think the Secretary of War made no communications to the committee or to Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

VIOLATIONS OF CIVIL-SERVICE LAW.

Mr. CHANDLER. I offer a resolution, and ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read as follows:

Resolved, That the Attorney-General be directed to inform the Senate whether or not during the present year there have come to the knowledge of the Department of Justice any violations by officers of the United States or other persons of sections 11 and 14 of the act of January 16, 1883, entitled "An act to regulate and improve the civil service of the United States;" and if so, whether or not any prosecutions have been instituted to punish such violations under section 15 of said act.

Mr. BERRY. Let that resolution go over, Mr. President.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over and be printed.

NAVAL ASTRONOMICAL OBSERVATIONS.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the annual volumes of the astronomical observations of the Naval Observatory for 1886, 1887, and 1888 be printed, and that 1,800 additional copies of each report be printed, of which 300 copies shall be for the use of the Senate, 700 copies for the use of the House of Representatives, and 800 copies for the use of the Navy Department.

ANIMAL INDUSTRY REPORT.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed 50,000 copies of the fourth annual report of the Bureau of Animal Industry for the year 1887, of which 13,000 copies shall be for the use of the members of the Senate, 27,000 copies for the use of members of the House of Representatives, and 10,000 copies for the use of the Commissioner of Agriculture; the illustrations to be executed under the supervision of the Public Printer, in accordance with the directions of the Joint Committee on Printing, the work to be subject to the approval of the Commissioner of Agriculture.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed the Clerk to return to the Senate, in accordance with its request, the bill (H. R. 10633) for the relief of Dr. John B. Read, and also to inform the Senate that the Speaker had signed the above enrolled bill before receiving a message of recall from the Senate.

The message also announced that the House insisted upon its amendments to the bill (S. 3559) to amend section 2304 of the Revised Statutes of the United States to allow persons who have abandoned or relinquished their homestead entries to make another entry, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCRAE, Mr. WHEELER, and Mr. HERMANN the managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 3427) to amend section 4474 of the Revised Statutes of the United States.

POLITICAL REMOVALS FROM ARMORIES AND ARSENALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from yesterday in relation to political removals from armories and arsenals. The question is on agreeing to the resolution.

Mr. TELLER. Mr. President, the Senator from Missouri [Mr. COCKRELL] yesterday in the course of his remarks read what appears to have been a newspaper article, although he does not say from whence he obtained it, reciting the proceedings of a Cabinet meeting in 1882 with regard to political assessments. I should like to say to the Senator from Missouri that while I do not pretend to recollect everything which may have occurred in a Cabinet meeting at which I was present (and it is asserted I was present, as all the members of the Cabinet were present except Mr. Lincoln), I have myself no recollection of any such meeting at any time. About one thing I am certain, that neither at any Cabinet meeting at which I was present nor anywhere else was there ever a suggestion made by anybody that a failure to contribute to the political campaign should work any disaster or any danger to any incumbent of a public office.

I do not say that there may not have been some discussion as to whether it was proper to allow these circulars to be sent to the Departments. I have an impression that there was something of that kind, but it must be borne in mind that that was before the passage of the present civil-service law.

I wish to say, further, that during the time I occupied an official position in one of the Departments of the Government I never heard a question raised that a failure to contribute was a matter to which the head of the Department, or the Executive, or anybody else, would pay the slightest attention. I think all my associates in the Cabinet will bear me out in saying that from the way the collections were made then, if made from public officials, it was utterly impossible, without great effort on the part of the head of a Department, to find out who had paid and who had not. So far as I am concerned, I never knew who had paid and who had not; neither do I believe any other member of the Cabinet did.

I recognize the necessity in every political campaign that there should be what is ordinarily called "the sinews of war." I know a campaign can not be properly conducted without some expense. There must be clerk-hire, there must be postage, there must be printing, and a great variety of things paid for. When a committee attempts to reach out and have its influence felt in every part of this great country, the expense must amount in the aggregate to considerable; but I will say for myself that I regard it as a very grave misfortune that the people shall have come to believe that vast sums of money are collected or are necessary for the carrying on of political campaigns.

I do not think it is promotive of good morals to have the people of the United States believe that the success of either party in these campaigns depends upon the amount of bank capital they are able to raise. If that is true, in this campaign I think the Republican party might as well surrender now as at any other time. The ability of our Democratic friends to raise money, not only in this campaign, but in all other campaigns, has always greatly exceeded that of the Republican party, unless it may have been immediately after the war, when they were in the demoralized condition they were, growing out of their connection with the rebellion.

To begin with, they have a solid South, in which it is not necessary that a dollar shall be expended for the publication of political documents, for the less of that their people have in that section of the country the more likely they are to succeed. The 153 votes that represent the Democratic solid South in the electoral college can be won, with the exception perhaps of West Virginia and Virginia, without a contest. It does not take an effort. That is done in most of those States not by determining what is the will or what is the wish of the voters of that State, but it depends entirely upon the ability of the counting officers to transfer to the proper column a sufficient number of figures to indicate the election of the Democratic candidates.

So they need no money in the solid South. That enables them to do as they did in 1884—to call upon the solid South for contributions to be used in the North. It was reported in 1884, and undoubtedly truthfully, that the State of Georgia and other Southern States furnished the Democratic national committee a large amount of money to carry on the campaign. I have never heard it denied. They certainly had no need of it in their own State, and undoubtedly they had the financial ability and the disposition to assist by furnishing means to the committee for use in the Northern States.

Starting with 153 votes they do not need a great deal of money, I repeat, to make a very great showing in the States that are doubtful. If they can carry New York, Connecticut, and Indiana, or perhaps some other State of about the same electoral strength as Indiana or Connecticut, the contest is over. So this great contest, involving the political destiny of this people, involving our economical and industrial interests everywhere in the Union, is left to a few doubtful States, not to exceed four, and the contest is there carried on.

I said a moment ago that the Democratic party had the opportunity, had the means, had the power to raise vast sums of money for the purpose of carrying on this and other campaigns. I only need to name the fact that at the head of their committee they have put the most distinguished capitalist of this country, if not of the world; and that to-day it is an open secret that all the men who control immense wealth in this country, all the men in this country of extraordinary wealth, no matter how acquired, are in full sympathy with the effort to repeat this Democratic Administration.

With nearly $60,000,000 of the people's money in the banks throughout the United States that ought to have been in public circulation and not in the banks, which ought to have been paid upon the public debt of the United States, it is easy for the Democratic national committee to call upon the people who are plundering the Government in this way for their contributions, and they will hardly say "nay" to them when the retention of this money, for which they pay no interest whatever, in the banks depends upon the good-will of a Demo-